UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS
FIRST SESSION

VOLUME 111—PART 14

JULY 28, 1965, TO AUGUST 9, 1965
(PAGES 18497 TO 19742)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1965

I
11
.R
v.111
pt.14

DEPOSITED BY THE
UNITED STATES OF AMERICA

Congressional Record
United States of America
PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

SENATE

WEDNESDAY, JULY 28, 1965

(Legislative day of Tuesday, July 27, 1965)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of all that is fair and free, out of the darkness, with its starry beacons twinkling with a light from which our earth had turned, has come in Thy good providence a bright new day wrapped in the splendor of another dawn.

At noontide of this day of solemnly proclaimed national purpose and decision, we would bow in reverence, dedicating anew our heart's desires and our mind's powers to the holy service of Thee, our Father God, to the weal of this dear land of our hope and prayer and to the healing of a sorely wounded world.

Even in these days of tumult, stir our hearts with the ever-haunting beauty of that radiant vision which, by faith, is brought near when—

"Nation with nation, land with land,
Unarmed shall live as comrades free.
In every heart and brain shall throb,
The pulse of one fraternity."

We lift our prayer in the name of that Holy One, whose truth at last shall make all men free. Amen.

THE JOURNAL

On request by Mr. LONG of Louisiana, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, July 27, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on July 27, 1965, the President had approved and signed the following acts and joint resolution:

S. 559. An act to regulate the labeling of cigarettes, and for other purposes;

S. 1462. An act to authorize the Secretary of the Interior to contract with the Middle Rio Grande Conservancy District of New Mexico for the payment of operation and maintenance charges on certain Pueblo Indian lands; and

S.J. Res. 71. Joint resolution to amend the joint resolution of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 3329. An act to incorporate the Youth Councils on Civic Affairs, and for other purposes;

H.J. Res. 397. Joint resolution to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District; and

H.J. Res. 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 510. An act to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes; and

S.J. Res. 83. Joint resolution to authorize the President to issue a proclamation commemorating the 175th anniversary, on August 4, 1965, of the founding of the U.S. Coast Guard at Newburyport, Mass.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as follows:

H.R. 3329. An act to incorporate the Youth Councils on Civic Affairs, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 397. Joint resolution to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District; to the Committee on the District of Columbia.

SOCIAL SECURITY AMENDMENTS OF 1965—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

Mr. SALTONSTALL. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts is recognized.

Mr. SALTONSTALL. Is the conference report on the medicare bill now before the Senate?

Mr. LONG of Louisiana. The Senator is correct.

Mr. SALTONSTALL. I shall vote for the conference report as I voted for the bill, but I should like to ask the Senator in charge of the bill, the distinguished majority whip, two questions, if I may. My questions are as follows:

First. Why was it necessary, in the opinion of the Senator, to require 3 days of hospitalization before a man could receive home care? It seems to me that such a requirement would lead to abuse of hospital privileges, and that the amendment was a very wise one.

Mr. LONG of Louisiana. The House position was that if we did not do what the conferees decided upon, many people would proceed to draw benefits for home health service who were not actually sick enough to require hospitalization. The House conferees felt that they did not wish to provide, under the basic hospital program, care for people who were not that sick. It was felt that people should be afflicted with an illness sufficiently clear to require hospitalization before they would be qualified for nursing home care or before they would qualify for home health service. They also pointed out that there is home health care without hospitalization under the voluntary supplementary program.

It was felt that a great deal of money would be spent under the basic program for medical expenses in situations in which a person was sufficiently ill to stay home and go to bed for a few days, but was not sufficiently ill to require hospitalization.

Mr. SALTONSTALL. The conferees felt—and the Senator agrees—that there might be more abuse in not having a man or woman go to a hospital for 3 days than to have it otherwise.

Mr. LONG of Louisiana. Yes.

Mr. SALTONSTALL. There would be less abuse in having a person hospitalized before he was eligible to receive nursing-home care rather than providing the home care without the hospitalization.

Mr. LONG of Louisiana. Yes. Some of us pointed out the great savings that could be achieved, if, in line with the position of the Senator from Massachusetts, we would not require that a person go to a hospital first if that person were sick and needed help in order to qualify that person for entry into a nursing home or for home health benefits. According to the House position, the argument against that procedure was that if we did not require a person to be hospitalized, a great deal of home health care would be required for people who were not ill enough to justify health treatment under the basic program.

It was felt that, above all, we must try to avoid mere custodial care of people who are in poor health and who will continue to be in poor health but who could not qualify under the acute illness requirements of the basic program.

Mr. SALTONSTALL. Then we must try to follow out the program as it is now arranged and see how it works. I hope that the conferees on the part of the Senate and other members of the Finance Committee will be open to a thought on that subject after a certain amount of trial experience.

Mr. LONG of Louisiana. I am certainly open to suggestions. I worked to support the position of the Senate in conference. I hope that the proposal will be one of those that will be studied by the Advisory Council, and that recommendations will be made so that we can see to it that a person need not be hospitalized when his sickness is of such a degree that he qualifies for the home health care or for nursing home care provided in the bill. If properly administered—and that is where great fear at the administrative level comes in—the Senator's position would be eminently sound. If we could guarantee that a great number of people who are in poor health would require no more than custodial care to qualify for home health service, a great deal of money would be saved.

Mr. SALTONSTALL. I thank the Senator for his explanation.

I should like to ask one more question. The conferees eliminated another section that I thought was invaluable, and that was in relation to drugs. As I remember, the proposal related to a commission to study the effect of drugs. I believe that drugs represent about 28 percent of the cost of medical services. Will the Senator give an explanation as to why that provision was eliminated?

Mr. LONG of Louisiana. It was the view of the House conferees that the subject should be studied. It is one of the most important questions to be studied by the House committee, the Senate committee, the administration, and the Advisory Council. But the House conferees felt that if we should write into the bill a requirement that a study be made, with all that that implies, including a commitment that we might agree with the study, and adopt it, this would be undesirable. The House felt that we should not undertake any commitment prior to making studies and knowing what the entire program would require. The overall program will require a great amount of study. There are many things that we might do under this measure and which we might change after we gain experience.

Mr. SALTONSTALL. Who will make the study, as provided in the conference report?

Mr. LONG of Louisiana. The Secretary is directed to carry on a study of the program. The Advisory Council on Social Security is directed to review the scope of coverage and the adequacy of benefits of both program A and program B.

So the Advisory Council on Social Security will have that responsibility, and that will be one of the foremost subjects that will be studied. We shall have a detailed study of the question.

Mr. SALTONSTALL. When is the report to be made? Next year or the year after?

Mr. LONG of Louisiana. I would hope that the report would be prepared for us as early as possible. The next Council will be appointed in 1968, but I would hope that we might have information on that subject sooner. I feel sure that we shall be proceeding in this field, and that in the meanwhile the Department will be conducting its own studies.

Mr. SALTONSTALL. I appreciate the advice of the distinguished Senator. I know the conference was a difficult one. A great many questions were dealt with. I appreciate the Senator's answers.

Mr. LONG of Louisiana. I thank the Senator. I wish we could have prevailed and have had the Senator's amendment agreed to. In the main, we prevailed with respect to the overwhelming number of Senate amendments, although I regret that we were unable to prevail on some good amendments.

Mr. BASS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BASS. Since medicare will soon become a reality, I hope that——

Mr. LONG of Louisiana. Mr. President, will the Senator from Tennessee yield, to permit the Senator from Arizona to bring up an important joint resolution?

Mr. BASS. I yield.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1966

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of House Joint Resolution 591, making continuing appropriations for the fiscal year ending June 30, 1966, and for other purposes.

The VICE PRESIDENT. The Chair lays before the Senate a message from the House of Representatives.

The VICE PRESIDENT laid before the Senate the joint resolution (H.J. Res. 591) making continuing appropriations for the fiscal year ending June 30, 1966, and for other purposes, which was read twice by its title.

Mr. HAYDEN. Mr. President, the joint resolution simply extends from July 31 to August 31 existing provisions of law to provide funds for the operation of those agencies for which the regular appropriation bills for the fiscal year 1966 have not yet been enacted.

All authority under this temporary resolution expires on August 31, 1965.

For the information of the Senate, I would like to report the status of the various appropriation bills.

The appropriation bills for the Departments of the Interior, Treasury, Post Office, legislative establishment, and the District of Columbia have cleared the Congress and have been sent to the White House.

The appropriation bills for the Department of Agriculture and independent offices have passed both Houses and are now in conference.

Four appropriation bills are in the Senate Committee on Appropriations.

The Departments of Labor and Health, Education, and Welfare appropriation bill has been marked up in the subcommittee and will be reported to the Senate shortly. The hearings have been completed on the Departments of State, Justice, and Commerce and the judiciary appropriation bill, and it is expected it will be reported to the Senate not later than next week. The subcommittees are currently working on the appropriation bills for the Department of Defense and for public works.

The remaining three appropriation bills for this session—the foreign aid appropriation bill, the military construction appropriation bill, and the supplemental appropriation bill—are in the House Committee on Appropriations awaiting the enactment of authorizing legislation.

I urge the passage of the joint resolution.

The VICE PRESIDENT. The question is on agreeing to the joint resolution.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1965—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the

Senate to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I ask that the Senate return to the regular order, which is the conference report on H.R. 6675, the Social Security Amendments of 1965.

The VICE PRESIDENT. The pending question is on agreeing to House Joint Resolution 591, making continuing appropriations for the fiscal year ending June 30, 1966, and for other purposes.

Mr. KUCHEL. Mr. President, I ask unanimous consent that House Joint Resolution 591 be temporarily laid aside.

The VICE PRESIDENT. Does the Senator from Louisiana ask for the regular order?

Mr. LONG of Louisiana. I ask for the regular order.

The VICE PRESIDENT. Without objection, the Senate will resume the consideration of the conference report on H.R. 6675.

Mr. BASS. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. BASS. Now that medicare is about to become a reality, and since it is a complicated piece of legislation, I hope that the Senator from Louisiana will instruct the staff to make a complete analysis of the act and have it published in layman's language, so that the average American will be able to understand it. This will be of benefit to Members of Congress who must reply to inquiries from constituents as to exactly what the legislation will do. I hope that such an explanation will be available at an early date.

Mr. LONG of Louisiana. I placed in the RECORD last night an explanation of the conference report.

Mr. BASS. I understand.

Mr. LONG of Louisiana. Also, at the conclusion of my statement, I placed in the RECORD a statement of the principal features of the bill. I believe the Senator will find that summary helpful.

Mr. BASS. I hope that we may have available a pamphlet that might be published by the committee, giving a detailed explanation, in laymen's language, of the provisions of the bill. It would be of much benefit to persons who have inquired concerning the provisions of the legislation.

Mr. LONG of Louisiana. I shall seek to obtain that information for the Senator. I understand his problem. A great many things need to be explained, so that everyone will be apprised of his rights.

Mr. BASS. That is correct. Certain amendments were deleted and others included. A rather detailed explanation would be useful for the average citizen, who otherwise would not be able to understand the contents of the bill. I hope that the committee will give us the benefit of such an explanation.

Mr. LONG of Louisiana. I shall seek to do so.

Mr. PASTORE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. PASTORE. I thought the amendment offered by the Senator from West Virginia [Mr. BYRD] was worthwhile. It provided that persons who are under social security could begin to withdraw reduced amounts at age 60 if they became unemployed. I understand that amendment was deleted. Perhaps the reason for that action has been given. I should like to know the position of the House with respect to its deletion.

Mr. LONG of Louisiana. Mr. President, before I respond to the Senator from Rhode Island, I ask unanimous consent that the vote on the conference report be taken at 1:30 p.m., the time intervening between now and then to be equally divided between the Senator from Louisiana and the minority leader [Mr. DIRKSEN].

The VICE PRESIDENT. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object——

Mr. JAVITS. Mr. President, I shall need about 10 minutes. I hope that I may be granted that much time.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG of Louisiana. Mr. President, after consulting with Senators and assuring them that they will have the time they require, I renew my request that the Senate vote on the conference report at 1:30 p.m. and that the time be equally divided between the minority leader and the Senator from Louisiana.

The VICE PRESIDENT. Is there objection? There being no objection, it is so ordered.

Mr. PASTORE. Mr. President, I asked a question, and I should like to repeat it.

The VICE PRESIDENT. The Senator from Louisiana has the floor.

Mr. PASTORE. I should like to repeat the question without all the interruptions.

The VICE PRESIDENT. Will the Senator yield time for that purpose?

Mr. LONG of Louisiana. I yield.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. My question concerns an amendment which was passed by the Senate. This amendment was sponsored and introduced by the Senator from West Virigina [Mr. BYRD]. His amendment would have provided that people who are covered under the social security system and become unemployed could begin to withdraw a reduced payment at the age of 60.

That provision was deleted in conference. I thought that it was a meritorious amendment. I should like to know the reason for the deletion of it in conference.

Mr. LONG of Louisiana. Mr. President, I agree that the amendment was a good one. I supported the amendment and the similar one the Senate adopted in the past. The discussion concerning this amendment required almost a full day in the conference. The amendment is highly meritorious. It should have been agreed to, in whole or in part.

The House objected to it because in the first year, under the proposed amendment, there would have been a drain on the trust fund of approximately $500 million. There would be a drain on the funds because more money would be paid out than would be taken in, even though this expenditure would be offset in later years.

The Byrd amendment would pay for itself over a period of time because of the actuarial reduction. However, the fund would not start recouping this money for about 20 years. The House was extremely reluctant to accept the amendment at a time when the hospital insurance program was calling for large initial expenditures of money.

I predict that this amendment will be enacted into law within the next 5 or 6 years. I have no doubt that the amendment is a good one. I supported it. I am as enthusiastic about that amendment as is the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I hope we can reduce the time of 5 years to a year or so. I have a great deal of concern and sympathy for those people who reach the age of 60 and cannot find a job no matter how much they try. Their unemployment compensation runs out. They become a public charge if they have no other way of receiving income.

They would not receive any more money in the long run, if they were to wait until they were 65 years of age. They should be permitted to collect in their time of greatest need, even though it is a smaller amount.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Wisconsin, but I first state that the Senator from Rhode Island is correct. The conference committee came closer to being deadlocked on this issue than on anything else.

Mr. PROXMIRE. Mr. President, I agree with the Senator from Rhode Island and the Senator from Louisiana on this issue. I have talked with literally thousands of people in Wisconsin concerning this issue.

No issue interests men at the factory gates in Wisconsin more than does this issue. People want an opportunity to retire at the age of 60. It is true that the option would involve a reduction of their benefits to two-thirds of their scheduled social security benefits.

Many people can get along with that much social security if they have income from another source. Perhaps their husbands or wives are working or are also retired.

The Senator from West Virginia pointed out that this amendment, if it were agreed to, would help solve our unemployment problem to a significant degree. If the amendment had been agreed to, it would open up at least a half million jobs for other people that had been vacated by the retiring 60 and 61 year olds.

The Senator from Louisiana and the other conferees had to give in on some things. However, they did a superb job in conference.

I hope that in the future this provision can be enacted into law, preferably as stated by the Senator from Rhode Island, in a year or two.

Mr. PASTORE. Mr. President, I do not want my remarks to be construed as being in criticism of the conferees. I know how hard the Senate conferees fought for this measure.

As I understand the situation, there was some apprehension as to the stability of the fund in the event that we undertook to provide such benefits at this time without further study.

I would hope that this matter would be studied very objectively and that we would do something about this problem in the near future.

I congratulate all conferees for the excellent job they did. I do not believe that this is a perfect piece of legislation. It could not be perfect. We have not satisfied everyone. That would be impossible.

I do believe that this is the first step in the right direction. This is a milestone in the field of social security and social justice.

I congratulate the committee. I shall vote for the conference report with a full heart.

Mr. LONG of Louisiana. Mr. President, I thank the Senator.

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1966

Mr. LONG of Louisiana. Mr. President, it is my understanding that House Joint Resolution 591, which was previously called up, and to which there was some initial question, has now been cleared on all sides.

I ask unanimous consent that the pending business, the conference report on H.R. 6675, be temporarily laid aside and that the Senate proceed to the consideration of House Joint Resolution 591.

The VICE PRESIDENT. Does the Senator yield time for that purpose?

Mr. LONG of Louisiana. I yield 3 minutes for that purpose.

The VICE PRESIDENT. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 591) making continuing appropriations for the fiscal year ending June 30, 1966, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate resumed the consideration of the joint resolution (H.J. Res. 591) making continuing appropriations for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to be read a third time, read the third time, and passed.

The PRESIDING OFFICER (Mr. BASS in the chair). The Senator from New York is recognized.

SOCIAL SECURITY AMENDMENTS OF 1965—CONFERENCE REPORT

The Senate resumed the consideration of the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I notice that the drug study amendment was eliminated. I ask the Senator what happened in relation to that measure.

I understand that there is some feeling that the measure will be studied nonetheless.

Mr. LONG of Louisiana. The Secretary is directed in the bill to carry on studies of the programs. The Advisory Council on Social Security is directed to review the scope, the coverage, and the adequacy of benefits under programs A and B.

It was the view of the House conferees that they did not want to commit themselves to an answer in one particular area before they knew what the overall recommendations would be, and that this would be one of the many areas in which recommendations could be expected. That being the case, the House felt that they did not want to make a commitment to do what such a group recommended, but they did recognize that this is an area in which a study should be undertaken and that it should be studied also by the committees, the House Ways and Means Committee, and the Senate Committee on Finance.

They also recognized that when our recommendations are ready, we should present them. They did not feel that they should commit themselves in this bill or imply, by agreeing to a study in this fashion, that they agreed to the recommendations not knowing what they might be.

Mr. JAVITS. Mr. President, we may look forward with confidence to the fact that this objective will be accomplished.

Mr. LONG of Louisiana. It will be studied at the departmental level and then by the Advisory Council on Social Security. We expect that the House Committee on Ways and Means and the Senate Committee on Finance will also look into the matter.

The position of the Senator on this measure is very sound. This is a very important segment of the problem. We should like to provide a better answer than we have at the present time.

Mr. JAVITS. Mr. President, I am very grateful to my colleague for his most statesmanlike assurance. I know that the assurance will be carried through.

Mr. President, I notice that, with relation to the struggle we carried on in the Senate on the question of cash tips, there was a compromise.

I ask the Senator how the conferees expected that the social security funds would be affected by the fact that the employer is excused from the social security tax liability on such tips.

Mr. LONG of Louisiana. Mr. President, after battling about this matter for a number of hours, we finally reached an area of a compromise. One proposal was that we strike the provision from the bill. If we had not reached a compromise, the provision relating to tips would have been removed from the bill.

In regard to the argument made by the senior Senator from New York and the junior Senator from New York, which was also our position, we felt that these people were entitled to protection. We also found that it was possible to give them this protection without increasing the tax or providing an additional burden on the funds. The way that it worked out was that if the employees would pay the employee share of the tax, they would then be carrying their own weight so far as the fund was concerned.

Furthermore, we took the attitude of the Senate with regard to the employer: that inasmuch as the employer did not pay the tip—that the tip was really paid by the public or the customer—the employer should not be taxed for it. Having arrived at that conclusion, we took the administrative provisions as the House passed them and took the Senate philosophy that since the employer did not pay the tip, therefore he should not have to pay the tax on it. Having arrived at that conclusion, we found that it did not impose an added burden on the fund.

Mr. JAVITS. That last expression is very important. I know the employees would want to know and establish for the record that the additional benefits which they would receive by virtue of the social security tax on tips would not be provided, notwithstanding the free ride given to the employer.

Mr. LONG of Louisiana. Yes. We concluded that the tax should not be imposed on the employer and that sufficient money would get in the fund as a result of the contributions of the employee. We worked that matter out on the administrative basis that the House had provided and concluded that it would not place a burden on the fund. We agreed on the provision to let the employers do the collecting and bookkeeping and remit the money, but not to impose the originally proposed employer's tax.

Mr. JAVITS. I had 10 minutes. If I have any time left, I will yield some of the time taken on the answers to the questions.

And finally, the Senator knows my position on this issue. The addition of a supplementary voluntary medical insurance program makes this a really meaningful and historic bill. I take great pride in the fact that that result came from efforts of a group of Senators on this side of the aisle which I have had the privilege of marshaling, and in which the Senator from New Mexico [Mr. Anderson] joined. The amendment which they offered gives a wholesome opportunity to cover a major share of medical costs. I am gratified with the results in this particular area.

Mr. LONG of Louisiana. The Senator from New York has made major contributions to the social security program. As one Member of this body, I appreciate it. The Senator from New York made great contributions both here and as a Member of the House. I am happy with regard to the result on the subject of tips, which was subject to impassioned debate in this body. I am glad it was worked out in conference.

Mr. JAVITS. Mr. President, The complementary insurance which is available comprises a big portion of the whole health program. The hospital costs amount to approximately 35 percent. The supplementary medical costs come to about 35 percent, leaving uncovered costs of about 30 percent. So the supplementary program for insurability is very important. I am talking about the $3 matching program.

Is it the intention of the Finance Committee to continue to exercise oversight jurisdiction so we may follow through to see that the supplementary program is really implemented? We might encounter the fact that we could not find any insurers to offer policies in the area that this program does not cover. We found that Aetna came into the Government insurance program. Very possibly Aetna may be looked to to enter this program. I would like to see the large companies like Metropolitan, Equitable, Prudential, and the really big companies enter into it. I hope that will be done so that the benefits of this insurance will be made available to our aging citizens; and I hope that the letter and spirit of the program will be followed and that the committee will take oversight interest in the program so that there will be a place for us to repair to, in order to see that the job is done.

Mr. LONG of Louisiana. I am sure it will be done. The Senator from Massachusetts [Mr. Saltonstall] questioned me about the extent to which the services of the States and private organizations will be used. I placed some material in the Record in regard to that point. I shall not burden the Record again. The Senator can find that information in the Record. But our committee has responsibility to look into this subject. The Senator can be assured, and as one member of the committee I will give him that assurance, and I am sure other Senators will do the same, that we will see to it that the private insurance part of the program will be made workable.

Mr. JAVITS. And meaningful.

Mr. LONG of Louisiana. Yes.

Mr. JAVITS. And that people like me may have the committee as a place to which to repair if the need arises.

Mr. LONG of Louisiana. Yes.

Mr. JAVITS. I am deeply gratified with respect to what was done under the Kerr-Mills provision, the non-Federal share of matching funds under the health programs. I believe it is most desirable. It rates high in New York. I am also pleased by the resolution of the problem of whether the programs should be administered by welfare agencies or health agencies. I congratulate the conferees on the solution. The conferees have my deep appreciation.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 22 minutes remaining.

Mr. LONG of Louisiana. How much time does the opposition have?

The PRESIDING OFFICER. The other side has about 30 minutes.

Mr. CARLSON. Mr. President, I yield 15 minutes to the distinguished Senator from Iowa [Mr. Miller].

The PRESIDING OFFICER. The Senator from Iowa is recognized for 15 minutes.

Mr. MILLER. Mr. President, I may have some questions to ask of the Senator from Louisiana. I hope his answers to them will be brief enough so he can take the time for the answers out of his own time. I am sure we can agree to an allocation of time.

My understanding is that amendment No. 474, according to the conference report, was deleted. That amendment was added to the bill by the Senate.

Mr. President, I ask unanimous consent that the amendment to which I referred, which I proposed as amendment No. 139, be printed in the Record at this point in my remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

After line 22 on page 266, add a new section 328 to title III of said Act as follows:

"INTERRELATIONSHIP BETWEEN VETERANS' BENEFITS AND INCREASED SOCIAL SECURITY BENEFITS

"Sec. 328. (a) Section 503 of title 38, United States Code, is amended by inserting '(a)' after '503', and by adding at the end thereof the following:

"'(b) Notwithstanding the provisions of subsection (a), in the case of any individual—

"'(1) who, for the first month after the month in which the Social Security Amendments of 1965 is enacted, is entitled to a monthly insurance benefit payable under section 202 or 223 of the Social Security Act,

"'(2) who, for such month, is entitled to a monthly benefit payable under the provisions of this chapter, or under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, and

"'(3) whose insurance benefit referred to in clause (1) for any subsequent month is increased by reason of the enactment of the Social Security Amendments of 1965,

there shall not be counted, in determining the annual income of such individual, so much of the insurance benefit referred to in clause (1) for any subsequent month as is equal to the amount by which such insurance benefit is increased by reason of the enactment of the Social Security Amendments of 1965'."

Mr. MILLER. I would like to ask the Senator from Louisiana why the Senate receded from this amendment.

Mr. LONG of Louisiana. The Senator from Louisiana agreed to accept the amendment. There was no reason why the amendment should not be agreed to. It was accepted on the floor. Subsequent to accepting the amendment, we became aware of an objection by the Administrator of Veterans' Affairs. I hope the Senator has available to him the letter pointing out the objections from the Veterans' Administration to the amendment.

Mr. MILLER. I am familiar with the contents of the letter. As I shall shortly point out to the Senator from Louisiana, the letter is wrong.

Mr. LONG of Louisiana. The House conferees relied upon the position of the Veterans' Administration is resisting the Senate amendment. The Senate urged adoption of the amendment, but the House would not agree to it. The Senator is aware of the arguments which influenced the House conferees.

Mr. MILLER. I did not know about this letter, nor was I apprised of the action proposed by the Senate conferees until after the action had taken place. If I had been consulted by the Senator from Louisiana, in light of the letter from the Veterans' Administration, I could have provided the Senator from Louisiana with evidence indicating that the letter from the Veterans' Administration was wrong, which I trust would have influenced the House conferees to go along with the Senate amendment.

During the discussion of the amendment to which the Senator from Louisiana graciously agreed, it was made clear that the purpose was to take care of a defect in the bill which would result in a diminution in some veterans' pensions. I gave an example of a veteran receiving social security payments of $105 a month under present law, and $112.30 under the bill with the 7-percent social security increase; namely, a total increase in his social security pension of $88 a year.

However, I pointed out that the veteran's pension of $100 a month would be reduced to $75 a month, and he would suffer a loss of $300 a year. In other words, with a 7-percent increase in social security pension, he would have an increase of $88 a year, which would be more than offset by a loss in pension of $300 per year.

The Veterans' Administration, in this letter, erroneously advised the House conferees that last year we provided, by a change in the pension law, that 10 percent of the amount of payments to an individual under public and private retirement, annuity endowments, and similar plans and programs, would be excluded in determining eligibility for veterans' pensions.

They said, "You see, the 10 percent exclusion which we provided for last year is more than the 7 percent social security increase, and therefore there is nothing to worry about."

This is where they are dead wrong. It is what happens when we start playing with percentages.

Let me give the Senator from Louisiana this example, so that he can understand exactly what I am getting at: The veteran to whom I refer—and there are thousands of others like him—with $105 social security pension would receive $1,260 annually in social security income. Under the 10 percent exclusion which was provided for last year, $126 of that would be ignored, leaving a total of $1,134 to be taken into account in determining the bracket of eligibility for veterans' pensions.

Inasmuch as this amount is under $1,200, he would be permitted to continue to receive his veteran's pension of $100 a month, or $1,200 a year. There is no problem there. But this is under the present law. Now, with the conference committee report with the 7-percent social security increase, he would receive $1,260 times 7 percent, or an additional amount of $88.20 in social security, for a total social security income of $1,348. Ten percent of that can be taken out or ignored—that is, $134—and subtracting $134 from $1,348, leaves $1,214 to be taken into account.

Inasmuch as the veteran is over the $1,200 figure, he would lose $300 in pension.

Therefore, I point out to my friend the Senator from Louisiana that the Veterans' Administration is just as wrong as wrong can be. The House conferees had no business taking their word for it. The Senate conferees at least could have consulted the proponents of the amendment, if they were not able to pick up the error in the Veterans' Administration letter.

Mr. LONG of Louisiana. There are two things I should like to urge the Senator from Iowa to consider. First, a number of House conferees took the attitude that if the Senator was correct, it was the result of a defect in the veterans laws rather than a defect in the social security laws, and the Veterans' Committee, which is headed by a very strong and powerful committee chairman whom many of us admire very much, should look into the matter.

Mr. MILLER. The Senator well knows that the powerful committee chairman of the House Ways and Means Committee is on a completely coequal basis, no more and no less, with the distinguished acting chairman of the Senate Finance Committee.

Mr. LONG of Louisiana. One reason the chairman of the Ways and Means Committee is so powerful is that he respects the other committee chairmen. In addition, it was pointed out in the letter written by the Veterans' Administration:

> Moreover, I believe that adequate relief respecting any adverse effect on pension resulting from the 7-percent increase in social security benefits proposed by H.R. 6675 has already been provided—by Public Law 88–664, effective January 1, 1965. Under that law 10 percent of social security benefits and similar payments from other sources is excluded from income in determining entitlement to pension benefits.

I ask unanimous consent that the entire letter from the Veterans' Administration be included at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> VETERANS' ADMINISTRATION,
> *April 9, 1965.*
>
> Hon. HARRY F. BYRD,
> *Chairman, Committee on Finance,*
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR MR. CHAIRMAN: Reference is made to your letter of March 29, 1965, requesting my opinion regarding the proposition of excluding increases in social security benefits, proposed by H.R. 6675, 89th Congress, from income for Veterans' Administration pension purposes.
>
> I believe that adoption of such an exclusion would violate the basic concept of need in our pension programs. By not counting money actually available for support, it would permit persons with income in excess of statutory limitations to receive a greater pension benefit than would be otherwise payable. The availability of a dollar rather than its source should be determinative of pension entitlement.
>
> Also, enactment of a special exclusion for social security beneficiaries would be discriminatory respecting persons whose pension is adversely affected because of increases in similar Federal, State, or private benefits. I feel that such a provision would establish a precedent which would make it difficult, if not impossible, to oppose other legislative proposals with a similar purpose but related to a source of income other than social security benefits.
>
> Moreover, I believe that adequate relief respecting any adverse effect on pension resulting from the 7-percent increase in social security benefits proposed by H.R. 6675 has already been provided—by Public Law 88–664, effective January 1, 1965. Under that law 10 percent of social security benefits and similar payments from other sources is excluded from income in determining entitlement to pension benefits.
>
> As you know, pension is payable on an annual income basis. In the case of pensioners whose benefits have continued in 1965 without any need for the 10-percent exclusion provided by the cited law, the contemplated 7-percent increase in social security benefits cannot have any adverse effect. With respect to persons who have been receiving a greater pension benefit in 1965 because of the availability of the aforementioned 10-percent exclusion, enactment of a 7-percent increase in social security benefits could not do more than reduce them to the pension rates paid for 1964, as increased effective January 1, 1965. In other words, on an annual basis, no pensioner will receive less in 1965 than was paid to him in 1964, solely because of a 7-percent increase in social security benefits.
>
> It does not appear that anyone would be able to logically contend that such an increase would operate adversely to an individual if the effective date of the 10 percent provision of Public Law 88–664 had been deferred to coincide with enactment of H.R. 6675. I do not see that the earlier existence of the exclusion feature has created any substantial basis for a contention that a social security increase will be detrimental. To the contrary, the prior applicability of the exclusion provision will operate to the advantage of some persons, by permitting payment of more pension during the months of 1965 preceding enactment of the contemplated social security amendments than would have been permissible if enactment of the exclusion feature, or its effective date, had been deferred.
>
> In the light of the foregoing, I do not believe that the social security rate increases proposed by H.R. 6675 warrant modification of our pension programs.
>
> The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.
>
> Sincerely,
>
> W. J. DRIVER,
> *Administrator.*

Mr. LONG of Louisiana. The veterans law was enacted last year, anticipating the social security increases which are in the bill this year. The Senator recalls that last year the social security bill died in conference but, in the meanwhile, we had passed Public Law 88–664, anticipating the ultimate passage of this bill to increase social security benefits.

The Senator should be commended for his work in this field, and I hope that he will continue his interest. If there is need for adjustment, there will be other veterans' bills coming before the Senate before the end of the session, and the Senator from Iowa will have an opportunity to urge his amendment insofar as the problem now exists, and we shall have an opportunity to take it up in conference. I hope that the House Committee on Veterans' Affairs will do so. From the point of view of a number of the House conferees, jurisdiction properly lies with that committee.

Mr. MILLER. Let me say to the Senator from Louisiana that I am most interested in pursuing this matter. I feel very strongly, in view of the fact that the Veterans' Administration is patently false, and I have given an example to show how false it is. In view of the fact that the House conferees were laboring under a completely false impression as a result of that letter, the time for action is now. Veterans are receiving their pensions now. I do not know when we are going to consider other veterans' bills. There may be some. I do not know whether we shall have any opportunity to make changes in veterans' bills. It seems to me that the time for action is now.

Let me point out to the Senator from Louisiana that last year the Senate determined that the time was at hand, when it passed the social security bill.

Let me read to the Senator from page 14 of the 1964 report and what the Senate said about it, which the Senator from Louisiana, I am sure, had a part in drafting:

> It has been brought to the committee's attention that the present bill may have the unintended result of reducing or eliminating nonservice-connected pensions of certain veterans or their widows because of the receipt of increased social security benefits. To prevent this, the committee amendment amends the appropriate provisions of the veterans' law to exempt from its annual income test the amounts of social security increases resulting from this bill.

I do not see why there should be any more difference of opinion today than there was last year, merely because the bill was lost in conference last year, for reasons quite apart from this.

I suggest to the Senator from Louisiana that by accepting the conference report under these conditions, we shall only compound the error of the House conferees and the error of the Veterans' Administration. This is a shortsighted, thoughtless way to treat our veterans.

Mr. LONG of Louisiana. Let me say to the Senator that last year we in the Finance Committee, which had jurisdiction over this kind of veterans' legislation as well as the Social Security measure, approved two bills to achieve the same result.

One of them was a bill that went to the Veterans Committee, and resulted in Public Law 88-664, to which I have alluded; the other was the social security bill. Therefore we put the provision in two pieces of legislation. One went through the social security law; while the other went with the Veterans' Administration route. We approached it both ways, in other words. Therefore, whichever committee had jurisdiction, we hoped, would try to do something about it. The veterans bill became law. We thus yielded in this area on the social security bill because we felt we had taken care of it by amending the veterans law.

Mr. MILLER. But we had not.

Mr. LONG of Louisiana. If we have not taken care of it, I urge the Senator from Iowa to prepare an appropriate amendment, and when we will bring to the floor a veterans bill he should add the amendment to it and send it to the Veterans Committee in the House, and either ask them to agree to it or ask them to go to conference with us on it, to see if we cannot meet the problem. Chairman WILBUR MILLS tells us that his committee does not have jurisdiction, but that Chairman TEAGUE's committee does have jurisdiction. So I say, "All right; let us send them a bill and see if they will not agree with us." I would be happy to urge them to agree to it. I was pleased to support the Senator's amendment the way it was, the Senator will recall.

Mr. MILLER. I appreciate the fact that the Senator would do what he says. However, that does not satisfy or solve the problem. The veterans and their widows and families will suffer a loss in their veteran pension checks as soon as the law goes into effect.

Mr. LONG of Louisiana. They will not suffer a loss before September, because they will not get their check until September. We have the month of August in which to act.

Mr. MILLER. But they will suffer a loss of their pension. I do not know whether they might not even suffer a retroactive loss.

Mr. LONG of Louisiana. I assure the Senator that under the effective date, they could not suffer a loss before September. The law makes the provision effective on the second month after the President signs the bill.

Mr. MILLER. Am I correct in my understanding that when the bill goes into effect, the 7-percent provision will be retroactive to the first of the year?

Mr. LONG of Louisiana. Yes.

Mr. MILLER. If that is so, what difference does it make whether it goes into effect next week or on any other effective date?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CARLSON. I yield 5 additional minutes to the Senator from Iowa.

Mr. LONG of Louisiana. But the 7-percent provision would not be paid until September if the bill were signed in this month.

Mr. MILLER. In September; yes. When they get their checks in September they will suffer a loss in their veterans' pensions, unless something is done. I suggest also that there may be the possibility that they may suffer a retroactive loss. That point is not clear. I say that the time to take care of the situation is now. The Senator has posed the problem of what happens when the Finance Committee of the Senate has jurisdiction over a bill and we try to perfect it as best we can and then go to conference with the House and the House conferees say, "In the Senate the Finance Committee has jurisdiction over this subject, but we do not have jurisdiction in the House Ways and Means Committee; instead, the Veterans Committee over here has jurisdiction." Or it may be that the conferees are told that some other committee over there, such as the Commerce Committee, has jurisdiction over a particular matter. The conferees are told. "We cannot operate in this fashion here. We do not have jurisdiction."

I am not persuaded one bit by such explanations. I do not believe that any veteran whose pension will be impaired will be impressed by them. It seems to me that the Senate is in a perfect position to stand firm on this provision, particularly when the basis for the House position relating to the 10 percent is in error.

Mr. LONG of Louisiana. I do not care to debate the merits of the subject with the Senator, because I have much sympathy with the position the Senator has urged and is now urging. I supported his position and his amendment. I suggest that the Senator has no idea how determined some of the House committee chairmen can be. Frankly, I have sometimes gained the impression in conference with some of the senior House Members that they would be opposed, if they had the opportunity, to the great compromise, even, that brought this Union into being and created the U.S. Senate. I have been to conference with a House bill that the Senate had amended, and the attitude of the House conferees was that we had no right whatever to amend it except insofar as our amendment was completely germane and in keeping with something that the House had put in its bill in the first place.

I am sure the Senator from Kansas [Mr. CARLSON] has had that experience with House conferees. Their attitude has been that we had no right to amend their bills unless, in taking something out of their bill, we inserted something that was completely germane to what they had put in the bill in the first place.

When a House committee chairman says his committee has jurisdiction, we can do little about it. Last year we added an urgent amendment to the Sugar Act. We thought it was urgently necessary that the amendment be added to the bill. We amended a Ways and Means Committee bill because we felt it was appropriate to do so, inasmuch as this was a tax measure. It appeared that the House Committee on Agriculture has jurisdiction of that subject. I believe that goes back to the time when the chairman of the Ways and Means Committee did not want to take jurisdiction over the Sugar Act. Therefore the chairman of the House committee objected, and we could not even have the question considered. We could not even get the measure off the Speaker's desk.

Mr. MILLER. If the Senate rejects the conference report, with the clear understanding that the conferees are to go back to the House and stand firm on the veterans' pension amendment, and if the House conferees, after having had called to their attention what has now been brought out on the floor, still believe that they want to forget about taking action on this point, and get into a long and involved procedural question about which committee has jurisdiction in the House, and if the Senate conferees come back to the Senate and say, "We cannot do anything about it," the Senator from Iowa will have nothing further to say.

However, I believe that if the House conferees are interested in the votes of the veterans and their families and their widows, because this has all been caused by an error on their part, they will be well advised not to resist the amendment in view of what has been brought out. Our acceptance of this conference report with the provision in it would merely compound that error.

Every Senator who votes for the conference report will contribute to the compounding of that error. It will work a hardship on the veterans and their families. I wish the Senator from Louisiana were not in a position where he feels he must ask the Senate to vote approval of the conference report, because I believe he sincerely feels a great concern about it. He has already said that he supported the amendment because he was in favor of it, although it is my understanding that the conferees from the minority side of the aisle were not agreeable to the rejection of the amendment, and that that was pretty well controlled by the leadership.

The PRESIDING OFFICER. The additional time of the Senator has expired.

Mr. LONG of Louisiana. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. In the present status of the situation I must vote against the conference report. However, I wish it to be clearly understood by all Senators that they will have an opportunity to vote to reject the conference report. It would not take more than 5 minutes to go to a conference with the House. If, in the face of what has been brought out, the House conferees still wish to stand firm and say, "We cannot possibly agree to this, because some other committee has jurisdiction over it," and the Senate conferees come back and tell us as much, the Senator from Iowa will remain silent. He will let the House conferees take their chances with the veterans' vote. I believe they are already taking chances.

It is a sad day indeed when our Veterans' Administration issues an erroneous letter in the first place, and the House conferees compound that error by saying, "We will resist the amendment because of that letter," and then have the Senate vote for it, in spite of what I have pointed out.

Mr. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG of Louisiana. The amendment of the Senator from Iowa was not the only meritorious amendment on which we had to yield. Some amendments on which we had to yield brought tears to my eyes.

For example, there was the provision as to the effective date for the payment of increases in public assistance. We had hoped that on July 1 aged, blind, and disabled people would get some increase in their welfare checks. We tried to compromise on September 1, then October 1, and then November 1, so that people who are living on meager public welfare checks could get the increase at the earliest possible date.

I was not able to get those people an increase even for Christmastime, so that we could feel that we were Santa Claus' helpers, in a way, to help those old folks to have a little chicken or turkey on their tables for Christmas. The Senator from Louisiana did the best he could to prevail in relation to that provision.

I have never witnessed a time when the Senate has been more sincerely represented by Senators presenting the Senate's point of view. They included the Senator from Delaware [Mr. WILLIAMS] and the Senator from Kansas [Mr. CARLSON], who is in the Chamber. They stood with me shoulder to shoulder in supporting even some amendments against which they had voted and on which they refused to yield until we all agreed that we had no possibility of prevailing on those particular amendments.

We spent 27 hours in conference with the House in an endeavor to get the conferees on the part of the House of Representatives to agree to the Senate amendments. We held out on some of those amendments as long as we could. Some of them we cannot get up for consideration again this session; for example, the amendment of the Senator from West Virginia [Mr. BYRD] in respect to retirement at age 60.

The amendment of the Senator from Iowa can still be considered. He can offer it on some piece of proposed veterans legislation. I will do what I can to see that the proposal is considered and referred to the Committee on Veterans' Affairs. I hope that something can be done along the line of the Senator's suggestion.

Mr. MILLER. I appreciate the suggestion of the Senator from Louisiana.

I wish to make one further observation. In my nearly 5 years in the Senate, I cannot recall more than one or two instances in which the Senate has rejected a conference report and has in effect said, "Go back and let the House know that we will not knuckle under to the House. We will stand up for the rights of the people."

I recognize that other amendments were lost in the conference. It seems to me that we are being asked to recede from so many amendments which were considered and adopted on the floor of the Senate that it might be well if, once in a while at least, the Senate would reject a conference report and say, "Go over and try again." The pending vote on the conference report might be a very appropriate occasion for the Senate to do so because, as I pointed out, so far as veterans and their families are concerned, in view of what is going on in the press conference now being held by the President of the United States in respect to Vietnam, we could not find a more opportune time to assure veterans and their families that the Senate is thinking of them.

Mr. CARLSON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. CARLSON. I concur in the remarks of the distinguished Senator from Louisiana [Mr. LONG] in respect to the conference report.

I also wish to say that I think the Senator from Iowa [Mr. MILLER] has rendered a service by calling attention to a problem which requires not only further study, but perhaps also an adjustment.

I can think of nothing more unfortunate than the rejection of the conference report. There is a definite reason for that statement other than the veterans involved.

If the bill is not signed before August 1, 19 million people in this country will not get their increased benefits based on the 7-percent increase from January 1, 1965, until October, because the law will go into effect the second month after the President signs it. So there are more people involved than the veterans.

I sympathize with the situation we have gotten into. I agree with the Senator from Louisiana [Mr. LONG] that there will be an opportunity, I am sure, to take action in this case. I regretted to learn of the situation, of which we knew. As the chairman, the Senator from Louisiana [Mr. LONG] stated, the House has refused to go along in this situation because of the committee chairmanship. We have that situation.

Before we reach a final vote on the conference report, having served on the conference committee with the Senator from Virginia, the chairman of the Senate Finance Committee [Mr. BYRD] the distinguished acting chairman, the Senator from Louisiana [Mr. LONG], and the Senator from Florida [Mr. SMATHERS], the Senator from New Mexico [Mr. ANDERSON], and the Senator from Delaware [Mr. WILLIAMS], I wish to say that it was a real privilege to have worked with them in the 5 days we were in session.

In my service in the Senate and the House I have been on several conference committees. This is the first time we had what I would call not only congenial, but hard working conferees.

The Senate conferees did not at any time give in on an amendment without a fight. The record will show we did a good job getting our amendments adopted. There were some amendments I would like to have had included, but they were not included.

We are about to reach a conclusion on this important proposed legislation. Looking back over the years, I recall many hearings and executive sessions of the Finance Committee on the measure. Each member of the committee is entitled to a good deal of credit, but particularly the Senator from New Mexico [Mr. ANDERSON], who, in the past few years has been working with this problem and carrying the battle in the committee and on the floor. It is a credit to him and others who worked on it that we have now reached a completion of the proposed legislation that is so important in this field of social welfare.

Mr. HARTKE. Mr. President, will the Senator yield 5 minutes?

Mr. LONG of Louisiana. I yield 5 minutes.

Mr. HARTKE. Mr. President, I do not intend to oppose the conference report. I intend to support it with all my heart. I have some misgivings, as most of us do, but I believe it would be inappropriate, after all the time that has been spent on the measure, to say that we should turn our backs on a major legislative accomplishment.

I believe Congress is to be congratulated. The voice and effectiveness of President Johnson should not be minimized. The Vice President's efforts should not be minimized. They effectively carried this message to the people last year, all through the year, and made it possible for the people to understand that here was a real opportunity to take a forward step in the welfare of millions of Americans.

It would be difficult to exaggerate the significance of the accomplishments which have been achieved in reaching an agreement on this great milestone in American legislative history. There is no piece of legislation with which it can be compared without going back to the original institution of social security itself 30 years ago. The medicare provisions in the bill now agreed upon in conference, in fact, will affect the immediate situation and the immediate welfare of millions as even the original social security system's introduction could not, since benefits will be available without the delay which was necessary in building the fund after the original law was enacted.

Provision for the medical needs of the elderly has been a bright vision of the future for many years. Now the future is here. We can look back to the unsuccessful predecessors of this bill and say now that those who sponsored them were prophets without honor in their own time, but that time has now vindicated them. Shortly after World War II there was the Murray-Wagner-Dingell bill, which perhaps was the first serious effort to secure this kind of protection for our senior citizens. Then there was the Forand bill, to skip a decade to the 86th Congress, a bill whose major features embodied the basic concepts we have now adopted—hospital, surgical and nursing home benefits using the social security administrative mechanism, financed by an increase in the social security tax. During the Senate debate in 1960, the Kennedy-Anderson amendment to the Eisenhower administration bill took the same approach, although the eligibility would not have affected those below 68 years of age. But it was defeated, and instead we got the far more limited benefits of the Kerr-Mills provisions.

The name of the Senator from New Mexico [Mr. Anderson] appeared again in the 87th Congress linked with the name of Congressman Cecil R. King in the King-Anderson bill of that year. The outlines of what we now have were beginning to appear more clearly, but in this and the succeeding King-Anderson bills the proposals kept pushing further toward the more comprehensive provisions which we have today. Then, in the 87th Congress, the proposal would have given 90 days of hospital care with a minimum deductible of $20 and a maximum of $10 per day for the first 9 days. The nursing home care proposal was there, and the home health services. The outpatient diagnostic service was there. The idea of a larger tax base was there, and the soundly managed increase in the payroll tax rate to give an actuarially responsible foundation for the benefits.

In the years since then, King-Anderson has been virtually synonymous with the popular term "medicare." But not many will take the trouble to compare Senator Anderson's original concept with what we have obtained here and see that the hospital, nursing home, home care, and diagnostic features—the basic features of the hospital protection we are now giving—have been not at all in their major bulk and remarkably little in detail. As a supporter of the King-Anderson proposals at every stage of the way since my arrival in the Senate, I want to say that Senator Anderson deserves not only the greatest degree of recognition which can be afforded for his tireless and finally victorious fight, but that the elderly of this year of 1965 and of the future decades will be everlastingly in his debt.

In the enactment of the present bill, there are other Senators who have labored long and hard to achieve the result now before us. Senator Long, both in the Finance Commitee and as floor manager of the bill, has been another ardent champion of the cause. The great concern of the Senator from Louisiana [Mr. Long] for the best possible benefits we could provide is well known to all of us, and I am proud that I have been able to work so closely with him on some of the features which will now, perhaps sometimes with modification, be a part of the bill.

The provision about which I feel most deeply relates to long-term illness and was the concept or proposal sponsored by the Senator from Louisiana [Mr. Long]. He fought for that, knowing full well that he would ultimately have to take the leadership of the bill. He understood that the real danger in the future would not be the short-term illness but the long-term, terminal cases of cancer and of stroke, and also the long-term accident cases, such as broken hips. Cases which last for 3 months or 100 days in a nursing home are covered in the bill; but it was the cases lasting 6 months or a year, or 5 years or 10 years, that were of real concern.

The Senator from Louisiana was willing to put aside his personal responsibilities and his own personal feelings for the larger benefit to be obtained. He took the forward step in pointing to the 100-day cases and then was willing to join others who believed that we must proceed further.

Improvements have been made by providing 30 additional days for hospital care, to make the total 90 days, and also by including an amendment to provide for additional hospital care, amendments which I had the pleasure to offer in the Committee on Finance.

I am sorry that the Senator from Louisiana did not vote for them. I am disappointed that he did not accept the proposal for complete future care for the long-term illness cases, for the catastrophic illness cases, requiring long periods of recovery.

However, I do not feel that any of us would want to forego the accomplishments which have been made.

Another disappointment is the failure of the conferees to accept more of the amendment relating to aid for the blind, an amendment which was adopted by an overwhelming vote in the Senate. In this instance, it was the responsibility of the Senator from Louisiana to take the floor in opposition to that amendment.

In his heart—I know; I have talked with him—he felt that it should be adopted, but he believed he had a responsibility beyond that to the blind, and that was to protect the integrity of the bill and make it possible to have a bill that could be adopted in conference. I salute him and congratulate him upon that achievement.

Of great assistance in the passage of the bill were the Senator from Florida [Mr. Smathers], who was a strong leader and should be complimented; the Senator from Illinois [Mr. Douglas], the Senator from Minnesota [Mr. McCarthy], and other Senators who are members of the Committee on Finance, all of whom were most constructive in working for the best bill that could be obtained. I pay my compliments to the staff of the committee for their diligent work.

Senators outside the committee have also taken a deep interest and have done all they were able to do in support of the improvement of the legislation. I know that they have shared my own concern, and it is a great source of pride to me that my own efforts, coupled with and supported by those of others, have led to the inclusion of many desirable changes in the conference report.

After the conference report has been agreed to, I shall make further remarks concerning my apprehensions for the future; but in the interest of time now, I compliment the President, the Senate, and the Members of the House for this forward step in the enactment of legislation that has been so long awaited.

Mr. LONG of Louisiana. Mr. President, I deeply appreciate the kind words of the Senator from Indiana. He is quite correct in paying tribute to our colleagues who have made so vast a contribution to the legislation. It has been a great honor to work with them, especially with the Senator from Indiana, who was a strong supporter of the bill. A number of important amendments were offered by him and his support made possible their inclusion in the bill.

I regret that it was not possible to prevail with more of the amendments of the Senator from Indiana, especially the amendment with respect to assistance to the blind. The Senator knows that I did not support that amendment on the floor of the Senate; but when the Senate agreed to it, I supported it in conference. I sought to bring back from conference as much of the amendment as was possible. We brought back two good amendments, which should be forerunners of better things to come, both for disabled persons generally and for the blind in particular.

The Senator from Indiana will find as he presses for his amendment that, if he does not get all of it, he will get more in the next session, and more in the sessions following that. Eventually, he will have prevailed on most of the amendment, if not all of it.

I share the Senator's strong feeling that persons suffering long illnesses—the catastrophic cases—should be protected. It is an oversight that such is not the case, but we did our best, both in the Senate and in conference, to prevail in providing the longest term of protection possible for the small percentage of people who need help the most. I look forward to working with the Senator from Indiana in the years ahead to make certain that this group of persons is cared for. I have no doubt that we shall make progress, if not in this Congress, then in the next Congress in providing this important relief.

Mr. HARTKE. I thank the Senator from Louisiana. We shall work together for future improvements in the act. This is not the last day; it is the first day.

Mr. LONG of Louisiana. Mr. President, I yield 2 minutes to the distinguished Senator from Florida.

Mr. SMATHERS. Mr. President, first, the adoption of the conference report will mark a historic occasion in medicare and an improved social security law. I was privileged to serve as one of the conferees of the Senate in the conference with the House. As is always the case, it is necessary to compromise the differences between the bill the Senate passes and the bill the House passes.

The Senate did not get everything it wanted, but we came out of conference with a workable, practical, sensible, digestible type of bill. It is a measure that preserves the free practice of medicine and in no way impairs doctor-patient relationships. In the years ahead, changes will understandably be needed. When they become necessary, amendments to the act will be proposed, and will be made. But it is necessary to walk before one can run. That was the general attitude of most of the conferees, certainly the conferees on the part of the Senate, on both sides of the aisle, Republicans and Democrats alike as it was also the attitude of the conferees on the part of the House.

Probably this bill might be compared, in its long-range effects, with the original Social Security Act of 1935. All who have had a part in drafting the legislation and in supporting it—certainly those who took part in the conference—deserve special credit and may well be proud that they were able to play so important a part in what all of us have described as historic legislation. The measure as it goes to the President for signature provides for an effective and adequate medical care program for our senior citizens. I urge the adoption of the conference report.

APPOINTMENT OF ABE FORTAS TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. GORE. Mr. President——

Mr. BASS. The time is under control.

Mr. LONG of Louisiana. Mr. President, I yield 3 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, it was with both pride and personal pleasure that I listened to the announcement by President Johnson that he was sending to the Senate today the nomination of Abe Fortas to be a Justice of the Supreme Court of the United States.

A Tennesseean, Mr. Fortas has climbed the ladder with diligence, ability, and integrity. He is renowned as a lawyer; he is a known as a patriot; he is recognized as unselfish in his willingness to contribute of his substance to the public good. He will bring to the Court an ability, a compassion, an understanding, and a wisdom possessed by only a small minority of men.

I am particularly elated in a personal way because Abe Fortas and I have been personal friends for a quarter of a century. I am delighted with this appointment. I applaud President Johnson in the choice.

Mr. BASS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the senior Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. BASS. Mr. President, I join my senior colleague in the view that he has just expressed on the appointment by President Johnson of a distinguished Tennessean, an able lawyer, and an outstanding American to the Supreme Court of the United States.

I feel quite certain that in time Mr. Fortas will prove to the Nation and to the world what an important, right decision the President made in this particular case. I commend President Johnson for his choice of this distinguished American and Tennessean.

Mr. GORE. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator from Kansas yield time to me?

Mr. CARLSON. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I join my colleagues in expressing great appreciation for the President's appointment of Mr. Fortas.

I know him very well. He is one of the most distinguished lawyers in the Nation.

He will, in a very admirable way, fill the big shoes of those who preceded him, including Mr. Justice Goldberg, now our Ambassador to the United Nations.

I shall have the privilege of considering the nomination of Mr. Fortas to be a member of the U.S. Supreme Court when the Committee on the Judiciary considers his nomination.

It gives me great satisfaction to learn he has been nominated for this high post.

The PRESIDING OFFICER (Mr. BASS in the chair). Who yields time?

Mr. CARLSON. Mr. President, I yield 1 minute to the Senator from Kentucky.

THE SITUATION IN VIETNAM—THE PRESIDENT'S STATEMENT TO THE NATION

Mr. COOPER. Mr. President, I have just heard the statement of the President explaining the policies and plans of the United States with respect to the situation in Vietnam.

All of us are conscious of the heavy burden the President bears, and I want to speak with understanding and helpfulness.

Without retreating from the commitment of the United States, he spoke with restraint.

The statement of the President that he was not declaring a national emergency and that he would not call up the Reserves indicates that the President wants the world to know that the United States does not intend that our troops shall undertake the primary responsibility of South Vietnam to defend itself, and that our country will continue to exercise restraint against the expansion of action into a major war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CARLSON. Mr. President, I yield 1 additional minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 additional minute.

Mr. COOPER. Mr. President, I hope the statement of the President will mark a turn for good in Vietnam.

I hope very much that, recognizing that the present situation holds the possibility of a major war, the President will, at the appropriate time, submit the question of Vietnam to the United Nations to ascertain if the U.N. will undertake to bring about a settlement, and avoid a great war with all its awesome possibilities.

Mr. JAVITS. Mr. President, I, too, have had a desire to make a statement with regard to the message of the President.

I am honored to have been preceded by so distinguished a colleague as the Senator from Kentucky [Mr. COOPER]. In my judgment, the President made a restrained and considered, while resolute, address to the Nation.

The idea of again seeking to invoke the good offices and the assistance of the United Nations in this matter through our new Ambassador to the United Nations is most admirable. It should be approved and applauded by the entire Nation and the world.

The President has made it clear that the two principal Cabinet officers will be available for consultation with congressional committees and Members of Congress. This is also an excellent idea.

I believe that it is advisable to pursue such a course of action. However, the President has made it very clear that we are in South Vietnam to stay; and the erosion not of the will, but of the ability of the South Vietnamese themselves to resist has caused an important accretion to the troop strength and may cause even further accretion of troop strength as the days go on.

The President made it very clear that we are exercising much restraint now in not calling up the reserves and in having a moderately low increase of our troop strength. We must not expect that to be the order of magnitude for the future.

It is for those reasons that I continue to urge the President to seek a new congressional resolution of support.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I yield 30 seconds to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Mr. President, a congressional resolution of support would be the best way in which to consolidate the Nation in its resoluteness on Vietnam and give the Nation reassurance as to the size and nature of our likely commitment there.

Mr. LONG of Louisiana. Mr. President, I yield 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, I join in the comments that have been made on the speech just delivered by the President of the United States and the press conference which followed thereafter.

In my opinion the speech was delivered in low key, in a calm and in a deliberately measured manner, in so doing, the President tendered both the arrow and the olive branch.

So far as consultation with Congress is concerned, I know of no President who has ever consulted more with Congress than has Lyndon B. Johnson. So far as I am concerned, speaking personally, I was one of a group which met with the President three times within the past 24 hours. I mention this only to emphasize the amount of time he spends with the Congress for counsel and advice. May I say that these discussions are on a give and take basis and everyone is free to express his opinions, whatever they may be.

Yesterday morning the question of Vietnam policy was discussed with the Democratic leadership. Last evening for 2 hours and 10 minutes it was discussed with the bipartisan leadership of both Houses. For more than an hour and a half this morning the situation was discussed with members of the appropriate committees from both Houses of Congress—the Committees on Appropriations, the Committee on Foreign Relations, the Committee on Foreign Affairs, and the Committees on Armed Services.

The President is to be commended for the speech he made. I know of no one who is more interested personally in what is happening in Vietnam, no one who is more desirous of seeking an honorable settlement to a situation which is fraught with difficulties and imponderables.

The President has endeavored, as he has indicated, time and time again, to go down any path, anywhere, any place, including the United Nations, which might lead to peace. His latest instructions to Ambassador Arthur Goldberg have been to contact all sources within, without, and around the United Nations to the end that this dispute, if at all possible, can be brought to an honorable conclusion.

I commend the President. I know how much he is immersed in this matter personally. I know of the hours that he spends on the problem. I know how it preys on his thinking. I know it is uppermost in his mind. He is open to suggestions from all sources. He is doing his very best; and that is all that any one man can do.

Mr. LONG of Louisiana. Mr. President, I yield 1 minute to the Senator from Connecticut.

Mr. DODD. Mr. President, President Johnson's message to the Nation concerning the situation in Vietnam and its implications for America, will, I am certain, be remembered by history as one of the truly great speeches made by an American President.

Rather than attempting to allay popular fears by minimizing the situation in Vietnam, the President dealt in a completely forthright manner with its dangers and its difficulties.

Instead of despair over the repeated demonstrations of intransigence by Hanoi and Peiping, the President again reiterated our willingness to meet with any government at any time or to take advantage of the initiative of any nation or of the United Nations, in seeking a peaceful and honorable settlement of the conflict in Vietnam.

But perhaps above everything else, the Presdent's statement will be recalled for the remarkable clarity and logic with which he restated the reasons for our presence in Vietnam and for our determination not to yield to Communist aggression.

President Johnson spoke for America. And I am certain that his speech will enjoy the support and the applause of the overwhelming majority of the American people.

SOCIAL SECURITY AMENDMENTS OF 1965—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I yield 15 minutes to the Senator from Hawaii.

Mr. FONG. Mr. President, H.R. 6675 is a monumental measure of far-reaching consequences.

It deals with fundamental human needs of millions of Americans.

It extends a helping hand not only to our senior citizens, but also to children, blind, and disabled persons, and needy individuals.

There is general agreement on the humanitarian objectives of this bill although many differ regarding the methods of achieving these objectives, particularly in the field of medical care for the aged.

BRIEF DESCRIPTIONS OF PROVISIONS

H.R. 6675 has four main parts.

First. In the area of medical care, it provides as follows:

(a) A compulsory hospital-nursing home plan for most persons past 65 financed by, first, higher social security taxes on workers, their employers, and the self-employed and by, second, payments elderly patients must make toward their care—deductibles and daily charges.

(b) A voluntary supplementary plan covering physicians' services and certain other health costs financed by first, monthly premiums paid by those past 65; by second, matching premiums paid by the Federal Government out of general revenues; and by third, fees patients must pay for care—deductibles plus 20 percent of remaining costs.

(c) An expanded Kerr-Mills medical assistance program for the needy and medically needy aged, blind, disabled, and families with dependent children. This combines five existing medical assistance programs into a single program.

Second. H.R. 6675 provides expanded services for maternal and child health, crippled children, child welfare, and the mentally retarded and establishes a 5-year program of special project grants for comprehensive health care and services for needy children—including those emotionally disturbed of school age or preschool age.

Third. H.R. 6675 provides greater benefits and coverage under social security old-age, survivors, and disability programs, including a 7-percent increase in monthly benefits for social security recipients with a $4 minimum increase for an individual and a $6 minimum increase for a couple.

Fourth. H.R. 6675 improves and enlarges public assistance programs.

From this brief description, the scope and breadth of this legislation are merely indicated. I shall not attempt at this point to describe the bill in full, for it is a very comprehensive, very technical bill totaling 387 pages. More details can be found elsewhere in my statement.

SOCIAL SECURITY BILL WILL BECOME LAW

It is very apparent that H.R. 6675 will become the law of the land—and most of the programs, including the new basic hospital insurance plan and the supplementary insurance plan for medical care of Americans past 65, will become permanent programs.

In a far-reaching bill of this complexity and nature, no one is completely satisfied with every provision. I have consistently fought for comprehensive medical care for any aged person who needs assistance in paying his medical bills, with such a program to be financed out of general revenues. Although this bill in part relies on general revenues, the basic hospital-nursing home plan relies on social security taxes and makes limited benefits available to everyone regardless of need.

This legislation has been developed according to established congressional procedure, with all Americans allowed an opportunity to present their views. In particular, the subject of medical care for the aged has been investigated, studied, and debated for a number of years, quite intensively during the past 5 years.

Now the majority in Congress has worked its will and, in the American way, everyone accepts that.

It now behooves all of us to do our best to make these programs as workable and as effective as possible.

Let us put acrimony behind us. Let us bind up our wounds and with malice toward none let us get on with the enormous job of implementing this measure.

LANDMARK LEGISLATION

The inauguration of the basic hospital insurance program and the supplementary insurance program will be hailed as landmark legislation, as indeed it is.

It will unquestionably be important in helping our senior citizens meet their hospital, doctor, and certain other medical expenses.

It is estimated the basic and supplementary plan together will cover just under 50 percent of the average medical costs of those past 65.

Nevertheless, we all have a duty not to oversell these programs. We should not lead those past 65 to believe more is provided than actually is provided.

BILL DOES NOT COVER ALL MEDICAL NEEDS

For example, H.R. 6675 does not provide aid for every kind of medical care an individual past 65 may need.

The basic plan for instance does not pay for private rooms, private nurses, long-term stays in psychiatric hospitals or drugs outside a hospital; nor does it cover very long catastrophic illness.

The supplemental plan does not cover routine physicals, extensive psychiatric care, routine dental work, drugs, dentures, orthopedic shoes, eyeglasses, or hearing aids.

BILL DOES NOT COVER ALL MEDICAL COSTS

It is important for Americans to understand that H.R. 6675 is not a free medical care bill. The hospital and other medical services covered by the two plans are not paid in full under these plans.

Under the basic hospital plan, a patient must pay the first $40 of cost during the first 60 days, plus $10 a day for each day after that during the next 30 days. The plan does not pay any hospital costs after these 90 days during one spell of illness. So the patient has to find some means of paying hospital care after 90 days.

A patient sent to a nursing home after receiving hospital care would pay $5 a day beginning with the 21st day through the 100th day in the nursing home. After 100 days of a single spell of illness, the plan pays nothing more toward nursing home care.

Furthermore, if costs of hospital and nursing home services go up, patients may have to pay greater amounts beginning in 1969. Hospital costs have been rising about 7 percent a year over the past few years.

Under the supplementary insurance plan, those past 65 wishing this insurance must pay $3 per month. The Federal Government also pays $3 per month.

Under H.R. 6675, these premiums could be increased every 2 years. If costs of the services covered go up sufficiently, those past 65 can look forward to further increases in their monthly premium.

In addition, under the supplementary plan, patients must pay a $50 deductible, which means they must pay the first $50 of expenses incurred for physicians' services and other health items covered by this insurance. In addition, patients must pay 20 percent of costs above the first $50.

OLDER AMERICANS NEED MORE PROTECTION

I mention these matters so that Americans past 65 will be aware that the two medical plans contained in this bill will not pay all of their health and medical bills.

It is only fair to caution our senior citizens that they should protect themselves against medical expenses not taken care of by the basic plan or the supplementary plan through additional insurance. Otherwise, they may face some costly bills to pay out of savings.

EFFECTIVE DATE OF TWO NEW MEDICAL PLANS

Another very important reminder to those who will be eligible for these medical programs: benefits under both the basic plan and the supplementary plan will not be available until July 1, 1966. Benefits in nursery homes and other extended care facilities will not be available until January 1, 1967.

So, I say to our older Americans, when this bill passes, do not cancel your present health insurance policies. Do not let your health insurance lapse between now and the date when these plans become effective.

Your present insurance company will probably revise its policies so that they will not overlap the benefits of the health insurance plans of this bill. They will, I am confident, devise policies offering coverage and benefits not provided under the two plans of this bill.

Also, most businesses with health insurance programs for their employees will revise these policies to be effective after the basic Government insurance and supplementary insurance plans go into effect.

URGES HEALTH INSURANCE FOR ELDERLY

I say again to our older Americans: Do not leave yourself unprotected during the next year and a half before benefits are available to you under H.R. 6675.

If you do not now have health insurance that will help pay hospital, doctor, and medical bills, I would urge you to obtain such insurance. No one knows when illness may strike. It might be before benefits under either plan in H.R. 6675 will be available to you. So take the sensible precaution of protecting yourself against costly illness.

Here I would like to urge private health insurance companies to do their very best to provide reasonable-cost and effective policies to protect older persons against medical costs not covered in the two plans of this bill.

BASIC HOSPITAL-NURSING HOME PLAN

As I have already stated, the basic plan for hospital, nursing home, and related care would be financed through an increase in the social security tax on wages of workers, their employers, and self-employed persons; by higher railroad retirement taxes, and by charges levied on elderly patients.

The tax increase would go into effect January 1, 1966. But benefits for patients would not be offered until July 1, 1966, except that care in nursing homes and other posthospital extended care facilities would not be available until January 1, 1967.

About 17 million persons insured under social security and railroad retirement and 2 million uninsured persons past age 65 would qualify at that time.

Costs of the program for uninsured persons would come out of general revenues of the U.S. Treasury.

After 1967, anyone wishing to qualify must have sufficient social security or railroad retirement coverage.

Benefits under this compulsory plan are as follows:

First. Up to 90 days in a hospital in each spell of illness. Sixty days must elapse between each spell of illness. Patient pays $40 deductible, plus $10 a day for each day up to 30 days in hospital after first 60 days. No doctors' nor private duty nursing services paid by this plan.

Second. After 3 days or more of hospitalization, up to 100 days in a nursing home or other facility having an arrangement with the hospital from which the patient is transferred. After the first 20 days, the patient pays $5 a day up to 80 days toward his care.

Third. Outpatient hospital diagnostic service, with the patient paying a $20-deductible amount and 20 percent of the cost above that for diagnostic studies by the same hospital during a 20-day period.

Fourth. After hospitalization, home health services for up to 100 visits after discharge from the hospital or nursing home and before the beginning of a new spell of illness. These services would include intermittent nursing care, therapy, and the part-time services of a home health aid.

COST OF BASIC HOSPITAL-NURSING HOME PLAN

The first full year this plan is in effect would cost $2,210 million out of the health insurance trust fund and $290 million out of the U.S. Treasury. In time the bill provides that all costs would be paid out of the health insurance trust fund.

TAXES FOR HOSPITAL-NURSING HOME PLAN

The social security tax rate would be 0.35 percent on earnings up to $6,600, starting next January 1. The tax rate would rise from time to time to 0.80 percent starting in 1987.

A worker or a self-employed person earning $6,600 would pay $23.10 for hospital insurance in calendar year 1966. His employer would match the tax each of his workers pays.

In 1967, the tax on $6,600 on the worker would total $33, and it would go up until it reached $52.80 a year in 1987 and thereafter.

PREFERS GENERAL REVENUE FINANCING OF HOSPITAL PLAN

As I have already stated, I believe general revenue financing should be used for the hospital-nursing home program, which is a service program, not a wage-related cash benefit program, as existing social security is.

Certainly this would be a much fairer way to distribute the cost burden. Then each person under 65 would pay taxes according to his income; in other words, according to his ability to pay.

Moreover, before income taxes are levied, a taxpayer is allowed to exempt $600 for himself and $600 for his spouse and $600 for each dependent. He also is permitted to subtract either the standard or itemized deduction from his gross income before the income tax applies.

Not so with social security taxes.

Social security taxes apply to the first dollar of wages earned and to every dollar earned up to the maximum taxable, $6,600 under H.R. 6675. No exemptions and no deductions from gross income are allowed before social security taxes are applied.

Social security taxes are not based on ability to pay. A $6,600 worker pays the same amount of tax as a $66,000 executive.

This is grossly unfair.

Last year Congress enacted an antipoverty program designed to help those in low-income brackets, roughly those with $3,000 or less income a year.

Congress also reduced income taxes last year to relieve lower income persons of this burden. More than 1½ million low-income persons were relieved entirely of paying Federal income taxes.

Yet H.R. 6675 proposes higher social security taxes, which hit lower income groups hardest.

This is very inconsistent to say the least.

But it is plain that a move for general revenue financing of the entire hospital insurance program would be overwhelmingly defeated in the Senate today. Too many are committed to the social security approach in support of the administration.

CONCERN FOR WAGE EARNERS

Nevertheless, I must express my concern for the wage earners of America. For this hospital program is bound to expand and the burden on wage earners to increase.

Those who pay the hospital insurance tax will be men and women workers under age 65. During their working lives they bear the cost of feeding, clothing, and housing themselves and their families, of paying for an automobile and other necessities, of educating their children, and of buying life insurance and hospital and medical insurance to protect themselves and their families.

These workers will pay taxes for as long as 45 years or more.

Yet no worker will receive any hospital benefits under this bill until he reaches age 65—and then only if he becomes sick and needs hospitalization.

Meanwhile, 40 percent of all income in America subject to income taxes will escape social security taxation to pay for the hospital plan in this bill.

This is most unfair.

SUPPLEMENTARY INSURANCE PLAN

All persons past age 65 would have an opportunity to buy this insurance by paying $3 a month premium. The Federal Government would pay $3 a month to match this.

After paying an annual deductible of $50 toward costs of services incurred, the insured patient would pay 20 percent of any additional cost—the plan would pay 80 percent—of the following services:

First. Physicians', including osteopaths and surgeons' services, whether furnished in a hospital, clinic, office, in the home or elsewhere.

Second. Home health service for up to 100 visits each calendar year—with no prior hospitalization as is required under the basic hospital plan.

Third. Diagnostic X-ray and laboratory tests, and other diagnostic tests.

Fourth. X-ray, radium and radioactive isotope therapy.

Fifth. Ambulance services.

Sixth. Surgical dressing and splints, casts, and other devices for reduction of fractures and dislocations; rental of durable medical equipment such as iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home, prosthetic devices—other than dental—which replace all or a part of an internal body organ; braces and artificial legs, arms, eyes, and so forth.

There would be a special limitation on the outside-the-hospital treatment of mental, psychoneurotic, and personality disorders. Payment for such treatment during a calendar year would be limited to $250 or 50 percent of the expenses, whichever is smaller.

SUPPLEMENTARY PLAN IMPROVES BILL

The inclusion in H.R. 6675 of an insurance plan to supplement the basic hospital plan is a definite improvement over last year's bill, which was limited to hospital-nursing home care under social security.

For a number of years, the King-Anderson hospital insurance approach, which forms the basis for the hospital insurance plan in this bill, has been correctly criticized as being woefully inadequate in terms of benefits for the aged.

Earlier versions of the King-Anderson bill would have covered only about 25 to 30 percent of the average medical expenses of older persons.

The skimpy benefits of the King-Anderson bills of 1962 and 1964 were among the main causes of my voting against these earlier plans. Instead, I voted for medical care plans that were more comprehensive and gave greater benefits to those who really need financial help in meeting medical bills.

It is fair to say, I believe, that this criticism of King-Anderson has been very constructive. The supplementary insurance plan in the bill pending today would not be in this bill except for the exposure of the shortcomings of the King-Anderson plan.

America's senior citizens will have far greater financial assistance toward their hospital and medical bills under the two plans in this bill—because in the past many of us revealed King-Anderson to be inadequate.

So those of us who criticized King-Anderson served a useful purpose, for our criticism resulted in addition of the supplementary insurance plan.

SOCIAL SECURITY IMPROVEMENTS

Now I would like to comment on the social security increase and some of the other improvements in old-age, survivors, and disability programs proposed in H.R. 6675.

SEVEN-PERCENT INCREASE

The 7-percent across-the-board increase in benefits for the present 20 million social security recipients is retroactive beginning with January 1965 benefits.

There is a guaranteed $4 monthly minimum for retired workers who are past 65 in the first month they are paid the increased benefit.

The guaranteed minimum increase is provided to make sure everyone over 65 would receive at least enough to take advantage of the supplementary insurance costing those 65 and over $3 per month. The $4 minimum for an individual would cover the premium with $1 to spare. A man and his wife would receive a minimum total increase of $6, which would cover the health insurance premium for both.

SUPPORTS SOCIAL SECURITY INCREASE

I have strongly favored a cost-of-living increase in social security. Last year I voted for the increase provided in the bill passed by the Senate. I deplore the fact that this much-needed increase was allowed to die in conference committee between House and Senate in the dispute over medical care.

On the first day bills could be introduced this year, I sponsored a bill (S. 39) providing for a 7-percent increase.

WHY COST-OF-LIVING INCREASE NOT HIGHER

It is well understood that social security benefits could have been increased by 8 or 9 percent to meet the cost-of-living increase, had not the hospital insurance plan been added to this bill.

In order to keep social security taxes from jumping too high at this time, the social security increase had to be limited to 7 percent and the hospital benefits had to be curtailed.

Thus, in the very drafting of this bill both the cash benefit program and the hospital insurance program for the aged have had a restrictive impact on each other.

There are those who claim the new hospital program will not endanger the cash benefit programs for retirees, for widows, children, dependents, and the disabled under the existing social security programs—old-age, survivors', and disability insurance.

Those making this claim say the new health insurance trust fund set up in H.R. 6675 would be separate from the present social security trust fund. They point out the bill requires social security withholding for hospital benefits to be deducted from wages separately from the regular old-age, survivors', and disability social security deductions.

Separate accounting will not insulate one program from the other. Both programs have already had and will continue to have an impact on each other.

The reason is that the revenues for the old-age, survivors', and disability benefits and the revenues for the new hospital benefits will be derived from the same source; wages of workers in social security covered jobs and railroad retirement covered jobs.

In a very real sense, the OASDI cash benefits programs and the new hospital benefits program are competing for social security taxes levied on wages.

We cannot put too heavy taxes on wages, or we shall deprive workers of the wherewithal to pay their living expenses.

As employers must match the social security tax for each of their workers, this will raise the cost of doing business and this added cost will be passed on to consumers in higher prices. Higher prices make it more difficult to sell abroad in competition with foreign companies.

So the sky is not the limit when it comes to the amount of social security taxes that can be extracted from wages.

There is no doubt that, at some time in the future, when we want to increase the cash benefits for social security retirees, for dependents, disabled persons and all the rest and when the costs of the hospital program require an increase, we are going to reach a point where we cannot increase the burden on wage earners by hiking social security taxes on their wages or self-employed income, or by making more of their wages subject to the tax—raising the taxable wage base.

Some people think that day is not far off.

Even some ardent advocates of hospitalization through social security taxes have already admitted that future social security improvements may have to be financed out of general revenues.

Endorsement of the supplementary insurance program, which is not financed out of social security taxes, is tacit recognition that a fully comprehensive medical care program should not be financed out of social security. The burden would be too great on one segment of our population, the wage earners.

Of course, there is an alternative. That is to make the elderly patients pay a greater share of the costs of this program. I have already pointed out that the bill provides for automatic increases in the amount patients must pay for hospital and nursing home care, starting in 1968, if costs of these services rise enough by then. A patient hospitalized for 90 days would pay $340. If he stays the full 100 days in a nursing home after hospitalization, he woud pay an additional $400, for a total of $740.

Under provisions of H.R. 6675, if hospital and nursing home costs rise appreciably, the amount the patient would pay also will rise.

To make patients pay even more than the bill provides would put a greater burden on the elderly, the very people we seek to help under this program.

GENERAL REVENUE FINANCING FORECAST

I predict that eventually the OASDI cash benefit programs or the hospital program will have to be financed, in whole or in part, out of general revenue financing.

Cash benefits for a worker, his survivors, or dependents under the present old-age, survivors, and disability insurance program—social security—are related to wages earned by the worker.

Retirement benefits, survivor's benefits, child's benefits and disability benefits of the existing social security program are of fundamental importance to the economic well-being of Americans.

It is certain this program will have to keep pace with the rising cost of living and necessary further improvements will have to be made in the future.

It seems to me the sensible procedure is to continue the existing OASDI social security programs under the social security tax system.

Hospital benefits under the basic plan of H.R. 6675 are, however, not related to the amount of wages each worker has earned.

Therefore, it makes much more sense to me to finance the hospital program out of general revenues. In this way, the cost of the hospital program can be spread among all taxpayers, according to their income and ability to pay.

Now to return to my commentary on other features of H.R. 6675.

CHILD'S BENEFITS EXTENDED FOR FULL-TIME STUDENTS

Child's social security benefits, which formerly terminated at age 18, are continued by the bill up to age 22, provided the child is attending school full-time until then.

I voted for this provision last year in the bill that regrettably died in conference October 3. This year I introduced a bill (S. 498) to extend the age of 22. I fully support this extension, which will help an estimated 295,000 children this year continue their schooling.

I am delighted the provision was made retroactive to January 1, 1965.

DISABILITY BENEFITS FOR THE BLIND

Older workers age 55 or over who meet the statutory definition of blindness in the disability freeze could qualify for cash benefits if unable to engage in their past occupation. Benefits would not be paid if they were actually engaging in any substantial gainful activity.

For young workers who are blind and disabled before age 31, the bill permits social security disability benefits if the worker has one-half of the quarters elapsing after age 21 up to the point of disability.

A minimum of six quarters of covered employment would be required for young workers. All other existing requirements of disability must be met, including inability to engage in any substantial gainful activity.

Present law requires a minimum of 5 years of covered employment as one qualification for disability benefits, irrespective of the kind of disablement. This is a difficult requirement for young workers to meet.

To help young workers, earlier this year I introduced a bill establishing a requirement of six quarters of coverage or one-half of the quarters elapsing between age 21 and the age of disability, whichever is greater.

This followed the substance of a recommendation made by the U.S. Advisory Council on Social Security in January 1965.

Unfortunately, the Senate Finance Committee did not approve my amendment and it was not in H.R. 6675 as passed by the Senate. It is interesting to note, therefore, that the House-Senate conference committee reduced the quarters of covered employment for young workers as I had proposed, although they limited the benefits only to blind disabled young persons. I shall continue my efforts to obtain disability benefits for young workers disabled by other illnesses.

DISABLED CHILD'S BENEFITS EXTENDED

I regret very much that the House conferees would not accept my amendment regarding disabled children, which was approved by the Senate Finance Committee and by the Senate itself in passing H.R. 6675.

My amendment provided social security disability benefits for a child disabled before age 22—present law says before age 18—should his parent die, become disabled or retire under social security.

The mother of the child would also be eligible for benefits so long as she continued to have the child in her care.

Under present law, an individual is considered dependent and is paid child's insurance benefits if he has been continuously disabled since before age 18.

Young persons disabled between ages 18 and 22 ordinarily would not have worked the 5 years needed to qualify under existing law for social security disability based on his earnings. It is likely, even if this person is working, his parent would assume financial responsibility for his support following disablement.

Therefore, it is appropriate to extend child's benefits to those disabled before age 22.

An estimated 20,000 persons—disabled children and their mothers—would have become immediately eligible for benefits had this provision been included in the bill. We cannot ease the heartache involved for these disabled young people and their families. But we could help to ease the financial strain by approving this provision.

I regret very much that this provision is not in the final version of H.R. 6675.

WIDOWS' BENEFITS AT AGE 60

H.R. 6675 permits widows to receive benefits at age 60 on a reduced basis. Under present law, a widow must wait until age 62 before she may receive any social security benefits. At that time she receives the full benefit. This bill allows her to elect a reduced benefit starting at age 60 if she would prefer, and in this way gives a widow greater leeway in deciding what is most advantageous in her particular circumstance. It is estimated 185,000 widows will claim benefits under this provision in the first year.

BENEFITS FOR SOME PAST AGE 72

H.R. 6675 reduces to a minimum of three quarters the requirement for social security covered employment of certain persons past 72 so that they can qualify for a $35-a-month benefit. Wives of those who qualify would receive $17.50 a month and widows $35 a month.

Some 355,000 persons past 72 would be eligible for benefits, effective the second month after the month of enactment.

This is another provision I voted for last year in the bill that later died. This year I introduced a bill (S. 764) providing these benefits. I am delighted the pending bill includes this feature.

EARNINGS LIMIT RAISED

H.R. 6675 increases to $1,500—now $1,200—the amount a social security recipient may earn without losing any of his social security benefit.

For each $2 earned between $1,500 and $2,700, he would lose $1 of his social security benefit. For earnings above $2,700 he would lose $1 in benefits for $1 of earnings.

Now he loses $1 in benefits for each $2 earned between $1,200 and $1,700; and he loses $1 for each $1 earned above that.

In addition, under H.R. 6675 the amount of earnings a beneficiary may have in a month and still receive full benefits for that month, regardless of his yearly earnings, is raised to $125—now $100.

About 750,000 persons would be helped by this feature which is effective beginning calendar year 1966.

Earlier this year, I introduced a bill (S. 765) to raise the annual earnings limit to $2,400 and the monthly limit to $200 without loss of social security benefit.

At least the provision in H.R. 6675 is a step in the right direction.

MATERNAL AND CHILD HEALTH AND WELFARE AMENDMENTS

H.R. 6675 increases the amount authorized in present law for maternal and child health services.

For fiscal year 1966, the increase is $5 million and for the succeeding fiscal years, the increase is $10 million a year.

This would raise the 1966 total to $45 million, rising each year until 1970 and thereafter when the total is $60 million.

Authorizations for crippled children's service and child welfare would also be increased by $5 million the first year and $10 million the following years.

In addition, H.R. 6675 authorizes $5 million for 1967, $10 million for 1968, and $17.5 million yearly thereafter for grants to institutions of higher learning for training professional personnel in health and related care of crippled children, particularly mentally retarded children and those with multiple handicaps.

A new provision added to the bill authorizes a 5-year program of special project grants for comprehensive health care and services for children of school age or for preschool children.

For fiscal year 1966, $15 million would be authorized and this authorization would increase until it reached $50 million for fiscal year 1970.

PUBLIC ASSISTANCE IMPROVEMENTS

H.R. 6675 improves and expands the public assistance programs by such amendments as—

First. Increasing the Federal matching share for cash payments for the needy aged, blind, disabled, and families with dependent children.

Second. Eliminating limitations on Federal participation in public assistance to aged individuals in tuberculosis and mental disease hospitals under certain conditions.

Third. Allowing States greater latitude in disregarding certain earnings in determining need of public assistance recipients.

These are some of the highlights in the bill requiring special comment before I proceed to discuss the two health and medical care plans.

CONSOLIDATED MEDICAL ASSISTANCE PROGRAM

H.R. 6675 consolidates five existing medical assistance programs into one Kerr-Mills program with improvements.

This should greatly simplify administration of medical assistance for the needy, the indigent aged, the medically indigent aged, dependent children, the blind, and the permanent and totally disabled.

More than that, it should make possible better medical care programs for them.

In the past, Federal old-age assistance has been available to provide medical care for those who are indigent. In 1960, Congress enacted the medical assistance for the aged program to help those who are normally self-supporting but who lack sufficient funds to pay their hospital, doctor, and medical bills. I voted for this program.

Since 1960, this program, known as the Kerr-Mills program, has been put into effect in 40 States, the District of Columbia, Puerto Rico, Virgin Islands, and Guam. During the brief life of this program so far, it has helped hundreds of thousands of sick people past 65.

Critics have lambasted this program. Yet no one today proposes to repeal the Kerr-Mills program.

Instead, the pending bill, H.R. 6675, provides a more effective Kerr-Mills program for the aged and expands its coverage to the other four groups I mentioned, now cared for under other programs.

In order to make sure that certain basic medical care is available under the consolidated program, the bill specifies that, at the option of the State, by July 1, 1967, a State must provide inpatient hospital services, outpatient hospital services, other laboratory and X-ray services, skilled nursing home services for those age 21 or over, and physicians' services—whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere—in order to receive Federal funds.

Past experience revealed that, despite Federal old-age assistance and despite the Kerr-Mills assistance program, there remain a large number of Americans past 65 whose incomes are too large for them to qualify for these programs, but are not large enough for them to buy comprehensive health insurance which would protect them against costly illness.

As a member of the Senate Special Committee on the Aging and as a Senator who has devoted much study to the problem of medical care for the aged, I have long been convinced that one of the greatest fears of older persons is an illness that could wipe out a lifetime savings and result in destitution. I cosponsored legislation in the 86th, 87th, and 88th Congresses to provide financial assistance to older Americans for comprehensive health insurance.

One of the major purposes of H.R. 6675 is to reduce these fears of Americans past 65 and help provide them a bulwark against these hazards of illness and impoverishment.

While the bill does not do the entire job, it does a significant and important job.

MEDICAL BILLS ONLY ONE PROBLEM OF AGING

I would like to remind Members of Congress and the executive branch that the health provisions and social security liberalizations in this bill are but steps toward solving the serious problems of our Nation's senior citizens.

We in Congress, Federal departments and agencies, and our State and local governments must not neglect other major problems of older Americans.

1. BETTER INCOMES

We must search for ways to improve further the income of our senior citizens so that they can live in dignity and self-sufficiency.

One forgotten group among our older people is the group that does not receive social security retirement benefits, nor railroad retirement benefits, nor military pensions, nor Federal Government retirement.

Congress has adjusted annuities for these latter groups of retirees from time to time because this is in the province of Congress. But those retired under many private systems or living off savings received no increases to keep pace with the rising cost of living.

2. HALT INFLATION

We must make far greater efforts to halt inflation, which is steadily eroding pensions and incomes and wages.

Inflation hurts most those with low incomes or fixed incomes. While the cost of living goes up and up, their incomes remain the same and their few dollars buy less.

Inflation is the root cause of the 7 percent social security increase provided in H.R. 6675.

3. BAN EMPLOYMENT DISCRIMINATION

Another problem of our older people demanding our attention is the discrimination against employing those who are ready, willing, and qualified to work.

The U.S. Department of Labor in June issued a lengthy report urging elimination of arbitrary age discrimination in employment.

To deny a person a job solely because of a policy that no one beyond a certain age shall be hired is bad practice. It hurts not only those past 65 but also those in much younger age brackets, even as young as 25.

4. OTHER AREAS

There are other areas of special concern to older Americans: housing; diseases of the aging; frauds, deceptions, and quackery aimed at older persons, and many others which demand our attention at all levels of government.

So, while the bill, H.R. 6675, we are voting on soon is wide in scope and important, it is not the total answer to the problems of older Americans.

CONCLUSION

Mr. President, I wholeheartedly support the objectives of this bill to help the aged, children, blind and disabled persons, and needy Americans.

I agree existing programs are not meeting fully the need of many elderly people for financial assistance toward their medical expenses.

I believe it is wrong to provide medical care for those well able to pay their own medical bills.

I believe more assistance could be provided elderly people who really need help if the bill excluded those who do not need help.

I believe the tax burden on low-income people for medicare would be far less if medicare were financed out of general revenues, rather than social security taxes. By tying this program to social security taxes 40 percent of the taxable income in America will escape the burden of helping to pay for a hospital-nursing home plan. This means the tax burden is that much heavier on wage earners, self-employed, and employers.

But the majority of the Senate and the majority of the House of Representatives through established congressional procedures, have indicated they clearly favor the plan in this bill, which provides limited medical care for the aged, regardless of need, financed by social security taxes on wages, regardless of ability of wage earners to pay them.

Mr. President, I believe a far better medical care plan could be provided but in view of the legislative situation and in view of the many, many necessary, long-overdue, and humanitarian provisions of this enormous and complex measure, I shall vote to pass H.R. 6675.

I shall do so because I believe there is now a gap in protection of America's senior citizens against costly illness. This bill will help to fill that gap.

I shall do so because I believe the 7-percent social security increase is urgently needed by all those millions of Americans now receiving social security.

I shall do so because I believe social security programs need improvement to better help retirees, children, dependents, the disabled, and the blind. The bill has many provisions to improve social security.

I shall do so because I believe that through this legislation America is once again proving we are a nation with a heart, throbbing with compassion for the sick, the aged, the deprived; that we are a Nation with a conscience that pricks us to meet the human needs of our people; and that we are a Nation with the spirit and the will to make sure all Americans can live in dignity, free from fear of destitution.

H.R. 6675 is a milestone in our Nation's march toward greater progress and well-being for all Americans.

I shall vote for the bill.

Mr. LONG of Louisiana. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, the Senate will take final action and send to the President today the Social Security Amendments of 1965—including hospital and medical care insurance for the aged, and increased benefits in the regular social security programs. I voted for the bill when it passed the Senate, and will vote today for the report of the Senate-House conference agreeing upon the final form of this major extension and improvements of the social security system.

The bill revises many programs and benefits under the social security system, which will be helpful to millions of people today and in the years to come. But one part of the bill has been controversial.

The issue of medical care for the aged has been discussed and debated ever since I came to the Senate in 1947. For 5 years it has been before the Senate in the general form adopted by the Congress in this bill.

For example, in 1954 President Eisenhower recommended Federal reinsurance of private health plans, but the proposal did not receive support. Several of us worked hard on a voluntary bill financed from general revenues, not unlike eldercare proposed this year, which we offered as a substitute for the King-Anderson social security bill in 1960; it was opposed from all sides. Later, in 1962, we were able to secure improvements and important amendments to the Anderson-Javits bill. These amendments, which we first proposed, are in this bill. One includes under coverage of the bill all of those, numbering over 2 million, who are not under social security; another proposed the separate trust fund for medical care benefits which is in this bill.

I voted against medicare in 1960 and 1964 because it was brought up after the political conventions and before the elections, and had not been approved by the House which must first consider such measures. I believed those bills had not been carefully drawn, with assurance of keeping the social security trust fund sound, and I could not vote for a bill unless it was sound financially.

This discussion, thorough committee consideration, and full debate, has developed facts—recognized by the Congress in this bill.

First. It is clear that there are millions of people over 65 years of age who, because of their financial circumstances, cannot secure the extent of hospital and other medical care which is available to those more fortunate.

Today, there are nearly 19 million people over 65 years of age, and that number will grow. It is estimated that 1 out of 6 of this group will be hospitalized every year, and 9 out of 10 during their lifetimes. Over 75 percent of these persons have a cash income of less than $2,000 per year. These figures prove the truth that there are millions among those now over 65 years of age, and millions who will reach 65 in the years to come, who will not be able to bear the expenses of hospitalization.

The second fact developed in the long debate which has gone forward over the years is that there is no method, other than social security insurance, which can provide for the hospital expenses that millions of persons over 65 years of age must bear.

Many in the medical profession opposed this bill, and I am sure with sincerity; but humane and noble as their efforts have been to provide care for those who are unable to pay, it is clear that the medical profession cannot pay the hospital costs of millions of our citizens. Private insurance plans have done much to provide protection for older persons, but require higher premiums and restricted benefits for the aged, and often can be canceled by the company leaving older persons uninsured and without hope for the future. Finally, our earlier efforts showed that the Congress, the medical profession, insurance companies, and the general public would not support medical care bills requiring the annual appropriation of sums reaching into billions of dollars. And yet, without such appropriations, there is no legislative method of providing even minimum care through a wholly non-social-security approach.

I am fully aware of the objections that have been made to medicare. It has been said that the Kerr-Mills provisions, which this bill also amends, are sufficient; but its assistance is available only to persons in the lowest income scale. It is true that this bill will provide benefits for those who have reached the age of 65, whether or not they have contributed to the social security system, but this is true of the present programs under social security; it will also provide the assurance of hospital, nursing, and home care of millions who now and in future years will contribute to the social security fund. It is argued also that the rich and well to do will enjoy the benefits of this bill; but less than 4 percent of persons over 65 have an income exceeding $10,000 annually, and the bill assures equality of treatment for all who contribute to its financing.

The objections to medicare derive basically from opposition to any plan financed through the social security system, upon the grounds that such a measure is compulsory and socialistic. I do not question the sincerity of those who take this position. But I say that these same arguments have been and can be applied to the social security system, which has been effective since 1937. Its purpose is to provide cash benefits to persons reaching the age of retirement, to help them meet their minimum needs for food, clothing, and housing.

I consider health care as being similarly a basic need. Who can argue that health care for persons over 65 who are sick, injured, or desperately ill is not as important to them as the provision of cash benefits to others for food, clothing, and housing?

I have lived the greater part of my life in Pulaski County, serving as a county judge and circuit court judge. As a Member of the Senate, I have traveled throughout my State many times. From my experience and observation, and from the facts which I have studied carefully during my service in the Senate, it is clear to me that there are thousands of people in Kentucky and millions in the United States who do not have the same opportunity for hospitalization and medical care which is available to others in better financial circumstances.

I do not need any statistics to know this is true. From my own knowledge of the plight of dozens of families that I have known, I know this to be true. I have been in their homes and in the hospitals and have seen these people.

Can a great country like ours—the wealthiest in the world, the country with the greatest medical facilities, the greatest program of medical research, a country possessing noble and unselfish doctors and dedicated nurses, a country which provides the most complete and painstaking care for those who are able to pay—can this country delay longer in taking steps to provide hospital and medical care for millions who are unable to do so?

I would not want to leave the Senate without having voted for legislation to provide assurance of health care to these millions of people. I have considered and worked on the problem for years. I see no way of providing such care without the passage of this bill.

I think of this issue as one of the great human problems of our times. I have made my decision upon the basis of facts as I have studied them, and taking into consideration the need of many of our fellow citizens.

Mr. President, I have prepared an outline of some of the principal benefit provisions contained in H.R. 6675, and ask unanimous consent that it be included in the RECORD at this point.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

HEALTH INSURANCE AND MEDICAL CARE FOR THE AGED

BASIC HOSPITAL INSURANCE PLAN—BENEFITS

1. Inpatient hospital services for up to 90 days in each spell of illness. The patient pays a deductible amount of $40 for the first 60 days, plus $10 a day after 60 days. Hospital services would include all those ordinarily furnished by a hospital to its inpatients; however, payment would not be made for private duty nursing or for the hospital services of physicians except services provided by medical or dental interns or residents in training under approved teaching programs. Inpatient psychiatric hospital service would also be included, but a lifetime limitation of 190 days would be imposed.

2. Posthospital extended care (in a facility having an arrangement with a hospital) after the patient is transferred from a hospital for up to 100 days in each spell of illness. After the first 20 days of care, patients will pay $5 a day for the remaining days of extended care.

3. Outpatient hospital diagnostic services, with the patient paying a $20 deductible amount and a 20-percent coinsurance for each diagnostic study (that is, for diagnostic services furnished to him by the same hospital during a 20-day period); and

4. Posthospital home health services for up to 100 visits, after discharge from a hospital (after at least a 3-day stay) or extended care facility and before the beginning of a new spell of illness.

VOLUNTARY SUPPLEMENTARY MEDICAL INSURANCE PLAN—BENEFITS

Physicians' services, home health services, and numerous other medical and health services in and out of medical institutions. There would be an annual deductible of $50. Then the plan would cover 80 percent of the patient's bill (above the deductible) for the following services:

1. Physicians' and surgeons' services, whether furnished in a hospital, clinic, office, in the home, or elsewhere.

2. Home health service (with no requirement of prior hospitalization) for up to 100 visits during each calendar year.

3. Diagnostic X-ray, diagnostic laboratory tests, and other diagnostic tests.

4. X-ray, radium, and radioactive isotope therapy.

5. Ambulance services.

6. Surgical dressings and splints, casts, and other devices for reduction of fractures and dislocations; rental of durable medical equipment such as iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home, prosthetic devices (other than dental) which replace all or part of an internal body organ, braces, and artificial legs, arms, eyes, etc.

CHILD HEALTH AND WELFARE AMENDMENTS

Health care for needy children: A new provision is added authorizing the Secretary of HEW to carry out a 5-year program of special project grants to provide comprehensive health care and services for children of school age, or preschool children, particularly in areas with concentrations of low-income families. Projects would have to provide screening, diagnosis, preventive services, treatment, correction of defects, and aftercare, including dental services, with treatment, correction of defects, and aftercare limited to children in low-income families.

Mental retardation planning: Would authorize grants for the purpose of assisting States to implement and follow up on plans and other steps to combat mental retardation.

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROVISIONS

1. Seven percent across-the-board increase in old-age, survivors and disability insurance benefits.

2. Payment of child's insurance benefits to children attending school or college after attainment of age 18 and up to age 22 (295,000 children will be eligible; no mother's or wife's benefits would be payable if the only child in the mother's care is one who has attained age 18).

3. Benefits for widows optional at age 60, actuarially reduced (185,000 widows will be eligible).

4. Amendment of disability program. Definition changed to make benefits payable (if sufficient severity exists) if the disability can be expected to last for a continuous period of not less than 12 calendar months. (Former requirement was that a worker's disability must be expected to be of long continued and indefinite duration and expected to result in death. Also provides offset provision, allowing worker to obtain total benefits (from social security and workmen's compensation) not to exceed 80 percent of his average monthly earnings under social security.) Liberalizes to some extent requirements for blind people; those 55 and over who meet definition could qualify for cash benefits on the basis of their inability to engage in their past occupation.

5. Benefits to certain persons at age 72 or over. Provides a "transitional insured status." A worker could qualify for benefits at age 72 if he had one quarter of coverage for each year that elapsed after 1950 and up to the year in which he reached age 65 (62 for women), with a minimum of three quarters. Present law requires six quarters. Those quarters could have been acquired at any time since the inception of the program. Also, any widow who attains age 71 in or before 1965, if her husband died or reached age 65 in 1954 or earlier, could get a widow's benefit when she is age 72 or over, if her husband had at least three quarters of coverage. Present law requires six quarters.

6. Retirement test: Under new bill, the first $1,500 of earnings a year would be fully exempted, and there would be a $1 reduction in benefits for each $2 of earnings between $1,500 and $2,700, and for each $1 of earnings thereafter. In addition, the amount of earnings a beneficiary may have in a month, and get full benefits for that month regardless of his annual earnings, would be raised from $100 to $125. (Under existing law, the first $1,200 a year is fully exempted, and there is a $1 reduction in benefits for each $2 of annual earnings between $1,200 and $1,700, and for each $1 thereafter.)

7. Wife's and widow's benefits for divorced women: Payments would be authorized to the divorced wife of a retired, deceased, or disabled worker if she had been married to the worker for at least 20 years before the date of the divorce and if her divorced husband was making (or was obligated by the court to make) a substantial contribution to her support when he became entitled to benefits, became disabled, or died. Provision is also made for the reestablishment of benefit rights for a divorced wife, a widow, or a surviving divorced wife who remarries and the subsequent marriage ends in divorce, annulment, or in the death of the husband.

The **PRESIDING OFFICER**. The Senator from Louisiana has a half-minute remaining.

Mr. **LONG** of Louisiana. Mr. President, I do not believe that I could do very much with the last few seconds. Therefore, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **VICE PRESIDENT** Without objection, it is so ordered.

The question is on agreeing to the conference report on the medicare bill. The yeas and nays have been ordered, and the clerk will now call the roll.

The legislative clerk called the roll.

Mr. **DIRKSEN** (after having voted in the affirmative). Mr. President, the Senator from Nebraska [Mr. CURTIS] is absent on official business. I have a pair with him. If he were present and voting, he would vote "nay." If I were privileged to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. Church] and the Senator from Oklahoma [Mr. Harris] are absent on official business.

I also announce that the Senator from Minnesota [Mr. McCarthy] and the Senator from Alabama [Mr. Sparkman] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. Church] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. Curtis] is detained on official business and his pair has been previously announced.

The result was announced—yeas 70, nays 24, as follows:

[No. 201 Leg.]

YEAS—70

Aiken
Anderson
Bartlett
Bass
Bayh
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Dodd
Douglas
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hill
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Mondale
Monroney
Montoya
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Smathers
Smith
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—24

Allott
Bennett
Byrd, Va.
Dominick
Eastland
Ellender
Ervin
Fannin
Hickenlooper
Holland
Hruska
Jordan, Idaho
Miller
Morton
Mundt
Murphy
Pearson
Robertson
Simpson
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—6

Church
Curtis
Dirksen
Harris
McCarthy
Sparkman

So the conference report was agreed to.

Mr. LONG of Louisana. Mr. President, I move that the Senate reconsider the vote by which the conference report was agreed to.

Mr. MUSKIE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I wish to mark this historic occasion by expressing my sincere thanks to the distinguished junior Senator from Louisiana [Mr. Long], for piloting successfully through the Senate this measure of such great national significance. He displayed his usual skill and understanding. He gave Senators an opportunity to express their views. We owe him a great debt for what has happened.

I also wish to express my thanks to the distinguished senior Senator from New Mexico [Mr. Anderson], who has labored long and faithfully for many years to bring into being this type of bill, and for many years was known as the Anderson-King bill, which will soon be the law of the land.

To him great credit must be given for the work he has done through the years, for this is a most auspicious occasion.

I also pay tribute to the distinguished Senator from Tennessee [Mr. Gore]. Last year, when the Senator from New Mexico was not feeling too well, the Senator from Tennessee stepped in and helped carry a part of the burden in furthering the consideration of this type of legislation.

My thanks go to all Members of the Senate, those who were for and also those who were opposed, because those who are opposed were most constructive. What has happened today will mark a new milestone in the history of American social legislation.

Mr. ANDERSON. Mr. President, I hope the Senator from Montana will not forget the able Senator from Michigan [Mr. McNamara].

Mr. MANSFIELD. I am glad the Senator has called him to mind. I intended to mention him also, and had him in mind. The trouble with the Senator from Michigan is that he gets off in a corner, and although one has his name in mind, and intends to call attention to him, one loses sight of him. In connection with this legislation, he did yeoman work. He was always in the forefront, and to him also goes credit for being among the leaders in having this legislation passed.

Mr. ANDERSON. He did magnificent work in his Special Committee on the Aging, and he also did great work on this bill.

Mr. MANSFIELD. As he did also in connection with so many other bills. It is difficult, Mr. President, to recall all those Senators who so deservedly should be mentioned at this time.

There have been so many ardent supporters and advocates of this legislation that my memory will necessarily fail. However, in addition to those already mentioned, I must not forget the efforts of the senior Senator from Illinois [Mr. Douglas], the junior Senator from Connecticut [Mr. Ribicoff], the junior Senator from Ohio [Mr. Young], and the junior Senator from Oregon [Mrs. Neuberger]. Their efforts have today been successfully completed. It is a day of satisfaction in the Senate, a day of fulfillment for the country.

THE URGENT HEALTH NEEDS OF OUR SENIOR CITIZENS AND OUR SOCIAL OBLIGATIONS TO THE NEEDY AND CRIPPLED

Mr. PASTORE. Mr. President, today in the Senate we have concluded consideration of the most significant piece of social legislation ever enacted by Congress.

It is worthy of note that medicare—this vast program of medical aid to our indigent and elderly citizens should be enacted this year in 1965—when we commemorate the 30th anniversary of the social security system. Medicare culminates three decades of concern for the needy. But medicare is not a panacea nor will it cure all the ills that beset our aged citizenry. Medicare is, however, an immense step forward in the preservation of our national health. We have overcome the initial inertia and opposition to Federal health legislation.

Medicare meets the requirements of actuarial soundness and fiscal responsibility, but far more important, medicare meets the requirements of these times—it meets the urgent health needs of our senior citizens.

Medicare meets our social obligations to the needy, the crippled, the millions of citizens whose primary source of livelihood is social security benefits.

Medicare is a memorial dedicated to the dream of President John F. Kennedy; medicare is a monument to the untiring efforts of President Lyndon B. Johnson.

Mr. YARBOROUGH. Mr. President, today the long struggle of the American people to insure that every elderly citizen, no matter whether rich or poor, can live out his life with proper medical care has made its greatest advance in American history. No longer must all of our elderly citizens be faced with the dilemma of whether to seek proper medical aid and be forced into poverty or to resign themselves to illness. This is a great day for the American people.

Yesterday the House accepted the conference report. Today we have overwhelmingly accepted it in the Senate. This is not just a bill for medicare, it is actually two bills in one, as we are also raising social security and old age pensions to a level that is comparable with the cost of living. As soon as the President signs this bill, a dream that many of us have had for decades will come true.

This is a $6½ billion a year bill. Of this amount, a little over $3½ billion a year will be spent for medical care for the aged, and a little less than $3 billion a year will be for increased social security payments and increased old age pensions.

Today I rejoice for every elderly citizen in America. I rejoice for every son and daughter in the country who has elderly parents. The bill we have accepted today provides a shield around millions of our elderly to protect them from the crushing financial burdens of illness in old age. It brings added dignity and respect to those who are on social security and old age pensions.

Time will prove this bill to be one of the most humanitarian and merciful measures that this Congress has enacted.

I consider it a great privilege to add my vote to the many cast in favor of this bill today.

Mr. KENNEDY of New York. Mr. President, our passage of the conference report on the medicare bill today is a great tribute to the efforts over such a long period of time of the senior Senator from New Mexico. We are all pleased today at the results of his constancy and diplomacy, and I know how particularly pleased President Kennedy would be that Clinton Anderson's untiring efforts have come to fruition. Today's vote is a great achievement, and in its coming to pass the Senator from New Mexico has played a historic role.

THE PASSAGE OF THE MEDICARE BILL

Mr. DOUGLAS subsequently said. Mr. President, earlier today the Senate agreed to the conference report on the so-called medicare bill. It is now on its way to the President's desk for signature and it will shortly become the law of the land.

The hospital, nursing-home, and home-care features of the measure will become effective on the 1st of next July. The medical and surgical care features will go into effect in 17 months, on the 1st of January 1967.

As the Senator from Louisiana [Mr. LONG] has said, I regard this as the most important forward step in the field of social legislation since the passage of the original Social Security Act of 1935, 30 years ago. I believe it will turn out to be a beneficent step.

I feel we owe a great debt to the pioneers and to those who have borne the heat and burden of the battle.

As one who has been identified for more than four decades with the general movement for what is called social insurance, I wish to include some of the early pioneers of this movement for praise, as well as those who have carried the ball down the field in later years.

We are all deeply indebted, of course, to the eminent Senator from New Mexico [Mr. ANDERSON] for the magnificent leadership which he has given in conjunction with his opposite number, Representative CECIL KING, of California.

We are deeply appreciative of the splendid work in the conference committee that was done by my friend, the eminent Senator from Louisiana [Mr. LONG], while Senator RIBICOFF has always been a tower of strength within this body and as Secretary of Health, Education, and Welfare.

We remember the work of the late Jim Murray, of Montana, who fought for somewhat similar measures 15 and 20 years ago along with the sturdy Bob Wagner and John Dingell, of Michigan, whose fine sons are carrying on their great tradition.

We remember that Representative Aime Forand, of Rhode Island, in his bill which was introduced, as I recall, in 1957, initiated the modern movement for what is now called medicare or medical insurance for the aged.

Working along with those congressional and parliamentary leaders have been large numbers of citizens. I could call a long list of the persons who have devoted energy, time, and money, and who have suffered obloquy and scorn for their work. I wish time permitted me to do this, but I could not omit from any list Mr. Nelson Cruikshank, the able and devoted expert on social insurance of the AFL–CIO, who is not only very knowledgeable but also temperate, yet determined, in action. He has made an immeasurable contribution to the passage of the bill and to its ultimate approval. Generations should rise up and bless him for his work.

Joined with him is Mr. John W. Edelman, the modest and efficient head of the senior citizens group, which has been a strong supporter of the legislation. Working with all these men have been Under Secretary Wilbur Cohen and Secretary Anthony Celebrezze. I should also mention the two previous Secretaries of Health, Education, and Welfare, Marion Folsom and Arthur S. Flemming, who served under President Eisenhower, but who at that time were not in a political position publicly to favor the measure, but who, after leaving office, as citizens gave this proposal their invaluable support.

My mind goes even further back into the past. I remember Prof. Henry R. Seager, of Columbia, who in the decade following 1910 stressed the importance of protection against the costs and risks of ill health.

I recall how this matter was then taken up by Abraham Epstein and I. M. Rubinow, of the American Association for Social Security, and their opposite numbers, Dr. John B. and Irene Andrews, of the American Association for Labor Legislation, who were two of the favorite pupils of the beloved John R. Commons, of the University of Wisconsin. I remember my own colleague and friend, D. H. A. Millis of the University of Chicago and Dr. Paul Dadel of UCLA.

In the late 1920's and early 1930's, a private committee on the cost of medical care was created, headed by Dr. Ray Lyman Wilbur, president of Stanford University and a former Secretary of the Interior. He assembled an eminent staff headed by an old friend of mine, Dr. Harry T. Moore, formerly of Reed College of Portland, Oreg.

The preliminary work done by all these men and women and many others helped to create a public consciousness of the problem and to awaken public opinion about the high cost of medical care and the inability of a large section of the population to meet those costs.

Dr. Wilbur and Mr. Moore provided invaluable service in shifting the center of attention from cash benefits, which had been the main feature of the previous British system of health insurance, to the actual provision of hospital, nursing, medical, and surgical care. This became the main theme of later years and furnishes the backbone of the bill which the Senate is about to pass.

These men and women and their many allies all over the Nation will probably never be known to history, but they should not be forgotten as we celebrate the final passage of this act. They are the unseen heroes of democracy who are at once the glory of democracy and its strongest defenders.

Along the way, we met with very heavy opposition, largely emanating from the American Medical Association. As one who for almost 40 years has fought in the ranks on this question, may I say that we cherish today no animosity as a result of that opposition. We are ready to forget and forgive. We merely ask that once this has become the decision of the public, as it now has been, we all pitch in with good will and try to make as great a success of the act as is possible.

We will indulge in no comments about those who came at the 11th hour and 59th minute to the support of the measure. As the Good Book tells us, Jesus said that the master of the vineyard paid the same wage to those who came to work at the 11th hour of the day as to those who worked throughout the long day.

We are very grateful that there are many Members of the House, of the Senate, and of the general public who have shown a willingness to change their minds. We shall not make any analysis as to precisely when these men joined the movement which now sees its victorious culmination. All can share in the thrill of victory.

We merely ask that we all work together to make this measure a success.

II. WHAT THE ACT WILL DO

The general plan is a good one. It includes all those over the age of 65 in a universal plan for hospital, nursing home care, and home care for those suffering from illness. It will lift a mighty burden of fear and expense from their shoulders and, in so doing, will relieve the heavy pressure upon their children and their grandchildren.

We ask in return that they should not abuse the system, that they should not make excessive use of it, that the committees set up in the various hospitals be kindly and charitable, but that they should not encourage malingering, and that every effort be made to conserve funds, as well as to alleviate and cure illness. This system is to be financed in the main by payroll assessments upon the employed and self-employed and an increase in the amount of wages so taxed to $6,600. The rate starts with around thirty-five one-hundredths of 1 percent upon employer and employee and in 20 years will amount to approximately five-sixteenths of 1 percent upon each. The rate for the self-employed is the same as the rate for employees. There are also modest deductibles of $40 which must be paid to lessen the danger that the hospitals will be overused. For hospital care beyond the 60th day, a coinsurance payment of $10 a day for 30 days is required. Then comes 100 days of nursing home care with $5 a day coinsurance payment for days in excess of 20. Finally there is to be 100 home health visits after hospitalization without additional charge.

There is also the voluntary contributory plan B under which those over the age of 65, generally at the age of 65, would choose as to whether they would also come under a contributory plan which would provide medical and surgical care in return for a contribution by the individual of $3 a month. This is to be matched by an equal contribution from the General Treasury, for a total contribution of approximately $72 a year.

We hope and believe that a very large proportion of those over the age of 65 will make this voluntary choice. They will be assisted in making such a choice by a third feature of the bill, which is an increase of 7 percent in the social security benefits, or a minimum of $4 a month for a person, which would furnish the aged with a little extra money for the people to make the contribution of $3 a month.

To back up that assistance, we have what is known as an expanded, purified, and strengthened Kerr-Mills arrangement so that in cases in which the deductibles are too heavy and the period of care too prolonged, with the people still in need, this aid could be provided through a Federal-State system. In other words, the Kerr-Mills Act will support the system of medicare just as old-age assistance supports the social security system.

I believe this is proper, and that it is the correct role for an assistance program, not to be in the frontline trenches and not to require everyone to go through a means test, but to hold such protection in reserve for those who need it, whose own resources, plus the resources of the social security funds are inadequate to meet the costs of their illness.

I believe that we have established a good system. I am very happy that the finances of the new system are to be kept separate from the social security fund itself, so that the integrity and actuarial adequacy of the social security fund will not be endangered by any deficits which may occur in the medicare field. Let me say that I do not anticipate any deficits. However, if they do occur, Congress can deal with them.

While I am on that subject, let me say that the system of funding required for an all-out system of social security is very different from that required by private insurance companies. Private insurance companies are not certain of a future flow of income, since it is purely a voluntary matter as to whether a person in the future takes out a policy at all, whether he continues his policy, or whether he insures in that particular insurance company.

As a result, each insurance company has to have its fund and its reserves so that it can meet any possible falling off of income flow and so that it can prepare for the obligations already created.

This same necessity does not apply in the case of a governmental social security fund covering, as this one does, virtually all people. It is assured of a future flow of income. I do not anticipate that this measure will ever be repealed. In spite of the suggestions which were made last year that this might happen, the results of last year's election campaign demonstrated that it will not happen. Therefore, being assured of this flow of income, it is not as necessary to accumulate the huge reserves which would be actuarially required if the fund were to stand alone.

The long campaign has been worthwhile. We must administer the act with humanity and yet with prudence. I again say that we welcome the cooperation of antagonists, of previous antagonists, and of others. We welcome the cooperation of the medical profession, in spite of all the bitter things which their spokesmen have said against us who advocated this measure. We will not join in any reviling. We want to leave the way open for all to do their best in making this system work.

I wish that I might stop here. However, I cannot, because in one crucial matter the conference, in my judgment, made a great mistake.

III. THE OMISSION OF SPECIALISTS FROM PLAN A

This is the fact that the final version of the bill omits the provision which I had the honor of sponsoring, to which the Committee on Finance agreed, and which the Senate approved.

This amendment would provide, as did the King-Anderson bill before it, that when a hospital bills a patient for the services of a medical specialist in the fields of radiology, pathology, anesthesiology, and physiatry, plan A, or the hospital benefit section, would cover those charges.

I wish to make it clear, however, that this amendment also provided that if the medical specialist had a wholly independent practice in which he billed the patient directly for his services, then, under this amendment, namely the committee amendment, and the Senate amendment, the reimbursement would be made under plan B.

This amendment was thrown out by the conference committee. All the services of specialists have now been placed under plan B, not under plan A. The action of the conferees, I regret to say, places the full force of the Federal Government against the prevailing practice in a large number of hospitals—and I believe the major portion of hospitals—of providing the services of these medical specialists as essential and customary hospital services, and billing for them along with the charges for related hospital services.

I think it is a great mistake for the Federal Government to interfere in the relationships between medical specialists and the hospitals. The Finance Committee amendment, which I had the honor to sponsor, only provided, as did the original feature of the Anderson bill, that the Federal Government remain neutral with respect to the arrangements a medical specialist should have with a hospital. The action of the conferees is in direct opposition to long-standing arrangements developed under free choice among many specialists and many hospitals, and contradicts the prevailing practices developed by many Blue Cross plans and existing Federal Government health care plans. It, instead, attempts to dictate a nationwide pattern prescribed by the Federal Government.

Not only is the action of the conferees an unwarranted interference in this relationship between hospital and medical specialists, but it also constitutes a significant and immediate reduction in benefits to our aged people. Because of the deductible and coinsurance features of the supplementary plan under which services of medical specialists now must be covered, and because of the voluntary nature of the plan, many patients will have to bear the cost of these services in full or in major part.

Moreover, it is very likely that the full meaning of this action by the conferees will be an extraordinary increase in the costs of medical services to our elderly citizens. The president of the United Steelworkers of America, Mr. I. W. Abel, has pointed out this danger in his letter of May 14, 1965, to the Senate Finance Committee, which is printed in the RECORD of July 9.

The estimates of Mr. Abel, based on a Blue Cross study of several years ago which has been updated, apply, of course, to all patients and to the increase in costs expected should the method of paying for the entire services of the radiology, laboratory, and anesthesiology departments be changed. The exclusion of benefits for people over 65 which the conferees have agreed to applies only to the services of the medical specialist himself, and part A would still pay for a portion of the costs of the services of these departments attributable to general overhead, the salaries of technicians and materials used. The total costs of the services of these departments, including the charges of the medical specialists, have been estimated at approximately 20 percent of the average total hospital bill. The charges attributable to the medical specialists alone have been estimated to be approximately 5 percent of the total hospital bill. In other words, the charges of the medical specialists are approximately one-quarter of the charges of the departments as a whole.

Therefore, from Mr. Abel's report, it can be estimated that the action of the conferees will add an immediate cost to aged patients of approximately $10 to $12 million a year.

But, Mr. President, the action of the conferees has not simply added an increase of $10 to $12 million to the bills of persons over the age of 65. What they really have done is to begin the bludgeoning of hospitals, which now have agreements with the medical specialists providing for payment through the hospital, into giving up these arrangements. The point is that if the hospitals must change their arrangements with the medical specialists with respect to the aged persons over the age of 65, this will be a powerful pressure on behalf of their abandoning these arrangements completely.

In other words, this will operate not merely for the 19 million who are over the age of 65, but for the 192 million people of all ages.

And, so this action of the conferees may well be the initial step in the adding of $100 to $150 million a year to the medical bills of the old people of this country.

There is little doubt that this use of the Federal Government to force the hospitals and the medical specialists who have freely entered into these arrangements to abandon them was precisely what the AMA and special group lobbyists actually intended. These lobbyists bitterly fought our amendment to make the Federal provision in this respect neutral rather than actively on the AMA side as provided in the House bill, and the House bludgeoned the conference committee into accepting their provision.

Some who testified before the Finance Committee have charged that one motive behind the opposition to my amendment is the desire of certain of the medical specialist groups to eliminate existing agreements which they regard as impairments to those medical specialists who are reported to be making or wishing to make an unlimited income above $50,000 or $100,000 a year. I do not make this charge, but I feel privileged to at least raise the question because of the bitter opposition to my amendment which is difficult to explain. There will be those who will properly wonder where the added millions of dollars which now must be paid by aged people will end up.

It seems to me a continuing study of this matter by the Department of Health, Education, and Welfare, by the House Ways and Means Committee, and by the Senate Finance Committee will be very much in order, to see exactly what does happen.

As the debate of July 9 made very clear, the effects of the decision of the conferees will be drastic, widely felt, and injurious to the public interest. It will contribute to the disruption of the procedures which have been made in this matter by such States as Iowa. It will make the administration of this law much more complex, and it will present the aged beneficiaries with a perplexing quantity of separate billings. It will probably require the wide renegotiation of existing contracts between hospitals and specialists and between hospitals and third party agencies.

While this amendment may appear minor in contrast to the great achievement of this legislation taken as a whole, the decision of the conferees is a most serious error.

For all of these reasons, I believe that a thorough investigation of this matter should be immediately started.

Section 1867 of this legislation, as I understand it, provides that the Secretary shall appoint a Health Insurance Benefits Advisory Council of 16 persons to advise the Secretary on matters of general policy in the administration of the hospital and medical care title of this legislation.

In view of the importance of this question, I believe that an investigation of it in depth, going into such questions as whether there may be an unwarranted increase in administrative difficulties and costs to the public, should be made the first order of business for this Advisory Council.

I hope that this Advisory Council will be appointed as soon as possible so that it can look into this question and make recommendations to the Congress on this matter by January of next year, so that we may have time to consider such recommendations prior to the effective date of the medicare plan on July 1, 1966.

IV. WE SHALL BEGIN TO ACT

May I say it is my intention, in conjunction with the senior Senator from New Mexico [Mr. ANDERSON] and the Senator from Alaska [Mr. GRUENING], to introduce, in the next few days, a bill which will put the services of these specialists under plan A, if, as, and when voluntary agreements on this part are reached between hospitals and these specialists. This amendment will continue to be neutral, so far as the services of specialists are concerned, as to whether they are under such a plan or not. It will merely provide that if the specialists and the hospitals agree that the billing should be carried through the hospital, as is the case now in, I suppose, the majority of cases, then it would be included under plan A. Where such an agreement is not reached, then it could be included under plan B.

I hope the President will take account of this problem when he signs the bill, which I anticipate will be in a few days, so that the public may be apprised of the issue, and our colleagues in the Senate and House may take due notice. In any event, I do not accept the decision of the conference committee on this point as final. I know that the Senate members of the conference committee did their best to retain this feature. I have no criticism to make of the Senator from Louisiana [Mr. LONG], who ably and fearlessly represented us in that conference, nor have I of his colleagues. It is somewhat extraordinary that at the last minute the House conferees suddenly held a pistol to the head of the Senate conferees and demanded immediate and unconditional surrender on this point.

But such are the ways of the legislative process. I serve notice politely, but firmly, however, that this is only a temporary victory, and that we intend to continue the struggle. We believe that the facts and the situation as it develops will bear out the truth of that for which we are contending.

It is highly important, if this change is made, as I believe it should be, that it be cleared within the next year, before the plan goes into operation, because once the medical specialists separate themselves from plan A and make their individual charges to their patients and jack up their prices, they will be reluctant to surrender such a lucrative practice to hospital supervision and scrutiny. It would then be difficult to make any later changes in the act, because we would have built up a whole set of vested interests, deeply devoted to getting as high an income from the system as possible, even though it disrupted the administrative arrangements of the hospitals, and even though it resulted in greatly increased costs for the patients. Let us act soon.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ENROLLED BILL SIGNED

The VICE PRESIDENT announced that on today, July 28, 1965, he signed the enrolled bill (S. 1321) to amend section 501(e) of title 16 of the District of Columbia Code relating to bond requirements in connection with attachment before judgment, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H.J. Res. 481. Joint resolution to amend the joint resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives (Rept. No. 516);

H. Con. Res. 364. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Capitol"; and providing for additional copies (Rept. No. 520);

S. Res. 120. Resolution to provide additional funds for the Committee on the Judiciary (Rept. No. 518);

S. Res. 129. Resolution to print as a Senate document a study entitled "U.S. International Space Programs With Texts of Executive Agreements, Memorandums of Understanding, and Other International Arrangements, 1959–1965" (Rept. No. 522); and

S. Res. 130. Resolution providing additional funds for the Committee on Labor and Public Welfare (Rept. No. 519).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S.J. Res. 89. Joint resolution extending for 1 year the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune (Rept. No. 517); and

S. Con. Res. 11. Concurrent resolution to print 4,000 copies of a compilation of the hearings, staff reports, and studies of the Subcommittee on National Security Staffing and Operations (Rept. No. 521).

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

H.J. Res. 324. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution (Rept. No. 523).

By Mr. PASTORE, from the Committee on Commerce, without amendment:

S. 903. A bill to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers (Rept. No. 524);

S. 1554. A bill to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to substitute the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service (Rept. No. 525); and

H.R. 7954. An act to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960) (Rept. No. 526).

By Mr. PASTORE, from the Committee on Commerce, with amendments:

S. 1948. A bill to amend the Communications Act of 1934, as amended, with respect to commissioners, employees, and executive reservists of the Federal Communications Commission (Rept. No. 527).

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal stockpile inventories as of May 1965. I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, MAY 1965

INTRODUCTION

This is the 66th in a series of monthly reports on Federal stockpile inventories. It is for the month of May 1965.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the Departments of Agriculture; Defense; Health, Education, and Welfare; and Interior; and the General Services Administration.

The cost value of materials in inventories covered in this report, as of May 1, 1965, totaled $12,909,403,600 and as of May 31, 1965, they totaled $12,850,225,366, a net increase of $59,178,234 during the month.

Different units of measure make it impossible to summarize the quantities of commodities and materials which are shown in tables 1, 2, 3, 4, and 5, but the cost value figures are summarized by major category, as follows:

Summary of cost value of stockpile inventories by major category

Major category	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month
Strategic and critical materials:			
National stockpile [1]	$5,477,738,800	$5,458,129,100	−$19,609,700
Defense Production Act	1,395,177,300	1,386,251,800	−8,925,500
Supplemental—barter	1,408,152,925	1,408,748,954	+596,029
Total, strategic and critical materials [1]	8,281,069,025	8,253,129,854	−27,939,171
Agricultural commodities:			
Price support inventory	4,199,215,381	4,166,355,318	−32,860,063
Inventory transferred from national stockpile [1]	54,772,937	54,713,799	−59,138
Total, agricultural commodities [1]	4,253,988,318	4,221,069,117	−32,919,201
Civil defense supplies and equipment:			
Civil defense stockpile, Department of Defense	11,854,831	10,348,907	−1,505,924
Civil defense medical stockpile, Department of Health, Education, and Welfare	201,023,822	201,041,669	+17,847
Total, civil defense supplies and equipment	212,878,653	211,390,576	−1,488,077
Machine tools:			
Defense Production Act	45,300	45,300	
National Industrial Reserve Act	89,493,800	89,668,500	+174,700
Total, machine tools	89,539,100	89,713,800	+174,700
Helium	71,928,504	74,922,019	+2,993,515
Total, all inventories	12,909,403,600	12,850,225,366	−59,178,234

[1] Cotton inventory valued at $128,409,100 withdrawn from the national stockpile and transferred to Commodity Credit Corporation for disposal, pursuant to Public Law 87-548, during August 1962.

Detailed tables in this report show each commodity, by the major categories summarized above, in terms of quantity and cost value as of the beginning and end of the month. Net change figures reflect acquisitions, disposals, and accounting and other adjustments during the month.

The cost value figures represent generally the original acquisition cost of the commodities delivered to permanent storage locations, together with certain packaging, processing, upgrading, et cetera, costs as carried in agency inventory accounts. Quantities are stated in the designated stockpile unit of measure.

Appendix A to this report, beginning on page 18524, includes program descriptions and statutory citations pertinent to each stockpile inventory within the major categories.

The stockpile inventories covered by the report are tabulated in detail as follows:

Table 1.—Strategic and critical materials inventories (all grades), May 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month).

Table 2.—Agricultural commodities inventories, May 1965 (showing by commodity net changes during the month in terms of cost value and quantity).

Table 3.—Civil defense supplies and equipment inventories, May 1965 (showing by item net changes during the month in terms of cost value and quantity).

Table 4.—Machine tools inventories, May 1965 (showing by item net changes during the month in terms of cost value and quantity).

Table 5.—Helium inventories, May 1965 (showing by item net changes during the month in terms of cost value and quantity).

New stockpile objectives

The Office of Emergency Planning is in the process of establishing new stockpile objectives for strategic and critical materials.

Table 1 of this report reflects the new objectives established between May 1963 and April 1964, based on essential needs in the event of a "conventional war emergency."

Appendix B, beginning on page 18525, contains excerpts from Office of Emergency Planning statements setting forth the new policy and current studies with respect to objectives for strategic and critical materials required for "conventional war emergency" and "nuclear war emergency."

TABLE 1.—*Strategic and critical materials inventories (all grades), May 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*

Commodity	Cost value			Unit of measure	Quantity				
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month		Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Aluminum metal:									
National stockpile	$487,680,600	$487,680,600		Short ton	1,128,988	1,128,988			
Defense Production Act	394,231,400	390,527,700	−$3,703,700	do	781,988	774,658	−7,330		
Total	881,912,000	878,208,300	−3,703,700	do	1,910,976	1,903,646	−7,330	450,000	1,453,646
Aluminum oxide, abrasive grain:									
Supplemental—barter	15,717,600	15,717,600		Short dry ton	50,905	50,905		(2)	50,905
Aluminum oxide, fused, crude:									
National stockpile	21,735,100	21,735,100		Short ton	200,093	200,093			
Supplemental—barter	22,747,400	22,747,400		do	178,266	178,266			
Total	44,482,500	44,482,500		do	378,359	378,359		160,000	218,359
Antimony:									
National stockpile	19,001,600	18,983,600	−18,000	do	28,168	28,143	−25		
Supplemental—barter	13,550,500	13,550,500		do	22,704	22,704			
Total	32,552,100	32,534,100	−18,000	do	50,872	50,847	−25	25,500	25,347
Asbestos, amosite:									
National stockpile	2,637,600	2,637,600		do	11,705	11,705			
Supplemental—barter	10,538,212	10,538,212		do	42,066	42,066			
Total	13,175,812	13,175,812		do	53,771	53,771		40,000	13,771

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), May 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Asbestos, chrysotile:									
National stockpile	$3,356,200	$3,356,200		Short ton	6,224	6,224			
Defense Production Act	2,102,600	2,102,600		do	2,348	2,348			
Supplemental—barter	4,990,054	4,990,054		do	7,576	7,576			
Total	10,448,854	10,448,854		do	16,148	16,148		13,700	2,448
Asbestos, crocidolite:									
National stockpile	702,100	702,100		do	1,567	1,567			
Supplemental—barter	11,034,900	11,158,961	+$124,061	do	42,585	43,081	+496		
Total	11,737,000	11,861,061	+124,061	do	44,152	44,648	+496	(²)	44,648
Bauxite, metal grade, Jamaica type:									
National stockpile	13,925,000	13,925,000		Long dry ton	879,740	879,740			
Defense Production Act	18,168,000	18,168,000		do	1,370,077	1,370,077			
Supplemental—barter	97,848,194	98,199,374	+351,180	do	6,387,515	6,407,583	+20,068		
Total	129,941,194	130,292,374	+351,180	do	8,637,332	8,657,400	+20,068	5,000,000	3,657,400
Bauxite, metal grade, Surinam type:									
National stockpile	78,552,500	78,552,500		do	4,962,706	4,962,706			
Supplemental—barter	45,197,400	45,197,400		do	2,927,260	2,927,260			
Total	123,749,900	123,749,900		do	7,889,966	7,891,966		5,300,000	2,591,966
Bauxite, refractory grade:									
National stockpile	11,347,800	11,347,800		Long calcined ton.	299,279	299,279		173,000	126,279
Beryl:									
National stockpile	9,768,400	9,768,400		Short ton	23,230	23,230			
Defense Production Act	1,425,600	1,425,600		do	2,542	2,542			
Supplemental—barter	23,056,400	23,056,400		do	12,275	12,275			
Total	34,250,400	34,250,400		do	38,047	38,047		28,000	10,047
Beryllium metal:									
Supplemental—barter	18,703,500	18,703,500		do	153	153		(²)	153
Bismuth:									
National stockpile	2,674,300	2,674,300		Pound	1,342,402	1,342,402			
Defense Production Act	52,400	52,400		do	22,901	22,901			
Supplemental—barter	5,536,700	5,536,700		do	2,506,493	2,506,493			
Total	8,263,400	8,263,400		do	3,871,796	3,871,796		3,600,000	271,796
Cadmium:									
National stockpile	15,148,200	15,148,200		do	7,699,481	7,699,481			
Supplemental—barter	12,326,600	12,326,600		do	7,448,388	7,448,388			
Total	27,474,800	27,474,800		do	15,147,869	15,147,869		5,100,000	10,047,869
Castor oil:									
National stockpile	44,551,300	44,551,300		do	175,087,734	175,087,734		22,000,000	153,087,734
Celestite:									
National stockpile	1,412,300	1,412,300		Short ton	29,017	29,017			
Supplemental--barter	947,564	947,564		do	21,927	21,927			
Total	2,359,864	2,359,864		do	50,944	50,944		10,300	40,644
Chromite, chemical grade:									
National stockpile	12,288,000	12,288,000		Short dry ton	559,452	559,452			
Supplemental—barter	21,993,100	21,993,100		do	699,644	699,644			
Total	34,281,100	34,281,100		do	1,259,096	1,259,096		600,000	659,096
Chromite, metallurgical grade:									
National stockpile	264,413,100	263,178,200	−1,234,900	do	3,790,961	3,755,878	−35,083		
Defense Production Act	35,879,900	35,879,900		do	985,646	985,646			
Supplemental—barter	227,447,934	227,447,934		do	1,562,643	1,562,643			
Total	527,740,934	526,506,034	−1,234,900	do	6,339,250	6,304,167	−35,083	2,970,000	3,334,167
Chromite, refractory grade:									
National stockpile	25,149,300	25,149,300		do	1,047,159	1,047,159			
Supplemental—barter	5,039,000	5,039,000		do	179,775	179,775			
Total	30,188,300	30,188,300		do	1,226,934	1,226,934		1,425,000	(³)
Cobalt:									
National stockpile	169,228,500	169,228,500		Pound	76,068,771	76,068,771			
Defense Production Act	52,075,300	52,075,300		do	25,066,651	25,066,651			
Supplemental—barter	2,169,000	2,169,000		do	1,065,398	1,065,398			
Total	223,472,800	223,472,800		do	102,200,820	102,200,820		42,000,000	60,200,820
Coconut oil:									
National stockpile	984,200	984,200		do	6,517,421	6,517,421		(²)	6,517,421
Colemanite:									
Supplemental—barter	2,636,400	2,636,400		Long dry ton	67,636	67,636		(²)	67,636
Columbium:									
National stockpile	25,023,700	25,021,900	−1,800	Pound	7,391,865	7,391,317	−548		
Defense Production Act	50,238,900	50,238,900		do	7,966,341	7,966,341			
Supplemental—barter	799,100	799,100		do	371,426	371,426			
Total	76,061,700	76,059,900	−1,800	do	15,729,632	15,729,084	−548	1,176,000	14,553,084

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), May 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Copper:									
National stockpile	$524,709,200	$524,426,600	−$282,600	Short ton	1,008,294	1,007,729	−565		
Defense Production Act	28,402,400	25,358,600	−3,043,800	do	50,542	44,931	−5,611		
Supplemental—barter	8,252,100	8,252,100		do	12,382	12,382			
Total	561,363,700	558,037,300	−3,326,400	do	1,071,218	1,065,042	−6,176	775,000	290,042
Cordage, fibers, abaca:									
National stockpile	37,034,700	37,034,700		Pound	146,932,241	146,932,241		100,000,000	46,932,241
Cordage fibers, sisal:									
National stockpile	41,735,000	41,702,000	−33,000	do	308,586,040	308,342,276	−243,764	300,000,000	8,342,276
Corundum:									
National stockpile	393,100	393,100		Short ton	2,008	2,008		2,500	(3)
Cryolite:									
Defense Production Act	4,982,000	4,740,500	−241,500	do	18,042	17,167	−875	(2)	17,167
Diamond dies:									
National stockpile	608,100	614,400	+6,300	Piece	19,442	19,797	+355	25,000	(3)
Diamond, industrial, crushing bort:									
National stockpile	61,601,800	61,601,800		Carat	31,109,411	31,109,411			
Supplemental—barter	15,800,500	15,800,500		do	5,550,579	5,550,579			
Total	77,402,300	77,402,300		do	36,659,990	36,659,990		24,700,000	11,959,990
Diamond, industrial, stones:									
National stockpile	100,509,400	100,509,400		do	9,319,183	9,319,183			
Supplemental—barter	186,341,500	186,341,500		do	15,425,827	15,425,827			
Total	286,850,900	286,850,900		do	24,745,010	24,745,010		16,500,000	8,245,010
Diamond tools:									
National stockpile	1,015,400	1,015,400		Piece	64,178	64,178		(2)	64,178
Feathers and down:									
National stockpile	30,581,100	30,118,200	−462,900	Pound	7,381,409	7,269,659	−111,750	3,000,000	4,269,659
Fluorspar, acid grade:									
National stockpile	26,167,500	26,167,500		Short dry ton	463,049	463,049			
Defense Production Act	1,394,400	1,394,400		do	19,700	19,700			
Supplemental—barter	16,098,900	16,098,900		do	323,232	323,232			
Total	43,660,800	43,660,800		do	805,981	805,981		540,000	265,981
Fluorspar, metallurgical grade:									
National stockpile	17,332,400	17,332,400		do	369,443	369,443			
Supplemental—barter	18,940,300	18,940,300		do	480,800	480,800			
Total	36,272,700	36,272,700		do	850,243	850,243		850,000	243
Graphite, natural, Ceylon, amorphous lump:									
National stockpile	937,900	937,900		do	4,455	4,455			
Supplemental—barter	341,200	341,200		do	1,428	1,428			
Total	1,279,100	1,279,100		do	5,883	5,883		5,500	383
Graphite, natural, Malagasy, crystalline:									
National stockpile	6,732,800	6,732,800		do	32,678	32,678			
Supplemental—barter	232,500	232,500		do	1,908	1,908			
Total	6,965,300	6,965,300		do	34,586	34,586		18,000	16,586
Graphite, natural, other, crystalline:									
National stockpile	1,894,400	1,894,400		do	5,481	5,481		2,800	2,681
Hyoscine:									
National stockpile	31,200	31,200		Ounce	2,140	2,140		(2)	2,140
Iodine:									
National stockpile	4,082,000	4,082,000		Pound	2,956,713	2,956,713			
Supplemental—barter	1,415,000	1,415,600		do	1,333,512	1,333,512			
Total	5,497,600	5,497,600		do	4,290,225	4,290,225		8,000,000	(3)
Iridium:									
National stockpile	2,525,800	2,525,800		Troy ounce	13,937	13,937		17,000	(3)
Jewel bearings:									
National stockpile	4,755,800	4,755,000		Piece	52,977,515	52,977,515		57,500,000	(3)
Kyanite-mullite:									
National stockpile	708,600	663,100	−45,500	Short dry ton	8,196	7,670	−526	4,800	2,870
Lead:									
National stockpile	304,161,800	303,402,900	−758,900	Short ton	1,000,421	997,925	−2,496		
Supplemental—barter	78,398,500	78,398,500		do	327,998	327,998			
Total	382,560,300	381,801,400	−758,900	do	1,328,419	1,325,923	−2,496	0	1,325,923
Magnesium:									
National stockpile	123,989,000	123,702,300	−286,700	do	170,765	170,370	−395	145,000	25,370
Manganese, battery grade, natural ore:									
National stockpile	21,025,500	21,025,500		Short dry ton	144,485	144,485			
Supplemental—barter	14,121,400	14,121,400		do	142,245	142,245			
Total	35,146,900	35,146,900		do	286,730	286,730		80,000	206,730

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), May 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Manganese, battery grade, synthetic dioxide:									
National stockpile	$3,095,500	$3,095,500		Short dry ton	21,272	21,272			
Defense Production Act	2,524,700	2,524,700		do	3,779	3,779			
Total	5,620,200	5,620,200		do	25,051	25,051		6,700	18,351
Manganese, chemical grade, type A:									
National stockpile	2,133,300	2,133,300		do	29,307	29,307			
Supplemental—barter	7,922,100	7,922,100		do	117,607	117,607			
Total	10,055,400	10,055,400		do	146,914	146,914		68,500	78,414
Manganese, chemical grade, type B:									
National stockpile	132,600	132,600		do	1,822	1,822			
Supplemental—barter	6,669,800	6,669,800		do	99,016	99,016			
Total	6,802,400	6,802,400		do	100,838	100,838		64,000	36,838
Manganese, metallurgical grade:									
National stockpile	248,240,900	248,240,900		do	5,852,191	5,852,191			
Defense Production Act	172,122,100	172,122,100		do	2,980,257	2,980,257			
Supplemental—barter	271,001,688	271,510,576	+$508,888	do	4,040,673	4,047,095	+6,422		
Total	691,364,688	691,873,576	+508,888	do	12,873,121	12,879,543	+6,422	7,900,000	4,979,543
Mercury:									
National stockpile	33,080,100	33,080,100		Flask	184,365	184,365			
Supplemental—barter	3,446,200	3,446,200		do	16,000	16,000			
Total	36,526,300	36,526,300		do	200,365	200,365		200,000	365
Mica, muscovite block:									
National stockpile	27,113,100	27,113,100		Pound	11,402,427	11,402,427			
Defense Production Act	40,689,700	40,689,700		do	6,432,569	6,432,576	+7		
Supplemental—barter	6,715,185	6,715,185		do	1,960,711	1,960,711			
Total	74,517,985	74,517,985			19,795,707	19,795,714	+7	6,000,000	13,795,714
Mica, muscovite film:									
National stockpile	9,058,100	9,058,100		do	1,719,183	1,719,183			
Defense Production Act	633,300	633,300		do	102,681	102,681			
Supplemental—barter	1,062,600	1,062,600		do	116,556	116,556			
Total	10,754,000	10,754,000		do	1,938,420	1,938,420		2,000,000	(3)
Mica, muscovite splittings:									
National stockpile	40,598,300	40,598,300		do	40,040,169	40,040,169			
Supplemental—barter	6,225,800	6,225,800		do	4,826,257	4,826,257			
Total	46,824,100	46,824,100		do	44,866,426	44,866,426		22,200,000	22,666,426
Mica, phlogopite block:									
National stockpile	303,600	303,600		do	223,239	223,239		17,000	206,239
Mica, phlogopite splittings:									
National stockpile	2,580,500	2,580,500		do	3,079,062	3,079,062			
Supplemental—barter	2,501,800	2,501,800		do	1,986,902	1,986,902			
Total	5,082,300	5,082,300		do	5,065,964	5,065,964		1,300,000	3,765,964
Molybdenum:									
National stockpile	71,563,400	71,563,400		do	69,034,253	69,034,253		68,000,000	1,034,253
Nickel:									
National stockpile	181,612,300	181,612,300		Short ton	166,594	166,594			
Defense Production Act	86,687,300	84,746,600	−1,940,700	do	46,573	45,635	−938		
Total	268,299,600	266,358,900	−1,940,700	do	213,167	212,229	−938	50,000	162,229
Opium:									
National stockpile	13,661,700	13,661,700		Pound	196,364	196,364		141,280	55,084
Palladium:									
National stockpile	2,079,000	2,079,000		Troy ounce	89,811	89,811			
Supplemental—barter	12,170,200	12,170,200		do	648,124	648,124			
Total	14,249,200	14,249,200		do	737,935	737,935		1,300,000	(3)
Palm oil:									
National stockpile	721,000	721,000		Pound	4,006,085	4,006,085		(2)	4,006,085
Platinum:									
National stockpile	56,879,900	56,879,900		Troy ounce	716,343	716,343			
Supplemental—barter	4,024,500	4,024,500		do	49,999	49,999			
Total	60,904,400	60,904,400		do	766,342	766,342		450,000	316,342
Pyrethrum:									
National stockpile	415,600	415,600		Pound	67,044	67,044		25,000	42,044
Quartz crystals:									
National stockpile	66,934,100	66,934,100		do	5,412,627	5,412,627			
Supplemental—barter	3,519,200	3,519,200		do	232,352	232,352			
Total	70,453,300	70,453,300		do	5,644,979	5,644,979		650,000	4,994,979
Quinidine:									
National stockpile	1,846,000	1,846,000		Ounce	1,600,428	1,600,428		2,000,000	(3)

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), May 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Quinine:									
National stockpile	$2,617,000	$2,617,000		Ounce	4,137,733	4,137,733		4,130,000	7,733
Rare earths:									
National stockpile	7,134,900	7,134,900		Short dry ton	9,969	9,969			
Supplemental—barter	5,830,900	5,830,900		do	5,810	5,810			
Total	12,965,800	12,965,800		do	15,779	15,779		3,000	12,779
Rare earths residue:									
Defense Production Act	657,200	657,200		Pound	6,079,723	6,079,723		(2)	6,079,723
Rhodium:									
National stockpile	78,200	78,200		Troy ounce	618	618		(2)	618
Rubber:									
National stockpile	629,682,800	623,505,100	−$6,177,700	Long ton	814,327	806,337	−7,990	130,000	676,337
Ruthenium:									
Supplemental—barter	559,500	559,500		Troy ounce	15,001	15,001		(2)	15,001
Rutile:									
National stockpile	2,070,100	2,070,100		Short dry ton	18,599	18,599			
Defense Production Act	2,725,100	2,725,100		do	17,385	17,385			
Supplemental—barter	1,061,300	1,061,300		do	11,632	11,632			
Total	5,856,500	5,856,500		do	47,616	47,616		51,000	(3)
Sapphire and ruby:									
National stockpile	190,000	190,000		Carat	16,308,797	16,308,797		18,000,000	(3)
Selenium:									
National stockpile	757,100	757,100		Pound	97,100	97,100			
Supplemental—barter	1,662,194	1,662,194		do	306,602	306,602			
Total	2,419,294	2,419,294		do	403,702	403,702		475,000	(3)
Shellac:									
National stockpile	8,085,400	8,077,200	−8,200	do	16,126,724	16,110,288	−16,436	8,300,000	7,810,288
Silicon carbide, crude:									
National stockpile	11,394,500	11,394,500		Short ton	64,697	64,697			
Supplemental—barter	26,803,600	26,803,600		do	131,805	131,805			
Total	38,198,100	39,198,100		do	196,502	196,502		30,000	166,502
Silk noils and waste:									
National stockpile	1,232,100	1,232,100		Pound	979,924	979,924		(2)	979,924
Silk raw:									
National stockpile	486,600	486,600		do	113,515	113,515		(2)	113,515
Sperm oil:									
National stockpile	4,775,400	4,775,400		do	23,442,158	23,442,158		23,400,000	42,158
Talc, steatite block and lump:									
National stockpile	494,800	494,800		Short ton	1,269	1,269		200	1,069
Talc, steatite ground:									
National stockpile	231,200	231,200		do	3,901	3,901		(2)	3,901
Tantalum:									
National stockpile	12,481,900	12,553,900	+72,000	Pound	3,165,936	3,168,545	+2,609		
Defense Production Act	9,734,400	9,734,300		do	1,536,023	1,536,023			
Supplemental—barter	21,100	21,100		do	8,036	8,036			
Total	22,237,400	22,309,400	+72,000	do	4,709,995	4,712,604	+2,609	3,400,000	1,312,604
Thorium:									
Supplemental—barter	17,991,700	17,991,700		do	3,965,461	3,965,461		500,000	3,465,461
Thorium residue:									
Defense Production Act	42,000	43,000		do	848,354	848,354		(2)	848,354
Tin:									
National stockpile	699,458,900	696,056,500	−3,402,400	Long ton	287,671	286,272	−1,399		
Supplemental—barter	16,404,000	16,404,000		do	7,505	7,505			
Total	715,862,900	712,460,500	−3,402,400	do	295,176	293,777	−1,399	200,000	93,777
Titanium sponge:									
Defense Production Act	175,871,900	175,876,100	+4,200	Short ton	22,339	22,339			
Supplemental—barter	32,097,700	32,097,700		do	9,021	9,021			
Total	207,969,600	207,973,800	+4,200	do	31,360	31,360		20,500	10,860
Tungsten:									
National stockpile	369,128,100	369,128,100		Pound	120,014,406	120,014,406			
Defense Production Act	314,536,700	314,536,700		do	77,112,112	77,112,112			
Supplemental—barter	18,651,400	18,651,400		do	5,774,819	5,774,819			
Total	702,316,200	702,316,200		do	202,901,337	202,901,337		44,000,000	158,901,337
Vanadium:									
National stockpile	31,567,900	31,567,900		Short ton	7,865	7,865		1,400	6,465
Vegetable tannin extract, chestnut:									
National stockpile	9,660,700	9,568,700	−92,000	Long ton	34,626	34,296	−330	15,000	19,296
Vegetable tannin extract, quebracho:									
National stockpile	48,858,500	48,858,500		do	197,465	197,465		86,000	111,465

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), May 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Vegetable tannin extract, wattle:									
National stockpile	$9,826,900	$9,826,900		Long ton	38,962	38,962		15,000	23,962
Zinc:									
National stockpile	342,541,400	335,658,000	−$6,883,400	Short ton	1,180,933	1,156,986	−23,947		
Supplemental—barter	79,588,400	79,200,300	−388,100	do	323,896	322,317	−1,579		
Total	422,129,800	414,858,300	−7,271,500	do	1,504,829	1,479,303	−25,526	0	1,479,303
Zirconium ore, baddeleyite:									
National stockpile	709,800	709,800		Short dry ton	16,514	16,514		(2)	16,514
Zirconium ore, zircon:									
National stockpile	113,300	113,300		do	1,920	1,920		(3)	1,920
Total:									
National stockpile	5,477,738,800	5,458,129,100	−19,609,700						
Defense Production Act	1,395,177,300	1,386,251,800	−8,925,500						
Supplemental—barter	1,408,152,925	1,408,748,954	+596,029						
Total, strategic and critical materials.	8,281,069,025	8,253,129,854	−27,939,171						

[1] Stockpile objectives for strategic and critical materials are determined pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). The Office of Emergency Planning is currently in the process of revising stockpile objectives. (See app. B, p. 18525.)

[2] No present objective.

[3] Not in excess of stockpile objective.

Source: Compiled from reports submitted by the General Services Administration and the Department of Agriculture.

TABLE 2.—*Agricultural commodities inventories, May 1965 (showing by commodity net changes during the month in terms of cost value and quantity)*

Commodity	Cost value			Quantity			
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month
Price-support inventory:							
Basic commodities:							
Corn	$774,446,534	$724,320,681	−$50,125,853	Bushel	629,779,776	588,852,154	−40,927,622
Cotton, extra-long staple	29,233,208	27,271,770	−1,961,438	Bale	110,977	103,531	−7,446
Cotton, upland	1,148,500,808	1,120,772,475	−27,728,333	do	6,950,778	6,784,032	−166,746
Peanuts, farmers' stock	6,351	6,351		Pound	55,367	55,367	
Peanuts, shelled	5,191,550	6,306,714	+1,115,164	do	31,047,487	38,500,276	+7,452,789
Rice, milled	6,188	75,932	+69,744	Hundredweight	531	6,492	+5,961
Rice, rough	3,367,968	6,005,135	+2,637,167	do	654,131	1,167,172	+513,041
Wheat	1,390,639,715	1,406,854,244	+16,214,529	Bushel	688,282,374	700,664,733	+12,382,359
Wheat flour	535,031	407,109	−127,922	Pound	9,998,400	7,418,800	2,579,600
Total, basic commodities	3,351,927,353	3,292,020,411	−59,906,942				
Designated nonbasic commodities:							
Barley	17,882,861	18,909,347	+1,026,486	Bushel	20,785,727	21,974,418	+1,188,691
Grain sorghum	689,489,900	688,061,315	−1,428,585	do	604,886,260	603,001,441	−1,884,819
Milk and butterfat:							
Butter	44,989,989	67,049,445	+22,059,456	Pound	76,768,936	114,135,363	+37,366,427
Butter oil	5,564,003	5,563,761	−242	do	7,199,749	7,199,436	−313
Cheese	2,582,692	2,158,757	−423,935	do	6,512,695	5,480,021	−1,032,674
Milk, dried	41,386,408	43,014,847	+1,628,439	do	280,817,954	293,922,385	+13,104,431
Oats	18,662,828	20,036,892	+1,374,064	Bushel	30,552,805	32,612,653	+2,059,848
Rye	703,944	2,727,481	+2,023,537	do	633,406	2,455,680	+1,822,274
Tung oil	3,531,539	3,529,267	−2,272	Pound	14,738,012	14,736,232	−1,780
Total, designated nonbasic commodities	824,794,164	851,051,112	+26,256,948				
Other nonbasic commodities:							
Beans, dry, edible	276,159	3,930,629	+3,654,470	Hundredweight	38,547	531,481	+492,934
Cottonseed oil, refined, other	1,864,991	298,174	−1,566,817	Pound	16,614,265	2,662,204	−13,952,061
Cottonseed oil, refined, salad oil	2,973,156	1,295,378	−1,677,778	do	15,419,157	6,732,264	−8,686,893
Flaxseed	7,878,900	7,903,413	+24,513	Bushel	2,655,929	2,664,216	+8,287
Linseed oil	9,494,350	9,494,350		Pound	80,000,000	80,000,000	
Soybeans	6,308	6,308		Bushel	8,855	8,855	
Vegetable oil products		355,543	+355,543	Pound		1,876,030	+1,876,030
Total, other nonbasic commodities	22,493,864	23,283,795	+789,931				
Total, price support inventory	4,199,215,381	4,166,355,318	−32,860,063				
Inventory transferred from national stockpile: [1]							
Cotton, Egyptian	33,240,288	33,181,150	−59,138	Bale	39,346	39,276	−70
Cotton, American-Egyptian	21,532,649	21,532,649		do	42,811	42,811	
Total, inventory transferred from national stockpile.	54,772,937	54,713,799	−59,138	do	82,157	82,087	−70
Total, agricultural commodities	4,253,988,318	4,221,059,117	−32,919,201				

[1] Transferred from General Services Administration pursuant to Public Law 85-96 and Public Law 87-548. (See app. A, p. 18524.)

Source: Compiled from reports submitted by the Department of Agriculture.

TABLE 3.—*Civil defense supplies and equipment inventories, May 1965 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month
Civil defense stockpile, Department of Defense:							
Engineering equipment (engine generators, pumps, chlorinators, purifiers, pipe, and fittings).	$10,057,489	$10,057,358	−$131	10 mile units	45	45	
Chemical and biological equipment	1,797,342	291,549	−1,505,793	(1)			
Total	11,854,831	10,348,907	−1,505,924				
Civil defense medical stockpile, Department of Health, Education, and Welfare:							
Medical bulk stocks, and associated items at civil defense mobilization warehouses.	117,366,050	116,870,131	−495,919	(1)			
Medical bulk stock at manufacturer locations	5,036,008	5,003,494	−32,514	(1)			
Packaged disaster hospitals [2]	71,730,792	72,280,952	+550,160	Each	2,341	2,408	+67
Supply additions for packaged disaster hospitals	6,890,972	6,887,092	−3,880	(1)			
Total	201,023,822	201,041,669	+17,847				
Total, civil defense supplies and equipment	212,878,653	211,390,576	−1,488,077				

[1] Composite group of many different items.

[2] Reported as "Civil defense emergency hospitals", prior to February 1965.

Source: Compiled from reports submitted by the Department of Defense and the the Department of Health, Education, and Welfare.

TABLE 4.—*Machine tools inventories, May 1965 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month
Defense Production Act:							
On loan	$45,300	$45,300		Tool	7	7	
National Industrial Reserve Act:							
In storage	76,141,200	75,800,000	−$341,200	do	6,680	6,597	−83
On lease	27,500	27,500		do	1	1	
On loan to other agencies	14,900	14,900		do	3	3	
On loan to school programs	13,310,200	13,826,100	+515,900	do	3,145	3,281	+136
Total	89,493,800	89,668,500	+174,700	do	9,829	9,882	+53
Total, machine tools	89,539,100	89,713,800	+174,700	do	9,836	9,889	+53

Source: Compiled from reports submitted by the General Services Administration.

TABLE 5.—*Helium inventories, May 1965 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month	Unit of measure	Beginning of month, May 1, 1965	End of month, May 31, 1965	Net change during month
Helium:							
Stored aboveground	$194,112	$187,070	−$7,042	Cubic foot	17,000,000	16,300,000	−700,000
Stored underground	71,734,392	74,734,949	+3,000,557	do	6,681,700,000	6,942,400,000	+260,700,000
Total, helium	71,928,504	74,922,019	+2,993,515	do	6,698,700,000	6,958,700,000	+260,000,000

Source: Compiled from reports submitted by the Department of the Interior.

Appendix A

Program Descriptions and Statutory Citations

STRATEGIC AND CRITICAL MATERIALS

National stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. The General Services Administration is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Emergency Planning. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OEP. In addition, the General Services Administration is responsible for disposing of those strategic and critical materials which OEP determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Emergency Planning and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Emergency Planning.

Supplemental—barter

As a result of a delegation of authority from OEP (32A C.F.R., ch. I, DMO V–4) the General Services Administration is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

AGRICULTURAL COMMODITIES

The price-support program

Price-support operations are carried out under the charter powers (15 U.S.C. 714) of the Commodity Credit Corporation, Department of Agriculture, in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958, and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities; namely, tung, nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1966. Price support for other nonbasic agricultural commodities is discretionary except that, whenever the price of either cottonseed or soybeans is supported, the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations and, in the case of wool and mohair, through incentive payments based on marketings. The producers' commodities serve as collateral for price-support loans. With limited exceptions, price-supported loans are nonrecourse and the Corporation looks to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Inventory transferred from national stockpile

This inventory, all cotton, was transferred to Commodity Credit Corporation at no cost from the national stockpile pursuant to Public Law 85-96 and Public Law 87-548. The proceeds from sales, less costs incurred by CCC, are covered into the Treasury as miscellaneous receipts; therefore, such proceeds and costs are not recorded in the operating accounts. The cost value as shown for this cotton has been computed on the basis of average per bale cost of each type of cotton when purchased by CCC for the national stockpile.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

Civil defense stockpile

The Department of Defense conducts this stockpiling program pursuant to section 201 (h) of Public Law 920, 81st Congress, as amended. The program is designed to provide some of the most essential materials to minimize the effects upon the civilian population which would be caused by an attack upon the United States. Supplies and equipment normally unavailable, or lacking in quantity needed to cope with such conditions, are stockpiled at strategic locations in a nationwide warehouse system consisting of general storage facilities.

Civil defense medical stockpile

The Department of Health, Education, and Welfare conducts the stockpiling program for medical supplies and equipment pursuant to section 201(h) of Public Law 920, 81st Congress, as delegated by the President following the intent of Reorganization Plan No. 1, of 1953. The Department of Health, Education, and Welfare plans and directs the procurement, storage, maintenance, inspection, survey, distribution, and utilization of essential supplies and equipment for emergency health services. The medical stockpile includes a program designed to preposition assembled emergency hospitals and other medical supplies and equipment into communities throughout the Nation.

MACHINE TOOLS

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration has acquired machine tools in furtherance of expansion of productive capacity, in accordance with programs certified by the Director of the Office of Emergency Planning.

National industrial equipment reserve

Under general policies established and directives issued by the Secretary of Defense, the General Services Administration is responsible for care, maintenance, utilization, transfer, leasing, lending to nonprofit schools, disposal, transportation, repair, restoration, and renovation of national industrial reserve equipment transferred to GSA under the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462).

HELIUM

The helium conservation program is conducted by the Department of the Interior pursuant to the Helium Act, approved September 13, 1960 (Public Law 86–777; 74 Stat. 918; 50 U.S.C. 167) and subsequent appropriations acts which have established fiscal limitations and provided borrowing authority for the program. Among other things, the Helium Act authorizes the Secretary of the Interior to produce helium in Government plants, to acquire helium from private plants, to sell helium to meet current demands, and to store for future use helium that is so produced or acquired in excess of that required to meet current demands. Sales of helium by the Secretary of the Interior shall be at prices established by him which shall be adequate to liquidate the costs of the program within 25 years, except that this period may be extended by the Secretary for not more than 10 years for funds borrowed for purposes other than the acquisition and construction of helium plants and facilities.

This report covers helium that is produced in Government plants and acquired from private plants. Helium in excess of current demands is stored in the Cliffside gasfield near Amarillo, Tex. The unit of measure is cubic foot at 14.7 pounds per square inch absolute pressure and 70° F.

APPENDIX B

NEW STOCKPILE OBJECTIVES

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. Table 1 of this report reflects the new objectives established between May 1963 and April 1964 for 79 materials (including 3 removed from stockpile list), based on essential needs in the event of a "conventional war emergency." The new objective for each material has been noted in the reports, beginning with June 1963, for the months in which the respective objectives were established.

The following excerpts from OEP statements dated July 11 and 19, 1963, February 28, 1964, March 6, 13, 20, and 27, 1964, and April 3 and 10, 1964, set forth the new policy with respect to objectives for strategic and critical materials:

"The Office of Emergency Planning is now conducting supply-requirements studies for all stockpile materials which will reflect current military, industrial, an other essential needs in the event of a conventional war emergency. On the basis of recently completed supply-requirements studies for the foregoing materials, the new stockpile objectives were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by the Office of Emergency Planning and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy to establish a single objective for each stockpile material. They have been determined on the basis of criteria heretofore used in establishing maximum objectives, and reflect the approximate calculated emergency deficits for the materials for conventional war and do not have any arbitrary adjustments for possible increased requirements for other types of emergency.

"Heretofore, there was a 'basic objective' and a 'maximum objective' for each material. The basic objectives assumed some continued reliance on foreign sources of supply in an emergency. The former maximum objectives completely discounted foreign sources of supply beyond North America and comparable accessible areas.

"Previously, maximum objectives could not be less than 6 months' normal usage of the material by industry in the United States in periods of active demand. The 6-month rule has been eliminated in establishing the new calculated conventional war objectives.

"The Office of Emergency Planning also announced that the present Defense Mobilization Order V–7, dealing with general policies for strategic and critical materials stockpiling, was now being revised to reflect these new policies. When finally prepared and approved, the new order will be published in the Federal Register.

"New conventional war objectives for the remaining stockpile materials are being developed as rapidly as new supply-requirements data become available. They will be released as they are approved.

"The Office of Emergency Planning is also making studies to determine stockpile needs to meet the requirements of general nuclear war and reconstruction. Stockpile objectives for nuclear war have not previously been developed. Some commodity objectives may be higher and others may be lower than the objectives established for conventional war.

"After the nuclear war supply-requirements studies are completed, stockpile objectives will be based upon calculated deficits for either conventional war or nuclear war, whichever need is larger.

"The Office of Emergency Planning stressed that any long-range disposal programs undertaken prior to the development of objectives based on nuclear war assumptions would provide against disposing of quantities which might be needed to meet essential requirements in the event of nuclear attack. While the disposal of surplus materials can produce many problems which have not heretofore arisen, every effort will be made to see that the interest of producers, processors, and consumers, and the international interests of the United States are carefully considered, both in the development and carrying out of disposal programs. Before decisions are made regarding the adoption of a long-range disposal program for a particular item in the stockpile, there will be appropriate consultations with industry in order to obtain the advice of interested parties.

The OEP statement of April 17, 1964, contained the following excerpts:

"Today's action completes supply requirements studies for all stockpile materials based on current military, industrial, and other essential needs in the event of a conventional war emergency. Objectives for 79 materials in the stockpile were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by OEP and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy which accords with the recommendation of the Executive Stockpile Committee to establish a single objective for each material in the national stockpile. These new objectives will be reviewed and revised as necessary each year. Because military requirements and estimated emergency supplies of stockpile materials are constantly shifting, the supply requirements balance for any material that is now or may become important to defense must be kept under continuing surveillance. Supply-requirements studies of the conventional war needs of approximately 20 other strategic and critical materials, which do not have stockpile objectives, are underway and are expected to be completed in the next few weeks. At the same time, studies on supply requirements for nuclear war are going forward. No definite date for completion of these studies has been established as yet.

"OEP stressed that long-range programs for disposal of identified surpluses would take into account the interests of producers, processors, and consumers, as well as the international interests of the United States. Appropriate consultation with industry will precede all decisions for the adoption of every disposal program and the advice of interested parties will be sought."

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of Federal stockpile inventories as of May 31, 1965 totaled $12,850,225,366. This was a net decrease of $59,178,234, as compared with the May 1 total of $12,909,403,600. Net changes during the month are summarized by major category as follows:

Major category	Cost value, May 1965	
	Net change during month	Total, end of month
Strategic and critical materials	−$27,939,171	$8,253,129,854
Agricultural commodities	−32,919,201	4,221,069,117
Civil defense supplies and equipment	−1,488,077	211,390,576
Machine tools	+174,700	89,713,800
Helium	−2,993,515	74,922,019
Total	−59,178,234	12,850,225,366

These figures are from the May 1965 report on Federal stockpile inventories compiled from official agency data by the Joint Committee on Reduction of Nonessential Federal Expenditures, showing detail with respect to quantity and cost value of each commodity in the inventories covered.

STRATEGIC AND CRITICAL MATERIALS

So-called strategic and critical materials are stored by the Government in (1) the national stockpile, (2) the Defense Production Act inventory, and (3) the supplemental-barter stockpile.

Overall, there are now 94 materials stockpiled in the strategic and critical inventories. Stockpile objectives—in terms of volume—are presently fixed for 76 of these 94 materials. Of the 76 materials having stockpile objectives, 64 were stockpiled in excess of their objectives as of May 31, 1965.

Increases in cost value were reported in 6 of the materials stockpiled in all strategic and critical inventories, decreases were reported in 17 materials, and 71 materials remained unchanged during May.

National stockpile

The cost value of materials in the national stockpile as of May 31, 1965, totaled $5,458,129,100. This was a net decrease of $19,609,700 during the month. The largest decreases were $6,883,400 in zinc, $6,177,700 in rubber, and $3,402,400 in tin.

Defense Production Act inventory

The cost value of materials in the Defense Production Act inventory as of May 31, 1965, totaled $1,386,251,800. This was a net decrease of $8,925,500. The largest decreases were in aluminum, copper, and nickel.

Supplemental-barter

The cost value of materials in the supplemental-barter stockpile as of May 31, 1965, totaled $1,408,748,954. This was a net increase of $596,029. The largest increases were in manganese and bauxite.

OTHER STOCKPILE INVENTORIES

Among the other categories of stockpiled materials covered by the report, the largest is $4.2 billion in agricultural commodities. Major decreases in agricultural commodities during May were reported for corn and cotton, partially offset by increases in milk and butterfat and wheat.

Inventories of civil defense supplies and equipment showed a net decrease; the machine tools inventories showed a net increase; and the helium inventories showed a net increase during May.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON:

S. 2338. A bill to authorize the erection of a memorial in the District of Columbia to Gen. John J. Pershing; to the Committee on Interior and Insular Affairs.

By Mr. TYDINGS:

S. 2339. A bill to permit a State to elect to use funds from the Highway Trust Fund for purposes of urban mass transportation; to the Committee on Public Works.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN:

S. 2340. A bill to amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above bill, which appear under a separate heading.)

By Mr. RANDOLPH:

S. 2341. A bill for the relief of Hui Mau Cheuk; to the Committee on the Judiciary.

RESOLUTION 133

MULTILATERAL AGREEMENT HARMONIZING ANTIDUMPING LAWS OF CERTAIN NATIONS

Mr. JAVITS (for himself, Mr. MILLER, and Mr. JORDAN of Idaho) submitted a resolution (S. Res. 133) expressing the sense of the Senate that the President immediately take such action as may be necessary to convene a conference of the major trading nations, and other interested states, to conclude a multilateral agreement harmonizing the antidumping laws of the signatory nations, which was referred to the Committee on Finance.

(See the above resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

HIGHWAY TRUST FUNDS FOR URBAN MASS TRANSPORTATION

Mr. TYDINGS. Mr. President, I introduce a bill which would permit a State to elect to use funds from the Highway Trust Fund for the purpose of urban mass transportation.

At the same time I am offering this legislation in the Senate, Representative JONATHAN BINGHAM, of New York, is sponsoring similar legislation in the House of Representatives.

The purpose of this legislation would be to permit officials at the local level to determine whether or not Federal highway subsidies, allocated for the urban areas, could be better used to build a balanced transportation system, using part of the funds for rapid transit and the balance for highway expenditures.

This bill would permit the local or State officials to make that determination rather than to have the determination predetermined by an official here in Washington behind a desk.

I believe the Federal highway program has been a great program. It has done a great job, but the purpose of the Interstate System, as I understand it, is to connect major cities across the Nation, and not to tell city officials or State officials how to build a transportation system within their own urban or metropolitan areas. Our legislation would permit local and State officials to determine how best these funds could be utilized.

Mr. President, I ask unanimous consent that the bill be first referred to the Committee on Public Works, and then rereferred to the Committee on Finance; that the bill lie on the desk for 2 weeks for the purpose of securing additional sponsors; that the bill be printed in its entirety; and that at the conclusion of my remarks there be printed an article which appeared in Consumer Reports for February 1965, by Ruth and Edward Brecher, entitled "A Series on the Cost and Convenience of Metropolitan Transportation: Getting to Work and Back," and a joint statement by Representative JONATHAN B. BINGHAM and myself, relating to the bill.

The VICE PRESIDENT. The bill will be received, and, without objection, will be referred, as requested by the Senator from Maryland; and, without objection, the bill will lie on the desk, and the bill, article, and joint statement will be printed in the RECORD.

The bill (S. 2339) to permit a State to elect to use funds from the Highway Trust Fund for purposes of urban mass transportation, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

A bill to permit a State to elect to use funds from the Highway Trust Fund for purposes of urban mass transportation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mass Transportation Financing Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "Federal-aid highway system apportionment" means an apportionment for a fiscal year to a State under one of the five paragraphs of section 104(b) of title 23, United States Code;

(2) the term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of title 23, United States Code;

(3) the term "Governor" means the chief executive officer of a State;

(4) the term "State" means a State, the District of Columbia, or Puerto Rico;

(5) the term "Administrator" means the Housing and Home Finance Administrator; and

(6) the term "Secretary" means the Secretary of Commerce.

ELECTION

SEC. 3. (a) There is hereby authorized to be appropriated to the Administrator from the Highway Trust Fund for use in each State for urban mass transportation purposes the amount elected to be used for such purposes by the Governor of such State under subsection (b).

(b) The Governor of a State may elect to have all or part of one or more of such State's Federal-aid highway system apportionments for a fiscal year made available to the Administrator for making grants in that fiscal year, for urban mass transportation purposes, to such State or to local public bodies or agencies in such State in accordance with section 3 of the Urban Mass Transportation Act of 1964. Such election shall be made in such manner as the Secretary of Commerce shall by regulation prescribe, within sixty days after the Secretary of Commerce certifies to the Governor, pursuant to section 104(e) of title 23, United States Code, the sums apportioned to that State for a fiscal year. In making such election, the Governor shall specify the amount to be deducted from one or more of the State's Federal-aid highway system apportionments in order to make available to the Administrator amounts elected to be used for urban mass transportation purposes.

(c) If the amount which a Governor of a State elects pursuant to subsection (b) to have used in a fiscal year for urban mass transportation purposes in such State exceeds the sum of amounts expended and obligated by the Administrator in such fiscal year in such State from amounts appropriated under the authority of subsection (a), then at the end of such fiscal year such excess shall no longer be available for urban mass transportation purposes and shall, on January 1 of the next succeeding fiscal year, be added to that State's Federal-aid highway system apportionments for the second fiscal year beginning after such election. The addition to each of a State's apportionments shall bear the same proportion to such excess as the amounts deducted (under the last sentence of subsection (b)) from the corresponding apportionment for the fiscal year in which such excess occurred bore to the amount elected to be used for urban mass transportation purposes in such fiscal year.

INTERSTATE APPORTIONMENT ADJUSTMENTS

SEC. 4. (a) For purposes of this section—

(1) the term "interstate apportionment" means the Federal-aid highway system apportionment for a State's Interstate System as certified to the Governor and State highway department thereof in accordance with section 104(e) of title 23, United States Code;

(2) the term "interstate apportionment adjustment" means the amount by which a State's interstate apportionment is reduced or increased (after certification under section 104(e) of such title) in accordance with section 209(g) of the Highway Revenue Act of 1956; and

(3) the term "remainder available for interstate construction" means a State's interstate apportionment, less the amount which the Governor of the State specifies, pursuant to the last sentence of section 3(b) of this Act, is to be deducted from that State's interstate apportionment in order to make such amount available for mass transportation purposes.

(b) In the case of an interstate apportionment adjustment, the amount available to the Administrator for urban mass transportation purposes in a State for a fiscal year—

(1) shall not (in the case of a downward adjustment) be reduced by reason of such adjustment, unless the downward adjustment exceeds the remainder available for interstate construction, and

(2) shall (in the case of an upward adjustment) be increased, in accordance with regulations of the Secretary, only to the extent that amounts so available were previously reduced under paragraph (1).

AMENDMENTS TO TITLE 23, UNITED STATES CODE

SEC. 5. (a) Section 104(e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief executive officer of each State".

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a State has elected to have made available for urban mass transportation purposes under section 3 of the Mass Transportation Financing Act."

(c) Section 104 of such title is amended by adding at the end thereof the following new subsection:

"(f) No amount which the Governor or chief executive officer of the State has elected pursuant to section 3 of the Mass Transportation Financing Act to have made available for urban mass transportation purposes in a fiscal year shall be available for expenditure for Federal-aid highways under this title, except as provided in section 3(c) of the Mass Transportation Financing Act."

(d) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after".

AMENDMENTS TO HIGHWAY REVENUE ACT

SEC. 6. (a) Section 209(f)(1) of the Highway Revenue Act of 1956 is amended by inserting "(1)" before "making expenditures" and by striking out the period at the end thereof and inserting in lieu thereof the following: "and (2) for the purposes of section 3 of the Mass Transportation Financing Act."

(b) Section 209(g) of such Act is amended by adding at the end thereof the following: "An election by the Governor of a State under section 3(b) of the Mass Transportation Fnancing Act to use funds for mass transportation purposes shall not be taken into account in making any adjustment under this section, except as provided in section 4 of such Act."

AMENDMENT TO URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 7. Section 12 of the Urban Mass Transportation Act of 1964 is amended by inserting after "section 7(b)" the following: ", and grants made with funds authorized to be appropriated by section 3(a) of the Mass Transportation Financing Act".

EFFECTIVE DATE

SEC. 8. This Act shall take effect upon the first certification of Federal-aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

The article presented by Mr. TYDINGS is as follows:

Getting to Work and Back

(By Ruth and Edward Brecher)

As population spreads from the central cities into suburban areas, the cost and convenience of metropolitan transportation become matters of increasing concern to the consumer who pays for commutation facilities to and from work. Federal, State, and local legislation, present and prospective, is shaping the crucial decisions in this area. CU believes that the commuting consumer should exert an informed influence on these decisions. Transportation problems must be solved on the basis of regional conditions. Nevertheless, one locality can learn from the experiences of another. In this series, CU will provide its readers with vital information that can be adapted to the solution of transportation problems in their regions.

Every weekday morning between 6:30 and 7, commuters living in Pleasant Hill, Calif., 25 miles east of San Francisco, rise and dress, bolt a hasty breakfast, kiss their wives goodbye, and drive off to their jobs in downtown San Francisco. They battle traffic through the Caldecott Tunnel and over the Bay Bridge. Downtown they find a place to park, then walk to their offices. After 5 p.m. they ransom their cars and battle traffic home again.

If luck is with them, the trip takes only an hour or an hour and a quarter each way. But on days when the freeways jam up, as they often do, it may take an hour and a half or even two hours. The monetary cost, including bridge tolls, parking charges, and car expenses (50 miles at 10 cents a mile), averages about $6.15 per day.

Beginning some morning in 1969, however, if all goes according to schedule, the Pleasant Hill commuters will have available an alternative route. They will be able to rise at 7:30 a.m. instead of 6:30 or 7, eat breakfast, then drive to the new Bay Area Rapid Transit (BART) station out in the country, halfway between Pleasant Hill and Walnut Creek. There a BART parking lot, with space for 1,350 cars, will be waiting for them; or their wives may drive them to the station and deposit them a few steps from the platform. Their wait will be short, for during the rush hour a BART train, dispatched and controlled by a computer, will pull out for Oakland and San Francisco every 2 or 3 minutes. There will be vacant seats waiting for them on the train—foam-padded seats, four inches wider than the usual transit standard.

Gliding along safely in quiet, air-conditioned comfort at speeds up to 80 miles per hour and averaging 50 miles per hour including the 20-second stops, they will prepare for the day's work or read their morning papers in good light for the 29 minutes it will take them to reach downtown San Francisco. At night they will reverse the route, saving another 30 minutes or more, and will arrive home relaxed and rested before 6 p.m. instead of disgruntled and grumpy at 6:30 or 7.

Their round-trip BART ticket, including parking at the BART station, will cost $1.40 instead of $6.15 by car. BART, moreover, may enable some families to get along with one car instead of two, or with two instead of three.

HOW OUR CITIES GOT SNARLED UP

In most large, traffic-plagued American cities today, a battle is raging between those who urge modern rapid transit like the BART system and those who favor more automobile freeways and expressways. Throughout the past decade or more, the freeway proponents have been victorious, for a number of reasons.

The United States entered the 1950's with a seriously inadequate urban public transportation system of buses, transit lines, and commuter railroads and an equally inadequate system of streets and highway. During the decade, conditions grew even worse. The number of autos registered rose from 40 million to 61 million and of vehicle miles per year from 458 billion to 719 billion; but roadbuilding did not keep pace. Passengers abandoned public transportation lines for most uses, but continued to jam the transit vehicles for the rush-hour trips to and from work in the central business districts of our large cities. Transit fares rose, and the trend to the automobile and to traffic congestion was intensified; yet peak-hour transit vehicles remained as overcrowded as ever. Our major cities seemed headed toward a monumental snafu.

Basically, there were three ways to deal with the problem: (1) Modernizing and expanding our public transit systems; (2) concentrating on the private automobile and building more freeways and parking garages; or (3) creating a balanced transportation system, using each mode of travel for the job it could do best.

Here was a major public issue, with many complex engineering, economic, sociological, esthetic, and political facets. But before it could be adequately debated, the die was cast in favor of the private automobile. Congress in 1956 authorized a vast new nationwide Interstate Highway System to provide nonstop, limited-access, high-speed travel on some 41,000 miles of rural and urban freeways designed with gentle grades, broad curves, and generous interchanges. The system was to be built in 16 years at a cost of $41 billion.

Why did this plan win adoption? Three reasons may be cited. One was the obvious, urgent need for some kind of transportation improvement. The second was the popularity of the automobile. Almost everyone was delighted by the prospect that the Interstate System would soon enable us to drive at 60 miles per hour or more anywhere—even to work and back.

But it was a third factor that turned the tide in favor of the Interstate System—a nationwide "highway lobby," and adequately financed and equipped with the elements of a powerful strategy for obtaining political action.

Pressing for the Interstate Highway System in 1956—and pooh-poohing "old-fashioned" plans to rebuild our rapid transit facilities—were the automobile manufacturers and their 64,000 local car dealers, the gasoline companies, the tire companies, and the influential motor clubs, including the American Automobile Association. Their allies included the politically well connected highway contractors and the highway department officials in city halls and State capitals; the trucking industry, which wanted faster roads for its trucks; the cement and asphalt companies; and the many industries that profit from cars and roads. Seldom has a single public issue mobilized such a potent lobby.

The financing of the Interstate System, which might have been the insuperable obstacle to its adoption, was a marvel of ingenuity. To circumvent the opposition of economy-minded city councilors and State legislators, the highway lobby plan provided that 90 percent of the $41 billion would come from Federal taxes. But Congress, too, is economy minded. Therefore, the plan also provided that the financing should be set up entirely outside the regular Federal budget. Federal taxes on gasoline, tires, and accessories, and tonnage taxes on trucks would be increased and the proceeds accumulated in a "highway trust fund." The Federal 90 percent would not be classed as an ordinary appropriation, but would be dispensed out of this special fund. Congress bought the entire "package." Moreover, cities wishing even more freeways than the Interstate System projected could get a 50-percent subsidy for them.

The plan looked foolproof in 1956. But today, with half of the 16 years of the Interstate System construction program behind us, critics are beginning to take another look. Many of them are not happy with what they see.

The rural portions of the system are relatively popular. The new rural freeways are fast and safer than ordinary roads; many people enjoy driving them, though some find them monotonous. Conservationists, of course, complain that the rural freeways sometimes invade this country's rapidly disappearing wilderness regions, wildlife sanctuaries, and other areas that should remain sacrosanct (though future invasions may be slowed down by the Wilderness Act of 1964). And other critics maintain that the billions being spent on rural freeways might better be devoted to more urgently needed public services—as though there were any assurance that if an appreciable portion of the money had not been spent on the highways, it would have been devoted to schools, health services, parks, and playgrounds, or other public uses.

Far more numerous and more trenchant criticisms have been aimed at urban parts of the Interstate System.

LIMITED PEAK-HOUR CAPACITY

One major criticism concerns the freeway's limited peak-hour capacity. A single freeway lane can, in theory, carry 1,500 cars an hour at high speed, with 5 or even 6 occupants in each car. Thus, if loaded to capacity, an eight-lane freeway should carry 1,500,000 persons past a given point in a day. But this is not what happens. Practical limitations reduce usable capacity to a comparative trickle.

Chart III illustrates the most important of these limitations. It shows urban traffic divided into two main classes. First, there is a broad base of miscellaneous traffic—shopping trips, school trips, social trips, salesmen's calls, visits to the doctor and the dentist, and so on. For the great majority of these trips, the automobile has no rival. An urban freeway system adequate to handle such traffic has much to recommend it.

But superimposed upon this base is a second type of urban traffic—the journey to work and back. These work trips tend to be concentrated into a single hour or two, each morning in one direction and each afternoon in the opposite direction. Cars on such trips carry an average of only 1.3 to 1.5 occupants each, and most of them are headed for a compact, highly congested central business district, or CBD, and to other densely developed neighborhoods. Under such circumstances—and they prevail in most large cities—congestion can be avoided in an all-automobile system only by building lanes that will be needed for only an hour or two each day and will therefore carry only a few thousand cars per day.

Incredible as it may seem, capacity actually goes up when congestion slows traffic down. At 20 or 30 miles per hour, cars follow one another more closely, and one lane can therefor deliver 2,000 cars or more per hour instead of only 1,500. But a freeway in this congested condition—as every driver knows—is vulnerable to being blocked altogether as additional cars try to worm their way into the stream of traffic, and as cars run out of gas, tires go flat, engines overheat, or fenders tangle. Then capacity drops to zero, while drivers gaze ruefully at road signs reading: "speed limit—60 mph."

True, congestion can be somewhat reduced by making middle lanes reversible so that an eight-lane freeway, for example, can carry five or six lanes in the dominant direction during peak hours. Even so, the number of lanes adequate to serve the ordinary traffic to and from a central business district may have to be doubled or even trebled to handle without congestion those mountainous rush-hour travel peaks so clearly visible in chart III. (Not shown in the RECORD.)

The high cost of these added peak-hour-only lanes per car using them, along with the valuable downtown space they require, makes it unlikely that enough of them will ever be built. If they are built, they will fall afoul of the apparently inexorable rule that new roads soon attract enough new traffic to jam them. The Long Island Expressway in the East and the Santa Ana Freeway in the West, which vie for the title "world's largest parking lot," have become examples of the congestion they were to relieve.

PARKING GEOMETRY

It is a law of nature that once a commuter's car gets to town, it has to be parked. Here again the basic considerations are common to most large cities. It may be feasible to provide parking for CBD shoppers and miscellaneous visitors, even though it may involve costly underground or multistory garages. To provide, in addition, all-day parking for workers enormously aggravates the problem.

To allow not only for the space a car occupies but adequate maneuver space as well ordinarily requires about 350 square feet per car—almost twice as much space as an office or work area for one worker. That leaves room for only 125 cars per acre of parking lot or garage floorspace. When such space for CBD parking needs are combined with space needs for CBD expressways, the whole function of the CBD, which needs compactness, is impaired.

THE HIGH COST OF FREEWAYS

Urban freeways look like bargains to local governments because of the 50 percent or 90 percent Federal subsidy for the capital cost. Rapid transit systems like San Francisco's BART, in contrast, look enormously expensive because the whole cost must be borne at home. However, in the absence of a Federal freeway subsidy or if both systems were similarly subsidized, the comparison would be quite different. Here are the relative lengths and costs of the urban and rural portions of the Interstate System:

	Number of miles	Total cost (billions)	Average cost per route-mile
Rural	36,000	$22.5	$625,000
Urban	5,000	18.5	3,700,000

Costs for routes through congested areas, however, run much higher:

[Cost per route mile]

Freeway:	
Downtown San Diego (Calif.)	$5,500,000
Pasadena (East-West) Freeway (Calif.)	10,300,000
Prospect Expressway Gowanus-Prospect (N.Y.)	13,600,000
Kennedy (Northwest) and Edens Expressways (Ill.)	15,600,000

These are not extreme examples. A 1961 San Francisco study estimated that future esthetically acceptable freeways for that city would cost more than $23 million a mile. A 1½-mile downtown stretch of Boston's central artery cost more than $40 million a mile. One estimate places the cost of a crosstown expressway in Manhattan at $100 million a mile.

San Francisco's 75-mile BART system will cost $13 million a mile. It will have a peak-hour capacity of 30,000 seated passengers in each direction. Even with two lanes reversible, a comparable $13 million-per-mile eight-lane freeway would have a peak-hour capacity of only 7,000 or 8,000 cars (10,000 or 12,000 occupants) before congestion began to slow travel down. And the rapid transit line, of course, requires a much narrower right-of-way and no costly parking facilities downtown.

Another aspect of cost is what the urban freeway does to local tax rolls. Within the city, the freeway takes valuable land off the tax rolls and thus increases the load on the remaining land. The effect can be substantial. Washington, D.C., for example, had 2,100 acres of highly taxed downtown land on its rolls in 1960. Construction of all highways then proposed would have reduced the taxable downtown area by 375 acres or 17 percent.

The loss in city tax revenues, it is true, may in many cases be balanced, or more than balanced, by increased tax revenues in the suburbs, where undeveloped property near freeway interchanges is converted into high-tax shopping centers, industrial sites, and homesites. This may be fine for the undeveloped suburbs and for the property owners and speculators who reap the land-boom bonanza; but it is small solace for the residents of central cities, where the tax load is already heaviest.

For ordinary travel, the freeway is a very good buy. It more than pays its own way as compared with travel on ordinary streets and highways. But its economic advantage is lost when it is expected to handle the task for which it is least fitted—carrying peak-hour traffic into and out of the densely developed portions of our large cities.

THE SOCIAL COSTS OF FREEWAYS

To the extent that freeways have indirectly produced a deterioration of public transportation, they hurt particularly those who are too old or too physically handicapped to drive. These people must depend on the substandard public tranportation—and they live under the continuing threat that what little there is may be curtailed or discontinued. Many continue to drive, though they should not, because there is no other way to get around. Licensing officials tend to revoke licenses only in extreme cases if alternative transportation is not available. Fifteen percent of the entire adult population or more may be in this group of aged or handicapped.

Other, far greater social costs of freeways are familiar to planners through the protests of families and businesses marked for uprooting. Freeway proposals for the District of Columbia, before they were scaled down, called for the displacement of 33,000 men, women, and children—almost 5 percent of the District's population. And additional thousands in the Maryland and Virginia suburbs were living in the paths of proposed freeway routes.

Before a federally subsidized housing project is approved, local sponsors must give assurance that uprooted families will be relocated. No similar assurance is required of highway departments planning federally subsidized roadways. Property owners ousted by a new freeway, of course, receive approximately the market value of their property—but it isn't always easy to find a new home at that price. Renters until recently got nothing, and store owners got nothing for the "going concern" value of their stores. To meet the protests, Congress in 1962 amended the Federal-Aid Highway Act to provide payments up to $200 for family moving expenses and up to $3,000 to stores. But since a way of life is at stake as well as moving expenses, these payments have not provided satisfaction.

Freeways also sometimes cut suburbs in half or amputate a neighborhood from the main community. In some States, approval of the local government is required before a new route can be built through its boundaries. In such States, even a village can force a new freeway to make a costly detour; a solid phalanx of villages often can and sometimes does block a new route altogether.

The historic landmark and the public park are other frequent victims of the freeway. A study made for the Minneapolis Board of Park Commissioners in 1960 revealed that the Interstate System planned to invade 15 Minneapolis park properties and that other State and county highways were scheduled to invade an additional 13. The park territory coveted by the highway departments totaled 295 acres—or 5 acres of park land for every square mile within the city limits.

A 1962 amendment to the Federal-Aid Highway Act provides that no Federal grants for urban highways will be approved after July 1, 1965, unless the proposed route has been reviewed as part of a regional planning process that takes social and community values into consideration. This is surely an important and long-overdue step in the right direction; it should have been part of the original 1956 plan.

But the new planning procedures will prove beneficial only for those communities that organize promptly and effectively to make use of them. Otherwise the same old highway planners will continue to make the same old decisions from their new desks in a "regional planning office." A future article in this series will consider ways in which consumer groups can effectively participate in the new planning process.

To many freeway enthusiasts, objections based on personal or local considerations seem selfish and even perverse. Sacrifices, they urge, must be made to the common good. There is some merit in this view. Individual objections can be pressed beyond reason. In one instance a freeway was delayed, and then rerouted at an added cost of $1 million, because of complaints from eight families slated for relocation. But even unreasonable opposition is a fact of political life with which transportation planners must now contend just as they must contend with rivers too broad to bridge and mountains too massive to tunnel.

Opposition can be expected to grow even more effective during the remaining years of the Interstate System construction program, as more communities experience for themselves just how a freeway affects community life—and as all the "easy" routes are completed, leaving unfinished and perhaps unfinishable the routes that dispossess the largest number of people, remove the largest amounts of taxable land from the rolls, despoil the best-loved parks and views, or otherwise rouse the ire of the local citizenry.

If the high dollar cost and the high social cost of urban freeways were necessary to achieve a fast transportation system, the benefits might be balanced against the costs. But commuters are increasingly learning that for the trip to work downtown, the new freeways are not fast.

CU has examined unpublished data, for example, for a 12-mile-long stretch of Chicago's Congress Street (Eisenhower) Expressway, composed partly of eight lanes posted at 55 miles per hour and partly of six lanes posted at 60 or 65 miles per hour. When traffic is flowing freely, a driver can cover the 12 miles with ease in 13 minutes. But during rush hour, the trip over the same 12 miles may take as long as 35 minutes.

This figure, impressive though it is, seriously understates the problem. For it does not include the excess time it takes to get into or out of a parking garage in rush-hour traffic, to weave through the congested local streets to a freeway entrance, to queue up at the entrance, and then to crawl up the ramp and push a way into the moving stream of traffic.

Wasted time can be evaluated in various ways. One approach values the commuter's time at some arbitrarily chosen amount, such as $1.50 per hour. On this basis, 30 minutes wasted each way each day costs each commuter some $325 per year. More complicated calculations have also been made. None of them takes into account what it means to wife, husband, and children to be cheated out of an hour together—and to have a father arrive home fretful, grumpy, exhausted, and late for dinner after battling traffic congestion on the new freeway.

OUR CONGESTED FUTURE

Freeway proponents point out that the urban freeway system is not complete as yet. Thus laymen may be tempted to dismiss current freeway congestion as mere "growing pains"—a temporary affliction that will be cured when the rest of the Interstate System freeways are opened to traffic.

Transportation engineers know better. The ultimate inadequacy of the center-city portions of the Interstate System was revealed in 1961, in a study commissioned by the Automobile Manufacturers Association and published under the title "Future Highways and Urban Growth." This study, made by the traffic consulting firm of Wilbur Smith Associates, considers the urban traffic situation in 1972, assuming that all Interstate System and other planned urban freeways are completed by that date. Its conclusion: the annual rate of urban freeway construction will thereafter have to be doubled.

The Interstate System plan called for building 5,000 miles of urban freeway during the 16 years from 1956 to 1972; the 1961 report calls for building an additional 5,600 urban miles during the 8 years from 1972 to 1980.

WOULD STAGGERING WORK HOURS HELP?

All forms of transportation would work much better, of course, if everybody didn't have to get to work and home again at the same time. Hence proposals are sometimes made to stagger work hours. The main objections:

Work hours are already considerably staggered; if everyone worked from 9 to 5, conditions would be even worse than they are. Many commuters already drive in early or leave late or both to avoid the peak-hour rush. Hence half-hour or even full-hour staggering would have relatively little additional effect.

To get a major impact, staggering of work hours would have to be spread over several hours at least. Thus many people would have to report for work objectionably early, and others would be held at work objectionably late. One amenity people want is leisure hours together. Higher pay is demanded for working during hours when others are free.

A central business district exists to enable people to transact business with one another face to face. If some open late while others close early, efficiency is lost.

Despite these general drawbacks, work staggering in particular circumstances may be worth trying, and experiments should be encouraged.

BAN CARS OR BEAT THEM TO TOWN?

After looking at traffic-plagued cities, some critics have proposed that private automobiles be banned altogether from their congested central areas—thus forcing would-be drivers onto public transportation.

This solution is hardly popular; yet it is very close to what is actually happening—with no formal law or regulation to keep cars out—in some large cities today. Fewer than 5 percent of the people employed in Manhattan south of 60th Street, for example, drive their cars to work—not because many of those who don't aren't eager to drive in, but because a combination of clogged streets, bridges, and tunnels, inadequate parking facilities, and high parking charges bar their entry.

Similarly in Chicago, only about 12 percent of those entering the central business district in rush hour drive in. In other large cities the barriers to entry are more porous—but access is strictly rationed all the same. Though few officials will openly admit it, congestion is quietly accepted as the cheapest device for discouraging additional drivers from driving to town. Indeed, congestion is politically popular in an off-the-record way because you don't have to float a bond issue to finance it.

It is here that the true significance of San Francisco's BART system, described above, becomes apparent. The Bay Area proposes to solve its journey-to-work problems, not by banning cars or by making it excessively slow, costly, and unpleasant to drive, but by offering a cheaper, faster, more convenient, less irksome way to get to town.

Mechanical breakdowns and strikes will on occasion interrupt service along even the best-run transit system, though such interruptions should be rarer than those caused by rain, snow, and fog on the freeway systems. And even rapid transit built to BART standards, it is true, will not do for all commuting problems. Some commuters will, no doubt, continue to drive to town daily because they need their cars during the day, or because their destinations are not conveniently reachable by rapid transit. Others will drive on occasion when they are taking passengers along, or are planning to stop en route, or expect to return home with bulky packages. And some may continue to drive simply because they enjoy driving, even though it takes longer and costs more.

But so many people will use the new rapid transit systems that the question arises, can enough seats be supplied them or will rush-hour passengers be jammed indecently onto the new trains as they are onto many of our present urban transit vehicles? The answer remains in doubt. San Francisco BART plans leave considerable leeway to increase peak-hour capacity if future traffic exceeds the forecasts. Other systems, however, may not be so generously planned. And even if there is adequate capacity, the management of a transit system may cut rush-hour service below the capacity of the tracks in order to save on equipment or operating expenses. In either case, the bright new trains of tomorrow may be even more shockingly overcrowded than some of today's transit vehicles—for tomorrow's commuters may be prepared to tolerate even worse conditions in order to stay off the freeways and get to work at top speeds.

Transit planners should be closely questioned concerning the excess capacity of a new system; and the managements of existing systems on which there is crowding should be asked what can be done to match seats to demand.

CAN BUSES DO THE JOB?

Present-day urban bus systems—even "express" buses on freeways—are too slow to be worth serious consideration in planning an acceptable commuting system. A bus can move no faster than the car ahead of it.

Bus proponents, however, have suggested that enormous advantages might be gained through a properly designed bus system using a private or reserved right-of-way. To cite one example, a bus might circulate through a suburban neighborhood to collect passengers in the morning, then travel nonstop to town along a high-speed freeway lane reserved exclusively for buses, and deliver its passengers at stops along an elevated or underground downtown busway loop. Among the advantages cited are pickup and delivery close to your home and place of work, no transfer from one vehicle to another, and great flexibility in rerouting the vehicles as travel demand changes. The crucial disadvantage of this system is the long wait between buses. Neighborhood pickup for the no-transfer service would necessitate infrequent scheduling if the buses were to draw anything like capacity loads. Bus systems offering frequent service can be designed—but in such systems other advantages, such as pickup and delivery close to your door, must be sacrificed.

Other disadvantages of the bus are inferior comfort (as compared with good rail transit) and the high cost of supplying a driver for every 50 or 60 seated passengers. Adequate downtown bus terminal facilities and space for daytime bus storage are also costly and space-consuming.

Certainly every city planning a new rapid transit system should give full consideration to bus possibilities. Engineers and economists who have made detailed mass transportation studies for large American cities in the past decade, however, have recommended bus instead of rail transit for the trip to work in only one case—St. Louis.

Another proposal involving buses is highly ingenious. It involves placing barriers at freeway entrances and limiting access to 1500 or 1600 vehicles per lane per hour, so that traffic can flow freely at high speeds even during rush hours. When a stalled car blocks a lane, the ramp barriers would promptly reduce the flow of entering cars still further to prevent bottlenecking along the freeway. Buses would be given preferential access at the barriers, and thus could carry you to town at high speeds without requiring a costly reserved or private right-of-way.

But at least two problems remain to be solved: how to find room for the cars queuing up at the barriers, especially downtown in the afternoon, and how to deal with the private drivers fidgeting at their wheels in the queues as the buses roll by.

COMBINING TRANSIT WITH FREEWAYS

The ideal urban transportation plan, almost everyone now agrees, would combine a rapid transit system of BART quality or better with a freeway system adequate to carry the rest of the traffic. These two aspects of a sound plan are not incompatible.

Chicago's Congress Street Expressway and rapid transit line is the pioneering example of combined planning. It is, for the most part, an eight-lane expressway with a two-track rapid transit line, and space for a third track, down the median. Rapid transit requires only about one-fifth of the width of the right-of-way; yet it has a theoretical peak-hour capacity of 30,000 seated passengers in each direction per hour (60,000 in the peak direction if the third track is installed). The expressway, occupying four-fifths of the right-of-way, begins to jam up when more than 6,000 cars (9,000 occupants) travel along it per hour in either direction. The expressway cost about $188,500,000; the rapid transit line cost an additional $36 million.

Two other new Chicago expressways also have space down the median for rapid transit, but funds to build the transit lines are lacking. Los Angeles, San Francisco, and Washington, D.C., similarly plan to use freeway medians for a portion of their transit lines. The moral for other cities is clear. If a new freeway is being planned to enter your downtown area, has adequate consideration been given to provide room along it for future transit needs?

PRETTY GOOD ISN'T GOOD ENOUGH

Opponents of rapid transit make a completely valid criticism of the Congress Street transit line arrangement. They point out that even though its two-track transit line could carry 30,000 seated passengers per hour, it actually runs many fewer cars than its capacity would allow and thus attracts only 13,500 passengers, including standees, during the rush hour. Hence the automobile expressway continues to jam up. To appreciate what's wrong with the Congress Street transit line, and with most other public transportation in the United States today, let's compare Chicago's Congress Street line with San Francisco's BART standards.

First and foremost, 50 percent of the passengers on the Congress Street line must stand during the peak hour. Even for the riders who do find seats, comfort is far below BART standards. The cars are not air conditioned, for example. And the service is only technically "rapid" transit. Scheduled speeds range from 17 to 26 miles per hour, as compared with BART's 50 miles per hour (both including the time of stops at the stations).

Moreover, the Congress Street line is only 9 miles long; much of its potential patronage lies beyond its outer terminus. Where it does reach, there are inconvenient arrangements for handling passengers driven to the train by their wives, inadequate peripheral parking for those who want to drive to the station, and inadequate "feeder" buses to bring passengers to the train. At the other end of the line, Chicago's distribution system for carrying passengers to their destinations fails to serve a number of new midcity developments where the transportation demand is heaviest.

These shortcomings are typical of most mass transportation lines in the United States today. Indeed, many are much worse. Mass transportation is patronized mostly by people who do not own cars, by those who would prefer to drive to work but can't afford it, and by those who fear they won't be able to find a parking place or to afford those that are available.

Chicago could remedy Congress Street's transit shortcomings at relatively moderate cost—much less than the cost of an additional freeway. It could also build high-quality transit lines along its other freeways at moderate cost.

But opposition from railroad interests and the highway lobby blocked action on transit improvement in the 1961 Illinois Legislature. It boils down to this: Commuters are not yet organized as effectively as the highway lobby is, nor are they as sure of what fits their best interest. For instance, they are often misled when automobile club executives and other opponents of rapid transit tell them that the BART system and similar proposals will handle at most only 5 percent or so of the trips people want to make. The figures may be right, but the implication isn't. For the 5 percent of trips that modern transit can handle best are the all-important trips to and from work.

DO CAR POOLS HELP?

Car-pooling could possibly solve our urban transportation problems—if we all drove to town five or six in each car. But this is neither reliable nor convenient as a form of mass transportation. Four passengers must wait until the fifth is ready each morning and afternoon. Either time is wasted during pickups and deliveries or the advantage of door-to-door service is lost. Readers who have car-pooled will no doubt recall other shortcomings. Nevertheless, each car pool contributes its mite to easing transportation problems, and pooling should be encouraged—by receiving preferential parking privileges, for example—while cities await adequate transportation.

ROLE OF THE COMMUTER RAILROADS

Many suburban commuters face a different sort of transportation crisis. Their communities' problem does not take the shape of a monumental traffic jam or overcrowded transit, but rather a notice posted at the local railroad station that the line proposes to raise its fares or curtail its passenger service—or discontinue service altogether.

Commuters faced with situations such as these often band together to protest, or hire lawyers to protest for theme, at Interstate Commerce Commission hearings and at State public utility commission proceedings. They also petition their local officials and State legislators to "save our commuter railroads" by relieving them of taxes and by paying them tax subsidies.

Philadelphia has pioneered a better solution to the commuter railroad problem. During the 1950's far-sighted Philadelphia public officials, looking at a map of the Penn-Jersey metropolitan area, noted that the rights-of-way of the dozen or more commuter railroad lines fanning out in all directions from downtown Philadelphia and from Camden could be used to create a magnificent public transportation system—if the lines could be tied together and service standards raised. Hence, when the railroads serving Philadelphia began petitioning for fare increases and for permission to curtail service, the city countered with an alternative proposal.

It offered to buy service from the railroads in accordance with a carefuly drafted contract. It would seek to supply top-speed, comfortable, air-conditioned "Silverliners"—reputed locally to be the finest electric commuter cars in the United States today. These new cars would be added to existing schedules to shorten the intervals between trains and provide seats for more passengers. The railroads would be required to lower instead of raise their fares. Stations would be improved and additional parking provided around them. The city would foot the bills, with aid from a Federal demonstration grant.

The plan was tried initially on two commuter lines and proved so successful that it has since been extended to several more. Two neighboring counties, through the Southeastern Pennsylvania Compact (SEPACT), have now joined Philadelphia and the Federal Government in supplying the needed funds. Railroad commuters are getting better service for less money, and the rest of the city is benefited through fewer cars jamming the downtown streets and freeways. A similar plan has since been launched on some Boston commuter railroad lines.

The Philadelphia plan is important because of three major features that distinguish it from the usual "save our commuter railroads" pleas.

The subsidy is used directly for the benefit of railroad patrons, not to bail out railroad bondholders.

The plan does not just seek to maintain existing service. It assures more and better service at lower fares.

Every dollar spent—and this is the ingenious heart of Philadelphia's plan—brings the city and its suburbs one step closer to a consolidated, area-wide rapid transit system capable of providing service close to BART standards.

In 1964, for example, John Bailey of SEPACT submitted a report showing how railroad rights-of-way could be utilized to provide a high-speed 216-mile rapid transit system with Silverliner comfort, peripheral parking, and convenient central-city distribution at a cost of only $130 million. And $27 million worth of this conversion program had already been completed. New cars had been purchased, peripheral parking provided, and other improvements made. As a result, Bailey's "package" could be completed for an additional cost of only $103 million—less than the cost of building 8 or 10 miles of downtown freeway.

The Regional Plan Association has been developing a similar plan for New York City's commuter railroads.

WHAT'S THE ANSWER FOR YOUR CITY?

A surprising number of North American cities are now considering rapid transit proposals leading toward San Francisco-type service—and a few have already started building transit systems.

Toronto residents, for example, voted 10 to 1 for a new subway back in 1946. Trains rolled over the first 4.5 miles of the system in 1954—and success was so immediate and obvious that plans for expansion were promptly drafted. Some 6.5 miles are currently in operation—not very much, but enough to keep from 10,000 to 25,000 cars off Toronto streets each weekday. Construction now underway will provide 21 miles of transit by 1967, and future plans now call for 39 miles by 1980. Along with new transit construction, Toronto is also developing a computer-based traffic control system to handle the cars and trucks remaining on the streets with maximum efficiency.

Montreal is similarly building a new subway system—26.2 miles approved to date—after a mayor was elected on the platform: "Vote for me and get a subway."

Philadelphia voters last November approved by a substantial margin an $87,300,000 bond issue to finance subway extensions. The Philadelphia-Camden rapid transit line is being extended into the south Jersey suburbs at a cost of $50 million. And there is the pending proposal already described to convert 216 miles of Philadelphia's commuter railroad lines into a high-speed transit system approaching BART standards.

Atlanta has plans for a 65.4-mile rapid transit network. Voters last November approved a constitutional amendment that is the first step toward that goal.

Boston is planning major improvements with the help of State funds from a 2-cent-a-pack increase in the cigarette tax, imposed following a monumental traffic tieup in December 1963. Its old transit authority serving the city and 13 suburbs has been replaced by a new agency authorized to improve service to the city and 77 suburbs.

Los Angeles has plans for a new 64-mile system not unlike San Francisco's.

Washington, D.C., plans, submitted to Congress in 1963, called for 83 miles of high-quality transit service.

Edmonton, Alberta, with a population of only 300,000, is the smallest North American city with a rapid transit plan: six lanes totaling 25 miles. "We hope to start digging in 1968," an Edmonton official reports.

New York, Chicago, Cleveland, and Pittsburgh have plans for extending and improving their existing transit systems—but these plans fall short in varying degrees of San Francisco BART standards.

A few other cities—St. Louis, for example—have transit plans gathering dust in municipal office files, and several cities, such as Baltimore and Seattle, are beginning to get ready to make transit plans.

This optimistic review of North American transit progress is subject to one major qualification: All of the plans require public tax funds to subsidize construction; but to date only Toronto, Montreal, and San Francisco have firmly committed public funds in adequate amounts. Thus a tremendous field is waiting for action—not necessarily to rally support for BART-type public transit in every large city, but at least to examine the issues carefully and come up with reasoned support of some locally feasible solution to the transportation problem.

That Toronto, Montreal, and the San Francisco Bay area should be the leaders in laying money on the line for high-quality transit is hardly coincidence. "If you would make your city loved," said an ancient Greek proverb, "you must first make her lovable." Toronto, Montreal, and San Francisco have made themselves lovable cities—and it is at least partly in an effort to preserve their inherent quality from the freeway and the parking lot that residents of these cities and their suburbs have been willing to tax themselves for rapid transit.

The presence of three Canadian cities on the list is also worth a comment. American cities facing a choice between downtown freeways and rapid transit are deterred from choosing transit, even when it makes excellent sense, by our national freeway financing program. Since 90 percent of the cost of new urban freeways included in the Interstate System and 50 percent of the cost of most urban freeways in excess of the Interstate System come out of the Federal highway trust fund, even cities that want and need rapid transit have to date been tempted by the Federal carrot to build more freeways instead.

A change is in sight, however. The Urban Mass Transportation Act passed by Congress in 1964 establishes a national policy of aiding public urban transportation. If adequate funds are appropriated to achieve the goals set forth in the 1964 act, cities may at last be free to plan their transportation in terms of sound engineering and public policy rather than in terms of which plan will draw the lushest Federal subsidy. The next report in this series will consider financing proposals in more detail.

The joint statement presented by Mr. TYDINGS is as follows:

JOINT STATEMENT OF REPRESENTATIVE JONATHAN B. BINGHAM AND SENATOR JOSEPH D. TYDINGS CONCERNING A BILL TO PERMIT A STATE TO ELECT TO USE FUNDS FROM THE HIGHWAY TRUST FUND FOR PURPOSES OF URBAN MASS TRANSPORTATION

We are today introducing legislation which, if passed, would give State governments the authority to use Federal highway subsidies for either road construction or mass transit in whatever proportions they find appropriate to meet their problems. This is based on our conviction that a balanced urban transportation system is clearly the best way to meet our burgeoning transportation needs.

We do not oppose the construction of highways. To the contrary, we support highway construction. However, we do not believe that automobiles alone can adequately handle the job of moving large numbers of people back and forth from their homes to jobs, schools and marketing. In great metropolitan areas highways must be a part of a balanced transportation system.

The purpose of this legislation is no less than the survival of our cities as we now know them. For it is becoming increasingly clear that if we are to retain the centralized, core city—such as the business district of New York, or the governmental complex of Washington—we must develop more flexible means of access and egress than we possess today. Our cities cannot continue to be the shopping, cultural, and professional centers they are today if they are inaccessible. And there are indications that they are becoming inaccessible.

Indeed, it is our hope that this legislation will help significantly to make the downtown areas of our cities more pleasant places to work and live. The ideal urban transportation plan, we are convinced, would combine a rapid transit system of high quality with a freeway system adequate to carry the balance of the traffic. Paradoxically, however, the nature of present Federal aid has been such as to predetermine that every community will best be served by a basic reliance on highways. It is our goal to correct this clear imbalance.

By 1980, in just 16 short years, the population of our Nation will have reached 245 million people. This is an increase of virtually one-third over the existing population. Ninety percent of these people will live in metropolitan areas.

If present trends continue, the number of automobiles will increase from 80 million in 1963 to 120 million by 1980, or an average of 1 car for every 2 people. But for most of our cities we can expect very little increase in the surface area available for auto transportation in the near future. And the cost will be staggering: one estimate places the cost of a crosstown expressway in Manhattan at $100 million per mile.

The facts are inescapable:

(1) Our cities are losing commerce and industry because adequate transportation is not available.

The August 9, 1964, edition of the New York Times notes that in the past 4 years 34 companies left New York City in favor of industrial parks on Long Island. One of the main reasons given for the move by company executives was insufficient parking and traffic congestion. The president of one company said: "If we had a plant where we wouldn't have had to fight traffic and parking problems every day, we wouldn't have left the city."

The January 1965 report of the Federal Reserve Bank notes that department stores sales in downtown Washington from 1960–64 were up only 3 percent, compared to an increase of 38 percent in suburban Washington. Robert Levi, president of the Retail Federation of America, made the following statement about the situation in Washington:

"If this city's dispersal continues at its present rate, and its revitalization program for the central city is delayed, as it has been in the past, the major portion of new investment of all business will be devoted to where there is growth."

(2) Americans traveled an estimated 687 billion miles by car last year, at a total cost of nearly $70 billion.

Over 85 percent of the daily travel in most urban areas today is by car. A typical one-car family driving 10,000 miles a year spends more than $1,000 a year for automobile travel—or about 10 cents per mile.

Denied efficient mass transit service, the commuting public merely has avoided public transportation, and the highways and streets are swollen with their cars.

The result has been a monumental coast-to-coast traffic jam costing this Nation an estimated $6 to $8 billion a year in lost time and wages, higher accident rates, loss of retail business, extra vehicle wear and tear, all on top of personal exasperation and frayed nerves.

One Chicago planner has estimated that it takes 5 million square feet of offstreet parking space to handle additional auto traffic brought in by a single new expressway lane.

Another aspect of cost is what the freeway does to local tax rolls. Washington, D.C., for example, had 2,100 acres of highly taxed downtown land on its rolls in 1960. Construction of all highways then proposed would have reduced the taxable downtown area by 375 acres or 17 percent.

(3) The social costs of unchecked freeway development are enormous.

In the wake of urban highway construction, neighborhoods are destroyed, families are uprooted, taxable land is wiped out, and a mammoth downtown parking problem is produced.

Freeway proposals for the District of Columbia, before they were scaled down, called for the displacement of 33,000 people—almost 5 percent of the District's population.

Freeways sometimes cut suburbs in half or amputate a neighborhood from the main community.

The historic landmark and the public park are other frequent victims of the freeway. A study made for the Minneapolis Board of Park Commissioners in 1960 revealed that the Interstate System planned to invade 15 Minneapolis park properties and that other State and county highways were scheduled to invade an additional 13.

(4) Air pollution is another disturbing repercussion of the onslaught of automobiles into our cities.

An article in the June 23, 1965, edition of the Washington Evening Star noted a report by a special New York City council committee which concluded that New York's air is a contributing factor in an increasing death rate from respiratory diseases, including lung cancer. The committee said that the air is damaging buildings, ruining crops on Staten Island, and killing parkway trees and shrubs contaminated by auto exhaust fumes. The committee said that breathing the city's air causes as much inhalation of benzpyrene, a cancer-inducing hydrocarbon, as would result from smoking two packs of cigarettes a day.

The Division of Air Pollution of the U.S. Public Health Service made the following statement concerning this problem:

"Abundant evidence exists which demonstrates that certain forms and systems of transportation may play a significant role in the production of air pollution problems. These problems are particularly related to the increase in individually owned and operated vehicles in urban and metropolitan areas.

"The Public Health Service, therefore, from the standpoint of air pollution control, looks with favor on the utilization of mass transportation systems utilizing common carrier means."

Flexibility, we are convinced, is the keynote to the successful revitalization of our paralyzed urban transportation facilities.

Yet, ironically, at a time when mass transportation service should be improving it is deteriorating at a frightening pace. And it is the Federal Government which is largely to blame.

The Federal Government encourages highway construction by providing States with 90 percent of the funds for highways in the Interstate System. Mass transit at the State level, however, is the recipient of virtually no aid whatever, and as a result there is nothing being done.

The Federal Highway Trust Fund has been in existence since 1956. It has annually pumped billions of dollars into interstate and local highways, eliciting counterpart State expenditures ranging from as little as 10 percent to as much as 50 percent. In the 3 years, 1964–67, the ratio of Federal aid for highways is scheduled to be 30 times as much as for urban mass transit ($12 billion to $360 million). We do not believe that this is justified any more than we would support the reverse.

Unless there is a change in the existing law, by 1972 the Federal Government will have contributed more than $46 billion, in just 16 years, to help build highways, compared to only one-third of a billion dollars for mass transit.

In the Baltimore area alone there is $815 million worth of urban highway construction on the planning boards at an estimated cost in excess of $10 million per mile. Little or no attention has been paid to the development of mass transit, however.

A mass transit line, whether subway or bus, is far more efficient than the automobile.

San Francisco's 75-mile BART line (Bay Area Rapid Transit) will cost $13 million per mile. It will have a peak hour capacity of 30,000 seated passengers in each direction. A comparable $13 million per mile eight lane expressway would have a peak hour capacity of only 7,000 or 8,000 cars (10,000 or 12,000 passengers) before congestion began to slow travel down. And the rapid transit line, of course, requires a much narrower right of way and no costly and wasteful parking facilities downtown.

Let there be no doubt that people will patronize improved transit systems. In recent years improvements in the New York subway system have brought about an increase of 20 million additional passengers a year. Modernization of Philadelphia's commuter system has resulted in a 44-percent increase in ridership over the past several years. Changing the Highland Branch in Boston from a commuter railroad to high-speed transit in 1958 has resulted in a 1000 percent increase in ridership.

What must be done in order to provide for an integrated transportation system is to correct the gross inequity which exists between the funds available for highways and those available for rapid transit.

Federal aid is required and has, in fact, been given. Right now, however, these huge sums are appropriated exclusively for highway transportation, while there is only nominal aid given to mass transit.

This is inconsistent with the principle that communities should be encouraged to devise their own plans based on factors of special relevance to each. The Congress cannot design a transit plan that will meet the needs of every city in the United States.

We are not unmindful of the fact that the basic course of funds for the highway trust fund are taxes levied on automotive parts and gasoline. However, studies show that the motorists who actually use interstate highways pay only about a third of the costs of construction of the roads. The balance of these taxes are paid by automotive users who do not ride on the subsidized highways. In an analysis of the 15-mile Kennedy Expressway in downtown Chicago prepared by the New York engineering firm of Parsons, Brinckerhoff, Quade & Douglas this fallacy becomes apparent:

"The Northwest Expressway was built at a cost of $238 million. If placed on a financing basis equivalent to that presently typical for public transportation improvements, allowing interest at 4 percent and depreciation over 50 years, capital charges can be said to amount to $11.1 million a year. It is estimated that fuel and other related taxes paid by vehicles operating over the expressway will amount to approximately $3.8 million a year."

Where does the rest of the money come from? "The balance of the capital, maintenance, and operation costs must be met," the Parsons, Brinckerhoff, Quade & Douglas analysis continues, "by taxes on fuel consumed by vehicles operating over roads and streets already completed, some for decades."

An even higher estimate has been made by the Regional Plan Association for the Greater New York Area, based on studies by Prof. William Vickrey of Columbia University:

"The subsidy to rush-hour motorists on typical urban expressways and streets is about 10 cents a mile per automobile. The person driving 25 miles to work during rush hours in a metropolitan area is subsidized about $5 a day (or perhaps 50 cents or $1 less if he passes toll gates) * * * if (commuter) railroad or subway riders received the same subsidy as automobile commuters, the Government would have to pay each rider handsomely to get onto the train."

Against this background, the need for a transit subsidy becomes more understandable. A transit system, no matter how popular, how badly needed, or how well planned and operated, can hardly be expected to woo commuters off the expressways without a subsidy so long as the urban freeways themselves, and the parking at their downtown end, continue to be lavishly subsidized.

We can see real benefits to those who do use highways if the volume of traffic is reduced. Installation and/or modernization of rapid transit facilities in our metropolitan areas will go far to reducing the paralyzing congestion which presently hinders our automobile transportation.

What we are proposing today is in the interest of every automobile owner in every city and metropolitan suburb in the land, whether or not that person would utilize a new or improved mass transit system in his area or not. If he continues to use his automobile he will find that the mass transit system reduces the number of cars on the road, and thus makes his trip safer, faster, more comfortable, and in every way a more pleasant experience. If he drives to a transit station, he will have discovered a fast, efficient, comfortable, and inexpensive means of transportation to and from the central city.

SETTLEMENT OF PROPERTY DAMAGE CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964 with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

The purpose of this legislation is to, first, amend 10 U.S.C. 2732(a), 14 U.S.C. 490(a) and section 3(a) of the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767), respectively, by substituting a $10,000 limitation for the present limitation of $6,500 that may be paid for by the appropriate Secretary or the head of the Federal agency, or the designee of either, in settling claims of members of the uniformed services and civilian employees of Government agencies; second, permit reconsideration, retroactive to July 2, 1952, of any claim heretofore settled and paid in the amount of $6,500 solely because that was the maximum amount authorized under existing law; third, repeal 10 U.S.C. 2732(f) and 3(e) of the Military Personnel and Civilian Employees' Claims Act of 1964, which require the Secretary of Defense, the Secretary of each military department, and the heads of all Federal agencies to report annually to Congress on the payment of claims by persons under their respective jurisdictions for damage to, or loss of, their personal property. The limitation of $6,500 was enacted in 1956 and has not been changed since that date.

A monetary limitation of $6,500 is unrealistic, imposes a great hardship on certain claimants who are victims of catastrophes and disasters, and leads to an increase in the number of private relief bills sponsored in Congress. Although the usual claim can be settled for approximately $300, less than 1 percent of the total number arises from events of catastrophic proportions—such as fire, flood, and airplane crashes—results in meritorious claims for more than $6,500, and involves total losses of household furnishings and personal possessions of the unfortunate individuals concerned.

As to the retroactive feature of this bill, the potential cost of a reconsideration of claims has been ascertained by the military services to be a total of $327,126.86. There is a potential of about 195 claimants who might file for reconsideration. The provision for retroactive application is required to extend equal treatment to those who have sustained heavy losses prior to the effective date to the amendments added by this bill. In order to resolve the question of presentation of potential claims within a reasonable time, only claims where a request would be filed within a statutory 1 year period would be reconsidered.

It has been found that the detailed reports required by the present acts are not only expensive to prepare but are considered unnecessary. Reports may be required by the Congress from time to time as needed.

As a result of my inquiry into this matter, I am convinced that the amendments provided for in the bill are necessary for a proper administration of the law.

I hope this matter can be acted upon in the near future and I call upon my colleagues in the Senate to lend their support for this legislation.

I ask unanimous consent that the bill be printed in the RECORD, as a part of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2340) to amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2732 of title 10, United States Code, is amended as follows:

Subsection (a) is amended by striking out "$6,500" and inserting in place thereof "$10,000".

SEC. 2. Section 490(a) of title 14, United States Code, is amended by striking out "$6,500" and inserting in place thereof "$10,000".

SEC. 3. (a) Section 2 of the Military Personnel and Civilian Claims Act of 1964 (78 Stat. 767) is amended to read as follows:

"SEC. 2. As used in this Act—

"(1) 'agency' includes an executive department, military department, independent establishment, or corporation primarily acting as an instrumentality of the United States, but does not include any contractor with the United States;

"(2) 'uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and

"(3) 'settle' means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

"(4) 'military department' means Department of the Army, Department of the Navy, and the Department of the Air Force."

(b) Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767) is amended to read as follows:

"SEC. 3. (a)(1) Under such regulations as the Secretary of a military department, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a part of the Navy, may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than $10,000 made by a member of the uniformed services under the jurisdiction of that department or the Coast Guard or by a civilian officer or employee of that department or the Coast Guard, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before its enactment.

"(2) Under such regulations as the Secretary of Defense may prescribe, be or any officer designated by him has the same authority as the Secretary of a military department with respect to a claim by a civilian employee of the Department of Defense not otherwise covered by this subsection for damage to, or loss of personal property incident to, his service.

"(3) If a person named in this subsection is dead, the Secretary of the military department concerned or his designee, or the Secretary of the Treasury or his designee, or the Secretary of Defense or his designee, as the case may be, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by this subsection. Claims of survivors shall be settled and paid in the order named.

"(b)(1) Subject to any policies the President may prescribe to effectuate the purposes of this subsection and under such regulations as the head of an agency, other than a military department, the Secretary of the Treasury with respect to the Coast Guard, or the Department of Defense, may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than $6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before its enactment.

"(2) If a person named in this subsection is dead, the head of the agency concerned, or his designee, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by this subsection. Claims of survivors shall be settled and paid in the order named."

(c) A claim may be allowed under this section for damage to, or loss of, property only if—

(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or two years after the war or armed conflict is terminated, whichever is earlier;

(2) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; or

(3) it was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

(d) For the purposes of subsection (c)(1), the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(e) The head of each agency shall report once a year to Congress on claims settled under this section during the period covered by the report. The report shall include for each claim the name of the claimant, the amount claimed, and the amount paid.

Sec. 4. Sections 1(1) and 2 of this Act are effective July 2, 1952. Notwithstanding section 2735 of title 10, United States Code, section 490(a) of title 14, United States Code, the Act of October 9, 1940, chapter 788 (31 U.S.C. 71a), or section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 1(a) of the Military Personnel Claims Act of 1945, as amended (70 Stat. 255), section 2732(a) of title 10, United States Code, section 490(a) of title 14, United States Code, or section 3(a) of the Military Personnel and Civilian Employees' Claims Act of 1964 may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under the amendments contained in sections 1, 2, and 3 of this Act.

NEW INTERNATIONAL APPROACH NEEDED TO ANTIDUMPING LAWS

Mr. JAVITS. Mr. President, concerted efforts are currently being made by many Nations to remove the obstacles to a free flow of international trade. The most promising international attempt to strike down world trade barriers is the current Kennedy round of the GATT negotiations in Geneva. The United States has taken the lead in these negotiations in working for the reduction and elimination of tariff barriers. However, foreign nations, having little else to complain about U.S. trading practices, point out that our antidumping policies policies constitute a nontariff barrier to international trade.

The purpose of U.S. antidumping procedures is to prevent foreign nations from selling goods in our markets at lower prices than they charge for the same goods in their own domestic markets, in effect dumping surplus merchandise on our shores. Most businessmen and economists agree that there is sound economic justification for antidumping codes, but the issue is complicated by the necessity to determine what constitutes sales in our markets at less than fair value and whether injury to U.S. producers has resulted.

These two criteria for determining dumping raise numerous administrative and conceptual difficulties which have been compounded by the numerous revisions of the original Antidumping Act.

We are now working under essentially the same Antidumping Act passed in 1921, although there have been many subsequent regulations and revisions. The labyrinth of antidumping regulations that now exists has become almost impossible to administer and enforce fairly. An immediate result of the complex of antidumping revisions and regulations is that present U.S. procedures often withhold the evaluation of imported merchandise under the antidumping regulations for unreasonably long periods of time. It is for this reason that our antidumping program is charged to constitute an unjustified nontariff barrier to international trade.

What is worse is that recently other nations have begun to implement and enforce antidumping regulations of their own. Their efforts are often inexplicit and poorly designed and threaten to be used as protective barriers against foreign competition. The danger is great that international trade may be increasingly restricted by a multitude of national antidumping procedures, each system different from any other. The present situation clearly calls for an international approach to the antidumping issue. It is useless to work for the reduction of tariff barriers to trade if nontariff protection is going to increase through such programs as national antidumping regulations.

Recently, Representative Thomas B. Curtis, of Missouri, one of the four congressional members of the U.S. delegation to the present GATT negotiations and a Republican colleague of mine on the Joint Economic Committee, introduced a House concurrent resolution calling for the President to take such action as is needed for the preparation of an international agreement harmonizing the antidumping laws of all nations.

I commend Representative Curtis for his demand for a new approach to antidumping and wish to introduce a similar resolution in the Senate on behalf of myself as well as Senator Jack Miller, of Iowa, and Senator Len B. Jordan, of Idaho, my two Republican colleagues on the Joint Economic Committee. This resolution calls upon the President to take the necessary action to convene an international conference with the purpose of concluding an agreement harmonizing the antidumping laws and procedures of all nations. Only a new, international approach can prevent the possible restriction of world trade by numerous national antidumping codes.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 133) as referred to the Committee on Finance, as follows:

Resolved, That it is the sense of the Senate that the President should immediately initiate a study of the antidumping laws of the United States and other major trading nations and take such action as may be necessary to convene a conference of such nations, as well as other interested states, for the purpose of establishing an international code to provide for uniform treatment under the antidumping laws of participating nations of the imports of other signatories. Such a code should harmonize the antidumping laws, and administrative procedures thereunder, of participating nations.

ADDITIONAL COSPONSORS OF RESOLUTION

Mr. MOSS. Mr. President, I ask unanimous consent that the names of Senators Williams of New Jersey, Allott, and Metcalf be added as cosponsors of Senate Resolution 121, to provide for the installation of murals in the Senate subways.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF ABE FORTAS TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, August 5, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, before the Committee on the Judiciary, on the nomination of Abe Fortas, of Tennessee, to be an Associate Justice of the Supreme Court of the United States, vice Arthur J. Goldberg.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 28, 1965, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 510. An act to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes;

S. 1321. An act to amend section 501(e) of title 16 of the District of Columbia Code relating to bond requirements in connection with attachment before judgment; and

S.J. Res. 83. Joint resolution to authorize the President to issue a proclamation commemorating the 175th anniversary, on August 4, 1965, of the founding of the U.S. Coast Guard at Newburyport, Mass.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, which were, to strike out all after the enacting clause and insert:

That (a)(1) section 1 of the Federal Water Pollution Control Act (33 U.S.C. 466) is amended by inserting after the words "SECTION 1." a new subsection (a) as follows:

"(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

(2) Such section is further amended by redesignating subsections (a) and (b) thereof as (b) and (c), respectively.

(3) Subsection (b) of such section (as redesignated by paragraph (2) of this subsection) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "The Secretary of Health, Education, and Welfare (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe."

(b) Section 2 of Reorganization Plan Numbered 1 of 1953, as made effective April 1, 1953, by Public Law 83–13, is amended by striking out "two" and inserting in lieu thereof "three"; and paragraph (17) of subsection (d) of section 303 of the Federal Executive Salary Act of 1964 is amended by striking out "(2)" and inserting in lieu thereof "(3)".

SEC. 2. (a) Such Act is further amended by redesignating sections 2 through 4, and references thereto, as sections 3 through 5, respectively, sections 5 through 14, as sections 7 through 16, respectively, by inserting after section 1 the following new section:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the 'Administration'). The head of the Administration shall be appointed, and his compensation fixed by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration."

(b) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Water Pollution Control Administration, was as such officer, performing functions relating to the Federal Water Pollution Control Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary of Health, Education, and Welfare may find necessary in individual cases) after such effective date. No commissioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term "transferring officer" means an officer transferred in accordance with this subsection.

(c)(1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer as provided in subsection (b), but only to the extent that such service is otherwise creditable under the Civil Service Retirement Act. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and, in the case of a medical officer, his special pay, during the years of service so creditable, including all such years after June 30, 1960.

(2) The deposits which the Secretary of Health, Education, and Welfare is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (b), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 4(e) of the Civil Service Retirement Act (5 U.S.C. 2254(e)).

(d) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the Civil Service Retirement Act, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Water Pollution Control Administration; however, no transferring officer may become entitled to benefits under both the Civil Service Retirement Act and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other.

(e) A transferring officer on whose behalf a deposit is required to be made by subsection (c) and who, after transfer to a classified position in the Federal Water Pollution Control Administration under subsection (b), is separated from Federal service or transfers to a position not covered by the Civil Service Retirement Act, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (b), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (c), no credit shall be allowed under the Civil Service Retirement Act with respect to such service.

(f) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under such Act upon his transfer to the Federal Water Pollution Control Administration regardless of age and insurability.

(g) Any commissioned officer of the Public Health Service who, pursuant to subsection (b) of this section, is transferred to a position in the Federal Water Pollution Control Administration which is subject to the Classification Act of 1949, as amended, shall receive a salary rate of the General Schedule grade of such position which is nearest to but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term "equalization factor" means an amount determined by the Secretary to be equal to the sum of (A) 6½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free.

(h) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (b) shall, on the date of such transfer, be credited with thirteen days of sick leave.

(i) Notwithstanding the provisions of any other law, any commissioned officer of the United States Public Health Service with twenty-five or more years of service who has held the temporary rank of Assistant Surgeon General in the Division of Water Supply and Pollution Control of the United States Public Health Service for three or more years and whose position and duties are affected by this Act, may, with the approval of the President, voluntarily retire from the United States Public Health Service with the same retirement benefits that would accrue to him if he had held the rank of Assistant Surgeon General for a period of four years or more if he so retires within ninety days of the date of the establishment of the Federal Water Pollution Control Administration.

(j) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Water Pollution Control Administration in matters of organization or in otherwise carrying out his duties under section 2 of this Act as he deems appropriate to the discharge of the functions of such Administration.

(k) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility.

Sec. 3. Such Act is further amended by inserting after the section redesignated as section 5 a new section as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"Sec. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, and for the purpose of reports, plans, and specifications in connection therewith. The Secretary is authorized to provide for the conduct of research and demonstration relating to new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes, by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, except that not to exceed 25 per centum of the total amount appropriated under authority of this section for any fiscal year may be expended under authority of this sentence during such fiscal year.

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by an appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration of a new or improved method of controlling the discharge into any water of untreated or inadequately treated sewage or other waste from sewers which carry storm water or both storm water and sewage or other wastes.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1966, and for each of the next three succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes of this section. Sums so appropriated shall remain available until expended. No grant or contract shall be made for any project in an amount exceeding 5 per centum of the total amount authorized by this section in any one fiscal year."

Sec. 4. (a) Clause (2) of subsection (b) of the section of the Federal Water Pollution Control Act herein redesignated as section 8 is amended by striking out "$600,000," and inserting in lieu therof "$1,200,000,".

(b) The second proviso in clause (2) of subsection (b) of such redesignated section 8 is amended by striking out "$2,400,000," and inserting in lieu thereof "$4,800,000,".

(c) Subsection (b) of such redesignated section 8 is amended by adding at the end thereof the following: "The limitations of $1,200,000 and $4,800,000 imposed by clause (2) of this subsection shall not apply in the case of grants made under this section from funds allocated under the third sentence of subsection (c) of this section if the State agrees to match equally all Federal grants made from such allocation for projects in such State."

(d) (1) The second sentence of subsection (c) of such redesignated section 8 is amended by striking out "for any fiscal year" and inserting in lieu thereof "for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965,".

(2) Subsection (c) of such redesignated section 8 is amended by inserting immediately after the period at the end of the second sentence thereof the following: "All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States."

(3) The third sentence of subsection (c) of such redesignated section 8 is amended by striking out "the preceding sentence" and inserting in lieu thereof "the two preceding sentences".

(4) The next to the last sentence of subsection (c) of such redesignated section 8 is amended by striking out "and third" and inserting in lieu thereof ", third, and fourth".

(e) The last sentence of subsection (d) of such redesignated section 8 is amended to read as follows: "Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under."

(f) Subsection (d) of such redesignated section 8 is amended by striking out "$100,000,000 for the fiscal year ending June 30, 1966, and $100,000,000 for the fiscal year ending June 30, 1967." and inserting in lieu thereof "$150,000,000 for the fiscal year ending June 30, 1966, and $150,000,000 for the fiscal year ending June 30, 1967."

(g) Subsection (f) of such redesignated section 8 is redesignated as subsection (g) thereof and is amended by adding at the end thereof the following new sentence: "The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z—15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)."

(h) Such redesignated section 8 is further amended by inserting therein, immediately after subsection (e) thereof, the following new subsection:

"(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof."

Sec. 5. (a) Subsection (f) of the section of the Federal Water Pollution Control Act herein redesignated as section 7 is amended by striking out "and" at the end of clause (5) and by inserting at the end of such subsection the following:

"(7) provides that the State will file with the Secretary a letter of intent that such State will establish on or before June 30, 1967, water quality criteria applicable to interstate waters and portions thereof within such State, and no State shall receive any funds under this Act after ninety days following the date of enactment of this clause until such a letter is so filed with the Secretary."

(b) Paragraph (1) of subsection (c) of the section of the Federal Water Pollution Control Act herein redesignated as section 10 is amended by striking out the final period after the third sentence of such subsection and inserting the following in lieu thereof: "; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities."

(c) Subsection (e) of such redesignated section 10 of the Federal Water Pollution Control Act is amended by inserting immediately after the period at the end of the third sentence thereof the following: "In connection with any such hearing, the Secretary or his designee shall have power to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation at such hearing, by the issuance of subpenas. No person shall be required under this subsection to divulge trade secrets or secret processes. Witnesses so subpenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of contumacy by, or refusal to obey a subpena duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secretary or the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof."

Sec. 6. The section of the Federal Water Pollution Control Act hereinbefore redesignated as section 12 is amended by adding at the end thereof the following new subsections:

"(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

Sec. 7. (a) Section 7(f)(6) of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 6(b)(4)." as contained therein and inserting in lieu thereof "section 8(b)(4); and".

(b) Section 8 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 5" as contained therein and inserting in lieu thereof "section 7".

(c) Section 11 of the Federal Water Pollution Control Act, as that section is redesignated by this Act, is amended by striking out "section 8(c)(3)" as contained therein and inserting in lieu thereof "section 10(c)(3)" and by striking out "section 8(e)" and inserting in lieu thereof "section 10(e)".

Sec. 8. This Act may be cited as the "Water Quality Act of 1965".

And to amend the title so as to read: "An Act to amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes."

Mr. MUSKIE. Mr. President, I move that the Senate disagree to the House amendments to S. 4 and request a conference with the House on the amendments, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Presiding Officer appointed Mr. Muskie, Mr. Randolph, Mr. Moss, Mr. Boggs, and Mr. Pearson conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of several bills on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALE OF ISOLATED OR DISCONNECTED TRACTS OF LANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 495, S. 625.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (S. 625) to authorize the sale of isolated or disconnected tracts of land.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 4, after the word "but", to strike out "it" and insert "which"; and, after line 12, to strike out:

Sec. 2. If the person who has been using the isolated or disconnected tracts of land purchases said land, all trespasses will be forgiven and waived.

And, in lieu thereof, to insert:

Sec. 2. If the person who has been using the isolated or disconnected tracts of land purchases said land under the provisions of section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), the amount paid for the land will include the enhanced value brought to the land by the users or their predecessors and will be considered full payment for all trespass against the United States.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), is amended by adding after the words "which is mountainous or too rough for cultivation," the words "or which contains some land that can be put to cultivation but it is insufficient because of climatic, topographic, ecologic, soil or other factors to justify a classification as proper for disposal under the homestead or desert land laws," which will make the proviso read: "*Provided further,* That any legal subdivisions of the public land, not exceeding seven hundred and sixty acres, the greater part of which is mountainous or too rough for cultivation, or which contains some land that can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil or other factors to justify a classification as proper for disposal under the homestead or desert land laws, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this section upon the application of any person who owns land or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this section."

Sec. 2. If the person who has been using the isolated or disconnected tracts of land purchases said land under the provisions of section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), the amount paid for the land will include the enhanced value brought to the land by the users or their predecessors and will be considered full payment for all trespass against the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 512), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to afford relief to landowners who have fenced in, or utilized with their lands, adjacent tracts of land owned by the United States. It would permit preference sale under the 1958 public sale law of public domain in tracts of 760 acres or less which contain some land suitable for cultivation, but which cannot be classified for disposal under the desert land or homestead laws.

BACKGROUND

In many areas of Wyoming, pioneer settlers had difficulty in laying out their homesteads and fencing irrigable land. Sometimes settlers would knowingly or unknowingly fence a unit of Government land which could be irrigated profitably. Now, after many years of this technical trespass, the Bureau of Land Management has been resurveying the lands and ordering the ranchers to build their fences on the boundary lines and pay fines for back trespasses. For the most part, the lands are of little value to the U.S. Government, but their loss would be considerable to the individual ranches. The bill would permit preference sale to these adjacent owners at the improved value of the land.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the sale of certain public lands."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIVE-DAY WEEK FOR POSTMASTERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 496, H.R. 1771.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (H.R. 1171) to establish a 5-day workweek for postmasters, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report—No. 514—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printd in the Record, as follows:

PURPOSE

Section 1 of this bill would establish as congressional policy a 5-day workweek for postmasters in offices of the first, second, and third class. Section 2 would correct a technical error in the Government Employees Salary Reform Act of 1964 regarding the salary classification of postmasters in fourth-class offices.

STATEMENT

The workweek of 40 hours spread over 5 days of the week has been characteristic of public and private employment in the United States since the 1930's. In the postal field service, employees have enjoyed the basic 40-hour workweek for more than 30 years. The concept has not applied, however, to postmasters. The nature of a postmastership demands that the postmaster be responsible for all functions of his office 7 days a week, 24 hours a day. Postal regulations require that postmasters in first-, second-, and third-class offices devote not less than 8 hours during the business day to the conduct of their offices.

For the purpose of computing a postmaster's daily compensation, a divisor of 312 is used, reflecting a 6-day week, 52 weeks a year. The computation formula for most other postal employees is a divisor of 260, reflecting a 5-day week, 52 weeks a year.

Present law and postal regulations permit postmasters to delegate their responsibilities to an assistant postmaster or some other supervisory employee so that the postmaster can take leave on Saturday. During the postmaster's absence in a first-class office, the assistant postmaster is responsible for the operations of the office. In most second-class offices and all third-class offices, there is no assistant postmaster or supervisor. In order to take leave, the postmaster must have clerical funds available to pay a regular clerk or substitute clerk to replace him. Because clerical funds are limited, very few postmasters in second- and third-class offices are able to take leave.

Postmasters in second- and third-class offices are generally on duty from early in the morning until after the close of business 6 days a week. It is extremely difficult to take off time for personal business, to get a haircut, attend to family matters, or do anything which can ordinarily be done only during the daylight hours of the weekday. The idea that a postmastership is a glamorous sinecure requiring little work and few hours is erroneous. In some small offices, the postmaster is assisted only by a substitute clerk who comes in for a few hours' work each day. These postmasters are not only responsible for all operations of the office but they serve as the Government's chief representative in the community, perform most if not all postal services, and in some cases are the janitors of the postal building.

Progressive reform of the postmasters' workweek is overdue. In the past 2 years, the Postmaster General has attempted to relieve some of the burden from postmasters. In August 1963, the Postmaster General permitted postmasters to take off a day during the week by the rearrangement of work schedules and the utilization of clerical allowances. A Saturday holiday can be arranged for personal reasons, but approval must be obtained in advance from the regional director. Unfortunately, scheduling a holiday depends almost entirely on the availability of clerical allowances. The program has not benefited many postmasters in second- and third-class offices.

The Postmaster General's efforts to provide a 5-day workweek have been severely limited by the availability of clerical allowances in small offices. Clerical allowances are determined for each office in each quarter of the year. If the volume of business in an office increases sharply or additional help is needed because of weather or the Christmas rush, it may be necessary to use all available clerical allowance, and no funds are left to pay a clerk to substitute for the postmaster on a Saturday or some other day which the postmaster might want or need to take off. Critical shortages can result. In fiscal year 1964, for instance, out of an appropriation of $4,223,714,000 for postal operations, less than $5 million remained on June 30, 1965. Five million dollars represents one-tenth of 1 percent of the appropriation and is sufficient to pay for less than one-half day's postal operation.

Adequate justification does not exist for continuing the 6-day week for postmasters in first-, second-, and third-class offices. Other postal employees and classified employees are scheduled for a 5-day week. The time has come to extend this employment benefit to postmasters.

H.R. 1771 will do this by amending the postal laws to stipulate that the Postmaster General shall schedule the 5-day week for postmasters in first-, second-, and third-class offices. In addition, the daily-rate computation formula is changed from 312 to 260. Employees substituting for the postmaster in his absence will be paid at the daily rate which the position deserves.

POST OFFICE SERVICE

This legislation will not result in any post office being closed because of the 5-day workweek. The bill specifically provides that the legislation "shall not be held or considered to permit the closing of any post office on any weekday, Monday through Saturday, inclusive." Nor will this legislation result in an increase in salary. Postmasters are not entitled to overtime compensation, compensatory time off, holiday pay, or premium pay for nightwork. This bill has no effect upon that policy.

FOURTH-CLASS POST OFFICES

This legislation does not include postmasters at fourth-class offices. Very careful consideration has been given to the views of postmasters at these offices. It is the committee's opinion that the basic purpose of this legislation is to achieve a 40-hour week for postmasters. Postmasters at fourth-class offices are not now required to work more than 40 hours a week. Careful and thorough consideration has been given to the duties involved in postmasterships at fourth-class offices. The Government Employees Salary Reform Act of 1964 granted very substantial increases in the compensation of postmasters at these offices. That law increased the minimum pay for these postmasters from $569 to $1,313 a year.

Most fourth-class offices provide service equal to 5 working hours per day. Although a great many of these offices are actually open all day long, nothing prevents the postmaster from having a reasonable amount of time to attend to his personal business. In addition, it has been standard practice to permit postmasters in fourth-class offices to be absent occasionally on Saturday for personal reasons and have a paid replacement during the postmaster's absence. This absence is not charged to annual leave or sick leave. It was primarily to provide such an opportunity for postmasters in second- and third-class offices that this legislation was first introduced.

The committee is sympathetic to the problems of postmasters in fourth-class offices. It has viewed with concern the gradual decline in the number of fourth-class offices and the effect which this decline has on postal service in rural America. By extending the 5-day week to fourth-class offices, the cost of operations would increase by nearly $6 million a year. Past experience has indicated that all too frequently, increased operations expense has led to the elimination of small offices. The committee believes that in the long run, the interests of the fourth-class office, its postmaster, and its patrons will best be served by continuing the present 6-day, 40-hour week.

REVENUE UNIT CHANGES IN FOURTH-CLASS POST OFFICES

Section 2 of the bill corrects an inequity arising from the use of the words "fiscal year" instead of "calendar year" in section 111(a) of the Government Employees Salary Reform Act of 1964 (Public Law 88-426, 39 U.S.C. 3544(b)).

In changing from the gross receipts to the revenue unit method of classifying post offices in 1964, Congress specified that postmasters at fourth-class offices which are relegated to a lower class will receive a basic salary at the lowest step which is higher than the basic salary received by the postmaster at the end of the preceding fiscal year. The inadvertent use of the word "fiscal" rather than "calendar" has resulted in some postmasters at fourth-class offices being paid at a rate based on salaries established by the Fourth-Class Office Schedule II of the Federal Salary Reform Act of 1962, which was in effect at the end of the 1964 fiscal year. The present fourth-class office schedule did not become effective until July 4, 1964, 4 days after the end of the 1964 fiscal year. Reclassifications in January 1965 cost some postmasters several hundred dollars a year in salary. Congress did not intend this result.

EFFECTIVE DATES

Section 3 establishes the effective dates of this act. The 5-day week for postmasters shall become effective on the first day of the first pay period beginning on or after January 1, 1966. The technical correction in 39 U.S.C. 3544(b) is made retroactive to the first pay period beginning after January 1, 1965.

EXEMPTION OF POSTAL FIELD SERVICE FROM THE SUPPLEMENTAL APPROPRIATIONS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 497, H.R. 6622.

The PRESIDING OFFICER. The bill will be stated by title for the the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 6622) to exempt the postal field service from section 3110 of the Supplemental Appropriations Act, 1965.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 513), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 6622 would remove the postal field service from the numerical restrictions on permanent employee positions imposed by the Supplemental Appropriation Act of 1952 (Public Law 82-253). Under that law, the total number of permanent employee positions in the Federal service cannot exceed by more than 10 percent the number of positions existing on September 1, 1950.

JUSTIFICATION

Section 1310(a) of the Supplemental Appropriation Act of 1952, commonly referred to as the Whitten amendment, was designed to prevent an unwarranted increase in the number of permanent employees in the Federal service as a result of the national emergency caused by the Korean conflict. The Korean conflict ended 12 years ago, but the numerical limitation upon permanent positions remains in the law. For most Federal agencies, this has worked no particular hardship. For the Post Office Department, however, the normal increase in mail volume has necessitated an increase in the number of postal field service employees so that mail can be delivered.

To accomplish its basic objective of speedily and efficiently delivering the Nation's mail (now in excess of 72 billion pieces a year), the Post Office Department has been required to employ more than its pro rata share of the total Federal work force. Congress in 1962 provided some relief from the restrictions of the Whitten amendment when it authorized a 10-percent exemption of the postal field service's pro rata share of permanent positions (Public Law 87-793). The Department has substantially improved employee efficiency to absorb some of the increased mail volume, but employee efficiency cannot indefinitely absorb the continuously rising volume of mail. As a result, the Post Office Department has employed temporary substitutes (who are not subject to the Whitten amendment) to fill the gap. At this time, there are more than 59,000 temporary substitutes in the postal field service.

Temporary appointments are an inadequate solution to the problem. Temporary employees have no significant job security, are not entitled to all fringe benefit programs which regular employees enjoy, do not receive premium compensation for overtime work, and can never be sure they will be employed tomorrow. The frequent result is that competent and qualified candidates for postal employment refuse temporary appointments in the expectation that a regular position may become available at a future date. The limitations imposed by the Whitten amendment make that prospect unfavorable.

The status of the permanent employee ceiling as of October 1, 1964, is shown in the following table:

	Total	Postal	Nonpostal
Ceiling fixed by Public Law 82-253	1, 893, 236	440, 421	1, 452, 815
Increase in ceiling authorized by Public Law 87-793	40, 038	40, 038	0
Augmented ceiling	1, 933, 274	480, 459	1, 452, 815
Permanent employees as of October 1964	1, 931, 973	525, 187	1, 406, 786
Room in ceiling	1, 301	(44, 728)	46, 029

This table shows that the 1950 pro rata share of the total ceiling for the postal field service is 440,421 permanent employees. The 10-percent exemption granted by Public Law 87–793 increased that share by 40,038 to a new ceiling of 480,459. However, there were 525,187 permanent postal service employees as of October 1964, or 44,728 permanent employees in excess of the pro rata ceiling for the postal field service.

The nonpostal portion of the Federal service cannot be expected to continue to absorb the increase required by the postal service and stay within the overall ceiling which, as of October 1964, had room for only 1,301 additional employees.

By exempting the postal service from the Whitten amendment, the nonpostal ceiling, as fixed by Public Law 82–253, as amended, will be 1,452,815 permanent employees. This legislation will have the effect of releasing the 44,728 positions currently filled by the postal service, which are in excess of the postal service pro rata share of the ceiling. Thus, the actual number of nonpostal permanent employees (1,406,786) as of October 1964, would be 46,029 below the nonpostal ceiling of 1,452,815.

Repeal of the Whitten amendment as it affects the postal field service, combined with the Post Office Department's appropriation for fiscal year 1966 (which includes funds for additional permanent positions) will provide an effective program for solving many of the postal service's employment and management problems.

First, it will provide relief from the problem of overtime work which has reached the critical stage in the past few months. Evidence strongly indicates that employees all over the Nation are working far in excess of a 40-hour week. In 1964, postal employees worked 24,000 man-years of overtime. Employees are unable to schedule summer vacations with their families because of the work requirements. A great number of examples of overtime has been called to the committee's attention in the past few months showing that thousands of employees are working between 50 and 100 hours a week. Many work 7 days a week. Employee efficiency and morale has dropped significantly.

Second, it will provide career opportunities for individuals who have civil service eligibility but who do not care to accept the uncertainty of temporary appointments. The best postal service will be provided when career employees—those who know mail schemes, have career appointments with all employee benefits, status, and seniority rights—occupy most of the postal positions. The temporary employee, with few rights and no job security, cannot reasonably be expected to develop a lasting interest in a job which he may not have tomorrow.

Third, it will provide an opportunity for certain qualified temporary employees to attain career status. Under Executive Order 11187, temporary employees who have worked at least 700 hours in the postal service for each of 3 consecutive years, and who meet certain other qualifications, can be converted to career status when opportunities for appointment occur. Because of the limitations of the Whitten amendment, few career positions have become available. Some temporary employees serve indefinitely, never achieving job security or position seniority. The repeal of the Whitten amendment will help solve this problem. The Post Office Department estimates that about 15,000 temporary employees are eligible for conversion to career positions.

Finally, repeal of the restrictions as it applies to the postal field service will provide a permanent solution to the problem. The original amendment has been amended twice, in 1952 and 1962, and present employment figures are dangerously close to the legal maximum. By releasing the postal service from the restriction, other agencies of Government will be able to use their rightful share of the statutory ceiling.

HIGH-SPEED GROUND TRANSPORT

Mr. JAVITS. Mr. President, last Friday, the Senate passed a very important measure, S. 1588, the bill to authorize the Secretary of Commerce to undertake research and development in high-speed intercity ground transportation. The bill, of which I am a cosponsor, provides for a 3-year program of demonstration projects in speed rail service at a total cost of $90 million.

As is well known, the critical intercity transportation problems in this country have been intensified by the tremendous increasing of population in metropolitan areas. Many of the existing rail services cannot economically accommodate the exploding needs of these areas. The bill passed by the Senate fully recognizes the principle which I have long supported of the need of Federal aid to help develop and improve our national rail system. Enactment of this legislation should provide a basis for vigorous Federal participation in research, development, and demonstration projects for strengthening our rail systems.

The bill authorizes the Secretary of Commerce to contract for demonstration projects in high-speed ground transportation. The committee report indicates that the Department of Commerce has under consideration demonstration projects on both the Pennsylvania and New Haven railroads. Federal funds would be expanded to cover part of the cost of new equipment during the test period and for statistical operations necessary to insure public response. These pilot programs would be undertaken, on the rail services from New York to Philadelphia and Washington and Boston to Providence. Efforts will be made consequently to develop high-speed passenger service in urban corridors using existing routes and facilities whenever possible. The States in the Northeast are in great need of these demonstration projects.

It is hoped that the development of new principles in rail travel will help both long haul and commuter services throughout the country to develop new methods of propulsion, of construction of railroad cars and stations, and of new transport services. Much can be learned from the research to be carried on under this bill, and it is hoped that careful and energetic application of such information will be carried out.

As has been stated by a representative of the Department of Commerce, rail transportation which had a tremendously revolutionary impact at its advent in the last century, has not been followed by new forms of mass ground transportation. In the meantime, air and highway transportation modernization has changed the face of this country. It is evident that the rail system of the future must have at least two attributes to achieve the greatest benefits: First. The future rail system must carry passengers with speed and convenience competitive with air transportation. Second. It must not impose excessively heavy demands for space.

The required characteristics of the rail system of the future deserve additional extensive study as well as do the variety of possible new systems ranging from the high-speed rail network similar to the Tok Aido Line in Japan to new concepts such as autoferries, air-cushioned trains and tube devices.

I hope enactment of this legislation will provide the basis for a bright new era in improved rail transportation for city, suburban, as well as rural Americans.

I ask unanimous consent that an article entitled "Northeast Corridor—Are the Plans Adequate?" published in Modern Railroads issue of July 1965, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Northeast Corridor—Are the Plans Adequate?—A Limited Demonstration of Improved Rail Service Between Boston and Washington Is on the Way—Will It Really Show What a Modern Railroad Can Do?

(By Albert E. Brinkley)

The northeast corridor is a 459-mile stretch of "megalopolis" (virtually a continuous "strip city") between Boston, Mass., and Washington, D.C. A large number of people, including many in the U.S. Government, feel that this is the ideal area for a pilot demonstration of "high-speed ground transportation." But the how-to-do-it aspect of this subject is as controversial as the Clay-Liston bout and the outcome is as unpredictable as the blooming of Washington's famed cherry blossoms each year.

As this is written, interested parties are awaiting passage of S. 1588 and H.R. 5863, which authorize the Secretary of Commerce to carry out activities relating to the development of the high-speed ground transportation. The original bill was sent to Congress in March by President Johnson.

This bill followed the President's fiscal year 1966 budget message which included a request for $20 million for implementation of the comprehensive research and development program. The $20 million would be distributed like this: Half of it for research and development in high-speed ground transportation; $8 million for demonstration projects of the best rail passenger service which can be obtained with present methods; and $2 million devoted to obtaining statistics about the needs and operations of all modes of transportation.

One of the early proponents of the high-speed corridor transportation was Senator CLAIBORNE PELL, Democrat of Rhode Island. He has been an avid booster for it since 1962, and a lot of the credit for action taken to date must be given to him. However, the bills now under consideration not only include his recommendations for the northeast corridor but allow for research and development in all types of ground transportation systems.

Dr. Robert A. Nelson, Director, Transportation Research Staff of the Department of Commerce, is manager of the northeast corridor transportation project. Here's what he has to say about the prospects of ground travel in the years to come:

"It is difficult to say whether the high-speed system of the future will run on rails, on rubber, on air, or even, as one imaginative correspondent of the Department of Commerce proposed, on ice. Neither is it possible to predict whether a system will be jet propelled, propelled by changes in air pressures, or by electric power; and finally, it can't be said whether it will run on the surface or whether it will plunge below, especially in areas of high population density."

This statement by Dr. Nelson contains many different approaches to the problem. It is typical of the comments of most everyone concerned with the program in that it is fraught with generalities. No one at this time knows exactly what is going to happen. Studies have been made and will continue to be made to determine which means of ground transportation is best for the future.

Although open-mindedness is a virtue for studies of the future, many pepole are asking, "What's going to happen to the existing transportation system until the studies are completed and executed?"

That is supposedly to be taken care of by the second phase of the proposed $20 million program. Eight million dollars of the 1966 budget are to be allocated for demonstration projects on the railroads serving the northeast corridor. These demonstrations are to provide a basis for determining passenger response to varying configurations of speed, cost, comfort, and convenience. Says Dr. Nelson, "The rationale behind the demonstration program is that a substantial improvement in the present system should make possible a projection of the results of even greater change."

Dr. Nelson estimated that the demonstrations should begin in the corridor by the middle of 1966 and will last for 1 year to 18 months. He cautions, however, that the demonstrations "are not intended to simulate the system which may ultimately be adopted for the Northeast Corridor."

IS IT WORTH THE COST?

Obviously the railroads will have to pour a lot of their own money into these corridor demonstrations. Is this worthwhile? One observer in Washington questions the advisability of spending any money on the project, on the grounds that train travel time between Boston and Washington could never be reduced enough to be competitive with planes.

Even if this is granted, though, there is still the practical need of moving people and freight in and out of the intermediate cities between Boston and Washington.

Stuart T. Saunders, chairman of the Pennsylvania Railroad, stated recently that the PRR has spent $17.5 million in the past 2 years to improve the passenger operation between New York and Washington, and is working in collaboration with the Department of Commerce to help develop plans for high-speed rail service in the corridor.

Mr. Saunders remarked, "We are thinking of operating trains with new equipment on a 3-hour schedule between New York and Washington at speeds up to 125 miles per hour. This would cut nearly an hour off present schedules. Our target is to get these trains in operation before the end of next year. In less than 5 years we hope to have trains on this route traveling at speeds of at least 150 miles per hour."

This is a bold and courageous announcement on the part of Stuart Saunders—especially so when public money is being pumped into new highways and into enlarged air facilities which serve the same area as does the Pennsy. But even aside from that problem there are still others. Some new equipment must be purchased, grade crossings eliminated, curves straightened, signal system revisions made, and a barrel of other problems solved. And if the service is to be extended to Boston, what ultimate conclusion will have to be reached about passenger operations on the faltering New Haven?

One of the most pressing problems is that of marketing the service to the public. Improved service will certainly increase revenues to some extent; but will that alone lure the public back to the rails in really large numbers?

James N. Sites, assistant to vice president, Association of American Railroads, noted this problem recently when he said, "There is encouraging evidence that people like—maybe love—railroad travel and will use really good trains in many services. Yet there is also disconcerting evidence that fewer and fewer people know how good even present-day service is.

"Perhaps what is needed most in the public's attitude toward railroading is a psychological jolt—a reawakening to the advantages of rail travel—a dramatic new symbol to remind Americans that trains have a vital role to play in the unfolding travel picture, that railroaders have workable ideas for carrying out this role, and that they will do so if given a fair chance by the public through equal treatment."

Mr. Sites concluded by warning, "Railroads must have new equipment and improved scheduling to compete for highway and air travel." To this could be added modernized stations and platforms. The traveling public has become accustomed to modern air terminals which, of course, have been built with taxpayer's money. But the railroads must compete and this will require such things as proper lighting, escalators, and car-floor-level platforms.

One interested party, who is sympathetic to the marketing of rail transportation makes this "way out" observation:

"I think railroaders are too close to the scene and know the problems too intimately to come up with novel marketing approaches. What I would like to see done is to have a promotional outfit take over the northeast corridor operation to provide all the glamour and things that attract people.

"I would even like to see someone like Walt Disney, or Conrad Hilton, or Bill Veeck, or Billy Rose get in on the designing of passenger cars. Let them take over the ticketing, scheduling, and the whole works. These people have spent their lifetimes determining what pleases the public, so why should not the rails capitalize on their talents. Very few Americans know what high-speed ground transportation really is, so why not let a promoter release the fragrance to the public?"

The limited extent of the planned northeast corridor project is alarming more than just a few railroaders. They fear that if the job is bungled now there might never be another chance for the railroads to show just what they can do with high-speed service. As stated earlier, unlike other modes of transport, the railroads are expected to contribute many dollars to this demonstration. Dr. Nelson spelled it out when he said, "New rolling stock would be acquired permitting experimentation with various seating arrangements and other amenities in the cars. In addition to the new equipment, roadbed and stations would be upgraded. Some of this cost will be paid for by the carriers and some by the Federal Government. Generally, the Government will pay the added costs of the demonstration. Increased revenues attributed to the demonstration will be applied to recoup the Government's expenditure."

AAR President Daniel P. Loomis was not speaking directly of the northeast corridor but of railroad passenger service in general, when he recently told the National Industrial Conference Board: "Significantly, Government units this year will plow $749 million into air navigation aid, $467 million into civil airports, and $84 million into directly subsidizing domestic airlines. Washington is also now weighing an appropriation of up to a billion dollars to develop a new supersonic transport plane. There's no need to look further for clues as to who shot the passenger train. Railroads obviously do not have such unlimited funds of their own to devote to the development of ultramodern train services."

Railroaders have every reason to wonder just what technological advances would have been made if the rails had received a chunk of this Government money.

From all indications the northeast corridor project in some form will become a reality. As things stand now the Government and the Pennsy will carry out a demonstration which, hopefully will show just what railroads can do with minimal improvements to present facilities. For the longer future, though, the type of high-speed ground transportation to be used in the corridor is a big question.

Half of the 1966 proposed Federal budget for this project will go into research on this question of the future mode. This is commendable and sorely needed. But it would be imprudent for Congress or anyone else to accept an "exotic" system simply because it is new and has an aura of glamour. Railroads have proven their worth many times in the past. Given a fair shake, they can meet needs of today and tomorrow.

HOW TRANSIT STANDS IN EACH CITY

Atlanta, Ga.: Regional rapid transit system to consist of 66 route miles, cost $131 million by 1973–74, $293 million total by 1980. Referendum June 16 will decide participation by cities and counties. Regional plan has been adopted. Members being appointed to study commission. Authority to come into being January 1966.

Needs: $293 million.

Baltimore, Md.: Metropolitan Transit Authority appointed Parsons, Brinckerhoff, Quade & Douglas to make mass transit study. Choices: All-bus system at $50 million or combined bus and rail-subway at $250 million.

Boston, Mass.: Boston & Maine Railroad has 112 commuter cars, including 106 RDC's. 1964: 1,772,972 local passengers; 4,601,326 commuters; 145,532 interline. In 1964, discontinued all passenger service except that operated in conjunction with the MBTA which for a 3-year period designates what trains are operated, what fares are charged. MBTA may enter into contracts with communities outside its area to provide train service. Lowell is first to sign. MBTA will determine whether transit or standard rail service will best serve in future; meanwhile, pays B. & M. to operate service.

Needs: See MBTA.

Massachusetts Bay Transportation Authority authorized to regulate all public transportation and aid commuter rail lines in Boston and 77 communities; to issue $225 million in bonds. Receives HHFA grant of $4.56 million on a $9.1 million modernization project for stations. Plans extension from Haymarket Square to Reading, Mass., at $53 million; conversion to transit of Old Colony Route, 11½ mile, Boston-Quincy-Braintree; conversion of Highland Branch from PCC cars to rapid transit. Has power to assess communities for certain deficits in operations. Plans extension of Cambridge-Dorchester line northwest to North Cambridge or to Arlington Heights, extension of Forest Hills-Everett elevated line, extension of Revere line, extension of streetcar subway on Huntington and Commonwealth Avenue lines.

Chicago, Ill.: Chicago Transit Authority (CTA) receives 180 new P–S air-conditioned cars at $19 million—378,300 rapid transit rides daily (1964). Awards contract for new transit inspection shop, Harlem and Lake—$1.3 million. Continues 10-year modernization of 19 substations—$11.6 million. Awards contract to General Railway Signal for modern in-cab, speed-control signaling for Lake Street "L" ($702,480). Installation by CTA bringing total cost to $1.08 million. Future: Loop subway to replace downtown elevated—$150 million. Transit route in Kennedy Expressway (northwest) $42 million. Modern signaling, all lines, $15 million.

Needs: $300 million. Additional cars.

Chicago & North Western operates 181 route miles in 3 divisions, 68 stations. Average daily rides: 72,000. Largest Chicago commuter railroad. 1964: $14.5 million from ticket sales, 437 million passenger-miles in commuter service. Riders up 4.6 percent. Operates 210 bilevel cars, 10 additional under construction by P–S, also runs 5 chartered club cars, 2 club-lounges. All air conditioned. Push-pull operation with diesel power. Spent $50 million on cars and locomotives in last 10 years; $1.7 million on order.

Chicago, Burlington & Quincy operates 38 miles with 60 bilevel cars, 59 single-level, 20 single-deck power coaches for supplying electricity, 34 bilevel stainless steel Budd cars on order, of which 6 are cab type for push-pull service ($7.7 million). Spent over $16 million on bilevels—1964: 18,000 rides daily; commuter revenue: $4.6 million.

Chicago, Milwaukee, St. Paul & Pacific operates 110.3 route miles in 2 divisions with 62 bilevel stainless steel, air-conditioned Budd cars. Cost: $12 million including upgrading of locomotives to handle electric heating—1964: 20,000 rides daily, $3.7 million commuter revenue.

Chicago, Rock Island & Pacific operates 46.9 route miles with 20 bilevel cars, 20 1949-built cars, refurbished. All 40 air conditioned. Cost: $4.7 million—1964: 16,327 rides daily, $3.5 million commuter revenue.

Needs: 45 bilevels to replace old cars; 11 powerplants for electric heating.

Chicago, South Shore & South Bend, 90 route miles, 64 MU cars. 1964: 9,500 rides daily, $3.4 million passenger revenue.

Needs: Replacements for 1929 cars.

Illinois Central, 37.73 route miles, 287 MU cars. 1964: 64,000 rides daily, $8.9 million commuter revenue. Installing ticket automation system.

Gulf, Mobile & Ohio operates limited commuter service to Joliet.

Pennsylvania operates limited commuter service to Valparaiso, Ind.

Cleveland, Ohio: Cleveland Transit Authority (CTS), 15 route miles in operation, 4-mile extension to airport planned. Requests HHFA grant of $8.5 million to aid construction of extension to Hopkins International Airport. Long-range plans include a downtown loop, extensions to Bay Village (west), Parma (south), Maple Heights (south), Cleveland Heights (east), Euclid (east).

Needs: 30 cars for airport, $2.2 million. 120 cars for long-range extensions, $10 million. Immediate total needs: $13.2 million. Long-range total: $60 million.

City of Shaker Heights, Department of Transportation: 13.2 route miles, 55 PCC cars. No new equipment or extensions contemplated.

Detroit, Mich.: A current study may suggest a need for rail rapid transit.

Edmonton, Alberta: Planning for rapid transit in 1980. May try to purchase Expo 67 cars.

El Paso, Tex.: Grants franchise to monorail system to replace last streetcar route in Texas.

Los Angeles, Calif.: Southern California Rapid Transit District (SCRTD) plans for 160 route miles in master plan system, 58 or 23 miles in initial system. Stage 1 envisages four routes: West Los Angeles, El Monte, Long Beach, San Fernando Valley—can be supported by a 1-percent in-lieu tax on motor vehicle license fees if approved on ballot by voters. SCRTD is working on a comprehensive plan to present before issue goes on ballot; needs a plan to finance interim work.

Needs: Estimate 800 cars at $70 million; $850 million for stage 1.

Miami, Fla.: Metro Transit Authority is exploring use of Florida east coast tracks from Homestead to Broward for rapid transit.

Montreal, Quebec: Metro (lines 1, 2, 4) are in advanced stages of construction with two openings in 1966; all, 1967. Extension planned to World Exposition 1967. Line 2 extended to Henri-Bourassa. Total of 16 miles under construction; 12.6 is excavated; 9.4 miles tunnel concreted. Cars: 369 under construction, Canadian Vickers, Ltd.—rubber tired, Paris-type vehicle.

Cost: $214 million total project.

Le Rapide (line 3) is conversion of CN's Mount Royal tunnel line from 2,400-v, dc to 600-v., dc. CN carries 30,000 passengers daily, using 18 MU cars plus CN coaches and electric locomotives.

Needs: 124 MU cars (similar to EXP 67's). Total conversion cost: $40.4 million.

Expo 67 offers free transportation within Montreal's 1967 World Exhibition; 3¼ route miles, 5 stations, 48 air-conditioned cars, seating 100 each. Have laminated wheels, continuous welded rail on rubber track fastenings. Completion: October 1966. Cars under construction by Hawker-Siddeley, similar to latest Toronto order for Bloor St.

New York City, N.Y.: New York City Transit Authority (NYCTA) carried 4.7 million passengers daily in 6,600 cars on 730 track-miles (237 route miles). Cars: 1964–65 received 600 Budd stainless steel Silverliners ($68.8 million). Ordered 200 from St. Louis Car for 1966 delivery ($22 million). In past 9 years, improvements total $900 million. Plans include construction of a new East River tunnel—Queens to 64th Street; expansion of rapid transit lines in Queens and connection to 6th or 7th Avenue lines. City of New York and HHFA provide funds for Queens-Long Island mass transportation demonstration study program.

Plan extension of IND Fulton Street subway in Brooklyn; new Rockaway route directly to midtown Manhattan; deep tunnel in Central Park to relieve IND Washington Heights and Concourse lines and IRT Lexington Avenue line. City planning commission proposes a Madison Avenue subway. Line along Second Avenue considered.

Needs: 200 new cars annually; $500 million improvement for Queens; $200 million for Manhattan, Bronx.

Erie Lackawanna carries 35,000 commuters, 507 cars, 100 being over 40 years old. Operates at $8 million annual loss. State of New Jersey contributes $2.2 million to reduce loss. Erie Lackawanna's New Jersey property tax paid to New Jersey in 1964 was $4.3 million. Electrified portion (former Lackawanna) will require rehabilitation. Service agreement with New Jersey expires August 31, 1965. New Jersey proposes a 16-month demonstration program with $5.8 million aid, also a $50 million capital improvement plan for Erie Lackawanna and other railroads.

Needs: Help.

Long Island Rail Road operates 224 route miles. Maximum distance from New York City, 75 miles. Cars: 1,160 total includes 829 MU's (30 leased from port authority), 329 diesel-pulled, 2 RDC's, 250,000 rides daily, Governor Rockefeller proposes that New York buy LIRR from Pennsy, that a $200 million modernization be undertaken including electrification of 118 additional miles, modernization of 15 stations and associated track, new high-speed routes through Jamaica bottleneck, additional CTC, remote switching, new electric power supply, modernization of shops, high-level platforms, automatic ticketing, more cars (on lease). Under study: New transportation centers in commuter area. Redevelopment status ends August 1966. Received $61 million tax relief, forgiveness of interest and amortization payments to Pennsy. Spent $65 million for redevelopment, including $45 million for cars.

Needs: Extend electrification 118 miles; 497 new cars—$89.5 million in stage I, $200 million total improvements.

New Haven operates 360.65 route miles of commuter lines (some duplication), in New York City, Bridgeport, Boston area: 25,000 rides daily in New York City, 6,000 daily, Boston, 146 MU cars, 139 coaches, 23 RDC's, 20 locomotives. Connecticut and New York States working on a $20 million new car plan. Trustees expect to file for total abandonment of commuter service. Federal-State aid will keep NH running for next 18 months. Boston's MBTA expects to convert NH's Old Colony Line as far as Braintree to transit.

Needs: Permanent solution to financial troubles; $20 million for new cars.

New York Central operates two commuter routes: 64 miles to Pawling, 72 miles to Poughkeepsie, 53 modern MU cars ($14 million), 34 MU's under construction by P–S at $6 million acquired under New York State railroad equipment program, 193 older MU's 17 RDC's, 156 standard coaches, 16 diesel locomotives, 15 electric locomotives, 3 club, 2 bar cars, NYC requests aid under Urban Transportation Act for $57.7 million: for electrification beyond North White Plains on Harlem Division and from Croton to Peekskill on Hudson Division—$6.7 million; for modernization of substations—$7.5 million; for modernization of signals and continuous train control—$7.75 million; for station improvements—$9.6 million; for remote controlled doors, automatic couplers, intratrain communications, train radio—$4.62 million.

Needs: $57.7 million (above) plus 71 MU's to extend electrification—$18.8 million; 12 RDC's—$3.1 million.

Port Authority Trans-Hudson (PATH) carries 100,000 rides daily. Has 50 modern MU's receiving 162 ($17 million) under construction by St. Louis Car. Modernizing stations. All cars will be air conditioned upon delivery of 162 new.

Pennsylvania Railroad (see Philadelphia).

Central of New Jersey is considering a proposal to connect with Pennsy and PATH at Newark. Passengers would enter Manhattan by rail instead of ferry.

Newark, N.J.: Newark City Subway operates PCC cars. Various plans to extend trains to and over North Jersey routes of Erie Lackawanna and Central of New Jersey (q.v.) have been proposed to Morris County Board of Public Transportation. Aim: to improve service between Newark and neighboring communities in New Jersey.

Needs: $10.6 million for proposal.

Niagara Falls, N.Y.: City council approves franchise agreement with Goodell Monorail Corp. for a city-to-falls monorail with provision to expand.

Cost (estimated): $12 million.

Philadelphia, Pa.: Southeastern Pennsylvania Transportation Authority (Septa) estimates capital needs for transit and railroad system which it coordinates in next 15 years at $389 million. This is above funds provided through normal depreciation channels.

Southeastern Pennsylvania Transportation Compact (Sepact) has a Sepact II program of long-range evaluation of area rail transportation needs. Sepact III—see "Reading."

City of Philadelphia has a 5-year program now underway: (1) Voter-approved South Broad Street extension of subway—$17 million; (2) new cars for commuter railroads—$18.6 million, of which $13.5 million was spent for 55 PSIC Budd cars; (3) Eastwick high-speed transit line to be moved to private right-of-way in Eastwick—$850,000; (4) relocate Frankford elevated in Delaware Expressway for 0.9 miles—$1.7 million; (5) northeast extension to Broad Street subway and new cars—$63 million; (6) MU controls for subway-surface PCC cars—$950,000; (7) to (13) improvements to stations, power system, Broad Street subway cars—$10.55 million; large portion of this is underway.

Future program: Filbert Street connecting subway to join Reading and Pennsy commuter lines—$43 million. Lengthen and modernize Market-Frankford stations—$10 million. Additional commuter cars—$7 million. Extend electrification on Reading: Hatboro line to Johnsville (1.8 miles) or to Ivyland (2.9 miles). Replacement of remaining 5 miles of Frankford elevated and extend line. Replacement of remaining 2 miles of Market Street elevated. City has $103 million available by sale of city bonds.

State of Pennsylvania program (see Pittsburgh).

Philadelphia Suburban Transportation Co. (Red Arrow Lines) operates 29.87 route miles with 53 cars, 16 to 41 years old. Needs 15 to 20 new cars, according to Sepact, for P. & W. division and additional for Media and Sharon Hills runs. Has requested permission from Pennsylvania Public Utility Commission to abandon Ardmore line. Liberty Liners performing successfully and providing good PR image (former Chicago North Shore Electroliners). Proposed a rail extension over Reading freight tracks up Great Valley to Downingtown area.

Philadelphia Transportation Co. operates 54 miles with 8 additional projected. 493 cars; 67 projected—$8 million. Owns Market Street subway. Operates Broad Street subway and Frankford elevated, owned by city. Septa may acquire company. Mileage includes Ben Franklin Bridge route to Camden.

Needs: $98.25 million including above.

Delaware River Port Authority—Southern New Jersey Rapid Transit System has 4 route miles in operation and 10.5 under construction. The 26 present cars to be replaced by 75 new, on bid in September—$12 million. Project cost is $65 million * * * extends from downtown Philadelphia, across Ben Franklin Bridge to Camden (now in operation) to Haddonfield, Lindenwold, N.J. Later branches to Woodbury (9.5 miles) and Moorestown (10.5 miles). Preliminary work 65 percent completed: highway bridges, etc.

Reading Co. has 104 older MU's, of which 38 are being rebuilt at 1 per week, with 20 completed—total rebuild cost, $1.3 million; 17 new Budd PSIC, 13 RDC's: 14 standard coaches (to Newtown); 10 (to New York) plus 2 diners. Electrification of Fox Chase line is in initial construction stage, scheduled for completion July 1966—$2 million. Under Sepact III, "Operation Reading" involves a mass transportation grant of $2.977 million, Sepact contribution of $1.599 million, and State grant of $166,500 to underwrite 18-month project to develop techniques for restructuring Reading commuter service.

Needs: 80–90 new MU cars according to Sepact, depending on Fox Chase traffic growth and life of rebuilt cars—$22.5 million (new cars). An additional 62 old MU's are candidates for rebuilding at cost of $3 million. Permanent State aid program is needed for future of Reading.

Pennsylvania Railroad sells 70,000 rides daily in Philadelphia; 40,000 in New York. Some additional: Chicago-Valparaiso, Baltimore-Washington, operates 124 route-miles in Pennsylvania, New York, New Jersey; 417 MU's in Philadelphia and New York; 69 standard coaches for New Jersey short trains. Has 38 Budd "Silverliners" leased from PSIC; Philadelphia service: 20 additional PSIC to be ordered—$5 million. Two hundred cars needed—$50 million. Count excludes Washington-New York-Boston trains. Red commuter cars mostly 40 years old. Sepact I demonstrations are drawing to close; ridership has tripled and still increasing (Bucks-City line). But without new service contract, PRR says it would return to higher fares and lower services.

Needs: Immediate, 20 PSIC cars—$5 million. Future, 200 PSIC—$50 million.

Pittsburgh, Pa.: Pennsy abandoned commuter service. Pittsburgh Area Transportation Study (PATS) and Allegheny County Port Authority study conversion of Castle Shannon streetcar (PCC) to rapid transit. Parsons, Brinckerhoff, Quade, and Douglas retained to study mass transit.

Pennsylvania Legislature is working on a $13 million aid program for mass transportation: $6 million for equipment, with $3 million to Pittsburgh, $2 million to Philadelphia, $1 million to others; $5.7 million to alleviate operating deficits in Philadelphia for 2 years; $800,000 for studies and demonstrations; $200,000 for research; $200,000 for promotion of mass transportation and $100,000 for administration.

Transit Expressway is a demonstration-development project of a new rubber-tired transit system for medium transit loads.

Seattle, Wash.: Century 21 Monorail continues to operate 1.2 miles. Two trains. Proposal to extend south to Tacoma and north to Everett. Street permit has 3 years to run.

Puget Sound regional transportation study by DeLeuw, Cather & Co. proposes a 20-mile transit system with 2 miles in downtown subway and a tunnel under Lake Washington Ship Canal plus a floating bridge crossing of Lake Washington.

St. Louis, Mo.: This city is taking a new look at the possibilities inherent in rail transit.

San Francisco, Calif.: Bay Area Rapid Transit District (BARTD) placed its test track in operation. Awards $30.9 million Bay tunnel contract. System: 75 route-miles, 450 cars—$71 million. Total cost—$792 million approximately.

Southern Pacific Co. operates 46.9 route miles, 31 bilevel cars ($5 million) and others. Diesel locomotives—$5 million spent; 11,500 persons ride in both directions daily—1964 revenue: $3.5 million. Future equipment needs cloudy. San Mateo County is again considering joining Bay Area Rapid Transit.

Toronto, Ontario: Toronto Transit Commission operates 6.67 route-miles, building 14 route-miles, planning 3 extensions; 170 cars in operation; 164 under construction ($16.72 million) by Hawker Siddeley; 6 multi-purpose work cars on order. Has 18 stations with 20 to be added, 1965; 9 in 1967. System authorized or under construction—$277.7 million.

Provincial Government-Canadian National will use tracks of CN to establish modern rail commuter service between Burlington (west) of Toronto through Toronto to Dunbarton (east). Frequent service. Peak capacity 6,000 per hour initially.

Needs: 48 125-passenger cars ($7.5 million), 10 diesel locomotives. Will open late 1966 or early 1967. Will include feeder buses, parking, "kiss-and-ride" areas. If successful, other rail lines in Toronto could be utilized.

Washington, D.C.: National Capital Transportation Agency (NCTA) proposes initial 25 route-mile system; 184 cars—$26 million. Total initial cost—$431 million. Future: About 184 cars ($26 million), total additional cost $360 million. Initial system is now before Congress and is restricted to District of Columbia with short extensions into Maryland and Virginia. Full system would be regional, requires implementation of an interstate compact.

Baltimore and Ohio operates Washington to Baltimore on a local basis and to Brunswick, Md., 50 miles.

Pennsylvania Railroad operates 4 local trains plus through New York trains. Washington to Baltimore.

Northeast corridor project (Washington-New York City-Boston) would cover 456 route-miles, need up to 600 cars ($100 million), revised trackage with total cost up to $1 billion. To begin demonstration, Department of Commerce has requested $8 million; plus $2 million for origin and destination studies; $10 million for research.

SUMMARY

The transit market in next 10 years

Total rapid transit and commuter passenger cars	8,034
Total expenditures for new cars	$1,113,000,000
Total project costs	$6,930,230,000

FOURTH OF JULY HOSTS

Mr. JAVITS. Mr. President, of the many Independence Day celebrations held across this land on July 4, there is none of which we can be more proud than the Department of State reception hosted by the junior officers of our Foreign Service.

It is a July 4 tradition in the Department of State that its historic reception rooms be turned over to the junior Foreign Service officers who host a reception for the junior officers of 114 foreign missions in Washington.

Two aspects of this reception warrant attention. First, the affair was of no cost to the taxpayer. All expenses were met by donations in money or kind from companies across the country. Second, the reception emphasized the great products of our culture and industry. Only American food and beverages were served and displays of American art were placed about the rooms.

Our Foreign Service officers are to be commended for the pride they show in their Nation and its achievements. I ask unanimous consent to have printed in the Record the names of the companies and organizations that helped make the Fourth of July reception so successful.

There being no objection, the list was ordered to be printed in the Record, as follows:

American Meat Institute.
American Security & Trust Co.
Bartlett Pears.
The Bourbon Institute.
Bulgur Associates, Inc.
California Packing Corp.
The California Wine Institute.

Central Valley Empire Association.
Chrysler Corp.
Corning Glass International.
Delta Air Lines, Inc.
Farrell Lines, Inc.
Food Fair.
Ford International Group.
General Electronics, Inc.
General Motors Overseas Operations.
Grace Line, Inc.
Great Western New York State Wine & Champagne.
Jelleff's, Inc.
Lykes Bros. Steamship Co., Inc.
Moore McCormack Lines, Inc.
National Association of Manufacturers.
Northwest Airlines, Inc.
Ocean Spray Cranberry Co.
Pepperidge Farms.
Pepsi Cola Bottling Co.
Schenley Industries, Inc.
Security National Bank of Falls Church.
Smithfield Packing Co.
State Department Federal Credit Union.
Lionel Steinberg.
Sunkist Growers.
United States Lines.
Western States Meat Packers Association.

NEW YORK URGES INCREASE IN MINIMUM WAGE TO $1.50 AN HOUR

Mr. JAVITS. Mr. President, I call attention to a communication from the Industrial Commission of the State of New York and a memorial resolution of the New York State Legislature memorializing Congress to increaes the Federal minimum wage to $1.50 an hour. I ask unanimous consent that they be printed in the Record.

There being no objection, the letter and resolution were ordered to be printed in the Record, as follows:

State of New York,
Department of Labor,
Albany, N.Y., July 16, 1965.

Hon. Pat V. McNamara,
Chairman, Subcommitee on Labor, Senate Committee on Labor and Public Welfare, Washington, D.C.

Dear Senator McNamara: Your subcommitee is now considering S. 1986 to modernize the Fair Labor Standards Act. In this bill there is a major omission—there is no proposal to increase the minimum wage.

Acting on the recommendation of Gov. Nelson A. Rockefeller in his annual message last January, the New York State Legislature memorialized Congress to increase the Federal minimum wage to $1.50 per hour. The resolution, a copy of which is attached, was passed by the New York Legislature. It declared that "the welfare of the people is involved in the soundness of this State's economic conditions, as well as that of other States, and depends on the establishment and enforcement of national standards designed to protect, preserve, and promote the soundness of the economy of the entire Nation."

The resolution stated further: "Employers in this State are placed in an unfavorable competitive position by reason of lower wages paid in States which are subject only to the Federal minimum wage of $1.25 per hour, a rate considerably below that which generally prevails in the industries of this State." The resolution also pointed out that both the executive and legislative branches of New York State believe that "an immediate increase in the Federal minimum wage to $1.50 per hour is necessary to eliminate such substandard wages as now prevail in many States of the Nation and to protect employers of this State and other States with high labor standards against unfair competition."

Since October 15, 1964, the New York State minimum wage has been at the same level as the present Federal minimum. In fact, it has been higher than the Federal minimum for those industries which first became subject to the coverage of the Fair Labor Standards Act in 1961. However, there remain in New York State many families who must rely upon a single wage earner paid at the present level of minimum wages. The hard-working heads of these families, in many instances, must turn to a second job and even to public assistance to meet the costs for the bare necessities to sustain themselves. This same situation prevails in other States in the Nation.

Recognizing that this is a national problem and involves interstate competition, Governor Rockefeller urged the 1965 State legislature to increase the State's minimum wage to $1.50 an hour effective concurrently with similar Federal action. The legislature failed to do so, and the Governor was reluctantly forced to veto a bill to provide for a unilateral increase in the New York State minimum wage to $1.50 this year. Unilateral action by New York State would have endangered the jobs of many of the families which could be potentially helped by an increase in the minimum wage.

Higher pay and expanding job opportunities are by far the most effective means of combating poverty. For jobs subject to extensive interstate competition, necessary increases in the minimum wage must take place at the Federal level to prevent the destruction of jobs in one State at the expense of another.

Both the Federal and State governments have long recognized that wage competition should not be a factor in bidding on public work contracts and have provided for prevailing rates of wages on public works contracts. While the analogy is not complete, the continued encouragement of geographic wage differentials which result from an inadequate minimum wage does not represent the best method of combating poverty. Minimum wage levels should be increased on a national basis toward a point at which a family with only one wage earner can be adequately supported. I urge prompt increase in the Federal minimum wage to $1.50 per hour.

Sincerely,

M. P. Catherwood,
Industrial Commissioner.

Whereas it is the sense of the people of the State of New York, as manifested by the considered judgment of their duly elected representatives in the State legislature, that the welfare of the people is involved in the soundness of this State's economic condition, as well as that of other States, and depends on the establishment and enforcement of national standards designed to protect, preserve and promote the soundness of the economy of the entire Nation, and

Whereas employers in this State are placed in an unfavorable competitive position by reason of lower wages paid in States which are subject only to the Federal minimum wage of $1.25 per hour, a rate considerably below that which generally prevails in the industries of this State, and

Whereas it is believed by the executive and legislative branches of the government of the State of New York that an immediate increase in the Federal minimum wage to $1.50 per hour is necessary to eliminate such substandard wages as now prevail in many States of the Nation and to protect the employers of this State and other States with high labor standards against unfair competition: Now, therefore, be it

Resolved (*if the assembly concur*), That the President and the Congress of the United States be and they are hereby respectfully memorialized to establish with all convenient speed a nationwide minimum wage of $1.50 per hour, in order to avoid an increase in unemployment in States with high labor standards, prevent unfair competition from industries in States having low labor standards and wages and to preserve, protect and permit the soundness of the Nation's economy; and be it further

Resolved (*if the assembly concur*), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate of the United States, one copy to the Clerk of the House of Representatives of the United States, and one copy to each member of the Congress of the United States duly elected from the State of New York, and that the latter be urged to devote themselves to the task of accomplishing the purpose of this resolution. (Same resolution by Assemblyman Drumm—A 52.)

GALLUP POLL SHOWS WIDESPREAD PUBLIC SUPPORT FOR THE ELIMINATION OF THE NATIONAL ORIGINS QUOTA SYSTEM

Mr. KENNEDY of Massachusetts. Mr. President, a significant Gallup poll on immigration reform appeared in the Washington Post last Sunday. The poll reflects what I believe has long been the attitude of the American people—that the national origins quota system of selecting immigrants should be eliminated from the statute books.

The poll reflects widespread public support for selecting immigrants, not on the basis of their parentage or birthplace, but rather on the basis of their occupational skills and whether or not they have relatives living in this country.

This is the kind of approach to immigration reform recommended to Congress by President Kennedy and President Johnson. As Senators know, their legislative recommendations have been carried out in S. 500 and H.R. 2580. Both these bills, and other proposals, have been the subject of close scrutiny by the Immigration subcommittees of this Chamber and the House of Representatives. The House subcommittee reported out H.R. 2580 with amendments last week. Hearings before the Senate subcommittee, are nearly completed. As a matter of fact, they will be completed next Tuesday.

Mr. President, there is good reason to believe that Congress will enact a fair immigration law within the next several weeks. The Gallup poll is a barometer of public support in this area. I ask unanimous consent the article which appeared in the Washington Post on Sunday, July 25, be made a part of my remarks at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Gallup Poll Shows Widespread Public Support for the Elimination of the National Origins Quota System

(By George Gallup)

Princeton, N.J., July 24.—One of the measures President Johnson hopes to pass at this session of Congress is a revised immigration law. A feature of the present law that he is hoping will be eliminated is the so-called national origins system, limiting the number of immigrants from some countries more than others.

The system has been criticized as discriminatory and undemocratic, and Mr. Johnson's two predecessors both asked Congress for revision, without success.

A House Judiciary subcommittee approved such a bill for the first time on Thursday.

If the public were drafting the new law, its provisions would be along the lines President Johnson has suggested—no national origins quota system, and no increase in the total number of immigrants admitted each year. In a recent survey, Gallup Poll interviewers across the Nation asked a representative cross-section of adults a series of questions about immigration.

All persons in the survey were asked:

"How important do you think each of the following factors should be in determining whether a person from another country should be admitted to live in the United States—very important or not very important? That he have occupational skills? That he have relatives who are American citizens with whom he can live? The country in which he was born?"

Occuptional skills

	Percent
Very important	71
Not very important	21
No opinion	8

Relatives are citizens

	Percent
Very important	55
Not very important	38
No opinion	7

Where born

	Percent
Very important	33
Not very important	56
No opinion	11

Though a majority of the people favor liberalizing the law in terms of the country of origin, they are not in favor of increasing the number of immigrants admitted.

The question asked:

"Should immigration be kept at its present level, increased or decreased?"

	Percent
Should be kept at present level	39
Should be increased	8
Should be decreased	33
No opinion	20

Note that one person in three feels that immigration should be decreased. However, two persons in every three feel that, as part of our immigration policy, provision should be made for admitting refugees from communism. The bills under consideration include such a provision.

The question asked:

"Do you think the U.S. immigration policy should or should not have provisions for admitting people who escape from communism?"

	Percent
Yes, should	64
No, should not	23
No opinion	13

As a further measure of sentiment on the national origins quota system, people were asked this final question:

"The current immigration law restricts the number of persons from some countries more than others. This is called the 'quota' system. Would you favor or oppose changing this law so that people would be admitted on the basis of their occupational skills rather than on the basis of the country they come from?"

	Percent
Yes, favor	51
No, oppose	32
No opinion	17

TOO MANY GI'S IN EUROPE

Mr. YOUNG of Ohio. Mr. President, earlier this afternoon, I viewed our President as he made his report to the Nation, and as he responded to the questions of newspaper men and women. For the first time it was really admitted that we are at war in South Vietnam. This is further reason for bringing GI's and their dependents home from Europe where they are not needed.

Although regretfully I learned that the draft would be increased from 17,000 a month to 35,000 a month and that almost immediately our Armed Forces in South Vietnam would necessarily be increased, there was still a ray of sunshine in his statement that this Nation would participate in negotiations which included Vietcong representatives at the conference table.

In view of the fact that our President feels more of our Armed Forces are needed in southeast Asia for the safety of the free world, it is an indefensible situation that at this time we still maintain 340,000 of our armed services in Western Europe, with 320,000 dependents.

In West Germany alone at the present time, we have 170,000 military personnel with 165,000 dependents. In many instances these dependents in Germany and France live off base in apartments and houses and pay exorbitant rents. In addition, they pay taxes to the French and West German Governments, and by their spending contribute to the outflow of gold from this country. In many instances high ranking commissioned officers and their families are living in luxurious homes and apartments on our military bases. They never had it so good. American taxpayers never had it so bad.

Without a doubt, good judgment calls for the immediate transfer of at least 150,000 Army personnel from France and West Germany to other critical areas where their services may be needed—and I refer to southeast Asia—or to bases in this country.

We should bring these soldiers home as soon as possible, along with their dependents and thousands of American civilian employees of our Armed Forces, or order the soldiers to areas where there may be a need for them.

Mr. President, except for maintaining our powerful Air Force units in Western Europe, there is no need for anything like the number of military personnel now stationed in France, Spain, and West Germany. There is no great need for maintaining a total of 340,000 men in our Armed Forces in Western Europe.

The President has asked the American people not to vacation in Europe and not to spend American gold on vacations overseas. He has asked that of, perhaps a schoolteacher in Nevada or a thrifty couple in my State of Ohio, who have saved their funds and have looked forward to perhaps a 6-weeks vacation in Europe. He has respectfully asked them to comply with his request because not to do so would help to increase the outflow of gold from this country.

Nevertheless, he, as Commander in Chief of the Armed Forces, is tolerating a situation at the present time in Western Europe in which huge numbers of Americans are being maintained in the Armed Forces, together with their wives and dependents. They are truly causing an outflow of gold from this country to Europe.

Our only real deterrent to Communist aggression in Western Europe is our Strategic and Tactical Air Command. Furthermore, in the event of an emergency in Western Europe we have a proven airlift capacity to transfer an entire division from the United States to Europe, land it, and have it combat ready, with all heavy equipment, in less than 72 hours.

The present situation of so many American soldiers in Western Europe is artificial. Their presence there has little or no real military value as a deterrent to a Russian advance into Western Europe. Of course, the possibility of aggression from the Soviet Union by an all-out attack on Western Europe is remote, indeed, and has been remote in recent years.

NATO and the Marshall plan under President Harry S. Truman had tremendous initial value in restoring confidence and strength to the nations of Western Europe. The present role of our soldiers overseas in Western Europe of inspiring confidence that the United States will participate in European resistance to a possible Russian aggression should be reassessed by our leaders in Washington with the sole thought of ascertaining the minimum U.S. commitment in Europe to maintain this confidence.

The grim and apparently increasingly desperate situation in South Vietnam, which the President discussed over radio and television for three-quarters of an hour today, shows that the time has come when our President, as Commander in Chief of our Armed Forces, should order that no dependents of men in our Armed Forces and no civilian personnel of any kind be sent to Western Europe from this date on. It would be well to determine the minimum number of combat troops needed in West Germany, the Netherlands, Belgium, France, and Spain, to maintain confidence in our intentions.

The truth is in many respects a number of the units of our 7th Army stationed in West Germany and of our forces stationed in France have grown into an obese more or less fixed squawman establishment. Instead of having large families of officers and men of our Armed Forces overseas in Western Europe, we should seek to establish a mobile, lean, fighting man force of one-half or less than the present forces.

There is no sound reason why the tour of duty for Army personnel in Western Europe should not at this time be reduced to 1 year without dependents, and there is no reason why our military personnel should live like squawmen with their wives and children when serving overseas in Western Europe or in the Far East. By cutting down the length of the tour of duty and eliminating dependents we would save billions of dollars of taxpayers' money and at the same time greatly reduce the outflow of gold. Furthermore, our military posture and combat readiness would be enhanced in Western Europe.

We should no longer permit American military personnel and their dependents to pour billions of dollars into the German, Spanish, and French economies each year. The French people, in a crude imitation of their leader, have come to despise Americans. Our soldiers, their wives, and their children living off base in France pay exorbitant rents and taxes to De Gaulle's France. They not only pay exorbitant rent for unsatisfactory apartments and houses, but they also pay high taxes on their utility bills. The dislike of the French for us is evidenced also by the separate pricing of goods sold to Americans and goods sold to their own nationals.

I have been in France recently and have witnessed for myself the fact that the French people have a great dislike for us.

Simultaneously with removing most of our Armed Forces from France, with the exception of the Air Force units stationed over there, which, after all, are the only real deterrent against Soviet aggression—remote as is the possibility of that aggression—it would be in order to demand some substantial repayment of the billions of dollars loaned to France on which that nation has defaulted.

We saved France by our dollars and by our men. Of course, there are many thousands of Americans in France who will be there forever. They will not be returned to this country. However, we should demand a return of some of the billions of dollars loaned to France.

If President de Gaulle continues to insist on payments of gold from our Nation, it would be in order for us to take other measures to provide against the import of Renault automobiles and other French products. This would be in retaliation for the heavy taxes which American GI's, living off base with their dependents, must continually pay to the French Government when they pay for rent, utilities, and the purchase of articles.

The danger of aggression from the Soviet Union in Western Europe has greatly diminished. It is practically nonexistent at the present time. The Soviet Union is now a have nation and is definitely veering away from Red China, which is a have not nation. Former Senator Barry Goldwater may have been correct in his prediction that 10 years hence Russia would be our ally in any conflict with Red China.

Today our first line of defense against Communist aggression and infiltration is in southeast Asia, according to the statement made to the American people today by our President. That is where the bulk of our troops should be stationed—not in Western Europe, where the need for them in large numbers no longer exists, and where their presence adds to our country's balance-of-payments problem. It is ridiculous to think of maintaining, 20 years after the close of World War II, 340,000 American servicemen and officers in Western Europe—in West Germany, France, and Belgium.

It is high time that those countries, prosperous as never before, should cease to depend on us to conscript our teenage youngsters when they do not make those same sacrifices themselves.

Mr. President, our Nation does not have a mandate from Almighty God to police the entire world. Sometimes people seem to forget that when talking about Asia and Africa. We must utilize our military personnel to the best extent possible.

An important step toward doing so would be to withdraw thousands of our troops now stationed unnecessarily in the countries of Western Europe, which are prospering as never before. Those countries can today provide the necessary troops to defend themselves if that need should ever occur.

Those countries should do this for themselves instead of continuing to depend on us. Let their young men be conscripted and drafted into their own armed services. Why should the lives and aspirations of our teenage young men be disrupted to form the first line of defense for the German and French Governments, whose officials and nationals have come to despise us? The feelings of Western Europeans are manifest to us on every possible occasion.

It is nitpicking to advocate that American tourists, men and women schoolteachers, and husbands and wives who save money for a vacation in Europe should forgo their trip to reduce the outflow of gold when we have 340,000 men of our Armed Forces in Western Europe, plus wives, dependents, and American civilians employed by the Armed Forces. That is where the real outflow of gold takes place.

THE PRESIDENT'S RADIO ADDRESS ON THE VIETNAMESE SITUATION

Mr. MORSE. Mr. President, the President in his statement today for the first time admitted that the United States is at war. When asked by a reporter, "What are the borders of your authority to conduct a war without a declaration of war?" the President obviously sidestepped the issue. The sad fact is the President is involving the United States in an undeclared war without first following his responsibilities under the Constitution.

Another sad fact is that the Congress is permitting the President to send increasing numbers of American boys to their death in Asia without facing up to its constitutional duty of either declaring war or denying the President permission to send American boys to their slaughter.

It is difficult for me to understand how both the President and the Congress can flout the Constitution of the United States. Again, I warn the American people that, unless government by executive supremacy is checked in the United States, our constitutional system of three coordinate and coequal branches of government will become more and more jeopardized.

The President of the United States should be required to either conduct a war in Asia in accordance with the terms and conditions of a declaration of war, or he should be prevented by the Congress from making war.

If neither Congress nor the President are willing to act within the framework of the Constitution, the people of the United States should make clear to both the Congress and the President and demand that procedures provided for in the Constitution remain inviolate.

On April 2, 1917, President Woodrow Wilson underscored the duty of a President when he addressed the Congress in a joint session; and I quote that great Democratic President when he spoke these historic words. They ought to be seared into the present President of the United States in these tragic hours. For Woodrow Wilson said at the night joint session of the Congress of the United States on April 2, 1917:

> I have called the Congress into extraordinary session because there are serious, very serious, choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making.

For the historic record, may I reread that great statement of Woodrow Wilson for the benefit of the present President of the United States and the Members of the 89th Congress. President Wilson said at the night joint session of Congress on April 2, 1917:

> I have called the Congress into extraordinary session because there are serious, very serious, choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making.

I say, in all due respect—but these are hours in which impersonality must prevail—that the incumbent President has no constitutional power to make war in Asia in the absence of a declaration of war. As Woodrow Wilson cited in a joint session of the Congress on the night of April 2, 1917, it was not within the constitutional permissive power to make war against Germany in the absence of a declaration of war. He did what any President ought to do and what is the clear constitutional responsibility of any President to do before he sends American boys to slaughter in an undeclared war. He owes a responsibility to the people of the United States to come before a joint session of Congress and make a recommendation for a declaration of war.

The Congress has a coordinate responsibility to decide, under article I, section 8, of the Constitution, whether American boys are going to be killed in a war, for if they are killed in an undeclared war, it is murder. I use that term advisedly. If American boys are killed in an undeclared war, it is murder. That is a constitutional reality.

Mr. President, I have never taken, and will never take a position that, in my judgment, violates my trust in regard to living up to this constitutional system. I say again today, as I have said for the past 2 years from this desk in the Senate, that the President has a clear responsibility under the Constitution to give the elected officials of the people of this country in the Congress an opportunity to pass on the recommendation he may wish to make for war. But if the President of the United States is allowed to continue to make war without a declaration of war, Congress will be jeopardizing our system of constitutional government based upon three coordinate and coequal branches of government.

I warn the American people again today that if they continue to let this President, or any President, take executive powers free from the checks of the Constitution of the United States, they are on the way to losing their freedoms and liberties. History teaches that as a government of executive supremacy is built up—I do not care what label one attaches to that government—the people cannot remain free, because under a government of executive supremacy the people will be victimized by the arbitrary discretion of a one-man rule.

So again I call my President's attention to the great lesson of President Wilson on the night of April 2, 1917, and I call attention to the great lesson of President Franklin Roosevelt when, before a joint session of the Congress of the United States, he made his statement for a declaration of war following Pearl Harbor.

President Wilson went on in that historic speech in these almost sacred halls of Congress on the night of April 2, 1917, to say:

> With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war.

The Congress took the bill of particulars President Woodrow Wilson set out in his historic address, and, on the basis of that bill of particulars, decided it agreed with the President of the United States, and it passed the declaration of war.

In the President's statement today I followed very closely any allusion as to what countries we might declare war against on the basis of the President's rationalization and alibiing for killing American boys in Asia. I note that he made reference to North Vietnam and Red China.

The American people should say to the President now, "Do you believe that the facts warrant a declaration of war against North Vietnam and Red China? If you do, make your recommendation in accordance with your responsibilities under the Constitution for such a declaration of war, and let Congress decide whether or not it wants to declare war."

Mr. President, I shall not avoid, as I have never avoided, any hot issue. On the basis of what the President said today, on the basis of what he has said in the past 2 years, on the basis of anything the Secretary of Defense or the Secretary of State have said before the Foreign Relations Committee, of which I am a member, if the President should recommend a declaration of war against North Vietnam and Red China, the senior Senator from Oregon would vote against it.

Mr. President, in my judgment, the President cannot make a case for a declaration of war against either North Vietnam or Red China—and I hate and despise the regimes of both North Vietnam and Red China.

Let me warn Congress that during these dark hours it is making history which will live for centuries to come; that is, if there is a United States left for a U.S. history to survive.

These are tragic hours, in which not only Congress, but also the American people, must rededicate themselves to the ideals which we profess. I say most solemnly that we had better rededicate ourselves to our sense of spiritual values, for I continue to ask myself: What has happened to morality in the United States? What has happened to our professings about being a spiritual Nation and believing in a Divine Being?

As a Christian, I keep saying to myself, "What has happened to the practice of the teachings of the Master in American foreign policy?" In my judgment, American foreign policy is characterized today by many bad things, but the worst is its emptiness of spiritual and moral values.

It is time for us to bow our heads and fall to our knees as a nation and pray as we have never prayed before for that strength of character, that rededication to spiritual values, that will cause us to turn away from being a shocking, warmaking nation to a nation which will rededicate itself to the rule of law

In my speech I have sought, thus far, to outline my deep conviction as to what I consider to be the constitutional duty of the President of the United States. It is his constitutional duty. In my judgment, either to recommend a declaration of war or to stop being primarily responsible for the killing of American boys in Asia.

The decision of war is not entrusted to the President of the United States. It is entrusted to Congress. The Constitution so provides, and it will be abandoned only at great risk. For, when the people allow the head of State to conduct war without any check upon his decision, they have lost control of their national affairs.

The President spoke of war, but it can only be an illegal war until it is declared by Congress.

The President spoke of the commitments of past Presidents to Vietnam, and of our national good word. But he uttered no mention of the national word entered into by solemn treaty when we signed the United Nations Charter. The President wishes the world to have confidence in the pledge of a previous President, but does he have no concern with what the world thinks of our failure to honor our own treaty obligations?

It is a sad day in history when the President of the United States dismisses our obligations to the United Nations Charter with reference to a letter he has sent to U Thant, asking that he do what he can to help us "fry our fish" in Vietnam.

The press conference today produced nothing but an evasion by the President of both the Constitution of the United States and the Charter of the United Nations.

I also regret that the President did not take the American people into his confidence by explaining to them the responses from other governments to the war in Vietnam.

I believe that the obvious conclusion to be drawn from his reluctance to discuss that subject is that the support is so thin, and the offers of help so nonexistent, that it was better to avoid that issue, too.

But, if we are asked to embark on a long, drawn-out struggle—and the President admits that it may be long—we should know exactly how little help or support we are to get from the other major powers of Asia, and from the rest of the world.

The net result of the President's remarks has been a repeat performance of what we have been told month in and month out concerning Vietnam; namely, that more American soldiers will be sent. Now the figure is to be increased to 125,000.

I have warned the American people from this desk for many months past that it will be 300,000. I warn the American people today that if the President's announced program continues, it will go far beyond the 300,000. And there will be no peace at the end of the trail.

The President points out that a new effort will be made to bring some order out of chaos in the South Vietnamese Government and gain support for it in the country. That will be quite a task. Never has there been a free government in South Vietnam since the United States set up its first puppet government in 1954. Yet the American people have been fed the false propaganda, ever since we took over in South Vietnam, that we are in there supporting freedom. What we have supported is tyrannical, shocking, police states by way of puppet regimes financed, selected, and militarized by the Government of the United States.

It is difficult for Americans to recognize that we could be so wrong, but history will condemn America's aggressive course of action in Asia over the years. We have not been true to our ideals. We have not been true to our treaty responsibilities and obligations.

It is interesting that in the statement made by the President today, he indicated there might be an ultimate decision which he would have made by the people of Vietnam for a united Vietnam.

Few Americans realize that the Geneva accord did not provide for two governments in South Vietnam. Most people are unaware of the fact that the government that was set up in South Vietnam was set up by the United States in clear violation of the Geneva accords of 1954. The accords themselves provided only for two zones for purposes of terminating French control, the zones to be unified in elections to be held in 1956. It was the United States more than any other country that canceled those elections. How can a President who seeks to follow a policy of preserving South Vietnam at risk of world war, in pursuit of a promise he claims was made by two predecessors, declare at the same time that we may want to go back to a unified Vietnam? Which of these incompatible purposes is our real purpose in Vietnam?

Most people do not know, either, as I have said so many times on the floor of the Senate during the past 2 years, that we have violated the Geneva accords with every airplane we sent over, with every soldier we sent over, with every tank we sent over; and, of course, that the International Control Commission found us guilty, along with North Vietnam, and along with the South Vietnamese.

Mr. President, there was no indication in the President's statement today concerning another sordid and ugly fact which exists in South Vietnam, the very moment I speak; namely, that the South Vietnamese army has so deteriorated that we shall have to substitute American boys to do the dying for them.

"By what right?" the senior Senator from Oregon asks, and will continue to ask. We have no constitutional right, which has been effectuated to date, that justifies the unconscionable slaughter of American boys in South Vietnam. It is an elementary principle of criminal law that when a life is taken in the commission of an illegal act it falls into the category of homicide. I have no intention of becoming an accomplice to homicide in southeast Asia.

The President also made clear today that any government beside our own that interferes in South Vietnam will meet the full force of the American power.

That is waving the flag into tatters. That is no way to pay respect to the American flag.

We have reached the point where we are beating our national chest, while saying to the world that we are setting ourselves up as the policeman and caretaker for the running of the world in accordance with what we consider is best for the world in accordance with American judgments.

That is why it will require many years to do it. That is why I say we are starting to dig our national grave, because millions of people around the world will continue to resist and revolt against a police and caretaker role imposed upon them by the United States.

Mr. President, instead of sending a letter to U Thant, the President of the United States should have sent with Ambassador Goldberg a resolution from the United States, asking for an extraordinary session of the Security Council, and requesting the United Nations to take jurisdiction of the conflict in Vietnam.

For my President to talk about the United Nations in the absence of filing a formal petition by the United States calling upon the United Nations to carry out its obligations under the provisions of the Charter is naught but an exercise in semantics.

If my country wants the United Nations to take jurisdiction, my President knows how to bring it about. The procedures are clear. The President knows them. I have seen to that. All my President has to do is to lay before the United Nations the resolution. He can do that through our Ambassador to the United Nations. If he did that, the threat to the peace of the world would be formally and officially before the Security Council. Then we would find out who it is that wants peace. Then we would put Red Russia on the spot. We would put France on the spot, too, along with every other nation that belongs to the Security Council.

If the Soviet Union then throws a veto, the President knows what the charter provides by way of our right to have an extraordinary session of the General Assembly of the United Nations called.

As a former U.S. delegate to the General Assembly, it is my judgment that at least 90 nations, and probably more, in the General Assembly would rally behind the leadership of the United States if it proposed a United Nations takeover in southeast Asia—not to make war, such as my country is doing at the present time, but to keep the peace.

There is all the difference in the world between the President of the United States directing a war and the President of the United States talking peace.

We are hitching irreconcilables at both ends of a line, while they pull in opposite directions. I would like to see a better example of that type of metaphoric exercise than the President of the United States making war in Asia and at the same time talking about peace through the United Nations, without formally submitting to the United Nations a U.S. resolution calling for the peacekeeping services of the United Nations.

The President spoon fed the American people today with the same old prescription which in the past 4 years has resulted only in more war and more defeat. I see no reason for any different outcome this time.

It is with a heavy heart and a great sadness that I say that in my judgment the President's position is unsound and against the best interest of peace and a world order of law.

LET US BE REALISTIC ABOUT THE U.N. AND VIETNAM

Mr. PROXMIRE. Mr. President, a great deal of criticism has been directed at the administration's Vietnam policy, on the ground that the whole tragic business should be turned over to the United Nations.

The administration has indicated that U.N. Director General U Thant would be welcome to use his U.N. offices to secure negotiations or to do anything else that might advance peace.

The Communists have rejected all of these initiatives. We cannot turn to the U.N. for practical reasons. Use of the U.N. Assembly and use of the U.N. Security Council are both blocked.

In this morning's Washington Post a very perceptive editorial explains why. The editorial asks:

> But how could any serious student of world affairs suppose that anything could be accomplished at this time by going to the U.N.?
>
> The Soviet Union stands over the Security Council with its veto poised against any action that might be taken to save South Vietnam from being swept into the Communist orbit. The last session of the General Assembly was so plagued by the controversy over the financing of past U.N. peacekeeping operations that it could act only by unanimous consent. That issue has not yet been resolved. However desirable it would be to have the U.N. straightening out situations of this kind, neither the suffering Vietnamese nor the cause of freedom and independence in Asia can wait for a miracle.

A few minutes ago the President of the United States said that 15 efforts, with the help of 40 nations, have been made to persuade the Asian Communists to negotiate.

The President also said that if the United Nations can by deed or word bring us nearer to an honorable peace, it will have American support, and that Ambassador Goldberg has been directed to tell the United Nations that we want all resources of the United Nations used to achieve peace.

It seems to me that one of the most unfortunate illusions on the part of literally millions of American people is that the whole situation would be ended if only we were to turn to the U.N. and say, "Take over."

In the first place, there are reasons why this cannot be done. In the second place, if the U.N. were to come in, is there any reason to deceive ourselves that they could come in on any basis other than that on which they came in during the Korean conflict? If they came in under those circumstances, we would still have to fight, as we did in Korea. It would still take years. It would still involve the loss of American blood. It would still mean American caskets coming back. This would not end it. Furthermore, if we can get the United Nations to come in, fine, but there is no indication that the United Nations, under present circumstances, can do so.

I ask unanimous consent that the editorial from the Washington Post be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ILLUSIONS AT MINNEAPOLIS

> Against the background of mounting warfare in Vietnam and the grave discussions that have been going on at the White House, the dissenting notes coming out of the Governors conference in Minneapolis sound very remote and unreal. In Vietnam the American forces are having to cope with more powerful attacks on the ground and with a rising menace from surface-to-air missiles. In Washington the whole baffling problem of helping the South Vietnamese and other peoples of southeast Asia protect their independence has been under review. But out in Minneapolis the Governors are free to indulge in fanciful illusions.
>
> Gov. Mark O. Hatfield, of Oregon, advanced the idea that the United States should take the Vietnam problem to the United Nations. If this did not produce results and if the fighting should continue to spread, he said, the President should ask Congress for a declaration of war. It is easy to understand a Republican Governor's impatience over the present gloomy trend of events in Vietnam. But how could any serious student of world affairs suppose that anything could be accomplished at this time by going to the U.N.?
>
> The Soviet Union stands over the Security Council with its veto poised against any action that might be taken to save South Vietnam from being swept into the Communist orbit. The last session of the General Assembly was so plagued by the controversy over the financing of past U.N. peacekeeping

operations that it could act only by unanimous consent. That issue has not yet been resolved. However desirable it would be to have the U.N. straightening out situations of this kind, neither the suffering Vietnamese nor the cause of freedom and independence in Asia can wait for a miracle.

As for a declaration of war, what would it accomplish? Would the declaration be directed against the Vietcong in South Vietnam, against the Hanoi government, Communist China, or the Soviet Union? Or would it be directed against all four? The disturbing thing about this comment is that any conceivable declaration of war in the present context of events would doubtlessly lead to expansion of the war instead of narrowing it as Governor Hatfield intends. Critics are entitled to air their grave concern over the dilemma in Vietnam, but when they attempt to point the way out they ought to have something more substantial than a midsummer night's dream.

AMENDMENTS TO BANKRUPTCY ACT—BILLS REFERRED TO THE COMMITTEE ON FINANCE WITH INSTRUCTIONS

Mr. KUCHEL obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from California yield, with the understanding that he will not lose his right to the floor?

Mr. KUCHEL. I shall yield to the majority leader with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 109, a bill (S. 976) to amend the Bankruptcy Act with respect to limiting the priority and nondischargeability of taxes in bankruptcy and Calendar No. 265, a bill (S. 1912) to amend sections 1, 17a, 57g, 64a(5), 67(b), 67c, and 70c of the Bankruptcy Act and for other purposes, be taken off the calendar and referred to the Committee on Finance with instructions that they be reported back within a period of 30 days.

Mr. KUCHEL. Mr. President, reserving the right to object—and I shall not object—let the RECORD show that the majority leader has informed the minority whip. The distinguished Senator from Nebraska [Mr. HRUSKA], a coauthor of the bill, completely approves, as does our able friend, the distinguished senior Senator from North Carolina [Mr. ERVIN], the other author of the bill. Is that not correct?

Mr. MANSFIELD. The Senator is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Hiram R. Cancio, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico; and

Edmund A. Nix, of Wisconsin, to be U.S. attorney for the western district of Wisconsin.

By Mr. HILL, from the Committee on Labor and Public Welfare:

George C. Trevorrow, of Maryland, to be a member of the Federal Coal Mine Safety Board of Review; and

Doctor Mary I. Bunting, of Massachusetts, and Harvey Picker, of New York, to be members of the National Science Board, National Science Foundation.

By Mr. CLARK, from the Committee on Labor and Public Welfare:

Thomas J. Watson, Jr., of New York, to be a member of the National Commission on Technology, Automation, and Economic Progress.

The PRESIDING OFFICER. If there be no further reports of committees, the nomination on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of Henry Cabot Lodge, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vietnam.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. KUCHEL. Mr. President, I desire to take a moment of time in the Senate to speak not merely as a member of the Republican Party, but as an American to pay my respects for one who has undertaken the most grueling type of service to his country.

Henry Cabot Lodge sat as a distinguished U.S. Senator in days gone by.

He was recommended by his political party as a candidate for Vice President of this land.

He was an able advocate for the people of the United States in the United Nations, on one occasion serving under the late President John F. Kennedy.

He represented our country in South Vietnam with distinction and courage.

He now returns to that unhappy part of this melancholy globe.

He takes with him the prayers of the American people for success in that tragic part of the world. We also pray that his service may increase our chances for peace with honor in South Vietnam.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I join the Senator from California [Mr. KUCHEL] in commending the President and Ambassador Lodge, who has had such a wonderful career, and who now has every right to say, "I have done my work; I am entitled to enjoy the fruits of my labors," for taking on this enormous and historic assignment.

I know we have run our foreign affairs in a completely bipartisan way. I have been an advocate of a bipartisan foreign policy.

I know that I shall be pardoned if I say with some pride that it is a matter of great gratification to me that in a historic moment the President found it possible to appoint a great Republican candidate for Vice President who made a great record in the Senate, and who has been proud of his progressive views in my party. My last close personal contact with him was in the work of bringing those views to the attention of the members of my party throughout the country in the most effective way.

Henry Cabot Lodge is entitled to the deep thanks of the Nation for having deserved such a historic assignment from the President. The Nation is fortunate to have raised such a son. We have every reason for great pride in my party and his lifelong devotion to principles of that party, demonstrating again the place of great Americans in each of the great political parties and their devotion to the principles which they hold and respect.

These only equip him the better for the Nation's service, rather than constricting them in any narrow partisan frame.

I thank my colleague.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. KUCHEL, and by unanimous consent, the Senate resumed the consideration of legislative business.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6, 1965, as "National American Legion Baseball Week."

LET THE PEOPLE DECIDE

Mr. KUCHEL. Mr. President, in speaking in support of the Republican leader of the Senate, the distinguished Senator from Illinois [Mr. DIRKSEN], one immediately senses a need for clarifying the issue before the Senate. A highly agitated opposition has hurled so many unrelated, irrelevant, and unfounded charges in the path of this carefully prepared proposal that it is essential to sweep aside some of these false assertions and trappings in order to arrive at basic facts.

But, first of all, a personal note.

My colleagues will recall that a year ago, when the Senate was considering a legislative proposal to suspend jurisdiction of the Federal judiciary in legislative apportionment cases, I spoke vigorously against the proposal. I believed then, as I believe now, that our constitutional system requires an independent judiciary. I believed then, as I believe now, that judicial review of legislative apportionment is both valid and necessary. Where there is a wrong, there ought to be a remedy under our system.

But it was my opinion a year ago, as it is now, that the people of each State should themselves have the continuing right to determine whether or not they desire one house of a bicameral State legislature to be apportioned on other than a strict population basis. That is why earlier this year I was glad to coauthor Senate Joint Resolution No. 2, introduced by Senator DIRKSEN. That is why I testified in support of Senate Joint Resolution No. 2 before the Senate Subcommittee on Constitutional Amendments on March 3, 1965. That is why I speak again today in support of the theory of the pending amendment and the amendment itself.

During the course of the debate last summer I said:

> I propose and hope that a constitutional amendment in the next Congress may be carefully drawn, after testimony, pro and con, by the best brains in the Nation, so that Congress can take constructive action.

That sentiment, which I expressed then, is my sentiment now.

The proposed constitutional amendment comes to us after long and careful analysis and extensive discussion. The present issue dates at least from March 26, 1962, when the Supreme Court of the United States rendered its decision in *Baker* v. *Carr*, 369 U.S. 186, and held that a challenge to the apportionment of representation in a State legislature presented a justiciable question under the equal protection clause of the 14th amendment to the Federal Constitution and that the Federal courts have jurisdiction. I, for one, welcomed that decision. Were it not for the fact that a judicial forum was provided for relief from the evil of malapportionment, that evil would probably have gone on forever. The decision righted a wrong. Its consequences were profound. A great debate has been initiated in this country which, far from abating with the passage of time and adjudication of specific cases, has increased in intensity.

On June 15, 1964, the Supreme Court of the United States handed down six decisions dealing with reapportionment in as many States. The first case, *Reynolds* v. *Sims*, 377 U.S. 533, promulgated a rule for apportioning all State legislatures:

> We necessarily hold that the equal protection clause requires both houses of a State legislature to be apportioned on a population basis (377 U.S. at 576).

This decision, too, righted a wrong. Since 1900, the Alabama Legislature, based under its own State constitution on a population basis in both houses, had failed to reapportion itself, and thus, for over a half century, the clear provisions of the State constitution were breached by the legislative branch of that State. Therefore, I think it quite fair to say that the required reapportionment under the State constitution became only a mockery.

In this instance I do not believe the Supreme Court had any choice but to apply the principle of one man, one vote, in accordance with the equal protection clause of the 14th amendment to the Constitution. The legislature's failure to act in terms of the constitutional mandate of its own citizens was inexcusable.

In *Lucas* v. *Forty-fourth General Assembly of Colorado*, 377 U.S. 713, decided the same day, the Supreme Court applied the one-man, one-vote principle to an apportionment which had been approved by a majority of the people of Colorado who voted in a statewide referendum. Students of constitutional law can argue that the court, under these circumstances, did not have to reach the same result. But it did, and one can argue that a constitutional vacuum did clearly exist since that great charter failed to specify the representational relationship which should exist between the citizens of a State and their State legislature.

Mr. President, the heart of this issue is not what type of reapportionment but what type of representation is desired at the State level. In the discussions on this issue there has been a great deal of confusion between "one man, one vote" and majority rule, and between both and effective representation for our citizens under the equal protection clause. Mr. Justice Stewart, for example, in dissenting in *Lucas* v. *The Forty-fourth General Assembly of the State of Colorado*, 377 U.S. at 749, notes that representative government is:

> A process of accommodating group interest through democratic institutional arrangements. * * * Appropriate legislative apportionment, therefore, should ideally be designed to insure effective representation in the State's legislature * * * of the various groups and interests making up the electorate.

Mr. President, that is a reasonable and realistic position in accord with some of the best thinking of modern political science. Certainly in many States, as was true in Colorado, there are distinct regions, attitudes, and interests based on economics or geography which do not lend themselves to a strict "one-man, one-vote" rule.

Grouping people as mere census statistics does not solve the representation problem. Almost all American legislators at the local, State, and Federal levels are elected in the single member district where the winner takes all. Certainly it is just as possible in a State where there is vigorous two-party competition as in a State which is safe for one party to deprive members of the losing party of "one man, one vote" in the sense of representation.

Perhaps only proportional representation—which I do not advocate for other reasons—would resolve this issue in a realistic way. One man, one vote certainly does not.

Since the Court's decisions of June 1964 and the debate in Congress last summer, extensive hearing have been held on the issue of State legislative apportionment. In addition, there have appeared numerous law review articles and analyses, case studies by political scientists, books by historians, and stories in virtually every journal in the Nation. Last summer, I asked the deans of the various law schools in my State to give me the benefit of their advice and ideas on this question. I must acknowldge my gratitude for their help.

The subject of legislative apportionment has not, in brief, suffered from want of attention—either here in Congress or abroad in the land.

The objective of the proposal before us is to guarantee that when a majority of voters of any State, by a one-man, one-vote expression, have so declared, one house of their State legislature—and only one—may reflect factors other than population. I might add that the language of the proposed amendment specifically limits these factors to population, geography, or political subdivisions. Should the voters reject such a plan, both houses would be apportioned on a strict population basis. Further, if the current legislature chooses not to submit such a plan, strict population apportionment will automatically prevail in the chamber of each State legislative body.

Allow me to elaborate on this last point for just a moment. I think its significance has been missed entirely.

First of all, this is clearly a permissive proposal. There is not a single State in this Union which will be obliged to follow its provisions. Certain States are already in conformity with the requirements of the Reynold against Sims decision. Human nature being what it is, the legislators of these States may not wish to turn themselves out of office. I think, for example, that the likelihood of Oregon, Michigan, Massachusetts, Oklahoma or Wisconsin ever availing themselves of the Dirksen amendment are, to say the least, slight. Beyond that, there are several States—Illinois, Ohio, and Connecticut, to cite three—where Democrats control one chamber of the legislature and Republicans the other. Attitudes towards "numbers only" reapportionment conflict in these States and the probability of agreement on a plan of apportionment is remote. Unless both chambers can agree on an alternative plan, the different basis of districting that the proposed amendment would allow cannot be implemented.

I do not foresee any massive retreat from the advances made for better urban representation under the sundry court decisions; the opposition's outbursts are all smoke and no fire. There is not doubt in my mind but that the Dirksen amendment, if added to the Constitution, would be implemented only in those States where the need for balanced representation is so great as to transcend party and factional interests.

Mr. President, there is another bit of smoke I would like to deal with briefly.

The use of the slogan, "one man, one vote," with this fundamental constitutional issue seems to imply that the Dirksen amendment would, in some fashion, preclude one man from having one vote. This is disingenuous and wrong. The Dirksen amendment does nothing to deprive any man of his right to vote. Every man will have his right to vote. Indeed, I would say that it is cruel and heartless to convey the impression that its author, after the valiant service he has rendered in securing passage of the Voting Rights Act of 1965 in the Senate—indeed, it was largely written in his office—and in securing the adoption of the Civil Rights Acts of 1957, 1960, and 1964, now seeks through this proposed constitutional amendment to deny the franchise to any American citizen.

In this context, I invite my colleagues' attention to a comment made by Julius Duscha in the Washington Post in reporting the apparent deadlock which prevented Senate Joint Resolution 2 from coming to the floor:

> In an ironic twist of political fate, DIRKSEN's amendment (has) been hung up on the committee room wall by the same civil rights forces for whom he has battled so valiantly over the last 2 years.

EVERETT MCKINLEY DIRKSEN's work to advance the cause of equal opportunity in this land needs no defense. But as one of the two floor managers of the Civil Rights Act of 1964, let me say that there would have been no act without his leadership, his faith, his assistance, and his undeviating devotion to a basic American goal.

Those who say they are advocates of one-man, one-vote representation imply that under any other system, certain voters will be provided representation disproportionate to their number in one chamber of their State legislature. I submit that this, too, is wide of the mark.

A legislator, as all of us here know, has only one vote; and whatever others he is able to muster in any given legislative debate, come from the justness of his cause and his powers of persuasion. The fact is that the influence of a legislator with his colleages—which is what we really mean, I think, when we talk of degree of representation—is an intangible which results from intellect, force of character, inherent leadership capability, and integrity as well as political affiliation and seniority. I would like to see anyone attempt to specify these characteristics in a constitutional provision on legislative apportionment. It cannot be done.

As I have said, this resolution comes to us after hearings and careful study of this problem and consideration of possible alternatives which will resolve this matter. I am satisfied that the proposal now before us meets the test. Each paragraph attempts to compact the wisdom of many of our Nation's greatest students of constitutional law as well as of American concept and tradition. It is the product of extensive legislative discussion and refinement, and was produced in keeping with the inexorable growth of the Constitution.

To those who have deliberately attempted to introduce into this discussion a fear that the resolution will undermine certain new strengths in the area of individual civil rights, let me give this answer: nowhere in the language of the proposed amendment, nor in the intent of its authors, will be found the slightest bit of support for such a completely ungrounded charge. The legislative history, now being made, ought to be crystal clear on this point. Should this amendment be added to the Constitution, the guarantees of the 14th and 15th amendments as well as all other relevant provisions of the Constitution would continue in force. This amendment, as with other parts of the Constitution, would be subject, in its implementation, to judicial review. There would be no removal of apportionment questions from the jurisdiction of the Federal courts.

As one who was a coauthor of the Voting Rights Act of 1965 and a coauthor and floor manager of the Civil Rights Act of 1964, I could not, would not, and shall not, support any measure which would lessen the impact of civil rights legislation. It is naive to assert that more discrimination will result from the passage of this constitutional amendment and its implementation at the State level by a majority vote than would occur and does occur right now under the so-called one-man, one-vote concept.

The fact of the matter is that if evil men are going to try to discriminate because of race, color or origin, they can do it just as easily with compact and equal sized districts as on any other basis. It all depends on where you decide to start drawing the lines. In the heart of the central city, do we put all residents of one race or ethnic group in a single legislative district, or do we divide up the members of that race or ethnic group among five surrounding districts? What is discrimination in this case? All of the districts are of equal size in population. That is just what has happened in some congressional districts in some cities in various States of this Union. If members of a particular race or ethnic group are predominantly of the persuasion of the majority party in the State legislature which is drawing the district lines, the likelihood is that they might be distributed among surrounding suburban districts to diminish the electoral opportunities of the minority party. Or the line might be drawn to see that only one member of a particular race or ethnic group has a chance to secure elective office by concentrating citizens of similar origin in a single district. I repeat: What is discrimination in this case? For those who are enamored by mere numbers alone, we have no guideline, since the districts would be of equal size. One must look to the feelings of the people in the area. Are they really represented or are they merely being used? It concerns me, as I know it does every Member of this Senate, that such misrepresentation must be commented upon.

Let me repeat: Nowhere in the language of this resolution will be found a single word that undermines the rights and privileges extended to the individual citizen by the 14th amendment, the 15th amendment, or any other section of the Constitution. To those who might be misled, and to all others, let me warn that the alternative which these critics endorse, yet so skillfully hide, is the haunting specter of unrestrained bossism, which has ever led to the denial of minority representation. Carried to its fullest implication, this can only mean that such critics are willing to entrust the determination of future State policies and expenditures to a type of popular expression mobilized and controlled by big city bosses.

I do not think anyone would deny that the prospects of a particular candidate in one of our densely populated cities hinge largely on how the lines of his district are drawn. It is no secret that, where the organization has the final say on the drawing of those lines, districts are contrived for the organization's own men—and the more, the better. Now, I ask, if the machine controls the government, will its minions "fight city hall"? Of course not.

I submit that some advocates of civil rights are being misled by the passionate big city advocates of "numbers only" apportionment from whom we have heard so much. I submit that the aim of our machine politicians is not Jefferson's equal and exact justice at all, but, quite the contrary, untrammeled, unchecked control of both houses of their State legislatures.

The goals of the activist civil rights organizations in city after city during the recent long, hot summers have more often conflicted rather than harmonized with the interests of city hall. Do these activists really think that the docile legislators who will come into office by machine-controlled, numbers only reapportionment will be their allies in fighting city hall? I would hope that they are not that naive.

The fact of the matter is that State senate districts based on fixed geographic and political subdivision boundaries, out of reach of tampering by self-aggrandizing political bosses, in the long run provide far greater assurance of success for minority candidates who have an interest in disturbing the status quo. The political facts of life being what they are, we can expect—we can depend upon—the organization using the gerrymander to attach an unmanageable bloc of voters to a malleable district, or to write it off by tying it to an adjacent suburb with interests of its own that are antithetical. Can anyone honestly contend that this will advance the drive for full participation and equal opportunity in American society?

It is of paramount importance that we keep before us the thought that we are here considering the need for, and our right to follow, the Constitution of the United States in working ourselves out of a dilemma—a dilemma, to be sure, which a few State legislative bodies themselves helped to create. But what we are to determine here is how we shall utilize constitutional procedures in adjusting to the circumstances which have evolved.

What is proposed is clearly and legitimately within the purview of the Congress. Let us keep the issue in focus. This proposal is a composite of the wisdom of many, and it contains in simple language what to me is the major issue before us. That is whether the long used and understood Federal plan of apportionment shall remain at least available to the people of any State if the majority of the people of that State so desire.

I come from a great State that has had actual and practical experience under both of the systems of legislative organization involved in this discussion. Students of government can readily find many enlightening comparisons in the political history of my State.

From my own experience, gained through service in both houses of the State legislature as well as the elective statewide office of State controller, and from my 12 years of representing California here in the Senate, I know there exists overwhelming proof of the value of balanced representation as utilized in California. It is my belief California owes much of its success in meeting the tests of fantastic growth and industrialization and of the strains of war and peacetime social adjustments, to the type of representation it has had in its State legislature.

I believe it is of real significance that the voters of California have year after year demonstrated an awareness of how their legislature was constituted and how it functioned. From statehood, the California Legislature was based on population. Then, in 1926, availing themselves of the initiative process which Gov. Hiram Johnson introduced during the progressive era, the people of California adopted the Federal plan for Senate apportionment. I would point out, too, that this choice was made in perference to another proposition on the same ballot to preserve "numbers only" apportionment.

Mr. President, prior to 1930 all members of the California Legislature were elected on a population basis. There were 40 senatorial districts and 80 assembly districts, just as there are now, only then each senatorial district contained two assembly district. With the approval of the Federal plan by the voters of California on November 2, 1926, assembly districts were apportioned on a population basis while senatorial districts were divided along county lines, each district to contain not less than one country nor more than three.

In other words, in 1926, the voters of our urban population made an informed choice, and they voluntarily gave up the total dominance of the legislature which our original constitution awarded them.

The people have had the opportunity to change their minds in the elections of 1928, 1948, 1960, and 1962. Each time, they refused to do so, affirming their satisfaction with our representative system of checks and balances.

Mr. President, the 1960 census showed that California was the most urbanized State in the Nation with 86 percent of its people living in metropolitan areas. Yet, in 1962, when an initiative constitutional amendment—proposition 23—was placed before the electorate to change the existing composition of the State senate, it was rejected by a vote of 2,495,440 to 2,181,758. Interestingly enough such major urban counties as Alameda — Oakland — Contra Costa — Richmond—Fresno, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara rejected it. Six of the eight counties in populous southern California rejected it.

Even in the light of last December's Federal district court order, the highly respected California poll revealed in January that 49 percent of the eligible voters, as against 21 percent, believe, to use the question that was put by pollsters, that the State "should ask Congress to amend the U.S. Constitution so as to permit States to have a system in which one house of the State legislature may be based on geographic areas if the State wishes."

Let me introduce here a conclusion which I have drawn from careful analysis of these voter expressions. There are in California today thousands of voters who are not entirely satisfied with the exact manner in which our State legislature is apportioned. These people will give battle to those who argue for a status quo. But, they will likewise give battle to those who would rob the people of the State of the right to make their own decision.

The voters of California have grown accustomed to having the final say on matters of legislative apportionment. Having had legal recourse to the ballot on such matters, they have learned to be attentive; they have freely and repeatedly expressed their majority judgment.

The California Senate has a membership based preponderantly on geography rather than population. This type of representation has had the effect of giving an important and needed statewide perspective to legislative considerations. I frankly believe that there should be some changes made in the apportionment of the senate of my State, but I want the people of my State—all of them—to have the right to decide, and, in deciding, to have the right to consider other factors than population alone.

How well a State can operate under such a system was ably summarized recently by one of our distinguished State senators in testifying before the Judiciary Subcommittee of which the distinguished Senator from Indiana [Mr. BAYH] is chairman. I should like to read an excerpt from this able California State senator's testimony.

I quote from a statement by State Senator Joseph A. Rattigan, Democrat, of Santa Rosa:

> California has always been in the forefront of the civil rights movement. We have had an enforceable and an enforced antidiscrimination statute on our books in California since 1872. In 1959, which was my first year in the legislature * * * we enacted in California a comprehensive fair employment practice act. We have subsequently enacted comprehensive legislation in the fields of housing, voting, et cetera * * *. I think I can say that California is a national leader in the field of civil rights and I, for one, would not have it otherwise.
>
> California's programs for social welfare, urban redevelopment, protection of working men and women, local government as such, and the advancement of rights and opportunities for racial minorities are among the most progressive in the Nation. These programs had to be approved by the senate to acquire the force of law. Many of them, in fact, originated in the senate.
>
> The same is true of the California water plan, the most ambitious public or private project for the transmission of water in the history of the world. The 1959 Burns-Porter Water Resources Development Bond Act stands as a monument to the concern which the California Legislature, as presently constituted, has shown for the whole State.

The Republican leader of the State senate, Senator Jack McCarthy, concurs in his Democratic colleague's views. So does the senator from Los Angeles County, Thomas M. Rees, a Democrat.

California's legislature has had to deal with a diversity of needs and interests stretched out over mountains, valleys, and farmlands along a thousand-mile Pacific coastline. It knows from experience the contributing importance of each section, each unit of endeavor, each facet of the economy—each economic, geographic, and ethnic group. It recognizes the need for each to have some voice in legislative halls as composite programs are being prepared and refined.

State Senator Rattigan, an acknowledged liberal in California's Democratic Party, is correct when he pleads "let the people speak, let the people decide." That is exactly what the people of California have been able to do under their Federal plan of legislative representation. They have made it abundantly clear that they value and prefer a balance type of representation. It is an arrangement that they want the right to continue.

Each of our 50 great States is unique in that there exist diverse economic and geographic factors which, I submit, can best be dealt with, in the area of legislative representation, by the people in those States, on a one-man, one-vote basis, determining how best to constitute their legislature so as to best serve the varied and important interests of the people within that State.

In California, a State which has adopted a resolution requesting the Congress to propose a constitutional amendment to the States for ratification on this fundamental issue—I should point out that it is not the State senate alone which is making the request and leading the effort throughout the Nation to secure adoption of the resolution under discussion; it is not the State assembly, or lower house, which is leading the effort; it is not the Governor, nor any single geographical area or political group.

Our Governor, our senate, our assembly, our urban leaders, our Democratic leaders, our Republican leaders, rural leaders, our civic leaders—all are participants in this fight.

The Dirksen amendment affirms the right of the people to decide how best to determine the composition of their own State legislatures. It would provide historic improvements in our system by mandating periodic review of any plan of apportionment not based on population for both houses; by clarifying the right of judicial review; by protecting the civil and constitutional rights of all; and by assuring once again in these United States that the ultimate power of Government rests with the people themselves.

Those of us who serve in the Senate of the United States—elected two from each State wholly without regard to population disparities—would demonstrate a fine hypocrisy and a shocking lack of faith in the people of our States, if we took the position that the people are not competent, in an open and clearcut referendum, by a majority vote to constitute State legislatures as best fitted to the needs of each particular State, as they, themselves, determine.

Mr. President, I have long been impressed with the wisdom uttered by Justice Brandeis when he dissented in *New York Ice Co.* v. *Liebmann*, 285 U.S. 262 (1932):

> To stay experimentation in things social and economic is a grave responsibility. Denial of the right to experiment may be fraught with serious consequences to the Nation. It is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country. This Court has the power to prevent an experiment. We may strike down the statute which embodies it on the ground that, in our opinion, the measure is arbitrary, capricious or unreasonable. We have power to do this, because the due process clause has been held by the Court applicable to matters of substantive law as well as to matters of procedure. But in the exercise of this high power, we must be ever on our guard, lest we erect our prejudices into legal principles. If we would guide by the light of reason, we must let our minds be bold.

Both in governmental organization and in the policies which it seeks to carry out, a State should have the opportunity, if its people so desire, to serve as a laboratory and to experiment with the relationship between the elected and the electorate which might best fit its needs. Thus, Congress has a duty to render a decision on basic policy by submitting a constitutional amendment dealing with apportionment to permit the people in each State to decide on a continuing basis what form of legislative representation they desire. The people may, if they desire, choose the criterion of one man, one vote. It is possible that because of overriding historic, geographic, economic, and other factors in their State, they would wish to select a system of apportionment which adequately takes such factors into account. But let the choice be the people's, provided, of course, that the system selected does not violate other constitutional and statutory guarantees such as those prohibiting discrimination because of race, color, religion, national origin, or sex, among others. Any reapportionment provision of the Constitution must, of course, continue to be subject to judicial review in its use by the people of the several States as to reasonableness and as to fidelity with constitutional guarantees.

But, Mr. President, the basic choice now before this body is: will we let the people decide? I hope that we will.

Mr. PROXMIRE. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I am happy to yield to my able friend from Wisconsin.

Mr. PROXMIRE. The Senator from California is an extremely articulate and persuasive speaker and debater, but I ask him as to the basis of the fundamental implications of his speech, do I correctly understand that he alleges that the one-man, one-vote rule is not the issue?

Mr. KUCHEL. What I have tried to do was to take what I believe to be the slogan of those who oppose any constitutional amendment and argue, in passing, that the people themselves should have the right to vote at the ballot box.

Mr. PROXMIRE. Does the Senator not agree that if the Dirksen amendment were to pass and if it were implemented and went into effect, the vote of a person living in one district might be of far less value in determining the composition of a State legislature than the vote of a person living in another district?

Mr. KUCHEL. It is quite apparent—and I believe it is helpful to be as frank in asking questions as it is in answering them—if the people themselves voted, with each vote being counted, that the Federal system should prevail in one house of their legislature, obviously there would be a disparity between the number of people which each member of that one house would represent.

In the Senate of the United States I have the honor of trying to represent almost 19 million Americans. Some of my able colleagues in the Senate, who adorn the Senate and who are excellent U.S. Senators, obviously come from States which occupy other rungs on the population ladder. Yet none could argue that the effectiveness of representation of our constituencies is directly related to their size. Other factors prevail. Our constituencies do not differ merely because of numbers, but rather, I believe because of party balance, economic status, level of education, degree of skill and possibly other historic, ethnic, and religious factors.

However, I believe that the point I make, by way of conceding that if the people in one State make the decision to achieve the Federal plan, obviously some members of one house would represent more people than some of their other colleagues, is that with the people themselves having been given the opportunity and having discharged that opportunity, the ends of this society are met.

Over the years in which I have been permitted to enjoy public service, I have tried to follow some fundamentals in my public philosophy. One of them is: Let the people decide the basic questions.

My State has been a progressive State. The State which my able friend represents has been a progressive State. Indeed, Wisconsin and California pioneered in devising forward-looking solutions to meeting the people's needs very early in this century. Imagine the situation which would have resulted if our States had not been permitted to experiment within their borders in matters "social and economic," as Mr. Justice Brandeis put it. We experimented with the structure of our State government. We adopted the initiative, the referendum, and the recall. Thus, the people of California have had with a State constitutionally guaranteed right to decide at any time what kind of apportionment they wished to have. This has been in the interest of my State and the people who live in California. I do not want to see them denied the right to make that choice.

Mr. PROXMIRE. The essence of the Senator's answer is that one man's vote would count less than another man's vote if the Dirksen amendment should pass and be implemented.

I understood the Senator to say that this amendment has nothing to do with civil rights. In Wisconsin—and I believe Wisconsin is not atypical—there is an overwhelming concentration of our Negro population in a few cities. It is hard to find a Negro farmer. It is hard to find a Negro living in a small town. It is hard to find a Negro living in a middle-sized town. Negroes are concentrated in a few big cities. That may be true in California. If there is a situation in which there is a big county, like Los Angeles County, for example, in which several hundred thousand Negroes reside, the 6 million people in that county have one State senator. Under the Dirksen amendment there is no reason why that could not continue to be the case.

Mr. KUCHEL. I disagree with the Senator. As I stated in my remarks if evil and willful men intend to discriminate against a group of fellow Americans because of their racial or ethnic origin, they can do it just as easily under the "one man, one vote" principle as under any other basis of apportionment. For example, let us suppose that there are 300,000 people living in a given area. Let us also suppose that in this State each legislative district whether it be an assembly or State senate district contains 100,000 people on a strictly population basis. Let us further suppose that of these 300,000 people, 160,000 are Negroes or Germans. Depending on how you draw the lines and adhering to a strict population basis you can divide the 160,000 Negroes or Germans between the three equally apportioned districts by placing 15,000 in one, 100,000 in the second, and 45,000 in the third. If one assumes that all 160,000 Negroes or Germans were to vote one way—which I do not any more than I assume all farmers, veterans, or workers would vote on a monolithic basis—then by such a drawing of the boundary lines, 160,000 people will only elect one representative and the other 140,000 will elect two representatives whereas a different placement of the lines might have resulted in securing two of the three possible seats for the Negro or German population.

Mr. PROXMIRE. There may be other counties, in which 20,000 or 25,000 or 50,000 people reside. In most cases, virtually no Negroes reside. They, too, would have one State senator.

The vote of those citizens of minority groups, having their own peculiar interests and suffering injustices, as well, is greatly reduced in force. Of course there is a civil rights issue. Is that not obvious?

Mr. KUCHEL. I completely disagree with my able friend. He is entitled to his opinion. I say most respectfully that he is in error. The question of drawing legislative lines in connection with the problem of reapportionment is important. Those who have the responsibility can do either a good job or an evil job. The good or evil in the job they do will apply equally, whether they are required in the last analysis by law to have the population the same in each district, or whether they are not.

What I am trying to say is that giving the people of each State the right to make the decision on how to apportion one house of their legislature on other than population factors, if they wish, does not raise or diminish the opportunity for corrupt individuals to try to destroy the rights of low-income groups if that is what they seek to do.

Mr. PROXMIRE. Let us take, for example, the States of Alabama, Mississippi, and Louisiana. Let us suppose that a majority of people in those States wished to create a legislative apportionment system which would result in greatly reducing the effective vote of the Negroes in their State legislatures. Does not the Senator from California concede that this would be a civil rights issue? Does not the Senator from California also concede that there might be a disposition on the part of those who are now voting and will vote in the future to do precisely this kind of thing? If not, why not?

Mr. KUCHEL. Apparently I have not made my position as clear as I would like. I should like to have my friend from Wisconsin concede to me that the denial of any group—minority or not—in this country is equally available to those who wish to carry it out, whether the State constitution in their State requires a legislative district to be drawn on the population basis alone, or whether it has other factors.

Mr. PROXMIRE. I say to the Senator from California that obviously if it is necessary to have each district apportioned on a population basis, it makes it far more difficult to gerrymander it than if it is possible to have 1,000 people in one district and 100,000 people in another district.

If it is possible to organize on that basis, it is clear that it is possible to provide under some circumstances—in my State, at least—districts that have 1,000 people who are entirely white, and a district with 100,000 comprising almost entirely minority groups.

Let me proceed to another part of this question. The Senator has raised some very interesting and challenging questions. He said, "Let the people decide."

On the basis of the Senator's great experience in California as controller and observer of the State government, would not the Senator concede that if members of a State legislature wish to hold on to their jobs, their ingenuity will enable them to put the question to secure exactly the kind of answer they want? The point is that what the Dirksen amendment provides for is that malapportioned legislatures themselves in many cases would be the ones to put that question. The Senator and I know it is perfectly possible by a little ingenuity, whether we are talking with a small child or with an intelligent adult, to frame a question to secure just the kind of answer we want.

Mr. KUCHEL. If the people believe the legislature has framed the question with an intent to deceive, I believe such tactics would backfire. The people would always have the choice of letting the legislature continue on or revert to a strict population formula. Let me add that my State has been a progressive State. My State has produced some of the greatest chief executives of any State in the Union. My State has had forward-looking civil rights legislation while Congress and most of the other States in the American Union were sleeping.

The people of my State, with their eyes opened, voted to change their system of legislative apportionment from a complete population basis to a basis on which one house was apportioned on factors other than mere population. Down to today the State of California has been in the vanguard of State governments which have tried to solve the problems of the people, and they have done so.

Mr. PROXMIRE. I agree. California is a great State. I should like to ask one additional question. Would not the Senator agree that there are certain rights which are so fundamental that they should not be put to a population referendum? For example, I refer to rights such as freedom of religion, freedom of speech, and freedom of assembly. If the answer to that question is in the affirmative, does not the Senator agree that it might also be possible that the equality of the vote—the fact that every vote should count equally, whether a person is black or white, rich or poor, farm or city—also might be a fundamental question that should not be subject to destruction by a majority?

Mr. KUCHEL. We live in a unique country. There are 194 million Americans. In the bloodstreams of our fellow citizens is represented every race, every religion, and every nation around the globe. We do pretty well. Surely, we have problems. But we have made a little progress. We are a heterogeneous Nation. Almost every other nation-state on the globe is homogeneous. Perhaps a part of the real strength that we have comes from the fact that we do represent an amalgamation. In our society are all the peoples of the world. Our Constitution passes judgment on such things as separation of church and state, as it should. That is as I would want it, and as I think my friend would want it.

There was an example of what my friend would call a fundamental issue that the people themselves decided when they wrote the Constitution, which still exists. When a President of the United States is elected, there is elected a man with enormous responsibility and power. Every Senator, when elected, assumes a great responsibility, as do those in the other body.

Of course there are fundamental rights. The Constitution framed by mortal men and subject to amendment by the people recognized those rights. The people ratified that great charter. It was the people who urged the adoption of the Bill of Rights. Do not fear the people. What was it that Churchill said his father told him? "Trust the people." We should trust the people.

Mr. CASE. I am sure that the Senator will not again attempt to make it appear that those who oppose a change in the constitutional law as laid down by the Supreme Court by action of the Congress and the State legislatures are opposed to letting the people run the show.

Mr. KUCHEL. Is the Senator asking a question?

Mr. CASE. I am about to propound a question. I am introducing it by saying that I am sure the Senator is not making a suggestion that those of us who oppose his position on the issue are opposed to letting the people decide.

Mr. KUCHEL. In the present instance I regret to inform the Senator that my position is contrary to that which he feels might be my own.

Mr. CASE. It is always better to talk specifics, and I should like to proceed to do so. The Senator from Wisconsin, in his last interposition, touched on a very important point.

Mr. KUCHEL. I wish to trust the people in each State. I wish to let them make up their minds as to what kind of State legislature they desire with respect to the elements that go into apportionment.

Mr. CASE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able Republican colleague from New Jersey, who, I trust, by the time the debate will have drawn to its close, will see fit to come along and vote for the proposed constitutional amendment that will let the people have an opportunity to decide. I yield to my friend.

Mr. CASE. The Senator from California is nearly always right. It is with special regret to find him in the wrong on this occasion.

Mr. KUCHEL. I have the honor to disagree.

Mr. CASE. I mean it. The Senator from California is almost always correct. That is perhaps not what the Senator was disagreeing with me about. If the Senator wishes to comment at that point, I shall wait.

Mr. KUCHEL. No. I make my share of mistakes. But we cannot go wrong in letting the plain, ordinary people make basic decisions. Therefore, in the present instance, it is my able friend who is in error.

Mr. CASE. There are times when a transient majority ought not to be permitted to govern the lives of all the people or any one person. It occurs to me that perhaps it was not altogether fortunate that the people of California, not many months ago, decided to adopt a State constitutional amendment—or was it a referendum?—I have forgotten which. In any event, the effect of the vote, as I understand, was to eliminate a fair housing law. Is that correct?

Mr. KUCHEL. That is correct.

Mr. CASE. Will the Senator state what did happen, and whether he approves of it?

Mr. KUCHEL. The State of California had a fair housing law which was passed by the legislature. An initiative was placed on the ballot to repeal much of that law. I vigorously opposed that initiative. I regret that the initiative was approved. The people have made a decision. People make mistakes. They can change that decision on another day. I hope they will. I shall state a better example. A number of years ago the people of my State——

Mr. CASE. Even the people of California?

Mr. KUCHEL. Surely. I hope my friend will not pursue that argument down to elections to the U.S. Senate.

Mr. CASE. No. I was about to say that there are occasions on which I myself have cordially agreed with the decisions of the people of California. I do not remember an occasion on which I was more in agreement than at the election of the Senator from California—not once, not twice, but thrice.

Mr. KUCHEL. Mr. President, I am honored to return that compliment.

Mr. CASE. I hope that the Senator will have an opportunity next year to make it thrice.

Mr. KUCHEL. I recall that a number of years ago, when I was State controller, the people adopted an initiative constitutional amendment dealing with the question of administration of the welfare programs in my State. It had serious flaws.

The following year, the legislature submitted to the people a proposed constitutional amendment to correct those evils, and the people immediatetly approved the amendment. So my point is that the people, collectively, I suppose, make mistakes, the same as people individually make them. Over the long run, however, the people have made the right decisions.

Mr. CASE. My point is this: The proposal as it now comes to us—and I think I am quite aware of it—is in much better shape than when it was first introduced. I am sure the Senator agrees with that.

Mr. KUCHEL. Indeed, I do.

Mr. CASE. It was the desire of our esteemed colleague from Illinois [Mr. DIRKSEN] to make it as good as possible, and that still is his desire, I know, both because he wants to do justice and also because he wants to get as many votes as possible.

But the proposal provides that an action by the people of a State—and this means a plain majority of those entitled to vote now, who may not be all the people of voting age—shall bind that State for 10 years or until the next decennial census occurs.

There is still some weakness, technically, in the joint resolution of the Senator from Illinois, especially in that the provision for reexamination by the people at the end of each decennial census, and subsequently, is not so effective as the provision for the first look at it by the people. That, however, can be corrected.

It is my understanding on that point—I do not wish to discuss it in great detail, except to raise the question—that the provision of the joint resolution for a subsequent review after each census is satisfied by presenting to the people two proposals. One of them must be based on population, the other on something else. It could be based on anything. This is not the same as the initial approval de novo; and the language being different, I think the substance would be different.

But the point is that I do not believe even a majority of the people of a State—and I suggest this to the Senator from California for comment—have the right to take away from any citizen his right to a voice in the legislature, or to take away the right for a period of 10 years.

Our disagreement on the first issue is so fundamental that no constitutional amendment could change it. Our disagreement on the second is not so fundamental.

Mr. KUCHEL. Mr. President, I shall ask the Senator from Nebraska [Mr. HRUSKA] to comment; but first, speaking for myself, I deeply regret that my friend and colleague from New Jersey, who is one of the leading Members of the Senate, does not agree with me in my feeling that the people of each State should have this right.

So far as the second specific objection he makes is concerned, I agree with him. This is not a matter of supreme importance. It was determined by the leading author to utilize an adventitious technique that is found in many State constitutions, and has been in the past.

I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I should like to observe that the choice at the end of the 2-year period following each decennial census is exactly the same choice as would be afforded in the first instance; namely, a plan which apportions the representatives in one House on a basis other than population only. That choice is given to the people in the first instance. Thereafter, starting with a 2-year period following the census, that same choice is given to them again. There is no difference.

The basic interpretation of the Constitution that followed the decision in Reynolds against Sims underlies this entire situation. In the absence of approval of another plan by a State it is the Constitution as interpreted by the Supreme Court in Reynolds against Sims that applies.

So I see no difference between the initial plan that is voted upon by the people and the choice that is given to them every 10 years starting with the period following the census.

Mr. CASE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from New Jersey.

Mr. CASE. The language of the resolution, of course, determines this question. The Senator from Nebraska and I never disagree about something we can read. The language of section 1 of the proposed new article reads:

> The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature, if in either case such plan of apportionment has been submitted to a vote of the people in accordance with law and with the provisions of this Constitution and has been approved by a majority of those voting on that issue.

This is the first putting into effect of such a system of representation.

Mr. HRUSKA. The Senator is correct.

Mr. CASE. When the first plan of apportionment is submitted to a vote of the people under this section, there will also be submitted to them at the same time an alternative plan of apportionment based upon substantial equality of population.

Mr. HRUSKA. That is correct.

Mr. CASE. Section 2 provides:

> Any plan of apportionment which has been approved under this article shall be resubmitted to a vote of the people, or, another plan may be submitted under the provisions of section 1, at the November general election held two years following each year in which there is commenced any enumeration provided for in section 2 of article I, and upon approval by a majority of those voting thereon, such plan of apportionment shall continue in effect until changed in accordance with law and with the provisions of this Constitution.

If the Senator means—and if so, this is important legislative history—that on each of the subsequent submissions within 2 years after each succeeding enumeration there must be submitted not only the original plan of apportionment, but also a plan of apportionment under the alternative, based upon substantial equality of population, I would concede that the Senator's position is correct.

Mr. HRUSKA. But the alternative as provided under section 2 is to fall back upon the requirement that the entire legislature be apportioned on the basis of population, and population alone. That is the alternative when one plan is submitted. If the plan which is submitted is not approved, the legislature goes back into the requirements of the Constitution as interpreted by Reynolds against Sims. That is the alternative.

Mr. CASE. If that were thought to be adequate, I cannot see why it would not be adequate for the first adoption. But in connection with the first adoption, under section 1 of the joint resolution it is specifically provided by way of a safeguard that when this plan of apportionment is presented, an alternative based on population must be presented.

Mr. HRUSKA. That is quite correct.

Mr. CASE. This question in specific form was before the people of New Jersey in 1946. In 1947 there was a constitutional revision, our first in 100 years. It was provided for by an act of the legislature, under the strong leadership of Republican Governors, Governor Edge and Governor Driscoll; and good people on both sides of the political fence strongly supported it. We needed reapportionment very much. We also needed an adjustment of the State judicial system. We needed a bringing up to date of the governmental structure of the State in many ways.

We were able to persuade the legislature to provide for the calling of a convention for the ratification of the constitution, but only on condition that the call contain a provision prohibiting any recommendation by the convention in regard to the representation of counties in the legislature or the boundaries of the counties themselves.

So the question on the ballot was: Shall there be a constitutional convention which cannot do anything about the apportionment of the legislature or county lines? I believe that is a fair paraphrase.

The convention was called by a referendum upon that question, stated in that form, with that qualification. The constitutional convention met and did a good job in many respects. Then, pursuant to authorizing legislation, its product, the new constitution, was upon the ballot for the next election, and it was stated in this form:

> Shall the constitution in the form proposed, excluding any change in the apportionment of the State legislature or the boundaries of the counties, be approved?

If the people wanted any improvement in the constitution at all, they had to vote "yes." By voting "yes," the argument of those who now claim that the apportionment of the legislatures ought to stand, is that the people decided they liked that system.

This point was raised recently in our supreme court, where the problem of apportionment has been actively considered for many months now.

As I believe the Senator knows, in general, there is now in effect a temporary plan of apportionment pursuant to the decree of the court, while waiting for a constitutional convention which will presumably be held next year for the purpose of permanent reapportionment.

This was one significant instance in which appropriate action or approval of apportionment was really a complete "phony." This is what I am concerned about, among other things.

Mr. HRUSKA. Mr. President, speaking as one who has taken an active interest in the question because of membership on the Constitutional Amendment Subcommittee and on the full Committee on the Judiciary, I would have no objection to having two plans submitted, one on the basis of population and the other on a different basis. Perhaps others feel the same way as I do.

I understand that the substitute proposal of the senior Senator from New York provides that such a two-plan ballot be submitted periodically. To that extent, it would really save time, because if there were a rejection by a vote of the people under section 2 of the resolution as it now exists, there would have to be another election to approve the plan with respect to population only. That would require a special election, or a delay until the next general election, 2 years hence.

Mr. CASE. I appreciate very much the statement made by the Senator from Nebraska. He is always not only extremely perceptive in understanding what I am trying to get at, but he is also very reasonable in his approach to all questions.

I believe that it might be helpful, and most desirable, when we vote on this matter finally, and when the people in the States vote on it in the legislatures, if we were to have only one single issue, "Do you or do you not believe that the one-man, one-vote principle is, in effect, an inalienable right of individuals under the Constitution?"

My own belief is that it is. I should like to see the question met in its naked form and decided as such.

Mr. HRUSKA. Mr. President, if the Senator would yield at that point, I address my question to the Senator from California who has been answering questions dealing with this subject. Does this involve the one-man, one-vote principle or does it not? Is it not a paradox that the people who oppose the amendment are proposing to totally deny the submission of this issue to a vote of the people? It is not even a matter of one man, one vote. It is not a matter of 1 man against 45, 1 man against 12, or even 1 against 2. The opponents would totally deny a vote of the people of the States on this issue.

Mr. KUCHEL. The Senator is completely correct.

Mr. HRUSKA. Is that not the understanding that, up until June of 1964, we had of the Constitution? Our understanding was that each State could apportion its legislature as it chose. Now, whether it is right or wrong, Reynolds against Sims changed our common concept of the Constitution. There was a radical departure. It is that radical departure with which we did not quarrel in the hearings before the subcommittee.

We did not quarrel with the fact that the Constitution as interpreted in Reynolds against Sims, is the Constitution today. We say it is a big, radical, and substantial change of our understanding of what the Constitution had meant.

The people of the Nation have a right to say whether the Constitution should stay the way it was interpreted by Reynolds against Sims, or whether it should be changed. It will be done on a State-by-State basis. We know that people who use this slogan of one-man, one-vote stop too soon. We should say it is a proposition of one man, one vote, and a chance to use that vote. That is what we are contending for in this resolution.

Are we following that principle in the Senate when we take a final vote on the resolution?

We are not. We shall vote under circumstances in which the opponents of the measure will have twice as much voting power as the proponents of the measure. It would require a two-thirds vote for passage.

Would we have one man, one vote in the State legislatures in ratifying this amendment after it had been approved by Congress and submitted to the legislatures?

We would not have, because it requires approval by a three-fourths majority. That means the opponents have three times as much voting power as the proponents.

Let us get this one-man, one-vote theory straightened around. How did it come about that we have these departures from one-man, one-vote equivalent for approval of and ratification of a constitutional amendment, in the two-thirds vote required on the ratification of treaties, or in the complete and unanimous agreement among 12 men who are trying, as a jury, the guilt or innocence of a man charged with crime? We did it by the voice of the people asserting, "This is the way we want to build the Constitution in order to give it balance, fairness, and stability."

This is not anything that is inalienable to democracy. If this is an inalienable right that cannot and should not be altered by an amendment to the Constitution, we would be making a mockery of article V of the Constitution. Article V provides for the amendment of the Constitution. We would be downgrading the concepts that we have established throughout our Government to the effect that often the majority does not have absolute rule.

Mr. CASE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. CASE. The Senator knows that there is only one provision of the Constitution of the United States, as I understand, that declares that it cannot be amended.

Mr. HRUSKA. There is no provision that I know of that cannot be amended. The procedure would be different in the case of a constitutional amendment with reference to representation of States in the Senate, but even that could be changed. There is nothing contained in the Constitution that could not be changed.

Mr. CASE. I believe that could be changed by an amendment to the Constitution in accordance with its own terms. However, that is an academic question because it will not arise. However, it was mentioned in colloquy that there are rights which are deemed to be so sacred that a mere majority of all the people cannot take them away from one person.

It seems to me it is that, in great part, that we are recognizing when we provide that the Constitution of the United States which establishes those rights—and I am thinking of the contents of the Bill of Rights and the contents of the Constitution, but particularly of the Bill of Rights—imposes upon us a restriction requiring two-thirds of both Houses of Congress and three-fourths of the legislatures, or conventions of three-fourths of the States to approve any change in the Constitution and basic law of the United States, embodying among other things these inalienable rights.

I believe we should face this issue. The Senator certainly does not plan that he would approve an amendment to the Constitution. Let us take the Bill of Rights and discuss one or two of those rights.

Let us take, for example, the one about requiring a trial by jury. The Senator would certainly not favor an amendment to the Constitution of the United States providing that in any State by majority vote that right could be abrogated.

Mr. HRUSKA. No; I would not. But that is not a comparable situation, because no change has been wrought in the right of trial by jury similar to the change that has been wrought in the law by the case of Reynolds against Sims. Given a situation in which the Supreme Court would give an opinion on a right now granted under the Constitution, for example, that no longer will it take 12 men on a jury to convict, but it will only take 6, I am not so sure I would not advocate an amendment to the Constitution providing that it will require 12 men to convict an accused.

Mr. CASE. I would join the Senator at once.

Mr. HRUSKA. Therefore the situation is not analogous. In the matter of the amendment we are considering, a great change has been wrought as it was applied and construed until June 1964. It is up to the people to say whether they want that changed concept of the Constitution or want something else.

Mr. CASE. May I raise another analogy which I think is pertinent? I do not necessarily concede the validity of the Senator's distinction, but I suggest one which I believe the Senator will agree is analogous. In the Brown case, a score of years or more after a previous decision, the Supreme Court changed its view as to constitutionality of the separate-but-equal doctrine as applying to public schools. Does the Senator feel it would be appropriate or that he would like to have submitted and would support a constitutional amendment providing that the majority of the citizens of each State may, by vote every 10 years, decide whether they want to have separate but equal schools?

Mr. HRUSKA. No; and I say that that situation is not analogous. In this case we have a general and widespread feeling in the Nation that the people ought to have an opportunity to pass upon the change wrought by the case of Reynolds against Sims. It is evidenced in many ways. It is evidenced by the witnesses who appeared before the subcommittee. It is evidenced by journalists and editors. It is evidenced in the passage by 29 legislatures of the call for a constitutional convention to amend the Constitution.

Those of us who support the amendment submit that when there is such widespread interest in placing a proposal of that kind before the people, and when there is a substantial chance that it will be approved, it is incumbent upon Congress to give the people an opportunity to vote on it and decide whether or not they want it. So Brown against Board of Education is not an analogous situation at all, because there has been no widespread, wide-based desire to change the Constitution as interpreted by Brown against Board of Education.

Mr. CASE. I understand what the Senator is saying. I completely disagree. I do not believe that there is a widespread public demand for the change from the ruling announced by the Supreme Court——

Mr. HRUSKA. If there is not, why the resistance to the vote of the people on it? If there is no demand, why this resistance to giving the people an opportunity to decide it, instead of saying, "We know better than the people. We will make the decision for them. We will not give them a chance to speak on this"?

Mr. CASE. The question we must not get away from is whether or not the majority of the people have a right to take away an inalienable right given to even one citizen. That is the key to this situation.

The Senator has suggested that he would not favor such an action in a case involving the constitutional rights of individuals as set forth in the Bill of Rights. I know he would not. Nor would I. He distinguishes those rights, however, from such rights as the right to have equal representation in the State legislatures of the several States, however decided by the Supreme Court under the Constitution itself. We are up against a simple difference of opinion. If I may dispose of one of the arguments in favor of this amendment; namely, that there is a widespread demand for it—I, myself, do not have evidence of widespread demand for it—that 27, or 47 of the legislatures want to have no change at all, my reply is that we cannot expect them to vote themselves out of existence. That evidence is nothing at all except that the legislators who took this position feel this way personally. I suggest that while they have other motives in many cases, the motive of desiring to maintain themselves in their positions is not a factor without some importance.

The real issue here is, Shall less than a majority be able to control majority action in the State legislatures? I know this has happened in New Jersey. I know it has happened in adjoining States with whose history I am familiar. I assume it has happened everywhere.

I am certain that one of the chief reasons why the States have not been able to meet the problems of the 20th century is the fact that malapportionment has not permitted the State legislatures to represent the great majority of the population, who are not represented in any adequate way. I suggest this, and then I shall conclude—and I think I have tested the strength as well as the patience of my colleague——

Mr. KUCHEL. If not, indeed, his credulity.

Mr. CASE. The justification for giving a geographic minority a veto upon a majority voice seems to me to be no greater justification than might be argued for giving a racial minority or a religious minority a veto. Why give a man who lives on 100 acres a greater voice when we do not give more than one vote, let us say, to one Jew, or one Catholic, or one member of the Dutch Reformed Church, or one Presbyterian——

Mr. HRUSKA. Make it a Unitarian.

Mr. CASE. I will include a Unitarian, of which group the distinguished Senator is an outstanding member, and which is a small minority. Why not give them a veto right? I know the Senator would be the last one to want to take away a man's religious protections which the Constitution provides by a majority vote or by any other kind of a vote, even a 99.99-percent vote. This is as sacred a right, as is the right to equal representation.

Mr. KUCHEL. Mr. President, I think at this time I am going to, in a rather feeble way, ask for orderly procedure in the Senate.

Mr. CASE. It is 20 minutes of 5.

Mr. KUCHEL. Since I completed my comments and have been fascinated by this exchange, I would like to yield the floor; but before I do, I wish to say that this colloquy has assisted the legislative history involved.

I believe that the comments which my able friend from Nebraska has made will be of assistance to those of us who devotedly believe that the constitutional amendment should pass and be submitted to the people. To that extent, I believe it has been most worthwhile.

Mr. HRUSKA. Mr. President, will the Senator from California yield briefly?

Mr. KUCHEL. I am glad to yield to the Senator from Nebraska.

Mr. HRUSKA. The Senator from California has made an excellent statement.

We have all listened with great interest to the statement. Testimony was received from citizens from his State when hearings were held on this subject. The problems of the people of California are different from those of many other States. Many of us believe that the people of California should be the ones to deal with its problems. That is the purpose of the amendment.

We talk about the "inalienable right" of every man to have the same number of people in his district as every other man.

In whose opinion is such a right inalienable?

In the opinion of those who oppose approval of this joint resolution in the Senate?

That is not where the ultimate political decisions are made. The ultimate political decision on a matter as fundamental as this should be made by the people.

We should not oppose, resist, or obstruct efforts to give the people the right to speak on this issue. I say that such an expression is an inalienable right. That expression is being denied by those who oppose the amendment.

Why give one man more representation in the legislature on the basis of geography or political subdivision?

Because it would be the wish of the people that it be done.

It is the wish of the people that the Senate be represented by geography and not by one-man, one-vote. The people's choice is a very good foundation for such a decision. All we wish to do is to give the people of each State the same right, the same power of decision, which they have never sought to revise or to repeal in the composition of this body. That is the situation.

So far as giving religious sects a greater voice than others, that problem is not involved in this amendment. The only three factors which can be considered by State legislatures under the proposed constitutional amendment are: population, geography, and political subdivisions—not religion, not economy, not many other things, just those three factors.

The amendment is as well drawn as anything can be and still give the people the choice of modifying, within narrow limits, the Constitution as interpreted by Reynolds against Sims.

I thank the Senator from California for his patience.

Mr. KUCHEL. To the contrary, I thank my able friend for his contribution.

Mr. President, I yield the floor.

REPLY TO OREGON CRITIC

Mrs. NEUBERGER. Mr. President, in the RECORD of Tuesday, July 27, page 18480 contains an item which I take exception to. It is entitled "The Federal Government and State of Oregon: Partners in Crime."

I have a natural reaction as a representative of my State but I also find this a misstatement of fact and it contains no substantiation for the charges.

Since when does a State government by refusing to legalize gambling, become a criminal? Mississippi does not legalize the sale of liquor, nor New York the act of abortion. Does this make those States "partners in crime"?

There is no evidence that the Federal Government and the State of Oregon are financing mob criminal activity because Oregon has only accepted one form of gambling; namely, parimutuel betting. As a member of the Oregon Legislature I always opposed the dog races, not because of the rural bluenoses, but because the tracks were owned outside of Oregon and millions of dollars, badly needed in our State, were siphoned away. This is still true. I am opposed to gambling in any form, but we cannot forever protect people against themselves and my State has chosen to legalize betting and keep a strict control over it. I doubt if any other political entity has better control and I wonder why a national lottery would reduce crime. Some of our allies across the sea have not found it so.

MAINTENANCE OF THE PRINCIPLE OF SEPARATION OF CHURCH AND STATE

Mr. THURMOND. Mr. President, recently I was privileged to hear a recording of a very magnificent and eloquent address delivered by Mr. Glenn L. Archer, a Methodist, before the Southern Baptist Convention meeting in Dallas, Tex., on June 4, 1965. The address by Mr. Archer, who is executive director of Protestants and Other Americans United for Separation of Church and State, is entitled "Will Baptists Barter Their Birthright?" The subject of his remarks has to do with the question of maintaining separation of church and state, and goes directly to the question of Federal assistance to church and church-related activities.

The address by Mr. Archer is very thought provoking, and raises a very strong voice of dissent, which I believe should be heard and considered. I commend this address to the attention of all of my colleagues in the Congress. Earlier this morning a tape recording of this address was presented to the Senate prayer breakfast group and resulted in a very interesting discussion on the points brought forth by Mr. Archer.

I ask unanimous consent, Mr. President, that this outstanding address by Mr. Archer be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WILL BAPTISTS BARTER THEIR BIRTHRIGHT?

(By Glenn L. Archer, executive director, Protestants and Other Americans United for Separation of Church and State)

Genesis records the story of twin brothers—Jacob and Esau. Although they were twins, Esau came into the world a few minutes before Jacob and, therefore, was entitled to the family birthright.

Esau was a great outdoorsman, a skilled hunter. One day he came in hungry from hunting. When he reached his father's tents and the savory smell of Jacob's lentils greeted him, his ravenous appetite became an intolerable craving, and he begged Jacob to give him some food. "And Jacob said, 'Sell me this day thy birthright.' And Esau said, 'Behold, I am at the point to die; and what profit shall this birthright do to me?' And Jacob said, 'Swear to me this day'; and he sware unto him; and he sold his birthright unto Jacob" (Genesis 25: 31–33).

THE BAPTIST BIRTHRIGHT

Baptists of this generation came into possession of their heritage of religious freedom and liberty of conscience in the same manner Jacob came into possession of his birthright; it was passed down from previous generations. But unlike the birthright of Jacob, whose ancestors did nothing to earn or gain their priceless possession, the Baptist birthright was purchased at a great price.

There was a time when the birthright of Baptists was ridicule, torment, imprisonment, and banishment.

Imprisonment and ridicule was the birthright of John Bunyan. For his beliefs and his stubborn insistence on preaching them he spent 12 years of his life in Bedford Jail.

The right to die in prison was the only gift afforded by the birthright of Thomas Helwys, a courageous Baptist layman of the early 17th century. This noble character in 1612 wrote a pamphlet entitled, "A Short History of the Mystery of Iniquity." In it he dealt with the scandalous practice of allowing the existence of an established church in England, supporting the church and the clergy with public funds, and coercing the individual conscience to conform to the teachings and practices of the established church. On the flyleaf of his pamphlet, Mr. Helwys inscribed a special message to King James I of England. It read: "The King is a mortal man and not God: therefore hath no power over the immortal souls of his subjects to make laws and ordinances for them and to set spiritual lords over them." Within 4 days Mr. Helwys had a new home—London's Newgate Prison.

Banishment, more than once, from home, family, and community was a part of the birthright of Roger Williams, founder of the first Baptist church on American soil and first preacher of the Gospel to the American Indians.

Imprisonment and physical torture were the birthright of James Ireland, a Virginia Baptist preacher in the early days of settlement along the James River. Eleven magistrates decided to make an example of this man, and he was cast in the jail at Culpeper, Va. His crime was that of preaching without authority from the State. But Mr. Ireland was a dynamic preacher, and crowds gathered outside the window of his cell to hear his sermons. As he became caught up by his message he would gesture through the bars of his cell window. Soon guards were stationed outside the window, and whenever the preacher extended his arms through the bars in a gesture his wrists were hacked by the heavy swords of his keepers.

Such treatment was the birthright of early Baptists. They were born in times and under circumstances which demanded that they either conform in conscience or suffer severe persecution.

And so suffer they did. But they desired for their children a nobler birthright. To gain it they turned their suffering into an opportunity to win for future generations the freedom which had been denied them.

The Baptist legacy of liberty was won by these stalwarts and others like them who were willing to grant to kings the right to rule in temporal matters, but who reserved for God the right to rule the heart. As a result, the Baptist heritage is as illustrious as can be found.

Our Founding Fathers saw in history all the wrongs committed in the name of religion. They were careful to see that the Constitution of the new Nation prohibited any religious test for public office.

This constitutional prohibition was the foundation of liberty in the new Republic. But still to follow was freedom's crown—the Bill of Rights. This came because some Virginia Baptists wanted to pass on to coming generations a finer birthright than the one they had received.

It happened like this. John Leland, a Massachusetts Baptist preacher who had migrated to Virginia to help in the struggle for religious liberty, became a candidate in 1788 for the Virginia Constitutional Convention. His purpose was to prevent ratification of the Constitution by Virginia until it was amended to guarantee full religious liberty to all men.

James Madison, author of the Constitution, also was a candidate. Beneath an oak tree near Orange, Va., John Leland was persuaded by James Madison to leave the race and support him. For this support Madison promised to present amendments, immediately after the Constitution was ratified, which would guarantee religious liberty, free speech, and a free press. Mr. Madison kept his promise and introduced 10 amendments—the Bill of Rights.

Dr. J. M. Dawson, of Corsicana, Tex., the first executive director of the Baptist Joint Committee on Public Affairs in Washington and the leading founder of Americans United, makes a striking observation in his book entitled "Baptists and the American Republic." Dr. Dawson's statement reads: "If the researchers of the world were to be asked who was most responsible for the American guaranty of religious liberty, their prompt reply would be, 'James Madison'; but if James Madison might answer, he would as quickly reply, 'John Leland and the Baptists.'"

The first article of the Bill of Rights which Mr. Leland and the Baptists were so prominent in influencing, begins: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." At last, a new Baptist birthright was secure.

THE TEMPTING ODOR OF POTTAGE

But that was a long time ago. There has been some stirring recently, even within a few Baptist groups, to accept—and sometimes to seek—the delicious meal so generously offered by Uncle Sam. Some would even barter their birthright of freedom as heedlessly as Esau swapped his spiritual blessing.

Traditionally, Baptists have been among the stanchest contenders for the separation of church and state. It was to a group of concerned Baptists in Danbury, Conn., that Thomas Jefferson wrote his famous letter, using for the first time the now immortal term—"wall of separation." Baptists have always resisted every semblance of a tax for religion. In spite of this, we have come perilously close to such a tax in this country. In fact, it actually is in existence right now.

In foreign aid programs, in war damage claims, in Peace Corps activities, some of the taxpayers' money is sifting into churches.

The Higher Education Facilities Act of 1963 provides direct Federal aid to church colleges.

The war on poverty legislation of 1964 also has holes through which tax money leaks into church-sponsored programs.

A Maryland court has said that grants of public money to church-related colleges are constitutional.

The education aid bill signed by President Johnson April 11, 1965, makes provision for assistance to private and parochial schools for the first time in the history of this country.

More and more Baptists will be put to the test where this tax money is concerned. Will Baptists allow Methodists and Quakers and Catholics and Jews and Presbyterians and Unitarians and Holiness groups and atheists to pay a tax in support of Baptist work?

The real tragedy of all this lies in the false belief that by accepting tax funds a church group can expand and become stronger. There is some truth in this, but it is only half true, and there is where the danger lies. It is true that the group may expand its work. But here the truth ends, for its witness will become weaker.

We become concerned that others are getting their "share" while we seemingly stand alone. From this position it is just one short step to the spot where we convince ourselves that our place as Christian leaders stands in jeopardy because of our meager finances.

The strong appeal of Federal aid lies in the fact that the results are immediate; it means assistance now, whereas the threat of freedom's loss is some time out in the future. It is the same appeal that resulted in the downfall of Esau. The contents of the pot tempted his eye; its aroma filled his nostrils and released his gastric juices, making his hunger all the sharper. He judged food to be his immediate need, not some ethereal thing like a birthright. Besides, what good would be the birthright if he perished of hunger?

This kind of reaction threatens the Christian church right now. The fear of death, institutional death in this instance, becomes greatly enlarged. Consequences either are not considered or they are rationalized out of existence.

THE BAD BARGAIN OF THE BARTERED BIRTHRIGHT

Make no mistake, the price Baptists will pay for pottage is the same as that paid by Esau—the birthright. The surrender of freedom is the price of Federal aid. If history proves anything at all, it proves that whenever the people of God accept that which belongs to Caesar, then Caesar begins to claim for his own that which is God's.

Even Cardinal Cushing of Boston, a Roman Catholic, sees the danger churches face when the aroma of the pottage becomes too tempting. He says:

"I don't know of anywhere in the history of Christianity where the Catholic Church, the Protestant church, or any other church has made greater progress than in the United States of America; and in my opinion the chief reason is that there is no union of church and state * * *

"Once a state or government starts financing church-related schools or a church-related system of education the next step is a controlled system." (Boston Globe, January 26, 1964, p. A–7).

If any of you doubt the cardinal's statement, go to Mississippi, or Alabama, or South Carolina, or North Carolina and ask one of the administrators or trustees from the Southern Baptist schools where they have refused to sign the "assurance of compliance" with the Civil Rights Act of 1964. The signing of this document is necessary if colleges want to continue participating in programs supported by Federal funds. It is an assurance of the college's willingness to receive qualified students without regard to race, color, or national origin. Now whatever one's views may be on the issue of civil rights, there can be no question whatever that this is Federal control.

When the Government can tell a school whom it must accept as students, it is just one more step to the place where it will govern the faculty. It is not unreasonable to believe that a denominational school receiving Government assistance would be forced to accept a qualified faculty member who happened to be an atheist. When the Government begins to finance churches they cease being the voice of God and become an arm of the Government.

Leo Pfeffer, one of the ablest constitutional lawyers in the country, 2 or 3 years ago said to a Baptist group in Fort Worth, "Religion can survive neutrality. It can survive even hostility, but it cannot survive being kept as a mistress by the Government. It will cease to be a religion."

Along with this loss goes the loss of religious significance of the churches themselves. When churches accept the preferred treatment of the state the value of religion is lowered in the popular estimate. Too much patronage, too much tax support, too much preferred treatment—perhaps some institutions can stand all this, but the church cannot. No church can carry the state's luggage and expect to perform its God-appointed task. No subsidized institution can be an independent, self-reliant church; because it must bow to its banker. What a pitiful sight to see a church sell its birthright and discover that in return it has, like Samson, been shorn of its power.

When the religious significance of the churches is gone they will have lost their unique reason for existence.

In the April 14 issue of the Baptist Standard, Editor E. S. James printed an article entitled "Let's Be Realistic." It was written by T. C. French, Jr., pastor of Jefferson Baptist Church in Baton Rouge, La. The entire article is masterfully done, but one sentence is sublime in its simplicity. Mr. French wrote, "A private institution which finds it necessary to rely upon public funds for its solvency is no longer private." I don't know how it would be possible to improve upon that statement. It follows, at least in my mind and in the minds of many of you, that when an institution ceases to be a Christian institution and becomes a public institution it has lost its unique reason for existence.

This is exactly the same thing a committee of southern Baptists recently reported to the executive committee of the Southern Baptist Convention. A committee to study Federal aid to education and its effects on Baptist colleges and universities indicated that Government assistance might enable Baptist schools to be larger but that much of their distinctiveness would be sacrificed.

There is a very true sense in which what we lose, whether by misuse or by neglect, we cannot regain.

If southern Baptists become an arm of the Government they stand to lose their people, their independence, and their religion. Their churches will become liturgical and not saving, ritualistic and not redeeming. And when they discover their bad bargain, it may be too late. It was the passionate desire of Esau to have back that which had once been his by right. But the bargain had been made and the books had been closed.

The great American principle of absolute separation of church and state is the best arrangement of any recorded on the pages of history for both religion and the Government. In America religion flourishes more than at any other place in the world. Here the Gospel is still a mighty force. Here millions of dedicated church men and women sacrifice to support the work of their churches. Here men dig deep into their own pockets to build schools and colleges and universities and hospitals without coercing others to foot the bill. And here a man's religion still means more than it does anywhere else in the world.

Our Government is not perfect, and our churches are not perfect. But the relationship between church and state in this country is the best anyone has tried. Why should we sell the future of our children for the material gain of today?

SHERMAN MINTON, 1890–1965

Mr. BAYH. Mr. President, the long, distinguished public career of former Justice Sherman Minton ended with his death last April 9. He had served his Nation and State in many capacities: officer in World War I, public counselor of the Indiana Public Service Commission, U.S. Senator, administrative assistant to President Franklin D. Roosevelt, member of the U.S. Circuit Court of Appeals, and for 7 years as a jurist on the highest court of the land.

In the July 1965 issue of the American Bar Association Journal, a fine tribute is paid to the late Justice Minton by Fred P. Bamberger, president of the Indiana State Bar Association. I ask unanimous consent that this article, along with two accounts describing his fruitful life, which appeared in the Indianapolis Times and the Washington Post for April 9, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the American Bar Association Journal, July 1965]

SHERMAN MINTON, 1890–1965

(By Fred P. Bamberger, president, Indiana State Bar Association, Evansville, Ind.)

Mr. Justice Sherman Minton was born in Georgetown, Ind., on October 20, 1890, the son of John E. and Emma Minton. "Shay" Minton, as he was affectionately called by his friends from early youth, was a true native Hoosier. After being graduated from the New Albany, Ind., High School, he attended Indiana University, where he excelled in baseball and football during his undergraduate career. He was graduated at the head of his class in the law college summa cum laude.

A $500 scholarship enabled him to do a year of graduate work at Yale Law School, where he won scholastic honors and helped establish the University Legal Aid Society. He received his master of laws degree cum laude at Yale. In 1950 he was awarded a doctor of laws degree by the Indiana University Law School. While at Yale he studied under William Howard Taft, who declared Sherman Minton's final examination paper to be one of the finest he had ever read. Once, however, when young Minton was expounding his views, Taft interrupted him with the prophetic remark, "I am afraid, Mr. Minton, that if you don't like the way this law is interpreted, you will have to get on the Supreme Court and change it."

After being graduated from Yale he entered the practice of law in New Albany. His law practice was interrupted by service overseas as an infantry captain in World War I. In 1925, after he had returned to New Albany following the war, he moved to Miami, Fla., where he practiced law for 3 years and again returned to New Albany.

On August 11, 1917, he was married to Gertrude Gurtz and to this union were born three children, Sherman, Mary Ann and John.

In 1933 he became public counselor of the Indiana Public Service Commission and in 1934 was elected to the U.S. Senate, where he served until 1941 when he became administrative assistant to President Franklin D. Roosevelt.

It is said that an accident in seating in the Senate played an important part in Mr. Justice Minton's subsequent career. A new row of seats had to be installed for the Democrats in the rear of the Chamber after the 1934 election and he found himself next to another freshman, Harry S. Truman, and the two became very close friends.

On May 7, 1941, he was nominated by President Roosevelt to the U.S. Court of Appeals for the Seventh Circuit; he took his oath of office on May 29. In 1949 President Truman elevated him to the Supreme Court of the United States. He took his oath of office on that Court on October 12.

When Mr. Justice Minton was appointed, he went to the Court wearing the tag of a liberal in the minds of most of the public. He left the Court with a firmly established reputation as a judicial conservative. On the Court he was reputed to be a humorous and earthy figure, beloved by his colleagues. He wrote short opinions, directed to the immediate issue with little or no embellishment.

His retirement from the Court in 1956 because of ill health was not easy for him. However, the recognition of his physical incapacity to maintain his high record of judicial productivity overcame his love for the bench.

Mr. Justice Minton died on April 9, 1965, in Memorial Hospital in New Albany after confinement of just a week.

He made substantial contributions to the strength and prestige of both the courts he served so loyally. He was one of the Nation's great citizens, and he left behind him an indelible record as a distinguished public servant. In every way he measured up to the high standards and traditions of the judiciary of our country. The record of his unselfish devotion and service to his country is a much greater memorial than we can devise. His was a noble and useful life.

[From the Indianapolis Times, April 9, 1965]

SHERMAN MINTON, 74, DIES, EX-SUPREME COURT JUSTICE

NEW ALBANY.—Retired Supreme Court Justice Sherman Minton died in his sleep early today in Floyd County Hospital. He was 74.

Minton, who lived in New Albany since his retirement from the U.S. Supreme Court in 1956, entered the hospital a week ago suffering from intestinal bleeding. His condition steadily worsened, a hospital spokesman said.

He died at 2:33 a.m. No relatives were with him at the time.

Governor Branigin today lauded the late Justice as a "great Hoosier * * * with uncommon energy and courage."

"Sherman Minton was a great Hoosier. His bust in the State capitol and his portrait in the Indiana University School of Law bear witness to his eminence in the law and his place in the hearts of our people.

"Born with uncommon energy and courage, high ambition and a delightful wit, he made his way through IU and Yale and went on to become the first Hoosier to be appointed Justice of the Supreme Court of the United States.

"As our first public counselor, and later as our Senator and justice of the U.S. court of appeals, he had a most distinguished record of public service," the Governor said.

Minton was appointed to the High Court by President Harry S. Truman on September 15, 1949, to replace Wiley B. Rutledge, who died earlier that year. Minton had served 8 years on the 7th U.S. Circuit Court of Appeals in Chicago before the appointment.

He retired from the Supreme Court after 7 years because of poor health.

Minton, an ardent New Dealer in his younger days, served in the U.S. Senate with Truman. As a Senator, Minton was a supporter of Franklin D. Roosevelt's attempt to pack the Supreme Court because of its rulings against New Deal measures.

Between his 6-year Senate term and his appointment to the circuit court of appeals in 1941, Minton worked briefly as an administrative assistant to Roosevelt.

His political views moved toward the middle of the road in his later years and he declined to class himself either as a conservative or a liberal. As a Supreme Court Justice, he voted as a conservative in civil liberties cases.

After his retirement from the Supreme Court, Minton lived quietly at New Albany except for a brief assignment to the U.S. Court of Claims in 1957. He was hospitalized in 1959 with a blood clot near the heart, and suffered a cerebral hemorrhage in 1961.

Minton was a poor boy who worked his way through high school and college waiting on tables, selling washing machines, stacking planks in a lumberyard, playing semipro baseball, and serving as platform manager of a chautauqua.

He was such a good orator at Indiana University that he didn't even play second fiddle to such classmates as Wendell L. Willkie, the 1940 Republican prseidential nominee, and Paul V. McNutt, former Indiana Governor, American Legion national commander and High Commissioner to the Philippines.

Minton won a scholarship to Yale and studied there as a graduate student under ex-President William Howard Taft.

Minton was born October 20, 1890, in the hill village of Georgetown, Ind., near the winding Ohio River across from Louisville. His parents were of modest means and Minton shared a little two-room house with them, a sister, and two brothers.

His father, John, worked variously as a railroad section hand, a grocer, and a farmer. His mother died when Minton was 9. The family moved to a small farm, then migrated to Texas. There, Minton got a job trimming neckbones in the pork cutting department of a meatpacking plant.

He saved his money, ambitious to return to Indiana and a law career. When he had enough, he returned to New Albany, finished high school, worked until he had enough money to start to college, then entered Indiana University.

Despite his various job ventures, Minton had to skimp to keep in school. One summer he lived on $10, eating berries and stale bread bought at the rate of two loaves for a nickel.

At Yale, Minton and Professor Taft tangled in class one day over a Supreme Court ruling that the law had a right to confiscate nets of a fisherman convicted of charges he seined in a navigable stream.

"Naturally," Minton explained later, "I felt sorry for that poor devil who lost his nets."

He argued the High Court was wrong. Taft argued it was right. Then Taft ended the discussion by saying:

"I'm afraid, Mr. Minton, that if you don't like the way this law has been interpreted you will have to get on the Supreme Court and change it."

Returning to New Albany, Minton joined a law firm and married his high school sweetheart, Gertrude Gurtz. Then World War I came and he joined the AEF, emerging as an infantry captain. His first son, Sherman, Jr., was 6 months old when Sherman, Sr., mustered out and returned to law practice.

Two more children arrived to the Mintons in the 1920's, John E. and Mary Anne.

In 1932, his college classmate, McNutt, was elected Indiana Governor. McNutt appointed Minton public counselor of the Indiana Public Service Commission. Minton fought vigorously and successfully for utility rate reductions and was going strong when the Hoosier Democratic Party hierarchy picked him to run for the U.S. Senate.

The Democrats were riding high on the crest of the New Deal when Minton ran against veteran Senator Arthur R. Robinson, a Republican, in 1934. He won with ease.

When Minton retired at the age of 65 from the Supreme Court, he returned to a comfortable home in the exclusive Silvers Hills section of New Albany overlooking the Ohio River.

[From the Washington Post, Apr. 9, 1965]

JUSTICE MINTON BACKED F.D.R.'S NEW DEAL AIMS

(By Morton Mintz)

"When I was a young man playing baseball and football I strongly supported my team. I was then a partisan. But later when I refereed games I had no team. I had no side. The same was true when I left the political arena and assumed the bench."

This parallel to sports made by retired Supreme Court Justice Sherman Minton, who died yesterday, summed up his public career as a jurist and a U.S. Senator.

He was a U.S. Senator from Indiana from 1934 to 1940. Defeated in his bid for reelection, he became one of President Roosevelt's assistants "with a passion for anonymity" and a passion for the New Deal, as well.

RETIRED IN 1956

In 1941 he was named to the U.S. court of appeals in Chicago. He was appointed to the Supreme Court in 1949 by President Truman and retired in 1956.

He considered the Supreme Court's unanimous school desegregation decision of 1954 to be "undoubtedly the most important" of his 7-year term.

Shortly after retiring, he predicted that "resistance to segregation will ultimately fail. There must be an acceptance of the fact that what the Supreme Court says the Constitution means is the law."

He once said that the desegregation ruling stemmed in part from the psychological hardship that segregation imposed on Negro children. His own childhood was marked by struggle.

BORN IN 2-ROOM CABIN

He was born in Georgetown, Ind., near New Albany, 74 years ago. His father worked variously as a railroad section hand, grocer, and farmer. The family of six lived in a small, 2-room cabin. When he was 9 his mother died.

In his manhood he was big, affable, and one of Indiana's most popular public figures. He made friends easily—a close one was Mr. Truman—and enjoyed mingling with people.

He rated the New Deal era as the most exciting of his life. In 1934, during his campaign for the Senate, he made a statement that became prime fodder for Republicans across the Nation.

"You can't offer a hungry man the Constitution," the candidate said. "You can't say to a man hunting a job, 'Here, have a Constitution.' "

As a Senator Mr. Minton led the fight for President Roosevelt's unsuccessful proposal to "pack" the Supreme Court. In retirement he had said that in retrospect he was glad the plan failed, but that was not his tack when he was nominated to the Supreme Court in 1949.

On the Supreme Court bench Justice Minton's approach to national problems proved to be middle of the road, as it had been on the court of appeals.

While a Justice, Mr. Minton retained his affection for the Senate. Occasionally he strolled across Capitol Plaza, entered the Senate and took a seat in the rear of the Chamber to listen to debate.

BILL ON TRUTH

The ceiling of the Chamber all but fell in on him in 1938, when he introduced a bill making it a felony "to publish as a fact anything known to be false."

The bill, which died in committee, carried fines and imprisonment for erring publishers.

Mr. Minton was on his own from his second year in high school. He worked his way through high school and the University of Indiana waiting on tables, selling washing machines, stacking planks in a lumber yard, playing semipro baseball. During his youth, when his family moved to Texas, he trimmed neck bones in a meatpacking plant.

At the university he played football and baseball. As an orator he was a standout even among such classmates as Wendell L. Willkie and Paul V. McNutt.

Mr. Minton was graduated from the university's law school in 1915 with the highest honors of his class. He won a scholarship to the Yale Law School, where he did graduate work for a year.

ARGUMENT WITH TAFT

At Yale he and Prof. William Howard Taft, the former President and Supreme Court Justice, tangled in class one day over a Supreme Court ruling that the law had a right to confiscate nets of a fisherman convicted of seining in a navigable stream.

He argued that the High Court was wrong. Taft argued it was right. Taft ended the discussion by saying:

"I'm afraid, Mr. Minton, that if you don't like the way this law has been interpreted you will have to get on the Supreme Court and change it."

Returning to New Albany, Mr. Minton joined a law firm and married his high school sweetheart, Gertrude Gurtz. Then World War I came and he joined the AEF.

As a captain of infantry, he was a general staff officer under Gen. John J. Pershing. In that capacity he helped move many troops along several fronts and spent several weeks under fire on the Soissons and Verdun fronts. After the armistice he moved into Luxembourg with the army of occupation.

Returning home, he resumed his law practice in New Albany. In 1925 he went to Miami, Fla., and practiced there for 3 years, then returned to Indiana. He was public counselor of the Indiana Public Service Commission—and in a little more than a year had won utility rate reductions of $3.2 million—when elected to the Senate.

Mr. Minton never affiliated with a church. His wife was a Catholic but he called himself a Protestant because his parents were.

Three children, Sherman, Jr., John Evan and Mary Anne, also survive.

NATIONAL DANCE COMPETITIONS

Mr. MURPHY. Mr. President, the Dance Masters of America are conducting their annual national dance competitions in Washington, D.C., this weekend, July 30 through August 2.

The young people participating in this competition have been selected in State and regional contests all over the Nation.

Perhaps because of my past association with the arts—particularly as a dancer for many years—I could claim unique credentials to comment on the dance masters meeting and to salute their work throughout America.

Participants in this weekend's competition are not only among our country's finest dancers—but they are examples of the fine young men and women who are learning to appreciate the wholesome traditional ballroom dances of America.

I believe the dance masters should be congratulated and indeed thanked for their successful efforts in preserving traditional dances such as the waltz, folk, foxtrot, tango, and others. These dances have added their share of beauty to the Western culture and I predict they will always be popular long after their contemporary competitors have vanished as fleeting fads.

Having spent a considerable portion of my career in theater arts, I know that dancing can provide a lifetime source of pleasure and relaxation, as well as physical exercise.

Equally important, our young people will find that dancing teaches the sort of grace and poise which give us immeasurable social ease throughout our lives.

Mr. President, I think it would be most fitting and appropriate for the United States Information Agency to film as a true reflection of American culture, the competitions this weekend and include them in motion pictures shown abroad. I believe our Nation would gain needed friends abroad with such a visual presentation of the wholesome dance traditions of this Nation.

Dance Masters of America plays a leading role in the proper development of our young people and has earned our commendation.

THE PLIGHT OF THE FAMILY FARMER

Mr. MONDALE. Mr. President, in recent weeks I have brought to the attention of the U.S. Senate detailed and specific information on the plight of the family farmer in the State of Minnesota and over the Nation. I have said, but perhaps with not enough emphasis, that the plight of the family farmer is of extreme concern not only to those living on farms, but to those living on the main streets of rural America—the bankers, businessmen, the merchants, the filling station operators, the implement dealers, the doctors, the lawyers, and all others who depend in great measure upon the agri-business payroll in rural America.

Mr. President, I ask unanimous consent that the following 12 letters be printed in the CONGRESSIONAL RECORD at this point, as a representative sampling of small town interest in the vitality of the American family farm. Among these letters are letters from a doctor, an implement dealer, a retail department store, a co-op oil company, a seed company, a grocery store, a hardware store, a machine company, a builders supply company, a grain elevator manager, an automobile dealer, and a manager of a farmers cooperative creamery.

These letters reflect their deep interest in an effective and adequate farm program for America.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 17, 1965.

To Whom It May Concern:

I feel it is desirable if as many controls and subsidies as possible can be lifted from all areas of the American economy; but history has taught that some planning is necessary. The completely free marketplace of Adam Smith allows too much cruel disaster to crush large segments of our economy in times of depression. Rural America has been in a depression for many years, but has been able to survive because of farm subsidies. These subsidies must continue or the agriculture depression which appears to be nearing its end will relapse into a catastrophe. There will have to be a mass exodus from the small towns and farms of the huge army of unemployed that will be created. These towns and farm homes will be destroyed by desertion just as completely as if they were bombed in war time.

I urge you to support farm subsidies and an agriculture program that will allow a healthy rural America.

Sincerely,

W. J. PITBLADO, O.D.

FARMERS COOPERATIVE CREAMERY CO.,
Roseau, Minn.

To Whom It May Concern:

Our business is entirely dependent on the farming industry in this area. The present trend of reducing the number of farmers, and also a continual lessening of farm income, is very disturbing.

We would sincerely encourage your support for the dairy bill which Senator EUGENE MCCARTHY and Senator WALTER F. MONDALE have introduced. The extension of the present farm program with improvements in this program would bring farm commodity prices up to full parity.

We would like to see additional controls restricting the imports of farm products so as to further assist this country's farm prices. The same restrictions, we believe, would be helpful on grass seeds.

It is extremely important that we have an early completion of the Roseau River drainage project. This project is now in the hands of the Corps of Army Engineers. We would be most appreciative for any assistance you can give to get this project included in the rivers and harbors omnibus bill and approved by Congress in this session.

An increase in the Soil Conservation Service payments to the farmer for drainage, which presently is 5 cents per cubic yard, would be a great help to farm improvement in Roseau County. The present cost of such work is averaging 14 cents. We suggest a payment of approximately one-half of this cost, or 7 cents.

Encouragement by you on the above programs will be greatly appreciated, and upon final completion these programs will do much to assist the farm people in our area.

A letter of reply on these items from you would also be appreciated.

Sincerely,

CLIFFORD SKIME,
Manager.

JACKSON MOTORS,
Roseau, Minn., July 17, 1965.

To Whom It May Concern:

I am an automobile and truck dealer in Roseau, Minn. I rely on the entire Roseau County area as my trade area. I am very concerned about the future of my trade area and see where economic conditions must be stimulated. I am 32 years of age and have a

family to support. I have faith in this area and see its great potential. I am now building a new home here and this done with borrowed money. I have other plans that I would like to put into effect and will if Roseau County's agricultural economy can be stimulated. New facilities, expanded number of employees, and general expansion in my automobile and truck retailing field are these plans.

I am 80 percent dependent on farmers for my business and indirectly 100 percent dependent on Roseau County farm income. Water drainage has most generally been a problem with raising a good crop. Farm drainage programs have placed a tremendous burden on the Roseau River to carry water out of the area to its destination. The Roseau River drainage project of cleaning, widening, and making deeper the channel will enable most every farmer in my trade area to raise a crop with little fear of drowning and flooding. I put forth a strong plea for full legislative action to make this project possible and put same into effect immediately. My business establishment itself was threatened by floodwaters this spring.

Raising of certified grass and grain crops has been a specialty in our area. I also would ask legislative action to curtail immediately all importation of such certified grass seeds and grains. This has most seriously harmed our economy recently. Pleas were made, but not heeded. Please consider immediate action to protect that which we rely on for a great part of our economy. Abundance of grasses allow grazing and ideal beef and livestock production in our Roseau County. Curbing of importation of beef on the hoof or shipped into the country in any other manner will greatly stabilize beef prices and give our local farmers incentive to expand in this field. Our area is very suited to beef production.

We must encourage expanding the population of our county. Measures done by legislation in the past have taken away 50 to 60 percent of our people. I most certainly am talking of the soil bank. Our lifeblood in Roseau County will be people on the farm who actively work these farms as productive units. Taxes they pay, goods and services they purchase to operate the farm as a productive unit will stimulate our economy. Any such measure of land retirement will very seriously depress our already sagging economy and population numbers.

I ask your support in stimulating Roseau County's agricultural economy by considering legislative action as above described.

Sincerely,

RICHARD A. JACKSON.

JULY 15, 1965.

To Whom It May Concern:

I am a farmer in Roseau County, Minn., operating 640 acres of farmland, and I am also the manager of a grain elevator located in Roseau, Minn.

It is my feeling that we are in need of the continuation of a farm program, as it is important to the economy, both local and national, that the farmer receive his fair share of the gross national product.

I am against any program that would entail the retirement of any additional land, such as took place under the soil bank program.

I feel that small grains should be supported at 100 percent of parity. Rigid controls should be maintained.

It is my belief that a larger amount of grain stored under the farm program should be maintained under storage on the farm, rather than stored by commercial companies off the farm.

The farm storage program should be enlarged upon to allow a greater amount of grain to be resealed each year on the farm.

I am in favor of curtailing the importation of grass seed, such as bluegrass, as our domestic production is adequate at this time.

I favor the completion of the Roseau River drainage program as rapidly as possible, as many farmers in this area are being flooded each year due to the river leaving its banks.

LAWRENCE KLEMA.

PETERSON BUILDERS SUPPLY,
Roseau, Minn., July 15, 1965.

To Whom It May Concern:

The soil bank system set up about 10 years ago did our county a lot of harm as I see it. We lost a lot of population because of it and that was the biggest fault and there were several others.

I feel that the new proposed soil bank program would again make our problems much worse than ever and I am very much against it.

Everything possible should be done to help the Roseau drainage program because we direly need it.

Very truly yours,

H. F. PETERSON.

OK MACHINE CO.,
Roseau, Minn., July 15, 1965.

To Whom It May Concern:

We own and operate our own business in Roseau, Minn., and we are engaged in the sale of farm machinery among other business ventures. Our income is dependent upon the income received by farmers. Our future income and our ability to exist in business depends on how well or how poorly the farmer fares.

We urge passage of a farm bill and a strong program of support prices. We do not desire to see any additional land placed in a land retirement program.

We desire to see a stronger restriction placed on the importation of beef cattle and grass seeds as both of these industries are of great importance to our particular area.

We desire to see the Roseau River drainage program completed.

We request your support for a farm program that will benefit all of the farmers not only in our immediate area but also throughout the United States.

Yours truly,

DON GRAHN.

BRASTAD'S,
Roseau, Minn., July 16, 1965.

To Whom It May Concern:

I am engaged in the operation of a hardware store in Roseau, Minn., and I also am a farmland operator.

I am interested in seeing a program set up wherein the Roseau River drainage project will be completed. I desire to see a farm program passed to provide support prices for the farmers in the coming years.

I desire to see a reduction in the importation of beef and bluegrass seed.

I do not believe that any program involving additional acres put into a land retirement program should be passed at this time. I feel that a continuation of the SCS payments in an amount greater than the present 5 cents per yard payment should be effected.

Very truly,

BERDEEN BRASTAD.

ROSEAU, MINN.,
July 17, 1965.

To Whom It May Concern:

My business is very much dependent on the farming industry in this area. The present trend of reducing the number of farmers and the continual decrease in farm income is, of course, disturbing to me.

I would, therefore, like to see a completely fresh approach to solving the farm problem. We have had various types of Government farm programs for the last 30 years and the farm situation, economically, has continued to deteriorate. I would like to see some system of relaxed controls given a chance to operate.

I do not believe in flooding the meat market with foreign imports but at the same time the livestock industry has been about as free of Government controls as any part of the farming industry and over the past 30 years has the best economic record. I certainly do not believe in tampering with this record.

The tendency of the past 30 years of regulation of every small detail of the farmer's business is gradually restricting his activities until the complicated rules and regulations of the Department of Agriculture make him a complete serf of the state.

Sincerely,

WILLIAM H. BURAN,
Red Owl Agency No. 2763.

R.S. RICE SEED CO., INC.,
Roseau, Minn., July 16, 1965.

To Whom It May Concern:

For the past 35 years I have lived in Roseau County. During this period I have been engaged in farming, timber production and grass seed business. I am very familiar with economic conditions in the area and for the past 10 years a trend has developed that is exceedingly disturbing. The population of the county has decreased about one-third and the alarming factor is that too many of the younger people are leaving the area.

I am strongly opposed to any farm program that takes good, established, productive land out of production. The small towns in the area are dependent upon the rural population for their survival and a continuation of the present trend will put many of the present small businesses out of existence. Forcing most of the present rural population into urban areas will create a situation that will be harmful to the Nation as a whole.

Very truly yours,

R. S. RICE.

CONSUMERS CO-OP. OIL CO.,
Roseau, Minn., July 17, 1965.

To Whom It May Concern:

In our area we have a situation that has become a definite handicap to our economy, it being the loss of farm families. Following are suggestions that I feel must be done to correct this situation:

1. A continued farm program and extension of the present program for 4 years with improvement in prices.
2. Increase SCS payments for drainage, as payments have decreased and costs increased.
3. Restrict beef imports to further assist livestock prices.
4. Restrict additional grass seed imports.
5. To get immediate action on the Corps of Army Engineers drainage program of the Roseau River.

Sincerely,

OLIVER WOLD,
President.
LEO HIPSHER,
Vice President.
EDGAR ERICKSEN,
Secretary-Treasurer.
OLE VISTAD,
Director.
RUDY HOLLAND,
Director.

C. R. ANTHONY CO.,
Roseau, Minn., July 17, 1965.

To Whom It May Concern:

Because my business is so dependent upon the welfare of the farming industry, I would like to urge all concerned to take another long hard look at the plight of the farmers.

There have been many phases of the programs in the past which have been very unsatisfactory, such as the soil bank. This type of program, while it did help some individuals temporarily, only tended to reduce our already dwindling population more rapidly. I believe a program of some sort is necessary, but it should be of a type that would encourage our young people to go into farming as a vocation.

A very vital item to this particular area is the rapid completion of the Roseau River drainage program which has met and cleared all of the engineering barriers and now awaits the appropriation by the Congress to proceed with the work; and greatly enhance the economic status of the entire community and surrounding area.

Any concern and encouragement on any progressive program to help all types of farming will be greatly appreciated by everyone in the area.

Sincerely,

D. L. Willey,
Manager.

Fredrickson Implement Co.,
Roseau, Minn., July 16, 1965.

To Whom It May Concern:

We are alarmed at the present trend of more and more farmers leaving the farm and their land being absorbed by the larger operators.

The young people are not staying on the farm, and taking over the operation, but are heading for jobs in the city. This is caused by economic conditions on the farm, where the farm products are not at parity prices.

We feel that imports should carry a tariff so that national products from the farm would have some price protection, due to the higher costs of production.

We would like to see the continuance of the present SCS program as it now stands and that grain storage would be limited to farm storage by practicing farmers.

Yours truly,

Roland W. Fredrickson.

COMMEMORATION OF LIBERIAN INDEPENDENCE

Mr. LAUSCHE. Mr. President, it is indeed a pleasure to pay tribute to the Nation of Liberia as it celebrates its 118th year as an independent republic, the oldest republic of Africa.

In recent years Liberia has made great progress under the administration of President William V. S. Tubman. The Liberian economy is based on three natural resources: rubber, iron ore, and timber. Unlike a number of other less developed nations Liberia does not fear and distrust foreign investment. The welcome mat is out and this is a major factor in the tremendous rate of economic growth enjoyed by the Liberian people. From 1939 through 1950 total revenues were less than $4 million annually. The estimate for 1965 is $46 million. A remarkable expansion took place in the 1950's and the trend will continue.

In its domestic life Liberia is a nation of stability in spite of great diversity among its peoples. In this nation of approximately 1 million population there are 28 tribal groups. About 90 percent of the people still live under tribal customs. But the farsighted efforts of the Liberian Government to bring these diverse peoples into the social and economic life of the nation has resulted in a unity not often seen in Africa.

Liberia's political structure is modeled after the United States and the relations between the two nations are based on mutual respect and confidence. Liberia offers friendship and cooperation to all and maintains excellent relations with other African nations as well.

The Liberian people can look forward to continued progress and prosperity and we wish them well on the anniversary of their independence.

EXCLUSIVE USE OF DULLES AIRPORT BY FEDERAL GOVERNMENT EMPLOYEES

Mr. BREWSTER. Mr. President, last week Mr. Najeeb Halaby, former Administrator of the Federal Aviation Agency, suggested that Federal Government employees use only Dulles or Washington National Airport for air travel.

I oppose, as I have consistently opposed in the past, this attempt to have the Government divert traffic from Friendship Airport to the Washington airports. For many residents of this area, it is more convenient and more pleasant to travel through Friendship. The Government should not favor one of these airports over the other.

I am supported in this position by Mr. Stuart G. Tipton, president of the Air Transport Association, who is concerned with the broad interests of the airlines. Mr. Tipton has likewise opposed the suggestions of Mr. Halaby.

Mr. President, I ask unanimous consent that Mr. Tipton's recent statement on this subject be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

ATA Head Comments on Area Airport Use

Washington, D.C.—"Washington and Baltimore need the three airports now serving the area: Dulles, Washington National, and Friendship (Baltimore)." Stuart G. Tipton, president of the Air Transport Association, said today.

"These airports offer the traveling public a flexibility which would be lost if the Government were to attempt to channel traffic into one, at the expense of the others," he said.

Tipton's comments were made following statements of former Federal Aviation Agency Administrator Najeeb E. Halaby urging the designation of Dulles as the only jet airport to serve Washington. According to press accounts, Mr. Halaby also urged that Federal Government employees should be required to use only Dulles or Washington National. He is further reported to have said that Friendship airport in Baltimore should never be allowed to become a supersonic airport.

"The growing demand for air transportation in the area can best be served by allowing the hundreds of thousands of air travelers to choose that airport which is most convenient for them. This convenience can be enhanced if Washington National Airport, the only one of the three which does not permit commercial jet operations, were to open its runways to the many new jet aircraft being purchased by the airlines serving Washington," he said. "Failure to open Washington National to jets is forcing many airlines to maintain piston-engined schedules longer than is necessary. Restrictions on Washington National are now controlling the quality of service provided for hundreds of miles north, south, and west.

"Arbitrary restrictions are never the answer to the needs of air travelers. Air transportation, and airports, should be made more convenient for the passenger, not less.

"Mr. Halaby said that Friendship Airport should never be opened to supersonic air transportation. As one of the Nation's leading cities, Baltimore, just as much as Washington, deserves the very best that the air transport system can offer to the public. It would be inconceivable to deny Baltimore the many benefits that will flow from the supersonic age," he said.

THE FICTITIOUS 14TH AMENDMENT—RADIO ADDRESS BY DEAN CLARENCE MANION

Mr. THURMOND. Mr. President, Dean Clarence Manion, who produces the Manion Forum each week over a vast network of radio stations, is an outstanding attorney and expert on constitutional law. For many years, he was dean of the law school at Notre Dame University and served on a very important commission during the Eisenhower administration.

In his weekly broadcast of July 11, 1965, Dean Manion presented a very eloquent discussion of an important constitutional question—the validity of the 14th amendment and the many socialistic decisions and actions which have been rendered under its purported authority. The broadcast is entitled "The Fictitious 14th Amendment: A Pernicious Parasite Is Swallowing the Tree."

I ask unanimous consent, Mr. President, that this outstanding radio address be printed in the Record at the conclusion of these remarks, and I commend its reading to all Members of the Congress.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Fictitious 14th Amendment: A Pernicious Parasite Is Swallowing the Tree

(By Dean Clarence E. Manion)

Those who merely skim and scan the day's news will seldom see its sources. But if you first dig and then sift carefully, the same group of underlying motivations will generally turn up in the sieve after the assorted grains of fact have fallen through. There in the sieve, along with communism, you will probably find sex, crime and, of course, politics.

But now, more often than not, the deep-digger and careful-sifter will find something called the 14th amendment to the Constitution of the United States. And, he will observe too, that the news which has been generated by the 14th amendment has a revolutionary quality that will disturb him, no end.

This particular generator of important news has been around for a long time and it gets much more powerful with age. I think, therefore, that is high time for all of us to examine this prolific piece of historical sedimentation that goes by the name of the 14th amendment. Its offspring are uncountably numerous, often obnoxious and always illegitimate, because, strictly speaking, the 14th amendment itself is not a valid part of the Constitution since it was never validly ratified as such by three-fourths of the duly constituted legislatures of the States of the Union.

However, notwithstanding their sinister origin, the modern proliferations of the 14th amendment have now become so vigorous that they have pushed the main body of our authentic Constitution completely out of the sight of our Supreme Court. Thus, when Chief Justice Warren and his associates look for the Constitution of the United States today, they are able to find little or nothing except the 14th amendment, so-called.

This is why prayer is no longer permitted in our tax-supported public schools, and why we are forced to tolerate nauseous, crime-promoting pornography on our public newsstands. This is why more and more of our policemen are now afraid to move in with full force on lawbreakers lest they, instead of the criminals, end up as the accused.

Because of this fictitious 14th amendment, 100,000 convicts—give or take a few thousand—who are now in our State penitentiaries are confidently expecting to be freed at any moment because their lawyer was not present when they were accused.

Because of this ubiquitous but demonstrably illegitimate 14th amendment, the States of the Union have now lost their historic constitutional power to regulate elections, along with the right and duty to register and qualify their voters.

But most important of all of these and other innumerable projections of this 14th amendment, is the Supreme Court's recent ruling that it—the amendment that is—now requires each State to redistrict and reapportion both houses of its legislature on a one-man, one-vote population basis, regardless of a contrary direction by the people of the State as expressed in a statewide popular election.

Twenty-six States of the Union have now petitioned Congress to call a constitutional convention to reverse this undemocratic one-man, one-vote ruling, and Congress itself is debating the proposal of a new constitutional amendment to change this strange and sudden judicial extension of an old amendment, the 14th, so-called, which, as every responsible historian knows, has no legitimate existence.

These frantic attempts to amend an amendment that does not exist would seem to take us all on a constitutional hayride "through the looking glass" with Alice in Wonderland. Now, therefore, before the Constitution of the United States goes into a total, permanent eclipse behind this burgeoning false pretense, let us take a look at the birth certificate of this, said, 14th amendment, and at the facts surrounding its long and active life.

In the perspective of history, a hundred years are needed to completely digest its day-by-day, year-by-year intake. This being so, we may now more or less safely pass judgment upon the historic events that cluster around the year 1865. A century plus a few months ago, the bitter and bloody War Between the States had just ended and Abraham Lincoln had been inaugurated for the second time as President of the United States. The dominant congressional wing of Lincoln's political party was bent upon revenge—revenge against the defeated Confederates and against all of the so-called Confederate States.

These Representatives and Senators had had the Halls of Congress all to themselves during the war period while the seats of the Representatives and Senators of the 11 Confederate States were empty. In 1865, northern congressional politicians were horrified at the prospect that all of these empty seats might soon be filled with decisive votes against their vindictive plans to reconstruct what they liked to call "the conquered provinces" of the South.

But Lincoln had heard the voice of the Lord who said "vengeance is mine (and mine alone)." So, in and before and after his second inaugural address, Lincoln proposed to bind up the Nation's wound "with malice toward none and with charity for all." And if John Wilkes Booth had missed his distinguished target on that fateful Good Friday night in Ford's Theater 100 years ago, Lincoln's sensible plan for a charitable and constitutional reestablishment of the Union would have succeeded, and we would now be spared the growing pains of the said 14th amendment.

In the process of his victory, the President's reputation would have been battered and badly bruised by an angry and vindictive Congress, but historians generally agree that, with Lincoln's leadership, Lincoln's plan would have prevailed in spite of Thaddeus Stevens, Charles Sumner and the rest of the rapacious radicals who regarded the sudden death of the President and the subsequent accession of Vice President Johnson as "a godsend to our cause." ("The Tragic Era," Claude Bowers.)

LOUISIANA RATIFIES 13TH AMENDMENT

Lincoln was making progress with his plan for the reconstitution of the Union long before his second inauguration as President in 1865. The case of Louisiana is in point. In March of 1864, with Lincoln's encouragement, a Louisiana State government was established to supersede the Union Army's military rule in that State. By the end of the year (1864) Louisiana was, to all intents and purposes, fully reconstructed. On February 16, 1865, the newly constituted Louisiana Legislature ratified the 13th amendment to the Constitution. This, the amendment which abolished slavery, was proposed by Congress on January 13, 1865.

There were 36 States in the Union at that time, including the 11 Southern (former Confederate) States. The ratification of this proposed amendment by the legislatures of three-fourths of these 36 States was required before it could become an official part of the U.S. Constitution. On December 18, 1865, U.S. Secretary of State Seward announced and certified that 27 States (three-fourths of 36) had ratified the 13th amendment and that it was, therefore, then and thereafter a part of the Constitution.

Note please that among these necessary 27 States so ratifying, and counted by Seward to authenticate the 13th amendment, were eight former Confederate States (Virginia, Louisiana, Tennessee, Arkansas, South Carolina, Alabama, North Carolina, and Georgia) which were thus and thereby officially acknowledged to have been validly reconstructed in the Union, with legitimate legislatures capable of ratifying and/or of refusing to ratify a constitutional amendment. In fact, it was the 27th ratification by the Georgia Legislature that made the 13th amendment a part of the Constitution.

This was in December 1865. Lincoln was now dead and Andrew Johnson who had succeeded to the Presidency was fighting the anti-southern radicals in Congress tooth and nail, but with a notable lack of success. Out of this hot turmoil Congress boiled up its proposal for the 14th amendment in June of 1866. President Johnson dissented vigorously to the proposal because of its harsh terms and for the reason that 11 States—just one short of the number needed to defeat ratification—were without any representation in the Congress.

The proposed 14th amendment hit the southern people where it hurt the most by disqualifying for State or Federal office all who had directly or indirectly aided the Confederacy during the Civil War. President Johnson encouraged the Southern States to reject the amendment and 10 of them—all but Tennessee—promptly refused to ratify it. Without ratification by at least some of these Southern States the necessary three-fourths of the then 37 States could not be obtained.

But the radicals in Congress were not to be denied. In March of 1867 they passed, over the President's veto, the punishing Reconstruction Act which swept away the existing so-called unlawful governments in the 10 sinful Southern States and grouped their entire area into 5 military districts, each ruled by an army general supported by U.S. troops.

The act provided that when a new Constitution providing for Negro suffrage had been framed and accepted by the Congress, and when the legislature elected under it had ratified the 14th amendment, and when that amendment had become part of the Constitution, then, and only then would the State be received back into the Union.

The Reconstruction Act ignored the fact that the Civil War had been fought and won by the North on the theory that the so-called Confederate States could not legally secede, and this being so, these States had never been out of the Union. Also overlooked was the earlier ratification of the 13th amendment by some of the same southern legislatures that were now dissolved as unlawful.

If these same legislatures were not now competent to pass upon the 14th amendment—what happens then to their earlier and needed ratification of the 13th? Did the Reconstruction Act mean that the antislavery amendment had not been ratified, and if so, does this not call for a new Emancipation Proclamation or something?

History, logic, and law to the contrary notwithstanding, the army, the carpetbaggers, and the new colored voters eventually produced 10 constitutions and 10 legislatures as directed, along with the prescribed ratifications of the 14th amendment.

And so it came to pass that the States that could not get out of the Union in the first place, and which had ratified the 13th amendment as members of the Union in the second place, were now nevertheless readmitted to the Union by Congress in the third place, having performed under duress the prescribed condition precedent to readmission, namely, the ratification of the said 14th amendment.

OHIO AND NEW JERSEY REPEALERS IGNORED

In spite of all of this, Secretary of State Seward had trouble putting together his necessary ratification by three-fourths of the then 37 States, namely 28, because before he arrived at that number, Ohio, and New Jersey respectively had repealed their ratifications. And so the Secretary of State announced on July 20, 1868 that the 14th was now in the Constitution, but only on the assumption that the repealers by Ohio and New Jersey were invalid. The next day, Congress, by a joint resolution, declared that the 14th amendment was definitely a part of the Constitution, and that Seward should so declare, and so Seward did.

But the Supreme Court, which so frequently imposes new constructions of the 14th amendment upon us, has never said that the said 14th amendment was legally adopted. The Court has always refused to consider that point, because in the Court's long-standing judgment this raises a political rather than a legal question.

However, for many years the Court sustained over and over again a similar judgment that the failure of a State to redistrict its legislature raised a political question merely, which the Court would not decide. But the Warren Court has changed all that as many long-suffering State legislators now know. The Warren Court is certainly not allergic to political decisions. As a matter of fact it rarely makes any other kind.

Perhaps then, State legislators should suspend their torturous attempts to redistrict until the Supreme Court decides whether the source of its one man, one vote rule—namely, the 14th amendment, was really and truly ratified 100 years ago. Or better still, before the Court applies its new one man, one vote rule to Congress and so abolishes the U.S. Senate, that body should repeal the congressional resolution of June 21, 1865 which defied the facts of history and declared that the 14th amendment had been duly ratified.

Meanwhile, you yourself should start sifting the big bad daily news for its real sources. Watch for the telltale traces of the 14th amendment. Start sifting for yourself. See for yourself and decide whether or not you are now ready to trade the entire Constitution for the current constructions of the 14th amendment.

If you are not ready to make the trade, then you had better consider the alternatives and work fast.

BIG BROTHER: INVASIONS OF PRIVACY

Mr. LONG of Missouri. Mr. President, I have received editorials from all over the country with respect to invasions of privacy. Three of the best came from the Chicago Daily News of June 25, 1965, the Salt Lake City Tribune of June 29, 1965, and the Dover, Ohio, Daily Reporter of July 2, 1965.

I ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From Chicago, (Ill.) Daily News, June 25, 1965]

Threat to Privacy

We regret that the Illinois House about-faced and approved Mayor Daley's bill for court-authorized wiretapping.

Our own conviction remains what it has always been: that the public advantage to be gained from opening the door to eavesdropping on private telephone lines does not justify the perils inherent in this rank invasion of privacy.

The mayor obviously had to twist a lot of arms to persuade the house to reverse itself; just as obviously, a number of Democratic members went back on their own convictions in falling into line.

The measure faces rougher going in the Republican-dominated senate. We hope it is rough enough to sink the wiretap bill.

[From the Salt Lake City (Utah) Tribune, June 29, 1965]

Way Paved for Rule on Wiretapping

The recent historic Supreme Court decision invalidating Connecticut's birth control statute stimulated much speculation at the outset on the constitutionality of similar laws in 30 other States.

The conclusion of the five concurring Justices—Warren, Goldberg, Brennan, Harlan, and White—that the Connecticut law violated vague concepts of "ordered liberty" and "fundamental rights," drew bristling dissents from Justices Black and Stewart and will be debated for some time by lawyers.

The most far-reaching effect of the ruling may be that it paves the way for outlawing all electronic eavesdropping, especially wiretapping. At first blush birth control and wiretapping may seem unrelated, but the link is the right of privacy which the high tribunal now has given new special protection.

RIGHT TO BE LEFT ALONE

Ever since 1890 when Louis D. Brandeis argued for the "right to be let alone," civil libertarians have contended that the right of privacy is implicit in the Bill of Rights. Brandeis later became a Supreme Court Associate Justice. And in 1928, when the tribunal ruled 5 to 4 that wiretapping was outside the protection of the fourth amendment's prohibition of unreasonable searches and seizures, Brandeis dissented, citing the issue of privacy as the "most valued" right of civilized man. This was in the *Olmstead* case involving a Seattle bootlegging ring. The majority of the Court maintained that wiretapping did not involve a physical intrusion on the defendant's premises.

Since then the decision has been criticized inside and outside the Court. Two years ago Justice Brennan called it "insupportable" in a dissenting opinion. Nevertheless it is still the law since the Court has chosen to sidestep the wiretap issue.

OVERRIDES TECHNICAL DISTINCTION

Sidney E. Zion, legal writer in the New York Times, says lawyers view the new right of privacy as enunciated in the Connecticut case as overriding the technical distinction of a physical intrusion that the Court made in the *Olmstead* case and others involving electronic eavesdropping.

Prof. Thomas I. Emerson of Yale, who argued for the defense in the birth control case, says the ruling "furnishes a substantial basis for declaring wiretapping and other eavesdropping unconstitutional." In holding New York State's bugging law unconstitutional last February, State Supreme Court Justice Sobel predicted that the highest tribunal would knock out all forms of eavesdropping.

The majority opinion in the Connecticut case rested heavily on the fact that the statute banned the use of contraceptives by married couples. Some legal authorities argue that the privacy doctrine applied to wiretapping would, therefore, be limited to marital relationships. But opponents of electronic eavesdropping point out it is a general invasion of privacy, since it indiscriminately picks up all conversations in the bugged or wiretapped premises.

DIRTY BUSINESS GOES ON

Wiretap evidence is barred in Federal courts by the Federal Communications Act, but is permitted in State courts. A constitutional ruling would forbid its use in State courts as well.

Wiretapping goes on extensively in Government agencies as well as in business and industry and the Justice Department, sparked by former Attorney General Kennedy has fought hard for legislation to permit wiretapped information to be accepted in Federal courts. A Supreme Court rule outlawing the practice would of course make the debate over the dirty business merely academic.

[From the Dover (Ohio) Daily Reporter, July 2, 1965]

Privacy Guidelines

Quite a little attention has been focused lately on invasion of privacy by units of the Federal Government. The public has been made aware that thousands of Government employees are given lie detector tests or psychological tests featuring intimate personal questions, that the Post Office pries into who gets mail from whom, that there is a lot of authorized and unauthorized listening-in on phone talk in Government offices, and so on.

Congressional committee probes have brought most of these disclosures. That is the first half of a pattern that has emerged. The second half, more often than not, is a promise by the offending agency that it will be less snoopy—less in violation of the basic American right to privacy—than in the past.

The State Department, for example, has been reviewing use of psychological tests, and may modify its practices. Postmaster General Gronouski, after admitting that the so-called mail covers "do to some degree invade individual rights," has issued new administrative rules intended to keep this extra-legal practice under better control.

This is an unsatisfactory way to deal with a problem that touches closely on a constitutional right we should be zealous to preserve—the right to live our private lives without Government prying. The pattern of disclosure followed by promises to do better in the future is not adequate. What is needed is congressional action to reaffirm the principle of individual privacy, and to keep the actions of Government agencies firmly in check.

SOIL EROSION AND WATER SHORTAGES

Mr. JACKSON. Mr. President, the Senate has received a report from the Secretary of the Interior which reviews the scientific research recently conducted by American geologists in foreign countries. During the months of January through June, 1965, the Geological Survey has been engaged in studies abroad aimed at increasing this Nation's ability to cope with such vital national problems as soil erosion and water shortages.

I ask unanimous consent that the text of this report, dated July 16, 1965, be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., July 16, 1965.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: Pursuant to section 2 of the act of September 5, 1962, "to amend the authority of the Secretary of the Interior exercised through the Geological Survey of the Department of the Interior to areas outside the national domain" (Public Law 87–626), the following activities were carried on by the Geological Survey during the reporting period January 1 to June 30, 1965.

1. Dr. Stanley A. Schumm, a geologist, who has been studying the ancient and recent slopes and channels of the Murrumbidgee River system for the past year, returned to his headquarters in Denver at the end of June. During that period Dr. Schumm spent about 3 weeks in New Zealand observing severe erosion problems and consulting with New Zealand scientists. For several years the Geological Survey has been engaged in research on the erosional history of certain areas in the Western United States. Some conclusions and hypotheses have been developed, and the studies and observations in Australia and New Zealand sought further evidence. Australia was selected for study because of the exceptional character of the rivers and river plains and unique exposures, and also because of the work completed and in progress by Australian scientists. The importance of the work to the United States lay in the possibility of developing new knowledge of climatic history from which inferences might be drawn concerning hydrologic events of the recent geologic past and predictions might be made of future reactions of rivers to changes in environmental conditions in the United States.

2. Dr. Allan V. Cox, a geophysicist, spent several weeks in the spring in the Galapagos Islands (Ecuador) pursuing paleomagnetic and geochronometric surveys in the area. The studies Dr. Cox conducted gave an experimental test of the effect of latitude on the secular variation and tested whether the apparent polar wandering found from existing

data is a real phenomenon. The findings could be of prime importance in relating changes of the rotation axis to Pleistocene glaciation. The results of the studies are important also to biologists now studying the evolutionary events because the archipelago, one of the least explored regions of the world, is one of the great living laboratories.

Sincerely yours,

Stewart L. Udall,
Secretary of the Interior.

COMMITTEE TO STUDY THE CAUSES OF CRIME IN THE UNITED STATES

Mr. MONDALE. Mr. President, Hon. George M. Scott, president of the National District Attorneys' Association, recently sent to me a resolution passed by the association in which they express the desire to participate in and assist the President of the United States in forming a committee to study the causes of crime in the United States. Mr. Scott, Hennepin County attorney in Minneapolis, has rendered distinguished service to the cause of law enforcement and crime eradication in Hennepin County and in the city of Minneapolis for many years. His brother attorneys recognized his talents and abilities and elected him president of the National District Attorneys Association.

I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution 6

Whereas the President of the United States is to appoint a committee to study the causes of crime; and

Whereas over the years there have been many various and sundry causes advanced for crime, many of which are not sound and not in the interest of the country; and

Whereas ever since its organization in 1950 the National District Attorneys Association has been in the forefront in the fight against crime and in the protection of the public; and

Whereas, because of its background and experience, the National District Attorneys Association is in a position to make a significant contribution in this country's fight against crime: Now, therefore, be it

Resolved, That the services and good offices of this association through its president be offered to the President of the United States and to any committee which he forms to study the causes of crime in the United States.

REPUDIATION OF ATTACK ON AMERICAN FRIENDS SERVICE COMMITTEE

Mr. TYDINGS. Mr. President, recently the Internal Security Subcommittee of the Senate Judiciary Committee published a revised edition of a document entitled "The Techniques of Soviet Propaganda." It is a completely rewritten and updated version of a report by Mme. Suzanne Labin, a French journalist.

I was distressed to read several statements in this report which imply without documentation that certain organizations in this country are associated in some vague way with the transmission of Communist propaganda. At one point in the report, for example, one reads that the American Friends Service Committee is "well known as a transmission belt for the Communist apparatus."

Mr. President, it is not necessary to agree with every policy or program of an organization to be a member of that organization or to support its ideals and its aims. By the same token, it is unjust to condemn an organization or impugn its motives simply because one does not agree with it.

The American Friends Service Committee was formed in 1917 by a group of distinguished members of the Religious Society of Friends. It is a corporation of over 200 Quakers drawn from regional annual meetings across the country and directed by a board of 55 Friends. For over 300 years the Quakers have prayed and worked for the nonviolent ordering of human society. They have done so on the basis of deep religious conviction. In the relief work they have done throughout the world, their concern has been for dire human need.

I am concerned that this organization has been called a transmission belt for the Communist apparatus. This highly questionable allegation has now been printed under the cloak of respectability of the U.S. Senate. It will be reprinted and quoted as though supported by Members of the U.S. Senate.

I am even more concerned that several members of the subcommittee, including the vice chairman, have indicated that they were not consulted before the document was printed and did not approve the language before it was published.

Mr. President, the integrity of public-spirited groups which have made significant contributions to the American system should not be so impugned.

REPORT TO THE NATIONAL RIVERS AND HARBORS CONGRESS IN CONVENTION, BY ITS PRESIDENT

Mr. HOLLAND. Mr. President, the 52d annual convention of the National Rivers and Harbors Congress convened in Washington, D.C., the second week of June 1965.

I am sure, Mr. President, that my colleagues in the Senate are well aware of the valuable contribution that this organization has made to the continued development of one of our country's greatest natural resources. The National Rivers and Harbors Congress has continued to provide one of the best forums for the advancement of the development of our river systems.

Mr. H. H. Buckman, the president of the National Rivers and Harbors Congress, a Floridian and my long-time friend, who was reelected for his 7th term as president, made his report to the Congress on June 8, 1965.

Mr. President, I ask unanimous consent to have this report printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report to the National Rivers and Harbors Congress, in Convention, by Its President, Washington, D.C., June 8, 1965

Pursuant to the powers and duties vested in its president by the National Rivers and Harbors Congress this report is submitted to the 52d annual convention of your organization convened in Washington, D.C.

MEMBERSHIP AND FINANCE

The recent change from a fiscal year extending from July 1 to June 30 to the calendar year makes it difficult to compare membership and revenue from dues with previous periods. It is now estimated that 1965 will show a continued growth in both these elements of the organization. My previous reports have pointed out the desirability of increasing the service of your organization to the general public by a substantial increase in its national membership and a corresponding increase in its revenue from dues which will enable it to enlarge the scope and efficacy of its work. It is again suggested that this objective is worthy of your consideration.

THE NATIONAL DIRECTORATE

Since our latest previous convention we have suffered the loss through death of one of our valued national directors, John B. Quinn, of Nebraska. John Quinn served this organization and the principles for which it stands long and well. He is remembered with affection and gratitude.

In the same period the national board has gained three directors of distinction, Harry H. Saunders, of Florida; Frank H. Collins, of the District of Columbia; and John L. Person, of Kentucky. They bring to your board much of experience and wisdom.

TOWARD THE BUREAU OF WATER RESOURCES BUILDING

The legislation for this purpose which was not acted upon by the House and Senate committees in the 88th Congress has been reintroduced by the same sponsors in both House and Senate in this the 89th Congress. Dates for hearings have not yet been set.

NEW CRITERIA FOR EVALUATING INLAND NAVIGATION PROJECTS

A directive providing new criteria for the evaluation of proposed inland navigation projects now or hereafter under study by the Corps of Engineers was issued by the Chief of Engineers under date of October 28, 1964, and revised under date of November 20, 1964. Among other things, this directive provides that "the benefits for the traffic that would move over an improved waterway will be computed as the difference in the projected competitive rates or charges for the movement by the alternative means that would be using the waterway. In developing the projected rates or charges, consideration will be given to all pertinent data and factors including the competitive situation in the absence of the waterway, current rates, and foreseeable technological developments applicable to the several transport media. The benefits determined in this manner will be used in project justification and in the benefit-cost rates."

U.S. Senator Allen J. Ellender, of Louisiana, chairman of the Senate Subcommittee on Appropriations for Public Works, and a national director of your organization has taken issue with this directive with the full support of your national board. I cannot do better than quote from statements made by the able Senator in an address on March 17, 1965, before the Water Development Foundation of Oklahoma and the Oklahoma City Chamber of Commerce:

"Now, in essence the new proposal would compare the barge rate with a theoretical rate that the competing modes of transportation might be compelled to adopt if the waterway were placed in operation. Obviously, this would greatly reduce the benefits and would frequently result in an unfavorable report. If the competing forms of transportation would actually put such new rates into effect there could be no quarrel with this procedure, but they are not required to do so, nor do they anticipate placing such lower rates into effect.

"To understand fully the implications of the new directive, let us examine just what is meant by 'water-compelled rates'.

"The Interstate Commerce Commission has set April 6 as the date for oral hearings on proposed rate cuts by several railroads serving North Atlantic ports on grain from four States east of the Mississippi River. Now get this. The requested reduced rates would apply only during the St. Lawrence Seaway navigation season.

"If this is the manner in which the railroads will fix rates to discourage waterway traffic during the navigation season, and then as soon as the navigation season closes raise their freight rates to the previous level, we can imagine the unrealistic rates they could claim they would establish if a navigation project were to be constructed.

"There is absolutely no relationship between railroad rates and cost. When the railroads argue the cost to them of hauling a particular commodity, they frequently use only the out-of-pocket cost, rather than fully distributed cost. But just as soon as the competition is eliminated they not only re-request a revision in the rates to repay the fully distributed cost, but seek to obtain all the traffic will bear.

"If on the basis of projected water-compelled rates the benefits from an otherwise justifiable navigation project can be so depressed as to result in its rejection by the Corps of Engineers, the railroads can practically control the development of our inland waters for navigation purposes by simply projecting totally unrealistic rates.

"This new directive is so fuzzy and ambiguous that few engineers can agree on its interpretation. The first navigation report to be submitted under these new criteria is the review report on the Lake Erie-Ohio Canal. Under the old method, the benefit-cost ratio is 3 to 1. Some of the corps are at variance as to its interpretation, and come out with benefit-cost ratios ranging from 2.1 to 1 to 1.7 to 1. The railroads differ in their interpretation with all engineers, suggesting that the ratio is .65 to 1 and the project therefore is not feasible."

The Senator quotes the following significant statement by the Chief of Engineers in a letter from the latter to the Senator: "It is probable that the savings attributable to the waterway and consequently the navigation benefits will be less on this basis than on the basis of current rates."

STREAM POLLUTION

The problems posed by stream pollution continue to grow and press. It is no exaggeration to say that the necessity for preventing an unacceptable degree of pollution in our water resources is the basic requirement for the maintenance of the welfare and security of our people. In the not too-distant future, this necessity will transcend the more immediate demands for improvements for inland navigation, flood control, irrigation and all other water use and conservation needed to support our growing population and advancing technology. Adequate provision for meeting this necessity will entail costs that will dwarf the total cost of all other improvements for water use and conservation.

In addition to Federal legislation, many of the States have laws designed to control and abate water pollution. A number of interstate water pollution control commissions exist, and the number is increasing. All of these are restricted, more or less, by inadequate legal provisions for enforcing inspections and pollution control measures.

Technological advance in industry and population growth have vastly increased the ratio of volume of polluting wastes to the total volume of surface runoff available for dilution.

The predominating factor in the usefulness of any water is the degree of dilution of the impurities it contains. It follows that the achievement of sufficient dilution is the primary objective to be attained in pollution control. However, the safe relation of contained impurities to dilution is in many cases conditioned upon the characteristics of one or more of the impurities, especially the pathogenic bacteria. While it is impractical to set a standard of purity which will meet all requirements, it is generally practicable to set a standard which will insure water of a quality consistent with the health of animal and vegetable life and which will be acceptable to the aesthetic sense.

Since its first appearance on the planet, it seems that life has been adapting with astonishing success each of its myriad forms to the many different environments obtaining in the land, water, and air of the earth's surface. This adaptation has become highly specialized. A substance or organism inimical to the health of one biotype is often harmless to others. For example, the vast majority of so-called polluting substances in drinking water, when in sufficient dilution, are substantially harmless to human beings, although this may not be true of certain other forms of life. Only a comparatively limited number of kinds of bacteria and certain inorganic compounds are capable of producing pathological conditions to a significant degree in human beings.

While at the present time stream pollution from atomic wastes has not grown to a serious threat, it can be a grave mistake to omit timely consideration of this problem.

There exist in nature many sources and several forms of radioactivity. All the water we drink, all the food we eat, all the air we breathe is to some minor but measurable extent radioactive. So far as we know this has always been so since the proliferation of life on earth began, and more so before that time. The degree of concentration of this naturally occurring background of radioactivity is at present not sufficient to be demonstrably harmful to life. Nevertheless, many States are now routinely measuring the radioactivity of their stream waters in order that they may detect any extraordinary rise which may be due to intruded atomic wastes.

We do not know of any way to prevent the inherent radioactivity of radioactive substances, nor of any way (except dilution) of lessening the destructive effect of nuclear radiation on living tissue. At the present stage of our science, and quite possibly forever, we must consider that for the terms of their respective periods of activity, there is no practical "treatment" for water thus polluted, except dilution. So far we have been forced to "bury" atomic wastes or to sufficiently dilute them to insure a harmless degree of concentration in any surface water.

That this problem is bound to steadily increase with time is made evident when we consider that the necessity for employing atomic energy to supplement our diminishing supplies of energy from fuels strongly indicates a future great expansion in the production of atomic wastes attendant upon such employment. This waste must be either neutralized (by some means as yet unknown) or drained into the sea by surface or subsurface channels. There is a rather definite limit to which this latter expedient can be carried. While still a problem of the future there does not presently appear any possibility of avoiding it indefinitely.

SEA WATER FOR AGRICULTURE

You are reminded of the suggestion put forward some time ago by our able national director and distinguished agronomist, Wofford Camp, of California, that there should be thoroughly explored the possibility of breeding agricultural plant life capable of taking its water supply from sea water. Nature has already given a more or less affirmative answer to this question. The variety of plant life in the sea is tremendous. Whether this represents adaptation of land life to sea water environment or vice versa may be debatable, but either assumption emphasizes the mutability of life forms. An organized attack on the problem might lead to an unrewarding result, but on the other hand it might lead to an economy capable of sustaining an indefinitely expanded population.

THE NATIONAL DEFENSE

During the past 12 months we have continued to stress the essentiality of water resources development to our national defense. We cannot adequately prepare to successfully resist a powerful enemy in any future world conflict without such development. Our agriculture, our industry and, above all, the adequacy of our transportation network depends too much on water use and conservation to permit their neglect. We have made progress, but much remains to be done, and time may be of the essence.

Respectfully submitted.

H. H. BUCKMAN,
President.

ADDRESS BY VICE PRESIDENT HUMPHREY ON THE SUBJECT OF CREATIVE CITY GOVERNMENT

Mr. McNAMARA. Mr. President, yesterday Vice President HUBERT HUMPHREY paid my city of Detroit the great honor of delivering a major address there. The subject he spoke to was the opportunities, challenges, and great potential that exists today for creative city government. I ask unanimous consent that the Vice President's remarks appear at this point in the RECORD, and I commend the address to my colleagues. It is well worth the reading.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF VICE PRESIDENT HUBERT HUMPHREY, LEAGUE OF CITIES, DETROIT, JULY 27, 1965

Today I want to talk to you about the opportunities, the great challenges, the great potential today for creative city government.

This administration is pledged to the goal of a great society. We are moving forward with new, strong programs to make all people and places in this society full and productive partners in the American tomorrow.

We strive for a society of opportunity—where each man has the education, the equal start, the open doorway toward a better life for himself and his children.

Today this administration is launching creative new programs toward that opportunity. And this Congress is writing a historic record of legislation—legislation for health, for housing, for education, for human rights, for jobs, for self-respect.

But the future of our Nation lies not only with the Federal Government and the legislative branch. It lies in our heartland—in individual American communities.

The Great Society will be an America made up of thousands of great communities. It will be an America built where you serve.

It is your communities that will have good schools or bad ones.

It is your communities that will have decent homes or slums.

It is your communities where young men will have jobs this summer or will not—and may I say you have responded splendidly in seeing that there are jobs in your cities.

It is your communities that will have racial harmony or racial antagonism.

It is your cities that will either wage intelligent, coordinated drives on the causes of poverty—or will ignore this social cancer.

My 20 years in political life—from mayor to Vice President—have taught me what I only vaguely understood when I was a political science teacher: that the key to success of great national programs is local implementation and imaginative leadership.

No greater opportunity faces all of us today than the opportunity to strengthen the economic and social structures of our communities, of our Nation.

We are moving ahead in seizing that opportunity. And we can be proud of what has been done. But, in the midst of our rich and active society, we must look to missed opportunity.

There is an "other America." There are about 35 million Americans in it. They have been shunted aside or lost in the backwaters. These Americans belong to families earning an average of $1,800 a year from all sources. That is $35 a week—to feed that family, to clothe that family, to house that family, to provide education and transportation and health care for that family.

But the poverty of these 35 million Americans is not to be measured in dollar terms alone. It must be measured in hopelessness and helplessness, in resentment and rejection, in despair and distrust, in loss to our Nation of valuable human resources.

No one knows better than you the cost of these lost resources. The costs of welfare are a continuing drain on your cities. The "other Americans" are taxeaters and not taxpayers. What if these people could become productive citizens—could become, for your cities, pluses and not minuses?

There are 15 million children among those 35 million. And there is the basic challenge. Will these 15 million children—and their yet unborn sisters and brothers—become the heads of new poor families 10 or 20 years from now? Will this generation of children get permanently locked into the cycle of poverty? Will they find truth, as others have in Proverbs: "The rich man's wealth is his strong city. * * * The destruction of the poor is their poverty."

The war on poverty is more than a welfare program.

It is not designed to make the conditions of poverty tolerable. We seek to get the poor out of poverty and into the mainstream of American life.

Therefore, we must get to the root causes of poverty. We must understand the economics of poverty, the psychology of poverty, the sociology of poverty. We must understand why and how other groups have escaped from poverty. We must get to the heart of ignorance, slums, poor health, unemployability, discrimination—the links in poverty's vicious cycle.

I have met recently with officials of the poverty program and reviewed with them some impressive plans for research into poverty and evaluation of existing programs. We must be willing to make the necessary investments into what causes and keeps people in poverty.

We make the investment to put a man on the moon. We can also make the investment to help a man stand on his own two feet here on earth.

For too many children in America—in the Appalachian hollows, in the Harlem slums, in the migrant labor streams, on Indian reservations—poverty is an inheritance and a prison. From infancy, they are conditioned to believe that there is no hope, no escape.

But we know, each child is an adventure into a better life—an opportunity to change the old pattern and make it new.

That is why Project Head Start is so exciting and so promising. It was conceived in the minds of those concerned with children. It is the social and spiritual response of the American people to the task of giving each child an equal chance in life.

In February of this year, the concept of Head Start was developed. A simple concept: Give some special attention to 4- and 5-year-olds entering school for the first time this fall who might have difficulty adjusting.

And today half a million of these children are participating in over 13,000 child development centers across the land.

But even this magnificent achievement will reach only half the children who need Head Start.

What will Head Start mean? I will note one small, practical example.

The pediatricians tell us that about 75,000 of these half-million children will need glasses. In the normal course of events, perhaps 4,000 or 5,000 would have realized the need or been able to obtain the help. But now, 75,000 children will be given a simple tool which will help them learn and which will help them save their eyes.

And how about the hot meals to be served, and the work with the parents, and the first visits to the zoo, and the first exposure to books and crayons?

Almost 3,000 separate Head Start grants have been requested and granted. The great majority of all cities represented at this meeting have Head Start this summer.

But will Head Start turn out to be a false start?

It will be—if our cities fail to follow through on this summer's work, if health deficiencies are not corrected, if parents of the children are not involved, if plans for year-round Head Start are not developed now.

The leadership, the volunteers, the staff, and the community support mobilized for Head Start must be mobilized to keep the effort going. For, it will do the Head Start child very little good if he must return to the same housing, to the same unemployed, illiterate parent, to the same neglected school system.

Poverty will not be defeated by the poverty program alone.

It will require better education programs, better housing programs, better health programs, the programs with which you work every hour of the day.

That is why the poverty program must be linked closely with the other programs—locally as well as nationally. And that's why city government must play a key role in community action programs.

There have been some problems in this connection.

But the fact is that we are happy in Washington that our Nation's mayors have, by and large, helped lead development of local poverty programs.

No sooner was the economic opportunity program enacted than many of you started mobilizing your cities for it.

I have had numerous discussions with the mayors of America and with officials of the poverty program. And I can now tell you that your important role is assured—as it should be.

No two cities of America are identical. And no two community action agencies can be identical. There has been, and there will continue to be, flexibility in the administration of community action. But we lay primary emphasis in the whole poverty program on community action.

The great bulk of all community action funds will be routed through community action agencies.

And in the future this will be even more so—as communities get organized and learn to take advantage of the priorities in the law extended to such agencies.

This is as it should be, because that will make more likely a coordinated, well-aimed attack on poverty.

This process has already started.

It has started in hundreds of communities that have already been funded under the community action program.

It has started in Washington with the launching of important related programs to provide health, education, housing, and human equality. Each of these new programs provides our cities with new tools and new resources.

In Washington, we are insisting upon coordination and cooperation among Federal agencies. In your own cities, you can seek the same kind of cooperation—including the blending of public and private efforts.

Next year, Congress willing, the budget for the Economic Opportunity Act will be doubled. That act is important.

It has already reached millions of Americans.

Let me give you a quick rundown on what's been happening in the short 9 months since Congress provided the funds:

Community action: More than 800 separate grants have been made to nearly 750 cities and counties in all 50 States.

Job Corps: Over 300,000 young men and women have already applied. The first 10,000 enrollees are now learning and working in 50 centers across the land. We expect 40,000 by the end of the year.

VISTA: About 1,200 are now on the job or in training. There will be 2,000 by end of the year working in 40 States. Over 20,000 have asked to serve.

Neighborhood Youth Corps: More than 300,000 youths will be working by the end of the year—but hundreds of thousands more will still be seeking jobs.

College work-study: 40,000 students from 750 colleges are working this summer.

Work-experience program: 88,000 unemployed parents are participating in projects in 42 States. But there are hundreds of thousands more who need this help.

Adult basic education: 37,000 persons are receiving literacy training in 45 States.

Aid to migrants: 40 grants to 20 States have been made. But the need is tremendous.

Rural loans: 11,000 loans have been made to rural families and some 70 to rural cooperatives. Much more must and will be done.

Small business loans: More than $1.5 million has been loaned to 150 very small businesses. Small business development centers have been opened in 17 cities.

But the Economic Opportunity Act—important as it is—is only the beginning of a greater challenge.

If we really believe in our past—and our future—we must dedicate ourselves to making each man, each woman, each child a full participant in American life. I mean a life not just of prosperity and security—but a life in which self-expression and self-fulfillment are within the reach of all.

I came to Washington 17 years ago as a freshman Senator. During that first year a scene took place in a Senate hearing room that symbolized just what we mean by the Great Society.

A woman from Tennessee, a garment worker, was testifying before seven U.S. Senators on behalf of raising the minimum wage to 75 cents an hour. At one point, this is what she said:

My youngest girl, she's 9 now, goes straight to the piano when we go to a house where they have one. She does want to play the piano so bad. I've thought that maybe I could save 50 cents or a dollar a week to buy a secondhand piano for her * * * but I haven't found a way to do it yet. Maybe I've been foolish to talk to you people about music for one of my children when the main question is getting enough to eat and wear, or blankets for the bed, or a chair to sit on. But down in Tennessee we love music, and factory workers don't live by bread alone any more than anyone else does."

Piano lessons for a little Tennessee girl—full, productive lives for our citizens and the places where they live—these, my friends, are what the war on poverty is all about, what the Great Society is all about. This is what we work for.

For the elderly, sick, and disabled—compassion and concern.

For the young—an equal start in life.

For all Americans—the opportunity to lift themselves not only to wealth and productivity, but to a life of satisfaction and fulfillment.

And now, in closing, let me speak frankly for a moment about some of the very concrete problems I know you face in meeting this challenge.

Your needs are increasing. Revenue is hard to find—despite the fact that local income taxes, sales taxes, and property taxes have increased rapidly in the past few years, while Federal taxes have actually gone down. Your major source of revenue—the property tax—has all but reached the saturation point.

It sometimes seems that things are closing in on you.

Good government requires adequate resources of money and trained personnel. Good government also demands dedication, integrity and modern governmental tools.

The question today is not whether the Federal Government is too big, but how it can best aid growing State and local government.

Some weeks ago I was presented with a request sponsored by your organization, by the National Association of Counties, and by the International City Managers Association.

The request pointed to the need for large-scale research projects to be brought to bear on problems of urban living—research of the kind we have utilized in the Federal Government in space and defense. This is a creative and important proposal. It will be implemented.

I also compliment your organization and in particular your president, Mayor Maier, for starting governmental activity on a proposal to create urban observatories across this country.

Our grant-in-aid programs, growing every year, must be backed up by such cooperative Federal and local research.

When we have serious problems that continue to grow and plague us, we must pool our efforts and create new knowledge. This is what we mean by research.

We can no longer treat urban problems with band-aids when major surgery is necessary.

A creative federalism can produce the desired results. The fruits of partnership between Washington and local government can be great.

Two weeks ago a conference was held at my direction by Housing Administrator Robert Weaver and key people throughout the administration.

They discussed feasibility of a program of large-scale research, centrally managed, to solve urban problems.

Your concept of urban observatories was discussed at this meeting. This constructive proposal and many others will be given priority attention by an intergovernmental committee which we are putting together and will announce shortly.

Of course, what is needed and will soon be a reality, is a Department of Urban Affairs in the National Government. The voice of urban America will be heard and respected in the President's Cabinet. Programs, projects, and research directed to the ever-changing and expanding needs of our cities will be emphasized and accelerated.

Our Federal system is not based on hostility and competition, but on cooperation and common goals.

We stand ready in Washington to offer that cooperation in search of those goals.

We have the opportunity today, as never before, to move ahead—to create a better America. There is a broad national consensus that we should dedicate ourselves to the work to be done.

Our economy is prosperous and expanding. We look forward to a trillion-dollar economy in 10 years' time.

We have the means, we have the energy, we have the will, we have the leadership to truly achieve a Great Society.

I said earlier that the building of a Great Society will depend on the building of great communities.

And these communities, in turn, must be built by great people—people of tolerance, compassion, and understanding; people of education and good health; people seeking and using opportunity; people of hope and confidence; people who have faith in themselves, their country, and the future.

These are the American people. United we join in the task of fulfilling our dream still unfulfilled.

President Johnson has made his commitment to this task. I join him in that commitment. We ask your help.

INCREASE IN CRIME SHOWS NEED FOR LAW COMPENSATING INNOCENT VICTIMS OF CRIMES

Mr. YARBOROUGH. Mr. President, in yesterday's Washington Post there is an article concerning the unfortunate rise in the crime rate in this country. The FBI reports that during the last year the number of major crimes committed in the United States increased by 13 percent over the previous year's figure. This increase was much greater than the Nation's increase in population. Since 1958, the crime rate in the United States has increased six times faster than our rate of population growth. While during the last year the crime rate in the Nation increased 13 percent, the crime rate in the District of Columbia increased 26 percent.

Particularly disturbing is the increase in the number of crimes of violence. In fact, crimes of violence have shown the greatest increases of all categories of crime during these years. And yet nowhere, except in the great State of California, has any provision been made for the innocent victims of violent crimes. Within all other jurisdictions in this country, it is injured and beaten victims that must bear the financial loss suffered through loss of work and costly medical and hospital bills. I think that it is time that the Federal Government followed the lead of California. The incidence of violent crimes is too high in the District of Columbia for us to do otherwise.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD this article from the July 27, 1965, edition of the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAJOR OFFENSES IN UNITED STATES INCREASE 13 PERCENT DURING 1964

(By Willard Clopton)

Crime surged up again last year across the country and in the Washington area, the FBI reported yesterday.

The number of serious crimes committed in the United States during 1964 was 13 percent greater than that of the year before, according to the Bureau's annual uniform crime report.

Since 1958, it said, the crime rate has gone up six times faster than the rate of population growth.

HIGHLIGHTS OF REPORT

The 186-page FBI document contained these highlights:

Crime increased 17 percent in the suburbs, compared with 9 percent in big cities and 8 percent in rural areas.

Juveniles were involved in more than a third of all crimes solved by police.

One out of every 10 policemen was attacked during the year and 57 were murdered.

Crimes of violence showed their greatest increase in years.

Among crimes listed as serious for statistical purposes, forcible rape had the biggest upsurge, rising 21 percent over the 1963 figure.

Murder was up 8 percent, robberies 12 percent, burglary 12 percent, aggravated assault 17 percent, auto theft 16 percent and larceny involving $50 or more, 13 percent.

The Washington area had 27 percent more crime than in 1963 but ranked below other major population centers in separate offenses, the figures show.

HOW WASHINGTON RANKED

A table on page 18569 compares crime rates in the Nation's 12 largest metropolitan areas and shows that Washington and its suburbs ranked fourth in total offenses, second in murders, third in aggravated assaults, fourth in robbery and burgularly, fifth in auto theft and seventh in forcible rape and larceny.

Los Angeles, San Francisco, and Chicago, in that order, had greater overall crime rates than Washington, as did 17 smaller metropolitan areas including Las Vegas, Miami, Houston, Savannah, Phoenix, Flint, Mich., and Lexington, Ky.

The report does not give the crime rates for the District of Columbia itself or for other cities exclusive of their suburbs.

The report showed an increase of about 17 percent in Maryland's crime rate and 20 percent in Virginia's.

More than 2.6 million crimes were committed in the United States last year, the report says.

The Nation averaged a murder an hour, a rape every 26 minutes, an assault every 3 minutes, a robbery every 5 minutes, a burglary every 28 seconds, a grand larceny every 45 seconds and an auto theft each minute.

Geographically, the South led other regions with an increase in serious crime of 18 percent.

Next were the Northeast with 14 percent, the West with 13 percent and the North Central States with 12 percent.

The ratio of police to population remained the same as in 1963—1.9 officers for every 1,000 citizens.

Police solved 24 percent of the serious crimes by arrests, a drop of 2 percent from the year before. However, 90 percent of the murders and 67 percent of the rapes were cleared by arrest.

FBI Chief J. Edgar Hoover noted that 225 police officers were slain by criminals from 1960 to 1964, and that firearms, mostly handguns, were used in 96 percent of these murders.

During 1964, he added, there were 5,090 willful killings in which guns were used and 63,700 armed robberies, most of which involved guns.

Hoover also suggested that the total criminal population may be substantially smaller than the crime count would indicate, since a relatively small group of repeaters are responsible for a great number of individual offenses.

He reported on the FBI's study, during 1963 and 1964, of the criminal records of nearly 93,000 offenders, of whom more than three-fourths had been arrested at least twice.

The following table shows the rate of serious crime per 100,000 of population in the Nation's 12 largest metropolitan areas during 1964:

	Population	Murder	Rape	Robbery	Aggravated assault	Burglary	Theft	Auto theft	Total offenses
New York	11,362,000	6.1	10.1	76.1	139.9	540.1	725.6	348.9	1,846.7
Los Angeles	6,682,000	4.8	29.1	171.2	230.7	1,400.8	838.7	587.7	3,263.0
Chicago	6,531,000	7.2	21.1	273.9	202.6	658.9	513.5	582.3	2,259.5
Philadelphia	4,565,000	5.4	14.1	75.2	121.5	515.7	224.5	235.7	1,192.2
Detroit	3,891,000	5.0	20.5	152.5	143.3	757.0	461.8	387.1	1,927.0
Boston	3,213,000	2.6	6.0	41.3	42.2	530.2	321.4	578.8	1,522.4
San Francisco	2,935,000	4.3	13.1	116.9	117.1	1,057.9	506.0	502.0	2,317.3
Pittsburgh	2,359,000	2.8	8.7	57.4	41.2	440.5	232.1	319.0	1,101.6
Washington	2,300,000	8.4	11.6	129.0	188.8	870.3	451.0	413.5	2,072.6
St. Louis	2,208,000	7.2	14.8	121.6	125.5	942.6	332.5	373.0	1,917.3
Cleveland	1,997,000	6.4	6.6	92.7	67.0	601.6	136.5	271.7	1,182.5
Baltimore	1,858,000	9.0	11.6	84.1	161.2	492.5	516.5	314.9	1,589.8

PRESIDENT JOHNSON'S NEWS CONFERENCE EMPHASIZES THE NEED FOR THE COLD WAR GI BILL

Mr. YARBOROUGH. Mr. President, the notice of increased military commitment of this Nation in the Vietnam crisis, and the President's order for increasing the monthly draft quotas substantially, emphasizes the continuing and deepening need for the enactment of the cold war GI bill.

As more of our young men are called upon to serve in uniform, the inequities and the injustices that prevail upon the cold war veterans of the United States are proportionately increased. As more men are activated, more lives are interrupted, more educations are halted, and more careers damaged by time in the military service.

As long as these demands continue to rise, and as long as the burden largely falls on those young men who are not able to afford education, the need for the cold war GI bill will forever continue to mount.

I hope that today's action will serve as a rallying cry to gather the forces of justice behind this bill and carry it through all the legislative entanglements to final enactment and to the White House for signature.

INCREASE IN CRIME IN THE DISTRICT OF COLUMBIA

Mr. PELL. Mr. President, last week, a long-time and very good friend of mine was walking her dogs in Montrose Park, where she was raped by three assailants between 8:45 and 10:15 in the morning.

I rise not only to express my horror and shock at this occurrence, but also to deplore the unequal and losing contest between the forces of law and the forces of crime in our Nation's Capital.

The index of District crime in the past 12 months has risen 28 percent. As a result, every section of our police force is overstrained, including men and material. Some 200,000 hours of uncompensated, voluntary time was contributed by our police in this past year alone. Nevertheless, there is an immense shortage of police officers, vehicles, and resources. The police are finding themselves virtually engulfed by the flood of crime. Translated into my friend's experience, this meant an unintentional detention in the police precinct of 2 hours, part of which was spent in answering questions and part in waiting for the arrival of a second victim of a similar crime.

This second victim was being interviewed in her apartment, where she had been raped some hours earlier. Turn and turn about, the second "rapee" then had to wait while the scene of my friend's assault in Montrose Park was revisited. Both victims were Georgetown residents. The dictates of the District's economy were such that both ladies had to travel together in the same vehicle to the District of Columbia General Hospital, where they were to undergo an examination in order to determine the virulence of the assault. This examination was necessary because the findings of these examinations are used as evidence in the case of criminal proceedings.

Although my friend had reached the precinct police station at 10:25 a.m., it was only at 1:15 p.m. that both victims reached District of Columbia General Hospital. And, then it was not until 2:55 p.m. that my friend was on the examining table. By 5 minutes past 3, the smears had been taken and the forms of the report had been filled in. The detectives on the case were preparing to take the two victims to the Central Police Bureau, C and Third Streets NW., for full depositions, which they told my friend normally took up to 2 hours.

Though almost 5 hours had passed since my friend first fled the scene of her rape, no attention had yet been paid to her own state of being or bringing her into contact with her own doctor. Moreover, my friend had asked, following the hospital examination, to have a basic prophylaxis, a cleansing, which she was told was impossible, there being no facilities for such in the Outpatients' Department of the District of Columbia General Hospital.

I believe that this kind of treatment or absence of treatment could be construed as inhuman negligence on the part of our District police and medical authorities, particularly as abortions can be performed only under exceptional conditions in the District of Columbia, except for the fact that these authorities are so overworked. Yet, neither negligence nor strain can be further tolerated.

I was gratified to see in today's papers that my friend's complaint about the treatment of rape cases had led the District of Columbia General Hospital to change its procedures somewhat. The medical-legal lab tests will now be followed by a cleansing with a germicidal solution and a blood test providing a syphilis check.

This is a step in the right direction, but in my opinion is only a beginning on the part of hospital and police authorities.

My friend finally reached her private physician seven hours after being raped and only after refusing to return to police headquarters for additional questioning. Our hospitals and police authorities must recognize that proper treatment of rape involves much more than physical care—the deep mental and emotional shock, anguish and fear are equally important and must receive medical and psychological attention as well. I would hope that the authorities would conduct a full review of their procedures in this respect and make an even further effort to humanize them.

But there is still an immense need for more support of our crime enforcement authorities, more police, and more resources.

I am sadly reminded that only a few months ago, another old friend was taking a walk along the canal and was murdered. These crimes occurred in daylight. These crimes have occurred in the past and continue to occur all the time.

Speaking not just as a U.S. Senator but as a resident of the District because of my job, and also as a husband and father, I submit that the lawlessness in our area has gone too far. I know that now, in the part of Washington where I live, it is not safe for my family to walk our dogs in the morning in a neighboring park.

What does it take to secure action from the District of Columbia authorities? How long do we continue to tolerate and to take half measures? Do we rise up in anger only when our own wives or daughters or friends are involved, or when we ourselves are struck down or yoked? Washington may not be any worse and perhaps may be even better than other cities, according to statistics. All I know and believe is that the situation is utterly out of hand, and it is time we acknowledged it and did something about it.

I would hope that the whole question of the handling of victims of rape would be even more thoroughly reviewed by the Board of Commissioners.

Finally, I would hope that the President's war on crime might start and be waged wtih particular vigor right here in our Capital City.

I am sending copies of this statement to each member of the Senate and House District of Columbia Committees, and to each of the District Commissioners, together with a discerning article portraying these horrible events.

I ask unanimous consent to have the article which was published in the Washington Post of Sunday, July 25, 1965, printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VICTIM OF RAPE SAYS MEDICAL SEARCH FOR EVIDENCE COLDLY IGNORES PATIENT

(By Jean M. White)

A woman raped repeatedly in a Georgetown park area last week has assailed medical procedures that she feels coldly ignore the victim while collecting legal evidence.

"There was the examination for the Government to fill out forms. And that was that. They should at least offer the victim the decency of an opportunity for washing and cleansing," she says.

The wife of a State Department official, obviously a woman of strong fiber, has reached the point where she now speaks with righteous indignation beyond her own personal experience.

"I did finally get to my private physician," she explains. "But what about the impoverished patient? Does she have to go back to the outpatient line and wait six or eight hours for attention? What about the humiliated, upset girl who is afraid of pregnancy?"

Police and a spokesman for District of Columbia General Hospital emphasize that one of the first steps in a rape case must be the collection of "fresh, conclusive evidence" that the crime has been committed. This involves a semen smear from the victim to detect the presence of sperm.

The Georgetown wife, who went back to the rape scene with police, agrees. But she emphasizes that the routine examination took only 10 minutes and she feels there comes a time when some thought should be given to the victim.

She tells what happened to her:

"When I asked for a simple thing like a douche, I was told that there were no facilities at District of Columbia General for this. They did not even have the decency to offer me a sponge or tissue for cleansing.

"Once the smear is taken, it seems to me that any rape or sex victim should have access to a prophylactic procedure because she is worried about disease and infection. I still had twigs on my hair and body when I reached my private physician."

PASSED YOUTHS ON LANE

The victim saw her own private doctor about 7 hours after she was raped. She insisted on making an appointment with him rather than going to central police headquarters for further statement taking.

Her harrowing day began a little after 8:30 a.m. Thursday. She was walking her two dogs on the edge of Montrose Park when she passed two youths on the lane. She heard a whistle behind her. Then she was being yoked, and two other youths appeared.

She was wrestled and half-carried up a steep bank, where three of the four assaulted her while the fourth held the dogs and served as a lookout.

Finally left by the rapists, she called her dogs and made her way to Massachusetts Avenue and went by taxi to the seventh police precinct. She arrived there at 10:25 a.m.; Park Police were called in, and she was taken to District General Hospital, where the laboratory exam was made about 3 p.m. She finally reached her private physician's office close to 5 p.m.

HOSPITAL FUNCTION EXPLAINED

Dr. Gustava Nava, medical officer in charge of the emergency services at District General, said that the hospital's function is to examine the patient for "medical-legal evidence" and not to treat her.

"We're not supposed to volunteer prophylactic treatment for disease or pregnancy," he said. "Our part is the determination of rape. Upon request from the patient, we would answer questions. In 2½ years here, I still have to see a request."

But would a distraught, humiliated victim of rape have enough presence of mind to ask for help? asks the State Department official's wife.

Dr. Nava said the practice at District General is to take a semen smear and a smear to determine whether there has been any gonorrhea contamination. Factors of the victim's menstrual cycle and fertile period are considered in gathering the medical-legal information, he said.

PRIVATE DOCTORS GIVE VIEWS

Advice might be given on request, he said, but "they are not brought to us for treatment."

One private physician, asked to comment on post-rape treatment, said he probably would recommend a D and C (dilation and curettage, which involves scraping of the womb) if there was any danger of possible pregnancy. This could come in a week or so, he said, after infection has been ruled out. It is a minor surgical procedure.

He said he also would take a smear to detect gonorrhea and, if positive then would order penicillin treatment. There would also be blood tests to establish a "base line" for later syphilis tests.

Another gynecologist indicated that he would not automatically recommend a D and C. If a rape-induced pregnancy occurred, he said, then a therapeutic abortion could be performed under Washington law as necessary for the mental health of the patient.

Both agree that douching would have only negligible effect on the prevention of venereal disease.

"But you must also remember the victim's mental state," the first physician noted. "She certainly wants it performed as soon as possible."

The wife of the State Department official agrees with this as "something elemental, humane" in treating rape victims. Her own doctor, she said, was appalled that no provision had been made to do this.

When the park victim arrived at seventh precinct headquarters on Thursday morning about 10:30, she was joined by a 30-year-old unmarried woman who had been raped the night before in her second-story Georgetown apartment.

FEARED TO CALL POLICE

A Central Intelligence Agency employee, the younger woman had feared to call police after the rape. The next morning she went to work and told a CIA personnel officer, who called police.

The two rape victims waited together at the police precinct where they were treated more like "cold statistics than human beings," the older woman said. She heard such phrases as "we got another one like this."

But she emphasized her quarrel is not so much with police procedure as with the medical procedure at District of Columbia General.

Police say they first try to collect on-the-spot evidence and get information for a lookout on the offenders. Then the rape victim is taken to District of Columbia General for the lab tests for evidence.

If a victim asks to see her private physician or to go to a private hospital, a police spokesman said, she is allowed to do this. But police prefer to take the victim to the municipal hospital, where the doctors and nurses know the need for witnesses and careful recording of information for later police evidence.

If the victim is then not too upset, she is taken back to police headquarters to make a statement.

"I agree that they must collect the evidence first," the wife of the State Department official said. "I willingly helped. But there comes a time for some consideration of the victim. I was not offered even the most primary services.

"I had been yoked and my neck hurt. I asked about this and was told a salt-water gargle would help. But no one offered me any."

One of the private physicians observed that procedures vary on the handling of rape cases in different city hospitals. First, he emphasized, is the need to collect evidence. Then, he said, the usual procedure is to refer the patient to her private physician.

"Often emergency rooms do not like to give treatment without the consent of the patient's private physician," he said.

If the victim does not have her own doctor, he added, some recommendations for treatment should be made at that time.

Mr. MORSE. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I yield.

Mr. MORSE. I am glad that the Senator from Rhode Island has made this statement.

The Senator from New York [Mr. KENNEDY] came to me this morning concerning both the existing situation, and the comments which the Senator from Rhode Island intended to make this afternoon.

The Senator from New York is a member of my subcommittee on the District of Columbia, which has jurisdiction over law enforcement, the police, the welfare agencies, and, including, of course, the health programs in the District of Columbia.

I wish the Senator from Rhode Island to know that we plan to have a meeting of the subcommittee as soon as possible next week, the scheduling of the meeting being such that it probably will not meet until Thursday; but, in the meantime, the staff of the committee will apprise the District Commissioners, the Chief of Police, and the health authorities of our interest in the problem, and will see to it that they receive copies of the CONGRESSIONAL RECORD containing the Senator's speech. At the committee meeting next week, we shall ask them to come in and discuss with us the many facets of the problem.

I shall reserve final judgment until I have heard the responsible officials of the District of Columbia government who have jurisdiction over this general problem.

However, I have no hesitancy in saying at this time that I am at a loss to understand the time schedule that has been outlined by the Senator from Rhode Island in the handling of these two rape cases. I am at a loss to understand why it would be 5 hours before the individual concerned was given the health attention that I think she should have received almost immediately, taking into consideration the short period of time it would take to collect the necessary medical evidence in regard to her being raped.

To think that any woman should have to wait for more than 5 hours before her health needs were taken care of is astonishing. I believe that is the proper word for me to use at this time, although it does not express my inner feelings.

I am also at a loss to understand the procedure which is apparently being followed in such cases. In this instance, a highly intelligent woman obviously was cooperative with the police and the health authorities.

Let us not forget that in many instances people can suffer great psychological harm from an experience such as this. It is important that they receive attention immediately in regard to their health needs and their psychological needs, in order to prevent irreparable permanent damage being done to them healthwise and psychologically.

I shall have a good many questions to ask our authorities in the District of Columbia in regard to the procedures that followed in this case.

Mr. PELL. I thank my friend from Oregon. I spoke to this woman today, and she took pains to emphasize her lack of hostility or lack of esteem for the police. She felt they were being overwhelmed by a mass of crime, by a mass of rapes, by a mass of violence, and were doing the very best they could, but that they were being engulfed.

One reason for her delay in receiving attention was that in the precinct involved there was only one vehicle available with which to take both victims to the hospital, and that they had to wait in order to go together and to stop by the place where the crime had taken place. The woman emphasized, knowing that I felt strongly on this subject, that she had no feeling that the police were not doing their best. There was just too much for their present facilities and manpower level.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. KENNEDY of New York. I join the chairman in commending the Senator from Rhode Island for making his statement.

It should be remembered that not all persons who are victims of this kind of attack or other kinds of crime have a friend in the U.S. Senate, and therefore these facts cannot be brought to the attention of Senators. As a result it is not possible to have the kind of action that really is necessary in such instances in the District of Columbia, if anything is to be done about this problem.

With the distinguished Senator from Oregon [Mr. MORSE] I have sat through hearings. We have been distressed to hear of the mounting crime rate. Everyone is concerned about it. Speeches are made about the mounting crime rate in the District of Columbia. But really very little is done about it. During our hearings we urged that the District of Columbia come forward with a comprehensive plan to deal with crime; with a short-range program to deal with the immediate problem, and a long-term program, extending over, possibly, the next 10 years or so, to deal with the problem in detail.

It all comes down to the fact that we do have a responsibility in the Senate and in the House, and that we have not completely fulfilled our obligation in that regard. At the hearings this has been used as an excuse by those who have positions of responsibility within the District of Columbia. They can always come forward and state that the reason they have not done something about the problem is that Congress will not support them. They can always say: We cannot get any attention from the House of Representatives or the Senate, or the executive branch of the Government, and therefore we have not been able to do anything.

While serving as Attorney General and since coming to the Senate, I have seen many things that could be done in the District of Columbia in connection with crime and welfare and social services, things which have not been done through lack of interest, incompetence, laziness, or lack of attention to the problem.

It is always easy, therefore, for them to say: We would do more. We would do more for education and for welfare and in connection with crime, but it is the fault of Congress. A great deal of the blame lies with Congress.

It has been my experience, particularly in the field of education and crime, that the public officials who are charged with responsibility in the District have not met that responsibility. They have either been incompetent or lazy or careless. Many of the public officials in the District are dedicated to the work they are doing and are performing their work with great competence. That cannot be said of others.

They cannot be recalled, because there is no home rule in the District of Columbia. I hope that that law will go into effect, so that the people themselves will be able to make the decision. We are not trying to do it on the floor of the Senate.

I congratulate the Senator from Rhode Island for focusing attention on this subject. Otherwise, it would have been a story for a day and then passed out of the picture without anything having been done about it.

I congratulate the Senator from Oregon for what he has done. As I said to the Senator from Nevada, those of us with less seniority and less service on the committee, cannot help but be impressed by the attention and effort of the Senator from Nevada and the Senator from Oregon who, hour after hour and day after day, without any attention, are trying to do something about the problems of the District. For those of us who are new to the Senate and to service on the committee to see that kind of dedication is the most impressive thing that I have seen so far.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. MORSE. I appreciate the kind words of the Senator from New York. No one in my experience, in serving on the subcommittee, has done a more effective job of cross-examining witnesses than has the Senator from New York, the former Attorney General of the United States. I believe that the record the Senator from New York made during the hearings in connection with crime in the District of Columbia will have more to do with our making a record of accomplishment this year than anything that has transpired in my subcommittee for a good many years.

What he has said is quite true. But we have the responsibility in Congress to come forward in support of any plan that is submitted to us which is borne out by the evidence. The Senator from New York is calling for the evidence and for the plan. I shall continue to support him in his drive for a cleanup of the situation in the District of Columbia.

Mr. PELL. I thank the Senator from Oregon and the Senator from New York for their remarks. I am delighted to hear the Senator from Oregon say that he is calling a meeting of his subcommittee next week. I trust that out of these hearings there may come a plan or pattern or procedure that will prevent, if not a recurrence of these crimes, at least a recurrence of the kind of treatment that victims of these crimes have been receiving.

I am glad that District of Columbia General has changed their procedures somewhat, but believe that there remains much room for further improvement.

PRESIDENT JOHNSON'S STATEMENT ON VIETNAM

Mr. GORE. Mr. President, President Johnson, in his remarks today, reaffirmed and indicated the continuation of essentially the same policy that has not thus far worked well in any respect. The policy pursued in Vietnam since 1954 has been a succession of mistakes, each of which has compounded the adverse consequences of its predecessors.

Upon his return from his most recent visit to Vietnam, the Secretary of Defense was quoted as saying that the situation there had deteriorated since his last visit approximately a year ago.

In fact, Mr. President, the situation in Vietnam is worse than it was 10 years ago; it is worse than it was 1 year ago, or 1 month ago. And it is worse today than it was 1 week ago.

In 1954, at the time of Dienbienphu, there were those who thought that the United States should have taken a direct and massive hand on behalf of the French in an effort to stave off the military and political defeat of France in Indochina. I was not among them. Nor was President Johnson.

It was my view, then, that such action would have been regarded as U.S. intervention in behalf of, and to preserve, the French colonialist policy of exploitation against which the people of southeast Asia were rebelling.

That would have been the effect of our intervention at that time.

Moreover, it seemed to me that our intervention with military action at that time would not be likely to change the result.

After 7 years of war with hundreds of thousands of French troops and massive U.S. economic and financial and logistic support, our allies, the French, suffered a costly defeat.

They learned that massive military operations conducted thousands of miles from their logistic base in the jungles and rice paddies of southeast Asia are not the answer to a problem that is to a large degree political, ideological, cultural, economic, religious, and racial in nature.

We now find ourselves involved in a war that defies analysis in traditional military terms; in a war that makes little sense as it is being waged; in a war that we have scant hope of winning except at a cost which far outweighs the fruits of victory; in a war fought on a battlefield suitable to the enemy, in a place and under conditions that no military man in his right mind would choose; in a war which threatens to escalate into a major power confrontation and which could escalate into nuclear holocaust.

I state this as a candid appraisal, with no intention to reflect upon those who have had the unhappy task of devising or implementing policy.

I fully sympathize with the President. My lack of complete accord with his policy and action does not lessen that sympathy.

What has been done is done. We must now face the situation as it is rather than as we might wish it to be. A proper appraisal of the current situation requires a review of the major events over the past 11 years, during which time the nature and scope of our commitments to Vietnam have been developed. Later I shall undertake such a review.

For now, I wish to say that despite my bleak appraisal of the present situation, I took some heart and found some encouragement in President Johnson's statement today for the following reasons:

First, the President has apparently resisted the far greater degree of escalation that has been urged upon him.

Second, the President stopped short of accepting, or treating this as a American war. He showed an awareness of the fact that our policy has been, and, I am glad to say, still is, and I think should be, to assist the Vietnamese to win their own war. I believe the President showed a keen awareness of the danger of permitting the struggle to become an American war, a white man's war against Asia.

Third, by his increased emphasis upon the United Nations through his letter delivered today by Ambassador Goldberg to Mr. U Thant, the President demonstrated, it seemed to me, an awareness of the danger of isolating the United States in a land war in Asia and the danger of unifying the Communist world into monolithic unity by the landing of a major American expeditionary force in Asia.

Should this happen it might well be that we would not be permitted the luxury of concentrating most of our forces in Vietnam.

Indeed, on the floor earlier today the distinguished junior Senator from Ohio [Mr. Young] urged the transfer of troops from western Europe.

I am sure, in his careful review during the past several days, the President has carefully contemplated the danger of permitting the United States to be bogged down in an endless war in Asia, thus leaving the Soviets free to work their machinations in Latin America, in the Mediterranean basin, in Europe, and perhaps elsewhere.

Assuming that no dramatic decisions have been reached which were not revealed to the American people today, I found encouragement and took heart at the President's statement.

I believe it indicates that he is approaching a most careful and pragmatic appraisal of the extremely dangerous situation which we face.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6, 1965, as "National American Legion Baseball Week."

Mr. PROXMIRE. Mr. President, I know the hour is late. Earlier today, in the course of discussion between the Senator from New Jersey [Mr. Case], and the Senator from California [Mr. Kuchel], the issue of civil rights was raised. The Senator from California said that in his opinion the Dirksen amendment did not involve a civil rights situation.

One of the finest statements made in this connection was made recently by Mr. Burke Marshall, who is extremely competent in this area. He was a top adviser to President Kennedy on civil rights.

He appeared before the subcommittee in opposition to this constitutional amendment a few weeks ago. I would like to read one paragraph from his statement:

> These are some of the specific problems which are clearly discernible in the proposed amendments. But in conclusion, I would like to point out that the question goes far beyond mere technical underrepresentation of this one segment of the population. The question is whether or not the States will have political systems capable of action to meet the most urgent problems of our society, of which the most pressing and most difficult is that of low income Negroes and other nonwhites living in the blighted and congested parts of the urban centers. However the language of these proposed amendments is changed, they plainly contemplate the possibility of a malapportioned house in every State legislature which will at the very least have veto power over welfare, economic, educational, and civil rights measures aimed at remedying urban problems, and particularly the condition of the urban Negro. And if our experience in past years means anything, it is unrealistic to expect responsiveness to these needs by a legislative body whose members owe little or no political allegiance to the people in need of help.

In the course of the debate I asked the Senator from California about the situation in California and pointed out there was a heavy concentration of Negroes in every State who were terribly unrepresented. I notice in the statistics which Burke Marshall put in the record that 92 percent of the nonwhites in California live in cities. And it is an established fact that big city residents in California have a very feeble voice in the State legislature, in some cases less than 1 percent of the representation rural people have. What can this mean except that the Dirksen amendment is a civil rights issue because its passage would surely reduce the value of Negro votes in California as well as Mississippi.

In New York, 95 percent of the nonwhites live in urban areas; in Illinois, 97.5 percent live in the cities. It is obvious that if there is to be geographic representation in which small towns and rural areas are overrepresented, the minority groups may be very badly underrepresented, and their cause will not receive fair, just consideration.

I might also say that Mr. Marshall answered one other issue raised by the extremely able Senator from Nebraska [Mr. Hruska], who I think has done an excellent job for his side of the question throughout the hearings. He said:

> I would say that basically it is unwise and undesirable to give the majority of the people the choice of whether or not they can deprive the minority of the people of some right, of a basic right to vote, and have an equal voice in their government.

This, of course, was the essence of the dispute between the Senator from New Jersey [Mr. Case] and the Senator from Nebraska [Mr. Hruska] earlier today.

Mr. President, I ask unanimous consent to have printed at this point in the Record the testimony of Mr. Marshall, appearing on pages 852 through 865 of the hearings.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

STATEMENT OF BURKE MARSHALL

I appreciate the opportunity to testify in opposition to the proposals to amend the Constitution to permit the States to abandon the principle of equality in selecting the members of one house of their legislatures. I shall try to be as brief as possible in stating my reasons.

I am an attorney presently engaged in the private practice of law. From February 1961 until January of this year, however, I was Assistant Attorney General in charge of the Civil Rights Division in the Department of Justice. The briefs filed expressing the views of the United States in the reapportionment cases originated in that Division and accordingly the position taken by the United States, supporting the constitutional views later adopted by the Supreme Court, was initially my responsibility. In addition, the major efforts of the Division during the past 4 years have been directed at insuring the Negro citizens of some of the States that they would be given the right freely to register and vote and accordingly to have a proportional voice in their State and local governments. I believe that the proposed amendments to the Constitution which are before this committee would seriously undercut those efforts, and it is to that aspect of this matter that I would like primarily to direct the committee's attention.

It seems to me that the proposed amendments carry a very heavy burden from the outset because they are the first serious proposals that I know of to amend the Constitution to eliminate, rather than to enhance, rights that are protected against State action by the Constitution, particularly the 14th and 15th amendments, and are in that sense guaranteed by the Constitution to the people.

Only the most compelling reasons could justify this kind of dilution of the right to equal protection of the laws which is now a right of all our citizens. What has happened since the decisions of the Supreme Court in *Baker* v. *Carr*, *Reynolds* v. *Sims*, and the other reapportionment cases, certainly does not furnish any such reasons. Those decisions have not created any constitutional crisis. Rather they have provided a stimulus for long-overdue corrective action by the States that at least moves in the direction of making their legislative bodies working institutions of government, capable of dealing with the problems of this century and the urbanization of our society.

All of the available history rather argues against any tampering with the Constitution in this respect. For the fact is that, until the Federal courts finally intervened following *Baker* v. *Carr*, to protect the right to equality in voting which is guaranteed by the 14th amendment, a crisis in our Federal system was brewed by a failure on the part of the States to meet their responsibility in dealing with our society as its exists in fact, not in fancy. Those who are concerned about increased Federal activity in seeking solutions for the immense difficulties the cities face in education, health, welfare, housing, and poverty should recognize that it has been the apparent inability of the States effectively to act that breeds the Federal programs now in process. We have seen this happen most clearly in the field of voting, where the abuse of State police power and the refusal in some States to correct discrimination against Negroes in registration and voting has inexorably led to Federal legislation, and the exercise of Federal power, in 1957, 1960, 1964, and now in the proposed Voting Rights Act of 1965. In the case of urban problems, the absence of effective State action has been at least in part—I believe in large part—an inevitable result of 60 years of history in which a small minority of the population of some States could elect and control their legislative houses.

Amending the Constitution so as to permit this history to be repeated does not make any sense. It is dangerous in the long run for the continued viability of the States and the Federal system. In addition, it is specifically dangerous to the minority groups, particularly Negroes, who most drastically feel the impact of the urban problems which I have mentioned. In fact, the proposed amendments seem to me to endanger very seriously our entire effort to give these groups an effective political voice in asking their State for help.

In the first place, none of the proposed amendments explicitly bars racial considerations as a factor in determining the apportionment of representation in a State legislature. I assume that it is not the intention of the proponents of the amendments thus to dilute or eliminate the effect of the 15th amendment. Nevertheless, even if this is made clear, the choice as to method of apportioning under the amendment would necessarily be given in the first instance in some States to legislators who have been put in office by an electorate that has excluded large numbers of Negroes. This is certainly true now at least in Alabama, Mississippi, and Louisiana. Further, the effect of past discrimination in other States, whether or not Negroes can now get registered, has been to cause disproportionate underrepresentation of the Negro population.

Thus the initial decision itself in these States, whatever the amendments say, will be made with racial history in mind. And at least until the Voting Rights Act of 1965 has been passed and given a substantial period of time in which to work, the electorate in passing on the system of apportionment in any referendum would be an unrepresentative electorate. In my judgment, it would ignore reality to believe that race would not be a major factor, if not the controlling factor, in any referendum on the apportionment question in several of our States for a considerable time to come.

Further, some of the proposed amendments including that suggested by Senator Dirksen, fail to make any provision, and perhaps cannot effectively do so in any event, for reviewing decisions about apportionment that are made by the legislatures in power at the time that the amendment becomes ratified. Decisions that will affect, and intimately affect, the lives of future generations will thus be made by legislatures which are now malapportioned and in which Negroes are grossly underrepresented.

Finally, there are many ways in which racial considerations can enter into these decisions without violating a prohibition against discrimination.

Apportionment on any but a population basis, for example, has always discriminated against city dwellers, and this fact proportionally deprives Negroes of a political voice more than any other identifiable group. In 1960, over 72 percent of Negro Americans lived in urban areas. There is every indication that this percentage is increasing, and increasing rapidly. In Alabama, for example, the percentage of nonwhites living in urban areas went up 23 percent between 1950 and 1960, while those living in rural areas went down almost 20 percent. In Mississippi, the comparable figures were 27.6-percent increase against 2.5 percent; in Louisiana, over 200 percent as against 8.6 percent. Of all the Southern States, only Florida showed any increase in the nonwhite population in rural areas, and that increase was slightly over 1 percent as against 71.3 percent in urban areas.

If it be assumed that the discrimination permitted by the proposed amendments may be based on other factors than giving rural voters a greater voice than urban voters, there are available many other ostensibly nonracial criteria which would result in depriving Negroes more than whites of a voice in their government. If property qualifications are used, for example, only three out of eight nonwhite households owned their own homes in 1960, as compared to five out of eight white households. These are national figures; the disparity would be much greater for the Southern States. In terms of education, in 1960 the median school years completed for whites was 10.9, while the comparable figure for nonwhites was 8.2 years. Of the whites in the country, 6.7 percent have had less than 5 years of elementary school, but this was true in 1960 of 23 percent of the nonwhites. Similar disparities can be found in any educational standard that is chosen. And they can be multiplied in terms of any economic, social, or even regional interests, not related to population, which might be used as a test of representation.

It is to be noted that the use of property, educational or other objective criteria for apportionment purposes cannot really be answered by tampering with the language of the proposed amendments so as to appear to be racial discrimination. At the least, efforts to preserve white political supremacy in some States would lead to endless litigation over the methods of apportionment chosen. The gerrymandering of Tuskegee, Ala., which was the object of the Court's opinion in *Gomillion* v. *Lightfoot*, is only the most blatant of racially motivated political action. More probably, however, whatever language was proposed could not in fact prevent the devising of some methods of apportionment which would in effect deprive the Negro minority of a real political voice.

Nor is this a matter which is in any sense cured by the requirement that the method of apportionment be submitted to the people by way of referendum. We have seen again, and again, in the States I have referred to, and in others, the lengths to which the majority of voters will go—even complicating very seriously the methods by which they become registered themselves—to find ways of keeping Negroes from gaining any political voice. It is for this reason that the Constitution thus far has prohibited the majority, even through democratic means, from depriving members of a minority group of their right to be treated fairly under the law. Further, as I have already pointed out, in several States the electorate that would in fact approve any apportionment system in the next few years will be an electorate which is already in imbalance because of existing or past racial discrimination in registering and voting.

These are some of the specific problems which are clearly discernible in the proposed amendments. But in conclusion, I would like to point out that the question goes far beyond mere technical underrepresentation of this one segment of the population. The question is whether or not the States will have political systems capable of action to meet the most urgent problems of our society, of which the most pressing and most difficult is that of low-income Negroes and other nonwhites living in the blighted and congested parts of the urban centers. However the language of these proposed amendments is changed, they plainly contemplate the possibility of a malapportioned house in every State legislature which will at the very least have veto power over welfare, economic, educational, and civil rights measures aimed at remedying urban problems, and particularly the condition of the urban Negro. And if our experience in past years means anything, it is unrealistic to expect responsiveness to these needs by a legislative body whose members owe little or no political allegiance to the people in need of help.

Senator Tydings. Thank you very much, Mr. Marshall, for a very enlightening and lucid statement.

Just for the record, would you describe, to the best of your recollection, the procedure used to gerrymander Tuskegee, Ala., and the reasons for it?

Mr. Marshall. It was done by the State legislature, Senator. It was done because there was a Negro majority of voters in the county, Macon County, Ala. And in order to deprive that Negro majority of voters of the ability to exercise any political voice in the county as a whole, they drew a line around the town, Tuskegee, in which most of the Negroes lived, and attempted to make it a separate political unit. That was the reason for it. The court struck it down, because of the racial motivation in what was done.

Senator Tydings. One other question.

You gave us a number of figures about the migration or the movement of nonwhite citizens from rural areas into urban areas in the South.

Does that same basic trend hold true in the northern cities?

Mr. Marshall. Yes, Senator. I do not have the statistics, but I could get the statistics for the committee. They are in the Census Bureau, and I will do that.

Senator Tydings. I would appreciate that very much.

(The subcommittee subsequently received the following information from Mr. Marshall:)

Covington & Burling,
Washington, D.C., May 20, 1965.

Hon. Birch Bayh,
Chairman, Subcommittee on Constitutional Amendments, Room 364, Old Senate Office Building, Washington, D.C.

Dear Senator: In response to an inquiry from Senator Tydings, I agreed at the hearing of your subcommittee last Friday to furnish for the committee some additional data on the relatively recent, dramatic movement of nonwhites into urban areas.

In my testimony I cited some statistics on this movement for the Southern States. Senator Tydings' question was whether the same trend had occurred in other parts of the country.

In response to this inquiry, I am enclosing reproductions of tables giving Bureau of Census data for 1950 and 1960. A comparison of the data will show the marked increase in urban nonwhite population, as contrasted with rural nonwhite population, in all areas.

For convenience, I have taken from the tables some illustrative figures, by region and by State, which appear on the enclosed exhibit. These show, for example, an increase of almost 1 million in urban nonwhite population in the Middle Atlantic States, as against an increase of slightly over 10,000 in the rural areas. In the east north-central region, the urban increase is over 1 million, again as against a rural increase of around 10,000. In all parts of the South, there has been a decrease in the rural nonwhite population, but a very large increase in the urban areas.

It seems to me that these more complete data confirm the fact that giving the States the power to weigh rural votes more heavily than urban votes in itself will prove to be another disadvantage added to the many substantial ones already inflicted upon our Negro citizens.

Sincerely,

BURKE MARSHALL.

EXHIBIT I.—*Urban and rural population—1950 and 1960*[1]

Region or State	Urban nonwhite		Rural nonwhite	
	1950	1960	1950	1960
Northeast:				
New England	138, 060	244, 001	15, 237	22, 977
Middle Atlantic	1, 808, 069	2, 760, 101	117, 936	128, 263
North Central:				
East North Central	1, 748, 201	2, 852, 537	107, 860	119, 215
West North Central	388, 470	543, 525	96, 847	101, 245
South:				
South Atlantic	2, 454, 894	3, 397, 677	2, 685, 732	2, 526, 559
East South Central	1, 155, 356	1, 428, 027	1, 551, 255	1, 283, 108
West South Central	1, 311, 512	1, 862, 228	1, 188, 810	998, 878
West:				
Mountain	73, 382	153, 127	155, 982	187, 639
Pacific	633, 307	1, 599, 195	124, 423	283, 131
Massachusetts	72, 015	114, 336	6, 996	11, 098
New York	925, 413	1, 450, 522	32, 684	44, 711
Illinois	640, 509	1, 045, 458	25, 609	25, 488
Indiana	167, 472	264, 514	8, 240	9, 430
Minnesota	16, 916	30, 442	11, 870	11, 819
Maryland	274, 185	398, 227	113, 841	138, 543
Colorado	23, 465	46, 003	4, 971	7, 244
California	574, 435	1, 153, 349	96, 615	108, 625

---

[1] Data taken from Bureau of Census figures. Figures used are for nonwhites only.

TABLE 60.—*Color and sex, by regions, divisions, and States, urban and rural, 1950*

Region, division, and State	Total							Urban						
	All classes			White		Nonwhite		All classes			White		Nonwhite	
	Total	Male	Female	Male	Female	Male	Female	Total	Male	Female	Male	Female	Male	Female
Continental United States	150, 697, 361	74, 833, 239	75, 864. 122	67, 129, 192	67, 812, 836	7, 704, 047	8, 051, 286	96, 467. 686	46, 891, 782	49, 575, 904	42, 249, 894	44, 506, 541	4, 641, 888	5, 069, 363
Regions:														
Northeast	39, 477, 986	19, 346, 869	20, 131, 117	18, 347, 611	19, 051, 073	999, 258	1, 080, 044	31, 373, 200	15, 210, 267	16, 161, 933	14, 285, 837	15, 141, 234	924, 234	1, 021, 699
North Central	44, 460, 752	22, 178, 677	22, 282, 085	21, 021, 626	21, 097, 758	1, 157, 051	1, 184, 327	28, 490, 932	13, 906, 635	14, 584, 297	12, 863, 283	13, 490, 978	1, 043, 352	1, 093, 319
South	47. 197, 088	23, 424, 519	23, 773, 569	18, 400, 377	18, 449, 152	5, 023, 142	5, 324, 417	22, 955, 762	11, 052, 892	11, 902, 870	8, 744, 965	9, 289, 035	2, 307, 927	2, 613, 835
West	19, 561, 525	9, 884, 174	9, 677, 351	9, 359, 578	9, 214, 853	524, 596	462, 498	13, 647, 792	6, 721, 988	6, 925, 804	6, 355, 809	6, 585, 294	366, 179	340, 510
Northeast:														
New England	9, 314, 453	4, 553, 770	4, 760, 683	4, 475, 977	4, 685, 179	77, 793	75, 504	7, 101, 511	3, 430, 186	3, 671, 325	3, 360, 946	3, 602, 505	69, 240	68, 820
Middle Atlantic	30. 163, 533	14, 793, 099	15, 370, 434	13, 871, 634	14, 365, 894	921, 465	1, 004, 540	24, 271, 689	11, 780, 081	12, 491, 608	10, 924, 891	11, 538, 729	855, 190	952, 879
North Central:														
East North Central	30, 399, 368	15, 145, 262	15, 254, 106	14, 227, 210	14, 316, 097	918, 052	938, 009	21, 185, 713	10, 385, 705	10, 800, 008	9, 530, 141	9, 907, 371	855, 564	892, 637
West North Central	14, 061, 394	7, 033, 415	7, 027, 979	6, 794, 416	6, 781, 661	288, 999	246, 318	7, 305, 219	3, 520, 930	3, 784, 289	3, 333, 142	3, 583, 607	187, 788	200, 682
South:														
South Atlantic	21, 182, 335	10, 496, 597	10, 685, 738	7, 993, 766	8, 047, 943	2, 502, 831	2, 637, 795	10, 391, 163	4, 988, 722	5, 402, 441	3, 835, 515	4, 100, 754	1, 153, 207	1, 301, 687
East South Central	11, 477, 181	5, 677, 525	5, 799, 656	4, 370, 610	4, 399, 960	1, 306, 915	1, 399, 696	4, 484, 771	2, 132, 258	2, 352, 513	1, 595, 780	1, 733, 635	536, 478	618, 878
West South Central	14, 537, 572	7, 249, 397	7, 288, 175	6, 036, 001	6, 001, 249	1, 213, 396	1, 286, 926	8, 078, 828	3, 931, 912	4, 147, 916	3, 313, 670	3, 454, 646	618, 242	693, 270
West:														
Mountain	5, 074, 998	2, 591, 918	2, 483, 080	2, 472, 330	2, 373, 304	119, 588	109, 776	2, 785, 888	1, 379, 146	1, 406, 742	1, 341, 190	1, 371, 316	37, 956	35, 426
Pacific	14, 486, 527	7, 292, 256	7, 194, 271	6, 887, 248	6, 841, 549	405, 008	352, 722	10, 861, 904	5, 342, 842	5, 519, 062	5, 014, 619	5, 213, 978	328, 223	305, 084
New England:														
Maine	913, 774	454, 145	459, 629	452, 503	458, 343	1, 642	1, 286	472, 000	227, 303	244, 697	226, 611	244, 191	692	506
New Hampshire	533, 242	262, 424	270, 818	261, 871	270, 404	553	414	306, 806	148, 735	158, 071	148, 358	157, 775	377	396
Vermont	377, 747	187, 754	189, 993	187, 457	189, 731	297	262	137, 612	65, 245	72, 367	65, 112	72, 251	133	116
Massachusetts	4, 690, 514	2, 270, 367	2, 420, 147	2, 230, 216	2, 381, 287	40, 151	38, 860	3, 959, 239	1, 902, 201	2, 057, 038	1, 866, 010	2, 021, 214	36, 191	35, 824
Rhode Island	791, 896	390, 383	401, 313	382, 818	394, 197	7, 765	7, 116	667, 212	324, 790	342, 422	317, 938	335, 782	6, 852	6, 640
Connecticut	2, 007, 280	988, 497	1, 018, 783	961, 112	991, 217	27, 385	27, 566	1, 558, 642	761, 912	796, 730	736, 917	771, 292	24, 995	25, 438
Middle Atlantic:														
New York	14, 830, 192	7, 239, 944	7, 590, 248	6, 790, 153	7, 081, 942	449, 791	508, 006	12, 682, 446	6, 143, 755	6, 538, 691	5, 712, 561	6, 044, 472	431, 194	494, 219
New Jersey	4, 835, 329	2, 382, 744	2, 452, 585	2, 223, 857	2, 289, 728	158, 887	164, 857	4, 186, 207	2, 042, 650	2, 143, 557	1, 907, 124	1, 997, 002	135, 526	146, 555
Pennsylvania	10, 498, 012	5, 170, 411	5, 327, 601	4, 857, 624	4, 996, 224	312, 787	331, 377	7, 403, 036	3, 593, 676	3, 809, 360	3, 305, 206	3, 497, 255	288, 470	312, 105
East North Central:														
Ohio	7, 946, 627	3, 928, 534	4, 018, 093	3, 672, 387	3, 755, 835	256, 147	262, 258	5, 578, 274	2, 716, 105	2, 862, 169	2, 480, 198	2, 615, 670	235, 907	246, 499
Indiana	3, 934, 224	1, 958, 516	1, 975, 708	1, 871, 599	1, 886, 913	86, 917	88, 795	2, 357, 196	1, 153, 162	1, 204, 034	1, 071, 138	1, 118, 586	82, 024	85, 448
Illinois	8, 712, 176	4, 319, 251	4, 392, 925	3, 994, 948	4, 051, 110	324, 303	341, 815	6, 759, 271	3, 306, 345	3, 452, 926	2, 997, 458	3, 121, 304	308, 887	331, 622
Michigan	6, 371, 766	3, 212, 119	3, 159, 647	2, 983, 372	2, 934, 453	228, 747	225, 194	4, 503, 084	2, 240, 686	2, 262, 398	2, 027, 191	2, 047, 295	213, 495	215, 103
Wisconsin	3, 434, 575	1, 726, 842	1, 707, 733	1, 704, 904	1, 687, 786	21, 938	19, 947	1, 987, 888	969, 407	1, 018, 481	954, 156	1, 004, 516	15, 251	13, 965
West North Central:														
Minnesota	2, 982, 483	1, 501, 208	1, 481, 275	1, 486, 160	1, 467, 537	15, 048	13, 738	1, 624, 914	785, 018	839, 896	776, 064	831, 934	8, 954	7, 962
Iowa	2, 621, 073	1, 310, 283	1, 310, 790	1, 299, 114	1, 300, 432	11, 169	10, 358	1, 250, 938	605, 580	645, 358	595, 528	635, 808	10, 052	9, 550
Missouri	3, 954, 653	1, 940, 863	2, 013, 790	1, 796, 697	1, 858, 896	144, 166	154, 894	2, 432, 715	1, 162, 299	1, 270, 416	1, 037, 528	1, 133, 387	124, 771	137, 029
North Dakota	619, 636	322, 944	296, 692	317, 153	291, 295	5, 791	5, 397	164, 817	80, 805	84, 012	80, 196	83, 468	609	544
South Dakota	652, 740	337, 251	315, 489	324, 885	303, 619	12, 366	11, 870	216, 710	106, 472	110, 238	104, 835	108, 707	1, 637	1, 531
Nebraska	1, 325, 510	667, 332	658, 178	655, 038	646, 290	12, 294	11, 888	621, 905	300, 811	321, 094	290, 789	311, 028	10, 022	10, 066
Kansas	1, 950, 299	953, 534	951, 765	915, 369	913, 592	38, 165	38, 173	993, 220	479, 945	513, 275	448, 202	479, 275	31, 743	34, 000
South Atlantic:														
Delaware	318, 085	157, 344	160, 741	135, 030	138, 848	22, 314	21, 893	199, 122	96, 817	102, 305	84, 224	89, 357	12, 593	12, 948
Maryland	2, 343, 001	1, 166, 603	1, 176, 398	972, 710	982, 265	193, 893	194, 133	1, 615, 902	787, 454	828, 448	653, 760	687, 957	133, 694	140, 491
District of Columbia	802, 178	377, 918	424, 260	242, 737	275, 128	135, 181	149, 132	802, 178	377, 918	424, 260	242, 737	275, 128	135, 181	149, 132
Virginia	3, 318, 680	1, 675, 216	1, 643, 464	1, 306, 394	1, 275, 161	368, 822	368, 303	1, 560, 115	766, 958	793, 157	605, 637	617, 336	161, 321	175, 821
West Virginia	2, 005, 552	1, 006, 287	999, 265	948, 270	942, 012	58, 017	57, 253	694, 487	335, 708	358, 779	312, 517	334, 522	23, 191	24, 257
North Carolina	4, 061, 929	2, 017, 105	2, 044, 824	1, 489, 840	1, 493, 281	527, 265	551, 543	1, 368, 101	649, 006	719, 095	481, 242	524, 502	167, 764	194, 593
South Carolina	2, 117, 027	1, 040, 540	1, 076, 487	643, 573	619, 832	396, 967	426, 655	777, 921	370, 277	407, 614	261, 984	280, 278	108, 293	127, 366
Georgia	3, 444, 578	1, 688, 667	1, 755, 911	1, 182, 717	1, 197, 860	505, 950	558, 051	1, 559, 447	732, 384	827, 063	509, 022	558, 909	223, 382	268, 154
Florida	2, 771, 305	1, 366, 917	1, 404, 388	1, 072, 495	1, 093, 556	294, 422	310, 832	1, 813, 890	872, 200	941, 690	684, 412	732, 765	187, 788	208, 925
East South Central:														
Kentucky	2, 944, 806	1, 474, 987	1, 469, 819	1, 375, 090	1, 367, 000	99, 897	102, 819	1, 084, 070	517, 186	566, 884	456, 748	499, 746	60, 438	67, 138
Tennessee	3, 291, 718	1, 623, 107	1, 668, 611	1, 367, 126	1, 393, 131	255, 981	275, 480	1, 452, 602	688, 653	763, 949	529, 599	582, 285	159, 054	181, 664
Alabama	3, 061, 743	1, 502, 640	1, 559, 103	1, 032, 714	1, 046, 877	469, 926	512, 226	1, 340, 937	637, 220	703, 717	427, 123	459, 594	210, 097	244, 123
Mississippi	2, 178, 914	1, 076, 791	1, 102, 123	595, 680	592, 952	481, 111	509, 171	607, 162	289, 199	317, 963	182, 310	192, 010	106, 889	125, 953
West South Central:														
Arkansas	1, 909, 511	951, 534	957, 977	743, 614	737, 893	207, 920	220, 084	630, 591	300, 881	329, 710	232, 834	251, 121	68, 047	78, 589
Louisiana	2, 683, 516	1, 319, 166	1, 364, 350	891, 914	904, 769	427, 252	459, 581	1, 471, 696	705, 250	766, 446	496, 249	526, 682	209, 001	239, 764
Oklahoma	2, 233, 351	1, 115, 555	1, 117, 796	1, 017, 323	1, 015, 203	98, 232	102, 593	1, 139, 481	552, 058	587, 423	505, 071	534, 766	46, 987	52, 657
Texas	7, 711, 194	3, 863, 142	3, 848, 052	3, 383, 150	3, 343, 384	479, 992	504, 668	4, 838, 060	2, 373, 723	2, 464, 337	2, 079, 516	2, 142, 077	294, 207	322, 260

TABLE 60.—*Color and sex, by regions, divisions, and States, urban and rural, 1950*—Continued

Region, division, and State	Total							Urban						
	All classes			White		Nonwhite		All classes			White		Nonwhite	
	Total	Male	Female	Male	Female	Male	Female	Total	Male	Female	Male	Female	Male	Female
Mountain:														
Montana	591,024	309,423	281,601	299,415	272,623	10,008	8,978	256,034	129,648	128,386	128,342	127,423	1,306	963
Idaho	588,637	303,237	285,400	299,323	282,072	3,914	3,328	252,549	125,755	126,794	124,823	126,048	932	746
Wyoming	290,529	154,853	135,676	150,895	133,114	3,958	2,562	144,618	73,183	71,435	72,024	70,544	1,159	891
Colorado	1,325,089	665,149	659,940	650,256	646,397	14,893	13,543	831,318	405,403	425,915	393,330	414,523	12,073	11,392
New Mexico	681,187	347,544	333,643	321,557	308,654	25,987	24,989	341,889	169,577	172,312	163,641	166,393	5,936	5,919
Arizona	749,587	379,059	370,528	330,216	324,295	48,843	46,233	416,000	204,884	211,116	194,006	200,397	10,878	10,719
Utah	688,862	347,636	341,226	341,007	335,902	6,629	5,324	449,855	223,984	225,871	220,498	223,239	3,486	2,632
Nevada	160,083	85,017	75,066	79,661	70,247	5,356	4,819	91,625	46,712	44,913	44,526	42,749	2,186	2,164
Pacific:														
Washington	2,378,963	1,223,851	1,155,112	1,188,079	1,128,417	35,772	26,695	1,503,166	749,978	753,188	726,086	734,098	23,892	19,090
Oregon	1,521,341	772,776	748,565	759,603	737,525	13,173	11,040	819,318	402,966	416,352	394,369	409,059	8,597	7,293
California	10,586,223	5,295,629	5,290,594	4,939,566	4,975,607	356,063	314,987	8,539,420	4,189,898	4,349,522	3,894,164	4,070,821	295,734	278,701
Alaska	128,643	79,472	49,171	60,390	32,418	19,082	16,753	34,262	18,909	15,353	17,647	14,053	1,262	1,300
Hawaii	499,794	273,895	225,899	65,409	49,384	206,486	176,515	344,869	182,148	162,721	40,055	35,841	142,093	126,880
Puerto Rico	2,210,703	1,110,946	1,099,757	883,602	878,809	227,344	220,948	894,813	429,578	465,235	337,155	366,985	92,423	98,250

TABLE 58.—*Color by sex, by regions, divisions, and States, urban and rural: 1960*

Region, division, and State	Urban							Rural						
	All classes			White		Nonwhite		All classes			White		Nonwhite	
	Total	Male	Female	Male	Female	Male	Female	Total	Male	Female	Male	Female	Male	Female
United States	125,268,750	60,733,005	64,535,745	53,631,145	56,797,187	7,101,860	7,738,558	54,054,425	27,598,489	26,455,936	24,736,004	23,667,396	2,862,485	2,788,540
Regions:														
Northeast	35,840,140	17,269,351	18,570,789	15,847,772	16,988,266	1,421,579	1,582,523	8,837,679	4,456,943	4,380,736	4,373,513	4,312,916	83,430	67,820
North Central	35,481,254	17,229,709	18,251,545	15,589,856	16,495,336	1,639,853	1,756,209	16,137,885	8,242,673	7,895,212	8,120,974	7,796,451	121,699	98,761
South	32,160,250	15,497,962	16,662,288	12,340,411	13,131,907	3,157,551	3,530,381	22,812,863	11,567,388	11,245,475	9,168,803	8,836,515	2,398,585	2,409,960
West	21,787,106	10,735,983	11,051,123	9,853,106	10,181,678	882,877	869,445	6,265,998	3,331,485	2,934,513	3,072,714	2,722,514	258,771	211,999
Northeast:														
New England	8,031,795	3,871,726	4,160,069	3,752,193	4,035,601	119,533	124,468	2,477,572	1,249,487	1,228,085	1,236,337	1,218,258	13,150	9,827
Middle Atlantic	27,808,345	13,397,625	14,410,720	12,095,579	12,952,665	1,302,046	1,458,055	6,360,107	3,207,456	3,152,651	3,137,176	3,094,658	70,280	57,993
North Central:														
East North Central	26,434,937	12,880,433	13,554,504	11,501,048	12,081,352	1,379,385	1,473,152	9,790,087	4,982,779	4,807,308	4,914,895	4,755,977	67,884	51,331
West North Central	9,046,317	4,349,276	4,697,041	4,088,808	4,413,984	260,468	283,057	6,347,798	3,259,894	3,087,904	3,206,079	3,040,474	53,815	47,430
South:														
South Atlantic	14,851,516	7,145,593	7,705,923	5,536,325	5,917,514	1,609,268	1,788,409	11,120,216	5,646,904	5,473,312	4,380,625	4,213,032	1,266,279	1,260,280
East South Central	5,830,569	2,774,807	3,055,762	2,110,473	2,292,069	664,334	763,693	6,219,557	3,133,973	3,085,584	2,500,011	2,436,438	633,962	649,146
West South Central	11,478,165	5,577,562	5,900,603	4,693,613	4,922,324	883,949	978,279	5,473,090	2,786,511	2,686,579	2,288,167	2,186,045	498,344	500,534
West:														
Mountain	4,600,852	2,270,175	2,330,677	2,193,753	2,253,972	76,422	76,705	2,254,208	1,178,614	1,075,594	1,082,563	984,006	96,051	91,588
Pacific	17,186,254	8,465,808	8,720,446	7,659,353	7,927,706	806,455	792,740	4,011,790	2,512,871	1,858,919	1,990,151	1,738,508	162,720	120,411
New England:														
Maine	497,114	239,178	257,936	237,626	256,715	1,552	1,221	472,151	239,876	232,275	238,056	230,894	1,820	1,381
New Hampshire	353,766	171,080	182,686	170,129	181,760	951	926	253,155	127,027	126,128	126,533	125,912	494	216
Vermont	149,921	70,816	79,105	70,604	78,928	212	177	239,960	120,927	119,033	120,717	118,843	210	190
Massachusetts	4,302,530	2,059,580	2,242,950	2,003,719	2,184,475	55,861	58,475	846,048	426,655	419,393	420,228	414,722	6,427	4,671
Rhode Island	742,897	362,579	380,318	352,934	370,857	9,645	9,461	116,591	59,266	57,325	58,331	56,590	935	735
Connecticut	1,985,567	968,493	1,017,074	917,181	962,866	51,312	54,208	549,667	275,736	273,931	272,472	271,297	3,264	2,634
Middle Atlantic:														
New York	14,331,925	6,882,225	7,449,700	6,205,663	6,675,740	676,562	773,960	2,450,379	1,241,014	1,209,365	1,215,701	1,189,967	25,313	19,398
New Jersey	5,374,369	2,621,640	2,752,729	2,390,155	2,500,737	231,485	251,992	692,413	350,351	342,062	327,357	320,754	22,994	21,308
Pennsylvania	8,102,051	3,893,760	4,208,291	3,499,761	3,776,188	393,999	432,103	3,217,315	1,616,091	1,601,224	1,594,118	1,583,937	21,973	17,287
East North Central:														
Ohio	7,123,162	3,452,624	3,670,538	3,084,695	3,277,543	367,929	392,995	2,583,235	1,311,604	1,271,631	1,291,431	1,256,029	20,173	15,602
Indiana	2,910,149	1,412,549	1,497,600	1,284,938	1,360,697	127,611	136,903	1,752,349	886,189	866,160	880,571	862,348	5,618	3,812
Illinois	8,140,315	3,969,150	4,171,165	3,466,960	3,627,897	502,190	543,268	1,940,843	983,716	957,127	968,727	946,668	14,989	10,459
Michigan	5,739,132	2,816,842	2,922,290	2,475,667	2,563,020	341,175	359,270	2,084,062	1,066,026	1,018,036	1,044,755	1,002,423	21,271	15,613
Wisconsin	2,522,179	1,229,268	1,292,911	1,188,788	1,252,195	40,480	40,716	1,429,598	735,244	694,354	729,411	688,509	5,833	5,845
West North Central:														
Minnesota	2,122,566	1,023,990	1,098,576	1,008,576	1,083,548	15,414	15,028	1,291,298	668,972	622,326	662,917	616,562	6,055	5,764
Iowa	1,462,512	704,172	758,340	690,791	744,412	13,381	13,928	1,295,025	654,875	640,150	654,142	639,364	733	786
Missouri	2,876,557	1,369,739	1,506,818	1,199,585	1,317,956	170,154	188,862	1,443,256	738,540	704,716	718,793	686,633	19,747	18,083
North Dakota	222,708	108,655	114,053	107,748	113,187	907	866	409,738	214,553	195,185	208,889	189,714	5,664	5,471
South Dakota	267,180	130,065	137,115	127,418	134,470	2,647	2,645	413,334	214,206	199,128	203,016	188,194	11,190	10,934
Nebraska	766,053	369,094	396,959	353,765	381,039	15,329	15,920	645,277	330,932	314,345	327,838	312,122	3,094	2,223
Kansas	1,328,741	643,561	685,180	600,925	639,372	42,636	45,808	849,870	437,816	412,054	430,484	407,885	7,332	4,169
South Atlantic:														
Delaware	292,788	142,487	150,301	123,845	130,787	18,642	19,514	153,504	78,649	74,855	66,341	63,354	12,308	11,501
Maryland	2,253,832	1,094,744	1,159,088	902,279	953,326	192,465	205,762	846,857	438,456	408,401	371,165	347,149	67,291	61,252
District of Columbia	763,956	358,171	405,785	158,124	187,139	200,047	218,646							
Virginia	2,204,913	1,082,949	1,121,964	872,400	894,806	210,549	227,158	1,762,036	896,423	865,613	698,739	676,498	197,684	189,115
West Virginia	711,101	338,192	372,909	317,911	350,422	20,281	22,487	1,149,320	576,843	572,477	553,267	548,533	23,576	23,944
North Carolina	1,801,921	855,291	946,630	642,804	701,950	212,487	244,680	2,754,234	1,391,778	1,362,456	1,041,993	1,012,538	349,785	349,918
South Carolina	981,386	467,211	514,175	337,622	362,875	129,589	151,300	1,401,208	708,607	692,601	438,132	412,393	270,475	280,208
Georgia	2,180,236	1,034,942	1,145,294	736,983	796,435	297,959	348,859	1,762,880	890,971	871,909	654,752	629,053	236,219	242,856
Florida	3,661,383	1,771,606	1,889,777	1,444,357	1,539,774	327,249	350,003	1,290,177	665,177	625,000	556,236	523,514	108,941	101,486
East South Central:														
Kentucky	1,353,215	644,231	708,984	571,414	627,793	72,817	81,191	1,684,941	864,217	820,724	830,490	790,386	33,727	30,338
Tennessee	1,864,828	884,005	980,823	686,366	755,305	197,639	225,518	1,702,261	856,685	845,576	773,142	762,940	83,543	82,636
Alabama	1,791,721	854,543	937,178	596,064	639,747	258,479	297,431	1,475,019	737,166	737,853	527,997	519,801	209,169	218,052
Mississippi	820,805	392,028	428,777	256,629	269,224	135,399	159,553	1,357,336	675,905	681,431	368,382	363,311	307,523	318,120
West South Central:														
Arkansas	765,303	365,380	399,923	284,224	307,352	81,156	92,571	1,020,969	513,607	507,362	406,538	397,589	107,069	109,773
Louisiana	2,060,606	990,126	1,070,480	686,706	728,886	303,420	341,594	1,196,416	602,128	594,288	403,600	392,523	198,528	201,765
Oklahoma	1,464,786	705,912	758,874	640,696	685,692	65,216	73,182	863,498	441,939	421,559	400,506	381,006	41,433	40,553
Texas	7,187,470	3,516,144	3,671,326	3,081,987	3,200,394	434,157	470,932	2,392,207	1,228,837	1,163,370	1,077,523	1,014,927	151,314	148,443

TABLE 58.—*Color by sex, by regions, divisions, and States, urban and rural: 1960*—Continued

Region, division, and State	Urban							Rural						
	All classes			White		Nonwhite		All classes			White		Nonwhite	
	Total	Male	Female	Male	Female	Male	Female	Total	Male	Female	Male	Female	Male	Female
Mountain:														
Montana	338, 457	166, 970	171, 487	164, 659	169, 429	2, 311	2, 058	336, 310	176, 773	159, 537	166, 715	149, 935	10, 058	9, 602
Idaho	317, 097	156, 558	160, 539	154, 996	159, 079	1, 562	1, 460	350, 094	181, 863	168, 231	178, 302	165, 006	3, 561	3, 225
Wyoming	187, 551	93, 770	93, 781	92, 426	92, 375	1, 344	1, 406	142, 515	75, 245	67, 270	72, 923	65, 198	2, 322	2, 072
Colorado	1, 292, 790	631, 163	661, 627	608, 338	638, 449	22, 825	23, 178	461, 157	239, 304	221, 853	235, 237	218, 676	4, 067	3, 177
New Mexico	626, 479	310, 840	315, 639	298, 771	303, 067	12, 069	12, 572	324, 544	168, 930	155, 614	143, 581	130, 344	25, 349	25, 270
Arizona	970, 616	479, 402	491, 214	455, 474	467, 125	23, 928	24, 089	331, 545	175, 526	156, 019	132, 398	114, 520	43, 128	41, 499
Utah	667, 158	330, 406	336, 752	325, 360	332, 101	5, 046	4, 651	223, 469	114, 518	108, 951	110, 838	105, 529	3, 680	3, 422
Nevada	200, 704	101, 066	99, 638	93, 729	92, 347	7, 337	7, 291	84, 574	46, 455	38, 119	42, 569	34, 798	3, 886	3, 321
Pacific:														
Washington	1, 943, 249	956, 138	987, 111	917, 589	950, 822	36, 549	36, 289	909, 965	478, 899	431, 066	463, 672	419, 592	15, 227	11, 474
Oregon	1, 100, 122	534, 824	565, 298	520, 614	551, 895	14, 210	13, 403	668, 565	345, 127	323, 438	340, 426	319, 102	4, 701	4, 336
California	13, 573, 155	6, 678, 322	6, 894, 833	6, 100, 819	6, 318, 987	577, 503	575, 846	2, 144, 049	1, 158, 385	985, 664	1, 092, 275	943, 149	66, 110	42, 515
Alaska	85, 767	44, 809	40, 958	39, 959	36, 172	4, 850	4, 786	140, 400	84, 002	56, 398	61, 235	37, 180	22, 767	19, 218
Hawaii	483, 961	251, 715	232, 246	80, 372	69, 830	171, 343	162, 416	148, 811	86, 458	62, 353	32, 543	19, 485	53, 915	42, 868

Senator TYDINGS. Senator HRUSKA?

Senator HRUSKA. Mr. Marshall, you place heavy reliance in your testimony upon the bad impact this amendment of the Constitution would have upon the Negro minorities. Sometimes we like to think of Negroes as voters, as citizens, as our peers, and pretty much like we are in our aspirations and ambitions. As a matter of fact, in about 45 States, or 44 States, isn't that the way they fare politically, as well as every other way?

Mr. MARSHALL. Senator, I think that the problem of imposing difficulties on Negro registration is limited, yes, to not more than six States right now. Now, I will say there are other States which have a history in the past, so that the Negroes are still, I think, as I said in my statement, disproportionately underrepresented as a historical matter, because of what happened in the past. But I think the present problem is limited to certainly not more than six States.

Senator HRUSKA. The thing that bothers so many of us when it is put on that basis is the question why should there be denied to a popular vote of the other 44 States of whether they want to modify *Reynolds* v. *Sims*, just because 6 of their sister States maybe have been a little derelict or substantially derelict in their treatment of a minority group? That is what really bothers us.

Why should we be paying the penalty in 44 States for the derelictions of 4 or 5 States? We like to give life to the idea that we the people want to govern ourselves—not the Supreme Court, not the Congress—we, the people.

Mr. MARSHALL. Senator, I think from my point of view the answer to that would be that the amendment, I think, will hurt the political voice of the Negroes who need a political voice very badly in the State legislatures in all the States. And the reason for that is because this movement of the Negro population, which has been accelerating over the last 20 years out of the rural areas, into the cities—and the whole idea, as I understand it, of giving the people of the States the right to make the constitutional principles of *Reynolds* v. *Sims* not applicable in their States is to give the rural areas more of a voice per voter than the urban areas, so that—an answer to that, at least, Senator, is that that will happen in all 50 States.

Senator HRUSKA. Mr. Marshall, if that is done—if that emphasis is placed upon a one-man, one-vote rule—if *Reynolds* v. *Sims* will be modified under this amendment as a part of our Consitution, it will be done by a majority of the voters in that State, and that will include Negroes. It will even include Republicans. It will include a lot of people.

If the people want to modify that rule within the restrictions laid down in this amendment, who is to gainsay it? What higher political authority is there than a vote of the people, with the assurance that there has been the right of franchise extended to all who want it?

Mr. MARSHALL. Senator, there are matters in which we do not let the vote of the majority of the people control. Right now this is one of them. We will have to change the Constitution.

Senator HRUSKA. That is right.

Mr. MARSHALL. I would say that there are practical difficulties in putting it to the vote of the people in the first place. As you know, Senator, the initiative is not available in a great many States—I think the majority of the States. So, how the choice comes before the people is a difficulty in the first place.

Senator HRUSKA. On that point, Mr. Marshall—I don't want to interrupt your train of thought—but you see, *Reynolds* v. *Sims* would stay in effect as to both Houses, unless a proposal were made to change it. If it is difficult to get a change, you are arguing against your own position.

Mr. MARSHALL. No. I think the proposal will be made, Senator. But I think proposals would be made, and the choice would be put in the first instance by the legislatures.

Senator HRUSKA. Yes.

Mr. MARSHALL. And that now includes—that is my point, Senator—it includes a lot of legislatures that are apportioned to start with.

Senator HRUSKA. But every one of which is under court order, under *Reynolds* v. *Sims*—where they have not complied with *Reynolds* v. *Sims*. There is no State I know of that is not under court order to comply with *Reynolds* v. *Sims*. That is an ephemeral condition.

It will not last very long, will it?

Mr. MARSHALL. Well——

Senator TYDINGS. I would like to hear the witness' complete answer.

Senator HRUSKA. Yes.

Mr. MARSHALL. Well, I believe, Senator—I don't know whether there are cases in every State where the legislatures are presently malapportioned under *Reynolds* v. *Sims*. It may be so. As I say, I don't know that.

I think that it would not be correct, however, to say that there is a court order in every State that orders the legislatures to reapportion themselves now. And in fact I think that the Federal courts, with this amendment before Congress, and if the Congress passed this amendment, put it up to the States—I think they would hold back on making a decision until they found out whether the constitutional requirements which they were passing on now were going to stay in effect.

So I think that the action of the Congress itself would affect very, very seriously the suggestion that these legislatures will be all reapportioned.

Senator HRUSKA. Mr. Marshall, you are in a good position to give us advice on this point and it is under consideration. If we added to Senate Joint Resolution No. 2 a provision that this shall be referred to the people in any event, after every decennial census, for their vote and approval, thus taking it out of the hands of a legislature that would be in effect now, would that help your thinking any on this bill?

Mr. MARSHALL. Senator, it would not, because I would still be opposed to letting a majority of the people decide that some people are going to have a bigger political voice than other people.

Senator HRUSKA. Can you tell us why you don't favor people deciding a simple issue—not all issues, not all legislation, not difficult, complex things. What is the source of the apprehension on your part against the people expressing themselves, after a campaign both ways, on an issue of this kind?

Mr. MARSHALL. Well, Senator, as I said, one practical difficulty which I think is unavoidable—although what you suggest, I think, would help the amendment—but I think it is unavoidable that the way in which the choice is put to the people is going to be a difficulty.

Now, that means what is the choice and how is it put to them. They had a vote on this, as you know, in the Colorado case—this was one of the cases before the Supreme Court. Now, that choice was put to the people of Colorado in sort of an unpleasant way, because the choice that involved apportioning the legislature, both houses, in accordance with the population, also involved multiple representatives from particular districts so that——

Senator HRUSKA. Perfectly legitimate, isn't it?

Mr. MARSHALL. Yes, it is, Senator, but I think a lot of people voted against it for that reason, not because they didn't believe in one-man, one-vote principle.

So I think it is difficult and probably impossible for the Congress to write an amendment that gets into this sensitive area, which will really make the choices that are put to the people fair choices. That is one point.

Senator HRUSKA. In other words, they would not be able to come up with the decision that you would like to see adopted. The multiple districts are perfectly valid under Reynolds against Sims, are they not?

Mr. MARSHALL. Yes, sir.

Senator HRUSKA. That was my understanding.

If you are going to say that we want only those proposals put before the people for a decision which we believe should be put, not what the legislature, not what the elected representatives of the people will do in its composite judgment, then you are kind of getting away from the theory that the ultimate political authority in this Nation should be the people, are you not?

Mr. MARSHALL. Senator—no, Senator, I would not accept that.

I think that the idea, the principle which you are describing has as a premise that the people will have a decision to make: Are we going to count everyone's vote equally or are we not going to count everyone's vote equally?

Now, if it were put that simply and that clearly, I would not have much doubt about how the people would decide. The thing that I think is impossible is to require the States, the State legislatures, who are going to have an interest, after all, in preserving their own positions, to put the question that simply, or that easily.

Now, as I say, the question of multiple representatives is one thing. Another thing, there are undoubtedly other ways, other factors, which could be brought into the choice, which would distort the choice.

So I think that you cannot really assume, as a premise, when you are deciding whether or not you favor this constitutional amendment, Senator, that the choice put before the people will be as simple and as clearcut as the question suggests.

Senator HRUSKA. Of course that same result is suffered by legislative bodies every year in the history of our Republic, and is happening right now.

How often does our Senate, for example, or the House of Representatives get a clear choice of this or that? They don't get it. All of us know that.

In our process of government, that can never be attained, I don't believe. You have to approximate it. Certainly on the basis that you object to the voters acting on a matter of this kind, it would seem that you are denying the only avenue available for amending the Constitution. You see, without the proposed amendment they will never have an opportunity to change the structure of their own State legislatures.

Mr. MARSHALL. But, Senator, I would not want to rest my position just on what I said about the choice. That is a difficulty it seems to me, even accepting your premises instead of mine.

I would say that basically it is unwise and undesirable to give the majority of the people the choice of whether or not they can deprive the minority of the people of some right, of a basic right to vote, and have an equal voice in their government.

That seems to me to be wrong—to let the majority have that kind of a choice.

Senator HRUSKA. Mr. Chairman, I had other questions here. My respect for the witness is the highest. I have worked with him over a long period of time in other fields in this Senate. I would like to explore with him some of the other concepts that are advanced in his statement. However, the hour is getting late. We are going to adjourn the hearings, with today's hearings. There are one or two other witnesses.

Senator TYDINGS. Thank you very much, Mr. Marshall. We appreciate your being with us.

We are very privileged to have the distinguished former Solicitor General of the United States, the Honorable J. Lee Rankin, native of Nebraska, practicing law in New York, Chief Counsel of the Warren Commission.

We appreciate your being with us very much, Mr. Rankin. You may proceed.

Senator HRUSKA. May I add my welcome to the distinguished witness, as a fellow native Nebraskan, Mr. Chairman. You have said so many nice things about him. While I can add to the list, I shan't do so at this time.

U.S. STRATEGY IN VIETNAM

Mr. THURMOND. Mr. President, in his column published this morning in the Washington Post, Mr. Joseph Alsop very graphically pointed out one of the major shortcomings of U.S. strategy in Vietnam. I ask unanimous consent that Mr. Alsop's column, entitled "More Trumpets for Jericho," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, Mr. Alsop points out that so far in Vietnam, our strategy has been like that of Joshua at Jericho, merely a parade of power without any effective use of it. He compares the targets struck by U.S. planes in North Vietnam to strikes limited by an enemy to West Virginia in the United States, where there are no strategic targets.

Events in the last few days have demonstrated that while the United States has been following the strategy of what Mr. Alsop appropriately calls "marching around the wall," the Communists have been building up a sophisticated defense with Russian-made weapons around the real military targets inside the wall. Rather than the two or four surface-to-air missile sites in North Vietnam, which the State and Defense Departments have publicly acknowledged, it now appears that there are at least 12 such sites. Yesterday the Defense Department released a map showing the location of seven of such missile sites. The map shows five sites ringed around Hanoi, and two sites west of Hanoi which our forces struck yesterday. As pointed out by the New York Times, the map does not show the five sites reported around the port of Haiphong.

These missile sites could have been bombed with very little risk to the attacking aircraft before they became operational, and such a course was urged by many responsible officials, reportedly including the Joint Chiefs of Staff.

Now that a decision has belatedly been made to strike the missile sites, as would appear to be the case from yesterday's air strikes on two of the sites, the cost in American lives and aircraft will be multiplied many times. This is one cost of "marching around the wall."

It has become crystal clear not only that the Communists are not going to be impressed by bugle blowing, but also that further persistence in such strategy is going to cost dearly in American lives.

The Communists will not relent until U.S. power is used effectively against the military targets in North Vietnam. We have been told repeatedly by the administration spokesmen that the men and equipment for and the direction of the aggression in South Vietnam are coming from North Vietnam. This warmaking potential must be destroyed. It can be destroyed if our air and sea power are directed at the critical military targets in North Vietnam, most of which lie in the Red River Delta around Hanoi and the major North Vietnamese port of Haiphong.

No one desires to bomb population centers to destroy civilians. Our attacks should be concentrated to the maximum extent possible on military targets, rather than population centers as such. But we can no longer permit the heartland of North Vietnam to harbor the warmaking potential which, if it remains free from attack, can and will be used to inflict thousands of casualties on American men and our allies in South Vietnam.

EXHIBIT 1

[From the Washington Post, July 28, 1965]

MORE TRUMPETS FOR JERICHO?

(By Joseph Alsop)

The big question about the next phase in Vietnam is whether it is merely going to be a blown-up version of the phase now coming to a close.

Jericho is the only historical precedent for the phase of the Vietnamese war that is now ending. Joshua-Johnson has been marching around the ramparts, blowing his trumpets for might and main; but unfortunately he has had no help from tunnel-digging engineers, let alone a vengeful diety, to make the walls fall down on schedule.

In other words, this phase that began with the Pleiku incident has been marked by a maximum parade of power, and a minimum application of power. Huge enclaves of American troops and equipment have been built up along the coast of South Vietnam; but these American troops in the south have rarely been committed to any combat above the level of a local skirmish.

This has done much psychological-political harm, because of the stark contrast with the South Vietnamese Army, which is daily being heavily engaged and suffering really fearful casualties. And one may be sure that the mere parade of almost unused American power has made exactly the same impression on the North Vietnamese and the Vietcong as it has on the soldiers of the South Vietnamese army.

To be sure, Ambassador Maxwell Taylor strongly recommended that the U.S. units in South Vietnam be allowed at least 90 days to familiarize themselves with the terrain before being committed on a major scale. This may be the explanation of the limited use made of these units up to now. Hence, the pattern of the bombing of North Vietnam is much more instructive.

Concerning the trifling tit-for-tat after the summer episode in the Gulf of Tonkin, the President is widely quoted as boasting, in effect, that he had made a eunuch of Ho Chi Minh. Beginning with the Pleiku incident, U.S. planes have now been bombing North Vietnamese targets for nearly 6 months, and the claims made for this bombing are about on a par with the President's post-Tonkin Gulf boast.

Here it is necessary to explain something of the geography of North Vietnam. The heart of the country is the rice-producing Red River Delta—the region around Hanoi and Haiphong, west of Hanoi to the Laos border, there is an underpopulated mountainous area, where it is only possible to grow the poverty crops and opium. And south along the coast, to the demilitarized zone, there extends another long, narrow finger of territory without much relevance to the rest of the country.

The mountain region west of Hanoi and the southern coastal finger are both comparable with West Virginia, if one wants to get the relationship right. We should be indignant, humiliated, what you will, if an enemy bombed West Virginia's bridges, railroads, and roads.

But in the end, we would certainly not be alarmed—we might even begin to laugh in our sleeves—if a powerful enemy made all sorts of statements about his bloody boldness and iron resolution, and then just went on bombing West Virginia, day after day after day.

Until very recently, that is what has been happening. The attacks in February were trifling. The tempo of attacks did not really pick up until April and May. It was not until June that the first, very tentative attacks were made outside the West Virginia-like area. It was not until July that the first tentative missions were directed against element of the major target systems in the North Vietnamese heartland. Even now, the heartland has not really been penetrated.

We are being told by people who do not know the geography and have not studied the target-patterns that "bombing the north is useless." The answer is that the north has not really been bombed as yet—not for the purpose of destroying the population, but simply to take out the significant military target systems.

The air mission that evoked a missile response was one of the first dozen or so that probed for anything really vital beyond the West Virginia-like region.

In an interview given to "Newsweek," the President recently said that the United States needs "power on land, power in the air, power wherever it's necessary. We've got to commit it, and this will convince them we mean it." Unhappily, "they" were supposed to be convinced by the show-bombings of the north and the earlier movements of U.S. troops into South Vietnam.

No one can tell, therefore, whether the President now intends an even more showy parade of power, with continued minimum application of this power. This time, it seems likely, Lyndon Johnson really means business. If he does not, however, the darkest news must be expected.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H.R. 2984. An act to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes;

H.R. 2985. An act to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers, and for other purposes;

H.R. 7984. An act to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities; and

H.J. Res. 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

ADJOURNMENT

Mr. HARRIS. Mr. President, if there is no further business to come before the Senate at this time, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Thursday, July 29, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 28 (legislative day of July 27), 1965:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR APPOINTMENT

To be senior assistant veterinary officer

Stephen Potkay

II. FOR PERMANENT PROMOTION

To be senior assistant surgeon

Francisco Frias

To be senior assistant sanitary engineer

Paul D. Eckrich
Alan C. Foose
Barry L. Johnson
Kenneth J. Kronovetor
Russell S. Lo Galbo

To be senior assistant pharmacist

Elmer W. Akin
Robert Brotman
Jean P. Davignon
Michael J. Kopcho
Jeremiah R. Toomay

To be senior assistant scientist

John J. Bartko

To be senior assistant therapist

Dale E. Swett

To be health services officer

Clifton R. Gravelle

To be senior assistant health services officer

Gregory J. Barone
Wayne G. Brown
Kenneth D. Howard
Thomas J. Keast

To be assistant sanitary engineer

John F. Walsh

To be nurse director

Mary E. O'Connor

U.S. SUPREME COURT

Abe Fortas, of Tennessee, to be an Associate Justice of the Supreme Court of the United States, vice Arthur J. Goldberg.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 28 (legislative day of July 27), 1965:

DEPARTMENT OF STATE

Henry Cabot Lodge, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vietnam.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 28, 1965

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with these words:

I Thessalonians 4: 2: *Continue in prayer, and watch in the same with thanksgiving.*

O Lord, our God, we are drawn to Thee in prayer by many deep yearnings; our natures are diverse but our needs are one.

We feel the tug of a tie that unites us with Thee and our fellow men and links our life to an eternal enterprise.

Grant us the will and the power to live each day more deeply, more usefully, more fruitfully, and more courageously; we turn to Thee for comfort and command, for insight and inspiration.

We rejoice that Thou hast given us Thy sympathy and care. We daily accept life as an adventure and confidently launch out upon all sorts of enterprises.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 251. An act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes; and

S. 2300. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

CONTINUING APPROPRIATIONS, 1966

Mr. MAHON. Mr. Speaker, pursuant to the unanimous-consent agreement of last Monday, I call up the joint resolution (H.J. Res. 591) making continuing appropriations for the fiscal year 1966, and for other purposes, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. LAIRD. Mr. Speaker, reserving the right to object, I do so in order to ask the gentleman from Texas several questions regarding the status of appropriation bills thus far acted upon by the House and the status of the supplemental request which will come before us within the next few weeks. It seems to me that we are approaching a very serious situation as far as the costs of the war in Vietnam are concerned. It is my understanding that a request will come before us today for partial funding of the cost of this war and the replenishment of stocks used during the last 12-month period. This particular request will be the first installment on the total overall cost that will be incurred in southeast Asia during the next 12-month period.

My question to the chairman is this: In view of the fact that these costs are mounting, is consideration going to be given by this Congress, through its House Appropriations Committee, to a reappraisal of our budgetary needs for the fiscal year 1966, having in mind that we cannot do business as usual with our domestic spending programs if we are going to finance the rising costs of the war in Vietnam?

Mr. MAHON. Well, I would say to my friend, the gentleman from Wisconsin [Mr. LAIRD], that I assume an additional request for funds in connection with South Vietnam will be made. I have no ironclad assurance to that effect.

I would say this, however—and I do not try to preempt the President in making any announcement which he might want to make in connection with South Vietnam—of course, I know that several hundreds of millions of dollars; in fact, far in excess of $1 billion—several billion dollars—will be required during the current fiscal year for the fighting of the war in South Vietnam, if it continues to escalate along the lines which are now indicated.

So it is perfectly clear to all who know anything about the situation, in my judgment, that a large sum of additional money will be required if this struggle continues in its present intensity.

The gentleman mentioned the overall budget. Under leave to extend, may I say that the President has made many recommendations and Congress has been in the process, and is still in the process, of making up its mind about them. I personally have voted against a number of them.

The object of the antipoverty program and many of the other proposed programs to which reference was made is to provide a new strength and vitality to the country. I would say there is wide agreement on the great objects in the majority of instances; the arguments come, in great measure, over who should undertake the work and the exact methods and procedures.

Under the firm hand of the President, the departments and agencies of Government have been making some progress in saving money and holding down budget expenditures. Especially notable have been Secretary McNamara's accomplishments in this connection. The Government has been moving rapidly toward a balanced budget—not rapidly enough in my judgment, but nonetheless making important strides in this direction. In the fiscal year 1965 just recently closed, for example, Federal budget income was higher, and budget expenditures were lower, than had been estimated last January, in consequence of which the earlier deficit prediction was nearly halved from the January figure. The final deficit of $3.5 billion was reduced nearly three-fifths from the year before. Significantly, budget expenditures were over $1 billion less than they were in the year before, the first such year-to-year expenditure reduction in 5 years.

Further progress toward a balanced budget was pointed to and reflected in the President's budget of last January for the current fiscal year 1966. But events in Vietnam are affecting the outlook; military spending will of course clearly be higher than then budgeted. War emergencies have a way of throwing budgets out of whack. I recall some observations by a former distinguished Member of this body who later became President. In a discourse about national budgets and appropriations way back in 1879, and referring to the high importance to the people of the business of determining what taxes to levy and what expenditures to appropriate, James A. Garfield said:

> And this problem presents itself, every year, under new conditions. An adjustment which is wise and equitable for one year may be wholly inadequate for the next. In time of peace, perhaps the most important test of the scale of national expenditures is that of population. From these elements, the just scale of increase could be readily ascertained if all our calculations could rest upon the basis of perpetual peace; but war, that mischief on the largest scale, overturns all ordinary calculations.

There are many uncertainties in this world confrontation with totalitarianism and communism and they inescapably introduce uncertainties into the national budget and appropriation demands.

Mr. Speaker, seldom does the Congress—any Congress—give a President all the money he requests. And that is true of this session. The House has made some reduction in the President's budget requests in connection with every approprition bill thus far voted on. I will include a summarization of the figures on the situation down to date, but before doing so, I should say something in explanation of the pending resolution. It is a rather simple proposition.

The resolution merely extends for another month, through August 31, existing provisions of law—Public Law 85-58—to provide funds for the operation of those agencies of the Government for which the regular appropriation bills for the fiscal year 1966 have not yet been enacted. The terms and conditions of availability were more fully described in the committee report which accompanied the first continuing resolution at the time of its passage by the House on June 18, 1965.

I should also emphasize that, following the customary practice, the amounts to be available under the resolution are on a minimum basis pending disposition of the remaining regular appropriations for the year.

Our hearings on the two regular bills yet to be reported to the House—foreign assistance and military construction, involving some $6 billion-plus—were completed some weeks ago but we have been sidelined by lack of the necessary authorization bills. We also have some supplemental bills yet to be formulated but the exact amounts involved are not now determinable.

I include two summaries—the appropriation bill processing schedule, and a résumé of the amounts involved in the general appropriation bills thus far reported:

The regular annual appropriation bills for fiscal year 1966 as of July 28, 1965

Bill	Original reporting schedule (Mar. 10, 1965)	Revised reporting schedule (May 18, 1965)	Reported to House	Passed House	Passed Senate	Final congressional action
District of Columbia	Mar. 18	----------	Mar. 18	Mar. 23	June 22	July 13
Interior	Mar. 25	----------	Mar. 25	Mar. 30	May 26	June 15
Treasury-Post Office	Apr. 1	----------	Apr. 1	Apr. 5	June 8	June 28
Labor-HEW	Apr. 29	----------	Apr. 29	May 4	----------	
Independent offices	May 6	----------	May 6	May 11	July 13	
Defense	May 13	June 18	June 17	June 23	----------	
Agriculture	May 20	----------	May 20	May 26	July 13	
Legislative	May 20	June 3	June 3	June 8	July 12	July 21
State, Justice, Commerce, and Judiciary	May 27	----------	May 27	June 1	----------	
Military construction	June 3	June 10	(1)	----------	----------	
Public works	June 10	June 17	June 17	June 22	----------	
Foreign assistance	June 17	June 24	(1)	----------	----------	

[1] Military construction and foreign assistance bills awaiting approval of authorizing legislation.

NOTE.—A special Labor-HEW supplemental and the usual "end of the session" supplemental, for which no dates were shown, are not listed.

The appropriation bills, 89th Congress, 1st session, as of July 28, 1965

[Does not include back-door appropriations, or permanent appropriations[1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

Title and bill No.	House			House action compared with budget estimates
	Budget estimates to House	Date passed	Amount as passed	
1965 SUPPLEMENTALS				
Agriculture, CCC (H.J. Res. 234)	$1,742,209,000	Jan. 26	$1,600,000,000	−$142,209,000
Second supplemental bill, 1965 (H.R. 7091)	2,226,456,933	Apr. 6	2,118,333,083	−108,123,850
Defense (H.J. Res. 447)	700,000,000	May 5	700,000,000	----------
Total, 1965 supplementals	4,668,665,933	----------	4,418,333,083	−250,332,850

See footnotes at end of table.

The appropriation bills, 89th Congress, 1st session, as of July 28, 1965—Continued

[Does not include back-door appropriations, or permanent appropriations[1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

Title and bill No.	House			House action compared with budget estimates
	Budget estimates to House	Date passed	Amount as passed	
1966 APPROPRIATIONS				
District of Columbia	($387, 467, 800)	Mar. 23	($356, 300, 500)	(−$31, 167, 300)
Federal payment	53, 122, 000	--------	44, 122, 000	−9, 000, 000
Loan authorization	(26, 311, 900)	--------	(26, 311, 900)	--------
Interior	1, 240, 849, 500	Mar. 30	1, 184, 090, 300	−56, 759, 200
Loan authorization	(16, 780, 000)	--------	(16, 000, 000)	(−780, 000)
Treasury-Post Office	6, 708, 510, 000	Apr. 5	6, 604, 404, 000	−104, 106, 000
Labor-HEW	8, 293, 814, 000	May 4	7, 964, 034, 000	−329, 780, 000
Independent offices	14, 531, 023, 000	May 11	14, 109, 908, 000	−421, 115, 000
Agriculture	5, 815, 134, 000	May 26	5, 717, 832, 000	−97, 302, 000
Loan authorizations	(787, 000, 000)	--------	(787, 000, 000)	--------
State, Justice, Commerce, and the Judiciary	2, 167, 735, 600	June 1	2, 085, 689, 900	−82, 045, 700
Legislative	204, 872, 222	June 8	150, 589, 107	−54, 283, 115
Public Works	4, 373, 805, 000	June 22	4, 241, 636, 500	−132, 168, 500
Defense	45, 248, 844, 000	June 23	45, 188, 244, 000	−60, 600, 000
Total, 1966 bills to date	88, 637, 709, 322	--------	87, 290, 549, 807	−1, 347, 159, 515
Total, all appropriations to date	93, 306, 375, 255	--------	91, 708, 882, 890	−1, 597, 492, 365
Total, loan authorizations	(830, 091, 900)	--------	(829, 311, 900)	(−780, 000)

Title and bill No.	Senate			Senate action compared with—		Final appropriation		Date approved
	Budget estimates to Senate	Date passed	Amount as passed	Budget estimates	House action	Amount as approved	Final action compared with budget estimates	
1965 SUPPLEMENTALS								
Agriculture, CCC (H.J. Res. 234)	$1, 742, 209, 000	Feb. 3	$1, 600, 000, 000	−$142, 209, 000	--------	$1, 600, 000, 000	−$142, 209, 000	Feb. 11
Second supplemental bill, 1965 (H.R. 7091)	2, 280, 251, 327	Apr. 27	2, 257, 869, 415	−22, 381, 912	+$139, 536, 332	2, 227, 563, 977	−52, 687, 350	Apr. 30
Defense (H.J. Res. 447)	700, 000, 000	May 6	700, 000, 000	--------	--------	700, 000, 000	--------	May 7
Total, 1965 supplementals	4, 722, 460, 327	--------	4, 557, 869, 415	−164, 590, 912	+139, 536, 332	4, 527, 563, 977	−194, 896, 350	--------
1966 APPROPRIATIONS								
District of Columbia	(389, 346, 800)	June 22	(364, 358, 347)	(−24, 988, 453)	(+8, 057, 847)	(360, 228, 500)	(−29, 118, 300)	July 16
Federal payment	53, 122, 000	--------	49, 122, 000	−4, 000, 000	+5, 000, 000	46, 122, 000	−7, 000, 000	--------
Loan authorization	(26, 311, 900)	--------	(26, 311, 900)	--------	--------	(26, 311, 900)	--------	--------
Interior	1, 241, 549, 500	May 26	1, 230, 802, 770	−10, 746, 730	+46, 712, 470	1, 212, 739, 070	−28, 810, 430	June 28
Loan authorization	(16, 780, 000)	--------	(16, 000, 000)	(−780, 000	--------	(16, 000, 000)	(−780, 000)	--------
Treasury-Post Office	[2] 7, 749, 770, 000	June 8	[2] 7, 698, 669, 000	−51, 101, 000	[2]+1,094,265,000	[2] 7, 669, 444, 000	−80, 326, 000	June 30
Labor-HEW	--------	--------	--------	--------	--------	--------	--------	--------
Independent offices	14, 538, 698, 000	July 13	14, 299, 897, 980	−238, 800, 020	+189, 989, 980	--------	--------	--------
Agriculture	5, 782, 634, 000	July 13	6, 713, 983, 800	+931, 349, 800	+996, 151, 800	--------	--------	--------
Loan authorizations	(787, 000, 000)	--------	(852, 000, 000)	(+65, 000, 000)	(+65, 000, 000)	--------	--------	--------
State, Justice, Commerce, and the Judiciary	--------	--------	--------	--------	--------	--------	--------	--------
Legislative	243, 261, 617	July 12	190, 840, 167	−52, 421, 450	+40, 251, 060	189, 993, 297	−53, 268, 320	--------
Public Works	--------	--------	--------	--------	--------	--------	--------	--------
Defense	--------	--------	--------	--------	--------	--------	--------	--------
Total, 1966 bills to date	29, 609, 035, 117	--------	30, 183, 315, 717	+574, 280, 600	+2, 372, 370, 310	9, 118, 298, 367	−169, 404, 750	--------
Total, all appropriations to date	34, 331, 495, 444	--------	34, 741, 185, 132	+409, 689, 688	+2, 511, 906, 642	13, 645, 862, 344	−364, 301, 100	--------
Total, loan authorizations	(830, 091, 900)	--------	(894, 311, 900)	(+64, 220, 000)	(+65, 000, 000)	(42, 311, 900)	(−780, 000)	--------

[1] Permanent appropriations were tentatively estimated in January budget at about $12,300,000,000 for fiscal year 1966.

[2] Includes $1,035,000,000 supplemental estimate for 1965 (S. Doc. 31).

NOTE.—Bills yet to be reported to the House: military construction; foreign assistance; and necessary supplementals.

Mr. LAIRD. The gentleman from Texas knows full well, however, that we are increasing the amount of money to be expended under the poverty program; we are increasing the amount of money to be expended for housing, and are increasing the amount of money to be expended under the social security bill. We are increasing all of these particular programs well above even budget levels while the funding for our increased efforts in Vietnam continue to be inadequate. On the domestic level we seem to be overfunding the wars we are waging while on the foreign policy level we want to fight now and pay later.

Mr. Speaker, it seems to me that the American people should be fully apprised of the financial situation which this country faces and that we cannot do business on the installment basis, that we have to face up to the overall funding problem with which we are confronted in fiscal year 1966, and a discussion of this is needed and necessary.

Mr. Speaker, I shall not object to this resolution being considered today but it seems to me that the people of this country have not been apprised of the total financial needs which they are going to be called upon to meet in fiscal year 1966. We cannot continue to do business as usual and spend money as if we had all sorts of it here in our Nation's Capital.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the House joint resolution, as follows:

H.J. RES. 591

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 30, 1965 (Public Law 89–58), is hereby amended by striking out "July 31, 1965" and inserting in lieu thereof "August 31, 1965".

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. JONAS. Mr. Speaker, I ask unanimous consent to extend my remarks on H.J. Res. 591 and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONAS. Mr. Speaker, I favor the adoption of this resolution.

Mr. Speaker, the chairman of the Committee on Appropriations has entered an explanation of the purpose of the resolution. I regret the necessity of having to consider this second continuing resolution for the new fiscal year 1966 but there seems to be no responsible alternative in the circumstances. I therefore support it.

To fail to adopt the resolution would mean precipitate closing, on next Saturday night, of many essential functions of Government—or at least leave them stranded without funds with which to operate.

But in this connection may I stress that under the terms of the original resolution covering the current month of July, which the pending resolution extends by changing the expiration date to August 31, none of the funds provided can be used to initiate or resume any project or activity which was not being conducted during the preceding fiscal year. Furthermore, existing projects and activities may continue under the resolution only at the lowest of one of three rates, namely, the fiscal 1965 rate; the budget request where no action has been taken by either House; or the more restrictive amount adopted by either of the two Houses.

Under the circumstances, Mr. Speaker, I see no responsible alternative to adoption of the pending resolution and urge its approval.

SUBCOMMITTEE ON THE COAST GUARD OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Maryland [Mr. Garmatz], I ask unanimous consent that the Subcommittee on the Coast Guard of the Committee on Merchant Marine and Fisheries may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REPEAL OF SECTION 14(b) OF THE LABOR-MANAGEMENT RELATIONS ACT

Mr. O'HARA of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

CALL OF THE HOUSE

Mr GERALD R. FORD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 206]

Bonner
Bow
Cahill
Colmer
Diggs
Duncan, Oreg.
Foley
Frelinghuysen
Harvey, Ind.
Keogh
Lindsay
McVicker
Mailliard
Murray
Olson, Minn.
Powell
Talcott
Toll
Vivian
Watson

The SPEAKER. On this rollcall 413 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REPEAL OF SECTION 14(b) OF THE LABOR-MANAGEMENT RELATIONS ACT

The SPEAKER. The question is on the motion.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended, with Mr. O'Brien in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from New Jersey [Mr. Thompson] had 1 hour and 3 minutes remaining, and the gentleman from Michigan [Mr. Griffin] had 1 hour and 14 minutes remaining. Before the Committee rose the gentlewoman from Oregon [Mrs. Green] had the floor.

The gentlewoman from Oregon had 2 minutes remaining and is recognized at this time.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield the gentlewoman 2 additional minutes.

Mrs. GREEN of Oregon. Mr. Chairman, yesterday at the time the quorum call was made, I had just read a letter sent by Vice President Humphrey to Senator McNamara. For those who were not here, may I ask the indulgence of the House. It reads, as follows:

> The Vice President,
> *Washington, April 30, 1965.*
>
> Hon. Pat McNamara,
> *U.S. Senate,*
> *Washington, D.C.*
>
> Dear Pat: I am enclosing a copy of a recommended conscience clause for labor legislation which is being promoted by the Plymouth Brethren IV, conscientious objectors.
>
> Since they cannot belong to any organization other than the church, they are seeking legislation in labor bills to protect genuine conscience.
>
> Their ideas seem very good to me. I send them to you for your consideration.
>
> Let me know if there is any way I can help in any matter.
>
> Sincerely,
> Hubert H. Humphrey.

This is in contrast to a few labor leaders and others who want no exemption nor even any serious consideration by this House of the rights of any conscientious objector, and who indeed equate them with freeloaders.

I can understand this because let me say, that when the first two people came to my Portland office and asked for an appointment to discuss this matter, my first reaction was—they represent right-to-work groups. I was not predisposed to even discuss it with them. Oregon is not a right-to-work State but of course, we do have voluntarily-arrived-at union shop agreements.

Following other requests, however, I and members of my staff very carefully checked places of employment and we did find that certain individuals, in areas where union shop agreements were in effect—that certain people had that cruel choice of giving up their jobs or violating the teachings of their church in regard to union membership.

This should not happen in any one of the 31 States that do not have right-to-work laws, nor should we—by our action today—extend the possibilities of a similar injustice to the other 19 States.

The answer I think is in repealing 14(b), to adopt an amendment which would provide for the conscientious objector, the same as we did yesterday in the social security bill when the conference report was adopted under the leadership of the most able chairman from Arkansas [Mr. Mills].

Now it has been said that this matter will be taken care of by a directive from President Meany of the AFL-CIO to all local unions. May I ask—would you—who believe so deeply in civil rights—would you be satisfied with a directive from the national offices to all the locals saying there should be no discrimination against Negroes in the local union? You know you would not, and you did not. The provision against discrimination is written into the law.

Three days ago, labor leaders told me they wanted absolutely no amendments. Yesterday, one of the labor representatives said to me, "Do not push this now. We will put it in the Senate." I said, "Then, why not here? The representatives of the seven religious groups affected do not think their chances are any better in the Senate than they are here. Labor may oppose it there, too." Certainly there is no commitment from the Senate and this House and the Members here have our own responsibility to protect the rights of religious minorities as well as the rights of other minorities. This responsibility cannot be passed on to someone else.

We have engaged in a lot of polemics here this week and there has been the claim that all who support amendments to this bill are either right to workers or John Birch members. I am sure no one in this House would suggest that either the New York Times or the Washington Post is controlled by the John Birchers. And yet these two great liberal papers have had editorials only this week on this particular legislation. In today's New York Times in the editorial they said:

> The administration's bill to nullify State right-to-work laws, which is expected to win

House passage today, ranks well down the list of priorities in any program of labor law revision based on balanced protection for workers, employers and the overall national interest. As we have previously noted, there are strong arguments for believing that a uniform national policy ought to prevail on allowing or not allowing the union shop.

But it is nonsense to suggest that the resolution of this issue is the paramount industrial relations problem confronting the country or that a general green light for the union shop should be approved without additional safeguards for the rights of conscientious objectors and other opponents of compulsory unionism.

In the Washington Post editorial of this week they said:

No doubt there is much to be said for a national policy of tolerating or not tolerating the union shop in industries affecting interstate commerce. In passing the Taft-Hartley Act, Congress compromised on this controversial issue by letting the States set up their own separate policies. Some day it may wish to return to a uniform national policy, but we doubt that the time is now ripe, and the vehicle being rushed through Congress is far from being an appropriate one.

I recommend the reading of both editorials in full.

The attitude on the part of the opponents of this amendment is also in contrast to the views sent me by one of the finest labor leaders I have ever known—George Brown, the executive director of the legislative and political education department of the Oregon AFL–CIO:

JULY 2, 1965.

Congresswoman EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR EDITH: The enclosed copy of my letter to Andy Biemiller is self-explanatory and is being written to ascertain the national position on your bill.

Needless to say, we are in accord with you on this matter and I can foresee no objection from the labor movement in general.

We do have a policy that we will support the national AFL–CIO on legislation it is handling in Congress to avoid any embarrassment and confusion to that body.

Unless we meet with a definite policy of opposition we will publicly announce our support for H.R. 8962.

Sincerely,

GEORGE BROWN,
Executive Director, Legislative and Political Education Department, Oregon AFL–CIO.

Let me read a letter from the secretary-treasurer of the Amalgamated Meat Cutters in Portland—I think a very thoughtful—a very moving letter:

AMALGAMATED MEAT CUTTERS
AND BUTCHER WORKMEN OF
NORTH AMERICA,
Portland, Oreg., July 8, 1965.

Hon. EDITH GREEN,
U.S. Congresswoman from Oregon,
Washington, D.C.

DEAR MRS. GREEN: In your recent letter to me you asked my comment on H.R. 8962 re individuals with religious convictions against financially supporting a labor union.

My first impression was, "It's a lot of folderol"; however, a long time ago I concluded that most of my first impressions are for the birds.

My first conclusion was the minority religious groups, the Amish, United Brethren, Plymouth Brothers, No. 4, Adventists, and so forth, were of minute consequence and we should not be too concerned about their convictions against belonging to labor unions and other fraternal organizations. I also felt that as a responsible union officer, union dues are very necessary to carry out the administration of a sound labor union and every industry worker should do his part in financing a good union.

On July 4, I was attending mass with my family as we do each Sunday. The visiting priest began his sermon something like this: "Today is a great day for all of we people who are fortunate enough to live in this great country. All of us, sometime today, should get down on our knees and thank Almighty God we can live in a country where people can worship and believe in a way of his choosing without fear." The expression emitted by this priest is not original, however, it is true and I hope it will always be this way.

This may sound a little strange, but the first thought that entered my mind was H.R. 8962 and your asking us to get behind it and support it.

I intend to go before the Multnomah County Labor Council in support of H.R. 8962, and wish to commend you for good, sound thinking in this piece of legislation.

Very truly yours,

ANTON A. WOLLECK,
Secretary-Treasurer.

One of the international officers of the Teamsters Union in Portland endorsed the conscience clause as right and proper; as did several other well-known labor leaders in Oregon.

And I suspect that my State is not much different than yours, and our outstanding enlightened labor leaders are not very different than your enlightened labor leaders.

Maybe I am overstating it, I do not know. But it seems to me the issue on this amendment is whether required union membership—where there is the union shop agreement—is more important to this House than protecting the religious convictions of constituents whose church teachings and right of individual conscience require them to make that cruel choice between losing a job—the means of supporting a family—or violating the teachings of their church.

Let me be more specific—hypothetical cases, yes, but I think relevant. If I invited guests to dinner on Friday night, including Catholics, and said to them, "Your church views are nonsense; I don't agree with you; we're eating meat tonight. And if you don't like it, that's just too bad."

What would their reaction be?

Or if a labor official arranged a meeting on Friday night or Saturday morning over the objections of his Orthodox Jewish friends and said, "I don't care what you think, that's what the majority want. And that's the way it's going to be."

What would your reaction be?

You know and I know that such lack of sensitivity, such total disregard for others' deep held beliefs, would not be taken lightly.

But this week, not just by individuals, but by the majesty of the law, the power of the law, we are seriously considering a provision which is in total disregard of certain held religious beliefs—an action which is far more broad in its implications than the two hypothetical cases I cited and where voluntary choice could still be exercised without economic punishment.

During the last several weeks I have done my best to find some accommodation, some solution with labor union representatives, labor lawyers, NLRB lawyers—and some of my colleagues. I offered the conscience clause in the committee, a provision similar to the amendment I offer today.

But the notion that repeal of section 14(b) must be unaccompanied, and unencumbered by any amendment regardless of individually held beliefs seems to have more power than the violation of principles held sacred in this land for well over 200 years.

What my amendment provides is an exemption for conscientious objectors so that they might be exempted from union membership whenever that situation arises if—and let me repeat if—they pay sums equal to the initiation fees and dues to a mutually agreed upon union charity fund, perhaps a scholarship, perhaps a welfare fund, or to the U.S. Treasury. There is no opportunity for the so-called freeloader.

The exemption has good precedent. Under our conscription laws, for instance, genuine conscientious objectors are excused from the obligation of military service, even in time of war. Surely—if we can and do protect—rights of conscientious objectors in time of crisis, in time of emergency, we can do no less in time of peace. As I mention, just yesterday this House approved the conference report on the Social Security Act amendments which does provide an exemption to the bona fide conscientious objector.

My amendment, the conscience clause, would require the individual to be a bona fide member of a religious sect or division, the established and traditional tenets and teachings of which oppose a requirement that an individual join or pay dues to a union. Let me emphasize these persons would not be free riders, or freeloaders as some claim because of the required payments they would make to the charity—the welfare fund—or the U.S. Treasury. What the provision does do is to make certain that the individuals are in no sense attempting to evade their responsibilities and that in fact they are bona fide adherents to the longstanding doctrines of their churches. This will rule out any frauds and johnnie-come-latelys who might try to take advantage of the privilege.

While the Social Security Act amendments have not been effective yet, the exemption was written into it for a specific purpose—that of protecting the religious minority groups whose basic beliefs are in conflict with the principle of accepting of benefits under any public or private insurance plan, including the benefits of the Social Security Act, whether for death, disability, old age, retirement or medical care.

In addition, some unions themselves have accepted the principle of religious conscientious objection by making certain agreements with these religious bodies, recognizing in effect that majority rule is not always necessarily the right or just rule, and that based on our traditions, minorities must be protected to the fullest possible extent consistent with public policy. Some of these agreements have worked, some have not, and though major unions recently issued statements in this regard, there has been no satisfactory policy that could be termed national or consistent, or rational, or comprehensive or workable.

Moreover, some labor groups in Washington whose views on this matter I solicited were either cool to the exemption for the religious conscientious objector or issued harsh condemnations and insults on these objectors. I really doubt, based on this evidence, whether the private agreement has any more hope of success, let me repeat, than a directive from the national AFL–CIO office to every local to end discrimination against the Negro.

The religious groups themselves have patiently negotiated and lived with the union shop agreements, but have too often run up against a stone wall as union leadership has changed over time, and they face the additional difficulty that many locals act autonomously from the national and often feel no obligation to the religious conscientious objector.

Added to this has been the voice of the major faiths, Reform Judaism, Catholicism, and Protestantism, who have added their support to the principle of conscience provision knowing full well that their followers are not beneficiaries of this. Rather, they are responding to the common desire to advance religious liberty at practically no cost to anyone, liberty obtained at great expense and suffering over centuries by all three major faiths and evolving in this country through painful trials with the first amendment and aided by a political and economic and social climate that for the most part has resisted persecution of religious bodies and sects. For this we should be grateful. Yet here again is the same principle: Are we not rich enough in creative thought and tolerance to make an exception where it counts, where there is a sizable minority—7 groups with perhaps 3 million persons whose loyalty to national goals are unquestioned, people like ourselves, but whose personal beliefs are unlike ours and perhaps unpopular, but held as firmly as our own?

Some of the groups are perhaps unknown to many of the Members, since the primary support for this amendment has been carried out by the Plymouth Brethren and the Seventh-Day Adventists. But there are the Christadelphians, Old German Baptists, Amish, the Christian and Missionary Alliance, the Mennonites and groups among the National Association of Evangelicals. For different reasons, and not all the same because of various church teachings, the members of these groups can lose their job or suffer discrimination by their inability to join the union shop. If any legislation is passed it ought to be legislation to protect the conscientious objector in the 31 States where the union shop is in effect.

At present conscientious objectors in the 19 States which have so-called right-to-work laws are not required to belong to unions or pay dues as a condition of employment. The repeal of section 14(b) of the Taft-Hartley Act will have a direct and immediate impact on conscientious objectors in these 19 States as they will be faced with the problems conscientious objectors are experiencing in the remaining 31 States when union shop agreements are in effect. More importantly, it should be noted that the repeal of 14(b) will indeed affect conscientious objectors in all 50 States since such persons and their religious organizations will be precluded from seeking relief through legislation at the State level.

If any action is taken, it should be to protect the conscientious objector in the 31 States, instead of expanding the injustice to all 50 States.

If this amendment can be included, I can then wholeheartedly support repeal of section 14(b) of Taft-Hartley.

The CHAIRMAN. The time of the gentlewoman has again expired.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. GLENN ANDREWS].

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield for a second?

Mr. GLENN ANDREWS. I will yield.

Mr. ROOSEVELT. I would just like to make the statement for the record that I think the gentlewoman from Oregon is completely right in her basic philosophy and in what is in her bill. I think it is up to the Committee on Education and Labor to find a way to bring this matter before the House if it cannot do so under the parliamentary situation today.

Mr. GLENN ANDREWS. Mr. Chairman, I, on my own time, should like to pay my respects to the distinguished chairman of my subcommittee, for the very fair conduct of all the hearings, for his particular deference to the freshman from Alabama on the minority side. This subject was thoroughly explained. I am pleased with the record of the hearings, which I shall refer to in the days ahead again and again no matter what the results of the vote may be.

Mr. Chairman, I stand today for the individual against the bigness which would swallow him. I stand for the 53 million workers who are not in unions. I stand for 19 States who have right-to-work laws. I stand for 31 States which benefit immeasurably from our right-to-work laws.

The modern industrial union was born to protect the individual from arbitrary and unfair treatment by an employer, to protect him from the very dangers in bigness which often reduce him to simply a number, to protect him from exploitation, to protect him from an unfair division of the profits. I rise to protect the individual from the sometime abuses of the protector. This was done long before my appearance on this scene. It has worked very well. There is no reason to change it.

Let he who professes that there are no sometimes abuses take upon himself the reading of the McClellan investigations, let him review the saga of Jimmy Hoffa, let him review the expulsion of many large unions from the great AFL–CIO for Communist domination and for racketeering. These very unions now demand compulsory membership in all the States. Let those who profess there are no sometimes abuses simply pick up most any newspaper like the Washington Post of Friday last. Assistant Attorney General Fred Vinson suggested Federal legislation to prevent reoccurrence of what he termed, and I quote, "elaborate manipulation by union leaders of funds belonging to about 8,700 members of the Allied Trades Council and Teamsters Local 815," unquote. The racketeers demand compulsory union membership. Communist-dominated unions demand compulsory union membership.

Mr. Vinson's answer to these abuses is another Federal law. The remedy is clearly at hand: the right to withdraw from an irresponsible union or the right not to join an irresponsible union. Are those who 2 weeks ago declaimed so eloquently that the Negro could not wait for justice now demanding that hundreds of thousands of victims of injustice and tyranny should wait—in fact that they abandon the fine protection they already have and then wait—wait for a Federal corrective statute, and the courts, and all the judicial processes which was so objectionable to the majority in the voting rights debate?

If I thought right-to-work laws damaged responsible unions, or destroyed them, I would not be in this debate on this side. On the contrary, the right-to-work laws of 19 States and the freedom of the other 31 States to adopt or reject right-to-work statutes is in the very best interest of unions themselves. It clothes them with the excellence which only voluntary membership can command. They are entitled to this excellence. They have a place in our society. They do a great job.

But the responsible unions themselves also demand compulsory union membership, the great AFL–CIO and other responsible independent unions. Let us examine their case as brought out in 2 weeks of testimony. The question often offered was whether or not it was fair for a worker to enjoy the benefits brought him by the union and not pay his share of the cost. This issue is the so-called free rider issue. There is a certain understandable resentment against the free rider. How many free riders are there? I asked the Secretary of Labor how many there were. He did not know. I asked Mr. Meany of the AFL–CIO—he also did not know. I asked that question for 2 weeks. No one seemed to have any idea. And yet there was considerable evidence that the right-to-work States are filled with 100 percent or near 100 percent union membership where there is a union agreement. No, the free rider is not the real issue.

Is the issue whether or not right-to-work laws damage the unions' ability to organize? I asked this question of many witnesses, including Mr. Wirtz, Mr. Meany, and Mr. Zagri of the Teamsters Union. I asked whether or not union membership which was revocable, at will, in the right-to-work States was a lot more salable by organizers than membership which was absolute, compulsory and irrevocable, as in the case of the union shop. The Secretary of Labor granted me a slight original organizing advantage in the right-to-work States. Mr. Meany and Mr. Zagri, understandably, denied this advantage. The facts are that the right-to-work States are highly unionized in most of our profitable and substantial businesses. Most all the large corporations who bring branches to our States bring unions with them. We welcome them and their unions, too. No, organization handicaps are not the real issue in this debate.

Listen to the proponents of repeal. The argument was repeated again and again during the hearing that the right-to-work States were luring the businesses of the North and the East and taking them South.

Mr. THOMPSON, the distinguished chairman of my subcommittee, spoke of how New Jersey was "suffering" because of this unfair competition when the Federal Government had already given Alabama so many advantages. Mr. AYRES, the distinguished ranking minority Member, my friend and colleague, decried the lure of low wages as an unwarranted and unfair practice in competition, which was draining the businesses of his State to the South. Monsignor Higgins, the distinguished Catholic dignitary, found the movement of enterprise South in answer to misleading advertising "regrettable." Mr. Zagri warned that businesses which moved South would fail. He did not think that marginal manufacturing plants in the South should be allowed to "simply exist." These were the recurring arguments for repeal of 14(b). Are these gentlemen associates of Martin Luther King in his greatest mistake, the Alabama boycott? Discrimination's greatest friend is scarcity of jobs. Are the gentlemen who deplore the movement of industry South friends of discrimination?

Let me put all of you and your consciences at rest on this matter, none of you are friends of discrimination. But your arguments about right-to-work laws unjustly being responsible for taking business and capital away from your States is a false facade behind which the deep underlying issues in this debate hide. Testimony after testimony indicated that right-to-work laws had little or nothing to do with taking business from your States. It is markets and raw materials, transportation, and climate that govern industry moving anywhere. In the labor field, the availability of skilled labor, educated labor, efficient labor is the controlling factor in businesses moving anywhere. If you wish to stop industries from moving South because of labor you must stop manpower redevelopment and vocational rehabilitation. I, myself, endorse these programs wholeheartedly and told the Secretary of Labor that I did so. No, my colleagues, the moving of industry South or to the right-to-work States is not the issue.

Those who would repeal 14(b) in their very arguments belie their stout defense of the union shop. In their efforts to impose compulsory unionism on the 19 right-to-work States, they seem to say "Let us spread this disadvantage," in order that we suffer no longer from the unfair competition of our Southern brethren. And this finally brings us down to the real and underlying issue in this great debate.

The issue somewhat involves a concept called freedom. If this be an emotional issue, I suggest we learn to live with it, because it is very real. But the exercise of freedom in this particular case, the freedom to join or not to join a union, has a very practical and desirable result. It keeps unions responsible. Here lies the great truth involved in this debate. I address myself to you who live in the 31 States, who are pleased with your union shops, who believe sincerely, that in your industrial maturity, this is an orderly and peaceful arrangement and that the union shop answers best your labor problems. I say to you that your peace, the responsibility of your unions, has a deep connection with the prerogative of your State under 14 (b) of the Taft-Hartley Act, to pass a right-to-work law, whenever, and if ever, you come upon irresponsible unionism. And you yourselves enjoy in our 19 right-to-work laws a certain discipline against irresponsibility and unreasonable excesses, by the fact that we have these laws. Do not take away the one thing which will keep unions great—this is their complete responsibility to their membership.

Mr. SICKLES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I rise in support of this bill. I have sponsored legislation to accomplish this purpose in the past Congress and in this Congress.

Mr. Chairman, the House is about to vote on the repeal of section 14(b) of the Labor-Management Relations Act of 1947. For almost 20 years the States have been permitted to supersede Federal law by enacting State laws outlawing the negotiation of union security agreements. If this has been designed as an experiment in national policy, the inescapable conclusion is that it has been a failure.

I have felt for a long time that this section should be repealed. Before the Johnson administration came out in favor of abolishing right-to-work laws, I was in favor of putting labor on a par with management. In the 88th Congress, I introduced H.R. 12711 to protect the rights of employees and employers to enter into union security agreements. That was the only bill introduced in that Congress to repeal section 14(b). In the present Congress, I have again introduced my own bill, H.R. 3937.

The arguments for repeal, in my opinion, are convincing, and I wish to expand on them for a moment.

Just last week, the House passed a bill doubling the authorization for the war on poverty. More than a fifth of our people live in poverty, and the programs of the Office of Economic Opportunity are aimed at removing the conditions of poverty—poor schools, lack of community initiative and organization, the gloomy prospect confronting young men and women who drop out of school without skills and without work.

I think that it is no exaggeration to state that one contributing factor to poverty is the lack of economic security in those States in which union security agreements are banned by law. If one looks at a map of those States with the lowest wage scales, the poorest educational attainment, and the least protection in terms of minimum wages, unemployment compensation, and the other guarantees of economic security, it will match almost perfectly a map of the 19 States still retaining the so-called right-to-work laws.

Not one of the 19 right-to-work States has a minimum wage matching the Federal standard of $1.25 per hour. Only one of the 23 States with laws prohibiting job discrimination is a right-to-work State. Only one of the right-to-work States provides unemployment insurance benefits of at least $48 per week.

The list of the failures of the 19 right-to-work States in providing for their citizens the most basic and minimal safeguards against economic privation is almost endless. It illustrates the need to strike the shackles from those workers and employers who wish to negotiate union security agreements.

The extent to which those who advocate retention of section 14(b) will go in denying employees the minimal rights of economic security were graphically illustrated by the testimony of the board chairman of the National Right To Work Committee before the House Subcommittee conducting hearings on H.R. 77. The board chairman, Dr. Frederick Fowler, was asked the following questions: "Do you think that first, man has an individual freedom to work in an unsafe area, if he wants to?" Replied Dr. Fowler, "Certainly." Continued his questioner, "Do you think he has an absolute freedom to work for any wage, even though a law may be established setting up minimum wages?" "I do," answered Dr. Fowler. "Then you think that the States and Federal statutes that set up minimum wages are immoral statutes?" "Yes, I would say so," said Fowler.

The foregoing colloquy makes clear the position of those most adamantly favoring retention of section 14(b). They want to establish low wage havens among the States, havens to which employers wishing to flee from union security agreements can repair.

Poverty and economic deprivation, Mr. Chairman, are the lockstep twins of section 14(b). Giving employees and employers the right to negotiate union security contracts will do much to eliminate the poverty that breeds on the lack of security encouraged by section 14(b).

Section 14(b) has been called a haven for the freerider, and this is an apt description. Federal law commands recognized bargaining agents to negotiate for all the workers in their jurisdiction, not just those who belong to the union. Those who reap the benefits have a responsibility to help sow the seeds. There is no evidence that workers confronted with a vote on a union shop will opt for a freerider status. As a matter of fact, the original Taft-Hartley Act provided for mandatory elections to determine whether employees should ratify union shop agreements. It was the principal author of the bill, Senator Robert Taft, who sponsored legislation to remove this requirement from the law, since more than 96 percent of those polled in such elections chose the union shop. It was simply a waste of time and money to continue holding these elections.

Mr. Chairman, those who most loudly proclaim their solidarity with the workers in asking retention of section 14(b) are not being terribly forthright. If an argument could be made for 14(b), it certainly has not been made by those whose motives are clearly and simply antiunion in genesis. They speak loudly of protecting individual freedom but would place a State-imposed roadblock in the path of employees and employers who wish to negotiate their contracts freely. They speak loudly about the dereliction of responsibility on the part of the unions, yet they would force unions to retain responsibility for bargaining for workers who are simply riding on the backs of those who belong to and support the union.

Opponents of repeal have created a serious misimpression in their claims that repeal would "force everyone to join a union." This is irresponsible, smokescreen language. Repeal would merely free unions and employers from the restraining hand laid upon them by the States, prodded by those employers out to keep unions from their plant gates at any cost.

Indeed, I think that the promoters of right-to-work laws may have paid the American people an unintended tribute by devising this phony issue. They know that, if they admitted their true purpose, they would receive no support. Who would vote to abolish trade unions? Yet this is the goal they actually seek. Section 14(b) does not guarantee every worker a job. It does not guarantee anyone a right to work. What it does do is to allow an employer to hire anyone he wishes to hire. The employee, once hired, must pay dues in the union, in the case of a union shop, or pay a service fee to cover the cost to the union of enforcing the contract and administering his grievances under it.

What it does do, Mr. Chairman, is undermine our system of collective bargaining and majority rule.

Management has a need for and a right to demand responsible performance by unions under collective bargaining contracts. A weak union cannot require a disciplined observance of its contractual obligations from its members. It cannot display labor statesmanship or exercise restraint. A strong, secure union can afford to operate in such a manner. It need not threaten. It can build loyalty.

Mr. Chairman, if all of my colleagues who voted last week to continue and expand the war on poverty realize the effect of right-to-work laws, then I am confident they will vote to repeal section 14(b). Quite simply it is one of the contributing factors of the poverty afflicting too many of our States and too many of our people. If all my colleagues who support our system of collective bargaining as the best policy for settling labor-management disputes realize that the system works only when unions are strong enough to enforce their contractual obligations, then I am confident they too will vote to repeal section 14(b). Free collective bargaining is essential. Unions and management should be able to achieve it without interference.

Mr. SICKLES. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. Daniels].

Mr. DANIELS. Mr. Chairman, I rise in support of H.R. 77.

In 1965, the labor baiters put on their most serious faces and prate about freedom of association or the tyranny of the labor bosses as they are wont to call all labor leaders.

The greatest deception these self-styled defenders of the rights of the rank and file have yet come up with is the term "right to work." Now, who can be against anything that sounds as sacred as "right to work"? Surely, this expression ranks with God, motherhood and the flag.

Unfortunately, for our self-styled champions of the workingmen, their Madison Avenue propaganda is getting a little threadbare and you do not need to be especially clever to see through it.

The expression "right to work" is a misnomer and is nothing more or less than a hoax. A right-to-work statute grants no right to work at all. It grants only one right—and that is to management—the right to insure that the individual worker is prohibited—by Government interference if you will—from voting to establish a union shop.

I know that I have received a deluge of mail from all over the Nation urging me as a member of the Education and Labor Committee to vote to retain section 14(b). Almost without exception, all the mail supporting retention came under executive letterhead.

And on the other hand, I have received more mail than I can handle from those whom the right-to-work supporters would consider to be prisoners of organized labor urging me to support H.R. 77. Apparently, these men and women are unaware that they are captives.

Just the other day I received a petition from the International Ladies Garment Workers containing thousands of names urging me to vote for this bill. I hope that the many signers will understand why I cannot give each of them a personal reply. To quote Monsignor Higgins:

> In 50,000 secret elections, workers have voted in favor of the union shop 97 percent of the time.

It is a matter of statistical record, that those 19 States which have adopted right-to-work laws are the same States that pay the lowest wages.

On May 11, 1965, the gentleman from Tennessee [Mr. Grider], in a very fine speech on the House floor, compared his own State, which has a right-to-work law, with Kentucky which does not have such a statute. As the very able gentleman from Tennessee pointed out, in 1962, the average weekly wage in Tennessee was $78.26 while in Kentucky the average weekly earning was $91.03. Mr. Grider's speech which appears on page 10173 of the Record is well worth reading. His statement is excellent proof of what right to work means—in short, lower wages. He is offended by the argument that "people in Tennessee will work at lower wages than people in other States." I am too offended by this type of reasoning and I hope that every Member of this House will support the principle that no American—whether in my own State of New Jersey or anywhere else in this Nation—should be deprived of the opportunity of voting to have an effective union or not.

There are some on both sides of the aisle who speak often and eloquently in favor of individual freedom and against Government interference. I hope those of my colleagues who feel most strongly on these two subjects will vote in favor of the individual working man's right to vote for a union shop and against Government interference. The way to do this is to vote in favor of H.R. 77.

This week, we can banish the sweat shop from this land and provide an opportunity for every working man and woman to choose for himself whether he wants a strong union to protect his rights. It is a fact that in States such as mine where the union shop is permitted not every worker wants the protections of a union shop. Whether he wants the union shop or not is not the issue. The issue is whether we are to allow him to make a choice.

Mr. Chairman, I urge adoption of H.R. 77.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. Brademas].

Mr. BRADEMAS. Mr. Chairman, I rise in support of this legislation.

I do so with the observation that my own State of Indiana has only this year repealed its right-to-work law.

There is little evidence that the law has done much, since it was enacted in 1957, either to improve labor-management relations in our State or to encourage more industry to come to Indiana.

This is not a partisan matter, Mr. Chairman.

Let me here quote some excerpts from an editorial dated January 9, 1963, from the largest newspaper in my district, the South Bend Tribune, a Republican newspaper:

> Repeal Right To Work
>
> The last thing in the world we'd care to see the 1963 general assembly get bogged down in is a time-consuming wrangle over the right-to-work issue.
>
> Yet we think Indiana's 6-year-old law banning union shops has failed to right any wrongs and, worse, has increased labor tensions in Indiana's industry. We favor its repeal.
>
> When this law was passed back in 1957, passions ran high. Our attitude then was: Let's give the law a chance to prove itself.
>
> Six years, we believe, is ample chance. But we haven't seen much evidence that the law has proved itself. * * *
>
> The only thing the right-to-work law has really done in 6 years has been to perpetuate a source of hostility on both sides of the labor-management relationship. There is no reason to think it will ever do more than that.
>
> The great need in labor-management relations is to make things as easy as possible

> for both sides to adopt calm, mature approaches to specific issues that reach the bargaining table. Unnecessary irritants only make it harder for the two groups to work toward the point where their interests mesh.
>
> The right-to-work law is one of the most unnecessary of such irritants. It would be a good thing if it could be removed by this general assembly—especially if that might be accomplished without distracting the legislators from the more urgent matters that face them and the State of Indiana.

Mr. Chairman, the 1963 General Assembly of the State of Indiana failed to act on this law. During last fall's general election in 1964, both the Republican and Democratic nominees for the State legislature from my home county, St. Joseph, an industrial county where South Bend and Mishawaka are located, endorsed the repeal of the right-to-work law.

Here is what the Republican South Bend Tribune said on the 23d of October 1964 in an editorial entitled "Good for the GOP":

GOOD FOR THE GOP

> We salute the St. Joseph County Republican nominees for the Indiana General Assembly for taking a public stand in favor of repealing Indiana's right-to-work law.
>
> Passions ran high when that law was enacted almost 8 years ago. Proponents shouted it would break union "control" over workers, and opponents screamed it would "wreck" unions.
>
> As matters turned out, about the only thing the law ever did was to act as a burr under the saddle of labor-management relationships, diverting attention from real issues and making it harder for the two groups to work toward the point where their interests mesh.
>
> We welcome the Republican stand on repealing the law, because it means that whatever the makeup of St. Joseph County's delegation to the 1965 assembly, sentiment will be for repeal. Nominees of both parties now stand together on the issue—we think wisely so.

Mr. Chairman, I would like to express the hope that the Members of this body of both parties will today follow the admonition of this outstanding Hoosier Republican newspaper and stand together on this issue and vote to repeal section 14(b).

Having observed, Mr. Chairman, at least in my own area of Indiana, that the right-to-work issue is not really a partisan issue, I would like to speak briefly about the attitude of the State labor commissioners concerning the right-to-work laws in their States.

I think it is significant that an organization whose membership includes labor commissioners of 44 States adopted only last week by a majority vote a resolution supporting the repeal of section 14(b) of the Taft-Hartley Act.

I refer to the convention held at Princeton, N.J., from the 18th to the 23d of July of the International Association of Governmental Labor Officials.

The IAGLO, according to the resolution announced this week that it reaffirms and I quote:

> Its traditional support of progressive labor legislation by recommending repeal of section 14(b) of the Taft-Hartley Act which will promote free collective bargaining rights by both labor and management.

In addition to the commissioners of labor of 44 States, the members of this organization also include labor commissioners of the District of Columbia and Puerto Rico and the labor ministers of 10 Canadian Provinces.

I refer also, Mr. Chairman, to the testimony given by our distinguished colleague, the gentleman from New York [Mr. DULSKI], before the House Committee on Education and Labor.

Congressman DULSKI gave us the opinions of some commissioners of labor in States which had enacted right-to-work laws.

It is most unusual for a State official to criticize the laws under which he must operate. I think these comments are therefore of great interest and pass them on for your consideration.

First. Commissioner Bastemeyer, of Nebraska:

> Right-to-work laws have the net effect of legalizing the existence of parasites.

Second. Commissioner Lowe, of Iowa:

> Most of the right-to-work States have increased industrially on a par.

Third. Commissioner Butler, of Indiana:

> Our experience with our so-called right-to-work law has not been to our advantage.

Fourth. Commissioner Jolly, of Nevada:

> Every effort should be made to defeat so-called right-to-work legislation.

Fifth. Commissioner Vocelle, of Florida:

> Right-to-work laws are un-American and morally indefensible.

Sixth. Commissioner Martin, of Maine:

> Right to work is not needed, does not work, interferes with the right of contract, is difficult of enforcement, is bad legislation.

Seventh. Commissioner of Tennessee:

> The initial effect of these laws was to disturb labor relations that had been in existence for many years. Even the most avid supporter of the right-to-work laws makes no claim of it having any value to the State.

I am sure there are commissioners of labor in right-to-work States who would testify that the laws have had good results.

I think, however, the statements by the seven commissioners of labor quoted above indicate that responsible officials in right-to-work States who have had intimate first hand knowledge are not at all happy with the consequences of section 14(b).

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRIFFIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. ROBISON].

Mr. ROBISON. Mr. Chairman, I would have liked to have spoken Monday during debate over the rule on the pending bill, H.R. 77, but this was impossible under the strict time limitations then prevailing.

In any event, I did vote—as the record will show—against the previous question on the rule, when it was ordered, and I did so in protest to what I felt was the unfair and unwise procedural situation in which we now find ourselves which, as the Washington Post said, editorially, yesterday morning, leaves us to decide the "question of repealing section 14(b) of the Taft-Hartley Act under very unfavorable conditions."

I am not in the habit of quoting Post editorials, because generally I find I disagree with them, but on this occasion I wholly agree with the Post's further observation that "the best interests of the country would be served by laying this bill aside until a more comprehensive modification of the Taft-Hartley Act can be undertaken."

Congress generally does not find it difficult to legislate in broad but related areas, and this session has been no exception to that. We have debated, and passed—for instance—such wide-ranging bills as this year's housing bill as well as what most of us refer to as the medicare bill, and we will soon have before us an omnibus farm bill—the success of which may or may not be related to the bill now before us, depending upon the accuracy of certain rumors to that effect.

Why—then—must the door to Taft-Hartley be opened only this tiny crack? Why are we to be restricted to merely talking about the need to correct many of the long-standing weaknesses in Taft-Hartley—including those connected with the existing machinery for dealing with national labor disputes? Why must our attention be so narrowly focused on the merits of H.R. 77 that we can discuss, but not act upon, some aspects of union-shop compulsion that may not be germane to H.R. 77—under a strict interpretation of our rules—but are most certainly germane to the decision each of us will be called upon to make on it?

The only possible answer to these questions is that someone—somewhere—has once again decided for us, as supposed Members of what has sometimes been referred to as the greatest legislative body in the world, what we can and cannot do, and, personally, I do not like it.

And I also find it passing strange that that decision—from somewhere upstairs—is now being so stoutly defended by the same people here who, in the past, have so vociferously defended and advanced the idea that this House should, at all times, be permitted to work its full will on all matters brought before it. In part, that was supposed to be what the 21-day rule was all about.

Well, at least permit me to make my own position clear.

I have given the question of the repeal of section 14(b) of the Taft-Hartley Act—which will have the effect of nullifying the so-called right-to-work laws that now exist in some 19 States as permitted by that section—my most serious and careful attention.

Although New York State is not, never has been, and probably never will be, a right-to-work State, so that many of the arguments advanced for or against repeal are more or less academic as far as we are concerned, this is nevertheless a question that has aroused considerable interest on the part of those I have the honor to represent here.

Let us look at those arguments. First, the proponents of repeal that hail from

New York contend that, over the years since 1947, New York State has lost a substantial number of industrial jobs to right-to-work States that can hold out the promise of lower wage-costs—flowing at least in part from the lack of strong unions in such States—as one of a variety of inducements designed to lure our industry to their areas.

The available statistical proof of this contention leaves something to be desired. Moreover, this argument is weakened when some of my colleagues from right-to-work States argue back—evidently in order to justify their contemplated vote for repeal—that the repeal of 14(b) will have no adverse effect on the continued economic growth of their regions.

Nevertheless, on balance, the statistics I have seen do seem to indicate that right-to-work States do presently possess something of a competitive advantage in the constant pulling and hauling contest for new industries. They also seem to indicate that this fact has been a factor among the various factors considered by such New York industries as have moved to such areas.

I am not at all sure that a purely parochial desire to protect my State from any such further loss of jobs is sufficient grounds for my vote in favor of repeal. But, at the same time, I am aware of the need for the continued growth of all of the various geographic sections of our Nation as an economic whole, and of the need to improve working conditions uniformly across the Nation, toward which goal strong and responsible labor unions have always made substantial progress—so score a tentative plus, here, in favor of repeal.

Another argument in favor of repeal is that there should be a uniform national labor relations policy with respect to the union shop similar to that pertaining in nearly every other aspect of labor-management matters covered by statute, where Federal legislation has generally preempted the field.

Again, I find a certain validity to this argument, and it may well be true that the absence of uniformity has led—as the committee report puts it—to a certain amount of "confusion and uncertainty with respect to a widening span of related matters such as picketing, checkoff, and hiring halls, to touch upon only some of the affected points."

Perhaps this problem of confusion and uncertainty has been somewhat overstated—it is difficult to decide. In any event, the uniform application of such broad-ranging laws as those in the labor-management field is always a desirable condition in any Federal system such as ours, so again score at least a hesitant "plus" in favor of repeal even though, on the surface, we would seem to be doing violence to the principle of so-called States rights.

I would be more concerned about this particular element in our decision than I am—and the relationship of the 10th amendment to our Federal Constitution to all this—if I did not tend to feel that, under all the prevailing circumstances, 14(b) has indeed come to be something of an anachronism in today's concept of the meaning of the 10th amendment, and particularly in view of the broad extension of Federal powers under the so-called interstate commerce clause that we have witnessed just during my generation.

Just the same, it would be interesting to witness the outcry from newly created States righters if the situation here, today, were reversed, and we were considering a bill to force right-to-work laws on the 31 States that do not have them, even though they have that option under 14(b).

In any event, the President—in his brief message urging repeal—mentioned none of these things, urging repeal only in order to "reduce conflicts in our national labor policy that for several years have divided Americans in various States."

It is not easy to find this a very compelling argument—or, at least, to discover that there has, in fact, been any such degree of conflict as to make repeal of 14(b) as urgently necessary as some have pictured it. It is probably a good deal more accurate to admit what we all know, and that is that the existence of Taft-Hartley—and most especially of its section 14(b)—has, as some have put it, been a "bone in the throat" of organized labor ever since 1947.

Certainly the repeal of 14(b) has been the first goal of the leaders of organized labor for a good many years, and they have worked hard to produce a Congress that would enable them to make this first chink in the Taft-Hartley structure even though, over the years, that structure has—at least in my judgment—served them and all of us remarkably well.

Whatever their eventual purpose, it is understandable why the repeal of 14(b) has been labor's primary target—and why labor's leaders have now staked so much of their prestige on the pending bill. It is understandable, because the overall strength of what we commonly call union security plays a major role in any successful collective bargaining process—and that strength is not at its peak as long as organized labor has to use any part of its considerable resources to fight a constant rearguard action against the right-to-work movement, although in many ways it may have been a salutary thing for labor, itself, that it has had to use those resources to persuade rather than to compel reluctant employees to give it their support in right-to-work States.

Although the opponents of repeal have tended to overstate their case on this point, it is undoubtedly true that repeal of 14(b) will tend to add something to organized labor's present authority and power. To whatever degree this proves to be the result, an equally greater degree of union statesmanship than we have sometimes seen in the past will also be required—and I am confident that it will be provided.

In any event, has not the relative importance of this aspect of the problem probably been inflated far beyond its proper proportions? In fact, after all is said and done, do we not really have here a sort of tempest in a teapot? And is it not also probably true, if this bill did not have such an unmistakable union label and carry with it the political overtones that any such proposal seems inevitably to bear, that we would be able to dispose of it, on its merits, without all the emotion and furor that has been displayed here these past few days?

Mr. Chairman, it seems to me so—and when I look at H.R. 77, standing alone on its own merits, stripped of all emotion and political overtones, I am frank to say that I see no compelling reason why I should oppose it.

But, Mr. Chairman, my problem, and, I venture to say, our collective problem, is not as simple as all that, because there are other elements that are germane, as I have said, to the decision we must make; elements that we must not only consider but dispose of on their respective merits, too, else our failure to do so will rest upon our collective conscience.

What are those elements?

In brief, they all arise out of the factor of compulsion that we know exists in the very concept of the union shop—a kind of compulsion that, in most respects, we tend to think of as justifiable but that, sometimes, may not be justifiable and, when it is not, does violence to the rights of the individual.

When is that compulsion not justifiable?

Well, surely, as our colleague from Oregon [Mrs. GREEN] has argued so eloquently, it is clearly not justifiable whenever an individual holds to certain religious convictions that make it impossible for him or her to join or support a labor union. As we have discovered, though such persons are relatively few in number, such convictions and their inability to work out any satisfactory alternative solution with the union where they work, has led to their leaving their employment, with consequent hardship and often ridicule. Mrs. GREEN offers a simple amendment to correct this situation which we should certainly consider and, I believe, adopt simultaneously with H.R. 77 or else the bill, itself, should be put aside.

In the same fashion, my distinguished and able friend from Michigan [Mr. GRIFFIN] offers a series of amendments designed to deal with certain other aspects of what may well be unjustifiable compulsion of one sort or another in connection with the union shop.

He suggests, for instance—and I think he is right—that there can be a form of unjustifiable compulsion under a union shop where the threat of some sort of union discipline—direct or indirect—is used the restrict a worker's freedom of speech, or of petition, or even of suit in court, or even for just engaging in activity that may be out of line with the prevailing union orthodoxy of the moment. And, Mr. Chairman, I have witnessed this sort of wrongful compulsion in my own congressional district.

Mr. GRIFFIN also suggests that there is unjustifiable compulsion—and again I think he is right—whenever union shop dues or assessments, collected on a compulsory basis, are used directly or indirectly for political purposes, or for any other function not directly related to the function of collective bargaining. Why should labor object to this kind of amendment—as offered by Mr. Griffin—which would restrict union funds so collected to what is supposed to be their intended use all along, especially when it would have no effect upon any union's right to continue to collect other moneys on a voluntary basis to use for a political or any other appropriate purpose?

There are other amendments which Mr. Griffin suggests, in his package proposal, that I shall not take further time to go into, here, but that I believe to also have merit, and that are equally germane to our decision on H.R. 77, and that we should consider and act upon, on their merits—and not merely brush them aside in favor of doing what is politically opportune—or else H.R. 77, itself, should be laid aside.

The most important of these, in my judgment, touches upon the sort of compulsion-in-reverse that we know exists, yet, in certain unions who unfortunately discriminate against persons seeking membership, or the advantages of apprenticeship or union training programs, because they happen to be of the wrong race or color. It may well be true that certain of the provisions of the more recently enacted civil rights legislation will help to correct this injustice, but the simplest and quickest way of doing so is to adopt this kind of an amendment to Taft-Hartley simultaneously with H.R. 77—and, again, if we fail to do so, H.R. 77 should be laid aside.

Under the railroad-like atmosphere prevailing here, even if a point of order is not raised against the several amendments I have mentioned when an attempt is made to offer them, it seems doubtful that they could receive the kind of objective consideration they deserve.

This is why I shall probably vote, at the appropriate time, to recommit this bill to the Education and Labor Committee—for there is no urgency about it at all—in the hopes that that motion will carry and that this Congress will live up to its full and clear responsibility—in the words of the lead editorial in today's New York Times—to produce a "labor law that would be good for the country and not just unions."

In the further words of the Times, what is needed is "a balanced package of Taft-Hartley changes, and without such revisions the law ought to be left alone."

Mr. GRIFFIN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. Cunningham].

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, for some time now I have advocated a congressional investigation of our poor and deteriorating mail service. I have received thousands of complaints from postal patrons, but one of the latest I received is the most shocking to date and I think it should be brought to the attention of every Member of the Congress.

Mr. Chairman, I have learned that nearly one-half million dollars worth of coin "proof sets" produced by the U.S. mint were lost in the mails during 1964 and the early months of 1965.

I have written to Postmaster General John Gronouski demanding an explanation and investigation of this matter by his Department. I find it hard to believe that 36,000 coin "proof sets," sanctioned and produced by the U.S. Government could be "lost" or "unaccounted for" in the U.S. mails. The Treasury Department has informed me this is the number of coin sets which have been reported "missing" by the Post Office Department.

This is another prime example, added to the thousands I have already received, of the continued poor mail service the American people are receiving.

I have been told the market value of the 1964 coin "proof sets," which are specifically minted for private citizens and coin collectors, is $14 each. These "proof sets" are sold for $2.10 on a first-come first-serve basis by the U.S. Treasury each year until that year's supply is exhausted. A "proof set" contains a specially minted "proof" penny, nickel, dime, quarter, and half dollar and are highly prized by coin collectors and other persons.

The Treasury Department has announced it will no longer produce "proof sets." This, coupled with the fact the 1964 "proof sets" contained the only "proof" Kennedy half-dollar drastically raised the market value.

The loss of this half-million dollars worth of coins, which were shipped in packages from the Philadelphia Mint, came to light when a postal patron wrote to me and complained that "proof sets" purchased for his children were lost in the mails and the Treasury Department had exhausted all replacement sets. In a letter, the Treasury Department stated very frankly:

> Although we did retain a stock of 1964 proof sets based on previous years experience, which under normal conditions would have been more than ample to replace sets lost in the mail, it is regretted that losses (through the postal service) have been so heavy that our supply is exhausted.

Mr. Chairman, I am astounded at the loss of these important packages in the mails and can see no excuse for such poor postal service.

The loss and apparent disappearance of a half-million dollars worth of U.S. coins somewhere in the postal system requires and demands a statement from the Postmaster General as to why such a loss could take place. I, and I am sure I can include the other Members of this distinguished body, and the general public—the postal patrons—demand an explanation and answer from the Postmaster General as to how this could happen, what he proposes to do about it and what steps he is undertaking to see that such losses do not occur in the future.

As the ranking minority member of the Postal Operations Subcommittee, I think it is high time we take a long, hard look at what is wrong with our postal service.

Mr. Chairman, I include herewith a letter which I received from one of my constituents who first brought this problem to my attention, also two letters to my constituent in reply to his inquiry:

Omaha, Nebr.,
July 6, 1965.

Hon. Glenn C. Cunningham,
U.S. Representative, House Office Building, Washington, D.C.

Dear Mr. Cunningham: Enclosed herewith are photostatic copies of letters I have received from the U.S. mint concerning a shipment of 1964 proof coins which I purchased. I have been buying five sets of these coins each year for several years—one for each of my three children and one for each godchild.

As you can see the notice I received advised that these coins would be shipped in November 1964. When I did not receive them by February 1965 I wrote to the mint to find out when I could expect them. On March 24, 1965, they advised that a tracer action was initiated and if they were not found a replacement shipment would be made. All necessary paperwork was accomplished here at the Omaha Post Office and I assumed that I would soon receive the proof coins.

I was certainly shocked to receive the letter dated June 30, 1965, advising that so many of the 1964 proof coin sets were lost in shipment that they could not replace my five sets and they would refund my money. There must have been an awful lot of coins missing—and probably for a good reason. These sets are already listing at $12.75 per set and since they contain the Kennedy half dollar will be very valuable 20 or 30 years from now. This certainly is a bad reflection on the Post Office Department and its employees. It appears that something is very low—either the efficiency or the moral character.

I am very interested in receiving the five sets of proof coins that I purchased. I believe if someone like you were to take this up with the proper people you could accomplish what I cannot. I believe that they probably still have some sets available for those who will press hard enough for them. In any event, I believe you should look into a situation that looks very bad to me. I appreciate very much any efforts you will make in my behalf.

Respectfully yours,
James F. Lynch.

Treasury Department,
U.S. Mint Service,
Philadelphia, Pa., March 24, 1965.

Re: Your report of nonreceipt of 1964 proof sets recently forwarded and lost en route (Claim No. 4–3042).

Mr. James F. Lynch,
2306 South 14th Street,
Omaha, Nebr.

Dear Mr. Lynch: Reference is made to the above-captioned subject matter:

☒ The practice of mailing advance notice of shipment was discontinued in January 1963; however, since it does not seem that sufficient time has been allowed for delivery of this order, may we suggest that you contact us again if it is not received within the next 2 weeks.

☒ Tracer action will be initiated, and upon receipt of certification of loss by the Post Office Department, a claim for reimbursement of the cost will be filed with that Department. After our receipt of a check in settlement, a replacement shipment will be forwarded; normally, settlement is effected in about 90 days. In the event that the original shipment is received by you in the interim, notification to that effect will be appreciated, in order that tracer/claim action may be canceled.

☒ If it should be necessary for you to communicate with us further in connection with this shipment, please refer to the above-captioned claim number.

Order No. 3110641.

Correspondence Section.

TREASURY DEPARTMENT,
U.S. MINT SERVICE,
Philadelphia, Pa., June 30, 1965.

Re Order No. 3110641, five 1964 proof sets forwarded on July 24, 1964, and allegedly lost en route. Tracer and claim (No. 4-3042) filed with Post Office Department.

Mr. JAMES F. LYNCH,
Omaha, Nebr.

DEAR MR. LYNCH: Reference is made to the above-captioned subject matter:

Although we did retain a stock of 1964 proof sets based on previous years' experience, which under normal conditions would have been more than ample to replace sets lost in the mail, it is regretted that losses have been so heavy that our supply is entirely exhausted and proof coin facilities are now engaged in round-the-clock production of coin for general circulation, because of the critical shortage of such coins.

We are very sorry that your proof sets were lost in the mail; however, the mint is not an insurer of the sets nor does it guarantee delivery. The insurance fee included in the purchase price of $2.10 per set provides only for reimbursement of the cost of the number of sets lost in the mail; it does not guarantee a replacement shipment.

Now that the claim indicated above has been honored by the Post Office Department, a check reimbursing you for the cost of the lost shipment will be sent to you as early as possible. If it is not in your possession within 30 days from the date of this letter, please let us know.

Very truly yours,
THOMAS E. POWER,
Administrative Officer.

Mr. GRIFFIN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, I take this time merely to point out what I feel was an inadequacy in the argument of the gentleman from Indiana [Mr. BRADEMAS].

In reading his editorial, which was a good editorial—if I heard him correctly, and I believe I did—he stated they recommended that the right-to-work law be repealed by the Indiana Legislature. I point out that that has nothing to do with 14(b) as it relates to H.R. 77. It probably was entirely in the best interest of Indiana to repeal the act, but that was done through the State legislature, as it should have been done and not by dictation from Washington.

This is something entirely apart from saying that the U.S. Congress in an action here today should repeal all these right-to-work acts and should take away the right of Indiana to enact one, as it did in 1957, or to repeal one, as it did in 1965.

I believe the gentleman's argument goes far afield. It may have been proper to repeal the right-to-work law in Indiana. Perhaps candidates would wish to run on that basis in Indiana. That is not the issue today.

The issue is whether or not Congress will transcend the entire field and remove from the people of Indiana their right to make this decision. I think they should have this right and the editorial my colleague read would seem to so believe. To construe this as support for H.R. 77 is, I feel, a stretch of the imagination.

Mr. GRIFFIN. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Chairman, we have heard in the testimony over the past few days that those of us who have spoken against the repeal of 14(b) of the Taft-Hartley Act are classified as right wing extremists, in some kind of a coalition with Madison Avenue.

As the only Member of Congress singled out by the gentleman from New Jersey as having testified before the committee in opposition to this bill, I would like to say that I have never considered myself a member of any such group.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. I yield briefly to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I did not mean to single the gentleman out. It happened that the gentleman was the only one who did testify in opposition.

Mr. CALLAWAY. I thank the gentleman.

Mr. THOMPSON of New Jersey. I would have named any others who did.

Mr. CALLAWAY. I am proud to be a Member of a unique group of one who testified in opposition to this bill.

But let me say that I have always felt myself to be a member of another group—the group that strongly favors the workingman. I believe that those of us against repeal of this law are truly in favor of the rights of the workingman, and are opposed only to the power of labor leaders.

In my testimony before the committee I submitted statistics which I wish I had time to present today to show that my State of Georgia as a right-to-work State is growing, and that the Georgia labor unions are growing. They are growing because they are selling honest labor unions to their workers. That is how it should be.

I quote from a labor leader, in testimony before the committee, who said:

> In right-to-work States, unions at present cannot allocate sufficient attention to these problems (labor-management problems) * * * because they must constantly endeavor to convince the minority of employees in a bargaining unit that they should join the union and give it financial support.

Mr. Chairman, these are the most remarkable words I have ever heard spoken by a responsible man. This is like a member of the business community saying that he could do a much better job of manufacturing his product if he just did not have to take time out to convince people to buy it.

This is the key to this issue. If the unions cannot sell their product through responsible service, they do not deserve compulsory membership; and I say that in this world of competition they should be required to sell their product. To all unions who serve through high purpose I give my unyielding support.

Mr. Wirtz testified as the leadoff witness as follows:

> What is involved is only the effect which any group decision has on the position of a member who disagrees with it.

We have certainly seen, Mr. Chairman, that this is not the case. What is involved is the taking away of the rights of our minorities—such as the minorities in my district, Seventh-day Adventists, and Mennonites, who feel, as the gentlewoman from Oregon feels, that they are faced with the choice of giving up their livelihoods or their religion. Other workers may feel, whether or not they belong to the union, that they do not want their money spent for certain charitable purposes, or, what is more important, for political purposes with which they do not agree. This, I insist, is their right.

This administration, which has taken such an alleged view in support of minorities, now says that the minority has no rights, that if the majority decides a union is good the minority must join.

I say to my friends on the other side of the aisle that this is in complete contrast with what they have professed from the beginning of this Congress.

Mr. Chairman, I yield back the remainder of my time.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL of Massachusetts. Mr. Chairman, so many times members of the Republican Party say, "I wonder what is wrong with our party." Well, the answer is perfectly obvious. They are like an ostrich that buries his head in the sand. They want the status quo. They do not want to correct the inequities of the terrible legislation that they have put on the books in the past. They do not want to admit their faults. You know, they are like the aged old spider—they do not have enough strength to spin a web. How can the American worker have confidence in the Republican Party when they are voting for legislation in aid of States that have pirated industry away from them? Yet they wonder why their party has not been able to come back into power.

Mr. Chairman, the question of labor-management relations has long been a source of controversy and heated debate. This is not surprising as the questions of terms of employment have an intimate and vital relationship to the everyday workings of our economy and to our underlying philosophies of free enterprise. One of the most controversial subjects in this inflammatory area has been section 14(b) of the Labor-Management Act of 1947 which allows the individual State to enact laws forbidding unions and employers from signing union shop contracts. A union shop contract is one of four possible forms of shops:

First. The closed shop—in which the employer can hire only union members. This shop is now illegal.

Second. The union shop—in which the employer can hire anyone he chooses to, but this person must become a union member within 30 days.

Third. The agency shop—in which an employee does not have to join the union, but if he does not, he pays a fee to the union, usually equal to regular union dues.

Fourth. The open shop—in which anyone can work and not join a union whether or not the vast majority of his fellow workers want to be represented by a union.

The Labor-Management Relations Act makes the closed shop illegal; it, also allows the States to outlaw the union shop and thus create open shops. The States are allowed to interpose themselves in an area that traditionally has been a Federal prerogative under the commerce clause in the U.S. Constitution. These laws usurp powers that were and should be exercised by the Congress.

These laws forbidding the union shop have become known as right-to-work laws, but they do not guarantee anyone a job. These do destroy unions by creating divisions among the workers in a plant and by weakening the unions' financial base; but these laws neither make nor guarantee jobs for the workingman. These laws give the employer autonomous control over the bargaining and firing processes, but they do not guarantee anyone a job. In a word, these laws guarantee a divided working force; they guarantee an autonomous management; they guarantee a weak labor voice in setting wages and policy; but, the so-called right-to-work laws do not and cannot guarantee work for the workingman. The proponents of 14(b) would see the union emasculated and relegated to the position of a frivolous ornamentation.

It has been charged that forcing a worker to join a union after he has worked for a period of time in a factory is repressive and undemocratic. Yet no one espousing this argument has ever complained that forcing a stockholder to abide by the decision of the majority of the stockholders of a corporation or by the decisions of the board of directors is undemocratic. The decision to create a union shop is made by the majority of workers in a plant. It does not infringe on a person's right to get a job; it merely requires him to become a shareholder in the working force's representative body. Workers who disapprove of the union shop can always form a majority and dissolve their ties with the union. However, it is interesting to note that when elections were held under the provisions of the Labor-Management Act to determine the legitimacy of union shops, 97.1 percent of the workers voted for the union shop. Indeed, the so-called right-to-work laws are usually imposed on laborers by the nonfactory segments of the labor force.

The laws created under section 14(b) are not favored by the workingman. Where open shops do exist there has been labor-management friction. A union shop means an effective union. Workers are thus provided with a channel through which to voice their grievances. This prevents worker dissatisfaction and wildcat strikes. An effective union also prevents laborers from turning to radical groups. But, the open shop negates these benefits. The open shop undermines the union by encouraging workingmen to sit back and to let "George pay the dues and do the work."

It is popular in many circles to cite varied and sundry abuses of power by unions. Section 14(b) does not and cannot cure these abuses; it does not attempt to end corruption or discrimination where these exist. Section 14(b) seeks only to weaken and destroy the union. It is about as useful a cure of union abuses as a pistol is for curing a headache.

Section 14(b) must be repealed. It is a basic contravention of the right of the majority of the workers in a plant or industry to organize a union for the purpose of collective bargaining. Section 14(b) succeeds only in employer-worker relations. It is ineffective when unions are strong and it is useless where unions are weak. Section 14(b) infringes on the right of the Congress to legislate in matters concerning interstate commerce and labor. Mr. Speaker, in a word, section 14(b) of the Labor-Management Act is not only ineffectual as a cure for the ills of labor, but it is also detrimental to that balance of power that must exist in every plant if there are to be truly harmonious and democratic conditions. To repeal section 14(b), Mr. Speaker, would thus benefit not only labor, but also its partner, management.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I support H.R. 77, the bill to repeal the alleged right-to-work provisions of the Taft-Hartley Act. In my 13 years of membership in this House few bills have been accompanied by so much confusion and controversy. Confusion is present because we are considering a complex matter which has been further confounded by the conjuring up of fanciful and sometimes misleading slogans on the part of those who oppose the bill. There is controversy because this measure deals with national labor-management policy which affects all of the United States. The 19 low-wage right-to-work States which are pirating industries from the unionized living wage States are more immediately and directly affected, but a long-run beneficial economic effect will also come to the already industrialized States such as my home State of Massachusetts.

In the debate here today, emotions are running very high. When this is the case, frequently the real issues are lost sight of and the arguments sometimes become hung up on clichés that are holdovers from earlier stages of the economic development of the United States. We have heard today that the laws enacted pursuant to 14(b) guarantee the right to work, that passage of H.R. 77 will require compulsory unionism, along with the general charge that H.R. 77 is a violent deprivation of economic, political, and religious freedom. Mr. Chairman, these claims against the bill are not supported by the record.

Repeal of 14(b) will remove a far-reaching and powerful divisive force from our national economy; no longer will State be pitted against State in pirating industries by holding forth a more favorable labor climate, that is, a climate with low wages, weak unions, and poor working conditions. Sound collective bargaining between employers and union, if the employees so wish, is the labor policy of this Nation. The so-called right-to-work laws are artificial shackles imposed by the States interfering with the freedom of employer-employee bargaining.

Mr. Chairman, I would like to clear up some of the myths and misunderstandings that many persons seem to hold concerning this legislation. The people of Springfield, of Chicopee, and of my entire Massachusetts congressional district are concerned with this problem. This fact is readily evidenced by the great amount of mail I have received from both sides. I would like, therefore, to list some of the things about this bill that have caused the most confusion.

This bill will not deny anyone the right to work; force anyone to join a union; require anyone to strike or picket; prevent anyone from resigning union membership; create compulsory unions; deny to any employer the right to hire any worker he chooses; deny to any member of a union the right to refuse to submit to union discipline. This bill says that in effect once a union has been certified as the bargaining agent of a group of employees by the National Labor Relations Board and this union and its employer freely come to a union shop agreement, any person working in this plant shall not be a "free rider" and shall pay his share of the costs of collective bargaining but will not be compelled to fill out an application blank for a union or become a member of a union. He must pay his own fair and nondiscriminatory share of the costs. This is what the bill does.

Mr. Chairman, the Taft-Hartley Act and the Wagner Act before it specifically established a national labor policy to encourage free collective bargaining. Section 8 of the Taft-Hartley Act provides that "nothing shall preclude an employer from making an agreement with a labor organization to require as a condition of employment, membership."

Every other provision of the Taft-Hartley Act applies uniformly to all States. Repeal of 14(b) aims at closing the loophole, which allows States the opportunity to supersede Federal law. This loophole should be closed. It works to the detriment of States that permit the union shop. It seems to me that those of us who represent States that do not have the so-called right-to-work laws have the obligation of protecting the industries and the workers in our respective States. And let me point out again that the label "right to work" is a complete misnomer for such laws do not create any jobs, nor do they grant any opportunities for employment not previously existing.

The record clearly shows that States that have these laws are constantly importuning industries to come to their areas. They have persisted in a planned campaign of pirating manufacturing companies and their loudest and proudest boast and piper's tune is that they have a "right-to-work" law on their books.

States in which right-to-work laws are in force generally are low in economic development: wages and living standards are correspondingly low, with wage index

11 percent below that of union shop States. There is no question that such laws encourage "runway" shops to low-wage States. None of the 19 right-to-work States matches the Federal minimum wage standard; 11 have no minimum wage at all; only 3 of these States have equal-pay-for-women laws; only 1 of these States has a fair employment law prohibiting job discrimination.

Mr. Chairman, let me list the States that have taken advantage of section 14(b) and have enacted laws prohibiting unions and employers from exercising their free collective bargaining rights to negotiate for and sign union shop agreements. Every State from Virginia to Texas, with the exception of Louisiana, has a right-to-work law on its statute—Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, and Texas. The agricultural producing States of the northern Great Plains were early enactors of right-to-work laws. They now include North Dakota, South Dakota, Nebraska, Kansas, and Iowa. States of the Rocky Mountains—Arizona, Utah, and Nevada.

A number of States have enacted right-to-work laws, and, because of unsatisfactory experience, subsequently rejected them. These States include Delaware, Hawaii, Indiana, Maine, and New Hampshire.

The right-to-work issue has been before the people of the States for referendum vote, or before the legislatures of the States and has been defeated in the following States: California, Colorado, Idaho, Maryland, Ohio, Oklahoma, Vermont, Washington, and Wyoming. There were other States, including Oregon, Montana, and Pennsylvania, where the right-to-work advocates were unable to secure sufficient signatures to put the issue on the ballot.

Mr. Chairman, 31 States have refused to enact, or rejected, so-called right-to-work proposals. Massachusetts is one of those States. I do not intend to continue to place my State in an unfair position on this issue. The Federal law ought to be uniform. States that have a greater concern for the bargaining rights of employees should not be penalized because other States have less concern and forbid union shop agreements. The evidence and the facts clearly demonstrate that 14(b) of the Taft-Hartley Act discriminates against Massachusetts. It has been a factor of note in cases where industry has left my State and set up in areas that have enacted right-to-work laws.

Mr. Chairman, I trust that this Congress will repeal section 14(b) of the Taft-Hartley Act. I intend to vote for H.R. 77.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. Reid].

Mr. REID of New York. Mr. Chairman, the repeal of section 14(b) permits freedom of contract between employers and employees with regard to collective bargaining agreements following a majority determination and approval of management.

It permits:

First, a union shop contract.

Second, a maintenance of membership contract.

Third, an open shop contract.

Fourth, employment where there is no union.

A union shop contract requires only uniform payment of dues and initiation fees, which may not be excessive or discriminatory.

A maintenance of membership contract requires those in the union to remain members thereof only for the life of the contract.

By law a union which represents a majority of employees is the sole bargaining agent—but the contract need not contain a provision requiring membership in a union. This is an open shop contract.

Mr. GLENN ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I shall not yield until I finish my statement and then I shall be happy to yield to the gentleman.

Should section 14(b) be repealed:

First, the closed shop will continue to be banned outright.

Second, preference in hiring between union and nonunion members continues to be forbidden.

Third, an employee—under a union shop contract as interpreted by the courts—is not required to attend meetings or to participate in any union activities.

Fourth, a majority of employees represented by a union may expressly revoke the authority of the union to negotiate an agreement should they choose to do so in a secret ballot election conducted by the National Labor Relations Board.

Specifically with regard to the State of New York the repeal of 14(b) will have no effect on any segment of labor-management relations, union organization, or employee rights. New York's 4,266,000 nonunion wage earners in nonagricultural establishments can continue under the law to work as they do now without joining the 2 million AFL-CIO union members in our State.

During the 18 years section 14(b) has been on the books, New York State has not enacted a right-to-work law—indeed a check of recent records back to 1958 by the Office of Legislative Research of the New York State Assembly failed to find even the introduction of a single bill on this subject.

Repeal of section 14(b) will however have the effect of putting 19 States under the law on the same competitive basis as New York State and 30 others. This is a matter of some importance due to the number of New York companies—involving thousands of jobs—which have left New York for right-to-work States in the South and West. It is a matter of some relevance as the average hourly earnings in manufacturing trades is over 10 percent lower in right-to-work States than in New York—according to the U.S. Bureau of Labor Statistics.

In the apparel industry 11 percent in 1947 was located in the South; today 28 percent is in the South. Average hourly wage rates in this industry are, according to the Department of Labor, 65 cents an hour lower in Southern right-to-work States than the overall U.S. average of $2.12 an hour, and 76 cents lower than New York's average of $2.23 an hour.

Further between 1948 and 1964 according to the U.S. Department of Labor, New York has lost an estimated 178,200 jobs or minus 9 percent and is ranked 48th lowest of the 50 States in terms of change in manufacturing employment. Each of the right-to-work States have gained and some substantially with Arizona up 274 percent, Florida up 142 percent, Nevada up 94 percent, and Texas up 55 percent and 191,000 jobs.

While these figures are specific—I would judge that a number of companies have left New York State for reasons other than right-to-work laws—for example, tax advantages—including tax forgiveness—industrial decentralization, water rights, cheap electric power, land availability, and the like. It is apparent, however, that the average wage levels and fringe benefits received by workers in right-to-work States are below the standards in the State of New York, and that right-to-work States have often used such laws in part as an affirmative argument for industry based in New York to relocate in those States. While right-to-work laws may not have been the sole reason, or even the principal reason for the move of a company from New York it can hardly be argued that they have helped create more jobs or furthered New York's economic development.

Mr. DAVIS of Wisconsin. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and two Members are present, a quorum.

Mr. REID of New York. Mr. Chairman, across the Nation there are currently 19 States with right-to-work laws. Efforts to secure approval of right-to-work laws by public referendum have been made and failed in California, Colorado, Idaho, Maine, Massachusetts, New Mexico, Ohio, Oklahoma, and Washington. Right-to-work laws, once in effect in Delaware, Hawaii, Indiana, Louisiana, Maine, and New Hampshire, have all been repealed in recent years.

In terms of the principle involved, one quotation from the General Board of the National Council of Churches is worth noting:

> It is the opinion of the General Board of the National Council of Churches that union membership as a basis of continuing employment should be neither required nor forbidden by law: the decision should be left to agreement by management and labor through the processes of collective bargaining.

In terms of hard-core unemployment and standard of living in the South, a study of Prof. Vivian W. Henderson, of Fisk University, and a visiting professor at North Carolina State College of the University of North Carolina, is worth considering:

> In only one Southern State, Florida, have the earnings of Negro male workers gained in relation to those of white male workers. In each of the other 10 States, not only did the dollar gap increase, but Negroes also lost percentage ground ranging from a 6-percent negative change in Virginia to a 25-percent

> negative change in Arkansas for all male workers; and a negative change in the income of all persons ranging from a low of 7 percent in Georgia to 21 percent in Tennessee. In other words, although Negro income between 1950–60 increased sharply, the gap between white and Negro income was growing.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from New York.

Mr. SCHEUER. The gentleman has served as a former distinguished chairman of the New York State Commission on Human Rights. In connection with the problem of the Negroes we have heard from the opponents of repeal that the reason they oppose repeal is because they are deeply concerned with the individual human rights of working people. From the gentleman's experience as chairman of the New York State Commission on Human Rights, does the gentleman have any explanation as to why it is, that of the 25 States that have fair employment practice legislation, as we do in New York, only two of these States are among the 19 States that have right-to-work legislation?

Mr. REID of New York. I think the gentleman's question clearly answers itself.

Finally, I have long been on record against proposals which seek to abolish or diminish labor's right to self-organization and collective action. Unions have been largely a force for good in our society but no objective person can fail to recognize the need for keeping union responsibility abreast of any enhanced union authority.

Along with Senator Jacob K. Javits, I introduced in June a series of five bills to strengthen the collective bargaining process, bolster union democracy and equal employment opportunity and improve machinery to deal with national emergency strikes.

Specifically, the bills in question would amend the Labor-Management Relations Act to give the Federal courts jurisdiction to enforce provisions of collective bargaining agreements containing no-strike, no-lockout clauses if such jurisdiction is specifically accepted in the contract; amend the National Labor Relations Act to insure, when requested, a secret ballot election in union representation cases; give the President new powers to protect the public health and safety in national emergency strike situations; and amend title VII of the Civil Rights Act of 1964 to give the Equal Employment Opportunity Commission administrative enforcement and investigatory powers and to stress equal opportunity access to apprenticeship programs with quarterly reports to the Congress thereon, which was reported as H.R. 10065 from the full committee yesterday. In two colloquies with the distinguished chairman of the Education and Labor Committee during debate on the resolution on July 26, I received assurances that prompt and immediate consideration would be given to hearings on one or more of these pending bills. The distinguished chairman also indicated that he would be prepared to act under the 21-day rule if legislation along the lines I introduced is reported out of the Committee on Education and Labor.

Accordingly, I intend to vote for repeal of section 14(b) to support responsible and free collective bargaining, and I will fight for new legislation to insure union democracy and to further safeguard the public interest—which is paramount.

Mr. BERRY. Mr. Chairman, the debate that we have listened to during the past 2 or 3 days has been prone to drift afar from the issue involved in this case.

There is one issue, and only one. It should be repeated time and time again that the issue before us is not the merits of the law itself, but rather the right of the people of each State to determine for themselves whether or not they wish, because of their own circumstances and local conditions, to have such a law.

This and this alone is the question involved. The conditions of each State differ from adjoining States or neighboring States of the Union. Each State should have the right to determine for themselves and no State should be given the right to impose its will upon another State.

You have just listened to the gentleman from New York [Mr. Reid] insisting that because the Southern States of the Nation, which have the right-to-work law are taking industry away from New York, which has the union shop, therefore, Central Government should force the union shop upon all States to prevent pirating of industry.

Is this the function of Central Government? Is it really the purpose of Central Government to inflict the will of the majority of the States upon the people of the minority?

My State of South Dakota has written the right-to-work law into its State constitution. Do Representatives from New York, Pennsylvania, and other labor-controlled States have the right to force their will upon an agricultural State like South Dakota? Why should not this determination be left to the people of the State as it has in the past?

The Wagner Act and again the Taft-Hartley Act recognized these rights in the people of the State. This is the philosophy upon which this Nation was founded—it is the philosophy by which this Nation has grown great. Do we tear down this great bulwark by tearing down the fundamental philosophy of America?

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. William D. Ford].

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of H.R. 77, and I would like to note for the record that shortly after the very able chairman of the subcommittee introduced this legislation I joined in cosponsorship by introducing my own bill, a duplicate, H.R. 4491.

I have supported this legislation consistently from the beginning of this session, and I believe for sound reasons. I note, however, that those who are leading the opposition to repeal section 14(b) would do so under circumstances that might improperly lead to the conclusion that this is a partisan issue that divides very clearly and distinctly along party lines.

I should like to disabuse anyone—who is laboring under that misapprehension—of the confusion that has perhaps been injected into this debate by the gentleman from New York and the gentleman from Michigan.

I should also like to point out that both the gentleman from New York and the gentleman from Michigan, who have led the fight in opposition to repeal, have done so by repeatedly saying here that they do not advocate a right-to-work law for either of the States that they themselves represent.

As a matter of fact, if you will look at page 199 of the transcript of the hearings on this bill, you will find a statement by the gentleman from Michigan in which he said, and I quote:

> I said that I was not advocating a State right-to-work law for Michigan.

Now in this regard he does not go quite as far as the Republican Governor of the State of Michigan; who during the period when the eyes of the country were focused on him as a potential candidate for President of the United States on that party's ticket, made a statement before the Republican Platform Committee in California, and I quote from that statement:

> These (right-to-work) laws, whether national or State, are not the answer because they deny to workers the same organization rights exercised by stockholders. Management and its policies are the result of majority votes by stockholders, and minority stockholders must accept the will of the majority or sell out. In the American economy and political system, workers must have these same rights of organization.

Then there is another outstanding Republican who had a great deal of publicity during the last campaign and who is known as a leader in his party, the present Governor of the State of Pennsylvania who put it more bluntly when he said:

> I have never been in favor of right-to-work legislation and I am not now.

Significantly, he added this:

> I know of no leader in either party in our State who favors right-to-work legislation.

Now it might be asked, if these gentlemen do not advocate here on the floor of the House the right-to-work law for their own States, why advocate it for others?

The rationalizations we have heard here go something like this: "Oh, we are only trying to protect the individual employee from abuses which might accrue to his individual rights if 14(b) is repealed."

And then parenthetically: "Without the adoption of several other protections that we would afford to him."

Secondly, they rationalize: "We want to protect the States' rights by reserving to the States the power to prohibit an employer and employee organization from entering into an agreement at the bargaining table which includes union security."

As to the assertion contained in rationale No. 1, much has been said here about the rights of the individual workers to be a nonunion free-rider or a dissident.

But nothing has been said from their side of the aisle about the right of a worker who is in fact a dues paying, active union member and who with a majority of his fellow employees wants and supports the advantages of a vital and strong collective bargaining organization.

What about his rights? Does this individual by virtue of the fact that he is a member of the majority lose his individual rights? I think we should take a look at who is opposing this legislation now by ringing out loud and true their anguish for the rights of the individual workingman.

In truth the opponents here leading the fight against repeal of section 14(b) are following the line set down by those other great advocates of the rights of the workingman—such great advocates as the U.S. Chamber of Commerce, the American Manufacturers Association and the American Farm Bureau and others. Do they really feel pain and shed tears for the poor workingman? Or is this a candy coating over their persistent drive for an unfavorable position for the American workingman and his union? Is this line naively conceived in the hope of fooling the man in the blue collar who is working with his hands for a living? I do not think so. I think more likely it is really a sophistry designed to convince their supporters that this stubborn opposition is not really a continuation of classic 19th century management heartlessness.

Important to our Federal system of Government are the departments of the executive branch, one of which is the Department of Labor. And it is to this Department that we turn for the administration of matters affecting trade unions and the workers of our Nation.

In our consideration of H.R. 77 and right-to-work laws it is important that we weigh the views of the Secretary of Labor, for this man should, above all others, be the most knowledgeable, the most authoritative on the subject.

So, allow me to quote a Secretary of Labor on right-to-work laws:

> They call these right-to-work laws but that is not what they really are * * *. In the first place they do not create any jobs at all. In the second place, they result in undesirable and unnecessary limitations upon the freedom of working men and women and their employers to bargain collectively and to agree upon conditions of work.

That was a statement by the late James P. Mitchell, Secretary of Labor during President Eisenhower's administration. His sentiments were wholeheartedly endorsed by his successor, Arthur J. Goldberg, and the present Secretary of Labor, W. Willard Wirtz.

Thus the last three Labor Secretaries, representing both Republican and Democratic administrations, opposed right-to-work laws as undesirable limitations upon the freedom of American workers.

It is further evident, that when emotion is put aside on this issue, and the 18-year history of right-to-work examined, there is very revealing history, some of which Secretary Wirtz brought out in his testimony.

For example, in 1947, when the law was passed, the view was held that workers, if given a chance, would reject union shop provisions in a contract. And so, the law provided that there could not be a union shop unless a majority of the employees so chose in a Government-conducted election. This was supposed to be the blockbuster that would cut the heart out of the unions' claim that workers voted for unions to achieve mutual security.

But what happened? That part of the law lasted just 4 years because it became so embarrassing and so overwhelmingly a reaffirmation of trade union support, that the law was amended and the requirement eliminated.

In that 4-year period, 46,146 elections were held. Over 6 million employees voted in union shop elections and in 97 percent of the elections the employees chose to be represented in a union shop, and 91 percent of ballots favored union security.

It would thus appear that when employees are given the opportunity to make their own choice, they prefer union security contracts. They do not consider that they have in any way given up any freedom.

As Secretary Wirtz said in his statement before the committee, it is the right of employers to purchase full-page advertisements in the Nation's newspapers urging that section 14(b) be retained in the name of freedom, but it appears, from the record, that the employers in these instances have motives other than the freedom of their employees.

I, therefore, urge that we heed the record of the past and experienced viewpoints of our leaders who speak for both parties as well as our Secretaries of Labor and repeal section 14(b).

Mr. GURNEY. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. MIZE].

Mr. BURTON of Utah. Mr. Chairman, will the gentleman yield?

Mr. MIZE. I am happy to yield to the gentleman from Utah.

Mr. BURTON of Utah. Mr. Chairman, I have heard quoted several times during this debate the position of the Governor of Michigan. I believe the gentleman who preceded the gentleman now in the well does the Governor of Michigan, his own Governor, an injustice when seemingly he quotes him out of context.

The Governor of Michigan is in favor of repeal of section 14(b). I have talked with the Governor twice on the telephone at some length recently. He is in favor of a good many other things in respect to the labor movement, also—things he would like to see in this bill, such as a restriction on the use of union funds in political campaigns; and consideration, perhaps, of placing unions under antimonopoly legislation.

Mr. Chairman, I have a statement which I obtained from the Governor on the telephone, and so that his position cannot be misconstrued, I should like to ask unanimous consent to have that printed in the RECORD at this point.

The CHAIRMAN. The gentleman will have to get that permission in the House.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield for a brief reply?

Mr. MIZE. I do not have much time. If I finish in time I will be happy to yield.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. MIZE. I am happy to yield for that purpose.

Mr. TUNNEY. Mr. Chairman, I rise in support of the repeal of section 14(b).

Section 14(b) of the Taft-Hartley Act gives States the right to prohibit management and labor from negotiating an open union—sometimes called union shop—contract. By so doing, it gives States the right to restrict freedom of collective bargaining.

The repeal of section 14(b) will have no effect on present California labor law because the voters of California rejected 14(b) by an overwhelming majority in 1958. The people of our 38th Congressional District also rejected the proposition to establish a right-to-work law in California.

The repeal of section 14(b) will not force any worker to join a labor union in California or any other State. As is now the case in California and the 30 States that allow open union contracts, the open union becomes a matter of negotiation between workers and employers. If at any time a majority of union and nonunion workers in any plant vote by secret ballot against an open union contract, the contract is terminated and the plant becomes once again an open shop.

I believe that a uniform labor policy should be established throughout the Nation. I agree with the late Senator Robert Taft, Ohio, that it is far better to have a national policy which does not outlaw the right of management and labor to negotiate an open union contract. In my opinion, this insures justifiable wages and working conditions throughout this country, consistent with the level of today's economic prosperity.

The persuasive necessity of having a uniform labor policy and the fundamental fairness of the open union contract led Senator Robert Taft to speak against an amendment to the Taft-Hartley bill which would have provided for a national prohibition against the negotiation of an open union contract by management and labor.

Senator Taft said:

> My own philosophy is that we have to decree an open shop or an open union. The committee (Senate Labor and Public Welfare), decreed an open union. I believe that will permit the continuation of existing relationships, and will not violently tear apart a great many long existing relationships and make trouble in the labor movement; yet at the same time, it will meet the abuses which exist.

The Senate thereafter defeated the amendment. It should be noted that section 14(b) was not part of the Taft-Hartley bill at the time Senator Taft made this statement in opposition to the amendment, nor had it been included in the bill reported out by the Senate Labor and Public Welfare Committee. Although Congress decided it would not nationally prohibit the negotiation of an open union contract, it did subsequently give the States the right to do so by adding 14(b) to the Taft-Hartley bill.

Even if a plant has an open union contract in California, a worker does not have to be a member of the union at the time he seeks employment. The Taft-Hartley Act justifiably prohibits this.

Since the passage of the Taft-Hartley Act, we have had nearly 20 years of experimentation with State right-to-work laws. The experiment has shown that section 14(b) has served to allow a few States to continue to pay low wages. California with no right-to-work law would benefit greatly from the national repeal of 14(b). Because California permits open union contracts some California industry has moved to States where open union contracts are prohibited. An example of this is the Revere Brass & Copper Co., which was formerly located in Riverside and employed about 75 people. The company closed down in November 1962, and moved to Georgia where there is an interdiction against open union contracts. California has the climate, facilities, and services which would attract more industry if it were not for low wages in most right-to-work States.

Low industrial wages in the South have the side effect of producing low agricultural wages. California crops must compete in the marketplace with crops from other parts of the country, yet average California agricultural wages are $1.38 per hour, while in Southern States 51 percent of farmworkers are paid less than 55 cents per hour. This means less profit to the California farmer and makes California crops less competitive on the open market. In Riverside and Imperial Counties, where agriculture is the prime industry and is responsible for bringing $1 billion a year into the local economy, farmers have long felt the effects of this discrepancy in wage rates. To protect our agricultural industry against this unfair competition, it is important that southern workers have an opportunity to receive the same wages as California workers.

I believe that the amendment offered by the gentlelady from Oregon should be adopted by the Congress. I am sorry that it was not adopted by the Committee on Labor and Education and that the rules of the House prevented it from being considered by the House as a whole.

It is in my mind a basic principle of democratic life that a person should not be required to join a union or an association if he or she has a firm and sincere religious conviction against such membership. A religious conviction is one of the most sacred of human expressions and should not be made the subject of regulatory legislation unless strong public policy necessitates it. In this case public policy not only does not necessitate the restriction of religious freedom, it demands its free exercise. I would have voted for the Green amendment if it had been offered to the House for a vote. I hope to vote for legislation which embodies the Green amendment in the near future.

Mr. WILLIAM D. FORD. Mr. Chairman, calling the attention of the gentleman now in the well to the fact that his colleague mentioned my name on the floor, I ask the gentleman to yield for a reply.

Mr. MIZE. Because I am a gentleman, I will be happy to yield for a reply.

Mr. WILLIAM D. FORD. I would merely like to make it very clear that I did not intend to, nor did I in fact, quote the Governor of Michigan out of context. He has made that statement in numerous forms throughout the country, as the Governor of Michigan and as a delegate to its constitutional convention. As a person with whom I have had the opportunity to discuss these problems many times, I know he never at any time advocated for the State of Michigan any form of right-to-work or alternatives in the form of alleged protections contained in the so-called Griffin amendments. I believe the records of that State will show this to be true.

Mr. BURTON of Utah. Mr. Chairman, will the gentleman yield?

Mr. MIZE. I am happy to yield to the gentleman from Utah.

Mr. BURTON of Utah. I never implied that the Governor of Michigan advocated a right-to-work law for his State. I merely say that at the appropriate time I will ask permission to print in full the position of the Governor of Michigan, something which the gentleman who preceded the gentleman now in the well did not do.

Mr. MIZE. Mr. Chairman, I am from Kansas. Your colleagues from the big industrial States who are crying that we little Midwestern and Southern States are stealing your industry, I hope will permit me to point out that one of the blessings of the Middle West is that it is not torn by many critical problems which plague the industrial areas and urban areas of this country, such as water shortages, air pollution, too many people, too rapid growth, extreme poverty, racial strife, overcrowding, commuter traffic, lack of recreational opportunity, and excessive dependence on Federal contracts.

While these problems exist out in the Midwest, in the Great Plains States, they are on a much smaller scale and are much more manageable and in much more favorable time perspective. We believe we have more time to prepare for them.

This all means that the Middle West may have more freedom as a region to develop its potential. We are not burdened with many major deterrents to real progress and growth, which elsewhere are commanding the best attention and resources of less fortunate areas.

We have institutions in the great Midwest and down South—intellectual, financial, and corporate—which are doing a really fine job. We have many fine centers of competence to build around.

Out in the Midwest there are many other comparative advantages. We have a long tradition of high productivity in mass production industries. We have a good location for serving national markets. In spite of an increasingly higher level of education, we have retained a good mix of working skills. If we are getting industry away from you folks, it is not because of right-to-work laws, I can assure you.

The chairman of the Committee on Education and Labor [Mr. POWELL] said in his opening statement that repeal of 14(b) is necessary so that every State has equality on this matter of bargaining for union security. I should like to point out that in my modest opinion the fact that only 19 States have right-to-work laws is not the significant figure.

The fact that the other 31 States can have them if they wish is the important thing. Thus, all States do have equality as the matter now stands. The people of Kansas voted in favor of a right-to-work amendment to our State constitution by almost a 100,000 plurality. It was a popular referendum.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GURNEY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MIZE. Our good colleague from California [Mr. ROOSEVELT] pointed out yesterday that by popular referendum California turned down a so-called right-to-work law a couple of times. Now, that is fine, but we in Kansas by popular referendum passed it—93 out of 105 counties voted in favor of it. Sedgwick County, the most populous and industrialized county, voted for the right-to-work amendment, as did the city of Wichita itself. Today the amendment is more popular than ever, and I am convinced it would pass by a greater margin now. A great many people, Democrats and Republicans, spent much time and effort on this issue which has been accomplished in a truly democratic fashion by a vote of the people. For the Congress and the President to deprive our people out in Kansas of their freedom of choice and freedom to protection by 14(b) is unthinkable, and I implore you, please do not do it.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Chairman, once in our State legislature we had a bill before us dealing with allowances for relief, and in the unlimited debate we allowed in that particular legislative body, one of the speakers spoke for about 45 minutes. The Speaker of the House rapped his gavel and suggested that perhaps he was talking a little bit too long, because you could save the soul in 15 minutes. The gentleman replied that he was not too disturbed over the soul at the moment but he was worrying about the body of the recipients.

So on this particular issue, as it has come to us at this moment, there appears to be a tendency to lose sight of the objectives of this legislation and to get confused a little bit in the matter of religion and religious conscience. I would like to address myself for a few minutes to this question of whether or not a person ought to be permitted to enjoy the benefits—and they are substantial and have been substantial in the American free enterprise system—of belonging to or not belonging to a union and still being permitted to gain all of the benefits which come from union membership.

The argument has been made that the Social Security Act specifically spelled out in the Amish case that they could, that is, a person because of objections, whether religious or otherwise, could refuse to participate or to pay into the social security fund. By the same token, if you will look up that case, you will find that the individual is also refused the benefits of the Social Security Act. When a group of these religious objectors, as they term themselves, came to my office, I asked them whether they would be willing and would be agreeable to the proposition that if we granted by congressional edict the right not to participate in union membership, that they would then go along with my proposal that we make it illegal for the employer to pay any person who exercised the right of religious objection to not join in the membership in any union, that we make it illegal for the employer to pay any of the benefits derived from a union contract and that the employer would be prohibited by law from giving any of the benefits to that person directly or indirectly. I discussed this with the young lady from Oregon, and I will say at this point I have the greatest respect for her. I have great respect for her own conscientious objection to many of the things we have talked about here on this floor. I also have great respect for the fact that she agreed with me that one ought to follow the other; that is, if you do not pay the dues, you should not be permitted the benefits. We may disagree as to whether those benefits ought to be legally distinct or by agreement with the employer. I want to say also to the young lady from Oregon that I am a great believer in majority rule. That is why I am a defender of the democracy that believes in majority rule. In a majority, as the gentleman from Michigan [Mr. WILLIAM D. FORD] has pointed out many times, in a majority-rule government or entity, the minority has no such rights as a minority. Only the members of a minority have individual rights. In the case of Seeger, I believe it is, the Supreme Court ruled that a conscientious objection was just as weighty in the matter of an objection against any law or any rule as a religious objection by determining in this case that it was a moral objection not allied to a religious sect or group.

You recall the second case of memory, a case which happened, I believe, in South Carolina, where the plaintiff demanded the payment of unemployment compensation because she had been severed from employment because of a religious scruple. She said that her religious scruple was that she was not permitted to work on Saturday and she was discharged from her job because she refused to work on Saturday. The South Carolina court refused to give unemployment compensation to her—no, Mr. Chairman, they gave her the unemployment compensation but later it was denied to her because this was not a condition that could rightfully come under a conscientious objection.

Many of us, as churchmen, do not want to be put in the position that we are in any way less religious or in any way less Christian, if that is our religion, than a person who takes a position in a plant that, "I will not belong to a union because it is un-Christian, it is nonreligious." That is exactly what you do when you say that only those who have religious scruples may exercise the right of nonparticipation.

If you turn to the other side of the coin and you say that a conscientious objector may exercise the right of nonparticipation in a union then what do you open up in the matter of the question of whether or not you follow your own dictates? And I speak to the minority for the moment when in 1956 they wrote into their platform this particular proviso. They said on page 50, I believe, of the 1956 platform that they pledge to revise and improve the Taft-Hartley Act so as to protect more effectively the rights of labor unions and to further this, the Republican Party pledges itself to overhaul and improve the Taft-Hartley Act along the lines of these recommendations.

How can you improve the Taft-Hartley Act along the lines of your own recommendations unless you repeal section 14(b)?

Mr. Chairman, I would like to show the rollcall of the witnesses before Chairman Hartley who were given the run of the show when this legislation was first considered by his committee.

Mr. Chairman, let us make no mistake. The basis issue before this 89th Congress is identical to the issue before Congress 18 years ago. And that is simply, whether it is in the best interests of this Nation that labor-management relations be subject to uniform Federal legislation. In my judgment, the repeal of section 14(b) is essential to the protection of the integrity of the sound and responsible policies set forth in the 1947 Taft-Hartley Act.

Industrial peace and economic stability along the arteries of commerce are major factors in insuring the continued economic growth of this great Nation. But where is peace and stability growth when right-to-work laws are allowed to encourage the runaway shop to pit man against man in a battle won only by the individual willing to subsist at the lowest standard of living.

It is inconceivable that Congress in this era of social awareness would persist in its sanction of these laws.

One would have to be blind to the realities of history to assert that trade unionism has not enhanced and strengthened our economic and social complexes. And yet, we seem blind to the realities of the true purposes and motivations of those who would support these union-breaking statutes. Economic stability is only a myth when a trade union must divert its time, expenses and attention to these crippling arms of State policy.

The advocates of section 14(b) chose to abandon any search for uniformity in dealing with the problems of State participation in union-breaking activities and instead they chose to suffer a medley of attitudes and philosophies, each of which places a roadblock along the highways and byways of commerce.

The time has now arrived for Congress to insist on a uniform and centralized administration of the specially designed procedures and policies necessary for the construction of a stable and productive labor force. The time has now arrived for Congress to insist on a uniform administration of the nationally designed labor policies to achieve a fair and just application of Federal substantive rules and to avoid the diversities and conflicts which result from a variety of local procedures and attitudes toward labor controversies.

The term "right to work" qualifies as one of the greatest misnomers in the history of legislation. Its supporters would have you believe that such laws have earned a place in the Library of Congress between the Declaration of Independence and the Proclamation of Emancipation. It is argued that the union shop agreement forces men into ideological and political associations which violate their freedom of association and freedom of thought protected by the Bill of Rights. It is said that once a man becomes a member of these unions he is subject to vast disciplinary controls and that by force of the Federal act unions can make him conform to their ideology. Nothing could be further from the truth.

No Federal legislation forces an individual to take membership in a labor union. The repeal of 14(b) leaves the questions of union security and mandatory union membership to the collective bargaining procedures of the private sector. National labor policy has long accepted the practice of encouraging employers and employees to peaceful settlement of their differences through the collective bargaining machinery. And thus, the repeal of section 14(b) merely strengthens that accepted doctrine.

Section 8(b)(2) of the Taft-Hartley Act makes it an unfair labor practice for any union organization under a union shop agreement to cause the dismissal of any employee for nonunion membership, if that employee is willing to tender the periodic dues and the initiation fee. In addition, it is illegal for a labor union to charge discriminatory or excessive fees for membership. Thus existing Federal legislation protects the individual's right of association and limits union membership to the cost of union representation. As a practical effect, it must be argued that the only union security device authorized by Taft-Hartley is the agency shop. In reality then, there can be no coercion of ideological and philosophical ideas upon the unwilling union member. The repeal of 14(b) merely sets the stage for free collective bargaining within the context of an agency shop theory. If we are to accept the premise that it is in the National interest for labor disputes along the arteries of commerce be settled by free collective bargaining and if we are to pursue that interest by encouraging the private sector to act in its own behalf, then the existence of 14(b) defies rational explanation.

The Labor-Management Relations Act contains numerous other provisions for the protection of the reluctant union member. Just as the union security agreement is the function of the majority consensus, so too the revocation of the union shop may be achieved by a simple majority in a secret ballot.

For the past 18 years, section 14(b) has enjoyed a sanctuary under the banners of liberty and freedom, with the help of a Republican voting bloc. It is now time for this sanctuary to be invaded by the right of the union member to protect his hard-fought gains through a union security agreement and the right of the union member to desist supporting the cost of benefits to the nonunion worker. The freeloader has always had a moral obligation to help defray the costs of union benefits; it is now time for Federal legislation to give formal recognition of that obligation by the repeal of 14(b).

Mr. Chairman, our deliberations on this legislation have covered the entire range of conceivable discussion. I do not say that this type of exchange is undesirable or, for that matter, unrelated to the issue at hand. I do say, however, that we should focus our thoughts and, therefore, our debate on the core point of what we are considering.

The matter is not complex. H.R. 77 is a single-purpose bill to establish a uniform Federal rule governing union security agreements. As we well know, by now, the Taft-Hartley Act restricted union security in two ways:

First. It devised a special form of union security arrangements, so as to limit their scope and extent.

Second. It authorized States to impose additional limitations on employer-employee relationships in union contract matters, thus resulting in State right-to-work laws.

H.R. 77 would remove the States' power to forbid employers and employees from negotiating union-shop provisions in their collective bargaining agreements.

We have been told that this bill removes from the worker his freedom to decide against joining a labor union. I think rather that the bill would remove State governments from limiting the freedom of workers and employers to bargain collectively. Present laws in the so-called right-to-work States forbid this freedom to make responsible private employer-employee negotiations.

Mr. Chairman, the topic of basic freedom for the employee has been waived on this floor in opposition to this repeal for much too long. The fact of the matter is that basic freedom for the employee can only be assured when we pass this bill and it is signed into law.

The economic considerations are equally in support of H.R. 77. Collective bargaining is a basic tenet of labor-management relations. It is as basic to labor economics as is the market to our economic foundation. Restrict collective bargaining by law and you are asking for a return to lopsided dominance over labor by the employer. We do not want one side to be overly abundant in strength at the expense of the other. The system works best when two interests of equal strength debate the provisions of a contract and agree thereon.

Mr. Chairman, I would like now to discuss a threat posed to other States by the right-to-work States. This is the threat posed to wages and working conditions of workers in other States by the inferior standards existing in the right-to-work States. Let me illustrate my State of Pennsylvania.

The workers in Pennsylvania most directly affected are those employed in the manufacture of consumer products which are sold nationally, in competition with the production of the same products in other States. These are products generally requiring less skill than others, and for which training is more readily and economically arranged. Moreover, such industries are "mobile" in the sense that the "set-up" and "tear-down" cost and time are far lower than in many other industries. Another characteristic is the fact that the "applied labor cost" is a more significant element than in other industries. Thus, any marked difference in wage rates becomes an important factor in determining competitive advantages.

The most direct threat is represented by outright transfer of jobs—either by partial or total removal of plants from Pennsylvania to such other States.

But these removals—plant loss—are only a small part of the picture. Equally as devastating are the business failures in Pennsylvania caused by the insurmountable competition which far lower labor costs in these right-to-work States make possible. Pennsylvania has more than its share of such unfortunate competition from such sources.

Another unfortunate result stems from the sharply reduced plant expansion or new plant establishment which marks the Pennsylvania experience in a number of industries which once flourished in our State.

This is particularly true of those industries in which there is a rapidly and constantly changing style, fashion, and vogue—responding to varying consumer demands and favor. Such industries—fashion, apparel, and so forth—have always been marked by great turnover in ownership, management, and so forth. What has happened in Pennsylvania is that in many such industries there has not been the expansion or new plant establishment to which Pennsylvania would be entitled as a result of national industrial growth, because such new plant establishment—or expansion—has taken place in the right-to-work States instead.

Whole industries have been so affected, and their employees as well. Thus, while the national wage levels edge upwards continually, while the gross national product pushes up and up, and consumer demand is constantly increasing, workers in Pennsylvania who are employed in these industries affected by such a vicious competition find themselves either working for wages which are lower than many others in the same communities or are constantly confronted by constant employer demand for wage reductions and abandonment of fringes, and so forth, in order to survive the crushing impact of right-to-work competition.

It is difficult, if not impossible, to fully document the total impact of right-to-work competition on jobs and wages in Pennsylvania. This is so because such information was not required in the gathering of statistical data in the past.

I would, however, like to include some evidence of plant and job loss as a result of right-to-work competition in my State of Pennsylvania. The information following refers to the removal of Pennsylvania industry to right-to-work States.

Firm	Relocated—		Jobs lost
	From—	To—	
McLaurin Hosiery Mill	Mohnton, Pa	Asheboro, N.C. (1946)	150
Conestoga Cotton	Lancaster, Pa	Fort Worth, Tex. (1947)	600
Vanity Fair Mills	Reading, Pa	Alabama (1948)	475
Brooks Bros	Philadelphia, Pa	Greenville, S.C. (1948)	185
Duplan Corp	Lehighton, Pa	North Carolina (1949)	50
Skyline Hosiery	Reading, Pa	Pilot Mountain, N.C. (1949)	75
Sanson Hosiery	Chambersburg, Pa	Mississippi and Tennessee (1949)	80
Vigilant Mills	Philadelphia, Pa	Clinton, S.C. (1950)	100
Schwarzenbach Huber Co	Altoona, Pa	Luray, Va. (1950)	175
Duplan Corp	Nanticoke, Pa	North Carolina (1951)	800
Burlington Mills	Emmaus, Pa	North Carolina (1952)	350
Buser (R. G.) Silk Corp	Johnstown, Pa	Tennessee (1952)	135
Pennsheer Hosiery	Richlandtown, Pa	Florida (1952)	125
Burlington Mills	Allentown, Pa	North Carolina (1952)	350
Julius Kayser & Co	Penns Grove	South Carolina	225
Sanson Hosiery	Ephrata, Pa	Mississippi 2 plants (1953)	150
Shepperd Mills	Philadelphia, Pa	Wilson, N.C. (1953)	125
Duplan Corp	Wilkes-Barre, Pa., Hazleton, Pa	Virginia, North Carolina, South Carolina (1953–55)	2,000
Royal Swan, Inc	Emmaus, Pa., Catasauqua, Pa., Allentown, Pa	Moved to their southern plants (1952–53)	1,000

Firm	Relocated—		Jobs lost
	From—	To—	
Burlington Mills	Philadelphia, Pa	North Carolina (1953)	250
Duplan Corp	Hazleton, Pa	do	1,400
Burlington Mills	Catasauqua, Pa	do	350
Do	Landsdale, Pa	South Carolina (1954)	375
J. P. Stevens & Co	Philadelphia, Pa	Wallace, S.C. (1954)	600
Kent Manufacturing Co	Clifton Heights, Pa	Pickens, S.C. (1954)	250
Duplan Corp	Berwyn, Pa	North Carolina (1954)	300
Delta Finishing Co	Philadelphia, Pa	Moved to their southern plants (1954)	600
Collins & Aikman	do	North Carolina (1957)	400
J. P. Stevens & Co	Uniontown, Pa	South (1958)	
Franklin Process Co	Philadelphia, Pa	South (1960)	300
Indian Head Mills	do	do	200
Do	do	do	100
Burlington Mills	Wilkes-Barre, Pa	North Carolina (1961)	400
Hess Goldsmith	do	do	800
Ferdinand W. Mostertz	Philadelphia, Pa	South (1962)	125
Indian Head Mills	Eddystone, Pa	South (1963)	450
Joseph Bancroft & Sons	do	do	450
Narricot Corp	Fullerton, Pa, Philadelphia, Pa	Boykins, Va. (1965)	400
Judy Bond	Philadelphia and contracting plants in Pennsylvania.	Florida, Alabama, Texas, North Carolina. (Now employs over 2,000 in these States.)	500
MacShore Blouses	Philadelphia, Pa	South Carolina (1951). (Now employs 2,500 people.)	250
Top Mode Manufacturing	Harrisburg, Pa	North Carolina (1952). (Now employs 300 people.)	100
Swirl Fashions	Philadelphia, Pa	South Carolina (1959). (Now employs 450 people.)	250
J. Screiber & Sons	do	Virginia (1959). (Now employs 500 people.)	350
Sidele Fashions	do	South Carolina (1959). (Now employs 500 people.)	250
Rothenbergs	McAlisterville, Pa	Mississippi	300
Ideal Shirt	Sykesville, Pa	Contract work in South (1948)	75–100
Philip & Jones	Meadville, Pa	Alabama (1948) Arkansas	400
Joy Togs	Greensburg, Pa	Alabama (1950)	250
National Pants	Beaver Falls, Pa	Mississippi (1954)	500
Campalong	Clearfield, Pa	Arizona (1956)	100
Marlboro Shirt	Butler, Pa	Tennessee (1956)	300
4 Nectie Shops	Erie County	South (1958)	200
Pittsburgh Standard Conduit Co	Etna, Pa	Texas (1963)	100
Emerson Imperial Lighting Co	Latrobe, Pa	South Carolina (in process)	250
Midland Ross Corp	Pittsburgh, Pa	Tennessee (within next 6 months)	600
Sandler Manufacturing Co	Philadelphia, Pa	Virginia	300
Rubber Corp	West Hazleton, Pa	Arkansas (1959)	100
Pullman Manufacturing Co	Williamsport, Pa	South	109
Philip & Jones	Hastings, Pa	Alabama (1952) Arkansas	100
Do	Kane, Pa	Alabama (1956) Arkansas	300
Do	Minersville, Pa	Alabama (1956) Arkansas	110
Lutz & Schram	Pittsburgh, Pa	Virginia (1964)	300
Fred Whitaker Co	Philadelphia, Pa	North Carolina (1956)	35
Infant Socks, Inc	Reading, Pa	South (1956)	200
Standard Wire Cloth	(York, Pa.)	Mississippi (1956)	60
Standard Garments	Dallastown, Pa	South Carolina (1956)	250
Do	York, Pa	do	100
O. E. Szekely & Associates	Philadelphia, Pa	Georgia (1956)	300
Standard Garments	Columbia, Pa	South Carolina (1957)	300
Morton M. Rose	Philadelphia, Pa	North Carolina (1957)	12
Proctor Electric	do	do	200
National Metal Products	Canonsburg, Pa	do	51
Rittenhouse Hosiery	Boyertown, Pa	South Carolina (1958)	230
Lite-More Electric	West Mifflin, Pa	Florida (1958)	20
Movie Star Manufacturing (lingerie)	Allentown, Pa	Mississippi (1958)	180
James Lees & Sons (carpets)	Bridgeport, Pa	Georgia (1958)	300
J. B. Martin Co	Philadelphia, Pa	South Carolina (1958)	150
Shallcross Manufacturing Co	Collingdale, Pa	North Carolina (1958)	150
D-J Industries	Clearfield, Pa	Florida (1959)	25
Belle Chemical	Womelsdorf, Pa	North Carolina (1960–62)	25
Lifetime Pools Equipment	Renovo, Pa	Mississippi (1960–62)	25
Hess Goldsmith	Wilkes-Barre, Pa	South (1960–62)	600
Stephano Brothers (tobacco)	Philadelphia, Pa	North Carolina (1961)	110
Electric Service, Delta Star Electric Division, H. K. Porter Co.	do	Virginia (1961)	100
Oil Well Supply	Braddock, Pa	Texas (1962)	350
Electric Service Works, Delta Star Electric Division, H. K. Porter Co.	Philadelphia, Pa	Virginia (1962)	150
Duff-Norton Co	Pittsburgh, Pa	North Carolina (1962)	70
Champion Dishwashing Co	Erie, Pa	do	85
F. W. Mestertz & Sons	Philadelphia, Pa	South Carolina (1962)	126
Penn Dale	do	Texas (1963)	67
Singer Fidelity	do	North Carolina (1963)	250
Frantz Candies, Inc	Lancaster, Pa	North Carolina (1964)	50
Combustion Engineers Corp	Monongahela, Pa	Tennessee (1965)	150
Total loss of jobs (in this survey alone)			25,731
Total number of plants lost (in this survey alone), 98.			

In some instances, the aforementioned figures represent jobs lost when final shutdown occurred and does not reflect gradual job decline preceding plant closing.

Mr. Chairman, the passage of this legislation has been long overdue. Section 14(b) is an affront to the ability of the American workingman. It is an encroachment on his freedom of choice and a limitation on his capability to advance. He has been frustrated in this endeavor for much too long in too many States. It is time for a uniform Federal law governing union security agreements. Let us today provide for that time.

Following is the list of witnesses called by Chairman Fred Hartley of the House Labor and Education Committee on the Taft-Hartley law in the 80th Congress. These witnesses are numbered in order of appearance before the committee from February 5, 1947, to February 19, 1947:

1. February 5: Hon. Gerald W. Landis (Indiana), Member of Congress, antilabor.

2. February 5: Hon. Clare E. Hoffman (Michigan), Member of Congress, antilabor.

3. February 6: Hon. Howard W. Smith (Virginia), Member of Congress, antilabor.

4. February 7: Hon. Francis Case (South Dakota), Member of Congress, antilabor.

5. February 11: Willford I. King, chairman, Committee for Consitutional Government, antilabor.

6. February 11: Mr. Forney Johnston, Birmingham, Ala., on behalf of National Coal Association, antilabor.

7. February 12: Dr. Harold Moulton, representing the Brookings Institution, antilabor.

8. February 12: Dr. Harold Metz, representing the Brookings Institution, antilabor.

9. February 12: Jerome V. Morrison, president, Allen-Morrison Sign Co., Lynchburg, Va., antilabor.

10. February 12: Mead J. Mulvihill, general counsel for Western Pennsylvania Brewers Association and Pennsylvania State Brewers Association, Pittsburgh, Pa., antilabor.

11. February 12: Hugh H. C. Weed, president and general manager, Carter Carburetor Corp., St. Louis, Mo., antilabor.

12. February 12: Hoyte P. Steel, chairman, special committee on boycotts, National Electrical Manufacturers Association, antilabor.

13. February 13: Hon. (Dr.) A. I. Miller, a representative in Congress from Nebraska, antilabor.

14. February 13: Abraham Norman, representing the Norman Dairy, Inc., New Canaan, Conn., antilabor.

15. February 13: L. B. Bewley, director, industrial relations, Stockham Pipe Fittings Co., Birmingham, Ala., antilabor.

16. February 13: Edgar R. Ailes, secretary-treasurer, Detroit Steel Products Co., antilabor.

17. February 13: A. C. Fletcher, Quick-Charge, Inc., Oklahoma City, Okla., antilabor.

18. February 14: Grant L. Cook, chairman, national affairs council, Detroit Board of Commerce, Detroit, Mich., antilabor.

19. February 14: Almon E. Roth, president, National Federation of American Shipping, Inc., antilabor.

20. February 14: Roland Rice, general counsel, American Trucking Associations, Inc., Washington, D.C., antilabor.

21. February 15: Samuel L. Travis, 944 Penobscot Building, Detroit, Mich., antilabor.

22. February 17: Rolla D. Campbell, Huntington, W. Va., on behalf of the Island Creek Coal Co. and Pond Creek Pocahontas Co., antilabor.

23. February 17: Richard M. Nixon, member of Congress (Calif.), antilabor.

24. February 17: George B. Christensen, Winston, Strawn & Shaw, Chicago, Ill., antilabor.

25. February 17: Arthur O. Lampland, president, Lampland Lumber Co., St. Paul, Minn., antilabor.

26. February 18: H. L. Strobel, president, Associated Farmers of Monterey County; secretary-treasurer, Associated Farmers of California, antilabor.

27. February 18: Dr. Joseph E. Maddy, president of the National Music Camp of Interlochen, Mich., antilabor.

28. February 18: George P. McNear, Jr., president, Toledo, Peoria & Western Railroad, antilabor.

(February 18: Walter C. Keiser, vice president of the Brotherhood of Locomotive Firemen and Enginemen requested time to testify. Chairman told him to testify later on; for labor.)

(February 18: Statement of W. D. Johnson, vice president of the Order of Railway Conductors; time to be given later; for labor.)

29. February 18: C. A. Smith, Topeka, Kans., antilabor.

30. February 19: Hon. Dr. Frederick C. Smith, Member of Congress, Ohio, antilabor.

31. February 19: Robert H. Keys, president of Foreman's Association of America, Detroit, Mich., for labor; 31st witness was finally allowed to testify.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Chairman, I asked for this time to make an announcement because I think all Members would want to know that the President has just finished his statement. He has declared that he is not going to call the Reserve components or the National Guard at this time. The draft call will be doubled from 17,000 to about 35,000 and there will be an increase—not stated—but apparently not large, in the appropriation bill for the Defense Department now in the Senate, and a supplemental in January.

Mr. GURNEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Chairman, I have concluded that repeal of the permissive provision in the Taft-Hartley Act which allows States to forbid any collective bargaining agreement that includes a union membership requirement is in the best interests of establishing a uniform national policy for labor-management relations.

It is important that the issue involved here be understood clearly and completely. Much of the mail I have received on this matter indicates to me that the question presented by the bill has been lost in a fog of emotional arguments which are without factual source.

Section 14(b), in 44 words, allows States to enact laws restricting or regulating trade union membership as a condition of employment. Nineteen States now have these so-called right-to-work laws in effect. Such statutes make illegal any contract freely and collectively agreed to by both labor and management if that contract contains language that requires employees to join the recognized union 30 days after hiring.

During the 18 years this authority has been allowed, New York State has not enacted a right-to-work law. Thus, the repeal of section 14(b) would have no effect on any segment of labor-management relations, union organization, or employee rights in New York State.

To understand this total absence of impact which the repeal of section 14(b) means in New York and 30 other States, it is necessary to explain the elements of labor-management relations.

First, union representation of employees for bargaining purposes results solely from a majority vote of those workers employed at the time of organization. Under strict Federal standards, administered by the National Labor Relations Board, a secret ballot is held to determine whether the employees wish labor organization representation. If the majority decides for the union, that labor organization becomes the bargaining agent in subsequent contract negotiations with the employer. Similarly, if the majority decides against union affiliation, the process stops. In our community of Rochester and elsewhere in New York State, there are many industries where unions do not represent the employees.

During collective bargaining sessions, the certified union can include among the proposals it seeks a contract clause making it mandatory for all employees to join the union within 30 days after being hired. This is what is known as a union shop.

Now, the employer, in the give-and-take of bargaining, can either agree to such a clause or disagree. He is in no way bound legally to accept a union shop, unless he agrees to it voluntarily in a contract negotiation.

And, there are in New York and other non-right-to-work States numerous examples of union contracts which have no union shop provision.

But, in the right-to-work States, the situation is different. In these 19 States, section 14(b) permits an abridgment of this freedom of contract. The States inject a prohibition into the relationship between employer and employee. Those at the bargaining table do not meet in a framework of freedom; they cannot voluntarily agree to a union shop.

Compared then with New York and the other States not having right-to-work laws, these 19 States operate on a separate basis. And, it is in this disparity that right-to-work laws affect our State and others which are industrially important.

The effect is one of magnetism. Southern and Southwestern States seeking to expand their economics hold out right-to-work laws as an inducement to industries in our area of the Nation. Competitive advantages in the form of weak unions with low wage rates and low labor costs are cited as appealing and attractive.

I find this tug and haul, this setting of State against State, contrary to the basic principle of our Nation's being an economic whole. I also feel, and have stated so on many previous occasions, that the collective bargaining process should be left as free as possible from Government control and coercion. If we are to legislate in this arena, it should be to encourage and promote collective give-and-take between labor and management. Further, let us not overlook an economic fact of life: Good wages and good working conditions are necessary partners of production. There must be people able to consume for business to produce.

From many of those opposed to repeal of section 14(b), I have heard the argument of individual freedom. But, I believe this argument obviously overlooks that compusory union membership, where it exists, is the result of free and voluntary agreement between employer and employee, and is not a condition imposed by law. Consequently, repeal of section 14(b) only nullifies right-to-work laws. It does not compel an employee to join a union in order to be employed after 30 days from hiring unless his employer voluntarily agreed to grant such a contract provision to the union democratically chosen by a majority of his employees in the bargaining unit.

Quite certainly, there is some element of compulsion in requiring a worker to pay union dues where his employer has agreed to a union shop. But, in my belief, that compulsion is just as justifiable as any other aspect of our democracy which makes mandatory certain circumstances that are the consequences of majority rule. Our history as a free people is filled with examples of trading personal prerogatives for the common good. The alternative is anarchy.

There also are acknowledged abuses of union power just as there are perversions of power in every other realm of human behavior. But, because some unions have abused their power should not mean the loss of the workingman's ability to bargain collectively. The burden is on the public, on the union leaders and membership, and on the Government to demand the exercise of power in a manner that is just and responsible.

A strong labor movement is a vital safeguard for the free enterprise system. Without its ability to face management on an equal footing, the public would call for an expansion of Government's role in protecting the interests of the employed citizen.

The repeal of section 14(b) will have no effect on labor-management relations in New York State. On the other hand, the repeal of section 14(b) will have the effect of putting 19 States on the same competitive level with New York State and 30 others. The repeal of section 14(b) will apply compulsion to an employee only to the extent that his employer voluntarily agrees to a collective bargaining condition.

Therefore, having in mind all that has been said and suggested, having reviewed carefully and closely all the expressions of my constituents, and having explored and examined all the ramifications of the real issue; namely, how best to achieve a uniform Federal policy for labor-management relations as they apply to the union shop, I shall support the repeal of section 14(b).

Mr. PHILBIN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

Mr. PHILBIN. Mr. Chairman, I am deeply interested in the proposal of the distinguished lady from Oregon [Mrs. GREEN] to recognize in this bill, the rights of conscientious religious fellow citizens who are seeking exemption from the terms and provisions of the pending measure.

There are many fine people in my great district who are members of a religious group sincerely and conscientiously opposed to joining or subjecting themselves to the control of other organizations.

Regardless of what views we may hold individually on the question of joining labor organizations, I think, Mr. Chairman, that we must accord to our fellow citizens and fellow residents who feel otherwise full respect and full protection for their opinions and religious convictions.

I appreciate that the rules of the House under which we are considering this bill would make it very difficult, if not impossible, to consider the clarifying, protective amendment at this time without risking the disruption of the committee program and perhaps the loss of the bill itself.

The parliamentary situation is not favorable, according to the leaders of the House, to present and consider the amendment at this time. This I regret, but at the same time I want to suggest to the committee and to the House that this amendment deals with the precious right of freedom of conscience, and if we do not enjoy, and will not find some way to protect, freedom of conscience after all the professions of the Constitution and all our years of struggle and sacrifice for personal liberty, then we really would have nothing in this Government to safeguard one of the basic and most precious rights of man, and of course, this is not true, since we do have a way available.

I would most respectfully suggest to my esteemed and distinguished friend, the very gracious lady from Oregon that she might avail herself of the various expressions of willingness to help expedite action on the bill that have been made in the debate and in conferences and seek to pursue the matter before her own great committee, so they, those of us desiring to join in our advocacy and support of the bill would have the opportunity of doing so in a forum where a good start may be made in bringing the bill to the floor of the House and passing it.

I may state that I am very anxious to help the conscientious religious groups in this matter and propose to do everything I can to safeguard their rights and liberties.

I have urged the very distinguished and beloved Speaker of the House to lend his support to the great principle of freedom of conscience as it applies to this bill, and I am confident that this great American will give this vital matter his mature consideration and, I earnestly hope, his effective support.

In conclusion, I want to say simply this: If we do not zealously safeguard and protect the great democratic, spiritual principle of freedom of conscience we shall be derelict in our duty to uphold the Constitution of the United States and the rights of man, and I do not believe we will put ourselves in that position.

Mr. GURNEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and colleagues, here in the House we have had a great deal of good debate in the last 2 days, pro and con, on this great issue which is pending before us, the repeal of section 14(b) of the Taft-Hartley law, and a lot of talk, I believe, has been advisedly devoted to facts and figures supporting the two sides of this argument.

Mr. Chairman, I would like to spend a little time on something else which I think is pertinent to what we are discussing here.

I have always had a deep and abiding interest in history and I believe that is true of most Members of the House of Representatives, particularly the history of our own country.

The hopes and aspirations of our people, as they have seen realized from time to time in places in our country intrigue us all. From north to south and east to west. There certainly are a great many hallowed places in this Nation where Americans have had a rendezvous with history.

Mr. Chairman, I grew up in New England. I shall always remember the first visit I made to Plymouth Rock where the pilgrims landed. I feel it is worthwhile to stop here and pause a minute in order to find out why they came here in the first place. Of course, the main reason was to be free to worship as they desired. They were a minority group fleeing the oppression of a majority group in their homeland, England. So it has been over the next 250–300 years in the growth of this Nation that most of the people who came here, and most of our fathers and mothers and ancestors, came here because they were representatives of minority groups who were seeking a new life here in this country free from oppression, and from oppression in many cases from a majority group.

Yet, Mr. Chairman, in early America while freedom was alive a growing concept, much remained to be done to make the people truly free. The Colonies were still subject to the Kings and Queens of England and they still had royal governors over here who levied taxes, and they had tax collectors.

Then, Mr. Chairman, some people with courage who called themselves patriots all over the Thirteen Colonies—up in Massachusetts, down in Virginia—rose up and they began to say things in behalf of the cause of freedom, and as a result thereof at Lexington and Concord the shots were fired that were heard around the world. Then, right here in this part of the country, over in Virginia, in a little capital city called Williamsburg, a great deal of history was made.

Mr. Chairman, I was in Williamsburg last weekend with my youngest child, trying to get a little history to brush off on her. We sat in the replica of the house of Burgesses. There at this first capital of the State of Virginia, I remind you, one of the most eloquent voices in behalf of freedom was heard, that of Patrick Henry, who made such a powerful point back in those early days that the then Governor who presided over the House of Burgesses accused him of treason. And it was those famous words that he uttered that I suppose sparked more enthusiasm for freedom than anything else in those days and those words were:

> Give me liberty or give me death.

To make a long story short, a handful of people organized the Revolution. They took on in battle the then greatest power in the world, England. They won the fight. They launched a new government in freedom in the United States of America.

You might ask, what does that have to do with section 14(b)? It has a good deal to do with section 14(b) for this House of Representatives is the descendant of the Houses of Burgesses in Virginia and of the Massachusetts general court and here today on this floor, and yesterday, we are debating and arguing, and today we will vote, upon what I think is one of the greatest issues of individual freedom that this Congress will take up, or that any Congress in the history of our country has considered. This issue of individual freedom that we are debating, what is it? It is whether a man or woman, free Americans, can hold a job without belonging to a union. It is whether a man or woman or free American can earn a living without paying dues, some people say "tribute," to a union. These are some of the ways of putting the issue.

I would offer this to the House: I think that Patrick Henry, Washington, Jefferson, and some of these other people who spent some time in the House of Burgesses, if they were here today might well make this observation after they had listened to some of the arguments, and that is after they had so dearly won for this Nation and for us some individual freedom, we might be making a full circle around again and surrendering a good deal of this dearly bought freedom to a few people who are union leaders.

I am well aware of the fact there were issues involved in early America in addition to individual freedom. Certainly economic freedom was one.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. GURNEY. I yield to the gentleman from New Jersey.

Mr. JOELSON. I would observe that at the time of the Revolution there was a motto that taxation without representation is tyranny. Today we should decide that representation without taxation is freeloading.

Mr. GURNEY. That is one of the arguments made on the opposite side. Any reasonable man or woman in the House of Representatives knows union dues are not taxation, and the gentleman's point is not well taken.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. GURNEY. I yield to the gentleman from Illinois.

Mr. FINDLEY. I think we must acknowledge, although sadly, labor unions today have a power that is almost equivalent to the power of taxation. It is power that is not held by any other private association or organization or institution in this land. I realize it is not always considered to be fashionable to talk about the beginning of our country, and this personal liberty matter, and to quote Patrick Henry, but I am very grateful to the gentleman from Florida for placing the level of debate on this very important and fundamental question at its very proper constitutional level, and I thank him for it.

Mr. GURNEY. I thank the gentleman.

To continue a little more about early Americans, I talked about political freedom. I realize, as do all Americans realize, early Americans did not have much economic freedom. In those days when we launched our bid for liberty, certainly there were bound servants who were hardly different from slaves. We still had slavery. Then along in the years the workingman organized, unions were formed, they bargained for their wages, their hours of work, and their working conditions. An economic revolution occurred in this country. There is no question but that unions have contributed immensely to the prosperity and the economic greatness of America. They deserve well-earned credit for having a major part in helping make this Nation the most power industrial nation in all history.

No one denies that in this House and certainly those Members on our side, whether they be opposed to repeal or in favor of it so far as this bill is concerned, recognize and believe very deeply in the great contribution of labor unions.

But we also feel strongly and fervently and deeply that organized labor has a tremendous amount of power today. It does not need more. Take the shipping industry here. We are engaged in a strike in the shipping industry right now that has been going on for nearly 2 months. America has always been one of the greatest maritime nations in the world and has at times occupied the No. 1 position in the world, but today it is the least of the maritime nations of the world.

One of the reasons has been and the administration certainly knows it as well as we know it in this House, the throttlehold that organized labor has on this industry. As a Nation we have literally labor-priced ourselves out of the world markets in some instances.

In addition to the economic argument, there is certainly another great issue at stake and that is in the field of States' rights, which also is getting to be a rather unpopular thing to talk about these days. I will simply say this. That it is a great issue, that it should be discussed in this debate and I see no logic or reason why we here in this House of Representatives and in this Congress should say to 19 of our great States, indeed more than one-third, that they may not legislate in this very important field of labor relations. This is precisely what the issue is as far as States' rights are concerned.

I would like to make another point which I think is indeed important. Huntley and Brinkley, the other day, actually after the first day of debate on this bill, and I do not know whether you agree with them or whether you do not agree, but I think they have always been fairly favorable to the administration, said this—and this is my point. They said, "Who wants this law repealed anyway?" And then they answered, "A few labor leaders." And indeed that is so because every major poll in this country has shown—the Harris poll, Opinion Research, Gallup poll—that the people in this country do not want this law repealed. As a matter of fact, these polls also show that opposition to repeal is increasing day after day, after day. Almost every major newspaper in this country is opposed to repeal of this law—even the Washington Post. As long as I have been here, for 3 years, I have never seen the Washington Post take issue with the administration on a major issue. So help me, yesterday morning they said in their lead editorial, and I am sure many of you have read it, "We think the best interest of the country would be served by laying this bill aside." This is the Washington Post. They went on to say a whole lot of other things about it as to why this is a bad time and a bad place to repeal this law.

Let me turn for a minute to this argument about the freeloader. I think it has some merit. Certainly in America, nobody particularly likes somebody who is getting a free ride. And the argument can be made, and it can be made with some sense. But it is also true, and this is the argument on the other side, and we all know it—that there are all manner of voluntary organizations in this country that engage in all manner of good activities for all kinds of people, and their membership is not forced under any law. That is precisely what the issue is so far as this is concerned.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. GURNEY. I yield to the gentleman.

Mr. ASHBROOK. I think the gentleman from Florida is making a very excellent point. I think we should add here that so many of the proponents on the other side seem to exaggerate somewhat and seem to imply that every benefit that comes to the workingman comes through union efforts and, therefore, nothing can come from business—that nobody wants to give anybody anything except what he is forced to through union dealings. The truth of the matter, as the gentleman well knows, is that many benefits come to the workingman, and they are not necessarily through union activities.

Mr. GURNEY. The gentleman's point is well made.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GURNEY. I yield to the gentleman briefly.

Mr. PUCINSKI. The gentleman mentioned the Harris poll. If those polls truly reflect the thinking of the people, as the gentleman has stated, I wonder, then, why have not the other 31 States in America taken advantage of section 14(b) and passed their own so-called right-to-work laws.

Mr. GURNEY. Well, I cannot answer that. I do not know why the gentleman's State of Illinois has or has not, but I simply say, as far as the opinion polls are concerned, they do show that the people do not want this national law repealed. I do not know what they want so far as any particular State law may be concerned.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GURNEY. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. This question of freeloaders, it seems to me, is irrelevant to this discussion. The amendment which I hope to offer—which I hope will be declared germane—does not provide any possibility for the freeloader. It will require every conscientious objector to pay the full amount of the initiation and periodic dues either to the U.S. Treasury or to a charity or scholarship fund or welfare fund mutually agreed upon between the union and the individual.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mrs. GREEN of Oregon. Will the gentleman yield for one other point?

Mr. GURNEY. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. An implication has been given which is erroneous, and I feel sure the gentleman from Pennsylvania will agree with me on this. I have never said I thought it should be required by law that if any conscientious objector is exempted from the union shop agreement, he should be required by law not to receive the benefits. In our discussion it was purely on a permissive basis. If the employer wanted to deal directly with the individual he should be permitted to do that. I am sure that the gentleman from Pennsylvania will agree and had no intention of making this inference.

Mr. GURNEY. Mr. Chairman, I thank the gentlewoman from Oregon.

I should like to wrap up this discussion. We do not have much time remaining on this side.

I wish to make one point about free riders, which, I believe, has been overlooked in the discussion. I believe it applies to the wrong people, because if section 14(b) is repealed, then indeed the union leaders themselves will be the free riders, because they will get all kinds of free additional union members, perhaps millions, because of the repeal of the law. If there is any freeloading argument, it applies to the labor leaders more than the workers.

In summary, let me say again what I believe is the issue here. It is individual liberty. I believe it involves freedom from coercion. I believe it is in large part the same issue which was argued in this country some 200 or 250 years ago by some of the most brilliant minds and most brilliant speakers this country ever had.

I do not believe this is a question of being for or against unions. I believe the action in the House today either will affirm the basic concept of individual liberty or, if we vote the other way, will strike it a grievous blow. That is the great issue before us. So far as I am concerned, my vote is going to be for retention of 14(b), and it is going to be for—not against, for individual freedom and individual people.

Mr. Chairman, I have always had a deep and abiding interest in history. The hopes and dreams and the doings of other peoples in other times has always fascinated me. How many times have each of us stood at some historic place and fervently wished to be transported back in time and have witnessed some great event in history.

This land of ours from north to south and east to west is covered with hallowed places where Americans have had a rendezvous with history.

Plymouth Rock in Massachusetts where the Pilgrims landed in 1620.

Why did these people cross a mighty ocean in a cockleshell kind of a ship, and face the unknown wilderness of a harsh land?

So they might be free to worship as they pleased.

They were a minority, seeking to escape the oppression of a majority.

And so it was over the next 250 years, waves of immigrants from all over the world, but Europe mostly, came to this new land of opportunity where there was freedom, not only religious but economic and political, far beyond the concepts of any Old World society.

However, even in the early New World of America, and its Thirteen Colonies, while freedom was a live and growing concept compared with Europe, still much remained to be done in freedom's behalf.

The Colonies were still owned in a sense, and certainly subject to the Kings and Queens of England. They still sent royal governors to run things, and quartered troops to enforce their will.

The heavy hand of the King was felt throughout the new land with his taxes and tax collectors.

People with courage who called themselves patriots began to speak out for freedom and then events began to happen in the cause of freedom, the Boston tea party.

At Lexington and Concord, the shots heard round the world.

Nor were the voices of freedom heard in New England alone.

Hereabouts, in Virginia, in the colonial capital of Williamsburg, there were articulate voices of freedom too. A man by the name of Thomas Jefferson; another, George Washington, James Madison, and many others.

I spent last weekend in Williamsburg with my youngest child, Sarah.

We went to the capitol building in Williamsburg and sat in the chamber of the house of burgesses.

It was there in that very hall that perhaps the most eloquent voice of early America sounded again and again, the clear call for freedom.

That of Patrick Henry who was accused of treason, because he dared to speak against the arbitrary taxing tactics of his King.

It was here that this great figure of the American Revolution fired up the hearts and the courage of our forefathers with those immortal words:

> Give me liberty or give me death.

Fired up and led by a handful of men of vision, daring, and matchless courage, a determined minority of the people in these Colonies fought and won a revolution against the then most powerful nation on earth, England, and launched a new government, conceived in freedom, and as Lincoln so well put it, of the people, and by the people, and for the people.

I have talked a little bit about American history for here today in the House of Representatives, the descendant if you will, of that Virginia House of Burgesses, or the Massachusetts General Court, and the other legislatures of those Thirteen Colonies, we are engaged in a great debate on the great issue of individual freedom. It will be a short debate, for this House is under a gag rule, 2½ hours on this side, and not all of that available to those who oppose this affront to freedom. This House is shut off from offering any amendment except by permission of one man—although we are considering a law directly affecting millions of American workers and indirectly our whole population of 195 million. No more important piece of legislation will be before this House this session of Congress, and yet this House cannot, and of course, it will not, offer an amendment without the permission, and it will not be given, without the permission of the gentleman from New York, ADAM CLAYTON POWELL.

And the issue, that we are debating, and that we will vote upon?

May a man or a woman, a free American, hold a job without belonging to a union?

May a man or a woman, a free American, earn a living without paying dues, tribute if you will, to a union?

Shall a man or a woman, in free America, if he disagrees with the union bosses, be coerced, be forced, by this House of Representatives into a union to be bossed by those bosses that he does not want to be bossed by?

Shall a man or a woman, in free America, be coerced and forced by this House of Representatives to belong to a union, whose bosses use his dues, his money, in political activity entirely contrary to his beliefs? These are some of the ways in putting the issue.

I wonder what Patrick Henry and Thomas Jefferson and John Adams and others would think if they were in this House today.

Two hundred years have gone by since those days of the birth of this new experiment in freedom.

If they came back today, I think they would say, "You have come full circle in surrendering your freedoms, won so hard by our courage and our blood from a king and his royal agents, to a few union bosses."

I think Patrick Henry and Thomas Jefferson would indeed be troubled with the events here occurring today.

Now I have spoken of political freedom and its inception in this Nation.

Economic freedom was in contention, too, but perhaps it was less a factor, involving taxes mainly.

I am well aware of the fact that economic freedom for American workers did not come with the American Revolution. We still had bound servants and apprentices, little better really than slaves, and we had slavery.

We had no unions in early America and had the idea been proposed, I do not doubt that many of the great patriots to whom we owe so much, would have opposed this idea with all their will and vigor.

But as the Nation grew and matured and the industrial revolution occurred, so too in this Nation, and worldwide for that matter, came a workingman's revolution.

Workmen banded together for bargaining strength into organizations they called unions. And indeed this movement was a revolution in all the meaning of the word, and violence, bloodshed accompanied it, as in all revolutions, especially around the turn of the century.

The union movement became more powerful as time went on and during the days of the 1930's and the most favorable legislation—the Wagner Act—unions reached their highest power, and economic revolution in this Nation was achieved indeed.

No question in my mind that the coming of age of the union movement has been one of the great economic factors in the forward, upward, progress of this Nation.

Increased wages and purchasing power, shorter hours and better working conditions have contributed enormously to the high standard of living and prosperity of this Nation, and a large share of the credit for our prosperity rightly belongs to the unions.

No reasonable man would deny this, but neither would any thoughtful man deny that unions now wield enormous power in this Nation of ours, both economic and political power.

And this is one of the great issues that we are faced with here today.

It has been said by some pretty astute political pundits that organized labor controls this House of Representatives in the 89th Congress. I expect the vote we cast today will prove or disprove it.

But whether this is true or not, if we vote to repeal section 14(b) we will place great additional power in the hands of the labor bosses. For we shall hand over to them hundreds of thousands of workers who would prefer not to be under their jurisdiction.

We shall put at their disposal millions of more dollars which will be used for political activity to elect or defeat candidates for this House and the other, and to influence legislation which comes before us.

This is why Representative GRIFFIN wants to be able to offer his amendment which the gentleman from New York will not permit him to do.

It will also permit a further strengthening of a throttle hold upon the economic lifestream of this Nation. We could spend weeks of debate on this subject alone. A good case can be made that labor leaders have labor priced this Nation out of some of the world markets, and have deliberately cost American workers countless jobs through their stupidity.

To take one concrete example, America from earliest times, was, and I use the word advisedly, a great maritime nation. Today despite subsidies of hundreds of millions of dollars annually, we are by far the least significant of the world's maritime nations, because of the shortsighted union leader policies.

We have priced ourselves out of the world maritime market.

We are now engaged in an almost 2-month senseless strike.

There is grave doubt that we can continue to be a maritime nation unless the U.S. Government steps in and takes over shipping in this country, and then labor, employers, and the public will all be the loser.

Long years ago, Lord Acton said:

> Power corrupts and absolute power corrupts absolutely.

This is surely an issue before us today also.

I have talked about individual freedoms, at stake here, about economic consequences of compulsory unionism, and about enormous power in the hands of a few labor leaders.

There is another great issue at stake, the right of the several States in this field of labor relations.

Despite the wish of some people to downgrade and even abolish States, they are still political entities, and we are still a republic, an association of States, which have surrendered some of our governmental functions, but still retained many others.

There is no logic or reason why we here in this House should say to 19, well over a third of our States, that they must force their citizens to join unions, especially when the right-to-work laws are equally protective of unions and their members as they are of nonunion members. It is fair and reasonable to let the individual States legislate also in these matters.

Now then, let us explore some facts about these right-to-work laws.

Who wants the repeal of 14(b) anyway? Is it the people of America? Indeed no. It is the labor leaders. They are cashing in their chips for the political victory they helped L.B.J. win last November.

And it had nothing to do with section 14(b). The labor bosses helped win, but the dice of politics came up with a lucky combination called social security and the bomb scare. Nothing to do with 14(b).

And it is well that we remember that in this House, for we all have to stand for election in a year.

L.B.J. will not be running and there will be new issues. They will be rent subsidy, foreign aid to Egypt, 14(b), and a whole lot of things like that. And some of these issues, including this 14(b), are going to mean election or defeat for Congressmen the next time out. L.B.J.'s long coattails will not be around for the hanging onto.

Now what do the people back home feel about 14(b)? My response has been overwhelming, a landslide in favor of retention of 14(b). I am told that this has been true of other Congressmen.

But let us not be content with our own opinions. Perhaps they are prejudiced. Every major poll in this Nation—Gallup, Harris, Opinion Research, all come up with a wide margin against repeal. These figures are nationwide and take into consideration the labor areas, where sentiment for repeal may be strong. So it means that the people in rural and light industrial districts are heavily against repeal. Moreover, the polls show an ever-increasing margin against repeal.

What about the news media? Here too the sentiment is overwhelmingly against repeal of section 14(b). Just about every major newspaper has expressed itself in favor of retaining 14(b). Papers who were and are strongest in support of the Johnson administration, like the New York Times, have severely criticized the President for kowtowing to the labor bosses on this issue. More papers from non-right-to-work than right-to-work States.

Listen to this comment. Let us start in Austin, the capital of L.B.J.'s home State, and where he owns the only TV station.

The American says:

> Forcing all workers to join a union and work in a closed shop comes perilously close to dictatorship.

The New York Daily News:

> If the President does swing his weight in Congress for repeal, he will be acting as a servant of labor leaders and not of all the people.

Uniontown, Pa., Herald:

> Voices must be raised to retain this section of Taft-Hartley. It can mean the difference between a free economy and total union domination destroying our individual freedom.

New York Times:

> But it is a callous oversimplication to suggest that no element of individual liberty is at stake and that the paramount right in the equation is that of management and labor to make whatever disposition of the workers they deem mutually satisfactory. Now that the President and the AFL–CIO have insisted on reopening the century-old fight over the union shop, it is the obligation of Congress to consider all the equities and the safeguards at issue.
>
> If the elimination of section 14(b) is the only contribution Congress can make toward a more balanced labor law, it will be better advised to leave the law alone.

New York Journal-American:

> We are for labor unions. The Hearst newspapers were among the first in the newspaper industry to reach agreements with labor unions.
>
> But we are also for freedom of job choice, and opposed to compulsion by Government legislation. It seems elementary that no one should be compelled to join a union if he doesn't want to, just as no businessman should be compelled to join any commercial organization.
>
> We have found ourselves in agreement with most things L.B.J. has done. We feel that in most matters we think as the President does. Our thinking usually being alike, we have often concurred with his views. But we think he is wrong in urging abolition of laws which give a worker the right to belong or not to belong to a union, and urge him to reconsider his request to Congress.

New York Herald Tribune:

> It's extraordinary that a nation so dedicated to liberty should want to take away that right; and that compulsory unionism should become a rallying cry of people calling themselves liberals.

Philadelphia Inquirer:

> It is one of the remarkable anomalies of our times that people who cherish their designation as liberals should be in the forefront of those pressing for compulsory unionism.

The Washington Daily News and all Scripps-Howard newspapers:

> This newspaper believes that labor unions, honestly run, perform valuable service for their members, the community, and the country.
>
> But we also favor keeping alive the principle of freedom of choice in an increasingly regimented world.

Now I am well aware of the fact that nothing could be further from the truth than the statement, "figures don't lie." You can manipulate figures to prove almost anything.

But it is plainly evident in this right-to-work law controversy, that figures are certainly not on the side of the labor leaders. Their main argument is that these laws are union busting and tend to hold wages down.

But figures show that union growth in right-to-work States has been strong and steady and that per capita personal income and hourly earnings have shown a greater percentage increase in right-to-work States, than non-right-to-work States.

Among the top 15 States, in wages paid industrial workers, 7 were right-to-work States.

The other main argument used by the union leaders is the appeal to passion—the freerider-freeloader argument. The argument is not sound, and any reasonable man knows it.

There are all manner of voluntary private organizations and they engage in all manner of activities which benefit society as a whole. A good chamber of commerce benefits all merchants, the nonmembers and freeriders, as well as those who pay their dues. This House would not for a moment consider a law requiring all merchants to belong to the chamber of commerce.

The argument is that because a majority, theoretically a majority of one, want to join a union, then all must join a union. It is just as sound to say because the Democrats won an election in one State, or the Republicans, then all Republicans must become Democrats—or all Democrats must become Republicans. It is absurd on the face of it.

But it is more than that. Quite apart from a free ride, many workers do not want to be taken for a ride and, the two times I have campaigned for this office, union members have told me so, in considerable numbers. They resent deeply the arbitrary methods of some of their union leaders. They resent deeply their dues being used in support of social and economic issues diametrically the opposite of theirs. Especially do they resent the fact that their money is being used for political activity in behalf of a political party which is not theirs, and in behalf of candidates they do not want in public office.

It occurs to me that the free-rider argument is used to describe the wrong people. If section 14(b) is repealed, then indeed the union leaders will be the free riders, harvesting for free, and without any work on their part, countless numbers of workers who do not want to join a union.

It is remarkably revealing and convincing to me what great men and great minds in this Nation, deeply interested and sympathetic to the union movement, have said about closed shops.

Judge Brandeis, one of the great liberal jurists of all time:

> The American people should not and will not accept unionism if it involves the closed shop. They will not consent to the exchange of the tyranny of the employer for tyranny of the employee.

Sam Gompers, the most revered name in the American labor movement:

> No lasting gain has ever come from compulsion.

Justice Black:

> There cannot be wrung from a constitutional right of workers to assemble a further constitutional right to drive from remunerative employment all other persons who will not or cannot participate in union assemblies.

Summing up, the great issue before this House is not whether we are for or against labor unions. The issue is whether we are for or against individual human rights and individual freedoms. It is whether we are to further enhance the enormous power of labor bosses, not only over individual workers, but over the political, social, and economic life of this Nation.

The biggest favor we could do here today for organized labor would be to vote for the retention of 14(b) and against this bill.

Justice Brandeis' brilliant mind saw the issue clearly and his voice expressed it eloquently when he said:

> The ideal condition for a union is to be strong and stable, and yet to have in the trade outside its own ranks an appreciable number of men who are nonunionists. In any free community the diversity of character, of beliefs, of taste—indeed mere selfishness—will insure such a supply, if the enjoyment of this privilege of individualism is protected by law. Such a nucleus of unorganized labor will check oppression by the union as the unions check oppression by the employer.

Unions do not need the repeal of 14(b). I asked one of the local union presidents from Florida, who came to see me, about the status of the workers in his local. He told me he had 100-percent membership.

As one union member put it:

> Good unions don't need repeal of section 14(b) and bad unions don't deserve it.

In summary, the issue here is individual liberty, freedom from coercion. It is exactly the issue that precipitated the American Revolution.

It is the same issue so wonderfully expressed in our great documents, the Declaration of Independence, the Constitution, and the Bill of Rights, the resolutions and declaration of rights of the Thirteen Colonies at the time of the formation of this Nation.

The action of this House today will affirm the basic concept of individual liberty and freedom, or it will strike it a grievous blow. That is the great issue before us.

My vote will be for the retention of 14(b) and for individual liberty and freedom.

Mr. CAREY. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, repeal of 14(b) is designed to give the employers of this country an equal opportunity to compete in the Nation's entire business community.

We hear a great deal of talk about cheap labor competition from Japan and from other parts of the world, but nobody ever talks about the cheap labor competition right here within our own Union, when 19 States have substantially lower wage standards and are attracting markets from those States which have higher wage standards. So this is designed to give the businessman of this country an equal opportunity to participate in the business community.

It is designed also to give the American worker an opportunity for equal protection of his job.

But most important—and I should like to have my colleague from Florida, who just made a statement about individual liberty, hear this—the repeal of 14(b) epitomizes the essence of our democratic concept in America, and I say "democratic" and a small "d." This will restore majority rule in labor relations. That is all it will do.

Let us review how a union gets started, so that we will know what we are talking about.

If a union wants to organize a shop, they go down and pass out leaflets and do various other things to attract the interest of the workers of that factory. If they are successful—and in many instances they are not successful—but if they are successful in getting 30 percent of the workers in that factory to sign a petition for a secret election, to be run by the Federal Government, by the National Labor Relations Board, an election is ordered.

If a majority of the workers in that factory—and I say a majority—vote for the union, only then can the union be recognized. If only 50 percent vote for the union, the union loses. It must be at least 51 percent. The majority must agree to have that union. When that majority has voted for a union as its collective bargaining agent, then within 30 days all the workers of that factory join that union. But remember, a majority of the workers must first vote for a union in that shop before any worker in that shop is required to join the union.

Now, my friend talks about personal liberty and individual freedom. We have a Supreme Court in our Nation which day in and day out hands down decisions 5 to 4. The whole country is guided by that majority rule. We do not say that the four judges and those who agree with the four judges can go their own way. All Americans abide by the Court's majority rule. In 1960 this Nation elected by a scant majority of 160,000 votes a President, even though there were more than 45 million votes cast. We did not say to all of those who voted against that President, "You go your own way." The whole country adhered to the election of that President.

The doctrine of majority rule is a keystone of this Republic. Why, then, should we apply a different rule to the working men and women of this country? Let us go the other way and let us assume these workers do not like their union and they think the labor leaders are no good and want to get rid of this union. What do we do there? If 30 percent petition the National Labor Relations Board for a decertification election and if 51 percent of the workers in that shop say, "We do not want this union," even though 49 percent do want the union, the union is decertified.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CAREY. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PUCINSKI. Let us put this in its proper perspective. There has been a great deal of talk here about taking away the rights of people and about personal liberty and the usurpation of individual rights. This is nothing more than a question of whether or not we should apply the doctrine of majority rule to membership in labor organizations, as we do to everything else. I do not hear anybody suggesting around here that the stockholders of a big corporation should be able to go their own way because the majority of the stockholders have voted on a stock dividend or a split or something else.

So I say, my friends, that the issue in this debate—and this is the issue that the Members will have to decide—is whether or not you have faith and whether or not you have confidence in the doctrine of majority rule which has served this country so well. What makes us different than any other social order? That very concept of majority rule in America.

I say, Mr. Chairman, that those who would oppose the amendment are in effect saying that they do not have confidence in the American worker, through majority rule, to take care of his own destiny. Well, Mr. Chairman, I have enough confidence in the good sense of the American worker to trust him with his own decision whether majority rule shall apply to him.

Twice during recent months, President Johnson has made a direct and forceful appeal to Congress for repeal of section 14(b) of the Taft-Hartley law. On both occasions, the President stated his objective to be a reduction of the conflicts that divide the citizens in several States.

I agree with the President's position, and will therefore support passage of H.R. 77, when the bill is put to a vote in this House. In so doing, I find myself in agreement with not only the President's position, but his stated reason as well.

Misnamed right-to-work laws presently exist in 19 States of the Union. Five others experimented with such laws for a time, rejecting them where experience showed they did not create jobs, they did not give anyone the right to a job, and they did not stimulate the brisk inrush of new business and industry so enthusiastically promised.

To the contrary, it was found that such laws gave rise to festering disunity among the citizens of their own States, and with other States as well, when attempts were made to attract business and industry with a so-called good labor-management atmosphere.

What they meant, of course, was no labor-management atmosphere—for, in right-to-work States, collective bargaining is so restricted and diluted as to threaten the very right of workers to join together to negotiate with their employers on matters of mutual interest and concern.

Competition among individuals, among businesses, or among States, founded on fairness, justice, and good public policy, is a healthy condition. But when competition is based upon restrictive policies against one group—and I am talking here about the human matters of fair wages and good working conditions—then such competition is, in my opinion, evil, degrading, and disruptive.

Competition between so-called right-to-work States and those States that protect the rights of unions and their members is not often stated in terms as blunt as I have used. Nevertheless, the underlying implication is ever present.

One has to look no further than the comparative national standing among 19 so-called right-to-work States and the 31 States that permit union shops.

Which of the right-to-work States is a major industrial State? The answer, none.

What are the comparative working conditions in right-to-work States? The answer, the worst.

What are the per capita incomes, wage rates and purchasing power in right-to-work States? The answer, the lowest.

What are the social protections—safeguards against child labor, provisions for unemployment compensation and workmen's compensation, and reasonable minimum wage rates for workers in right-to-work States? The answer, the very least—and, in some instances, they do not exist at all.

Interstate competition for business and industry founded in such conditions cannot, in my opinion, serve the best interests of the citizens of any State, nor the best interests of the Nation as a whole. Repeal of section 14(b) will not mean overnight correction of such situations. But it will at least make a beginning effort possible, under a uniform national labor policy.

Mr. CAREY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. Mink].

Mrs. MINK. Mr. Chairman, I appreciate this opportunity to speak on behalf of H.R. 77 and to urge its passage.

The opponents of this measure would have us all believe that those who support this bill are against freedom and individual rights. My support of this measure is with equal vehemence that freedom and individual liberty are our paramount responsibility, and are not sacrificed by repeal of 14(b).

Our country is based upon the concept of representative government. We have a Federal Government charged with the responsibility to make general laws for the entire country. We have a Federal law governing labor-management affairs. I believe this law should apply equally upon all citizens throughout America.

Just as it cannot be that the Federal law governing pure foods and drugs is subject to a determination by each State as to whether they want to be bound by it nor of the civil rights law passed by the Congress that it shall or shall not apply in each given State by the decision of the local legislature, so in the field of labor legislation, the law should apply equally to all States.

Just as a school bond issue approved by the majority of the people ought not to be revocable by individuals who do not believe in public expenditure for schools—so the right to bargain collectively on all proper issues ought not to be denied members of labor organizations by act of a State legislature contrary to the avowed principles set forth in national legislation.

This is the issue which I feel is involved in the repeal of section 14(b) which gives the right to State legislatures to decide whether in their States the Federal law shall apply. This is contrary to our concept of representative government in America.

No working person in America will be forced by this repeal to join a union in America if management does not agree to a union shop. The repeal of this section does not take away the right of the worker to resist a union if this is the wish of his employer or of his management. A union shop situation can only arise if management sees fit to make this so in its bargaining with the employees' union.

Repeal of 14(b), therefore, would leave the question of a union shop entirely up to the wishes of the employer and union formulating a collective bargaining agreement as is the case in my State of Hawaii already.

Thirty-one States today follow the present Federal law. Nineteen States have gone their own way in this matter. The question is: Should not this Federal law be made equally applicable in all States? The Federal law does not require membership in a union in order to work; it leaves this matter to the bargaining table in which labor and management make the ultimate decision. This is as it should be. This is the Federal policy on the matter which I seek to preserve. I earnestly believe that the integrity of the Federal system is at stake in this matter—as is the whole concept of representative government—and I urge your support of H.R. 77.

Mr. CAREY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not wish to be unduly simplistic, but I am convinced that what we are dealing with here, stripped of its sloganistic shroud, is not the issue of right to work in any sense at all, because a man derives his right to work as he derives his right to life, not conferred upon him by any government and therefore cannot be taken away by any government, Federal or State.

Rather, I think the issue here is whether men who are working have the right to organize securely through collective bargaining, to gain respectable wages and the right working conditions. The issue then, Mr. Chairman, is not one of right to work, but of the right to freely bargain for the right kind of work.

Throughout the history of this Nation, its leaders have wisely sought the guidance and counsel of religious scholars and spokesmen. And rightly so, for while separation of church and state is a fundamental tradition of our American system, it is nonetheless true that it must function and govern in keeping with the highest standards of morality.

The moral tone of the Nation arises, basically, from the three major religious faiths of the people—Protestant, Catholic and Jewish. American religious leaders, cognizant of their obligation to protect and preserve the rights and interests of their adherents, and of society as a whole, have spoken out with deep understanding on many of the great issues. This was as true in 1775 as it is today, 190 years later. The issue before us today—repeal of Taft-Hartley section 14(b)—the question of continued encouragement of so-called right-to-work laws—has been met directly and forcefully by the three faiths.

They are unanimous in condemning the so-called right-to-work scheme as harmful to the common good. They make a united plea for the right of management and labor, if they see fit, to make union security a condition of employment—a decision to be reached in private and free collective bargaining. They unanimously endorse union security as morally good.

These are the views of the most widely representative religious spokesmen in America. While no Member of this House will take them as a mandate, and rightly so, each will do well for himself, for his constituency and for the Nation in which he holds high public office, to consider them most carefully in the moral context of this national issue.

The Reverend J. Edward Carothers, secretary of the Commission on the Church and Economic Life, National Council of Churches of Christ in the U.S.A., had this to say:

> In taking the position that union membership as a basis of continued employment should be neither required nor prohibited by law, the General Board of the National Council of Churches has expressed its view that the ultimate objective of these laws is one which should not be imposed by legislative action. We believe that upon this, as upon many other subjects of common concern, the contracting parties should be free to arrive at a decision in the bargaining process.
>
> We do not believe that a law should be enacted which restricts the freedom and responsibility of labor and management to decide through collective bargaining whether or not a union shop provision should be included in the particular contract between them.

The Right Reverend Monsignor George G. Higgins, director of the social action department of the National Catholic Welfare Conference, said this:

> The ethical issue involved in this controversy concerns the right to compel union membership as a condition of employment. Even if an overwhelming majority of workers wish a union shop, do they have the right to demand that the minority conform to this decision? Since the right to work is the right to life itself, may conditions be imposed upon (it)?
>
> The response to both these questions is a straight "yes."
>
> If an employer and a union agree, in collective bargaining, that union security would aid industrial relationships, they are in effect laying down a regulation for the common good of their industrial community. When a worker accepts employment in that plant, he is no longer a detached individual, he is a member of the community and is governed by its rules. The alternative to such a procedure would be chaos and the breakdown of industrial society.

Summing up the Jewish position was Rabbi Richard G. Hirsch, in testimony on behalf of the Central Conference of American Rabbis. Rabbi Hirsch said:

> In the historic context in which 14(b) was written, there is little doubt that its supporters viewed it as a means of diminishing labor's strength. The real purpose was not to give freedom to the individual worker, but to give license to the employer; not to grant labor rights, but to deprive labor of rights.
>
> Jewish tradition has always emphasized the dignity of labor and the necessity for men to associate together to achieve common objectives. If it was true in ancient times, then how much more is it true in our day that a single employee is subject to the arbitrary treatment of his employer unless he and his fellows can organize and bargain collectively.
>
> Our society is now engaged in a struggle to eliminate poverty. How inconsistent, on the one hand, to encourage the poor to organize to help themselves, and, on the other hand, to deprive the laborer of his most useful tool—the right to organize effectively.

Mr. Chairman, these theologians have spoken out on this issue in the interests of broader understanding of the moral issue—and the moral obligations involved, in both the matter before us now and the action we will soon take on it. I bring their views to the attention of my colleagues today not only because I am in complete agreement with them, but because I believe that every Member of this House will find them invaluable in determining his vote on the issue.

Mr. GRIFFIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KUNKEL].

Mr. KUNKEL. Mr. Chairman, one of the fundamental purposes of the Taft-Hartley Act was to establish a uniform, national policy in the area of labor-management relations. Section 14(b) is the only exception in the act to this policy. Section 14(b) enables the States to prohibit employers and labor unions from freely contracting with each other to require membership in the union as a condition of continued employment.

I strongly support the Taft-Hartley and Landrum-Griffin Acts. However, I do not believe they are sacrosanct. In my considered judgment, repeal of section 14(b) will in no way weaken the Taft-Hartley or Landrum-Griffin laws, nor would it give unions an unfair advantage in either organizing or in negotiating.

The controversy over the proposed repeal of section 14(b) has created passionate support and equally intense opposition. As a result, the facts tend to be lost in the welter of strong emotions and visceral reactions. This has resulted in many misconceptions about what would happen if section 14(b) were repealed.

First, let me emphasize this: elimination of the so-called State right-to-work laws will not affect in any way whatsoever the strength, scope, or extent of union organizing activity in the 31 States that do not have such laws. The status and rights of employers in those 31 States will be exactly the same whether section 14(b) is repealed or whether it stays on the statute books. Make no mistake about this. Indeed, repeal will probably have a stimulating effect in raising the economic level of both workers and employers in the non-right-to-work States. Repeal will improve the business climate and the financial well-being of these non-right-to-work States themselves.

Turning specifically to Pennsylvania, both proponents and opponents of right-to-work legislation by the States agree that the chances of Pennsylvania enacting such a law are infinitesimal, if not nonexistent. This is true into the foreseeable future. Governor Scranton won his election by an enormous majority in 1962. During his campaign, he opposed right-to-work legislation. He went further than that by pledging himself to veto any such bills if the State legislature passed them. Senator SCOTT, in his 1964 campaign, pledged himself to vote for repeal of section 14(b). Despite President Johnson's majority of well over a million votes in Pennsylvania, Senator SCOTT carried the State by a safe margin. Both of these elections are clear indications of how the voters of Pennsylvania feel on this issue.

The 19 States with right-to-work laws have been making strenuous and frequently successful efforts to better their economic conditions. They have certainly tried to induce industry to locate within their borders. Wage scales in these States, in most instances, average well below the wage rates in the non-right-to-work States. If wage rates in the right-to-work States should rise as a result of repeal of section 14(b), their purchasing power would increase and their citizens would be able to buy more of the goods produced elsewhere—including non-right-to-work States.

Fair competition among the States to attract industry is healthy and normal. But this competition must be fair. And, frequently right-to-work States use competitive methods which are not really fair. Cost economies achieved by means of lower wages and poorer working conditions in the face of equal productivity are not a legitimate element of fair competition. Wage earners are entitled to be paid in accordance with their productivity regardless of where they work. The basic purpose of union organization is to see that workers receive their just economic rewards.

Right-to-work States frequently appeal to prospective new industries on the basis of the State's right-to-work law, with the clear implication that the existence of the law assures the employers of a competitive advantage because of lower labor costs.

All of us who represent constituencies in the more highly industrialized States are confronted with this continuing threat of unfair economic competition. And this is one of the main reasons causing me to support repeal of section 14(b).

The Wagner Act, the Taft-Hartley Act, and the Landrum-Griffin Act are complicated pieces of legislation. As a result, many intelligent people do not entirely understand the laws. I am surprised at how many of my friends believe that in the 31 States not having right-to-work laws union membership is legally compulsory for all the employees in any enterprise which has been organized by a union. Nothing could be more erroneous.

The provision in Taft-Hartley permitting employers and unions to agree to union security arrangements is an extremely limited one. Where compulsory union membership exists, it is the result of free and voluntary agreement between employer and union. It is not a condition imposed by law. If section 14(b) is repealed, thereby nullifying State right-to-work laws, no employee could be compelled to join the union in order to hold his job unless his employer voluntarily agreed to grant such a contract agreement to a union democratically chosen by a majority of his employees in the bargaining unit.

Thus, in the non-right-to-work States there are large enterprises which bargain with powerful unions and have never agreed to a union shop provision in the contract despite the insistence of the unions on the inclusion of such a requirement. Striking examples are General Electric Co., the Armstrong Cork Co., and the Hershey Chocolate Co.

If you phrase the question, "Do you believe in the right of two parties to make free contracts?" instead of "Are you in favor of right-to-work laws?" you will frequently receive an affirmative answer to both questions from one and the same person. Yet a "yes" to the first question would clearly infer that you favored repeal of section 14(b), whereas an affirmative answer to the second question would indicate that you favored retention.

If 14(b) is repealed, the closed shop, which requires the employer to hire only those job applicants who are already members of the union, would still be unlawful. The employer could still hire or reject any job applicant at his own complete discretion. The employer's power of selection is not impaired at all. Under a union shop contract agreement, the freely selected employees are required to join the union within a certain specified time. Employees could not be deprived of their jobs even if they lost their membership in the union, unless such loss of membership were solely the result of a refusal to pay their dues or initiation fees. Loss or denial of union membership would not constitute a lawful basis for an employee's loss of his job.

There is an additional safeguard which is all too often overlooked. Taft-Hartley specifically makes it unlawful to compel employees who are required to join the union under a union ship agreement to pay a fee in an amount which the Labor Board finds excessive or discriminatory.

Therefore, aside from the requirement to pay union dues and initiation fees which are neither discriminatory nor excessive, the employee required to join the union has no other obligation to the union as a condition to keeping his job. Repeal of section 14(b) would leave this fundamental plan of the Taft-Hartley and Landrum-Griffin Acts unchanged.

Taft-Hartley provided certain safeguards for employers against certain types of union activities such as secondary boycotts, jurisdictional strikes, certain types of picketing, et cetera. More importantly, the closed shop was completely outlawed, and only the limited type of union shop already described, was permitted, even in those States without right-to-work laws. None of these safeguards would be affected in any way by the repeal of section 14(b).

The Landrum-Griffin Act strengthened the ban on secondary boycotts, outlawed hot cargo contracts, and prohibited extortionate picketing, et cetera. It created a bill of rights for union members, protecting union funds against misuse, erecting certain safeguards to assure fair union elections, and provided a procedure for the removal of union officials by the union membership. None of these protections afforded by the Landrum-Griffin Act would be either eliminated or weakened by the repeal of section 14(b). Thus, it is plain that repeal of section 14(b) would make no fundamental change in the safeguards which the Taft-Hartley and Landrum-Griffin Acts have made available to rank-and-file union members, employees, and employers.

In my judgment, both the Taft-Hartley and Landrum-Griffin Acts are sound laws, helpful to both employers and employees. I support them both. But again, let me call your attention to the fact that one fundamental purpose of the Taft-Hartley law was to establish a national labor policy.

The general public has a strong interest in sound labor relations. Therefore, the public interest should always receive the most attentive consideration. But I feel that the public interest is helped rather than hurt by the existence of union security arrangements. Therefore, that issue should be decided by labor and management through free collective bargaining without the intervention of those who are not directly affected by it.

Many people contend that, regardless of the merits of the issue concerning the rightness or the wrongness of the union shop, the States should have the right to permit or to prohibit this form of union membership. Previously, I have shown that one purpose of the Taft-Hartley law was to establish a national labor policy. I believe I have clearly demonstrated that leaving this decision to the States merely gives an unfair competitive advantage to those States which seek to improve their economic fortunes at the expense of labor over those States seeking to achieve the highest labor standards consistent with sound industrial development. But the letters received on this subject lead me to believe that what appears at first glance to be a genuine States rights argument is not so in fact.

The Taft-Hartley Act repealed those provisions of the Wagner Act which permitted a complete closed shop and substituted therefor a strictly limited type of union shop. It applied a nationwide ban on the closed shop. If those who advance the "States rights" argument were genuinely concerned in achieving States rights as such, they would certainly ask that section 14(b) be amended, not only to authorize the States to prohibit all forms of compulsory union membership, but would also urge that it permit the States to impose any and all forms of compulsory membership including the complete closed shop. That would make section 14(b) a two-way street with no limit on the power of the State to act in either direction. No one suggested this in any of the mail I have received opposing repeal of section 14(b). Committee members tell me that not a single witness appeared in behalf of such a proposal. Personally, I feel strongly that the provision in the Taft-Hartley law barring the closed shop is sound and should be retained on a national basis. And I think a good deal of the confusion existing in respect to section 14(b) is failure to distinguish between the union shop on the one hand and the closed shop or the preferential shop on the other hand.

When a union wins recognition as bargaining agent with the employees, the Taft-Hartley Act compels the union to bargain not only for union members but also for all employees, irrespective of whether or not they belong to the union. This is imposed by law, and not by contract between employer and employee. Therefore, nonunion employees can secure all the advantages of union bargaining without the need of paying the union dues. Obviously, there will be a proportion of them who will take advantage of this opportunity. In the right-to-work States, the union has no recourse to protect itself against this situation. This free-ride feature is strongly resented by the unions, and with reason.

The bill was brought up under what amounted to a gag rule. Practically no amendments could be offered. There were amendments suggested which would have improved this bill considerably. Therefore, I voted "no" on the previous question because this was the only way by which a parliamentary path could be opened to provide for consideration of the amendments. I refer particularly to the one introduced by Mrs. EDITH GREEN, the gentlelady from Oregon. This would have enabled individuals who have religious convictions against joining or financially supporting labor organizations to be excused from doing so if (1) they paid a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and maintaining membership in the labor organization to a charitable fund mutually agreed upon by the individual and the union, or, if (2) they paid a like sum to the U.S. Treasury. I feel very strongly that we should never override peoples' deep religious convictions. In a free society this is a true fundamental.

A number of people have urged, as a reason for retention of section 14(b), the theory that its repeal would deprive people of "the privilege of free choice and the priceless values of individual freedom." "These," they argue, "are basic issues." If they are, then should these not be provided on a national basis for those in the non-right-to-work States such as Pennsylvania as well as those in the right-to-work States? Why should Pennsylvania be discriminated against? If Congress supports the extension of these alleged lawful rights to some, and at the same time takes them from people located in other sections of our Nation, is Congress not promoting the same kind of discrimination which the civil rights bill, in another field, is designed to end? Are we not creating two classes of citizens, depending on where the particular citizen happens to live?

If these are constitutional rights, then, clearly, they are protected under the Constitution and by the courts. However, the Wagner Act, the Taft-Hartley Act, and the Landrum-Griffin Act have been in effect for many years. They have never been held unconstitutional. Few, if any, deny or question the power of Congress to act in this field and to blanket it. It seems to me that this argument brings out clearly why section 14(b) should be repealed and why this legislation should be made national in scope.

Mr. GRIFFIN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as this debate draws to a close the issues are the same as they were when it began, at least as I see them. The basic question involves the protection of fundamental individual rights.

In an editorial published yesterday, the Washington Post referred to the "delicate balance" struck by the Taft-Hartley Act in this area. The bill before the House, calling for the outright repeal of 14(b) will have far-reaching effects, and I believe it would be well to focus for a moment on the ultimate effect that this action might have on the future of the labor movement itself.

Without regard to the legality or illegality of the union shop, Samuel Gompers believed strongly that the strength of the union movement depends upon voluntary principles—support and dedication won through persuasion.

Gompers said:

> No lasting gain can come from compulsion. If we seek to force, we but tear apart. * * * I want to say to you, men and women of the American labor movement, do not reject the cornerstone upon which labor's structure has been built * * * but base your all upon voluntary principles.

The outright repeal of 14(b) may be hailed by some today as a victory for labor—but those who are truly dedicated to the long-range best interests of a strong and responsible labor movement should listen again—and ponder—the words of Gompers:

> No lasting gain can come from compulsion.

In 1947, the Congress wrestled with the same fundamental issue that you are struggling with today in your minds and hearts: Should Congress authorize and legalize union shop agreements throughout the 50 States?

But keep in mind that Congress in 1947 had another choice available; there was the other possibility: Congress could have outlawed compulsory unionism throughout the 50 States—with national right-to-work law.

That is the route already taken by most of the other nations of the free world.

Of course, the individual has no choice in Russia but to belong to what are called labor unions in that country. But in almost every country in the free world—even in those European countries that are considered socialistic—union membership is voluntary.

But in 1947, Congress struck a compromise—between the two widely divergent philosophies and points of view.

The issue of compulsory unionism and whether it should be legal goes so deep in its effect on the lives of people that Congress in 1947 struck a balance and chose to leave this vital decision in the hands of the people of each State.

This proved to be a wise decision—a workable compromise. Whether or not a State has legislated on this subject, section 14(b) leaves with the people of each State the power and authority to do so if and when they believe it is necessary. The very existence of this authority is an important and meaningful check on the abuse of union power.

As I have said, surely if Congress is going to take away State power in this area, then we must substitute Federal safeguards for the individual workers who will be affected.

If the delicate balance struck in 1947 is upset through passage of H.R. 77, without adequate and effective safeguards, what will be the ultimate result in terms of the labor movement—and its public acceptance?

How will the American people react to nationwide compulsory unionism with no safeguards for the individual? No check against excessive union power?

If you vote for this bill, in effect, you will be voting second class citizenship for millions and millions of workers.

In effect, you will say that a worker must choose between his job and his right as an individual citizen to support the political causes and the political party of his choice.

You will be voting to force workers to choose between their jobs, bread for their families—and their religious convictions.

And, in the absence of more effective safeguards than are on the books today, you will be voting to block Negroes in some areas from apprentice training and job opportunities. Make no mistake about it, in some areas each new union shop agreement that comes into effect after repeal of 14(b) will represent a step backward for the Negro in his battle for job opportunities.

Do you really believe the American people will stand for this—for very long?

You know what the vast majority of the American people think about this issue—

You know from your mail—

You know from every poll that has been taken on this subject.

You know what the newspaper opinion is in your district and throughout the Nation.

If the Congress passes this bill in flagrant disregard of the will of the people, how long will it be before you will have to vote on a national right-to-work law proposal in this Congress?

How long will it be before the American people will demand the application of antitrust laws to labor unions?

Oh, many who vote for this bill today will console their consciences with the soothing assurance that this bill does not really require the execution of compulsory union agreements—it merely authorizes such agreements—and takes away State power to prohibit them.

But if the power of the States to protect the fundamental rights of individual workers against excessive union power is to be taken away, the individual worker can only look to you and me in the Congress.

By voting for this bill—in this form—without effective safeguards—you will be saying, in effect, "Do not look to me—look to your employer—after all, he does not have to agree to such an agreement" or does he?

Frequently, the liberal proponents of this bill will talk about—"freedom of contract"—freedom of union leaders and employers to agree that workers must join and pay dues to a union in order to work. But what about the freedom of the individual in this case?

The argument proceeds: But the employer does not have to agree to such a contract. How interesting—how consoling—how absurd that who call themselves liberals are willing in this particular case to put their faith and trust in the employer as the guardian of fundamental rights of individual workers.

You know, I know, and the American people know, that many employers, particularly the smaller companies—do not have sufficient economic strength to withstand the union's demand for a union shop even if they wanted to do so.

But more to the point, is the fact that many employers—though not all of them by any means—will sell the fundamental rights of their workers for 5 or 10 cents an hour less in the wage scale. And, in most cases the union leader will gladly agree to a lower wage scale for those he is supposed to represent in exchange for a union shop agreement forcing every employee to contribute to the union treasury.

No amount of soothing oratory will hide or erase the practical facts of life.

Make no mistake about it, without meaningful safeguards, a vote for this bill in its present form—in practical effect—will be a vote to disregard and cast aside the deeply held religious convictions which prevent some American workers from joining labor organizations.

Can it really be that a Congress that will not force a conscientious religious objector into the military service to fight for his country—will nevertheless force him into a labor union in order to work? Do unions in this country have so much political power that this Congress will vote to compel fellow Americans to choose between bread for their families—and their God?

I am convinced that if those in the House who call themselves liberals will only stand up today for liberal principles, this bill will be recommitted to the Committee on Education and Labor. And, if they do not stand up for liberal principles, regretfully, the American worker will be the loser.

Mr. YOUNGER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 207]

Bonner
Bow
Cahill
Colmer
Dingell
Hutchinson
Irwin
Keogh
McVicker
Powell
Springer
Teague, Tex.
Toll
Watson

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'BRIEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 77, and finding itself without a quorum, he had directed the roll to be called, when 415 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Michigan [Mr. GRIFFIN] had 3 minutes remaining.

Mr. GRIFFIN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Chairman, earlier this afternoon the President told the Nation that he is immediately sending another 50,000 troops to Vietnam and increasing the monthly draft calls from 17,000 to 35,000. These actions underscore the gravity of the situation in that country.

But as the President spoke, I was reminded of my message to the House late last Thursday afternon to an almost empty Chamber, following consideration of the amendments to the Economic Opportunity Act, on a subject which should be of vital concern to every Member of this Congress—and I take this time to urge that you take a minute to review what I had to say on pages 17991 through 17995 of the RECORD.

It was my purpose to call attention to the alarming volume of shipping to North Vietnam by free world nations in ships flying the flags of nations we have aided generously in the past and propose to aid in the future. Since the first of the year, 74 vessels of free world nations, according to unclassified reports from commercial sources, have sailed to North Vietnam, and I remind you these are the unclassified figures. The classified figures are much greater and every Member of this House should take the time to inform himself of the true extent of this trade.

Even more shocking is the fact that there are 24 ships that have carried their cargoes to North Vietnam and have also called at our U.S. ports a total of 75 times since January 1964.

Our colleague, the gentleman from Florida [Mr. ROGERS], has introduced legislation which I have joined him in sponsoring that would deny U.S. shipments to vessels which are trading with North Vietnam. At a time when our boys are being killed by enemy action, it is beyond comprehension that we tolerate friendly nations supplying the enemy and continuing to use our ports.

I have written to President Johnson asking that he give his personal attention to this incredulous state of affairs and I urge all Members of Congress to join in helping to find some means to stop this trading with the enemy that defies any explanation. As I said in my remarks last Thursday, how can we send more and more young men to Vietnam, and how can we increase our draft calls, when we Members of Congress sit on our hands in this House of Representatives and tolerate this national scandal?

Mr. SKUBITZ. Mr. Chairman, my father was a coal miner. My grandfathers before him were coal miners. My uncles on my mother's side of the family were also miners. They were all members of the United Mine Workers of America. They fought the battle for union recognition when the odds were all on the other side of the fence. They knew what it meant to live in a company-owned house. They paid the extra price charged at the company store. They knew from experience the price one pays by having their name placed on a company's "blacklist." But they believed in organized labor. They believed that only through organization could labor possibly bring about real collective bargaining and thus gain for the workingman decent working conditions and a fair wage for an honest day's work.

I, too, have worked in the mines and belonged to the miners' union. If my son were to seek employment in an industrial plant, I would advise him to join the union, and if corruption existed within the union, fight to clean it up.

It has been my privilege to sit at the bargaining table on the side of labor. I know the feeling that exists when freeloaders are willing to accept the benefits of a union-made contract but refuse to share in the costs of maintaining a union. I know the resentment that comes when a freeloader demands that the union protect his contractual rights at the union's expense.

Yes, I, too, have contempt for the genuine freeloader. But there is more involved here than just the question of free loading.

There is the question of human rights, the right of freedom of choice. The right of the individual to determine for himself whether he desires to join or not to join an organization. I am just as opposed to a yellow-dog contract that forces a man to surrender his rights to join a union in order to earn his daily bread as I am to a yellow-dog contract that forces a man against his conscience or against his best judgment to join an organization in order to keep his job. Mr. Chairman, there is no freedom without choice.

There is the question of the right of the people of a State to determine what course it seeks to follow. On November 4, 1958, Kansas voted into its State constitution an amendment which prohibits compulsory union membership as a condition of employment. Prior to that date, better than two-thirds of the State representatives voted to submit this proposition to a referendum vote. Our State senate by a three-fourths vote agreed to the house action. When the right-to-work amendment was submitted to the people of my State, it passed by 90,000 votes. The people of the district I represent, voted for the right-to-work amendment. If the people of my State, if the people of my district were wrong, then let them take appropriate steps and not this body.

Mr. Chairman, I shall vote against this bill.

Mr. FULTON of Tennessee. Mr. Chairman, I regret greatly Mrs. GREEN's amendment was ruled out of order. Her amendment would have excluded persons to whom union membership is contrary to their religious convictions and faith.

During the debate, Subcommittee Chairman THOMPSON, Democrat, of New Jersey assured the House that this amendment will be given early and expeditious consideration by his committee.

Incidentally, this amendment would not benefit financially any person as the church groups involved are perfectly willing to support the additional provision that any conscientious objector would pay sums equal to the dues to the U.S. Treasury, or to a charitable organization.

Mr. Chairman, as a member of the House Ways and Means Committee, it was my privilege to participate in the writing of the 1965 Social Security Amendments wherein we excluded those persons who, by reason of their religious faith found participation contrary to their beliefs or faith. It seems to me that the matter of religious conviction should not be forced to give way to the rights of the State, in a country in which we take great pride in religious liberty.

This Nation was founded on the belief and firm conviction that every man has an inalienable right to worship his God as he pleases. With this right goes the freedom to refrain from practices and activities which are alien to a man's religious beliefs and conviction. If we hold dear the principle of religious liberty, and hold it dear we must, then we are compelled, at the earliest moment possible, to find a solution to this problem, a solution which will guarantee the legitimate rights of organized labor and the rights of those workers whose religious beliefs make it impossible for them to join or support a labor organization.

Mr. SICKLES. Mr. Chairman, I have been asked by many Members to review the religious issue which has been raised in debate, particularly because there was not opportunity to vote on this issue and it will be considered further.

Members of the Plymouth Brethren No. 4 have appeared before the committee and complained that the union shop requirement that they pay dues to a union, or to a union welfare fund, or to a charitable organization jointly agreed upon by the brotherhood and the union, is in violation of the first amendment.

Earlier, much earlier, the Plymouth Brethren made the same contention before two separate U.S. courts of appeals, and the Federal justices ruled against them on constitutional grounds. The Supreme Court, by denying certiorari, refused to review this issue.

The lead case is *Otten* v. *Baltimore & Ohio Railroad Co.*, 205 F. 2d 58 (2d Cir. 1952), certiorari denied 351 U.S. 983.

Otten, a member of the Plymouth Brethren No. 4 and a railroad worker refused to pay union dues and was discharged pursuant to a union shop agreement. He argued that his discharge was an "abridgment" of the religious freedom.

The Court of Appeals for the Second Circuit, in an opinion by Judge Learned Hand, rejected this contention.

Judge Learned Hand said this:

> On the merits there can be no doubt. The union has not excluded the plaintiff, on the contrary it has made substantial concessions to induce him to join.
>
> The first amendment protects one against action by the Government, though even then, not in all circumstances; but it gives no one the right to insist that in the pursuit of their own interests others must conform their conduct to his own religious necessities * * *. We must accommodate our idiosyncrasies, religious as well as secular, to the compromises necessary in communal life; and we can hope for no reward for the sacrifices this may require beyond our satisfaction from within, or our expectations of a better world.

Even though, as Judge Learned Hand ruled, there is no constitutional infringement of liberty in the "union shop" agreement when applied to the religious dissenter, Congress of course as a matter of grace may extend protection.

This is the course followed by Congress in the Social Security Act when members of the Amish faith were excused from the requirements—and also from the benefits—of that act.

There does remain a constitutional hurdle should Congress decide to single out the members of minority religious sects for special and favorite treatment.

The first amendment is a double-edged blade: it prevents Congress from making any law abridging freedom of religion; it also prevents Congress from making any law "respecting the establishment of religion."

A religion is established within the constitutional sense when it is aided, even if only twopence worth, as James Madison put it, in the famous debate which resulted in the Virginia law for religious liberty and ended the system of State tithing.

A recent illustration of this is the decision by a court in California in 1963 that a Government subsidy of a film of a religious parade is forbidden by the establishment clause. *County of Los Angeles* v. *Hollinger*, 221 Cal. App. 2d, 154, 34 Ca. Rptr. 387. This is moving even further than the released time and the school prayer cases, where the Supreme Court held that the schools could not give their facilities or their blessing to religious exercises. *McCollom* v. *Board of Education*, 333 U.S. 203 (1948); *Engel* v. *Vitale*, 370 U.S. 421 (1962).

As Thomas Jefferson put it, the first amendment was intended to establish a wall between church and state; each supreme in its own area, neither intruding into the areas of the other.

The line between infringing and establishment is a thin one. This is illustrated by the Supreme Court decision in *Sherbert* v. *Verner*, 374 U.S. 398 (1963). There, the majority held that when South Carolina denied unemployment compensation to a lady, who, consistent with her religious beliefs, could not work on Saturday—and for that reason alone lost her job—the State thereby abridged her freedom of religion. The dissenters opined that if South Carolina granted the lady unemployment compensation, it would thereby violate the first amendment prohibition against a law respecting the establishment of a religion.

I frankly do not know whether or not Congress would be establishing a religion if it granted minority religious sects exceptions from the general law.

We have received no testimony on this subject, and I for one would like the thinking of Professor Kurland, of Chicago; Professor Southernland, of Harvard; Dean Fordham, of Pennsylvania; Dean Pollak, of Yale; and the other scholars who have examined and written on this problem in depth.

There is an additional constitutional problem arising out of the Supreme Court decision of last March. I refer to *United States* v. *Seeger*, — U.S. —, 85 S. Ct. 850.

That case arose under the provisions of the selective service law which exempts from military obligation those persons "who by reason of their religious training and belief are conscientiously opposed to participation in war in any form."

"Religious training and belief" was defined in the act as "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but not including essentially political, sociological, or philosophical views or a merely personal moral code."

Seeger refused to submit to the draft. He did not believe in a Supreme Being in a traditional sense. He was opposed to war, as he said, because of a "belief in and devotion to goodness and virtue for their own sakes, and a religious faith in a purely ethical creed."

Seeger argued that the distinction drawn by Congress between those who had a religious belief against war and those who had a personal moral belief against war was unconstitutional in that it denied equal protection.

The Supreme Court avoided decision on this issue when it ruled that the Federal law must be construed so as to exclude from military service the morally—but not religiously—objector. The Court said:

> A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition.

This decision raises more problems than it solves.

Specifically, it raises a very concrete problem. If Congress chooses to exempt from union dues payments those who have religious scruples against unions, must it also exempt from union dues payments those who hold a "sincere and meaningful belief which occupies in the life of a possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption?"

Specifically, if this additional exemption is required by the equal protection clause of the Constitution, how is this to be determined?

Perhaps it is time to turn away from the area of legal and moral questions and discuss the facts as presented by the evidence.

Frederick Walker testified on behalf of the Plymouth Brethren No. 4. He said that about 4,000 walk in fellowship.

The members of this sect accept literally two parts of the Bible:

First. The words in Deuteronomy, chapter 22, verse 10, that "they shall not plow with an ox and an ass together"; and

Second. The words in II Corinthians, chapter 6, verse 14, that:

> Be ye not unequally yoked together with unbelievers, for what fellowship has righteousness with unrighteousness, and what communion has light with darkness.

To the members of this sect, association with unbelievers is sinful, in a bar association, in a medical association, in a parent-teachers association, and in a labor union.

Two doctors currently are unable to practice in their local hospitals because their beliefs prevent their joining the medical associations.

One employer is currently charged with refusal to bargain because he refuses to bargain with a union which includes unbelievers. Western Meat Packets, Inc., 148 NLRB No. 52 (1965), now pending oral argument in the U.S. Court of Appeals for the 10th Circuit.

All in all 17 members of this sect have been fired under union shop agreements because they refused to pay union dues. Two of the 17 were discharged within the past 10 years; the other 15 were discharged more than 10 years ago.

The members of the Plymouth Brethren No. 4 are willing to pay the equivalent of union dues to the Federal Treasury.

W. Melvin Adams testified on behalf of the General Conference of the Seventh-Day Adventists. He also introduced letters from the Christian and Missionary Alliance, the Old German Baptists, the Amish, and the Christadelphians.

Members of these groups take literally the scriptural injunctions that "the servant of the Lord must not strive" and that he is to "do violence to no man."

They believe that unions, as an institution, represent coercion, and they are religiously opposed to strikes, picketing, and boycotts.

They can, consistent with their beliefs, contribute dues to unions for the social, educational, and charitable activities of the unions. Indeed, they have worked out arrangements with many of the larger and more important unions.

They ask for a law whereby they can contribute the equivalent of dues to the Federal Treasury unless the union involved agrees to permit dues payments only into special union funds.

Guy F. Hershberger testified on behalf of the Mennonite Church, like the Seventh-Day Adventists, the Mennonite Church takes a Christian pacifist position. It is opposed to coercive methods and procedures, "such as strikes and the boycott."

It takes a position substantially identical with that of the Seventh-Day Adventists.

Significantly, the testimony disclosed that their prime objection is to income tax payments that support the activities of the Pentagon. They would far prefer a law permitting them to earmark tax payments to UNICEF and the other agencies of the United Nations, than a law permitting them to earmark union dues to the Federal Treasury.

Mr. George Meany wrote the committee a letter about this problem which appears at page 266 of the record. He said in part:

> I believe that unions, and employers, too, should accommodate themselves to genuine individual religious scruples, and I am sure that all of our unions will take that view, too. I intend, accordingly, to propose to the AFL–CIO Executive Council that it adopt a strong policy statement to that effect; and that the international unions affiliated with the AFL–CIO undertake to insure that their local unions scrupulously respect individual religious reservations in the administration of union security agreements.

Mr. Meany also pointed out that:

> Various unions have in the past worked out a variety of arrangements with particular religious groups. In some instances, special membership cards have been issued to religious objectors and they have participated fully in union activities except for not taking the union oath or obligations, or serving as pickets.

In other cases religious objectors have not participated at all in union enterprises, but have paid the equivalent of dues to a union charitable fund or to an agreed-upon charity.

One union issues special cards attesting that the holder is "entitled to the same rights of employment as good standing members of the union."

The spokesmen for the three major faiths supported, first, the repeal of section 14(b); second, the positions of the minority sects; third, an effort to work out private agreements without laws; and, fourth, a Federal inquiry if nothing was achieved on a private basis.

Typically Monsignor Higgins testified at page 568 of the record as follows:

> I know from contact with the other national religious groups which are not concerned directly with this problem, that we are jointly prepared to, if you will, front for these groups in negotiating with the unions and jointly prepared to make a public issue out of it if the unions do not effectively guarantee the protection of these religious convictions.
>
> I know that my counterparts in other national religious groups, Protestant and Jewish, are prepared to join with me and I am prepared to join with them in resolving this problem voluntarily.
>
> If it cannot be resolved voluntarily then I assume it is going to come back again for consideration at the legislative level.

I might also add that this problem is not peculiar to America. The problem exists in New Zealand and Australia where the closed shop is authorized by a system similar to compulsory arbitration. When the government officials order a closed shop—which is the normal situation—those with both religious and nonreligious but moral objections to unionism, are licensed by a government board—like our draft boards—to work without union membership.

I hasten to add, however, that neither of these two Commonwealth countries has a written constitution nor anything resembling our first amendment establishment clause.

I have given the facts as clearly as I understand them. I have expressed the moral and legal questions as they now appear to me.

I have introduced a bill somewhat similar to that introduced by the gentlewoman from Oregon [Mrs. GREEN]. I believe intuitively in the principle of my bill. I have been assured by the chairman of the subcommittee, Mr. THOMPSON, and he has stated on the floor that we will be given time and the opportunity to consider further this matter by the subcommittee.

Mr. WALKER of Mississippi. Mr. Chairman, as a Representative of the people of the Fourth Congressional District of Mississippi, I must oppose the repeal of section 14(b) of the Taft-Hartley Act.

Earlier this summer, the Supreme Court, by a vote of 5 to 4, rendered a decision in the case of the U.S. against Archie Brown which, in effect, made it legal for a union boss to be a member of the Communist Party. Now the administration is asking the Congress to strike down the State laws which allow the individual the right not to support such an organization. Mr. Chairman, is this the American way?

Not too long ago, the newspapers, TV and radio stations were filled with headlines about the prosecution of certain union officials for violations of laws ranging from the misuse of union funds and income tax evasion to jury tampering. The repeal of section 14(b) of the Taft-Hartley Act would force men of high morals to support such activities. Mr. Chairman, with the consideration of this bill, we have a clearcut issue of free or forced unionism. Is Congress going to compel the American workman to join a labor union—a private organization—at the cost of his livelihood? This bill is clearly a move to take away the individual's right to work.

I feel that this body must go on record at this time as being for the rights of the individual—and for the rights of the sovereign States as provided in our Constitution.

The move by the President to have Congress repeal this section of the Taft-Hartley Act is clearly a political payoff by the President for the support of organized labor during the presidential election of 1964.

I feel that our form of government has reached a low ebb when one branch of the Federal Government, whether executive, judicial, or legislative, is allowed to use another branch for political gain.

It is quite evident that President Johnson is using this measure to repay the 1964 cost of AFL–CIO and other organized labor support. Evidence to support this statement is overwhelming. A glance at the President's previous record in support of right-to-work laws shows that something has caused the President to have a complete change of heart since he received such strong support of organized labor during the last political campaign.

In 1947 Mr. Johnson supported passage of the Taft-Hartley Act—even to the degree of voting to override President Truman's veto of the original bill. In 1949 he offered again his support to State sovereignty by voting against the repeal of section 14(b). In 1950 he supported a similar section to be included in the Railroad Labor Act, and in 1960 he praised the right-to-work laws of his home State of Texas. Why should he want to change his way of thinking at this time?

To repeal section 14(b) of the Taft-Hartley Act would certainly restrict the rights of the individual. Since the founding of this great democracy, we have boasted of the freedom of choice for the individual. We have demanded that a person be allowed to choose which, if any, religion he wishes to follow. Congress has demanded that a person be given the right of choice by vote. Congress has insured that a person be given the right to say what he so chooses. Even the Supreme Court has demanded, that if a person so desires, he may join and become a member of the Communist Party. But in all these demands, Congress has also demanded that the individual have the equal right not to do these things. Why, then, I ask, are we now trying to take from the individual the right not to join a union?

If this repeal should become law, would it not be logical to assume that eventually this same body might pass legislation requiring a person to be of a certain religious belief, or requiring that a person be of a certain political philosophy?

I have always said that I do not want to take a person's rights away from him—nor do I want my rights taken away from me. I certainly want the right to choose which organizations I wish to belong to and I want to give my fellow Americans that same right.

This bill goes even further—it strikes down the laws of 19 of the sovereign States. If such a bill could do this, it is logical that the Federal Government might, at any time, strike down other laws of any or all of the sovereign States.

I earnestly seek the support of my colleagues to defeat this measure now before the House.

In the July 27 issue of the Washington Post, there appeared an editorial raising the question of political involvement regarding the tactics used by supporters of repeal of the right-to-work laws.

The editorial follows:

[From the Washington Post, July 27, 1965]

REFORMING TAFT-HARTLEY

The question of repealing section 14(b) of the Taft-Hartley Act will presumably be decided by the House today under very unfavorable circumstances. We think the House was well advised to move the issue to the floor under the new 21-day rule after the

> Rules Committee failed to give it clearance. The Rules Committee had to be notified that the House will not tolerate its obstructionism on this or any other measure. It does not follow, however, that the House should hasten to give its approval to the bill. On the contrary, we think the best interests of the country would be served by laying this bill aside until a more comprehensive modification of the Taft-Hartley Act can be undertaken.
>
> The bill before the House has the narrow purpose of nullifying the so-called right-to-work laws now in effect in 19 States and of forbidding the passage of similar State measures in the future. No doubt there is much to be said for a national policy of tolerating or not tolerating the union shop in industries affecting interstate commerce. In passing the Taft-Hartley Act, Congress compromised on this controversial issue by letting the States set up their own separate policies. Someday it may wish to return to a uniform national policy, but we doubt that the time is now ripe, and the vehicle being rushed through Congress is far from being an appropriate one.
>
> Some weeks ago Senator JAVITS pointed out that there are many weaknesses in the Taft-Hartley Act which ought to be corrected. Though he favored repeal of section 14(b), he wanted to make it part of a package of Taft-Hartley reforms. Especially vital is the improvement of that section of the law which deals with national emergency labor disputes. Hope of getting this and other parts of the law overhauled would be weakened by passage of the present bill.
>
> With all its faults, the Taft-Hartley Act strikes a balance between management on one side and organized labor on the other. It is a delicate and complicated balance. If it is going to be altered, we think the changes should come after a comprehensive survey of the entire structure. Both the administration and the House Labor Committee failed to provide any leadership in such a venture. No comprehensive bill in such a complex field could be written on the floor even if the opportunity to offer amendments had not been narrowly restricted. Consequently, it would be desirable if the House would tell the administration and its own Committee on Education and Labor to try again.
>
> One other aspect of the situation before the House is troublesome. Reports of heavy logrolling have come from Capitol Hill. Midwestern Democrats, many of whom are lukewarm or hostile toward the repeal of section 14(b), have been importuned to vote for it in return for support of the farm bill. Most of the big-city Democrats who rely heavily upon the votes of organized labor and look askance on the farm bill have also been urged to exchange favor for favor. No doubt this logrolling device is as old as legislatures, but it is a discreditable practice and often produces bad legislation.
>
> Both the farm bill and modification of the Taft-Hartley Act should stand or fall on their own merits. It is curious indeed that the proposed repealer of the right-to-work laws should be wholly divorced from other pertinent Taft-Hartley reforms to which it is closely related and yet should be linked, in political strategy, to the farm bill in a totally different area of policymaking. This alone would seem to be ample cause for laying the proposed repealer aside until a better approach can be made.

Mr. Chairman, as a Representative of the people of the Fourth Congressional District of Mississippi, I must oppose the repeal of section 14(b) of the Taft-Hartley Act.

Earlier this summer, the Supreme Court, by a vote of 5 to 4 rendered a decision in the case of the United States against Archie Brown which, in effect, made it legal for a union boss to be a member of the Communist Party. Now the administration is asking the Congress to strike down the State laws which allow the individual the right not to support such an organization. Mr. Speaker, is this the American way?

Not too long ago, the newspapers, TV, and radio stations were filled with headlines about the prosecution of certain union officials for violations of laws ranging from the misuse of union funds and income tax evasion to jury tampering. The repeal of section 14(b) of the Taft-Hartley Act would force men of high morals to support such activities. Mr. Speaker, with the consideration of this bill, we have a clear-cut issue of free or forced unionism. Is Congress going to compel the American workman to join a labor union—a private organization—at the cost of his livelihood? This bill is clearly a move to take away the individual's right to work.

I feel that this body must go on record at this time as being for the rights of the individual—and for the rights of the sovereign States as provided in our Constitution.

Mr. MEEDS. Mr. Chairman, I represent a prosperous State that can boast of having both strong, competitive industries and vigorous labor organizations. In Washington State, labor and management are free to bargain with each other to establish agreements that benefit all the workers. Likewise, they are free to establish agreements requiring all who are covered by a contract to support the union that the majority has chosen. We have no right-to-work law and we are doing well without one. The repeal of section 14(b) of the Taft-Hartley Act, the section that allows individual States the option to establish right-to-work laws, will have no effect on labor-management relations in my State. Still, we in Washington State are quite familiar with so-called right-to-work laws and with the battles that have been fought over this issue over the past 20 years.

Twice in the last 10 years, in 1956 and again in 1958, right-to-work initiatives have been placed before the Washington State voters at the general elections. In both of these campaigns the various arguments, pro and con, were well represented. Twice these voters overwhelmingly voted down the right-to-work initiatives.

Because of these votes, I can stand before you and urge the repeal of section 14(b) firm in the knowledge that I represent the great majority of the people in my district.

The great aim of the Taft-Hartley Act was to establish a uniform, national policy for labor-management relations. Accordingly, section 9(a) requires unions to represent all employees in collective bargaining and not just union members. This requirement holds in every State. Section 14(b) stands as the sole exception to the national character of the Taft-Hartley Act. In right-to-work States, now 19 in number, the union chosen by a majority of the workers must represent all of the workers but cannot require that they all support it in its bargaining responsibility. I believe it is completely within the American tradition to have those who share in the benefits of a venture to also share in the responsibility.

Of course, it is incorrect to imply that the repeal of section 14(b) will automatically force any worker to join a union. Union contracts that require union membership of all employees can only come out of a majority vote. The effect of the repeal will be only to restore that freedom of majority decision to all workers and thus reaffirm the national character of the Taft-Hartley Act.

I have attended hearings on this legislation and I have found little or no opposition to repeal coming from those witnesses who represent industrial States. In fact, I have noticed that most of the supporters of section 14(b) and opponents of its repeal come from the 19 nonindustrial States that now have right-to-work laws. These States seek to use their right-to-work laws to induce industry into their States. While I commend their desire to develop their States industrially, I must protest their attempt to do this at the expense of their workers who must accept lower wages and poorer working conditions than in the 31 States where they are protected by strong unions.

My State of Washington is placed at an unfair competitive disadvantage in respect to these right-to-work States. I am shocked that often these States even advertise to industrialists that, with their right-to-work laws, they can promise lower labor costs. The repeal of 14(b) will hinder the use of low wages and poor working conditions as incentives to attract industry away from States, such as mine, that have worked many years to gain fair wages for workers.

Again, I want to point out that the repeal of section 14(b) will make no changes in the strength, scope, or extent of union organizing activity in the 31 States such as Washington that do not now have State right-to-work laws. Nor will repeal make any changes in the safeguards against the excesses of unions that are included in the Taft-Hartley Act and the Landrum-Griffin Act. It will allow workers the freedom to organize effectively and to use the democratic principle of majority rule in working for the benefit of all.

Mr. TODD. Mr. Chairman, I am in full accord with the purposes of the Green amendment, and appreciate the assurances of the chairman of the subcommittee, the gentleman from New Jersey [Mr. THOMPSON], that the committee will attempt to report out a bill soon. The studies made by the distinguished gentleman from Maryland [Mr. SICKLES], on the constitutional problem are much to the point in this effort. I believe the interests of those concerned with the protection of individual beliefs are most apt to be satisfied if the committee resolves these problems off the floor of the House.

Mr. EVINS of Tennessee. Mr. Chairman, millions of words have been written and spoken for and against repeal of section 14(b) of the Taft-Hartley Act. When we distill these words we find that they all lead back to one basic point of contention:

Should the American worker have the right to join—or not to join—a union?

Inherent in this question is the issue of personal freedom—freedom of choice. Should we take away this freedom from any worker?

Should we take from the States the right to assure workers their freedom of choice?

I do not think so.

I believe every man and woman has the fundamental right to join—or not to join—a union or any other organization according to their free will and choice.

I do not believe that in one fell swoop Congress should wipe out the right of 50 States to enact or retain State laws on this subject.

Mr. Chairman, the repeal of section 14(b) could open a Pandora's box of attacks on individual liberty.

This could be the beginning.

This could be the foot in the door.

This could be the opening wedge to take away other rights and freedoms.

What will be the next step, if this action is taken?

Shall we require all parents to become members of parent-teacher organizations in schools where their children attend?

Shall we force all small businessmen to become members of local chambers of commerce?

Where do we stop?

There seems to be no way of determining what comes next.

There is no way of knowing what proposal will be put forth next year—or the year after that—to curb individual freedom.

I believe in the freedom of the individual.

I do not believe in compulsory membership in any organization in any dimension of our society. These are the overriding issues in this legislation.

And so, Mr. Chairman, I shall vote against repeal of 14(b) for these reasons.

Mr. ANDERSON of Tennessee. Mr. Chairman, after long study, concluding with the House committee hearings, I am of the opinion that the repeal of 14(b) will be in the best interests of the majority of the people of Tennessee.

I plan, therefore, to support the repeal of this section of the Taft-Hartley Labor Act of 1947.

No matter which side a Member of Congress takes on this issue, it is bound to be controversial. I honestly believe, however, that many people will take a different viewpoint on 14(b) after looking into the matter closely.

Many people are making an effort to introduce a lot of emotion into this issue. I have never felt it proper to legislate based on emotion. For this reason, I respectfully submit my views for your consideration with the hope that I can help to clarify this important issue on a factual basis and explain my stand on it.

I am in favor of responsible labor, responsible management, and responsible government. Both management and government are inherently organized. Labor should not be denied its opportunity to be similarly organized, if our all-important system of checks and balances is to be maintained.

It has always been my conviction that when people are given the credit for being responsible, 9 out of 10 will merit that confidence and act in the best interests of State and Nation. This applies equally to labor, management, and government.

Reading through the lines of 14(b), one cannot help but note that it is a vote of no confidence in organized labor. This is a paradox because the other sections of the Taft-Hartley Act were designed to promote responsible collective bargaining.

Section 14(b) permits the States to outlaw the union shop and to have so-called right-to-work laws. At one time or another, since 1947, 26 States, Tennessee included, have adopted some form of right-to-work. Of the 26, 7 States have repealed or drastically modified their original laws, the latest to repeal the right-to-work provisions being Indiana, in January 1965. States still having right-to-work on the books now number 19.

The Indiana action is significant and embraces many of the reasons why I feel 14(b) should be repealed:

NEWSPAPER WORK BACKER NOW CALLS FOR ITS REPEAL, SOUTH BEND, IND.

The South Bend Tribune which thought a right-to-work law should be given a chance when the act banning union shops was adopted by the legislature 6 years ago now says the legislature should repeal it.

Said the Tribune in an editorial:

> Indiana's 6-year-old law banning union shops has failed to right any wrong, and worse, has increased labor tension in Indiana industry. We favor its repeal.

When this law was passed back in 1957, passion ran high. Our attitude then was let us give the new law a chance to prove itself.

> Six years, we believe, is ample chance, but we haven't seen much evidence that the law has proved itself.

The newspaper commented:

> The only thing the right-to-work law has really done in 6 years has been to perpetuate a source of hostility on both sides of the labor-management relationship. There is no reason to think it will ever do more than that.

The editorial added:

> Unnecessary irritants only make it harder for the two groups—labor and management—to work toward the point where their interests mesh. The right-to-work law is one of the most unnecessary of such irritants.

In Tennessee the same thing has been true—14(b) has perpetuated a source of hostility on both sides of the labor-management relationship.

In our State we have seen instances where highly costly and disruptive labor disputes involved the initiative of a handful of employees. A repeal of 14(b) will be a move toward majority participation on the part of union shop employees, and I believe the majority will generally act responsibly, because they will be acting in accordance with the fundamental democratic process we enjoy in this country.

To reemphasize, I believe the majority of any group, given credit for being responsible, and acting in democratic process, will be responsible and do what is best for State and Nation. The laboring men and women, without whom neither American commerce nor Government could survive, certainly deserve to be put in that category.

Now, may I respectfully address myself to the points raised by those who have felt 14(b) ought to be retained:

Argument for retention of 14(b): "Everybody ought to have the right to work."

Rebuttal: The slogan "right to work" has a Madison Avenue ring to it. If we provided everyone with a right to work, the results would be absolute socialism. In our system of competitive free enterprise, which I consider the cornerstone of our success, a man has a job because he wants it, demonstrates the ability to fulfill it, and has a mutually satisfactory relationship, financial and otherwise, with his employer. He also must have the ability to cooperate with and work in harmony with his fellow employees.

Argument: "But if 14(b) is repealed, everyone would have to join a union."

Rebuttal: The only people who would have to join a union would be those desiring to work in union shops where a majority of the workers have voted to organize for the purpose of protecting, in a checks-and-balances fashion, the rights and opportunities of all the workers. The only obligation for the joining member is that he pay dues. He need not participate in union activities to any other extent if he does not choose to do so. The system is very similar to our national political process: many Republicans and some Democrats do not support the Johnson administration, but everybody still pays taxes. Such is our democracy.

If 14(b) is repealed, no employee could be compelled to join the union in order to hold his job, unless his employer agreed to grant such a contract provision to the union which was democratically chosen by a majority of his employees in the bargaining unit.

Again, even with 14(b) repealed, a union may not enter into a collective bargaining agreement at all unless the union is representative of a majority of the employees. Next, the Taft-Hartley Act itself bans the closed shop outright; that is, any arrangement whereby only union members may be hired. It likewise forbids any preference in hiring to union members. However, the Federal act does permit a union and an employer, if they choose to do so, to include in a collective bargaining agreement a provision requiring that employees join the union 30 days after hiring. This authorization is subject to several further limitations. An employee may not be discharged for nonmembership unless the union is willing to admit him on the same terms as everybody else. An employee may only be required to tender "uniform" dues and initiation fees, which may not be "excessive." As interpreted by the National Labor Relations

Board and the courts, this means that the contract may not require an employee to join the union in the sense of acquiring formal membership, nor to attend meetings, nor to participate in any union activities. Under such contracts, the payment of dues and initiation fees alone may be required.

Argument: "Having to join a union would be contrary to the religious belief of many citizens."

Rebuttal: Representative EDITH GREEN has introduced a proposal which will exempt from direct union membership obligation those whose religious convictions preclude it. I support a provision of this nature.

Argument: "It will ruin the small businessman. Everybody will have to join a union. Wages will skyrocket."

Rebuttal: The organization of citizens, whether we speak of a community 4–H Club or the National Government, takes a lot of effort and expense. Most small businessmen are fair in their practices. Repeal of 14(b) will simply mean that if the majority of employees feel the need and vote for a union, they can have one. Small business is flourishing in the 31 States which do not have right-to-work laws.

Argument: "Repeal of 14(b) will give greater power to unions."

Rebuttal: Somewhat greater, yes. Here again, the issue is more emotional than practical. Labor will increase its power, but I believe it will increase its responsibility even more.

Argument: "The right-to-work law has been responsible for bringing in much new industry to Tennessee. Repealing 14(b) will stop this."

Rebuttal: Having a right-to-work law in Tennessee has brought in some industry. In some cases this industry has been interested not so much in the natural advantages of the State nor in our economic uplifting, but in cheap labor to turn over raw materials coming, mainly, from outside the State, into products sold, mainly, outside the State. Any economist will confirm that this does not promote the economic growth of our State very much. In my election campaign I pointed to my desire to help close the $664 gap in Tennessee—the $664 deficit we have per capita in annual income as compared to the national average. We appreciate every single plant that comes to Tennessee. We appreciate even more those which are truly interested in Tennessee and the promotion of our economy—those which look on Tennessee, not as a source of cheap labor, but as a source of fine labor—cooperative, productive, willing to work, able to be trained into highly specialized jobs. And besides good labor, we have much else—very inexpensive power, good water supplies, and inexhaustible recreation resources.

A fundamental reason for this Nation's economic growth and prosperity is that its workers receive wages adequate to buy the goods America produces. Prosperity rests on good wages—not on sweatshops. The Taft-Hartley Act itself declares that the inequality of bargaining power between unorganized employees and employers "tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries." It is detrimental to Tennessee's economic growth—to the closing of the $664 gap—to solicit industry on the basis of low wage rates and weak unions. Weak unions, as I have pointed out above, can become undemocratic unions.

Argument: "Every businessman wants 14(b) retained."

Rebuttal: Some of our largest companies want 14(b) repealed. They recognize it as a source of unhappy labor relations and unrest. Some bankers note that union shops promote the efficiency of local plants and help in economic growth of their towns and cities. Recently, I looked over the comments from 50 of the Nation's largest corporations. The question was, "If you were locating a new plant, to what extent would you be influenced by right-to-work laws?"

One-third said they would not be influenced at all.

One-third said they would take it into consideration, but the overriding factors would be location, markets, transportation, tax structure and so forth.

One-third said it would have a material influence.

I support labor legislation which will provide the proper climate for fair collective bargaining. Possession of excessive power by either labor or management can lead to nothing but disaster for both. I have always kept in mind that the general public has an important stake in sound labor relations and hence that the public interest should always receive the most attentive consideration. But I also feel that the public interest is in no way adversely affected by the right of labor to organize through the democratic process.

Mr. BURTON of California. Mr. Chairman, since the 1947 veto message by President Harry Truman we have been aware that section 14(b), the right-to-work provision of Taft-Hartley, protects no one's rights, guarantees no one work and is a thinly veiled attempt to weaken and destroy organized labor and the protections which have been won by the working men and women of this Nation through organization.

The voters of my State, California, overwhelmingly rejected an attempt to enact right-to-work legislation in 1958.

The people of California once again made their feelings known with the overwhelming mandate in 1964 to enact progressive social legislation and to repeal section 14(b) which is before us today. I believe the people of the Nation also mandated this responsibility to us.

The repeal of section 14(b) restores the rights of unions and of management to freely negotiate union security provisions which are vital to the well-being of every working man and woman in our country.

I have pledged during my entire public life to work for the repeal of the so-called right-to-work provision of Taft-Hartley.

Today, I am able to keep that pledge.

TABULATION CALIFORNIA VOTE ON "RIGHT TO WORK"

The following is a county by county statewide vote on the right-to-work proposition on the California ballot in November 1958. A "no" vote rejected right to work:

By counties	*Yes*	*No*
Alameda	120, 907	222, 456
Alpine	83	81
Amador	1, 283	2, 690
Butte	13, 424	16, 731
Calaveras	1, 625	3, 345
Colusa	1, 886	2, 449
Contra Costa	51, 509	92, 661
Del Norte	1, 991	3, 322
El Dorado	3, 172	5, 283
Fresno	38, 844	67, 536
Glenn	2, 959	3, 630
Humboldt	13, 463	20, 001
Imperial	7, 932	7, 718
Inyo	2, 459	2, 499
Kern	36, 003	46, 859
Kings	5, 593	7, 495
Lake	2, 986	2, 929
Lassen	1, 718	3, 108
Los Angeles	857, 683	1, 264, 835
Madera	4, 762	6, 552
Marin	23, 950	26, 468
Mariposa	1, 199	1, 219
Mendocino	6, 465	9, 767
Merced	9, 128	12, 568
Modoc	1, 097	1, 886
Mono	558	379
Monterey	21, 324	25, 396
Napa	10, 139	13, 517
Nevada	3, 814	4, 543
Orange	97, 219	85, 910
Placer	6, 411	12, 739
Plumas	1, 466	3, 429
Riverside	42, 597	43, 458
Sacramento	47, 212	103, 238
San Benito	2, 462	2, 769
San Bernardino	58, 971	86, 702
San Diego	134, 412	150, 966
San Francisco	96, 018	203, 189
San Joaquin	24, 095	51, 267
San Luis Obispo	11, 818	14, 628
San Mateo	64, 112	92, 570
Santa Barbara	22, 583	23, 693
Santa Clara	75, 996	105, 615
Santa Cruz	15, 945	17, 590
Shasta	6, 425	13, 142
Sierra	480	724
Siskiyou	4, 028	8, 519
Solano	12, 419	26, 020
Sonoma	24, 207	28, 972
Stanislaus	18, 718	31, 332
Sutter	5, 227	4, 642
Tehama	3, 545	5, 455
Trinity	1, 198	2, 048
Tulare	21, 014	22, 165
Tuolumne	2, 297	4, 643
Ventura	21, 365	30, 979
Yolo	6, 598	11, 633
Yuba	3, 181	4, 877
Totals	2, 079, 975	3, 070, 837

Mr. FISHER. Mr. Chairman, I am very much opposed to the repeal of section 14(b) of the Taft-Hartley Act.

That law has proven to be a great blessing for labor, management, and the public. It should be strengthened, not weakened or destroyed. Yet we see reactionary forces at work trying to move backward instead of forward in this area of legislation.

These same forces opposed the enactment of the Taft-Hartley Act. It happens that I was a member of the Committee on Labor at the time that legislation was being considered. Reactionary labor leaders opposed that law during committee hearings. Perhaps there has never been a bill more thoroughly considered. Under the fair and able leadership of Fred Hartley, who was chairman of the Labor Committee, labor was invited to testify. I recall that it was very difficult to get a responsible labor leader to even appear, although they were invited and urged to do so.

Some of them finally, with great reluctance, appeared. But they offered nothing constructive. That was certainly true of the leaders. Their attitude toward improvement of labor laws was completely negative.

Here today we have another negative approach—an attempt to wipe out progress in labor legislation. The motives behind this move to eliminate the right-to-work laws in 19 States are quite apparent. The objective is to increase union membership through a system of compulsion. If this is done, then the union leaders will have millions of dollars in dues to use—all handed to them on a silver platter. Along with it they will have additional power. It would seem that the labor unions would use their own influence, their own salesmanship, in efforts to increase membership, without looking to the Government to force people to join the unions. Are the union leaders afraid of their case? Do they admit by this technique that they are unable to convince nonunion workers in a plant that they would be better off if they joined? What are they afraid of? Have they become so desperate that they must use compulsion to get membership?

The unions claim that compulsory unionism is justified on the grounds that nonunion employees in a plant, represented by a union in dealings with the employer, are free riders. They contend the nonunion workers get the benefits from collective bargaining, and therefore should be forced to join the union and pay dues for being served in that way.

Mr. Chairman, in my judgment that argument is unsound because what the union leaders are able to achieve in that respect is not per se good for individual workers. It may be—and it may not be. If union leaders are able to force wages up too high, it may result in a plant being closed. At least, that could happen, and it has happened many times. One worker was quoted as saying he would rather work for $1.50 an hour than be out of work at $3.50 an hour. Look what happened to the coal mines when wages got so high industry turned to other fuels, and thousands of miners were put out of work. Look what happened to the New England textile industry, forced to close down and move south because of exorbitant wage rates.

Moreover, to be competitive in international trade the wage rates become an important factor. If wage rates get too high in a particular industry, then foreign competitors are able to move into the American markets. So it does not necessarily follow that because union leaders, using the strike and boycott as weapons, and thereby forcing wages upward, are performing a desirable service for the workers.

If union leaders consider it burdensome to represent nonunion as well as union workers in a plant, then perhaps they should drive for a change in labor laws which would allow them to negotiate only on behalf of their own members, and allow the nonunion workers to look out for themselves.

After all, what is wrong with allowing the States themselves to decide the issue? Since when has the Members of the U.S. House and Senate become so smart that they know more about what is good for Texas, for example, than does the Texas Legislature? How can a Congressman or a Senator justify substituting his judgment and wisdom for the collective judgment of the people of the State he represents? I trust the intelligence of the people of my State, and I think they are quite capable of making that decision without any dictation from Washington.

Mr. O'NEAL of Georgia. Mr. Chairman, the freedom to make a living without paying dues to any organization is just as basic as the American flag and the Declaration of Independence. A good union does not need compulsory membership, and bad ones do not deserve it.

We are being asked to take away an individual's constitutional right to decide for himself whether he wants to join a union. In order to fulfill our obligations as U.S. Representatives, we must justify our vote on this important issue not according to the wishes of labor officials or management representatives but on the rights of individual American citizens.

It is incongruous that this distinguished body must be reminded of the importance of individual freedoms and rights. This same Congress has been rallying behind such a banner to enact sweeping legislation throughout the current session. These halls have been filled with talk about guaranteeing a man's civil rights. But what do you do for a man's rights when you deny him free choice in a matter as important as his livelihood?

If you consider the question before us today from the standpoint of the individual workingman, you will stand firm for his right to work. Voluntary unionism is a weapon for the workingman. It is an insurance policy for good leadership and service from union officials. The repeal of section 14(b) would place the workingman at the mercy of his union officials. If the worker should run afoul of the union's political hierarchy, his card could be lifted and his means of livelihood taken away.

Yes, it is the individual workingman who stands to lose if section 14(b) is repealed. Responsible unions have not been damaged by its provisions. It does not discourage union membership. Section 14(b) merely places the choice of union membership in the hands of the worker where it rightfully belongs.

Mr. MACHEN. Mr. Chairman, at this juncture I would like to explain my position in respect to section 14(b) of the Taft-Hartley National Labor Relations Act. To begin, let me quote two letters I have received on this emotionally charged issue:

> Every member of this international union (is) urged to regard the position of every candidate for the House of Representatives or the Senate of the United States on the repeal of section 14(b) as the critical test of such candidate's qualifications. Only in very rare circumstances where the positions of candidates on other issues of vital importance require it can a vote for a candidate who refused to commit himself to repeal of section 14(b) be justified to the conscience of a loyal member of this international union.

* * * * *

> I know the issue of two votes might have little effect on your reelection, but unless you can make a more favorable stand in favor of retention of 14(b) you can count on losing two, as well as the votes of friends I am contacting who share the same views and want something done to protect their rights.

As one can readily see, there are two sides to this question, and proponents of each feel very strongly. As the elected Representative in the U.S. Congress from Maryland's Fifth Congressional District, I must study and understand the arguments on each side before making the final decision that determines how I shall vote.

What is involved in repeal of section 14(b) is, in many respects, far more complex than just the misnomer of "right-to-work" that businessmen have attached to the section. Contrary to implication, these laws do not deal with discrimination in employment on account of race, creed, or color; and they do not establish any rights to a job as such by private employers or by the Government. On the other hand, labor officials refer to it as "right to wreck," but repeal of 14(b) will not make union membership mandatory, nor require anyone to join a union. As you can see, neither label is accurate and both are typical products of the propaganda put out by both sides in this controversy.

The heart of the matter is the text of section 14(b):

> Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

In other words, it permits the States to forbid employers and employees from negotiating union shop provisions in their collective bargaining agreements.

A union shop is a majority of employees, by secret ballot, voluntarily agreeing to be represented by a union in the bargaining process. Once this election process is concluded, the union will then represent all the employees, thereby requiring that, in the future, employees must join the union within 30 days after employment or pay the equivalent initiation fees and dues to the union.

This is because all the employees will receive the advantages from the union's collective bargaining with management and the wages and benefits it may secure.

Therefore, since one shares in the advantages of union membership without having to join, one should at least share in the costs. The law states that they cannot be "excessive."

The repeal of 14(b) would prohibit State governments from limiting freedom of workers and employers to bargain collectively.

It has become apparent to me that, because all the other provisions of the National Labor Relations Act are the supreme law of the land, it is inconsistent to reserve the enactment of "right-to-work" laws to the States.

The people also have desired the freedom to negotiate union security agreements without State prohibition. Of the 25 States which at one time or another have prohibited contracts between labor and management calling for the union shop by enacting "right-to-work" laws, 6 have repealed them while 9 more refused to enact them by defeating referendums calling for such State laws.

The strongest argument for repeal of section 14(b) is simply that neither repeal nor continuation of section 14(b) of the Taft-Hartley Act will have a noticeable effect on labor-management relations in Maryland. Because we do not have a so-called "right-to-work" law, business and labor are presently permitted to negotiate a contract which requires membership in a union after 30 days of employment or the payment of the equivalent initiation fees and monthly dues to the union.

Generally speaking, prevailing wages in the 19 States that have the law are lower than in the others. Unlike Maryland, our neighbor Virginia does have a "right-to-work" law. During the debates when I was at the Maryland General Assembly, the chamber of commerce argued strongly that Maryland should have a "right-to-work" law because the State was losing businesses that chose to locate in Virginia. I can use the chamber's position to argue in favor of repeal so that Virginia could not have such a law. Obviously, the fact that Virginia has such a law is hurting my State, as the chamber of commerce pointed out.

All this is not to say that unions are beyond reproach. Certainly, they are not perfect. Some of my mail reflects discontent among members about management of retirement and pension funds. Others are unhappy because many unions discriminate against Negroes in membership and job opportunities. There is always the possibility that flagrant abuses in these areas could cause a change in public mood leading to future legislation.

I felt particularly strongly about those persons who cannot join a union because of religious objections. I had therefore lent my support to an amendment to the bill to repeal section 14(b) which would allow workers to be exempted from membership, dues, and initiation fees because of religious beliefs. Unfortunately, the House leadership has chosen to bring the bill to the floor with a 5-hour debate and "gag rule" against amendments.

At first I was tempted to rebel at what I felt was a poor method of handling this measure on the floor. But, after discussing the matter with the floor manager of the bill, I was reassured that he was aware of the problems and sympathetic to legislation that would make a provision for these people. He indicated to me that he would call for hearings on a separate bill to make this exemption as soon as possible. Therefore, because the overriding principle was so important and permission to add crippling amendments could jeopardize the entire bill, I decided to vote for repeal and afterwards continue to work for an amendment to permit religious exclusion.

I am aware that my vote will make some of my constituents unhappy. However, I have always believed that every issue should be decided on its own merits and that I would never, in good conscience, be able to support one segment of our society 100 percent. I sacrificed the support of the AFL–CIO Committee on Political Education in the last election because I refused to sign a previous commitment for the outlawing of State "right-to-work" laws. I insisted on maintaining my independence and reserved the right to make my decision after thoroughly evaluating the facts of the matter.

I have weighed this issue very carefully and am voting my best judgment on what is best for all the people. When I was a candidate for Congress, I ran supporting national candidates and a national platform calling for repeal and I was elected on that platform. I can only hope that my opinion will be respected for the reasons I have outlined. And, for these same reasons, I am voting for repeal of section 14(b) of the Taft-Hartley Act.

To close, I want to reiterate that repeal of 14(b) of the Taft-Hartley Act will have no noticeable effect on labor-management relations in Maryland because Maryland is among the majority of States which do not have laws against union security.

Mr. POFF. Mr. Chairman, I shall vote against the bill to repeal section 14(b) of the Taft-Hartley Act.

With me, the issue is more than a matter of work rights. It is also a matter of State's rights. The passage of this bill by the Federal Legislature would not only repeal section 14(b), it would also repeal the laws passed by 19 State legislatures. If the Federal Legislature by one bill can repeal the open shop laws of 19 States, then the Federal Legislative, by the passage of a national right-to-work law, could some day repeal the closed shop laws of the other 31 States. For the same reasons I oppose one Federal law, I would oppose the other Federal law. The individual States should be left free either to adopt right-to-work laws or to reject right-to-work laws, depending upon the wishes of the people of those States speaking through their duly elected representatives in their respective State capitals.

Those who favor this bill say that those who oppose it are opposed to majority rule. There are at least two answers. Opponents of repeal want States to have the right to decide whether or not they will have certain laws on their statute books. This is another way of saying that opponents want majority rule for the total population of the State.

The second answer is that while the majority should rule, the minority should not be utterly denied protection of their rights. This is true even when the minority is one and even when the right is freedom of association. In some cases, this right has not only deep personal values but religious overtones. Indeed, some faiths forbid membership in any secular organization.

Some who favor this legislation have left the impression that section 14(b) of the Taft-Hartley Act actually originated the right-to-work laws which now exist in 19 States. The fact is that there were a dozen such laws in existence under the Wagner Act before the Taft-Hartley Act was passed. Section 14(b) simply recognized and continued the posture of the law which had historically prevailed. I think it should continue to prevail.

Mr. WRIGHT. Mr. Chairman, for many months those of us in the Congress have been trudging through a bewildering thicket of claims and arguments for and against the proposed repeal of section 14(b) of the Taft-Hartley Act.

Rarely have we seen an issue so obscured by bombast, by exaggerated feeling and exaggerated argumentation. In many of the communications we have received, logic has been almost completely shrouded by clouds of emotionalism unequaled on any recent national issue except civil rights.

In each of two directions stands a group of unquestionably well-intentioned Americans, each beckoning insistently to us and each positively convinced that theirs is the only right and true path.

Today the House has reached a crossroads. It is our duty to try to peer through the fog of slogans and impassioned pleadings and decide objectively which of the two paths ahead will serve the best interests of the United States.

The question is whether or not the union shop should be uniformly permitted throughout the United States in those situations where it meets with the approval of the employer and a majority of the employees and is embodied in a written contract.

This bill would not force any group of employees to adopt a union ship. It would merely permit it where a majority of those employees desire it.

After agonizing consideration, and more than a little soul searching, I have decided that the bill should be supported. It has not been an easy decision for me, and it has been made more difficult by the fact that my own State has a so-called right-to-work law which legally forbids a union shop. Certain of my citizens are convinced that to abolish this law would be destructive of some fundamental right.

Yet after careful consideration, a great deal of research and close observation, I am forced to conclude that this attractive label is in reality a misnomer.

The laws which masquerade under the noble phrase, "right to work," do not actually give anybody the right to work. Nor would the repeal of 14(b) destroy anybody's right to work. It would not even require a person to join a union in order to get or hold a job, as many people have been erroneously led to believe.

Court decisions are very clear on that point. The holding of the U.S. Supreme Court in the case of NLRB against General Motors in October of 1962 is directly in point. It plainly declares that membership in a union is not required as a condition of employment in a union shop. No one is required to be a member of a union, to take an oath to a union, to attend meetings of a union, to participate in the picket lines of a union, or to engage in any other activities of a union.

The only thing that the National Labor Relations Act does require is that in cases where management and labor have entered into a union shop agreement, an employee must pay the regular dues and initiation fees. And these, by law, can be neither excessive nor discriminatory.

In other words, an employee under a union shop agreement must do nothing more than bear his proportionate share of the union's cost in representing him and all other employees, as it is compelled by law to do when a majority of the employees have duly voted for that union to be their bargaining agent and it has been so certified under the law.

Surely this can be nothing more than simple fairness. Once a union is certified as a bargaining agent after an official majority vote of the employees, the union is then required by law to represent all the employees—whether it wants to or not.

The union must represent every employee, including nonmembers. I have been truly amazed to discover how many days of labor are devoted by the elected officers in numerous unions to the careful preparation and presentation to management of individual cases on claims and grievances—and on matters relating to job security for individuals who do not even belong to the union. This is their lawful obligation to all workers in the bargaining unit, even to those who are not members of the union.

So not only does the nonmember enjoy exactly the same hard-won benefits of better pay and working conditions achieved through the collective efforts and expense of his fellow workers who support the union. Additionally he has exactly the same right to call upon the personal services of the organization to work for him and support him in all of his own personal grievances relating to his employment. Surely, in plain justice, he has some responsibility in return.

By legalizing union shop contracts uniformly in all 50 States, the repeal of section 14(b) actually would do nothing more than make a two-way street out of the relationship between an employee and the union which is compelled by law to represent him.

But how about those persons who object in principle to unionism? How about those who simply do not want to contribute any fee at all, however reasonable, in return for union representation? What of those who just refuse to work on a union job? Is their right to work destroyed? I think not.

Only about 17 million jobs, in a national labor force of 75 million, are unionized. For every job covered by a union contract, there are four jobs where no union contract is involved. So a person who refuses to join, or even tender dues to a union, would seem to have many other areas of potential employment available.

As a matter of fact, the percentage of unionization is generally lower in those 19 States which presently outlaw the union shop. Significantly, economic development is also lower. Only 25 percent of the industrial jobs are in these States. And a study shows that the wage index is 11 percent lower than that in the States which permit union shops.

None of the 19 so-called right-to-work States matches the Federal minimum wage standard; 11 have no minimum wage at all. Only three of these States have laws granting equal pay to women. Only one has a fair employment law prohibiting job discrimination. Only five meet as many as three of the eight child labor standards.

Average per capita income in these 19 States is almost one-third lower than in the rest of the Nation.

It would be difficult to take pride in such statistics, yet most of these 19 States persist in attempting to use their right-to-work laws as bait to try to bring in new industry.

Consider, for example, this excerpt from a letter written by the mayor of a city in a southern right-to-work State to an eastern industrialist, attempting to persuade him to come down and open up a plant:

> Then our wonderful labor, 98-percent native born, mostly high school graduates, will lower average hourly industrial wage rates 6 cents to 49 cents below other Southern States, and from 50 cents to 95 cents below Northern States * * * All detrimental State laws for industrial operations have been repealed. The closed union shop has just been outlawed.

Certainly there must be a better way to attract industry than deliberately to perpetuate and boast about low wages. I cannot really believe that the responsible leaders of American business and industry are attracted by such crass overtures.

They realize, I am certain, that our Nation's prosperity today is an integrated whole. They realize that without a healthy, economically sound body of wage-earning American men and women, their products would sit and gather dust on merchandisers' shelves.

Texas and the other right-to-work States do not need such selfish enticements as a crutch to attract industry. We have attractive sites, abundant natural resources, hospitable and adventurous people who form skilled and willing labor pools. These are the things which bring in industry—not substandard wages or a misguided spirit of antiunionism. After all, the main reason for a State's wanting new industry in the first place is to bring in more and larger payrolls.

My own State of Texas has enjoyed a very fine rate of growth and industrialization during the past generation and more. But it would do Texas a great injustice to contend that this had been due to substandard wages or to forbidding the union shop. Texas, as a matter of fact, had already begun to experience this growth long before the union shop was outlawed.

In point of fact, we find very little indeed to boast about when we compare our economic growth with that of the State nearest our own size which allows union shops. Texas and Illinois have approximately the same population—a bit over 10 million in each case by the 1960 census. Illinois permits union shops; Texas does not. Which has attracted more industry? In 1962, the total manufacturing payroll in Texas was $2,667 million; while that in Illinois was $7,191 million—better than two and a half times as great.

When we compare the economic value added by manufacturing—the difference between the total price paid by these locally domiciled plants for raw materials and the dollars brought into the State through sale of the finished products, we find that in Texas this was $6,361 million; while in Illinois it was $13,676 million—more than twice as much.

So manifestly it cannot be true that, to any large degree, the right to have a union shop actually discourages industry, or that the outlawing of union shops actually attracts desirable industry.

Let us look for a moment at the basic fairness of expecting employees to contribute financially to the support of the union which represents them whenever a majority of their fellow workers have so voted by a legally administered secret ballot.

Is this really any different than requiring a homeowner to pay municipal taxes after a majority of the voters in his area have voted to incorporate as a city?

When a municipality takes in a new area by annexation, it gives the same benefits to all the people in the area—whether they voted for annexation or not. All receive the benefits of police and fire protection, paved streets, water service and better insurance rates. Similarly, all employees at a union-covered company receive the benefits of better wages, working conditions, and job security.

In the first example, all are expected to pay their share of the costs. No person can legally avoid paying city taxes on the ground that he opposed being taken into the city. Receiving the same services as his neighbors, he is obliged to pay his share of their cost.

There are dozens of parallel instances. An attorney, for example, in many States cannot practice law unless he is a dues-paying member of the bar association. Is this concept somehow fair for lawyers but unfair for automobile workers and railroad men and machinists?

There are many hospitals throughout the land in which no physician may practice unless he is a member of the medical association. Are "closed shops" good when applied to doctors but evil when applied to electricians or carpenters or brickmasons?

Probably there is no man in the country who has been identified more closely with conservative concepts than Mr. William Loeb, publisher of the Manchester Union-Leader in New Hampshire. In a recent editorial, Mr. Loeb declared:

> In 1947, a right-to-work law went into effect and was in existence in New Hampshire from 1947 to 1949, when it was repealed by the legislature.
>
> As an employer having contracts with six different unions, this writer can honestly

> say that he couldn't see any difference in either the status of the unions or in his status during that entire period.
>
> The position of this newspaper is that, since right-to-work laws made so little difference, why have a bitter hassle over whether or not such a law should be repealed. This newspaper, therefore, would be in favor of President Johnson's recent message, suggesting that the Taft-Hartley Act be amended so as to do away with the right of individual States to pass right-to-work laws.

In closing, I would like to cite two further comments which I believe are pertinent. Both came from the same man, and the first appears on page 4885 of the Congressional Record for May 9, 1947:

> Mr. President, this amendment, as I understand, proposes completely to abolish the union shop. I recognize the strength of the argument made in that behalf by the Senator from Minnesota. We considered the arguments very carefully in the committee and I myself came to the conclusion that since there had been for such a long time so many union shops in the United States, since in many trades it was entirely customary and had worked satisfactorily, I at least was not willing to go to the extent of abolishing the possibility of a union shop contract.

The other comment appears on the next page of the Record for the same day:

> So I think it would be a mistake to go to the extreme of absolutely outlawing a contract which provides for a union shop, requiring all employees to join the union, if that arrangement meets with the approval of the employer and meets with the approval of a majority of the employees and is embodied in a written contract.

So spoke the coauthor of the Taft-Hartley Act—the late Senator Robert A. Taft.

In light of these facts, I am compelled to believe that the well-being of this country will be better served by the passage of this bill to day.

Mr. GILLIGAN. Mr. Chairman, I rise in support of H.R. 77, the repeal of 14(b) of the Taft-Hartley Act. The issue involved is not the right to work of an individual who does not care, for whatever reason, to join a union.

The so-called right-to-work laws do just one thing: They make union shop contracts illegal. In other words, even if the majority of employees of a company want a union shop, and even if the freely chosen collective bargaining agent of the employees tries to negotiate with the employer for such a contract, and even if the employer agrees to such a contract, a right-to-work law prohibits such a contract, thus severely restricting the rights of all parties involved.

Second, there is no question that right-to-work laws are a favorite device, and I believe a vastly over-rated one, for those who really desire the destruction of organized labor. It is a fact that many of those who advocate the use of right-to-work laws in the name of defending the rights of workers are often guilty of the most outrageous actions against the basic rights and interests of their employees.

I spoke on the matter on May 11, 1965, when I detailed for the Record the actions of a prominent member of the Committee to Keep the Taft-Hartley Act Intact and Protect Fundamental American Rights. This prominent member's company, of which he was president, had been found guilty by the U.S. Court of Appeals meeting in Cincinnati of four violations of the Taft-Hartley Act.

Third, a practical consideration must be taken into account by States, like Ohio, which do not have right-to-work laws. The 19 States which have such laws—they are mostly in the South and in the far Southwest—are carrying on an intensive promotional campaign among industrialists and businessmen, boasting of the lack of unions in their States and the consequent depressed wage rates. They use this argument as a powerful lure to attract firms, old and new, into their areas. We in Ohio are continuing to suffer the loss of industry due to this type of piracy, which exists only because the States involved in such raiding are the beneficiaries of an unfair competitive advantage.

If we are to stop Ohio's economic hemorrhage we have two choices:

First. Enact a right-to-work law in Ohio, thus weakening the unions and depressing the wage levels to meet those in the Southern States—a solution that is obviously neither desirable nor feasible—in 1958 Ohio voters overwhelmingly rejected a proposed right-to-work law—or

Second. Repeal section 14(b) of the Taft-Hartley Act to establish a national atmosphere which would make possible proper labor-management relationships which would tend to equalize wage scales at a more reasonable level and thus eliminate this type of unfair and vicious industrial competition between States.

I do believe the latter course is fairer, sounder, and more conducive to the promotion of the public welfare.

Within the last week I have received several letters from businessmen in my area who recognize that this problem of 14(b) poses severe problems for them. One of these businessmen wrote:

> Although we agree with the theoretical concept that a man should have the right to join or not to join a union, the practical effect has been to give a competitive advantage to the employer in those States which have such laws. To equalize this situation, we urge that you vote in favor of the repeal of section 14(b) of the Taft-Hartley Act.

For these reasons, Mr. Chairman, I support the repeal of section 14(b) of the Taft-Hartley law, and I shall so vote.

Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to H.R. 77, a bill to repeal section 14(b) of the National Labor Relations Act.

It would be politically expedient for me, I suppose, to vote in favor of this bill before us today.

I come from a State, Michigan, which does not have a State right-to-work law and, therefore, in theory at least, its citizens are not directly involved in our vote on this question.

My congressional district is a part of the Detroit metropolitan area and is in the midst of one of the most highly organized labor areas in the United States.

A great many labor leaders are or have been my constituents. Probably a majority of my constituents are good, loyal, dues-paying union members who believe in their union, in the collective bargaining process, and are enjoying the benefits of this system.

On the surface, these might appear to be overriding reasons why I should vote for the outright repeal of 14(b).

But they are not.

Why? Because this bill, as it is written, is basically wrong. If it is passed by the House and Senate and signed into law by the President, it will be a mistake.

It will do the worker no good.

It will do the employer no good.

And, in the long run, it will do the cause of organized labor a great deal of permanent harm.

In the first place, it would overturn the provisions of the constitutions of seven States. It would do this without the opportunity for adequate judicial review, without adequate regard for State laws or local situations.

In many States, right-to-work laws were made a part of State constitutions or became State law because of initiative petition and referendum, because of petitions circulated door-to-door and a consequent vote on this question.

Now prior to coming here to Washington some 9 years ago to represent Michigan's 18th Congressional District, I served 8 years in the Michigan Legislature, 2 years in the State senate and 6 in the Michigan House of Representatives.

Having had the opportunity of this experience, and I am sure it is surpassed by many of my colleagues here today, I do not regard overturning State constitutions and State laws—and particularly State laws and constitutions initiated by petition—as a matter to be taken lightly.

There were good and sufficient reasons why these State laws and constitutional provisions were included in the first place, just as there were good and sufficient reasons why section 14(b) was included in the Taft-Hartley Act and why the House and Senate by better than a two-thirds vote overrode a Presidential veto to retain this section.

There were also good and sufficient reasons why the gentleman now occupying the White House, the President of the United States, voted for this section while he was a Member of Congress.

We do not need repeal of 14(b), and neither do labor unions. What we do need is concentration upon preservation and expansion of the rights of the workers, and we would not get it in H.R. 77 in its present form.

Mr. BURTON of Utah. Mr. Chairman, earlier in the debate on the subject of repeal of 14(b), I indicated in a colloquy with the gentleman from Michigan [Mr. William D. Ford] that I would insert what I knew to be the complete position of his own Governor on this subject.

The position of Gov. George Romney of Michigan regarding right-to-work repeal has been widely misinterpreted by some political figures. Governor Romney has said he favors repeal of section 14(b) of Taft-Hartley only if certain conditions are met, and that he cannot support repeal under terms of H.R. 77, the administration bill now pending before the Congress. Those who represent his position as favoring outright repeal do Governor Romney a great disservice.

At a national student leadership seminar in Washington, D.C., in May, Governor Romney said:

> I favor the bill introduced by Michigan Representative ROBERT GRIFFIN, who proposes to prohibit unions from using their dues for political purposes. I also favor amending our laws to prevent excessive concentration of power in labor and management.

Quoting Governor Romney further:

> The most urgent collective bargaining problem the Nation faces is the excessive concentration of private power on the part of unions and employers. As indicated by President George Meany, of the AFL-CIO, Government intervention is threatening the future of free collective bargaining.
>
> The attention being focused on right to work is, unfortunately, distracting the consideration that should be given to this major problem, which is the excessive concentration of collective bargaining power that is increasing the role of the Federal Government and threatening this Nation with a Government-controlled economy.

I was authorized to issue this clarifying statement last month when his full position was not being fairly stated by some political leaders in my own State, and in view of the mention of the Governor's name in the debate today, I offer it for my House colleagues.

Mr. WYDLER. Mr. Chairman, I believe that the granting of new power to unions should go hand in hand with greater responsibilities. The individual union members and the public should be fully protected.

The bill prohibiting State right-to-work laws was presented under the Powell "gag rule" which allowed no amendments. It was undemocratic. It made impossible the strengthening of the bill to protect the rights of individual union members, minority groups, and the public.

It is sad but true that under the Powell "gag rule" many people who cannot join unions because of religious convictions may have to give up their jobs. They would be forced to choose between their jobs and their religious convictions. This is a cruel choice which is unfair and not in the American tradition.

I could not support such a narrow proposal. As presented, it violates fundamental human and individual rights.

Mr. LOVE. Mr. Chairman, I wish to congratulate the Commitee on Education and Labor and particularly its chairman, the gentleman from New York [Mr. POWELL], and the gentleman from New Jersey [Mr. THOMPSON] for the splendid work they did in managing H.R. 77 so that it was not subjected to crippling amendments which would have placed the attention of the House on issues other than the need for making the Taft-Hartley Act uniform throughout the Nation.

There is great need to rid the issue of its emotion and I shall try here, today, to succinctly state the question, briefly develop the background, and analyze the issue for the purpose of supporting its passage before the House.

Section 14(b) of the Taft-Hartley Act (Public Law 101, 80th Congress) reads as follows:

> Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

The single question presented by H.R. 77 before the Congress is whether it should, in the light of experience gained under the statute, eliminate the special treatment given to this small but significant part of the field regulated by the act and remove this one statutory exception, section 14(b), to the rule of uniformity prevailing with respect to all other matters covered by the Taft-Hartley Act and other related statutes.

The Committee on Education and Labor which propounded the question, recommends the bill for passage and concludes:

> There is no longer sufficient reason to justify its (sec. 14(b)) continuation. (Rept. No. 540, 89th Cong.)

The Taft-Hartley Act of 1947 limited the scope and extent of contracts pertaining to union security agreements. It substituted the open union for the open shop, abolished the closed shop and permitted union shop agreements with open unions. In fact, the act regulated union security arrangements in detail. To begin with, a union may not enter into a collective bargaining agreement unless the union is representative of a majority of the employees. This would mean an election—see section 9(e) Taft-Hartley Act, Public Law 101, 80th Congress. The act permitted a union and an employer to include, in a collective bargaining agreement, a provision requiring employees to join the union on or after 30 days after hiring. This authority was then limited in that an employee could not be discharged for nonmembership unless the union was willing to admit him on the same terms as everyone else. An employee may only be required "to tender periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership"—see section 8(a)(3) (A) and (B); also see report No. 540, 89th Congress.

Normally, the Federal statutory provisions would control all situations covered by the act; however, section 14(b) granted the States the power to enact laws forbidding unions and employers from signing union shop contracts. This section explicitly authorized the States to ban, by State law, the very type of limited union shop agreements which were permitted and regulated by the same Federal law. The inconsistency becomes apparent and the phrase "right to work" was born. As is plainly seen from a dispassionate analysis, rather than give the individual a right—a right to work, the so-called right-to-work law merely forbids labor and management from signing contracts establishing a union shop, if the State or territory adopts such a prohibition.

Of the 25 States which have enacted right-to-work laws, 6 have repealed them, leaving 19 at present with such laws. In 18 years, 9 States have defeated referendums calling for State enactment, including Ohio. The 19 States which have right-to-work laws are: Alabama, Arizona, Arkansas, Florida, Georgia, Iowa, Kansas, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. At this point, it is pertinent to note that of these 19 States, 11 are Southern States, 7 are Western States, and 1 can be considered Midwestern with an agricultural economy.

The Taft-Hartley Act was originally intended to establish a uniform, national policy concerning labor relations and section 14(b) evolved as the one section which departed from this basic principle. It was thought that all the States would welcome the opportunity to experiment, legislatively, by adopting right-to-work laws but this has not been the case. The fact that only 19 States have a right-to-work law tends to prove that after 18 years the principle is unsound and the act would be better administered under a uniform national policy. As the committee points out from the evidence, the special treatment given to the statute has been the source of continued confusion and uncertainty with respect to a widening span of related matters such as picketing, checkoff, and hiring halls, to mention a few.

Unions justify the repeal of section 14(b) by pointing out the difference in per capita income, wage and fringe benefits, and social conditions between non-right-to-work States and right-to-work States. They point out that low income prevailing in the so-called right-to-work States tends to hinder national economic growth. While this may be true, the fact is that agricultural States inherently have a lower standard of living than manufacturing States, so this is not a very effective argument. However, unions have contributed greatly to a higher standard of living and economic growth in industrial States. It is also a fact that industrial States are not right-to-work States.

Unions have presented charts proving that workers desire union shops. According to their figures, 97 percent of some 6,500,000 workers voted in favor of the union shop over a 4-year period in Government-conducted elections. Unions claim these conclusive results caused Senator Taft to ask Congress to amend his Taft-Hartley Act so that employees and unions could adopt a union shop provision by contract, without the secret election requirement. Congress did strike the secret ballot requirement from the law as experience had shown the election safeguard was not needed to protect the worker. To be a part of a union shop is a genuine position for most workers as they are cognizant of the benefits they can derive from union membership. Such benefits might not be otherwise available and workers further realize that greater benefits in wages and working conditions can be obtained by joining together than if they bargained individually.

Unions further argue that in the so-called right-to-work States they must bargain for both members and nonmembers. In such cases, the dues-paying members complain of some employees getting something for nothing. The result is that soon others stop paying dues and the unions' collective bargaining position is weakened. This is the free rider argument which, to my way of thinking, is the unions' strongest argument.

Management's feeling toward section 14(b) is not wholly in accord. The nature of the business and its officers often dictate its position. For example, small business will probably be more in favor of the so-called right-to-work laws being adopted in their State than would a large industrial concern. Bargaining in a large concern is facilitated by unions which represent thousands of workers. Consequently, management sometimes requires union membership to facilitate negotiations. The unions, in such cases, represent every worker.

Management says each State should have the right to determine for itself whether the union shop will be legal. Individual freedom of choice is their principal argument which overlooks: First, the protection to the employee already in the Federal law, in the event a union shop is agreed to, and second, the need for uniformity across the Nation which, to my way of thinking, are much more logical arguments.

Management contends the repeal of section 14(b) will be disastrous in the 19 States which have adopted right-to-work laws. The State of Louisiana has repealed its right-to-work law and experience there indicates no abnormal disruption in labor-industry relations. While the State of Indiana's repeal of its right-to-work law is of shorter duration, I have heard of no ill effects to date.

It is argued that repeal will upset labor relations in the 31 States which do not have such laws. This is difficult to follow considering they are subject to Federal control under the uniform provisions of the Taft-Hartley Act. I can see no effect on the scope, extent, or strength of union organizational efforts, except desirable effects on the economy in the 31 States in which the majority of American wage earners reside. The only argument to retain section 14(b), as it affects the 31 States, is the possibility they might pass right-to-work laws in the future.

On the other hand, management in some States whose programs are tied to attracting and expanding industry, such as Ohio, have often found unfair competition between right-to-work States and non-right-to-work States. The former seek to attract industry by holding out to the latter the inducement of an adequate labor supply available at lower wages and less costly working conditions. The States having right-to-work laws use this as a means to attract industry thus affecting the labor market in non-right-to-work States.

It is generally agreed that cost economies, occasioned by means of lower wages and poorer working conditions in face of equal productivity, are not legitimate elements of fair competition. Wage earners are entitled to be paid in accordance with their productivity, regardless of where they work and unions should see to it that such workers receive their fair economic share. Section 14(b) interferes with this union principle. There are some in management who believe this constant effort to attract industry from one State to another is dividing Americans, particularly when the competition is unfair. It should be the national policy to encourage and promote collective bargaining in the interests of a strong, peaceful, national economy. Any law which encourages inferior and inadequate conditions of employment, should be repealed.

Ohio exercised its right under section 14(b) by having a statewide election in 1958 to decide the issue. The voters, influenced considerably by a very high union turnout, defeated the proposed legislation decisively—2,001,512 to 1,160,324. In my district the vote was 131,752 to 74,186. Consequently, unless the voters desire to reconsider their 1958 decision, repeal of section 14(b) would have no visible effect in Ohio. Ohio, being an industrial State of some note, naturally has a large blue-collar working force. These workers are aware of the benefits they can derive from union membership and will, therefore, in my opinion, strongly support their unions if the question comes up again.

It has been said that in Ohio and the other 30 States in like position, union membership is legally compulsory for all employees in any organization which is union organized. This is false.

Compulsory union membership results exclusively from voluntary contracts entered into between employers and labor unions as a result of free collective bargaining. No Federal or State law compels an employee to join a union. No Federal or State law compels an employer to consent to an agreement with a union which would require his employees to join a union as a condition of retaining their jobs.

For purposes of clarification, compulsory union membership, where it exists, comes as a result of a free, voluntary agreement between an employer and a union. It is not a condition imposed by any law. Repeal of section 14(b) would make the Taft-Hartley Act's security arrangements apply uniformly in all 50 States, thus eliminating unfair competitive advantage among them. Repeal of section 14(b) would not compel an employee to join a union in order to hold his job unless his employer voluntarily agreed to such a contract through collective bargaining, even though it would nullify the right-to-work laws which those States have adopted.

It should be emphasized that the Taft-Hartley Act, permitting union security arrangements, is extremely limited. The closed shop, which requires the employer to hire only those applicants who are already members of the union, would still be unlawful. Employees required to join the union after being hired—known as the union shop—could not be deprived of their jobs even if they lose their membership in the union, unless such loss of membership was solely the result of a refusal to pay their dues or initiation fees. Loss or denial of union membership for any other reason would not constitute a lawful basis for the employee's loss of his job. In this connection, section 8(b)(5) should be mentioned as an additional worker safeguard seldom invoked. Said section makes it an unfair labor practice for a union, in a union shop, to compel employees covered by an agreement, to pay a fee in an amount which the Labor Board would find excessive or discriminatory.

Apart from the requirement to pay union dues and initiation fees—which are neither discriminatory nor excessive—the employee required to join the union has no other obligation to the union as a condition of keeping his job. Repeal of section 14(b) would leave this fundamental scheme of the Taft-Hartley and Landrum-Griffin Acts unchanged.

After much study, talking to people on both sides of the issue and careful analysis, I have concluded it would be better to strive for complete uniformity across the Nation and repeal section 14(b). I will, therefore, support H.R. 77 and the Committee on Education and Labor which approved the bill. To this extent, I join with my colleagues, Congressman WILLIAM AYRES, of the 14th District, ranking Republican member on the Education and Labor Committee, and Congressman CHARLES MOSHER, of the 13th District, and associate myself with them in their views concerning the repeal of section 14(b). Further, I believe section 14(b) will pass the House but I will make no prophecy on Senate action.

In conclusion, may I state the points which won me over to the side of repeal:

First. I voted against the provision to adopt a "right to work" amendment in Ohio in 1958 and haven't changed my mind under the microscope of further scrutiny. This in-depth analysis convinces me I was right and the overwhelming defeat in Ohio is an important factor that no Ohio Congressman should overlook.

Second. Southern States are using the device of so-called "right to work" laws to entice Ohio industry which could materially affect my district by reason of its industrial complex.

Third. In the past 18 years, labor unions have become more mature and their leaders more responsible than ever before in the history of this Nation. The bargaining rights of labor on the American scene should not be unduly interfered with and Federal laws with respect to labor-industry relations should be uniform. This would insure a more sound national policy and be another step toward better labor-management relations. It should not be forgotten that the Taft-Hartley Act was written to promote a uniform policy in labor relations, to promote the full flow of commerce in the United States, and to prescribe the legitimate rights of employees, employers, and unions with respect thereto.

Fourth. While section 14(b) may have been sound when it was adopted 18 years ago, the legislative experiment has failed largely because of a slogan which had the effect of dividing Americans. Section 14(b) has proven not to be in the best public interest, particularly since the Taft-Hartley Act gives more than adequate protection to workers on a uniform national basis.

Fifth. It was apparent from mail received that the issue was emotionally based and my analysis proved that right to work is a misnomer. Actually, the right to the freedom of contract is more involved in this issue than a right to work. This was overlooked in most of the propaganda.

Sixth. The law does not now, nor will it after repeal of section 14(b), compel an employee to join a union. Compulsory union membership comes only from voluntary contracts entered into between employers and labor unions and are subject to strict control by the Taft-Hartley Act.

Seventh. The repeal of section 14(b) is a part of the Democratic platform adopted in convention in 1964:

> The industrial democracy of free, private collective bargaining and the security of American trade unions must be strengthened by repealing section 14(b) of the Taft-Hartley Act.

The administration, through the President, subsequently urged the repeal of section 14(b) as stated in the Democratic platform. The bill, however, will have bipartisan support and is not exclusively a Democratic invention. As pointed out previously, Congressman WILLIAM AYRES, of Akron, ranking Republican member of the Committee on Education and Labor, and Congressman CHARLES MOSHER of the 13th District, are in favor of its repeal.

If, at the time of final vote, the question is still the repeal of section 14(b) of the Taft-Hartley Act, as contained in H.R. 77, then I will vote for it. If the problem is complicated by amendments which may "muddy the waters," I will reserve the right to change my position, if the national interest or that of my district is affected adversely in any way.

Upon completing my own analysis, I find I have given this question far more study than it deserves. While there are greater issues at stake before the Congress than the matter under consideration, an open debate with respect to the Taft-Hartley Act, at this time, is in the public interest. Actually, no important right or principle is involved here. The issue is primarily emotionally based and hopelessly misunderstood by the public. I support this bill and I hope my colleagues will do likewise.

Mr. CLEVELAND. Mr. Chairman, of the difficult issues presented so far to this Congress, none has been handled in a more curious and, I think, reprehensible manner, than this one, H.R. 77, which would repeal section 14(b) of the Taft-Hartley Act and, in effect, establish compulsory union membership as the law of the land.

Section 14(b) reserves to the States the power to decide for themselves whether labor and management shall be free to adopt the so-called union shop. Nineteen States presently have laws barring this freedom to labor-management negotiators, presumably in the belief that a larger freedom is at stake; namely, the right of every person to have employment without being compelled to join a union or pay dues to a union, which workers are required to do in order to keep their jobs where the union shop is in force.

My State of New Hampshire does not have such a law. Although I am personally opposed to right-to-work laws, because I believe this matter should be left to free, collective bargaining, I think that Congress wisely left the decision to the States when it enacted the Taft-Hartley law. I shall vote to leave this power to the States.

In the course of reaching this decision, I have studied much material on both sides of the issue. I have discussed the issue with many persons representing both points of view and with many of my constituents.

GAG RULE PROTESTED

There are good arguments on both sides—so much so that it is necessary to criticize the leadership of the House for the limits it has placed upon the debate. This issue comes before us not under terms of free debate and free amendment, but is hauled before us clanking in procedural chains, stifled with gags, and hedged by guards. It is as if the sponsors themselves were ashamed of it and afraid it might get loose. I protest against these gags on amendments. This issue should have been left open for amendments. The single issue of section 14(b) should not be treated all alone. I believe it is wrong for the Federal Government to set up conditions leading to compulsory union membership without at the same time amending other sections of Taft-Hartley to guarantee workers protection from the domination of union leaders and from racial discrimination in membership, to protect the public against labor strikes that would harm the national defense in times of emergency, and from misuse of union dues for political purposes.

I agree with the Washington Post, which stated in an editorial July 27:

> With all its faults, the Taft-Hartley Act strikes a balance between management on one side and organized labor on the other. If it is going to be altered, we think the changes should come after a comprehensive survey of the entire structure.

I agree with the New York Times, which in an editorial on this subject published May 26, 1965, said:

> If the elimination of section 14(b) is the only contribution Congress can make toward a more equitable labor law, it will be better advised to leave the law alone.

RIGHT TO WORK NO LURE FOR INDUSTRY

As a Congressman from a Northern State that does not have a right-to-work law, I was naturally concerned lest the existence of right-to-work laws in other States operate to lure businesses and jobs away from New Hampshire. This assertion has been made to me strongly and repeatedly but, in spite of diligent investigation, I have found no evidence to support the assertion.

Among my readings on this subject was a lengthy and absorbing study prepared by James R. Wason, specialist in labor relations for the Library of Congress and issued March 19, 1965. The Library, it should be understood, is completely nonpartisan and takes no position on any issues. On page 74 of Dr. Wason's report he states:

> Some indication of a possible attraction of right-to-work States for certain firms who wished to avoid union organization of their plants was also suggested by some of the data. No proof, however, of any of these has been found.

This bears out earlier findings issued in the 1950's by the CIO as part of a study called "The Case Against Right To Work Laws." In that study, the union's researchers determined that local prevailing wage rates were the least important factor in determining a company's choice of a location. In this study it was reported:

> Labor-oriented plants and industries—such as textiles, shoes, apparel and some types of machinery—find a real economic advantage in being close to an ample supply of adequately skilled labor.

The union report cites another study called "Why Industry Moves South," by Glenn E. McLaughlin and Stefan Robock, and says:

> After examining the factors involved in locating 88 new plants in the South after World War II, McLaughlin and Robock concluded that "as a location factor, labor has been less important than materials and markets * * * where labor has been a primary factor in locating new plants, more emphasis has been placed on availability and on labor attitudes than on wage rates."

Thus, there appears to be no factual basis for assertions that right-to-work laws in other States have ever harmed, are harming now, or will ever harm New Hampshire or other States that do not have right-to-work laws.

FURTHER EROSION OF STATE RESPONSIBILITY

It is evident, then, that one of the main effects of this bill would be to take away yet another area of discretion from the States and transfer it to Washington, in keeping with the current, onrushing trend in our Nation's affairs. I am opposed to this trend except where Federal control and direction are clearly indicated on the basis of compelling necessity and the national interest. If we keep taking away the responsibilities and authority of the States they will soon become no more than withered appendages of the Federal Government, maintained out of a vestigial sense of history and for the sake of sentiment. Our Nation thus would lose what historically and demonstrably has been one of the great strengths of our unique Federal system.

This bill is offered to us without any opportunity for meaningful amendment and I want to make it clear that, as a further reason for opposing it, that I could not vote for any legislation by which a citizen would be required to join a union or pay dues to a union in violation of his conscience or his religion. I consider it reprehensible for Congress to attempt to write this into law. Certainly it is contrary to the best public policy.

FARM BLOC, LABOR DEAL DEPLORED

Finally, I deplore the deal that has been worked out between the farm interests and the labor-dominated city interests to secure passage of this bill and the administration's bread-tax, wheat program which is still to come before us. The details of this deal have been reported in depth by the Congressional Quarterly, the independent journal of research and reporting on the workings of Congress, written about in many newspapers and alluded to by the Washington Post in the editorial cited above.

The liberal, generally pro-Democratic Washington Post comments:

> Reports of heavy logrolling have come from Capitol Hill. Midwestern Democrats, many of whom are lukewarm or hostile toward the repeal of section 14(b), have been importuned to vote for it in return for support of the farm bill. Most of the big-city Democrats who rely heavily upon the votes of organized labor and look askance on the farm bill have also been urged to exchange favor for favor. No doubt this logrolling device is as old as legislatures but it is a discreditable practice and often produces bad legislation. Both the farm bill and modification of the Taft-Hartley Act should stand or fall on their own merits.

I agree completely and protest this large-scale "horse trade" by which a bad labor bill is being swapped for a bad farm bill with the public losing out in both cases. It speaks very badly for both pieces of legislation that such tactics must be used to get them through the House of Representatives. At a time when American soldiers are laying down their lives for democracy it is sad to see the democratic process tarnished in the very Halls of Congress.

Mr. GILBERT. Mr. Chairman, I support H.R. 77, the bill under consideration. I am one of the sponsors of this proposal to repeal section 14(b) of the Taft-Hartley Act, which authorizes State laws prohibiting union shop agreements in labor-management contracts.

Federal law permits the union shop, under which all employees must join the union within a specified period, normally 30 days, after being hired. However, in 1947, by including section 14(b) in the Taft-Hartley Act, Congress yielded over to the States the right to enact right-to-work laws which ban the union shop. I know of no comparable provision in any Federal law wherein Federal jurisdiction is yielded to the States. I feel that Congress should make the union shop provision the law of the land, just as other provisions of the Taft-Hartley Act.

State legislation to ban union security has masqueraded under this deceptive title, "right to work." This is a misleading term used as a weapon to weaken procedures and obstruct institutions established for peaceful, constructive labor-management relations. I quote former Secretary of Labor James Mitchell, when he said several years ago:

> They call these right-to-work laws, but that is not what they really are. In the first place, they do not create any jobs at all. Second, they result in undesirable and unnecessary limitations upon the freedom of the workingman and their employers to bargain collectively and to agree on conditions of work.

Mr. Chairman, I believe in collective bargaining, and I also believe we must have union security. When a majority of employees join a union, they should be entitled to negotiate a union security with their employers. The rights and interests of the majority should prevail. All workers receive the benefits of collective bargaining whether they are union members or not, and the union is required to deal fairly with all employees in negotiating contracts and handling grievances, regardless of union membership. Under the right-to-work provision, an employee enjoys the fruits of the benefits of the union, but he is not required to join and pay dues. Section 14(b) limits union security agreements; it infringes on the rights of workers to negotiate freely with employers and makes it possible for the beneficiaries of unionism to refrain from sharing in its responsibilities.

Thus, the union shop is a matter of justice, requiring only that those who share the benefits and safeguards of the union contract, bear their fair and equal share of the responsibility. In this respect, I want to quote a statement by Samuel Gompers, the father of labor unions, made in 1905 when unions were in their infancy:

> The union shop, in agreement with employers, is the application of the principle that those who enjoy the benefits and advantages resulting from an agreement shall also equally bear the moral and financial responsibilities involved.

The repeal of section 14(b) will go a long way toward eliminating wasteful and unproductive conflicts which have divided workers and employers for 18 years. As Mr. George Meany, president of the AFL–CIO, pointed out in his testimony before the Labor Subcommittee, in the past 8 years alone, the AFL–CIO has been engaged in more than 40 battles over right-to-work laws, which were extremely costly in money, and man-hours, and in addition, upset established collective bargaining relationships, bringing conflict into labor and management dealings.

President Johnson, in his recent labor message to Congress, said:

> With the hope of reducing conflicts in our national labor policy that for several years have divided Americans in various States, I recommend the repeal of section 14(b).

I have long felt that one of the main purposes of the right-to-work laws has been to undermine union strength. By draining unions of financial strength, they weaken the ability of unions to participate vigorously in collective bargaining and to fully represent the rights of the workingman. In order to function in an effective and responsible way, a union needs the stability and security of regular dues payments.

The success of President Johnson's Great Society and especially the war against poverty, depends on adequate wages. Many are of the erroneous opinion that right-to-work laws are responsible for higher wages. However, statistics show that in the right-to-work States, the per capita income is lower than in States which do not have them. I believe it has been shown that the State that undermines legitimate union strength is undermining itself. Thousands of employers have learned the value of good-faith collective bargaining, as is evidenced by the repeal of the right-to-work law in Indiana, and the defeat of the proposal in New Mexico.

Mr. Chairman, in the past I have supported labor legislation which would provide the proper climate for fair bargaining. I urge repeal of section 14(b). This restrictive legislation is out of step with our times; it should be repealed in the interest of our national economy and peaceful labor-management relations.

Mr. YATES. Mr. Chairman, the bill before the House today is a very simple one dealing with a complex and controversial issue. All of us have received many letters from both management and labor, as we always do when there is before us a bill which involves a change in employer-employee relations, and such keen interest is understandable because the issue is important to both sides. It seems to me our task is to try to find that legislative balance which will foster fair and free bargaining between the parties under our free enterprise system. I believe the repeal of section 14(b) will serve that purpose.

Mr. Chairman, the issue is not one of compulsory unionism as is contended by many. Compulsory unionism, that is, the closed shop, with certain exceptions, is outlawed by one of the provisions of the Taft-Hartley Act and that provision remains in full force and effect. It is not touched by the bill before us. The Taft-Hartley Act recognizes and authorizes the union shop arrangement by which workers may organize themselves into a union, if a majority so decide, designating the union to be the bargaining agent for the workers in employer-employee dealings. Under the union shop there is no requirement that workers in the minority who do not wish to join a union be required to do so. It is required only that they pay an amount equivalent to the dues paid by the members of the union. This represents their share of the cost of union representation benefits derived through union bargaining.

Mr. Chairman, I want to applaud the courageous and eloquent fight made by the gentlelady from Oregon [Mrs. GREEN] in connection with the amendments she offered to sustain freedom of religion. One of the glorious birthrights of American citizenship is the right to worship God as we wish. If a worker's religion forbids his joining a labor union and he is willing to pay the assessment usually paid by members of such union into a charity as stated by the gentlewoman, I believe it is in the best tradition of our country, and of the first amendment to the Constitution, to permit him to do so. I hope that an amendment which recognizes the worker's right to freedom of religious expression is adopted in the other body.

Mr. VANIK. Mr. Chairman, I am very happy that this Congress is acting to repeal section 14(b) of the Taft-Hartley Act.

Ohio is one of the many States which provided a decisive and conclusive mandate on this issue—as recently as 1958.

My State has suffered from the unfair competitive advantage of the so-called right-to-work States which lured our industries on the basis of lower and cheaper labor standards. This kind of competition has set State against State and community against community. The privilege of these "cheap" labor States constituted a divisive force which weakened the economic fiber of America.

The basic rules of labor and management must apply equally to the several States. This is what is achieved through the repeal of 14(b). One rule throughout the country—applying equally to all Americans. The action we take today will insure the dignity of the worker, strengthen our common prosperity, and strengthen our Nation.

Mr. THOMPSON of New Jersey. Mr. Chairman, it has been proposed by Congressman GRIFFIN—H.R. 4350—that section 14(b)'s sanction of State right-to-work laws be withdrawn, but on the condition that various new restrictions be placed on unions. The evident purpose of this bill is to avoid taking a straightforward position on section 14(b), by coupling its repeal with proposals which unions cannot possibly accept.

In particular any strengthening of unionism through union security would be offset, and more than offset, by new restrictions on the scope of union activities, particularly in the political and legislative fields.

Unions are already subject to certain restrictions on their use of funds, and hence on the range of their activities, as follows:

First. Section 501(a) of the Landrum-Griffin Act declares that union officers occupy positions of trust, and that it is therefore their duty, "taking into account the special problems and functions of a labor organization," to hold and expend union assets in accordance with the union's constitution and bylaws and resolutions of its governing bodies adopted thereunder. The statute goes on to provide for the enforcement of these provisions by civil suit and in some circumstances criminal prosecution.

This language seems to mean that the funds of a union may be disbursed only for purposes sanctioned by its constitution and bylaws; and only pursuant to the procedure established by its constitution and bylaws. These are approximately the same restrictions under which corporations operate with respect to disbursement of their funds, and are not objectionable.

Some courts have, however, interpreted this language as authorizing them to restrict on grounds of "public policy" the purposes for which unions may spend money; and, depending on future decisions, this may eventually pose problems for unions. The Department of Labor has found it advisable to issue from time to time statements that section 501(a) does not, in its view, forbid unions to contribute to charities. Since the Department has no mandate to interpret this portion of the act, legislative clarification may someday be necessary. However, this problem has no connection with section 14(b).

Second. Additional restrictions on the use of union funds are found in section 610 of the Criminal Code, which derives from section 304 of the Taft-Hartley Act. That section makes it illegal for a union—or a corporation—to make a "contribution or expenditure" in connection with a Federal election. Because of this provision union contributions to candidates for Federal office are not made from dues money, but from special funds voluntarily contributed for the purpose by union members.

The Department of Justice has always conceded, however, that section 610 does not apply to union communications with their own members and their families, or to union expenditures to get out the votes of union members and their families; and that is the form that union political activity generally takes. The Department's concession rests on Supreme Court intimations that any other view would render the statute unconstitutional.

Some unions have gone farther, and asserted that the statute cannot constitutionally restrict the expenditure of the funds of a union to express its views regarding elections or other political issues, even to the general public. Unions have, in fact, prevailed in every case where an expenditure by the union, as distinguished from a contribution to a candidate, was in issue. Some of the Supreme Court Justices have taken the position that unions have a constitutional right to use dues money to engage in general political and legislative activity; but a majority of the Justices have never found it necessary to pass upon the issue.

Hence union funds, derived ultimately from dues, are widely used to state the views of unions during elections, both Federal and State. Unions likewise use their funds to promote their legislative programs. Unions do not use dues funds for contributions to candidates for Federal office. Voluntary individual contributions are used for that purpose.

Neither section 501(a) of Landrum-Griffin, nor section 610 of the Criminal Code—that is, section 304 of Taft-Hartley—draws any distinction on the basis of whether dues are paid under union security contracts. Of course the greater part of dues paid under such contracts are paid voluntarily. A union may not be the exclusive collective bargaining representative unless the majority of the employees choose it voluntarily; and a union's authority to have a union security arrangement may be withdrawn at any time by a majority vote.

Third. Apart from these statutory restrictions on the use of union funds, the Supreme Court has accorded to members covered by union shop contracts under the Railway Labor Act, who object to union "political expenditures," the right to a pro rata reduction of their dues—*IAM* v. *Street*, 367 U.S. 740; *Railway Clerks* v. *Allen*, 373 U.S. 113. The Court held, however, that union political expenditures could not be enjoined. It declared in the Street case, page 773:

> As to such expenditures an injunction would work a restraint on the expression of political ideas which might be offensive to the first amendment. For the majority also has an interest in stating its views without being silenced by the dissenters.

To the extent that these decisions are applicable to the National Labor Relations Act, they give objectors to union political expenditures, who are covered by a union shop, the right to a pro rata dues reduction; but no right to stop the expenditures.

The latter is just what the Griffin bill would do. It repeals section 14(b), but bars a union which has a union security agreement from spending money "for any political purpose," or any other purpose not directly related to "rates of pay, wages, hours of employment, or other conditions of employment."

As applied to political expenditures, or other expenditures for the dissemination or advocacy of ideas, the Griffin bill, as the Court put it, "would work a restraint on the expression of political ideas which might be offensive to the first amendment."

The bill also bans union contributions to charities. This is rather curious, since in 1959 Congressman GRIFFIN secured an opinion from the Labor Department assuring him that section 501(a) of Landrum-Griffin does not, in the Department's view, ban union expenditures for charitable contributions.

H.R. 4350 contains other provisions which are both extraneous to the right-to-work issue and deliberately calculated to be wholly unacceptable to unions.

For example, H.R. 4350 would bar a union from expelling a member even for working during a lawful strike called by the union. At present a member has a legal right to be a strikebreaker, but not to be a strikebreaker and at the same time remain a member of the union. The union has a legal right to expel a strikebreaker from membership, but not to seek his discharge from employment. The present law is a compromise, and certainly is not wholly favorable to the union side. H.R. 4350 would revise the law to put it wholly on the side of strikebreakers.

Mr. DUNCAN of Oregon. Mr. Chairman, for years organized labor has been talking about the repeal of the Taft-Hartley Act. For many of those years I have been running for public office. I have told labor people that they were dreaming—that Taft-Hartley was not going to be repealed, but that there were provisions that needed changing, and that one of them was section 14(b).

I also told them that I thought that management had more of an interest in the repeal of the 14(b) than did labor. I will expand that statement and say that all the people in the so-called non-right-to-work States have more of an interest in the repeal of section 14(b) than do union members alone.

Because these United States form a great free trade union. The European Common Market is only a more difficut fabricated model of what we did in the New World many years ago. And the years have proved the wisdom of the move. As a matter of fact the one reason, more important than any other, for the calling of the Constitutional Convention was the necessity of establishing uniform regulation of commerce between the several States to avoid the growth of barriers and laws by the States each intended to give the one an advantage over the other and the net effect of which would have been chaos.

And so it has been ever since. Whenever, the Federal Government has moved to control a facet of interstate commerce, it has preempted the field and its regulations have been supreme—except for 14(b). And it should not be.

Equity is involved. We did not, in 14(b), give the States the power to require closed shops—only the power to prohibit union shops. Yet States can require an integrated bar—which is to say that only members of the bar association can practice law. If States' rights are so supreme in this one narrow corner of labor-management relations, why should not the States have the power to legislate for the extreme of union security as well as for the antithesis of it?

Economics are involved. The influence of the union movement on wages, hours, and working conditions in both organized and unorganized industry cannot be denied. Why should employers in the non-right-to-work States—including my own State of Oregon—who are in direct competition with employers in right-to-work States, be subjected to different and more stringent rules applicable to the bargaining processes than employers elsewhere in the United States. This is bound to be a factor in the migration to and establishment of industry in a particular location, though admittedly not the only one. And this affects the income of the workers in my State and the taxes each of them has to pay, and the ability of the governmental agencies to provide the services demanded.

Labor costs are important to employers. They are important on bids for various jobs. They are important in determining the margin of profit. I recall a discussion on the labor cost of harvesting strawberries with a colleague of mine from one of the producing States in the South. He was incensed that a regulation of the Federal Government was going to raise the hourly pay of pickers from 60 cents an hour to $1.10 an hour. I told him that I hoped they made them pay at least that much. Aside from the morality of asking anyone to support a family on 60 cents an hour, growers in my district cannot compete paying more—much more—than 60 cents an hour for pickers.

So I believe that in the regulation of interstate commerce the laws should be uniform. It was for that reason that I voted against an amendment to the cigarette labeling bill recently offered by the gentleman from California [Mr. ROOSEVELT], which would have left to the States the right to require their own peculiar and probably nonuniform requirements on labeling. Cigarettes move in interstate commerce. It is not practical nor desirable, regardless of what one may think about the use of cigarettes, to have 50 different rules. Nor is it desirable in the field of labor management relations.

We should make it clear to all that the closed shop is prohibited by the terms of the Federal law. I think that it is interesting that, in the early days of union-management conflict, the choice seemed to be between the closed shop and the open shop. And those terms, in effect, meant that, in the first instance you had to belong to the union to be hired—and frequently the union was "closed"—and, in the second, that you had to be nonunion to be hired. My recollection is that it was the late and revered Justice Brandeis, before his elevation to the Court, who suggested the union shop as a reasonable compromise—where union membership was not required to be hired, but that within a reasonable period thereafter the employee should join. This occurred only in those instances where the bargaining process had resulted in such an agreement between management and labor.

The Taft-Hartley Act has built upon this. The closed shop is properly outlawed. It leaves to the bargaining process the question of whether or not there is to be a union shop, except that States may outlaw any form of union security but may not legalize the closed shop. This latter provision is 14(b) and concerns us today. If 14(b) is repealed we are not taking democracy out of labor-management relations. We are really making the process more democratic by leaving the decision to the bargaining unit in each instance to determine whether or not they want a form of union security rather than letting either the Congress or an intervening State legislature or statewide referendum make the decision for those most immediately involved. And should a majority of the workers not want it, or not win it at the bargaining table, there will be no union shop. The majority rule of the bargaining unit will prevail in all States as it does now in 31.

But Taft-Hartley goes beyond this and says that no one can be discharged under a union shop agreement except for the failure to tender the dues and initiation fee required of all members and, further, prohibits the charging of excessive or discriminatory dues or fees. Refusal to take the oath of admission to the union on religious grounds or refusal to picket, or even crossing the picket lines, as long as the equivalent of dues was tendered, have all been held by the NLRB not—I repeat "not"—proper grounds for dismissal under the union security clause of a contract. Thus those who say that they will lose their job if 14(b) is repealed have, it would seem, ample protection in the law right now.

That is not to say that further improvements cannot be made. But seldom do we do all that should be done in a single piece of legislation. More can follow, but that is no reason not to do what should be done today.

For example, I regret exceedingly that the rule did not provide for the consideration of the amendment offered by my beloved and distinguished colleague the gentlewoman from Oregon [Mrs. GREEN]. The term "distinguished" becomes a little shopworn from daily usage. Yet daily she proves her just entitlement to the term by her courage and determination which does not always produce agreement but always produces admiration. I further regret that the legislative committee did not see fit to include a conscientious objection clause in the bill which it reported in the first instance.

Uniform rules of commerce between the several States are important. But so is the recognition of the individual's freedom of religion and of conscience. This problem has been raised only recently, and Taft-Hartley has been on the books for years. The issue has either been overlooked for years or else has been adequately taken care of by other provisions of the law and the decisions of the NLRB to which I have referred above. I suspect that the answer involves a little of both. I suspect further that some who cry "religious freedom" do so to mask opposition to this bill.

But I know that many others are sincerely disturbed by even the specter of an invasion of the individual conscience. I count myself one of those, and I was much impressed by the remarks of the gentleman from California [Mr. HOLIFIELD] and wish to associate myself with them. I know that the leadership is likewise concerned. I was delighted that the gentleman from New Jersey [Mr. THOMPSON], who has so ably handled this bill, gave assurances to the House that the Green proposal will be promptly considered by his subcommittee. I talked with the leadership of the House before the debate on this bill began and was assured that should the Committee on Labor and Education report such a proposal, we can count on the leadership to do all they can to bring the matter to the floor for a vote. On this issue I predict an overwhelming vote of support from both sides of the aisle. I shall be among the supporters.

I cannot close these remarks without acknowledging the lawyerlike way, in the best traditions of the profession, that the debate has been handled for the minority by the gentleman from Michigan [Mr. GRIFFIN].

Mr. BANDSTRA. Mr. Chairman, the public debate on H.R. 77, which would repeal section 14(b) of the Taft-Hartley Act, has been conducted in a highly emotional atmosphere, and there has been very little effort made to assess this bill on its merits.

But as a Member of Congress, it is my duty to consider legislation on the basis of fact, reason, and the public interest. I have done so with regard to H.R. 77 and, after weighing all the arguments, I have reached the conclusion that I will vote for the bill.

I intend to do so for the following reasons:

First, section 14(b) violates one of the fundamental principles of the U.S. Constitution; namely, that Federal law as the supreme law of the land shall prevail over State law if the two should be in conflict. This is normally the case when the Congress legislates on any subject. It is the case with regard to the Taft-Hartley Act itself, which, with the sole exception of section 14(b), established uniform national policies relating to labor-management relations.

The Taft-Hartley Act, passed in 1947, outlawed the closed shop, which required employers to hire only those persons who were already members of a union. At the same time, the Taft-Hartley Act recognized, as a matter of Federal law, the legality of the union shop. Under this form of contract, a union and an employer, if they choose to do so, may include in a collective bargaining agreement a provision requiring that employees join the union 30 days after hiring. But section 14(b), which allows States to outlaw union shop contracts, violates the principle of uniformity established by Federal law. By recourse to section 14(b), a State can, in effect, nullify the legality of the union shop contract as recognized by Federal law. The doctrine of nullification, as we know from our history, is a dangerous principle, and I do not think this doctrine should find any place in the Federal statutes.

Second, repeal of 14(b) will not, as many claim, force any man to become a union member. Many advocates of section 14(b) and State "right-to-work" laws argue that, if section 14(b) were repealed, union membership would be legally compulsory for all employees in any enterprise organized by a union. This is simply not true. Union shop contracts, which would be legally prevailing in interstate commerce if section 14(b) were repealed, result exclusively from voluntary contracts entered into between employers and labor unions under free collective bargaining. Nothing would compel an employer to enter into a union shop contract. Nothing would compel a man to be a union member before being hired, even under a union shop contract. The closed shop, which did make such a requirement, was outlawed by the Taft-Hartley Act and it will remain illegal if section 14(b) should be repealed.

Third, the union shop contract, which would become legal in right-to-work States if section 14(b) is repealed, strikes a fair and equitable balance between the individual freedom of the employee and the collective bargaining needs of labor unions. Under a union shop contract, as I said before, an employee is required to join a union only after he is hired. And union shop contracts, where they exist, are the result of free and voluntary agreements between employers and unions. This is the form of labor-management contract recognized as Federal law by the Taft-Hartley Act, and to my mind it is a fair type of contract.

In considering the fairness of the union shop and the question of repeal of section 14(b) in general, I have given close and careful study to the debates in the Congress when the Taft-Hartley Act was passed in 1947, and I have paid especially close attention to the views expressed by the late Senator Robert A. Taft. Few persons realize that the Taft-Hartley Act as originally proposed by the Senate Labor and Public Welfare Committee, of which Senator Taft was chairman, did not contain section 14(b). What was finally incorporated into the law as section 14(b) was first proposed in the House of Representatives, and the legislative history of its origins is so obscure that its author cannot even be determined.

The Senate Labor and Public Welfare Committee dealt with the problem of compulsory union membership by recommending that the closed shop be outlawed. However, the committee did consider the arguments presented by labor unions and, keeping these in mind, recommended the union shop contract with certain safeguards to protect the rights of employees. In its report, the committee discussed its recommendations under a section headed "Compulsory Union Membership." This reads as follows:

> ### COMPULSORY UNION MEMBERSHIP
>
> A controversial issue to which the committee has devoted the most mature deliberation has been the problem posed by compulsory union membership. It should be noted that when the railway workers were given the protection of the Railway Labor Act, Congress thought that the provisions which prevented discrimination against union membership and provided for the certification of bargaining representatives obviated the justification for closed-shop or union-shop arrangements. That statute specifically forbids any kind of compulsory unionism.
>
> The argument has often been advanced that Congress is inconsistent in not applying this same principle to the National Labor Relations Act. Under that statute a proviso to section 8(3) permits voluntary agreements for compulsory union membership provided they are made with an unassisted labor organization representing a majority of the employees at the time the contract is made. When the committees of the Congress in 1935 reported the bill which became the present National Labor Relations Act, they made clear that the proviso in section 8(3) was not intended to override State laws regulating the closed shop. The Senate committee stated that "the bill does nothing to facilitate closed-shop agreements or to make them legal in any State where they may be illegal" (S. Rept. No. 573, 74th Cong., 1st sess., p. 11; see also H. Rept. No. 1147, 74th Cong., 1st sess., pp. 19–20). Until the beginning of the war only a relatively small minority of employees (less than 20 percent) were affected by contracts containing any compulsory features. According to the Secretary of Labor, however, within the last 5 years over 75 percent now contain some form of compulsion. But with this trend, abuses of compulsory membership have become so numerous there has been great public feeling against such arrangements. This has been reflected by the fact that in 12 States such agreements have been made illegal either by legislative act or constitutional amendment, and in 14 other States proposals for abolishing such contracts are now pending. Although these regulatory measures have not received authoritative interpretation by the Supreme Court (see *A. F. of L.* v. *Watson*, 327 U.S. 582), it is obvious that they pose important questions of accommodating Federal and State legislation touching labor relations in industries affecting commerce (*Hill* v. *Florida*, 325 U.S. 538; see also, *Bethlehem Steel Co.* v. *N.Y. Labor Board*, decided by the Supreme Court Apr. 7, 1947). In testifying before this committee, however, leaders of organized labor have stressed the fact that in the absence of such provisions many employees sharing the benefits of what unions are able to accomplish by collective bargaining will refuse to pay their share of the cost.
>
> The committee has taken into consideration these arguments in reaching what it considers a solution of the problem which does justice to both points of view. We have felt that on the record before us the abuses of the system have become too serious and numerous to justify permitting present law to remain unchanged. It is clear that the closed shop which requires preexisting union membership as a condition of obtaining employment creates too great a barrier to free employment to be longer tolerated. In the maritime industry and to a large extent in the construction industry union hiring halls now provide the only method of securing employment. This not only permits unions holding such monopolies over jobs to exact excessive fees but it deprives management of any real choice of the men it hires. Extension of this principle to licensed deck and engine officers has created the greatest problems in connection with the safety of American vessels at sea. (See testimony of Almon E. Roth, id., vol. 2, p. 612.)
>
> Numerous examples were presented to the committee of the way union leaders have used closed-shop devices as a method of depriving employees of their jobs, and in some cases a means of securing a livelihood in their trade or calling, for purely capricious reasons. In one instance a union member was subpenaed to appear in court, having witnessed an assault upon his foreman by a fellow employee. Because he told the truth upon the witness stand, the union leadership brought about his expulsion with a consequent loss of his job since his employer was subject to a closed-shop contract. (See testimony of William L. McGrath, id., vol. 4, p. 1982.)
>
> Numerous examples of equally glaring disregard for the rights of minority members of unions are contained in the exhibits received in evidence by the committee. (See testimony of Cecil B. DeMille, id., vol. 2, p. 797; see also, id., vol. 4, pp. 2063–2071). If trade-unions were purely fraternal or social organizations, such instances would not be a matter of congressional concern, but since membership in such organizations in many trades or callings is essential to earning a living, Congress cannot ignore the existence of such power.
>
> Under the amendments which the committee recommends, employers would still be permitted to enter into agreements requiring all the employees in a given bargaining unit to become members 30 days after being hired if a majority of such employees have shown their intent by secret ballot to confer authority to negotiate such an agreement upon their representatives. But in order to safeguard the rights of employees after such a contract has been entered into, three additional safeguards are provided: (1) Membership in the union must be available to an employee on the same terms and conditions generally applicable to other members; (2) expulsion from a union cannot be a ground of compulsory discharge if the worker is not delinquent in paying his initiation fee or dues; (3) if a worker is denied membership or expelled from the union because he exercises the right conferred on him by the act to work for the change of a bargaining representative at an appropriate time he cannot be discharged.
>
> It seems to us that these amendments remedy the most serious abuses of compulsory union membership and yet give employers and unions who feel that such agreements promoted stability by eliminating "free riders" the right to continue such arrangements. (S. Rept. 105, 80th Cong., 1st sess., pp. 5–7.)

During the debates in the Senate on the Taft-Hartley Act, as recommended by the Labor and Public Welfare Committee, Senator Taft defended the provision for the union shop contract. On April 23, 1947, in outlining the provisions of the bill which bore his name, Senator Taft said:

> Mr. President, I have hesitated to support the complete outlawing of the union shop, because the union shop has been in force in many industries for many years, and to upset it today probably would destroy relationships of long standing and probably would bring on more strikes than it would cure. (93 Congressional Record, 3837.)

And on May 9, 1947, Senator Taft rose in objection to an amendment offered by Senator Joseph H. Ball, of Minnesota, who sought to abolish the union shop by Federal law. Senator Taft said the arguments against the union shop had been considered very carefully by the committee, and then added:

> My own philosophy is that we have to decree either an open shop or an open union. The committee decreed an open union. I believe that will permit the continuation of existing relationships, and will not violently tear apart a great many long-existing relationships and make trouble in the labor movement; and yet at the same time it will meet the abuses which exist.
>
> So I think it would be a mistake to go to the extreme of absolutely outlawing a contract which provides for a union shop, requiring all employees to join the union, if that arrangement meets with the approval of the employer and meets with the approval of a majority of the employees and is embodied in a written contract. (93 Congressional Record, 4886.)

But State right-to-work laws, which are permitted by section 14(b), do absolutely outlaw the union shop. Repeal of section 14(b), therefore, would restore the balance and intent of the Taft-Hartley Act, as originally proposed by Senator Taft, and I think it would be going to an extreme to say he was not concerned with individual freedom.

Fourth, there is no convincing evidence that repeal of section 14(b) will have an adverse economic effect on States with right-to-work laws. In the last several months, those for and against repeal of section 14(b) have sent a constant stream of statistics into my office, attempting to prove that right-to-work laws are either bad or good for the economy of a State. The results of these statistics very greatly, depending on their source, and my only conclusion is that there is no direct relationship between right-to-work laws and economic growth. In fact, the Republican minority views on H.R. 77, state that "it cannot definitely be said that the right-to-work laws have had any direct influnce" upon economic gains in States with such laws—House Report 540, page 6.

An article from the Wall Street Journal of July 8, 1965, dealing with the public debate over repeal of section 14(b), reached substantially the same conclusion. The final paragraph reads:

> Whatever the merits of right-to-work legislation, the potential impact of its nullification appears to have been blown out of all proportion by the public debate over it.

The entire text of the article, which deals primarily with the situation in my home State of Iowa, is worth close study. The complete article follows:

Right-to-Work Debate—Nullification of Such Laws Unlikely To Have Much Impact

(By Joseph Mathewson)

Des Moines.—A union official asserts right-to-work laws impoverish workers and also the professional people who serve them, and cause the growth of slums, delinquency, disease, and crime. At the same time a defender of the laws contends repeal of them would pave the way for "destruction of all individual freedom and the rising on this soil of a "Hitler."

These statements are typical of the heated current debate over the proposed banning of right-to-work laws by Federal legislation. But talks with labor leaders and businessmen in States with such statutes indicate they have much less impact on both unions and companies than all the sound and fury seems to indicate.

For a realistic, grassroots assessment of right-to-work legislation, consider Iowa, one of the 19 States all in the South, Midwest, and West, with right-to-work laws. The lines of debate are clearly drawn in Iowa, for Democratic Gov. Harold Hughes made an unsuccessful effort in this year's legislative session to legalize the union shop. Under right-to-work laws, a union, and an employer cannot negotiate a union shop contract, which requires employees to join the union in order to keep their jobs.

DE FACTO UNION SHOPS

Despite the Iowa law, there are many de facto union shops in the State, notably in construction and printing. Kenneth Lewis, manager of Master Builders of Iowa, a contractor's association, says that "in certain urban areas any employer who would hire a nonunion man would find the union men walking off." Printing unions control apprentice training and issue the vital journeyman's card to qualified workers; as a result most printing operations are completely unionized. "It's only practical for a guy to join the union," declares one printing company executive.

Even in industries where unions lack such controlling strength, their membership often is high. "In most of our plants a great majority of the workers, usually 100 percent, are members," says an official of the United Packinghouse Workers of America. Union membership runs to 92 percent of the 2,600 hourly workers at Aluminum Co. of America's rolling mill at Bettendorf, and to over 85 percent of 4,500 at Collins Radio Co.'s plant at Cedar Rapids.

Alcoa, Collins, Deere & Co.—which is the State's largest employer with 15,000 workers in 4 plants—and other multi-State companies already have union shop clauses in their national labor contracts, and these would automatically go into effect in Iowa if right to work is nullified.

So most company executives find the Iowa law gives them little if any business benefit. "I just don't think it makes any difference," comments Frank M. Dickey, Deere vice president in charge of industrial relations and personnel. The company's wages, benefits, and grievance procedures are the same as in its union shop plants in neighboring Illinois.

Although some businessmen contend smaller companies would be more susceptible to union pressure if the law is struck down, many of these firms, too, already are highly unionized. State Senator Vern Lisle of Clarinda, who voted in the legislature to maintain the right-to-work law, nevertheless says that if nullification comes, "I doubt if it would make too much difference to small companies." He himself heads Lisle Corp., which makes special tools for auto repairs and employs 175. "We've had a union for over 20 years," he declares, "so I can't say repeal would hurt."

Some businessmen confess privately that if they have a union at all they'd prefer to have it represent all the workers. "I'd much rather have a strong union leadership which speaks for all the people than a weak group," says one personnel manager. "We don't have any direct contact with nonmembers," he explains.

Of course, not all Iowa companies are unionized, and unions may be encouraged to step up their organizing activities if right-to-work is ended. However, nullification actually would grant unions no new legal powers in this area, and where they have encountered stiff opposition from employers in the past they're likely to find it still. Another senator-businessman, Warren Kruck, of Boone, says his Kruck Plumbing & Heating Co., which employs 26 plumbers, suffered during one 6-year period when it was unionized, and he vows, "I'll retire before I'll do it again."

Some companies, to be sure, have legitimate economic concerns about the possible loss of the right-to-work law. If the law is struck down, Maytag Co., with its main office and plant at Newton, expects a union shop demand and possibly a long strike by the United Auto Workers, according to E. F. Scoutten, personnel vice president. He asserts the union would be strengthened in any such "death strike" because its members couldn't withdraw in protest of a lengthy walkout. The UAW local did lose members during a 10-week strike in 1955, and Mr. Scoutten feels this exerted pressure on the leaders to settle, though the local's president, Robert Hopkins, denies this.

On the union side, most Iowa labor leaders, like the businessmen, feel the right-to-work debate has been exaggerated. "To a degree it's an emotional issue," Charles L. Davis, President of the Iowa Federation of Labor declares. Beyond that, he adds, "it's darned hard to evaluate."

In some areas of the country, unions do expect to benefit if right-to-work legislation is killed. The Kansas AFL–CIO says this would end troublesome "harassment" from lawsuits brought under the State's right-to-work statute by companies and by nonunion workers who've been fired and allege discrimination. Southern unions figure they could reduce their constant efforts to keep members in the fold. "Union leaders wouldn't have to be continually rabble-rousing to prove their worth," says Roy Evans, president of the Texas AFL–CIO.

INDIFFERENCE IN LOUISIANA

Though there's some truth in the businessmen's argument that a right-to-work law helps a State in the competition for new industry, the State chamber of commerce in Louisiana, the only Southern State without such a statute, doesn't include this in its vigorous campaign for legislation to improve the business climate. "Other laws are more important," declares Lamar Walters, the chamber's executive vice president.

Why, then, all the emotion over right-to-work?

Some executives simply don't like having to deal with unions. "I'm opposed to unions," declares Clarence E. Elsas, senior vice president of Fulton Industries, Inc., Atlanta. "They have too many grievances." Also, businessmen have a personal distaste for requiring a worker to join a union to hold his job. Asserts Maytag's Mr. Scoutten: "Nobody would take seriously a suggestion that you should require membership in a church or fraternal organization. This is as significant a denial of civil rights as you can think of."

Labor leaders see right-to-work legislation as a matter of union prestige and public image. "It creates a real bad climate for

> unions," says W. M. Montague, president of the Georgia AFL–CIO. Mr. Davis, of the Iowa federation, feels a right-to-work law classifies union people as second-class citizens and attaches a stigma to membership. Paul Swaity, southern regional director for the Textile Workers Union of America, declares, "Psychologically it will be a tremendous victory if unions can win this." He says the issue has received such great prominence in southern newspapers and on television that ending right-to-work would give the impression unions are moving forward.
>
> Whatever the merits of right-to-work legislation, the potential impact of its nullification appears to have been blown out of all proportion by the public debate over it.

Finally, Mr. Chairman, whatever the outcome of the vote on H.R. 77, I hope that the Congress will not confine its actions on labor legislation merely to the repeal of section 14(b). Proposals have been made regarding union membership and such matters as religious conviction and racial discrimination. These proposals merit careful consideration. Labor legislation is a complex matter, and we should always remain aware of the need to revise Federal law in this area, if revision is needed.

Mr. RUMSFELD. Mr. Chairman, a fair and open deliberation of H.R. 77 would have permitted the consideration of the important, constructive, and in my opinion meritorious amendments which have been offered here today by the gentleman from Michigan [Mr. GRIFFIN], the gentlewoman from Oregon [Mrs. GREEN], and others. Regrettably, and I believe to the discredit of the House of Representatives, the language of the bill and the restrictive nature of the special rule providing for consideration of this measure have resulted, as was apparently the intention of the majority party, in these amendments being ruled out of order. Thus, the amendments were not even debated and considered.

Mr. Chairman, I wish to associate myself with the separate minority views in the report beginning on page 11 and signed by the gentleman from Michigan [Mr. GRIFFIN], and commend him, his three colleagues, Congressmen QUIE, GOODELL, and BELL, and also the gentlewoman from Oregon [Mrs. GREEN] for their courageous battle here today.

I believe that there is more at issue here than either the more vocal opponents or proponents of this legislation have indicated. If the Federal Government is to say that henceforth no State shall be permitted to bar contracts which require an employee to join a union in order to hold his job, it seems to me that all reasonable men, whether they are for or against repeal of section 14(b) of the Taft-Hartley law, should be anxious to assure that the individual rights of all employees are protected. Because the various amendments to protect those rights have been ruled out of order here today, it is my intention to vote for the motion to recommit in the hope that a new rule will make them in order, and if that fails, to oppose H.R. 77.

The amendments I refer to of course included those which would have provided that—

First. No workers should be required to join a union which discriminates on the basis of race, color, or religion, nor which is dominated by Communists;

Second. No worker whose religious convictions prevent him from joining or paying dues to a union should be required to do so to hold his job;

Third. No workers should be required to join a union which can punish him for acts which are otherwise lawful, such as free speech, free political activity, or opposition to union policies with which he may not agree;

Fourth. No worker should be required to join a union and have his dues used for political purposes or causes with which he may not agree; and

Fifth. No worker should be required to join a union unless his fellow employees have voted in a free and secret election for a union shop.

Mr. Chairman, the procedures on this measure, as on other bills this year, do not reflect credit on this body. Again today we find the floor managers of a bill almost conceding that the bill is defective, in this case by failing to specifically prohibit discrimination on account of race or color and infringing on all Americans' right to their own religious convictions, but they say that the Members should go ahead and pass the bill because the committee might hold hearings and consider amendments or other legislation at some later date which might correct these inequities. I submit that there is nothing so urgent here that even begins to justify denying any citizen his right to his own religious convictions. Even in the urgency and seriousness of wartime situations, the religious convictions of conscientious objectors were respected.

I am admittedly no fan of State right-to-work laws, and, further, I am far from convinced that they are as desirable as the proponents claim or as bad as the opponents contend. Many of the arguments on both sides seem to me to have only limited basis in fact and to be basically rationalized and emotional. For this reason, I have never favored a so-called right-to-work law for my own State of Illinois and would point out that of the 50 States, only 19 have seen fit to adopt such statutes. It is interesting to note that some of the most violent proponents of State right-to-work laws and therefore opponents of H.R. 77 are the very businessmen who have voluntarily entered into union shop contracts in non-right-to-work States and been unwilling to resist union pressures for such contracts. If they feel so strongly, one might ask why they voluntarily entered into the very contracts they wish to bar by law.

I believe that without the aforementioned protection of individual workers' rights, this bill should not pass. I agree with the following statement attributed to Supreme Court Justice Douglas, which, while not made in connection with this bill, expresses rather well the issue involved here today:

> If association is compelled, the individual should not be forced to surrender any matters of conscience, belief, or expression. He should be allowed to enter the group with his own flag flying, whether it be religious, political, or philosophical; nothing that the group does should deprive him of the privilege of preserving and expressing his agreement, disagreement, or dissent, whether it coincides with the view of the group or conflicts with it and he should not be required to finance the promotion of causes with which he disagrees.

Mrs. DWYER. Mr. Chairman, after a great deal of careful study and reflection, I am personally convinced that the merits of H.R. 77, to repeal section 14(b) of the National Labor-Management Relations Act, outweigh any foreseeable disadvantages of this legislation. I shall, therefore, vote for the bill and against the recommital motion.

In doing so, however, I am relying on the assurances of responsible House leaders, including the chairman of the Committee on Education and Labor, that related amendments to the act, including the important "freedom of conscience" amendment and others designed to protect the rights of individual workers, will be promptly considered.

Together with many of our colleagues, I had hoped that the House would permit us to consider these amendments in connection with the pending bill, and for this reason I voted against the motion to take up H.R. 77 under procedures which made it impossible to do so. Fortunately, the Senate's less restrictive rules will enable the Members of the other body to act on these amendments and, to the extent these amendments are approved by the Senate and accepted by the conference committee, the House will then be allowed to vote on them.

This is an obligation, Mr. Chairman, which we must not fail to meet. If repeal of section 14(b) is necessary and desirable, as I believe it is, then it is equally necessary and desirable to provide safeguards for those whose religious consciences forbid them to join unions and to strengthen other protections in the Taft-Hartley Act based on our experience with this law. Union rights must be balanced with union responsibility.

The issue before us today, however, is the single and clear-cut question of repealing section 14(b) and thereby placing all our people on an equal footing subject to the same rights and responsibilities regardless of the State in which they live. I shall vote for repeal for the following reasons:

First. Because the people of New Jersey, through their elected representatives in the State legislature and the Governor's office, both Republican and Democrat, have consistently refused to enact so-called right-to-work laws under section 14(b).

Second. Because other States have used 14(b) to raid New Jersey of its industry and rob New Jersey people of their jobs with promises to runaway industry of lower wages, weaker unions, and fewer benefits, protections and rights for their employees. The principal victims have been older workers who often have nowhere else to go.

Third. Because we have the Landrum-Griffin Act, which I voted for despite the opposition of organized labor, a law which not only establishes a meaningful "bill of rights" for members of labor unions but also imposes a wide range of restrictions against the abuse of labor power.

Fourth. Because we have the Taft-Hartley Act, which I have always supported, and with it we have reasonable limits to the kinds of agreements unions can make with management—including a ban on the closed shop—and effective protections for union members and management against undue union demands, including a prohibition against unions requiring anything more of their members than the payment of reasonable initiation fees and dues.

Fifth. Because free collective bargaining in labor-management relations—which has been basic American policy for many years—requires that employees and employers have the right, where they freely and voluntarily choose to exercise it, to enter into union shop agreements—a right which is denied them by the 19 States which have used section 14(b) to enact right-to-work laws.

I can understand, Mr. Chairman, why those who are opposed to unions and to collective bargaining should also be opposed to the repeal of section 14(b). For myself, however, as one who believes that unions have contributed much to the economic growth and prosperity of our country, the repeal of section 14(b) will simply restore to those most concerned—those who manage and those who work in individual plants—the right to conduct their own negotiations, within limits, as they see fit.

Nevertheless, I recognize that certain unions or union officials have sometimes abused their power and violated their trust. But I believe the proper way to deal with such wrongs is through legislation like the Landrum-Griffin and Taft-Hartley Acts which protect the rights of workers, management, and the general public and which correct specific inequities and injustices rather than weaken labor generally. I have supported such legislation in the past, even though in doing so I incurred the opposition of certain labor leaders, and I shall do so again whenever the need is demonstrated.

In studying this issue as carefully as I have over the past several months, Mr. Chairman, I have found an unusual degree of misunderstanding about what repeal of section 14(b) will or will not do. This misunderstanding, in my experience, has led many people to oppose repeal who, if all the facts were available to them, would not have done so. My own position in favor of repeal has been based upon the following understanding of what I believe are the relevant facts:

First. Repeal of section 14(b) will have no effect whatsoever on labor-management relations or on individual employees and employers in the 31 States, including New Jersey, which permit union shop agreements, whether or not workers belong to a union or whether a union shop or open shop is in effect.

Second. Even in those States which presently have right-to-work laws, repeal of 14(b) will not force all workers to join a union. Union membership will depend on the free choice, by majority vote, of all the employees concerned.

Third. Repeal of section 14(b) will not require a union shop; it will only permit a union shop where a majority of employees decide, first, to affiliate with a union and, second, to reach agreement with management on a union shop.

Fourth. Where employees and employer voluntarily decide a union shop agreement is desirable, the only requirement is that workers not already members of the union join within 30 days. The union cannot limit employment to those already members of the union; it cannot interfere with management's right to employ those it deems qualified; it cannot deny membership to any employee who applies; it cannot impose any requirement upon members other than the payment of reasonable initiation fees and dues. Conversely, the union must accept any employee who applies for membership and must allow him to participate and vote on an equitable basis should he desire to do so.

Fifth. It requires only 30 percent of the employees to file a petition to terminate a union shop agreement, and a majority of employees can vote to do so at any time as well as to leave the union or to affiliate with another union.

Sixth. Repeal of section 14(b), and the right to choose a union shop, will not give organized labor any undue advantage. In New Jersey, as in other States which have always permitted union shop agreements, employees remain free to make their own decisions. For instance, between 1958 and 1962, total employment in nonagricultural establishments in New Jersey increased from 1,910,200 to 2,086,300 while membership in AFL–CIO unions declined from 575,000 to 500,000. In 1958, unions represented 30.1 percent of these New Jersey workers and in 1962 they represented only 24 percent. In other words, the right to a union shop did not prevent employees from freely exercising their right to join or not to join a union or to have or not to have a union shop.

Seventh. In labor-management relations, the union shop represents the middle position between the closed shop, in which only union members as determined by the union itself can be employed, and the open shop, in which union membership is not a factor. Prior to 1947, when the Taft-Hartley Act was passed, all three were legal. The Taft-Hartley Act prohibited the closed shop and, in section 14(b), allowed individual States to prohibit the union shop as well. Repeal of 14(b) will restore the middle position in which labor and management can agree either on a union shop or an open shop. The closed shop will continue to be prohibited.

Eighth. Contrary to popular impression, the late Senator Robert A. Taft, coauthor of the Taft-Hartley Act, did not favor section 14(b). This provision was added in the House despite the fact that Senator Taft believed the National Labor-Management Relations Act should apply uniformly and equitably to the whole country. In every respect other than 14(b), it does.

Ninth. In order to have a union shop, in States which permitted it, the Taft-Hartley Act required that secret ballot elections, supervised by the National Labor Relations Board, be held in each case. Between 1947 and 1951, while the NLRB election requirement was in force, more than 5,500,000 workers voted in 46,119 elections. Ninety-one percent of the workers voted for the union shop, and the union shop was chosen in 97 percent of the elections. On the strength of this overwhelming evidence that American working people want the union shop, Senator Taft himself led the fight to repeal the NLRB election requirement in 1952.

Eleventh. Where employees choose to be represented by a union, free collective bargaining, in order to be meaningful and effective, requires that labor and management bargain on terms of equality. Management, of course, speaks with one voice at the bargaining table. Labor cannot, unless all employees are members of the union, even though the law requires the union to represent all employees. Consequently, labor's position becomes distinctly less than equal and the rights and interests of all workers suffer accordingly.

In summary, Mr. Chairman, repeal of section 14(b) is necessary because that provision has severely weakened the rights of working people in States which have prohibited the union shop and because it has allowed these States to exploit their own people, in terms of lower wages and poorer working conditions, in order to attract runaway plants. My State of New Jersey and other industrialized States have suffered as a result—in lost jobs and in unfair competition. Repeal can bring added stability and responsibility to labor-management relations by freeing labor and management to make their own voluntary decisions, and with no loss of individual rights or increase in unchecked abuses.

On the merits of this bill, Mr. Chairman, it should be passed.

Mr. HOLLAND. Mr. Chairman, this is a day I have long awaited. While I would like to have the opportunity to cast a vote repealing the Taft-Hartley Act completely, it is somewhat satisfying to be able to vote for the repeal of section 14(b) which permitted States to pass legislation to outlaw organized labor.

Today the majority of our people who make up the work force of our Nation enjoy good working conditions, vacations with pay, holidays, a 40-hour week, premium pay for overtime work, workmen's compensation coverage as well as unemployment compensation—should they be forced to give up a job—and many other benefits too numerous to mention.

And, today, almost all of our people have better living conditions, better educational opportunities, better health facilities, and a better life during retirement. For those who have been less forunate this Nation has gone on record and declared "war on poverty" and their future will be brighter with each passing year. I often wonder, Mr. Chairman, how many people realize that many of the benefits we accept so readily are the results of many years of work on the part of organized labor?

In the early thirties this Nation—with its unemployed, its soup kitchens, its breadlines, its general financial decline, its business failures, its bank closings, its destitute outlook—its people, at that time would have accepted any form of government as did the people of Germany, Italy and other foreign nations.

However, our leader—President Roosevelt—believed in capitalism and free enterprise. He wanted to keep it and make it work. With the passage of the Wagner Act, our people were permitted to organize labor unions and bargain collectively and share the profits of their work. The working people of America then became a part of our capitalistic system, and they, too, wanted to see it work.

Organized labor is not just interested in wages and hours—it works just as hard to improve the conditions affecting the young and the old. It endorses and fights for legislation to help the unorganized worker just as much as it does for the organized worker. It knows that the Nation cannot grow and prosper if the people of the Nation are denied the necessary opportunities.

The expensive and concerted campaign of those opposing the repeal of this section of the Taft-Hartley Act cannot succeed. This is no time to turn back the clock—nor even maintain the status quo. If poverty is to be eliminated and our economy continues to expand, the right to organize and bargain collectively must be assured. This is what the working people of America want and I trust the Members will get the message.

Mr. COLLIER. Mr. Chairman, section 14(b) of the Taft-Hartley law has been a source of great controversy for many years. Specifically, it states:

> (b) Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law.

The manner in which the legislation to repeal this section of the law is being considered is a somewhat sad commentary on the procedures of the House of Representatives, although it is not unlike the "ram it through" legislative operation which has characterized this session of the 89th Congress. As one of the liberal newspapers in the country observed with regard to the procedure on this bill:

> This is not a routine decision. It should be taken only after adequate debate and freedom to consider valid amendments on the floor of the House.

The gentleman from New York, Representative Adam Clayton Powell, chairman of the Labor and Education Committee, has proposed such a tight limit on the right of Members of this House to offer amendments that it is restricted to repealing section 14(b) in the chairman's way or not at all.

There is great misconception in some quarters that the so-called right-to-work laws in 19 States deny any worker the right to join a union. Perhaps this is not widespread, but it is an opinion which has been expressed in mail which I have received from some of my constituents. Of course, nothing could be farther from the fact.

The State legislatures in each of the 50 States have been given the responsibility and the authority to enact laws with regard to union and open shop policies. In 31 States today legislatures have adopted union shop laws. Certainly the Federal Government should not have the right to enact any legislation that would wipe out these laws. In the same consistent conviction that the Federal Government has no right to obliterate those laws which are constitutional and which have been adopted and passed by the States, I contend that the repeal of 14(b) is fundamentally wrong. Bear in mind that the laws in all of the 50 States with regard to organized labor have been placed on the State statutes by men and women selected by the electorate to exercise this judgment in their behalf. Whether we agree with their judgment or not, the fact remains that any invasion by the Federal Government in these areas certainly nullified the right of the electorate in those States to provide State laws which are their responsibility.

In other words, we cannot consistently take the position that the Federal Government has no right to tamper with the union shop laws enacted by 31 States, and I believe in this principle; but by the same token, then, the Federal Government does not have the right to tamper with those laws in 19 States which are both proper and constitutional.

I believe that the issue before us can be summed up in the words of an editorial which appeared in the Washington Post yesterday and which certainly generally reflects my views on it. It should be stated that the Washington Post has never been in any manner antilabor and has, in fact, been regarded as one of the great liberal newspapers of the country. The editorial follows:

Reforming Taft-Hartley

> The question of repealing section 14(b) of the Taft-Hartley Act will presumably be decided by the House today under very unfavorable circumstances. We think the House was well advised to move the issue to the floor under the new 21-day rule after the Rules Committee failed to give it clearance. The Rules Committee had to be notified that the House will not tolerate its obstructionism on this or any other measure. It does not follow, however, that the House should hasten to give its approval to the bill. On the contrary, we think the best interests of the country would be served by laying this bill aside until a more comprehensive modification of the Taft-Hartley Act can be undertaken.
>
> The bill before the House has the narrow purpose of nullifying the so-called right-to-work laws now in effect in 19 States and of forbidding the passage of similar State measures in the future. No doubt there is much to be said for a national policy of tolerating or not tolerating the union shop in industries affecting interstate commerce. In passing the Taft-Hartley Act, Congress compromised on this controversial issue by letting the States set up their own separate policies. Someday it may wish to return to a uniform national policy, but we doubt that the time is now ripe, and the vehicle being rushed through Congress is far from being an appropriate one.
>
> Some weeks ago Senator Javits pointed out that there are many weaknesses in the Taft-Hartley Act which ought to be corrected. Though he favored repeal of section 14(b), he wanted to make it part of a package of Taft-Hartley reforms. Especially vital is the improvement of that section of the law which deals with national emergency labor disputes. Hope of getting this and other parts of the law overhauled would be weakened by passage of the present bill.
>
> With all its faults, the Taft-Hartley Act strikes a balance between management on one side and organized labor on the other. It is a delicate and complicated balance. If it is going to be altered, we think the changes should come after a comprehensive survey of the entire structure. Both the administration and the House Labor Committee failed to provide any leadership in such a venture. No comprehensive bill in such a complex field could be written on the floor even if the opportunity to offer amendments had not been narrowly restricted. Consequently it would be desirable if the House would tell the administration and its own Committee on Education and Labor to try again.
>
> One other aspect of the situation before the House is troublesome. Reports of heavy logrolling have come from Capitol Hill. Midwestern Democrats, many of whom are lukewarm or hostile toward the repeal of section 14(b), have been importuned to vote for it in return for support of the farm bill. Most of the big-city Democrats who rely heavily upon the votes of organized labor and look askance on the farm bill have also been urged to exchange favor for favor. No doubt this logrolling device is as old as legislatures, but it is a discreditable practice and often produces bad legislation.
>
> Both the farm bill and modification of the Taft-Hartley Act should stand or fall on their own merits. It is curious indeed that the proposed repealer of the right-to-work laws should be wholly divorced from other pertinent Taft-Hartley reforms to which it is closely related and yet should be linked, in political strategy, to the farm bill in a totally different area of policymaking. This alone would seem to be ample cause for laying the proposed repealer aside until a better approach can be made.

Mr. CONYERS. Mr. Chairman, I would like to commend my senior Senator, Pat McNamara, of Michigan, and Congressman Frank Thompson, of New Jersey, who introduced legislation to repeal section 14(b) of the Taft-Hartley Act in the Senate and House. In the words of the distinguished gentleman from New Jersey whose bill we are now debating, section 14(b) is both "illogical and disruptive."

The repeal of 14(b) is one of the major pieces of legislation before the 89th Congress due to the widespread ill effects of the right-to-work laws which have been enacted as a result of this clause in the Taft-Hartley Act. The stated purpose of labor legislation is to protect commerce from "injury, impairment, and interruption." Yet 14(b), which is contradictory to every other piece of Federal legislation regulating commerce, impairs the worker's rights, particularly the Negro worker's rights, by depriving him of effective union representation at the bargaining table, and injures the efficiency of existing unions by permitting freeloaders who reap the benefits of unionism without meeting its obligations. The economic growth of the entire Nation can be dangerously disrupted by the economic underdevelopment caused by nomadic runaway industries which seek to exploit cheap labor. The vision of the Great Society is clouded by the existence of a law which supports poverty and racial discrimination.

Right-to-work laws are examples of the arbitrary freedom which leaves the strong free to oppress the weak. These misnamed laws impair the rights of all workers to collectively bargain with management, but they especially hurt the Negro American worker since he so often has the job with the lowest pay and most oppressive working conditions, and so particularly needs effective union representation. It is no accident that all the Southern States—except Louisiana which used to—have right-to-work laws.

Current Federal law inconsistently requires the union to bargain for all employees—even those who are not members of the union. This puts the union in the very weak position of fighting for everyone's benefit without having everyone's support. Very few actual working men claim they do not want to share in the obligations of the union while reaping all the advantages. The advocates of these "destroy-the-union" laws are the same people who fight improvements in minimum wage and maximum hours laws, social security, and unemployment compensation.

Responsible businessmen oppose these laws because they encourage unfair competition from runaway industries which move about in nomadic fashion so they can exploit the cheapest available labor supply. Instead of promoting economic growth, these nomads fold their tents and steal away to other poverty-stricken communities whenever the economy would permit increased wages, and thus leave both the workers and the general community in an even worse situation than before. We must eliminate these havens for parasitic businesses and guarantee free and fair competition.

WEDGE BETWEEN THE NEGRO AND THE UNIONS

It is no coincidence that many of the States which have right-to-work laws are in the South. Although these laws deny all workers the right to effective collective bargaining with management, these statutes are particularly restrictive on the Negro. Because the Negro has traditionally been relegated to the lowest paid jobs and the most oppressive working conditions, he, more than anyone else, needs the benefits of organized and effective union representation. A. Philip Randolph, an AFL–CIO vice president, says that the real aim of the open shop supporters is to promote these laws "in the hope of driving a wedge between Negroes and the labor movements."

If the Nation is to continue its great strides toward assuring equality for all citizens, we must also guarantee the Negro and every other worker the right to union representation, if he desires it; to job security, because he needs it; adequate wages, because they will help to lower the welfare rolls; and fair employment practices, because they are necessary. These goals cannot be reached as long as we have right-to-work legislation.

ABOLISH THE "FREELOADER"

Since the law requires that a union represent all the members of a collective bargaining unit whether they are members of the union or not, it is only equitable that where the union is the agent of all the workers at the bargaining table every worker who stands to benefit from the contract agreed upon should be required to support the union.

The issue here is simply whether or not an employee, for reasons, real or feigned, should have the privilege of not paying to support a bargaining agent that a majority of his fellow employees have elected to represent all of them. A citizen cannot stop paying taxes simply because his candidate for President was defeated, nor should he be exempted from supporting the union simply because he did not vote for it when the majority of his fellow workers did.

THE THREAT OF "RUNAWAY" INDUSTRIES

The smooth flow of trade is impaired by this unfair competition between the right-to-work States and the other States. The supporters of these laws contend that their States show more economic growth and stability than the other States. It is strange, then, that many of the new businesses which have been attracted to the right-to-work States are runaway industries which move about in nomadic fashion from place to place with the intent of exploiting the cheapest possible labor supply.

Where can such businesses find a constant source of cheap labor? In the right-to-work States where there are few, if any, enforceable minimum wage, maximum hours, and fair employment practices laws. A runaway shop which relocates in a community may appear to solve the problem of unemployment by hiring a great number of workers at very low wages. When the employees begin to ask for more pay and better working conditions, the shop will move to another community. In the wake of such profiteers, for these runaway shops do reap high profits by charging the same market price for goods produced at higher production costs, are communities whose entire economy is demolished; creditors who wonder who will pay the bills created by the company and its dependents; and unemployed workers who find themselves deeper in debt and more bewildered than they were before the boom. The injury done to communities by the kind of business attracted by cheap labor is finally felt by the Nation's economy as a whole when the low-wage workers are unable to purchase in proportion to their production. Rather than causing economic development of an already poverty-stricken community, the practice of the runaway shop creates a condition which might be termed economic underdevelopment.

Fortunately, most responsible businessmen are aware of the danger of upsetting the economy by running away from the unions. These businessmen frown upon right-to-work laws and have been instrumental in either defeating the passage of such laws or have helped to repeal right-to-work laws. In the State of Maine, management was a vital part of the opposition which overwhelmingly defeated the passage of right-to-work laws. Indiana, one of the few industrial States to enact a right-to-work law, repealed the law this year through the efforts of the Indiana Council for Industrial Peace which declared the right-to-work law was a threat to the economy of the State. Four other States have repealed similar laws and nine have defeated the proposal of right-to-work legislation by referendum.

UNDERMINING THE GREAT SOCIETY

Never before has there been greater concern for allowing an increasingly larger proportion of the population of the United States to enjoy the fruits of prosperity. The repeal of section 14(b) will help to more easily implement the plans for the Great Society. The present right-to-work laws undermine this pattern for the future by making the alleviation of poverty more difficult in the hardcore areas where wages are low, unemployment benefits are minimal, and fair employment practices are practically nonexistent. Collective bargaining between management and labor is one of the best ways of assuring optimum working conditions and wages. Statistics comparing the right-to-work States, which outlaw the union shop, and the other States, which can have the union shop, show that only 5 percent of the right-to-work States and 47 percent of the other States have maximum unemployment insurance benefits; 40 percent of the former and 87 percent of the latter offer a $40 per week compensation for temporary total disability; and minimum wage laws are in effect in 32 percent of the right-to-work States and 72 percent of the others. Only 16 percent of the right-to-work States have equal pay laws while 66 percent of the other States have them, and only 5 percent of the right-to-work States have fair employment practices laws while 69 percent of the other States have them.

The President of the United States has placed a goal before all American people by his advocacy of the Great Society. It is an ideal, but it is an ideal which can be reached. We have made many steps toward the achievement of the Great Society through the Civil Rights Act of 1964, the war on poverty, and the soon to be effective medicare and voting rights legislation. Yet there remains much to be accomplished. The repeal of section 14(b) is one of the vital bills which the Congress must pass if we are to eliminate the poverty created by low wages and the demoralization and indignities suffered by the workers who must endure exploitation.

VIOLATES UNIFORMITY PRINCIPLE

Labor laws should be uniform in all States because they are a part of the regulation of interstate commerce which is a function of the Federal Government. The equity between the States in relation to an area of Federal jurisdiction is destroyed because section 14(b) provides a loophole now used by 19 States. These States have, in effect, set themselves up as equals of the Federal Government in matters of interstate commerce. The men who framed the Constitution deliberately and wisely delegated the power to regulate commerce to the Federal Government in order to prevent individual States from instituting private trade barriers. Eighteen years ago Congress passed a law which fostered an undesirable inequity among the States regarding treatment of those persons who are employed in interstate commerce. For 18 years supporters of right-to-work legislation have been claiming that their laws protect individual freedom. For 18 years the misnomer "right to work" has deluded voters into giving their support for laws which purport to broaden individual freedom, but in fact, limit it.

I feel the time has come to get rid of section 14(b). It was a mistake when it was passed in 1947, and it is a mistake that cannot be too quickly corrected. We must not compound the error by permitting 14(b) to remain any longer on our law books.

Mr. GRIFFIN. Mr. Chairman, I yield myself the balance of the time on our side.

The Chair recognizes the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman and Members of the Committee, I apologize for this voice, because its condition is caused by an infection rather than by any screaming that has been done here.

This debate, in my judgment, has been a fine and fair and reasonable one. This is, as I said at the outset, a controversial issue which deserves to be decided on its merits and not on extraneous issues. One of the extraneous issues, of course, is the constant reference to and assertion made that this is the only country outside of the Iron Curtain which would allow a union shop agreement. The gentleman from Michigan just said that. He has forgotten that on pages 586 to 592 of the record of the hearings, he, Mr. GRIFFIN, introduced a Library of Congress study that was made for him showing that:

Mexico permits a closed shop.

Canada permits a union or closed shop.

New Zealand permits agreements requiring membership in a union as a condition of employment.

Australia permits preference to union members in hiring, dismissal, or promotion.

Great Britain permits strikes for the objective of achieving 100 percent union membership, even though they allow nonunion and union workers to work together.

Sweden permits unions to negotiate for a closed or union ship.

He did not mention that Norway does the same thing, as does Denmark, as does Switzerland.

And none of these is an Iron Curtain country.

The gentleman mentions the religious issue. It has had a lot of discussion. In principle I would do whatever I believe could reasonably be done to resolve this issue, and I have promised on innumerable occasions prompt and fair consideration of a separate bill to achieve this end. It is fraught with constitutional questions. The first amendment to the Constitution is a two-sided thing. It does not permit infringement of religion. It does not permit the establishment of religion. I do not say that the proposed amendment would permit the establishment of religion. On the other hand, I am not sure it would not. The issue deserves, and I assure you it will get, the consideration which is the object of concern of many Members.

The gentleman from Michigan [Mr. GRIFFIN] mentioned a whole list of things we are not going to do if we reject his substitute. He would protect the Negro worker. Indeed, I believe that is his intention. But, as I said in the committee after he had remarked that he wanted to put teeth in this bill, "Indeed, you want to put teeth in the bill, but your bill is designed to give it a set of uppers only, with no lowers—absolutely no protection of the Negro from the employer who would discriminate."

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I would only make the point that the amendment which I have proposed is not a substitute for the Civil Rights Act now on the books, which may be amended. Title VII of the Civil Rights Act applies to unions generally, to management generally and to employment agencies. My amendment would provide, to be over and above, an additional safeguard insofar as unions which require union shop agreements are concerned.

Mr. THOMPSON of New Jersey. I might agree with the gentleman's objectives. I believe his intention is good, and I give him credit for it.

I say, nevertheless, whether it be an addition to, a substitute for, or a supplement to it, it is still only a set of uppers.

The gentleman talks about what liberals want. I am generally considered to be moderately liberal, at least, and I am in favor of collective bargaining and of the right of the people to self-determination. I am against continuing to allow 19 States to deny the workers of those States the right even to vote for or against certain types of union security agreements.

Mr. Chairman, we have heard many speeches, and each one has contributed greatly to solution of this problem. But, when all is said and done, I think the issue boils down to whether or not we are to have effective collective bargaining in all sections and in all States of the Nation by permitting unions and employers to sit down at the collective bargaining table and freely negotiate any contract which serves their individualized needs. And I here speak directly about the negotiation of a union shop agreement.

As I said in my opening remarks, the right-to-work issue is not new. It goes back to the 1903 NAM drive for what was then called an open shop.

I would like, again, briefly, to quote two comments then made on this issue. I think they are as timely now as when made 60 years ago.

CLARENCE DARROW

The first is by Clarence Darrow, the great civil liberties lawyer of America. He said in words very appropriate to today's discussion:

> There can be no inalienable right to work without a place to work, and neither the Government nor those who declare the loudest or insist the most, have ever furnished the laborer a place to toil. To this class the inalienable right to work means simply the inalienable right of the employer, without let or hindrance, to go out in the open market and bid for laborers on the hardest terms, or rather, to so order the industrial world that men and women and children must bid against each other for a right to toil. The closed shop is the only means that experience has shown to be essential to protect the liberty workingmen have already won.

MR. DOOLEY

My third and last quotation is grimly humorous. It is a dialog between Mr. Dooley and his friend Hennessey; two fictitious characters who delighted the newspaper readers of past decades. Here is what they said about today's issue.

> "What's all this that's in the papers about the open shop," asked Mr. Hennessey.
>
> "Why don't you know?" asked Mr. Dooley. "Really I'm surprised at yer ignorance, Hennessey."
>
> "Sur, 'tis where they kape the doors open to accommodate the constant stream av min coming in t' take jobs cheaper than th' min what has th' jobs."
>
> "Tis like this, Hennessey; suppose wan ave these freeborn citizens is working in an open shop for th' princely wages av wan large iron dollar a day av tin hour. Along comes anither son-av-a-gun and he sez t' th' boss, 'Oi think Oi could handle the job nicely f'r niney cints.'
>
> " 'Sure', sez the boss, and the wan dollar man goes out into the crool corould t' exercise his inalienable rights as a freeborn American citizen an' scab on some other poor devil."
>
> "An' so it goes on, Hennessey. An' who gets the benefit? True, it saves th' boss money, but he don't care no more for money than he does f'r his right eye.
>
> "Its all principle wid him. He hates t' see men robbed av their indipindence. They must have their indipindence, regardless av anything else."

In 1935 the Wagner Act gave the working man the right to join a union, and gave to the unions the right to engage in collective bargaining with the employers concerning wages, hours, and other terms and conditions of employment. Union-security agreements are an essential part of these bargaining terms and conditions of employment.

In 1947 the Taft-Hartley Act gave to the States the right to close the door on collective bargaining for the union shop.

I say it is time to put this issue back on the bargaining table in every State of the Union.

I say it is time to repeal section 14(b).

I believe the issues are clear. In conclusion, I should like to commend all those who took part in the debate, and particularly the distinguished ranking member of my subcommittee, the gentleman from Michigan [Mr. GRIFFIN]. When I am critical of his approach I am not critical of him personally. We all make mistakes. In this case I feel he is making a mistake and that I am not. I hope that a majority will agree with me.

Mr. Chairman, I yield back the remainder of the time on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 77

A bill to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a) (3) of the National Labor Relations Act, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 14 of the National Labor Relations Act, as amended, is hereby repealed.

(b) The first proviso of paragraph 3 of subsection (a) of section 8 of such Act is amended to read as follows: "*Provided,* That nothing in this Act, or in any other statute of the United States or in any constitution or law of any State or political subdivision thereof, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 8(a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 9(a), in the appropriate collective-bargaining unit covered by such agreement when made, and (ii) unless following an election held as provided in section 9(e) within one year preceding the effective date of such agreement, the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement:".

(c) Subsection (b) of section 705 of the Labor-Management Reporting and Disclosure Act of 1959 is hereby repealed.

Mr. GRIFFIN (interrupting the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GRIFFIN. If an amendment were to be offered to the provision which was just read relating to 14(b), would it have to be offered at this point, or could it be offered at the conclusion of the reading of the bill?

The CHAIRMAN. It could be offered at the conclusion of the reading of the bill, because the bill contains only one section.

Mr. GRIFFIN. In order to preserve any possibility, I would ask unanimous consent that the bill be considered as read and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. AYRES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. AYRES. Mr. Chairman, I am most gratified at the assurance of Chairman POWELL that a complete committee investigation of National Labor Relations Board election procedures will be held. Mr. POWELL's House floor statement to me, just prior to a vote on the repeal of section 14(b) of the Taft-Hartley Act, means that we can now delve into a part of labor relations that could have great impact on the establishment of a good climate for labor-industry relations.

During the Education and Labor Committee hearings on the repeal of this section of the Taft-Hartley Act, I asked AFL–CIO President George Meany as to his reaction toward reviewing the election procedures that lead to the certification of unions as bargaining agents. Mr. Meany agreed that elections by employees, affected by union organization, should definitely be held.

I intend to pursue this and will arrange with Chairman POWELL for hearings on this most important matter.

I have found a very confused attitude from many of my correspondents as to my position on the repeal of section 14(b). Many could not understand how I, a firm supporter of the Taft-Hartley Act, could take a position calling for a repeal of one of its sections.

That this might be clarified, I placed in the CONGRESSIONAL RECORD a detailed statement as to the true evaluation of section 14(b) and its economic effects on those industrial areas that did not come under State right-to-work laws. I sent copies of this to all those correspondents who were critical of my stand for repeal.

I would now report on the results of the replies that I received from the recipients of the report. In a very great majority of the replies, it was stated that the writer had a complete misconception of the effect of the repeal of 14(b) and that they were now in full accord with my vote.

A number of correspondents were convinced that the repeal of section 14(b) would automatically create union shops in industries in those States now having right-to-work laws. They did not understand the many steps necessary to establish a compulsory union membership in any place of business.

That provision of the Taft-Hartley Act that permits union security agreements provides definite safeguards and the arrangements to secure such an agreement is well defined.

The unionization of any plant or place of business must conform to the rulings of the National Labor Relations Board. This means that at least 30 percent of the employees must signify their desire for an election on the subject before any action can take place. Then at this election the union must secure 51 percent of the votes cast before it can act as the bargaining agent.

The employees retain the power to have the union decertified as their bargaining agent. This simply calls for a reversal of the organization procedure—30 percent of the employees in the union signify their desire for decertification. An election is then held and if 51 percent of those voting wish the union removed as their bargaining agent, it is so removed.

There is also a procedure by which the employees can withdraw the authority of the union to enter into a continuance of a union shop agreement if such an agreement had ever been approved. Again, it simply calls for a petition signed by 30 percent of the employees, followed by an election at which 51 percent of the eligible employees would vote for the abolishment of the union shop agreement.

I believe that the majority of the opponents of this measure were the recipients of false propaganda and that they will find that the repeal of this one section of the Taft-Hartley Act will not unbalance labor relations.

In order to have a cooling-off period, Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair has not recognized the gentleman for that purpose.

Does any other Member offer an amendment at this time?

Mrs. GREEN of Oregon. Mr. Chairman, I should like to offer an amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon [Mrs. GREEN].

Mr. AYRES. Mr. Chairman, has my time expired?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. AYRES] has not expired.

Mr. AYRES. Mr. Chairman, so that the Committee will understand, I shall offer an amendment at the proper time. My reason for asking to offer it at this time was to save time of the Committee. However, I shall offer it at a later time.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Page 2 on line 16 after the word "agreement" insert the following: "; except that no agreement under this subsection requiring membership in a labor organization will be applicable to any employee who (i) is a bona fide member of a religious sect or division thereof, the established and traditional tenets and teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, and (ii) has either paid to the Treasury of the United States pursuant to regulations to be established by the Secretary of the Treasury sums equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee or made alternative payments mutually agreed upon by such employee and such labor organization".

Mr. POWELL. Mr. Chairman?

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. POWELL. I make a point of order against the amendment. It is not germane.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman from New York withhold his point of order until I have an opportunity to explain my amendment?

Mr. POWELL. I am constrained not to withhold my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. POWELL. It is not germane and it has language in the amendment that is not embodied in the bill before us. On that basis, I make a point of order against it.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. WRIGHT. Mr. Chairman, I ask to be heard on that point of order.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. WRIGHT. Mr. Chairman, in a careful reading of the bill as proposed by the committee and of the amendment as offered by the gentlewoman from Oregon [Mrs. GREEN] it seems clear to me that the amendment is germane in that it clearly deals with the same subject matter treated in the bill. In the section of the bill to which the amendment is offered, when stripped of the superfluity of irrelevant, intervening language, the meaning would flow in one continuous stream as follows:

> *Provided,* That nothing in this Act * * * shall preclude an employer from making an agreement with a labor organization * * * to require as a condition of employment membership therein * * * except that no employer shall justify any discrimination against an employee for nonmembership in a labor organization, if such employee is a bona fide member of (certain religious organizations).

Mr. Chairman, it seems quite clear to me from a reading of this language that the amendment offered by the gentlewoman from Oregon [Mrs. GREEN] is clearly an exception to, or a limitation upon, the provisions contained in the bill before us.

Mr. Chairman, I find numerous precedents directly in point.

First, on November 17, 1919, 1st session of the 66th Congress, the Chairman, the Honorable Joseph Walsh, of Massachusetts, presiding, ruled that to a section authorizing the Interstate Commerce Commission to change rates, an amendment providing that the Commission should not increase rates was held germane. That ruling is summarized in the broad principle set forth in paragraph 3022 of volume 8 of "Cannon's Precedents" to state that "to a provision delegating certain powers, a proposal to limit such powers is germane."

Mr. Chairman, it seems obvious that the present bill would delegate certain powers to employers and the amendment would limit those powers. Therefore, in harmony with that principle, it would appear to be germane.

Again, Mr. Chairman, in the 1st session of the 65th Congress, on June 1, 1917, it was held that to a bill authorizing the Bureau of War Risk Insurance to insure vessels, an amendment denying such insurance to certain vessels was held germane. And, the broad guiding principle is summarized as follows in paragraph 3023: "to a proposal to grant certain authority, an amendment proposing to limit such authority as germane."

Mr. Chairman, the bill now before us grants certain authority and the amendment offered by the gentlewoman from Oregon limits that authority.

Further, Mr. Chairman, it was held on January 24, 1923, in the 4th session of the 67th Congress, the gentleman from Wisconsin, Mr. Stafford, presiding, that to a bill dealing with radio communications in general, an amendment proposing to restrict the operation of the proposed law was held to be germane.

This bill deals with labor relations in general and the requirement of union affiliation in particular, and the proposed amendment would restrict its application in certain cases, and is therefore in point.

Mr. Chairman, quite well to the point I think, however, is the ruling in the 1st session of the 67th Congress, reported in the CONGRESSIONAL RECORD at page 2351 for June 9, 1921, where it was held that to a bill denying the benefits of war risk insurance to certain persons, other persons might be excepted and exempted from the provisions of that bill. The broad principle is thusly stated in paragraph 3026 of volume 8 of "Cannon's Precedents":

> To a section dealing with a designated class, an amendment exempting from the provisions of the section a certain portion of that class may be germane.

Obviously, Mr. Chairman, the bill deals with a designated class; namely, those workers engaged under a common employment by a common employer.

The amendment offered by the gentlewoman from Oregon exempts from the provision of the section one portion of that class; to wit, those belonging to certain religious organizations and holding certain religious convictions.

It would seem consonant with and faithful to this precedent to hold, therefore, that the amendment presently under the Chair's consideration is germane.

There are numerous other rulings, Mr. Chairman, which give force to this conclusion.

It was held in the first session of the 67th Congress, on October 18, 1921, that to a bill extending the operation of existing law an amendment excepting certain portions was held to be germane.

Again, to a proposal dealing with labor relations, it was held on March 8, 1932, to a bill prohibiting the issuance of injunctions by courts of law in labor disputes, that an amendment excepting certain labor disputes was germane, and it is stated in "Cannon's Precedents" that provisions restricting authority may be modified by amendments providing exceptions. The bill before us today restricts authority, and the amendment offered by the gentlewoman from Oregon [Mrs. GREEN] provides certain exceptions. It seems difficult to imagine a situation more clearly in point.

I will offer only one more. This occurred on November 29, 1922, in the 3d session of the 67th Congress, the Committee of the Whole being presided over at the time by the gentleman from Connecticut, Mr. Tilson. It was held that to a bill authorizing aid to shipping, an amendment limiting participation of certain vessels was in order. The broad sense of this ruling was laid down in paragraph 3027:

> To a proposition extending certain benefits to a class, a proposal to establish qualifications limiting the number of individuals in that class * * * is germane.

Oddly enough, those provisions limited in that case involved a class of vessels with so-called saving devices. I might suggest lightly, Mr. Chairman, while this is quite in point with the law, that beyond and apart from the law, these people proposed for exemption by the present amendment, in the exercise of their religious freedom might contend they have certain built in saving devices.

On the question of an amendment which acts as a limitation upon the provisions of the section to which it is attached, or one which excepts or exempts from those provisions a certain group or number or specific portion of the general class, the precedents seem clear. Thus, the amendment offered by the gentlewoman from Oregon seems in point, and precisely in conformity with accepted parliamentary law. Beyond this, it seems to be fully consonant with all that this Congress has done from the beginning in assiduously protecting and defending against legal invasion the individual rights of conscience to all Americans and the rights of individual Americans to the full exercise of their religious freedom.

For all of the foregoing reasons, I respectfully submit that the amendment offered by the gentlewoman from Oregon [Mrs. GREEN] is germane.

Mr. O'HARA of Michigan. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. O'HARA of Michigan. Mr. Chairman, while the precedents cited by the gentleman from Texas are doubtless appropriate in their particular circumstances, I believe that they cannot be properly applied to the bill before us.

I would like to make that point clear and first attempt to analyze with the Chair and the Members of the Committee the purport and extent of the bill before us.

Mr. Chairman, the bill, H.R. 77, deals with only one subject, it has only one purpose, it deals with only one particular of the law, and that is so-called right-to-work laws.

If the Chairman will examine the Ramseyer print found on pages 5 and 6 of the committee report, this will become apparent. The bill repeals section 14(b) which deals only with State right-to-work laws and makes only such other changes as are required to effectuate that single purpose.

Mr. Chairman, it is elementary that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill to which it is offered. A ruling on this point is found in paragraph 2911 of volume 8 of "Cannon's Precedents."

The fundamental purpose of the amendment offered by the gentlewoman from Oregon has to do with a question of religious conscience and not with State right-to-work laws in any sense. It would apply to situations in which no State right-to-work law had ever been enacted or has ever been applicable.

When a bill amends an existing law as to one particular, an amendment relating to the terms of the law rather than to those of the bill is not germane. Paragraph 2916 of volume 8 of "Cannon's Precedents" is illustrative of that point.

A bill amending the law establishing tolls for the use of the Panama Canal was before the House. The bill amended the provisions of that law providing for the measurement of vessels to determine the tolls to be paid thereon. An amendment to the bill repealing the provisions of the same law establishing such tolls was held not to be germane.

Paragraph 2937 of volume 8 of "Cannon's Precedents" is also illustrative. The bill before the House amended the act defining butter and imposing a tax upon and regulating the manufacture, sale, etc. of oleomargarine. The amendment to the act provided in the bill before the House amended only the definition of oleomargarine. An amendment to that bill imposing a new tax on oleomargarine was held not to be germane.

Nor does the fact that the amendment is in the nature of a limitation free it from the requirements of the rule of germaneness. While a nongermane limitation upon an appropriation may sometimes be permitted, this is a legislative bill and amendments in the nature of limitations are subject to the same germaneness requirement as any other amendment. The rule has been stated in House on a number of occasions, two of which are cited in paragraphs 3033 and 3034 of volume 8 of "Cannon's Precedents."

For these reasons, I maintain that the amendment offered by the gentlewoman from Oregon is not germane to the bill before us.

The CHAIRMAN (Mr. O'Brien). The Chair is prepared to rule.

The Chair anticipated that questions might arise with respect to the germaneness of various amendments which were discussed during the consideration of the rule and under general debate on this bill and has reviewed the bill, the rules, and the precedents appertaining to the question of germaneness. Language in the bill and the provisions of existing law to which the bill refers have been examined with great care. The Chair thinks that the matter contained in the pending bill is very narrow in its scope.

The bill refers solely to the establishment of a uniform Federal rule governing union security agreements—the so-called right-to-work issue; and although the pending bill repeals section 14(b) of the National Labor Relations Act and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959, and affirmatively amends section 8(a) of the National Labor Relations Act, it is but a single subject that is affected by the aforementioned sections—the right-to-work issue.

It seems to the Chair that the pending bill deals only with one particular aspect of existing law and that an amendment relating to the terms of either law, including section references not within the pending bill or touching other aspects of sections 14(b), 8(a), or 705(b) not relating to the question of the right to work, would be nongermane.

The Chair desires to call the attention of the Committee to a ruling made by Chairman McCormack on April 21, 1939. The then pending bill amended the Gold Reserve Act in two specific instances. He held that an amendment seeking to amend the act in a third particular instance which was not related to the pending bill was not germane.

Again, on April 11, 1940, Chairman Jones, of Texas, was presiding over the Committee during consideration of a bill proposing to amend an act in several particulars. He held that an amendment proposing to modify the act but not the bill was not germane.

The Chair would also like to direct the attention of the Committee to volume VIII of "Cannon's Precedents" of the House; sections 2946, 2947, and 2948.

In section 2946 the Chair held: "To a bill amending the Federal Reserve Act in a number of particulars an amendment relating to the Federal Reserve Act but to no portion provided for in the pending bill" was not germane.

In section 2947 the ruling was:

> To a bill amendatory of an act in several particulars an amendment proposing to modify the act but not related to the bill was held not to be germane.

In section 2948 there was a similar ruling:

> To a bill amendatory of one section of an existing law an amendment proposing further modification of the law was held not to be germane.

The Chair might also call to the attention of the Committee an even older precedent which goes back to the turn of the century. In volume V of "Hinds' Precedents," section 5806, it was held that "to a bill amendatory of an existing law as to one specific particular, an amendment relating to the terms of the law rather than to those of the bill" was not germane. Sections 5807 and 5808 are to similar effect.

The Chair believes that the cases cited clearly demonstrate the rule of germaneness stated in clause 7 of rule XVI. That rule provides that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

For the reasons heretofore stated the Chair holds the amendment not germane and sustains the point of order.

Mr. LAIRD. Mr. Chairman, I move to strike the last word.

The ruling of the distinguished gentleman from New York is indeed very significant, in that it limits the application of this bill to the right-to-work issue alone.

In my State of Wisconsin, we have the Labor Peace Act. The Labor Peace Act provides for compulsory unionism. If two-thirds of the eligible employees of a particular employer vote for a union shop, a union shop will be made compulsory. So we do have provisions for compulsory union membership in the State of Wisconsin under this two-thirds rule.

The ruling of the gentleman from New York as Chairman of this Committee makes this bill not applicable to the State of Wisconsin. The limited scope that he has interpreted this bill to include would run counter to the interpretations of certain labor leaders and lawyers in Wisconsin.

The distinguished gentleman from New York as Chairman of this Committee has made this legislative history as far as the consideration of this bill is concerned and has limited the effect of it to the right-to-work States only. If this is not a proper interpretation I would hope that the record would be made clear.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ashbrook: On page 2, between lines 16 and 17, insert a new subsection (c) as follows:
>
> "(c) That subsection (a) of section 9 of the National Labor Relations Act, as amended, is amended as follows:
>
> "By adding after the phrase 'conditions of employment:' the following: '*Provided*, such bargaining representatives shall have been certified by the Board as the result of an election conducted in accordance with section 9(c) hereof, unless the employer shall have engaged in a course of conduct in violation of section 8 hereof with the intent of undermining a majority secured without coercion or misrepresentation by the labor organization or organizations seeking recognition in accordance with section 9(c) hereof; *provided* * * *.' And further that subsection (c) of section 10 of the Labor Management Relations Act of 1947, as amended, is amended as follows:
>
> "By adding after the phrase 'The same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope.' the following:
>
> "'*Provided further*, the Board shall not issue an order to bargain in any case in which the bargaining representative shall not have been certified as a result of an election conducted in accordance with section 9(c) hereof, unless the employer shall have engaged in a course of conduct in violation of section 8 hereof with the intent of undermining a majority secured without coercion or misrepresentation by the labor organization or organizations seeking recognition in accordance with section 9(c) hereof.'"
>
> On page 2, line 17, subsection "(c)" is redesignated subsection "(d)."

Mr. POWELL. Mr. Chairman, I make the point of order against this amendment that it is not germane for the same reasons that I made the other point of order and in line with the ruling by our distinguished Chairman, the gentleman from New York [Mr. O'Brien].

The CHAIRMAN. The Chair is prepared to rule. Does the gentleman from Ohio wish to be heard?

Mr. ASHBROOK. Yes, I do, Mr. Chairman.

The purpose of H.R. 77 is to prohibit a State government from outlawing a union shop agreement under certain conditions. It would therefore seem that any measure which is directed toward prescribing the conditions which must exist as a prerequisite to the prohibition of State action would be germane.

By providing that the labor organization must be the representative of the employees—I refer to page 2, lines 8 and 9—"as provided in section 9(a)" it says that H.R. 77 has incorporated at least by reference the first clause of this key section. Accordingly, it should be as much in order to offer amendments to section 9(a) of the act as it would be if H.R. 77 had repeated in full the language of the section.

If the proposed bill had embodied language identical to that of section 9(a), we can conclude that a proposal to modify that language would be germane. This is true in the case of the proposed amendment, because the fundamental purpose of the amendment is germane and pertinent to the fundamental purpose of the bill itself.

The CHAIRMAN. The Chair is prepared to rule. The Chair will say that precedents recited by the Chair in connection with the point of order raised against the amendment offered by the gentlewoman from Oregon are persuasive in connection with the amendment offered by the gentleman from Ohio [Mr. Ashbrook], and the point of order is sustained.

WE HAVE BEEN "POWELLIZED"

Mr. ASHBROOK. Mr. Chairman, I move to strike out the requisite number of words. Under this gag rule, my amendment which would assure every workingman the right to a secret ballot in union representation elections has been stifled by the majority and the chairman of our committee [Mr. Powell]. What we have witnessed in the handling of this legislation—and what we are witnessing here today—is a mockery of the American legislative process. I think we ought to briefly consider what we are doing here.

This amendment was offered in the Committee on Education and Labor by myself. The lady from Oregon [Mrs. Green] also offered her amendment which would protect the religious conscience of those who cannot morally join unions. I had an identical amendment ready to offer at that time but supported her. At least we were heard on the merits of the amendments. Now Mr. Powell has succeeded in getting a gag order so we cannot even debate these amendments.

This House is not being asked to consider this bill—we are simply acting as a chorus to a legislative musical comedy or should I say, tragedy. The majority is blindly dancing to this comedy which was written in the White House, produced by big labor special interests, directed by the House majority leadership and choreographed by the chairman [Mr. Powell]. This is something unique in legislative history. It is not a matter of this House being steamrollered or even railroaded. This is a new process, a substitute for genuine legislative deliberation, a gag perpetrated by those great liberals who always talk about liberalizing the rules of this body so that the Members "can work their will."

It is indeed a sad day when all considerations of religious conscience, all considerations on uniformity of national labor policy, all considerations on my important right to vote amendment must be transferred from the House of Representatives to the other body because debate on them has been choked off by the arbitrary majority.

I support the amendments offered by the gentleman from Michigan, my colleague on the Labor Committee [Mr. Griffin]. We both feel that increased union power—the direct result of the vote to repeal 14(b) which is almost certain today—demands increased union responsibility. The conscience clause should be adopted to protect the 2,500,000 who belong to religious denominations which out of deep religious belief will give up jobs before buckling under to the compulsory union membership this bill will mandate. I have joined Representative Griffin in efforts to assure that unions will be prohibited from discriminating on the basis of race or color, from using union dues for politics or nonunion business and from fining or disciplining a worker for exercising his legal or civil rights.

This situation is brought about by the highhanded tactics of the Democrat majority. Many will say they really favor the conscience clause but the true test came on the votes and both times they overwhelmingly voted to prevent this amendment from even being considered. Our chairman, the gentleman from New York [Mr. Powell], may think it is fine or even a little funny to have such power and exercise it so arbitrarily. This situation may indeed be one which many of those on the other side of the aisle find amusing. This is no laughing matter for the American people or for the legislative process which has suffered so much during these past 2 days.

It is a sad commentary on this body that Chairman Powell would only last Friday conduct hearings in open air on a New York City street corner but in this, the greatest legislative body in the world, we cannot even get an open debate or an open airing of these important issues. Some may say that the legislative process has been paralyzed. Mr. Chairman, I say it has been "Powellized."

AMENDMENT OFFERED BY MR. GRIFFIN

Mr. GRIFFIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Griffin: Strike out all after the enacting clause and insert in lieu thereof the following:

"Section 14 of the National Labor Relations Act of 1947, as amended, is amended by striking therefrom subsection (b) and by inserting in lieu thereof the following:

" '(b)(1) Nothing in any constitution or law of any State, or political subdivision thereof, shall preclude a labor organization from making an agreement with an employer covered by this Act requiring membership in such labor organization or the payment of moneys thereto as a condition of employment subject to the provisions of subsections 8(a)(3) and 8(f): *Provided*, That it shall be an unfair labor practice for any labor organization, which is a party to such an agreement, or its agents—

" '(A) to deny, limit, or otherwise restrict membership in such labor organization, or any rights or privileges pertaining thereto, or participation in any apprenticeship or training program on account of race, color, religion, or national origin;

" '(B) to use, directly or indirectly, any part of the dues, assessments, or other moneys collected from any individual covered by such an agreement for any political purpose whatsoever or for any other purpose not directly related to those purposes specified in section 9(a) for which a labor organization is authorized to act as the exclusive representative of all employees in a bargaining unit: *Provided*, That nothing in this subparagraph (B) shall preclude a labor organization, if otherwise authorized, from expending moneys for lobbying or other activities to promote enactment or defeat of legislation directly related to the purposes specified in section 9(a): *Provided further*, That nothing in this subparagraph (B) shall preclude a labor organization from establishing and administering a separate contributory fund for political purposes or for any other purpose if all contributions to such fund are collected separately and paid voluntarily by individuals; or

" '(C) to fine, suspend, expel, or otherwise penalize, or threaten, any member for exercising, or attempting to exercise, any legal or civil right guaranteed to any person by this Act, or by the Constitution or the laws of the United States: *Provided further*, That no individual who has religious convictions against joining or financially supporting a labor organization may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless such individual and said labor organization mutually agree upon some other condition of employment: *Provided further*, That nothing in this paragraph (1) shall be construed to permit any activity or conduct which would otherwise be an unfair labor practice under section 8(b).

" '(2) In the event a labor organization or its agents shall engage in any activity or conduct defined as an unfair labor practice in subsection (b)(1) of this section 14, the provisions of any agreement entered into by such labor organization, which require membership therein or payment thereto of any moneys as a condition of employment, shall be illegal and unenforcible.

" '(3) It shall be unlawful for any labor organization or its agents to engage in any activity or conduct defined as an unfair labor practice in subsection (b)(1) of this section 14. If one or more persons shall suffer damages or injury by reason of any violation of this subsection (b)(3), he or they shall have the right for and in behalf of himself or themselves and others similarly situated to bring a civil action in a district court of the United States for such relief (including injunctions) as may be appropriate. Any such action against a labor organization shall be brought in the district court of the United States for the district where the alleged violation occurred or where the principal office of the labor organization is located.'

"Sec. 103. The National Labor Relations Act of 1947, as amended, is further amended as follows: (a) by adding after '8' in subsection 10(a), 'or 14(b)'; and (b) by striking the comma after '8(b)(7)' where it first appears in subsection 10(1) and adding 'or 14(b).'.

"Sec. 104. Section 705 of the Labor-Management Reporting and Disclosure Act of 1959 is amended by striking out '(a)' after 'Sec. 705.' and by striking out subsection (b) thereof."

Mr. GRIFFIN (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent, in view of the fact that this is the text of the bill H.R. 10039, with which I think most Members are familiar, and it is the bill which we had presented earlier to the committee, with the additional Green amendment incorporated therein—in view thereof, I ask unanimous consent that the bill be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. POWELL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. POWELL. It is not germane. I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. Griffin] is recognized for 5 minutes.

Mr. GOODELL. Mr. Chairman, I ask unanimous consent that the gentleman be recognized for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRIFFIN. Mr. Chairman, in view of the fact that the chairman of the committee is reserving a point of order on the germaneness of my amendment, it is very charitable of him, of course, to allow me 5 minutes to explain an amendment against which he is going to make a point of order. I do appreciate anyway, his giving me the opportunity to explain my amendment.

Mr. POWELL. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield.

Mr. POWELL. Beware the Greeks bearing gifts.

Mr. GRIFFIN. I will beware, Mr. Chairman.

I want to take this opportunity to focus attention upon that provision of my substitute bill which deals with the limitation of the use of dues collected under union shop agreements. When the Thompson subcommittee held hearings on this bill we had a witness, Mr. A. C. Skinner, president of the International Union of Mine, Mill and Smelter Workers, who appeared and testified in favor of the repeal of section 14(b). I do not intend to raise a red herring, but I do think that this subject ought to be discussed briefly before Members vote on this bill.

When this witness was before our committee, I questioned him. I said:

> I asked you whether or not you would object * * * to an amendment which would effectively prohibit the use of union dues collected under union shop agreements for any purpose other than collective bargaining?
>
> Mr. Skinner. Yes, I think we would, because that would be discriminatory against trade unions and trade union membership.
>
> Mr. Griffin. You would object?
>
> Mr. Skinner. Yes.

Then we went on in the colloquy and developed the fact that he believed that union dues collected under union shop agreements could be used not only for collective bargaining purposes with respect to wages, hours and working conditions, which are the purposes under the Taft-Hartley law for which a union represents employees, but he argued that they should be used for educational purposes and, yes, political educational purposes. I questioned Mr. Skinner further:

> Mr. Griffin. Mr. Skinner, is your union affiliated with the AFL–CIO?
>
> Mr. Skinner. No, sir.
>
> Mr. Griffin. Were you expelled by the AFL–CIO?
>
> Mr. Skinner. Yes, sir.
>
> Mr. Griffin. For what reason, allegedly or otherwise?
>
> Mr. Skinner. Well, allegedly the reason was for sympathies or Communist domination.
>
> * * * * *
>
> Mr. Griffin. Is it a fact that in 1962 the U.S. Subversive Activities Control Board found that your union was Communist infiltrated or dominated?
>
> Mr. Skinner. The Board, itself, found that, yes.
>
> Mr. Griffin. Mr. Skinner, has your union applied for reaffiliation with the AFL–CIO?
>
> Mr. Skinner. Not recently.

Those who are interested in the effect of this legislation—the outright repeal of 14(b)—should study the record of the hearings, beginning at page 779 of volume 2. You will be interested in the background of Mr. Skinner and some of his colleagues who are in control of this particular union which has been expelled and kept out of the AFL–CIO because it was considered by the AFL–CIO to be Communist dominated.

Obviously, those who vote for this bill will be a party to forcing workers to join, not just the AFL–CIO organizations—but Communist-dominated unions as well. And the dues will be used, not just for bargaining purposes, but for education purposes—political education purposes.

Of course, it would be noted that a recent decision on the part of the U.S. Supreme Court held unconstitutional the provision in the 1959 Landrum-Griffin law which made it illegal for Communists to hold union office. Accordingly, it is essential that safeguards be incorporated before section 14(b) is repealed.

Mr. Chairman, do other unions, which are not charged with Communist infiltration, also use dues for political purposes? Those who support and defend this bill often proclaim, "Oh, no, unions do not use dues for politics."

Mr. Sidney Zagri, legislative counsel, International Brotherhood of Teamsters, testified before our subcommittee; and here is a part of a colloquy that took place:

> Mr. Griffin. In fact a few years ago, about 4 years ago, as I recall, there was a lot of publicity in Michigan about the fact that the Teamsters Union in Michigan had contributed dues money to a candidate for prosecuting attorney. I think his name was Mr. Olson.
>
> Mr. Zagri. I can't speak for the expenditures in any State because those expenditures would be more within the confines of special knowledge of the director of politics in that State.
>
> However, assuming for the sake of argument that this was done, that there was a contribution of union funds in a State election or in a local election, I will not concede that this is not a proper activity, because I believe that the welfare of the union, whether it is at the State, local, or National level, is directly affected by decisions made by city councils, State legislatures, or this Congress.

And then I asked Mr. Zagri:

> As I understand your testimony, then, although you are not prepared to make statements on specific candidates, you acknowledge that in general the Teamsters Union funds are used to support candidates in elections at the State and local level, and you think that is a proper use?
>
> Mr. Zagri. I say we would be derelict in our duty to our membership if we didn't.

Mr. Chairman, there is no question that those who vote for this bill, without safeguards, will be voting to make second-class citizens out of those who will be forced to contribute to union treasuries in order to hold their jobs. Some will say, "Oh, well, all we do here is to authorize and make legal the union shop agreement. The employer does not have to agree to a union shop."

This is a strange argument for a liberal to make, to put his faith and confidence in the employer to protect the basic fundamental rights of the employees. I do not hear liberals take that position very often. Just how much chance and how reasonable is it, looking at the balance of economic power, to assume or expect that an employer will not give in to the demand for a compulsory union shop?

Mr. Chairman, let us face it. You cannot rely on employers in a situation where employee rights are involved. Many employers—and everyone knows this— will sell their own employees down the river on this issue, if they can save 5 or 10 cents in the bargaining of wage rates.

So, those who vote for this bill in this form will be voting to force some workers to join Communist-dominated unions; they will be voting to force workers to join unions which use their dues for political purposes. There are no meaningful safeguards in this bill to protect individual employees.

Under the circumstances, Mr. Chairman, if the Chair rules that my amendment is not germane, as I anticipate will be the case, I want to announce that we will have no choice but then to offer—and I shall offer—a straight motion to recommit, because this bill under these circumstances ought to be sent back to the Committee on Education and Labor.

Mr. POWELL. Mr. Chairman, I renew my point of order against this amendment as not being germane, including the fact that this amendment embodies language which you, the distinguished Chairman, have already ruled not germane; namely, the Green amendment.

Mr. GRIFFIN. Mr. Chairman, may I be heard briefly on the point of order?

The CHAIRMAN. The chair will hear the gentleman, briefly.

Mr. GRIFFIN. Mr. Chairman, I wish to add to the arguments that have been made by the distinguished and courageous gentlewoman from Oregon [Mrs. Green] and the gentleman from Texas, arguments which are applicable to the point of order made against my amendment.

The purpose of this bill H.R. 77, as indicated in the report, is to establish a uniform Federal rule governing union security agreements. I point out that my substitute bill would repeal section 14(b), as the committee bill does, although my bill attaches certain conditions and limitations. My substitute, like H.R. 77, would provide for a uniform

Federal rule governing union security agreements.

The report goes on to point out that the provisions of the Committee bill be controlling as to the validity of union security provisions. My provisions of my substitute bill go to the validity of union security provisions. My substitute bill would not restrict labor organizations generally. It would apply only to those labor organizations which enter into union shop agreements.

Mr. Chairman, if the House through the bill before us can pass on the complete, outright repeal of section 14(b), we ought to be able to do something less. It ought to be possible to consider amendments that are reasonably related. In that light, Mr. Chairman, I submit that my substitute should be ruled to be germane.

The CHAIRMAN (Mr. O'BRIEN). The Chair is prepared to rule.

The Chair, of course, cannot pass on the merits of the amendment. The only question before the Chair is one of germaneness. The Chair might say that these rulings against the germaneness of the amendment offered by the gentleman from Michigan are made much simpler because his amendment includes an amendment which was previously ruled by the Chair not be be germane, referring to the amendment offered by the gentlewoman from Oregon.

The point of order is therefore sustained.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FINDLEY: Page 1, line 4 strike the word "repealed" and insert the following: "amended to read as follows:
>
> " 'With respect to any individual who has served the United States on active military duty during wartime or during the Korean or Vietnam conflicts, nothing in this act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.' "

Mr. POWELL. Mr. Chairman, I make a point of order against the amendment that it is not germane.

The CHAIRMAN (Mr. O'BRIEN). The gentleman from New York makes the point of order that the amendment is not germane, and the Chair must rule that it is not germane.

Mr. FINDLEY. May I be heard on the point of order?

The CHAIRMAN. The Chair has ruled.

Mr. FINDLEY. Mr. Chairman, I would like to be heard on the point of order. I was on my feet seeking recognition.

The CHAIRMAN. The gentleman may proceed.

Mr. FINDLEY. Mr. Chairman, the amendment just read deals only with the language of 14(b); in fact, the amendment contains the exact language of 14(b) with a very simple but clear limitation. It does not go beyond the language of 14(b) in any respect and, therefore, I feel although some of these earlier amendments because of other conditions might have been subject to a point of order, this very clearly, being so limited to the language of 14(b), should not be subject to a point of order.

The CHAIRMAN. The Chair has ruled that the amendment offered by the gentleman from Illinois is not germane.

Mr. FINDLEY. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FINDLEY. Mr. Chairman, of the thousands of American soldiers, marines, and sailors in Vietnam, many are from the States which have enacted legislation under section 14(b). Each of the 19 States, I am sure, is represented among the U.S. military forces in Vietnam.

Very likely some of these men left factory jobs where union membership was not compulsory in order to don temporarily their country's uniform.

Last weekend as I studied this legislation, I was struck by the thought that it is simply not right for us to pass a law which might require these men to join a union in order to get their jobs back when they take off their uniforms and return to civilian life.

These American fighting men have surrendered for a time their own freedom of action—their own personal liberty—so that the broader ideal of freedom may be served.

They are serving their country at considerable personal sacrifice. They are away from family and friends. They have interrupted their careers and left behind homes where they have responsibilities.

In Vietnam they expose themselves daily to danger. Every day brings news of more American boys who have laid down their lives in this distant jungle war.

In this they are no different from hundreds of thousands of others who, in past wars, have exposed themselves to danger and hardship and surrendered temporarily their own personal freedom.

But in Vietnam the fighting goes on, and in Congress the legislating goes on.

Is it right for us to legislate away some of the personal freedom of these men while they are halfway around the world risking their lives to protect your freedom and mine? I say no.

My amendment would have placed these men—as well as others who served their country in time of war and the Korean conflict—in a special category. It would give them preferential, privileged status. I make no apology for it. Our Government has often accorded special consideration for war veterans, and I trust it always will.

The buildup of forces for the Vietnam war is underway, and this means these men going into uniform will ultimately—soon we hope—face the problem of fitting back into civilian life. When this time comes and I hope it comes soon, why should they be confronted with the barrier represented by compulsory union membership in getting and keeping a job? And getting back the job they left to serve their country?

My amendment would have permitted States to enact right-to-work laws exclusively for the benefit of war veterans, including those who served during the Korean and Vietnam conflicts. Under it, any State, which wished to exempt war veterans from compulsory unions could do so.

Indeed should anyone who has served his country in uniform in time of war be required to join a union in order to get or to keep a job?

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, if my friend is interested in job security for veterans, the better course would be to go to the Committee on Veterans' Affairs and ask for security for all veterans and not just for those who live in 19 States.

Mr. FINDLEY. Under my amendment, all 50 States could act. What I am seeking to do is to protect the personal liberty of the men who have temporarily surrendered their own personal liberty for this broader goal of freedom, and I am doing the best I can with the legislation that is now before the House. I am sorry the Chair has not seen fit to cooperate by ruling my amendment as being in order.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened with some interest to the speech of the gentleman from Ohio [Mr. ASHBROOK].

I would assume—if I am wrong he can correct me—that he is not in favor of this legislation.

There was a vote on this issue in Ohio in 1958, and it would appear from a list of the counties and how they voted that a strong majority of Mr. ASHBROOK's constituents in 1958 voted against the right-to-work law.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield on that point?

Mr. HAYS. I am glad to yield.

Mr. ASHBROOK. The gentleman is very erudite. He even recognizes who voted on the right-to-work law in Ohio. They did not vote on the principle before us today.

Mr. HAYS. They certainly voted on the principle of whether or not we are going to let industries be pirated by States which do not live up to the standards Ohio does.

Your constituents made a pretty strong statement of how they wanted it.

Is your home county not Licking County? That is in your district. They voted "yes," 10,868, and "no," 18,610.

Now, you made a pun on the name of the chairman of the committee. I just wonder, if you vote against the wishes of your constituents, whether they will think they have been ambushed or "ashbrooked."

Mr. RUMSFELD. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. CALLAWAY] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CALLAWAY. Mr. Chairman, we have heard many arguments favoring the passage of H.R. 77. Most of the arguments have been philosophical—concerning the need for uniform laws throughout the Nation and concerning the alleged unfairness of allowing a nonunion member to reap advantages obtained by the union. But now we hear a new reason. I suspect this may be the real reason behind much of the support of this bill. When the previous gentleman in the well referred to the "pirating of our industries to right-to-work States," the galleries clapped loudly in violation of the rules of this House.

I have never heard the galleries applauding at any other time during this debate. Perhaps we have now hit upon the real reason why so many people feel so strongly about this bill. I believe that many people in non-right-to-work States must be honestly afraid that right-to-work States are unfairly taking their industries. It would almost seem as though some feel that by repealing State and individual liberties, they will be able to remove those incentives that make areas attractive to industry.

This bill may pass. If it does, it will take way freedom from workers in my own State, but it will in no way remove Georgia's attraction to industry. So long as the workers in my State continue to give an honest day's work for an honest dollar—which whatever the outcome they shall continue to do—Georgia will continue to attract responsible industry.

AMENDMENT OFFERED BY MR. MATHIAS

Mr. MATHIAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MATHIAS: On page 1, lines 3 and 4, strike out lines 3 and 4 and in lieu thereof insert: "Subsection (b) of Section 14 of the National Labor Relations Act is amended to read as follows:
>
> "(b) Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or Territorial law. The Act, however, does authorize the execution or application of agreements requiring all members of a collective bargaining unit to pay in equal proportion for the services rendered by a certified collective bargaining agent."

Mr. POWELL. Mr. Chairman, I make a point of order against the amendment: that it is not germane.

The CHAIRMAN. Does the gentleman from Maryland wish to be heard?

Mr. MATHIAS. I wish to be heard, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. MATHIAS. Mr. Chairman, this amendment provides for what is known as an agency shop. I am sorry that the Chairman felt constrained to rule against the amendment offered by the gentlewoman from Oregon [Mrs. GREEN] on the question of liberty of conscience, for I had hoped that I might offer this amendment in conjunction with the amendment on liberty of conscience. Since that is not possible, I am impressing upon the Chairman the fact that this amendment, which provides for the agency shop, is certainly intimately connected with the right-to-work issue. It is intimately connected with the very point that those who benefit by the process of collective bargaining should pay the cost of it but should not be necessarily required to undertake the other obligations of membership in organizations to which they may not wish to belong.

I say, therefore, that it is so intimately connected with the right-to-work issue that it meets the objections to the repeal of 14(b) and yet obtains the objectives of the repeal of 14(b). I believe it is germane and it should be permitted to be considered by the committee.

Mr. O'HARA of Michigan. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. O'HARA of Michigan. Mr. Chairman, as the Chair has heretofore ruled, the bill pending before the House, H.R. 77, deals only with the question of so-called State right-to-work laws. The amendment offered by the gentleman from Maryland attempts to amend the section that deals with right-to-work laws by adding an amendment having to do with what the gentleman termed "the agency shop." Agency shop arrangements or provisions are in nowise affected by H.R. 77, the bill before us. I contend, therefore, that the amendment is not germane to the bill.

The CHAIRMAN. The Chair is prepared to rule. The Chair must rule that this amendment offered by the gentleman from Maryland [Mr. MATHIAS] is not germane.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I voted for Taft-Hartley when it was before the House of Representatives on April 17, 1947. Thereafter I voted for the conference report. And I, along with many other Members of the House, 331 in all, voted to override the President's veto, when only 83 Members voted to sustain.

The measure had the thorough consideration of this Congress. It was the answer to a tremendous demand from, first, the American people; and second, from labor and management alike. Over these 18 years it has proven to be good for everyone. True, there have been objections here and there; but these have been either picayune or of a rather simple character. The measure has been good for America, for everyone, no matter what his State or station of life may have been or may be now.

Over the 18 years no serious effort has been made to repeal Taft-Hartley. Until now no serious effort has heretofore been made to repeal section 14(b). The Democratic Party which is in sponsorship of this bill has never heretofore made any serious effort to repeal Taft-Hartley. President Truman himself, and no President down to and including President Johnson, has made any serious effort to repeal any material provision thereof until President Johnson sent his message to the Congress a few weeks ago. And even then, that message was couched in words of meekness.

In fact, Mr. Chairman, the President was a Member of the House, as I was, when Taft-Hartley was considered in the 80th Congress. He voted as most of the Members did, and as I did. He voted for the bill. He voted for the conference report. He voted to override the President's veto. And in all of his service in the Congress since that time and even as Vice President there was never the slightest utterance from him recommending repeal of section 14(b).

This is not said to criticize the President, but simply to point out that my views and those of many others were then the same as those of the one who is now President, and that we were then traveling in pretty good company.

There is nothing so sacred as the right of a man to work and earn a living for himself and his family. Why should he be compelled to join anything to have that right?

In this day and time we hear much about civil rights. What could be more of a civil right than the right to work? Why should a man be compelled to pay tribute, in cash or otherwise, in order to hold a job?

I know of a young college boy, 18 years of age, who a few weeks ago secured a hard labor summer job with a local industry here in Washington. He was shocked when a big, well-dressed man tapped him on the shoulder a day or so later and told him he would have to hand over a substantial number of dollars or else get off the job. The boy walked off with the remark that he should not have to, and would not, pay money to anyone to hold a hard labor job in what was supposed to be a free country.

Each year now we battle over the issues referred to as civil rights. This Congress has passed bills that would severely punish our citizens who would bar another from a job because of race or religion. I know of no one who has been more aggressive in pressing for such than our President, even though he has a long record in this Congress to the contrary. Well, why not let us be a bit consistent? If it is wrong to bar one from a job because of race, religion or something else, then, Mr. Chairman, it is just as wrong to bar him from a job because of his refusal to join a union.

This is a simple issue. There is nothing complicated about it. It involves only the God-given right of every man to earn a living by the sweat of his brow. As long as he is qualified and as long as his prospective employer is willing to employ him, he should have the right to go on the job and stay on it so long as he satisfactorily performs the duties assigned him.

I have no quarrel with unions. They perform a good and worthwhile service. I would support to the end their right to exist. And I would support just as long the right of every workingman to join, or not to join. I also support the right of collective bargaining. But I do not support compulsion in any form.

During the early debate on this measure, one of my colleagues bemoaned the few jobs that existed in the 19 States where the right to work prevails. He referred to them as "those States down there," meaning, of course, the Southern States. Of course, everyone knows that some States outside of the South recognize the right to work.

But let us suppose that no State except a few Southern States recognized such. What is wrong with a few southerners having jobs in a few plants? Every year and almost every month some critics exhibit extreme joy and satisfaction in pointing to the fact that average annual income in the South, particularly my own State, is in the lower brackets.

True, jobs are scarce in the South. After the Civil War we were saddled with a one-way freight rate. And while I am not trying or wanting to fight this issue again, it is common knowledge that after that conflict we were relegated to a poor agricultural economy. Only the barest necessities of life—food, clothing, and housing—were available until a few years ago. Even now that situation exists in many of our areas. We are trying to lift our heads and our economy above this situation. Since World War II industry has grown in the South. It is not "runaway" industry either, as some of my colleagues from the up the country often suggest. Most of this industry was envisioned by southerners and financed with southern dollars. Most of the output from same is distributed in the South. Heretofore they have not had the money either to erect or to purchase in quantity the output from an industrial economy.

But this is changing. And we made change possible. The Federal Government did not make it. Nor did anything comparable to the Marshall plan or foreign aid make it. We lifted ourselves, against heavy odds and frequently over opposition right here in this Congress, from this situation.

Our economy is much better. And it is going to grow and grow and grow. Why complain about my people having a few of the better crumbs that flow from America's industrial economy?

It is well known that some sponsor this measure as a means of retarding the expansion of southern industry. How selfish, how selfish. Well, you may slow us down but you cannot stop us. There are too many advantages available in the South to modern American industry. We have the labor force that is looking for and needs employment. They want jobs and are willing to go after them. We have the climate. We are not confronted with the problems of extreme cold, ice, and snow many months out of the year. We have the ports and rivers that are open the year round. We have the transportation facilities that are equal to any in the country, and they, too, are open the year round. We have the room, the space, and the atmosphere for comfortable living. Ghettos are few and far between in the South. We have an economy where a dollar will purchase as much or more than any place in the Nation. And, finally, we are not bothered with labor strife, violence, and downright ruffianism that frequently breaks out in some of our northern industrial centers.

So, regardless of what you do with 14(b), it is positively impossible to stop the growth of southern industry and southern jobs. You may retard such, but you cannot stop us.

Finally, Mr. Chairman, I close by repeating that I regard section 14(b) to be just as sound, just as fair, and just as essential as it was on the 20th day of June 1947 when the one who is now our President, and many of you, and others who have gone on, nailed it to the statutes of this great Government by a vote of 331 to 83.

I shall be consistent and vote again as I did 18 years ago.

AMENDMENT OFFERED BY MR. AYRES

Mr. AYRES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AYRES: On page 1, line 4, after the word "repealed," insert "such repeal to become effective on December 31, 1965."

On page 2, line 2, after the word "employer," insert "on or after December 31, 1965."

Mr. POWELL. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman.

Mr. POWELL. I want to thank the gentleman for his distinguished leadership on the minority side and congratulate him on being germane.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield briefly?

Mr. AYRES. Yes. I yield to the gentleman.

Mr. GRIFFIN. I just want to observe that, of course, the House does not know whether it was germane or not, because no point of order was made against it.

Mr. AYRES. I think it would be a rather sad state of affairs if germaneness in the House of Representatives had reached the point where an extension date of the effectiveness of a piece of legislation was ruled not germane.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman.

Mr. CURTIS. That is just about the point we have reached, though.

Mr. AYRES. Mr. Chairman, this amendment, regardless of its germaneness, in my judgment, is a most important one. Like many of the members of the committee, I have had a lot of experience with organized labor. I have been an employer, and unions tried to organize me twice and I defeated them twice. However, if they had won the election, I would have negotiated for a union shop. There is a lot of confusion regarding the repeal of section 14(b). If 14(b) is repealed today and it goes into effect when the President signs the bill, you are not going to give the employer or the employee an opportunity to understand just what we have done or what we have not done. The confusion that has developed around this issue cannot be clarified unless there is a cooling off period. Let us assume that the other body is sincere in wanting to get 14(b) considered in this session. Let us assume by September 1, since we all want to go home by Labor Day, or we hope so, that the bill would become effective at that point. We have been told there is going to be a stepped up organizational drive. We have been told that many nonunion shops are going to try to organize. We have been told that in those right-to-work States that do not have union shop contracts there is going to be a push to get them. During the months of September, October, November, and December they will have an opportunity to understand just exactly what has happened to 14(b). They will realize there has to be an election and that 30 percent of the employees have to sign to get that election and 51 percent have to agree they want a union representing them. It has been my observation of the many bills that passed this House that have become effective immediately, that they are misunderstood for a number of months. We are dealing with very deep emotions here. We Members of Congress, when we go home after Labor Day, are going to have an opportunity to explain our vote whether we were for it or against it. I think at that time we will be able to tell our story as to what has transpired here on the germaneness or nongermaneness. In the meantime one of the more important things is we are going to give the NLRB an opportunity to get their machinery in operation to cope with what might happen in these organizational drives.

So I say to you, Mr. Chairman, if this legislation passes today we shall be doing the employee, the employer, and organized labor a favor by extending the enactment date to December 31, 1965.

I hope the amendment prevails.

Mr. MARTIN of Alabama. Mr. Chairman, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Alabama.

Mr. MARTIN of Alabama. Mr. Chairman, I want to say that we have talked about freedom in this House, and rightly so, because that is the stuff that America is made of. We want to go back to our homes and talk about this bill, and the gentleman is right in asking us to give an opportunity to extend it to the date in his amendment. I am opposed, of course, to the repeal of section 14(b) of the Taft-Hartley bill. If we are going to give freedom to our people, if we are going to protect the workers of this country, we cannot exempt anybody. Each American is intitled to his freedom of choice. We have talked about the majority. Let us talk about the minority. I recall that those on this side of the aisle talked about defending the rights of the minority. I agree that the minority needs to be defended. I agree with the spirit in which their defense was made.

Come now to the defense of the minority. Let us vote against the passage of H.R. 77. Let us vote for freedom in this country. Let us give the individual a choice.

I thank the gentleman for yielding to me.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sure the gentleman from Ohio [Mr. AYRES] means well. I am sorry I am constrained to vote against his amendment. The fact of the matter is that from 1947 until now this issue has been understood. The people back in the States understand it. There is no need for a long period of explanation between today and the 31st of December.

If, as the gentleman who last spoke said, we want to give them freedom, let us give it to them now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. AYRES) there were—ayes, 74; noes 126.

So the amendment was rejected.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when I came to this Congress in 1949, ringing in my ears was the mandate of the American people that mandate unmistakably, resoundingly given by the American people in the elections of 1948 was to repeal the Taft-Hartley Act.

Now, Mr. Chairman, we are in the 89th Congress. I am very happy that I can go back to my constituents and say at long last we have done something about it in the House of Representatives of the Congress of the United States. We have not repealed all of that act, but we have taken out this poisonous, poisonous, poisonous section 14(b).

Mr. Chairman, there have been many battles for labor since the days of Sam Gompers. It has been a long hard war to break the hold of rugged exploiters of a labor force compelled to accept any wage and any condition of employment offered. I am humbly grateful that in all the march forward of organized labor, from the days of Sam Gompers, I was privileged to play my small part.

Sam Gompers was my friend. Sam Gompers and I rode from Chicago to Washington for the inauguration of President Taft. We stayed up all night talking about labor and labor's problems and aspirations, what was in the years behind and what awaited in the years ahead.

Today, Mr. Chairman, the name of Sam Gompers for the first time has been used by the spokesmen against the cause of labor. I can hear the rattle in the grave of Sam Gompers as he tries to rise. So let me speak for him.

Sam Gompers believed in voluntary action as do we all. But also—and I would like my good friend, the gentleman from Michigan [Mr. GRIFFIN]—to know that Sam Gompers also believed in the "Dutch treat." That time we rode the night through on the train coming to President Taft's inauguration he told me at great length about the Dutch treat which so figured in his philosophy. He thought that everybody, every man, woman, and child, should pay for what they get in this world, and that was his definition of the "Dutch treat." That is what we are seeking to do now in the finest traditions of Sam Gompers and in complete keeping with his concept of the "Dutch treat."

All of the workers who share in the benefits of organized labor must pay their part of the bill. It is just as simple as that. So in voting to strike out and eliminate this poisonous section that strikes at the very heart of the "Dutch treat" philosopher you are voting to uphold the hand of Sam Gompers.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I am always glad to yield to the great statesman from Pennsylvania.

Mr. DENT. I thank the gentleman.

I have asked the gentleman to yield to correct the record, please, for just a minute. When the gentleman from Indiana [Mr. MADDEN] was discussing this matter the other day, he made the statement that the first 26 witnesses called by Mr. Hartley in the hearings on this bill—so-called hearings—were antilabor witnesses.

I regret to have to correct the gentleman because in reviewing the list of witnesses from the record, we find that the gentleman was wrong and in error, because it was not the first 26 witnesses who testified that were antilabor. They were the first 31 out of the total of 32.

Mr. O'HARA of Illinois. I thank the gentleman from Pennsylvania for his contribution. He is always a stalwart fighter for righteous causes.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, 2 days ago, on Monday, the House considered the desirability of amending the rule in order that we could avoid the situation we face today.

At that time it was stated by me and others that unless the rule was amended there would be no opportunity whatsoever for the consideration by the Committee of the Whole of any meaningful constructive amendments to H.R. 77.

Our fears of several days ago have come true. The net result today has been thus far five amendments have been offered and each one has been objected to by the gentleman from New York [Mr. POWELL] and ruled out of order. The amendment offered by the gentlewoman from Oregon involving a very serious and very consequential problem was ruled out of order.

May I say, Mr. Chairman, and I say this very respectfully, I do not envy the burdens the Chair has had today, and I want to commend the Chair for his straightforwardness and for the way he has faced up to his duty, even though I disagree with the procedure that we have used and perhaps to some extent the basis upon which the Chair's rulings have been made.

But, nevertheless, because of the restrictive rule which was written in the first place, and the failure of the House to open it up to amendment on Monday, we are faced with a gag rule situation where no meaningful, constructive amendments affecting employee and employer may be considered by the Committee of the Whole of this House.

In addition to the constructive amendment offered by the gentlewoman from Oregon, there have been other amendments, one by the gentleman from Ohio [Mr. ASHBROOK], several en bloc by the gentleman from Michigan [Mr. GRIFFIN], another by the gentleman from Illinois [Mr. FINDLEY], and another offered by the gentleman from Maryland [Mr. MATHIAS]. All amendments have been offered in good faith. They are meaningful, constructive amendments, involving employer and employee.

In addition, it is obvious that there are other amendments to the Taft-Hartley Act that ought to be considered by the Committee of the Whole, such amendments as those discussed by the gentleman from Ohio [Mr. AYRES]. I understand his concern involves election procedures of the National Labor Relations Board. Furthermore, the gentleman from New York [Mr. REID] has also indicated an interest in having certain amendments considered by the Committee and considered by the House but, very regretfully, under the rule under which we are operating and the interpretation of that rule, as well as the parliamentary situation, this body today is precluded from working its will in an area where all people ought to have an opportunity to have their day in court.

I say, Mr. Chairman, without any reflection upon the Chair personally, that people are not having their day in court today. As a result it is my strong feeling that the House should return H.R. 77 to the Committee on Education and Labor for further consideration.

If H.R. 77 is sent back to committee it can be properly considered, after proper consideration by the committee we could have an open rule where the House as a whole or the Committee as a whole could work its will in these controversial areas of labor-management problems. This is precluded today.

Yes, we have had 5 hours of general debate, and some debate in the process of considering amendments, even though they have been ruled out of order on the grounds of germaneness. But we in this body today have not thoughtfully, constructively, meaningfully tackled some of the problems which must be considered.

For this reason I strongly urge that we have an opportunity for the committee to work its will. There will be a straight motion to recommit without instructions. I hope H.R. 77 will be sent back to the Committee on Education and Labor.

The CHAIRMAN. For what purpose does the gentleman from Oklahoma [Mr. ALBERT] rise?

Mr. ALBERT. Mr. Chairman, I move to strike out the last word.

Mr. ERLENBORN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ERLENBORN. Mr. Chairman, in view of the past rulings of the Chair in relation to amendments to this bill as to their being germane, I submit the gentleman's amendment is not germane.

Mr. ALBERT. Mr. Chairman, there was never a point of order less in order than the point the gentleman just made.

Mr. Chairman, there are words in this bill and they can be stricken.

The CHAIRMAN. The Chair overrules the point of order.

The gentleman from Oklahoma [Mr. Albert] is recognized.

Mr. ALBERT. Mr. Chairman, I rise only to comment upon the comments of the distinguished minority leader whose good faith I certainly do not question and whose contributions to this House I do admire. I do not question the good faith of anyone who has offered amendments. Nor can anyone question the good faith of anyone who has insisted that this bill, like all measures that are brought to the House and adopted by the House, should be enacted pursuant to the rules of the House.

One of these rules is the rule of germaneness. It is a rule which this Congress has followed since 1789. It is a rule which has been insisted upon by Democrats and Republicans alike ever since the Democratic and Republican Parties have been in existence.

It is the rule without which this House could never complete its legislative program if there happened to be a substantial minority in opposition.

One of the great things about the House of Representatives and one of the things that distinguish it from other legislative bodies is that we do operate on the rule of germaneness.

No legislative body of this size could ever operate unless it did comply with the rule of germaneness.

Then, of course, Mr. Chairman, I do not need to remind the Members that the very issue that we are considering here, the very question of the germaneness of the matter which we are now considering, was passed upon by the House itself when the House voted on the previous question on the rule. The House spoke overwhelmingly. The House has worked its will, and I think the judgment of the House was sound.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I voted against the Taft-Hartley bill in 1948. I voted against the Griffin-Landrum bill and I am also going to vote for the repeal of section 14(b) which, of course, I voted against in the Taft-Hartley bill.

So I rise in support of the bill, H.R. 77. But there is one thing that has bothered me. I am not going to complain about the rule of germaneness because I have confidence in the gentleman from New York who has presided over the Committee of the Whole House on the State of the Union during the consideration of this bill and in the Parliamentarian, that the rulings have been in accordance with the rules of the House. But there is one thing that registered in my mind and that is the lack of opportunity to consider the amendment of the gentlewoman from Oregon [Mrs. Green].

One of our most sacred constitutional rights is the right of religious conviction. Now, we all have different religious convictions, but the freedom of religion and the freedom to protect a person in his religious conviction is a very precious thing in a democracy such as ours.

You and I cannot sit in judgment on another man's conscience. That is not for us to do. That is a matter between that man and the Deity he worships. We cannot question or condemn a person for a religious conviction, because that is not our prerogative. I am informed there are 2½ million religious people in this country who believe it is a violation of conscience to belong to a labor union.

Now, I do not have that conviction. There are many who have a conscientious belief that they should not bear arms in war. I had a very dear friend who had that belief in the last World War. He volunteered for stretcher duty, and he was killed by a shrapnel burst although he would not bear arms in combat.

Now, I do not have that conviction, either, but he had it and he was willing to go to his death for it, and I honor him for it although I do not agree with that particular conviction.

I do not believe that this Nation is weak enough that it cannot respect and make some kind of an arrangement to take care of a religious conviction if it is genuine, and there are religious groups in our country who have a sincere, traditional, matter-of-history record on this point. I believe they can be taken care of.

I do not believe that they should be freeloaders. There are some 17 arrangements or agreements between unions and some different sects, such as the Seventh-day Adventists and the Amish and various people like that. I do not have many in my district, so it is not a matter of political moment to me one way or the other. But I do respect them.

I was heartened during the debate by one statement made by the gentleman from New Jersey [Mr. Thompson] when he said that this subject at the proper time would be given hearings and would be taken care of.

So I say, in conclusion of my brief remarks—and this is the only time I have spoken on the bill—that this country is a powerful country, but its power is based on respect for individuals and the protection of those individuals. This is particularly true when it comes to the point of a deep, sincere religious conviction—not a phony excuse—but a deep, sincere religious conviction.

I believe, as strong as we are and as great as we are, we can afford to take that point into legislative consideration at some time, and I hope that time will come soon on the floor of the House.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe the gentleman has stated the case admirably, and I wish to identify myself with his remarks.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Mr. Chairman, I wish to identify myself with the statement just made by the gentleman from California.

Mr. HOLIFIELD. I thank the gentlemen for their statements of concurrence.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

I had not planned to speak because I oppose H.R. 77 on many grounds and not just this one, nor did I wish to give anything a "kiss of death" here today, but I feel constrained to say to the Members that if one is acquainted, for example, with Shakespeare's Othello, he is aware that even the villain Iago spoke truth at times. I would, therefore, ask you to listen to the substance and disregard the source for a moment.

I wish to thank the gentlewoman from Oregon for her significant contribution in a very important area. I, too, regret it cannot be considered here.

I would say to the gentleman who just spoke, along with the gentleman from California, who spoke to this point earlier, that justice delayed is justice denied. Though there be only 2½ million Americans, perhaps, who are concerned and whose freedom of conscience could be violated if they are not protected before we take this act, the rights of 2½ million Americans are still pertinent to this Congress. The religious liberty of every American is important and is protected by the Constitution.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I believe the gentleman is making a very good statement.

We shall see, I believe, an interesting demonstration in the voting today. Many who evidently want to have the vote which is going to meet with the approval of the labor leaders are nonetheless finding it a little difficult in their own consciences to justify the lack of an amendment such as was offered by the wonderful lady from the State of Oregon [Mrs. Green].

I believe that anybody who sincerely believes this will have an opportunity on the motion to recommit. Anybody who votes against sending this bill back to the committee, where such an amendment could be attached, will have a lot of explaining to do in trying to say he really believes in a religious conscientious objection.

Mr. BUCHANAN. I thank the gentleman. This House should do everything it can to protect the freedom of conscience of every American. Anything less is not enough. For this reason, if no other, I would have to vote for the motion to recommit.

Mr. KREBS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of H.R. 77.

Mr. Chairman, if the 17 million American wage earners could speak with one voice on this floor this afternoon on the repeal of section 14(b) of the National Labor Relations Act, like 17 million Americans speaking with one voice on any subject, they would not speak unanimously.

Americans, fortunately, never speak unanimously, on any issue. Yet, if there is any subject on which there is nearly total agreement it is on the repeal of this mischievous provision in our basic labor legislation, not simply among wage earners and union members, but throughout the society.

This antiquated feature of the law which is as archaic and offensive today as would be the law which was once on the statutes in colonial Pennsylvania, forbidding women to use rouge or lipstick because these devices ensnared his majesty's subjects unfairly in marriage.

There is an implication in 14(b) that labor unions are somehow a necessary evil which, while unavoidable, nevertheless should be discouraged in every way. There is a suggestion that union members are vaguely disreputable and that a paternalistic government should exercise itself to save people from the opprobrium of belonging to unions.

Yet, hardly anyone who does not belong to the ludicrous fringe, I avoid using "lunatic fringe," fails to recognize that unions, corporations, voluntary societies from churches to cooperatives and civil rights groups are the vital social organs in our national community which enable democracy to survive against bigness, against great numbers, which give voice to our national needs, and which find expression in the ultimate effectiveness of this National Congress.

Not one national effort which seeks to enlist the support and cooperation of the great number of American citizens fails to call upon organized labor for help.

In war or in peace, in economic or social endeavors, in every moral cause, the American labor movement has been the means of enlisting the intelligence, the goodwill, and the human effort of millions of Americans for the common national cause.

Yet, these millions of decent, honorable, patriotic, hard-working American citizens under the present law are the victims of a snide provision in the national law which attributes to them a second-class quality, an inferior moral standing which is abrasive and degrading in intention.

The effect of this provision which applies uniquely to union members is to separate wage earners by the rhetoric of divisiveness from the rest of the society. What we have in this provision is a surviving anachronism from a time when violence and class animosity did characterize labor relations in the United States.

But one need only recall that today American labor relations, except for 14(b), are both the model and the envy of the world to recognize that this vistigial and useless irritation is not only an affront to union men and women but is equally contemptible in the minds of the men and women of American industry who deal in good faith with unions, cordially, effectively, and with genuine satisfaction in the integrity of their working relationship.

In 31 of the States of the United States in the overwhelming number of responsible American companies there is no need, nor demand, nor support for this provision. In general, I believe you could say that the consequence of this law is to give encouragement to violent language on the far left and far right of American society, and victimize those Americans who are the concern of our present antipoverty effort.

It provides an incentive for a perpetuation of the absurd and violent vocabulary of some employer organizations which long ago were characterized by Fortune magazine as an embarrassment to most businessmen.

Naturally it also provides a pretext for speeches which are almost equally incredible about rightwing reactionaries determined to destroy the American labor movement.

The damage is not only to our sensibilities. This language is echoed in the press around the world and is used in Africa and Asia and South America and in the Communist countries to misrepresent the true nature of our society. The debate over 14(b), if not the reality of American life, gives a cover of plausibility to the Communist propaganda about the capitalist dictatorship which they say rules our lives.

We are in this country effecting changes which are daily enlarging the well-being, the sense of moral purpose, the belief that we are moving toward a just society.

Section 14(b), singling out wage earners for invidious treatment under a double standard, makes no contribution whatever to the forward movement which engages all of us.

It is a malicious booby trap that gives no one employment, insures justice for not one American, that adds not one cent to the pay of any wage earner, and which poisons the relationship between wage earners and their employers by a backhanded separate rule for wage earners. Unlike stockholders, doctors, lawyers, or the members of every other voluntary group in our national society, only wage earners are denied the right to contract truly and to live by a democratic majority decision.

No one can seriously claim either that any significant number of the wage earners who are falsely asserted to be the beneficiaries of the law want it to be continued in force.

Today, as never before in our history, there is a national intention to get on with our great tasks. Certainly we should not allow ourselves to be distracted by the continuing irritation of this outmoded evidence of a divisiveness that no longer exists in America.

By repealing 14(b) we can remove this irritant from the national scene and turn our full attention to our unfinished business.

Mr. SECREST. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am confident that before this finally becomes law something will be done to protect the deep religious convictions of individuals, but if nothing is done, I want to assure this House that in southeastern Ohio those who control the making of contracts between the employer and the employee will in their contract itself take care of those who have religious convictions against paying union dues.

I interceded in one of the contracts being drawn in Zanesville, Ohio, in my district, and they worked out a perfectly practical and agreeable solution in that those with deep religious convictions paid their dues, but the dues were used for humanitarian purposes of the union—for insurance and those things that did not violate the conscience of those who had religious convictions against strikes. That is the fundamental thing to which these people object in the use of their union dues.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. SECREST. Yes. I yield to the gentleman.

Mr. GERALD R. FORD. I strongly believe that the amendment that was submitted by the gentlewoman from Oregon should have been approved. I deeply regret it was objected to and ruled not germane. I am disturbed somewhat by the statement of the gentleman from Ohio [Mr. SECREST] that employers will agree to labor-management contracts that will protect this right of conscience and religious conviction. Let me assure the gentleman from Ohio that in my congressional district we have a substantial part of our population who work for one of the largest employers in this country. Four or five years ago the management of that company did sign a contract that wiped out what was called the conscientious objector clause. In other words, I am saying that you cannot depend on the employer to do something in this area. For example, one of the largest employers in this country, finally, after protesting for years and years, agreed with the union demand that there should not be a conscientious objector clause in their contract. The net result was that a number of my constituents who work for this employer were forced to belong to the union if they wanted employment even though they had deep religious convictions against such membership.

Mr. SECREST. I cannot speak for Michigan, but I have absolute faith in the integrity of every employer in southeastern Ohio. I have faith in the integrity of those who will make the contracts with that employer, that they will not override the conscience and the convictions of the people in that part of the State that I represent.

Mr. DORN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do support the amendment of the gentlewoman from Oregon and think it is very timely. I do hope at some future time it will be adopted.

Mr. Chairman, many Democratic Members of this House were the key to the passage of the Taft-Hartley Act in 1947. A basic fundamental principle was involved, a principle historically championed, supported, and defended by the Democratic Party—the principle of individual liberty, freedom of speech, and the right to join or not to join a church, a union, or fraternal organization. These principles were enunciated and championed by the founder of the

Democratic Party, Thomas Jefferson. I could not imagine Andrew Jackson favoring compulsory attendance at church or compulsory membership in a fraternal or labor organization. I could not conceive of that great Democrat and champion of labor, William Jennings Bryan, advocating compulsory union membership. In his great lecture, "The Prince of Peace," Bryan emphasized the worth, the dignity, the importance, and the immortality of the individual. Yes, Mr. Chairman, the two-thirds majority over the President's veto was accomplished with the aid of Democrats who adhered to the principles of the founders of the Democratic Party.

The backbone of the Democratic Party for generations was those States today having right-to-work laws. Time and time again the Democratic national ticket did not carry a single State other than those presently having right-to-work laws. Adlai Stevenson in 1952 received 89 electoral votes, all but 18 were from right-to-work States. Again in 1956, the late great Ambassador to the United Nations carried 75 electoral votes all of which were from States presently having right-to-work laws.

Mr. Chairman, I cannot support, in our free country, compulsory membership in a political party, in a church, or in a labor organization. The strength of an organization in a free society should be its ability to maintain its membership through a positive, dynamic program and a tolerant policy. If any organization's existence is dependent upon compulsory membership, then freedom and individual rights in such an organization becomes a mockery and fraud. No church could become influential in a community if it had to depend upon compulsory membership. No political organization—local, State, or National—could long exist in a free society dependent upon compulsory membership. The Democratic Party has grown in influence and affluence because of its program and concern for the rights of the individual.

Samuel Gompers, the grand old man of the American labor movement, advocated voluntary union membership. He maintained their program should be sensible, reasonable, and sound enough to attract volunteers. Samuel Gompers, speaking in 1924 to the American Federation of Labor Convention at El Paso, Tex., said:

> So long as we have held fast to voluntary principles and have been actuated and inspired by the spirit of service, we have sustained our forward progress and we have made our labor movement something to be respected and accorded a place in the councils of our Republic. Where we have blundered into trying to force a policy or a decision, even though wise and right, we have impeded, if not interrupted, the realization of our aims.

No, Mr. Chairman, the right-to-work section of the Taft-Hartley Act was the result of the righteous indignation of the American people. It was not the result of one political party or of management. Section 14(b) was the result of a public outraged by the excesses of some union leaders. The American people did not then and they do not want today a monopoly of their rights by the tycoons of big business or by labor leaders above and beyond the reach of the law.

The Taft-Hartley Act with section 14(b) became inevitable when strikes, work stoppages, and boycotts prevented sufficient ammunition from reaching the frontlines in Western Europe, throughout the world, during World War II. It was the GI, many of whom were union members, returning home who demanded inclusion of 14(b).

It was those men who were drafted and who fought for the independence and freedom of their country who believed that if it were right to take a man's life for his country, then it was right to expect those at home to work and support that war effort.

Mr. Chairman, my congressional district is composed of a patriotic people who do not believe in featherbedding. They believe in working with their employer, not against him. In my congressional district, during World War II, many plants received the Army-Navy E Award. Not one hour was lost in the industries in my congressional district from strike, work stoppages, or boycotts during World War II.

I remember, Mr. Chairman, one labor leader friend of mine who asked me, although I had supported Taft-Hartley, to sustain the President's veto of that bill. I listened to his arguments for almost an hour and then told him of my primary interest in the Congress for a strong national defense, the 70-group Air Force, and the unification of the Armed Forces with its Central Intelligence Agency. I shall never forget his reply:

> I don't give a * * * about all that. All I'm interested in is labor.

It was this attitude, Mr. Chairman, on the part of some of our labor leaders who brought on Taft-Hartley and the right-to-work laws. It was the chasm that existed between labor leaders and the rank and file members who paid the dues.

One worker testified before my committee in 1947 investigating abuses of union leaders. He could not testify in open session. He was afraid for his life. But in executive session he testified that all he asked at the union meeting was, "How much money is there in the treasury?" He woke up several days later in the hospital critically injured.

Many of us who supported Taft-Hartley and its right-to-work section were accused of being for slave labor. We were howled down, picketed, and not permitted to speak in many areas of the country. Pickets appeared in chains and prison garb. Mr. Chairman, these charges of slave labor have not materialized. The Taft-Hartley Act, with right-to-work-section, became a bill of rights for union members, protecting them from abuses, exploitation, and slavery from the union bosses.

We believe in union responsibility. Since unions became more responsible under good legislation, they have enjoyed a tremendous increase in membership. The union movement has grown faster since Taft-Hartley than at any time in the history of our country. The union of the A.F. of L. and the CIO occurred since Taft-Hartley.

State right-to-work laws have never cramped or injured the labor movement in America. These laws have pointed up the dignity of labor and individual freedom. To join or not to join any organization is a basic American right—as American as the Fourth of July and Liberty Hall.

Those States with right-to-work laws have been referred to during this debate as States with low wages. Some have charged that industry is going to these States because of low wages. Let us examine the record. The States in my area of the country were referred to not many years ago as the economic problem No. 1 of the Nation. In South Carolina wages have increased faster than the national average. The per capita consumption of manufactured products has increased faster than the national average. Textile wages in North Carolina, South Carolina, and Georgia compare favorably with the textile wages of New England and the Mid-Atlantic States. Textile mills in South Carolina have increased wages 3 times during the last 14 months. Industry has not moved into my area because of cheap labor. On the other hand, plants are expanding and new plants locating in my district because labor is efficient and loyal. They believe in a partnership between management and labor.

According to the U.S. Department of Labor statistics, personal income in right-to-work States during the last 10 years has increased 43 percent, compared to an increase of 34 percent in other States. Capital expenditure in right-to-work States during this same period increased 38 percent and only 11½ percent in other States. Six of the 15 States with highest average weekly earnings are right-to-work States.

Mr. Chairman, we must stand up today in defense of a basic American freedom. We must preserve the right to join or not to join an organization. The right to work without paying tribute to anyone is an individual right which in the past history of our great Nation has been associated with freedom of assembly, the right to vote, and freedom to worship in the church of our choice. I hope this House today will preserve for future generations to come this vital fundamental liberty.

Mr. FINO. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise in support of H.R. 77. I have long felt that section 14(b) of the Taft-Hartley law is unfair and should be repealed so that we might see an end to the so-called right-to-work laws in this country. I am glad to see the hour at hand. Right-to-work laws are something that this Nation can well do without.

Section 14(b) of the Taft-Hartley Act is not simply unfair to organized labor—it is unfair to the Nation as a whole because it perpetuates unsound social and economic policies which indirectly affect all the States. Right-to-work laws do not confine their antisocial effects to the States enacting them. For example, those States which have passed right-to-work laws are generally the poor States, those where wages lag behind the national average and where workers are more or less unorganized.

Section 14(b) inhibits collective bargaining and keeps these wages down, enabling right-to-work States to pirate the industries of non-right-to-work States. On top of this, the resultant wage competition has the effect of exerting pressure to keep wages lower throughout the Nation. The New York or Massachusetts worker suffers because of southern right-to-work laws.

There is no question whatever in my mind and there should be none in your minds that right-to-work laws are an unfair burden on both the labor unions and non-right-to-work States. This is unfair—it is unjust. It is one thing to allow States the right to establish labor conditions that affect solely their own working populations, whether you favor those unfortunate conditions or not, but it is another thing to allow the several States to pass labor legislation in the form of so-called right-to-work laws which affect labor and industry throughout the country. Section 14(b) is unfair in just this way.

Besides, in the long run, I do not think that right-to-work laws truly help even those States enacting them so as to use cheap labor to pirate industry. These States would do better if they would seek balanced, long-term industrial development based on optimum economic and working conditions rather than the transient appeal of cheap labor.

This legislation we have before us today will remove this short-range, quick-buck temptation from those States which would like to build a shaky, flimsy industrial base on considerations of cheap labor and unfair labor policies. The American economy rose to unparalleled heights throughout our history with American wages as the highest in the world and American labor policies among the most liberal. All the talk about the immorality of making someone join a union is nothing more than camouflage for the purely economic interests of those who would keep wages low for the sake of higher profits. There are many reasons for safeguarding workers against activities of those who attempt to organize workers for improper reasons, but these safeguards have nothing to do with the misconceived right-to-work principle.

In closing, I would like to urge this House to pass H.R. 77 so that America may see the end of the unfair right-to-work laws now on the books of a minority of our States. Right-to-work laws are not the type of laws that we need for a strong and economically healthy America. On the contrary, they are laws that divide America against itself. For a stronger, united economy and Nation, section 14(b) of the Taft-Hartley Act ought to be repealed and the adoption of this bill is a step in the right direction.

Mr. GOODELL. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, we are nearing the end of this great debate. I have listened to many of my colleagues describe this as a simple bill. It is short, one section.

I am reminded of the verse about the young couple, and I quote:

May I print a kiss on your lips, he asked,
She nodded her sweet permission.
So they went to press,
And I rather guess,
They printed a large edition.

This is a short bill, but a simple section is a rather large edition. That is the whole reason why the gentleman from Michigan [Mr. Griffin] offered his amendments. We are not just repealing section 14(b). We are repealing the rights of a number of workers, legitimate rights. I ask you, why should a worker have to support a union which discriminates against him? Is it not relevant, pertinent, if not germane, for us to protect the worker from that kind of situation?

Why should he have to support a union which gives political contributions, contrary to his wishes, from the dues he has to pay? Why should a worker have to support a union which disciplines him for exercising his rights as a citizen, by fining him for speaking out on issues contrary to union policy?

Why should a worker have to support a union when his religious beliefs are contrary to membership in such an organization, or any organization of nonbelievers? And why should a worker have to support a union which is Communist dominated?

These are just some of the questions being asked. I have great respect for the integrity of this body, and for the Chairman and the Parliamentarian, and I believe that technically the rules have been adhered to to the letter, but there is a spirit to rules, also. This is a significant piece of legislation.

We have had editorials from some of the greatest liberal newspapers in this country in the past few days. And what have they said? The Washington Post said that this should be set aside:

> We think the best interests of the country would be served by laying this bill aside until a more comprehensive modification of the Taft-Hartley Act can be undertaken.

And further, commenting on the "heavy logrolling" going on relating the farm bill to 14(b):

> It is curious indeed that the proposed repealer of the right-to-work laws should be wholly divorced from other pertinent Taft-Hartley reforms to which it is closely related and yet should be linked, in political strategy, to the farm bill in a totally different area of policymaking.

The New York Times said:

> We are shutting out any real consideration in the House of what changes in labor law would be good for the country and not just unions.

Then they say:

> But it is nonsense * * * that a general green light for the union shop should be approved without additional safeguards for the rights of "conscientious objectors" and other opponents of compulsory unionism.

And then the New York Times goes on to say:

> The best hope for a balanced package of Taft-Hartley changes lies in the Senate where Jacob K. Javits of New York wants to couple the right-to-work repealer with other more needed amendments. Without such revisions the law ought to be left alone.

These are great liberal thinkers, great liberal exponents of intelligent, generous, balanced thought.

I was listening the other day to that persuasive, eloquent, and always provocative gentleman from Indiana [Mr. Madden]. He said this is a partisan issue. Mr. Chairman, Taft-Hartley was never partisan in the Congress of the United States. What happened on Taft-Hartley? In 1946 the Case bill was passed by both Houses, by the Senate and the House, in a Democratic Congress. It was virtually the same as the Taft-Hartley bill.

So our great minority leader, Mr. Ford pointed out yesterday, in 1948 the current President, then a Congressman, voted for Taft-Hartley. Further than that, the present majority leader, Mr. Albert, voted for the conference report on Taft-Hartley, as did the present majority whip, the gentleman from Louisiana [Mr. Boggs], vote for that conference report on Taft-Hartley. And then they voted to overrule President Truman's veto.

Now, my friends, it passed the Congress of the United States by a vote of 320 to 79. They overrode the President's veto by a vote of 331 to 83.

Mr. Chairman, it is a sad day when we come to the point of saying that this is a partisan issue. This is an issue for all Americans. It is an issue for Democrats and Republicans alike to stand up here. It is unfortunate we cannot vote on the amendments that are meaningful. Many of us on both sides of the aisle believe deeply in responsible unionism.

Now, the only thing left to do, my friends, is to vote to recommit this bill in order that justice can be done.

Mr. Chairman, I include at this point the two editorials to which I referred:

[From the New York Times, July 28, 1965]

UNDERCOOKED LABOR LAW

President Johnson's apparently successful effort to give his labor allies the extra legal power they want without engendering an abrasive congressional battle has had its predictable effect of shutting out any real consideration in the House of what changes in labor law would be good for the country and not just unions.

The administration's bill to nullify State right-to-work laws, which is expected to win House passage today, ranks well down the list of priorities in any program of labor law revision based on balanced protection for workers, employers, and the overall national interest. Its sole function is to invalidate the legal ban on the union shop now in effect in 19 States and to prohibit any other States from adopting such bans.

The question of whether workers should be required to join a union as a condition of holding their jobs has been a source of highly emotional conflict for more than a century. In many industries the union shop has contributed to stability and responsibility in labor-management relations; in many other industries it has made union leaders arrogant, lazy, and sometimes corrupt. As we have previously noted, there are strong arguments for believing that a uniform national policy ought to prevail on allowing or not allowing the union shop.

But it is nonsense to suggest that the resolution of this issue is the paramount industrial relations problem confronting the country or that a general green light for the union ship should be approved without additional safeguards for the rights of "conscientious objectors" and other opponents of compulsory unionism. The current shipping strike directs particularly acute attention to the inadequacy of the Taft-Hartley Act's present provision for halting a national emergency strike. The Kennedy administration and its Advisory Committee on Labor-Management Policy began urging more effective emergency procedures more than 4 years ago, but this still remains an area of total neglect.

Labor and the country also have an urgent stake in improving the unemployment insurance system, making minimum wage protection more comprehensive and erecting tighter shields against rackets masquerading as unions. Yet all these issues have had to sit on the back burner. The best hope for a balanced package of Taft-Hartley changes lies in the Senate, where Jacob K. Javits of New York wants to couple the right-to-work repealer with other more needed amendments. Without such revisions the law ought to be left alone.

[From the Washington Post, July 27, 1965]

Reforming Taft-Hartley

The question of repealing section 14(b) of the Taft-Hartley Act will presumably be decided by the House today under very unfavorable circumstances. We think the House was well advised to move the issue to the floor under the new 21-day rule after the Rules Committee failed to give it clearance. The Rules Committee had to be notified that the House will not tolerate its obstructionism on this or any other measure. It does not follow, however, that the House should hasten to give its approval to the bill. On the contrary, we think the best interests of the country would be served by laying this bill aside until a more comprehensive modification of the Taft-Hartley Act can be undertaken.

The bill before the House has the narrow purpose of nullifying the so-called right-to-work laws now in effect in 19 States and of forbidding the passage of similar State measures in the future. No doubt there is much to be said for a national policy of tolerating or not tolerating the union shop in industries affecting interstate commerce. In passing the Taft-Hartley Act, Congress compromised on this controversial issue by letting the States set up their own separate policies. Someday it may wish to return to a uniform national policy, but we doubt that the time is now ripe, and the vehicle being rushed through Congress is far from being an appropriate one.

Some weeks ago Senator Javits pointed out that there are many weaknesses in the Taft-Hartley Act which ought to be corrected. Though he favored repeal of section 14(b), he wanted to make it part of a package of Taft-Hartley reforms. Especially vital is the improvement of that section of the law which deals with national emergency labor disputes. Hope of getting this and other parts of the law overhauled would be weakened by passage of the present bill.

With all its faults, the Taft-Hartley Act strikes a balance between management on one side and organized labor on the other. It is a delicate and complicated balance. If it is going to be altered, we think the changes should come after a comprehensive survey of the entire structure. Both the administration and the House Labor Committee failed to provide any leadership in such a venture. No comprehensive bill in such a complex field could be written on the floor even if the opportunity to offer amendments had not been narrowly restricted. Consequently it would be desirable if the House would tell the administration and its own Committee on Education and Labor to try again.

One other aspect of the situation before the House is troublesome. Reports of heavy log-rolling have come from Capitol Hill. Midwestern Democrats, many of whom are lukewarm or hostile toward the repeal of section 14(b), have been importuned to vote for it in return for support of the farm bill. Most of the big-city Democrats who rely heavily upon the votes of organized labor and look askance on the farm bill have also been urged to exchange favor for favor. No doubt this log-rolling device is as old as legislatures, but it is a discreditable practice and often produces bad legislation.

Both the farm bill and modification of the Taft-Hartley Act should stand or fall on their own merits. It is curious indeed that the proposed repeal of the right-to-work laws should be wholly divorced from other pertinent Taft-Hartley reforms to which it is closely related and yet should be linked, in political strategy, to the farm bill in a totally different area of policymaking. This alone would seem to be ample cause for laying the proposed repealer aside until a better approach can be made.

Mr. HANSEN of Idaho. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. HANSEN of Idaho. Mr. Chairman, first let me make it clear—Idaho does not have a right-to-work law, but the possibility of such cannot help but insure good labor conditions in my State, and I am proud of the fact that Idaho does generally have responsible labor leadership.

However, we are today faced with the decision of whether to serve the labor boss or serve the working men and women we represent. We are being asked to arbitrarily subject each working person to a labor organization whether it serves his best interests or agrees with his conscience or not. We are being asked to surrender the right of our constituents on a State level to decide what is best for their own particular circumstances.

We hear all sorts of economic and moral justifications—and both sides of the issue can supply plenty. But the question remains, "Is it right?" I say that it is not fair for the 31 States to impose their system over the 19, or vice versa. Section 14(b) provides that delicate balance between individual freedom and effective collective bargaining also possible under the Wagner Act, and it is not fair, practical, nor right for us to repeal this law unless there be considerable investigation and discussion of unfair labor practices and corrective legislation simultaneously adopted. This applies particularly to the handling of union funds and the election of officials.

We are considering action that will place further unbridled blank check power in the hands of a few labor bosses that can only further restrict the rights of the workingman as well as all others concerned, and encourage a system geared to the greed of men and the eventual downfall of this great Nation.

I now cite for you the comments of several workingmen and union members from my State concerning this legislation.

The first is from Blackfoot, Idaho:

Leave the Taft-Hartley law alone. This is the only protection the union member has from the union bosses. Do not repeal.

The second is from Pocatello, Idaho:

I am a union-card-carrying man now for 15 years. I still believe the States should determine its own course of action on open or closed shops. I urge you to vote your convictions, at all times, and I hope Idaho never has a right-to-work law; but lets keep that decision in Idaho. Not in Washington.

The third is from Emmett, Idaho:

The enclosed clipping from a recent statesman concerning labor unions is the best argument for right-to-work laws that I have seen. If the Government can't prevent union leaders from stealing from the members, the men themselves should surely be permitted to get out of such a union. "The Federal Government conceded Thursday it was powerless to stop the removal of millions of dollars from the welfare funds of two unions. Spokesmen for the Justice and Labor Departments told the Senate Rackets Investigating Subcommittee they can do nothing about the transfer of nearly $4 million from the welfare funds of two New York City locals to research foundations with headquarters overseas." (Idaho Daily Statesman—UPI.)

The last is from Mountain Home, Idaho:

Mr. Hansen, we wish to know how, if at all, a private citizen can influence a decision of the Supreme Court? It seems that some of the recent decisions have been a tremendous victory for the criminals and Communists. The latest example is the decision of the Supreme Court concerning the holding of labor union office by Communists as shown in the attached newspaper clipping:

"The Supreme Court of the United States, by a 5-to-4 vote, has just ruled, in effect, that members of the Communist Party cannot be prevented from holding office in labor unions and causing political strikes in national emergencies. The law which Congress passed has been declared invalid. This means that, although the Communist Party in the United States is dedicated to the objective of bringing about the overthrow of the American Government, its members cannot be prevented from carrying out their purpose by subtle methods of intrigue and control over labor unions." (Daily Statesman.)

We are against repeal of the Taft-Hartley Act, section 14(b). If 14(b) is repealed, the political future of America is at stake, domination of our Government by union officials. In view of the Supreme Court decision mentioned above, it would make one shudder at the thought of our Nation being paralyzed by a general strike perpetrated by Communist union officials. In these days of Communists, criminals, and leftists demanding their constitutional rights, how about a common ordinary citizen asking for his constitutional rights and ask that he continue having the choice of joining a labor union or not?

AMENDMENT OFFERED BY MR. GRIDER

Mr. GRIDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Grider: Page 2, line 11, strike out "and (ii)" and insert in lieu thereof the following: "(ii) and if such labor organization was selected as the representative of the employees in such unit in accordance with the procedures of section 9(c), and (iii)".

Page 2, after line 19, insert the following:

"(d) Clause (ii) of the first proviso of paragraph (3) of subsection (a) of section 8 inserted by the amendment made by subsection (b) shall become effective one year after the date of enactment of this Act."

Mr. POWELL. Mr. Chairman, I make the point of order that these two amendments are not germane.

The CHAIRMAN. Does the gentleman from Tennessee wish to be heard on the point of order?

Mr. GRIDER. Yes, Mr. Chairman, on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. GRIDER. Mr. Chairman, the simple purpose of this amendment—which I might add everyone seems to want—is to add another proviso to the amendment. The bill as it is presently written requires certain provisos and certain changes in the law.

This proposed amendment simply adds another one. The first one that is now in the bill in its present form says:

> If such labor organization is a representative of employees as provided in section 9 (a) in the appropriate collective bargaining unit covered by such agreement when made—

The amendment says:

> And if such labor organization was selected as a representative of the employees in such unit—

The meaning is that the union would have to have had a secret election, not every year but just once, an election sometime in the process of establishing themselves as a bargaining agent for this plant or this shop.

Mr. Chairman, the second part of the amendment simply provides the effective date on which this becomes effective, a year from the enactment, in order to give the unions time, when they have not already done so. Where they have been certified by a show of cards, it gives them a year in which to have the election and get ready.

Mr. Chairman, I submit that this is germane.

The CHAIRMAN (Mr. O'Brien). The first part of the gentleman's amendment obviously comes within the meaning of the Chair's decision on the Green amendment.

The point of order is sustained.

Mr. JOELSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall be brief. I merely wanted to comment to the effect that the gentleman from Michigan [Mr. Griffin] is going to introduce some kind of a motion to recommit this bill because he is afraid that people may be forced to join unions that are Communist-dominated or unions which may be corrupt.

As I recall it, Mr. Chairman, the gentleman from Michigan [Mr. Griffin] is the author of a bill, the Landrum-Griffin bill, the very purpose of which was supposed to have been to democratize unions.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. JOELSON. When I am through.

Mr. GRIFFIN. I wonder how he voted?

Mr. JOELSON. I was not here then. Perhaps the reason I am here now is because I did not vote for it.

But I would say to the gentleman he shows great distrust of his own offspring when he says that we should not let people into these unions, because I say if you want to decommunize the unions, then let fresh blood in.

If you want to make a union that is corrupt a decent union you will need these new voices. The gentleman from Michigan emphasizes the inefficiency of his very own legislation.

We are in a complex society, we live in a democracy and very often we may not like to pay taxes, we may like to be defended by an army and not pay for it, we might like to have other things and not pay for them; but we cannot as a responsible people do this. I say today it is the same theory, that we are not talking about the right-to-work law—that is a press agent's dream—we are talking about the right-to-sponge law, the right-to-be-parasite law, and the right-to-freeload law.

I think it is right and decent to support this bill.

Mr. POWELL. Mr. Chairman, I move that all debate on this bill and all amendments thereto end in 5 minutes.

The motion was agreed to.

The CHAIRMAN. The chair recognizes the gentleman from Texas [Mr. Casey].

Mr. CASEY. Mr. Chairman, I must admit I have not listened to the full 5 hours of this debate. But of course I come from one of the 19 States that the rest of you who are for this bill are after. So it does not affect your State at all. My Governor, who is a very close personal friend of the President, has spoken out bravely against this bill.

You who are for this bill point with pride to having elections and how your people have spoken in your respective States. That is good. That is as it should be. But you pass this bill today and they will never speak again, whether they want to or not. You are revoking their right to reaffirm or reject or repeal or to institute some form of, call it right to work, or a modified version of the right to work, or any name you want to give it.

We have responsible labor leadership in my State and my community, intelligent, responsible leadership. The labor movement has grown because of that good leadership. I am not as well familiar and I have not been a student of your particular movement in some of your States, but I read the headlines. One of the reasons we can be proud of the labor movement in my State and in my community is because they had to show they had something to sell to encourage joining the union. Mind you, I can fully understand the resentment of some men working alongside of another and getting the fruits of the leadership, and not contribute. But if my State and the other 18 States happen to be wrong in your eyes, give them the opportunity to wake up and change their mind, and to adopt such systems you have to repeal these right-to-work laws.

Do not do it for them. Do not say: Well you do not have sense enough to do it so we are going to do it for you. The same people who elect the members of the State legislature elect me. If the unions have a meritorious proposition, and they do in many respects, I think they can convince the legislature to repeal or amend the Texas right-to-work law. This is a serious question before us today. It affects many people in and out of the unions—that is true. But I say the man in a union in my State if it is not run the way he wants it to, can quit now. But if you pass this bill, he will not be able to quit—not unless he wants to lose his job.

Why pick on the other 19 States? This does not affect you at all except—and I repeat—you pass this bill and you will not have anything to worry about or to brag about whether your people vote to reaffirm or to disapprove the right-to-work law because they will not have the opportunity to vote again.

I urge this bill be defeated and leave the States free to adopt their own laws in this regard.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'Brien, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 77) to repeal section 14(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended, pursuant to H. Res. 437, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

For what purpose does the gentleman from Michigan rise?

Mr. GRIFFIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GRIFFIN. Yes, I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Griffin moves that the bill H.R. 77 be recommitted to the Committee on Education and Labor.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 223, not voting 10, as follows:

[Roll No. 208]

YEAS—200

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Baldwin
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bolton
Bray
Brock
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callan
Callaway
Carter
Casey
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Conte
Cooley
Cramer
Cunningham
Curtin

Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Findley
Fisher
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Fuqua
Gathings
Gettys
Gibbons
Goodell
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Hansen, Idaho
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hébert
Henderson
Herlong
Hosmer
Hull
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Keith
King, N.Y.
Kornegay
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
McClory
McCulloch
McEwen
McMillan
MacGregor
Mackay
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Mathias
Matthews
May
Michel
Mills
Minshall
Mize
Morse
Morton
Murray
Nelsen
O'Neal, Ga.
Passman
Poage
Poff
Pool
Purcell
Quie
Quillen
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rivers, S.C.
Roberts
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Rumsfeld
Satterfield
Schneebeli
Scott
Selden
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stanton
Stephens
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tuck
Tuten
Udall
Utt
Waggonner
Walker, Miss.
Watkins
Watson
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Widnall
Williams
Willis
Wilson, Bob
Wyatt
Wydler
Young
Younger

NAYS—223

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Ashley
Ayres
Bandstra
Barrett
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brooks
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cameron
Carey
Celler
Chelf
Clark
Clevenger
Cohelan
Conyers
Corbett
Corman
Craley
Culver
Daddario
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fino
Flood
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Hagen, Calif.
Halpern
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Hicks
Holifield
Holland
Horton
Howard
Hungate
Huot
Ichord
Irwin
Jacobs
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Karsten
Karth
Kastenmeier
Kee
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Krebs
Kunkel
Leggett
Lindsay
Long, Md.
Love
McCarthy
McDade
McDowell
McFall
McGrath
Macdonald
Machen
Mackie
Madden
Matsunaga
Meeds
Miller
Minish
Mink
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Powell
Price
Pucinski
Race
Randall
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Rodino
Rogers, Colo.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schweiker
Secrest
Senner
Shipley
Sickles
Sisk
Slack
Smith, Iowa
Staggers
Stalbaum
Steed
Stratton
Sullivan
Sweeney
Tenzer
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tunney
Tupper
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
White, Idaho
Wilson, Charles H.
Wolff
Wright
Yates
Zablocki

NOT VOTING—10

Bonner
Bow
Cahill
Colmer
Hanna
Keogh
McVicker
St Germain
Thomas
Toll

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Colmer for, with Mr. Keogh against.
Mr. Bonner for, with Mr. Thomas against.

Until further notice:

Mr. McVicker with Mr. Hanna.
Mr. Toll with Mr. St Germain.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GRIFFIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 203, answered "present" 1, not voting 8, as follows:

[Roll No. 209]

YEAS—221

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Ashley
Ayres
Bandstra
Barrett
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brooks
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cameron
Carey
Celler
Chelf
Clark
Clevenger
Cohelan
Conyers
Corbett
Corman
Craley
Culver
Daddario
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Feighan
Fino
Flood
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Hagen, Calif.
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Hicks
Holifield
Holland
Horton
Howard
Hungate
Huot
Ichord
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Okla.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Krebs
Kunkel
Leggett
Lindsay
Long, Md.
Love
McCarthy
McDade
McDowell
McFall
McGrath
Macdonald
Machen
Mackie
Madden
Matsunaga
Meeds
Miller
Minish
Mink
Moeller
Monagan
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Powell
Price
Pucinski
Race
Randall
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Rodino
Rogers, Colo.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schweiker
Secrest
Senner
Shipley
Sickles
Sisk
Smith, Iowa
Staggers
Stalbaum
Stanton
Steed
Stratton
Sullivan
Sweeney
Tenzer
Thompson, N.J.
Thompson, Tex.
Todd
Tunney
Tupper
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
White, Idaho
Wilson, Charles H.
Wolff
Wright
Yates
Zablocki

NAYS—203

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Baldwin
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bolton
Bray
Brock
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callan
Callaway
Carter
Casey
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Conte
Cooley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Fascell
Findley
Fisher
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Fuqua
Gathings
Gettys
Gibbons
Goodell
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Hansen, Idaho
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hébert
Henderson
Herlong
Hosmer
Hull
Hutchinson
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
King, N.Y.
Kornegay
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
McClory
McCulloch
McEwen
McMillan
MacGregor
Mackay
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Mathias
Matthews
May
Michel
Mills
Minshall
Mize
Moore
Morton
Murray
Nelsen
O'Neal, Ga.
Passman
Patman
Pickle
Poage
Poff
Pool
Purcell
Quie
Quillen
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rivers, S.C.
Roberts
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Rumsfeld
Satterfield
Schneebeli
Scott
Selden
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stephens
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Trimble
Tuck
Tuten
Udall
Utt
Waggonner
Walker, Miss.
Watkins
Watson
Watts
Weltner
Whalley
White, Tex.
Whitener
Whitten
Williams
Willis
Wilson, Bob
Wyatt
Wydler
Young
Younger

ANSWERED "PRESENT"—1

Widnall

NOT VOTING—8

Bonner
Bow
Cahill
Colmer
Keogh
McVicker
Thomas
Toll

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thomas for, with Mr. Widnall against.
Mr. Keogh for, with Mr. Colmer against.
Mr. Toll for, with Mr. Bonner against.

Mr. WIDNALL. Mr. Speaker, I have a live pair with the gentleman from Texas [Mr. THOMAS]. If he were present, he would have voted "yes." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SICKLES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks and to include extraneous matter, charts, and tables, on H.R. 77, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, without amendment, bills and a joint resolution of the House of the following titles:

H.R. 1771. An act to establish a 5-day workweek for postmasters, and for other purposes;

H.R. 6622. An act to exempt the postal field service from section 1310 of the Supplemental Appropriation Act, 1952; and

H.J. Res. 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6675) entitled "An act to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the Old-Age, Survivors, and Disability Insurance System, to improve the Federal-State public assistance programs, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4) entitled "An act to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes."; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. RANDOLPH, Mr. MOSS, Mr. BOGGS, and Mr. PEARSON to be the conferees on the part of the Senate.

TO AMEND FURTHER THE PEACE CORPS ACT (75 STAT. 612), AS AMENDED AND FOR OTHER PURPOSES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 473 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 473

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9026) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield one-half of my time to the gentleman from California [Mr. SMITH] and, pending that, I yield myself such time as I may consume.

Mr. Speaker, those who listened to the reading of the rule will observe that this rule provides 2 hours of general debate, after which the bill will be read for amendment under the 5-minute rule.

I know of no controversy on the rule. It simply extends and amends the Peace Corps Act, under H.R. 9026.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Missouri.

Mr. GROSS. I want to observe we are back now to normal procedure in the House, wherein the minority is granted 30 minutes of time without any fuss; is that correct?

Mr. BOLLING. The gentleman from Missouri was on the floor during consideration of the previous rule, and the minority was granted 30 minutes under that rule.

Mr. GROSS. It took a lot of persuasion to get it; did it not?

Mr. BOLLING. I do not know, I must say to the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, as was stated by the gentleman from Missouri, provides for the consideration of the bill (H.R. 9026) to amend further the Peace Corps Act, with 2 hours of general debate.

According to page 2 of the report, H.R. 9026 would authorize $115 million to finance the operation of the Peace Corps during the fiscal year ending June 30, 1966, and makes a number of amendments to the basic Peace Corps Act in connection with the operation of the program.

According to the statistics that I have, and if I remember them correctly, there have been 13,725 volunteers sent overseas since the start of the program; 3,900 have returned, and about 3,000 more will return by the end of the fiscal year. The program is in effect in 45 countries. It has been discontinued in a few countries.

The program will be extended a little bit from the standpoint of social security coverage, physical examination, and dental care. Some 30 women who volunteered in the Peace Corps have since married, and have had children. This provides medical care.

I know of no objection to the rule, and I believe the bill came out of the committee unanimously.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to correct the gentleman's statement. I do not believe it came out of the committee unanimously, but that is a minor point. The gentleman did state that this is an open rule. When he mentions an open rule, contrary to the bill we just passed, it will be in order to offer amendments to the bill with the hope they will not all be ruled out on points of order.

Mr. SMITH of California. That is correct. There are separate views filed by the gentleman from Iowa [Mr. GROSS] and the gentleman from Illinois [Mr. DERWINSKI]. I will correct the record on that, and I thank the gentleman.

Mr. Speaker, I know of no objection to the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

AD HOC SUBCOMMITTEE ON WAR ON POVERTY OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the ad hoc Subcommittee on War on Poverty of the Committee on Education and Labor may have permission to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT TO SECTION 271 OF THE ATOMIC ENERGY ACT OF 1954

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 474), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 474

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8856) to amend section 271 of the Atomic Energy Act of 1954, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California [Mr. Sisk] is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. Smith], and, pending that, I yield myself such time as I may consume.

Mr. Speaker, the resolution is self-explanatory. It makes in order the bill, H.R. 8856, which is an amendment to the Atomic Energy Act. It provides for 2 hours of general debate and is an open rule.

Mr. Speaker, I urge the adoption of the resolution and reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from California [Mr. Smith].

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the gentleman from California [Mr. Sisk], this is an open rule providing for 2 hours of debate for the consideration of the bill H.R. 8856, which amends section 271 of the Atomic Energy Act of 1954.

This bill was up under suspension of the rules a week or so ago and although it received a majority vote, it did not receive a two-thirds vote. So a rule was obtained from the Committee on Rules.

Because of the rather peculiar wording in that law which supposedly was that the Atomic Energy Commission could have their wires overhead and not be required by local authorities and local cities and ordinances to place them underground, suit was brought in the district court after some confusion, I believe, up around Woodside, Calif., where the powerlines go down to Stanford University. The district court held in favor of permitting the wires to go overhead. The appellate court, as I understand, ruled to the contrary.

This bill would permit the Atomic Energy Commission to place this line overhead. If they are required to be placed underground, it will cost about $4 million more.

As far as I am personally concerned, for what value it may be, Mr. Speaker, I think if we have cities that have ordinances trying to keep their city clean and the like, the Federal Government should comply with the regulations. They say they want the powerlines underground. We have President Johnson's recommendation and request to clean up the highways and the parks and to get the old junked automobiles out of the areas and to make the scenery more beautiful. So if a city wants to go ahead and a community let us say, requires powerlines to be placed underground, then I personally feel that the Federal agencies should comply. The cities I represent have ordinances that way and I feel the Federal Government should cooperate and comply with such local regulations.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. HOSMER. I thank the gentleman. I want to correct an impression that might have been left that the administration, particularly through the White House Conference on Natural Beauty, is favorable to placing these lines underground. The lines involved here are not distribution lines, which it would cost about $50,000 a mile to put underground. These are very-high-tension, 220-kilovolt lines that carry a tremendous powerload. It is not feasible to put them underground.

I might add that in the opinion of the court mentioned by the gentleman from California, it places the Atomic Energy Commission in a very unenviable position, being the only department or agency of Government which could not build these lines despite a local ordinance simply because the Atomic Energy Act was written, we hope, at the time carefully to make sure that the sale of power which comes out of a nuclear reactor that the Commission licenses should be under local ordinances and rules and regulations.

That clause was interpreted to mean that the AEC had to be under local laws and regulations as to buying power to bring into its facilities, which was not intended by Congress.

The bill is designed for the purposes of placing the AEC on a par with all other agencies and departments of Government.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. Younger].

Mr. YOUNGER. Mr. Speaker, the House should understand thoroughly what this amendment would do. Before section 271 provided:

> Nothing in this act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, and transmission of electric power.

Now they seek to amend the section, and what would they do?

It reads:

> *Provided,* That this section shall not be deemed to confer upon any Federal, State, or local agency any authority to regulate, control, or restrict any activities of the Commission.

That goes far beyond the right of any other Federal agency. They can go into a community and they can violate the safety laws. They can violate the health laws. They can do anything they want to under this amendment, and pay no respect whatsoever to any local agency.

Let me tell the Members something about local agencies which are interested in this.

In southern California, there is the Nuclear Power for Progress Citizens Committee. The AEC is attempting to put a nuclear powerplant in Corral Canyon in the Malibu area.

The letter says:

> Opponents of the project, chiefly in the Malibu area, have been articulate in expressing their views.

But under the amendment they will have no power whatsoever to prevent the AEC from establishing that facility in their territory.

I have here a letter from the National Association of Sanitarians. They point out the increase in the incidence of leukemia and cancer along the Columbia River and in Portland due to the fact that the radioisotopes from the Hanford plant are seeping into the Columbia River. They offer a protest to that.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. No, I do not yield at this time.

Mr. Speaker, I ask unanimous consent that the "Oregon Malignancy Pattern Physiographically Related to Hanford, Wash., Radioisotope Storage" be printed in the Record at this point.

Mr. HOSMER. Mr. Speaker, I object.

Mr. YOUNGER. That is exactly the way the AEC is doing.

The SPEAKER. The gentleman will suspend.

Is there objection to the request of the gentleman from California?

Mr. HOSMER. Mr. Speaker, I object to the gentleman's request.

The SPEAKER. Objection is heard.

Mr. YOUNGER. That is the way the AEC has been operating, continuously overriding anything that a local agency wants to do. They feel that the power of the Federal Government is supreme, that the local agency has no power whatsoever. They feel they can do anything in regard to the health of the people and not be accountable to any local agency at all.

I have another matter here, so far as beautification is concerned. This is from the city of Claremont, in southern California. This is a letter they have written to the President:

> Your efforts to crystallize the awareness of people throughout the Nation on the need for beautification is greatly appreciated by the city of Claremont. We agree that a larger portion of the country's national income can be channeled into eliminating manmade ugliness—with noble purpose—to uplift the spirit of man.
>
> Perhaps the greatest blight on today's urban landscape is the 75-year accumulation of overhead electrical transmission and distribution lines.

Yet the city of Claremont, if this amendment passes, will have no authority whatsoever to interfere with anything that the AEC might do, because under this amendment for which they are asking there is no activity of the AEC that can be subject to any State, local, or city ordinance of any kind.

Recently there was a question of the business people trying to beautify their localities. The local zoning ordinance under Federal pressure will bear down on unsightly and drab business. Secondly, which business will go along with the idea to get Small Business Administration loans which they otherwise might not get. So the Federal Government, in order to beautify independent business locations, is now willing to loan the business people money to beautify their locations, and it is under Federal pressure that that is being done. However, here we have a Federal agency which goes into the territory of a community and violates an ordinance and violates the county restrictions, because both the county, Menlo Park, and Woodside have all passed resolutions against this overhead line. I do not believe that even if this amendment is passed it will have anything whatsoever to do with the Woodside location, but if you want to vote against this, your vote may save your own district. I do not think that this act can have anything to do with what the court already said. I am advised by the attorney who beat the AEC in the circuit court by a unanimous opinion that if they go back into court, they have to go back under the law that they went in on. If they want to start a new suit, then they can take advantage of this law. However, that will take about 2 years. We will cover all of this tomorrow. I am just taking this time to give you a little bit of an idea so that you can study it tonight and ask for this report and study this amendment and see what the AEC is really attempting to do to the States and local communities of this country.

Mr. SISK. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, this afternoon the President made a historic announcement which shows the enormity of his compassion for peace. The President had served notice on the Communists in Vietnam that we are not going to be driven out of Vietnam. He has fortified that decision by sending additional troops there, but at the same time Mr. Johnson has asked the Security Council of the United Nations to explore every single avenue and every single possible way of resolving the conflict in Vietnam. I think that the President's decision today should be a source of great hope for all Americans, because it shows while the President is not going to yield to communism in Vietnam, at the same time the President is doing everything he can to explore every possible way of resolving the conflict in Vietnam without any escalation.

I think the action of Mr. Johnson today should also be a source of great hope for those who have voiced a great desire that the war not be escalated. I think this is the road to peace and I think it is the road to victory for freedom in Vietnam. I congratulate the President for his forthright position.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Speaker, I do not intend to take time now to argue the merits of this resolution. The gentleman from California [Mr. YOUNGER] is appallingly misinformed as to the intent of the resolution. The provision he refers to merely is a statement that section 271 does not confer upon any Federal, State, or local agency the right to regulate or control.

Those rules and regulations which exist now in other acts, of course, still exist. But this particular section does not confer any new or additional authority. Of course, this has nothing to do with health and the other matters which the gentleman mentioned in his statement, which was one of the most misinformed statements on the intent of the legislation that I have ever heard. I do not intend to argue the case; we will argue it tomorrow on the floor of the House. Adequate time will be given to both the proponents and opponents to state their positions.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1965

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 486, and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 486

Resolved, That, upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order the bill H.R. 8310, with 2 hours of general debate. It is an open rule. It has to do with amendments to the Vocational Rehabilitation Act. I know of no basic objections to the rule, and I urge its adoption.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the statements made by the gentleman from California [Mr. SISK]. This is an open rule for the consideration of H.R. 8310, the extension of the Vocational Rehabilitation Act. This is a 3-year extension, but only a 1-year authorization. It is a little difficult to follow the bill, from my standpoint, to establish actually the exact amount of money involved. If I have added up my figures correctly, it looks like $385 million for next year, about $461 million for the fiscal year 1967, and approximately $526 million for the fiscal year 1968 which, for the 3 years, makes a total of $1.372 billion.

But, as I have already said, this is a 3-year extension of the act, but only a 1-year authorization of money.

Mr. Speaker, I think this is a fine program. They expect to rehabilitate some 200,000 people this year. I approve the program. I know of no objections to the rule, and I urge its adoption.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNIST-BACKED STUDENT NONVIOLENT COORDINATING COMMITTEE PLANS TO SEIZE CHAMBER OF HOUSE OF REPRESENTATIVES ON MONDAY, AUGUST 9, TO PROTEST THE PRESIDENT'S POSITION IN VIETNAM

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, two nationally syndicated columns have reported recently on the plans of the Communist-backed Student Nonviolent Coordinating Committee to seize this Chamber Monday, August 9, to protest the President's position in Vietnam. If this disgrace is allowed to come about, if this hallowed Chamber is turned into a Roman arena for a sounding board for the propaganda of this rabble group, the dignity of this House will have sunk to a nadir never before suffered and from which it can never completely recover.

This so-called committee is not a committee, it is a mob. It contains no students, only radical, Communist-infiltrated gangs of agitators. It is not nonviolent, but dedicated to violence for the sake of the party line.

It is well known that Snick gets its funds from the Southern Conference Education Fund, a cited Communist front, operated by Anne and Carl

Braden, both of whom have been identified in sworn testimony as Communists.

Their plan to seize the floor of the House on August 9 must be thwarted no matter what the cost. I call upon the Members of the House to protest this plot and unite in whatever action is necessary to meet this threat to the sanctity of this Chamber.

For the benefit of anyone who may have missed these two columns when they first appeared, I call attention to the first, by Victor Riesel, of July 15, and the second, by Evans and Novak, of July 27.

[From the Shreveport Journal, July 15, 1965]

Leftwing Plans

(By Victor Riesel)

Washington.—Soon the August 9 movement will smash its way into the Nation's headlines. On that day it will attempt to occupy the Chamber of Congress, House of Representatives here.

On that day a coalition of leftwing unionists, young workers recruited from big factories, poverty actionists from the big cities, students' leaders, pacifists, and the vacationing campus anti-Vietnam leaders will move into the Capitol Building.

They will lead an attempt to walk around the House Chamber. Then the action blueprint calls for a sudden dive for empty seats of Congressmen who are off the floor. Many of them will be, since August 9 is a summer Monday.

Realizing there will be police action, leaders of the newly coordinated movement which will be known as WAP—Washington Action Project—plan to sit down wherever they are stopped. There they intend to remain until dragged out and arrested.

August 9, 1965, may yet be heralded in some corners of the world as the day the proletariat arose and attempted to seize the American Congress.

However, the WAP's intent is to sit down in the House seats, convene a congress of unrepresented people and call for "peace" in Vietnam.

Previous to the planned invasion of Congress—all of which is being carefully developed in an office on Rhode Island Avenue here—there will be a day-long series of workshops.

What makes this operation a significant development in the so-called peace movement is the presence of a leftwing unionist in the 30-man WAP coordinating committee. He's Russ Nixon, who has powerful connections in a series of militant, independent labor unions. His contacts reach into unions covering plants in the electronic, electrical, and atomic equipment and communication fields and on some waterfronts.

Nixon, an accomplished organizer and strategist, is counted on to bring in the manpower which the peace groups have lacked. Apparently there are sufficient funds. Staffs are maintained. Considerable lodging is supplied.

But numbers are needed for the series of picket lines and mass demonstrations now planned on a front stretching from the Pentagon on to the White House, then up Pennsylvania Avenue into the Congress itself.

The next step, it is believed by security people, will be attempts to move into arms factories and industrial plants providing the logistic support for the Vietnamese fighting.

If thousands of workers—especially young people now entering the labor market—can be convinced that it is wrong to produce for war, there could be sizable demonstrations in and outside the plant gates of key mills and factories.

Plant security directors and industrial-labor relations men, working closely with non-left union chiefs, have observed the spreading influence in labor of anti-Vietnamists. Already a large Midwest local of a huge national union has permitted its publication to state that American generals are gleefully permitting our troops to shoot colored people in Asia by the thousands.

Such growing infiltration could have its impact on America even if just a handful of workers take the propaganda seriously.

That August 9 movement could really touch things off that morning.

The Moses Rally

(By Rowland Evans and Robert Novak)

Just how far militant elements of the civil rights movement have been sidetracked from their proper course soon will be seen in a civil disobedience rally against the war in Vietnam.

Unpublicized so far, an "Assembly of Unrepresented People to Declare Peace" is planned for August 6–9 in Washington (coinciding with the 20th anniversary of atomic attacks on Japan.)

A two-page flyer privately distributed to possible participants minces no words about the true purpose of the assembly—to get antiwar protesters arrested at the door of the White House and the Capitol.

But most interesting about the flyer is the identification of the assembly headquarters as 107 Rhode Island Avenue NW., in Washington. For this is the office of the Student Nonviolent Coordinating Committee (Snick), which is supposed to be concerned almost wholly with civil rights and not at all with foreign policy.

Moreover, the flyer says correspondence should be directed to the Rhode Island Avenue address in care of Bob Parris. This is none other than Robert Moses, who gained a nationwide reputation as the mystical and eloquent leader of Snick's Mississippi summer project of 1964 (then left Mississippi and started using his middle name of "Parris" to prevent development of a personality cult.)

Though he now holds no Snick office, Moses remains its inspirational leader—embodying Snick's most disturbing tendencies. (For instance, liberals remain dismayed by Moses' collaboration with such tired old figure of the far left as Russ Nixon, general manager of the Communist National Guardian (who has helped plan the Aug. 6–9 assembly).)

Far more disturbing than Moses' alliances is his view that couples white racism in Mississippi with the campaign against Communist terrorists in Vietnam. An admiring article in the Nation quotes Moses as contending that the 1964 murder of civil rights workers in Mississippi "is related to napalm bombing of objects in Vietnam."

Moses' objectives are spelled out in the two-page flyer.

On August 6 (anniversary of the Hiroshima bombing) protestors will gather at the White House. It is added cryptically: "There may be nonviolent civil disobedience by a small number of the signers who will seek to present the declaration (refusing to cooperate in carrying out the war in Vietnam) to the President." This is only a tame prelude to August 9 (the anniversary of the Nagasaki bombing). "Those members of the assembly of unrepresented people in a position to face possible arrest and willing to pledge themselves to nonviolent behavior * * * will assemble and walk toward the Capitol with the intention of convening the assembly in the Chamber of the House of Representatives and thus deny that Congress has the right to declare war in our names."

The inevitable result: Mass arrests, police dragging away demonstrators and (though this is not the intention of many demonstrators) fuel for the Communist propaganda mills.

The broader-range result is increased entanglement of Snick from civil rights moderates. Indeed, by its own radicalism, Snick has so isolated itself that it is starving to death.

Foundations, labor unions, and other liberal organizations have quietly choked off funds to Snick, which cannot now meet its meager payroll. Snick's remaining white liberal friends are finding it hard to raise a few thousand dollars this summer.

But this should be no cause for joy by respectable liberals. For Snick's steady movement toward the far left and oblivion is a tragedy for the civil rights movement. Conceived spontaneously during the 1960 sit-ins, Snick is the one civil rights organization that consistently has appeal for idealistic youth.

Furthermore, the lethargic civil rights summer in the South can be attributed partly to the deflection of Snick's militants by fringe civil rights issues (notably the quixotic effort to unseat Mississippi's Congressmen) and noncivil rights issues.

Unhappily, with the civil rights movement in the doldrums in the Deep South, the main target for Bob Moses and his civil rights militants is Lyndon Johnson's foreign policy.

ATOMIC DIPLOMACY: HIROSHIMA AND POTSDAM

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, recently a new book, entitled "Atomic Diplomacy: Hiroshima and Potsdam," was published by Simon & Schuster. The author is Gar Alperovitz, who formerly served as a legislative assistant to a Member of the House and is presently legislative director under a Member of the Senate.

The book is an account of the influence of the first atomic bomb upon American diplomacy in 1945. It also attempts to examine available evidence on the decision to use the bomb, but it reaches no final answers on this matter, concluding that further information is needed before a firm conclusion can be reached.

The book in its original form won the author his doctorate at the University of Cambridge in England. He is on the faculty of King's College, Cambridge, but is on leave to work in the Senate. The book is a serious study about an extremely important matter, and I believe other Members will be interested in an article based upon it, and in a number of early reviews it has received.

The article and reviews follow:

[From the Progressive, August 1965]

Twenty Years After Hiroshima: Why We Dropped the Bomb

(By Gar Alperovitz)

(This article is adapted from Gar Alperovitz' "Atomic Diplomacy: Hiroshima and Potsdam," just published by Simon & Schuster. In the book the author uses some 1,400 citations to document the thesis emphasized in the article below. Much of "Atomic Diplomacy" is based on previously unpublished portions of the diaries of the late Secretary of War Henry L. Stimson, Acting Secretary of State Joseph C. Grew, and Adm. William D. Leahy, who was Chief of Staff to President Truman. Mr. Alperovitz is an American Fellow of King's College, Cambridge, England, who is now on leave as legislative director for Senator GAYLORD A. NELSON, of Wisconsin. Mr. Alperovitz served as special consultant in the preparation of the recent NBC white paper, "The Decision To Use the Atomic Bomb."—The Editors.)

President TRUMAN.

DEAR MR. PRESIDENT: I think it is very important that I should have a talk with you as soon as possible on a highly secret matter. I mentioned it to you shortly after you took office, but have not urged it since on account of the pressure you have been under. It, however, has such a bearing on our present foreign relations and has such an important effect upon all my thinking in this field that I think you ought to know about it without much further delay.

HENRY L. STIMSON,
Secretary of War.

APRIL 24, 1945.

This note was written 12 days after Franklin Delano Roosevelt's death and 2 weeks before World War II ended in Europe. The following day Secretary Stimson advised President Truman that the "highly secret matter" would have a decisive effect upon America's postwar foreign policy. Stimson then outlined the role the atomic bomb would play in America's relations with other countries. In diplomacy, he confided to his diary, the weapon would be a master card.

In the spring of 1945, postwar problems unfolded as rapidly as the Allied armies converged in central Europe. During the fighting which preceded Nazi surrender the Red army conquered a great belt of territory bordering the Soviet Union. Debating the consequences of this fact, American policymakers defined a series of interrelated problems: What political and economic pattern was likely to emerge in eastern and central Europe? Would Soviet influence predominate? Most important, what power—if any—did the United States have to effect the ultimate settlement on the very borders of Russia?

Roosevelt, Churchill, and Stalin had attempted to resolve these issues of East-West influence at the February 1945, Yalta Conference. With the Red army clearly in control of Eastern Europe, the West was in a weak bargaining position. It was important to reach an understanding with Stalin before American troops began their planned withdrawal from the European Continent. Poland, the first major country intensely discussed by the Big Three, took on unusual significance; the balance of influence struck between Soviet-oriented and Western-oriented politicians in the Government of this one country could set a pattern for big-power relationships in the rest of Eastern Europe.

Although the Yalta Conference ended with a signed accord covering Poland, within a few weeks it was clear that allied understanding was more apparent than real. None of the heads of government interpreted the somewhat vague agreement in the same way. Churchill began to press for more Western influence; Stalin urged less. True to his well-known policy of cooperation and conciliation, Roosevelt attempted to achieve a more definite understanding for Poland and a pattern for East-West relations in Europe. Caught for much of the last of his life between the determination of Churchill and the stubbornness of Stalin, Roosevelt at times fired off angry cables to Moscow, and at others warned London against an "attempt to evade the fact that we placed, as clearly shown in the agreement, somewhat more emphasis * * * [on Soviet-oriented Polish politicians in the government]."

President Roosevelt died on April 12, 1945, only 2 months after Yalta. When President Truman met with Secretary Stimson to discuss the "bearing" of the atomic bomb upon foreign relations, the powers were deeply ensnarled in a tense public struggle over the meaning of the Yalta agreement. Poland had come to symbolize all East-West relations. Truman was forced to pick up the tangled threads of policy with little knowledge of the broader, more complex issues involved.

Herbert Feis, a noted expert on the period, has written that "Truman made up his mind that he would not depart from Roosevelt's course or renounce his ways." Others have argued that "we tried to work out the problems of peace in close cooperation with the Russians." It is often believed that American policy followed a conciliatory course, changing—in reaction to Soviet intransigence—only in 1947 with the Truman doctrine and the Marshall plan. My own belief is somewhat different. It derives from the comment of Mr. Truman's Secretary of State, James F. Byrnes, that by early autumn of 1945 it was "understandable" that Soviet leaders should feel American policy had shifted radically after Roosevelt's death: It is now evident that, far from following his predecessor's policy of cooperation, shortly after taking office President Truman launched a powerful foreign policy initiative aimed at reducing or eliminating Soviet influence in Europe.

The ultimate point of this study is not, however, that America's approach to Russia changed after Roosevelt. Rather it is that the atomic bomb played a role in the formulation of policy, particularly in connection with President Truman's only meeting with Stalin, the Potsdam Conference of late July and early August 1945. Again, my judgment differs from Feis' conclusion that "the light of the explosion 'brighter than a thousand suns' filtered into the conference rooms at Potsdam only as a distant gleam." I believe new evidence proves not only that the atomic bomb influenced diplomacy, but that it determined much of Mr. Truman's shift to a tough policy aimed at forcing Soviet acquiescence to American plans for Eastern and central Europe.

The weapon gave him an entirely new feeling of confidence, the President told his Secretary of War, Henry L. Stimson. By the time of Potsdam, Mr. Truman had been advised on the role of the atomic bomb by both Secretary Stimson and Secretary of State Byrnes. Though the two men differed as to tactics, each urged a tough line. Part of my study attempts to define how closely Truman followed a subtle policy outlined by Stimson, and to what extent he followed the straightforward advice of Byrnes that the bomb (in Mr. Truman's words) "put us in a position to dictate our own terms at the end of the war."

Stalin's approach seems to have been cautiously moderate during the brief few months here described. It is perhaps symbolized by the Soviet-sponsored free elections which routed the Communist Party in Hungary in the autumn of 1945. I do not attempt to interpret this moderation, nor to explain how or why Soviet policy changed to the harsh totalitarian controls characteristic of the period after 1946.

The judgment that Truman radically altered Roosevelt's policy in mid-1945 nevertheless obviously suggests a new point of departure for interpretations of the cold war. In late 1945, Gen. Dwight D. Eisenhower observed in Moscow that "before the atom bomb was used, I would have said, yes, I was sure we could keep the peace with Russia. Now I don't know. * * * People are frightened and disturbed all over. Everyone feels insecure again." To what extent did postwar Soviet policies derive from insecurity based upon a fear of America's atom bomb and changed policy? I stop short of this fundamental question, concluding that further research is needed to test Secretary Stimson's judgment that "the problem of our satisfactory relations with Russia [was] not merely connected with but [was] virtually dominated by the problem of the atomic bomb."

Similarly, I believe more research and more information are needed to reach a conclusive understanding of why the atomic bomb was used. The common belief is that the question is closed, and that President Truman's explanation is correct: "The dropping of the bombs stopped the war, saved millions of lives." My own view is that available evidence shows the atomic bomb was not needed to end the war or to save lives—and that this was understood by American leaders at the time.

General Eisenhower recently recalled that in mid-1945 he expressed a similar opinion to the Secretary of War: "I told him I was against it on two counts. First, the Japanese were ready to surrender and it wasn't necessary to hit them with that awful thing. Second, I hated to see our country be the first to use such a weapon * * *." To go beyond the limited conclusion that the bomb was unnecessary is not possible at present.

Perhaps the most remarkable aspect of the decision to use the atomic bomb is that the President and his senior political advisers do not seem ever to have shared Eisenhower's "grave misgivings." They simply assumed that they would use the bomb, never really giving serious consideration to not using it. Hence, to state in a precise way the question, "Why was the atomic bomb used?" is to ask why senior political officials did not seriously question its use, as General Eisenhower did.

The first point to note is that the decision to use the weapon did not derive from overriding military considerations. Despite Mr. Truman's subsequent statement that the weapon "saved millions of lives," Eisenhower's judgment that it was "completely unnecessary" as a measure to save lives was almost certainly correct. This is not a matter of hindsight; before the atomic bomb was dropped each of the Joint Chiefs of Staff advised that it was highly likely that Japan could be forced to surrender "unconditionally," without use of the bomb and without an invasion. Indeed, this characterization of the position taken by the senior military advisers is a conservative one.

Gen. George C. Marshall's June 18 appraisal was the most cautiously phrased advice offered by any of the Joint Chiefs: "The impact of Russian entry on the already hopeless Japanese may well be the decisive action levering them into capitulation * * *." Adm. William D. Leahy was absolutely certain there was no need for the bombing to obviate the necessity of an invasion. His judgment after the fact was the same as his view before the bombing: "It is my opinion that the use of this barbarous weapon at Hiroshima and Nagasaki was of no material assistance in our war against Japan. The Japanese were already defeated and ready to surrender * * *." Similarly, through most of 1945, Adm. Ernest J. King believed the bomb unnecessary, and Gens. Henry H. Arnold and Curtis E. LeMay defined the official Air Force position in this way: Whether or not the atomic bomb should be dropped was not for the Air Force to decide, but explosion of the bomb was not necessary to win the war or make an invasion unnecessary.

Similar views prevailed in Britain long before the bombs were used. General Hastings Ismay recalls that by the time of Potsdam, "for some time past it had been firmly fixed in my mind that the Japanese were tottering." Ismay's reaction to the suggestion of the bombing was, like Eisenhower's and Leahy's, one of "revulsion." And Churchill, who as early as September 1944, felt that Russian entry into the war with Japan was likely to force capitulation, had written: "It would be a mistake to suppose that the fate of Japan was settled by the atomic bomb. Her defeat was certain before the first bomb fell."

The military appraisals made before the weapons were used have been confirmed by numerous postsurrender studies. The best known is that of the U.S. strategic bombing survey. The survey's conclusion is unequivocal: "Japan would have surrendered even if the atomic bombs had not been dropped, even if Russia had not entered the war, and even if no invasion had been planned or contemplated."

That military considerations were not decisive is confirmed—and illuminated—by the fact that the President did not even ask the opinion of the military adviser most directly concerned. Gen. Douglas MacArthur, Supreme Commander of Allied Forces in the Pacific, was simply informed of the weapon shortly before it was used at Hiroshima. Before his death he stated on numerous occasions that, like Eisenhower, he believed the atomic bomb was completely unnecessary from a military point of view.

Although military considerations were not primary, unquestionably political considerations related to Russia played a major role in the decision; from at least mid-May in 1945, American policymakers hoped to end the hostilities before the Red army entered Manchuria. For this reason they had no wish to test whether Russian entry into the war would force capitulation—as most thought likely—long before the scheduled November Allied invasion of Japan. Indeed, they actively attempted to delay Stalin's declaration of war.

Nevertheless, it would be wrong to conclude that the atomic bomb was used simply to keep the Red army out of Manchuria. Given the desperate efforts of the Japanese to surrender, and President Truman's willingness to offer assurances to the Emperor, it is entirely possible that the war could have been ended by negotiation before the Red army had begun its attack. But after history's first atomic explosion at Alamogordo neither the President nor his senior political advisers were interested in exploring this possibility.

One reason may have been their fear that if time-consuming negotiations were once initiated, the Red army might attack in order to seize Manchurian objectives. But, if this explanation is accepted, once more one must conclude that the bomb was used primarily because it was felt to be politically important to prevent Soviet domination of the area.

Such a conclusion is difficult to accept, for American interests in Manchuria, although historically important to the State Department, were not of great significance. The further question, therefore, arises: Were there other political reasons for using the atomic bomb? In approaching this question, it is important to note that most of the men involved at the time who since have made their views public always mention two considerations which dominated discussions. The first was the desire to end the Japanese war quickly, which was not primarily a military consideration, but a political one. The second is always referred to indirectly.

In June, for example, a leading member of President Truman's Advisory Interim Committee's scientific panel, A. H. Compton, advised against the Franck report's suggestion of a technical demonstration of the new weapon: Not only was there a possibility that this might not end the war promptly, but failure to make a combat demonstration would mean the "loss of the opportunity to impress the world with the national sacrifices that enduring security demanded." The general phrasing that the bomb was needed "to impress the world" has been made more specific by J. Robert Oppenheimer. Testifying on this matter some years later he stated that the second of the two "overriding considerations" in discussions regarding the bomb was "the effect of our actions on the stability, on our strength, and the stability of the postwar world." And the problem of postwar stability was inevitably the problem of Russia. Oppenheimer has put it this way: "Much of the discussion revolved around the question raised by Secretary Stimson as to whether there was any hope at all of using this development to get less barbarous relations with the Russians."

Vannevar Bush, Stimson's chief aid for atomic matters, has been quite explicit: "That bomb was developed on time. * * *." Not only did it mean a quick end to the Japanese war, but "it was also delivered on time so that there was no necessity for any concessions to Russia at the end of the war."

In essence, the second of the two overriding considerations seems to have been that a combat demonstration was needed to convince the Russians to accept the American plan for a stable peace. And the crucial point of this effort was the need to force agreement on the main questions in dispute: The American proposals for central and eastern Europe. President Truman may well have expressed the key consideration in October 1945; publicly urging the necessity of a more conventional form of military power (his proposal for universal military training), in a personal appearance before Congress, the President declared: "It is only by strength that we can impress the fact upon possible future aggressors that we will tolerate no threat to peace. * * * "

If indeed the "second consideration" involved in the bombing of Hiroshima and Nagasaki was the desire to impress the Russians, it might explain the strangely ambiguous statement by Mr. Truman that not only did the bomb end the war, but it gave the world "a chance to face the facts." It would also accord with Stimson's private advice to Assistant Secretary of War John J. McCloy: "We have got to regain the lead and perhaps do it in a pretty rough and realistic way. * * * We have coming into action a weapon which will be unique. Now the thing [to do is] * * * let our actions speak for themselves."

Again, it would accord with Stimson's statement to Mr. Truman that the "greatest complication" would occur if the President negotiated with Stalin before the bomb had been "laid on Japan." It would tie in with the fact that from mid-May, strategy toward all major diplomatic problems was based upon the assumption the bomb would be demonstrated. Finally, it might explain why none of the highest civilian officials seriously questioned the use of the bomb as Eisenhower did; for, having reversed the basic direction of diplomatic strategy because of the atomic bomb, it would have been difficult indeed for anyone subsequently to challenge an idea which had come to dominate all calculations of high policy.

It might also explain why the sober and self-controlled Stimson reacted so strongly when General Eisenhower objected to the bombing: "The Secretary was deeply perturbed by my attitude, almost angrily refuting reasons I gave * * *" Stimson's post-Hiroshima reversal, and his repeated references to the gravity of the moral issues raised by the new weapon, are evidence of his own doubts. General Eisenhower's searching criticism may well have touched upon a tender point—namely, Stimson's undoubted awareness that Hiroshima and Nagasaki were to be sacrificed primarily for political, not military, reasons.

At present no final conclusion can be reached on this question. But the problem can be defined with some precision: Why did the American Government refuse to attempt to exploit Japanese efforts to surrender? Or, alternatively, why did it refuse to test whether a Russian declaration of war would force capitulation? Were Hiroshima and Nagasaki bombed primarily to impress the world with the need to accept America's plan for a stable and lasting peace—that is, primarily, America's plan for Europe? The evidence strongly suggests that the view which the President's personal representative offered to one of the atomic scientists in May 1945, was an accurate statement of policy: "Mr. Byrnes did not argue that it was necessary to use the bomb against the cities of Japan in order to win the war * * * Mr. Byrnes' * * * view [was] that our possessing and demonstrating the bomb would make Russia more manageable in Europe. * * *"

[From the St. Louis Post-Dispatch,
July 11, 1965]

THE BOMB: POLITICAL?

"Atomic Diplomacy: Hiroshima and Potsdam," by Gar Alperovitz (Simon & Schuster), reviewed by Robert Lasch, editor of the Post-Dispatch editorial page)

It is an article of popular faith that the cold war began 20 years ago when Russia exhibited an aggressively expansionist ambition which the United States in self-defense was called upon to contain. A brilliant young historian in this very important work dares to challenge the thesis. He does not claim that final conclusions can yet be reached, but in a masterful study of the first 5 months of Harry Truman's Presidency he marshals impressive evidence to suggest that it may have been the United States that sowed the first seeds of distrust, from which came the bitter fruit of nuclear arms race, world tension and brinkmanship.

For casting doubt on the official version of history the author risks being hanged in effigy by the academic and diplomatic establishment, all the more so as he bears a suspiciously foreign name and is only 28. But this is serious historical research, solidly grounded on the available facts and illuminated by a fresh insight unsullied by the cant of the cold war.

And Mr. Alperovitz seems American enough. Educated at the University of Wisconsin and Berkeley, he won a Marshall Scholarship to the University of Cambridge, England, where the studies culminating in this book earned him a prized fellowship at Kings College. He is not going to be easily disposed of.

His thesis is that the atomic bomb was not the last act of World War II but the first act of a power struggle intended to drive the Russians back within their own borders and surround them with a ring of hostile states dependent upon and heavily influenced by America.

Mr. Alperovitz does not contend that the entire argument is provable on the basis of documents now public, but he makes a very strong case for the hypothesis that Truman, Byrnes, Leahy, Harriman and others who took power after Roosevelt's death unleashed the nuclear genie at Hiroshima and Nagasaki for political rather than military objectives.

That the goal was not primarily military now seems well established. Eisenhower, Churchill, MacArthur, and the Strategic Bombing Survey confirm the thrust of most of the evidence that Japan was thoroughly beaten and suing for peace before the atomic bombs were dropped. Soviet entry into the war was enough to precipitate the final surrender, and even without that, as the bombing survey concluded, the Japanese most probably would have given up before an invasion became necessary.

What then was the political purposes of hitting Japan, as Eisenhower put it, "with that awful thing"? Mr. Alperovitz' detailed study of our relations with Russia from the time of Truman's accession to the time of the Potsdam Conference strongly suggests that it was to overawe Stalin so decisively that America could dictate the terms of peace.

Russia was to be denied any extension of its influence in the Far East, and forced to give up the position won by its armies in Poland, Hungary, and the Balkans. Overwhelming military power as symbolized by our atomic bomb monopoly, combined with our economic power as the only major nation undevastated by war, would enable the United States unilaterally to determine the shape of the postwar world.

Within a few days of Roosevelt's death, Mr. Alperovitz shows, Truman had decided to reverse his predecessor's policy of conciliating the Russians in an effort to establish postwar cooperation. At first he pressed for an immediate showdown, by challenging Russia's position in Poland, abruptly cutting off lend-lease, and refusing to fulfill the Yalta agreement to withdraw American troops from the agreed Soviet zone. But with the Alamagordo test of the atomic bomb approaching, Truman decided to play for time until he had the new weapon to strengthen his hand.

He sent Hopkins to Moscow to patch up the Polish dispute, modified the lend-lease cutoff, and drew American troops back. What was interpreted at the time as a return to the Roosevelt policy was only a tactical retreat, Alperovitz argues. As soon as the bomb was in hand, Truman hardened his stance and presented a wholly unyielding front at Potsdam, preferring that none of the urgent problems of postwar settlement be seriously tackled until the bomb's awful power had been demonstrated on Japan. He and Byrnes confidently believed that at the London foreign ministers' conference following Potsdam, Stalin would cave in.

Throughout the summer Stalin did make many significant concessions. He backed away from his Manchurian claims and kept his promise to support Chiang Kai-shek against the Chinese Communists. Even in Eastern Europe, where Russian had a vital interest in protecting the historic invasion routes, Stalin tried to compromise with American proposals. But when confronted with a demand for virtual surrender, he balked. The London conference broke up without agreement, and the cold war was on.

During the ensuing 20 years the Soviets contributed their full share of mistakes and provocations to the deepening of the power struggle. But Mr. Alperovitz' study induces the reader to doubt the orthodox view that the American role was exclusively one of outraged innocence. In 1945, as in Vietnam and the Caribbean today, American foreign policy was a strange mixture of raw power, idealism, hypocrisy, and naivete. Truman was convinced that he could bully the Communists into submission—he called it standing firm—and so is Lyndon Johnson. The remarkable thing is that no matter how many failures are chalked up for the "tough" policy, it continues to be advanced as the only road to success.

What would the world be like, one wonders, if Truman in 1945 had approached the peace with somewhat more statesmanship than is involved in the unsophisticated truculence for which he is so widely admired?

[From Life, July 16, 1965]

AT 5:29 A.M., AND THE WORLD WAS CHANGED FOREVER

(By Ralph E. Lapp)

("Day of Trinity," by Lansing Lamont (Atheneum); "Atomic Diplomacy: Hiroshima and Potsdam," by Gar Alperovitz (Simon & Schuster.)

Two souvenirs on my work desk remind me of the first two A-bombs. A shard of greenish fused sand glistens in its plastic jacket—material witness to the stellar heat of bomb No. 1. Next to it is a blackened chunk of Hiroshima roof tile blistered by bomb No. 2. My desk also has on it a new analysis of the radioactivity of the memento from the bomb tested at Alamogordo, N. Mex., on July 16, 1945. The bubbled glass and beads which fell like angry tears from the first atomic inferno emit only faint whimpers of radioactivity now. But I recall when my sample was so "hot" it had to be kept in a lead box.

Two new books illuminate these twin atomic events of 20 years ago. Lansing Lamont takes on a real challenge: chronicling the first A-test, surely one of the world's most reported events. Gar Alperovitz also focuses on the first bomb but in a framework of international politics.

Lamont, a Time correspondent in Washington, used the grill-and-dig technique to research his electrifying tale of Trinity, the code name for the first A-test. (Bomb-architect Robert Oppenheimer took the name from John Donne's Holy Sonnets, "Batter my heart, three-person'd God.")

Lamont interviewed a hundred eyewitnesses and principal characters in the atomic drama. He plowed through stacks of secret atomic reports which the Atomic Energy Commission made available to Lamont on condition that his manuscript be "cleared by security review." The AEC is emulating Ponce de Leon if it believes 20-year documents contain any real secrets. Five nations have tested over 500 bombs. Yet Lamont could not reveal the size of the atomic core in the first A-bomb.

"Day of Trinty" has new, if not secret, material. It is a crackling, zestful account of the last days of nonatomic times with a thrilling closeup of the first countdown.

As the dawn of July 16 breaks, Trinity site is shrouded in darkness and plagued with bad weather. As the night sky lightens, Samuel Allison, later director of the Enrico Fermi Inistitute at Chicago, makes the historic countdown. With a scant second to go he throws away his mike and screams "Zero." And the new era begins at 5:29 a.m. Precisionists may add three-fourths of a second.

Vannevar Bush, crouched beside Maj. Gen. Leslie Groves, A-project chief, observes that the bomb's glare is much brighter than any star. "Brighter than two stars," rejoins Groves. Besides promotion, the two-star general's next thought is: "We must keep this whole thing quiet."

One Trinity tale tells how General Groves worried over a test failure and imported a crew of psychiatrists to bolster the spirits of the scientists should Trinity be a dud. "The headshrinkers were so scared," remarked a physicist, "we had to hold their hands."

Success at Trinity was quickly relayed to President Truman at Postdam. This is the point where Gar Alperovitz focuses his scholarly analysis of the bomb and its political impact. But it was not the initial focus of this 28-year-old scholar. He began his research on the Polish issue, trying to understand the pull and tug of forces on that unhappy land at the end of the war. Why, for example, was settlement of the Polish problem so much postponed?

Alperovitz finally saw the relation between the Polish issue and the A-bomb. To his mind, Truman looked upon the new weapon as a "master card" to hold in dealing with Stalin. It will be recalled that the reason the United States gave for making the bomb was the fear that Germany would beat us to it. With the Third Reich defeated, Japan was certainly not an atomic competitor.

President Truman is reported as "rejoicing" over Trinity. It gave him, to use his words, "a hammer on those boys," meaning Stalin and company. Alperovitz scores heavily with massive documentation—some 1,400 citations anoint his analysis. His contention, brilliantly presented, is that the A-bomb hit Hiroshima but the real "political" target was Moscow.

The first combat atomic bomb was dropped August 6. Stalin had promised to hurl his forces against Japan's crack Kwantung army in Manchuria by mid-August. The Soviet action would have had great repercussions in Japan where the spirit to continue the war was dimming low. Were we racing the Russians to end the war in the East? "Atomic Diplomacy" makes this case.

I have no doubt that thoughts of Stalin figured prominantly in the decision on Hiroshima. In a sense all men were victims of the bomb. Technological innovation has a certain irresistible momentum. If there was a quick way to end a long and bloody war, then the A-bomb would be used.

We cannot change the decision about the bomb, but we can rethink the matter—and this is especially true for the post-Trinity generation. Looking back 20 years, Oppenheimer says: "I have no remorse about the making of the bomb and Trinity." As for Hiroshima, he has second thoughts. But neither time nor science has a back ratchet.

[From the Washington (D.C.) Star, July 18, 1965]

THE HIROSHIMA BOMB AS DIPLOMATIC WEAPON

(By Richard Freyklund)

("Atomic Diplomacy: Hiroshima and Potsdam," by Gar Alperovitz. Simon & Schuster.)

Many necessary documents concerning the history of the cold war still are not open to the scholars. Gar Alperovitz has added to the story, however, and perhaps changed it, with his book, "Atomic Diplomacy: Hiroshima and Potsdam."

It contains new material, he reports, from the diaries of Secretary of War Henry L. Stimson, Acting Secretary of State Joseph C. Grew, and the President's military adviser, Adm. William D. Leahy. This in brief is the conclusion of the Alperovitz book:

Almost all of the American leaders who counted in 1945 were convinced that the atom bomb was not needed to insure the quick surrender of Japan on our terms.

The Truman administration decided to use it, however, in order to impress Russia and secure concessions in Eastern Europe, Germany, and the Far East. Some of President Truman's advisers saw the bomb as a military threat to hang over Stalin's head; others saw it as a piece of trading goods—you accept our revisions to the Yalta agreement and we will share the secrets of atomic power.

It did not work that way. Neither threats nor the incredibly generous offer to share nuclear knowledge budged Stalin an inch. If the Alperovitz thesis is correct, the bombs were dropped on Hiroshima and Nagasaki without any useful effect either on war or diplomacy. Alperovitz clearly believes that the gambit did make it impossible for the United States and Russia to achieve some other form of cooperation.

Whether the thesis is correct will be for historians to decide when more evidence is in.

Alperovitz, a Wisconsin native, is a fellow of King's College, Cambridge, currently on leave to work as legislative director for Senator GAYLORD NELSON, Republican, of Wisconsin.

[From the Baltimore Sun, July 18, 1965]

HERETICAL A-BOMB VIEWS

("Atomic Diplomacy: Hiroshima and Potsdam," by Gar Alperovitz, Simon & Schuster.)

In the anarchic world of international relations there is at least one principle to which all nations have recourse. It is expressed in the English proverb, "What is sauce for the goose is sauce for the gander," but even better by the Scots, "If strokes be gude to gie, they'll be gude to take." National leaders who think it possible to disregard the principle of reciprocity in relations with other states are certain to blunder into difficulties.

This volume is a detailed study of approximately 6 months of American diplomacy in the crucial year of 1945. It concludes that much of the breakdown of the wartime Russo-American alliance can be traced to the unwillingness of the Truman administration to accord reciprocal great-power rights to the Soviet Union. Russophobes will scream in disbelief over such heresy, but the facts presented by Gar Alperovitz are the kind of "factual facts" difficult to dismiss or reinterpret to produce other conclusions.

In its simplest form the issue was, and is, whether the whole world is the hunting ground for all great powers or whether it is divided into posted areas marked "spheres of influence." The first course produces endless conflict; young America chose the second when it proclaimed the Monroe Doctrine with its hands-off corollary in respect to the internal affairs of Europe.

THE U.S. ATTITUDES

At the close of World War II, having carried the major burden of the war against Japan, the United States assumed an exclusive role in occupying and shaping that country's future. But when the Russians, having at far greater cost driven the Germans out of Eastern Europe, insisted on installing pro-Russian governments in the occupied areas, the Americans protested indignantly.

Insisting on at least equal influence, the United States persisted in its efforts to replace Socialist and Communist governments with the leaders of what were known as peasant parties, leaders who were openly anti-Russian and who in many cases spent the war in London or Washington. These efforts to extend American influence into traditional areas of Russian influence were the chief source of the hostility of Moscow, this volume argues, and helped to bring down what Churchill was quick to name the "Iron Curtain."

ASCRIBES IT TO A-BOMB

Alperovitz sees a drastic change in policy from Roosevelt to Truman and ascribes it in part to the confidence—even arrogance—produced in Washington by the atomic bomb. Once this weapon seemed a certainty Truman and some advisers believed that the Russians could be forced to knuckle down to any proposals for Eastern Europe and the Balkans. Even Bulgaria, which the State Department representative admitted was "very remote from real and active American interests," became a source of Russo-American friction when the United States supported one faction against the Soviet-sponsored government.

It was Poland, of course, whose immigrants and their descendants were assumed to constitute an important voting bloc in American politics, which became an even more heated issue.

The author, a graduate of the University of Wisconsin and the University of California, bases his study on a mass of printed materials as well as on the diaries of Secretary of War Stimson and Roosevelt's Chief of Staff, Admiral Leahy.

THE BOMBING OF JAPAN

In addition to the Eastern European question he reaches controversial conclusions on a number of other major issues. The dropping of the atomic bomb on Japan, he suggests, was a decision reached not for reasons of military necessity, but for an important political purpose, to improve the American bargaining position with Russia. The plan for the international ownership and control of atomic energy, misnamed for the late Bernard Baruch, is viewed as so one-sided in its promotion of exclusively American interests, so threatening to Russian security, that it is dubious whether the Truman administration ever expected it to be acceptable to the Soviet Union.

The oversimplified "devil theory" of the origins of the cold war is still the dominant one in Moscow and Washington. There are few signs of an increase in objectivity on the part of Russian scholars; this important volume is a tribute to the freer climate for historical inquiry in the United States.

WILLIAM L. NEUMANN,
Professor of History, Goucher College.

[From the New York Times, July 18, 1965]

NEVER THE SAME AGAIN

("Atomic Diplomacy: Hiroshima and Potsdam—The Use of the Atomic Bomb and the American Confrontation with Soviet Power," by Gar Alperovitz (Simon & Schuster.))

(By CLINTON P. ANDERSON)

In "Atomic Diplomacy," Gar Alperovitz presents an intensive study of a critical 4-month period in the closing days of World War II—spring to September 1945. The author's purpose is to show that the atomic bomb played a major role in the formation of American policy with Russia, particularly in connection with President Truman's meeting with Stalin at the Potsdam Conference, July-August, 1945.

Based upon his evaluation of the evidence available to him, Mr. Alperovitz, a political economist, now working on Capitol Hill, concludes that the atomic bomb was not needed to end the Japanese of the war or to save lives. Had Mr. Alperovitz limited his conclusion to this point, then although his judgment would be contrary to that of a number of honorable and knowledgeable men who played an active part in the decision to use the bomb, he would have joined that group of equally honorable individuals who believe we should not have dropped the bomb on Japan.

Mr. Alperovitz, however, goes much further than any responsible individual I know who participated in the decision or who has objectively studied the evidence leading up to the decision. The author, in his preface, states his view that the American leaders (President Truman, Secretary of War Stimson, Secretary of State Byrnes, and others) knew that the use of the bomb was not needed to end the war or to save American lives at the time the decision was made and the action undertaken. Coldly stated, the author's major hypothesis is that atomic bombs were used on Japan for diplomatic or political purposes and not for the military purpose of ending the war with Japan as quickly as possible. He would have us believe that the main purpose was to bring political pressure on the Russians.

The facts can hardly be adapted to support his contention and, in my opinion, any value this book may have to the student of history is diminished by what appears to be objective evaluation to the available records in an attempt to substantiate the shocking and inaccurate judgment he has made of our civilian World War II officials.

Before one can accept Mr. Alperovitz' view, one must be prepared to state that President Truman, Secretary of War Stimson, and Secretary of State Byrnes were not truthful in their accounts of the decision to use the bomb. On the basis of my personal knowledge of men and events and my later examination of the available evidence, I am forced to say that the author of this book has obviously reached a false conclusion. I was in the President's Cabinet when the bombs were dropped on Japan. I then listened to President Truman's statement as to purposes and result. I was present when Secretary Stimson proposed to the Cabinet that the United States reveal to our then allies, the Russians, the technique and secret design of the bomb. I know Mr. Stimson to have been at all times a man of the highest honor, intelligence, and patriotism, and I must believe that Mr. Alperovitz has failed to read some of the road signs on his journey through the history of the atomic bomb.

The author mentions that his research required 6 years of effort, and it is obvious that he undertook an extensive study. Since we must assume he approached this task in an objective manner, a question arises as to how he could have become so mistaken in his evaluation. I believe part of the answer may rest on two fundamental, and I believe insurmountable, burdens that the author placed upon himself in carrying out his work:

(1) His study, thorough as it may be, fundamentally is limited to the April–September 1945 period. President Truman's decision, supported by his key advisers, to use the atomic bomb on Japan, and his dealings with Stalin at Potsdam in the immediate period thereafter, cannot be explained properly or fully understood if one limits his study to that 4-month period, no matter how accurate or intense that study may be.

(2) While he recognizes in his introduction that a study of American policy in the early days of the cold war must inevitably deal with Soviet actions and reactions, the author not only points out, but stresses, that "this book is basically an analysis of American policy; it is not an attempt to offer a detailed review of Soviet policy." It was in response to Stalin's practices and policies that American diplomats and officials evolved a strong policy against Russian Communist expansion practices. Without a detailed review and understanding of Soviet policy in World War II and post-World War II days, one cannot intelligently undertake an analysis of American policy.

The author, to be sure, is scholar enough to realize the inadequacies of his research because he does point out in his introduction: "More research and more information are needed to reach a conclusive understanding of why the atomic bomb was used." However, this disclaimer does not mitigate the very critical view he espouses; neither does another statement he makes in his preface: "The issue is not why it was decided to use the bomb, but rather how policymakers came to assume the bomb would be used, and why they never questioned this assumption as Eisenhower did."

The reader is forced to conclude that notwithstanding these statements in his foreword, the author continually, throughout his book, attempts (unsuccessfully) to prove his privately held view.

Mr. Stimson's own reasons why the atom bomb should be dropped on Japan were put very fully in an article published in Harper's magazine in February 1947. That article is quoted liberally in the book entitled: "On Active Service in Peace and War" by Stimson and McGeorge Bundy. The Stimson-Bundy book is known to Mr. Alperovitz since he cites it several times. From the Stimson-Bundy book, I would quote these words:

"I felt that to extract a genuine surrender from the Emperor and his military advisers, there must be administered a tremendous shock which would carry convincing proof of our power to destroy the Empire. Such an effective shock would save many times the number of lives, both American and Japanese, that it would cost."

I believe Mr. Samson's reasons are far more cogent than Mr. Alperovitz' hypothesis.

[Fom the Washington Post, July 17, 1965]

TESTING THE AWESOME BOMB AND HINDSIGHTS ON ITS USE

(By R. Gordon Arneson)

(NOTE.—Mr. Arneson served as secretary to Secretary of War Stimson's Advisory Committee on the Atomic Bomb in 1945–46 and was special assistant for atomic energy affairs to the Secretary of State from 1948 to 1954.)

("Atomic Diplomacy: Hiroshima and Potsdam," by Gar Alperovitz; Simon & Schuster; "Day of Trinity," by Lansing Lamont, Atheneum.)

Two decades ago, on July 16, 1945, a plutonium-implosion bomb was tested successfully at Alamogordo. On August 9 its operational twin was to unleash its stellar fury over Nagasaki. "Day of Trinity" is a vivid account of this first atomic explosion, of mortals snatching fire from the sun. It conveys a sense of participation within sight and sound of one of the greatest scientific dramas of our time. Awesome, beautiful and terrible—just this side of supernatural—as Trinity was, Lamont sees the scene in human dimenson and with the accuracy of a seasoned reporter.

"Atomic Diplomacy," on the other hand, appears to have been written by a war-gaming computer. The people of this politicomilitary drama, and the forces at work therein, are reduced to punchcard data.

Alperovitz's thesis is tidy:

1. By late summer of 1945, Japan was already defeated and would soon collapse—without the use of the atomic bomb, invasion or Soviet entry into the war.

2. Therefore, the bomb was, in fact, used to minimize the effect of the Soviet move on August 9.

On May 25, the Joint Chiefs set the invasion date for November 1. The invasion forces—5 million plus 5,000 Kamikaze aircraft. Duration—late fall 1946. American casualties—1 million.

At the June 18 meeting to review these plans with the President, McCloy asked: "Why not the bomb?" The startled military replied: "No certainty the first bomb would explode—even if Trinity were successful." "The Hiroshima bomb—the uranium-gun type—was never pretested. On July 24, the Combined Chiefs at Potsdam approved the invasion plans. For an action, that, according to Alperovitz, was unnecessary, our military leaders certainly went to a lot of trouble!

Alperovitz asserts that a modification of "unconditional surrender" to permit retention of the Emperor alone would have brought surrender. Possibly so, although no one can say how protracted the surrender negotiations might have been and how many more men would have died on the coral atolls. There was, however, strong disagreement on this question. Secretary of War Henry L. Stimson and former Ambassador to Japan Joseph C. Grew repeatedly urged this course; Secretary of State James F. Byrnes was strongly opposed. Byrnes won. Stimson was the better judge of Japanese mentality. Byrnes the better judge of public and congressional opinion.

As for Soviet entry into the war, opinion here, too, was divided. It is true that after Trinity we saw less need for Soviet intervention and the disadvantages of having a truculent ally secure a lodgment in the Far East loomed larger. But to assert, as Alperovitz does, that 100,000 Japanese were incinerated at Hiroshima and Nagasaki not to jolt Japan into surrender but to head off the Soviet Union is monstrous.

We now know, from accounts of those final chaotic days in Japan, that the atomic one-two blow was the instrument that forced surrender. It allowed the Emperor, without losing face, to intervene directly in the councils of government—an act unprecedented in modern Japanese history—to proclaim surrender, and to command all the armed forces to lay down their arms. This is precisely the result that Stimson had expected and predicted.

Writing in early 1947 Stimson said: "To end the war in the shortest possible time and to avoid the enormous losses of human life which otherwise confronted us, I felt we must use the Emperor as our instrument to command and compel his people to cease fighting. * * * We must give him and his controlling advisers a compelling reason to accede to our demands. * * * The bomb seemed to me to furnish a unique instrument for that purpose.

"The deliberate premeditated destruction (of Hiroshima and Nagasaki) was our least abhorrent choice. * * * It stopped the fire raids, and the strangling blockade; it ended the ghastly specter of a clash of great land armies."

As against Alperovitz's thesis, this reviewer, who had the privilege of knowing Stimson in those days, chooses to take Stimson at his word.

[From the Washington (D.C.) Post, July 18, 1965]

The Day the Sun Rose Twice: To Mark the Onset of the Atomic Age, a Commemmoration and a Lamentation

(By Michael Amrine)

"Day of Trinity," by Lansing Lamont, illustrated.

("Atomic Diplomacy: Hiroshima and Potsdam—The Use of the Atomic Bomb in the American Confrontation with Soviet Power," by Gar Alperovitz, Simon & Schuster.)

Before the sunrise, the professors put on suntan oil. It was cold and it had been rainy, but many also put on sunglasses in the dark. As one said later, "It was a day the sun rose twice." The professors in their sunglasses included Fermi, Oppenheimer, Teller, Conant, Higginbotham, and many other remarkable men, including the strange one, Klaus Fuchs. That was at Trinity, July 16, 1945, the day of the successful first test of the atomic bomb.

On that same day, as Conant and Vannevar Bush were busy—lying face down in the desert sand—hundreds of thousands of others were busy—many of them also face down, in forests, jungles, concentration camps, and in other centers for displaced persons, or in POW enclosures on both sides of the Iron Curtain. The world was close to August 6, Hiroshima Day, and August 14, V–J Day. As Trinity was tested, then, the world was winding up a great war. But—and to historians this should always be remembered—the people and their rulers were not so sure that the end was a short month away.

On that July 16 a new American President had been in office less than 100 days. The war in Europe was over, but many of the war's problems remained—rationing, production, redeployment of troops from Germany to the Far East. On the horizon already were signs of disagreement with Russia as to how a new world could be built where all men might rise up from the prisons of the past and walk like free men into what Churchill called "sunlit uplands."

The Trinity test was to mark a new era in military development, in the nature of scientific research programs, and in ultimate energy resources available to man. It was a revolution in human affairs. Lansing Lamont, in his book 20 years after the test, has given us a warm, living story of how that test was carried out. He has done it with the most meticulous respect for facts and for the nature of his assignment.

Gar Alperovitz' book is about the diplomacy of that spring, summer, and fall of 1945. While men were preparing the first bomb for Alamogordo, a bomb squadron had already practiced for months and was now already on the island of Tinian in the Pacific. Other military men in the Pacific and in Washington were—more or less—in touch with the highest Allied military command. But the supreme commanders were neither in Washington nor in London on the day of Alamogordo, but were gathered in Potsdam for a Big Three summit meeting. Thus, in mid-July of 1945 the human race was about to open a door which could never again be closed, and the lines of communication ran halfway around the world.

In Lamont's book we have an excellent reportorial job of the way in which the bomb was put together and then blown apart. In Alperovitz' book one would hope for a complementary and equally informative examination of how the West's wartime alliance was put together and what may have been done to it in the early days of the atomic age.

Instead we have a tremendous fanfare of footnotes and scholarship in which Alperovitz gives the reader everything except important new fact. And he comes out with the conclusion that we dropped atomic bombs on Japan as a message to Russia. This is so far at variance with the conclusion of every other student of the atomic decision that this reader kept waiting to see where the author had run across some really new material. But the opposite is more nearly true; he has run the old material through his particular grinder, in a way which may sound new only to the uninformed.

In the immediate postwar period, as we saw how atomic policy was developing, influencing and being influenced by the cold war, many indeed wondered if the speed we had used in delivering the new tested bomb had been related to some maneuver against the Russians. We did not know as much then as we know now about "the Japanese willingness to surrender," or more persons might have asked still more questions in those days. When Americans set foot in Japan—30 days after Trinity—any sergeant could know more than Truman and Churchill had known for sure about Japan's capabilities to fight indefinitely or surrender.

In 1946 and 1947 the eminent British physicist, P. M. S. Blackett repeatedly raised this anti-Russian question and attempted to document it. His line, as of around 1947, is far clearer than most of Alperovitz' intimations, innuendoes, and "beliefs." Blackett said: "The dropping of the atomic bombs was not so much the last military act of the Second World War, as the first major operation of the cold diplomatic war." Blackett put forth these sentiments with vigor and clarity, but they were not accepted by those who have since studied these matters. It has been years, to my knowledge, since anyone has brought up the Blackett viewpoint. Alperovitz sidesteps any credit to Blackett for his thesis, giving his name the merest mention in his acknowledgments. Similiary he ignores the many careful men who disagreed with Blackett, and wrote careful analyses of his views in the late forties. All the facts were fresher then.

Churchill said of the atomic decision, "The historical fact remains and must be judged in the aftertime. * * *" It surely is proper that history will "try" Truman and Churchill again and again, but on "the Blackett viewpoint" are we really to assume there was no good evidence brought out by either side in the first trial?

Those interested enough to read the basic documents will find an excellent antidote to Alperovitz in the memoirs of Truman, Stimson, and Churchill, or in the comprehensive special volumes on the atomic decision done by Louis Morton, Herbert Feis, and Hewlett and Anderson. All these men have had full access to secret documents. Yet there is scarcely a hint in any of their pages to support the contention that we dropped the bomb not to save lives but to bolster a threat against Russia.

Here are the basic points on which Alperovitz attempts to prove the Hiroshima and Nagasaki bombs were dropped not to end a hot war but to build up pressure for a cold war.

1. Truman's temperament and outlook on foreign affairs, coupled with possession of the new weapon, changed the American relations to the Soviets in the spring and summer of 1945. Our position changed from one in which we were comrades-in-arms and Stalin and F.D.R. were very cooperative into

one in which we "threatened the Soviets." Alperovitz has rounded up all sorts of bits and pieces, many of them from Stimson's diary. There are some interesting side-by-side notes of news from the atomic tests and of a "new confidence" being shown by Truman at the Potsdam conference table. But all of it is far short of showing that before or at Potsdam the beginnings of the cold war were "atomic diplomacy." Judgment after judgment is on a par with Alperovitz' explanation that Truman's famous angry greetings to Molotov, on the latter's arrival in Washington, could not possibly be construed as off-the-cuff peppery comments. No, they represented a carefully prepared position of H.S.T. Well, H.S.T. may even agree, and all his friends may agree, but the facts are that Truman had been in office only 11 days.

You will not find here much substantive information on the Polish question, nor on the number of dead at Hiroshima, on the different intelligence estimates of loss of life through Japanese invasion plans, etc. Nor will you find any human notes that Stimson was 76 and frail, that Byrnes was younger—and fantastically jealous of Truman, who had nosed him out for the Vice-Presidency and hence the Presidency, or that Truman had a thousand other topics on his mind in these 100 days. While the U.S. position—on Poland, say—is seen, for devious reasons, as alternating between plans for early showdown and a delayed showdown, Alperovitz' major conclusion is that "Stalin's approach seems to have been cautiously moderate during the brief few months here described." But you will not find any human understanding that somewhere there were real Polish people with a passion for freedom, many of whom looked to the West for help when the war was over.

2. Another set of evidence has to do with Alperovitz' theory that the atomic test in Alamogordo was hurried up and the Potsdam meeting was postponed in order that the Big Three meeting should not be held before the test. Here Alperovitz does indeed make a contribution in showing that the atomic test was an important factor in postponing the Potsdam meeting. But there is nowhere any proof that the first part of his theory is correct.

He quotes Oppenheimer—no date given—as saying: "I don't think there was a time where we worked harder at the speedup than in the period after the German surrender." That's all he quotes. This statement was made by Oppenheimer many years later—in his famous security hearings in 1954. The text of the book merely slides it in dateless as a major item of evidence. But in the same breath, the same day, Oppenheimer had said about deadlines at Los Alamos: "* * * The deadline never changed. It was as soon as possible."

Alperovitz has left out of his book any contemporary document from anyone in authority that says either (A) speed up Trinity for diplomatic reasons or (B) hurry to bomb Japan in order to speak loudly to Russia. These documents have also been missing from the memoirs of every man who has spoken out on these processes.

For the record, the bomb was delivered within an eyelash of the date which General Groves had predicted a year before. The Russians entered the war against Japan on a date they had set months before—3 months after V–E Day.

Few persons ever knew both projected dates. There is no direct evidence anywhere in this book of any concerted effort to get these events together, to spread them apart, and/or to use one to prevent the other. Not here or anywhere known to this writer is there any real evidence that we did not want Russia in the Japanese war, nor that we used A-bombs in a vain effort to keep them out.

3. The capstone of the book is that there was no military reason to drop the bomb on Japan, and that "everyone" knew it. He gives very few pros or cons. He doesn't dwell on the Navy people who think a blockade would have brought surrender, nor on the psychological warfare people who have thought their broadcasts were turning the critical corner. He doesn't question the Air Force men who think conventional bombs would have done it, and he does not dwell on the fact that we can never really know, because we can't play the game over.

What he does is assert this as a firmly established fact and establish that all in command knew it then. Time and again he hits Truman and Churchill with this hindsight, and he gives short shrift to any of the abundant evidence that our side could not assume Japan would soon quit.

The worst claim in the book is that "before the atomic bomb was dropped each of the Joint Chiefs advised that it was highly likely that Japan could be forced to surrender 'unconditionally' without use of the bomb and without an invasion." Where did this claim come from? I never heard of it before and find it out of key with statements of that summer by the Joint Chiefs, when the facts were fresh. There is no documentation for this staggering claim, which Alperovitz quite rightly puts in italics. Nor is there documentation anywhere in the book to back up the assertion that the top military advisers of the United States thought the bomb and the invasion unnecessary. To Alperovitz this is the master card, because if there were no military reason, and the military knew it beforehand, then it becomes obvious that Hiroshima and Nagasaki died for diplomatic reasons. Lest this sound nasty, he concludes by saying the evidence "strongly suggests" we used the bomb to make Russia more manageable in Europe. But a few pages earlier; he said cautiously: "I do not believe that * * * the influence of diplomacy upon the decision to use the atomic bomb * * * can be answered on the basis of the presently available evidence."

He might at that point have mentioned some of the contrary testimony by all hands concerned, but their names are buried in the 1,399 footnotes from 188 books and articles and periodicals which he has either read or used.

Alperovitz never really confronts or condemns the memoirs of the principals. He never does them the courtesy of setting out in detail their explanations of why they did what they did. His book is full of the most insidious hints of Machiavellian plots and counterplots, and always, of course, he is implying that Truman, Stimson, Byrnes, Churchill—everybody—has been lying, lying, lying when they said the atomic bomb was used to end the war and save lives. He says: "I have made no attempt, however, to take up the various arguments offered by the great number of writers * * * who have touched upon the subject." Adding high-toned rhetoric to his air of being above the arena where men like Churchill and Stimson have labored to set out the record, Alperovitz says: "I have eschewed contention. * * *" Others may decide he has evaded confrontation, and that in the matter of contention he has bitten off more than he can eschew.

Gar Alperovitz is a product of an age which has not only by now made thousands of atomic bombs, but has produced computerized war games at research centers based upon real bombs and paper people. We have escalators which go all the way up—to hell. Alperovitz strikes me as a cold-blooded cousin of Herman Kahn and Dr. Strangelove. But to look at the records of Truman and Stimson and believe they were mordant Machiavellis is more than thinking about the unthinkable. It is believing the unbelievable.

NEW YORK CITY'S LOSS OF WATER BECAUSE OF PHILADELPHIA TORRESDALE INTAKE

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, the receding water level in reservoirs throughout the Northeast continues to expose the stark remnants of faulty or timid planning to secure an ample water supply. New York City, with a bare 10-percent margin between the water it captures and the water it uses, has already gained national notoriety for its shortsightedness. Yet, despite New York's appalling record of inept water planning over the past 15 years, its present water shortage must be attributed in part to the comparable lack of foresight shown by the city of Philadelphia.

On the surface, Philadelphia has provided well for itself, and cheaply. It has tapped both the Delaware and Schuylkill Rivers, from which it is able to draw its water requirements without a single major storage reservoir, while still maintaining a 60-percent margin between safe supplies and average consumption. Beneath this impressive facade though, Philadelphia's water system is as defective as New York's and defective in a way which directly penalizes the citizens of New York City.

The villain of this Philadelphia story is the Torresdale Intake, a pumping station on the Delaware supplying about 50 percent of the city's water through a water main system which is only partly connected with pipes carrying Schuylkill water. This intake is situated at a point on the Delaware which has been, is, and will continue to be vulnerable to salt water incursion.

On July 7 of this year, seeing that this well-known vulnerability had become an immediate danger, the Delaware River Basin Commission issued a conservation order to meet it. The order provided, among other things, that New York City forfeit 155 million gallons per day of 490 million gallons of Delaware basin water to which it is entitled under a 1954 Supreme Court decree.

Instead of going into the city's water systems, this 155 million gallons is spilled over daily into the upper Delaware. The purpose of this diversion is to assure adequate streamflow and thus protect the Torresdale intake. But the effect is to divert high grade drinking water from New York and redirect it to the mechanical task of holding back the salt front at Torresdale. Only a small part of this diverted water goes for consumption in Philadelphia and nearby communities. Most of it washes out to sea and is lost to human consumption. Even at a time of comparatively ample water supplies, this is an unfortunate use of high grade water; in the present circumstance, when New York must give up its table water to hold the line against the salt front in Philadelphia, this waste is intolerable.

The Delaware River Basin Commission July 7 conservation order is an emergency measure. But according to the July 21 report of the Federal Water Resources Council, this emergency is likely to continue for another year and beyond.

If it does, the council estimates that the salt front can be held back at Torresdale only at the cost of billions of gallons of New York drinking water, thereby plunging New York City into an even more severe water shortage.

Mr. Speaker, this forecast makes it imperative that immediate and active consideration be given to replacing the Torresdale intake with a comparable facility upstream. The feasibility study once made on this matter should be revised or superseded by a new one. Accordingly, I am today introducing a concurrent resolution expressing the sense of the Congress, which consented to the establishment of the Delaware River Basin Commission, that such a feasibility study should be made immediately. The resolution calls for full protection of all downstream users, including Camden, N.J. The resolution offers as an alternative the construction of a new recovery and storage facility on the upper Delaware. The purpose of the study would be to guarantee to all parties their full entitlement to the waters of the Delaware.

Unless action is taken, New York City will continue to lose billions of gallons of water to which it is entitled by Supreme Court decree, all for the purpose of sustaining the wasteful and ill-placed Torresdale intake.

TRADE EXPANSION LEGISLATION

The **SPEAKER**. Under previous order of the House, the gentleman from Iowa [Mr. GROSS] is recognized for 30 minutes.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. **GROSS**. Mr. Speaker, the efforts that have been made to expand trade, including the Trade Expansion Act of 1962, are in urgent need of review. We have been following a one-track trade policy now for 30 years and it is time to turn around, take a look at what has been accomplished, what has not been achieved and at some of the unsettling consequences of these years of fixation on pursuit of a doctrine.

In April 1963 Mr. Christian Herter, speaking before the U.S. Chamber of Commerce, said:

> Our exports exceed our imports by roughly $5 billion, which is persuasive evidence that our producers, if given access to markets overseas, can successfully compete to a very heathy degree.

On June 21, 1965, Mr. Ray R. Eppert, president, Burroughs Corp., makers of office machinery, speaking before the Machinery and Allied Products Institute, said:

> Oversea investment by American business is not a process of transferring jobs and production from the United States to new plants abroad; it is required to develop the maximum direct exports from the United States and to create the greatest number of jobs here. Private direct foreign investment, rather than harming our balance of payments, is building the strongest support for the stability of the dollar.

Reading these two statements together, we should feel comforted by the fact that we are exporting about a third more in terms of dollars than we import. Also we should be delighted that our foreign investments are contributing so much to our direct exports.

We should not ask why we have been witnessing the heavy flow of investment dollars overseas such as has occurred in the past 5 or 6 years.

Mr. Eppert tells us something more, something that is very enlightening. He says in the same speech:

> Sales made abroad from U.S.-owned plants operating overseas are today more than twice as great as the total nonagricultural exports from the United States. In recognition of this fact, our private foreign investment must be viewed as an important basic component of our national economic strength.

Mr. Speaker, it seems to me that these words of Messrs. Herter and Eppert tell quite a story.

If the manufacturers of this country are as competitive as Mr. Herter so confidently maintains, why, we may ask, do our plants that are located in foreign countries sell twice as much abroad as our total exports of nonagricultural products? The nonagricultural exports amount to some $19 billion, and thus must mean that our plants operating abroad sell about $38 billion per year.

I ask, if we are as competitive as Mr. Herter claims why do we not sell this $38 billion from here and employ in this country the number of workers necessary to produce this great volume of goods?

Why does our capital have to move overseas in order to sell so freely in foreign markets? Could it be that there is a cost advantage in operating in foreign countries?

Could it then not also follow that perhaps we are not as competitive as Mr. Herter's optimistic statement would have us believe? Is it indeed possible that our export surplus is not really as high as alleged? Or may we even go beyond that and suspect that we do not really enjoy any surplus at all in terms of private, unsubsidized commercial exports?

We have another source that will throw some light on the relative sales from our foreign operations and the domestic. In a new book entitled American Enterprise and Foreign Trade, by O. R. Strackbein, it is noted that from 1957 to 1963, sales of selected American companies producing abroad rose from $12.4 billion to $22 billion or 77 percent. These were sales made abroad from plants producing abroad—not exports. The domestic sales of the same companies in the United States rose from $7.5 billion in 1957 to only $9.3 billion in 1963, or only 24 percent. The selection of the companies involved was made by the Department of Commerce, and the report appeared in Current Survey of Business for October 1964, page 12.

The Department of Commerce, in other words, confirms the lively pace of sales enjoyed abroad by the American companies producing there. I am not complaining about the success of these companies abroad. I am pointing at the contrast between the liveliness of the foreign markets compared with our own; but particularly—and this goes far to upset the official optimism about our exports—the question is why do we have to go abroad to make these sales if we are so competitive?

It seems to be popular today to explode myths. I know of none that is in greater need of explosion than the one that points to cur export surplus as proof that we are competitive in world markets. We really need no more evidence than that just adduced; but worse from the point of view of honesty in public statistics and reports is the fiction of our export surplus itself. We do not have a surplus in any sense that would demonstrate a healthy competitive status.

In the more recent statistics used by the administration the spokesmen have indeed trimmed the 1964 surplus from $6.9 billion, which includes AID shipments to some $3.7 billion, which are regarded as "commercial exports;" but they have not yet trimmed away enough of the fat.

A fact that is only slowly coming to the surface is that our imports are tabulated on the basis of foreign value, or f.o.b. foreign country, whereas other countries with few exceptions report their imports on a c.i.f. basis. Thus they include freight and insurance. With respect to countries across the seas this can amount to 20 to 25 percent or even more. If we take an average figure of 15 percent and apply it to our imports of $18.7 billion the added costs would have come to $2.8 billion.

Beyond that we exported cotton, rice, wheat, and wheat flour, and dairy products, et cetera, categories not designated as Public Law 480 but called commercial exports and therefore not deducted from total exports. These commercial exports nevertheless were subsidized and cannot be counted among exports that demonstrate our competitiveness. The volume of such exports in the 1963–64 fiscal year was $1.38 billion—See Foreign Agricultural Trade of the United States, May 1965, table 1—Together with the $2.8 billion in the discrepancy between f.o.b. and c.i.f. imports the total exceeds $4 billion, or considerably more than necessary to wipe out the so-called commercial export surplus of some $3.7 billion.

Mr. Speaker, I say it is far past the time when our foreign trade figures should be revised to reflect the true state of affairs. The practice of our official spokesmen has been a blot on the statistical integrity of our Government. They have not hesitated to use misleading figures twisted and manipulated to prove desired conclusions. I say the departments and offices guilty of these practices should be severely reprimanded. This is not a matter to be passed over lightly.

How can we properly assess our trade policy if the executive departments issue false reports? I make the charge that we have been fed misleading reports on the state of our trade balance, designed to prove that the United States is competitive in foreign markets. These statements have hitherto effectively hidden facts that would have reflected against the policy embodied in the Trade Expansion Act of 1962.

This act was passed under the false impression that this country had been running a healthy surplus in our trade. We had not been doing anything of the kind and we are not doing it now.

In order to satisfy the free-trade doctrinaires who were bent on cutting our tariffs a full 50 percent these phoney statistics were fed to the public. Had the true competitive standing of this country been known there could have been no justification for a 50-percent tariff reduction by this country.

It has been obvious right along that this country's competitive position was weakening. Nothing else could be expected from the vast difference in wages here and abroad. Foreign producers who paid wages only from a third or fourth to a tenth of our wages, could be expected to enjoy lower costs of production. The sophisticated economists always looked with pity on those of us who regarded this wide wage gap as indicative of wide differences in cost of production. In a very sage manner they pointed to comparative productivity as something that must be taken into account; and, of course, they were right. What was true some years ago is still true. Let us by all means take relative productivity into account along with relative wage levels. The picture has, however, changed for the worse, so far as our competitive standing is concerned. Foreign productivity has increased remarkably in many foreign countries, thus giving yet greater effect to the low wages.

Why else has our capital streamed overseas? Why else do our foreign subsidiaries enjoy sales twice as high in foreign countries as our total nonagricultural exports? Everyone knows that our technology has been made available to the Europeans, the Japanese, and whoever else was interested. Moreover, our companies have licensed many foreign producers to use American patents. After the war we opened our factories to literally thousands of productivity teams from abroad. This was done in order to help restore the economies of the war-torn countries; but it also meant sharing our technology and production methods.

We have lost the great technological lead that we once enjoyed. Should not this fact make a difference in our assessment of our competitive position?

Of course it should; but, knowing that it should and yet clinging desperately to the free trade philosophy as did those who sponsored the Trade Expansion Act of 1962 is an evil practice. They simply made the trade statistics do what they wanted them to do. They were in charge.

Mr. Speaker, the only reason we are doing as well in exports as we are is that our exports of machinery and equipment has been running at top levels. Our exports of machinery rose from $3.95 billion in 1957 to $6.53 billion in 1963, a gain of $2½ billion. This was more than the total increase in our exports between those years, i.e., $20.8 billion in 1957 and $22.9 billion in 1963, an increase of only $2.1 billion compared with increase in machinery exports of $2.5 billion.

The plain fact is, Mr. Speaker, and it can no longer be hidden—and it was a great disservice to the country to hide it thus far—the plain fact is that outside of machinery and farm products, our exports of manufactured goods have been faring very poorly compared with those of other countries. Even including our exports of machinery and subsidized farm products our share of world exports has declined. It dropped from 16.5 percent in 1955 to 15.2 percent.

The decline in exports of manufactured goods other than machinery and transport equipment—principally automotive products—fell from 20 percent of the world's total in 1955 to 15.4 percent in 1962. This was a decline of 23 percent. We know, of course, that we have moved from a net export position to a net import position in a number of very important products, such as petroleum, steel, automobiles, typewriters, textiles, sewing machines.

These facts have great significance and a strong bearing on our foreign trade policy. They should be studied most seriously instead of being ignored, brushed aside, or brazenly buried. What they reveal with respect to our competitive position in the world does not support the tariff reductions proposed in the so-called Kennedy round. Quite the contrary.

Mr. Speaker, I am happy to associate myself with those who have introduced legislation to amend the Trade Expansion Act of 1962 by introducing the bill myself and urging that it be given early consideration. The Committee on Ways and Means has no legislation before that is more important and that merits earlier consideration.

TRIBUTE TO THE HONORABLE JOSEPH CAMPBELL

The **SPEAKER** pro tempore (Mr. ROONEY of New York). Under previous order of the House, the gentleman from New York [Mr. PIRNIE] is recognized for 60 minutes.

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIRNIE. Mr. Speaker, I have taken this special order today so that a well-deserved tribute may be paid to my friend and fellow New Yorker, the Honorable Joseph Campbell. I am at once pleased and saddened by this undertaking—pleased because I am privileged to lead this well-deserved salute to the retiring Comptroller General of the United States and saddened by the thought that July 31, the effective date of his resignation, is rapidly approaching.

For more than a decade Joseph Campbell has directed the course of the General Accounting Office's sensitive operations. Those of us on Capitol Hill know full well the importance of this critical assignment for we, as elected representative of the people, recognize the necessity of having an individual of outstanding ability and integrity "minding the books" at a time when the annual Federal expenditure is measured in billions of dollars. Joseph Campbell is just such an individual.

Every person in this country who has ever paid as much as a dime in Federal taxes owes a debt of gratitude to the man we are honoring for the efficient and effective manner in which he has discharged his duties. A national, syndicated columnist very succinctly brought home this thought a few years ago when he labeled the Comptroller General "the taxpayer's tireless friend."

We would all be hard pressed to find a constituent who regularly follows news reports of the Federal Government who has not, at one time or another, read or heard about the "watchdog" activities of the General Accounting Office. Commonsense tells us that waste is wrong and the stories of the GAO, under Mr. Campbell's expert supervision, uncovering excessive spending by Federal agencies, are legion. We hear a lot these days about the quest for a dollar's value for a dollar spent. It is my belief that Joseph Campbell has been a champion exponent of that theory.

The measure of a man is not simply in what he does, but in how he does it. Joseph Campbell has earned the thanks of an entire Nation for the results he has achieved on the job and, of almost equal significance, he has won the respect of all who have had any association with him for the dignity and objectivity he has continually displayed in the conduct of his office. This has not been a facade; I am convinced that it is part of his very inner being.

Undoubtedly, it was the combination of so many fine personal traits, coupled with his proven ability, that brought Joseph Campbell to the attention of President Eisenhower when these two great Americans were associated with Columbia University. When General Eisenhower assumed the presidency of the university, Joseph Campbell, class of 1924, was assistant treasurer for his alma mater, having joined the Columbia staff in 1941. It was not long before the native New Yorker was promoted to vice president and treasurer and singled out for greater responsibilities by his new boss.

It was only natural, therefore, that when General Eisenhower moved from the chief administrative office at Columbia, to the Presidency of the United States, he had Joseph Campbell in mind for a key spot in the Federal Government. Within months of his election, President Eisenhower appointed his trusted, valued, and most able friend to the important Atomic Energy Commission. That key assignment was short lived, however, for in 1954 the President appointed Mr. Campbell Comptroller General of the United States. Since that time, three Presidents and an entire Nation have benefited from the service performed by this diligent and most courageous American.

We here today are not the first to honor Joseph Campbell. I am confident that we will not be the last. His outstanding service to his country has been noted by many including Colgate University, in my own congressional district, which presented him with an honorary doctor of laws degree a few years ago, in recognition of his distinguished career.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Washington.

Mr. PELLY. I thank the gentleman from New York for yielding. I asked him to yield in order to say that I am grateful that he has taken time in order to give proper recognition to the services of Mr. Joseph Campbell, the Comptroller General, who is retiring.

Frankly, I do not think of anyone in the Federal service in my time in Congress who is more justly entitled to recognition for his contribution to the Government and his country than is Mr. Campbell.

I join the gentleman from New York and others in paying tribute to this dedicated public servant. Under his leadership the General Accounting Office has been completely independent and free from any partisanship. The GAO has saved the taxpayers hundreds of millions of dollars. With all the waste and duplication and mismanagement that goes on, I wonder where the U.S. Treasury and the economy of the Nation would be if we did not have an efficient agency like the GAO to audit the vast departments and bureaus that the Congress has created.

I do not know Mr. Campbell personally, I am sorry I have never met him, but I know of his valuable services, and as an American and as a Member of Congress I want the RECORD to show that his services are appreciated.

Mr. PIRNIE. I thank the gentleman from Washington. I can only say that Mr. Campbell, I understand, will return to Cooperstown, N.Y., where I hope to be able to see him often. I will be happy to convey that fine personal request.

Mr. UTT. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am happy to yield to the gentleman.

Mr. UTT. Mr. Speaker, I take this time to congratulate the gentleman from New York for taking this special order to pay tribute to Joseph Campbell for the wonderful service he has rendered the country.

I want to associate myself with the gentleman's remarks and with the remarks of others who are going to speak. I will not duplicate in the RECORD the many good points of Joseph Campbell except to say that his cooperation with the Members of Congress in digging out the information desired by various Members has always been swift and courteous. Our office has had exceptionally fine cooperation and I wish to pay my personal tribute to the great work Joseph Campbell has rendered to the Nation and to the Congress, as an arm of the Congress and one of the few remaining arms directly responsible to the Congress. Joseph Campbell has maintained that position for many, many years.

Mr. PIRNIE. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I would like to associate myself with the gentleman now in the well of the House and with those Members who have spoken so ably before me in honoring this great American. I particularly want to thank the gentleman from his home district who has taken the time today to recognize this retirement of this able servant of the Nation.

Mr. Speaker, there has been no finer, nor more dedicated, public servant than the Comptroller General of the United States, Joseph Campbell. Since his appointment by President Eisenhower on July 14, 1953, he has been guided by one criterion—to protect the interests of the taxpayers of this Nation.

Toward that end, he has achieved a remarkable record, indeed, a record that will serve as a challenge to every successor who may occupy this most important position in the future.

I can think of numerous instances when I sought the assistance of this arm and creature of the legislative branch of Government—U.S. Congress—known as the General Accounting Office, on matters affecting the Seventh Congressional District of Missouri. One of these instances involved the acquisition of land for missile sites, and it was only through the GAO efforts that some of our citizens were accorded more nearly fair treatment, than might otherwise have been offered. It has served well in cases of land acquisition by condemnation for big dam impoundments.

As a member of the House Armed Services Committee, I have found the Comptroller General's reports to be invaluable in detecting weak spots in the management of our Defense Establishment, especially in areas of procurement, production, contracts, and so forth.

The post of Comptroller General of the United States is one of the few in the Federal Government which has always sought its qualified incumbent. Two qualifications seem to be more or less required: legal training and legislative experience, and qualified proficiency in accounting and auditing. But, beyond that, there is a third requirement, more important, more vital, more essential to the fulfillment of the responsibilities of the Comptroller General—and that is integrity.

The key to the remarkable record of the Honorable Joseph Campbell is not his legal training and legislative experience, though both are considerable; not his proficiency in accounting and auditing, remarkable as they are; but, rather, his passion for integrity and honor which has given the General Accounting Office a reputation second to none in Government.

The General Accounting Office is a unique agency in Government. Its Director, the Comptroller General, is appointed by the President for a term of 15 years. Yet, its primary responsibility is not to the executive branch, but to the legislative branch, the Congress. It serves as the watchdog of the Treasury for the Congress.

We in this body may be foolish in our judgment as to how the public money is expended, but thanks to the integrity of the GAO, we can be certain that every evidence of wrongdoing or inefficiency in the expenditure of these funds will be called to our attention.

Joseph Campbell is the fourth person to hold the post of Comptroller General.

I deeply regret that he has been forced to step down for reasons of health, and I sincerely hope that taking the burden of this awesome job off his shoulders will contribute to a speedy recovery.

Now our attention must turn to the designation of his successor. Because of the dominant control of the entire machinery of Federal Government by one party, I believe it is all the more important that the person designated to become the new Comptroller General be a person who will have no inhibition to letting "the chips fall where they may," in the course of every investigation.

With all major administrative positions in the hands of the Democratic Party, I think the President would do well to consider the appointment of a Republican to this position, which has such great oversight responsibilities.

Though there are several vacancies waiting to be filled at the present time, I believe that none is more important to the country than this one. The Nation has a great stake in the designee, and it is my firm hope that he will be no less a man of courage and integrity and ability than the man who has held this post for the last 11 years.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am happy to yield to the gentleman from Illinois.

Mr. RUMSFELD. Mr. Speaker, I want to associate myself with the remarks of the gentleman in the well and express my appreciation to him for providing me this opportunity to join all Members of Congress in the past as well as those of us here today in expressing our appreciation to this fine man, the Honorable Joseph Campbell on his forthcoming retirement and to express my appreciation to him for his truly outstanding service to this country and particularly to the taxpayers of this country.

I have not met Mr. Campbell personally. However, I have corresponded with him on numerous occasions and have found him to be responsive, diligent, and vigilant. He has served the Nation in the finest tradition as a public servant of the people. I wish him well in his well earned and greatly deserved retirement.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am glad to yield to the gentleman from California.

Mr. YOUNGER. Mr. Speaker, I, too, would like to associate myself with the remarks of the gentleman from New

York in paying tribute to Comptroller General Mr. Joseph Campbell. He not only has served well the taxpayers but he is one individual who in my opinion has recognized that he was serving as an arm of the Congress and that he owed an obligation to the Congress. So many of our so-called arms which we have, such as the regulatory agencies that have been created, supposedly to serve as arms of the Congress quickly forget that they are arms of the Congress and they become independent—independent of the administration and independent of the Congress and they become a fourth arm of the Government. But Mr. Campbell never forgot his obligation to the Congress. I have had occasion many times to contact his office for information and always received a prompt, full, and complete supply of the information I requested.

Now I also think it ought to be said that with all of his duties, he was a great man for community work. For instance, he served as chairman of the Organization of the Brooklyn National Laboratory. He was president of the Associated Universities. He was treasurer and director of the Morningside Heights Inc. He was trustee of the House of the Holy Comforter. He was a trustee emeritus of Trinity College in Hartford, Conn., and a trustee of the Manhattanville Neighborhood Center. So it was not only in the public eye that he served but he served as a true citizen of his neighborhood and of his locality. It gives me real pleasure to join in paying tribute to one of the greatest public servants I have ever had the pleasure of serving with.

Mr. PIRNIE. I thank the gentleman from California. The gentleman is quite right in underscoring the relationship that Mr. Campbell sought to establish in service to the Congress.

Mr. MAHON. Mr. Speaker, will the gentleman from New York yield?

Mr. PIRNIE. I am happy to yield to the gentleman from Texas.

Mr. MAHON. The House honors itself when it honors Joe Campbell, the distinguished Comptroller General. He has served the Nation by serving the Government, and particularly the Congress, with great distinction.

I expect that the members of the Committee on Appropriations have worked with him as closely, if not more closely than any others. I can testify, from firsthand knowledge, that he has been most cooperative and helpful and that his name ranks high with all those in my knowledge who have dealt with him during his administration of the General Accounting Office.

It is good that the Nation has produced a man of his admirable qualifications and I deem it a high privilege to be able to join in these tributes to him and to commend him for the fine services he has rendered to his Government and his Nation. Probably not many of the Nation's taxpayers know that he has been instrumental in helping them and helping the Congress not only save a lot of money but to secure more efficiency in the operations of the U.S. Government.

I thank the gentleman for yielding.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, I cannot let this opportunity pass without joining the distinguished gentleman from New York in paying a well-deserved word of tribute to a great American, an outstanding public servant, who has served the Congress and the Nation in the highest traditions of the office which he has held. I hope that he may enjoy prosperity, success, and happiness for many years to come.

Mr. PIRNIE. I thank the majority leader.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Iowa.

Mr. GROSS. I desire to join the gentleman from New York and all others who have spoken on the subject of the retirement of Comptroller General Joseph Campbell.

It has been my privilege to know Mr. Campbell. He is a dedicated public servant, a man of unquestioned integrity. I deeply regret that he is leaving Government service for there is no question that he and the employees of his agency have been instrumental in preventing the waste of untold millions of dollars.

As the gentleman from California [Mr. YOUNGER] has so well said, and unlike some other agencies and departments, when communications are addressed to him by Members of Congress they bring an immediate response. This has been my experience in writing to him to obtain information.

My great hope is that the present President of the United States will name a successor of the character, integrity, and dedication of Mr. Joseph Campbell. The citizens of this country have every right to expect that in the filling of this vacancy, the President will lay aside political considerations and select a Comptroller General who will administer the General Accounting Office on the same high standard as that set by Mr. Campbell, who, I say again, leaves an unquestioned record of honorable and competent service to his Government.

Mr. PIRNIE. I thank the gentleman from Iowa. I am sure we could pay no greater tribute to this man than to express the hope that this position will continue to be filled by men of his integrity and ability.

Mr. THOMAS. Mr. Speaker, it has been my high privilege to know Joseph Campbell well during the past 10½ years when he served as Comptroller General of the United States, and before that when he was a member of the Atomic Energy Commission. Every year he came before our Independent Offices Appropriations Subcommittee with his budget, and we always looked forward to meeting with him.

He is only the fourth Comptroller General of the United States since 1921 when the General Accounting Office was created by the Congress. Each person who has held this office has been outstanding in his own right. However, too much credit cannot be given to Joseph Campbell. He has given the Nation leadership in this office without equal.

He has many outstanding attributes, but perhaps the greatest is his managerial ability. A principle accomplishment during his tenure has been the realinement of the operating divisions into separate civil, military, and international divisions. These he has staffed with increasing numbers of certified public accountants and other highly qualified individuals. At the same time he reduced overall employment over 25 percent so as to do a better job with fewer people. This type of performance is deserving of the thanks and appreciation of every citizen and taxpayer in the Nation.

He never forgot that the General Accounting Office is an arm of the Congress. He was particularly concerned that his office should aid the Congress in carrying out its constitutional responsibility for controlling the public purse and enacting legislation with sound financial and management provisions. To this end his relationships and his service to the Congress and its committees has been excellent.

Let no one in the House underestimate his dedication, ability, and integrity. He has been on the job every day for many years directing personally all the many facets of GAO operations. He has increased measurably the stature of the General Accounting Office.

We are happy to note that he is well on the way to recovery from his recent illness. He leaves a great legacy. We do not know what he may wish to undertake next, but rest assured he and his charming, talented, and devoted wife will have their presence felt wherever they are. We wish them every good wish as they continue to face a wonderful future.

GENERAL LEAVE

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks commemorating the service of and paying tribute to the character of this outstanding public servant.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PRESIDENTIAL NEWS CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma, the distinguished majority leader [Mr. ALBERT] is recognized for 30 minutes.

Mr. ALBERT. Mr. Speaker, I am sure that many Members of the House joined millions of Americans across the Nation in witnessing the televised proceedings of President Johnson's news conference today.

The President opened his remarks with a restatement of the Nation's commitment in Vietnam. The South Vietnamese people have asked our assistance in resisting Communist domination. We have said to these people, as we have said to others, that we will do what is necessary to see that their struggle succeeds.

It has become necessary to commit U.S. forces to achieve this end. For us to decline to make this commitment would be to abandon the South Vietnamese to Communist control. For us to fail to meet the commitment entirely would be to fail the 70,000 or 80,000 American boys who are already fighting and assisting the South Vietnamese people. Such an abandonment would say to other nations that our pledged word in the face of Communist aggression is good—but only up to a point. Faith in the value of our word would be seriously weakened, most immediately in southeast Asia but also in the rest of Asia and throughout the world.

Such an abandonment would say to the other Communist nations that if the United States is pushed hard enough, it will back off from its firm commitments. It would give to those Communist leaders who are closely watching the Vietnam conflict the green light to initiate subversive aggression against their neighbors. We would then be faced with choosing to fight in a number of places or in choosing to accept a growing number of implacably hostile regimes much closer to our shores.

Mr. Speaker, the President of the United States has considered every possible course of action in reaching the conclusions which he has announced to the American people. He has sought, and he has had the advice of, many Americans in all walks of life—he has consulted with former President Eisenhower, Members of Congress, and high diplomatic and military officials of the Government.

Mr. Speaker, there is nothing new in the course which the President has taken. There is nothing inconsistent in what the President has said. There is nothing which changes our policy. The door to discussions is still open. The door to negotiations is still open. Peace is still our goal—honorable, lasting, and just peace. This is our purpose, and the President has made this abundantly clear. I am sure, Mr. Speaker, that an overwhelming majority of Americans support President Johnson in his conduct of American forces and policies in Vietnam.

Mr. Speaker, I ask unanimous consent that at this point in the RECORD I may include the text of the statement issued by the President today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The statement referred to is as follows:

STATEMENT BY THE PRESIDENT

Not long ago I received a letter from a woman in the Midwest. She wrote:

"DEAR MR. PRESIDENT: In my humble way I am writing to you about the crisis in Vietnam * * *. I have a son who is now in Vietnam. My husband served * * * in World War II * * *. Our country was at war, but now this time it's something I don't understand, why?"

I have tried to answer that question a dozen times and more. I have discussed it fully in Baltimore in April, in Washington in May, and in San Francisco in June. Let me now discuss it again. Why must young Americans—born into a land exultant with hope and golden with promise—toil and suffer and sometimes die in such a remote and distant place.

The answer, like the war itself, is not easy. But it echoes clearly from the painful lessons of half a century. Three times in my lifetime—in two World Wars and in Korea—Americans have gone to far lands to fight. We have learned—at a terrible and brutal cost—that retreat does not bring safety, or weakness bring peace.

It is this lesson that has brought us to Vietnam.

This is a different kind of war. There are no marching armies or solemn declarations. Some citizens of South Vietnam—at times with understandable grievances—have joined in the attack on their own government. But we must not let this mask the central fact: This is a war. It is guided by North Vietnam and spurred by Communist China. Its goal is to conquer the South, defeat American power, and extend the Asiatic dominion of communism.

And there are great stakes in the balance. Most of the non-Communist nations of Asia cannot, by themselves, resist the growing might and grasping ambition of Asian communism. Our power is a vital shield. If we are driven from the field in Vietnam, then no nation can ever again have the same confidence in our promise or protection. In each land the forces of independence would be weakened. And an Asia so threatened by Communist domination would imperil the security of the United States itself.

We did not choose to be the guardians at the gate. But there is no one else.

Nor would surrender in Vietnam bring peace. We learned from Hitler at Munich that success only feeds the appetite of aggression. The battle would be renewed in one country and then another: bringing with it, perhaps, even larger and crueler conflict.

Moreover, we are in Vietnam to fulfill one of the most solemn pledges of the American Nation. Three Presidents, over 11 years, have promised to help defend this small and valiant nation. Strengthened by that promise the people of South Vietnam have fought for many years. Thousands have died, and thousands more have been crippled and scarred by war. We cannot now dishonor our word, abandon our commitment, and leave those who trusted us to terror and repression and murder.

This, then, is why we are in Vietnam.

What are our goals in that war-stained land?

First, we intend to convince the Communists that we cannot be defeated by force of arms.

They are not easily convinced. In recent months they have increased their fighting forces and their attacks. I have asked the commanding general—General Westmoreland—what more he needs to meet a mounting aggression. He has told me. And we will meet his needs.

I have today ordered to Vietnam the air mobile division, and certain other forces which will raise our fighting strength from 75,000 to 120,000 men. Additional forces will be needed later and they will be sent. This will make it necessary to increase our active fighting forces by raising the monthly draft call from 17,000—which it now is—to 35,000; and stepping up our campaign for voluntary enlistments.

After this past week of deliberations, I have concluded it is not essential to order reserve units into service. If that necessity should later be indicated I will give the matter careful consideration and I will give the country due and adequate notice before acting.

We have also discussed with the Government of South Vietnam the steps they will take to substantially increase their own efforts—on the battlefield and toward reform and progress in the villages.

I have directed Secretary Rusk and Secretary McNamara to be available immediately to review these moves with appropriate congressional committees. I have asked them to be available to answer the questions of any Member of Congress. And Secretary McNamara in addition will ask the Senate Appropriations Committee to add a limited amount to present legislation to help meet part of this new cost, until a supplemental measure is ready, and hearings can be held, when the Congress assembles in January.

These steps, like our actions in the past, are carefully measured to do what must be done to bring about an end to aggression and a peaceful settlement. We do not want an expanding struggle, with consequences no one can foresee. Nor will we bluster or bully or flaunt our power.

But we will not surrender. And we will not retreat.

For behind our pledge lies the determination and resources of the American Nation.

Second, once the Communists know, as we know, that a violent solution is impossible, then a peaceful solution will be inevitable.

We are ready now, as we have always been, to move from the battlefield to the conference table. I have stated publicly, and many times, our willingness to begin unconditional discussions with any government at any place. Fifteen efforts have been made to start discussions. But there has been no answer.

But we will persist, if persist we must, until death and desolation have led to the same conference table where others could now join us at so much smaller cost.

I have spoken many times of our objectives in Vietnam. So has the Government of South Vietnam. Hanoi has set forth its own proposals. We are ready to discuss their proposals, and our proposals, and any proposal of any government whose people may be affected.

For we fear the meetingroom no more than we fear the battlefield.

In this pursuit, we welcome, and ask for, the concern and assistance of any nation. If the United Nations, its officials, or any one of its 114 members can—by deed or word, private initiative or public action—bring us toward an honorable peace then they will have the support of the United States of America.

I have directed Ambassador Goldberg to go to New York immediately and present to the Secretary General a letter from me requesting that all the resources, energy, and immense prestige of the United Nations be employed to find ways to halt aggression and bring peace in Vietnam.

For we do not seek the destruction of any government, nor do we covet a foot of territory. But we insist, and we will always insist, that the people of South Vietnam shall have the right to shape their own destiny in free elections—in the south or throughout all Vietnam under international supervision—and they shall not have any government imposed upon them by force and terror. This was the purpose of the 1954 agreements which the Communists have cruelly shattered. And if the machinery of those agreements was tragically weak, its purposes are still our own.

And as battle rages we will continue, as best we can, to help the people of South Vietnam enrich the condition of their life—to feed the hungry, tend the sick, teach the young, shelter the homeless, help the farmer to grow his crops and the worker to find a job. It is an ancient, but still terrible irony that while many leaders of men create division in pursuit of grand ambitions, the children of man are united in the simple, elusive desire for a life of fruitful and rewarding toil. As I said in Baltimore, I hope one day we can help all the people of Asia toward that desire: not at the price of peace—for we are ready to bear a more painful cost—but as part of our obligations of justice toward our fellow man.

Let me also add a personal note. I do not find it easy to send young men into battle. I have spoken to you today of divisions, and forces and units. But I know them all, every one. I have seen them in every State of our Union working and laughing, building and filled with life. And I know, too, how their mothers weep and their families sorrow. It is the most agonizing and painful duty of my office.

And there is something else.

When I was young, poverty was so common we didn't know it had a name. An education was something you had to fight for. And water was life itself.

I have now been in public life for more than three decades. In each of those 35 years I have seen good men and wise men work to bring the blessings of our land to all our people.

And now I am the President of the United States.

It is now my opportunity to help give every child an education—every Negro and every other citizen an equal opportunity—every family a decent home—and to help bring healing to the sick and dignity to the old.

As I have said before, it is what I have wanted all my life. And I do not want to see all those hopes—the dreams of so many people for so many years—drowned in the wasteful ravages of war.

I will do all I can so that never happens.

But I also know, as long as there are men who hate and destroy we must have the courage to resist or see it all—all we have built and all we hope to build—dreams, freedom, all—all swept away on the flood of conquest.

So this too shall not happen, we will stand in Vietnam.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, I commend the distinguished gentleman from Oklahoma for his remarks in regard to the President and the Vietnam situation.

The President is weighted down with a very heavy burden as a result of Communist aggression in southeast Asia. He is doing everything in his power to follow the safest course, the best course, for the people of the United States and for the people of the world. I think it is wise that he has assumed a policy of firmness rather than a policy of vacillation and appeasement. I think it is good that he has not been belligerent or overbearing in dealing with other nations of the world on this matter. I think it speaks well of the President that he has shared his concern, his grief, and his worry about this problem with the Members of the Congress and with others in seeking the best road to follow toward the goal of lasting peace.

Any policy we follow in Vietnam will be dangerous and fraught with many hazards. However, I want to join the gentleman from Oklahoma in commending the President for his well-reasoned, clear, and unequivocal statement of today which was designed, not to promote discord or increase the atmosphere of tension in the world, but rather to show the whole world that we are seeking a just and honorable peace. All objective people everywhere cannot but conclude that the President, in his actions today and heretofore in dealing with this problem, has sought to find peace not only for the welfare of the people of South Vietnam but also for the welfare of the people of the United States and for free people everywhere.

I think the American people will be heartened by his steadfast purpose though somewhat sobered by the awesome responsibilities which confront us at this time. When we Americans put our hand to the plow, we do not turn back. In my judgment, the Members of the Congress and the people of the Nation support the President in the actions announced today. The American people will not be turned aside but will find the road to enduring peace out of all the conflict and unrest of the moment.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for his statement.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I am certain that the American people and the people of the world applaud the firm, forthright, fair, and courageous manner in which the President addressed our Nation today. He has been temperate in this problem. He has been completely honest with the American people.

Mr. Speaker, the only way to win a war is to take and hold the enemy's territory. That is the job that lies ahead. We are in a war. It is a bloody and it is a costly war. It is going to get bigger.

The American people realize the problem and know that we have to get on with it. Whatever the mistakes have been in the past, we now have before us only the choice of being pushed out or taking whatever steps are necessary to win in southeast Asia. If we fail to win this conflict there will not be a nation left west of Hawaii in 10 years which is friendly to the United States. Everything out there will be Communist.

None of us likes this situation. We are confronted with a terrible dilemma, but we have to go ahead. The longer we delay the more costly it will be. I know that the American people realize, as the President has assured us time and again, that it is not decisiveness but indecisiveness which encourages Communist aggression.

Korea, Berlin, Cuba, should have taught us that there is no substitute for determination to win. If I know the American people they will want to get on with whatever it is we have to do to win this conflict. I think that is the attitude of every thinking person as a result of the President's message today.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for his fine statement.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, today's message by President Johnson was a frank and factual statement to the people of our Nation and to the world. In simple and plain language he warned the Communist leaders that the free world will stand firm and not retreat in the path of Communist aggression in South Vietnam.

The people of the free nations and someday the enslaved people now under the heel of Communist tyrrany will offer thanks to the United States for our sacrifice in saving humanity from total Communist world enslavement.

President Eisenhower in 1951, before he was elected President, testified as a general and leader of the European program to aid and restore the war-stricken nations. He appeared before the House Foreign Affairs Committee and stated that all Europe would be Communist today—1951—if it had not been for the aid and sacrifice made by the United States to restore helpless nations and protect them from Communist aggression.

Korea, 15 years ago, was a great victory for the free world when the Communists were defeated in their mad program to enslave the Pacific islands nations and Asia.

Vietnam is another brazen step in their program to enslave one small nation after another. If they succeed in Vietnam other nations will no doubt fold to their threats and they will be set for further aggressions.

No doubt South American nations would be their next victims.

If the United States, as the leader of the free world, retreats, it will be but a matter of time until the United States will be an island in an ocean of world communism.

If that program of Communist dictators succeeds, our economy would collapse, unemployment, discontent, would be rampant and our freedom would collapse. Congratulations to President Johnson and his great speech to the world today. He needs the support of all patriotic citizens in the United States and throughout the globe.

Mr. ALBERT. Mr. Speaker, I thank the gentleman from Indiana for his fine and accurate statement.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to my colleague, the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, I thank our able majority leader who, as he so often does, has spoken eloquently what is in the hearts of many Americans today in his comments upon the President's message of noon today.

Mr. Speaker, once again President Johnson has stated in clear and inspiring terms the objectives of our Nation in Vietnam, and our determination to hold the line for freedom in that distant land.

The President's firm restatement today of our Government's willingness to negotiate for an honorable peace "with any government" should silence unreasoning critics who charge us with pursuing too hard a line in Vietnam.

At the same time, the actions announced by the President to strengthen our forces overseas are solid evidence of our determination to honor our commitments to South Vietnam, and to do whatever is necessary to defeat the forces of aggression there.

I support the President's firm and balanced policy and believe it is deserving of the united support of all Americans.

Certainly history has convincingly demonstrated, as the President eloquently said, that retreat is seldom the road to either peace or freedom.

Our best road to peace and freedom in Asia is being followed resolutely by the President, and his fellow Americans can best advance the cause of peace and freedom by giving our forces in Vietnam, and their Commander in Chief in Washington, their resolute united support.

Mr. ALBERT. I thank my friend for his very excellent statement.

Mr. HECHLER. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from West Virginia [Mr. Hechler].

Mr. HECHLER. Mr. Speaker, I am pleased to join with our eminent majority leader and others who have spoken more eloquently than I can in support of the outstanding statement which the President of the United States made at his news conference earlier this afternoon.

Mr. Speaker, the President has made an historic pronouncement and has taken actions in Vietnam which will further mark him as one of the truly great Chief Executives in America history.

President Johnson has indicated again that America is determined to stand firm in Vietnam. He has defined the issue clearly and he has left no doubt that the primary purpose of our policy is peace with justice.

With the overwhelming power of the United States it would be possible to take the easy-looking road, to try to eliminate our frustrations and ruthlessly throw all of America's military might into this conflict. Such a course might attain what would seem to be an easy solution. But the President has again stressed the grave dangers implicit in this situation. He realizes full well the holocaust which would result from world war III. He has reiterated that we will leave no stone unturned to bring this cruel conflict to the conference table. Only then will the people of the world be able to get on with the good old fight against poverty, against ignorance, against intolerance, and disease at home and abroad.

Mr. Speaker, President Johnson has shown that he knows the proper measure of power and restraint to use in approaching this delicate issue. He has also demonstrated that he can use the right combinations of firmness and flexibility.

Mr. Speaker, I believe that millions of Americans and peoples all over the world will support the President in this action.

I thank the gentleman from Oklahoma for yielding.

Mr. ALBERT. Mr. Speaker, the gentleman from West Virginia has made a very excellent contribution to this discussion and I appreciate what the gentleman has said.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished gentleman from Washington [Mr. Foley].

Mr. FOLEY. Mr. Speaker, I join in the expressions of my colleagues and in particular with those of the distinguished majority leader of the House.

Mr. Speaker, the President is a man of peace. But as he and we know so well, peace cannot be achieved by inaction or mere disengagement. A peace of vacillation, of weakness, of retreat before force is always a temporary respite, nothing more. The only hope for peace in Asia and for the freedom of independent peoples and states lies with our ability and will to resist force and terror as instruments of aggression.

Thousands of American fighting men are in Vietnam today. Thousands more will be in Vietnam in the coming months. We know that many American lives may be lost, but our commitment has been given and it will be met. The President has again made that clear to friend and to foe alike.

At the same time the President has reiterated our desire to seek every avenue of negotiation, to come to any conference table, and to cooperate with any nation in resolving the bitter conflict in Vietnam. He has reemphasized again the importance that the United States attaches to the efforts of the United Nations in seeking a peaceful solution. Finally he has underscored our determination not only to bring stability and freedom to South Vietnam, but to supply massive aid and technical assistance as soon as conditions permit to raise the conditions of life for all the people of that beleagured country.

Mr. Speaker, the President and the great majority of the Congress and the country are of one mind, of one heart, and of one will in these goals of our policy and effort. The President has shown the leadership. The country will respond. The support that every American President has received from a free people in times of difficulty and danger will be given to President Johnson. No nation should doubt the strength or endurance of that support; to do so would be the most serious of miscalculations.

Mr. ALBERT. I thank the gentleman for his very fine statement.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include as part of my remarks the statement made by the President of the United States today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the following Members may extend their remarks in the Record at this point: Messrs. Boggs, Morgan, Rivers of South Carolina, Zablocki, Hébert, Multer, Dent, and Morris.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MORGAN. Mr. Speaker, I stand behind the President. There is only one course for us to follow in Vietnam, that is to protect the people of South Vietnam against Communist aggression.

Any alternative under present circumstances would involve surrender. Any backing down in Vietnam would shake the confidence of the entire world in the United States and what the United States stands for.

We have to face the fact that the United States is the keystone in the defense of the free world against Communist aggression. If we weaken, the defense structure which we and they depend on will collapse.

We are in for a hard fight and we will gain no glory from it. I do not regard the situation as hopeless. I am confident that we have the determination and the ability to do the job.

I am sure that the overwhelming majority of the American people understand the issues and endorse the position the President has taken.

Mr. RIVERS of South Carolina. Mr. Speaker, the Nation and its chosen representatives will rally behind the President in this period of crisis in South Vietnam.

Stephen Decatur—one of America's greatest heroes of another day—said that in her dealings with other nations:

> My country, may she always be in the right, but right or wrong, my country.

Mr. Speaker, our country is right, and this is not the time to debate the wisdom of the President's most recent decision. This is the time for every American to give him his sympathy, understanding, and support.

Mr. Speaker, every American wants victory in Vietnam. And I know, Mr. Speaker, that the President wants victory in Vietnam. But, Mr. Speaker, all of us join the President in wishing for victory at the lowest possible cost in human life. We must back him in every endeavor to bring victory and the termination of hostilities in the most honorable manner. It is imperative that we back him in this endeavor. I, for one, will give him every ounce of my energy both personally and as the chairman of the Committee on Armed Services of this body and this undertaking so vital to this Nation and her brave fighting men everywhere on earth.

Mr. ZABLOCKI. Mr. Speaker, I applaud President Johnson's clear and forceful restatement of our national purposes in South Vietnam. Those genuinely interested in justice for our fellow men must endorse the President's determination to stand fast and fulfill our commitment in protecting the freedom and dignity of the people of Vietnam. There should be no doubt that if we fail to keep our word in Vietnam and permit that nation to fall to communism we will invite other and even more difficult problems in other areas of the entire world.

President Johnson has again revealed to the Communist aggressors both the arrows and the olive branches in the eagle's claws. The choice is theirs to make. It is absolutely essential that we stand firm in the face of mounting aggression. At the same time we must make every effort to find a way to bring peace to a war-ravaged nation.

I firmly believe that each one of us must continue to accept the President's call to support him in these efforts.

Mr. HÉBERT. Mr. Speaker, I was privileged to be one of those invited to the White House this morning to hear the course of action which he planned in Vietnam and which he broadcast to the American people and to the world a few hours later.

I have a very good reason in rising today in support of the President of the United States.

There are those who do not agree with the President on many of his domestic policies, and it is no secret that included among them is myself. Because of this difference of opinion I believe what I am about to say becomes all the more significant.

There is no limitation or qualification to my support of President Johnson in this hour of crisis. He is the President of the American people and as an American I support him. If he is to have the respect of the world, he must have our respect, plus our support.

It is a horrible thing to send men to die, and since beginning of time men have died in order that more men might live.

Liberty has been bought with blood and has been preserved in blood.

I wish it were otherwise, but the cold facts of life are that this is the price which we must pay. I have walked among the crosses of Flanders, Anzio, and the islands of the Pacific. They are all reminders that beneath them rest men who have died in order that those of us who now live could walk as freemen.

The President has discharged his responsibility and has made what he considers the right decision in a moderate approach at the moment to the escalation of the war in Vietnam.

There were other avenues open. Some of these avenues are more flamboyantly lighted and others decorated in dazzling colors of defiance. The avenue he chose to walk is one paved with solid stones of determination and flanked with signs of direction to peace for the world.

I approve his approach.

He has not forsaken or eliminated other avenues of approach if this one does not lead to the destination desired. He has done what he thinks is best for his country and the people of the world who seek peace.

If future conditions demand that the present approach be abandoned or changed, he can do it with honor.

In choosing the path which he has, the President has given his fellow Americans the time to pause and reflect on the seriousness of the situation and the dangers which lie ahead if we forsake our commitments.

He has given the world the opportunity to understand our dedication to the cause of peace and freedom.

He has given time for our enemies to come to the realization that America means business and will not be deterred in its objective of peace for all peoples of the world.

Of course there will be those who will continue to disagree. There will be those who will be critical. My hope is that those of us in responsible positions and privy to information which guards the security of our country shall be most cautious in uttering or doing anything which might give comfort to the enemy.

At this time in our lives we should stand solidly behind the President and back him to the hilt. We should declare to the world that our President speaks for all Americans in the Nation's dealing with any nation.

We should stand united and determined behind the President at this crossroads to the peace of the world, fully knowing and fully realizing that he acts only in the best interest of the people who have placed their trust in him.

I cannot add to what has been said here today.

I can only repeat what I have said on this floor and on many occasions, and that is what I so deeply believe.

As we repeat our prayers day after day, the same words, the same plea, the same admonition, so can we repeat day after day, repeat and repeat the words of Admiral Decatur which never grow old but gain in significance with the passing of each generation.

Yes, again I repeat the toast of Stephen Decatur:

> Gentlemen, our country. In her intercourse with foreign nations, may she always be in the right. But right or wrong—our country.

Mr. MULTER. Mr. Speaker, it is a privilege indeed to follow the leadership of our great President, Lyndon B. Johnson.

Once again he has spoken out in no uncertain terms.

The peace-loving people of our country and of the world know that our President wants nothing more than peace for us and for all mankind.

At the same time, aggressors who would destroy our liberties and enslave us are again put on notice that we practice what we preach.

We will use none of our power for aggrandizement but will use every last bit of it, if necessary, to prevent aggrandizement, oppression, and suppression, wherever the ugly head of terroristic might is raised.

It is good to know that we have a Commander in Chief who does not panic, who moves deliberately but surely, using only as much force as is needed, with due regard to all the important factors involved.

We are in good hands.

Well done and well said, Mr. President.

Mr. DENT. Mr. Speaker, I take great pride in joining our distinguished floor leader, the gentleman from Oklahoma, the Honorable CARL ALBERT, in his very profound statement, reflecting the wisdom of our President's position as given to the American people in his noonday talk on the problems on Vietnam.

History will record the fact that in all of the trying situations that have arisen during the President's regime he has leaned over backwards in his attempts to bring this conflict to an honorable conclusion.

History must also record the titanic struggle between freemen and the victims of Communist enslavement that are the real issues in the jungles and villages of this disturbed nation.

His reassurance to the American people of his determination to use all our resources with the utmost discretion and only after all avenues have been explored and all hope has been lost that reasonable persons can get together on a solution.

The use of our troops when absolutely required is promised but any hope of the Communist propagandists that our President would be stampeded into any decision in the area of action has been completely dissipated by the cool, calm, and logical report to all the American people.

Never in our history have the American people been given a complete and candid report in a matter of this seriousness.

Those of us in Congress who know the President's resourcefulness and personal integrity have always been confident that he would measure up to the judgment of the American people, a judgment passed upon his qualifications in a free and open election.

Our President, never fear, is still in command and with this we know our future is in the hands of a man dedicated to freedom and to the integrity of our commitments.

His determination to both protect our people and our Nation as well as keeping our commitments is the strength that dismays our enemies even more so than our military hardware.

The people of Vietnam, all the people both in the North and the South, will eventually see that the true believer and true defender of their personal and national rights, privileges, and integrity, is the President and the people of the United States.

Mr. MORRIS. Mr. Speaker, I want to avail myself of this opportunity to associate myself with the remarks of the gentleman from Pennsylvania, Dr. THOMAS E. MORGAN, the distinguished chairman of the House Committee on Foreign Affairs.

I know it was a painful duty for the President of the United States to commit additional American manpower and materials to southeast Asia but the only alternative was to run the risk of permitting the forces of aggression to continue unchecked to enslave the freedom-loving people of South Vietnam. After South Vietnam, what would be the next target? No one really knows—but history has taught us that the fuel that feeds the fire of Communist aggression is never extinguished.

I commend the President for the unflinching courage and fortitude he displayed in making this most difficult decision.

Mrs. KELLY. Mr. Speaker, I wish to join with my colleagues, and with my countrymen throughout this land, in applauding President Johnson's articulate and eloquent statement on the subject of Vietnam.

There are many times when the responsibilities of our position place upon us the burden of making some very hard decisions. Surely the burden upon our President is much, much greater, for in his hands rests direct responsibility for the future of our Nation, of peace and freedom in the world. With this at stake, I know that the decisions the President had to make about our course in Vietnam involved much soul-searching and much personal anguish.

Yet the decisions which the President made—and which he eloquently reiterated today—are probably the only acceptible alternatives available to us. For as the President pointed out, victory has never satisfied the appetite of an aggressor, appeasement has never brought peace to the world. And so, if we truly seek peace, and if we are concerned about the security of our Nation not only for our but also for future generations, we must be determined to stand fast when confronted with aggression. This is what we are doing in Vietnam.

At the same time, I also applaud that part of the President's speech in which he again restated his willingness to sit down at a conference table, and to pursue a peaceful resolution of the conflict in Vietnam. We must never be afraid to negotiate if negotiation is possible. It remains to be seen, however, whether the North Vietnamese will be equally willing to talk and to negotiate.

Mr. Speaker, the course which we are pursuing in Vietnam is the right course, even though it is an extremely difficult and perilous course. Let us stand together in this hour of our national test, and support our President.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the Record today, and may have 5 legislative days in which to extend their remarks on the subject of the President's statement today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE OTEPKA CASE

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Minshall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MINSHALL. Mr. Speaker, we have another cover-up going on in the Johnson administration. This one is as contemptuous of the people's right to know as was the scandalous Bobby Baker cover-up and it is much more serious because it goes to the heart of the Nation's security.

For months the members of the Senate Internal Security Subcommittee have been trying to find out why the State Department fired its top security evaluator, Otto Otepka. They have not been able to, and another volume of hearings on the subject released for publication today shows that the lid still is on.

Otepka is a man of character and accomplishment who has served his Government for 20 years. But when he testified truthfully before the Senate subcommittee which was investigating alleged laxities in the State Department's security system, he was ordered fired.

The record in this case reeks with evasion and outright falsehood. Three employees of the State Department, two of them high officials, gave untruthful testimony when they got caught. But in at least one case, even the revision was not truthful.

The testimony released today shows that the State Department witnesses still cannot force themselves to be frank and cooperative with the Senate investigators. They say "no" or "maybe" when the answer should be "yes." They evade and cover up. The truth still is hidden.

We still must ask why Otepka was fired. Was it because he told the truth to the Senate investigators and thereby embarrassed his superiors? Was it because he objected to free and easy security clearance for critical department employees, such as the 150 waivers of preliminary investigation by Secretary Rusk? Was it because Otepka insisted that security clearance be withheld from doubtful appointees?

The American people have a right to the answers to those questions and Secretary Rusk has a duty to provide them.

Last fall all State Department security field records were ordered burned. These were unduplicated records used for leads and contacts by field investigators. Then, more than 30 seasoned field investigators were reassigned to other cities so that even their knowledge of the files was rendered useless.

This, coming on top of the Otepka case, makes one wonder if the State Department really is concerned about security risks on its payroll.

The key to the answer lies in an open hearing for Otto Otepka.

PINCH-PENNY WAR POLICY LAID TO UNITED STATES

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CURTIS. Mr. Speaker, responsible, courageous, imaginative reporting is one of the rarest commodities in the discussion that should be taking place about what is really happening in Vietnam. All America is therefore very fortunate, especially the Members of Congress, the press, and interested readers of the Record, that Charles J. V. Murphy, the Washington editor of Fortune magazine, has again produced a major analytical article about a troubled spot in this world.

On September 20, 1961—A7456–A7460 of the daily Record—I brought to the attention of this House Mr. Murphy's reporting first of certain situations involving the Cuban invasion. Although this was denied and denounced by some, on January 30, 1963—A394–A395 of the daily Record—I was delighted to be able to report that the Overseas Press Club had given its award for the best foreign reporting to Charles J. V. Murphy for his article on the ill-fated Cuban invasion. Now, in the August issue of Fortune magazine, there is a major piece about Vietnam and about what Mr. Murphy has found there. The Washington Star, July 26, 1965, carried an Associated Press story about this, which follows:

PINCH-PENNY WAR POLICY LAID TO UNITED STATES

NEW YORK.—Charles J. V. Murphy, an editor of Fortune magazine and onetime aide to an Air Force chief of staff, says after a visit to Vietnam that he was "distressed and shocked" by American conduct of the war there.

Writing in the August issue of the magazine, he called the Bien Hoa Air Base "the dirtiest, most slovenly, ramshackle air operation I have every witnessed."

Murphy said he saw the explosion that destroyed 22 planes and damaged others at the base in May.

Murphy, who was a special assistant to the late Gen. Hoyt Vandenberg, Air Force chief of staff, said that when he visited the base the day before the explosion, he found it crowded with about 300 planes "wingtip to wingtip for want of dispersal room."

He said he found that because of a lack of funds, about a dozen concrete and earth embankments to protect the planes had not been completed.

Murphy said:

"The penny-pinching attitude that contributed to this episode and the timidity that impelled experienced officers to endure a scandalous situation did credit to no one."

He also wrote:

"It makes no sense to send American foot soldiers, rifles and grenades at the ready, into the rain forests and the rice paddies * * * to grapple with a foe whom they cannot distinguish by face or tongue from the same racial stock they seek to defend.

"On every count—disease, tropical heat and rain, the language curtain—the odds are much too high."

Murphy said the United States, instead, should emphasize an air offensive against North Vietnam, accompanied by a blockade of the North Vietnamese coast.

It is important that we read the whole Murphy article in context and this I hope the Members of the House will do, regardless of whether they agree or disagree with his conclusions.

What must be borne in mind is that Mr. Murphy is a very mature human being who has for many years covered the Washington scene and military affairs around the world. He is no youngster making first-guess impressions about Vietnam, which has been the case about some of the writing concerning this very complicated situation. He has been for months in southeast Asia and has been imaginative enough to visit some of the countries which are supplying limited troops and assistance to the South Vietnamese and the Americans. I refer particularly to his visits to countries such as New Zealand and Australia.

Although this article may well be again denounced and denied, I want to remind the Members of this House what happened to other articles, such as the one about the Cuban invasion, and how finally the facts as reported by Mr. Murphy and carefully reviewed by the editors of Fortune have turned out to be both true and of assistance to the Congress.

Last year Mr. Murphy wrote two articles about Vietnam which merit rereading. In May he reported that the war was going to last a long time unless certain actions were taken. In September he stated that President Johnson should act at that time instead of waiting until after the election.

Under unanimous consent, I include the article of Mr. Murphy which appeared in the August 1965 edition of Fortune magazine at this point:

Traveler to the Pacific Wars

(By Charles J. V. Murphy)

(Note.—Fortune editor Charles Murphy has been making an extended tour of the South Pacific. His report on New Zealand, "Traveler in a Small Utopia," and Australia, "Traveler on the Rim of Asia," appeared in the May and June issues. From Australia he flew on to Singapore and Bangkok. A report on that area will be detailed in an early issue. This letter begins with his reflections as he approaches Saigon and the larger war in Vietnam.)

There was not much to see from 30,000 feet. In these near equatorial latitudes, the rainy season had begun rather earlier than usual, and much of the time the plane was either in or over soggy, heavy cloud layers. Soon after takeoff from Bangkok, however, I noticed that the pilot angled southward over the Gulf of Siam, so as to skirt the Cambodian delta. Some few days before, the left-leaning, somewhat frivolous Prince Sihanouk had noisily broken off such diplomatic business as until then went on between Cambodia and the United States. His displeasure embraced Thailand as well, as America's good and helpful ally, and it was therefore only commonsense for the Thai commercial pilots to shy clear of the itchy-fingered gunners, friends and foes alike, who man the Cambodian-Vietnamese borders.

At this stage of my travels I was well up what I had come to think of as the Pacific ladder of trouble, which stretches from the Antipodes through Malaysia and Thailand into Taiwan and beyond to Panmunjom, across some 10,000 miles of land and ocean in all. In Borneo I had been shown what might in modesty be described as a VIP view of that other major Asian war—the so-called confrontation war between the new British-protected state of Malaysia and Indonesia. It's a bona fide war all right, although for cost and killing it doesn't begin to compare with the one that we Americans are in for in Vietnam, some 400 miles away, on the far shore of the South China Sea. Still, there were small but sharp running sea fights at night in Singapore Harbor while I was there, and shooting was going on in the rubber plantations of Johore and in the pepper groves of Sarawak and Sabah.

From Singapore, in due course, I had gone on to Bangkok. Alone among the SEATO partners and the American allies in the Pacific, Thailand occupies a physical bridge, or link, between the British war to save for the West the sea gate between the Pacific and Indian Oceans and the American war to save for the West a political and military lodgement on the Asian Continent. Though Bangkok itself is the capital of the SEATO alliance, Thailand is not yet formally a belligerent in the Far East. Nevertheless, it has become in a studied way a de facto power in both situations. It has bravely lent its geography to the Laotians and ourselves in manners it does not wish specified for military pressures against the North Vietnamese deployments that are a potential hazard to Thailand. It has also begun to give serious attention, for the first time, to the feasibility of a joint operation with the British and Malaysian forces for the purpose of cornering in the wild mountains of southern Thailand a band of Peiping-oriented guerrillas who are the last surviving cadres of the Communist movement that sought to take over postwar Malaya.

Nations and people of like minds in the western and southern Pacific, it seemed to me, were finally beginning to come together out of a realization of a growing common danger. A year ago the United States, Britain, New Zealand, Australia, and Malaysia were pursuing their separate interests in the Pacific with sidelong glances at each other to see how the other was faring. Then, in a matter of months. the Australians and New Zealanders become engaged. Australians are now fighting in Malaysia; both Australia and New Zealand have taken the hard decision to send combat troops into South Vietnam. And so the alliances are converging.

There was no mystery about the circumstances that had finally begun to pull the Pacific alliances together. It was, first, the suddenly appalling realization that the fragile structure of South Vietnam was on the verge of falling apart and, next, the spectacle of the United States striking with its too long withheld airpower at North Vietnam and moving tens of thousands of combat troops across the Pacific into South Vietnam. But it was not simply the agony of Vietnam, heartrending as that is, that finally galvanized the non-Communist powers into action. What happened was that tardily but unblinkingly the politicians in power in these Pacific nations finally recognized and faced up to a still distant but ultimate danger.

THE TIME TO STOP MAO

Most certainly the danger does not rest simply with a fear that if South Vietnam should go down, then that wily septuagenarian Ho Chi Minh will fasten communism on a primitive community that does not really want communism. The central danger is that if the Vietnamese social structure should finally dissolve, in the face of the now quite desperate American efforts to hold it together, then the Red Chinese will have stunningly proved the case for the so-called wars of national liberation, was waged in the guise (to borrow the jargon of the original Soviet handbook) of "anti-imperialist national-liberation movements."

It may come as a surprise to some, but the fact is that few understand this rising danger more acutely than do the politicians and intellectuals of the non-Communist Socialist left. In Auckland and Wellington, in Canberra and Melbourne and Sydney, in Singapore and Kuala Lumpur, one man after another said as much to me. Their shared reasoning went something like this: "You Americans must never give up in Vietnam. Red China is the enemy. Now is the time to stop Mao. Only you Americans have the military power to do the job." Then, after a pause, this sotto voce apology: "Of course you will appreciate why we can't say this publicly. Politics, you know." All the politicians in the Pacific knew that even Prime Minister Shastri of India, while publicly deploring the American air bombing of North Vietnam, had privately spoken admiringly of the American resolution. And the diplomatic grapevine vibrated with the news that even Prince Sihanouk and the somewhat anti-American Prime Minister Lee Kuan Yu of Singapore were agreed in their private conversations in May at Pnompenh that American military power had entered the battle none too soon.

What the Pacific leaders are finally braced for, while still flinching from openly acknowledging its inevitability, is a decisive contest between the United States and Red China. There can be no real peace in their world of non-Communist Asians—a community of 1 billion people—until the power question has been settled one way or another. I pondered what this judgment involves for us: can the United States even hold on in Vietnam without pressing the war home directly against North Vietnam and the power center in Hanoi itself? Judgment on this was to be made soon enough on my arrival in Saigon. What I was sure of, already, was that a whole new experience, a test, a struggle, possibly even some fantastic ordeal, is unmistakably in the making for the United States in the Pacific, and a new and formidable chapter has opened in U.S. history. There is no mistaking the character and meaning of one fundamental happening. It is that the U.S. strategic center of gravity has moved west of the 180th meridian, into the Asian Pacific. It is almost certain to stay there for years to come.

The pity, the folly, is that the famous men who have been manipulating the American tactics and strategy in the struggle for South Vietnam let the rot and collapse there go on so long. Indeed, I was hardly back in Saigon before I began to wonder whether all of Lyndon Johnson's men have grasped the full seriousness of the new situation. After getting settled in the Caravelle Hotel in the center of the city, and sharing a meal with several colleagues in a tiny bistro run by an expatriate Frenchman with a perhaps exaggerated reputation for occasional murder, I took a walk in the direction of the Saigon River. My path led me past the American Embassy, which had been all but demolished in March by terrorists' bombs. With the reconstruction not yet finished, it put me in mind of the bridge structure of a battleship. The outer walls had been heavily reinforced; the once tall windows had been contracted to narrow turret-like slits; shatterproof plastic was being substituted for glass, to reduce the danger from lethal flying splinters in the event of another bombing; and the street approaches to the building itself had been closed off with upended sections of sewer pipe weighted with concrete to form a barricade.

These defensive dispositions I noted with approval. Then I was taken aback to hear my companion, an officer of fairly senior rank, say that on orders from Washington construction of a new Embassy, to cost about $1 million, was to be started immediately in a residential area. The design had been chosen some years ago, during the false lull that followed the French defeat and withdrawal; it calls for a handsome three-story office building with spacious windows and wide entrances appropriate for a tranquil garden setting. The site was further attractive at the time of its acquisition because of its close proximity to the Premier's office. In the current mood of Saigon, however, this handiness no longer is an advantage. There have been 10 changes of government since November 1963—or were there only 9?—and the mobs have got into the habit of demonstrating in front of their Premier's windows every few months, usually in protest over his supposed subserviency to the American Ambassador. To put up the new Embassy more or less on the direct line of the mobs' accustomed march struck me as a heedless action. Indeed, the whole scheme seemed most untimely; our diplomacy, my friend and I were agreed, might be most prudently conducted for the time being in the present bunker and the million dollars invested in ammunition.

OUR LONGEST LOSING WAR

If I appear cynical about the conduct of American business in South Vietnam, it is because in the course of my visit here I find it hard to be anything but distressed and shocked by the American management of what has become a large and costly war. With the end nowhere in sight, it is already the longest losing war that Americans have been engaged in since the French-Indian wars of the middle 18th century.

In President Eisenhower's last year, U.S. military aid to Vietnam came to only $65 million and our military mission there totaled 773 officers and men. Within a year our military aid to that country was more than doubled, rising as it did in fiscal 1962 to about $144 million, and the military mission was increased some twentyfold, the strength rising to nearly 17,000 men. As this article went to press, early in July, something like 75,000 U.S. troops were already deployed, in one role or another, in South Vietnam. This figure does not take into account some 27,000 flyers and sailors who man Carrier Task Force 77 of the 7th Fleet, and who are wholly in the fight. Nor does it include the general support being provided the forward forces by the large permanent Air Force and Navy establishments in the Philippines, Japan, and on Okinawa. Very substantial fractions of the Tactical Air Command and the Navy's fast carrier task forces have been concentrated in the Pacific, and the westward, or Pacific, tilt of our military resources is generally much more pronounced than most Americans realize.

The capital input has also soared, although its true magnitude has been to some degree concealed. As the battle went against "McNamara's war" (as he himself described it), he was able to absorb the rising costs without a stiff boost in the defense budget by drawing upon the emergency-reserve stocks of the U.S. forces and by reducing or deferring their less urgent normal operations. As a former controller, the Secretary appreciates, of course, the eventual perils of such a practice for a defense strategy that stressed a high degree of readiness for both general war and simultaneous limited wars oceans apart. The running costs of the Vietnamese operation appear to have risen to about $2.2 billion annually. These costs break down roughly as follows:

Continuing economic aid to keep the Saigon government afloat and to pay the bureaucracy: about $300 million annually.

Other economic support for the Vietnamese infrastructure: about $70 million.

Military-assistance program (weapons, pay for the Vietnamese forces, overhead cost of the U.S. military advisory establishment): about $330 million annually.

Indirect costs represented by other forms of U.S. participation—including the combat forces, day-to-day military operating costs—that are absorbed by the U.S. defense budget: an estimated $800 million annually.

Extraordinary additional U.S. military costs, chiefly for port and airfield construction, and for replacing reserve stocks of ammunition, fuel, and so forth: $700 million, to be financed by the supplementary appropriation that President Johnson asked for in May.

And we are in for an eventual bill for the war that will be much stiffer than the Pentagon cares to divulge just now.

THE MONSOON OFFENSIVE

Although McNamara has demonstrated his ability as an administrator of a vast bureaucracy, the primary job of the Pentagon is to conduct war—and the only war McNamara has so far been called upon to conduct has gone very badly from the outset. When President Johnson finally decided in February to put North Vietnam below the 20th parallel under the U.S. air counterattack, and to bring U.S. jets to bear for the first time in the battle for villages and roads inside South Vietnam, it was an act of desperation. The South Vietnamese Army was actually disintegrating. To the extent that a government remained in Saigon, it was the thinnest kind of film over the American presence.

The U.S. air counterattack achieved all that was expected of it, up to a point: it did check the Communist offensive. It had the effect of driving home barely in time a bolt to hold a door that was swinging wildly on its hinges. But by reason of the very limitations that the political direction of the war in Washington imposed upon the air counterattack, the blows have only impaired, without paralyzing, the Vietcong's capacity for further heavy fighting. There is excellent reason to believe that the North Vietnamese buildup was well advanced before the February air attacks on the principal supply lines to the Vietcong forces in the battle zone. Enough trained troops were by then already deployed inside South Vietnam, and enough battle stocks had been laid by or were within its reach, for the enemy to decide that it could still continue to sustain a powerful offensive by its standards through the monsoon season—i.e., into our autumn. Certainly, it is acting as if it had such means.

The Communist guerrilla forces are the lightest kind of infantry. Once armed and equipped, they don't need much replenishment other than ammunition. They live off the country. U.S. Army intelligence measures the Communist military strength at present inside South Vietnam, in terms of organized forces, at more than 100 battalions. It further hypothesizes that this force, with a daily average aggregate consumption of from 100 to 150 tons of supplies, could fight from 20 to 30 sharp 2-battalion-size actions every month. Ho's flitting battalions don't need much in their supply wagons, because they are not required to hold ground. The Marines and the U.S. Army in their redoubts and strongpoints are not the targets. The target is the exposed hamlet or district or provincial capital, or the column vulnerable to ambush.

So, the U.S. air counterattack notwithstanding, the critical phase of the 1965 monsoon offensive remains to be fought. No knowledgeable officer that I talked to in South Vietnam was sanguine about the outcome of the summer's fighting. It is not a question of our Marines', or our airborne troops' getting overpowered. Ho Chi Minh is much too smart to send his light infantry forward to be mowed down by American firepower. The U.S. military problem at this late hour consists in finding some way to lift the pressure from the exhausted Vietnamese village and district garrisons. And if the struggle continues to go as badly against the South Vietnamese in the rest of the monsoon season as was the case in May and June, the force of 200,000 to 300,000 American troops now being contemplated will be none too many for the task of shoring up the Vietnamese Army, holding Saigon and the major ports and airfields and strategic provincial capitals—let alone for the task of winning the campaign.

AN OLD SOLDIER'S ADVICE

This is an outcome that was never meant to be. U.S. ground forces fighting Asians in Asia? Until the other day, the idea was all but unthinkable. At the White House, for example, whenever the question arose of how U.S. military power might best be used in Asia, President Johnson used to tell about his last talk with Gen. Douglas MacArthur at Walter Reed Hospital. "Son," the President quotes the dying soldier as saying to him, "don't ever get yourself bogged down in a land war in Asia."

MacArthur's view has been an article of faith with U.S. military men and notably of the Army Chiefs of Staff ever since the bloody island campaigns against the Japanese. It was a view shared by Gen. Maxwell D. Taylor before he was sent to Saigon as special U.S. Ambassador. Once there, and with Vietnam falling apart around him, Taylor reversed his position. He was not happy about it. He was confronted with the testing of a military policy by which he himself, as Chairman of the Joint Chiefs, and McNamara had reshaped the Armed Forces over a period of 3½ years, making a great point of preparing U.S. troops for limited and counterinsurgency wars. The truth is the Army's investment in these particular skills was nothing like what it was cracked up to be. Nevertheless, in the absence of decision in Washington to aim the U.S. air attack primarily at North Vietnam, Taylor had no choice but to ask the President for combat troops to be directly committed in the South.

THE MORNING THE B–57 BLEW UP

As I looked around, I could not help feeling that the condition of our forces left much to be desired in the most elementary respects. One of the major military air bases in Vietnam is at a place called Bien Hoa, 18 miles northeast of Saigon. At the time of my visit there, in May, jet operations were possible only from three runways in the entire country, and Bien Hoa had one of them. The original airstrip was built by the French Air Force, on a rubber plantation that occupied the north bank of the Dongnai River. One can drive to Bien Hoa from downtown Saigon in half an hour over a new three-lane asphalt highway. Light-engineering plants have sprung up on both sides of the roads, and racing along with the crowded buses and the careening trucks and the honking and hooting motorbikes, one has the sense of passing through a thriving, prospering, mushrooming suburb. This impression is valid enough, as regards the construction indexes. But the area is also a genuine no man's land. Open to traffic and commerce with Saigon by day, it reverts to Vietcong control at night. The notorious war zone D—a densely forested stronghold that the B–52's have been methodically bombing—begins just to the north of the airfield and every few days or so, black-suited Vietcong in their outposts take potshots at planes on the final approach.

When I came this way a year ago, the Air Force contingent at Bien Hoa numbered only 400 men and they operated 40 light planes. When I returned this year, one blindingly hot Saturday morning, it was to find the Air Force unit swollen to about 2,300 men and they were operating 100 planes, including a number of light jet B–57 bombers. And that was not all. On the same field were jammed another 100 U.S. Army planes, mostly helicopters, plus another 100 planes belonging to the Vietnamese Air Force, mostly light, close-support, propeller-driven craft. This made a total of about 300 aircraft collected around a single strip. It was the dirtiest, most slovenly, ramshackle air operation I have ever visited. One can excuse a lot in war, but the confusion, disorder, and disarray here were beyond excuse.

For one thing, more than 6 months earlier, in the early morning hours of November 1, 1964, a handful of Vietcong mortar men who had penetrated the base's outer defense system laid down a fast and accurate barrage that destroyed, in a matter of minutes, five costly B–57 bombers on their hardstands. The chances of a return visit by the Vietcong were high and, indeed, shortly before my call, a brigade of the U.S. 173d Airborne Division was hastily taking up positions around the base to guard it from an expected attack in force. Yet even then, the costly planes, tens of millions of dollars' worth of them, stood wingtip to wingtip for want of dispersal room; and, incredibly, a dozen or so simple concrete and earth revetments to protect the planes had not been finished. Funds for new construction, I presently learned, were difficult to come by in Washington. So under the very eyes of the two-star Air Force theater commander, the four-star Army general in command of the entire war, and even the former Chairman of the Joint Chiefs who sat in Saigon, the squalid, inefficient, and dangerous operation at Bien Hoa was tolerated and left to an overworked Air Force colonel to manage as best he could.

The poor chap didn't manage very well. Less than 24 hours later, from an angled distance of maybe 2,000 yards and a height of 4,000 feet, I was a chance eyewitness of Bien Hoa's second and far larger disaster. I was aboard a Navy plane, en route to Task Force 77 on station in the South China Sea. Our course took us past the base and, as it happened, while he was only 2 minutes or so away, our pilot saw a puff of smoke, then a swelling fireball, and he sent word aft that Bien Hoa seemed to be "blowing up." When the field came abeam, I saw that the entire block of B–57's was fiercely ablaze, and the conflagration had spread to long files of light piston-powered bombers, the A–1's. My first thought was that the Vietcong mortar specialists had done it again; then I realized that the recurring explosions were caused by bombs exploding in the racks of the burning planes. A careful inquiry by the Air Force failed to identify the root cause of the disaster. Most likely, a defective fuse or the faulty stowing of an old 750-pound bomb aboard one of the B–57's—the bombers there still were being armed with 1944 vintage iron bombs—started the chain reaction. Twenty-two planes blew up, more were damaged; a loss of that magnitude in an air battle would have been cause for national anxiety. The penny-pinching that contributed to this episode and the timidity that impelled experienced officers to endure a scandalous situation did credit to no one.

REFLECTIONS IN A HELICOPTER

The American officer corps is, needless to say, a good deal more competent than this incident may suggest. In Vietnam, though, the Army is up against a slippery, slithering kind of battle that it can't seem to get a hard grip on. Doubts about the Army's preparedness for such campaigning were amply confirmed—despite all the high-flown theorizing about counterinsurgency tactics. A morning's helicopter tour of a crucial war zone in the company of an intelligent, youthful operations-planning officer, Brig. Gen. William E. DePuy, was highly informative in this respect.

A helicopter can't be beaten for enabling a general of infantry to get around and to see what is going on beyond his headquarters. On this particular morning, General DePuy, at the cost of being only 5 hours away from his busy desk in Saigon as the senior U.S. military planner, made a swing in his clattering helicopter that took him into three provinces, afforded him a grandstand view of a helicopter attack in company strength, brought him into a quick conference with the staff of a Vietnamese division engaged in a search and destroy sweep on the edges of a Vietcong staging area, and finally put him down at the heavily barricaded headquarters of a great French-operated rubber plantation for a canvass of the tactical situation with the U.S. advisers to a Vietnamese battalion that was braced, behind its sandbags and slitted brick walls and barbed wire, for a night descent by the Vietcong.

Helicopter etiquette orders the seating of the noncombatant guest inside, between the escort officer and the port and starboard riflemen; their bodies are interposed between him and the open doors through which a sniper would sensibly aim. The guest must take his chances even-steven, of course, with whatever ill-aimed shot might come up through the floor. DePuy sat alongside me, and as we flew west by north, he kept up a running commentary on places and events in the changing neighborhood in view. I was familiar with the region, having traveled over the same area the year before. But I marveled again at how close the swirl of battle remains to Saigon, and how vague and impalpable the enemy remains. From our altitude one could see 40 miles or so, and in this watery domain, north and west of Saigon, given over to rice paddies, rubber and tea growing, at least 1,000 sharp battles of one kind or another—ambushes, night rushes on sleeping hamlets, skirmishes—have been fought during the past 3 years. To the west, I had a fine view through broken cloud of Cambodia and the forested waterways over which the Vietcong come and go in sampans. We flew at 5,000 feet. But I never did see a Vietcong.

THE TROUBLESOME REDOUBT

The educational aspects of the flight included a skirting of the zone D area north of Bien Hoa. As described earlier, this is reputedly the major Vietcong base for their operations against Saigon itself. From the air, it put me in mind of the Louisiana River country, except that the forest here is much more dense, with the tree canopy reaching in places to heights of 200 feet. The forest redoubt covers about 150 square miles, and from the accounts of defectors and prisoners it is both a maze and trap made up of secret trails, hidden strongpoints and supply dumps, and bunkers connected with deep tunnels impregnable to air bombing.

None of this can be seen from the air. I was shown a short, narrow gray swath in the forest left by the Air Force in its forlorn experiment some months ago to defoliate the region by saturating the treetops with a mixture of napalm and chemicals. The chemicals were expected to dry out the trees and the napalm to set the forest ablaze. But, for various reasons, the hoped-for conflagration never got going, and the experiment was abandoned as being too costly and tricky. Now the Air Force is trying to reduce the forest to matchwood with B–52's.

I doubt even the B–52's will make much of an impression with TNT, unless McNamara wants to make tree-felling a new career for SAC, or unless SAC has the extraordinary good luck to pinpoint and smash the headquarters area. But it was equally obvious that the job of prying the enemy out of the forest tangle was hopelessly beyond the competence and means of the troops we had committed. In recent major engagements the air attack has again and again finally turned the tide of battle. But it must also be said that, for the Vietnamese garrisons, the turn has usually come too late. Since the Vietcong time their assaults at night, and in the monsoon season at intervals when they can count on cover from rain and clouds, the Air Force's ability to react quickly has been sorely limited on occasion, and in consequence battalion after battalion of Vietnamese regional troops were cut to ribbons before help came. One doesn't have to look very far to observe that, except for the introduction of the helicopter, there has been little new invention to prepare the ground forces for the kind of war they are now being asked to fight. Indeed, the United States doesn't even yet have a satisfactory airplane to support this kind of action. We are therefore obliged to use planes that are either obsolete (A–1's and B–57's) or too valuable (F–105's and F–4's).

THE CASE FOR GOING NORTH

It is time that the E-ring in the Pentagon stopped kidding the troops, and that the rest of us stopped kidding ourselves. It makes no sense to send American foot soldiers, rifles and grenades at the ready, into the rain forests and the rice paddies and the dim mountain trails to grapple with a foe whom they cannot distinguish by face or tongue from the same racial stock whom they seek to defend. On every count—disease, tropical heat and rain, the language curtain—the odds are much too high against their making much of an impression. When the question arose last year of sending U.S. combat forces into South Vietnam as stiffeners, serious consideration was given to the proposition of forming them into a line, a sort of cordon sanitaire, across the jungle and mountain approaches through Laos and Cambodia, with the object of thereby sealing off the Communist supply routes. This impractical scheme was discarded in view of the all but impossible cost of supplying the Army at anything like its desired standards, and the further consideration that nine-tenths of the force's energies and means would be consumed merely in looking after itself. The solution that was adopted and is being followed now is to settle the troops in garrison-like strongpoints along the coast. It has been romantically suggested that these places will in due course become sally ports from which our troops will issue forth into the hinterland, spreading in ink-spot fashion stability and hope among the hamlets. But such a process could take a decade or two short of forever. It also means military occupation, the last thing Kennedy, McNamara, Taylor & Co. had in their minds when they resolved in 1961 to risk a stand in South Vietnam. Taylor understood this perfectly, and the dreary outlook no doubt made it easier for him to leave Saigon.

THE U.S. ADVANTAGE

Is there an alternative strategy? There certainly is. It is one, however, that revolves around a different set of premises than the McNamara-Taylor strategy has so far favored. Most particularly, it means shifting the main weight of the American counterattack from a ground war below the seventeenth parallel to an air offensive in North Vietnam itself, accompanied by a blockade of the North Vietnamese coast. Does this mean leveling Hanoi? No. It means, if necessary, the deliberate, progressive destruction of the North Vietnamese infrastructure—the plants, the railroads, and electric-power systems, the ports—to a point where Ho Chi Minh can no longer support his aggression in the south. Will this cause Ho to capitulate? Not necessarily. Ho is an elderly Asian revolutionary whose education in communism began in Europe after the Bolshevik revolution. More of his adult life has been spent outside Vietnam than inside. His government will probably be wherever he chooses to hang his hat.

But if his capacity for mischief is reduced, then our object is served. That object, it seem to me, is to lift from South Vietnam, at all possible speed, the terrible pressure on its hamlets. Because that task is manifestly beyond the competence of the Army and Marine Corps, except in a prolonged and costly test of endurance, then we must pick up our weapons of technological advantage—the air arms, both sea and ground based. What has made the American fighting man better than his enemies is his higher technological proficiency. It seems folly for us to fight in Asia without drawing on this technological advantage. It may be highly desirable, for instance, to use our sea power and ground troops to a liminted extent to establish a beachead near Haiphong, thus threatening the enemy's main supply lines and forcing it to pull its troops out of southern Vietnam. Such tactics were immensely successful in Leyte Gulf and later at Inchon and had a salutory effect on equally stubborn enemies.

Would a truly stern attack on the North bring China into the war? Expert opinion splits sharply over the answer. High value would certainly have to be given to that possibility in any plan for enlarging the theater of action. We are already in an undeclared contest of power with Red China and the question that the President has to face up to is whether in the months immediately ahead he settles for a partial defeat or failure in a war one full remove from the major enemy, or risks a clash with Red China in order to bring the secondary war under control. My own view is that Mao, should he elect to engage, will do so reluctantly and within cautious limits. He is certainly not likely to force an engagement on terms that will compel the United States to employ its technological advantage *à outrance* (to use an old-fashioned term). And I find it hard to believe he would dare to send his infantry masses over wretched roads to do battle in southeast Asia, while Chiang Kai-shek waits and watches hopefully close by on the sea flank, with a spirited army of 400,000 men and the sharpest, most experienced, small air force in the world.

THE BIG BLUE-WATER CHIPS

It is, I suggest, the looming struggle with Red China that we American must keep in the forefront of our minds as we grope for the right mixture of political and military strategy for ending the mischief in Vietnam. This is why the map shown at the start of this report now grows luminous with meaning. Now, while hoping for a satisfactory outcome in the going war, we should be sensibly preparing the dispositions we shall need if it turns out badly.

The huge naval base at Subic Bay with its fine runways and the Air Force's runways, repair shops, and storage facilities at Clark Field in the Philippines are indispensable for any forward strategy in the Pacific. It stands to reason that the British air establishment and truly superb naval base at Singapore, all greatly refurbished in the past decade are also crucial for the control of the Pacific sea routes and the approaches to Australia and New Zealand. Hundreds of millions of U.S. dollars have been invested in air and sea facilities in Okinawa and Japan. And Japan must itself be persuaded to become the north hinge of any grand strategy scheme in the Pacific.

Then, too, there is Thialand, which has generously opened its geography for new jet airfields. This to me is the most stunning recent development of all. It could have the effect of transforming Thailand from being a weak ground flank on the United States position in South Vietnam into becoming the main air-strike position, of whch South Vietnam becomes the weak ground flank. And, finally, there are South Korea and Taiwan, the only other friendly countries in the area with large, ready, experienced forces. It seems to me our diplomacy should be cultivating this vast garden with more assiduity than it has shown.

REPUBLICAN INITIATIVES ON INTERNATIONAL MONETARY REFORM

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CURTIS. Mr. Speaker, the administration's recently announced willingness to participate in an international conference on world monetary reform preceded by a preparatory commission illustrates dramatically the constructive role that the minority party can play in the development of public policy. As the New York Times commented on July 11:

> The idea of a world monetary conference can be said to have originated not with the administration but with Congressional Republicans.

As long ago as July, 1963, the Republican members of the Joint Economic Committee introduced resolutions in both the House and the Senate urging that the administration take the lead in calling an international conference on monetary reform. Similar resolutions (S. Con. Res. 14; H. Con. Res. 127) were introduced early in the current session of Congress stressing that careful planning and preparation should precede the meeting of the full conference.

As recently as June 28, another member of the Joint Economic Committee, Representative Robert F. Ellsworth, of Kansas, speaking on behalf of himself and a number of other Republican Congressmen, made a major speech on the subject of monetary reform before the House. Among the recommendations in the speech was one calling for the creation of a preparatory commission which could meet in the near future to lay the groundwork for a conference to strengthen the world payments system. Other Republican initiatives in this area have been made for a number of years by Senator Jacob K. Javits of New York.

Recently, Senator Bourke B. Hickenlooper, of Iowa, chairman of the Senate Republican Policy Committee, endorsed the idea of a world monetary conference. Finally, the minority members of the Joint Economic Committee gave considerable attention to the need for and the means to achieve international monetary reform in their minority views to the committee's 1965 annual report. Treasury Secretary Fowler's speech of July 10 represented a sudden aboutface in the administration's attitude toward the need for early action in this area. I think there can be no doubt that Republican efforts on world monetary reform were important in helping to develop the administration's new and more realistic position.

Another example in the same area of how a constructive minority party can serve the national interest by clarifying key issues is the work now being done by the task force on Federal fiscal and monetary policies of the Republican coordinating committee. The task force has already held several meetings and is expected to report its policy recommendations to the coordinating committee on August 30, 1965. The task force is composed of a distinguished group of Americans and is chaired by Maurice H. Stans, former Director of the Bureau of the Budget, with George Champion, chairman of the board of the Chase Manhattan Bank, as vice chairman.

Under unanimous consent I include a list of the members of the task force in the Record at the conclusion of these remarks.

The quality of the men and women serving on the task force gives promise that its recommendations will make an important contribution to developing economic policies in the national interest.

(The list of members follow:)

Republican Coordinating Committee—Task Force on Federal Fiscal and Monetary Policies

Chairman: Maurice H. Stans, Glore Forgan, William R. Staats, Inc., New York, N.Y.—investment banker; Director Bureau of the Budget, 1958–61; Deputy Director, Bureau of the Budget, 1957–58; Deputy Postmaster General of the United States, 1955–57; financial consultant to Postmaster General of the United States, 1953–55.

Vice chairman: George Champion, New York, N.Y.—chairman, board of directors, Chase Manhattan Bank; director, Federal Reserve Bank of New York; numerous directorships connected with domestic and foreign finance.

MEMBERS

William H. Avery, Governor of the State of Kansas, Topeka, Kans.: Elected Governor of Kansas in 1964; Member of Congress for the Second District of Kansas five terms, first elected 1954.

Julian B. Baird, First National Bank, St. Paul, Minn.: Banker; Under Secretary of Treasury for Monetary Affairs, 1957–61.

Frank T. Bow, House of Representatives, Washington, D.C.: Member of Congress for the 16th District of Ohio, first elected to the 82d Congress in 1950; reelected to the 83d, 84th, 85th, 86th, 87th, and 89th Congresses; ranking Republican member of the House of Representatives Committee on Appropriations; member of Joint Committee on Reduction of Nonessential Expenditures.

George S. Eccles, Salt Lake City, Utah: Financier; president, First Security Corp.

Mrs. Rosemary Ginn, Columbia, Mo.: National committeewoman for Missouri since July 27, 1960; member of board of directors of the Missouri Stores Co. since 1937.

Cliff Hansen, Governor of the State of Wyoming, Cheyenne, Wyo.: Elected Governor of Wyoming in 1962; active in many interstate programs for conservation and development; connected with livestock industry.

Kenneth C. Kellar, Kellar, Kellar & Driscoll, attorneys at law, Leads, S. Dak.: Monetary expert; chief counsel and vice president cf industrial relations, Homestake Mining Co.

Peter O'Donnell, Jr., Dallas, Tex.: Chairman of Republican Party of Texas since September 18, 1962; investment business.

Clarence B. Randall, Chicago, Ill.: Chairman of Council on Foreign Economic Policy, 1956–61; Special Assistant to President Eisenhower on matters of foreign economic policy, 1956–61; Special Consultant to President Eisenhower on Foreign Economic Policy, 1954–56; Chairman of Committee on Foreign Economic Policy, 1953–54; member, Business Advisory Council, U.S. State Department of Commerce, 1951–57; holder of numerous positions in the Federal Government; expert on domestic and foreign business; recipient of many honors and awards.

Raymond J. Saulnier, Barnard College, New York, N.Y.: Consultant to President's Council of Economic Advisers, 1953; appointed member 1955, Chairman 1957; special adviser to the Board of Governors, Federal Reserve

System, 1950–52; teacher and research economist; author of several treatises on financial matters.

Lewis L. Strauss, Washington, D.C.: Secretary of Commerce, 1958–59; Chairman, Atomic Energy Commission, 1953–58; corporation and investment executive.

Robert D. Stuart, Jr., Chicago, Ill.: President, Quaker Oats Co.; national committeeman for Illinois since July 1964.

Sinclair Weeks, Lancaster, N.H.: Secretary of Commerce, 1953–58; appointed U.S. Senator from Massachusetts, February–December, 1944; treasurer, Republican National Committee, 1941–44; chairman, Republican National Finance Committee, 1949–52; numerous business interests.

JOHN J. WILLIAMS, U.S. Senate, Washington, D.C.: U.S. Senator from Delaware, elected 1946; reelected 1952, 1958, and 1964; ranking Republican member of Senate Committee on Finance; member of Senate Committee on Foreign Relations, Joint Committee on Internal Revenue Taxation, and Joint Committee on Reduction of Nonessential Federal Expenditures.

MILL MARGINS UP AGAIN, SO ARE TEXTILE PRICES

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the record of the current $800 million cotton program gets sorrier with each passing month.

The U.S. Department of Agriculture statistical record of 11 months of the first full year has been published—USDA document CS–219.

It reports that mill margins are up again and so are textile prices. Mill margin—the gross difference between raw-cotton cost and 20 basic textile constructions—has climbed each of the 11 months. The textile price index—the foundation for consumer prices—has risen each of these same 11 months.

Here are the statistics, as reported in CS–219, USDA:

TABLE 19.—*Fabric value, cotton price, and mill margin, per pound, United States, by months, August 1960 to date*

[In cents]

Month	Fabric value (20 constructions) [1]					Cotton price [2]					Mill margin [3]				
	1960	1961	1962	1963	1964	1960	1961	1962	1963	1964	1960	1961	1962	1963	1964
August	62.86	58.78	61.12	60.60	61.00	32.52	34.48	35.89	35.22	27.64	30.34	23.94	25.23	25.27	33.36
September	61.90	59.78	60.83	60.99	61.02	32.25	35.16	35.23	35.19	26.82	29.65	24.62	25.70	25.80	34.20
October	60.64	60.32	60.71	61.34	61.25	32.05	35.35	35.08	35.11	26.80	28.59	24.97	25.63	26.23	34.45
November	59.98	60.45	60.68	62.00	61.48	31.99	35.46	35.10	35.27	26.98	27.99	24.99	25.58	26.73	34.50
December	58.61	60.54	60.67	62.29	62.58	32.00	35.58	35.30	35.37	27.30	26.61	24.96	25.37	26.92	35.28
January	58.06	60.63	60.55	62.32	63.24	32.01	35.78	34.45	35.47	27.30	26.05	24.85	25.10	26.85	35.94
February	57.78	60.76	60.47	62.37	63.28	32.41	35.82	35.66	35.55	27.26	25.37	24.94	24.81	26.82	36.02
March	57.64	61.07	60.49	62.37	63.42	33.32	35.98	35.95	35.58	27.26	24.32	25.09	24.54	26.79	36.16
April	57.46	61.23	60.26	61.82	63.89	33.56	35.85	36.08	35.63	27.40	24.00	25.38	24.18	26.19	36.49
May	57.54	61.19	60.00	61.29	64.65	33.86	36.13	36.16	35.67	27.35	23.68	25.06	23.84	25.62	37.30
June	57.60	61.24	60.11	60.62	64.85	34.09	36.34	35.86	35.76	27.36	23.51	24.90	24.25	24.86	37.49
July	57.88	61.29	60.28	60.95	--------	34.45	36.19	35.57	35.60	--------	23.43	25.10	24.71	25.35	--------
Crop-year average [4]	59.00	60.61	60.52	61.58	--------	32.87	35.71	35.61	35.46	--------	26.13	24.90	24.91	26.12	--------

[1] The estimated value of cloth obtainable from a pound of cotton with adjustments for salable waste.

[2] Monthly average prices for four territory growths, even running lots, prompt shipments, delivered at group 201 (group B) mill points including landing costs and brokerage. Prices are for the average quality cotton used in each kind of cloth. Beginning August 1964, prices are for cotton after equalization payments of 6.5 cents per pound have been made. The mill margins shown for April–July 1964 do not reflect the 6.5 cents per pound equalization payment made to domestic cotton users on all bales of eligible cotton opened beginning 12:01 a.m. Apr. 11, 1964, through July 31, 1964.

[3] Difference between cloth prices and cotton prices.

[4] Starts Aug. 1 of the year indicated.

Source: Cotton Division, Consumer and Marketing Service.

The Government-held carryover of cotton on August 1, 1965, is now predicted at 14.2 million bales—only 200,000 bales less than the alltime record of 1956.

The same USDA bulletin reports that cotton textile exports were down 24 percent during the first 4 months of this year, compared with the same period of the previous year.

Textile imports are up 20 percent for the first 5 months of this year compared with the same 5 months of 1964.

The question arises: What are the taxpayers getting for the $800 million spent on this program?

One final somber note: The cotton proposal recently reported by the Committee on Agriculture offers no hope that this sad situation will be remedied.

DELEGATE CONTRIBUTIONS BY CONGRESSMAN TOM CURTIS PRAISED BY THE ST. LOUIS GLOBE-DEMOCRAT

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LINDSAY. Mr. Speaker, the deep respect and affection with which our colleague, TOM CURTIS is regarded in St. Louis County became very clear to me early this year when I spent a week as a visiting government official in residence at Washington University. The intelligence and vigor of the young men and women attending that institution and the searching questions of the faculty made a very vivid impact on me. During the week of sharing with young people from all over the Nation my impressions of the governmental process I was accompanied by a St. Louis Globe-Democrat reporter and photographer who produced a report on the type of issues and attitudes young Americans have today. It is therefore with firsthand knowledge of the St. Louis scene that I read with interest recently the editorial in the St. Louis Globe-Democrat of July 24–25, 1965, entitled "Missouri's Man at Geneva."

In New York City we probably have the greatest number of men and women who are active in the fields of international trade and the expansion thereof found anywhere in the world. Civic leaders in New York for many years have taken the leadership in America in helping to expand commerce between nations. TOM CURTIS' work as one of the U.S. delegation for trade negotiations is therefore another indication of his willingness to assume difficult work producing projects which help create more jobs for our people. TOM CURTIS' careful scholarship and hard work can do more to influence favorably the difference between war and peace based on economics than many other things which take place. He is showing what responsible internationalism in economics really is like. Because of my work in connection with NATO, I am fully aware of the difficulties which confront the trade and tariff negotiations. But as one who worked alongside TOM CURTIS for the expansion and renewal of reciprocal trade legislation, I am pleased to see that much of the work which he and his staff do every week without any public recognition is being given credit in one of the places where it counts the most, St. Louis County. I am pleased that the editors of the St. Louis Globe-Democrat have taken the leadership in bringing to the attention of TOM CURTIS' friends and neighbors the importance of leadership by the United States in making the GATT negotiations really reciprocal and helping to create more jobs and business opportunities for all our people.

The article from the St. Louis Globe-Democrat follows:

MISSOURI'S MAN AT GENEVA

One of the more significant legislative achievements of the late President John F. Kennedy was passage of the Trade Expansion Act of 1962. Under it the President was given sweeping authorization to reduce and eliminate tariffs on U.S. imports, in return for reciprocal cuts from nations to which this country sells.

The sixth round of tariff negotiations—under the auspices of the General Agreement on Tariffs and Trade (GATT)—which began May 4, 1964, is a natural outgrowth of that legislation. While there has been no dramatic success to date in this so-called Kennedy round of negotiations, there yet remains the possibility of a successful conclusion, beneficial to world trade and hence the United States.

But it will require judicious, relentless, and tough bargaining by American negotiators to realize that objective before expiration of the Presidential powers of the Trade Expansion Act on June 30, 1967.

That is the opinion of Webster Groves Congressman Thomas B. Curtis, the only member of the four-man congressional delegation to have thus far gone to Geneva to sit in on these negotiations, so critical to this country and to Missouri.

Tom Curtis is regarded as the most astute and informed man on foreign trade in Congress.

According to Mr. Curtis, America's original goal of a 50-percent reduction in agricultural and industrial tariffs now appears unrealistic. Negotiations on farm commodities have been delayed pending Common Market progress in formulating a common agricultural policy.

America is rightly reluctant to have bargaining on industrial tariffs get too far ahead of agricultural tariffs—as industrial concessions are all we have to induce Europeans to give us greater access to their agricultural markets.

The stake of Missouri and Illinois farmers in these negotiations is considerable.

One can readily imagine the complexity of multilateral trade negotiations involving modern capitalist states which must not only look out for adverse impacts upon emerging nations, but must also answer to numerous and politically powerful economic interests at home—for their every decision.

But one can also visualize the benefits that would accrue to men from the removal of artificial barriers against the free flows of goods. The United States—and the Common Market of Europe to a lesser degree—give some idea of the economic progress that can be made when there are few or no barriers to commerce.

We shall have a clearer picture of the prospects for success in the Kennedy round by fall.

AN APPEAL TO THE PRESIDENT ON VIETNAM

The SPEAKER pro tempore (Mr. Matsunaga). Under previous order of the House, the gentleman from New York [Mr. Halpern] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, in light of the ever-growing serious situation in Vietnam, I wish to call to the attention of this House the views I expressed in a communication to the President of the United States on July 24, 1965, in which I call for a more resolute determination on the part of our country in imploring the United Nations to intercede to bring an end to the hostilities in southeast Asia.

Specifically, I urged the President to direct our representative in the United Nations to call on the General Assembly for authorization to dispatch a peacekeeping mission to Vietnam.

It has been my continuing conviction that this is a forthright step that must be taken. We must let the world know in no uncertain terms of our determination for peace, and we must have faith that dedicated men of good will will make this possible.

My letter to the President reads as follows:

> Dear Mr. President: The situation in Vietnam is becoming more difficult and more deadly with each passing week. In the 3-month period from April through June 1965, 8,000 men have been killed in this war. And we are told that the war will get worse before it gets better.
>
> If we cast but a glance at the sweep of history, we see other wars, provoked by other problems, and fought by other participants. We see, for example, that World War I took the lives of 8½ million men, and we ask ourselves if there was not another, a wiser course that might have been followed—a course that could have spared the bloodshed, the heartache, and the death that ravaged so many young men.
>
> History deals harshly with the national leaders who failed to halt that futile slaughter. In retrospect, it always appears that wars could either have been obviated or contained. It is our responsibility today to project ourselves into the future and endeavor to discern those alternative responses available to the United States, which, if fully prosecuted now, can shorten or end this war. In view of the intransigent and inflexible posture of the leaders in Hanoi and Peiping, I am convinced that our one hope lies with the United Nations and the uncommitted nations of the world. I therefore urge that we continue, more resolutely than ever, to implore the United Nations to intercede to bring an end to the hostilities in Vietnam.
>
> Dag Hammarskjold once wrote: "Next will come a demand about which you already know all you need to know: that its sole measure is your own strength."
>
> I realize that our Government has made efforts to secure United Nations intervention, but I know, too, that ours is a strong Nation, strong enough to be persistent in its pleas for peace.
>
> I am aware that in May of 1964, we proposed that a U.N. task force be established on the border which joins Cambodia with South Vietnam, to investigate the incidents then taking place. In August of 1964, we requested an urgent meeting of the Security Council to consider the serious situation created by North Vietnamese torpedo boat attacks on two U.S. destroyers in the open sea. In April of 1965, U Thant offered to visit several world capitals in an effort to explore the possibility of working out a solution to this problem.
>
> The President of India also suggested the possibility of a patrol force, to which his country would contribute.
>
> All of these overtures, together with your offer to participate in unconditional discussions, were flatly rejected and ridiculed by Hanoi and Peiping, who concern themselves more with the mantle of glory and with power, than with honor and the opinions of mankind.
>
> History will record our efforts, but let not historians write that after half a dozen attempts, the United States abandoned its search for a peaceful solution. Rather, let us use every means at our disposal to convince the world of our good will and to unite with others in the cause of peace.
>
> Specifically, I urge that you direct our representative to the United Nations to call on the General Assembly for the authorization to dispatch a peacekeeping mission to Vietnam.
>
> I should certainly hope that the 17 nonalined nations—whose plea for discussions we accepted—would be the first to volunteer forces for a mission designed to promote the peace they so earnestly desire. I should hope that the small nations and the young nations, which profit so from United Nations membership, would recognize the responsibility concomitant to that membership, and would also provide peacekeepers. If the United States must bear an inordinate share of the cost of transporting, equipping, and maintaining this force, I think we should be willing to accept this as the price of leadership in a troubled world.
>
> This peacekeeping force would function like its predecessors in the Congo and the Middle East. It could be deployed along the 17th parallel and down the border of Laos. It would have to be highly mobilized, with a significant aerial reconnaissance capability. We could pledge to stop our bombing of North Vietnam, once this force made substantial inroads, in thwarting infiltration from the North, and from Laos. With this as a first step, areas of amnesty and of safety could be delimited and secured so that the civilian population could be spared from the scourge of war. Eventually, perhaps, even greater strides could be taken and greater accomplishments recorded.
>
> This is no simple solution, no complete answer. But it is a crucial step, at a critical juncture, and I believe it is a step which must be taken. I am convinced that we have enough men of talent and intelligence in this world, enough men dedicated to peace, to make this work.
>
> I believe that the United States must continue to show the world that we are sincere in our quest for peace, and I believe that we must show our adversaries that they seek glory in vain, who seek it in war, and that in the words of Milton:
>
> "If there be in glory aught of good,
> It may be means far different be attained,
> Without ambition, war or violence;
> By deeds of peace, by wisdom eminent,
> By patience (and by) temperance."
>
> Very sincerely,
> Seymour Halpern,
> *Member of Congress.*

PEOPLE SPEAK NO MORE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. Ashbrook] is recognized for 2 minutes.

Mr. ASHBROOK. Mr. Speaker, a few minutes ago, my colleague the gentleman from Ohio [Mr. Hays] made a few remarks about me but he would not yield for the purpose of setting the record straight. He referred to the fact that most of my district had voted against the right-to-work referendum in 1958. This is most certainly true. As he alleges, the people did speak.

They did not speak on this issue, however. What the gentleman from Ohio [Mr. Hays] and the other members of his party are saying is that they should not be allowed to speak. That is the fundamental issue. I am sure that the overwhelming majority of my constituents believe that Ohioans should have the right to determine this matter without Federal dictation. The entire Ohio Democrat delegation is evidently committed to the principle of concentrating more and more power and decision-making authority here in Washington and depriving the people of more and more of their sovereign rights.

Mr. Speaker, I heard the people speak and I listened to them. I am not one who wants to silence them. I am content to let them speak as often as they choose.

Our fundamental responsibility is to represent them, to listen to them, not to muzzle them and dictate to them.

On that issue the two major parties divide rather distinctly and I am personally glad that the Republican Party is overwhelmingly committed to a policy which will not deprive our people of the right to decide these matters by their own referendum or their own legislature. To listen to my colleagues you would think, if they are consistent, that the fact the people of Ohio vote "no" on a referendum would indicate they want to abolish their right to conduct such a referendum. This is what they are saying when they rely on the 1958 vote to buttress their otherwise weak and meaningless arguments.

HIGHWAY PROGRAM

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. PATTEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PATTEN. Mr. Speaker, I was delighted to read a speech by Federal Highway Administrator Rex M. Whitton delivered to the Associated General Contractors of America in which he enunciated a welcome thesis—that highways have a social responsibility which transcends the basic function of transporting people and goods.

Mr. Whitton who is in charge of administering the huge Federal-aid highway program declared that in the planning, location, design, and construction of highways greater consideration than heretofore must be given to their impact on people for whom they are provided.

As Representative of New Jersey's 15th Congressional District, which is crisscrossed by highways carrying heavy traffic between New York and Philadelphia, and between New York and Washington, I am aware of the contributions modern, high-capacity, fast, and safe highways make to the Nation's well-being and to lessening the traffic accident rate. I also recognize the difficulties involved in constructing highways through heavily populated urban areas. Nevertheless, I had been somewhat apprehensive about the effects of highways on people and the communities in which they live. I felt that special efforts should be expended to minimize disruption of existing community and neighborhood values, and that the welfare of people must always be paramount.

Whatever misgivings I have had have now been allayed by the Nation's No. 1 roadbuilder whose concern for humanizing highway construction should be hailed by all Americans. In the final analysis, a functional, well-engineered highway falls short of serving its full purpose if it does not preserve the esthetic, cultural, historical, and social values so important to our way of life.

Mr. Whitton, under whose aegis the 41,000-mile Interstate Highway System is proceeding successfully, is exercising commendable leadership in the highway program. I am confident my colleagues will be extremely interested in his speech on social responsibility that follows:

HIGHWAYS HAVE SOCIAL RESPONSIBILITIES

(Remarks by Rex M. Whitton, Federal Highway Administrator, Bureau of Public Roads, U.S. Department of Commerce, at the National Highway Conference sponsored by the Associated General Contractors of America, Mayflower Hotel, Washington, D.C., July 20, 1965)

I am happy to join you today in this national highway conference; and I want to congratulate the Associated General Contractors of America for sponsoring it. The stated purposes of the conference show the depth of your interest, covering as they do both the present and the future. And they show your breadth of interest, too, ranging from the specifications that govern your work, to the impact of your work on the public.

I am sure that the major topics of your conference program are being discussed thoroughly by the fine speakers and panel members scheduled. And I am sure that, as usual, some sharp questions are being asked from the floor. I would guess that the fielding is at least better than the ball clubs manage here in Washington and back home in Missouri.

What I want to talk about with you today is a topic that would have seemed totally unfitting for a contractors' assembly a generation ago. But my theme today, "Highways Have Social Responsibilities," is reflected in your concern about the contracting industry's relations with the traveling public.

When I look back over the many years I have spent in the highway field, I become aware of the increasing efforts many of you have been making toward creating a better public understanding of your work. But the public understanding and appreciation of your work, is created, and can be improved, by only one basic means: consideration of the public. And that consideration must be gaged in terms of the present, not the past. Take, for example, the rutted, dusty, or muddy backroad detour that commonly wandered remotely around the construction project of a generation ago. The drivers of that day gritted their teeth and accepted such detours as a necessary evil. Yet their forefathers, who crossed the untracked land in prairie schooners, would have considered those detours pretty fair roads. Not so their descendants, to whom comfort and convenience are the norm, not the exception.

And as they pass by or through your operation, that is what they judge you by. Motorists are unimpressed by or even unaware of your modern, efficient equipment and techniques. They are aware of dust, bumps, and delays. And especially are they aware of signs and signals that vary from job to job. So I urge you to follow faithfully the standards on traffic controls for highway construction operations, which are a part of the Manual on Uniform Traffic Control Devices; and to remember that the public, not just the highway departments, are your customers.

There are, of course, far broader aspects in consideration of the public—that is, the social responsibilities of highways—which all of us in the highway industry must face today. Like the detour, they are far different now than in years past. While the problems are perhaps more closely the concern of highway administrators, they are of direct interest to you, too; both because you are an active part of the highway industry and because as individuals you are, I am sure, among the civic leaders and opinion molders in your home cities and States.

One clear-cut example of the changing interest of and for the public, affecting highway policy and practice, can be found in the changing principles that determine highway location.

Time was—and I suppose many of you remember well—when balanced cut-and-fill quantities and short haul were all-important. But gradually, earthmoving equipment grew bigger and more powerful, and the cut-and-fill problem was no longer a primary factor in location.

Other vital location controls, such as the shortest possible river crossings, were also keyed to construction cost. Of course, the good highway locator has always sought a pleasing alinement. But in that period the public expected maximum mileage at minimum cost.

Later, economic studies using the cost-benefit ratio came into being as an important means for determining highway location. Simply put, the cost of building and operating each possible route was weighed against the road-user benefits it would provide. The location with what amounted to the best return on investment was considered the best choice.

But the cost-benefit ratio also had its shortcomings. It did not take into account all of the social, economic, and cultural impacts that highways can have on cities and rural communities, and—more importantly—the people who live in them.

These are the impacts that the forward-looking highway administrator and engineer recognize as vital considerations today. In this attitude we have gained strong support and encouragement from President Johnson, in his broad visions of the Great Society and his specific proposals for bringing them into reality.

What do we seek, in finding a specific new route location, designing a project, or planning an entire highway program? Certainly, to provide adequate capacity, safety, and comfort and convenience for the traveling public to be served now and expected in the reasonable future. Certainly, to pay due and full consideration to economy, in the broadest sense. Certainly, to do our work with engineering skill and integrity.

But we have other responsibilities in our planning: to cause the least possible disruption or damage—and even to enhance, where possible—the locations and situations upon which our highways impinge. These include established neighborhoods, school districts, church parishes, parks and recreation areas, historic and scenic sites, wildlife habitats, and the landscape generally.

Such objectives are not always together attainable, but highway planners are sincerely trying to achieve them. If we cannot meet all demands by all interests, it is not because we are hardhearted or hardheaded. Sometimes the nontraffic demands conflict among themselves, or with traffic safety. Sometimes they are wholly unreasonable, or far too costly, or cannot legally be paid for from highway funds.

If highway officials have seemed hesitant to spend money for social needs and amenities affected by highway construction and use, it is because by tradition their responsibility has been to the highway user who pays the bills. As you know, road-user taxes provide all Federal aid and most State highway funds. But in this age of the Great—and complex—Society, the highway user must accept expenditure of reasonable amounts of those taxes for such purposes. I believe that he willingly does accept this, as a proper part of transportation cost and as a social responsibility. So the highway official need be less hesitant than he used to be.

Even in the past, perhaps, the highway official was somewhat remiss in his hesitancy. He felt it his duty to follow public opinion, or stay abreast of it, when he might more properly have been in the vanguard.

This is a lesson we are learning, and there is still room for progress.

I am happy to say that the Federal Government has been providing leadership and incentive in this direction, and I am proud to say that the Bureau of Public Roads has taken every opportunity to steer a forward course.

Some examples may be worth citing. Since 1950, Federal-aid legislation has required the State highway departments to hold public hearings in connection with any proposed Federal-aid projects bypassing or traversing urban places, and to consider the economic effects of such project locations. In 1958 this requirement was extended to cover all Interstate System locations, rural or urban.

In 1958 also, Congress declared it to be in the public interest to help the States control outdoor advertising along the Interstate System. But after 7 years of opportunity, the voluntary bonus plan—limited though it was in scope—has been adopted by only 25 States, and that particular door was closed when the plan adoption period ended on June 30.

It is in this area of highway appearance and beautification that President Johnson has now thrown strong and welcome emphasis. Last January, in a letter to Secretary of Commerce John T. Connor, he pointed to a number of possible actions, which the Bureau of Public Roads promptly put into effect. We required that landscaping be an integral part of all interstate, primary, and urban Federal-aid construction projects. We urged increased use of Federal-aid funds for landscaping projects, especially to screen unsightly areas. We proposed development of many more rest areas and scenic overlooks on Federal-aid highways.

I might say here that we have been actively promoting esthetics in highway location and design for some years. The States, too, have generally been attentive to this subject, as witnessed by adoption in 1961 of a policy on landscape development by the American Association of State Highway Officials. In many highway locations, the view from the road and the view of the road speak proudly of our efforts.

President Johnson formalized his interest in highway beautification, only a day after the recent White House Conference on Natural Beauty, by sending four pertinent bills to the Congress.

Two of these would require the States—as a condition of receiving Federal aid—to control outdoor advertising and junkyards along the interstate and Federal-aid primary systems. Federal aid could be used to share in purchase costs if necessary. The billboard control would be far more potent than the voluntary bonus plan which I described earlier.

The third bill sent to Congress by the President would require the States to use 3 percent of their Federal-aid funds, without matching, for acquiring and enhancing scenic roadside areas. This would broaden and make mandatory a little-used provision of existing law.

The fourth bill would require the States to use one-third—$100 million a year at the current rate—of their Federal-aid secondary road funds to build scenic and recreational roads and for landscaping Federal-aid highways. Passage of these four bills will greatly enrich the opportunity for highway builders to preserve and enhance one of the Nation's greatest resources—it's natural beauty.

But our interest in America's natural and cultural resources is not new. By regulation issued in June 1963 and expanded in 1964, the Bureau of Public Roads requires the State highway departments, in planning Federal-aid highway projects, to protect and enhance fish and wildlife habitats, historic sites and parks, playgrounds and other recreational areas. Public agencies responsible for such resources must have opportunity to review project planning at the earliest possible stage.

The State must certify to us that due consideration has been given to suggestions offered by these agencies, and if it does not agree with any of them it must, in submitting projects for our approval, include valid reasons for their rejection. Many State highway departments have had longstanding policies or working arrangements of this sort. Our requirement assures nationwide and full attention to this aspect of highway planning.

You may be interested in an outstanding program resulting from consultation and cooperative planning of this nature. All along Interstate Route 80 in Nebraska, where it follows the Platte River for some 200 miles, the water table is near ground level. The Nebraska Department of Roads is taking needed fill material for the highway from selected locations; the borrow pits become lakes which the State game, forest, and parks commission is developing for fishing and other forms of recreation. Along one 74-mile stretch of completed road, there are now 65 lakes averaging 12 surface acres each. You can imagine the recreation value, and tourist attraction, they offer.

I have been talking about measures that primarily concern attention to the relation of highways to environment. But we are concerned about their immediate and direct impact on people, too. We have paid particular attention to the policies and procedures of the State highway departments in acquiring right-of-way for Federal-aid projects, to assure fair treatment of property owners and payments that are just, but favor neither the owner nor the public. We have gone so far as to produce a motion picture to demonstrate particularly the virtues of courteous, informative dealings with landowners.

Going a long step further, Federal legislation passed in 1962 requires that for every Federal-aid project the State highway department must certify to the Bureau of Public Roads that relocation advisory assistance is being given to families displaced by right-of-way purchase or clearance. We have spelled out in some detail what we consider to be satisfactory relocation advice and assistance.

In addition, the 1962 act provided that Federal aid may be used to share the cost, within limits, of the moving expenses of families and businesses displaced by Federal-aid highway projects. This is applicable only in States which can do so under their own laws; and few did, prior to 1962. Some 32 States do so now; and it is unfortunate for the displaced people involved that the rest have not yet followed suit.

Of all the actions that show the concern of highway builders for the public interest, the outstanding one is the development and application of the cooperative, comprehensive, continuing transportation planning process, which is now a reality or getting underway in all of our larger cities.

Public Roads is proud to have an important role in the development of the concepts and techniques that make the process possible and worthwhile. And again, Federal legislation, has brought about nationwide application: The 1962 Highway Act provides that Federal-aid projects proposed for urban areas of over 50,000 population cannot be approved after July 1, 1965—3 weeks ago—unless they are based on the planning process.

Without detailing all its aspects here, I do want to emphasize some pertinent facets. We require that the planning cover the entire urban area, and involve the active work and cooperation of all the local communities, counties, and the State highway department.

These studies are concerned with transportation, not just highways. And we know that transportation planning must be related to land-use planning, and to the economic, social, and cultural objectives of the community and its people. Highway planners are fully aware that for so broad a study the skills of many disciplines, the counsel of many people, must be blended.

We know, too, that the planning process can well be broad enough to develop much more than highway programs alone. The wise and forward-looking urban area can—and should—plan and put into being compatible programs, properly financed and scheduled, for all aspects of transportation, for schools and parks, and for all its other needs and amenities.

I have tried today to show you a trend in thinking—an increasing recognition by Federal officials and legislators, paralleled in many of the States, that highways have social responsibilities far beyond their basic function of transporting people and goods. That function is vital to the Nation's well-being, without question. But equally without question, it cannot heedlessly override all other elements of the public and individual well-being.

All highway officials, and all who are interested in highways as planners, builders, or users, must learn what some of us already have learned, sometimes rather painfully. We should lead in assuming the social responsibilities of highways, rather than have them thrust upon us. We should give gracefully and as much as possible in the first place, whenever we can, rather than yielding grudgingly later, under pressure.

Not that we need to forsake reality and integrity, or compromise on safe and sound design. I think we can fulfill our responsibilities to both the highway user and to the public at large. We can have our cake and eat it.

It takes a great deal of planning, foresight, patience, and public relations—and some extra money, sometimes, too. But it can—it should—it must—be done.

SACHS-QUALITY STORES AWARD RECIPIENTS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DANIELS. Mr. Speaker, the Sachs-Quality Stores in New York presents semiannually a gold plated medallion struck in the likeness of the late President John F. Kennedy to academic, vocational, and parochial school graduates in the New York-New Jersey metropolitan area. The award was presented for the first time in June 1964, to students selected by their school faculties for demonstrating outstanding citizenship qualities throughout their school careers.

I am very proud that several outstanding students, constituents of mine, were among those honored.

Among the recipients of this award were:

Linda Cignoli, of 101 64th Street, West New York, N.J., of Memorial High School.

James Cosazza, 72 Washington Street, Hoboken, N.J., of St. Michael's High School.

Agnes Dembia, 280 Ninth Street, Jersey City, N.J., St. Anthony High School.

Dorothy A. Feitl of 15 Liberty Place, Weehawken, N.J., of Weehawken High School.

Claire Ann Vidulich, 455 Ninth Street, Hoboken, N.J., Hoboken High School.

I commend Sachs-Quality Stores for helping to keep alive the memory of our martyred president, but above all, I commend the young men and women who are living examples of the spirit of John F. Kennedy. They are a credit to their parents, and to themselves. I am sure that in each case this award will be followed by many more in later life.

NEW YORK CITY IN CRISIS—PART CXLIV

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MULTER. Mr. Speaker, the following is the fourth of five articles on New York City's problems with its educational system.

The article is part of the series on "New York City in Crisis" and appeared in the New York Herald Tribune of June 10, 1965, and follows:

NEW YORK CITY IN CRISIS: KEY SCHOOL PROBLEM—WHERE LIES RESPONSIBILITY?

(NOTE.—A city parent who has tried to get some decision about his child's schooling doesn't have to be told that the board of education is a giant bureaucracy, choking efficient operation in Gordian knots of redtape. In this, the fourth of five articles on "New York City in Crisis: The Schools," Education Editor Terry Ferrer and Education Writer Joseph Michalak examine the schools' administration, and the new steps that have been taken to streamline its operation and bring the schools closer to the people.)

(By Terry Ferrer and Joseph Michalak)

New York City's schools "have become bogged down in such a morass of administrative procedures that it is almost impossible to pinpoint the locus of responsibility. Redtape strangles the school personnel in mountains of paperwork. * * * (Individual initiative) is submerged by a ponderous chain of command. Buck passing has become a fixture of administrative practice."

This devastating—and accurate—picture of the crisis-wracked city system might have been drawn as recently as today. Actually, the indictment was made at the beginning of 1960 by Dr. Henry T. Heald, president of the Ford Foundation.

Half a year before, Dr. Heald had been in charge of a State education committee investigating whether $100 million had been frittered away in extravagant school buildings, as charged by the then city controller, Lawrence E. Gerosa. The Heald committee found no proof of the Gerosa charges, but did excoriate the administrative setup of the city's schools.

Any parent who has ever tried to make a complaint—justified or not—can testify to the strangling redtape and crushing chains of command.

FIGHT JUST BEGINNING

A Queens parent, let us say, feels that his child is bright enough to be put into the special progress classes of the junior high schools. His child's teacher buck passes—in truth, this is not a decision the teacher can make. Off goes the parent to the school's assistant principal. He hmms over achievement test scores and classroom performance, and buck passes to the school principal. This principal says no to the SP request.

The parent, still unconvinced, now takes his case to the district superintendent, a kind of middleman—there are now 25—who may or may not decide the case without referring it to headquarters, the board of education's central offices at 110 Livingston Street, Brooklyn. If the district superintendent also says "No," the parent is now free to appeal to Livingston Street.

Meanwhile, weeks have gone by, and the parent is enraged and weary. But the fight is just beginning. He now runs into divisions—elementary, junior high, and high. He may write the school superintendent, or try to phone him, but, again after seemingly endless delay, his letter or phone call goes to the junior high school division—to an assistant superintendent—who literally has no idea what the parent is talking about. The child's records are in his Queens school; the assistant superintendent is in Brooklyn.

More likely than not, the assistant superintendent stalls—and there is more delay. The weeks are now months. The desperate parent stews. Finally word comes from the division—no SP class. Another avenue of appeal still remains, the deputy superintendent in charge of instruction. Finally he too says no. As long as 6 months or more may now have passed—the better part of a school year—before the matter is settled.

This administrative merry-go-round is equally harassing to each teacher, who must file every administrative circular coming into her classroom, who must write out every request, even for a blackboard eraser, as well as keep pupil records, and who, if she has time and strength, must also teach. Meanwhile, almost 900 administrative staff members snarl and unsnarl the redtape at headquarters.

Into this fantastic bureaucracy on April 15, 1963, came Dr. Calvin E. Gross, chosen after a 4-month nationwide hunt as the city's school superintendent—the first outsider ever. Fresh from 5 years of educational triumphs in Pittsburgh, Dr. Gross faced a system 14 times as large as that of the Pennsylvania city, and a million times as hostile. He arrived full of promise and full of promises—that every child would learn to read, that the disadvantaged pupil would get his long overdue first-rate schooling, that the bright would be challenged by 2 years of college work in high school, that schools would not be allowed to hang out shingles as babysitters."

Instead of time to set about reaching such praiseworthy educational goals, Dr. Gross was plunged into a threatened teachers' strike plus a massive civil-rights boycott—both planned for the opening day of the 1963–64 school year. Neither came off. Endless meetings and problems of integration action put off the boycotters, and last-minute funds quieted the would-be strikers, but it was a cruel baptism by fire for the new superintendent.

As they so often do in this giant city, the long-term plans went up in smoke as fresh fires continually broke out. Three civil rights boycotts and one by white parents were held within the next year. Dr. Gross' integration plan of pairing 10 elementary schools in an attempt to create a better racial mix for some 40,000 children drew actual riots in Queens by white parents and protests of too-little, too-late from civil rights groups.

BOARD'S OPINION OF DR. GROSS

And Dr. Gross and the Board of Education were increasingly at loggerheads, although both sides tended to deny quarrels. In fact, the board voted him a $5,000 raise over the $40,000 at which he had been hired. But board members said privately that Dr. Gross vacillated, let urgently needed reports pile up on his desk—including one for decentralization of the system—refused to recommend men to fill eight vacant associate superintendencies and the deputy superintendency for personnel, and was stalling on a final integration plan.

Dr. Gross, on his side, said the board had not lived up to some financial promises and was trying to impinge on his authority, especially by demanding board research assistants. Privately, he blamed the lateness of his integration plan on late supporting reports.

The board, meanwhile, had changed presidents. On December 11, 1963, Max J. Rubin resigned because of ill health, and the board's vice president, James B. Donovan, was elected to take his place. The hard-hitting, rough-tongued Mr. Donovan and the mild and often uncommunicative Dr. Gross never understood each other.

The climax came last February. At a secret meeting in Mr. Donovan's law offices—without Dr. Gross—the board voted unanimously to ask the superintendent to resign, even though his 6-year appointment had 4 years and $180,000 to run. Dr. Gross hesitated to accept an offer that included 4 years as a city consultant, the right to resign at his convenience and assurances of regret to be expressed by the board. In a masterpiece of inept handling, the decision was leaked to the press and a shocked public saw the case tried in the newspapers.

On March 4, the board placed Dr. Gross on 3 months' involuntary paid leave, and appointed the deputy executive superintendent, Dr. Bernard E. Donovan (no relation to the board president), as acting superintendent. Dr. Gross said the same day that the request for his resignation was "shocking and unexpected," that he would not comply and that "I'm continuing to function in my job." Both superintendents did go to their offices each day—but Dr. Donovan ran the schools.

Just before the 3 months were up, Dr. Gross' lawyer, Herbert W. Brownell, Jr., 8 days ago obtained a State supreme court show-cause order barring the board from ousting Dr. Gross. Mr. Brownell maintained that under State law such an ouster was illegal and without precedent, and that a city superintendent cannot be removed without proof of willful neglect of duty and a hearing by the State education commissioner.

MORE IRRITATIONS

The decision on that order is due today. But unless the board and Dr. Gross can agree on an out-of-court settlement, it appeared that the case might drag on indefinitely—while Dr. Gross continues on the payroll.

But even as the administrative battle continued, Mr. Donovan too got caught in the backwash. His brusque remarks irritated his fellow board members, civil rights groups, and the United Federation of Teachers. He used phrases such as "This is a board of education, not a board of integration or a board of transportation" in discussing integration proposals for long-distance busing and once used the phrase "so-called civil rights groups." He irked the teachers' union members, no mean masters of metaphors themselves, when, in a discussion on the involuntary transfer of experienced teachers to ghetto schools, he declared that "if we find the right carrot, it's better than the stick with most donkeys."

When he came up for reelection as president in May, some board members made it clear that while they might boycott the election meeting rather than oppose Mr. Donovan publicly, they did not want him to continue as president. Mr. Donovan then announced that he had told the mayor 6 weeks before that he was unwilling to continue on the board. If they wished to reelect him, he told board members, he would leave the board for good on June 30. The members agreed, and indicated that they would choose as their next president Lloyd K. Garrison, a lawyer who is now vice president.

But where, in all these administrative wranglings, is the poor parent from Queens who has a complaint about his child? How does all this affect him?

Far removed as these fights may seem, the Queens parent will be very much affected. For, beginning this fall, his problems and those of the 2 million other parents of public school pupils will no longer travel the long and time-consuming road to Livingston Street. Concomitantly, the school superintendent and the headquarters bureaucrats will no longer reach out like a giant octopus to run 850 schools.

Under a plan proposed by Acting Superintendent Donovan—and worked out with the board—the city system will be cut into 30 school districts, each with its own district school superintendent and local school board. Each district will comprise some 28 schools and about 35,000 pupils, and each of the district superintendents will have "complete responsibility and authority for all the schools in his district." Livingston Street headquarters, said Dr. Donovan, will be a "service agency" rather than an "order-giving center."

The "divisions" of elementary, junior high, and high schools will disappear, and, as a starter, more than 200 of the 600 headquarters staff will move back into the field, with more to follow. The eventual annual saving to the city will be $1.25 million.

The Queens parent, then, will take this problem from the school to the district superintendent—there will be seven in Queens—who will give a final answer much sooner. The parent may still appeal to Livingston Street but it is not likely that he will. As Dr. Donovan said in a recent interview in his office there, "In making judgments about people, the district superintendent is much closer to the situation than the people here—removed from the situation. I think he knows more about what he needs than a guy in a division here."

While there have been local school boards in the past, they could do little but recommend to Brooklyn. Under the new setup, it was learned, each local board will make up its own budget request, with the advice of the district superintendent and the business manager assigned to him. These budget requests will then be forwarded to board headquarters to be amalgamated into the lump-sum budget of the big board of education for presentation to the mayor.

But, according to present board thinking, each of the 30 districts would receive its own lump-sum budget back, subject to cuts by the big board, and could use the money for what the district considered most urgent. Some districts might want to experiment with a new method of teaching reading, for example, said Dr. Donovan. "A district superintendent would say to the principal, 'OK, you can do it.' "

"There is no resistance to experimentation now, just a redtape bottleneck," Dr. Donovan said. "That's what I want to break. We have to get away from a huge centralized system run by a central administration. We want the people to feel themselves more closely related to the schools."

In the opinion of at least one board member, each district would also be free to experiment with district integration plans, such as getting up educational complexes, groupings of several elementary schools with one or two middle schools for better racial balance.

SOME POSSIBLE FLAWS

There are several possible flaws in the new decentralization plan. The most important, said one board member, is that "we have to watch out that we haven't created 30 Livingston Streets." Conversely, the small districts will operate smoothly only if the local district superintendents exercise the new authority they have. Albert Shanker, president of the United Federation of Teachers, is dubious that they will.

"The district superintendents have always been the weakest links in the administrative structure," he said in an interview. "They have not been chosen for being able to run an autonomous operation." And the High School Principals Association has complained that the district superintendents, who have dealt only with elementary and junior high curriculums, won't have the know-how to cope with high school problems.

But the board administration and many other educators feel the risks are worth running. As Dr. John H. Fischer, president of Teachers College, Columbia University, puts it, "we've got to move in the direction of giving the local board its head. The local school boards and the district superintendents have to come out from under the shelter of the board of education and stand out in the weather themselves. They have to find out that the 'buck passing' ends with them."

The decentralization plan—first overhaul of board headquarters in 32 years—is a hopeful step in a long-marked right direction. Combined with the reorganization of the grade structure from 6–3–3 to a projected 4–4–4, the plan can cause some headaches as it settles into its new patterns. But whatever the outcome, it must be better than slow death by redtape strangulation.

NEW YORK CITY IN CRISIS—PART CXLV

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article is the fifth and final one in the series on New York's educational crisis and is part of the series on "New York City in Crisis."

The article appeared in the New York Herald Tribune on June 11, 1965, and follows:

EVERYONE'S DEAD HORSE—WITH A CHANCE TO LIVE

(NOTE.—Are the city's schools headed for a bleak future of inadequate education and continuing turmoil? Or will they be improved with more money, better planning, and increased citizen support? In this, the last of five articles on "New York City in Crisis: The Schools," education editor Terry Ferrer and education writer Joesph Michalak discuss long-range board of education blueprints for good schools—whose success will depend on the whole city and all of its residents.)

(By Terry Ferrer and Joseph Michalak)

The city's schools are every citizen's whipping boy.

Tenements cannot all be torn down with bare hands and replaced overnight with model communities. Racial ghettos cannot be broken up easily and their populations divided around the city for a better population mix. Rises in taxes and the imposition of new taxes cannot be stopped or even successfully resisted by the city dweller via the voting booth.

But everybody can jump on the schools—and everybody does. The whipping boy can—and is—beaten regularly as the symbol of everything that is wrong with the city—delinquency, serious crime, de facto segregation, out-of-school and out-of-work youth, the flight of the whites to the suburbs.

Yet a large part of the reason the schools bear such a heavy load of public criticism is that they have taken on a variety of functions that go far beyond the teaching of the three R's.

Acting School Superintendent Bernard E. Donovan recalled recently that when he came into the city system 30 years ago, "the schools were not responsible for such social issues as integration. There was, for example, no school-lunch program. A child who didn't succeed was cast by the wayside. The high schools used to be oriented toward academic studies and success, and for preparation for college. We had no general course for those not suited to college. Now, the schools have taken on more and more social problems and their solutions."

Dropout programs, special "600" schools for the disruptive and delinquent child, job training, prekindergarten schooling to replace a lack of home preparation for school, and integration plans are only a few of the added tasks the schools have taken on.

"MOVED MOUNTAINS"

If the city's schools have not always done these tasks well, at least they have attempted to mitigate gigantic school ills. The highly critical State education department report of 1962 gave the city system poor grades in pupil achievement, but the massive study did point out:

The city schools "have moved mountains, because there are mountains to be moved. The fact that they have not moved them far enough or fast enough is a measure of the staggering problems they face, not of ineptitude, dereliction, or irresponsibility on the part of teachers, principals and officials.

"There are thousands upon thousands of devoted hard-working professionals in the New York City system. They are struggling against incredible odds to provide education of high quality to children in their care. They need help, and they need it now, not 10 years from now, because the problems are growing, not receding.

"In many ways, possibly in most ways, the future of the metropolis is being written in its classrooms today. Unless what is being done now is done better, and unless much more is done than is now being done, that future will be a bleak one in many respects."

More is being done than ever before. Dr. Walter S. Crewson, associate commissioner of education who directed the State study, urged a $90 million increase each year for 5 years in the schools' operating budget, which stood at $564 million then. That's $450 million more by 1967; but the schools, in 1965–66, will be operating on a billion-dollar-plus budget—1 year ahead of schedule. The per pupil expenditure has risen from $644 in 1961–62 to almost $752 this school year.

Dr. Crewson also had said that 5,300 additional teachers should be hired. In 1961, there were 39,531 teachers; at present, there are 46,502—more than the increase recommended by the State.

MORE SPECIALISTS

The State investigators put extra stress on the paucity of specialists—in reading, art, science, music, health education, and library work—to aid the elementary classroom teacher. Since the Crewson report, the system has tripled the number of these specialists—to 2,900. For example, 547 art, health, music, and science specialists were sent for the first time last year into the troubled special-service schools in slum areas.

The associate commissioner also called for a "multimillion dollar" construction program for new city schools to relieve overcrowding. At the time, the city laid out only $76.7 million of new construction money for the schools. This year, the schools are spending two and a half times as much—$182 million. This week Dr. Donovan outlined for 1966–67 the most massive program in history—calling for $243.8 million.

Since the board hired a new construction chief in the wake of the 1961 scandals—the tireless and effective Eugene E. Hult—75 new schools have been completed, two-thirds of them elementary schools that were most overcrowded then. Twenty-five additions also have been made to existing schools for a record 100 new projects in 3 years.

In addition, 19 junior high schools and 6 senior highs will be put in service by the time school reopens in September. Mr. Hult is putting up the buildings at breakneck speed—construction of an elementary school, for example, has been cut from a year and a half to a year.

Improvements in the instructional program are harder to pinpoint. The 1962 State survey said city's elementary and junior high pupils ranked below those of the State in 30 of 32 test scores reported in such subjects as reading and mathematics. But even then, the city's high schools outdistanced the State's in academic achievement.

MORE MONEY NEEDED

No such comparable testing has been done since, but on national tests city children rank on the average or above it. Hopefully—with the funds being poured into more teachers, smaller classes, more full-time instruction for elementary pupils and more prekindergarten programs—future tests will show a pronounced achievement rise.

But the educational product, as well as the buildings that house it, still will require millions and millions of dollars. As State Commissioner of Education James E. Allen, Jr., said recently, "The whole problem of financing education in our large cities is a major national concern. * * * While it is true that money alone will not do the job, it is equally true that the job cannot be done without money—and lots of it."

And, at long last, both the State and Federal Governments are beginning to pour more funds into the beleaguered urban areas. New York City will get $54 million more in State aid for its schools this year, and the Federal Elementary and Secondary Education Act of 1965 will add another $50 million after Congress appropriates the money. Thus the city will have an extra $100 million in school funds next year.

And that's not counting about $5 billion that the antipoverty program has provided here for Project Head Start, a new summer program designed to give 5-year-olds from the slums a better chance to succeed in school. The Office of Economic Opportunity estimates that such children, because of the lack of learning in the home, start the first grade half a year behind children of middle-class families; by the fourth or fifth grade, they are 2 years behind, then keep losing ground. This summer, the program will provide for more than 25,000 children at 288 centers, including 148 schools.

James B. Donovan, outgoing president of the Board of Education, still believes that the Federal Government must give the city $1.5 billion of antipoverty funds in the next 5 years because the immigration of Puerto Ricans and southern Negroes to this city are a Federal—not an urban—responsibility. Mr. Donovan made the proposal last October. So far, the antipoverty office has not agreed.

But, as Dr. Allen pointed out, money alone will not do the job. Intelligent—and long-range—planning is essential. The confidence of the public, the morale of the teaching staff, and the determination of the board and the superintendent must all be strengthened.

UFT 10-YEAR PLAN

The board already is working on a plan to obviate its endless quarrels with the United Federation of Teachers. The UFT also has agreed to explore the blueprint.

As outlined to the Herald Tribune, the plan proposes that the board and the union set 10-year priorities and goals for the improvement of the school system. The UFT, for example, would set its goal on the average teacher's salary 10 years from now. The board might set a goal of numbers of teachers, school-building priorities, and textbook allocations.

As described by a board member, "the board would agree to increase teacher salaries to the level agreed on by the union over the 10-year period. We would find ways to get the money together. At the end of a 2- or 3-year contract with the UFT, the board would consult the union on what lump-sum budget we should ask from the city. We would agree—the union and the board—and it would be the first time that we could say that this was what we both want.

"The priorities would, of course, be flexible," the board member continued. "After all, we did not know a few years ago that we should back early-childhood education. To determine what the goals and priorities should be, we would seek the help of an impartial citizens' committee, headed by such a man as David L. Cole (nationally known arbitrator and mediator). The committee would not arbitrate, just advise and mediate."

Asked whether such an arrangement might mean that the union would complain it was losing its bargaining power, the board member said no. "Let us say we ask city hall for $2 billion, and we get $1.6 billion," the board member explained. "Then the percentage of that $1.6 billion to be devoted to each priority, including teachers' salaries, would become a subject of bargaining with the union. The issue could be resolved with the help of the Cole committee."

Such a plan would divorce the UFT-board negotiations from political interventions by the mayor or the Governor, and, hopefully, would give the board a fixed sum of money to bargain with rather than the old "soap coupons" with which it has had to make financial promises in the past.

COLLEGES TO HELP

The board also is banking for the first time on concerted help from the colleges and universities in the city, which virtually have ignored school problems to date. Early this year, a Center for Urban Education (CUE) was created by a "consortium" of eight major institutions to help develop new curriculums and to devise a wide range of research and experimentation.

The center has set up shop at 33 West 42d Street, and is expected momentarily to receive a $4 million grant from the U.S. Office of Education to put it in business. The center, dedicated to improving urban education throughout the State, is headed by Dr. Albert Hosmer Bowker, widely respected chancellor of the City University. One of its members is the Bank Street College of Education, which this year set up a separate Educational Resources Center in the middle of Harlem to help provide teachers in slum areas with model programs and to create new, effective teaching materials. Such action research will be divorced from the board, but welcomed by it.

Dr. Donovan, a director of the new CUE, and the board want to see most research done outside of the system. And they attach equal importance to involving more citizens in studying such educational problems as teacher training, reading, savings in the ever-growing budget, and how best to build schools. As a board member said, "we based our integration plan on the State blueprint drawn up by Dr. John Fischer of Teachers College, Kenneth Clark (the prominent psychologist) and Rabbi Judah Cahn. We must try to get more experts like these, as well as the average citizen, to help us find the ways to make our schools excellent."

Confidence and morale will return to the city system only if such excellence is assured. Dr. Donovan said that "if every citizen, Negro, white and Puerto Rican, can get the best for their children, they will have confidence in the schools."

THE WHOLE CITY

Providing the best will not be easy—and it may not even be possible without a renewal of the whole city.

As Dr. Fischer said recently, "you can't deal with the New York City school problem unless you deal with the whole New York City problem. People—the power people in this city—haven't seen this connection, and that is why the schools have done so badly in finance and in their other problems. Among the power people, there is still a deplorable tendency to see public education as charity. These people do not think in terms of the whole city."

The whole city, of course, also means all of its citizens. It is one thing for civil rights leaders, white parents, teachers, and citizens' groups to criticize everything that the board of education and the superintendent do. It is another for these attackers, once they have won their points or at least sparked some reforms, to stand behind the board and administration and aid them in carrying out new programs. So far, the critics have shown no inclination for such constructive action.

However, June Shagaloff, education specialist for the NAACP, in a recent interview pledged far more extensive NAACP support for the board than ever. The NAACP, she said, intends to be "very involved in school financing as a complement to the board's commitment to school reorganization. We intend not only to press for substantial improvement of the board's policy, but to be involved in all factors such as school budgeting and the fight for more funds from the city, State, and Federal governments."

Dr. Henry T. Heald, president of the Ford Foundation, said in 1960 that this city "lacks a first-class system because its people do not want it badly enough."

The challenge still holds. The major policy decisions that can lead to excellent schools seem now to have been made. How they are carried out, and how soon the day will come when people ask "how good are New York City's schools?" instead of how bad, depends not just on the board, the superintendent, the teachers' union and the new district superintendents—although it depends on them a great deal. Primarily, excellent city schools depend on how much every citizen is willing to help.

NEW YORK CITY BAR ASSOCIATION COMMITTEE FAVORS JUDICIAL REVIEW OF DECISIONS OF THE BOARD OF VETERANS' APPEALS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MULTER. Mr. Speaker, in every Congress since the 83d I have introduced legislation to give the Court of Claims de nova jurisdiction to consider claims for benefits or payments under laws administered by the Veterans' Administration, which have been disallowed in whole or in part by the Administrator.

During this Congress I introduced H.R. 840 on the same subject.

Under present law decisions of the Veterans' Administrator involving claims for benefits or payments under laws administered by the Administration are exempt from judicial review.

The committee on Federal courts of the Association of the Bar of the City of New York considered proposed legislation to establish a Court of Veterans' Appeals which is the subject of S. 1200 offered by Senator PHILIP HART for himself and 16 other Senators, and other similar bills pending in the House. These bills would create a special Court of Veterans' Appeals to which claimants could appeal from decisions of the Board of Veterans' Appeals involving questions of service-connected disability or death, and compensation to a widow, child or parent of a veteran.

Although the committee disapproves provisions of these bills it does favor legislation which would provide for a judicial review of the decisions of the Board of Veterans' Appeals in compensation cases. The committee prefers that appeals from decisions of the Board of Veterans' Appeals be taken to the Court of Appeals either in the District of Columbia, or in the circuit where the petitioner resides, and that the judicial review be confined to consideration of the correctness of the decision of the Board of Veterans' Appeals on the record before it.

While we may differ with respect to which judicial tribunal should be given review jurisdiction over these veterans' matters and the extent of such jurisdiction, I am pleased that the committee is in accord with my view that the decisions of the Veterans' Administrator should not be exempt from judicial review.

The report of the committee on Federal courts of the Association of the Bar of the City of New York on proposed legislation to establish a Court of Veterans' Appeals, which appeared in the July 1965 issue of "Reports of Committees of the Association of the Bar of the City of New York Concerned With Federal Legislation," follows:

REPORT ON PROPOSED LEGISLATION TO ESTABLISH A COURT OF VETERANS' APPEALS

During the current session of Congress a number of bills have been introduced for the establishment of a Court of Veterans' Appeals to hear appeals from the final determinations of the Veterans' Administration in compensation cases; S. 1200, H.R. 211, 676, 1057, 2220, 2242, 4156, 5859, 8091, 8192, 89th Congress, 1st session (1965). The provisions of S. 1200, offered by Senator PHILIP A. HART, of Michigan, for himself and 16 other Senators, are typical of the proposals advanced in most of these bills. S. 1200 would extend to claimants the right to appeal to a specially created Court of Veterans' Appeals from decisions of the Board of Veterans' Appeals of the Veterans' Administration on claims involving the question whether a veteran's disability or death is service-connected, or whether a widow, child or parent of a veteran is entitled to compensation, under the laws administered by the Veterans' Administration. The proposed court would sit in Washington, D.C., and would consist of 5 judges, through December 31, 1969, and thereafter of 3 judges, appointed for specified terms. Commissioners would be appointed to conduct hearings, take evidence and make reports to the court in all cases before the Court of Veterans' Appeals in which the claimant disputes the factual finding of the Board of Veterans' Appeals. At the claimant's request, these hearings would be held in the regional office of the Veterans' Administration having original jurisdiction of the claim.

S. 1200 and the House bills are similar to bills introduced at prior sessions of Congress, some of which have been the subject of extensive hearings—hearings before the House Committee on Veterans' Affairs, 88th Congress, 1st session (1963); hearings before a special subcommittee of the House Committee on Veterans' Affairs, 87th Congress, 2d session (1962); 86th Congress, 2d session (1960); 82d Congress, 2d session (1952).

For the reasons stated in this report, we favor the enactment of legislation that would provide for judicial review of the decisions of the Board of Veterans' Appeals, but do not approve the provisions of S. 1200, and of the similar bills pending in the House, for the creation of a special Court of Veterans' Appeals.

In the type of claims to which S. 1200 has reference, present law exempts the decisions of the Veterans' Administrator from judicial review. Section 211 of title 38, United States Code, provides that, excepting insurance and certain other claims not pertinent here:

"The decisions of the Administrator on any question of law or fact concerning a claim for benefits or payments under any law administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decision."

The courts have repeatedly construed this section as precluding judicial review, or retrial in the Federal courts, of compensation claims passed on by the Veterans' Administrator and the Board of Veterans' Appeals. (*Milliken* v. *Gleason*, 332 F. 2d 122 (1st Cir. 1964), certiorari denied, 379 U.S. 1002 (1965); *Carter* v. *Register*, 316 F. 2d 226 (8th Cir. 1963); *Hahn* v. *Gray*, 203 F. 2d 625 (D.C. Cir. 1953); *Slocumb* v. *Gray*, 179 F. 2d 31 (D.C. Cir. 1949); *Van Horne* v. *Hines*, 122 F. 2d 207 (D.C. Cir. 1941), certiorari denied, 314 U.S. 689 (1941).) Although one court has indicated that the remedy of mandamus might be available in a case where a claim allegedly was denied because of an erroneous entry in the Administrator's official records (*Hospoder* v. *United States*, 209 F. 2d 427 (3d Cir. 1953)), efforts to relitigate the decisions of the Administrator or of the Board of Veterans' Appeals appear to have uniformly failed in light of the explicit prohibitions of section 211 against judicial review. The constitutionality of section 211 has been affirmed on the ground that Congress can create rights in an individual against the Federal Government without establishing any remedy through courts, and that veterans' benefits are in the nature of gratuities, not vested rights. (*Milliken* v. *Gleason*, 332 F. 2d 122 (1st Cir. 1964), certiorari denied, 379 U.S. 1002 (1965); *Strong* v. *United States*, 155 F. Supp. 468 (D. Mass. 1957), appeal dismissed, 356 U.S. 226 (1958).)

We concur with the sponsors of S. 1200, and the comparable bills introduced in the House, that provision should be made for judicial review of the decisions of the Board of Veterans Appeals in compensation cases. Such a right of review seems desirable for a number of reasons. One important consideration favoring judicial review is the opportunity it affords for judicial scrutiny of the legal principles followed by the agency. The laws and regulations administered by the Veterans' Administration are complex. In compensation cases the Veterans' Administration frequently is called upon to pass upon questions both of Federal and local law. According to the 1964 annual report of the Administrator of Veterans' Affairs, a total of 1,766 written opinions were rendered during the fiscal year ending June 30, 1964, by the agency's General Counsel, concerning, among other matters, the construction of Federal laws and Veterans' Administration regulations relating to compensation, and dealing with problems in diverse areas of local law such as domestic relations, personal status, and title to property (report, p. 146). Under present law the Board of Veterans' Appeals is bound in its decisions by the regulations of the Veterans' Administration, the instructions of the Administrator, and the precedent opinions of the chief law officer, 38 U.S.C. 4004(c). An independent reexamination in the courts of the legal principles followed by the Administration in disposing of claims would help to assure against the adoption and self-perpetuation of unsound legal standards on an administrative level and to compel the adherence by the Administration to legal principles as applied in the courts. In at least two reported cases the Court of Appeals for the District of Columbia, although acknowledging itself powerless to grant relief to the petitioner, disagreed with the legal correctness of the Administrator's ruling. (*De Sinlao* v. *United States* 271 F. 2d 846 (D.C. Cir. 1959); *Longernecker* v. *Higley*, 229 F. 2d 37 (D.C. Cir. 1955).)

A right of appeal also serves a useful purpose in cases raising the question whether the decision of the Board of Veterans' Appeals is supported by the record before it. We recognize that as a matter of law and administrative practice the Veterans' Administration gives claimants the benefit of any doubts as to the merits of their claims (see, e.g., 38 U.S.C. 311, 312, 332, 333; 38 C.F.R. 3.102), and that awards are frequently made on records that under other circumstances might well justify a rejection of the claim for lack of adequate supporting data. Nevertheless, the possibility of review, even if such review should rarely result in a reversal on a question of fact, may still be beneficial in discouraging hasty and ill-considered dispositions and increasing the confidence of the claimant in the impartiality of the administrative tribunal.

Aside from the additional expense and increased burden on the courts that a right of judicial review of the decisions of the Board of Veterans' Appeals would entail, considerations which by themselves we do not believe to outweigh the merits of judicial review, we are not aware of any substantial adverse considerations. The decisions of the Board of Veterans' Appeals in cases involving compensation claims do not appear to us to involve primarily matters of internal administration or agency discretion, which are normally exempt from review in the courts. (Compare section 10 of the Administrative Procedure Act, 5 U.S.C. 1009.) Prior to the Economy Act of 1933 (48 Stat. 9), which introduced in substance the provisions of present section 211, the pertinent statutes providing for the finality and conclusiveness of the decisions of the Directors of the Veterans' Bureau were thought to permit judicial review of decisions wholly unsupported by evidence, wholly dependent upon a question of law, or clearly arbitrary or capricious. (See *Silberschien* v. *United States*, 266 U.S. 221 (1924); *United States* v. *Williams*, 278 U.S. 255 (1929).) For all of these reasons, we favor the enactment of legislation permitting the review, upon appeal, of decisions of the Board of Veterans' Appeals.

We are nevertheless compelled to disapprove of the provisions of S. 1200, and of the House bills containing similar provisions, for the reason that S. 1200 would create a separate court of appeals to review the decisions of the Board of Veterans' Appeals, and would empower that court to retry all disputed issues of fact. We are opposed to the creation of such a special court of appeals, particularly as the location of the court in the District of Columbia is likely to prove inconvenient to claimants in many parts of the country. Appeals from the decisions of the Board of Veterans' Appeals could appropriately be taken to a Court of Appeals either in the District of Columbia or in the circuit where the petitioner resides.

Neither do we approve of the retrial of factual issues de novo in the courts. There is some precedent for this approach in section 784(a) of title 38, which provides that in the event of disagreement as to claims under insurance policies issued by the Veterans' Administration the claimant may bring an action in the U.S. District Court for the District of Columbia or in a district where the claimant resides for the hearing and determination of that controversy. In the present context we do not find this precedent persuasive. In our opinion judicial review should be confined to a consideration of the correctness of a decision of the Board of Veterans' Appeals on the record before it. The findings of the Veterans' Administration as to facts, if supported by substantial evidence, should be conclusive. (Compare, e.g., sec. 10(f) of the National Labor Relations Act, 29 U.S.C. 160(f); sec. 9(a) of the Securities Act of 1933, 15 U.S.C. 77(i)(a); sec. 11(c) of the Clayton Act, 15 U.S.C. 21 (c).) To protect claimants who for a valid reason have been unable to bring pertinent evidence before the Board, the Court of Appeals could also be empowered, as under several of the statutes cited, to order additional evidence to be taken before the appropriate administrative tribunal if it is shown that such additional evidence is material and that there are reasonable grounds for the appellant's failure to adduce such evidence earlier.

We also find S. 1200 defective in other respects. Proposed section 4055(a) provides that the Court of Veterans' Appeals, "as a part of each decision entered," shall determine and allow reasonable fees for the attorney of the claimant. This ambiguous provision appears to contemplate the award of counsel fees regardless of the success of the appeal. To avoid swamping the courts with frivolous appeals and the consequent strain on the staffs of the Veterans' Administration and the U.S. district attorneys (during the fiscal year ending June 30, 1964, 18,669 appeals were received by the Board of Veterans' Appeals, annual report, p. 115), we believe that the granting of attorneys' fees should be confined to cases where the appellate court reverses or modifies a decision of the board. (Compare 38 U.S.C. sec. 784(g).)

The bill provides in proposed section 4054 (a) that applications for review may be made within 1 year from the date of mailing of notice of the decision of the Board of Veterans' Appeals, or the date of enactment of the proposed law, whichever is later. This provision would permit a claimant to bring up for review all decisions of the Board of Veterans' Appeals since its creation in 1933. We believe that reasonable time limitations for the appeal of prior decisions should be imposed.

Proposed section 4053(b) provides that all decisions of the Court of Veterans' Appeals shall be final and shall not be subject to review by any court of the United States. No valid reason appears to us for excluding review by the Supreme Court upon certiorari as provided in section 1254 of title 28.

Respectfully submitted.

W. Mahlon Dickerson, Chairman; Vincent L. Broderick, Gideon Cashman, Jerome Doyle, Arnold G. Fraiman, Helmut F. Furth, Frank H. Gordon, Frederick P. Haas, Bruce A. Hecker, Geoffrey M. Kalmus, Richard G. Moser, Eldon Olson, J. Lee Rankin, John H. Reilly, Jr., Charles D. Snead, Gray Williams.

Committee on the Federal Courts.

LOANS FOR WATER SUPPLY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Hansen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, on Friday, July 23, the other body passed S. 1766, authored by Senator George D. Aiken. The bill provides authority for the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans. There were 98 cosponsors of this measure with the Senator from Vermont.

This heavy support certainly attests to the fact that there is a real need for the provisions contained therein. It might be said that grants and loans for water systems in small towns and rural communities is provided for in section 702 of the Housing and Urban Development Act of 1965. Technically this is true, but from a practical standpoint, the HHFA has too little understanding and appreciation of the needs in small communities to cope with this problem effectively. Moreover, they are primarily geared to administering projects in urban areas and are not equipped philosophically to handle the strictly rural and small town problems as evidenced by the development of the Farmers Home Administration in its successful activity in the housing loan field in small towns and rural areas.

It is for this reason that I have filed H.R. 10123 as a companion piece of legislation to S. 1766 in an effort to assist in the correction of a long overdue deficiency.

A letter which I received from Mr. Gene L. Hoffman, Farmers Home Administration Director of the State of Iowa, outlines very pointedly a typical example and I submit it for whatever value it will have in bringing this question clearly before my colleagues in the House of Representatives:

U.S. Department of
Agriculture, Farmers
Home Administration,
Des Moines, Iowa, May 28, 1965.

Hon. John R. Hansen,
House of Representatives,
Washington, D.C.

Dear John: I received a copy of the letter that Robert G. Lewis, Administrator, Rural Community Development Service, Department of Agriculture, sent you concerning an inquiry from Mr. Charles Nelson, mayor of the town of Orient, Iowa. Perhaps I can best supply the information you desire.

About 2 years ago members of my staff and I met with the local council in Orient to explore the possibility of their cooperating in the watershed project. Under the watershed program administered by the Soil Conservation Service, consideration can be given to benefits of a water supply to a municipality, for recreation, as well as flood control. Had a watershed been developed, there was a possibility that part of the costs incurred in providing a water supply for the municipality would have been included as a part of the cost of the project.

Orient is located on Highway 25 midway between Creston and Greenfield. The present population of 341 represents a decline from 427 in 1950. The town has neither a water system nor a sanitary sewer system. The people in the community are aggressive and interested in acquiring both water and sewer for their residences.

This past year the town contracted with an engineer and had several test wells drilled. Preliminary estimates place the cost at around $115,000 for an adequate system. A bonding program was scheduled which included $39,508 general obligation bonds; $44,250 special assessment bonds; and $50,000 in revenue bonds. The general obligation and revenue bonds would draw 5-percent interest and special assessment bonds would accrue at the 6-percent interest rate. Initially, the plan was based on 100 users. An election on May 12 rejected the plan by a substantial majority.

Mr. Charles Nelson, mayor of Orient, heard about our effort to help the town of Clearfield and contacted our office on May 6, 1965. Mr. Kenneth Bower, a member of my staff, called on two of the council members and discussed our soil and water association loans to help small towns provide water sytems. They were very much interested and asked that we meet with the council and other members of the community.

On May 19, Mr. Bower attended a meeting of the council with the city attorney present. Potential possibilities of a water system were discussed, recognizing that at least 100 community users would be needed to make the plan feasible. After the council discussion, a group of approximately 40 local residents met at the schoolhouse and raised a number of questions relative to the proposal. A majority of those present were senior citizens. Many of them have low incomes and the cost of water was a very important factor in their decision. Even these senior citizens recognize, however, the importance of both water and sewer if their community is to remain alive, thrive, and grow. Plans were made for a house-to-house survey to determine actual interest in continuing with plans for FHA assistance.

Several times during the meeting questions were asked as to availability of grants to assist small towns in efforts to install both water and sewage systems. John, I am sorry we had to tell them that such assistance is not presently available. Frankly, they cannot understand, and I am unable to give any feasible explanation, as to why larger municipalities are eligible for various types of grant assistance and small towns are not.

There are 707 towns in Iowa with a population of under 1,000. Over 300 of these towns have inadequate water or sewage systems. Many of the wells in these rural communities are contaminated. They do not afford even meager fire protection. In many of them the majority of the residents are senior citizens. They want to retire where they have spent the major portion of their life and in their own home environment.

John, you are aware of the personal position I have taken for years with respect to preservation of our rural communities. We can't move all of the people in rural communities into Des Moines, Cedar Rapids, Waterlee, Omaha, et cetera. Yet if these small communities are going to grow, they must be able to offer the same services of water and sewage and even credit for modest housing. This is necessary if we are going to entice and keep our young families in these communities.

The town of Orient is a classic example. It is well located near the industrial center of Creston and the local citizens feel that many younger people would prefer to live in Orient and would probably build homes if water and sewer were available. School districts have been reorganized in the Orient vicinity and they have both a grade and high school in the town. It is quite likely that this situation will not be disturbed in the foreseeable future. Assistance in helping defray the cost of water and sewer installation would be a justifiable investment by the Government. A modest 25 percent contribution in the form of a grant would make this project feasible and do much to stabilize the community.

John, I am sure that both you and I recognize that any grant assistance that could be made available to provide essential services to our small communities is as important to our Nation as grant and aid given to urban development. Future investment in rural communities could be much less costly than that which has already been incurred in handling displaced rural people in urban areas.

We shall continue to work with the town of Orient and hope that a feasible project can be developed to provide a safe and sanitary water system and offer some fire protection. If we make the loan I assume they will make the personal sacrifice of paying high monthy rentals which will be necessary to repay it. If, on the other hand, funds were available to make a grant for part of the costs, the senior citizen in Orient could enjoy the water while he used and paid for it.

Sincerely yours,

GENE L. HOFFMAN,
State Director.

Mr. Speaker, this is an urgent matter for many of our small communities and I hope the House of Representatives will move with dispatch on this measure. Those of us in rural America feel that the effective work being done in the urban centers by HHFA should be duplicated in our sections of the Nation.

USDA: CONSUMER FRIEND—RESEARCH KEEPS PACE WITH CHANGING FOOD NEEDS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FASCELL. Mr. Speaker, any American housewife who, in the fashion of Rip Van Winkle, had returned after an absence of 20 years to a supermarket would not recognize the place. A revolution has taken place. But, and I think this is unfortunate, only a minority are aware that the revolution in food is the end product of research carried on by the U.S. Department of Agriculture and the State experiment stations.

USDA and the Florida Citrus Commission developed the frozen orange juice concentrate that opened the way for many other frozen concentrates.

USDA developed instant potatoes and sweetpotatoes and dehydrofrozen fruits and vegetables.

USDA greatly improved powdered skim milk, dried eggs, and cake mixes.

USDA and State research helped to make sweet corn sweeter and fresh strawberries and blueberries bigger and juicier than they used to be, to give potatoes smoother skins, and to free fruits and vegetables of some diseases.

USDA researchers have developed mechanical means of probing, pinching, testing, peering into, and measuring produce to determine its quality and grade.

Research in USDA and the State experiment stations in breeding, producing, protecting, and marketing livestock and poultry have helped to make chicken and turkey meat convenient, delicious, and inexpensive; beef tender and flavorful, bacon leaner; milk and butter plentiful, and eggs fresh in flavor.

Many other new foods, I understand, are moving from USDA and State research laboratories toward commercial manufacture and consumers' grocery bags.

Among these new foods that will shortly tempt the American palate and provide new convenience are dry whole milk and low-fat cheese, gelled applesauce, low-calorie peanuts, a high-protein flour made from cottonseed, and "dry" tomato and fruit juices that store on the pantry shelf.

An explosion-puffing dehydration process promises a whole new family of quick-cooking convenience foods. Already this process has created instant blueberries, carrots, turnips, beets, apples, and applesauce.

All that the future holds no man can tell. But of this I am fairly sure: Those who share it will be eating foods which have come from USDA Consumer Research.

VIETNAM

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CORMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CORMAN. Mr. Speaker, President Johnson today reaffirmed this Nation's intention to make certain that the people of South Vietnam will not be swallowed up by the insatiable appetite of Communist aggression.

He has restated our commitment to give the valiant people of that strife-torn nation the opportunity to shape their own destiny and not be used as a cold war pawn.

But, at the same time, the President has again extended an open hand to the North Vietnamese Government to sit down with us at a conference table in hopes of achieving an honorable peace. Mr. Johnson has made a significant step toward that peace today by dispatching Ambassador Goldberg to the United Nations to present Secretary General U Thant with a letter requesting that this prestigious council of nations use all its resources to end the war in Vietnam and bring peace to southeast Asia.

I wish to express my support for President Johnson's action and state that I am heartily in favor of the steps he is taking to enlist the support of the United Nations in our attempts to find a peaceful solution to the strife in Vietnam. I also wish to state that the people of my district have overwhelmingly expressed their approval of the President's policies in Vietnam, and I am confident that as long as he continues to seek unconditional negotiations without jeopardizing our military security, the people of the 22d District of California and their representative in this House will stand behind him.

The President is to be commended for his decisive action today and his sincere efforts to achieve a lasting and honorable peace in Vietnam.

VIETNAM

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. CLARK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CLARK. Mr. Speaker, I would like to express my thoughts on President Johnson's talk to the American people today on the Vietnam situation. I approve of his actions wholeheartedly. He knows the problems better than any other American, and he is the sole leader in foreign policy. President Johnson is the one who must make the decisions on any and all matters in this connection. I compliment him on his forthright actions in the past and I support him 100 percent.

REPUBLICAN CONGRESSIONAL COMMITTEE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. HUOT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HUOT. Mr. Speaker, recently certain votes which I have cast in the House of Representatives have been criticized by a group calling itself the Republican Congressional Committee. Naturally I recognize the right of any group to criticize my policies even though such attacks might be politically motivated. However, these charges have been so misleading and irresponsible that I feel they should be corrected. I am confident that my responsible Republican friends would not wish to be associated with such unprincipled attacks.

I was criticized for having supported the Housing and Urban Development Act of 1965 which provides rent subsidies for low-income families who presently live in slum conditions. What the critics failed to report was that only those families eligible for public housing can qualify for assistance under this act. The vast majority of deserving families have incomes under $4,500 per year. Furthermore, in order to receive help the family must first pay one-quarter of its income toward the rental payment. The eligible housing must be modest in design and will be privately owned, privately constructed, privately financed, and privately operated. Naturally I was shocked to hear this group criticize a program that will help private enterprise meet the needs of low-income housing, particularly since the program has the full support of the banking industry, homebuilding industry, and construction industry.

I was also criticized for having voted against the so-called clean elections amendment to the Voting Rights Act of 1965. Of course any registration drive whether in the South or conducted by a legitimate political party could well be forbidden by the amendment. I suspect its intent was to vitiate the provisions of the very Voting Rights Act to which it was attached.

It is indeed unfortunate that this group, whomever it represents, displays its inability to respond to the legitimate need of the American people by resorting to such negative, irresponsible tactics. I felt it was incumbent upon me to bring these charges to the attention of the House of Representatives so that the legitimate Republican Congressional Committee could have an opportunity to disavow its authorship.

VIETNAM

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. DUNCAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DUNCAN of Oregon. Mr. Speaker, surely no one can envy the task of the President of the United States in these days of trial and danger in southeast Asia. But just as surely no one can deny the care, the dedication, the industry, the study, and even the humility with which he approaches this task so distasteful to him and to the American people. One cannot question his agonizing search for a peaceful solution consistent with our concepts of freedom and with the longrun best interests of the United States. Nor can one question his determination to protect and advance those interests of freedom and of this country which are, in effect, parallel.

While doubts are expressed—and should be expressed in any free society—I am convinced that the vast majority of the American people, indeed, the overwhelming majority, are in support of the President's carefully measured responses to the exigencies of the hour. Our every action has been and is consistent with what may seem to be our ambivalent techniques of negotiation and warfare. Yet both have a common objective: peace, and the preservation of freedom.

I have often thought, and sometimes said over the past 15 or more years, that history would reveal that the most grievous error of American foreign policy occurred in China following the end of World War II. While Chiang Kai-shek was and is no paragon of virtue in the eyes of many, the fact remains that he had been fighting the battle of the free world against the then enemy, fascism, for many years and long before any other part of the world was involved.

Weary as we were, we should never have permitted the consolidation of China in the hands of those espousing a philosophy called by another name—communism—but utilizing the same techniques of repression, terror and aggression, and further dedicated to the domination of the world.

Had that battle been fought, this battle which we unhappily have had thrust upon us would have been avoided. If we do not fight this battle now, the consequences on the morrow can be no better and, if we read the teachings of history correctly, will be much worse.

Time after time this philosophy, which must advance or it decays, has thrust itself out into the free world in salient after salient. Subversion of the economic and parliamentary processes in western Europe blockades, guerrilla uprisings, conventional warfare—all have been repulsed by the free world led by the United States, and principally on the initiative of the United States. This new technique, called a "war of national liberation," has been repulsed in the Congo; it must be repulsed in South Vietnam. If it is not, they grow stronger and we grow weaker with each bite. If it is, the decay and rot, which is inherent at the core of the system, will solve many of the other problems which face us around the world.

Were we faced only with an idea, different though it might be from our own, which peoples of the world were being asked to accept in free competition with ours, then our position would be untenable. This is not the nature of the threat, however, as we all know. I am, nevertheless, delighted that the President saw fit to reaffirm our belief in free elections, in the south or throughout all Vietnam. The day of free elections in that unhappy part of the world is not yet here. But we have the courage, the tenacity and the strength to see that it one day comes. And to the extent that freedom is impaired, even in far-off Vietnam, our own freedom is that much less secure.

The prayers of the people of my district go with and sustain the President and this country.

"THE FREEDOM OF ASSOCIATION"—SPEECH BY MR. WILLARD SIMMONS, EXECUTIVE SECRETARY OF N.A.R.D. AT HOUSTON, TEX., JULY 20, 1965

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PATMAN. Mr. Speaker, Mr. Willard B. Simmons, executive secretary of the National Association of Retail Druggists, in a recent appearance before the Texas Pharmaceutical Association at Houston, Tex., on July 20, 1965, made a number of thought-provoking and cogent observations regarding the nature of freedom in our democratic society. Mr. Simmons also discussed the intricate and significant relationship of professional and business associations on the local, State, and National levels. Mr. Simmons' remarks, set forth below, are of value to all students of the American business scene:

THE FREEDOM OF ASSOCIATION

(Address by Willard B. Simmons, executive secretary, National Association of Retail Druggists, before the Texas Pharmaceutical Association at Houston, Tex., July 20, 1965)

May I begin by thanking you for your invitation to participate in this most significant meeting. Much of value to you and to pharmacy is at stake at this convention.

We are dealing here with the subject of affiliation. I think you know the attitude of the N.A.R.D. on this subject. But you have generously asked me to come here personally to express my views, and I am glad to respond.

First, of course, let me say that it's good to be home in Texas. I've traveled many, many thousands of miles in the past 5 years of my service to pharmacy through my work with the N.A.R.D. I've had the pleasure and privilege of addressing many of the State pharmaceutical associations at their annual conventions and on countless other occasions.

Pharmacy is most fortunate in the individual and collective strength of its State, metropolitan and local pharmaceutical associations. Here in Texas we have a great State association. I want to take this opportunity of expressing my personal pleasure at the continual and continuing progress made by the State association in behalf of its members and of pharmacy as a whole. And I extend congratulations to the officers of the association, now and over the years, as well as to the many who have served it faithfully as directors on the wonderful work you have done to make this progress possible. Finally, I want to note the devotion and loyalty to and participation in the affairs of the association of the members which have inspired your leaders to exceptional effort.

Let me make it clear. I appear here as a Texan, as one who has been a member—and a reasonably active one—of the association since 1928. I confess to a wholehearted impartial bias in favor of Texas, the Texas Pharmaceutical Association, and pharmacy. But I want you to know that since associating myself with the direct operation of the N.A.R.D. some 5 years ago, I have developed a similar impartial bias in favor of the State, metropolitan, and local associations throughout the country who, like the Texas group, are working with might and main in their own spheres to advance the interest of their members and of the profession of pharmacy.

But I'd like to make one thing clear as I approach the subject with which you are concerned here today. Though Texas is my home State, though this is where I raised a family and built a business, though the major part of my life has been spent with and among you—notwithstanding these facts, I want you to know that I neither seek nor ask a sympathetic hearing on that account for my point of view respecting affiliation. I ask only that you hear me out, and I promise not to hold the platform for too long a time.

The essence of the difference of opinion regarding affiliation, and there is a very marked difference of opinion, can be summed up in one word on the lips of every American since the birth of the Republic. The word is freedom. You are here to decide, now or later, whether you or the pharmacists who come after you shall have the right individually to join, or not to join, any national organization in pharmacy. It's as simple as that. This is what is involved in the question of affiliation of the Texas Pharmaceutical Association with the American Pharmaceutical Association. And beyond this fact are implications which challenge the thinking of every person in this room.

Let me add an observation or two about freedom. I mean freedom as we Americans understand it, not the mock freedom of dictatorship as it has been known through the ages and as we see it in operation today. Freedom is the key word of every democratic society. "Perfect freedom," an American observed, "is as necessary to the health and vigor of commerce as it is to the health and vigor of statesmanship." And, may I add, to the health and vigor of pharmacy. Thomas Jefferson defined freedom as "the right to choose; the right to create for oneself the alternative of choice." And I could cite an encyclopedia full of quotations that uphold the democratic principle of the right of the individual—without coercion, without being dragged by the heels—to say yes or no, the right to choose from two or a host of alternatives.

"Give light and the people will find their own way," proclaims the masthead of the Scripps-Howard chain of daily newspapers. I'm not at all sure that it is necessary to throw further light on the subject of affiliation to the members of the Texas association; for, unless I misunderstand the people of my State, Texans prize their independence, and sell it to nobody for any price however attractive, or any promise however fanciful or alluring.

It is up to each of us in pharmacy to achieve an individual identity, and to retain that identity. We can do so, I submit, by the simple process of refusing to abdicate our respective wills and freedom. There is no professional, business or personal security or advancement in delegating our individual powers of action and decision to a monolithic power, whether governmental, organizational or individual.

I am more than ever convinced that the basic premises of affiliation are unsound, whether the organization to be affiliated with is the A.Ph.A. or N.A.R.D., or any other group.

It is said—and I've heard it times without number—that affiliation will enable pharmacy to speak with one powerful voice. One voice sounds so nice to the ear, in print looks so appealing to the eye. And it soothes the mind. Of course, ladies and gentlemen, the various associations in pharmacy speak as with one voice on matters on which there is common cause and consent. But there are differences of opinion among the many groups that make up pharmacy. I am sure that the American Association of Colleges of Pharmacy would bridle at the thought that once voice in pharmacy might have the power to proclaim a policy which the deans thought prejudicial to the best interests of their institutions, and the deans would be quick to reject dictation from the A.Ph.A even though the president-elect is Dean Linwood Tice of the Philadelphia College of Pharmacy and Science.

And who among you believes that the American College of Apothecaries would allow any other organization to presume to speak for it when, by so doing, the interests of the ACA members might be adversely affected? And the same holds true for the American Society of Hospital Pharmacists, notwithstanding the fact that Grover Bowles is the current president of the A.Ph.A. And who believes that these other organizations would stand idly by as the one appointed or self-appointed voice of pharmacy takes public positions contrary to those which these organizations, individually or collectively, would oppose—or oppose policies that they would favor: I refer to the American Council on Pharmaceutical Education, American Foundation for Pharmaceutical Education, Federal Wholesale Druggists' Association, National Association of Boards of Pharmacy, National Association of Chain Drug Stores, National Pharmaceutical Council, National Wholesale Druggists' Association, Pharmaceutical Manufacturers Association and Proprietary Association. This is by no means a complete list of the national organizations in or related to pharmacy, but it dramatizes I think, the sheer futility of the undertaking to find or to create one voice for pharmacy.

I mentioned Grover Bowles a moment ago. I respect him and I respect his views in behalf of hospital pharmacy. But I couldn't disagree with him more. Nor he with me on that subject. For I believe as do the overwhelming number of independent retail pharmacists of the land that tax-free hospital pharmacies in their outpatient operations compete unfairly with the 55,000 taxpaying community pharmacies. And, of course, Mr. Bowles is in complete disagreement with me on that score.

While affiliations cannot achieve one voice for pharmacy, it can, however, succeed—if that's the right word—in depriving the Texas Pharmaceutical Association of a measure of its identity, a portion of its freedom, a part of its strength and a degree of member participation in its affairs. What I suggest isn't idle speculation. Take a look at associations that have voted affiliation. The information I get from these States indicates a drying up of member interest in State association activities, a submergence of the State association to a national heterogenous group, and a dropoff in new memberships. In one State, I am told, some 2,500 pharmacists eligible for membership in the State association decline nevertheless to become members.

Is there anybody here who does not understand what affiliation with the A.Ph.A. entails? The ground rules that A.Ph.A. has fixed for affiliation remind me of the popular song of a few years back, entitled "Love and Marriage." You remember the lyrics have a fine line that goes like this: "You can't have one without the other."

A.Ph.A. conceived affiliation as making membership in its organization mandatory to anyone and everyone who was, or wanted to become, a member of the pharmaceutical association of his or her State. Doesn't that bear a resemblance to the so-called shotgun wedding? Or does it remind you of the tie-in sale known to merchandising?

Putting it still another way, affiliation as it was conceived might be likened to blockbooking. This was a practice by which theater owners interested in booking a major film attraction were forced by the producing company to take a whole catalog of grade B films along with the big feature. The Supreme Court of the United States, by the way, held that blockbooking is an antitrust violation, and motion picture blockbooking was stopped.

Under affiliation, the Texas association would, sooner or later, decline to a position of inferiority in relation to the A.Ph.A. It would be sooner without a grandfather clause in your affiliation resolution, for affiliation would require every single member of the Texas association to become a member of A.Ph.A. or lose membership in the State association. On top of that, A.Ph.A. could have other members who are not members of the State association at all. And, of course, no person could in the future join the State association without first becoming a member of the A.Ph.A. The grandfather clause, incidentally, would exempt present members of the State association from the mandatory requirement that they join A.Ph.A. as a condition of membership in the State association.

In other words, those associations which have accepted affiliation with the grandfather clause have, in effect, sought to bind, without their consent, the nonmembers of the State association and the future pharmacists of their States.

In short, as conceived, it would be clearly impossible—immediately or in the future—for your State association to have as great numerical strength as A.Ph.A. right here in our State of Texas.

As affiliation is conceived by its proponents, a pharmacist—notwithstanding his qualifications and eligibility—could not be allowed to become a member of the Texas Pharmaceutical Association if he refused to become a member of A.Ph.A. I wonder what possible benefit, what contribution to harmony and unity, can come to the State association by refusing membership to those eligible and who want to join.

Imagine Texas playing second fiddle to anybody or anything. Yet that is the risk you run in voting affiliation. You run the risk of no longer being master in your own house. You run the risk of being forced to surrender your prerogative of screening, qualifying, and accepting new members as you see fit. You run the risk of finding others governing your decisions in the critical area of membership qualification. Indeed, you may well be vesting others with authority enough to wipe the Texas association out of existence.

There's still another risk you face with affiliation. It involves your pocketbook. Current dues of A.Ph.A. are $25 per year. Who is to say that the dues might not be hiked to $35, $50—even $100 in the years ahead? Does that sound preposterous? Ladies and gentlemen, the Federal income tax started at 1 percent back in 1913. It's somewhat higher today. And let me again remind you of this fact: If dues are raised and you don't want to pay the higher levy then you not only lose membership in the national organization, you are automatically dropped from the membership roll of the Texas Pharmaceutical Association. That would not be good for you, for the State association, for anybody.

Maybe, as of now, these forebodings seem unlikely to come to pass. Yet, how often have we heard the expression, it can't happen here? And the companion bit of oratorical self-assurance, it can't happen to me? As the history books and our own diaries can tell us, it often happens nevertheless.

A business association is not a union. Nor is a professional association. Your value as an association is based not on exclusivity, particularly if the rules provide for exclusion on considerations completely outside the professional and practical realm. If we believe, and I am sure we do, that the best purposes of pharmacy are served by organizations—at all levels of geography—then it goes without saying that those organizations will best serve who have the best programs. Organizations such as these, organizations like the Texas Pharmaceutical Association, will then flourish because they have earned the right to large membership by the service they have given.

In thinking on the subject of affiliation, I have attempted to understand the motivations of those who advocate and those who support the idea of having a monolithic national association which, in fact, would relegate State and local pharmaceutical associations to the status of satellites. Perhaps the proponents of affiliation believe that the existence of an all-powerful national group removes the necessity for having local groups.

Perhaps they feel that vigorous, effective local groups dilute, to some extent, the prestige of the national organization. For my part, State and local pharmaceutical associations offer meaningful and valuable benefits without which the profession of pharmacy would suffer.

I have always felt that a pharmacist was well advised to support his local and State pharmaceutical associations. I have likewise felt that he should join the national pharmaceutical association or an association which represents his personal and professional interests, needs, and objectives. Duplication in the services provided by National, State, and local associations can be very little or none at all.

A captain of American industry observed not long ago that "there is a price tag on liberty. That price is the willingness to assume the responsibilities of being freemen. Payment of this price is a personal matter with each of us. It is not something we can get others to pay for. To let others carry the responsibilities of freedom and the work and worry that accompany them—while we share only in the benefits—may be a very human impulse, but it is likely to be fatal."

This is not the way of Texas. We got where we are by doing it ourselves not by delegating to others, however well intentioned and however skilled, the work we must do for ourselves. And, in doing so, we preserved our freedom of choice—of friends, of representatives in the legislatures and in the Congress or organizations and institutions—professional, business, social, religious. I can't imagine the members of the Texas Pharmaceutical Association stepping out of the character of independence, the character of freedom, the character of the Lone Star State.

FRIENDSHIP AND DUTY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PEPPER. Mr. Speaker, because of the death of one of my closest and dearest friends in Orlando, Fla., I will not be able to be here for tomorrow's session, Thursday, July 29.

Mr. Speaker, in this day and times our congressional duties are necessarily more and more demanding on oneself and colleagues, but if we cannot stop and pay respect to one's friends, then I ask what are friends for?

I would like to take this time to express to my fellow colleagues my feeling on the three bills which we adopted rules on today, and which will be before us tomorrow.

H.R. 8856, the amendments of the Atomic Energy Act is a great program to control the atom to service humanity. This bill is a good and just piece of legislation and I would urge its passage.

Mr. Speaker, it would have been a great honor to have handled the rule on H.R. 9026 to amend the Peace Corps Act, and to strengthen this very successful effort to enable our young people to extend their idealism to the needy people throughout the world. Truly this is one of the greatest tributes to our beloved President Kennedy.

Mr. Speaker, in considering H.R. 8310, the House is deliberating a piece of legislation which will have a profound influence on the lives of thousands of Americans. I was one of the authors of this legislation in the 88th Congress, and have continued my interest by introducing a similar bill to H.R. 8310 in this session.

The vocational rehabilitation program is one of the most constructive efforts this country has ever undertaken to create better lives for several millions of our citizens who are the victims of disabilities. As our programs of medical and surgical care have improved dramatically over the last 15 years—much of it the result of the kind of research which has been generously sponsored by the Federal Government—large numbers of our people have survived illness and injuries which would have been fatal in our earlier years. Yet we have not yet fully measured up to our obligation to see that these young people and these adults have a full opportunity to live usefully and with personal satisfaction despite their disabilities.

H.R. 8310 is a bill which will extend this kind of opportunity to a much larger proportion of our handicapped population. Its benefits will reach out to all parts of the United States, so that this is a bill which concerns all of us and the people we are here to represent.

I am proud to rise in support of this legislation. I introduced the administration bill; H.R. 7535, when the President sent his proposals to Congress earlier this year to amend the Vocational Rehabilitation Act.

The bill, reported by the Committee on Education and Labor, carries out the administration's recommendations and adds several features which I am convinced will greatly improve this legislation. I am told that the Committee on Education and Labor reported this bill unanimously.

As a member of the Committee on Rules, I had the opportunity to consider this legislation at that point in the legislative process. H.R. 8310 was reported promptly by the Committee on Rules and I can assure the House that we had no difficulty whatever with this legislation.

The Federal-State program of vocational rehabilitation has been soundly administered for these many years. Every time the Congress has been asked to improve the Federal legislation, it has been apparent that the authorities we give to the Vocational Rehabilitation Administration are executed with imagination, dedication, and administrative skill.

As a result, the number of disabled people rehabilitated through this program has increased annually for several years. In the fiscal year just ended, more than 130,000 disabled people were rehabilitated and entered suitable employment.

The research and demonstration program launched 10 years ago has added much to our knowledge of disabling conditions and what to do about them. I have followed this research program, as well as the training grant program, in my own State of Florida. Many highly valuable projects have been conducted there. One of the latest is a project which will help improve and expand the work being done in the field of Parkinsonism, which is one of the most difficult of the many severely disabling conditions which afflict large numbers of our people.

I also would like to pay tribute to the universities in Florida which have helped develop professional training programs to produce more skilled workers to serve the handicapped.

Mr. Speaker, we have an excellent State program of vocational rehabilitation in Florida. We also have outstanding voluntary agencies serving the handicapped in a variety of ways. H.R. 8310 will help these agencies tremendously, both public and private, and I therefore hope the Congress will give its full support to this legislation. I assure you, my colleagues, that this is one piece of legislative action where every Member serves the citizens of his district and at the same time serves the total national interest.

I join the other sponsors of this legislation in urging its prompt enactment.

TRADE EXPANSION LEGISLATION

The SPEAKER pro tempore (Mr. Matsunaga). Under previous order of the House, the gentleman from Rhode Island [Mr. Fogarty] is recognized for 10 minutes.

Mr. FOGARTY. Mr. Speaker, I introduced a bill in the last Congress aimed at moderating the tariff-cutting proclivities of the State Department and the President's Special Representative for Trade Negotiations. The bill, although introduced by more than 75 Members of this body, on a bipartisan basis, was not entertained by the Committee on Ways and Means.

As we all know, the negotiations in Geneva have dragged along and are not yet very far advanced. Therefore there is time to provide some much-needed guidelines for our negotiators. As I pointed out last year, the Special Representative for Trade Negotiations agreed to an approach in Geneva that is not contemplated in the legislation, that is, in the Trade Expansion Act itself. He agreed to a 50-percent reduction of existing duties across the board with a bare minimum of exceptions. Yet the legislation provided for detailed hearings by the Tariff Commission and the Committee for Trade Information, industry by industry and item by item.

Hearings were held in fact and they ran for 4 months and evidence was taken from some 800 witnesses.

Now, Mr. Speaker, if Congress had intended a 50-percent tariff cut all along the line with a bare minimum of exceptions it could easily have said so. It would not have been necessary to put on a farce in the form of extensive public hearings which as it has turned out, were nothing more than window dressing. The details of an industry's competitive standing in the face of imports is useless information, if the amount of the tariff reduction—that is, 50 percent—is already a foregone conclusion.

There are industries in my State, particularly lace manufacturing, rubber footwear, textiles, and costume jewelry that cannot possibly survive such a drastic tariff reduction. In fact, the rates are already low enough to permit a level of imports that cause injury to the domestic producers. A further tariff reduction would for many companies represent a death sentence.

The present legislation that I am joining with others to introduce would repeat last year's bill quite closely but would add a few additional provisions that would improve the outlook for domestic industry and its workers.

Mr. Speaker, since the legislative intent of the Trade Expansion Act of 1962 has been so freely disregarded by the executive branch, it is not only proper but imperative, if the authority of Congress over the regulation of foreign commerce is to be asserted, that we act to provide more specific guidelines.

It will be recalled that the act of 1962 set aside the peril-point provision that had been a part of our trade legislation throughout the 1950's. This provision represented a prudent approach to tariff reduction by requiring the Tariff Commission to determine the level below which any given duty could not be cut without causing or threatening serious injury. This was done before negotiations began and the peril points found by the Commission were useful as guides to our negotiators in Geneva.

This precautionary measure was eliminated in 1962. The elimination probably was interpreted by the President's Special Representative for Trade Negotiations as giving him free rein to cut all items 50 percent. That such an interpretation is not justified follows from the hearings requirement that I have already mentioned.

To repeat, Mr. Speaker, it is therefore incumbent on the Congress to make its will more specific, to let it be known, for example, that when public hearings are provided for they are to be held for a reason, that reason being to provide a guide to our negotiators.

Section 221 of the act relates to "Tariff Commission Advice" to the President. In preparation for this advice the Commission is instructed under subsection (c) of that section to investigate the conditions, causes, and effects relating to foreign competition between the foreign industries producing the article in question; analyze the production, trade, and consumption of each like or directly competitive article, etc. The purpose was to advise the President of the Commission's judgment as to the probable economic effect of modifications of duties or other import restrictions.

Mr. Speaker, I ask whether this language equates with a 50-percent reduction of duties with a bare minimum of exceptions. It seems to be clear enough that this was not meant. The conclusion is reenforced by the further instructions to the Commission. Paragraph 2 of subsection (c) just quoted from requires the Commission to analyze the production, trade, and consumption of each like or directly competitive article, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and of such economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production.

That is a large order, Mr. Speaker, but I have not even exhausted the instructions laid down. I have certainly presented enough of them to show how preposterous was the action of the President's Special Representative in agreeing to a flat 50-percent tariff reduction with "a bare minimum of exceptions." This agreement was made after the hearings had been finished, over 2 years ago. It was made with the other members of GATT—"The General Agreement on Tariffs and Trade."

It is obvious from this highhanded procedure that a great impatience exists among those charged with carrying out the negotiations under the Trade Expansion Act to move as rapidly as possible toward dismantling our tariff in virtual disregard of the possible effect on domestic industry and employment. This impatience presumably accounts for the flouting of the congressional intent.

Only slowly is it becoming known that the highly touted adjustment assistance provisions of the 1962 act has run a record of complete negative results. The Tariff Commission has disposed of 17 cases, brought by industry, labor, and individual companies seeking relief. Not one case has survived the Commission's proceedings. All but one were found by unanimous vote not to meet the requirements of the law. Complaints have been aimed at the Commission as a result of this record, but the onerous requirements of the law represented a decided tightening of the preceding legislation. When it is remembered that even under the previous less onerous requirements the Tariff Commission found negatively in about two cases out of three, it should not have surprised anyone that the tighter conditions for relief laid down in the act of 1962 would beget a higher record of negative results. The record of 17 to 0 is very impressive indeed and it calls for modification of the law.

The legislation I am offering with others would eliminate the offending word "major" that was inserted into the act of 1962, substituted for the words "in whole or in part" of the previous legislation, to make a finding of serious injury more difficult. A tariff reduction must be the major cause of increased imports and the increased imports must be the major cause of the injury.

The proposed legislation would in effect establish a new style of peril point by providing that no product that is imported to the extent of at least 7½ percent of domestic production and has increased as much as 75 percent since 1958 would be subjected to another tariff cut under the present negotiations; or if imports already supply as much as 20 percent of the domestic market, while the number of production workers in the domestic industry has declined since 1958, no further tariff cut would be permitted. There are a few other criteria that, if met by imports of a particular product, would remove that item from the President's authorization to cut the tariff.

This part would not be automatic, but would be mandatory if any industry including a group of workers, applying to the Tariff Commission were found to meet one or more of the criteria. The Commission would certify this as a fact to the President who must then remove the item from the list of items subject to a tariff cut.

Mr. Speaker, in thus substituting the judgment of Congress for that of the executive branch the Congress would be in the position of exercising its constitutional responsibility. The items that would remain on the list, by far the great majority, in fact, would still be subject to tariff reduction. The Congress would simply say that in its judgment no further tariff cut is justified when imports have amply demonstrated their ability to enter this market and rise to certain specified levels; or if they would conflict with an agricultural program or legislation designed to assist our fisheries.

The present bill, recognizing the great impact made by rising imports on the domestic industries that are vulnerable to such competition, leading to feverish automation and rapid movement of investments abroad, would make possible the imposition of moderate import quotas to hold imports within reasonable limits, such as the average imports of the past 3 years, with a leeway for increased imports in proportion to increases in domestic consumption.

The wide gap that still separates American wages from those paid in other countries represents the single principal cause of the difficulties encountered by our industries in competing with imports. It was hoped that this wage gap would soon close but that hope has little reality behind it. In order to close the gap wages in this country must stand still 10 to 20 years, if not longer.

Those who press so eagerly for tariff reduction must sooner or later come out into the open and accept the implications of their position. The high wage policy of this country has neither been an accident nor has it been without beneficial fruit in the form of an abundant consumer purchasing power. What, indeed, is the source of the idea that holds that we can maintain our position when we are battered by low-cost goods from abroad; especially when it is incontrovertible that the low foreign costs come from the lower wages paid there? I ask what is the source of such a view because the connection between low foreign wages and destructive effect of many imports is too clear to escape detection.

The productivity of other countries has been rising phenomenally and this fact has given all the greater effect to their lower wages. There is not a company in Rhode Island, I daresay, that could not compete with imports from anywhere else in the world if it could substitute the foreign level of wages for the domestic.

Where, then, do we stand? Are we in favor of the high wage standards of this country, which provide the great volume of purchasing power needed to keep our factories producing and our workers employed, or do we wish to shake them down or hold them back so that other countries can catch up with us? Who believes on mature reflection that this would be a tenable or defensible policy? It is about time that we looked some facts in the face. Our system is away out front in costs of production and it cannot remedy this situation without carrying automation far past its present pace; and this would displace millions of workers beyond those already being menaced.

The trouble is that we have lost beyond recall the technological leadership that permitted us in the past to sit on a wage plateau surrounded by less productive economies. The lower wages of other countries were not too dangerous then because of the technological backwardness of our competitors. That day is gone and we should ourselves not be too backward to recognize its far-reaching implications. The effects are beginning to show unmistakably and they will demonstrate their relentlessness as time goes on.

We need a fresh new look at our foreign trade policy. The urgency is here and it is becoming more pressing each year. The proposed legislation is in the nature of a holding operation rather than a final solution; but I regard the need for it as compelling and entitled to a high priority. I believe that temporizing would be a mistake that would be greatly regretted later.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DYAL, for July 30 and 31, August 1 and 2, 1965, on account of official business.

Mr. REDLIN, for an indefinite period, on account of critical illness of his mother.

Mr. RONCALIO, for 10 days, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ALBERT, for 30 minutes, today.

Mr. HALPERN (at the request of Mr. RUMSFELD), for 10 minutes, today; and to revise and extend his remarks.

Mr. ASHBROOK (at the request of Mr. RUMSFELD), for 2 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. FOGARTY (at the request of Mr. FOLEY), for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. FEIGHAN (at the request of Mr. FOLEY), for 30 minutes, on Thursday, July 29, 1965; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RUMSFELD) and to include extraneous matter:)

Mr. GROSS.

Mr. CUNNINGHAM and to include extraneous matter in his remarks made in the Committee of the Whole today.

(The following Members (at the request of Mr. FOLEY) and to include extraneous matter:)

Mr. LONG of Maryland.

Mr. DULSKI.

Mr. FASCELL.

Mr. BINGHAM.

Mr. VANIK.

Mr. MAHON (at the request of Mr. FOLEY) to revise and extend his remarks and include extraneous matter, charts, and tables on House Joint Resolution 591.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 251. An act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2300. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2984. An act to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes;

H.R. 2985. An act to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers, and for other purposes;

H.R. 7984. An act to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities; and

H.J. Res. 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 510. An act to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes; and

S.J. Res. 83. Joint resolution to authorize the President to issue a proclamation commemorating the 175th anniversary, on August 4, 1965, of the founding of the U.S. Coast Guard at Newburyport, Mass.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 29, 1965, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1389. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1965, submitting a report, together with accompanying papers and illustrations, on expanded project for aquatic plant control, authorized by section 104 of Public Law 85–500, 85th Congress, approved July 3, 1958 (H. Doc. No. 251); to the Committee on Public Works and ordered to be printed with nine illustrations.

1390. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes; to the Committee on Armed Services.

1391. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments; to the Committee on Armed Services.

1392. A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting a reply to the report of the Comptroller General, dated March 19, 1965 (B-146971) on unnecessary costs resulting from an inflexible policy of donating flour instead of wheat to voluntary relief agencies for distribution abroad under the Agricultural Act of 1949, as amended; to the Committee on Government Operations.

1393. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report of refugee operations, pursuant to the act of July 14, 1960, as amended; to the Committee on the Judiciary.

1394. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the use of funds of the National Aeronautics and Space Administration to provide additional research laboratory space at the University of Florida, Gainesville, Fla., pursuant to 78 Stat. 310, 311; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. House Joint Resolution 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes; without amendment (Rept. No. 689). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 1805. A bill to amend section 5899 of title 10, United States Code, to provide permanent authority under which Naval Reserve officers in the grade of captain shall be eligible for consideration for promotion when their running mates are eligible for consideration for promotion; with amendment (Rept. No. 690). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. H.R. 4905. A bill to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.; with amendment (Rept. No. 691). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOGARTY:

H.R. 10135. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. RIVERS of Alaska:

H.R. 10136. A bill to coordinate and consolidate the major civilian marine and atmospheric functions of the Federal Government through the establishment of a Department of Marine and Atmospheric Affairs, to enunciate national policies pertinent to the marine and atmospheric interests of the United States, to further the expanded exploration of marine environs and the use of marine resources, to encourage research and development in the marine and atmospheric sciences and technologies, and for other purposes; to the Committee on Government Operations.

By Mr. ST GERMAIN:

H.R. 10137. A bill to provide uniform reserve requirements for all banks, and for other purposes; to the Committee on Banking and Currency.

By Mr. THOMPSON of Texas:

H.R. 10138. A bill to coordinate and consolidate the major civilian marine and atmospheric functions of the Federal Government through the establishment of a Department of Marine and Atmospheric Affairs, to enunciate national policies pertinent to the marine and atmospheric interests of the United States, to further the expanded exploration of marine environs and the use of marine resources, to encourage research and development in the marine and atmospheric sciences and technologies, and for other purposes; to the Committee on Government Operations.

By Mr. FRIEDEL:

H.R. 10139. A bill to amend the act of June 23, 1949, relating to the telephone and telegraph service furnished Members of the House of Representatives; to the Committee on House Administration.

By Mr. GRABOWSKI:

H.R. 10140. A bill to provide readjustment assistance to veterans who served in the Armed Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. HANLEY:

H.R. 10141. A bill to provide free mailing privileges for members of the Armed Forces in certain combat zones, and reduced postage rates for the air shipment of small parcels to members of the Armed Forces in those combat zones; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 10142. A bill to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave; to the Committee on Armed Services.

By Mr. HANNA:

H.R. 10143. A bill to amend the Urban Mass Transportation Act of 1964 to provide for additional technological research; to the Committee on Banking and Currency.

By Mr. LINDSAY:

H.R. 10144. A bill to authorize the appropriation of $3,063,500 as an ex gratia payment to the city of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 15th General Assembly of the United Nations; to the Committee on Foreign Affairs.

By Mr. RESNICK:

H.R. 10145. A bill to authorize the Secretary of Agriculture to conduct programs to reduce the impact of droughts on rural residents, small municipalities, agriculture and livestock enterprises, and for other purposes; to the Committee on Agriculture.

By Mr. McGRATH:

H.R. 10146. A bill to provide that the Secretary of the Army shall acquire additional land for the Beverly National Cemetery, N.J.; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 10147. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, to establish the Federal Salary Review Commission, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OLSEN of Montana:

H.R. 10148. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, to establish the Federal Salary Review Commission, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.J. Res. 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes; to the Committee on Appropriations.

By Mr. BURLESON:

H. Con. Res. 456. Concurrent resolution authorizing the printing of additional copies of the public law containing social security amendments enacted in 1965 pursuant to H.R. 6675; to the Committee on House Administration.

By Mr. RYAN:

H. Con. Res. 457. Concurrent resolution expressing the sense of Congress with respect to the conservation of the water resources of the Delaware River Basin; to the Committee on Public Works.

By Mr. COOLEY:

H. Res. 490. Resolution providing for the consideration of the bill (H.R. 9811) to maintain farm income, to stabilize prices and assure adequate supplies of agricultural commodities, to reduce surpluses, lower Government costs and promote foreign trade, to afford greater economic opportunity in rural areas, and for other purposes; to the Commitee on Rules.

By Mr. BURLESON:

H. Res. 491. Resolution authorizing the printing of additional copies of the public law enacted pursuant to H.R. 7984, the Housing and Urban Development Act of 1965; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FARBSTEIN:

H.R. 10149. A bill for the relief of Mr. and Mrs. Ruu-Lin Liang and five children; to the Committee on the Judiciary.

By Mr. FOGARTY:

H.R. 10150. A bill for the relief of Vedat Fahreddin Arkay and Mohaddes Arkay; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 10151. A bill for the relief of Dr. Luis Crespo; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 10152. A bill for the relief of Dr. Gerhard F. Fueger, M.D.; to the Committee on the Judiciary.

H.R. 10153. A bill for the relief of Dr. Prinya Tipmongkol, M.D.; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 10154. A bill for the relief of Mr. Bronko Crvelin; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 10155. A bill for the relief of Ofelia Manrique; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 10156. A bill for the relief of James Gordon and his wife, Leatha Gordon; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 10157. A bill for the relief of Kun-Tsai Tung, Pen-I Chou Tung, and Hen-I Tung and Pai-I Tung; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Highway Funds for Mass Transit

EXTENSION OF REMARKS
OF
HON. JONATHAN B. BINGHAM
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 28, 1965

Mr. BINGHAM. Mr. Speaker, yesterday I introduced a bill, H.R. 10126, which is designed to permit States and localities to use some of the Federal highway subsidies for purposes of mass transit. The same measure was introduced in the Senate by Senator JOSEPH D. TYDINGS, of Maryland.

I believe that our colleagues and other readers of the RECORD might be interested in the joint statement which Senator TYDINGS and I issued to explain the background and purposes of this measure.

The full text of our statement is as follows:

JOINT STATEMENT OF CONGRESSMAN JONATHAN B. BINGHAM AND SENATOR JOSEPH D. TYDINGS CONCERNING A BILL TO PERMIT A STATE TO ELECT TO USE FUNDS FROM THE HIGHWAY TRUST FUND FOR PURPOSES OF URBAN MASS TRANSPORTATION

We are today introducing legislation which, if passed, would give State governments the authority to use Federal highway subsidies for either road construction or mass transit in whatever proportions they find appropriate to meet their problems. This is based on our conviction that a balanced urban transportation system is clearly the best way to meet our burgeoning transportation needs.

We do not oppose the construction of highways. To the contrary, we support highway construction. However, we do not believe that automobiles alone can adequately handle the job of moving large numbers of people back and forth from their homes to jobs, schools, and marketing. In great metropolitan areas highways must be a part of a balanced transportation system.

The purpose of this legislation is no less than the survival of our cities as we now know them. For it is becoming increasingly clear that if we are to retain the centralized, core city—such as the business district of New York, or the governmental complex of Washington—we must develop more flexible means of access and egress than we possess today. Our cities cannot continue to be the shopping, cultural, and professional centers they are today if they are inaccessible. And there are indications that they are becoming inaccessible.

Indeed, it is our hope that this legislation will help significantly to make the downtown areas of our cities more pleasant places to work and live. The ideal urban transportation plan, we are convinced, would combine a rapid transit system of high quality with a freeway system adequate to carry the balance of the traffic. Paradoxically, however, the nature of present Federal aid has been such as to predetermine that every community will best be served by a basic reliance on highways. It is our goal to correct this clear imbalance.

By 1980, in just 16 short years, the population of our Nation will have reached 245 million people. This is an increase of virtually one-third over the existing population. Ninety percent of these people will live in metropolitan areas.

If present trends continue, the number of automobiles will increase from 80 million in 1963 to 120 million by 1980, or an average of one car for every two people. But for most of our cities we can expect very little increase in the surface area available for auto transportation in the near future. And the cost will be staggering: one estimate places the cost of a crosstown expressway in Manhattan at $100 million per mile.

The facts are inescapable:

1. Our cities are losing commerce and industry because adequate transportation is not available.

The August 9, 1964, edition of the New York Times notes that in the past 4 years 34 companies left New York City in favor of industrial parks on Long Island. One of the main reasons given for the move by company executives was insufficient parking and traffic congestion. The president of one company said: "If we had a plant where we wouldn't have to fight traffic and parking problems every day, we wouldn't have left the city."

The January 1965 report of the Federal Reserve bank notes that department store sales in downtown Washington from 1960–64 were up only 3 percent, compared to an increase of 38 percent in suburban Washington. Robert Levi, president of the Retail Federation of America, made the following statement about the situation in Washington:

"If this city's dispersal continues at its present rate, and its revitalization program for the central city is delayed, as it has been in the past, the major portion of new investment of all business will be devoted to where there is growth."

2. Americans traveled an estimated 687 billion miles by car last year, at a total cost of nearly $70 billion.

Over 85 percent of the daily travel in most urban areas today is by car. A typical one-car family driving 10,000 miles a year spends more than $1,000 a year for automobile travel—or about 10 cents per mile.

Denied efficient mass transit service, the commuting public merely has avoided public transportation, and the highways and streets are swollen with their cars.

The result has been a monumental coast-to-coast traffic jam costing this Nation an estimated $6 to $8 billion a year in lost time and wages, higher accident rates, loss of retail business, extra vehicle wear and tear, all on top of personal exasperation and frayed nerves.

One Chicago planner has estimated that it takes 5 million square feet of offstreet parking space to handle additional auto traffic brought in by a single new expressway lane.

Another aspect of cost is what the freeway does to local tax rolls. Washington, D.C., for example, had 2,100 acres of highly taxed downtown land on its rolls in 1960. Construction of all highways then proposed would have reduced the taxable downtown area by 375 acres or 17 percent.

3. The social costs of unchecked freeway development are enormous.

In the wake of urban highway construction, neighborhoods are destroyed, families are uprooted, taxable land is wiped out, and a mammoth downtown parking problem is produced.

Freeway proposals for the District of Columbia, before they were scaled down, called for the displacement of 33,000 people—almost 5 percent of the District's population.

Freeways sometimes cut suburbs in half or amputate a neighborhood from the main community.

The historic landmark and the public park are other frequent victims of the freeway. A study made for the Minneapolis Board of Park Commissioners in 1960 revealed that the Interstate System planned to invade 15 Minneapolis park properties and that other State and county highways were scheduled to invade an additional 13.

4. Air pollution is another disturbing repercussion of the onslaught of automobiles into our cities.

An article in the June 23, 1965, edition of the Washington Evening Star noted a report by a special New York City Council committee which concluded that New York's air is a contributing factor in an increasing death rate from respiratory diseases, including lung cancer. The committee said that the air is damaging buildings, ruining crops on Staten Island, and killing parkway trees and shrubs contaminated by auto exhaust fumes. The committee said that breathing the city's air causes as much inhalation of benzpyrene, a cancer-inducing hydrocarbon, as would result from smoking two packs of cigarettes a day.

The Division of Air Pollution of the U.S. Public Health Service made the following statement concerning this problem:

"Abundant evidence exists which demonstrates that certain forms and systems of transportation may play a significant role in the production of air pollution problems. These problems are particularly related to the increase in individually owned and operated vehicles in urban and metropolitan areas.

"The Public Health Service, therefore, from the standpoint of air pollution control, looks with favor on the utilization of mass transportation systems utilizing common carrier means."

Flexibility, we are convinced, is the keynote to the successful revitalization of our paralyzed urban transportation facilities.

Yet, ironically, at a time when mass transportation service should be improving it is deteriorating at a frightening pace. And it is the Federal Government which is largely to blame.

The Federal Government encourages highway construction by providing States with 90 percent of the funds for highways in the Interstate System. Mass transit at the State level, however, is the recipient of virtually no aid whatever, and as a result there is nothing being done.

The Federal Highway Trust Fund has been in existence since 1956. It has annually pumped billions of dollars into interstate and local highways, eliciting counterpart State expenditures ranging from as little as 10 percent to as much as 50 percent. In the 3 years 1964–67 the ratio of Federal aid for highways is scheduled to be 30 times as much as for urban mass transit ($12 billion to $360 million). We do not believe that this is justified any more than we would support the reverse.

Unless there is a change in the existing law, by 1972 the Federal Government will have contributed more than $46 billion, in just 16 years, to help build highways, compared to only one-third of a billion dollars for mass transit.

In the Baltimore area alone there is $815 million worth of urban highway construction on the planning boards at an estimated cost in excess of $10 million per mile. Little or no attention has been paid to the development of mass transit, however.

A mass transit line, whether subway or bus, is far more efficient than the automobile.

San Francisco's 75-mile BART line (Bay Area Rapid Transit) will cost $13 million per mile. It will have a peak hour capacity of 30,000 seated passengers in each direction. A comparable $13-million-per-mile 8-lane expressway would have a peak hour capacity of only 7,000 or 8,000 cars (10,000 or 12,000 passengers) before congestion began to slow travel down. And the rapid transit line, of course, requires a much narrower right of way and no costly and wasteful parking facilities downtown.

Let there be no doubt that people will patronize improved transit systems. In recent years improvements in the New York subway systems have brought about an increase of 20 million additional passengers a year. Modernization of Philadelphia's commuter system has resulted in a 44-percent increase in ridership over the past several years. Changing the Highland Branch in Boston from a commuter railroad to high-speed transit in 1958 has resulted in a 1,000-percent increase in ridership.

What must be done in order to provide for an integrated transportation system is to correct the gross inequity which exists between the funds available for highways and those available for rapid transit.

Federal aid is required and has, in fact, been given. Right now, however, these huge sums are appropriated exclusively for highway transportation, while there is only nominal aid given to mass transit.

This is inconsistent with the principle that communities should be encouraged to devise their own plans based on factors of special relevance to each. The Congress cannot design a transit plan that will meet the needs of every city in the United States.

We are not unmindful of the fact that the basic source of funds for the highway trust fund are taxes levied on automotive parts and gasoline. However, studies show that the motorists who actually use interstate highways pay only about a third of the costs of construction of the roads. The balance of these taxes are paid by automotive users who do not ride on the subsidized highways. In an analysis of the 15-mile Kennedy Expressway in downtown Chicago, prepared by the New York engineering firm of Parsons, Brinckerhoff, Quade & Douglas, this fallacy becomes apparent:

"The Northwest Expressway was built at a cost of $238 million. If placed on a financing basis equivalent to that presently typical for public transportation improvements, allowing interest at 4 percent and depreciation over 50 years, capital charges can be said to amount to $11.1 million a year. It is estimated that fuel and other related taxes paid by vehicles operating over the expressway will amount to approximately $3.8 million a year."

Where does the rest of the money come from? "The balance of the capital, maintenance and operation costs must be met," the Parsons, Brinckerhoff, Quade & Douglas analysis continues, "by taxes on fuel consumed by vehicles operating over roads and streets already completed, some for decades."

An even higher estimate has been made by the Regional Plan Association for the Greater New York area, based on studies by Prof. William Vickrey of Columbia University:

"The subsidy to rush hour motorists or typical urban expressways and streets is about 10 cents a mile per automobile. The person driving 25 miles to work during rush hours in a metropolitan area is subsidized about $5 a day (or perhaps 50 cents or $1 less if he passes toll gates) * * * if (commuter) railroad or subway riders received the same subsidy as automobile commuters, the Government would have to pay each rider handsomely to get onto the train."

Against this background, the need for a transit subsidy becomes more understandable. A transit system, no matter how popular, how badly needed, or how well planned and operated, can hardly be expected to woo commuters off the expressways without a subsidy so long as the urban freeways themselves, and the parking at their downtown end, continue to be lavishly subsidized.

We can see real benefits to those who do use highways if the volume of traffic is reduced. Installation and/or modernization of rapid transit facilities in our metropolitan areas will go far to reducing the paralyzing congestion which presently hinders our automobile transportation.

What we are proposing today is in the interest of every automobile owner in every city and metropolitan suburb in the land, whether or not that person would utilize a new or improved mass transit system in his area or not. If he continues to use his automobile he will find that the mass transit system reduces the number of cars on the road, and thus makes his trip safer, faster, more comfortable, and in every way a more pleasant experience. If he drives to a transit station, he will have discovered a fast, efficient, comfortable, and inexpensive means of transportation to and from the central city.

Tribute to Secretary of the Air Force Eugene Zuckert

EXTENSION OF REMARKS

OF

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1965

Mr. LONG of Maryland. Mr. Speaker, this country is indeed fortunate in having many dedicated and able people who are willing to devote their careers to Government service. It takes a great amount of human talent in all branches and at every level of administration to operate our democratic system of government.

I would like to join in commending the Honorable Eugene M. Zuckert who will soon retire from his position as Secretary of the Air Force after a long and distinguished record as its civilian leader. He is the seventh Secretary of the Air Force and has held that position for over 4 years, a longer tenure than any of his predecessors.

But his Government service goes back much farther. He has served in the executive branch under our last five presidents, starting as an attorney with the Securities and Exchange Commission in 1937.

Three years later he joined the faculty of the Harvard Graduate School of Business Administration where one of his fellow professors was Robert McNamara. During his academic career Mr. Zuckert became assistant dean and did his first work with the Air Force as a consultant and teacher in statistical controls.

Since then Mr. Zuckert has compiled an impressive record of public service, providing that rare combination of a doer and a thinker, the practical and the theoretical.

He was a special assistant to STUART SYMINGTON when the Air Force became a separate service, then becoming the Assistant Secretary of the Air Force. He played an important role in organizing the Department of the Air Force.

In 1952 he became a member of the Atomic Energy Commission for 2 years. His service with the Air Force and the AEC made him an expert in nuclear weapons and atomic power. In 1956 he coauthored the book, "Atomic Energy for Your Business."

When he was selected for the job as Secretary of the Air Force in 1961 by President Kennedy, there was no one better qualified in experience or knowledge. He has done a superb job. He deserves the gratitude of the Nation and I wish him well in his future pursuits.

Another Retailer Uses the Excise-Tax Reduction Positively

EXTENSION OF REMARKS

OF

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1965

Mr. VANIK. Mr. Speaker, today the Hecht Co. of Washington, D.C., placed an ad in the Washington Post which shows how a retailer can creatively use the excise-tax reduction to assist the public in understanding to what degree they can expect to save because of the excise-tax reduction recently passed by Congress.

The ad read:

> The recent repeal of the excise tax prompts us to issue to our customers this declaration of interdependence. That's right, interdependence. We think a big store and its patrons owe something to each other over and above the exchange of merchandise for money. For example, good faith, loyalty, honesty, friendship, and a square deal. The excise tax is a case in point. Thanks to the President and to Congress, the tax repeal made possible the lowering of prices on a multitude of categories of consumer goods. The idea, of course, was to pass these savings right back to the consumer and to the credit of the retail industry, we believe most good stores are doing just that.
>
> As an example, we're listing here just a few items, selected at random, to show how the Hecht Co. is passing these savings on to you.

The Hecht Co. proceeds to list approximately 60 items from golf balls with a savings of 88 cents per dozen to the consumer to a famous women's perfume at a savings of $1.75. Similar to Sears Roebuck & Co.'s ad, which appeared in yesterday's Cleveland Press, the Hecht Co. lists the items, the retail price before the excise tax repeal, the retail price after the excise tax repeal, and the savings to the consumer.

I wish to applaud this effort in creative advertising. I commend this effort as a prime example for other retailers to follow so that consumers will no longer be confused as to whether they are receiving the proceeds of the recently passed excise tax reduction law.

Federal Agencies Struggle for Control of $9 Billion Prize

EXTENSION OF REMARKS

OF

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1965

Mr. GROSS. Mr. Speaker, one out of every four dollars which the American public spends on medical and hospital care is filtered through the hands of the Federal Government. The distinguished gentleman from Missouri, Mr. DURWARD HALL, who also is a surgeon, has pointed out to the House Interstate and Foreign Commerce Committee that the more than $9 billion a year which the Federal Government will soon be spending in the field of medicine as a result of several new and pending laws is the basis of a behind-the-scenes power struggle between the social workers and medically qualified personnel in Government.

Our colleague has suggested a moratorium against any new legislation in this field until an investigation can be conducted by the Congress to determine whether the social workers or professional medical personnel will control and manage these Federal programs.

If the Federal Government is to be our "brother's keeper," as the Johnson administration seems bent on accomplishing, then at the very least we ought to make certain that the competent personnel administer these programs.

A solution suggested by our colleague from Missouri, who as I say is a distinguished surgeon and medical practitioner, is a separate department of health to be staffed by U.S. Public Health Service physicians and others expert in medical matters, embracing all medical programs in which the Government is intervening, and closely coordinated with State health departments.

I commend the remarks of our colleague, Dr. HALL, to the attention of all Members of the House of Representatives:

REMARKS BY CONGRESSMAN DURWARD G. HALL, REPUBLICAN OF MISSOURI, BEFORE THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, JULY 23, 1965

Mr. Chairman and members of the committee, because I am a physician, medical legislation becomes my personal concern—especially in this session of the Congress marked by a pell-mell rush to enact legislation injecting the Federal Government dominantly into medicine.

Though I have stated and voted my opposition to Government medicine through the social security medicare program, I am prepared to advocate cooperation by the medical profession with all Federal laws duly enacted by Congress affecting medicine. In fact, this was my role at the New York City meeting of the American Medical Association last month. Whatever laws pertaining to medicine are enacted, they deserve to be carried out in such a fashion as to produce the best possible quality medical care to the American people, which those laws permit. If proved bad, they should be repealed in an orderly manner, after thorough trial and due process.

The proposal presently before this committee is, in my opinion, a faulty proposal, which would result in making more acute the present shortage of general practitioners, otherwise known as the family physicians. Should this bill be enacted, new medical school graduates will gravitate to large centers in an even greater degree. The creation of medical centers as envisioned by this legislation would offer no new panacea in medical treatment or new armies of medical personnel—we will still have the same medical armament and the same number of physicians.

But, I have not obtained time to testify at these hearings primarily to attack the bill before you; I appear for another and, in my opinion, a far more important purpose. This committee's jurisdiction has, over the years, encompassed the spectrum of Government medical programs, exclusive only of those of the military services, social security taxes, and the Veterans' Administration. Your jurisdiction encompasses, in addition, the Food and Drug Administration, all U.S. Public Health Service programs, including those at the National Institutes of Health, medical programs of the Indian Health Service, the grant-in-aid programs of Hill-Burton, research construction, the various disease control programs to aid State health departments and the vocational rehabilitation program, to mention but a few.

Mr. Chairman, as the junior member of the Joint Committee on the Organization of the Congress, currently holding hearings; I am regular in attendance and I believe perceptive and delving re content of the multifaceted witnesses. I conclude there is an area of jurisdictional question in both bodies concerning the legislative (or authorizing) committees, and the appropriation (or operative) committees. It's time this was resolved, at least to the point that the letter not lean on the "lame crutch" that, while exerting operative oversight, they are not required to appropriate for all that is authorized—or else the legislative committees must take the "bit in their mouths" and desist from blanket authorizations in the vain hope that it will not be entirely appropriated for.

Over the years the U.S. Public Health Service and the Social Security Administration have lived under the same roof—first at the Federal Social Security Agency and then, starting in 1953, in the Department of Health, Education, and Welfare. During all this time, these two activities—Social Security and Public Health Service—have been in a power struggle, each seeking to be dominant in the control and administration of whatever medical programs are established within the Government.

If this committee is not aware of this inner-department struggle, I urge that you launch an investigation. Employees in the Department of Health, Education, and Welfare may not wish to risk the security of their positions by openly testifying—but you on this committee surely have second- and third-layer employee acquaintances, here as well as back home in public health work, who are involved in medical programs and who would readily confide information concerning the inner struggle to which I refer. I have several friends in the Public Health Service and many in State and local health departments who admit of their disappointment that both branches of Congress have passed social security medical legislation in which trained medical personnel are excluded in favor of social workers in the control, operation, and management of medical benefits to be provided. They believe that if the Federal Government is to enter medical care in a big way, the medical departments and medical personnel within government (at all levels), should administer such programs. With their contentions I agree; that is, if government is to enter the field, surely the educated and trained physicians of government are much more qualified in medical matters than are social workers.

Surely, if this legislative proposal, which you are today considering, represents the hastily concocted counterthrust of the Public Health Service to regain parity, or assume dominance, of the medical matters; in retaliation to the social security bill which favors "social worker" control; then this effort of theirs must be rejected, because in its haste (or for other reasons) it fails to produce good results by offering anything tangible or new in medical advance, by offering no new treatments or examinations not now being offered, by operating with the same number of trained physicians and technicians now actively and visually engaged, by threatening to draw skills away from needy areas not adjacent to the large medical centers which it proposes to establish, and by surely producing a "siphoning off" of young general practitioners from rural and semirural areas, compounding many problems of physician shortages well projected to all of you, although the ratio of physician to patient remains the same, thanks to a self-policed medical profession.

The committee should be aware that errors are important and existent in a game where the stakes are high, and Federal medical expenditures of taxpayers' moneys total 25 percent, or $9 billion of the total $36 billion our Nation annually spends for health, and both figures are and will accelerate rapidly.

May I suggest to this committee that it declare a moratorium on any medical legislation until opportunity has been provided the committee with ample time to examine closely this power struggle. I suggest that you consider conducting an extensive investigation. Your action will be applauded by public health personnel in all levels of government. Though I remain stanchly opposed to the Federal Government moving in on the private practice of medicine, as a legislator, I feel a responsibility to assist in coordinating Government activities in health, to produce the best results. It is not fair to the American taxpayers, nor is it fair to the best interests of persons in need of health services, that Federal agencies in this field be permitted to engage in power struggles for power's sake. Finally, let us allow time to see the effect such as abuse factors, doctor (medical student) recruitment and others incident to the implementation of H.R. 6675, as amended.

Long ago, Congress should have defined clearly the role of physicians in Government service. Long ago Congress should have elevated a single service of Government physicians to that of a Department of Health and turned over to it the administration of all Federal medical programs with a single exception of military medicine.

Had this been done, we would not today be faced with the possibility that an agency with no medical expertise would be taking over the operation of a program beyond their competence; nor would this ill-conceived legislation be before you today. Reflect on the fact that currently the best medicine of a public health nature, or preventive nature, such as we truly envision in the war on stroke, cancer, and heart disease, occurs when administered by and through the various departments of health in the States of the Union. They are set up separately, have the tradition, are staffed with medics and proper ancillary personnel (including trained medical social workers), and habitually coordinate with the U.S. Public Health Service personnel and Federal Government. This is as it should be at all levels. I urge your pensive consideration and withholding of precipitous action at a time when sacred cows are choking channels of good government, preempting professional prerogatives, and robbing breakthroughs in research—to say naught of bankrupting the Nation.

Cost of Living Allowances for Federal Employees in Puerto Rico and the Virgin Islands

EXTENSION OF REMARKS

OF

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1965

Mr. DULSKI. Mr. Speaker, on July 1 of this year an Executive order was issued which nearly wipes out the cost of living allowance for Federal employees in Puerto Rico and the Virgin Islands. This is an allowance that was first established under the Brookhart Act in 1930, and is now being granted to Government workers in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Based on reliable reports furnished to me, the cost of living in these four areas has differed little, and I am unable to understand why the Virgin Islands and Puerto Rico were singled out for such a drastic reduction in cost of living allowance.

I am also strongly opposed to a bill, H.R. 8390, which would further decrease this meager allowance.

Mr. Speaker, cost of living allowances have served a constructive purpose. They have provided incentive for attracting desirable employees, and stabilized personnel in nonforeign areas.

The Civil Service Commission's action in cutting the cost of living allowances in Puerto Rico and the Virgin Islands will undoubtedly aggravate existing problems which have necessitated special attention from the Post Office Department, particularly since the transfer of Puerto Rico and the Virgin Islands from the jurisdiction of the Atlanta to the New York post office region.

There are also serious political implications involved in this action to reduce the cost of living allowance. It is apparent that the Civil Service Commission took this action solely on the basis of its assumed obligation to administer cost of living allowance under Executive Order 10000. However, this is bound to have some significant and direct effect on the political situation in Puerto Rico, particularly—both internally and externally. Historically and culturally, Puerto Rico has close bonds with all of South America. In view of the recent development in the Dominican Republic, we should not underestimate the adverse propaganda effects of reducing the cost of living allowance. Puerto Rico is a showcase of democracy in action. What happens there is bound to affect the major effort we are making in South America under the Alliance for Progress program. Puerto Rico, itself, is split into three major political movements, oriented toward preservation of the Commonwealth status, statehood, and independence, the latter sparked by a strong nationalist movement.

Large numbers of Americans of Puerto Rican descent feel strongly that they are victims of racial discrimination in a number of major areas, such as employment, housing, and education. They respond strongly to any move which, from their point of view, adversely affects their status—political, economic, or social, whether in Puerto Rico or in the United States.

Mr. Speaker, in February of last year, hearings were held on a bill, H.R. 7401, similar to the one that is now proposed. With respect to this bill, Chairman John W. Macy, Jr., of the Civil Service Commission, stated in part:

> We urge enactment of this proposed legislation in order that the pay principles of the Federal Salary Reform Act may be properly applied in the areas where the allowances are now paid.

On June 1, 1965, testifying before the House Subcommittee on Compensation, Chairman Macy frankly conceded that the pay recommendations of the administration could, at best, be expected to hold the line and prevent a worsening of the gap in comparability with respect to pay for postal and Federal employees as of the survey taken March 1964. He further conceded that an increase of at least five-tenths of 1 percent would be necessary to reach real comparability, and even this would have a 1-year gap built in.

When it comes to reduction of the cost of living allowance, the Commission has moved most resolutely and on this aspect, alleged comparability must be absolute and current, as distinguished from the Commission's approach to pay.

Mr. Speaker, I challenge the surveys that were used in arriving at the Commission's conclusions, with respect to the necessity for reducing the cost-of-living allowance. To the best of my knowledge, all that the Commission has presented to substantiate its fiscal conclusions are summaries of the results of surveys taken in Puerto Rico and the Virgin Islands. No representative of affected employees was ever consulted or advised concerning specific methods and criteria utilized in the survey. Further, the Bureau of Labor Statistics was cited as the authority for surveys taken earlier this year in Hawaii and Alaska, but neither the Commission nor the Bureau was involved in the most recent survey of Puerto Rico and the Virgin Islands. In these instances, I understand the Department of State conducted the survey, and this Department has no particular mission in this area. Surveys conducted by representatives of the affected employees show that actual living costs in San Juan, for example, are 20 percent above costs in the Washington, D.C., area. It is quite possible that the difference is accounted for by the fact that the State Department's so-called survey compared unlike things, such as hamburgers with steaks.

The president of the International Ladies Garment Workers Union, Mr. David Dubinsky, was recently quoted, from a statement he made before a Senate labor subcommittee, that the cost of living in San Juan was 29 percent higher than in Washington, D.C. A conservative survey taken by employees themselves last year shows cost 20 percent higher in San Juan as against Washington, D.C.

The following is a quote from Chairman Macy's letter with respect to H.R. 7401 last year:

> You will see that the survey findings show that private enterprise salary rates in Alaska are rather substantially above mainland private enterprise averages. On the other hand, in both Hawaii and Puerto Rico the private enterprise salaries are shown to be generally less than those on the mainland.

It will be noted that this year the Commission found grounds for excluding reduction of cost-of-living allowance in Hawaii. It is difficult to believe that the cost of living in Hawaii has increased abnormally in past months as against that of Puerto Rico and the Virgin Islands. I am not opposed to the maintenance of the cost-of-living allowance for Hawaii, as well as Alaska, but this emphasizes the distinction that has been made.

In that same letter, Chairman Macy also stated, with reference to the phasing out of cost-of-living allowance over a period of not to exceed 6 years:

> We believe that even where increase base rates are not warranted, the allowances can be terminated through a series of small reductions so that, with very few exceptions, no employee will receive less gross compensation than he is now getting, provided that statutory adjustments are made annually to reflect Bureau of Labor Statistics findings on national averages of private enterprise salaries.

Mr. Speaker, utilizing step 7, level 4 of the Postal Field Service as the median, postal employees in Puerto Rico face a net loss of $600 in take-home pay in this first year, with reduction of cost-of-living allowance from 12½ to 5 percent. Virgin Island employees with a reduction from 15 to 5 percent face an even greater loss in net take-home pay between now and July 1, 1966. It should be noted that the Virgin Islands must import virtually all manufactured and finished products, with a significant increase in cost for even the smallest household item of daily use.

In the case of Puerto Rico, residents suffer certain financial disabilities by virtue of their Commonwealth status, which places them at a distinct disadvantage as against residents of the mainland. A new Chevrolet, for example, costs over $1,000 more in San Juan than in the United States. In addition, the purchaser must pay from $200 to $300 for the license plates in the first year, plus proportionately reduced amounts in the years following. Further, residents of Puerto Rico and the Virgin Islands are denied, for example, the benefits of recently reduced excise taxes on automobiles, TV sets, and so forth.

The reduction of the cost-of-living allowance at this time has created much bitterness among the affected employees. They consider it highly discriminatory. Newspapers in San Juan have given it considerable prominence in recent months. From an editorial point of view, they are universally indignant. For example, a typical comment appeared in the San Juan Star on July 15, 1965, under the headline "Blue Collar Pay Rates Are Hiked," which read:

> As down goes the cost-of-living allowance for white collar Federal workers in Puerto Rico, up goes the pay for the blue collar workers for the Navy.

The item stated further that 942 employees at Roosevelt Roads, and the Naval Station in San Juan, would receive a 7.7-percent raise, starting with the first pay period after July 14.

This is to point out that while the Commission has been quick to equate postal employees in Puerto Rico with those on the mainland, distinct differences are being ignored. Postal employees in Puerto Rico, especially letter carriers and window clerks, must be able to speak both English and Spanish. Unless they are able to do so, and this applies only somewhat less to other employees, they cannot possibly be of any value. Apparently, the Commission regards this unusual requirement quite casually. There is no such requirement on the mainland. Has this been taken into consideration by the U.S. Civil Service Commission?

Mr. Speaker, my purpose in bringing this inequity to the attention of the House is to urge my colleagues to seek immediate action on H.R. 568, which would terminate the economic injustice imposed by the Commission, and provide for a proper survey which would include appropriate consultation with the representatives of affected employees.

The Easy Chair

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1965

Mr. FASCELL. Mr. Speaker, one of our vital foreign aid programs today is the Alliance for Progress. It has benefited many people in Latin America, and has helped to win for the United States many new friends. However, some self-imposed critics of our aid programs have unjustly commented about the work in Latin America of the Agency for International Development, and about the Alliance for Progress.

Clarence Moore, publisher of the Times of Havana, in exile, has captured, in a recent column in his newspaper, the unfairness of these critics. His brilliant, almost classic commentary on the Alliance, and on a speech by James H. Boren, director of Partners of the Alliance Programs, ought to be read by all, and I therefore, commend it to your attention:

THE EASY CHAIR

(By Clarence Moore)

Apt quotations are always a pleasure to discover and a further pleasure to pass along. One of these turned up the other day in the CONGRESSIONAL RECORD, that compendium of words good and bad.

It caught the fancy of President Johnson who used it a week or two later in partial form in a speech and, in turn, must have impressed Time magazine since it chose to quote Johnson's speech, including the words I found and liked. My earliest attribution is to an AID official speaking before the Connecticut Partners of the Alliance early in May of this year. Where he came by his source is not known, but he told the Partners with some bitterness of earlier experiences.

He had formerly been assigned with AID in Peru. He had worked long hours in the slums and the barriadas in close touch with the federations of campesinos. It was backbreaking work that took him into the source waters of the Andes where he came down with chills and fever. Later, back in the United States, he was suddenly seized with chills and, on his way to a doctor, turned on his radio to a well-known commentator. The commentator described all AID officials as vagrants who drank martinis before breakfast and then went to plush offices where they thought up ways to waste the U.S. tax dollar. After announcing his pride at being an official of AID and his enthusiasm for his job, the AID executive told the Partners a story from long ago:

"To that commentator, and to those armchair critics who parrot his cliches, I say with Gen. Lucius Paulus, as he said in the second century B.C. 'commanders should be counseled chiefly by persons of known talent and those who are present at the scene of action.' General Paulus went on to say:

"'If, therefore, anyone thinks himself qualified to give advice respecting the war which I am to conduct, let him not refuse the assistance to the state, but let him come with me into Macedonia.

"'He shall be furnished with a ship, a tent, even his traveling charges shall be defrayed. But if he thinks this is too much trouble, and prefers the repose of a city life to the toils of war, let him not on land assume the office of a pilot.'"

The Alliance is surrounded by an extraordinary number of critics who have no hankering to go to Macedonia. These persons are quite willing to take their soundings from the repose of their city rooms. Few of them have ever pitched their tents outside the limited jurisdiction of their own circulation managers.

The general seems to have had them pegged pretty well over 2,000 years ago. If he were around today, he would find that it can still be awfully lonely in Macedonia.

As Mr. Moore's column indicated, Mr. Boren has been among our ablest workers for AID. I understand that two American coworkers of his in Lima, Peru, Dr. Keating and Dr. Mike Chiappetta had given him the quotation "come with me into Macedonia." Mr. Boren found it useful in encouraging friends and visitors to see Lima as well as the rural countryside. In fact, the quotation has proved to be so meaningful that other Government officials who saw it on his wall, where he fittingly had framed it, have besieged Mr. Boren with numerous requests for copies, which he has supplied. Hopefully, armchair critics of AID will soon become acquainted with this quotation, too, and paying its heed, would learn about AID firsthand by going, "into Macedonia."

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 29, 1965

The House met at 11 o'clock a.m.

Rev. R. Cecil Mills, D.D., Canaan Baptist Church, Washington, D.C., offered the following prayer:

In all thy ways acknowledge Him, and He shall direct thy paths.

Lord of every land and nation, we thank Thee for men whose faith in Thee has made them great in the history of our country. Make us realize that only those lands are truly prosperous and happy whose leaders are led by the spirit of God. As we give Thee thanks for courageous Christian leadership in the days gone by, we pray Thee for men at the head of affairs in our Nation during these troubled days in whose hearts is the fear of the Lord and whose greatest ambition is to serve Thee and do Thy will. So shall our beloved land fulfill the mission Thou hast appointed unto it.

Give us a consciousness of guilt, not only for personal sins but also for the great collective sins of mankind, from which we cannot escape a share of responsibility. Help us to believe in the saving power of the Gospel when applied through the lives of redeemed men to the sins of society. Let us never be complacent or at ease so long as our fellow men are unjustly oppressed.

And grant unto us universal peace and good will among all men.

In His name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 625. An act to authorize the sale of certain public lands.

INDEPENDENT OFFICES APPROPRIATION BILL, 1966

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7997) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes, with Senate amendments thereto, disagree to the amendments of the Senate, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. THOMAS, EVINS of Tennessee, BOLAND, SHIPLEY, GIAIMO, MAHON, JONAS, MINSHALL, RHODES of Arizona, and BOW.

COMMITTEE ON THE JUDICIARY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight, July 29, to file reports on the bills H.R. 8027 and H.R. 6964.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, what are those bills?

Mr. ALBERT. The first has to do with the Law Enforcement Association, and the second deals with the rehabilitation of prisoners.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SUBCOMMITTEE ON COAST GUARD OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Coast Guard of the Committee on Merchant Marine and Fisheries have permission to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON BANKING AND CURRENCY, SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Banking and Currency be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON BANKING AND CURRENCY, SUBCOMMITTEE ON DOMESTIC FINANCE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Domestic Finance of the Committee on Banking and Currency be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRESIDENT'S STATEMENTS ON VIETNAM

Mr. ALBERT. Mr. Speaker, I offer a resolution (H. Res. 492) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 492

Resolved, That there be printed as a House document the statements of the President of the United States on July 28, 1965, on the Nation's commitment in Vietnam; and that fifty thousand additional copies shall be printed, of which thirty thousand copies shall be for the House document room and twenty thousand copies shall be for the Senate document room.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives which was read and referred to the Committee on House Administration:

Office of the Clerk,
House of Representatives,
Washington, D.C., July 29, 1965.

The Honorable the Speaker,
House of Representatives.

Sir: I have the honor to lay before the House of Representatives the contests for seats in the House of Representatives from the First Congressional District of the State of Mississippi, Augusta Wheadon against Thomas G. Abernethy, the Second Congressional District of the State of Mississippi, Fannie Lou Hamer against Jamie L. Whitten, the Fourth Congressional District of Mississippi, Annie DeVine against Prentiss Walker, and the Fifth Congressional District of Mississippi, Victoria Jackson Gray against William M. Colmer, notices of which have been filed in the office of the Clerk of the House; and also transmit herewith original testimony, papers, and documents relating thereto, including the copy of the unsigned notice to contest the election held in the Third Congressional District of the State of Mississippi and related papers.

In compliance with the act approved March 2, 1887, entitled "An act relating to contested-election cases," the Clerk has opened and printed the testimony in the above cases as seemed proper to the Clerk, there being complete disagreement by the parties as to the portions of the testimony to be printed, the notice of contest, the answer thereto and original papers and exhibits have been sealed up and are ready to be referred to the appropriate committee of the House of Representatives.

Two copies of the printed testimony in the aforesaid cases have been mailed to the contestants, and the same number to the contestees, which together with briefs of the parties, when received, will be laid before the committee of the House to which the matter shall be referred.

Very truly yours,
Ralph R. Roberts,
Clerk, U.S. House of Representatives.

CALL OF THE HOUSE

Mr. DEVINE. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 210]

Bonner
Bow
Cahill
Colmer
Conyers
Duncan, Oreg.
Halleck
Harvey, Ind.
Jones, Mo.
Karth
Keogh
Lindsay
McEwen
Michel
Morton
Powell
Redlin
Resnick
Ryan
Shipley
Sickles
Toll
Ullman
Watson

The SPEAKER. On this rollcall 405 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. FALLON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, with House amendments thereto, insist upon the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. Fallon, Blatnik, Jones of Alabama, Cramer, and Baldwin.

H.R. 9750, H.R. 9869, AND H.R. 9875

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to refer the bills, H.R. 9750, H.R. 9869, and H.R. 9875, to the Committee on Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman state the titles of those bills so we may know what he is dealing with?

Mr. HARRIS. They are identical bills to H.R. 9743 which was re-referred, at the request of the author and the chairman of the Committee on Agriculture, having to do with the utilization of certain animals on the basis of the method that the animals are obtained.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

ADDITIONAL CONFEREE ON H.R. 5401

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to add one additional conferee to the conference with the Senate on H.R. 5401, which is the transportation bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The Chair appoints the gentleman from West Virginia [Mr. Staggers] as the additional conferee, and the Clerk will notify the Senate of this action.

SUBCOMMITTEE ON IRRIGATION AND RECLAMATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs may be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT TO SECTION 271 OF THE ATOMIC ENERGY ACT OF 1954

The SPEAKER. The Chair recognizes the gentleman from California [Mr. Holifield].

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8856) to amend section 271 of the Atomic Energy Act of 1954, as amended.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 8856, with Mr. Harris in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. Holifield] will be recognized for 1 hour and the gentleman from California [Mr. Hosmer] will be recognized for 1 hour.

The Chair recognizes the gentleman from California [Mr. Holifield].

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the second time this legislation has been brought to the floor for consideration. It was previously brought to the floor under suspension of the rules which requires a two-thirds vote in the affirmative. The vote was 216 to 139 and, therefore, the bill having failed to get two-thirds in the affirmative, it was necessary to bring it up under the rule which allows an hour for each side to present their case.

H.R. 8856 would amend section 271 of the Atomic Energy Act of 1954, as amended. The five-member Atomic Energy Commission unanimously supports this bill, as does the Justice Department. The Joint Committee on Atomic Energy also unanimously recommends that this bill be enacted.

Mr. Chairman, the effect of this bill, and the reasons why the Joint Committee on Atomic Energy recommends its enactment, were explained in my statement on the floor on July 12. In view of this fact, and in light of the comprehensive report on this bill filed by our committee, I will simply point out several significant facts about H.R. 8856.

First. Because of the interest which has been generated concerning the dispute over the overhead powerline, it is easy to overlook perhaps the most pressing reason for the passage of this bill. I refer to the potential threat that is posed by an interpretation of the Atomic Energy Act which would allow every local governing body to control AEC's own facilities for the generation or transmission of electric power. The effect of such an interpretation of congressional intent is most serious. The Chairman of the AEC, Dr. Glenn Seaborg, again called this to the attention of our committee in a letter dated July 14, 1965 which I inserted in the daily RECORD on July 27, at page A4121. Dr. Seaborg said:

> In reviewing the debate on the floor of the House last Monday concerning the bill to amend section 271 of the Atomic Energy Act, we noted confusion on the part of some participants concerning the urgency of the need for passage of this legislation.
>
> I want to make clear that the Atomic Energy Commission is greatly concerned that if the bill is not passed, there may be at any time, interferences with the conduct of major AEC program missions due to the limitations placed on this agency's authority by the decision of the Ninth Circuit Court of Appeals. Many AEC installations, including those involved in production of weapons and weapons materials, which are heavily dependent upon the availability of reliable sources of electric power, have been placed in jeopardy by that decision. The subject bill would remove that potential threat and restore to AEC the same powers possessed by other Federal agencies.

I want to emphasize this by repeating it. It will "restore to AEC the same powers possessed by other Federal agencies," and possessed by the AEC up until this particular decision, and used by the AEC on numerous occasions.

I read further from Dr. Seaborg's letter:

> The Atomic Energy Commission therefore supports the early passage of this bill because of its impact on the national defense and security.

As stated in our committee's report, even if there were no dispute over this Stanford powerline this bill should be enacted without further delay.

Second. There were some questions raised by Members of the House on July 12 as to why Congress does not simply do nothing about clarifying section 271 until all possible judicial remedies have been exhausted by the Government. Some have questioned whether it is proper for Congress to reaffirm what it meant when it enacted section 271, until the Supreme Court has passed on this matter.

I can appreciate the concern of those who ask these questions, because there is no member of our committee who desires, in any way, to interfere with normal judicial procedures. This is important. Of course, H.R. 8856 does no such thing.

In this connection, I call the Members attention to a letter dated July 16, 1965, from the Department of Justice which I placed in the daily RECORD on July 26 at page A4052. In this letter the Department of Justice supports the enactment of H.R. 8856 even though further judicial review could still be sought by the Government and points out the adverse consequences of a delay in enactment of this bill. As I have said, the full text of this letter is printed in the daily RECORD.

This bill does not make new law; it merely clarifies what Congress meant all along when it passed section 271. Is it reasonable for Congress to sit back and leave to the courts the resolution of a problem which involves solely the intent of Congress?

Let me repeat that: Is it reasonable for Congress to sit back and leave to the courts the resolution of a problem which involves solely the intent of Congress? To do that would be to abdicate our responsibility.

We must also consider the effect of our ignoring this problem on the operation of the Government's accelerator at Stanford. This facility must have power. I will quote again from Dr. Seaborg's July 14 letter to our committee found on page A4121 of the July 27 daily RECORD:

> The existing 60-kilovolt power supply will be inadequate for project needs by the end of calendar year 1965. Construction of the accelerator is expected to be completed by March 1966. Unless 220-kilovolt power is available by then from an additional power line, maximum scientific productivity of research from this $114-million national facility will not be obtained and will not be reached until adequate power is obtained. An overhead transmission line can be constructed in about 6 month's time. (An underground line will require approximately 24 months to construct. Even if started now, undergrounding of the line would result in a delay in commencement of productive operation of the accelerator by approximately 18 months.)

Mr. Chairman, all of what I have said points to a simple conclusion—Congress should accept its responsibility and pass this proposed legislation without further delay. I reiterate that the Joint Committee unanimously favors H.R. 8856, and urges its adoption.

Now, Mr. Chairman, I want to depart from my prepared statement and comment on what is at stake in this particular case. I would like to direct the attention of the Members of this body to the telephone and powerlines that you see here in this photograph. These are in the county of San Mateo, which is a party to the court action. Here are some structures now existing in the city of Woodside. You can notice the double pole 60 feet high with all of the superstructure on it. This is La Canada Road in the city of Woodside. You will note 60-foot-high poles with powerlines on them, with telephone cables down below. This is the road on which they want to put the Federal powerline underground. Remember that there are 2,488 poles like this in the city of Woodside now. Some of those poles have been installed after the temporary city ordinance was passed in 1964, and they violated their own ordinance by waiver in doing so. This ordinance was passed after the authorization and the announcement of this accelerator. They renewed the ordinance for 1 year in 1965. It is a temporary ordinance which if not extended will automatically expire within a year of adoption. It was passed only after AEC advised the town it would institute condemnation proceedings.

Now I want to show a specimen of cable to you. This is the kind of cable that would be used to put the existing Woodside distribution lines underground. It would cost from $20,000 to $30,000 a mile. Notwithstanding the fact that this simple device could be put underground, the city of Woodside has not spent one dime in putting their own lines underground and thus eliminating their own 2,488 poles. So when we are talking about electric powerlines here, we are talking about two kinds—distribution lines and heavy voltage transmission lines. When we are talking about heavy voltage transmission, what we are talking about is 220-kilovolt lines. We need two of these 9-inch diameter conduits to get the same kind of wattage that we have in one 3-phase overhead line. This is the copper conductor. This is the insulation, and by 1971 we will need two 9-inch conduits like this if we go underground. Tremendous heat is generated in this steel pipe. It has to be carried off by oil pumped at 200 pounds per square inch pressure and cooled and recirculated as cool, dry oil. It would cost $1 million a mile to put the required two conduits underground.

Remember that this is a national accelerator for the use of scientists all over the United States. This was an accelerator authorized by your Congress as well as mine. Originally it was intended to put the lines up on large towers which would have cost only $668,000, to put the line in for the 5 miles. However, out of consideration for the esthetic desires of the community the AEC agreed to the better looking steel pole structures at a total cost of approximately $1 million.

Now I want to show you the territory involved. This dark green area here on the map on page 24 of the May 1965 committee hearing record is the town of Woodside. The rest is San Mateo County. I want to point out to you that at this time a 220-kilovolt line comes across this way, across the city of Palo Alto, a larger city.

It comes around San Mateo County, crosses the tip of Woodside and goes on around. Tapping into that is the 220-kilovolt line we expect to put in along the Scopsville Route. We are not going to put in the ordinary 120-foot towers which you put in in your State and we put in my part of the State. As a concession to these people in Woodside we are going to put in lower height ornamental steel poles. These pole structures come in as one-pole, two-pole and three-pole structures. This is a picture of a two-pole structure. It is made of steel. It is 70 feet high. It is 10 feet higher than these existing 60-foot wooden poles with myriads of crossarms which you see in these pictures of Woodside today. There will be three-pole structures in the city of Woodside 1,000 feet apart; one structure has one pole, one has two poles, and one has three poles in the structure itself.

These poles will have three lines about an inch in diameter. The heat from these lines will be dissipated in the air as is the heat from all high voltage 220 kilovolts and above transmission lines at this time in the United States, except 35 miles of underground line—and I will get to that in a minute. Three of these 1-inch diameter lines will carry the necessary wattage to this accelerator at 220 kilovolts.

The Federal Government can put this ornamental line in for $1,050,000. If we go underground with two of those 9-inch diameter conduits it will cost $1 million a mile or a total of $5,400,000. This is what you are voting on, you Members who are interested in economy. You are going to vote whether to spend $5,400,000 to get electricity to this national facility or you are going to spend $1,050,000, a difference of better than $4 million.

But you are going to do another thing. You are going to set a precedent for putting high-voltage lines underground. You are going to set a precedent so that any little locality can come in and say that the Federal Government does not have the right of eminent domain. That is what the precedent means if it is allowed to stand. Any city can say you cannot take a heavy voltage Federal line across it; any county can say that.

What will this cost you in the future, if you allow this precedent to stand? You are going to be told about beauty today. You are going to be told about the President's plan for beauty. But when the White House Conference on Natural Beauty had their meeting here in Washington, this subject matter was under consideration and the participants recognized the difference between high and low voltage lines. Mr. Swidler, Chairman of the Federal Power Commission, said that while putting in ordinary distribution lines underground is feasible, it is not yet feasible to put all the heavy transmission lines underground. I refer you to page 36 of our hearing record.

As I said before, there are approximately 35 miles of these high voltage lines—220 kilovolts or above—in the United States; 20 of them in the city of New York.

They are in service tunnels where they can get to them to fix them in the event something goes wrong, if the oil stops pumping, if moisture gets into the line and there is a short, you have to find the melting and you have to fix it.

If an overhead line happens to be damaged you can fix it in a matter of hours.

Mr. Chairman, I think I have laid the proposition before you, the essential ingredients of it. You are going to hear a lot this afternoon from the opponents of this measure. I intend to reserve the balance of my time to answer such arguments as are brought up.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, as you know, this is the second time this bill has been considered by the committee. I would like on this occasion to pay tribute to the distinguished gentleman from California [Mr. YOUNGER] for the diligent and effective work he has done with respect to this matter and also to Mr. Clapp and Mr. McCloskey who were associated with him in his appearances before our committee.

Mr. Chairman, if presentation, if persuasiveness in putting over a case were the guidelines under which we should exercise a judgment instead of the facts then I would be voting with the distinguished gentleman from California today. He certainly has done as much as he can with the kind of case that he has.

Mr. Chairman, I rise in support of H.R. 8856.

The distinguished chairman of the Joint Committee on Atomic Energy [Mr. HOLIFIELD] has summarized the reasons for our committee's recommendation that this bill be enacted. I wish to express my strong support of the committee's recommendation, and my belief that this legislation is needed for reasons which transcend the dispute over the Stanford powerline. I also want to explain some of the pertinent facts we considered concerning the powerline dispute.

TRANSMISSION VERSUS DISTRIBUTION LINES

The line in question is a high-voltage—220 kilovolts—transmission line. Unlike the case of lower voltage electric distribution lines which carry electricity directly to homes, stores, and so forth, the experts have concluded that burial of high-voltage transmission lines for so-called esthetic reasons is not warranted, because the cost for burying high-voltage transmission lines is very much greater than the relatively low cost for burying low-voltage distribution lines.

The cost, for example, for a 220,000-volt underground transmission line is 10 to 20 times as expensive per mile as a typical 12,000-volt underground distribution line. The estimated cost of such an underground high-voltage transmission line is approximately $500,000 per mile and the comparable cost for an underground low-voltage distribution line is approximately $30,000.

The committee has received an estimate that if the American public were to start subsidizing underground installation in cases where overhead lines would normally be used, the extra cost of electric lines for new construction in the next 12 to 15 years would be roughly $50 billion. This is without counting conversion of existing overhead lines.

THE ADDITIONAL COST TO THE TAXPAYERS OF AN UNDERGROUND LINE

The net additional cost to the taxpayers of this country of going underground in this particular case must be viewed as well over $4 million. Moreover, this amount does not take into account the costs associated with delaying completion of the Stanford accelerator project. At this point, constructing the line underground could take about 12 to 18 months longer than constructing an overhead line. Unless power is available when the facility is completed, its full use will not be possible. The tangible and intangible costs of this delay should therefore be added to the burden which the taxpayer would be asked to assume if this line went underground.

THE FALSE ESTHETICS ISSUE

The AEC has taken several unusual steps to improve the appearance of the proposed overhead powerline. At an additional cost of several hundred thousand dollars, the AEC has agreed to use specially designed, relatively short ornamental poles to carry a single transmission line, although a double line suspended from conventional 120-foot transmission towers would have been cheaper and more advantageous from a project standpoint. A total of 36 pole structures are involved in this controversy, three of which are within the town of Woodside. The AEC is willing to accept the substantial added cost of these more attractive pole structures, although the net effect is actually to provide less reliable service for the Stanford accelerator. In addition, the plans and specifications for this line call for clearing of land only at the pole structure sites themselves, and for access to the sites. Accordingly, there will be no unsightly swath of felled trees and underbrush such as is common for most overhead powerlines.

In light of these facts, no adequate reason has been provided to the committee, during all the hearings held on this subject, why the taxpayers of the United States should be asked to shoulder the extra cost of an underground line for the benefit of the local residents, particularly in view of the present appearance of the Woodside area from an esthetic standpoint. There are currently thousands of poles in the Woodside area, and a number have been erected in the town of Woodside and San Mateo County while the controversy over the Stanford powerline has been going on. To submit to the demands of the local residents in this case would not only be unjustified, but would open the door to charges of favoritism, and demands for equal treatment at other Government sites all over the country.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I would like to see every electric line in the United States underground. In my city of Montebello there is the march of pole lines from Boulder Dam, 120 feet high. There are no ornamental poles 70 feet high, but a tower that goes on across the countryside. It would cost a million dollars a mile to put them underground.

That is the cost of putting these lines underground.

Let me call attention to our hearings. On page 120 the Pacific Gas & Electric Co. said if they put these lines underground it would add $533,000 annually to the cost of the electricity for as long as we use it. If we used it 20 years it is 20 times $533,000. That is the additional cost in California for putting these lines underground on the electricity itself. That is only one unit.

Mr. BATES. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from Iowa.

Mr. GROSS. My understanding is that the President's wife has embarked upon a program of beautifying the countryside of this Nation. If so, and I assume it is because much publicity has been given to it, do we have any indication whether the President's wife approves putting powerlines aboveground?

Mr. BATES. I do not know that Mrs. Johnson has passed judgment on this particular matter, but I understand one of these beautification committees has considered this proposal, and also the prospect of putting powerlines underground throughout the country. But they thought that $50 billion might be better spent somewhere else.

Mr. HOSMER. Mr. Chairman, I yield such time as he may require to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN of Tennessee. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Massachusetts. We have large AEC installations in my district in Tennessee and we are very happy to see those powerlines because it indicates people are working or are going to work. I strongly support this bill.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, last week the Roads Subcommittee of the Committee on Public Works of the House of Representatives began hearings on a series of four highway beautification bills which were submitted to the Congress by the President this year. One of these bills recommended that Congress take action to pass legislation to require the tearing down of all billboards on Federal interstate highway routes except in commercial or industrially zoned areas.

Another of those bills recommends that Congress pass legislation to require that junkyards be eliminated on Federal interstate highway routes except in industrial or commercially zoned areas.

Another of those bills recommended that the Congress require the States to allocate 3 percent of all the Federal interstate highway funds that we grant to the States purely for highway beautification purposes.

The fourth of the bills requires that one-third of Federal grants for State secondary routes be allocated strictly for highway beautification purposes.

Now there could not be a more inconsistent proposal from the standpoint of the administration than the proposal that is here before us today. Because where in the case of the four highway beautification bills, the administration has said it is a blot on the national landscape to have billboards and junkyards visible to the eyes of the people as they travel on these routes, the administration in the bill before us today is proposing that it itself put up poles that will be a detriment to the scenic beauty of a small community—a very lovely community—that would like to avoid having this type of high voltage line overhead.

If the administration means what it says when it recommends to the Congress that we pass legislation in the field of highway beautification—and I might say that when it says 3 percent of all our grants for Federal interstate highways should go for highway beautification, that means at least $90 million a year because we are today allocating on a scale of $3 billion per year for Federal interstate highway grants. So the administration is telling the Congress, we want you to spend $90 million more than before purely for highway beautification. And the administration further said, We want you to increase taxes to do this.

The administration has submitted recommendations to the Congress to increase the highway users tax for beautification purposes.

In view of all these facts, it seems to me we should carry out the announced intention of the administration to work toward and add to the beautification of our Nation. If we are going to achieve this objective, we should defeat this bill. We should recognize the right of the local community to insist that these high-voltage powerlines be placed underground. This would be the consistent thing to do.

Furthermore, this court case has not even gone through the last stage available to the Department of Justice. The Department of Justice still has the right to appeal the case to the U.S. Supreme Court. It seems to me in any case, this bill should be turned down at this point until the U.S. Department of Justice exhausts the judicial remedies available to it under the appeal procedure to the U.S. Supreme Court.

For these reasons, I oppose this bill, H.R. 8856, and I hope the House will defeat this measure today.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman and members of the Committee, I wish that this bill were as simple as the proponents say it is, but it is not a simple little bill by any manner of means. What you are being asked to do here today will have very far-reaching effects, far beyond a little town out in California and a few little powerlines to a facility of the Atomic Energy Commission.

Mr. BALDWIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 211]

Baring
Blatnik
Bonner
Bow
Cahill
Colmer
Cramer
Diggs
Evins, Tenn.
Fallon
Ford,
  William D.
Friedel
Fulton, Tenn.
Fuqua
Garmatz
Halleck
Jones, Mo.
Karth
Keogh
Lindsay
McEwen
McVicker
Morton
Powell
Ryan
Springer
Toll
Tupper
Ullman
Watson

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having assumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8856) to amend section 271 of the Atomic Energy Act of 1954, as amended, and finding itself without a quorum, he had directed the roll to be called, when 402 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Pennsylvania may proceed.

Mr. SAYLOR. Mr. Chairman and Members of the Committee, as I stated, this is not a simple little bill. This bill is not one just involving a little town in California that has a dispute with a power company or where a few power poles and lines shall be erected. This bill determines whether or not this Congress wants to do two things. First, to interfere with the judicial processes and the courts of this country. Second, to give to the Atomic Energy Commission power it never had.

The chairman of the committee, the chairman of the Joint Committee on Atomic Energy told you, and the report is complete, that the U.S. court of appeals has determined that the Atomic Energy Commission never had and Congress never gave them the power they thought they had.

The town of Woodside, Calif., got into a dispute with a public utility as to where the public utility high voltage lines carrying power to a facility of the Atomic Energy Commission should be placed and how they should be placed.

The town of Woodside said they had the right to determine this matter and refused to grant the public utility the necessary rights-of-way. The public utility then went to the Atomic Energy Commission and said in effect that the AEC was being challenged. The AEC wrote the town mayor that they hoped the Government would not have to acquire portions of the right-of-way for the public utility.

The Atomic Energy Commission then instituted condemnation proceedings and the Federal Court dismissed the town's answers.

The town appealed to the U.S. Court of Appeals and on May 20, 1965, the court reversed the lower court's decision holding that section 271 of the Atomic Energy Act did not give the AEC the right of eminent domain to erect and maintain powerlines. On May 25, 1965, this bill was introduced to give to the AEC the power that the Federal courts determined they never had. If you pass this bill you are in effect saying that if you are the winner in a court case against the Federal Government, all you can expect is to have Congress pass a bill denying you the right to your verdict even before you have a chance to enjoy it.

The decision of the U.S. Court of Appeals stated the Atomic Energy Commission never had any right to construct powerlines where they desired, if it did not meet the local requirements. Congress, when it amended the AEC Act in 1954 specified that in the generation, sale or transmission of electric power produced through the use of nuclear facilities licensed by the AEC, the local authorities on Federal, State, and local levels would retain their usual jurisdiction they have historically had over the generation, transmission, and sale of electric power.

The local and State or the proper governing bodies were allowed to say where and how electric generation and transmission facilities would come into their communities.

If this bill passes, notice what it will do. It will give to the Atomic Energy Commission the right to go into any town, any community anywhere in the United States and to tell the local people that they have no right in their local area to make any regulation with respect to the generation, sale, or transmission of electric power which would in any way regulate, control or restrict the activities of the AEC in the generation of electricity through the use of nuclear facilities licensed by the Commission.

They talk about money. That is a side issue.

They talk about delay. If the public utility would have gone ahead and put their high-voltage lines underground it would be completed now. Their own record shows that proceedings were started in January 1963. That was 30 months ago. It has been said it will take 24 months to put these lines underground. If the public utility had gone ahead at that time, the lines would be underground and the power would be on the lines today.

I urge you to do what was done when this bill was brought up under suspension of the rules. Vote it down. If the Joint Committee on Atomic Energy does not like it, let the Joint Committee on Atomic Energy urge the Justice Department to appeal the case to the U.S. Supreme Court.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I have never heard a case so misstated as was done by the gentleman who just left the well of the House. Of course, I know he did it because of lack of knowledge on the subject, and he would not do it willingly if he had read the court's opinion and knew what the court said. I read from the court decision:

> The general sovereign immunity of the Federal Government, its agencies and instrumentalities, from State or local control of its governmental functions, is established under the supremacy clause of article VI of the Constitution. (*Mayo* v. *United States*, 319 U.S. 441.) It follows that the activities of AEC in connection with the construction and operation of the transmission line in question, are wholly immune from local control, unless it can be established that Congress has directed that AEC subject itself thereto.

Discussing the Atomic Energy Act of 1954 the court goes on to say:

> The act provides that the Federal Government, through AEC, is to exercise exclusive control over the development and use of atomic energy and special nuclear material for all purposes. Sections 1 and 2 of the act, 42 U.S.C. 2011–2013. To effectuate this purpose, Congress conferred upon AEC authority to, among other things, license the use of nuclear energy for industrial or commercial purposes (secs. 101–103 of the act, 42 U.S.C. 2131–2133) and further, Congress not only authorized AEC to promote and conduct research in the nuclear field, but directed that AEC do so. Sections 31–33 of the act, 42 U.S.C. 2051–2053.
>
> For the purpose of enabling AEC to fulfill these duties and perform these functions, the act gives that agency specific authority to acquire such material, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities, as it may deem necessary. AEC is also expressly authorized to acquire, purchase, lease, and hold real and personal property, as agent to and on behalf of the United States. Section 161 of the act, as amended, 42 U.S.C. 2201 (e) and (g).
>
> Without doubt the sovereign immunity derived from the supremacy clause, coupled with these statutory provisions, authorize AEC to construct and operate an overhead transmission line in disregard of local authority or regulations, absent some statutory provision limiting AEC's authority in this regard. It is equally clear that neither the act, nor any other Federal statutes called to our attention, contains an express limitation of this kind.
>
> The question remains whether sections 271 or 274(k) of the act, relied upon by appellants, constitute, by necessary implication, such a limitation.

I was on the committee when the 1954 act was passed under the sponsorship of Congressman Sterling Cole, of New York, in this body and Senator HICKENLOOPER in the other body. Senator HICKENLOOPER has a statement in the committee hearing record on page 51 saying it was not the intent of the Congress to take away from the AEC the right which every Federal agency has.

I read further from the letter from the Justice Department, dated June 16, 1965, on page 172 of the Joint Committee hearings. Speaking about the language of our bill the Justice Department says:

> This language would in no respect give the Commission an exemption from State or local regulation greater than that enjoyed by other Federal agencies. The court of appeals itself recognized at page 8 of the slipsheet opinion that local regulation was applicable only by implication solely by virtue of the special statutory provision and that no such limitation on the Commission's power is to be found elsewhere. The amendment to section 271 will serve merely to apply existing Federal—

The gentleman read the word "Federal" but did not pay much attention to it. The Department of Justice letter goes on to say:

> The amendment to section 271 will serve merely to apply existing Federal, State, and local public utility regulations to the licensees of the Commission so as not to give them an advantage over other public utilities, thus preserving the historical powers over public utilities.

Our report on page 6 says:

> The bill recommended by the committee would clarify the language of section 271 so as to correct any such erroneous conclusion that Congress intended that AEC's activities, as authorized by Congress, be limited by the authority or regulations of local authorities with respect to the generation, sale, or transmission of electric power.

And now consider this additional sentence in the committee report:

> It would acordingly reaffirm the intent of Congress that AEC possess the same sovereign immunity, under the supremacy clause of article VI of the Constitution, that other Federal agencies possess.

That is the major purpose of the bill.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, I have listened with great interest to the argument just presented by my distinguished colleague from Pennsylvania [Mr. SAYLOR], wherein he said that if this bill is adopted, it is going to enable the Atomic Energy Commission literally to go into any village, town, or hamlet in the United States and tell them what they can or cannot do.

Ladies and gentleman, I think those of you who know me at all and know the positions I have taken on issues that come before this House know that I would not be here in the well this afternoon urging your support of this legislation if I felt that that were the issue before us; that is, that by the adoption of this bill we were going to pit the colossus of the Federal Government against every little town in the country. Believe me, that is not the issue. If it were, as I say, my position would be very much in opposition of what it is today. The question here is very simple, I think. It is a narrow question, that is, what was the intent of Congress in 1954 when it passed the Atomic Energy Act and included this section 271.

You heard just a few minutes ago from the chairman of the committee, the gentleman from California [Mr. HOLIFIELD], the assurance from one of the cosponsors of the legislation, and have the assurance of the senior Senator from Iowa, Senator HICKENLOOPER, when he said in his testimony or in his statement to our committee:

> It is clear to me that this language does not confer any authority on any "Federal, State, or local agency." It was intended neither to add to nor detract from any existing power which such a body had.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes. I will yield to the gentleman.

Mr. HOLIFIELD. The excerpt that the gentleman from Illinois read was from the testimony on page 52 of the hearings by the gentleman from Iowa, Senator HICKENLOOPER, who was at that time the chairman of the Joint Committee in the 83d Congress and who handled the bill on the floor. As to the intent of Congress at that time, if the chairman's statement cannot be considered as intent, I do not know what can be.

Mr. ANDERSON of Illinois. I think that the gentleman's contribution to the debate is useful and significant, for this further and additional reason. I go back now to one of the statements made by the gentleman from Pennsylvania [Mr. SAYLOR] where he said this represents an arrogant and unwarranted interference on the part of the Congress with the judicial process. We are trying to step in and tell the Federal courts of this country what they can or cannot do. Again, nothing could be farther from the fact. We are simply, according to the statement that was just read, made by the chairman, by this act, trying to clarify the intent of Congress. Who, or what body, would be in a better position to do that than this very Congress which adopted the initial legislation, to say now and forevermore, and hopefully, this was the intent of Congress at the time this act was passed.

The letter from the Department of Justice, for what that may be worth—and I think it is valuable—gives us some valuable insight into this problem and further authority for the fact that there is nothing improper about what we are trying to do here today. We are not trying to step on the Federal courts or to change the judicial process by asserting in this bill today that it was not our intent in passing this section in 1954 to literally do away with part of the Constitution, because that is what you have to do if you adopt the Court's decision. You have to say that article VI of the U.S. Constitution, the supremacy clause, means nothing with respect to the AEC.

Here is an agency which carries out among its program missions some of the most important defense activities of the Government. Some of the activities and installations of the AEC are connected and concerned with manufacturing the weapons that constitute part of our nuclear deterrent. Are we going to say that these activities by the Atomic Energy Commission are to be subordinated to any local ordinance or any local regulation that may be passed after the fact, as was the case in Woodside, Calif.? I cannot believe that this Congress should be taking a step of this kind by turning down this bill today and assume that kind of responsibility.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. HOLIFIELD. The Atomic Energy Commission has used this power throughout its life. It has put in high-voltage transmission lines. It has never been challenged before until this time on this particular subject.

Mr. ANDERSON of Illinois. The gentleman is correct. What we are asking today for the Atomic Energy Commission is simply what every other Federal agency now has with respect to the power that it has under the Constitution; authority to condemn for a public purpose.

Mr. Chairman, I urge the support of the legislation.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield.

Mr. ASHBROOK. I appreciate the gentleman's statement which goes a long way toward clarifying the situation in my mind and I think in the minds of many of us who are not quite as technically familiar with the detail as some of those who have spoken. But I have one question which I hope the gentleman can answer succinctly. Will this bill in any way give additional power to the Atomic Energy Commission which it does not now have?

Mr. ANDERSON of Illinois. No, absolutely not. It would merely confirm the power it should have and does have I think, already, under the Constitution and under the law.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, it is my purpose during the time allotted me to devote myself primarily to the question of separation of powers which is involved and also to the question of constitutionality. I am not going to discuss the beautification issue or the technical aspects of this underground powerline.

The previous speaker, the gentleman from Illinois [Mr. ANDERSON] and also the gentleman from California [Mr. HOLIFIELD], seem to have pinpointed their argument on the thesis that we are here today to reaffirm the congressional intent of Congress in 1954. The gentleman from California has so stated. To paraphrase his statement he said:

> This is not the making of a new law—we are only reaffirming what a previous Congress meant.

Mr. Chairman, the 83d Congress adjourned sine die December 2, 1954. The House of Representatives is not a continuing body. On December 2, 1954, the record of the 83d Congress was written and it was final and it was not subject to second-guesses or afterthoughts.

Apropos right now is this quotation from the Rubaiyat:

> The Moving Finger writes; and, having writ,
> Moves on: nor all your Piety nor Wit
> Shall lure it back to cancel half a Line,
> Nor all your Tears wash out a Word of it.

We can write new law here today, and if this bill is passed, it will have a public law number and it will become a part of the statutes. It will be law. That is what we are doing. If this law were to apply to Woodside we would be writing ex post facto law. But we are not establishing congressional intent in 1954.

Mr. Chairman, congressional intent can only be established by a court and the only factors that a court can consider are the printed hearings, the report, the debate and the official documents pertaining to the passage of that bill.

Mr. Chairman, the courts have spoken in this case. They have upheld the Woodside ordinance as being consistent with the intent of Congress.

The United States Court of Appeals for the 9th Circuit has so stated.

We cannot determine in 1965 what was intended in 1954.

Mr. Chairman, a letter from the Senator from Iowa cannot determine the intent in 1954. The feelings of the gentleman from California are not pertinent at this time, because the court is the only agency which has a right to determine congressional intent. Once a Congress has adjourned sine die, only the courts can speak.

Now, Mr. Chairman, it is up to us here today to ask ourselves if we are willing to write new law and assume the judicial power unto the legislative branch. If we legislate—and that is what we are doing—to undo a local ordinance which has been upheld by the courts, we legislate on an ex post facto basis.

Now, ladies and gentlemen, let us consider for just a moment this question of what the legislative intent was in 1954. I am willing to talk about it.

Let us read from the committee report:

> Because of these unique provisions in the act pertaining to AEC's licensing and regulation of persons operating reactors which could be used to produce electricity, there was some feeling of uneasiness among the drafters of the legislation over the effect of the new law upon other agencies—Federal, State, and local—having jurisdiction over the generation, sale, and transmission of electric power. It was recognized by the drafters that the authority of these other agencies with respect to the generation, sale, and transmission of electric power produced through the use of nuclear facilities was not affected by this new law; and that AEC's regulatory control was limited to considerations involving the common defense and security and the protection of the health and safety of the public with respect to the special hazards associated with the operation of nuclear facilities.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOSMER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GUBSER. Mr. Chairman, I continue quoting from the report:

> Nevertheless, section 271 was added to make its explicit that licensees of the AEC who produced power through the use of nuclear facilities would otherwise remain subject to the authority of all appropriate Federal, State, and local authorities with respect to the generation, sale, or transmission of electric power.

Note the word "appropriate."

Mr. Chairman, I raise this question: Is the county of San Mateo, is the city of Woodside, an appropriate agency to grant a land-use permit in accordance with the laws of the State of California?

Mr. HOSMER. Mr. Chairman, will the gentleman yield for an answer to that question?

Mr. GUBSER. I shall yield to the gentleman in just a moment.

If it is not an appropriate agency then why did the AEC execute a contract with the Pacific Gas & Electric Co. which was subject to the ability of Pacific Gas & Electric Co. to secure a land use permit?

The very existence of that contract to which the AEC was a party presumes the right of the city of Woodside to regulate the conditions under which the powerline could be built. And it naturally follows that if Woodside had the power to grant the land use permit it also has the power to deny it. The courts have upheld that right and if it is to be questioned further it should properly be carried to the U.S. Supreme Court on appeal.

Why are we asked to come here and legislate on a purely ex post facto basis? We are attempting today to undo something legislatively which was a right in accordance with the law passed in 1954, and which the courts of this Nation have said was a right.

Let us look at the bill for a moment. I am concerned with the word "any" on the first page. Let me read part of it:

> *Provided*, That this section shall not be deemed to confer upon any Federal, State, or local agency any authority to regulate, control, or restrict any activities of the Commission.

That apparently means that local zoning ordinances are not worth a hoot. Does it mean, for instance, that the Atomic Energy Commission can dump raw sewage into a creek running alongside Woodside, in violation of the California pollution laws? I do not know. I am asking.

Mr. HOSMER. Mr. Chairman, will the gentleman yield for an answer?

Mr. GUBSER. I yield to the gentleman from California.

Mr. HOSMER. Of course it does not mean that. The only thing that the amendment of 271 is talking about is the transmission of electric power; 271 was put in to make sure that the local authorities could regulate the sale of electricity that was generated in nuclear power reactors. It had nothing to do with the AEC or this question of AEC buying electricity. The court said it has, so we are here to straighten this out, and give them that power.

Mr. GUBSER. I thank the gentleman. That is a clear-cut answer to my question, and it is satisfactory. But I point out that it establishes legislative intent prospectively, and does not assume the right to determine legislative intent retroactively. Either way one looks at this bill it follows a wrong course of action.

If we attempt to legislate the intent of a 1954 Congress in the year 1965 we are assuming a judicial prerogative in this legislative body.

On the other hand, if we pass a bill which retroactively undoes what the courts have upheld we are passing ex post facto law in defense of the spirit and perhaps the letter of the U.S. Constitution.

Mr. HOLIFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Chairman, I take the time of this Committee because a dozen communities within my district are presently threatened by the Federal Power Commission and the Consolidated Edison Co. of New York, which would run powerlines through residential communities, through a State park, where the State park commission passed a resolution against overhead powerlines and through several communities which passed specific ordinances requiring powerlines to go underground.

One gentleman who spoke previously said this is not a question of the power of villages and towns to defend themselves against the great colossus, the Federal Government, but what he said is not true. Nothing presents this issue more dramatically than when one of your communities is planning its residential growth, and along comes the AEC or FPC saying, "We want to put a huge powerline, towers and right-of-way through your community in violation of all your zoning ordinances, in violation of all your zoning, and in violation of your expressed intent."

Mr. Chairman, the amendment to the Atomic Energy Act of 1954 before the House today is a classic example of the confrontation that is taking place with depressing frequency between the people and various special interest Government agencies, like the AEC and the FPC.

On the one hand are the citizens of Woodside, Calif., attempting to protect and defend their property. On the other hand, the technicians and accountants of the Atomic Energy Commission all fighting for mils of power production.

I urge my colleagues to consider that passage of this legislation would be more than merely a simple injustice to the residents of a small community in California. It would also be a threat to every other town and village in the Nation.

The issue here is simple. The AEC wants to string high-tension wires over the beautiful residential community of Woodside. The citizens of Woodside want to protect their homes and property from this destruction. The courts have ruled for Woodside.

Now the AEC wants to change the rules, so that the AEC can win.

I want to remind my colleagues that this is a matter now being adjudicated by the courts. It would be an unwarranted intrusion indeed for the Congress to act.

We must defeat this amendment today and serve notice on the special interest agencies of the Federal and State Governments that the Congress of the United States will no longer countenance wanton destruction of private property.

It has been said, with considerable truth, I am afraid, that the greatest threat to natural beauty in the United States today comes from unrestrained activity by Federal agencies.

This is very unfortunate and I hope that the program enunciated by President Johnson in his message on natural beauty will eventually filter down to the technicians in these agencies. But more unfortunate still is the helplessness of the average citizen like you and me in the face of a federally supported onslaught on his private property.

What good does it do the citizens of Woodside, Calif., or Westchester, N.Y., or any other community to plan and zone and beautify their residential communities when a Federal agency can come in and upset it all by condemnation?

The power we have given the FPC and the power that this amendment now seeks to give the AEC is an awesome one. It permits these special interest agencies to condemn not only private property, but property which has been set aside for the people as parks and even lawfully enacted zoning and planning regulations. In Putnam County, N.Y., which is in my district, the FPC is preparing now to approve a powerline route that cuts right through the heart of a public park belonging to the State of New York. It is preparing to authorize this route in spite of the opposition of the State council of parks as expressed in a unanimous resolution. It has seriously considered a route that would destroy a badly needed school site. Under the Federal Power Act, the State is powerless to stop them. It has happened in Westchester and Woodside. It can happen in any community represented here today.

Is this the power my distinguished colleagues wish to extend now to the AEC?

The AEC says that the citizens of Woodside had an opportunity to express themselves in public hearings on the subject. So they did and they expressed themselves clearly as opposed. We in Westchester and Putnam Counties have also had a chance to express our feelings about an FPC project in our area. We know exactly how that works and it is time that Congress took affirmative steps to correct the inequities. What justice can an individual expect when he is pleading his case before a Federal commission which is, by virtue of its very charter, an interested party to the case?

The AEC says that to put the lines underground would be too expensive. A lot of people have said this, but there has been no real effort to find out how underground installations can be made economical and effective. The figures that the AEC quotes come not from disinterested research but from the same power companies that do not want to be forced to put their lines underground. How good are the figures? Commissioner Charles R. Ross, of the FPC, who knows these companies well, commented in his dissent from the majority in the Con Edison-Storm King case this year:

> As the examiner has pointed out, staff had serious reservations about the reliability of company estimates. I do too. Too often, when a utility doesn't wish to do something, it becomes prohibitively expensive.

Here today we have seen an example of the unreliability of figures being given us. My distinguished colleague, the gentleman from California [Mr. HOLIFIELD], said that these underground lines cost $1 million per mile. The gentleman from Massachusetts, who spoke for the other side, said they cost a half million dollars a mile. We have just saved a half million dollars a mile. That is pretty good.

Let me say that the same thing happened in the Con Ed case before the FPC. Consolidated Edison said it would cost 20 times the price to put the lines underground, but by the time they finished their testimony it was down to eight times. We are told that actually the price for which these lines can be put underground is minimal indeed—perhaps two or three times the price to put the lines overhead. And that does not take into consideration the maintenance of overhead lines, the loss of value to communities, and many other price factors about which not a word has been said so far as the local communities are concerned.

Proponents of this measure have quoted figures from the panel on underground transmission of the White House Conference on Natural Beauty.

This is a fine, impartial jury, indeed.

There was the chairman of the board of Detroit Edison, a vice president of Commonwealth Edison, an executive vice president of Westinghouse, the president of a public power association, a State power commissioner, a general manager of a municipal power department, and the Chairman of the Federal Power Commission. In short, seven of the eight authorities that participated in the panel had a vested interest in not being forced to go underground. I hope that no American is ever faced with such a judge and such a jury.

Now let us look at the record. Ten years ago these same power interests were opposing efforts to make them put distribution lines underground. They pointed out that it was then 10 times more expensive to put these lines underground than to string them on poles through the cities and towns and villages of America. Fortunately, however, they could not seek refuge under the wing of the Federal Power Act, and they had to follow local ordinances. Today, they proudly report that the cost ratio is only 1½ to 1. Good, but they never would have found this out unless they had been forced to.

The whole question of economics has never been adequately explored. The AEC complains about the cost of going underground. What about the cost to local residents of going above the ground?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. OTTINGER. Mr. Chairman, experts estimate that 300 acres of residential property is damaged and devalued by every mile of overhead powerlines. How much does this cost the citizens of Woodside in depreciated values, in lost tax revenue?

The committee expressed surprise that nobody in Woodside had offered to come forward and pay for going underground. This is reminiscent of the statement made by Governor Rockefeller when a group of citizens were trying to save Storm King Mountain from Con Edison.

"If they care so much, why don't they go and buy the mountain," the Governor asked.

These two suggestions rank among the most outrageous I have ever heard made by public officials. Let them eat cake, indeed. Now, we do not want to lose our heads over this, but how many times do the citizens of Woodside have to buy the land before it is safe.

There is another equally important reason to oppose this measure. The AEC and the FPC have been talking for some time now about putting lines underground, but they have done nothing about it. The FPC, in a recent decision on a Consolidated Edison license which involved many miles of overhead high tension powerlines through my district, predicted that within just a few years it would be requiring all lines to be placed underground.

It is time to make a start. Every powerline placed overhead today anticipates a further cost of placing it underground tomorrow. By roundly defeating this bill, we can demonstrate dramatically how seriously Congress views the importance of placing lines underground now. The FPC, AEC and other Federal agencies should take notice.

I urge my colleagues to defeat this objectionable bill and to stand up in defense of the right of the private citizen and his local governments to determine the use to which their lands will be put. I urge them, too, to put the FPC and AEC on firm notice that we expect action now on putting powerlines underground.

It can happen here. It happened in Woodside, Calif.; it happened in Westchester County, N.Y.; it happened in Huntington, Long Island; it can happen in any district in the Nation.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. Yes. I yield to the gentleman.

Mr. BURTON of California. I should like to commend the distinguished gentleman from New York not only for his well documented statement today but for his past efforts in enabling the House to reach mature judgments on the problems confronting us. I would like to associate myself with the gentleman's remarks and add a footnote of my own that this particular community, although adversely affected by this proposed legislation, is only one willful application of a national problem that we must come to grips with. This provides the House, in my judgment, with the most timely method by which we can inform all national agencies that we are determined to prevent national agencies and their actions from contributing to the destruction of the scenic life of this land of ours.

Mr. HOSMER. Mr. Chairman, I yield 11 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, our colleague from California made a statement that some of the items mentioned were a complete misrepresentation. I want to call his attention to something that is completely misrepresented. For one thing, he knows that these poles are merely a red herring he has been dragging over this floor on every occasion and in every hearing. The city of Woodside has already passed a resolution that these poles shall come down. He also knows that there has not been a pole erected in Woodside since they passed the resolution. You have the statement of the mayor on that in your hearings, and you know that is true. The mayor told you that they had permitted some poles before they passed the resolution, but there has not been, outside of those that were permitted prior to the resolution, one pole erected in Woodside, and there will not be.

Now, the gentleman asked about a matter of limitations. They do not want the Atomic Energy Commission to be limited. Now, that is apparent. It is very apparent from the amendment they want adopted because this removes any kind of a limitation. I do not care how you read it. You can cut it any way you want to. If they only meant that this applied, as the other gentleman from California mentioned, to the question of generation, sale, and transmission of power, they would have said so, but they did not say that. They said, "restrict any activity." Now, tell me any agency of the Federal Government that has a clause in their act that is comparable to this act that you want this Congress to pass. That has not been mentioned. They say, "Oh, give the power that the AEC wants and which every other agency has." I am asking you to give us an example of another agency that has the same wording you are asking Congress to pass at this time. Of course, you do not want it limited. The Atomic Energy Commission wants complete control over the State and community to go in and do anything whatsoever it wishes. Any activity. Yesterday I mentioned that.

They have a problem from their Hanford plant for all along the Columbia River on account of the incidence of cancer and leukemia which is increasing along the Columbia River as a result of the radioisotopes from the Hanford plant. And they are going to have trouble with that. Of course, they want to remove the State from having anything to say about it. They want to go into a State and violate the health ordinances, the safety ordinances, or any other kind of ordinances and they do not want merely the power to put in poles for transmission of power; if they wanted that they would have said so. But they say "any activity" that they want.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield.

Mr. DON H. CLAUSEN. If this amendment passes will the local unit of government be prohibited from having jurisdiction and control over the final outcome of this particular problem?

Mr. YOUNGER. I do not think there is any question about it in the future. I doubt that this would apply to Woodside. The attorney that beat AEC in the court is of the opinion that they cannot go back in court and take the present congressional action. They will have to go in under the old act. So I am not saying that this is going to cover Woodside. I am talking about the districts that you gentlemen represent; and the district that you save by your "no" vote today may be your own district within the next month or 2 months.

Now as to the cost. This has been read into the RECORD a number of times. Here is a letter from the vice president and general operating manager of the Pacific Gas & Electric Co.:

> With respect to the Jefferson-SLAC route, Pacific Gas & Electric estimates the cost of a single circuit, 180-megawatt, combination overhead (1.71 miles), underground (4.75 miles) line from Jefferson substation to be $2,217,000 and the cost of a single cir-

cuit, 300-megawatt line, along the same route to be $2,762,000.

That is the word from the Pacific Gas & Electric Co. There is the question, when is this needed? Why all the urgency? In the testimony before the committee on page 11 this statement was made by Mr. Panofsky, who is the manager of the installation:

> To summarize, postponement of the 220-kilovolt service to a date later than March 1966, would progressively impair the research effectiveness of the SLAC laboratory by forcing operation at lower energy and lower data rate and by making it impossible for us to serve multiple users. By fiscal year 1968 the harm would be exceedingly serious.

This matter does not become serious until 1968 by their own statement. So why all of the hurry?

The question was also raised about this installation's doing military work. You know, there is a very interesting case that was before the National Labor Relations Board in regard to the International Brotherhood of Electrical Workers. They were trying to get control, and they had a hearing before the NLRB. Here are the findings and here is what the NLRB said:

> All employees are employees of Stanford, and the director and deputy director report directly to the president of the university. The president, in turn, is responsible to a self-perpetuating board of trustees who exert ultimate control over SLAC as well as other aspects of the university.

Then they make a statement in regard to the use, which is very significant—and I would like to have you listen to this:

> The research being conducted at SLAC is not being performed for the Government; it has exerted no impact on national defense, nor is it expected to do so. The center is considered a part of the campus and access thereto is apparently unrestricted.
>
> The work is not classified and the results are available to all interested parties; Soviet-bloc visitors are and have been permitted free access to the facility. * * * No research is conducted for commercial firms and no firm has shown interest in any of the work at SLAC. In fact, no commercially utilizable research is envisioned.

Now, Mr. Chairman, that is from a hearing by the National Labor Relations Board which went into this matter very carefully.

So, Mr. Chairman, when they come up with all this argument of how important this situation is and how apparently we must hurry to get this overhead line in, I refer you to our own NLRB which conducted the complete investigation of the activities of this particular installation at Stanford.

Mr. Chairman, there is one other point that I would like to make, and this is a resolution passed by the Democratic Committee of San Mateo County:

> *Resolved*, That the San Mateo County Council of Democratic Clubs goes on record supporting the township of Woodside in its fight to prevent the Atomic Energy Commission from flouting local laws and the legislative desires of the people to maintain the natural beauty of their area by obtaining a special act of Congress to permit them (AEC) to put up overhead powerlines through Woodside to the Stanford linear accelerator.

This is signed by Claire W. Penn, corresponding secretary of the San Mateo County Council of Democrats.

Mr. Chairman, I have one other matter here that has not been in the RECORD but which I think is very important.

It is most surprising to me that here you have an agency, the AEC, which is supposed to have breakthroughs. They are supposed to spend money on research and be not afraid to do something because it might be difficult or someone says it cannot be done. That is the type of work that the AEC ought to be doing. But do the members of the Committee realize that over in England when they talk about putting in these powerlines, they put a heavy powerline in. I would like to read to you from a news article which I have on this matter.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOLIFIELD. I shall be glad to yield the gentleman some additional time.

Mr. YOUNGER. I shall get more time later on and I will read this into the RECORD at that time.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. ROGERS]

Mr. ROGERS of Texas. Mr. Chairman, I rise at this time to make some inquiries of the distinguished chairman of the committee, the gentleman from California [Mr. HOLIFIELD], who handled this bill, in order to get the matter in clear focus in my own mind.

Now, is it my understanding, I ask the gentleman from California, am I correct in my assumption that prior to the inclusion of section 271 in the Atomic Energy Act, the Atomic Energy Commission did have the power of eminent domain?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, not only prior to it but afterwards. This authority was only changed, in effect, by this circuit court interpretation.

Mr. ROGERS of Texas. But the matter had not been heretofore determined by the courts?

The circuit court held that because 271 was in the act the Atomic Energy Commission did not have the power of eminent domain because it had been taken away from them.

Mr. HOLIFIELD. That was in effect their decision. One of the previous courts had held otherwise.

Mr. ROGERS of Texas. What this bill is doing is giving back to the Atomic Energy Commission the power of eminent domain which the circuit court took away from them in that decision?

Mr. HOLIFIELD. Yes; and other Federal agencies have the same power.

Mr. ROGERS of Texas. I am talking about the Atomic Energy Commission. Let us keep it on one thing.

Mr. HOLIFIELD. Yes.

Mr. ROGERS of Texas. Why was 271 included in the Atomic Energy Act in the first instance?

Mr. HOLIFIELD. That has been explained, but I will state it in the words of Senator HICKENLOOPER.

Mr. ROGERS of Texas. I want it in your words. I have read Mr. HICKENLOOPER's words.

Mr. HOLIFIELD. It was put in to make it explicit that licensees of the AEC who produced power through the use of nuclear facilities would otherwise remain subject to the authority of all appropriate Federal, State, and local authorities with respect to the generation, sale, or transmission of electric power.

Mr. ROGERS of Texas. Yes.

Mr. HOLIFIELD. And that applies in this instance.

Mr. ROGERS of Texas. Let me ask one further question. The gentleman was there at the time. Was there any discussion when you were talking about 271 that they wanted to prevent the Atomic Energy Commission from building any kind of atomic energy equipment inside of the city limits of any municipal corporation, and therefore there was taken away from the Commission the power of eminent domain to do that?

Mr. HOLIFIELD. There was no such discussion.

Mr. ROGERS of Texas. If this bill passes, then the Atomic Energy Commission could put a reactor in the center of the city of Los Angeles.

Mr. HOLIFIELD. This bill has nothing to do with that.

Mr. ROGERS of Texas. I repeat, the Atomic Energy Commission could put a reactor in the center of Los Angeles if they wanted to do so.

Mr. HOLIFIELD. There are criteria for locating reactors, which a statutory body passes upon, an independent statutory authority known as the Advisory Committee on Reactor Safeguards. Section 271 has nothing to do with that.

Mr. ROGERS of Texas. The Atomic Energy Commission can veto your advisory committee and do anything it wants to under the power of eminent domain. I am not saying what it would do, I am talking about what powers it has.

Mr. HOLIFIELD. Whatever power the AEC has as a Federal agency it can exercise.

Mr. ROGERS of Texas. If this bill passes they would have that power to place a reactor anywhere they wanted to.

Mr. HOLIFIELD. Not unless they had it before.

Mr. ROGERS of Texas. I thought you said they did have it before.

Mr. HOLIFIELD. They had the power of eminent domain the same as the Department of the Interior, but it has to be exercised subject to congressional control.

Mr. ROGERS of Texas. What actually happened, as I read Senator HICKENLOOPER's remarks, he had one thing in mind, and other people might have had something else in mind, but the language was very loose, was it not?

Mr. HOLIFIELD. It has been so construed. We did not consider it to be loose.

Mr. ROGERS of Texas. The point is that the city of Woodside, or San Mateo, wanted to stop the AEC from putting the line through and these people invoked what they thought was the law supporting them.

Mr. HOLIFIELD. After the Congress authorized the accelerator the city passed a temporary ordinance in 1964 which prohibited the passing of a high-voltage line through their municipality.

Mr. ROGERS of Texas. They did that because they read the act, and they concluded they had the right to do it?

Mr. HOLIFIELD. I assume that is a logical conclusion.

Mr. ROGERS of Texas. The point is this—and I will make it brief—it appears to me what has been done in this case is that the Federal Government came in thinking it had certain rights, and found out it did not have those rights. Who is to blame for their not having those rights I do not know. But they got into a lawsuit, and the Federal Government, when it found out it was going to lose the lawsuit, came up here and said to the Congress: "We want you to change the rules in the middle of the stream."

Now if that is going to be the policy that is going to be pursued—and I am not talking about this particular case—I am talking about the general policy—if that is going to be the policy that is going to be pursued, there is not any use in ever getting into a suit with the Federal Government because if they lose the suit they will come up here and get the Congress to change the law before the man who won the victory can benefit by it.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman.

Mr. HOSMER. In this case it happened to be a nuisance suit that went wrong and the plaintiff was totally amazed as was the defense in this case. So now we are trying to get things straightened out right so that this Government agency will have the same power that any other Government agency has.

Mr. ROGERS of Texas. That is the gentleman's conclusion. The Federal court held that it was not a nuisance but a bona fide proceeding, well founded in law. Upholding the very conclusion I heretofore stated.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I should like to say to the Committee that the Joint Committee on Atomic Energy, composed of Members of the other body and of this body as well, and of which I am a member, have given long and careful consideration to this bill. We held two hearings on it and discussed it at several committee meetings.

Speaking as a ranking minority member of the Committee on the Judiciary of the House as well as a member of the Joint Committee on Atomic Energy, I believe H.R. 8856 is a sound piece of legislation which should be enacted without further delay.

Now there have been some questions raised and the able chairman of the Joint Committee, our colleague, the gentleman from California, referred to a letter from the Department of Justice of June 16, 1965, which in effect approved the procedure that we are taking in remedying the situation that needs to be remedied.

In addition to this letter of June 16, 1965, we have another letter from the Department of Justice dated July 16, 1965. Mr. Chairman, I should like to read that letter into the RECORD at this time. This letter is addressed to the chairman of the Joint Committee. It is as follows:

> DEPARTMENT OF JUSTICE,
> *Washington, D.C., July 16, 1965.*
>
> Hon. CHET HOLIFIELD,
> *Chairman, Joint Committee on Atomic Energy, Congress of the United States, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: This is in response to the request of counsel for your committee for our views as to the propriety of changing the language of section 271 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2018), despite the fact that its interpretation is presently before the courts. We have also been asked for an estimate of the time required to resolve this question in the courts, assuming further proceedings are to be taken by the Federal Government, in the absence of clarifying legislation.
>
> The proposed legislation now under consideration is intended to clarify the law in order to make clear the original intent of Congress in enacting section 271. We are informed that the Atomic Energy Commission is of the opinion that its program requires that the transmission facilities become available without further delay and that the Commission supports the early passage of this bill because of its impact on the national defense and security. In view of this, the enactment of the proposed legislation at an early date would not be improper despite the fact that further judicial review of the ninth circuit decision could yet be sought and would provide the only means of meeting the emergency situation.
>
> The time involved in seeking further judicial review of the court of appeals decision absent clarifying legislation can only be estimated. Though such petitions are normally denied, there is a possibility that the court of appeals might grant a petition for rehearing. The Government has until August 18, 1965, to file such a petition. A decision by the court of appeals as to whether to grant any such application might reasonably be expected within 10 days or so after the filing of a petition for rehearing. If such a petition were granted, additional time for briefing might be allowed and thereafter a date for oral argument would be set by the court of appeals. A ruling could reasonably be expected within about 30 days after the oral argument.
>
> If the court of appeals denies a petition for rehearing, or if it is granted and the decision is unchanged, further judicial review of the decision by the court of appeals could be had by the filing in the Supreme Court of a petition for a writ of certiorari. The time for filing such a petition would expire 90 days after final action by the court of appeals. The Supreme Court would probably not act on a petition for a writ of certiorari until sometime between December 1965 and February 1966, depending upon the time consumed by the foregoing processes. If certiorari were granted, considering the time required for briefing and argument, it is possible, under normal procedures, that the court would not dispose of the matter until June of 1966, or, under some circumstances, until the latter part of 1966. Thus, absent clarifying legislation, the delay in pursuing further judicial review would be substantial.
>
> Very truly yours,
> EDWIN L. WEISL, Jr.,
> *Assistant Attorney General.*

If I may in part repeat what the chairman of the committee said, I will also quote from the Department of Justice's letter of June 16, 1965:

> Upon a reconsideration of this matter following enactment, in our view the court would sustain the Government's position, for the holding seems clear that absent section 271 the court would not have found that the AEC was subject to the authority and regulation of local agencies.
>
> This language would in no respect give the Commission an exemption from State or local regulation greater than that enjoyed by other Federal agencies. The court of appeals itself recognized at page 8 of the slipsheet opinion that local regulation was applicable only by implication solely by virtue of the special statutory provision and that no such limitation on the Commission's power is to be found elsewhere. Licensees of the Commission are subject to the regulatory provisions of the Federal Power Act, pursuant to section 272 of the act (42 U.S.C. 2019). * * * The amendment to section 271 will serve merely to apply existing Federal, State, and local public utility regulations to the licensees of the Commission so as not to give them an advantage over other public utilities, thus preserving the historical powers over public utilities.
>
> Nothing in the amendment to section 271 will affect the relationship of the Commission to the States with respect to public safety regulations over matters such as radiation hazards, since this is specifically spelled out in section 274 of the act (42 U.S.C. 2031).

Finally, I wish to quote from the Joint Committee's report on H.R. 8856:

> The bill recommended by the committee would clarify the language of section 271 so as to correct any such erroneous conclusion that Congress intended that AEC's activities, as authorized by Congress, be limited by the authority or regulations of local authorities with respect to the generation, sale, or transmission of electric power. It would accordingly reaffirm the intent of Congress that AEC possess the same sovereign immunity, under the supremacy clause of article VI of the Constitution, that other Federal agencies possess. This is the major purpose of this bill.
>
> This bill has nothing to do with regulatory control over radiation hazards pertaining to nuclear facilities licensed by AEC; this is covered by other provisions of the Atomic Energy Act of 1954 which are left unimpaired by this bill. Moreover, consistent with the original intent of section 271, this bill would have no effect with regard to AEC's authority to dispose of energy.

Mr. Chairman, it has been clearly explained that there is a difference of opinion which grew out of section 271 as originally enacted. This is an attempt to make unmistakably clear what was the intent of the members of the committee, and Congress as a whole, at that time.

For all these reasons I urge, in the national interest, the prompt enactment of this legislation.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. ASPINALL].

Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman from California.

Mr. HOLIFIELD. I should like to answer the statement which the gentleman from California [Mr. YOUNGER] made, with the following language.

During the hearings before our committee on H.R. 8856, and elsewhere, there have been claims made by lawyers for the town of Woodside that there are various statutory and even constitutional objections to the AEC's proceeding to condemn land and to construct and maintain an overhead powerline to service the Stanford linear accelerator, apart from the court of appeals' interpretation of section 271 of the Atomic Energy Act.

I want to make it clear that our committee does not believe these arguments by the town's lawyers have any validity. Neither did the court of appeals which decided this case, nor the lower Federal court. Neither does the Justice Department nor the Atomic Energy Commission.

As stated in our committee's report:

> The bill (H.R. 8856) would make it clear that Congress did not intend to strip AEC of the power it would normally possess, under the Atomic Energy Act of 1954 and in accordance with the supremacy clause of article VI of the Constitution, to construct and operate an overhead transmission line to service this facility. Accordingly, the AEC could condemn the necessary easements for an overhead electric power transmission line for this purpose, and could construct and maintain such powerline, either with its own forces or through contractual arrangements, notwithstanding any State or local laws or regulations to the contrary, including those of the town of Woodside and the county of San Mateo at issue in the case before the court of appeals (p. 6).

Our report further states:

> The committee also unanimously favors this bill because it will allow the AEC to proceed expeditiously with its present plans to construct an overhead line to service (the Stanford linear accelerator) (p. 7).

And further:

> The amendment of this section (sec. 271) effected by this bill is intended as a clarification of the meaning of section 271 as originally enacted. Accordingly, it does not represent a change in this law applicable only to future judicial proceedings, but is intended to apply equally to any judicial proceedings currently in existence (p. 10).

Enactment of H.R. 8856 will demonstrate clearly that the intent of Congress conforms with these excerpts from our committee's report.

Mr. Chairman, I yield the gentleman from Colorado 3 additional minutes.

Mr. ASPINALL. Mr. Chairman and Members of the Committee, I wish to associate myself with the logical and reasonable explanation of what is involved in this amendment as just made by the gentleman from Ohio [Mr. McCulloch], one of the most able representatives of the legal profession who we have here in Congress. He has placed his finger on the problem involved in this legislation and he has done it so that every one of us can understand just why this legislation is here.

As so often happens in debates of this kind, extraneous material is always brought in in order to throw a scare into us. The gentleman from California, my very good friend [Mr. Younger], referred to a pamphlet which many of us have received recently known as the "Oregon Malignancy Pattern Psychologically Related to Hanford Washington Radioisotope Story." I received this pamphlet myself in the last few days and also received a letter from the National Association of Sanitarians. I was quite alarmed to receive a letter from Denver, Colo., accompanied by this pamphlet to which reference has been made. I would like to read a sentence from the letter so you know there is no scare to be thrown into this debate:

> The amount of radioactivity that enters rivers and groundwater from the various Atomic Energy Commission plants is well below the standards set by the Federal Radiation Council for potable water.

In other words, even the one who transmitted the letter, a Mr. Pohlit, of Denver, Colo., states there is no danger at the present time.

However, the pamphlet does raise some question, and I immediately got in touch with Dr. Roy Cleer, director of the Public Health Service of the State of Colorado, and asked him about the pamphlet and about those who are members of the National Association of Sanitarians. I asked him for an evaluation of this pamphlet. The request was made last night by phone. This morning I got the answer by phone. He tells me that he and his group have gone over this publication and he is acquainted with the gentleman who sent it to us. It is purely a statistical publication and has nothing at all to do with this scare bugaboo that has been thrown into this debate. I wish it to be known that the man who is responsible for this publication was formerly a representative of the service in a mental program. The author is undoubtedly a good statistician. The organization is supposed to be a reputable organization, but it is just not fair to the Members of Congress when we are given a pamphlet with what is contained in this and then have it thrown up to us that there is a lot of danger coming to the general public because of the operation of the Atomic Energy Commission plants, the reactors, etc. It just is not true. The AEC of the Government of the United States as well as the departments of health in the Federal Government and in the States are protecting our health. The matter contained in the publication referred to does not have any germaneness as far as this particular legislation is concerned.

Mr. HOSMER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, at this late hour in the debate I think it finally should be brought to the attention of the House just where it is that my colleague, the gentleman from California [Mr. Younger], and his associates want to bury this powerline at a cost of many millions of dollars to the U.S. Government. I asked that this picture remain in the Chamber because this is where he wants us to bury this line, across the street from this great, big existing power pole and all of those like it that go down this street for 4 or 5 miles.

I do not think anybody wants to cast his vote today for such a ridiculous proposition as that. The various people who have talked against this legislation have tried to lay heavy emphasis on the allegation that there is interference being had with court procedures, and that an attempt is being made to pass an ex post facto law. If those gentlemen had done any legal research they would have found that that question was settled back in 1792 in Hayburn's case, and it has been settled dozens and dozens and dozens of times; in ex parte McCardle in 1868; the Clinton Bridge case in 1871; and, getting up into this century in United States against Southern Underwriters Association in 1944, and a whole host of other cases. So that great prop which has been one of the big props under opposition to this bill has already been disposed of by the court over and over again.

And if you go along with the opposition, you would simply spend $5 million extra to bury a line across the street from a bunch of power poles in Woodside. How could we do anything crazier?

The gentleman from Pennsylvania [Mr. Saylor] brought up an allegation that the Government and the public utilities had lost against the town of Woodside, and now they are running to Congress. Do you know who lost this case first? It was the city of Woodside; when the public utility wanted to build this, the city of Woodside went to the California Public Utility Commission and sued the utility, saying, "Make them put the powerline underground."

Do you know what the California Public Utilities Commission told the city of Woodside? They told them this:

> We are not persuaded that any esthetic considerations involved should require the expenditure of an additional $3,888,000, which would be paid for by the customers of Pacific Gas & Electric.

That is what the extra cost would be to bury this line—for burial alone—not including all the other additional cost which I will mention later.

So then, when the city of Woodside lost at the State level, it came running back to Washington to ask for your taxpayers' money instead of California's ratepayers' money to bury this line.

I do not think any of you are really honestly going to let your taxpaying constituents be suckered into that kind of a proposition. This city that is involved here has about 4,300 people, and it already has almost 2,500 of these unsightly power poles. All that Uncle Sam wants to put in there is three power poles. These lines in Woodside today run past beautiful homes with more than one ugly power pole for every two of those affluent citizens. It is difficult to work up any sympathy for Woodside's fight to prevent these poles that are absolutely vitally necessary to get power to a $114 million installation.

The Atomic Energy Commission has put all that money in for the Government for a real purpose. It is up to us to back them up. These 3 poles that go into Woodside are hardly a rape of the landscape, particularly since this town has, despite Mr. Younger's contention, put up 26 more poles since it passed its resolution against overground lines. Compare that to the three the Government wants to put in. This line must be built if this costly and potentially the most productive in history scientific tool is to go into operation.

I am sorry that this fight that is being made against this AEC installation is being made by Californians, because California, along with 45 other States, is seeking the next big scientific tool, the 200-BEV machine. I wonder what the AEC thinks about putting machines in California when it looks around and sees a lot of California Representatives hostile to the one they have put in there already. That may have a lesson to somebody else.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOSMER. I yield myself 2 additional minutes.

The CHAIRMAN. The gentleman from California is recognized for 2 additional minutes.

Mr. HOSMER. Mr. Chairman, I want to say this, that the city of Woodside has said they would put up $150,000 for the purpose of burying this line. Do you know how much it is going to cost in all to bury it? It is going to cost $5 million just for burial. Incidentally, if you bury two of them, at $500,000 a mile, that is where you get the total cost of $5 million for this and it is necessary to bury two circuits. Then in order to do it, it is going to take 18 to 24 months of construction time and delay. During everyone of those months it is going to cost the U.S. Government and you taxpayers $1.5 million in demurrage on the $114 million accelerator that is not getting into operation.

So, Mr. Chairman, the total cost of the Quixote struggle here could run out to between $32 and $40 million, $6 to $8 million a mile, for going underground.

Again, Mr. Chairman, I say this is a deadly ridiculous proposition. If the city of Woodside wants to do something real esthetic, they can take their $150,000 and they can buy some of this underground distribution system cable and, you know, it will cost them only at most $30,000 a mile to bury it underground, this distribution cable, as contrasted to transmission cable. If they will just do that, they will get rid of, by my calculation, about 1,200 of their existing, ugly power poles which are scarring their landscape.

Mr. Chairman, if this city is really serious about esthetics, if it is really serious, it has a way to clean itself up and take 1,200 power poles out of there at the reasonable cost of $150,000. Compare that to this fuss about only three power pole structures. Three high voltage power pole structures which the Government has gone out and hired some of the best people in the United States to design esthetically in order to make them look pretty for Woodside. This alone has jumped the cost of this high powerline 50 percent in order to accommodate these people, and yet they are still screaming at us.

Now, my friends, I ask you to come to a reasoned and intelligent decision when you cast your vote.

It is totally impossible to justify laying out U.S. funds of this magnitude to help Woodside residents, who, with a median income of almost $10,000 a year, can well afford to help themselves—but who have not done so.

Moreover, it would be like removing a splinter from a finger when the patient is riddled with buckshot to do so considering Woodside's existing 2,500 power poles which do not seem to bother it.

Actually, the AEC already has gone far in trying to meet Woodside's objection to the powerlines. AEC is consenting to a 50-percent increase in the cost of its line to avoid using ugly power towers. Instead, the wires will ride on artistically designed tapering metal poles which are shorter than the usual filigreed towers for high-power transmission and far more graceful than either the towers or any of the 2,500 many-armed poles existing in Woodside.

The wires will be strung by helicopters to keep heavy machinery from cutting swaths along the slopes. Trees and shrubs along the wires will not be cleared. Shrubbery will be planted to help mask the bases of the poles.

All this will raise the cost to Federal taxpayers from $660,000 to over $1 million for the line.

The White House Conference on Natural Beauty found it was neither worth the cost nor was it technically advisable to bury high-voltage wires of the kind involved here because of the elaborate cooling and maintenance difficulties. Chairman Swidler of the Federal Power Commission, has written a letter to the chairman of the Joint Committee on Atomic Energy affirming this fact.

Despite all that has been done to work this problem out in a reasonable manner and despite the position of the White House Conference on Natural Beauty and the position of the Chairman of the Federal Power Commission, Woodside refuses to be satisfied. The poles have become the focus of the Woodside riding crop and jodhpurs set's frustrated opposition to encroachment of modern society.

Woodside seeks to play the role of a David challenging Goliath. Actually, it is playing the role of a kidnapping pirate demanding ransom—in this case between $32 and $40 million—for permitting essential power to be hooked into the $114 million Stanford linear accelerator. In doing so, it also recklessly would establish a precedent for undergrounding very high tension lines which, if followed, could involve the United States in the expenditure of billions and billions of dollars for underground cable wherever it carries on the necessary functions of Government in all the 50 States.

The issue before us also has other serious implications to the Nation, its nuclear progress, and its nuclear defense. The interpretation of section 271 of the Atomic Energy Act of 1954 made by the circuit court, if left uncorrected, would subject the activities of this agency to local laws and ordinances of any and all kinds no matter how capricious, no matter how great an impediment to the work and duties of the AEC.

There is no other department or agency of Government which is required to operate under a prohibitive handicap of this nature, nor should there be, nor should the AEC be so burdened.

The only issue before the Congress today is that of whether we shall restore to the Atomic Energy Commission its power to function normally and effectively in like manner to all other parts of the Government.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOSMER. Mr. Chairman, I yield myself 30 additional seconds.

The CHAIRMAN. The gentleman is recognized for the final time on his side, 30 seconds.

Mr. HOSMER. Mr. Chairman, I ask the Members to make a decision on which they can go home and hold up their heads proudly and say, "I did what was right for my country and I did what was right intellectually and what was sound. I put the AEC back on the same par of every other Government agency and department," because that is all, my friends, the passage of this bill will do. It will give the AEC the same power as any other Government agency.

On these grounds, I urge your intelligent and reasoned support for the necessary amendment of section 271 of the Atomic Energy Act.

Mr. HOLIFIELD. Mr. Chairman, in accordance with our agreement with the opposition, and they now having used 55 minutes, based upon our agreement to yield to them 60 minutes I now yield 5 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, I thank the gentleman from California.

The statement which the gentleman from California, chairman of the committee, read a while ago, is a very fine, self-serving declaration by their attorneys, but bear in mind their attorneys issued the same kind of a statement before they went to court. They were very positive they had this right, but the circuit court under a unanimous decision said they did not. So the statement they issue now, I think, carries no more weight than it did before the circuit court set it aside.

Talking about money, the AEC still has $10 million of their unexpended contingency fund. Originally they had $24 million, now they still have $10 million. So that on the question of money they would not have to get an additional appropriation or anything of that kind.

I want to tell you now something about this underground line I just learned about, and I would like to read a statement from the Monday, May 3, 1965, issue of the Financial Times of London:

> The following excerpts are extracted from several news articles which appeared in the New York edition of the Financial Times of London, on Monday, May 3, 1965, and make reference to the Perelli General Co., a 50-year-old international company, started in Italy:
>
> "Perelli General supplied the first 301-kv. oil-filled cables to Canada for the Kitimat project of Alcan and also supplied the first 330-kv. oil-filled cables for the Snowy Mountains hydroelectric scheme in Australia. At the present moment, supertension cable contracts are in the course of completion in South Africa, India, and New Zealand. Perelli General is the first British company to complete all type tests for 400-kv. cable and is, therefore, ready to take export orders for this voltage as soon as a demand shows itself."

The following comments under the heading: "400-Kilovolt Cable From New £3m. Extension" were made by S. G. Crooks, director and manager of the production division of the Perelli General Co.:

"The record of reliable performance in service of well over 2,000 route miles of cable and associated accessories which were installed by 1960 is almost unprecedented in high voltage electrical apparatus, and the almost complete absence of electrical failures is a remarkable tribute to the oil-filled cable principle.

"Included in the testing equipment is a 525-kv. a.c. transformer set having a sufficient capacity to test the longest length and highest voltage cable likely to be produced in the foreseeable future. In view of the rapidity with which development can occur, the transformer has been so designed that it can be easily modified to give 750-kv. a.c. current if required."

Here we have a great agency with an appropriation of over $2 billion, a scientific agency that is supposed to make great breakthroughs in science. They are not supposed to be afraid of anything that it is said cannot be done. Here, England has 2,000 miles of high-tension cable underground. Here the AEC gives one excuse after another to put in even 6 miles in order to satisfy a community that needs the help of the Government. As I say, it is not only this community, but it may be your community next. So when they talk about only 50 miles of underground cable in the United States, it seems to me that the AEC ought to blush with shame to think they would come before this Congress and ask not to put the high-tension line underground, when England has 2,000 miles.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman.

Mr. GUBSER. There is one point that has not been made in this debate and at this time I thank the gentleman for allowing me to make it. In a baseball game when an umpire is agreed upon by the two teams, they are not allowed to change the umpire in the middle of the game simply because they do not like the umpire's decision. My point is that the Atomic Energy Commission has chosen its forum for the resolution of this controversy; namely, the courts of the United States, the district and circuit courts. Is it proper and is it right that we by this bit of legislation should allow the Atomic Energy Commission to change umpires simply because they do not like a called third strike? Should they not be required to pursue the forum they have chosen and appeal this to the Supreme Court of the United States?

Mr. YOUNGER. I think that is right.

I would like to make just this one further comment. My friend, the gentleman from California, was talking about the $5 million and he said, "We get this because the cost per mile is $500,000." Well there are 6 miles of this and at $500,000 it would be $3 million and twice $3 million is $6 million.

Mr. HOSMER. I think that is a better figure—$6 million.

Mr. YOUNGER. Well, that is your figure but you do not even multiply correctly when you have the figures before you.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, I rise in support of H.R. 8856.

As I stated during the debates on this bill on July 12, I am convinced this measure is sound from a conservation standpoint. I would not support the bill if I thought otherwise.

Enactment of this bill would in no way result in "blight" of a community as has sometimes been charged. The Federal Government has acted responsibly in this case to further the cause of preserving the natural beauty of this area, consistent with the efficient conduct of the public business and prudent use of public funds.

During the debates on July 12, there were several questions raised about the validity of cost estimates for underground lines. There were suggestions that these estimates were not being supplied as the result of disinterested research, but rather by power companies who do not favor underground powerlines. The thought was also expressed that no real effort has been expended to find out how underground installations can be made economical and effective.

In view of these questions the Joint Committee asked for the views of the Chairman of the Federal Power Commission. Chairman Swidler's response, dated July 21, 1965, was printed in the daily CONGRESSIONAL RECORD on July 26, 1965, at page A4053. Among other things, Chairman Swidler's letter noted the tremendous difference in cost between underground and overhead lines, a 10-to-1 cost ratio being reasonably representative. He said there is no reliable basis for projecting how much time and effort will be required to reduce underground transmission costs substantially. He further noted that there are thousands of miles of overhead high voltage lines in operation today in areas of scenic interest and that many more thousands are in the planning stage.

In connection with the particular dispute over the powerline for the Stanford linear accelerator, I also wish to emphasize that an official agency of the State of California—the California Public Utilities Commission—has determined that an underground line would cost almost five times as much as the ornamental overhead line AEC has proposed. This determination was made after a 7-day hearing in which the interested parties, including the town of Woodside, were fully represented. The California Public Utilities Commission, after a thorough study, also concluded that the so-called aesthetic considerations relative to the Woodside area did not justify the added costs of going underground. If the State of California does not think this is warranted, why should the Federal Government bear this expense?

Finally, I wish to insert in the RECORD excerpts from materials furnished to the vice chairman of the Joint Committee by the National Association of Counties, by letter dated June 30, 1965, pertaining to British experience with high-voltage transmission lines. These materials indicate why two successive governments in Britain, one Conservative and one Labor, have permitted overhead lines across their country.

In summary, Mr. Chairman, I believe there is general recognition among informed quarters of the greatly increased cost of underground versus overhead lines, the lack of public acceptance of these increased costs, and the very significant amount of research which would be required to reduce the costs of placing transmission lines underground.

The excerpts follow:

EXCERPT FROM ATTACHMENT TO LETTER TO SENATOR PASTORE, JUNE 30, 1965, FROM NATIONAL ASSOCIATION OF COUNTIES

1. Article of June 12, 1965, from the Surveyor and Municipal Engineer—a British journal, entitled "Powerlines: Underground or Overhead?" by J. H. M. Sykes:

"Although the ratios of cost shown in America and Britain differ considerably, they are both high: Even to spend £6¾ million in place of each £1 million would require a degree of justification not yet advanced anywhere.

"I have discussed this problem in detail in many countries. Nowhere have I heard any arguments advanced to indicate that undergrounding of major power links could ever be carried out more cheaply than has been suggested above. It is hoped that these notes have indicated where the items of inescapable high cost lie, so that each reader can see for himself that they could never be appreciably reduced unless some sensational breakthrough appears—and in spite of intensive research in many countries, this is not even in sight."

2. From speech by Mr. Richard Crossman, Minister of Housing and Local Government, May 25, 1965:

"And yet two successive governments, one Conservative and one Labor, have decided to let the board string them [transmission lines] right across southern England. And the reason quite simply is that public opinion is not ready to pay the extra cost which would fall on the consumer; and who can doubt that the vast majority of consumers today would regard £1 million a mile for electric cables as a price too high to pay for preserving the countryside? Instead we do our best to mitigate the damage. I have arranged for the National Parks Commission to be consulted at an early stage in the planning of these lines and the CEGB have agreed to employ expert landscape architects and take immense pains to select routes that do the least damage."

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I was very much interested in the article read by the gentleman from California [Mr. YOUNGER]. I do not know the source of the article, but if there is any authenticity to the claims in that story, it is certainly something of which the industry in our country must be unaware. I am certain our industry holds leadership in the development of electrical energy, and transmission of it.

The latest information the Federal Power Commission has supplied to the Joint Committee on mileage of underground lines in this country is contained in a letter submitted to the committee by Mr. Joseph C. Swidler, Chairman of the Federal Power Commission, of July 21, 1965. It can be found on page A4053 of the July 26, 1965, daily CONGRESSIONAL RECORD.

The information we have officially is that there were about 25 miles of underground circuits at 220 kilovolts or higher in the United States at the end of 1964, and that, by the end of 1965, there may be another 25 miles.

I should like also to point out it is a little hard to believe the story that there are 2,000 miles of underground high-voltage or super-voltage lines, as the article read by the gentleman from California [Mr. YOUNGER] says, in existence in England, because our records show that there are about 1,500 miles of underground cables now in service in this country in the general range of 69 to 138 kilovolts.

The story just read to the House is, to me, fantastic. It would indicate a lack of progress on the part of our electrical energy industry in this country, if it has not followed the development in some other country.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from California.

Mr. HOLIFIELD. I would say, on my knowledge of the statistics, I would challenge the statement of the gentleman, if he said—and I listened very carefully, and I do not believe he quite said it—that there were lines of more than 300 kilovolts, and he related that to 2,000 miles of underground high-voltage lines. He did not say, as I recall, that there were 2,000 miles of lines of that voltage of 220 kilovolts or above. Did the gentleman make that statement?

Mr. YOUNGER. Yes, I did.

Mr. HOLIFIELD. I challenge the gentleman's statement.

Mr. YOUNGER. It is not my statement.

Mr. HOLIFIELD. I do not know what the gentleman reads from—fairy books or some other fantasy—but I challenge the gentleman's statement.

Mr. YOUNGER. Will the gentleman yield?

Mr. HOLIFIELD. I refuse to yield further.

Mr. YOUNGER. The gentleman does not yield because he does not want the facts.

Mr. HOLIFIELD. That kind of information is not fact—does not stand up in court, so far as I am concerned.

Mr. PRICE. Mr. Chairman, for the very reason that I do want the facts in the RECORD, I read the material I have just submitted to the House. This is from the official source, the Federal Power Commission.

I wish to point out in conclusion, Mr. Chairman, that one court supported the AEC position in this matter. It is true on an appeal the decision of the District Court was overruled.

I also remember the consideration of this particular section 271 at the time it was drafted. Like the gentleman from California [Mr. HOLIFIELD], I was present during the drafting sessions for that legislation in 1954. I agree with Mr. HOLIFIELD and every other member of the Joint Committee on Atomic Energy who has appeared here, and who are unanimous in support of this legislation today. I agree as to what was the intent of the committee at that time, and what we believe to be the intent of the Congress when it enacted the 1954 Atomic Energy Act.

Mr. HOLIFIELD. Mr. Chairman, how much time is there remaining to this side?

The CHAIRMAN. The gentleman from California [Mr. HOLIFIELD] has 1 minute remaining.

Mr. HOLIFIELD. I believe that is all I will need, Mr. Chairman, to conclude debate.

I will just ask the Members this question: Do they want to spend $5 million to put 5 miles of underground cable in Mr. YOUNGER's district, and leave thousands of miles of overhead lines in their own States on towers and poles? If they do, then I say vote against this bill, but if they want to vote to save $4.5 million and not set a dangerous precedent, then I say vote for the bill.

Mr. SWEENEY. Mr. Chairman, I rise today in opposition to H.R. 8856, the amendment recommended to the House by the Joint Committee on Atomic Energy, which would allow the Atomic Energy Commission and the Pacific Electric Co. to construct an electric transmission line to bring electric power to the Stanford AEC accelerator facility.

The issue in this case is not whether or not this project should be approved, but rather whether or not a little town known as Woodside, Calif., has the right to insist that the AEC place its transmission line underground rather than to be permitted, contrary to the wishes of the people of Woodside, to erect 200 feet of overhead electric powerlines.

The proposed amendment comes at a time when this matter is still before the Federal courts and at a time when the U.S. Circuit Court of Appeals on May 20, 1965, held that the general sovereign immunity of the Atomic Energy Commission does not supersede State or local control of its governmental functions.

I do not hold to the principle that the Pacific Gas & Electric Co., the local power company involved, should be permitted to install these overhead powerlines from towers running from Woodside, Calif., or any other city in America without the local authority having some voice in the matter.

In my opinion, Congress never intended to confer unlimited authority upon the Atomic Energy Commission and to strip local agencies of their rights to regulate and control, within reason, the matter of the introduction of such eyesores in their communties.

We have a tremendous emphasis being placed upon the development of beauty in America. I would certainly abhor the introduction of 200-foot AEC transmission towers in Bay Village, Ohio, where I reside, and I sympathize entirely with the people of Woodside, Calif.

The bill being introduced in the House today comes at a time when the matter is still to be finally adjudicated in our Federal courts. The AEC is losing its battle in the courts and it now comes to the Congress for relief. As far as I am concerned, their plea falls on deaf ears.

Mr. Chairman, I am delighted to have the opportunity of voting against this bill.

Mr. PRICE. Mr. Chairman, I rise in support of H.R. 8856.

As the joint committee's report on this bill states:

> The purpose of the bill recommended by the committee is to remedy a problem which extends far beyond the dispute over the SLAC powerline. The committee believes it would be desirable for this legislation to be enacted even if there were no outstanding disagreement over this line, to avoid future erroneous interpretations of congressional intent underlying section 271.

The overriding necessity for this legislation, from the standpoint of the national security and welfare, was reiterated in the letter to the Joint Committee from the Chairman of the AEC, dated July 14, 1965, which was included in the July 27 daily RECORD at page A4121.

I fully appreciate the desires of the local residents to safeguard their private interests. However, Congress must act in the interest of all Americans.

Mr. Chairman, I strongly urge the Members to approve H.R. 8856 without amendment.

Mr. BINGHAM. Mr. Chairman, I applaud the objectives of my able colleague from New York [Mr. OTTINGER], and of others who are fighting against this bill, but I believe they are mistaken in choosing this particular battleground for their fight. I agree with them that much greater efforts must be made by the Federal Government to put powerlines underground so as to protect the beauty of our countryside. In my judgment, more money needs to be spent on research to develop cheaper and more efficient methods of putting powerlines underground.

It may well be that the Congress should legislate to achieve these objectives. It may well be that the Congress should decide when, and under what circumstances, the Atomic Energy Commission should have the authority to put overhead transmission lines across a community in violation of the zoning laws of that community. But such legislation would be a complicated matter. The Congress would have to lay down criteria so as to establish a proper balance between considerations of conservation and beautification and of local desires, on the one hand, and considerations of national defense and of area industrial and economic development on the other. The Congress would have to take into account the related problem of superhighway routes, where local preferences often have to give way to the broad interests of the Nation, the State, or the area. Such legislation would require extensive hearings and committee consideration.

To attempt to legislate on this complex subject by opposing a change to clarify the original intent of the Atomic Energy Act of 1954 seems to me a misplaced gesture. The effort is almost certain to fail, and this result may create a misleading impression as to the extent of interest in the Congress in protecting local communities from arbitrary and harmful Federal action and in the objectives of conservation and beautification.

All the proposed amendment to the Atomic Energy Act would do is to add the proviso that section 271 "shall not be deemed to confer upon any Federal, State, or local agency any authority to regulate, control, or restrict any activities of the Commission." As will be seen, this amendment does not alter or take away any powers from State or local governments that they would otherwise have. It merely seeks to clarify section 271 so that its original intent, as outlined in the committee report, will not be frustrated by an unexpected court interpretation of the language originally used.

In other words, the proponents of this bill are not seeking to make any substantive change in the original Atomic Energy Act. On the contrary, it is the opponents who are seeking to effect a substantive change in the act—a change which would take away from the Atomic Energy Commission necessary powers of eminent domain which other Federal agencies have.

If by some unlikely chance this bill should be defeated, it would probably be because of widespread sympathy in this House for the plight of the community immediately affected, Woodside, Calif. This would be an example of the lawyers' saying that "hard cases make bad law."

If that should happen, the meaning of section 271 would remain obscure, widespread and costly litigation would ensue, and neither the national interest nor the cause of beautification would be in the long run served.

For these reasons, in spite of my agreement with the objectives of some of the opponents of this bill, I intend to vote for H.R. 8856 because I am satisfied that it merely clarifies the original intent of Congress.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to H.R. 8856 which in effect would give the Atomic Energy Commission the power to string overhead power lines through Woodside, Calif., in violation of its ordinance requiring such lines to be placed underground. This is an appalling piece of legislation. The President has made natural beauty a national goal and it is difficult to see how one can support this crusade for beauty and at the same time vote for the bill before us.

Two days ago, this body approved a brand new program of grants for urban beautification and improvement. We authorized $100 million in matching Federal funds to encourage local communities to undertake park improvements, tree planting, playgrounds, and upgrading of malls and city squares. Today we have a bill before us which not only discourages local communities in these efforts but insists that they retreat before a Federal agency which seeks unashamedly to despoil the landscape by answering the functional requirements of power transmission in the ugliest way possible.

Furthermore, it is proposed that we put 3 percent of our highway funds, $90 million into highway beautification—not new beautification—but $90 million toward cleaning up the mess we already have. What good is it to do away with billboards and auto junkyards on the one hand and to permit overhead electric transmission powerlines to mar the skyscape on the other? And it is not only the overhead powerlines. In order to have overhead powerlines, you have got to get them up there and this means poles—huge, ugly poles every hundred or so yards. The committee report states that since March 1964, 59 new poles have been erected in anticipation of the powerlines through Woodside—poles which the gentleman from California describes in such a way as to suggest that they are pleasing to the eye. I say to him that ugliness by any other name is still ugliness and if we do not begin to recognize how tragically the face of America is being changed, how rapidly we are gutting our landscapes, ruining our water resources and poisoning the very air we breathe, it will be too late to salvage more than isolated oases of the unparalleled grandeur and beauty that only a few generations ago stretched from ocean to ocean.

The irony of handing to the Atomic Energy Commission the authority to string a maze of powerlines over a residential community in defiance of the wishes and actions of that community is really too much. It flies in the face of good reason and sound judgment and is absolutely unwarranted by any standard of commonsense. There is no reason on earth—quite literally—why the AEC should not put these powerlines underground. It is going to have to be done eventually and as my good colleague from New York has pointed out every powerline placed overhead today anticipates a further cost of placing it underground tomorrow.

Our atomic effort is not going to collapse overnight if we refuse the AEC this authority, Mr. Chairman. I seriously urge defeat of this legislation.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 271 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 271. AGENCY JURISDICTION.—Nothing in this Act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power produced through the use of nuclear facilities licensed by the Commission: *Provided,* That this section shall not be deemed to confer upon any Federal, State, or local agency any authority to regulate, control, or restrict any activities of the Commission."

Mr. YOUNGER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to read this from the New York edition of the Financial Times of London of Monday, May 3, 1965. The whole article is about the Perelli Co.:

> The record of reliable performance in service of well over 2,000 route miles of cable and associated accessories which were installed by 1960 is almost unprecedented in high voltage electrical apparatus, and the almost complete absence of electrical failures is a remarkable tribute to the oil-filled cable principle.

That does not say they are strung out over poles.

Mr. HOSMER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was going to ask the gentleman, my genial colleague from California, if he realized when they talk about high-voltage lines generally, that it starts at 60,000 volts. I am quite sure that that amount of mileage in relation to that amount of voltage is probably pretty reasonable. When you get up into 220,000 volts and higher, you get up into these things of which we have a sample here in the well. The thing missing from that sample is the oil under pressure which has to go inside in order to cool it and a pumping system which has to be on the ground above in order to pump the oil and bring it out and dump the heat into the atmosphere. I suppose in my colloquy with my genial friend from California a moment ago as to whether the cost was $5 million or $6 million, they probably were not including the above-ground cost of this pumping and the other paraphernalia needed.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having assumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8856) to amend section 271 of the Atomic Energy Act of 1954, as amended, pursuant to House Resolution 474, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 275, nays 126, not voting 33, as follows:

[Roll No. 212]

YEAS—275

Adair
Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Annunzio
Aspinall
Ayres
Bandstra
Barrett
Bates
Battin
Beckworth
Bell
Bennett
Bingham
Blatnik
Boggs
Boland
Bolling
Bolton
Brademas
Brock
Brooks
Broomfield
Brown, Calif.
Buchanan
Burke
Burleson
Burton, Utah
Byrne, Pa.
Callan
Cameron
Casey
Chelf
Clevenger
Cohelan
Conable
Conyers
Corman
Craley
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Denton
Derwinski
Dickinson
Diggs

Dingell
Donohue
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Foley
Ford,
  William D.
Fountain
Frelinghuysen
Friedel
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gurney
Hagan, Ga.
Hagen, Calif.
Halpern
Hamilton
Hanna
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Herlong
Hicks
Holifield
Holland
Hosmer
Howard
Hull
Hungate
Huot
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jones, Ala.
Karsten
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Landrum
Leggett
Long, La.
Long, Md.
Love
McCulloch
McDowell
McFall
McGrath
Machen
Mackay
Mackie
Madden
Mahon
Marsh
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Minshall
Moeller
Monagan
Moorhead
Morgan
Morris
Morrison
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neal, Ga.
Passman
Patman
Patten
Perkins
Pickle
Pike
Pirnie
Pool
Powell
Price
Pucinski
Purcell
Quie
Quillen
Randall
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
St Germain
St. Onge
Schisler
Schmidhauser
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tunney
Tuten
Udall
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watts
Weltner
White, Tex.
Whitten
Widnall
Willis
Wilson,
  Charles H.
Wolff
Wright
Wyatt
Yates
Zablocki

NAYS—126

Abbitt
Abernethy
Addabbo
Andrews,
  N. Dak.
Arends
Ashbrook
Ashley
Ashmore
Baldwin
Belcher
Berry
Betts
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burton, Calif.
Byrnes, Wis.
Cabell
Callaway
Carey
Carter
Cederberg
Chamberlain
Clancy
Clark
Clausen,
  Don H.
Clawson, Del
Cleveland
Collier
Conte
Cooley
Corbett
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
Dent
Devine
Dole
Dorn
Dow
Dowdy
Dwyer
Flynt
Fogarty
Ford, Gerald R.
Fraser
Fulton, Pa.
Gathings
Gilbert
Gilligan
Gross
Gubser
Haley
Hall
Hanley
Hansen, Idaho
Harvey, Mich.
Henderson
Horton
Hutchinson
Johnson, Pa.
Jonas
King, N.Y.
Kornegay
Krebs
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
McCarthy
McClory
McDade
McMillan
Macdonald
MacGregor
Mailliard
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Mink
Mize
Moore
Morse
Multer
Nelsen
Olson, Minn.
O'Neill, Mass.
Ottinger
Pelly
Philbin
Poage
Poff
Race
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rivers, Alaska
Rogers, Tex.
Satterfield
Saylor
Scheuer
Schneebeli
Schweiker
Skubitz
Smith, Calif.
Staggers
Sweeney
Talcott
Teague, Calif.
Thomson, Wis.
Tuck
Tupper
Utt
Walker, Miss.
Watkins
Whalley
Whitener
Wydler
Younger

NOT VOTING—33

Baring
Bonner
Bow
Cahill
Celler
Colmer
Cramer
Ellsworth
Evins, Tenn.
Fulton, Tenn.
Halleck
Hansen, Iowa
Jones, Mo.
Karth
Keogh
Lindsay
McEwen
McVicker
Morton
O'Brien
Pepper
Redlin
Resnick
Ryan
Scott
Toll
Ullman
Watson
White, Idaho
Williams
Wilson, Bob
Young

So the bill was passed.

The clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Colmer against.

Mr. McVicker for, with Mr. Ryan against.

Mr. Hansen of Iowa for, with Mr. Bob Wilson against.

Mr. Fulton of Tennessee for, with Mr. Ellsworth against.

Mr. Toll for, with Mr. Cramer against.

Mr. White of Idaho for, with Mr. McEwen against.

Mr. Evins of Tennessee for, with Mr. Watson against.

Mr. O'Brien for, with Mr. Scott against.

Mr. Karth for, with Mr. Bonner against.

Until further notice:

Mr. Pepper with Mr. Lindsay.

Mr. Resnick with Mr. Halleck.

Mr. Redlin with Mr. Morton.

Mr. Williams with Mr. Young.

Mr. HERLONG, Mr. PERKINS, and Mr. BUCHANAN changed their vote from "nay" to "yea." Mr. GATHINGS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PRINTING ADDITIONAL COPIES, HOUSING AND URBAN DEVELOPMENT ACT OF 1965

Mr. BURLESON. Mr. Speaker, I offer a privileged resolution (H. Res. 491) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there be printed eighteen thousand additional copies of the public law enacted pursuant to H.R. 7984, the Housing and Urban Development Act of 1965; of which fifteen thousand copies shall be for the House document room and three thousand copies for the Senate document room.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE PUBLIC LAW CONTAINING SOCIAL SECURITY AMENDMENTS ENACTED IN 1965

Mr. BURLESON. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 456) which is at the Clerk's desk and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed thirty thousand additional copies of the public law containing the social security amendments enacted in 1965 pursuant to H.R. 6675; of which twenty-two thousand five hundred copies shall be for the House document room, five thousand copies shall be for the Senate document room, two thousand copies shall be for the use of the Committee on Ways and Means, and five hundred copies shall be for the use of the Committee on Finance.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO AMEND FURTHER THE PEACE CORPS ACT, AS AMENDED

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9026) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9026, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Pennsylvania [Mr. MORGAN] will be recognized for 1 hour and the gentlewoman from Ohio [Mrs. BOLTON] will be recognized for 1 hour.

The Chair now recognizes the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 9026 authorizes $115 million to finance the operations of the Peace Corps during fiscal year 1966. This is the same amount authorized for fiscal 1965. The amount appropriated last year under this authorization was $104,100,000.

The bill also includes a number of amendments to the Peace Corps Act, all of which relate to the operation and administration of the program. None of them change the nature or scope of the Peace Corps or involve changes in policy.

Mr. Speaker, all of us today recognize that the Peace Corps is a success. Since the Peace Corps began operations in 1961, it has passed beyond the experimental stage and has made a record for itself to which the people of the United States can point with pride.

Peace Corps volunteers are at work in 45 countries. Every country in which the Peace Corps now operates has asked for more volunteers, and there are two dozen additional countries which have asked for the Peace Corps.

The Peace Corps has terminated operations in three countries—Ceylon, Cyprus, and Indonesia. In none of these countries was there any indication whatever that the volunteers were unpopular. In fact, in at least one of these nations, the difficulty may have been that they were too popular.

To me, one of the most surprising things about the Peace Corps has been the fact that it has produced no diplomatic crises as a result of its operations. The most serious incident involving the Peace Corps was the case right after the Peace Corps began when the girl in Nigeria lost a postcard which included statements to which the Nigerians took offense. Nigeria has since become one of the strongest supporters of the Peace Corps, and we now have over 600 volunteers there. On page 201 of the committee hearings you will find an excerpt from the parliamentary debates of the House of Representatives of Nigeria praising the Peace Corps.

The most recent incident which received a certain amount of publicity involved a vote by a Communist-influenced group of students meeting with a member of the faculty at the National Engineering University in Lima, Peru, to oust four Peace Corps volunteers who were teaching at the university. Three of the four stayed on at the university, and the other remained in Peru. The press and other reaction at the university was overwhelmingly against the expulsion vote.

The Peace Corps is a target for the Communists in every country where it operates and, without exception, the attacks of the Communists have backfired.

Although the primary justification for the Peace Corps is the service which it renders to the people of the less developed countries, we should not overlook the impact which the Peace Corps has on our own people. Since the Peace Corps began, 13,725 volunteers have been sent overseas. Of these, 3,900 have already returned to the United States as a result of the completion of their 2 years of service, and by the end of 1965, 3,000 more will return. The Peace Corps now has 13,268 volunteers on board. The latest figures show that 46,000 persons applied for volunteer jobs during fiscal year 1965, and it is anticipated that 54,000 applications will be received during fiscal 1966.

The opportunity to serve in the Peace Corps has come to mean a lot to the young people of the United States, and I want to emphasize particularly that the Peace Corps appeals to older people as well. At present, there are 5 people who are over 70 years of age serving in the Peace Corps; 65 people who are over 60; 78 people who are over 50; 72 people over 40; and 246 who are over 30.

The several thousand volunteers who are returning to the United States each year will be better citizens as a result of their overseas service. There were a number of magazine and newspaper stories last spring which gave the impression that the returning Peace Corps volunteers were a frustrated, dissatisfied group who, after being big frogs in small puddles overseas, found it difficult to readjust to life in the United States and to find jobs. The facts indicate that this impression is entirely erroneous. The latest figures available indicate that only 3 percent of the returned volunteers were looking for employment; somewhere in the neighborhood of 40 percent were going to universities; 47 percent were employed, and 8 percent were either housewives or in military service.

Mr. Chairman, the Peace Corps is making a major contribution not only in the countries where it operates overseas but to our own people.

Now, let me say something about the provisions of the bill which is before us.

As I stated before, the bill authorizes $115 million for fiscal 1966, the same amount authorized for fiscal 1965. This amount will finance an increase in the number of volunteers to a level of 15,110 by the end of fiscal 1966 as compared to the level of 13,710 at the end of August 1965.

This increase in the number of volunteers should not be regarded as comparable to the creation of a similar number of additional jobs in other Government agencies. There is a constant outflow of volunteers completing their service and a constant inflow of new recruits. It will be necessary to bring in 10,500 trainees during fiscal 1966 in order to provide a net increase of 1,400 volunteers by the end of that year.

The Peace Corps plans to use the 1,400 added volunteers primarily to expand the program in the countries where it already is in operation, although it may inaugurate programs in a few new countries.

The Peace Corps has made a good record in handling its money. The cost per volunteer has gone down consistently. In fiscal 1963, the average annual cost per volunteer was $9,074; in fiscal 1964, the cost had been brought down to $8,214, and the estimate for the fiscal year just ended is $7,950. It is anticipated that the cost per volunteer for fiscal 1966 will be $7,927.

The Peace Corps has never shown any tendency to put on a last-minute drive to make sure that all of its funds are obligated before the end of the fiscal year. Out of the appropriation of $104,100,000 for fiscal 1965 $12,100,000 was unused on June 30, 1965, and will lapse; that is, it will be returned to the Treasury. In this connection, I want to point out that only $3 million of this $12 million total was left over because there were fewer trainees than originally planned—$9 million, or 75 percent of the unused funds, are the result of operating economies.

Mr. Chairman, it seems clear to me that as long as foreign governments desire and make welcome Peace Corps volunteers, and as long as thousands of our finest citizens desire to serve in the Peace Corps, the Congress should provide the funds necessary to continue the program at a moderately increased level.

The remaining provisions of the bill deal with operating problems which the Peace Corps has encountered.

Section 2(a) of the bill—page 1, line 10—refers to the Internal Revenue Code. The language in the bill and in the report has been approved by the Ways and Means Committee.

The need for this provision arises from the fact that ordinarily volunteers receive the $75 a month readjustment allowance to which they are entitled in a lump sum at the end of 2 years of service. This provision of the bill makes it possible to treat this income for income tax purposes as though it were spread out over the 2-year period. The original Peace Corps Act amended the Internal Revenue Code to take care of this situation. The Revenue Act of 1964, however, replaced the provision relating to the Peace Corps with an averaging provision of more general application. The income of Peace Corps volunteers is so low, however, that most of them were not covered by this general averaging provision, and new language relating specifically to Peace Corps volunteers is necessary.

Section 2(b)(1) of the bill—page 2, line 8—does two things. First, it authorizes limited dental treatment of minor and easily correctible defects of applicants for enrollment in the Peace Corps before they enter training. It is essential that volunteers not be sent overseas who are in need of dental treatment, and if dental treatment is given during the training period, it may seriously interfere with the training program. Also, training is frequently given under conditions where adequate facilities for dental care are not available.

In addition, this subsection authorizes health examinations of volunteers within 6 months after the termination of their service. This is necessary because most volunteers terminate their service while overseas and, in some cases, they are located where comprehensive health examinations cannot be given. Peace Corps volunteers are entitled to post-service medical services and benefits under the Federal Employees Compensation Act, and it is in the interest of the U.S. Government to provide medical examinations for volunteers at the end of their service. This 6-month extension will permit making such examinations after volunteers have returned to the United States.

Section 2(b)(2) of the bill—page 2, line 15—authorizes an increase in the number of volunteers who may be assigned as secretaries overseas from 100 to 200. There is an increasing number of applications from persons possessing secretarial and clerical skills and experience who want to go overseas as volunteers. The Peace Corps has need for a limited number of secretaries in its overseas offices, and it is to the advantage of the United States to fill these jobs with volunteers rather than with personnel employed under the Foreign Service Act. The committee pointed out in its report its intention that "the number of volunteers assigned under this authority should be based on the needs for overseas secretarial service determined on an austere basis rather than by the availability of volunteers with the necessary qualifications."

Section 2(b)(2)—page 2, line 20—also amends existing law so as to authorize U.S. disbursing officers to cash checks for volunteers in the same way that such service is rendered to U.S. Government employees.

Section 3 of the bill—page 2, line 23—authorizes the provision of health care to the child of a married volunteer if born during the volunteer's service. The Peace Corps does not accept married couples as volunteers if they have children under 18, but volunteers occasionally marry while in service and sometimes it is to the advantage of the Peace Corps to permit such a volunteer to continue in service. So far, over a 4-year period, married volunteers have become parents of approximately 30 children.

Section 4—beginning on page 3, line 3—deals with personnel and makes basic changes in existing law, although it does not represent a fundamental change in present administrative practice.

This section has no connection with Peace Corps volunteers or volunteer leaders. It affects only salaried operating personnel.

It is, and has been, the policy of Sargent Shriver not to build up a career organization either among the volunteers or among the administrative staff. Section 4 of the bill provides that in the future employees of the Peace Corps may be appointed to a maximum term of 5 years, with a possible reappointment in exceptional cases of an additional 5 years.

At present, the Peace Corps employs people under either the Civil Service Act or the Foreign Service Act. In order to accomplish the objective of establishing a unified noncareer service, the bill repeals the existing authority to hire personnel under the provisions of the Civil Service laws and requires that all hirings in the future, whether for service in Washington or overseas, must be under the provisions of the Foreign Service Act relating to the Foreign Service Reserve and Foreign Service Staff. All such appointments in the future are limited to 5 years, with possible renewal for 5 years in exceptional circumstances.

Section 5 of the bill—page 5—makes provision for those employees currently serving under the civil service or for the duration of operations under the Peace Corps Act. All personnel now holding career or career conditional appointments in the clerical grades—GS-8 and below—are assured of tenure during the duration of operations under the Peace Corps Act.

Persons above the GS-8 level who hold career or career conditional appointments are given 3 years to decide whether or not they will accept appointments to the Foreign Service Reserve or Staff. If they elect not to accept such appointment, they must leave the Peace Corps, but their civil service rights are unimpaired in seeking other jobs.

The bill makes no change in the veteran's preference status of anyone, although future appointments for veterans will be for 5 years or less, the same as anyone else.

Section 6 of the bill—page 7, line 4—amends the Peace Corps Act, which already authorizes the acceptance of gifts and property by the Peace Corps, to authorize the transfer of gifts of money received by the Peace Corps to organizations where Peace Corps volunteers are working. This is to take care of situations where a Parent-Teachers Association or other group in the United States wants to do something for a school or other community activity in an overseas locality where Peace Corps personnel are at work.

Section 7 of the bill—page 7, line 8—is purely technical. It strikes out reference to a law which was repealed when the Dual Compensation Act—Public Law 88-448—was enacted in 1964.

Mr. Chairman, on its record, the Peace Corps deserves the continued support of the Congress. It is promoting goodwill for and better understanding of the United States wherever it operates.

I feel confident that this bill will pass by an overwhelming majority.

Mr. HALL. Mr. Chairman, will the distinguished chairman of the Committee on Foreign Affairs yield?

Mr. MORGAN. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I should like to ask the gentleman in particular about some language on pages 15 and 17 of the report, in a completely nonantagonistic manner but just for the purpose of establishing a record. Perhaps a colloquy is most apropos between two of the physicians in the Congress.

I should like to address myself to the question of health care during and after the service of these Peace Corps enrollees.

I notice in the amendment included, and in the existing bill, the sum total would amount to care in any facility in any agency of the U.S. Government. I presume that means both in the continental United States as well as overseas, and would include military hospitals and veterans' hospitals as well as U.S. Public Health hospitals?

Mr. MORGAN. Yes. Legally, any Government medical facility can be used, but, in fact, over 90 percent of the medical services would be rendered by the Public Health Service facilities. Physical examinations are frequently given by physicians in private practice who fill out the standard Government forms and are paid by the Peace Corps.

Mr. HALL. Ninety percent?

Mr. MORGAN. Yes. Most of the medical service overseas for the Peace Corps is by the Public Health Service.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MORGAN. Mr. Chairman, I yield myself 3 additional minutes.

Mr. HALL. If within the 6 months after they returned from overseas they needed hospitalization, they could be hospitalized under a contract in a civilian hospital? Does the gentleman foresee this would be done by the Public Health Service, or in veterans hospitals? I have in mind the Job Corps enrollees, as pointed out the other day, who were being admitted under some priority to veterans hospitals which had a long waiting list.

Mr. MORGAN. I know of no Peace Corps volunteer ever being treated in a veterans hospital. Volunteers who are sick or suffering from injury when they return come under the Government Employees' Compensation Act and are handled in the same way that any civilian employee would be taken care of.

Mr. HALL. Under the legislation, would that be possible? That is my question addressed to my colleague.

Mr. MORGAN I am not certain about that. The language of the Peace Corps Act authorizes the use of any U.S. Government medical facilities which are available. Overseas they sometimes use Army or Air Force hospitals if these are the closest. I can assure the gentleman that the Peace Corps has no program for treating Peace Corps people in veterans hospitals.

So far as the additional 6 months are concerned, this relates only to physical examinations, not to medical or dental care. Many of the Peace Corps volunteers, when they complete their service in a foreign country, do not return immediately to this country. They sometimes do some sightseeing on the way home from overseas.

This extension was granted because, as my friend from the medical profession knows, these employees are covered under the Federal Employees' Compensation Act. It is necessary for them to have a physical examination after they return in order to determine whether they are entitled to further treatment. If there were any malingerers, they would be a burden to us for many years.

Mr. HALL. Not only that, but they might have some rare or exotic disease which would take that long to show up.

Mr. MORGAN. Yes.

Mr. HALL. I understand that problem.

If the gentleman will turn to page 17, I hope he will take a minute to explain further about the pregnancy provision, or the child born in wedlock. We realize that many of the young couples go overseas to the same assignment together, and this is quite possible. Is there any termination date within the determination of the President as to how long such a child might be taken care of? How does this compare with the service for a military man, who cannot resign for any cause from the service, who is not taken care of indeterminately after returning or after being mustered out of service?

Mr. MORGAN. This concerns a very small number of children. As the gentleman knows, I believe less than 30 children have been born to volunteers during their service. It involves a very small number of children. When the parent of the child leaves the Peace Corps service, medical care for the children automatically ends.

Mr. HALL. There is an automatic termination of the care of the child?

Mr. MORGAN. On the termination of their service. The babies are not eligible for treatment under the Federal Employees Compensation Act.

Mr. HALL. At least by 6 months after the parents leave the Peace Corps that would terminate?

Mr. MORGAN. Medical care stops at the termination of the volunteer's service except those entitled to care under the Federal Employees Compensation Act. The 6-month limit relates to physical examinations—not to medical care.

Mr. HALL. May I ask the gentleman to comment as to whether this compares more favorably or less favorably with provisions for a serviceman, who, as I have said, once being mustered out of the service, may or may not have rights for continued care within the service.

Mr. MORGAN. I imagine the good doctor means the serviceman's family, because the serviceman is covered?

Mr. HALL. That is correct.

Mr. MORGAN. The Peace Corps volunteers are more like servicemen than dependents of servicemen. The babies are cared for while the mother serves as a volunteer.

Mr. HALL. I certainly want to point out to my distinguished colleague and fellow physician in the well that it is not a question of how many children are born under this circumstance or cared for, but it is to establish the principle under which they might be cared for. That is the point on which I wish to make the record.

Mr. MORGAN. The Peace Corps does not accept married couples as volunteers if they have any children under 18 years of age. The children covered by this provision are dependents of the volunteers who are in service.

Mrs. BOLTON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, a little more than 4 years ago when the Peace Corps was set up on a pilot basis many of us were quite honestly skeptical that it would fulfill its stated purpose, "to help foreign countries meet their urgent needs for skilled manpower." I was one of those who were skeptical.

Today, I consider the Peace Corps one of our better efforts. In these few years our volunteers have made a real impact on the people of the country where they serve. Even countries where hostility has been expressed in regard to our foreign policy are asking for an increased number of Peace Corps volunteers. In some instances our Corps people have been protected during revolutionary activity. We now have 8,644 volunteers working in 45 countries. Another 2 dozen countries have requested them.

Perhaps the fact that they are not associated with the Department of State as such has been an important part of their success. The Peace Corps follows the basic general policy of not becoming involved in any political activities, and it has an almost incredibly good record in this respect.

Our volunteers have made this a truly people-to-people program. I should like to think that Walter Judd, for years a member of the Foreign Affairs Committee, must be very happy to see the dream he expressed so clearly a year before any action was taken on it become an accomplished fact.

Mr. Shriver has proven himself an outstanding Director of the Corps, as well as a superb public relations man. But were it not for the caliber of the dedicated Americans going abroad as volunteers, he could not have accomplished as much.

The Peace Corps is a wonderful outlet for the earnest, honest spirit of American youth and its deep need to serve others. The Peace Corps appeals to all races and creeds. This organization provides our young people, and some of our senior citizens as well, with their enthusiasm and their selflessness, a unique opportunity to do what needs to be done if America—the real America—is going to be understood across the world. It provides an opportunity for dedicated citizens to demonstrate the American dream to millions of people in other lands who will never have the opportunity of visiting us here.

Mr. Shriver reported that now about 17 other industrialized countries have or are considering Peace Corps operations because they were impressed by what the U.S. Peace Corps is doing. Those of you who have observed the utter ignorance and poverty, disease and despair in some of the developing countries appreciate how extensive a job needs to be done. The volunteers can and do offer hope for a better life. They induce struggling people to believe in themselves. They show what a community can do for itself.

People come by thousands wherever there is given half a chance to learn something, to get ahead. And if we do not teach them, someone else will—and it may lead them farther away from the goal of freedom and self-determination.

The returned volunteers with whom I have talked have shown a new sense of purpose. They have discovered that they can be very useful dealing in the fundamental things of life. Men and women have built schools, homes, barns side by side with distant world neighbors, in spite of language and culture barriers. They have shown people of other countries that we do not consider it beneath a Ph. D. or M.D. to dig a trench or plow a field—and then when evening comes take part in community activities that draw villages together.

There are more than 3,000 Peace Corps volunteers who have returned after 2 years abroad and are readjusting to American life. The readjustment is not always easy.

They had become used to doing without a great many things and notice that so much emphasis here is put on material comforts. It can be very depressing to these ex-volunteers to find so many Americans who "do not want to get involved" in anything except their own little private worlds. Their experience abroad has given them a totally different outlook about a lot of things. It seems evident that their Peace Corps service was eminently worth while and a most meaningful experience. We should have concern now that they be employed to make the best use of their added experiences. They are in a unique position to transmit to American communities an understanding and appreciation of the peoples and cultures to which they have been exposed.

Our committee has explored the costs, ratio of staff members to volunteers, and so forth, very carefully. As the chairman has told you, the cost per volunteer is growing less each year. By way of contrast, our committee's 1964 Report on AID indicates that under the Arthur D. Little contract made by AID in Nigeria, personnel costs are $67,700 per individual as against $8,000 per volunteer. The Peace Corps, it seems, is the least expensive of our projects.

Authorization is requested for $115 million to finance the operation of the Peace Corps during the next fiscal year. Mr. Shriver testified that this amount would make it possible to increase the number of volunteers serving overseas by 1,400. No difficulty is anticipated in the recruitment although applicants with certain especially needed skills are not signing up in very large numbers.

Ohio, my State, has produced the fourth largest number of volunteers of any State—654 in all. In our questioning of Mr. Shriver we learned that a very effective method is used to test an applicant and to prepare him for his job. They must meet both general and specific requirements in order to qualify. The selection process is based on experiences which indicate the kind of people who would be successful working overseas.

It is my earnest hope, Mr. Chairman, that the House will authorize the requested funds for the continuation of this excellent program.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, I should like to clear up one point that was made during the colloquy earlier. Wives of Peace Corps men are not included in hospitalization. The only women who are included in hospitalization are those women who are themselves volunteers, unlike the people in service, where a serviceman's wife is entitled to hospitalization.

Mr. Chairman, earlier this year President Johnson said in recommending enactment of a Peace Corps authorization for fiscal year 1966:

> The Peace Corps can no longer be viewed as just a feather in our Nation's cap. It is an essential part of our democratic program in meeting our world responsibilities and opportunities. It has become a major instrument for economic and social development.

This bill carries out President Johnson's recommendations. It is a bill which every Member of this House should support with pride.

Too often people still think of the Peace Corps in terms of the great pitfalls into which it could have fallen but which it has managed to avoid entirely.

In 1961, many people were saying, "What is wrong with American youth? Why do they not shoulder their share of the Nation's responsibilities?" They doubted that Americans would volunteer to serve for 2 years in the Ivory Coast or Guatemala or Sabah or Afghanistan.

They were wrong. Since 1961, more than 150,000 Americans have volunteered for service in the Peace Corps.

an austere basis rather than by the availability of volunteers with the necessary qualifications."

Section 2(b)(2)—page 2, line 20—also amends existing law so as to authorize U.S. disbursing officers to cash checks for volunteers in the same way that such service is rendered to U.S. Government employees.

Section 3 of the bill—page 2, line 23—authorizes the provision of health care to the child of a married volunteer if born during the volunteer's service. The Peace Corps does not accept married couples as volunteers if they have children under 18, but volunteers occasionally marry while in service and sometimes it is to the advantage of the Peace Corps to permit such a volunteer to continue in service. So far, over a 4-year period, married volunteers have become parents of approximately 30 children.

Section 4—beginning on page 3, line 3—deals with personnel and makes basic changes in existing law, although it does not represent a fundamental change in present administrative practice.

This section has no connection with Peace Corps volunteers or volunteer leaders. It affects only salaried operating personnel.

It is, and has been, the policy of Sargent Shriver not to build up a career organization either among the volunteers or among the administrative staff. Section 4 of the bill provides that in the future employees of the Peace Corps may be appointed to a maximum term of 5 years, with a possible reappointment in exceptional cases of an additional 5 years.

At present, the Peace Corps employs people under either the Civil Service Act or the Foreign Service Act. In order to accomplish the objective of establishing a unified noncareer service, the bill repeals the existing authority to hire personnel under the provisions of the Civil Service laws and requires that all hirings in the future, whether for service in Washington or overseas, must be under the provisions of the Foreign Service Act relating to the Foreign Service Reserve and Foreign Service Staff. All such appointments in the future are limited to 5 years, with possible renewal for 5 years in exceptional circumstances.

Section 5 of the bill—page 5—makes provision for those employees currently serving under the civil service or for the duration of operations under the Peace Corps Act. All personnel now holding career or career conditional appointments in the clerical grades—GS-8 and below—are assured of tenure during the duration of operations under the Peace Corps Act.

Persons above the GS-8 level who hold career or career conditional appointments are given 3 years to decide whether or not they will accept appointments to the Foreign Service Reserve or Staff. If they elect not to accept such appointment, they must leave the Peace Corps, but their civil service rights are unimpaired in seeking other jobs.

The bill makes no change in the veteran's preference status of anyone, although future appointments for veterans will be for 5 years or less, the same as anyone else.

Section 6 of the bill—page 7, line 4—amends the Peace Corps Act, which already authorizes the acceptance of gifts and property by the Peace Corps, to authorize the transfer of gifts of money received by the Peace Corps to organizations where Peace Corps volunteers are working. This is to take care of situations where a Parent-Teachers Association or other group in the United States wants to do something for a school or other community activity in an overseas locality where Peace Corps personnel are at work.

Section 7 of the bill—page 7, line 8—is purely technical. It strikes out reference to a law which was repealed when the Dual Compensation Act–Public Law 88–448—was enacted in 1964.

Mr. Chairman, on its record, the Peace Corps deserves the continued support of the Congress. It is promoting goodwill for and better understanding of the United States wherever it operates.

I feel confident that this bill will pass by an overwhelming majority.

Mr. HALL. Mr. Chairman, will the distinguished chairman of the Committee on Foreign Affairs yield?

Mr. MORGAN. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I should like to ask the gentleman in particular about some language on pages 15 and 17 of the report, in a completely nonantagonistic manner but just for the purpose of establishing a record. Perhaps a colloquy is most apropos between two of the physicians in the Congress.

I should like to address myself to the question of health care during and after the service of these Peace Corps enrollees.

I notice in the amendment included, and in the existing bill, the sum total would amount to care in any facility in any agency of the U.S. Government. I presume that means both in the continental United States as well as overseas, and would include military hospitals and veterans' hospitals as well as U.S. Public Health hospitals?

Mr. MORGAN. Yes. Legally, any Government medical facility can be used, but, in fact, over 90 percent of the medical services would be rendered by the Public Health Service facilities. Physical examinations are frequently given by physicians in private practice who fill out the standard Government forms and are paid by the Peace Corps.

Mr. HALL. Ninety percent?

Mr. MORGAN. Yes. Most of the medical service overseas for the Peace Corps is by the Public Health Service.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MORGAN. Mr. Chairman, I yield myself 3 additional minutes.

Mr. HALL. If within the 6 months after they returned from overseas they needed hospitalization, they could be hospitalized under a contract in a civilian hospital? Does the gentleman foresee this would be done by the Public Health Service, or in veterans hospitals? I have in mind the Job Corps enrollees, as pointed out the other day, who were being admitted under some priority to veterans hospitals which had a long waiting list.

Mr. MORGAN. I know of no Peace Corps volunteer ever being treated in a veterans hospital. Volunteers who are sick or suffering from injury when they return come under the Government Employees' Compensation Act and are handled in the same way that any civilian employee would be taken care of.

Mr. HALL. Under the legislation, would that be possible? That is my question addressed to my colleague.

Mr. MORGAN I am not certain about that. The language of the Peace Corps Act authorizes the use of any U.S. Government medical facilities which are available. Overseas they sometimes use Army or Air Force hospitals if these are the closest. I can assure the gentleman that the Peace Corps has no program for treating Peace Corps people in veterans hospitals.

So far as the additional 6 months are concerned, this relates only to physical examinations, not to medical or dental care. Many of the Peace Corps volunteers, when they complete their service in a foreign country, do not return immediately to this country. They sometimes do some sightseeing on the way home from overseas.

This extension was granted because, as my friend from the medical profession knows, these employees are covered under the Federal Employees' Compensation Act. It is necessary for them to have a physical examination after they return in order to determine whether they are entitled to further treatment. If there were any malingerers, they would be a burden to us for many years.

Mr. HALL. Not only that, but they might have some rare or exotic disease which would take that long to show up.

Mr. MORGAN. Yes.

Mr. HALL. I understand that problem.

If the gentleman will turn to page 17, I hope he will take a minute to explain further about the pregnancy provision, or the child born in wedlock. We realize that many of the young couples go overseas to the same assignment together, and this is quite possible. Is there any termination date within the determination of the President as to how long such a child might be taken care of? How does this compare with the service for a military man, who cannot resign for any cause from the service, who is not taken care of indeterminately after returning or after being mustered out of service?

Mr. MORGAN. This concerns a very small number of children. As the gentleman knows, I believe less than 30 children have been born to volunteers during their service. It involves a very small number of children. When the parent of the child leaves the Peace Corps service, medical care for the children automatically ends.

Mr. HALL. There is an automatic termination of the care of the child?

Mr. MORGAN. On the termination of their service. The babies are not eligible for treatment under the Federal Employees Compensation Act.

Mr. HALL. At least by 6 months after the parents leave the Peace Corps that would terminate?

Mr. MORGAN. Medical care stops at the termination of the volunteer's service except those entitled to care under the Federal Employees Compensation Act. The 6-month limit relates to physical examinations—not to medical care.

Mr. HALL. May I ask the gentleman to comment as to whether this compares more favorably or less favorably with provisions for a serviceman, who, as I have said, once being mustered out of the service, may or may not have rights for continued care within the service.

Mr. MORGAN. I imagine the good doctor means the serviceman's family, because the serviceman is covered?

Mr. HALL. That is correct.

Mr. MORGAN. The Peace Corps volunteers are more like servicemen than dependents of servicemen. The babies are cared for while the mother serves as a volunteer.

Mr. HALL. I certainly want to point out to my distinguished colleague and fellow physician in the well that it is not a question of how many children are born under this circumstance or cared for, but it is to establish the principle under which they might be cared for. That is the point on which I wish to make the record.

Mr. MORGAN. The Peace Corps does not accept married couples as volunteers if they have any children under 18 years of age. The children covered by this provision are dependents of the volunteers who are in service.

Mrs. BOLTON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, a little more than 4 years ago when the Peace Corps was set up on a pilot basis many of us were quite honestly skeptical that it would fulfill its stated purpose, "to help foreign countries meet their urgent needs for skilled manpower." I was one of those who were skeptical.

Today, I consider the Peace Corps one of our better efforts. In these few years our volunteers have made a real impact on the people of the country where they serve. Even countries where hostility has been expressed in regard to our foreign policy are asking for an increased number of Peace Corps volunteers. In some instances our Corps people have been protected during revolutionary activity. We now have 8,644 volunteers working in 45 countries. Another 2 dozen countries have requested them.

Perhaps the fact that they are not associated with the Department of State as such has been an important part of their success. The Peace Corps follows the basic general policy of not becoming involved in any political activities, and it has an almost incredibly good record in this respect.

Our volunteers have made this a truly people-to-people program. I should like to think that Walter Judd, for years a member of the Foreign Affairs Committee, must be very happy to see the dream he expressed so clearly a year before any action was taken on it become an accomplished fact.

Mr. Shriver has proven himself an outstanding Director of the Corps, as well as a superb public relations man. But were it not for the caliber of the dedicated Americans going abroad as volunteers, he could not have accomplished as much.

The Peace Corps is a wonderful outlet for the earnest, honest spirit of American youth and its deep need to serve others. The Peace Corps appeals to all races and creeds. This organization provides our young people, and some of our senior citizens as well, with their enthusiasm and their selflessness, a unique opportunity to do what needs to be done if America—the real America—is going to be understood across the world. It provides an opportunity for dedicated citizens to demonstrate the American dream to millions of people in other lands who will never have the opportunity of visiting us here.

Mr. Shriver reported that now about 17 other industrialized countries have or are considering Peace Corps operations because they were impressed by what the U.S. Peace Corps is doing. Those of you who have observed the utter ignorance and poverty, disease and despair in some of the developing countries appreciate how extensive a job needs to be done. The volunteers can and do offer hope for a better life. They induce struggling people to believe in themselves. They show what a community can do for itself.

People come by thousands wherever there is given half a chance to learn something, to get ahead. And if we do not teach them, someone else will—and it may lead them farther away from the goal of freedom and self-determination.

The returned volunteers with whom I have talked have shown a new sense of purpose. They have discovered that they can be very useful dealing in the fundamental things of life. Men and women have built schools, homes, barns side by side with distant world neighbors, in spite of language and culture barriers. They have shown people of other countries that we do not consider it beneath a Ph. D. or M.D. to dig a trench or plow a field—and then when evening comes take part in community activities that draw villages together.

There are more than 3,000 Peace Corps volunteers who have returned after 2 years abroad and are readjusting to American life. The readjustment is not always easy.

They had become used to doing without a great many things and notice that so much emphasis here is put on material comforts. It can be very depressing to these ex-volunteers to find so many Americans who "do not want to get involved" in anything except their own little private worlds. Their experience abroad has given them a totally different outlook about a lot of things. It seems evident that their Peace Corps service was eminently worth while and a most meaningful experience. We should have concern now that they be employed to make the best use of their added experiences. They are in a unique position to transmit to American communities an understanding and appreciation of the peoples and cultures to which they have been exposed.

Our committee has explored the costs, ratio of staff members to volunteers, and so forth, very carefully. As the chairman has told you, the cost per volunteer is growing less each year. By way of contrast, our committee's 1964 Report on AID indicates that under the Arthur D. Little contract made by AID in Nigeria, personnel costs are $67,700 per individual as against $8,000 per volunteer. The Peace Corps, it seems, is the least expensive of our projects.

Authorization is requested for $115 million to finance the operation of the Peace Corps during the next fiscal year. Mr. Shriver testified that this amount would make it possible to increase the number of volunteers serving overseas by 1,400. No difficulty is anticipated in the recruitment although applicants with certain especially needed skills are not signing up in very large numbers.

Ohio, my State, has produced the fourth largest number of volunteers of any State—654 in all. In our questioning of Mr. Shriver we learned that a very effective method is used to test an applicant and to prepare him for his job. They must meet both general and specific requirements in order to qualify. The selection process is based on experiences which indicate the kind of people who would be successful working overseas.

It is my earnest hope, Mr. Chairman, that the House will authorize the requested funds for the continuation of this excellent program.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, I should like to clear up one point that was made during the colloquy earlier. Wives of Peace Corps men are not included in hospitalization. The only women who are included in hospitalization are those women who are themselves volunteers, unlike the people in service, where a serviceman's wife is entitled to hospitalization.

Mr. Chairman, earlier this year President Johnson said in recommending enactment of a Peace Corps authorization for fiscal year 1966:

> The Peace Corps can no longer be viewed as just a feather in our Nation's cap. It is an essential part of our democratic program in meeting our world responsibilities and opportunities. It has become a major instrument for economic and social development.

This bill carries out President Johnson's recommendations. It is a bill which every Member of this House should support with pride.

Too often people still think of the Peace Corps in terms of the great pitfalls into which it could have fallen but which it has managed to avoid entirely.

In 1961, many people were saying, "What is wrong with American youth? Why do they not shoulder their share of the Nation's responsibilities?" They doubted that Americans would volunteer to serve for 2 years in the Ivory Coast or Guatemala or Sabah or Afghanistan.

They were wrong. Since 1961, more than 150,000 Americans have volunteered for service in the Peace Corps.

In 1961, people were concerned about whether or not Peace Corps volunteers would be properly trained and selected.

Over 4 years, less than 10 percent of all the volunteers who have gone overseas have returned before completing their full 2-year term of service. Half of these returned for reasons beyond their control such as for a family emergency requiring their presence or for needed medical care.

In 1961, many people including many State Department personnel overseas dreaded the thought of hundreds of young Americans living and working overseas who might complicate or even hamper the conduct of our foreign policy.

Now even those Foreign Service officers who bewailed the coming of the volunteers sing their praises.

The ability of Peace Corps volunteers overseas to conduct themselves well even under the most demanding circumstances was vividly demonstrated during the recent crisis in the Dominican Republic. So well did the volunteers perform that the respected New York Times correspondent, Tad Szulc, called them the true heroes of the crisis.

But it is time that we stopped thinking of the Peace Corps in these terms. It is time, as President Johnson has suggested, that we think of the Peace Corps in terms of its genuinely solid achievements and its potential for even greater achievement in the future.

Let me just talk about one example. To date, about 3,500 Peace Corps volunteers have taught in schools in 17 African countries south of the Sahara.

They have taught about a quarter of a million Africans.

In six African countries, Peace Corps volunteers make up a third of the degree-holding teaching force.

All over Africa, hundreds of schools are open and in operation. In the absence of Peace Corps volunteers they would not exist. Thousands of children are being taught who otherwise would not be.

My wholehearted support of this bill and of the Peace Corps is not an unthinking support.

The Committee on Foreign Affairs held 3 days of hearings on this bill. Sargent Shriver appeared on 2 of those days, and every member of the committee had an opportunity to question him fully.

One of the questions the committee carefully considered was the effort by a Member of the other body to force Sargent Shriver to give up the directorship of the Peace Corps in view of his responsibilities as Director of the Office of Economic Opportunity.

After due consideration, the committee rejected a similar motion by an overwhelmingly decisive vote.

It was clear from the hearings that Sargent Shriver was as "on top" of the Peace Corps as ever. In this regard, the committee's hearings speak for themselves.

Second, the committee was not about to be fooled by the "two hats" shibboleth. The issue is not how many "hats" does a man wear, but does he wear them well? Furthermore, some men who have only one "hat" to wear have far greater responsibilities. Director of the Peace Corps and Director of the Office of Economic Opportunity are demanding and responsible jobs. But I submit that our President and our Secretary of State and our Secretary of Defense hold more demanding and responsible offices.

Indeed, in my opinion, by those standards, Mr. Shriver with his great talent and energy is underutilized.

There are issues of principle at stake here as well. Mr. Shriver was appointed to the offices he now holds by the President, the advice and consent of the Senate having been obtained in both cases. That having been done, short of impeachment, the power of removal is in the President alone. This principle was definitely recognized by this House in a famous debate in 1789, wherein James Madison expressed it as follows:

> The powers relative to offices are partly legislative and partly executive. The legislature creates the office, defines the powers, limits its duration and annexes its compensation. This done, the legislative power ceases. They ought to have nothing to do with designating the man to fill the office. That I conceive to be of an executive nature. We ought always to consider the Constitution with an eye to the principles on which it was founded. In this point of view, we shall readily conclude that if the legislature determines the powers, the honors, and emoluments of an office, we should be insecure if they were to designate the officer also. The nature of things restrains and confines the legislative and executive authorities in this respect; and hence it is that the Constitution stipulates for the independence of each branch of Government (1 Annals of Congress 581, 582).

Indeed, the Department of Justice has advised in a letter which has been made available to the committee that the so-called Javits amendment would constitute an "attempt by Congress to remove from office an officer of the executive branch in a manner not authorized by the Constitution."

The real issue in this discussion is whether or not Sargent Schriver has done his job well. As one associated with the Peace Corps since its inception I must conclude that Mr. Shriver has performed an exceptional service to this country. There are many things one can say of his great record with the Peace Corps but perhaps his greatest contribution is the spirit he has imbued in so many young dedicated and able people who desire to serve their country. He has helped to make patriotism, dedication, and service to our Nation fashionable.

Let me turn to two points of particular interest to me.

Like many members, the recent Life article on the former volunteer's so-called crisis of reentry in the United States caused me some concern. I asked Mr. Shriver about that during our committee's hearings and pages 48–50 and 141 and 142 of the hearings contain the facts which support Mr. Shriver's opinion that former volunteers do "make a proper reentry" even if some "get a little wet in the splash down."

I should like to insert for the RECORD a table showing what former volunteers are now doing.

(See table below.)

	1963	Early 1964	Late 1964–65	Total
CONTINUING EDUCATION				
GRADUATE SCHOOL				
Social studies, including area studies	63	208	86	357
Humanities, including journalism and language	18	56	18	92
Technical, including engineering, science, mathematics, architecture, etc	30	87	23	140
Health, recreation, and physical education	8	23	10	41
Education	35	107	41	183
Law	10	30	12	52
Business and management	4	11	5	20
Agriculture and forestry	4	7	4	15
Other fields and not specified	8	31	12	51
Overseas	6	15	5	26
Total, graduate:				
Number	186	575	216	977
Percent	29	26	24	26
UNDERGRADUATE EDUCATION				
Social studies, including area studies	10	106	54	170
Humanities, including journalism and language	2	36	22	60
Technical, including engineering, science, mathematics, architecture, etc	9	53	22	84
Health, recreation, and physical education	2	9	9	20
Education	1	38	15	54
Business and management	0	11	4	15
Agriculture and forestry	4	40	16	60
Other fields and not specified	6	35	23	64
Overseas	0	0	2	2
Total, undergraduate:				
Number	34	328	167	529
Percent	6	14	19	13
Total, continuing education:				
Number	220	903	383	1,506
Percent	35	40	43	39
EMPLOYED				
FEDERAL GOVERNMENT				
Peace Corps	58	102	29	189
State Department	4	4	3	11
AID	7	28	9	44
USIA	4	3	0	7
War on poverty (Federal only)	4	14	6	24
All other domestic agencies	29	85	32	146
Congressional staff	2	0	0	2
Total Federal:				
Number	108	236	79	423
Percent	17	11	9	11
STATE AND LOCAL GOVERNMENT				
State government	7	25	4	36
County government	9	32	12	53
Municipal government	7	24	3	34
Total State and local:				
Number	23	81	19	123
Percent	4	4	2	4
JOB CORPS CENTERS				
Teachers	0	7	4	11
Administrators and Technicians	1	4	6	11
Not specified	4	10	9	23
Total, Job Corps:				
Number	5	21	19	45
Percent	-----	1	2	1
INTERNATIONAL ORGANIZATIONS AND FOREIGN GOVERNMENTS				
United Nations	3	3	1	7
Foreign governments:				
Teaching	2	13	1	16
Other	1	6	1	8
International organizations	1	1	0	2
Total, international:				
Number	7	23	3	33
Percent	1	1	1	1

	1963	Early 1964	Late 1964–65	Total
TEACHING				
Elementary teacher or administrator	23	73	18	114
Secondary teacher or administrator	55	181	29	265
Special education	2	14	7	32
College teacher, administrator or employee (including secretaries, researchers, etc.)	26	47	19	92
Overseas teachers or administrators	6	12	4	22
Peace Corps training sites, teachers and administrators	4	20	15	39
Total, teachers:				
Number	116	347	92	555
Percent	17	15	10	15
NONPROFIT ORGANIZATIONS				
Health worker	11	49	31	91
Labor union worker	1	2	2	5
Social service worker	18	76	15	109
War on poverty contractor	1	3	3	7
All nonprofit overseas	9	19	6	34
Total, nonprofit:				
Number	40	149	57	246
Percent	6	7	6	7
PROFITMAKING ORGANIZATIONS				
Agriculture and related	3	21	6	30
Business:				
Secretarial and clerical	6	17	3	26
Management	10	32	19	61
Technical	5	44	9	58
Sales and retail	6	20	11	37
Semiskilled	5	37	16	58
Other	10	36	18	64
Communications	4	10	4	18
Self-employed professional	2	11	6	19
All profit organizations overseas	7	20	3	30
Total, profitmaking:				
Number	58	248	95	401
Percent	10	11	11	11
Total, employed:				
Number	357	1,105	364	1,826
Percent	55	50	41	49
OTHER				
Extended or reenrolled	1	93	88	182
Housewife	42	84	34	160
Military	12	20	8	40
Traveling	4	12	16	32
Retired	0	9	3	12
Total, other:				
Number	59	218	149	426
Percent	10	10	16	11
Grand total:				
Number	636	2,226	896	3,758
Percent	100	100	100	100
SUMMARY OF OVERSEAS CAREERS				
Employed by the Peace Corps or other Federal agency with international interests	73	137	41	251
Studying overseas	6	15	7	28
Employed overseas, other than U.S. agency	29	74	16	119
Extended Peace Corps service or traveling	5	105	104	214
Total in overseas careers	113	331	168	612

SUMMARY OF FINANCIAL AWARDS

During the 1964–65 school year, at least 320 former volunteers held scholarships, fellowships, and assistantships worth over $612,400.

	1963	Early 1964	Late 1964–65	Total
WAR ON POVERTY EMPLOYMENT				
Employed by the Office of Economic Opportunity	4	14	6	24
Employed by OEO contractors	6	24	22	52
Total, war on poverty employment	10	38	28	76

Mr. GALLAGHER. Mr. Chairman, another area of particular concern to me, as the House well knows, is the use of psychological tests by Government agencies. The Government Operations Committee's special inquiry into this subject heard testimony in June from several agencies, including the Peace Corps. Unlike some of the agencies which appeared before us, the Peace Corps obviously understood, respected, and shared our concern. In preparation for the hearing, the Peace Corps has made a detailed study of its procedures. It had made major changes in many of them designed to insure greater privacy and protection of the individual, including destroying all personality inventory data about an applicant after the selection process has ended. I was also pleased to learn that the Peace Corps strictly limits access to all the personal data it accumulates about an applicant to certain key members of its professional selection staff and that the psychological data are not even available to investigators from other Government agencies.

I notice that two Members from the other side of the aisle have filed separate views about the Peace Corps. There they criticize the committee for limiting itself "almost entirely to discussion with Mr. Shriver. Nongovernmental witnesses were conspicuous by their absence."

I may be mistaken—and if I am I do hope the gentleman will correct me—but I am not aware that they made any request to hear witnesses other than from the executive branch.

Had they, I have no doubt but that the committee would have invited those witnesses to appear.

Moreover, I would like to remind those gentlemen that last year the committee held 5 days of hearings which included testimony from the executive director of CARE and a director of the Catholic Relief Services as well as from two persons who had served as American Ambassadors in countries to which Peace Corps volunteers have been assigned.

Finally, I notice that the separate views complain of "lack of evidence of the overall grassroots impact of the operation."

Permit me to call to their attention the fact that if the full $115 million requested by President Johnson is authorized and appropriated, the Peace Corps proposes to allot approximately $500,000 to such impact studies in countries where the Peace Corps in terms of size or volunteer to population ratio is becoming a major manpower resource.

There are now seven countries in each of which 500 or more volunteers are serving. As the Peace Corps continues to grow, how best to use such a substantial resource will become a major Peace Corps challenge.

The other body in effect eliminated the availability of funds for these studies. The committee wisely did not do so, and if the House accepts its recommendation, the committee will make every effort in conference to eliminate the other body's limitation.

Yesterday's speech by the President again forcefully reminded us of the grave situation the United States confronts in Vietnam. At such a time it is proper that we make every effort to meet the Communist challenge there.

At such a time, it is equally important that we fully support the Peace Corps and its volunteers. They are our army of peace. To hundreds of thousands of people overseas, they are living evidence of America's commitment to service in the cause of peace.

In his speech yesterday the President stated:

> It is an ancient but still terrible irony that while many leaders of men create division in pursuit of grand ambitions, the children of man are really united in the simple elusive desire for a life of fruitful and rewarding toil.

The Peace Corps stands as a living expression of America's recognition of this truth and of our determination to see this desire carried to fruition in the world.

CAREER INFORMATION SERVICE,
PEACE CORPS,
Washington, D.C., June 30, 1965.

The current career plans of 3,758 Peace Corps volunteers who have completed initial service are summarized below. Separate totals and percentages are given for volunteers who completed service in 1963, early 1964 (January through August) and late 1964 (September on) to present.

Mrs. BOLTON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, I rise in support of this legislation.

When this program was first proposed 4 years ago, I was skeptical as to its merits and possibilities. This was a view shared by many. It was not an unreasonable view since the Peace Corps was an untried concept of foreign assistance. I was aware of the shortcomings of our foreign aid program and I feared that this would be equally unproductive. But evidence is increasingly available not alone from those who administer the Peace Corps but from those who have participated in it and from those who have visited the projects in the field that it is one that has gained us friends at a level that many of our other assistance programs cannot or do not reach.

Mr. Chairman, previous speakers have outlined the principal features of this bill, chief among which is an authorization for an appropriation of $115 million.

The initial request was for $125,200,000 but before the committee started its hearings the executive reduced this request to $115 million. The committee decided to recommend and does include in the bill before us an authorization for the entire amount.

The Peace Corps in the fiscal year just concluded spent about $92 million from an appropriation of about $104 million. As the chairman of the committee has pointed out, the Peace Corps has justified in some detail its expenditures for the past fiscal year.

Lest, however, we think everything connected with the Peace Corps is on the basis of complete frugality and barebones expenditure, I wish to include at this point in my remarks a chart from page 11 of the hearings showing that there are 238 employees of the Peace Corps who are paid $12,000 or more per year. I do this because I think it is important that it be known that this number are compensated at a rate which I think would be considered adequate and generous.

Salary levels of Peace Corps employees

	June 30, 1963	June 30, 1964	Apr. 30, 1965
Departmental:			
$26,000 to $28,500 (statutory)			2
$22,000 to $24,500			11
$20,000 to $21,999	4	5	9
$18,000 to $19,999	9	17	21
$16,000 to $17,999	22	30	18
$14,000 to $15,999	23	17	28
$12,000 to $13,999	25	34	46
Total, departmental	83	103	135
Overseas:			
$22,000 to $24,500			7
$20,000 to $21,999			4
$18,000 to $19,999	6	9	19
$16,000 to $17,999	13	29	12
$14,000 to $15,999	23	30	24
$12,000 to $13,999	21	21	37
Total, overseas	63	89	103
Peace Corps-wide:			
$26,000 to $28,500 (statutory)			2
$22,000 to $24,500			18
$20,000 to $21,999	4	5	13
$18,000 to $19,999	15	26	40
$16,000 to $17,999	35	59	30
$14,000 to $15,999	46	47	52
$12,000 to $13,999	46	55	83
Total, Peace Corps-wide	146	192	238

As has been previously pointed out, the principal feature of this bill is the fact that it does authorize an appropriation of $115 million. In addition to this authorization there are the personnel amendments to which reference has also been made. The amendments provide, an integrated personnel system covering those at home as well as those abroad and assure the employment by the Peace Corps will be limited to 5 years. Thus, the Peace Corps is not a way of life for those seeking a career that is a relatively short time assignment in the service of our country.

Many of us, Mr. Chairman, who have doubts about certain aspects of the various foreign assistance programs into which our country has entered, find that of all these the Peace Corps is among the most successful from my viewpoint and is most acceptable in the host countries. Very few unpleasant or improper incidents have been reported. On the other hand, there are many reports of real constructive work that has earned for our country a deep appreciation by the local people. Further, this work has been done at a level of cost which compares favorably with other aspects of our foreign program.

Therefore, Mr. Chairman, the committee was convinced that the amount requested was reasonable because we did find the program functioning in a manner that advanced our national interests. It is my recommendation that this legislation providing $115 million authorization for the coming fiscal year be adopted.

Mrs. BOLTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the bill presently before the House. However, in supporting this measure, I should like to express certain reservations which I still have regarding the present Peace Corps program and its proposed expansion.

There is little doubt in my mind that dollar for dollar, the Peace Corps is one of our best buys in foreign policy. And yet, this is one of the very things which causes me to worry—for as the worth of the Peace Corps continues to be recognized, there is the increased danger of its expanding into something of which its original admirers would disapprove.

Take, for example, the words of Mr. Roscoe Drummond in his column of April 25, 1965:

> The Peace Corps isn't what it used to be and is getting less so. It is running down. It is growing old—prematurely * * *. The Peace Corps has made one grave mistake in administrative policy. It has been racing into expansion for its own sake * * *. It has been unwisely setting unattainable goals of more volunteers in more countries in more kinds of activity year after year * * *. In some countries abroad the Peace Corps people are running into each other and running over each other.

Mr. Drummond goes on to say that the Peace Corps cannot continue its rapid expansion "without beating the bushes on every campus, without pleading for volunteers, and without resorting to a hard-sell recruitment which dilutes the very volunteerism of the Peace Corps itself."

I think it is legitimate to ask whether total size is proportional to total effectiveness. For example, if three or four volunteers are assigned to a given community, they naturally find a place within it and learn to participate in its life. However, should a larger number of volunteers be assigned in that same location, they would tend to form their own little American community. And although you have more volunteers in the given location, the saturation into that community's life actually decreases.

The minority has pointed out in the report on H.R. 9026 that "The Peace Corps has achieved a status of permanence." Yet, by the very nature of its goals, the Peace Corps should be busy eliminating itself, not expanding itself. For example, if the Peace Corps enters a country to work within its educational system, it should plan its contribution to that country's educational effort in such a way as to let host nationals assume the Peace Corps role within the educational system as soon as possible. Simply because a volunteer has served well and fruitfully at his post is no reason to fulfill a request that he be replaced by another once his term of service is finished.

In the past, there were mildly strained relations between the Peace Corps and the other agencies concerned with American foreign policy. This was, no doubt, due to the scepticism the differing agencies held about each other. However, as the Peace Corps has proved its worth, the distance between the agencies has lessened as they learn to work together. However, in so doing, there is danger that the Peace Corps will be swallowed by the larger agencies. When the volunteers build libraries, is it the U.S. Information Service which will rush in to staff them? When the volunteers build wells in rural towns, is it USAID that will be shipping the parts and handling the costs? Cooperation is to be lauded—but its dangers are also to be noted. For as the Peace Corps effort begins to coordinate itself with admittedly more political aspects of our foreign policy, it will lose the political neutralism which has contributed so greatly to its success.

I have already said that I believe the Peace Corps to be one of our best buys in foreign diplomacy. However, this does not speak so highly of the Peace Corps as it does disparagingly of our other foreign expenditures. The Peace Corps is to be commended that it has steadily reduced the general administrative costs of its program from 28 percent of all costs in 1963 to 23 percent of all costs in 1965. However, the Peace Corps is still to be reminded that church mission groups would consider such a figure literally astounding. Not one major mission agency in the United States runs such high administrative costs; and yet these agencies must not only make contributions to present operating expenses, but for the education of missionary children, retirement benefits, and so forth. The Peace Corps is to be commended for lowering the average annual cost per volunteer to slightly under $8,000 in 1965 when in 1963 the cost per volunteer was slightly above $9,000. However, it ought likewise be noted that some of the larger mission agencies such as the Sudan interior mission which has over 1,000 American missionaries serving abroad average costs to about $4,000 per missionary—again including such added costs as the education of missionary children, retirement benefits, and so forth.

Another matter which disturbs me somewhat regarding the general Peace Corps operation is its public relations. Perhaps I am bothered because they are too good. One seldom hears a bad word about the Peace Corps. And if one does, it is generally so outlandish as to bring the source of information into disrepute while giving a backslap of praise for the Peace Corps. Two years ago we were told in the Wall Street Journal that the large corporations were literally begging returned volunteers to join their firms. Now we are told in Life magazine that the returned volunteers suffer such shock when they seek to reacculturate into American life that they stand in danger of having to visit the psychiatrist's couch on their way home. Note how both these images of the returned volunteer are contradictory. Note also how the Peace Corps is able to use each image—for in either case the Peace Corps has a hero. In the first instance, the volunteer refuses the material enticements of corrupt American society, and goes on to graduate school or into some form of social work. In the second instance, the volunteer returns home undaunted, realizing that his pending ordeal is but one of the sacrifices he must make for his country.

There is, unfortunately, a vast aura of unthinkable thoughts regarding the Peace Corps. And by doing away with reason, we do not stand to improve the organization. I have in the past supported the Peace Corps, and I have by and large been satisfied with its performance. It has certainly come a long way from its first days in 1962 when we wondered if it might not be a catastrophic attempt at a 2-year intern program for junior diplomats. Let us hope that it does not rest on past accomplishments and, in so doing, fail in its obligations to the present.

Mrs. BOLTON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Chairman, it is a well-known fact that I strongly endorse the philosophy behind the U.S. Peace Corps. I have stated publicly many times that the one sure way to demonstrate the excellence of the American way of life to the peoples of the world is through a peaceful program of social intercourse between the citizens of our country and the inhabitants of foreign nations.

Presently H.R. 9026 is before the House for consideration. I strongly support this bill to expand the Peace Corps and I am sure that this body will act favorably on it. I do believe, though, that we must expand even further our efforts to get private citizens into other countries for person-to-person contact.

The great natural attraction of the so-called people-to-people concept is obvious to any Christian. The spirit of brotherly love embodied in a man's effort to help another by his own personal time, strength and knowledge surely must be well taken.

However, Peace Corps volunteers are representatives of the Federal Government and, because of this, sometimes are surrounded by an aura of suspicion as U.S. agents when viewed by a foreign country's natives.

Representatives of private groups, on the other hand, would not face such suspicion. It has been brought to my attention many times that in situations where our Peace Corps volunteers are being figuratively stoned by U.S. critics in foreign nations, religious missionaries, and other private citizens are able to carry on their beneficial work without such harassment.

The possibilities for private relations with foreign nations are endless. I am thinking now of the human resources of America's religious groups, labor unions, service clubs, and educational institutions that are virtually untapped for a nonfederally sponsored program such as that now carried on by the Peace Corps.

I firmly believe that such a program would inestimably improve our image among foreign peoples and go a long way toward easing some of the world tensions that the cold war has created.

A step along this same path is the creation of a Freedom Academy to train our public and private emissaries how to help people in other countries to live their lives and govern themselves.

I am pleased to report that a Freedom Academy bill authored by the gentleman from Missouri [Mr. ICHORD] and similar to my own bill has now been cleared by the Committee on Un-American Activities. It is my fond hope that this legislation will be before us in the near future to help further this people-to-people concept of foreign relations.

It will be a major step forward in a world peace offensive.

Mrs. BOLTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. DERWINSKI].

Mr. DERWINSKI. Mr. Chairman, I direct the attention of the Members to the separate views which the gentleman from Iowa [Mr. GROSS] and I offered. I am sure the Members have noted that no direct answer has been provided to the constructive criticisms that we have leveled.

I believe we are perfectly consistent and practical to ask for a thorough study of the Peace Corps so that it could be properly improved. As it stands, the information made available to the Members comes primarily from the Peace Corps' own propaganda employees. This is hardly objective information.

Therefore, Mr. Chairman, I believe that those of us who support the Peace Corps but are frank enough to acknowledge its imperfections should receive on behalf of the American taxpayers cooperation from the executive branch in taking a thorough look at this agency.

Mr. MORGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I can think of no vote that gives me greater satisfaction than one which expresses support for continuing and expanding the Peace Corps Act, and I am pleased and proud to have an opportunity today to once more add my unqualified endorsement to the concept of the Peace Corps and to applaud its extraordinary success. At its inception, there were many eyebrows raised at the sheer audacity of such a proposal, and I doubt I am far wrong if I state it is quite likely that a good many of my colleagues who voted in favor of the original authorization did so with less than enthusiasm, and were perhaps, while willing to give the idea a fair trial, a little apprehensive at the risks involved. I am confident any such fears were long ago allayed, and even the most cynical among us can, with good cause, pay tribute to the significant contribution these volunteers have made to the promotion of understanding, friendship and peace throughout the world. All good teams usually have top leadership. So it is with the Peace Corps in the person of Sargent Shriver, its Director. It is good to see here today the generous tributes to his outstanding ability. May this fine work continue to prosper.

Mrs. BOLTON. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I thank the distinguished gentlewoman from Ohio for her generosity in yielding 10 minutes to me. I had asked for 5 minutes and probably will not use that unless I get into some kind of argument.

Mr. Chairman, I listened with interest to some of the remarks of preceding speakers. One referred to the Peace Corps and its skilled workers. I doubt that there are many really skilled workers in the Peace Corps at $75 per month. The poverty program probably pays more than some of them are getting.

Another speaker said the Peace Corps frowns on taking families overseas. If I remember correctly, there was a good deal of publicity, laudatory of the Peace Corps, in connection with one individual who took his family of a wife and seven or eight children over to the Philippines at a high cost to the taxpayers. So I am sure not all of them go overseas without children and that it is not exactly frowned upon.

In its short lifespan the Peace Corps—as the gentleman from Illinois [Mr. DERWINSKI] and I have stated in our minority views—in its short lifespan the Peace Corps has acquired an atmosphere of sanctity; its every target is proper; its training perfect; its office staff functions flawlessly; and the corpsmen in the field, within their personal 2-year hitches, surmount obstacles that would have defied our hardiest pioneers.

The original public relations buildup dramatically describes the volunteers as working for $75 per month under conditions of extreme personal hardship, which is in stark contrast to 238 staff positions with salaries ranging from $12,000 to $28,500 per year, along with politically appointed specialists receiving $75 per day plus travel and per diem expenses.

Mr. Chairman, I regret that this year as in previous years the Foreign Affairs Committee did not have a review and evaluation of this program in depth. I am pleased that the distinguished chairman of this committee, the gentleman from Pennsylvania [Mr. MORGAN] has assured some of us that next year there will be a thorough review and evaluation, which it badly needs. I have opposed the Peace Corps, and for the reason that there has been no disposition to cut down on other assistance programs, operated by a multiplicity of Government agencies, doing much the same work. I say to you, we could very well save a substantial amount of money in other programs that are duplicating by providing so-called technical assistance and so-called experts to foreign countries. We are about to begin to see in this country the use of something akin to wooden nickels as the result of legislation passed by the House a few days ago. We are head over heels in debt in this country, and it seems to me if the Peace Corps program is to be continued, and I labor under no illusions whatever as to the fate of this bill here today—if the Peace Corps is to be continued, I say to you we ought to cut down on some of the other programs and make at least a pretense of having some consideration for the taxpayers of this country. Despite the billions that have been spent abroad by the Peace Corps and other international outfits, the situation seems to grow worse almost daily.

Mr. Chairman, I am sure there is nothing I could say here today that would have the effect of slowing down or in any way changing this program, and, therefore, I bow to the inevitable and yield back the balance of my time.

The CHAIRMAN. The gentleman from Iowa yields back 5 minutes.

Mr. MORGAN. Mr. Chairman, I yield to the gentleman from Hawaii [Mr. MATSUNAGA] such time as he may desire.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 9026, a bill to amend further the Peace Corps Act.

Without a doubt, the Peace Corps has proven itself to be the most effective instrument for bringing about understanding between the United States and other nations of the world. It has been the wisest investment in our search for peace. Through its intelligent, dedicated, and hardworking corpsmen in some 45 countries, it has helped to create a new image of our Nation abroad—a change from one of acquisitive, materialistic society of fortune-seeking individualists, to a land of men of good will seeking to help those in need. This has been the impression expressed to me by a countless number of Asians I have met, including the Crown Prince of Japan.

Our Committee on Foreign Affairs, in its deliberations on this bill, has noted that not only have there been no incidents involving Peace Corps personnel of such a nature as to create problems in the conduct of U.S. foreign policy, but instead Peace Corps volunteers during periods of crisis in the Dominican Republic, northern Borneo, and elsewhere have made a conspicuous and significant contribution to the promotion of a better understanding of the American people and of world peace and friendship.

We in Hawaii are proud of our contribution to this wonderful program. I speak not only of Hawaii volunteers whose quality is every bit as fine as those from other States, but I refer also to the Peace Corps training camp in Waipio Valley, near the city of Hilo, on the Island of Hawaii. It is here that the volunteers bound for Asia get their first taste of the life they may lead when they arrive at their assigned station. They live in bamboo huts, and speak only the language of the country to which they have been assigned. They may have to eat roots, fruits, and coconut milk. They learn to plow with the only working water buffalo in the United States. They climb mountains, and trudge through swamps. They learn how to bargain for food, how to exist, in short, in the kind of community in which they may be called upon to serve.

Hawaii, of course, can do much more to contribute to the program of the Peace Corps because of our natural tropical and semitropical settings and our multiracial community. We believe we can add to the continuing effectiveness of the Peace Corps in its mission of bringing better understanding between the United States and the developing nations of the world.

Mr. Chairman, the bill we are considering authorizes $115 million to finance the operation of the Peace Corps during the fiscal year ending June 30, 1966. The amount represents a reduction from $125.2 million which had originally been asked by the administration.

Our Committee on Foreign Affairs has received convincing evidence that increasing the number of volunteers serving overseas by 1,400, to a total of 15,110, during fiscal year 1966 would serve the interests of the United States and make a significant contribution to the advancement of the countries where they would work, and that the expanded operation would be prudently and economically administered. And all these things will be accomplished during the current fiscal year with the requested appropriation, while the total average annual cost per volunteer will be less than the cost for fiscal 1965.

Mr. Chairman, we cannot afford not to put our stamp of approval on this tremendous worldwide program of good will.

I urge an overwhelming vote in favor of H.R. 9026.

Mrs. KELLY. Mr. Chairman, I rise in support of the legislation before the House.

As the distinguished chairman of the Committee on Foreign Affairs has already explained, your committee has given very careful study to this legislation. We are convinced that the authorization proposed for fiscal year 1966, and the related amendments, are fully warranted by the performance of the Peace Corps, and will enhance the effectiveness of that agency's future operations.

At the outset, I want to stress one thing: During the years of its existence, the stigma of mismanagement or improper expenditure of the taxpayer's money has never been attached to the Peace Corps. And we can see why this is so when we look at some of the figures included in the record of the hearings on this legislation.

We find, for example, that the cost of training and maintaining each Peace Corps volunteer has gone down year after year and is today some $1,100 less than it was 3 years ago.

We also find that the ratio of staff to Peace Corps volunteers has dropped. Two years ago, there was 1 staff employee for each 10 volunteers. In the coming fiscal year, there will be 1 for each 13 volunteers. In this one case, Parkinson's law has not worked: to the great satisfaction of our committee and the Congress, the Peace Corps has not produced an ever-growing bureacracy.

We also find that whenever the Peace Corps had some money left over from their annual appropriations, they have turned it back to the Treasury—a practice which ought to be emulated by other Government agencies. I believe 12 million will be refunded.

The fact that the Peace Corps has been careful in spending money, and has successfully lived up to its fiscal mandate, speaks volumes about the character and the integrity of this organization. We must remember, however, that additional volumes can and should be written about the actual performance of Peace Corps volunteers throughout the world—performance which has brought untold benefits to thousands of people who need help to overcome illiteracy, poverty, disease, and other dire conditions of their existence.

If the Members of the House will look at page 4 of our committee's report on the bill before us—look at the charts on that page—they will see something very interesting about the performance of the Peace Corps: they will see that the Peace Corps has tried to tailor its activities to meet the most urgent needs of the areas in which our volunteers work.

The Members will notice, for instance, that almost two-fifths of all Peace Corps volunteers are working in our sister Republics of Latin America.

They will also notice that in each geographical area, the direction of Peace Corps efforts varies. In Africa, for example, almost 80 percent of volunteer efforts are expended on education. In contrast, in Latin America, more than one-half of Peace Corps activities are directly related to community action. In still other areas, health and agriculture receive particular attention.

I know it is not necessary for me to tell the Congress what the Peace Corps has done to the American image in the free, developing countries of the world. The boys and girls, the men and women who volunteer to serve abroad with the Peace Corps are the embodiment of the finest ideals of our Nation. Their service provides a tangible expression of our Nation's most personal concern for the well-being of all mankind. And this expression has been received with gratitude and enthusiasm by the people of each and every country which had Peace Corps volunteers assigned to it. Our image abroad has been improved, and the objectives which our Nation pursues on the world scene have been made more understandable, and more appreciated, by the selfless service and devotion of these fine young men and women. It is truly a people-to-people program.

Mr. Chairman, I believe in the Peace Corps—its mission, its objectives, and its capacity to fulfill both. And for this reason, I shall continue to support this program. I hope and trust that the membership of the House will do likewise.

Mr. LINDSAY. Mr. Chairman, having voted for the bills creating and maintaining the Peace Corps, I am pleased to be able to renew my support for the good work being done by that organization.

There is little doubt that Peace Corps volunteers are doing valuable, constructive work in the 45 countries in which they are now serving. As of March 31 of this year there were 8,644 Peace Corps volunteers and trainees either in or on their way to field assignments.

The performance of Peace Corps workers in their very difficult and dangerous role in the Dominican crisis illustrates how effective young idealists really can be under the most trying of circumstances.

While the self-satisfaction which they gain must be considerable, Peace Corps volunteers receive meager pay. Furthermore, they often suffer considerable physical hardships which may result in substantial personal expenses.

In recognition of this, the bill provides for additional medical and dental treatment, as well as a more equitable basis for the tax treatment of Peace Corps pay.

The additional authorization to finance the expanding operation of the Peace Corps which is provided for in this bill can be used to commendable advantage. The Peace Corps has shown responsible concern for preventing the organization from becoming top-heavy with administrative personnel as evidenced by the changing ratio of staff to fieldworkers. During the first year of its operation, there was one staff member for every four volunteers. During fiscal year 1965 the staff-volunteer ratio had shrunk to 1 to 12. Increasingly better management has reduced the annual cost per volunteer from $9,074 in fiscal year 1963 to $7,950 in fiscal year 1965.

Two dozen countries in which the Peace Corps is not now operating have requested volunteers, and all of the nations which now have volunteers want more. Clearly, the need for the unique and devoted services of Peace Corps volunteers is not diminishing. In Latin America, in Africa, in Asia, thousands of underprivileged people are leading relatively unproductive lives because, due to their lack of education and training, they are unable to forge a better future for themselves. The Peace Corps has proved that it is able to do the job, and I think it ought to be given the means to take on added responsibilities.

Mr. Chairman, I wholly support the Peace Corps program and the bill before us today.

Mr. HELSTOSKI. Mr. Chairman, approximately 4 years and 10 months ago, on September 22, 1961, the President of the United States signed legislation to establish the Peace Corps as a permanent body. The fundamental soundness of this idea can be ascertained by the overwhelming support this legislation received by the Congress when the matter was presented to it for enactment into law.

During this period of uncertain conditions throughout the world, we have been confronted by many expressions of gratitude of the countries where these Peace Corp volunteers served. The cry and response from these countries is, "send us more of these Peace Corps volunteers." This response is a far cry from the many "Yankee Go Home" signs which some radicals display in various areas of the world.

Today, we are all aware that the program has become a success, it is no longer an experiment in assisting the many countries which have welcomed these volunteers. The successful record speaks for itself and the people of the United States can be proud of this success.

The Peace Corps has received a splendid response for the many volunteers it presently has serving in various capacities throughout the world. Our young people, yes, and many in their senior years have been working as social workers, surveyors, farmers, teachers, auto mechanics, home economists, nurses, doctors, fishermen, engineers, carpenters and in many other fields.

The many volunteers, spread over the territories of over 40 countries come from every walk of life, representing every race, every color, every creed.

We can be proud of the fact that our Peace Corps personnel are acting as Americans and the ambassadors of good will in every area of the world. They go beyond the boundaries of projects which were assigned to them to be performed in the areas to which they were sent. They engage in voluntary activities and in community projects to demonstrate that voluntary action of the citizens is a vital part of American free society. This they wish to impart to the people of the countries in which they serve so nobly.

It is my honest belief that the Peace Corps has been a real bargain in terms of the returns for the dollars we have invested in this program, a bargain in terms of our fight against the encroachment of communism, and a bargain in our traditional concern for people less unfortunate than ourselves.

Can we make a better investment than in helping human beings to find a better way of life which, in turn, makes it more meaningful to an individual?

The program was made truly a people-to-people activity and all credit should go to the caliber of the dedicated Americans who wish to see that this program continues its high level of support to the countries which have requested them.

I am pleased and proud to have the opportunity to express my support of this concept of the Peace Corps and no other measure before this House deserves more recognition than the one we are presently discussing.

There is no doubt that the American people are willing to support and finance a program which has been accepted as a success. The accomplishments have been impressive and it seems clear to me that no obstacle should be placed to curtail the success of this Peace Corps program.

I rise in support of the present bill and hope that no effort will be made to reduce the funds which are authorized in this legislation. For, as long as the foreign governments request this assistance and welcome the members of the Peace Corps we should do all that we can to continue this program at its present level, and possibly make a moderate expansion of it.

The idea was a modest beginning with many skeptics prophesying its demise, but the events of the past indicate that this Peace Corps movement was one of our better efforts in meeting people and helping them to attain a better way of life.

Mrs. BOLTON. Mr. Chairman, I have no further requests for time.

Mr. MORGAN. Mr. Chairman, we have no further requests for time and I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1965" and substituting "1966".

Sec. 2. Section 5 of the Peace Corps Act, as amended, which relates to Peace Corps volunteers, is amended as follows:

(a) Subsection (c) is amended by adding at the end thereof a new sentence as follows: "For purposes of the Internal Revenue Code of 1954 (26 U.S.C.), a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this Act to the fund from which such readjustment allowance is payable."

(b) In subsection (e):

(1) In the first sentence, strike out "and such health examinations and immunization preparatory to their service," and substitute therefor "applicants for enrollment shall receive such health examinations, immunization, and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service,".

(2) In the second sentence, strike out ", examinations, and immunization" and strike out "for volunteers".

(c) In the first proviso of subsection (g), strike out "one" and substitute therefor "two" and strike out "in the aggregate".

(d) In subsection (h), immediately after "(5) U.S.C. 73b–5)," insert "the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a),".

Sec. 3. In section 6(3) of the Peace Corps Act, as amended, which relates to the provision of health care to the spouses and minor children of volunteer leaders, immediately after "accompanying them" insert ", and a married volunteer's child if born during the volunteer's service,".

Sec. 4. Section 7 of the Peace Corps Act, as amended, which relates to Peace Corps employees, is amended as follows:

(a) Strike out subsections (a) and (b).

(b) Redesignate subsection (c) as subsection (a) and in the subsection as redesignated:

(1) In the introductory phrase:

(A) Insert "(1)" immediately before "For the purpose of".

(B) Strike out "—" immediately after "may".

(2) In paragraph (1) strike out "(1)".

(3) In paragraph (2):

(A) Amend the first sentence to read as follows: "The President may utilize such authority contained in the Foreign Service Act of 1946, as amended, relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, alien clerks and employees, and other United States Government officers and employees apart from Foreign Service officers as he deems necessary to carry out functions under this Act; except that (A) no Foreign Service Reserve or Staff appointment or assignment under this paragraph shall be for a period of more than five years unless the Director of the Peace Corps, under special circumstances, personally approves an extension of not more than five years on an individual basis; and (B) no person whose Foreign Service Reserve or Staff appointment or assignment under this paragraph has been terminated shall be reappointed or reassigned under this paragraph before the expiration of a period of time equal to his preceding tour of duty or until the expiration of one year, whichever is the shorter."

(B) Strike out in the second sentence thereof "the Foreign Service Act of 1946" and insert in lieu thereof "that Act".

(C) In the first proviso in the second sentence thereof strike out "of" immediately after "the period of the appointment" and insert in lieu thereof "or".

(D) Insert immediately after "may prescribe" in the second proviso thereof ": *Provided further,* That under such regulations as the President may prescribe persons who are to perform duties of a more routine nature than are generally performed by Foreign Service Staff officers and employees of class 10 may be appointed to an unenumerated class of Foreign Service Staff officers and employees ranking below class 10 and be paid basic compensation at rates lower than those of class 10."

(4) In paragraph (3):

(A) Strike "specify" and insert in lieu thereof: "The President may specify what additional compensation authorized by section 207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118h), and".

(B) Strike out "(c)" and insert in lieu thereof "(a)".

(C) Strike out "that Act" and insert in lieu thereof "those Acts".

(c) Redesignate subsection (d) as subsection (b) and in that subsection as redesignated:

(1) Immediately after "or assigned" insert "for the purpose of performing functions under this Act outside the United States".

(2) Strike out "subsection (c)(2)" and insert in lieu thereof "subsection (a)(2)".

(d) Redesignate subsection (e) as subsection (c) and in the second sentence of that subsection as redesignated strike out "(c)" and insert in lieu thereof "(a)".

Sec. 5. (a) Section 4 of this Act shall not become effective until the first day of the fourth pay period which begins after the date this Act becomes law.

(b) Under such regulations as the President may prescribe, each person employed under authorities repealed by section 4(a) of this Act immediately prior to the effective date of that section shall effective on that date be appointed a Foreign Service Reserve officer or Foreign Service staff officer or employee under the authority of section 7(a)(2) of the Peace Corps Act, as amended, and appointed or assigned to an appropriate class thereof; except that—

(1) no person who holds a career or career-conditional appointment immediately prior to the effective date of section 4(a) of this Act shall, without his consent, be so appointed until three years after such effective date; and

(2) each person so appointed who, immediately prior to the effective date of section 4(a) of this Act, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by the Classification Act of 1949, as amended, shall receive an appointment for the duration of operations under the Peace Corps Act, as amended.

Each person appointed under this subsection shall receive basic compensation at the rate of his class determined by the President to be appropriate, but the rate of basic compensation received by such person immediately prior to the effective date of his appointment under this subsection shall not be reduced by the provisions of this paragraph.

Sec. 6. In section 10(a)(3) of the Peace Corps Act, as amended, which relates to acceptance, employment, and transfer of gifts, immediately after "and transfer such" insert "money or".

Sec. 7. In the second sentence of section 15(c) of the Peace Corps Act, as amended, which relates to training of employees, strike out "Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any" and substitute therefor "Any".

Mr. MORGAN (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open for amendment at any point, and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. If there are no amendments, the Committee will rise, under the rule.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9026) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, pursuant to House Resolution 473, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, and for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object—is the gentleman asking to amend the Senate bill to conform to the House bill?

Mr. MORGAN. No; to substitute the House bill for the Senate bill.

Mr. GROSS. Does that mean there will be no conference on the bill?

Mr. MORGAN. There will be a conference.

Mr. GROSS. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

S. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1965" and substituting "1966", and by inserting before the period at the end thereof a comma and the following: "of which not to exceed $500,000 shall be available for carrying out research".

Sec. 2. (a) Section 4(a) of the Peace Corps Act, as amended, which provides for the appointment of the Director and Deputy Director of the Peace Corps, is amended by striking out "and a Deputy Director of the Peace Corps" immediately after a "Director of the Peace Corps' and substituting therefor ", a Deputy Director of the Peace Corps and two Associate Directors of the Peace Corps"; and by adding at the end of section 4(a) the following sentence: "The Director shall hold no other Federal office of equivalent rank."

(b) Section 16 of the Peace Corps Act, as amended, which relates to the appointment of persons serving under prior law, is amended by adding immediately after the end thereof a new subsection (c) as follows:

"(c) Any person serving as Associate Director of the Peace Corps for Program Development and Operations or Associate Director of the Peace Corps for Peace Corps Volunteers on the date this subsection becomes law may serve as one of the two Associate Directors of the Peace Corps for whose appointment provision is made in section 4(a) of this Act until the end of the first session of the Eighty-ninth Congress, or until the President shall commission him or his successor as such an Associate Director of the Peace Corps, or until his nomination as such an Associate Director is rejected by the Senate, whichever sooner occurs."

(c) Section 303(e) of the Government Employees Salary Reform Act of 1964, which provides for the application of level V of the Federal Executive Salary Schedule established by section 302 of that Act to certain offices and positions, is amended by striking out paragraphs (71) and (72) and inserting in lieu thereof the following new paragraph (71):

"(71) Associate Directors of the Peace Corps (2)."

Sec. 3. Section 5 of the Peace Corps Act, as amended, which relates to Peace Corps volunteers, is amended as follows:

(a) In subsection (e):

(1) In the first sentence, strike out "and such health examinations and immunization preparatory to their service," and substitute therefor "applicants for enrollment who have accepted an invitation to begin a period of training under section 8(a) of the Act shall receive such health examinations, immunization, and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service,".

(2) In the second sentence, strike out ", examinations, and immunization" and strike out "for volunteers".

(b) In the first proviso of subsection (g), strike out "one" and substitute therefor "two" and strike out "in the aggregate".

(c) In subsection (h), immediately after "(5 U.S.C. 73b–5)," insert "the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a),".

Sec. 4. In section 6(3) of the Peace Corps Act, as amended, which relates to the provision of health care to the spouses and minor children of volunteer leaders, immediately after "accompanying them" insert ", and a married volunteer's child if born during the volunteer's service,".

Sec. 5. Section 7 of the Peace Corps Act, as amended, which relates to Peace Corps employees, is amended as follows:

(a) Strike out subsections (a) and (b).

(b) Redesignate subsection (c) as subsection (a) and in the subsection as redesignated:

(1) In the introductory phrase:

(A) Insert "(1)" immediately before "For the purpose of".

(B) Strike out "—" immediately after "may".

(2) In paragraph (1), strike out "(1)".

(3) In paragraph (2):

(A) Strike out the first sentence thereof and substitute therefor "The President may utilize such authority contained in the Foreign Service Act of 1946, as amended, relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, alien clerks and employees, and other United States Government officers and employees apart from Foreign Service officers as he deems necessary to carry out functions under this Act: *Provided, however,* That all Foreign Service Reserve or Staff appointments or assignments shall be limited or temporary and not exceed five years in duration unless the appointee or assignee held a career or career-conditional appointment at grade eight or below of the General Schedule established by the Classification Act of 1949, as amended (5 U.S.C. 1071 et seq.), under former section 7(a) of this Act immediately prior to the effective date of the repeal of that section: *Provided further,* That a person who serves as a Foreign Service Reserve or Staff officer or employee under this paragraph may not be reappointed or reassigned under this paragraph until the expiration of a period of time equal to his preceding tour of duty."

(B) Strike out in the second sentence thereof "the Foreign Service Act of 1946" and insert in lieu thereof "that Act".

(C) In the first proviso in the second sentence thereof strike out "of" immediately after "the period of the appointment" and insert in lieu thereof "or".

(D) Insert immediately after "may prescribe" in the second proviso thereof ": *Provided further,* That under such regulations as the President may prescribe persons who are to perform duties of a more routine nature than are generally performed by Foreign Service Staff officers and employees of class 10 may be appointed to an unenumerated class of Foreign Service Staff officers and employees ranking below class 10 and be paid basic compensation at rates lower than those of class 10."

(4) In paragraph (3):

(A) Strike out "specify" and insert in lieu thereof: "The President may specify what additional compensation authorized by section 207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118h), and".

(B) Strike out "(c)" and insert in lieu thereof "(a)".

(C) Strike out "that Act" and insert in lieu thereof "those Acts".

(c) Redesignate subsection (d) as subsection (b) and in that subsection as redesignated:

(1) Immediately after "or assigned" insert "for the purpose of performing functions under this Act outside of the United States".

(2) Strike out "subsection (c)(2)" and insert in lieu thereof "subsection (a)(2)".

(d) Redesignate subsection (e) as subsection (c) and in the second sentence of that subsection as redesignated strike out "(c)" and insert in lieu thereof "(a)".

SEC. 6. (a) Section 5 of this Act shall not become effective until the first day of the fourth pay period which begins after the date this Act becomes law.

(b) Under such regulations as the President may prescribe, each person employed under authorities repealed by section 5(a) of this Act immediately prior to the effective date of that section shall effective on that date be appointed a Foreign Service Reserve officer or Foreign Service Staff officer or employee under the authority of section 7(a)(2) of the Peace Corps Act, as amended, and appointed or assigned to an appropriate class thereof: *Provided, however,* That no person who holds a career or career-conditional appointment immediately prior to the effective date of that section shall, without his consent, be so appointed until three years after the effective date of that section. Each officer or employee so appointed shall receive basic compensation at the rate of his class determined to be appropriate by the President, except that the rate of basic compensation received by any officer or employee immediately prior to the effective date of his Foreign Service Reserve or Staff appointment shall not be reduced by the provisions of this section.

SEC. 7. In section 10(a)(3) of the Peace Corps Act, as amended, which relates to acceptance, employment, and transfer of gifts, immediately after "and transfer such" insert "money or".

SEC. 8. In section 13(a) of the Peace Corps Act, as amended, which relates to the employment of experts and consultants, strike out "$75" and substitute therefor "$100".

SEC. 9. In the second sentence of section 15(c) of the Peace Corps Act, as amended, which relates to training of employees, strike out "Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any" and substitute therefor "Any".

AMENDMENT OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Strike out all after the enacting clause of the bill (S. 2054) and insert the following:

"That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out '1965' and substituting '1966'.

"SEC. 2. Section 5 of the Peace Corps Act, as amended, which relates to Peace Corps volunteers, is amended as follows:

"(a) Subsection (c) is amended by adding at the end thereof a new sentence as follows: 'For purposes of the Internal Revenue Code of 1954 (26 U.S.C.), a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this Act to the fund from which such readjustment allowance is payable.'

"(b) In subsection (e):

"(1) In the first sentence, strike out 'and such health examinations and immunization preparatory to their service,' and substitute therefor 'applicants for enrollment shall receive such health examinations, immunization, and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service,'.

"(2) In the second sentence, strike out ', examinations, and immunization' and strike out 'for volunteers'.

"(c) In the first proviso of subsection (g), strike out 'one' and substitute therefor 'two' and strike out 'in the aggregate'.

"(d) In subsection (h), immediately after '(5) U.S.C. 73b–5),' insert 'the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a),'.

"SEC. 3. In section 6(3) of the Peace Corps Act, as amended, which relates to the provision of health care to the spouses and minor children of volunteer leaders, immediately after 'accompanying them' insert ', and a married volunteer's child if born during the volunteer's service,'.

"SEC. 4. Section 7 of the Peace Corps Act, as amended, which relates to Peace Corps employees, is amended as follows:

"(a) Strike out subsections (a) and (b).

"(b) Redesignate subsection (c) as subsection (a) and in the subsection as redesignated:

"(1) In the introductory phrase:

"(A) Insert '(1)' immediately before 'For the purpose of'.

"(B) Strike out '—' immediately after 'may'.

"(2) In paragraph (1) strike out '(1)'.

"(3) In paragraph (2):

"(A) Amend the first sentence to read as follows: 'The President may utilize such authority contained in the Foreign Service Act of 1946, as amended, relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, alien clerks and employees, and other United States Government officers and employees apart from Foreign Service officers as he deems necessary to carry out functions under this Act; except that (A) no Foreign Service Reserve or Staff appointment or assignment under this paragraph shall be for a period of more than five years unless the Director of the Peace Corps, under special circumstances, personally approves an extension of not more than five years on an individual basis; and (B) no person whose Foreign Service Reserve or Staff appointment or assignment under this paragraph has been terminated shall be reappointed or reassigned under this paragraph before the expiration of a period of time equal to his preceding tour of duty or until the expiration of one year, whichever is the shorter.'

"(B) Strike out in the second sentence thereof 'the Foreign Service Act of 1946' and insert in lieu thereof 'that Act'.

"(C) In the first proviso in the second sentence thereof strike out 'of' immediately after 'the period of the appointment' and insert in lieu thereof 'or'.

"(D) Insert immediately after 'may prescribe' in the the second proviso thereof ': *Provided further,* That under such regulations as the President may prescribe persons who are to perform duties of a more routine nature than are generally performed by Foreign Service Staff officers and employees of class 10 may be appointed to an unenumerated class of Foreign Service Staff officers and employees ranking below class 10 and be paid basic compensation at rates lower than those of class 10.'

"(4) In paragraph (3):

"(A) Strike out 'specify' and insert in lieu thereof: 'The President may specify what additional compensation authorized by section 207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118h), and '.

"(B) Strike out '(c)' and insert in lieu thereof '(a)'.

"(C) Strike out 'that Act' and insert in lieu thereof 'those Acts'.

"(c) Redesignate subsection (d) as subsection (b) and in that subsection as redesignated:

"(1) Immediately after 'or assigned' insert 'for the purpose of performing functions under this Act outside the United States.'

"(2) Strike out 'subsection (c)(2)' and insert in lieu thereof 'subsection (a)(2)'.

"(d) Redesignate subsection (e) as subsection (c) and in the second sentence of that subsection as redesignated strike out '(c)' and insert in lieu thereof '(a)'.

"SEC. 5. (a) Section 4 of this Act shall not become effective until the first day of the fourth pay period which begins after the date this Act becomes law.

"(b) Under such regulations as the President may prescribe, each person employed under authorities repealed by section 4(a) of this Act immediately prior to the effective date of that section shall effective on that date be appointed a Foreign Service Reserve officer or Foreign Service staff officer or employee under the authority of section 7(a)(2) of the Peace Corps Act, as amended, and appointed or assigned to an appropriate class thereof; except that—

"(1) no person who holds a career or career-conditional appointment immediately prior to the effective date of section 4(a) of this Act shall, without his consent, be so appointed until three years after such effective date; and

"(2) each person so appointed who, immediately prior to the effective date of section 4(a) of this Act, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by the Classification Act of 1949, as amended, shall receive an appointment for the duration of operations under the Peace Corps Act, as amended.

Each person appointed under this subsection shall receive basic compensation at the rate of his class determined by the President to be appropriate, but the rate of basic compensation received by such person immediately prior to the effective date of his appointment under this subsection shall not be reduced by the provisions of this paragraph.

"SEC. 6. In section 10(a)(3) of the Peace Corps Act, as amended, which relates to acceptance, employment, and transfer of gifts, immediately after 'and transfer such' insert 'money or'.

"SEC. 7. In the second sentence of section 15(c) of the Peace Corps Act, as amended, which relates to training of employees, strike out 'Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any' and substitute therefor 'Any'."

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similiar House bill (H.R. 9026) was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1965

Mr. POWELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8310, with Mr. HARRIS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. POWELL] will be recognized for 1 hour, and the gentleman from Ohio [Mr. AYRES] will be recognized for 1 hour.

The Chair recognizes the gentleman from New York.

Mr. POWELL. Mr. Chairman, I rise in support of H.R. 8310, the Vocational Rehabilitation Act Amendments of 1965.

H.R. 8310 is an important bill for the several million Americans who are the victims of physical or mental disability. It is an important bill for State and Federal Governments in their efforts to provide better rehabilitation programs for their disabled citizens. It is an important bill for the hundreds of voluntary organizations which conduct programs to aid the disabled. I should like to point out also that this bill, as well as the program of vocational rehabilitation generally, has traditionally been supported with enthusiasm on a nonpartisan basis in the Congress. Our colleagues on the other side have been much interested in this legislation and we have had unanimity of opinion in the committee that this is a good bill.

H.R. 8310 reflects the committee's conviction of the steps that should be taken to further improve this valuable Federal-State program. It has been 11 years since any major legislative changes have been made in the Vocational Rehabilitation Act.

The public program vocational rehabilitation is our major governmental effort—both federally and in the States—to do something constructive about the problems of disability. There are about 3½ million disabled men and women today who need the services of this program. Each year about 300,000 new cases come into the picture.

During this fiscal year the Federal-State program will rehabilitate and replace in employment about 135,000 disabled people. While this represents the largest number ever rehabilitated in 1 year, it still falls far short of the 300,000 who should be rehabilitated each year.

Because we and the States have permitted this program to operate far below its potential, we face the backlog of about 3½ million people which I just mentioned.

We need to do everything we can to bring this situation under control. H.R. 8310 is designed to do that.

The President has set a goal of rehabilitating 200,000 disabled people annually as soon as possible. If H.R. 8310 is enacted this year, we should reach the President's goal in about 3 years.

Serious disability is one of the causes of poverty among our people. It halts employment and wages, it depletes savings, and it often destroys families.

We will, therefore, be mounting another specialized attack on poverty with which the Committee on Education and Labor is specifically concerned when we support H.R. 8310.

At the same time we will be producing thousands of new taxpayers, because most of these disabled people, placed on the payroll and taken off the relief rolls, will be supporting themselves and our public institutions through their earnings and their taxes.

At a time when we need skilled manpower, the vocational rehabilitation program continues to produce thousands of skilled and semiskilled workers every year. In this program there is great emphasis on job training to help disabled people compete successfully in the job market. When they are rehabilitated, many of them go into professions, skilled trades, technical fields, and other employment, where they contribute as much to our labor force as the nondisabled.

Since 1954, the Vocational Rehabilitation Administration also has conducted programs in research and demonstration, and for the training of more professional workers in the field.

The research and demonstration program has produced much new knowledge, just as research has advanced the Nation's efforts in so many other fields. This research program is one of the reasons why today it is possible to rehabilitate and return to work large numbers of disabled people who formerly were considered to be hopeless in terms of work.

Mr. Chairman, this is a comprehensive piece of legislation. It is the culmination of 11 years of experience and growth in this public program. It reflects extended study by the Committee on Education and Labor and the very careful deliberations of the executive branch, national voluntary organizations, professional groups and others.

The committee has received endorsement of such legislation from organized labor, professional organizations, specialist groups, voluntary service groups, and a large number of public-spirited and well-informed citizens.

I trust the House will act promptly and favorably upon this bill today, for the disabled people to whom it is directed are the constituents of every Member of this body.

In reporting H.R. 8310, the Vocational Rehabilitation Act Amendments of 1965, the Committee on Education and Labor took a careful look at this program of vocational rehabilitation for disabled people. I should like my colleagues in the House to know of some of the outstanding achievements that this public program has made during the last several years. I do this partly because the Congress should be well informed on this subject and partly because I believe it is convincing evidence that we may safely expand the legislative authority we give to the Vocational Rehabilitation Administration, knowing that the agency will administer these new programs as soundly and wisely as they have carried out previous programs.

When the present law was passed in 1954, the Federal-State program of vocational rehabilitation was rehabilitating into employment less than 56,000 handicapped people annually. In the fiscal year just ended, this program has rehabilitated well over 130,000 handicapped people.

While this increase in numbers was taking place, the rehabilitation program also was increasing the quality of service and was rehabilitating a much larger proportion of severely handicapped people who particularly need this specialized service.

If H.R. 8310 is enacted, it will be possible to do what the President asked—to rehabilitate at least 200,000 disabled people a year as promptly as possible—and this will be done in the next 3 years or less.

One of the interesting parts of this growth in services to the handicapped is the sharp increase in the number of mentally retarded youths and adults who have been trained and placed in jobs. It was only a few years ago that less than 500 mentally retarded people were being rehabilitated by our public program in the entire United States. By 1960 the figure had risen to nearly 3,000. In 1964 more than 7,200 mentally retarded young people and adults received a variety of services, were prepared for jobs and placed in useful employment.

I point out this record of expanded service for the retarded because H.R. 8310 is the last remaining piece of major legislation proposed initially by President Kennedy to combat the problems of retardation in the United States. With the continued support of President Johnson for this special field, and his strong support for the total rehabilitation program, we can proceed with the complete national effort for the mentally retarded if this bill is enacted into law.

The vocational rehabilitation program has been directly and deeply involved in the problem of poverty for 45 years. Three-fourths of the disabled people accepted for services are unemployed at the time and the remainder are in marginal jobs or are threatened with loss of their jobs because of their disabilities.

Among those rehabilitated last year, nearly 20 percent had been receiving public assistance or some other form of public support. An even larger proportion were dependent on their families, friends or charitable sources.

The training program has substantially increased the supply of personnel in rehabilitation. A larger number of physicians specializing in rehabilitation are coming into this field today.

In the training of more rehabilitation counselors, the increase is even more remarkable: 10 years ago, only 12 rehabilitation counselors were completing their college training each year. Today nearly 500 new counselors are coming out of our colleges each year.

In the other professional fields involved—speech pathology and audiology, physical therapy, occupational therapy, and certain others—the training program is helping to produce the supply of trained staff that this country must have to restore more of our disabled men and women.

The financing of the Federal-State program, which is the basic program of services to disabled people under section 2 of the act, would be changed to use a somewhat different formula for allotting Federal funds among the States.

Allotments would be based on a formula reflecting each State's population and its per capital income. The amount of the total funds authorized for allotments among the States is specified in the bill and these amounts would be the actual sums available for each year's allotment. For fiscal 1966 allotments would be made on the basis of $300 million; for 1967, $350 million, and for 1968, $400 million. Let me add that these are allotment amounts; the appropriations required would be substantially less for each year. The authority for such appropriations is limited to 3 years, at which time the Congress will have an opportunity to review the progress made and decide whether such authority should be continued or changed.

The Federal share in the support of this basic program of services would be increased by the bill, to place this program in a more comparable position with other federally aided programs which today are engaged in various efforts in the fields of specialized training.

At present the Federal share, under a variable matching formula, ranges between 50 and 70 percent. H.R. 8310 would establish a uniform Federal share of 75 percent for all States beginning with fiscal year 1967. The bill also provides for reducing payments to any State in which expenditures of State funds fall below expenditures in fiscal year 1965.

This is a measure designed to make sure that States maintain the level of support during the transitional year and that there will be no substitution of Federal funds for State funds.

Another important feature which is introduced is that the States would be authorized to accept severely disabled persons, for whom the outlook for employment is obscure, provide services to them for a period up to 6 months, and then determine whether or not they can be expected to be employable if a rehabilitation program is completed. In the case of mentally retarded persons, this special provision would authorize such services for as long as 18 months.

This will help greatly in the programs' efforts to restore to employment a much larger number of seriously disabled men and women who usually are not accepted under present law because their employment outlook is very difficult to determine at the outset.

The bill would authorize a program of grants to assist in meeting costs of construction of rehabilitation facilities and workshops, under a new section of the act. The present law authorizes only a very limited effort in this field; it is confined to alterations, expansion and equipment, without any authority for new construction.

The bill would authorize projects to construct rehabilitation centers, primarily those of a vocational nature, so that this program will augment and reinforce the construction done under the present Hill-Burton Hospital Survey and Construction Act, which is primarily concerned with medical types of facilities. The bill also will provide similar construction authority to aid in building more workshops and expanding present ones.

Provisions are included to safeguard the Federal Government's interest and to recapture the Federal share of any such project which ceases to function as a rehabilitation facility or workshop within 20 years after its establishment.

To help carry out this provision and for other purposes, the bill would also establish a National Policy and Performance Council. The Council would develop and recommend to the Secretary the criteria and standards to be observed in approving grants for training services projects.

The bill authorizes grants to assist the States in conducting a 2-year program of statewide planning in rehabilitation.

This will be a valuable inventory of what the States have in the way of rehabilitation resources and will provide a clear picture of future needs. This planning will be conducted in the context of developing, in each State, a specific plan to have available by 1975 the programs, institutions and other facilities needed to rehabilitate all disabled people who need services.

H.R. 8310 would permit Federal matching of local public funds to expand rehabilitation services in local communities.

The bill would authorize a 3-year National Commission on Architectural Barriers to Rehabilitation of the Handicapped. This is a major effort to eliminate many of the structural design features inside and outside of buildings which make it impossible for handicapped people in wheelchairs, on braces and crutches, et cetera, to use these buildings.

Mr. Chairman, I now yield 15 minutes to the distinguished gentleman from New Jersey, the author of the bill [Mr. DANIELS].

Mr. DANIELS. Mr. Chairman, H.R. 8310 is a very important bill for millions of Americans who are crippled by physical or mental disability.

In my opinion, this bill will go far to restore thousands of disabled Americans to health. Before I discuss this bill, I would like to commend the very able gentlewoman from Oregon [Mrs. GREEN] chairman of the Special Subcommittee on Education for her labors not only in this Congress but in every Congress in which she has served in behalf of the handicapped. On this bill, as on so many others, her work has been outstanding.

In addition, I would also like to thank the gentleman from Minnesota [Mr. QUIE] for his hard work in behalf of vocational rehabilitation. He has worked consistently to keep vocational rehabilitation nonpartisan.

Also, I desire to commend my colleague from Connecticut [Mr. GIAIMO] who served with me on the subcommittee in 86th and 87th Congresses under the able chairmanship of a former Member of this Congress, Carl Elliott, whose labors contributed immeasurably to the development of the legislation under consideration today.

Much has been said in this House about the need for alleviating poverty and while we may not always agree on the best methods of ridding this Nation of poverty, we do, I am sure, agree upon the necessity for action in this area.

I am happy to state that this bill will certainly be an effective means to fight poverty. The thrust of this bill is intended to rehabilitate many thousands of persons annually and transform them into vital contributing members of our society. In this way we will be simultaneously pruning relief rolls while we are producing new taxpayers. I am happy to say this bill has strong support on both sides of the aisle as it has always had since the program was initially established in 1920.

H.R. 8310 is the first change in the program since 1954 and it comes as a result of a demonstrated need for more extensive services in the area.

As President Johnson stated in his health message earlier this year, we are rehabilitating about 120,000 persons a year when we should be rehabilitating 200,000 or more.

There is urgent need for the kind of legislation proposed in H.R. 8310. The bill lays the foundation for the next great steps forward which our country needs to take for its disabled men and women. The proposals in this bill are built upon and improve what is now being done in the vocational rehabilitation programs throughout the country. This legislation has the ultimate objective of creating better opportunities for the disabled people of this Nation to be trained to work and live actively and usefully as fully participating citizens of our communities and our country.

Before I describe the several features of the bill, I want to speak about the meaning of this program of vocational rehabilitation. In our society, constructive work of some kind is essential to mental and often to physical health. Without question it is fundamental to economic security, and to a sense of accomplishment, of standing in the eyes of our associates, and of participation in our democracy. We have discovered to our sorrow that without it, many young people—both the ablebodied and the handicapped alike—become discontented and frustrated. They take out this frustration on the community where they live in dozens of destructive and often criminal ways.

In this country today there are approximately 3 million youths and adults with physical or mental handicaps which seriously interfere with their opportunity and ability to get a job and perform useful work—but who, with the combination of services, called vocational rehabilitation, could work. Most can be placed in full-time competitive employment. Many need to perfect their skills in the sheltered environment of a workshop for an extended period before entering the labor market. Another group will need part-time work arrangements, often in special workshops. Some may only be able to work a few hours a day, such as the older handicapped worker or the victims of cerebral palsy, the severely retarded, or the stroke patient. Here the individualized job finding and placement services are especially important. On an annual basis, about 300,000 disabled persons come into this picture each year—an annual increment which far exceeds the number being rehabilitated each year. And this contributes steadily to the backlog of 3 million which I mentioned.

The Federal-State program of vocational rehabilitation is making gradual progress toward meeting this need, but the rate of progress remains far too slow. Last year this public program rehabilitated nearly 120,000 disabled people. This year we expect the figure to exceed 130,000.

If this bill is enacted and supported with the funds needed to carry it out fully, a level of 200,000 disabled persons can be restored to usefulness annually within the next 5 years, and perhaps sooner. At that point, taking into account the work done in this field by voluntary agencies, the number of disabled people being rehabilitated into employment each year will about equal the number of new cases appearing each year. Then it will be possible to direct our attention to steps to reduce the tremendous backlog.

The Federal-State program of vocational rehabilitation is a partnership which goes back to 1920. From a modest beginning, the work has grown steadily and soundly over the years. Not only the volume of work, but its quality, its breadth of reach and its leadership within the States have shown excellent progress. Every State, as well as the District of Columbia, Puerto Rico, the Virgin Islands, and Guam, operates a program of vocational rehabilitation. In 36 of the States there also are separate agencies which provide vocational rehabilitation services to blind persons only. With a State, rehabilitation counselors work from offices spread across the State. They serve disabled men and women at the request of public welfare agencies, private physicians, hospitals, school systems, the old age and survivors' insurance system, labor organizations, workmen's compensation and many others. Many disabled people come directly to the State rehabilitation agency, or are brought there by their families.

The services provided include medical, surgical, and hospital services, where these are needed to reduce or eliminate the disability. Education and training in preparation for a job are provided—using technical and trade schools, universities, correspondence courses, on-the-job training, and other training resources, as needed individually. Placement in a job and followup to assure successful employment, constitute the final stage in the service program. Other specialized services are provided as needed, such as artificial limbs, braces, hearing aids, and other prosthetic and orthotic devices. Rehabilitation centers, workshops, and special facilities in the community or elsewhere are used in rehabilitating and placing people in jobs.

Since 1954 the Vocational Rehabilitation Administration has administered certain other highly important programs. One of these is a system of grants in support of research and demonstration projects, aimed at the twin goals of securing new scientific and program knowledge and making the benefits of this new knowledge more widely available to State agencies, rehabilitation centers and other phases of rehabilitation work in this country. Since 1954 about 900 research and demonstration projects have received financial support. The work being done covers many fields of investigation and application. Cooperating are scores of universities, scientific and technical institutes, State rehabilitation agencies, voluntary organizations, and others. From this 10 years of experience, basic concepts have emerged for an intramural research program which is a part of this bill and which I will discuss more fully later.

The Vocational Rehabilitation Administration has also conducted for the last 10 years a program of support to expand the number of professional workers being trained for careers in rehabilitation. This training program was one of the most fortunate events of the past decade, in terms of its contribution to building the trained staff that is absolutely essential to program growth. The training program covers the fields of physicians in rehabilitation, physical psychologists, social workers, speech pathologists and audiologists, nurses in rehabilitation, prosthetics and orthotics specialists, and certain other specialized groups who serve blind persons, deaf persons, the mentally retarded, and others. Part of the training grant program has been directed to multidisciplinary training in order that the several specialties in rehabilitation may learn to function at their highest effectiveness as a team.

The State vocational rehabilitation agencies also carry out the program of determination of disability on behalf of the old age and survivors insurance system of the Social Security Administration. Under this program, enacted in its original form in 1954, persons under social security coverage who become disabled may be eligible for disability benefits provided the disability meets the requirements of the law and they are otherwise eligible. For 10 years the State rehabilitation agencies in 47 of the States have made this determination on behalf of OASDI. The law also requires that all applicants for such disability benefits must be considered by the State vocational rehabilitation agency to see if they might be potentially capable of rehabilitation and return to work.

In the operation of that part of the Hospital Survey and Construction Act—the Hill-Burton program—which provides financial assistance to help build rehabilitation facilities, the Commissioner of Vocational Rehabilitation and the Surgeon General of the Public Health Service are jointly responsible for approving applications.

The Vocational Rehabilitation Administration administers another law which has proven very valuable over the years. This is the Randolph-Sheppard Act, under which blind persons receive certain preferences in the operation of vending stands on Federal property. This law, in operation since 1936, has made it possible for thousands of blind persons to have successful employment and lives of activity and dignity. This bill provides for a relatively minor change in the Vocational Rehabilitation Act to permit further improvement in the management of stands under the Randolph-Sheppard Act.

The ability of this program to provide both services and work opportunities for disabled people has increased greatly since 1920, both in terms of the potentiality of the individual and his adaptability to the labor market. It was not until 1943 that medical rehabilitation was accepted as an essential part of the total vocational rehabilitation needs. In 1954 only an occasional victim of mental illness and mental retardation was thought of as a suitable candidate for vocational rehabilitation, although consideration of these disabilities was highlighted in the 1943 amendments. Last year, however, the program rehabilitated more than 7,000 mentally retarded individuals and 14,000 victims of mental illness. The proposals in the bill we are considering today hold great promise for substantially increasing this effort in both these categories. The interest of the late President Kennedy and President Johnson in people with these problems has meant heightened interest and efforts to find solutions which will benefit these groups.

Each day our medical leaders learn how to deal more effectively with the scourge of the highway—paraplegia and quadriplegia caused by accidents—but thousands of the youngsters suffering from these most severe disabilities are not rehabilitated fully today. They are wasting away in back rooms or in nursing homes because of lack of sufficient financial support in the States, inadequate or no facilities, or lack of faith in the spirit of the individual to respond to rehabilitation services or training. This waste of young people must not be continued. We can and must do more to cut down on the causes of these crippling conditions and rehabilitate those who have suffered these severely disabling experiences.

The vocational rehabilitation effort has been an antipoverty program since its inception. Last year more than 20,000 of those rehabilitated came from some form of public assistance or other publicly supported welfare. The momentum to prevent dependency due to physical and mental disabilities for those of our citizens who want to work is here. Let us increase that momentum and make absolutely sure that the handicapped can, in truth, be part of the Great Society.

In his health message, President Johnson promised "a new life for the disabled." The gates to that new life can be widened by enactment of H.R. 8310.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the distinguished Speaker.

Mr. McCORMACK. I join with the gentleman from New Jersey in expressing appreciation for the very able consideration of this bill by the members of the subcommittee and the members of the full committee, but I think they will all agree with me that the gentleman from New Jersey [Mr. DANIELS] is entitled to special consideration in the introduction of this bill and to our profound appreciation for the able manner in which he worked in the subcommittee out of which came the recommendations of the full committee with respect to the bill that is now before the House. We also commend the chairman of the subcommittee, Mrs. GREEN, in her outstanding leadership. This is a very far-reaching bill, one of the most historic bills of the entire period of our Nation's history in the field of vocational rehabilitation. The people of the district of the gentleman from New Jersey [Mr. DANIELS], can feel highly honored that he is representing them in the Halls of Congress in such an able, constructive, courageous, and forward-looking manner.

Mr. DANIELS. Mr. Chairman, I want to thank the Speaker for his kind and gracious remarks. I appreciate everything you have said and I indeed feel highly elated.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from California.

Mr. ROOSEVELT. I want to congratulate the gentleman on this very wonderful piece of legislation, and say how much I have enjoyed working in the subcommittee on this most important matter which I think, if we would look into it, will develop that it affects not only those in every State of the Union, but which can have a lasting effect on the future of our country.

I give my wholehearted support to H.R. 8310, the Vocational Rehabilitation Act amendments of 1965.

Few bills come before this body which afford a Member so much gratification in return for his support as does the measure now before us. Those of us who have been fortunate to have been born with a whole, perfect body, and who have successfully escaped the misfortune of a crippling disease or accident, cannot, I think, begin to understand and fully appreciate what these benefits mean to those who are not so fortunate. The continuing expansion and improvement of services and facilities for rehabilitation of disabled persons is a true living memorial to those who have given strength and meaning to the original plan conceived almost 50 years ago, and the wonderful programs which emanated therefrom.

I have no doubt a good many Members will speak today in support of this legislation, and such remarks will probably cover one or all of the major provisions of the bill—and the provisions which merit the term "major" are as multiple as they are significant.

While discussing the report on the bill with a member of my staff, my attention was particularly called to the provision designed, as stated in the report, "to initiate a concerted effort to remove architectural barriers to the rehabilitation of the handicapped." This staff member related that some years ago, following minor foot surgery, she had occasion to be confined to a wheelchair for a short period of time, and then graduated to crutches before resuming her normal, uninhibited locomotive habits. It was explained to me that with very few exceptions, it is virtually impossible for a person in a wheelchair to maneuver into an office building, a restaurant, and of course, without considerable assistance, a public conveyance is totally impossible. If one is on crutches, the task becomes merely "almost impossible." I invite all of you to look around and assess the situation in your own minds as you go through your daily routine for the next few days.

Most assuredly, with the tremendous strides we are now able to make in the rehabilitation of disabled individuals, the removal of architectural barriers would represent a giant step forward in our efforts to assist the disabled in their efforts to achieve complete integration in community life.

Mr. Chairman, this is a bill that enables each of us to follow the very best instincts of human beings for others among us not so fortunate. It is a practical and fiscally sound measure also. Let us hope its passage will be almost unanimous.

Mr. AYRES. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. QUIE], who was the ranking minority member of the subcommittee serving under the leadership of the gentlewoman from Oregon [Mrs. GREEN].

Mr. QUIE. Mr. Chairman, I rise in support of H.R. 8310. I believe this is good legislation for one reason, and that it is that we are making some changes in it which will enable States to better meet their responsiblities. By changes, we mean more liberal participation on the part of the Federal Government.

This has become necessary because we have passed other legislation in recent years, last year particularly, which increased the Federal share so high in those programs that the State matching money seems to be going to them, rather than for vocational rehabilitation. Especially in some of the larger States where this is true there is a tremendous work in rehabilitation left to do. For that reason I think it is necessary to make changes encompassed in this bill to improve the legislation.

This bill would make a number of improvements in the administration of vocational rehabilitation, and would provide for expanded services to reach greater numbers of disabled persons. It would extend the range of the program to reach mentally handicapped persons and those incapacitated by catastrophic illnesses such as stroke. It provides for assistance in the construction of new workshops and rehabilitation facilities, and in the operation of new facilities. It permits increased flexiblity in State administration of the programs, and it provides for a greater emphasis on training of personnel, research, and experimentation.

The bulk of this program is the assistance authorized by section 2 of the act for the regular State vocational rehabilitation services. The act now contains an open-ended authorization, and the funds are allocated to the States on the basis of the actual appropriations, with the process being very complicated. The distribution formula, moreover, is so weighted toward per capita income that the program has not flourished in some of the larger States. The bill simplifies all this. It contains specific authorizations, cuts down the weight given per capita income in State allocations, and prorates allotments when appropriations are less than the authorizations. It provides, however, that no State may receive less than its current Federal allocation, and in order to achieve this effect the authorizations have to be very much greater than the amounts that will be needed to be appropriated. Accordingly, the authorizations for section 2 are $300 million, $350 million, and $400 million for 3 fiscal years. By contrast, the pending appropriation request for section 2 is $121 million; with enactment of this bill a supplemental request of $49 million is anticipated, or a total for the year of $170 million as opposed to the $300 million authorized to be appropriated.

The Federal share of the total program under section 2 currently varies from 50 to 70 percent; the bill makes this uniform at 75 percent in all States. For the construction of new facilities the matching is 50–50, and for experimental programs the Federal share is 90 percent—on the theory that a lesser share would make it impossible to compete for State funds with other Federal programs such as manpower development and training.

I want to make one note of warning, however. When the Federal Government participates to the extent of 90 percent in some parts of the bill, the sense of responsibility on the State and local level I hope will not be reduced. One of the impressive things about vocational rehabilitation is the fact that locally and statewide there is a great pride in the work that is being done. The fact that 135,000 people last year were rehabilitated under this program, that more than 83 percent of those rehabilitated are employed in outside employment, indicates the great success of it. When an individual in a community has been rehabilitated and his neighbors and friends and other individuals in the community notice he becomes a self-sustaining individual in that community, a taxpaying individual rather than one who drains on the resources of the State, there is great pride on the part of all that this can be done.

So, as I have worked with rehabilitation groups in my district and worked with those in the State of Minnesota, I can tell you firsthand of the great pride in the work that is being done at this level and the willingness to work, improve, and accept responsibility.

I am pleased that this bill will enable those who work in vocational rehabilitation to reach even further. They will be able to give help to people who might on the surface not appear to be employable through rehabilitation but the handicapped will be able to have a period of time where they could receive these services to determine whether they are employable, because one of the things about people who are rehabilitated is that many times they attain much greater accomplishments than ever was expected of them.

The vocational rehabilitation program is a humanitarian program that has had the active support of members from both parties for many years. It is also an economically sound public service program. For every Federal dollar spent on the vocational rehabilitation of a disabled person there is returned to the Federal Treasury approximately $5 in income tax returns. In addition, rehabilitated persons are paying State and local taxes. We should keep in mind, also, that great numbers of the disabled who are rehabilitated by this program come from low- or middle-income families. Without vocational rehabilitation which prepares them for employment and places them in suitable work, a great number of these disabled youth and adults would have to be supported by assistance programs for the rest of their lives. Vocational rehabilitation is a program that prevents dependency. It is a program that removes people from relief rolls, or substantially reduces the extent of their need for public support. It is an original and effective antipoverty program. I have heard no criticism of this program except that it does not reach all who need it. Also, that its most active advocates may be overly optimistic about the ability of the program to make an appreciable dent on poverty and dependency. To such critics I would say first that no one is satisfied that all is being done that can or should be done to help disabled people who could benefit from vocational rehabilitation services.

Since 1954, during Republican and Democratic administrations alike, the Congress has made available increasingly larger amounts of Federal funds for vocational rehabilitation and the State legislatures have also supported these programs with ever-increasing amounts of non-Federal funds being devoted to vocational rehabilitation purposes. The growth in numbers of people served and numbers rehabilitated each year is remarkable.

1964 data compared to 1955 under sec. 2 of the Vocational Rehabilitation Act

	1955	1964	Percent increase
Total expenditures	$38,629,322	$133,259,334	245
Federal funds	23,811,724	82,194,537	245
State funds	14,817,598	51,064,797	245
Number of people rehabilitated	57,981	119,708	106
Number of people served	157,618	399,852	156

But much more needs to be done if the numbers rehabilitated are to match the numbers who are added each year to the backlog of those who need but are not receiving services.

So I believe we should watch now and be able to test in this program of vocational rehabilitation whether it is possible for the Federal Government to assume too great a share. I am willing to take this approach, to pay in some cases 90 percent Federal money, because of the way the program is basically set up; and that is, the Federal Government does not dictate to the State and local communities how they are going to run their programs. And there are always ample opportunities for responsibility to be exercised at the State level, and if a private group has a rehabilitation program this must receive the approval of the State agency.

There is need to continue to increase the financial resources that are channeled into vocational rehabilitation activities. Several provisions in this bill will accomplish this objective. Voluntary groups will be encouraged to raise and devote added resources to rehabilitation activities through the special project grants in section 4 of the bill. Similarly, voluntary groups will be interested in the provisions for the construction of new workshops and vocational rehabilitation facilities. Many national, State and local groups will be motivated to redouble their efforts by the prospect of Federal sharing in the costs of developing new or expanded resources for special disability groups such as the blind, retarded, the deaf, and people who are handicapped because of strokes, cancer, or heart conditions.

Section 15 of the bill would authorize aid for local rehabilitation services and should stimulate the use of local public funds, for expanded services for disabled people in their own communities.

In 1965 as I have said there were more than 135,000 people restored to work and more meaningful participation in community life, another record-breaking year. This number can continue to grow each year so long as the American people, acting through the Congress, the State legislatures and locally, are willing to make added resources available. In addition, it will be necessary for the supply of trained personnel to be increased to man the services needed. This means training more counselors, more workshop managers, more physical and occupational therapists, more doctors, nurses, and other professional and technical personnel. We must also support the basic and applied research through which new knowledge and practices can be found and shared with rehabilitation practitioners throughout the country.

Mr. Chairman, H.R. 8310 is a long step toward these objectives.

Here we have a system of local, State and Federal cooperation in a Federal program that has worked well. We do not see the instances of political controversy that we have seen in the Economic Opportunity Act, the so-called war on poverty. As far as poverty is concerned, we should be rehabilitating these people, just as rehabilitating is what is needed for the physically or mentally handicapped. In the poverty effort that has been done in a little less than a year under the Office of Economic Opportunity, I think it is deplorable when we see the chaos that has been going on in the economic opportunity program that we do not see at all in the Vocational Rehabilitation Act.

The Vocational Rehabilitation Act is in many respects a model for Federal legislation. This bill, in my judgment, will make possible substantial improvements in our national effort to rehabilitate handicapped persons so that they may lead productive lives. The bill now before us is the product of very careful work by the subcommittee headed by the gentlewoman from Oregon. It has had proper committee consideration.

Mr. Chairman, I cannot help but contrast this program, and this legislation, with the unfortunate pattern that has been established by the Johnson administration: A pattern of bypassing State responsibility, of dealing directly with private groups from Washington without regard to either State or local governmental approval.

The so-called war on poverty and the bill we passed last week to expand it is a perfect example. Even the token and unsatisfactory negative power of the Governor's veto was virtually eliminated, leaving no vestige of State responsibility or authority in the far-flung and far-fetched operations of the Office of Economic Opportunity. The war on poverty is one of the biggest examples of chaos in the history of the Federal Government precisely because it ignores the successful experience of cooperative programs such as vocational rehabilitation. All of us, on both sides of the aisle, who have observed and supported the successful programs of vocational rehabilitation in our own States and throughout the Nation, undoubtedly are relieved that this legislation has not received the familiar treatment.

I point out to you what I did in debate on the so-called war on poverty bill, that here is a Federal program that works in a way that one should, and if we would make the changes in the Economic Opportunity Act which will enable it to operate in the same way as the vocational rehabilitation program, I think within a year the bickering and partisanship that we have seen in this last year would cease and be eliminated and we would see Republicans and Democrats rising in support of a bill then which would be doing the kind of good for the people in poverty that vocational rehabilitation does for the handicapped. I am pleased to have been able to work on this legislation while I have been a member of the Committee on Education and Labor in prior years as well as this year and to bring to fruition a bill that I think is one of the most important as far as what it will do for human beings in the way of human kindness as anything that will come out of our committee.

I too want to commend the gentlewoman from Oregon [Mrs. GREEN] for the work she has done to bring this about. All my colleagues have witnessed the courage, hard work, thorough study, fairness, and compassion that the gentlewoman has shown in the past and I will say this work is further evidence.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. HALL. I would like to associate myself with the gentleman's remarks. I have had a rather unusual experience in vocational rehabilitation. I served 9½ years as a medical referee for 28 counties in southwest Missouri. At the same time I was one of the senior surgical consultants. So that I was in the peculiar position sometimes of hiring myself to pass judgment on actually doing reconstructive surgery on some of these people who needed to be rehabilitated from a physical point of view. Of course, the genius of this program is that it is controlled locally and by States, as the gentleman has so well stated.

Second, it involves not only physical rehabilitation but educational and mental rehabilitation and many other types of readaptation to society.

I am very proud to be a lifetime member of the National Rehabilitation Association. In addition to associating myself with your statement and the work you have done in this broadened concept, that has been brought out by the distinguished gentlewoman from Oregon [Mrs. GREEN] and our ranking member on that subcommittee—yourself—to say nothing of the members of the committee as a whole, I want to point out there is nothing quite as thrilling as seeing someone taken off the welfare rolls, perhaps—or if it is a matter of mental unsoundness or epileptic rehabilitation or educational construction—to see these people adapt themselves into society and earn a living and become taxpayers themselves.

They become the greatest proponents of the program. In fact, much of the progress comes from those who have been rehabilitated, in the broad sense of the term.

I hope we can keep the program going, because of the good it does to restore the moral fiber of human beings in all the States, territories, and commonwealths. I hope it can be expanded and kept on a matching fund basis because, in my opinion, this, too, is part of the genius.

I am glad to see some liberalization in the old definition that one must be able to be reconstituted to a successful and gainful occupation; and not necessarily or as a requirement, be totally and completely and permanently disabled. Liberalizations along these lines have long been needed, as the gentleman from Minnesota has so beautifully explained, in these rare changes of program. It is something to be strongly prosecuted; and to see the Federal-State relationship bear such fruit. I believe in the program evolved here. It will be even more beneficial to all mankind.

I thank the gentleman for yielding.

Mr. QUIE. I thank the gentleman for his comments.

I might add, in closing, that when one sees an individual change from a sense of hopelessness to pride in his ability one realizes that within the spirit of man it is necessary for him to believe he is needed and has worth. We seek to change an individual from considering himself to be worthless to considering himself to be of value to society, recognized by his fellow man. We can take pride that there is an opportunity under this legislation for additional people to feel they are worth something by enabling them to do something worthwhile.

Mr. DANIELS. Mr. Chairman, I yield 5 minutes to the distinguished and able gentlewoman from Oregon [Mrs. GREEN], the chairman of the Special Subcommittee on Education.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman from New Jersey.

May I also express my deep thanks to the members of the subcommittee on both sides of the aisle for their long and arduous work on this legislation. I was very pleased when all of the problems were resolved and the bill could be reported by the subcommittee on a unanimous basis and also from the full committee by a unanimous vote. My thanks also to the tireless and devoted help given by the members of the staff of the subcommittee.

I should also like to take this moment to express my thanks to the people in the department downtown, without whom we would not have been able to work out the legislation which we present to the House today. They were of inestimable help, not only during this session of Congress but also in preceding years, as we have tried to improve the vocational rehabilitation program which, in my judgment, can accurately be called the first war on poverty.

I would especially pay my respects to Dr. Mary Switzer, who is recognized across the Nation as an expert in this field. Both she and Russell Dean have been of so much help to all of us.

I also have been very grateful to those people who are on the firing lines, to those people who are out in the field doing the work which is made increasingly possible because of the legislation. I am sure Mr. Whitten and Mr. John Harmon and others come in this category.

Mr. Chairman, in hearings before the Special Subcommittee on Education, Mr. William K. Page, president-elect of the Association of Rehabilitation Centers, stated very succinctly the problem to which we are turning our attention today. He said:

> The fight against the human and economic loss caused by disability in this Nation is a matter of national concern. No nation can afford this waste in misery nor can long endure the loss of retrievable human resources.

The manpower loss this Nation suffers because of disability is staggering. According to the Welfare Administration, approximately 600,000 blind or seriously disabled individuals are presently receiving monthly assistance grants through the Federal-State public welfare program. In addition, it is estimated that 250,000 Americans each year become disabled to such an extent that they are eligible for services under the Federal-State vocational rehabilitation program.

According to the National Society for the Prevention of Blindness, approximately 40,000 individuals become blind each year; and a substantially higher number sustain severe visual impairments, so that they require vocational rehabilitation.

These handicapped persons are individuals whose worth must be recognized and who must be assisted to either enter or reenter the competitive labor market and become productive citizens both for their own good and for the benefit of society. As a nation, in this complex and competitive age, especially at a time of heightened world tensions, we require productive and worthwhile contributions from all our citizens. Moreover, as moral persons, we cannot sit by and allow individuals, who might be helped, to lead unproductive lives. Vocational rehabilitation is one of those rare programs which combines humanitarian and other social goals.

Almost half a century ago the Federal Government and the States entered into what was to become an enduring partnership in a program of service to the disabled. This partnership has grown in strength over the years since the enactment of the Vocational Rehabilitation Act of 1920. Since its beginning in 1921, the Federal-State vocational rehabilitation program has returned over 1½ million disabled persons to more productive self-sufficient positions in society. In fiscal year 1963 alone, nearly 370,000 persons were served by the various State vocational rehabilitation agencies, and an all-time high of over 110,000 men and women with physical or mental handicaps were helped to obtain successful employment after they had been provided with rehabilitation services. These people are employed in every segment of America's productivity—in large and small industrial firms, on the farms, in retail stores and offices, in the professions, in their own small businesses, in many service occupations, and in the important task of homemaker. Many disabled older people in the white-collar group have entered or reentered occupations in which there are shortages of competent professional and technical people, such as teaching, nursing, social and welfare work, the clergy and laboratory technicians and assistants.

Of the 110,000 individuals who were assisted in 1963 to gain employment, three-quarters had no earnings at all when they were first accepted for services. They were living in tax-supported institutions or with family or friends receiving public assistance, unemployment insurance, workmen's compensation, or disability payments. Thus, rehabilitation services have transformed all of these people from dependents on the public to independent, economically productive members of society. As such, the $1,200 average cost of rehabilitating a disabled person is little to pay. It is repaid many times over for society by the new capabilities of the rehabiliated.

I have always thought if we considered these kinds of services in the same way which we consider reclamation projects and dams on a cost-benefit ratio, that indeed the Congress of the American people would be far more liberal. So it is important not only from the humanitarian viewpoint—helping these persons to achieve self-respect as they shed their dependence on family or on public funds through their ability to support themselves—but it is also important from a very coldly economic point of view. This is indicated by the fact that the money expended for public assistance to 75,000 individuals on relief who were rehabilitated in 1964 totaled almost $18 million a year, while the cost of their rehabilitation—ordinarily a one-time outlay—was also $18 million.

The vocational rehabilitation program has proved its worth. Before us now are proposals for its extension and improvement; proposals which will help this Nation meet the goal enunciated by President Johnson when he recommended to Congress a stepped-up vocational rehabilitation program to "overcome this costly waste of human resources." He said the rehabilitation goal "should be at least 200,000 a year."

H.R. 8310 contains all of the major amendments to the Vocational Rehabilitation Act proposed in the administration's bill, H.R. 6476, and in addition includes committee amendments which respond to the testimony presented and the evidence gathered during the subcommittee hearings on the bill.

The principal subcommittee amendment, and I believe the most significant feature of the entire bill, provides for more favorable Federal financing of the Federal-State program of rehabilitation services provided under section 2 of the bill. Mr. E. B. Whitten, director of the National Rehabilitation Association, was the first witness to call the matter to the subcommittee's attention. He said:

> We need an improved structure for financing vocational rehabilitation in the States. The mean Federal share under section 2 of the Vocational Rehabilitation Act is 60 percent with individual State shares varying from 50 percent in the State with highest per capita income to 70 percent in those with lowest per capita incomes. It is becoming increasingly difficult for State rehabilitation agencies to maintain the rate of growth expected of them under this financial arrangement. Very few States are utilizing all of the Federal money allocated to them under section 2 of the Vocational Rehabilitation Act. One of the principal reasons is the increased competition for funds at the State level. The problem of vocational rehabilitation agencies has been complicated by the new grant-in-aid programs in the manpower field established during the last few years with higher Federal shares than are available under vocational rehabilitation legislation. These include the manpower development and training program, programs under the Economic Opportunity Act, and rehabilitative services under the 1962 Public Welfare Amendments. It is our firm conviction that the contribution of vocational rehabilitation to the general welfare of the Nation and its specific contributions to the relief of unemployment and the alleviation of poverty are great enough that the Federal Government would want to see that they are as liberally financed as the new programs.

He added:

> We propose that the Federal share of the basic program under section 2 of the Vocational Rehabilitation Act be 75 percent in all of the States.

Mr. Chairman, almost every witness who testified on the bill supported this position. And hundreds of letters from persons in the field of vocational rehabilitation were received by the subcommittee urging such an amendment.

In considering this proposal it was necessary to review the achievements of the past. In so doing I became convinced that this is one of the best antipoverty programs that we have ever had in this country. It was the original antipoverty program and has been perhaps the most successful.

Mary Switzer, the very outstanding Commissioner of the Vocational Rehabilitation Administration whose leadership has contributed so much to the rehabilitation field, stated during the subcommittee hearings. She said:

> I do believe firmly in the kind of work that has been done by the rehabilitation agencies through the years, in their approach to this through a client-oriented goal for each individual. I do not think you can solve the personal problems of poverty any other way. I am absolutely convinced that the rehabilitation philosophy, and the way that we have built the atmosphere that you create when you work with people in our centers, and in our facilitites, is really the most effective way that I have seen to make a dent in this poverty problem.

Last week the House doubled the amounts available for the war on poverty programs in which there is in title II a Federal share of 90 percent. If we can provide such for programs that are as yet not fully tried and tested, we certainly ought to be at least as generous in the nationwide program that has so beautifully proved its worth.

H.R. 8310 proposes to substitute for the existing variable Federal share which ranges between 50 and 70 percent for the section 2 program, a standard Federal share of 75 percent, applicable in all the States. This would go into effect in fiscal year 1967. For this present fiscal year each State's Federal share will be increased to a point midway between the State's 1965 share and 75 percent. In connection with the increase of the Federal share the exceedingly complex allocation formula which gave unnecessary weight to the per capita income factor has been greatly simplified. The provision insures that no State will be entitled to less than its 1965 allotment while at the same time insures that each State will maintain its own State effort.

Under section 3 of the existing act a program of grants to the States for projects for the improvement and extension of rehabilitation services is authorized. The matching rate was 75 percent and the funds were distributed on a formula with only one factor—population. Subcommittee amendments to this section contained in H.R. 8310 will:

First, revise the formula to make it the same as the section 2 formula;

Second, increase the Federal share to 90 percent for the first 3 years of a project and 75 percent for the last 2.

Third, revise the objective of the section so that the grants will be used for the development of new methods and techniques for providing vocational rehabilitation services for handicapped individuals, or for the development of new, specially designed services for groups of handicapped individuals having disabilities which are catastrophic or particularly severe.

The bill will permit the extension of rehabilitation services to greater numbers of disabled, particularly severely disabled persons, through a deletion of the economic need requirement now prerequisite for certain rehabilitation services and also through a liberalization of the definiton of rehabilitation services to permit the use of Federal funds for rehabilitation services to determine rehabilitative potential.

To assist in the construction and operation of new rehabilitation workshops and facilities, a new program of construction grants and initial staffing grants is being proposed. Approved projects from public and nonprofit private rehabilitation organizations will be eligible for grants to cover 50 percent of construction costs.

Grants will also be made to pay part of the costs of initial staffing of the newly constructed workshops. The grants will cover a 51-month period, starting in initial months at 75 percent of the cost of initial staffing and gradually reduce to 30 percent of such costs in the later months of the period. In another section, a 5-year program of grants is authorized to pay 90 percent, not 75 percent as presented in the administration bill, of the cost of providing training services to handicapped persons in nonprofit workshops and rehabilitation facilities. As introduced, only workshops were eligible for these training grants. This has been expanded by the subcommittee to allow grants to be made to rehabilitation facilities. A 5-year program of grants to pay part of the costs of projects to analyze, improve, and increase professional services and to provide for technical assistance in existing workshops is also authorized.

In conjunction with these new programs for workshops and rehabilitation facilities, an advisory group is established, a National Policy and Performance Council to provide assistance in the administration of the new programs.

To initiate a concerted effort to remove architectural barriers to the rehabilitation of the handicapped there is proposed the establishment of a National Commission on Architectural Barriers to Rehabilitation of the Handicapped.

Under a new section 15 provision is made to permit Federal financial participation—under sections 2 and 3 of the act—inactivities which are financed with local public funds made available to the States to make vocational rehabilitation services more widely available to residents of local jurisdictions. For this purpose, the existing State plan requirements for statewideness would be waived.

As part of the on-going program of special project grants under section 4 of the act the bill authorizes, for a limited period of time, grants to pay part of the cost of projects to expand vocational rehabilitation programs with the objective of increasing the number of handicapped persons vocationally rehabilitated and a 2-year program of grants to States to assist in planning for the development of comprehensive vocational rehabilitation programs in each State.

Heretofore the Vocational Rehabilitation Agency has provided assistance through fellowships, training grants, and so forth, for persons preparing to enter the field of vocational rehabilitation. Such assistance was limited to a 2-year period for each individual. Under this bill the assistance may be extended for a period of 4 years.

Another amendment will permit greater flexilibity in the administration of the vocational rehabilitation programs at the State level. In addition to authority to place administration in State organization units as is already authorized—the States are given still another choice, that is to place administration in a State agency which includes at least two other major organizational units, each of which administers one or more of the major education, welfare, or labor programs of the State.

Other amendments will result in reader services and interpreter services being supplied to blind and deaf clients.

More or less technical amendments strike out the word "physically" every time it appears in the act; strike out "remunerative" each time it appears and substitute "gainful" and increase the per diem allowances paid members of advisory groups.

Mr. Chairman, this is an excellent bill which demands the attention of Congress. It is a bill with strong popular support. Just this week I have received over 50 telegrams in support of H.R. 8310, in addition to the many letters I have received this year endorsing the 1965 amendments to the act. I should like to insert in the RECORD at this point a number of the telegrams which are representative of the views and comments of persons in the vocational rehabilitation field.

In conclusion, Mr. Chairman, I would like to say again, for it cannot be reiterated enough, that vocational rehabilitation—economically, socially, and morally—is vital to our Nation. Through it we can restore the sense of self-worth and self-confidence that can be found in an independently strong and productive life. Through it, also, we can enable thousands of presently idle citizens to become significant contributors to our national manpower needs. For these reasons, I am proud today to urge most strongly the overwhelming support of this bill.

NEW YORK, N.Y.,
July 29, 1965.

EDITH GREEN,
Special Subcommittee on Education, Committee on Education and Labor, House of Representatives, Washington, D.C.:

The vote today on H.R. 8310 will be one of the most significant in the history of vocational rehabilitation. Best wishes.

EUGENE J. TAYLOR,
Associate Editor, New York Times.

NEW YORK, N.Y.,
July 29, 1965.

EDITH GREEN,
Special Subcommittee on Education, Committee on Education and Labor, House of Representatives, Washington, D.C.:

I am delighted H.R. 8310 is to come before the House today. Its passage will be a milestone in leading to our objective of providing rehabilitation services for all disabled Americans.

My congratulations.

HOWARD A. RUSK.

WASHINGTON, D.C.,
July 27, 1965.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.:

As the Nation's oldest and largest group of sheltered workshops, Goodwill Industries of America, Inc., wishes to endorse H.R. 8310, now before the House of Representatives and urge its prompt consideration and approval. We wish to commend you and your committee for your untiring efforts in the development of this much-needed legislation. It will make possible a major advance in vocational rehabilitation services to thousands of handicapped and disabled persons.

P. J. TREVETHAN,
Executive Vice President, Goodwill Industries of America, Inc.

WASHINGTON, D.C.,
July 27, 1965.

Mrs. EDITH GREEN,
Chairman, Special Subcommittee on Education, House Committee on Education and Labor, House Office Building, Washington, D.C.:

The National Rehabilitation Association appreciates the dedicated work of your committee in reporting H.R. 8310, the Vocational Rehabilitation Act Amendment of 1965. This bill is strongly supported by the National Rehabilitation Association. It will make possible a better life for hundreds of thousands of disabled Americans during the next few years.

E. B. WHITTEN,
Director of National Rehabilitation Association.

PASADENA, CALIF.,
July 28, 1965.

Congresswoman EDITH GREEN,
Subcommittee on Education and Labor, House of Representatives, Washington, D.C.:

The California Conference of Workshops for the Handicap strongly supports the vocational rehabilitation amendments to Public Law 565 as means of returning increased numbers of handicapped persons to work and to fuller lives. Of the 800-plus workshops in our country, 130 are in California. Most are private, voluntary facilities and all are not profit. This legislation will enable these workshops to combine their funds and efforts with those of public agencies in expanding the scope and depth of vocational rehabilitation services. It will provide for improved and broadened workshop program of work evaluation, work adjustment, and work training which are of particular benefit to persons handicapped as workers. Favorable action on the vocational rehabilitation amendment is urged.

Dr. DOROTHY CANTRELL PERKINS,
President, California Conference of Workshops for the Handicapped.

WASHINGTON, D.C.,
July 27, 1965.

Mrs. EDITH GREEN,
Chairman, Special Subcommittee on Education, House Committee on Education and Labor, House Office Building, Washington, D.C.:

The National Association of Sheltered Work Shops and Home Bound Programs strongly supports H.R. 8310, the Vocational Rehabilitation Act Amendments of 1965. This association is most appreciative of the work done by your committee in the interests of many thousands of disabled Americans. We are confident that the implementation of these amendments will enable the sheltered workshops to better meet the needs of the disabled throughout the country.

ANTONIO C. SUAZO,
Executive Director, National Association of Sheltered Workshops & Home Bound Programs, Inc.

SPRINGFIELD, ILL.,
July 27, 1965.

Hon. EDITH GREEN,
Representative in Congress,
Washington, D.C.:

We in the Illinois vocational rehabilitation program are grateful for your support of H.R. 8310 and deeply appreciate your effort to move the bill to present stage. Heartfelt thanks to you and your colleagues.

ALFRED SLICER,
Director, Illinois Division of Vocational Rehabilitation.

San Jose, Calif.,
July 29, 1965.

Representative Edith Green,
Chairman, Special Education Subcommittee of the House Committee on Education and Labor, House of Representatives, Washington, D.C.:

We urge your support of the amendments suggested by the National Rehabilitation Association in H.R. 8310.

Legislative Committee,
Coast Counties Chapter of National Rehabilitation Association.

New York, N.Y.,
July 28, 1965.

Hon. Edith Green,
Special Subcommittee on Education of the Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.:

The National Association for Retarded Children congratulates you and your committee on bringing to the floor an excellent bill, H.R. 8310, which extends the proven benefits of rehabilitation services to more mentally retarded and other seriously handicapped youth and adults in all States.

Luther W. Stringham,
Executive Director, National Association for Retarded Children, New York City.

Mr. BRADEMAS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I rise in support of the bill and I wish to congratulate the gentlewoman from Oregon, the distinguished chairman of our subcommittee, for the excellent hearings which she has conducted. I also wish to congratulate the gentleman from New Jersey [Mr. Daniels] for his splendid work on the bill.

Mr. Chairman, the proposals in H.R. 8310 which are before the House today represent the culmination of many months of study and consideration of ways to improve and augment the work of vocational rehabilitation programs in this country. I favor the bill and hope that the House will approve it unanimously. I want to congratulate the gentleman from New Jersey [Mr. Daniels] on his bill and to pay tribute to the excellent hearings which the gentlewoman from Oregon [Mrs. Green] conducted on this subject. The committee's report notes that President Johnson's recommendations, and the bills introduced by Mrs. Green, Mr. Fogarty and Mr. Pepper, received almost unanimous endorsement from the many organizations that testified before the subcommittee or submitted statements commenting on the proposed amendments.

The history of this long-established Federal-State grant-in-aid program shows that it has grown steadily and gradually from its beginning in 1920. The main outlines of the program, as it is administered today, were laid down in the amendments of 1954, and no substantial changes have been made since. For this reason, one of the primary objectives of the hearings and committee study was to develop the basis for new financing provisions which would deal with present-day realities of fiscal relations between the States. We were concerned, also, with the fact that growth of the program in many areas was being adversely affected by the competition that the State rehabilitation programs faced in obtaining non-Federal funds to match available Federal resources. Many of the newer Federal antipoverty and retraining unemployed programs have been attracting State resources that otherwise would be channeled, at least in part, into these needed rehabilitation services for the handicapped. The new proposals provide for increased Federal financing of the basic support program and incentive funds for new efforts that States undertake in the establishment of programs for the severely disabled and for people who present unusually difficult problems in rehabilitation, such as the deaf-blind, the retarded who are also blind or have cerebral palsy.

Other amendments were devised to increase the development and expansion of voluntary efforts such as those undertaken by Goodwill, the Jewish vocational services, community chests, and other sponsors of workshops, and special services for particular groups of handicapped—the mentally ill, those who have suffered heart disease, strokes, and cancer, to name but a few.

A series of amendments affecting workshops and rehabilitation facilities was developed because of the important role that such institutions play in the evaluation and training of disabled people, some of whom need to spend considerable time in a planned environment with counseling, prevocational testing, work tryouts, and other services before they are ready for placement in jobs in the community. The amendments provide for the construction of new facilities and workshops including planning; the development of programs to improve operations in existing workshops and to expand training services in selected workshops; the appointment of a National Policy and Performance Council to advise the Secretary of Health, Education, and Welfare on policy and criteria for making grants for training services projects; and the provision of technical experts to help workshops improve their operations.

To encourage localities that are anxious to move ahead with expanded or new services for their own residents, the act authorizes local jurisdictions to donate funds to State agencies—including funds contributed by private groups—and have such funds matched with Federal funds. This will make it possible, for example, for many localities to step up their local services to handicapped youth still in school. As previous speakers have noted, the bill contains other important amendments that will improve the effectiveness of these services to disabled people.

The vocational rehabilitation program in Indiana is responding to the new nationwide drive to rehabilitate and return to work the disabled and other hard-core unemployed and underemployed citizens. I hope that we shall be able to take full advantage of these new amendments.

In 1966 Indiana estimates show that there will be an increase in State funds from $500,000 in 1965 to $690,000 for 1966. As funds permit, the general vocational rehabilitation agency plans to establish additional field offices making vocational rehabilitation services more readily available. Due to the increased emphasis on the establishment of and the use of rehabilitation facilities and workshops, a specialist will be added to the agency staff to oversee all activities involving facilities. Increased emphasis will be placed on staff training programs.

Services to special disability groups have been highlighted. Twenty-four hard-core deaf clients were trained, 18 of whom were placed in employment. A cooperative program has been developed with the Vigo County Metropolitan School District which has a combined school-work program with local industries in the placement of mental retardates. Some 130 school dropouts were referred by the school to this program.

Under a similar project with the Indianapolis City Schools some 80 mentally retarded pupils, 16 years of age or older, received half-day program at school and half-day work experience at the Crossroads Rehabilitation Center. In addition to these two special programs, serving the mentally retarded, the agency is working closely with the division of special education to identify areas of need and interest in providing services to disabled youth.

The selective service rejectee program is the responsibility of the Indiana State Board of Health which will refer interested rejectees to the local vocational rehabilitation offices for help. The northern Indiana offices have received about 100 referrals from the Chicago area screening office.

Although there is no formal agreement, the vocational rehabilitation agency works with the department of correction on public offenders who are disabled.

The agency estimates that 75 to 80 percent of the persons accepted for vocational rehabilitation services could be considered as impoverished. The agency has been able to obtain some training for clients under the Manpower Development and Training Act redevelopment program. About 100 referrals from the community action program have been transferred to local vocational rehabilitation offices and some of the cases are still in various stages of service.

With funds recently made available under the Laird amendment, the Evansville Association for the Blind has expanded its workshop to provide evaluation services. This workshop serves other disabilities as well as the blind and currently there are 75 vocational rehabilitation clients receiving evaluation and training in work situations.

The general agency is exploring with the AFL–CIO the possibility of employing a representative from labor to work on placement of vocational rehabilitation clients. This would help in public relations, job opportunities through apprenticeship and general information to labor groups about vocational rehabilitation.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky [Mr. Perkins] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. PERKINS. Mr. Chairman, I have actively encouraged and supported the expansion of the vocational rehabilitation program ever since it has been my privilege to serve in the Congress. I am familiar with the cooperative nature of the work done by the Vocational Rehabilitation Administration and the programs in the States in rehabilitating disabled people. The Kentucky Bureau of Rehabilitation Services aided by the Federal legislation has accomplished outstanding results in the past decade in rehabilitating disabled people, and will be able to do more if this legislation passes.

By 1964 the Kentucky program had grown in such a way as to be serving about 7,000 people each year, and completing the rehabilitation of more than 3,000 in this same period. In 1954 Kentucky was ranked 50th among the States in the number rehabilitated in relation to population; in 1959 it was ranked 31st; and by 1964 it had risen to 13th with 96 rehabilitants per 100,000 persons in the State.

This progress reflects the close cooperation between the Vocational Rehabilitation Administration responsible for administering Public Law 83-565 and our State and voluntary agencies that work with disabled people, including the hospitals, workshops, and centers where people are treated, and the universities where research and training of rehabilitation staff are done.

For the Nation as a whole, this dynamic partnership between the Federal Government and the States resulted in 1964 in restoring nearly 120,000 people to productive work and to more independent status as human beings. While these achievements are impressive, it is essential, in my judgment, that the program reach even higher goals as soon as possible—rehabilitating at least 200,000 people by 1967. To accomplish this, the President sent recommendations to the Congress looking toward the immediate improvement and expansion of the vocational rehabilitation program.

The gentlewoman from Oregon [Mrs. EDITH GREEN], and my other colleagues, the gentleman from Rhode Island [Mr. FOGARTY], and the gentleman from Florida [Mr. PEPPER], introduced legislation early in the 89th Congress to carry out the President's proposals. Under the able chairmanship of Mrs. GREEN, the special Subcommittee on Education held hearings both in Washington and communities in other parts of the country. In these hearings and the committee discussions, there was unanimous agreement that this program was outstanding, both in administration and in accomplishments under the national leadership of Miss Mary Switzer. It was agreed that the mission of the program should be considerably expanded, and the Federal investment increased through changes to make the Federal matching rates more comparable to those in the newer Federal-State grant-in-aid programs with similar objectives of retraining and returning people to employment.

Other speakers probably will dwell upon the details of the bill so I shall confine my remarks to the objectives of the legislation, and some references as to how this will enable our program in Kentucky to provide better opportunities for disabled people to enter more fully into active participation in community life.

The principal provisions as I understand are designed—

First. To liberalize Federal financing of the basic Federal-State programs.

Second. To encourage States to begin new programs, to innovate new services with special emphasis on help for severely disabled people.

Third. To permit the extension of rehabilitation services to greater numbers through special grants to States and other nonprofit voluntary agencies.

Fourth. To enhance the quantity and quality of services to disabled people through improvement workshops and facilities where disabled people are evaluated, and trained, and where many of them work for extended periods of time.

Fifth. To begin an all-out effort to remove remaining architectural barriers to the employment of the handicapped.

Sixth. To make other needed improvements in the program, including the establishment of an intramural research program and data processing service in the Vocational Rehabilitation Administration.

As the Members know, we have enacted the antipoverty programs, as well as new vocational education and Manpower Development Training Act legislation in the past several years, all calculated to help retrain and redirect unemployed and underemployed people to more productive employment. The Appalachia and other area redevelopment programs are concentrating upon distressed areas where basic economic activity needs stimulating so that more jobs will become available. Both the Johnson and the Kennedy administration have spearheaded improved community health services, including special services for the retarded and the mentally ill; the Congress is completing action on the memorable health insurance and social security amendments.

These efforts to bring better health, education, rehabilitation and social services to our people depend upon the vitality of the community agencies through which the services reach the consumer. And this requires greater cooperation between State and Federal agencies on the one hand, and, on the other, between States agencies in any one State or local jurisdiction. I am glad to say that we are seeing in Kentucky many outstanding results of such joint ventures in vocational rehabilitation.

The cooperative relationships and coordination which the Kentucky Bureau of Rehabilitation Services has with other State agencies and organizations throughout the State are significant factors in this achievement. Prompt referral and proper supportive services necessary for successful rehabilitation are provided best through close working relationships.

One of the significant liaisons has been the establishment of rehabilitation units in four State mental hospitals. These rehabilitation units provide comprehensive rehabilitation services to the mentally ill. In 1964 alone the State was able to rehabilitate 1,200 mentally ill persons. This was at the rate of over 38 per 100,000 persons while the average for the country was only a little over 7 per 100,000.

The increasing number of young people being rehabilitated by the State vocational rehabilitation agencies may be directly attributed to the cooperative programs being sponsored by the vocational rehabilitation agencies with special education and the public school systems. The vocational rehabilitation agencies provide vocational evaluation, work and personal adjustment, counseling and guidance, training and job placement. The schools provide academic and related instructions, recreational and social activities. This joint effort has done much to help bridge the gap between school and the world of work.

Kentucky is one of the States making great strides in this type of venture. In 1964, 373, or 13 percent, of the total number of clients rehabilitated—2,975—had not yet reached 20 years of age. The counties in which cooperative programs are now operating are Rockcastle, Harlan, Floyd, Bourbon, Bell, and Jefferson.

In addition, the Kentucky Bureau of Rehabilitation Services has established vocational rehabilitation facility units at the two State hospitals and schools for the mentally retarded in Frankfort and in Dawson Springs. These programs bring about a closer working relationship among professional people who are concerned with helping handicapped youth to develop desirable job attitudes and work habits in order to achieve the ultimate goal of earning their living and successfully adjusting to community life.

The Vocational Rehabilitation Administration has made a research and demonstration grant to help create a network of rehabilitation services for disabled people in the Appalachian Mountain area. The project will be carried out jointly by Appalachian Regional Hospitals, Inc., headquartered at Lexington, Ky., and the Kentucky Bureau of Rehabilitation Services. It will cover 39 eastern Kentucky counties in which an intensive program of medical and vocational rehabilitation will be aimed primarily at preparing disabled individuals to become active again, learn a job, and find employment.

The Kentucky Bureau of Rehabilitation Services, with its staff of rehabilitation counselors working from 12 field offices throughout the State, will provide direct community contact and the involvement of a wide range of service organizations, along with provision of nonhospital rehabilitation services for the disabled persons served in the project. The bureau's Harlan office will be the focal point for this collaborative work.

Two projects are underway to provide rehabilitation services for disabled public assistance clients in Johnson, Lawrence, Martin, Harlan, and Bell Counties. The projects are cooperative undertakings of the Kentucky Bureau of Rehabilitation Services and the division of public assistance with the general purpose of developing improved methods and techniques to enable more disabled applicants and recipients of public assistance to earn their livelihood as the result of vocational rehabilitation services.

Perhaps most important of all in the Kentucky bureau's ability to serve the disabled of the State has been Mr. Ben Coffman, the State director. His able leadership and competent staff have grown rapidly and surely to meet the need for an increased and more comprehensive program. Through this leadership and continued statewide support, the Kentucky Bureau of Rehabilitation Services will be able to provide rehabilitation services to all who need them.

In summary, the financing and program amendments that are in H.R. 8310 are long overdue and will free States like Kentucky from artificial barriers that create inequities in the amount of funds that States like Kentucky can earn with State and local funds.

The prompt passage of this bill with its new financing formula and improved Federal matching will help Kentucky and other State vocational rehabilitation programs to bring more and better services of the kind I have described to the disabled segment of our unemployed and underemployed population.

Mr. SICKLES. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I will be glad to yield to a member of the subcommittee from Maryland.

Mr. SICKLES. Mr. Chairman, I thank the gentlewoman for yielding.

I want to associate myself with the remarks of the gentlewoman particularly with respect to the great work which was done by the committee, particularly the fact that it was such a bipartisan effort. Also I wish to congratulate and thank her on behalf of all my citizens of Maryland as well as the rest of the citizens of this Nation for her great leadership in this field.

Mr. Chairman, I am glad to have this opportunity to speak to the House in support of H.R. 8310, the Vocational Rehabilitation Act Amendments of 1965. The amendments in this bill are based upon recommendations originally made by President Johnson and offered in bills introduced by Mrs. EDITH GREEN, of Oregon, and other colleagues including Mr. CLAUDE PEPPER, of Florida. Mr. JOHN FOGARTY, of Rhode Island, also introduced a bill to improve and extend the vocational rehabilitation program with which he has become familiar in the process of dealing with appropriation requests for State and Federal vocational rehabilitation programs. I introduced a bill, H.R. 7373, to improve the program by removing from the Federal law the requirement that economic need be considered in the provision of certain vocational rehabilitation services.

Under the able chairmanship of Mrs. EDITH GREEN, the Special Subcommittee on Education held hearings in Washington and in the field. In addition to hearing the extensive testimony presented by many national organizations and individuals who came before the subcommittee, the subcommittee took testimony and made visits to facilities serving handicapped people in several communities in Illinois and Maryland. The visit to Chicago included observation of training activities in several workshops for the blind, and courses on prosthetics and orthotics at which doctors and other personnel were being trained to deal with different types of prostheses for people with orthopedic difficulties.

In a special visit to some of Maryland's vocational rehabilitation facilities I had an opportunity to see how the public program in my State operates, how it utilizes hospitals, workshops, and other community resources in working with disabled people.

Mr. Kenneth Barnes, assistant superintendent of education and director of vocational rehabilitation, was my host for this trip. It included observation of work with clients at the district office in Hyattsville, and pioneering activities of a special vocational rehabilitation facility at the State mental hospital at Crownsville. In Baltimore we visited an office serving a metropolitan area and observed the training of handicapped in a workshop sponsored by the Maryland League for Crippled Children. Because of the emphasis many witnesses had put upon the need for improved evaluation of the vocational potential of disabled people, we were especially interested in going to the physical medicine and rehabilitation evaluation unit at the University of Maryland Hospital. A visit with Dr. Sensenbach, superintendent of education for Maryland, completed our tour in this area.

The vocational rehabilitation programs vary from State to State depending upon the State's needs, resources, and leadership. The nature and the number of vocational rehabilitation services offered to Maryland clients are determined basically by available funds. The counseling function and medical evaluation are essential characteristics of every program and placement in satisfactory employment must always take place before the rehabilitation process is considered complete.

In addition to these basic services, the Maryland agency provides vocational training, physical restoration, maintenance, prosthetic appliances, and transportation when needed. All resources that are available to the client to assist in his program are made use of under the supervision of the counselor assigned to him. In 1964 the agency worked with nearly 11,000 people, of whom almost 6,700 received some service. In this same period nearly 2,000 disabled people were fully rehabilitated and in jobs. An additional 7,600 disability determination cases were handled for the bureau of old age and survivors insurance.

Mr. Barnes and Mr. Sensenbach have listed the following as major highlights of the Maryland program during this past year. They are representative of the work being done by other public agencies and illustrate the scope of the vocational rehabilitation activities undertaken in this program.

Counselors were assigned on a visiting basis to every major hospital and institution. More intensive service was rendered to mental and tuberculosis patients.

Special programs for disabled high school students were carried on in two of the largest political subdivisions. All other high schools of the State were served by counselors with general caseloads.

Work for the blind was expanded in the areas of industrial training and placement, vending stands, and home services.

Adult evaluation clinics, prosthetic clinics, and cardiac evaluation clinics were staffed to the extent possible.

Public health clinics in all major disability fields were contacted periodically, both for referral sources and for certain types of treatment for clients.

Liaison was maintained with numerous research and demonstration projects being conducted in cooperation with the Vocational Rehabilitation Administration. One project in group counseling was conducted by the staff of the Agency.

A joint conference of supervisory personnel from public welfare and vocational rehabilitation was held to develop plans for more intensive work in this field.

In order to determine the economic soundness of Maryland's vocational rehabilitation program, a comprehensive survey is made each year of all the cases rehabilitated three years previously. A study of the 1,491 disabled persons rehabilitated in 1961 has just been completed with these results:

The total cost of the program in 1961 was $1,049,520.

The number of clients served in 1961 was 5,925—this includes the 1,491 rehabilitants.

The total earnings of the 1,491 in the 3-year period was $5,668,086.00.

The rehabilitated clients earned in 3 years 9½ times the cost of their rehabilitation. They earned 5½ times the total cost of the program in 1961. It is estimated that in 3 years the 1,491 paid in taxes $791,347.00, or $197,233.00 more than the cost of their rehabilitation.

In addition to the economic values there are social values also.

To the individual: independence, not dependence; normal living, not mere existence; opportunity and happiness, not resignation and helplessness.

To the State: The strength and stability provided by citizens who are socially and economically secure.

The bill reported by the committee builds upon the recommendations of the President and the suggestions that developed from the hearings and committee discussion of the issues raised. The amendments, in my opinion, will provide the physically and mentally handicapped people of the country with an improved and expanded program that will give them greater opportunities to be restored to full functioning as active participants in the life of the community.

The major amendments provide for—

First. More liberal Federal financing of the basic State-Federal program. Second. Development of new programs of rehabilitation services, especially for people suffering from severe or catastrophic disabilities.

Third. Expansion of services to greater numbers of disabled in those States where substantially greater numbers can be served.

Fourth. Comprehensive State planning with a view to serving all disabled people by 1975.

Fifth. Construction of workshops and facilities, and programs for the improvement of existing workshops and training services in workshops.

Sixth. A concerted effort to reduce architectural barriers to the rehabilitation of handicapped.

Seventh. The establishment of an intramural research program and data processing program in the Vocational Rehabilitation Administration.

These and other amendments in the bill will enable the vocational rehabilitation programs to make considerable progress toward reaching by 1967 President Johnson's goal of rehabilitating 200,000 annually.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. Yes. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would like to join the gentlewoman from Oregon in her support of this bill. I would have hoped that it could have been financed out of funds for the poverty program, because I think this is a much more worthwhile program than the poverty program. I note, too, there is authority for the hiring of so-called experts and consultants. I hope that this authority will be used sparingly, for this sort of authorization has resulted in considerable abuse in other agencies and departments of the Government. I hope it will not be abused in this case.

Mr. GIAIMO. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I will be delighted to yield to my friend and very able colleague from Connecticut, who was a longtime member of the subcommittee and made so many great contributions on that committee.

Mr. GIAIMO. Mr. Chairman, I thank the gentlewoman from Oregon for her kind comments. It has always been a pleasure to work with her, and I am sure that all of us are grateful for her leadership and vision.

Mr. Chairman, I rise in enthusiastic support of this bill. It represents the culmination of many years of effort, in which I have been proud to participate, and in which I have been proud to follow the leadership of our colleague from Oregon.

The many reasons for the adoptions of this legislation have been advanced by its principal sponsors and I wish only to utilize this time to urge its adoption and to congratulate the committee for its work. This legislation represents much needed extension and expansion of the Vocational Rehabilitation Act, whose contributions are familiar to all of us and worthy of our continued support and enthusiasm.

We cannot take pride in our national goals unless we implement provisions which will take care of those who, for many and varied reasons, are unable to compete with their fellows. This is not to say that they cannot—if given help, and it is for this reason that we should support the bill before us today.

Again, I am proud to support this legislation and to urge its passage.

Mr. AYRES. Mr. Chairman, I yield such time as he may require to the gentleman from North Carolina [Mr. Fountain].

Mr. FOUNTAIN. Mr. Chairman, I would like to associate myself with the views of the gentlewoman from Oregon [Mrs. Green] and others who have so eloquently expressed themselves in support of H.R. 8310.

I have mixed emotions about some of the so-called rehabilitation programs we have passed in this Congress since I have been here, although I have supported most of them. I am fearful that some of them may turn out to be more harmful than helpful in that individual initiative and incentive may well be seriously impaired.

However, as someone has said, the U.S. Vocational Rehabilitation Administration "is a monument to the growth of an idea." Here has been an example of our Federal system at its best—the Federal Government and the States and localities working together as a team in an enduring partnership to make life more meaningful and more abundant for the disabled persons of this Nation by rehabilitating them for proper employment and other avenues of citizenship responsibility.

Truly this partnership has increased in strength over the years as vocational rehabilitation has demonstrated not only our Nation's humanitarian outlook but its hopes and desires and goals on behalf of all our disabled, including especially the physically and mentally handicapped.

I have always supported programs of this kind beginning with my first legislative experience in the North Carolina General Assembly. I have been happy to support programs of this kind since I came to the Congress in 1953. It is the kind of program which can truly help people to help themselves. I support the purpose of H.R. 8301, known as Vocational Rehabilitation Act Amendments of 1965 to provide the physically and mentally disabled persons of this Nation an improved and expanded program of services designed to provide them greater opportunities for more actively and fully participating in the life of our country.

This is a program which creates initiative and provides incentive for many who may otherwise be helpless. It is the kind of humanitarian and self-help approach which the people of this country have always supported. They always will.

Mr. AYRES. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. AYRES. Mr. Chairman, I want to add my voice to those in support of H.R. 8310, the Vocational Rehabilitation Act Amendments of 1965.

The first vocational rehabilitation act was passed in 1920. It was substantially amended in 1943 and, again, in 1954. The program carried on under this legislation has always had bipartisan support. The 1943 amendments were proposed by a Democratic administration and supported by the Republican Party. The 1954 act was proposed by a Republican administration and supported by the Democrats. Incidentally, it is under the 1954 legislation that the research and demonstration programs and the programs for training rehabilitation personnel have been developed. The period since 1954 has also seen the most rapid and significant growth of the State-Federal program of vocational rehabilitation. The bill now before us was proposed by the current Democratic administration, improved and liberalized in the House Committee on Education and Labor, and reported to the House unanimously.

Summarizing briefly, the bill before us increases the Federal share of the cost of vocational rehabilitation services in the States to put the Federal share of this program closer in line with other welfare, manpower, and poverty programs that have been established recently; broadens the definition of vocational rehabilitation services to include the provision of services for an extended period during which time rehabilitation potential is being determined; initiates programs for the construction and staffing of workshops; provides improvement and technical assistance grants for workshops to enable them to more effectively serve severely handicapped people; and established a National Commission on Architectural Barriers. There are also quite a number of technical amendments, all of which are designed to facilitate the development of services under the legislation.

This program is administered by the Secretary of Health, Education, and Welfare through the Vocational Rehabilitation Administration, which is a small but highly efficient unit of the Department. In the States, the program is administered by State boards of vocational education or education, with the exception of a few States that established independent departments of vocational rehabilitation. Rehabilitation for the blind is administered separately in 38 of the States, usually in departments of public welfare.

Vocational rehabilitation is a tested program. It has always been administered soundly and economically. Appropriations Committees of this Congress have been particularly laudatory of the Vocational Rehabilitation Administration and the States with respect to how they have conducted this program. The number of persons being rehabilitated annually has risen steadily over the years. During the last complete fiscal year, rehabilitation was completed for over 120,000 individuals. Under the bill before us, the number of rehabilitations is expected to increase to over 200,000 per year. In practically all cases, these individuals are dependent upon someone else for support when they come to the vocational rehabilitation agencies for help. They become wage earners and taxpayers as a result of vocational rehabilitation services. The contribution they make to society in terms of production and taxes paid far exceeds the amount spent upon them. This is good business anyway one looks at it.

While all parts of this bill are important, I want to stress the importance of two sections. Section 6 sets up a National Commission on Architectural Barriers to the rehabilitation of the handicapped. In my judgment, the establishment of this Commission offers great hope for bettering the lot of handicapped people throughout our Nation. It is distressing how many barriers we thoughtlessly place in the way of handicapped individuals and older people. We know for instance that many public buildings are not accessible to the handicapped. In many cities, street curbs prevent their passage from block to block. Huge housing developments may arise without any regard to the fact that a substantial part of the population of the United States is handicapped. Private industry is equally as thoughtless as the public in this regard. The Commission established under this legislation is expected to identify the problem and formulate a concrete plan for overcoming these barriers. It may be that laws will be needed in some instances, in the main, however, the need is to educate the public to the fact that it is important to everyone that these barriers be eliminated. Ordinarily, it does not cost more to provide facilities that will accommodate the handicapped. It is just necessary that somebody think about it at the right time.

Particularly commendable, we think, are the efforts being made by some of our colleges and universities to make their facilities available to students in wheelchairs. The University of Missouri and the University of Illinois are two leaders in this respect. We hope many others will follow suit.

I also want to emphasize the importance of the section expanding the definition of rehabilitation services to include the determination of rehabilitation potential. At the present time, it is necessary for the State rehabilitation agency to make at least a tentative determination that an individual will be employable before services are begun. This is a totally unrealistic approach to rehabilitation. It has been demonstrated again and again that once given the opportunity to rehabilitate themselves, many handicapped individuals amaze everyone with what they can do. This amendment is not designed to let the bars down so rehabilitation services can be provided for anyone regardless of the circumstances. Its purpose is clearcut; rehabilitation agencies are expected to take individuals whether there is any hope whatsoever of any degree of employability and provide them services until there can be a full and complete determination of the individual's potential for rehabilitation. This much we owe to every handicapped citizen.

Mr. Chairman, let me conclude by saying that I am indeed proud to support this legislation. I do not believe Congress makes any better investment of funds than what it spends on the rehabilitation of its handicapped citizens.

Mr. DANIELS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. Staggers].

Mr. STAGGERS. Mr. Chairman, I rise to compliment the gentlelady from Oregon, the subcommittee and the full committee, for bringing this bill to the floor. I notice that the subcommittee mentioned the mentally retarded. I would like to ask the gentlelady from Oregon whether the mentally ill are also included?

Mrs. GREEN of Oregon. Yes.

Mr. STAGGERS. And what about the disabled older workers?

Mrs. GREEN of Oregon. Yes. Services are provided for the physically and mentally disabled, many of whom might be classified as disabled older workers. I hope that more provision will be made for older handicapped persons.

Mr. STAGGERS. What about the mentally and physically handicapped whom we find in chronic disease hospitals or in penal or correctional institutions? Would they be covered in any way?

Mrs. GREEN of Oregon. Yes, they are. In addition there is another piece of legislation that was passed by this House in the field of correctional rehabilitation. It was passed within the last 2 months. It is a bill which provides for a 3-year study of training and personnel needs in the field of correctional rehabilitation. The Vocational Rehabilitation Administration does provide support in this area such as the grant for a juvenile home, I believe in the State of Georgia, where they are exploring ways to help the young public offenders so that they will not become wards of society in later years. The program is concerned with this problem and advances are being made.

Mr. STAGGERS. I thank the gentlelady. Again, I should like to say that the committee has done a great job in a humanitarian field.

Mr. DANIELS. Mr. Chairman, I yield such time as he may require to my distinguished colleague from New Jersey [Mr. Howard].

Mr. HOWARD. Mr. Chairman, I rise today in support of H.R. 8310, the Vocational Rehabilitation Act Amendments of 1965, which is being sponsored by my distinguished colleague, the gentleman from New Jersey [Mr. Daniels].

I am glad to speak in behalf of prompt passage of this bill and have introduced an identical measure in support of this worthy piece of legislation.

The proposed amendments are timely. I am convinced that they will help State and community rehabilitation agencies to do a better job in behalf of physically and mentally handicapped people. Our programs in New Jersey also will benefit from passage of this bill.

I am informed that the proposed new Federal-State matching ratio—75 to 25 percent—in the bill will have significant implications for the disabled in New Jersey. Between 1965 and 1968 it is expected that New Jersey's population will increase by about 6 percent. At present it is estimated that there are about 96,000 disabled in New Jersey who could benefit from vocational rehabilitation services. Another estimated 12,000 each year will come to need rehabilitation because of accidents or disease.

With the present budget and staff, the State rehabilitation commission served about 15,000 in 1964, and rehabilitated 2,890 with 8,900 continuing to receive services. More favorable Federal financing of the services given through the State-Federal program, such as is projected in H.R. 8310, would help the commission to bring services to many more of our disabled each year.

The Commission has informed me that the existing Federal legislation provides for incentive financing of certain types of projects which extend and improve programs. The new proposals in this bill would reorient this program but continue to encourage State agencies to begin new services, especially for people who are severely disabled. Under the present authority New Jersey has innovated many new services. Under one project it employed a workshop coordinator who helped the State agency to utilize more effectively the services of workshops. Through another it placed rehabilitation counselors in each of four mental health hospitals. A special effort was made under another of these extension projects to improve services for the deaf and hard of hearing, primarily through offering intensive services in job finding and placement, especially for students at the New Jersey School for the Deaf. Other projects have concentrated upon developing job opportunities for the severely disabled and young people who are mentally retarded. The amendments which will encourage this kind of extension of services will help our New Jersey agencies to broaden their coverage of the disabled who can be helped to prepare for and obtain employment.

Other special efforts are being made, in cooperation with the public assistance office, to work with disabled public assistance recipients. There is a team unit in each of three county welfare offices dealing with these cases which are very difficult because of the time and effort needed to motivate some of them to want and to use rehabilitation services.

New Jersey agencies will benefit from the proposed amendments dealing with comprehensive statewide planning and expansion of services. Both the New Jersey State Commission for the Blind and the New Jersey Rehabilitation Commission have plans for expansion that probably can be undertaken or helped considerably under these new authorities. Similarly, the several amendments in H.R. 8310 which deal with construction of new workshops and facilities and improvement of existing workshops will be especially useful in New Jersey in the immediate future.

The Governor's Committee on Lifetime Disability anticipates the establishment of 21 workshops throughout the State, on an area basis, to meet the need for training and work opportunities. At the present time there are 17 rehabilitation or sheltered workshops. Many sections of the State are without adequate workshop facilities and some of the shops are short of staff and equipment and cannot develop the kind of programs which are required. The proposed amendments could have a great impact upon the growth and improvement of workshop facilities in New Jersey.

The New Jersey State Commission for the Blind is looking forward to an expansion in the vending stand program, and hopes to expand by 50 percent the services to blind clients at the Commission's Rehabilitation Training Center where they receive adjustment training, mobility training, prevocational tryout, home economics and other specialized training. A large percentage of these clients have disabilities in addition to blindness, and there is need to develop specialized programs for them. The new authorities and more favorable Federal financing can make a significant difference in the number of people helped and the program development that can be undertaken for this multiple handicapped group.

New Jersey's Gov. Richard J. Hughes and the State legislature support the vocational rehabilitation programs in New Jersey and have always provided additional funds within the limits of State ability. The rehabilitation agencies report that other public agencies and private groups have given the program excellent cooperation both in referring cases and in obtaining additional resources to complement and supplement what can be done through the public programs.

In summary, Mr. Chairman, I want to endorse wholeheartedly the provisions in H.R. 8310 through which our public and voluntary agencies can be helped to do more for the physically and mentally handicapped so that they may take their rightful place in the economic and social life of the community.

Mr. DANIELS. Mr. Chairman, I yield 3 minutes to my distinguished colleague from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I would like to congratulate and commend my very distinguished colleague from New Jersey [Mr. DANIELS] for sponsoring this legislation, as well as the distinguished gentlelady from Oregon, the chairman of the subcommittee, and her entire committee for reporting out this bill.

This bill joins a whole series of other impressive bills that have been reported out by the House Education and Labor Committee, all of them designed to give greater meaning to our democracy by improving and increasing the opportunities for people so that they may walk through life with dignity. I am proud to be a member of that committee. Members on both sides of the aisle have worked very hard.

Mr. Chairman, we have seen go through this Congress an antipoverty bill, a bill designed to provide Federal aid to the children of poverty-stricken parents, an adult education bill, a minimum wage bill, a bill to provide aid to higher education, the manpower retraining and development bill, the vocational training bill, and now, Mr. Chairman, the vocational rehabilitation bill.

Mr. Chairman, all of these measures have been designed to do one thing, give people the opportunity to help themselves.

Mr. Chairman, this Nation now spends in excess of $44 billion a year on all forms of public assistance. This represents a staggering sum.

Mr. Chairman, I believe the concept which we have been developing in our committee—and this bill before us today epitomizes that concept—is to help people help themselves by training so they can be taken off the public dole, so they can walk the streets with dignity, so they can be proud of being Americans and help themselves and take care of themselves.

Mr. Chairman, this legislation will go a long way in that direction.

My own State of Illinois spends more than $1 billion a year on all forms of public assistance such as aid to the aged, aid to the blind, aid to the handicapped, general public welfare programs, and all of these programs that we have passed through this House—and many of them on a bipartisan basis with the help of the minority of this Congress—as they begin taking shape, as they start developing, the result is that we are going to see more and more people who for a long time have relied upon public assistance programs, become full-fledged, self-supporting, proud, dignified citizens.

Mr. Chairman, I do not know of any nation that has ever embarked upon as exciting career as we have in this direction. I do not know of any nation in the history of the world that has tried to do so much to restore human dignity to its people.

Mr. Chairman, we certainly owe the gentleman from New Jersey [Mr. DANIELS] and the gentlewoman from Oregon [Mrs. GREEN] a great deal of commendation for bringing this legislation to us.

Mr. Chairman, I am proud to be able to support this legislation today and I am sure all Americans will be proud of the conduct and the behavior of this Congress.

Mr. DANIELS. Mr. Chairman, I have no further requests for time.

Mr. CAREY. Mr. Chairman, I would like to take a few minutes to discuss the major change in financing vocational rehabilitation under H.R. 8310 under the present section of the Vocational Rehabilitation Act, the formula for allotting funds is, as the gentlewoman from Oregon [Mrs. GREEN] pointed out during hearings on the bill, extremely complex. What this bill proposes to do is simplify the complex formula under which section 2 funds are disbursed to the States.

Under present law, the States and the Federal Government share in expenditures made under a State plan. An allotment percentage for each State is calculated on the basis of the per capita income of the State. The total amount made available to a State is computed by multiplying the population of the State by the square of the State's allotment percentage. Within this allotment, the Federal Government reimburses a certain percentage of the State's expenditure. The variable Federal share ranging from 70 to 90 percent is determined by the per capita income of the State.

Under the provisions of H.R. 8310 the financing will be made infinitely simpler. The committee's proposal is that only two factors be taken into consideration, population and per capita income. The squaring of the per capita income is eliminated.

This bill raises Federal contribution to State programs to 75 percent in a two-step process. At present, the Federal share of State programs varies from 50 to 70 percent. Written into the bill is a provision that no State receive less than its 1965 allotment.

H.R. 8310 authorizes $300 million for fiscal year 1965, $350 million in fiscal 1967, and $400 million for fiscal year 1968 for State vocational rehabilitation programs.

Included in the bill is a provision authorizing $80 million in fiscal 1966, $104 million in fiscal 1967 and $117 in fiscal 1968 for research and demonstration projects.

The bill also authorizes $21 million over the next 3 fiscal years for project grants to the States to aid them in starting new projects in order to improve and extend rehabilitation services provided under section 3 of the present act.

The bill also authorizes a new grant program for construction and the initial staffing of workshops and rehabilitation facilities established either by State agencies or private rehabilitation groups who are approved by the States. The amount of money authorized for these grants is $1.5 million in fiscal 1966; $7 million in fiscal 1967 and $9 million in fiscal 1968.

Mr. Chairman, these are the major changes in the bill in terms of financing vocational rehabilitation. As has been brought out in the testimony before the special subcommittee on education, miracles have been wrought in this field. Yet, more remains to be done and with your help more will be done.

By voting today for this bill you are investing in America's future. Every dollar spent to rehabilitate physically and mentally handicapped Americans is returned many times to the Treasury in the form of increased taxes.

I am happy and proud that this bill has received such strong support from so many Members on both sides of the aisle. It is a tribute to our political system that we can differ on some things but in other areas all Members of Congress stand shoulder to shoulder. This is one area where we can agree that we have a good program, which with your help can be made more effective.

Mrs. MINK. Mr. Chairman, I rise in support of one of the most meaningful and well-thought-out pieces of special educational legislation to come before this Congress this year.

It is true that other measures will have more massive impact upon the educational systems of this Nation, or will be more widely publicized. However, the Vocational Rehabilitation Act Amendments of 1965 represent one of the most significant and, potentially, one of the most far-reaching efforts at improvements in the field of special education.

This bill would be meritorious even if it only expanded our 45-year-old program of restoring the disabled to gainful employment to the 200,000 persons per year level requested earlier this year by President Johnson. However this bill goes far beyond that point, to break new ground and provide for major improvements and expansion of the vocational rehabilitation program.

Under the terms of this measure, Federal financing of the program will be liberalized; new programs will be encouraged to include many of those seriously disabled persons not now included in the program; construction and operation of new workshops and related facilities will be aided and encouraged; the facilities for training of persons entering the vocational rehabilitation field and centralized research and data processing will be made more readily available.

As one with a longtime interest in, and personal knowledge of, the operation of vocational workshops I am especially pleased to make note of the provisions in this bill that will expand and improve the operations of these workshops.

The bill provides five new programs that should enable the workshop concept to break through present difficulties.

These new programs provide for: First, grants for improved training programs in workshops; second, grants for the construction and staffing of workshops; third, grants to improve the level and quality of services in existing workshops; fourth, the use of outside experts in improvement of workshop operations, and fifth, the establishment of a body that will set standards for their operation.

Among these programs is one that will provide for experimentation in the use of residential workshops. Another especially significant feature is the provision for assistance in staffing these facilities, which will help to break the bottleneck now encountered as a result of a shortage of trained and qualified personnel.

I also think it especially noteworthy that the bill compares the vocational rehabilitation program closely with the manpower development and training program that has been so successful in retraining persons who have been underemployed or unemployed.

The provision that trainees may receive stipends while undergoing training will do much to assist disabled persons who otherwise could not afford to take part in the program, and to encourage them to leave the welfare rolls.

Another breakthrough provides for rehabilitation on the basis of handicap rather than on that of need, widening the range in which such services can be offered. I believe that one of the greatest benefits of this type of program is that it recognizes all persons as potentially contributing members of our society.

Mr. Chairman, because of the many benefits I have outlined, and because of the others inherent in this bill, I urge my colleagues to support and pass H.R. 8310, the Vocational Rehabilitation Act Amendments of 1965.

Mr. EDMONDSON. Mr. Chairman, I welcome the chance to express my support for H.R. 8310, to expand and improve our vocational rehabilitation program.

We have an outstanding program under this general legislation in Oklahoma, and it has helped tremendously to strengthen our citizenship and build a better economy.

The enlargement of the program is soundly justified by the record of achievement in the past, and this bill should be overwhelmingly approved.

Mr. FOGARTY. Mr. Chairman, I am pleased that this important legislation is before the House today and I wish the Members to know that I am strongly in support of H.R. 8310.

This legislation affects disabled people in every congressional district in the United States. It is an unfortunate fact of life that disability strikes at all ages, in all income groups, in all geographical sectors. It affects the rich and the poor, but it has its worst impact among those who live in poverty, for studies have shown that disabling conditions are more frequent among those who are the poorest.

I expressed my concern for the need for new legislation in this field early this year. Along with the distinguished chairman of the Special Subcommittee on Education, Mrs. GREEN of Oregon, and others, I introduced the administration bill, H.R. 6971. The bill before the House today, H.R. 8310, reflects the administration bill, plus several amendments to broaden and strengthen this legislation.

For several years, as chairman of the Appropriations Subcommittee for the Departments of Labor and Health, Education, and Welfare, I have reviewed the plans and progress of the vocational rehabilitation program. One result of this is that I have become quite aware of the present-day inadequacies of the 1954 legislation under which the program operates. Great progress has been made in those 11 years, as we have seen in our annual reviews in connection with appropriations.

However, it is time to give this important national effort for handicapped people a better legislative base, one that is more in keeping with the many changes that have occurred in the last few years. The Federal-State program of vocational rehabilitation is a remarkable demonstration of a successful venture between the Federal Government and the States. For 45 years this program has steadily improved in effectiveness, to the point where, during fiscal year 1965, more than 130,000 disabled men and women received a variety of rehabilitation services and were placed in useful employment.

This is, without question, one of the most constructive uses we could make of the tax dollar. Thousands of these men and women had been dependent upon public welfare programs because they were disabled and unable to work. Today, instead of being dependent, they are working the same as their nonhandicapped friends and instead of requiring public funds, they are paying taxes which help support every governmental activity in our cities, States, and national life.

Under the remarkable leadership of the Commissioner of Vocational Rehabilitation, Miss Mary E. Switzer, there has been developed an outstanding program of research and training which complements and supports the service program of the States as well as the hundreds of voluntary organizations serving the disabled throughout the United States. From this research program we are securing new knowledge and new methods which make it possible to rehabilitate disabled people who had no hope of restoration until recent years. In many instances the task of putting these new procedures to work is speeded up by demonstration grants to community groups and State agencies.

In my own State of Rhode Island the rehabilitation of disabled people has been enhanced by several such demonstration projects. These have given imaginative new ideas to the community and have bolstered the entire community effort for the handicapped youths and adults of my own State.

For example, the Rhode Island School of Design at present is working on a plan to expose their students in technical and industrial design to the needs of rehabilitation programs for better equipment. What is urgently needed here are inventive minds to seek better prosthetic appliances, specialized assistive devices, and other mechanical aids for handicapped people. By turning the minds of these promising students to this special field, there is an excellent chance that improved devices will be developed, and at the same time some of these future leaders in our industrial life will gain an understanding of disability and rehabilitation that they could not have secured in any other way.

I believe this legislation will induce many States to play a lot more responsible role in meeting the needs of their own disabled people. This is one of the very proper functions of the Federal Government, as far as I am concerned—to point out national needs, to provide financial and other encouragements to the States to meet these needs, and to invite their wholehearted cooperation in discharging the obligations of government at all levels.

Frankly, I have been disappointed at the level of State support for vocational rehabilitation in my own State of Rhode Island. We have the same proportion of seriously disabled people, in relation to our population, as any other State. Yet for several years, Rhode Island has not produced the State funds needed to take full advantage of the Federal funds available for vocational rehabilitation.

In the fiscal year just ended, Rhode Island's failure to provide an additional

$178,000 in State funds meant that the State lost more than $270,000 in Federal funds. In other words, close to a half million dollars of funds for this important program were lost to the disabled citizens of Rhode Island last year.

For the present fiscal year 1966, the situation is even worse. Despite my urging, it appears that my own State will have only about $517,000 appropriated for vocational rehabilitation, where the amount should be $642,000 in State funds to take full advantage of the Federal funds under present law. As a result, Rhode Island again will lose money—this time amounting to about $188,000.

With the passage of the legislation before us today—and I personally feel quite confident that the Congress will enact this important bill—the loss of Federal funds for vocational rehabilitation in Rhode Island will be even greater. I am told that, with the limited State funds available, Rhode Island will lose around $325,000 in Federal grant funds this year under this new law.

Knowing the widespread and urgent need for this kind of special assistance among our disabled people in Rhode Island, I find this an intolerable situation and I fervently hope that the State of Rhode Island will assume its full responsibility for fully measuring up to the needs of its own citizens and demonstrating this responsibility by the funds it appropriates.

I do not think there should be special penalties attached to being a disabled person in Rhode Island or any other State. I believe that the disabled people of Rhode Island should have every opportunity to overcome their handicaps, become active, interested citizens again, and be employed at useful jobs like all our other adult citizens.

I believe that handicapped children and youth should be able to approach their adult years, and the responsibilities of the working world with confidence in their State government and their Federal Government as instruments for providing the special services they need to be good and useful citizens.

I believe the State of Rhode Island should become an active partner with the many fine voluntary agencies and institutions we have in that State for serving the handicapped.

I think the State of Rhode Island should appropriate enough funds to enable it to serve effectively as a service-giving rehabilitation resource and at the same time to give substance to State leadership in bringing together voluntary groups, the Federal Government and everyone else who can help fashion better lives for seriously disabled young people and adults. Therefore, I hope that, among the many other benefits of this legislation, it will serve to stimulate a sense of responsibility in Rhode Island for the welfare of its handicapped citizens. The improved Federal financing, the introduction of new programs to meet special needs—all these should be a powerful incentive for all States—and I hope my own State of Rhode Island will be among the leaders in this important work within a few years.

To do less than this is to practice the falsest kind of shortsighted economy. Over and over again, the vocational rehabilitation program has shown that these disabled men and women, once they are rehabilitated and returned to employment, pay far more in taxes than it costs to rehabilitate them. Detailed studies have shown, for example, that for every Federal dollar spent to rehabilitate a disabled person in this program about $5 is returned to the Federal Treasury in taxes paid by the disabled person as a worker. Much the same dollar benefits accrue to State governments, so that State treasuries benefit from this program. We are considering, then, a field of work which combines sound economics with the finest aspirations we can have for our fellow man. We serve a high humanitarian cause when we rehabilitate disabled people, for self-support and independence are the essence of personal dignity.

H.R. 8310 would establish a new and simplified system of financing the program of grants to States for vocational rehabilitation services. This simplification is long overdue. It will, in addition, provide additional Federal funds which will greatly stimulate the growth of the total program and make it possible to rehabilitate many more thousands of handicapped people during the next 3 years.

The bill will authorize a new program of construction to increase the number of rehabilitation centers, workshops, and special facilities serving the handicapped. We have an urgent need for more centers and workshops in this country, and to expand and improve the ones we already have. This bill will meet this vital need and will assist community and State groups which operate such facilities by also offering assistance with initial staffing and initial equipment.

The proposals for workshop improvement in this bill are certain to have a far-reaching effect on what we do for severely handicapped people in the United States. Experience has shown the need for more workshops and for improvement in the professional and operational aspects of the workshop function. The disabled men and women who need services in workshops represent some of our most difficult rehabilitation problems, particularly as they relate to restoring people eventually to employment. This comprehensive national approach to workshops will enable voluntary agencies and State agencies to approach this task more efficiently and more broadly during the next 10 years.

H.R. 8310 will add two other provisions to the law which will greatly strengthen the work of the Vocational Rehabilitation Administration. One of these is the establishment of an intramural research program, to complement the extramural research grant program which has been carried out for the past 10 years. It will be possible for the Vocational Rehabilitation Administration to actively collaborate with other scientists on certain selected projects where collaborative effort is essential to success, to initiate investigations in certain fields where the grant process is not the most effective or efficient approach to a problem.

Of equal importance is the provision to establish a National Data Service in Rehabilitation, using modern automated data systems to collect, store, analyze, retrieve and disseminate research information, and a great variety of other data essential to rehabilitation programs in the United States.

The bill includes many other important features—a system of grants to expand vocational rehabilitation services, a 2-year program of statewide planning in each State, the establishment of a 3-year National Commission on Architectural Barriers to the Handicapped and several other technical amendments which will improve the operation of both the public program and the cooperating voluntary programs.

Mr. Chairman, I strongly support H.R. 8310. I hope that every Member will see in this bill a new hope for the future for thousands of his constituents who today are the victims of disability. I should like to see the House express its concern for these disabled men and women by voting unanimously for the passage of this bill.

Mr. CAREY. Mr. Chairman, H.R. 8310, the Vocational Rehabilitation Act Amendments of 1965, introduced by Mr. DOMINICK DANIELS, of New Jersey, are based upon recommendations made by President Johnson. They were designed to expand and modernize this established Federal-State program through which States and localities are helped to bring vocational rehabilitation services to their physically and mentally disabled residents. After extensive hearings in Washington and several communities in different parts of the country, the subcommittee, under the able chairmanship of Mrs. EDITH GREEN, of Oregon, reported out a bill which incorporated many suggestions that came from national and local organizations familiar with the work of the Vocational Rehabilitation Administration, the State agencies and the many private organizations and agencies working in behalf of disabled young people and adults.

The program began in 1920 as a simple effort to place handicapped people in available jobs. Major amendments in 1943 and 1954 provided authority for the cooperative Federal-State program as it operates today. Since 1954, under the able leadership of Miss Mary Switzer, the size and scope of the program have grown significantly. Fifty-seven thousand people were rehabilitated in 1954.

By 1965 this number had grown to more than 130,000 men and women rehabilitated and placed in useful employment. Federal and State funds made available for this program have grown gradually as the State and local agencies have developed public support for their activities, and as trained personnel have become available to man the varied services that are involved in restoring disabled people to maximum physical and mental capacity, in training them and placing them in remunerative work that is suitable to their abilities and capacities.

President Johnson decided to enhance the mission and the effectiveness of this established antipoverty program, and to recommend that the Congress give it tools to work with so that rehabilitations could reach and exceed 200,000 each year. To accomplish this, various amendments to the program are outlined in the bill. Some of the main provisions of the bill are designed:

First, to simplify the allotment formula for distribution of funds on a population and per capita income basis, and to increase Federal matching to a flat 75 percent by 1967 and subsequent years;

Second, to provide incentive financing for development of new services, especially with respect to projects serving the disabled with particularly severe disabilities—such as people who are both deaf and blind;

Third, to assist in the construction and operation of new rehabilitation workshops and facilities;

Fourth, to provide improved training programs for people in existing and new workshops and facilities;

Fifth, to begin a concerted effort to remove architectural barriers to the rehabilitation of handicapped people;

Sixth, to encourage statewide planning so that by 1975 States will have so developed their programs and planned services as to reach all disabled who can benefit from vocational rehabilitation services.

Mr. Chairman, these reforms are long overdue. This program is one of the most humanitarian and economically valuable social efforts that has been brought before the House this year. Handicapped people who are rehabilitated are taxpayers and do not remain tax consumers on public assistance or other forms of public relief. No one has estimated the dollars they return to State and local treasuries in taxes paid, but conservative figures show that for every single Federal dollar spent for rehabilitation, they return $5 to the Treasury in Federal income taxes.

Mr. Chairman, earlier in this Congress I introduced and the Congress enacted legislation to establish a National Technical Institute for the Deaf, where some of our deaf young people will receive technical training and preparation for remunerative employment. Many of these young people will be clients of the Federal-State vocational rehabilitation program which will prepare them to take full advantage of this technical preparation, and which will help them to find the employment that their training will have fitted them for.

I have also introduced legislation—H.R. 8092—that would benefit the disabled with respect to extraordinary costs of transportation they must incur in getting to and from work. I hope that the Congress will be giving consideration to this and other legislation which will encourage this courageous segment of our population, the handicapped, to find and keep jobs despite the disabilities that they have had to overcome.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational Rehabilitation Act Amendments of 1965".

AUTHORIZATION OF APPROPRIATION; ALLOTMENTS

SEC. 2. (a) Sections 1, 2, and 3 of the Vocational Rehabilitation Act are amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR GRANTS; PURPOSES FOR WHICH AVAILABLE

"SECTION 1. (a) The Secretary is authorized to make grants as provided in this Act for the purpose of assisting States in rehabilitating handicapped individuals so that they may prepare for and engage in gainful employment to the extent of their capabilities, thereby increasing not only their social and economic well-being but also the productive capacity of the Nation.

"(b) (1) For the purpose of making grants to States under section 2 to assist them in meeting the costs of vocational rehabilitation services, there is authorized to be appropriated for the fiscal year ending June 30, 1966, the sum of $300,000,000, for the fiscal year ending June 30, 1967, the sum of $350,000,000, and for the fiscal year ending June 30, 1968, the sum of $400,000,000.

"(2) For the purpose of making grants under section 3, relating to grants to States to assist them in meeting the costs of projects for innovation of vocational rehabilitation services, there is authorized to be appropriated for the fiscal year ending June 30, 1966, the sum of $5,000,000, for the fiscal year ending June 30, 1967, the sum of $7,000,000, and for the fiscal year ending June 30, 1968, the sum of $9,000,000.

"(3) For the purpose of making grants (A) under section 4(a)(1) for research, demonstrations, training, and traineeships; (B) under clause (2)(A) of section 4(a) for planning, preparing for, and initiating special programs to expand State vocational rehabilitation services; and (C) under clause (2) (B) of section 4(a) to meet the cost of planning for the development of a comprehensive vocational rehabilitation program in each State, there is authorized to be appropriated for the fiscal year ending June 30, 1966, the sum of $80,000,000, for the fiscal year ending June 30, 1967, the sum of $104,000,000, and for the fiscal year ending June 30, 1968, the sum of $117,000,000.

"(4) For the fiscal year ending June 30, 1969, and each of the succeeding fiscal years, only such sums may be appropriated for the purposes described in paragraphs (1), (2), and (3) as the Congress may hereafter authorize by law.

"GRANTS TO STATES FOR VOCATIONAL REHABILITATION SERVICES

"SEC. 2. (a) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated by paragraph (1) of section 1(b) for meeting the cost of vocational rehabilitation services, as the product of (1) the population of the State and (2) its allotment percentage (as defined in section 11(h)) bears to the sum of the corresponding products for all the States. The allotment to any State under the preceding sentence which is less than the amount such State was entitled to receive under subsection (b) of this section for the fiscal year ending June 30, 1965, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments of each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

"(b) For each fiscal year the Secretary shall pay to each State an amount equal to the Federal share (determined as provided in section 11(1)) of the cost of vocational rehabilitation services under the plan for such State approved under section 5, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) for such year, and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources (except for expenditures with respect to which the State is entitled to payments under section 3) during such year under such State's plan are less than such expenditures under such plan for the fiscal year ending June 30, 1965.

"GRANTS TO STATES FOR INNOVATION OF VOCATIONAL REHABILITATION SERVICES

"SEC. 3. (a) (1) From the sums available for any fiscal year for grants to States to assist them in meeting the costs described in paragraph (2) of this subsection, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the product of (A) the population of the State and (B) its allotment percentage (as defined in section 11(h)) bears to the sum of the corresponding products for all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $5,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

"(2) From each State's allotment under this section for any fiscal year, the Secretary shall pay to such State a portion of the cost of approved projects for vocational rehabilitation services (including their administration) under the State plan which (A) provide for the development of methods or techniques, which are new in the State, for providing vocational rehabilitation services for handicapped individuals, or (B) are specially designed for development of, or provision for, new or expanded vocational rehabilitation services for groups of handicapped individuals having disabilities which are catastrophic or particularly severe. The Secretary shall approve any project for purposes of this section only if the plan of such State approved under section 5 includes such project or is modified to include it.

"(b) Payments under this section with respect to any project may be made for a period of not to exceed five years beginning with the commencement of the first fiscal year for which any payment is made with respect to such project from an allotment under this section. To the extent permitted by the State's allotment under this section, such payments with respect to any project shall be equal to 90 per centum of the cost of such project for the first three years and 75 per centum of the cost of such project for the next two years, except that, at the request of the State, such payments may be less than such percentage of the cost of such project.

"(c) No payment may be made from an allotment under this section with respect to any cost with respect to which any payment is made under section 2."

(b) The amendment made by this section shall be in effect for fiscal years beginning after June 30, 1965, except that payments may be made from a State's allotment under section 3 of the Vocational Rehabilitation Act for any project approved under such section before July 1, 1965. Such payments may be made for the period for which such project was approved and at the rate provided for in such section at the time of such approval.

CONSTRUCTION OF REHABILITATION FACILITIES; WORKSHOP IMPROVEMENT; EXPERIMENTAL PROJECTS; REMOVAL OF ARCHITECTURAL BARRIERS

SEC. 3. The Vocational Rehabilitation Act is further amended by redesignating section 13 as section 17, and by inserting after section 12 the following new sections:

"GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES AND WORKSHOPS

"SEC. 13. (a) Effective for fiscal years beginning after June 30, 1965, the Secretary is authorized to make grants to assist in meeting the costs of construction of public or other nonprofit workshops and rehabilitation facilities. Such grants may be made only for projects for which applications are approved by the Secretary under this section.

"(b) To be approved, an application for a grant for a construction project under this section must—

"(1) contain or be supported by reasonable assurances that (A) for a period of not less than ten years after completion of construction of the project it will be used as a public or other nonprofit workshop or rehabilitation facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use as a workshop or rehabilitation facility, as the case may be;

"(2) be accompanied or supplemented by plans and specifications which comply with regulations of the Secretary relating to minimum standards of construction and equipment, and with regulations of the Secretary of Labor relating to safety standards for workshops and rehabilitation facilities;

"(3) be approved, in accordance with regulations of the Secretary, by the appropriate State agency designated as provided in section 5(a)(1);

"(4) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(c) The amount of a grant under this section with respect to any construction project in any State shall be equal to 50 per centum of the cost of such project.

"(d) Upon approval of any application for a grant for a construction project under this section, the Secretary shall reserve, from any appropriation available therefor, the amount of such grant determined under subsection (c); the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. In case an amendment to an approved application is approved or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(e) If, within twenty years after completion of any construction project for which funds have been paid under this section, the workshop or rehabilitation facility shall cease to be a public or other nonprofit workshop or rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the workshop or facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such workshop or facility is situated) of the workshop or facility, as the amount of the Federal participation bore to the cost of construction of such workshop or facility.

"(f) The Secretary is also authorized to make grants to assist in the initial staffing of any workshop or rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations of the Secretary) of compensation of professional or technical personnel of such workshop or facility during the period beginning with the commencement of the operation of such workshop or facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any workshop or facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

"(g) The Secretary is also authorized to make grants (1) to the State agency or agencies designated as provided in section 5(a)(1) to assist in meeting the cost of determining the State's needs for workshops and rehabilitation facilities and (2) upon application approved by the appropriate State agency so designated for such State, to public or other nonprofit agencies, institutions, or organizations to assist them in meeting the costs of planning workshops and rehabilitation facilities and the services to be provided thereby.

"(h) Payment of grants under subsection (f) or (g) may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"(i) There is authorized to be appropriated for carrying out this section $1,500,000 for the fiscal year ending June 30, 1966, $7,000,000 for the fiscal year ending June 30, 1967, $9,000,000 for the fiscal year ending June 30, 1968; and for each of the two succeeding fiscal years only such sums may be appropriated for carrying out this section as the Congress may hereafter authorize by law. Sums so appropriated shall remain available for payment with respect to construction projects approved or initial staffing grants made under this section prior to July 1, 1970.

"(j) For purposes of this section—

"(1) 'construction' includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings. and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings;

"(2) the 'cost' of construction includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements;

"(3) a project for construction of a workshop may include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of mentally retarded individuals or such other categories of handicapped individuals as the Secretary may designate.

"WORKSHOP IMPROVEMENT

"Grants for projects for training services

"SEC. 14. (a)(1) The Secretary is authorized, during the period beginning July 1. 1966, and ending June 30, 1971, to make grants to States and public and other nonprofit organizations and agencies to pay 90 per centum of the cost of projects for providing training services to handicapped individuals in public or other nonprofit workshops and rehabilitation facilities.

"(2)(A) Training services, for purposes of this subsection, shall include training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

"(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $25 plus $10 for each of the individual's dependents, or $65, whichever is less. In determining the amount of such allowance for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Secretary, as will promote such individual's fitness to engage in a remunerative occupation.

"(3) The Secretary may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals for a remunerative occupation, (B) the individuals to receive training services under such project will include only individuals who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 5(a)(1) of the State in which the workshop or rehabilitation facility is located, (C) the full range of training services will be made available to each such individual, to the extent of his need for such services, and (D) the project, including the participating workshop or rehabilitation facility and the training services provided, meet such other requirements as he may prescribe for carrying out the purposes of this subsection.

"(4) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

"Workshop improvement grants

"(b)(1) The Secretary is authorized to make grants to workshops during the fiscal year ending June 30, 1966, and each of the four succeeding fiscal years to pay part of the cost of projects to analyze, improve, and increase their professional services to the handicapped, their business management, or any other part of their operations affecting their capacity to provide employment and services for the handicapped.

"(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

"(3) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

"Technical assistance to workshops

"(c)(1) The Secretary is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance to workshops.

"(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"National Policy and Performance Council

"(d) (1) There is hereby established in the Department of Health, Education, and Welfare a National Policy and Performance Council, consisting of twelve members, not otherwise in the employ of the United States, appointed by the Secretary without regard to the civil service laws. The Secretary shall from time to time appoint one of the members to serve as Chairman. The appointed members shall be selected from among leaders in the vocational rehabilitation or workshop fields, State or local government, and business and from among representatives of related professions, labor leaders, and the general public. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twelve members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

"(2) The Council shall (A) advise the Secretary with respect to the policies and criteria to be used by him in determining whether or not to make grants under subsection (a); (B) make recommendations to the Secretary with respect to workshop improvement and the extent to which this section is effective in accomplishing this purpose; and (C) perform such other services with respect to workshops as the Secretary may request.

"(3) The Secretary shall make available to the Council such technical, administrative, and other assistance as it may require to carry out its functions.

"(4) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) The Secretary shall make no grant under this section to any workshop or rehabilitation facility which does not comply with safety standards which the Secretary of Labor shall prescribe by regulation.

"(f) There is authorized to be appropriated for making grants under subsection (a) and subsection (b) of this section $1,500,000 for the fiscal year ending June 30, 1966, $9,000,000 for the fiscal year ending June 30, 1967, $14,000,000 for the fiscal year ending June 30, 1968, and for each of the three succeeding fiscal years only such sums may be appropriated for making grants under subsection (a) and subsection (b) of this section as the Congress may hereafter authorize by law.

"WAIVER OF STATEWIDENESS REQUIREMENTS FOR LOCALLY FINANCED ACTIVITY

"SEC. 15. In the case of any activity which, in the judgment of the Secretary, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or the vocational rehabilitation of individuals with particular types of disabilities in a State or States, the Secretary may waive compliance, with respect to vocational rehabilitation services furnished as part of such activity, with the requirement of section 5(a)(3) that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a political subdivision of the State (including, to the extent permitted by such regulations, funds contributed to such subdivision by a private agency, organization, or individual).

"NATIONAL COMMISSION ON ARCHITECTURAL BARRIERS TO REHABILITATION OF THE HANDICAPPED

"SEC. 16. (a) There is hereby established in the Department of Health, Education, and Welfare a National Commission on Architectural Barriers to Rehabilitation of the Handicapped, consisting of the Secretary, or his designee, who shall be Chairman, and not more than fifteen members appointed by the Secretary without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, and of private professional groups having an interest in and able to contribute to the solution of architectural problems which impede the rehabilitation of the handicapped.

"(b) The Commission shall (1) determine how and to what extent architectural barriers impede access to or use of facilities in buildings of all types by the handicapped; (2) determine what is being done, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with the problem, to eliminate such barriers from existing buildings and to prevent their incorporation into buildings constructed in the future; and (3) prepare plans and proposals for such further action as may be necessary to achieve the goal of ready access to and full use of facilities in buildings of all types by the handicapped, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward that goal or whose cooperation is essential to effective and comprehensive action.

"(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

"(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) The Commission shall, prior to January 1, 1968, submit a final report of its activities, together with its recommendations for further carrying out the purposes of this section, to the Secretary for transmission by him together with his recommendations to the President and then to the Congress. The Commission shall also prepare such interim reports as the Secretary may request.

"(f) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1966, and each of the two succeeding fiscal years, the sum of $250,000 for carrying out the purposes of this section."

SPECIAL PROGRAMS AND COMPREHENSIVE PLANNING TO EXPAND VOCATIONAL REHABILITATION SERVICES

SEC. 4. (a)(1) Section 4(a) of the Vocational Rehabilitation Act (29 U.S.C. 34(a)) is amended by striking out "(1)" where it first appears therein and inserting it immediately after "the Secretary shall make grants".

(2) Clause (2) of section 4(a) of such Act is amended to read: "(2)(A) to States and public and other nonprofit organizations and agencies for paying part of the cost of planning, preparing for, and initiating special programs to expand vocational rehabilitation services in those States where, in the judgment of the Secretary, such action holds promise of yielding a substantial increase in the number of persons vocationally rehabilitated, except that sums appropriated for any fiscal year beginning after June 30, 1970, shall not be available for grants under this clause, and sums appropriated for any fiscal year ending prior to July 1, 1970, for grants under this clause shall remain available for such grants until the close of June 30, 1971, and (B) to States (but not to exceed $100,000 for any State for any fiscal year) to meet the cost of planning for the development of a comprehensive vocational rehabilitation program in each State, with a view to achieving the orderly development of vocational rehabilitation services in the State (including vocational rehabilitation services provided by private nonprofit agencies), and making vocational rehabilitation services available to all handicapped individuals in the State by July 1, 1975, except that sums appropriated for any fiscal year beginning prior to July 1, 1965, or ending after June 30, 1967, shall not be available for grants under this clause, and sums appropriated for the period beginning July 1, 1965, and ending June 30, 1967, for grants under this clause shall remain available for such grants until the close of June 30, 1968."

(3) Paragraph (2) of section 4(d) of such Act is amended by inserting "(other than subsection (a)(2))" after "under this section" where it first appears therein, and by striking out "under this section" where it next appears therein and inserting in lieu thereof "thereunder".

(b) The amendment made by subsection (a) shall be effective with respect to fiscal years beginning after June 30, 1965.

RAISING OF LIMITATIONS ON TRAINING

SEC. 5. (a) Section 4(a) of the Vocational Rehabilitation Act (29 U.S.C. 34(a)) is amended by striking out the second sentence and inserting in lieu thereof: "Grants for training and traineeships under clause (1) of this subsection may include training and traineeships in physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation. No grant shall be made under clause (1) or clause (2) of this subsection for furnishing to an individual any one course of study extending for a period in excess of four years".

(b) Section 7(a)(3) of such Act (29 U.S.C. 37 (a)(3)) is amended by striking out all that follows "any one course of study" and inserting in lieu thereof "for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation; and".

DELETION OF ECONOMIC NEED AS REQUIREMENT FOR SERVICES

SEC. 6. (a) Section 11(a) of the Vocational Rehabilitation Act (29 U.S.C. 41) is amended by striking out "in the case of any such individual found to require financial assistance with respect thereto,".

(b) Paragraph (6) of section 11(a) of such Act is amended by striking out "(except where necessary in connection with determinations of eligibility or nature or scope of services)".

RESEARCH AND INFORMATION

SEC. 7. (a) Effective July 1, 1965, section 7(a) of the Vocational Rehabilitation Act (29 U.S.C. 37(a)) is amended by deleting paragraph (1); by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and by striking out, in the paragraph herein redesignated as paragraph (3), "as to the studies, investigations, demonstrations, and reports referred to in paragraph (1) and other matters".

(b) Effective July 1, 1965, section 7 of such Act (20 U.S.C. 37) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary is authorized, directly or by contract—

"(1) to conduct research, studies, investigations, and demonstrations, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, and their utilization in gainful and suitable employment; and

"(2) to plan, establish, and operate an information service, to make available to agencies, organizations, and other groups and persons concerned with vocational rehabilitation, information on rehabilitation resources useful for various kinds of disability and on research and the results thereof and on other matters which may be helpful in promoting the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

There are authorized to be appropriated for the fiscal year ending June 30, 1966, and each succeeding fiscal year, such sums as may be necessary for carrying out the purposes of this subsection."

FLEXIBILITY IN STATE ADMINISTRATION

SEC. 8. (a) Subsection (a) of section 5 of the Vocational Rehabilitation Act (29 U.S.C. 35(a)) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration in a political subdivision of the State by a sole local agency of such political subdivision, except that where under the State's law the State blind commission, or other agency which provides assistance or services to the adult blind, is authorized to provide them vocational rehabilitation services, such commission or agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration of such part in a political subdivision of the State by a sole local agency of such political subdivision) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan;

"(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subparagraph (A)) so much of the State plan as does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

"(2) provide, except in the case of agencies described in paragraph (1)(B)(i)—

"(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

"(B)(i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency or (ii) in the case of an agency described in paragraph (1)(B)(ii), either that such unit shall be so located and have such status or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to paragraph (1), such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this paragraph (2) applying separately to each of such units."

(b) The amendments made by subsection (a) shall become effective July 1, 1967, except that, in the case of any State, such amendments shall be effective on such earlier date (on or after the date of enactment of this Act) as such State has in effect an approved plan meeting the requirements of the Vocational Rehabilitation Act as amended by subsection (a).

SPECIAL SERVICES FOR THE BLIND AND THE DEAF

SEC. 9. So much of subsection (a) of section 11 of the Vocational Rehabilitation Act (29 U.S.C. 41(a)) as precedes paragraph (1) is amended by inserting after the second semicolon "provision, in the case of handicapped individuals, of reader services for such individuals who are blind and of interpreter services in the case of such individuals who are deaf;".

SERVICES TO DETERMINE REHABILITATION POTENTIAL OF RECIPIENT

SEC. 10. (a) Subsection (b) of section 11 of the Vocational Rehabilitation Act (29 U.S.C. 41(b)) is amended by inserting before the period at the end thereof: "; except that nothing in the preceding provisions of this subsection or in subsection (a) shall be construed to exclude from 'vocational rehabilitation services' any goods or services provided to an individual who is under a physical or mental disability which constitutes a substantial handicap to employment, during the period, not in excess of eighteen months in the case of any individual who is mentally retarded or has a disability designated for this purpose by the Secretary, or six months in the case of an individual with any other disability, determined (in accordance with regulations of the Secretary) to be necessary for, and which are provided for the purpose of, ascertaining whether it may reasonably be expected that such individual will be rendered fit to engage in a remunerative occupation through the provision of goods and services described in subsection (a), but only if the goods or services provided to him during such period would constitute 'vocational rehabilitation services' if his disability were of such a nature that he would be a 'handicapped individual' under such preceding provisions of this subsection".

(b) The amendment made by subsection (a) shall apply in the case of expenditures made after June 30, 1965, under a State plan approved under the Vocational Rehabilitation Act.

MANAGEMENT SERVICES AND SUPERVISION OF BUSINESS ENTERPRISES OF THE HANDICAPPED

SEC. 11. Effective July 1, 1966, section 11(a)(7) of the Vocational Rehabilitation Act (29 U.S.C. 41(a)(7)) as amended to read as follows:

"(7) in the case of any type of small business operated by the severely handicapped the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending stands or other equipment and initial stocks and supplies; and".

TECHNICAL AMENDMENTS

SEC. 12. (a) Section 4(d)(3) of the Vocational Rehabilitation Act (29 U.S.C. 34(d)(3)) is amended to read as follows:

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council or at the request of the Secretary, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently."

(b)(1) The last sentence of section 4(a), the second sentence of section 5(d)(1), the first sentence of section 4(d)(2), section 5(a)(4), the paragraphs of section 7(a) redesignated (by section 7 of this Act) as paragraphs (1) and (3), the portion of section 11(a) preceding paragraph (1), paragraph (8) of section 11(a), section 11(b), and so much of section 11(c) as precedes paragraph (1), of such Act, are each amended by striking out "physically handicapped individuals" and inserting in lieu thereof "handicapped individuals".

(2) The third sentence of section 4(d)(1) of such Act is amended by striking out "physically handicapped" and inserting in lieu thereof "handicapped".

(3) Section 8 of such Act is amended by striking out "Physically Handicapped" and inserting in lieu thereof "Handicapped" and by striking out "handicapped individuals" and inserting in lieu thereof "individuals".

(c) Section 11(d) of such Act is amended by striking out "severely handicapped individuals" and inserting in lieu thereof "the severely handicapped".

(d) Subsections (a), (b), and (d) of section 11 of such Act are amended by striking out "remunerative" and inserting in lieu thereof "gainful".

FEDERAL SHARE

SEC. 13. (a) Effective for the fiscal year ending June 30, 1966, section 11(i) of the

Vocational Rehabilitation Act is amended to read as follows:

"(1) The term 'Federal share' for any State shall be equal to its Federal share as determined hereunder for the fiscal year ending June 30, 1965, plus one-half the difference between such share and 75 per centum."

(b) Effective for fiscal years beginning after June 30, 1966, such section 11(1) is amended to read as follows:

"(1) The term 'Federal share' means 75 per centum."

Mr. DANIELS (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Are there any amendments? If not, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes, pursuant to House Resolution 486, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. DANIELS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING U.S. GOVERNOR TO AGREE TO AMENDMENTS TO THE ARTICLES OF AGREEMENTS OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, AND THE INTERNATIONAL FINANCE CORPORATION

Mr. TRIMBLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 494, Rept. No. 698) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1742) to authorize the United States Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDING TITLES 10 AND 37, UNITED STATES CODE

Mr. TRIMBLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 495, Rept. No. 699) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7843) to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

VIETNAM

Mr. ICHORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker and Members of the House, last month I traveled to South Vietnam as a member of a Subcommittee of the House Armed Services Committee on a factfinding tour. Upon returning from that country I made the following observation concerning teach-ins and demonstrations in this country against our policy in South Vietnam:

The Vietcong, North Vietnam, and Red China are able to capitalize propaganda-wise on such activities. They create doubt in the minds of many that America will stay. They are detrimental to an eventual peaceful solution. They have the effect of encouraging the Communists and directly contribute to the prolongation of the war. American boys are dying in South Vietnam. Many more will lose their lives in the next few months. Even if I disagreed with the policy of the United States, I would find some other way to influence my Government's policy rather than have the stain of American blood on my hands. This is a harsh conclusion, but it is true.

The St. Louis Globe-Democrat, one of the Nation's top newspapers, has articulated this problem in a very forceful and outstanding manner in an editorial on June 29, 1965. It is even more timely today than when written and I commend it to the Members without further comment.

Mr. Speaker, I ask unanimous consent that I be permitted to insert this editorial of June 29, 1965, from the St. Louis Globe-Democrat in the daily RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE PRESIDENT'S SPEECH ON VIETNAM POLICY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, we in Congress are proud of the leadership demonstrated by our President yesterday when he conducted his White House press conference.

The President demonstrated his great desire to maintain peace throughout the world. He pointed out that we have learned many bitter lessons during the first half of this century. These experiences have caused us to be involved in great conflicts with other nations who do not understand our representative form of government.

President Johnson recognizes the ambitiousness of the Communist nations, and he is taking definite steps to see that we maintain a strong nation so that we can be independent in the future.

Every effort was made by the President to see that the peace of the world is maintained. He instructed Ambassador Goldberg to present a letter to the Secretary General of the United Nations requesting that the United Nations employ all of its resources, energies, and immense prestige to find ways to halt aggression and bring about peace in Vietnam.

America has always been a peace-loving nation, and President Johnson yesterday reemphasized our desire to maintain peace throughout the world. It is my hope we can accomplish this objective.

SCURRILOUS POSTHUMOUS ATTACK BY DREW PEARSON

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, on July 12 of this year, I took the floor to defend our colleague, the late T. A. Thompson, of Louisiana, against the scurrilous, posthumous attack by Drew Pearson.

Among the responses I received, was a letter from the vice president of Hercules Powder Co., Mr. J. R. L. Johnson, Jr., which establishes once again that Pearson and the truth are strangers, that he has no compunction against lying if it suits his ugly purpose.

Mr. Johnson's letter further establishes this well-known point and I insert it now with his permission for all to see.

HERCULES POWDER CO.,
Wilmington, Del., July 15, 1965.

Hon. JOE D. WAGGONNER, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. WAGGONNER: Thank you for including in the CONGRESSIONAL RECORD of July 12, 1965, your remarks concerning Drew Pearson's article entitled "Chemical Companies Versus Water Bill."

Hercules Powder Co. has a plant at Lake Charles, La., which is located in the Seventh District. I know of no water pollution problem at that location and, so far as I can determine, no one from this company has ever talked to the late T. Ashton Thompson concerning problems of water pollution or his position on proposed water pollution legislation.

Hercules has been concerned with water pollution problems for many years and has spent substantial sums of money studying and eliminating these problems at its various plant locations. This company has also followed proposals in the Senate and in the House dealing with this problem. We feel that some legislation is needed but from our study of Senator MUSKIE's proposal and the revisions proposed to S. 4 by the House Public Works Committee, we feel that the modified bill suggested by the House version is superior and should be the one adopted if any Federal legislation is considered to be needed at this time.

We appreciate very much your setting the record straight on Drew Pearson's article.

Very truly yours,
J. R. L. JOHNSON, Jr.,
Vice President.

CHAIRMAN PATMAN CONTINUES THE BATTLE FOR REASONABLE INTEREST RATES

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, to my knowledge no man has done more to advocate the cause of reasonable interest rates for the American people than the distinguished chairman of the Banking and Currency Committee, the Honorable WRIGHT PATMAN.

Chairman PATMAN reiterates his views on tight money in the August issue of the American Legion magazine in a debate with the gentleman from Tennessee [Mr. BROCK]. The title of the article is "Should We Have Lower Interest Rates and More Credit Available?" Chairman PATMAN takes the "yes" position, while the gentleman from Tennessee takes the typical Republican "no" position. In other words, Chairman PATMAN advocates a credit policy that would expand the Nation's economy, while the gentleman from Tennessee advocates a policy that would shut out most Americans in their drive for a better way of life.

In the Legion article Mr. PATMAN points out that there is no reason why a homeowner should have to pay for a house and then pay a second time to cover the interest payments. This is sound, well-founded, and logical reasoning; and if our Nation follows a pattern of reasonable interest rates such as those suggested by Chairman PATMAN, we can look forward to prolonged prosperity.

But, unfortunately, there has been an alarming swing to high interest rates and a tight money policy. The former chairman of the President's Council of Economic Advisers, Walter W. Heller, warned in a recent speech:

> Economic gains probably will slow down during the rest of the year and in 1966 and these developments could dampen economic spirits and lead to a high level stall * * * not a recesssion but a marked slowdown with a rise in unemployment, falling profit margins, and a cutback in plans for capital expansion.

There is one guaranteed way to make certain that Mr. Heller's prediction becomes a fact, and that is to follow the advice set forth by the gentleman from Tennessee and the rest of the Republicans who advocate a policy of making it hard for Americans to purchase the necessities of life.

Mr. Speaker, I would like to include for the RECORD a copy of the American Legion article discussing interest rates:

SHOULD WE HAVE LOWER INTEREST RATES AND MORE CREDIT AVAILABLE?

The question that is posed is like asking whether a man who has been without adequate nourishment needs food.

The American Legion took sides on the question when its founders wrote the preamble to its constitution, which sets forth 10 purposes. No. 6 reads: "To combat the autocracy of both the classes and the masses."

The Federal Reserve System has changed from its well-conceived creation in 1913 to an absolute autocracy of the classes against the masses in 1965. It is now controlled by private bankers. The President of the United States, the Secretary of the Treasury and the Congress do not fix our volume of money and interest rates. This is done by the Federal Reserve autocracy, which proclaims that it is independent—independent of the executive and congressional arms of the Government, yes—but not independent of the money powers in New York.

If the Fed for the past two decades had worked in the interest of the American public as hard as it has for private banking interests, our interest-bearing national debt, heading toward $325 billion, would be at least $50 billion less today—it might even have been cut in half. Our carrying charges on that debt, which run pretty close to a billion dollars a month, or $250 million a week, or around $35 million a day, would be halved if we were merely to revert to the pre-Eisenhower interest rates of the Roosevelt-Truman days.

Instead, the Fed has caused man-made recessions or depressions every 3 or 4 years by raising interest rates arbitrarily, tightening money capriciously, thereby robbing the masses and enriching the classes.

Think of the schools and hospitals that could be built, the area redevelopment in city and countryside, the idle factory wheels that could be turning and the jobs that could ensue if the excess $6 billion annual carrying charge we're paying on the national debt were turned into the productive economy of America.

There are many reasons why we should have lower interest rates. I think it's a disgrace that when we buy a house or build a school on long-term credit, we actually pay at least twice for them. High interest charges on our mortgages are responsible. And isn't it rather silly for all the folks in town to pay once for the building of the schoolhouse, and once again to the bankers in interest for merely renting money for its construction?

Americans are paying extortionate interest rates which will aggregate over $75 billion in interest charges during 1965. This means that the consumer is paying far too much for the privilege of owning an automobile, a washing machine, or a split level.

Legionnaires, keep a sharp eye on the autocracy of the Federal Reserve System and those who control it. It must have its power thwarted for the good of nearly 200 million Americans whose pockets are being picked.

WRIGHT PATMAN.

Thirty years ago a buyer virtually had to pay cash for a car or a house, for it was almost impossible to borrow money at any price. Today, almost everything is bought on credit because the American people have saved their money and deposited it in banks where it can be used by others while it's there.

In other words, because the citizens of this country have produced for their families and saved for their security, and because our banking system has become so capable in providing that these savings do not just sit there but are used constantly and securely for even more production and thus even more savings, we have created a truly great society.

The key word is savings. When you and I save money, we put it in the bank. If someone else wants to use it, you do not lend these savings free. Nobody is going to risk his money for less than he can make in a safe investment. That is why Federal restrictions on interest are difficult, at best, and dangerous.

Because money is basically like any other commodity, to make it cheap we have to produce a great deal of it. In the 1940's we were producing for war and consuming little at home. We had laws limiting wages, interest rates, and prices. Later, we expanded production of consumer goods while not increasing the supply of money. The pressure eased and laws on prices, wages, and finally interest rates were repealed. If Washington had chosen to keep a ceiling on interest, the Government could have done so only by dramatically adding to the supply of money and forcing prices of goods up.

In effect, we were required to impose price controls because there was more money available than there were goods on which to spend it. Obviously, in a free economy, prices would rise in such a situation until the excess cash was sopped up. The result would have penalized the poorer people who had no savings and limited incomes. Thus, the law was passed imposing ceilings on wages and prices.

Higher prices literally destroy the savings of people. Those on fixed incomes such as social security or pensions are hurt first. If the condition worsens, they soon find they cannot afford even basic necessities. Widows, whose husbands had bought insurance once considered adequate, have difficulty meeting bills. For these reasons our Government decided we could not afford the self delusion of laws setting arbitrarily low interest ceilings. Rather, the people through their State governments attacked excessive charges with usury laws.

In conclusion, if we want to manage one sector of the economy, such as the cost of money, then we must manage the rest through wage and price controls. Thus, the opportunity for all to earn and to save is reduced. If we refuse the alternative of wage and price controls, then we allow and even encourage massive price increases. Here, too, the opportunity for those less fortunate to live decently is reduced. The price of wishful thinking on interest rates is too high. Our freedom is too dear to lose through lack of self discipline and individual responsibility.

BILL BROCK.

THE 1ST CAVALRY DIVISION (AIRMOBILE) FROM FORT BENNING, GA.

Mr. CALLAWAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CALLAWAY. Mr. Speaker, today all other news is overshadowed by the sobering reports from Vietnam. The war has taken on new proportions and this Nation must, as always, rise to meet the situation. For this job, the job upon which may well rest the future of the free world, the President has called upon the 1st Cavalry Division—Airmobile—from Fort Benning, Ga. The newly formed 1st Cavalry is a merger of two of this country's finest outfits: the experimental 11th Air Assault, and the famous 2d Division—"second to none."

The people of my district are proud to have provided the home for these units and the proving ground for the air mobile concept. We are proud to have known their fine commander, General Kinnard.

The 1st Air Cavalry has been called to Vietnam because it is trained to handle the job there. The job that they do will require the support of American courage and American strength. Mr. Speaker, I am confident that this Nation and its people will pledge every resource to aid these boys in their efforts to defeat communism in southeast Asia.

CONCERN WITH AID PROGRAM TO SEND COLLEGE GRADUATES TO VIETNAM AS INTERNS

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, on June 29 of this year I rose to inform this body of my concern with an AID program which proposed to send some 20 college graduate students to Vietnam as interns.

At that time I said that I was most concerned about the safety of these young men. AID, I noted, was vague about this aspect of the matter but reportedly had said that the Vietcong usually do not attack AID people. I contrasted this alleged statement with a statement by President Johnson to the effect that AID workers were prime targets of the Communist terrorists.

Now I have been saddened to learn that one of these young men, Theodore M. Smith, of the University of California, has been seriously wounded by a terrorist bomb while serving in the "intern" program in South Vietnam.

In my original remarks I indicated that better uses of AID funds could be found than the financing of a highly dangerous and poorly conceived program such as this. I hoped that AID would drop the program forthwith before any young men could be sent to Vietnam under its sponsorship. Unfortunately, my hopes were not realized.

I am sorry that this has happened. My protest was not heeded and these students were sent. The Agency for International Development should recall the remaining students immediately. We are at war and everyone knows it. It is high time to stop this amateurish and ad hoc approach to the war in Vietnam and let our best professionals get this job done.

Now, for those of you who missed this item in the Washington Post of Tuesday, I will read the item that appeared:

BOMB WOUNDS U.S. STUDENT

SAIGON, July 26.—An American student from the University of California was seriously wounded by a terrorist bomb last Thursday, a U.S. spokesman announced today.

He said the student was Theodore M. Smith, 24, of Fullerton, Calif., 1 of 19 students sent to Vietnam by the State Department in June to familiarize themselves with U.S. aid operations.

Smith was injured in a blast at the home of the U.S. AID mission representative for Lamdong Province, about 100 miles northeast of Saigon, where he was staying. No one else was injured.

PERSONAL EXPLANATION

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, on yesterday afternoon at the time rollcall 208 was taken I was in conference in my office with officials of the Urban Renewal Administration and the mayor of the city of Providence on important business having to do with the operations of that city.

Mr. Speaker, I miscalculated on my timing and was not present for the vote on the motion to recommit H.R. 77. Had I been present my vote would have been against recommittal.

PICTURES RECENTLY TAKEN OF MARS

Mr. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER. Mr. Speaker, this afternoon at 2:30, in the rooms of the Science and Astronautics Committee, 2318 Rayburn Building, we will have an opportunity to see the pictures that were recently taken of Mars. I have seen these pictures; I saw them at the White House this morning. Dr. Pickering and his staff are coming up to show them this afternoon.

I realize we have important business to dispose of today, but those of you who can get away to see them will be very well rewarded. I should point out that this invitation is to Members of the House only, and not to the staff.

INVESTIGATION OF BANKING CONCENTRATION AND CONTROL IN CLEVELAND, OHIO

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, a resolution adopted by the Ohio State Legislature indicates that the country is becoming increasingly aware of and alarmed by the tremendous concentration of economic power in the hands of little cliques which control the enormous assets of huge banks.

The Ohio House of Representatives, by a vote of 113 to 2, directed the State's Legislative Services Commission to investigate the legality and propriety of the officers of the Cleveland Trust Co., voting the bank's own shares to perpetuate their own control, and also using the bank's trust department to dominate many major corporations.

Although Ohio law bans corporations from voting its own stock, the Cleveland Trust Co., skirts this rule by assigning the voting rights to a third of its stock—which it holds in trust for various estates—to a dummy partnership known as A. A. Welsh & Co.

Through this same device, using the economic power of stock held for various estates by its trust department, this bank has placed its chairman, George Gund, and its president, George Karch, on the boards of 43 corporations. Through these board memberships, they either control or have a loud voice in the affairs of companies with billions of dollars in assets.

Through a combination of these positions and the power of their bank to grant or deny credit, these men wield vast economic power which would seem to be totally out of keeping with the principles of our economic free enterprise system.

It has long been the public policy of the United States to curb and prevent such concentrations of power of life and death over whole industries and the entire economy.

The Committee on Banking and Currency of the House of Representatives, in previous investigations, has spelled out the interlocking directorates and close knit relationships through which the Nation's banks and many great corporations seem to be banded together to form a mighty confederation which, in many economic matters, may constitute more power than that held by the Federal Government.

The Ohio Legislature has taken cognizance of this threat to economic liberty and it seems to me that the appropriate Federal agencies should join the investigation.

Surely the Department of Justice has a responsibility to see if Ohio banks are violating Federal as well as State laws.

The Federal Reserve Board has a duty to require the Cleveland Trust Co. and other banks to make full disclosures of their operations, and to determine whether a self-perpetuating directorate is serving the interests of the depositors, or their own selfish self-interests.

The Federal Deposit Insurance Corporation should require banks to observe the spirit as well as the letter of National and State laws.

State and Federal authorities should cooperate to assure that the Nation's big banks are law-abiding citizens, and not a group of economic czars who consider themselves above the law, and constantly devise cute tricks to evade and ignore both the letter and the spirit of statutes enacted to regulate them.

The Cleveland Plain Dealer of July 21, 1965 and the Cincinnati Enquirer of the same date carry excellent and timely articles with respect to the Ohio banking investigation.

These articles follow:

[From the Cleveland (Ohio) Plain Dealer, July 21, 1965]

Ohio House OK's Bank Stock Study

(By John E. Bryan)

A resolution to investigate banks, especially Cleveland Trust Co., voting large blocks of their own and other banks' and corporations' stocks was passed yesterday in the Ohio house of representatives by a vote of 113 to 2.

The resolution was introduced in the house by A. G. Lancione, Democrat, of Bellaire, and will be sponsored in the senate by Senators Ray T. Miller, Jr., Democrat, of Cuyahoga, and Oliver Ocasek, Democrat, of Summit.

The resolution requests the Legislative Service Commission "to study the legality and propriety of banks holding and voting extensive blocks of their own shares and shares of other banks and to direct the State superintendent of banks to launch an immediate investigation of such practices."

It notes reports that Cleveland Trust "holds a substantial share of its own stock, more than 33 percent, in a fiduciary capacity and votes such stock in election of directors and in other matters of corporate management and that other banks organized under the laws of this State follow similar practices."

Representative Lancione and Senators Miller and Ocasek said "It is apparent, in some cases, that groups of men have seized enormous economic power through either open defiance of the laws of Ohio and the Nation or because of loopholes in the law or ambiguity in existing laws."

They added it had been asserted in Washington that purposes of the far-reaching Bank Holding Company Act has been circumvented by Cleveland Trust Co. through A. A. Welsh & Co., a partnership nominee of the bank.

The legislators stated that "A. A. Welsh not only has legal title to the dominating shares in its own bank but also has legal title and votes large blocks of stock in the National City Bank and Union Commerce Bank of Cleveland, the Firestone Bank in Akron, and banks in other Ohio cities.

"A. A. Welsh & Co. also has legal title to a dominating interest in the Cleveland Plain Dealer, the Sherwin-Williams Co., the Cleveland-Cliffs Iron Co., Island Creek Coal Co., and many other prominent Cleveland corporations."

A Cleveland Trust spokesman said time was required for studying the resolution before making comment, possibly today.

President George F. Karch previously had explained that the purpose of A. A. Welsh & Co. is for efficient handling of numerous accounts, including those set up by individuals and charitable institutions.

He termed it a common practice among trust companies and financial institutions.

The other spokesman for the bank said this operation is permitted by the Ohio act, holding securities as fiduciary, passed in 1945.

The legislators pointed out that Chairman George Gund of Cleveland Trust and Karch are directors of 43 corporations and in most instances occupy these offices by reason of the A. A. Welsh & Co. holdings of stock in these companies.

[From the Cincinnati (Ohio) Enquirer, July 21, 1965]

Study To Consider Curbing Banks in Voting Own Stock

Columbus.—A study of the State banking laws, with a view toward restricting the right of banks and trust companies to vote their own stock, was called for in a resolution approved by the house here Tuesday.

The measure, which would provide for a study by the legislative service commission, was sponsored by Democratic leader A. G. Lancione, of Belmont County.

Senator Ray T. Miller, Jr., Democrat of Cleveland, and Senator Oliver Ocasek, Democrat of Akron, will sponsor the resolution in the senate.

In a statement issued in connection with the resolution, the sponsors made it clear that their proposal was aimed at the giant Cleveland Trust Co. Any changes in the banking laws would have far-reaching effect on all other State banks and trust companies, however.

Mr. Lancione said the study group should look into the methods and devices used by the banking firms to not only control the banks' own assets but to control other large industry.

"It is apparent, in some cases, that groups of men have seized enormous economic power through either open defiance of the laws or because of loopholes in the law," the sponsor said.

Citing Cleveland Trust as "a glaring example," the lawmakers said officers of that firm have circumvented the Federal Bank Holding Act through A. A. Welsh & Co., a partnership nominee.

The Welsh Co., they said, not only votes more than 33 percent of the bank's stock, but votes "what is practically control" of many of Ohio's big corporations.

In addition to the bank's own stock, the sponsors said the officers hold title to blocks of stock in the National City Bank and Union Commerce Bank of Cleveland, the Firestone Bank of Akron and banks in other Ohio cities. The partnership nominee firm also has legal title to a dominating interest in the Cleveland Plain Dealer, the Sherwin Williams Co., the Cleveland Cliff Iron Co., Island Creek Coal Co. and many other corporations, they said.

The sponsors also asserted that two officers of the trust company are directors of 43 corporations by reason of stock holdings in the firms.

AGRICULTURAL ACT OF 1965 AND ITS EFFECT ON WHEAT GROWERS

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STALBAUM. Mr. Speaker, the Agricultural Act of 1965, which is now before the House of Representatives, contains provisions which vitally affect wheatgrowers and which to some extent may possibly affect consumers.

It is wise for us to listen when a single organization, representing both the interests of farmers and the interests of consumers, speaks cn this legislation. Such an organization is the Cooperative League of the United States.

The Cooperative League of the United States, as most of the Members know, is a national federation of all types of cooperatives—electric co-ops, farm supply co-ops, insurance cooperatives, and co-ops handling consumer goods. Its president and executive director is Jerry Voorhis, a former Member of the House.

The Cooperative League's directors, meeting in Chicago July 19, approved the following resolution:

> Considering both the interests of consumer and producers, the Cooperative League believes that Congress should approve the Johnson administration's 1965 wheat proposals.
>
> This bill would end Agriculture Department subsidies on wheat sold overseas. To offset this cut in wheatgrowers' incomes—and to boost them a bit—the administration proposes to raise the price that millers must pay for wheat used in the United States. This would raise the cost of wheat in a 1-pound loaf of bread two-thirds of a cent, and it would raise the cost of wheat in a pound of white flour 1 cent.
>
> Most wheatgrowers now aren't getting the equivalent of a 5-percent return on their farm investment and the minimum wage for their hours of work. Under the bill, they'd get about 15 cents more for the average bushel they produce.
>
> The consumer's long-term best interests lie in reasonable and relatively stable farm prices that adequately compensate producers. This pending legislation would assure such prices. We appreciate Secretary Freeman's determined effort not only to increase wheatgrowers' incomes but also to alert consumers to the limited increases in flour and bread prices which are justifiable.

Mr. Speaker, I commend the Cooperative League for thus considering the interests of both farmers and consumers and for striking a balance on this bill. I am pleased to call their views of the league to the attention of my colleagues.

THE EYE OF MARINER IV

Mr. CABELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CABELL. Mr. Speaker, today the President of the United States is viewing the 21 pictures taken of Mars by Mariner IV. That "the eye" of Mariner IV, a tiny 5-inch vidicon tube which took the pictures, was developed and manufactured by General Electrodynamics Corp. of Garland, Tex., is a source of considerable pride to myself and my constituency.

Garland is a busy suburb of Dallas, and it was there, less than 10 years ago, that General Electrodynamics Corp. was founded by its president, Francis J. Salgo.

This small industry, which has grown in its 9-year history from a 5-man staff to more than 200 men and women, is today one of the outstanding leaders in the world of electronics.

We in the Dallas area take particular pride in the accomplishments of this company, for they produce vidicon tubes for Ranger, the Nimbus weather satellite, the orbiting astronomical observatory, and the Surveyor Moonlander.

Heralded from coast-to-coast by television, newspapers, and periodicals, General Electrodynamics Corp. shares in the growth of the peaceful pursuits of our space program.

It is with singular pride that we point to just a few facts about this tiny vidicon tube. It survived a launch environment, traveled 325 million miles, withstood temperatures from −40° centigrade to a −50° centigrade, then 9 months after it was launched, when turned on, it operated with no adjustments to accomplish exactly what it set out to do. It photographed the red planet Mars. It came, it saw, and it conquered; and since antiquity, that has been the formula for success.

It is with considerable national pride that we honor the scientists and engineers at the Jet Propulsion Laboratory in Pasadena, Calif., who managed the Mariner program for the National Aeronautics and Space Administration. They search for the finest in equipment, and they have found that this excellence exists today in the small companies of the United States.

CRIME—LET US DO SOMETHING ABOUT IT

Mr. MULTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker once again the hue and cry is being raised about doing something with the crime situation in the District of Columbia.

There is no doubt that it is bad and it appears it will get worse before it gets much better. The question is what will we do about it? What can we do about it?

While the administration of criminal justice and the improvement of criminal procedures is important, it should be understood by all who know anything about the problem that this is only one facet of the problem, that criminal procedures and the administration of criminal justice look toward the detection of crime and the punishment for crime. Neither the detection of crime nor the punishment for crime prevents crime.

The real problem is how do we prevent crime.

Crime prevention can be accomplished by no single way or method or system. It requires a combination of many activities.

First and foremost is moral training. This must come primarily in the home and in the church and synagogue. It can be supplemented in the schools. Second is a matter of education—education which will not only teach the youngsters the A B C's or the three R's but will also teach them the skills that will make them valuable citizens when they reach the age when they must seek a livelihood for themselves and their families. Lastly and just as important as the first two is the matter of policing the community so as to deter the potential criminal from committing a crime, to arrest him when attempting the crime and, of course, arresting him and holding him for court action when a crime has been committed.

Moralists tell us that money is the root of all evil. That may be so. But more important, money can be the foundation of the prevention of crime and certainly for the detection and punishment of crime.

Money is needed for education. Money is needed for training. Money is needed for police protection. Money is needed for crime detection and for criminal prosecutions.

It is my opinion that the District of Columbia has been starved on all counts and insufficient money has been supplied to the District for those purposes. Our education system is not what it should be. Our training system is just about beginning to get underway in the President's new antipoverty program. I hope it will be successful. Most important is the fact that we have never had a sufficiently large police force in the city of Washington.

There is a minimum of crime on Capitol Hill and I believe that is because Capitol Hill is so well policed.

The city of New York has just proved my point. When crime got out of hand on its subway system, a policeman was put on every subway train during the hours when crime was most prevalent. The result is almost a 50-percent reduction in crime on the New York City subways. The same can be accomplished in the city of Washington. There should be more policemen, there should be more patrol cars, there should be more police dogs. The last time I made that statement I was asked does that mean putting a policeman on every corner. My answer is "Yes." If that is the only way to prevent crime in the city of Washington, "let us put a policeman on every corner." Of course, it will cost money, but it will be worth it.

Where will the money come from? It will have to come from the U.S. Treasury. The District of Columbia will never be able to raise enough money taxwise or otherwise to pay the cost of this additional burden. We should authorize and appropriate it and do it without too much delay. While doing that for the city of Washington, the National Park Police Force should also be augmented so that the parks are constantly patrolled, not only during the daytime but when the patrol is needed most, and that is between dark or sunset and morning of the next day.

AMENDMENTS TO LAND AND WATER CONSERVATION ACT

Mr. SENNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a bill I am today introducing.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SENNER. Mr. Speaker, during the 2d session of the 88th Congress, the Land and Water Conservation Act of 1965 was enacted into law—Public Law 88–578. Although the law became effective on January 1, 1965, the implementation of certain aspects was not announced until March 9, 1965. I refer, of course, to the various fee schedules covering entrance to and use of Federal recreation areas.

A flood of protest poured out of my congressional district following the fee schedule announcement. Businessmen, sportsmen, ordinary citizens bitterly denounced this violation of long-established public policy—a policy whereby public lands and resources are developed and conserved for the public and used fully and freely by the public.

Mr. Speaker, when the land and water conservation fund bill was in committee last year, I sent out a newsletter to my constituents expressing strong opposition to certain aspects of the legislation. I called attention to the proposals involving recreation and user fees. I discussed with some of my colleagues the potential danger of an indiscriminate application of the fee schedules.

The fears I felt then have been realized. Fees and charges have been applied with a magnificent disregard for need or enforceability. In my own district it seems that every piece of Federal property with a tree, bush, stream, or picnic table thereon—however remote—now has an admission or user charge. An intolerable situation has been created.

At this point, let me emphasize that although I disagree with certain portions of the act, I must commend my colleagues in the House and Senate who participated in its drafting and passage, for I know they acted out of the highest motivation and concern for the national interest. My concern is not primarily with the intent of the act, but rather with some of its methodology which directs various agencies to arrive at and administer the fee schedules.

Mr. Speaker, today I have dropped in the hopper a bill to amend the Land and Water Conservation Fund Act of 1965 with respect to entrance admission and other recreation user fees and charges authorized thereunder. I include the bill in full at this point:

H.R. 10178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460L–5)(a) is amended—

(1) by striking out "No fee of any kind shall be charged by a Federal agency under any provision of this Act for use of any waters" and inserting in lieu thereof "No fee of any kind shall be charged by a Federal agency under any provision of this Act for use of any waters or access thereto.", and

(2) by inserting after the third paragraph a new paragraph as follows:

"No entrance, admission, or other recreation user fee or charge shall be established or collected pursuant to this subsection, and the collection of any such fee previously established shall be suspended, unless and until a report describing such fee or charge has been filed with the President of the Senate and the Speaker of the House of Representatives and following the date of such filing a period of sixty calendar days of continuous session of the Congress has expired without either House of the Congress approving a resolution stating in substance that such House does not favor such fee or charge. For the purpose of this paragraph (1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die, and (2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain."

Mr. Speaker, this bill amends section 2(a) of the Land and Water Conservation Fund Act of 1965 in two particulars. First, where present law would prohibit any charge or fee for use of waters, this bill would add the words: "or access thereto."

Such amendment would permit long-established public policy to continue with respect to federally constructed lakes and reservoirs. In the Northwest Ordinance of 1787, Congress said:

> The navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same shall be common highways and forever free without any tax, impost or duty therefor.

In the Rivers and Harbors Act of 1962, Congress repeated and expanded this doctrine when it said:

> The water areas of such projects shall be open to public use generally without charge for boating, swimming, bathing, fishing, and other recreational purposes.

Section 1 of my bill would clarify the sense of Congress that there must be no charge for use of or access to Federal waters.

Section 2 would return jurisdiction by Congress to a portion of the power over the establishment and charge of user and entrance fees for public lands and waters. This power has been delegated, unwisely in my opinion, to the executive department.

My bill uses the sound, time-honored mechanism spelled out in the Reorganization Act which permits the President to make orders for reorganizing the executive department, but requires that these changes be filed with both Houses of Congress.

We ask no more than that the President submit to Congress any proposed fee schedules. These shall not become effective if either House passes a resolution against them within 60 days. I believe a serious error was committed when this obligation was delegated to the various executive agencies. Congress must do its duty to the people by retaining some power in its hands over this matter.

These two provisions of the bill would make unmistakably clear that Congress intends to jealously guard the right of our people to fully enjoy public lands and waters without undue charge. We will be saying there is to be no tampering with public policy unless and until Congress has given the matter serious study and review.

When he introduced similar legislation in the other body, the distinguished Senator HARRIS pinpointed the contradiction between these entrance fees and the administration's war on poverty and the "See the USA" programs. How can we spend hundreds of millions of dollars to rehabilitate people, and then make enjoyment of our natural resources dependent on wealth? How can we justify encouraging Americans to see their own country first, and then force them to drop coins in the box every time they turn around?

Many of my colleagues have already experienced the results of these fees. What has happened in my district has happened in theirs. They know of the thousands of impoverished families who can no longer enjoy the natural wonders of our great country because they cannot afford these entrance and user fees.

Mr. Speaker, let us undo the damage that has been done. Let us revitalize the public policy that allows everyone free access to our natural resources, and let us return control of such policies where it belongs—in the Congress of the United States.

VIETNAM

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GOODELL. Mr. Speaker, the American public are rightly and deeply concerned with our policies in Vietnam. It is an area of interest that must, by its very nature, be scrutinized fully.

It is most distressing, therefore, when efforts at a reasonable discussion are thwarted.

I call to the attention of the membership the statement of July 16, 1965, by the gentleman from Wisconsin [Mr. LAIRD], chairman of the House Republican conference.

It deserves the attention of the House and I insert it here:

STATEMENT FROM THE OFFICE OF REPRESENTATIVE MELVIN R. LAIRD, REPUBLICAN, OF WISCONSIN

Has critical bipartisan discussion about our policies in Vietnam been abandoned?

It would seem so but I would hope not.

Certainly rational debate and reasonable discussion have been abandoned—not by Republicans, but by the leader of the President's majority in the U.S. Senate.

This fact is inescapable, and the situation it creates is deplorable.

The first attempt to scuttle bipartisan debate occurred on June 30, 1965. It was ignored by Republicans in the hope that the intemperate remarks in that speech were a mere lapse, an accident, and not a deliberate attempt to silence the dialog, impose conformity, and obliterate efforts to arrive at an informed and broadly supported policy toward Vietnam.

It was not a mere lapse.

Any doubt that it was was erased on July 8, 1965 when the majority leader of the Senate again launched a vituperative attack on the minority leader of the House of Representatives.

The natural reaction to the tone and innuendo of the majority leader's two recent speeches would be to reply in kind. This would be the natural reaction—and it would be fully justified.

But it would not be constructive.

Republicans could adopt similar tactics and join personalities rather than issues. We could attempt, for example, to impugn this particular spokesman's credentials to question criticism of foreign and military policy. For the Senate Democratic leader has himself contributed to the "dialog"—though not always in support of the President—and has himself participated rather fully in publicly questioning some of the actions taken in southeast Asia.

I suspect that the President may have wished at times that his majority leader and kept to himself such suggestions as the neutralization of all of southeast Asia.

The Senator's more recent statements concerning Republican contributions to the debate on Vietnam are confusing.

It would seem from the Senator's remarks that the distinction between statesmanship and political chicanery goes no further than the difference in party labels of those making the remarks.

If a Republican advocates a particular course, it is politics and irresponsible politics at that. If a Democratic President subsequently adopts that course, it is instantly transformed into statesmanship.

The President's decision last February to go North must have shocked and alarmed the Senator, for on "Meet the Press" just 1 month before (January 3), the Senator said: "I feel just as strongly that we cannot carry the war into North Vietnam because if you carry the consequences of that action to its ultimate conclusion, it means war with Communist China, and a situation will be created which will be worse than it was in Korea."

It should be remembered that at that time the suggestion to go north had been made by some Republicans. It was, in short, politics then. Only later did it become statesmanship.

The natural and certainly justifiable reaction to the Senator's recent statements could proceed along these lines.

But Republicans have proceeded in a reasonable and responsible manner. They have shown a spirit of fairness in standing up for administration policy against Democratic critics of that policy. In this spirit, I want to correct the blatant distortions which the

President's majority leader of the Senate has given to Republican pronouncements.

Senator MANSFIELD. "I am somewhat at a loss to understand public expressions from Republicans in which it is advocated, in view of the extent of the air and naval activity already pursued against legitimate military targets, what can only amount to an indiscriminate slaughter of Vietnamese by air and naval bombardment—a slaughter of combatants and noncombatants alike, of friend and foe alike."

The truth: No Republican has advocated the "indiscriminate slaughter of Vietnamese." Some Republicans have suggested and still suggest the more effective use of our air and naval power against more significant military targets in North Vietnam in order to bring about the President's stated objective of bringing the Communists to the conference table. Our suggestions were designed to minimize the possibility of the slaughter of American soldiers when other steps are still available.

Senator MANSFIELD: "Now one can advocate the course of the bombing of Hanoi or Peking or even Moscow and with or without nuclear weapons for that matter—in short, a course of virtually unrestricted violence as a suitable way for the United States, to achieve some worthwhile end in Vietnam."

The truth: Any resemblance between the innuendo and the public statements of any elected national official in either party is so remote as to be totally nonexistent. Such a distortion could be expected from an overzealous freshman assemblyman in the heat of a bitter political campaign, but surely not from the Majority Leader of the greatest deliberative body in the world in a discussion concerning a situation that contains within it the gravest consequences for the entire world.

Senator MANSFIELD: "And one can say too, I suppose, that we want a total victory in Vietnam, but we want it at bargain basement rates in American lives. We want it by firebombs or nuclear bombs and lead and steel or whatever but we don't want any talk about paying a bitter price in American lives on the ground."

The truth: No Republican since the President's Baltimore speech of April 7, 1965 has spoken of "total" victory in Vietnam. None has proposed using nuclear bombs. Many Republicans have hoped for victory there, as did President Kennedy when he said on September 12, 1963, "We want the war to be won"; as did President Johnson when he wrote on December 31, 1963, to Gen. Duong Van Minh, "We shall maintain in Vietnam American personnel and material as needed to assist you in achieving victory"; as did Secretary Rusk when he said on April 29, 1963, "We have no doubt of ultimate victory." By victory, Republicans and these Democrats meant—not the military conquest of Vietnam—but the establishment of conditions of peace and security in South Vietnam and an end to aggression against it. Republicans do want to attain the national objective in South Vietnam with a minimum loss of American lives. Call this "bargain basement rates in American lives," if you will.

Senator MANSFIELD: "And I suppose, finally, Mr. President, one can say that negotiations are bad; that you can't make peace by talking with the Vietcong or the North Vietnamese or anyone else for that matter; you can only make peace by war and more war."

The truth: Every Republican statement to which the Senator's remarks refer were uttered in the context of the pursuit of negotiations. The Senator did not in either statement—nor could he—directly quote any Republican leader as having called for "total victory" as having said "negotiations are bad;" as having stated or implied that "you can only make peace by war and more war."

This Republican would be very interested in seeing any quote that the Senator used upon which he based his gravely serious implications and charges.

The Senator's statements which I have quoted were all contained in his first speech, that of June 30, 1965.

They were met by Republican silence.

It was sincerely hoped that by ignoring this fantastically distorted presentation of the Republican position by the President's majority leader, responsible discussion could be resumed and bipartisanship in foreign policy could be restored.

These hopes received a setback on July 8, 1965 when the majority leader spoke out again—taking up where he had left off—with the same inattention to what had actually been said, thus making efforts at reasonable discussion impossible.

It would serve no useful purpose to respond, point by point and item by item, to the charges and innuendoes contained in the second speech for they are cut from the same artificial cloth as the first statement.

I have been listening in vain since the speeches of the majority leader for some voice of moderation from someone in his party—for calm and objective discussion of proposals made by some members of the minority party.

The stakes in southeast Asia are too high for any responsible official to seek partisan advantage from the situation there. Republicans who speak out on Vietnam are pointing out the course of action which they believe will promote the security of our Nation. If they were motivated by considerations of political gain, they would offer no suggestions. They would simply criticize the consequences of administration policy.

I still hope that someone in the administration will recognize the value of debate and discussion of foreign policy problems, and that Members of Congress again accord to each other the respectful hearing and the reasoned response without which debate cannot be conducted.

TALCOTT BILL TO AID FARMWORKERS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TALCOTT] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TALCOTT. Mr. Speaker, I have today introduced legislation—H.R. 10179—for the important twin goals of first, protecting U.S. farmworkers from the depressing effects of cheap foreign agricultural imports, and second, improving the status of foreign farmworkers. It would place Congress on record as opposing the importation of any agricultural commodity which is produced by low-wage foreign labor under substandard working conditions.

Titled the "International Farm Labor and Working Conditions Act," my bill would authorize the Secretary of Labor, upon request, to conduct investigations of situations involving the importation of foreign farm products to determine if they were produced under depressive or substandard labor circumstances.

If the Secretary found that the foreign workers had been exploited, he would determine the amount of import duty which would be necessary to remove this unfair cost advantage. He would submit his report and recommendations to Congress for whatever action it might deem appropriate.

The legislation would add an important new dimension to our international relations by imposing import duties on agricultural products to encourage foreign nations to elevate the wages and working conditions of their farmworkers. It is a unique and logical extension of our foreign aid program.

Enactment of the International Farm Labor and Working Conditions Act would open the way to preventing foreign growers and processors from realizing enormous profits from the sale of farm products, produced with low-wage labor under substandard working conditions, in the affluent U.S. market.

I urge that hearings on H.R. 10179 be scheduled at an early date.

A section-by-section analysis of H.R. 10179 follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 10179, THE "INTERNATIONAL FARM LABOR AND WORKING CONDITIONS ACT," INTRODUCED IN THE HOUSE OF REPRESENTATIVES BY CONGRESSMAN BURT L. TALCOTT OF CALIFORNIA'S 12TH DISTRICT

Enacting clause institutes the "International Farm Labor and Working Conditions Act.

Section 2 sets forth the declaration of policy, wherein the Congress declares it a policy to correct via duties those inequities which, through the use of U.S. commerce, have a deleterious effect on the dignity and welfare of foreign workers and concomitantly on domestic workers.

Section 3(a) authorizes the Secretary of Labor, under certain conditions, to investigate labor conditions, etc., in countries exporting agricultural commodities into the United States. Provides for public hearings and report and recommendation as to remedial action by the Secretary of Labor to the Congress.

Section 3(b) sets forth the criteria (wage rates, monetary exchange) upon which the Secretary of Labor shall premise his report and recommendation.

Section 3(c) provides that such report and recommendation shall be submitted by the Secretary to the President no later than 120 days after the application for investigation is instituted.

Section 4 defines agricultural commodity as any agricultural product imported in any form.

Section 5 provides that the effective date of this International Farm Labor and Working Conditions Act shall be 90 days after enactment.

CURTAILMENT OF POSTAL SERVICE TO RURAL AREAS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LANGEN. Mr. Speaker, today I requested an accounting by the General Accounting Office of the actions of the U.S. Post Office Department in their curtailment of service to rural areas of the United States.

I called for this accounting in view of the many complaints that have reached my office. There has been no one who has expressed any favor or approval of the changes in service.

I have been meeting with Post Office Department officials in Washington in an attempt to find out their reasoning in the recent switch to star route mail service throughout much of the country, as well as the closing of many mail terminals all over the United States and the removal of mail from Soo Line trains in my district.

This drastic reduction in needed mail service to rural America has been misrepresented as "improved service and savings" by the Post Office Departmnt.

They have stated that these changes would result in a reduced cost of operation and provide better service. Statistics supplied this office do not leave any proof that either of these purposes has been or is being accomplished.

I feel this investigation should include some accounting of the additional cost that would be required in providing the same delivery and dispatch service that was provided to the many rural communities throughout the Nation prior to the July 1 change to the star system.

It should be emphasized that these people are not asking for any improvement in service but only want mail dispatches and deliveries to be on the same basis as before the change was made.

I hope that a GAO investigation of this matter would be as successful as the last one I called for. A year ago, my inquiries led to a GAO investigation of the Post Office Department's printing of stamped envelopes. This resulted in a $6 million saving to the U.S. taxpayer.

Bureaucracy's war on rural America must be stopped. It just does not make sense to deliberately try to eliminate the very unit of our society that must be maintained if the Nation is to continue as the world's example of greatness through personal initiative.

My letter to the GAO also contained a request for an accounting of the number of summer youth placement personnel that have been placed on the payroll and the total cost of the program in Minnesota.

MYTH OF TRADE EXPANSION

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. UTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. UTT. Mr. Speaker, there are endless discussions about our balance-of-payments position, restrictions on foreign investments, tourist expenditures, world liquidity, need for overhauling the international monetary system and other aspects of the standing of this country in the world competitive struggle.

At the same time we are flooded with assurances about the health of our economy, including forecasts about its growth to unheard of heights in 5 years from now.

Not once in these optimistic statements and appraisals is anything said about the deterioration of our position in world trade and the effects of rising imports on the future of our industrial growth. Everyone is concerned about the adequate growth of the domestic economy, and fear is expressed about the employment of the increasing number of jobseekers who are crowding the employment offices. Yet one of the principal factors that influences the prospects is largely ignored.

As I have said, one looks in vain for any misgivings or apprehensions about the role of import competition and the effect of the low-wage attraction of other countries for our investment capital. Yet there is a very close and inevitable connection between the health of our own economy and the wide gap that separates our wages from those paid in all other parts of the world except Canada. Our producers and manufacturers are in both direct and indirect competition with the goods made by the low-wage employers abroad. We have minimum wage laws that call for wages that are higher than the highest wages in most of the countries that compete with us; and our minimum wage is only 50 percent of our average industrial wage. This now stands a little above $2.60 an hour, or more than double the $1.25 minimum wage.

The fact that other industrial countries have in recent years greatly advanced their mechanical equipment and improved their production methods seems to be ignored. Our economists have so long dinned into our ears the theme that our higher productivity per man-hour overcomes the higher wages we pay that it is taken for granted that we have nothing to fear from the revolutionary advancement of foreign production. Without waiting for an answer these economists will say that foreign wages have risen so much more rapidly than the American that unit labor cost differentials have not widened.

Mr. Speaker, it is not necessary that unit labor costs have widened between us and other countries. They have been wide enough right along. The important thing is that the rise in foreign wages is far from closing the gap. The reason for this failure resides in the simple fact that our own wages have also risen. For example, in August 1960 the average wage of the production worker in manufacturing in this country was $2.27 an hour. In May 1965 it was $2.61 or 34 cents higher.

This was an increase of only 15 percent but it was equal to something like the total hourly wage in Japan. Should the Japanese wage have increased 100 percent it would still have lagged very far behind our minimum. As for European wages, our increase of 34 cents an hour since 1960 was equal to nearly 50 percent of their average total wage.

Mr. Speaker, these are exceedingly important considerations and it is nothing short of shocking to note the complete indifference of our economic soothsayers and professional optimists to them. It is more than difficult to understand why the implications of the difference in cost is so obviously and obtrusively ignored. The effects of this difference are underwritten by the strong tide of foreign investments of our private capital in Europe and elsewhere from industrial sources. Upward of $35 billion in the form of direct private investment has been made. Billions of dollars have moved abroad each year from this country into industries, mining operations, and commercial enterprises.

The earnings of these investments has been handsome in many cases. In fact it is reported by the Department of Commerce that the foreign sales of this expatriated capital in the form of enterprises now exceed our total exports by a wide margin. This is an index of the unfavorable competitive position of our domestic enterprises in the foreign areas. In order really to do business there it is necessary to send our capital abroad, where it has the privilege of hiring competent labor at rates that are generally far below our legal minimum.

Many of these companies find the domestic scene much less attractive. That is why they invest abroad. I do not blame them. Some of them could not remain in business without doing so. They are hard pressed by imports and their exports would diminish to the vanishing point should they rely on exports from this country. They can do much better by going abroad, setting up production, hiring the lower-priced labor and selling those markets from within; and in some cases using the foreign base as a point from which to export to third countries. In yet other instances they export back to this country.

Recently the president of one of our manufacturers who have moved much of their production abroad articulated his reasoning and his philosophy. It is very interesting. He recently spoke before the Machinery and Allied Products Institute in this city, on June 21. Said he:

> If we reach the point that we can no longer build a product in the United States and sell it competitively overseas—either forget the product, or move it overseas where we can be competitive. And then, by importing that product from ourselves, we can protect the American market. Unless we do it that way it is only a question of when, not if, that product will not be sold by us either overseas or in the United States.

This is the philosophy in a nutshell that supports the tariff-cutting authorization contained in the Trade Expansion Act of 1962. It represents a rationalization of expatriation of capital in order to make a higher profit than could be realized in this country precisely because our costs are higher.

It is not a matter of efficiency, Mr. Speaker. If the same company that cannot compete when it manufactures in this country can compete beautifully when it produces abroad, it seems to me that the question of efficiency is washed out. Mind you, it is the same company producing both here and abroad—not some other company that might indeed be more efficient. The same product that cannot be manufactured at a cost competitive with imports here, may easily be manufactured at a competitive cost in a foreign factory and sold profitably; and this is done by the same company using the same or similar production methods here and abroad. The reason is too plain to miss.

The same thing is seen in our merchant ships. The same shipping companies that cannot compete under the American flag because they are subject to American wage and living standards can and do compete successfully when they transfer to a foreign flag. Do these shipping companies suddenly become more efficient when they operate under a foreign flag? Are they less efficient while they operate under the American flag? To suggest such a change would be ludicrous.

The evidence is overwhelming that our low competitive standing in our foreign trade is traceable to the very underpinning of our economy, namely higher wages than those paid elsewhere. Initially this was because we had become much more productive. As our production came to lead that of other countries our wages went up faster. Our technology reduced the man-hours required to produce a given amount of goods. We could afford to pay higher wages. Recently, however, our competitors abroad have gained on us in point of productivity. Meantime, as I have already said, their wages remain far below ours.

The fact is, Mr. Speaker, that we are not running a true export surplus in our foreign trade, even though the official figures recorded an export surplus of $6.9 billion in 1964. What appears to be a surplus is a compound of goods sold because of subsidy, giveaway, and similar transactions, plus the equipment and machinery drawn abroad by our thriving investments in plants, production and distribution facilities there.

Nearly a half of the surplus is further attributable to our failure to tabulate our imports at their actual cost to us. We set them down at their foreign value, without adding the transportation and insurance costs. It is estimated that our total imports of $18.7 billion in 1964 should have been recorded at a level some 15 percent higher if the real cost—without duty payment—were to be reflected. This would have run the figure up by about $2.8 billion. This addition to our imports would have shrunk our boasted export surplus by that much.

Together with the AID shipments, Public Law 480 exports, subsidized shipments of cotton, wheat, rice, and so forth these aggregates would have shrunk our export surplus almost out of sight. The increased machinery and equipment exports sold to our own companies investing overseas actually exceeded the increase in our total exports in recent years.

There is something of the disposition of whistling in the dark when public officials make such exaggerated claims about our exports. The United States has not been holding its own in foreign trade. This is true even when the noncommercial and subsidized exports are included. Should they be eliminated, our share in the export markets of the world would have shrunk even more.

Mr. Speaker, we face a dilemma that has not been recognized. Our industry is pressed to become more competitive by reducing costs; but in order to accomplish this, further automation must be resorted to. Unfortunately the displacement of workers by machinery has already created a serious problem of unemployment. The question is how far must we go in that direction in order to become competitive? Evidently as far as may be necessary to eliminate the present wage gap; and that would take us a long way; and it would add greatly to labor displacement.

Can we go this far? Can we reduce our payrolls and still maintain the high consumer demand that sustains our high level of production? Is that what the liberal-trade promoters seek? They pose as friends of labor but in the field of trade they advocate a policy that could do nothing more certainly than reduce payrolls, either by actual forced wage reductions or displacement of more workers by machinery or both.

One of the principal reasons for the heavy outward flow of American investment was the failure of the promises made when the trade program was launched, that no industry would be seriously injured or jeopardized by the increased imports that tariff reductions would invite. The record of the escape clause under the trade agreement program was so negative and so contrary to the promises that industry could reach no other conclusion than that the repeated promises that the escape clause represented a sure and prompt source of relief was false. When industry became convinced of this it found itself in the position of either seeing its domestic market shrink under the pressure of imports and from the discouragement caused by such a prospect, on the one hand, or protecting itself by moving important parts of its operations overseas on the other. There was the further dilemma that if it did not open up abroad it would lose more and more of its export market.

As it turned out these investments proved themselves profitable; and it is not surprising that the outward flow mounted to a veritable torrent. It has gone so far that official discouragement has been invoked to reduce the flow. Unfortunately this will do nothing to correct the basic cause. The fact remains that our economy rests on a higher cost level in most lines of production than the different levels by which it is surrounded. There is no way to mediate this difference without providing measures that will prevent erosion of our economic base.

In time other countries will move up to our level, but it will be a slow movement unless we turn about and make a descent to meet them. This would result in a catastrophe; and it is precisely what would happen if the Kennedy round of tariff reductions is carried out as is now proposed. It calls for a 50-percent cut in our existing tariffs with very few exceptions. Mr. Speaker, we cannot afford to expose our already vulnerable industries to this operation. It would be an inexcusable mistake.

I join gladly in legislation that would dampen down the extreme proposal of a 50-percent tariff reduction, legislation that would offer real hope for a remedy to industries that are already suffering damage from imports. How can we expect such industries to contribute to expansion and employment in this country if we confront them with prospects that will cloud the future for them in the domestic market and increase the attractiveness of foreign investment and production overseas. The hopes of greater employment in this country do not lie in that direction.

I hope and urge the Ways and Means Committee of which I am a member not to wait to reexamine the implications of the Kennedy round.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for next week.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the legislative program for this week and will ask unanimous consent to go over, upon the announcement of the program, until next week.

Monday is Consent Calendar Day. There are five suspensions, as follows:

Senate Joint Resolution 81, Interstate System apportionment for fiscal year 1967, needs study, and highway safety program.

H.R. 4170, Foreign Service Annuity Adjustment Act of 1965.

H.R. 4905, conveyance of certain real property of the Federal Government to the board of public instruction, Okaloosa County, Fla.

H.R. 8027, assistance to States in local law enforcement.

H.R. 6964, rehabilitation of prisoners.

Tuesday is Private Calendar Day. Also on Tuesday, the conference report on the bill S. 1564, the Voting Rights Act of 1965, will be brought up.

There are two unanimous-consent bills which have been unanimously reported from the Committee on Ways and Means, H.R. 7502, income tax treatment of casualty losses attributable to major disasters, and H.R. 6431, suspension of duty on certain forms of nickel.

Also on Tuesday, H.R. 8469, civil service retirement annuity adjustments, under an open rule, 2 hours' general debate, and waiving points of order, and H.R. 6845, correction of salary inequities for teachers overseas, under an open rule, with 1 hour of debate.

On Wednesday, the conference report on H.R. 8439, the Military Construction Authorization Act, will be called up. Also, S. 1742, International Finance Corporation, under an open rule with 1 hour of debate, and H.R. 7843, payment of unused accrued leave to survivors of members of the Armed Forces, under an open rule with 1 hour of debate.

Thursday and the balance of the week, H.R. 4750, Interest Equalization Tax Extension Act of 1965.

Of course, this announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program will be announced later.

I may advise that in addition to the two very important conference reports that have been listed there will probably be other conference reports.

ADJOURNMENT OVER TO MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday to file certain reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BRITISH REASSESSMENT OF NKRUMAH

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I am extending my remarks to include an article from the London Economist of July 24, 1965, that is of timely interest in view of the selection of President Nkrumah of Ghana as a member of the peace mission of the British Commonwealth to Vietnam. The article in the reliable and influential London Economist reflects an objective reassessment of President Nkrumah that seems to be taking place in England.

Concerning the peace mission the London Economist quotes President Nkrumah as saying:

> It would be unrealistic to suppose that the United States would unconditionally surrender in South Vietnam * * *. We must regard both the National Liberation Front and the Saigon authorities as rival governments engaged in a civil war which it is our object to bring to a negotiated closed.

The London Economist comments:

> This is not the American position. It is, however, also a long way from being the Communists'.

With the opening of the Volta River hydroelectric power station this fall Ghana will be on her way to economic freedom from cocoa. It is to the credit of Ghana that she has met in full her obligations and commitments in connection with the Volta River project and that work is running ahead of schedule.

As one of the original advocates of the Volta River project, and among those who recommended our participation to President Kennedy, I am greatly pleased with the progress that has been made and the amity that has marked the relations of Chad Calhoun and other Americans with the Government of Ghana.

Ghana now is 8 years old, and the future certainly would not be as bright if it had remained wholly dependent on the cocoa market. The London Economist notes that the price of cocoa is now lower than for many years, and this is having serious repercussions. This I foresaw in my advocacy of the industrial development that would be assured by the Volta River project. There can be no stability in the economy of any country that rests on one crop, however much the United States with other countries may work, as they should, to fix world prices on an equitable basis. While the cocoa crop will continue to be a valuable asset to Ghana, happily with the completion of the Volta River project it will not be left alone to carry the economic load.

Here is the article from the London Economist that I recommend to the careful reading of my colleagues:

Nkrumah's Return: Ghana's Leader Is Getting Older and Wiser—He May Yet Cut a Figure in Africa, and Beyond

What can President Nkrumah of Ghana do for us? The old question has life in it yet. A few short insults ago Dr. Nkrumah was being written off, in Africa and countries beyond, as the politically bankrupt head of a bankrupt little West African Republic. With the summer, signs of revival have come. Given luck, the conference of heads of state of African countries due in Accra in September will in fact take place. A ripple of anxiousness to be fair to Dr. Nkrumah has been set up in Britain, started by the apology in the Daily Express on June 24. The newspaper had published a picture purporting to be of Ghanaian prisoners in chains; it was proved to be of Togolese.

But Dr. Nkrumah's real opportunity to be taken seriously again came on June 17, during the Commonwealth Conference. That morning, during a sunny garden party, Mr. Harold Wilson took Dr. Nkrumah by the elbow to a corner of the lawn of Marlborough House; that afternoon Mr. Wilson sprang on the assembled Prime Ministers his plan for a Commonwealth mission to Vietnam. Dr. Nkrumah was named as a member of the mission; he is still potentially a very important one.

Ever since he invented the Commonwealth mission Mr. Wilson has been able to produce a straw a week for everyone to clutch at. Last week's straw was the invitation from Hanoi to Dr. Nkrumah to pay President Ho Chi Minh a visit. On Tuesday Dr. Nkrumah's High Commissioner in London, Mr. Kwesi Armah (newly appointed Minister of Foreign Trade) set off for Hanoi via Moscow. By Thursday he was back in Zürich and it was still not certain whether he would get to Vietnam.

Whatever this produces for Vietnam, Ghana itself looks as if it is approaching a climacteric. The month to watch is September. If the African heads of state do materialize in Accra they will be trotted off to view the starting-up of the massive Volta River hydroelectric power station. September is also the month of Dr. Nkrumah's birthday. He will be 56, which makes him an elder statesman among the young Africans who govern most of the countries around him. Is age, plus the chastening experience of having been head of a country independent for 8 years (twice as long as most other black African states), starting to mature him?

There are signs that it may be. For evidence of the political middle age of an old revolutionary consider the statement Dr. Nkrumah issued in London on June 24. "It would be unrealistic to suppose that the United States would unconditionally surrender in South Vietnam," he said, and added that he completely supported Mr. Wilson's chairmanship of the Commonwealth peace mission. He said more. For the purpose of the mission, "we must regard both the National Liberation Front (the Vietcong) and the Saigon authorities as rival governments engaged in a civil war which it is our object to bring to a negotiated close." This is not the American position. It is, however, also a long way from being the Communists.

The Nkrumah statement could have been drafted by one of Ghana's band of able, sensible, men—Mr. Alex Quaison-Sackey, for example (who is now President of the United Nations Assembly and becomes Ghana's foreign minister in September). Ghana has others. Not all of them have been able to stand the politically stifling climate of Accra, but a lot remain. It is this corps of skilled and experienced African diplomats and civil servants that is the first reason for thinking that Dr. Nkrumah is still able to become a figure of importance in west Africa, and beyond it too. The trouble in the past has been that, like the other rough radicals in his party, he has neither trusted nor heeded his intellectuals.

Dr. Nkrumah has given in to his rough side too often. He may have given in once again a week ago in order to improve his standing with Hanoi. His Minister of State for Party Propaganda, Mr. Nathaniel Welbeck, said at the World Peace Congress in Helsinki on July 14 that "it would be a mockery of justice to negotiate on whether America ought to continue in Vietnam." This is not what Dr. Nkrumah said in London. Maybe it is the sort of language calculated to open doors in Hanoi. Certainly it is the sort heard all too often in Ghana. Yet Dr. Nkrumah's ability to translate from West-language to Communist-language could help one day to do the trick over Vietnam.

The second reason for taking Dr. Nkrumah seriously again is that he is in economic trouble. It is an exaggeration to say that Ghana is on the point of economic collapse; but cocoa (which normally represents up to two-thirds of its export earnings) has now dropped disastrously, as explained on page 368. It is at its lowest since the slump of the 1930's. Since independence Ghana has spent the foreign exchange with which it was launched in 1957 on new schools, roads, factories, and a vigorous pan-African and foreign policy. To say that this has been the squandering of a cash-happy dictator is unfair. Ghana remains one of the richest west African countries and could almost afford the manner of life to which it has become accustomed if it were not for the mad vagaries of a world market in cocoa over which, in spite of supplying a third of the world's consumption, it has no control.

Thus Dr. Nkrumah's call to the Commonwealth leaders for a search for a way of stabilizing the cocoa price came from the heart; what he would like the West to do for him is to set up an international cocoa agreement. Meanwhile, he has appealed to the International Monetary Fund for help. Quite rightly, the IMF seems to have replied that first he must stop wasting money on Ghana airways; prune at least some of the 22 (out of 32) of his state corporations that are operating at a loss; reduce his spending on diplomatic missions abroad; and look again at defense spending (which takes roughly a seventh of Ghana's revenue).

To this Dr. Nkrumah can reply that Ghana is doing many worthwhile things. It has paid for the larger share of the Volta project from its own resources, and the bulk of the rest is coming from commercial-term loans. It is getting Africans involved in the workings of a modern society to an extent matched by no other black African country. The West should recognize this, while never dropping its dislike of the many downright nasty and needlessly totalitarian aspects of Dr. Nkrumah's regime. And while it is right for the IMF to insist on the same sort of preloan economic reforms from Ghana that it would demand from any other applicant, it is also fair enough, in these dog-days, for Mr. Wilson, the horse trader, to assess the usefulness of Dr. Nkrumah and to ask himself: What can I do for the Osagyefo?

INTEROCEANIC CANAL PROBLEM: INQUIRY OR COVER UP?—SEQUEL

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include copies of a certain bill, copies of certain resolutions, letters, and documents in connection with the subject matter of my statement at this time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FLOOD. Mr. Speaker, on April 1, 1965, I addressed this body on the major policy subject of the "Interoceanic Canal Problem: Inquiry or Cover Up?" Among the points stressed on that occasion were the nonpublication of the June 4, 1964, hearings on S. 2701, 88th Congress, before the Committee on Merchant Marine and Fisheries and the consequent denial to Members of this House of the Congress of vital background information on the canal question in the form of printed hearings before September 1, when this body was called upon to vote on the bill. I have been requested so many times before and since my April 1, address for precise information as to what actually occurred concerning S. 2701 that I shall elaborate on the facts set forth in that connection.

The witnesses of the executive agencies at the above indicated hearings were the then Secretary of the Army Stephen Ailes, Assistant Secretary of State Thomas C. Mann and Chairman Glenn T. Seaborg of the Atomic Energy Commission. All three presented prepared statements, with Secretary Ailes giving what amounted to a joint paper in support of objectives previously decided.

Having been invited to attend those hearings by the chairman, I listened to the three witnesses with the greatest care and was the last to testify.

Although I had originally intended only to read and submit a brief written statement, with a number of supporting documents attached, the self-serving nature of the testimony caused me to change my plans. Instead of reading my prepared paper, I made an oral statement, emphasizing the imperative necessity for a broadly based, competently constituted and independent inquiry as was contemplated in the Bow-Flood-Hosmer-Thompson bills of the 88th Congress. On completing my remarks, I submitted the written statement and its attachments for inclusion in the record of the hearings as a supplement to my oral testimony.

The impact of my spoken statement on those present, including the members of the committee was immediate and glaringly obvious, with signs of approval by certain committee members. The witnesses and other interested parties in the audience, at first surprised, became animated, some in apparent discomforture. In fact, they showed the greatest interest and confusion, with reactions that were manifest, indicating amazement that I should present another view of the canal question. Thus, Mr. Speaker, I was able to leave the hearings hoping that my testimony had clarified a situation that needed exposure to the spotlight of national publicity. As matters developed, my feelings were, indeed, over sanguine.

Supplied with copies of the three prepared executive agency statements, the mass news media of our country featured the testimony of the three official witnesses in massive coverage. As far as it has been possible to ascertain, this media completely ignored all that I stated, despite one of the most intense displays of animation that I have ever observed at a congressional hearing.

Subsequently, I received a most thoughtful letter, dated June 11, 1964, from Dr. Leonard B. Loeb, professor of physics, emeritus, of the University of California, strongly supporting my well-known views on the canal question. Because of the eminence of this distinguished scientist in the field of nuclear physics, I later requested that his letter be printed with other attachments to my written statement. Also, I have made repeated requests for the printing of the hearings but without avail. To this date, Mr. Speaker, the subject hearings have not been published.

The result of such nonpublication was denial to the House of indispensible information on one of the most important matters now before the Congress and the Nation. Notwithstanding that denial, the House, on September 1, 1964, and without the benefit of vital background knowledge in the customary form and inadequate time for debate, was called upon to pass, and did pass, S. 2701, which, in effect, gave complete control of the so-called canal inquiry to executive agencies responsible for the long record of policy failures at Panama.

Because of the severe limitation on time for consideration of a subject of such magnitude would not have been sufficient for adequate presentation of key arguments, I chose not to speak in opposition as I had initially intended to do but, along with 22 other Members, did vote against what has been widely condemned as a legislative monstrosity. Since then many Members who have become better informed have told me that they now wish that they had also voted against that self-serving measure. In addition, I have learned that a number of leading journalists, seeking information on my June 4 testimony, have requested copies of my statement from the committee but could not obtain them.

The full story of how S. 2701 was pushed through the House is still not known. It appears, however, to have been a prelude to the President's December 18, 1964, surprise announcement about interoceanic canal problems.

Imagine, Mr. Speaker, my astonishment to read in an Isthmian newspaper a feature story on page 1 of the December 30, 1964, issue of the Panama Star and Herald on how the unknown professional staff members of the National Security Council have audaciously and publicly boasted of their victory, particularly the followthrough. Were they the ones who inspired the nonpublication of vital information and the gag-rule procedure in the House on September 1? In this light, it is not strange that the chairman of the Committee on Merchant Marine and Fisheries, when queried by me about the procedures that featured the handling of S. 2701 in the House, answered by asking the question: "What is going on here anyway?"

Mr. Speaker, such dictatorial processes on the part of underlings in the executive agencies of our Government concerning crucial policy questions in which the Congress is the ultimate authority, are not only unconstitutional interferences with the legislative branch but also are well calculated to serve the special interests that would benefit from their own recommendations?

The resulting statute, Public Law 88–609, 88th Congress, approved September 22, 1964—78 Stat. 990—has been severely criticized by informed persons in various parts of the Nation as a legislative monstrosity, drafted to assure a predetermined mandate by the Congress for a predetermined type of canal and the exclusion of the solution of the problem of increased transit capacity that independent experts consider as the best when the matter is evaluated from all vital angles.

Such legislation, Mr. Speaker, will not, and cannot, meet basic canal issues that simply must not be "swept under the rug" for political expediency, as is so arrogantly attempted.

It is a recognized principle of fundamental morality that the only action worse than error is persistence in error. The attitude of persistence in error has often been exemplified in matters affecting interoceanic canal policy questions, not only recently but as well throughout much canal history. Notwithstanding such lapses, the combination of geographical configurations of the Central American Isthmus, the treacherous geological formations in that area and the economics of engineering, and diplomatic and political realities has always served to prevent irretrievable error despite a deplorable lack of vision on the part of some who were temporarily in positions of power. So far, something has always happened to place the ship of state as regards Isthmian canal policy on a safe, even if not the best and most stable, course.

As summarized in my address to this body on April 1, 1965, the key canal issues are obvious and simple. Because obvious and simple solutions of all problems are usually the last to be seen and the most difficult to grasp, I shall repeat these issues. They are:

First, the transcendent responsibility of our Government to safeguard our indispensable sovereign rights, power, and authority over the Canal Zone for the efficient maintenance, operation, sanitation, and protection of the Panama Canal.

Second, the subject of the major increase of capacity and correlated superior operational improvement of the existing Panama Canal through the modification of the Third Locks project—53 Stat. 1409—to provide a summit-level lake anchorage in the Pacific sector of the Panama Canal to match the layout in the Atlantic end, on which project some $75 million was expended on enormous lock site excavations at Gatun and Miraflores before work was suspended in May 1942.

Third, the question of a new Panama Canal of so-called sea-level design, or modification therof, to replace the existing canal.

Fourth, the matter of the construction and ownership of a second canal at a site other than the Canal Zone, including Nicaragua.

As regards the modernization of the existing Panama Canal, Mr. Speaker, the Nation and the Congress should know that the plan for the major modification of the Third Locks project just mentioned was, as I previously and repeatedly emphasized, developed in the canal organization during World War II as the result of wartime experience and officially submitted to higher canal authorities. It was approved in principle and recommended to the Secretary of War by the then Governor of the Panama Canal, for "thorough investigation" and approved "in general" before the Committee on Merchant Marine and Fisheries by a succeeding Governor for the major operational improvement of the existing canal. Also, as I have previously stated, it aroused the interest and approval of Secretary of the Navy Knox and was supported by his successor, Secretary Forrestal. It was submitted to President Franklin D. Roosevelt, who approved it as a postwar project and, for a time, appeared to be on its way to realization.

The advent of the atomic bomb in 1945, coupled with the death of President Roosevelt, who had studied the subject and could not be misled, served to divert developments from their logical course. Seized upon as psychological levers with which to browbeat the Congress and propagandize the Nation, the dangers of nuclear weapons were used in massive propaganda campaigns well calculated to confuse the issue and to delay decision on the solution that applied, and the matter is still with us.

To supply the Congress and the Nation with an adequately constituted body to conduct the necessary investigations with recommendations that the Congress and the Nation can, in good conscience, accept, Representatives WILLIAM R. ANDERSON and FRANK T. BOW and I have introduced identical bills to annul the recent, ill-advised statute and to create the Interoceanic Canals Commission, which is quoted in the appended documentation.

Mr. Speaker, as stated by me many times before this House, the Congress and the people of our country have been denied vital information on canal problems through managed news policies, studied silence, exaggerated emphasis of irrelevant factors, and calculated confusion of issues.

The latest example of such tactics of usurpation is a request of the Bureau of the Budget sent to the Senate rather than to the House for an appropriation of $7,500,000 in the form of an amendment to the 1966 appropriation for a so-called "Interoceanic Canal Commission," which term does not appear in the authorization act—78 Stat. 990.

It does appear in the Anderson-Bow-Flood bills as the "Interoceanic Canals Commission." The unauthorized use of the term, "Interoceanic Canal Commission," is a bold, flagrant effort to muddy the waters to a still higher degree under the cover of which certain interests are determined to advance their predetermined objectives. The executive branch certainly has no power to amend an enactment of the Congress in the indicated manner and has no legal justification for using the term, "Interoceanic Canal Commission," instead of the term used in the indicated enactment.

The question arises how much longer is the Congress going to tolerate such transgressions on the part of our executive officials who are bound by oaths of office? Are we going to wait for a mass protest by the people of the Nation before we undertake to do our sworn duty? Certainly, the time has come to act but our action must be a wisely reasoned line of action founded on full information and not only a part of the story.

As a step in this direction, I quote my oral and written statements on June 4, 1964, the attachments to the latter, the June 11 letter of Dr. Loeb, and highly significant writings of former Principal Engineer Edward Sydney Randolph, Sr., of the Panama Canal. His views, as expressed in his perceptive letters and thoughtful writings in the "U.S. Naval Institute Proceedings," reflect the mature judgment derived from a lifetime of study, observation, and experience.

In this connection, I am well acquainted with the 1947 report of the Governor of the Panama Canal which was based on fallacious assumptions of so-called security and national defense as paramount and controlling. This report very properly failed to receive Presidential approval and the Congress took no action thereon, not even authorizing its publication. I am also familiar with the 1960 report of the Board of Consultants, Isthmian Canal Studies—House Report 1960, 86th Congress—which, in some most significant respects, is self-contradictory. Although both reports require the interpretation of experts to ferret out their fatal weaknesses, they do contain much valuable information, especially the conclusion in the latter of doubt as to ability to construct a sea level canal in the Canal Zone "without serious danger of a long interruption to traffic" and "slides of the first magnitude"—paragraph 16, House Report 1960.

Because of the quality of the information contained in the documents appended to this address, I commend them for the most careful study by all concerned with the interoceanic canal question, especially Members of the Congress, the executive agencies of our Government, and the several professional societies that are interested in various phases of the canal problem; economic groups that are substantial tax contributors, particularly the transcontinental railroads and trucking companies; the users of an isthmian canal, foreign and domestic, who will have to pay tolls reflecting the costs of construction; and above all, I would especially commend consideration of these statements by the President himself.

The above indicated documentation follows:

STATEMENT OF THE HONORABLE DANIEL J. FLOOD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA, BEFORE THE COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, JUNE 4, 1964

The CHAIRMAN (MR. BONNER). Are there any further questions? Mr. FLOOD, did you care to make a statement?

Mr. FLOOD. Mr. Chairman, may I make it from here?

The CHAIRMAN. Yes.

Mr. FLOOD. My only purpose in being here this morning is very simple. You were kind to ask me. You have put a rifle on the very narrow purpose of why we are here this morning. I have no quarrel with the purpose or intent of this proposal. I think it should be done. It has been badly delayed, long delayed. Last night was too late.

As my friend just suggested, the proposal as to time in the Senate bill is utterly and completely unrealistic. It should never have been in there in the first place. Of course, it should be removed. I took for granted this committee, in its wisdom, would dispose of that without any delay. I am sure you will as you see best fit. I see my friends agree. It was utterly unrealistic in the first place.

As to the proposal here, my problem is this. If this proposition is so important as to be dignified as you are dignifying it—placing it before your full committee, presiding yourself, bringing these distinguished people from State and Defense here—then once and for all, for heaven's sake, let us do this properly. It is my considered judgment that the bill you are considering will not do it properly. It will do it, but it will not do what I think you want done, what the committee wants done, what the Congress wants done, what the Nation and what the world wants done. This present bill will not do it.

You are going to send the Devil to investigate hell. That has been going on since 1945 for this purpose. In 1945 the bill called for having the investigation conducted in Panama by the Governor of Panama—imagine that, keeping in mind some of the Governors we have had and not naming names. This is my kind morning.

That being the case, the Congress and the President considered the 1945 report superfluous, ambiguous, and it is totally discredited. The President ignored it and so did the Congress.

The only difference between the 1945 bill and H.R. 80 is that you have substituted the Panama Canal Commission or Government for the Governor. That is just an exercise in semantics. The conclusion will be just as identical, the report will be just as ambiguous, the predetermination has been made. You are calling one bureaucrat to scratch the back of another one. You have been here, I think, since the War Between the States. You know what will happen. So do I. That is an exercise in futility. Just like the 1945 report, H.R. 80 cannot possibly do anything different. It merely substitutes one name for another.

Senator COTTON'S bill is just as bad because all it does is give birth to some kind of commission which is unspecified in strength, type, composition, anything else. I would dismiss that.

The bill before you from the Senate does little more. It specifies so many people. Three of them must be State—I can imagine what will happen there—Army, and I know what will happen there. Then Atomic Energy Commission is so new I am not clear about it. I have my doubts that State and the fallout from Defense and Army will rub off on them. It always does.

I say this. There is before the House and before the committee H.R. 863, proposed, and three of four bills proposed by my colleagues Bow, THOMPSON, and myself.

Let me read this briefly.

If this is as important as I believe it to be and as I know it is, and I am sure you do, let us do it this way and get it done. We have all the advantage of 20 years of everything these bureaucrats could give birth to from the Army Engineers down—much of it good, absolutely indispensable, invaluable, must be utilized, couldn't be without it, will save us a great deal of time and money. A great deal of contribution will be made by these people. But that is the end of their act. Now, they are through. They have done their bit. Now let us do it properly.

The House measures, I suggest, are designed to provide the independent, broadly based type of inquiry that the Interoceanic Canal problems indisputably require.

Second, they provide for a predominantly civilian commission of 11 members, of which 8 would be civilians, 3 from the combatant elements of the armed services—combatant navigation people, no more. One of the civilians is to be chairman, mandatorily a civilian chairman. In the United States of America today, with all our technical knowhow, brilliance, awareness, and understanding, the President of the United States will have no trouble picking these eight great, superior civilians that the world will not be able to equal for our commission. That is what we need in this year of our Lord 1964 if nothing else.

Their task would be the exploration and study of all canal proposals, not a predetermined type and kind of canal. If this is as important as it is, all kinds of canals should be examined and all proposals by this commission with the objective of recommending the best site, the best type, with due consideration to all crucial factors involved, not half a job, which will include vital treaty questions of sovereignty, duration, indemnities, annuities, all these things. Let us not worry about a 6-month interim report.

If we consider a sea level canal—you will—my Atomic Energy friend says he cannot move for 5 years. Of course, he can. They told me this 4 years ago. Their figures are still good. I have confidence in them.

This commission should be composed of the best-qualified men, fully objective in outlook, that this country can muster. Such a commission would permit selection of its members with backgrounds along the lines indicated in the following table, subject, of course, to different variances. This includes what my friend had in mind over here.

I would suggest this: A civilian chairman, who must be an executive and engineer, the best executive and the best engineer you can find—and we have them in the United States. They would be delighted to do it—delighted.

Second, a civilian of international trade and transportation. We have got them. They would be delighted to do it—the best in the business.

Third, a civilian who is in shipping, an executive in maritime shipping, an expert in the United States—and we have got them, the best in the world, they would be delighted.

That is what you want on this commission, no jobholders scratching each other's backs in the best tradition. That is nonsense any more. Civilian, legal, governmental; we have the best in the business. They would be glad to do it—civilian, legal, and governmental people. By governmental I do not mean a jobholder, I mean experts in government and law. We have got them.

Again a civilian, an engineer, this man to be a nuclear design and warfare expert, an expert in channel design, expert in canals, interoceanic communications work. These are the men we want, and we have those men. I can name a dozen for you. You pick them or the President could pick them.

Again an engineer. This must be an engineering expert in geology, in soil mechanics. These are the kinds of people that must be on this commission and not bureaucrats. We have them in our society, the greatest in the world, we have them standing by, they would be glad to serve.

Again an engineer. This man must be the best we have in hydraulics, the best we have in flood control. That is the man, Mr. Chairman, you want as one of those civilians. Those are the people. We have them, dozens of them, the best in the world.

Now the military people. We want an old line Army man, active or retired, I do not care which, could not care less, active or retired. Believe me, the Army has got them. I know it and the Secretary knows it. I want that guy. Who is he? You have got a lot of them, the best in the world. He must have broad military experience, he must know jungle warfare, he must know guerrilla warfare, he must know things, he must be on there. An active or a retired man. Ailes has them. I know them, so does he.

You want an old line Navy type, active or retired, it does not matter which. We have got them up to the ears. He must have a broad knowledge of naval command, be a naval line officer, naval command line man. That is the type you want on this commission.

You want an Air Force man, active or retired, it makes no difference which. He must be an expert, the best we have, on Air Force defense, on all kinds of Air Force design and planning and defense.

Mr. Chairman, if you were going to have a commission, let us have it. That is the kind for the next commission.

The CHAIRMAN. Thank you very much. Are there any questions by any members? The committee stands adjourned.

Mr. Chairman, I am Representative DANIEL J. FLOOD of Pennsylvania, member of the Subcommittee on Defense, Committee on Appropriations.

As members of the Committee on Merchant Marine and Fisheries know, I have devoted years to the study of problems of the Panama Canal and interoceanic canals generally, and made many addresses in the Congress on significant aspects of the subject. Those who have read my addresses and matters quoted in them realize that as a result of my inquiries I have come to hold some very positive convictions on how best to approach what is one of the gravest questions before our country, and about which there has been a great deal of bewildering propaganda as to what should be done.

Of all the problems involved the most pressing one is the clarification, making definite, and reaffirmation by the Congress of our historic Panama Canal policy as provided in House Concurrent Resolution 105, introduced by the late Chairman Clarence Cannon, which is identical with resolutions introduced by Representative Bow and myself. Though these resolutions were referred to the Committee on Foreign Affairs, I trust that the Committee on Merchant Marine and Fisheries will use its influence to secure a favorable report and early action by the House.

The next most urgent matter is an independent inquiry into the overall interoceanic canal problem by an independent and broadly based Interoceanic Canals Commission as provided in bills introduced by Representatives CLARK W. THOMPSON, BOW, HOSMER, and myself. The Commission thus contemplated under congressional authorization would be created without delay and put to work.

In lieu of further detailed discussions by me at this time, I request that the full texts of the following papers be printed in these hearings as parts of my testimony in the following order:

1. FLOOD: "Panama Canal: Formula for Future Canal Policy," address in CONGRESSIONAL RECORD, March 11, 1964.

2. FLOOD: "Panama Canal Questions: Immediate Action Required," address quoting an April 5, 1963, letter of E. S. Randolph in CONGRESSIONAL RECORD, May 8, 1963.

3. E. S. Randolph: Letter of January 24, 1964.

4. E. S. Randolph: Letter of April 20, 1964.

5. FLOOD: "Prognosis for Panama Canal—Comment and Discussion." U.S. Naval Institute Proceedings, June 1964.

6. DuVal: "Isthmian Canal Policy—An Evaluation," U.S. Naval Institute Proceedings, March 1955.

H.R. 4871

A bill to create the Interoceanic Canals Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interoceanic Canals Commission Act of 1965".

SEC. 2. (a) A commission is hereby created, to be known as the "Interoceanic Canals Commission" (hereinafter referred to as the "Commission"), and to be composed of eleven members to be appointed by the President, by and with the advice and consent of the Senate, as follows: One member shall be a commissioned officer of the line (active or retired) of the United States Army; one member shall be a commissioned officer of the line (active or retired) of the United States Navy; one member shall be a commissioned officer of the line (active or retired) of the United States Air Force; one member shall be a commissioned office of the Corps of Engineers (retired) of the United States Army; and seven members from civil life, four of them shall be persons learned and skilled in the science of engineering. The President shall designate one of the members from civil life as Chairman, and shall fill all vacancies on the Commission in the same manner as original appointments are made. The Commission shall cease to exist upon the completion of its work hereunder.

(b) The Chairman of the Commission shall receive compensation at the rate of $30,000 per annum, and the other members shall recieve compensation at the rate of $28,500 per annum, each; but the members appointed from the Army, Navy, and Air Force shall receive only such compensation, in addition to their pay and allowances, as will make their total compensation from the United States $28,500 each.

SEC. 3. The Commission is authorized and directed to make and conduct a comprehensive investigation and study of all problems involved or arising in connection with plans or proposals for—

(1) an increase in the capacity and operational efficiency of the present Panama Canal through the adaptation of the third locks project (53 Stat. 1409) to provide a summit-level terminal lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic end, or by other modification or design of the existing facilities;

(2) the construction of a new Panama Canal of sea-level design, or any modification thereof;

(3) the construction and ownership, by the United States, of another canal or canals connecting the Atlantic and Pacific Oceans;

(4) the operation, maintenance, and protection of the Panama Canal, and of any other canal or canals which may be recommended by the Commission;

(5) treaty and territorial rights which may be deemed essential hereunder; and

(6) estimates of the respective costs of the undertakings herein enumerated.

SEC. 4. For the purpose of conducting all inquiries and investigations deemed necessary by the Commission in carrying out the provisions of this Act, the Commission is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Commission is given power to designate and authorize any member, or other officer, of the Commission, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Commission may deem relevant or material for the purposes herein named. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 5. The Commission shall submit to the President and the Congress, not later than two years after the date of the enactment hereof, a final report containing the results and conclusions of its investigations and studies hereunder, with recommendations; and may, in its discretion, submit interim reports to the President and the Congress concerning the progress of its work. Such final report shall contain—

(1) the recommendations of the Commission with respect to the Panama Canal, and to any new interoceanic canal or canals which the Commission may consider feasible or desirable for the United States to construct, own, maintain, and operate;

(2) the estimates of the Commission as regards the approximate cost of carrying out its recommendations; and like estimates of cost as to the respective proposals and plans considered by the Commission and embraced in its final report; and

(3) such information as the Commission may have been able to obtain with respect to the necessity for the acquisition, by the United States, of new, or additional, rights, privileges, and concessions, by means of treaties or agreements with foreign nations, before there may be made the execution of any plans or projects recommended by the Commission.

SEC. 6. The Commission shall, without regard to the civil service laws, appoint a secretary and such other personnel as may be necessary to carry out its functions, who shall serve at the pleasure of the Commission and shall receive compensation fixed in accordance with the Classification Act of 1949, as amended.

SEC. 7. The Commission is hereby authorized to appoint and fix the compensation of such engineers, surveyors, experts, or advisers deemed by the Commission necessary hereunder, as limited by the provisions in title 5, United States Code, section 55a; and may make expenditures, in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations, for travel and subsistence expenses of members of the Commission and its employees while away from their homes or regular places of business; for rent of quarters at the seat of government, or elsewhere; for personal services at the seat of government, or elsewhere; and for printing and binding necessary for the efficient and adequate functions of the Commission hereunder. All expenses of the Commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Commission, or such other official of the Commission as the Commission may designate.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

SEC. 9. The Act entitled "An Act to provide for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans" (Public Law 88-609, 78 Stat. 990), is hereby repealed.

UNIVERSITY OF CALIFORNIA,
DEPARTMENT OF PHYSICS,
Berkeley, Calif., June 11, 1964.

Hon. DANIEL J. FLOOD,
House of Representatives,
Congress of the United States,
Washington, D.C.

MY DEAR MR. FLOOD: As a retired Naval Reserve officer of 27 years service, as a student of history and naval strategy, as well as a physicist somewhat familiar with nuclear devices, I have been much interested in the Panama Canal problem since the end of World War II. I have followed the changing aspects of the problem as it has unfolded in the ensuing years. I was first alarmed by the moves to attempt to build a new sea level canal sponsored by the heavy dirt moving equipment industry and others using as a subterfuge the danger of the atomic bomb. Obviously either canal, from a defensive viewpoint, would be equally vulnerable to the latter weapon and probably in proportion to its length. We have a canal which is now reaching saturation but can, at moderate cost with no diplomatic involvement, be rendered more navigable and of greater capacity and efficiency according to plans already formulated. Thus the sea level canal with untested problems is not needed. When the sea level canal was wisely sidetracked by Congress the danger subsided, but I was still uneasy about an uncommitted future plan.

With the general worldwide restlessness of underprivileged peoples who are unwilling to work and take the time gradually to evolve to higher standards and with the direct subversive activities of the Communist groups acting and more insidiously through international propaganda, as well as by this Nation's necessary involvement in the U.N., OAS, and similar groups, I have again felt concern about the future of the canal. This became acute through the Egyptian seizure of the Suez Canal. The bumbling of the State Department that led to that fiasco has permitted a precedent to be established that was immediately seized by the pacifists, ultraliberal, and Communist propagandists relative to our Panama Canal. Now this pressure, coupled with political ambitions in Panama, Communist agitation in that area, etc., has gradually eased the State Department with its commitments to the U.N. and OAS into the soft attitude that has led to the present predicament as indicated by the flag incidents and the near loss of our control.

I am not surprised at the activities of Dr. Milton Eisenhower and similar "do-gooders" in this connection. What I am amazed at is the open defiance of these agencies and the President in acting contrary to the desire of the people as expressed by their representatives in Congress. It would at times seem that the executive branch is assuming powers beyond its constitutional rights.

In any event the actions of the State Department, the agitation of certain industrial interests, and now the naive and premature plan of the Atomic Energy Commission to find an outlet for their products through Project Plowshare and to keep themselves in business despite the saturation in nuclear weapons, has produced a combined effort to force the canal development along unsound and illogical lines.

In regard to the AEC Plowshare proposal for cheap excavation, I feel that the data we have to date on the feasibility of this mode of excavation on a scale demanded for a canal is inadequate to be used as the basis for any sound planning for some time to come. A very cogent article by Comdr. R. D. Duncan, USN, appears in the same issue of the Naval Institute Proceedings (June 1964, p. 49) in which the comments of yours on Professor Miller's article appear. His article deals with the atomic explosion digging of a canal across the Kra Peninsula. It appears that the only data on such a project stems from a theoretical survey by the Rand Corporation based on a few AEC tests. While the Rand Corporation has capable scientists on its staff, it lives off funds from Government survey projects such as the one leading to their report. Having been consultant to industries making similar surveys pertinent to my own field of technical competence, I have an uneasy feeling that such reports are purposely "sugar coated" to please the supporting agency despite discouraging findings. Under these conditions the premature optimistic publicity accorded to this application of nuclear energy is dangerous and probably unwarranted. Aside from the immediate effects of digging a hole some 300 feet deep and 1,000 feet in diameter in a 1-megaton explosion, the extension of such a series of craters to a row of some 200 or so contiguous holes to create a canal is a questionable procedure. I would not, for example, feel secure about untoward contamination effects on such a large scale operation. It is also far beyond the province of geologists and engineers to predict the consequences of such an extensive series of explosions in the completely unknown geological structures to be met in practice, in particular since the location and structures are unspecified. Caution rather than enthusiasm is certainly needed before one substitutes the politically reasonable and economically feasible solution to the modernization of the Panama Canal by such visionary projects.

On the basis of these considerations having read the various speeches you have made on this, our vital canal issue, I must confess I find myself heartily in agreement with your thinking and strongly endorse the views expressed by the competent engineers quoted in your speech of March 11, 1964, as shown in volume 110, part 5, pages 4948-4949 of the CONGRESSIONAL RECORD—House. I also am heartily in favor of the bills H.R. 863, H.R. 3858, H.R. 5787, and H.R. 8563, and strongly and sincerely urge that they be passed.

It is also my hope that in due time and under the proper circumstances the Congress will be able to assert its wishes and to ensure that in the future the policy of the executive arm follows the will of the people as in Congress expressed.

Yours most sincerely,

LEONARD B. LOEB,

Professor of Physics, Emeritus, Captain, U.S. Naval Reserve (Retired).

[From the CONGRESSIONAL RECORD, Mar. 11, 1964]

PANAMA CANAL: FORMULA FOR FUTURE CANAL POLICY

Mr. FLOOD. Mr. Speaker, in an address to this body on March 9, 1964, under the title of "Panama Canal: Focus on Power Politics," I dealt at length with certain crucial aspects of the overall interoceanic canals problem and suggested a plan of action for our Government. This program includes the following:

First. Prompt approval by the Congress of House Congressional Resolution 105, introduced by Chairman Clarence Cannon of the Committee on Appropriations.

Second. Prohibition by legislation of the use of any appropriated or other Government funds for the formal display of any flag in the Canal Zone, not authorized by specific treaty provisions, other than the flag of the United States and similar prohibition of the use of such funds to pay salaries for non-U.S. citizens in security positions of either the Canal Zone Government or the Panama Canal Company.

Third. Creation by the Congress of an independent and broadly based Interoceanic Canals Commission as outlined in bills introduced by Representatives Bow, HOSMER, THOMPSON of Texas, and myself, to make the necessary studies, reports, and recommendations as regards future Isthmian Canal policies.

Mr. Speaker, to aid the Congress in the consideration of this program for action, there is much factual information that should be understood. This, I shall try to summarize in a form that will facilitate its consideration.

I. PANAMA CANAL SOVEREIGNTY AND OWNERSHIP

First. The long-range commitment of the United States under the 1901 Hay-Pauncefote Treaty with Great Britain, which has been generally recognized provides, for exclusive control, ownership, and management by the United States of an Isthmian Canal.

Second. The United States acquired exclusive sovereignty over the Canal Zone and Panama Canal through the grant by Panama of sovereignty in perpetuity in the 1903 treaty under international law.

Third. In addition, the United States acquired title to all land, water, and property in the Canal Zone, including the Panama Railroad and other holdings of the French Panama Canal Co. under the laws of France, Panama, and the United States.

Fourth. The title of the United States to this land, water, and property in the Canal Zone was also recognized by Colombia, the sovereign of the Isthmus prior to November 3, 1903, as "vested entirely and absolutely in the United States," in the 1914–22 treaty with Colombia, which still has vested interests in the Panama Canal comparable to those of Panama.

Fifth. Since 1939, U.S. sovereign rights, power, and authority over the Canal Zone and canal have been eroded by first, a series of ill-advised surrenders by the executive branch of our Government to the radical demands of Panama, in contemptuous disregard of provisions of law, formal action of the House of Representatives, and international usage; and second, a number of unwarranted cessions to Panama by the treaty-making power of our Government, but without modifying the fundamental sovereignty and perpetuity provisions of the 1903 treaty.

II. TITULAR SOVEREIGNTY—ORIGIN AND DEFINITION

First. The first mention of Panamanian "titular sovereignty" over the Canal Zone was by Secretary of War Taft in 1905 when appearing before the Senate Committee on Interoceanic Canals, but he always emphasized that the term was not a valid claim except in a residual sense and did not affect exclusive U.S. sovereignty over the zone and Panama Canal to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority.

Second. Later, as President-elect and as President, Mr. Taft emphasized the position of the United States as the exclusive sovereign over the Canal Zone and Panama Canal, as provided by treaty and in a 1912 Executive order, decreed that all of the Canal Zone is necessary for the maintenance, operation, sanitation, and protection of the Panama Canal.

Third. The question of sovereignty remained unclouded until 1959, when an emissary of the Department of State in Panama, on behalf of his superiors, announced recognition of Panamanian "titular sovereignty" over the Canal Zone but failed to define the term, which omission, as foreseen by experienced observers at the time, served to compound the confusion with more tragic results than those of the incident that this emissary was then attempting to solve.

Fourth. The term, "titular sovereignty" means a reversionary interest of Panama, just as used in deeds of real estate conveyance, and nothing more, in the sole event that the United States should fail to meet its treaty obligations to maintain, operate, sanitate, and protect in perpetuity the Canal Zone and Panama Canal. It does not extend to Panama any sovereign rights, powers, or authority which are vested entirely in the United States to the entire exclusion of the exercise by Panama in any respect as long as the United States maintains and operates the Panama Canal in conformity with treaty obligations.

Fifth. Under the circumstances that have evolved, the United States should now redeclare its policy on the question of sovereignty. Until this is done by our Government with an adequate redeclaration of our Isthmian policy, such as that in House Concurrent Resolutions 105, 113, and 120, Panama will continue to make wild, extravagant and impossible demands with a continuance of the present confusion and chaos.

III. PANAMA CANAL SOVEREIGNTY CLARIFICATION: HOUSE CONCURRENT RESOLUTIONS 105, 113, AND 120

First. Early in the 88th Congress, Representatives CLARENCE CANNON, Bow, and I introduced House Concurrent Resolutions 105, 113, and 120, respectively, identical measures to clarify, reaffirm, and make definite U.S. policy with respect to the sovereignty and ownership of the Canal Zone and Panama Canal, which resolutions are now before the Committees on Foreign Affairs.

Second. The adoption of these measures by the Congress does not require approval by the President and thus would avoid Executive embarrassment as the responsibility therefor would be borne by the Congress and, in turn, by the people of the United States.

Third. Prompt approval by the Congress is imperative and urged as the first step in what will take a series of actions by our Government before the overall canals question is adequately resolved.

IV. CANAL AT NICARAGUA OR ELSEWHERE

First. The only interoceanic canal route other than the Panama site, now covered by treaty, is that at Nicaragua, which is provided for in general terms under the Bryan-Chamorro Treaty of August 5, 1914. No doubt a Nicaragua canal would require a supplementary treaty. In addition, such canal, for reasons of defense and others, may require treaties with Costa Rica, Salvador, and Honduras as well.

Second. As has been amply established in my previously cited address, the Panama Canal enterprise is governed and operated under a workable treaty and would not require a new treaty except in the sole event of a sea-level undertaking at that location. This is not covered by treaty and would require a new one to supply the specific conditions for its construction.

Third. Locations for interoceanic canals at other sites than the Canal Zone and Nicaragua would involve entirely different circumstances and would necessitate new treaty arrangements to specify the contractual provisions for site acquisition, construction, and subsequent operation and control.

V. OVERALL INTEROCEANIC CANAL PROBLEMS

First. The elements forming U.S. interoceanic canal policy, though ascertainable in textbooks and scholarly articles, have never been formally and authoritatively stated in one place.

Second. The problems that must be considered in the formulation of such policy include the following:

(a) The modernization of the existing Panama Canal through adaptation of the suspended third locks project—53 Statutes at Large 1409—to provide a summit-level lake anchorage in the Pacific end of the canal, to correspond with that in Gatun Lake in the Atlantic end, a plan favored by many experienced, independent engineers, atomic warfare, navigational and other canal experts, including virtually all the distinguished engineers who participated in the construction of the present canal, and who cannot be dismissed as uninformed, incompetent, or inexperienced.

(b) The construction of a new Panama Canal of sea-level design or any modification thereof in the Canal Zone near the present site.

(c) The construction and ownership by the United States of another canal at a different location.

(d) The operation, maintenance, sanitation and protection of a modernized Panama Canal or of any new canal that may be recommended.

(e) The treaty and territorial rights that may be deemed essential.

Third. Experience has shown that to secure a forthright determination and evaluation of the above listed problems, the services of an independent, broadly based, and highly competent Interoceanic Canals Commission under congressional authorization is indispensable. Experience has also shown that satisfactory results cannot be obtained by part-time or ex parte boards, necessarily dependent on administrative agencies, and that an independent inquiry is absolutely indispensable.

VI. OBSERVATIONS ON PENDING BILLS

First. A number of measures, introduced in both House and Senate, to deal with the overall canal problem require some comments to the ends that the mistakes of the fact will not be repeated, that the necessary investigations shall be comprehensive, and that the policies recommended may be realistic.

H.R. 80, INTRODUCED BY CHAIRMAN BONNER, OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

First. The key terms in this measure are identical with those in the ambiguous and discredited 1945 Public Law 780, 79th Congress, which directed the Governor of the Canal Zone—then Panama Canal—to investigate and report upon his own domain. The Governor's 1947 recommendation called for the construction of only a sea-level project in the Canal Zone, which recommendation the President did not approve and the Congress did not accept.

Second, H.R. 80 would merely repeat the same type of inquiry, with the name of the Panama Canal Company substituted for the Governor, which, in view of the facts involved, would merely supply another 1945–47 type of investigation, which was wholly inadequate in scope and directed toward securing authorization of a predetermined objective of a small professional group.

Third. H.R. 80, it is especially important to note, includes the terms, "security" and "national defense," in addition to the normal factors for such inquiry, "capacity" and "interoceanic commerce" as did the 1945 bill. The 1945 bill was drafted in the Panama Canal organization by those who later directed the inquiry under Public Law 280, 79th Congress.

Fourth. The terms, "security" and "national defense," it is most significant, were conveniently inserted in the 1945 bill and this enabled this exaggerated interpretation by the Governor as paramount and controlling, and hence a "mandate" from the Congress for a recommendation for only the indicated predetermined objection of certain professional engineers for a canal at sea level in the Canal Zone. This recommendation served to exclude from serious study what independent, experienced experts, maintenance and operational, consider to offer the best solution when evaluated from all crucial angles. Moreover, the 1947 report aroused wide professional criticisms, in and out of Government service, by eminent atomic warfare, economic, engineering, geological, navigational, and other experts, who were well informed, competent, and experienced.

Fifth. In the light of subsequent revelations, in lay and technical literature, it is fortunate that the Congress was not stampeded, for no action was taken and the 1947 report of the Governor's inquiry was not published, a procedure contrary to that normally followed in such cases.

Sixth. The Congress is far better informed today in 1964 about interoceanic canal questions than it was in 1945 and will not be fooled again by self-serving proposals for legislation.

Seventh. H.R. 80 would not supply an independent, broadly based body required by the situation but would give effective control of the resulting inquiry to the same ex parte groups primarily concerned with covering up their own errors, such as the Third Locks project fiasco, for which the advocacy of a vast sea-level undertaking in the Canal Zone has served quite effectively, and would leave the canal situation in a state of compounded confusion.

S. 2438, INTRODUCED BY SENATOR COTTON

First. With the exception of calling upon the President to appoint a "commission" of unspecified strength and qualifications, which shall include representatives of the Panama Canal Company, S. 2438 is identical with H.R. 80.

Second. For these reasons, the remarks on H.R. 80 apply to S. 2438.

S. 2497, INTRODUCED BY SENATOR MAGNUSON AND FIVE COSPONSORS

First. S. 2497 specifically calls for a predetermined type of canal across the American isthmus at a location to be decided upon and would vest three high administrative officials of our Government with the authority to make the necessary studies, reports and recommendations in a period of 6 months, which period is entirely inadequate.

Second. Like H.R. 80 and S. 2438 previously discussed, S. 2497 would not supply an independent and broadly based commission but would only be an administrative body necessarily interested in advancing its own proposals or in defending its errors.

Third. Because of these facts, it is entirely unacceptable to informed House leadership and would not be approved by the House.

H.R. 863, H.R. 3858, H.R. 5787, AND H.R. 8563 INTRODUCED BY REPRESENTATIVES BOW, FLOOD, HOSMER, AND CLARK W. THOMPSON, RESPECTIVELY

First. These House measures are designed to provide the independent broadly based type of inquiry that the interoceanic canals problem indispensably requires.

Second. They provide for a predominantly civilian commission of 11 members, of which 8 would be civilians, and 3 from the combatant branches of the armed services, with 1 of the civilians to be chairman.

Third. Its task would be the exploration and study of all canal proposals with the objective of recommending the best site and the best type, with due consideration to all crucial factors involved, or which would include vital treaty questions of sovereignty, duration, indemnities, and annuities.

Fourth. This commission should be composed of the best qualified men, fully objective in outlook, that our country can muster. Such commission would permit selection of its members with backgrounds along the lines indicated in the following table, subject, of course, to any necessary variance:

"PROPOSED INTEROCEANIC CANALS COMMISSION

Statutory requirements, desired professional background combinations

"Civilian[1] chairman, executive and engineering.

"Civilian, international trade and transportation.

"Civilian, shipping executive and marine.

"Civilian, legal and governmental.

"Civilian (engineer), nuclear warfare and channel design.

"Civilian (engineer), engineering-geology and soil mechanics.

"Civilian (engineer), engineering-geology and heavy marine structures.

"Civilian (engineer), hydraulic and flood control.

"Army-line[2] (active or retired), broad military and jungle warfare experience.

"Navy-line (active or retired), broad naval and command experience.

"Air Force (active or retired), broad air and defense planning."

VII. GENERAL OBSERVATIONS

Mr. Speaker, the United States faces a combination of canal problems equal to, or exceeding, the magnitude of those that faced our country in the early part of the 20th century, with following issues resurrected in slightly different forms: the 1902 struggle over routes, the 1903 Panama Revolution and acquisition of the Canal Zone, and the 1906 "battle of the levels" as to type.

With history now repeating itself, the challenges of today offer an opportunity worthy of comparison with that seized and consummated by President Theodore Roosevelt. To meet these challenges, the leaders in our Government, both in the Congress and the executive branch have had the benefit of extensive documentations in the CONGRESSIONAL RECORD of all of the major aspects of the problems involved.

A study of these sources will disclose little of basic character that is different from what was considered with respect to the existing canal. The only matters that are really new are the responsible personnel involved which, for the most part, have not shown themselves to be adequately versed in interoceanic canal history.

As to the oft-repeated contentions of sea level advocates concerning protection of the Panama Canal from enemy attack through passive defense measures embodied in the design of the canal, an examination of President Theodore Roosevelt's message of February 6, 1906, to the Congress, which is attached, will be helpful. This will disclose that he admitted that a "canal at sea level would be slightly less exposed to damage in event of war" but that he disregarded this assumption as controlling and decided on the basis of operational merit, engineering feasibility and costs.

In 1905–06, the debates and arguments over the type of canal centered on the questions of relative vulnerability. In 1964, the terms embodied in some of the bills cover the same subject under the new terms, "security" and "national defense," which are mere matters of difference in nomenclature.

Upon the advent of the A-bomb in 1945, advocates of a sea level canal in the Canal Zone seized upon this powerful weapon as a psychological lever to force the Congress to authorize what was their own predetermined concept going back many years. Subsequently, some of the leading nuclear warfare and other experts of the highest eminence, in and out of Government service, opposed such misuse of the A-bomb as a weapon in propaganda and as irrelevant in the planning of navigational projects. The result was that the Congress, despite a determined drive by these advocates and their industrial supporters, heeded the warning of nuclear experts and did not accept the recommendation of the 1947 Governors' report, made under the authority of Public Law 280, 79th Congress, which urged authorization of only a canal at sea level with tidal locks in the Canal Zone.

Mr. Speaker, the entire world is watching to see what we do with regard to the increase of transisthmian transit capacity. Let us pull together on this vital matter and provide the Nation and the Congress with the indispensably needed independent commission so that this crucial policy matter can be resolved on the highest plane of statesmanship.

Above all, at this critical period in the history, we must not permit current hysteria and self-serving propaganda concerning a second canal divert us from what must be our first objective: to stand firmly against unreasonable demands at Panama where we have a fine canal now approaching saturation and obsolescence and an adequate treaty covering the major enlargement of the existing canal. Moreover, there is no better place or way in which to make a legitimate stand for the defense of the Western Hemisphere.

To facilitate reference to the documents mentioned, I include as part of my remarks the texts of House Concurrent Resolution 105, H.R. 3858, President Theodore Roosevelt's message to the Congress on February 19, 1906, and a 1954 memorial to the Congress prepared by distinguished engineers and others who participated in the construction of the Panama Canal and which, with minor revision, applies with equal force today, and a 1964 release of the Atomic Energy Commission.

HOUSE CONCURRENT RESOLUTION 105, IN THE HOUSE OF REPRESENTATIVES, MARCH 4, 1963

(Mr. CANNON submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs)

Whereas the United States under the Hay-Bunau-Varilla Treaty of 1903 with Panama, acquired complete and exclusive sovereignty over the Canal Zone in perpetuity for construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

Whereas all the jurisdiction of the Republic of Panama over the Canal Zone ceased on exchange or ratification of the 1903 treaty of February 26, 1904; and

---

[1] Commission will be predominantly civilian, with one of the civilians as chairman.

[2] Members from the Armed Forces will be officers of the line.

Whereas since that time the United States has continuously exercised exclusive sovereignty and control over the Canal Zone and the Panama Canal; and

Whereas where responsibility is imposed there must be given for its effectuation adequate authority; and with respect to the Panama Canal the treaty of 1903 so provided; and

Whereas the United States has fully and effectively discharged all its treaty obligations with respect to the Panama Canal and the only legitimate interest that Panama can have in the sovereignty of the Canal Zone is one of reversionary character that can never become operative unless the United States should abandon the canal enterprise; and

Whereas the policy of the United States since President Hayes' message to the Congress on March 8, 1880, has been for an interoceanic canal "under American control," that is to say, under the control of the United States; and

Whereas the grant by Panama to the United States of exclusive sovereignty over the Canal Zone for the aforesaid purposes was an absolute, indispensable condition precedent to the great task undertaken by the United States in the construction and perpetual maintenance, operation, sanitation, and protection of the Panama Canal, for the benefit of the entire world; and for which rights, the United States has paid the Republic of Panama the full indemnity and annuities agreed upon by the two nations; and

Whereas, on February 2, 1960, the House of Representatives in the Eighty-sixth Congress, by an overwhelming vote, approved H. Con. Res. 459, favorably reported by the Committee on Foreign Affairs, as follows:

"*Resolved by the House of Representatives* (*the Senate concurring*), That it is the sense of the Congress that any variation in the traditional interpretation of the treaties of 1903, 1936, and 1955 between the United States and the Republic of Panama, with special reference to matters concerning territorial sovereignty shall be made only pursuant to treaty."

Whereas, because of continuing claims of sovereignty over the Canal Zone by Panama which, if granted, would liquidate U.S. control of the Panama Canal and Canal Zone, a further declaration by the Eighty-eighth Congress is deemed necessary and timely: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That (1) the United States, under treaty provisions, constitutionally acquired and holds, in perpetuity, exclusive sovereignty and control over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

(2) That there can be no just claim by the Republic of Panama for the exercise of any sovereignty of whatever character over the Canal Zone so long as the United States discharges its duties and obligations with respect to the canal; and

(3) That the formal display of any official flag over the Canal Zone other than that of the United States is violative of law, treaty, international usage, and the historic canal policy of the United States as fully upheld by its highest courts and administrative officials; and will lead to confusion and chaos in the administration of the Panama Canal enterprise; and

(4) That the provisions of H. Con. Res. 459, Eighty-sixth Congress, are reiterated and reemphasized.

REPORT OF THE BOARD OF CONSULTING ENGINEERS FOR THE PANAMA CANAL

To the Senate and House of Representatives:

I submit herewith the letter of the Secretary of War transmitting the report of the Board of Consulting Engineers on the Panama Canal and the report of the Isthmian Canal Commission thereon, together with a letter written to the Chairman of the Isthmian Canal Commission by Chief Engineer Stevens. Both the Board of Consulting Engineers and the Canal Commission divide in their report. The majority of the Board of Consulting Engineers, eight in number, including the five foreign engineers, favor a sea-level canal, and one member of the Canal Commission, Admiral Endicott, takes the same view. Five of the eight American members of the Board of Consulting Engineers and five members of the Isthmian Canal Commission favor the lock canal, and so does Chief Engineer Stevens. The Secretary of War recommends a lock canal pursuant to the recommendation of the minority of the Board of Consulting Engineers and of the majority of the Canal Commission. After careful study of the papers submitted and full and exhaustive consideration of the whole subject I concur in this recommendation.

It will be noticed that the American engineers on the Consulting Board and on the Commission by a more than 2 to 1 majority favor the lock canal, whereas the foreign engineers are a unit against it. I think this is partly to be explained by the fact that the great traffic canal of the Old World is the Suez Canal, a sea-level canal, whereas the great traffic canal of the New World is the Sault Ste. Marie Canal, a lock canal. Although the latter, the Soo, is closed to navigation during the winter months, it carries annually three times the traffic of the Suez Canal. In my judgment the very able argument of the majority of the Board of Consulting Engineers is vitiated by their failure to pay proper heed to the lessons taught by the construction and operation of the Soo Canal. It must be borne in mind, as the Commission points out, that there is no question of building what has been picturesquely termed "the Straits of Panama"; that is, a waterway through which the largest vessels could go with safety at uninterrupted high speed. Both the sea-level canal and the proposed lock canal would be too narrow and shallow to be called with any truthfulness a strait, or to have any of the properties of a wide, deep water strip. Both of them would be canals, pure and simple. Each type has certain disadvantages and certain advantages.

But, in my judgment, the disadvantages are fewer and the advantages very much greater in the case of a lock canal substantially as proposed in the papers forwarded herewith; and I call especial attention to the fact that the chief engineer, who will be mainly responsible for the success of this mighty engineering feat, and who has therefore a peculiar personal interest in judging aright, is emphatically and earnestly in favor of the lock-canal project and against the sea-level project.

A carefuly study of the reports seems to establish a strong probability that the following are the facts: The sea level canal would be slightly less exposed to damage in the event of war, the running expenses, apart from the heavy cost of interest on the amount employed to build it, would be less, and for small ships the time of transit would probably be less. On the other hand, the lock canal at a level of 80 feet or thereabouts would not cost much more than half as much to build and could be built in about half the time, while there would be very much less risk connected with building it, and for large ships the transit would be quicker; while, taking into account the interest on the amount saved in building, the actual cost of maintenance would be less. After being built it would be easier to enlarge the lock canal than the sea level canal. Moreover, what has been actually demonstrated in making and operating the great lock canal, the Soo, a more important artery of traffic than the great sea level canal, the Suez, goes to support the opinion of the minority of the Consulting Board of Engineers and of the majority of the Isthmian Canal Commission as to the superior safety, feasibility, and desirability of building a lock canal at Panama.

The law now on our statute books seems to contemplate a lock canal. In my judgment a lock canal, as herein recommended, is advisable. If the Congress directs that a sea level canal be constructed its direction will, of course, be carried out. Otherwise the canal will be built on substantially the plan for a lock canal outlined by the accompanying papers, such changes being made, of course, as may be found actually necessary, including possibly the change recommended by the Secretary of War as to the site of the dam on the Pacific side.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 19, 1906.*

THE PANAMA CANAL PROBLEM—A MEMORANDUM TO THE MEMBERS OF THE CONGRESS, 1954

HONORABLE MEMBERS OF THE CONGRESS OF THE UNITED STATES: The undersigned, who in various capacities participated in the construction of the Panama Canal, venture to bring to your attention the matters hereinafter discussed:

1. The necessity for increased capacity and operational improvement of the Panama Canal—a much-neglected waterway, now approaching obsolesence—has been long recognized. The traffic volume is the highest since 1914. With the saturation point approaching, it is essential to provide, without further delay, the additional transit capacity and operational improvements required to meet future needs.

2. The two major proposals for increased facilities are:

(a) Improvement of the existing canal by completing the authorized third-locks project, adapted to include the features of the well-conceived terminal lake plan (CONGRESSIONAL RECORD, April 21, 1948, p. A2449—approved in principle by the Governor of the Panama Canal in hearings on H.R. 4480, 79th Cong., November 15, 1945, p. 9). A total of $75 million was expended on this project, mainly on lock-site excavations at Gatun and Miraflores, before work on it was suspended. The terminal lake plan provides for removing all lock structures from Pedro Miguel and for regrouping of all Pacific locks at or near Miraflores, thus enabling uninterrupted navigation at the Gatun Lake level between the Atlantic and Pacific locks, with a greatly needed terminal lake anchorage at the Pacific end of the canal. As thus improved, the modified third-locks project can be completed at relatively low cost—estimated under $600 million. The soundness of this proposal has been established by 40 years of satisfactory operation of a similar arrangement at Gatun.

(b) Construction of a practically new Panama Canal known as the sea level project, initially estimated in 1947 to cost $2,500 million, and which would be of less operational value than the existing canal it was designed to replace, but which, under present conditions, would likely cost several times that amount. The Governor of the Panama Canal (a member of the Corps of Engineers) at that time definitely went on record as advocating none but the so-called sea level project for the major increase of canal facilities, which action served to exclude what may be the best solution when evaluated from all angles. This report, under Public Law 280, 79th Congress, was transmitted to the Congress by the President, December 1, 1947, and, significantly, without comment or recommendation. The Congress took no action, and the report was not published.

3. The terminal-lake-third-locks project has been strongly urged as the proper form of modernization by experienced civilian engineers who took part in the construction of the present canal. They have spoken from personal knowledge of the original construction. Their views are shared by many independent engineers and navigators who have studied the subject. All these insist that the present lake-lock type should be preserved as supplying the best canal for the transit of vessels which it is economically feasible to construct. They, together with many of the leading atomic warfare authorities, stress the points that the defense of the canal is an all-inclusive Federal responsibility which must be met by active military and naval measures and by industrial planning in the United States, that passive protective features embodied in construction design are inadequate, and that the proper bases for planning canal improvements are capacity and navigational efficiency. Moreover, it must be borne in mind that the effective destructive power of the atomic bomb has been tremendously increased since the formal recommendation for a sea-level canal. Any canal, whatsoever the type, can be destroyed by atomic bombing, if permitted to strike.

4. The recent authorization to expend funds for repairs and alterations of present lock structures at an estimated cost of $26,500,000 is, as we believe, makeshift in character, and is without real merit. Consummation thereof, in lieu of fundamental improvements, will inevitably delay the basic and long-overdue solution of the problems involved.

5. In addition to the Panama projects, there are urgent proposals for canals at other locations, some of which have strong support, particularly Nicaragua. In developing a long-range Isthmian Canal policy to meet future interoceanic transit needs, these should certainly receive full and unbiased consideration.

6. Transcending personal considerations, but nevertheless to state the matter candidly, we submit that the third locks project, as originally planned in 1939 by the Governor of the Panama Canal, has proven most disappointing. We have every reason to believe that the insistently advocated sea-level project (which, as a matter of fact, would require tidal locks as well as vulnerable flood-control reservoirs and dikes) would prove to be a monumental boondoggle, costing the American taxpayer billions of dollars. Both of these efforts were directed by routine administrative agencies, and at heavy public expense.

7. We wish to stress the fact that, aside from the A-bomb, the recurrent discussions as to the relative advantages and disadvantages of the lake-lock and "sea-level" types of canal were exhaustively investigated, debated, and considered in 1905–06 when the Congress and the President decided in favor of the lake-lock plan—under which the canal was constructed, and (with the exception of certain operational defects in the Pacific sector) has been successfully operated. The operational defects, we believe, can be adequately corrected.

8. It must be always borne in mind that the greater the cost of increased facilities at Panama the heavier will be the load on the already overwhelmingly burdened American taxpayer; and that also such cost must be reflected in ship-transit tolls, with all that increased tolls imply.

9. We respectfully urge the early enactment of H.R. 1048, 83d Congress, introduced by Representative Thomas E. Martin, of Iowa, and supported by Representative CLARK W. THOMPSON, of Texas, who introduced a like measure in the 82d Congress. Both of these experienced and highly competent legislators have been thorough students of interoceanic canal problems, which have grave diplomatic implications affecting all maritime nations and the relations of the United States with all Latin American countries—especially Panama. As to Panama, we would most strongly emphasize that among the features overlooked in the report under Public Law 280, 79th Congress, is the fact that the sea-level project recommended in that report is not covered by existing canal treaties and would necessitate the negotiation of a new treaty with a tremendous indemnity and greatly increased annuity payments involved. As evidence of this it may be noted that upon demand of the Panamanian Government, and the appointment by it of a commission for the purpose, the U.S. Government has named a like commission, to negotiate various questions, including that of the present annuity of $430,000 (originally $250,000), which Panama insists should be substantially increased. These negotiations began in September, 1953; when the President of Panama and members of the Panamanian Commission visited Washington in behalf of the indicated demands.

10. References to the "Governor of the Panama Canal" herein apply to the incumbent Governor at the time of the stated action.

CONCLUSION

Because of these considerations, it would seem to be clear that the indicated Commission should be created without delay, and put to work, so as to develop a timely, definite, and wisely reasoned Isthmian Canal policy. Such a body should be made up of unbiased, broad gaged, and independent men of the widest engineering, operational, governmental, and business experience, and not of persons from routine agencies, all too often involved in justifying their own groups.

Respectfully submitted,

James T. B. Bowles, Baltimore, Md.; Ralph Budd, Chicago, Ill.; Howard T. Critchlow, Trenton, N.J.; Roy W. Hebard, New York, N.Y.; Herbert D. Hinman, Newport News, Va.; William R. McCann, Hopewell, Va.; E. Sydney Randolph, Baton Rouge, La.; Hartley Rowe, Boston, Mass.; William E. Russell, New York, N.Y.; Caleb Mills Saville, Hartford, Conn.; John Frank Stevens, Brooklyn, N.Y.; Ellis D. Stillwell, Monrovia, Calif.; William G .B. Thompson, New Haven, Conn.; Robert E. Wood, Lake Forest, Ill.; Daniel E. Wright, St. Petersburg, Fla.

THE PETITIONERS

James T. B. Bowles, chemical engineer; in charge water supplies, superintendent filtration plants, Canal Zone, 1910–14; lieutenant colonel, Corps of Engineers, AEF.; director, secretary, and technologist of Crown Petroleum Corp.

Ralph Budd, civil engineer; chief engineer Panama Railroad, 1906–09; president, Great Northern Railway; transportation commissioner. The Advisory Commission to the Council of National Defense; president, Burlington Railroad; now chairman of Chicago Transit Authority.

Howard T. Critchlow, civil and hydraulic engineer; district and chief hydrographer, Panama Canal, 1910–14; New Jersey Department of Conservation and Economic Development on water supply, construction of dams, and flood control; past president, American Water Works Association; now director and chief engineer, Division Water Policy and Supply (New Jersey).

Roy W. Hebard, assistant engineer, resident engineer, and contractor, Panama Canal, 1905–11; major, Corps of Engineers, AEF; president, R. W. Hebard & Co., Inc., builders of highways, railroads, waterworks, and divers structures throughout Central and South America.

Herbert D. Hinman, construction engineer, whose first job for the Pacific Division in 1907 was boring to find rock for the locks; assistant engineer in charge of construction of the Pedro Miguel locks, and later in the building of the fortifications on the Pacific side; president of Virginia Engineering Corp., engaged in divers heavy construction in Virginia and the Southeastern States.

William R. McCann, assistant engineer and supervisor of construction, 1st Division, Panama Canal, 1907–14; engineer, Stone & Webster, Inc.; engineer, Allied Chemical & Dye Corp.; project manager, Buckeye Ordnance Works; now consulting engineer.

E. Sydney Randolph, civil engineer, Panama Canal service, 1910–46; office engineer, designing engineer, construction engineer, principal engineer, and consulting engineer, handling various projects such as technical supervision of maintenance and lock improvement, Madden Dam and power project exploration and investigations for additional locks, defense structures, emergency gates, increased spillway capacity, and augmented power facilities; now consulting engineer.

Hartley Rowe, electrical and construction engineer, various divisions, Panama Canal, 1905–15; engineering and construction, Lockwood, Greene & Co.; member of General Advisory Committee, Atomic Energy Commission; chief engineer, United Fruit Co.: now vice president thereof.

William E. Russell, Panama Canal service, 1905–09, under all three chief engineers, attached to office of superintending architect, and engaged in building construction; attorney, New York City; chairman of the board of several magazines in which he has controlling interests; headed committee for reevaluation of housing in New York State; has been lifelong student of Panama Canal affairs, and of the treaties pertaining thereto.

Caleb M. Saville, hydraulic engineer; in charge Third Division Panama Canal, 1907–11, investigating foundations for Gatun Dam, flow through spillway, and Chagres River hydrology; manager and chief engineer, Hartford Metropolitan District; now consulting engineer thereto.

John Frank Stevens, life student of Panama Canal problems; son of first Chairman and chief engineer, Isthmian Canal Commission, who planned the construction, organization, and plant, and was largely responsible for the adoption of the lock-lake type of waterway.

Ellis D. Stillwell, electrical engineer; served on Panama Canal, 1912–49, assistant superintendent Gatun locks, superintendent Gatun locks, and superintendent Locks Division in charge of lock operations and transits, and responsible for lock maintenance and biennial overhauling.

William G. B. Thompson, civil engineer; Panama Canal service 1905–16 supervising, among other assignments, construction of Balboa Terminal; State highway engineer of New Jersey; vice president and chief engineer, Gandy Bridge Co., St. Petersburg, Fla.; with Allied Chemical and Dye Corp. as superintendent of construction and as project manager Kentucky Ordinance Works; now consulting engineer.

Robert E. Wood, assistant quartermaster, chief quartermaster, and director Panama Railroad, 1907–14; Brigadier general, U.S. Army (retired), and later acting quartermaster general; president, Sears, Roebuck & Co.; now chairman of the board thereof.

Daniel E. Wright, civil engineer; Panama Canal service, 1904–18 as municipal and sanitary engineer, Central Division, extended subsequently to all divisions and to Panama City and Colón; contracting and consulting in Central and South America; with Rockefeller Foundation and U.S. Public Health Service as sanitary expert on various commissions to Middle East, Greece, France, Burma, China, India, Egypt, and elsewhere; captain, U.S. Army, World War I; colonel, U.S. Army, World War II.

[From the CONGRESSIONAL RECORD, May 8, 1963]

PANAMA CANAL QUESTIONS: IMMEDIATE ACTION REQUIRED

Mr. FLOOD. Mr. Speaker, since the nationalization in 1956 by Egypt of the Suez Canal and the precedent-making recognition and support by our Government of that action, the Panama Canal has been the victim of a series of diplomatic aggressions on the part of the Republic of Panama against the sovereignty and jurisdiction of the United States over the Canal Zone. Immeasurably complicated by the ratification in 1955 of the secretly contrived Eisenhower-Remon Treaty, our Government, both the Congress and the Executive, has failed to meet these assaults with forthright declaration of policy. Instead, through mistaken acts of generosity and timid attempts and placation, it has aggravated the situation in the Canal Zone, with conditions there verging on chaos.

Underlying the present sovereignty agitation, and related to it in many ways, is the transcendant question of increased transit capacity, a subject that has been under congressional consideration since the advent in 1945 of the atomic bomb. In that year, the Congress, on recommendations of administrative authorities, enacted Public Law 280, 79th Congress, authorizing the Governor of the Panama Canal—now Canal Zone—to study the means for increasing the capacity and security of the Panama Canal to meet the future needs of interoceanic commerce and national defense, including consideration of canals at other locations, and a restudy of the Third Locks project authorized by act approved August 11, 1939.

This construction project, hurriedly started in 1940 without adequate study, was suspended in May 1942 by the Secretary of War—Stimson—after an expenditure of some $75 million of the taxpayers' money, mainly on lock-site excavations for parallel sets of larger locks at Gatun and Miraflores, most of which can be used in the future. Fortunately, the suspension of that project occurred before excavation was started at Pedro Miguel.

The wording of the 1945 statute, which was drafted in the Panama Canal organization that would later supervise its execution, is most significant in that this law was the first basic canal statute to include the terms, "security" and "national defense," along with the usual terms, "capacity" and "interoceanic commerce" for such laws.

Under a far more extreme interpretation of this conveniently worded enactment, those who directed the inquiry emphasized the "security" and "national defense" factors as paramount and controlling, and even as a "mandate" from the Congress for a recommendation of a new canal of sea level design at Panama. Later developments revealed that this design had been one of the undisclosed and unauthorized objectives of the 1939 Third Locks project.

The report of the Governor, heedless of the diplomatic consequences and costs involved, recommended only a sea level project at Panama for a major increase of transit capacity, on the basis of its alleged greater "security" primarily against atomic attack and the needs of "national defense." This action served to obscure the plan for the major improvement of the existing canal which, when evaluated from all significant angles, may be the best solution.

Forwarded to Congress by the President on December 1, 1947, and significantly without approval, comment or recommendation, the Congress took no action and the report was not published as is usual in such cases.

In the ensuing discussions of the 1947 sea level recommendation in the Congress, distinguished Members described its significant features and exposed the fallacies upon which it was founded. Notable among those discussions were statements by such leaders as Chairman Fred Brandley and Schuler Otis Bland of the Committee on Merchant Marine and Fisheries and Representatives Thomas E. Martin and Willis W. Bradley, all of whom strongly opposed the sea level proposal.

The special attention of the Congress is invited to two addresses by Representative Willis W. Bradley, which admirably clarified the issues and made strong appeals for an independent inquiry: "What of the Panama Canal?" CONGRESSIONAL RECORD, volume 94, part 10, page A2449; and "The Why's of the Panama Canal," CONGRESSIONAL RECORD, volume 95, part 12, page A1304. With minor revision, the arguments presented in these two addresses apply with equal force today.

Unfortunately, nothing specific was done is this regard until 1957, when the Committee on Merchant Marine and Fisheries, pursuant to House Resolution 149, 85th Congress, appointed a part-time board of consultants to investigate the short-range plans for improving the Panama Canal.

This board made no new field engineering studies and based its report on data and studies made by others for the Panama Canal Company, or by the staff of the Company. Its report, House Report No. 1960, 86th Congress, signed on June 1, 1960, recommended no action toward a major increase of canal capacity, but that the entire situation be reviewed in 1970, or an appropriately earlier date if traffic estimates are exceeded.

The time, Mr. Speaker, has now come for our Government to undertake the important task of deciding upon the matter of increased transit capacity for the Panama Canal.

For this purpose, there are a number of bills now before the Congress, which I wish to discuss briefly.

One group, illustrated by H.R. 863, introduced by my colleague from Ohio [Mr. Bow], and H.R. 3858, by myself, would create the Interoceanic Canals Commission. This independent body would be directed to study, first the question of increasing the capacity and operational efficiency of the present canal through adaptation of the suspended third lock project to provide a summit level terminal lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic end; second, the construction of new canal of sea-level design at Panama, and third, the question of a second canal. Consideration of the treaty and territorial rights involved, which so far have been ignored, would be one of the main features of this inquiry.

An entirely different approach, however, is represented by H.R. 80, introduced by my colleague from North Carolina [Mr. BONNER]. This bill would authorize the Panama Canal Company to study the means for increasing the security and capacity of the Panama Canal or construction of a new canal to meet the future needs of interoceanic commerce and national defense. The key terms of this bill are identical with those of Public Law 280, 79th Congress, and equally ambiguous. Nor do they provide for consideration of the treaty or territorial questions involved. Moreover, it would keep the inquiry under the control of the same advocates who have long had the predetermined objective of a sea-level canal at Panama for reasons other than navigation.

These advocates, Mr. Speaker, have unjustifiably opposed any major improvement of the existing waterway on the ground that such improvement would delay "conversion" to sea level. This is no reason at all, but a challenge to which the Congress should be alert. Every factor in the situation demands that the question of the future increase of transit capacity should not be undertaken by administrative agencies but by an independent body under congressional authorization, which should be composed only of those of the highest qualifications.

In anticipation of the present situation, I requested Mr. Edward Sydney Randolph, of Baton Rouge, La., a former member of the 1957 board of consultants, to review the 1960 report of that body which he has done in a letter to me dated April 5, 1963. The fact that he was not a member of this board during its consideration of the long-range program left him free to comment upon its report objectively.

His long service in the Canal Zone in responsible engineering capacity, familiarity with the problems involved, independence and vision, enabled him to prepare specific comments of rare merit that reflect a lifetime of observation and study. Not only that, his knowledge has enabled him to present a most constructive engineering program that should be considered only by an independent commission, with powers as set forth in H.R. 863 and H.R. 3858.

Every consideration in the overall subject demands that our Government energetically strive to create the Interoceanic Canals Commission at the earliest date, for too much time has already passed.

In these general connections, we must not overlook the fact that the well-known and tested Terminal Lake-third locks solution for the Panama Canal would not require the negotiation of a new treaty with Panama, but that the sea-level proposal would so require. The first is covered by existing treaties but the latter is not so covered. These features in themselves ought to be sufficient to determine the matter; but, in any event, the proposed commission would consider this important treaty question.

An indispensable prerequisite before undertaking any plan for the increase of capacity of the Panama Canal or for a second canal at another site is the clarification and reaffirmation of U.S. sovereignty over the Canal Zone, which is constantly being contested by Panama. Such results are contemplated in House Concurrent Resolution 105, introduced by the gentleman from Missouri [Mr. Cannon], and House Concurrent Resolution 113, introduced by myself.

Mr. Speaker, delay and confusion have, for too long, plagued the situation on the isthmus as regards the sovereignty of the United States over the Canal Zone and also the determination of an adequate plan for increased transit capacity and operational improvement of the Panama Canal. The time has come for action, for which the 1960 report of the Board of Consultants was a constructive first step.

In order to make Mr. Randolph's statesmanlike engineering analysis of this 1960 report easily available not only to the Congress and the Executive, but as well to all interests concerned with interoceanic commerce and have to bear the costs of tolls, as well as to the nations at large, I quote it as a part of my remarks:

BATON ROUGE, LA.,
April 5, 1963.

To: The Honorable DANIEL J. FLOOD, House of Representatives, Old House Office Building, Washington, D.C.

From: Edward Sydney Randolph, registered professional engineer, Life Fellow, American Society of Civil Engineers.

Subject: Panama Isthmian Canal—Bill to create an Interoceanic Canals Commission.

Reference: Letter of Congressman FLOOD to E. S. Randolph dated October 4, 1962, and later matter.

DEAR MR. FLOOD: This is in response to your request for comments on the above subjects.

A list of references is at the end of this letter. For brevity references will be to year and page number. Most references are to the 1960 consulting board report. Although I served on the Board while it produced the short-range program, July 15, 1958, published as a committee print, I did not contribute to the long-range program, nor did I know what the contents were, until after its publication. The short-range program has long ago been implemented.

To reduce confusing details, this letter will deal chiefly with the locked-in parts of the Panama Canal from Gatun locks at the north to Miraflores locks at the south end. The 1960 board report states at page 8, "The sea-level sections may take traffic in both directions simultaneously." The sea-level section from Gatun to sea is nominally 6.43, and at Pacific end, from Miraflores locks to sea is nominally 7.41 nautical miles. (Pilot's Handbook, revised 1956, p. 17.14.)

If in the remote future, there will be a need for some improvements to the sea-level sections of the lock-canal, it might be economical to perform these operations when needed and not associate them with any program for new locks. The sea-level sections do not seem to be limiting factors to the capacity of the canal.

The several very distinguished members of the board which produced the long-range program, signed June 1, 1960, were engaged for almost 3 years on the short- and long-range programs. Significant is the statement (1960 p. 1) "No new field engineering was done for the purpose of this report. It is based on data and studies made by others for the Panama Canal, or by the company's staff." Under the circumstances, I do not know how they could have produced a better report at that time. I do not question their findings. At the time of signing, the board possessed far more late information than I. In this letter, I hope to show reasons why the inquiry should be energetically continued at an early date. Any discussions in this letter are to point up the need for inquiries, not with the intention of deciding any other issues.

The board was provided with several plans and estimates for lock-type and sea-level canals at the Canal Zone. The board made some comments on them but did not recommend any for construction.

Several names have been used to differentiate the several lock-canal plans, but obviously any third lane of new locks will, in fact, be a third set of locks. There are wide differences in estimated costs, times required for construction, dimensions of lock chambers and conveniences of operation in the lock plans offered to the board and shown in the 1960 board report. There might be more and different plans for locks developed, perhaps leading to something superior, if further investigations were vigorously and objectively pushed, by a representative group of able men, empowered to act. The proposed bill, H.R. 3858, to create an Interoceanic Canals Commission, now before Congress, would be the best agency for securing the best plan for the future Panama Canal—or a canal in any other place.

The 1939 report (H.D. 210, 76th) led to the authorization by Congress of a third set of locks. Construction was started July 1, 1940, but was suspended by the Secretary of War in May 1942, due to shortage of ships and materials more urgently needed in wartime. (Encyclopedia Britannica, 1961, p. 173.) Construction was not resumed. Other plans were put forward—for a sea-level canal, and a third lock canal which would elevate the Miraflores Lake to summit level (the Terminal Lake Canal). These two were widely publicized and discussed. (See 1949 Transactions of the Am. Soc. C.E., vol. 114, pp. 558–906.) Accordingly, it appears that the lock canal plan is still the one approved and favored by Congress. But events since the board report dated June 1960 would justify a new look at all lock canal plans heretofore published and others to be devised.

In the 1960 report, I found no recommendation for the resumption of the lock construction program. However, at page 7, recommendation 7, is stated: "The entire situation should be reviewed in 1970, or if the present traffic estimates are appreciably exceeded, at an appropriately earlier date." At the time of signing the report, it was doubtless quite clear that a new examination of the matter should be based solely on traffic density. But the situation will be different after year 1967, when it is expected that the enlargements recommended in the 1960 report will be accomplished. Also, the investigations recommended by the Board are yielding data, which should be evaluated by the proposed commission.

In the 1960 report, at page 38, is shown "Plan 1: Interim Improvements to Present Canal (cost $61 million)." The interim program is all that was recommended for construction. Other recommendations included various investigations, one concerning the construction of a sea-level canal and another concerning water supply for lockages.

What will happen after the year 1967? Should the United States be ready with the best plan for construction of new locks, in case of need? Even those lock plans revised in 1958 (1960, p. 319, app. 3) are not on a comparable basis. How can the best plan be found? It is probably true that a third flight of new locks can be constructed in much less time than any sea-level canal, and for a fraction of the first cost.

After the year 1967, there will be an ample waterway from lock to lock. So deep that the full increase in depth will not be required for a long time. The original locks will have some perfections added but will limit the size of the maximum ship to 102 feet wide, 800 feet long and 38 feet fresh water draft (1960, p. 38). When only one lock lane is available the maximum traffic will be 38 lockages in 24 hours (p. 19). It was estimated that the outage time of one chamber could be reduced to 72 or 96 hours, for repairs (p. 19). That is 3 or 4 days. If during one of those 3-day periods transits happened to be at a peak rate there could be a piling-up of ships. The maximum peak day rate in 1959 was 39.2 transits (1960, table at p. 24). Estimated peak day traffic for 1976 was 47.1, and for year 2000 was 61.9. While these possibilities of delays to ships during several days do not seem alarming now, the situation needs consideration together with the overall planning of the future canal. At page 19, is the statement: "If these outage times can be selected for minimum traffic interference, the maximum capacity could be achieved."

(1960, p. 17): "Basically, the absolute measure of the canal capacity is the maximum number of lockages that can be processed in 24 hours." And at page 21: "It is generally predicted that the capacity of a single lock lane would be insufficient at times to meet the needs of expected traffic beyond the year 1960."

It is time for a hard new look at the several problems as they will be influenced by the passage of time, interim improvements, the yield from the investigations recommended in the 1960 report, and by other scientific advances. Congress must decide all major questions based on suffcient information. A commission can present data, to Congress, based on the commission's massive investigations. Engineers, and other experts, employed by the commission, can provide answers to lesser questions and information for consideration by the commission.

In the press there have been statements to the effect that some improvements in capacity of the American Isthmian Canal will be required by year 1980. If true, the leadtime is running out. Such statements are subject to question by a representative body such as a commission. For each proposed plan in the 1960 report is shown a construction schedule. The minimum is 8½ years for lock construction including 2 for engineering and administration (1960, p. 373). At pages 382 and 386 are shown construction schedules for Plan III—Consolidated Third Locks (Terminal Lake) and Plan IV—Zone Sea Level Canal, both 12 years for completion after authorization. These schedules are for necessary work after authorization (1960, p. 324). To be added to the above time periods are the time for congressional action and before that time for commission actions. There is so vast a field for investigation that several years might be required by a commission alone.

Crash programs are costly and likely to be far from the best. The only possible means for the full accomplishment of all the interlocking inquiries concerning an enlarged waterway would be by means of the proposed commission.

Each basic fact relating to the problem has a number of variations and different advocates.

The interim improvements recommended by the 1960 board included the deepening of the summit level by 5 feet, from nominal fresh water depth of 45 feet to 50 feet, or 11 percent, and for the widening from 300 to 500 feet minimum, or 67 percent, and this is expected to be accomplished by year 1967. In the meantime all commercial tonnage applying for passage is accommodated by the original channel while in the process of widening and deepening. The installation of lights and signals along the canal, already implemented, will enable vessels to pass in both directions simultaneously during night or day (1960, p. 302). "Lighting both Gaillard Cut and the locks would * * * increase the capacity * * * by permitting two-way traffic in Gaillard Cut during darkness, thus making 24-hour operations possible."

It is implied that the widened and deepened canal will (except for the locks) have ability to handle the traffic, in tons, until the year 2000 (1960, p. 3, conclusion 8). "Comparison of capacity and demand also shows that even the present canal, after completion of the short-range program and plan I, will have fully adequate capacity to meet the demands of traffic beyond the year 2000 * * * except * * * when repairs or overhauls are being made to the locks." And at page 26: "The life of the dredged channel can be perpetuated by periodic dredging."

From the above, it might be construed that there need be no more massive deepening or widening programs for the waterway as far as man can foresee. (Even the 37-foot salt water draft of the carrier U.S.S. *Constellation* would be comfortably accommodated.)

The added depth, particularly in the restricted Gaillard Cut, will permit some extra drawdown of Gatun Lake level in dry seasons, which will permit some added electric power generation at the Gatun Station. At first this will permit a certain amount of fuel saving. But as ships increase in size it is probable that the minimum lake level will again be increased. The water level must provide sufficient depth above the lock sills at Gatun and Pedro Miguel to float ships conveniently.

At page 25 of 1960 report is stated:

"(d) Water supply: The usable water supply in Gatun Lake is increased under this plan * * * by deepening the channel 3 feet more than required for ship maneuverability. With this increase the water supply is considered adequate for the operation of the canal as reconstructed under this plan."

The authors of the report seem to have taken a long look ahead—to the time when the third flight of locks is a reality. Then the 3 feet added depth will be very welcome for larger ships.

The minimum depth of 47 feet (occurring only at ends of long dry seasons) should suffice for many years, if new and deeper locks are provided. If deeper water will ever be a necessity, at that date consideration might be given to adoption to a higher minimum level which would lend itself to a gradual increase in depth; or to lowering the bottom of the canal, which would need to be done in a larger step, to be economically performed. It must, at some time, be decided which expedient will be adopted, how much increase in depth at one time, and when the deepening will be imperative, if ever.

A full inquiry by the commission might show that the channel, harbor, and aids to navigation will not require large improvements above those accomplished and now in progress within the predictable future. Also that the dates of the needs for larger locks, deeper channels, and added water supply may be based on different factors.

In the cost estimates, provided for consideration by the consulting board, starting at page 389 of the 1960 report, for additional locks, are shown items which might not be appropriate after the current program of widening, deepening, lighting, etc., of the channels is completed. Assume the waterway will then be adequate until some time like year 2000 (too far ahead for any accurate forecast). In that case a third lane of new and larger locks will accommodate practically all traffic, even very large ships.

Under the above assumption, there would fall from the cost estimates those items already accomplished, in whole or in part, such as channel deepening and widening, lighting, signals, harbor improvements, and ship salvage facilities; none of which would need attention merely because there were larger locks and probably would need only maintenance for a very long time.

If these items are deducted from the cost estimates, as shown on table 1 (following), the costs (1939) would be reduced to—

	Millions
For plan II, 3d locks, reduced amount	$468
For plan III, Terminal Lake—3d locks	875

The published estimates in the 1960 report are not in so much detail that I can determine exactly how much of each item should be excluded as unnecessary to the functioning of any of the locks.

TABLE I

(Part or all of the following items in estimated costs might be found unnecessary or inappropriate for any new cost estimates for a new flight of locks in the Panama Canal)

	Plan II, 3d locks	Plan III, consolidated 3d locks (Terminal Lake), 3 lifts
Page references, 1960 Board report	389, 390	393–395
Items 3 and 4. Channel excavation	$197,770,000	$204,010,000
Item 5. Harbor improvements	3,300,000	12,950,000
Item 6a. Excavation, unclassified	17,180,930	
Item 6b. Excavation, unclassified		
Item 6c. Excavation, unclassified	15,321,250	
Item 12. Aids to navigation	11,500,000	
Item 11. Aids to navigation		11,498,000
Item 11. Ship salvage facilities		8,240,000
Total	245,072,180	236,698,000
Engineering design and supervision, exploratory work, and inspection of materials (at 8 percent)	19,606,000	18,936,000
Total (assumed deductible)	264,678,000	255,634,000
Original total estimated cost	733,080,001	130,310,000
Balance, original total less deductibles	468,402,000	874,676,000

NOTE.—It is possible that for plan III an additional item of $23,000,000 would be deductible, it being "Excavation unclassified" at Gatun.

I have not seen costs, on a comparable basis, for the plan III, the Terminal Lake plan, and plan II, the third locks plan. Those presented in 1960 are based on plans so different in size and other respects that a cost comparison cannot be found. In plan III, the construction of the two upper chambers, in Miraflores Lake, to make the Miraflores locks a continuous 3-lift affair to summit level, would be terribly difficult, long drawn out, would make navigation during construction very inconvenient. The cost for the two parallel chambers, about $178 million (1960, p. 394) would go far toward building another 3-lift lock at Miraflores, if of reasonable size. The construction time would be shortened from 12 to 8½ years (p. 381) and would not interfere with traffic during construction. Each of these items would materially reduce the cost of the project.

The chamber size of 200 by 1,500 feet for plan III, new locks, is a carryover from 1947 studies. The horizontal area is 78 percent greater than for locks 140 by 1,200 feet. The U.S.S. *Constellation* is 252 feet wide. Any lock large enough to accommodate such craft as the *Constellation* would have no commercial value. However, the enlarged waterway (except locks) would carry the *Constellation*. If it were found necessary to accommodate such vessels, a special lock at each end of the canal might be built and operated for the account of the Navy Department. Due to probable infrequent use, there might be possible some economics of construction. Obviously, if such a lock system were ever to be built, the cost and inconvenience would be much less if the locks were built in only two, rather than three locations.

Water control: Most essential for floating and locking vessels. This tremendously involved subject is too time consuming for direct consideration by Congress. Better that engineers work up the data, then a commission draw conclusion for submission to Congress.

It is axiomatic that the Gatun Lake was developed as an integral part of the waterway. The lake is wholly within the Canal Zone but most of the watershed is in the Republic of Panama. Thus the Republic of Panama is free to build reservoirs on the upper watershed for their own purposes, such as municipal uses and possibly for power. However, any spillage from such reservoirs would almost inevitably flow into the Gatun Lake. This use of water by the Panama Republic will become the subject of news items, I feel sure.

"Water supply appears to be adequate for lock operation and for municipal uses" (1960, p. 24). And on page 723: "In the present canal, therefore, the available water supply will be ample for anticipated traffic beyond the year 2000."

Probably, by the year 2000, considerable pumping into Gatun Lake will be required, of sea water (or brackish water) from one of the sea level approaches to the locks. The cost was estimated at $250 per lockage, year 1931 (report, 1931, p. 31). Now the costs will be more. The procedure for operating pumps is subject to variations in order to meet varying needs. To limit the cost in plant and in power demand (in kilowatts), a program wherein the pumps would be operated for a longer period than for the period of actual need of extra water for depth and for lockages might be worked out if scientific forecasting is somewhat improved by the end of this century. In any case, if too much water were pumped, it could be later used to generate part of the power consumed in the pumping. The subject is very complicated. It is one for consideration of a commission with the advice of engineers.

Pumping water into reservoirs is not new. At the newly finished Robert Moses Niagara Powerplant (National Geographic, April 1963, p. 581): "At night when power demand is low, Niagara-powered electric pumps store water in reservoirs. During the day's peak demand, the stored water flows out through the same pumps, which become turbogenerators producing more electricity."

For a long time the Gatun Lake has been mildly saline, at the upper ends of the terminal locks, due to the mixing action caused by the filling jets in the lock floors. The heavier saline water lies at the bottom of the lake or cut. With heavy pumping the salinity might become objectionable when water is intended for municipal uses. By the time pumping in large amounts becomes necessary, great advances in the desalting of water will have been made. In Barron's magazine, April 1, 1963, at page 3, is stated: "A plastic-like membrane * * * filters dissolved salt out of water."

Electric power: Traditionally water has been drawn from Gatun Lake to generate at Gatun Station. As lockages increase, water for power must decrease (1960, p. 24). "There is not enough water for hydroelectric units to generate all the power required for the Canal Zone in the dry season and in some subnormal rainy seasons." And at page 22, is stated: "There is insufficient diesel power generating equipment on the isthmus to handle all power requirements."

In the 1960 report, page 25, at bottom, reference is made to "* * * deepening the channel 3 feet more than required for improvement of ship maneuverability." It is implied that the lake level can be lowered by all or part of this 3 feet, and so provide added water during dry seasons. That is, only 2 feet of the 5-foot deepening in plan 1, was for maneuverability. In early years this would permit saving in fuel for power generation. The proposed lowering of lake bottom to elevation 30, for plan III (1960, p. 29) would permit more drawdown, but would deprive the old locks at Gatun of much useful depth. The cost of deepening to elevation 30 would be tremendous. I cannot make an exact determination of it from the estimates in the report.

FINANCIAL MATTERS

The financial policy of the Panama Canal has not been quite like that of a commercial enterprise. One test might be: Could a new flight of locks be financed by a bond issue sold to the public? The answer is obvious, because experience shows that the original investment would not be recovered.

From report, 1960, page 2: "Unless improvements are made for security reasons alone, the carrying charges of all capital expenditures, including appropriate amortization, as well as cost of operation of the canal, should be borne by canal tolls."

Any new cost analyses might very well include amortization as favored by the 1960 board.

There is talk of constructing another canal, away from the present one. Should we so multiply our financial losses?

A new canal, at some other location, would, besides the construction cost, involve the duplication of many plant items, now on the Canal Zone, and at modern prices. Some items are: accommodations to foreign countries, land rental, harbors and harbor facilities (including drydocks and repair shops), dams and reservoirs, waterworks, power system, fuel stores, industrial plant for operations, storehouses, dwellings, community buildings, roads, and streets, sanitation and hospitals, telephone system, possibly a railway. (There is also the installation system for national defense.)

It seems overoptimistic to assume that a better treaty, or perhaps one as good as we still have with the Republic of Panama, could be negotiated.

All of the plant items, now in operation on the Panama Canal would serve as well with a third flight of locks as they do at present. Any needed additions would serve to increase the volume of business and should reduce the overhead and other operating costs, per vessel in transit.

It would be impossible, of course, to make an offhand cost estimate of the ancillary items above listed. I would not be surprised if it exceeded half a billion dollars.

A businessman's viewpoint might indicate that the plan requiring the smallest outlay of money, over the years, would be most likely to succeed.

Other lock plans suggested for study: It would be interesting and possibly very valuable to have at least two lock canal plans investigated by a commission. One to be a variation of the plan II, Third Locks Canal which would bypass Pedro Miguel locks on the west side, and have a duplicate of the Gatun new locks at the Miraflores site, and a channel on west side of Miraflores Lake.

The other would be a variation of plan III, consolidated Third Locks Canal (in the 1960 report), better known as the Terminal Lake plan, which would naturally follow the completion of the plan II variation having the bypass channel ready, the second Miraflores flight of locks would be simple to accomplish, relatively inexpensive. Then with two new locks at Miraflores, the completion of the Terminal Lake would be the final step.

Both plans could make use of the enlarged waterway between locks as well as the sea-level sections, without change. Both would be designed to the same dimensions, having locks, probably 140 by 1,200 feet in plan and about 50 feet deep, or any more appropriate size selected by the commission. Both would include, in construction cost, only the new locks, approaches, and such essential appurtenances required to make locks workable.

By omitting the new Pedro Miguel west lock there would be saved costs of 4,500 feet of lock and approach walls, 260 linear feet of lock floor, two caisson seats and a pair of gates. Also the bottom of the excavated bypass channel would be about 27 feet higher than in case of plan II. There would be savings in cost due to working in only one location at the Pacific end of canal. There would be savings in operating and maintenance costs.

There need be no change in the Gatun locks as now planned, unless the dimensions are changed. Both, of course, being at the same dimensions, as adopted for the Pacific end.

In the first plan (bypass Pedro Miguel locks), the cost of the bypass channel would be involved. The channel would pass along the west side of Miraflores Lake. The present canal channel and the new would require separation by a substantial dike, which would later be removed when the Terminal Lake permanent structures were completed. The difference in water levels would be nominally from 54 feet to 85 feet. But the summit level could possibly rise, during a great flood to 92 feet. About 38 feet would be the difference in water levels to be provided for.

In the first plan, the completed arrangement on the Pacific end would match that at the Atlantic end of the canal. One flight of locks at each end, from summit level to the sea in three steps. It appears that the variation of plan II, above described would be less costly to construct than plan II with locks at three locations.

The greater saving resulting from the suggested plan above would be realized when a second lock were placed at Miraflores beside the first new lock—then both would be served by the same bypass channel. (If a special lock for aircraft carriers were added, the saving would again be realized.)

For the Terminal Lake plan, here suggested, the elimination of the two upper chambers at the old Miraflores locks would make available a saving in cost of about $178 million (1960, p. 394). That would go far toward the construction of a second lock for the new twin locks at the west Miraflores site, required for the Terminal Lake plan. Shortening the construction period would make a material saving in first cost. Avoiding any interference with traffic during construction would make a large saving. The old locks need not be altered at all until it was time to abandon them and complete the closure of the Terminal Lake at Miraflores.

After construction of a pair of twin locks at Miraflores west site, the final step in the competion of the Terminal Lake plan would include the enclosing of the Miraflores Lake to permit its surface elevation to be at summit level, the relocation of facilities involved, and the removal of part or all of the old Pedro Miguel locks.

It might be prudent to try for the single lock at Miraflores with the Pedro Miguel bypass channel first because of the relatively small outlay in money. Later, at the appropriate date, develop the second lock at Miraflores. (If this date is not too remote, it might be possible to get along with only one new lock at Gatun while using the old Gatun locks. This expedient would greatly reduce the second outlay of money, and permit some of the money to be used to elevate the Miraflores Lake.)

My personal feeling is that the step-at-the-time construction program would be easier to finance. Any of the items of construction is large enough to avoid the objections to small contracts.

The following steps can be financed singly, or in combination:

1. Build a flight of new locks at Gatun and one at Miraflores, with bypass channel west of Pedro Miguel locks and in west side of Miraflores Lake.
2. Build second west Miraflores lock, use same bypass channel.
3. Raise Miraflores Lake.
4. Add second lock at Gatun, east.

Sincerely yours,

E. S. Randolph.

References

1. The 1931 report, House Document No. 139, 72d Congress, 1st session, by U.S. Army Interoceanic Canal Board.
2. The 1939 report, House Document No. 210, 76th Congress, 1st session, by the Governor of the Panama Canal, "Report on the Panama Canal for the Future Needs of Interoceanic Shipping."
3. The 1947 report, "Report of the Governor of the Panama Canal," under Public Law 280, 79th Congress, 1st session, Isthmian Canal studies, 1947.
4. The 1958 report, "Improvements to the Panama Canal—Short-Range Program," July 15, 1958, by Board of Consultants, Isthmian Canal studies, committee report, Committee on Merchant Marine and Fisheries.
5. The 1960 report, House Report No. 1960, 86th Congress, 2d session, by Board of Consultants, Isthmian Canal studies, "Report on a Long-Range Program for Isthmian Canal Transits," signed June 1, 1960.
6. The 1949 volume of transactions of the American Society of Civil Engineers, volume 114, pages 558 to 906. Contains a paper by Capt. Miles P. DuVal, "The Marine Operating Problems of the Panama Canal and their Solution." Describes at length the Terminal Lake plan and has been widely read by engineers. Also are many papers relating to the sea level subject. This is the only reference containing discussions from both sides.
7. Encyclopedia Britannica, 1961 edition, pages 172 to 174.
8. U.S. Naval Institute Proceedings, March 1963, at page 152, shows overall dimensions and draft of the aircraft carrier *Constellation* (1,047 feet long by 252 feet wide by 37-foot draft. Completed December 1961.
9. Panama Canal Company, Pilots Handbook, revised 1956.

Baton Rouge, La.,
April 20, 1964.

Hon. Daniel J. Flood,
Member of Congress,
House of Representatives,
Washington, D.C.

Dear Mr. Flood: In reply to yours of April 10, concerning policy statement of Dr. Milton Eisenhower, shown in the Congressional Record, volume 110, part 6, pages 7192–7196, statement appears to be a political paper by the opposition to the party in office. The injection of the highly advertised issue regarding the Panama incident, the sea level canal issue and some proposition for a solution of all the problems there was probably to attract the maximum attention. I suspect, also, that the proposals are intended to alleviate the sense of shame felt by patriotic Americans when, in 1960, the flag of the Panama Republic was raised over the zone.

The premise that a sea level canal will be built is entirely without substantial foundation and will be untenable unless the Congress so orders. Also the proposition that we must abandon the present fine canal and donate it to the Republic of Panama is intolerable to a person experienced with the building, operation and financing of the original canal. The very weakness of the proposed policy proposed in the statement will give much comfort and encouragement to those who are greedy and contriving to take over any U.S. property within reach.

Dr. Eisenhower is no doubt a splendid man in his own field. But any efforts in the field of Latin American policy might better be left to our many trained and experienced diplomats. In this way we might tend to avoid some incidents and defeats in the future.

With the Panama flag flying over the Canal Zone, the Governor is serving under two flags. An impossible situation on its face. I agree that the Governor is actually the manager of the Panama Canal Company, hence is employer of any Panama workers there. As long as the United States maintains an embassy in Panama, the Governor should not attempt to make policies with respect to Panama citizens. All of our recent difficulties are the result of making Panama a no man's land. The fight will continue as long as that is the case. Let us admit someone made a mistake, and now we have proof of it so only one flag will fly over the canal in the future.

At page 7194, column 2, upper, "insist that the $460 million of debt owed by the Canal Company to the U.S. Treasury be assumed and repaid by the Panama Government."

Even if we were to give away the Panama Canal, I would say the idea that Panama should promise to pay a debt we owe to ourselves is an absurdity. If we wish that debt paid we need only to increase tolls a little and dedicate that extra revenue to debt reduction.

At p. 7195, 1st col. upper, "the present canal could handle most traffic, other than the largest ships, for about another 25 years."

Twenty-five years is a long time in this disturbed world. Will the old locks hold up that long? Will the present rate of growth of shipping continue? We would be wise to reinforce our hold on the present canal and zone and also to see to it that Panama does not go the way of Cuba. Before 25 years have passed, there will be needed larger, stronger locks; for otherwise, we will lose much in tolls from larger size ships and perhaps more important the continued development of trade through the canal. The new locks would be several times stronger than the old (built 1909 to 1914). The scientists and engineers would see to that, and make them very resistant to attacks from nature and man.

At p. 7195, 3d col. lower. "When a new (sea level) canal has been built * * * donate the homes, schools, hospitals, and other facilities * * * to the Republic."

Of course, I do not believe a sea level canal can be justified as a business venture, whereas an improved lock canal can. The facilities only a few mentioned are worth a half-billion dollars or more. If they were donated, the Panama Republic would be left without income as traffic would be diverted to the other canal. The result of taking that income from Panama would be chaos. No indemnity could be large enough to compensate for the jobs and income Panama does and will receive from the Panama Canal while owned, operated and controlled by the U.S. Government. This donation, hence abolition of the canal to Panama, would be the most costly way possible to end the error of 1960 when the Panama flag was flown over the canal.

For the present, let us hold fast to what we have, and make no new promises of gifts. If and when we find a better way to handle ships, and at less cost, then we might take up the necessary revisions to treaties. We must cease our endless retreat for we are not guilty.

I enclose two clippings from the Times Picayune, New Orleans, giving an account of the troubles of handling a too-big merchant vessel in the Mississippi River. These outsize, ships will become unpopular, I think.

Yours sincerely,

E. S. RANDOLPH.

Enclosure: Two.

BATON ROUGE, LA.,
January 24, 1964.

Subject: Sea level canal by nuclear excavation—need for a commission.

Hon. DANIEL J. FLOOD,
Member of Congress,
Washington, D.C.

DEAR MR. FLOOD:

1. This answers Mr. FLOOD's letter dated January 8, 1964, inviting my comments and suggestions on the matter contained in the documents listed below, relating to plans and estimates for nuclear blasted canal through the American isthmus. These plans seem still to be esoteric.

(a) Dated January 1960. "Annex VI. Isthmian Canal Plans—1960," "Engineering Plan for Construction of a Sea Level Canal by Nuclear Methods" by a private engineering firm. Although this document is 4 years old, I was unable to see it before this month.

(b) Dated June 9, 1962. "Plowshare program, Project Sedan, Application of Nuclear Explosives for Peaceful Purposes." U.S. Atomic Energy Commission. This explains the need for Project Sedan using shots larger and deeper in the ground than formerly made.

(c) Copy of a letter from Chairman, AEC, to Hon. DANIEL J. FLOOD with two enclosures (date of letter not reproduced, about August 1963).

(1) Enclosure: Cost estimate for canal on Route 17 (not dated).

(2) Enclosure: Eight documents described below.

(d) Eight documents of AEC having the general title "Project Sedan, Nevada Test Site/July 6, 1962." The date appears to refer to date of a detonation for experimental purposes. The documents appear to evaluate the effects of the nuclear blast with regard to various aspects—radiation, fallout, ejecta, seismic, etc.

2. The January 1960 document was prepared in the manner of a preliminary engineering study and is more graphic and easily followed by the uninitiated than the others listed. However, because of the intensive work on nuclear devices it is probably largely obsolete after 4 years. It is stated in the August 1963 letter that the enclosed cost estimate is from a non-AEC report that is not publicly available. When and if said report becomes available we can hope that it will contain more description, plans, quantity estimates, and other pertinent data than has yet been shown. Then a commission of widely experienced engineers and others will better be able to judge of its merits.

3. The data contained in letter from AEC, August 1963, probably presents a later, hence more accurate, cost estimate for a canal. However, it is more difficult to understand than a proper engineer-type estimate supported by sufficient maps, drawings, and quantities of work involved. Its quantitative data is mostly limited to the nuclear blasts. Naturally, a string of blast holes is only a part of the ship canal.

4. The cost estimate next above totals $750 million, which is practically the same as contained in the engineering report dated January 1960. However, differences in some items indicate the older estimate was worked over or made new.

5. The data furnished me indicates that a cut through the isthmus can be made by nuclear devices and I have no means of challenging the cost figures for the open cut. However, the uncertainties of costs of atomic materials and services (August 1963) is shown by the statement that charges for "minimum yield plan" are $470 million, and for "minimum yield plan" are $203 million. The tentative sum used for that item was $250 million. This is explained by the expectation that very substantial reductions in nuclear costs can be realized. By this time a more precise evaluation may be known to the AEC.

6. Lack of former experience in canal excavation by nuclear blasting is evident in the cost estimates. As everyone knows, no such work has been done (unless by the Soviets). The large contingency items introduced in places are perhaps necessary. It is an enormous project to contemplate without previous experience. A remark attributed to Mr. John S. Kelly, Director of AEC, in U.S. News & World Report dated June 10, 1963, at page 74, follows: "He suggested feasibility should first be shown on a job in the United States such as nuclear excavation of part of the proposed waterway to connect the Tennessee River with Alabama's Tombigbee River."

7. A weighty uncertainty in predicting costs of nuclear excavation in a ship canal will be the heights of ridges left between adjacent craters. These ridges must be cut down to canal dimension by dipper dredges or dragline dredges, and such conventional excavation is costly per cubic yard. If shots are placed close together to avoid ridges, more shots and cost will result. Probably knowledge could be gained as the work progresses, but such would prolong the period of nuclear excavation. For instance, a few holes loaded and exploded according to theory would produce a certain result. Based on that experience, the next few holes could be better planned. This step-by-step would increase cost of operations due to lengthening the time of the job. Some cost would be saved by lessening the need for conventional excavation to some extent.

8. Annex VI, of January 1960, dated 5 months before the June 1960 report of the Board of Consultant's report, might account for the mysterious language on page 3 of the Board's report. "The ultimate solution to the basic problem is probably a sea level canal." This statement was the subject of an exchange of letters between us; yours dated June 24, and my reply dated July 4, 1963.

9. Tidal regulation, August 1963: "Ships can probably transit at speeds well in excess of current velocities and consequently under good control." I think analyses of tidal currents and small scale model tests to verify analyses should be made. Better not wait to see until a canal is completed for the loss of use of a canal can result while tidal controls are installed.

10. Pilots: "It is further assumed that pilots will not be required * * *." I believe it should be assumed that pilots would be required. Some vessels may require them while smaller and highly powered ones may not.

11. It was assumed that naval facilities, drydocks, shops, etc. would not be needed but that if needed those at present canal would be usable. Will we continue to occupy and operate two canal zones? If we do we are (will be) in a deep financial hole.

12. Tunnel: Probable cost of tunnel shown at $25 million. It should be in the cost estimate; because, experience has shown that the native country will demand and receive a bridge or tunnel.

13. "Cost of administration, legal services, and right-of-way are not included." All are a part of the net cost of acquiring a new canal. The single item "right-of-way" appears to be buried with two smaller items. The smaller items might be lumped in at about 10 percent. The right-of-way might be around $1 billion. It would include, in Panama, something like—

Indemnity for leaving the present canal;

Purchase price of real estate for location of new canal;

Indemnities for claims as the result of nuclear damage;

A large share of the gross tolls collected for transits;

Numerous highly paid jobs for native administrators;

Numerous jobs, at U.S. rates, or better, for ordinary employees;

Possibly an attempt to limit the defense forces to little more than a police force; and

Some other costly items the native country might think up.

14. Should we move out of the present Canal Zone, and abandon our facilities there, there would be a need to gradually rebuild them. They include: harbors and docks, drydocks, shops, fueling facilities and oil storage, industrial plants, storehouses, towns with water, fuel, electric current, roads, parks, schools, police stations, courts, parks, dams, reservoirs, waterworks and distribution, electric power plants, telephone system, sanitation and hospitals, etc. Not to mention defensive installations of great value and at each terminal of the present canal. These items are immovable. To replace the above civil installations might cost an additional $500 million. (I am in no position to estimate costs of defensive works.)

15. If we cannot retain the canal we now own, we might be compelled to consider getting out of the canal business in Central America. But consider what we have to lose by abandoning our canal.

We now have a fine canal, we know it will work, we know how to work it.

We know how to enlarge it from time to time.

We have a workable treaty, although, at present, abrogated.

We have no other workable treaty (except in Nicaragua, and I have read of a move to consider abrogation of it).

We have experienced the abrogation of a treaty, in Panama.

We have defended our canal by use of force.

We would need to exercise the same force in any other nation.

We can, if desired, pay off the debt of the Panama Canal by an increase in tolls.

Besides the cost of the waterway of a new canal we might be forced to expend $1.5 billion for right-of-way and installations abandoned at present Canal Zone. (Not including defensive items.)

Sincerely yours,

E. S. RANDOLPH.

U.S. NAVAL INSTITUTE PROCEEDINGS, JUNE 1964—COMMENT AND DISCUSSION

"PROGNOSIS FOR THE PANAMA CANAL"

The Honorable DANIEL J. FLOOD, Member of Congress: As a member of the Subcommittee of the House Committee on Appropriations charged with the formulation of appropriation bills for the Armed Forces and as a student of Panama Canal history and interoceanic canal problems over many years, I have read with the greatest interest the article by Professor Miller. All thoughtful Members of the Congress that I know concur with his conclusion that: "Any real erosion of our position in the Canal Zone is bound to have widespread and adverse effects throughout the Caribbean, in Latin America generally, and on our global relationships." This is a realistic appraisal of the situation now facing the United States with respect to the Panama Canal, which has long been the key target for the communistic revolutionary conquest of the Caribbean.

The sovereign status of the United States over the Canal Zone and Panama Canal is the direct result of a long-range commitment by our Government for the construction, and perpetual maintenance, operation, sanitation, and protection of an Isthmus Canal by whatever route that may be considered, pursuant to the 1901 Hay-Pauncefote Treaty with Great Britain and the 1902 Spooner Act authorizing the securing of perpetual control of the Canal Zone by treaty with the sovereign of the Isthmus of Panama.

As a result of the Panama revolution of November 3, 1903, and the diplomatic intervention of President Theodore Roosevelt, the necessary treaty was made with Panama, a successor state, rather than with Colombia, the sovereign of the isthmus prior to the 1903 revolt. This treaty, prepared under the close supervision of Secretary of State John M. Hay, granted sovereignty en bloc over the Canal Zone to the United States, "in perpetuity" and most significantly to the "entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority." Moreover, the United States obtained ownership of all land and property in the Canal Zone by purchase from individual owners as well as sovereignty of the entire Canal Zone and its auxiliary areas by payment of $10 million as indemnity.

This control and ownership of the Canal Zone and Panama Canal was formally recognized by Colombia in the Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922. In return, Colombia received certain rights for transit of the Panama Canal and transport over the Panama Railroad comparable to those enjoyed by the Governments of the United States and Panama.

Thus the commitments of the United States, as regards the perpetual operation of the Panama Canal, are rooted not only in law but also in three important treaties. The width of the Canal Zone and the grant of sovereignty in perpetuity over it are not happenstances attributable to unauthorized clandestine maneuvering of foreign agents, as partisans have implied, but are due to the important studies made by the Isthmian Canal Commission (1899 to 1902) headed by Rear Adm. John G. Walker, one of the most distinguished officers of the Navy. In his report on January 18, 1902, he emphasized that suitable treaty arrangements must be made "if an isthmian canal is to be constructed by our Government across the Isthmus of Panama," that "the grant must be not for a term of years, but in perpetuity, and a strip of territory from ocean to ocean of sufficient width must be placed under the control of the United States," and that "in this strip the United States must have the right to enforce police regulations, preserve order, protect property rights, and exercise such other powers as are appropriate and necessary.

History has amply justified the vision of this distinguished naval officer in laying the basis for United States treaty-granted exclusive sovereignty over the Canal Zone and Panama Canal in an area that has been the scene of endless bloody revolution and political instability. The isthmus is less stable today than it was in 1903, and the challenge of the 1903 treaty by Panama has not been met in a forthright manner by the United States. Experience has certainly shown that should the time ever come when any part of the Canal Zone or Panama Canal becomes a political pawn of Panamanian politicians, the days of U.S. control will be numbered. The inevitable result will be taken over by Communist revolutionary power.

Lest the current enthusiasm for a second Isthmian Canal serve to divert due consideration for fundamentals, attention is invited to the following facts:

1. The United States has a fine canal at Panama now, but it is rapidly approaching saturation.

2. Experience has shown that it will work, that our Government knows how to maintain and operate it, and how to provide for its major increase of capacity and operational efficiency without the requirement of a new treaty with Panama, all of which are paramount considerations transcending wishful thinking of promoters and idealists.

3. This modernization program, which was developed in the Panama Canal organization from meticulous studies of operations during World War II, provides for the adaptation of the existing Canal to the principles of the Terminal Lake solution. This idea has been authoritatively recognized by maritime agencies of our Government and independent engineers, navigators, and lawyers as providing the best operational canal practicable of achievement, and at the least cost without involvement in treaty negotiations. The last, indeed, is a prime consideration.

4. The United States now has workable treaties for the Panama Canal granting the indispensables of undiluted sovereignty and ownership over the Canal Zone and Panama Canal and its auxiliary areas, and the protection of the summit level water supply of the Chagres River Valley.

5. The United States has suffered abrogation by ill-advised treaty amendments and nullification by executive actions of vital parts of the 1903 treaty through policies and practices in direct opposition to the 1923 position of Secretary of States Charles E. Hughes, who considered such reversals unthinkable.

6. The United States has had to defend its sovereignty over the Canal Zone by the use of force—an action absolutely necessary to protect the lives of our citizens and to save the canal itself from destruction by Red-directed mobs from Panama.

7. The United States has a treaty for a canal at Nicaragua, which would require a supplementary treaty with that country to supply necessary details as well as conventions with Costa Rica, Salvador, and, possibly, Honduras, but it has no treaties for a canal at any other site.

8. The United States would have to defend a new canal at any site of any type constructed in addition to the Panama Canal from lawlessness and disorder as was illustrated at Panama from January 9 to 11, 1964, and against aggressive warfare.

9. The use of nuclear explosions for excavation is limited by the nuclear test-ban treaty and, in any case, is still in the conjectural stage, requiring from 7 to 10 years of experiment and the expenditure of some $250 million to develop proper devices for such excavation by nuclear explosion.

10. The expenditure of vast sums on an extravagant so-called sea-level project in the Canal Zone in the name of security and national defense will inevitably divert huge sums from other, more pressing programs for the defense of the United States and, on the whole, will involve much greater fixed costs than the present canal as improved by the economic means of additional locks. Moreover, dogmatic assertions that a canal at sea level would only require a small number of employees, perhaps 500, to operate and maintain it are perfectly absurd. A much larger number would be required because of the related conditions involved.

11. While it is true that a sea-level project at Panama has the support of the National Rivers and Harbors Congress and industrial interests and professional engineers associated with it, there has been, and still is, sharp opposition to this project on the part of many independent nuclear warfare, engineering, maritime and other ship canal experts who cannot be dismissed as uninformed, incompetent, or inexperienced.

12. If the United States does not stand firm at Panama it cannot stand anywhere else, and weakness at Panama will cause other nations having possible canal sites to be more demanding in their consideration of treaties for new canal construction.

Certain writers, whose experience hardly entitles them to speak with authority, have urged that the United States surrender its sovereignty and jurisdiction over the Panama Canal to the United Nations or some other international body. They do not reveal that such transfer has been a prime objective of Soviet policy since 1917 and is directly related to Soviet aims to secure the control of the Dardanelles. Moreover, such a transfer would not solve problems but would be an abdication of responsibilities and would bring about the complete extinction of the Monroe Doctrine designed for the protection of the Western Hemisphere. In the light of what has happened in the Caribbean since 1959 when Castro took over Cuba, any such proposal is, to say the least, naive and, in its effect, amounts to downright subversion.

The Isthmian Canal policy of the United States, as basically evolved, has had for its objective the best canal at the best site for the transit of vessels of commerce and war on terms of equality and at low cost of construction, maintenance, operation, sanitation, and protection in the interest of tolls which interoceanic commerce can bear.

The most comprehensive, scholarly, forthright, and objective yet brief and rigorous clarification of overall canal problems ever written is that by Capt. Miles P. DuVal.[1] This article has become a state paper of the first importance and is must reading for all who wish to know the truth about this very confusing subject.

In planning our future interoceanic canal policy, it is imperative to stick to fundamentals. And the first of these is retention of indispensable and undiluted sovereignty of the United States over the Canal Zone and the Panama Canal, for if any part of the zone or interest in the canal becomes a political pawn for Panamanian politicians, the days of efficient operations of the Panama Canal, indeed, will end. Moreover, no one has ever been able to explain how the United States can adequately maintain, operate, and protect the canal with less authority than that accorded in the 1903 treaty.

An Engineer's Evaluation of Isthmian Canal Policy

(By E. S. Randolph)

(Note.—A registered professional engineer in Baton Rouge, La., Mr. Randolph, was employed for some 35 years in the Canal Zone. He was in direct charge for the Government of the construction of Madden Dam and later headed the organization making the investigations for the third locks project.)

Within less than 50 years after completion of the Panama Canal, the United States is faced with the fact that as magnificent a construction job as it is, the canal cannot much longer fill the needs it was built for. It is being outdated both as regards the size and number of ships that need to transit. Recognition of this fact is evidenced not only in the constant study by congressional committees but in numerous articles appearing in magazines and newspapers.

---

[1] Miles P. DuVal, "Isthmian Canal Policy—An Evaluation," U.S. Naval Institute Proceedings, March 1955, pp. 263–275.

The high level lake and lock canal with modifications as proposed by numerous authorities can be readily constructed by altering the present canal without interrupting traffic.[1] All needed improvements can be built into the structures and waterways as the work progresses. The plan is entirely practical as an engineering project and is the first comprehensive plan for the marine operational improvement of the shipway. It is a plan for which precedents exist concerning the engineering and construction, estimates of cost and of time required to build, and cost of maintenance and operation year after year.

The canal enterprise includes all services of management and government for the population as well as for transit and other accommodations for the vessels in passage. These administrative problems can be very engrossing, as can the problems of correlating the interests of the diplomatic service and Armed Forces with the canal interests. Engineering considerations of long-range planning are therefore likely to receive secondary priority.

The policy during the construction of the canal was to retain a chief engineer, a member of the Commission, for the duration of the project. After completion, the policy has been to replace the controlling engineer about each fourth year. For the control of landslides there was no substitute for the experience gained before and after admission of water to the cut. For the control of floods pouring into Gatun Lake there was long-range experience to be gained. Now, as the canal approaches the limits of its commercial capacity, there is a wealth of knowledge gained by long observation of the behavior of geologic formations and engineering materials, and the efficiency of different shapes and types of navigation structures, which knowledge is possessed by those who have devoted years of time to observation and study of the many special problems. Looking back, it would seem that the better policy would have been to establish a career position of chief engineer in the operating organization and to have filled it with a person having long and continuous responsible engineering experience in the canal service on the Isthmus of Panama and whose vision, projections, and accomplishments all stemmed from intimate knowledge of, and association with, the Panama Canal. As long as such a policy is not adopted, errors made in the past must inevitably be repeated.

This writer, after 35 years employment on engineering works on the canal, during and after its construction, and additional years in the United States, concludes that it is neither necessary nor desirable that the head of the civil government of the Panama Canal be a professional engineer, but it is necessary that he be a capable executive. The engineering considerations relating to the maintenance and improvement of the utility are so broad, numerous, and highly specialized that the responsible engineer can do them justice only if he functions expertly and freely in his assigned duties, unhampered by responsibility for administration of the canal and by detailed directions, however well intended.

It is apparent that unceasing consideration should be given to future programs for maintaining the canal in adequate condition. Major modifications should be planned years ahead of need, and plans should be periodically modified to meet changing conditions. The first consideration is: When will expanded facilities be required? Because this question cannot be exactly settled, it should be reviewed at yearly intervals. If not done, it is probable that the too late start made in 1940 will be repeated.

The start of the Third Locks project in 1940 followed an investigation made without adequate funds to perform the immense investigation essential before successfully undertaking such a construction program. After war threatened, there was insufficient time to complete the investigation.

The 1947 report of isthmian canal studies contains much valuable technical information, but the recommendations no longer meet the tremendous changes in the art of warfare, nor do they now present a true picture of presentday costs. There is no Government agency which can properly undertake a comprehensive plan of major action for the modernization of the ship canal across the American isthmus.

The high-level canal plan is characterized by its maximum utilization of the present waterway, with retention of the best features proven by over 40 years of operation during both peace and war and with a correction of those features which have been found to be defective. The work of construction would involve problems that were solved during the construction and maintenance of the original canal.

The convenience and certainty of operation would be a foregone conclusion. The maintenance problems would be known with certainty. The most economical use of existing structures and waterways would be made. The present firmly consolidated earthern dams and dikes would be retained as they are or strengthened if found necessary. The Gatun Lake receives the waters from the tributary rivers and diverts them to useful purposes. This high-level canal can be planned with every assurance of success and can be constructed for less cost and in less time than can any other design so far considered. The simplicity and relatively moderate proportions involved in the high-level plan may render it less glamorous and so operate against its adoption. The judges of the merits of the "high-level" plan may find it has less popular support than its excellent and serviceable qualities warrant.

The sea-level plan contains engineering and constructional features which are grossly without precedent in the Isthmian area. There would be masses of excavation and embankment work involving a wide variety of soils and rocks, earthern structures of great size and weight, and deeper cuts than previously made. The oversize dredging equipment required for deepening the cut before lowering the water level would necessitate a program of development involving unforeseeable risks, delays, and costs. Without experience, there is no solid basis for the evaluation of the action of the materials under the new order of pressures which would be developed.

Because tidal currents would prevail if locks at the Pacific entrance of the sea-level canal were not used, the waterway would necessarily be deeper, wider, and straighter than required for the "high-level waterway. Heavy maintenance problems (perhaps insuperable) would develop because of the higher banks through a longer distance. The bottom of the proposed new channel would be about 108 feet lower than the bottom of the present cut, at Contractor's Hill, thereby cutting into an heretofore undisturbed geologic formation known to be unstable.

The success or failure of such a waterway would be a matter for demonstration after completion rather than before it is commenced as in the case of high-level plan. The time and the cost to build the sea-level construction, not to mention the cost of maintenance after completion, are unknown quantities, but all would be vastly greater than required for the high-level plan.

The complexity of the sea-level plan and opportunities for experimentation are of a nature to intrigue members of the engineering profession. The massiveness of the physical work contemplated might well attract manufacturers and construction contractors to the project. The judges of the merits of this plan must ever be on guard against any enthusiasm which is not justified by its overall qualities inherent in the plan itself, or by any result to be attained therefrom.

Contrasting the high-level and sea-level plans, the former would not require any initial lowering of the undisturbed bottom of the 8-mile cut to obtain increased depth for navigation. The latter contemplates tremendous excavation of a new channel through the central mass that would be more than 100 feet deeper than the present cut and many miles longer. The problem of landslides would be greatly accentuated. The experience gained from maintaining the present slopes would probably not apply to the proposed new slopes at much greater depth because the qualities and arrangement of geological formations encountered would be different, as would be the internal stresses. The present cut is bordered by great valleys where once landslides were in motion.

Having walked in the bottom of the deep cut and having explored and studied the moving earth slides, this writer, who perhaps has a more respectful attitude toward them than have those who merely read of their histories, advises against stirring up numerous new and greater landslides unless justification is so overwhelming that the experience of the years can be deliberately rejected.

In the "sea-level" plan, the great diversion dams are proposed to be constructed by dumping excavated spoil from barges through the waters of Gatun Lake. Later the lake would be drained during an interval when it must be closed to traffic. There is no previous experience to guide the engineer to a safe conclusion of this work. The problems of subsidence, heaving, and lateral flow of the swamp muck under the lake will be present, but its action may be delayed until the lake water is lowered and the dikes become operative.

The builders of the Panama Railroad, about 100 years ago, projected a line and built a fill through the Chagres River Valley and upon the swamp muck. Any engineer who has to deal with that muck should make a thorough study of the difficulties encountered then, also again when the present railroad causeway was built on the drained swamp bottom to a height of 92 feet above sea-level.

During the construction of the causeway the weight of the new fills caused, at places, a subsidence under the fill accompanied by an upheaval at the sides of the fill. This action was overcome by laying counterweight fills where heaving was observed or anticipated. The work was in plain sight above water, which would not be the case when depositing fill through water. Engineers who have encountered this swamp muck have invariably experienced difficulty.[2]

Having been employed by the Panama Railroad Company when the causeway carrying the relocated railroad line was being constructed, this writer doubts the advisability of carrying out the "sea-level" diversion plans without much additional assurance of their reliability.

The optimum water level in Gatun Lake is that maximum desirable level for required increase in navigable depth through the 8-mile length of the central mass and for other purposes. Increase in depth can be better attained by raising the water level than by cutting below the undisturbed bottom, thereby causing additional stresses in the high banks of the cut and precipitating new slides. Associated is the appreciable increase in minimum depth which would result from the damping of surge waves if the Pedro Miguel Locks were removed. The optimum level can be determined only after a major engineering investigation. As long as such increase is possible, no new structures should be erected along the high-level waterfront without ample freeboard.

---

[1] See "Isthmian Canal Policy—An Evaluation," by Capt. Miles P. duVal, U.S. Navy (retired), in the March 1955 proceedings.

[2] R. C. Sheldon, Transactions of the American Society of Civil Engineers, vol. 114, 1949, pp. 847–849.

Widening and straightening of navigation channels could proceed before, during, and after the building of new high-level locks, by dredging at an economical rate, only when required for the accommodation of larger vessels, and by use of an augmented maintenance fleet of standard dredging equipment. The minimum dimensions, as determined by navigational considerations, need be anticipated only a few years in advance. Within the 8-mile length of deep cut, considerations of slide-control dictate that proportions be determined by more rigorous analysis than in all other reaches.

It is doubtful if any security would be gained by rejecting a high-level-lock canal in favor of a low-level-lock canal. I submit that the insecurely poised banks of any economically feasible sea-level cut through the Isthmus of Panama would be susceptible to atomic bombing so as to close the canal to traffic for an indefinite period, possibly years. There appears to be a relation between the depth of cut and security against refilling from the sliding of banks.

The interoceanic canal problem, includes, besides engineering and geology, grave questions of diplomatic relationships, economics, and marine operations. However great may be the pride of authorship of any proposal, the issues must be decided on their merits at the highest plane of wise and experienced judgment and statesmanship. This I firmly believe can be best accomplished by an independent and broadly constituted Interoceanic Canals Commission as provided in the Martin-Thompson bills now pending.

[From the U.S. Naval Institute Proceedings, March 1955]

ISTHMIAN CANAL POLICY—AN EVALUATION

(By Capt. Miles P. DuVal, U.S. Navy, retired)

ISTHMIAN CANAL POLICY ROOTED IN HISTORY

The Panama Canal, opened to traffic on August 15, 1914, is an interoceanic public utility for the transit of vessels of commerce and war of all nations on terms of equality as provided by treaty. The history of this undertaking is epic.

The idea of its construction traces back more than four centuries. The development of it includes extensive explorations, grave crises, and weighty decisions. Out of these the Isthmian Canal policy of the United States gradually evolved. Yet, despite the vast literature on the canal question, nowhere are the principles of this policy comprehensively stated in one place, and they are not adequately understood. For these reasons a knowledge of key episodes of this important historical subject is essential.

The advantageous geographical position of the American Isthmus was recognized by the early Spanish who, within an incredibly short time after their arrival in 1502, explored its regions and reduced their fields of investigation to four main areas: Tehuantepec, Nicaragua, Panama, and Darien-Atrato.

Because of the lower continental divides at Panama and Nicaragua and penetration of the jungles there by river valleys, these two avenues quickly became the great rivals for trans-Isthmian commerce. They are still potential rivals.

At Panama, mountainous terrain and torrential rivers, notably the Chagers, at first represented insuperable barriers to the construction of a canal. At Nicaragua, the existence of a large lake, with the then navigable San Juan River flowing from it into the Atlantic, reduced the magnitude of that undertaking simply to cutting across the narrow strip separating the lake from the Pacific. These facts undoubtedly supply the basis for the initial predilection of the United States in the 19th century for a Nicaraguan canal.

Eventually, the control of the Nicaragua route became a focal point of international conflict, with Great Britain and the United States in a diplomatic deadlock. This difficulty was not removed until 1901, when the Hay-Pauncefote Treaty superseded the earlier Clayton-Bulwer Treaty of 1850, which had deprived the United States of exclusive control of any Isthmian canal.

PATTERN OF ISTHMANIAN CANAL ISSUES EVOLVES

Meanwhile, French interests under the dynamic leadership of Ferdinand de Lesseps had decided to construct a canal across the Isthmus. An International Congress for Consideration of an Interoceanic Canal met in Paris in 1879. There, this Congress wrestled with the difficult questions of selecting the best site and deciding on the best type. De Lesseps, the hero of Suez, (a simple sea-level canal), lent the full force of his prestige and his genius toward securing approval for a "sea-level" undertaking at Panama—a wholly different problem.

One engineer, the only one in that Congress who had adequately studied the geography of the Isthmian regions and grasped their significance, when he saw the trend toward decision for the "sea level" type rose in strong protest.

He understood the topography at Nicaragua and how its elevated lake, 105.5' high, would contribute toward the construction and operation of a canal there. He knew the surface features at Panama—the continental divide about ten miles from the Pacific, the torrential Rio Obispo-Chagres flowing into the Atlantic, and the smaller Rio Grande into the Pacific, both through contiguous valleys suitable for the formation of lakes. Interpreting these elements in the light of maritime as well as engineering needs, he recognized the lake idea as offering the solution of the canal problem.

Then, with the vision and simplicity of true genius, he proposed a "practical" plan for the Panama Canal, here summarized: "Build a dam at Gatun and another at Miraflores, or as close to the seas as the configuration of the land permits. Let the waters rise to form two lakes about 80 feet high, join the lakes thus formed with a channel cut through the continental divide, and connect the lakes with the oceans by locks. This is not only the best plan for engineering but also best for navigation." Essentially, that was the plan for the Panama Canal eventually adopted in 1906. The man who conceived and presented the plan was Adolphe Godín de Lépinay.

The applicability of this plan—the only one which at that time could have had any chance for success—was not understood. De Lépinay's great idea was ignored. His conception of this plan, however, and its dramatic presentation before the Paris Congress of 1879 established him as an architectural and engineering genius—the originator of the plan from which the Panama Canal was eventually built.

The French, despite De Lépinay's timely warning, launched upon their ill-fated undertaking. Ten years later, in 1889, their effort collapsed and the Isthmus returned to the jungle. Yet, before the failure, the French, to save time and money, were forced to change their plans from "sea-level" to a modified high-level lake and lock type.

Thus, as the 19th century closed, the pattern of interoceanic canal's focal political and engineering issues had evolved: first, a struggle among competing interests in the choice of route; and second, debate as to the type of canal, with final decision for the high-level-lake and lock type at Panama.

PANAMA WINS THE BATTLE OF THE ROUTES

In 1899, after more than half a century of exploration, including a number of naval expeditions, the United States started serious investigations by means of an Isthmian Canal Commission for exploration, 1899–1902, of which Rear Admiral John G. Walker, a distinguished line officer of the U.S. Navy, was president.

After an extraordinary political struggle, known as the "battle of the routes," the Congress authorized the acquisition for the United States of a canal zone in what was then a part of the Republic of Colombia, the purchase of the French holdings, and construction of a canal at Panama, with provision for the Nicaragua Canal as an alternate project, if suitable arrangements could not be made for one at Panama.

To this end, the Chargé d'Affaires of Colombia, Dr. Tomás Herrán, a graduate of Georgetown University and well acquainted with American governmental leaders, succeeded, after many months of arduous labor, in negotiating what was considered a most favorable canal treaty for his country—the Hay-Herrán Treaty of January 22, 1903, which was ratified by the U.S. Senate on March 17, 1903.

Unfortunately, this treaty became involved politically in Bogotá. The Colombian Senate, called into special session on June 20, 1903, for its ratification, rejected the treaty on August 12, 1903, against urgent pleadings of Dr. Herrán in Washington and U.S. Minister Arthur M. Beaupré in Bogotá.

Panamanian leaders, fearing that after all Panama still might lose the canal to Nicaragua, set out to prevent that possibility. Under the leadership of Dr. Manuel Amador, the state of Panama seceded from Colombia on November 3, 1903, and declared its independence. This was quickly recognized, first, by the United States, and appropriately, second, by France, the country that started the waterway. Then followed the Hay-Bunau-Varilla Treaty of November 18, 1903, which was ratified first by Panama and then by the United States.

In this treaty the Republic of Panama granted to the United States "in perpetuity" the "use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection" of the Panama Canal—and as if the United States were the "sovereign" of that territory. The ratification of this treaty sealed the choice of the Panama route.

The technical justification for this fundamental action was supplied by the Isthmian Canal Commission, 1899–1902, which, under the direction of Rear Admiral John G. Walker, explored all canal routes. He also headed the first Isthmian Canal Commission for construction of the Panama Canal (1904–05) under which the Canal Zone was acquired, the Canal Zone Government organized, and preliminary work started. These achievements place him in history as a principal architect of Isthmian Canal Policy.

BATTLE OF THE LEVELS AND THE GREAT DECISION

Work under the United States control started haltingly, with increasing uncertainty as to the type of canal that should be constructed—the high-level-lake and lock type or a canal at sea-level. Each proposal had strong advocates.

Fortunately, when the time for decision approached, President Theodore Roosevelt selected the great railroad builder, explorer, and business executive, the late John F. Stevens, as Chief Engineer of the Isthmian Canal Commission.

Mr. Stevens' qualifications were unique. He had read everything available on the proposed Panama Canal since the time of Philip II, built railroads in the Rocky

Mountains, and supervised open mining operations in Minnesota. Thus, in his experience he had witnessed what occurs when the balances of nature are altered, and understood the hazards involved in excavating a navigation channel through mountains.

Arriving on the Isthmus on July 25, 1905, at the height of a crisis, he had matters under control within 24 hours. Experienced as he was in large undertakings, he promptly provided housing for employees, organized commissaries, encouraged sanitation, ordered equipment, planned the transportation system, and formed the basic engineering organization for building the Panama Canal. Indeed, so rapid was his progress that he found himself hampered by having to wait for a decision as to the type of canal, then being considered by an international Board of Consulting Engineers.

In its report of January 10, 1906, this board split—eight members, including five Europeans, voting for "sea-level"; and the five remaining Americans voting for high-level-lake and lock. The naval member on the Isthmian Canal Commission at that time was the Chief of the Bureau of Yards and Docks, who, in a minority report, favored the "sea-level" plan as "affording greater immunity from hostile injury." [1]

Meanwhile at Panama, Stevens had walked through the entire length of the canal route and studied the topography. Interpreting it in the light of navigational requirements as well as construction, he decided upon the high-level-lake and lock plan, with the Atlantic terminal dam and locks at Gatun. For the Pacific end, he favored placing its locks in one group south of Miraflores at Aguadulce, just as he planned to do at Gatun.

Testifying in Washington before congressional committees in January 1906, with a conviction for the high-level plan that no one could shake, he voiced his determined opposition to the "sea-level" idea.

But one appearance was not enough. In June, he was again in Washington, still leading in this memorable struggle, later described by Col. George W. Goethals as the "battle of the levels." On this occasion Stevens even more forcefully and fearlessly urged the high-level-lake plan as the logical solution.

In the end, with the support of President Theodore Roosevelt, Secretary of War, Willian H. Taft, and the Isthmian Canal Commission, the recommendations of Chief Engineer Stevens prevailed. Congress, by the act approved June 29, 1906, adopted the high-level-lake and lock plan as proposed by the minority of the international Board of Consulting Engineers. That was the great decision in building the Panama Canal, for the second time completing the pattern of interoceanic canal political and engineering debate.

Here it should be noted that when making his recommendation to the Congress for this action, President Roosevelt did so after evaluating all available evidence of relative vulnerability and operational effectiveness of the two types. Although he understood that the "sea-level" type would be "slightly less exposed to damage in event of war," [2] he recommended the high-level plan because of its economic and operational superiority.

The transit from 1914 through August 31, 1954, in both peace and war, of more than 230,517 vessels of various types has completely established the wisdom of that decision. Moreover, it secured Chief Engineer Stevens, who was primarily responsible for bringing it about, his great fame as the basic architect of the Panama Canal.

CIVILIAN CONTROL REPLACED BY MILITARY

Though the high-level plan, as approved by the minority of the International Board of Consulting Engineers, provided for placing all Atlantic Locks at Gatun, it also specified separation of the Pacific Locks into two groups. Chief Engineer Stevens, who had had railroad operating experience, recognized the operational inconvenience of this arrangement and never favored dividing the Pacific Locks.

Eventually, on August 3, 1906, Stevens tentatively approved a plan developed by William Gerig. The proposal placed all Pacific Locks in three lifts south of Miraflores with the terminal dam and locks between two hills, Cerro Aguadulce on the west side of the sea-level section of the canal and Cerro de Puente on the east side—on a natural perimeter that would have supplied the same arrangement as at Gatun. This plan, had it been followed, would have enabled lake-level navigation from the Atlantic Locks to the Pacific, with a summit-level anchorage at the Pacific end of the canal to match that at the Atlantic end.

Regrettably, Stevens was under great pressure to start construction. Advocates of the "sea-level" proposal, stung to the quick by their defeat in Congress, were poised ready to take advantage of a major change in the approved program as evidence of weakness in the high-level plan. Opponents of any canal at all were also seeking some means to delay the enterprise. These two forces together represented a political and economic strength that could not be disregarded.

Stevens' foundation explorations, necessarily made in great haste, proved unsatisfactory, and he did not dare to jeopardize the project by further delay. Twenty days later, on August 23, 1906, still confident that this important question would rise again, he voided his plan marking it, "not to be destroyed but kept in this office," and proceeded with the approved plan for separating the Pacific Locks.

In 1907, after having brought construction to a point where the success of the project was a certainty, Stevens resigned his positions as Chief Engineer and Chairman of the Isthmian Canal Commission, to which combined offices he had been appointed by President Roosevelt in recognition of his contributions. He was succeeded by Colonel George W. Goethals under whose able direction the work was carried forward.

PANAMA CANAL OPENED FOR TRAFFIC

Notwithstanding this shift in administrative control of the canal enterprise from civilian to military in 1907, the Stevens proposal to combine the Pacific Locks did not die. Colonel William L. Sibert seriously studied it and, on January 31, 1908, formally submitted a definite plan that reflected his appreciation of marine needs as the basis for navigational planning.[3] But, unfortunately, the Sibert proposal likewise was not approved for reasons then deemed adequate.

In this connection, it is pertinent to comment that after the resignation of Rear Admiral Walker in 1905 there was no experienced navigator on the Isthmian Canal Commission. Thus, one can only ponder what might have been the result had such a person been readily available for consultation with Stevens and Sibert on marine planning. In the light of later operational and engineering knowledge, developed in 1941–44, when there was such consultation between experienced engineers and marine operating officials, it is indeed regrettable that the Stevens-Sibert proposals were not adopted.

Colonel Goethals headed the project to the end, making a number of important but nonbasic changes, which included a widening of Culebra (Gaillard) Cut and the locks. He developed the first permanent operating organization under the Panama Canal Act of 1912 and, as the first Governor of the Panama Canal, opened the canal to traffic on August 15, 1914, and overcame the early slide crises. He and his associates won great fame as builders of the Panama Canal.

In this connection, it should be explained that the original concept of the functioning of the canal enterprise as a civil agency under the Panama Canal Act was dual: in peace, as an interoceanic public utility under a Governor; in war, under the supreme control of the Commanding General of U.S. Army on the Isthmus. In either status, the operational mission of the waterway remained as the transit of vessels under the obvious assumption that the Panama Canal, like other transportation facilities in the United States, would serve in war as well as in peace.

DEFENSE CONCEPTS BECOME ASCENDANT

After the opening of the canal to traffic, the great builders left the Isthmus; operation and maintenance became matters of routine, and the project was uncritically accepted. The rapid development of the airplane and other modern weapons following World War I, dramatized by periodic fleet exercises off Panama, made considerations of defense matters of increasing concern; those of marine operations became secondary.

In the excitement preceding World War II, the Congress authorized construction of a third set of larger locks, primarily as a defense measure,[4] known as the Third Locks Project, at an authorized cost of $277 million. The proposed layout placed a new set of larger locks (140′ x 1200′) near each of the existing locks but at some distance away to afford greater protection through dispersal and increased lock capacity for large naval vessels. The new locks were to be joined with the existing channels by means of bypass channels.[5]

Significantly, the plan included a number of construction features for future changing of the canal to "sea-level." Thus, discerning students recognized the Third Locks project as renewing the old "battle of the levels" in a new form—that of "conversion."

The Third Locks project layout at the Atlantic end of the canal, which duplicates an operationally sound arrangement at Gatun, is likewise sound. At the Pacific end, however, the proposed new channel layout contained three sharp bends—29°, 47°, and 37°—in succession from north to south. The latter, if it had been completed, would have created operational problems and navigational hazards of the gravest character.

Construction started in 1940 and was pushed vigorously until suspended in May 1942, because of shortage of ships and materials more urgently needed elsewhere for war purposes. No excavation was accomplished at Pedro Miguel; that at Gatun and Miraflores was substantially completed. Some $75 million was expended.[6]

WAR EXPERIENCE INSPIRES PLAN FOR CANAL IMPROVEMENT

The suspension of the Third Locks project, however, afforded an opportunity, while there was still time left to make such a study, for its reexamination in the light of operational needs demonstrated by marine experience. This was at a period when the Panama Canal was the scene of many military and naval expeditions on their way to and from combat zones in the Pacific. This, it should be also noted, was before the advent of the atomic bomb.

---

[1] Report of Board of Consulting Engineers for the Panama Canal (Washington, 1906), p. xix.

[2] Ibid., p. iv.

[3] William L. Sibert and John F. Stevens, "The Construction of the Panama Canal" (New York: D. Appleton & Co., 1915), pp. 139–146 contains a summary of the Sibert proposal and its disposition.

[4] Public Law 391, 76th Congress, approved Aug. 11, 1939 (535 Stat. 1409).

[5] H. Doc. 210, 76th Congress, 1st sess. (1939).

[6] House Committee on Merchant Marine and Fisheries, Executive Hearings on H.R. 4480, 79th Congress, 1st sess., Nov. 15, 1945, p. 4.

These studies conclusively established that the principal marine operational problems of the existing Panama Canal are:

1. Dangerous traffic bottleneck at Pedro Miguel and a lack of a Pacific summit anchorage.
2. Double handling of vessels at separated Pacific Locks.
3. Effect of fog in Culebra (Gaillard) Cut on capacity and operations.
4. Lockage surges in Cut caused by operating Pedro Miguel Locks (3' max. amplitude).
5. Limited operating range of Gatun Lake water level (87'-82').
6. Navigational hazards in the restricted Cut (300' min. bottom width).
7. Inadequate dimensions of present locks for largest vessels (110'×1000').[7]

From the nature of these inadequacies, it is obvious that locating the Pedro Miguel Locks at the south end of Culebra (Gaillard) Cut, where it created a traffic bottleneck and other problems, was the fundamental error in operational design of the Panama Canal.

Under the basic assumption that the prime function of the Panama Canal is the safe and convenient transport of vessels, it is self-evident that the wide channels of Gatun Lake afford safer and more convenient navigation than can any necessarily restricted channel at sea-level. Moreover, the advantages of unrestricted lake navigation outweigh the minor hazards and time lost by passage through locks. Thus, the best operational solution is not provided by lowering the Gatun Lake water level to sea-level, or to some intermediate-level, but by raising it to its highest feasible elevation.

The obvious economic operational solution thus is a major improvement of the existing canal according to what is known as the Terminal Lake-Third Locks Plan, which includes the following program:

1. Removal of the bottleneck Pedro Miguel Locks.
2. Construction of all Pacific Locks in continuous steps near Miraflores.
3. and 4. Elevation of the intermediate Miraflores Lake water level (54') to that of Gatun Lake to serve as an anchorage during fog periods and to dampen surges.
5. Raising the summit water level to its optimum height (approximately 92').
6. Widening Culebra (Gaillard) Cut.
7. Construction of a set of larger locks.

These modifications will remove the traffic choke at Pedro Miguel, correct present operational dissymmetry and simplify canal control, increase channel depths, and improve navigation, mitigate the effect of fog, reduce marine accidents, decrease transit time slightly, conserve water, and increase capacity. Thus, the plan supplies the best operational canal practicable of economic achievement.

This plan was publicly revealed by its author on May 20, 1943, in an address before the Panama Section of the American Society of Civil Engineers, under the title, "The Marine Operating Problems, Panama Canal, and the Solution."[8] Attended by high Army, Navy, and Canal Zone officials, the presentation aroused the interest of the Commandant of the 15th Naval District, Rear Admiral C. E. Van Hook, who was present. He later submitted the plan to the Navy Department. On September 7, 1943, the Secretary of the Navy forwarded it to the President. Subsequently, this proposal was approved in principle by the Governor of the Panama Canal for the major modification of the existing canal. According to the report of a 1949 Congressional investigation, it can be accomplished at "comparatively low cost."[9] Moreover, no doubt exists as to its soundness because a similar arrangement at Gatun has been tested since 1914 and found eminently satisfactory.

ATOMIC BOMB RESURRECTS SEA-LEVEL PLAN

The spectacular advent of the atomic bomb in 1945 injected a new element into the canal picture. Under the force of its impact, canal officials sought authority to conduct an "overall review" of the entire interoceanic canals question in the light of the then newest developments in the "military and physical sciences."[10] This was before the hydrogen bomb.

Accordingly, the Congress in 1945 enacted legislation[11] authorizing the Governor of the Panama Canal to make a comprehensive investigation of the means for increasing its capacity *and security* to meet the future needs of interoceanic commerce *and national defense*. The law also provided for a restudy of the Third Locks Project, a study of canals at other locations, and for consideration of any new means for transporting ships across land. Thus was launched the second major canal crisis in the 20th century. It served to resurrect the corpses of the 1902 "battle of the routes" and the 1906 "battle of the levels" with a rehashing of all the main arguments of the earlier struggles on the basis of the newer term, "security," rather than the older one, "vulnerability."

Under a far more extreme interpretation of the "security" factor of the statute than was intended by the Congress that enacted it, the investigation was directed toward obtaining authorization for a sea-level project at Panama, with the "security" and "national defense" factors as paramount, and money costs not a "governing consideration."[12] In line with the 1905-06 precedent, the naval representative on the Board of Consulting Engineers for the greater part of this engineering investigation was the Chief of the Bureau of Yards and Docks.

In the ensuing public hysteria centered on the dangers of the atomic bomb and other modern weapons, the long-range and fundamental mission of the Panama Canal to provide efficient and economic transit of vessels was generally overlooked.

The report of the 1946-47 Isthmian Canal Studies[13] recommended only the sea-level project for major canal construction at Panama, initially estimated to cost $2,483 million. With the exception of the two terminals, this project provides for constructing a virtually new Panama Canal of 60' minimum depth in navigation lanes and of 600' width between sloping sides at a depth of 40' on a new alignment somewhat removed from the present channel, which it crosses several times. The project includes a tidal lock (200×15,000') and a navigable pass at the Pacific end, many miles of dams for flood control reservoirs on both sides of the projected canal, diversion channels and other structural features. This program would result in abandonment of the greater part of the existing waterway and the investment that it represents.

Although the 1947 report contained studies of plans for a Terminal Lake-Third Lock Project, which it did not recommend, it offered a relatively minor program for improvement of the present canal installations "to meet the needs of commerce" as a preferred alternative to the major improvement of the existing waterway as recommended to the President in 1943 by the Secretary of the Navy.

Transmitted by the President to the Congress on December 1, 1947, and, without presidential approval, comment or recommendation, the report promptly encountered sharp opposition. The Congress took no action on this report. Instead, in 1949, it authorized an investigation of the organizational and financial aspects of the canal enterprise,[14] for which study Representative CLARK W. THOMPSON, of Texas, a retired Marine Corps Reserve officer, served as Chairman. This investigation resulted in the first basic change[15] in the permanent canal operating organization that was established in 1914.

The new Act requires that transit tolls be established at rates that will place the operation of the canal enterprise on a self-sustaining basis—a new principle in Isthmian Canal Policy with far-reaching implications affecting the future economic management of the Panama Canal and interoceanic commerce. This subject is now under further Congressional study.[16]

CLARIFICATIONS RESTORE OPERATIONS AS BASIS FOR PLANNING

Meanwhile, in the Congress, the "security" and "national defense" premises, on which the recommendation for the Sea-Level Project was primarily based, were vigorously challenged.

As to the atomic bomb, Representative Willis W. Bradley, a retired naval officer, summarized his views: "As far as I can ascertain, the greatest authorities on modern weapons of war who have given this subject serious attention hold uniformly that any canal would be critically vulnerable to the atomic bomb, regardless of type; that a sea-level canal would be in the same security class as a lake canal; that a sea-level canal could be closed for prolonged periods of time beyond any hope of speedy restoration; and that a sea-level canal cannot be considered secure in an atomic war. These same authorities also agree that the atomic bomb is irrelevant as a controlling factor in the planning of operational improvements for the Panama Canal."[17]

Representative now Senator, Thomas E. Martin, of Iowa, a retired Army officer, developed the national defense clarification, repeatedly stressing that protection of any type of canal, wherever located, is "an over-all governmental responsibility, and that its defense, like that of the seaports, airports, railroads, highways, and productive centers of the United States depends upon the combined industrial, military, naval, and air power of this Nation as obtained in both world wars, and not upon passive defense measures, such as may be embodied in inherent characteristics of canal design."[18]

---

[7] Hon. Willis W. Bradley, "What of the Panama Canal?," Congressional Record, vol. 94, pt. 10 (Apr. 21, 1948), p. A2449 and "The Why of the Panama Canal," Congressional Record, vol. 95, pt. 12 (Mar. 4, 1949), p. A1304 contain extended discussions of marine problems.

[8] ASCE Transactions, vol. 114 (1949), p. 558.

[9] H. Rept. 1304, 81st Congress, 1st sess. (1949), p. 2.

[10] Committee on Merchant Marine and Fisheries, op. cit., p. 5.

[11] Public Law 280, 79th Congress, approved Dec. 28, 1945 (59 Stat. 663).

[12] See statement of Board of Consulting Engineers, quoted in Panama American, Aug. 5, 1946, p. 3, cols. 4-6.

[13] Summarized with discussions in ASCE Transactions, vol. 114 (1949), pp. 607-906.

[14] H. Res. 44, 81st Congress quoted in Congressional Record, vol. 95, pt. 2 (Feb. 28, 1949), p. 1617.

[15] H. Doc. 460, 81st Congress, 2d sess. (1950) and Public Law 841, 81st Congress, approved Sept. 26, 1950, (64 Stat. 1038).

[16] Hon. John J. Allen, "Panama Canal—Interim Report," Congressional Record, vol. 100, pt. 10, p. 13367.

[17] Bradley, "What of the Panama Canal?," op. cit., p. A2451.

Here it should be stated that leading atomic warfare authorities, who studied the problem of Canal Zone defense in 1947, considered that arguments as to relative vulnerability of types of construction are entirely without point and that the Sea-Level Project would, in effect, constitute a "Maginot Line." This view has been greatly strengthened by the later development of the hydrogen bomb, which is measured in megatons of T.N.T. equivalent as compared to kilotons for the atomic bomb.

In the course of extensive discussions of the Sea-Level Project recommendation,[19] congressional and administrative leaders often stressed the point that this project, if justified primarily for "national defense," would divert both funds and resources from projects and programs in the United States that are far more essential to national security. The combined effects of the defense clarifications have been toward eliminating the concept of inherent resistance to attack as the governing consideration in planning at Panama. Thus, it appears that the only justifiable security design feature is adequate protection against sabotage, which is chiefly an administrative function.

Eventually, a group of engineers and others associated in building the Panama Canal submitted their views in a memorandum to the Congress. This memorial challenged the official cost estimates in the 1947 report, charging that the Sea-Level Project would cost several times its initial estimate—$2,483 million—and that the Third Locks Project adapted to the principles of the terminal lake proposal (widening Culebra Cut excepted) can be accomplished at relatively low cost as compared to that of the Sea-Level Project—estimated as under $600 million.

The statement also criticized the 1953 program for repair and alteration of present lock structures as makeshift in character and without sufficient merit, pointing out that it will delay the fundamental and long-overdue solution of the problems involved. It stated that the Governor's recommendation of none but the Sea-Level Project for major increase of Canal facilities served to exclude what may be the best solution when evaluated from all angles.

Included in an address to the House by Representative Eugene J. Keogh of New York[20] this memorandum was promptly recognized by the engineering profession.[21]

Strong appeals for the creation of a wholly American, independent, broadly based, predominantly civilian, strictly nonpartisan and objective Interoceanic Canals Commission, composed of able men who may not be dominated or unduly influenced by Federal executive agencies, have been made by responsible Congressional leaders as the best means for developing a wisely-reasoned Isthmian Canal Policy.[22]

The consequences of prolonged arguments, in and out of the Congress, have been towards restoration of economic thinking and an increased appreciation of fundamental planning concepts so well expressed during the 1905–06 "battle of the levels" by General Henry L. Abbot, the great student of the Charges, members of the Comité Technique of the French Panama Canal Company and the international Board of Consulting Engineers, and an advocate of the high-level type. His words were: "The true criterion is ease and safety of transit, and * * * this test leaves no doubt as to which type of canal should be preferred at Panama."[23] This standard, both obvious and simple, is as true today as it was when written in 1905. Moreover, it is applicable in evaluating not only canal proposals at Panama but also those at other locations.

DIPLOMATIC IMPLICATIONS

The juridical basis for the Canal Zone rests with the Hay-Bunau-Varilla Treaty, which authorized a zone 10 miles wide extending 5 miles on each side of the center line of the canal. After extended diplomatic discussions, the boundaries of the Canal Zone were later fixed in the Price-Lefevre Boundary Convention of September 2, 1914.

An examination of the general plan of the proposed Sea-Level Project discloses a number of features not covered by current international agreements. Among these are: a new main channel alinement substantially removed from the existing channel from which Canal Zone boundaries are measured; flooding of additional territory in the Republic of Panama in the Chagres River valley downstream from Madden Dam (Alhajuela); diverting the Chagres River from its present path west of Limon Bay to a new path east of the bay that crosses a Panamanian highway; and draining the central portion of Gatun Lake. The last feature would disrupt present navigation channels to Panamanian settlements on the lake and uncover large and forbidding swamp areas with resulting health and sanitation consequences.

These aspects of the "sea-level" undertaking would undoubtedly bring a demand from the Republic of Panama for a new treaty covering the specific conditions for its construction. What concessions such a treaty would cost cannot be predicted. But, based upon previous experience in such diplomatic negotiations, these costs would be far greater than earlier ones, inevitably adding to the total estimate and increasing tolls.

Furthermore, such negotiations would be fraught with considerable uncertainty in the relations of the United States with Panama and other nations of Latin America, not to mention threats to the security of the enterprise through the process of its internationalization, for which there have been persistent demands.

In contrast, the Terminal Lake-Third Locks Plan, being merely an "enlargement of the existing facilities"[24] that does not call for additional "land or waters" or authority, will not require a new canal treaty. This, it must be obvious, is a truly paramount consideration.

The construction of a canal at another location would introduce an entirely new diplomatic situation, which would be just as complicated as that at Panama.

The salient elements of this situation, however, are: that the 1947 report does not present these significant diplomatic involvements; that the need for negotiating a new treaty with Panama to cover the Sea-Level Project was not submitted to the Congress; and that the Congress has not authorized such negotiation as was done in the Spooner Act of 1902 for the original construction of the Panama Canal.

ISTHMIAN CANAL POLICY MUST BE REDETERMINED

The evolution of Isthmian Canal Policy has been slow. Its principal objectives have long been the best type of canal at the best site for the transit of vessels of commerce and war on all nations on terms of equality as provided by treaty—and at low cost of construction, maintenance, operation, sanitation, and protection.

Often beset by bewildering confusions of ideas, the progress of fundamental concepts has, at times, deviated from their logical courses. Yet events have thus far conspired to avert irretrievable error. Now, with the main arguments clarified, the interoceanic canal problem in its national relationships is coming to be better understood and attention is focusing on the true objectives of securing requisite capacity and operational efficiency. Nevertheless, the evolving situation is of such grave concern that it must be protected by ceaseless vigilance and fully matured objective judgment.

The Panama Canal is now entering its fifth decade of operations. Its navigational inadequacies have been established. The Canal as completed contains fundamental errors in operational design centered on the location of the Pedro Miguel Locks. These can be corrected only by the major reconstruction of the Pacific end of the Canal as contemplated in the Terminal Lake-Third Locks proposal.

Commercial traffic through the canal has reached the highest volume in history. The Navy has vessels that cannot transit. Issues raised by questions of "security" and "national defense" have been formally submitted but never accepted. The principle of economic operation of the canal has been embodied in law.[25] Yet, in a physical sense, the shipway is still essentially what it was in 1914. Thus, the time has come to provide, without further delay, the additional interoceanic transit capacity and operational improvements to meet present and future needs.

The solution of this problem is not the simple proposition that it may appear. Instead, it is a highly complicated one of the greatest national importance, rising above purely personal and group considerations. It involves questions of fundamental operational and engineering planning, the decisions on which will affect the welfare of the United States and other maritime nations through the indefinite future.

These facts call for a further reassessment of the entire interoceanic canals problem[26] based on realities, with a comprehensive restatement of Isthmian Canal Policy as derived from a reasoned line of action. This is the task that sooner or later the Congress and the Nation must meet.

[From the Panama (R.P.) Star & Herald, Dec. 30, 1964]

CAREFUL STAFF WORK LED TO PC ANNOUNCEMENT

WASHINGTON, December 29.—The surprise announcement by President Lyndon B. Johnson on December 18 that he had decided the United States should press forward on plans for a sea level canal in Central America and should propose to the government of Panama the negotiation of an entirely new treaty on the existing Panama Canal was the result of careful work by the U.S. national security staff.

---

[18] Hon. Thomas E. Martin, "An Interoceanic Canals Commission, the Best Solution of Panama Canal Problem," CONGRESSIONAL RECORD, vol. 97, pt. 14 (July 18, 1951), p. A4481.

[19] Hon. CLARK W. THOMPSON, "Isthmian Canal Policy of the United States—Bibliographical List," CONGRESSIONAL RECORD, vol. 95, pt. 16 (Aug. 25, 1949), p. A5580 and subsequent statements of distinguished Members of Congress.

[20] "Panama Canal Construction Engineers Favor Interoceanic Canals Commission," CONGRESSIONAL RECORD, vol. 100, pt. 5, p. 5795.

[21] "Panama Canal Problem," Civil Engineering, vol. 24 (July 1954), p. 460.

[22] H.R. 8457 and H.R. 8458, 82d Congress, H.R. 1048, 83d Congress, and S. 766 and H.R 3335, 84th Congress.

[23] Henry L. Abbot, "Problems of the Panama Canal." (New York: Macmillan Co., 1905), p. 224.

[24] Hull-Alfaro Treaty of Mar. 2, 1936, art. II.

[25] Public Law 841, 81st Congress, approved Sept. 26, 1950 (64 Stat. 1038).

[26] Hon. CLARK W. THOMPSON, "Interoceanic Canals Problem," CONGRESSIONAL RECORD, vol. 98, pt. 8 (Jan. 15, 1952), p. A163.

In a White House office, a small staff of experts whose names are virtually unknown to the public is at work daily to help President Johnson plan and coordinate national security affairs.

Their parent organization, the National Security Council (NSC), comprised of the President's chief advisers on both national and international aspects of defense and security, is called into full session by the President ordinarily only in the most urgent situations. But the White House National Security Affairs advisers assist in day-to-day organization of basic recommendations and in the followthrough on the execution of the President's decisions.

The National Security Council's professional staff, headed by McGeorge Bundy—who also doubles as special assistant to the President for national security affairs—is not a separate organization in between the President and the Secretary of State.

Bundy explains: "The principal responsibility for advising the President and for acting as his executive agent in the great matters of national security falls to the men who are in charge of the major operating departments—the Secretary of State, the Secretary of Defense, the Director of the Central Intelligence Agency and others with similar operating responsibilities."

What Bundy and his staff perform is the coordination of the many arms of Government involved in national security—State, Defense and Treasury Departments, the Atomic Energy Commission, the Arms Control and Disarmament Agency, the Central Intelligence Agency, Bureau of the Budget, Agency for International Development, and the U.S. Information Agency.

One way the national security staff works can be seen in the activities prior to the President's announcement in the Panama Canal issues.

The preliminary planning for the decisions has been carried out under the leadership of Assistant Secretary of State for Inter-American Affairs Thomas C. Mann, and Secretary of the Army Stephen Ailes. (The U.S. Army supervises administration of the Canal Zone). When this planning was completed, Bundy set up a meeting, not of the full National Security Council, but of the President with those Cabinet-level officers directly concerned—Secretary of State Rusk, Secretary of Defense Robert McNamara, Undersecretary of Defense Cyrus Vance, and the Joint Chiefs of Staff. At this meeting the President listened to the arguments pro and con. No votes were taken, however.

A week after this meeting, the President informed Bundy that he had made up his mind to go ahead on the sea level canal and the treaty. The announcement was prepared under the direction of the National Security Council staff. Immediately after the President made the announcement, Bundy's staff was at work coordinating the follow through for the President.

The actual carrying out of the President's instructions in day-to-day work evolves in an operating branch—in this case Mann and the State Department.

At the other end of the scale are the meetings of the entire National Security Council. On October 17, for instance, the day after the detonation of the Communist Chinese nuclear device and the change in government in the Soviet Union, the National Security Council met with President Johnson in the Cabinet Room. In addition to the NSC members designated by law—the President, Vice President, Secretaries of State and of Defense, and the Director of the Office of Emergency Planning—the President invited the chiefs of the Central Intelligence Agency, the U.S. Information Agency, and the Atomic Energy Commission, as well as the Director of the Budget, the Chairman of the Joint Chiefs of Staff, several other Cabinet members, Bundy, and presidential staff advisers.

For an hour the President and the Council listened to a presentation of the available information and discussed the international situation. The Council expressed the view that there was no present cause for national alarm and no immediate emergency. And it recommended that the President himself give to the American people and assessment of the international situation. Johnson did so the following evening on nationwide television.

During the 1962 crisis when the Soviet Union set up offensive missile sites in Cuba, a small executive committee of the National Security Council held 38 meetings to discuss possible courses of action and to advise the then President Kennedy.

The decisionmaking power in all cases remains with the President alone.

As now constituted under McGeorge Bundy, the few national security assistants have definite responsibilities for geographic areas and to maintain liaison with certain Government agencies. Bundy maintains personal liaison with the Secretaries of State and Defense and the Director of the Central Intelligence Agency.

This man who coordinates national security affairs for the President is generally recognized as one of the most brilliant and capable young men in the Nation. At the age of 45, he has behind him such activities as collaborating with and editing papers for Henry Stimson (Secretary of War under Franklin D. Roosevelt) and for Dean Acheson (Secretary of State under Harry S. Truman); serving as a consultant on the Marshall plan; and participating as an Army intelligence officer in the planning of the invasion of Normandy during World War II. From 1953 until early 1961 he was dean of the faculty of arts and sciences, the No. 2 job at Harvard University, holding a staff of more than 1,000. He was selected personally by President Kennedy as special assistant to the President for national security affairs, and has held the position since the beginning of the Kennedy administration.

His relationship with President Johnson, as it was with the late President Kennedy, has been extremely close.

BUREAU OF RECLAMATION MISREPRESENTS THE TRUTH ABOUT THE SOLVENCY OF ITS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, the newspapers in recent days have carried very interesting articles about President Johnson's instructions to his Cabinet officers to economize on their respective agencies programs for fiscal 1967. This is a commendable effort by the President and we all applaud him for it. However, he might give serious attention also to having his executive agencies be more honest in their reports to the people on the activities and solvency of their ongoing programs. A particular case in point is the Bureau of Reclamation of the Department of the Interior.

The Bureau of Reclamation recently released a fancy folder printed by the U.S. Government Printing Office—1965-0-761-963—entitled "Reclamation Account to You—A Summary Report of the Bureau's Financial Condition and Operations for the Fiscal Year Ended June 30, 1964." The folder presents a glowing picture of repayment of the Federal investment in electric power, indicating a net income for the year 1964 of $22,057,927. The figure evidently was derived from an internal agency document entitled "Annual Financial Report—1964" which allegedly presents a concise report on the Bureau's financial position at the end of the fiscal year and its operations during the year supported by financial statements in considerable detail. The intention of the folder obviously is to portray the Bureau of Reclamation's power operations as being a successful and lucrative business for the taxpayers.

To the unsuspecting citizen, unversed in the wiles of financial legerdemain, the folder would appear to be based on the data in the annual financial report. Yet, when it is subjected to the bright light of truth, the outright, flagrant, and brazen deception contained in the folder exceeds that of the worst stock manipulator who operated prior to the birth of the Securities and Exchange Commission. No honest businessman would think of stooping to the levels engaged in by the Bureau of Reclamation, a Government agency, a servant of the people, in preparing and publishing a misleading piece of propaganda portraying a favorable picture which does not, in reality, exist.

So far as I can determine from a quick examination of the figures in the report, the statement of total income from power operations is probably correct. After all, it would be quite foolish to attempt to falsify such amounts which are reported regularly in statements of the Treasury Department. However, on the cost side of the ledger, such a situation just does not exist. One of the main factors contributing to the ease of deception is the fact that several Federal agencies are involved in the operation, and failure to properly include in financial statements the costs of all agencies involved results in a completely inaccurate and distorted conclusion. The irony of the case is the fact that the Bureau of Reclamation appears to have deliberately left out of the folder the fine print footnote in its internal document stating that costs incurred by other Federal agencies in the generation and transmission of power are not included in the financial statements of the Bureau. Had these costs been properly included, net income would have shown a deficit of at least $5 million in 1964 rather than an excess of more than $22 million. In other words, when the whole truth is out, the facts reveal that revenues failed to meet costs even with the liberal standards of cost allocation, the interest subsidies, and the absence of any allowance for taxes as permitted by law and administrative policy, by more than $5 million in 1 year.

An excellent example of gross understatement of cost is found in the Missouri River Basin Power System where power revenues of $34,043,731 and costs of only $21,920,083 are claimed, leaving what might appear to be a highly profitable net income of $12,122,928. However, as indicated above, these costs represent only the expenditures of the Bureau of Reclamation and not the major cost of production of the power, most of which is generated by Corps of Engineers dams. It is surprising that such substantial costs would be omitted from the financial statements of any responsible agency. This cannot be accidental. Had such appropriate costs for this one power system alone been included in the tabulation, practically all of the net income shown in the folder would vanish since the $12 million plus of net income for the Missouri River Basin System turns out to be more than a $9 million loss when all costs are included.

The accounts for the Falcon project of the International Boundary and Water Commission—United States and Mexico—on the Rio Grande River, have been afforded similar treatment. Moreover, in this case, no costs are shown for production and transmission of electric power, since the Bureau of Reclamation does neither, but the total revenues from power sales are included on the income side of the ledger. In other words, a commodity or service is sold which, according to the Bureau's point of view, costs nothing to produce. Ridiculous.

Another major defect with resulting great deception in the tabulation, is the failure to include in the Columbia Basin project figures the commitment of power revenues to repay some $628 million of irrigation costs. Furthermore, the Bureau of Reclamation tabulation includes a large net income for this project; whereas, in reality, the amounts allotted by the Bonneville Power Administration from its gross revenues to the credit of this project are insufficient to meet payout requirements.

Mr. Speaker, I am not certain which agency of Government is responsible for monitoring the accuracy of such printed reports of governmental agencies. In my opinion, it is literally a crime to overtly publish statements whose only purpose must be to deceive the American public into thinking that the amortization of Federal costs of these power systems is something that it is not. Each General Accounting Office report on Department of the Interior power marketing activities, almost without exception, has stated that their accounts do not fairly reflect the financial status and operation of the power systems. How long can such a situation be tolerated? I am sure that any individuals responsible for making false reports of this nature in private business would long since have found themselves in jail. Isn't the American public entitled to the facts—all of them?

Perhaps this is a question which should be considered by the joint financial management improvement program team, made up of the Secretary of the Treasury, Director of the Bureau of the Budget, and the Comptroller General of the United States. This team, according to its report of "15 Years of Progress"—printed by the Government Printing Office in 1964—has as one of its major objectives the establishment of accounting systems to "provide full disclosure of assets, liabilities, income, and expenses." Another publication of the joint financial management improvement program team entitled "Highlights of Progress" printed earlier this year states:

> Under existing financial management, legislation—the Budget and Accounting Procedures Act of 1950—the head of each executive agency is responsible for establishing and maintaining systems of accounting and control that will provide full disclosure of financial results.

Any publication by the Bureau of Reclamation which gives only half the truth about this Federal Government program cannot be considered as providing "full disclosure of financial results."

I cannot help but feel the Bureau of the Budget has some responsibilities in this field. Assuring that the accounts of power operations utilize all the modern techniques of financial management are presented on an honest, complete, businesslike basis, would seem to me to be a fundamental obligation of the Budget—Treasury—GAO accounting team. If the Bureau of the Budget was really doing its job, the Bureau of Reclamation would be accounting to the public in meaningful terms of what is really happening rather than the pie-in-the-sky type of report contained in the glossy folder which camouflages the picture to hide the subsidies present in their power marketing operations.

Mr. Speaker, I fully realize this misleading Bureau of Reclamation folder does not purport to be a complete balance sheet of the Federal power program. I am not saying that the Bureau is engaged in outright lying to the American public about the shady bookkeeping practices which it is allowed to follow. Any person who is interested and takes the time can ferret out the facts as I have done by digging into the backup financial reports of the Bureau. I am saying that to deliberately publish and promote a folder such as this one in question which deceives the public on the true picture of costs and benefits of the Federal power program is a fraud on the taxpayers.

It is difficult to see how the power marketing program of Interior can be coordinated and controlled in accordance with law without complete and accurate financial statements which the GAO reports have repeatedly stated are not in existence and a preliminary form of which it had to contrive in order to get any indication of the status of power repayment.

The patience of the public for such shenanigans has a limit which I think is rapidly approaching. It would seem the better part of wisdom for the Department of the Interior to take steps to mend its ways on its own initiative rather than to let the wrath of the people explode.

U.S. ECONOMY NEEDS IMPROVED TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. LANGEN], is recognized for 20 minutes.

Mr. LANGEN. Mr. Speaker, it is in the best interest of and the result of my concern for the U.S. economy that I today join those who have introduced much-needed legislation to amend the Trade Expansion Act passed by the 87th Congress in October 1962.

That act has been in effect well over 2½ years and it has produced nothing that would recommend its continuance in its present form. It called for adjustment assistance to industries and workers that were hurt by tariff reductions, both past and prospective. To date no adjustment assistance application has gained approval by the Tariff Commission although 17 cases have been examined and disposed of by the Commission. Not one got past the Commission, all but one having been rejected by unanimous vote. Today there are no cases left before the Commission because the hopelessness of proceeding in that direction has no doubt been well established.

Also, the act was to be used to stimulate exportation of farm products, especially farm surplus commodities. Of special concern was the Common Market of Europe, which has adopted some measures and is by way of adopting others, involved in their common agricultural policy, that are expected to shrink our share of the principal European grain markets. While the President's Special Representative for Trade Negotiations has made some strong statements on the subject, including an unwillingness to enter into negotiations in industrial items unless certain guarantees were received on agricultural products, the firmness of his stand was breached when he agreed to pass the deadline last December and retreated. Now it is possible that the two negotiations will not go on simultaneously. If that is the course to be followed I fear that very little will be accomplished of the original intent, just as in the case of the adjustment assistance.

Because of the competitive standing of American industry and agriculture in relation to the rest of the world, I feel that further tariff reductions could not be justified until the competive disparity is overcome or greatly narrowed. Certainly we should not make the mistake of cutting our tariffs 50 percent as is now proposed, with only a few paltry exceptions.

I come from an agricultural area but I know that our agricultural exports have boomed only because of our subsidization in one form or another. In fiscal year 1964 our exports of farm products reached an alltime high of $6.1 billion, nearly $1 billion above a year earlier, the previous record. The Bulletin on Foreign Agricultural Trade of the Department of Agriculture for February 1965 said:

> Chief development in the increase was the relatively poor wheat harvest in Western Europe and the Soviet Union.

Such windfalls, of course, do not occur every year. This year exports of both wheat and cotton are expected to decline and our farm product exports will do well to meet the 1963 level despite our subsidization.

If we did not subsidize our agricultural exports these exports would decline by well over $2 billion. In 1963 our exports of wheat and wheat flour and of raw cotton amounted to $1.9 billion, and these were all subsidized some 30 percent of the world price in order to move them.

Here again we see evidence of our higher costs; but, it is said, these are farm products and the costs are high because of price supports. But for price supports, it is argued, we could sell overseas without subsidization.

This argument is supposed to prove that our industrial products are competitive because they are not beneficiaries of price supports. A little reflection will dispose of this reasoning. The farm prices are supported only to the extent of bringing them somewhere close to parity. Parity with what? The answer is, parity with the prices of industrial products. Most of these farm prices are below parity today, well below—mind you, below parity compared with the prices of industrial products. That can only mean that industrial products are on a higher level than wheat and cotton prices.

If we cannot sell wheat and cotton abroad without subsidizing them we will certainly find it difficult, as indeed we do, to sell industrial products that have higher prices than these farm crops.

No one can say that our agriculture is not efficient. We produce more per man hour in this country than do other countries—much more in many instances—because of the larger size of our farms, our more extensive use of fertilizers, our higher degree of mechanization, our highly developed crop breeding methods, use of insecticides, herbicides, and so forth. Yet we come out with higher costs. Again, the reason lies in much higher wages than those paid in other parts of the world. The proof of the pudding is in the eating of it. How can we then afford to set our industries against import competition that has as great a margin of advantage over our own as foreign agricultural products have over our farm products?

Evidence is pressing upon us from all sides, not yet recognized by our learned economists, showing unmistakably that American industry stands on a high-cost base in relation to much of the rest of the world. It shows in our balance of payment troubles. It shows in our shipbuilding and ship-operating subsidies. It shows in the recently recognized necessity of requiring foreign aid recipients to spend most of their dollars in this country for commodity purchases. It shows again in our law requiring that 50 percent of the cargoes of foreign aid shipments be carried in American bottoms. Without this requirement no doubt all or nearly all aid shipments would be carried in foreign bottoms.

The evidence is everywhere and yet we ignore it. How then can we expect to improve our position by increasing our exposure to competing imports? A further 50 percent tariff cut would double our plight. The trouble is that we insist on using the industries and farms of this country, the free enterprise system, to pull the chestnuts out of the fire for our diplomats; but this system is not suited to such use and manipulation. If we persist in this policy we will kill the system. Yet this is the system other countries all over the world outside of the Communist orbit, are adopting as fast as they can, especially the industrialized countries of Europe, and Japan.

Instead of misusing the system to its vast detriment, we should recognize its advantages and its inestimable value when it is given a chance. Why should the other countries recognize these advantages to the point of copying our system, while we treat it as something taken for granted, with carelessness and even with contempt? By this I mean to ask why we insist on exacting from our productive system all sorts of miracles while simultaneously abusing it at the same time to bear the burdens of our diplomacy.

We say that we must open our market to more imports both to help the underdeveloped countries and to keep Europe and Japan happy. This is what our foreign trade policy exacts without asking whether our industry and agriculture can bear the consequences. I repeat that the evidence on all sides points to the excesses of these exactions.

We expect our economy to grow and to provide jobs but confront it with competition from the outside that discourages expansion while at the same time it prods our industries into strenuous efforts to become more efficient by replacing existing machinery and equipment with the most modern available—all for the purpose of reducing the number of workers needed in the plants and mills; and then we have difficulty explaining our difficulties with unemployment.

In order to face up to this we legislate retraining programs, area redevelopment, and other measures, such as antipoverty, etc. With the one hand we sustain policies that inevitably squeeze workers out of the production lines while with the other we try to solve the problem by actions that continue to aggravate it.

It is about time we reworked some of the rancid economic theory that has been found so sadly wanting in recent years. It was said that we could pay much higher wages than our foreign competitors and still outsell them because we were so much more productive. Therefore we really did not need a tariff. The tariff was obsolete; and we set about dismantling it, and have taken it down 80 percent from its high level. Now this song is no longer heard because it would sound very strange indeed today when many foreign industries have machinery and equipment as modern and productive as any in this country. Our higher wages are no longer offset by our higher productivity and we are in trouble.

Also it was urged that our dollars would all soon come back to us if they went abroad through foreign aid or for other reasons, such as foreign investments. Now that many billions of dollars have accumulated abroad, the economists who were so sure that the dollars would come back are badly confused. They ask, why do the foreign countries that are now flooded with dollars not use them to buy our goods, as good economic theory demands? Their blindness must be self-imposed, for anybody must know that in private international trade importers buy where in their judgment they can turn the best profit. Why do they not buy more extensively from us? The question answers itself.

In spite of all the evidence our trade policy still proceeds on assumptions that have been shattered beyond repair.

Who will say then that our wages should be reduced? Do not all speak at once. We must keep in mind that our high wages do sustain consumer purchasing power and that in any case we have this high level, for good or bad, and the gap between foreign and domestic wages is not closing very perceptibly.

Oh, yes, wages in Europe and Japan have risen by greater percentages in recent years than in this country, but in dollars and cents it is a different matter. When our wages in industry moved up from an average of $2.19 per hour in 1959 to $2.60 in 1965, the rise was only 19 percent, but in terms of cents per hour the increase was 41 cents. This is more than 100 percent of the average Japanese wages and in the order of 50 percent of the average European wage. So even if Japanese wages doubled they did nothing to close the gap and if European wages rose 50 percent they are still no closer to us in dollars and cents than they were. Actually wages have risen by different degrees among the European countries. The point is, the gap is still there, gapping widely; and meantime the productivity of our competitors continues to come up.

This is the situation, Mr. Speaker, and when we now propose to cut our tariffs, both industrial and agricultural, another 50 percent, I think we are courting trouble beyond anything we have seen. It would worsen our trade position by inviting more rapidly rising imports since we would be less competitive than before. More of our firms would look abroad for investments. More mechanization and automation would be forced on our industries in efforts to remain competitive or to avoid being put out of business. Our employment problem would become more difficult; and we would be moving backward.

I gladly join with others in offering amendments to the Trade Expansion Act, and urge that the Ways and Means Committee hold early hearings on this vital legislation.

IS MR. FORTAS QUALIFIED TO MAKE INDEPENDENT JUDGMENTS IN THE NATION'S HIGHEST COURT?

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. HALL] is recognized for 20 minutes.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, although it was virtually smothered in the news surrounding the President's news conference on Vietnam yesterday, the President's nomination of a Mr. Abe Fortas to the Supreme Court deserves the most careful study and investigation by the U.S. Senate, which must advise and consent.

While it is sometimes sad and usually true that Presidents appoint men to the Supreme Court who are in accord with their own political philosophy, there is a historic tradition of separation of powers between the three branches of government, and this independence of action is just as important between the executive and judicial branches, as it is between the executive and legislative branches.

There is a serious question whether Mr. Fortas will be able to exercise this independence because of his intimate ties with the President, and because he has been a quiet participant in some of the more dubious transactions involving the Johnson administration.

A June 1965 story in Esquire magazine, inserted in the June 16, 1965, issue of the CONGRESSIONAL RECORD by the Honorable H. R. GROSS, of Iowa, certainly should be must reading for all who share this concern over Mr. Fortas' appointment.

Among other things, the article points out that it was Mr. Fortas who tried to squelch the Walter Jenkins story by urging the Washington Star not to print it. It was Mr. Fortas who served as counsel for Bobby Baker, an arrangement which, even the most naive must admit, implies something more than the usual client-attorney relationship, considering the close ties which both men have, with the President. It was Mr. Fortas who supervised the establishment of the trust to administer the President's extensive television and radio properties, which have benefited so greatly from a number of FCC decisions. It was Mr. Fortas who provided the legal brainpower that enabled President Johnson to turn defeat into victory in the scandalous 1948 Senate election in Texas, by securing a ruling from Judge Hugo Black that stayed a district court injunction, and miraculously turned a 200-vote deficit into an 87-vote margin of victory.

It is interesting to note, according to the Esquire story, that Mr. Fortas' legal business has been almost entirely oriented to the Federal Government—cases involving taxes, antitrust suits, savings-and-loan regulations, proceedings before the Securities and Exchange Commission, and the like.

Just how much of this business has come to Mr. Fortas on the basis of his obvious influence with people in high places in the Government? How impartial will Mr. Fortas be in dealing with cases in which his former law firm is involved, recognizing that this firm has a magnetic attraction for those who seek to secure friendly Government treatment?

To quote the Esquire story:

> The reporter's attempt to link the absence of an anticigarette statement in the President's health message with Fortas' representation of Philip Morris illustrates the delicate position he occupies as a man with the President's ear, and a lawyer doing business with the Government.
>
> There are those who feel that Fortas could be a bit more like Caesar's wife, when he gets into such activities as, for example, his work for the cigarette makers who are wrestling with the Government over warnings against smoking on labels and in advertising.

There is another quote in the Esquire article that deserves attention. Referring to Abe Fortas, the reporter says:

> It was clear that he likes his life's present rewarding course and that it will take something very special—perhaps the Supreme Court appointment for which he is frequently mentioned—to tempt him to change it.

It is interesting to note that only a few days before Fortas was nominated he himself put out a story that he was not interested in any public office, perhaps intended to convey the impression, later, that only the famed "Texas arm twist" persuaded him to acept the offer. There is, at least in all this, a suggestion that the removal of Justice Goldberg from the Supreme Court and his appointment as U.N. Ambassador was as much intended to create a vacancy for Mr. Fortas, as it was to utilize Mr. Goldberg's talents at the U.N. I am not sure just who twisted who's arm in the Fortas appointment. Certainly, Abe Fortas' intimate knowledge of the Bobby Baker case, the Walter Jenkins involvement, the radio-TV trust arrangements, make it clear that he was in a position to have almost anything he might desire.

Thus far, Mr. Speaker, I have talked about the past. There is a current issue involving Mr. Abe Fortas, which has even more ominous implications concerning improper use of influence in the high councils of government. This incident should be investigated by the Senate Judiciary Committee.

A few weeks ago, a major oil company in the United States won a favorable decision from the Department of the Interior, which will result in a huge windfall for that company, and which has aroused the ire of every other major oil company in the Nation. As a result of the Interior Department's ruling, this oil company will be able to establish a refinery in our Commonwealth of Puerto Rico, which will then permit it to treble its import quota by virtue of a special ruling. In the first half of 1965, this oil company imported under the quota 21,300 barrels of crude oil a day. Now, an additional 50,000 barrels will be permitted, meaning it will be able to ship by cheap transportation to the eastern United States around 25,000 barrels a day of refined gasoline. The oil will come from Venezuela, where it is worth about $1.25 a barrel, giving a great competitive price advantage over domestic oil.

Of the 73 major witnesses before the Interior Department, 71 were strongly opposed to permitting this special dispensation in favor of one firm. It has been estimated that the windfall will total anywhere from $11 to $30 million a year. Two men had a vital part in this decision. One of them was Mr. Abe Fortas, who acted as attorney for the Commonwealth of Puerto Rico. It is interesting also to note that the chairman of the board of this oil company is a member of President Johnson's $1,000 club.

Mr. Speaker, there is more information on this subject which I shall develop at a later time. But, I believe there is already sufficient evidence to indicate that there should be no hasty action on Mr. Fortas' confirmation. There are too many questions that need to be answered. The first is why, oh why, does our Commander in Chief stoop to further conquer when his sails are well set with a following sea and fair winds?

An article from the Chicago Tribune follows:

[From the Chicago (Ill.) Tribune, July 29, 1965]

FIXER ON THE BENCH

Abe Fortas, the man President Johnson has appointed to the seat vacated by Arthur J. Goldberg on the Supreme Court, has been a political fixer around Washington since the earliest days of the New Deal more than 30 years ago. He has run some important errands for Mr. Johnson and has had a somewhat dizzying record defending loyalty and security risks.

When last October, at the height of the presidential campaign, Lyndon Johnson found himself deeply embarrassed, he turned instinctively to Fortas. The embarrassment was occasioned by the disclosure that Walter Jenkins, Mr. Johnson's most trusted White House assistant, had been arrested for a second time by Washington police on a morals charge.

Jenkins, aware of Fortas' close relationship with Johnson, anticipated the President by telephoning Fortas with the word, "I'm in terrible trouble." Fortas arranged for Jenkins to meet him at the Fortas home in Georgetown, where he poured out his story. The newspapers had got hold of the facts.

Fortas immediately called Clark Clifford, another lawyer with clout, an intimate of Presidents Truman and Johnson, and together they made the rounds of the Washington newspapers, seeking to get the story suppressed. But Mr. Johnson, in New York, learned that the story would shortly move on the wire services. He called Fortas at once and assigned him to go to the hospital where Jenkins had been put in storage and get his resignation. Fortas was able shortly to report that the mission had been accomplished, and Mr. Johnson was able to wash his hands of a scandal.

In previous time Fortas helped Alger Hiss and Harry Dexter White, Soviet agents, to draft the United Nations Charter. He appeared as counsel for Owen Lattimore when that expert on the Orient had to rush home from Afghanistan to face charges by the late Senator Joseph R. McCarthy that he had been promoting Communist objectives in Asia.

Lattimore termed Fortas a "solid rock" in helping him through his ordeal. Fortas' services did not, however, save Lattimore from being indicted on seven charges of perjury arising from his testimony before the Senate Internal Security Subcommittee, nor did it prevent the committee from pronouncing that from around 1930 Lattimore had been "a conscious, articulate instrument of the Soviet conspiracy."

Liberals, however, know their way around Washington, and a Federal judge of that persuasion was easily induced to get Lattimore off the hook by finding that the indictment lacked clarity. The Department of Justice had suggested that the judge disqualify himself for reasons of manifest bias, but the suggestion was spurned and the case never went to a jury to be heard on its merits. Fortas and his associates represented Lattimore.

The appointment of Fortas has two advantages in the eyes of the administration. It provides the White House with an astute and trusted agent with a sharp instinct for the political angles on the highest court in the land, and it perpetuates the liberal majority which holds forth under Chief Justice Earl Warren. If it also pays off a few political debts, who, among friends, is to cavil about that?

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for his statement on the subject of the nomination of Mr. Abe Fortas to the Supreme Court bench of the United States.

I say to the gentleman from Missouri that this nomination is inconceivable under the circumstances.

Fortas was the middleman in the Walter Jenkins case who did everything within his power to kill the story of the sex pervert Walter Jenkins, President Johnson's confidant, after he, Jenkins, had posted and forfeited bond at the police station as a result of his escapades at the YMCA in Washington, the last being only less than a year ago.

The gentleman from Missouri did not mention in his statement another attempt on the part of Abe Fortas to kill off the story by the Washington Star in connection with the famous stereo set that was made available to the Lyndon Johnson family by one Don Reynolds, who was told that it would be good business to provide a stereo set and, also, to buy advertising over the Lyndon Johnson radio-television combine in Austin, Tex.

This is the same Abe Fortas who intervened in both of these situations, both the Jenkins case and the gift of a stereo set, in an effort to suppress the news and deny the public right to know.

Much more needs to be said and I would hope that next week more will be said on the subject of this inconceivable nomination to the Supreme Court bench of the United States.

I thank the gentleman from Missouri for yielding.

Mr. HALL. I thank the gentleman from Iowa for his comments.

I think there is little more that need be said, but I want to point out again that there is much more work to be done, much more research to be followed up and certainly there is much more to develop in the few days before the Committee on the Judiciary in the other body takes under advice and consent the confirmation of this appointment.

Mr. Speaker, I yield back the balance of my time.

WHAT MEDICARE MEANS FOR YOU

The SPEAKER pro tempore (Mr. FARNUM). Under previous order of the House the gentleman from Ohio [Mr. VANIK] is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, I am pleased to insert in the CONGRESSIONAL RECORD the up-to-date official analysis of what the medicare and social security amendments will mean for beneficiaries of the social security program in the United States.

As a member of the Ways and Means Committee, I have been extremely pleased to have a part in the development of this historic legislation. Almost one-fourth of my constituents of the 21st District of Ohio, who currently receive social security benefits, will become eligible for almost complete health insurance.

I hope that this analysis will be helpful in explaining exactly what can be expected from this great legislation. It is my hope that we can now develop plans for the construction of additional hospital and extended-care facilities and commence the training of the additional personnel who will be required in these new facilities. Every community has a great stake in the success of this program.

This analysis of the medicare and social security amendments of 1965 (H.R. 6675), as finally approved by the Congress, is in six parts—first, a description of the basic hospitalization program and the voluntary supplementary plan to cover physicians' fees and other medical costs; second, improvement of the Kerr-Mills law; third, amendments of the child health programs; fourth, public assistance amendments; fifth, social security benefits increases; sixth, financing provisions:

ANALYSIS OF MEDICARE AND SOCIAL SECURITY AMENDMENTS OF 1965

I. HEALTH INSURANCE FOR THE AGED

A. Basic plan of hospital insurance financed through social security system

1. Eligibility: All persons age 65 and over except certain aliens, persons convicted of subversive crimes, and Federal employees eligible under Federal Employees Health Benefits Act of 1959.

2. Enrollment: No enrollment necessary. Coverage is automatic.

3. Effective: July 1, 1966, except for services in extended care facilities which are effective January 1, 1967.

4. Benefits:

(a) Hospital inpatient services: Total of 90 days for each spell of illness—60 days with $40 deductible and additional 30 days with $10 a day deductible. (Lifetime limit of 190 days on psychiatric hospital services.)

(b) Posthospital extended care: At least 20 days and up to 100 days for each spell of illness following transfer from hospital in facility having an agreement with hospital; $5 a day deductible after first 20 days. (Excludes mental disease and tuberculosis facilities.)

(c) Outpatient hospital diagnostic services: Available as required with patient paying $20 deductible and 20 percent of remaining costs for such services during a 20-day period; $20 deductible can be credited against $50 annual deductible required under voluntary supplementary plan.

(d) Posthospital home health services: Up to 100 visits after discharge from hospital or extended care facility, and under care of a physician.

5. Financing:

(a) Payroll taxes to finance basic plan will be placed in separate hospital insurance trust fund.

(b) Same contribution rate will apply equally to employer, employee, self-employed: 1966, 0.35 percent; 1967–70, 0.50 percent; 1971–72, 0.50 percent; 1973–75, 0.55 percent; 1976–79, 0.60 percent; 1980–86, 0.70 percent; 1987 and after, 0.80 percent.

(c) Taxable earnings base: $6,600 in 1966.

(d) Cost of basic benefits to those not covered by social security or railroad retirement will be met from general revenues.

B. Voluntary supplementary plan covering physicians' fees and other medical services

1. Eligibility: All persons age 65 and over on a voluntary basis.

2. Enrollment: (a) Persons 65 or over before January 1, 1966, may enroll between the second month after enactment and March 31, 1966; (b) persons attaining age 65 after December 31, 1965, may enroll during a 7-month period beginning 3 months before attaining age 65.

3. Effective: Benefits effective July 1, 1966.

4. Benefits: $50 annual deductible; 80 percent of patient's bill will be covered for following services:

(a) Physicians' and surgical services, including certain dental surgeons' services, in hospital, clinic, office or home. Excludes chiropractors and podiatrists.

(b) Home health services, without requirement of prior hospitalization, for up to 100 visits a year.

(c) Other medical and health services in or out of medical institutions, including diagnostic X-ray and lab tests; ambulance services; surgical dressing; splints, casts; rental of certain medical equipment as iron lungs, oxygen tents; braces; artificial limbs; all services in field of radiology, pathology, psychiatry, anesthesiology.

(d) Limitation—on outside hospital treatment of mental, psychoneurotic and personality disorders. Payment limited to $250 or 50 percent of expenses, whichever is smaller.

5. Financing: Aged who choose to enroll will pay monthly premium of $3. If a person is receiving monthly social security benefit, $3 premium will be deducted from benefit. Government will match premium with $3 from general funds. Monthly premium subject to change after 1968.

C. Income tax provisions

1. For income tax purposes, medical expense deductions will be limited to amounts in excess of 3 percent of adjusted gross income for persons under 65 and for persons over 65. Ceilings on medical expense deductions removed.

2. Special deduction of one-half of premiums for medical care insurance is provided for all taxpayers who itemize deductions, but not to exceed $150 per year.

II. IMPROVEMENT OF KERR-MILLS

Establishes single medical assistance program providing medical care not only for needy aged (Kerr-Mills) but also to blind, disabled, families with dependent children and other medically needy children.

(a) Federal payments for medical assistance under existing public assistance programs will end upon adoption of new program by State, but no later than December 31, 1969.

(b) Sets forth certain medical services States must provide by July 1, 1967, to receive Federal financial participation.

(c) Requires States provide flexible income tests for needy aged. Provides assistance to needy aged in meeting deductibles required under new health insurance programs.

(d) Increases Federal financial share of medical assistance under new State plan.

III. CHILD HEALTH PROGRAM AMENDMENTS

(a) Maternal and child health, crippled children, child welfare: Increases current authorization by $5 million for fiscal year 1966 and $10 million in each succeeding fiscal year. ($45 million, fiscal year 1966; $50 million, fiscal year 1967; $55 million, fiscal year 1968–69; $60 million, 1970 and after); goal: services available to all children by July 1, 1975.

(b) Crippled children training personnel: Authorizes $5 million for fiscal year 1967, $10 million for fiscal year 1968; $17.5 million in each succeeding fiscal year in grants to higher education institutions for training professional personnel for crippled children, especially mentally retarded children and those with multiple handicaps.

(c) Health care for needy children: Authorizes a 5-year program of special 75 percent project grants to provide comprehensive health care and services for needy school and preschool children.

(d) Mental retardation planning: Authorizes $2,750,000 in grants for each of fiscal years 1966 and 1967 to assist States to implement mental retardation plans.

IV. PUBLIC ASSISTANCE AMENDMENTS

Effective January 1966, Federal share under all State public assistance programs will be increased an average of $2.50 a month for needy aged, blind and disabled, and $1.25 for needy children.

V. SOCIAL SECURITY BENEFITS

(a) Provides 7 percent across the board benefit increase (minimum increase of $4) to $20 million social security beneficiaries. Benefit increase retroactive to January 1 1965.

(b) Child's insurance benefits: Provide for continuation of child's insurance benefits to children attending school or college up to age 22; 295,000 children will benefit in September 1965.

(c) Widows' benefits: Provides option to widows of receiving actuarially reduced benefits at age 60. Full widows' benefits are now payable at age 62; 185,000 widows in 1966 will take advantage of provision.

(d) Disability program: Liberalizes disability insurance program to immediately benefit some 67,000 disabled workers and dependents.

(e) Age 72 and over: Liberalizes eligibility requiremnts by providing a basic benefit of $35 at age 72 or over to 355,000 persons with a minimum of three quarters of coverage.

(f) Retirement test: Liberalizes social security earned income limitation. Exempts first $1,500 a year, provides $1 reduction for $2 earnings between $1,500 and $2,700, and $1 above $2,700. Present law provides $1 for $2 between $1,200 and $1,700 and $1 for $1 over $1,700.

(g) Remarriage of widow: Continues widow/widower benefits at reduced rate (50 percent as compared to 82.5 percent) if widow age 60 or over or widower age 62 or over remarries.

(h) Other amendments: Authorizes benefits to certain women divorced after 20 years of marrigae; authorizes child benefits if father was supporting child regardless of status of child under State inheritance laws (20,000 children and mothers will benefit); clarifies payment of benefits to children adopted by retired worker. Makes other minor amendments affecting farmers with annual gross income of $2,400 or less; exempts members of certain religious sects; permits nonprofit organizations and employees to elect coverage retroactively for period up to 5 years (1 year presently); reopens period during which ministers may elect coverage.

(i) Coverage: Extends coverage to self-employed physicians, effective taxable year ending December 31, 1965, and to interns, effective January 1, 1966. Covers cash tips received after 1965. Employer not required to pay social security employer tax on tips. Tips totaling less than $20 a month not subject to withholding.

VI. FINANCING PROVISIONS

(a) Taxes will be paid on first $6,600 of annual earnings effective 1966. (Presently paid on $4,800 of annual income.)

Combined OASDI and HI (hospital insurance) tax rates

[In percent]

Year	Employer, employee, each		Self-employed	
	Rate	Maximum amount	Rate	Maximum amount
Present	3.62	$174.00	5.40	$259.20
1966	4.20	277.20	6.15	405.90
1967–68	4.40	290.40	6.40	422.40
1969–72	4.90	323.40	7.10	468.60
1973–75	5.40	356.40	7.55	498.30
1976–79	5.45	359.70	7.60	501.60
1980–86	5.55	366.30	7.70	508.20
1987 and after	5.65	372.90	7.80	514.80

WEATHER MODIFICATION REPORT

The SPEAKER pro tempore. Under previous order of the House the gentleman from Maryland [Mr. MATHIAS] is recognized for 15 minutes.

Mr. MATHIAS. Mr. Speaker, men who glean their livelihood from the land have always been acutely sensitive to sun and rain and wind. Now, in this summer of midwestern floods and devastating eastern drought, millions of metropolitan Americans are gaining a new consciousness of climatic conditions and quirks. Throughout America, the weather is more than a topic of polite conversation.

Yet it is no longer true that "everyone talks about the weather, but nobody does anything about it." While a variety of steps are being taken at all levels of government to fight the current water crisis, scientists of vision and imagination are working toward the distant day when it will be possible to control violent storms, and to bring rain to arid regions of the earth. According to the National Science Foundation's 1964 Annual Report on Weather Modification:

> It may be possible, with imaginative, long-term effort, to change the face of the earth itself by altering the large-scale features of the weather.

The science of weather modification is still in its infancy, but it is a very active youth. Public and private efforts in this field have expanded greatly in the past decade. Several Federal agencies, primarily the Department of Commerce, the National Science Foundation, NASA, and the Departments of Interior and Defense, have increased their support of atmospheric research to a total Federal investment of $3,529,683 in fiscal 1964. Recently the Federal Council for Science and Technology established the Interdepartmental Committee for the Atmospheric Sciences to encourage coordination of these Federal activities.

Although our reservoir of knowledge of basic weather processes increases almost daily, we still have only scanty knowledge of rain, cloud formations, and the effects of experiments. In some cases, enthusiasm has far outrun experience, producing understandable doubts, questions, and sometimes outright alarm about men's meddling with the elements. The legislature in my own State of Maryland, for example, has recently passed a law prohibiting cloudseeding in the State for 2 years. A similar measure has just been vetoed by the Governor of Pennsylvania.

It seems time to take stock of weather modification programs, progress, and problems. It is time to find out precisely who is doing what. It is time to study public and private efforts, here and abroad, to evaluate them and to develop clear guidelines for future work. Unless we do this, this young science faces the dangers of expensive duplication of efforts, and of crippling controversies.

I am today introducing a bill which would direct the President to submit to Congress, on or before June 30, 1966, a special report on the current status of research and practical application of the science of weather modification. This report would include an evaluation of the current ability of the United States and other nations to modify weather and climatic conditions. It would also include statements by the head of each executive department and agency, describing that department or agency's current programs and objectives in this field.

The central difficulty in developing such a report is a lack of information about private and non-Federal weather modification activities. Thus my bill would require that any person engaging in any form of weather modification activity in the United States shall file reports with the Secretary of Commerce both before and after undertaking such activities. The form and content of these reports shall be prescribed by the Secretary of Commerce, and all information so filed shall be considered confidential.

These reports, analyzed in conjunction with the weather information already available within the Department of Commerce, will augment the reports to be filed by Federal agencies, and will provide the President with the information necessary for a comprehensive evaluation of the overall status of this science in America.

To date weather modification has been of relatively low priority in the hierarchy of American research and development activities. The National Science Foundation, in the report to which I referred above, declared:

> If we are to evaluate and exploit the potential of weather modification in our lifetimes in order to help solve problems of resource management and world population before they become critical, the effort in atmospheric research, both fundamental and applied, must be accelerated.

In suggesting guidelines for such a high-priority effort, the report continued:

> It should be recognized that practical applications of weather modification in the broad sense may require an effort of scope and duration comparable to that in nuclear physics research and reactor technology development which led to the development of the peaceful uses of atomic energy (although there is indication that the overall cost may be somewhat less).

Before committing this country to such a massive and sustained effort, we should know where we stand now. A comprehensive Presidential report such as the one required by my bill would give the Congress and the Nation the fundamental information which we need before attempting to evaluate expert recommendations on methods and goals. For, like nuclear physics, the science of weather modification has an infinite capacity for mischief or for good. We must be sure that man's efforts to tame the elements proceed along paths beneficial to mankind.

THE APPOINTMENT OF ABE FORTAS TO THE SUPREME COURT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. EDMONDSON] is recognized for 5 minutes.

Mr. GRIDER. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Tennessee.

Mr. GRIDER. Mr. Speaker, I regret that this body, with its privileges and protections, has been used for the ill-chosen and ill-informed attack which has been made upon a great American citizen, a member of my hometown of Memphis, Tenn., Mr. Abe Fortas.

Mr. Speaker, it is difficult on occasion for those not closely associated with the professions to understand the obligation that a professional man has to represent those who come to him.

For example, Mr. Speaker, I can hardly imagine a physician who would turn down a patient because the patient was unsavory, and I cannot imagine an attorney who would turn down a client for the same reason. I think to do so would be a gross mistake.

Mr. Speaker, I would like to read into the RECORD a telegram received today from the American Trial Lawyers Association:

> The American Trial Lawyers Association which is now in convention in Miami Beach, representing 20,000 of the country's most experienced trial lawyers, interrupted the proceedings of their convention on yesterday to adopt a resolution commending the President for appointing Abe Fortas as associate justice of the U.S. Supreme Court and reiterated the American Trial Lawyers' support of the Supreme Court and assuring the Court of its unqualified support.

Mr. Speaker, this is the message from people better qualified to know the qualifications of Mr. Fortas than those who have recently spoken against him.

This is a group of men who, as I am, are in a position to evaluate this great patriotic American citizen.

I would like to say, Mr. Speaker, I believe if it were the business of this body to pass upon the qualifications of Mr. Fortas, it would be the sense of this body to overwhelmingly support him. I suggest that attacks that are not based upon anything deeper than articles in Esquire magazine are not the best source of information for this high office.

Mr. EDMONDSON. I thank the gentleman from Tennessee. I am certainly disappointed that my colleague from Missouri has elected to use this forum to launch an attack upon a distinguished American, a man whose ability and integrity as an attorney have never been previously challenged, to my knowledge.

There is no question about the fact that the qualifications of Mr. Fortas will be carefully reviewed in the Senate of the United States. I think the gentleman from Missouri, if he has evidence to submitt on the question of the qualifications of Mr. Fortas, should certainly present that evidence to the Senate of the United States; but to launch the type of attack that has been conducted here on the basis of an article appearing in Esquire magazine is, in my judgment, not in the best traditions of the House of Representatives in connection with an appointment of this importance.

There has been no question from either of the gentlemen who have spoken here today about the capacity or the ability or the intellect or the fidelity to his clients of the gentleman who has been nominated to the Supreme Court. There has been some criticism of certain clients whom he has represented, and some accusation that he has attempted to prevent sensational news treatment of matters that were before the Court. I think this is probably an accusation that could be made against any attorney attempting to see that his client got a fair deal in the courts.

I am particularly disturbed, as the Representative of a district in which the oil company has its headquarters that the gentleman has made reference to, over the classification of the contract in Puerto Rico as a dubious transaction, because there has been nothing secret, nothing below the table.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the gentleman from Missouri made reference to the fact that 73 people had appeared and testified on the subject of the transaction in Puerto Rico, the project in Puerto Rico, under which the Phillips Petroleum Co. has contracted to invest approximately $100 million for the development of a petrochemical complex to give employment to the people of Puerto Rico, in exchange for the additional quota application. He has made reference to the fact there was a public hearing on this subject. The public hearing was held to afford to anybody who had anything to say against the proposition to appear and have their say.

To say that because a hearing was held at which opponents of the measure were invited to come in is not, in my estimation, a substantial reason to launch this attack on Mr. Fortas. Because a large number of opponents testified is not a reason for damning the proposal.

I would like to submit that this House reserve its judgment on the matter, as well as the matter of qualifications of an able attorney who has been appointed to the Supreme Court of the United States.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that after the regular order of business and special orders previously entered into I be permitted to address the House for 10 minutes today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, let me say to the gentleman from Tennessee that what I have said on this floor this afternoon I am perfectly willing to say any place, any time, on any platform or forum, and I resent the insinuation that I have sought refuge behind any sanctuary or immunity of the House of Representatives.

The gentleman speaks of loyalty to the President and ability on the part of Fortas. I agree, and I do not think anyone would contest the statement, that Bobby Baker had ability and that he was loyal to the then Senate majority leader, Lyndon Johnson, now President of the United States.

The mystery to me has always been: How could this man, Baker, indulge in the many activities that he did, building himself a personal fortune while on the public payroll and a protege of the then Senate majority leader, Lyndon Johnson, without the same Senate majority leader knowing what he was doing. Do you think you could have an employee in your office, carrying on the manipulations of a Bobby Baker, without knowing what he was doing? It would be utterly impossible.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. EDMONDSON. Is the gentleman contending that the man who was President of the United States during the time of the Teapot Dome scandals knew everything that the Secretary of Interior did when he was defrauding the public back in the Republican administration of the twenties?

Mr. GROSS. The gentleman is using the tactic of trying to make an odious comparison. You can get your own time to do all of that you want to.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. I just say I want to join the gentleman in stating that any statement I have made here today stands exactly on what has been placed in the RECORD and as to what I have stated, I, too, will state it any place, anywhere, and at any time. This research, per happenstance, has been going on for some time and certainly that portion pertaining to the oil refinery in Puerto Rico, which was not named, will stand for the RECORD and the test and evaluation of time.

The facts as stated remain. The question at issue, inasmuch as this body has no function of advising and consenting as personal representatives of the people, is placed in the geographical representatives of the States in the other body and it is a question in representing those people of cautioning that body to exercise its judgment not on the intellect or the capacity or the vivaciousness or all the other adjectives that might be used to describe this gentleman of Washington of the legal profession, who must now and then if assigned by a court take a dubious or odious case, but whether his judgment is worthwhile as an appointee or nominee to this greatest of judicial bodies. It is there that the question is raised and it is there so far as I am concerned that the question stands.

I am glad that we have raised the question. I think in this day and age when, as I said in the beginning, unfortunately appointments are made based on political patronage in the highest court in the world, with the long-range deficit resulting in the great triumvirate of our system of government that makes this Nation itself great, it is indeed time now as in other places throughout the Government that we question appointments rather than electees or nominees.

Mr. GROSS. Mr. Speaker, some reference was made to the article in Esquire magazine. Let me say to any who may be interested that, so far as I know, there is nothing particularly new or startling about the information contained therein. This information has been carried at one time or another during the past year or year and a half by, I believe, every newspaper in Washington. Certainly, the newspapers of the country have carried all of this information. It simply has been brought together in one place in one well-written article.

Mr. Speaker, I am sick and tired of various manipulations in this little world of make believe in Washington being swept under the rug. So far as I am concerned, I do not intend to see any more of them swept under the rug if I, as one individual, can prevent it.

Mr. Speaker, I yield back the remainder of my time.

NOMINATION OF ABE FORTAS TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. GRIDER] is recognized for 5 minutes.

Mr. GRIDER. Mr. Speaker, I wish to say, in further pursuit of the matter of the nomination of Mr. Abe Fortas, that I have no doubt my colleagues who have risen and spoken against him here today would have the courage to make the same statements in public.

Indeed, Mr. Speaker, this element of courage is the very thing I most respect and admire in my friend the nominee for Associate Justice, Mr. Abe Fortas—the courage to take and espouse the unpopular cause; the courage to represent the man who, in the eyes of the public, is already condemned; the courage, on occasion, to represent without charge those who cannot afford to pay for representation and who are accused of heinous crimes.

This is in the finest tradition of the Americal legal system and the British legal system. Erskine, of England, was one of the great advocates of this system. Without it the judicial system would crumble in this country; and the same men who attack Abe Fortas today because he has had that courage might be the very people who would rely upon it in the future.

The members of the Supreme Court are often subjected to the pressures of having to take positions which are not in accord with the popular will. When that happens it takes men of courage as well as learning, dedication, and erudition. I am confident Mr. Fortas has that courage. I am confident that that is the reason, Mr. Speaker, he has achieved the high office he has today.

Mr. Speaker, Mr. Abe Fortas in 1943 was the member of the President's Commission To Study Changes in the Organic Law of Puerto Rico. His friendship for that part of our land has been historic. It long preceded the election of the Democratic President, Mr. Kennedy. His representation in this appointment matter, in which innuendo has been made, was in the tradition of helping that commonwealth, as he has traditionally over two decades.

Mr. Speaker, my objection to the attack that was launched upon Mr. Fortas today is related to some degree to the willingness to those who made it to make it in public; that is, it was more a matter of innuendo than of hard fact. The statement that he enriched himself while on the public payroll insinuates many things but, I suggest, Mr. Speaker, that sort of insinuation has gone out of style in this country in most circles, and I would like to hope that the day will come when it will go out of style in all circles. My objection to the attack is based upon that. This was a series of innuendoes a man could make safely anywhere because they contain no substance.

SUPPORT FOR PRESIDENT JOHNSON'S VIET POLICY

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. ROGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, it is clear from the decisions announced by the President concerning the turn of events in Vietnam that those decisions have been reached after one of the most careful and exhausting reviews undertaken by any Chief of State in the history of this Nation.

The President has restated that it is the Nation's position to be firm and resolute without being rash and bellicose. America will beckon the Communists toward a peaceful solution to Vietnam with one hand while holding U.S. armed might in the fist of the other hand.

The President has demonstrated to the entire Nation that the gravity of Vietnam deserves the resources of reason, not yielding to the temptations of frustration or temper. His actions demonstrate the leadership which every nation sees in America.

This Nation has a duty to greatness, and in Vietnam and elsewhere on this earth Americans will continue to walk free because they know the consequence of faltering footsteps.

The President's action will continue the consensus of America that freedom will be maintained.

DRUG ABUSE CONTROL AMENDMENTS OF 1965

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. ROGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, this session of the Congress has accomplished much in terms of legislative action, and stands as one of the most productive in the Nation's history although the first session is not yet completed.

Among the most outstanding accomplishments of this Congress is the Drug Abuse Control Amendments of 1965, signed into law by the President July 15. With this new law we have erected a bulwark against a widespread menace to the public health, especially concerning the young people of America.

As a member of the Interstate and Foreign Commerce Committee of the House, I was pleased to have participated in the formulation of this new law. The hearings conducted by the committee clearly showed that stronger legal machinery was needed to curb the illicit traffic or depressant and stimulant drugs. However, as a member of the committee, I was surprised to learn during hearings that the prescription drug industry itself had taken few if any significant measures toward self-regulation.

For example, the committee's House Report No. 130 reads:

> There is no level in the entire chain of distribution from manufacturer to consumer which does not today serve as a source of supply of depressant and stimulant drugs for the illicit trade.
>
> With the exception of the educational programs and the programs of cooperation with law-enforcement agencies and drug identification carried on by Smith Kline & French Laboratories of Philadelphia, Pa., to the committee's knowledge there has been little voluntary control activity on the part of those involved in the manufacture and distribution of these drugs to prevent or curtail this illicit traffic. Of course, many persons in the business of manufacture or distribution of these drugs check on the validity of their customers or proposed customers. However, there has been a virtual dearth of voluntary self-regulation or of attempts thereat by the industry at any level.

It was encouraging during the hearings to note that the drug industry itself was trying to bring about approaches toward a solution to the problem of illegal drug traffic in depressant and stimulant drugs. In reference to the committee report above, it must be noted that much can be done by the industry such as the programs implemented by the firm cited in the committee report. Similar measures might well be considered by other companies in the field.

The disturbing misuse of such drugs as barbiturates and amphetamines has been linked to the rising toll of highway accidents as well as a factor in juvenile delinquency and crime. Only through the cooperation and assistance of the industry itself will the fullest benefits of this law lessen the problems linked to the illicit drug trade. Industry cooperation is held to carry out the intent of the Congress that this law be fully operative.

THE NEGRO VOTE IN DETROIT, MICH., AND WHAT IT MEANS IN RACE RELATIONS

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DIGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. DIGGS. Mr. Speaker, I call to the attention of my colleagues an excellent report on Detroit's progress in race relations, by Stanley H. Brown, in the June issue of Fortune magazine, "Detroit: Slow Healing of a Fractured City."

DETROIT: SLOW HEALING OF A FRACTURED CITY

(By Stanley H. Brown)

"City fair,
Shining there,
In your place beneath the sun,
All the world is watching you.
Detroit is marching on."

Thus in their innocence sang the schoolchildren of Detroit a quarter of a century ago. Hardly anyone remembers, let alone sings, that song today, and few recall the emotions and events that made that piece of doggerel so patently false a picture of their city. In the 1920's a politically powerful Ku Klux Klan, said to be the biggest in the country, actually elected a mayor. In the 1930's the city's violent, depression-fanned insecurities produced the xenophobic, murderous Black Legion, while old Henry Ford was financing publication of an anti-Semitic tract called "The Protocols of the Elders of Zion" and Father Charles Coughlin preached "social justice" and railed against the evils of "international Jewry." In 1937, Ford Motor Co. guards beat bloody two young auto union organizers, Walter Reuther and Richard Frankensteen, in the notorious Battle of the Overpass at the gates of the spectacular River Rouge plant. At the end of the decade a woman's suicide started an investigation of gambling and prostitution that put Detroit's mayor, the county prosecuting attorney, and scores of police in prison. And in 1943 a series of racial incidents finally erupted into the great Detroit race riot, which killed at least 34 and wounded hundreds of Federal troops and armored cars occupied the city. The kids obviously didn't know what they were singing about.

Sometime after World War II, however, the dreary, angry factory town began its metamorphosis. Detroit may still be nothing more than a synonym for the auto industry to people who have never been there, and an epithet on the lips of the traveling salesman looking for a good time. The social conflicts, the physical drabness, and the cultural desolation have by no means vanished. Some aspects of the transformation may be nothing more than evanescent byproducts of the bounteous prosperity of the auto industry during the past 4 years. Others may be long overdue for any city the size and age of Detroit. And some of the brave plans and programs are based on unrealistic estimates of the resources and sophistication of the community. The avid boosters who talk of a renaissance are surely being dazzled by their own enthusiasm.

Still, a new consensus is abroad in the city. All the diverse elements that make up Detroit's power structure, once divided and pitted against itself, are being welded together in a remarkable synthesis. Every significant accomplishment in such major areas as race relations, urban renewal, and the arts—whether initiated by a single individual or by one special interest—has become the province of a board or committee that includes representatives of the United Auto Workers, one or more of the city's utilities, the clergy, ethnic groups, retailers, the auto companies, real estate interests, finance, the press, political groups, and any other relevant interests. And the achievement of the city is discernible as much in the almost palpable determination of its citizenry to confront its problems and attempt their solution as it is in the marked changes that these groups have already wrought.

Though the consensus may appear to encompass a breadth of forces unlikely to do much more than create an aura of civic virtue, in Detroit the synthesized power structure has surprising effect. It is true that in most instances the names of board or committee members are no more than names. The presence of an auto executive or a banker on a board offers no assurance that his employer will supply anything more than good wishes. Nevertheless, sufficient support from diverse and even conflicting interests—particularly from the UAW and the automobile industry—can generally be counted on to elicit enough lipservice, manpower, and money to achieve an objective. Few of the city's leaders are willing to stand in open opposition to the consensus.

Of all the accomplishments in the recent history of the city, the most significant is the progress Detroit has made in race relations. The grim specter of the 1943 riots never quite fades from the minds of the city's leaders. As much as anything else, that specter has enabled the power structure to overcome tenacious prejudice and give the Negro community a role in the consensus probably unparalleled in any major American city. So widespread is Detroit's understanding that the Negro's cry for equality must be heard that in 1963, when Walter Reuther initiated the Citizens Committee for Equal Opportunity to relieve mounting tensions over Negro efforts for civil rights, every business, labor, social, religious, ethnic, financial, and political group of consequence in the city sent its top man. Joseph Ross, president of Federal Department Stores, a chain that finds most of its customers among the city's industrial workers, has been a store executive in New York, Newark, Dallas, Atlanta, and Denver, and he says, "Detroit is more sophisticated in race relations than any other city I know."

THE PRIDE OF CITY HALL

Any effort to attribute the city's awakening to a particular event or individual would be an oversimplification. It would ignore the broad changes in our national life and Federal policy that have affected every city in the last three decades, and would overlook the reaction inevitably generated in Detroit by shame over past neglect. But the new consensus has found itself a most appropriate image in the city's 37-year-old mayor, Jerome Patrick Cavanagh. His record in office and his ability to engender pride and enthusiasm among as disparate a group of supporters as ever a political official is likely to acquire are impressive. And they take on more luster in the light of the fact that during the campaign 4 years ago Cavanagh was virtually unknown, a struggling lawyer with nothing to lose and almost no support from any part of the established leadership. He was opposed then by both newspapers, both political parties, all the business leaders, and by the AFL–CIO.

Cavanagh came to power on a wave of Negro votes. The Negro community had a major grievance against his opponent, the incumbent mayor, and it evidently gave Cavanagh its almost total support. His upset election was, as much as anything, the product of Negro concern that egregious bungling of some recent problems could thwart racial progress in the city. But the margin of Cavanagh's victory (40,000 of 360,000 votes cast) indicated more than that. By electing Cavanagh so resoundingly, the community was expressing a decision that it would not extend the string of mayors who were at best lackluster bureaucrats, that it wanted its change of mood and direction to go all the way to the top. Cavanagh obviously sensed Detroit's new spirit and based his campaign on the city's needs and problems, vigorously countering the city fathers' adamant insistence that everything was dandy.

Once in office, the mayor quickly seized the opportunity to establish himself as the symbol of the city's aspirations. Abjuring the stolid postures of his predecessors, Cavanagh from the outset projected energy, wit, charm, candor, and even intellect. The books on his desk may have their titles deliberately turned toward the visitor, but the mayor reads them, and they include works of St. Thomas Aquinas, Kennedy-Johnson braintruster Walt W. Rostow, liberal cartoonist Herblock, and Dag Hammarskjöld. Heavily Roman Catholic, predominantly liberal Democratic (though municipal elections are nonpartisan), and eagerly seeking modernity and culture, Detroit has found just the man to embody its collective yearning to remake itself into an authentic metropolis. Significantly, the mayor's first executive order called for equal opportunity for Negroes in city jobs.

THE VOICE WILL BE HEARD

Having been instrumental in the election of Cavanagh, the Negro community was assured that its voice would be heard. Although the Detroit Negro has no single leader who acts as his spokesman, many Negroes have long had access to the power structure and, in fact, several are part of it. Horace Sheffield, a staff employee of the UAW, also happens to be the founder of the Trade Union Leadership Council. Created in 1957 as a protest organization to get more jobs for Negroes in union-controlled skilled trades, the TULC is now active in other aspects of community life as well. Discussing Negro participation in the city's consensus of power, he reflected, "Where else could you arrange to meet with people like Joe Hudson [head of J. L. Hudson Co., after Macy's the country's biggest department store] or the head of the Detroit Bank & Trust Co., or the personnel director of General Motors on 3 or 4 hours' notice?"

Now that it is represented, the Negro community intends to play an increasingly important role in the life of the city. For as long as most white people can remember, Negroes have had access to Detroit's hotels, restaurants, and other public accommodations without incident. But it is only since the days of World War II that the Negro has been able fully to share in the prosperity of the auto industry, largely as a result of UAW insistence that all production jobs in the plants be open to Negroes at pay equal to that of whites. So the Negroes have begun to move out of their once clearly defined ghettos into the middle-class white neighborhoods that increasing numbers of them can afford. Often their way has been marked by a good deal of resistance. Many neighborhoods were finally yielded up to them completely by whites, who fled to the suburbs. Other sections, though, including some choice ones, have arrived at and maintained a fairly stable integrated composition.

Negroes in Detroit have deep roots in the community, compared with the more transient populations of Negro ghettos in Harlem and elsewhere in the North. Homeownership is high; roughly 65,000 families—more than 40 percent of the Negro population—own their own houses. Negroes are sufficiently well organized socially and politically to have elected a member to the Detroit Common Council in a citywide election. They have also lected 3 local judges, 10 State legislators, and 2 Congressmen (Michigan's is the only congressional delegation in Washington with 2 Negroes). Federal District Judge Wade H. McCree, Jr., is a Negro who, before his Federal appointment, sat as a county circuit judge. Mayor Cavanagh's first appointment went to a Negro, Alfred Pelham, a fiscal expert on the staff of Wayne State University.

HANDS ACROSS THE BARGAINING TABLE

Detroit's achievements reach beyond the inclusion on decent terms of the Negro segment of the population. The consensus has also established a profitable stability in the community's industrial relations. Virulent labor hating is now considered bad taste and—in view of the UAW's pervasive social and political power—bad tactics as well. Despite harsh pronouncements from both sides during contract negotiations, once bitterly fought wars have now become hard-played games for high stakes at the bargaining table, with the limits worked out in advance by technicians, UAW Vice President Leonard Woodcock thinks this development took much impetus from contract negotiations in the 1940's between the union's President Walter Reuther and the late Charles E. Wilson of General Motors. It produced what Woodcock terms "a close personal relationship between two prime antagonists" that may have dissipated tensions throughout the community.

Partly as a result, labor relations in the community are, in the words of a Ford spokesman, "more mature" than elsewhere. Therefore the trend of the industry to locate new installations far away from Detroit has begun to reverse. Ford has decided to put a big new stamping plant near Detroit instead of in the Cleveland area, where that kind of work traditionally goes. Last year General Motors began a $100 million expansion program in the Detroit area. Other auto makers and suppliers are also increasing operations there.

AWARD-WINNING BOMBSITE

Urban renewal came relatively late to Detroit, but when it arrived there was no stopping the bulldozers. A broad belt encircling the downtown area and extending east, north, and west is in a constant state of flux as old buildings are vacated, then demolished, gradually to be replaced by new apartments, townhouses, hotels, motels, and small plants, and office buildings. Eventually, according to plans that go back a decade or more, the entire blighted core of the city will be a vast panoply of new middle-class housing, hospitals, museums, parks, schools, as well as civic, cultural, and commercial structures. This spring Detroit's master plan won the American Institute of Architects' first citation for excellence in community architecture. At present, though, the area bears more resemblance to Berlin after World War II than it does to the plan. Detroit's timetable of accomplishment is still some distance behind that of cities like Boston and Philadelphia. But City Planning Director Charles Blessing takes the cheerful view that Detroit's tardiness "gives us a chance to avoid their mistakes."

The new synthesis also finds an expression in Detroit's zeal for things cultural. The city that once symbolized a cultural wasteland is building two new wings on its art musuem, which is making some fine new acquisitions. The city also boasts a symphony orchestra whose deficit is made up largely by annual contributions from almost every major corporation in the city. After years of flying ignominiously to Cleveland to see the Metropolitan Opera Co., Detroit's opera lovers can now see the Met at home for a week each spring. Through two of the city's legitimate theaters have been converted to Cinerama movies, the surviving Fisher Theater—a handsome converted movie house—has been running 52 weeks a year, showing pre-Broadway tryouts and post-Broadway road shows. And a semiprofessional university repertory theater has just completed 5 months of creditable productions of Shakespeare, Brecht, Sophocles, and Molière before big audiences.

HOW DEEP IS A CONSENSUS?

But the good intentions of Walter Reuther and the others who constitute the consensus have not yet bitten deep into the tangle of Detroits' problems and tensions. Some 60 years ago the almost accidental location of the automobile industry in Detroit destroyed the homogeneous, mid-American town that had grown up in the 19th century on the burned-out ruins of a French trading post. About all that is left of the French are street names like Gratiot, St. Antoine, Beaubien, Riopelle, and Dequindre, which Detroit pronounces in ways that no Frenchman would recognize. The old families with money from lake shipping, upstate lumbering, and pre-auto manufacturing mostly took refuge in Grosse Pointe or farther away from the big, brutal auto factories and their laborers. When Henry Ford offered $5 a day in 1914, immigrants flooded into the city. Irish, Italians, Poles, Belgians, Hungarians, Maltese, Armenians, Jews, Lebanese, and French Canadians as well as Negroes and white southerners swelled the ranks. It was once said that Detroit and the politically separate enclave of Hamtramck had more Poles than any city but Warsaw, and more Belgians than any city outside of Belgium.

The three biggest groups—Poles, Negroes, and white southerners—have been the source of much of the city's racial tension. White southerners, even within the liberalizing atmosphere of the UAW, excluded Negroes from office in local unions that they controlled. The Poles, discontented with bearing the burden of being low on the social scale, often found outlets for their hostilities in their attitude toward Negroes.

Negroes had an inordinately difficult time in Detroit's earlier years. The first major immigration of Negroes was sponsored by Henry Ford in the 1920's, in the hope that they would remain loyal to him despite early union-organizing drives. Ford's Negroes were decently taken care of in the model town call Inkster that he built for them, and though they generally got the bottom jobs as sweepers and foundry workers, some were permitted to work their way into skilled jobs—almost the only Negroes in the industry to hold them until fairly recently. True to old Henry, they were among the last holdouts against the union—thus heightening anti-Negro feeling in Detroit in the early 1940's.

A REFUGE IN THE SUBURBS

While the Negroes were still in their ghettos, the managers of the auto companies moved away from the grime and turmoil into the refined homogeneity of the suburbs, first Grosse Pointe, and later Birmingham and Bloomfield Hills. In keeping with the old tradition of putting the office in front of the factory, Ford's headquarters remained near the Rouge plant in Dearborn, just across the western city limit of Detroit, and Chrysler's has stayed at the plant in Highland Park, another independent enclave surrounded by the city. GM set its corporate offices apart from its factories, but it chose a site about 3 miles north of downtown. With their homes in the suburbs and their offices separated from the mainstream of urban life, it was quite natural that the industry's leaders should lose almost all contact with the physical as well as the moral and psychological entity of Detroit.

The loss to the city was severe. It had to function without benefit of the considerable talents of the managers of three of the top six industrial corporations in the United States. Without their headquarters buildings, and without the presence of their major suppliers, Detroit's downtown ceased to be the heart of the city. It became instead a symbol of cultural voids, and civic deficiencies: crowded yet somehow empty, too.

The end of World War II marked the start of another costly exodus from Detroit. Negroes with a little money in the bank began making tentative inroads into better neighborhoods. In their turn, many more white families, including a lot of production workers with wartime savings, crossed the frontiers into Dearborn and a string of new suburbs. Facilitating the emigration were the city's first two freeways, which served as funnels to the new areas. Between 1950 and 1960 the city's population fell by nearly 200,000, while the metropolitan area gained nearly three-quarters of a million. Housing vacancies within the city limits climbed, since it became possible to live almost anywhere in the suburbs and drive to work in a half hour.

THE LONG VOYAGE HOME

Driving through a city is not like belonging to it. Today a man who lives in the northwestern suburb of Southfield, for example, can get to and from his downtown office without seeing either the city's few beauties or its considerable troubles. Leaving his office, he may walk a block or two to his car. A drive of another few blocks will carry him onto the John C. Lodge Freeway, a depressed highway that runs north and then northwest through Southfield. Visible, but probably unnoticed, are the rooftops of some high-rise buildings in a housing development. If he is driving during the rush hour, he will run into bumper-to-bumper traffic—giving him a moment to read a garish sign's assurance that "gas is best." As he approaches the spectacular intersection with the east-west Edsel Ford Freeway, he will learn about a television program from its tire-company sponsor, and if he is stuck long enough, the sign will change and urge him to "keep Detroit beautiful." Another short stretch and he will observe the neon legend, "General Motors," atop a many-cornered, 15-story building. The golden spire of the Fisher Building rises across the street. A billboard pitches the advantages of a Ford. The traffic will move a little faster—and he may go swiftly by a sign inquiring if he wouldn't really rather have a Buick? The next thing he is apt to recognize, after he is permitted to increase his speed to 70, from 55, is the sign heralding the Southfield exit.

Much of the city thus goes unseen. Drivers rarely observe the Detroit River, with its heavy freight traffic, which forms the hypotenuse of the rough, lumpy 140-square-mile triangle that defines the city of Detroit. The area suffers from remarkably flat topography, making the occasional towers and the factory and power-station smokestacks, by sheer contrast, significant landmarks. Most factories, houses, and the string of small buildings for insurance offices, manufacturers' agents, restaurants, builders, plumbers, and real estate brokers are one- or two-story structures that hug the flat terrain.

At the point on Lake St. Clair where Wayne County begins sits a huge gray-stone mansion. But it turns out to be only the gatehouse of the Edsel Ford estate. Beyond it, along the shore of the lake just outside the city limits, lie the affluent lands: the communities that make up Grosse Pointe. Jade lawns measured in acres still front some of the great old houses, but much of the land has been sold off for bright new housing for bright young middle management. On the lakefront the shore gives way to yacht clubs and then to the great iron-fenced estates.

A MANSE ALONG THE RIVER

Just across the city line another world begins. There seedy stores and old lower-middle-class houses lead to the big Chrysler-Jefferson plant. Along the river now, old mansions have become funeral homes, new and old high-rise apartments promise splendid river views, and a gate and drive lead to solidarity house, the modern, air-conditioned headquarters of the UAW. Across a bridge lies Belle Isle, the island park with a network of canals for canoeing, a zoo, a marine museum, delicate willows, a carillon tower, refreshment stands, bridle paths, and hundreds of places for small boys to fish and catch nothing. Once the goal of thousands of families on nights too hot to sleep, the park was also the scene of incidents that precipitated the 1943 riots. Now largely the province of the Negro community, Belle Isle has been called a "safety valve" against the pressures of a long, hot summer.

With its history so checkered and its social cleavages so deep, Detroit cannot easily be remade. But the historic aloofness of the auto industry from the city proper is clearly giving way to at least limited involvement. "In the past," concedes Allen Merrell, president of the Greater Detroit Board of Commerce and Ford Motors' vice president for civic and governmental affairs, "the industry was a little negative concerning city problems." In the last decade, however, Henry Ford II and Ford executives like Merrell, improving on old Henry's image, have joined actively in civic affairs. At Chrysler, the city's largest private employer and biggest taxpayer, the management that took over in 1961 has increased substantially its employment and promotion of Negroes, "probably doing more than all the demonstrations have accomplished," says one observer. President Lynn Townsend now sits on several cultural and civic boards.

But for the most part auto-industry participation in the life of the city consists of contributions of money and names rather than aggressive leadership. General Motors, says a spokesman, takes this passive attitude: "We sell cars all over the country, and we get requests for contributions from all over. If there's broad support for something in Detroit, we'll probably go along. The first thing we ask is what are Ford and Chrysler doing?" Even so, the corporation's sheer weight makes it a kind of leader in fund drives. "When General Motors is for something, it tends to have great influence," says an executive of another auto company. "There's a formula of relationships between General Motors and the others, and the banks follow. The National Bank of Detroit is GM's bank. If the corporation supports something, the National Bank supports it, and this lines up the other banks." Rank counts, too, he says. "If the chairman of the drive is chairman or president of one of the auto companies, you'd better contribute. If he's just a vice president, then it would be nice but not necessary. Lower than that, a contribution is strictly optional."

Most active of all the auto companies in Detroit's civic affairs has been American Motors. Before George Romney moved from the company's presidency into active politics, he helped organize Citizens for Michigan to bail the State out of a major fiscal crisis. He was chairman of a committee to investigate Detroit's school problems, and was prominent at the convention that wrote a new State constitution. The climate for Romney's move from business to politics was largely created by American Motors' vice president, Edward Cushman. A former Wayne State University professor, Cushman moves freely in political, academic, and even labor union circles; he is the rare auto executive with social consciousness that goes beyond the usual formal manifestations of corporate good citizenship. He concedes that the auto industry's commitment has been less venturesome than it might be in view of Detroit's problems. As an instance, he cites company contributions to Junior Achievement, Inc., the teenage business organization. Though he grants its value for training middle-class youth, he feels that the organization "is not necessarily the best place to put your money, considering the problems of the disadvantaged kids in this town."

NAILS CAN WORK LOOSE

In view of Detroit's volatile past, no present accomplishments can be thought of as nailed in place forever. Even the greatest achievement of the consensus—the progress in racial integration—is not secure. Last year William Patrick, the city's first Negro councilman in modern times, resigned from the council to take a job with Michigan Bell Telephone Co. His official reason was that the offer was too good to pass up. Some observers, however, conjecture that Patrick had become the bearer of most of the Negro community's grievances to city hall, and it became too much of a load. The special election to replace him pitted a Negro against a white lawyer named Thomas Poindexter, who ran with the support of a coalition of homeowners' organizations in the city's principal white neighborhoods. Poindexter won easily on a moderately racist platform. He now purports to "represent the white people of the city."

The expensive suburbs still resist Negro incursions. Grosse Pointe was once briefly faced with the prospect of a Negro homeowner; its attitude, generously interpreted, was resigned, and the community was perceptibly relieved when the Negro family never came. Other white neighborhoods can be openly violent when Negroes arrive. In Dearborn, a city of over 100,000—only 144 of whom were nonwhite in 1960—a group of citizens brutally attacked 2 Negroes moving furniture from a van into a house, to discover later that the Negroes were movers employed by the new white occupant of the house.

The Negro community is pleased with the attempts of Mayor Cavanagh and his first police commissioner, a former UAW official and State supreme court justice named George Edwards, to improve the attitudes of Detroit's police toward Negroes. But lots of people who remember the past are keeping their fingers crossed. One Negro recently said, "Some hotheaded white cop this summer can undo everything." Cavanagh admits that, but he is also realistic enough to know that the relations between the police and the Negroes cannot be corrected by a few pep talks, or a few promotions among the handful of Negroes on the force. Improvement will require a substantial increase in the number of Negroes on the force—now only about 3 percent, in a city where Negroes make up more than 30 percent of the population.

Unemployment among young Negroes also presents the consensus with a difficult challenge. In March 1965, Detroit's total recorded unemployment stood at the very low figure of 45,000—only 3.1 percent of the labor force. But the Michigan Employment Security Commission adds the qualification that it has no meaningful figure on Negro high school dropouts who never find work and who inevitably become alienated from the community, even the Negro community. The magnitude of the problem shows up in a personal survey conducted by Federal Judge Wade McCree. Considering only the top 20 percent of the graduating class of a high school in a Negro neighborhood, McCree found that a mere 41 graduates located jobs or went on to college or the Armed Forces. The rest of the top bracket—51 high school graduates—could find nothing to do. The remaining 80 percent almost certainly fared worse.

Thousands of young Negroes therefore pour into the city's streets each year. To do something for a few of them, Joe Ross, of Federal Department Stores, ran an experiment in his organization for 16 youths judged unemployable by a standard test. Ross' staff, working with Federal and city funds, developed them all into better-than-average workers, at $1,000 a head, compared with the great financial and social cost of the unemployed. But too many other unemployed young people are disregarded. Some Detroiters, however, hope the conscience of the consensus may soon lead to action. William Day, president of the telephone company and a most active participant in the power structure, replied to a question about what was being done by saying "Nothing." And when asked how it would all turn out, he replied with what sounded like the voice of the new Detroit: "One of these days, Jerry Cavanagh will get a few guys together and come up with a program."

A CARPET MERCHANT'S AVOCATION

With youth of a different sort, however, Detroit and Cavanagh have had their successes. For Detroit can still attract young blood, even though so many of the auto industry's people are removed from the heart of the city's life. When Mayor Cavanagh sought a man to head the city's arts commission, ruling body of the Detroit Institute of Arts, he found a young carpet merchant and real estate promoter named Lawrence Fleischman. Fleischman's distinguished collection of American art and his role as a founder of Detroit's Archives of American Art (a national collection of art documents) gave him adequate credentials. But as the son of a Russian-Jewish immigrant he hardly seemed the man to take over the museum, which long had been the unquestioned province of the Grosse Pointe elite. Though Fleischman has his critics, he has managed to win support from the old guard, and to broaden popular participation in museum activity. When the institute's south wing opens next year it will house, among other acquisitions, a gallery of African art financed largely by Detroit Negroes.

Donald H. Parsons is a different kind of immigrant to the city. When he came out of law school 10 years ago and looked around for an easy place to make a lot of money, he picked Detroit, because he felt that a bright young man would show up well in its stodgy environment. After a few years of law practice, he discovered a rich mine of untapped capital: the savings and option profits of the young, middle-level auto executives. With the financial support of about 100 of these young managers, he acquired a string of small banks and last year, in a brilliantly executed tender-and-proxy fight, the group took over the moribund Bank of the Commonwealth, fourth-largest bank in Detroit, with $600 million in assets. This year Parsons—who is just 35—and his partners, most of whom are not much older, are taking over American Metal Products Co., a venerable auto-parts manufacturer, and he is sure there are many other companies ripe for the picking.

Three miles north of Parsons' bank stand three old houses linked together by rickety outdoor staircases and a sign reading "Hitsville, U.S.A." Behind this unprepossessing facade, Berry Gordy, Jr., runs the company that is the Nation's second-largest producer of popular single records. Nobody outside his family knows for sure how much money Motown Record Corp. is making. But industry estimates for its gross sales in 1965 run as high as $15 million, and the profits of a successful company in this field can be extremely high. The 35-year-old son of a Negro plastering contractor, Gordy has created a company aimed almost entirely at the teenage market. Few adults have ever heard of the Supremes, three girls who sing, but after the Beatles they are among the hottest properties in the industry. And the foremost bright young man in town, of course, is Jerry Cavanagh.

THE DANGER OF BUOYANCY

Cavanagh has his work cut out for him in urban redevelopment. The breakneck pace of the demolition phase of Detroit's urban redevelopment has frequently displaced families and idled land long before capital and developers' commitments were assured. For the city's first postwar renewal program—to replace a dismal slum along Gratiot Avenue just east of downtown with low-rent housing—the first of the old dwellings was vacated in 1950. But as a result of a series of lawsuits, a lot of behind-the-scenes politicking, and several changes of concept, plans, and developers, the land was left vacant for years. In 1954 a citizens' committee proded into existence by Walter Reuther finally began untangling the mess. Even so, it was not until 1958 that the first tenants moved into the new buildings, and it required several years more to fill these first structures, by then medium- and high-rent units. Other redevelopment programs have also encountered troubles: The riverfront civic center, begun in the 1950's, cost the local government and philanthropic organizations over $100 million, but was expected to attract vast private investment to the riverfront. A decade later the only important private additions to the civic center area are the Pontchartrain Hotel, which required a big loan from the Federal Government, and the handsome office tower of Michigan Consolidated Gas Co.

Despite these painful experiences, the city continues to lay grandiose plans and to clear land for them with only a casual regard for their economic feasibility. The west edge of downtown, now a desolate plain, was cleared to make way for something called International Village. A kind of adult Disneyland, the project was to have housed the city's foreign restaurants, quaint shops, art galleries, nightclubs, and sidewalk cafes. A group of the city's leading citizens lent their names to the project, and provided enough front money to land a sizable loan from the Federal Area Redevelopment Administration. But this spring the promoters finally gave up, because they could not locate either the tenants or the private capital the project required.

The city's plans for redevelopment are based on the theory that people have avoided downtown Detroit because there has been nothing much there besides Hudson's and the city's two first-rate restaurants. If the community invests in downtown culture, entertainment, and apartments—so runs the rationale—its citizens will move back into town. For proof, the planners point to the fact that more than 20 percent of the tenants in the Gratiot redevelopment area came back from the suburbs. In the end the theory may prove sound, but it has not yet managed to capture the imagination of Detroit's conservative bankers. And without them, Detroit may never get a magnetic, new downtown.

LOOK WHO DIPS PORK FROM THE BARREL

To help the city's poor, Mayor Cavanagh has launched an antipoverty campaign. Detroit got the first major grant under the Federal Antipoverty Act, and the mayor created his TAP (total action against poverty) program with it. Some people have reservations about the power of this program to penetrate through the bureaucracy and reach the poor. But Cavanagh's skill at getting Federal money for such purposes is praised by some surprising people in Detroit. The city's traditional spokesmen against Federal aid seem to be giving this effort of Cavanagh's their blessing. Allen Merrell of Ford says, "The money is there, and we might as well bring some of it back to Detroit." Another auto executive goes even further: "Without Government renewal programs, we could never afford to put together big enough plantsites in the city."

Besides looking to Washington, Cavanagh is also engaged in some realistic assessments of what Detroit can do for itself. The Mayor's Committee on Economic Growth is at work on a thoroughgoing study of city fiscal resources and requirements. Its chairman, Walker L. Cisler, board chairman of Detroit Edison, has an international reputation dating from 1944, when he brought public utilities into Paris with the first Allied troops. Since coming to Detroit in 1945, Cisler has served in just about every civic organization from the board of trustees of the art musuem to the Citizens Committee for Equal Opportunity. "Things are accomplished by means of money," Cisler bluntly states, and the mayor's committee will not be permitted to forget that. The group's first project is an inventory of city finances under the direction of former City Controller Alfred Pelham. Cisler hopes that this will "stimulate the board of commerce to do more to encourage support of city programs."

THE SUPPORT FROM ODD QUARTERS

Conservative business executives like Cisler have given strong backing to liberal Democrat Cavanagh because they feel the image of the city he projects is good for business. Last February, Cisler, Allen Merrell, and Walter Reuther, among others, jointly sponsored a $50-a-plate dinner for the mayor. The banquet hall held just about every important figure in the city, including most of those who had opposed Cavanagh in 1961. Since then the mayor has cut real estate taxes slightly, and successfully backed a statewide exemption of tools, dies, jigs, and fixtures from property taxes. These factors helped Chrysler decide to locate its new foundry within the city limits. Cavanagh has also wiped out the deficit he inherited by instituting a city income tax. At least two other companies besides Chrysler have decided to move some of their operations into the city. As a result of all this, real estate assessments have begun to rise after an almost continuous decline over the past decade.

The affection of Detroit's business community for the mayor, caused by such eminently practical considerations, is clearly stated. Allen Merrell reflects the mood of Detroit businessmen when he says that Cavanagh is "the best thing Detroit has had for many years."

DESIGNATION OF NATIONAL CEMETERIES

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. WALKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. WALKER of New Mexico. Mr. Speaker, I realize that since World War II proposals that sought to designate cemeteries as national cemeteries have been in opposition to Executive policy. During the past 20 years there have been 20 to 50 such proposals introduced in Congress each year, and, with one exception, these requests have been refused. I feel, however, that I have a very worthy proposal and one which, because of its unusual nature, does deserve the consideration and approval of Congress. Today I am introducing a bill which asks that the cemetery located at the Fort Bayard Veterans' Hospital be designated as a national cemetery.

The Veterans' Administration has ordered the closing of the hospital effective August 31. Adjacent to the hospital is a cemetery which has been in existence since the early days when the Army established Fort Bayard in August of 1866. Soldiers and veterans now interred in this cemetery cover a large span of years and reflect many different phases of our history. With the closing of the hospital, the Veterans' Administration has agreed to assume responsibility for the present area comprising this cemetery. With this assumption, however, they have ordered that no further burials be made.

At the present time there are 16.2 acres of land in the cemetery. Boundaries for the cemetery are yet to be established by the Veterans' Administration. The property was originally public domain; it was then transferred to the Army, then transferred to the Public Health Service, and, lastly, to the Veterans' Administration. Facilities to be included in the cemetery, as designated by the Veterans' Administration, are the rights for 20,000 gallons of water, a structure for equipment and offices, and an approach road. In the present cemetery there are 1,600 graves, with space for an additional 1,400 burials. Since the cemetery is adjacent to Federal forest lands, once the facility was declared a national cemetery 100 additional acres could be acquired from the Park Service.

There are other factors to be considered, including the geographical placement of the present cemetery. No national cemetery is readily available for veterans' burials in the vicinity. To designate this as a national cemetery, therefore, would be a great service to the veterans of this area. The entire southwestern portion of New Mexico, as well as the eastern portion of Arizona, would be served by such a facility.

As most of you know, there was great controversy over the closing of this hospital. Since it has been determined that the closing will be accomplished, however, the designation of this cemetery at Fort Bayard to a national cemetery would be a noble gesture as well as an act of immeasurable service to the people of my State. I respectfully urge that you pass this legislation which would designate the establishment of Fort Bayard National Cemetery.

CELEBREZZE NAMED TO FEDERAL JUDGESHIP

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, President Johnson has named Secretary of Health, Education, and Welfare Anthony J. Celebrezze for a Federal appellate judgeship, and I, along with millions of Americans throughout the Nation, share both the President's "feeling of pride" and "reluctance in seeing him depart from the Department he has guided so skillfully."

I want to take this opportunity to express my personal gratitude for the outstanding contribution that Mr. Celebrezze has made to American education and health by his guidance of this important Department with dedication, foresight, and single-minded purpose.

Mr. Celebrezze typifies the contributions that immigrants have made to the American way of life. Men of his stature represent the continuation of the American legion—a legion which inspired this young Italian immigrant of Italian birth to reach positions of respect and dignity. From humble beginnings, he raised himself by his own bootstraps, by his own initiative, and by his own efforts to graduate from Ohio Northern University with a degree in law.

From the earliest days of his public service, when he was a member of the Ohio State Legislature, and later, as mayor of Cleveland, Mr. Celebrezze made a distinguished record for himself. In 1962 President Kennedy appointed him to the Cabinet as Secretary of Health, Education, and Welfare. During this time he has skillfully welded the Department's vast array of agencies into a single coherent unit. With untiring effort and wise guidance, Mr. Celebrezze has helped to formulate and pass the greatest and most far-reaching legislation in the field of education and health this country has ever known.

As he takes on the responsibilities of his new position within the Federal judicial system, Mr. Celebrezze personifies the image and respect of judicial law. I know he will continue to use the knowledge, the foresight, and the dedication to duty which have always been the guideposts of his successful career in public service.

I congratulate Anthony Celebrezze and the members of his family on this new appointment and wish him Godspeed in the years of public service which lie ahead.

AMENDING THE NORTHERN PACIFIC HALIBUT ACT

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. MEEDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MEEDS. Mr. Speaker, I have today introduced a bill which amends the Northern Pacific Halibut Act of 1924.

My measure is a companion bill to that of S. 1975 introduced by Senator MAGNUSON and passed by the Senate. Our purpose is to authorize $500,000 to construct facilities badly needed by the International Pacific Halibut Commission. Since 1925 the Commission has been situated at the University of Washington in Seattle; however, their lease is due to expire in the fall of 1966.

The Commission is located in a decrepit structure of 1917 vintage. Moreover, the University of Washington is erecting a building to house their new fisheries research institute. Through seminars and lectures the Commission contributes to the program offered by the College of Fisheries. Likewise, the university benefits through association with a policymaking body of the United States and Canada. I believe that passage of this legislation will enable a joint effort to supplement the quality of the university and to augment conservation of our fisheries resources.

We should recognize that while $500,000 is the maximum authorization, university officials have estimated the probable cost to be only $300,000.

To underline the necessity for sustaining the Commission we have only to examine halibut production figures since 1924, the year in which the Commission was established. By the early 1920's our halibut resources had been severely depleted. In 1924 only 40 million pounds were harvested. Today, after 40 years of arduous conservation efforts undertaken by the Commission, the halibut yield has risen to 70 million pounds.

But these figures indicating the prosperity of our fishermen must be qualified by knowledge of recent developments. The 1964 halibut season was one of the worst in modern years. It is universally conceded that American and Canadian fishermen, who have long sacrificed to conserve our fisheries resources, suffered financial disaster because of Japanese overfishing in the Bering Sea halibut grounds.

Mr. Speaker, passage of this measure will help the International Pacific Halibut Commission to underwrite more strenuous efforts toward an understanding with the Japanese. In addition, of course, the Commission will be able to expand its program of conserving our fisheries resources. Recognition of the Commission's outstanding performance is but one feature of a necessary and overall design to protect our fisheries. I strongly urge the House to approve this timely legislation.

NEED HIM

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. COOLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. COOLEY. Mr. Speaker, I know that all the Members of this House of Representatives will be delighted to know that our beloved colleague, the gentleman from North Carolina, HERBERT BONNER, after having undergone a very serious operation, is now on the road to recovery. After the operation, the surgeon issued a statement to the effect that, "He could hardly have responded better." Within a short time, our friend will be "back in the saddle again."

I have cherished and valued HERBERT BONNER's friendship for more than a quarter of a century. When he became a Member of the House more than 25 years ago, he was exceptionally well qualified by background, training, and experience. He served for many years as Secretary to his predecessor, the Honorable Lindsay Warren, who upon retiring from Congress became Comptroller General of the United States. At the end of Mr. Warren's term in Congress, HERBERT BONNER, his secretary, was elected to the House. HERBERT BONNER is now and for many years has been, chairman of the House Merchant Marine and Fisheries Committee, an assignment which is of great importance not only to the people of his district, but to all of the people of the Nation. His committee handles all legislation affecting our merchant marine, our sailing ships that sail the bosoms of the seven seas in the prosecution of a peaceful commerce. HERBERT BONNER is a devoted and dedicated public servant. He has served his country both in war and in peace and has proven himself to be worthy of the confidence of the people who have elected him to Congress and whom he has so ably represented.

Mr. Speaker, on July 23 a short editorial appeared in the News & Observer, published in Raleigh, N.C., and I herewith submit the editorial:

NEED HIM

The people of North Carolina, and especially those in the northeastern part of the State, will hope for a quick and full recovery of Congressman HERBERT BONNER.

Mr. BONNER is 74 years old and has represented the First Congressional District for more than 25 years. He has spent his energies unflaggingly for his people; indeed for the whole country, for as chairman of the House Merchant Marine Committee he has applied wise and diligent effort to bolstering America's means for ocean commerce.

It is good news to hear the surgeon's report following the difficult operation Mr. BONNER underwent: "He could hardly have responded better."

The people in his district will feel greater relief, however, when he is fully recovered. They and all of us need him back on the job.

HAWAII SERVICE AWARD GOES TO ANGIE CONNOR, M.D.

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. Matsunaga] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, too often our dedicated public servants at the State level go unrecognized and unrewarded. I am pleased to note, however, that Dr. Angie Connor, a physician who formerly was with the Hawaii State Department of Health, has been given well-deserved recognition for her outstanding work as a public administrator.

Dr. Angie Connor was recently presented the 1965 Public Administration Award for her service as director of the State's program to help the mentally retarded and for her work as superintendent of the Waimano Training School and Hospital, in Hawaii.

The Hawaii chapter of the American Society for public Administration made the award at its annual meeting at the Hilton Hawaiian Village Hotel, at Waikiki.

Now professor of public health at the University of Hawaii, Dr. Connor was nominated for the award for her service to the State as "physician, scholar, administrator, and humanitarian."

The award praised her work with the mental health program and at the Waimano facility, adding that "she has really accomplished alone the work of two men."

A Hawaii resident since 1948, she was a pediatrician and chief of the bureau of maternal and child health and crippled children prior to her work with the mental retardation program.

It was the fourth consecutive year the award went to a member of the university's ranks. Previous winners were Norman Meller, political science professor; Richard S. Takasaki, university vice president for business affairs; Thomas H. Hamilton, university president; Dr. Richard K. C. Lee, former president of the State board of health and now director of public health and medical activities at the University of Hawaii.

Hawaii is justifiably proud of these outstanding public administrators.

AIR FORCE PERSONNEL CENTER, RANDOLPH AIR FORCE BASE

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, in these days of crisis and uncertainty in foreign affairs I believe everyone will agree that it is absolutely essential for our defense system to operate on a high level of efficiency. Last Friday, July 23, 1965, I was privileged to play a small part in the dedication ceremonies of a military personnel center which will make a substantial contribution toward a more careful and professional handling of the largest organization in the United States, the U.S. Air Force.

The new $2 million personnel center at Randolph Air Force Base, Tex., will take care of the personnel management activities for the Air Force's 850,000 enlisted men and officers. The location of this center at Randolph Air Force Base 1,700 miles away from the Nation's Capital, is deeply significant. For in addition to the great defense complex already located in the San Antonio area, the location of this center reflects the confidence of the Air Force in the people of the 20th Congressional District. I am confident that the people of San Antonio will continue to earn their well deserved reputation for cooperation with the Air Force and will help make the new Air Force personnel center a valuable addition to the Air Force control system.

With unanimous consent I am inserting in the Record the remarks of Lt. Gen. William S. Stone, Deputy Chief of Staff, Randolph Air Force Base; the remarks of Mr. John Lang, Special Assistant for Manpower, Personnel, and Reserve Forces, made at the dedication ceremonies July 23; and a story from the San Antonio Light, July 24:

Remarks of Lt. Gen. William S. Stone

Thank you, General Greene. Distinguished guests, ladies, and gentlemen, the dedication of this facility here today is the culmination of the hopes and dreams and aspirations and tremendously hard work of a multitude of different people. It marks a great milestone, in my estimation, in the management of the personnel system of the Air Force.

It's deeply regretful that Secretary of the Air Force Zuckert could not be here to participate in this function because he, too, is tremendously devoted to the men and women who serve our country in the Air Force. But in his place we have a very able representative, Mr. John Lang, who is his special assistant for manpower, personnel, and reserve forces. Mr. Lang has been a devoted friend of the Air Force for many years. He started out his career in the Air Force as a private and he is now occupying a position in the reserve forces of a brigadier general, so he knows the picture from all sides; as well as from the civilian side he knows it from the military side.

In addition to thanking all of the many people who are responsible for this dedication and this facility today, I want to take this opportunity to introduce with great pleasure our friend, Mr. John Lang, from the Secretary's Office.

Remarks of John A. Lang, Jr.

Congressman Gonzalez, Mayor pro tempore Gatti, General Stone, General Greene, distinguished guests, fellow members, and friends of the U.S. Air Force, Mr. Zuckert desired very much to be here on this very important occasion and to take part in this program which marks a great milestone in the personnel development of the U.S. Air Force. However, as you no doubt have read in the press and heard over the radio and television, his presence in Washington at this time is very much required and, therefore, he is not privileged to be with us on this fine occasion. I feel privileged to represent the Secretary and to bring you his personal message on this program. He regards the opening of this center as an advanced step forward in improving and modernizing our Air Force personnel procedures and joins with all of you in rejoicing over this accomplishment.

Under the leadership of Secretary Zuckert, General Stone, General Greene, and his fine staff here, we today are able to officially open this personnel center as an effective instrument toward a more careful and professional handling of the greatest number of people used by any single organization in the United States—the U.S. Air Force—1,200,000 people, some 850,000 of whom are military and over 300,000 civilians. In addition, there is access through here to over 300,000 Reserve and National Guard records.

We have reached the point in the utilization and management of our people that we can no longer allow room for too much error. We cannot guess, we cannot estimate, we must call the shots on the target and today we stand in front of the new building which houses the great organization that will enable us to call our personnel shots more accurately and thereby assure the taxpayers, and the people of this country, that we are utilizing and conserving our human resources to the fullest.

We can no longer run the chance of wasting our human resources and having square pegs in round holes. Today our national defense capability must be based more than ever on capable and exact measurements. It used to be true in many, many instances that if you had a strong back, good physique, a resolute will and could wield a broad sword, you were very much in demand in our armed services. In addition to these fine qualities that we still need, we're looking today for people who also have skills, mental capacity and with professional abilities which will outmatch those of our Communist adversaries.

We must, ladies and gentlemen, out-think, out-work, and excel our adversaries in every area. We must be better, and in the words of old Bedford Forrest, we must be there firstest and with the mostest people who are ready and prepared.

Locating the personnel center here at Randolph is more than just a practical solution to a hard problem. It is a meaningful and symbolic move. There were many at first who wondered if we could have this very important development more than 1,200 miles away from the nerve center of our Air Force control system, and I think today to visit this center and to see what this center can do is to receive reassurance that this bears out our hopes, our ambitions and our goals in saying that we're ready now with a competent personnel management system here at Randolph.

We indeed are here in the midst of people who appreciate the Air Force, as your Congressman and your mayor and your officials can so wonderfully attest to today. Randolph is in the area long historically noted for Air Force accomplishments and here today we are starting off with this great personnel center in the midst of a large family of friends and well-wishers. Randolph is rich in history and glory of Air Force people. Here have walked and worked the great men whose names are synonymous with progress, accomplishments, skills, bravery and victory, and from here will come other names to be associated with space, innovation, and with victory.

A most favorable element in the Randolph area is the community spirit and cooperation. The people of greater San Antonio and the adjoining communities are for what we're trying to do in the Air Force. Since the establishment of this base here in 1930, these Texans have earned for themselves a reputation of unsurpassed hospitality. They have helped to make this, the newest acquisition, the personnel center, possible and by your continued acceptance of the Air Force and its people in this community, we will have in this center a most successful record of achievement.

We thank you, Mr. Mayor; we thank you, Mr. Congressman. We thank all of those of you who represent the sturdy people of this area in helping us on with this project for the defense of our country.

And so with pride in our past achievements in the U.S. Air Force and in this community, and with confidence in our march toward further goals in the future, and on behalf of the Secretary of the Air Force, Eugene M. Zuckert, I hereby dedicate the Air Force personnel center, this structure, this great organization, to the thousands of Air Force people who now so nobly serve the United States of America and in this dedication may we assure the freedom and the hopes of the generations in the years to come.

Now, it is my privilege to present your esteemed Congressman from this area, Hon. Henry Gonzalez, a great friend of the Air Force, who will address you. Congressman Gonzalez.

[Mr. Gonzalez' address not included.]

[From the San Antonio Light, July 24, 1965]

Air Force Personnel Center Hailed

(By Barry Browne)

A $2.1 million military personnel center—hailed as a "milestone in the development of Air Force personnel management"—was officially dedicated Friday afternoon in ceremonies at Randolph Air Force Base.

More than 500 persons at the dedication ceremonies heard John A. Lang, administrative assistant to Air Force Secretary Eugene Zuckert, describe the new structure as "a vital step in more efficient handling of Air Force personnel."

Lang was substituting at the ceremony for Zuckert, who notified base officials late Thursday that developments in the Vietnam situation would force him to remain in Washington.

The new Randolph facilities will handle personnel management activities for the Air Force's 900,000 enlisted men and officers.

ITS FUNCTIONS

Functions include direction of Air Force assignments, promotions, separations, and retirements. Direction of Air Force recruiting and aid in post-retirement employment are also functions of the new center.

Official opening of the facilities culminates a move of operational military personnel activities from Washington, D.C. Certain divisions of the center were moved to Randolph in 1963, but the transfer was not completed until this month.

Head of the center is Lt. Gen. William S. Stone, U.S. Air Force Headquarters Deputy Chief of Staff in Charge of Personnel. Second in command is Maj. Gen. G. B. Greene, Jr.

The center's activities employ more than 1,400 persons. Included are 600 civilians, 300 officers, and 300 airmen. Heart of operations is a computer complex that has a memory of records of more than 1 million Air Force personnel, active and retired.

Supervisor of the computer section—which will handle some 57,000 reports daily—is Lt. Col. Marvin Becker.

OTHERS PRESENT

Other participants in Friday's ceremonies included Stone, Greene, Representative Gonzalez, San Antonio Mayor pro tempore John Gatti, and Brig. Gen. John R. Dyas.

At the ceremony, Lang stated, "We have to be very, very careful when working with our Air Force's human resources—the men and women now on duty throughout the world."

He added that "because of this center and the people staffing it, our job of allocating our human resources becomes much easier."

TWO TREES

Included in Friday's activities were two tree plantings in front of the new center. Lang and Gonzalez combined efforts to turn a spade of dirt for one of two evergreen planted in front of the facilities.

Gatti and Stone jointly handled the shovel for the second planting.

EUGENE M. ZUCKERT, SECRETARY OF THE AIR FORCE

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, President John F. Kennedy appointed Eugene Zuckert as his Secretary of the Air Force in 1961 and he has served that post with distinction and honor from that day to this. In fact, he has now served as Secretary of the Air Force longer than any other person in the history of the Air Force. Earlier this month, Mr. Zuckert announced his intention to resign his office, effective in September.

The length of his tenure, longer than any other Secretary of the Air Force, is some indication of the valuable role he has played in the conduct of the Defense Department generally, and the Air Force in particular, over the past 4 years. They have been 4 exceedingly trying years, filled with crises in Berlin, in Cuba, in southeast Asia, and in other places. The Air Force, on each occasion that it was called upon, did the job that needed to be done. This, in my opinion, is a tribute to Gene Zuckert.

From the point of view of an individual Congressman, there is an equally important tribute that can be paid to Gene Zuckert. In order to adequately represent his district, a Congressman must have the cooperation and at times the assistance of other members of the Government. It is true that the Federal Government is composed of 3 separate and coequal branches. But it is necessary at times for these branches to work together. Thus, I have had occasion to call upon Gene Zuckert for advice and information in connection with problems relating to Air Force facilities in San Antonio, my home district, and in behalf of individual constituents.

The Secretary of the Air Force, Eugene Zuckert, although burdened with numerous and weighty responsibilities has never failed to be courteous, responsive, and helpful to my requests for assistance. This is a fine thing to say about a high Government official. It attests to the fact that Gene Zuckert has remained a public servant in the great tradition of this Nation.

HEMISFAIR 1968

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, HemisFair 1968, an international exposition with a regional theme based on the coming together of peoples and the rise of civilization in the Western Hemisphere will take place in San Antonio, Tex., in 1968. This fair will coincide with the celebration of the 250th anniversary of the founding of San Antonio, and it will also coincide with the holding of the 1968 Olympic games in Mexico City.

The people of San Antonio are building this great exposition from the ground up. First, private subscriptions from local businessmen and groups were obtained in the amount of $7.5 million. Second, a $30 million local bond issue was approved in a popular referendum. Third, the Texas Legislature, this spring, appropriated $4.5 million for a permanent State exhibit. The city of San Antonio intends to build a permanent convention and cultural center on the fair site. In fact, all of the major improvements built for HemisFair will be of a permanent nature.

As the current issue of the magazine, Texas Parade, states:

> HemisFair will give due reverence to history, inspire hemispheric good will, and provide a cultural uplift.

President Lyndon Johnson has aptly termed HemisFair 1968 a "fair of the Americas." It will be the first of its kind and will demonstrate the living partnership of the peoples of North, Central, and South America.

With unanimous consent, I am inserting in the Record a copy of an editorial that appears in the July issue of Texas Parade:

HemisFair 1968

One of the 2,000-odd measures before the late 59th Texas Legislature was House bill No. 16 and its counterpart known as Senate bill No. 166. As adopted by both bodies of the legislature and signed by the governor, it sets up $4.5 million for a building to house Texas State exhibits for HemisFair. The structure is to be used for State government purposes after the fair. It will occupy a site of some 3½ acres out of the 90 acres being acquired for HemisFair and the site is to be deeded to the State of Texas without cost.

Actually the $4.5 million of State funds is a mere token of State approval for a project which is international in scope. So far $54.5 million is committeed for the 1968 celebration in San Antonio which backers believe will eclipse the Texas Centennial of 1936, the Seattle World's Fair of 1964, and will avoid some of the objectionable features of the 1964–65 New York World's Fair.

A generation earlier—in 1932—Texans voted an amendment to the constitution directing the legislature to arrange a celebration for 1936, observing the first 100 years since the Republic was created. Dallas, which anted up some $10 million, was chosen as the central city for the centennial celebration. Among the numerous State supported activities incident to the 1936 affair was at least one monument in each of the 254 counties. The towering San Jacinto Monument near Houston was one of several major memorials erected at historic points over Texas under the same authority.

The magnificent Hall of State at Dallas was also a part of the same project. Dominating the grounds of the State fair, it today thrills a new generation just as it did the one past and will inspire those to follow, an eloquent reminder of the Texas heritage.

Such a building is assured at San Antonio for this generation of HemisFair 1968, their children, grandchildren, and all posterity. Though not spelled out in the law, the implied intent of the Legislature is to build a structure that will be beautiful and enduring.

San Antonio has already put $37.5 million of strictly local funds on the line to celebrate the Mission City's 250th birthday in 1968. There was $7.5 million in private subscriptions and a $30 million local bond issue making up this amount. Uncle Sam has since come along with a $12.5 million urban renewal grant for buying land which, with the permanent building by the State, adds up to $54.5 million committed for HemisFair to date.

At last report most of the 90-acre site in downtown San Antonio had been acquired and existing buildings had been removed from much of it. December is the target date for the entire site to be cleared.

HemisFair 1968 will be riding the crest of a great resurgence of interest in history; it will fill a vacuum which would never have occurred had not World War II diverted the attention of Texans in the late 1930's and early 1940's from the appreciation of history to the making of history. Today world events allow Texans to contemplate things of the recent years (World War II et seq.) and the distant past—such as the founding of San Antonio 250 years ago.

HemisFair will give due reverence to history, inspire hemispheric good will, and provide a cultural uplift. But more practical considerations have changed a dream into a $54.5 million project. Economic experts have it figured out that no less than 5.5 million people will visit HemisFair during 1968. This seems a very conservative figure considering the 2 million nose-count for the Dallas State Fair lasting only a month and a half. The experts figure around 3.5 million of the visitors will be from States other than Texas and would not have come here except for HemisFair. In an involved projection which has proven amazingly accurate in the past, the direct and indirect injection of new money into the Texas economy as a result of these visitors is more than $500 million which would be subject to sundry and various State taxes amounting to $23 plus million. The State treasury needs more such investments working all the time.

HemisFair officials are now bucking for a commitment from the U.S. Department of Commerce to make approval unanimous from city hall to National Capitol. They also seek an endorsement from the Bureau of International Expositions in Paris. When these recognitions are in hand, the worldwide stature of HemisFair 1968 will be assured. And with a staggering amount of work, such as San Antonians have proven capable of doing, 1968 will find HemisFair a fantastic dream-come-true in the Southwest—a dream that puts Texas and San Antonio in the bright spotlight of the entire world.

NEW YORK CITY IN CRISIS—PART CXLVI

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MULTER. Mr. Speaker, the following is the last of five articles on New York's education problems.

It is part of the series on "New York City in Crisis" and appeared in the New York Herald Tribune on June 11, 1965, and follows:

NEW YORK CITY IN CRISIS: THE WHIPPING BOY WHO'S MOVING MOUNTAINS

(NOTE.—Are the city's schools headed for a bleak future of inadequate education and continuing turmoil? Or will they be improved with more money, better planning and increased citizen support? In this, the last of five articles on "New York City in Crisis: The Schools," education editor, Terry Ferrer, and education writer, Joseph Michalak, discuss long-range board of education blueprints for good schools—whose success will depend on the whole city and all of its residents.)

(By Terry Ferrer and Joseph Michalak)

The city's schools are every citizen's whipping boy.

Tenements cannot all be torn down with bare hands and replaced over night with model communities. Racial ghettos cannot be broken up easily and their populations divided around the city for a better population mix. Rises in taxes and the imposition of new taxes cannot be stopped or even successfully resisted by the city dweller via the voting booth.

But everybody can jump on the schools—and everybody does. The whipping boy can—and is—beaten regularly as the symbol of everything that is wrong with the city—delinquency, serious crime, de facto segregation, out-of-school and out-of-work youth, the flight of the whites to the suburbs.

Yet a large part of the reason the schools bear such a heavy load of public criticism is that they have taken on a variety of functions that go far beyond the teaching of the three R's.

Acting School Superintendent Bernard E. Donovan recalled recently that when he came into the city system 30 years ago "the schools were not responsible for such social issues as integration. There was, for example, no school-lunch program. A child who didn't succeed was cast by the wayside. The high schools used to be oriented toward academic studies and success, and for preparation for college. We had no general course for those not suited to college. Now, the schools have taken on more and more social problems and their solutions."

MOVED MOUNTAINS

Dropout programs, special "600" schools for the disruptive and delinquent child, job training, prekindergarten schooling to replace a lack of home preparation for school, and integration plans are only a few of the added tasks the schools have taken on.

If the city's schools have not always done these tasks well, at least they have attempted to mitigate gigantic school ills. The highly critical State Education Department report of 1962 gave the city system poor grades in pupil achievement, but the massive study did point out:

The city schools "have moved mountains, because there are mountains to be moved. The fact that they have not moved them far enough or fast enough is a measure of the staggering problems they face, not of ineptitude, dereliction, or irresponsibility on the part of teachers, principals, and officials.

"There are thousands upon thousands of devoted hard-working professionals in the New York City system. They are struggling against incredible odds to provide education of high quality to children in their care. They need help, and they need it now, not 10 years from now, because the problems are growing, not receding.

"In many ways, possibly in most ways, the future of the metropolis is being written in its classrooms today. Unless what is being done now is done better, and unless much more is done than is now being done, that future will be a bleak one in many respects."

More is being done than ever before. Dr. Walter S. Crewson, associate commissioner of education who directed the State study, urged a $90 million increase each year for 5 years in the schools' operating budget, which stood at $564 million then. That's $450 million more by 1967; but the schools, in 1965–66, will be operating on a billion-dollar-plus budget—1 year ahead of schedule. The per-pupil expenditure has risen from $644 in 1961–62 to almost $752 this school year.

Dr. Crewson also had said that 5,300 additional teachers should be hired. In 1961, there were 39,531 teachers; at present, there are 46,502—more than the increase recommended by the State.

The State investigators put extra stress on the paucity of specialists—in reading, art, science, music, health education and library work—to aid the elementary classroom teacher. Since the Crewson report, the system has tripled the number of these specialists—to 2,900. For example, 547 art, health, music and science specialists were sent for the first time last year into the troubled special-service schools in slum areas.

The associate commissioner also called for a "multimillion dollar" construction program for new city schools to relieve overcrowding. At the time, the city laid out only $76.7 million of new construction money for the schools. This year, the schools are spending two and a half times as much—$182 million. This week Dr. Donovan outlined for 1966–67 the most massive program in history—calling for $243.8 million.

Since the board hired a new construction chief in the wake of the 1961 scandals—the tireless and effective Eugene E. Hult—75 new schools have been completed, two-thirds of them elementary schools that were most overcrowded then. Twenty-five additions also have been made to existing schools for a record 100 new projects in 3 years.

In addition, 19 junior high schools and six senior highs will be in service by the time school reopens in September. Mr. Hult is putting up the buildings at breakneck speed—construction of an elementary school, for example, has been cut from a year and a half to a year.

Improvements in the instructional program are harder to pinpoint. The 1962 State survey said city's elementary and junior high pupils ranked below those of the State in 30 of 32 test scores reported in such subjects as reading and mathematics. But even then, the city's high schools outdistanced the State's in academic achievement.

MORE MONEY NEEDED

No such comparable testing has been done since, but on national tests city children rank on the average or above it. Hopefully—with the funds being poured into more teachers, smaller classes, more full-time instruction for elementary pupils and more prekindergarten programs—future tests will show a pronounced achievement rise.

But the educational product, as well as the buildings that house it, still will require millions and millions of dollars. As State Commissioner of Education James E. Allen, Jr., said recently, "The whole problem of financing education in our large cities is a major national concern * * *. While it is true that money alone will not do the job, it is equally true that the job cannot be done without money—and lots of it."

And, at long last, both the State and Federal Governments are beginning to pour more funds into the beleagured urban areas. New York City will get $54 million more in State aid for its schools this year, and the Federal Elementary and Secondary Education Act of

1965 will add another $50 million after Congress appropriates the money. Thus the city will have an extra $100 million in school funds next year.

And that's not counting about $5 billion that the antipoverty program has provided here for Project Head-Start, a new summer program designed to give 5-year-olds from the slums a better chance to succeed in school. The Office of Economic Opportunity estimates that such children, because of the lack of learning in the home, start the first grade half a year behind children of middle-class families; by the fourth or fifth grade, they are 2 years behind, then keep losing ground. This summer, the program will provide for more than 25,000 children at 288 centers, including 148 schools.

James B. Donovan, outgoing president of the board of education, still believes that the Federal Government must give the city $1.5 billion of antipoverty funds in the next 5 years because the immigration of Puerto Ricans and southern Negroes to this city are a Federal—not an urban responsibility. Mr. Donovan made the proposal last October. So far, the antipoverty office has not agreed.

But, as Dr. Allen pointed out, money alone will not do the job. Intelligent and long-range planning is essential. The confidence of the public, the morale of the teaching staff, and the determination of the board and the superintendent must all be strengthened.

UFT 10-YEAR PLAN

The board already is working on a plan to obviate its endless quarrels with the United Federation of Teachers. The UFT also has agreed to explore the blueprint.

As outlined to the Herald Tribune, the plan proposes that the board and the union set 10-year priorities and goals for the improvement of the school system. The UFT, for example, would set its goal on the average teacher's salary 10 years from now. The board might set a goal of numbers of teachers, school building priorities, and textbook allocations.

As described by a board member, "the board would agree to increase teacher salaries to the level agreed on by the union over the 10-year period. We would find ways to get the money together. At the end of a 2- or 3-year contract with the UFT, the board would consult the union on what lump-sum budget we should ask from the city. We would agree—the union and the board—and it would be the first time that we could say that this was what we both want.

"The priorities would, of course, be flexible," the board member continued. "After all, we did not know a few years ago that we should back early childhood education. To determine what the goals and priorities should be, we would seek the help of an impartial citizens' committee, headed by such a man as David L. Cole (nationally known arbitrator and mediator). The committee would not arbitrate, just advise and mediate."

Asked whether such an arrangement might mean that the union would complain it was losing its bargaining power, the board member said no. "Let us say we ask city hall for $2 billion, and we get $1.6 billion," the board member explained. "Then the percentage of that $1.6 billion to be devoted to each priority, including teachers' salaries, would become a subject of bargaining with the union. The issue could be resolved with the help of the Cole committee."

COLLEGES TO HELP

Such a plan would divorce the UFT-board negotiations from political interventions by the mayor or the Governor, and, hopefully, would give the board a fixed sum of money to bargain with rather than the old "soap coupons" with which it has had to make financial promises in the past.

The board also is banking for the first time on concerted help from the colleges and universities in the city, which virtually have ignored school problems to date. Early this year, a Center for Urban Education (CUE) was created by a "consortium" of eight major institutions to help develop new curriculums and to devise a wide range of research and experimentation.

The center has set up shop at 33 West 42d Street, and is expected momentarily to receive a $4 million grant from the U.S. Office of Education to put it in business. The center, dedicated to improving urban education throughout the State, is headed by Dr. Albert Hosmer Bowker, widely respected chancellor of the City University. One of its members is the Bank Street College of Education, which this year set up a separate Educational Resources Center in the middle of Harlem to help provide teachers in slum areas with model programs and to create new, effective teaching materials. Such action research will be divorced from the board, but welcomed by it.

Dr. Donovan, a director of the new CUE, and the board want to see most research done outside of the system. And they attach equal importance to involving more citizens in studying such educational problems as teacher training, reading, savings in the ever-growing budget, and how best to build schools. As a board member said, "we based our integration plan on the State blueprint drawn up by Dr. John Fischer of Teachers College, Kenneth Clark (the prominent psychologist), and Rabbi Judah Cahn. We must try to get more experts like these, as well as the average citizen, to help us find the ways to make our schools excellent."

Confidence and morale will return to the city system only if such excellence is assured. Dr. Donovan said that "if every citizen, Negro, white, and Puerto Rican, can get the best for their children, they will have confidence in the schools."

THE WHOLE CITY

Providing the best will not be easy—and it may not even be possible without a renewal of the whole city.

As Dr. Fischer said recently, "you can't deal with the New York City school problem unless you deal with the whole New York City problem. People—the power people in this city—haven't seen this connection, and that is why the schools have done so badly in finance and in their other problems. Among the power people, there is still a deplorable tendency to see public education as charity. These people do not think in terms of the whole city."

The whole city, of course, also means all of its citizens. It is one thing for civil rights leaders, white parents, teachers, and citizens' groups to criticize everything that the board of education and the superintendent do. It is another for these attackers, once they have won their points or at least sparked some reforms, to stand behind the board and administration and aid them in carrying out new programs. So far the critics have shown no inclination for such constructive action.

However, June Shagaloff, education specialist for the NAACP, in a recent interview pledged far more extensive NAACP support for the board than ever. The NAACP, she said, intends to be "very involved in school financing as a complement to the board's commitment to school reorganization. We intend not only to press for substantial improvement of the board's policy, but to be involved in all factors such as school budgeting and the fight for more funds from the city, State and Federal Governments."

Dr. Henry T. Heald, president of the Ford Foundation, said in 1960 that this city "lacks a first-class system because its people do not want it badly enough."

The challenge still holds. The major policy decisions that can lead to excellent schools seem now to have been made. How they are carried out, and how soon the day will come when people ask "How good are New York City's schools?" instead of how bad, depends not just on the board, the superintendent, the teachers' union, and the new district superintendent—although it depends on them a great deal. Primarily , excellent city schools depend on how much every citizen is willing to help.

NEW YORK CITY IN CRISIS—PART CXLVII

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns a report on crime in New York for 1964.

The article is part of the series on "New York City in Crisis" and appeared in the New York Herald Tribune on June 14, 1965 and follows:

NEW YORK CITY IN CRISIS: MURPHY'S FINAL REPORT—"WITH PARDONABLE PRIDE"

(By Maurice C. Carroll)

"With pardonable pride," Michael J. Murphy made public yesterday his final report as New York City's police commissioner.

This was the statistical accounting to the mayor on police operations for 1964, and the news release that accompanied the 40-page report bore the name of Commissioner Vincent Broderick, who was sworn in as Mr. Murphy's successor last week.

In the final full year under Mr. Murphy's command, the report showed, the department had experienced:

More crime, a rise that New York shared with the Nation, and statistically more effective law enforcement.

Improved communications with the public—including the new 440–1234 telephone number to speed police reception of calls for help.

"Progress through education" a favorite Murphy theme.

Statistical reinforcement of the claim that a policeman's life is often not a popular one. There were increases over 1963 figures in every form of assault upon policemen.

Mr. Murphy, summing up, wrote:

"Each year law enforcement in this great and varied city finds its duties and powers surrounded by greater complexities. The rise in crime has been accompanied by a vastly increased attention to the rights of the accused. The surge of agitation for civil rights has been attended by demonstrations, often of a violent nature, which have proven costly in police manpower * * *.

"I respectfully submit this annual report with pardonable pride in the improvements indicated in it, with appreciation for the support of the city's administration and with the belief that continued progress will bring a more peaceful and harmonious city."

The crime rise, previously reported, showed 173,406 instances of major crime reported to the FBI in 1964, up 9 percent from the 1963 total of 159,099.

"The effectiveness of law enforcement increased at a swifter rate than complaints," Mr. Murphy reported. "There were 52,626 persons arrested for felony grade crimes in 1964 as against 45,937 in 1963, a rise of 14.6 percent."

Besides the 440–1234 number to speed police receipt of telephone calls for help, the report noted, an electronic delayed-answer system was adopted to prevent calls from being overlooked during peak periods. Street signal boxes for calls to police rose during the year from 2,677 to 2,966.

"At the close of the year, planning had been completed for a centralized communications headquarters for the entire city, a step that will further modernize police communications and speed response to public emergencies."

Mr. Murphy called the formation in 1964 of the College of Police Science, as part of the city university, a "great stride forward."

Buried amid the pages of statistics was a disturbing table. Lost-time injuries from assaults upon police rose to 478 from 353, it showed, and every category of assault was up—gunshot wounds, cuts from stabbing, bites, punches, kicks, injuries from being struck by an object, and an overall item, "resisting arrest."

DR. JOHN W. GARDNER

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MULTER. Mr. Speaker, the editors of the Nation have strongly endorsed President Johnson's recent nomination of Dr. John W. Gardner as Secretary of Health, Education, and Welfare. Once again President Johnson has canvassed the possibilities and picked what clearly seems to be the best man to serve in Government.

The New York Times of July 28 said this about the President's choice:

> The surprise appointment of John W. Gardner as Secretary of Health, Education, and Welfare is another demonstration of President Johnson's new-found ability to look in unconventional places to find the indisputably right man for an important job at the moment that job most needs doing right.

The Christian Science Monitor of July 28 also echoed approval of the President's choice by saying:

> President Johnson pulled another rabbit from the hat when he named John W. Gardner as the new Secretary of Health, Education, and Welfare—HEW.
>
> The appointment, replacing Anthony J. Celebrezze who is resigning to take a Federal court position, is considered one of the best the President has made in his 20 months in office.

Dr. Gardner brings a vast experience and notable reputation as an innovator and leader in education. It is a tribute to our democratic way of life that such men as Dr. Gardner are willing to make personal sacrifices for the public good.

Anthony Celebrezze deserves our plaudits for doing an outstanding job leading this often difficult and diverse Department. I know Dr. Gardner will add luster to that fine record.

I am certain the Senate will concur with President Johnson's choice and speedily confirm these appointments. I agree with the sentiments expressed in the editorials from the New York Herald Tribune of July 28, 1965, and the Washington Daily News of July 28, 1965, as follows:

> [From the New York (N.Y.) Herald Tribune, July 28, 1965]
>
> ### EXCELLENT CHOICE TO BUILD EXCELLENCE
>
> The Department of Health, Education, and Welfare, often called the Department of Headaches, is getting its sixth Secretary in a dozen years. President Johnson designated John W. Gardner, president of the Carnegie Corporation, to succeed Anthony J. Celebrezze, the former 5-term Cleveland Mayor who leaves bureaucratic puzzlements for the serenity of a U.S. Court of Appeals judgeship.
>
> Secretary Celebrezze, for all his talents and diligence in a complicated job, had been reported less than happy. Some of his predecessors felt equally frustrated. He was in departmental charge for 2 years in an unfolding era of great future changes for American education and health, and leaves with the customary high praises. But Celerbezze's departure is hardly surprising.
>
> The Gardner selection is superb. As the President put it, "he is regarded by his peers as one of the most knowledgeable men in the field of U.S. education." Not only that, but Gardner has been long recognized as a prime mover in the educational field. The phrase "pursuit of excellence," title of a Gardner report, is a slogan imbedded in language and thought. He is a man of action, an original thinker and a thorough independent. Probably no one person is more important in American education. It's a piquant detail that Gardner is a lifelong Republican, but this wasn't a political choice. In a world where declining quality and the counterweight of excellence are great issues, the President said: "I know of no one who is better suited by temperament, experience and commonsense intellectualism to confront these issues and bend them to the national desire."
>
> To pick individual excellence for high cabinet rank in the development of national excellence is obviously logical. The stimulus and the promise of fulfilled goals must hearten every citizen. For excellence is a matter of practice. President Johnson is to be congratulated for putting an outstanding example of excellence in charge at Health, Education, and Welfare.

> [From the Washington (D.C.) Daily News, July 28, 1965]
>
> ### GARDNER FOR CELEBREZZE
>
> Anthony J. Celebrezze, on balance, has performed ably in one of the most difficult and frustrating posts in Government.
>
> The Health, Education, and Welfare Department, as its name implies, is not a cohesive organization but a hodgepodge of separate agencies with little in common except that they deal with the problems of people. And each has been growing so fast even the experts have been hard-pressed to spend all the money they were handed.
>
> In these circumstances, Mr. Celebrezze has presided about as well as any layman could over the divergent programs in his charge. President Johnson, as he named Mr. Celebrezze to the Sixth Circuit Court of Appeals, particularly praised his tolerance, energy, and single-minded purpose.
>
> John W. Gardner, who succeeds Mr. Celebrezze at HEW, will face the same problems and complexities. He has, however, the advantage of being one of the Nation's acknowledged leaders in the field of education. Besides teaching and writing, he has headed the Carnegie Foundation for the Advancement of Teaching and President Johnson's Task Force on Education.
>
> This is an important asset at a time when the Federal Government is expanding by billions of dollars its activities in every area of education.

LEGISLATION NEEDED TO EXPAND AND EXTEND THE WORK OF THE U.S. TRAVEL SERVICE

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HANNA. Mr. Speaker, last week Senator JAVITS introduced in the other body a measure which I believe warrants the attention and consideration of the House. The bill, S. 2305, is designed to expand and extend the work of the U.S. Travel Service in the Department of Commerce. The Senator's proposal would amend the International Travel Act of 1961 to accelerate and advance the promotion of travel in the United States.

During the latter part of 1963 and through all of 1964, I was privileged to serve on a Special Subcommittee on Tourism and Its Relationship to the Balance of Payments Deficit, which functioned under the Banking and Currency Committee of the House of Repesentatives. Out of the inquiries and hearings conducted by Chairman CLAUDE PEPPER and participated in by Representative WILLIAM WIDNALL, of New Jersey, and myself, there developed a report printed on December 1, 1964. I commend to the persons interested in this subject matter the substance of that report.

The documented result of our hearings make these impressive main points: First, that tourism, including domestic and foreign travel within the United States with all its secondary effects is one of the really giant industries of our country. Testimony developed that this industry accounts for $30 billion of our gross national product. It should be noted that this is largely in the service segment of the total goods and services encompassed in GNP. The Federal Government earns from $3 to $4 billion in tax revenues from the industry. Some 3 million people are employed and earn their livings in this activity and contribute an estimated $9 billion in purchasing power within the consumer sector of our economy. Only in the last 4 years has a real understanding of the potential of this sleeping giant blossomed out. The activity of travel and tourism has been much longer appreciated, cultivated and studied by States like Florida and California. These States through a combination of local government bodies, private groups and private concerns have turned money and talent to the task of luring tourists. There is no need for the Federal Government to preempt the fine work that can and is being done on these levels. However, when we strike out for a foreign market, there are demands that outstrip the resources of such groups and there are obvious benefits that justify a Federal program and a Federal expenditure.

Second, tourism is an industry with a dynamic future. The growth of leisure time with the increase of automation is inevitable. The rising level of incomes both at home and abroad each year adds hundreds of thousands of new prospects capable of financing travel. Although America has been referred to as a "nation on wheels"—a tribute to our supposed marked mobility, our hearings divulged some astounding figures. Fifty-two percent of our people have never traveled more than 200 miles from their homes. Sixty percent of our people have never spent a night in a hotel. Approximately 75 percent of Americans have never been in an airplane. Only 65 percent of our population took a vacation in 1963. These are just a few eye opening and though provoking facts which show the great potential that lies in this sleeping giant of tourism and travel.

When we look abroad we explode some further myths. Actually in certain countries the people of all walks of life are far more vacation and travel conscious than are U.S. citizens. The bulk of the population of Paris, for instance, makes a mass exodus from that city in August. The Englishman's commitment to his "oliday" is well known. The pattern of this travel is quite different than that which has developed in the United States, and we need to know more about the motivations and expectations of the European before we are going to make important inroads on the European travel market. We should have a program for doing that right now.

Third, tourism is an industry with great national significance. Aside from the economic size it has already achieved, the encouragement for growth and development serves these Federal goals. The job classifications in this largely service industry include great opportunity for the low-skilled workers and for the new and young entries into the labor force with little experience. Chambermaids, busboys, dishwashers, janitors, bellhops, pressers, cleaners, and so forth, and so forth, all these and many others give opportunities for those either unqualified or yet untrained for the more sophisticated demands of manufacturing industries. Tourism and travel by Americans abroad and foreigners here tends to create the understanding and respect that only the people-to-people mixing of culture can achieve. Travel within America by Americans can give a citizen a greater knowledge and respect for his land and develop a sense of cohesion in a diverse and widely dispersed population. Also, travel is an investment by the individual in broader understanding, challenging and developing new vistas, new motivations, and greater opportunities. Surely we are justified in making some commitment of national resources for such goals.

Finally, tourism and travel needs to have recognition as an identified and respected activity with its own integrity and important interrelationships which make a sensible and increasingly interdependent whole. Its segments are important, but the whole has now become more than the sum of its parts. The financial world, the rest of the business world, and especially the Congress should recognize and acknowledge this fact. The proliferation of agencies and committees which this industry must pursue to serve its total and paramount interest is frustrating, demeaning, and destructive. It cannot go on without coordination and some centralization. Mr. Speaker, we would do our Nation a great service, our various districts and several States a unique favor, if we diligently pursue the course suggested in Mr. JAVITS' legislation.

I am today introducing a companion bill and invite others to seriously consider doing likewise.

COOPERSTOWN BASEBALL HALL OF FAME INDUCTS JAMES F. "PUD" GALVIN INTO MEMBERSHIP—BREAKS GROUND FOR NEW LIBRARY—YANKS BEAT PHILLIES 7 TO 4 IN ANNUAL HALL OF FAME CLASSIC

Mr. CALLAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. STRATTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. STRATTON. Mr. Speaker, on Monday, July 26, the annual National Baseball Hall of Fame ceremonies were held in my district in Cooperstown, N.Y. At that time the late James F. "Pud" Galvin was formally inducted as the 102d member of the famed diamond shrine. Also at that time ground was broken for the construction of a new Baseball Hall of Fame Library, which will be erected in the rear of the present Hall of Fame and Museum Building. In the afternoon the traditional Hall of Fame game was played, with the New York Yankees defeating the Philadelphia Phillies 7 to 4.

More living members of the Baseball Hall of Fame were on hand for that occasion than has ever occurred in the past.

Mr. Speaker, I am proud that this great national institution is located in my congressional district, and I know the interest that attaches to these annual ceremonies. I have made it a tradition to be on hand for this occasion myself, but this year because of the very important legislative schedule which faced us here in the House on Monday, it was impossible for me to be on hand.

To advise Members of the House more fully of these activities, I include here a clipping from the Coopertown Freeman's Journal of Wednesday, July 28, describing the ceremonies and the game, and also two clippings from the Oneonta Star of July 27, dealing with the same subject:

[From the Cooperstown Freeman's Journal, July 28, 1965]

HALL OF FAME PLANS LIBRARY BUILDING: YANKS BEAT PHILLIES 7 TO 4

(NOTE.—Twenty-two of the thirty-one living members of the Baseball Hall of Fame were in Cooperstown on Monday to take part in annual Hall of Fame Day ceremonies and to watch the 23d annual Hall of Fame game at Doubleday Field between the Yankees and Phillies. Those here included Luke Appling, Max Carey, Joe Cronin, Dizzy Dean, Bill Dickey, Bob Feller, Jimmy Foxx, Frank Frisch, Charles Gehringer, Hank Greenberg, Burleigh Grimes, Lefty Grove, Gabby Hartnett, Carl Hubbell, Ted Lyons, Heinie Manush, Bill McKechnie, Sam Rice, Edd Roush, Bill Terry, Paul Waner, and Zach Wheat. Joe McCarthy, long a regular at Hall of Fame Day festivities, was unable to attend this year on account of his wife's illness. Others unable to be present included Ray Schalk, Sam Crawford, Elmer Flick, Urban Faber, George Sisler, Pie Traynor, Joe DiMaggio, and Jackie Robinson.)

The New York Yankees beat the Philadelphia Phillies, 7 to 4, in the 23d renewal of the annual Hall of Fame game at Doubleday Field Monday afternoon before a crowd of 9,850 fans, including 22 of the 30 living members of the diamond pantheon.

It was the second win in three Hall of Fame game appearances for the Yankees, and the way they turned the trick was reminiscent of the days of yore when the New Yorkers were known as the Bronx Bombers. Four home runs accounted for six of the Yankee runs. Clete Boyer banged one over the left field fence in the fifth with Roger Repoz on base. The following inning, Jake Gibbs, who replaced Elston Howard behind the plate in the bottom of the fourth, clouted one over the right field bleachers. After Tom Tresh walked, Joe Pepitone hit one into a Susquehanna backyard in the same general direction over the right field bleachers as the Gibbs homer. Hector Lopez hit the longest one of the day leading off the top of the eighth. It just missed the flagpole as it sailed over the fence near the end of the outfield bleachers in center field.

The only other Yankee run came in the third. Boyer was safe at first after a throwing error by Phillies starter Lew Burdette. Gil Blanco, the young left-handed bonus hurler who started on the mound for the Yanks, sacrificed Boyer to second. Boyer scored a moment later on Phil Linz' sliced double down the right field line.

The Phils were behind 3–0 after Boyer's homer in the fifth, but one swipe of the bat by Bobby Wine, their shortstop, knotted the count. Wes Covington led off the bottom of the fifth with a single. Dick Stuart and Pat Corrales also singled to load the bases. Wine cleared them with a shot over Repoz' head in center, good for two bases. The Phils' only other run was John Herrnstein's solo homer over the left center field fence off Jim Brenneman in the bottom of the ninth.

Blanco, a 19-year-old lefthander who is on the Yanks' roster as a bonus player, hurled the first 4⅔ innings. He was the victim of Wine's bases-clearing double in the fifth, but then got Alex Johnson, batting for Burdette, on a fly to center and Tony Gonzales on an infield out before giving way to Brenneman who finished and received credit for the victory. Blanco gave up eight of the Phils' nine hits. The only safety off Brenneman was Herrnstein's homer with one out in the ninth.

Blanco fanned three and didn't give up a walk. Three double plays bailed him out of potentially dangerous spots. The Yanks made a fourth double play in the sixth. This came after Brenneman gave up successive walks to John Briggs and Covington leading off. Brenneman walked a total of three, and didn't strike out anyone.

Burdette hurled the first five innings for the Phils and gave up five hits and five runs. He fanned one, and issued no walks. Ed Roebuck pitched and sixth and wound up the losing pitcher. He started by fanning Ross Moschitto, who had replaced Mickey Mantle in left field in the bottom of the third. Then Gibbs hit his homer. Tresh walked, and Pepitone homered. Repoz and Boyer singled, and Brenneman was safe on a throwing error by Roebuck. This loaded the bases, but Bobby Richardson banged into a double play to end further scoring off the veteran.

The colorful lefty, Bo Belinsky took over in the seventh and hurled the last three innings. He fanned the side in order in the seventh—Linz, Moschitto, and Gibbs. The only big hit off the Bo was Lopez' homer. Later on in the eighth, Repoz singled, but was doubled off first after Ray Barker had flied out to right.

Manager Johnny Keane of the Yankees and Gene Mauch of the Phils started their regular lineups to the great delight of the huge crowd. Mantle, who has played the last several years on badly aching legs, was in his spot in left field and played the first two and a half innings. He came to bat twice. In the first, batting left-handed, he sliced a double into left field, and went to third on a wild pitch by Burdette. A moment later, Burdette cut loose with another wild pitch, but Mantle understandably held third despite the fact the ball went nearly into the Phils' dougout. A sound Mantle would have scored easily. Mick's only other time at bat resulted in a routine inning-ending infield out in the third. Moschitto took over for him in the bottom of the third.

Elston Howard started behind the plate for the Yanks, but after striking out in the first and hitting a single in the top of the fourth, made way for young Jake Gibbs. Howard was injured in spring training and was out of the lineup for several weeks.

Richardson, Linz, Pepitone, and Repoz played the entire game for the Yanks.

Richie Allen, National League rookie of the year in 1964, started at his regular third-base spot for the Phils, and played four innings during which he had little luck at bat. He grounded out in the first and hit into a double play in the fourth. Gonzalez, Covington, and Wine were the only Phils to play the entire game.

Belinsky provided one of the game's bigger laughs in the seventh when he missed a pitch while batting against Brenneman. He landed on his back, hesitated, and finally accepted a helping hand from National League Umpire Doug Harvey who was working behind the plate.

Both infielders and outfielders had trouble judging fly balls in the early innings as a strong wind was playing havoc with the flight of the ball. In the second, Pepitone had the crowd on its feet as he appeared to have hit a certain homer into the center field stands. But the wind held up the ball, and Gonzales caught it with room to spare. Pepitone just shook his head and made up for it with his blast over those same seats in the sixth.

The weather, except for the wind, was ideal for baseball with the temperature in the mid-70's.

The Yanks' second win in a Hall of Fame game was also the 12th by an American League team. The National League has won 10. The 1959 game between the Pittsburgh Pirates and Kansas City Athletics ended in a 5-5 tie when rain washed it out after six innings.

The Yankees beat the Cincinnati Reds, 10 to 9, in the 1954 game for their only other Hall of Fame victory. In their initial appearance here in 1947, they lost a 10-inning, 4 to 3 decision to the old Boston Braves. Their scheduled appearance against the Milwaukee Braves in 1962 was rained out. This was one of only two cancellations suffered by the Hall of Fame game since its inception in 1940. In 1944, the New York Giants and Detroit Tigers were rained out of their scheduled appearance at Doubleday Field.

In pre-game ceremonies, 21 of the 30 living members of the Hall of Fame—the largest group ever assembled here for Hall of Fame Day—were introduced at home plate by Joe McGuff, baseball writer for the Kansas City Star, and president of the Baseball Writers Association of America. Jimmy Foxx, who was delayed in reaching Cooperstown, arrived in mid-game and was introduced from the grandstand over the public address system.

Also in pre-game ceremonies, Rollie Fingers was honored as American Legion Player of the Year for 1964. He received a scroll from George Rulon, director of the American Legion's junior baseball program. Fingers played on the Upland (Calif.) Legion team last year. This year, he is a pitcher with Leesburg in the Florida State League.

New York

	AB	R	H	BI
Richardson, 2b	4	0	0	0
Linz, ss	5	0	1	1
Mantle, lf	2	0	1	0
Moschitto, lf	3	0	0	0
Howard, c	2	0	1	0
Gibbs, c	2	1	1	1
Tresh, rf	2	1	0	0
Lopez, rf	1	1	1	1
Pepitone, 1b	4	1	1	2
Repoz, cf	4	1	3	0
Boyer, 3b	3	2	2	2
Barker, 3b	1	0	0	0
Blanco, p	1	0	0	0
Brenneman, p	1	0	0	0
Total	35	7	11	7

Philadelphia

	AB	R	H	BI
Gonzales, cf	3	0	0	0
Rojas, 2b	4	0	2	0
Callison, rf	2	0	0	0
Briggs, rf	1	0	0	0
Allen, 3b	2	0	0	0
Amaro, 3b	1	0	0	0
Covington, lf	4	1	1	0
Stuart, 1b	2	1	2	0
Herrnstein, 1b	2	1	1	1
Corrales, c	2	1	1	0
Dalrymple, c	2	0	0	0
Wine, ss	4	0	2	3
Burdette, p	1	0	0	0
Johnson, ph	1	0	0	0
Roebuck, p	0	0	0	0
Belinsky, p	1	0	0	0
Total	32	4	9	4

New York .... 001 023 010—7 11 0
Philadelphia .... 000 030 001—4 9 3

E—Burdette, Stuart, Roebuck. DP—New York 4, Philadelphia 2. LOB—New York 5, Philadelphia 4. 2B—Mantle, Linz, Wine. HR—Boyer, Gibbs, Pepitone, Lopez, Herrnstein. S—Brenneman, Blanco.

	IP	H	R	ER	BB	SO
Blanco	4⅔	8	3	3	0	1
Brenneman (W)	4⅓	1	1	1	3	1
Burdette	5	5	3	2	0	1
Roebuck (L)	1	4	3	3	1	1
Belinsky	3	2	1	1	1	3

WP—Brenneman, Burdette. T—2:19. A-9,850.

Plans for a new library building for the National Baseball Hall of Fame and Museum were announced Monday morning during the annual Hall of Fame ceremonies at which James F. (Pud) Galvin was formally inducted as the 102d member of the diamond shrine.

Baseball Commissioner Ford C. Frick made the announcement during the course of a brief speech at the ceremonies.

The new building will be erected in the rear of the present Hall of Fame and Museum building on Main Street. Working plans for the structure have not yet been completed, nor has a date been set for start of the project.

A delegation of baseball dignitaries, led by Commissioner Frick and Hall of Fame President Paul S. Kerr, participated in a brief ground-breaking rite on the site of the new building immediately after the regular Hall of Fame morning ceremonies.

Mr. Frick was participating in his last Hall of Fame ceremony in his role as Commissioner of Baseball. He plans to retire later this year.

An oil portrait of the Commissioner, the gift to the Hall of Fame of the American and National Leagues, was unveiled by National League President Warren C. Giles and American League President Joseph Cronin. Mr. Kerr presided at the unveiling.

Commissioner Frick presided at the unveiling of the Galvin plaque. The latter's family was represented by his two surviving children, a son, Walter Galvin of Geneva, Ohio, and a daughter, Mrs. Marie Wentzel of Amarillo, Tex.

James Francis Galvin was born in St. Louis, Mo. on Christmas Day, 1856, and died March 7, 1902, in Pittsburgh, Pa. He was elected to the Hall of Fame last January by the committee on veterans.

During a 16-year major league career, he won 365 games and lost 311 for a percentage of .540. He participated in 687 games, and hurled 649 complete games, including 57 shut-outs.

The only pitchers with more victories than Galvin were Cy Young, Walter Johnson, Grover Alexander, and Christy Mathewson, all members of the Hall of Fame.

Presiding over Monday morning's ceremonies was Joe McGuff, baseball writer for the Kansas City Star, and president of the Baseball Writers Association of America. He had been introduced to the more than 3,000 fans present by R. D. Spraker, a vice president of the Hall of Fame.

On the platform along with other dignitaries from the world of baseball were 21 of the 31 living members of the Hall of Fame, the largest group ever to assemble here and probably the greatest number ever to get together for a single event anywhere.

Following a short speech of welcome by Cooperstown's mayor, William D. Clark, the J. G. Taylor Spink Award for 1964 was awarded by Mr. McGuff to Hugh Fullerton, the late great sportswriter. The citation was accepted by his son, Hugh S. Fullerton, Jr., himself a sportswriter.

A. E. Staley, Jr., president of the A. E. Staley Manufacturing Co., of Decatur, Ill., formally presented the famed McGinnity Cup to the Hall of Fame. It was accepted by Hall of Fame Director Ken Smith.

A unique trophy from major league baseball's earliest days, the silver punch bowl originally was awarded to the Brooklyn team for winning the 1900 world's championship," then given by the players to Pitcher "Iron Man" Joe McGinnity. Twenty-five years later, McGinnity gave it to A. E. Staley, Sr., as a token of their friendship and of Mr. Staley's contributions to baseball.

The cup had been on display at the Staley company's Decatur headquarters for the past 40 years. It will now rest among other mementoes of the great events in the history of baseball at the Hall of Fame and Museum here, Mr. Smith said.

In making the presentation Monday, Mr. Staley, Jr., traced the colorful history of the immortal McGinnity and his cup.

In announcing the forthcoming construction of the Hall of Fame Library Building, Commissioner Frick said it would be dedicated to the men and women in the communications field—writers, photographers, radio and television people—who have done so much to make baseball the great game that it is. He said that it is his hope that it will be the finest sports library anywhere, and that it eventually would contain communications' own Legion of Honor, similar to the Hall of Fame which honors the great players of baseball.

Mr. Frick noted that it was just 26 years ago that representatives of organized baseball gathered in Cooperstown to dedicate the original building of the Hall of Fame and Museum. He said that to meet the need of more floor space for the display of baseball's mementoes, an addition, doubling the size of the original building, was dedicated in 1950. Then, on August 4, 1958, the third unit of the shrine—the distinctive Hall of Fame for the display of bronze plaques of members—was dedicated.

Speaking on behalf of the communications industry, Mr. McGuff told Commissioner Frick and fans that he felt humble in accepting this new honor on behalf of his colleagues, past and present.

In presiding at the unveiling of the Frick portrait, Mr. Kerr cited Mr. Frick's many contributions to the game. He said that the idea for the Hall of Fame for baseball originally had come from Mr. Frick in the mid-1930's when the latter was president of the National League.

The idea for a baseball museum to be situated in Cooperstown came from the late Stephen C. Clark, its founder. Mr. Clark's representative, the late Alexander Cleland, conferred with Mr. Frick on the museum idea, and the latter suggested the Hall of Fame as an important part of the project.

Mr. Kerr traced Mr. Frick's long career which began in his native Indiana where he was a schoolteacher who soon took up advertising and sportswriting before going on to become one of the Nation's leading radio news and sports commentators. He was elected president of the National League in 1934, and in 1951 was named Commissioner of Baseball.

"No one has done more for baseball," Mr. Kerr stated.

Since that day in the mid-1930's when he was approached about the baseball museum concept, and his suggestion for a Hall of Fame, he has been intimately connected with the baseball shrine. He had no official connection with it, however, until he was elected a director in 1947. He has been reelected each year since that time.

Following the ceremonies in front of the Hall of Fame, Mr. Frick, Mr. Kerr, Mr. Giles, Mr. Cronin, Mr. McGuff, Stephen C. Clark, Jr., a director of the Hall of Fame, and Hy Hurwitz, secretary of the BBWAA, headed for the plot in the rear of the building, accompanied by fans and other dignitaries. Leading off with Mr. Frick, each took a spadeful of earth and turned it to mark the official beginning of the library project.

Dignitaries at the ceremonies and game, besides members of the Hall of Fame, included what Mr. McGuff termed "the First Ladies of Baseball," the widows of five members of the Hall of Fame. They were Mrs. Christy Mathewson, Mrs. Babe Ruth, Mrs. Lou Gehrig, Mrs. Eddie Collins, and Mrs. Mel Ott. They were introduced from the platform along with William Harridge, chairman of the American League; Bob Carpenter, president, and John Quinn, general manager of the Phils; Ralph Houck, general manager of the Yankees.

[From the Oneonta Star, July 27, 1965]

MEMORIES HAUNT YANKS, PHILS

(By Jan Sturdevant)

COOPERSTOWN.—The Cooperstown air was heavy with nostalgia Monday as baseball's living legends assembled for the annual Hall of Fame game and ceremonies.

But despite the presence of the game's all-time greats—Dizzy Dean, Jimmy Foxx, and Bob Feller, to mention a few—much of the grandstand reminiscence centered about the present-day players wearing Philadelphia and New York uniforms.

The Yankees won the game, 7–4, thanks to home runs by Clete Boyer, Jake Gibbs, Joe Pepitone and Hector Lopez, and a one-hit relief job by rookie pitcher Jim Brenneman, who came on in the fifth inning after the Phillies had scored three runs.

But it was the memory of past World Series games—and of sure-shot series opponents who faltered in the stretch—which gave the game its flavor.

Lew Burdette, a shadow of his former self, started for the Phils and lasted 5 innings. But fans still remembered the World Series of 1957 when the lanky righthander, then a Milwaukee mainstay, stopped the Yankees cold in three games.

They remembered how the Phils and Yanks had been headed for a series showdown last fall until Philadelphia stumbled and the St. Louis Cardinals came out of nowhere to take the National League flag.

And they recalled how the same two clubs had been tabbed as likely series rivals this year. But a glance at yesterday's standings showed the Yanks struggling to reach the .500 mark and the Phillies limping along in fifth place, seven games off the National League pace.

Typical of the Yankee gloom was a pregame remark addressed to Yankee publicity director Bob Fishel, asking if the contest was supposed to be a series preview. Before Fishel could respond, a press-box cynic said, "Yeah, maybe for 1970."

And Len Koppett, who covers the Yanks for the New York Times, left Doubleday Field after the third inning. "I've seen Phil Linz in the Hall of Fame," Koppett cracked. "That's enough for 1 day."

Despite the four homers, the Yanks weren't the Bronx Bombers of old. Rookie Roger Repoz played the entire game in center field. Though he contributed 3 singles to the 11-hit New York attack, Repoz didn't look qualified to carry the glove of the ailing Mickey Mantle.

Mantle, who played three innings in left field, was still the favorite of the fans, though few knew he had asked manager Johnny Keane for the entire day off. Mantle drew the game's biggest ovation when he came to bat in the first inning.

Mick doubled against the left-field fence on Burdette's third pitch to him and limped to third on a wild pitch. When a second low Burdette toss got by catcher Pat Corrales, Mantle hobbled halfway down the line but didn't try to score. With good legs under him, Mantle could have walked across the plate.

Most productive Yankee was third baseman Boyer, who started double plays in three consecutive innings, scored the game's first run and drove in two more runs with a home run over the left-field fence.

Boyer hit the ball well, but most Doubleday veterans were surprised that his home run—and a later blow to the same spot by Lopez—were not scored as ground-rule doubles. Both were well to the left of the pole in left center field which in past years has marked the end of home run territory.

Even Hall of Fame Director Ken Smith was confused by the ruling which allowed Boyer and Lopez to come around. "It must be," he suggested, "that nobody explained the rule to the umpires. Either that or they decided among themselves to change the rule for this game."

Phillie favorites with the grandstand crowd were first baseman Dick Stuart, whose "Dr. Strangeglove" reputation caused shudders every time a ball was thrown to first, and playboy pitcher Bo Belinsky, who worked the last three innings.

Belinsky, last man off the field, was still the first player to reach the dressing room, where beer and cold cuts were laid out for the two squads. While Belinsky sipped a beer and talked to reporters, his teammates kept begging him to hurry up and shower so they could leave on schedule.

Belinsky was his carefree self after the game, but most players on both teams seemed preoccupied with their surprisingly low places in the standings.

Yankee players admitted they'll now settle for a place in the first division, while most Phillies foresaw a tight five team race in the National League.

Happiest Yank was pitcher Bulldog Jim Bouton, who took his first trip through the baseball shrine.

A sore arm has made this a sad 5–11 season for Bouton, but the chunky hurler came back grinning after a tour through the museum.

"Did you see my wing in the museum?" he asked teammates, referring to the plaque where the American League's longest game is recorded. Bouton pitched in the 22-inning Yankee victory over Detroit.

YANKEES SLUG FOUR HOMERS IN POWER EXHIBITION

(By Chuck Pierson)

COOPERSTOWN.—Yankee power—dormant in recent months—erupted Monday as the American League champions downed the Philadelphia Phillies 7 to 4 in the 23d annual hall of fame game.

The game had the atmosphere of the world's series.

In fact, some dubbed it the "world's series that never was," referring, of course, to the 1964 season when the Phillies blew the National League pennant.

If they had won they would have met the Yankees in the series. As it turned out, the St. Louis Cardinals took the flag and beat the Yanks in the postseason classic.

But Monday the Yanks looked like the Bronx Bombers of old as they slammed four homers. The blasts came off the bats of Clete Boyer, Jake Gibbs, Joe Pepitone, and Hector Lopez.

On top of the power, Jim Brenneman put in a fine relief stint of 4⅓ innings as he took the win.

Brenneman, recently called up from Toledo, gave up only one hit—a ninth-inning homer by John Herrnstein.

Ex-Dodger Ed Roebuck took the loss as the Yanks put the game away with three runs in the sixth inning.

The Yankees got only one hit in the first inning—a double by superstar Mickey Mantle down the left field line.

Mantle went to third on a wild pitch, but was stranded when Ellie Howard was fanned by starter Lew Burdette.

Cookie Rojas countered with a looping fly ball to center in the bottom of the inning that fell in front of Center Fielder Roger Repoz.

Burdette retired the side in order in the second inning.

In the bottom of the second with one out Dick Stuart singled to center. Pat Corrales then hit a ground ball to Clete Boyer at third.

Boyer took the grounder that started a neat 6–4–3 double play. The double play was the first of four for the Yankees—three of them started by the third baseman.

The Yankees scored in the third as Boyer reached first on a comebacker, to Burdette that the ex-Brave threw wild to first.

After starter Gil Blanco sacrificed Boyer to second, Bobby Richardson moved him to third. Boyer scored on Phil Linz' double down the first base line.

YOUNGSTER GETS BALL

The hit was a ground rule double as a youngster jumped from the stands and snagged the ball.

Blanco retired the Phillies in order in the bottom of the third, although Bobby Wine singled up the middle.

But Burdette lined sharply to Boyer, whose throw to First Baseman Joe Pepitone caught Wine off the bag.

In the New York fourth Howard led off with a single up the middle off Burdette's glove.

But he was taken off the basepaths as Tom Tresh hit into a double play. Pepitone then lined to Stuart to end the inning.

The Phillies threatened in the fourth when Rojas singled down the third base line. He was taken out as Johnny Callison hit to Richardson at second, who then threw to Linz covering.

Allen then hit to Boyer, who started his third double play in as many innings.

In the Yankee fifth the Bombers scored twice to take a temporary 3 to 0 lead.

BOYER UNLOADS

Repoz singled to left and went to second as the throw-in got by Stuart at first. Boyer then uncorked a long homer over the left-field fence.

Burdette settled down to get the next three men, and the Phillies tied it in the bottom of the inning.

Wes Covington led off with a single between Richardson and Pepitone. Stuart followed suit with a single into left center.

With Herrnstein running for Stuart, Corrales singled to left to load the bases.

With still no outs Wine doubled deep to center to clear the bases. After pinch-hitter Alex Johnson flied out and Tony Gonzalez grounded out, Brenneman came in to get Rojas.

But the Yankees were not to be outdone.

They let loose for three runs in the sixth, including two homers.

GIBBS GETS HOMER

With one out, Gibbs, who had replaced Howard behind the plate, blasted a round-tripper deep over the right field stands.

After Tresh walked—the first pass in the game—Pepitone hit one almost in the same spot as Gibbs—only deeper.

Repoz and Boyer followed with singles, Brenneman tried a sacrifice bunt, but Roebuck, who was now in the game, threw wild to load the bases again.

Richardson then hit to Wine at short, who started an inning-ending double play. The double play was one of the three for the Phillies.

In the Phillies sixth, Brenneman walked two, but was taken out of trouble as the Yanks came up with their fourth double play.

Bo Belinsky, who sometimes calls Philadelphia "Mudville" because of the lack of nightlife, came in to pitch in the seventh and struck out Ross Moschitto, Gibbs and Hector Lopez in order.

The Phillies went down in order in the bottom of the seventh on three infield outs.

BELINSKY TOUCHED

Belinsky was touched for a run in the eighth to put the Yanks ahead 7 to 3.

The final run came on Lopez' leadoff homer over the left field fence—the fourth and final homer for the Yanks.

Gonzalez led off with a walk in the bottom of the eighth and went to second on a wild pitch.

But Brenneman settled down to get the next three men out.

The Yanks sent four men to the plate in the final inning, but did not threaten to score as men got on with a walk and a fielder's choice.

The Phillies finally got their first hit off Brenneman in the bottom of the ninth when Hernnstein homered a good 360 feet to center field after Covington had grounded out.

Brenneman then got Clay Dalrymple to fly out and Wine grounded to Richardson to end the game.

New York (*AL*)

	AB	R	H	BI
Richardson, 2b	4	0	0	0
Linz, ss	5	0	1	1
Mantle, lf	2	0	1	0
Moschitto, lf	3	0	0	0
Gibbs, c	2	1	1	1
Howard, c	2	0	1	0
Tresh, rf	2	1	0	0
Lopez, rf	1	1	1	1
Pepitone, 1b	4	1	1	2
Repoz, cf	4	1	3	0
Boyer, 3b	3	2	2	2
Barker, 3b	1	0	0	0
Blanco, p	1	0	0	0
Brenneman, p	1	0	0	0
Total	35	7	11	7

Philadelphia (*NL*)

	AB	R	H	BI
Gonzales, cf	3	0	0	0
Rojas, 2b	4	0	2	0
Callison, rf	2	0	0	0
Briggs, rf	1	0	0	0
Allen, 3b	2	0	0	0
Amaro, 3b	1	0	0	0
Covington, lf	4	1	1	0
Stuart, 1b	2	1	2	0
Herrnstein, 1b	2	1	1	1
Corrales, c	2	1	1	0
Dalrymple, c	2	0	0	0
Wine, ss	4	0	2	3
Burdette, p	1	0	0	0
Johnson, p	1	0	0	0
Belinsky, p	1	0	0	0
Total	32	4	9	4

New York	001	023	010—7	11	0
Philadelphia	000	030	001—4	9	3

E—Burdette, Stuart, Roebuck. DP—New York 4, Philadelphia 2. LOB—New York 5, Philadelphia 4. 2b—Mantle, Linz, Wine. HR—Boyer, Gibbs, Pepitone, Lopez, Herrnstein. S—Brenneham.

	IP	H	R	ER	BB	SO
Blanco	4⅔	8	3	3	0	0
Brenneman (W)	4⅓	1	1	1	3	1
Burdette	5	5	3	2	0	1
Roebuck (L)	1	4	3	3	1	1
Belinsky	3	2	1	1	1	3

WP—Brenneman, Burdette. T—2:19. A—9,850.

CHALLENGE TO THE MISSISSIPPI DELEGATION UNNECESSARILY DELAYED

The SPEAKER pro tempore. Under special order of the House, the gentleman from New York [Mr. RYAN] is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, the Clerk of the House has informed me that he has transmitted to the Speaker printed depositions filed in connection with the challenge to the Mississippi congressional delegation. This record has been referred to the House Administration Committee.

Resolution of the challenge has already been delayed unnecessarily. Under rule XI, section 24, of the House, the committee was to report its findings by July 4—6 months after the convening of the House. The delay in the printing of the record made it impossible for the committee to act by July 4. Now that the record is before the House Administration Committee it is time to act.

I am impatient with those who call for additional study and committee investigation. Who among us can deny the systematic exclusion of Negroes from Mississippi polls? Who among us has not been convinced by the debate on the Civil Rights Act of 1964 and the Voting Rights Act of 1965 of Mississippi's deliberate violation of the Constitution? Have we not been shown the subtle and the not so subtle techniques used to deny the Mississippi Negro his right to vote? Who can deny the fact that the white power structure of that State has perpetuated itself by trapping the Negro in a poverty of power? Never before, Mr. Speaker, has any issue been so thoroughly documented prior to a committee hearing.

According to the Congressional Quarterly of 1961, the following were the figures for nonwhite registration in each of the five Mississippi congressional districts: First District, 1.3 percent of the nonwhites of voting age registered to vote; Second District, 6.8 percent of the nonwhites of voting age registered to vote; Third District, 9.1 percent of the nonwhites of voting age registered to vote; Fourth District, 5.1 percent of the nonwhites of voting age registered to vote; Fifth District, 12.3 percent of the nonwhites registered to vote.

The exclusion of Negroes from the Mississippi polls is not an accident. As early as 1870 U.S. Senator George, of Mississippi, explained that the purpose of Mississippi voting laws is "to devise such measures, consistent with the Constitution of the United States, as will enable us to maintain a home government under the control of the white people of the State."

Mr. Speaker, we are all aware of the terror, violence, and murder perpetrated last summer upon those who attempted to help their fellow citizens exercise their right to vote. Mississippi tramples upon the U.S. Constitution by denying citizens the right to vote.

I have made this argument on the opening day of Congress when I objected to the seating of the Members-elect from Mississippi. I have listened to those who ask for additional study. But the issue, Mr. Speaker, will not be resolved by statistics. The issues, frankly, are moral and political. They are stark and simple. They involve matters of dedication and commitment to the Constitution of the United States by those who hold high office in the Federal Government.

My plea, Mr. Speaker, is for prompt review and prompt resolution. It is easy to tiptoe through this session of Congress keeping away from sharp corners. But if we do so, we will adjourn without exercising our solemn obligation to the Constitution. We will have forfeited a confidence in this Congress, a confidence which depends on the courage to act on this most fundamental issue.

Mr. Speaker, in closing I wish to read from a message written by Mr. and Mrs. Robert Goodman after the murder of their son, Andrew, in Philadelphia, Miss.:

> In Washington 4 weeks ago, my wife and I in a sense made a pilgrimage to the Lincoln Memorial in the evening and stood in that great shrine looking down past the Washington Monument toward the soft glow of the light around the White House. Full of

the awe of a great nation that surrounded us, we turned to read, emblazoned in black letters on white marble: "It is for us the living to dedicate ourselves that these dead shall not have died in vain."

THE WAR IN VIETNAM

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from California [Mr. COHELAN], is recognized for 5 minutes.

Mr. COHELAN. Mr. Speaker, President Johnson was sober and realistic at his press conference yesterday. He announced that we were increasing our military commitment in order to meet the increasing aggressive activities directed by North Vietnam. He made clear that we were increasing our diplomatic efforts, that we were willing to discuss Hanoi's proposals or the proposals of any other nation, and that we were once again asking the United Nations to take a larger and more active role in achieving an early and peaceful settlement. He also, for the present at least, rejected the cries of the "war hawks" for a major callup of the Reserves and the use of 200,000 American troops or more.

Let me make it clear initially, Mr. Speaker, that I support the President in his decision to resist the terror and aggression that denies independence of choice and self-determination to the people of South Vietnam.

But let us emphasize that the real issue in Vietnam is not our "honor" or our "word." We did not begin our program of aid and support in 1954 as a test of national honor. Then and now the real test is whether terror and violence are to triumph over the ballot and free choice; of whether so-called wars of national liberation, controlled and directed externally, will supplant peaceful decisions and orderly change arrived at internally.

Our proper goal has and should continue to be to help in every way we reasonably can to insure that the people of South Vietnam will be able to participate freely in the determination of their own future; not that they would have it decided for them, as is the Communist goal today.

But our policy has raised serious questions in the minds of many Americans. When I was at home a week ago, many constituents whose opinions I value and respect, were deeply troubled. They asked many questions which I feel should be publicly discussed and which I have asked both the White House and the State Department to discuss. They wanted to know:

First. What did the 1954 Geneva accords provide with respect to the future government of North and South Vietnam?

Second. Why did the United States not sign the Geneva accords? Did the United States state that it would follow the Geneva accords?

Third. Was a "government" representing South Vietnam a party to the Geneva accords? How did the first South Vietnamese Government come into power? Has there been any government in South Vietnam chosen to any extent by a democratic process? If so, when and how?

Fourth. What happened to prevent the 1956 "free election" contemplated by the 1954 Geneva accords? Did the United States oppose such election?

Fifth. To what extent has there been objective verification of interference by the North Vietnam Government—as distinguished from participation by individual North Vietnamese—in the affairs of South Vietnam?

Sixth. In terms of international law, what is the basis for our present activity in South Vietnam?

Seventh. Is there a legal basis for asking the U.N. to take action in relation to Vietnam? If so, are there practical reasons for our not having made this request up to this time?

Eighth. What efforts have been made by the United States to substitute negotiation for military action?

Ninth. It is often said that we must stay in South Vietnam to prevent the spread of communism in southeast Asia. Is the main purpose of our policy to forestall a Communist government in South Vietnam? Or is it to enable the people of South Vietnam to establish whatever kind of government they want?

Tenth. Assuming that what we are doing in Vietnam is morally and legally justified, is it wise and sound from the viewpoint of effectiveness? Can we, within reasonable and practicable cost considerations, achieve a military victory or are we in effect repeating Napoleon's disastrous march to Moscow? Would we be more likely to achieve the ends we desire if we were to let the people of South Vietnam struggle with this problem by themselves and in the process perhaps develop enough nationalism to resist control by China?

Eleventh. President Kennedy stated on numerous occasions that the war in Vietnam was a Vietnamese war; that it must be won or lost by the people of South Vietnam themselves. Does our increasing commitment of troops, planes and supporting material mean that we have abandoned this policy?

Mr. Speaker, many of these same questions have troubled me and I intend to place the replies in the RECORD.

But even when these questions are considered, and I think there are reasonable answers to most, if not all of them, I do not believe, considering the alternatives and their implications, that there is any reasonable alternative to our present course of action.

Major escalation on our part could only invite increased efforts by Hanoi and Peiping. It could mean introduction of thousands more troops from North Vietnam, and quite possibly divisions or even armies from China. It could mean stepped up U.S. air attacks. It could mean expansion of these attacks to centers of population and industry in North Vietnam, and it could mean the commitment on the ground of many more American forces and lives.

Leaders of the Republican Party in the House it is true, have argued that "total victory" is possible; that the war, in fact, can be "won" if only we were willing. But it should be noted that this war could be "won" in this way only at a cost far in excess of our goals and our requirements. Such a "victory" in the wake of the destruction, the devastation and the countless maimings and deaths would mark it a hollow triumph at best.

On the other hand, unconditional withdrawal by American forces, as the Communists have demanded, is equally unconscionable. Independence would not only be doomed in South Vietnam, it would be jeopardized from Thailand to Australia, from India to the Philippines.

It would be unconscionable, as the distinguished chairman of the Senate Committee on Foreign Relations stated in his thoughtful speech of June 15, "because such action would betray our obligation to people we have promised to defend, because it would weaken or destroy the credibility of American guarantees to other countries, and because such a withdrawal would encourage the view in Peiping and elsewhere that guerrilla wars supported from outside are a relatively safe and inexpensive way of expanding Communist power."

It would be unconscionable, for if independence is as vital as this country has maintained for nearly 200 years, then it should be the right of all who truly want it and not just of the few who are capable of defending it.

Where then do we go? If both major escalation into a much larger war and the abandonment of independence are intolerable choices, what path should we pursue?

The only reasonable course, it seems to me, was outlined yesterday by the President. First, we must provide sufficient arms to convince Hanoi and Peiping, and Moscow as well, that wars of "national liberation" based on terror and intimidation and naked force will not succeed. Our arms should be used in sufficient force to persuade the adversaries of open societies that discussions and negotiations, not bombs and bullets, are the only sensible way to settle problems. Our arms should be available for as long as they are necessary but for no longer than they are necessary and in no greater strength than they are necessary.

Second, we must continue to follow every path and pursue every opportunity that can lead to negotiations, to a ceasefire and to a diplomatic settlement that can guarantee the people of South Vietnam independence of choice in any future government and any future way of life, free of outside intimidation or intervention.

We should have no quarrel with this choice so long as it is free. We should have no vested interest save that of independence and a better life for our fellow men.

There can be no question that the Communists, whether they be in South Vietnam, North Vietnam, or Communist China, have been deaf to all offers of negotiation which have been made to date.

Not only have they rejected our repeated bids for "unconditional discussions." They have refused the plea of 17 nonalined chiefs of state for negotiations, the French suggestion of a new Geneva conference without preconditions, the Soviet and American endorsement of a Cambodian conference, U.N. Secretary General U Thant's offer of exploration, India's proposal for a cease-fire monitored by an Afro-Asian force, the invitation of the U.N. Security Council for a complete review and discussion, the peace mission of the British Commonwealth Prime Minister, and others.

This record of intransigence is without exception. But it should not and it must not deter our continued and persistent efforts, and our support of the efforts of others, to bring together all of the parties who are involved in the conflict in Vietnam. The so-called National Liberation Front is certainly no more than what its name implies, a front. But surely there is no reason why North Vietnam could not include its members, the Vietcong, or any other parties it desires, on any team of representatives it sends to the negotiation table. And we should negotiate with that team, whomever it contains.

A much larger presence and a greater role of participation should be encouraged for the United Nations, the world organization which has performed so valiantly and successfully in many trouble spots of the world for the last 20 years. I am particularly pleased that the President is calling on this resource, as I have been urging for some time, and that he has sent a special message with Ambassador Goldberg to U.N. Secretary General U Thant. He is to be strongly commended for this effort and we can only fervently hope that the Secretary General will be able to utilize his offices to good effect. Certainly we should support him in any constructive efforts he is able to initiate. Certainly the United Nations should be encouraged in every way possible to provide the machinery for bringing this matter to the international conference table, for policing a cease-fire, and for insuring free elections.

It may well be, Mr. Speaker, that Hanoi and Vietcong have no intention of lessening their aggression at the present time. This makes two requirements on our policy, as was suggested last month by the Senator from Arkansas [Mr. FULBRIGHT] and which was stressed by the President yesterday.

First, we must sustain the Government and the Army of South Vietnam. We must persuade the Communists that Saigon cannot be crushed and that the forces of the free world will not be driven out by force.

Second, we must practice patience and restraint. We must continue to offer the Communists a reasonable alternative to war, and we must continue to press for a peaceful settlement at the earliest possible time.

Mr. Speaker, several leading Republican policymakers have suggested that our country would accept a continued American presence in Vietnam, including any necessary troop buildup, if and only if our objective was total victory; not if it were a negotiated settlement.

I reject this suggestion. I believe it misinterprets and misrepresents the true feeling of the American people. This feeling, I believe, is one of rightful anxiety. It is one of willingness to contribute and to sacrifice; to pay the cost of freedom; to be a leader of the free world. But it is one also which seeks independence and the other legitimate aspirations of men through peaceful means. Our policy and our efforts should be directed at no lesser goal.

Mr. Speaker, in conclusion, I include two editorials from this morning's Washington Post, one by the distinguished columnist Chalmers Roberts, which speak directly and thoughtfully to the points I have discussed:

[From the Washington Post, July 29, 1965]

THE VIETNAM POLICY

In typically Johnsonian fashion, the President supplemented his announcement of intensified American participation in the Vietnamese war with an escalation of his peace efforts. Draft calls are to be doubled in the months ahead, and there will be a rapid buildup of American fighting men in the besieged southeast Asian country. But the aim of protecting freedom and independence from Communist aggression without resort to general war remains the same.

The President made another graceful appeal to the United Nations to exert whatever influence it can to halt the aggression in Vietnam. At the same time, he offered to discuss Hanoi's proposals along with our own and those of any other interested nation that may care to sit down at a conference table. His sincere desire to substitute the conference table for the battlefield took away any suggestion of belligerence that might otherwise have been read into the announcement of expanding military operations.

The gist of what the President had to say is that the United States places such a high value on peace that it is willing to fight for it. The spread of Asian communism by terror and slaughter is the antithesis of both peace and freedom. The United States has attempted to provide a shield against this menace. It is now called upon to demonstrate that this shield is not an illusion.

We do not see how President Johnson could have explained the necessity of the U.S. course in Vietnam more effectively than he did:

"If we are driven from the fields in Vietnam, then no nation can ever again have the same confidence in our promise of protection. In each land the forces of independence would be weakened. An Asia so threatened by Communist domination would imperil the security of the United States itself. * * *

"We just cannot now dishonor our word or abandon our commitment or leave those who believed us and who trusted us to the terror and repression and murder that would follow. This, then, my fellow Americans, is why we are in Vietnam."

The President's reference to Asian communism doubtless holds special significance. His exclusion of the Russians from his comments was an indirect appeal for Moscow's understanding of why we must do what we are doing. The Soviet Union shares at least some of the alarm in the West over the openly belligerent and recklessly aggressive course of Communist China and the Hanoi government. President Johnson seemed to be saying to Moscow that the United States is doing everything possible to avoid a general war and that the two major nuclear powers have a common interest in not allowing this Asian Communist brushfire to get out of hand for want of a rational confrontation at a conference table.

Within the United States, we surmise that the response to the President's speech will be overwhelmingly favorable. Despite the innate hatred of war, most of the people are aware of the kind of world we live in. They appear to be reconciled to a hard struggle in a faraway land because of the close relation it has to the preservation of our own freedom. Many of those who are committed to the general policy, however, retain some concern over the way it is being carried out.

One would hope that much of the discussion in the White House conferences of the last week has been given to effective employment of the additional manpower and equipment that are flowing to Vietnam. It is not enough merely to build up larger forces and the volume of supplies. With the extension of military might in Vietnam, there will be increasing need for wise decisions and sound strategy. This perceptive statement on the part of the President also greatly strengthens confidence that he will be as firm in pushing for a rational settlement as he has been in trying to teach the Communists that peace cannot be bought with terror and aggression.

[From the Washington Post, July 29, 1965]

GUARDIAN AT THE GATE: WORLD SEES A DETERMINED JOHNSON

(By Chalmers M. Roberts)

It was not a happy President Johnson the Nation saw yesterday. But it was a determined President.

"We did not choose to be the guardians at the gate," he said, "but there is no one else." That single sentence explains a lot about the man and his approach to the war in Vietnam.

Because of what he said last fall in the presidential campaign against Barry Goldwater, a lot of people concluded that he wanted to liquidate the war as quickly as possible. Indeed, it is clear that a number of Communist diplomats here told their governments just that.

That conclusion was based on a misunderstanding of Lyndon Johnson. He did want to liquidate the war—he does want to liquidate it now—but not on terms of surrender.

For a long time Mr. Johnson resisted saying out loud that the conflict in Vietnam was a crucial one between communism and democracy or between China and the United States. Only slowly and reluctantly did he come to do so.

Like most Americans, as he emotionally made evident yesterday, he would prefer to concentrate on improving our domestic life. But history caught up with him, and he is determined to face history.

The Vietcong attacks on American personnel, the hard words from North Vietnam and the shrill language from China all drove him, however reluctantly, to conclude that here was a place that the United States had to make a stand.

If the Communists had offered to sit down at the conference table, the fighting could have stopped long ago. It is quite likely, too, that the result would have been a gain in the Communist position in southeast Asia. But in rejecting the conference table, the Communists gave Mr. Johnson no option except to fight.

Slowly, then, a rationale for American military activity has been developed. As John F. Kennedy did in the Cuban missile crisis, Mr. Johnson yesterday referred to the appeasement of Hitler in the 1930's and the lesson to be drawn from it.

The furious Communist offensive in Vietnam, coupled with the Chinese demands to smash the United States in that corner of Asia, left him, he felt, no choice but to send in more Americans to act as "the guardians of the gate."

Lyndon Johnson is both a coolly calculating man and an emotionally patriotic man. Both these sides of his personality were evident yesterday.

His new military steps are calculated to deny the Communists a military victory; his diplomatic steps are designed to ease the path to the conference table. But he doubtless has no illusions that the Communists will agree to negotiate until they are convinced that American power is fully committed to the war and that it can be decisive.

Slowly, as he has sought a way out of Vietnam, Mr. Johnson has come to describe the stakes in sharper terms. Now he has reached the point of saying that the United States cannot escape the role of guardian at the gate in this "remote and distant place."

Those who have viewed the President as a reckless plunger should be reassured by his efforts to avoid a rupture with the Soviet Union. Certainly he meant it when he said that "I don't think I have any right to commit the whole world to world war III."

Those who believe he has been too cautious in his application of military force may not be wholly satisfied with the new decisions he outlined yesterday. But they can find satisfaction in the firm determination, now that the United States is so fully committed, to see it through to the end.

Lyndon Johnson yesterday was not a happy guardian at the gate. But he certainly was determined.

The purpose of yesterday's public appearance before the Nation was to show that determination. He succeeded.

A second purpose was to answer the question of the mother who had written to ask "why" her son had to fight in Vietnam. Here, at least, he made a convincing case.

Finally, he sought to show that the United States carries an olive branch as well as thunderbolts. Here he is willing to talk about even the Communist demand that all Americans be withdrawn. It is hard to see how critics could ask for more, unless they would have the United States accept surrender.

LAG IN FEDERAL FUNDS CURTAILS STATE HIGHWAY CONSTRUCTION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. HULL], is recognized for 5 minutes.

Mr. HULL. Mr. Speaker, Missouri is in the forefront of States in this Nation in developing modern roads for its citizens.

Planning and early construction of interstate highway routes in Missouri were under the direction of the Honorable Rex M. Whitton, then chief engineer of the Missouri Highway Department and now Federal Highway Administrator.

Mr. Whitton's work has been carried on by our present extremely able chief engineer, Marvin J. Snider, resulting in continued progress in building Missouri highways.

In a recent speech to the Ozark Chapter of the Missouri Society of Professional Engineers in Springfield, Mo., Mr. Snider outlined the programs and the problems of highway builders in Missouri.

Under unanimous consent I include Mr. Snider's speech:

LAG IN FEDERAL FUNDS CURTAILS STATE HIGHWAY CONSTRUCTION

It is a sincere pleasure for me to have the opportunity to meet with your organization this evening to discuss the progress of Missouri's State highway program.

From the outset I would say that State highway progress in Missouri is relatively good. I use the term "relatively good" because, due to a constant lack of sufficient highway funds, our rate of roadbuilding improvements certainly is not what it should be in order to provide an adequate State road system for motorists.

However, the historical shortage of highway funds is a story in itself and I will not go into it further during this meeting.

My remarks this evening will be devoted to a twofold discussion of Missouri's highway progress.

First, I will report briefly on the progress being made by the State highway department with the funds that are available.

Second, and most importantly, I want to explain about a financial difficulty which has arisen at the Federal level in the last few months, and which is causing a curtailment in State highway construction in Missouri this year.

It is a curtailment that we can ill afford because of the extreme importance of building and improving highways as rapidly as possible to serve the constantly growing demands of traffic. Nevertheless, the cutback in highway work is with us, resulting in delays in awarding a number of construction contracts in many areas of the State. I believe it is important for Missourians to know about this situation and understand why it is happening.

PROGRESS IN 1964

As to progress made in calendar 1964, it pleases me to report that last year saw the greatest single surge of State roadbuilding in Missouri's history.

During 1964 the State highway department carried on a construction and right-of-way program amounting to about $192,500,000. This was some $17 million larger than the previous high recorded in 1963.

I don't want to confuse you with a lot of figures, but I believe it will be helpful to point out how the $192,500,000 which made up the 1964 construction and right-of-way program was used:

For actual highway construction, $156,700,000 was spent or obligated; $33,600,000 was spent to acquire right-of-way; $2,100,000 was obligated for the 1965 secondary (farm to market) system road oiling program, work which now is going on since this is a warm weather operation; and $115,000 was spent to install flashing light signals at railroad crossings.

Even more meaningful than money figures is the fact that 924 miles of highway construction projects were awarded to contract last year. They included:

One hundred and seventy miles of work on the Interstate System, the nationwide superhighway network now under construction throughout America, and which is made up of highways like Interstate Routes 44 and 70.

Four hundred and thirty-one miles of improvements were contracted on the primary system, which consists of conventional trunkline highways like U.S. Routes 54, 63, 65, and 71.

Two hundred and ninety-seven miles of construction on the secondary system, made up mainly of lettered State highways providing local service such as Routes M, FF, C, or TT.

Twenty-six miles of improvements were placed under contract on the urban system of highways, which are extensions of primary and secondary system routes into urban areas.

In addition, about 1,200 miles of secondary system roads now are receiving an oil surface treatment to make them dust free under the oiling program authorized last year.

So by all previous standards, 1964 was a banner roadbuilding year for the State of Missouri. And another substantial year, although not scheduled to be as impressive as the one just passed, was in prospect for 1965.

At the beginning of the present calendar year, the State highway department estimated that it would have a construction and right-of-way program amounting to about $165,500,000 during 1965. This was to include $131,600,000 in construction work to be awarded to contract; $26,300,000 for the purchase of right-of-way; and $7,600,000 for preliminary engineering, the obligation of funds for the 1966 secondary system road oiling program and the installation of flashing light signals at railroad crossings.

The estimate for 1965 was considerably under accomplishments of 1964 mainly for two reasons. In the first place, it was purposely on the conservative side and represented a figure the department felt certain could be attained. Secondly, we knew there would not be as much money available in 1965. In 1964 the department was anticipating later reimbursement by the Federal Government of several millions of dollars which had been tied up in right of way purchases for a number of years, and therefore was able to obligate against these funds.

LAG IN FEDERAL FUNDS BEGINS

At any rate, the department began the 1965 calendar year on a note of optimism, with an anticipated minimum construction and right of way program of about $165,500,000.

But then along in late February the Federal funds situation which I mentioned earlier began to develop, and it has worsened gradually ever since.

In beginning an explanation of what has been and still is happening, I want to point out that the financing of State highway construction is a very complicated matter. However, I will try to keep my remarks as simple as possible in order to get this message across.

Missouri's State highways are built with money received from taxes levied by the State and Federal Governments on highway users.

Taxes levied by the State of Missouri include the motor vehicle fuel tax, commonly called the gasoline tax; license fees for motor vehicles; drivers license fees; and the motor vehicle use tax, which is equivalent to a sales tax on vehicle purchases made by Missourians in other States.

Highway user taxes levied by the Federal Government are those on gasoline and other motor vehicle fuel, on tires and inner tubes, on heavy trucks and on new trucks, buses and trailers at the time of manufacture.

The Federal Government provides a very substantial share of the funds used in the construction and purchase of right-of-way for highways in Missouri, with the State providing the remaining share.

Under Federal law, the Federal Government pays 90 percent of the cost of building Interstate System highways, leaving the State with 10 percent of the cost to pay. Naturally, a State would be foolish to finance an Interstate System project entirely out of its own funds, since the Federal Government offers a ratio of 9 to 1 aid for this work.

Most primary, secondary and urban system highways are constructed on the basis of

50 percent Federal and 50 percent State funds. Missouri must match dollar for dollar all of the Federal aid available for building these three categories of highways.

With whatever construction funds the State still has available, after matching all Federal funds, it finances projects on the primary, secondary, and urban systems with 100 percent State money. The wisdom of using all available 100 percent State construction funds in this manner is readily apparent, since the Federal Government offers so much more aid in the building of Interstate routes than it does for the other three systems of highways.

That gives a fairly complete summary, I believe, on where the money comes from to finance the acquisition of right-of-way and the construction of State highways. Now let's look at how the Federal aid funds actually are made available for use to the States.

One thing which is important for the public to understand is this: The Federal Government does not pay any Federal-aid road funds to the State before the State buys right-of-way for a project or constructs a highway. The State pays for the work out of its own pocket, and later is reimbursed a share of the costs by the Federal Government on Federal-aid highway projects. But you will see how the system works as we proceed in this explanation.

There are three key words at the Federal level in the process of providing Federal-aid road funds to the States. Those words are "appropriation," "apportionment," and "release."

Federal funds for highway work are appropriated by Congress. Right now those funds are totaling about $3.8 billion a year. This money goes into the Highway Trust Fund in Washington, D.C., the fund through which all Federal aid road money is administered. Under Federal law, the Highway Trust Fund must at all times be solvent—no deficit financing is permitted.

The next step in the process is apportionment of each fiscal year's Federal highway funds to the 50 States. This is done on a formula basis and is handled by the Secretary of Commerce and the Bureau of Public Roads. Apportionment merely is the announcement of each State's share of Federal road funds for a particular fiscal year between July 1 and June 30.

Neither the appropriation of funds nor the apportionment of funds allow the States to award a single dollar of a Federal-aid highway construction contract or buy one piece of right-of-way.

The award of a contract or purchase of right-of-way for a Federal-aid job can come only after the release for obligation of the previously appropriated and apportioned Federal money. This release of the funds to States also is done by the Secretary of Commerce and the Bureau of Public Roads. It is the step in which the States are, in effect, told: "You may proceed to obligate Federal-aid funds for highway projects because we now can guarantee that there will be enough money in the Highway Trust Fund to reimburse you the Federal share of the cost when you present a bill for payment at a later date for completed work."

Release of a year's apportionment of funds is done on a quarterly basis during the fiscal year. If a normal procedure was being followed, this would mean the release of one-fourth of a year's money to the States on each of these dates: July 1, October 1, January 1, and April 1.

Release of the Federal money for obligation is done on a quarterly basis to insure the future solvency of the Highway Trust Fund. In other words, if a full year's apportionment was released all at once, the States would obligate so heavily against it in just a few months that the trust fund would be unable to meet all payments when bills for reimbursement on completed work were presented later. Such a situation would be in violation of the Federal law requiring the trust fund to be solvent at all times.

That sets the stage so far as background is concerned. Now let me explain what has been happening at the Federal level which is causing a curtailment in State highway construction in Missouri.

In a nutshell, it can be summed up as a delay in the release of quarterly Federal funds to the States for obligation—a delay which has lengthened in the last few months until we now are behind a full quarter, or 3 months. Each quarter for Missouri, under the present apportionment, represents about $24,425,000.

A year ago today—or on July 1, 1964—Missouri and the other States should have received release of the first quarter funds, if things were going according to schedule. However, the release did not come until last August 20. Second quarter funds, due for release October 1, were not made available for obligation until November 16.

Although both these releases of money were some 6 weeks late, no real serious damage resulted since the delay in getting projects under contract was not particularly great.

But the situation certainly has had an effect during the first 6 months of the present calendar year.

The third quarter release of Federal funds, scheduled for January 1, did not come until March 15, or 2½ months late. And fourth quarter funds, due April 1, were not released until yesterday (June 30), a full 3 months behind schedule.

The delay in releasing the funds has been due to a shortage of money in the highway trust fund. Because of this shortage, the Secretary of Commerce has had to stretch out the release times.

You will recall that I earlier said the State highway department expected to have a construction and right-of-way program of about $165,500,000 during calendar 1965.

Right now we are considerably behind schedule in trying to reach that figure.

For the first 6 months of this year, our construction and right of way program totals only about $63 million. This reflects the delay in receiving release of the Federal funds.

Many projects, particularly Interstate System work, are being held up from being placed under contract.

Work awarded to contract in the late winter and early spring months allows a contractor to have a full construction season ahead. However, it is not only in those months that delays in contracting a job have a retarding effect. Even a 1-month delay at anytime in the year often can cause a delay of 6 or 7 months in completing a project.

For example, if a contractor has only 1 more month to go on a project before it is ready for traffic when construction is shut down in November for the winter, it means the highway probably will not be put in use for the public until the following May or June.

As of now, we are in the position of being able to foresee the letting of only one major Interstate System construction project in the immediate future. That is for a job in Jefferson County on Interstate Route 55, and it will be financed from the Federal funds which were released for obligation only yesterday.

Should this delay in receiving release of Federal funds continue, it is entirely possible that the State highway department will not be able to have any additional major Interstate System projects up for bids until October.

Similar delays also are occurring in getting a number of primary system projects under contract.

There is only one reason why the State highway department has been able to maintain as respectable a showing as it has in its construction and right-of-way program so far this year. We have financed much primary, secondary, and urban system work with 100 percent State funds. But there is a limit as to how long this can go on because that source of money is limited too.

One thing we have been able to do so far is to keep up fairly well with right-of-way acquisition. Of course, this has had to be done at the expense of awarding fewer construction contracts. But we have felt it absolutely necessary to keep the purchase of right-of-way as much on schedule as possible because there has to be right-of-way ready on which to build a highway when funds for construction do become available. However, our right-of-way buying also will face a slowdown in the near future if the lag in Federal funds continues.

I might explain here that Missouri is being hurt by this situation because we are one of the leaders among all the States in obligating all available Federal funds. I think it is a tribute to the employees of the Missouri State Highway Department that they are prosecuting the work with dispatch and efficiency to the extent that our State is near the top in the Nation in this regard. There are many, many States that still are obligating Federal funds which were made available 1, 2 or even 3 years ago.

So because Missouri has made such fine progress in using its Federal aid highway funds, we now are feeling the effects when the screws are tightened in Washington. Of course, I do not know how long this condition will exist, but I would hope not for long.

Apportionments for another fiscal year and the release of the first quarter of funds are due today—July 1—but I personally believe it will be quite awhile before announcements are made on either.

In addition to the fact that the highway trust fund already is short of money, Congress is facing another knotty problem of highway finances.

Last January the States submitted new cost estimates for completing the 41,000-mile nationwide Interstate Highway System. The estimate showed that it is going to cost $5.8 billion more to finish the system by 1972—the target date—than had been counted on.

So if Congress wants the Interstate System to be financed adequately for completion in 1972, then additional revenue is going to have to be provided. The problem of where to obtain that revenue presently is being considered.

Until this dilemma of financing is solved in Washington, it would appear to me improbable that apportionments or the release of funds for obligation would be made. I would be delighted to be wrong, but in my opinion the situation could get worse before it gets better. This is not being pessimistic—just realistic.

To me it is a very disheartening thing to witness the slowdown in State highway construction now occurring in Missouri. Delays such as these are detrimental to the public interest because, with the demands of traffic what they are today, every new road and every highway improvement is vital to the safety and well being of motorists. Delays can mean loss of lives, injuries, and accidents.

We already are far behind in trying to meet the highway needs of Missouri because the public never has seen fit to provide enough money to build an adequate State highway network. The curtailment we now are experiencing is only antagonizing the matter.

I am sorry I was unable to bring you better news this evening concerning Missouri's State highway program. But the picture I have given you is the one that presently prevails, and I thought it was important to explain it. Again I want to say it has been a real pleasure to meet with your group, and I now will attempt to answer any questions you may have.

Thank you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER (at the request of Mr. ALBERT), for today, on account of official business.

Mr. MORTON (at the request of Mr. GERALD R. FORD), for today through August 2, 1965, on account of official business to attend Puerto Rican Status Commission hearings at San Juan, P.R.

Mr. TAYLOR, on account of official business, July 29 through August 6, 1965.

Mr. RIVERS of Alaska, on account of official business, July 29 through August 9, 1965.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. TUNNEY, on August 2, for 10 minutes.

Mr. SAYLOR, for 15 minutes, today; and to revise and extend his remarks.

Mr. LANGEN, for 20 minutes, today; and to revise and extend his remarks.

Mr. HALL, for 20 minutes, today; to revise and extend his remarks, and to include extraneous matter.

Mr. VANIK, for 15 minutes, today; and to revise and extend his remarks.

Mr. MATHIAS (at the request of Mr. HALL), for 15 minutes, today.

Mr. EDMONDSON, for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. GRIDER, for 5 minutes, today.

(The following Members (at the request of Mr. CALLAN) to revise and extend their remarks, and include extraneous matter:)

Mr. RYAN, for 5 minutes, today.

Mr. COHELAN, for 5 minutes, today.

Mr. ROOSEVELT, for 60 minutes, on Tuesday, August 10.

Mr. ROOSEVELT, for 60 minutes, on Tuesday, August 17.

Mr. ROOSEVELT, for 60 minutes, on Tuesday, August 24.

Mr. ROOSEVELT, for 60 minutes, on Tuesday, August 31.

Mr. VANIK, for 15 minutes, today.

Mr. HULL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. ADAIR to include a chart in his remarks made today in the Committee of the Whole on H.R. 9026.

Mr. ROYBAL.

(The following Members (at the request of Mr. HALL) and to include extraneous matter:)

Mr. FINO.

Mr. LIPSCOMB.

Mr. TUPPER.

(The following Members (at the request of Mr. CALLAN) and to include extraneous matter:)

Mr. POWELL.

Mr. ALBERT.

Mr. FRASER.

Mr. PEPPER.

Mrs. HANSEN of Washington.

Mr. SICKLES in two instances.

Mr. RANDALL in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 625. An act to authorize the sale of certain public lands; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1771. An act to establish a 5-day workweek for postmasters, and for other purposes;

H.R. 6622. An act to exempt the postal field service from section 1310 of the Supplemental Appropriation Act, 1952; and

H.R. 6675. An act to provide a hospital insurance program for the aged under the Social Security Act with a supplementary medical benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 1771. An act to establish a 5-day workweek for postmasters, and for other purposes;

H.R. 2984. An act to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes;

H.R. 2985. An act to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers, and for other purposes;

H.R. 6622. An act to exempt the postal field service from section 1310 of the Supplemental Appropriation Act, 1932;

H.R. 6675. An act to provide a hospital insurance program for the aged under the Social Security Act with a supplementary medical benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes;

H.R. 7984. An act to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities; and

H.J. Res. 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

ADJOURNMENT

Mr. CALLAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, August 2, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1395. A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting a reply to the report (B–146984) of the Comptroller General on economic assistance provided to the Republic of the Philippines for development purposes; to the Committee on Government Operations.

1396. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, relating to the adjustment of retired pay and retainer pay of members of the uniformed services to reflect changes in the Consumer Price Index, and for other purposes; to the Committee on Armed Services.

1397. A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting a reply to the report of the Comptroller General, dated April 29, 1965 (B–146849) on follow-up examination on certain aspects of U.S. assistance to the Central Treaty Organization for a rail link between Turkey and Iran; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. H.R. 7327. A bill to repeal section 7043 of title 10, United States Code; with amendment (Rept. No. 692). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 3041. A bill to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause; with amendment (Rept. No. 693). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 6964. A bill to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States; with amendment (Rept. No. 694). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 8027. A bill to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes; with amendment (Rept. No. 695). Referred to the Committee of the Whole House of the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 5984. A bill to amend sections 2275 and 2276 of the Revised Statutes, as amended, with respect to certain lands granted to the States; with amendment (Rept. No. 696). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 6646. A bill to amend the Recreation and Public Purposes Act pertaining to the leasing of public lands to States and their political subdivisions; with amendment (Rept. No. 697). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 494. Resolution for consideration of S. 1742, an act to authorize the U.S. Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes; without amendment (Rept. No. 698). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 495. Resolution for consideration of H.R. 7843, a bill to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave; without amendment (Rept. No. 699). Referred to the House Calendar.

Mr HÉBERT: Committee on Armed Services. H.R. 6007. A bill to amend title 10, United States Code, to authorize the promotion of qualified Reserve officers of the Air Force to the Reserve grades of brigadier general and major general; with amendment (Rept. No. 700). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY:

H.R. 10158. A bill to amend the act entitled "An act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf", approved September 2, 1958, as amended, in order to further provide for a loan service of educational media for the deaf, and for other purposes; to the Committee on Education and Labor.

H.R. 10159. A bill to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. CELLER:

H.R. 10160. A bill to authorize the appropriation of $3,063,500 as an ex gratia payment to the city of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 15th General Assembly of the United Nations; to the Committee on Foreign Affairs.

By Mr. CORMAN:

H.R. 10161. A bill to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extensions of credit; to the Committee on Banking and Currency.

H.R. 10162. A bill to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. HANNA:

H.R. 10163. A bill to amend the International Travel Act of 1961 in order to promote travel in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 10164. A bill to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes; to the Committee on Education and Labor.

By Mr. PERKINS:

H.R. 10165. A bill to include the holders of star route and certain other contracts for the carrying of mail under the provisions of the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. ROUDEBUSH:

H.R. 10166. A bill to amend the Packers and Stockyards Act of 1921, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. STRATTON:

H.R. 10167. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. UTT:

H.R. 10168. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WALKER of New Mexico:

H.R. 10169. A bill to provide for a national cemetery at Fort Bayard, N. Mex.; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY:

H.R. 10170. A bill to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation; to the Committee on Public Works.

By Mr. FARBSTEIN:

H.R. 10171. A bill to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 10172. A bill to permit a State to elect to use funds from the highway trust fund for purposes of urban mass transportation; to the Committee on Public Works.

By Mr. MATHIAS:

H.R. 10173. A bill to require a special report to the Congress by the President of the current status of research and application techniques in the field of weather modification, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS:

H.R. 10174. A bill to amend the Northern Pacific Halibut Act in order to provide certain facilities for the International Pacific Halibut Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. MINISH:

H.R. 10175. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE:

H.R. 10176. A bill to amend the International Travel Act of 1961 in order to promote travel in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS of Alaska:

H.R. 10177. A bill to establish a contiguous fishery zone beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. SENNER:

H.R. 10178. A bill to amend the Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.R. 10179. A bill to encourage an increase in the standard of living, level of wages and an improvement of the working conditions in foreign countries which export agricultural commodities into the United States; to the Committee on Ways and Means.

By Mr. TUPPER:

H.R. 10180. A bill to authorize the Secretary of the Interior to conduct a program of research, study and surveys, documentation, and description of the natural environmental systems of the United States for the purpose of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GROVER:

H.R. 10181. A bill to authorize wartime benefits under certain circumstances for peacetime veterans and their dependents; to the Committee on Veterans' Affairs.

By Mr. LANGEN:

H.R. 10182. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. PELLY:

H.R. 10183. A bill to establish a contiguous fishery zone beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. SICKLES:

H.R. 10184. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of Government, to provide for uniform, and equitable relocation procedures under Federal and Federal grant-in-aid programs, and for other purposes; to the Committee on Government Operations.

By Mr. UTT:

H.R. 10185. A bill amending certain estate tax provisions of the Internal Revenue Code of 1939; to the Committee on Ways and Means.

By Mr. THOMPSON of Texas:

H.J. Res. 592. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.J. Res. 593. Joint resolution designating the month of May in the year 1966 as "National Latin American Month"; to the Committee on the Judiciary.

By Mr. MINISH:

H. Res. 493. Resolution expressing the sense of the House of Representatives with respect to discriminatory practices by the Government of Rumania; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELCHER:

H.R. 10186. A bill for the relief of Robert D. Anson; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 10187. A bill for the relief of Mrs. Louise P. Higginbotham; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 10188. A bill for the relief of Ying Tang Lee; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 10189. A bill for the relief of Samuel Castro; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 10190. A bill to provide for the granting of patents with respect to certain desert land entries; to the Committee on the Interior and Insular Affairs.

By Mr. YATES:

H.R. 10191. A bill for the relief of Juan Maldonado-Velasquez; to the Committee on the Judiciary.

* * *

SENATE

THURSDAY, JULY 29, 1965

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, who committeth to us the swift and solemn trust of life, so teach us to number our days that we may apply our hearts unto wisdom. In this hallowed moment we turn to Thee for refuge from the noise and hurry of the world without and from the tyranny of feverish moods and peacewrecking fears within. May there be fulfilled in our individual lives Thy assurance that in quietness and confidence we shall find our strength.

Make us keenly aware of those whose lives touch ours and whose skies take their color from what we give or withhold—remembering there are those whose cheerful moods our frowns may darken. Make us mindful especially of children whose gleam or gloom so largely reflects our tempers and of the aged whose unfulfilled dreams are mournfully back of them and who with waning powers are dependent upon our courtesy and consideration. With resources unequal to the calls of these terrific days which are shaping the future, send us forth strengthened with Thy might to front tasks that tax our utmost, with the glad assurance, "He restoreth my soul."

We ask it in the name of the Good Shepherd. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, July 28, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended, was read twice by its title and referred to the Committee on Labor and Public Welfare.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request by Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. HILL. Mr. President, from the Committee on Labor and Public Welfare, I report favorably sundry nominations in the Public Health Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

James P. Shortal, and sundry other persons, for personnel action in the regular corps of the Public Health Service; and

Nicholas V. Scorzelli, and sundry other persons, for personnel action in the regular corps of the Public Health Service.

The PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The Chief Clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

The Chief Clerk read the nomination of George C. Trevorrow, of Maryland, to be a member of the Federal Coal Mine Safety Board of Review.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NATIONAL COMMISSION ON TECHNOLOGY, AUTOMATION, AND ECONOMIC PROGRESS

The Chief Clerk read the nomination of Thomas J. Watson, Jr., of New York, to be a member of the National Commission on Technology, Automation, and Economic Progress.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NATIONAL SCIENCE FOUNDATION

The Chief Clerk proceeded to read sundry nominations in the National Science Foundation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 944. A bill to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council, and for other purposes (Rept. No. 528).

Mr. PROXMIRE subsequently said: Mr. President, I ask unanimous consent that at the next printing of the bill (S. 944), the following names of Senators be added as cosponsors: Senators BASS, DOMINICK, HOLLAND, MCINTYRE, RIBICOFF, YOUNG of North Dakota, and YOUNG of Ohio.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the joint committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of June 1965. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JUNE 1965 AND MAY 1965, AND PAY, MAY 1965 AND APRIL 1965

PERSONNEL AND PAY SUMMARY

Information in monthly personnel reports for June 1965 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In June numbered—	In May numbered—	Increase (+) or decrease (−)	In May was—	In April was—	Increase (+) or decrease (−)
Total [1,2]	2,508,119	2,479,493	+28,626	$1,405,816	$1,455,149	−$49,333
Agencies exclusive of Department of Defense	1,474,323	1,452,680	+21,643	821,793	850,597	−28,804
Department of Defense	1,033,796	1,026,813	+6,983	584,023	604,552	−20,529
Inside the United States	2,353,804	2,319,300	+34,504			
Outside the United States	154,315	160,193	−5,878			
Industrial employment	551,265	546,643	+4,622			
Foreign nationals	130,451	130,750	−299	26,626	24,641	+1,985

[1] Exclusive of foreign nationals shown in the last line of this summary.

[2] June figure includes employment under the President's Youth Opportunity Campaign.

Table I, below, breaks down the above figures on employment and pay by agencies.

Table II, page 7, breaks down the above employment figures to show the number inside the United States by agencies.

Table III, page 10, breaks down the above employment figures to show the number outside the United States by agencies.

Table IV, page 11, breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V, page 12, shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during June 1965, and comparison with May 1965, and pay for May 1965, and comparison with April 1965*

Department or agency	Personnel				Pay (in thousands)			
	June	May	Increase	Decrease	May	April	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	113,027	104,012	9,015		$55,872	$56,972		$1,100
Commerce	33,663	33,044	619		22,339	23,157		818
Health, Education, and Welfare	87,316	84,263	3,053		47,148	49,690		2,542
Interior	70,738	65,384	5,354		39,967	40,651		684
Justice	33,222	32,310	912		22,946	24,112		1,166
Labor	9,567	9,080	487		6,420	6,554		134
Post Office	595,512	596,096		584	307,561	316,512		8,951
State [1,2]	40,687	40,490	197		24,744	25,603		859
Treasury	88,765	92,249		3,484	57,991	61,454		3,463
Executive Office of the President:								
White House Office	333	326	7		256	254	$2	
Bureau of the Budget	524	492	32		486	513		27
Council of Economic Advisers	45	46		1	41	43		2
Executive Mansion and Grounds	71	69	2		44	63		19
National Aeronautics and Space Council	29	29			33	35		2
National Council on the Arts	26	27		1	4	4		
National Security Council	38	39		1	37	42		5
Office of Economic Opportunity	1,263	1,125	138		761	348	413	
Office of Emergency Planning	380	389		9	344	357		13
Office of Science and Technology	116	127		11	48	57		9
Office of the Special Representative for Trade Negotiations	28	26	2		29	31		2
President's Commission on the Assassination of President Kennedy	(3)	(3)			(3)	(3)		
President's Committee on Consumer Interests	25	11	14		9	9		
President's Committee on Equal Opportunity in Housing	12	11	1		9	9		
President's Council on Equal Opportunity	18	14	4		8	(4)	8	
Independent agencies:								
Advisory Commission on Intergovernmental Relations	25	33		8	31	26	5	
American Battle Monuments Commission	439	439			88	89		1
Appalachian Regional Commission	6	5	1		10	12		2
Atomic Energy Commission	7,330	7,129	201		5,866	6,276		410
Battle of New Orleans Sesquicentennial Celebration Commission	1	1			(4)	(4)		
Board of Governors of the Federal Reserve System	667	634	33		458	476		18
Civil Aeronautics Board	846	820	26		717	752		35
Civil Service Commission	3,789	3,706	83		2,512	2,637		125
Civil War Centennial Commission	3	4		1	4	4		
Commission of Fine Arts	6	6			5	5		
Commission on Civil Rights	109	94	15		66	68		2
Delaware River Basin Commission	2	2			3	3		
Equal Employment Opportunity Commission [5]	19		19					
Export-Import Bank of Washington	308	291	17		230	230		
Farm Credit Administration	235	233	2		180	193		13
Federal Aviation Agency	45,286	44,676	610		34,701	36,086		1,385
Federal Coal Mine Safety Board of Review	7	7			5	5		
Federal Communications Commission	1,541	1,502	39		1,162	1,212		50
Federal Deposit Insurance Corporation	1,545	1,415	130		991	1,050		59
Federal Field Committee for Development Planning in Alaska	3	3			4	3	1	
Federal Home Loan Bank Board	1,300	1,260	40		938	966		28
Federal Maritime Commission	251	238	13		205	213		8
Federal Mediation and Conciliation Service	422	417	5		412	423		11
Federal Power Commission	1,163	1,116	47		898	917		19
Federal Radiation Council	4	4			5	5		
Federal Trade Commission	1,157	1,130	27		925	970		45
Foreign Claims Settlement Commission	186	185	1		127	128		1
General Accounting Office	4,274	4,120	154		3,013	3,172		159

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during June 1965, and comparison with May 1965, and pay for May 1965, and comparison with April 1965*—Continued

Department or agency	Personnel				Pay (in thousands)			
	June	May	Increase	Decrease	May	April	Increase	Decrease
Independent agencies—Continued								
General Services Administration	36,527	35,373	1,154		$18,303	$19,519		$1,216
Government Printing Office	7,416	7,322	94		4,892	4,956		64
Housing and Home Finance Agency	13,777	13,498	279		9,279	9,685		406
Indian Claims Commission	19	20		1	31	23	$8	
Interstate Commerce Commission	2,433	2,390	43		1,833	1,916		83
National Aeronautics and Space Administration	34,063	33,130	933		27,730	30,090		2,360
National Capital Housing Authority	423	435		12	261	219	42	
National Capital Planning Commission	67	56	11		44	44		
National Capital Transportation Agency	32	31	1		32	31	1	
National Commission on Food Marketing	62	55	7		45	46		1
National Commission on Technology, Automation, and Economic Progress	14	9	5		7	7		
National Gallery of Art	321	316	5		155	154	1	
National Labor Relations Board	2,252	2,122	130		1,677	1,733		56
National Mediation Board	135	124	11		115	128		13
National Science Foundation	1,207	1,077	130		763	793		30
Panama Canal	14,964	14,921	43		5,917	6,045		128
President's Advisory Committee on Labor-Management Policy	1	1			1	1		
President's Committee on Equal Employment Opportunity	61	60	1		44	44		
President's Review Committee for Development Planning in Alaska	1	1			(4)			
Railroad Retirement Board	1,767	1,705	62		1,082	1,143		61
Renegotiation Board	184	179	5		189	185	4	
St. Lawrence Seaway Development Corporation	164	159	5		109	117		8
Securities and Exchange Commission	1,420	1,390	30		1,062	1,108		46
Selective Service System	7,588	7,458	130		2,496	2,615		119
Small Business Administration	3,754	3,640	114		2,597	2,655		58
Smithsonian Institution	2,013	1,901	112		1,011	1,052		41
Soldiers' Home	1,134	1,112	22		420	395	25	
Subversive Activities Control Board	27	26	1		29	29		
Tariff Commission	298	276	22		221	234		13
Tax Court of the United States	154	151	3		146	148		2
Tennessee Valley Authority	16,797	16,505	292		10,747	11,075		328
U.S. Arms Control and Disarmament Agency	175	157	18		157	163		6
U.S. Information Agency	11,633	11,560	73		5,923	5,336	587	
United States-Puerto Rico Commission on the Status of Puerto Rico	30	27	3		12	11	1	
Veterans' Administration [6]	167,059	166,335	724		83,602	86,385		2,783
Virgin Islands Corporation	21	28		7	208	121	87	
Woodrow Wilson Memorial Commission	1	1			(4)	(4)		
Total, excluding Department of Defense	1,474,323	1,452,680	25,763	4,120	821,793	850,597	1,185	29,989
Net change, excluding Department of Defense			21,643				28,804	
Department of Defense:								
Office of the Secretary of Defense	2,301	2,169	132		1,985	2,155		170
Department of the Army	[7] 366,740	363,241	3,499		201,881	212,404		10,523
Department of the Navy	[7] 333,273	329,503	3,770		194,419	198,127		3,708
Department of the Air Force	[7] 291,500	293,158		1,658	162,718	168,426		5,708
Defense Atomic Support Agency	2,080	2,055	25		1,098	1,138		40
Defense Communications Agency	987	957	30		737	563	174	
Defense Intelligence Agency	2,186	2,171	15		1,422	2,036		614
Defense Supply Agency	[7] 34,203	33,023	1,180		19,436	19,361	75	
U.S. Court of Military Appeals	40	40			39	41		2
Interdepartmental activities	9	11		2	6	7		1
International military activities	57	53	4		45	49		4
Armed Forces information and education activities	420	432		12	237	245		8
Total, Department of Defense	1,033,796	1,026,813	8,655	1,672	584,023	604,552	249	20,778
Net change, Department of Defense			6,983				20,529	
Grand total, including Department of Defense [8] [9] [10]	2,508,119	2,479,493	34,418	5,792	1,405,816	1,455,149	1,434	50,767
Net change, including Department of Defense			28,626				49,333	

---

[1] June figure includes 15,098 employees of the Agency for International Development, as compared with 14,978 in May, and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 3,790 of these trust fund employees and the May figure includes 3,852.

[2] June figure includes 1,104 employees of the Peace Corps, as compared with 1,154 in May, and their pay.

[3] No employment or pay reported since January 1965. Agency expired in June 1965.

[4] Less than $500.

[5] New agency created pursuant to Public Law 88-352.

[6] June figure excludes 5,737 intermittent consultants and attendings (doctors, nurses, dentists, etc.) on the Veterans' Administration rolls who were not paid during the month. For further information see appendix, p. 13.

[7] In June 717 employees were transferred to the Defense Supply Agency, 126 from the Department of the Army, 129 from the Department of the Navy, and 462 from the Department of the Air Force.

[8] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

[9] June figure includes employment under the President's Youth Opportunity Campaign.

[10] Includes employment in the Job Corps by Federal agencies under the Economic Opportunity Act of 1964 (Public Law 88-452), as follows:

Agency	June	May	Change
Agriculture Department	960	731	+229
Interior Department	807	693	+114
Total	1,767	1,424	+343

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during June 1965, and comparison with May 1965*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	111,734	102,718	9,016	
Commerce	33,042	32,429	613	
Health, Education, and Welfare	86,656	83,593	3,063	
Interior	70,118	64,753	5,365	
Justice	32,821	31,939	882	
Labor	9,496	9,005	491	
Post Office	593,875	594,482		607
State [1] [2]	11,486	11,273	213	
Treasury	88,055	91,535		3,480
Executive Office of the President:				
White House Office	333	326	7	
Bureau of the Budget	524	492	32	
Council of Economic Advisers	45	46		1
Executive Mansion and Grounds	71	69	2	
National Aeronautics and Space Council	29	29		
National Council on the Arts	26	27		1
National Security Council	38	39		1
Office of Economic Opportunity	1,263	1,125	138	
Office of Emergency Planning	380	389		9
Office of Science and Technology	116	127		11

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during June 1965, and comparison with May 1965*—Continued

Department or agency	June	May	Increase	Decrease
Executive Office of the President—Continued				
Office of the Special Representative for Trade Negotiations	28	26	2	-------
President's Committee on Consumer Interests	25	11	14	-------
President's Committee on Equal Opportunity in Housing	12	11	1	-------
President's Council on Equal Opportunity	18	14	4	-------
Independent agencies:				
Advisory Commission on Intergovernmental Relations	25	33	-------	8
American Battle Monuments Commission	7	7	-------	-------
Appalachian Regional Commission	6	5	1	-------
Atomic Energy Commission	7,296	7,098	198	-------
Battle of New Orleans Sesquicentennial Celebration Commission	1	1	-------	-------
Board of Governors of the Federal Reserve System	667	634	33	-------
Civil Aeronautics Board	846	820	26	-------
Civil Service Commission	3,786	3,703	83	-------
Civil War Centennial Commission	3	4	-------	1
Commission of Fine Arts	6	6	-------	-------
Commission on Civil Rights	109	94	15	-------
Delaware River Basin Commission	2	2	-------	-------
Equal Employment Opportunity Commission [3]	19	-------	19	-------
Export-Import Bank of Washington	308	291	17	-------
Farm Credit Administration	235	233	2	-------
Federal Aviation Agency	44,208	43,594	614	-------
Federal Coal Mine Safety Board of Review	7	7	-------	-------
Federal Communications Commission	1,536	1,497	39	-------
Federal Deposit Insurance Corporation	1,543	1,413	130	-------
Federal Field Committee for Development Planning in Alaska	3	3	-------	-------
Federal Home Loan Bank Board	1,300	1,260	40	-------
Federal Maritime Commission	251	238	13	-------
Federal Mediation and Conciliation Service	422	417	5	-------
Federal Power Commission	1,163	1,116	47	-------
Federal Radiation Council	4	4	-------	-------
Federal Trade Commission	1,157	1,130	27	-------
Foreign Claims Settlement Commission	175	173	2	-------
General Accounting Office	4,218	4,063	155	-------
General Services Administration	36,497	35,344	1,153	-------
Government Printing Office	7,416	7,322	94	-------
Housing and Home Finance Agency	13,562	13,290	272	-------
Indian Claims Commission	19	20	-------	1
Interstate Commerce Commission	2,433	2,390	43	-------
National Aeronautics and Space Administration	34,046	33,113	933	-------
National Capital Housing Authority	423	435	-------	12
National Capital Planning Commission	67	56	11	-------
National Capital Transportation Agency	32	31	1	-------
National Commission on Food Marketing	62	55	7	-------
National Commission on Technology, Automation, and Economic Progress	14	9	5	-------
National Gallery of Art	321	316	5	-------
National Labor Relations Board	2,216	2,088	128	-------
Independent agencies—Continued				
National Mediation Board	135	124	11	-------
National Science Foundation	1,203	1,073	130	-------
Panama Canal	156	155	1	-------
President's Advisory Committee on Labor-Management Policy	1	1	-------	-------
President's Committee on Equal Employment Opportunity	61	60	1	-------
President's Review Committee for Development Planning in Alaska	1	1	-------	-------
Railroad Retirement Board	1,767	1,705	62	-------
Renegotiation Board	184	179	5	-------
St. Lawrence Seaway Development Corporation	164	159	5	-------
Securities and Exchange Commission	1,420	1,390	30	-------
Selective Service System	7,427	7,280	147	-------
Small Business Administration	3,681	3,567	114	-------
Smithsonian Institution	1,993	1,879	114	-------
Soldiers' Home	1,134	1,112	22	-------
Subversive Activities Control Board	27	26	1	-------
Tariff Commission	298	276	22	-------
Tax Court of the United States	154	151	3	-------
Tennessee Valley Authority	16,792	16,501	291	-------
U.S. Arms Control and Disarmament Agency	175	157	18	-------
U.S. Information Agency	3,524	3,456	68	-------
United States-Puerto Rico Commission on the Status of Puerto Rico	22	19	3	-------
Veterans' Administration	166,098	165,357	741	-------
Woodrow Wilson Memorial Commission	1	1	-------	-------
Total, excluding Department of Defense	1,413,020	1,391,402	25,750	4,132
Net increase, excluding Department of Defense	-------	-------	21,618	
Department of Defense:				
Office of the Secretary of Defense	2,250	2,119	131	-------
Department of the Army	320,822	314,145	6,677	-------
Department of the Navy	309,298	305,584	3,714	-------
Department of the Air Force	268,521	267,394	1,127	-------
Defense Atomic Support Agency	2,080	2,055	25	-------
Defense Communications Agency	933	904	29	-------
Defense Intelligence Agency	2,186	1,171	15	-------
Defense Supply Agency	34,192	33,012	1,180	-------
U.S. Court of Military Appeals	40	40	-------	-------
Interdepartmental activities	9	11	-------	2
International military activities	33	31	2	-------
Armed Forces information and education activities	420	432	-------	12
Total, Department of Defense	940,784	927,898	12,900	14
Net increase, Department of Defense	-------	-------	12,886	
Grand total, including Department of Defense	2,353,804	2,319,300	38,650	4,146
Net increase, including Department of Defense	-------	-------	34,504	

---

[1] June figure includes 3,270 employees of the Agency for International Development as compared with 3,053 in May.

[2] June figure includes 715 employees of the Peace Corps as compared with 764 in May.

[3] New agency created pursuant to Public Law 88-352.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during June 1965, and comparison with May 1965*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,293	1,294	-------	1
Commerce	621	615	6	-------
Health, Education, and Welfare	660	670	-------	10
Interior	620	631	-------	11
Justice	401	371	30	-------
Labor	71	75	-------	4
Post Office	1,637	1,614	23	-------
State [1] [2]	29,201	29,217	-------	16
Treasury	710	714	-------	4
Independent agencies:				
American Battle Monuments Commission	432	432	-------	-------
Atomic Energy Commission	34	31	3	-------
Civil Service Commission	3	3	-------	-------
Federal Aviation Agency	1,078	1,082	-------	4
Federal Communications Commission	5	5	-------	-------
Federal Deposit Insurance Corporation	2	2	-------	-------
Foreign Claims Settlement Commission	11	12	-------	1
General Accounting Office	56	57	-------	1
General Services Administration	30	29	1	-------
Housing and Home Finance Agency	215	208	7	-------
National Aeronautics and Space Administration	17	17	-------	-------
National Labor Relations Board	36	34	2	-------
National Science Foundation	4	4	-------	-------
Panama Canal	14,808	14,766	42	-------
Selective Service System	161	178	-------	17
Small Business Administration	73	73	-------	-------
Independent agencies—Continued				
Smithsonian Institution	20	22	-------	2
Tennessee Valley Authority	5	4	1	-------
U.S. Information Agency	8,109	8,104	5	-------
United States-Puerto Rico Commission on the Status of Puerto Rico	8	8	-------	-------
Veterans' Administration	961	978	-------	17
Virgin Islands Corporation	21	28	-------	7
Total, excluding Department of Defense	61,303	61,278	120	95
Net increase, excluding Department of Defense	-------	-------	25	
Department of Defense:				
Office of the Secretary of Defense	51	50	1	-------
Department of the Army	45,918	49,096	-------	3,178
Department of the Navy	23,975	23,919	56	-------
Department of the Air Force	22,979	25,764	-------	2,785
Defense Communications Agency	54	53	1	-------
Defense Supply Agency	11	11	-------	-------
International military activities	24	22	2	-------
Total, Department of Defense	93,012	98,915	60	5,963
Net decrease, Department of Defense	-------	-------	5,903	
Grand total, including Department of Defense	154,315	160,193	180	6,058
Net decrease, including Department of Defense	-------	-------	5,878	

---

[1] June figure includes 11,828 employees of the Agency for International Development as compared with 11,925 in May. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 3,790 of these trust fund employees and the May figure includes 3,852.

[2] June figure includes 389 employees of the Peace Corps as compared with 390 in May.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during June 1965, and comparison with May 1965*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,744	3,614	130	
Commerce	6,141	5,909	232	
Interior	10,237	9,944	293	
Post Office	270	268	2	
Treasury	5,608	5,521	87	
Independent agencies:				
Atomic Energy Commission	273	257	16	
Federal Aviation Agency	2,581	2,514	67	
General Services Administration	2,178	2,247		69
Government Printing Office	7,416	7,322	94	
National Aeronautics and Space Administration	34,063	33,130	933	
Panama Canal	7,170	7,116	54	
St. Lawrence Seaway Development Corporation	163	157	6	
Tennessee Valley Authority	13,282	13,333		51
Virgin Islands Corporation	21	28		7
Total, excluding Department of Defense	93,147	91,360	1,914	127
Net increase, excluding Department of Defense			1,787	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 136,385	[2] 134,800	1,585	
Outside the United States	[1] 4,157	[2] 4,525		368
Department of the Navy:				
Inside the United States	187,680	185,241	2,439	
Outside the United States	1,638	1,622	16	
Department of the Air Force:				
Inside the United States	125,566	126,373		807
Outside the United States	1,119	1,146		27
Defense Supply Agency:				
Inside the United States	1,573	1,576		3
Total, Department of Defense	458,118	455,283	4,040	1,205
Net increase, Department of Defense			2,835	
Grand total, including Department of Defense	551,265	546,643	5,954	1,332
Net increase, including Department of Defense			4,622	

---

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of June 1965, and comparison with May 1965*

Country	Total		Army		Navy		Air Force	
	June	May	June	May	June	May	June	May
Crete	77	75					77	75
England	1,919	2,130	106	106	103	98	1,710	1,926
France	14,792	14,607	11,589	11,385	8	9	3,195	3,213
Germany	65,581	65,750	55,403	55,506	71	69	10,107	10,175
Greece	307	308			38	38	269	270
Japan	41,385	41,499	14,162	14,148	12,275	12,287	14,948	15,064
Korea	5,441	5,435	5,441	5,435				
Morocco	534	533			534	533		
Netherlands	51	49					51	49
Trinidad	364	364			364	364		
Total	130,451	130,750	86,701	86,580	13,393	13,398	30,357	30,772

APPENDIX

The Veterans' Administration has advised the Committee that the number of persons in its April, May, and June 1965 reports reflects "activation of new employment reporting procedures" with respect to certain intermittent employment. It also advised that while its reported employment under this new procedure reflects fewer persons, no substantial reduction has been made in actual employment and that there is no reduction in the actual cost of employment.

The Veterans' Administration figure for April reflects employment exclusive of 4,081 intermittent consultants and attendings (doctors, nurses, dentists, etc.) who were not paid during April, the May figure is exclusive of an additional 806 such persons who were not paid during May and the June figure is exclusive of an additional 850 such persons who were not paid during June. The total for the 3-month period is 5,737. Employment figures prior to April have not been adjusted to exclude such persons.

The committee was advised of this situation in a letter dated May 14, 1965, from the Veterans' Administration. The letter follows:

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., May 14, 1965.

The CHAIRMAN,
Joint Committee on Reduction of Nonessential Federal Expenditures, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of our "Monthly Report of Federal Civilian Employment" for April 1965.

In April we initiated a modification of our procedures for obtaining employment counts on intermittent consultants and attendings. Previously, all such personnel on Veterans' Administration rolls were reported each month whether or not they actually worked or were paid in a particular month. Through automatic data processing methods we have found it feasible, with a very minimum additional administrative workload, to exclude from the month-end employment count intermittent consultants and attendings not paid during the report month. This is, in effect, a further refinement of our PAID system for personnel and fiscal operations from which data is generated for both internal and external reports purposes.

As a result of the initial activation of new employment reporting procedures for consultants and attendings, the line 1 count in the current SF 113—A report is substantially below that shown in our prior report—for March. A further decrease is anticipated for the May report when the new system is fully implemented.

The drop in overall VA employment figures does not reflect any substantial change in actual VA staffing or basic staffing needs; nor will it result in any actual cost reductions. This "decline" does not affect in any way the employment count of the continuing work force of full-time employees and regularly scheduled part-time employees. In summary the change in our employment figure stems merely from a refinement in employment reporting procedures for intermittently employed consultants and attendings who are carried on VA rolls primarily to augment on an "as needed basis" the regular staff in our medical program.

Sincerely,

A. H. MONK,
Associate Deputy Administrator.

STATEMENT OF SENATOR BYRD OF VIRGINIA

THE MONTH OF JUNE 1965

Civilian employees

Executive agencies of the Federal Government reported civilian employment in the month of June totaling 2,508.119. This was a net increase of 28,626 as compared with employment reported in the preceding month of May.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1965, which began July 1, 1964, follows:

Month	Employment	Increase	Decrease
1964			
July	2,492,061	10,479	
August	2,495,606	3,545	
September	2,461,376		34,230
October	2,470,330	8,954	
November	2,493,837	23,507	
December	2,485,771		8,066
1965			
January	2,464,012		21,759
February	2,459,595		4,417
March	2,466,054	6,459	
April	2,477,616	11,562	
May	2,479,493	1,877	
June	2,508,119	28,626	

Total Federal employment in civilian agencies for the month of June was 1,474,323, an increase of 21,643 as compared with the May total of 1,452,680. Total civilian employment in the military agencies in June was 1,033,796, an increase of 6,983 as compared with 1,026,813 in May.

Civilian agencies reporting larger increases were Agriculture Department with 9,015, Interior Department with 5,354, the Department of Health, Education, and Welfare with 3,053, and the General Services Administration with 1,154. The largest decrease was reported by Treasury Department with 3,484. Agriculture, Interior, and Treasury Department changes were largely seasonal.

In the Department of Defense the largest increases in civilian employment were reported by the Navy with 3,770, Army with 3,499, and Defense Supply Agency with 1,180. The largest decrease was reported by the Air Force with 1,658.

Total employment inside the United States in June was 2,353,804, an increase of 34,504 as compared with May. Total employment outside the United States in June was 154,315, a decrease of 5,878 as compared with May. Industrial employment by Federal agencies in June totaled 551,265, an increase of 4,622.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

Youth employment

The June report reflects for the first time employment by Federal agencies under the President's so-called Youth Opportunity Campaign, but there is confusion in the reporting which made it difficult to determine how many of these temporary employees were on the rolls at the end of the month.

Agency figures and totals for June include the actual number of these YOC employees working on the reporting date, but they are not distinguished from other employment. Agency reports showed that some 26,000 YOC's were appointed during June, but the special reporting for this group did not show how many dropped out during the month after being appointed.

Foreign nationals

The total of 2,508,119 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 130,451 foreign nationals working for U.S. agencies during June who were not counted in the usual personnel reports. The number in May was 130,750.

SUMMARY FOR FISCAL YEAR 1965, ENDED JUNE 30, 1965

For the past 10 years the committee, in its statement accompanying the monthly personnel report for June—the last month of the fiscal year—has summarized the changes in Federal civilian employment during the year ending. Following this practice, changes during fiscal year 1965 are summarized below.

There was a net increase of 26,537 in civilian employment by executive branch agencies of the Federal Government during fiscal year 1965 which ended June 30, 1965. The total at the end of the year was 2,508,119 as compared with 2,481,582 in June 1964.

Civilian and military agencies

There was a net increase during the year of 22,582 in employment by civilian agencies of the Government, and an increase of 3,955 in civilian employment by military agencies. Employment by civilian agencies at the year-end totaled 1,474,323 as compared with 1,451,741 a year ago. Civilian employment by military agencies totaled 1,033,796 as compared with 1,029,841 in June 1964.

Inside and outside the United States

There was an increase of 28,381 in employment within the United States by Federal executive agencies, and a decrease of 1,844 in employment outside the United States. Employment inside the United States as of June 30, 1965, totaled 2,353,804 as compared with 2,325,423 a year ago. Employment outside the United States as of June 30, 1965, totaled 154,315 as compared with 156,159 a year ago.

Employment for the year is summarized as follows:

Federal civilian employment, June 1964 to June 1965

	June 1964	June 1965	Increase or decrease
Total	2,481,582	2,508,119	+26,537
Civilian agencies	1,451,741	1,474,323	+22,582
Military agencies	1,029,841	1,033,796	+3,955
Inside the United States	2,325,423	2,353,804	+28,381
Outside the United States	156,159	154,315	−1,844

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNAMARA:

S. 2342. A bill to authorize appropriations from the general fund of the Treasury in order to accelerate construction of the National System of Interstate and Defense Highways and to provide additional funds for other Federal-aid highways; to the Committee on Public Works.

(See the remarks of Mr. McNamara when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself and Mr. Hartke):

S. 2343. A bill to amend the Internal Revenue Code of 1954 to include the expenses incurred by employers in providing training and retraining programs for their employees and prospective employees as expenses which qualify for the investment credit under section 38; to the Committee on Finance.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself and Mr. Kennedy of New York):

S. 2344. A bill to authorize the appropriation of $3,063,500 as an ex gratia payment to the city of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 15th General Assembly of the United Nations; to the Committee on the Judiciary.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. BARTLETT:

S. 2345. A bill to amend the Government Employees' Training Act so as to extend certain benefits thereunder to officers and employees of the Senate and House of Representatives; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Bartlett when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

PRINTING AS A SENATE DOCUMENT ELEMENTS OF ENTITLEMENT TO AND BENEFITS AVAILABLE UNDER THE SOCIAL SECURITY AMENDMENTS OF 1965

Mr. BYRD of Virginia. Mr. President, I submit a resolution which I hope will be expeditiously approved by the Senate Committee on Rules, authorizing the printing as a Senate document of a simple explanation of the elements of entitlement to, and the benefits available under, the new hospital and medical care for the aged programs just approved in social security bill, H.R. 6675.

As soon as this bill is signed into law every Senator's office will be flooded with inquiries as to who is eligible, what benefits are provided, and so forth. The resolution will authorize the printing of 100,000 copies for the use of the Members of the Senate in answering such correspondence.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 134) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed as a Senate document a brief explanation of the elements of entitlement to and benefits available under the hospital insurance benefits for the aged and the supplementary medical insurance benefits for the aged enacted in the Social Security Amendments of 1965, pursuant to H.R. 6675; and that one hundred and twenty thousand additional copies shall be printed, of which one hundred and three thousand shall be for the use of the Senate and seventeen thousand for the use of the Committee on Finance.

ADDITIONAL FUNDS FOR ACCELERATING CONSTRUCTION OF HIGHWAYS

Mr. McNAMARA. Mr. President, I introduce, for appropriate reference, a bill relating to the construction of highways.

The bill is relatively simple, but it is designed to meet a major problem. That problem is the increasing costs of our Interstate Highway program as we approach the scheduled completion date of 1972.

Estimates by the Bureau of Public Roads indicate that the program is anticipated to cost more than $5 billion over original expectations.

A significant portion of this increase will be met by substantial increases in revenue over the remaining years of the program from the highway user taxes that make up the highway trust fund.

Yet, the trust fund still would fall more than $3 billion short of the funds necessary to complete the program on schedule.

In addition, there are additional demands on the highway trust fund, as a result of the President's proposed program for highway beautification and recreation and scenic roads.

If these programs are adopted, and significant efforts are not made to bolster the highway trust fund, the great highway construction program could fall years behind schedule.

It is to meet this problem that I am introducing the proposed legislation.

Its effect would be to transfer to the highway trust fund, from the general fund of the Treasury $600 million a year for the next 5 years.

Within the trust fund this money would be commingled with the revenues already earmarked for that fund from gasoline taxes, tire taxes, excise taxes on trucks, and the like.

Together, these funds should go a long way toward meeting the highway construction schedule and the requirements of the President's beautification program.

I do not predict that the bill will solve the entire problem, since increasing costs and the trust fund revenues over the next 6 years are difficult to estimate precisely.

However, this approach, if adopted, would do much to end the uncertainties over how the highway program will be completed.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2342) to authorize appropriations from the general fund of the Treasury in order to accelerate construction of the National System of Interstate and Defense Highways and to provide additional funds for other Federal-aid highways, introduced by Mr. McNamara, was received, read twice by its title, and referred to the Committee on Public Works.

MANPOWER RETRAINING TAX CREDIT BILL

Mr. JAVITS. Mr. President, I send to the desk, for appropriate reference, a bill introduced on behalf of the Senator from Indiana [Mr. Hartke] and myself.

The bill would provide an incentive for U.S. forces to bolster the process of retraining our workers by making the 7-percent incentive tax credit adopted in 1962—which is now available for investment in new machinery and equipment—available also for investment in the training and retraining of workers.

I believe that a major problem for the Nation's economy in the days ahead will be the matching of existing manpower to the new demands of advancing technology for ever higher levels of skill. A byproduct of the economy's stress on skills is the persistence of an unacceptable level of unemployment—despite the health of the economy otherwise—among those who are unskilled. What the Federal Government is now doing to retrain the work force clearly is inadequate to meet these needs. It is estimated that 2 million persons are classifiable as structurally unemployed, that is, they require additional training to become employable; but at this point the various Federal programs are training a total of over 462,000 persons.

The bill I am introducing would amend the 1962 tax credit to include investment in the training programs, approved by the Secretary of Labor, which meet the following criteria:

First. Provide skills necessary for the national defense.

Second. Replace skills made obsolete by automation or economic change.

Third. Retrain workers dislocated by defense shutdowns.

The total amount of credit which a company could take would not be affected by the bill. It would still be limited to a maximum credit of $25,000 plus 25 percent of the tax owed above $25,000. It would also be limited by the existing restriction that an expense is not eligible for the credit if it would have been incurred by the taxpayer without regard to any approved investment.

Within these limitations, the bill would spur the expansion of private training programs by letting industry obtain a tax benefit for this purpose to the extent that it does not use the credit to its maximum for new equipment and machinery investment. The potential for this incentive is enormous. During the debates on the 1962 investment credit measure—which was designed to stimulate the economy through introduction of more modern equipment and processes—the Congress expressed its willingness to absorb an annual loss of tax revenues up to $1.5 billion for that purpose. In fact, during 1963, the first year for which figures are available, the actual revenue loss was $1 billion, representing a total investment in eligible equipment of roughly $20 billion. In round figures it has been estimated that the potential unused credit which this bill would make available for costs of training would be in the neighborhood of $3.1 billion, representing a potential total investment in training of perhaps as much as $42 billion.

This potential has to be evaluated in the light of the existing Federal expenditure in manpower training. Under the Manpower Development and Training Act, the Area Redevelopment Act, and the Economic Opportunity Act, this now amounts to approximately $883 million. While these efforts are certainly of the greatest importance, the additional contribution which industry itself could make to this field is vast by comparison. Furthermore, the bill would spur this expansion of effort directly, without the administrative expense involved in collecting the revenues and directing them back through the States into federally financed training programs.

It would also stimulate the upgrading of skills at the most significant point, on the job, so that there would be assurance that the training would be followed by employment. The bill specifically requires that the Secretary of Labor set conditions for approving training programs for the credit, including requirements relating to the continued employment by the company of individuals receiving training.

The significance of the manpower training effort is at least twofold. As the president of the National Chamber of Commerce said in a speech last week:

> The hard, unvarnished truth is that American science and technology are being held in leash by a shortage of trained and adaptable manpower.

And he emphasized the crucial role which businessmen can play by developing apprenticeship and on-the-job training programs. The other side of the coin is that, with an upgrading of the existing, employed work force would come an opportunity for employment of the unskilled, unemployed bottom level of the work force, another of the great unsolved problems of our age. This bill is an attempt to resolve both of these problems, through the effective medium of tax incentives.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2343) to amend the Internal Revenue Code of 1954 to include the expenses incurred by employers in providing training and retraining programs for their employees and prospective employees as expenses which qualify for the investment credit under section 38, introduced by Mr. Javits (for himself and Mr. Hartke), was received, read twice by its title, and referred to the Committee on Finance.

PROVISION FOR FEDERAL PAYMENT OF U.N. PROTECTION COSTS TO NEW YORK CITY

Mr. JAVITS. Mr. President, on behalf of myself and my colleague from New York [Mr. Kennedy], I send to the desk a bill to provide for the long overdue repayment for extraordinary expenses incurred by the New York City Police Department in protecting visiting chiefs of State and heads of government during the 15th United Nations Assembly in 1960.

The bill authorizes the Federal Treasury to pay $3,063,500 to the city of New York to cover overtime pay costs necessary to keep a sufficient number of police officers on protection and traffic duty during the Assembly session. At this session, the New York Police Department was charged with the protection of such international figures as Nikita Khrushchev, Fidel Castro, Marshall Tito, Gamal Abdul Nasser, Prime Minister Nehru, Kwame Nkrumah, President Sukarno, and others.

A similar measure was passed by the House in 1962 and other bills to reimburse the city of New York for these expenses were introduced in the 87th and 88th Congresses and were reported favorably by committees in both Houses. Companion measures are being introduced today in the House by Representatives Emanuel Celler and John Lindsay.

New Yorkers can justly take pride in the fine performance of the 8,000 policemen who provided 24-hour-a-day protection for some of the world's most controversial figures. At a time when any slip in security could have had grave international consequences, these men performed a difficult task that was further complicated because many of the visitors came on short notice, traveled from their residences to their offices without prior notification, and lacked planned itineraries and programs. A particularly sensitive job was the supervision of demonstrations by members of minority groups, many of whom had relatives suffering under Communist governments.

New York is proud to have demonstrated its ability to provide security to visitors under exceptionally trying circumstances. But the financial burden of that security is a legitimate part of the obligations assumed by the Federal Government in acting as host to the United Nations, and I hope the Congress will at long last help meet these obligations by acting promptly on this bill to provide this long-overdue repayment to New York City.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2344) to authorize the appropriation of $3,063,500 as an ex gratia payment to the city of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 15th General Assembly of the United Nations, introduced by Mr. Javits (for himself and Mr. Kennedy of New York), was received, read twice by its title, and referred to the Committee on the Judiciary.

TRAINING FOR CONGRESSIONAL EMPLOYEES

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to amend the Government Employees' Training Act. This bill, if enacted into law, would extend to legislative employees the opportunity of participating in professional and career training programs and meetings. Such benefits are now available to employees of the executive departments under the terms of the act.

This act has been in effect since 1958. It has been of great assistance to the administrative agencies in their efforts to insure that their employees are kept current on the latest developments in the scientific, managerial, educational, and professional fields in which they have responsibilities. My bill would allow employees of the House and the Senate to participate in and obtain the benefits of such training.

I do not anticipate that should this bill become law the Congress would establish inservice training programs of its own. Its employees, however, would be allowed to participate in the executive training programs which are now in existence. Congressional employees would also be able to participate in the 2-week interagency conferences which have been so successful in upgrading the professional and managerial competence of the civil service.

Lastly, it would allow congressional employees, on a highly selected basis, to return for up to a year's training at a university or scientific institution if such training will assist them to better cope with professional responsibilities. No more than 1 percent of legislative employees may undergo training at any one time. No employee with less than a year's service may receive training and no employee may receive more than 1 year's training in any 10-year period.

Perhaps, in the old days, the staffs of Senators and Congressmen consisted of but a clerk or a secretary. The Member had the time to handle the substantive legislative work himself. If these days once existed, they do no longer. Senators and Congressmen now must have staffs of high professional ability to assist them as they do the background work, the research, and the analysis which today's legislation requires.

America's great power and immense prestige in the world today place great responsibility on the Congress. The scientific and information explosion gives added complexity and significance to this responsibility. Our Federal system depends upon the vitality and strength of all three branches of the Government—executive, legislative, and judicial. The Congress needs professional, skilled, and trained employees if it is to maintain its strength and bear its responsibilities in a creative and productive manner. My bill will help it to do so.

Mr. President, I ask unanimous consent that the bill may lie on the desk for 10 days should other Senators wish to cosponsor this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I also ask unanimous consent that the text of the bill, an analysis of the bill, and a summary of the training provided by the Government Employees' Training Act may be made a part of the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, analysis, and summary will be printed in the RECORD.

The bill (S. 2345) to amend the Government Employees' Training Act so as to extend certain benefits thereunder to officers and employees of the Senate and House of Representatives, introduced by Mr. BARTLETT, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government Employees' Training Act (5 U.S.C. 2301–2319) is amended by adding at the end thereof a new section as follows:

"OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES

"SEC. 24(a). Subject to the provisions of this section and sections 11, 12(a) (1), (2), and (3), 13, and 14, officers and employees of the Senate and House of Representatives may be selected and assigned for training by, in, or through Government facilities or non-Government facilities, and the expenses for training may be paid in the same manner and to the same extent as authorized by sections 8, 9 (a) and (b), and 10 for employees of the departments in accordance with regulations of the President pro tempore of the Senate with respect to officers and employees of the Senate and in accordance with regulations of the Speaker of the House of Representatives with respect to officers and employees of the House of Representatives. These regulations shall specify the extent to which section 19 shall apply to the officers and employees of the Senate and the House of Representatives.

"The requirement in section 11(c) and 12(a)(2) of this Act that action by the head of a department be in accordance with regulations of the Commission does not apply to the President pro tempore of the Senate or the Speaker of the House of Representatives. The Commission shall provide the President pro tempore and the Speaker with such advice and assistance as they may request in order to enable them to carry out the provisions of this section. As used in this section, the term 'officers and employees of the Senate and House of Representatives' means any person whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, but does not include a Member of either House.

"(b) For the purposes of this Act, a reference to the head of a department means—

"(1) the President pro tempore of the Senate with respect to officers and employees of the Senate, and

"(2) the Speaker of the House of Representatives with respect to officers and employees of the House of Representatives.

"(c) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section."

The analysis and summary presented by Mr. BARTLETT are as follows:

ANALYSIS OF BILL DRAFT

A bill to amend the Government Employees Training Act so as to extend certain benefits thereunder to officers and employees of the Senate and House of Representatives

Section 24(a): This section brings under the provisions of the Government Employees Training Act officers and employees of the Senate and the House of Representatives including those working in offices of Members, for committees, for joint committees, for officers of the Senate and the House, for the Architect of the Capitol, in the U.S. Capitol Police, and for other miscellaneous officials of the Capitol.

For the section to take full effect, the President pro tempore of the Senate and the Speaker of the House would issue regulations governing training. These regulations would specify who would be authorized to act under section 9 of the Government Employees Training Act to make "appropriate arrangements for training in universities and other non-Federal facilities." For example, the Speaker's regulations could designate the Representatives as the officials designated to arrange for training of employees in their offices, the chairmen of the House committees for employees on committee staffs, and House officials for employees in such offices as those of the Sergeant at Arms. The President pro tempore's regulations would similarly cover Senate employees.

For joint committees, when a committee chairman is a Senator, the President pro tempore's regulations would govern and when he is a Representative, the Speaker's regulations would govern. The President pro tempore and the Speaker would agree among themselves as to the regulations which would apply to employees of miscellaneous officials such as the Architect of the Capitol and the U.S. Capitol Police.

This section authorizes the officers, when designated in the regulations of the President pro tempore and the Speaker, to send congressional officials and employees to interagency training conducted by Federal departments and to enter into agreements for the reimbursement of the expenses of such training. It permits the use of facilities of the legislative branch for the training of executive branch officers and employees.

The section directs these designated officers to make available to employees information on the selection and assignment of such employees for training and on the limitations and restrictions established by the act, as amended.

The section authorizes congressional officials and employees to accept, subject to the appropriate regulations issued by the President pro tempore for the Senate and the Speaker for the House, contributions and awards incident to training in non-Government facilities. The regulations issued to govern this shall limit the grantors to nonprofit, nonlobbying organizations as set forth in section 19.

This section authorizes designated officers to use appropriations available to them for expenses of attendance by congressional employees and officers at professional, scientific, technical, managerial, and other meetings when such meetings are concerned with congressional functions or would contribute to improved conduct, supervision or management of congressional offices and committees.

The section exempts training under its provisions from regulation by the U.S. Civil Service Commission. However, it directs the Commission to provide the President pro tempore and the Speaker with such advice and assistance as they may request.

The section applies to all officers and employees of the Senate and the House of Representatives who are on full time or part time employment if their compensation is disbursed by the Secretary of the Senate or the Clerk of the House, but it does not apply to Senators and Representatives.

Section 24(b): This section provides that when a reference is made to the head of a department in the Government Employees Training Act, that shall mean the President pro tempore for officers and employees of the Senate and the Speaker of the House for the officers and employees of the House.

By regulation, the President pro tempore and the Speaker may delegate these powers to other appropriate officers, such as the Members of the two Houses.

This section authorizes the Commission, within the limits of available funds and resources, to assist the officers to whom these delegations are made in a review of training needs and requirements. Such officers would be expected to provide training for employees for whom they have training responsibility under provisions of the regulation issued under this section. They would be authorized to jointly operate such training.

This section makes such officers subject to the limitations in the act in 11 through 14. It places authority for granting certain waivers and exceptions in the President pro tempore and the Speaker.

Section 24(c): This section authorizes appropriation of funds necessary to carry out its provisions. Officers who are delegated training authority by the President pro tempore and the Speaker may also use funds appropriated to them or otherwise available to them for such training.

SUMMARY OF PROGRAM

The bulk of this training was conducted by departments on an inservive basis by their own personnel. Included in these areas of training were: Orientation and induction of new workers; clerical skills training; apprenticeship and technical skills training; training in administration, management, supervision; executive development; development of scientists and engineers; profession development.

In addition, extensive use was made of interagency training. This program is coordinated by the Commission in Washington, D.C., and by the regional offices of the Commission in the field. The most valuable features of these interagency training programs are that through the pooling of training resources, opportunities are provided for agencies to reduce costs and to meet their training needs within available resources; these programs are more oriented toward Government operations than are programs that are available in non-Government facilities. thereby helping agencies meet their specialized needs; these programs provide trainees with an excellent forum for the mutual exchange of job rated ideas and experiences with their counterparts in other agencies.

When needed training cannot be readily or economically conducted in Government facilities, arrangements are then made by departments for training in non-Government facilities. Much of this training takes place at our leading universities and colleges.

INCOME TAX CONVENTION WITH THE PHILIPPINES—REMOVAL OF INJUNCTION OF SECRECY

Mr. PROXMIRE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive D, 89th Congress, 1st session, the Income Tax Convention with the Philippines, signed at Washington on October 5, 1964, transmitted to the Senate today by the President. I also ask unanimous consent that the convention and President's message be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Republic of the Philippines for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Washington on October 5, 1964.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

Although following, in general, the pattern of income tax conventions now in force between the United States and numerous other countries, the convention with the Philippines differs from them in some substantive respects, containing some provisions not found in any existing U.S. tax convention and omitting some provisions found in such conventions, as explained in the enclosed report of the Secretary of State. The convention is the first of what is expected to be a series of income-tax conventions with developing countries, designed not only to achieve the traditional objective of improving tax equity through the elimination of double taxation and the prevention of fiscal evasion, but also, as a major purpose, to promote international trade and investment between those countries and the United States.

The convention with the Philippines is based on the general premise that, given the tax credit features of present U.S. law, no rate reduction need be made by the Philippines except insofar as it would reduce the total tax burden of investors in the Philippines and thereby encourage the movement of capital and technology into the Philippines. The convention contains provisions dealing with respect to taxes on various types of with reciprocal exemptions or credits income, including commercial and industrial profits; interest received by the Government of one of the contracting states or any of its wholly owned agencies or instrumentalities; income from real property; gains upon transfers to controlled corporations; personal service income; remuneration of teachers; remittances or certain other payments to students and trainees; and governmental salaries, wages, pensions, annuities, or similar benefits. It contains provisions also whereby U.S. citizens, residents, and corporations may claim deductions for charitable contributions made to qualifying organizations in the Philippines. Comparable provisions relating to charitable contributions are found only in the existing income-tax conventions with Canada and Honduras.

The convention contains provisions for cooperation between officials of the two countries for the exchange of information and for limited assistance in collection.

The convention has the approval of the Department of State and the Treasury Department.

LYNDON B. JOHNSON.

THE WHITE HOUSE.

INCOME TAX CONVENTION WITH THAILAND—REMOVAL OF INJUNCTION OF SECRECY

Mr. PROXMIRE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive E, 89th Congress, 1st session, the Income Tax Convention With Thailand, signed at Bangkok on March 1, 1965, transmitted to the Senate today by the President. I also ask unanimous consent that the Convention and President's message be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and Thailand for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Bangkok on March 1, 1965.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

In view of the desirability of concluding tax conventions with various developing countries, technical discussions have been in progress with the authorities of a number of such countries for this purpose. Although such conventions are expected to follow, in general, the pattern of tax conventions presently in force between the United States and a considerable number of other countries, attention is being given in the discussions with authorities of the developing countries to the possibility of including in the contemplated conventions special provisions aimed at facilitating trade and investment and encouraging joint ventures. The United States will benefit in each case by having a convention containing desirable provisions relating to business and investment income and the equitable treatment of U.S. citizens, residents, and corporations in the matter of income taxation.

The convention with Thailand is one of the contemplated series of such conventions with developing countries. The convention contains provisions similar to provisions in existing United States income-tax conventions. It contains some provisions, however, for which there is no parallel in such existing conventions. One of the principal provisions of this kind is that under which U.S. residents and corporations investing in qualifying Thai enterprises would be allowed to claim as a credit against their U.S. income tax 7 percent of their investment in such enterprises as an incentive to private investment in Thailand. Likewise, U.S. residents and corporations would be granted an election to defer tax on income resulting from the transfer of property, technical services, or information concerning industrial, commercial, or scientific knowledge, experience, or skill to a Thai corporation in exchange for its stock. The application of all such provisions is subject to prescribed conditions and limitations.

The convention contains provisions relating to exemptions or credits with respect to taxes on various types of income, including commercial and industrial profits and income derived from the operation of aircraft and ships. It contains a limited reciprocal provision with respect to the rate of tax on dividends. It provides for exemption from tax of interest received by the government of one of the contracting states or any of its wholly owned agencies or instrumentalities. It contains provisions relating to cultural and industrial royalties, income from real property, natural resource royalties, income from personal services, remuneration received by teachers, remittances or certain other payments to students and trainees, and governmental salaries, wages, pensions, annuities, or similar benefits. It contains provisions relating to deductions for charitable contributions made by U.S. citizens, residents, and corporations to qualifying Thai organizations.

In addition to the provisions regarding tax exemptions and credits, the convention contains provisions substantially similar to provisions in existing U.S. tax conventions with respect to cooperation between the officials of the two countries for the exchange of information and for limited assistance in collection.

The convention has the approval of the Department of State and the Department of the Treasury.

LYNDON B. JOHNSON.

THE WHITE HOUSE.

INCOME TAX CONVENTION WITH ISRAEL—REMOVAL OF INJUNCTION OF SECRECY

Mr. PROXMIRE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive F, 89th Congress, 1st session, the Income Tax Convention with Israel, signed at Washington on June 29, 1965, transmitted to the Senate today by the President. I also ask unanimous consent that the convention and President's message be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and Israel for the avoidance of double taxation of income and for the encouragement of international trade and investment, signed at Washington on June 29, 1965.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

The primary purpose of the convention is the same as that of income-tax conventions now in force between the United States and numerous other countries. That purpose is to eliminate as far as practicable double taxation resulting from the taxation of the same item or items of income by both countries and to establish procedures for mutual assistance in the administration of income taxes. Many of its provisions are identical in substance if not in form to provisions in existing conventions. It contains, however, certain provisions which have no counterparts in tax conventions of this country presently in force. Those provisions, designed to facilitate trade and investment, have been formulated particularly for inclusion in income-tax conventions under negotiation with developing countries. As in the case of a recently-signed convention between the United States and Thailand, the convention with Israel contains provisions relating to an investment credit and provisions relating to tax deferral for technical assistance.

Under the investment credit provisions, U.S. residents and corporations investing in qualifying Israel enterprises would be allowed to claim, as a credit against their U.S. income tax, 7 percent of their investment in such enterprises as an incentive to private investment in Israel.

Under the tax deferral provisions, U.S. residents and corporations would be granted an election to defer tax on income resulting from the transfer of property, technical services, or information concerning industrial, commercial, or scientific knowledge, experience, or skill to an Israel corporation in exchange for shares of its stock.

The application of the above-mentioned provisions, both those relating to investment credit and those relating to tax deferral, is subject to prescribed conditions and limitations.

As is customary in the income-tax conventions, the convention with Israel contains provisions relating to exemptions or credits with respect to taxes on various types of income, including commercial and industrial profits, dividends, interest, royalties, income from real property, compensation for personal service, remuneration received by teachers, remittances or certain other payments to students and trainees, and governmental salaries, wages, pensions, annuities, or similar benefits. The convention also contains customary provisions regarding cooperation between the officials of the two countries for the exchange of information and for limited assistance in collection.

The convention has the approval of the Department of State and the Department of the Treasury.

LYNDON B. JOHNSON.

THE WHITE HOUSE.

AMENDMENT OF FEDERAL COAL MINE SAFETY ACT—AMENDMENTS

AMENDMENT NO. 371

Mr. COOPER submitted amendments, intended to be proposed by him, to the bill (H.R. 3584) to amend the Federal Coal Mine Safety Act so as to provide further for the prevention of accidents in coal mines, which were referred to the Committee on Labor and Public Welfare, and ordered to be printed.

INCOME TAX TREATMENT OF CERTAIN CASUALTY LOSSES ATTRIBUTABLE TO MAJOR DISASTERS—AMENDMENTS

AMENDMENTS NOS. 372 AND 373

Mr. ERVIN (for himself and Mr. HRUSKA) submitted two amendments, intended to be proposed by them, jointly, to the bill (H.R. 7502) relating to the income tax treatment of certain casualty losses attributable to major disasters, which were referred to the Committee on Finance and ordered to be printed.

THE EXCLUDED AMERICAN: THE FARMWORKER AND THE MINIMUM WAGE

AMENDMENT NO. 374

Mr. KUCHEL. Mr. President, I introduce, for appropriate reference, an amendment to S. 1986, the administration proposal to amend the Fair Labor Standards Act, and I ask that it lie at the table through tomorrow for additional Senators to join in sponsoring this amendment if they so desire.

My amendment would do two things:

First, my amendment would remove the exemption which now exists under our minimum wage laws and would apply minimum wage standards to those who work on farms which require more than 300 man-days of hired farm labor during any one of the four preceding calendar quarters. During the first year after the adoption of this provision, a minimum wage of not less than $1 an hour would apply. During the second year, a minimum wage of not less than $1.15 an hour would apply. After that, whatever is the national minimum which is applied in the industrial and service sectors of our private economy, would also be applied to agricultural labor protected by this act. Provision is also made for a correlation between piecework rates and an hourly minimum. Provision is also made that once a minimum has been established, no greater minimum could be required in order to be eligible for temporary use of foreign farmworkers under Public Law 414, the Immigration and Nationality Act.

Second, my amendment would provide limitations on the use of agricultural child labor outside of school hours and when school is not in session. If this amendment were adopted, a child would be permitted to work in agriculture outside school hours, with exceptions for family farms, only if he were 14 years of age or over. If he were 12 or 13 years of age he could work within 25 miles from his permanent residence if he either had the written consent of his parent or his parent was employed on the same farm. The Secretary of Labor would be authorized to issue regulations, except on family farms, barring children below age 18 from working on particularly hazardous farm operations. No restrictions are placed on children who work for their parents on their own farm.

Mr. President, I have long been concerned with the plight of the farmworker—the excluded American—in this land. I came from a State which has more protective farm labor legislation than any other State in this country. I come from a State where the average hourly wage for farm labor, without board or room, was $1.40 an hour as of July 1, 1965. Yet in some States, the average hourly wage is as low as a miserable 65 cents an hour and in some areas, believe it or not, you will find it even lower.

This Congress needs to face up to the plight of the farmworker. I have supported every proposal which has been reported to the Senate by the Subcommittee on Migratory Labor. The amendment which I now offer combines the language of S. 763 dealing with the agricultural minimum wage which I introduced on January 27, 1965, and S. 1865, dealing with child labor, as offered by the junior Senator from New Jersey [Mr. WILLIAMS], and others on April 30, 1965. I do this because I believe the Subcommittee on Labor, when it marks up the administration proposal for amending the Fair Labor Standards Act next week, should have this issue squarely before them.

Needless to say, I was deeply disappointed to read the testimony of Secretary of Labor Wirtz before the Subcommittee on Migratory Labor which he delivered on July 7, 1965. He talked about the remaining agenda of unfinished business in this vitally important area. He recognized that the precise details of implementing this purpose—the inequities which agricultural workers presently endure—and the timing of this action, require careful—but prompt—consideration. While the Secretary did admit that his own personal view is that agricultural labor should be covered by minimum wage guarantees, he went on to add:

> No administration position has been advanced on these issues, however, in view of the extraordinarily large number of other extremely significant labor proposals brought before this session of the Congress. I should, accordingly, prefer to postpone any definitive expression of views on these two subjects.

I am disappointed in that statement. I can well believe that the Secretary of Labor is not happy with it either. Neither should Congress be happy with it. The problem is: will Congress do anything about it? This issue has been studied and restudied. During the closing year of the last Republican administration, after a year-long study by the Department of Labor, a report was issued, which concluded:

> On balance it appears both desirable and feasible to extend Federal minimum wage legislation to agriculture, at an economically appropriate rate, in order to establish a wage standard for agriculture and bring about an improvement in the wage structure of hired farm labor. To do so, a Federal minimum wage would need to be applied to a substantial proportion of hired farm labor, in many areas, and particularly in the low-wage regions of surplus farm labor. It need not apply to all hired farmworkers in order to establish an effective minimum wage standard in agriculture. (Problems involved in applying a Federal minimum wage to agriculture workers, Department of Labor report, April 1960.)

Five years have passed since these views of the Department of Labor during the Eisenhower administration were made known. In January 1964, the Department of Labor issued another report. Yet no action. On February 15, 1965, I wrote Secretary Wirtz asking for his comments on my bill, S. 763. When I did not hear, I wrote him again on June 15, 1965. When I still did not hear, the Secretary's office was called on the telephone. At long last I received a letter from Secretary Wirtz dated July 21, 1965. The Secretary's answer enclosed a copy of his testimony to which I have previously referred. In response to my repeated request that his Department study my bill and that he provide me with the benefit of his comments, the Secretary merely says in his letter to me of July 21, 1965:

> I would appreciate your considering the enclosed copy of my statement before the subcommittee as containing my views on minimum wage legislation for farmworkers.

I consider that response from the administration inadequate. The American people will consider that response inadequate. So will the farmworkers who are living considerably below poverty levels in many parts of our country.

Mr. President, I ask consent that this exchange of correspondence with the Secretary of Labor as well as a copy of my letter of July 22, 1965, to Senator MCNAMARA, who is chairman of the Senate Subcommittee on Labor, which details reasons and statistics supporting a minimum wage for agriculture, as well as a copy of the amendment I now offer, be included at this point in my remarks, and that the amendment lie on the desk through tomorrow for additional cosponsors.

The PRESIDENT pro tempore. The amendment will be received and appropriately referred; and, without objection, the correspondence and amendment will be printed in the RECORD, and the amendment will lie on the desk, as requested.

The amendment (No. 374) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 374

On page 2, strike out lines 1 to 3, inclusive, and substitute the following:

"(2) extend minimum wage protection to employees performing work in or related to agriculture;

"(3) extend the child labor provisions to certain children employed in agriculture; and".

On page 2, line 4, strike out "(3)" and substitute "(4)".

On page 5, between lines 10 and 11 insert the following:

"AGRICULTURAL EMPLOYEES

"SEC. 309. (a) Section 6(a) of such Act is amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and by adding a new paragraph as follows:

"'(4) if such employee is employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes, or if such employee is employed within the area of production (as defined by the Secretary), in handling packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products, such employee shall be paid by his employer (i) not less than $1.00 an hour during the first year following the effective date of this paragraph, (ii) not less than $1.15 an hour during the second year following such effective date, and (iii) thereafter, not less than the rate prescribed in paragraph (1) of this subsection. If such employee performs hired farm labor for such an employer on a daily, weekly, monthly, or annual basis, such employee shall be paid at a rate which will, for the period covered by the wage payment, provide him wages at least equal to compensation he would have been entitled to receive had he been employed at the minimum hourly rate prescribed in this paragraph. In any case in which employees (covered by the provisions of this paragraph) of any employer are paid on a piecework basis, the actual wage paid such employees shall not be less than prescribed in the foregoing provisions of this paragraph. Notwithstanding the foregoing sentence, if piecework rates paid to such employees for any particular kind of work yield to at least 90 per centum of such employees' wages equal to not less than the minimum hourly rate herein prescribed, such rates shall be considered to be in compliance with the requirements of this paragraph. The Secretary of Labor, or his authorized representative, shall have power to make such regulations or orders as are necessary or appropriate to carry out any of the provisions of this paragraph. Notwithstanding any other provisions of this Act, this paragraph shall apply only with respect to an employee whose services during the workweek are performed within a State of the United States or the District of Columbia.'

"(b) Section 13(a)(6) of such Act is amended to read as follows:

"'(6) any employee employed in agriculture if such employee stands in the relationship of parent, spouse, or child of the employer, or if such employee is employed by a farm enterprise which used not more than three hundred man-days of hired farm labor during any one of the four preceding calendar quarters; or'.

"(c) Section 13(b) of such Act is amended by (1) striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon and 'or'; and (2) adding after such paragraph (11) the following new paragraph:

"'(12) any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes.'"

On page 5, line 12, strike out "SEC. 309" and substitute "SEC. 310".

On page 7, between lines 9 and 10 insert the following:

"SEC. 404. Section 6 of such Act is amended by adding at the end thereof a new subsection as follows:

"'(e) An employer shall not in any case, as a condition to having alien workers made available to him under the Immigration and Nationality Act to perform agricultural work for a temporary period, be required to offer domestic agricultural workers a minimum wage greater than the minimum wage prescribed in subsection (a)(1) of this section.'"

On page 7, line 11, strike out "SEC. 404" and substitute "SEC. 405".

On page 9, between lines 15 and 16 insert the following:

"TITLE V—CHILD LABOR PROVISIONS

"SEC. 501. Section 13(c) of such Act is amended to read as follows:

"'(c)(1) The provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee is—

"'(A) employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

"'(B) is 14 years of age or over, or

"'(C) is 12 years of age or over and is employed in a farm to which he commutes daily within twenty-five miles of his permanent residence, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or person standing in place of his parent is also employed on the same farm.

"'(2) No employee below the age of 18 may be employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below age 18, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

"'(3) The provisions of section 12 relating to child labor shall not apply to any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions.'"

On page 9, line 16, strike out "TITLE V" and substitute "TITLE VI".

On page 9, line 18, strike out "Sec. 501" and substitute "Sec. 601".

On page 10, line 1, strike out "Sec. 502" and substitute "Sec. 602."

The correspondence presented by Mr. Kuchel is as follows:

February 15, 1965.

Hon. W. Willard Wirtz,
Secretary of Labor, Department of Labor,
Washington, D.C.

Dear Mr. Secretary: Before leaving for a short trip to California, I wanted to call your attention to S. 763 which I have authored to extend the wage provisions of the Fair Labor Standards Act of 1938, as amended, to workers employed on large units of agricultural production. This legislation would establish a national minimum wage for agriculture of $1 the first year, $1.15 the second year, and whatever the rate of the national minimum wage is thereafter. One provision of this bill would preclude any representative of the executive branch from setting "adverse effect" rates for domestic workers, as a requisite for the entry of any temporary agricultural labor under Public Law 414, at a level other than the national minimum.

I have enclosed a copy of the remarks I made in the Senate on January 27, 1965, when I introduced S. 763. I would greatly appreciate having your Department study this legislation and provide me with the benefit of your comments. I deeply believe that both Congress and the administration must face up to the longstanding inequities which confront many of our farmworkers. May I hear from you on this?

Sincerely yours,
Thomas H. Kuchel,
U.S. Senator.

June 15, 1965.

Hon. W. Willard Wirtz,
Secretary of Labor, Department of Labor,
Washington, D.C.

Dear Willard: On February 15, 1965, I wrote you regarding S. 763 which I had authored to extend the minimum wage provisions of the Fair Labor Standards Act of 1938, as amended, to workers employed on large units of agricultural production. I would appreciate knowing when the Department of Labor might complete its study of this legislation and provide me with the benefit of their comments. Perhaps their reply has been mislaid, but I find no reply to my letter of February 15. If a reply has been sent, I would appreciate having another copy of it. Thank you so much.

With kindest regards,
Sincerely yours,
Thomas H. Kuchel.

U.S. Department of Labor,
Office of the Secretary,
Washington, D.C., July 21, 1965.

Hon. Thomas H. Kuchel,
U.S. Senate,
Washington, D.C.

Dear Senator Kuchel: This is in reply to your letter of June 15 with regard to legislation introduced by you to extend minimum wage provisions to certain farmworkers—S. 763.

As you know, similar legislation to bring farmworkers under the minimum wage law is being considered by the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare as S. 1865. On July 7, I appeared before the subcommittee on this measure and four other bills relating to farmworkers.

I would appreciate your considering the enclosed copy of my statement before the subcommittee as containing my views on minimum wage legislation for farmworkers.

Sincerely,
W. Willard Wirtz,
Secretary of Labor.

July 22, 1965.

Hon. Pat McNamara,
Chairman, Subcommittee on Labor, Senate Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Senator McNamara: I deeply believe Congress has a responsibility to consider extending the minimum wage guarantees of the Fair Labor Standards Act of 1938, as amended, to agricultural workers. It is because I feel this need so strongly that I am extremely grateful to the Subcommittee on Labor for choosing to hold hearings on my bill, S. 763, in conjunction with hearings on S. 1986, S. 1741, and S. 1770.

Although the administration bill, S. 1986, which would amend the Fair Labor Standards Act to extend its protection to additional employees, covers a number of areas, I am both surprised and disappointed that it does not provide for the inclusion of agricultural workers in the minimum wage guarantees of the Fair Labor Standards Act. In an era when various aspects of the entire economy are not merely closely related, but, irrevocably meshed, minimum wage protection for American workers should be a uniform one. That protection should apply to agriculture as well as to nonagricultural industries. In 1960, as a result of a study conducted by the Department of Labor during the last years of the Eisenhower administration, the Department reported:

"On balance it appears both desirable and feasible to extend Federal minimum wage legislation to agriculture, at an economically appropriate rate, in order to establish a wage standard for agriculture and bring about an improvement in the wage structure of hired farm labor. To do so, a Federal minimum wage would need to be applied to a substantial proportion of hired farm labor, in many areas, and particularly in the low-wage regions of surplus farm labor. It need not apply to all hired farmworkers in order to establish an effective minimum wage standard in agriculture." ("Problems Involved in Applying a Federal Minimum Wage to Agriculture Workers," Department of Labor Report, Apr. 1960.)

In a report titled "The Family Farm in American Agriculture" issued in November 1963, by the National Agricultural Advisory Commission, a bipartisan group appointed by the President, it was stated: "We recommend that minimum wages and improved working conditions, in terms adapted to agricultural production, be extended, by States, to hired farmworkers on a national basis until comparability with the industrial minimums is attained." Only 3 members of the 25-member Commission took exception to this recommendation.

In its report on "Hired Farmworkers" in January 1964, the Department of Labor reported further concerning a minimum wage standard for agriculture.

Based on these studies conducted during both Republican and Democratic administrations, there are glaring inconsistencies in the present administration's policy regarding this matter. This year the Secretary of Labor, acting under the authority of the Immigration and Nationality Act, Public Law 414, set varying wage rates as a prerequisite to the entry of foreign agricultural workers. He set a wage rate of $1.15 in some States, and one of $1.40 in others, including my own State of California. This type of action discourages the uniform national rate which I feel would result in the most beneficial social and economic policy. Furthermore, the Congress should assume its responsibility to act in this area. I find further inconsistency in the attitude demonstrated by the remarks of the Secretary of Labor made recently on July 7, 1965, before the Senate Subcommittee on Migratory Labor. In speaking of a minimum wage proposal and a collective-bargaining proposal, the Secretary said, "These present what must be recognized as issues of highly controversial nature." Secretary Wirtz went on to say: "My personal view is that agricultural labor should be covered by minimum wage guarantees, and also by statutory assurance of the right to bargain collectively in those cases in which a substantial number of employees are employed by a single employer. No administration position has been advanced on these issues, however, in view of the extraordinarily large number of other extremely significant labor proposals brought before this session of the Congress. I should, accordingly prefer to postpone any definitive expression of views on these two subjects."

The attached figures, compiled by the Department of Agriculture showing farm wage rates, demonstrate to me beyond doubt—that we should not delay the enactment of a minimum wage for agriculture any longer. The fact that a number of significant labor proposals will be considered by the Congress makes the argument in favor of a minimum wage for agriculture all the more compelling.

In brief, my bill, S. 763, would extend the wage provisions of the Fair Labor Standards Act to those workers employed on large units of agricultural production. Under S. 763 there would be a 3-year escalation in the rate of minimum hourly payment. The rate would be $1 for the first year, $1.15 for the second, and thereafter, it would be at the rate of the national minimum wage. For administrative purposes, coverage would be limited to employees on farms using more than 300 man-days of labor during any one of the preceding 4 quarters of a year. In 1962, 2 percent of the farms in the United States, employing 42 percent of those employed in agriculture, reached at least the 300 man-day standard. Obviously, this minimum standard would directly affect roughly one-half of those employed in agricultural work and thus set the pace for those not specifically covered. However, the actual effect would be far wider than 50 percent of the workers. The 300 man-days figure was established to enable reasonable administration of the law. Immediate family members are excluded from coverage and a formula for acceptable piecework payment is set forth.

In addition, this bill seeks to establish a very important rule. I believe that if the Congress chooses to establish a minimum wage for agricultural workers, no representative of the executive, whether he be the Attorney General, the Secretary of Labor, or any other official, should prescribe a minimum standard which differs from the statutory national minimum. The wage that the Congress sets as a standard, should be applied uniformly throughout the United States.

I have attached a copy of the remarks I made at the time I introduced S. 763 and request that they be included in the hearing record. These remarks which I made on January 27, 1965, contain an extensive discussion of the provisions of S. 763.

The 1950's and 1960's have witnessed monumental, and I believe unprecedented, efforts to lessen poverty and to provide equality of opportunity. We have made great progress in guaranteeing civil rights and civil liberties. In addition, various governmental programs including the war on poverty, the Manpower Training and Development Act, and the Elementary and Secondary Education Act are aimed at shoring up rural as well as urban America. We have emphasized equality and we have worked to eradicate inequality, yet we continue a policy which excludes huge segments of our population from the basic guarantees of a minimum wage. Agriculture, while differing from industry in such matters as its ability to control the timing of its end production, is similar to industry in the sense that both growers and workers have basic rights and responsibilities, and the Government in terms of protecting the public interest has a responsibility as well. The necessity for stability in the agricultural economy possesses grave social and economic implications—and these implications range far wider than labor-management relations or even the agricultural economy itself.

America faces many great challenges. Our agricultural competence could well be an instrument for massive social change. In the present world of roughly 3 billion people, the Food and Agriculture Organization of the United Nations estimates that one-half to two-thirds of the population are seriously underfed, to the point of starvation. In Asia the food available to each person has fallen by 4 percent since 1958. In Latin America it has fallen by 6 percent. Most distressing of all these stark figures is the knowledge that as the world's population increases by 2 percent a year, the world's agricultural output increases by only 1 percent a year. So America really does face a tremendous responsibility in both economic and humanitarian terms.

I think we will all agree that the Government must help develop a policy which enhances the agricultural prospect of our economy in every sense, utilizing our abundant production as well as enhancing the well-being of the farmers and workers whose initiative and energies are responsible for that abundance. We cannot create desired stability by stimulating the transient nature of agricultural work, and we do not aid the agricultural economy by denying agricultural workers the minimum wage guarantees enjoyed by other workers. The extension of the minimum wage provisions of the Fair Labor Standards Act to agricultural workers would go a long way in upgrading the lives of many individuals and their families. It would improve the vitality of the agricultural economy as a whole. It should also improve our conscience as legislators and Americans. I have long been convinced of the necessity for such legislation. The time to act is now. Thus, I do hope that the Senate Committee on Labor and Public Welfare will favorably consider amending the minimum wage legislation now before it to include the provisions of S. 763 or report that measure on its own merits to the Senate for further consideration.

With kindest regards.

Sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

Farm wage rates, July 1, 1965

State and region:	*Per hour without board or room*
Maine	$1.22
New Hampshire	1.25
Vermont	1.30
Massachusetts	1.40
Rhode Island	1.40
Connecticut	1.47
Average, New England States	1.35
New York	1.25
New Jersey	1.37
Pennsylvania	1.17
Average, Middle Atlantic States	1.26
Ohio	1.17
Indiana	1.19
Illinois	1.26
Michigan	1.20
Wisconsin	1.23
Average, East North Central States	1.21
Minnesota	1.22
Iowa	1.27
Missouri	1.14
North Dakota	1.17
South Dakota	1.17
Nebraska	1.24
Kansas	1.27
Average, West North Central States	1.22
Delaware	1.15
Maryland	1.15
Virginia	.91
West Virginia	.88
North Carolina	.84
South Carolina	.65
Georgia	.79
Florida	1.00
Average, South Atlantic States	.85
Kentucky	.91
Tennessee	.77
Alabama	.70
Mississippi	.65
Average, East South Central States	.77
Arkansas	.91
Louisiana	.77
Oklahoma	1.12
Texas	.93
Average, West South Central States	.91
Montana	1.27
Idaho	1.33
Wyoming	1.20
Colorado	1.22
New Mexico	.98
Arizona	1.17
Utah	1.34
Nevada	1.37
Average, Mountain States	1.23
Washington	1.42
Oregon	1.35
California	1.40
Average, Pacific States	1.39
Average, United States	1.17

Source: U.S. Department of Agriculture, Statistical Reporting Service.

ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of July 20, 1965, the names of Mr. HARTKE, Mr. LONG of Missouri, Mr. MCGEE, and Mr. SCOTT were added as additional cosponsors of the bill (S. 2305) to amend the International Travel Act of 1961 in order to promote travel in the United States, introduced by Mr. JAVITS on July 20, 1965.

FURTHER HEARINGS ON BALANCE OF PAYMENTS

Mr. MUSKIE. Mr. President, as I reported to the Senate last week, the Subcommittee on International Finance of the Committee on Banking and Currency has scheduled further hearings on the problem of the deficit in the U.S. balance of international payments. These hearings will begin August 3 with a statement by the Secretary of Commerce and be concluded August 18 by the Secretary of the Treasury. Also appearing will be a member of the Board of Governors of the Federal Reserve System and representatives of business and banking.

The hearings will focus on progress to date in the administration's program for reducing the payments deficit. It is hoped that the witnesses will also indicate what problems may be ahead.

I ask unanimous consent to have printed in the RECORD following my remarks the list of witnesses as presently scheduled.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON INTERNATIONAL FINANCE, SENATE COMMITTEE ON BANKING AND CURRENCY, SCHEDULE OF FURTHER HEARINGS ON U.S. BALANCE OF PAYMENTS, ROOM 5302, NEW SENATE OFFICE BUILDING

Tuesday, August 3, 1965, 10 a.m.: Hon. John T. Connor, Secretary of Commerce.

Wednesday, August 4, 1965, 10 a.m.: Hon. J. L. Robertson, member, Federal Reserve Board.

Thursday, August 5, 1965, 10 a.m.: O. R. Strackbein, chairman, the Nationwide Committee on Import-Export Policy; 11 a.m.: Richard C. Fenton, president, Pfizer International.

Tuesday, August 17, 1965, 10 a.m.: George Champion, chairman of the board, Chase Manhattan Bank, New York.

Wednesday, August 18, 1965, 10 a.m.: Hon. Henry H. Fowler, Secretary of the Treasury.

RESCHEDULING OF HEARING ON NOMINATION OF ABE FORTAS, OF TENNESSEE, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that the public hearing scheduled on the nomination of Abe Fortas, of Tennessee, to be an Associate Justice of the Supreme Court of the United States, vice Arthur J. Goldberg, for Thursday, August 5, 1965, has been rescheduled for Thursday, August 12, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, before the Committee on the Judiciary.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

PIG WAR NATIONAL HISTORICAL PARK, WASH.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 493, S. 489.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill—S. 489—to authorize the establishment of the Pig War National Historical Park in the State of Washington and for other purposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 8, after the word "the", where it appears the second time, to strike out "Pig War" and insert "San Juan Island"; in line 21, after the word "of", to insert "nationally significant"; and on page 3, line 4, after the word "exceed", to strike out "$1,650,000" and insert "$2,198,021"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire on behalf of the United States by donation, purchase with donated or appropriated funds, or by exchange, lands, interests in lands, and such other property on San Juan Island, Puget Sound, State of Washington, as the Secretary may deem necessary for the purpose of interpreting and preserving the sites of the American and English camps on the island, and of commemorating the historic events that occurred from 1853 to 1871 on the island in connection with the final settlement of the Oregon Territory boundary dispute, including the so-called Pig War of 1859. Lands or interests therein owned by the State of Washington or a political subdivision thereof may be acquired only with the consent of the owner.

SEC. 2. The property acquired under the provisions of the first section of this Act shall be known as the San Juan Island National Historical Park and shall commemorate the final settlement by arbitration of the Oregon boundary dispute and the peaceful relationship which has existed between the United States and Canada for generations. The Secretary of the Interior shall administer, protect, and develop such park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 3. The Secretary of the Interior may enter into cooperative agreements with the State of Washington, political subdivisions thereof, corporations, associations, or individuals, for the preservation of nationally significant historic sites and structures and for the interpretation of significant events which occurred on San Juan Island, in Puget Sound, and on the nearby mainland, and he may erect and maintain tablets or markers at appropriate sites in accordance with the provisions of the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461 et seq.).

SEC. 4. There are hereby authorized to be appropriated such sums, of which not to exceed $2,198,021 may be expended for the acquisition of lands and interests therein, as may be necessary to carry out the purposes of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 510), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 489 contemplates the establishment of an approximately 1,800-acre national historical park on San Juan Island in the State of Washington. The proposed park would include two historic sites—termed the "American camp" and the "English camp"—the boundaries of which are generally described in the publication entitled "San Juan Island National Historical Park: A Proposal" prepared by the western regional office of the National Park Service, Department of the Interior, 1964 and now on file with the committee.

HISTORICAL SIGNIFICANCE

The colorful affairs of the pig, arising from the protracted and bitter quarrel between Great Britain and the United States as to the sovereignty of the Oregon Territory, brought the two great powers briefly to the brink of war in 1859. For 13 years the two nations maintained armed forces in the disputed San Juan Archipelago, and the question of sovereignty was resolved only by the Treaty of Washington in 1871 and the final arbitration of the question by the German Emperor in 1872. Then, for the first time in the history of the United States, the Republic had no boundary dispute with Great Britain.

In assessing the Treaty of Washington, Thomas A. Bailey has written:

"We may conclude that it was the greatest triumph for arbitral methods that the world had yet witnessed. It provided for four significant arbitrations, three of them of major importance [Bailey includes the San Juan question among the important ones]. It was one of those periodic purgations that dispelled every serious cloud in Anglo-American relations. It was not only [Hamilton] Fish's greatest diplomatic success, but it was also the most substantial accomplishment of 8 long years of Grantism—an oasis of achievement in the desert of scandal."

Allan Nevins has called the Treaty of Washington an event of cardinal importance in the history of the relations of the two English-speaking powers.

The splendid physical remains of the American and English camps on San Juan Island thus appear to be the one site from which the larger stories of "54–40 or fight," the incident of the Pig War, and the important Treaty of Washington can be told.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the establishment of the San Juan Island National Historical Park in the State of Washington, and for other purposes."

TOUCHET DIVISION, WALLA WALLA PROJECT, OREGON-WASHINGTON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 494, S. 1088.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1088) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 1, after the word "Interior", to insert "(hereinafter referred to as the Secretary)"; at the beginning of line 7, to insert "(hereinafter referred to as the project)"; in line 9, after the word "associated", to strike out "distribution and"; after line 19, to insert:

(c) In order to assure a realization of the fish and wildlife enhancement benefits contemplated by this Act, the Secretary shall adopt appropriate measures to insure the maintenance of a streamflow between Dayton Dam and the mouth of the Walla Walla River that is not less than thirty cubic feet per second unless he determines that a water shortage or other emergencies exist or that lesser flows would be adequate for the maintenance of fish life.

On page 3, at the beginning of line 12, to strike out "Power and energy required for irrigation water pumping for the Touchet division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him."; in line 16, after "Sec. 3.", to insert "(a)"; in line 18, after the word "provide", to strike out "for basic"; at the beginning of line 20, to strike out "division" and insert "project"; at the beginning of line 25, to strike out "division" and insert "project"; in the same line, after the word "functions.", to strike out "The Secretary is authorized to enter into agreements with Federal agencies, or State or local public bodies for the operation, maintenance, or additional development of division lands or facilities, or to dispose of division lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance, or exchange upon such terms and conditions as will best promote the development and operation of such lands and facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, together with the costs of the division allocated to fish and wildlife and related mitigation costs, shall be nonreimbursable." and insert "The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes."; on page 4, after line 20, to insert:

(b) Joint costs allocated to recreation or fish and wildlife enhancement shall be nonreimbursable.

(c) All costs allocated to the enhancement of anadromous fish species shall be nonreimbursable.

(d) (1) Except as provided in subsection (c) of this section, if, before commencement of construction of the division, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be, and all the costs of operation, maintenance, and replacement incurred therefor, not more than one-half of the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

(2) No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in subsection 3(d) (1) of this Act unless (i) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (ii) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project or facilities for the enhancement of anadromous fish species. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor-days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

(e) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (i) payment, or provision of lands, interests therein, or facilities for the project; or (ii) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided,* That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

(f) Notwithstanding the absence of an indication of intent as specified in subsection 3(d) (1), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project:

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or resident fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be, and all costs of operation, maintenance, and replacement attributable thereto), the remainder of the costs of lands, facilities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or many transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs, preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

(g) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(h) Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be treated as project costs and allocated among all project purposes.

On page 9, line 7, after the word "construction", to strike out "and" and insert "and, where appropriate,"; in line 8, after the word "the", where it appears the second time, to strike out "obligation" and insert "reimbursable obligations"; in line 9, after the word "by", to strike out "the municipal and industrial water users' organizations" and insert "non-Federal entities"; in line 16, after the word "issue,", to strike out "and by rounding such interest rate to the next lowest multiple of one-eighth of 1 per centum if the computed interest rate is not a multiple of one-eighth of 1 per centum" and insert "adjusted to the nearest one-eighth of 1 per centum"; after line 20, to insert a new section, as follows:

Sec. 5. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

On page 10, at the beginning of line 8, to change the section number from "5" to "6"; and, after the amendment just above stated, to strike out "There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, not to exceed $15,700,000 to carry out the purposes of this Act." and insert "There are hereby authorized to be appropriated for construction of the new works involved in the Touchet division, $16,630,000 (January 1965 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said project."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for purposes of supplying irrigation water initially for approximately ten thousand acres of land, providing municipal and industrial water, flood control, water quality control, the enhancement of fish and wildlife resources, and the enhancement of recreation opportunities, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to construct, operate, and maintain the Touchet division of the Walla Walla project, Oregon-Washington, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the division (hereinafter referred to as the project) shall consist of the Dayton Dam and Reservoir, fish passage facilities, a diversion dam, and associated drainage facilities.

(b) The Secretary is authorized to construct the Dayton Dam and Reservoir to the physical limitations of the site and to recognize the cost of providing such additional capacity as a deferred obligation to be paid, in accordance with section 2 of this Act, at such time as the additional storage capacity is contracted for: *Provided*, That until such additional storage capacity is contracted for, operation and maintenance costs attributable to the excess capacity shall be funded and added to the construction costs allocated to deferred capacity.

(c) In order to assure a realization of the fish and wildlife enhancement benefits contemplated by this Act, the Secretary shall adopt appropriate measures to insure the maintenance of a streamflow between Dayton Dam and the mouth of the Walla Walla River that is not less than thirty cubic feet per second unless he determines that a water shortage or other emergencies exist or that lesser flows would be adequate for the maintenance of fish life.

Sec. 2. Irrigation repayment contracts shall provide for repayment of the obligation assumed thereunder with respect to any contract unit over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of the irrigators to repay shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration from the McNary Dam project.

Sec. 3. (a) The Secretary is authorized, as a part of the Touchet division, to construct, operate, and maintain, or otherwise provide public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of division lands, facilities, and water areas in a manner coordinated with other project functions. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

(b) Joint costs allocated to recreation or fish and wildlife enhancement shall be nonreimbursable.

(c) All costs allocated to the enhancement of anadromous fish species shall be nonreimbursable.

(d) (1) Except as provided in subsection (c) of this section, if, before commencement of construction of the division, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be, and all the costs of operation, maintenance, and replacement incurred therefor, not more than one-half of the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

(2) No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in subsection 3(d) (1) of this Act unless (i) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (ii) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project or facilities for the enhancement of anadromous fish species. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor-days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

(e) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (i) payment, or provision of lands, interests therein, or facilities for the project; or (ii) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

(f) Notwithstanding the absence of an indication of intent as specified in subsection 3(d) (1), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project:

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or resident fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be, and all costs of operation, maintenance, and replacement attributable thereto), the remainder of the costs of lands, facilities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs, preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

(g) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(h) Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be treated as project costs and allocated among all project purposes.

Sec. 4. The interest rate used for purposes of computing interest during construction and, where appropriate, interest on the unpaid balance of the reimbursable obligations assumed by non-Federal entities shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption from fifteen years from date of issue, adjusted to the nearest one-eighth of 1 per centum.

Sec. 5. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Sec. 6. There are hereby authorized to be appropriated for construction of the new works involved in the Touchet division, $16,630,000 (January 1965 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said project.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 511), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

S. 1088, which is sponsored by Senator Jackson for himself and his colleague from Washington, Senator Magnuson, authorizes construction and operation, under the Federal reclamation laws, of the multipurpose Touchet division of the Walla Walla project. Although the Walla Walla project extends into Oregon, the Touchet division is wholly in southeastern Washington along the Touchet River.

The facility will bring some 10,000 acres under full irrigation in its initial stages, with deferred water storage for an additional 7,000 acres.

Expert testimony at the hearing shows that the project will reestablish the anadromous fishing run on a very large scale. It is anticipated that when the project is in full operation, the Touchet River will contribute more salmon to the Columbia River fishery than in the days before Lewis and Clark. Works authorized by the bill will provide municipal and industrial water for the city of Dayton, and the reservoir will form the only sizable lake in timbered surroundings in the entire Walla Walla Basin, with facilities for boating, swimming, sport fishing, water skiing, as well as camping, picnicking, and the like.

Also, the project will afford vitally important protection to life and property in the area which just this past winter suffered from two highly destructive floods. Not least important, it will help alleviate the growing problem of water pollution.

The benefit-cost ratio is 2.77 to 1 over a 100-year period. Without both the recreation and the fish and wildlife functions, the benefit-cost ratio of the project is 2.51 to 1. The irrigation function alone is 2.71 to 1. The committee has been advised that each of the project functions, of itself, has a favorable benefit-cost ratio. Revised overall costs of the Touchet division project are placed at $16,630,000 by the Department of the Interior.

DESCRIPTION OF PROJECT

The Touchet River now is completely uncontrolled. Every year, in the pattern of all tributary streams in the Pacific Northwest, the river floods its valley in the spring, and by late summer the flow is insufficient to meet the requirements for water.

Although some irrigation development was started a century ago, today only 5,000 to 6,000 acres are irrigated, and much of this land does not have a full water supply. Irrigation from the river has been primarily by simple gravity diversion, but in recent years pumping has increased. Water rights on the river have been adjudicated and a complex system of priorities has been established.

A principal physical feature of the Touchet project will be the Dayton Dam on Touchet River a few miles upstream from the city of Dayton. The dam would be a rolled earthfill structure about 200 feet high. It would create a reservoir of 52,600 acre-feet, of which 2,700 acre-feet would be dead storage, 1,700 acre-feet would be inactive storage, 33,200 acre-feet would be conservation storage, and 15,000 acre-feet would be joint storage to be operated on a seasonal and forecast basis for flood control and conservation.

Reservoir right-of-way required for all project purposes totals about 1,470 acres, all now in private ownership. Of this total, only two 20-acre tracts would be acquired specifically for recreation use at an estimated total cost of $6,000. The balance of recreation-use land requirements as well as fish and wildlife requirements would be satisfied within the area to be acquired for operation of the reservoir; about 390 acres of the reservoir basin are now cultivated, and 15 farmsteads would be inundated. A country road, and power and telephone lines would be relocated.

Facilities for fish enhancement would consist of a trap below the dam, and a hopper and tramway to carry upstream migrants over the dam. Selective level outlets in the dam and a collector system for downstream migrants are also to be provided specifically for fish. The entire reservoir area would be fenced. Recreation facilities would include boat ramps and docks, sanitary facilities, access roads and parking areas, and overnight camp units.

Construction cost estimates include costs of drainage ditches which may be needed, but construction is to be deferred until the need is evident.

Water would be released from the reservoir into the natural stream channel, from which it would be diverted by the irrigators and the city of Dayton through their own facilities, some by gravity and some by pumping.

Irrigation water would be served initially to some 9,960 acres of land; 3,520 acres requiring a full supply, and 6,440 acres requiring only supplemental water. These lands are located in a narrow band along the Touchet River. About 2,000 acres of the service lands are in two older existing irrigation districts.

The remainder are in the newly formed Touchet Valley Irrigation District. The lands are admirably suited to sprinkler irrigation, being about 61 percent class 1. Ownerships are generally in small tracts, and no difficulty is anticipated in complying with the excess land provisions of reclamation law.

FEATURES OF BILL

The committee directs the attention of the Senate to certain features of S. 1088 to which particular consideration was given.

Fish and wildlife

As has been pointed out above, restoration of the anadromous fishery in the Touchet and Walla Walla Rivers, is in the national interest. The act of May 11, 1938 (52 Stat. 345), as amended August 8, 1946 (60 Stat. 932, 16 U.S.C. 755–757), recognized the Federal responsibility for anadromous fisheries conservation and development in the Columbia River Basin and authorized the Columbia River fishery development program.

The following is the fish and wildlife cost allocation indexed to January 1965 prices. The committee clearly intends, however, that half of the separable costs of resident fish and wildlife enhancement facilities, and of recreation facilities be borne by the appropriate local public body.

Fish and wildlife cost allocation indexed to January 1965 prices

[In thousands]

Item	Reported costs	January 1965 costs
Separable costs	$5,730	$5,941
Anadromous fish	4,467	4,628
Fish passage facilities at Dayton	(1,994)	(2,066)
Fish ladders at existing diversion	(9)	(9)
3,400 acre-feet of active storage	(1,769)	(1,833)
Outlet facilities	(695)	(720)
Resident fish and wildlife	1,263	1,313
Shoreline facilities for anglers	(188)	(198)
4,000 acre-feet of inactive storage	(1,075)	(1,115)
Joint costs	2,242	2,416
Total fish and wildlife allocation	7,972	8,357
Anadromous fish, separable costs:		
Sport	3,720	3,841
Commercial	747	787
Total separable costs (anadromous fish)	4,467	4,628

Municipal and industrial water

The committee considered the allocation of cost and the water charges for municipal and industrial water as recommended by the Department of the Interior. Under procedures generally approved by the committee, and properly applied by the Bureau of Reclamation, the water charges for municipal and industrial water supply are computed to return at least the total cost allocated to that purpose, with interest, within 50 years. The charges vary widely from one project to another, depending on the cost of providing the water and the delivery or conveyance facilities to be provided. In the Touchet division, the recommended charge of $10 per acre-foot would meet the requirement for payout and also result in some $300,000 of revenues which would contribute toward repayment of the portion of the costs allocated to irrigation which is beyond the ability of the irrigators to repay. This proposed water charge would be slightly less than the cost of water from an alternative single-purpose municipal water reservoir at the same location.

The committee urges that the Secretary of the Interior give intensive study to the question of charges for municipal and industrial water supplies from Federal water resource projects and that he submit to the Congress recommendations for uniform policies and procedures for the cost treatment of the municipal and industrial water function.

Recomputation of costs

The cost estimate presented in the feasibility report of the Department of the Interior was based upon April 1962 prices. This was used as the basis of the Department's economic and financial analyses for the report on the bill and for the testimony of the departmental witnesses before the committee.

At the committee's request, the Department checked the cost estimate on the basis of January 1965 prices and found that the total project cost had increased from $15,709,000 to $16,630,000. The increase is due to the continuing upward trend in construction costs and right-of-way prices and the inclusion of costs to build the relocated highway to current standards for current traffic instead of replacement in kind.

The cost increase is accounted for as follows:

Indexing construction costs (April 1962 to January 1965)	$550,000
Right-of-way cost increases	243,000
Highway relocation cost increase	128,000
Total	921,000

Since the feasibility report was completed, the committee also has received the revised benefit computation from the Corps of Engineers reflecting the flood experience of last December and January. The average annual flood benefits attributable to Dayton Dam are now $49,500, compared with the $42,150 used in our feasibility report.

Local administration of recreation facilities

The port district of Columbia County, Wash., has indicated its interest in assuming the responsibilities required of a local public body under section 3 of S. 1088.

Costs allocated to new purposes

The Executive recommended to the Congress allocation of costs to two relatively novel purposes: water quality and highway improvement.

The legislative basis for the first such recommendation to the Congress is found in the Federal Water Pollution Control Act Amendments of 1961, and the basis for the second recommendation is to be found in the Flood Control Act of 1962.

The committee concurred with these two recommendations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

OUR PURPOSE IN VIETNAM—THE PRESIDENT'S STATEMENT TO THE COUNTRY

Mr. MANSFIELD. Mr. President, the President's statement to the press and the country of yesterday and his calm and candid answers to questions were very helpful in making clear our purposes in Vietnam. He is seeking an honorable and prompt end to that conflict, not the beginning of a new war. Whatever additional military measures he has had to take are cast in that vein. He has opened the door wide to diplomats, to the United Nations, all nations, to join in a quest for a prompt peace under honorable conditions on all sides.

As one who participated in the three discussions he had with Members of the Congress—discussions which covered approximately 6 hours within a 24-hour period—I can state that they were conducted on a give-and-take basis, that all sides were heard and all sides considered. The decision which the President arrived at was not an easy one, but was one of five options which he gave consideration to and on which he did not make up his mind until almost the last moment. I know of no President who has discussed a situation of this nature with so many people to get their viewpoints or held so many meetings with his chief advisers in the executive branch of the Government, as well as with the legislative branch. He is deeply and personally immersed in what is going on and no one worries more about the possibilities and the potentials involved. He has had frank and candid advice which he has sought but he has arrived at his own decisions because they are, under the Constitution, his responsibility.

Mr. President, to indicate the lengths to which the President has stated publicly he will go, I ask unanimous consent that various excerpts from his press conference of yesterday be included at this point in the RECORD and that following them, the transcript of the President's news conference be incorporated in the RECORD en toto. Before this request is acted on, I would urge my colleagues and the public in general to note the nine excerpts which are taken out of the speech so that we will all have a better understanding of just how far the President is prepared to go in bringing the Vietnamese situation to an honorable conclusion through negotiations based on the Geneva accords, the proposals of the Government of North Vietnam, the use of the United Nations, representation by the Vietcong, and any other avenues which are open or can be opened. In my opinion, these are worthy of note and worthy of consideration by all who can read, who can see, and who can hear.

There being no objection, the excerpts and transcript were ordered to be printed in the RECORD, as follows:

Second, once the Communists know, as we know, that a violent solution is impossible, then a peaceful solution is inevitable. We are ready now, as we have always been, to move from the battlefield to the conference table.

I have stated publicly and many times, again and again, America's willingess to begin unconditional discussions with any government at any place at any time.

Fifteen efforts have been made to start these discussions, with the help of 40 nations throughout the world. But there has been no answer. But we are going to continue to persist, if persist we must, until death and desolation have led to the same conference table where others could now join us at a much smaller cost.

I have spoken many times of our objectives in Vietnam. So has the Government of South Vietnam. Hanoi has set forth its own proposals. We are ready to discuss their proposals and our proposals and any proposals of any government whose people may be affected, for we fear the meeting room no more than we fear the battlefield. And in this pursuit we welcome and we ask for the concern and the assistance of any nation and all nations.

And if the United Nations and its officials or any one of its 114 members can by deed or word, private initiative or public action, bring us nearer an honorable peace, then they will have the support and gratitude of the United States of America.

I've directed Ambassador Goldberg to go to New York today and to present immediately to Secretary General U Thant a letter from me requesting that all the resources and the energy and the immense prestige of the United Nations be employed to find ways to halt aggression and to bring peace in Vietnam.

But we insist and we will always insist that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the South or throughout all Vietnam under international supervision, and they shall not have any government imposed upon them by force and terror so long as we can prevent it.

As I just said, I hope that every member of the United Nations that has any idea or any plan, any program, any suggestion, that they will not let them go unexplored.

And as I have said so many times, if anyone questions our good faith and will ask us to meet them to try to reason this matter out, they will find us at the appointed place, the appointed time and the proper chair.

I have made very clear in my San Francisco speech my hope that the Secretary General under his wise leadership would explore every possibility that might lead to a solution of this matter. In my letter to the Secretary General this morning which Ambassador Goldberg will deliver later in the day, I reiterate my hopes and my desires and I urge upon him that he—if he agrees—that he undertake new efforts in this direction.

Ambassador Goldberg understands the challenge. We spent the weekend talking about the potentialities and the possibilities, our hopes and our dreams, and I believe that we will have an able advocate and a searching negotiator who, I would hope, could some day find success.

We have stated time and time again that we would negotiate with any government, any time, any place. The Vietcong would have no difficulty in being represented and having their views presented if Hanoi for a moment decides that she wants to cease aggression, and I would not think that would be an insurmountable problem at all. I think that could be worked out.

[From the New York Times, July 29, 1965]

TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC AFFAIRS

OPENING STATEMENT

South Vietnam

President JOHNSON. My fellow Americans. Not long ago, I received a letter from a woman in the Midwest. She wrote:

"DEAR MR. PRESIDENT: In my humble way I am writing to you about the crisis in Vietnam. I have a son who is now in Vietnam. My husband served in World War II. Our country was a war. But now, this time, it's just something that I don't understand. Why?"

Well, I've tried to answer that question dozens of times and more in practically every State in this Union. I have discussed it fully in Baltimore in April, in Washington in May, in San Francisco in June. And let me again now discuss it here in the East Room of the White House.

Why must young Americans, born into a land exultant with hope and with golden promise, toil and suffer and sometimes die in such a remote and distant place?

The answer, like the war itself, is not an easy one. But it echoes clearly from the painful lessons of half a century.

Three times in my lifetime—in two World Wars and in Korea—Americans have gone to far lands to fight for freedom. We have learned at a terrible and a brutal cost that retreat does not bring safety, and weakness does not bring peace.

And it is this lesson that has brought us to Vietnam.

This is a different kind of war. There are no marching armies or solemn declarations. Some citizens of South Vietnam, at times with understandable grievances, have joined in the attack on their own Government.

But we must not let this mask the central fact that this is really war. It is guided by North Vietnam and it is spurred by Communist China. Its goal is to conquer the South, to defeat American power and to extend the Asiatic dominion of communism.

And there are great stakes in the balance.

A Vital Shield

Most of the non-Communist nations of Asia cannot, by themselves and alone, resist the growing might and the grasping ambition of Asian communism.

Our power therefore is a very vital shield. If we are driven from the field in Vietnam, then no nation can ever again have the same confidence in American promise or in American protection.

In each land, the forces of independence would be considerably weakened, and an Asia so threatened by Communist domination would certainly imperil the security of the United States itself.

We did not choose to be the guardians at the gate, but there is no one else. Nor would surrender in Vietnam bring peace, because we learned from Hitler at Munich that success only feeds the appetite of aggression. The battle would be renewed in one country, and then another country, bringing with it perhaps even larger and crueler conflict, as we have learned from the lessons of history.

Moreover, we are in Vietnam to fulfill one of the most solemn pledges of the American Nation. Three Presidents—President Eisenhower, President Kennedy and your present President—over 11 years have committed themselves and have promised to help defend this small and valiant nation.

Strengthened by that promise, the people of South Vietnam have fought for many long years. Thousands of them have died. Thousands more have been crippled and scarred by war. And we just cannot now dishonor our word, or abandon our commitment, or leave those who believed us and who trusted us to the terror and repression and murder that would follow.

This, then, my fellow Americans, is why we are in Vietnam.

What are our goals in that war-stained land?

First, we intend to convince the Communist that we cannot be defeated by force of arms or by superior power. They are not easily convinced. In recent months they have greatly increased their fighting forces and their attacks and the numbers of incidents.

I have asked the commanding general, General Westmoreland, what more he needs to meet this mounting aggression. He has told me. And we will meet his needs.

Increase in Strength

I have today ordered to Vietnam the Air Mobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later and they will be sent as requested.

This will make is necessary to increase our active fighting forces by raising the monthly draft call from 17,000 over a period of time to 35,000 per month and for us to step up our campaign for voluntary enlistments.

After this past week of deliberations, I have concluded that it is not essential to order Reserve units into service now. If that necessity should later be indicated, I will give the matter most careful consideration and I will give the country due and adequate notice before taking such action, but only after full preparations.

We have also discussed with the Government of South Vietnam lately the steps that will—we will take to substantially increase their own effort, both on the battlefield and toward reform and progress in the villages. Ambassador Lodge is now formulating a new program to be tested upon his return to that area.

I have directed Secretary Rusk and Secretary McNamara to be available immediately to the Congress to review with these committees—the appropriate congressional committees—what we plan to do in these areas. I have asked them to be able to answer the questions of any Member of Congress.

And Secretary McNamara, in addition, will ask the Senate Appropriations Committee to add a limited amount to present legislation to help meet part of this new cost until a supplemental measure is ready and hearings can be held when the Congress assembles in January. In the meantime, we will use the authority contained in the present defense appropriation bill under consideration to transfer funds in addition to the additional money that we will ask.

These steps, like our actions in the past, are carefully measured to do what must be done to bring an end to aggression and a peaceful settlement.

We do not want an expanding struggle with consequences that no one can foresee, nor will we bluster or bully or flaunt our power. But we will not surrender, and we will not retreat.

For behind our American pledge lies the determination and resources, I believe, of all of the American Nation.

Ready To Negotiate

Second, once the Communists know, as we know, that a violent solution is impossible, then a peaceful solution is inevitable. We are ready now, as we have always been, to move from the battlefield to the conference table.

I have stated publicly and many times, again and again, America's willingness to begin unconditional discussions with any Government at any place at any time.

Fifteen efforts have been made to start these discussions, with the help of 40 nations throughout the world. But there has been no answer. But we are going to continue to persist, if persist we must, until death and desolation have led to the same conference table where others could now join us at a much smaller cost.

I have spoken many times of our objectives in Vietnam. So has the Government of South Vietnam. Hanoi has set forth its own proposals. We are ready to discuss their proposals and our proposals and any proposals of any Government whose people may be affected, for we fear the meetingroom no more than we fear the battlefield. And in this pursuit we welcome and we ask for the concern and the assistance of any nation and all nations.

And if the United Nations and its officials or any one of its 114 members can by deed or word, private initiative or public action, bring us nearer an honorable peace, then they will have the support and gratitude of the United States of America.

Letter to U Thant

I've directed Ambassador Goldberg to go to New York today and to present immediately to Secretary General U Thant a letter from me requesting that all the resources and the energy and the immense prestige of the United Nations be employed to find ways to halt aggression and to bring peace in Vietnam.

I made a similar request at San Francisco a few weeks ago because we do not seek the destruction of any government nor do we covet a foot of any territory. But we insist and we will always insist that the people of South Vietnam shall have the right of choice the right to shape their own destiny in free elections in the South or throughout all Vietnam under international supervision, and they shall not have any government, imposed upon them by force and terror so long as we can prevent it.

This was the purpose of the 1954 agreements which the Communists have now cruelly shattered. And if the machinery of those agreements was tragically weak, its purposes still guide our action. And as battle rages we will continue as best we can to help the good people of South Vietnam enrich the condition of their life, to feed the hungry, and to tend the sick, and teach the young, and shelter the homeless, and help the farmer to increase his crops, and the worker to find a job.

It is an ancient but still terrible irony that while many leaders of men create division in pursuit of grand ambitions, the children of men are really united in the simple, elusive desire for a life of fruitful and rewarding toil.

As I said in Johns Hopkins at Baltimore, I hope that one day we can help all the people of Asia toward that desire—and Eugene Black has made great progress since my appearance at Baltimore in that direction—not as the price of peace, for we are ready always to bear a more painful cost, but rather as a part of our obligations of justice toward our fellow man.

Painful Duty

And let me also add now a personal note. I do not find it easy to send the flower of our youth, our finest young men, into battle. I have spoken to you today of the divisions and the forces and the battalions and the units, but I know them all, every one. I have seen them in a thousand streets of a hundred towns in every State in this Union—working and laughing and building and filled with hope and life. And I think I know, too, how their mothers weep and how their families sorrow.

And this is the most agonizing and the most painful duty of your President.

And there is something else, too. When I was young, poverty was so common that we didn't know it had a name. An education was something that you had to fight for, and water was really life itself. I have now been in public life for 35 years, more than three decades, and in each of those 35 years I have seen good men and wise leaders struggle to bring the blessings of this land to all of our people.

And now I am the President. It is now my opportunity to help every child get an education, to help every Negro and every American citizen have an equal opportunity, to help every family get a decent home, and to help bring healing to the sick and dignity to the old.

As I have said before, that is what I've lived for, that's what I've wanted all my life since I was a little boy, and I do not want to see all those hopes and all those dreams of so many people for so many years now drowned in the wasteful ravages of cruel wars. And I'm going to do all I can do to see that that never happens.

But I also know, as a realistic public servant, that as long as there are men who hate and destroy we must have the courage to resist or we'll see it all—all that we have built, all that we hope to build, all of our dreams for freedom, all, all—will be swept away on the flood of conquest.

So, too, this shall not happen. We will stand in Vietnam.

Voice of America chief

Now what America is and was and hopes to stand for, as an important national asset, telling the truth to this world, telling an exciting story, is the Voice of America. I classify this assignment in the front rank of importance to the freedom of the world, and that is why today I am proud to announce to you the name of the man who will direct the Voice of America.

He is a man whose voice and whose face and whose mind is known to this country and to most of the entire world. His name is John Chancellor.

Mr. Chancellor was born 38 years ago in Chicago. For more than 15 years he has been with the news department of the National Broadcasting Co. During that time he has covered the world, in Vienna, London, Moscow, New York, Brussels, Berlin, and Washington.

Since 1964 he has been with you, one of the White House correspondents.

This, I think, is the first time in history of the Voice of America that a working newspaperman, a respected commentator, and experienced independent reporter has been given the responsibility of leadership and direction in this vital enterprise. I think he understands the challenges that are present and the achievements that are possible. And I am satisfied that the Voice of America will be in imaginative, competent, reliable, and always truthful hands.

Stand up, John, will you, please?

Fortas to Supreme Court

The President has few responsibilities of greater importance or greater consequence to the country's future than the constitutional responsibility of nominating Justices for the Supreme Court of the United States.

I am happy today here in the East Room to announce that the distinguished American who was my first choice for the position now vacant on the Supreme Court has agreed to accept this call to this vital duty. I will very shortly, this afternoon, send to the U.S. Senate my nomination of the Honorable Abe Fortas to be an Associate Justice of the Supreme Court.

For many, many years I have regarded Mr. Fortas as one of this Nation's most able and most respected and most outstanding citizens, a scholar, a profound thinker, a lawyer of superior ability, and a man of humane and deeply compassionate feelings toward his fellow man, a champion of our liberties. That opinion is shared by the legal profession and by the bar of this country, by Members of Congress, and by the leaders of business and labor and other sectors of our national life.

Mr. Fortas has, as you know, told me on numerous occasions in the last 20 months that he would not be an applicant or a candidate or would not accept any appointment to any public office. And this is, I guess, as it should be, for in this instance the job has sought the man. Mr. Fortas agrees that the duty and the opportunity of service on the highest court of this great country is not a call that any citizen can reject.

So I am proud for the country that he has this morning accepted this appointment and will serve his country as an Associate Justice of the Supreme Court.

I will be glad to take your questions now for a period. I'll have a little water here.

QUESTIONS

1. If Hanoi escalates

Question. Mr. President, in the light of the decisions on Vietnam which you've just announced, is the United States prepared with additional plans should North Vietnam escalate its military effort? And how do you anticipate that the Chinese Communists will react to what you've announced today?

Answer. I do not want to speculate on the reactions of other people. This Nation is prepared and will always be prepared to protect its national interests.

2. Duration of War

Question. Mr. President, you haven't talked about a timetable in connection with Vietnam. You have said and you repeated today that the United States will not be defeated, will not grow tired.

Donald Johnson, national commander of the American Legion, went over to Vietnam in the spring and later called on you. He told White House reporters that he could imagine the war over there going on for 5, 6, or 7 years. Have you thought of that possibility, sir? And do you think the American people ought to think of that possibility?

Answer. Yes. I think the American people ought to understand that there is no quick solution to the problem that we face there. I would not want to prophesy or predict whether it would be a matter of months or years or decades. I do not know that we had any accurate timetable on how long it would take to bring victory in World War I. I don't think anyone really knew that it would be 2 years or 4 years or 6 years to meet with success in World War II. I do think our cause is just. I do think our purposes and objectives are beyond question.

I do believe that America will stand united behind her men that are there. And I plan as long as I'm President to see that our forces are strong enough to protect our national interests and our right hand constantly protecting that interest with our military and that our diplomatic and political negotiations are constantly attempting to find some solution that would substitute words for bombs.

And as I have said so many times, if anyone questions our good faith and will ask us to meet them to try to reason this matter out, they will find us at the appointed place, the appointed time, and the proper chair.

3. *Ghanaian's mission*

Question. With the representative of the Government of Ghana in Hanoi now talking with the foreign minister of North Vietnam about the war in Vietnam, do you see any indication that something good will come of these talks?

Answer. We are always hopeful that every effort in that direction will meet with success. We welcome those efforts, as we welcomed the Commonwealth proposal, as we welcomed Mr. Davies' visit [Harold Davies of Britain's Labor Government] as we welcomed the Indian suggestion, as we weclomed the efforts of the distinguished Prime Minster of Great Britain, and others from time to time.

As I just said, I hope that every member of the United Nations that has any idea or any plan, any program, any suggestion, that they will not let them go unexplored.

4. *Guns and butter*

Question. Mr. President, from what you have outlined as your program for now, it would seem that you feel that we can have guns and butter for the foreseeable future. Do you have any idea right now, though, that down the road a piece the American people may have to face the problem of guns or butter?

Answer. I have not the slightest doubt but whatever it's necessary to face, the American people will face. I think that all of us know that we are now in the 52d month of the prosperity that's been unequaled in this Nation, and I see no reason for declaring a national emergency, and I rejected that course of action earlier today when I made my decision.

I cannot foresee what next year or the following year or the following year would hold. I only know that the Americans will do whatever is necessary. And at the moment we enjoy the good fortune of having an unparalleled period of prosperity with us, and this Government's going to do all it can to see it continue.

5. *Missile site in north*

Question. Mr. President, can you tell us whether the missile sites in North Vietnam that were bombed yesterday were manned by Russians, and whether or not the administration has a policy about Russian technicians in North Vietnam?

Answer. No, we have no information as to how they were manned. We cannot speak with any authority on that matter. We made the decision that we felt our national interest required, and as those problems present themselves we will face up to them.

6. *Chiang Kai-shek's role*

Question. Mr. President, sir, I wonder if you've had any communications from Chiang Kai-shek that he's ready to go to war with you.

Answer. We have communicated with most of the friendly nations of the world in the last few days, and we have received from them responses that have been encouraging. I would not want to go into any individual response here, but I would say that I have indicated to all of the friendly nations what our problems were there, the decision that confronted us, and asked for their help and for their suggestions. Mr. Roberts.

7. *Soviet confrontation*

Question. Mr. President, given the Russian military involvement, or apparent involvement, on the side of Hanoi on the one side, and the dialog which Mr. Harriman has been conducting for you on the other, as well as the disarmament talks in Geneva at the moment, could you tell us whether you believe this war, as you now call it, can be contained in this corner of southeast Asia without involving a United States-Soviet confrontation?

Answer. We would hope very much that we could, and we will do nothing to provoke that confrontation that we can avoid. As you know, immediately after I assumed the Presidency, I immediately sent messages to the Soviet Union. We have had frequent exchange of views by letter and by conversation with Mr. Gromyko and Mr. Dobrynin, and we are doing nothing to provoke the Soviet Union.

We are very happy that they agreed to resume the disarmament conference. I went to some length to try to extend ourselves to make the proposals that I would hope would meet with acceptance of the peoples of the world. We would like to believe that there could be some success flow from this conference, although we haven't been too successful. I know of nothing that we have in mind that should arouse the distrust or provoke any violence on the part of the Soviet Union.

8. *Reliance on Saigon*

Question. Mr. President, does the fact that you're sending additional forces to Vietnam imply any change in the existing policy of relying mainly on the South Vietnamese to carry out offensive operations and using American forces to guard American installations and to act as an emergency backup?

Answer. It does not imply any change in policy whatever. It does not imply any change of objective.

9. *United Nations move*

Question. Mr. President, would you like to see the United Nations now move formally as an organization to attempt to achieve a settlement in Vietnam?

Answer. I have made very clear in my San Francisco speech my hope that the Secretary General under his wise leadership would explore every possibility that might lead to a solution of this matter. In my letter to the Secretary General this morning which Ambassador Goldberg will deliver later in the day, I reiterate my hopes and my desires and I urge upon him that he—if he agrees—that he undertake new efforts in this direction.

Ambassador Goldberg understands the challenge. We spent the weekend talking about the potentialities and the possibilities, our hopes and our dreams, and I believe that we will have an able advocate and a searching negotiator who, I would hope, could someday find success.

Miss Craig.

10. *Presidential powers*

Question. Mr. President, what are the borders of your power to conduct a war? At what point might you have to ask Congress for a declaration?

Answer. I don't know. That would depend on the circumstances. I can't pinpoint the date on the calendar or the hour of the day. I have to ask Congress for their judgments and for their decisions almost every hour of the day. One of the principal duties of the office of President is to maintain constant consultation. I have talked to, I guess, more than 50 Members of Congress in the last 24 hours. I have submitted myself to their questions and the Secretary of State and Secretary of Defense will meet with them tomorrow and they're ready to answer any question that they may need.

Up to now, we have had ample authority, excellent cooperation, a united Congress behind us and—as near as I could tell from our meetings last night with the leaders and from my meetings today, with the distinguished chairmen of committees and the Members of both parties—we all met as Americans united and determined to stand as one.

11. *Hatfield's remarks*

Question. Mr. President, in this connection, however, last night one of the leading Governors of the Republicans said some rather strong things. Governor Hatfield, of Oregon, said the most recent escalation of action in Vietnam is moving all the people of the earth closer to World War III and we have no moral right to commit the world and especially our own people to World War III unilaterally or by the decision of a few experts. This seems to imply rather strong criticism of present policies. Do you care to express any reaction?

Answer. Yes, I don't interpret it that way. I think there are dangers in escalation. I don't think I have any right to commit the whole world to World War III. I'm doing everything I know how to avoid it. But retreat is not necessarily the best way to avoid it.

I've outlined to you what I think is the best policy. I would hope that Governor Hatfield and the other Governors, when they understand what we are doing and when I have a chance to submit myself to their questioning and to counsel with them, would share my view.

I know they have the same concern for the American people and the people of the world as I do. And I don't believe our objectives will be very different.

As a matter of fact, I asked the Governors, if they could, to come here at the conclusion of their deliberations and I will ask them—I will have my plane go to Minneapolis tomorrow—and I believe 43 of the 48 have indicated a desire to come here.

I will give them all the information I can—confidential, secret, and otherwise—because I have great respect for them and their judgment, their opinions, and their leadership. And it's going to be necessary in this effort. I will also have the Secretary of State and Secretary of Defense review with them all their plans and answer any of their inquiries and we hope resolve any doubts they might have. Miss Nancy.

12. *Personal feelings*

Question. Mr. President, after the week of deliberations on Vietnam, how do you feel—in the context of your office? We always hear it's the loneliest in the world.

Answer. Nancy, I'm sorry, but the camera and the microphone—I didn't get your question. Raise the microphone up where I can hear, and you camera boys give her a chance.

Question. Mr. President, I say, after the week of deliberations on Vietnam, how do you feel personally? Particularly in the context that we always hear, that your office is the loneliest in the world.

Answer. Well, I don't agree with that. I don't guess there's anyone in this country that has as much understanding and as much help and as many experts and as good advice—many people of both parties trying to help him as they are me. Of course, I admit I need it more than anybody else.

Question. Mr. President, would you be willing to——

Answer. Nancy, I haven't been alone in the last few days. I've had lots of callers.

13. Talks with Vietcong

Question. Mr. President, would you be willing to permit direct negotiations with the Vietcong forces in South Vietnam?

Answer. We have stated time and time again that we would negotiate with any Government, any time, any place. The Vietcong would have no difficulty in being represented and having their views presented if Hanoi for a moment decides that she wants to cease aggression, and I would not think that would be an insurmountable problem at all. I think that could be worked out.

14. Gardner appointment

Question. Mr. President, to shift the subject just a moment. Does your appointment of Mr. Gardner suggest that there will be less interest now in the creation of a separate Department of Education?

Answer. No, not at all. My appointment of Mr. Gardner suggests that I looked over America to find the very best man that I could to lead us forward to become an educated Nation where every child obtains all the education that he can take, and where the health of every citizen is his prime concern, and where the social security system is brought into needs with the 20th century.

And after canvassing some 40 or 50 possibilities, I concluded that Mr. Gardner was the best man I could get, and I asked his board to relieve him of his duties and release him to the Government so that he could furnish the dynamic leadership officially that he has been furnishing unofficially to us. And he told me yesterday morning that he was prepared to do that. And I remembered that I hadn't asked him what State he lived in, where his permanent residence was, so I could put it on the nomination paper, or what party he belonged to. And he rather—well, maybe somewhat hesitatingly said, "I'm a Republican."

I don't mean that his hesitating meant any particular significance.

But I was happy that he said that, because a good many Republicans voted for me, and I don't want to be partial or partisan in this administration. And I like to see leadership of that kind come from the Republican ranks, and so I told him that if he had no objection I would announce very promptly his appointment, and I hoped that he would give us American leadership without regard to party, and that's what I think he will do, and I believe all the Nation will be proud of him, as we are of Secretary Celebrezze.

Question. Thank you, Mr. President.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KUCHEL. To the extent that I may be permitted to say so, as a member of the minority, I join the leader of the majority party in the Senate in the statement which he has made. The painful and tragic decision made by President Eisenhower was one that was inevitable.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The time of the Senator has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Speaking for the American people, the President had no other choice. As I said in the Senate a few weeks ago, the cause of freedom in the world is in danger.

The people in the Government of the United States have a responsibility for the cause of freedom. Cringing in the face of danger, retreat before the Red menace facing South Vietnam will not bring peace with honor.

There are two ways of life on this globe: First, the way of freedom as we know it; the other, as practiced by communism and, in this instance, fanatical, implacable Asiatic communism. In time of danger the American people rally behind their President. This is such a time.

The hour is late, but the door to peaceful discussion remains open, as the Chief Executive made very clear, once again.

Mr. MANSFIELD. I appreciate the statement of the senior Senator from California, the assistant minority leader.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to my good friend, the distinguished senior Senator from Vermont.

Mr. AIKEN. I should like to say, in support of the statement of the majority leader, that in spite of the fact that the President has called for 50,000 more troops in South Vietnam at this time, his statement of yesterday was the most encouraging and the farthest step toward peace, if the rest of the world wants peace, that we have had up to date when he stated that we were willing to sit down at the table, even with Hanoi, to discuss means of settling the southeast Asia situation.

That was a very long step toward going at least halfway, and probably a little more than halfway. As I see it, much now depends upon the United Nations. The United Nations has an opportunity to demonstrate whether it is an effective agency to bring about peace and to maintain peace in the world.

I am optimistic over the appointment of Arthur Goldberg as our Ambassador to the United Nations. But whether peace or war comes is largely a question which is up to the Communist countries, particularly Russia, to answer. If Russia desires peace, President Johnson has indicated that we will meet them halfway.

There are two countries—the United States of America and the Union of Soviet Socialist Republics—that can restore and maintain peace in the world if they so desire. I would warn, however, that we cannot expect peace to come overnight or reassurance of peace to come overnight. It is necessary to save face. There is the matter of national honor, or call it what one will. I do not know how national honor would be served by having several hundred million dead people in the world, or what it would be worth to us afterward; but we cannot expect the nations most seriously involved to back away from their positions overnight. It will have to be an inching operation, possibly. If Russia is unwilling to attempt to settle this matter, she must bear the major part of the responsibility if a greater war should come.

Mr. MANSFIELD. I thank the Senator from Vermont.

Mr. LAUSCHE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. LAUSCHE. I join in the remarks of the majority leader, the Senator from California [Mr. KUCHEL], and the Senator from Vermont [Mr. AIKEN].

There has been considerable talk about the failure of the President attempting, at a peace table, to bring to an end the violence that now exists in South Vietnam. An examination of the record will disclose that President Johnson has repeatedly and strenuously attempted to bring about an understanding that would end the violence. It began in 1962 with the creation of the Laos accord. The U.S. Government yielded and agreed to create a three-headed government in Laos. That yielding was prompted by the desire to restore peace in southeast Asia.

However, instead of the accord working as anticipated by the devotees in the free world, the Laotian border, on the eastern side, has been used as the means of transporting equipment and troops into South Vietnam.

Since 1962, repeated evidences have appeared concerning the efforts of President Kennedy and President Johnson to bring about an understanding. I shall not mention them all, but I shall mention a few.

We used other states as a medium of contacting Hanoi and Russia to bring about an understanding. We used U Thant, of the United Nations. Hanoi refused even to listen to us and did not grant him an audience.

We used the Cambridge speech made by the President a short time ago. The Commonwealth Nations of Great Britain assembled a delegation which was sent to Hanoi to attempt to reach an understanding. That delegation was not granted an audience.

I concur completely in the statement of the Senator from Vermont. We have gone beyond the half way mark. We have yielded to the point where some people can justify saying that we have gone too far.

I have the deepest compassion for the President with respect to the decision he had to make. It was not an easy one. The Nation was listening with avid ears to what he would say upon the subject.

But there are times when cold reality demands courageous action, action that is reflective of what needs to be done to preserve the Nation and to guard against future unlimited loss of life.

I listened to the President's talk yesterday. I could not help having the deepest sympathy for him in the burden he had to carry. But a realistic study of the facts leads me to believe that there was no other course for him to follow. It was painful for him to say to the youth of the country, "I am calling upon an increased number of young men to join in the national defense"; but that was all he could do.

I commend the Senator from Montana for his statement. I join other Senators who have spoken in the utterance of a judgment that may seem heavy to the people of the country; but it is the only judgment that is available at this time.

Mr. PROXMIRE. Mr. President, I join the majority leader and other Senators who have spoken on the President's statement of yesterday.

I reiterate one point made by the majority leader: For the first time, the President said that we will negotiate, we will discuss, we will deal with the North Vietnamese on their terms—I repeat on their terms—not ours, thanks.

As the majority leader indicated, "their terms" means that the Vietcong may be brought in. We are not necessarily agreeing that the Vietcong be given status; but we are willing to discuss the situation with them, as the President has said, at any time, anywhere, and unconditionally.

However, at this point, one other element of the President's speech should be stressed. Grim and difficult as it may be for many Senators to accept the situation, it seems to me that if peace with the Communists is to be achieved, it is necessary not only to speak soft words but also to carry a big stick. It is necessary to make the kind of commitment in force that will prove that the President means it when he says that we will fight if we have to, however long it may take to fulfill whatever commitment the United States must make. Only this kind of concrete action will really convince the Communists that the losses they will suffer—the economic devastation—if they persist in this aggression—will not be worth while. Only this really makes negotiations and peace sensible to them.

The big stick was there.

The President has shown that he means business by saying that he will double our troop commitments and double the draft calls. This is just as necessary an element in achieving peace, in my judgment, as the constructive and positive elements of the President's excellent speech.

Mr. JAVITS. Mr. President, I join with my colleagues in saying a word about the message of the President yesterday.

I addressed myself briefly to this subject yesterday, and my remarks today are made upon reflection. Laying aside the tremendous value to be gained from congressional consideration of what is being done—which I believe would result in a real crystallization of sentiment behind the President and behind the basic objectives of our country in South Vietnam which are now very clearly shown to be modest and restrained—and without in any way repeating what has already been magnificently said, I wish very much to associate myself with the point made by the Senator from Vermont [Mr. Aiken] that if the Russians willed it, they and the United States could see that peace was brought to Vietnam through the assistance of NATO countries and other organizations of which we are a member.

I agree thoroughly with the point raised by the Senator from Wisconsin [Mr. Proxmire] that the statement of the President is a great step forward. It demonstrates our willingness to negotiate even upon the proposals put forth by Hanoi and, as the Secretary of State had already made clear, to proceed to negotiate even if the Vietcong are represented in the North Vietnamese delegation.

I should like to add to all of those points, with which I thoroughly agree, and to the backing of the President essentially, with which I also thoroughly agree, that we must constantly appraise the military feasibility of our presence in South Vietnam. I do not wish to see the United States get itself involved in another Dien Bien Phu.

It is for that reason that I believe the President of the United States acted very wisely when he used such restraint in limiting the amount of force to be used in the struggle to the amount of force required, instead of endeavoring to employ overwhelming force.

I am sure that the President had two contrary courses open to him: to take the restrained and modest action which he did take or, on the other hand, to use a vastly increased force of equipment and men in an effort to overwhelm the Vietcong with the determination of the United States to win this struggle, to declare a state of national emergency and to call up the reservists.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional five minutes.

The PRESIDING OFFICER. Without objection, the Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. Mr. President, the President made our determination very clear; at the same time, he demonstrated our willingness to negotiate and buttressed his statement of willingness by stressing the use of the United Nations and our readiness to negotiate even upon the proposals of Hanoi.

I believe that the President has stated a most wise course in this respect. However, I still hope that we may have the opportunity for a definitive debate which would marshal the country behind a moderate and reasonable American policy.

I hope very much that the President will take comfort in the fact that this moderate and reasonable policy is the right approach, as evidenced by the fine reception which his statement to the country has received, and by the support of myself and many others who have from time to time asked questions and expressed serious doubts concerning the policies being pursued.

CONCURRENT RESOLUTION OF NEW YORK LEGISLATURE MEMORIALIZING OPPOSITION TO PROPOSED REAPPORTIONMENT CONSTITUTIONAL AMENDMENT

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the Record a concurrent resolution of the Legislature of the State of New York memorializing Congress and the State legislatures to oppose efforts being made to amend the Constitution with respect to the apportionment of legislatures.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

New York Senate Resolution 168

(Concurrent resolution of the Legislature of the State of New York memorializing the Congress of the United States and the legislatures of all the States to oppose efforts which are being made to promote an amendment to the constitution which would permit one house of a bicameral legislature to be apportioned on a basis other than equal treatment of citizens or residents)

Whereas efforts are being made in the legislatures of the several States and in the Congress of the United States to promote an amendment to the Constitution which would permit one house of a bicameral legislature to be apportioned on a basis other than equal treatment of citizens or residents; and

Whereas such an amendment would partially nullify the historic and salutory decision of the U.S. Supreme Court that people must be given equal privileges of representation regardless of their place of residence, by permitting an unrepresentative house to veto the actions of a more representative house; and

Whereas the unequal representation of States in the U.S. Senate is not pertinent in this connection because the States were sovereign and independent entities whose equal representation was naturally demanded and necessary in order to create a Federal union and there is no such sovereign status in the districts of a State legislature; and

Whereas there are at least as many special interests requiring representation in proportion to population in the thickly settled areas of the States as in the sparsely settled areas; and

Whereas the principle of majority rule requires that districts with a minority of the people of a State should not be able to outvote in a legislative body districts with a substantially greater number of people, as has often happened in this and other States and will happen again if the proposed amendment should prevail: Now, therefore, be it

Resolved, That the legislature of the State of New York strongly opposes the proposed amendment and supports the decision of the U.S. Supreme Court requiring equal treatment of a State's people in its representative bodies as a fundamental bulwark of democratic self-government; and be it further

Resolved, That copies of this resolution be sent to the Governors and the majority and minority leaders of the legislative bodies of all the States and to all Members of the Congress of the United States.

By order of the senate,

George Van Lengen,
Secretary.

RESOLUTIONS PASSED BY WESTERN GOVERNOR'S CONFERENCE RELATIVE TO WESTERN STATES WATER COUNCIL

Mr. MOSS. Mr. President, a number of resolutions passed at the Western States Governors' Conference held recently in Portland, Oreg., contained recommendations for action by the Congress. Among the important subjects which were discussed and upon which the assembled Governors offered counsel were oil shale leasing, public lands administration, minerals taxation, import controls to protect domestic resources industries, and others. I assure our Western Governors that we in the Congress will heed the words they have written.

To my mind, however, far the most significant resolution passed was their first one, which was unanimously adopted, and which established and financed a Western States Water Council, with a permanent staff and central office, to effect cooperation among the Western States in integrating water resource development.

The resolution recognizes that the water problems of one State or one area of the West are the water problems of all Western States and areas, and that full integration may require the removal of water from areas of water surpluses to areas of water deficiencies. The resolution, of course, recognizes the rights of upstream users of water which originate in their area, or which flow through it, and these rights must be safeguarded. But the approach is realistic and practical in the resolution. It serves no purpose to have water wasting away in one part of the West while communities and farms are withering up in another part for want of that water. The West can prosper most, and best, if it prospers together.

I ask unanimous consent that this history-making resolution establishing the Western States Water Council be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

WESTERN GOVERNORS' CONFERENCE, PORTLAND, OREG., JUNE 10–13, 1965

WESTERN STATES WATER COUNCIL

Whereas the future growth and prosperity of the Western States depend upon the availability of adequate quantities of water of suitable quality; and

Whereas the need for accurate and unbiased appraisal of present and future requirements of each area of the West and for the most equitable means of providing for the meeting of such requirements demands a regional effort: Now, therefore, be it

Resolved, by the western Governors' conference, That it approves the creation of a Western States Water Council to be established in general conformity with the organizational pattern of the attached suggested rules of organization developed by the Western Water Resources Task Force appointed by the members of this conference; and be it further

Resolved, That the members of this conference will take all feasible steps to provide the support to give effective meaning to the creation of such a council, including the establishment, upon recommendation of the council, of a staff and central office to be financed in an amount not to exceed the sum of $150,000 for the first year from appropriations by each of the member States equally.

SUGGESTED RULES OF ORGANIZATION WESTERN STATES WATER COUNCIL

ARTICLE I—NAME

The name of this organization shall be "The Western States Water Council."

ARTICLE II—PURPOSE

To accomplish effective cooperation among Western States in planning for programs leading to integrated development of their water resources.

ARTICLE III—PRINCIPLES

Except as otherwise provided by existing compacts, the planning of western water resources development on a regional basis will be predicated upon the following principles for protection of States of origin:

1. All water-related needs of the States of origin, including but not limited to irrigation, municipal and industrial water, flood control, power, navigation, recreation, water quality control, and fish and wildlife preservation and enhancement shall be considered in formulating the plan.

2. The rights of States to water derived from interbasin transfers shall be subordinate to needs within the States of origin.

3. The cost of water development to the States of origin shall not be greater than would have been the case had there never been an export from those States under any such plan.

ARTICLE IV—FUNCTIONS

1. Encourage large-scale, comprehensive planning for regional water development by State, Federal and other appropriate agencies.

2. In the formulation of plans for regional development of water resources, criteria be prepared to protect and further State and local interests.

3. Undertake continuing review of all large-scale interstate and interbasin plans and projects for development, control or utilization of water resources in the Western States and submit recommendations to the Governors regarding the compatibility of such projects and plans with an orderly and optimum development of water resources in the Western States.

ARTICLE V—MEMBERSHIP

1. The membership of the council shall consist of not more than three representatives of each of the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming appointed by and serving at the pleasure of the respective Governors. The States of Alaska and Hawaii shall be added to membership if their respective Governors so request.

2. Member States may name alternate representatives for any meeting.

3. Any State may withdraw from membership upon written notice by its Governor.

ARTICLE VI—EX OFFICIO MEMBERS

The Governors of the member States shall be ex officio members and shall be in addition to the regularly appointed members from each State.

ARTICLE VII—OFFICERS

The officers of the council shall be the chairman, vice chairman, and secretary-treasurer. They shall be selected in the manner provided in article VIII.

ARTICLE VIII—SELECTION OF OFFICERS

The chairman and vice chairman, who shall be from different States, shall be elected from the council by a majority vote at a regular meeting to be held in July of each year. The secretary-treasurer shall be appointed by and serve at the pleasure of the chairman and need not be a member of the council. The chairman and vice chairman shall serve a 1-year term but shall be eligible for reelection.

ARTICLE IX—VOTING

Each State represented at a meeting of the council shall have one vote. A quorum shall consist of a majority of the member States. No matter may be brought before the council for a vote unless advance notice of such matter has been mailed to each member of the council at least 30 days prior to the meeting at which such matter is to be considered; provided, that matters may be placed on the agenda at any meeting by unanimous agreement of those States represented at the meeting. In any matter put before the council for a vote, other than election of officers, any member State may upon request obtain one automatic delay in the voting until the next meeting of the council. Further delays in voting on such matter may be obtained only by majority vote. No recommendation may be issued or external position taken by the council unless by unanimous vote of all member States, except, however, on all internal matters action may be taken by majority vote.

ARTICLE X—CONDUCT OF MEETINGS

Except as otherwise provided herein, meetings shall be conducted under Robert's Rules of Order, Revised.

ARTICLE XI—MEETINGS

The council shall have one regular meeting each year in the month of July at a time and place to be decided by the chairman. Special meetings may be called by the chairman or by a majority of the member States upon 30 days' written notice.

ARTICLE XII—LIMITATIONS

The work of the council shall in no way defer or delay authorization or construction of any projects now before Congress for either authorization or appropriation.

ARTICLE XIII—AMENDMENT

These articles may be amended at any meeting of the council by unanimous vote of the member States represented at the meeting. The substance of the proposed amendment shall be included in the call of such meeting.

SHOWING OF FILM "AFRICA TODAY" ON THURSDAY, AUGUST 5, 1965

Mr. **ELLENDER.** Mr. President, it will be recalled that I made an extensive trip of Africa during 1962. I took about 7,500 feet of film on that trip.

From that film I produced a full reel entitled "Africa Today." I have shown this film on several occasions in the Senate auditorium. I have been asked by quite a few Senators and others to have another showing.

So I have decided to show "Africa Today" in the auditorium of the New Senate Office Building on Thursday, August 5, at 2:30 p.m. for one showing, and at 7 p.m. for another showing. I am hopeful that Senators who wish to see the film will take this opportunity to do so.

THE PRESIDENT'S SPEECH ON VIETNAM

Mr. **CLARK.** Mr. President, yesterday I listened with keen interest to the remarks of the President of the United States at his press conference with respect to the unhappy situation in Vietnam. I have not made any comment on the President's address. I do not intend to do so for the time being, other than to ask unanimous consent that an editorial entitled "This Is Really War," which appeared in today's New York Times, be printed in the RECORD at this point as a part of my remarks, and to indicate my general approval of the point of view expressed in the editorial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THIS IS REALLY WAR

The President's measured speech to the Nation yesterday could leave no doubt about the seriousness of the situation in which this country finds itself today in respect to the war in Vietnam.

The United States is now fighting a land war in Asia—a limited one so far but nevertheless a war on the Asiatic Continent. It is a war to which more men, materiel, and money must daily be committed—not to achieve an evanescent victory but to prevent further deterioration in the American military position. It is a war in the jungles of Asia against an ever-growing and well-trained guerrilla force that is fighting in its own kind of country among its own people to overthrow a government, of no popular standing or strength, with which the United States is allied.

It is a war the primary goal of which now—so far as the United States is concerned—is to convince the Communists that they cannot achieve their aims in Vietnam by force of arms. And it is a war which, as both the President and Ho Chi Minh have indicated, could go on for months, years, or decades.

Despite the deep difficulties of the present and the tremendous implications for the future, few Americans will quarrel with President Johnson's determined conclusion to hold on in Vietnam. This is quite different from saying we will bring the other side to its knees.

The President is now encouraging Ambassador Goldberg to see what the United Nations or any member country can do to bring about negotiations. It is vital to keep open the door to a parley, and Mr. Johnson specifically mentioned his willingness to discuss Hanoi's own proposals. The possibilities of utilizing the 1954 Geneva Agreement need further exploration, as the President again indicated. However, it should be recognized that the breakdown of the 1954 treaty was as much the fault of Saigon and Washington as it was of Hanoi.

But—no doubt because of the deteriorating military situation which President Johnson has just taken steps to arrest—the Communists in recent months have shown no indication whatsoever of a willingness to negotiate. Therefore, the problem that faces the President and the American people today is to convince the Chinese and Vietnamese Communists that, as Mr. Johnson said, "a violent solution is impossible." This goes for both sides. The Government of the United States knows this and publicly recognizes it, and is ready "to move from the battlefield to the conference table" without preconditions.

The President made it very clear yesterday that he intends a controlled and severely limited operation on the part of the United States; and this is as important a point as could be made. It is fruitless at this stage to argue over errors of past policy, going back to 1954 and even further beyond. What is vital is that this war of the United States in Vietnam be held down to the absolute minimum necessary to prove to Hanoi and Peiping that military aggression is not worth while and never will be.

Mr. CLARK. Mr. President, I hope that in the conduct of the war in the months ahead every effort will be made to minimize American casualties without in any way weakening our position in defending those parts of Vietnam which are controlled by ourselves and our allies in Saigon.

VICE PRESIDENT HUMPHREY'S ADDRESS BEFORE NATIONAL GOVERNORS CONFERENCE

Mr. CLARK. Mr. President, on July 27, at Minneapolis, Minn., at the National Governors Conference, the Vice President of the United States delivered a fine address, which I believe should be called to the attention of my colleagues and all readers of the CONGRESSIONAL RECORD.

I ask unanimous consent that a copy of the address may be printed in the RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY VICE PRESIDENT HUBERT HUMPHREY AT THE NATIONAL GOVERNORS CONFERENCE, MINNEAPOLIS, MINN., JULY 27, 1965

Our Government, over these past few days, has been reaching important decisions.

Such decisions challenge us. They test our fiber.

We face adversaries who are tenacious and strong and arrogant.

We face a new and sophisticated assault—an assault from an enemy organized in detail, trained in depth, skilled in a kind of warfare we Americans have only begun to understand.

South Vietnam is the testing ground for the so-called war of national liberation—a contest in which totalitarians believe they can defeat the forces of the most advanced of all democratic nations. In South Vietnam our adversaries seek to demonstrate decisively that arrogant militancy—and not peaceful coexistence—is the path to follow.

But, great as it is, the challenge we face today in Vietnam is only one of many challenges which confront us.

We no longer live safe in our continental refuge. There is no place to hide. There is no security in isolation.

While our Nation enjoys the greatest prosperity in history, and possesses unequaled power, we also live in mounting danger and uncertainty.

The world is filled with disorder, violent change, yes, revolution.

We must face the fact that there are modern weapons which can destroy the civilized world in a half-hour's time.

We must face the fact that two-thirds of the world is poor, hungry, and sick, and the gap between the rich nations and the poor nations widens each year. These restless, poor and yet proud people demand by whatever means, something better. This two-thirds of the world is the target for those who promise quick and easy solutions to old and complex problems.

The globe is exploding with people.

We are engulfed in great waves of scientific and technological change which we do not fully understand and which can overcome us or save us.

We must master science and technology so that it may serve man.

We must learn the techniques of defeating the new tactics of aggression.

But we must also learn this truth: The mere existence of deep poverty in the world is not only unjust—it is an invitation to freedom's destruction.

And we must realize that this gigantic task of helping others to help themselves, of resisting aggression and protecting freedom can only be sustained if America, the leader of free nations, is powerful and united.

Today in southeast Asia, and elsewhere, we carry burdens. They require great allocation of our resources to national security and defense.

Nevertheless, even should these burdens grow heavier, we must still devote ourselves to building a better society here at home.

For our wealthy Nation has resources for both defense and social justice, for national security and domestic well-being.

Today we face no choice between guns and schools, ammunition and medical care.

We face instead long-term, continuing necessities on many fronts—necessities which are within our power to meet.

For the only way we Americans will be able to carry out world burdens in the years ahead will be by creating today a strong, healthy and cohesive society.

We know there are great tasks ahead in our own country.

In 5 years, 211 million people will live here. Half of them will be under age 25. Within 10 years we will need—each year—over 2 million new homes, welfare and health facilities for 5 million more people over age 65, transportation systems to move goods and people, fresh air and light and open space.

United we can seize the future and shape it for the good of man. Divided we will become the future's victim.

I have seen the great American space launchings at Cape Kennedy. I have seen Americans working together there—scientists and technicians, military officers, men from our universities, the giant prime contractors, the smaller subcontractors, officials of Government, business, labor, and medicine.

I have seen these people—not defending their separate sovereignties but contributing to a partnership, a common cause, for the benefit of this Nation and all people. I have seen them there—dedicated to excellence and success.

To see Cape Kennedy is to know what men can do.

It is a great lesson for our time.

That same dedication and unity of effort that have vaulted us into the far reaches of space must be applied throughout all our society.

We can no longer afford the debility of disunity. We can no longer tolerate the cancers of hate and discrimination.

We must no longer divide ourselves by emotional appeals and labels—northerner, southerner, labor boss, economic royalist.

In interdependence is the new dimension of international security, it is even more so a fact and requirement of domestic strength.

Today there are those who take for granted our role as leader of the free world—just as some take for granted our democratic American heritage. But I ask you to consider that role.

The mantle of leadership is not a cloak of comfort, but rather the robe of responsibility.

Leadership does not permit a person or a nation license or luxury.

Leadership imposes responsibility and affords few privileges.

Today, to deserve and insure that leadership, we must build a nation of men and women able to fulfill the hopes of those who came before us and to lay the groundwork for the yet-unborn generation to follow us.

Today the world asks: What is the nature of today's American?—this American being tested as never before.

I see today's American as the same restless, adventurous, citizen as his forebears.

I see this fellow American as the son or daughter of a rich Nation and yet a person of conscience, with a deep concern for the fate of his fellowman.

I see him as one who has defeated the enemies of freedom, yet extends the hand of friendship and cooperation to build a new and better world community.

I see today's American surrounded by materialism, yet questioning its value. Impatient with things as they are, but not impetuous in remedy or judgment, Generous but not patronizing. Motivated by ideal, but satisfied only with accomplishment. Strong, but not belligerent. Willing to debate, but able to decide.

And the American of this generation believes that the world need not destroy itself by war. He knows that the pursuit of peace is an act of courage and that resisting aggression is the duty of free men.

Perhaps the qualities I see in today's American are those I wish to see. For these are the qualities that must strengthen our people in a time of trouble and danger.

But I believe my thinking is not wishful. For today in America we are increasingly agreed upon common goals, in our States, in our cities, in our country.

Today in our society we increasingly recognize that what we do today will make tomorrow.

Together, as Americans, we are forging a society of strength and justice and opportunity. And, despite those who would turn us in other directions, we must move ahead in our determination.

That all Americans will have an education which can give them opportunity to lift themselves.

That all Americans will have an equal right to vote.

That older Americans will have adequate medical care.

That we can make our cities better places in which to live and work in safety and health.

That we should preserve this Nation's beauty, history and natural resources.

That we must give the aging, poor and bypassed hope for life and work.

That we should open our doors again to immigrants who can enrich and lend new vitality to our national life.

That we should help others too in less-fortunate places to find a better life.

That we shall defend our Nation, and those who seek freedom, against attack.

That we shall not drop the torch of international leadership.

We will need patience, perseverance, inner strength to meet the forces moving through the world, to preserve the peace above all, in the words of our President, "to press forward, not for our gain and our greatness alone, but rather for the gain and the good of all mankind."

I believe we Americans will prove equal to the hard tasks ahead.

We shall pursue, with resolution, the restoration of peace in southeast Asia. We shall prove to the aggressors that the cost of aggression comes too high and that they must leave their neighbors alone. We shall once again demonstrate by unequivocal action and deed that force of arms will not drive freedom from the field.

And, make no mistake about it, if aggression succeeds in one part of this world, it will quickly follow elsewhere. If we fail to stand today, we shall have to stand tomorrow.

We shall uphold freedom's cause wherever that cause is threatened—in another corner of the world or even in a darkened corner of our own country.

I believe that Americans will not only embrace, but lead, the real revolution of our times—the revolution which took flame from our own in America—the revolution toward opportunity, human dignity, self-determination and self-respect for each child entering life.

We are the progenitors of this world revolution of emancipation and liberty. It is our obligation. In our strength and wealth, to give it continued life.

We are the defenders and the advocates of that immortal and continuing commitment to all mankind:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

We cannot stand aside and let totalitarians seize and distort to their own diabolical purpose the hopes and aspirations of the needy, the poor, the weak.

We can and we will make the promise of America come true: One nation, under God, indivisible with liberty and justice for all.

We must, with strong and active faith, move forward. If we do, I believe that, in the end, history will say that this was a time when man's free spirit came under mortal threat, and man prevailed.

ACTION ON THE HOME FRONT—ADDRESS BY DAVID E. PRICE, M.D., DEPUTY SURGEON GENERAL

Mr. CLARK. Mr. President, I have for many years been convinced that governmental action as well as private and civic action in the area of population control was required if we are to leave our children and grandchildren a country, and indeed a globe, which they can inhabit.

I ask unanimous consent that a speech entitled "Action on the Home Front," delivered by David E. Price, Deputy Surgeon General, presented to the Symposium of Population Growth and Birth Control at Boston University on April 23, 1965, may be printed in the RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ACTION ON THE HOME FRONT

(By David E. Price, M.D., Deputy Surgeon General, Public Health Service, Department of Health, Education, and Welfare, presented to the Symposium of Population Growth and Birth Control, Boston University, Boston, Mass., Apr. 23, 1965)

I welcome the opportunity provided by this Symposium on Population Growth and Birth Control to discuss the domestic activities of Government in this field.

Tracing the events that lead to Federal action back to their early beginnings—or, more exactly, attempting to trace them—is almost certainly a futile, but nevertheless a fascinating, exercise. Somewhere, sometime, of course, one first person has to have recognized an existing or impending problem and to have suggested, in broad terms at least, the remedy that eventually will be adopted. Typically, he will find few followers and a notable lag phase occurs.

But if the problem is real and the remedy a sound one in the context of the knowledge of the times, it is bound to occur to others in due course. The discussion widens—gradually at first, and then rapidly—and in the process two purposes are served. Definitions of the problem and of methods for dealing with it are refined and updated, and the public is informed of the issues.

Since we are a democracy, and since the powers of our Government are derived from the consent of the governed, it follows that considerable public discussion and agreement on the need for action, and on the feasibility of the action, must occur before a governmental program can be effective. Unless there is something approaching a consensus before a program is initiated, and unless a consensus is maintained thereafter, that program is not likely to have a long life. As an example, I give you prohibition.

Population problems have usually been seen from two separate viewpoints. One sees the problem of total population in relation to natural resources and the state of technology—an economic viewpoint. The other considers the problems of individuals, whether the total population is expanding or not—I'll call it a humanitarian approach. It has taken some time for these separate schools to make common cause.

The economic viewpoint, the recognition of the problems to be created by limited natural resources in relation to an expanding population, is usually traced back to Thomas Robert Malthus, although (and here I take Lord Keynes as my authority) the principal point had been largely made by several earlier 18th century writers, but without creating any particular stir. It was not an argument to impress this country during the 19th and early 20th centuries, especially since it appeared to have been refuted, for all practical purposes, by the industrial revolution.

Our natural resources seemed inexhaustible. American communities competed with each other for population and boasted of their successes. Rapid growth of population was considered to be synonymous with prosperity. And of course it was, at least for some.

Since then, but for the most part only in very recent years, we have had some sober, second thoughts.

Until fairly recently, any attention that has been given to assistance in family planning in this country has been largely motivated by concern for individuals rather than by broad economic considerations. A point frequently overlooked is that such assistance has not been concerned only with methods for preventing conception. It has also helped in methods for promoting conception and in preventing miscarriages for women who want but have not been able to bear children. It has assisted arranging for the adoption of children.

The more usual service, of course, is helping people to prevent conception so that their children may be spaced, and the tragedy of unwanted children, of children who cannot be cared for adequately, will be avoided. At stake here are the well-being, the physical and mental health, of the parents and of all the children of the family, wanted and unwanted alike. These services have been given entirely by voluntary groups and private physicians. Until very recently, government has not been involved. Indeed, the legality of such activity, even by private practitioners, has been at least questionable in some jurisdictions.

Reaching a consensus to permit a reversal of public policy is usually a difficult and tortuous road, and this one has been no exception.

In 1941, in answer to an inquiry, the Acting Surgeon General of the Public Health Service wrote, "It is the policy of the Public Health Service to cooperate with the health departments of the various States in the programs that they decide are in the best interest of the protection and advancement of the health of the people whom they serve. Should a State department of health decide on its own initiative to undertake a child spacing program in accordance with the health laws of the State, the Public Health Service would give the proposal the same consideration as would be given to any other proposal in connection with the health program of the State."

The record does not show any takers, but the point had been made.

The rapidly growing birth rate that followed World War II stimulated discussions in Government and in professional and voluntary organizations of the need for Government action, but support was not obtained. The discussions had not yet reached a wide enough audience, so that there was no real national understanding of the seriousness of the situation. In 1959, President Eisenhower said, "I cannot imagine anything more emphatically a subject that is not a proper political or governmental activity * * * this government will not * * * as long as I am here, have a positive political doctrine in its program that has to do with this problem of birth control. That's not our business."

This remained the policy of the Federal Government until 1961, when President Kennedy, in a special message on foreign aid, said, "The magnitude of the problem is staggering. In Latin America, for example, population growth is already threatening to outpace economic growth. And in some parts of the continent, living standards are actually declining * * * and the problems are no less serious or demanding in other developing parts of the world."

When in July 1962 Mr. Celebrezze became Secretary of Health, Education, and Welfare he directed that a somewhat outdated compilation previously made by the National Institutes of Health of the status of research on human reproduction with special reference to birth control be brought up to date and published. This was accomplished in December 1962 and the report became the zero milestone in assessing the total research effort in this field.

Then, in January of this year, in his state of the Union address, President Johnson made his often quoted statement, "I will seek new ways to use our knowledge to help deal with the explosion in world population and the growing scarcity in world resources."

What are we doing, and what needs to be done?

Clearly, the most urgent task is to put to use fully the knowledge we already have. At the same time we must step up our research efforts, both biomedical and sociological. The third job, the one on which the other two depend for their success, is the training of people to work in this field.

There are three sources of Federal funds available to States and localities which wish to establish family planning services and put our knowledge to work. One source is the Children's Bureau of the Welfare Administration, which administers a grants-in-aid program for projects which give comprehensive medical care to disadvantaged mothers and children. These grants, along with State and local funds, are the principal source of support for the family planning services included in maternal health programs administered by State and local health departments. While many States have been providing such services on a limited scale for a number of years, family planning services received a major impetus with the enactment of the Maternal and Child Health and Mental Retardation Planning Amendments of 1963. One section of this statute provides a new authorization for project grants for comprehensive maternity and infant care programs for women in low-income families who have conditions which are hazardous to themselves and to their infants. Family planning has been included in all projects that have been approved so far under this authorization.

A second source of Federal funds are the general health grants-in-aid to States administered by the Public Health Service. Determination of the kinds of activities a State includes as a part of its public health program is a prerogative of each State. If a State determines that the provision of family planning information or services is an activity to be undertaken as part of its public health program, it may do so and, upon request, could use general health grant funds to assist in financing such activities. The advantage of services under this program would be that they would be open to all people rather than only to people who qualify on the basis of need for other services, as is the case in other family planning programs receiving Federal support.

The third source of Federal funds is the Office of Economic Opportunity, which administers the antipoverty program. In its community action programs, the Office of Economic Opportunity will approve family planning services if the community wishes to undertake that activity. This program is just getting underway, so there is no way yet to know how many communities will place an emphasis on family planning.

Of course, no agency of the Federal Government has authority to force States or localities to give family planning services, but the growth of interest in such services has been encouraging. There is reason to believe it is now gaining momentum.

In 1963 the Association of State and Territorial Health Officers recommended "that its members recognize the importance of family planning and that States desiring to do so should be encouraged to proceed in program development."

Surveys, conducted in 1963 and 1964, indicated that the number of States (including the District of Columbia and Puerto Rico) in which family planning services were available in at least some local governmental maternal and child health clinics had increased from 12 in 1963 to 20 in 1964. The Children's Bureau reports that this has since increased to 25. The number of State health departments that had, either in addition or instead, a specific policy of referring women in need of family planning service to a nongovernmental source of those services increased from 16 in 1963 to 23 in 1964.

For research, both the Public Health Service and the Children's Bureau provide funds under programs substantially expanded on the recommendation of Secretary Celebrezze. The Children's Bureau is especially interested in supporting studies that will evaluate the various methods of family planning with particular reference to different socioeconomic groups. Several such studies are now underway.

The Public Health Service supports medical research and research training principally through the National Institutes of Health. This research includes clinical, biomedical, and behavioral studies. At present population research is centered within the much larger program in reproductive biology at the National Institute of Child Health and Human Development which is one of the nine Institutes. In addition, some of the other Institutes such as the National Cancer Institute and the National Institute of Mental Health also support projects in this field.

Research in reproductive biology includes biological and behavioral studies in humans and experimental animals which will lead to our better understanding of the multitude of factors involved in the creation and development of healthy, new individuals. The reproductive biological program within the NICHHD currently supports 224 research grants and 64 training grants and fellowships. The total budget is over $7 million.

It is difficult to differentiate the research which is specifically devoted to fertility control since so much research in reproduction has the potential of eventually providing useful knowledge. At present the NICHHD provides about $500,000 a year in the support of research determined to be directly related to population problems. This is admittedly a small amount but the fact remains that the Federal Government is supporting such important work. The Public Health Service actively encourages the use of these resources for the support of sound scientific research projects which deal with this important human problem.

In addition, through training programs and fellowships within universities and at NIH itself, the Public Health Service is helping to increase the number of research scientists competent to work in this field. Training people for work on population problems is perhaps, in the long run, the most important job we have.

Through its training programs, fellowships, research associate programs, development awards, and by enlarging its own staff, the National Institute of Child Health and Human Development is helping to increase scientific competence in reproductive biology, including behavioral and sociological aspects. Training activities in the endocrinology programs of the National Institute of Arthritis and Metabolic Diseases, in the cancer detection programs of the National Cancer Institute, and the behavioral studies programs of the National Institute of Mental Health also contain elements germane to this field.

Another unit of the Public Health Service, the Division of Community Health Services, is supporting projects to provide students in a school of public health with a knowledge of the biological and social factors related to variations on the health and growth of populations and to provide special training to a group of physicians, health educators, and nurses to prepare them to serve as administrators of, or consultants to, family planning programs.

The Children's Bureau also provides grants to universities for graduate training in maternal and child health in schools of public health, schools of nursing, schools of social work, and elsewhere.

The Food and Drug Administration, another unit of our department, is responsible for evaluating safety and efficacy of drugs including the oral contraceptive pills. This is done through monitoring the use of the drug during its investigational phase and the evaluation of the product before it appears on the market for use by the physician in his daily practice.

These actions by Government are being substantially reinforced by actions of the medical profession. The American Medical Association has formed a committee on human reproduction that is hard at work compiling a handbook for physicians to help assure the widest availability of up-to-date knowledge and skilled professional services. This is one step in carrying out the recommendation of the House of Delegates of the American Medical Association "that the prescription of child-spacing measures should be made available to all patients who require them, consistent with their creed and mores, whether they obtain their medical care through private physicians or tax- or community-supported health services."

To sum up, then, our job is threefold: To continue to help States and localities make family planning available based on existing knowledge; to speed up research in all aspects of human reproduction and population dynamics so that knowledge may be improved; and to increase greatly our training of personnel so that the inevitably heavy demand for their services may be met.

The career opportunities in this field are great. I hope that some of you will become permanently involved in what I believe to be extraordinarily interesting pioneering work. The problems are not all solved and exciting developments lie ahead.

Mr. CLARK. Mr. President, this speech is an excellent summary of what is being done by various agencies and departments in connection with the vital problem of population growth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CLARK. Mr. President, I ask unanimous consent that I may proceed for not more than 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

"WHILE GUNS ROAR A QUIET LAW REVOLUTION FOR PEACE"—ADDRESS BY CHARLES S. RHYNE BEFORE AMERICAN TRIAL LAWYERS ASSOCIATION CONVENTION

Mr. CLARK. Mr. President, in my view, we have the duty of mounting a counter peace offensive, an offensive which will persuade the people of the United States and the entire world that while the United States is committed, for reasons which seem appropriate to our President, and indeed to our country, to military operations both in the Dominican Republic and in South Vietnam, nevertheless the main thrust of our country's policy and our State Department's foreign policy is in the order of peace, to seek a just and lasting peace.

There has come to my attention an extraordinarily fine address, entitled "While Guns Roar a Quiet Revolution for Peace," delivered by Charles S. Rhyne, former president of the American Bar Association, and now chairman of the Washington World Conference on World Peace Through Law, before the American Trial Lawyers Association Convention at Miami Beach, Fla., on July 27, 1965.

I ask unanimous consent that a copy of those remarks be printed in the RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHILE GUNS ROAR, A QUIET LAW REVOLUTION FOR PEACE

(Address by Charles S. Rhyne, chairman, Washington World Conference on World Peace Through Law, past president, American Bar Association, before the American Trial Lawyers Association Convention, Fontainebleau Hotel, Miami Beach, Fla.)

While the headlines, newscasts, columnists and pundits concentrate on futilities, frustrations, and uncertainties of Vietnam, Santo Domingo, and other places where guns are blazing and men are dying, a quiet and, as yet, largely unrecognized revolution is gathering momentum worldwide. It is a revolution in the field of law designed to make law strong enough to replace force as the major method of dispute resolution between nations. That revolution is growing in strength to the point where the headline writers, newscasters, and others, must soon awaken to its existence and its significance.

While President Johnson has spend about as much time with Mr. Justice Goldberg as with Secretary McNamara last weekend, I hardly expect the President to announce now a plan for a massive law buildup as a replacement for a massive arms buildup for Vietnam. But I am here to testify that Mr. Justice Goldberg's appointment and other evidence proves that the arms race slowly but surely will, in time, be replaced by the law race which is being mobilized worldwide. I come to seek your support for a winning effort for law.

You and I are trial lawyers. We accept only those facts which are backed by substantial evidence. I now present my evidence to prove the new status of law in the world community as support for my plea for your help.

The need for new and stronger law rules, and new and stronger courts and legal institutions, stands at the heart of the world's need for stability and order. That the time is ripe for great progress toward this goal is demonstrated by the ever-accelerating interest and support of the leaders of nations and the burgeoning efforts of leaders of the 1 million members of the legal profession in 120 nations. The law and those of us who breathe life into the law must share the advances, passions, and the needs of our time. The education explosion, the scientific and technical wonders of our day, the nearly instant world communications, the dread of atomic annihilation, the rising expectations of some peoples, the interdependence of all peoples, and related factors, have combined to forward this growth of interest in and hope for the rule of law. Gone is the idea that war is synonymous with relations among nations. The atomic bomb did this. There is a detectable surge toward acceptance of law as a replacement for war and our task as lawyers must be to feed and give substance to that surge.

President Johnson appears to be placing world order under the rule of law at the top of his political masthead. Soon the great pundits will wake up and solemnly so proclaim this as fact and perhaps even hail it as a dramatic shift from reliance upon force to reliance upon law. Frankly, we must maintain our power as a shield while we build this new world of law but the building is underway in earnest. The program to do this challenges and defies the imagination as it has not been even blueprinted before.

Unlike the day of Alexander the Great and Napoleon no nation's leader can today win eternal fame through war leadership. The road to glory is the highway marked "world peace" and the law is the only proven pavement yet developed by the mind of man. And leaders of nations are beginning to recognize this. President Johnson's performance to date convinces me that he could be the one to lead this seemingly impossible effort.

With the President leading the governmental effort, our great Chief Justice of the United States, Earl Warren, doing an extraordinary effort of leadership, the new role of Mr. Justice Goldberg, and the vast private initiative I shall speak of, it is my belief that for the first time in history this goal of a world ruled by law is within reach. Our response to this great challenge and opportunity must be creative, quick, and adequate.

Let me begin the presentation of my evidence. I could quote statements by Grotius nearly 400 years ago and statements urging a rule of law for the world community by Presidents from Woodrow Wilson to John F. Kennedy's dramatic inaugural plea for "a new world of law where the strong are just, and the weak secure, and the peace preserved forever." I could also quote the many statements by President Johnson, Secretary of State Rusk, and others in support of a world ruled by law. But I choose to begin my evidence with President Johnson's statement 1 week ago in announcing the appointment of Mr. Justice Arthur Goldberg to succeed Adlai Stevenson as our U.N. Ambassador that:

"At different periods, over the past 20 years, we have had varying concerns in our constant and continuing efforts for world peace. But always—and never more than now—we strive for a world where all men may live in peace with the hope of justice under the rule of law over the conduct of nations.

"Committed as we are to this principle and this purpose, it is fitting that we should ask a member of our highest court to relinquish that office to speak for America before the nations of the world."

In accepting, Mr. Justice Goldberg said:

"Throughout my life I have been deeply committed to the rule of law. The law gives form and substance to the spirit of liberty and to mankind's sacred stir for justice.

"It now comes that the President has asked me to join in the greatest adventure of man's history—the effort to bring the rule of law to govern the relations between sovereign states."

My call to you—in fact to all lawyers and all judges—is that we join Justice Goldberg in this "greatest adventure of man's history." This great adventure is primarily a lawyer's job. Either we do the major work or it will not be done at all. It is not primarily a job for engineers, scientists, or ministers of the gospel, even though law is crystallized public opinion and we need public support. This is a public service the legal profession must perform. Divorce lawyers, criminal lawyers, corporate lawyers, tort lawyers, tax lawyers, every type of lawyer in small towns and big cities all over the world from Argentina to Yemen are now engaged in this joint enterprise. All are acting in their private capacity. All working without pay. All contributing their experience, talent, and money. We are soldiers in the battle for world peace and our client is humankind. We must substitute court dockets for death-dealing rockets, briefs for bombs, words for warheads, and court decisions for bloody devastation of the battlefield.

But let me return to July 8, 1965, when President Johnson in the presence of Mr. Justice Goldberg, President F. Lewis Powell, Jr., of the American Bar Association, President-elect Edward W. Kuhn of the ABA, Attorney General Nicholas Katzenbach and other law leaders proclaimed the first World Law Day ever to be held saying:

"The foundation for the peace of mankind within and among nations is a system of law and legal institutions. * * * We seek to assure substance for the dream of a world that is ruled by law * * * this year, in September, the leaders of the law of many nations will assemble here in Washington * * * they will confer on this most vital and most basic subject of strengthening the hope for world peace by strengthening the rule of law among nations of the world. And so to honor this significant occasion, I am today proclaiming September 13, 1965, as World Law Day."

President Johnson is right in his assessment of the importance of the great World Law Conference that is to take place in Washington, D.C., this September 12–18, 1965. It will be a truly unique peace gathering and a major milestone along the ever more discernible road to a world ruled by law. Two thousand leading judges, lawyers and law professors from over 100 nations will sit down together to consider and adopt a program of research, education and cooperation designed to give increased momentum to the growing initiative to make law and courts a major factor in world affairs. The greatest men of the law from all over the world will take part. Concrete steps will be considered and adopted to translate man's age-old ideal of a world ruled by law from dream into reality. A world law code, a world court system, as well as numerous other law rules and legal institutions are being formulated. They will not be presented as a finished product at the conference for it will take years of concentrated effort to accomplish this. But my story is that this work is in fact underway and the Washington conference will give impetus to these essential tasks.

All nations have a law system and a court system—be it weak or strong, usual or unusual by our standards, decreed by one man or adopted by a democratically elected legislature. Law is the foundation of society and civilization. History teaches that in nation after nation law has replaced force as the controlling factor among each nation's peoples. A handy example is shown daily on TV where "the law" replaces the six-gun in western movies. A program whereby the law replaces atomic bombs is a must if nuclear holocaust is to be prevented. That the task is difficult should not be a deterrent to a generation that has split the atom, put a man into space and will soon put a man on Mars and the Moon.

From the four corners of the globe, speaking all languages, belonging to all creeds or none, living under all political systems, those attending the Washington world conference will be the greatest international assemblage of high court judges, practicing lawyers, Government lawyers and teachers of law in the history of mankind.

Headed by the Chief Justice of the United States, Earl Warren, and the Chief Justice of the World Court (International Court of Justice), Sir Percy Spender, the array of legal talent thus generated has never been exceeded. Because of the prestige, learning and capacity of the participants, the actions of the Conference should make a tremendous impact on the ever-accelerating program for world peace through law.

The Conference is private and financed from private sources such as foundations and corporations, but chiefly by law firms and individual lawyers. These contributions now add up to more than $400,000. In amount they range from $5 to over $1,000 and more are being received daily from all over the world as contributions from lawyers in any amount are most welcome. The more money we have the better job we can do. If you are wondering whether I am asking you for money, I am.

These Conference documents demonstrate that the 8-year-old research program designed to collect the basic information needed for the work program to strengthen the world's law and judicial institutions has been largely successful. Concrete facts and results are thus available to undergird this program and to assure its future progress. The facts contained in these documents also record the ever-growing worldwide dialog on improvements and reforms in the field of law. From the report on newly developing Afghanistan and its new constitution to England's current drive to update its ancient criminal law and our own dramatic advances in the field of civil rights and individual liberties. In fact, in many nations including Russia the major reform in law is more protection and rights for the individual. And the major reform in international law is the new trend toward providing protections and liberties for the individual under the new world law rules and in the new international courts and legal institutions now coming into being. For centuries international law and courts related to and were largely confined to nations and the new trend is most meaningful in its obvious importance. This new status under world law for the individual accounts in no small measure for the new and growing interest and support which are making international law a major factor in world affairs.

The Conference documents to the nonlawyer are a fascinating panorama of a little known part of civilization for today, as in the past, law and courts remain mysterious to most of the world's nonlawyers. These studies further prove that everywhere law is taken for granted like the air we breathe, or the water we drink, and that it is a new idea to consider that law can indeed grow and be expanded through concentrated research as did science in splitting the atom and conquering space. Science has proved that growth progress flows directly from the concentration of sufficient manpower, brainpower, and money. And public support for a research and development program in law, similar to that of the past 20 years in science, is a major part of the picture before the legal profession at this great World Conference. These Conference law studies prove that just as the world's peoples slowly awakened to the benefits to them from expanded scientific development and then wholeheartedly backed that expansion, so too are the world's peoples slowly but surely awakening to the promise and potential of a peaceful world ruled by law.

The collection of information in the Conference documents is not only more comprehensive in scope but it is also unique. No such overall compilation on the law and courts in the world—both nationally and internationally—has ever been done before as the basis of work by such an international law Conference. In past Conferences there has been a separation of national and international law without full realization of the fact that a strong international law system must be based upon strong national law systems and that the two go hand in hand. This law Conference will thus have the best broad overview of the world's law and courts ever put together to serve as a foundation for their effort. And because they will have the whole picture they will be able to work better on its weaknesses and gaps. Further, the volume entitled "Law and Judicial Systems of the World—Lawyer and Law School Directory" will also serve as a fund of information whereby the delegates may know what law exists in other nations, and how their own law systems compare. The directory will enable continuous contacts with each other for further information. This sharing of the law heritage of the world is bound to help improve the law of all nations as well as international law.

That this new private initiative is effective worldwide is shown by the attention governments are giving to it. As in the case of President Johnson, heads of State, Governors, and mayors all over the world are proclaiming World Law Day and encouraging their lawyers and judges to attend the World Conference. Local exhibits of law codes and other law instruments are also being planned throughout the world on World Law Day.

This Conference is one of those great moments in history when men of good will gather to advance the cause of world peace. These men and women of the law will have no trouble understanding each other. They speak a common language. The language found in universal principles of the law. But sessions of the Conference will be simultaneously translated into French, Spanish and English. All books, workpapers and other documents will also be in these three languages. But special arrangements for Russian, Japanese, Chinese and other languages have been made through use as interpreters of foreign law students from abroad now studying in the United States who will serve as aids to the distinguished visitors.

As we of the law counsel together on specific steps to fufill the law's historic mission of assuring peace within and among nations, we will, however, have more aids going for us than ever existed before. We will have more information on national and interational law, more ways of understanding each other, and more preparation work than ever yet done on a world law conference.

The delegates will have 4 basic documents before them to assist them in their work: (1) A workbook of 300 pages summarizing existing international law and international judicial institutions; (2) a summary of existing national law, and national judicial institutions in 103 nations plus a lawyer, law school, and judicial directory covering judicial and law leaders of these 103 nations; (3) a special workpaper giving more detail than is contained in the workbook by one of the world's leading experts on each subject to be covered in 12 work sessions; and (4) the first volume of a world law code containing the treaties of most effectiveness on a worldwide basis.

The subjects to be covered by the 12 work sessions are: (1) Increasing use and usefulness of the World Court; (2) creation and jurisdiction of regional, trial and specialized courts; (3) existing and proposed international arbitration tribunals; (4) international law in domestic courts; (5) international and satellite communications; (6) law guarantees for foreign investments; (7) space law; (8) laws affecting human rights; (9) international judicial cooperation; (10) disarmament law; (11) protection of patents and copyrights; and (12) law problems of multination corporations in internatonal trade.

But above all, these compilations for the Conference on both international and national law prove that the rule of law is growing stronger day by day and that law is more used and useful day by day. For example, the United Nations itself and its specialized agencies have generated more law and more legal institutions in the past 20 years than was created in all the past years of recorded history. This contribution to law growth alone proves the U.N.'s great value but it is often overlooked in the dire moaning over the veto in the Security Council and dues impass in the Assembly. And this fact will give Mr. Justice Goldberg a real foundation for his law leadership through the U.N. The facts in the workbook on the Common Market also prove the great value of an international court for there it is recorded that this Market's Supreme Court of Justice has decided over 1,000 cases over the past few years between nations that formerly used war as their ultimate method of decision. The Conference documents are literally chuck-full of similar facts proving law's recent dramatic growth and usefulness internationally.

The Conference has generated a number of "firsts," all designed to bring law sources, traditions, and heritage to bear on the work program to expand and create more law. more courts, and more legal institutions to further world peace. Among these are: (1) The first world gathering of high court judges of nations; (2) the first World Law Day; and (3) the first World Exhibit of Law Codes and Historic Instruments of the Law, collected from all over the world including England's Magna Carta (750 years old this year), our own Constitution, Bill of Rights, and similar documents from many nations. Current law codes of nations, law books and United Nations and other international law documents will also be exhibited not only at the Conference but in national and state capitals, city halls, courthouses, bar headquarters, libraries and other public buildings all over the world in honor of World Law Day.

Copies of the provisional program, and brochures in three languages, on World Law Day and the World Exhibit of Law Codes, and Historic Instruments of the Law have been released. There have been all kinds of world exhibits on everything from airplanes to waste disposals for kitchens but this is in fact the first law show ever held on a world basis. It should be interesting to view the law codes of nations in their native languages and thrilling to see the great historic law instruments which have meant so much in humankind's slow crawl upward from caveman to the space age. All the "golden" eras of history where man benefited most from improvements in his economic and social status have been eras of great advances in law. From the oldest known law code, Hammurabi's Babylon law code in 2000 B.C., to the Law of Moses in 1450 B.C., to Justinian's Roman Law Code of A.D. 6, to our own Constitution in 1787, growth in the field of law has been synonymous with recognition of human liberties and advancement of the status of the individual.

While the conference is the major legal event of International Cooperation Year, this agenda of research, information, and cooperation contains ideas of advance law in the world which have been 8 years in the making. This program was launched by the American Bar Association during its historic meeting in London in 1957. Since then the interest, support, and cooperation has been secured of the leaders of over 1 million judges and lawyers in 120 nations. A meeting has been held for the lawyers on each continent; i.e., in Tokyo for Asia, Lagos for Africa, Rome for Europe, and San Jose, Costa Rica, for the American Continent, and a World Conference attended by over 1,000 delegates from 102 nations was held 2 years ago in Athens, Greece. At the World Conference the World Peace Through Law Center was created to serve as the secretariat for the work program there adopted and is entirely self-sustaining from dues paid by lawyers. The center now has a worldwide membership, a staff of 27, monthly and other publications, and will shortly open a world headquarters in Europe for which it has been given a grant of $100,000 to erect a building. Already the 60 working committees of the center have generated a plan for a new court system, new law rules and similar programs. Ideas talked about for centuries are being hammered into concrete programs by these committees. The volume containing the Athens proceedings—a veritable storehouse of fact and history on international law—was published by West Publishing Co., and is available to anyone who wishes to purchase it.

To the past conferences heads of state sent over 100 messages attesting to their belief in the ultimate goal of a world ruled by law. Already similar messages are being received for the September conference.

The friendship created at these conferences among law leaders of the world and the resulting ever-accelerating worldwide dialog on law, its processes and institutions, and their aid to world peace, have been major contributions to the advance of world peace through law.

I would like to stress that this new initiative for the triumph of the age-old idea of world peace through law has become more than an American initiative, it has indeed become the program for peace of the world's legal profession.

The Washington world conference will consider and adopt a program to give substance to the towering ideal that a world ruled by law will be a world at peace. This means expansion and acceleration of the work program adopted at Athens 2 years ago. It also means approval of concerete steps to match our words with a program to give them substance.

This is a once-in-a-lifetime conference for the lawyers of the United States. Future world conferences will be held in other nations. So be sure you attend. I remind that every judge, lawyer, or law professor may attend. Laymen may also attend as observers. Advance registrations from 96 countries now total over 1,200, insuring that our goal of 2,000 judges, lawyers, and law professors from over 100 nations will be achieved.

The eyes of the legal world most certainly, and perhaps those of the lay people of the world as well, will be focused hopefully on this Washington World Law Conference. I believe that this is the time and we are the people to give reality to the great ideal which is our goal. As the Conference labors to create conditions for world peace by strengthening the world's law and judicial institutions no one can wish it ill. Every man, woman, and child is bound to benefit, and no one can be hurt by its endeavors. Delegates will not seek St. Thomas More's utopia or offer their program as a panacea. The rule of law allows man diversity and differences in a framework of peace. These workers for peace under law are practical and down to earth, not dreamers. Lawyers and judges realize that nations are run by men and disputes are inherent in human nature. A lawyer or judge lives a life attuned to the fact that the very nature of society is such that it creates divisions, struggles, differences, and conflicts.

So the delegates at the Conference will not seek impossible perfection but merely strive to create a legal harness for man's great new power which will cause its use for mankind's benefit rather than his death. They know that where law rules exist disputes are less likely to occur, and that if disputes can be directed into courthouses the bloodbath of the battlefield can be avoided. This fact is proved by every area where law is both worldwide and universally observed. Good illustrations are the law of the sea, diplomatic immunity, and the postal convention. All over the world in nation after nation and internationally, all a law and judicial system consist of are law rules to avoid conflict and a forum for peaceful resolution of those conflicts that do occur. So the effort of the Washington Law Conference will be to increase the amount of law rules and to start the building of a world court system. Thus will law and courts perform more and more the same function internationally they now perform within nations. By action to generate more law and more courts, the delegates at the Conference will draw mankind close to the towering ideal of a world ruled by law. Their initiative will thus give concrete meaning, validity, and continued forward movement to the age-old aspiration for a peaceful world order under the rule of law. All men must concede that whenever the rule of law becomes strong enough to be a controlling factor in the world community, then, and then only, will any man be able to go anywhere on the face of the earth (or travel in endless space) in freedom, in dignity, and in peace.

I summon each of you to this the greatest endeavor of our great profession.

THE PRESIDENT'S SPEECH ON VIETNAM

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. No American who saw President Johnson on television yesterday as he discussed our commitment in Vietnam could doubt his personal concern, his reluctance to escalate further our military involvement there, or his earnest search for a nonmilitary solution to the conflict through the United Nations or otherwise. Neither could any American doubt the dedication of the President firmly to make good the commitment of this Nation to keep its word to a small country now cruelly attacked by its neighbor and torn internally by defections of its own citizens. To keep our word, we must send still more troops, spend more money, and risk increased reprisals. As the President said "We did not choose to be the guardians at the gate." But since there was no one else, we stepped forward to aid a beleaguered, friendly, free nation. And we will not be driven out, nor quit the field in weariness or fear. We earnestly seek a peaceful settlement and will sit at the conference table anytime with North Vietnam, or "any government whose people may be affected." This is broad enough to include the whole world. We fear no meeting, in fact, we welcome any such opportunity to discuss a settlement.

With touching eloquence, the President answered the groping question, "Why are we in Vietnam?" Our citizens who honestly are puzzled or uninformed now have, once again, a clear answer. And those who refuse to listen or who seek to stir division and dissent, must do so in face of the simple, clear, and moving explanation of our President.

We are in Vietnam to fulfill our pledge to support freedom and resist aggression. Our national word is at stake. We seek no selfish gain. We yearn for peace. We will do any honorable thing to terminate combat.

Like most Americans, I have deep misgivings about our involvement in Vietnam. I feel frustration with shifting succession of governments. I recognize the perils for our soldiers. With all my heart I wish that this ordeal would pass from us. But there is a greater need in this world, pointed out by President Johnson—a need for governmental freedom from aggression, a need for world order and world law, a need for honorable commitments honorably kept, a need to halt world lawlessness.

So I give to President Johnson my full support in this dangerous time of trial. I applaud his motives. I commend his search for a peaceful solution. I back his firmness with the aggressor. I take pride in his integrity.

HEW SECRETARY ANTHONY J. CELEBREZZE

Mr. BYRD of West Virginia. Mr. President, in July 1962, when Anthony J. Celebrezze moved into the Cabinet post of Secretary of Health, Education, and Welfare, a newspaper article commented on "Tony's Impossible Task."

This month, July 1965, having secured 3 years as Department head of one of our Nation's busiest, most diverse governmental agencies, he is leaving to continue his public service as a Federal judge—after having worked longer at his "impossible task" than any of his predecessors.

As a commentary on the good will, intense energy, and devotion to duty with which Mr. Celebrezze discharged his responsibilities, President Lyndon B. Johnson stated "I have both a feeling of pride in Secretary Celebrezze's accession to this high court—and a reluctance in seeing him depart the Department he has guided so skillfully."

I, personally, shall remember with appreciation his sympathetic understanding of my hopes to bring an environmental health center to my own State of West Virginia. He, at all times, was mindful of the needs of West Virginians and desirous of meeting those needs as best possible within the scope of his Agency. I feel that the final determination to place an Appalachian Regional Environmental Health Center in West Virginia owes much to his realization of its value in the rejuvenation of the State, and the Appalachian region, as well as to his assessment that the State's attributes are peculiarly adapted to accommodate a center of this type.

I feel, too, that because Secretary Celebrezze is a man who understands well that America is a land of ever-expanding opportunity, he worked to give all Americans a better chance, through the programs of his Department, at the dignity, health, self-respect, and economic wellbeing which are a part of the basic promise of our Nation to its citizens.

SEVEN YEARS OF PROSPERITY WITHOUT INFLATION

Mr. PROXMIRE. Mr. President, an article entitled "U.S. Inflation Discounted in Chase Report," published in the financial section of the Washington Post, is an extremely interesting news item. It reads, in part:

> The Chase Manhattan Bank says the widely held belief that we are living in an era of price inflation is erroneous.
>
> In its publication, Business in Brief, the bank notes that the United States had no significant inflation during the past 7 years.

This is a most remarkable economic achievement. The United States has had 7 years of prosperity and has enjoyed the highest income the country has ever had. The economy has had a tremendous surge in the past 4 or 5 years without price inflation. This is a great tribute to our Government and to Members of Congress on both sides of the aisle.

Mr. President, I ask unanimous consent that the article in its entirety be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. INFLATION DISCOUNTED IN CHASE REPORT

NEW YORK.—The Chase Manhattan Bank says the widely held belief that we are living in an era of price inflation is erroneous.

In its publication, Business in Brief, the bank notes that the United States had no significant inflation during the past 7 years. It cautions, however, that "we must be constantly alert to the danger of inflation and that excessive Government spending, credit expansion, and wage increases can lead to serious inflation."

The report suggests that the major reason why people think prices have been rising is that they fail to take account of the upgrading of their purchases. The bank says people are eating better, buying better clothes, spending more on travel and recreation. In the sense, however, that monthly spending has increased, the bank adds, the cost of living has climbed.

STATUS OF WOMEN

Mrs. NEUBERGER. Mr. President, as an outgrowth of President Kennedy's Commission on the Status of Women, 44 States have set up continuing studies in the form of Governor's Commissions on the Status of Women.

Representatives of these State commissions are now meeting in convention in Washington and their opening meeting was highlighted by an address by the Vice President. In his remarks he said:

> The talent of the American woman is an important resource in this Nation.

He further pointed out the efforts of President Johnson to find qualified women for appointment to high Government positions.

Mr. President, I ask unanimous consent to have the text of the Vice President's remarks to the opening session printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY VICE PRESIDENT HUBERT H. HUMPHREY, CONFERENCE OF GOVERNORS COMMISSIONS ON STATUS OF WOMEN, JULY 29, 1965

It is my honor to address leaders in Governors' programs for strengthening opportunities for American women.

You represent an outstanding cross-section of civic leadership in every aspect of American life.

The very increase in the number of Governors' commissions—now 44—shows the vital interest in your mission.

In State after State you have held up a public mirror to the legal framework which can foster or hinder women's rights. And where the mirror has revealed flaws—archaic, discriminatory statutes, or gaps in protective law—commissions have served as catalysts for improvement.

At the same time you have broadened the "bridges" of education, training and counseling, so that more and more women can realize their highest potential.

Most important, you have helped bring about a new climate of public opinion.

Step by step, you have helped translate into reality more and more of the goals envisioned in the historic report submitted to President Kennedy by the Commission on the Status of Women in 1963.

We owe a great deal to the Chairman of that Commission, Mrs. Eleanor Roosevelt, who did not live to see the report completed.

Today, more Americans than ever before, in public and private life, are committed to helping women achieve their birthright as citizens.

The talent of the American woman is an important resource in this Nation.

But I must be frank.

All too often it is a wasted resource.

Only 14.1 percent of working women are in the professions or in technical work. And only 4.5 percent are managers, officials, and proprietors.

The worst of it is that there has been an almost continuous decline in the percentage of women working in these jobs.

One of the reasons, of course, why women's employment opportunities are limited is that their education is too often limited.

Women comprised 51 percent of the 1964 American high school graduating class.

But when it comes to college the girls, their parents and even their teachers and counselors have some second thoughts. And so, looking again at the 1964 record, we find that while 51 percent of the June high school graduates were girls, in the fall, only 45 percent of the students entering college were girls.

Nor has the American woman's record in college been as high as we would like.

There has been an actual decline, since 1930, in the percentage of higher degrees earned by women.

But education isn't the only factor limiting woman's opportunities.

There are restrictive hiring practices and a disinclination to promote women or to give them the same on the job training men receive.

The President's Commission on the Status of Women has taken the lead in opening more opportunities to women. Its work has continued under President Johnson through the interdepartmental committee and the Citizens' Advisory Council on the Status of Women. Your Governors commissions are working to improve the status of women at the State level.

These commissions and committees are concerned with a good deal more than job opportunities for women. They are interested in the education of girls and in continuing education for women. They are stressing the need to strengthen the home by providing more community services. They are particularly concerned that working mothers have adequate facilities for child care while they work. They are investigating the possibility of more work opportunities for women who must also maintain their homes.

In 1962 the Attorney General reviewed an 1870 law which Government hiring officers used as the basis for specifying man or woman in filling vacancies. The Attorney General held that the old law did not give appointing officers that prerogative and that the President had authority to regulate the right of appointing officers in this matter. Immediately the President directed heads of agencies to make future appointments solely on the basis of merit.

But it was President Johnson's talent search for qualified women which really opened the doors for women in Government.

Shortly after the President took office he announced that Government would no longer be for men only.

Since January 1, 1964, he has appointed more than 115 women to high-level Government positions. In addition, Government agencies have appointed or promoted more than 2,800 other women to jobs paying $10-000 or more a year.

In the President's words: "We can waste no talent, we can frustrate no creative power, we can neglect no skill in our search for an open and just and challenging society."

Private industry is following the President's example.

One factor helping this trend is a shortage of skilled workers in such fields as engineering, science, mathematics and business administration.

Qualified women can fill these jobs. Those not today qualified can become qualified through study and work.

Private employment practices also are being affected by steps being taken by the U.S. Employment Service. The Employment Service is urging acceptance and use throughout the country of hiring specifications based exclusively on job performance factors.

There is other progress:

Last year the Equal Pay Act established the principle of equal pay as national policy.

Now it rules out all discrimination in employment on the basis of sex and applies in interstate commerce.

But the greatest barriers are the psychological barriers.

The U.S. Civil Service Commission has done research on widely held views and attitudes. It has defined a whole series of myths—some held by men, others held by women, some by both.

I refer to myths such as "women do not make good bosses," or "it is inefficient to train women because of high turnover." The facts prove otherwise.

If we would clear the road ahead for both men and women, we must clear all of our minds of these mental cobwebs.

An open mind, like an open heart, is the prerequisite for an open door.

And here we might recall the words of America's first woman Cabinet member, Mrs. Frances Perkins. She used to say that her grandmother had taught her: "If anyone opens a door, one should always go through."

The doors of opportunity are opening today.

Working together we can reach our goal: full and equal opportunity for all the women of America in all parts of American life.

President Johnson is committed to that goal. I join him in that commitment. With your continued help we will succeed.

RUSSELL: FIT AND READY

Mr. TALMADGE. Mr. President, on the day of the return to the Senate after an illness of my warm friend and distinguished colleague, the senior Senator from Georgia, many Members of this body rose to extend their congratulations and to salute DICK RUSSELL for his long and dedicated outstanding service to his State and Nation.

Since his return, Senator RUSSELL has resumed his position of leadership and responsibility in the Senate and his vital duties as chairman of the Armed Services Committee. As the Atlanta Journal commented editorially on July 27, Senator RUSSELL is indeed "fit and ready."

I ask unanimous consent that this editorial, which is a well-deserved tribute to a Senator who already has done so much and who is prepared to do more, be printed in the RECORD.

There being no objection, the editorial was ordered printed in the RECORD, as follows:

RUSSELL: FIT AND READY

Senator RICHARD B. RUSSELL's resumption of command (or chairmanship) of the Senate Armed Services Committee is timed propitiously inasmuch as military business and Georgia politics are concerned.

He returns to the leadership of his committee just as a vital and controversial piece of legislation comes up for consideration—the military pay bill.

And his return to active chieftanship should be one more indication that he is ready and willing and able to handle the duties incumbent on a U.S. Senator.

The military pay bill has passed the House of Representatives, but not in the form requested by the Johnson administration. The House increased it beyond the administration's limits. And the administration has made no secret that it hopes to gain support for limited raises within the Senate.

But Senator Russell has made it plain that he is prepared to do battle with the administration on this point. He advocates raises more in line with those approved by the House.

His point is that if the Reserves must be called up and if those already in the Armed Forces must be held beyond their discharge point, then there should be some compensation in the form of a sizable increase.

It is a point well made.

Senator Russell could have taken it easy. He could have gone on record as supporting the administration's stand on military pay. He could have done so in the name of loyalty. He could have rationalized such a stand with no trouble. And in so doing he could have assumed leadership of his committee in name, and faced no great task or problem.

But Senator Russell obviously feels a great responsibility for his nation and for the men already in uniform and those who will be in the near future. And so he is choosing to do battle with the administration's position.

If any evidence were needed to show that Senator Russell is fit and ready for his job—fit and ready for a long time to come—then his resumption of active leadership has eliminated that need.

He has shown he is ready, and the men in uniform may well be grateful that he is.

"A MOMENT OF TRUTH"—ADDRESS BY JUSTICE EDWARD F. CARTER

Mr. HRUSKA. Mr. President, the preservation of the liberties and privileges of every citizen of this Nation deserves our continuing attention.

A thoughtful speech was recently made on this subject by Edward F. Carter, an associate justice of the Supreme Court of Nebraska. Justice Carter is one of our State's leading jurists. He is the dean of the Nebraska Supreme Court on which he has served since 1935. In 1947 and 1948 he was one of the judges on the 5th Military Tribunal at Nuremberg, Germany, presiding at the trials of major German war criminals.

During his long experience on the bench, he has seen many disquieting trends in our Government.

Speaking before the South Platte United Chambers of Commerce in North Platte, Nebr., on July 13 of this year, Justice Carter recounted the worries of some drafters of the Constitution. He described the extent to which these prophetic worries have come about. While drafting the Constitution, and during the debates in Virginia on ratification, patriots like Patrick Henry, George Mason, and Edmund Randolph voiced many doubts about the new Constitution. They feared that the Central Government would become so powerful that it could destroy the States by absorbing the powers reserved to them.

These men realized that the very general words used in the Constitution could be given meanings totally different from those intended by the framers. These men saw tyranny approaching, not in the form of a foreign nation, but in the very government that they were creating for themselves.

The 10th amendment was added to the Constitution to prevent encroachment by the Federal Government, but, as Justice Carter showed, many of these gloomy predictions have become reality. Mr. President, we should all consider Justice Carter's speech, for his remarks reach to the heart of one of this Nation's most dangerous problems. I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

A Moment of Truth

(By Edward L. Carter, Justice, Supreme Court of Nebraska)

Nearly two centuries ago an embryo nation of a little more than 3 million people occupied part of the eastern coastal area extending from southern Maine to northeastern Georgia. All but 10 percent of the people lived in small villages and remote agricultural areas, connected only by trails that for the most part were passable only for men on foot or horseback. Only six cities had a population exceeding 8,000; the largest, Philadelphia, numbered only 42,000.

The industrial revolution had hardly reached this side of the Atlantic. The first cotton mill in America had not been established, and other industries were in a primitive handicraft stage. For manufactured goods the people were dependent almost entirely on imports from England. To the north of this little country was Canada, a colony of Great Britain; to the south and southwest a vast area held by Spain; and shortly the whole Mississippi Valley area was claimed by the French under Napoleon. Compared with those giants of their times, the new nation was but a pygmy with a total population about that of the city of Chicago today.

Nevertheless, the people of this little nation refused to tie up with any of the great powers of their day and found the courage to stand alone. They raised their own food, made their own clothes, and hewed their homes from native timber. Times were hard, but they were free. To become free they fought a war with Great Britain, the most powerful nation in the world at that time. They determined to create a government that would guarantee freedom and liberty for its people and the generations that were to follow them. A written constitution was formulated, finally adopted and ratified, and the United States was born.

They had lived many years under the tyranny of British Kings, primarily George III. They had lived a dozen years under the Articles of Confederation which was nothing more than an alliance of the sovereign States, without an executive head or a system of courts. The Congress of those times was so limited in power that it was almost nonfunctional as a governing agency. They well knew of the tendency of all men in places of power to exercise more authority than was lawfully given to them. They knew also that there was a general tendency for governmental powers to gravitate toward a central authority and to become dictorial and tyrannical. They conceived a new philosophy of government, generally referred to by writers of other nations as the "Great Experiment."

Many people believe that the greatness of our Constitution as a political document rests upon the separation of powers between the executive, legislative, and judicial branches of Government and the division of powers between the Federal Government and State government. This is not so. These fundamental principles of government had been recognized long before the birth of Christ. The greatness of our constitutional Government was set up for the primary benefit of the individual citizen rather than for the favored few.

It was the intention of the framers of the Constitution that an individual was to rise as high as his education, training, experience, energy, and incentive would take him. The private enterprise system was an integral part of our economy. The Founding Fathers were familiar with the dangers of centralized power and the evils of democracy. They set out to eliminate the evils and dangers of both and established a republic, and attempted by a check and balance system to keep our people free. Federal governmental powers were spelled out and limited by constitutional provision. All other powers were reserved to the States or the people. The education of the people was considered necessary to make our intricate and complicated system work. But education means nothing if it is not properly applied. An educated man who does not make proper use of his knowledge contributes no more to our social order than the man who never saw the inside of a school, if as much.

I am deeply concerned about the trends of our times. The centralization of power in Washington without regard to constitutional limitations is most dangerous to the maintenance of freedom and liberty. The controls over business in Washington and the resulting destruction of our private enterprise system is particularly disturbing. The absorption of the reserve powers of the States is pure misinterpretation and encroachment upon the Constitution itself. The Federal Government is encroaching more and more upon personal freedom by the purchasing of vote support by handouts to the people. We are actually run by pressure groups: Americans for Democratic Action, the powerful labor unions, racial differences; and the desire of our political leaders to be reelected rather than to be statesmen. From a governmental standpoint in maintaining the correct relation of government and the governed, the traditional American heritage is gradually being eroded away. I shall say no more about this, and make my point on an entirely different ground.

Many say that our Constitution is outmoded and that the end justifies the means. I point out that there was much controversy in the Constitutional Convention of 1787 and that many of its provisions were compromises. The disputes were on the sufficiency of its wording, not on the objectives desired. I shall confine my remarks from here on to the arguments of those who opposed its adoption and ratification and some of the contentions that were advanced.

In 1787 a Constitutional Convention was authorized by the Congress, for the purpose of amending the Articles of Confederation under which the country was then governed. Upon convening, it was determined that amendments to the Articles would not accomplish the intended purpose and the drafting of a completely new constitution was agreed upon. Seventy-four delegates were elected by the States. Fifty-five delegates were the most that ever attended. Rhode Island was never represented and was hostile to the whole idea. After almost 4 months of debate, the Convention met on

September 17, 1787, to adopt the finished product. But 42 delegates were in attendance. The Constitution was signed by George Washington, the Convention Chairman, and 38 other delegates. What of the three who did not sign?

These three, giants by every measure of patriotism and public service, were Elbridge Gerry, of Massachusetts, and Edmund Randolph and George Mason, of Virginia. Elbridge Gerry was later Governor of Massachusetts and Vice President of the United States under James Madison. His comments, recorded by Madison in his journal of the proceedings, reflected his great concern for economic stability and his faith in the free enterprise system. He wanted every protection given to property, the guarding of the public credit, and protection against the impairment of contracts. He insisted on stronger provisions on these subjects. Gerry repeatedly objected to the authority given the Government over business and commerce, and insisted that the powers of Government in this area be spelled out more definitely.

The 33-year-old Randolph had been Washington's aid during the Revolution and at 23 had been the first attorney general of Virginia. He was Governor of Virginia at the time of the Convention and later became the first Attorney General of the United States, and when Thomas Jefferson resigned the position, became the second Secretary of State of the United States. Lawyerlike he voiced great concern over the looseness and brevity of many of the clauses of the Constitution. He greatly feared that some day much of the general wording of the Constitution would be misinterpreted and given a meaning totally different from that intended by its framers.

The aristocratic George Mason was a wealthy landowner, an aristocrat, cynic, critic, and intellectual. He exhibited insight far surpassing the understanding of most of his listeners in his frequent expressions regarding the rights of the States. He complained that the confederation was being converted into a consolidated government which he asserted was subversive of every principle of the confederation. He contended the central power was calculated to annihilate totally the State government. He insisted that the Central Government would become the more powerful and would eventually destroy the States by absorbing their reserved powers.

These three men stood and resolutely refused to sign the Constitution and you will not find their names attached thereto. In the light of current events, the reasons for their refusal to sign seem more prophetic now than they did then.

The Constitution provided that 9 of the 13 States must ratify before it became effective. It was known that Rhode Island would not ratify. The other eight States north of Virginia ratified rather promptly. It was also known that North Carolina, South Carolina, and Georgia would follow the lead of Virginia on this question. Virginia therefore became the pivotal State.

On June 2, 1788, the Virginia Ratification Convention convened. It produced one of the greatest dramas in American political history. Among the delegates were a dozen or so of the greatest figures of the Revolutionary period—among them James Madison, George Mason, James Monroe, John Marshall, Edmund Randolph, Edmund Pendleton, George Wythe, Henry Lee, William Grayson, George Nicholas, and Patrick Henry. For 3 weeks of brilliant and often passionate argument they subjected the proposed new Constitution to exhausting debate. Out of the yellowing pages of the reports these figures emerge with startling clarity—the brooding, doubting Randolph; the soft-spoken and scholarly Madison; Mason of the golden tongue; the sober Marshall, and dominating the whole play, as statesman, prophet, Shakespearean actor, the eloquent figure of Patrick Henry, chief foe of the Constitution. The proponents of ratification were lead by James Madison and Edmund Pendleton, the president of the Convention; the opposition by Patrick Henry and George Mason. Randolph reversed his previous stand and became a proponent because, as he said, it was the last opportunity to hold the 13 States together as a union, a result that was paramount to all others in his thinking. All of the arguments made in the 1787 Convention were repeated with both great intelligence and much heat. The purposes of this article will be subserved by a review of the arguments of Patrick Henry, the greatest orator of his time.

He argued that this was to be a union of States and that the preamble of the Constitution should read "We, the States" and not "We, the people." He argued that men who wished to preserve their liberty must always be suspicious of government. Suspicion is a virtue, he said, as long as its object is the preservation of the public good and as long as it stays within proper bounds. All power, he foresaw, ultimately would end in the hands of the Central Government. Can the annals of mankind, he asked, exhibit one single example where rulers overcharged with power, willingly let go the oppressed? He ridiculed the idea that the checks and balances provided would for long stay the centralization of power.

He was a friend of the idea of achieving union but, he said: "I am a lover of the American union; the dissolution of the union is most abhorrent to my mind; but, sir, the first thing I have at heart is American liberty; the second thing is American union." In colorful, biting phrases, he swept the Constitution fore and aft.

He contended the judiciary was oppressively constructed and that the powers of the President were excessive—the powers of a king. Henry and Mason foresaw abuse of the Federal Government's power of direct taxation. The proponents saw no danger, they said, since there was every reason to believe it would be very seldom used. Henry did not believe it and said: "The splendid maintenance of the President and of the Members of both Houses, and the salaries and fees of the swarm of officers and dependents of the Government, will cost this continent immense sums."

He returned to his main point, the centralization of power. He said: "Too much suspicion may be corrected. If you give too little power today, you may give more tomorrow. But the reverse of the proposition will not hold. If you give too much power today, you cannot retake it tomorrow—for tomorrow will never come for that purpose."

The strongest point of all, was the criticism of the Constitution in failing to provide the States a means of defense against encroachment, misinterpretation, and usurpation by the Federal Government against the reserved powers of the States. It is true that the States were left helpless without a means of defense and that they must rely upon the conscience of the Federal Government, and the officials who represent it, to conform itself to the provisions of the Constitution. Current situations bring this criticism to the front in bold relief.

In the end, Virginia ratified. The vote was 89 to 79. A change of six votes would have kept Virginia, at least temporarily, out of the new union. Such a change in the vote could have stopped the infant nation in its tracks. But the proponents won. The antagonists, however, mutually left to posterity a fascinating example of shrewd prophecy, keen insight, and learned debate on the role of government in a free society. Probably no other political convention better understood and expressed a keener knowledge of the relationship of government to the governed than this group of political giants who met in the New Academy on Shocke Hill in Richmond, Va., in the summer of 1788.

The maintenance of our constitutional system is, in the final analysis, dependent upon the will and wisdom of the people. A backward look at the powerful prophecy of those men who foresaw in 1788 the trend of events in 1965 can furnish the energy to arouse us from our indifference and complacency in these matters of basic importance.

I have detailed these occurrences, not only to point out the fulfillment of their prophecies, but as one writer wisely said: "If the 'free man' has no grasp of the sources of his faith, he is not truly free."

I need not, I am sure, point out that the businessman is now suffering from business controls, and they are bound to increase as time moves along. The farmer is suffering from crop controls which fails to consider the cost of machinery and the expenses of farming operations. We are saddling future generations with enormous debt in order that this generation may maintain a standard of living that we have not earned. Our people are losing their incentive and rely more and more on the gratuities of a paternalistic government. Our country grew from a pygmy to an industrial giant when our private enterprise system was least controlled by Government. We have become a smug nation whose people seem to think we can ignore the principles and experiences of the past with complete safety. But the paths of history are lined with the remnants of nations that pursued a similar course. Our Government appears to waste money, your money, as a public policy, and the end is not in sight. As one writer aptly said: "No man's future is safe in the hands of a political philosophy that is willing to buy today's popularity with tomorrow's agony."

Complacency and indifference in favor of selfishness and greed have replaced the intelligence to maintain our freedom and liberty. We appear to be more interested in giveaways and security than in maintaining our freedom and liberty. We pay no heed to the fact that we may become a reproach and byword to future generations for giving away the freedom that came to us so easily. We forget Concord and Valley Forge, Bull Run and Gettysburg, Pearl Harbor and the Coral Sea, by our indifference to the results of our political irresponsibility. We forget the lives that have been lost, the health of men that has been broken, and the property that has been destroyed in order that we should be free. The irony of it all is that we, living in an affluent society, fail to consider the calamitous end toward which we are being led. It took real physical courage to gain our freedom and it will take courage to maintain it. But if we stand by, completely indifferent and oblivious to the subversive trends of our times, we can and will lose it.

It is not a matter of partisan politics. It transcends all partisan political policy. It is a question whether or not we will adhere to constitutional principle and insure the freedom of our children, grandchildren, and future generations. It is a matter of citizen responsibility in a constitutional republic. Those who insist on the maintenance of the Constitution are looked upon by some as relics of a provincial age. There will be those who disagree with what I say here, which is their privilege. The fact that I am in the minority does not deter my thinking. I claim the right to say it, and the right to call attention to the dangers inherent in constitutional violations. What is the proper attitude of the responsible citizen in our American republic? Dean Alfange has expressed it well in a short credo he wrote. I quote it as a thought-stirring statement as to what a true American should believe in. He said:

"I do not choose to be a common man. It is my right to be uncommon—if I can. I seek opportunity—not security. I do not wish to be a kept citizen, humbled and dulled by having the state look after me. I want to take the calculated risk; to dream and to build, to fail and to succeed. I refuse to barter incentive for a dole. I prefer the challenges of life to the guaranteed existence; the thrill of fulfillment to the stale calm of Utopia. I will not trade freedom for beneficence nor my dignity for a handout. I will never cower before any master nor bend to any threat. It is my heritage to stand erect, proud and unafraid; to think and act for myself, enjoy the benefits of my creations, and to face the world boldly and say, 'This I have done.' This is what it means to be an American."

FORMER U.S. SENATOR ROBERT J. BULKLEY

Mr. YOUNG of Ohio. Mr. President, it is with regret I report that Robert J. Bulkley, U.S. Senator from Ohio, died at his home in Bratenahl, a suburb of Cleveland, on July 21. He was 84 years of age. He left behind him a magnificent record as U.S. Senator, Representative, community leader, civic-minded benefactor, and as a respected and, in fact, outstanding lawyer.

He was appointed U.S. Senator from Ohio in 1930 by our Governor to fill the unexpired term of Senator Theodore Burton. In 1931 he became one of the first, if not the first, men of prominence in the United States to advocate repeal of the prohibition amendment to the Constitution.

In 1932 he waged a whirlwind campaign for the Senate comparable to President Harry S. Truman's whistle stop campaign and was elected to a full term. He had previously served for two terms in the House of Representatives from 1910 to 1914. He made a great record as Senator. He had been a longtime friend and was a classmate at Harvard of President Franklin D. Roosevelt, and during his 9 years service in the Senate he was an administration supporter and leader upon whom President Roosevelt placed great reliance.

Robert Johns Bulkley was a truly great public servant in every sense of the word. In World War I he was chairman of the legal committee of the General Munitions Board and then served as Chief of the Legal Section of the War Industries Board. He won national acclaim for the services he rendered throughout the war. From 1933 on he supported the recovery program of Franklin D. Roosevelt in its entirety, and he spoke out time and again in support of the beneficent legislation for the general welfare of the people passed in the Senate during that era.

In 1938 there developed in Ohio a violent primary contest at the Democratic primaries between Gov. Martin L. Davey seeking a third term and Charles Sawyer of Cincinnati. Charles Sawyer, who later became Secretary of Commerce in the Cabinet of President Harry S. Truman, defeated the incumbent Governor for nomination, but the bitterness of the primary contest had a shattering effect upon Ohio Democratic candidates that November and Senator Bulkley was defeated.

In 1952 at the Democratic National Convention he was Ohio's favorite son for President of the United States. At that time and up to the time of his death he was a leader in the cultural and civic affairs of Cleveland, and at all times he was a Democratic leader well known throughout Ohio and always active in the support of Democratic candidates and the legislative programs of the Democratic Party.

It was my privilege to know this remarkable man and to enjoy his friendship and to have been a guest in his home. I know that those of our colleagues who served with him in the Senate held him in high admiration and join with me in paying tribute to him for the fine service he rendered his country throughout his long life.

As a community leader in Cleveland, Robert Johns Bulkley remained active in the practice of law and in connection with his civic and business up to a few months before his death. He was president of the Morris Plan Bank of Cleveland, the Cleveland Land & Securities Co., and of the Bulkley Building Co. He was a man of fine personality and industry.

He was a fine husband and father, and to his lovely wife of many years and to his daughters, Mrs. Louis Cherry of Alexandria, and Mrs. Preston Saunders of Boston, we extend our sympathy.

MAYORS CONDEMN DIRKSEN PROPOSAL

Mr. DOUGLAS. Mr. President, I should like to insert in the RECORD an account from this morning's New York Times concerning the way in which the National League of Cities yesterday in Detroit went on record, by a vote of approximately 4 to 1, against the so-called Dirksen constitutional amendment. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, July 29, 1965]

MAYORS CONDEMN DIRKSEN PROPOSAL—REPUDIATE ATTEMPT TO NULLIFY REAPPORTIONMENT DECISION

(By Ben A. Franklin)

DETROIT, July 28.—The mayors of many of the Nation's cities asked overwhelmingly today for the defeat of Senator EVERETT MCKINLEY DIRKSEN's proposed constitutional amendment limiting the effect of the Supreme Court's one-man, one-vote decision.

Delegates to the annual meeting of the National League of Cities here first defeated efforts by California city officials to kill or modify a formal league resolution opposing the Illinois Senator's reapportionment plan, now pending in the Senate.

Then they adopted by a 429 to 116 vote a strongly worded policy resolution opposing the so-called Dirksen amendment.

Mayor Henry W. Maier of Milwaukee, the outgoing president of the league, told the gathering of 1,400 city officials in Cobo Hall that the vote was a "repudiation" of the Senate Republican leader's proposal.

The Dirksen proposal sought to permit seating in one House of a bicameral State legislature on some basis other than population.

OBJECT OF AMENDMENT

Its object is to nullify the Supreme Court's 1964 decision in the case of *Reynolds* v. *Sims*, which requires both houses of State legislatures to be apportioned according to population.

To become effective, Senator DIRKSEN's amendment would require a two-thirds vote to clear the Senate and the House, as well as the concurrence of the legislatures of three-fourths of the States.

Because his measure had been blocked by the Senate Judiciary Committee, Senator DIRKSEN proposed it as an amendment to a minor Senate resolution giving recognition to "National American Legion Baseball Week." A vote on the amendment is expected in the Senate soon.

The league's vote on the apportionment issue today demonstrated that in addition to the opposition of rural and urban interests on the issue, there is sharp controversy between officials of big cities and smaller cities.

The small cities fear that explicit enforcement of the one-man, one-vote principle in their State senates would leave them, as well as the less populous rural areas, at the mercy of the big cities.

In California, for example, Los Angeles County, with about 40 percent of the State's population, is certain to have a dramatic gain in its representation in the State senate under one-man, one-vote reapportionment.

Before ending its 3-day session here, the league elected Mayor Jerome P. Cavanagh of Detroit as its new president.

TRIBUTE TO THE LATE MRS. MILDRED EDIE BRADY

Mr. HART. Mr. President, someday, I hope, historians will examine our period and note among other things that it gave birth to the concern for the consumer. If they do, certainly credit must be given to the part played by Mrs. Mildred Edie Brady, who died yesterday. While history will weigh the exact degree of her contribution, all who are today conscious of her service to the consumer are confident history will give her high place.

For many years Mrs. Brady was research associate of Consumers Union and editor of its Consumer Reports magazine. She was a lady who pulled no punches when criticizing the shenanigans which consumers too often today face in the marketplace. And she spared herself not at all in efforts to eliminate the bad—and to praise the good. We who share her enthusiasm for the consumer cause will miss her sorely—but only a little more than every consumer in America will.

APPOINTMENT OF ABE FORTAS AS JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. WILLIAMS of Delaware. Mr. President, no man in the Senate respects more than I do the right of the President of the United States to use his full discretion in making appointments to high Government posts. Yet that does not mean that Members of the Senate should act simply as rubber stamps in considering these appointments.

Yesterday President Johnson announced that he had appointed Mr. Abe Fortas to fill the current vacancy on the highest tribunal in our land, the U.S. Supreme Court.

Mr. Fortas has a recognized record of accomplishment in Washington and certainly no one questions his ability as an attorney. But contrary to the President's claim that he had looked all over America to find the best qualified man for the job, it is quite obvious that he did not look far beyond his inner circle of friends.

In my opinion the President could have made a far wiser choice, and it is with regret that I must announce that I am not able to support the President in this instance.

In this connection I ask unanimous consent that an editorial appearing in today's issue of the Wall Street Journal and an article in today's Washington Star be printed at this point in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Times]

QUALIFICATIONS FOR JUDGES

In considering Abe Fortas as a Justice of the Supreme Court of the United States, you can list a number of qualifications.

He has been an able Government lawyer in a career that reaches back to the Roosevelt era. In private practice he has won renown as a skilled practitioner of the law and a forceful advocate. He has lectured in law at Yale, and has written articles for scholarly legal journals.

Outside of the courtroom he has proved himself a negotiator of no mean attainments, an astute political adviser, a loyal Democrat and a trustworthy confident in council. In his person, he is extremely intelligent and very personable.

But the qualification that counts most, and the only one that has caused him to be chosen from among so many for the highest judicial bench in the land, is the fact that he is a crony of Lyndon Johnson.

[From the Washington (D.C.) Star, July 29, 1965]

LACK OF JUDICIAL EXPERIENCE SCORED

(By David Lawrence)

Small wonder that the Supreme Court of the United States has steadily fallen into disrepute in recent years as it has developed into an oligarchy of politically rather than judicially minded individuals. Now President Johnson has selected Abe Fortas—his personal friend of long standing who has never had a day's experience on the bench—to be one of the nine justices of the Supreme Court of the United States. This is in line with the unfortunate trend of the past several years.

Other Presidents besides Johnson, Republican as well as Democratic, have appointed to the Supreme Court political associates or partisan supporters with a controversial background.

Just what criteria do Presidents use in making appointments to the Supreme Court? They sometimes look for outstanding lawyers rather than experienced judges, but often there are political factors involved. Occasionally a Member of the Senate with a legal background is appointed, and several men have gone to the Supreme Court from Congress or from the cabinet. Every now and then a U.S. Attorney General or solicitor-general in the Department of Justice has won promotion to the Supreme Court. Some of these appointees have made a fine record, and it is possible that Fortas may turn out to be a well-balanced and fair-minded Justice who is able to forget his early espousal of "leftwing" causes that made him a controversial figure in the New Deal. He is only 55 today and has a long period of time ahead in which to adjust his thinking to judicial doctrines.

Men in the political world, however, are not inclined to abandon their views when they ascend to the bench. As justices, they do not usually in their decisions forsake their passions or preconceived ideologies. Justice William Douglas is as much an outspoken liberal today as he was in New Deal days. On the other hand, Justice Hugo Black, an Alabamian who was exposed after his appointment as having once been a member of the Ku Klux Klan, has never shown the slightest sympathy for the objectives of that secret cult.

But it would be easier for justice to rid themselves of any previous political prejudices or partisanship if they could serve a few years in the supreme court of a State or in an appeals court of the Federal judiciary before being selected for appointment to the Supreme Court of the United States.

This correspondent, discussing the prevalent indifference to the need for men of judicial experience for service on the highest court of the land, wrote in a dispatch on October 1, 1953:

"President Eisenhower says he chose Governor Warren (to be Chief Justice) because of his middle-of-the-road philosophy. What has that to do with the interpretation of the statutes or the settlement of controversies between citizens, especially when fundamental questions of constitutionality are involved?

"There is no middle of the road as between right and wrong in determining a judicial question. Congress may pass good or bad laws, yet whether they are constitutional has to be decided not on the basis of any particular philosophy of Government but on their actual conformity to the powers set forth in the Constitution."

In that same week in 1953, but before it was known who would be appointed Chief Justice, a statement was issued by Glenn R. Winters, editor of the Journal of the American Judicature Society, in which he said:

"Today the total prior judicial experience of the members of the Supreme Court consists of Mr. Justice Black's 18 months as a police judge and Mr. Justice Minton's 8 years on the Federal appellate bench."

Winters declared it was possible to overemphasize the need for prior judicial experience, but added:

"It seems more than clear that it has actually been badly underemphasized. There are great and distinguished judges today on both State and Federal courts eminently qualified for the judicial and administrative responsibilities of the chief justiceship."

It may be that the articulation of these and similar views had an effect subsequently on Eisenhower, for in his later appointments to the High Court he nominated such objective-minded and experienced Federal judges as John M. Harlan, Charles E. Whittaker, and Potter Stewart, all of whom have made significant contributions to constitutional law. But the trend has since turned the other way again, and it is surprising that spokesmen for the bar associations, who often stress the need for a rule of law, are willing to sit by without protest as political rather than juridical training becomes the major qualification for appointment to the highest court of the land.

THE MUSK OX PROPAGATION PROGRAM AT THE UNIVERSITY OF ALASKA

Mr. GRUENING. Mr. President, an interesting experiment in wildlife rehabilitation or enhancement, if you will, is taking place under the auspices of the University of Alaska. The animal whose rehabilitation and propagation is being sought is the musk ox. Once widely roaming in the northern part of the North American continent through Alaska and Canada, this valuable mammal was almost extinguished by uncontrolled hunting. A few survived and have been propagating on Nunivak Island off the western coast of Alaska, to which they were transplanted and where these interesting animals are free from the predation of the wolf, which it would not be on the mainland.

The enterprise to develop this animal as a useful source of wool and for other purposes, and to restore it to its former natural northern habitat, owes its impetus to the vision and initiative of Prof. John J. Teal, Jr., an anthropologist. It was may good fortune to see this program in action during my recent visit to the University of Alaska. It is among the many fine, imaginative, and constructive enterprises which this university, in many fields, is carrying out under the dynamic leadership of its president, Dr. William Ransom Wood.

The project was described in a recent article to the New York Times by its west coast correspondent, Lawrence Davies. I ask unanimous consent that this article, entitled: "Musk Ox Thriving on Alaska Farm," with the subtitle: "New Wool Industry for Poor Eskimos Is Planned," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MUSK OX THRIVING ON ALASKA FARM—NEW WOOL INDUSTRY FOR POOR ESKIMOS IS PLANNED

COLLEGE, ALASKA, July 14.—A shaggy, playful 360-pound yearling musk ox tore out of a thicket on a University of Alaska farm here this week and headed toward a herdsman who had just shouted:

"Hey, Duke, come on! baby,"

The dark, curious animal was followed by others in a herd of 22. They had been tackled by a former Harvard fullback last summer and fall in icy lakes and lagoons on Nunivak Island off the southwestern coast of Alaska and flown to Fairbanks.

Prof. John J. Teal Jr., an anthropologist and geographer is going back to Nunivak in September for 10 more female calves to round out the herd. Then, with 19 females and 13 males, he plans to start in a year the selective breeding of the animals here on the university's farm.

The aim is to distribute the herd's progeny among Alaska's Eskimos, providing a basis for a new home industry for many who are living at a bare subsistence level. The plan envisions the use of the musk ox's thick, warm lightweight undercoat of fine wool—called qiviut in some Eskimo dialects—in sweaters and other garments.

MAJOR FIRMS CALLING

"Since this musk ox venture was announced," Professor Teal said in a telephone interview from his Vermont home, "there is scarcely a major textile firm that hasn't been in touch with us."

This is because the annual yield from a musk ox, a prehistoric, once almost extinct animal, is around 6 pounds of qiviut, compared with a 3-ounce wool yield of the cashmere goat. Professor Teal says a man's sweater has been knitted with 4 ounces of qiviut.

"But my own feeling is running to the sociological," said Professor Teal, a leading

American authority on musk oxen. "I think more and more of the Eskimo villages in the Arctic and of training Eskimo women to spin and knit so that they will get the financial returns themselves. Appalachia seems a prosperous region compared with what the Eskimos have in some of those coastal areas."

Professor Teal, in 10 years of experimentation with a small group of Canadian musk oxen at the Institute of Northern Agricultural Research, Huntington Center, Vt., had proved that the animals were easily tamed.

With a 5-year grant of $336,520 from the W. K. Kellogg Foundation, he joined the University of Alaska faculty last year to capture 33 calves from a wild herd on Nunivak and start a program of domestication.

NINETEEN CALVES SHORT

An expedition last July left him 19 calves short. To speed things, he had used a helicopter to scatter a herd. Then his procedure was to leave the plane, stalk a calf and tackle it. With only two men, he went back in October and found the calves then averaging more than 250 pounds each "and far more aggressive."

"We captured 31 in a week, diving into ponds, creeks, swamps, ledges ad infinitum in pursuit of them," Professor Teal said. "We were sopping wet to the shoulders all day and our clothes turned to ice—a fairly brisk experience."

He kept the finest 23 specimens of 52 animals captured last year. One died in March, apparently of a form of colic.

"But the loss of this one calf opened up a whole new field of research and shot our program ahead a couple of years," Mr. Teal said. "That was the most useful lost animal I ever encountered."

Day to day, almost hour to hour, watch is kept over the herd.

The daily routine calls for bringing the animals in at 4:30 p.m. from an 8-acre pasture to the feeding pen, where they are kept all night after they have been individually weighed. They still suck evaporated milk out of a nippled pail, each drinking up to 5 quarts.

The musk ox is about as big at maturity as an old Texas longhorn, with bulls weighing 900 to 1,000 pounds. They grow massive curved horns that were removed but grew back.

ROLE OF MAINE IN THE SPACE PROGRAM

Mrs. SMITH. Mr. President, it has been my deep desire to get my State of Maine in the space program—to get Maine companies into the program. In furtherance of this objective, I arranged a 2-week trip to major NASA establishments and major space industry contractor offices and plants for Maine industrial and business leaders August 6-20, 1962.

At the time that I became the ranking minority member of the Senate Space Committee 2 years ago in 1963, not a single contract existed between the space agency and Maine industry. This was discouraging to me in two respects.

First. It was discouraging to me because it indicated that NASA did not believe that Maine had space age capabilities.

Second. It was discouraging to me because it indicated that Maine industry at that time had no interest or desire to participate in the space program or get space business. It was discouraging because despite my repeated efforts to get Maine industry interested and in the space program, there had been no tangible results.

I am very glad to say that 2 years later now there has been considerable improvement in the situation—not nearly as much improvement as I desire—but nevertheless an improvement that I hope will fully blossom into a definite and growing trend. While I am far from satisfied with the degree of improvement, I am encouraged.

It is gratifying that now we have convinced NASA that Maine does have space-age capabilities. This is revealed in the fact that at 3 space flight centers concerned with our Moon program, Maine companies submitted 12 bids on 12 projects—and significantly that 10 of these bids have been awarded to Maine companies and the remaining 2 bids are currently being evaluated by NASA.

In other words, this analysis shows that up until now, whenever Maine companies bid they get the awards—that up until now they are batting 1,000 percent. The only trouble is that they do not stand up at the batter's place often enough. It is my hope that they will go to bat on getting NASA contracts more often and thus get Maine more into the space program and bring greater economic benefits to Maine.

Thus, my concern on this matter is more about Maine contractors being willing to try to get the NASA contract awards than in NASA being receptive to Maine bidders.

I am concerned that Maine companies are not seeking NASA work in two respects. First, they are not submitting many bids—they are not responding to invitations and requests from NASA to bid, and second, their relatively small number of responses have been for relatively small dollar-volume jobs.

The 1,000 percent batting average is on awards of $10,000 or less on NASA procurement by its three facilities centers. Fifteen Maine companies and 2 Maine colleges were invited to bid on a total of 39 contracts.

On these 39 contracts, Maine companies and colleges did not bid 27 times. Of the remaining 12 contracts, bids were submitted by 6 different Maine companies. Ten of these bids were successful and the remaining two are currently under evaluation by NASA.

The successful Maine bidders and the projects are as follows:

1. Bidder: Baker Co., Biddeford, Maine—NASA projects: Dust control, Saturn V vehicle (twice), R. & D. launch vehicle (twice), Saturn V vehicle support.
2. E. S. Boules Co., Portland, Maine—NASA projects: Inventory account.
3. Components, Inc., Biddeford, Maine—NASA projects: Apollo, Saturn I vehicle.
4. Philips Elmet Corp., Lewiston, Maine—NASA projects: Inventory account.

Analysis of the declinations or nonresponses by Maine companies and colleges to NASA invitations to bid on NASA projects show the following:

Major communications company, Oxford County—NASA project: Syncom II—Result: No response.

Electronic company, York County—NASA project: Magnetic tape, Goddard facilities—Result: No response.

Electronic company, Cumberland County—NASA project: Inventory—Result: Declined.

Electronic engineering company, Cumberland County—NASA project: Inventory—Result: Declined (three times).

Electronic laboratory company, Cumberland County—NASA project: Inventory—Result: No response (twice).

Plastic company, York County—NASA project: Inventory—Result: Declined.

Major engineering company, Cumberland County—NASA project: Track and data system, in-house R. & D. project—Result: Declined first; no response second.

Manufacturing company, York County—NASA project: In-house R. & D. project—Result: No response.

College, Aroostook County—NASA project: Research—Result: No response (twice).

Science foundation, Knox County—NASA project: Research—Result: No response (five times).

Major engineering company, Cumberland County—NASA project: Data not available—Result: No response (twice).

Machine company, Cumberland County—NASA project: Data not available—Result: Declined.

College, Cumberland County—NASA project: Research—Result: No response (twice).

Now that the National Aeronautics and Space Administration has been convinced that Maine industry is space-capable, I hope that Maine industry will respond more to invitations to bid and provide greater participation, having in mind the huge business potential that will accrue to Maine as a result of the new space center being constructed in Boston.

TRUST AND RESPECT

Mr. BARTLETT. Mr. President, it is an easy thing to clobber a Secretary of State. It is an old American pastime. Cordell Hull, Dean Acheson, and John Foster Dulles did not escape criticism when they held the office and certainly our present Secretary is having his share.

What makes it easy to attack a Secretary of State is what makes his job so hard. He is charged with the direction of our foreign policy to see that it conforms with our long-range, overall national interests and ambitions. In line with this is the responsibility of keeping our allies friendly and our enemies from war; the maintenance of our allied shield and the preservation of peace. And so the Secretary must place a restraining hand on the adventurers who would risk long-range welfare for short-range gain; the traders who would destroy an ally to get rich quick, and the war hawks who call for gunboat diplomacy abroad for political advantage at home. All of these must be restrained if our Nation's long and lasting interests are to be served. It is not a simple job. The Secretary is exposed to well-nigh unimaginable pressures from both without and within the Nation.

To support him in withstanding this pressure, the Secretary has but the support of the President, which is unswerving, the support of the bureaucracy, which is unavailing and the Congress. It is important the Congress give the Secretary its confidence and its trust.

We are fortunate to have Dean Rusk as Secretary of State. For over 4 years he has borne the mankilling responsibility of his office. With calm high intelligence and quiet good judgment he has acted with balance and restraint through the Berlin crisis of 1961, the Bay of Pigs, the Cuban missile crisis, the Dominican crisis, the collapse of Laos, and the deepening tragedy of Vietnam.

He has no flair for or interest in drama, publicity or quick, false solutions. He does a job and he does it well.

We are lucky, Mr. President, to have such a man as Secretary of State.

By now no doubt he has learned to cope with the slings and arrows and the potshots to which he is exposed. But for once I would like to say—clearly and for the record—that Secretary Rusk has my respect, admiration and trust. I am certain the great majority of the Congress and of the country join with me in this statement.

EFFECTS OF SUPREME COURT DECISION ON APPORTIONMENT HAVE BEEN GOOD

Mr. DOUGLAS. Mr. President, I ask unanimous consent that a very able editorial published in the Chicago American on Monday, July 26, 1965, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DIRKSEN'S UPHILL FIGHT

Illinois' Senator EVERETT DIRKSEN plainly intends to fight one of the major campaigns of his career on the issue of the Supreme Court's reapportionment ruling. DIRKSEN is trying to push through the Senate a proposed constitutional amendment that would overturn the Court's one-man, one-vote ruling, which required that both houses of a State legislature must be elected from districts of substantially equal population.

We find ourselves sympathizing with DIRKSEN, while feeling no enthusiasm at all for his resolution. When the Supreme Court handed down its one-man, one-vote ruling, we criticized it on the same grounds as DIRKSEN: that it was an unwarranted and dangerous extension of power on the part of the Court to start tampering with the political makeup of States. That we think is still true, but some further practical considerations need to be added.

One is that, whether or not the Supreme Court had any business making such a decision, the ruling did put an end to an unfair situation that could not have been ended in any other way. In many States, the majority of the senate represents a minority of the population; rural districts representing, say, one-fourth of the population may have a greater voice in the senate than urban districts representing half of it. Unless you can argue convincingly that State senators should represent something other than people, this is plainly inequitable.

One often-heard contention is that State legislatures must be patterned after Congress, where each State is entitled to two Senators and elects them without regard to population. But there is no necessary parallel here. The States were in existence before the Federal Union was (as the name "United States" implies), and have a political entity of their own. That is not true of senatorial districts of other subdivisions within States.

Moreover, the unfairness of the old system was built into it and is self-perpetuating. Obviously, no majority of a State senate would ever vote to become the minority; only some outside agency could change the system. And now that the Supreme Court has done so, we see no reason why the majorities that benefited from its ruling should penalize themselves by backing DIRKSEN's amendment.

In short, even if the Supreme Court acted wrongly in making this decision, its effects are good. Congress no doubt should act to curb the Supreme Court and reassert its own lawmaking authority; but it will have a better chance of success if it concentrates on court rulings that have bad results.

Mr. DOUGLAS. The editorial expresses sympathy with my colleague [Mr. DIRKSEN], although declaring no feeling of enthusiasm for his joint resolution. While the writer was not enthusiastic about the fact that the Supreme Court made its rulings on reapportionment, it concludes that the effects of those decisions were good.

The editorial states that Congress "will have a better chance of success if it concentrates on court rulings that have had bad results."

Since the editorial states that the rulings of the Supreme Court on reapportionment have had good results, I assume that it is a polite way of opposing the so-called Dirksen amendment.

ADDITIONAL SUPPORT FOR SLEEPING BEAR DUNES

Mr. HART. Mr. President, on July 13 and 14 hearings were held by the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs on S. 936 providing for the establishment of the Sleeping Bear Dunes National Lakeshore in Michigan.

This year's hearings showed increasing and significant support for this proposal reflecting the growing desire in Michigan that this bill be enacted into law in the present Congress. Among the important additional evidences of support was a letter from the American Automobile Association received after the hearings. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN AUTOMOBILE ASSOCIATION,
Washington, D.C., July 15, 1965.

Hon. ALAN BIBLE,
Chairman, Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: The American Automobile Association supports and calls for early enactment of S. 936, by Senator HART, Democrat, of Michigan, and Senator MCNAMARA, Democrat, of Michigan, providing for the establishment of Sleeping Bear Dunes National Lakeshore in the State of Michigan.

AAA policy, as established in annual convention, calls for an expansion of recreational facilities:

"Development of recreation and vacation areas has not kept pace with the requirements of the American people, nor can these regions continue to meet the needs of an expanding population. The AAA believes that government—State and Federal—must place increasing emphasis on the creation of new recreational travel resources throughout the country."

Development of Sleeping Bear Dunes National Lakeshore will provide 46,100 acres of scenic land and 31 miles of shoreline. High dunes, inland lakes, and green forests make this area outstanding in terms of scenic beauty. This area will provide excellent swimming, sun bathing, fishing, water skiing, boating, camping, and picnicking for American people on vacation.

Within a 300-mile radius are the great midwestern cities of Chicago and Detroit. It is also estimated that some 20 million people reside within 1 day's drive of the Sleeping Bear Dunes National Lakeshore.

In 1964, according to the National Park Service, a total of 102,375,100 people visited U.S. national parks and other areas administered by the National Park Service. Of this total, it is estimated that 96 percent visited these national parks and recreational areas by automobile.

The AAA supports the establishment of Sleeping Bear Dunes National Lakeshore because we feel it will help fulfill the need for additional recreational service facilities such as boating, swimming, fishing, hunting, touring, camping, picnicking, etc.

It is requested that this letter be made a part of the official hearings of your subcommittee.

Sincerely,

CORNELIUS R. GRAY,
Director, Legal Department.

HYRUM DAM PROJECT IN UTAH PROVIDES BENEFITS TO PUBLIC

Mr. MOSS. Mr. President, 30 years ago valuable irrigation water was first released from behind Hyrum Dam in northern Utah to begin feeding a highly productive farm area along the Little Bear River in Cache County.

Since that time, millions of gallons of almost priceless water has been captured in the relatively small Hyrum Reservoir, where it could be held and released as needed.

Construction of the Hyrum project was approved by the President in 1933, with funds made available under the National Industrial Recovery Act of 1933 in the amount of $930,000.

Hyrum Reservoir holds 18,700 acre-feet of water and in its 30 years of operation there has never been a year when the reservoir did not fill to overflowing. Three canals take irrigation water from the 116-foot-high dam to delivery points to the north and south.

The Hyrum project is the primary source of water for about 4,000 acres of productive farmland, and a supplemental source of water for an additional 3,000 acres.

As many of my colleagues are aware the Mormon pioneers, led to the Utah territory by Brigham Young, are credited with devising the first system of irrigation applied by Anglo-Saxons to arid and semiarid lands. This was an absolute necessity, since the springs and rivers along the mountains did not provide water for enough farmland to feed a growing population in this desert area.

Planning and investigation of reclamation and irrigation projects came early in Utah's modern history. The Hyrum project was first studied shortly after the turn of the century.

Now, the number of subscribers to the Hyrum project increases annually as attempts to dry-farm prove futile. The subscribers are repaying the cost of the Hyrum project in annual payments based on crop valuation.

Other benefits are now accruing to the public because of the Hyrum project. Recreation features of the reservoir have been administered by the Utah State

Park and Recreation Commission as the Hyrum State Park. A boat ramp and campgrounds had almost 19,000 visitors last year, a figure which is small in number but highly important to the northern part of Utah.

The Hyrum project is one of the Bureau of Reclamation's smaller projects, but its 30-year-old success story is a prime example of beneficial Federal, State, and local cooperation which has provided an improved economy and multiple benefits to an important segment of our population.

While the reclamation work Congress considers today often runs into cost figures in the millions of dollars, the compensation we receive through more usable water, better flood control, and greatly increased recreation for a growing population will be measured in the billions of dollars in years to come.

Mr. President, I am proud to call to the attention of the Senate this success story, and I will continue working for a better America through conservation of one of our most important natural resources—the water in our streams and rivers.

APPRAISALS OF HAPPENINGS IN THE DOMINICAN REPUBLIC

Mr. GRUENING. Mr. President, it is important that we keep up with what is going on in the Dominican Republic. Three interesting presentations—one by Juan Bosch, the deposed President in whose behalf the current revolution started, which appeared in the July 24 issue of the New Republic; and another one by Tad Szulc, probably one of the most knowledgeable experts among newspapermen on Latin America, which appears in the July 31 issue of the Saturday Evening Post; and the leading comment in the current issue of the Vision Letter, of which the former President of Colombia, Dr. Lleras Camargo, is an editor, are of interest and value.

I ask unanimous consent that these three articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE DOMINICAN REVOLUTION

(By Juan Bosch)

In most Latin American capitals newsmen writing about the Dominican crisis are still asking: "Why didn't Juan Bosch return to his country?" Some say that in the first moments of the Dominican revolution a rebel plane landed in San Juan in Puerto Rico to take me home and I refused to use it. This is a lie.

The constitutionalist revolution began at noon on April 24, in the city of Santo Domingo; the so-called government of Reid Cabral immediately closed the international airport at Punta Caucedo. Because San Isidro, General Wessin y Wessin's base, lies between Punta Caucedo and the city of Santo Domingo, Wessin y Wessin's base, lies between Punta Caucedo and the city of Santo Domingo, Wessin y Wessin's control over the airport was complete from the very beginning. By 4 in the afternoon Wessin's tanks were blocking entrance to the city via Punta Caucedo, which is the same as the route from San Isidro; and it was only after 4 in the afternoon that I received my first news of the revolution. I received it through a radio station in San Juan. Thus, from 1 in the afternoon of April 24, to this day, Wessin y Wessin's forces, which control the Dominican Air Force, have completely controlled the airways and the roads to the airport.

Two Dominican Air Force planes came to Puerto Rico—the first a Mustang P–51 fighter which landed on Monday, April 26, I believe, in Mayaguez, and a Douglas transport which landed next day in San Juan. Both were grounded by U.S. military authorities and have remained grounded.

I did try to reach my country. I made such efforts with Abe Fortas, the well-known American lawyer, who in the first days was unofficial liaison between the U.S. Government, and Rector Jaime Benites of the University of Puerto Rico. On Saturday, May 1, Mr. Fortas informed me that a battle was imminent between U.S. Marines and Dominican constitutionalist forces. I explained to Mr. Fortas that all I could do in these circumstances was to go to my country and I asked him for a plane to take me there immediately. Mr. Fortas did not reply. Early on May 2, in the presence of Rector Benites, I made the same request to Ambassador John Bartlow Martin and he refused even to consider the matter, saying that if I went to Santo Domingo I would be killed. According to him, that should not be allowed to happen as it would leave my country without leaders.

During its initial phase, for 2 months, the Dominican revolution was confined to the capital of the Republic; as it entered its third month, the movement began to spread to the interior of the country. This was inevitable, since a revolution is not a unified military operation which can be contained within set boundary lines by military forces. Washington has remained inexplicably unaware of what is really happening.

In bottling up the revolution and keeping it confined to a portion of the city of Santo Domingo, the United States Government was appraising the situation in terms of force: The revolutionary element represents a given number of men with a given number of weapons; therefore, we can subdue them and knock them out with a given number of soldiers and a given amount of arms.

It is easy to think in terms of force in this day and age, especially in the United States, where a battery of electronic computers comes up with plausible answers to problems of this type in a few minutes, perhaps even in a few seconds.

A revolution, however, is an historical development which is ill-adapted to this type of automated reasoning. Its force is derived from the hearts and minds of people. Neither of these can be measured by electronic computers.

The Santo Domingo uprising was—and is—a typical people's democratic revolution in the historic Latin American manner, generated by social, economic, and political factors at once Dominican and Latin American. It is like the Mexican revolution of 1910. The United States reacted to the Dominican revolution of 1965 almost exactly as it did to the Mexican revolution of 1910. Why? Because, traditionally, the official world of North America has been opposed to democratic revolutions in Latin America. With the exception of the Kennedy years, the policy has been to reach a meeting of minds with local power groups, and to use force to back them up. During the Franklin Roosevelt era the use of armed intervention was abandoned, but the policy of supporting local power groups was continued, and in the case of the Cuban revolution of 1933 North American warships made their appearance in Cuban waters as an ominous reminder. It was John Fitzgerald Kennedy who transformed outmoded concepts by putting new policies into practice; but after his demise the old idea once more took hold that power can only be exerted by means of force.

Yet this idea has been disproved by history. A revolution is not a war. Traditionally, the defeated ones in revolutions have been those who were stronger in weaponry. The 13 American colonies were weaker than England, yet they won the War of Independence; the French masses were weaker than Louis XVI's monarchy, yet the people won in the French Revolution; Bolivar was weaker than Ferdinand VII, yet he won the South American revolution; Maddero was weaker than Porfirio Diaz, yet he triumphed in the Mexican revolution of 1910; Lenin was weaker than the Russian government, yet he won the revolution of 1917 in Russia. Without a single exception, all the revolutions which have been victorious throughout the course of history have been weaker than the governments against which they were rebelling. It is clear, therefore, that revolutions cannot be measured in terms of military power; other values must serve as their yardstick.

To distinguish between a true revolution and a mere disorder or struggle for power among rival contenders, one must study the underlying causes of the uprising, and the stand taken by the various sectors of society as it developed. It must also be viewed in its historical context. The U.S. officials failed to consider any of these aspects of the Dominican revolution. In Washington, word was received that at noon on Saturday, April 24, there had been some restlessness in certain quarters of Santo Domingo and among the people of the city; a little later it was learned that the commander-in-chief of the Army had been taken prisoner by his subalterns. Immediately, plans to land U.S. Armed Forces in the little Caribbean country were contemplated. President Johnson himself so stated when, at a press conference on June 17, he affirmed that "as a matter of fact, we landed our people in less than 1 hour from the time the decision was made. It was a decision we considered from Saturday until Wednesday evening."

Since Saturday, therefore, the U.S. Government had considered it necessary to land troops in Santo Domingo; and we may be sure that at the time the U.S. Government did not know what kind of revolution was developing or was going to develop in the Dominican Republic. It was obvious that the policy of the North American government was to defend the status quo in Santo Domingo, without any regard for the will of the Dominican people. The reaction in Washington was, therefore, the usual one: The controlling group in the Dominican Republic was threatened, and had to be defended.

This controlling group was pro-United States, without a doubt; but it was also anti-Dominican Republic, and this to an extreme degree. During its 19 months of government, this preferred regime of Washington had ruined the Dominican economy, established a system of corruption and daily ridiculed the hopes of the people for a dramatic solution to the country's problems.

The Dominican revolution of April 1965, was not an improvisation. It was an historical event, the origin of which was clear to see. It had been developing since the end of 1959, through the death of Trujillo in May 1961, the elections of December 1962; and finally the strike of May 1964. The coup d'état of September 1963, was unable to stamp out this revolution. It was a delusion of sociological and political ignoramuses that when the government over which I was presiding had been overthrown, the revolution would be vanquished. It was a delusion to believe, as did those responsible for formulating Dominican policy in Washington, that a man of "good" social and business background was the kind of person to handle the Dominican situation.

From the time of the 1963 coup d'état, the country was returned to the same lack of freedom and contempt toward the mass of the people which prevailed in the days of Trujillo. Corruption of the Trujillo type became more widespread and more shameless than under the tyrant himself. The Cabral regime sought a return to Trujilloism without Trujillo, an historical absurdity which could not be continued. The middle classes and the masses came together as allies, united in a common cause, to restore the country to a regime of lawfulness.

In April 1965, a second Cuba could not have been in the making in Santo Domingo. What erupted was—and is—a democratic and nationalistic revolution. No Latin American nation today can accept a democracy which does not also offer social equality and economic justice. It was a costly political blunder to look on it as a revolution which was in danger of drifting toward communism.

The United States will pay a high price for this blunder and, in my opinion, it will be paid within our time. A measure of the grossness of the mistake is the size of the forces originally deployed to bottle up the revolution. In April, the United States had 23,000 men in Vietnam; it landed 42,000 in Santo Domingo. Washington officials looked upon events in the Dominican Republic as so fraught with danger that their preparations seemed like those of a nation waging a life-and-death war. A tiny, impoverished nation, making the most heroic effort of its history to achieve democracy, was overwhelmed by huge quantities of cannons, planes, warships, and by a propaganda campaign which presented completely distorted facts to the world. The revolution did not shoot a single person; it decapitated no one, burned down not a single church, nor raped one woman. Nevertheless, allegations of these horrors were proclaimed to the world at large.

The Dominican revolution had nothing to do with Cuba, or Russia, or China. It would have ended in April had the United States not intervened. Instead, it was bottled up and consequently began to generate a force of its own, alien to its nature, and including hatred of the United States. It will be a long time before this anti-U.S. feeling disappears. When democratic nationalism is thwarted or strangled, it becomes a breeding ground for communism. I am certain that the use of force by the United States in the Dominican Republic will produce more Communists in Santo Domingo and in Latin America than all the propaganda of Russia, China, and Cuba combined.

It will be difficult to convince the Dominicans that democracy is the best system of government. They were paying for their democracy with their lives and with their blood, yet North American democracy represented their tremendous and heroic struggle to the world as a work of bandits and Communists. Force was used to prevent the Dominicans from achieving their democracy. Many Americans may not believe this is true, but I am expressing here what the people of the Dominican Republic feel and will continue to feel for many years to come, rather than trying to describe what the intentions of the United States were.

The United States was obliged to have recourse in Santo Domingo to an expedient which would permit it to use force without exposing itself to world opprobrium. This explains the military junta headed by Antonio Imbert. This junta was the brainchild of Ambassador John Bartlow Martin—of the United States, in other words. Rarely in modern history has so costly an error been committed in terms of U.S. prestige as placing in the hands of Imbert the power of armed Dominican troops, then advancing as an excuse for his crimes the argument of fighting communism in Santo Domingo. The brutal killings of Dominicans and foreigners—including a Cuban priest and a Canadian priest—which were committed by Imbert's troops on the pretext of wiping out communism will, in Dominican history, be forever laid to the account of the United States, and particularly to Ambassador Martin. These killings occurred while North American forces were in Santo Domingo; moreover, Ambassador Martin knew what kind of man Imbert was before inviting him to lead the junta. Imbert's tyranny was established beyond a doubt, and following as he did on the heels of Trujillo, there was no pretext strong enough to justify setting up the tyranny of Imbert.

Under the revolution, no one was shot or decapitated; but Imbert's forces shot and decapitated hundreds of persons. These crimes were not given the publicity they should have had in the United States, but they are cited in the documentation of the Commission on Human Rights of the Organization of American States and of the United Nations, with all their ghastly details of skulls crushed by gun butts, of hands lashed behind backs with wire, of headless corpses floating in rivers, of women executed by machine guns, of fingers smashed with hammers to prevent identification of the dead. Most of the victims were members of the Dominican Revolutionary Party (a party recognized as democratic), since the function of Imbert's "democracy" is to wipe out all democrats in the Dominican Republic. It is a bloody irony of history that the crimes imputed to the Dominican revolution were actually committed by Imbert. The blame will also fall on the United States and, unfortunately, upon democracy in general as a system of government. If I know my people, when the day of reckoning comes, it will be hard for the Dominicans of today and of tomorrow to be indulgent toward the United States and harsh only in their judgment of Imbert and his soldiers.

The Dominican people will not soon forget that the United States brought into Santo Domingo the Nicaraguan battalion named for Anastasio Somoza, that Central American emulator of Trujillo; that it brought in Stroessner's Paraguayan soldiers, of all elements those least qualified to represent democracy in a land where thousands of men and women had just died fighting to establish democracy; that it brought in the soldiery of Lopez Arellano who, so far as the Dominicans are concerned, is a sort of Honduran Wessin y Wessin. A highlight in all future history texts of the Dominican Republic will be the bombardment of the city of Santo Domingo for 24 hours on June 15 and 16.

All these flow from the use of force as an instrument of power in the handling of political problems. An intelligent evaluation of the events in Santo Domingo would have prevented them. President Johnson said that his Marines went into Santo Domingo to save lives; what they really did was to destroy the democratic image of the United States throughout the South American continent.

[From the Saturday Evening Post, July 31, 1965]

WHEN THE MARINES STORMED ASHORE IN SANTO DOMINGO, U.S. OFFICIALS DIVED FOR COVER

(By Tad Szulc)

This spring the United States became engaged in one of the most hectic, bizarre and controversial diplomatic and military operations in recent history, highlighted by the landing of 22,000 troops in the Dominican Republic to protect American lives and to prevent what the Johnson administration feared might be "another Cuba" in the Caribbean.

By late June, after the United States had bounced back and forth several times between contradictory policies, a commission from the Organization of American States—heavily influenced by its American member, white-haired, professional diplomatic troubleshooter Ellsworth Bunker—finally came up with the compromise proposals designed to satisfy two sides in the civil war. But looking back at the massive bloodshed and wild confusion of that savage Dominican spring, one finds it hard not to wonder why the same ideas could not have been advanced at the outset of the crisis, or shortly thereafter.

The story of the Dominican intervention would have been merely a comedy of errors and inconsistencies, a mixture of Hamlet and the Marx Brothers, if it were not for the thousands of Dominican dead and wounded in the 8-week civil war and for the deep involvement of American prestige.

The direct cost to the United States was some 25 lost lives of marines and paratroopers, over 100 casualties and many hundred of millions of dollars. It is impossible to estimate the cost to America in lost confidence among people throughout the world who regarded the episode—rightly or wrongly—as an imperialist military move by the United States. The Dominican crisis created sharp divisions within the Administration in Washington. How the Government handled that crisis—with apparent confusion at the local embassy, at the State Department and in the Central Intelligence Agency—deserves close scrutiny, for American embassies are everywhere much the same, and similar problems may erupt anywhere at any time. The Dominican experience is not the sort that it would be beneficial to undergo more than once.

A good part of the reason for this drawn-out torture of the ancient city of Santo Domingo and its 460,000 inhabitants, if not the whole reason, seems to lie in the nature of the initial reporting on the Dominican crisis to the administration in Washington by the U.S. Embassy in the Dominican capital. This frequently overemotional, exaggerated and partisan reporting went far to influence decisionmaking at the State Department and the White House, thus becoming the prime cause of most of the subsequent events. Later, the embassy's recommendations played a part in undermining, in effect, the peacemaking efforts of special White House envoys on the scene.

For this reason, much of what happened in the Dominican Republic is essentially the story of the American Embassy in Santo Domingo, the people in it and its "special guests" from Washington. It is the tale of an embassy that was at first caught unawares by events and then seemed panicked by them, and of otherwise competent diplomats who allowed themselves to lose contact with the real facts of the situation and then made it a policy to ignore them. No definite report can be provided on Washington's role, but it is plain that during the initial period no effective brake on the wild procession of events was applied by the State Department, which seems to have let itself be stampeded by reports from the field.

In this atmosphere of unreality and intrigue there inevitably arose episodes that served almost as comic relief in the impossibly tense and chaotic situation. There was the picture of American Ambassador W. Tapley Bennett, Jr., sitting under his desk throughout a strafing by friendly planes and the scene in which a White House emissary climbed through a window for a secret meeting with the rebel chiefs.

And, as the constant counterpart to the political and diplomatic maneuverings, there were the sounds and the smells of the civil war. From the moment that I landed in Santo Domingo on Thursday, April 29—having been ferried by a marine helicopter from the U.S.S. *Boxer* along with other reporters—I lived for 5 weeks with the barking of machine guns, the thud of mortars and the sudden dry crackling of snipers' rifles. There was the sweet, sickening smell of death in the overcrowded hospitals and the pungent odor of decay in a city which for weeks had no water and no garbage collection; and there was the quiet heroism of American Peace Corps nurses working under fire in the hospitals, the taut discipline of marines holding fire until the last possible moment.

But for the sake of coherency, this complex story of the U.S. involvement in the Dominican Republic must be told chronologically. It began with the revolt in Santo Domingo on Saturday, April 24, by a group of civilians and young military officers, who set out to overthrow the provisional government of Donald Reid Cabral and to bring back deposed President Juan Bosch.

But it is really necessary to go back even further, for the recent history of the Dominican Republic is a confused mesh of tawdry events. The country was for 31 years the personal fief of Rafael Leonidas Trujillo Molinas, an iron-fisted dictator whose rule ended with his assassination on a lonely Santo Domingo boulevard in May, 1961. After seven confused months, a Council of State was installed with U.S. support and with the intention of preparing democratic elections. Some council members subsequently lost interest in holding elections, and it was largely through the efforts of Donald Reid Cabral, a slim but wiry automobile dealer, that the elections took place in December 1962. But "Donnie" Reid was surprised by the victory of Dr. Juan Bosch, an idealistic writer, social reformer and self-taught political scientist who had lived in exile for 24 years. Reid refused to participate in the Bosch government and instead alined himself with the rightwing opposition.

On September 25, 1963, Dr. Bosch, the Republic's first freely chosen President in 38 years, was deposed by a military coup. The Trujilloist generals and colonels who overthrew Bosch explained their move as a necessary counter to the President's alleged—but never proved—Communist proclivities. Reid Cabral became Foreign Minister under a new triumvirate—in a government unrecognized by the United States, for President Kennedy angrily broke diplomatic relations after the coup and withdrew all aid. The Johnson administration reestablished the relationship 3 months later, and not long thereafter Reid was elevated to the top post in the triumvirate. Reid became known in Santo Domingo as "el Americano," so closely was he linked with U.S. interests.

Reid Cabral meant well, but somehow he never impressed his fellow Dominicans who became increasingly impatient for the democracy, jobs, and bread that had been promised since Trujillo's death. His rule, though authoritarian, was not dictatorial as Dominicans knew dictatorship, and he even tried to put a rein on the armed forces. This helped seal his fate. Resentment among old-line military, wistfully remembering the easy Trujillo days, converged with active plotting by young officers who were weary of the triumvirate and wanted democracy reinstituted under President Bosch.

It was the "young Turks" group that set off the crisis. The conspiracy of these officers and of civilians from Bosch's Dominican Revolutionary Party (P.R.D.)—mainly middle-class persons—began last September. The target date was June 1, but the capital grapevine became active in March with rumors that a coup was in the works.

After Easter Sunday, April 18, the coup rumors grew more persistent. A few days later, Santo Domingo's newspaper El Caribe published a front-page story reporting unusual military movement around the presidential palace. And finally on Thursday, April 22, Donnie Reid himself heard enough details of the plot to fire seven air force officers involved in it. This move shocked the conspirators into acting.

Rebel civilians suddenly captured the city's main radio and television station in the early afternoon of Saturday, April 24, and announced—prematurely—the government's fall. Two army camps on the outskirts of town declared themselves in rebellion. Crowds poured into the downtown streets to celebrate what they thought had already become a victorious revolution, but loyalist forces soon recaptured the radio station and arrested eight rebels there. Although the rebels at the two army camps ignored a 5 p.m. ultimatum to surrender, Reid Cabral broadcast that evening an announcement that the uprising had been stamped out.

The American Embassy, which had been completely surprised by the original revolt, dutifully passed on to the State Department the announcement that the revolt was now over, along with its own conclusion that, indeed, Donnie Reid had weathered the storm.

A possible explanation for the Embassy's failure to properly assess what was happening may be found in the absence of Ambassador Tapley Bennett, who had left Santo Domingo on Friday, April 23, the day before the rebels made their move. Mr. Bennett later explained that he had expected trouble, and for precisely that reason had gone to Washington, feeling that it was his last opportunity to discuss the Dominican problem before trouble came. However, on Thursday Bennett had sent his regular weekly report to the State Department, and in it he mentioned new talk in Santo Domingo that some generals might try to oust Reid during the weekend. But, Bennett noted, this seemed to be one of those "usual Santo Domingo rumors."

From Santo Domingo the Ambassador went to Georgia to visit his mother. It was there that he first heard of the Saturday revolt, and only the next day did he go to Washington, where the initial plans for a large-scale U.S. intervention were already being considered—partly on the basis of increasingly nervous reports from Santo Domingo that leftists and Communists were dominating what was supposed to be a pro-Bosch movement.

Also absent from Santo Domingo that crucial weekend were 11 of the 13 officers attached to the U.S. military assistance advisory group, whose job it was to train Dominican troops and be in touch with their leaders; they were in Panama attending a routine conference. The Embassy's naval attaché had left Friday for a weekend of dove shooting in the Cibao Valley with Brig. Gen. Antonio Imbert Barreras, one of the two survivors of the group that ambushed Trujillo in 1961—and a man who was to play a vital role in the days ahead. The senior American present in Santo Domingo was Bennett's deputy, William Connett, a thin, bespectacled diplomat who had arrived 5 months before. At 46, he had served in four Latin American posts during his 14 years in the Foreign Service.

In Washington it was a quiet spring weekend. Secretary of State Dean Rusk on Saturday made a statement about U.S. policy on Cambodia. President Johnson's top Latin American adviser, Thomas Mann, was relaxing at home. And Jack Hood Vaughn, who only a few weeks earlier had succeeded Mann as Assistant Secretary of State for Inter-American Affairs when Mann was elevated to the post of Under Secretary, was attending a conference in Cuernavaca, Mexico. As far as anyone in the administration seemingly could determine, this was one of the quietest periods that Latin American politics had undergone in a long time.

By any standards Tap Bennett's Embassy was a good Embassy, staffed by about 30 Foreign Service officers. All were career men with good records, and most had Latin American experience. Its only visible weakness was that all ranking officers, including Bennett, had served there for a relatively short time. This was because diplomatic relations with the Dominican Republic were restored only late in 1963, and a whole new team was assigned there with the new Ambassador. Bennett, serving in his first ambassadorial post, had been in Santo Domingo 13 months, as had the chief of the Embassy's political section. Only the CIA contingent, operating out of the political section as an independent unit, had been in the Dominican Republic longer.

Bennett was the classic State Department career ambassador—with all that this implies in advantages and drawbacks. At the age of 48, his ambassadorial appointment to Santo Domingo climaxed 24 years of a Foreign Service career that had not been spectacular, but, in State Department parlance, had been a good one. A tall, amiable man from an established Georgia family, Tap Bennett graduated from the University of Georgia, then spent a year at the University of Freiburg in Nazi Germany between 1937 and 1938 before obtaining his law degree from George Washington University. His first Foreign Service post was, interestingly enough, in the Dominican Republic. Afterward he specialized in Caribbean and Central American affairs, becoming in 1951 the Deputy Director of the State Department's Office of South American Affairs.

This backlog of experience made Tap Bennett a Latin American old hand, and in 1953 he was picked as personal assistant to Dr. Milton Eisenhower, who then was surveying hemispheric problems on his brother's behalf. Doctor Eisenhower described Bennett as "an engaging, sensitive, tireless worker." Married to the daughter of a well-known former ambassador, Bennett carried a pleasant social cachet, and in time he was sent on pleasant assignments to Vienna and Athens.

After his arrival in Santo Domingo last year, the new ambassador established close and cordial relations with President Reid Cabral and with businessmen, landowners and military officers who supported the regime. While this was entirely proper, the ambassador and his top associates seemingly maintained few contacts or friendships with the followers of Doctor Bosch, other opposition politicians or any of the young officers. As a high administration official in Washington said later, wondering aloud about the ambassador's selectiveness in his contacts, "Tap didn't seem to know anyone who was to the left of the Rotary Club."

Bennett was conscientious in carrying out his ambassadorial functions, and he traveled almost everywhere in the Dominican Republic, dutifully visiting aid projects and Peace Corps centers. But, as one of his embassy associates once remarked, "Tap seemed ill at ease with people who were not well dressed and to whom he had not been properly introduced." When the revolt broke out, Bennett almost reflexively gave his full commitment to people whom he knew. And he subsequently found himself in a maelstrom set in motion by men he had never met and by powerful forces that he had never discovered.

After reporting Saturday night that the rebellion seemed to have fizzled out, Bennett's deputy, Bill Connett—whose views apparently coincided largely with the ambassador's—found out Sunday morning that the situation had changed—although quite undramatically. Not only had the government's planes and tanks refused to attack the two rebellious army garrisons, but the old-line commanders had apparently decided to finish off in their own way what the young officers had started the day before. By Sunday morning Reid Cabral's term in office had ended—all the military leaders, rebels as well as loyalists, agreed on that. Donnie

Reid signed his resignation on the understanding that a junta would be formed and that elections would be held soon.

Then developments became more confused. The young military officers who hoped to bring Doctor Bosch back to power refused to go along with the junta plan. Instead they and their followers moved into the presidential palace, announcing that they were establishing a provisional regime until Doctor Bosch could return from exile in nearby Puerto Rico. Because most of the troops under command of officers favorable to the junta were across the Ozama River at San Isidro Air Force Base, the pro-Bosch officers momentarily had the upper hand. They immediately swore in as provisional president a mild-mannered P.R.D. politican named José Rafael Molina Ureña, who had been president of the Dominican Chamber of Deputies which became extinct at the time that the military overthrew Bosch in the 1963 coup. Under the 1963 constitution, suspended at the same time, Molina Ureña was next in line for the presidency in the absence of the vice president and the president of the senate, both of whom were in exile. Because Bosch's supporters regarded the 1963 coup as illegal, they claimed that the constitution was still in effect and that Molina Ureña was the rightful provisional president. The rebels' characterization of their movement as "constitutionalist" proceeds from this interpretation.

The installation of Molina Ureña that sunny Sunday marked the real beginning of the Dominican civil war. The other military commanders who had helped to dismiss Reid Cabral a few hours earlier now felt betrayed. And the most indignant among them was Brig. Gen. Elias Wessin y Wessin, the officer who had himself led the coup against Doctor Bosch 19 months before and who was not now prepared to see him brought back to power. General Wessin had the allegiance of the officers of the aviation infantry and armored brigade, as well as of most of the air force. Wessin's troops—who at peak strength numbered about 2,500 combat soldiers—were the elite of the Dominican armed forces, and now they were poised to smash the rebels.

Early Sunday afternoon two of General Wessin's P–51 fighters came out of the sun over the sea beyond George Washington Boulevard and strafed the sprawling yellow palace. A Gloster Meteor jet followed in a screaming dive, hurling rockets. Across the Ozama River Wessin's tanks rumbled toward the bridge leading into town. Simultaneously the San Isidro radio station broadcast that the pro-Bosch rebels were Communist-dominated.

Although Doctor Bosch had formerly been one of Fidel Castro's favorite targets as a "Yankee puppet," the American Embassy apparently concurred in General Wessin's assessment of the revolt. In one of his earliest cables to Washington, Connett, acting as chargé d'affaires in Bennett's absence, warned that Doctor Bosch's return would mean extremism in the Dominican Republic within 6 months—by which he presumably meant communism and, therefore, "another Cuba" in the Caribbean.

The rebels had by now opened the arsenals at the two army camps they controlled and at the few downtown police stations they had captured. A truck loaded with guns pulled up at the tree-shaded Perque Independencia. Men, women, and teenagers—Communists and non-Communists alike—were allowed to help themselves to anything they wanted. Suddenly the city turned into an armed camp. Connett cabled Washington that there were armed leftists on street corners. There were unquestionably Communists and pro-Castro elements in the revolution from the outset, but there seems to have been no basis for the embassy's warnings that extremists were about to capture the movement. The leaders at this early point were career army officers and Molina Ureña—none of whom are regarded as Communists.

In Santo Domingo, at 5:45 p.m. on Sunday, a delegation of top officials of Bosch's party went to the embassy to ask that the United States use its influence to halt the Wessin air attacks. The group included Silvestre Antonio Guzmán, a wealthy planter and former minister of agriculture in the Bosch cabinet, who was to emerge a few weeks later as the administration candidate to end the Dominican civil war.

The chargé, Bill Connett, did not see them. Instead they were received by the embassy's second secretary, Arthur E. Breisky, who, according to Guzmán's subsequent account, called the rebels irresponsible and said they were Communist-dominated. When one of the visitors heatedly denied any Communist link, Breisky reportedly responded that "now you ask for U.S. help after having sent your people in the streets. If I had Wessin's power I would use it."

Wessin did. On Monday his tanks continued their assault upon the Duarte Bridge, where they were resisted for hours in what was virtually hand-to-hand combat. Occasionally a Wessin tank succeeded in reaching the city end of the bridge, but then rebel bazooka and machinegun fire turned it back. Near the bridge rebel soldiers and civilians, some of them teenagers, crouched behind barricades among exploding missiles. By now automatic weapons were being handed out to anyone who asked for them. Aircraft bombed the city, where armed bands—not necessarily connected with any political movement—fired at anything that moved.

There was soon a complete breakdown of order, and the city had no government. Presently, serious fears developed for the safety of the 2,500 Americans living in Santo Domingo. Embassy officials monitoring the rebel-controlled radio and television began to discover a leftist-revolutionary accent creeping into the programs. The rebel announcers began broadcasting the names and addresses of "enemies of the revolution," an apparent invitation to violence. Though no anti-American incident had occurred, the embassy feared this as a predictable next step in the chaotic situation. Late on Monday the embassy recommended that the U.S. Navy, which had a task force standing offshore, immediately evacuate those Americans who wished to leave. Nobody in Santo Domingo, on any side, questioned the wisdom of this decision.

Because logical analysis cannot prove a negative argument—e.g., there are no snakes in Manhattan—there is no way of establishing that the pro-Bosch revolution would not have become dominated by the Communists. They are, however, a small minority in the Dominican Republic. And many foreign diplomats in the capital—even some officials at the Embassy—point out that the United States, while fearing a Communist takeover, did nothing in the revolt's early days to encourage democratic elements among the rebels. Instead the Embassy became increasingly identified with the Wessin forces, even though the San Isidro general personified, to a great many Dominicans, the threat of a new dictatorship.

Returning to Santo Domingo from Washington on Tuesday, April 27, Tap Bennett immediately passed to Washington, along with his own endorsement, the Wessin command's urgent request for radio equipment. The Wessin forces had still not managed to break into Santo Domingo, and the San Isidro leaders pleaded for U.S. walkie-talkies and other radio equipment to help provide tactical control of their tanks and aircraft.

Even before Bennett returned to his post, the administration in Washington was—quite properly, in a situation of such extreme uncertainty—already actively considering both a landing of marines, to protect the evacuation of Americans, and a large-scale military intervention. Intervention was planned to fend off what the Embassy had represented to Washington as the imminent danger of a Communist takeover. (The Embassy warnings, however, were still couched in generalities, and none of the alleged Communist leaders in the rebel command had been positively identified.) At 4 o'clock on Tuesday, therefore—before the Navy began evacuating the first Americans from Santo Domingo—the 82d Airborne Division at Fort Bragg, N.C., was placed on alert. Briefing his officers, division commander Maj. Gen. Robert York said the mission would be a parachute assault to secure San Isidro, the highway leading to the Ozama River and the Duarte Bridge.

On Tuesday afternoon the military picture in Santo Domingo shifted—the Wessin troops appeared to be gaining the upper hand. The tiny Dominican Navy, which had until then remained neutral, suddenly went to the side of the San Isidro generals, and its frigates lobbed a few shells at the rebel-held presidential palace. Then a new act in the Dominican drama—and in the Embassy's drama—began. A group of rebel military commanders suddenly appeared at the Embassy and requested an interview with Ambassador Bennett. After checking their weapons at the door, they were ushered into the ambassadorial office. They told the Ambassador that it was now necessary to end the bloodshed, and they asked him to mediate in negotiations with General Wessin.

Tap Bennett replied that he had no authority to mediate. But he said that because he was in contact with San Isidro, he would be glad to transmit messages there. Some of the officers, apparently believing their own entreaties lacked sufficient force, then suggested that the Embassy help persuade Acting President Molina Ureña that the time had come to seek a truce. Bennett assented. He instructed Benjamin J. Ruyle, head of the political section, to drive to the palace and deliver the message to the Acting President from his military associates.

Ruyle found the sprawling palace deserted. There were broken windows everywhere. Bits of masonry lay strewn around where rockets and machinegun bullets had hit. Walking through the building, Ruyle finally came upon a room off the main corridor where Molina Ureña sat dejected in a stuffed armchair. He was surrounded by a number of rebels, some in uniform and some in civilian clothes. At first the Acting President refused to consider giving up the fight, but his companions persuaded him to give it some thought. Ruyle left him and drove back to the embassy.

An hour later Molina Ureña and 18 rebel officers arrived at the white stucco, one-story embassy. This time the group included Lt. Col. Francisco Caamaño Deñó, one of the top rebel leaders and a 32-year-old graduate of a Florida high school and of U.S. Marine Corps schools. Again Tap Bennett was asked to mediate, and again he refused—but there are two contradictory versions of what happened. Colonel Caamaño insists that the ambassador told the group that "this is the time to surrender and not to negotiate." This, the colonel said later, was an insult to the rebel's honor.

Bennett denies that he either demanded a surrender or intended to insult anyone. However, Colonel Caamaño's—and most other rebels'—personal abhorrence of the ambassador is associated with this incident. But on one point both sides agree: When the conference finally broke up, Colonel Caamaño turned to Tap Bennett, just before leaving his office, and said, "We shall go on fighting." (The ambassador did not report this remark in his cable to the State Department that night, nor had there been any mention of Caamaño in embassy messages during the first 4 days of the rebellion.)

The rebels left the embassy one by one, some hanging back as if they were reluctant to leave. Finally Molina Ureña decided that his side had lost and drove to the Colombian Embassy to request asylum. As far as the U.S. Embassy was concerned, the pro-Bosch rebellion had collapsed. An army battalion from out of town, uncommitted to either side until then, entered the city from the west and marched on the palace. In the east, General Wessin's tanks were smashing their way into Santo Domingo over the Duarte Bridge against heavy resistance. The U.S. Navy evacuation of the first 1,175 Americans had been safely completed. There had been an early incident at the Hotel Embajador, where evacuees had congregated, when rebels lined terrified people up against a wall in the lobby and fired a submachinegun burst overhead. But nobody was hurt. In Washington, administration officials expressed relief that the revolt had collapsed.

But to everybody's surprise—the embassy's second major surprise in 5 days—the rebels not only did not give up but they found a second breath. Colonel Caamaño, whose promise to fight had been ignored by Tap Bennett the evening before, took command of the rebellion and eventually mustered perhaps 3,000 supporters—although he later claimed to command 10,000 armed rebels. Caamaño became the rebel leader almost by accident, after many of his fellow plotters had vanished into diplomatic asylum. A somewhat paunchy man of unpredictable mood, he has none of the magnetism of a typical revolutionary leader such as, say, Fidel Castro. If he has any political, economic, or social ideas, beyond his proclaimed support for democracy, he has failed to make them clear. He alternates between rages, when he swears to die alongside his men to preserve their honor, and a kind of gay insouciance that he displayed recently at an improbable crepes suzette luncheon at one of his hideouts. He could scarcely be regarded as anything more than a transitional leader.

By Wednesday morning, in any case, Caamaño's rebels had barricaded themselves into an area of narrow streets and ancient houses in old Santo Domingo. They placed machineguns on the roofs and posted snipers at windows. Molotov cocktails were stored in houses, many of which became small fortresses. Captured tanks and trucks, with the painted word Pueblo [People] fanned out into the city.

Now both the Wessin command and the United States had to respond to a renewed rebel threat. The Embassy decided that intervention was necessary, but a legalism had to be satisfied: Someone had to request U.S. military help. Accordingly in mid-morning a three-man junta was established at San Isidro with Embassy guidance. Because General Wessin was so objectionable to many Dominicans, an unknown air force officer, Col. Pedro Bartolomé Benoit, was named head of the junta.

Colonel Benoit immediately appealed to Tap Bennett for help. At 1:48 p.m., on Wednesday the Ambassador cabled Washington that the junta's communications problem—the lack of radio equipment—was critical. He cabled that the military was facing leftist forces and raised a question about the effect on the morale of the air force and the others if the United States denied them aid.

Shortly after lunch Colonel Benoit radioed the Ambassador from San Isidro that the recently formed junta could no longer assure order in Santo Domingo or protect foreign lives. He asked for U.S. intervention. Tap Bennett passed this request to Washington, then drafted another message which explained that he regretted that the United States might have to impose a military solution to a political problem. While leftist propaganda could be expected to characterize the revolt as a fight between the military and the people, Bennett said, the issue really was between those who wanted a Castro-type solution and those who opposed it. He went on to make clear that while he did not want to overdramatize the situation, he believed that if the United States denied the requested communications equipment and if the opposition to those he called leftists lost heart, the United States might be required in the near future to stage a Marine landing. What, he asked, did Washington prefer?

Messages whipped frantically between Washington and Santo Domingo that afternoon, and the State Department replied that the United States would not intervene militarily unless the outcome was in doubt—but that the walkie-talkies were being got ready.

At that point the administration was nearing the decision to land a contingent of marines whose mission would be the protection of the continuing evacuation of Americans. About 2 p.m. a group of Marine Corps "pathfinders" came ashore at the sugar port of Haina, 7 miles west of the capital, to survey the beach for an amphibious landing.

At this point the United States identified three men among the Rebel leadership as having possible Communist ties. None of them were the visible top leaders. The identification was sent by the CIA from Santo Domingo Wednesday morning, and Vice Adm. Willian F. Raborn, Jr., retired, who had been sworn in as CIA Director at 12:30 p.m. that same day, brought this information to President Johnson.

Shortly before 5 p.m., Santo Domingo time, Tap Bennett received from Colonel Benoit a written note confirming the earlier radioed request for "a temporary intervention." Bennett telephoned the White House and talked to the President. Then he sent his "emergent" message, the highest-priority communication in the U.S. Government, recommending that the junta intervention request be honored. Within minutes the first helicopters took off from the deck of the *Boxer* to ferry marines to the Hotel Embajador.

The "limited intervention" had begun. For the first time since 1916, U.S. troops had set foot in the Dominican Republic. In his televised announcement that night, President Johnson emphasized that the marines had gone ashore in Santo Domingo to assist in the evacuation of Americans and other foreigners. Nothing was said of a feared Communist takeover or of U.S. help to the junta forces.

While the original landing by the marines on April 28 brought no more than 500 U.S. troops to Santo Domingo, the administration almost immediately moved toward a major buildup. By the end of the first week, there were 5,000 marines and paratroopers ashore. During the May Day weekend, the forces were more than doubled to 12,000. At the end of the second week, on May 8, the peak was reached with 22,000 U.S. troops in the Dominican Republic and 8,000 sailors manning 40 ships offshore. The U.S. military spokesmen were never entirely precise about the need for such a large force. But State Department officials, briefing newsmen in Santo Domingo, gradually escalated the nature of the U.S. purpose in the Dominican Republic from the initially declared evacuation mission to one of assisting Dominicans "to find a democratic solution to their political problems."

When the landings began on Wednesday, however, the first marine contingent soon secured its perimeters. At 7:30 p.m., after a marine platoon had been driven over to the Embassy, Bennett sent a telegram marked for Under Secretary Mann. Snipers had been firing at the Embassy building from across the street, and the marines shot seven of them. Tap Bennett's cable told Mann that U.S. lives were in danger and conveyed an oral message from Colonel Benoit that the situation was deteriorating rapidly. He cabled his hope for an urgent reply to his official request for assistance to the Wessin forces.

Thirty minutes later the Ambassador sent off yet another telegram to Washington. It said that the junta forces were incapable of resisting and added Bennett's recommendation that serious thought be given to armed intervention to restore order, beyond the mere protection of lives. If the loyalist efforts failed, he said, power would go to groups whose aims were identical with those of the Communist Party. The United States might have to intervene in force to prevent another Cuba.

In Washington, a stunned Council of the Organization of American States was informed of the U.S. landing. The Latin American ambassadors were told that the marines went ashore to protect lives of foreign residents and that the administration had had no time to consult beforehand with other governments. Several ambassadors protested that the U.S. action violated the OAS Charter, which bans unilteral intervention. But, again, they were assured that the United States desired only a cease-fire.

But in Santo Domingo events were proceeding on a somewhat different basis. Newsmen preparing to land behind the marines from the Navy's amphibious task force happened to turn on their transistor radios and, quite accidentally, tuned in radio exchanges between Tap Bennett and Colonel Benoit, chief of the newly formed junta.

One message, at 9:25 on Thursday morning said: "This is Shade Tree 1 [the Embassy's radio call]. The Ambassador to Colonel Benoit. Do you need more? Believe that with determination your plans will succeed."

Another message from Tap Bennett: "Could you open Punta Caucedo [the international airport] for air traffic to bring in food and medicine? Uniformed marines can operate there if civilians are not there."

Another exchange between the Embassy and an American voice at San Isidro Air Force Base spoke of need for batteries, communications equipment, and rations for the Wessin troops.

A message from San Isidro reported that "a significant morale boost is evident here since the arrival of rations." Then, San Isidro informed Shade Tree 1 that "I've got a message that the suppression attack is being initiated at 0845 local." A message from the Embassy asked Colonel Benoit whether he had enough supplies against "the Castro forces facing you." The message then was changed to say "rebel forces" instead of "Castro forces."

Aboard the *Boxer* the task force commodore, Capt. James A. Dare, dispelled any doubts about why the marines had landed in Santo Domingo. Briefing newsmen, he said that American forces would remain there long enough "to keep this a non-Communist government." But the official story at the Santo Domingo Embassy and in Washington continued to be that the troops had gone ashore to provide safety during the evacuation.

That Thursday evening Tap Bennett briefed the group of newsmen who had come ashore from the *Boxer*. He told them that there was evidence of Communist domination in the rebel movement, then distributed typewritten copies of a list of 54 Communists or Communist sympathizers who, Bennett said, were active in the rebel leadership.

Simultaneously the Embassy cabled Washington the text of a rebel leaflet that called for a fight "to death" against the Wessin forces. It was signed by eight rebel leaders, beginning with Colonel Caamaño. The Embassy message, signed by Bennett, said that two of the signers might have Communist connections but that no information was available about the others. In Washington, State Department officials began hinting to newsmen, on the strength of the Bennett telegram, that seven or eight of the top rebel leaders might be Communist-oriented.

Bennett also told newsmen that night of rebel atrocities—of several heads paraded on pikes, of mass executions, and of how Colonel Caamaño personally had machinegunned Colonel Calderón, the aide-de-camp to President Reid Cabral. The reporters had no reason to doubt Bennett's accounts, which were also being cabled to Washington.

But it subsequently developed that none of these reports was accurate. Nobody could be found in the rebel zone—where reporters went but Embassy officials did not—to confirm the stories of executions or of heads on pikes. Colonel Calderón emerged a few days later at a hospital with a slight neck wound received at the palace during the first day of the revolution. A newsman had a beer with him later on.

As days passed it became evident that, deliberately or because of faulty information, the Embassy was passing out inaccurate reports. One evening an official State Department spokesman announced that the Embassy had received the intelligence that Colonel Caamaño had met with five Communist leaders the night before and promised them cabinet posts if the revolution succeeded. If it failed, Caamaño was supposed to have said, he would negotiate safe conduct out of the country for them. The spokesman did not have the names of the leaders, and several days later he acknowledged that the Embassy was not at all sure of this information.

At his staff meetings, Bennett referred to the rebels as "that Communist scum" or "that bunch downtown." Requests from Dominican professional groups—businessmen, lawyers, doctors, and engineers—for contacts with the Embassy to explain their contention that the "constitutionalist" revolution was not Communist, were not granted. When a reporter asked Bennett if he did not fear that this policy of isolating the rebels might push them into Communist hands, he replied, "They are already in Communist hands."

This was also the quickly reached conclusion of John Bartlow Martin, the former Ambassador to the Dominican Republic during the Bosch regime whom President Johnson sent to Santo Domingo to establish contact with the rebels and to take a fresh look at the situation. Martin, who had the reputation of being a liberal and had many friends in Bosch's P.R.D., spent an afternoon conferring at the Caamaño command post and immediately announced at a news conference that the revolution had been taken over by Communists. He said flatly that all "democratic elements have been destroyed." But neither Martin nor the Embassy is known to have made any effort to encourage democrats against the Communists. For 10 days there were no further contacts between the United States and the rebels. The Embassy clearly demonstrated partiality for the forces of the junta—which it began to call "the Government of National Reconstruction."

To head this "government," the Embassy picked Brig. Gen. Antonio Imbert Barreras, one of two survivors of the group that killed Trujillo. To assist General Imbert, the United States made available $750,000 on May 9 to pay the salaries of public employees in areas not under rebel control. No similar offer was made to Colonel Caamaño.

Santo Domingo was a city governed by confusion. While the United States was still proclaiming "strict neutrality," technicians from the U.S. Information Agency and the CIA jammed the rebel radio station. Newsmen and television cameramen recorded truckloads of Imbert troops passing freely through American checkpoints en route to battle the rebels.

On the rebel side, Colonel Caamaño's announcers vilified Ambassador Bennett in the worst imaginable terms. Snipers, who according to Caamaño were not under his control, fired nightly at American positions, often causing casualties. Amid all the confusion, an Organization of American States team negotiated a shaky truce on May 5.

The Johnson administration determined that a new approach might be needed to bring matters to a settlement, and that the reporting and the recommendations from Bennett and Martin were no longer adequate. In the same way that Martin had been sent in because of doubts about Tap Bennett's reporting, McGeorge Bundy, the President's Special Assistant for National Security Affairs, was dispatched to reinforce Martin. With him came the State Department's two top Latin experts, Mann and Vaughn.

Just before the Bundy mission's arrival, Imbert aircraft broke the OAS-arranged truce. Guns blazing, they made strafing runs on rebel-held Radio Santo Domingo. In making their approach, the planes roared over the Embassy, spraying bullets into adjoining streets. Tap Bennett and many of his aides dived under their desks, the Ambassador shouting, "I shall protest this."

For reasons never explained, Bundy's presence in Santo Domingo was kept secret for 12 hours while officials denied that he and other high-ranking envoys were there. Newsmen were now barred from the Embassy building, largely because the small, green-shuttered structure was so full of generals and top-level "special guests" that it was almost impossible to move about inside or find privacy for confidential conversations.

Bundy's mission was to negotiate a compromise constitutional government. Selected to head it was Antonio Guzmán, the former agriculture minister under Dr. Bosch and the man reportedly received so coolly by Second Secretary Breisky on that first Sunday of the revolution. Guzmán's name was suggested by Bosch, whom Bundy had stopped off to consult in San Juan. He was basically acceptable to the United States and to the Caamaño command. The only remaining problem was to win General Imbert's agreement to resign in favor of the compromise candidate.

It was not a small problem. When Under Secretary Mann suggested to Imbert that he resign, Imbert flatly refused. He told the Americans that since the United States had helped him to become the head of the junta, he now intended to keep the post. To do otherwise, he said, would be "to turn everything over to the Communists." General Imbert told reporters, "I won't be played for a sucker." One reporter described the situation by writing, "General Imbert is the U.S. puppet who is pulling his own strings."

It was at this time that Lt. Gen. Bruce Palmer, commander of U.S. military forces, had to order half of the marine howitzers—which had until now been aimed at the rebel stronghold downtown—turned around to face Imbert's troop emplacements. Some of Palmer's troops appeared to be confused about their mission, and some wondered where the enemy was.

During the Guzmán-Bundy negotiation and while the OAS-arranged truce was still in effect, the Imbert forces mounted another offensive against the rebels, this time in the northern section of Santo Domingo. Imbert's tanks and artillery made a full-scale assault that cost hundreds of Dominican lives, mainly of women and children.

The rebels could not counter Imbert's attack in the north because the U.S.-controlled security corridor, bisecting the city from east to west, kept them hemmed in downtown. At one stage the United States prepared to open another corridor, running north from the rebel area, to halt the Imbert advance. But this idea, advocated by Bundy, was vetoed in Washington. At the embassy, Under Secretary Mann said that he hoped Castro would recognize the Caamaño regime and prove once and for all that the rebels were Communist-oriented.

Then "the Guzmán formula"—for which Bundy had worked for 10 days with all the prestige of his White House post—collapsed on orders from Washington. The FBI had intercepted a telephone conversation between Dr. Bosch and a friend. The conversation reportedly included a statement that if the Guzmán regime were installed there could be a new government in 5 days. About this time the State Department sent a memorandum to the White House recalling that in 1933 the United States had been accused of imposing a government on Cuba and that the Johnson administration should beware of opening itself to such a charge.

The breakdown of the Bundy-Guzmán negotiation marked, for many of those on the rebel side, the end of hopes for a "constitutional" regime. The Imbert regime was allowed to go on consolidating its position in the governmentless country, while another OAS commission, the second inter-American group to try mediation, arrived in Santo Domingo to seek a settlement.

On the day before his return to Washington, 5 weeks after the United States found it had a tiger by the tail, Bundy arranged to meet with Colonel Caamaño and his associates. It was to be their first encounter, for the rebel chief had canceled an appointment a week earlier when one of his top aides was killed by gunfire, apparently shot by U.S. troops manning the security corridor. The meeting place was to be the Music Conservatory, a modern white building on a seaside boulevard in the no man's land between the marine and rebel lines. Arriving there at 3:45 p.m., Bundy and his associates found the building locked, but assumed that Colonel Caamaño's men had made arrangements to have the conservatory opened. It turned out, however, that Colonel Caamaño had made a like assumption. After unsuccessfully trying to find an open door or window, one of the rebels produced a knife and pried loose some window panes. Chairs were brought into position and the two delegations climbed in through the window.

The meeting lasted 4 hours, with Bundy using his fluent Spanish in the conference. Near the end of the session, violent gunfire broke out not far from the conservatory. Swearing in anger, Colonel Caamaño rushed to telephone his forces to stop firing. Bundy scurried for a phone to contact U.S. commanders. But there was no telephone in the building.

It might be said that the missing telephone symbolized the entire Dominican tragedy, where there was a general breakdown in communications between Americans and Dominicans attempting to end the civil war without further loss of life, and where no formula seemed to offer a peaceful solution. It may be that there was no alternative to the U.S. intervention in Santo Domingo, but the 5 weeks I spent there at the height of the crisis failed to convince me that there was a real risk of "another Cuba." As exiled President Juan Bosch, sitting out his country's agony in Puerto Rico, observed sadly, "Perhaps the United States should have taken a chance with Dominican democracy."

THE VISION LETTER

(The weekly analysis of Latin American affairs)

The Dominican crisis hangs like a dark cloud over the upcoming second special Inter-American Conference of Foreign Ministers, scheduled for Rio on August 4. The longer the Caribbean deadlock endures, the more prejudicial it becomes. The U.S. unilateral intervention, the subsequent creation of an Inter-American Peace Force and the de facto OAS trusteeship have raised fundamental questions which completely overshadow the agenda, mostly pegged to reorganizational and economic matters.

Lacking a consensus on the OAS role in the Dominican Republic, some members tried to postpone the meeting. However, Brazil, with important elections around the corner, pressed for holding the meeting on schedule and received key support from Argentina and Chile. Now, rumors of postponement, which seem unfounded at the moment, are on the wing again.

Washington had hoped that Rio would be a forum to discuss the setting up of a permanent inter-American police force to deal with Communist flareups, and President Johnson, Secretary of State Dean Rusk and OAS Ambassador Ellsworth Bunker all talked it up. But the kickback has been so strong that the idea has been quietly put aside, for the moment at least.

As a sign of Latin American discontent over the Dominican affair, Secretary General José A. Mora came under some sharp questioning from OAS ambassadors. Last week at a closed-door briefing he defended himself well, but still he was under the gun for such picayune consideration as unfurling an inter-American flag in Santo Domingo without authorization. Chilean President Eduardo Frei gave a foretaste of the kind of talk which may be heard in Rio when he stated in Paris this week: "We want an inter-American system without hegemony."

To avoid polemics, some nations would like to make the Rio conference as short as possible. Such questions as an inter-American force would be thrown into some future conference called to amend the OAS Charter. Events in the Dominican Republic have been no help. Loose ends keep appearing after the mediators reportedly have bagged a solution. The whole involvement has stretched the OAS to the limit, and Secretariat officials find themselves deeply immersed in a myriad of unfamiliar tasks in Santo Domingo. Technically speaking, the OAS may have two conferences on the fire simultaneously next August. In addition to the Rio conference, the Tenth Meeting of Consultation of Foreign Ministers, convoked to handle the Dominican explosion, is in force until the crisis is solved.

MIDWESTERN STATES REFUSE TO BACK ROTTEN BOROUGH AMENDMENT

Mr. TYDINGS. Mr. President, the indications are growing every day that the rotten borough amendment is losing ground not only in the Senate but in the country. One after another columnists, editorial writers, and other leaders of public opinion are recognizing the grave dangers which the rotten borough amendment poses to our democratic system. Perhaps the most significant indication that the rotton borough amendment is losing support throughout the country is the fact that the Midwestern Conference of the Council of State Governments refused to adopt a resolution calling for the passage of Senator DIRKSEN's proposed amendment.

According to a report in the Washington Post of July 22, the Dirksen amendment failed for lack of a majority in the 12-member Council of State Governments just as it failed for lack of a majority in the Senate Judiciary Committee. The Washington Post reports that 6 of the 12 Midwestern States favored the resolution calling on Congress to approve the rotton borough amendment. But six States refused to lend their consent to this resolution. Three of these six—Indiana, Iowa, and Michigan—voted against the resolution. Three others—Minnesota, Wisconsin, and Illinois—abstained. I find it highly significant that the minority leader's own State should fail to endorse his proposed constitutional amendment and that his proposal should fail to carry in the heartland of this great country.

Mr. President, I ask unanimous consent that the Washington Post article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1965]

MIDWESTERN STATES FAIL TO ASK APPORTIONING AMENDMENT

COLUMBUS, OHIO.—A resolution asking Congress to submit a Constitutional amendment allowing one house of State legislatures to be apportioned on a basis other than population failed by one vote yesterday at the closing session of a conference of 12 midwestern States.

Kansas, Missouri, Nebraska, Ohio and North and South Dakota voted for the resolution which needed a majority of the 12 States to carry. Indiana, Iowa, and Michigan voted no, and Illinois, Minnesota, and Wisconsin abstained.

The delegates to the Midwestern Conference of the Council of State governments voted 7 to 2 with three abstentions against a proposal to commend the U.S. Supreme Court for its one-man, one-vote rule or reapportionment.

A PARATROOPER IN VIETNAM

Mr. FANNIN. Mr. President, one of the thousands of young Americans who are defending the interests of the free world in the jungles and rice paddies of Vietnam is a 22-year-old paratrooper from my home city of Phoenix, Ariz.—Pfc. Jerry P. Linsner.

That this young soldier knows very well why he is fighting in that far-away Asian nation is demonstrated by a letter to the editor which he wrote to the Arizona Republic newspaper in Phoenix. The thoughts which he so eloquently expressed in that letter are like a clear fresh breeze compared to some of the juvenile demonstrations and protests by students of his age on campuses throughout the country.

In the belief that this dedicated young serviceman's letter deserves wider circulation as a forceful answer to advocates of appeasement, I ask permission to have it printed in the body of the RECORD.

There being no objection, the letter to the editor was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, July 15, 1965]

A PARATROOPER IN VIETNAM PENS LETTER TO STUDENTS

EDITOR, THE ARIZONA REPUBLIC:

I am a 22-year-old paratrooper now serving with the 173d Airborne Brigade (Separate). My home address is 2412 North 37th Way, in Phoenix. I am writing this letter from the perimeter defense position around Bien Hoa Airbase, South Vietnam, and its questioning aspects are directed at a select few who are helping to fight this war on the home front.

I must say though, that I am a little confused as to which side is being supported, and whose cause upheld by some of our young and upcoming "intellectual soldiers" whose bases of operations are located at several of our institutions of higher learning.

One of our most precious possessions is the freedom to challenge the policies of our Government, and keep those policies within the limits of our society's national feelings. This freedom was borne to us from our Nation's birth through the careful actions and watchful minds of dedicated leaders and protected by the blood of thousands.

It now seems evident that this freedom can be, and is being, undermined and abused in an ignorant display of rash actions, which do nothing but confuse the public and place a doubt in the minds of countries on the verge of communism as to the soundness of America's promise to defend them against Communist aggression.

The un-American aspects of these demonstrations, which are carried out by those who might occupy positions of leadership and responsibility in the near future, carry the traits of a possible dupe by an outside force.

You would think that the countless broken Communist treaties, lies and anti-American attacks, and the stark nakedness of public Communist announcements, which state openly and coldly their intentions to crush us, would awaken minds and open eyes.

From the Lao Dong Party in Hanoi, the Communist cry that the fighting in the south is a matter for the South Vietnamese, has been heard all over the world. Seized Vietcong caches of Communist-supplied arms and ammunition, the extremely elaborate military and political machine aimed at conquering South Vietnam, and the high proportion of northern trained officers, enlisted men, specialists, and secret agents, reveal the Communist line to be a giant mockery. It is a useless attempt to hide the fact that Hanoi is behind the continuing campaign of aggression aimed at conquering South Vietnam. There exists in South Vietnam a large scale, carefully directed, and Communist-supported program of armed attack on a sovereign state and a free people.

Obviously, some students are so entangled in their efforts to reform our international policies that they fail to see the danger. Assured by social and intellectual freedoms, they strike out viciously and defiantly at our National Government. Not only do they lack diplomacy, they infringe upon the rights and freedoms of other citizens, and either do not care or have no conception of the ill effects our Nation suffers in the world spotlight.

I only hope that when the demonstrations finally terminate, these students will add to their store of knowledge a recognition of the truth along with a valuable bit of experience.

Students should use their freedoms, take advantage of their rights, pry, disapprove, and question our Government's actions and make them conform to the will of the people. But before they pass judgment, they should take another look at our country's foundations, what we have fought and died for in the past, and what we stand for today. They should open their eyes and see who is trying to take this away from us.

I have watched America's youth swelter on the decks and in the holds of troop ships and LST's. I have watched them rise from muddy pup tents, to construct through long, laborious days as clean and healthy a place to live as is possible in this environment. I've watched their bodies burn and tan under a merciless sun as they dug bunkers and mortar shelters. And at night they keep a vigilant watch in these same positions.

They have dropped in convulsions from the heat, and died from Communist steel.

They are fighting a dirty and nasty war, and they board helicopters willingly to hunt out an elusive enemy in their own territory.

There is one thing I haven't slightest doubts about, Mr. Student, and that is these men's determination to stop communism here, on their own back doorstep. They know the score and this realization shows in their mental and physical willingness to fight.

However, when I turn my eyes homeward, I see something ugly, and I don't like it. Where is the moral support enjoyed by other men in wars past won? Where is determination to stop communism? Don't sell us down the river, Mr. Student, you might regret it.

Pfc. JERRY P. LINSNER,
APO, San Francisco, Calif.

THE VAN ALEN SIMPLIFIED SCORING SYSTEM IN TENNIS

Mr. PELL. Mr. President, recently in Newport, R.I., a lawn tennis tournament was conducted under VASSS, the Van Alen simplified scoring system. This tennis tournament, which had in it such world famous professions as Rod Laver, Ken Rosewall, Pancho Gonzales, and Butch Bucholtz, was an experiment that may well pave the way to making tennis an even more generally enjoyed, watched, and participated-in sport than is presently the case.

The VASSS system basically calls for scoring on a point system somewhat like table tennis with the first person to reach 31 points winning the set. By previous stipulation a set can be decided by 21 points or 41 points or any variable of 5 plus 1, the unknown being divisible by 2.

The VASSS system provides that the server shall stand 3 feet behind the baseline, thus eliminating the advantage of the big server who normally would rush the net in order to put away the defensive return on the first volley. Rather, there is substituted the longer rally which requires more emphasis on strategy, experience, and precision as the players seek to maneuver each other out of place so that one of them can get in position for a winning shot. This longer rally also, I believe, provides the spectator with a great deal more enjoyment.

An additional advantage of the VASSS system is that it provides for the possibility of handicaps, like golf. This means that an exciting game can be played between two players of very different ability. For example, one would start out with a 10-point advantage over the other; but the winner of the set would be the first one who reached 31 points. This could make tennis far more enjoyable and would end the necessity of trying to find people of almost equal ability with whom to play as is now so often the case.

Finally, the frank relationship in this professional tournament of the points to money added to the excitement of the audience. In fact, on the scoring board where the points were listed, the scoring board also multiplied the points by 5, preceded by a dollar sign, to indicate the amount of dollars that had so far been won by each of the participants.

The success of this tournament is shown by the number of people that it drew both in the day and at night. In fact, another trailblazing result was the introduction of outdoor tournament night tennis playing.

All told, I am glad to rise and commend James Van Alen, president of the Newport Casino, for his efforts in creating a new scoring system and I hope paving the way for a further popularization of tennis. I am particularly happy to congratulate him on his election to membership in the National Tennis Hall of Fame. James Van Alen has always been an activist and a doer and is particularly qualified in the world of sports, having for many years been the court tennis champion of America.

THE PROPOSED CONSTITUTIONAL AMENDMENT TO REAPPORTION STATE LEGISLATURES

Mr. TYDINGS. Mr. President, in recent weeks a number of editorials opposing the Dirksen amendment have come to my attention. I ask unanimous consent to have inserted in the RECORD an editorial entitled "Thoroughly Bad Legislation" from the Washington Afro-American of July 20, 1965, and an editorial entitled "Wait a While" from the Toledo Times.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Afro-American, July 20, 1965]

THOROUGHLY BAD LEGISLATION

No matter how ardently its reactionary proponents try to dress it up, the so-called Dirksen amendment would still be bad legislation.

For one thing it rests on the erroneous premise that people who live in rural districts must be presumed to be more intelligent, more patriotic, and overall better citizens than those who dwell in the cities.

It is on this faulty foundation, not supported by fact, that Senator DIRKSEN, the Illinois Republican, is asking Congress to overturn last year's Supreme Court decision that both houses of State legislatures must be apportioned on the democratic principle of one man, one vote.

Mr. DIRKSEN's proposal calls for one branch of the legislature to be apportioned on land area, cows, chickens, or other factors than people. It is an arrow aimed directly at the 70 percent of the Nation's population living in the cities.

It is unabashedly designed to allow the 30-percent minority of county dwellers to perpetuate the rotten borough system of frustrating the legislative aspirations and needs of the urban majority.

As much as they argue for its passage, backers of the amendment cannot justify it as being in the democratic tradition. It is patently discriminatory and does wholesale violence to majority rule.

Moreover, as Maryland's Senator TYDINGS has so aptly pointed out, it would "carve out an exception to the equal protection clause of the 14th amendment."

Thus it would lower the safeguards of this constitutional bulwark on which a majority of Supreme Court decisions outlawing racial discrimination rests.

More directly, it would permit hard-core Southern States, faced with a growing colored electorate under the newly enacted voting rights bill, to water down their voting strength under the Dirksen formula of counting factors other than people in allotting legislative seats.

It is not difficult to envision States like Alabama and Mississippi enacting apportionment legislation brazenly designed to again disfranchise citizens on the basis of landownership, wealth, education, or race.

There is nothing in the Dirksen amendment, once enacted, that would prevent such action, which no doubt explains why all of the old Confederate States are so enchanted with the scheme.

Thus our stake in the impending Senate battle over the Dirksen amendment is even more vital than that of other citizens.

For if it is jammed through, we stand to lose not only our political strength in the major northern cities, but in the Southern States as well.

That is why it is so important for you to keep reminding your Senators that a vote for the Dirksen amendment is a vote against you and yours and one which you will not soon forget.

[From the Toledo Times, July 14, 1965]

WAIT A WHILE

The Dirksen amendment over which the U.S. Senate soon will be fighting a battle royal is a watered down, spruced up version of the same name proposal that Minority Leader EVERETT DIRKSEN first introduced last year to nullify the Supreme Court's one-man, one-vote ruling on State legislatures.

As approved by a Senate subcommittee the proposal still would allow one house of a legislature to be apportioned on factors other than population. But it no longer would bar Federal courts from hearing suits challenging apportionment plans. And it would require a vote of approval at least every 10 years by the people of a State which used nonpopulation factors for one of its legislative houses.

The changes have brought the proposed amendment considerably more support than it originally commanded. Its passage is still uncertain, but the vote is bound to be close, since even such liberal spokesmen as Senators JAVITS of New York and KUCHEL of California are now endorsing it.

Part of this widespread sympathy for the amendment—which we are tempted to share—arises from recognition that fair representation in a legislative body does not always come solely from numbers. This is most easily seen in States like California, Illinois, New York, and others where the bulk of population is massed in one or two great metropolitan centers. The Court's ruling, strictly interpreted, could create a tyranny of majority in which vast areas of a State had no voice in legislative affairs at all.

What restrains us from wholehearted support of the Dirksen amendment is the evidence—and there is plenty—that most of its supporters are not really interested in fair solutions to apportionment problems. They want simply to salvage the old status quo of entrenched rural power that drove the Supreme Court reluctantly to get into the political thicket it had long avoided.

It should not be forgotten—though the Courts' critics never mention it—that the tribunal invaded this field only because those in control of the States' apportionment machinery refused to do anything about the gross imbalances that had developed. Many of the same people who now leap to the defense of the States' own laws and constitutions showed no such high regard for them when reapportionment provisions were being violated decade after decade to protect vested political interests.

So the Supreme Court has, in effect, restored to the States the right to devise systems of legislative representation which are fair now and can be kept so in the future. Of course it is not easy, especially for those with freakish distributions of population. But they should at least be given the chance before an amendment is added to the U.S. Constitution which might only perpetuate abominations on the representative form of government.

If experience shows the difficult problems of apportionment cannot always be worked out on the basis of population alone, that will be the time to consider a basic constitutional change.

GOV. NELSON A. ROCKEFELLER'S ANNOUNCEMENT REMOVING HIMSELF AS A CANDIDATE FOR THE REPUBLICAN PRESIDENTIAL NOMINATION IN 1968

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an editorial entitled "Clearing the Air," published in the Philadelphia Inquirer of July 27, 1965, dealing with Gov. Nelson A. Rockefeller's announcement removing himself as a candidate for the Republican presidential nomination in 1968; also an article entitled "GOP and 1968," written by Roscoe Drummond and published in the Washington Post of July 28, 1965, praising Rockefeller's decision.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, July 27, 1965]

CLEARING THE AIR

Gov. Nelson A. Rockefeller's announcement removing himself as a candidate for the Republican presidential nomination in 1968 clears the political air and should prove helpful to the Republican Party.

Until he made his statement on a "Face the Nation" program on Sunday, there had been doubts as to the Governor's political plans, and whether he intended to run for another term in Albany preliminary to taking a future stab at the presidential nomination which had eluded him twice before.

His statement in Minneapolis, where he has been attending the Annual Governors' Conference, was straightforward and unequivocal. He will definitely seek a third term as Governor. He will not be a candidate for President.

The Governor could have delayed his announcement for many months. By making his position clear now, he will give the Republicans that much more time to pull their party together, in the hopes of avoiding a repetition of the 1964 disaster.

Rockefeller served his party well by trying manfully to head off the nomination of Barry Goldwater. He might very well have obtained the nomination himself if it had not been for the unfortunate lapse of judgment in the timing of his remarriage. Coming just as the presidential campaign was about to get underway, that event severely damaged his political chances, especially among women voters.

From then on, his drive for the nomination was an uphill and, as it proved, a losing struggle. While other moderate Republican leaders did nothing to stop the Goldwater surge except to lament it, Rockefeller fought it out in the grueling heat of the primaries.

It is possible that certain of the Republican leaders hoped that Rockefeller and Goldwater would knock each other off in the preconvention battles, opening the door to their own nomination as compromise candidates. The result in California dispelled that illusion, and the New York Governor found another act of courage called of him when he faced the roaring radicals of the Goldwater galleries in the convention, and made his appeal for a decent platform on civil rights.

Governor Rockefeller has fought hard and well to keep the Republican Party where it belongs, and where it must stand if it is not to distintegrate, out of the hands of the extremists. He has made mistakes of political judgment, but not of the heart. He has never been short of that quality called courage.

[From the Washington Post, July 28, 1965]

GOP AND 1968—ROCKEFELLER'S DECISION PRAISED

(By Roscoe Drummond)

MINNEAPOLIS.—Three consequences flow from Gov. Nelson A. Rockefeller's action removing himself—now and forever—as a presidential candidate:

1. It make it nearly certain that the 1968 Republican nominee will be a political moderate.

2. It virtually rules out the danger that the remaining rivals for the GOP nomination will again get into such a lacerating contest that the moderated forces within the party would end up helplessly divided—as they were in 1964.

3. Barring the emergence of another Wendell Willkie who is less visible today than Mars, it narrows the probable choice to Gov. George Romney of Michigan, Gov. William W. Scranton of Pennsylvania, and perhaps former Vice President Richard M. Nixon. Each is qualified personally and politically. Any of them could get it. One of them almost certainly will.

The potential candidates of the two furtherest apart wings of the party have both taken themselves out of the running. Barry M. Goldwater has said he would not seek renomination. Now Rockefeller follows suit. These decisions in themselves shift the eyes of the party to its political center.

It is no accident that Rockefeller chose the Governors' conference here in Minneapolis as the occasion to make his political announcement. He picked it deliberately and, thereby, underlined the powerful role the GOP Governors have played in the past and can again play in deciding the party's presiidential nominee.

All the most influential Republican Governors are in the moderate-to-liberal wing. They include Volpe of Masschusetts, Chaffee of Rhode Island, Rhodes of Ohio, Hatfield of Oregon, Smylie of Idaho, as well as Rockefeller, Scranton, and Romney. And, significantly, they take in most of the populous States.

This is a lot of political power at the center of the party. These Governors have probably learned enough from their preconvention experience of 1964 to realize that they cannot influence the presidential nomination at the last minute, that their power as leaders must be concerted—or dissipated. With both Goldwater and Rockefeller removing themselves, the prospect is that the long-exercised power of the Governors will not be dissipated, that most of it will be mobilized behind a candidate who will reflect the moderate consensus.

Rockefeller gave a good reason for taking himself out of the picture earlier than was necessary.

"I think," he said, "that in order to pull the party back together, to unite it, to make it possible to forget one of the scars of the past, my withdrawal will be a real asset in accomplishing this."

It will. This is a good step, a broad-gage decision. Even if his prospects were thin, it could not have been easy for foreclose them totally.

The largest cloud on the Republican horizon today is that the most extreme conservative, hard-core supporters of Goldwater will turn themselves into a third-party movement and devote themselves to two purposes: defeating liberal Republican candidates in selected senatorial and congressional races and finding an ultraconservative to run against both the Republican and Democratic nominees in 1968.

This would be hurtful to the conservative cause, to the Republican Party, to the functioning of the Federal Government. Because of the havoc the Republicans inflicted on themselves last year, we have a very weakened two-party Government in Washington today. If you add to this weakness a third, it will be a long time before we recover.

It would be out of character for Goldwater to have any part of such a maneuver.

POSSIBLE FUTURE STATUS OF U.S. INSULAR AREAS IN THE PACIFIC

Mr. GRUENING. Mr. President, the Washington Post on Monday, July 26, carried an editorial entitled: "Westward Ho!" which was critical of a proposal I originated some years ago concerning the future of our island possessions in the Pacific.

As I feel the editorial is mistaken in its point of view, perhaps through lack of understanding, I have replied to it in a letter to the Washington Post.

I ask unanimous consent that this editorial and my reply be printed at this point in my remarks.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

WESTWARD HO

The proposal of Senator HIRAM FONG, the Hawaiian Republican, to introduce a Senate resolution leading to Hawaii's annexation of island territory in the far reaches of the Pacific is, to put it mildly, troublesome.

First of all, the trust territory—some 2,000 components forming the Marianas, the Caroline, and the Marshall Islands—are neither Hawaii's nor the United States to annex. Once they were Spanish, then German, then Japanese administered. The United States has had them since the defeat of Japan in World War II, but only under a trust agreement with the United Nations Security Council. The Soviet Union, which has a veto on the Security Council, might have something to say on any such U.S. territorial annexation.

Secondly, since Senator FONG also seems to be envisioning Guam and American Samoa in his annexation, the people of these two areas certainly would have to express a desire to be annexed. Guam and American Samoa currently are administered by the Department of the Interior as unincorporated areas. Guam's newly elected and first representative to Washington, Antonio B. Won Pat, has quickly declared that Senator FONG's proposal "would simply mean the substitution of one form of absentee government for another." He predicts that it would be defeated if ever put to a vote in Guam.

American Samoa has yet to be heard from. But the U.S. administration there has been less than notable. The people of Western Samoa did not want to be joined by a depressed American Samoa when the New Zealand trust there recently was ended and the Western Samoans decided to fend for themselves. The trust territory, Guam and Samoa together, involve only 170,000 people on a land mass, if compressed, no bigger than 985 square miles.

It is no secret that the present situation is not ideal. Each year the U.N. Trusteeship Council dispatches an inspection team to the trust territory and each year there follows a highly critical report. The United States has been trying to extend self-government to the islanders, but it has been a discouraging, patchwork process.

If they had to affiliate with somebody, the islanders undoubtedly would opt for the United States, with all the benefits of American citizenship. But even in the far nearer U.S. Virgin Islands, where U.S. interest and attention since their World War I acquisition has been sporadic, there is considerable resistance to annexation. Earlier this year, Representative Charles E. Bennett, Democrat, of Florida, introduced a bill to convert the Virgin Islands into a Florida county. The islanders immediately made it quite clear that they were anything but flattered.

Practically speaking, Congress might better defer action on the outlying regions for a while and concentrate on that orphaned territory within the continental United States. This completely dependent territory, called the District of Columbia, has yet to be granted self-government under its own elected officials.

July 27, 1965.

Editor,
The Washington Post,
Washington, D.C.

Dear Sir: Your editorial: "Westward Ho," in the July 26 issue, referring to a proposal of Senator Hiram Fong to introduce a Senate resolution which might lead to Hawaii's annexation of island territories in the far-reaching Pacific—which you describe as to put it mildly, troublesome—essentially misses the point.

The idea originated with me after I had made an inspection trip in 1960 to the trust territories, in company with the late Senator Oren Long, as a member of a special subcommittee to study the problems of the trust territories, Guam and Samoa. My idea looked forward to the day when, if it were humanly possible, the United States could get rid of the stigma of practicing colonialism and, more important, to free these smaller political entities from its evils, if they so desired.

It is obvious that neither Guam, Samoa, Wake, Midway, nor the trust territories contain sufficient resources or population to achieve the desirable full equality of statehood under the American flag should they desire it.

Having been through the long struggle to achieve such equitable status for Alaska and Hawaii, I know something of the disadvantages that come with lack of representation or other forms of political inequality. Certainly one should not have to argue that point in the United States in the year 1965.

The proposed solution is naturally a long-range one and is predicated wholly and absolutely on the officially expressed wishes of all the component areas. The people of Hawaii would first of all have to determine whether they would like it if any of these outlying islands—Wake, Midway, Guam, Samoa, or the trust territories, the latter wholly or in part—after a suitable referendum in each area—were so annexed. If any of these rejected it, it would, of course, not take place. But I am convinced that the only practical ultimate solution would lie in some such approach. Ethically and politically the conditions there are predisposed to such a solution. If the people of the trust territories desire some other status, we should try to obtain it for them, if possible. But if they opt for permanent association with the United States, certainly the United Nations could not logically refuse it; and if they should opt for the fullest type of association, namely first-class citizenship with the right to vote for the President and Vice President and appropriate representation in the Congress, there would likewise be no excuse for refusing it.

Obviously, if Guam, Samoa, and the trust territories would prefer their second-class status to being represented in Congress by two Senators whom their people would help elect and by that time perhaps three or more Representatives, that would be their privilege.

Physically, the solution was suggested by the opposition argument to Hawaii's admission as a State—that it was unthinkable to bring into the Union a State whose islands were separated by international waters. Given the increase in rapid transportation and improved methods of communication, it is just as reasonable to think of these vastly scattered Pacific Islands under one hegemony as it was to include islands separated by several hundred miles, as are the easternmost big island of Hawaii and the westernmost island of Kauaii.

It would not, if accepted, be as you quote Guam's Won Pat as asserting, absentee government. It would be participation on the basis of statehood.

Senator Fong's resolution, not yet introduced he informs me, would be purely explanatory. He received the idea from me and I have likewise discussed it not only with the other Senator from Hawaii, Daniel Inouye, but with the Governor of Hawaii, the Honorable John Burns; the High Commissioner of the Trust Territories, M. Wilfred Goding; the Secretary of the Interior, Stewart L. Udall; and others. Granted that this is a long-range project, and it depends on mutual consent, it is certainly not to be rejected, as does the Post, as "troublesome." If the Post has any better plan for the ultimate disposition of these areas, it would be useful to have such a constructive proposal.

Cordially yours,

Ernest Gruening,
U.S. Senator.

NATIONAL LEAGUE OF CITIES OVERWHELMINGLY REJECTS DIRKSEN AMENDMENT

Mr. TYDINGS. Mr. President, this morning's Washington Post carries additional evidence, if any be needed, that the rotten borough amendment is rapidly losing ground in the country. Against determined opposition, the National League of Cities approved by an overwhelming vote a resolution supporting the Supreme Court decision in Reynolds against Sims, and opposing any constitutional amendment that would overturn it.

I ask unanimous consent that the article be included in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

City Heads Rap Dirksen Amendment

(By Jack Eisen)

Detroit, July 28.—Officials of the Nation's cities turned back a determined challenge today and put their national organization on record against the proposed Dirksen amendment on legislative apportionment.

A resolution favoring the U.S. Supreme Court's one-man, one-vote mandate and opposing any effort to change it was approved by the National League of Cities by 429 to 116. A two-thirds majority of votes cast, or 362 votes, was needed for approval.

The effort to withhold support for the High Court's ruling—and, as a result, to encourage congressional approval of the amendment proposed by Senator Everett M. Dirksen, Republican, of Illinois, was led by officials of northern California communities.

While their underlying reasons were not mentioned during the floor debate, the officials are fearful of future domination of the California Senate by Los Angeles County, which contains about 40 percent of the State's population. It now has only 1 of the Senate's 40 members.

The Supreme Court has ordered reapportionment on a strict population basis. The Dirksen amendment would permit one house of a State legislature to be apportioned on the basis of other criteria.

Serious consideration of the effort to block the resolution in the forum of city officials was itself unusual, since such officials in most States have long protested bitterly over rural domination of legislatures.

The strongest support for the Northern Californians' position came from Idaho, Louisiana, Mississippi, and New Mexico, which voted in blocs. California itself split, 27 to 11, against adoption.

Virginia delegates were unanimous for approval, and Maryland voted 20 to 1 in favor. The dissenting vote was cast by Mayor Frank J. Wilson, of Bowie, who said State voters should be permitted to decide the issue themselves.

In its final form, the resolution urges that "all State legislatures should promptly meet their responsibility to provide full representative government by reapportioning legislative seats on the basis of population."

Delegates approved more than two dozen other resolutions establishing league policy on a wide range of topics. One resolution opposed creation of civilian review boards to review police activities, saying these would "adversely affect law enforcement."

They endorsed a broader national air pollution control program, Federal control of allowable aircraft noise levels, improved State planning programs, and disbursal of low-income housing throughout metropolitan areas.

At the closing session, Mayor Jerome P. Cavanagh, of Detroit, was elected president of the league, succeeding Mayor Henry Maier, of Milwaukee.

JOHN W. GARDNER AS SECRETARY OF HEALTH, EDUCATION, AND WELFARE: AN EXCELLENT APPOINTMENT

Mr. GRUENING. Mr. President, the highest possible commendation should be given President Johnson for the excellent choice he has made in appointing John W. Gardner to be Secretary of the Department of Health, Education, and Welfare.

Mr. Gardner, in stepping into this new assignment, is assuming the administration of a Department of vital and intimate importance to millions upon millions of Americans. Gathered under the broad umbrella of this large and ever growing Department are the many diverse programs which in one way or another affect the daily lives of all of us. The task Mr. Gardner faces in pulling together the threads of control of the Department is great and will tax even his great administrative abilities as clearly demonstrated in the increasingly important posts Mr. Gardner has filled with distinction.

It has been suggested that a far fitter name for the Department of Health, Education, and Welfare would be the Department of the Commonwealth—a department every action of which should be whole-heartedly devoted to the promotion of the general welfare. As the New York Times stated in its lead editorial yesterday, the administration of this Department "calls for the kind of unsentimental pursuit of excellence in vision and policy-planning that has long been Mr. Gardner's personal and professional quest."

I am very much impressed by Mr. Gardner's philosophy of life and government so clearly set forth in his well-written, thoughtful book entitled "Excellence."

In that book, Mr. Gardner sets forth the vital truth that:

> It is hard for Americans to realize that the survival of the idea for which this Nation stands is not inevitable. It may survive if enough Americans care enough.

This philosophy, his concept that we "must foster a conception of excellence which may be applied to every degree of ability and to every socially acceptable activity," and his past record of achievements, augers well for the future accomplishments of Mr. Gardner in the Department of Health, Education, and Welfare.

As he assumes his new and vital post, to which he brings a philosophy and record of "excellence," I wish Mr. Gardner every success in the fulfillment of the tasks with which he will be charged.

I ask unanimous consent that the editorial from the New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE GARDNER APPOINTMENT

The surprise appointment of John W. Gardner as Secretary of Health, Education, and Welfare is another demonstration of President Johnson's newfound ability to look in unconventional places to find the indisputably right man for an important job at the moment that job most needs doing right. In the Department's short, 12-year history, five Secretaries have struggled with indifferent success to transform a collection of bureaucracies into a cohesive unit. They were hampered not only by the relatively recent elevation of these vital concerns to Cabinet status but even more by the many vested political and bureaucratic interests that blocked strong executive leadership.

The accent tended to lean heavily toward health and welfare, with education often a pious afterthought. Anthony J. Celebrezze, an amiable politician devoid of expertness in any of the fields under his direction, was ill equipped to reform the Department's operations or sharpen its goals.

The importance of that mission is now beyond question. As the President has taken special pains to point out in virtually every discussion of his domestic program, education has moved to the center of the national stage. It is the heart of the "war on poverty," just as it will be a key instrument in any attempt to assure economic health and expansion. And it is the rational basis of any promise of social justice and equal opportunity to racial minorities.

Mr. Gardner has long been a sharp and impatient critic of softness and lack of purpose in the use of education, both in the Government and in the academic community. He has made it the main business of his hardheaded advice and of the foundation dollars at his command to elevate education to a place of national priority. By avoiding personal publicity, he has given a special persuasiveness to his ideas and policy guidelines.

President Johnson, impressed by Mr. Gardner's effectiveness in presiding over the task force that shaped recent advances in educational legislation, now clearly is giving the new Secretary a mandate to raise education to Cabinet rank, in fact as well as name.

In the end it may take more than a mere reorganization of the Department to achieve this objective. For the moment, there can be no doubt that the business of Health, Education, and Welfare, with a staff of almost 90,000, with annual funds of close to $30 billion and with influence over many times that amount, calls for the kind of unsentimental pursuit of excellence in vision and policy planning that has long been Mr. Gardner's personal and professional quest.

EASTERN AIRLINES SERVICE

Mr. KENNEDY of Massachusetts. Mr. President, on July 19, 1965, I spoke on the Senate floor urging that the Senate Antitrust and Monopoly Subcommittee and the Civil Aeronautics Board investigate the competitive impact of the Eastern Airlines air service policy, paying particular attention to the increased Eastern fares without improvement of quality of equipment and services on the Washington-New York-Boston air shuttle routes.

I have been delighted with the response to my statement both from interested individuals throughout the country and from officials of the CAB and of the Senate Antitrust and Monopoly Committee who have indicated their intention to look into this matter. At this time, I would like to insert into the RECORD a sampling of the many letters that I have received from air-shuttle passengers and a copy of an editorial which appeared in the Washington Evening Star of July 26, 1965. I feel they strengthen the view of those who believe that an immediate investigation of this matter would be in the public interest in order to promote a healthy, competitive atmosphere in which passengers will be assured economical, efficient, and comfortable air travel.

I would also like to insert in the RECORD an article from today's New York Times, reporting the CAB announcement that our airlines should start passing on some of their high profits to the consumer in the form of lower fares and better service. I am most gratified that the CAB has decided to take a fresh look at the overall picture of profits, pricing, and service in the airlines industry. This announcement is an important first step, and I hope, an indication that the Board will seriously take up my suggestion for an investigation of competitive imbalance and increasing air fares—without improvement of equipment and quality of service—in the commuter markets between Boston-New York and Washington.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KRAGEN/CARROLL, INC.,
New York, N.Y., July 20, 1965.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I read with much interest, in the Monday—July 19 Boston Herald, of your proposed investigation concerning the Eastern Air Line shuttle service.

As a citizen of Massachusetts, and, frequent traveler between the three cities serviced by Eastern's shuttle, I highly endorse your action.

Since I left the staff of WBZ in 1961, I have averaged a trip a week between Boston-New York-Washington on behalf of my business. After becoming a commuter, I soon switched to regular usage of Northeast.

Eastern is using some of the oldest equipment currently in service on U.S. carriers. The attitude of the employees, and, the treatment of customers leaves much to be desired. Among regular travelers, Eastern is considered to be one of the country's worst airlines. This fact was included as part of a recent Time article. While other aspects of Eastern's system have improved, nothing has been done about the shuttle. There is a rumor that jetprop craft will be used on the Boston-New York run, similar to what has just been introduced on the Boston-Washington run. Perhaps we shall see the fifth fare increase.

It is a shame that with all of Northeast's problems, the public is not aware that their Boston-New York service has more modern equipment, better service, and is $2 cheapter.

For a while I lived in Los Angeles. The service between San Francisco and Los Angeles is excellent. The equipment is superb, and, the trip takes less time, even though it is a greater distance. Moreover, the fares are about the same.

I hope your efforts are well rewarded. I commend you for taking up this task on behalf of the frequent air passenger. If there is any way I can be of service to you in regard to the investigation, I shall be pleased to assist.

Thank you for your interest in this matter.

Sincerely,

THOMAS F. CARROLL,
Vice President.

PASSAIC, N.J.
July 19, 1965.

MY DEAR SENATOR: I am glad to hear someone is on the ball about Eastern Air Lines shuttle to Boston.

I used to go to Boston about two times a month to visit my son who lives in Rockland, the fare used to be $10 one-way about a year ago. Then it went to $11, $12, $13; then $14. I don't know what it is now because I can't afford it any more.

Thank you, thank you.

Yours,

PAUL FORKUS.

NEW YORK, N.Y.,
July 19, 1965.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have read with interest of your planned inquiry into Eastern Airlines shuttle operations and hope that you will follow through on this.

I am at a loss to understand why it costs $16 to fly between Boston and New York when one can fly between Los Angeles and San Francisco, nearly twice the distance, on new jet planes for $13.50. Probably you have noted "Western's jets fly over profit 'ceiling'" in Business Week, March 6, 1965, page 54.

Yours for better rates for the east coast.

Very truly yours,

A. H. GOWER.

THE GEORGE WASHINGTON UNIVERSITY,
SCHOOL OF MEDICINE,
Washington, D.C., July 20, 1965.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Congratulations on your speech of July 19 as reported in today's Washington Post concerning Eastern Airlines shuttle service.

I recently moved back to the East Coast after 2 years in Los Angeles and it always amazed me why shuttle service between Los Angeles and San Francisco (450 miles) costs about $12 while the same service between New York and Washington (225 miles) costs $18. In addition the west coast service was on Lockheed Electra and Boeing 707 while the east coast service was on old Lockheed Constellations.

I support you in urging a CAB investigation of the monopolistic and price-fixing practices of Eastern Airlines since simple arithmetic suggests that the cost between New York and Washington should be about $6 even if you don't take into consideration the old equipment being used by Eastern Airlines.

Sincerely yours,

PHILIP KLUBES.

WASHINGTON, D.C.

DEAR SENATOR KENNEDY: I read with great interest in this morning's Post of your questions about the practices of Eastern Airlines on the Washington-New York (and other Eastern) runs. I have lived in Washington the past 10 years, use the air services to New York (and occasionally to Boston) fairly frequently, and share your view that there is no question but that Eastern has systematically squeezed out its competitors, and having done so has inflated its fares on the spartan shuttle-service. I am also familiar with the San Francisco-Los Angeles fare structure where for a smaller fare the rider gets almost twice as long a ride and far better service on a variety of carriers. Good luck with your inquiry.

Gratefully,

REV. E. R. CARROLL.

WASHINGTON, D.C.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.:

Please accept my heartiest congratulations for your efforts in calling for CAB and congressional investigation of Eastern Airlines monopoly of shuttle service. It's high time all of Eastern Airlines operations get a good look-at.

EVELYN FREYMAN.

BROOKLYN, N.Y.,
July 21, 1965.

DEAR SENATOR KENNEDY: Congratulations on your suggestion that an investigation is needed in connection with the air service between Boston and Washington. I've stopped flying this route. It's just too expensive. I drive instead.

But don't stop with Boston-New York service. The New York-Washington routes likewise have become too expensive. We don't need frills or jets on these short routes. Low fares and frequency of service will bring in the customers. You rightly compared these services with the very excellent Los Angeles-San Francisco service which is also a real travel bargain. Perhaps those western airlines should be invited to come east and set up shop here.

Frankly, I think our airlanes in the Boston-New York-Washington area are dangerously overcrowded. More attention should be given toward improving the rail service on these short-haul runs so that there will be enough air space for the longer domestic air routes.

Why, for example, do we have to wait for more rail studies and surveys? With the existing rail equipment and road beds we could speed up the service from New York to either Boston or Washington by simply eliminating all the stops between New York and Boston and Washington. The planes fly nonstop. Why can't we have one nonstop train leaving New York in the morning and one in the evening bound for Boston and Washington? The Merchants Limited presently makes five stops between Grand Central and South Station. Allowing 10 minutes loss for each stop, I would guess that the schedule could be speeded up by 50 minutes if these five stops were eliminated. The train speed would not have to be increased. It could be advertised as "Downtown to Downtown" express service.

I realize that solutions to our transportation problems are not an easy thing and that there are many problems involved about which the average person such as myself is not aware. However, I am heartened that you are at least trying to get something done about the poor transportation in this area.

Sincerely,

LEO M. SCHARIO, Jr.

[From the Washington (D.C.) Evening Star, July 26, 1965]

AIR FARE MYSTERY

Senator EDWARD KENNEDY'S demand for an investigation of the Washington-New York-Boston air shuttle service has let in some much-needed light on a mystifying subject.

When Eastern Air Lines began this highly popular service in 1961, the rate was $14 for a trip between here and New York. A seat was guaranteed to each passenger, with no reservation needed, even if a second plane had to be ordered. Such a cheap commuter run carried an understandable appeal. The effect was to lure business away from competitors and give Eastern an 80 percent monopoly, according to Senator KENNEDY.

But since then Eastern has successively raised the fare to the point where, at $18, it exceeds the price for some conventional flights. An airline spokesman cites costs of standby planes and crews among the reasons for this.

Without condemning Eastern out of hand, it remains a curious fact that airlines are now flying passengers between Los Angeles and San Francisco—a 340-mile trip—for $13.50 plus tax, using jets. Is the shorter Washington-New York piston-plane run so much more costly to operate?

Two rival airlines, United and TWA, have applications now pending before the Civil Aeronautics Board to begin unrestricted Washington-New York-Boston flights. A United spokesman adds that jets would be used, and that a fare not exceeding the Los Angeles-San Francisco rate is contemplated for Washington to New York.

The decision on jets must await results of a study by the Federal Aviation Agency of National Airport, due by December. But it seems obvious that a little more competition on this lucrative, heavily traveled route would benefit the public.

[From the New York Times, July 29, 1965]

U.S. AIRLINES TOLD TO PUT PROSPERITY INTO LOWER FARES—CAB ALSO TELLS CARRIERS TO ADD COACH SEATS AND ALLOW FREE STOPOVERS

(By Frederic C. Appel)

The Civil Aeronautics Board told the Nation's airlines yesterday that they were making too much money and should start passing some of it on to the consumer in the form of lower fares and better service.

The Board said it thought the following improvements could be made:

Lower fares on short trips. The Board noted that the new short-range jets now coming into use had lower operating costs that could make possible lower fares over routes such as that between New York and Washington.

More coach seats. The Board suggested a higher ratio of coach seats to first-class seats to reflect the public's desire. Last year 76 percent of domestic air passengers flew coach, according to the Air Transportation Association. The Board also called for more coach service into more communities.

More service to smaller cities. This suggestion was apparently a reaction to a hearing, ended 2 weeks ago, by the Senate Aviation Subcommittee, in which the airlines were severely criticized for neglecting the less profitable service to smaller cities.

Additional economy services on highly traveled routes.

Free stopover privileges. With such privileges, a man flying from New York to Los Angeles might stop in Chicago for a few days at no extra cost. The Board, which abolished these privileges in 1958 when the airlines were having financial problems, said that now that the airlines' finances had improved, they should be revived as a method of stimulating vacation travel in the United States and from abroad.

NO REACTION YET

There has been no official reaction from the airline yet, but one industry source privately predicted "a very strong" one.

Addressing itself to air fares, the Board virtually told the airlines to forget about any increases and concentrate on reductions.

After first noting that the rate of return of the 11 domestic trunk carriers had risen to 10.6 percent in the 12 months ended March 31, 1965, the Board said:

"In this setting, the Board believes it is difficult to find justification for fare increases. Rather, the CAB feels, the present favorable earnings position of the airlines offers an excellent opportunity for carriers themselves to consider reductions in fares or improvements in service without fare increases."

The Board rejected two fare increase proposals by American Airlines and United Air Lines, and ordered investigations of the proposals.

Its remarks, which developed into a major policy statement, were attached to an order issued yesterday allowing certain airlines to put liberalized baggage allowances into effect Sunday.

FOREIGN FLIGHTS UNAFFECTED

The Board's orders apply only to domestic airlines and have no effect on fares or services on overseas flights, which are negotiated among the world's airlines and then approved by the various governments. Its remarks were aimed primarily at the Nation's 11 trunk carriers and do not apply to local-service airlines.

The new policy apparently grew out of the trunk carriers' relatively recent prosperity.

"Current earnings of the domestic trunk line carriers," the Board said, "are well above the 10.5 percent rate of return considered to be fair and reasonable in the Board's decision of November 25, 1960, in the general passenger fare investigation.

"The 10.5 percent rate of return has been reached in the 12 months ended March 31, 1965, and reports of current earnings show the trend continues strongly upward."

In the year ended December 31, the airlines averaged an even 10 percent return, according to a CAB spokesman. The percentage breakdown was as follows:

American, 9.7; Eastern 2.7; TWA, 11.0; United, 7.4; Braniff, 11.7; Continental, 12.3; Delta, 17.4; National, 15.6; Northeast, negligible or negative; Northwest Orient, 15.9; and Western, 18.2.

Trans World reported yesterday that its revenues and earnings had set a second-quarter record. It said its net earnings for the 3 months ended June rose 30.4 percent to $15,875,000 from $12,172,000 earned in the second quarter a year ago.

FOUR YEARS WERE LEAN

The airlines, however, were not always so profitable. From 1960 to 1964 the four largest trunks averaged a 3.9-percent return while the others managed 7 percent.

And in the 10-year period after 1955 the four giants—American, Eastern, TWA, and United—averaged 5.3 percent. The seven others averaged 6.5 percent in the same period.

The new prosperity is generally attributed to two major factors—the general business boom, now in its fifth year, and the advent of civilian jet passenger transports.

Jets are faster, more comfortable, more reliable, and generally superior to the old piston-engined aircraft in use before 1958. They are cheaper to run and maintain and can be more effectively utilized.

All these factors have led to higher profits. More and more passengers have been climbing into the big jets. And in the airline business, every passenger after the break-even point is 80-percent profit.

However, a number of Government officials and agencies have been watching those profits.

Earlier this year there was talk of a jet fuel tax. One Senator suggested the airlines take over the subsidies to the struggling helicopter lines, which, indeed, the airlines have, to a certain extent.

POST OFFICE ASKS REDUCTION

And the Post Office Department, for whom the airlines have been carrying mail, has asked for a reduction in its payments to the airlines. Under the present rates, established on June 7, 1955, the Post Office pays the major trunks $58.8 million a year.

The Post Office made its proposal on December 2, 1964, and United Air Lines quickly proposed that the industry offer an 8-percent reduction. This now appears likely to be accepted, according to Selig Altschul, a consultant to the industry.

If the new rate is accepted, the Post Office will pay about $54 million, or $5 million less. The reduction would affect the trunks plus the local-service airlines and cargo lines, but it represents a loss of only $132,000 for each local-service line and $27,000 for each cargo carrier.

A spokesman for the Air Transport Association said the industry had only recently become very profitable and needed "adequate earnings" for a "protracted period." Protracted period means about 5 years to most airline men.

The spokesman also said the industry had $2.4 billion worth of new airplanes on order, which will have to be paid for, in addition to the supersonic transports expected in the mid-1970's.

COMMUNIST MENACE IN CUBA

Mr. THURMOND. Mr. President, the current conflict in Vietnam is so serious that all Americans must be on their guard lest they forget the Communist menace in our own backyard—namely, the Communist bastion on the island of Cuba. In the current issue of Reader's Digest, there is a very pertinent reminder of the dangers we face, and indeed all the American nations face, from Communist Cuba. This reminder takes the form of an article by Kenneth O. Gilmore entitled, "Cuba's Brazen Blueprint for Subversion."

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUBA'S BRAZEN BLUEPRINT FOR SUBVERSION

(By Kenneth O. Gilmore)

Here is the inside story of Castro's most audacious attempt to establish communism on the mainland of Latin America.

On the northern coast of Venezuela's Paraguaná Peninsula, there is a lonely stretch of beach in a small inlet known as Macama. Half a mile from this beach, in a two-room stucco hut, lives 24-year-old Lino Gerardo Amaya, a wiry, quiet campesino. On the morning of November 1, 1963, Lino and his 18-year-old brother, Pedro, set out along the beach in search of a lost goat. They came upon two men in bathing suits, standing on the shore looking out to sea. Beside them was a shiny 16-foot aluminum boat with a handsome outboard motor. The taller of the two calmly waved his hand. "Hello, Frank, how are you? Don't you work for the Creole company?"

"I'm not Frank," replied Lino, "and I never worked for Creole."

Lino didn't find his goat that day. But shortly before 5 p.m. he and his brother headed back to the beach, fishing poles in hand. All that day a thundercloud of suspicion had been building up in his mind. What were those two strangers up to?

At the beach the brothers found the boat and outboard motor. And more. The coarse dark sand was scuffed with footprints—lots of footprints now etched by the lengthening shadows. And something else. A rope mark, its coils clearly imprinted in the sand, led from the water toward a tree.

Lino followed the mark, Pedro behind him. At its end they spotted the corner of a piece of canvas. They pulled it up. Underneath lay a large dark bag. They dragged it out and loosened a thick drawstring. Four automatic rifles. And layers of bulging cartridge belts.

On hands and knees they pawed away more sand and found more sacks of rifles, more cartridge belts. And now that they looked harder, it was apparent that a large section of sand was loose and soft ahead of them.

Lino sprang up. "We've got to tell the police," he said.

BURIED TREASURE

Shortly before 10 p.m. Lino arrived at the Jadacaquiva police station. He told his story to the prefect, Antonio Lugo, who immediately relayed the news to Police Commandant Eusebio Olivares Navarrate, at Punto Fijo, the largest town on the peninsula. Olivares roared off for the lonely beach with five jeeploads of policemen.

Soon the police were digging into the sand like pirates seeking lost treasure, grunting, heaving, hauling. In 15 minutes, Olivares had seen enough. He switched on the radio in his patrol car, gave the stunning news to the State Governor, Pablo Saher.

It took 4 hours to hoist the entire deposit from its temporary grave. The hole in the ground was 8 feet deep, 6 feet wide and 90 feet long. The cache—automatic rifles, machineguns, antitank guns, mortars, bazookas, demolition charges and thousands of rounds of ammunition—weighed 3 tons.

In Caracas, the Venezuelan capital, President Rómulo Betancourt was awakened at home and briefed by phone. He ordered a naval patrol of the peninsula and sent a special alert to every security and military agency in the country. For 2 years Fidel Castro had boasted that he would export his Cuban revolution to the mainland of South America. Oil-rich Venezuela was his prime target. "With victory in Venezuela," cried Cuba's old-line Communist boss Blas Roca, "we shall no longer be a solitary island in the Caribbean confronting the Yankee imperialists." Castro-trained guerrillas of Venezuela's Communist Armed Forces of National Liberation (FALN) had terrorized the countryside in an attempt to paralyze the nation. They had dynamited oil pipelines and bridges, burned stores and warehouses, robbed banks, raided police stations, kidnaped and murdered officials and blasted the streets with sniper and machinegun fire. More than 50 policemen had been cut down in the streets of Caracas alone, and twice as many civilians.

But never before had the FALN been equipped with mortars and bazookas. Obviously something special was afoot.

A NEW LEAD

At the heavily protected Caracas headquarters of Venezuela's state security police (Digepol), Chief of Investigation Orlando Garcia Vázquez studied a surveillance report that had just come to his desk. It was late Monday afternoon November 3, exactly 48 hours after Lino had looked under the canvas. The report disclosed that at 10:30 a.m. that day a young woman known to have Communist connections was seen near the home of Eduardo Machado, a Venezuelan Communist Party boss. She was followed to a cafe on Negrin Street, where she sat chatting with three men. Fifty minutes later all four drove to a complex of four housing units known as "Urbanización Simón Rodríguez."

The woman strolled to building No. 1 and took the outside elevator to a fourth-floor apartment, No. 49. Her companions loitered in the area, making sure she was not being followed. Two hours later she came back to the car and sped to the old section of the city, where she was observed talking with several leaders of Central University's Communist-controlled student federation, some of whom had recently returned from Cuba.

Inspector Garcia was sure apartment No. 49 was "hot." Too many precautions had been taken. "I think we had better hit this place as soon as possible," he told his boss.

Shortly after midnight five Digepol agents in two groups sauntered toward building No. 1, chatting and laughing as if returning from a party. Garcia and two agents took the elevator to the fourth floor, while the others climbed the stairs, the only other exit.

Garcia knocked gently at apartment 49. There was a shuffling of slippers. The door opened a crack, revealing a middle-aged woman in a nightgown.

"We've come with a search warrant," said Garcia shouldering his way in. "Is anyone else here?"

"No," she replied.

In a bedroom they found a young man in bed. "Stay very still," warned Garcia. "Who are you?"

"Germán López Méndez," the man replied, and handed over his identification card. No. 618945—Germán López Méndez—born November 27, 1941—5 feet, 6 inches—hair, brown—eyes, brown. On the left-hand corner was pasted a small mug shot: a slim face, placid eyes, thin mustache, wavy hair. It matched the man.

"What's your occupation?" Garcia asked.

"I'm a teacher. Just visiting here for a couple of days."

"Okay, don't move while we search," Garcia said.

BIBLE ON TERROR

The men began to hunt, opening closets, pulling out drawers, looking under beds and in toilet tanks. Under one corner of the suspect's bed two objects were extracted: the first, a small light-blue airline traveling bag full of drawing equipment and materials—ink pens, tracing paper, rulers, compasses, crayons.

"What are you doing with these?" Garcia asked López.

"I've never seen them before," López answered, as if bored.

At first, Garcia thought the second item was a Bible. Book-size, it was enclosed in a dark brown leather case with a zipper on three sides, the kind of covering often used for a Bible. Inside was a looseleaf notebook. Garcia flipped through some 70 pages. He found that he was holding an instructor's manual on the handling of arms and explosives—an FALN "bible."

Garcia glanced at the man on the bed. "This belong to you?"

"No."

About 5 a.m. Garcia returned to headquarters with his two suspects. "Keep searching," he told two agents left behind. "Mattresses, pillows, everything. When you're finished, start all over again. There's bound to be more than we've found."

Digepol's files indicated that the woman, who claimed to be a nurse, was a contact for a fugitive FALN leader. The man who called himself López was fingerprinted, and a search through the files disclosed his real identity: Luis Eduardo Sánchez Madero, age 24. On the margins of the FALN sabotage manual were notes jotted down in his handwriting, among them a precise schedule of his last day of instruction on October 21: 6 a.m.—rise; 8 to 12—courses in artillery and mortar; 2 to 6 p.m.—training in recoilless rifle, bazooka and machinegun and cryptography; 8 to 10—study; 11—bedtime.

PUZZLE BECOMES PICTURE

Meanwhile, at apartment 49, an agent had found, taped to the bottom of a desk drawer, a 2-inch-thick stack of papers. Included in the material were lengthy descriptions of arms and explosives plus an intricate checklist for pulling off a successful sabotage or kidnaping operation: escape routes, floor plans, guards, alarm systems, cover stories, hiding places. There was also a large map of Caracas showing every street and major building in the city, and four pieces of transparent paper—overlays for the map—dotted by rectangles, circles, arrows, asterisks, crosses, parallel bars and triangles.

What did it all mean? Garcia and his men studied these and other items, zeroing in on several papers crisscrossed with neatly ruled lines. At the top of each perpendicular column were large letters: "F," the symbol for fusil, Spanish for rifle; "PERS" for persons; "M" for mortar; "Csr" for cañone sin retroceso—recoilless rifle; and "B" for bazooka. The same type of arms found at Macama.

More notes were studied, such as a list of apartment buildings, offices and streets with specific designations of weapons. These numbers were compared. The map was pulled out, and the overlays with their symbols were arranged and rearranged. At last the puzzle became a picture. The rectangular figure meant "artillery," the triangle "fixed group," the open circle "troop positions," the slanted parallel lines "barricade," the cross "emergency station," the five-sided figure surrounded by arrows "object of attack." Sánchez Madero had drawn up a detailed plan for attack upon Caracas using the weapons delivered at Macama.

The Urdaneta barracks was the prime objective. A walled fort perched on the city's highest ground, it held a concentration of troops. Here also were tanks, near a jail holding top FALN terrorists. The scheme: isolate the troops and free the prisoners to join in the attack. This 1 phase of the operation called for 3 artillery units, 6 fixed groups of 3 to 4 men, 3 mobile groups plus positioning of 12 FALN troop units in carefully chosen locations. Assigned to do the job were 374 men, 195 rifles, 8 mortars, 12 bazookas, 4 recoilless rifles, 75 machineguns.

Apartment houses near the barracks were selected, from which snipers and machine gunners could pick off soldiers trying to reach jeeps and armored cars. Mortars would knock out key exits, sabotage units would cut telephone lines, seize power stations and blow up vital streets; bazookas and recoilless rifles would be waiting for tanks—if they made it through the carnage.

FANTASTIC?

At Miraflores Palace the attack plan was laid before President Betancourt. "To those of us who have witnessed FALN's murder and arson for 3 years, it doesn't seem so shocking," he confided to a colleague. "But this is going to look fantastic to the outside world."

Indeed, the question was: Would the "outside world" believe it? Could they prove conclusively where the plan had originated, where the arms had come from?

The first point hinged on Sánchez Madero. An exhaustive check of all airline listings was undertaken. It was a long shot but it paid off. Sánchez Madero had fled from Venezuela to Jamaica on March 5, 1962, listed as "Luis E. Sánchez M.," after an armored-car robbery in which his fingerprints were found. In Jamaica he had boarded a KLM special flight, No. 977 from Kingston to Havana, Cuba. He had cockily given the airline his destination address: House of Americas (headquarters in Havana for the infamous Institute of People's Friendship, the processing agency for Cuba's Latin American terrorist trainees).

Tracing of the arms was turned over to the Venezuelan Army. An elaborate effort had been made to disguise the weapons. All serial numbers had been ground off. Near the trigger of each rifle, a hole had been cut, obviously to remove the insignia. But whose insignia?

Several of the weapons were rushed to Fabrique Nationale d'Armes de Guerre at Herstal-lez-Liège, Belgium, whose trademark had been left on. Fabrique Nationale, the largest private arms manufacturer in the Western World, had filed on order by the Cuban Army for 22,500 automatic rifles on March 23, 1959. Now company experts examined the rifles dug up at Macama and reported that "the coat of arms of Cuba was stamped in the place where a cut has been made." Moreover, the Cuban weapons had their serial numbers uniquely located on the left side of the trigger guard, as these had been before they were ground off. Rifles with these characteristics had never been delivered to any country but Cuba.

As for the 31 "UZI" 9-mm. machineguns, the Belgian company also confirmed that they had been bought by Cuba. But the Venezuelans went a step further. Where a seal had obviously been ground away, an etching solution was applied. Slowly the chemical made decipherable the outlines of a legend. Under a magnifying glass an ornate crest could be distinguished—the crest of the Cuban Army.

The case was airtight. It was time to bring charges.

IRREFUTABLE PROOF

The wood-paneled main council room of the Pan American Union Building, 4 blocks from the White House in Washington, D.C., was packed on December 3, 1963. Venezuela had called the Organization of American States into emergency session to charge Cuba with aggression. Ambassador Enrique Tejera-París of Venezuela was speaking: "The people of Venezuela have been the constant victims of the insults and attacks of Cuba's Castro regime. Now in the face of the new act of aggression by Cuba, for which there is definite and irrefutable proof, Venezuela is forced to take this action."

An investigating commission was immediately set up, composed of representatives of Argentina, Colombia, Costa Rica, Uruguay and the United States. On December 8, the commission flew to Caracas, along with a team of military advisers. There they heard detailed accounts from a score of witnesses ranging from Minister of National Defense Gen. Antonio Briceño to Juan DeDios Marín, a young Venezuelan who had been in Cuba for several months receiving military training in the handling of arms and guerrilla tactics.[1]

Venezuelan Army officials picked out weapons at random, and before the eyes of the investigators demonstrated how the Cuban insignia could be raised chemically. Ward P. Allen, chief US representative, was especially curious about the aluminum skiff and outboard motor that had been left behind on the beach that first morning by the two strangers. Odd, he thought—a Johnson motor with the manufacturer's marking: The Outboard Marine Corporation of Canada, Ltd., serial number C367809. The Canadian Ambassador in Caracas was asked to have the motor investigated. A report came back through Canadian Government channels: four Johnson outboard motors, including C367809, had been purchased by an exporting company in Montreal and flown to Cuba on October 1, 1963, consigned to the National Institute of Agrarian Reform, Poultry Division.

A DAMNING VERDICT

On February 24, 1964, the OAS Commission presented its verdict: "The shipment was made up of arms originating in Cuba that were surreptitiously landed at a solitary spot on the coast for the purpose of being used in subversive operations to overthrow the constitutional Government of Venezuela. The objective of the Caracas plan was to capture the city of Caracas, to prevent the holding of elections on December 1, 1963, and to seize control of the country."

This plan, plus Cuba's propaganda methods, provision of funds, training in sabotage and guerrilla operations, concluded the investigators, added up to "a policy of aggression." A 112-page report was submitted with a mountain of facts and proof, much of which is the basis for the preceding account.

Colombia's OAS representative found it hard to contain his fury. "This is not an incident of unwary sailors," he declared. "It is a serious international incident which is part of a carefully thought-out plan of Cuba for carrying the Communist revolution to the hemisphere."

La Tribuna, a major newspaper in Lima, Peru, commented: "What is important is the next step: that is, what kind of action will be taken against a Government convicted of armed intervention?"

Incredibly, the answer to that question was in grave doubt. Several Latin countries balked at imposing firm measures against Cuba, clinging to the ancient concept of nonintervention which had originated years before Soviet communism moved into the hemisphere. Principal backsliders were Mexico, Uruguay, Bolivia, Chile, and Brazil, all of whom at the time maintained diplomatic relations with Cuba.

SANCTIONS—OR NOT?

Venezuela would not be put off, and pressed for a foreign ministers' conference of the 20 American Republics to punish Castro. It called for mandatory steps such as cutting off all trade, air travel and diplomatic relations with Cuba. "If the OAS does not apply sanctions to Castro's Cuba, it means the bankruptcy of democracy and the inter-American system," warned Venezuela's Foreign Minister Marcos Falcón Briceño.

Then in April 1964 a revolution in Brazil led by Gen. Humberto Castelo Branco, a firm anti-Castroite, ousted left-leaning President João Goulart.[2] Soon after, Brazil expelled Cuba's diplomatic delegation. Now those seeking stern measures against Castro felt that the continent's largest nation could be counted on when the chips were down.

Still, weeks, then months, dragged by while diplomats dickered over sanctions that would assure the necessary two-thirds vote. Finally, on July 21, more than 8 months after Lino stumbled on the arms at Macama, the hemisphere's foreign ministers gathered in Washington for the crucial voting.

The hemisphere states should not maintain diplomatic or consular relations with Cuba; 14 yes, 4 no, 1 abstain. They should suspend their trade, either direct or indirect, with Cuba, except for humanitarian reasons: same vote. They should suspend all sea transportation, again with the humanitarian exception: 14 yes, 3 no, 2 abstain. Any new attempts to subvert an American Republic could bring quick armed retaliation without consultation: 15 yes, 4 no.

By the time the final resolution had passed, it was 12:15 a.m., July 26, the day Castro anually celebrates the birth of his revolutionary July 26 movement. At long last the American Republics had branded an outlaw in their midst. Within 6 months Chile, Bolivia, and Uruguay broke relations with Cuba. More significant was that key resolution giving the green light to OAS nations, alone or collectively, to strike back without delay should Castro be caught in further subversion.

---

[1] See "Inside a Castro 'Terror School,'" the Reader's Digest, December 1964.

[2] See "The County That Saved Itself," the Reader's Digest, November 1964.

THE THREAT REMAINS

Whether this provision will be used for direct retaliation against the Cuban sanctuary is quite another matter. Just last November representatives of Latin American Communist Parties slipped into Havana to map out a bold new strategy with the Soviets to accelerate Red revolutions. A secret declaration (released in Moscow 2 months later) was signed promising "active aid" to "freedom fighters" in Colombia, Guatemala, Honduras, Paraguay, Panama, Haiti, and Venezuela.

Operations center for this guerrilla warfare is Cuba's subversion and espionage agency, the DGI (whose biggest unit promotes Latin revolutions), advised by at least five Soviet intelligence specialists. Squads of Latin Americans are trained by the DGI's Department of Special Schools. This department and other Cuban organizations have turned out at least 5,000 graduates. "This training today represents the most serious threat to democracy in Latin America," says Assistant Secretary of State for Inter-American Affairs Jack H. Vaughn. "We know of cases where the individuals of a given country trained in Cuba return by the hundreds. These people form a cadre of guerrilla units, and the larger the number, the greater the threat ultimately that they will make a move."

AN APPALLING SCOREBOARD

The scoreboard of riots, bombings, assassinations, violence and espionage emanating from Cuba is appalling. In Guatemala a band of terrorists with a hard-core strength of about 300 men roams the mountains with headquarters in the Lake Izabal region. Five of them recently burned the U.S.-aid-program garage in Guatemala City, gutting 23 vehicles. Last February during a festive parade in the capital, ten Guatemalan soldiers were killed by a grenade lobbed into the back of their truck. Chief of these guerrillas is stocky, tough Marco Antonio Yon Sousa who has secretly received $200,000 from the DGI.

A contingent of Panamanian communists recently went back to Cuba for a second round of guerrilla instruction, while even more are preparing to journey to Havana. Next door in Colombia, banditry and kidnapings, once confined to remote rural regions, are closing in on the cities. Former Cabinet Minister Harold Eder was grabbed by kidnapers and a $250,000 price put on his head even though he had been murdered before the ransom demand. A newly organized Cuban-backed Army of National Liberation (ELN) directs much of this violence. In Moscow, Pravda propagandizes that events in Colombia are "very little different from the dirty war being fought in Vietnam."

Finally, look at the grim tragedy in the Dominican Republic. In classic style a band of skilled communists swifty exploited an explosive chaotic revolution. At least 77 known communists were pinpointed and, as President Johnson has disclosed, "two of the prime leaders in the rebel forces were men with a long history of communist association and insurrections." He noted that many of the "conspirators" were "trained in Cuba" and, "seeing a chance to increase disorder, to gain a foothold, joined the revolution."

WHERE NEXT?

Where will the graduates of the Soviet-Cuban Communist combine strike next? Where within our hemisphere will U.S. soldiers have to be sent next to avert a Communist coup while Havana and Moscow have a propaganda field day? And will we and our friends be able to discover and act against the next blueprint for subversion before it is too late?

No one can say—so long as an operations center for "wars of liberation" functions with impunity in Cuba. Time and time again our officials have said this subversion "must stop," yet it continues. Our words and warnings are scorned, and we go on merely reacting to one Cuban-fomented foray after another.

One long-overdue solution is for the OAS to modernize its rules and machinery so that it can act swiftly against Communist "interventions." Otherwise, Latin countries must accept United States fast action when lives and liberties of nations are in the balance, as in the Dominican Republic.

Another solution lies in tightening the economic noose around Cuba. Considering the mess communism has made of the Cuban economy, experts say it would collapse within weeks if most outside assistance was cut off. Why, for example, should we permit a procession of Soviet oil tankers to steam into the Caribbean to fuel Cuba's industries and utilities so that this springboard for subversion can survive? And why should we allow non-Communist nations to furnish vital items—867 shiploads since 1963?

When Secretary of State Dean Rusk called for sanctions against Cuba last summer, he pointed out that "subversion supported by terror, sabotage, and guerrilla action is as dangerous a form of aggression as an armed attack." And he added these significant words: "Today it is Venezuela which is under attack. Is there any one of us who can say with assurance, 'It cannot be my country tomorrow'?"

THE ORDEAL OF OTTO OTEPKA

Mr. THURMOND. Mr. President, in the current issue of Reader's Digest, there appears an article entitled "The Ordeal of Otto Otepka." This article relates in summary form the outrageous case of the treatment of a dedicated security officer in the State Department whose honesty, loyalty, and perseverance in his job were rewarded with abuse in the form of police-state tactics and ultimately, in an order of discharge. The appeal from the order of discharge is still pending. The injustices recited by this article, which are substantiated in great detail by the series of hearings currently being released by the Senate Internal Security Subcommittee, constitute a blight on our Government and the bureaucratic, cliquish factionalism into which we have permitted it to degenerate. Both the Congress and the American people have an obligation to Mr. Otepka to see that this injustice is righted, but they have an even greater obligation to themselves and their posterity to eradicate the defects in the system which permits our Government to be so perverted.

I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ORDEAL OF OTTO OTEPKA

(By Charles Stevenson, with William J. Gill)

(NOTE.—Why have State Department employees been using the tactics of a police state to oust a dedicated security officer whose only sin seems to be loyalty to his country?)

A few minutes before noon on Friday, June 27, 1963, Otto F. Otepka, Chief of the U.S. State Department's Security Evaluations Division, was summoned to the office of his immediate superior, John F. Reilly, Deputy Assistant Secretary of State for Security. Reilly tossed him a one-page memorandum. "Effective immediately," the memo said, "you are detailed to a special project updating the Office of Security Handbook. You will remove forthwith to room 38A05."

Within a half-hour of this ouster, Otepka's office safes and file cabinets, which contained extensive security information on State Department personnel, were seized. The same thing was happening to two veteran security officers who worked under Otepka.

These police-state tactics were used not against men suspected of subversion. They were used against men who had been trying to fight subversion—the professional "security men" whose job it is to try to keep the Government service free of Communists and persons who might fall under their influence.

The story of Otto Otepka, a tall, quiet, darkly handsome man of 50, is still without an ending, and on its outcome hang two vitally important issues. One is whether we shall, without hysterics and false accusations, fight attempts to subvert our Government. The other is whether Congress—the elected representatives of the people—shall preserve our right to oversee the behavior of the officials in the executive branch.

Many kinds of subversion are practiced today by the Communists. One of the most difficult to detect is "policy sabotage," a device by which seemingly innocent decisions cover up disruption and delay of crucial activities. A classic example occurred in the aftermath of World War II: Harry Dexter White, Assistant Secretary of the Treasury, withheld vitally needed shipments of gold ordered by Congress to bolster Chiang Kai-shek's currency, thus contributing to the collapse of the currency. The Nationalist armies were left unpaid and starving, an easy prey to Mao Tse-tung's Communists.

This type of sabotage is doubly dangerous because it creates suspicion and confusion. Many who supported the wild charges of the late Senator Joseph McCarthy in the early 1950's, for instance, failed to distinguish between policy sabotage and errors of judgment, and they besmirched the reputation of innocent people. Otto Otepka was never such a zealot. His very background made him respect the underdog. The son of an immigrant Czech blacksmith, he had come to Washington in 1936 as a Government messenger. In 1942, after earning a law degree at night at Columbus University (now the law school of Catholic University), he became an investigator for the Civil Service Commission. Following Navy service in World War II, he returned to the Commission, became an expert on Communist subversion and supervised a large staff analyzing cases under the Federal Employees Loyalty Program.

It was, in part, his sense of perspective that led one veteran security officer to call him "the best evaluator in Government." Secretary of State John Foster Dulles, on June 15, 1953, brought him into the State Department to carry out President Eisenhower's Executive Order 10450, designed to set security standards for all Federal agencies.

By 1957 Otepka was deputy director of the Office of Security—the Department's highest civil service security job—and working head of State's global personnel-security organization. In 1958 the State Department awarded him its Meritorious Service Award. The citation, signed by Secretary of State Dulles, declared that Otepka "has shown himself consistently capable of sound judgment, creative work and the acceptance of unusual responsibility." His 1960 departmental efficiency report noted that to his knowledge of communism and its subversive efforts in the United States "he adds perspective, balance and good judgment."

Yet, as he was receiving these plaudits from his superiors, Otepka was incurring the enmity of an influential clique in the Department who chafed at security procedures. Soon after the Kennedy administration took over in 1961, these persons began to act. Otepka found his recommendations were being ignored or overruled.

Then there occurred the strange case of William Wieland, a controversial foreign-service officer who had been Caribbean desk officer during the early days of Fidel Castro. The Senate Internal Security Subcommittee, investigating Wieland's role in U.S. support of the Cuban revolution, declared that he could not "escape a share of the responsibility" for Castro's takeover. Among other things, the subcommittee uncovered evidence that Wieland had withheld crucial intelligence reports warning of Castro's Communist ties.

Conducting an investigation under specific Department orders. Otepka in 1961 reported he found no proof Wieland was a Communist, but he amassed evidence that he was responsible for "policy impedance" and had "lied" both to the Senate subcommittee and to State's own investigators. Otepka recommended that higher authorities consider dismissing him as unsuitable.

For an answer, on September 18, 1961, William Boswell, an old-line foreign-service officer and at the time Otepka's immediate superior, ordered Otepka to clear Wieland immediately without the required written findings from the Deputy Under Secretary for Administration. Otepka refused.

The Department made its first formal move to get rid of Otepka less than 6 weeks later. On November 1, 1961, Boswell called Otepka into his office and announced that 25 Security Office jobs were being eliminated. Otepka was being demoted to chief of a 32-man evaluation staff.

Many men would have quit in disgust. Otepka stayed on, even though his old job, supposedly abolished for economy reasons, was later restored with someone else filling it.

Then John F. Reilly arrived as the new director of the Office of Security. Now Otepka's recommendations and memorandums were bounced back with critical notations. And weird things began to happen. At 10:30 p.m. on March 24, Otepka returned to his office after an evening of bowling and startled two of Reilly's aides there. Later, an electronics technician told him, "Your phone is bugged." Another reported that there were concealed listening devices planted in his office. One weekend his office safe was drilled open. And a mystery man with binoculars sat outside Otepka's home night after night.

By early 1963 the situation epitomized by the harassment of Otepka had become so critical that the State Department's entire personnel security apparatus was on the verge of collapse. The Atomic Energy Commission, in granting access to atomic secrets, refused to accept State Department investigations, and the Civil Service Commission reported to the National Security Council deficiencies and shortcomings in State's security operations.

At this point, the Senate Internal Security Subcommittee resumed its hearings. During February and March 1963 it asked Otepka whether the Department was clearing possible security risks despite warnings from the Evaluations Division. Otepka declared it was. Reilly denied this. As the hearings progressed, more and more discrepancies developed between Otepka's testimony and Reilly's rejoinders. The contradictions were so serious that on May 23 subcommittee counsel J. G. Sourwine called Otepka to his Capitol Hill office. "One of you is lying under oath," he said. "If you have evidence to prove you're right, you'd better produce it."

That night Otepka paced his basement study at home. "The Code of Ethics for Government Employees," adopted by Congress in 1958, requires all civil servants to put loyalty to country above loyalty to Government departments. Federal statutes specifically guarantee their right "to furnish information to Congress shall not be interfered with."

Shortly thereafter Otepka sent the subcommittee 25 "unclassified", 2 "confidential", 6 "official use only," and 3 "limited official use" documents and memos. Point by point these papers upheld the truth of Otepka's testimony.

Four weeks later, on June 27, Otepka was given the meaningless assignment of updating the Security Office Handbook.

On August 14, 1963, Otepka suffered the next step in his degradation—he was accused by his superiors at State of violating the World War I Espionage Act. He was charged with spying for the U.S. Senate by turning over confidential documents (the papers which cleared him of perjury). After 3 days of questioning, the FBI threw out the case against him.

Then, on September 23, 1963, the State Department fired Otepka for actions "unbecoming an officer of the Department of State" (specifically, supplying legitimate information to U.S. Senators). Otepka appealed the case, under State Department regulations. Senator THOMAS DODD, vice chairman of the Internal Security Subcommittee, protested to Secretary of State Rusk, but Rusk reconfirmed the proposed dismissal. DODD then stormed onto the Senate floor on November 5, castigating the Department for "chasing the policeman instead of the culprit," and he exploded a bombshell: "Although a State Department official has denied under oath a tap on Otepka's telephone, the subcommittee has proof that the tap was installed"—a clear violation of State's own regulations.

That night the Department's top legal advisers called in Reilly and Elmer D. Hill, an electronics technician, and had them sign letters asking the subcommittee for the right to "clarify" and "amplify" their earlier sworn testimony that they had not tapped Otepka's telephone. Reilly's story now changed to:

"On March 18 I asked Mr. Elmer D. Hill to undertake a survey of the feasibility of intercepting conversations in Mr. Otepka's office, I made it clear to Mr. Hill that I did not wish any conversations to be intercepted at that time." But days later Hill confessed to the subcommitte that he had tapped "a dozen, perhaps more" of Otepka's telephone conversations under Reilly's orders.

Even after that, despite a written protest approved by the entire Senate Judiciary Committee, Secretary Rusk declared that prosecution of the Otepka case would be "vigorously pursued." Security Office division chiefs were officially notified that all who "are disloyal" to the Secretary will be "identified and ousted. We have lost face, and it's up to us to regain it."

Since then the State Department has allowed little to leak out. Otepka, waiting for the chance to fight for reinstatement, still goes to the State Department every Monday through Friday. In accordance with civil service rules, he still draws his $19,310 annual salary, but he is not given any useful tasks. He is, in effect, in exile within the Department, and many of his associates are afraid even to say hello to him.

Seldom has an issue reached so deep into the roots of our governmental system. For if Otepka loses his appeal, now set for October 11, it will set new precedents for conduct of Government. Men like William Wieland, who withheld information about Castro, will know that they are safe from accountability. He is still in the State Department and has since been promoted. Men like Reilly, who deceived a Senate subcommittee, will know that playing the bureaucracy's game pays off—he presently holds a high-paying job with the Federal Communications Commission. And the thousands of dedicated public officials—the Otepkas and those in other Government agencies—will have learned their lessons: In Government, if you see something going wrong, forget it. Says Senator DODD: "If those forces bent on destroying Otepka and the no-nonsense security approach he represents are successful, who knows how many more Chinas or Cubas we may lose?"

The American people can offer only one answer: Loud, sustained protest to President Johnson and their representatives in Congress. Until the men of Otto Otepka's stamp are safe in their jobs, with full authority to enforce a wise security program, the Nation can have no reasonable assurance it is safe from enemies within.

A NATIONAL COUNCIL AND A COMMISSION ON MARINE RESOURCES

Mr. PELL. Mr. President, the bill S. 944, sponsored by Senator MAGNUSON, and cosponsored by myself and a number of other Senators, is a very good bill, particularly in view of changes made in it in the Commerce Committee, of which Senator MAGNUSON is chairman. I am pleased that it has now been reported out.

As one who believes the future of our country will, in great part, be depended upon our development of resources of the seas and of our progress in the marine sciences, I believe passage of the Magnuson bill will do much to advance our interests in oceanography.

I come from a seafaring State with a proud history of harvesting the seas, sending our ships to the far reaches of the world, and of being a mighty bastion for many years of our Navy. Generations of Rhode Islanders have followed the sea.

The future of my State cannot help but be vitally concerned and involved in our development of the seas. In Rhode Island, we have one of the finest graduate schools of oceanography at the University of Rhode Island. My State is part of a growing complex of marine oriented industries and other activities.

This bill provides for a "National Council on Marine Resources and Engineering Development" staff at the Cabinet level. It will not disrupt the existing oceanographic agencies but will provide them with coordination and high-level endorsement they require in order to try to continue our supremacy, now marginal at best. We cannot afford to lose it.

At the same time, and I think this is a most important feature of the bill that was incorporated in committee, it calls for a self-liquidating Commission on Marine Science, Engineering, and Resources. This, in effect, would plan a broad outline, over an 18-month period of proposed policy and direction and makes its report to the Council, which is responsible to the President.

I have pointed to the need for such a self-liquidating study group and have taken note of Congressman ROGERS' introduction earlier in the House of a bill for such a study commission.

At a recent 4-day Conference on Ocean Science and Engineering held here in Washington, I participated in a panel which was concerned with organization of oceanography and ocean engineering in the United States. My participation provided me with an excellent opportunity, by a show of hands, to poll the assembled specialists of these important fields.

My findings were that a very few thought the present level of Government coordination was adequate, many more would prefer a high-level council to oversee oceanography, and the greatest number favored a self-liquidating commission to study marine sciences and technology and help set national goals. In the Magnuson bill, we are now able to satisfy, I believe, the overwhelming majority of our sea scientists and engineers.

Recognizing also that oceanographic legislation will open many challenging fields of endeavor, for which a variety of specialized job skills will be necessary, I plan to have a study undertaken of problems concerned with educating ocean technicians, engineers, and scientists of the future. It is my belief that a system of sea-grant colleges, properly administered and funded, would provide for the opening of the seas in much the same way land-grant colleges provided for the opportunity to develop the abundance of agriculture which has made our country great.

BIG BROTHER: "JUSTICE DELAYED—"

Mr. LONG of Missouri. Mr. President, my Big Brother item for today is an excellent editorial in the Government Standard of July 16, 1965, signed by Mr. John F. Griner, national president of the American Federation of Government Employees.

The editorial speaks more eloquently for itself than anything I can add. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HEARING DELAYS DENY JUSTICE

Three weeks ago in this space we printed the reply of the Internal Revenue Service to our earlier criticism of its handling of cases involving serious charges against some of its employees in New York.

We criticized the IRS for delaying hearings on the employees' appeals on the charges filed against them. To this, the IRS replied that Government laws and regulations neither specifically authorize nor prohibit delays in appeal hearings.

Even if we bought this legal argument—which we don't for reasons we will explain—it does not absolve the IRS of its responsibility to provide the accused employees a prompt hearing on the charges against them. The American concept of justice is based on the principle that the accused is entitled to an expeditious, impartial hearing. Despite the IRS's cavalier attitude, it is still true that "justice delayed is justice denied."

As to the rules and regulations on appeal hearings in the Federal service, we would refer the IRS's attention to Executive Order 10987, the basic policy on appeals. Section 3, paragraph (9) of the order reads: "An appeal should be resolved expeditiously. To this end the employee and the department or agency shall proceed with an appeal without undue delay." The order also says "prompt consideration" of appeals "will promote the efficiency of the service" and directs each agency to set up a system through which an employee may seek "timely * * * reconsideration of a decision to take adverse action against him."

We might also point out to IRS and the Justice Department, which has delayed trials on criminal charges brought against some of the employees, that article VI of the Bill of Rights guarantees the "right to a speedy and public trial" in all criminal prosecutions.

Internal Revenue also contends that delaying the hearings does no harm because if the employees win their appeals they will be retroactively restored to their jobs with full back pay. "We do not agree that this procedure is in any way inequitable," IRS says. This shows about as much understanding of the human factors involved in the situation as we would expect from a computer.

The employees involved stand accused of serious charges. They were dismissed from their jobs and thus far have not been granted a hearing. They must provide food, clothing, and shelter for themselves and their families now, and the retroactive pay they may get a year or two from now when the IRS finally gets around to deciding their cases will not stock their larders today.

And what of the mental anguish caused by the unresolved accusations? The employees stand condemned of dishonesty in the eyes of their friends and fellow workers and they cannot remove this blight until the charges against them are cleared up. Does this count for nothing in the eyes of the IRS?

The IRS also makes light of our complaint that the charges against the employees are based largely on the accusations of a confessed briber. The briber, IRS contends, is a natural source of information. This may be true, but it is also true that when the validity of a case rests on the accusations of one man, the character of that man becomes of utmost importance in determining what actions to take on the strength of his allegations.

In this instance the character of the accuser is known to be poor. Yet IRS has chosen to take his word against that of its own career employees who protest their innocence. Then, IRS further compounds this travesty of justice and fairplay by refusing to grant the employees a prompt hearing on the charges against them.

We are also sure the IRS is aware of the fact that it is not unusual for an individual facing charges to be offered special consideration in exchange for his help in implicating others. And in such cases it is not unusual for the person offered the deal to stretch the truth in his zealousness to please the prosecution and gain favored treatment for himself.

We do not know, nor do we seek to infer, that any deals have been made, with the confessed briber involved in the IRS case. But that such a possibility exists is still another factor justifying the employees request for a hearing.

The plain fact is the IRS' denial of hearings to the accused employees is indefensible. Their guilt or innocence of the charges against them should be decided through the hearing process established for that purpose. They are legally and morally entitled to a hearing and they should get it without further delay.

JOHN F. GRINER,
National President, AFGE.

The PRESIDING OFFICER. Is there further morning business?

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, for the purpose of making a few insertions in the RECORD, I ask unanimous consent that I may be permitted to speak for not more than 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL ORIGINS QUOTA SYSTEM IN IMMIGRATION LAWS

Mr. CLARK. Mr. President, I desire to present to the Senate a resolution of the Grand Executive Council of the Order of the Sons of Italy in America, Grand Lodge of Pennsylvania, expressing support for the repeal of the archic, unjust, and discriminatory national origins quota system feature of our existing immigration laws.

I am in complete accord with the position taken by the Pennsylvania Grand Lodge of the Sons of Italy in this matter, and I salute them for having adopted this resolution.

I ask that the text of the resolution may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF ORDER SONS OF ITALY IN AMERICA, GRAND LODGE OF PENNSYLVANIA

Whereas there has been introduced in the U.S. Senate an act commonly referred to as the Hart-Clark bill;

Whereas said bill will, in great measure, act to repeal the unjust features of the present Walters-McCarran law: Be it

Resolved, That the Order Sons of Italy in Pennsylvania reaffirm its position in opposition to the present laws, in force, which are discriminatory in character; and be it further

Resolved, That copies of this resolution be forwarded to the Honorable JOSEPH SILL CLARK and the Honorable HUGH SCOTT, the U.S. Senators representing the Commonwealth of Pennsylvania, requesting they continue their efforts in providing us with a workable and just Immigration and Naturalization Act.

JOSEPH L. CONTE,
Grand Recording Secretary.

TRUTH-IN-PACKAGING LEGISLATION

Mr. CLARK. Mr. President, the truth-in-packaging bill, now pending before the Committee on Commerce, and sponsored and strongly and ably advocated by the Senator from Michigan [Mr. HART], would require truthful notations to be made on all packages which are placed on sale at retail.

Mr. Andrew Tully, the well-known nationally syndicated columnist, wrote an article which was published in the Kalamazoo, Mich., Gazette a short time ago. The article is worthy of the attention of our colleagues in the Senate and readers of the RECORD. It is entitled

"Marlene Dietrich's Theory and Truth-in-Packaging Bill." I ask unanimous consent that the article may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kalamazoo (Mich.) Gazette, May 10, 1965]

MARLENE DIETRICH'S THEORY AND TRUTH-IN-PACKAGING BILL

(By Andrew Tully)

WASHINGTON.—Some years ago, I spent 2 hours and the price of three samovars of Moet et Chandon brut chatting with Marlene Dietrich on the subject of men. One of her comments is pertinent to the current truth-in-packaging controversy on Capitol Hill.

"I am always suspicious of the male who runs on about my intelligence," quote Marlene. "He is just setting me up to take advantage of what he thinks is my stupidity."

Industry has been using the same gimmick in hearings before the Senate Commerce Committee on a bill proposed by Senator PHILIP HART, Democrat, of Michigan, to halt deceptive merchandising. Its spokesmen have been saying that the average housewife is too smart to be taken in by packages filled mostly with air and labels that misrepresent.

There was, for example, Albert Halverstadt, vice president of advertising for the big soap outfit, Procter & Gamble. Halverstadt told the committee that to suggest the housewife needs a law to protect her in the supermarket "is to underestimate the housewife's intelligence and shopping ability." And Senator HUGH SCOTT, Republican, of Pennsylvania, chimed in with the remark that "the bill proceeds on the premise the housewife is dumb, which I deny."

Those guys are not going to put me on a spot like that. As a married man, I do not care to risk arsenic flavoring in my porridge by suggesting that any female—even the No. 1 dame on Molly's blacklist—is deficient in gray matter. I submit merely that even eggheads do not set out for the neighborhood emporium equipped with calculating machines to figure out the "cents-off" dodge or a magnifying glass to read the fine print on the labels.

There is nothing in HART's bill to frighten the honest manufacturer or retailer. It would outlaw "cents-off" promotions because nobody ever knows the answer to the question, "Cents off what?" It would ban such labels as "giant half-quart" and "economy size." No packages would carry illustrations designed to deceive. Chocolate chips would be as evident in the cookies as they were in the illustration. There would be no more 6-inch cardboard trays holding 4-inch candy bars, or containers of soap flakes that are mostly container.

Industry has come up with the specious argument that Federal agencies already have power to punish fraud and deception in labeling. This is what might be called an unfact. The Food and Drug Administration is so badgered by legal redtape it has lost every action against deceptive packaging. HART's bill would make it unnecessary for the FDA to prosecute on a case-by-case basis so costly to the taxpayer.

Nor am I impressed with industry's contention that consumers are quite content with present packaging practices. Mrs. Esther Peterson, President Johnson's special assistant for consumer affairs, has hundreds of complaints about packages that proclaim their contents serve four persons but which scarcely satisfy two, and pizza boxes which are two-thirds air.

Housewives are not dumb, but most of them are busy—too busy to try to understand the complicated packages and labels used as come-ons by the industry. They have a right to know what they are buying, how much they are buying and if the price is higher or lower than that of a competing brand. In this, contrary to female tradition, they are not being unreasonable.

Mr. CLARK. Mr. President, Mr. Tully writes, in part:

> As a married man, I do not care to risk arsenic flavoring in my porridge by suggesting that any female—even the No. 1 dame on Molly's blacklist—is deficient in gray matter.

The "Molly" referred to is Mr. Tully's wife. For several years I had the great privilege of having Molly work in my office. We gave her up with deep distress, because she thought more of Mr. Tully than she did of us.

I commend Mr. Tully's column to my colleagues in the Senate.

THE CIVIL SERVICE CHIEF AS THE PRESIDENT'S TALENT SCOUT

Mr. CLARK. Mr. President, many of us have been heartened by the fine activities of the Chairman of the Civil Service Commission, Mr. John W. Macy, Jr., who is also the chief personnel officer for the White House. Mr. Macy has been acting as President Johnson's talent scout.

In this connection, he has recruited for the Federal service an extraordinarily large number of very capable and able men and women. His activities came to the attention of Mr. Charles Mohr, of the New York Times, some time ago, and he wrote an article entitled "Civil Service Chief Wields Power as Johnson's Talent Scout," which was printed in the New York Times a short time ago. In part, it reads:

> It seems ironic to some that Mr. Johnson, a consummate politician, has caused a decline in the patronage power of the Democratic National Committee, and of politicians in general, and has turned increasingly to the apolitical sort of men Mr. Macy favors.

I am happy to commend both the President and Mr. Macy for these strong steps toward increasing the nonpolitical flavor of our Government employment in general, and of the civil service in particular.

I ask unanimous consent that the article may be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, June 28, 1965]

CIVIL SERVICE CHIEF WIELDS POWER AS JOHNSON'S TALENT SCOUT

(By Charles Mohr)

WASHINGTON, June 27.—Historically, the Chairman of the Civil Service Commission has not been notably important in the Washington power structure.

But under Lyndon B. Johnson the current chairman, John W. Macy, Jr., has become a major power at the White House. He has the large responsibility of helping Mr. Johnson fill such sensitive posts as the chairmanship of the Federal Power Commission, from which Joseph C. Swidler has announced he is resigning.

Since last November Mr. Macy has served as President Johnson's chief talent scout for major appointments. The President has also given him responsibility for improving the whole structure of Federal employment and administration.

It seems ironic to some that Mr. Johnson, a consummate politician, has caused a decline in the patronage power of the Democratic National Committee, and of politicians in general, and has turned increasingly to the apolitical sort of men Mr. Macy favors.

Together the two men have given the administration a distinctive coloration. It is one of primarily merit appointments, almost half of them promotions from the ranks of civil servants. There has been a conscious effort to exalt Government service as a lifetime profession and to look first among career men when a major job is open.

THE BLUE NOTEBOOK

Mr. Johnson is acutely aware that he will be judged as a President partly by the appointments he makes.

The President has Mr. Macy keep up to date a blue-covered notebook detailing all of the major appointments Mr. Johnson has made since November 23, 1963, the first full day of his Presidency.

It shows that Mr. Johnson has made more than 280 major appointments, including 34 to the Federal bench. A total of 183 of these were to full-time, nonjudicial jobs. Some of the others went to posts on important but not full-time commissions and committees.

If judges are excluded, 48 percent of the appointees were chosen from the ranks of Government service. The other appointments were shared almost equally among three groups—lawyers, labor and industry, and universities.

Mr. Macy has helped the President make most of these appointments. In most cases, he has, in the end, given the President three or four suggested names for a job, along with an evaluation of each man. Mr. Johnson does the choosing, but he is the first to say that Mr. Macy has considerable influence.

"I am fond of him as a person," says Mr. Johnson.

The Macy-Johnson friendship began when Mr. Johnson, as Vice President, was Chairman of the Committee on Equal Opportunity in Federal Hiring. It is apparent that, at a time when Mr. Johnson often felt slighted by some officials of the Kennedy administration, he got courteous and friendly help from Mr. Macy.

"Nobody gives a damn about the Vice President," Mr. Johnson says wryly, "but John Macy worked very conscientiously with me on the equal opportunity committee. He even worked at night."

Mr. Macy, 48 years old, has an almost boyishly youthful air despite a head of gray hair clipped into a crew cut. In Government since 1938, he served as a personnel expert for both the Atomic Energy Commission and the Department of the Army before becoming Executive Director—the top career post—in the Civil Service Commission in 1953.

From 1958 until 1961 he was executive vice president of Wesleyan University, his alma mater.

AN ORGANIZED MIND

Mr. Macy has a precise and highly organized mind and applies himself to his extracurricular White House duties in a precise way. He has put together a file of about 20,000 names of persons who have expressed interest in Government service or have been recommended by a wide range of figures in private life.

The file often puts Mr. Macy on the track of men to fill a job vacancy. But the search really begins with a studious examination of the vacant job itself.

Mr. Macy usually writes a "job profile," outlining the qualities and experience needed or most desirable in the job. This profile, which is also studied by Mr. Johnson in many cases, makes the search easier by making clear what it is they are looking for.

Finally, as the search narrows, Mr. Macy handles all details.

If warranted, he checks with the Democratic National Committee on political aspects of the appointment (but the importance of this has clearly waned), gathers opinion on candidates, and finally gives the President concise evaluations of the reputations of the contenders.

SELECTION OF ENVOYS

Mr. Macy sits in on State Department meetings regarding ambassadorial appointments, and plays a role in this field. Because Mr. Johnson believes in executive "compatability," Cabinet Secretaries have great latitude in picking Assistant and Deputy Secretaries, but Mr. Macy is also in on this.

A job like this never ends. Mr. Macy believes there will always be a minimum of about a half dozen vacancies. At present there are no more than that.

The Treasury Department needs a General Counsel, the Community Relations Service needs a Director, and one Assistant Secretary slot is open at the Department of Health, Education, and Welfare. Several appointments to Government agencies expire this month, giving Mr. Johnson the option of reappointing men or looking for new ones.

The most important of these cases was that of Mr. Swidler, whose term officially ended last Tuesday.

STANDARDS OF CONDUCT

In addition to screening and suggesting appointees, Mr. Macy is engaged in even more fundamental tasks. He has already codified and clarified directives on standards of ethical conduct for Government employees and will be the depositor for financial statements by top policymakers and a sort of court of appeal on ethics and conflict-of-interest cases.

He is making the first full-scale study and inventory of some 500 to 600 middle-level policymaking jobs in Government. He is perhaps the most important administration adviser on such questions as Federal pay scales, personnel use, and like matters.

President Johnson recently remarked that he had accepted about 90 percent of Mr. Macy's suggestions in the job field and sent about 10 percent back for further study and reexamination, ultimately accepting some of them.

In the game of advising Presidents, that's an impressive batting average indeed.

THE PLANNING-FOR-PEACE RESOLUTION—SENATE CONCURRENT RESOLUTION 32

Mr. CLARK. Mr. President, a series of hearings was conducted by the Foreign Relations Committee on Senate Concurrent Resolution 32, the planning-for-peace resolution, some time ago. After the record of the hearings was closed, a most persuasive bit of testimony, in the form of a letter to Chairman FULBRIGHT, under date of June 21, was written by Mr. Daniel M. Singer, general counsel of the Federation of American Scientists.

The letter supports Senate Concurrent Resolution 32, which seeks to encourage the President in his efforts to achieve peace and disarmament under legally effective controls and to develop international institutions capable of permanently keeping the peace.

I ask unanimous consent that a copy of the letter may be printed in the RECORD at this point in my remarks.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., June 21, 1965.

Re Senate Concurrent Resolution 32.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR FULBRIGHT: The Federation of American Scientists supports Senate Concurrent Resolution 32, which seeks to encourage the President in "his efforts to achieve peace and disarmament under legally effective controls and to develop international institutions capable of permanently keeping the peace."

The Federation of American Scientists was formed at the close of World War II to inform the public of the dangers of a nuclear arms race and to work for disarmament. We strongly endorse the reasons given for the resolution and its specific recommendations.

It seems especially fitting to take action on this resolution at this time. American involvement in Vietnam and the Dominican Republic arises in part from the lack of international institutions which might guarantee the independence and stability of those countries. Yet the nature of this involvement has raised questions in many quarters about American objectives. It is useful to reaffirm our commitment to world peace under world law.

We would also commend the emphasis placed on a study of the international machinery which must accompany disarmament. The institutional problems have too often played "second fiddle" to bomber and missile control or to techniques of inspection.

It is good to stimulate public discussion of this vital subject. It is proper to encourage the other nations to conduct similar studies. The Federation of American Scientists urges the U.S. Senate to adopt Senate Concurrent Resolution 32.

Respectfully yours,

DANIEL M. SINGER,
General Counsel.

Mr. CLARK. Mr. President, if there is no further morning business, I suggest that the Chair lay before the Senate the unfinished business.

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The **PRESIDING OFFICER.** Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S. J. Res. 66) to provide for the designation of the period from August 31 through September 6, 1965, as "National American Legion Baseball Week."

Mr. DOUGLAS. Mr. President, addressing myself to the subject which is now before this body, I regret the fact that the proponents of the Dirksen amendment, with one or two exceptions, have not taken the floor to express their point of view.

This is precisely what we faced last year. My colleague, with whom I have the friendliest of personal relations, made a somewhat irrelevant speech in offering his rider or amendment, and then more or less refused to explain to the Senate the purposes and effect of the amendment or to engage in any debate with respect to it. It was left to those of us who opposed the rider which he proposed to the foreign aid bill to attempt to tell the Senate and the country just what was involved in that proposed legislation which would have reversed the Supreme Court decisions on legislative apportionment.

We had thrust upon us, therefore, a double obligation. We not only had to oppose the resolution, but we also had to explain its import. The proponents of what was the then Dirksen-Mansfield resolution seemed to proceed on the theory that argument from their point of view was not necessary or was superfluous. They depended on sheer force of numbers to carry their point.

We all remember that in this effort they were unsuccessful, and were defeated by a vote of approximately 2 to 1 on the crucial motion to enforce cloture.

This year, my colleague has introduced a proposed constitutional amendment, and has tied it to the somewhat irrelevant topic of National American Legion Baseball Week.

He was reported in the press the other day as saying he planned to have 40 of his proponents take the floor to defend this proposal.

THE PROPONENTS HAVE FAILED TO MAKE ANY CASE FOR THE AMENDMENT

I am somewhat struck by the fact although there seems to be no other business before this body, none of the ranks of 40 are here, and apparently they do not wish to discuss the measure.

If any of them do appear, I shall be glad to yield the floor so they can present their arguments, because I would not think of shutting off any Senator from presenting the arguments, which up to date we have not heard, in behalf of the proposed constitutional amendment.

I regret that I do not possess the art of planned and spontaneous irrelevance which is so charming a characteristic of my junior colleague. Nor can I perform his acts of sorcery and necromacy which, in soaring far beyond logic, disguise an assault upon our political system as a mere amendment to an act to encourage junior league baseball or, as in the cartoon by Herblock, crawls into the baseball park from the supposedly minority side of the aisle under and not through the turnstile of Senatorial procedure.

So, I cannot be as charming as my colleague, and I am, as Mark Anthony is reputed by Shakespeare to have said, only a plain, blunt man, and one who can only try to talk sense to this body.

I shall stick to the sober facts and to the logic with which I somehow, however mistakenly, believe most of the dialog in such grave matters should be conducted.

Mr. CLARK. Mr. President, will the Senator yield at this point, before he gets to the main thrust of his address?

Mr. DOUGLAS. I yield to the Senator from Pennsylvania.

Mr. CLARK. I was quite interested in the Senator's somewhat satirical, although true comments, about the procedure utilized by his colleague.

Mr. DOUGLAS. For whom I have the highest regard and with whom I am on friendly terms.

Mr. CLARK. A situation I am happy to state I share.

Mr. DOUGLAS. Yes.

Mr. CLARK. The Senator will recall that last year the vehicle for the proposed amendment was the foreign aid bill.

Mr. DOUGLAS. That is correct.

Mr. CLARK. And now it is the National American Legion Baseball Week. The Senator knows that for a long time I have attempted, quite unsuccessfully, to persuade my colleagues that there ought to be a fairly substantial change in the rules, procedures, and the methods of doing business in the Senate.

It is my understanding that in the House of Representatives amendments to pending proposed legislation must be germane or they are subject to a point of order. Is that correct?

Mr. DOUGLAS. That is correct.

Mr. CLARK. Does not the Senator believe the Senate should have a similar rule so that all amendments to pending measures will be germane to the subject matter of the proposed legislation?

Mr. DOUGLAS. I do, indeed; such action would strip the "aliases" from various measures.

Mr. CLARK. To be sure if the Senator will bear with me——

Mr. DOUGLAS. The proposal is a constitutional amendment alias "National American Legion Baseball Week."

Mr. CLARK. That is correct. The last time it was a constitutional amendment alias the foreign aid bill.

It occurs to me that while such an amendment would give more power to committee structure in that it would be impossible to propose amendments to a pending measure unless they were germane to the issue and had been reported from committee, that this would be a concession in the interest of preventing legislative chaos which would be well worth making.

Mr. DOUGLAS. I agree with the Senator from Pennsylvania. If this practice continues as it has developed, many of us will be tempted to use the same practice in relation to other bills.

Mr. CLARK. Will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. That leads me to another subject.

Some of our distinguished, ablest, and most liked columnists have been accusing the Senator from Illinois [Mr. Douglas], myself, and those of us who are conducting an educational debate in connection with the pending question on the ground that we took great umbrage and offense when some of our colleagues in years past utilized the filibuster as a means of preventing legislation from being brought to a vote.

The Senator from Illinois is strongly of the view that we are not conducting a filibuster, although we are, to some extent, at least extending the debate on the measure.

Mr. DOUGLAS. It should be extended. It is highly important. If the proponents desert the floor and will not explain their position, some of us must try to explain to the country what is involved.

Mr. CLARK. I think the Senator is correct, but there is another point I would like to make.

Columnists such as Arthur Krock and William S. White suggest that we, whom they refer to with such various unsympathetic adjectives as liberals, are doing something unethical if we use the rules of the Senate for the purpose of delaying immediate action on a pending measure. My thought has been—and this thought occurred to me because we are really dealing, are we not, in essence with a measure having to do with baseball? Mr. White, Mr. Krock, and others would like to have the liberals operating under a rule in which two strikes are out, whereas the conservatives and the advocates of the status quo, those who wish to deny one vote to every individual regardless of where he lives, should be guided by the rule of three strikes. I wonder if the Senator from Illinois would not agree that there is some logic in that suggestion.

Mr. DOUGLAS. Yes; I believe that is true. Those who oppose the filibuster do not oppose extended discussion. We believe that important measures should be debated fully. We believe, however, that sometime the Senate should be allowed to come to a vote. We have no intent of preventing the Senate from coming to a vote.

But a constitutional amendment is a grave matter, and needs elucidation and elaboration, which have not been given to it. It also needs discussion.

There is one further point. Both the Senator from Pennsylvania and I have repeatedly tried to have the rules of the Senate changed to make it easier to stop a filibuster. We have been opposed by the very Senators who now criticize extended discussion.

Mr. CLARK. And who now support the Dirksen amendment.

Mr. DOUGLAS. And who now support the Dirksen amendment.

I have said that so long as those rules remain on the books, it is not improper for us to take advantage of them, although we will not push them to the ultimate conclusion to which so many of our friends carried them in trying to prevent the passage of civil rights measures in the past.

Mr. CLARK. Perhaps I am a little more hard boiled than the Senator from Illinois. There are many rules of the Senate that I should like to change, as the Senator from Illinois well knows. In my younger days, I used to engage in certain competitive sports in which I thought some of the rules ought to be changed. But I have always been of the view that when the whistle blows to start a contest, whether in the Senate or on the baseball or the football field, or anywhere else, each competitor, each player, each contestant has every right to use the rules honorably to the full extent. There should not be one rule for those who want to change the rules and another rule for those who want to keep the game the way it is. That is why I take some exception to the point of view expressed by the columnists to whom I earlier referred.

Mr. DOUGLAS. I quite agree. They would have us go into battle with both hands tied behind our back while they would allow their favorites, our opponents, to be equipped with every device in the rule book, and many more, in addition.

Mr. CLARK. Possibly out of undue irritation, I rather resent the high moral tone they take in making the suggestion that we should bow to the other side.

Mr. DOUGLAS. I have never believed in unilateral disarmament.

ROTTEN BOROUGH AMENDMENT WOULD BE FAR-REACHING AND HARMFUL

Mr. President, let me say at the outset that I am pleased to see before the Senate the issues presented by the rotten borough amendment, despite the extraordinary procedure to which the junior Senator from Illinois has resorted in order formally to place his amendment before this body.

The substance of the issue presented by the rotten borough amendment is of fundamental importance. No more important basic constitutional question has been before this body in several decades. It would be no exaggeration to say that the proposed amendment, should it be submitted to the States, has not been equaled in significance since the submission to the States of the 14th amendment to the Constitution, almost a century ago. It is only the simple truth to say that in its long-term effects the rotten borough amendment, if ratified and put into effect, would come to be known as the constitutional amendment which forever rendered the States ineffectual partners in the American federal system. The ultimate effect of the Dirksen amendment is, of course, to stalemate the State governments in the United States and to prevent them from responding adequately to modern problems and to the needs of their citizens. The only possible result could be that the Federal Government would increasingly assume the legitimate responsibilities of the States.

UNSEEMLY AND UNWARRANTED WASTE

It is important to keep in mind the chronology which has led up to the present situation in the Senate. I know that Senators need not be reminded that it was only a little more than a year ago, on June 15, 1964, that the Supreme Court announced its decision in the Alabama case, Reynolds against Sims, and only a little more than 3 years ago that the Court announced its basic decision, upon which the Reynolds case was based, in Baker against Carr, a Tennessee case. In the latter case, the Court declared, after years of avoidance of the issue by both Federal and State courts, that the malapportionment of the State legislatures could no longer be ignored by the courts and that such questions of fair apportionment were legitimate concerns of the Federal courts of the United States.

In the Reynolds decision, or the Alabama case, of only a little more than a year ago, the court spelled out the basic standard which is to guide the Federal judicial system in reviewing these complaints; namely, that the equal protection of the laws provided for in the 14th amendment to the Constitution requires that both houses of a State legislature be based substantially on population. The Tennessee case had referred primarily to the question of whether the issue of State legislative apportionment could properly be examined by the courts and the malapportionment of the Tennessee lower house.

In a decision accompanying the Alabama decision, in the Colorado case, the court established another essential rule. It said that not only did the equal protection of the laws require the apportionment of State legislatures substantially, although not wholly, on the basis of population, but that this rule must be followed even though a majority of the voters of a State might approve, in a referendum, an apportionment plan not based on population.

It is these important decisions of the highest Court of the land which initiated the war against reapportionment of the State legislatures which we have been continuously experiencing since June of last year.

OPPONENTS OF FAIR APPORTIONMENT AGAIN RESORT TO EXTRAORDINARY TACTICS

As Senators know, one of the first major campaigns by those who fear the fair apportionment of the State legislatures was initiated by my junior colleague from Illinois [Mr. DIRKSEN] on August 12 of last year. Sounding the false alarm that the Supreme Court had created chaos in the States, the minority leader moved his rotten borough provision as an amendment, as the Senator from Pennsylvania has pointed out, to the then pending foreign aid authorization bill.

This rider, in essence, provided for an indefinite moratorium by legislative action on compliance within the States with the Supreme Court decisions on one man, one vote. Some supporters of the Dirksen amendment made it clear that they were seeking the moratorium in order to put forward for congressional approval and for proposing to the States for ratification a constitutional amendment which would override the Supreme Court decisions on State legislative apportionment. Other proponents of the Dirksen amendment appeared only anxious that the Court's decisions be permanently wiped out, as witness the support of some Members of the Senate for the so-called Tuck bill, which would have frankly and simply reversed the Court by legislative action in its Baker against Carr decision that State legislative apportionment was a proper question for consideration by the Federal courts.

Such is the fear of the opponents of fair legislative apportionment, Mr. President, that they were willing to resort to extraordinary parliamentary tactics last fall with the Dirksen rider, just as they are anxious to resort to extraordinary parliamentary tactics in the present situation. I need not remind Senators—although members of the general public should perhaps be informed—that the proposal last fall was a decidedly unconstitutional interference in the separation of powers between the courts and the Congress that the amendment had not been considered in any committee of the Senate, and that it was offered out of order to a bill on a wholly unrelated subject, that of authorizing foreign aid appropriations. Of course, these considerations failed to impress the movers of the Dirksen rider of last fall just as they fail to impress the supporters of the pending motion.

Let us not fail to notice this unseemly haste and the reason for it. What is the reason for it? The reason, simply put, is that the opponents of fair representation realize that unless the present rotten borough legislatures are to have the controlling hand in the direction of efforts to overrule the Court, the reversal of the Court which they desperately want simply will not take place. The episode of last fall has done the country the great favor of making very clear what the basic intent of the defenders of the rotten borough system actually is. They wish to have the present rotten borough legislatures perpetuate themselves in power and recognize that this perpetuation of rotten boroughism cannot occur unless it is done before a fair apportionment of the legislatures in both houses is attained. In other words, the supporters of the Dirksen amendment seek a means of letting the present malapportioned legislatures lead the effort to overrule the Court.

As Senators know, the Dirksen rotten borough rider was soundly thrashed in the concluding days of the 88th Congress. When the junior Senator from Illinois sought cloture on bringing his amendment to a vote, he was turned down by a two-thirds vote of the Senate. Where he had hoped for two-thirds of the Senate to be with him, he received the affirmative support of only one-third, with two-thirds being against him.

It is a part of the record that, following that vote, a series of compromises were considered, and the matter was finally disposed of by the adoption in the Senate, with the support of the opponents of the Dirksen rider, of innocuous language which was later tossed out in conference.

BAYH HEARINGS EXCELLENT

I hope I will not embarrass the very able junior Senator from Indiana by pointing out, Mr. President, that the unseemly haste of the movers of the Dirksen rider last fall certainly would have been repeated this year had it not been for his judicious and impartial leadership. The Senator from Indiana announced at the very outset that, as the chairman of the Subcommittee on Constitutional Amendments, he intended to see that a thorough and complete record was developed on the amendments introduced by Senator DIRKSEN and others to interfere in the Court's decision.

I think all Senators should commend Senator BAYH for his very able and unbiased supervision of the hearings on the Rotten Borough amendments. He was firm in his resolve that the hearings not be artifically extended, and he brought them to a close when he felt the record was adequate. But he was also firm in his refusal to rush through the hearings without permitting all witnesses who asked to be heard such an opportunity or an opportunity to submit their statements to the committee in writing.

The Congress and the country, whatever the outcome of this debate, owe the Senator from Indiana commendation and respect for his excellent chairmanship and his sustained interest in the full and fair hearing over which he presided personally most of the time. He took great personal care in this even though he was deeply engaged in other important matters at the same time, most notably the successful completion by the Congress of his presidential succession and disability constitutional amendment.

I have in my hand the record of those hearings held before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary. The record is slightly over 1,200 pages. It is a thorough analysis of the Dirksen amendment as introduced.

The soundness of the hearing record developed under the Senator from Indiana is testified to in part by the fact—and I may say this came as a very pleasant surprise to many of us—that the majority of the Committee on the Judiciary was unwilling to support the Dirksen amendment despite the very substantial changes made in it by the Senator from Illinois in his attempt to construct the necessary majority.

And, now, Mr. President, we find that the minority leader, having lost in committee, is resorting to the extraordinary parliamentary device of moving his amendment directly on the floor as a substitute for the National American Legion Baseball Week resolution. The minority leader has been very frank in admitting that he is faced with the inability of securing majority support in the Judiciary Committee and consequently is making an end run around that committee to propose his amendment directly on the floor. I say that this is an extraordinary procedure but I recognize that similar procedures have been resorted to in the past. I personally have supported some such measures. The record is, however, equally clear that some Senators vehemently have protested this avoidance of the Senate tradition of committee review on important matters.

I do not reprimand my colleagues for taking those steps, but there are others apparently poised to support the Dirksen amendment and the Dirksen procedure who should ask themselves if they could vote for such a bypassing when they have rejected it in the field of civil rights.

While it should not be necessary, I point out that this is a far-reaching constitutional amendment that we are talking about, not some minor and temporary legislative directive, nor a constitutional amendment seeking to do something which could as appropriately be done through legislation. As a second difference, I also point out that the present case is one in which the committee exhaustively considered the constitutional amendment and failed to approve it, while the major precedent for this procedure now being employed by the minority leader relates to the poll tax amendment which the Senate could not take up under usual procedures because the full Judiciary Committee refused to bring it to a vote.

PROPONENTS FAILED TO GET MAJORITY IN COMMITTEE

This proposal could have been brought to a vote of the full Committee on the Judiciary, but my colleague has explicitly stated that he did not want to bring it to a vote because he knew that the best he could command would be a tie vote and that he would not be able to have his measure passed.

We should also realize that the amendment now proposed by the minority leader is far, far different from the amendment he introduced as Senate Joint Resolution 2 on which the subcommittee held hearings. As Senator TYDINGS has pointed out, the new amendment is almost totally different and the issues it presents have hardly been touched in committee hearings. The committee would have been voting on a very different amendment.

Senators will note that I have been careful not to claim that the extraordinary procedure being followed by the minority leader is contrary to the rules. It has indeed been employed before, but its use in the present case of a far-reaching constitutional amendment is truly extraordinary. Like the Senator from Pennsylvania [Mr. CLARK], who has been subjected to a vitriolic attack by the columnist, Mr. William S. White, for his use of permissible procedures in the Senate, I believe that the Senate game should be played according to the rules in effect at the time. In other words, what is sauce for the goose is sauce for the gander. In keeping with this principle, I hope I will not offend my colleagues by reminding many of them of the astonishment expressed in earlier debates at the employment of the extraordinary procedure now being used by the minority leader.

I merely call general attention to these comments made previously by Senators for the sake of consistency. I hope those who would criticize Senate liberals for using the existing rules, although we may believe certain of them should be changed, will also, with consistency, criticize those who join in with pitchforks held high to draw blood from another's ox but who wail mightily in protest when it is their ox that is being gored.

I recognize that the minority leader may follow this procedure if he can get the votes, although I am mystified by the acquiescence of certain leaders of my party in this move, and I am alarmed that such a procedure is being followed with respect to a fundamentally important and far-reaching constitutional amendment rejected by the Committee on the Judiciary.

THE INTENT IS TO PERMIT THE ROTTEN BOROUGHS TO PERPETUATE THEMSELVES

The fact that this procedure is being followed can only reinforce the view I have expressed of the basic intent behind the whole movement to reverse the Supreme Court's decisions on legislative apportionment. That intent, stated again, is to have the present malapportioned legislatures perpetuate their subversion of the equal protection of the laws before they go out of existence through fair apportionment. The move of the minority leader shows unseemly haste. I will not, however, describe its haste as unwarranted, for I believe, along with the supporters of the rotten borough amendments, that once fair apportionment is established in both houses and the Supreme Court's judicial oversight of fair apportionment is not impaired, the cause of rotten boroughism may be lost forever in this Nation. And I hope it will be lost. I may add that this does not mean I would favor the amendment if the Bayh amendment providing for "prior compliance" is appended to the Dirksen amendment. Even with such an "improvement"—which will probably render the amendment useless to its supporters—the amendment would be fundamentally unwise.

PROGRESS IS BEING MADE WITHOUT EXCESSIVE CONFUSION

Mr. President, one of the fundamental assumptions, entirely undemonstrated, on which the Rotten Borough supporters base their arguments is that the implementation of the Supreme Court's decisions on legislative apportionment is causing unparalleled and unbearable chaos in the States. That charge was made last year. Now, no one will deny that the question of reapportionment is one of vital concern to any legislature based upon districts in which the boundaries may vary. Indeed, it is the very heart of their concern, and a proper concern. But this does not mean that, because it causes difficulties, there should be no reapportionment. To say this would be to acquiesce in the violations of State constitutions which many States—including Alabama and Tennessee—committed continuously following the great growth within them of urban populations. Of course, it is difficult to get legislatures to reapportion themselves, particularly when it means the loss of jobs to some legislators. And when those faced with the loss of a seat or a contest to keep it are senior legislators, then, Mr. President, reapportionment can be very difficult. But after all, there is not much about representative democracy or a republican form of government which is not difficult, and we know that these problems can be resolved in time, as they have been resolved in the history of this Nation many times in many States.

What has happened in the States since the Reynolds decision? Has there been unjustified chaos as the Rotten Borough proponents suggest? I think that the record shows to the contrary. A little more than a year ago, just prior to the Reynolds decision, nearly every State of the Union was malapportioned badly in at least one house, and, in most cases, in two houses.

This was well summarized in an article and map which appeared in the New York Times for Sunday, June 21, 1964. The extent of malapportionment prior to the Court's Alabama decision is sometimes overlooked so I think these facts again should be a part of the RECORD.

In California 10.7 percent of the population could elect a majority of the State senate.

We are all familiar with the case which has been cited, in which a Sierra Mountain district elected one Senator, although it had a population of only 14,500, while the county of Los Angeles, with a population of 6.5 million elected only one Senator.

There are other cases, though not quite so lurid as that.

In Nevada 8 percent of the population could elect a majority to the State senate.

In Arizona the figure was 12.8 percent.

In New Mexico it was 14 percent.

In Idaho it was 16.6 percent.

In Montana it was 16.1 percent.

In Florida it was 15.2 percent.

In Maryland—about which the very able junior Senator from Maryland [Mr. TYDINGS] spoke a few days ago—the figure was 14.2 percent.

In Delaware 22.4 percent of the population could elect a majority of the State senate.

In New Jersey the figure was 19 percent.

In the three latter cases, the Eastern Shore of Maryland, the two southern counties of Delaware, and the counties of south New Jersey, though relatively unpopulated, dominate the urban areas of their States, and the great urban and suburban areas of Baltimore, Wilmington, Newark, Hoboken, Jersey City, and the rest, are relatively left out in the cold.

In Rhode Island 18.1 percent of the population could elect a majority to the State senate.

I have mentioned States in which less than 20 percent of the population elected a majority of the State senates.

But listen to the list of States in which between 20 and 30 percent of the population of those States could elect a majority in the State senates.

In Utah 21.3 percent of the population could elect a majority of the State senate.

In Wyoming 24.1 percent of the population could elect a majority to the State senate.

In Illinois 28.7 percent of the population could elect a majority to the State senate.

In Alabama the figure was 27.6 percent.

In South Carolina, 23.3 percent.

There were many States in which between 30 and 40 percent of the population could elect a majority to the State senate:

In Washington 33.9 percent of the population could elect a majority of the senate.

In North Dakota the figure was 31.9 percent.

South Dakota, 38.4 percent.

Texas, 30.3 percent.

Iowa, 38.9 percent.

Louisiana, 33 percent.

Mississippi, 37.2 percent.

Connecticut, 32 percent.

In several other States approximately 40 percent of the population could elect a majority to the State senate.

The facts of the situation so far as the upper house was concerned disclose extreme malapportionment in almost every State.

The lower house situation was not quite so bad, but in some cases it was—and is—pretty bad.

In the State of Kansas, 19.4 percent of the population could elect a majority of the lower house.

In Delaware, 18.5 percent of the population could elect a majority of the lower house. Notice that in Delaware both the upper and the lower houses were badly malapportioned.

In Connecticut 12 percent of the population could elect a majority to the lower house. In Connecticut each of the 118 towns sent 2 members to the general assembly, with a total membership of 236, and 12 percent of the population elected a majority of the seats there. On the other hand, the cities of New Haven, Hartford, New Britain, Bridgeport, and Waterbury, the five largest cities of the State, sent only 10, or had only about 4 percent representation in the lower house.

In Vermont the lower house was malapportioned most severely; 11.9 percent of the population of Vermont elected a majority of the members of the lower house. We may remember the famous case of the town having a population of 38 which elected a representative to the lower house, while the city of Burlington, with a population of 38,000 also elected one representative to the lower house.

They were the most striking, but there were others.

In Florida, 29.6 percent of the population could elect a majority. Ohio, 29.4 percent. Maryland, 35.6 percent. Nevada, 29.1 percent. Utah, 33.3 percent. Washington, 35.3 percent. Oklahoma, 32.5 percent. Louisiana, 33 percent. Arkansas, 33 percent. Missouri, 20.3 percent. Minnesota, 34.5 percent. There are many other cases.

LEGISLATURES REFUSED TO REAPPORTION TO TAKE ACCOUNT OF SHIFTS IN POPULATION TO METROPOLITAN AREAS

In the full debate which was staged last fall we found that there were few citizens in the United States whose rights to equal representation has not been severely diluted by the failure of the State legislatures to reapportion themselves to take into account the great shift of the population from the rural areas to the cities and the suburbs over the past half century.

As the Senator from Maryland [Mr. TYDINGS] has pointed out, until 1890, and probably until close to 1900, the legislatures had not been severely malapportioned. The population was primarily agricultural and was evenly distributed, and the apportionments were comparatively equal; but, since 1900, the great movement to the cities began and the legislatures did not reapportion themselves to take into account the shifts of population. This failure of State legislatures to reapportion themselves when they were faced with a growing metropolitan population can be well illustrated in the case of my own State of Illinois, as related by Prof. Herman Pritchett, of the University of Chicago, in an article published in the American Political Science Review for December 1964. Mr. Pritchett, by the way, is a former president of the American Political Science Association.

He states:

> The Northwest Ordinance of 1787, the Illinois Enabling Act of 1818, the Illinois constitution of 1848, and the present constitution of 1870 all provided for two houses based on population. From 1818 to 1901 both houses were redistricted 14 times in conformity with population changes. In 1870 Cook County contained only 14 percent of the State's population. But by 1900 it had grown to 38 percent and 1901 was the last reapportionment that could be put through the legislature, because the population growth of Cook County would have had to be recognized

Cook County now has between 51 and 52 percent of the population of the State, yet apportionment of the State senate has not been changed, although some change in apportionment has been carried out so far as the lower house is concerned.

Mr. CLARK. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. Last week, on a television program sponsored by my colleague [Mr. SCOTT] and myself, for Pennsylvania audiences, we had the privilege of having the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Illinois [Mr. DIRKSEN] as our guests. The program was confined to a discussion of the reapportionment issue. The Senator from Illinois [Mr. DIRKSEN] made the point, which the Senator from Wisconsin [Mr. PROXMIRE] contested, that it would be a terrible thing if we had one-man, one-vote in Illinois because that would give Cook County a majority of all the votes in both the State senate and the lower house, which would deprive all the other counties of the State of fair representation.

The Senator from Wisconsin made the point that it was a fallacy to think in terms of real estate, and that we should be thinking in terms of people. If Cook County had 99 percent of the population of Illinois, or, if Miami had 99 percent of the population of Florida, they should be entitled to 99 percent representation in the State legislature. This goes down hard with some of our colleagues, but it seems to me that the argument is irrefutable; and I should be interested to know what my friend the junior Senator from Illinois thinks.

Mr. DOUGLAS. I agree with the Senator from Pennsylvania and the Senator from Wisconsin that legislatures should represent people—not acres, not trees, not cows, but people. The Constitution recognizes people as equals. The essence of the 14th amendment is that all persons born or naturalized in the United States are deemed to be citizens of the United States and of the States in which they reside. There are no recourse class citizens. All are first-class citizens. That is the only class there is.

Mr. CLARK. And entitled to equal protection of the laws.

Mr. DOUGLAS. The Senator is correct. The Constitution provides that no State shall deprive any citizen of the right to equal protection under the law. The Constitution did not say that some people were more equal than others.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. What bothers me somewhat is that the argument being made largely by the rural interests against the big cities—which, really, today is against the big metropolitan areas, because the suburbs are mostly disenfranchised—that there is a sort of inherent and usually unexpressed bias against minority groups who tend to live in the cities and the suburbs, and in support of the rural American who is thought to be—and I suppose Thomas Jefferson thought he was—the basis and foundation of the validity and integrity of our political system. It seems to me that times have changed and that regardless of the race, color, creed, or national origin of any American, he is entitled to one vote, just as much as anyone who came over on the *Mayflower*.

Mr. DOUGLAS. The Senator is correct. I believe there is an inherent bias in the argument—even though the proponents may not consciously recognize it; namely, that city folks in some way are inferior and therefore should not get proportionate representation.

I grew up in the country. In fact, I grew up in the woods. I lived in a small town until I was 21 years old. I went to New York and studied there, and since then have lived in the second greatest metropolis in the country—second, that is, in point of numbers, not in point of quality, it ranks first there, of course—and I find that city people are about the same as country people—no better, and no worse.

Mr. CLARK. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. In reading American history, it has always seemed to me that this is one of the very few areas, indeed, where I do not find myself in accord with Thomas Jefferson. Thomas Jefferson thought there was something inherently good and honorable about living on a farm, and something inherently wicked about living in the city. He was afraid of city mobs, as the Senator from Illinois well knows. That word "mob" seems to be almost always identified with urban living. I wonder whether the Senator does not feel that this is a rather outmoded concept at this time?

Mr. DOUGLAS. Very much so. Today, at least 65 percent of the population is living in what the Bureau of the Census describes as metropolitan districts. If we say that those people are inferior, we are passing judgment upon two-thirds of the American population. I believe it was Edmund Burke who said that he knew of no way to indict a whole nation.

Mr. GORE. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield to my good friend the Senator from Tennessee.

Mr. GORE. Does not Holy Writ make many references, as well as in the parables, to the wicked urbanites?

Mr. DOUGLAS. There are a good many references in that direction.

Mr. CLARK. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. As the Senator from Tennessee just mentioned, there are, of course, references to Sodom and Gomorrah. Without attempting in any way to drag religion into the discussion, I would suggest that a Quaker and a Unitarian might not take those references quite so seriously as would some of our other colleagues of a different persuasion of mind.

Mr. DOUGLAS. Oh, no. Seriously, but perhaps not so literally.

Mr. GORE. I thought it might be well—since a Chicagoan and a Philadelphia lawyer are discussing the relative merits of urbanites, and those of us who are still rural-minded—to recall that there are notable virtues in the wide open spaces.

Mr. DOUGLAS. Certainly.

Mr. GORE. I do not mean political virtues.

Mr. DOUGLAS. Certainly. The Senator from Pennsylvania and I affirm that statement. We simply say that we should not have in the organic law of the land, or in the laws of various States, measures which discriminate against people on the basis of residence.

Mr. GORE. How does the Senator interpret the meaning of geography with respect to the Dirksen amendment?

Mr. DOUGLAS. It means that it is to be possible to manipulate the boundaries in any fashion desired, so as to produce a result which is not in conformity with the principle of members of a State legislature representing substantially equal constituencies.

Geography cannot render its opinion. Grass cannot speak. Trees cannot speak. Water cannot speak. Legislators can however so manipulate the boundaries as to effect discrimination.

COURTS' DECISIONS ARE BEING CARRIED OUT WITHOUT "CHAOS"

The Court, in the Reynolds decision, has started action on reapportionment in a great number of States. In a June 14, 1965, review of what had transpired in the States during the year following the Reynolds decision, Julius Duscha of the Washington Post gave a summary which must leave no doubt that, despite the stresses, the States are able to reapportion without cessation of governmental services nor any other form of "chaos" except the necessary legislative quarrels of legislators seeking an apportionment solution. Mr. Duscha noted that, despite the fact that "representatives from rural areas and small towns have succeeded in slowing down the revolution in State capitals by carrying on seemingly interminable arguments on reapportionment," reapportionment has moved ahead.

Like Old Man River, it keeps rolling along, slowly, perhaps, but rolling along. What the Dirksen amendment and its supporters would do would be to stop the slow movement of the judicial process, which, if allowed to continue, would rectify these wrongs.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. I wonder if the Senator does not agree that it would have been wiser if the legislatures themselves, or if Congress, had undertaken to solve this problem many years ago and had kept it solved. There was a long period when the Supreme Court said this was a political problem, in which it would not intervene. Because the executive and the legislative branches had not moved, it was necessary for the Supreme Court to fill the vacuum, else the greatest inequities would have been perpetuated for all time in American political life.

Mr. DOUGLAS. The Senator is exactly correct. In both Tennessee and Alabama the last reapportionment had been made following the 1900 census. Despite the fact that the constitutions of those States required decennial reapportionment, the legislatures of those two States had refused to carry it out, according to the cases which went up to the Supreme Court from those States.

I see my friend from Tennessee [Mr. GORE] on the floor. If I have stated the situation incorrectly, I am sure he will be glad to correct me.

Mr. GORE. The Senator is correct.

Mr. DOUGLAS. In my State there was no apportionment from 1901 until 1954, in the case of the House, and none ever since 1901 in the case of the Senate. Since the legislators would not act, some of us felt that the Court should act.

If I may now put in the RECORD a little unwritten history, some of us raised a thousand dollars in 1945 to carry a case to the Supreme Court, asking for an order of reapportionment in the Illinois congressional districts. I am not a particularly affluent man, but I subscribed one-fifth of that amount. We carried the case to the Supreme Court. In the case of Colegrove against Greene, the Supreme Court said that it could not take jurisdiction because this was a political matter.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr CLARK. My recollection is that that was a 5-to-3 decision, with only one Justice absent. It was Justice Frankfurter who carried it for the Court. It was not until he left the bench that the Court rendered its Baker against Carr decision.

Mr. DOUGLAS. If I may state some more history, some very fine citizens of Atlanta brought suit against the county unit system, which had virtually stripped the city of Atlanta of representation in the legislature, and which permitted two small suburban counties to name the representative and thus defeat Helen Douglas Mankin, who had won Atlanta and carried the district by popular vote, but who, because she had not carried the two small counties, was denied nomination and election.

That was so obviously unfair, that a group of people down there started suit. I hope I will be forgiven by the good people of Atlanta, Ga., when I say that I subscribed to that fund, but we were unsuccessful.

For 17 years the Supreme Court refused to do anything to rectify this situation. Finally it did so under the due process clause of the 14th amendment, which provides that no State shall deprive any person of the equal protection of the laws. The Supreme Court very properly asked: How can people have the equal protection of the laws if they are underrepresented in the legislatures which make the laws?

I think that logic is irrefutable.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. I merely wish to interject what happened in my State—and I shall speak on this subject at greater length probably next week—in that we had reapportionment in 1921 under our constitution, which requires a decennial reapportionment. That was during a period when the Republican Party controlled both the governorship and both branches of the legislature. For the first time since the Civil War, in 1937, and the last time since the Civil War, the Democratic Party came into control of the governorship and of both branches of the legislation. That was in 1937.

We promptly reapportioned the State on a basis which I think could be considered to have been generally equitable. There were certain technical deficiencies in the law, however, and the Supreme Court of Pennsylvania, which at that time—I must say in all candor that my State is a rather partisan State, and that partisanship reaches into the appellate judiciary——

Mr. DOUGLAS. Often.

Mr. CLARK. I stand corrected. The Supreme Court of Pennsylvania threw out the reapportionment as unconstitutional. Thereafter we had no reapportionment until 1964, when the Republicans again controlled both the governorship and the two branches of the legislature. This time the reapportionment act was declared unconstitutional by the Supreme Court of Pennsylvania. They felt they had to do that because of the decision in Reynolds against Sims.

Mr. DOUGLAS. That is called being hoist by his own petard.

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Mr. Duscha reports that under pressure of the court decisions, the legislatures of 15 States have been reapportioned since the Reynolds decision, but of course some of the plans still retain some malapportionment. In 12 of these, the job was done by the legislatures themselves. These States he lists as Colorado, Connecticut, Delaware, Idaho, Indiana, Nebraska, New Jersey, New Mexico, New York, Utah, Virginia, and Washington.

In New York, the reapportionment was probably somewhat inequitable, and designed to perpetuate the Republican control of the legislature, which previously had been insured by the constitution of New York State, drafted in the 1890's, which fixed a maximum ceiling upon the representation which New York City could have, no matter how much it grew in population.

In Michigan, one of the 15 States which has reapportioned, the State supreme court picked one of several plans submitted to it by the legislature. In

Iowa, the redistricting was done by a Federal court, and in Tennessee, a Federal court issued reapportionment plans that would have gone into effect if the legislature had not agreed on its own plan in May.

It is crucial to understand, however, that these plans will not actually be carried out in most instances until the fall elections of 1966 and so the present legislatures are the malapportioned ones which would jump at the opportunities for self-perpetuation offered by the Dirksen amendment.

Mr. Duscha also notes that in another 12 States the legislatures are under Federal court orders to reapportion this year or they must have the job done by the court. Those States are Alabama, Arkansas, California, Georgia, Hawaii, Illinois, Missouri, Montana, Pennsylvania, Texas, Vermont, and Wyoming. In those cases it is clear that the forces of rotten boroughism anxiously await the "out" which they expect from the Dirksen amendment.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. The Senator is correct about the State of Pennsylvania. At the moment the lower house is controlled by the Democratic Party; the upper house is controlled by the Republican Party. They have been unable to agree on a legislative reapportionment law. The Supreme Court of Pennsylvania indicated that if no agreement is reached by the 1st of September of this year—and it seems unlikely that it will be—the Supreme Court will undertake to direct reapportionment itself.

There is a substantial danger that the court, instead of appointing a special master and calling upon him to present an equitable plan of reapportionment, will throw up its hands and call for elections to the legislature at large.

This happened in the lower house of Illinois. I wonder if the Senator has any view as to whether the result was better or worse than it would have been if it had been elected by a fairly apportioned State.

Mr. DOUGLAS. It so happens that this time the legislature was greatly improved. And I would add that the at-large election came as the result of State court action, not Federal, because the legislature and subsequently the special commission provided by the Constitution failed to develop an acceptable plan.

Mr. CLARK. It is my understanding that the individual who got the largest vote in the at-large election was Adlai Stevenson, Jr. Is that correct?

Mr. DOUGLAS. Adlai Stevenson III. That is correct.

The Democratic Party won the election. Under a special State law each party nominated only two-thirds of the membership so the Democratic Party elected 118 members of the 167-member House, thus allowing 59 members to the minority party. The new men whom we added to the ticket were in general of a high quality, and, interestingly, the men of high quality ran at the head of the ticket. Adlai Stevenson III was first, John K. Morris, one of our most respected men, was second, Anthony Scariano, a very able representative, was third. On the Republican side the brother of President Eisenhower was first. The Republicans improved the quality of their representation as well so that the legislature was very much better.

Unfortunately, while the Democrats controlled the lower house in Illinois, the Republicans still controlled the malapportioned upper house. The upper house refused to pass, or approve, virtually all the proposed legislation which the lower house passed. The hands of the Governor were tied. In the opinion of impartial people, it set back the cause of reform, which shows that only one house is needed to exercise a veto, and, in effect, control the legislature. That is precisely what is involved in the pending constitutional amendment.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. How did it happen that half of the State senate was not elected at large?

Mr. DOUGLAS. The malapportionment of the senate was being challenged in the Federal courts, which subsequently ordered fair apportionment, but this order did not occur prior to the election in which the Illinois House candidates ran at large. The house was elected at large because of a prior order of the State supreme court.

Mr. CLARK. What is happening with respect to reapportionment in the Illinois State Senate now?

Mr. DOUGLAS. The legislation failed—because of the last minute action of Republican leaders—to agree on an apportionment plan and so the whole matter has been remanded to the Illinois Supreme Court. The leaders of the Republican Party in the State senate said they looked forward to such action because the case would be "in friendly hands."

It developed in a tape recording which was published in Chicago's American some weeks ago that one of the former members of the State senate said that he had conversed with a member of the Illinois Supreme Court who lived in the district where he resides, and he thought everything was going to be all right. The member of the supreme court did not deny the fact. He admitted that the conversation had taken place.

Here was a judge of the State supreme court in a matter before him listening to a private conversation or plea made by an interested party who wanted to have the district so laid out that he would be elected.

I am glad to note that the Senator from Pennsylvania is shocked by that. I was shocked by it. I think it was a great injustice.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. Having been a lawyer for many years, I certainly am shocked at what appears to me to be somewhat unjudicial behavior.

I assume that there would be an appeal to the Supreme Court of the United States from any judicial act by the Supreme Court of Illinois which might violate the principles of Reynolds against Sims.

Mr. DOUGLAS. The Supreme Court has stated in a decision only 2 months ago that the Federal district court retains ultimate jurisdiction and does not turn the matter over entirely to the Illinois Supreme Court although the State court may draw the apportionment plan. The statement of the Republican leader, Senator Arrington, that the court was a "friendly" one so far as Republicans are concerned, was certainly prejudicial to the good repute of the court, and I hope that the U.S. Supreme Court will retain Federal court jurisdiction.

The tape recording of the statements of the former State senator from Centralia that he had conferred with the Republican judge from the State supreme court in that district, and the confirmation of that conversation by that judge is also a grave reflection upon the impartiality with which the court might approach this question.

In eight additional States, Mr. Duscha reports, the Federal courts have retained jurisdiction over reapportionment matters pending legislative action. Those States are Arizona, Florida, Iowa, Maryland, Minnesota, North Dakota, Ohio, and Rhode Island. So Mr. Duscha, a careful reporter, concludes that in a total of 35 States some action has been taken on reapportionment since the decision of a year ago, or some action is pending under the threat of Federal court intervention, and also that in most of the other 15 States some action on reapportionment is expected to be taken in the next year.

The report of Mr. Duscha which I have been quoting is now more than a month old, and there may have been some additional changes in the meantime.

I have been trying to find time to search the newspapers and the legislative reference reports to see what additional changes have occurred. But I believe the facts show very well that there is every reason to believe that if there is no outside intervention, such as the Dirksen amendment is intended to provide, the States can manage to conform to the requirements of the Constitution of the United States in their apportionments. The facts are that in at least 15 States some compliance has been carried out, although some still retain large elements of malapportionment, as in New York. When one considers that this reapportionment under the Constitution has been made in 1 year after 50 or 60 years of evasion and avoidance of fair apportionment, the facts are hopeful indeed. Contrary to the pretended fears of the amendment supporters, the States have responded very well and without disorder. The response has been so good under the pressure of court action that if they are left alone, that is, if the court action is not stopped, there may well be no longer any possibility that the defenders of rotten boroughism can hope successfully to interfere. In other words, let the operations of the court move on. Let the Mississippi River continue to flow. Let Old Man River sweep on its majestic course. Do not try to sweep it back with the Dirksen amendment.

But if the overhanging pressure of court action is removed, and if the State legislatures are protected by the Dirksen amendment, the predominantly malapportioned bodies can perpetuate themselves in power for a long period of time. We must, therefore, take no chance that the rotten borough amendment will die of itself on the vine of ratification. We must defeat it here and now and not seek an easy way to avoid the issues. It is a fundamental threat. It should be dealt with accordingly.

THE ISSUE WHETHER WE ARE TO HAVE THE MERE FORM OR THE REALITY OF REPRESENTATIVE GOVERNMENT

Mr. President, the development of this issue during this phase of the 89th Congress has been particularly revealing of what is at the heart of the fight to reverse or to impair the Supreme Court's decision on legislative reapportionment. The real issue behind this attempt to interfere with the Court's decision has been disclosed to be whether or not there shall be in our State governments the substance of representative government or merely the appearances of it.

The event which has brought this out so clearly, of course, is the concurrent development of the Voting Rights Act of 1965. An overwhelming portion of the Members of both Houses of Congress have declared that the right to register to vote and to exercise the right to vote is a basic inalienable right of citizens in a free system of a representative government. By great contrast, a large number of Members of Congress at the same time appear to believe that so long as the appearances of the right to vote are maintained, it matters not at all if the votes of citizens are unequal. It appears to be their belief that it is all right for one citizen to have 10, 20, or 30 times, or 450 times, or a thousand times the weight in his vote as has another citizen so long as both are unrestricted in their opportunity to cast a ballot.

This seems to me to be shameless hypocrisy. We are fully acquainted with the hypocritical practice of the totalitarian states of this century, in particular the Communist ones, in which the official "doublethink" redefines the meaning of democracy as the mere performance of the procedures of representative government, but without any real effect. Thus, 99 percent of the citizens of Communist countries are forced to the polls to cast votes for the single candidate of the Communist Party, and this is proclaimed to be the great fulfillment of real democracy. It is only a sham, it is designed to fool the people into believing that they somehow have representative government when they cast a meaningless vote in the absence of any effective choice. This is a curious proposition in which only the doing matters, not the subject or the effect of the doing. By this theory, a theory which underlies the Dirksen amendment, the people are mere puppets.

The proponents of the Dirksen amendment are asking Congress to imbed in the Constitution the principle that so long as the forms of democracy are carried out, we need not worry about the substance.

WHAT DOES THE AMENDMENT MEAN?

Let us consider what the amendment that Senator DIRKSEN has proposed as Senate Joint Resolution 66 actually provides. I read section 1 and section 2 of the Dirksen amendment:

SECTION 1. The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature, if in either case such plan of apportionment has been submitted to a vote of the people in accordance with law and with the provisions of this Constitution and has been approved by a majority of those voting on that issue. When the first plan of apportionment is submitted to a vote of the people under this section there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.

SEC. 2. Any plan of apportionment which has been approved under this article shall be resubmitted to a vote of the people, or, another plan may be submitted under the provisions of section 1, at the November general election held two years following each year in which there is commenced any enumeration provided for in section 2 of article I, and upon approval by a majority of those voting thereon, such plan of apportionment shall continue in effect until changed in accordance with law and with the provisions of this Constitution.

Mr. President, as the Senator from Maryland [Mr. TYDINGS], who now graces the chair of the Presiding Officer, has so well pointed out, this is actually the third official draft of the Dirksen amendment. I ask unanimous consent that the text of Senate Joint Resolution 2 be printed first as it was introduced, and second as it was reported by the Subcommittee on Constitutional Amendments of the Committee on the Judiciary.

There being no objection, the texts were ordered to be printed in the RECORD, as follows:

1

The right and power to determine the composition of the legislature of a State and the apportionment of the membership thereof shall remain in the people of that State. Nothing in this Constitution shall prohibit the people from apportioning one house of a bicameral legislature upon the basis of factors other than population, or from giving reasonable weight to factors other than population in apportioning a unicameral legislature, if, in either case, such apportionment has been submitted to a vote of the people in accordance with law and with the provisions of this Constitution and has been approved by a majority of those voting on that issue.

SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress.

2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission to the Congress:

SECTION 1. The people of a State may apportion one house of a bicameral legislature upon the basis of factors other than population, or give reasonable weight to factors other than population in apportioning a unicameral legislature, if, in either case, such apportionment has been submitted to a vote of the people in accordance with law and with the provisions of this Constitution and has been approved by a majority of those voting on that issue.

SEC. 2. Any State which has approved an apportionment plan under this article shall resubmit it to a vote of its people at the general election next following the year in which there is commenced any enumeration provided for in section 2 of article I, and upon approval by a majority of those voting on that issue, such plan shall continue in effect until changed in accordance with law and with the provisions of this Constitution. If not so approved, it shall remain in effect for a period of not exceeding two years from that general election or until the earlier adoption of another plan pursuant to section 1.

Mr. DOUGLAS. Mr. President, the Senator from Maryland [Mr. TYDINGS] has pointed out that these official drafts are only a small portion of the total number of drafts, redrafts, and reredrafts which have been discussed within the Committee on the Judiciary. He has very properly suggested that the Senate keep in mind that the resolution now before us is drastically changed from the resolution considered by the committee in hearings, even though it is the language for which Senator DIRKSEN could not command a favorable majority in the committee.

The Senator from Maryland also properly asks that the Senate keep in mind that this is a constitutional amendment, not a routine piece of legislation, and that it proposes far-reaching changes in our Federal system and in the meaning of representative government. These facts make the extraordinary procedure followed by the author of the amendment even more objectionable.

Mr. President, let us look at the principal provisions of the pending amendment.

First. It omits the first sentence of Senate Joint Resolution 2 as introduced, which quite clearly was intended to remove court jurisdiction from the reapportionment field. Our criticisms of this before the committee were recognized, and the sentence was deleted, although the intent, I think, is still contained.

Second. The amendment provides that the people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors. These words are substituted for the earlier language of simple "basis of factors other than population." Moreover, the new language permits the giving of each of these factors "such weight as they"—ostensibly the people—"deem appropriate."

This apparently means that there are no restrictions on malapportionment under the amendment, provided it is somehow legitimized by one more than one-half of the voters who participate in any referendum on that subject.

Third. The new language provides that when the first plan of malapportionment is submitted to a vote of the people under this section, there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.

Please note that this requirement of a choice between a malapportionment plan and a fair apportionment plan specifically is permitted only in the first referendum.

Fourth. The amendment provides for periodic review or the resubmission of the plan of apportionment approved under the amendment, or the submission of another plan based on population, geography, or political subdivisions at the November general election held 2 years following each census.

This provision, in particular, needs exhaustive consideration, for it is apparent that periodic review may raise more problems than it solves in terms of the preservation of representative government. What this section may say is that if we fail to get minority control of one house of the legislature in the first referendum, we may try, try again, and even though the first referendum approved an apportionment based upon substantial equality of population, we may again and again submit alternative plans to upset this decision. This is similar to the intended strategy in the Senate stated by my well-liked colleague from Illinois, that if he fails to have his amendment included in the joint resolution designating National American Legion Baseball Week, he will try again and again to have it included in other measures.

Moreover, if only weak minority control were approved in the first referendum, in the next one the attempt could be made to consolidate or strengthen the minority control. If subsequent population changes consolidate minority control, that minority may propose only a very bad plan after the census, so the voters will have no choice but to accept the existing malapportionment proposal.

As I shall develop in much greater detail in a later speech if this debate continues and as I shall touch upon briefly today, the burden of the referendum under this amendment will fall most heavily on the diffused general interest in protecting the right to an equal vote. The interests which stand to gain from minority control are those which can most easily afford the tremendous expenses of statewide television and newspaper propaganda in support of a plan of malapportionment. It is not a heartening thought that under this amendment the people will have to defend time after time their unalienable right as citizens. It simply is outlandish to amend the Constitution of the United States to say that citizens may keep their basic rights as citizens only if they rise each decade and successfully fight off the forces of minority control and inequality of citizenship whose opportunity to try periodically to destroy these basic rights is to be forever imbedded in the basic law of the land.

WHAT IS WRONG WITH LETTING THE PEOPLE DECIDE?

The first of the superficially plausible arguments advanced by the supporters of the Dirksen rotten-borough amendment is that under it the voters of each State would have the chance by secret ballot of approving or disapproving of a legislative apportionment plan based on factors other than constituencies of substantially equal population. We are asked therefore "what could be fairer than that? What are the possible objections to letting the people decide?"

THE RIGHT TO AN EQUAL VOTE IS UNALIENABLE

First let me say that I believe the right to substantially equal representation in the various State legislatures which make State laws is both inalienable and basic in the 14th amendment to the Constitution.

Mr. GORE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. GORE. I have heard several times the sentence "Let the people decide." I heard this matter debated on the floor of the Senate yesterday. I have heard it debated repeatedly. I should like to ask the able senior Senator from Illinois what is wrong with letting the people decide who their representatives in the State legislatures shall be?

Mr. DOUGLAS. There is nothing wrong with letting the people decide and have an equal choice in the election of their representatives. That is what we are fighting for and what my colleague and his supporters would deny.

The constitutional amendment offered by Senator DIRKSEN is, most clearly, an amendment to the Constitution designed to restrict or reduce the rights of citizenship. These rights of the equal protection of the laws are individual rights guaranteed by the Constitution, and the denial or reduction of them is no less objectionable whether accomplished by the dictation of a single dictator or a majority vote in some election.

The right to fair and equal representation is an unalienable right—and "unalienable" is the word used in the Declaration of Independence while modern dictionaries use the word "inalienable"—of individual citizens. Thomas Jefferson described these fundamental principles of our Nation in the Declaration of Independence, and these are, I suppose, the most sacred words in the hearts of the American people:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

I believe most strongly that the right of a citizen to have his vote count with equal weight to that of another citizen in the election of his State representatives is an unalienable right in our Republic. It is not the right of any majority to reduce this right, nor is it the right of any citizen to give up this right for himself or another person. No citizen of the United States may sell himself nor any other person into bondage or slavery. Similarly, he is without power to give up his right to equal representation in the legislature of his State.

Our Republic was founded on the enduring philosophy of the 18th century thinkers, and I believe that what they described as natural rights were really what we would call today moral rights. Thomas Jefferson was one of the great exponents in the political arena of these philosophic principles. Again and again in his works he resorts to the fundamental belief that the nature of man sets up these moral principles from which are derived the unalienable rights of each individual man. I should like to quote to the Senate two of the statements I have come across in Jefferson's works relating to this matter. The first is from a letter of Thomas Jefferson to Mr. F. W. Gilmer dated June 7, 1816, 7 years after he left the Presidency of the United States. It reads in part as follows:

> Our legislators are not sufficiently apprized of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another.

Another moving statement of the same principle is contained in Jefferson's letter to John Cartwright under date of June 5, 1824, 2 years before he died. Jefferson wrote:

> Can one generation bind another, and all others, in succession forever? I think not. * * * A generation may bind itself as long as its majority continues in life; when that has disappeared another majority is in its place, holds all the rights and powers their predecessors once held, and may change their laws and institutions to suit themselves. Nothing then is unchangeable but the inherent and unalienable rights of man.

It is true that these unalienable rights of man, these moral principles, are not carved in stone on some God-given monument to representative government, but they are within the moral consciousness of man.

Certainly there is a deeper basis for the law than purely human statutes. Some contend that it was legal under the law of the Nazis to condemn 6 million Jews and Poles to death because absolute power had been given to the Nazi leader. But all of humankind, by their very moral nature, revolted against this and believe that such action was against the moral law.

Therefore, Mr. President, I maintain that our Republic was founded on the belief that there are certain unalienable rights which men cannot contract or give away, and which a majority cannot deny to them. The Dirksen amendment offends this basic principle and in its deceptive attraction of "what is wrong with the people deciding" it strikes at the heart of our system of government and our Constitution.

THE REFERENDUMS PROVISIONS GIVE NO GUARANTEE OF A TRUE POPULAR CHOICE

Now let us see what the actual provisions of the Dirksen amendment—No.

367—are so far as referendums are concerned. A close reading of the Javits amendment—No. 368—fails to disclose any real difference with the Dirksen amendment on this point. In what way will "the people decide"?

First, it is clear that no direct referendum could be held on the ratification or rejection of the constitutional amendment itself should it be passed by a two-thirds vote of both Houses and then be submitted to the States. Article V of the Constitution is very explicit upon this point. It reads as follows:

> The ongress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Thus there are only two ways in which a State may ratify or refuse to ratify a constitutional amendment; namely, first, by legislative action or, second, by a special State convention. The Congress may propose one or the other, but may not suggest any third possibility. A direct referendum on the amendment itself in which "the people would decide" could not therefore be laid down by the Congress, even should we wish to do so, or by a State legislature or by a State court.

Therefore, the question of ratification of the amendment would be up to the presently malapportioned State legislatures unless Congress should specifically prescribe that separate State conventions be called. The Congress has only done this once in American history among the 30 amendments which it has submitted for ratification; namely, in connection with the 21st amendment, which repealed the prohibition amendment.

It is true that if such conventions were prescribed by Congress that some kind of referendum on the issue could be smuggled in through the back door. It is suggested, for example, that two separate slates of delegates could be drawn up—one favoring ratification and the other opposing it—and the relative vote for these could be taken as definitive of the will of the State.

But it would be unusual for Congress to prescribe such a method of ratification by convention because of the force of precedent and the extra expense which this would entail upon State and local government.

Furthermore, for this back door referendum to be effective, there would have to be at-large selection of the delegates to such a convention, or, in those few States where it would be possible, allocation of the delegates to already constructed districts of substantially equal population. Whether this specification of at-large elections could be accomplished by the Congress or whether it would be accomplished by the States is in doubt. In the case of the 21st amendment—and it is interesting to note in passing that the reason for the specification of convention ratification was the fear of the Congress that the rural interests who opposed repeal of prohibition would come to dominate the decision unless it was taken by convention action because of their control of the State legislatures—the Congress specified no rules with respect to the conventions to be held by the States, except that they would have to complete action within 7 years from the date of the submission of the amendment.

While the majority of States which enacted legislation for the establishment of conventions to ratify the 21st amendment chose to provide for the selection of delegates at large, there is no guarantee that such action would be taken under the proposed amendment. Therefore, if the right of the people to decide in a meaningful expression of public opinion is to be guaranteed, the Congress would have to require in the amendment first that there be a convention and second that the selection of delegates be on substantially a population basis, preferably elected at large. There is, however, doubt as to the authority which the Congress has to regulate the makeup of such conventions. This question was discussed at length in the 72d Congress, but no determination was reached since the amendment was made to provide only that conventions would be called in the States. Some participants in the debate contended that the power of Congress was limited to the method of ratification and the time during which such ratification should be carried out. Former Attorney General A. Mitchell Palmer, on the other hand, argued that the Constitution granted Congress the power to regulate the election of members of ratifying conventions.

The legal commentators also differ on the extent of such a power of Congress, but I shall not go into this fully at this time. A parallel question is whether the Congress can provide the delegates to be elected to such conventions from malapportioned districts. The answer to this, as well, is in doubt, but I think that the evidence now indicates that the Supreme Court would rule that the Congress may not require ratification through malapportioned State conventions. However, there is also doubt whether the Supreme Court would review this question, although it might be justiciable under Baker against Carr.

KEY DECISIONS IN HANDS OF ROTTEN-BOROUGH LEGISLATURES, NOT THE PEOPLE

Our own conclusion must be, therefore, that the first step of "letting the people decide" under the Dirksen amendment specifically puts the decision in the hands of the malapportioned legislatures. Should the Dirksen amendment make any progress in the Senate, we certainly will have to consider this question of ratification by convention. Mr. President, I want to emphasize this point. The proponents of the Dirksen amendment claim that the people will decide and ask why its opponents "are afraid of the people." The fact is that the Dirksen amendment specifically provides that the key decision; namely, the ratification of this amendment, must be made by the present minority controlled and malapportioned legislatures, except in the case of those few States in which the legislature is fairly apportioned and the present members of the legislature were elected under such a plan of apportionment. For we must keep in mind that while a number of States have approved plans of fair apportionment, most will not go into effect at least until the fall of 1966. Moreover, should the Dirksen amendment advance in the Congress, it will be taken as a clear invitation for the forces of malapportionment to further delay and obstruct the implementation of fair apportionment. So it can be seen that in all probability the rotten-borough legislatures are waiting with great interest and they would ratify the amendment quickly and with a "hoot and a holler." But no one can claim that such a decision would be a fair test of real and basic public opinion.

The referendums claimed to be the opportunities for the people to decide under the Dirksen amendment would come only after the amendment had been ratified by the rotten-borough legislatures. That is the first deficiency in the alleged provision for the people to decide under the Dirksen amendment. The second unmentioned deficiency in the amendment's provision for a decision by the people is that the plans for apportionment would be constructed by the same unrepresentative legislatures. Again, in many cases, these rotten-borough legislatures which would want to preserve minority control of one house and hence a veto over the entire State government, would construct the plans of malapportionment. The amendment now has been further modified to provide that in the first referendums two plans must be submitted, one "based on substantial equality of population" and the other taking account of "population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate." Now, it is important to note that while the proponents of the amendment want to claim that the "they" referred to is the people, in actuality, because the plan of apportionment will be constructed by the legislature, the "they" is in fact the legislatures, and in many cases these will be rotten-borough legislatures.

This is a severe subtraction from the alleged opportunity for the people to decide. The alternative plan may be so constructed by an ingenious malapportioned legislature that unpalatable inequities are included under the population-based plan. That is, in order to subtract from the support the population-based plan might have, a sly legislature could build into it certain objectionable features which although conforming to the principle of population could not be accepted by the voters. The voters therefore would have no choice at all but to take the other plan which would give control of the House to the minority.

THE PEOPLE ARE DENIED AN EFFECTIVE CHOICE

A second modification of this aspect of the amendment, section 2, has been hailed by its proponents as another guarantee of the people's right to decide. This modification provides that after each decennial census the previously approved plan of apportionment shall be resubmitted to a vote of the people, or, another plan many be submitted under the provisions of section 1, at the November general election held 2 years following the census. Now, how does this guarantee the right of the people to freely decide in an equitable election? The legislature—which may be minority controlled either through the plan of apportionment previously adopted or through population changes in the preceding decade—has a choice. It may resubmit for referenda approval the existing plan of apportionment previously adopted under the amendment. Or, it may submit another plan. First, it is clear that there is no requirement for submission of a plan based on population. Second, it is clear that it is the legislature which may choose the single proposal to be put to the voters and they have no alternative choice. The initiative lies with the legislature and it is not difficult to guess what would interest the legislature. Their existing plan would certainly override any popular interest in reapportionment and the people would have no direct control over the choice to be offered in the referendum. It is unclear what would occur if the people would object to the existing plan of apportionment submitted to them under section 2 of the amendment. Presumably, the question of apportionment could revert to the courts or the existing plan would be continued until a new plan was constructed by the legislature and submitted in a referendum.

This needs further study, but it is wholly evident, Mr. President, that the amendment is carefully constructed to avoid giving the people the chance to decide. On these grounds alone, this argument that the amendment will let the people decide is exposed as pure fabrication. But we must go more deeply into this question and ask, even if the amendment would provide that there would be fair choice and that the rotten borough legislatures would have no part in ratifying the amendment or in the implementation of it, whether referenda are perfect tools for the expression of popular will on so important a constitutional question as the individual and unalienable right of a citizen to the equal protection of the laws.

REFERENDUMS NOT PROVED TO BE EFFECTIVE EXPRESSIONS OF PUBLIC WILL

I personally remember when Mr. Williams S. Uren started the movement for the initiative, referendum and recall in Oregon during the period from 1905 to 1910, and when the movement began to sweep across the country as part of the progressive movement in politics in the years prior to our entry into World War I. As a youth, in company with millions of others, I had high hopes for the success of this movement. It seemed to offer us the chance to break through the railway, utility, and corporation-dominated legislatures which were commonly so corrupt, and to permit a direct appeal to the people. After a half century of experience, I must confess that the results have failed to live up to our expectations.

With the invaluable aid of the Legal Division of the Legislative Reference Branch of the Library of Congress, I have been collecting a voluminous mass of material on the various referendums which have been conducted in the States which provide for the initiative and referendum.

A full discussion of this material must await another day when this honorable body has more leisure on its hands. But I think I can summarize this material and give a few salient examples.

VOTER PARTICIPATION EXTREMELY LOW

The overwhelming conclusion dictated by the evidence is that the participation of the eligible voters in referendums in general and in referendums on reapportionment in particular is extremely low. In State after State where referendums have been used, the available data show that referendums participation is customarily so absurdly low that by no stretch of the imagination can the result be described as a decision of the people or a real expression of popular will.

Let me cite at the outset a single, but decisive, sample. On September 12, 1961, the people of the State of Oklahoma had submitted to them in a referendum in a special election, an amendment to the State constitution dealing with apportionment of the house. In this referendum, the deciding vote was 6.3 percent of the voting age population. Think of that. The decision to reject this amendment on reapportionment was made by only 6.3 percent of the voting-age population in an election in which only 8.2 percent of the voting-age population participated. The total vote in this proposition was 115,659 out of a total voting-age population of 1,416,000.

While this decision by 6 percent of the Oklahoma voters is an isolated one, similarly low participation is not atypical. Let me refer to additional evidence. Since 1922, there have been 25 instances in 9 different States in which reapportionment plans have been presented to the people in the form of referendums. The LRS has been unable to supply me with statistics on all of these contests, but I do have all the figures now available from secondary sources. These figures include 22 different elections in the States of Arkansas, California, Colorado, Michigan, Oklahoma, Oregon, and Washington. In all of these States, the referendums were on ballots that included a race for Governor or President, so that the turnout in these elections was much higher than it would be in a special election similar to that proposed in the Dirksen amendment.

It is important to note, however, that not everyone who casts a vote for the highest office on the ballot also casts a vote for referendums that may also be on the ballot. In fact, in the 22 elections for which I have figures, an average of only 75.5 percent of the people who voted for the top office on the ticket also voted on the referendum. What is even more important, and more astounding, is that, on the average, only 46.1 percent of the people voting for the top spot actually carried the referendum. This means, Mr. President, that less than 50 percent of the people who voted in the election were able to determine the fate of the referendums in question.

I believe that perhaps it would be worthwhile if I read some of these figures by States:

In Arkansas, of those who voted for the official receiving the highest total vote in a 1936 election, only 77 percent voted in the referendum. The prevailing vote on the referendum was only 51 percent of the highest vote for an official. But note this, the prevailing vote on the referendum was 10.7 percent of the voting age population. In a 1956 referendum, only 17.6 percent of the voting age population was sufficient to prevail.

In California, in 1948, the prevailing vote on the reapportionment referendum was only 41.6 percent of the voting age population.

I read now only the prevailing votes on apportionment referendums as the percentage of voting age population.

Colorado, 1932, 26.1 percent; 1956, 42 percent; 1962, 31.1 percent; 1962, 32.2 percent.

Michigan, 1930, 11.9 percent; 1932, 19.4 percent; 1952, 30.7 percent; 1962, 34.2 percent.

Oklahoma, 1960, 24.2 percent; 1962, 23.6 percent.

Oregon, 1950, 22.8 percent; 1952, 35.5 percent; 1962, 32.6 percent.

Washington, 1956, 29.6 percent; 1962, 25.5 percent.

The average in all these States was only 27.3 percent of the voting age population. When we consider the total number of people of voting age in the States, and the number of citizens who actually prevailed on these issues, the voter participation is ridiculously low.

These facts show that in 22 elections in 8 States the average percentage of the voting age population that carried the referendums concerning reapportionment was only 27.3 percent. And remember that these were referendums at the time of general elections so voting participation was high.

It seems obvious to me that the will of less than 30 percent of the people of a State is by no means equivalent to an expression of the will of the majority of the people of a State. It may be argued that the people who vote on an issue are the ones who are most concerned with that issue and most informed on it, but it is even more probable that the portion of the electorate that did not vote was simply uninformed on the subject or confused by propaganda or by the wording of the referendum itself. Whatever arguments may be put forth in an attempt to explain away these figures, that fact still remains that in 21 out of 25 referendums contests held during general elections, an average of less than 30 percent of the eligible voters of the States involved were able to impose their will on the methods of State reapportionment.

Lest it be thought that the figures on apportionment referendums are especially incriminating, I also requested that the LRS supply me with data on referendums in general. Here the figures are even lower.

The following statistics were supplied by the Legislative Reference Service of the Library of Congress, and while they are not completely inclusive, they comprise most of the data on referendums presently available from secondary sources.

In 17 elections held in California between 1912 and 1946, the average percentage of the voting age population prevailing on referendums issues was 28.6 percent.

In nine elections held in the State of Colorado between 1932 and 1954, the average percentage of the voting age population prevailing on referendums issues was 28 percent.

In six elections held in Michigan from 1932 to 1940, the average percentage of the voting age population prevailing on referendums issues was 24.1 percent.

In six elections held in Maine between 1934 and 1950, the average percentage of the voting age population prevailing on referendums issues was 24 percent.

In seven elections held in Missouri between 1932 and 1943, the average percentage of the voting age population prevailing on referendums issues was 23.3 percent.

In 13 elections held in North Dakota between 1940 and 1958, the average percentage of the voting age population prevailing on referendums issues was 24.5 percent.

In six elections held in Oregon between 1938 and 1948, the average percentage of the voting age population prevailing on referendums issues was 20.7 percent.

The average for all 7 States, which includes 67 elections, was 25.2 percent.

Mr. President, not only do referendums fail to dependably represent public opinion, referendums in fact interfere with a fair expression of the popular will.

Who states the referendum question? In the present case it would be the legislatures, and they would be the malapportioned legislatures. Could they be depended upon to state the terms of a referendum fairly?

To ask that question is to answer it. It begs the question.

Someone has said that in the latest referendum in California on the question of open occupancy, no one could tell from the wording of the referendum what issue was before the people, and therefore no one could tell whether one should vote yes or no.

Let me read a referendum question which was used in Oklahoma. It reads:

> Shall a constitutional amendment amending section 10, article V, of the Oklahoma constitution to empower and direct the State election board to use a certain prescribed formula for each Federal decennial census to apportion membership in the house of representatives; vesting original jurisdiction in Oklahoma Supreme Court to force said board to make such apportionment; and repealing sections 12, 13, 14, 15, and 16, article V, of the Oklahoma constitution, be approved by the people?

That was the question. How could any one make out what was involved? The average citizen could not tell what was the issue any more than he could tell last fall in California whether one was voting for open occupancy or against open occupancy.

I could multiply instances of how, when one can control stating the issue he can so confuse the public about what is involved that a fair decision is impossible, because voters would not be able to tell what was involved.

The question is, who explains the amendment? In part it will be the legislatures who will explain the amendment. They will have a direct interest, being malapportioned themselves, in preventing a clear statement from being given to the voters.

Secondly, it will be the big newspapers and other communications media who explain the proposals. A great deal of light was thrown on this point by the testimony of the respected Illinois apportionment attorney, Mr. Bernard Kleiman, before the Senate Subcommittee on Constitutional Amendments. I now quote from his statement dealing with my own State of Illinois. It deals with the use of propaganda during these referendums:

> The history of Illinois apportionment suggests yet another reason for doubting the efficacy of referendums. In Illinois propositions have been enacted only when the large metropolitan newspapers have supported them. I know of no successful referendum in which there was not virtually unanimous support for the proposal on the part of the Chicago daily newspapers. A study of the 1954 campaign for the Illinois reapportionment amendment published by the Institute of Government and Public Affairs of the University of Illinois substantiates this conclusion. That study discloses that the unanimity of the support of the metropolitan daily newspapers was a paramount factor in the passage of the amendment. Thus, it is stated in that report that:
>
> "Newspapers throughout the State generally gave the amendment campaign complete news coverage during this period. Most news items dealt with local events—forming of citizens committees, endorsement of well-known local individuals, and speeches before local groups.
>
> "More significant than news articles during this period were editorials. (Pp. 19–20.)
>
> "A large percentage of Illinois papers favored the amendment editorially: all four Chicago dailies; the St. Louis Post-Dispatch (which has a large southern Illinois circulation); most downstate dailies; and many of the weeklies. * * *
>
> "The only Blue Ballot press supporter in this district (Cairo), the Citizen was credited with carrying the county for the amendment." (P. 29.)
>
> The University of Illinois study of the 1954 reapportionment campaign discloses further that the debates which attend referendum elections do not emphasize the issues but rather are pitched at an emotional level. Quoting the director of the citizen's campaign committee, the study reported as follows:
>
> "As the campaign entered the closing weeks before the November election, ICCR tactics changed. The emphasis on explanation of the amendment before organized groups changed to mass publicity methods, caluclated (sic.) to reach a high point during the 6 weeks before the election. Witwer and others felt that (quoting Witwer).
>
> "'Most of the people who would respond to a more detailed analysis of the amendment had been reached (and) now the committee had to hit the 'impression voter.'" (p. 34.)
>
> The opposition to the amendment utilized similar appeals. The University of Illinois report cited the following passage from an editorial contained in a small town weekly newspaper, the Toledo Democrat (p. 41):
>
> "Let's get rid of Cook County. Let's give it to Indiana, Wisconsin or Texas. One county of professional politicians has no business ruling the other 101 counties in the State."
>
> The above comments do not suggest a distrust of the electorate. It is submitted that in a statewide campaign which involves issues or concepts rather than personalities or candidates, the electorate is almost wholly reliant upon the news media and the product of the public relations experts. Reasoned dialog is simply impossible because of the exigencies of time and numbers. The situation is different where the populace has had an opportunity to observe a candidate for many years and to make judgments based upon such personal observations. Accordingly, the underlying objection to the suggestion that a referendum requirement will protect the majority is that referendums become the property of those in charge of the channels of communications.

Additional impressive testimony on this point was presented by the respected Michigan apportionment expert and attorney, Mr. Theodore Sachs, in discussing the 1952 Michigan frozen districting formula referendum which was adopted after what Mr. Sachs describes as "a campaign of personal, racial, ethnic, and political abuse, vilification, and deceit."

As one who stumped the State of Michigan for my party in 1952, I can bear witness to the truthfulness of that statement.

Mr. Sachs goes on to say of the two campaigns:

> One was the high road campaign, and that high road, unfortunately, simply involved sloganizing—some vague kind of reference to, if it is good enough for the Federal Government, it is good enough for us, even though, as I explained earlier, in 1952 was freezing of what was theretofore arbitrary and improper.
>
> But there was a low as well. And that was a whispering campaign, and the whispering campaign was, do not allow a population basis of representation, because if you do that, then the Negroes in the big cities are going to take over, and the ethnic groups are going to take over, and certain religious elements are going to take over, and labor is going to take over. And I assure the Senator I am using much more polite terms than were used in the course of that debate.
>
> That is the kind of debate that was involved in a referendum campaign which is supposed to provide safeguards against improper representation.
>
> You start off in such a campaign with a stacked deck in the first place. You start off with those who have vested interests because of malapportionment, and the rural blocks do have this vested interest, and they vote together. And then you get the big city groups who are split in their voting. If they split along any recognizable lines, they split on a political party basis.
>
> And so the forces that are going for the vested interests are strong right from the start. And the chances of getting off on a fair basis, an opportunity to achieve fair representation in the second house, are very difficult to achieve.
>
> Finally, after you experience this ruthless kind of campaign, which rarely sticks to the issues, whose best argument, the best description and the best thing that can be said for it is that frequently it is irregular—after you go through this kind of campaign, what happens then?
>
> You get to the submission of the referendum question, which is either vague or evasive or ambiguous, if it is not stacked one way or the other.

Is this the kind of procedure which is supposed to assure fair representation in even the second house?

Our 1963 plan was also voter adopted, and this time it was not alone, but as part of a complete constitution. And here again we had an interesting kind of campaign.

The campaign to adopt that constitution, which was led by our present Governor, was pitched outstate on the theme that the apportionment provisions would restrict Detroit area influence, and, in Detroit, on the approach that despite the apportionment provisions, the rest of the document was too good to sacrifice. Besides, it was added, the validity of the apportionment provisions "would after all be a question for the courts."

Wholesale misrepresentation abounded. When the constitution finally carried by a margin, after recount, of less than one-half of 1 percent, the apportionment provisions were urged by their proponents to the courts as a significant expression of the popular will—and no longer a legal, but a voter-preempted question.

These experiences in Michigan illustrate vividly that the notion that the referendum, even on a periodic basis, would be a satisfactory protection of our fundamental rights is a snare and a delusion. Typically, voter referendum campaigns on initiative propositions have been marked by acrimonious, deceitful, and vicious debate, or uninformed politicking, at best.

Prof. Gordon E. Baker has carefully studied the California experience, which is not dissimilar from Michigan's. He reported similar phenomena and quoted one observer as reporting the 1948 initiative campaign as an "amazing spectacle of a people approving their own disfranchisement."

In Michigan in 1963, perhaps the excuse could have been given for the voters that the proposal was so incredibly complicated that it defied the best minds to understand it, and while its proponents privately conceded that its purpose was to take away representation from urban centers, publicly they merely sloganized that it was mostly a population formula, with some attention being given to area.

I respectfully submit that not a dozen people in the State have any comprehension of what the real implications of this plan were all about.

One of the judges considering the plan had occasion to write this about it—when the argument was made to him, after all, the people have spoken, and this should be the end of it.

He said:

"It is true that under article IV, the fine print appears. But it is unlikely that the average reader, even if he read the address, or the proposed constitution, could have understood, without some training in political science, mathematics, and the law, and without extensive study, the '7 percent,' 'county lines,' and '75 to 125 percent' provisions, to say nothing about 'equal proportions.' It has taken the members of this court some considerable time to digest the meaning, in applied form, of these provisions. So that to say that the people of the State of Michigan solemnly adopted these precise provisions of the constitution is an indulgence in rhetoric only."

What I am saying is that the suggestions implicit in this year's proposals that so long as the voters have ultimate resort to the referendum, that there is no harm in one house based on other factors than population is plain false, if beguiling to some.

So, Mr. President, all of our national experience demonstrates that the contention that the Dirksen amendment "would permit the people to decide" is a sham. It is a carefully constructed but deceptive appeal to say, "What is wrong with letting the people decide?" But there is no real truth in the argument behind that expression as it applies to the Dirksen amendment.

Referendums, as prescribed in the Dirksen amendment, would not give any true opportunity for an expression of the popular will. And referendums would not even be permitted on the initial and key decision; namely, ratification of the amendment. Rotten borough legislatures would do this. Referendums, by their very nature, are inadequate. There is too low a participation of the voting age population. The issue is subject to propaganda and to manipulation.

Pehaps I have presented enough for today. I see the Senator from Wyoming [Mr. McGee] is present in the Chamber and wishes to speak. I have not presented a full treatment of the subject by any means. There are many other points to develop. I shall try to return to those issues on another day. But perhaps enough has been said to indicate the great danger in the Dirksen amendment.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 4) to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Fallon, Mr. Blatnik, Mr. Jones of Alabama, Mr. Cramer, and Mr. Baldwin were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H.R. 7997) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Thomas, Mr. Evins, Mr. Boland, Mr. Shipley, Mr. Giaimo, Mr. Mahon, Mr. Jonas, Mr. Minshall, Mr. Rhodes of Arizona, and Mr. Bow were appointed managers on the part of the House at the conference.

The message informed the Senate that Mr. Staggers of West Virginia had been appointed as an additional manager on the part of the House, to the conference asked by the House on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5401) to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes.

VIETNAM IN PERSPECTIVE—WHY WE ARE THERE

Mr. McGEE. Mr. President, yesterday President Lyndon Johnson went to the American people to describe again the critical nature of the crisis in southeast Asia and what its dimensions require of us. He made clear two fundamental points that must be understood everywhere and by everyone. The first is that, in adversity or in success, we do not intend to abandon Vietnam to the aggressors—that we are there to stay whatever the price may be; and second that we stand ready at all times to talk to anyone in the hopes of negotiating a peaceful settlement. That these basic concepts of our policy in that troubled part of the world may become more costly, more risky, and more troubled he left no doubt. But it was a candid appraisal which no American could misread, nor from which no American would dare retreat. President Johnson made it abundantly clear, moreover, that we intend to prosecute the struggle in Vietnam within the context of stopping aggression and protecting smaller nations from their enemies outside without, on our part, resorting to general war.

The response to the President's message has been heartwarming and, in fact, very strong. I ask unanimous consent to have printed in the Record following my remarks the editorial comment appearing in this morning's Washington Post applauding the President's statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGEE. I also ask unanimous consent to have printed in the Record at the conclusion of my remarks the lead editorial in today's Washington Daily News entitled "Everything That Is Necessary." The editorial commends the President for his courage and the forthrightness of his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McGEE. Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks the lead editorial published in today's issue of the Washington Evening Star captioned "No Surrender—No Retreat."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. McGEE. I also ask unanimous consent to have printed at the conclusion of my remarks a copy of a newspaper advertisement published by Freedom House entitled "The Silent Center Must Speak Up."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. McGEE. Mr. President, no one in his right mind wants war or looks upon it with a light heart—least of all the kind of dirty, ugly, brutal tactics which are an intrinsic part of guerrilla combat. Whether it be as bloody and cruel as the jungles or rice paddies of Vietnam command or a nice "clean" little crisis like Berlin or Cuba where the nerves of the giants on the political chessboard of power politics were tested by air power alone, the central issue remains the same—that of the willingness of those with power but bent upon peace to use that power in behalf of peace. History has thrust us into this role. We did not seek it. We do not want it. But the tides of change in our time have swept us up with these alternatives and these requirements. We have no choice save one. That is to forfeit both the responsibility and the opportunity for reshaping the balance of power of the new 20th century world to governments and philosophies and forces hostile to the basic principles of peace and human freedom.

The fact of American military and political power in the wake of World War II no one can deny. But the price of that power, with those attendant risks and sacrifices, would be avoided or evaded by some of our people at the present time, if they had their way. We—and we hope they—are learning, however, that the price of peace is not a cheap one and that peace does not just "happen." Both World Wars I and II should have taught that peace has to be waged as vigorously as we wage war. This means the willingness to risk the use of the tools of war in order to achieve the goals of peace.

It is in pursuit of this harsh fact of international life that the United States went to Vietnam in the first place. How we got there and why we must stay are better viewed and understood from the perspective of what has preceded our policy there.

For a few brief moments then, Mr. President, I would like to recast the foreign policy of the United States since World War II in the setting of stress and pressure and threat which required it and to spell out some of the conditions which shape it. For it can be seen that, against the backdrop of the cold war years, our policy in Vietnam is but another logical and necessary commitment within the same framework of national interest and international responsibility as were Iran, Greece, Berlin, Korea, and—in one sense—even Cuba.

Ever since the end of the Second World War the United States has followed two general lines of foreign policy at one and the same time. There is nothing inconsistent in this. Indeed, we could not avoid it, for we faced a world with a split personality.

On the one hand, the world has been made one by the discoveries of scientists and the inventions of technicians.

The old barriers of space and time which once cut off nations one from the other had been wiped out. The industrial revolution and the agricultural revolution and the power revolution and the revolutions in communications and transport together have given us the means to conquer the environment and to raise standards of living to levels of decency throughout the planet—to liberalize and to humanize life for all mankind.

Plainly the way to deal with this world of new opportunity—of progress and color and excitement—was the way of international cooperation.

Our Nation rose splendidly to the challenge of the world of opportunity. We did well in matching scientific invention with social invention. We invented the Marshall plan. We invented the point four program. We launched the AID program and the Alliance for Progress and food for peace and atoms for peace and the Peace Corps, to cite a few examples.

We have shared our resources and our technology and our know-how. We have cooperated with all who would cooperate with us.

And we have organized for permanent cooperation in this world of opportunity in one way after another. We are members in good standing of every useful international organization in the world. We send delegations to almost every international conference—and there are half a thousand of them every year. We participate in cooperative regional organizations wherever it is appropriate for us to do so. We take part in the World Bank and the International Development Agency and the Inter-American Bank and have offered to do the same in the Asian Development Bank.

We have lent more support and provided more leadership in the United Nations than has any other member. And not just in the Security Council. Not just in the General Assembly. As the whole family of United Nations agencies has come into being and then gone into operation, the United States has been in the forefront of the initiators, the contributors and the leading supporters of these agencies in which the nations share their resources and talents cooperatively to help make good the opportunities opened up by science and technology.

I could go on and on with examples. Taken together they comprise the first line of our postwar foreign policy. We have done all this partly out of compassion and partly out of enlightened self-interest; for the cooperative path is the path to peace and order, to progress and justice, in a world made one by science.

But alas, Mr. President, these actions—this preferred course of our leaders and our people—could not be the whole of our foreign policy. For there was another aspect of the world which had to be dealt with too—another face to world affairs. This was the face of danger, of threat, of force, of violence, and of war.

This face of the world was not designed by us; it was designed by others. By the very nature of our society we could only react to it. But to defend our society—and our kind of society elsewhere—and the very hope of our kind of society anywhere—we were obligated to react to it. And we did. Taken together our reactions to force and the threat of force make up the second general line of our postwar foreign policy.

When our offer to turn over to the United Nations full control of the dangerous aspects of atomic energy was rejected by the Soviet Union—in one of the most tragic decisions in history—we had no choice but to build up an arsenal of nuclear weapons.

And when it became indisputably evident that our wartime Russian ally was more imperialist than the czars, we organized to defend ourselves and our friends—and indeed all who were prepared to resist aggression to preserve their national independence.

That policy was laid down for all the world to see in this very Chamber on March 12, 1947, by President Harry S. Truman. It is well worthwhile to recall here today the key passage of that historic proposal which came to be known as the Truman doctrine. The President pointed out that the survival of Greece was threatened by terrorists led by Communists—that Greece must have our assistance—that there was no other place to turn except the United States—that the future of Turkey as an independent state likewise was threatened. And then the President enunciated the policy he was recommending to the Congress and the people in these words:

> I am fully aware of the broad implications involved. * * * We shall not realize our objectives, however, unless we are willing to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes. * * *

Mr. President, I would remind Senators that when President Truman spoke the Greek Army was in no shape to put up much of a fight. The terrorists controlled most of the countryside and government forces had retreated to a shrunken area around the capital. Lines of communications were broken. Refugees from burnt-out villages were shuffling into Athens. Foreign exchange was exhausted. Prices were out of control. And a deep sense of panic infected the people.

That doctrine, laid down in this Chamber in 1947, has been in force ever since. It was tested first in Greece and Turkey. Then it was tested in Berlin. Then it was tested in Korea.

To support that doctrine has cost our Nation dearly in time and effort—yes, in treasure and in lives. But it worked. Not since Korea—15 years ago—has any nation marched its armies across another nation's frontiers.

The Truman doctrine in action taught the world that the United States meant exactly what President Harry Truman said—that we were in fact prepared "to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes."

Moreover, it taught the former masters of the Soviet Union that armed aggression simply does not work because it will not be allowed to work. That was an important—perhaps essential—lesson in the search for world peace.

But unfortunately mainland China is still in the hands of men who believe—as Mao Tse-tung has said again and again—that "all political power grows out of the barrel of a gun." And his disciples have turned to a new form of aggression which they offer to the world behind a false face called "wars of national liberation."

These are, of course, neither liberating nor national. They are aggressions undisguised by the fact that they begin without bugles or banners, that their agents may dress not in uniforms but in the work clothes of peasants, that they strike not at dawn but after sunset, that their tactics are not those of conventional armed forces but of nonconventional guerrilla bands.

Mr. President, the organization, training and equipping of murderers and marauders, the clandestine infiltration of such bands across international frontiers, the arts of guerrilla warfare practiced in the name of "national liberation"—this is merely the most modern form of aggression, of conquest, and of empire.

And the greatest threat to the peace of the world today lies in this insidious doctrine of wars of national liberation, this clandestine form of international aggression which is facing its climatic test in Vietnam today.

If it succeeds in Vietnam, it will be taken as proof that it can succeed elsewhere.

If it succeeds in Vietnam, it will be taken as hard evidence that militant violence is a better way to promote communism than competitive coexistence.

But if it fails in Vietnam, the policy of promoting "wars of national liberation" will be dealt a body-blow everywhere. So let us be very, very clear what may be well at stake here and now.

The world is still dangerously overstocked with atomic weapons and the threat of spreading atomic power has by no means receded. Yet it is my view that when the great atomic powers stood on the edge of that awful abyss in the Caribbean in the autumn of 1962, a tacit agreement against nuclear war took silent hold in the capitals of the nuclear powers. We have reason to hope that nuclear weapons, by their very destructiveness, have outlawed their use.

And when old-fashioned aggression with conventional arms was at last stopped dead in its tracks along the 38th parallel in Korea, one and all could see that there was no mileage left in that kind of attack against a neighboring state.

Now clandestine aggression is on trial in Vietnam. If that, too, can be shown to be futile, is it too much to hope that the day of the aggressor will be over for all time? I would not expect the sudden reform of Mao Tse-tung or Fidel Castro and some of their followers. But the evidence would be in. Armed aggression—nuclear, conventional or guerrilla—does not belong in the second half of the 20th century. There is nothing to be gained—nothing in it for anybody.

So Vietnam could well be the last chapter in the long, long story of military conquest. The stakes could be just that high.

In any event, Mr. President, the fact that Vietnam is halfway around the world is no better reason for not standing against aggression there today than it was in Korea a decade and a half ago.

The fact that aggression in Vietnam is dressed up in the false doctrine of "wars of national liberation" does not make the Truman doctrine any less relevant than it was in 1947.

We stand in Vietnam now for the same reason we stood in Greece and Turkey. That reason is right. It is just. It is moral. And if we have the endurance—which I know we have—it will turn out as it has turned out in the past—successfully.

And let us not be deluded by Communist propaganda, or by statements made in other capitals for domestic political purposes, or by uninformed pleas from people who are genuinely frightened, that we stand exposed and isolated in Vietnam. For we are not alone in that far land.

Outside of Communist China and North Vietnam, there is hardly a nation in this world which in truth wants the United States to withdraw its support of the Republic of Vietnam. Outside of those places, there is hardly a responsible leader who does not privately hope that aggression will be stopped in Vietnam.

And more than 30 nations, in one way or another, are providing some kind of help to the Republic of Vietnam in its hour of agony. Some have provided money and relief and school supplies; some are training young Vietnamese in their own countries; some are offering technical assistance in such fields as agriculture, forestry, dairy practices, and engineering. Others have sent nurses and medical and surgical teams and mobile military hospitals. Several have sent psychological warfare experts. Military units are on the scene from Australia, New Zealand, Korea, and Thailand in addition to U.S. forces from the United States.

Whatever may be said by hostile or irresponsible critics, the world knows well what we want and do not want in Vietnam. It has been said by President Eisenhower and by President Kennedy and by President Johnson in turn. It has been said by others, including the late Adlai Stevenson. More than a year ago, on May 21, 1964, Mr. Stevenson told the Security Council of the United Nations:

> The United States has no, repeat, no, national military objective anywhere in southeast Asia. U.S. policy for southeast Asia is very simple. It is the restoration of peace so that the peoples of that area can go about their own independent business in whatever associations they may freely choose for themselves without interference from the outside.

Later in the same address, Governor Stevenson stated—as others had before and have since—what is needed to bring peace to Vietnam:

> There is a very easy way to restore order in southeast Asia. There is a very simple, safe way to bring about the end of U.S. military aid to the Republic of Vietnam.
>
> Let all states in that area make and abide by the simple decision to leave their neighbors alone.
>
> When their neighbors decide to leave them alone—as they must—there will be no fighting in southeast Asia. * * * Any time that decision can be put in enforceable terms, my Government will be only too happy to put down the burden that we have been sharing with those determined to preserve their independence. Until such assurances are forthcoming, we shall stand for the independence of free peoples in southeast Asia as we have elsewhere.

So we are not yet finished with the task faced up to by Harry Truman in 1947. We are still obliged to pursue that second general line of foreign policy which is helping others to stand against those who would impose totalitarian regimes upon them from across their borders. This has been a heavy burden and at times a lonely and thankless task.

Yet I shudder to think of what this world would look like today if the United States had not stood firm in Greece and Turkey, in Berlin and Korea, as we are standing firm in Vietnam today.

Mr. President, we have worked hard these past two decades to make the point that armed aggression no longer pays. When that point is made once again in Vietnam, it should be made once and for all.

And until it is—until the aggressor regains enough of his senses to leave the battlefield for the conference table—I shall support without reservation every effort that is needed to finish the job for good.

I yield the floor.

Exhibit 1

[From the Washington Post, July 29, 1965]

The Vietnam Policy

In typically Johnsonian fashion, the President supplemented his announcement of intensified American participation in the Vietnamese war with an escalation of his peace efforts. Draft calls are to be doubled in the months ahead, and there will be a rapid buildup of American fighting men in the besieged southeast Asian country. But the aim of protecting freedom and independence from Communist aggression without resort to general war remains the same.

The President made another graceful appeal to the United Nations to exert whatever influence it can to halt the aggression in Vietnam. At the same time he offered to discuss Hanoi's proposals along with our own and those of any other interested nation that may care to sit down at a conference table. His sincere desire to substitute the conference table for the battlefield took away any suggestion of belligerence that might otherwise have been read into the announcement of expanding military operations.

The gist of what the President had to say is that the United States places such a high value on peace that it is willing to fight for it. The spread of Asian communism by terror and slaughter is the antithesis of both peace and freedom. The United States has attempted to provide a shield against this menace. It is now called upon to demonstrate that this shield is not an illusion.

We do not see how President Johnson could have explained the necessity of the U.S. course in Vietnam more effectively than he did:

"If we are driven from the fields in Vietnam, then no nation can ever again have the same confidence in our promise of protection. In each land the forces of independence would be weakened. An Asia so threatened by Communist domination would impril the security of the United States itself.

"We just cannot now dishonor our word or abandon our commitment or leave those who believed us and who trusted us to the terror and repression and murder that would follow. This, then, my fellow Americans, is why we are in Vietnam."

The President's reference to "Asian communism" doubtless holds special significance. His exclusion of the Russians from his comments was an indirect appeal for Moscow's understanding of why we must do what we are doing. The Soviet Union shares at least some of the alarm in the West over the openly belligerent and recklessly aggressive course of Communist China and the Hanoi government. President Johnson seemed to be saying to Moscow that the United States is doing everything possible to avoid a general war and that the two major nuclear powers have a common interest in not allowing this Asian Communist brushfire to get out of hand for want of a rational confrontation at a conference table.

Within the United States, we surmise that the response to the President's speech will be overwhelmingly favorable. Despite the innate hatred of war, most of the people are aware of the kind of world we live in. They appear to be reconciled to a hard struggle in a faraway land because of the close relation it has to the preservation of our own freedom. Many of those who are committed to the general policy, however, retain some concern over the way it is being carried out.

One would hope that much of the discussion in the White House conferences of the last week has been given to effective employment of the additional manpower and equipment that are flowing to Vietnam. It is not enough merely to build up larger forces and the volume of supplies. With the extension of military might in Vietnam, there will be increasing need for wise decisions and sound strategy. This perceptive statement on the part of the President also greatly strengthens confidence that he will be as firm in pushing for a rational settlement as he has been in trying to teach the Communists that peace cannot be bought with terror and aggression.

EXHIBIT 2

[From the Washington Daily News, July 29, 1965]

EVERYTHING THAT IS NECESSARY

At his televised press conference yesterday, President Johnson was about as clear as anyone could be about why we are in Vietnam and what we propose to do about it.

We are there, in short, because we have to be. Our national security is at stake. If we have learned anything in our frustrating and costly experience with communism in the last 20 years, it is that nonresistance is the quickest way to our own downfall.

And what we are going to do about Communist terrorism and aggression in Vietnam is everything that is necessary. This may be a lot. To start, the President is doubling the draft and immediately adding 50,000 troops to our forces in Vietnam.

These are the choices forced upon us.

Every retreat from Communist attack has resulted in defeat, in more peoples losing their freedom. Every evidence of weakness merely has served to egg on the Communists.

The President spoke of commitments of three Presidents to defend Vietnam. But even more essential is our national interest—for if we should quit Vietnam we retreat a long step toward subjugation of our own freedoms to Communist domination.

All that we have built in this country, and all that we hope to build, would be jeopardized. We are fighting, even though in a distant land, for our own security.

Mr. Johnson said he had asked the commander in Vietnam what he needs to meet the situation, and that these needs will be met.

The only question here is whether enough is to be done now.

For many months we have hoped the dragging war in Vietnam would lead to a negotiation table. That hope has been grounded.

There are risks in whatever we do. But the risks if we do not stop the Vietcong are far greater, in terms of our own safety, than the risks in using our power (all of it, if necessary) to force a decision in South Vietnam.

It is, as the President said, agonizing. But that's the way it is. We didn't make the situation. But it is up to us, primarily, to settle it, as completely and as rapidly as possible.

It is war, and let every American see it as such.

EXHIBIT 3

[From the Evening Star, July 29, 1965]

NO SURRENDER—NO RETREAT

The President's report to the Nation on Vietnam was perhaps his best performance since taking office.

He was careful to explain—again—why we are fighting in Vietnam. It boils down to this: First we have made a commitment there which we will not dishonor. Second, to let Vietnam go would merely whet the appetite of the aggressors. If we do not see this fight through, we will surely have to fight later under even less favorable conditions at some other place.

Mr. Johnson also—again—held forth the olive branch. He said he would welcome any effective intervention by the United Nations. He repeated his readiness to go to the conference table at any time. Our goal, he stressed, is a free election, internationally supervised, "in the south, or throughout all Vietnam." In short, our record in this respect is as clear as clear can be—for anyone who wants to read it.

Some disappointment has been expressed because the military buildup announced by Mr. Johnson stopped short of what, in one view, is needed. An additional 50,000 American troops will be sent immediately to South Vietnam. But the buildup will not stop at that level. "Additional forces will be needed later," the President said, "and they will be sent." He is not now calling up the Reserves, although the implication is plain that this, too, will be done if and when needed. The monthly draft call is to be raised at once from 15,000 to 35,000—presumably in preparation for the time when more units will be shipped to the battle scene. Taken together, these measures are a significant enlargement of the effort that we are making and will make.

Everything will depend upon the reaction of the other side. The President sought to allay apprehensions by saying that "nothing we have in mind should arouse any distrust or provoke any violence" by the Soviet Union. The only immediate response has been a Moscow radio broadcast, in French, which was monitored in London. It said that the United States is taking a "colossal risk" in boosting its strength in Vietnam.

The President, however, had already given the appropriate answer: "We do not want an expanding struggle with consequences no one can foresee. Nor will we bluster or bully or flaunt our power. But we will not surrender. And we will not retreat."

Well said.

EXHIBIT 4

THE SILENT CENTER MUST SPEAK UP

"I hope that others who feel as you do may be willing to join in this expression."—Lyndon B. Johnson. (From President Johnson's letter to Freedom House.)

The defense of our Government's efforts in South Vietnam should not be left solely to the President or to officials of the administration. The critics of the President have had the field to themselves. This monolog is a disservice to the American people. The great majority of our people have been silent too long; their voices must now be heard.

The distorted picture of American public opinion given by the critics has undoubtedly affected the decisions of the Communist rulers in Hanoi and Peiping. Few of these rulers have ever visited Western countries; they do not realize that the strength of the small ad hoc groups calling for American withdrawal from Vietnam is grossly exaggerated. This misunderstanding has impeded the administration's effort to achieve a durable peace. The notion that the American people are gravely divided against their leaders has helped to create the illusion that in the end the United States would capitulate to the aggressor.

It is not surprising that a recent full-page advertisement, signed by several hundred "artists" and seeking to persuade the country to abandon the defense of South Vietnam, included the names of avowed Communists—men whose articles have appeared in the Communist Worker and whose books are official Communist publications. But more noteworthy is the long list of those others who are not Communists and have nevertheless added their signatures; believing they are striking a blow for peace, they have allowed themselves to become parties to an insidious propaganda campaign.

One of the many things the advertisement forgot to mention is that both Peiping and Moscow have rejected all appeals for negotiations by our President, by United Nations Secretary General U Thant, by the mediation committee of the 17 nonalined Afro-Asian nations, and others.

We believe most Americans know that if aggression against South Vietnam—disguised as a war of liberation—is not successfully resisted, more aggression and perhaps even larger scale war will follow. That is the lesson of Ethiopia. That is the lesson of Munich.

We believe that at this moment of peril and challenge the American people would like to see their real views proclaimed in a forthright declaration of national unity. This is why Freedom House offers the following credo of support for our national purpose in Vietnam:

1. Our withdrawal from Vietnam under present circumstances cannot be sustained on moral grounds. Such a decision would be morally indefensible. Having freely accepted responsibility as a world power and a champion of freedom, the United States would dishonor that role by defaulting on its promises and commitments. Such default would not only abandon men, women, and children to cruel reprisals, it would seriously undermine the credibility of our commitments to other nations.

2. The decision to halt Communist aggression—whether in Vietnam, Laos, or the Congo—is clearly in the interest of the United States and the other nations of the free world.

3. We welcome the recognition of a common interest which has prompted Australia, New Zealand, and South Korea to take an active part in the present struggle. We hope other allies will join in the defense of the free world areas threatened by Communist "wars of national liberation."

4. The United States is not embarked on a military crusade against Communist nations. Our record in dealing with the Iron Curtain nations of Europe and living peaceably with their Communist-controlled societies is our credential.

5. It is equally important to recognize that our military effort is only part of the substantial U.S. program to enlarge the economic, social, and political future of the Vietnamese people.

6. We regret the world is still racked by force rather than run by reason. But we also see no hope for reason until the force of lawlessness is checked. Our troops and arms are not mere engines of destruction; they are instruments of prevention. We mean to use them as judiciously as possible. But we do mean to use them effectively.

There is nothing new in what we confront today, either in the challenge from the aggressor or in the timid voices that would yield. Nor is there any blinking the fact that the necessary responses are both difficult and dangerous. The very nature of the great

challenges we as a nation must face requires not only wise decisions but prompt and effective action. We believe the present policy of the United States meets these tests and deserves the wholehearted support of the American people.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 1771. An act to establish a 5-day workweek for postmasters, and for other purposes;

H.R. 6622. An act to exempt the postal field service from section 1310 of the Supplemental Appropriation Act, 1952; and

H.R. 6675. An act to provide a hospital insurance program for the aged under the Social Security Act with a supplementary medical benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6, 1965, as "National American Legion Baseball Week."

Mr. INOUYE. Mr. President, I feel compelled at this time to question a statement made by the distinguished senior Senator from Hawaii [Mr. FONG] on the floor of the Senate on September 15, 1964, during the last days of the 88th Congress, concerning the effects of the Supreme Court ruling on reapportionment.

It is quite possible that in the last few hectic moments of discussion prior to the vote on the so-called Javits-Humphrey-McCarthy modified amendment on reapportionment during that session, the implications contained in the short speech by my distinguished colleague were not fully grasped nor understood.

I believe that it is highly imperative that the statement be challenged in order to have the record set straight. This is especially so in the light of the new move to push through the constitutional amendment proposed by the distinguished junior Senator of Illinois, an amendment designed to continue malapportionment in our various State legislatures.

If Senators recall, my colleague stated that "the logical extension of the Supreme Court's decision would be an amendment to the U.S. Constitution or a Supreme Court decision requiring reapportionment of the U.S. Senate on the basis of population in spite of the prohibition that no State without its consent, shall be deprived of its equal suffrage in the Senate under article V."

Drawing upon rather questionable logic and upon even more questionable constitutional interpretation, my colleague was led to remark that ultimately small States such as Hawaii would be deprived of representation in the U.S. Senate. By the Senator's own logic and interpretation, the list could conceivably have included some score or more of the other smaller States of the Union.

I most respectfully feel that the statement by the senior Senator from Hawaii is a rather misleading one.

First, even a superficial reading of the reapportionment cases decided by the Supreme Court would show that it specifically excluded the theory of representation underlying the U.S. Senate from the principle of one-man, one-vote as applied to State legislatures. There is no question in the Court's mind that the Senate of the United States would always have two Senators representing each State of the Union, regardless of size or population. The point made by the Court is that this Federal form of representation cannot be extended to State legislatures which often over-represent rural areas and under-represent metropolitan areas.

For example, the city of Honolulu, containing more than 80 percent of the State of Hawaii's population, is very much underrepresented in the Hawaii State Legislature. The decision would, in effect, redress that imbalance.

Mr. Chief Justice Warren, in delivering the opinion of the majority in Reynolds against Sims, June 15, 1964, stated:

> Much has been written since our decision in *Baker* v. *Carr* about the applicability of the so-called Federal analogy to State legislative apportionment arrangements. After considering the matter, the Court below concluded that no conceivable analogy could be drawn between the Federal scheme and the apportionment of seats in the Alabama Legislature under the proposed constitutional amendment. We agree with the District Court, and find the Federal analogy inapposite and irrelevant to State legislative districting schemes. Attempted reliance on the Federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements. And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted. * * * The system of representation in the two Houses of the Federal Congress is one ingrained in our Constitution, as part of the law of the land. It is one conceived out of compromise and concession indispensable to the establishment of our Federal Republic. Arising from unique historical circumstances, it is based on the consideration that in establishing our type of federalism a group of formerly independent States bound themselves together under one National Government.

That is what the Supreme Court said. How can we possibly infer from this that the Court may ultimately require reapportionment of the U.S. Senate on the basis of population?

Second, anyone who has read the U.S. Constitution knows that any attempt to modify or amend the manner of representation, including that in the U.S. Senate, must first be proposed as a formal amendment to the Constitution. Any student of government well knows that any such proposal must be made and approved by two-thirds of the Senate and the House, or by two-thirds of all State legislatures, which, by then, would be reapportioned, and the amendment itself ratified by three-fourths of State legislatures or State constitutional conventions. Can any responsible person, therefore, seriously say that the ultimate and logical extension of the Supreme Court's decision would be an amendment to the U.S. Constitution requiring reapportionment of the U.S. Senate?

I hardly think so.

In addition, how can this possibly be done in the light of article V, quoted by the Senator himself; namely:

> No State without its consent, shall be deprived of its equal suffrage in the Senate.

In fact, students of the Constitution refer to this as the "unamendable clause" precisely because it is highly unlikely that it can ever be amended.

I think that the people of Hawaii and all the States of the Union are far too knowledgeable, and the knowledgeable far too many, to accept any such misleading and misinformed statements.

I also think that the people of all our States know that statements such as these, however sincerely they may be made, have the practicable and undesirable effect of undermining both the concept of separation of powers and the Constitution itself.

At this point I wish to present the views of the Governor of the State of Hawaii, the Honorable John A. Burns, who has stated:

> There has been an attempt to justify geographic representation on the basis of paralleling the national legislative plan with that existing in some States under so-called little Federal systems. However, the two U.S. Senators from each State are not geographic representatives. I say allegedly because in fact the geographic representation is only a cover for a scheme to give a minority a stronger vote—in most instances a veto power, which it should not rightfully possess.

In other words, the U.S. Senate was designed by our Founding Fathers consciously to give equal and perpetual representation to sovereign States in matters affecting the national interest. Upper houses of State legislatures do not represent such sovereign entities. They represent county level governments which are not in the same category.

As Roscoe Drummond reported in similar vein in the Washington Post of July 23, 1965:

> It is sometimes suggested that the Federal system is applicable to the States, that just as the States, regardless of size, are equally represented in the U.S. Senate, so should counties regardless of size be equally represented in State senates. Plausible, but one answer is that, while the Federal Government is composed of sovereign States, the States are not composed of sovereign counties.

Speaking generally on the topic of malapportionment, the Governor of my State remarked:

> Heretofore many State legislatures have been grossly malapportioned in favor of sparsely populated rural areas. As a result, the concern for and response of State legislatures to problems of modern civilization, many of them stemming from urbanization,

have often been inadequate. Consequently, the Federal Government has had to assume more and more responsibility. If a person is sincerely interested in States' rights, I do not think that he would advocate continuing a system of apportionment that has in the past contributed to a forfeiture of States' rights and duties by default, at least not without giving reapportionment a trial.

Governor Burns believes that—

> Now that the U.S. Supreme Court has held that the law of the land is that State legislatures must be apportioned substantially on a population basis, I believe that we should abide by the law and give a fair trial to Government by reapportioned legislatures. I feel that, by and large, reapportionment will inject new vigor into State government and make it more responsive to the will of the people.

The Governor went on to say:

> The interjection of the constitutional amendment issue at this time when the States are, or should be, attempting to heed the mandate of the equal protection clause of the 14th amendment, is regrettable. It diverts the attention and energies of the people from reapportionment, and only serves to becloud the issue of reapportionment and tends to delay reapportionment and perpetuate malapportionment. If legislatures apportioned on the basis of equality of population prove to be undesirable or unworkable after a reasonable period of trial, there will then be time enough to consider a constitutional amendment. Personally, I do not think that a legislature so apportioned will be undesirable or unworkable.

As the senior Senator from Illinois stated on June 2, 1965, the gist of the problem is fairly simple. We must protect the inalienable right of all Americans to have an equal and meaningful vote. Otherwise, all our efforts to confer civil rights equally to everyone, all our labors to protect the right to register and cast a vote, would be significantly diluted, if not actually contradicted, were we not to vigorously support judicious reapportionment based on the concept of one man, one vote, and not one-man, one-thousand vote, as can be had under certain malapportioned State legislatures. I concur with the senior Senator of Illinois when he says:

> Unfortunately, there are those who claim to support the right to vote but who would pass the rotten borough amendments which will drastically reduce the meaningfulness of a person's vote.

Robbing Peter to pay Paul was never more openly apparent than in the inconsistency of positions taken by those who would strongly support voting rights so long as this did not include all Americans.

These questions are being asked in my State as witness an editorial from the Honolulu Advertiser of June 28, 1965. It is asked:

> What is to prevent. * * * Southern States from using such a constitutional amendment to freeze out the growing Negro electorate? The liberals argue the proposal flies in the face of the voting rights bill.

I would respectfully urge those who so courageously passed the voter registration bill in this Senate, to ponder and weigh the significance of their position on the constitutional amendment now being proposed.

Consistency per se may never be a mark of valor or a criterion of intellectual honesty. But consistency in this particular question may indicate how much and how deeply we feel about equal rights for all.

Finally, may I quote from the 20th Century Fund Report:

> The United States was created by 13 sovereign States, and the Constitution embodies a theory of federalism which divides sovereign power between the Nation and the States. A key device for protecting their residual sovereignty was the equal State voice in the Senate. Thus the Senate was a condition of union among a group of States which the Federal Government created by that union has no power to destroy. Counties, by contrast, were never independent or sovereign. They did not create the States but were created by them. They are wholly creatures of the States and may at any time be merged, divided or abolished by State governments.
>
> Federalism as a political theory has had and continues to have value as a device of compromise permitting the joining of lesser sovereignties into greater unions; an example in process is the European Economic Community. But to speak of federalism within a State is to reduce a great principle to an absurdity. "The U.S. Senate is both irrelevant and improper as a model for representation within a State," Prof. Paul David, of the University of Virginia, has written, because "a State is not a Federal union of sovereign counties." Too often, the argument for a Federal plan of representation in State legislatures is born of simple ignorance of its actual background and implications. At worst, it may be advanced as a disingenuous cover for the disenfranchisement of urban and suburban voters.

I have, so far, tried to analyze an apparent inconsistency of positions taken by those who would vote for a strong voter registration bill but would not support a basically similar principle as one man, one vote.

I should like to spend some time now in trying to analyze the philosophical and substantive questions which the present amendment poses for all those who are seriously concerned to see that our democratic principles be preserved.

The basic philosophical tenet which underlies the entire issue is that the only legitimate and acceptable basis of democratic representation in State legislatures ought to be the people. On that basis, one man's vote should be worth the same as any other man's vote.

It is in the interest of the voters of a State that the legislature presumably must act. If this be the case, the legislature must be so comprised as to effectively represent the entire mass of voters.

Historically speaking, parliamentary institutions in their infancy did not necessarily reflect what we have come to regard in the modern development of democratic legislatures as a necessary adjunct to a free society. Feudal practices and prejudices were mirrored in the composition of the early forms of representative government. This is why these parliaments represented not so much people as great feudal estates, geographic holdings, and accumulations of either title or wealth. After all, feudal society had seen social, economic, and political power concentrated in these entities.

Then, too, where the processes of government had only a very marginal influence on the livelihood of men in the feudal ages, government came to influence and even to control the lives of men in a rapidly developing democratic society with its complex interrelationships of industrial, economic, political, and social forces. Government became the business of every man, and every man became concerned that his interests were fairly represented in government.

It is in this context that we ought to place the current issue before us.

The thinking which went into the establishment of regional and/or titular representation was one reflective of prevailing geographic and/or hierarchical stratifications of society. These times have long passed.

And so the principal argument of those who would want some other basis for representation than population in at least one house of a State legislature has revolved around the contention that certain citizens in a democratic society have peculiar problems which can only be handled fairly through a body which is disproportionately weighted.

Advocates of this position have maintained that minority rights are as important as those of the majority in a democratic society—that the concept of a State senate is nothing more, nothing less, than an embodiment of this basic democratic principle.

But, as attractive and tempting as may be this kind of an argument, the fact of the matter is that such a democratic principle was never meant to block needed municipal reforms, was never intended to favor the rural interests over more thickly populated, and more heavily assessed municipalities, was never designed to intimidate the hopes and aspirations of the larger community of citizens in any State.

The argument of minority rights is a rather misleading one. There are many other legal guarantees and procedures which seek to maintain this principle and which have, traditionally, been successfully resorted to and applied. It was never meant to perpetuate the political control of a few over the many. It was only meant to protect the rights of the minority, not to extend their dominion.

As the political scientists discussing this problem under auspices of the Twentieth Century Fund have so cogently stated:

> But surely the problems of cities and suburbs, and their need for Government aid, have been as great as those of rural areas in recent decades; yet no one has been heard to argue that city and suburban voters should therefore have been given disproportionate weight in legislatures. As for the argument that rural citizens are a minority needing special protection, would anyone contend that in the States still predominantly rural—North Dakota, for example, or Mississippi—the urban minorities should be given extra legislative seats?

The junior Senator from Maryland in his excellent maiden speech before this body recently described the situation in his State where 15 percent of the people from basically rural counties control 52 percent of the seats in the State senate. He went on to describe a body which could not act on various crucial items of legislation affecting the interests of all citizens of that State but which painfully and in detail argued the pros and cons on the burning question of where to locate an incinerator within the capital city of Annapolis.

The State Senate of Maryland has been actually defended on the grounds that rural counties of that State have problems and interests peculiar unto them and that these must be protected in the senate.

However, critics have rightly argued that since Negroes are a slightly larger minority in Maryland as compared to the population of these same rural counties in that they make up approximately 17 percent of the State's population, it should logically follow that Negroes must be permitted to control the lower House of the Maryland Legislature, at least. If we accept the notion that the legislature of our States was designed to protect the rights of the minority against the majority, then it is perfectly reasonable and logical to advance such an argument.

But the problem is confined not only to the State of Maryland. Political scientists have for a long time pointed to glaring instances of malapportionment in various State legislatures across the length and breadth of this land. In Connecticut where apportionment has remained the same ever since 1876, a majority of the house can be elected by 12 percent of the population. The same percentage holds for Vermont, which has not changed apportionment since 1793. The story is the same in other parts of the country although reapportionment battles waged and being won may have already restructured the situation somewhat. Vermont will be reapportioned in November, for example. A majority of 19 percent can elect the New Jersey Senate; 11 percent in the California Senate; 29 percent in the Illinois Senate; and 17 percent in the Idaho Senate.

These are the reasons why publications such as the journal, Christianity and Crisis, have stated:

> This amendment would be the first constitutional amendment in American history to reduce rather than expand the basic rights of citizens. Grossly inequitable patterns of representation are to be imbedded in the Constitution. It would multiply the difficulty States have in dealing with such issues as housing, transit, and welfare.
>
> The amendment would perpetrate a cruel hoax on those who believe that the voting rights bill will secure them equal voice in government, their votes rendered ineffectual by inequitable apportionment.

For the past few days I listened with intense interest to the opponents, and some proponents, of the so-called Dirksen amendment, which, under certain circumstances, would permit States to apportion their legislatures on factors other than population. In the main, discussion has centered around substantive questions such as I have just concluded.

Both this year and last, speakers have brought their oratorical and intellectual powers to bear on this issue, utilizing the words and works of individuals ranging as far back as Alexander Hamilton

I have heard many of my distinguished colleagues speak persuasively on the great political and moral issues involved, using professorial opinions, newspaper editorials, and Supreme Court decisions as proof of their contentions.

No doubt we are all familiar by this time with the more well-publicized issues involved. Senators far more learned than I have discussed the question of the city versus the farm, majority versus the minority rights, and the role of the electorate in a modern democracy.

I believe, however, that we can take another approach to resolving this controversy, an approach which I believe to be equally constructive. The issue involved, I would suggest, is not only substantive in nature; it is also procedural. The issue is one that threatens the very heart of our constitutional form of government.

The amendment has concerned me profoundly, for I believe that it will undermine one of the most basic precepts of constitutional government. I do not believe that the amendment's supporters consciously desire to weaken the Constitution but the fact still remains that one result of the amendment's adoption will be the undermining of the very system which has enabled the United States to grow and adjust to every condition and every new age.

By focusing on the procedural issue at this time, I wish to emphasize that beyond the question of rights is also the matter of the separation of powers, which was ordained by the Founding Fathers and which has remained one of the foundations of our constitutional government. Last year I felt constrained to speak out against the attempt to obtain a stay in the court order requiring reapportionment. Again I feel it vitally neccessary to oppose the so-called Dirksen amendment which would attempt to circumvent the Supreme Court decision in Reynolds against Sims.

In effect, the initiators of the amendment say that a judicial decision ought to be corrected by legislative decree. If this can be done with the reapportionment decision, who is to say what decisions may be reversed whenever a legislator may feel it desirable?

To approve this amendment would run counter to our traditional views that the judicial and legislative functions must be kept separate. For all practical purposes, there is no other interpretation to this amendment. What has traditionally been the law of the land will become the law of the land if only Congress so wills it.

The framers of the Constitution made clear their objective of establishing a division of powers. Article III, section one of the Constitution states:

> The judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish.

Section two outlines the jurisdiction of the court in the following terms:

> The judicial power shall extend to all cases in law and equity arising under this Constitution.

The only power Congress exercises over the courts is in their creation and in the approval of appointees. Conversely, the courts may not interfere with the legislative processes except in cases of impeachment. Grant that the power to circumvent judicial decisions through constitutional amendments is one which is always present and constitutionally available, the fact remains that such a recourse runs counter to the spirit of both the Constitution and the doctrine of separation of powers.

Before acting hastily on so momentous an amendment, we ought to review the intentions of the Founding Fathers on the doctrine of separation of powers. Alexander Hamilton in Federalist Paper, No. 78 states:

> The complete independence of the courts of justice is peculiarly essential in a limited constitution. By a limited constitution, I understand one which contains specified exceptions to the legislative authority, such for instance, as that it shall pass no bills of attainder, no ex-post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty must be to declare acts contrary to the manifest tenor of the constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Commenting further along in the same paper, he says that if the legislature and the Constitution are divergent in their views:

> The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity, ought, of course, to be preferred; or, in other words, the constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Yet in this amendment we are asked to emasculate a judicial decision and assert almost absolute congressional supremacy. The Supreme Court in Reynolds against Sims and Lucas against the Forty-Fourth General Assembly of Colorado, held that the equal protection clause of the 14th amendment guarantees to all citizens the principle one man, one vote. By permitting States to allow malapportioned State legislatures, this amendment would, in effect, override the Supreme Court.

We are all familiar with the milestone case, Marbury against Madison, which establishes the principle of judicial review and the supremacy of the judicial branch as the only one to judge the constitutionality of our laws. This proposal submitted by the junior Senator of Illinois, would amount to a denial of the Supreme Court to execute its decisions.

I stated earlier that the amendment was a dangerous precedent. What would stop Congress from initiating amendments which would overrule Brown against the Board of Education of Topeka or similar decisions which have established basic rights for all Americans? If Congress is the sole interpreter of the Constitution, who will protect our rights from a possible future Congress which is capricious and precipitate? Indeed, is any judicial decision safe from a Congress which finds it distasteful and so proceeds to initiate an amendment?

The easy recourse to an amendment would tend to weaken the role of the judiciary and thus serve to undermine the Constitution. It would ultimately compel the courts to submit to the legislature and may permit only congressionally approved decisions to be made. In the end we could have, in effect, a system in which a single branch would enact a law, influence decisions on its constitutionality, and perhaps even enforce it, a system which the framers of the Constitution regarded as the very antithesis of democracy.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. INOUYE. I am happy to yield.

Mr. MONDALE. I was deeply impressed by the presentation of the Senator from Hawaii. The comments he made in analyzing the so-called Dirksen amendment reflect a great deal of study on his part, and a great deal of courage, because I believe that the entire Senate is aware of the fact that this is a controversial issue, one that inflames the passions and prejudices of people across the land, in part because the nature of the proposal and the nature of the response are not thoroughly understood.

The Senator from Hawaii has performed an important public service in presenting to the Senate, and to this Nation, a carefully considered and profound statement on the proposed so-called Dirksen amendment. I, for one, am very grateful for this contribution.

One of the questions which concern me greatly about the proposed amendment was mentioned in the speech of the Senator from Hawaii. I refer to the strange fact that some who are supporting the Voting Rights Act of 1965 for the purpose of providing the right to vote for disenfranchised minorities are at the same time supporting the Dirksen amendment, which may have the effect of denying those same people the right to an effective vote.

Mr. INOUYE. That is a glaring inconsistency which I do not quite comprehend.

Mr. MONDALE. I was interested to know that some of the proponents of the Dirksen amendment say that while it might be conceded that the incumbent legislators might be interested in drawing an apportionment plan to perpetuate themselves in public office, yet the second aspect of the Dirksen amendment which requires that the proposal be presented to the people protects them from any bias.

I ask the Senator from Hawaii what type of protection from a racially drawn apportionment plan there would be in southern States which discriminate against Negro voters.

Mr. INOUYE. Very little, if any.

Mr. MONDALE. I have just examined the figures appearing in the report of the Judiciary Committee on the voting rights legislation. In that report it is pointed out that in the State of Alabama 66 percent of the voting-age white population are registered, compared to 18.5 percent of the Negro voting-age population.

In Mississippi 66 percent of the white voting-age citizens are registered to vote, compared to only 6.4 percent of the voting-age Negroes.

How could the adult voting-age Negro population of Mississippi protect themselves at a general election at which a proposed apportionment plan was presented to the electorate of Mississippi, one which would have the effect of redistricting the Negro minority out of effective representation? How could they protect themselves in such a general election?

Mr. INOUYE. I do not see how the protection can be had. I hope that Senators who are now supporting the amendment submitted by the junior Senator from Illinois will read the committee report, especially the section just indicated.

Mr. TYDINGS. Mr. President, will the Senator from Hawaii yield?

Mr. INOUYE. I am happy to yield.

Mr. TYDINGS. I am sure the Senator has heard the protestations of the proponents of the rotten borough amendment that they have no wish or desire to permit the amendment to be used to discriminate against racial groups. They have protested loudly and clearly here and through lobbyists throughout the States across the country. But, I ask, if this is the case, why should the distinguished minority leader [Mr. DIRKSEN], the proponent of the amendment, have offered in the subcommittee the following amendment:

> Nothing in this article shall permit an apportionment based upon any factor or combination of factors which has the purpose or effect of discriminating against any group of voters on account of their race, religion, color, national origin, education, or wealth.

Why should the Senator from Illinois have introduced that amendment in subcommittee, and then, when the distinguished senior Senator from North Carolina [Mr. ERVIN] objected to it, stating that his followers would object to it, withdraw the amendment in committee; and when I reoffered his own amendment in subcommittee, vote against it?

Mr. INOUYE. Those are the things that make me fearful of the Dirksen amendment.

Mr. TYDINGS. Mr. President, will the Senator further yield?

Mr. INOUYE. I yield.

Mr. TYDINGS. The Senator, I feel certain, has heard again the protestations of the proponents of the Dirksen amendment, who consistently advocate that we should let the people decide. They point to the provision which would permit a referendum framed by a legislature to be submitted every 10 years to the people.

I ask the distinguished Senator from Hawaii how such a referendum would work when the constitutions of one-third of the States today contain no provisions for referendum, and the constitutions of another one-third of the States contain no provisions for initiative.

Would the proposed constitutional amendment amend the constitutions in States which do not have provisions for referendums, or would those States, in effect, be left completely in the dark? What would be the effect?

Does the Senator from Hawaii feel as I do, that when the last provision was drafted outside the subcommittee and offered on the floor of the Senate, it was merely another example of why there should not be a hasty, ill-conceived, ill-drawn attempt to draft an amendment outside the processes of committee, where there can be fair deliberation?

Mr. INOUYE. I am in complete agreement with the junior Senator from Maryland. He has just cited a good reason why the proposed constitutional amendment should be rejected.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. MONDALE. Burke Marshall, who I think can be regarded as perhaps the most knowledgeable, seasoned, and responsible attorney in the country in the field of human rights, and to whom the Nation owes an enormous debt for his magnificent contribution in this field, stated in response to this proposal:

> Further, as I have already pointed out, in several States the electorate that would in fact approve any apportionment system in the next few years will be an electorate which is already in imbalance because of existing or past racial discrimination in registering and voting.

Does the Senator agree with that analysis by Mr. Marshall?

Mr. INOUYE. Absolutely. I believe that Mr. Marshall is perfectly correct.

Mr. President, I thank my distinguished friend for his kind and generous words. I close by saying that I have spent many hours thinking about the implications of the proposed constitutional amendment. Just as I could not sit silent last year, so I must speak now against this dangerous attack on our Constitution. The issue is far too significant and great for me not to become deeply involved.

Mr. PROXMIRE. Mr. President, will the Senator from Hawaii yield?

Mr. INOUYE. I yield.

Mr. PROXMIRE. Shortly before the Senator yielded to the distinguished Senator from Minnesota, as I understood him to say, he indicated that a State having a single legislative body could provide for its apportionment on a geographical or political subdivision basis with little regard for population, and then could work its will on the basis of that single body's representation, with population given short shrift.

In saying that, the Senator has hit a crucial weakness both in the Dirksen amendment and in the Javits amendment, which may be offered. I invite attention to the wording of the Dirksen amendment:

> The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate * * *.

The argument has always been made, "Yes; we shall have one house based on area, but the other will be based on population." But the next clause reads: "or giving similar weight to the same factors in apportioning a unicameral legislature."

In other words, after passing the proposed constitutional amendment, we could end with a number of States that wanted to disfranchise the Negro, for example, or any other minority group, or give predominent weight to a rural group or a suburban group or any other group it wished. The State could have a unicameral legislature, with no house representing the people as a whole, the only legislative body being one which was designed expressly for the purpose of giving majority representation to a small minority. This device could be accomplished by apportioning the only house, the unicameral house, on a geographical area basis.

I read a clause from the Javits amendment, which provides the same thing:

> The people of a State may apportion one house of a bicameral legislature, or a unicameral legislature, using geography or political subdivisions as well as population as factors, if such plan of apportionment bears a reasonable relationship to the needs of the State. * * *

Once again, it is obvious that a State legislature could decide how much weight it wishes to give to the population of the legislative house.

In the case of either amendment, we could end with a State legislature consisting of one house with representation based largely on area, which would virtually destroy the opportunity for the citizens to have anything like a reasonable opportunity to influence the election of their State legislatures, which, of course, determine the laws of the States.

The Senator from Hawaii has alluded to that, and in so doing has made a helpful contribution to the debate.

Mr. INOUYE. I have noted with some sadness that many of the proponents of the constitutional amendment proposed by the Senator from Illinois were strong supporters of the voting rights bill. Their support of the proposed constitutional amendment shows a marked inconsistency, an inconsistency which I myself cannot comprehend.

In one bill, we said that all Americans have equal voting rights; but, as explained by the Senator from Wisconsin, the proposed constitutional amendment provides that Americans shall have unequal voting rights.

I hope that the proponents of the amendment will be able to see this inconsistency and resolve it.

Mr. PROXMIRE. The Senator from Hawaii, the Senator from Minnesota [Mr. MONDALE], and the Senator from Maryland [Mr. TYDINGS], in the colloquy just held, clearly spelled out precisely how the Dirksen amendment would, in effect, in all probability, destroy the opportunity for minority groups in the Southern States to have effective representation in their State legislatures.

Furthermore, in many Northern States, where much civil rights work has to be done, as we all know—where now, as a matter of fact, most of the civil rights work outside the South has to be done, because the Negro in the North lives in the cities. In California, 92.5 percent live in the cities. In Illinois, 97.5 percent live in the cities.

The effect of the Dirksen amendment would be to enormously reduce the opportunity for the Negro living in the North to have representation in the State legislature so that he could use his vote to accomplish the kind of fair housing legislation and other legislation which it is important for him to attain in order to achieve the full rights guaranteed to him by the Constitution, and for what the Supreme Court, and the Congress which have worked so hard in his behalf in the last few years.

I again commend the Senator from Hawaii for his excellent speech.

Mr. INOUYE. Mr. President, I express my gratitude to the Senator from Wisconsin, the Senator from Minnesota, and the Senator from Maryland for participating in this discussion in depth.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. MONDALE. Mr. President, it seems to me that the point at which the analysis of the so-called Dirksen amendment must begin is the first phrase, which states that States may apportion one of their houses on the basis of population, geography, or political subdivisions, giving each factor such weight as may be deemed appropriate.

I do not believe there is anyone who has analyzed that particular phrase who does not agree that one could do anything he wished, and probably without judicial review. Even if there were to be judicial review, it would be only in terms of the unlimited scope of discretion vested in the legislature.

We have had nearly two centuries of experience with what State legislatures can do in terms of apportionment. I quote from the distinguished legal authority, Carl A. Auerbach, in his article entitled, "The Reapportionment Cases: One Person, One Vote, One Vote, One Value," appearing in the Supreme Court Review, Law School of the University of Chicago, 1964, who stated:

> In fact, the principal obstacles to equitable reapportionment seem to be the individual legislator's desire to preserve himself and the willingness of legislators as a group to cooperate with each other to accomplish this objective. The "safe seat" psychology also dominates congressional districting. For example, Democrats in overrepresented but safe urban districts in Maryland, New Jersey, Illinois, Massachusetts, Pennsylvania, New York, and Michigan have been content to tolerate overrepresented Republican rural districts and their toleration has been more than matched by their Republican colleagues.

That is what we have seen in Minnesota and in virtually every other State of the Union. The safe seat legislators accommodate each other with comfortable seats that are virtually incontestable. It is not only the rural areas that have been overrepresented. Some urban areas have also been over represented. Nothing has been done by the legislators to disturb this situation.

Thus, we have situations involving apportionment such as that in the State of Connecticut, where in one district the vote of a voter accounts for 424 times as much as the vote of a voter in another district.

Justice Frankfurter, in his dissent in the case of Baker against Carr, said that "relief must come through an aroused public conscience that sears the conscience of the people's representatives."

The tragic truth is that not throughout the history of this country has conscience seared legislators enough to get them to destroy their own safe seats.

Thus, the Dirksen amendment returns to the State legislatures the power to preserve themselves regardless of the fairness of the apportionment.

As we pointed out before, the person who is most disadvantaged, the Negro in the South, would not even be able to participate in the referendum at which the issue would be decided, because he has been disenfranchised or has never been enfranchised.

In addition to that, the question of a popular referendum can be confusing as the writing of "H.M.S. Pinafore" in which he said:

> Things are seldom what they seem,
> Skim milk masquerades as cream.

Mr. President, it is not even skim milk. It is close to water. It is to a hungry person as would be the results of boiling the shadow of a pigeon who had starved to death. That is all that this proposal means. The proposal would be prepared by a legislature which wanted to perpetuate itself. The possibilities defy human imagination.

There are instances which I do not believe we should go into today in which these so-called proposals for apportionment based on population have been made so offensive and stated in such an unfair way that the people would almost certainly turn them down, and they did.

Mr. INOUYE. Mr. President, I am most grateful to the Senator from Minnesota for his magnificent contribution to the subject.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. TYDINGS. Mr. President, I take this opportunity to pay tribute to the political courage of both young men who have just addressed the Senate, the distinguished Senator from Hawaii [Mr. INOUYE] and the distinguished Senator from Minnesota [Mr. MONDALE].

I know that the position which they take is not a particularly popular one in some areas of the electorate which they represent. I know that the vested interests are pouring lobbyists into our Capital. Some individuals have been financed to come to the Capital from the far reaches of our country and lobby on this measure.

I take this opportunity to pay tribute to the courage of both those Senators for standing up and being counted on what is perhaps the most important constitutional amendment to be considered by Congress in this century.

Mr. INOUYE. Mr. President, I thank the Senator for his very kind and generous remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

ORDER FOR ADJOURNMENT

Mr. INOUYE. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD HUNGER AND FOOD FOR PEACE

Mr. MONDALE. Mr. President, one of the few really bold, pioneering international efforts by any government over the last decade has been our American food-for-peace program.

Under Public Law 480, we have sent out more than $13 billion in surplus commodities to help feed the hungry peoples of the world. Our sales for soft currencies have stabilized foreign food prices and added to scarce supplies on their private markets. Our food donations, distributed through foreign governments and the fine work of our private charitable agencies, provide school lunches for 40 million children each day, 40 million children throughout the world who now have a chance to grow sound bodies and sound minds.

Altogether we have saved millions of all ages from hunger and malnutrition, from disease and death. What is more, we have used our food, and the local currencies paid for it, to build schools and roads, to make loans for private investment, to help support the Peace Corps, and to perform countless other good works.

And this program has also brought major benefits to the United States. It has developed new markets for the American farmer. It has reduced the costs of our storage of surplus commodities. It has eased our balance of payments by providing foreign currencies to pay oversea government expenses.

All of these achievements, and more, we owe to the wisdom and skill of the men who sponsored and who administer our food-for-peace program.

I am very proud that my predecessor here in this body, now Vice President Hubert H. Humphrey, had the vision to propose this type of program long before Public Law 480 became law, and was the main guiding, creative spirit which made this program a basic part of the farm programs of this Nation.

But for all its accomplishments, Public Law 480 stands today in urgent need of revision and reform. Eleven years have gone by since its adoption. It has been amended time after time, yet events have moved faster still, until today we have a program which, despite its unmatched accomplishments, needs to be reshaped in fundamental ways.

We have already helped millions, but the food-for-peace program is no longer big enough for today's needs. And if present trends continue, it will be far too small and far too inflexible to meet the needs of the future.

We have increased our emphasis on quality foods, yet still more must be done to develop and supply cheap vitamins and proteins to those suffering from malnutrition.

We have done much ourselves, but we must encourage other nations to make a greater contribution.

We have used food for peace to stimulate economic development in poor countries, but we must point the program even more strongly in this direction.

Finally, we have run an effective program, but in the future we must overcome the fragmentation of its administration by creating some high-level authority strong enough to plan a coordinated attack on the problem of world hunger.

As I have studied this program during the past months, I have been gratified to see many of these difficulties being recognized, and plans being made to cope with them. For the past several months, a special interagency task force, has been studying the program, and the results will shortly be available to President Johnson. The Department of Agriculture, the Agency for International Development, and the Food for Peace Office have all been alive with new ideas and exciting proposals.

The distinguished Senator from South Dakota [Mr. McGOVERN] and the Senators from Wisconsin [Mr. PROXMIRE and Mr. NELSON] have given this whole question constant attention, and the Senator from South Dakota has introduced bold new legislation for a more effective worldwide war against want.

All of this activity, all of this ferment of ideas, is a strong indication that Congress will soon be faced with some fundamental decisions about the future of the food-for-peace program.

First of all, Mr. President, I am convinced that future needs will require us to increase the size of this program, and to allow flexibility for the use of commodities not necessarily in surplus.

For one of the grim facts the world must face is the actual increase in the number of human beings who go without enough to eat every day. What we have is a hunger explosion, and its cause is all too clear—in the poor countries of the world, recent statistics indicate that population is growing faster than agricultural production. In Latin America, for example, food production expanded 6 percent in the last 5 years. But population grew more than 11 percent. Before the war less-developed regions exported 11 million tons of grain to the wealthy countries; today they must import 25 million tons of grain from us. A recent report from the Department of Agriculture spells out the frightening truth—"the less-developed world is losing the capacity to feed itself."

Today 10,000 people will die of hunger or malnutrition in the poor countries of the world. Tomorrow 10,000 people will die, and on and on. As population grows further, this hunger explosion will grow too, to catastrophic proportions, unless men everywhere act strongly and act soon.

I hardly need to point out the contrast, Mr. President, between this sad prospect and the record of American agriculture.

An Indian peasant can hardly produce enough to feed himself. But an American farmer grows enough food to feed himself and 30 other Americans, and to feed them four times as much as the Indian gets.

The problem of the poor nations is underproduction, and ours is overproduction. They suffer from starvation; we from overweight. They save their pennies for bread. We spend $149 million a year for dietary foods, reducing preparations, and synthetic sugar.

With this record of phenomenal agricultural achievement the American farmer could do far more in fighting the world hunger explosion. And he clearly has the will to do far more.

Yet if the present program remains unchanged, he will not be able to do so. For our food for peace program is still based on the negative principle of surplus disposal—that we should give only our leftovers which we cannot use ourselves. This means that many people overseas feel we are just dumping, rather than carrying out a great and humanitarian international program.

And today, under present agricultural policies, our surpluses are shrinking even as world needs are growing. In the last 4 years, our stocks of wheat in storage fell about 600 million bushels, and our stocks of feed grains dropped by 41 percent. Indeed, some experts say that our surpluses have already become dangerously low for our national reserve needs. And the President has wisely called upon the Congress to set aside portions of these surpluses for needed national food reserves.

In 1964 a shortage of dry milk available for donation drastically reduced our ability to supply needed protein under the food for peace program.

In short, unless we go beyond the philosophy of surplus disposal, I fear we will soon have no choice but to cut down our food for peace program, just when world needs demand that we expand it.

Mr. President, I am convinced that we must consciously plan for greater agricultural production, so that after filling the needs of the dollar market at home and abroad, we will have enough to carry out a program large enough to meet world needs and American responsibilities. After all, any intelligent farmer or businessman plans his production several years in advance, and the Government should do no less. And in cases where, despite this setting of future targets, production falls still short of needs, our Government must have general authority to buy commodities in the marketplace for use in this program. This will raise prices to the farmer, encouraging him to grow more of those products which are most in demand.

If we can make these fundamental changes, we may see the day when we can spend some of the money which we now use for idling acres and storing surpluses to feed hungry peoples.

I support the present principles embodied in current farm legislation. I should like to see the income of our family farmers increased. I recognize under present circumstances the necessity for reducing production and paying the costs of storage, unless we are able to devote the vast agricultural productive power of this country to meeting the needs of starving people around the world, unless we can use our resources to help these nations obtain viable economies and establish stable democracies. I would much prefer the latter course. I am sure that if this Nation continues to ignore the latter course and continue to do too little to meet the needs of starving and hungry people, history may write a harsh indictment of American society.

We are by all odds the richest Nation in the world, and we are living at a time when the American farmer can only be described as an economic miracle man, when his productive capacity is the marvel of the world; yet our money is being spent on idling acres, reducing production, at a time when thousands of people a day are dying of hunger, and perhaps hundreds of millions are having their growth stunted or are living under circumstances of malnutrition. I do not see how anyone who has any concept of what our Judeo-Christian society stands for can be confronted with that fact and be satisfied.

But, Mr. President, the amount of our shipments is not the only question at issue. Just as important is the quality of the nourishment that we provide. Our corn meal can help to fill empty stomachs, but unless we supplement it with needed proteins and vitamins, the children we feed will not grow into healthy men and women.

The effects of severe malnutrition are shocking and often irreversible. In developing countries, from 10 to 25 percent of preschool children suffer permanent damage, not only to their physical development, but also to their mental development because of deficient diets.

Yet, such tragic human waste can often be avoided at very low cost. Research by our Department of Agriculture has uncovered new ways of mixing animal and vegetable proteins, plus vitamins and minerals, to provide minimum adequate diets. For example, at a cost of 16 cents per child per year, we can fortify nonfat dry milk to protect children from deficiency in vitamins A and D.

An intensified war on malnutrition would call for increased American production of dry milk and vegetable proteins. The soybean would be in greater demand, along with peanut and cottonseed oils. And our food processing industry would play a large role.

So just as we must plan our production to grow enough total food, we must plan also to grow the right kinds of food, those foods which can supply the proteins, the vitamins and minerals which young children all over the world so desperately need.

I have emphasized the need to expand and reshape our efforts. But, Mr. President, we must also encourage other wealthy countries to join us in waging this war against hunger and malnutrition.

Until recently, few other nations made significant efforts in the field of food assistance. But today we find many are beginning to see the importance of this type of endeavor. Under the World Food Program of the United Nations Food and Agriculture Organization, 39 countries have already contributed commodities, and we are moving toward a wider sharing of this responsibility.

Yet, though it is rapidly expanding, the world food program remains modest when compared to our own efforts—its goal is $275 million in donations for the next 3 years.

We can encourage further contributions by other rich nations if we support an increase in this amount. I think it is a fine thing that at the Food and Agriculture Organization Council meeting at Rome 3 weeks ago, the United States tentatively offered to continue supplying 50 percent of commodity requirements under the world food program. But this offer only extends to donations up to the maximum of $275 million. I believe that we should encourage the program to go beyond this, by pledging that we will match, dollar for dollar in commodities or in cash, any contributions by other nations which go beyond the present target.

Such a pledge would mean channeling a slightly greater proportion of our food assistance through the world food program. In return, we would be bringing others to assume the share of the responsibility which is rightfully theirs.

Yet, if we expand our program and increase the quality of our food, if we bring other nations to play a larger role, our efforts will still be futile in the long run unless we place top priority on our only reasonable, long-term objective—to stimulate rapid economic development in the poor countries themselves.

It is clearly in our economic interest to do so. A recent study indicates that for every 10 percent the less developed countries increase their income level, they expand their dollar purchases of our farm products by 16 percent. Italy, Japan, and now Nationalist China, have already moved from the status of food aid recipients to major dollar customers for our farm exports.

Thus, in promoting economic development, we best serve the long-term interests of American agriculture.

We also best serve the interest of world peace. For as President Johnson has said:

> Our island of abundance will [not] finally be secure in a sea of despair and unrest, or in a world where even the oppressed may one day have access to the engines of modern destruction.

Unless the poor countries make significant progress in building better lives for their people, we will surely see an unprecedented wave of bloodshed, violence, and revolution sweep most of the world, and Communist and other dictatorial governments may well follow in its wake.

The food for peace program can assist in economic development, by keeping down food prices and allowing poor countries to spend their foreign exchange for machinery instead of food. But in the long run, economic growth in developing countries will depend on how they increase their own food production. If only their industry expands, factory workers will have more to spend on limited food supplies, and this will cause prices to rise. Increased food prices will then force wages upward, beginning an inflationary spiral which will bring economic development to a rapid halt, and lead to food riots such as we have seen recently in India.

Thus, the situation is clear. Without agricultural progress within the poor countries, without balanced growth of agriculture and industry, they can have no sustained economic growth.

Even worse, without this agricultural progress there will be mass starvation, for food donations from advanced countries could never fill all of the increasing need.

In connection with this problem, I also do not feel that we can ignore the need to find some way to slow down the growth of population. I am happy that political and religious leaders everywhere are more and more recognizing this fact. But, even if we take strong steps in this direction, there is still a desperate need to improve food production in poor countries. It is necessary to prevent increased starvation; it is necessary to promote economic growth. And, strange though it may seem, it is only through improving their own agriculture that these countries can, in the long run, grow into major dollar importers of American farm products.

We must make certain, therefore, that we use our food program to stimulate progress in foreign agriculture. We must give more technical assistance to farmers in poor countries. It is easy to provide these countries with factories, featuring the latest and most modern equipment, but it is much harder to adapt our American agricultural technology to very different soils and climates. It is still more difficult to persuade illiterate peasants to use advanced methods.

Thus, we are tempted to make a quick impression with factories, but a onesided stress on industry can be the worst thing for these countries. So that we must follow the harder path, the only right path, of putting top priority on growth in farm production.

First of all, we should make more of our food assistance conditional on greater attention to agricultural progress by the governments of developing countries. Among other things, they should be expected to increase imports of fertilizer, to expand their agricultural extension services, and to adopt needed land reforms.

We should also consider requiring that more of the local currencies generated by Public Law 480 sales be used for agricultural development projects. In particular, we should help finance research in agricultural techniques particularly applicable to tropical climates and soils.

In addition, we must do all we can to export our agricultural know-how, by increasing the use of our experts in the International Agricultural Development Service of the Agriculture Department and the Agency for International Development, and by searching for new ways to lend effective aid. We should expand the agricultural assistance activities of the Peace Corps. We might explore ways to use returned Peace Corps volunteers, with their experience and their knowledge of foreign languages and cultures, in this expanded program to support agricultural growth.

Finally, I believe that we should consider undertaking crash programs of rural development, in particular, countries threatened by revolution or subversion because of unrest in the areas away from the large cities. Such programs would combine the imaginative use of food for peace with intensive efforts to bring rapid increases in agricultural production. It is not too much to say that if we had carried out such a program in the Dominican Republic, the recent tragedy there might never have come to pass. For as Senator McGOVERN told this body last month:

> One in five children born in the Dominican Republic dies of malnutrition.

To bring about the changes that will be required, to administer a revised program based on changed conditions and new needs, our food-for-peace program will require strong policymaking at the top. So the final question we must face is the organization of this program here in Washington.

Up to now, the agencies responsible for this program have run it with real efficiency and impressive cooperation. Yet the present situation is clearly one of divided responsibility and fragmented authority. The Department of Agriculture, the Agency for International Development, the State Department, the Bureau of the Budget, the Department of Defense, the Commerce Department—all of these, and others, have important administrative duties in the food-for-peace program.

But, below the level of the President, there is no one clearly in charge of making policy for the whole operation. We have a Food for Peace Office, headed by an able Director, but this office has no real power to direct our overall efforts, or to help plan our agricultural production so that we can continue and expand our food-for-peace program.

I believe that this vital responsibility should be exercised by a body at the Cabinet level. It is my hope that, when he proposes changes in the program, the President will consider the establishment of a Food for Freedom Policy Council, on which would sit the Director of a strengthened Food for Peace Office, the Secretary of Agriculture, the Secretary of State, the Administrator of the Agency for International Development, and other high officials who now have partial responsibility for the program.

Such a Food for Freedom Policy Council would be responsible for planning America's overall policy concerning the world food problem, including food for peace and technical assistance to agriculture. It would set targets for U.S. agricultural production to enable us to do more in filling world needs, and it would recommend to the President and the Congress the policy changes necessary to achieve these targets.

To increase international cooperation in facing the world food problem, this Council would consult frequently with officials of the Food and Agriculture Organization and the world food program.

Mr. President, there is room for us to differ on specific institutional arrangements, and the suggestion I have put forward would have to be worked out in far greater detail. But I feel there is little room for argument about the need to have greater policy direction and planning, if our program is to be bold enough to meet the challenges which await us.

Mr. President, every American should look with pride on the achievements of our food-for-peace program. As my distinguished predecessor, HUBERT HUMPHREY, said less than a year ago:

> No nation has ever done more to wipe out hunger in the vast areas of the world than the United States.

But the accomplishments of the past will not solve the problems of the future. For, as the Vice President also said, in his next breath:

> We have merely scratched the surface.

Two years ago, speaking to the World Food Congress, John F. Kennedy warned that "World peace and freedom cannot be maintained in a world half fed and half hungry." These words are no less true today.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I am delighted to yield to the distinguished senior Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, this is a speech which needed to be made. I know of no one who is better qualified, for many reasons, to make it, than is the distinguished junior Senator from Minnesota. In the first place, he comes from a great agricultural State. It is a diversified agricultural State. It has played a big part in this food-for-peace program.

In the second place, as he has said in his speech, the man who inspired the program and championed it on the floor of the Senate for many years was his great predecessor, the then Senator HUMPHREY, now the Vice President of the United States.

I well recall, when I first came to the Senate, Senator HUMPHREY talking to me in this Chamber about this program, what could be accomplished with the program, and how it could enable us to use our magnificent resources of farm production to solve what is the most pressing and difficult and cruelest problem in the world, the problem of starvation.

The Senator has pointed out what I temporarily neglected to note, and what most Americans do not realize, that we have a hunger explosion. We have not only a population explosion, but also a hunger explosion. Although agricultural production in developing countries has increased rapidly, the fact is, as the Senator has pointed out, population has increased even more rapidly. Therefore, we are not gaining ground to hunger but losing ground.

He points out—and this should impress all of us, because we are a fat, overfed people, because we are an overfed and overstuffed people, many of us are dying of heart attacks—that throughout the world one-half of the people are hungry, pitifully hungry. Using Public Law 480 food in this way is the most logical thing we can do.

I refer particularly to the Senator's remarks at page 4 of his manuscript, where he is quoted as saying:

> Our food-for-peace program is still based on the negative principle of surplus disposal—that we should give only our leftovers which we cannot use ourselves.

I ask the Senator from Minnesota if it is not true that if we were to change that concept, and put it on a positive basis, it would have a profound effect on the technology of the American farmer, good as it is. Is it not correct to say that there is psychological and economic pressure on the American farmer to limit his production and not to take advantage, to the extent that he would like to, or could, of the great new techniques that have been developed because it is plain to him that he produces more food than we can use, and the more he produces the more his price drops. The whole psychology is to produce less and to work less, to put more into the Soil Bank and not to produce.

Mr. MONDALE. I am grateful to the Senator from Wisconsin for his observation with respect to the food-for-peace program. His opinion is extremely valuable, because the senior Senator from Wisconsin was always going forward arm in arm with the Vice President, then Senator HUMPHREY, with the inspired objective of trying to use American agricultural production to help the starving and underprivileged throughout the world.

It is characteristic of his modesty that he has failed to point that out.

Getting back to the question the Senator has asked, there is no question in my mind that the present outlook of American agriculture is one of channel vision; it is limited to the boundaries of this country.

Our agricultural economics—and the Senator is aware of this fact, because he serves with distinction as a member of the Committee on Agriculture and Forestry—has been one of trying to balance supply and demand with respect to domestic needs. For years we have failed to look at the needs of our own underprivileged within our own land.

I was glad that the Senator from Wisconsin and such able leaders as the late President Kennedy, and now President Johnson, have greatly expanded distribution of American food through such programs as the Food Stamp Program, in an attempt to make more agricultural products available to people in our own midst.

Mr. PROXMIRE. Yes; this is something that I had forgotten about temporarily. We are not doing the kind of job that we should do. In the school milk program, for example, a cutback had to be made in the amount of milk made available to our own school children, because the appropriation was so small. We were practicing a fake, wasteful economy. There is a law on the books which provides support for milk at 75 percent of parity. We are storing vast amounts of dairy products, only to let them rot. At the same time we are cutting back on the amount of milk available to children in our schools.

This year the proposal of the Bureau of the Budget, and what the House passed, were at least $10 million lower than they should have been.

If we were to give full vent to the school milk program, we would make the amount about $113 million. The Bureau of the Budget and the House agreed on a $100 million program.

Even here in America we have not recognized the possibilities of making food available, as the Senator says, to people within our own boundaries, let alone the unlimited opportunity for service to the world in achieving peace by opening up this opportunity to people throughout the world.

Mr. MONDALE. That is particularly true in the high protein field. In my speech I commented on some of the newest technology. I pointed out that, in one case, we were opening up ways by which, at a cost of only 16 cents per year, we could introduce into some of our food reserves of low protein content special additive that would make the food adequate from a high protein content standpoint. The same thing could be said for farm production. If we could have the type of program about which I am speaking, we could encourage substantially increased production of agricultural products of high protein content, and therefore we could meet a special need for the underprivileged and starving people at home and abroad.

Mr. PROXMIRE. Yes, indeed. That field has great possibilities. I see in the Chamber, the Senator from South Dakota, who as head of the food-for-peace program did such a magnificent job. I shall yield to him in a moment. I should like to ask one more question.

First, I commend the Senator from Minnesota for his stress on improving food production. Many of us think of the program as a surplus disposal program and do not recognize that unless it is widely administered, it could be very destructive. It is possible that people become reliant on regular large food gifts from this country with the result that they do not improve their own agricultural technology. Until they do so, as the Senator has pointed out, they will really make no progress. That is the first step up from poverty. Until agricultural techniques are improved so that manpower can be freed to do other things, the people will be limited by their food supply.

The Senator's stress on that point is most appropriate and often forgotten in this kind of approach.

I should like to ask one technical question. I have heard it said that we shall have difficulty in expanding our food-for-peace program because countries do not have the port capacity, the transportation, and the storage facilities to receive any more food than they are now receiving. India is cited as an example. It is said that India seems to be having trouble in handling what it is getting today. Is there some sort of absolute limitation on how much food poor countries can receive?

Mr. MONDALE. I am glad the Senator from Wisconsin has raised that question. It is a question that I have often asked. My speech did not get into it as deeply as I would have liked. It is true that limited port and transportation facilities, as well as storage, have been real problems. But I think it is wrong to conclude that they are insurmountable, or that they impose an absolute ceiling on the amount of food we send to hungry peoples no matter how great the need.

First of all, if these governments are faced with the choice of either improving their ports and adding to their internal transportation, or letting thousands—even millions—of their people die, they are going to have to build better facilities. This is the only sane political course for them to take, not to mention the basic morality involved.

But also, we have clear evidence that countries can increase this capacity if they make strong efforts. Take India, the largest Public Law 480 recipient by far. A year ago, her ports were unloading no more than 600,000 tons of grain a month at the most. At the request of the Indian Government, our Aid agency sent to India a team of American experts representing both government and private enterprises. They arrived last September and spent a month studying port management and cargo-handling practices. They concluded that India could adopt certain changes, and increase her port capacity to 780,000 tons of grain.

Now this year, after our longshoremen's strike ended in March, India had to unload an unusually large number of ships in April and May. By adopting the new techniques she was able to receive more than 950,000 tons in May, an improvement of over 50 percent in less than a year. And this is 950,000 tons cleared from the docks, meaning it was loaded onto railroad cars and on its way toward the people who needed it. This exceeded the best hopes of the American technical assistance team, and while a part of the improvement may have been due to diverting some facilities from other cargoes, I think this shows clearly what a country can do if it has to act.

For the long run, India is planning a new port at Haldia on the east coast, near Calcutta, which can relieve congestion and permit the unloading of larger ships. This is likely to be ready within 5 years.

Pakistan also has made substantial improvements. Through a combination of her own efforts and aid from the United States and the World Bank, she has almost doubled the capacity of the port of Karachi in the last 10 years, and for East Pakistan the record is even more impressive.

I am not denying that the problem raised by the distinguished Senator from Wisconsin is a real one, but I am convinced that it can be solved, especially if it is a choice between increasing capacity and letting millions starve.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. MONDALE. I am pleased to yield to the outstanding expert on Food For Peace in this country, the distinguished Senator from South Dakota.

Mr. McGOVERN. I thank the Senator for his overly generous words.

The Senator from Minnesota has delivered the finest statement I have heard on challenge of world hunger and what our response to that challenge ought to be.

The Senator has described in moving terms the world food gap. I regard it as the most important single problem in the world today. I use those words advisedly. If we cannot figure out some way to deal with the problem that faces half of all the people on this globe today—and that is the problem of adequate food, either too little food or the wrong kind of food—we are in for very serious times.

Human hunger, human misery and disease, all of which are interconnected, are at the bottom of a good many of the tensions, instability, and explosive situations that exist all over the world.

The Senator from Minnesota is addressing himself to an absolutely crucial problem. It is crucial from a moral standpoint. It is crucial from a political standpoint. It is crucial from an economic standpoint.

The Senator has also described in effective terms the rough outline of what ought to be our response to that problem, which is to harness the bountiful productive capacity in this country—capacity that we have been trying to idle at great expense to our taxpayers—and put that bounty to work in the cause of health and peace all over the world.

I fully appreciate, as does the Senator from Minnesota, that until we find a more effective way of using this food overseas, we must have some kind of control program at home to keep the surpluses from destroying our agricultural economy.

The time has come, however, particularly if we look at the dwindling food reserves in this country, to do what the Senator from Minnesota recommends today, and that is to take an imaginative and careful look at the possibility of using our ability to produce to take care of the needs of hungry people overseas.

Today I was talking with one of the world's leading nutritionists, Dr. Zabrel. He told me that there are now 3 million children who will die before the end of this year because of malnutrition or outright hunger; and that rate has continued annually for some time.

It may be that the cause of death is not listed as hunger. It may be that a child will be said to have died from chickenpox, influenza, or any one of the diseases that take the lives of children all over the world, but the reason children die from those diseases—diseases youngsters in this country would throw off—is that they are so undernourished and poorly fed that they have no resistance.

If today the American people were told that 3 million children were about to die because of some dramatic catastrophe, perhaps an earthquake or famine or flood, they would respond quickly.

We would do everything we could. We would have our globemasters flying food to them. We would make our military forces available to help distribute it. We would bring ships out of the mothball fleet and do whatever we could to make that food available.

But we do not see the silent death occurring all over the world. Millions of men, women, and children drag out their lives undernourished and underfed, dying premature deaths, not being able to make a contribution to society because of the lack of energy that stems from bad diet. It is to that question that we must address ourselves as a nation that has been blessed and can produce food beyond our own needs.

I commend the Senator from Minnesota for helping to open up this subject on the floor of the Senate. This is really the kind of war we ought to fight. We can win a war against hunger. It is the kind of war the United States is better equipped to fight than any country in world history.

The challenge is greater to meet than in the past.

I welcome the opportunity to join the Senator from Minnesota in the magnificent effort he has made in the Senate this afternoon.

Mr. MONDALE. I am highly grateful to the distinguished Senator from South Dakota for his comments. He is universally regarded as the Nation's leader in this great fight. He was the first Food for Peace Director, receiving one of the first appointments made by the late President Kennedy, and thus he was responsible for shaping much of today's program. Incidentally, he incorporated many new and creative ideas in the use of food to help children, to help build roads and schools by using food for wages, and to expand and encourage the participation of private charitable and religious organizations in food distribution. Our Nation will forever be indebted to him for his contributions, and also for the literature that he has written. This literature has helped more than that from the pen of any other man to develop this Nation's understanding of the great problem which we confront in facing what can only be described as a hunger explosion.

The point that the Senator from South Dakota has made about seeing for the first time this silent hunger, as he so aptly described it, is the very core of the problem. If we have a neighbor down the street who is starving, everyone responds. If people in American society are starving, and we see it, we respond without question. It is what a decent person does without question. If there is a disaster overseas—an earthquake, a tornado—time and time again our Nation has responded without question to make available any resources we have to help those people in their hour of need. What is different with this silent hunger; this hunger that takes the lives of at least 10,000 people a day? It is silent; it is unseen; it is unknown. And it is not only death that we must prevent; we must relieve bodies and minds from malnutrition, not merely in the thousands, but in the millions.

Mr. McGOVERN. The Senator knows that one of the unfortunate, permanent aspects of malnutrition is that when a youngster lives out the period of life after weaning until he is perhaps 5 or 6 years old, with a bad diet, a diet lacking in protein, minerals, and vitamins, there is nothing that can be done in later life to correct the permanent damage that has been done to the physical and emotional life of the child. That youngster will be warped for the rest of his life. The most critical period is from the age of 1, after the child has been weaned, until he is 6 or 7 years old.

One of the reasons why it is critical is that the child at that age is not old enough to fight for his share of the food that is available. There is a mistaken notion in many underdeveloped countries that the father ought to have the major share of the food because he is working in the field and is doing the physical labor. The mother will carefully set aside the largest portion of food for the father.

Actually, it is the little child that suffers the greatest damage; it is the child, more than adults, that requires the most food and requires a balanced diet. So what we are talking about here is perhaps most acutely the problem of children.

The Senator from Minnesota is quite correct in saying that if the American people had their way about solving this problem, they would perhaps be ahead of Congress. The American people are generous, moral people. What they need is more aggressive leadership from Congress and more aggressive leadership from our policymakers downtown. They will quickly respond to the kind of program that will harness our abundance in the cause of peace and freedom.

I feel certain that the Senator's distinguished predecessor, who is now the Vice President of the United States, and who in many respects is the father of the food-for-peace program, a man who stood on the floor of the Senate 10, 12, and 15 years ago, talking about the possibility of greater use of our food abundance overseas, would be proud to hear the junior Senator from Minnesota, his successor, speak out as he has done today.

Mr. MONDALE. I deeply appreciate the Senator's kind comment. I cannot imagine a program in which more interests of Americans converge than this. It is not merely our moral responsibility, which, in my opinion, ought to be enough. But we stand as the richest Nation in the world, the major surplus-food-producing nation in the world, with incredible unused agricultural productive power and surpluses being held at Government expense, while thousands of people starve and millions have stunted physical and mental growth because of malnutrition. I do not believe we can live in that kind of world and respond in that way without being hated, just as our neighbor would hate us if we did not help him when he was starving.

Second, at a time when we are in a titanic struggle with the forces of communism and other forces of dictatorship for the minds of men, surely we must know that it is hunger, illiteracy, disease, and poverty together which are our main enemies. It is the desperate acts of frustrated people who reach out for fanatical leaders that are our major problems. The use of American food in an enlightened, creative manner, and in the fullest sense, can help to destroy the very basis of our major enemy.

Third, if we would use our best agricultural productive power to help to meet the needs of the people of the world for food, we would give to our agricultural economy the lift it desperately needs.

Any Senator who represents a farm population cannot help being struck by the fact that farm people are fine, hardworking Americans, investing their lives in their chosen profession, while receiving less than almost any other group for all they have contributed to the rest of American society. That is not fair.

In addition, by using the surpluses to help nations to get on their feet, to build strong, viable economies and, hopefully, democracies, we have already demonstrated that we can create new markets for industry and for farm products, as we have already done in Japan, Taiwan, Italy, Spain, and elsewhere.

Thus, by helping them, in the long run, we will create markets that will strengthen our economy.

Finally, I do not believe any nation, any strong Christian society such as ours, can forever ignore its moral responsibilities and remain fat in a starving world. We cannot fail to respond to the growing voice of humanity crying out for enough food to survive and get started.

For all these reasons, I believe the time has come for our Nation to open its eyes and to take the steps necessary to be the kind of compassionate, humane Nation that I believe we can and must be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

PEARSON IS MISTAKEN ON VIETNAM

Mr. PROXMIRE. Mr. President, what I am about to do is not a pleasant task. It is probably not a wise task for anyone engaged in politics.

Two of the outstanding columnists and the most widely read and respected columnists in the country are Walter Lippmann and Drew Pearson.

Drew Pearson supplies something that is very badly needed. He is a muckraker. He does an excellent job. He exposes scandals and situations involving weakness, inefficiency, incompetency, and dishonesty in our Government. He is a columnist who is widely read in my State.

I regard him as a man of great integrity and ability, as a man of compassion, and a fine human being.

Like everyone else, Drew Pearson can be mistaken. It seems to me that in his column of Tuesday, July 27, he was very much in error in what he had to say. What he had to say can have a most unfortunate effect, I believe, on the attitude of our people toward the war in Vietnam.

I believe that he must be answered.

Pearson made a series of statements about the situation in Saigon. I was deeply concerned about those statements.

I have sought, through my staff, to discuss the matter with members of the executive branch and the various departments to find out what the facts are, or what our most competent and knowledgeable people understand them to be.

One of the assertions made by Drew Pearson was as follows:

> The South Vietnamese Army is suffering from such wholesale desertions that it is risky to arm it. The arms go over to the Vietcong.

There is no evidence that the desertion rate is up. It has been fairly constant for years and is related generally to such factors as low pay or no pay, poor commanders, difficulty of fighting, and unpleasant conditions.

In the southeast Asian context, the desertion rate is not abnormally high. The Vietcong desertion rates, on the other hand, may very well be higher. However, this is very difficult to judge or to measure.

The better index of the Vietnamese fortitude is casualties suffered by South Vietnamese armed forces: 26,000 have been killed in action in the past 4 years, and 51,000 have been wounded.

In relation to population, this is 10 times the rate of loss the United States of America suffered in Korea, and it is substantially above our total losses in World War II.

The South Vietnamese have fought and endured for a long time. Pessimistic out-of-context emphasis on a problem like desertion gives a misleading impression.

The second assertion in Pearson's column of July 27, 1965, is:

> The Saigon Government, always corrupt, always ineffective, might just as well be scrapped.

This undocumented assertion does not reflect the views of our mission in Saigon, or of policymakers in Washington. Ky himself is not known to be personally corrupt, nor was his predecessor, Dr. Quat. Certainly no one here or there believes that the present government "ought to be scrapped."

The third assertion by Drew Pearson is as follows:

> American popularity once reasonably high, has nose-dived. It is now on a par with the anti-French feeling during the long civil war in French Indo-China.

Mr. President, that is nonsense. There is no evidence to support this view. All signs, except Communist propaganda, point in the opposite direction. Americans live as individuals or in small groups of two, three, or four all over Vietnam, working on AID projects, schools, information programs, and so forth, or, as military advisers. We would know quickly enough if they were no longer welcome. Quite the opposite is the case. Villagers and the local population are at pains to help and care for Americans.

The Americans are, of course, targets for the Vietcong terrorists, but the relatively low number of successful attacks against U.S. civilians proves that this Vietcong tactic does not have widespread popular support.

Americans are working and fighting with the South Vietnamese for a cause defined and supported by them—not, like the French, against the Vietnamese to maintain a fading colonial empire.

The fourth charge made by Drew Pearson was:

> Sixty percent of South Vietnam is now in the hands of the Vietcong, with many villages still supposedly loyal to the government probably actually disloyal.

Mr. President, that is a misleading statistic. The Communists have varying degrees of control of substantial parts of the Vietnam land area, including much of the mountainous and less populous areas. Their control is largely negative in character. They can disrupt and harass efforts by the South Vietnamese Government to exercise governing power in such areas. They can cut roads and bomb bridges. However, their control is not positive in the sense that they could not build bridges, repair roads, or carry on the normal processes of government unless the South Vietnamese Government permitted them to do so.

The Vietcong do not have a single city or province capital.

The strength of the Vietcong, such as it is, is among the peasants and rural population, a group that, in southeast Asia, as elsewhere, even in the rural United States, is traditionally mistrustful of Central Government authority.

Communists have exposed this trust, but have not shown that they, in turn, would have the positive support of the peasants if they sought to rule.

When they try, and try to collect taxes, for example, the peasants quickly turn against them. The South Vietnamese Government has the support of virtually all the more educated people, and this is not to be written off lightly. All the major groups in South Vietnam: Catholics, Buddhists, sects, labor unions, political parties like Dai Viet—oppose the Communists. They may have their differences about the kind and complexion of government they want in Saigon, and their inability to unite behind a strong one is one of the chronic problems of South Vietnam. But this does not mean they prefer the Communist alternative.

The last assertion by Drew Pearson is that the policy of bombing North Vietnam has been a complete failure. Military supplies have continued to come down from the north.

This is not the view of Pentagon experts and others who have studied the situation. Carefully pinpoint bombing has taken out a large portion of North Vietnam's logistical and military capability, especially as it relates to the war in the south. There is every reason to think this has made it significantly more difficult for Hanoi to supply and support the Vietcong. The shrillness of North Vietnam and Peiping propaganda—including protestations that it has not affected their will to fight—should not be taken at face value, any more than should their charges that we bomb hospitals and civilian facilities—which we have not done. North Vietnam is a tightly organized totalitarian society, with leadership concentrated in a few hands at the top. Those few, such seasoned Communists as General Giap, Le Duan, the party theoretician, and, of course, Ho Chi Minh himself, would be unlikely to tip their hand except for a purpose. And they are under no meaningful public or popular pressure at home, since they so totally control the means of communication and personal expression. Pearson seems to have made the elementary mistake of taking Communist propaganda at its word. If North Vietnam really was not bothered by the bombing they would not devote so much of their diplomatic and propaganda effort to branding us as villains precisely because we bomb, and to trying to have pressure brought on us by other countries to make us stop.

There is one other point mentioned by Drew Pearson. He states:

> The above facts show the contrast between war in Vietnam and war in Korea. In the Korean war, the United States was supported by a strong patriotic civilian population that gave full cooperation. We also had the advantage of a Korean army, much of it well trained and willing to fight. There was no problem of an enemy constantly disappearing into the jungle.

Pearson's memory in this respect is short. With all due respect to the valiant Koreans, things were not all that rosy then, either. The enemy was often hard to find, the South Koreans sometimes got tired of fighting, the ROK Army was not well trained or prepared when the war started—that was one reason North Korea invaded when they did—and to this day it is necessary for two U.S. divisions to stay there to protect Korean security and independence against further or renewed Communist encroachment. Even the origins of that war were not thought to be all that clear at the time. Has Pearson forgotten the extensive Communist effort to make it appear South Korea started the war? This is a point the Communists, by the way, have never conceded. And the charges of germ warfare against us that were so widely believed among the neutral countries? Also, granted this was a splendid example of collective security under the U.N., let us not blind ourselves in retrospect by forgetting that this too was largely a U.S. effort in terms of numbers of forces and size of military commitment.

At a time when so many of us are supporting the President in his efforts to persuade the United Nations to come into the South Vietnam situation, we should recognize that getting the U.N. involved will not be the end of our South Vietnam fighting and dying. It required a long time after the U.N. came into Korea to end that situation. It will be a help, but of limited military help.

Mr. President, I ask unanimous consent to have the appropriate part of the article by Drew Pearson entitled, "Bad News From Saigon" to which I have made reference printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BAD NEWS FROM SAIGON

Here is some of the distressing news from Saigon that has caused the series of White House huddles over future policy.

The South Vietnamese army is suffering from such wholesale desertions that it is risky to arm it. The arms go over to the Vietcong.

The Saigon Government, always corrupt, always ineffective, might just as well be scrapped.

American popularity, once reasonably high, has nosedived. It is now on a par with the anti-French feeling during the long civil war in French Indochina.

Sixty percent of South Vietnam is now in the hands of the Vietcong, with many villages still supposedly loyal to the Government probably actually disloyal.

The policy of bombing North Vietnam has been a complete failure. Military supplies have continued to come down from the north.

The above facts show the contrast between war in Vietnam and war in Korea. In the Korean war, the United States was supported by a strong patriotic civilian population that gave full cooperation. We also had the advantage of a Korean army, much of it well trained and willing to fight. There was no problem of an enemy constantly disappearing into the jungle.

LIPPMANN ERRORS ON VIETNAM

Mr. PROXMIRE. Mr. President, as for Walter Lippmann's criticisms, Mr. Lippmann's charges are less specific, and more generalized, but I think I can discuss them a little more briefly.

Mr. Lippmann states that no Asia or NATO nation supports us in the effort to help South Vietnam in its fight against Communist aggression. Is this the case? The answer is emphatically, "No."

Great Britain has stated its support and has a police advisory team in Vietnam. Her prior commitments in Malaysia against similar aggression precludes her doing more. She is a member of NATO. Italy, a NATO member, supports us in Vietnam. It has sent a surgical team there. West Germany, a vital NATO link, supports us. It has extended economic aid.

The Government of Japan supports this stand against Communist imperialism and has given considerable economic aid to South Vietnam. Korea, the Philippines, and Thailand support our action and have sent assistance as have Australia and New Zealand.

Lippmann then goes on to say no vital American interest is involved in the defense of Vietnam. It is not the same, he says, as when Hitler was in sight of the conquest of Britain or when Japan threatened the whole Pacific. Mr. Lippmann ignores the fact that if the Western Powers had stood firm in such places as the Rhineland, Munich, and Manchuria, Hitler would not have stood in sight of Britain's conquest, nor would Japan have threatened our own western coast. But, unfortunately, there were people then who said that those places were not vital. People in authority listened to these councils and we paid a terrible price. Fortunately, Mr. Lippmann's views do not command a similar following today.

South Vietnam does not want to accept Communist domination. Ten years ago this country asked us to help them avoid this fate. We said yes to this plea; now Mr. Lippmann says it was a mistake. He forgets that a lot of other countries from Japan to France have made the same request and received the same reply. These countries are now watching Vietnam to see just how much that reply was worth. The world is too small for us to make second class commitments.

This does not mean as Lippmann suggests, that we are "policeman for mankind." It does mean that we should honor our commitments to assist a small country to resist aggression. It also may mean that in some cases we will carry a substantial part of the burden of resisting such aggression, though I am confident we will continue to have the support of those everywhere who believe in peace and honest self-determination.

Vietnam is not a decisive test, says Mr. Lippmann. Again, people said this about Czechoslovakia and Manchuria.

Korea did not stop the defeat in Indochina, says Mr. Lippmann. Korea did convince the Communist world that conventional aggression was too risky. That is why they advocate now the type of aggression that won for them in Indochina in 1954. They must be made to realize that this type of aggression is also too risky. I fail to see how abandoning South Vietnam to the Communists of North Vietnam can do anything but encourage Communist regimes in North Vietnam, China, and Cuba in their belief that subversive aggression is profitable.

I agree with Mr. Lippmann that these so-called revolutionary wars are difficult to deal with. I agree that it would be nice if we could cure the vulnerabilities that the Communists exploit rather than have to use military force to counter the aggression that takes advantage of these vulnerabilities. But to build a strong, viable state takes time. When the Communists do not give the victim enough time, and resort to military aggression and subversion, then we will respond. This was the case in Greece and in Malaya. I cannot agree that we can leave to the Communists all those countries that suffer from the vulnerabilities of underdevelopment.

Mr. President, I ask unanimous consent that the article of July 27 by Mr. Lippmann to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ASIAN WAR

(By Walter Lippmann)

We are about to pit Americans against Asians on the continent of Asia. Except for the diminishing and disintegrating South Vietnamese army, we have only token or verbal support from any Asian country. No great Asian power, Japan, India, or Pakistan, is alined with us. None of our European allies is contributing anything beyond scattered verbal support. We have no mandate from the United Nations as we had in Korea, none from NATO, none from the nations of this hemisphere.

The situation in which we find ouselves is unprecedented, and the best the administration has been able to achieve by way of approval and support from our own people is a reluctant and depressed acquiescence. For there has been no proof, not even a real attempt to prove, that the security of the United States is vitally threatened in this war as it was, for example, when Hitler was in sight of the conquest of Britain and the capture of the British fleet, or when Japan with a great navy threatened to command the whole Pacific Ocean including Hawaii and the coast of California.

Nations fight well when they are defending themselves, when, that is to say, they have a vital interest. It is the lack of an American vital interest which explains the current mood of depression and anxiety, which explains why our intervention in southeast Asia has for 10 years been so gingerly, so furtive, so inadequate.

There are in truth two main reasons why we are becoming ever more deeply involved in Vietnam. The first, much the more powerful of the two, is a proud refusal to admit a mistake, to admit the failure of an attempt, begun 10 years ago, to make South Vietnam a pro-American and anti-Chinese state. More than anything else we are fighting to avoid admitting a failure—to put it bluntly, we are fighting to save face.

There is a second reason which weighs heavily with many conscientious people. It is a respectable reason. As stated by the New York Herald Tribune on Sunday:

"We're in Vietnam at the express invitation of the Vietnamese Government; we're fighting there for the Vietnamese people. But we're fighting also for the millions of people in the other threatened lands beyond, people who haven't the power to defend themselves from the Chinese colossus, and whose lives, safety, and freedom depend on the strong arm of the policeman—which only we can provide."

My own view is that the conception of ourselves as the solitary policeman of mankind is a dangerous form of self-delusion. The United States is quite unable to police the world, and it is dangerous to profess and pretend that we can be the policeman of the world. How many more Dominican Republics can the United States police in this hemisphere? How many Vietnams can the United States defend in Asia?

The believers in America as the world policeman get around these practical difficulties by making an assumption—that what happens in Vietnam will determine what happens elsewhere in Asia, that what happens in the Dominican Republic will determine what happens all over Latin America. This notion of the decisive test is a fallacy. The Korean war, in which we successfully defended South Korea, did not determine the outcome in Indochina. What we have done in the Dominican Republic will not protect any other Latin American country from the threat of revolution.

Revolutionary wars are indeed dangerous to order and it is baffling to know how to deal with them. But we may be sure that the phenomenon of revolutionary wars, which is latent in all of the underdeveloped regions of the world, cannot be dealt with by American military intervention whenever disorder threatens to overwhelm the constituted authority. On the contrary, it is more like that in making Vietnam the test of our ability to protect Asia, we shall in fact provide revolutionary China with just the enemy it needs in order to focus popular hatred against us—a white, rich, capitalistic great power. We are allowing ourselves to be cast in the role of the enemy of the miserable and unhappy masses of the emerging nations.

ADJOURNMENT

Mr. PROXMIRE. Mr. President, if there is no further business to come before the Senate, in accordance with the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p.m.), under the previous order, the Senate adjourned until tomorrow, Friday, July 30, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 29, 1965:

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

Wood B. Kyle
Joseph O. Butcher
Norman J. Anderson
Keith B. McCutcheon

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 1965:

DEPARTMENT OF JUSTICE

Hiram R. Cancio, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico for the term of 8 years.

Edmund A. Nix, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

George C. Trevorrow, of Maryland, to be a member of the Federal Coal Mine Safety Board of Review for a term expiring July 15, 1968.

NATIONAL COMMISSION ON TECHNOLOGY, AUTOMATION, AND ECONOMIC PROGRESS

Thomas J. Watson, Jr., of New York, to be a member of the National Commission on Technology, Automation, and Economic Progress.

NATIONAL SCIENCE FOUNDATION

The following-named persons to the office indicated:

Dr. Mary I. Bunting, of Massachusetts, to be a member of the National Science Board, National Science Foundation, for term expiring May 10, 1970.

Harvey Picker, of New York, to be a member of the National Science Board, National Science Foundation, for term expiring May 10, 1970.

EXTENSIONS OF REMARKS

Federal Government and Massachusetts: Partners in Crime and Vice

EXTENSION OF REMARKS
OF

HON. PAUL A. FINO

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 29, 1965

Mr. FINO. Mr. Speaker, I would like to tell the Members of this House about the ignorant partnership of the Federal Government and the State of Massachusetts in keeping Massachusetts a gambler's treasure chest. I say this because the two governments have kept gambling illegal in Massachusetts, but they have not by any means eradicated it. The result is that gambling emphatically exists, and as a mob monopoly that bankrolls every depth and degradation of crime and vice.

The Puritan fathers would roll over in their graves if they could see Massachusetts today. From Beacon Hill to Great Barrington, from Nantucket to Newburyport, from one end of storied Boston to the other, Massachusetts crawls with illegal gambling, set at a statewide total of better than $2 billion a year by the State of Massachusetts' very own crime commission. So incredible is the race of gambling in Massachusetts that the State crime commission decided that Bay Staters spent much more each year on gambling than on groceries. Perhaps this will help to make the point I have long been trying to make about the American hunger for gambling. That hunger has reached vast proportions in Massachusetts. The story of Massachusetts gambling is the statewide biography of a bookie joint.

The parimutuel turnover in Massachusetts last year, representing legal gambling, came to $100 million. This is the small part of the iceberg that is above the surface. The State crime commission concluded several years ago that illegal gambling was at least $2 billion a year. Using estimates presented to the McClellan committee several years ago, it is possible to compute the national illegal gambling total at $120 billion, and Massachusetts' share of this, computed on a population basis, is $3.36 billion a year. This may be the case. Massachusetts is the Nation's "gamiest" Commonwealth. Radio news programs in the Bay State seem to have more scandals than commercials, and this is not unrelated to the vast profits that gambling syndicates take out of illegal gambling, some of which is used to corrupt the governmental process. The syndicates generally get to keep about 10 percent of the gross take, which could put mob profits in Massachusetts at a level of $200 million a year or higher. That will finance a lot of vice—and probably does.

To my mind, the answer in Massachusetts as elsewhere is government-run gambling, which will make gambling profits work for the people. I think that State and National lotteries are the answer.

USDA, Consumer Friend: Homemaker Spends Less—Enjoys Shopping More

EXTENSION OF REMARKS
OF

HON. JULIA BUTLER HANSEN

OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 29, 1965

Mrs. HANSEN of Washington. Mr. Speaker, not even a meat expert can look at a steak lying in the retail meat case and be sure it will be tender and juicy. What chance has the homemaker?

You cannot tell much about the interior quality of an egg by looking at the outside. How can the housewife get the quality she wants?

Foods of all kinds are canned, frozen, packaged, hidden from view. How can consumers learn about their quality?

The answer is simple—by using U.S. grades as a guide to food quality. Real food quality experts from the U.S. Department of Agriculture grade much of our food to help the American homemaker make good selections.

In 1964 these experts graded about 55 percent of the beef produced in the United States; half of the lamb; half of the butter, cheese, and nonfat dry milk; two-thirds of the ready-to-cook poultry; one-fifth of the shell eggs; three-fourths of the frozen fruits and vegetables; and one-fourth of the canned fruits and vegetables.

These U.S. grades are published standards of quality. They are applied by skilled official graders. The grade mark on a food product is the consumer's guide to greater value per dollar.

Take beef, for example. Since the age of the animal has a bearing on tenderness, the grader examines carcasses or wholesale cuts. This enables him to evaluate age along with the other quality factors. Then he rolls the grademarks onto the meat. In most cases, the grademark stays on the individual cuts right into the retail meat case.

The housewife then can use the grademark to get the quality she wants. If she needs an absolutely topnotch roast for that big dinner party, she may select U.S. Prime, the tenderest and juiciest beef of all. It is also the most expensive to produce. U.S. Choice is the most popular grade, still tender and juicy, but more economical than Prime.

For a stew, she can use a lower grade—U.S. Good or U.S. Standard—which will be less tender than the top two grades.

Thus, the grademark is the consumer's guide to quality.

The U.S. grades are provided for voluntary use by the food industry, and USDA cooperates with State departments of agriculture to make Government graders available in all parts of the country. Wholesale buyers and sellers find the grading useful enough that they pay the costs of the service. Grades help the whole marketing process function more efficiently. Since they are based on nationally uniform Federal standards, they mean the same thing in all parts of the country, in any season, in any store. In short, they take the guesswork out of buying and selling not only for the final consumer but for wholesalers and retailers all along the line of marketing.

USDA food grades, in my opinion, are among the most valuable of the more than 50 separate categories of services which the U.S. Department of Agriculture provides for American consumers.

Speaker John McCormack and Majority Whip Hale Boggs Greet 52d Annual Convention of the National Rivers and Harbors Congress

EXTENSION OF REMARKS

OF

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. ALBERT. Mr. Speaker, I am pleased to insert in the RECORD messages sent from our distinguished Speaker, JOHN W. MCCORMACK, and the gentleman from Louisiana, our distinguished majority whip, HALE BOGGS, to the recent 52d annual convention of the National Rivers and Harbors Congress:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 3, 1965.

Mr. HENRY H. BUCKMAN,
President, National Rivers and Harbors Congress, Washington, D.C.

DEAR MR. BUCKMAN: I take a great deal of pleasure in extending greetings to the 52d annual convention of the National Rivers and Harbors Congress.

I have long been cognizant and deeply appreciative of your valuable efforts in forwarding the cause of orderly development of one of America's most vital resources.

Water resources, once so plentiful throughout our great Nation, have been shamefully treated for many years. They have been wasted, polluted and ill-used. Your progressive and effective work in seeking to correct this situation has played a vital part in the growing public understanding of the necessity for intelligent planning and coordination of the efforts of all responsible public agencies in the comprehensive development and husbanding of a resource we know to be finite and for which there is no substitute.

Please extend to the membership my warmest greetings and best wishes for a future as productive and successful as has been your past record.

Sincerely yours,
JOHN W. MCCORMACK.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 8, 1965.

Hon. HENRY H. BUCKMAN,
President, National Rivers and Harbors Congress, Washington, D.C.

DEAR MR. BUCKMAN: It is always a great pleasure for me to salute the National Rivers and Harbors Congress for the exemplary work which its officers and members have done through the years for the benefit of our country.

The fact that I represent the State of Louisiana in Congress makes me keenly aware of the service which your organization has rendered for the development, conservation, and control of the water resources of our great country. The mighty Mississippi River and its tributaries cut through my State; and your pioneering efforts to launch the Federal Government's flood control program in 1936, which since then has realized so much progress in the harnessing and directing of that great river, have in turn enhanced the continued growth and prosperity of Louisiana and of all those States in the lower Mississippi Valley. It has been my privilege and honor to work closely with Bill Webb, your executive director; and with my colleagues, Congressmen BOB SIKES and JOHN BLATNIK and others, all of whom have contributed so much to the farsighted program of the National Rivers and Harbors Congress.

Through your assistance and guidance and the fine work of the U.S. Army Corps of Engineers in constructing so many navigation and flood control projects, my work in obtaining in the Congress, approval for various projects in Louisiana and in securing the necessary appropriations to complete them, has been made much easier. Of all the things which I have been able to do for the people of the Second Congressional District over the years, none stands closer to my heart—and none have been more valuable to the prosperity of the area—than do the navigation and flood control protection now provided along the lower Mississippi River, around Lake Pontchartrain, along Bayou Barataria and Barataria Bay, and along other bodies of water. The National Rivers and Harbors Congress has contributed to the realization of these projects and to countless others throughout our country, and I am happy and proud to salute your organization on the occasion of your 52d convention.

I also am quite pleased that your organization will award to the late William G. Zetzmann Sr. of New Orleans, who was a good friend of mine and whose family I am close to today, the Willard J. Breidenthal Medal. Mr. Zetzmann was for so many years treasurer of your organization, and I know he did a great deal to enhance the continued progress of the National Rivers and Harbors Congress. Bill Zetzmann has many friends among us, and we all miss him.

Mrs. Boggs joins me in commending your organization for its splendid service to our country and in wishing for the National Rivers and Harbors Congress a most successful convention this year and your continued success in the years to come.

With best wishes, I am,
Sincerely,
HALE BOGGS.

Salute to Dahomey

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. POWELL. Mr. Speaker, on the first of August the people of Dahomey will be celebrating their fifth year of independence. On this great occasion, we wish to extend warm felicitations to His Excellency Sourou-Migan Apithy, president of the Republic of Dahomey; and to His Excellency Louis Ignacio Pinto, Dahomey's Ambassador to the United States.

The people of Dahomey have begun an auspicious new enterprise in self-government, one not so different from that faced by this Nation not so very long ago.

Located on the Gulf of Guinea between Nigeria and the Republic of Togo, Dahomey is one of the smallest states of western Africa in area but it is one of the most densely populated. Dahomey's geography and demography sum up its greatest problem: a limited amount of land and a large, increasing population. It is to the credit of the farseeing leaders of Dahomey that they have recognized this problem and have begun to work for its solution.

By the close of 1961, the government of Dahomey recognized that in spite of the initiatives and progress of the last 2 years, Dahomey was still faced with the difficult problems of a fundamentally underdeveloped country. The government frankly stated:

> We have been aware that after political independence, the only battle worth while is the unrelenting and rational struggle against underdevelopment in order to gain our economic independence.

The goal of the 20-year national development plan of Dahomey, begun on January 1, 1962, would seem difficult enough for a Western state, that is, to double the per capita income of the nation in the next 20 years. But for a nation faced with an underdeveloped economy and a population that is expected to more than double by 1985, the task is a staggering one. With a demographic increase rate of 3 percent, this would mean a minimum national income increase of 6 percent. To do this the people of Dahomey have been willing to take the initiative themselves, to cultivate new farm lands, to diversify crops, to set up experimental farms, and to raise the educational level and skills of the farmers themselves. The determination of the government of Dahomey to help itself while at the same time cooperating with advisers from the United Nations and Western nations presents a fine example, one to be emulated by other nations facing similar problems.

Greater strides are being made in public health; yaws and yellow fever—once the scourge of the nation—have almost totally disappeared. Striking progress has been made against sleeping sickness, malaria, spinal meningitis, and tuberculosis.

In addition to the struggle against disease and poverty, the Government of Dahomey has begun a far-reaching program to increase education at all levels. Recognizing that the future of the nation depends on the ability of its own people, Dahomey is one of the few African nations which spends a quarter of its budget on education alone. At the same time, the educational system is being reformed to provide for more technical and agricultural instruction.

Dahomey has been independent for only 5 years; yet, it is already moving in the right direction, that of devoting its energies and skills to bettering the standard of living and welfare of its people. Will you join with me in wishing them the best of fortune on their brave young enterprise?

Brave Fishermen

EXTENSION OF REMARKS

OF

HON. STANLEY R. TUPPER

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. TUPPER. Mr. Speaker, along the coast of Maine there are a great many men who make their living engaged in commercial fishing and lobstering. These men constantly brave the elements and often risk their lives to bring in their catch. Sometimes the lives of others are spared due to the compassion and bravery of these men who make their living from the sea.

Recently two fishermen from my hometown of Boothbay Harbor, Maine, Mr. Martin Brewer and his nephew, Mr. Wayne Brewer, were responsible for rescuing Dr. and Mrs. Richard Guerin and their 10-month-old son, of Brunswick, Maine, when their small boat capsized.

At 10 o'clock at night, on a sea buffeted by high winds, these two fishermen were searching for herring, when they heard cries of help. The Guerin's boat had nearly submerged and all three were at the mercy of the angry Atlantic Ocean when the Brewers located them and pulled them from the water to safety.

Seafaring men are an unassuming and modest lot as a rule; they seek no recognition and look upon such incidents as commonplace. However, I do not believe these events should pass unnnoticed. We constantly read accounts of citizens who witness the injury or death of their fellow man and stand passively by, when it might be in their power to prevent tragedy. It is well to occasionally remind ourselves that there are still Americans who do care what happens to others, to the extent that they will act in a positive way to help them.

World Law Day

EXTENSION OF REMARKS

OF

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. PEPPER. Mr. Speaker, the President signed a proclamation on July 8, 1965, which proclaimed September 13, 1965, as World Law Day.

In these times when individual liberties are threatened by communism throughout the world, the American people reaffirm their faith in the ultimate rule of law as the only firm basis for peace and justice among men.

Mr. Speaker, the President has affirmed this faith eloquently in his remarks at the signing of this proclamation. I offer them to my colleagues for their attention:

WASHINGTON, D.C.

STATEMENT BY PRESIDENT JOHNSON

President Lyndon Baines Johnson proclaimed September 13, 1965, as World Law Day at White House ceremony, July 8, 1965. In his remarks to representative law leaders of the United States, the President said, "Today we are meeting in this manner to observe the signing of a proclamation which, in its way, expresses something of the greatst importance about the purposes of the American people and the purposes of the American nation. And that is our commitment to, and our quest toward, a world where all men may live in peace with the hope of justice under the rule of law.

"That goal cannot be made real by any proclamation that I issue or sign, it cannot be attained by the observance of any single day of the year. But I do believe that by observing together one day designated as World Law Day we may remind ourselves, and we hope call to the attention of others, that a decent world ruled by just law is not a vain dream.

"It can be real. It will be true—if the peace-loving peoples uphold the beginnings of world law with the same resolve as they defend the end of individual liberty.

"This century has really seen the beginning of a will and an effort to establish respect for the rule of law over the conduct of the nations of the world.

"And by faithfully honoring our agreements, by faithfully keeping our treaties to which we are party, we seek to assure substance for the dream of a world that is ruled by law.

"This year, in September, the leaders of the law for many nations will assemble here in Washington. In observance of this International Cooperation Year they will confer on this most vital and on this most basic subject of strengthening the hope for world peace by strengthening the rule of law among nations of the world.

"And so to honor this significant occasion, I am today proclaiming September the 13th, 1965, as World Law Day. In so doing, I would call upon citizens throughout the land to join in appropriate observances on that day to reaffirm our abiding American goal of a world where all men live in obedience to the rule of laws that they have chosen, rather than in subjugation to the rule of men that they have not chosen."

VA Closings: The Battle Is Yet To Be Won

EXTENSION OF REMARKS

OF

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. RANDALL. Mr. Speaker, it was my privilege to be invited to make the keynote address at the opening of the recent State encampment of the Department of Missouri, Veterans of Foreign Wars, at St. Louis, Mo.

At that time the theme of my talk centered around the order closing 32 veteran facilities last January and a discussion of the modifications proposed in June by the President's Special Committee on Veterans' Facilities.

In the course of my remarks I emphasized our Government's traditional policy of adequate veteran care and benefits. It was pointed out the closing order was founded upon a premise of false economy and that many arguments advanced at the time of the June compromise were fallacious.

I have asked leave at this time to extend my remarks made in St. Louis in order to call to the attention of my colleagues in the House the fact that although H.R. 202 was favorably reported by the House Committee on Veterans' Affairs almost 2 months ago, it has not been granted a rule. It is no nearer consideration by our body of the Congress than when it was reported early in June.

It is my hope some of the thoughts expressed at St. Louis may be meaningful to those Members who have suffered the loss of a VA facility in their districts. I remain equally hopeful that portions of those remarks might serve as a reminder to Members of Congress who believe that care for our veteran population should not be reduced or downgraded. They should be reminded that the battle has not been won. There must be a reversal of the January decision. Now it appears it will be necessitated by the intensification of our military efforts in southeast Asia. Following is the text of my remarks:

VA CLOSING: THE BATTLE IS YET TO BE WON

Commander Chrisco, Ambassador Davis and my fellow members of the Veterans of Foreign Wars: This morning, unlike some who bear the burden of the description of "public servant," I am going to try to say exactly what I mean and mean exactly what I say.

I want to discuss the subject that is close to your heart and undoubtedly the overriding issue of the convention—the pending closing of some 17 Veterans' Administration facilities, including our regional office in Kansas City, Mo.

My comrades, I have never been more proud of the Veterans of Foreign Wars than I have been since January 13, the date the proposed closing of 32 VA facilities was announced. Your leaders at all levels have put up a magnificent fight.

If you had not moved into the vacuum quickly and decisively, all 32 VA installations would have been closed rather than only 17.

If there is one thing that comes out of this whole episode, it is the fact that by your valiant fight the powers that be in Washington are now fully aware that this Nation's veterans are not sleeping but are alert to the dangers that exist and will be ready to challenge at a moment's notice any further closings that may be proposed.

Some people in Washington think the veteran no longer exists, but instead is a meaningless statistic to be fed into a computer. Thank God most Americans do not feel that way.

Our Government's traditional policies have been to provide adequate benefits for war veterans, especially for those who carried their wounds home and for those with families who never returned.

The fact of the matter is there were benefits for veterans in this country even before there was a United States of America. Long before the Constitution was ratified, the Pilgrims of the Plymouth Rock Colony wrote into law that any soldier injured while fighting "shall be maintained completely by the Colony during his life." Several Colonies established similar laws.

The recent order closing these veterans facilities is more than just a routine veterans problem. It is more than a medical matter, more than a social problem, and even more than an economic matter. In truth, many of the closings involved a moral and an ethical question.

Congress after Congress has stated and restated and then ratified again and again the proposition that both service and nonservice-connected veterans would be given the best care possible.

In effect, there was a contract between the Congress and the VA on the one hand and our veterans population on the other. The directive of January 13 ordering the closing of these 32 hospitals and administrative facilities is nothing more or nothing less than a breach of this implied contract.

In spite of the greatest era of prosperity in this country, the Veterans' Administration has settled for reducing and curtailing their measure of service to the worthy and needy veterans of this Nation. This reduction is proposed at a time when we are shoveling billions of dollars around the world in a foreign aid program to recipients who reward our efforts with ingratitude and hostility, expressed by the destruction of U.S. property abroad.

On the afternoon of June 8, a messenger hand delivered to my office in Washington a copy of the Presidential order implementing the report of the Special Committee on Veterans' Facilities. This meant that President Johnson had just placed his stamp of approval on the committee's recommendation that 5 of the 11 hospitals, 2 of the 4 domiciliaries, and 8 of the 17 regional offices ordered closed on January 13 would be permitted to continue in operation.

Some of the administration's stalwarts pointed out that this reversal of the January decision should make us all grateful and cause us to cease our protest against the remaining closings.

It is my opinion an even better argument can be made that this was just a crum tossed out to those who rightfully deserve a whole loaf. The order left standing more than half the unwarranted original decision to close or consolidate 32 veterans' facilities.

I don't know how the President could have been talked into approving the original closing order in January. Even the worst soothsayer would certainly have been able to predict the embarrassment these decisions would present to the current administration.

We must speculate that he has been so busy that he was unable to devote his full and undivided attention to the problems surrounding the proposed closings. He must have been completely preoccupied with military events in Vietnam and the Dominican Republic, where he has shown such great energy, skill, and judgment in defense of freedom.

Whatever the reason, the President has already found it necessary to reverse 15 of the original decisions, and we all hope and pray that there will be more reversals in the near future.

Some of us in the Congress intend to see to it that legislation is passed requiring further reversals.

No one is in a better position than the President to realize that the conduct of war is inseparable from the problem of adequate veteran care. If we intensify our efforts in military objectives in southeast Asia and other parts of the globe, it will be necessary to expand—not contract—our veterans' programs.

Today, now, is no time to consider or even hint at reversal of the time-honored plan that our veterans should receive the best care possible.

The Chief Executive in his letter to Administrator Driver expressed concern that no action should be taken that is not fully justified in terms of "sound economy and compassion for our veterans." I submit that neither of these criteria can be met with respect to either the original decision or the closings approved on June 8.

There is no sound economy in either of the President's closing orders. There is only the false economy which transfers costs and inconvenience to the shoulders of the individual veterans in no financial condition to bear these costs.

Nor are these decisions very compassionate. There is no way the closings can be sugar coated or dressed up to merit that designation. The closings are callous and cruel in their disregard for the need of the aged veterans who deserve much better.

I submit to you this morning that you can search and search in vain to find one logical forthright statement of justification or adequate explanation of these closings. Instead, you will be given one after another contradictory reason for closing a particular facility.

Let us look at a few of these contradictory statements.

First, the VA said it was necessary to close hospitals because new construction was bringing additional beds into use and total number of beds was limited by law to 125,000.

The truth is there were only 119,000 beds in use when this statement was made, and that left a margin of 6,000 beds to be taken up in construction. The further truth is it will require several years of new construction to use up that margin.

Second, the VA tried to justify closing some of the hospitals by saying staffing was a major problem.

The truth is the VA recruiting bulletin put out just a few months ago listed only 8 vacancies for all 11 hospitals and the 4 domiciliaries listed in the closing order. How can anyone believe there are difficult problems in holding staff?

Third, the VA is inconsistent on the issue of hospital size.

I say to you that it is a transparent inconsistency for the VA to try to shove down our throats the proposition that good medical care can only be provided by big hospitals while at the very same moment HEW continues almost every single week to distribute money under the Hill-Burton Act to assist in the construction of hospitals smaller than the VA proposes to close.

We know what happens when a veterans hospital closes, but what is the impact of the closing of a regional office? What does that really mean?

Among other things, it means the claimant may find it impossible to appear before a rating board, and it means that many individual veterans will have increased expenses in connection with their claims.

It is hard to find a parallel, but I guess about as good a comparison as we could find would be to close all the civil courts in a given area and transfer their activities to centralized courts, thus requiring attorneys, defendants, plaintiffs and witnesses to travel great distances for every court appearance.

If this were to happen, you would hear a cry that would be heard clear around the world. Everyone would scream that justice had become a luxury and only those with abundant time and money could ever seek her ear or receive her smile.

Yet the administration's proposal will create a similar situation for many veterans who seek to pursue a claim with the VA.

Let me tell you the VA has carefully and utterly avoided important facts in attempting to justify the closing of regional offices as well as hospitals.

For instance, they have tried to make us all believe that 90 percent of all contacts in these regional offices are made through correspondence, rather than through personal contacts.

Our great VFW truth squad caught them redhanded on this one.

As to mail contact, the truth squad found they had included annual questionnaires, separate letters relating to a single claim, returned form letters, and even personal mail received by employees.

But when personal contacts were counted, visits to service officers of veterans' organizations and visits to operating officers of the regional office were ignored.

To me, that is hardly an example of fair play.

I am sure we could go on and on finding breaches and even great, gaping holes in the explanations the VA uses in attempting to justify these closings. The public record on this controversy is full of them.

Well, perhaps we cannot undo what has been done to us at Kansas City or the other places to be closed, but we certainly can put some law on the statute books to prevent it from happening again.

We can pass legislation which will not only require the VA to notify Members of Congress in advance of proposed facility closings, but will also require that such proposals receive the proper consent of appropriate Congressional leaders prior to such closings.

On the very day of the order of the closings, the House Veterans' Affairs Committee met and reported out such a bill, H.R. 202, which had been pending before the committee since the original order of January 13. This bill was unanimously reported by the committee just about an hour away from the time the President chose to make public his order to stand fast on half of the closings ordered last January.

It is a bill of great and vital importance to the welfare of our Nation's veterans, and you should all be made familiar with its provisions.

Briefly, H.R. 202 provides that new hospitals costing more than $100,000 or alterations to existing hospitals costing more than $500,000 may not proceed unless authorized by a resolution of the Committee on Veterans' Affairs.

It further provides that alterations in excess of $200,000 but less than $500,000 can be carried out only after the VA submits its prospectus to the Veterans' Affairs Committee and if a period of 60 days passes when there is no resolution passed by the committee in opposition to the change.

Another provision of section 1 provides that no hospital or domiciliary in operation on the date of enactment of the bill and over which the Administrator of Veterans' Affairs has jurisdiction shall be closed until the Veterans' Affairs Committee gives its explicit approval through a resolution.

These provisions follow the model established for projects under the jurisdiction of the Public Works Committees of Congress. That law has been found workable with respect to most buildings constructed or sought to be closed and abandoned by the General Services Administration.

Had such a statute been on the books last January, both the President and the Congress would have been spared much of the travail and heartache of the last 6 months.

The President could have made his proposal to the Congress and the Committee on Veterans' Affairs could have examined it thoroughly under more auspicious and less emotional circumstances.

I have no doubt that the Congress would have found acceptable those proposals which were directly in the interest of the welfare of our veterans.

No person who is truly concerned with the plight of our aged or disabled veteran should be deluded into believing that H.R. 202 will be quickly or even easily passed into law.

It will be opposed by the administration. It will be scorned by the liberal press. It is even conceivable that it could be hindered or delayed by the leadership of the House.

Yet I firmly believe that our colleagues on both sides of the aisle—both liberal and conservative—will not let opposition or pressure deter them from responding to the call of duty.

I believe that H.R. 202 will pass by a fair margin.

I hazard a further prediction that in the event of possible Presidential disapproval, a strong reaction would be created which would invite passing the bill again by an even healthier margin.

Yet H.R. 202 is by no means a perfect bill. It will need amendment on the floor of the House, and it will have to be supplemented by vigorous awareness and political activity on the part of veterans' organizations.

The version reported by the committee applied only to hospitals and domiciliaries and does not include regional offices. In my opinion, that is a significant and a regrettable omission.

I pledge to you today that if there is any parliamentary tactic available in the books, I will personally propose an amendment to include regional offices.

H.R. 202 is urgent business. It is an immediate defensive measure to cope with the current closing orders and to prevent further closings from being executed without congressional approval.

But uppermost in the minds of everyone this morning is the question of a long-range solution. Just how can the tragedy of the dismemberment of the VA system be arrested or stopped?

The answer I propose is directly tied to another one of the principal objectives of the Veterans of Foreign Wars, the drive for enlistment of the maximum number of eligible veterans in the ranks of our great organization. The most effective deterrent to hasty reductions in veterans' rights in the future would be an overwhelming influx of veterans into veterans' organizations.

Edmund Burke, the noted British statesman, wisely stated a long time ago that "all that is required for the triumph of evil is that good men remain silent and do nothing."

I would paraphrase that quotation with the comment that all that is required for the triumph of the statistical, computerized approach to veterans' welfare is that the friends of veterans remain silent and do nothing.

It is not just my personal judgment, but that of our great Commander in Chief Buck Jenkins, that if our own VFW could boast a total of 5 million members within its ranks we could easily have saved all 32 of the installations proposed to be closed.

On the other hand, if our membership remains static or if it should happen to dwindle, all we have gained in the past will stand in constant jeopardy.

The veterans of the United States deserve no less than the best efforts from you, their leaders, buttressed and sustained by elected representatives in the Congress who are willing to stand up and fight.

Intergovernmental Cooperation Act of 1965

EXTENSION OF REMARKS

OF

HON. CARLTON R. SICKLES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. **SICKLES.** Mr. Speaker, I am pleased to introduce, for appropriate reference, a bill to facilitate cooperation and coordination among Federal, State, and local governments, to strengthen our State and local governments in meeting the growing and diverse needs of the American people, and to achieve equity and consistency in the treatment of the mounting numbers of people and businesses displaced by intergovernmental programs.

President Johnson has strongly emphasized the necessity of improved collaboration among Federal, State, and local governments in his messages on the state of the Union, the budget, natural beauty, and the city and the suburbs. In his message on the "cities," for example, he called for strengthening "the constructive relationships between Nation, State, and city—the creative federalism which is essential to progress." This bill is a contribution toward building a truly creative partnership in which each level of government performs best its proper functions and in which all levels make the most meaningful contributions to overall governmental policies and programs.

Several major trends have marked intergovernmental relations in the United States in recent years. One is the continued growth in number and complexity of Federal grant-in-aid programs. Another is the ever-increasing complexity of intergovernmental problems in our exploding metropolitan areas. A third has been the increasing displacement of people and businesses by major Federal grant-in-aid programs, such as highways and urban renewal, and the inconsistent Federal policies in assisting relocation of those forcibly displaced. These relocation difficulties have their major impact on low income and minority groups.

The Intergovernmental Cooperation Act of 1965 will establish practical and realistic new Federal policies and procedures to achieve effectiveness and responsiveness in our American federal system.

This proposed act consists of six major substantive titles: Improved administration of grants-in-aid to the States; congressional review of Federal grants-in-aid to States and to local units of government; permitting Federal departments and agencies to provide specialized or technical services to State and local units of government; coordinated intergovernmental policy and administration of grants for urban development; acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with land utilization programs of affected local government; and establishing uniform Federal relocation practices.

Many of the provisions grow out of recommendations of the Advisory Commission on Intergovernmental Relations, which was established by the Congress in 1959 for the express purpose of making continuing studies and recommendations for the strengthening of our federal system.

Grants-in-aid to State and local governments are the National Government's principal intergovernmantal instrument for accomplishing national legislative objectives, while at the same time maintaining the strength of State and local governments. Without the support of these grant-in-aid programs, the vitality of State and local governments would be greatly diminished. On the other hand, it would be difficult and highly undesirable for the National Government to establish its own direct operating programs in each of the more than 100 grant fields with consequent expansion in the size of the Federal Establishment.

In view of our increasing dependence on grants-in-aid, it is very important that the efficiency, integrity, and public acceptability of the grant-in-aid device be safeguarded and its effectiveness preserved and improved. Yet studies of the Advisory Commission and others, and the experiences of officials and citizens at all levels of government, reveal that a tangle of confusion and inconsistent procedures have been established, often pursuant to or required by law, by many Federal departments and agencies administering these grant-in-aid programs.

Many programs, once established, have not been adequately reviewed and revised in light of constantly changing needs. Federal agencies often lack authority to provide technical services to State and local agencies that would produce savings for all three levels of government. In our urban areas some Federal agencies have shown too little regard for overall local goals and desires; individual agencies sometimes overlook the interdependency of their program with other Federal, State, local, and private activities. Some Federal programs have supported or encouraged the creation of special districts, further complicating the pattern of local government, and there is insufficient recognition in Federal grant-in-aid programs of the need for many governments in our metropolitan areas to work together on common problems. Finally, Federal grant-in-aid programs causing major displacements of people and businesses are inequitable in the treatment of those displaced and inconsistent among themselves, as well as in relation to State and local programs causing displacement.

The first substantive title of this bill authorizes Federal departments and agencies to make full information available to the Governors on funds granted within their States, and provides for more uniform administration of Federal grant funds. It also improves the scheduling of Federal transfers of grant funds to the States, resulting in a saving in Federal interest costs; permits the States to budget Federal grant funds in much the same way as they budget other revenues, facilitating their overall financial planning; and permits simplified organizational arrangements at the State level for administering grant-in-aid programs.

The next title provides for systematic review of new Federal grant-in-aid programs so that they will be revised and redirected as necessary to meet the growing and changing needs which they were originally designed to support. A manifestation of both the basic importance and the wholesome character of the grant-in-aid device in our federal system is the fact that organizations of State, county, and municipal governments—the grant recipients, so to speak—strongly support this provision for the systematic congressional review of new grant programs.

Another title authorizes Federal departments and agencies to render technical assistance and training services to State and local governments on a reimbursable basis, where such services are not conveniently available through ordinary channels. This will enable State and local governments to avoid the expense of unnecessary duplication of specialized or technical services, and at the same time permit more economical use of Federal facilities. Congress has already authorized such arrangements in the case of the Bureau of the Census, the Internal Revenue Service, and certain other agencies.

The next title establishes a coordinated intergovernmental urban assistance policy. It also requires local government review of certain applications for Federal programs and encourages a broader approach for review, at the metropolitan area level, of applications for loans as well as grant projects affecting urban development. Urban renewal and public housing are not included among the activities subject to review, however, since at the present stage of urban development they are usually of primary concern to only one unit of government, namely, the central city. The title basically serves to strengthen metropolitan planning machinery and encourages more orderly metropolitan growth. It also favors the eligibility of units of general local government—cities, towns, and counties—in contrast to special-purpose districts and authorities.

Another title amends the Federal Property and Administrative Services Act by prescribing a uniform policy and procedure for urban land transactions and use undertaken by the General Services Administration. By requiring acquisition, use, and disposal of land in urban areas by this agency to be consistent, to the extent possible, with local zoning regulations and development objectives, this title will also help make urban planning more effective.

The final title establishes a uniform Federal policy of relocation payments and assistance for all persons, businesses, and farm operations displaced by direct Federal programs and by programs conducted through Federal grants-in-aid to State and local governments. It requires all such grant-in-aid programs to assure that standard housing is provided or being provided for those displaced, and provides for full Federal reimbursement of the first $25,000 of any relocation payment and Federal sharing of any cost beyond that amount on the basis of the regular cost-sharing formula of the grant program.

As I stated at the outset, President Johnson has stressed the need for creating a new dynamic federalism and the vital role of State and local governments in achieving our goals. He has said:

> What much of the world has still to learn—and we must not forget—is that levels of government must function interdependently if they are to succeed independently. Ours is a system of interdependence. Authority is divided not to prevent action but to assure action.

This bill is a major step on the road to improving our interdependent system. The major organizations of governmental officials in this country—the Governors' conference, the National League of Cities, the National Association of Counties, and the U.S. conference of mayors, support the principles embodied in this legislation. They are deeply interested in action by the Congress to improve intergovernmental relations. Various Federal agencies and departments have also expressed interest and support for different provisions of the bill. I look forward to prompt and thorough hearings on this important legislation.

Mr. Speaker, under unanimous consent, I include the text of the bill in the RECORD immediately following my remarks:

H.R. 10184

A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government; to provide for uniform and equitable relocation procedures under Federal and Federal grant-in-aid programs; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Cooperation Act of 1965".

TITLE I—DEFINITIONS

When used in this Act,

State

SEC. 101. The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

Political subdivision or local government

SEC. 102. The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

Unit of general local government

SEC. 103. "Unit of general local government" means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

Special-purpose unit of local government

SEC. 104. "Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

Grant or grant-in-aid

SEC. 105. The term "grant" or "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State; or

(B) to a political subdivision of a State; or

(C) to a beneficiary under a State-administered plan or program which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues; (2) payment of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

The term "grant" or "grant-in-aid", as it is used in title I of this Act, shall also include payments made under research and development contracts or grants which are awarded directly and on similar terms to all qualifying public organizations.

Specialized or technical services

SEC. 106. "Specialized or technical services" means special statistical and other studies and compilations, development projects, demonstration projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which the Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government is authorized by law to perform.

Comprehensive planning

SEC. 107. "Comprehensive planning", except in title VI, includes the following, to the extent directly related to area needs or needs of a unit of general local government: (i) preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development; (ii) programing of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program; (iii) coordination of all related plans of the departments or subdivisions of the government concerned; (iv) intergovernmental coordination of related planned activities among the State and local governmental agencies concerned; and (v) preparation of regulatory and administrative measures in support of the foregoing.

Metropolitan area or area

SEC. 108. A "metropolitan area" or "area" means either (i) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes of this Act, or (ii) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof.

Urban area

SEC. 109. "Urban area" means—

(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government having a population of 10,000 or more inhabitants;

(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

(3) that portion of any geographical area situated adjacent to the boundary of any incorporated unit of general local government which has such population density.

Areawide agency

SEC. 110. "Areawide agency" means an official State or metropolitan or regional agency empowered under State or local laws or under an interstate compact or agreement to perform comprehensive planning in an area, or such other agency or instrumentality as may be designated by the Governor (or, in the case of metropolitan areas crossing State lines, any one or more of such agencies or instrumentalities as may be designated by the Governor of the States involved to perform such planning, which agency or instrumentality is, to the greatest practicable extent, composed of or responsible to the elected officials of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning.

Urban development

Sec. 111. "Urban development" means all projects or programs for the planning and carrying out of urban renewal, the acquisition, use, and development of open-space land, the planning and construction of hospitals, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, transportation facilities, highways, water development and land conservation, and other public works facilities.

Hospital

Sec. 112. "Hospital" means any public health center or general, tuberculosis, mental, chronic disease, and other type of hospital and related facilities, and central service facilities normally operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

Full information on funds received

Sec. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States shall, upon request, notify the Governor or other official designated by him, or the State legislature, of the purpose and amounts of recommended or actual grants-in-aid to the State. No act of Congress shall be construed to prevent the Governor or other designated officer from participating in the State's determination of its financial needs in the same manner as he does with respect to the budgeting of State funds.

Subject only to the procedures here enacted, nothing contained in this law shall limit the authority of any department or agency of the United States to make grants-in-aid to the States.

Uniform handling of grant funds

Sec. 202. Notwithstanding any other Federal law, each grant-in-aid to a State shall be paid to the State treasurer or other officer that may be designated by the legislative authority (or by the Governor in the absence of a designation by the legislative authority) to receive said funds and appropriate accounting advice with regard to the transmittal of funds shall be provided to such State officers as may require the data for purposes of financial management and control. The State may provide for or continue providing for the direct receipt of Federal funds in the case of State institutions of higher learning.

State salaries paid from grants-in-aid

Sec. 203. After July 1, 1967, and except as specifically authorized pursuant to State law and agreed to by the Federal agency concerned in accordance with regulations promulgated by the President, no Federal grant-in-aid to a State shall be used to pay a salary in excess of the regular salary standards applicable to State employees generally, nor shall a grant-in-aid be used to pay all or part of a salary the full-time equivalent of which is in excess of the normal annual salary rates of employees of the State or of State institutions of higher learning.

Deposit of grants-in-aid

Sec. 204. Notwithstanding any other provision of Federal law or regulation, no grant-in-aid to a State shall be required to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency, covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency.

Scheduling of Federal transfers to the States

Sec. 205. Notwithstanding any other provision of Federal law, heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State whether such disbursement occurs prior to or subsequent to such transfer of funds. States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

Eligible State agency

Sec. 206. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency may, upon request of the Governor or other appropriate executive or legislative authority of the State, responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision and approve other State administrative structure or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

TITLE III—CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND TO LOCAL UNITS OF GOVERNMENT

Statement of purpose

Sec. 301. It is the purpose and intent of this title to establish a uniform policy and procedure whereby programs for grant-in-aid assistance from the Federal Government to the States or to their political subdivisions which may be enacted hereafter by the Congress shall be made the subject of sufficient subsequent review by the Congress to insure that (1) the effectiveness of grants-in-aid as instruments of Federal-State-local cooperation is improved and enhanced; (2) grant programs are revised and redirected as necessary to meet new conditions arising subsequent to their original enactment; and (3) grant programs are terminated when they have substantially achieved their purpose.

Expiration of grants-in-aid programs

Sec. 302. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid to two or more States or to political subdivisions of two or more States and no expiration date for such authority is specified by law, and such grant is not specifically exempted from the provisions of this title, the Advisory Commission on Intergovernmental Relations shall, not later than June 30th of the fifth calendar year which begins after the effective date of such Act, make reports to Congress on such programs. In reviewing such programs, the Advisory Commission on Intergovernmental Relations shall consider, among other relevant matters, the criteria set forth in section 303 of this Act.

Committee studies of grant-in-aid programs

Sec. 303. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid over a period of three or more years to two or more States or to political subdivisions of two or more States, then during the period beginning not later than twelve months immediately preceding the date on which such authority is to expire, the committees of the House and of the Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made with a view to ascertaining among other matters of concern to the committees, the following:

(1) The extent to which the purposes for which the grants-in-aid are authorized have been met;

(2) The extent to which such programs can be carried on without further financial assistance from the United States;

(3) Whether or not any changes in purpose, direction, or administration of the original program, or in procedures and requirements applicable thereto;

(4) The extent to which such grant-in-aid programs are adequate to meet the growing and changing needs which they were designed to support.

Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire.

Records and audit

Sec. 304. (a) Each recipient of assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification, or alteration of any existing grant-in-aid agreement pursuant to existing law shall keep such records as the Federal agency administering such grant may prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received.

TITLE IV—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIALIZED OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

Statement of purpose

Sec. 401. It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State or local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide specialized or technical services to State and local governments.

Authority to provide service

Sec. 402. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government is authorized within his discretion, upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon the payment by the unit of Government making the request, of the salaries and such other cost to the department or agency for performing such services: *Provided, however,* That such services shall include only those which the head of the Federal agency concerned determines are not reasonably and expeditiously available through ordinary business channels.

Reimbursement to appropriation

SEC. 403. All moneys received by any department or agency of the executive branch of the Federal Government, or any bureau or other administrative division thereof, in payment for furnishing specialized or technical services as authorized under section 402 shall be deposited to the credit of the principal appropriation from which the cost of providing such services has been paid or is to be charged, or to the appropriation currently available for the cost of similar services.

Reports to Congress

SEC. 404. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government shall furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under the administration of this title.

Reservation of existing authority

SEC. 405. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government.

TITLE V—COORDINATING INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF GRANTS FOR URBAN DEVELOPMENT

Declaration of urban assistance policy

SEC. 501. (a) The economic and social development of the Nation, its strength in world affairs and the achievement of satisfactory levels of living depend in large degree upon the sound and orderly development of urban communities. In pursuit of this basic objective, the President may establish rules and regulations for uniform application in the formulation, evaluation, and review of urban development programs and projects for the provision of federally aided urban facilities, and Federal projects having a significant impact on the development of urban and urbanizing communities. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives of urban development, and to the extent authorized by law reasoned choices shall be made between such objectives when they conflict:

(1) Appropriate land uses for residential, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Any other objective through which urban development activities can contribute to the economic, social, and cultural development of the Nation, its strength in world affairs, and the achievement of enhanced levels of living.

(b) All viewpoints—National, regional, State, and local—shall, to the extent possible, be fully considered and taken into account in planning urban development programs and projects. Regional, State, and local government objectives shall be considered and evaluated within a framework of national public objectives, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

(c) To the maximum extent possible, consistent with national objectives, all Federal aid for urban development purposes shall be consistent with and further the objectives of State and local government comprehensive planning for urban development. Consideration shall be given to all developmental aspects of the total urban community including but not limited to housing, transportation, economic development, natural resources development, community facilities, and the general improvement of living environments.

(d) Each Federal department and agency administering an urban development aid program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and made part of comprehensive local and areawide urban development planning.

Favoring units of general local government

SEC. 502. (a) Notwithstanding any Federal law providing that special purpose units of local governments are eligible to receive loans or grants-in-aid for urban development, units of general local government (cities, counties, towns, and townships) acting singly or jointly, shall be eligible to receive such loans or grants-in-aid. Heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid for urban development to units of general local government rather than to special purpose units of local government.

(b) In the event that a loan or grant-in-aid is made to a special purpose unit of local government, the chief executive officer or the governing body of each unit of general local government in which the loan or grant recipient is located or which would be affected by the loan or grant-in-aid project:

(1) shall be notified of the purpose, amounts, or other factors related to the proposed or actual loan or grant-in-aid to such special purpose unit of local government;

(2) may participate in such normal procedures as relate to budgeting of said loan or grant-in-aid; and

(3) shall have the opportunity to have their comments made a part of the application for such loan or grant-in-aid.

(c) Notwithstanding any other provision of Federal law, joint sponsorship of a project eligible for grant or loan funds by two or more units of general local government, two or more special purpose units of government, or any combination thereof, shall not limit the total amount of the loan or grant-in-aid to less than the aggregate available to the participating units of general local government and/or special purpose units of government acting singly.

Consistency with plans and objectives of general local governments

SEC. 503. Notwithstanding any other provision of Federal law, any application for a loan or grant made after June 30, 1966, for construction of hospitals, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, water development and land conservation within any metropolitan area subject to the provisions of this title, shall be submitted to the unit of general local government with authority to operate in the area within which the project or facility is to be located. No action shall be taken by any Federal agency upon such application unless the governing body of the unit of general local government certifies that such project or facility is consistent with its planning objectives. If said unit does not act on an application within thirty days after its submission, the application shall be deemed approved by said unit. The certification shall accompany the submission of such application to the areawide agency pursuant to section 504 of this title. The foregoing requirements shall not be applicable in the case of applications from units of government larger than and encompassing the unit of general local government within which the project or facility is to be located.

More effective utilization of certain Federal loans or grants by encouraging better coordinated local review of State and local applications for such loans or grants

SEC. 504. (a) In order to assist Federal, State, and local governments to increase their economy and efficiency of operations in meeting the governmental needs of the increasing concentration of population in metropolitan areas; to facilitate the coordination of intergovernmental relationships and activities on a continuing basis; to provide more effective exchange of information among the governments concerned at the earliest possible stage of planning and throughout the planning and development process; to encourage areawide comprehensive planning on a continuing basis; and to encourage State and local governments to establish or improve facilities for coordinating areawide development, all applications made after June 30, 1966, for Federal loans or grants to assist in carrying out open space land projects or for the construction of hospitals, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities, water development and land conservation within any metropolitan area shall be subject to the provisions of this title.

(b) (1) Except as provided in paragraph (2) of this subsection, each application for a loan or grant of the type described in subsection (a) shall be accompanied (i) by the comments and recommendations with respect to the project involved by an areawide agency designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning; and (ii) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the proposed urban development project or program is consistent with comprehensive planning developed or in the process of development for the metropolitan area and the extent to which such project or program contributes to the fulfillment of such areawide planning. The comments and recommendations and the statement referred to in this section shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statement referred to in paragraph (1) of this subsection if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c) hereof, or such application has lain before an appropriate areawide agency or instrumentality for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

(c) The Bureau of the Budget or such other agency as may be designated by the President is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title.

TITLE VI—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

Amendment of Federal Property and Administrative Services Act

SEC. 601. The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), is amended by adding at the end thereof a new title as follows:

"TITLE VIII—URBAN LAND UTILIZATION

"Short title

"SEC. 801. This title may be cited as the 'Federal Urban Land-Use Act'.

"Declaration of purpose and policy

"SEC. 802. It is the purpose of this title to promote more harmonious intergovernmental relations by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall be consistent with zoning and land-use practices and shall be made to the greatest practicable extent in accordance with planning and development objectives of the local governments and local planning agencies concerned.

"Disposal of urban lands

"SEC. 803. (a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

"(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full, and complete information concerning—

"(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

"(2) current availability to such property of streets, sidewalks, sewers, water, streetlights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

"Acquisition or change of use of real property

"SEC. 804 (b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

"(2) comply with and conform to zoning regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

"(1) consider all objections made to any such acquisition or changed use by such unit of government upon the ground that the proposed acquisition or use conflicts or would conflict with such regulations or objectives; and

"(a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

"Definitions

"SEC. 805. As used in this title—

"(a) 'Unit of general local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(b) 'Urban area' means—

"(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

"(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

"(3) that portion of any geographical area situated adjacent to the boundary of any incorporated unit of general local government which has such population density.

"(c) 'Comprehensive planning' includes the following, to the extent directly related to the needs of a unit of general local government:

"(1) preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development;

"(2) programing of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvement to be constructed in the earlier years of the program;

"(3) coordination of all related plans of the departments or subdivisions of the government concerned;

"(4) intergovernmental coordination of related planning activities among the State and local governmental agencies concerned; and

"(5) preparation of regulatory and administrative measures in support of the foregoing."

Information on Medicare and $3 a Month Voluntary Medical Plan

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. FRASER. Mr. Speaker, "Will medicare pay my hospital and doctor bills if I get sick next year?" Many persons 65 or over will ask that question now that we have passed the social security-medicare law of 1965.

A TYPICAL EXAMPLE

In explaining the new law to the people of my district, Minneapolis, Minn., I have found it is helpful to give a typical example of how the new law will work. Suppose Mr. Hanson is already 65 and receiving a monthly social security check at the time medicare goes into effect next July 1, 1966, and has signed up for the $3 a month voluntary medical plan, too. Suppose he is hurt in an accident or takes ill on July 4, 1966, and goes to the hospital and stays for 28 days. Will medicare pay his hospital and doctor bills?

In a case like this, Mr. Hanson would pay about $40 to the hospital and about $140 to his doctor. The social security fund would pay the balance of the hospital bill. The new voluntary medical plan would pay the balance of the doctor's bill.

Here's how Mr. Hanson can figure how much of his hospital and doctor bill would be paid for by medicare and the voluntary plan. He is in the hospital for 28 days.

The medicare law has a $40 deductible feature, so Mr. Hanson pays the first $40 of his hospital bill. If he is in a ward at, say, $22 a day, medicare will pay the other $576.

If his doctor bill runs to $500, Mr. Hanson pays the first $50 and an additional $90 while the voluntary medical plan pays the remaining $360. The law sets the deductible sum at $50 and requires a person to pay 20 percent of the balance of his doctor's bill too.

WHERE TO PHONE FOR INFORMATION ON MEDICARE

This is a simple example. Many other possibilities arise for different lengths of stay in the hospital and types of medical services. I am urging all people in my district to contact the social security office directly with their questions. In Minneapolis it is in room 230 of the Federal Courts Building at 110 South Fourth Street. The telephone number is 334–2701. Excellent help can also be obtained from the AFL–CIO community services office at 404 South Eighth Street, Minneapolis. The telephone number is 332–5275, extension 212 or 210.

WALLET SIZE MEDICARE CARDS WILL BE SENT IN THE MAIL

Most men and women who are covered by the hospitalization feature of medicare will receive a wallet size card in the mail in the coming months. The Social

Security Administration will also send out applications automatically to let retired people sign up for the $3 per month voluntary medical plan if they want to. Information pamphlets are now being written and will be sent in the mail, too.

NO COVERAGE UNTIL JULY 1, 1966

Medicare does not go into effect for almost another year. Both the voluntary plan and the basic hospitalization start next July 1, 1966. Hospital bills and doctor bills incurred from that day on will be paid in part for those 65 and over who are covered by the law. Until next July everyone will have to rely on his own hospital or medical insurance—Blue Cross, Blue Shield, or whatever he is paying for. Needy oldsters can apply for medical assistance to the aged through their county welfare board, of course.

BASIC PLAN—HOSPITAL INSURANCE

ELIGIBILITY FOR PROTECTION UNDER THE BASIC PLAN

All persons aged 65 or over now entitled, or who will be entitled, to monthly social security or railroad retirement benefits. In addition, persons not eligible for such monthly checks who reach 65 within the next few years or who are now aged 65.

BENEFITS

First. Inpatient hospital charges for up to 90 days in each spell of illness with patient paying $40 for first 60 days and $10 a day after that.

Second. Nursing home care for up to 100 days during any spell of illness with the patient paying $5 a day for each day after 20 days.

Third. Home health service for up to 100 visits after a hospital stay of 3 days. Patient must be under a physician's care.

Fourth. Outpatient diagnostic services with the person paying the first $20 and 20 percent of the cost above that for all services rendered in a 20-day period.

Fifth. Psychiatric hospital care for up to 190 days during a lifetime.

COST

These benefits are paid for through the social security system by payroll deductions. There is no "means" test.

HOW TO ENROLL

Persons receiving social security retirement, railroad or Federal civil service retirement, or public assistance need to take no special action to enroll. Others 65 or over should contact the social security office.

VOLUNTARY SUPPLEMENTARY MEDICAL INSURANCE PROGRAM

ELIGIBILITY

All persons age 65 or over, regardless of whether or not they are eligible for social security, railroad retirement, or other benefits who wish to be covered.

BENEFITS

First. Physicians' and surgeon services furnished in a hospital, clinic, office, or in the home. Such specialists as dental surgeons, radiologists, and pathologists are included, but chiropractors and podiatrists are excluded.

Second. Home health services for up to 100 visits during a calendar year without being first hospitalized.

Third. Additional medical and health services, provided in or out of a medical institution, including diagnostic X-ray and laboratory tests, electrocardiograms, basal metabolism readings, and other diagnostic tests, X-ray, radium, and radioactive isotype therapy; ambulance services under limited conditions; surgical dressings, splints, casts, iron lungs, oxygen tents, artificial limbs, eyes, and so forth.

Fourth. Benefits under this program are subject to an annual deductible amount of $50. Then the program will pay 80 percent of the patient's bills above the $50 deductible.

COST

If a person chooses to participate in this program, it will cost $3 per month. The Federal Government will match this with a $3-per-month payment.

If you receive a monthly social security or railroad retirement check, the premiums would be deducted from your check. Others will pay their contribution directly into a special trust fund.

The premium cost rises if you delay signing up for this program.

HOW TO ENROLL

First. Regulations will be issued by the Department of Health, Education, and Welfare establishing procedures for enrolling in the program.

Second. Persons 65 or over before January 1, 1966, may enroll prior to March 31, 1966.

Third. Persons who become age 65 after January 1, 1966, may enroll during a 7-month period that begins 3 months before their 65th birthday.

Fourth. There will be a general enrollment period during the period of October 1 to December 31 of each odd-numbered year beginning with 1967.

Fifth. You cannot enroll more than 3 years after the close of the first enrollment period in which you were eligible.

OTHER SOCIAL SECURITY AMENDMENTS PASSED BY CONGRESS

SOCIAL SECURITY BENEFITS

Provides a 7-percent increase in all old-age, survivors, and disability insurance benefits. There is a minimum increase of $4 a month. Increases are retroactive to January 1, 1965.

BENEFITS FOR WIDOWS AT AGE 60

Widows will now have the option of receiving social security benefits at age 60, with a reduction of benefits they would otherwise receive at age 62.

CHILD'S INSURANCE BENEFITS

A child's insurance benefits would continue to be paid until the person reaches age 22—instead of age 18—if the child is attending accredited school or college as a full-time student after he reaches age 18. This provision will be effective as of January 1, 1965. A child 18 or over must contact the social security office in order to receive payments.

BENEFITS TO PERSONS AT AGE 72 OR OVER

Liberalizes eligibility requirements by providing a basic benefit of $35 a month at age 72 or over to certain persons with a minimum of 3 quarters of coverage under the Social Security Act, acquired at any time since the beginning of the program in 1937.

RETIREMENT TEST

Liberalizes the social security earned income limitation. Beginning January 1, 1966, a person receiving a check will be able to earn $1,500 a year without having his check reduced.

DISABILITY INSURANCE BENEFITS

Liberalizes the eligibility requirement for persons covered by the disability insurance provisions of the Social Security Act.

MISCELLANEOUS AMENDMENTS

Other amendments authorize benefits to certain divorced women, coverage of physicians, coverage of cash tips received by employees after 1965, and an exemption from social security of self-employed persons of certain religious sects.

MEDICARE BRINGS A NEW ERA OF SOCIAL LEGISLATION

It is no wonder that passage of the medicare bill has been said to open a new era in social legislation in the United States. I am proud to have been one of the cosponsors of this important new law. I trust that it will help relieve our older citizens of the fear and financial burden of illness and hospital care.

Age Discrimination in America: Too Old To Work, but Too Young To Retire

EXTENSION OF REMARKS

OF

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. RANDALL. Mr. Speaker, in the 67 years since it was founded, the Fraternal Order of Eagles has successfully sponsored Federal and State legislation sought by the workingman in his struggle for social justice.

Eagles were in the very forefront of the battle for old-age pension laws and for the establishment of workmen's compensation. The Social Security Act of 1935 was enacted after a 14-year fight under the leadership of the Eagles and organized labor.

In recent years, the FOE has turned its attention to mitigating the cruel economic discrimination exercised against workers who seek new employment in the years of their maturity. Through a jobs-after-40 campaign, Eagles have sought to affirm the propositon that a prospective employee ought to be judged by his previous work experience, by his capabilities, and his willingness to work—but not by the arbitrary yardstick of his chronological age.

Their concerted efforts have led to the enactment of 23 State laws which prohibit employment practices that arbitrarily discriminate on account of age. In turn, these laws created a climate in which President Johnson could issue Executive Order No. 11141, banning the use of age limits in advertising or in employment practices by any contractor or subcontractor doing business with the U.S. Government.

On the occasion of the 60th anniversary of Aerie No. 385, I had the pleasure to address my Brother Eagles in Independence, Mo., on the subject of jobs-after-40 legislation. Under previous leave granted me, I am inserting the text of that speech at this point in the RECORD:

THE EAGLES' JOBS-AFTER-40 CAMPAIGN

It is always a pleasure to address my Brother Eagles. Other fraternal orders promote good fellowship, do good deeds, and do them well. Other fraternal orders provide death payments or other benefits to their members. But the Eagles go further than that. They reach outside their own ranks to promote the welfare of all mankind.

As an Eagle—and as your Congressman—I am praticularly interested in accomplishments of the Eagles in fostering timely legislation to alleviate pressing social problems.

Certainly no legislative efforts could be more appropriate and more timely in this age of automation than the national Eagle program to eliminate job discrimination against men and women after they reach the age of 40.

Did you ever stop to think about the pleasant anomaly involved in the Eagles' legislative efforts?

Here we are—an organization that is scrupulously nonpartisan and in which no man's religion is permitted to count either for or against him—and yet the Eagles have religiously supported highly political legislation. No matter how formidable the opposition or how charged the issue, if proposals are in accord with the lofty ideals we profess then we march straight to the legislative barricades.

THE EAGLES' LEGISLATIVE RECORD

Look at our record of accomplishments:

The first Mothers' Pension Act in the United States was enacted by the State of Missouri in 1911 because of efforts by the late Judge E. E. Porterfield, a brother Eagle from Kansas City who had observed the plight of needy widowed mothers in his courtroom.

Eagles helped steer this pioneering Missouri law through the State legislature at Jefferson City in 1911, just as they are working hard to steer the jobs-over-40 law through the same body today.

It was an Eagle in Montana who drafted the first State old-age pension act, the model for old-age pensions enacted by the other States of the Union. When the 1933 national convention of Eagles was held, delegates were able to view with great pride the 20 pens that had been used by the same number of Governors to sign State pension plans into law.

In the early 1930's the Fraternal Order of Eagles became the first major people's lobby in Washington.

Our Washington dreams were big, and yet we somehow were able to fulfill them. The Eagles campaigned for nothing less than enactment of a national social security act. After 14 years and a million dollars in educational efforts, such a bill was signed into law.

More recently, beginning in 1957, we have seen the start of another major legislative effort by the Eagles—the jobs-after-40 campaign. It is due to the widespread effect of this FOE campaign that public attention has been focused on unjust discrimination in employment because of age.

A DUAL AGE STANDARD

It is a sad commentary on our society that employers usually consider their older workers to be the most valuable workers because they possess skills, good judgment, loyalty and dedication to their vocation. Yet the minute they begin to think about hiring new men, they toss these considerations to the wind.

Consider the disparity in the fact that most of those persons chosen to guide the affairs of state are older men and women.

For instance, the average age of Senators in the current 89th Congress is 57.7 years, and the average age of my colleagues in the House of Representatives is 50.6 years. Even the present so-called freshman class in this 89th Congress has an average age of 43.8 years.

These same men—if they were unemployed today—would have a statistically difficult chance of finding new jobs in private industry. Yet they are members of an age group in which the voters of this country have just placed their stamp of confidence.

If political old age and economic old age were synonymous, the membership in the ranks of the U.S. Congress would be sadly depleted.

We are all familiar with the story of the middle-aged worker with children still in school who suddenly—because of technological unemployment, factory relocation, or structural unemployment—finds himself without a job.

What recourse does he have? Only one. He must seek new employment if he intends to continue to meet his financial obligations.

Yet because of the arbitrary factor of age the odds are greatly against his getting new employment either as quickly or at a salary level favorably comparable with his last job, when compared with the chances of a younger man.

Almost inevitably he is measured against the arbitrary yardstick of chronological age. And this is happening in a period in which the 40-to-65 group is one of the fastest growing segments of our population.

SOME MEDIEVAL MYTHS

Why cannot these individuals obtain new employment as easily as the younger worker?

The answer is because of prejudice and ignorance—ignorance of the true facts, and a reliance on medieval concepts and beliefs about older workers.

Many firms and individuals are still convinced that older workers are more accident prone, that their absenteeism is higher, that because of age they are less productive, and also that they are more apt to leave their jobs to seek new employment. They also claim that costs and restrictions of industrial health and pension plans are often prohibitive.

Most of these claims are built on myths. They do not withstand the scrutiny of careful analysis.

For one thing, such workers bring the additional assets of experience and training, and the invaluable attribute of judgment to their jobs.

For another, older workers have fewer accidents, they are less likely to seek new jobs, and their absenteeism decreases as they grow older.

It is clear we need to revive our national spirit and revise our attitudes toward elder citizens. And the Eagles have taken a long, constructive, and dramatic step forward in this direction.

As a result of Eagles' activity some 23 States now have laws on the books which explicitly prohibit arbitrary discrimination in employment on account of age. And most of these laws have enough teeth in them to stimulate employers into responsive action.

CURRENT PROGRAMS NOT ADEQUATE

One reasonable question which should be raised is whether Federal and State efforts as now constituted are on a large enough scale, comparative to the magnitude of the problem of after-40 discrimination.

The answer, I am sorry to report, is a resounding "No." But we are making progress; and we may even be approaching a turning point.

In the decade of the 1950's very little was done for the over-40 group. The Government—and here I am indicting the administration, as well as Members of Congress on both sides of the political aisle—did not really understand the nature of the problem, much less feel any real responsibility for devising partial or full solutions for it.

During that period, when recession hit an area and industries were forced to close their doors, very little was done to help the individual worker except to pay him his unemployment compensation. There were no large-scale programs of training and other assistance to prepare the individual for the period after unemployment compensation ran out.

About the only progress made in Congress at that time was a rider attached to an appropriations bill in 1956 which prohibited use of maximum age requirements in hiring employees to serve in the Federal competitive civil service.

THE PROGRESS OF THE 1960'S

Federal legislative and administrative efforts to secure and protect jobs for workers over 40 began to pick up and accelerate with the start of this decade of the 1960's.

In 1961, the first White House Conference on Aging was held.

In 1962, the Manpower Development and Training Act was passed, and in 1964 and in this very year of our Lord 1965 amendments to that act were passed which increased the Government's ability to alleviate long-term effects of structural or technological unemployment on a community. Already, 320,000 trainees have been enrolled in programs under this act—many of them over 40 years of age.

The Eagles and older workers everywhere won a real victory in February of 1964 when President Johnson signed Executive Order No. 11141, banning use of age limits in advertising or in employment practices by any contractor or subcontractor doing business with the U.S. Government.

That order covers virtually every major corporation in the United States. The only exceptions allowed are for maximum age limits which are bona fide occupational qualifications or which are associated with retirement plans or are required bv Federal statute.

Few persons are aware that the antidiscrimination provisions in title VIII of the Civil Rights Act of 1964, relating to employment practices, extend to discrimination on account of age and sex as well as to race or national origin. Discrimination in employment on account of sex is prohibited outright, and age discrimination is taken under congressional advisement. Under the terms of section 715, Congress required the Secretary of Labor to make a full study of age discrimination and to make recommendations for appropriate legislation to prevent such arbitrary discrimination in employment.

EXISTING FEDERAL PROGRAMS

In preparing my remarks this evening, I checked with officials of the executive branch to find out just how these programs are working out.

My first check was with the war on poverty, but the results of that inquiry were not as fruitful as I might have expected. As currently constituted, the economic opportunity program is slanted towards maximum impact on youth.

The real creative work on older persons' employment problems is being developed in the U.S. Department of Labor. As a result of experience from the Manpower Development and Training Act, the Manpower Utilization Service of the Department of Labor has amassed a great deal of experience in handling the employment problems of persons over 40 or 45.

Although they have yet to launch any major national older worker program, their training, counseling and referral programs are open to all eligible individuals, regardless of age. Moreover, through a Division of Special Services, the Department is trying to increase the assistance given explicitly to older persons.

I will not attempt to describe in detail the activities of the U.S. Department of Labor, but I would like to summarize some tentative conclusions about handling problems of workers in the over-45 group which resulted from my discussions with labor officials.

STATE JOBS-AFTER-40 LAWS USEFUL

First, State laws fostered and promoted by the Fraternal Order of Eagles to prohibit discrimination in employment on account of age are by and large beneficial.

Sometimes you hear it argued that age discrimination is so hard to pin down that laws can be evaded by employers. That is only true if you assume bad faith on their part.

The experience of many States is that when such laws exist and when they have sanctions and regular enforcement personnel associated with them, employers can be induced to change their hiring practices.

Jobs-after-40 laws create a climate of opinion and a moral atmosphere in which businessmen are more responsive to the needs of older job applicants. Such statutes alert the public to the existence of the problem, stimulate creation of local civic groups to foster fairer employment practices, and encourage personnel men to judge applicants on the basis of ability alone.

The example of California is illustrative of the impact of educational campaigns on hiring practices. Between 1959 and 1962, 3 short years, the placement of older workers increased some 90 percent. This increase may in part have been the result of population growth, but in greater measure it reflected the success of an Eagles' jobs-after-40 campaign.

EMPLOYER ATTITUDES CAN BE CHANGED

A second general finding is that improvement in employment prospects for older workers can often be achieved through educational efforts organized locally with assistance from the U.S. Employment Service.

In Arkansas, for instance, an Employer Institute was organized to provide basic information about the capabilities and capacities of older workers. Discussion among the 40 or more individuals who attended revealed that each individual employer had been passing the buck under the mistaken assumption that older men turned down by him would be able to find work elsewhere. Everyone assumed that other things were equal, and then took the younger applicant.

Once they discovered their collective error, the companies participating agreed that in the future they would at least interview older applicants and take them seriously. A followup survey 6 months later indicated there had in fact been an increase in the number of older persons hired in the area.

Similarly, experience has shown in Pennsylvania that when panels of six or seven employers can be organized to counsel older men and advise them about how best to seek employment, the result is often job offers for the applicants and a change in hiring practices by the companies involved.

To cite another example, many different kinds of private, nonprofit organizations have been established to help older workers help themselves in creating new jobs and services, and to open up new opportunities for over-40 workers in existing positions.

GOVERNMENT HAS A RESPONSIBILITY TO ACT

Third, we now recognize the important role which government must play when sudden, large-scale unemployment impacts a community.

Retraining programs, counseling and guidance services, strong local initiative to seek new industry, and basic education of workers about alternative employment opportunities are all necessary to minimize economic chaos that can hit communities like a bolt of lightning out of the blue sky.

WORKERS' ATTITUDES ARE IMPORTANT

Finally, we have learned that older workers themselves share part of the burden and blame for job discrimination on account of age. Often the older worker is unemployable only because he stoically refuses to adapt and change his own attitudes toward employment and career prospects.

Many older workers could and would find suitable employment in their chosen fields if they would do two things—face their problems squarely, and be willing to pull up stakes if necessary.

A special study is now being conducted to explore the different effects of worker mobility on employment. For obvious reasons, the older a man is, the more ties he has to his community and to his home and the more reluctant he is to go where the work is.

Unfortunately, we live in a highly mobile society and younger persons often work in several different cities before they finally settle down. Right now sociologists and economists are trying to find out what impact immobility has on employability. They already know that refusal to move often means that a man unnecessarily barely makes it, or just gets by, when he could be earning a decent wage elsewhere.

But the psychological factor is even more important in finding new jobs after the age of 40. It is incredibly difficult to find within yourself the initiative and the inventiveness that leads to employment if you are convinced deep down inside that somehow the old job is going to return. Yet time and again speed in seeking new employment—before financial resources are exhausted and skills have begun to dwindle—is the key to reemployment.

LABOR DEPARTMENT TO REPORT

The Secretary of Labor's mandatory report to Congress on job problems of the older worker is scheduled for release on June 30 of this year. Because of the way such reports are prepared and evaluated in the executive branch, the contents will not be revealed until that date. As you know, our President is so impressed with the notion that he is captain of the ship of state, he has taken extraordinary steps to plug all the "leaks" in it.

However, we may speculate that the report might comment on several bills now pending before the House Committee on Education and Labor. Some of these bills seek directly to prohibit age discrimination in hiring practices through timely amendments to the National Labor Relations Act or the Fair Labor Standards Act.

BUREAU OF OLDER WORKERS

One of the best of the bills now in the hopper is H.R. 2062, a problem-solving bill which would elevate a branch of the Labor Department's Division of Special Services to the status of a Bureau of Older Workers.

This Bureau would coordinate the activities of all Federal agencies in preventing discrimination on account of age by the Government itself.

It would investigate and propose changes in tax policies, pension programs, wage systems, and collective bargaining agreements which might foster employment of older workers.

It would conduct a basic education program among employers to explore popular myths about skills and capabilities of older workers.

Such a bureau would also have specific responsibilities to cooperate with other agencies, first, in assisting older workers to find reemployment whenever major plant shutdowns occur, second, in developing retraining programs designed for older workers, and third, in stimulating the development of local voluntary nonprofit employment counseling services for workers over 40.

When the Congress finally begins to tackle problems of the aging worker head-on instead of through piecemeal amendments to bills on other subject matter, it will no doubt incorporate features from each of the proposals in committee.

An appropriately constituted Bureau of Older Workers will be necessary in order to secure middle- and long-range stabilization of the employment problem.

But a flat prohibition of unfair hiring practices will be needed to shift a substantial share of the burden of action to the private employer. We must forget that a change—either voluntary or involuntary—must take place in fundamental employer attitudes toward hiring older workers if the efforts of State, Federal, and local government are to be effective.

Brother Eagles, we all remember the Biblical quotation "Render unto Caesar the things that are Caesar's and unto God the things that are God's." Now is the time to render unto the older worker the things that are rightfully his—an equal opportunity for employment.

Surely we can all support programs to curb employment policies based on age that are highly discriminatory, economically wasteful, socially harmful, and morally wrong.

Speech of Representative H. Allen Smith, of California, on Communist Attempts To Undermine U.S. Policy in Vietnam

EXTENSION OF REMARKS

OF

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. LIPSCOMB. Mr. Speaker, on July 24 our colleague, Representative H. ALLEN SMITH, of California, delivered the main address before the annual convention of the Virginia Department of the American Legion at Roanoke, Va.

In the address he discussed the efforts by Communists and Communist sympathizers here in the United States to undermine U.S. policies aimed at stopping Communist aggression in Vietnam.

The information presented on the subject by Representative SMITH, who is knowledgeable and well informed on the subject of Communism, is very pertinent and timely. It gives new insight into the part being played by the Communist Party in the United States to help further the advance of international communism.

I believe the Congress and the public will want to have an opportunity to read Representative SMITH's comments. Under leave to extend my remarks I submit the speech for inclusion in the RECORD:

REMARKS OF THE HONORABLE H. ALLEN SMITH, CONGRESSMAN FROM CALIFORNIA, BEFORE THE ANNUAL CONVENTION, VIRGINIA DEPARTMENT, AMERICAN LEGION, ROANOKE, VA., JULY 24, 1965

It is an honor and a privilege to be the guest this evening of the Virginia Department of the American Legion. As I look out over this distinguished audience, I see friends of long standing. Your hospitality has certainly made me feel right at home—you know, like being in California.

This Nation is fortunate to have the men and women of the American Legion. As a citizen and Member of Congress, I know firsthand the tremendous work you and your associates are doing to keep this Nation strong and free. You stand for the principles which have made America great. Never has there been a time when Americans need more to know what patriotism, courage and love of country really mean. It is a thrilling experience for me to feel your enthusiasm, fervor and dedication to the principles we all so deeply believe in. America is a better nation because there is an American Legion.

At this hour America stands in mortal danger. We face an enemy which seeks to destroy everything we cherish. This enemy already controls one-third of the world's peoples and one-quarter of the land surface of this planet. He is propelled by a ruthless, atheistic ideology which will stop at nothing less than total world conquest. You, in the American Legion, know this enemy. You have fought it for an entire generation. You know what it intends to do to us.

These are no wild words. Communism is today killing American boys. Some of your sons may be in South Vietnam risking their lives that freedom be preserved. They may be lying in swamps or climbing through tangled undergrowth. They may be riding in helicopters or standing guard at remote airbases. These boys are marked men—marked because communism has set a price on their heads. The Communists say, "Go home, Yankee, let us dominate this part of the world."

I have supported the President's policy in Vietnam. I—as all Americans—do not want to see our boys go to foreign lands to fight. But we have a vital national principle at stake here—we must support freedom and prevent the Communists from conquering yet another nation. If we withdraw from Vietnam, the next day, the next year, the Communist juggernaut will roll on in southeast Asia.

Let's not be fooled by talk that the so-called split between Russia and China means a lessening of the danger to us. Undoubtedly, there is cleavage between Moscow and Peiping but not on whether this country should or should not be destroyed. A cardinal facet of Communist policy, both Russian and Chinese, is that this country must be liquidated. The dispute is not whether it should be done, but how it can best be achieved. The Communist world, despite its differences, is united in its hostility and hatred toward us. If we forget this basic fact of international life, we jeopardize our national security.

Perhaps no event since the Korean war has better illustrated the strength and danger of the Communist enemy inside this country than our involvement in South Vietnam. Not since 1950 has this country been more viciously, bitterly, and treacherously assaulted by the Communist Party, U.S.A., its fronts and sympathizers.

If ever there were any doubt that communism had a fifth column inside this country, it should now be fully and completely dissolved.

Following carefully formulated Communist tactics, the party in this country has consistently supported the operations of the Vietcong in South Vietnam, denouncing this Nation as an "aggressor," a "dirty imperialist," and a "warmonger." The party has demanded that American troops leave South Vietnam. It has accused our military forces of perpetrating atrocities, but says nothing about the Vietcong invasion from North Vietnam, about Vietcong illegal operation, or its policies of terror against defenseless villages or its dastardly bombings in Saigon.

As far back as March 1964, for example, the party's national headquarters in New York City sent a directive entitled "The United States and South Vietnam Developments" to all its districts. Party members were urged to send telegrams of protest to President Johnson, to place advertisements in newspapers throughout the country, to organize protest meetings and picket lines and to enlist the support of non-Communist groups.

The party subsequently commissioned Margrit Pittman, a longtime member of the party, to prepare a discussion outline on the topic of "Vietnam and Peace." Incidentally, Margrit Pittman was in the Soviet Union from 1959 to 1962, when her husband, John Pittman, was the Moscow correspondent for the Communist newspaper, The Worker.

In this outline, Mrs. Pittman characterized the war in South Vietnam as a war of aggression by U.S. "imperialism," while the Vietcong was described as fighting a war of national liberation. Mrs. Pittman used this outline to urge telegrams, letters and resolutions, meetings, marches and other forms of demonstrations to demand U.S. withdrawal from South Vietnam.

As time went on, the Communist attack increased in tempo. In November of last year Arnold Samuel Johnson, the party's top public relations man, suggested to a confidential party meeting that the party prepare a definitive document on Vietnam and distribute 50,000 copies. This document was prepared and circulated. All the time national headquarters urged party districts to step up the propaganda and agitation, seeking to undermine the American position.

The trigger, however, which really set off the party's current assault occurred last February when the President ordered air bombardment of North Vietnam military targets. Within minutes after announcement of the air attacks, the party swung into action. Gus Hall, general secretary of the party and actually the No. 1 Communist in the United States, bitterly condemned the American action as "an act of brutal aggression which horrifies the world." In Chicago, for example, a party meeting was interrupted and blank telegram forms distributed. Comrades were instructed to write and sign telegrams to President Johnson condemning the air strikes. At another top level party meeting a few days later strategy was mapped to intensify the propaganda and agitation. Robert Thompson, organizer of the party's New York district, suggested that attempts should be made to involve trade union people in the anti-United States campaign, while Gilbert Green, a member of the party's national secretariat, commented that the situation in Vietnam demonstrated that the Chinese Communists were not warmongers since they had acted responsibly under great provocation.

Now don't misunderstand me. There are individuals in this country who, for their own personal reasons, disagree with our policy in Vietnam. These persons are not by any stretch of the imagination Communists or even sympathetic with the Communist position. We must be extremely careful not to label all opposition to America's foreign policy in Vietnam as "Communist." This would be wrong. My emphasis this evening, however, is to show how a small minority of Communists, completely loyal to a foreign government, is trying to embarrass this country, to undercut our foreign policy, to sow seeds of dissension and, above all, to support an enemy who is tonight killing American boys.

I think our people should know about this fifth column. Only in this way can they protect themselves.

The devious hand of the Communists can be seen in many places—in demonstrations, protest marches, picket lines, and rallies. Let me mention just a few. On February 8, 1965, for example, a large rally of some 1,300 students was held on the campus of the University of California at Berkeley. This campus, as you know, was almost constantly disrupted by disorders during the last school year. Who was one of the speakers at this rally? None other than Herbert Aptheker, a member of the party's national committee. Incidentally, Mr. J. Edgar Hoover, the distinguished Director of the Federal Bureau of Investigation, recently reported to the Congress that individuals with subversive backgrounds who participated in the Berkeley demonstrations included 5 faculty members and 38 individuals who were students or connected with the University of California in some capacity.

One of the most concentrated Communist efforts occurred much closer to Virginia—that is, in Washington, D.C. Last April 17, a student march on Washington was held, in which some 15,000 persons protested American policies in Vietnam. While the march was not Communist initiated, dominated, or controlled, party members from throughout the Nation participated. Among top Communists present were Arnold Johnson, Michael Zagarell, and George Meyers. Zagarell is the party's national youth director and Meyers is in charge of the party's southern region. At a subsequent meeting of the party's national committee (where, incidentally, the key party decisions are taken), Zagarell claimed that the Communist Party played a decisive role in the march on Washington. Johnson praised the march and said that party people from all over the country participated.

No wonder Mr. J. Edgar Hoover recently commented that the Communist Party in this country was in a highly optimistic mood. Not for 15 years has it had such a field day for propaganda and agitation.

A key target, of course, is young people. For the past several years the party has been operating a program of sending party speakers to college and university campuses. The very highest party officials, including Gus Hall and Herbert Aptheker, have spoken to thousands of our students and faculty members. These speakers have denounced this country, extolled the merits of communism and urged support for the Soviet position. At a "teach-in" at the City College of New York, for example, Herbert Aptheker severely criticized our Vietnam policies. James Jackson, the editor of The Worker, just recently completed a tour of colleges in the State of Washington. Using false accusations and downright Communist deceit, he did everything possible to discredit this country. It is simply amazing how the party has been able to gain platforms of respectability to spew forth its subversive vitriol.

Another weapon of the party—very much in evidence—is the W. E. B. DuBois Clubs, the party's front group for young people. This group bears careful watching.

Founded a year ago by the party, it has gained surprising strength. Membership is today estimated at some 1,000 with chapters on campuses throughout the country. It is highly dynamic and aggressive.

Last March, the national office of the DuBois Clubs sent a document entitled "Emergency Memo on Vietnam Crisis" to all its chapters. The memo called upon DuBois chapters, members, and friends to join with other groups and individuals in a "stepped-up campaign to end the war in Vietnam."

Note, if you will, this persistent Communist effort to entice the support and assistance of non-Communist groups. Here is one of the party's chief tactics—that is, to hoodwink and dupe non-Communists to do the party's work. It reminds me of the often quoted remark that communism must be built with non-Communist hands. Here is a danger of great magnitude.

In Chicago, for example, DuBois members participated in anti-Vietnam demonstrations, as well as in Los Angeles, Newark, N.J., and Portland, Oreg. In Portland, Richard Healey, the son of Dorothy Healey, chairman of the Communist Party's southern California district, was one of the key leaders. In Berkeley, Calif., Bettina Aptheker, daughter of Herbert Aptheker, is a top DuBois leader and one of the key agitators in the university demonstrations.

In addition to the Communist Party and DuBois Clubs, we also find a number of Communist splinter groups involved in the Vietnam agitation. It is, in fact, almost startling to see the impact of Marxist-line organizations in the country today. Among these Communist splinter groups are the Socialist Workers Party, Young Socialist Alliance, Workers World Party, Youth Against War and Fascism, the Progressive Labor Party, and the May 2 movement.

But even this is not the full picture. There are other organizations which we might call extremist groups with proclivities for radicalism and rebellion. Probably the most prominent is the Students for a Democratic Society or SDS. This group is the youth affiliate of the League for Industrial Democracy, successor to the Intercollegiate Socialist Society, which was founded shortly after the turn of the century. The SDS claims some 2,000 members in 70 chapters. This organization was the sponsor of the April 17 student march on Washington.

Just a few weeks ago, the SDS held a 5-day national convention in Michigan. Actually, the delegates met in a Bohemian-type atmosphere, many going barefoot and dressing in dirty clothes—really beatniks, if you please. Students from many top-ranked colleges were present.

During the convention, many statements indicating a desire to alter our democratic way of life were made. One of the SDS's top officials, for example, stated that acts of civil disobedience were no longer effective, because police authorities were gaining experience in handling them. What was needed, asserted this student leader, was an organized violation of the 1917 Espionage Act which makes it a violation to urge soldiers to desert or to jeopardize the war effort in any way.

Another group, known as the Committee for Nonviolent Action, along this line, has originated and instigated the distribution of a petition entitled "Declaration of Conscience." As members of the American Legion, who have risked your lives to preserve this Nation, you will be deeply incensed over this type of propaganda. This so-called declaration of conscience—and this group is eager to secure signatures to it—declares, among other things:

"We hereby declare our conscientious refusal to cooperate with the U.S. Government in the prosecution of the war in Vietnam.

"We encourage those who can conscientiously do so to refuse to serve in the Armed Forces and to ask for discharge if they are already in;

"Those of us who are subject to the draft ourselves declare our own intention to refuse to serve;

"We urge others to refuse and refuse ourselves to take part in the manufacture or transportation of military equipment, or to work in the fields of military research and weapons development;

"We shall encourage the development of other nonviolent acts, including acts which involve civil disobedience, in order to stop the flow of American soldiers and munitions to Vietnam."

The May 2 movement, which is an affiliate of the Progressive Labor Party (PLP), an extremely militant leftwing organization supporting the position of Red China, is also urging that American boys disobey the draft. A recent issue of Progressive Labor, official publication of the PLP, commented that "the May 2 Movement is spearheading the resistance of American students to support that war." The article then continues:

"We are organizing a petition campaign calling on young people of draft age to refuse to fight in Vietnam; we are calling on servicemen to refuse to fight; we are appealing to all Americans to refuse to support the continuation of Johnson's war in Vietnam."

The May 2 movement has also shown on college campuses a film entitled "Heroic Vietnam 1963." This film, reportedly made by the Vietcong, contains violent anti-U.S. propaganda. Allegedly, the film was smuggled into the United States by American students after an unauthorized trip to Cuba in 1963.

In the last year an ugly mood has erupted on many of our campuses. At no time since the founding of the party in this country in 1919 have more students and faculty members been bombarded by Communist propaganda—much of which is so subtle and clever that it is accepted as fact. Actually, not long ago, a professor at one of our most distinguished universities, making a speech denouncing our policies in Vietnam, commented:

"I should like to testify as a historian that this DuBois Club publication (and he mentioned a propaganda release issued by this Communist front) seems to me the best analysis of the war's origins produced by any of the antiwar groups."

Surely, Communist propaganda has been able to make an impact on academic minds which should know better.

Again, I want to stress that in the current public discussion on Vietnam and the Dominican Republic there are many individuals who for their own reasons vigorously oppose our actions. This opposition in itself, obviously, does not make them Communists. This point we must remember.

But, in recent weeks, it has become extremely obvious to the discerning eye that the Communists are deeply imbedded in this agitation, are calling key signals and planning many of the antigovernment attacks. In fact, the emotional feelings which the Vietnam crisis has provoked in this country have enabled the Communists, utilizing skilled tactics, to exploit this situation for their own selfish advantage.

As Americans, we must remain constantly alert. We must not allow the Communists to trap us into supporting their position.

On May 3, 1965, I made a speech before the House of Representatives on the subject "The Communist Campaign To Oust the United States From Vietnam." Among the many responses I received was a letter dated July 8, 1965, from Saigon, Vietnam. Without identifying the writer, I am quoting the letter. It shows how one real American feels:

"Recently, I received a copy of the Congressional Record dated May 3, 1965, in which your speech 'The Communist Campaign To Oust the United States From Vietnam' appeared, and it gave me a great deal of pleasure to read your comments contained in this publication.

"As a former FBI agent who has been working in Vietnam for the past 13 months in an effort to strengthen the counterinsurgency capability of the Vietnamese National Police, it does my personal morale, and I'm sure the morale of every American working in this vital effort, good to know that we are supported by some of our more enlightened Representatives back home.

"We who have seen firsthand the terrorism and the misery brought upon the valiant people of South Vietnam by this Communist conspiracy, know full well the importance and the value of the American efforts in this country. We also realize that the sacrifices we must make here are in a real sense sacrifices that eventually would have to be made by many more Americans, much closer to home, if we were to turn our backs on the people of South Vietnam and give the Communists the political victory they seek here, as elsewhere.

"Many times we out here have occasion to read articles, quoting the so-called experts and authorities, who propose appeasement in one form or another, and it makes one's blood boil to realize that statements like these, unchallenged, will eventually lead our great country down the road to disaster and eventual Communist enslavery. There is only one solution to the problem in Vietnam now, and that is total defeat for the Vietcong. Let them have a victory here, either partial or complete, and the world will see these acts of terrorism and barbarism repeated again and again in every corner of the globe.

"Speaking for myself, and I'm sure many of my colleagues, I'd like to say that Vietnam today is not an easy place to work, or to live in either for that matter, but this country, and these people richly deserve and appreciate our support. They are good people and have been fighting a hard and dirty war for the past 20 years. Many of them are tired of war, as we all are, but I'm confident that with our continued support they will fight until victory is theirs.

"I personally am very proud to be serving my country here in our efforts to help these people and we Americans out here are all proud to know that some of our most able leaders in the U.S. Congress are behind them in this vital struggle for peace and security for the whole of southeast Asia.

"Sincerely yours,

"_____ _____."

I happen to represent the school of thought that Old Glory is to be reverenced, that love of country is a deep and abiding emotion. That lump in the throat, that tingle down the spine at the singing of the National Anthem means a nation of freedom to me—a nation, I openly confess, I love and will defend to the best of my ability.

As Legionnaires, you have defended this Nation around the world. You are still on the front lines. It is your beliefs, your principles, your ideals which are today being attacked.

You must fight—and fight hard—if they are to be preserved. The Communists are not only in the Soviet Union, in Red China, in Vietnam. They are here in this country—dangerous, aggressive, deadly. Unless we stand up and combat this virus, we will be destroyed.

I know I speak for every Legionnaire in this room—and for patriotic Americans across the country—when I say, "You can count on me in this fight."

Thank you for your kind attention and for permitting me to be with you this evening. God bless you and goodnight.

Democratic Self-Government Throughout the World Must Be the Aim of U.S. Policy

---

EXTENSION OF REMARKS

OF

HON. CARLTON R. SICKLES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. SICKLES. Mr. Speaker, recently the gentleman from Minnesota [Mr. FRASER] gave an eloquent speech on U.S. foreign policy. He cited three ways in which this Nation should encourage the spread of democratic self-government throughout the world.

This important address to the national convention of the American Veterans Committee in Atlantic City is worth our attention. I have asked unanimous consent to insert it in the RECORD.

It follows:

ADDRESS BY MR. FRASER

Recognition of the right of people to choose and operate their own governments has been an implicit—and occasionally—an explicit goal of American foreign policy as we have aimed at the development of a world community of democratic nations within an international framework of law and order.

At the same time that we have recognized this right of self-government, we have recognized the practical difficulties of implementing this right—the practical difficulties of establishing and maintaining democratic institutions in societies with few traditions or little experience in the exercise of self-government.

The wide disparity in wealth in Latin America and the overwhelming problems facing the new nations of Asia and Africa have led us to believe that the growth of democratic institutions has to be accompanied or even preceded by economic growth. Somehow, along the way, we have transformed a realistic appreciation of these difficulties into a false acceptance of the need to first solve the other problems which confront these nations.

We have concentrated instead on the problem of health, education, and economic growth in the hope that democratic institutions will follow as a natural consequence of this effort.

Now, I strongly favor our economic and technical assistance programs. In fact I believe we should do much more. Economic growth is needed to complement the growth of democratic institutions. But I believe that the two go hand in hand and that the growth of democratic concepts need not wait for a full stomach or a good standard of living.

We must work directly at bringing and strengthening self-government in the lives of these people as an integral process in achieving this growth.

I wish to make three suggestions for action by the United States. First, in our aid program we must help these people learn to organize on their own behalf at the community level. Second, we need to find ways to train local leaders in political techniques of self-government. Third, at every opportunity the United States must demonstrate its belief in self-government for other nations. On this third point, I shall make special mention of the situation in the Dominican Republic.

ORGANIZATION FOR SELF-HELP

As to the first point of helping people learn to organize on their own behalf in their own community, I don't mean to gloss over what we are doing already. The American Institute for Free Labor Development is making important contributions by helping to train trade union leaders in Latin America. Peace Corps volunteers and persons trained in the cooperative and credit union movements are helping to demonstrate democratic concepts in self-help techniques. These have been important efforts, but they should be viewed as the forerunners for a major national commitment on our part. It is urgent that the concept of self-government and self-help be brought into every step of our efforts.

After all, we need only recall the role which democratic self-help concepts have played in the achievement of economic and social opportunity here in our own country. I can best illustrate my meaning by pointing to the civil rights movement in America. Had the Negro in America not finally taken matters into his own hands, how many more decades would have elapsed before he made measurable progress toward first-class citizenship and better economic conditions?

How long would it have taken the working people of America to achieve their present standard of living if they had not organized labor unions? How much further down the economic ladder would the American farmer be without cooperatives and the vigorous political efforts of farm organizations? Is there any reason to believe that the trickle-down theory will work any more effectively in developing countries than it works here in the United States?

Nor should I omit the example of education in the United States. I believe that the American system of primary and secondary education became reasonably universal because of the local interest and support of schools. Remember, that although Europe led the United States in the development of social welfare legislation, we were far ahead of Europe in establishing universal education. It has turned out, of course, that education is the major source of economic growth in a nation.

DEVELOPING POLITICAL SKILLS

Let me turn then to a second way of promoting self-government. Introducing the ideas of self-help and organization into developing countries is not all that needs to be done. We need to accelerate the evolutionary development of political skills and understanding.

At the heart of democratic societies is political organization. But political organization takes political leadership by individuals. Leadership and political skills in our country emerge in an unplanned manner—but we are steeped in the traditions of our society and our citizens are involved in myriads of organizational efforts. Consider the numbers of people involved in local elections—for mayor, school board, city or town council, State legislature—along with all the groups organized to lobby or to influence local government.

But in developing countries why leave political education and the emergence of effective leadership to chance?

Why not establish an Inter-American Institute for Self-Government, headed by Latin Americans, staffed by them, and supported by foundations or by a group of governments. This Institute could teach the practical aspects of political organization and provide opportunities for stimulation and broadened experiences.

I want to push these ideas a step further. In Vietnam we have struggled vainly for 10 years to help the South Vietnamese build a base of support for the Government of South Vietnam which could withstand the blandishments and terror tactics of the Vietcong. It is perhaps no coincidence that several of the most knowledgeable persons about Vietnam, including Ambassador Lodge and General Lansdale, have urged the development of political activity at the grassroots built around the concepts of self-government and community organization. One stressed the importance of the idea of self-government, the other the need to use political organization as the framework within which to provide economic and medical aid as well as security.

A major obstacle to progress along these lines has been the lack of personnel trained in political organizing who could execute such a program.

Our State Department might be thought of as the operating political arm, but its work consists primarily of observing, predicting, reporting, and negotiating. These are not the roles of a political organizer who has a sense of how to organize a precinct, or perhaps more meaningfully, how to teach others to do this. This suggests very strongly that if we are serious about implementing the idea of self-help and self-government at the community level in countries coming under insurgency attack, we should begin now to bring together people trained in political organization to design and implement such a program.

In my judgment, this effort should have the highest priority in our Government.

OUR COMMITMENT TO SELF-GOVERNMENT

Finally, I believe, as my third point, that our Government must use every opportunity to act clearly on the side of self-government and to help people who have placed their confidence in democratic procedures when they are in danger of losing their right to govern themselves.

The most vivid example of our failure to keep our commitment to self-government came with our intervention in the Dominican Republic earlier this year.

What I find highly objectionable about our role in the Dominican Republic was our lack of purpose once we arrived in force. We should have immediately announced our intention to impose a cease-fire and submit the matters at issue to the people of the Dominican Republic through the ballot box, inviting the U.N. or the O.A.S. to conduct the referendum or election. But instead we sought to manipulate the leadership of the junta to make it more acceptable. Then we sought to obtain agreement on a coalition government which by its very nature would have a precarious purchase on life.

We finally came to the idea of elections but after such a long delay that even agreement on that has become difficult. My own view has been consistently that the elections should proceed whether the factions agree or not.

If U.S. international policies were more clearly wedded to the development and protection of the right of self-government, then our purpose in intervening in the Dominican Republic would have been much clearer in our own minds as well as throughout the world. Perhaps even more significant, we might have acted in the fall of 1963 to support the constitutional regime of Juan Bosch.

The difficulties in the Dominican Republic in recent years could have been an opportunity for the United States to demonstrate its willingness to protect the right of people of other nations to govern themselves.

Instead our actions have become a source of deep distrust about our motives and wonderment at our ineptitude.

I believe that a vigorous assertion of our commitment to self-government offers a more powerful idea to those in the developing world than the appeals of the Communists. A reality in the world which we often overlook as we travel about in our modern, air-conditioned society is that ideas can move men more strongly than tangible things. This has been demonstrated repeatedly in history, and is being proven today in Vietnam.

The common aspirations which are held by men everywhere include reasonable security for themselves and their family, increasing economic opportunities, more education and a brighter future for their children and freedom from arbitrary and oppressive rule.

We must help others learn that self-government is the best path toward these goals.

Last week the 750th anniversary of the signing of the Magna Carta was celebrated at Runnymede. Western democratic values stem from a long history of evolutionary development. These values have a fundamental appeal for all of mankind. Even the totalitarian nations preserve the forms if not the substance of these Western values.

I cannot trace out all the implications which should follow if we fully embraced the idea of self-government as the major thrust of American policies. Like every other principle it cannot be pursued in isolation or without reference to the higher demands of survival. But it is the most powerful idea at work in the 20th century, and it suggests an active role for the United States consistent with our history. This may be the approach which in the long run offers the best hope for mankind.

President Johnson Makes Another Major Contribution to Alliance for Progress Success in Central America

EXTENSION OF REMARKS

OF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1965

Mr. ROYBAL. Mr. Speaker, the Alliance for Progress has moved another important step toward the achievement of its goals.

In a White House ceremony attended by the Ambassadors from the six Central American countries, President Johnson signed a loan agreement under which the United States will lend $35 million toward the initial financing of the Central American Fund for Economic Integration.

These funds will be used to further the goals of the Central American Common Market by financing needed regional projects.

The progress of the Central American Common Market has been outstanding.

These small countries, which individually found that their size greatly inhibited their ability to form viable societies, decided to organize into a single Common Market in order to develop better their resources.

Since 1958, trade among these Common Market members has increased fivefold—from $20 million in 1958 to over $105 million in 1964.

The resulting stimulus of this trade has produced a gross national product increase in Central America of almost 7 percent a year.

Mr. Speaker, I strongly recommend to my colleagues President Johnson's comments on the occasion of the signing of this new agreement, as well as the response of Dr. Delgado, President of the Central American Bank for Economic Integration.

The remarks follow:

REMARKS OF THE PRESIDENT AT THE SIGNING OF THE $35 MILLION LOAN TO THE CENTRAL AMERICAN BANK FOR ECONOMIC INTEGRATION

Distinguished guests, members of the diplomatic corps, Members of Congress, I regret that these days and nights I am usually an hour late and a dollar short, but it is good to finally be here with you, and this house is honored today by the presence of such distinguished company. I am deeply privileged to extend to each of you a very warm welcome.

For all Americans of all the Americas, today is a very proud occasion. I believe we realize the real meaning of this moment as much more than just signing the papers that are before us. In a real sense by what we have come to do we really honor the spirit—the new and the soaring spirit—that is stirring throughout the length of this young and this proud and this newly hopeful Western Hempishere of ours, and no cynicism can corrode the promise that is beginning to gleam so brightly in the sun of this New World's new day, for we are thinking as we have never had cause to really think before as Americans, as peoples, as nations, sharing not just a common history or even a common geography, but sharing a common vision and possessing common aspirations.

That spirit was brought to life here in this room 4 years ago when a good many of you heard President Kennedy speak his hopes and speak the hopes of his countrymen, that the Americas could ally themselves together in peace to better the life of man in all of the Americas.

We see that spirit gaining substance and reality now, and in a good many, lands. But nowhere do we see it more than in the lands of Central America—Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica. They have, in a series of acts of the highest statesmanship, embarked upon a process of integrating their economies, which is one of the really most exciting undertakings of our world today. Together these nations have created a common market. They have leveled their trade barriers. They have coordinated their efforts in higher education. They have done the same for their tax systems and their development planning. And they are all making an effort to cope with the problems created by the ancient enemies of all mankind—disease, poverty, and illiteracy.

And the results are already apparent and already gratifying. Trade among these nations amounted to $20 million in 1958, but reached $105 million last year, and the gross national product is rising at close to 7 percent a year. In support of these historic advances a key role is today being filled by the Central American Bank for Economic Integration. It is represented here today by its able and dynamic president, Dr. Delgado.

This bank is capitalized by equal contributions from the five Central American countries. But as the Governments have pledged mutual support to each other, so the members of the Alliance have pledged support to them.

In March 1963, in Costa Rica, our late beloved President John Kennedy, pledged this country's support. And so today we have come here to fulfill that pledge by signing this loan agreement for $35 million.

Yes, great progress has been made in Central America, but the future offers greater promise both there and throughout the hemisphere. The Central American republics are providing all their neighbors and all the world what I would think is a very stirring example of what can be accomplished by free men with vision, and with wisdom, and with courage. And we of the United States are very proud to be fortunate enough to work with them in this very hopeful enterprise. We are so grateful for your friendship, for your loyalty, for your cooperation in trying to solve the problems of this hemisphere and trying to be equal to the challenges of the 20th century. And we want you to know that, and we want your Governments to know it.

And so this morning, to the distinguished representatives of Central America that may be present on this historic occasion, I would affirm again my country's deep respect and admiration and support for your efforts. And likewise, to the distinguished representatives of the Organization of American States, the CIAP, the Inter-American Development Bank, I would reaffirm the interest and the support of the United States of America for economic integration throughout this hemisphere.

In all the world there are no dreams so stirring or so exciting or so inspiring as those that we can dream realistically and reasonably now in our own hemisphere. The day is no longer so dim and distant as once it seemed to be when those dreams begin to reach the lives of all our people, for we can truly believe that that day has already dawned and we are now working in its early morning. Long before the twilight of this century has come, we may believe that men and women of the Americas will come to know a much better life, a life of peace, a life of social justice, a life of liberty, a life of independence, a life where reason rules and where tyranny is vanquished.

And it is toward this happy hour that we work together now with a steady purpose and with a rising confidence and with a deep appreciation of what friendship and understanding really means.

I'm sorry I was late. Thank you so much for coming.

REMARKS BY MR. DELGADO

Mr. President, your Excellencies, distinguished guests, I wish to express our deep appreciation for the honor you have conferred upon us by personally signing the loan of $35 million to our Bank from the Agency for International Development. This is a moment of great satisfaction for me, a satisfaction that I know is shared by the distinguished Ambassadors from the five Central American countries.

This occasion stands as the culmination of long and sustained efforts to establish the Central American Integration Fund, efforts that were initiated between the meeting of the Presidents of the Central American Republics and the late John F. Kennedy, whose memory is so close to the hearts of Latin Americans. These resources, matched with the contribution of $7 million already made by the Central American governments, will serve to initiate a vast program of necessary regional public works. Central American integration is thus advanced and economic and social progress enhanced.

We Central Americans are indeed achieving a sustained rate of regional growth, showing that the 15 years we have devoted to the creation of an operating regional common market are bearing fruit.

The awakened spirit of entrepreneurship, which is creating an entirely new generation of business and institutional leaders, undoubtedly constitutes one of the most striking phenomena in our region today. Equally striking, however, is the awareness that social progress is as important as industrial progress. We Central Americans take pride in these developments.

After more than a century of darkness and disunion we are pleased with this opportunity to bring directly to all of you the voice of a Central America reunited by common ideals and purposes.

The support of the United States to Central American economic integration has been strong and continuing. The Inter-American Development Bank has also provided important financial support.

We must also thank the International Monetary Fund, the World Bank, and our agencies of the Western Hemisphere, the Organization of American States, CIAP and ECLA for the special interest they have taken in the economic and social development of the Central American countries.

The Alliance for Progress to be successful requires confidence in its principles and a firm determination to overcome whatever obstacles may conspire to prevent us from achieving our ultimate goals. Much work remains to be done and we are determined to do it—through the multilateral mechanism of the Alliance and within the framework of our regional integration.

Thank you, Mr. President.

SENATE

FRIDAY, JULY 30, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, we come in all our incompleteness, stained and marred by our willful failure to seek and follow Thy pattern for our lives.

Yet with all the falling short of our high calling Thou knowest that in our most exalted hours Thou art to us the one reality above all earth's sophistries and shadows.

We adore Thee, whose name is love, whose nature is compassion, whose word is truth, whose spirit is goodness, whose service is perfect freedom, and in the knowledge of whom standeth our eternal life.

Help us to hitch the chariot of our daily deeds to the blazing star of that stupendous faith so that the common task and the trivial round may be edged with crimson and gold and all the deliberations here within the walls of this Chamber, relating to the welfare of the Nation and the world, may be begun, continued, and ended in Thee.

So may the sacred shrine of our inner life harbor nothing unworthy of Thy expectations of us.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 29, 1965, was dispensed with.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. Pursuant to Public Law 89-81, the Chair appoints the following Senators to be members of the Commission on Coinage: The Senator from Rhode Island [Mr. PASTORE], the Senator from Nevada [Mr. BIBLE], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Colorado [Mr. DOMINICK].

RESCHEDULING OF HEARING ON NOMINATION OF ABE FORTAS TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. MANSFIELD. Mr. President, yesterday, an announcement was placed in the CONGRESSIONAL RECORD that the hearing before the Committee on the Judiciary on the nomination of Abe Fortas, to be an Associate Justice of the Supreme Court of the United States, had been rescheduled for August 12, 1965, because the nominee would not be available on August 5, 1965, as previously scheduled.

Information has now been received that the nominee will be available on August 5, 1965. Accordingly, the hearing before the Committee on the Judiciary on the above-mentioned nomination has been rescheduled for Thursday, August 5, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, as originally announced.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

THE CALENDAR

On request of Mr. MANSFIELD, and by unanimous consent, the following calendar measures, beginning with Calendar Order No. 499, were considered and acted upon as indicated:

AMENDMENT OF JOINT RESOLUTION OF MARCH 25, 1953; TO EXPAND THE TYPES OF EQUIPMENT FURNISHED MEMBERS OF THE HOUSE OF REPRESENTATIVES

The joint resolution (H.J. Res. 481) to amend the joint resolution of March 25, 1953, to expand the types of equipment and the number of electric typewriters furnished Members of the House of Representatives was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 516), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Joint Resolution 481 would add automatic letter-opener machines and automatic letter-sealer machines to the types of mechanical and electrical office equipment which, pursuant to the joint resolution of March 25, 1953, as amended (2 U.S.C. 112(a)), are presently available for use by Members of the House of Representatives. The present list of authorized equipment is as follows: (1) addressing machines, (2) automatic typewriters, (3) electric typewriters, (4) recording machines for dictating and transcribing, and (5) duplicating machines.

MEMORIAL TO MARY McLEOD BETHUNE

The Senate proceeded to consider the joint resolution (S. J. Res. 89) extending for 1 year the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune, which had been reported from the Committee on Rules and Administration with an amendment, in line 8, after the word "within", to strike out "six" and insert "seven", so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective June 1, 1965, the last sentence of the joint resolution entitled "Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune", approved June 1, 1960 (74 Stat. 154) is amended by striking out "within five years" and inserting in lieu thereof "within seven years".

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "Joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 517), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Joint Resolution 89 would extend for 1 year the authority granted by Public Law 86-484 (June 1, 1960, 74 Stat. 154) for the erection in the District of Columbia of a memorial to Mary McLeod Bethune, prominent Negro educator.

Public Law 86-484 authorizes and directs the Secretary of the Interior to grant authority to the National Council of Negro Women to erect on public grounds in the District of Columbia a memorial honoring Mary McLeod Bethune and commemorating the 100th anniversary of the signing of the Emancipation Proclamation. The design and location of the memorial shall be subject to approval by the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. The United States shall be put to no expense in, or by, the erection of the memorial, and the authorization granted by the public law shall be revoked unless the Secretary of the Interior determines that sufficient funds are available to complete the memorial and unless construction of the memorial has begun within 5 years.

The Department of the Interior has reported favorably on Senate Joint Resolution 89, but has expressed the judgment that 2 additional years rather than 1 should be made available for raising the necessary funds and initiating construction of the memorial. Accordingly, the Committee on Rules and Administration has amended the joint resolution to provide for a 2-year extension. The title has been amended to conform with that action.

ADDITIONAL FUNDS FOR THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 120) to provide additional funds for the Committee on the Judiciary was considered and agreed to, as follows:

Resolved, That the sum of money authorized for the expenditure of the Committee on the Judiciary, or any duly authorized subcommittee thereof, under S. Res. 39, Eighty-ninth Congress, first session, be increased for $150,000 to $175,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 518) explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 120 would increase by $25,000, from $150,000 to $175,000, the expenditure authorization of Senate Resolution 39, agreed to February 8, 1965, for use by the Committee on the Judiciary (acting through its Subcommittee on Administrative Practice and Procedure), from February 1, 1965, through January 31, 1966, to make a full and complete study and investigation of administrative practices and procedures within the departments and agencies of the United States in the exercise of their rulemaking, licensing, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions.

During the 2d session of the 88th Congress the Committee on the Judiciary was authorized to expend $120,000 for the same purposes.

ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

The resolution (S. Res. 130) providing additional funds for the Committee on Labor and Public Welfare was considered and agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare is hereby authorized to expend from the contingent fund of the Senate, during the Eighty-ninth Congress, $15,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 519), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 130 would authorize the Committee on Labor and Public Welfare to expend from the contingent fund of the Senate during the 89th Congress $15,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946. Pursuant to that section each standing committee of the Senate is authorized to expend not to exceed $10,000 per Congress for its regular operating expenses. During the 88th Congress the Committee on Labor and Public Welfare received an additional $20,000 for such routine expenditures.

PRINTING AS HOUSE DOCUMENT OF A REVISED EDITION OF "THE CAPITOL"

The concurrent resolution (H. Con. Res. 364) authorizing the printing as a House document of a revised edition of "The Capitol" was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 520), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 364 would authorize the printing as a House document, with illustrations, of a revised edition of "The Capitol" (H. Doc. 394, 87th Cong.); and, further, would authorize the printing of 469,000 additional copies of such documents, of which 439,000 would be for the use of the House of Representatives (1,000 per Member) and 30,000 would be for the use of the Joint Committee on Printing. The printing cost estimate is $73,661.

PRINTING OF ADDITIONAL COPIES OF HEARINGS HELD BY SUBCOMMITTEE ON NATIONAL SECURITY STAFFING AND OPERATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 11) to print 4,000 copies of a compilation of the hearings, staff reports, and studies of the Subcommittee on National Security Staffing and Operations, which had been reported from the Committee on Rules and Administration, with an amendment to strike out all after the resolving clause and insert "That there be printed for the use of the Senate Committee on Government Operations three thousand additional copies of the hearings (including brief staff studies thereon) held by its Subcommittee on National Security Staffing and Operations during the Eighty-eighth Congress."

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The title was amended, so as to read: "Authorizing the printing of additional copies of the hearings held by the Senate Subcommittee on National Security Staffing and Operations during the Eighty-eighth Congress."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 521), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD.

Senate Concurrent Resolution 11 as referred would authorize the printing for the use of the Senate Committee on Government Operations of 4,000 copies each of volumes 1 and 2 of a compilation of the hearings, staff reports, and studies issued by its Subcommittee on National Security Staffing and Operations during the 87th and 88th Congresses. A list of the publications is included in Senator HENRY M. JACKSON's letter of January 27, 1965, reproduced below. The total estimated cost of printing 4,000 copies of such a compilation would be $13,408.44.

At the request of the Committee on Rules and Administration, the Subcommittee on National Security Staffing and Operations has reappraised its original request and reduced its proposal to what it considers the absolute minimum to serve its purpose.

The revised proposal, which the Rules Committee has incorporated into Senate Concurrent Resolution 11 by an amendment in the nature of a substitute, is as follows:

1. Reduction of the quantity from 4,000 to 3,000 copies;
2. Elimination of the background studies, which constituted the bulk of the proposed volume 2; and
3. Printing one volume only, to consist of the hearings together with the brief staff studies thereon.

PRINTING AS A SENATE DOCUMENT OF THE STUDY ENTITLED "U.S. INTERNATIONAL SPACE PROGRAMS"

The resolution (S. Res. 129) to print as a Senate document a study entitled "U.S. International Space Programs With Texts of Executive Agreements, Memorandums of Understanding, and Other International Arrangements, 1959, 1965," was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document a study entitled "United States International Space Programs With Texts of Executive Agreements, Memorandums of Understanding and Other International Arrangements, 1959–1965", prepared for the use of the Committee on Aeronautical and Space Sciences; and that there be printed two thousand four hundred additional copies of such document for the use of that committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 522), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 129 would authorize the printing as a Senate document of a study entitled "United States International Space Programs With Texts of Executive Agreements, Memorandums of Understanding, and Other International Arrangements, 1959–65," prepared for the use of the Committee on Aeronautical and Space Sciences; and further would authorize the printing of 2,400 additional copies of such document for the use of that committee.

REAPPOINTMENT OF ROBERT V. FLEMING AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (H.J. Res. 324) to provide for the reappointment of Robert V. Fleming as citizen regent of the Board of Regents of the Smithsonian

Institution was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 523) explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Joint Resolution 324 would provide that the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, occasioned by the expiration of the term of Robert V. Fleming, of Washington, District of Columbia, on July 23, 1965, be filled by the reappointment of Mr. Fleming for the statutory term of 6 years.

The Board of Regents, pursuant to 20 U.S.C. 42, is composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and six other persons other than Members of Congress. The six citizen Regents, two of whom shall be residents of the District of Columbia and four of whom shall be inhabitants of some State (but no two of the same State), are appointed by joint resolution of Congress and serve 6-year terms.

Mr. Fleming's long service as a Citizen Regent is appraised by Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution, as follows:

"Robert V. Fleming is one of America's distinguished bankers and philanthropic leaders. He has given most generously of his time in performing his duties as a Regent of the Smithsonian Institution. First appointed to the Board on July 26, 1947, Mr. Fleming was reappointed in 1953 and 1959. He is at present Chairman of the Executive Committee of the Board of Regents. Mr. Fleming's services to the Smithsonian Institution have been outstandingly valuable because of the wisdom that he brings to the Institution in connection with the management of its invested funds."

AMENDMENT TO COMMUNICATIONS ACT OF 1934 WITH REGARD TO RADIO TOWERS

The bill (S. 903) to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That section 303(q) of the Communications Act of 1934 (47 U.S.C. 303(q)) is amended by inserting after the period at the end thereof the following: "The permittee or licensee shall maintain the painting and/or illumination of the tower as prescribed by the Commission pursuant to this section. In the event that the tower ceases to be licensed by the Commission for the transmission of radio energy, the owner of the tower shall maintain the prescribed painting and/or illumination of such tower until it is dismantled, and the Commission may require the owner to dismantle and remove the tower when the Administrator of the Federal Aviation Agency determines that there is a reasonable possibility that it may constitute a menace to air navigation."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 524), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The purpose of S. 903 is to amend section 303(q) of the Communications Act of 1934 to require that abandoned or unused radio towers continue to meet the same painting and lighting requirements that would be applicable if such towers were being used in connection with the transmission of radio energy pursuant to a license issued by the Federal Communications Commission. The bill further empowers the Commission to direct dismantlement of such towers when the Administrator of the Federal Aviation Agency determines that there is a reasonable possibility that they may constitute a menace to air navigation.

Under section 303(q) of the Communications Act, the Federal Communications Commission has authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation. Pursuant to this statutory authority, the Commission has adopted criteria to gage the aeronautical hazard in particular cases and has prescribed rules specifying the painting and lighting requirements for these towers (pt. 17 of FCC rules).

However, when a radio station license expires, is canceled, or is revoked, these towers are no longer used in connection with authorized radio station operation. They are then "abandoned towers," and as such, do not appear to fall within the Commission's jurisdiction to compel continued marking or lighting. Radio towers, which are of latticed construction, are inherently less visible than solid structures such as buildings, water towers, smokestacks, and the like. The potential menace to air navigation of such a tower left standing unlighted and unpainted is obvious.

The Joint Industry Government Tall Structures Committee (JIGTSC), established by the Air Coordinating Committee to investigate the problems raised by the joint use of airspace by the aviation and broadcast industries, and to recommend appropriate action establishing the position of the Federal Government, recommended in 1957 that "the Federal Communications Commission require the removal or appropriate lighting and marking of unused or abandoned towers if it has such authority, and if such authority does not exist * * * that the Federal Communications Commission seek appropriate legislation to attain this objective."

GENERAL STATEMENT

Legislation designed to accomplish the lighting and painting of unused or abandoned towers was introduced in the 85th and succeeding Congresses at FCC request. One such bill, S. 684, was favorably reported to the Senate by the committee on May 10, 1961, with an amendment to include authority for the Federal Communications Commission to require the owner to dismantle and remove such a tower when there is a reasonable possibility that it may constitute a menace to air navigation. S. 684, as reported, passed the Senate on May 16, 1961. The House of Representatives took no action on that bill.

S. 903, the legislation here under consideration, includes FCC authority to require the owner to dismantle and remove such a tower when the Administrator of the Federal Aviation Agency determines that there is a reasonable possibility that it may constitute a menace to air navigation.

A hearing was held on the bill by the committee on June 23, 1965, at which the Federal Communications Commission Chairman, E. William Henry, and David D. Thomas, Associate Administrator for Programs, of the Federal Aviation Agency, testified in support of the proposal. No witness appeared in opposition to the bill.

CONCLUSION

The committee desires to make it perfectly clear that the legislation herein reported deals with abandoned or unused radio towers. Orderly administration requires that the Federal Communications Commission be authorized to deal with the problem of assuring to the fullest extent possible that radio antenna towers be properly lighted and painted at all times both during and subsequent to their use for radio transmitting purposes. If necessary, when the Administrator of the Federal Aviation Agency finds that there is a reasonable possibility that an abandoned or unused tower constitutes a menace to air navigation, the Federal Communications Commission should be empowered to require the owner to dismantle and remove it.

COMMON CARRIER NOTICES TO BE FILED BY THE SECRETARY OF DEFENSE

The bill (S. 1554) to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to substitute the Secretary of Defense (rather than the Secretary of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 214 of the Communications Act of 1934, as amended (47 U.S.C. 214 (b)), is amended by deleting from the first sentence thereof "the Secretary of the Army, the Secretary of the Navy," and inserting in lieu thereof "the Secretary of Defense".

SEC. 2. That subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, is amended by deleting from the first sentence thereof "the Secretary of the Army," and "the Secretary of the Navy," and inserting in lieu thereof "the Secretary of Defense," immediately after "Secretary of State," in such sentence.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 525), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL AGREEMENT

This bill was introduced by Senator WARREN G. MAGNUSON, chairman of the committee, at the request of the Federal Communications Commission. A hearing thereon was held on June 23, 1965, at which the Federal Communications Commission Chairman, E. William Henry, testified in support of the proposal. No witness appeared in opposition to the bill.

Under the Communications Act, as amended, when a communications common carrier wants to extend its lines or to discontinue or curtail existing service, it must apply to the FCC for permission to do so. Subsection (b) of section 214 of that act provides that among those entitled to receive official notice of the filing of such an application are the Secretary of the Army and the Secretary of the Navy. A similar provision for official notice is contained in subsection (c) (1) of section 222 in cases of consolidations and mergers.

The FCC has, in practice, sent copies of such applications to the Secretaries of the Army, Navy, and Air Force, as well as the Secretary of Defense. Commission Chairman Henry testified that in the vast majority of cases the Department of Defense is the agency that makes the required reply.

S. 1554, by requiring notice only to the Secretary of Defense in such cases, should provide adequate notice to the military and, at the same time, eliminate unnecessary administrative work.

BILL PASSED OVER

The bill (S. 1948) to amend the Communications Act of 1934, as amended, with respect to commissioners, employees, and executive reservists of the Federal Communications Commission was announced as next in order.

Mr. MANSFIELD. Mr. President, over.

The VICE PRESIDENT. The bill will be passed over.

IMPLEMENTATION OF CONVENTION FOR THE SAFETY OF LIFE AT SEA, LONDON, 1960

The bill (H.R. 7954) to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 526), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The purpose of this legislation is to amend the Communications Act of 1934 to give full and complete effect to the Convention for the Safety of Life at Sea, formulated in London in 1960. That Convention was ratified by the U.S. Senate on April 12, 1962, and entered into force on May 26, 1965.

GENERAL STATEMENT

H.R. 7954 passed the House of Representatives on June 7, 1965, with one amendment. The purpose of the amendment was to make clear the requirement with regard to the direction finding apparatus should apply only to new direction finding apparatus and not to existing installations.

A hearing on H.R. 7954, as well as a companion bill, S. 1949, was held by the committee on June 23, 1965, at which time the Federal Communications Commission Chairman, E. William Henry, testified and supported the proposal. No witnesses appeared in opposition to the bill.

The bill generally modernizes compulsory ship-radio safety requirements. It would make the following substantive changes in present law:

1. Lower the minimum limit from 500 to 300 gross tons with regard to cargo ships which are required to carry radio installations;

2. Eliminate nuclear ships from the categories of ships which regard to which the Commission is authorized to make exemptions insofar as radio installations are concerned; and

3. Eliminate the compulsory radio requirements of the Communications Act for vessels which are navigated both in the open sea and on the Great Lakes during such time that such vessels are on the Great Lakes. Vessels operating on the Great Lakes are subject to the safety radio requirements of the Great Lakes Agreement between the United States and Canada.

The other amendments are generally nonsubstantive and involve changes in terminology, etc.

Mr. MANSFIELD. That concludes the call of the calendar.

RESOLUTION OF ILLINOIS HOUSE OF REPRESENTATIVES

The VICE PRESIDENT laid before the Senate a resolution of the House of Representatives of the State of Illinois, which was referred to the Committee on the Judiciary, as follows:

HOUSE RESOLUTION 215 OF THE STATE OF ILLINOIS

Whereas the 73d general assembly adopted Senate Joint Resolution 4, thereby making application to the Congress of the United States to call a convention for the purpose of proposing a suggested amendment to the Federal Constitution, the effect of which would be to permit the legislatures of two-thirds of the several States by application to propose amendments to the Federal Constitution, in lieu of calling a convention for proposing amendments, and to omit ratification of proposed amendments by conventions in three-fourths of the several States. The suggested amendment further provides for the President of the Senate and the Speaker of the House to certify that the amendment to be proposed is deemed proposed without further action by Congress whenever the applications from the legislatures of two-thirds of the several States contain identical texts; and

Whereas the House of Representatives of the 74th general assembly considers the proposal made by such resolution inadvisable and is opposed thereto: Therefore, be it

Resolved by the House of Representatives of the 74th General Assembly of the State of Illinois, That it express its opposition to the application and intent of the resolution set forth in the preamble hereof and that it hereby rescinds the aforesaid application to the Congress; and, be it further

Resolved, That the secretary of state be directed to forward a copy of this resolution to the Senate and House of Representatives of the Congress of the United States.

Adopted by the House, June 30, 1965.

JOHN P. TOUHY,
Speaker of the House.

CENTRAL OKLAHOMA PROJECT, SPONSORED BY DEEP FORK WATERSHED ASSOCIATION—RESOLUTION

Mr. MONRONEY. Mr. President, one of Oklahoma's great organizations is the Deep Fork Watershed Association. Its membership is made up of the farmers, merchants, lawyers, bankers, and citizens of this seven-county area of Oklahoma. The unity of the organization is based more on the common objectives of its membership than on its constitution and bylaws. Its officers serve through a dedicated desire to do something constructive for their community and for their neighbors, rather than for any credit they may receive. Its meetings are informal and truly community meetings.

The organization has a slogan, "Saving the soil is next to saving the soul." Also on its letterhead is this statement:

> All officers, old or new, are directors. All serve until every drop of Deep Fork water is committed to a useful purpose.

One of the projects which the Deep Fork Watershed Association is sponsoring is the COP—the central Oklahoma project. This project should have been included in the omnibus rivers and harbors, flood control, and multiple-purpose projects bill which the Senate passed on July 27. However, it is before the Board of Engineers for Rivers and Harbors and did not meet the deadline. We are hopeful that the Board will take favorable action soon.

At the semiannual meeting of the Deep Fork Watershed Association on June 25, one of the resolutions adopted urged the construction of two reservoirs, a part of the central Oklahoma project, as soon as possible.

Mr. President, I ask unanimous consent that the resolution and attachments be printed in the RECORD and appropriately referred. I urge that the Committee on Public Works give them due consideration.

There being no objection, the resolution and attachments were ordered to be printed in the RECORD, and referred to the Committee on Public Works, as follows:

RESOLUTION BY DEEP FORK WATERSHED ASSOCIATION

Whereas the approval of the central Oklahoma project by the Rivers and Harbors Board is expected momentarily; and

Whereas the construction of the Arcadia and Wellston Lakes is a vital part of the navigation feature of that project; and

Whereas the determination of the sites and the acquisition of the necessary right-of-way vitally affects the future plans and the economy of the Oklahoma City area; and

Whereas the U.S. Army Engineers District, Tulsa Corps of Engineers, survey report as revised on May 14, 1965, shows the annual benefits from flood control alone, to be $179,100 and $96,300, respectively, on the Arcadia and on the Wellston Lakes, on a 50-year basis; and

Whereas the same survey report shows the annual benefits from recreation alone, to be $217,000 and $165,400, respectively, on the Arcadia and Wellston Lakes, on a 50-year basis; and

Whereas the combined annual benefits from the construction of both the Arcadia and Wellston Lakes for flood control and recreation together total $657,700 on a 50-year basis and $751,500 on a 100-year basis; and

Whereas the early construction of these lakes would greatly improve and inspire upstream flood control: Therefore be it

Resolved, That the Deep Fork Watershed Association in its semiannual meeting at Fountainhead Lodge on Lake Eufaula this 25th day of June 1965, urge our entire congressional delegation, immediately upon notice of the approval of said central Oklahoma project, to seek immediate construction of the Arcadia and the Wellston Lakes.

ROBERT W. BLACKSTOCK,
President.

CARNEY O. DEAN
Secretary-Treasurer.

AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO MAKE CERTAIN STUDIES AS TO THE EFFICIENCY AND ECONOMY OF THE OPERATIONS OF THE GOVERNMENT—REPORT OF A COMMITTEE

Mr. McCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 135) authorizing the Committee on Government Operations to make certain studies as to the efficiency and economy of the operations of the Government, which, under the rule, was referred to the Committee on Rules and Administration, as follows:

> *Resolved*, That S. 54, Eighty-ninth Congress, first session, agreed to February 8, 1965, is amended by striking out the amount "$435,000" on page 6, line 4, and inserting in lieu thereof the amount "$465,000".

FUNDS FOR THE STUDY OF MATTERS PERTAINING TO ECONOMY AND EFFICIENCY OF FOREIGN ASSISTANCE ACTIVITIES BY THE FEDERAL GOVERNMENT—REPORT OF A COMMITTEE

Mr. GRUENING, from the Committee on Government Operations, reported an original resolution (S. Res. 136) to provide funds for the study of matters pertaining to economy and efficiency of foreign assistance activities by the Federal Government, which, under the rule, was referred to the Committee on Rules and Administration, as follows:

> *Resolved*, That section 4 of Senate Resolution 58, Eighty-ninth Congress, first session, authorizing funds for the study of matters pertaining to economy and efficiency of foreign assistance activities by the Federal Government, agreed to on February 8, 1965, be amended by striking out "$57,000" and inserting in lieu thereof "$91,500".

FUNDS TO STUDY AND EVALUATE THE EFFECTS OF LAWS PERTAINING TO PROPOSED REORGANIZATIONS IN EXECUTIVE BRANCH OF THE GOVERNMENT—REPORT OF A COMMITTEE

Mr. RIBICOFF, from the Committee on Government Operations, reported an original resolution (S. Res. 137) to provide funds to study and evaluate the effects of laws pertaining to proposed reorganizations in the executive branch of the Government, which, under the rule, was referred to the Committee on Rules and Administration, as follows:

> *Resolved*, That section 4 of Senate Resolution 56, Eighty-ninth Congress, first session, authorizing funds to study and evaluate the effects of laws pertaining to proposed reorganizations in the executive branch of the Government, agreed to on February 8, 1965, be amended by striking out "$57,500" and inserting in lieu thereof "$88,000".

BILL INTRODUCED

Mr. HOLLAND, by unanimous consent, introduced a bill (S. 2346) to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla., which was read twice by its title and referred to the Committee on Armed Services.

(See the remarks of Mr. HOLLAND when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS

AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO MAKE CERTAIN STUDIES AS TO THE EFFICIENCY AND ECONOMY OF THE OPERATIONS OF THE GOVERNMENT

Mr. McCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 135) authorizing the Committee on Government Operations to make certain studies as to the efficiency and economy of the operations of the Government, which, under the rule was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. McCLELLAN, which appears under the heading "Reports of Committees.")

FUNDS FOR THE STUDY OF MATTERS PERTAINING TO ECONOMY AND EFFICIENCY OF FOREIGN ASSISTANCE ACTIVITIES BY THE FEDERAL GOVERNMENT

Mr. GRUENING, from the Committee on Government Operations, reported an original resolution (S. Res. 136) to provide funds for the study of matters pertaining to economy and efficiency of foreign assistance activities by the Federal Government, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. GRUENING, which appears under the heading "Reports of Committees.")

FUNDS TO STUDY AND EVALUATE THE EFFECTS OF LAWS PERTAINING TO PROPOSED REORGANIZATIONS IN EXECUTIVE BRANCH OF THE GOVERNMENT

Mr. RIBICOFF, from the Committee on Government Operations, reported an original resolution (S. Res. 137) to provide funds to study and evaluate the effects of laws pertaining to proposed reorganizations in the executive branch of the Government, which, under the rule was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. RIBICOFF, which appears under the heading "Reports of Committees.")

CONVEYANCE OF REAL PROPERTY OF THE FEDERAL GOVERNMENT TO THE BOARD OF PUBLIC INSTRUCTION, OKALOOSA COUNTY, FLA.

Mr. HOLLAND. Mr. President, I introduce a bill to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla., for educational use.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2346) to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla., introduced by Mr. HOLLAND, was received, read twice by its title, and referred to the Committee on Armed Services.

ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of July 19, 1965, the name of Mr. RANDOLPH was added as an additional cosponsor of the bill (S. 2303) to authorize payments to college students for satisfactory undergraduate work, introduced by Mr. HARTKE (for himself and Mr. McCARTHY) on July 19, 1965.

NOTICE OF HEARING ON NOMINATION OF OREN HARRIS, OF ARKANSAS, TO BE U.S. DISTRICT JUDGE, EASTERN AND WESTERN DISTRICTS OF ARKANSAS

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Monday, August 9, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of OREN HARRIS, of Arkansas, to be U.S. district judge, eastern and western districts of Arkansas, to fill a position created by public Law 87-36, approved May 19, 1961.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Carolina [Mr. ERVIN], the Senator from Missouri [Mr. LONG], the Senator from Illinois [Mr. DIRKSEN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE OF HEARING ON S. 578

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce that hearings will be held on S. 578, a measure to provide means for the disqualification of circuit judges for bias or prejudice.

The hearings are scheduled for August 12, 1965, at 10 a.m., in room 2228, New Senate Office Building. Any person who wishes to testify or submit statements pertaining to this measure should communicate with the Subcommittee on Improvements in Judicial Machinery.

VIETNAM

Mr. LONG of Louisiana. Mr. President, on Wednesday last, the entire Nation heard President Johnson present the decisions which he had reached in more than a week of consultation and soul searching concerning the present stage of the war in Vietnam. It was a sobering statement of our purposes and aims and of determination to keep our commitments at whatever costs the situation demands, both now and the future.

I know that all Senators have informed themselves on what the President said, even if they were unable, as I was, to listen to the broadcast and telecast of the news conference. Nevertheless, his decisions and his statements are of very great importance. I ask unanimous consent to have printed at the conclusion of my remarks a succinct statement of this Nation's position by Mr. Roscoe Drummond.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG of Louisiana. Mr. President, it is impossible to predict how long we may be involved in this dirty and difficult war in the steaming jungles of Vietnam, and it is impossible to know what the costs to the Nation may become before the job is finished. Our course has been set, however, and the people of the country are resolved to support the President in the measures which will be necessary. Great sacrifices will be required, and we shall have many disappointments before we have completed the task.

What we are engaged in, and have been engaged in for almost 50 years, is a global struggle which we must win if the Nation as we know it today is to survive. The war in Vietnam is only one more fight in the larger effort, and it is a very necessary one. We must not shrink from the tasks which we face there, and the President has made it clear that he intends to continue the wise and patient course he has been following, however long it may take. His aim is still to have peace and stability for the people of Vietnam, rather than violent death and destruction.

The Communist forces in Vietnam are not coming to the conference table, however, until they have been defeated in their military efforts to conquer South Vietnam. There seems little disagreement about this fact, even among those who have tried repeatedly to persuade the government at Hanoi to negotiate. We face an arrogant and vicious enemy and there is only one way and one place to deal with him at the present time—that is by force of arms on the ground in South Vietnam and in the air over North Vietnam.

We can hope that he, and his masters in Peiping, will be soon convinced of the utter futility of their effort to drive us into the sea, and back across it in retreat. Until that day comes, as a great and proud Nation we have no alternative but to meet the worst that the enemy can put forth and teach him that we are not afraid to fight even under such difficult circumstances as we face in fighting a war thousands of miles away and on terrain largely of his choosing.

The North Vietnamese have stepped up their military engagement in South Vietnam by steadily increasing the flow of men and arms into the country, and by exercising more brutal methods of extracting what they need from the South Vietnamese people—food and recruits. They have, while the world looked on, improved the weaponry they employ against villages as well as armed men by standardizing their "family" of arms to ammunition manufactured only in Communist countries, infiltrated by sea and land in huge quantities.

They have overrun villages and district capitals with several battalions of regular troops, sometimes using innocent persons as human shields as a deliberate military tactic. They have, in terror attacks in Saigon and other cities, killed and maimed hundreds of Vietnamese women and children along with a lesser number of Americans, and hailed these atrocities as great victories. The people on whom these atrocities are being perpetrated deserve our best efforts.

Ten years ago, or even five or less, it was generally agreed that South Vietnam deserved to remain independent and free. Its right to do so was unrelated to its form of government, social order, or the people who governed it; that right was based on the aspirations of its whole people. It is no less so today.

To those who argue the United States should withdraw from South Vietnam rather than meet the challenge there, I would ask, what has changed? What was true in the past is no less true today because the Vietnamese have faltered in establishing stable government, or are inexperienced in rural administration, or are suffering more this year than last at the hands of Vietcong-North Vietnamese military forces.

It was, and is, true that no segment of the South Vietnamese population has chosen to give up the fight and accept domination from Hanoi and Peiping. No popular South Vietnamese political leader has chosen to join the so-called Liberation Front, the political arm of the Vietcong. The numbers of refugees from Communist domination who have chosen to abandon their lands and live in Government-protected areas is still in the hundreds of thousands.

The important fact to remember, in recalling the ups and downs of political development in South Vietnam is that none of the disputants for power challenges the country's resistance to Communist aggression mounted from outside its borders.

EXHIBIT 1

[From the Washington Post, July 30, 1965]

VIETNAM DEFENSE—PRESIDENT STANDS FIRM

(By Roscoe Drummond)

The actions President Johnson is taking to build up U.S. strength in the defense of South Vietnam are inescapable. They are wise actions because their goal is peace, not war.

The President had no hard decision to make this week. He had already made the hard decision more than 3 months ago. Everything we are now doing in Vietnam flows from it.

The really hard, soul-searching, come-what-may decision was made by Mr. Johnson on the eve of his April 7 address at Johns Hopkins University in Baltimore. It was embodied and embedded in these three incandescent sentences:

"We will not be defeated. We will not grow tired. We will not withdraw"—until peace is assured.

No further decision of policy or will or commitment had to be made. All that remained was to determine the means to implement that decision—larger U.S. forces in Vietnam, larger draft calls, larger defense budgets, and—in the end—"whatever is necessary."

Mr. Johnson rightly says that three Presidents have given their word that the United States would help. But there is a difference. It is not putting it too bluntly to say the difference is this:

President Eisenhower decided to aid South Vietnam.

President Kennedy decided to continue aiding South Vietnam.

President Johnson decided to succeed in aiding South Vietnam.

Because President Johnson is committed to defending South Vietnam successfully against the Communist use of force to take over the country, "whatever is necessary" to do it will be employed.

This is not a decision taken by the President alone. It is shared by Congress, which approved the President's course earlier, and will have to approve it again when more defense appropriations are sought.

Mr. Johnson well knows there are misgivings and doubts and puzzlement about why we are fighting in Vietnam. There couldn't possibly be a harder decision for a President to make than to send American soldiers into combat when the Nation itself has not been directly attacked.

When World War I and World War II came to the shores of the United States—through the German U-boats and at Pearl Harbor—no painful decision of whether or not to resist had to be made. It was automatic and self-evident.

Now the President is asking the American people to ponder carefully the lessons of Munich and of Korea. The world invited Hitler's terrible aggression by trying to buy him off through appeasement. It didn't work. It led to more aggression.

Before the Communist attack on South Korea, we had withdrawn most of our forces and left the door open to another aggression. It came and, too late to avert it, President Truman bravely decided it had to be resisted.

Today the United States is helping defend South Vietnam because we are applying the grimmest, the most costly and the most crucial lesson of war to date. It is that, if aggression is not resisted—and resisted successfully—when it begins, it will grow and spread and the end result of failing to resist will be worse aggression, worse war, under worse conditions.

To withdraw in the face of the aggression against South Vietnam would mean only that we would have to prepare for the next aggression—and the next.

This is the lesson of Munich. This is the lesson of World War II. This is the lesson of Korea.

President Johnson is applying this lesson to save lives, to avert worse war, and to find the way to a safer peace.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

Mr. DIRKSEN. Mr. President, the distinguished majority leader and I have been endeavoring to establish a target date for the disposition of the reapportionment matter, which is the pending business before the Senate. I believe we have reached a tentative agreement with respect to all amendments and substitutes and the disposition of the joint resolution, all of which should come in a single day. The Senate should remain in session as long as necessary to dispose of them. I wanted to direct that matter to the attention of the distinguished majority leader to see whether he has any comment to make upon it. It is necessary to make certain that all Senators are notified as to what will happen, so that if they have other commitments, they can cancel them and be present at that time.

Mr. MANSFIELD. Mr. President, in response to the questions directed to me by the distinguished minority leader, let me say that we had an informal conference this morning. We consulted certain interested Senators. We were prepared today to propound a unanimous-consent request by means of which the Senate would convene at 10 o'clock on Wednesday morning next and on that day dispose of both the Javits amendment in the nature of a substitute and any amendments thereto and the Dirksen amendment to the joint resolution, as well.

Unfortunately, we have encountered a few minor snags, which we believe can be cleared up on Monday. At that time we intend to propound a unanimous-consent request along the lines I have just outlined.

The purpose of serving as much notice as possible is to put Senators on their guard, so that they may, if they feel so inclined, cancel all engagements for Wednesday next so as to be present to vote on this most important piece of proposed legislation.

Mr. JAVITS. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. With the cooperation of the leadership, it is my intention to make my amendment in the nature of a substitute the pending business the first thing on Monday. I shall be prepared to debate it from that point until whatever unanimous-consent agreement that is proposed is agreed to. So far as I am concerned, I have already agreed with the leadership on my part of that unanimous-consent request.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from New York has just said. Senators who have other views on this subject have been most cooperative. They had hoped very much to be able to enter into a unanimous-consent agreement today, but because of circumstances beyond their control it is not possible to do so, and that it is thoroughly understandable. But Senators should be on notice that the joint leadership will make such a request on Monday along the lines sketchily outlined heretofore.

Mr. PROXMIRE. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. I deeply appreciate the accommodation by the leadership. Speaking for the Senator from Maryland [Mr. TYDINGS], the Senator from Illinois [Mr. DOUGLAS], and some of the other Senators who have been strongly in opposition to the Dirksen amendment, I think it should be made clear that while some of us are anxious to press hard for a prompt vote and to resolve the question as soon as possible, there is a difference of opinion. Some of our group are not yet satisfied, so it is not certain that a firm commitment can be delivered to agree to the unanimous-consent request on Monday. We hope to be able to do so, and there is a good indication that we can, but we wanted to make certain that the leadership understood that we cannot make a verbal promise or anything of that kind now.

Mr. MANSFIELD. We understand the situation and appreciate it.

Mr. JAVITS. Mr. President, will the Senator from Montana yield further?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The majority leader did not confirm to me—and I would greatly appreciate it if he would, because all Senators would wish to be advised of this, too—that, so far as the leadership is concerned, there is no reason why it would not be possible to make my amendment in the nature of a substitute the pending business on Monday.

Mr. DIRKSEN. There would be no objection.

Mr. MANSFIELD. There is no reason why the Senator's amendment should not be made the pending business on Monday.

Mr. BASS. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. BASS. Does the majority leader anticipate any other business than this on Monday?

Mr. MANSFIELD. At the moment, none that I know of.

ENACTMENT OF SOCIAL SECURITY AMENDMENTS OF 1965

Mr. ANDERSON. Mr. President, in a few hours President Johnson will sign the Social Security Amendments of 1965. Many statements have been made in this Chamber in recent days to indicate the magnitude of the social legislation which this afternoon will become the law of the land.

During the course of the long debate on the health insurance provisions, some of the opponents raised grave doubts about the possible injurious effect of the legislation on hospital and medical services.

In today's Wall Street Journal, Reporter Jonathan Spivak discusses the positive and beneficial impact the new law will have. It is a very useful article, particularly in view of the Wall Street Journal's editorial "Opposition to a Government Health Insurance for the Aged Plan." I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICARE'S IMPACT: OFFICIALS SEE PROGRAM BRINGING GENERAL GAINS IN U.S. MEDICAL CARE—CHARITY CASE DROP MAY AID HOSPITAL FINANCES; PRIVATE HEALTH BENEFITS COULD RISE—THE AMA QUIETLY COOPERATES

(By Jonathan Spivak)

WASHINGTON.—If the goals of Government health planners are realized, the Nation's massive new medicare program will improve the quality and increase the quantity of medical care for all the Nation's citizens, not just the aged.

Besides paying for most of the oldsters' hospital and doctor bills, the broader benefits anticipated by the optimists from the health insurance measure President Johnson plans to sign today are these:

1. A major new source of cash for many of the Nation's hospitals, enabling them to acquire equipment and expand services for all patients. Hospital administrators say the financial strain of treating charity cases (the aged, or other poverty-stricken) has hampered efforts to offer improved services to financially better off patients while inflating the bills charged them. "We'll be able to provide for more people," says one hospital expert.

2. Speedier adoption by hospitals, county medical societies, and other health groups of arrangements to prevent unnecessary hospitalization and insure the most efficient use of all local medical facilities. The duty of these utilization review committees will be to OK the need for prolonged hospital stays by medicare beneficiaries. But Federal medical men expect the groups to assume broader burdens by studying the length of stays for all of an institution's patients. The results could reveal shortcomings that now frustrate efficient hospital administration.

UNIFYING OTHER PROGRAMS

3. Pressure to unify the Government's wide array of health programs. Medicare will encourage each State to develop its own plan for coordinating medicare with Federal programs that provide funds for such closely allied purposes as constructing hospitals and nursing homes, or training needed medical personnel. Medicare will assign the major responsibility for this task to the U.S. Public Health Service and State health departments, paying part of the cost and thus, the planners hope, strengthening these often ignored agencies.

4. Establishment of minimum national standards for hospitals, nursing homes, and organizations that provide medical services, such as nursing aid, in the patient's home. These requirements will be exceeded by many institutions, particularly those in metropolitan areas, but in small towns and rural areas medical standards and even the safety of facilities may now be inadequate.

5. A lightening of the economic load on nonprofit prepayment health plans and for commercial insurance companies as the Government assumes responsibility for the highest health risks, the aged. Blue Cross estimates it loses $175 to $200 million a year by providing benefits for 5.5 million oldsters who constitute 10 percent of its customers. Medicare savings will ease the pressure for Blue Cross premium increases and might mean an actual increase in benefits for members of plans that currently enroll large numbers of the aged. Many commercial companies, too, will be able to gracefully get out of their unremunerative "65 plus" business, undertaken largely to forestall passage of medicare. But the Government will make major use of private companies for medicare's day-to-day operations, enabling the firms to perform a public service without financial risk.

TOUGH NEGOTIATIONS AHEAD

Such widespread benefits won't come about automatically. Many perplexing problems in medicare's administration remain to be resolved. Months of negotiations lie ahead between the Government and hospitals, health groups and physicians.

But Federal officials are confident that organized medicine, which fought medicare so vigorously, now will cooperate to make it work well—if only because the program offers the doctors assurance of payment from patients who otherwise would be unable to afford their regular fees. Indeed, despite threats of nonparticipation from some State medical societies, the American Medical Association has quietly created a committee to help the Social Security Administration set up the program. Its job is to find physicians to advise the Government on medicare's rules and regulations and serve on its high level advisory panels: The health insurance benefits advisory council and the national medical review committee. Yesterday President Johnson held a friendly summit session with a large group of AMA's top officialdom to smoke the peace pipe, though specifics were not discussed.

Now that the political strike is settled, medicare planners are seeking to make participation as painless as possible for the Nation's 290,000 physicians. Uncle Sam will try to keep paperwork and other extra demands on the doctor at a minimum. The essential initial medical certification that a patient requires treatment—necessary to start most of the program's payments—may be routinely handled by the hospitals. Physicians won't even be required to commit themselves in advance to serve all medicare patients; they'll be allowed to pick and choose.

NO U.S.-WIDE FEE SCHEDULE

There will be no fixed nationwide fee schedules. The medicare standard of reasonable charges means that prevailing fees in each locality will be followed. "All we are trying to do is to get the same shake for the aged as the doctors give their other patients," explains one Federal official. Delicate dealings with the doctors on exorbitant fees will be conducted under contract by Blue Shield and private insurance companies, not the Social Security Administration.

Medicare is actually divided into two packages. Part A, the so-called basic plan, covers hospitalization, nursing home care, outpatient diagnosis, and health services in the home. Financed by compulsory increases in social security taxes starting next January, it will be automatically available to almost all the aged over 65 years.

Part B, the supplementary plan, covers physicians' fees (which are excluded from the basic plan) and a variety of other medical services in and out of institutions. Oldsters must voluntarily select B and pay a $3 monthly premium, matched by a Government contribution. It's thought 85 to 90 percent of the elderly will sign up for the supplemental coverage.

Both plans will start July 1, 1966, though nursing home coverage won't come into effect until January 1, 1967.

As soon as the bill is signed, the Social Security Administration will begin tackling some 350 separate tasks, many of which must be completed within 60 days, to ready the administrative machinery for mid-1966 operation. One of the major immediate efforts will be to locate all of medicare's potential beneficiaries. SSA records in Baltimore headquarters contain the current addresses of 14.5 million oldsters, who are now receiving retirement checks or other benefits. But another 4.5 million persons 65 years and over remain to be tracked down. Senior citizens' groups, county welfare departments, State and municipal hospitals, and other agencies will all help in the hunt.

A month before medicare's benefits begin, the SSA will mail a wallet-sized health insurance benefits card, containing an identification number and other information, to everyone who is eligible. The card will help Uncle Sam handle medicare's immense recordkeeping requirements. SSA computers in Baltimore will probably maintain the master file, showing eligibility, amount of benefits used, payment of required deductibles, diagnostic details, and other essential information on every medicare beneficiary.

However, the Blue Cross Association, which will perform most of the daily administration of plan A, serving as a buffer between the Government and the hospitals, is also eager to keep all the records. Blue Cross officials insist it would be cheaper and more efficient for the association to expand its existing health recordkeeping arrangements, than for Uncle Sam to start a new system. An unspoken objective is to insure the largest possible role for the voluntary organizations in medicare, making future enlargement of Federal functions more difficult. But Government experts are not persuaded by Blue Cross' sales pitch, particularly because SSA already has the computer capacity (three IBM machines) and the expertise to handle the job.

THE MECHANICS

In current concept, medicare's machinery would work this way: When sickness strikes and a medicare patient is hospitalized, he would flash his health insurance benefits card as immediate evidence of eligibility. Through one of SSA's 600 district offices, the hospital would query the central computers in Baltimore to find out exactly what benefits the patient is entitled to (some medicare coverage could have been exhausted during a previous spell of sickness). SSA would reply in 24 to 48 hours. At this point Blue Cross, or whatever intermediary organization is involved (the Kaiser Foundation health plan on the west coast might be one) would take over the details of bill payment and all other direct dealings with hospital or medicare patient.

A somewhat more complicated eligibility system would be required for plan B, since the doctor bill coverage will not come into play until the patient has paid $50 in medical charges himself. The aged will probably have to keep track of their own medical bills, although eventually SSA experts envision the Baltimore computers taking over this task, too.

After the initial deductible, plan B pays 80 percent of the doctor bill, while the patient pays the other 20 percent. A doctor would have two alternatives in his billing. To avoid taking medicare money directly, he could bill his patient for any amount he wished. The patient would have to come up with the cash and then recoup 80 percent of the reasonable charge from the Government (which, of course, might be less than the physician's actual bill).

BLUE SHIELD POLICE

But if the doctor is more cooperative, he will agree to accept a medicare check for 80 percent of his services and bill the patient only for the 20 percent remaining. The second system is much desired by medicare's managers, since it keeps a tighter rein on physicians' fees and eases the payment problems of beneficiaries.

Either way SSA would not deal directly with the doctors. Commercial insurance companies or nonprofit medical payment plans, either Blue Shield or the group health organizations such as the health insurance plan of Greater New York, would be assigned the task of policing physicians' fees and a multitude of other daily duties. SSA expects to have one such carrier in every State or major geographical area; their administrative efficiency will be compared. Many health experts believe the key to controlling the costs of plan B will be to detect and deter the $5 and $10 bill padding, rather than a few outrageously large overcharges.

To keep close current tabs on all medicare costs, social security actuaries will scrutinize extra carefully the expenditures for a small sample of 15,000 to 20,000 beneficiaries. By this method, it's hoped fiscal trends affecting the entire program will be detected in months, rather than years.

Many medicare details remain to be worked out. Nationwide principles for repaying hospitals for treating medicare patients will be negotiated by the Government and the American Hospital Association, which represents most of the Nation's 7,200 acute care hospitals.

ACCOUNTING PROBLEMS

The important issues will involve the exact accounting procedures to be used in calculating medicare patient cost. Will depreciation of hospital facilities, for example, be figured on the basis of original building cost or current replacement cost? Hospitals in California and elsewhere, which don't set aside money for future construction, are pushing for the higher replacement figure. Will an extra cost plus factor be included to help hospitals keep abreast of increasing expenses? Hospital costs have been rising about 7 percent a year.

Another difficulty will be to determine standards for small hospitals, particularly those with 25 beds or less, which might like to participate in medicare. The Government's dilemma is whether to insist on topnotch care from the start, and run the risk that some parts of the country would be short the necessary facilities (old folks occupy 27 to 30 percent of the Nation's hospital beds), or to compromise on quality so that it can be certain of supply.

Standard setting is even more uncertain for nursing homes. Two non-Government accrediting groups, one headed by the AHA and the other by the AMA, have been competing for preeminence in this field, but Government experts are not satisfied with either's results. It's hoped that medicare will force the rivals to forget their feud and work together. The extra slow start of medicare's nursing home benefits will help SSA cope with this hurdle.

PLANNING FOR WATER CONSERVATION

Mr. ANDERSON. Mr. President, for 45 months, 12 Northeastern States have been plagued by the most severe drought in the history of that area. In the most densely populated part of the Nation, a 100,000-square-mile region is suffering extreme water shortage, and a 200,000-square-mile area is threatened. In the great metropolitan centers, stringent restrictions have been imposed on water use. A considerable number of local government agencies are rushing the construction of diversions and wells and other temporary facilities as stopgap measures. Disturbing as the water shortage may be, it can be turned to advantage if it generates the kind of long-range planning and decisions which must be achieved—drought or not.

The States of the Southwest, and those which lie on either side of the spine of the Rocky Mountains, have known water shortage throughout their existence. Within the memory of many Westerners, the scarcity of water often caused men to attempt to settle disputes over the precious mineral with rifles. But the futility of weapons was recognized, and in the place of the carbine came the compact. We Westerners had to learn to manager our meager supplies of water in cooperation with neighboring States because the rivers which are the lifestreams of the semiarid States flow across State boundaries.

Nature required and commonsense dictated that the States join in apportioning the waters of interstate streams. The basin compact scheme for dividing water—a uniquely western agreement—was the result.

Early in this century, men of vision saw clearly that the parched earth of the West could be made bountiful if sufficient water were available. With help from Washington, large reclamation projects were created. They provided water with a system for paying for the projects. Those irrigation projects were adapted to other basic uses—flood control, the generation of power, and, more recently, recreation and pollution control—through the multiple-use concept.

Etched deeply in the conscience of those who farm and ranch and live in the States where the rain dance was one of the earliest religious rites is a total awareness of water. The westerner never takes rain for granted. His cousin in the East lived in a land normally of plentiful rainfall. He rarely had to concern himself with quantity and only of late has he begun to examine the quality of his waters. But quality and quantity are part of the same overall problem. No aspect of the water problem can be dealt with effectively in isolation from the whole. The diagram of the water cycle which leads to the belief that water is indestructible fails to consider that water can be destroyed—the liquid volume remains, but pollution renders it unusable for many of man's needs.

The growth of intensively occupied metropolitan regions with industrial concentrations vastly increased water requirements. This is dramatically evidenced in New Mexico, Arizona, Utah, and California, as it is in that megapolis which extents through much of the Northeast.

This new pattern of urban and industrial growth may be altering weather patterns—warming the atmosphere and producing new weather cycles which could make the data gathered over the last century of little value in forecasting future precipitation.

In any case, we know that the use of water is increasing at a considerably higher rate than the population.

I would hope that a cloudburst would not wash away the critical attention now focused on the water problem. Even if precipitation in the Northeast should be abundant from now on, water supplies cannot be expected to return to normal within just 1 year. The reason for this is that it will take a considerable period of above normal precipitation to restore the depleted groundwater which provides a substantial amount of the baseflow of the streams and rivers. In its report to the President on the Northeast's drought, the Federal Water Council warned:

> A long period—perhaps a year or more—of near normal rainfall will be required to relieve drought conditions internally.

I was happy to learn that the Governors of New Jersey, Pennsylvania, New York, and Delaware will meet on Monday to discuss this pressing matter. Enduring solutions to the problem will require political decisions by elected officials, supported by the public. The momentum and popular support for solutions which exist now should not be allowed to dissipate. Decisions cannot be delayed too long. We know that upward of 20 years frequently is needed to bring certain major water resource developments from the planning stage to completion.

Political decisions could involved, for example, the creation by the involved States of an interstate water district capable of funding, perhaps through revenue bonds, the construction of large water projects. The New York Port Authority, which operates a transportation complex in New Jersey and New York, offers a local precedent.

On the west coast the metropolitan water district, which serves the Los Angeles area, is moving toward a decision on the construction of a 150-million-gallon-a-day combination desalination and power producing atomic reactor plant. The problems involved in obtaining revenue are less complicated for the MWD because it is an intrastate agency. Before the economics of a comparable plant to serve the New York metropolitan area can be fully worked out, the question of revenues will have to be resolved.

The chances look bright that a desalination-nuclear power reactor could move ahead rapidly in Los Angeles, to the mutual benefit of the East. I am told that with the completion of the engineering study on the MWD plant, it would be possible to have a plant in operation by 1970 or 1971. Armed with the technical knowledge and experience in siting and sizing that plant, only 3 years would be needed to have a comparable facility turning out water and electricity in the New York area. Thus, it seems entirely possible to have large desalting-nuclear powerplants in production on both coasts very early in the next decade.

A preliminary feasibility study has indicated that the contemplated MWD plant could be constructed for $300 million and would produce fresh water from the sea at the cost of 22 to 30 cents per thousand gallons. This is the lowest cost water that has been indicated to date by any feasibility study for a large-scale plant.

This fresh water will not only be a direct addition to present supplies, but it can be blended with Colorado River water to improve the quality of that flow without resort to costly chemical processes.

Fortunately, we have in being a number of programs aimed at more effectively coping with the many facets of the water problem.

While I do not believe there are any unbreachable technical barriers to solving the water problems of our metropolitan areas, a better understanding is needed of the interrelationships among the hydrologic, physical, biologic, and economic factors that conditions water supplies. Just 12 months ago, Congress created the water resources research program. As a result, a State water resources research center has been established in each of the 50 States and Puerto Rico. Each of these centers has developed a program of research related to the important water problems of its State and region. During the past 12 months the Congress has appropriated more than $8,500,000 for support of these State centers and some 400 new research projects being carried out by the highly qualified scientists and engineers of the universities at which the centers are established.

In the first 3 weeks of July the Office of Water Resources Research provided in excess of $1 million to support 103 new water research projects undertaken by the State universities of the 12 northeastern drought-stricken States. These 103 new research projects are aimed at improving efficiency of water use and conservation, development of auxiliary supplies from ground water, improved waste treatment resulting in more usable water in streams or underground, and improved environmental conditions for fish during critical water periods. The research projects include also economic studies needed for improving planning and management of water resources, and basic studies in hydrology. I ask unanimous consent to have printed at the conclusion of these remarks a brief report on water resources projects for northeastern drought States with two tabulations of the projects at the State universities that are now receiving support under the Water Resources Research Act.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ANDERSON. Mr. President, the Senate, earlier this year, strengthened the water resources research program by fully mustering all of our scientific knowledge and technical expertise. This would involve utilization of "centers of excellence" in addition to the State land-grant colleges now eligible for aid under the original Water Resources Research Act. It would open the way for grants, contracts, matching or other arrangements with educational institutions, private institutions, private firms, or individuals, and Government agencies, local, State, and Federal. I would hope that the House could move ahead on this important measure.

In the West, as I said earlier, we had to have cooperation among all concerned with water resources—municipal, industrial, agricultural, recreational, and other users. Cooperation leads to common acceptance of the basis for accommodating competitive uses of water. One of the ways in which this takes form is through the development of river basin plans. Through the enactment of the Water Resources Planning Act of 1965, which was signed by President Johnson on July 22, these basinwide plans can be more effectively developed.

In 1958, some of those who had followed the work going on in saline water conversion decided that the time had arrived to build a series of plants to demonstrate the basic theories. The then Senator Johnson of Texas gave vigorous support to that program. Now, as President of the United States, he continues to give energetic and creative impetus to advancing the desalination effort along increasingly productive paths.

Under legislation enacted in 1962, the Office of Saline Water was authorized $75 million for fiscal 1962 through 1967, enabling long-range planning and, for the first time, intensive research and development on a comparatively large scale, plus the construction of five test facilities.

This year the President requested Congress to authorize $200 million and a 5-year additional extension of the desalination program—proof of the success of the program. This has been agreed to by the House and Senate conferees.

In the 1968–72 period, it is anticipated small communities will be able to convert water for residential and industrial use at a cost of 50 cents a thousand gallons in producing 1 to 10 million gallons a day.

Between 1970 and 1975, large municipalities with a developed economy should be able to count on obtaining water at a cost approximating 25 cents a thousand gallons in plant sizes of 10 million gallons per day and upward.

I have mentioned this brief inventory of Federal programs only to show that a solid foundation exists on which the Nation can build the kinds of water projects required for sound health, economic growth, and social well-being.

As the West has provided experiences which may prove valuable to the drought-ridden Northeast, the action taken in that region over the next few critical months will be instructive to other sections of the Nation. No region is immune from water difficulties. We should view the crisis in the Northeast as an opportunity to develop the political and physical structures for avoiding similar situations in the Great Lakes region, the Midwest, and elsewhere.

EXHIBIT 1

WATER RESEARCH PROJECTS FOR NORTHEASTERN DROUGHT STATES

A broad gage cooperative Federal-State program of research on water conservation and utilization is moving forward vigorously under Department of the Interior sponsorship in the drought area of the Eastern United States. The Interior Department's Office of Water Resources Research, during the first 3 weeks of July, approved allotments totaling $1,050,000 for support of research projects at a university research center in each of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia. Allotments of $87,500 to each State are being used for a total of 103 new water research projects.

The 103 new research projects are aimed at improving efficiency of water use and conservation, development of auxiliary supplies from ground water, improved waste treatment resulting in more usable water in streams or underground and improved environmental conditions for fish during critical water periods. They include also economic studies needed for improving planning and management of water resources, and basic studies in hydrology (the science of the occurrence and distribution of surface and underground water). The studies will take from 1 to 3 years for completion and financial support will be provided for that period dependent on appropriation by the Congress of needed funds.

The program of cooperative water resources research was authorized by the Water Resources Research Act of 1964 (78 Stat. 329) which President Johnson termed vital when he approved the act on July 17, 1964. It authorizes appropriations to the Secretary of the Interior for grants-in-aid to a water resources research center at the land-grant university or other designated institution of higher education in each State and Puerto Rico. The act also authorizes grants-in-aid on a dollar-for-dollar basis, matching Federal and non-Federal funds for additional research carried on through the State research centers. Each of the 50 States and Puerto Rico have established such a center. They are now carrying on over 400 new research projects similar to the ones described above. Since enactment of the legislation in July 1964, approximately $8,700,000 of Federal funds have been appropriated for grants to these State research centers which also use substantial additional amounts provided from university and other State and non-Federal sources.

The research projects at the university research centers are carried out by scientists and engineers from all parts of the universities. These scientists include chemists, geologists, biologists, civil engineers, sanitary engineers, economists, and lawyers—in fact the program enlists anyone with professional research competence that will aid in solving water problems. Graduate students work as research assistants on these projects thereby receiving advanced training that will qualify them for future professional work in water resources planning, administration, and research. The program is carried out under the direct supervision of Secretary of the Interior Stewart L. Udall through the Director, Roland R. Renne, and Associate Director E. D. Eaton.

Appended are a few examples of the new water resources research projects started in the Northeastern and Middle Atlantic drought States, and a tabulation of the numbers of the various kinds of projects in each of these 12 States.

EXAMPLES OF NEW RESEARCH PROJECTS STARTED IN 1965 BY WATER RESOURCES RESEARCH INSTITUTES OF THE 12 NORTHEASTERN STATES TO AID IN SOLUTION OF PROBLEMS ASSOCIATED WITH THE DROUGHT

Connecticut: Development of inexpensive structures for improving the capacity of streams to absorb hot-water discharges (thermal pollution).

Delaware: Assessment of the ground-water resources of the Delmarva Peninsula.

Maine: Water conservation in food processing industries.

Maryland: Effects of hot-water discharge (thermal pollution) on the aquatic life of estuaries.

Massachusetts: Increasing the dependable water supply from small watersheds by using low dams.

New Hampshire: Relationship of yield of ground water from drilled wells to type of bedrock.

New Jersey: The impact of suburban development on the water resources of New Jersey.

New York: Estimate of water supply-requirements of the Northeastern-Middle Atlantic States.

The effects of municipal waste discharges on streams, lakes, and reservoirs in New York State.

Pennsylvania: Management of ground-water resources in the limestone regions of Pennsylvania.

Rhode Island: Sources of and remedies for undesirable natural constituents in water from wells and streams.

Vermont: The effect of pollution on the water and bed of Lake Champlain.

West Virginia: The role of algae in improving the quality of water in streams receiving acid mine drainage.

Cooperative Federal-State water research projects started in 1965 in the 12 Northeastern States

	Total projects	Improved efficiency of water use and conservation of supplies	Location and development of new supplies from ground water	Improved waste treatment leading to higher quality aquatic life	Studies of effect of drought on fish and other aquatic life	Economic and social studies for planning water management	Studies of natural processes in stream leading to improved water quality	Basic science of hydrology
Connecticut	11	1	3	1	1	1	1	3
Delaware	5	1	1	2		1		
Maine	8	2		1			3	2
Maryland	8	1		4	1	1		1
Massachusetts	17	4	2	1	2	1	5	2
New Hampshire	6		1		1		4	
New Jersey	11	1	3	1		2	2	2
New York	6					3	1	2
Pennsylvania	8		1	1		1	4	1
Rhode Island	11	3	2	1		2	3	
Vermont	4						3	1
West Virginia	8	1			2		3	2
Total	103	14	13	12	7	12	29	16

CONGRESSIONAL PAGE SYSTEM SHOULD BE ABOLISHED

Mr. YOUNG of Ohio. Mr. President, on April 6, 1965, I introduced S. 1712, which would revise the system of selecting congressional pages. This bill is pending in the Committee on Rules and Administration. It is the first legislative proposal introduced in the Congress in modern times to change the qualifications for congressional pages or messengers. Recently, a Member of the other body proposed a similar or identical bill.

The youngsters presently serving as pages are fine boys indeed. However, the method by which they are selected is archaic and troublesome and should be changed.

Historically, the custom of hiring pages goes back to the first Congress. In those days Members of Congress who knew of young orphan boys in destitute circumstances had their sympathies aroused and they were successful in having officers of the House of Representatives employ these boys as runners.

Originally, in 1789, a few runners were employed. The earliest records show that in the 20th Congress, which sat from 1827 to 1829, three boys were employed as runners. In succeeding Congresses the number changed, but the custom continued.

In the 27th Congress, which sat from 1841 to 1843, a select committee was appointed to look into the number of persons employed by the House of Representatives to ascertain whether there were "more than the public good required." It also was to determine whether their pay should be adjusted.

One result of the inquiry was that the number of pages was reduced from 12 to 8 and their compensation was increased from $1.50 to $2 a day. All extra compensation for overtime was discontinued. According to the select committee, it seems to have been the practice to grant an extra allowance of $250 to the pages at the close of each session of the Congress.

Through the years this practice has been modified, so that today a large number of boys between the ages of 14 and 18 are hired to serve at salaries in excess of $5,000 a year. This is indeed a handsome salary for a young boy just out of grade school who answers telephones and delivers messages and documents. It is more money than is paid to many officers and soldiers serving in combat in Vietnam.

When these youngsters come to Washington they are left on their own to secure adequate housing and meals. They are without the benefit of the parental guidance that is so necessary for young people. They attend the Capitol Page School for 3 hours daily and sometimes work as much as 40 hours a week, or longer. This schedule would not be tolerated in any job covered by Federal child labor regulations.

Difficulties in the past have caused some Senators to propose that the Federal Government provide a $1 million dormitory for the 80-odd youngsters who work as pages. I spoke out against that proposal in July 1964, at that time urging that the page system be abolished. This would be an unconscionable waste of taxpayers' money. It would only serve to compound an already unwieldy situation and perpetuate an outmoded, unnecessary, archaic, and unjustified system.

Mr. President, my bill would allow only college students, both young men and women, between the ages of 18 and 22, to serve as pages or messengers. This would make unnecessary the proposed expenditure of $1 million for a dormitory, and would relieve Representatives and Senators of the responsibility for the safety and well-being of these teenagers. At the same time it would provide a means for students to finance their college studies and gain an insight into the operation of their Government and a knowledge of the legislative branch of our Government very valuable to them when they enter business or professional life.

Mr. President, I realize that I am advocating the abolition of a long-established tradition. However, I am firmly convinced that in this fast-moving space age of change and challenge the present method is outmoded and serves no useful purpose.

LIBERIA'S 118TH ANNIVERSARY

Mr. DODD. Mr. President, Liberia, Africa's oldest Republic, this week celebrates its 118th year as an independent state. Our own relations with Liberia have always been friendly, and I know that President Tubman and the Liberian people can be certain of our continued friendship and good wishes as they pass this new milestone in their history.

It was the American Colonization Society that helped found the Liberia Colony in 1825. Monrovia, Liberia's capital city, was named in honor of our own President Monroe. The Liberian Declaration of Independence of July 26, 1847, was patterned after that of the United States, and they drafted a constitution almost identical to ours. The friendly relationship between our countries has continued to flourish and the dialog has been one of mutual respect between sovereign states.

In recent years, the rapid rush to independence of former colonial dependencies and the sometimes chaotic conditions that independence has brought to these areas, have given rise to the impression that Africa is an area of chronic instability and uncertainty.

But in Liberia just the opposite is true. Under the able leadership of President Tubman since 1944, Liberia has enjoyed political stability, social progress, and a period of remarkable economic development within a framework of free enterprise.

I am sure I speak for my fellow Americans in wishing the Liberian people continued good fortune in the tasks ahead.

PROGRESS IN MICRONESIA—A REPORT BY M. W. GODING, HIGH COMMISSIONER OF THE PACIFIC TRUST TERRITORY

Mr. FONG. Mr. President, the progress of the Trust Territory of the Pacific Islands, which the United States administers under an agreement with the United Nations Security Council, is a matter which should be of interest and concern to the Members of this Congress. For it is the Congress which authorizes and appropriates the funds for the operation of the trust territory. Except for very limited local revenues and reimbursements, congressional appropriations finance nearly all the activities in that farflung Pacific territory. For the current fiscal year just begun, the Congress appropriated $17,344,000 out of a total of $19,544,000 available to the trust territory.

An updated report on the trust territory has been made by the Honorable M. W. Goding, High Commissioner of the Trust Territory. The occasion for the report was a state of the territory message at the opening session of the First Congress of Micronesia on July 12, 1965, at Saipan, Marianas Islands.

Mr. Goding's report is most encouraging in summarizing the progress achieved during the 4 years of his administration. The accomplishments are many—inluding those areas identified as deficient by a visiting United Nations mission in 1961.

The most heartening forward step was the creation of the First Congress of Micronesia—the first democratically elected, territorywide legislative body representing the 87,000 inhabitants of trust territory islands. In making possible the convening of the first regular session in Saipan on July 12, the United States carried out to a substantial degree its responsibility under U.N. trust to promote self-government in the trust territory.

Mr. Goding's report also notes numerous other advancements—some recommended by the 1961 U.N. mission, others initiated under his administration in the Department of the Interior.

I mention only two items of special importance, out of a score of noteworthy accomplishments: Education and administrative posts for Micronesians.

As one example of educational progress, Mr. Goding points out that in 1961, there was one public high school in the entire trust territory; today, there are six. Enrollment has increased from 150 students in 1961 to 1,980 students last year, with a further increase to 2,500 expected this year. In advanced education, in 1961, there were 56 students in college on trust territory government scholarships. This fall the total will be 171, including 43 in premedical and paramedical training.

Mr. Goding reports rapid progress in the turnover of senior administrative posts to Micronesians, and the upgrading of other Micronesians on all levels.

It is encouraging also to know that good progress is being made in medical and health services, transportation, economic development, and other activities.

As the Micronesians gain greater self-government and as they move forward in other areas, the need for a serious reappraisal of their status as a trust territory becomes more timely. In accordance with my intention voiced earlier in this Chamber, I plan to seek the consensus of my colleagues as to the feasibility and desirability of annexing the trust territory to the State of Hawaii, assuming, of course, that such a far-reaching step is favored by the people of Hawaii and the people of the trust territory. In due time, the sentiments of the United Nations Security Council also must be sought in view of the trust territory's status under the Council as a non-self-governing area.

In encouraging a dialog in Congress on the annexation proposal, I believe that wider dissemination of information about the trust territory is essential on all sides, in view of the generally limited acquaintance with that vast region.

The report by Mr. Goding, the territory's high commissioner, is both informative and authoritative, and I commend it highly to my colleagues. I ask unanimous consent to have the report printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the Record, as follows:

State of the Territory Message of Hon. M. W. Goding, High Commissioner of the Trust Territory of the Pacific Islands, to the Opening Session of the First Congress of Micronesia, on Monday, July 12, 1965, at Saipan, Marianas Islands

Mr. Chairman, honorable members of the Congress of Micronesia, Secretary Carver, Governor Dickerson, distinguished guests, ladies and gentlemen, it is with deep pleasure and great satisfaction that I welcome all of you to this, the opening session of the first democratically elected, territorywide legislature in the Trust Territory of the Pacific Islands. This day will live long in the memory of all of us, the session which begins today will, I am sure, augur well for the people of these islands.

The official organization of the house of delegates and the general assembly this morning marked both a milestone in the history of Micronesia, and the end of an era. In the period which has just drawn to a close, the High Commissioner was charged not only with executive authority for the territory, but with the legislative responsibility as well. This latter responsibility—and it is a tremendous one—now passes from my hands into yours. Representation of your people places a grave and heavy obligation upon you. This morning you swore to discharge the duties of your office in a manner that will bring honor to the Congress of Micronesia and to the people of the territory—your own people. It is seldom that any group of men has the opportunity that is now yours to break new trails in the creation of these governmental institutions. The eyes of your own people—and the eyes of the world—are upon you. The privilege of serving the people of Micronesia and indeed the free world community is now yours. I feel with deep humility my own privilege—and responsibility—of being your High Commissioner, and this day to me will remain as one of the greatest of my life.

Now, for the first time in the history of Micronesia, we have the three branches of government on a national level—the executive, the legislative, and the judicial. Each of these branches, in the democratic tradition, has vastly significant work to do and each must respect the duties and prerogatives of the other. I pledge the full cooperation of my office and of my staff to your needs, and I assure you that I will support your wishes to the fullest possible extent consistent with my own responsibilities to the people of Micronesia, to the President and the Government of the United States, to the United Nations and to the people of the United States who are investing millions of dollars annually in furthering the welfare of the people of this area.

I said in the beginning that it was gratifying to me to welcome you on this occasion. Those were not idle words. It is gratifying to any conscientious administrator to see plans with which he has been concerned, flower into such a vibrant reality as this Congress. But I am not alone in this feeling of triumph. Numerous other people—Micronesians, members of the trust territory staff, the Secretary of the Interior and his key staff, Members of the Congress of the United States and officials of the United Nations—have anticipated this day for a long time. It is the day that many persons, some of whom are at present thousands of miles away, have looked forward to and aided and supported in ways too numerious to mention, and we are grateful to them all.

Yes, the efforts of many people have led toward this goal, but your own efforts and your desire to assume leadership roles in Micronesia's development have been the vital driving forces toward self-government. All the steps you have taken along the paths of political advancement have led you directly toward this meeting today. The development of your village councils and municipal governments, your district legislatures, the territorywide advisory council which grew into the Council of Micronesia, the immediate forerunner of this legislative body—this step-by-step growth, in which so many of you here have participated, has now borne fruit, in good measure and of strong tissue.

At a June meeting at the United Nations in 1961—just over 4 years ago—in the chamber of the Trusteeship Council, one of your members sat beside me serving as adviser to the U.S. delegation. This was Congressman Tosiwo Nakayama, then President of the Truk District Legislature and now a member of the House of Delegates of this Congress. Congressman Nakayama, in his statement to the Trusteeship Council, spoke of the meaning of the district legislature to the people of Truk, saying: "The emergence of the Truk District Congress also created a new era in the life of the Trukese people in that it carries home to the grassroots of their communities the essence of democratic government, the ideas of equal representation, and of freedom and equality under the law * * *." In his statement, Congressman Nakayama might well have been talking about this body, the Congress of Micronesia.

Shortly before this session of the Trusteeship Council—on May 1, 1961, in fact—I was appointed high commissioner of the trust territory. On June 13, 1961, addressing the Trusteeship Council, I informed the members that we envisioned, if the present rate of political growth and progress continued, that by 1965 a territorial legislative body should be in existence. Some people during that period felt that this statement was premature and that perhaps a decade or more would be needed to bring such a legislative body into existence. But at that time, although my tenure with the administration had been very brief, my contact with Micronesians from all walks of life convinced me that we had a sound basis on which to build toward the establishment of a true territorial legislative body.

It is gratifying indeed that my prediction was well founded, and that I now have the satisfying duty of reporting to this new legislative body on the state of the territory that has been under my administration for the past 4 years. Coincidentally, it was just before I began my stewardship as high commissioner that the triennial visiting mission of the Trusteeship Council had completed an inspection tour of the territory. I shall use the recommendations contained in its report as a point of departure in summarizing the progress we have made in the last 4 years.

Besides urging the speediest possible development of a permanent legislative body, the mission expressed the hope that the administering authority would accelerate the training of Micronesian administrative personnel in order that positions of high administrative responsibility could also be filled by qualified Micronesians in the near future. I am glad to report that we have complied with that suggestion purposefully and that during the last 3 years the turnover of senior administrative posts to Micronesians has been rapid. In 1963 Mr. Takeo Yano was named assistant district administrator for administration in Palau. In 1964 Mr. Leo Falcam was appointed assistant district administrator for administration in Ponape. In Truk, Mr. Ray Setik and Mr. Tosiwo Nakayama were appointed to the posts of assistant district administrator for administration and public affairs, respectfully. In Palau, Mr. Thomas Remengesau was appointed assistant district administrator for public affairs.

This year Mr. Bailey Olter, adviser to the U.S. delegation to the U.N. Trusteeship Council and a member of this congress, was appointed assistant district administrator for public affairs in Ponape. The position of political affairs officer on my staff was filled by a Palauan, Mr. Raymond Ulochong. A Palauan graduate of the George Washington University Law School, Mr. Kaleb Udui, was appointed to the position of assistant attorney general and has served very capably as acting attorney general on several occasions. Very recently, Mr. Manuel T. Sablan, of the Marianas, was appointed to the newly created position of assistant director of public safety. Our director of sanitation, as you know, is Mr. Nachsa Siren of Truk.

These are but examples of how Micronesians have been moving to higher levels of administration. This upgrading process is operating on all levels at the most rapid rate possible.

Other recommendations of the 1961 visiting United Nations mission that have been carried out are, as you know: the transfer of the administration of Saipan, Tinian and the other northern Mariana Islands from the Navy to the Department of the Interior; the uniting of these islands with Rota to form one district; and the moving of the headquarters of the administering authority to a site within the trust territory.

The 1961 mission recommended renewed vigorous attempts to reach a settlement with the former residents of Kwajalein for the use of their land as a U.S. defense base. After 18 years of negotiations which had proved fruitless, we did, in fact, reach a settlement of this issue early in 1964. The mission recommended that urgent attention be given to the payment of compensation for damages suffered several years before by the people of Rongelap from nuclear fallout. The U.S. Congress has recently approved funds for generous payments to the people of Rongelap and it will soon be my pleasure to disburse these payments.

Perhaps the most severe criticism of trust territory programs by the 1961 visting mission was in the field of education, and it is in this field as you know that the administering authority has placed its greatest emphasis. We have as a matter of fact, undertaken an entirely new approach to education that goes far beyond the changes which the mission recommended.

In short, every major problem area except one noted by the 1961 visiting mission by way of criticism or recommendation has been resolved or accomplished during the past 4 years, the one exception being the matter of securing settlement of claims for war damages against Japan, and on this issue the U.S. Government is still trying to reach an agreement.

Does this mean all our problems have been resolved? No indeed, it does not; for in public and governmental affairs, as in life itself, nothing is static, nothing stands still. As you know, another mission traveled through the territory last year and in its report noted areas requiring attention. That report, however, was notable for its favorable comment on the progress of the preceding 3 years and its chairman stated to the assembled trusteeship council that "the hum of activity can be heard throughout Micronesia." And the hum is louder today than it was then.

Let me summarize some of the progress we've made since 1961 in the development of the territory's human and material resources.

As I said a moment ago, we have undertaken an entirely new approach in the field of education.

First, we have assumed full responsibility for the payment of teachers' salaries and for the construction and financing of school buildings as well as the provision of classroom equipment and teaching materials. Policies have been changed to provide for English as the medium of instruction in all grades and in all schools where competent teachers are available or will become available in the future.

To make this policy effective and to improve standards of teaching, a radical departure from previous policy has been the recruiting of American teachers. Last year there were 123 American teachers in the public elementary schools of Micronesia and this fall others will be added to the staff. At the same time, we are carrying out an intensive program for the further training of Micronesian teachers, including special summer training sessions in all districts, and in 1963 we opened a new Teacher Training Institute in connection with the Pacific Islands Central School in Ponape under the supervision of educators from the University of Hawaii. Here, in the last 2 years, a total of 133 Micronesian teachers have had from 1 to 2 years of intensive training. For 1965–66 enrollment will be approximately 45.

When increased appropriations became available 2 years ago, we started a major school construction program. Since then, we have built a total of 250 classrooms, all of them of permanent construction, most of them from cement block, and all of them modernly equipped. The crash program to improve elementary education has been confined largely to areas of concentrated population but will be extended during this coming fiscal year to the outlying islands.

We have made comparable strides in improving and enlarging opportunities in secondary and advanced education. In 1961 there was one public high school in the entire trust territory; today, there are six public high schools, one in each district. Enrollment has increased from 150 students in 1961 to 1,980 students last year and we are expecting an enrollment of 2,500 this year. In addition, two junior high schools have been built in the subdistricts of Ulithi and Kusaie, which will start senior high school classes this fall.

Opportunities for advanced education have also increased. In 1961, there were 56 students in college on trust territory government scholarships. This fall the total will be 171, including 43 in premedical and paramedical training.

This will bring to a total aproximately 300 Micronesian students in institutes of higher learning, including about 15 District Congress scholars, a limited number on grants from outside institutions and approximately 100 students who will attend college on their own resources or through a combination of administration and private assistance.

In the field of medical and health services, increasingly more funds and efforts have been expended. Funds for health services have been quadrupled, from $583,901 in 1961 to $2,120,000 for the fiscal year just ended. Two new hospitals, in Saipan and Palau, were built and in operation by the end of 1962, and one at Majuro was completed a few months later. In 1964 funds were allocated for a new hospital in Truk comparable to the one in Saipan, but construction was not started. The funds have been carried over to the new fiscal year and we expect construction to begin soon.

Since 1961 we have recruited six doctors with full medical degrees, one for each district, to provide on-the-spot assistance and advice to the Micronesian medical officers. Most significant was change in policy in 1962 to provide full medical training for future Micronesian doctors.

To help us analyze our particular health problems and to strengthen the organization of our department of public health, with a view of insuring the best possible health services for the people of Micronesia, I have requested the services of a highly qualified U.S. Public Health Service specialist. I am happy to welcome Dr. Delmar Ruthig, of the U.S. Public Health Service who is with us today as a guest of the Congress.

There is an especially bright spot in our medical program that I am happy to report. In 1964, an intensive program was initiated in the territory to immunize every Micronesian citizen against smallpox, diphtheria, whooping cough, tetanus, typoid, paratyphoid and poliomyelitis, as well as BCG for tuberculosis. The department of public health reports that the program has been completed or will be completed this month in the districts of the Mariana Islands, Palau and Yap; that it is 75 to 80 percent complete in Truk and Ponape; and that it is completed in the Marshall Islands district center and Ebeye. The program has been delayed in the outer islands of the Marshall district because of logistics problems but will be launched there soon.

The problem of transportation in the farflung area of the trust territory is difficult, as we all know, but an adequate system of transportation is essential, not only to the Micronesian people and the administration, but also as a necessary infrastructure for the territory's economic development.

Four years ago, air transportation was so inadequate as to be a serious handicap in the work of the administration. We were entirely dependent on three amphibious planes with limited passenger and cargo capacity and the phrase, "I've been bumped," was a common complaint throughout the trust territory.

In 1961 plans were initiated for a major undertaking, the change from a water-based to a land-based operation. Although one of the amphibious craft was replaced by a DC–4 with five times the carrying capacity, which has eased the transportation problem, long-range plans called for the construction of three new airfields, a costly and time-consuming project. Two of these airfields have been constructed and are now in use, and work has been started on the third. When it is completed, we will have a basic interdistrict airlines operation, which, with the addition of new aircraft as needed, will be capable of handling any traffic that may be required in the foreseeable future.

We have made comparable improvement in sea transportation. Four years ago the frequency of shipping service to the district centers was from 2½ to 3 months. Today, we have shipping service between Palau-Yap-Guam-Saipan every 2 weeks and to the other districts every 4 weeks, with our ships carrying copra to Japan and returning with merchandise on the same schedule.

Shipping service within districts is also being improved. A new 65-foot vessel is providing regular cargo and passenger service in the Truk lagoon area and two new vessels, the *Yap Islander* and the *Truk Islander*, will be added to the Trust Territory fleet within a few weeks.

As for economic development, a big step was made a year ago with the opening of the Van Camp Seafood Co. fisheries plant in Palau. Last year the company exported fish valued at $291,000. Van Camp now has 12 boats, and is planning an immediate quarter-of-a-million dollar expansion of their Palau plant to increase capacity from 1,500 tons to 2,000 tons. The same company has requested a lease with tentative plans of opening fisheries in Truk. Preliminary investigations have also been made by other companies interested in fisheries operations in the area.

A good example of how economic development multiplies opportunities once it gets started in a fertile community, is found in Palau. Not only are local fishermen on the Van Camp payroll, but a group of enterprising Palauans, with the Van Camp Co. providing a market for their catch, have started their own fisheries company and operate a fleet of seven fishing vessels.

We have recently signed a 2-year contract with a leading economic development consulting firm, which will prepare an inventory of assets, liabilities, and opportunities in Micronesia to be used in creating a long-range integrated development program. At the same time, the firm will help in arranging for the development of immediate action projects. Whether or not the Micronesian economy can be developed to a self-supporting level is a question that has been debated at length over the years and one that may well be answered by the work of this consulting firm.

We are attempting to provide Micronesia with "economic boots" through Government-sponsored pilot economic development projects and loans to local companies through the Economic Development Loan Fund. But let us not make the mistake of assuming that Micronesia can pull itself up by its own economic bootstraps. No developing country in the world has been able to do so and thus we must also carefully weigh the advantages of controlled outside capital investment for there are many benefits to the local economy from such investment and from joint commercial enterprises between local and outside interests.

This finishes my summary of progress in our major programs, but strides that are equally important have taken place in many other activities. Credit unions and producer cooperatives have grown at a rapid pace. In the last 4 years we have started adult education programs in every district. There has been a tremendous increase in the number of Micronesians taking refresher courses or receiving training in skilled trades in many parts of the world. Experimental projects have been conducted in many new crops, including rice in Ponape, ramie fiber in Palau, coir fiber in Truk, the production of cacao in Ponape, Truk, Palau and Yap, and pepper in Ponape. Last year a beef cattle project was started in the Marianas District, with 55 Santa Gertrudis heifers imported from the United States to form the foundation breeding herd. In Saipan, a local farmer has recently leased 1,380 acres of land for a cattle-growing enterprise. The beginning of a modest tourist trade is evident in two or three districts. More and more girls are entering school and assuming places of leadership in their communities. The employment rate is rising. People are beginning to build good solid homes for themselves and they are opening up grocery stores, filling stations, motels, hotels, restaurants, and other business enterprises. Four years ago only two districts had banking facilities; today there are banks in every district but Yap and I am hopeful a bank can be established there in the near future. In 1961 there were radio broadcasting stations in two districts; now there is one in each of the six.

These activities are sure signs of prosperity and a growing economy. Yet there is a tremendous job that remains to be done. Many of the problems we face might be described as being typical of any growing but underdeveloped economy. In many cases, present resources are inadequate to meet the needs of the moment. But in other areas, our problems are peculiar to islands like these in Micronesia separated as they are by vast stretches of ocean. One of our most challenging problems and one that will require a bold and imaginative approach lies in improving living conditions, in supplying adequate medical services and educational opportunities for people in the more remote and thinly populated islands of the Territory.

Then, again, in the whole area of housing, we have hardly made a start. In the past our communities were built on the old "base" idea, with modern housing and utilities for administration activities and personnel. Now we must begin to expand powerplants and sewerage systems and water facilities. The time has come for town and community planning, and the building of modern, low-cost homes that people can afford to buy. Our road system must be rehabilitated and extended.

These are but a few of our problems. Yet, if an economy is growing as ours is, problems can be minimized quickly. In the next few days I will be presenting to you legislative proposals within some of these problem areas for your consideration and action, many of which you are familiar with and probably have considered solutions. One of these which concerns the Congress itself is the need for better delineation of the functions and responsibilities of municipal and district government in relationship to the authority of the new Congress.

So far I have not mentioned the overall budget, which is the lifeblood of all these operations that I have been discussing. I would remind you at this time that one of your chief responsibilities will be the review of the budget program as it relates to the appropriation which we receive from the Congress of the United States and the development of a supplemental budget program for expenditure of local revenues.

With July 1, 1965, we began a new fiscal year, which will run until June 30, 1966. The Congress of the United States has passed our new appropriation in the amount of $17,344,000, plus an estimated $1,200,000 in reimbursements and local revenues for a total funding of $19,544,000. In 1961, our total appropriation was less than $6 million.

In conclusion, I am sure you are aware that we have reached a point from which there is no turning back. We must go forward with what we have and strive to do our best. Just about a month ago, Ambassador Frank Corner, the distinguished representative of New Zealand in the Trusteeship Council of the United Nations, said:

"One of the great watersheds is the establishment of a national legislature, freely elected and armed with at least a minimum of powers."

He noted that once this step is taken—once this watershed has begun its plunge into the future—it is decisive and irreversible. He was speaking specifically of the Congress of Micronesia. He spoke in a friendly, optimistic way. The free world itself is optimistic about the Congress of Micronesia, and the free world expects much of it.

It is now time to begin work, and I again pledge the wholehearted cooperation of the administering authority and the administration with the efforts which you initiate. Perhaps it is not inappropriate to reflect at this point on the words of the late President Kennedy when he said in his inaugural address, "Ask not what your country can do for you but rather ask what you can do for your country." I wish you the best possible success and godspeed.

EDWARD P. MORGAN ON VIETNAM

Mr. CHURCH. Mr. President, Edward P. Morgan, of the American Broadcasting Co., has been on a trip to Vietnam and other Asian countries, and has made some extremely thoughtful broadcasts during his travels. Mr. Morgan has provided much convincing evidence that meeting the threat of the Vietcong in South Vietnam will require much more than military effort, but extensive political, economic, and social effort as well, especially on the part of the Saigon government.

I ask unanimous consent to have the text of Mr. Morgan's broadcast of July 26 printed in the RECORD.

There being no objection, the text of the broadcast was ordered to be printed in the RECORD, as follows:

HONG KONG.—The escalation of the American war effort in Vietnam, controlled and gradual as it has been, is reaching the point of no return, and the jagged conditions of combat beyond that point may tear all our other efforts to make this a stable, prospering land, into shreds. This is the terrible dilemma we face. It swings more sharply into focus somehow, from the near-distance of Hong Kong, than from headquarters in Saigon.

Unless we increase our military commitments, the war will be lost. At this juncture it is not a question of total victory, an utterly meaningless phrase, but of preventing the losses from getting worse. The South Vietnamese forces are simply not strong enough now—they do not have the trained manpower reserves to repulse the increasingly bold lunges of the Communist Vietcong on their own. The tragic and almost inevitable prospect is, that as we increase our material assistance in men, money, and machines, we compound the problem.

Over an excellent meal, with Vietnamese sole, Japanese salmon, and white Italian wine from Orvieto in a French restaurant in Saigon the other day, one shrewd observer put it this way: "South Vietnam is like a boat sailing down the Mekong River and being fired on from both banks. If 12 guns are fired from the right bank, the vessel takes on 12 guns to neutralize them. If 12 now open up from the left bank, another dozen cannons are hoisted aboard to match them. Before ever reaching the mouth of the river, the boat is sinking. South Vietnam is sinking under too much American advice, manpower, even equipment and other aid, because there are not adequate knowing hands to administer them properly."

Two other items bear in on the point of the problem like a burning glass. Even at the lowest level of assistance, two people who don't speak the same language, but are engaged in the exchange of aid, need an interpreter to get any real understanding and effect from, say, a new process to raise pigs or poultry. When help is pouring in like a flood from the American cornucopia, involving everything from military advice to chicken feed and chewing gum, the need for understanding soars stratospherically. But the supply of competent interpreters is long since exhausted.

There is not adequate communication between U.S. officials and their Vietnamese counterparts. True, more interpreters are being trained, but the need is now. American personnel are being escalated far faster than language experts.

And there is the matter of the truck drivers. In the beginning, when the U.S. mission was a handful of people, as American handfuls go, there were enough Vietnamese drivers to go around. If one of them hit a child or a bicycle, it was a local affair. Now, as the mechanical mastodons and litter transport are unloaded and roar away from the dock, not native, but American drivers are at the wheel and every accident becomes an international incident, if not in court, at least in the anguished mind of the Vietnamese victim.

There is still another point, intangible but penetrating. It is a mood—a frame of mind. United States-South Vietnamese relationships have been singularly devoid of such deprecating American epithets as "kooks" or "slopehead." This partly because the Americans, with some exceptions, have been dedicated experts, trained and sophisticated in special roles. It is also partly due, one suspects, to the difficulty of making degrading wisecracks about a race whose dainty women are among the most devastatingly beautiful in the world. But now, with a vast influx of manpower, that happy situation is bound to change, because the sensitive expert will be drowned in a wave of average guy. These things always happen in wartime, but they make mountains, not molehills, in Vietnam, because it is not a proper war.

The Vietcong have recently become more savage in their treatment of the peasants, as if they have decided to substitute terror for persuasion in an effort to win the minds and hearts of the Vietnamese, as the saying goes. But their basic strategy, knowledgeable experts insist, though not unanimously, is not to conquer the country by brute and terrorizing force, but to destroy the National Army Reserves, which they have almost done, and then force Saigon to a political settlement on Communist terms.

One highly controversial counter to such a move would be to abandon territory in the southern Mekong Delta and elsewhere, for instance, which the guerillas now almost totally control anyway, and concentrate then on some rural area and such urban concentrations as Saigon, as a basis for a viable society which could then gradually reach out, and slowly stabilize the rest of the country. We are still fighting the war on Vietcong terms, not on our terms.

Not a single person I talked to in 2 weeks assignment in Vietnam, wanted the Americans to pack up and go home. A central concern is whether the little seeds of social justice we have planted won't be trampled under a massive buildup for a massive clack in classic warfare.

All is not lost. But if Washington is not aware of the fragile subtleties of the situation, it soon could be lost. The American strategy, a competent official observed, is to regard warfare as an engineering problem. If you need more resources, you pour in more resources. World War I and World War II and in a partial sense, he said, Korea, were won and ended that way. But that is not the case here. It isn't working and won't work in the strict sense in Vietnam.

Let the military spin their wheels and hurt the Communists where they can, he said, north and south, but let's get on also with the job of training these people to fight their social revolution so they'll have something worth fighting for.

This is Edward P. Morgan saying good night from Hong Kong.

PROPOSED SALE OF TIMBER IN ALASKA

Mr. BARTLETT. Mr. President, the regional forester of the Alaska region of the Forest Service has announced a proposal to sell 8,750 million board-feet of timber from the Tongass National Forest in a 50-year timber sale. The proposed sale will include timber stands on portions of the Alaska mainland south of Juneau, the west side of Admiralty Island, and two areas north of Juneau, in the vicinity of Yakutat.

The purpose behind this large timber offering is to obtain an additional wood-using industry in Alaska. If achieved, the timber sale and its related manufacturing facilities will make it possible to place a large additional area of the Tongass National Forest under intensive multiple-use management. The timber sale contract will require that there be installed, in the vicinity of the sale, a pulpmill or wood-using complex including pulp manufacture that is capable of using the predominantly pulp grade of timber found in Alaska.

The timber will be sold to the highest qualified bidder under a contract that contains specific provisions for protecting the wildlife, recreation, and water resources within the operating area. Specific contract clauses will provide for the prevention and control of erosion on the logged areas, and prevention of sedimentation and pollution of streams and lakes. Other clauses will provide for special care in logging and road building near feeding areas used by waterfowl or brown bear; the protection of esthetic values in areas of prime scenic beauty; the prevention and control of forest fires, and the protection of salmon streams.

Although it is proposed that the contract will contain requirements for installing a pulpmill, some 25 percent or more of the timber may be used more effectively for conversion to lumber and plywood and the purchaser may elect to install facilities for this purpose.

Minimum acceptable stumpage rates will be determined by an appraisal which will consider timber quality, cost of logging operations, and value expected to be received. Through competitive bidding, prospective purchasers may raise this appraised stumpage price. Periodically, stumpage rates will be redetermined to reflect changing costs and values.

The timber harvesting program on the National Forests of Alaska is based upon a careful inventory of the forest resource and its capacity to produce future wood supplies. All harvesting schedules are calculated to provide cutting rates that can be sustained indefinitely.

Detailed annual plans will specify timber to be removed, areas to be left uncut for enhancement of other resources, methods to be employed in timber removal for protection of soil and water values, and other provisions necessary for the day-to-day logging operation.

WHY IS THIS INDUSTRIAL DEVELOPMENT NEEDED IN ALASKA?

Alaska is a new State. It has an abundance of natural resources. However, it will not reach a level of prosperity and well-being in line with its capabilities until its resources are managed for optimum production and directed into orderly channels of use. The fisheries industry, long an important mainstay to the State's economy, is now at a fairly constant level of production. The mining industry has shown little recent growth except in oil production. However, the past several years have seen recreation use burgeon in Alaska and the recreation industry promises to be an effective seasonal bolster to the State's economy.

The timber industry has shown growth and stability during the past decade. In 1954, large-scale timber processing came into being with construction of the Ketchikan Pulp Co. mill. This was soon followed by the Alaska Lumber & Pulp Co. plant at Sitka. Alaska's timber products, when developed on a large-scale basis, are competitive with Pacific Northwest timber in the eastern States and Pacific rim markets. Timber is a renewable resource which provides constant year-round employment. Timber industries are stable industries and they build prosperous communities and a sound tax base.

Alaska needs capital investments in stable, long-term industries that use and convert its natural resources into marketable products. This timber sale offering is a proposal to interest new capital in Alaska. It is soundly based upon sustained-yield production of a natural resource. It recognizes the important companion resources that are associated with timber in the forests of coastal Alaska and provides for protecting them. Ultimately, it will enhance their usability by lending support to multiple-use transportation systems.

CONTROVERSIAL ASPECTS OF THE PROPOSAL

There are some who question the desirability of developing and using the timber resources of Alaska. They are genuinely sincere people who strongly appreciate untrammeled wilderness and the wildlife that is associated with it. They feel that the remaining undeveloped areas of the country should be preserved for the use of people who share their feelings. They are appalled by the size and complexity of logging operations and the harsh influences these operations exert upon an otherwise stable forest situation. They are not familiar with the regeneration requirements of trees and believe that even the most soundly conceived logging operation that removes mature stands of trees is "devastation" and "rape" and they refer to it in that manner. They do not believe that the multiple-use principle is practical or desirable except as it provides situations of natural beauty and solitude.

These viewpoints represent a type of thinking that is not uncommon. However, the wide expanses in Alaska provide opportunities for other uses as well as beauty and solitude and, if this new State is to grow and prosper, opportunities must be used to harness its resources. The alternative to untouched wilderness is not devastation and ruin. Coordinated use of forest resources, including harvesting of timber, can be seen on millions of acres of national forest land in the United States.

Some may ask if there is a need to harvest and process this timber, much of which will be exported to the Pacific rim countries. Timber growth in the conterminous States now exceeds national requirements. Why should we be concerned with supplying foreign markets? Alaska's entry into the union of States places responsibility on it to develop its resources and people and become self-supporting. Granting statehood to Alaska placed it on an equal status with all other States. This means that Alaskans must participate in the business activities that have been the life blood of the commerce of other States. This means converting the resources of Alaska into useful goods that can be marketed at a profit in other States and countries. In the United States there are few hindrances to business with other States and with foreign nationals and this same freedom to engage in commerce and to build and grow should be enjoyed by Alaskans.

Many fear that widespread logging will destroy the salmon spawning potentials of streams and will have an adverse effect upon wildlife, most particularly the huge brown bear which are indigenous to coastal Alaska. The possibility of harmful effects of logging on wildlife has been a subject of study for many years by Forest Service and other biologists. The effects of various aspects of logging upon the salmon producing potentials of Alaskan streams has been the subject of concentrated study at the Maybeso Experimental Forest near Ketchikan for some 15 years. These studies have been a cooperative effort by the Bureau of Commercial Fisheries of the Fish and Wildlife Service, the Fisheries Research Institute of the University of Washington, and the Forest Service. The conclusion of almost two decades of experimentation, study and observation is that logging operations in Alaska, when conducted under prudent controls, are not harmful to the spawning capabilities and production of adjacent streams.

Since 1935, the Forest Service has been maintaining records of brown bear populations in typical areas of coastal Alaska, such as the Admiralty, Baranof, and Chichagof Islands. During the same period there has been a constant series of timber harvesting projects throughout the sampled areas. Data recorded has shown that there has been no significant change in brown bear population during this 30-year period. While brown bear may avoid an area where logging is going on, they will return as soon as the logging ceases. Brown bear refuges have been in existence in Alaska during this 30-year period. There has been no difference in population trend within such refuges as contrasted to outside them. There is no reason to feel that a planned logging operation such as the one now being proposed will adversely affect brown bear numbers.

The timber sale contract includes provisions to protect important resting, feeding, and nesting areas of migratory birds. Such areas are identified in ranger district multiple-use plans and logging activity is not permitted on them.

Concern is often expressed that logged areas will not regenerate themselves for long periods and that it will take several hundred years to reproduce the forests being cut. The regeneration of newly cutover areas and the growth of new stands are fundamental considerations in multiple use and substained yield and have been under constant study and observation since the Alaska national forests were created, more than 50 years ago. During this period, logging operations have been conducted at intermittent intervals in practically every bay and sheltered area in coastal Alaska. These cutover areas soon regenerate and only the more recent ones are identifiable except upon careful search for old stumps. The oldest known logging operation in Alaska was by the Russians in the vicinity of Sitka. It occurred over a hundred years ago. The new stand, which has had no care or attention since cutting, is well stocked with trees and the volume per acre exceeds that found in virgin stands in neighboring areas. There are many other second growth stands that have been studied and measured. The wet, cool climate in coastal Alaska favors natural regeneration and fast subsequent growth. A 100-year rotation is practical and readily obtainable. Sustained yield in coastal Alaska is based on this premise.

It is often alleged that logging operations result in excessive siltation and pollution of streams flowing through logged areas. There are examples in other parts of the country of silt and trash clogged streams which no longer produce fish and which overflow their banks at each period of high water. The geologic upheaval that created the sharp mountains, valleys and islands of coastal Alaska are comparatively recent. Much topography is unstable and most streams are fast moving and unstable. Gravel bed loads in most streams more frequently. These tremendous forces are never at rest. They account for the constantly changing streambed conditions that are so important to salmon production. Long-term studies and observations at the Maybeso Experimental Forest show that even in experiments conducted under the most severe types of logging, this stream regimen is not changed.

Reasonable care in keeping logging equipment and logging debris out of streams assures continuous and unchanged quantity and quality of water. National forest timber sale contracts contain provisions that require such care.

COURAGEOUS REPORTER TO RETURN TO DOMINICAN REPUBLIC

Mr. SMATHERS. Mr. President, a courageous and responsible reporter is about to return to the Dominican Republic after recuperating from machinegun wounds he received while covering the news there last May. Al Burt, the Latin American editor of the Miami Herald, was accidentally wounded by Marine sentries on May 6. Also wounded was Doug Kennedy, chief photographer for the Miami Herald, who is still hospitalized.

Al Burt has been a careful observer of the ferment in the Caribbean. His reports on other developments in Latin America have always been balanced and accurate.

Mr. Burt traveled to Castro's Cuba earlier this year and produced some valuable insights into the present state of affairs in that troubled island. More than a week before the Dominican Republic crisis erupted, Al Burt reported on the activity of extremists and the difficulties of Donald Reid Cabral, who was then heading the Dominican Government.

On the day he was wounded, Al Burt filed a news story that recaptured in print the dangers of the fighting in Santo Domingo streets.

Mr. President, I ask unanimous consent that Al Burt's articles on Cuba, which appeared in the March 8–9–10 editions of the Miami Herald; an April 11 report from Santo Domingo and a May 7 report from Santo Domingo, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami (Fla.) Herald, Mar. 8, 1965]

NEIGHBOR SPIES ON NEIGHBOR: CUBANS LIVE ON THE WHIMS OF FIDEL VIGILANTE GROUPS

(NOTE.—The eyes and ears of the Government extend into all Cuba today. This is the first of three reports on the "defense committees," one in a continuing series on Cuba by Herald Latin America Editor Al Burt, who has just returned from there.)

(By Al Burt)

HAVANA.—Late one evening in a block near downtown Havana, an exciting and uncommon smell stirred the interests of the neighbors.

Someone was roasting a pig.

Among those who wrinkled their noses in appreciation was the block chief of the Committee for the Defense of the Revolution (CDR).

"I knew what it was," the chief said. "Who could mistake that smell? But I did not report him. If that's the way he wants it, okay. One day he will get caught and spend 3 years in jail."

Roast pig, among the most favorite of all Cuban dishes, has all but disappeared in rationed Cuba. Even at Christmas, when it is the traditional dinner, Cubans could not have it.

But the appetite of this man and his family rose above all, and he risked prison for a pig. He drove his car to the country, bought the pig on the black market, and smuggled the meat back to his home in the city.

It appeared a successful dodge of the authorities, until his wife popped the meat into the oven. Then the jig was up. Cubans could not mistake that delicious aroma.

This man was lucky. He was not arrested—but now he lives at the whim of the CDR chief, who has knowledge that can jail him.

From one end of Cuba to the other, divided into blocks, zones, sections, districts, and provinces, the defense committees watch their neighbors and each other. Little escapes their eyes and ears.

They watch as people come and go from their houses, investigate unusual packages, note visitors, carefully listen for antigovernment remarks and detect lack of revolutionary spirit, and categorize their neighbors as "revolutionary" or "gusano (antigovernment)."

If a crisis occurs, those labeled "gusano" are jailed—"temporarily detained," they say—as a precautionary measure until it's over. The houses of persons detained are searched for hoarded food or evidences of anti-Government activity.

The committees, backed up by Cuba's powerful military, are the core of the island's defense against an attack from the inside. When combined with the rationing system, the diminishing means of private transportation, scarce housing administered by the Government, and the fact that nearly everyone works for the Government in one fashion or another, the CDR is an effective instrument of control.

Officials cite the time of the Bay of Pigs invasion, in April 1961, as the CDR's greatest achievement. During that time, when the committee had not one-tenth the strength they have now, a mass roundup of suspected "gusanos" put between 150,000 and 200,000 persons into public buildings like the Sports City temporarily converted into prisons.

Although the invasion itself apparently did not coordinate with the underground that existed at the time, the mass roundup directed by the CDR effectively throttled any internal resistance that might have been mustered once the action started.

Since then, there has been no known widely organized underground and no sustained campaign of internal sabotage on a significant scale. Periodic arrests and executions testify to the fact that efforts persist, however, and at least have the effect of reminding the Government that it has dedicated enemies among its own people against whom it must defend.

Government signs in the cities acknowledge this. They depict a huge sketch of Premier Castro, arm raised, saying: "The CDR will never lower its guard."

CDR officials like to refer to a "sixth sense of vigilance" on the part of the committees. Jose Matar (in English, his name translates "to kill"), national president of the CDR, once boasted:

"The vigilance of the defense committees has put out of combat the gusanos and reactionaries, the agents of the CIA and the terrorists.

"The CDR is a powerful arm of our party and of our government and for the CDR the people, the revolution and Fidel are the same thing."

Technically, CDR members are not supposed to make arrests. Their designated role is to report offenses to the police or militia. However, in practice many members are also members of the militia and therefore do in many cases make the arrests themselves.

In Cuba's system of mass organizations which reach into every level and activity, most dedicated revolutionaries belong to two or more groups. In addition to the CDR and militia, many belong to the Pioneers (small children), the Young Communists (14 to 25) one of the labor unions and some to the party (United Party of the Socialist Revolution itself).

But the CDR is the core watchdog unit, the pipeline into every dwelling in Cuba. It was organized for this purpose and then expanded to handle almost anything else the revolution needs. Many Cubans still call them by their original name, the "Vigilante Committees."

Each committee is headed by a coordinator, and backed up by a second in command called the organizer. In addition, at least one person is recruited to supervise duties in each of the following:

Vigilance, public health, education, voluntary labor, popular defense, propaganda, revolutionary instruction, culture, recovery of state property, peace movement, savings and finance, children, sports, and recreation.

Until recently, the duties also have included the handling of food and clothing ration books. This now will be transferred to neighborhood offices of the Ministry of Interior Commerce, officials said.

On the organization table, then, each unit—whether it is a city block, a country zone, a factory, or a work center—has at least 15 persons. But they average more than that.

Most of their work, whose rewards are prestige, power, and favor, is a tedious neighborhood routine amounting to spying and gossiping. Often it involves petty, local jealousies, ambitions and sometimes desire to exercise unaccustomed power.

Because law and legal procedure in Cuba are accommodated to interpretations of the mystique of the revolution, CDR members can exercise considerable power. An accusation often need be backed up only by suspicion. If the person accused has "revolutionary" friends, perhaps imprisonment will be only temporary.

Since there is no area of enterprise for advancement except through Government favor, the defense committees therefor attract fanatical dedication from some.

One woman standing in a doorway and doing her duties of observation one evening, explained how she felt about it all:

"Look, I spend the afternoon waiting in line for chicken and now I am here on guard, without fail. My husband is looking after the children."

[From the Miami (Fla.) Herald, Mar. 9, 1965]

NO ONE ESCAPES THE VIGILANTES

(NOTE.—Cuba's defense committees make up the eyes and ears of the government. This is the second of three stories on their functions, part of a continuing series on Cuba by Herald Latin America Editor Al Burt, who just returned from there.)

(By Al Burt)

HAVANA.—While Premier Fidel Castro was speaking, on September 28, 1960, at the Presidential Palace, two bombs exploded nearby.

During the middle of his speech, as sometimes is his custom, he changed gears and announced a new organization in Cuba.

"We are going to establish a system of collective vigilance. We are going to establish a system of revolutionary collective vigilance," he said.

"And we are going to see how the lackeys of imperialism are able to move here, because for sure, we live in all the city; there is no apartment building in the city, there is no block, there is no square, there is no neighborhood which is not widely represented here.

"Everyone knows who lives in the block, and what he does who lives in the block; and what relations he had with the tyranny; and to what he is dedicated; with whom he is joined; what activities he follows.

"Because we are going to plant a Committee of Revolutionary Vigilance in each block, so that the people keep vigilance, so that the people watch, and so that it can be seen that when the mass of people are organized, there is no imperialist, no lackey of imperialism, no dupe of the imperialists, no instrument of the imperialists that can move."

On that night, the vigilante committees were born, later becoming known as the Committee for Revolutionary Defense (CDR).

It was a period when the underground was active and widespread in Cuba. In Havana, 40 or 50 bombs a night were being exploded. There were frequent acts of sabotage. It was a psychological as well as a military campaign that endangered the Castro government.

The first major test came in April 1961, the month of the Bay of Pigs invasion.

Premier Castro issued a general call to the country; particularly the rebel army, the militia and the vigilantes. He asked the committees to redouble their vigilance and denounced counterrevolutionaries.

What followed was in the nature of a cattle roundup. Anyone under suspicion, for any reason, was denounced and arrested. The number has been estimated at from 150,000 to 200,000.

Jails and prisons were inadequate, and public facilities like Sports City and the Blanquita Theater were used.

"During those 72 hours of the invasion, it can be said that those were the quietest hours Havana ever had," said Jose Simon, a member of the CDR National Secretariat.

"There is no doubt that the people of the CDR helped stop and destroy the fifth column, the internal enemies organized from abroad.

"The committees knew the city, block by block. In each block they knew who was engaging in what activities. They made denouncements. It was our biggest test, and we won a big victory."

At that time, the CDR was a relatively infant organization. There were 8,000 committees in Cuba. Now it has grown into a massive blanket over the island that staggers the imagination.

In 1965, there are 103,586 committees, which represent 2,300,000 members, or some 38 percent of Cuba's total population.

If today's organization is compared to that of April 1961—when the underground was stifled in a period of crisis—it is clear why Cuba feels the CDR has broken the back of internal opposition.

The national organization of the committees lines up this way:

From the local level, 15 to 30 committees are grouped into sectionals. There are some 4,500 sectionals.

Sectionals are responsible to districts, which are determined by population density and natural geographic divisions. There are 218 districts.

Each district is responsible to a director in each of Cuba's six Provinces.

Provincial directors report to a National Directorate of 75 members. Some of the most prestigous provincial leaders also belong to the National Directorate, but not all.

The directorate is responsible to an Executive Bureau of 34 persons chosen from among its 75 members.

The Executive Bureau is responsible to a National Secretariat of six, which is presided over by President Jose Matar.

The CDR has a tight grip on Cuba. It is the hand of government into every home.

"All that is due to mass organization," said Simon. "In our opinion, this can only be done in a Socialist country."

[From the Miami (Fla.) Herald, Mar. 10, 1965]

REVOLUTIONARY COMMITTEES' CHIEF DENIES VIGILANTES PATTERNED ON EUROPEAN LINES

(NOTE.—Cuba's defense committees make up the eyes and ears of the government. This is the last of three stories on their functions.)

(By Al Burt)

HAVANA.—Premier Fidel Castro calls the Committees for Revolutionary Defense (CDR) "A Cuban invention." Jose Matar, national CDR president, says the Cuban revolution was both the mother and the father of the CDR.

If so, there are some aunts and uncles in the socialist countries who bear close family resemblances. In Bulgaria, for example, one is called "Frente de La Patria (The Fatherland Front)."

Matar concedes Cuba studied other Socialist revolutions and their techniques, but does not like the suggestion that the CDR is a borrowed idea.

"We reached the conclusion that what is common between the frente and the committees is that both organizations are decidedly in favor of the cause of socialism," he said.

"In the rest we are completely different."

Jose Simon, one of six members of the national secretariat of the CDR, traveled to both Bulgaria and Czechoslovakia to study the systems in force there.

"They are similar," Simon said. "But in those countries the system was created by a merger of political organizations. The CDR is different because it was created through the massive participation of the people.

"Some of these people are also members of other organizations, but the CDR was formed through the people and not by mergers of existing groups."

Matar adds another point. "The difference fundamentally is the presence of our organization in the centers of work and the rural zones of the country. The frente is now studying this."

Historians suggest that this type of massive repression began not with Cuba or Bulgaria but in the French Revolution during the last of the 18th century, later was developed and amplified in the Russian revolution by Lenin.

"One day other countries will copy the Cuban experience of the revolution and our committees," Simon said.

The CDR is directed by a professsional cadre of some 1,500 who devote their full time to it. Simon is one of these.

"We get paid according to our needs and our family status," Simon said. "I get 125 pesos a month, but my wife works in a department store and makes 100 pesos a month. We have an 8-month-old child."

In determining his salary, Simon said his living expenses were considered. He said basic fixed expenses totaled about 85 pesos a month.

"We pay 30 pesos a month for a nursery to take care of the child and 25 pesos a month for our house in Santa Fe beach. It is furnished, has one bedroom, and a terrace, and are buying it under the amortization plan (after a certain number of years paying what amounts to rent, the house is given to the tenant).

"My wife and I eat at the People's Cafeterias. It is a place where workers can eat at special prices. It costs us 15 pesos each for our monthly cards.

"On our salaries, we get along very well. Here, money is not the important thing. Even so, we are able to save money."

Among CDR propaganda efforts are included two radio shows, and a series of publications, including an annual review called "Memorias," and a weekly publication called "With the Guard Up." In addition there are study materials, and special pamphlets on government programs.

All of it is pegged to the theme of international brotherhood.

Nothing illustrates Cuba's basic foreign policy better than the slogans and practices of the CDR in controlling home base. National leader Matar summed it up:

"Our highest task is to * * * make communism * * *. Our work is based on the principles of Marxism-Leninism * * * solidarity with the people that fight for liberation, for the world movement of the proletariat."

[From the Miami (Fla.) Herald, Mar. 12, 1965]

CUBA DEVELOPS BALLET WITH POLITICAL STAMP

(By Al Burt)

HAVANA.—One spring night in 1959, longtime Communist sympathizer Antonio Nunez Jimenez knocked on the door of Fernando Alonso's house. It was 1 a.m., and he wanted to talk.

"I have a friend with me," he called to Alonso. "Can I bring him up?"

The friend was Fidel Castro, at that time the popular hero of the new Cuba revolution. He talked for about 3 hours, and then came to the point.

"What does Cuba need for ballet?" was the question Castro came to ask.

"I told him $100,000," Alonso said.

"Take $200,000 and make it good," Castro replied.

That was the birth of Cuba's present ballet company and training program as part of the National School of Arts.

"Nunez was president of the National Academy of Sciences and we were old friends," Alonso said. "We used to explore caves together."

Alonso, husband of the famed ballerina, Alicia Alonso, himself an ex-performer and manager of ballet companies in the United States and Europe, took it from there.

He is director of Cuba's National Ballet Company and School and has a full-time training program that begins with children of 8, chosen in islandwide competition, and ends with a ballet company that tours the world, with emphasis on the Soviet Union and Communist bloc countries.

"All we have to do now is wait patiently for the new performers to develop," he said.

"We have never had experience at this sort of thing before. Cuba had some very famous artists, but it was generally backward in the arts.

"We were fortunate in having Alicia Alonso as a flag. She is a first-rate instrument of propaganda as well as top performer."

A new complex of classrooms and a ballet theater are being built as part of the multimillion dollar arts school on the site of the former Havana country club. It was designed by Italian Architect Vittorio Garatti, and is built in circular lines with cupola-type roofs.

The old clubhouse remains, used as a cafeteria and meeting place for students and officials, but most of the golf course area has been taken up in new buildings. A few holes of the course remain, but the only persons who play are some of the cooks.

There are some 130 students studying ballet on Government scholarship, all expenses paid and everything provided. They live in former private homes in the country club section which were seized by the Government after the owners fled the country. The section is called Cubanacan.

The training program lasts 8 years. Students are grounded in academics as well as physical education and physical development. All students study French, Russian, and then English. In addition, the boys are taught judo and boxing.

"We organized our own program, but borrowed many ideas," Alonso said. "It is a matter of custom and tradition. We could not dance like the Russians, although we admire the way they dance very much. Neither could we dance like the Americans."

The ballet company returned recently from a 5-month tour that included the Soviet Union, China, Mongolia, and Siberia. In addition to Alicia Alonso, prima ballerinas for the company were two longtime Alonso students, Mirta Pla and Josefina Mendez. It admittedly was a political tour.

"It can never be separated from politics," Alonso said. "The Government pays for everything. When we tour, we represent Cuba. It is a message from Cuba that we take."

The Alonsos view the revolution here as an opportunity for artists to develop their skills under ideal conditions. The political stamp on it does not bother them.

"The aim of every artist is to strive to the fullest to achieve the highest level of perfection," Mrs. Alonso said. "Here you can do it without being bothered by the necessities of money. Only the artist and his art matters.

"Children from 8 years, many of them very talented, are getting a chance they never had before. It gives them a feeling of direction, of being wanted, of being part of something. It is very good for them.

"An artist's purpose is to develop his skills, and share them with as many people as possible.

"Sharing them is the secret. It is a collective thing, a feeling I believe artists everywhere have. This is the revolutionary way."

It is the country club side of communism, a development of art not for art's sake, but for the sake of the state.

[From the Miami (Fla.) Herald]

DOMINICAN EXTREMISTS BREW A VILE PRE-ELECTION POTION

(By Al Burt)

Santo Domingo, D.R.—The classic situation of a troubled populace and approaching national elections combine here to attract extremists out of exile and hiding.

The time nears when legitimate opposition, and there is plenty of it, will be hard to separate from extremists serving special interests.

A newspaper here recently published a letter from Paris exiles calling on leftists to return to the country immediately and oppose the "government of force."

Many already had returned. While the attention of the government was devoted to internal problems, some simply walked in off a plane at the airport.

Others stuck a $100 bill in their passport, and found immigration authorities less attentive than usual. Some avoided blacklists by entering under their mother's family names.

Small boats chugged up to points along the country's vulnerable 1,000-mile coastline and unloaded illegal passengers.

"Remember," a Dominican official explained, "a small boat can make the round trip from Punta Presidente to Cuba's Punta Maisi in 11 hours."

Not all the extremists are from the left. Government reports show that elements of the old Trujillo dictatorship also are returning.

As September elections approach, many fear efforts of the two extremes may merge for the sake of agitation.

Communists have made intensive efforts to infiltrate labor and students, both in the university and in secondary schools.

Government spokesmen say, however, that they are aware of the quiet buildup and are prepared to smash it. "We will begin hitting them," one official said.

"If the elections are interrupted, it will not be because of the Communists. We can stop them. The dangerous thing is whether Dominicans impatient with reality will agitate against the government and give the extremists cover."

Donald Reid Cabral, president of the ruling triumvirate which evolved from a September 1963 military coup, will run. He will bar the two major opposition figures, ex-president Joaquin Balaguer and Juan Bosch, both in exile.

Bosch was thrown out of office by the coup which set up the triumvirate, taken over 15 months ago by Reid. Balaguer was president briefly after the Trujillos fled the country in 1961, and a favorite of the military elements of that time, but was thrown out following widespread public demonstrations against him.

Reid's popularity now is questionable, because of austerity measures he introduced in an attempt to stabilize the economy.

This, and the fact that the government is unconstitutional, are points the extremists will attempt to exploit.

The largest extremists group on the left is the June 14 Party, named to commemorate the date of an unsuccessful 1959 invasion against Trujillo.

It began as a nationalist movement, but by late 1962 was infiltrated and its leadership controlled by the Communists.

Most of its members regard themselves as nationalists. The party was declared illegal in December 1963.

The oldest Communist party is the Popular Socialist Party (PSP) founded in 1945. It reflects Moscow direction, generally follows a nonviolent line, and has been outlawed since the year it began.

The Dominican Popular Movement (MPD), founded in the late 1950's, is the Communist Party which follows the more violent Chinese-Cuban line. It originally pretended not to be Communist, but 2 years ago announced a belief in the Marxist-Leninist line. It has been outlawed since 1961.

After Bosch's overthrow, the Communists were scattered. The MPD was active for awhile in agitation, the university students demonstrated and June 14 members tried their hand briefly and unsuccessfully as guerrillas.

As a result, it was outlawed, and a new anti-Communist law passed which sent leaders into exile and hiding.

Reid took over in February 1964, and faced a succession of tests from labor. There have been signs of both Communist and rightist participation. There were six strikes, spaced from March to December, and Reid grew increasingly tough against them.

This year, there was a major strike at the La Romana sugar mill, which the courts declared illegal. It broke up a few days after the government passed a law outlawing sugar strikes because the industry was essential to the welfare of the country.

By law, candidates for president cannot declare themselves until June 1. However, the three major figures are Reid, who has no party; Bosch with the PRD; Balaguer with the Reformista Party.

Bosch says he should be returned to the presidency without elections. The Communists support this position, adding it should be carried out with a united popular front.

Balaguer, with his old Trujillo ties, would be the most acceptable to those representing the late dictator's interests.

Reid speaks publicly of an "alliance of extremes" against him.

Between now and September, alliances may shift. The only sure thing is that the Dominican faces a new period of unrest.

[From the Miami (Fla.) Herald, May 7, 1965]

"WHEN WE GET REAL FIRE, YOU'LL HEAR IT ZINGING"

(By Al Burt)

Santo Domingo.—Two teenaged boys bicycled down George Washington Avenue toward a Marine blockade in front of the American Life Insurance Co.

Skulking down along the row of oceanfront buildings came two rebels. They watched the boys for a minute, and opened up with rifles on the marines.

It took less than a minute. Marine rifles knocked one of the bicyclists down, and sent the sidewalk snipers running. Then they watched while the cyclist dragged his wounded buddy down the street.

"They were setting us up," the marine lieutenant explained. "We were supposed to have stopped those two boys on the bicycles and search them. Then the guys on the sidewalk would have nailed us."

Most of the trouble at this marine station has been sniper fire. A tank and a personnel carrier block Washington Avenue where it intersects Pasteur Avenue.

The marines search all pedestrians, and have come up with a wide assortment of knives as souvenirs. They rarely find anything else.

One sniper was knocked out of a palm tree with a .30-caliber machinegun. A man stationed atop a nearby building with a sniperscope—an infrared fighting device—picks them off when he can. When he can't, patrols go hunting.

When two sniper shots kicked up dirt in the house driveway, marines hit the terrazzo porch floor and waited. A nervous young private on the radio picked up the phone.

"Leema, this is Leema 3. We just got fire."

"Whaddya mean, fire," his buddies kidded him. "When we get real fire you'll hear it zinging. You'll know when."

The communications marine blushed a little. "Leema 6, this is Leema 3, negative that last."

Heavy gunfire sounded nearby, and the boy on the radio glanced around but didn't move. It would take a direct attack to get him on the radio now.

One marine knocked a coconut out of a tree, whacked it open with his bayonet and chomped away. It was quiet again.

"Leema 6, this is Leema 3. Bring us 50 rations and retrieve the water can."

The marines wore flak jackets, helmets and those on the porch picked away at open ration cans. Mostly they talked about what a silly war it was and how sloppy the Army was.

More sniper shots, and this time they zinged. Leema 3 got off his radio message again. "That was a hometown boy making good," one prone marine said.

There was a heavy report. They all chuckled. "That was one of ours."

It continued all afternoon, occasional rifle fire and heavy shooting nearby. A half dozen at the time moved in and out on patrols.

At twilight, the lieutenant called over some Dominican soldiers who had been behind the house. He told them they would spend the night guarding the Jaragua Hotel 2 blocks behind the lines.

After they were gone, he explained, "Intelligence says they'll be trying to infiltrate us during the night. The rebels have the same uniforms and guns as the guys who are with us. We can't tell them apart.

"If they stay back, we'll have a better chance.

"We've also been warned the rebels have about a dozen frogmen. They'll be swimming around us sometime tonight. Then they'll put on the uniforms and mix with our people."

Sniper shots flattened out the marines again. The lieutenant thought he saw something. He shouted orders. The men moved, but he shouted again.

"Get over the gawdam wall, Smith. Get down and go."

The lieutenant watched the men skitter across the street in the dim light and begin probing nearby buildings. He shook his head and moved the men into position, scattered in the street, grounds, and on the porch.

Then they settled down and waited for the night and the infiltrators.

TRIBUTE TO THE LATE CONRAD CARL VON HAMM, HAWAIIAN BUSINESS LEADER

Mr. FONG. Mr. President, it is with deep sorrow that I note the passing of one of Hawaii's foremost business leaders. Death came to Conrad Carl von Hamm on Tuesday this week, 3 days after his 95th birthday anniversary.

During his long, very active and fruitful life, Mr. von Hamm attained an eminent place in the financial and commercial life of the Hawaiian Islands. He contributed significantly to the economic progress during the three-quarters of a century he labored in Hawaii. In that eventful period, he witnessed the most far-reaching changes in his beloved Hawaii as the islands evolved from a monarchy, to a republic, to an American territory, and ultimately to the 50th State of the Union. The many enterprises which he established and guided, flourished in tempo with the times and contributed to the stability and prosperity the community enjoys today.

Born in Bremen, Germany, in 1870, Mr. von Hamm went to Hawaii at the age of 20, arriving in Honolulu in 1890 aboard a clipper ship. He intended to stay only 2 years but fell in love with the islands and decided to stay permanently. He started as a junior clerk at $60 a month in his cousin's importing firm, and later became a traveling salesman, visiting the rural areas and the various islands.

Mr. von Hamm married Ida Bernice Young, daughter of a Honolulu business leader, Alexander Young, on June 30, 1898. Mrs. von Hamm died in December 1963, ending a marriage that lasted more than 65 years.

In 1899, Mr. von Hamm founded the Von Hamm-Young Co., Ltd., with his father-in-law, the late Alexander Young, and brother-in-law, Archibald Young. He was its president from 1925 to 1942, and chairman of the board from 1942 to 1958. He held offices or directorships in various other corporations and organizations.

At the time of his death, he was director emeritus and honorary chairman of the Hawaii Corp., the new name of the Von Hamm-Young Co., adopted in 1964.

A great business leader has passed from the scene. Mrs. Fong and I join the people of Hawaii in extending our heartfelt sympathy to the family—two daughters: Mrs. James A. Constance Pell and Mrs. Duncan Rosalie McBryde, and two granddaughters and a grandson.

MERITED PRAISE

Mr. BARTLETT. Mr. President, in a July 21 editorial, the Wall Street Journal gave some well-earned praise to the temporary Alaska Claims Commission.

As the editorial noted, the commission was set up in March 1964, to settle a number of disputes between the Federal Government and the State of Alaska.

The Commission acted promptly, completed its assigned task and disbanded the following October, demonstrating an understanding of the word "temporary" not always found on such bodies.

Not only did the Commission carry out its assignment, but it kept a close eye on expenses. It only spent $5,354.02 of its $33,000 budget. The rest was returned to the Government.

Mr. Ray Ward, the Government representative, and Mr. Maurice Oaksmith, of Ketchikan, and Mr. W. C. Arnold, of Anchorage, the State's representatives on the Commission, are to be congratulated on a job well done.

I ask unanimous consent that the editorial entitled "The Inefficient Mr. Ward" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE INEFFICIENT MR. WARD

It is unfortunate but true that there are appointees placed in charge of Government agencies who not only spend their budget appropriations down to the last penny and then some but also keep their agencies alive and growing long after they should have been interred. However, Ray Ward is not among them.

Mr. Ward, a former Bureau of the Budget employee, was appointed by President Johnson to head the temporary Alaska Claims Commission created in March 1964, to settle disputes between the Government and the State of Alaska involving property valued at several millions of dollars. The parties had been squabbling for 5 years and getting nowhere.

By October of the same year the Commission had brought about a settlement and disbanded, setting some sort of track record for Federal commission operations. But the full extent of the Commission's achievement did not come to light until the other day when Mr. Ward filed his group's final financial statements.

Given a budget of $33,000, Mr. Ward had spent only $5,354.02, returning $27,645.98 to the Government. He was not just thrifty; he was downright frugal. For instance, instead of having a lot of fancy stationery printed up, when the Commission wanted to write a letter it typed its name on a plain sheet of paper.

Chronicling this unorthodox performance in the CONGRESSIONAL RECORD, Representative THOMAS CURTIS, Republican, of Missouri, wryly observed: "It is an inefficient bureaucrat who cannot spend $33,000 and come in for a supplemental or two and cannot find many reasons to prolong the life of a temporary assignment to approximate his own."

The least Mr. Johnson can do now, besides awarding Mr. Ward an appropriate medal, is to assign him to some other Federal agencies in hopes he can infect them with his rewarding kind of inefficiency. Even though we suspect that long exposure to federalitis has made most of them immune.

NEED FOR A FREEDOM ACADEMY—NOW

Mr. MUNDT. Mr. President on many occasions I have taken the floor of the Senate to discuss the need for establishment of a Freedom Academy so that our representatives in foreign lands will be ably equipped to meet the challenges of communism psychologically as well as militarily. I have pointed out on numerous occasions that even if we win the military battle in Vietnam but lose the political battle we then still lose the war. I am firmly convinced we must win both the military and political battle in order to win the continuing war against the encroachments of communism.

Mr. President in the Wall Street Journal for July 27 there is an article by Philip Geyelin indicating that we are stepping up our "psy-war" in the effort to stiffen the Vietnamese to carry on the military war. A Freedom Academy in operation would be helpful in meeting the needs of today. I ask that the article from the Wall Street Journal be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAIGON'S "PSY-WAR": UNITED STATES STEPS UP EFFORTS TO STIFFEN VIETNAMESE WILL TO CARRY ON BATTLE—MOTIVATION TRAINING COURSE FOR HOME GUARD INSTITUTES DEMOCRACY AT GRASSROOTS—GRADUATION DAY IN MY THO

(By Philip Geyelin)

MY THO, SOUTH VIETNAM.—"Our greatest weakness out here," says one of the highest ranking U.S. military commanders in Saigon, "is in the area of psychological war."

The comment seems startling while the Johnson administration is urgently considering partial mobilization to meet the expanding American military commitment in South Vietnam. The prospect is for bigger land battles, stepped-up bombing attacks and a steady stream of U.S. troop landings to beef up U.S. capacity for a growing combat role.

Yet even while the conventional warfare is widening, the United States is also committing more manpower and money—and experimenting with some radical new techniques—in a bewildering array of schemes for such unmartial purposes as social, economic and political reform in the country. In the local bureaucratic jargon, this can come under the heading of "civic action" or "rural reconstruction" or "psy-war." It can take the familiar forms of simple propaganda and old-fashioned foreign aid. But, in Vietnam, it consists increasingly of a somewhat subtler, fast-accelerating effort to help the Saigon Government give its combat-weary citizenry some good reason for caring who wins the current conflict or, indeed, for wanting something more than an early end to the hostilities.

WHAT IT MEANS

This means quiet pressure at the top to promote needed reforms. It means providing money for housing, well-digging, roadbuilding, education and economic development, and surplus rice to meet current, war-inflicted shortages. It includes counsel and material aid (loudspeakers, leaflet drops, pamphleteering and the like) to help the Saigon Government sell itself to the populace. But perhaps the most intriguing and most controversial feature is a fast-growing effort to polish Saigons image and win public allegiance by working from the bottom up.

Consider the festive scene the other night at a schoolhouse outside this provincial capital in the Mekong River delta, where the members of the local "home guard" platoon were assembled in a mood to celebrate. Undistracted by the rattle of machineguns, the rumble of mortars and the bright glare of flares only a mile or so away, they feasted by candlelight on pork and rice and fish sauce, washed it down with beer, and sang songs into the night.

Next morning, they stood solemnly at attention, in black berets, red and green scarves and brandnew uniforms (all courtesy of the U.S. military aid program) while their platoon leader accepted a brightly embroidered banner (courtesy of the U.S. Information Service). Then, as local officials and a handful of Americans beamed approval, they doffed their hats, dropped in unison to one knee, and with arms outthrust, shouted vows to brotherhood, the people, the nation, loyalty and truth.

GRADUATION DAY

It was graduation day for the 38-man "popular force" militia unit from "motivational training school," a 12-day program of indoctrination in such matters as ancient and current Vietnamese history, the wiles and evils of the Communist Vietcong, the proper conduct of militiamen, the virtues (and, in a spirit of candid self-criticism, the frailties) of their government in Saigon.

Developed by a zealous band of American military and civilian specialists and carried out by the South Vietnamese government in close collaboration with its U.S. architects, "motivational training" is revolutionary—in more ways than one. It borrows bits and pieces from the scientific sales methods of big business and from the spirit of '76. But it also owes something to the preachings of Mao Tse-tung.

In brief, it is the beginning of an attempt to promote nothing less than a grassroots social-democratic revolution to counter the bright promises offered by the Vietcong.

So far only a small fraction of the 4,000 or so popular force platoons that make up South Vietnam's home guard have been given the motivational treatment. But the program is growing apace. Provincial "cadres" of instructors are trained along with each platoon by a national "cadre" composed jointly of United States and Vietnamese. So when the national training team moves on to a new province, it leaves behind a number of training units to carry on the process. By this geometric progression, some authorities predict all the 160,000 home guardsmen in the country will have received this special indoctrination within a year and a half.

RUDIMENTARY DEMOCRACY

What it will do for them, nobody can predict. But one hope is that it will introduce the first whiff of democracy. Reason: The course features a free election of a "political officer" whose job it is to serve both as "conscience" and "big brother" to the unit, as one authority puts it. It will be his job to remind his fellows of their pledges not to steal food, molest women, speak rudely or otherwise offend the local inhabitants they are charged to protect. (The balloting here was close, with the winner gathering 15 votes, the runnerup 13, and six other candidates dividing the rest.)

Another aim is to make the platoons a more effective fighting force by instilling greater devotion to country as well as deeper responsibility to the locale and its citizens. In all this, the idea is to break down traditional authoritarianism by encouraging informality. This much, as well as an obvious sense of pride, was evident in the graduation ceremony here—in the muffled giggles of the platoon leader at one point, and in the patent satisfaction of five prize-winning platoon leaders as the province chief distributed their awards.

According to current plans, the "motivational" concept will be broadened in several ways. The 12-day course may be lengthened to give the indoctrination and "self-criticism" sessions more time to sink in. It may also be applied to the wider ranging regional forces, which are roughly equivalent to a national guard unit and bear the same relation to whole provinces that the "popular forces" do to the smaller districts. The course may even be offered to the regular army, though most experts argue the effectiveness would diminish the further the concept is carried from the home grounds.

"It's just like our revolutionary war," says one of the psychological warriors in charge. "Morale is always better when you can drill on the village green and roister in the village tavern."

There's talk, too, of eventually trying "motivation" on civilian "cadres," dispatched to the hinterlands by government ministries of health, education, agriculture or economic development. "This thing is just getting past the pioneering phase," says one top officer in Saigon. "Now we are going to begin to reap the fruits."

If the lessons stick, and training standards aren't diminished as the process gets further removed from close national supervision, the potential fruits can be measured in strictly practical terms. For all the headlines about big battles and the rundowns on United States and South Vietnamese army casualties, this remains very much a local, home-front war. Most Vietnamese never see any visible protection beyond their "popular force." These units, by actual record, kill more Vietcong than all the rest of the government's troops; they also lose more weapons and suffer greater casualties. They are usually the first to be hit, and because they are often ill-trained or outnumbered, they are frequently overrun. Anything that improves their military efficiency does much to bolster the government's defenses.

KEY IN LOCAL SKIRMISHES

Nor is the home guard's importance likely to diminish just because the United States and the Vietcong are building up their forces. While the tide of battle may swing one way or the other in big engagements, neither side in this war can hope to occupy and police more than a fraction of the country with regular forces. Whatever the outcome, the question of who wields authority could continue to turn for years to come on local skirmishing between the Vietcong, with their terror tactics, and the home guards.

"When the popular forces are strong, the Vietcong can't simply walk in and take over with two guys with tommyguns," says on U.S. strategist. "When the Cong has to concentrate its forces to move in, that's when we have a chance of setting them up for attack by regular forces."

A strong home guard is also the key to a crucial problem: Intelligence. Most of it comes not from trained agents but from the local populace. But it comes only when local citizens can inform on the Vietcong without fear of violent reprisal.

"We're really getting good stuff now," says a Marine colonel, talking of a little town called Le My, which lies behind the Leathernecks' lines near the huge U.S. base at Da Nang. The marines moved in with a civic action effort featuring health clinics, including painless dentistry, and marine emblems for each member of the village "popular force."

"If we could promise that sort of security everywhere, we'd have it made," says the colonel. But he adds: "To do that across the country would take a million men."

That's why most experts see "psy-war," in one form or another, as a vital part of any U.S. buildup in Vietnam. Otherwise, many authorities here warn, the United States, in its haste to turn the tide of battle, is in danger of missing the point—which, as they see it, is not just to rescue Vietnam from Communist insurrection but to render it proof against Communist takeover for a reasonable time to come. If that's accepted, the reasoning goes, there is little to be gained unless South Vietnam's Government can somehow achieve the political stability and popular base needed to sustain either a prolonged war effort or the internal strains of bargaining for, and ultimately living with, a negotiated settlement.

BIG OBSTACLES

The obstacles are huge, and only begin with the demoralizing impact of 20 years of war. South Vietnam is in no real sense a nation. Instead of political parties, there are only crude political pressures, religious and regional, that must be carefully balanced off. The military rules, but governments must be precariously patched together with offsetting Catholic and Buddhist elements, and with due regard for the sectional sensitivities of North and South. Lean on this structure too hard, in the interest of promoting social or economic reform, and, as was dramatically demonstrated even in the case of the relatively rugged, well-entrenched regime of the late President Ngo Dinh Diem, it can suddenly disintegrate.

Since the downfall of the ironfisted Diem regime, South Vietnam has been revealed for what it really is: A loose collection of 45 provinces, divided into 237 districts, further fragmented into hundreds of tiny villages and hamlets, all run by remote control from Saigon by a rapid succession of short-lived governments. The whole arrangement rests on a populace which, for the most part, has had little if any contact with central government, except at tax collection time. The villagers' ties are to the soil, to the hamlet, and, in a land given to ancestor worship, to the family burial ground.

All this plays nicely into the hands of the Vietcong, whose presence, benign or terroristic as the case may be, is close at hand. It also puts sharp limits on just how quickly or effectively a Saigon government can make its presence felt in positive ways, and on how much pressure the United States can apply in an effort to persuade the government to give "psy-war" a try.

Mr. MUNDT. Also Mr. President there appears a story in the Washington Evening Star for July 28 by Richard Critchfield, wherein he discusses an interview with the Vietnamese labor leader, Tran Quoc Buu, who points out that we do not have the trained people in there working with the masses educating them to our way of thinking. Mr. Buu stated that the "main reason the Vietcong are not losing today is the splendid organization system and group of dedicated cadres," who are working at the grassroots political network to influence the masses to their way of thinking. I ask that the story from the Evening Star be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LABOR LEADER IN SAIGON HITS RULING CONCEPT

(By Richard Critchfield)

SAIGON.—South Vietnam's top labor leader says that even President Johnson, if he became this country's premier, would probably fail to build the stable government needed to win the war, under existing social conditions.

Tran Quoc Buu, 51, the tough-minded boss of this country's labor confederation for the last 25 years, said in an interview here that even "Johnson or Kosygin would be powerless as head of our government considering the present social and administrative structure of Vietnamese society."

Buu, a former Viet Minh who fought against French rule, today commands the nominal allegiance of 300,000 Vietnamese plantation laborers, landless peasants, fishermen, factory, and transport workers. In the view of most senior U.S. officials, he is one of the few Vietnamese qualified to speak on behalf of the laboring and peasant classes.

CITES RED DEDICATION

"The main reason the Vietcong are not losing today is because of their splendid organizational system and group of dedicated cadres," Buu said. He referred to the Communist grassroots political network built up in this country through years of patient guidance and support from North Vietnam's professional revolutionaries.

Buu is convinced the fundamental failure of each South Vietnamese government, including Ngo Dinh Diem's, has been the "wrong concept" of believing stern decrees, a huge army and an all-pervasive secret police apparatus constituted "strong government." The effect of relying on armed force instead of political organization, Buu said, has been to "drive the people toward the Vietcong."

The diminutive and spectacled trade union boss, who looks more like the schoolteacher he originally was, said the Vietcong and the government "both fight for the masses and to identify themselves with the people."

"But the government by military means tries to destroy the Vietcong through the people," Buu continued. "The Vietcong tries to separate the government and the people through political organization. To win we must do the same thing."

Buu based this thesis on the premise that, after 25 years of suffering war, Vietnam's numbed population has become an "amorphous and apathetic mass."

He said, "We make public opinion what we want it to be. This is true anywhere but especially true in Vietnam. If you have organization and good cadres, you can make the people think what you want."

The fact is that most of Vietnam's landless peasantry and urban workers still identify themselves with the Vietcong's announced aspirations, Buu said. "The Vietcong have a very clever approach. They make use of grievances against corruption in local administrations and all forms of social injustice. The Vietcong really appear as liberators to the people and the people give them mass support.

"Disillusion only comes with personal experience of Vietcong administration with its harsh treatment, heavy taxation, and terrorism."

Not surprisingly, Buu's power and stanch but realistic anticommunism has made him a target of both the Diem and Gen. Nguyen Khanh regimes, the Buddhist extremist minority and the Vietcong.

CLEARED OF CONSPIRACY

Khanh actually went so far as to arrest Buu and try him before a military tribunal for conspiring in the September 13, 1964, pro-Catholic coup attempt. Buu was acquitted.

A favorite target of radio Hanoi, Buu has been the major obstacle in the way of any serious Vietcong penetration of South Vietnam's working class.

Buu feels that "since the Communists always try to discredit a man as an exploiter before liquidating him, the day I lose my reputation with the workers, I'll go into hiding."

Buu's relations with the American mission are good though he is an outspoken critic of the way U.S. economic aid is administered.

"It is commonly believed among the workers and peasants that U.S. economic aid has helped the rich and not the poor for which it is intended," he stated with characteristic frankness.

His confederation receives financial help from the AFL-CIO and French, German, and Belgian unions to run social centers, but he is highly sensitive to corruption charges and maintains the unions are most interested in moral contributions from abroad.

Mr. MUNDT. Mr. President, I hope this Congress will not adjourn until it has approved legislation establishing a Freedom Academy. We must not only prepare for the military battles and victories which seemingly are ahead of us, but also we must prepare our American representatives abroad for the political and psychological battles so that we win the war on all fronts instead of just on the battlefield.

The House committee on July 20 unanimously approved the Freedom Academy bill. I hope the House Rules Committee soon gives it a rule and that the House approves the legislation. We are already late, very late, in thus rounding out and firming up our oversea activities. To me, it is unconscionable to continue escalating our military commitments and our casualty lists in Vietnam while failing to take the necessary steps to assure the permanence and the productivity of the victory which we all seek.

THE BALANCE OF PAYMENTS

Mr. ROBERTSON. Mr. President, on several occasions in recent weeks, Members of the Senate have expressed the belief that our balance-of-payments problem has been solved. It has not been solved, but I ask unanimous consent to have published at this point in the RECORD a statement by Dr. Woodlief Thomas, Chief Economist of the Senate Banking and Currency Committee, indicating that it has been measurably improved; and I also ask unanimous consent to have included the bulletin entitled "Balance-of-Payments Outlook—1965 Revised," published by the National Foreign Trade Council, Inc., and a memorandum attached to it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM FROM WOODLIEF THOMAS, CHIEF ECONOMIST

Attached is a statement of the 1965 balance-of-payments outlook recently published by the National Foreign Trade Council, Inc. These estimates and the reasons given for them will provide useful background information for the resumed hearings on the balance of payments to be conducted by the Subcommittee on International Finance on August 3, 4, 5, 17, and 18.

In brief, the estimates project a substantial lessening of the U.S. payments deficit from about $3 billion in 1964 to around $1 billion in 1965. Since the deficit for the first quarter of 1965 was about $750 million, this projection implies a very small deficit for the remainder of this year. In fact, partial data points to a small surplus for the second quarter.

The projected decrease in the 1965 deficit reflects principally a decline in net capital outflows to about $3.5 billion from $6.5 billion in 1964. This reduction results principally from a substantial decline in credits extended to foreigners by U.S. banks and a shift from a net outflow to a net inflow of liquid corporate funds. These changes may be attributed to the voluntary restraint program.

The projections, on the other hand, indicate a reduction of about $1 billion in the merchandise trade surplus, resulting from a larger increase in imports than in exports. In recent years exports have been increasing faster than imports. Only small changes are projected for the other major categories of international payments and receipts.

Not mentioned in the statement by the council, in the first half of 1965 there was a decrease of $1.3 billion in U.S. holdings of gold and foreign currencies. This has been directly attributed to an accompanying decrease in liquid liabilities to foreign official institutions, which had increased substantially in 1964 and in other years. The recent gold loss thus reflects past payment deficits, rather than the current situation.

Liabilities to foreign banks and other private accounts, which had also increased substantially in recent years, have declined only moderately since February. Short-term claims of foreigners, representing mostly loans and other credit advances, which likewise increased considerably in 1964, showed little change in outstanding amounts during the first 5 months of 1965. This would seem to indicate a sustained demand by foreigners for dollar credits, although the outstanding total amount is no longer growing—probably because of the voluntary credit restraint program.

BALANCE-OF-PAYMENTS OUTLOOK—1965, REVISED

During its customary midyear review, which on this occasion was made more than ordinarily difficult by the uncertainties currently introduced by the working out of President Johnson's voluntary program and by some doubts concerning the continuing pace of business activity abroad, the NFTC balance-of-payments group at a meeting on July 20 cut sharply its overall estimate for private capital outflows during 1965 and revised downward its estimate for U.S. merchandise exports. A number of other adjustments were also made, including an increase in the import estimate. Reflecting these various changes, the group concluded that on balance there would be a net reduction in U.S. monetary reserve assets and an increase in U.S. liquid liabilities totaling approximately $800 million or a decline of some $2 billion from 1964 and $1.2 billion less than originally estimated in January. Several members of the group, however, felt that this projection was somewhat too optimistic and were more inclined to put the deficit at $1 billion or slightly above. The group as a whole noted that the relatively favorable result achieved was to a very considerable extent brought about by the sizable shift in corporate short-term funds. However, comparable inflows cannot be expected to continue indefinitely. If a balance as favorable as this is to be maintained or there is to be still further improvement, it will be necessary to look elsewhere in the balance-of-payments and to other factors.

On the basis of its revised estimates, the group anticipates that total payments, including capital outflows, will equal those of 1964. This means a net decrease of $1 billion from the original January estimate, attributable in its entirety to a $2-billion decrease in the projected outflow of private capital, with increases expected in other items of expenditure combining to serve as a partial offset. In this last connection, the group raised its import estimate by $600 million, which would mean a gain of nearly 10 percent over 1964. In arriving at this revision, the group noted that imports during the first half of 1965 ran very well and that there was some evidence of a continuing upward trend. In view of the additional calls being made on the U.S. military services, the estimate for military outlays abroad was raised by $200 million from the total originally projected. Allowance was also made by the group for higher payments for other services, such as ocean freight and foreign travel, and for transfers of investment income. In projecting the new higher figure, the group not only took into account the first half rate but also the possibility that one result of the current maritime dispute would be an increase in payments to foreign carriers. A slight increase was projected for remittances and other miscellaneous transfers, but no change was made in the gross estimate for governmental grants and capital outflows.

The group reviewed its original projected private capital flow estimates in the light of President Johnson's balance-of-payments program, taking particular note of the guideline restraints on lending by banks and other financial institutions and the voluntary cooperative efforts being made by the business community to reduce the overall net outflow of capital. After extensive discussion, during which several members of the group pointed out the many uncertainties involved and referred to various conflicting reports which have appeared, the group as a whole felt that the combined net outflow of U.S. private capital during 1965 would come to around $3.6 billion, which would mean a drop of $2 billion from the original estimates and of $2.9 billion from the 1964 level. This estimate is largely based on an anticipation of a fairly substantial decline in the amount of new bank credit extended and a shift from a net outflow to a net inflow of liquid and corporate funds. Insofar as direct investments are concerned, it was the considered view of the group that, while the overall net outflow might be held to the 1964 level or even brought slightly below, it was doubtful whether plans and commitments of long standing would permit any large cutback being made in actual outflows during 1965 even with an allowance for a more intensified recourse to foreign sources of funds.

While the group continued to be optimistic with respect to export prospects, preliminary data for the first 6 months—even after allowance for the disruptive effects of the dock strike—suggested that the original increase projected was too high. Accordingly, the group lowered its export estimate by $300 million. Several members of the group felt that even this was too optimistic and would have preferred to have reduced the estimate by $500 million or more. Other income, particularly that from investment abroad, is now expected to be somewhat higher than originally anticipated, despite the possibility of a decline in transportation earnings. The higher figure for investment income reflects not only the experience during the first 6 months, but also the encouragement to remit earnings implicit in the President's balance-of-payments program.

The attached memorandum (M-5210) outlines in greater detail the views of the group as to the revised outlook for the balance of payments during 1965 compared with the results for 1964 and with the original estimates for 1965 made by the group last January. With the memorandum are two tables (M-5208 and M-5209) which present in differing formats the various supporting statistical data. As before the estimates assume: (1) No major adverse turn in the world political situation; (2) no basic or drastic change in current official financial or economic policies; and (3) the carrying out of defense and other governmental programs now underway or projected as approved. Exports of military-end items financed under military grants are excluded.

MEMORANDUM NO. M-5210, BALANCE-OF-PAYMENTS OUTLOOK—1965 REVISED

INTRODUCTION

The attached tables (M-5208 and M-5209) outline the revised outlook for the U.S. balance of payments during 1965, compared with the actual results for 1964, and the original estimates for 1965 which were agreed upon by members of the NFTC balance-of-payments group at their meeting in January. The new, revised estimates were adopted by the NFTC balance-of-payments group, after extended discussion, at a meeting on July 20. Following the customary practice, these revised figures are predicated on: (1) No major adverse turn in the world political situation; (2) no basic or drastic change in current official financial or economic policies; and (3) the carrying out of defense and other governmental programs now underway or projected as approved. Any development or circumstance materially affecting the continued validity of these assumptions could bring about a considerable change in the outlook as presented. In its considerations, the group also took into account—which it was not able to do in January, although the group then felt that corrective measures were imminent—the various immediate and longer term potential effects and possible implications of the new official balance-of-payments program initiated by President Johnson on February 10. The estimates continue to envisage a high level of U.S. business activity during the year, and no drastic shift in export or import price levels. Exports of military-end items transferred under military grants are excluded from the computation in view of the special nature of these transactions.

DOLLAR PAYMENTS

A total of approximately $39.9 billion (exclusive of strictly military aid) is now expected to be expended abroad during 1965 as a result of the purchase of goods and services by the United States, military expenditures abroad, private remittances and pensions, governmental economic grants and capital outlays, and net private capital investments from the United States. This sum is $1 billion less than the original estimate of January 1965, and equal to the amount made available during 1964. The substantial decrease in projected payments from the original January estimate is attributable in its entirety to the $2 billion decrease in the expected outflow of private capital, with anticipated increases in other items of expenditure combining to serve only as a partial offset.

Merchandise imports

During the first half of 1965 expenditures on commercial merchandise imports into the United States amounted to approximately $10 billion. Preliminary figures further suggest that an upward trend may now be underway. It was generally felt that this advance would continue into the second half of 1965 with the result that imports for the year as a whole might run from $500 million to $600 million above earlier expectations. In adopting a revised estimate of $20.4 billion, an advance of nearly 10 percent over 1964, members of the group expressed the thought that the pace of domestic business activity and related demand was the most significant influence sustaining the rise in imports.

Military expenditures

In view of the additional calls being made on the U.S. military services, the estimate for military outlays abroad was raised by $200 million from the level originally projected for the year and $100 million above the 1964 total. In January, the group anticipated a possible reduction consequent on the efforts being made by the Defense Department to economize, but also expressly noted that "these expenditures could very quickly be affected by international developments requiring special efforts on the part of the United States."

Import service items

In January, total expenditures on import services, including transfers of investment income to foreigners, transportation, travel, etc., were placed at $7.5 billion for 1965 or $600 million more than the provisional figure for comparable payments in 1964. During the first half of this year, however, these outlays were at a seasonally adjusted annual rate of $7.4 billion. Accordingly, the estimate for the year was revised upward to $7.7 billion or roughly $700 million more than the final revised total of $7 billion in 1964. In projecting the new higher figure, the group took into account a possible shift of passenger and cargo traffic from U.S. ships to foreign vessels in consequence of the current labor dispute, with a resultant related increase in payments to foreign carriers.

Capital funds and other transfers

The estimate for remittances, pensions, and other miscellaneous transfers was readjusted upward by $100 million to allow for a slightly higher level than ordinary in the first half. Further, although on the preliminary basis the first half rate was below the estimated annual rate, the January projection on a gross basis of $4.4 billion in governmental grants and capital outflows during 1965 was left unchanged. As in the past, these estimates are based on existing and announced plans and assume expenditures and deliveries in accordance with these officially budgeted programs. (Scheduled repayments on U.S. Government loans, a receipt item, are still expected to amount to approximately $600 million. On the basis of information now available, the group put the estimate for nonscheduled payments and sell-offs at $200 million compared with $100 million in 1964. In January, no separate estimate was made for this category. On a net basis, therefore, governmental grants and capital outflows in 1965 would be at approximately the same level as in 1964.)

With respect to private capital movements, it was the consensus of the group in January that, in the absence of any counteracting restrictive measures, a further rise of some $200 million might be looked for in new direct investment outflows. Among the considerations which led the group to this conclusion were the reported results of various official and private surveys of proposed or planned capital outlays by corporations on plant and equipment, and the probability that participation in the new oil ventures in the North Sea area would require commitment of additional funds. (On the basis of data available in January, the preliminary estimate for direct investment outflow in 1964 was set at $2.2 billion and the 1965 projection at $2.4 billion. It is now evident that the actual outflow in 1964 was nearer to $2.4 billion.) Insofar as the outflow of other long-term capital was concerned, the group concluded in January that the demand for capital abroad would be sufficiently strong to bring foreign borrowers into the U.S. market and that the increased volume of world trade would require the provision of some additional financing by U.S. institutions. Accordingly, an outflow of $100 million more than in 1964 was projected for this category. In the case of short-term capital, however, it was noted in January that the outflow during the last half of 1964 had been at a considerably lower rate than in the first half of the year. Taking into account the various political and economic uncertainties abroad and the influence of domestic monetary policy, it was the feeling of the group in January that total short-term outflows would not exceed and conceivably might fall below $1.2 billion.

At its meeting on July 20 the group reviewed the originally projected private capital flow estimates in the light of President Johnson's balance-of-payments program, taking particular note of the guideline restraints on lending by banks and other financial institutions and the voluntary efforts being made by the business community to reduce the overall net outflow of private capital. Such preliminary and partial data as are currently available suggest that thus far there was a sharp reduction in the outflow of bank loans from the first to the second quarter, and a net inflow of short-term capital in both the first and second quarters. It was the consensus of the group that for 1965 as a whole the combined net outflow of U.S. private capital would amount to around $3.6 billion, a drop of $2 billion from the original estimate and of $2.9 billion from the 1964 level. This estimated overall reduction is largely based on the anticipation of a fairly substantial decline in the amount of new bank credits extended and a shift from a net outflow to a net inflow of liquid corporate funds. Insofar as direct investments are concerned it was the considered view of the group that, while the overall net outflow might be held to the 1964 level or even brought slightly below, it was doubtful whether plans and commitments of long standing would permit any large cutback being made in actual outflows during 1965 even with allowance for a more intensified recourse to foreign sources of funds.

DOLLAR RECEIPTS

Merchandise exports

In January the group projected an increase in commercial exports of $1.5 billion for the year, which represented a prospective gain of slightly more than 6 percent on the basis of the provisional export totals for 1964 or roughly half the rate of growth achieved between 1963 to 1964. Final revised data for 1964 indicate that exports reached a level of $25.3 billion or $500 million more than was thought to be the case in January. Adding the increase projected in January would mean a total for 1965 of $26.8 billion. During the first half of 1965, however, exports ran at a seasonally adjusted annual rate slightly below the 1964 total. However, the disruptive effects of the protracted dock strike combined with a sizable drop in agricultural exports may have had an overly depressive impact on the first half total. Replies to a midyear export outlook survey conducted among a larger segment of NFTC members and reported in summary form to the balance-of-payments group indicate sustained optimism over export market prospects for the third and fourth quarters. While agreeing that there were potential points of weakness in the economic situation abroad, the group as a whole took the position that exports would exceed the 1964 level but by only about $700 million or less than half the increase projected in January. A sizable number of members felt, in fact, that the gain might not be more than $500 million.

Investment income

Experience during the first 6 months of 1965 coupled with the encouragement to remit earnings implicit in the President's balance-of-payments program prompted the group to revise the original estimate for investment income upwards by $300 million to a total of $6.1 billion for the year.

Military sales and other services

Taking into account the rate established during the first half of the year, estimated receipts from military sales, tourism, royalties, etc., were increased to $6.5 billion despite the considered possibility of a decline in transportation earnings. In point of fact, however, the original January estimate of $6.2 billion anticipated an increase of $300 million from the provisional 1964 receipts of $5.9 billion. Later and more detailed data now indicate that total receipts for 1964 were nearer to $6.3 billion, so that the revised estimate for 1965 actually presumes less of an increase than did the original, $200 million compared with $300 million.

Capital repayments

This category which includes scheduled and nonscheduled repayments on U.S. Government loans and sell-offs accounted for receipts of $700 million in 1964. On the basis of information available in January, the group adopted an estimate of $600 million for scheduled repayments during 1965. This estimate remains unchanged. However, in view of newly announced nonscheduled advance repayments of debt, the group included an additional $200 million to cover this category.

TABLE No. M-5208.—*International transactions of the United States, 1964 and 1965*

[In billions]

Type of transaction	1964 actual [1]	1965 original estimate [2]	1965 revised estimate [3]
U.S. payments (debits) recorded	$39.9	$40.9	$39.9
Imports:			
Merchandise	18.6	19.9	20.4
Military expenditures	2.8	2.7	2.9
Other services	7.0	7.5	7.7
Remittances, pensions and other transfers	.8	.8	.9
Government grants and capital outflows	4.2	4.4	4.4
U.S. private capital:	6.5	5.6	3.6
Direct investments	2.4	2.4	(4)
Long-term portfolio	2.0	2.0	(4)
Short term	2.1	1.2	(4)
U.S. receipts (credits) recorded	38.5	39.4	39.7
Exports:			
Merchandise [5]	25.3	26.3	26.0
Income on investments, private	5.0	5.8	6.1
Income on investments, Government	.4+		
Military sales	.8	6.2	6.5
Miscellaneous services	5.5		
Repayments on U.S. Government loans, scheduled	.6	.6	.6
Repayments and selloffs, nonscheduled	.1	(4)	.2
Foreign private capital other than liquid funds	.2	.5	.3
Government liabilities other than marketable convertible securities	.5		
Excess of recorded receipts (credits) or payments (debits) (−)	−1.6	−1.5	−.2
Unrecorded transactions (net)	−1.2	−.5	−.6
Reduction in monetary reserve assets and increase in liquid liabilities, including U.S. Government nonmarketable medium-term convertible securities (+)	+2.8	+2.0	+.8

[1] Based on U.S. Department of Commerce published statistics.

[2] Estimated by NFTC Balance-of-Payments Group, January 1965.

[3] Estimated by NFTC Balance-of-Payments Group, July 1965.

[4] Not separately estimated.

[5] Excluding military aid shipments or transfers.

TABLE No. M-5209.—*International transactions of the United States, 1965 revised estimates*

[In billions]

Type of transaction	1964 actual [1]	1965 original estimate [2]	1965 revised estimate [3]
Exports of goods and services:			
Commercial merchandise (adj) [4]	$25.3	$26.3	$26.0
Transportation	6.3	6.2	6.5
Travel			
Miscellaneous services			
Income on investments	+5.4	5.8	6.1
Total services	11.7	12.0	12.6
Total exports, goods and services	37.0	38.3	38.6
Imports of goods and services:			
Commercial merchandise (adj)	18.6	19.9	20.4
Transportation	5.6	6.1	6.2
Travel			
Miscellaneous services			
Income on investments	1.4	1.4	1.5
Military expenditures	2.8	2.7	2.9
Total Services	9.8	10.2	10.6
Total imports, goods and services	+28.4	30.1	31.0
Balance on goods and services	+8.6	+8.2	+7.6
Capital and unilateral transfers:			
Remittances, pensions and other transfers	−.8	−.8	−.9
U.S. private capital (net, outflow (−)):			
Direct investments	−2.4	−2.4	−3.6
Other long term	−2.0	−2.0	
Short term	−2.1	−1.2	
Government grants and capital outflow (net)	−3.6	−3.8	−3.6
Total	−10.9	−10.2	−8.1
Foreign capital (net, inflow (+))	+.7	+.5	+.3
Reduction in monetary reserve assets and increase in liquid liabilities including U.S. Government nonmarketable medium-term convertible securities	+2.8	+2.0	+.8
Errors and omissions	−1.2	−.5	−.6

[1] Based on U.S. Department of Commerce published statistics.

[2] Estimated by NFTC Balance of Payments Group, January 1965.

[3] Estimated by NFTC Balance of Payments Group, July 1965.

[4] Excluding military aid shipments or transfers.

Foreign private long-term capital and other nonliquid funds

This category includes not only the inflow of private direct and portfolio investment funds, but covers a number of special governmental transactions, including advance payments on military sales. In both 1962 and 1963 these latter transactions accounted for substantial portions of the total inflow. Lacking any definite indications that there would be new or additional transactions of this particular nature in 1965, the group arrived in January at an estimate of $500 million for the net inflow of foreign long-term capital. Inasmuch as it is thought there may be some liquidation and repatriation of capital holdings by foreigners during the second half sufficient in amount to offset new inflows, the estimate was further lowered to $300 million.

MONETARY RESERVE ASSETS AND LIQUID LIABILITIES

Since unrecorded transactions or errors and omissions in recent years have tended to run fairly steadily on the negative side at between $500 million and $1 billion, possibly reflecting unrecorded capital outlays or an understatement of payments, the group originally included an allowance of $500 million for this particular item. The group has now raised its estimate by $100 million, bringing the "unrecorded transactions" outflow to $600 million.

Therefore, in the absence of any large transfers of short-term capital abroad or of unanticipated special transactions of any magnitude, it is expected that there will be a reduction in U.S. monetary reserve assets and an increase in U.S. liquid liabilities (including U.S. Government nonmarketable medium-term convertible securities) of approximately $800 million during 1965 or some $2 billion less than in 1964 and $1.2 billion less than the original January estimate. While such a result implies a somewhat less favorable second than first half year, it is not intended to suggest any marked deterioration in the basic situation. It might be noted that advance payments on military sales and other prepayments continue to contribute to a lower deficit than would otherwise be recorded. In this connection, the comparable balance on regular transactions would be a deficit in the vicinity of $1.2–$1.3 billion.

SOUTHEAST ASIA: FALLACY OF THE DOMINOES

Mr. CHURCH. Mr. President, the domino theory has long complicated the rational development of our Asian policy. This theory, originally propounded by John Foster Dulles, postulates that if one southeast Asian country falls to communism, that all will fall like a row of dominoes. But there is reason to believe that the domino theory is a much oversimplified view of the complexity which is southeast Asia. I know that many foreign policy experts in the U.S. Government do not believe in the domino theory. And I find it interesting that one of the leading Australian scholars in the area of Asian studies, Prof. C. P. FitzGerald, has written an article entitled "Southeast Asia: Fallacy of the Dominoes" which is a cogent argument against the domino theory. Professor FitzGerald contends:

> It is not communism or anti-communism which makes great appeal to mass opinion in these countries, but nationalism. Nationalism has meant, and to most still means, first of all anti-European policies. The former colonial rulers must give up every pretention to influence and power. They may still be linked by culture and education with their former subject, but they must be politically extirpated in the erstwhile colonies. Consequently, the presence of Western forces immediately justifies the activity of all who oppose them, under whatever banner. This has been the great strength of the Communist parties in these countries. Where the West has wholly withdrawn, the Communist party soon loses ground * * * Communist movements which are actually engaged in warfare with Western armies will continue to gain the covert support of much public opinion even when governments find it politic to approve the policies of the West. The application of the domino theory is thus self-defeating; it generates the very forces which it hopes to contain.

Professor FitzGerald's article appears in the June 28 issue of the Nation magazine. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was order to be printed in the RECORD, as follows:

SOUTHEAST ASIA—FALLACY OF THE DOMINOES

(By C. P. FitzGerald)

(NOTE.—C. P. FitzGerald teaches Far Eastern history at Australian National University. He is the author of "China: A Short Cultural History, Floodtide in China," and other works on the country where he lived for 25 years.)

CANBERRA, AUSTRALIA.—A popular and officially approved description of the present dangers and strife in southeast Asia goes by the name of the domino theory. It is claimed that, like dominoes, the countries of this region are mutually dependent for their security and survival: if one falls the others will be shaken and successively topple. Thus, if Vietnam as a whole passed under Communist rule, the same fate would soon befall Cambodia and Laos; then Thailand, Malaysia, Burma and Indonesia: even the Philippines would not long escape the general collapse. The Communists encouraged by success in one country, would press on to others and these would not be able to resist the momentum of revolution and the strong subversive activities to which they would be subjected. Only the massive power of the United States really prevents this from happening, and consequently, however, reluctantly, this power must be deployed at the point most in danger.

This analysis implies a corresponding view that is rarely stated. If one falls, all fall; therefore, if one stands, all will stand. Yet if this corollary is applied to the actual scene, one sees at once that it is not necessarily true, and does not correspond with the observed facts. Vietnam is being most vigorously defended against both the Vietcong rebellion within and the infiltration of North Vietnamese aid from without. At his very time, the rapid and seemingly irreversible slide of Indonesia toward a Communist or Communist-dominated regime continues unabated; it is in no way checked—indeed, it may be actually promoted—by events in Vietnam. One very big domino is wobbling, and shows every probability of falling, while the little one is still upheld. This irony is, perhaps, more readily apparent to the Australian public, close at hand, than to people in the distant United States.

Malaysia is also shaken, but not by what is going on in Vietnam. The policy of confrontation, backed by the Indonesian Communist Party and approved by Peiping, is producing the growing and dangerous tensions in the recently constructed federation of Malaysia, and there seems no reason to suppose that victory for the government in Saigon would modify the policy to which both President Sukarno and the Indonesian Communist Party are dedicated. It is too often forgotten that one lasting legacy of colonial rule is the aloofness of the former colonial countries from one another, and their much closer relationship, whether of love or hate, in the former suzerain power. Vietnam still turns in matters cultural to France; Malaysia to Britain; and Indonesia, having finally expelled the Dutch from West New Guinea, now enjoys better relations with Holland than with any other Western power. But the shared concerns of these one-time colonies are as slight in practice today as they were in colonial times, when communication was almost entirely with the rulers in Europe. The neighboring languages are not taught in the various states, but the language of the former European overlord remains an important medium, known to all the educated class. Thus, to the average citizen of these countries the affairs of other states of the region matter very little.

The corollary to the domino theory is therefore dubious. It is quite possible that if or when the Vietnam war is settled by some compromise involving the continued existence of a non-Communist regime in the south, the West may find itself confronted with an Indonesia that has passed under Communist control and a Malaysia that is disintegrating. This situation would, for Austrialia at least, be far more menacing than a wholly Communist Vietnam. Burma, although eschewing the name of communism, is moving steadily toward a social system almost indistinguishable from that of the Communist-ruled countries of southeast Asia. Private property is increasingly taken over by the state; liberty of travel abroad is almost suppressed, contact with Western visitors restricted, political opposition wholly outlawed.

The Mao Tse-tung rule of guerrilla warfare—to "surround the cities by the countryside"—is being applied on a huge scale. If South Vietnam is the beleaguered city still held by the anti-Communist forces, then Indonesia, Burma and soon, perhaps, Malaysia, are the "countryside" by which this city will be surrounded.

There are other unconsidered factors in the relations between the states of southeast Asia which throw some doubt on the theory that if one falls, all will successively fall. Though it is true that in the colonial era communication among these Asian neighbors was slight and tended to diminish, in precolonial times, there had been relations, usually hostile. Once Western rule was removed, these immediately reappeared, and with very little loss of emotional impact. The countries of the region at once resumed the feuds and promoted the ambitions which their royal rulers had pursued before the European peace was imposed upon them.

Burma and Thailand had been longstanding rivals: as late as the third quarter of the 18th century Burmese invaders sacked and burned the Thai capital of Ayudhia. Bangkok itself was founded as a fortress refuge against that invasion, and the memory of those events is keenly alive in Thailand today. Varying policies in the two countries and opposing alinement of their foreign policies reflect an old hostility. What Thailand does will not be copied by Burma, and the path that Burma chooses will be shunned by the Thais.

Cambodia was saved by French protection from double encroachment by the Annamite king (Vietnam) and Thailand, which were on the point of extinguishing this most ancient kingdom of southeast Asia. Consequently, the Cambodians still feel a friendship for France and still fear and dislike their neighbors. During the late war the Thais once more, with Japanese encouragement, encroached upon Cambodia, annexing the Angkor region itself. Those conquests were nullified at the end of the war, but an acrimonious frontier dispute has continued to the present time. The association of Thailand and South Vietnam together in the Western alliance is enough to place Cambodia in the other camp, and Prince Sihanouk's policy is manifestly far more governed by such considerations than by fear of China or trust in the United States.

But if all Vietnam, reunited and potentially again strong, came under Communist control, Cambodia would almost certainly seek other alliances, and would strongly oppose any policy that encouraged Vietnamese domination—whether Communist or not. Nor would Cambodia feel much confidence in the good will or peaceful intentions of a Communist Thailand. China might be relied upon, or entreated, to preserve the independence of Cambcdia; and China, in the pre-European age in southeast Asia, always sought to keep the smaller kingdoms in balance, preventing the too great power of any one placing its weight and influence on the side of whichever was at the moment the weaker.

Malaya (now part of Malaysia) adjoins Thailand in the north, and the southern Province of Thailand is Malay in race. Until as late as 1910, the most northerly States of Malaya were under Thai rule which was surrendered to the British in that year. During the war, again with Japanese permission, Thailand occupied and annexed the northern sultanates; some Malays were willing to administer them under Thai supervision. There thus remains a considerable distrust and veiled enmity between the Malay ruling class in Malaysia and the authorities in Bangkok. One reason for the refusal of Malaysia to join SEATO can be found in this situation.

The present enmity between Indonesia and Malaysia also has roots much deeper than the ambitions and emotions of President Sukarno. Throughout the greater part of precolonial history the two sides of the narrow Malacca Strait, Sumatra and Malaya, were under one rule; and this kingdom was very rarely linked politically with the rulers of Java. The historic connection of Sumatra, both by race and commerce and formerly by a political unity, also is with Malaya, not with Java. The Japanese, toward the end of the war, planned and prepared to re-create a new state, "Mahamalaya," to embrace Sumatra and the Malay Peninsula. Several prominent—and still prominent—Malay and Sumatran politicians cooperated with Count Terauchi in this plan, which only the end of the war aborted. A disintegration of Malaysia could revive these former connections, and similarly the breakup of Indonesia could lead to a new union between Sumatra and Malaya. But these changes would not stem from any domino theory; they would be a renewal of old historic relationships in a modern setting.

Other minor tensions between neighbors loom large in their eyes. The Philippines claim Sabah—the former British North Borneo—on the somewhat tenuous basis that early pirate sultans ruled at least the coast of this relatively remote region. Nor do the Filipinos forget that their southern islands are inhabited by Moslems, descendants of former Malay colonists, whose cultural links are with Moslem Indonesia rather than with the Catholic Philippines.

All these ancient claims and quarrels are more important, more real and more urgent to the peoples of southeast Asia than the conflict of communism backed by China and anticommunism backed by the United States. The contest is seen essentially as the quarrel of two great outsiders, to be used for promoting national ambitions or thwarting those of traditional foes, but in itself extraneous to the countries themselves. The Asians may well be wrong to take such an attitude, but the West is also much deluded when it thinks of these states as being without personalities of their own, willing to enlist on one side or the other in a global conflict, obedient to the behests of Washington or Peiping. "The enemy of my enemy is my friend," is an axiom firmly held in southeast Asia, and the outcome of the policy directed by this idea produces a highly complex pattern of loves and hates.

The domino theory also rests upon an assumption which is hardly flattering to the champions of democracy. It postulates that communism is attractive to the peoples of these states and that the menaced countries have no internal strength to resist it. It is well known that in truth communism has not been spread in these lands by any alien Red army, as was the case in eastern Europe after the war. The North Vietnamese may be wholly or only partly, responsible for the Vietcong rebellion, but it is certain that they are Vietnamese, not Chinese. The Pathet Laos are Laotians—attempts to prove even a North Vietnamese military presence have never been at all convincing. The Burmese Communist rebels were Burmese, and were not helped by Chinese forces across the border. The Indonesian Communist Party, one of the largest in the world, is wholly Indonesian in leadership and overwhelmingly so in membership.

It has therefore to be accepted that communism spreads in these countries without the military presence of alien Red armies; but it is also argued that it cannot be stopped without the presence and active operations of Western military forces. This line of reasoning comes very close to admitting that communism gains the support of the people, but anticommunism needs the support of outside force. Yet it is not necessary to draw quite so dismal a conclusion.

Thet real evidence suggests that it is not communism or anticommunism which makes great appeal to mass opinion in these countries, but nationalism. Nationalism has meant, and to most still means, first of all anti-European policies. The former colonial rulers must give up every pretension to influence and power. They may still be linked by culture and education with their former subjects, but they must be politically extirpated in the erstwhile colonies. Consequently, the presence of Western forces immediately justifies the activity of all who oppose them, under whatever banner. This has been the great strength of the Communist Parties in these countries. Where the West has wholly withdrawn, the Communist Party soon loses ground. The Malayan emergency, the local name for the Communist insurrection, was brought to an end by the grant of full independence to Malaysia. In Burma the refusal of the government to aline with the West weakened the appeal of the Communist rebels, while the left-wing Socialist policy of the government undermined their social program. Confrontation with Malaysia is a necessity to the Indonesian Communist Party, because the defense by British troops of North Borneo and the peninsula makes it possible to enlist nationalist anti-Western feeling. President Sukarno relies on the same sentiments for his support. Communist movements which are actually engaged in warfare with Western armies will continue to gain the covert support of much public opinion even when governments find it politic to approve the policies of the West. The application of the domino theory is thus self-defeating; it generates the very forces which it hopes to contain.

It remains to ask how far the major Communist powers, and China in particular, subscribe to their version of the domino theory, and whether they, too, are mistaken if they trust to it. Communist theory teaches that no revolution can come about, or should be promoted, until the country concerned is ripe for revolution, at which time the change will occur by spontaneous combustion, needing no outside help, except sympathy and perhaps material aid. Preparation of the revolution must be undertaken by the native Communist Party; it can get advice, technical assistance and counsel from established Communist regimes, but should not rely on their armed forces to intervene. In practice this doctrine works out in a modified form of the domino theory. Successful revolution is a model which others should study and copy when applicable. China is the model. Similar conditions must produce similar results; most (though not all) of southeast Asia has a social structure and a backward economy in broad aspects very like that of Nationalist China. Therefore the fire once kindled ought to spread in such dry grass.

The weakness of such a theory, if indeed it is held in the Chinese leadership, is that it also takes too little account of nationalism, and, in particular, of local nationalism. It tends to emphasize the struggle with the West, above all with the United States, and to ignore the internecine feuds of the southeast Asian states. Communists should believe that once the people are in power such quarrels lose their meaning; the real quarrel in any country is with the exploiting classes. It may be that the Communist leadership in eastern Asia does so believe, but as long as communism can enlist nationalism in its struggle against the West, the belief in the ultimate mutual harmony of people's democracies is irrelevant; no such governments are yet in power throughout the territories of the countries concerned.

If this Communist version of the domino theory is in fact held, it is clearly not entirely relied upon. The Communists do not in practice wait for the fall of one to involve the collapse of the rest. On the contrary, they try to advance on all fronts, to promote and prepare revolution in many different countries—all those that are deemed "ripe." These certainly include Indonesia, Malaysia at a second stage, and possibly Thailand, also, while Cambodia, ruled by its popular uncrowned king who courts the favor of China, is far down the list. It should, therefore, be Communist strategy to encourage the West to follow policies based on the domino theory. The more effort and strength is put into Vietnam, the less interest and attention will be paid to Indonesia or Malaysia. Then if the revolution ripens to combustion point in these countries of the south, Vietnam will be isolated, the flank and rear turned. Whether Vietnam falls or stands will be relatively insignificant if Indonesia becomes a fully Communist-controlled state.

The main hindrance to such Communist policies is precisely the local nationalism of the peoples of the countries themselves. Confrontation with Malaysia may at present suit the Indonesian Communist Party and receive the approval of Peiping. But what if it were to succeed, and Malaysia should be, in President Sukarno's favorite phrase, "crushed"? What is crushed breaks up, and the disposal of the pieces would not be an easy or agreeable task for the Communist leaders. Sarawak contains a one-third Chinese population, rather leftwing in politics, which certainly cherished the hope of running North Borneo had Malaysia not been formed. Peiping would find it difficult to deny such aspirations if Malaysia were dismembered, and they could suit Peiping very well; but Indochina might find such a settlement distasteful. Singapore is 80 percent Chinese, and if Malaysia breaks up, the present rulers of Singapore, the PAP (People's Action Party), believe that they would be displaced by a crypto or even an overt Communist government. Malaya itself has a 40-percent Chinese minority, which is economically the strength and core of the country. The breakup of Malaysia would place this community at hazard. It formerly provided the minority group which formed the Malayan Communist Party. It is certain that it fears Malay domination, which union with Indonesia would reinforce. A conflict between a new Malayan Chinese Communist Party, with far larger support than the former insurrection ever commanded, and the Malay-Indonesian community would seem more than probable. The complexity of local rivalries, racial, religious, and political, would be greatly increased by the crushing of Malaysia—and there would no longer be a foreign "imperialist" presence to put the blame upon.

The Chinese will certainly be aware of these problems, for nowhere is their information likely to be better than in Malaysia; how they see them, what remedies they would apply, what short-term policies in preparation for more long-term aims, cannot be surmised. Yet it must be remembered that this area is the region adjacent to China, in which its influence through the centuries has always been present, sometimes powerful and active, at other times dormant, but by the mere facts of geography, never extinct. China will always be there—under whatever regime, swayed by whatever ideology—at all times the actual or potential great power most intimately concerned, with the most local knowledge, and the best local contacts. To ignore this massive and unalterable fact seems at present to be the main weakness of Western policy. To some observers on this side of the world it appears to be a very dangerous and possibly fatal error.

PRISON CONDITIONS IN SOUTH AFRICA UNDER APARTHEID

Mr. CHURCH. Mr. President, the magazine section of the July 25 issue of the New York Times contained an article entitled "There Is No Such Thing as Regulations Here," by Harold Strachan, an artist who spent 3 years as a political prisoner in South African jails. The article describes the appalling conditions under which Mr. Strachan was confined, and the even crueler fate suffered by other prisoners. In reading the article I could not help but be reminded of descriptions I have read of prison conditions in Nazi Germany and the Soviet Union.

In a story from Johannesburg, the July 26 Washington Post reported that the editor of the Johannesburg Rand Daily Mail is now facing prosecution for publishing a three-part description of the brutalities suffered by political prisoners. The Times article apparently consists of excerpts from this three-part description. According to the Post, the Rand Daily Mail office was raided by political police and the editor warned to stop publishing the articles in question.

The Times article is a damning indictment of the South African Government. It shows the primitive and brutal means to which the Verwoerd government will resort and points up the paradox of the South African Government's claim that apartheid is a perfectly humane and civilized policy.

I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 26, 1965]

PRISON BRUTALITY IS CHARGED IN SOUTH AFRICA

(By James C. Mould)

JOHANNESBURG, July 25.—The Johannesburg Sunday Times charged in a four-page story today that electric shock treatment is used to make prisoners talk and that there is widespread brutality in South African prisons.

It was the latest effort in an opposition campaign to force Prime Minister Hendrik F. Verwoerd's white nationalist government to hold a public inquiry into the management of this country's prisons.

One newspaper editor, Laurence Gandar, of the Rand Daily Mail, already faces prosecution for publishing a three-part description of hardships and brutalities suffered by political prisoners.

The Sunday Times quoted a sworn affidavit and official reports by the head warden of a prison near Johannesburg, which gave evidence of brutality, victimization, bribery, and corruption. The newspaper said it held the report for 2 weeks of cross-checking before publishing it.

HEAVY PENALTIES

Under this country's prison laws, anyone publishing false statements about jail conditions is liable to heavy penalties.

Head Warden Johannes Andries Theron is quoted by the Sunday Times as saying: "I have seen electric shock treatment being given prisoners as a punishment and in order to make them talk."

Theron also alleged there is misuse of convict labor on farms. South African farmers are allowed to hire forced convict labor for nominal wages.

Opposition members of Parliament have called for an inquiry on the basis of allegations published by the anti-Government Rand Daily Mail and the Sunday Times.

OFFICES RAIDED

Earlier this month, security police raided the Mail's offices after it had published the first two parts of its exposé, given them by a former white political prisoner. A senior police officer warned Editor Gandar it would be in his interests not to publish the last article. He went ahead, nevertheless.

In a front-page editorial Gandar said: "We are going to bust prison conditions in South Africa wide open."

Justice Minister Balthazar Vorster has ordered a departmental inquiry into certain allegations in the Rand Daily Mail articles, according to the Government Afrikaans Language press.

[From the New York Times magazine, July 25, 1965]

THERE IS NO SUCH THING AS REGULATIONS HERE

(Harold Strachan is a 39-year-old artist who spent 3 years as a political prisoner in South African jails. Convicted of "conspiracy to cause explosions" as an opponent of Prime Minister Verwoerd's apartheid policy, he was released in May and wrote a series of three articles about his experiences for Johannesburg's Rand Daily Mail, the government's most outspoken newspaper critic. The articles appeared a month ago and immediately produced a sharp reaction. Strachan was declared a "banned" person, which means that nothing he writes or says can be published in South Africa; he was also put under house arrest for 5 years. Meanwhile, the Rand Daily Mail faces prosecution under a law that makes it a crime to publish information about prisoners, former prisoners, or prison administration. The articles may not, of course, be quoted in South Africa; any South African who does "cause [them] to be published," is subject to harsh penalties. Nevertheless, the Times magazine has obtained copies of the articles. Excerpts follow.)

(By Harold Strachan)

I was sent first to the Port Elizabeth North End Prison and was there about 5 weeks. The European section of this prison was generally known among prisoners as a "hobo" jail, occupied mainly by short-term prisoners.

They had a rudimentary library there from which one could get two books a week, but the books were unutterable rubbish. The books were filthy too, but in any event you couldn't read because we were crammed 12 into a cell at this place.

We had a flush toilet in the cell, which is quite unusual as far as prisons I have been in. But an interesting thing about this toilet was that you didn't only defecate in it, you also washed in it; you brushed your teeth in it.

They had sufficient bathroom facilities. They had a very spic-and-span shower room with hot water and everything laid on, but we weren't allowed to use this because it had been beautifully polished—floor, taps, and so forth—and mats were laid on the floor to keep it nice and tidy, and prisoners were seldom allowed to go in there.

It was kept clean for inspection.

We were obliged to shower twice a week in cold water in another shower house around the back of the corridor where we were. The section warder would not allow us to go even to this little bathroom in the morning.

I saw constant assaults on African prisoners. There was a particular prisoner—a long-timer whose name was China. He was reputed to be half Chinese and half Xhosa tribesman, and a terrible brute.

He looked like a gorilla. He stood around in a reception office in one of the passages and he beat up prisoners.

On Friday, June 15, 1962, a few days before I left that jail, I saw a particular assault in the reception office. It was a freezingly cold day. I came into the office and saw a little bushman type of colored man, short and very thin.

He was standing just beside the door, and he was sopping wet and his clothing was wet. He was dressed in prison shorts and red shirt and was standing in the strong breeze from the open windows. His hands and arms were shaking.

As I came in I greeted him and he sprang away. Warder Claassens in the office—he was a huge man—went to this colored man and made a few boxing feints at him. The man sort of cowered and fell on the ground from fear.

Claassens took off his jacket and said: "Would you like to have my coat to put on? Would you like me to shut the window? Would you like me to go and run you a nice hot bath?"

He then ordered this little man to go and have a cold shower. I asked one of the African prisoners working there if this had just happened. He replied that it was the fourth time the man had been sent to shower out of doors, in the cold, with no towel, and then brought back into the office in his wet clothes and made to stand in a draft.

The man had apparently attempted an escape from a garden where he had been sent to work.

After leaving this little man standing for about another 15 minutes, Claassens got up and with full force hit the man in his belly, lifted him clean off his feet and under a table; then he picked him up and smacked him around the face with his hand.

Another warder in the office sat and laughed. There was a bucket of dirty water which other prisoners had been using to clean the floor.

Claassens held the little man by his feet and stuck his head in the bucket.

Then he sent a prisoner to fetch a broom and he gave this little chap squad drill: making him march up and down with the broom over his shoulder, still in his wet clothes, his head covered with filth from the scrubbing bucket.

As a rule the white warders did not assault prisoners, but I often saw them do so.

Most of the assaults were by non-European warders called poyisas and by prisoners who were allowed to carry out assaults. This happened often in the presence of warders * * *.

In June 1962, together with a batch of other prisoners sentenced to 1 year or more, I was transferred to Pretoria Central Prison.

I was first placed in the observation section. The theory of the observation of prisoners is an admirable concept. According to the theory, every long-term prisoner is placed on his own in a reasonably comfortable cell and is given time to think about his past life, his crime, his trial, his sentence, and his future.

He is befriended by a qualified psychologist who remains his friend throughout his sentence and even afterward.

Now on paper, this is what the observation section at Pretoria Central is. But in fact, the time you spent there is called the penal period by prisoners.

The cells are 7 feet square. This is very small. I was lucky because I was alone. A warder told me this was because I was a political prisoner. But other prisoners were three to a cell. They also had a pail, which the prisoners emptied twice a day themselves and was used by all three of them.

It was bitterly cold. We were given a coarse shirt which makes you itch all the time, a pair of battledress pants, an old long-sleeved jersey, and a bedraggled corduroy jacket.

Actually, for someone who is working, I suppose the clothing would have been adequate. But sitting dead still in the cold concrete cell, it was just terribly cold.

The floor was concrete, covered with a thin film of macadam. The ceiling was high. Each man there was given two felt mats and four very thin blankets. Also prison pajamas.

But I wore these all day and all night. You had to wear everything you had to keep yourself warm; pajamas, clothing, socks, even shoes, day and night. And you just sit and freeze.

It's like a small dingy cave. In the middle of the day it was lit by an electric light, a very dull one, which somehow gave a feeling of even greater cold.

You are not allowed to lie down. No. That is an offense. Just just sit. I used to wake up at 5:30 in the morning when the gong rang and just sit and hope and wait and shiver and pray for 4:30 in the afternoon, which was lock-up time when you were allowed to go to bed.

You were not allowed to roll out a mat or a blanket during the day. If you are seen doing it through the little peephole in the door which has a cover over it, you get sentenced to "three meals"—you do not eat for 38 hours.

The ordinary prisoner in this section was allowed out at the most for half an hour morning and afternoon for exercises. He was allowed to talk to no other prisoner. They all had to walk five paces apart, round and round a small exercise yard surrounded by prison blocks several stories high.

You looked your own height ahead of you and you spoke to no other man.

The average prisoner is supposed to be in observation for about a month, I believe. But at that time the section was very full with about 70 prisoners and they were kept there for an average of 6 to 8 weeks.

This observation section was called the "madhouse" by all the prisoners. I thought when I first went into it that it was called this because psychiatry was practiced there.

But in fact it turned out that it was called this, not because you were mad when you went in, but because you were mad when you came out. Prisoners regarded these 6 weeks or 2 months in the madhouse as their worst time in prison.

And I was in that section for about 11 months.

After about 3 months I saw the prisons board. Most of the interview was taken up by a violent harangue directed at me by the chairman. I saw the board again on several other occasions, and each time I made requests and lodged complaints.

They have also in Pretoria Central a segregation section for escapers, assaulters, dagga [hemp] smokers and those who are generally ill behaved. This is an ultramaximum security section.

These days prisoners don't stay in segregation for much more than about 18 months. You really go mad in there. You speak to no one; you have got the worst clothes in the prison; you lose all your privileges if you have any; you are allowed only a 6-monthly letter of 500 words and a half-hour visit every 6 months.

Prisoners in segregation repair more mailbags than other prisoners. They work mornings and afternoons and do 10 bags a day, and that is a hell of a lot because when those bags come in from the post office some of them are in absolute tatters.

If about 3 bags out of your 10 are rejected, then you lose 3 meals. If an inspector wants to, it is easy to reject 3 or even all 10 bags.

Also in the segregation section you are not allowed to talk or make any noise whatsoever. So that you live in absolute and total silence.

Men used to go off their heads in jail and go rushing at the walls and door of their cell, screaming and weeping, banging with their fists and kicking. Some also mutilated themselves.

There was one man, for example, whom I questioned about his speech impediment. He showed me that the front part of his tongue had been cut off. He said he had done this while in segregation.

When I first entered the main gate of Central I knew where to look for the gallows because I already had heard about it in the Fort Elizabeth Prison. The old hands had told me: as you come in the main gate, look up across the huge black-floored hall and you will see a silence notice. Look just under that notice and that is the gallows cell.

Executions were held about every 10 days. Days beforehand, the condemned start singing, and being Africans, most of them, they can't help singing harmoniously. But as the time wears on the singing gets more and more ragged.

The last 2 days and nights they just sing right through. "Nearer My God to Thee" and things like that. I never want to hear any such hymns again.

Then you would hear the condemned walking to the gallows cell singing hymns. You would hear the door shut. Later, you would faintly hear the sound of the trapdoor opening. I would feel a tremble run through the part of the building where I was as the trapdoor fell.

The presence of the condemned at Pretoria Central is nerve-racking. There are prisoners living all around the condemned section and this hysterical singing just goes on day after day and night after night.

About a month after seeing the prison board, Ben Turok—the political prisoner who was with me—and I were given mailbags to sew, 10 mailbags a day. This had a very bad effect on me mentally. I reached a stage where I literally forgot how to read.

Before I was sentenced my wife had written to the commissioner of prisons asking for study facilities for me and I applied for this as soon as I got into jail. Permission came 5 months later.

I registered for an honors English course with the University of London and I was due to write 10 subjects on my release in June 1965. It was difficult to study because not only did words have no meaning but objects ceased to have any meaning.

One would look at a mug and it didn't strike one as a receptacle that held a liquid.

I was given a table and a locker for my books. That work which I did was good, and I got about 95 percent of my essays. In spite of this, every obstruction was put in my way as far as studying was concerned.

I was not allowed to go to the jail library as other prisoners were. If I sent up through the cleaner or the section officer for two or three books I wanted for a particular tutorial I would get them up to 6 weeks later—after I had seen them lying around for all that period in the office of Chief Warden Steenkamp who said he was censoring them.

One day when we were exercising in the yard we went up to Steenkamp and asked him about books. The three other politicals also went up to him and we accused him of victimizing us.

We thought he would deny it, but he replied: "As a matter of fact, I am. You are political prisoners and I am making your life as hard as possible."

In most of my 11 months in the observation section, my average day was just getting up and doing mailbags, doing about 3 hours of studying and going to sleep. Occasionally they would stop giving me bags for 2 or 3 weeks and I would just sit.

One's mind would then just go completely blank and one could feel this sort of madness creeping on and it would take all one's conscious effort and willpower to resist it.

So it went on until about March 1963 when Turok and I asked for an interview with the commanding officer. We pleaded with him to give us some work and he finally consented to let us polish the passage of the section in which we were, for about an hour and a half a day.

We polished it black with a block of concrete wrapped in a doormat. This work was glorious. We reveled in it, just to get this exercise.

Another thing about Pretoria Central was the question of mail: When I was first there, I was allowed to write and receive one letter every 6 months. My first 6-monthly letter to my wife was simply lost: It disappeared. My wife went 10 months without hearing from me.

I got her letter 2 months after she had written it. After the 6-monthly visit from my wife I protested at the disappearance of my letter to her and she also protested.

I was taken to the reception office where I was shown the register of letters in which six letters were listed against my name. None of them had been signed for by me.

One day a warder came up to me in the exercise yard, held out a letter and said it was for me. I recognized my wife's handwriting. As I put out my hand to take it, he pulled it back.

In mid-May 1963, Turok and I were removed to the Pretoria local prison. At first, it was relatively wonderful: We had a small section of our own, 50 feet long, containing seven cells and a passage. Our job was to clean these cells and the passage.

We did an average of about 4 hours of this work a day, but after 2 weeks the number of hours started declining and finally, after about 3 months, it had faded away. Then we were given mailbags again.

About June 1964, complete segregation conditions were imposed. Most strict. Our doors were locked all the time. We protested vociferously and said, "All we are asking is for work that a normal criminal would do."

The superintendent's answer: "I am entitled to lock you up and I lock you up." We spoke to the section warder and he replied, "Look, it is our jail and we do what we like here." We said, "What about regulations?" and he said, "Don't talk about regulations. There is no such thing as regulations."

I can't complain about the food. It was about as good as food in a bad boarding house but I found there was plenty of it.

As for educational facilities, there were constant difficulties here, as at the central prison. The commanding officer called me in one day about some books which I had written for. He said: "These books are novels." I replied that I was studying the novel.

He said: "Don't be silly, you don't study novels." I said: "But I am studying them."

He said: "Novels is story books. Don't think I am a child. No story books, no novels."

That was the end of that. I gave up the course I was doing with the correspondence college primarily because I was unable to get the books I needed.

On another occasion he called out Turok and me. He told us that some soft-cover books had arrived for us but we could not have them. We asked why not. He said: "Soft-cover books is about sex or crime." Turok asked him which soft-cover book he had in mind.

So the officer produced a copy of Galbraith's book, "The Great Crash," which is about the crash of the stock market in 1929 in New York. The officer said: "Here is a soft-cover book about motorcar racing or something."

I want to talk about assaults. The worst assaults I have seen were on non-European prisoners at Pretoria local prison.

They were driven like animals by the non-European warders, the poyisas, with sticks and leather straps.

They used the long double strap of their truncheons or keys as a whip. Our windows at one time overlooked the yard and the non-European reception office at the Pretoria local and we could see these men being driven across the yard for showering or other purposes by these poyisas with these straps.

We could see these men also being hit with fists and open hands. We could see them coming in a column two abreast—that is, "two-two," as they put it in prison—and being thrashed as they rushed into the prison.

We could hear the same men rushing up the stairs and then into the section above us with the same cries as we had heard in the yard and we could hear the blows following.

This was general. But the worst assaults I saw anywhere in jail were those on Africans at the hospital and sometimes on non-European patients in the hospital at Pretoria local. For most of my time there the hospital yard was straight under my window.

All prisoners when they came into prison went to the hospital to get examined and so forth. Non-European prisoners who had to see the doctors were brought out at about 6:15 in the morning, and it could be freezing cold.

They stood naked; 60, 70, 80 of them at a time. Huddled up like birds trying to keep warm. Like poultry. Stark naked.

They had to stand with frost thick on the ground, barefoot, clutching each other to try to keep warm. Shivering.

And they would stand there until the doctor came at 9 o'clock, sometimes later. Now and then one of the poyisas would allow them to pick up a garment to drape over their shoulders. Otherwise they just stood naked until the doctor came.

On another occasion I saw a prisoner carried into the prison yard on a blanket, the corners held by other African prisoners. He might have been shamming because many prisoners, like soldiers, swing the lead and they like to get into the hospital where the food is slightly better.

Anyway, this man was put on the ground and he was lying there immobile. After a while he stirred.

Two of the warders had a consultation and apparently decided the man was shamming.

One of the warders took his wooden truncheon and, sitting down, let it fall on the forehead of this man on the ground—I suppose about 20 or 30 times. Bong, bong, bong—as you might do with a pencil on a table, letting it fall with its own weight.

But this was a truncheon falling from 6 inches. As it turned out, the man was unconscious—fortunately, for he didn't feel this going on.

In wintertime at Pretoria Local the wind howled into my cell through broken windowpanes. I remember sitting there one day at 5 in the afternoon with the hair whipping around my head. And on another occasion a shower of sleet falling onto the book I was studying. Now, after a cold shower, to be in those conditions under three thin prison blankets—you are issued four blankets, but you have to sleep on one which you put on top of your two felt mats on the floor to try to stop some of the heat draining out of your body. The cold is absolutely unbearable in that place. It is the only thing I couldn't really take in prison.

One thing I learned in jail was to fall asleep, and I used to sleep up to 15 hours a day. I used to just put myself to sleep rather than face the realities of being awake.

PEEPING TOM, THE METEOROLOGICAL SATELLITE

Mr. BAYH. Mr. President, great strides have been made in recent years in perfecting weather surveillance and forecasting techniques. Much of this tremendous progress stems from the development and perfection of a new meteorological satellite which has been nicknamed "Peeping Tom."

I am proud to report, Mr. President, that this infrared, weather eye system, which has been orbited with such spectacular and valuable results, has a Hoosier origin. It was created and built by a small group of space scientists at International Telephone & Telegraph Industrial Laboratories in Fort Wayne, Ind. Recently the Indianapolis Star published a very interesting description of this project, which I ask unanimous consent to print in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KEEPING AN EYE ON THE WEATHER

(By Edward W. Cotton)

Hoosier Astronaut Virgil I. (Gus) Grissom isn't Indiana's only space explorer because there is a 200-man team of ground-based scientists, engineers, and technicians also staking out significant claims along the frontier of the future.

Yet, the technological abilities and achievements of this small, young, and highly trained research and development organization were little known, and even less appreciated, until recently.

Most residents of Fort Wayne were aware that the 3-year-old ITT Industrial Laboratories, a division of International Telephone & Telegraph Corp., was located there, but they often confused it with an older and better known ITT branch, the Federal Laboratories. Since both divisions occupy the same building, few were sure of what ITTIL did.

It took the spectacular orbiting of Nimbus I, an earth-oriented, meteorological satellite which circled the world in 90-minute laps, to spotlight properly the importance of one of the division's electronic instruments.

That instrument, credited with scoring the greatest success of the Nimbus, was a nighttime, radiometer, infrared weather-eye system designed and developed at ITTIL.

Promptly and properly nicknamed the "Peeping Tom," this is a revolutionary type of camera which can "see" in the dark and took the first nighttime pictures of the earth's cloud patterns. It pioneered a path to the possibility of accurate, worldwide, 24-hour weather surveillance.

Some 27,000 sharp pictures were received from the television cameras and the ITTIL radiometer system mounted in battery on the Nimbus.

The nighttime, weather-eye reports were so sensitive that they registered differences of 1 degree in temperature of various ocean currents, pointed out storm patterns and distinguished between rock and soil, ice and water, clouds and snow.

The Nimbus flight, terminated after some 380 orbits, is considered to represent a major breakthrough in the field of infrared observation.

Scientists are predicting many applications of the three-dimensional information provided by the unusual photographs to weather forecasting. Government officials estimate that the Nation's farmers alone would save between $2 to $3 billion a year if weather can be forecast, accurately 5 days in advance.

Pleased with the sudden fame generated by the success of the "Peeping Tom," the men who made the innovation possible were modest in accepting praise for their work. They were chosen to design and develop the unique instrument on the basis of previous accomplishments in the electronics field.

Kenneth DeBrosse, manager of space and physical sciences, for example, commented, "I'm not surprised. I knew it would work."

Confidence in themselves and their fellow workers, as well as pride in what they are doing, is typical of the team spirit which has guided the ITTIL to a position of respect in many levels of scientific research.

For one thing, the team of scientists, engineers and technicians represent a balanced blend of age and experience, of education and background, that is in itself unusual.

The average age of the 207 employees is a mere 35 years, with the 11 executive and management staff personnel hitting the 39-year mark and 32 administrative employees averaging 33 years of age. However, the 10 oldest employees average 58 years of age and the 10 youngest range evenly between 18 and 22 years.

Two 42-year-old graduates of DePauw University, Dr. Robert T. Watson, division president, and Dr. Cary W. Steeg, Jr., director of product development, and 43-year-old Dr. Wolfgang K. Berthold, director of research, who was graduated from 3 German universities, head the 87-member professional staff.

There are 12 Ph. D.'s on the professional staff, which includes management, scientists and engineers. The 12 doctors are accredited with a total of 30 degrees, while 12 other men hold master's degrees and the remainder have earned a bachelor or its equivalent. Although a total of 18 States and 4 foreign nations are represented, 25 of the men, including Dr. Steeg, who was born in Indianapolis, are native Hoosiers.

There are graduates of Indiana, Purdue and Butler Universities, the Indiana Institute of Technology and Tri-State and Manchester Colleges, sprinkled through the 76-member engineering and scientific staff. Of 96 technical support employees, there are certificates from most of the State's schools in those fields. There also are five skilled glassblowers, the youngest of whom has 15 years of tenure.

Dr. Watson, who was born in Columbus, Ohio, boasts of the high percentage of Hoosiers and Buckeyes, in particular, and Midwesterners, in general, who represent ITTIL.

"We have a cross section of professional training and technical skills which proves that the Midwest is not lacking in scientific knowledge—we have demonstrated our competence in competing effectively with east and west coast industry," he explains.

Dr. Watson points out also that the laboratories, even while competing with the research and development capabilities of some of the giants of the electronics industry on land and in space, are protecting a heritage of imaginative invention and quality control which goes back some 25 years.

That's because ITTIL, while only 3 years old as a corporate division, is a legacy branch of the former Farnsworth Electronics Co., at Fort Wayne, and it still works and improves on landmark, television inventions of Dr. Philo T. Farnsworth.

Some of these were the first electronic scanning and synchronization systems and early-day camera tubes which made TV a reality.

Such innovations as Farnsworth's image dissector tube, Iatron storage tube, and World War II's "sniperscope," the nighteye, infrared rifle sight, still have significance in today's space-probing instruments.

Even before ITTIL's infrared know-how was applied to designing a nighttime, space camera, two special light measuring tubes developed in the Fort Wayne laboratories ferreted out new proof that there may be life on the planet Venus. A telescope, carried some 90,000 feet into the sky by balloon, was kept focused on Venus by one of the tubes, while its companion scanned reflections of the Sun's rays from the planet's clouds.

Technically known as very low noise, infrared multiplier phototubes, the pair of tubes made precise measurements of "colors" beyond human visibility which indicated the presence of water vapor in Venus' upper atmosphere in quantities comparable to that of the Earth.

The laboratories also have developed special detectors, sensors, and electro-optical equipments for use in space exploration, star and satellite tracking, and laser signal detection.

The latter, a new and fascinating field of scientific investigation known as laser technology has been explored by ITTIL scientists for more than 2 years. The first injection laser equipment put on the market was developed in the laboratories.

Diversity and creativity are the bywords at ITTIL, and Dr. Watson points out that some 450 research and development contracts, ranging from $1,000 to more than $1 million, were completed or put into progress last year.

"Because we are not bound by large, one-type contracts, we are concerned with technology that can serve either prime or subcontracts with companies both large and small," the division president says. "We are proud of our achievements because they prove our capability for us."

The men behind the drawing boards, workbenches, and testing machines at ITTIL are in the space race seriously, sometimes wearing their own identification, but often providing vital tubes, sensors, or other equipment to make some other firm's product work.

One of the new products of the laboratories which has important commercial and industrial value, as well as satellite tracking and control, is the Videx telephone line television system.

This system already has been put to use by some banks and other similar business organizations to verify, compare, and discuss necessary information such as check signatures visually over long distances at a minimum of time and expense. Videx also can be used by the military services for transmitting reconnaissance photographs, by airports to get up-to-the-minute weather-radar information from remote stations and by law enforcement agencies.

The ITTIL's Facet Eye camera currently is at work at Holloman Air Force Base, N. Mex., on a 24-hour-a-day watch of manmade objects in space.

Designed to work on the same basic principle as the eye of a fly, made up of hundreds of individual facets, the Facet Eye camera's cluster of 25 telescopes, each with its own image orthicon sensing tube, gathers and records photo-optical data for the Air Force's Air Defense Command.

When special, fast control equipment was needed for the Saturn spacecraft, to convert a blinking television image transmitted from the missile to a clear, continuous, flicker-free ground display, ITTIL was chosen to design and build the equipment.

Known as controlled storage television, the equipment represents another application of the laboratories' Iatron storage-display tube.

Prior to the launching of Nimbus, last August 28, weather-probing satellites were able to obtain data only during the daylight portion of their orbits. By the time Nimbus' solar-powered batteries died, September 23, it had been proven, by the Peeping Tom, that night photos could be obtained from 300 miles out in space.

The first nighttime, weather-eye camera cost about $1 million, taking into account the time and expenditures required to produce a model which could be relied upon for the mission.

One of the principal problems, according to Dr. Steeg, was to provide a cooling system for the compact and complex camera. This was solved by allowing the cold vacuum of outer space to control the temperature of parts and the cost of manufacturing the camera since has been reduced to less than $100,000.

The ITTIL's weather-eye depends upon measurements of varying intensities of invisible infrared radiation for its pictures, rather than reflected sunlight as in the human eye or conventional daytime cameras.

This technique thus provides not only for the mapping of clouds over the entire night side of the earth, covering contiguous strips from one orbit to the next, but also permits an estimate of the approximate height of the cloud tops and of the temperature of land and water surfaces.

Nighttime photographs taken by the ITTIL radiometer clearly picked out such landmarks as the Volga River and the profile of the boot of Italy, storm centers and forming hurricanes and detected for the first time evidence of volcanic action in the mountains of Antarctica.

Based partially on its ability to perfect the Peeping Tom, the Fort Wayne research center is working on a new daytime scanning camera for a future Nimbus, tentatively scheduled for launching late next year.

The laboratories, either by prime or subcontract, will provide sensor or camera equipment for such satellites as the orbiting astronomical observatory (OAO), due to be launched this spring; the orbiting geophysical observatory (OGO), and the orbiting solar observatory (OSO).

Taking its place in full partnership with the other ITT divisions in Indiana—the Federal Laboratories, which concentrates on military electronics, and ITT Kellog, which has been instrumental in furnishing miniaturized, low-powered radio communications equipment for the astronauts of both the Mercury and Gemini space projects—the Industrial Laboratories has established an enviable record of success in a relatively short time.

ITTIL is a team of young and capable people whose talents, imagination and energy is devoted to helping their country maintain its leadership in space exploration.

LOAN OF $35 MILLION TO THE CENTRAL AMERICAN BANK FOR ECONOMIC INTEGRATION

Mr. MONTOYA. Mr. President, yesterday the President, in a White House ceremony attended by the distinguished Ambassadors of the Central American Republics—Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—signed a loan agreement which will rank among the important decisions taken under the Alliance for Progress.

Under this agreement the United States is lending $35 million toward the initial financing of the Central American Fund for Economic Integration, which will be supported by an initial contribution of $7 million from the five Central American Republics. The Fund's total resources of $42 million, which will be administered by the Central American Bank for Economic Integration, will be used to finance regional projects in the public sector to benefit—without regard to national boundaries—all the people in the five Republics.

In this way the regional territory will be served by new roads crossing national boundaries and classified as "Central American roads"; countries with surplus power will share this resource with less fortunate neighbors; industrial parks will be built to promote industrial development in the Central American Common Market area; and the Fund's resources will also enable the member countries to finance other mutually beneficial projects.

Largely through the efforts of the Central American Common Market, old trade barriers have been leveled, and trade has increased dramatically among its members.

In 1958 such intraregional trade amounted to only $20 million; in 1964 it had grown to over $105 million.

As a result of this outstanding record of increased trade, an active and competitive business sector has developed. The gross national product of the countries involved is rising at an average rate of close to 7 percent per year.

This loan should give substantial additional impetus to the growth and well-being of these small Central American countries, who, through economic unity, are achieving economic and social progress which individually they would find impossible.

I commend President Johnson's thoughtful comments at the signing of this historic document to our colleagues' attention, and ask unanimous consent that they be printed in the Record at this point in my remarks.

There being no objection, the comments were ordered to be printed in the Record, as follows:

Remarks of the President at the Signing of the $35 Million Loan to the Central American Bank for Economic Integration

Distinguished guests, members of the diplomatic corps, Members of Congress, I regret that these days and nights I am usually an hour late and a dollar short, but it is good to finally be here with you, and this House is honored today by the presence of such distinguished company. I am deeply privileged to extend to each of you a very warm welcome.

For all Americans of all the Americas today is a very proud occasion. I believe we realize the real meaning of this moment as much more than just signing the papers that are before us. In a real sense by what we have come to do we really honor the spirit—

the new and the soaring spirit—that is stirring throughout the length of this young and this proud and this newly hopeful Western Hemisphere of ours, and no cynicism can corrode the promise that is beginning to gleam so brightly in the sun of this New World's new day, for we are thinking as we have never had cause to really think before as Americans, as peoples, as nations, sharing not just a common history or even a common geography, but sharing a common vision and possessing common aspirations.

That spirit was brought to life here in this room 4 years ago when a good many of you heard President Kennedy speak his hopes and speak the hopes of his countrymen, that the Americas could ally themselves together in peace to better the life of man in all of the Americas.

We see that spirit gaining substance and reality now, and in a good many lands. But nowhere do we see it more than in the lands of Central America—Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica. They have, in a series of acts of the highest statesmanship, embarked upon a process of integrating their economies, which is one of the really most exciting undertakings of our world today. Together these nations have created a common market. They have leveled their trade barriers. They have coordinated their efforts in higher education. They have done the same for their tax systems and their development planning. And they are all making an effort to cope with the problems created by the ancient enemies of all mankind—disease, poverty, and illiteracy.

And the results are already apparent and already gratifying. Trade among these nations has amounted to $20 million in 1958, but reached $105 million last year, and the gross national product is rising to close to 7 percent a year. In support of these historic advances a key role is today being filled by the Central American Bank for Economic Integration. It is represented here today by its able and dynamic president, Dr. Delgado.

This Bank is capitalized by equal contributions from the five Central American countries. But as the governments have pledged mutual support to each other, so the members of the Alliance have pledged support to them.

In March 1963, in Costa Rica, our late beloved President John Kennedy, pledged this country's support. And so today we have come here to fulfill that pledge by signing this loan agreement for $35 million.

Yes, great progress has been made in Central America, but the future offers greater promise both there and throughout the hemisphere. The Central American Republics are providing all their neighbors and all the world what I would think is a very stirring example of what can be accomplished by freemen with vision, and with wisdom, and with courage. And we of the United States are very proud to be fortunate enough to work with them in this very hopeful enterprise. We are so grateful for your friendship, for your loyalty, for your cooperation in trying to solve the problems of this hemisphere and trying to be equal to the challenges of the 20th century. And we want you to know that, and we want your governments to know it.

And so this morning, to the distinguished representatives of Central America that may be present on this historic occasion, I would affirm again my country's deep respect and admiration and support for your efforts. And likewise, to the distinguished representatives of the Organization of American States, the CIAP, the Inter-American Development Bank, I would reaffirm the interest and the support of the United States of America for economic integration throughout this hemisphere.

In all the world there are no dreams so stirring or so exciting or so inspiring as those that we can dream realistically and reasonably now in our own hemisphere. The day is no longer so dim and distant as once it seemed to be when those dreams begin to reach the lives of all our people, for we can truly believe that that day has already dawned and we are now working in its early morning. Long before the twilight of this century has come, we may believe that men and women of the Americas, will come to know a much better life, a life of peace, a life of social justice, a life of liberty, a life of independence, a life where reason rules and where tyranny is vanquished.

And it is toward this happy hour that we work together now with a steady purpose and with a rising confidence and with a deep appreciation of what friendship and understanding really means.

VIETNAM

Mr. McGEE. Mr. President, yesterday I spoke in this Chamber on the importance of Vietnam in the light of 20 years of cold war maneuvering, saying that clandestine aggression of the type on trial there remains today as the one big threat to world peace.

Today, Mr. President, Roscoe Drummond has come forth with a column which does much the same thing, stating imperatively that we must resist this new face of war in southeast Asia because of the lessons learned in the past—that to withdraw in the face of aggression against South Vietnam would mean only that we would have to prepare for the next aggression—and the next. Drummond sums up:

> President Johnson is applying this lesson to save lives, to avert worse war, and to find the way to a safer peace.

That, Mr. President, sums it up well. I would like to have all those who question our Government's policies exposed to this reasoning because it is the answer to the question, "Why are we in Vietnam?" Mr. President, I ask unanimous consent that the Roscoe Drummond column, "President Stands Firm," from today's Washington Post be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM DEFENSE—PRESIDENT STANDS FIRM

(By Roscoe Drummond)

The actions President Johnson is taking to build up U.S. strength in the defense of South Vietnam are inescapable. They are wise actions because their goal is peace, not war.

The President had no hard decision to make this week. He had already made the hard decision more than 3 months ago. Everything we are now doing in Vietnam flows from it.

The really hard, soul-searching, comewhat-may decision was made by Mr. Johnson on the eve of his April 7 address at Johns Hopkins University in Baltimore. It was embodied and embedded in these three incandescent sentences:

"We will not be defeated. We will not grow tired. We will not withdraw"—until peace is assured.

No further decision of policy or will or commitment had to be made. All that remained was to determine the means to implement that decision—larger U.S. forces in Vietnam, larger draft calls, larger defense budgets, and—in the end—"whatever is necessary."

Mr. Johnson rightly says that three Presidents have given their word that the United States would help. But there is a difference. It is not putting it too bluntly to say the difference is this:

President Eisenhower decided to aid South Vietnam.

President Kennedy decided to continue aiding South Vietnam.

President Johnson decided to succeed in aiding South Vietnam.

Because President Johnson is committed to defending South Vietnam successfully against the Communist use of force to take over the country, "whatever is necessary" to do it will be employed.

This is not a decision taken by the President alone. It is shared by Congress, which approved the President's course earlier, and will have to approve it again when more defense appropriations are sought.

Mr. Johnson well knows there are misgivings and doubts and puzzlement about why we are fighting in Vietnam. There couldn't possibly be a harder decision for a President to make than to send American soldiers into combat when the Nation itself has not been directly attacked.

When World War I and World War II came to the shores of the United States—through the German U-boats and at Pearl Harbor—no painful decision of whether or not to resist had to be made. It was automatic and self-evident.

Now the President is asking the American people to ponder carefully the lessons of Munich and of Korea. The world invited Hitler's terrible aggression by trying to buy him off through appeasement. It didn't work. It led to more aggression.

Before the Communist attack on South Korea, we had withdrawn most of our forces and left the door open to another aggression. It came and, too late to avert it, President Truman bravely decided it had to be resisted.

Today the United States is helping defend South Vietnam because we are applying the grimmest, the most costly, and the most crucial lesson of war to date. It is that, if aggression is not resisted—and resisted successfully—when it begins, it will grow and spread and the end result of failing to resist will be worse aggression, worse war, under worse conditions.

To withdraw in the face of the aggression against South Vietnam would mean only that we would have to prepare for the next aggression—and the next.

This is the lesson of Munich. This is the lesson of World War II. This is the lesson of Korea.

President Johnson is applying this lesson to save lives, to avert worse war, and to find the way to a safer peace.

Mr. McGEE. Mr. President, it has been some time—more than 3 months, in fact—since President Johnson said at Johns Hopkins that the United States did not desire fighting a war in Vietnam; that it desired a peaceful settlement, but that it would not be defeated and would not withdraw in the face of aggression from the North.

In announcing his decisions taken to firm up our position in Vietnam on Tuesday, the President only reaffirmed, in my belief, what has been this Government's policy all along. The numbers of troops he has called for is not great, not in the context of guerrilla warfare. Our aim is still to get the Communists to the conference table.

Mr. President, there have been many in this Nation, including important thought leaders, who have been distressed through the early months of this year by the increasing tempo of the fighting in Vietnam and who have been groping for another way out. Not the least among these has been Mr. Walter Lippmann, who has today produced a column titled in the Washington Post, "Realism and Prudence." I think it is a significant column, because Mr. Lippmann agrees the President's actions are realistic and, in the face of continued pressure from Hanoi and the Vietcong, prudent as well. I ask unanimous consent that Mr. Lippmann's column from today's Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REALISM AND PRUDENCE

(By Walter Lippmann)

The decisions taken by the President as the result of the review of the situation in Vietnam are, it seems to me, realistic, and as a result, the American position is strengthened and improved. The crucial issue which he had to resolve was what this country should do in view of the fact that the South Vietnamese Government has lost to the Vietcong the control of virtually all the highways and most of the villages and territory of South Vietnam. Should the United States volunteer to fight the war which Saigon has so very nearly lost, substituting American troops for the Vietnamese troops, taking military command of all the fighting forces and of the government in Saigon? Or should the United States defend its presence in South Vietnam for the purpose of negotiating a political settlement?

The difference between these two strategies is all the difference between, on the one hand, an unlimited and illimitable war that could escalate into total war, and, on the other hand, a limited war, as the President calls it a measured war, which is clearly within American military power, demands no exorbitant sacrifice, and keeps the struggle within the possibility of diplomatic negotiations. The President on Wednesday announced, if I understand him correctly, his choice between these two strategies. Although he repeated the grand formulae of a great war, in fact his decision as of now is to fight a limited war. The size of the callup is in accord with this decision: the additional troops are sufficient, or can be made sufficient, for a limited and defensive strategy. They would be absurdly inadequate if our objectives were the reconquest of South Vietnam. Instead of 125,000 men, the troops needed would, according to the usual formula of 10 to 1 for guerrilla war, mean more nearly a million.

There is additional evidence from the official disclosures on Wednesday that the President has decided against a serious escalation of the war in North Vietnam. He has been under pressure to send the bombers into the heart of North Vietnam, into the area of Hanoi and Haiphong, where are the industries and the population centers of the country. While it is never wise for a commander to say what he will not do, there is considerable evidence that the administration has decided not to bomb the population centers, and to avoid putting Hanoi in the position where, having nothing to lose in the North, it uses its formidable army to invade South Vietnam.

Moreover, high U.S. Government officials have let it be known that we do not intend to comb the countryside to eliminate the Vietcong from the villages, but rather to confine ourselves to conventional military action.

Along with the decision to keep the war limited, the President has launched a strong diplomatic campaign for a negotiated peace. He has in the past, proposed, or hinted at, most, perhaps all, of the elements of his campaign. But the combination he described on Wednesday is new and impressive. In calling upon the United Nations and on all member governments, severally or jointly, to bring the fighting to an end, he has, for the first time I think, given the mediators something concrete to talk about with Hanoi.

The President has agreed that the principles of the 1954 agreements, which are the declared war aims of Hanoi, are an acceptable basis of negotiation, and that we are prepared in South Vietnam, or in all Vietnam, to accept elections supervised by the U.N. This is contrary to the position taken by Secretary Dulles 10 years ago, and the President's willingness to return to the purpose of the 1954 agreements opens the door wide in principle to a negotiated settlement.

Probably Hanoi will still refuse to negotiate. For the Vietcong and Hanoi are within sight of a military victory, not over the United States but over the Saigon government, and it is by no means certain that General Westmoreland with his reinforcements can prevent that. But even if he cannot prevent it, the strategy adopted by the President will leave the United States Army invincible in Vietnam, with the United States exercising an influence which cannot be ignored in the eventual settlement.

NOMINATION OF JOHN W. GARDNER TO BE SECRETARY OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. CASE. Mr. President, the Senate will soon consider the nomination of John W. Gardner, president of the Carnegie Corp., to serve as Secretary of Health, Education, and Welfare. I applaud the President's selection of this distinguished educator and farsighted executive for such a key position.

Here in Washington we have noted the quality of Mr. Gardner's work as an informal adviser to Presidents Eisenhower, Kennedy, and Johnson. More recently, his stimulating efforts as chairman of the White House Conference on Education attracted wide attention.

It is my great hope that Mr. Gardner will contribute his considerable skills not only to the development of significant new substantive programs, but also to a searching critical evaluation of the structure of his rapidly growing Department. This multifaceted Department has tremendous impact on our society today. It demands the very best in imaginative organization and perceptive management.

INDIANA HAS ATTRACTIONS FOR TOURISTS

Mr. HARTKE. Mr. President, recently a comprehensive study was completed by Indiana University under a contract from the Area Redevelopment Administration. The large volume which resulted showed in detail, county by county, the excellent untapped resources of the State of Indiana, particularly in its southern part but in the rest of the State as well, for tourist attractions. There are historical, scenic, and recreational possibilities which bid fair to give the State, if fully developed, an excellent opportunity to draw visitors from the rest of the Nation.

Since the report was issued, I have joined with others interested in promoting a series of regional meetings within the State to consider how best we may implement the recommendations of the study. Now there has appeared a new booklet which takes the attractions the State can presently offer, presenting them in text and photograph as a new "tourist guide." This volume, published by the Indiana Tourist Association, was recently reviewed in the Indianapolis News. I ask unanimous consent that this article, by Antoni E. Gollan, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW INDIANA EMERGES—HOOSIER TOURIST GUIDE BOOK SPOTLIGHTS STATE ATTRACTIONS

(By Antoni E. Gollan)

Indiana is beginning to make a serious bid for the tourist trade.

Most recent evidence of this effort is the "1965 Indiana Tourist Guide," published by the Indiana Tourist Association, Inc. (Michigan City, Ind.). Complete with attractive color photography and directions for travelers, the booklet features descriptions of the State's many beautiful parks and recreation centers.

Even native Hoosiers may find the information useful, and may be reminded of the attractions of such areas as the Indiana Dunes region, which in the photographs looks for all the world like a seaside resort, and Brown County, which, with its picturesque town of Nashville, is a pleasant throwback to simpler days when the general store provided life's necessities and luxuries.

Hoosiers may also discover some surprising things about their State. For one thing, the booklet reveals that, for years, Indiana citizens have bought more Rolls-Royces and Bentleys than any other market in the United States. That may not stop New York or California in their tracks, but Hoosiers may consider the matter with wry amusement.

Moreover, Indiana now ranks among the top 10 States in industrial and agricultural production.

Since December of last year, in fact, Indiana has won position as the Nation's largest producer of steel, now ranking ahead of former leaders Pennsylvania and Ohio. The State also leads the Nation in production of biological drug products, musical instruments, phonograph records, and prefabricated homes.

Indianapolis itself boasts four of the country's largest manufacturing firms—Eli Lilly & Co., Stokely-Van Camp, Inland Container Corp., and P. R. Mallory Co.

And in the area of education, Indiana has more than 100,000 students enrolled in its colleges and universities, capped by Indiana University with a huge enrollment of 28,975. The State is pioneering new advances in aerospace research—and is holding its breath waiting to discover whether it will become the home of the largest nuclear reactor in the world.

Though the fertile Indiana farm soil still accounts for 40 percent of the State economy, the introductory theme of the tourist association's booklet makes it clear a new Indiana is emerging—one which is taking its place among the industrial and educational leaders of the Nation.

But the booklet's emphasis, of course, is on the Hoosier State's outdoor recreational facilities.

"Incorporated within Indiana's borders," the tourist association observes, "are surprisingly different wonders. Here, in this single State, you will find both the delicate beauty of cool, blue glacier-born lakes like those of Michigan to the north, and the rugged character of deep, water-hewn caves and rock-faced cliffs like those familiar to visitors to Kentucky on the south."

There are a full 21 developed and equipped State parks in Indiana, located in all sections of the State, and they hold a great variety of beauty to explore. The facilities and attractions of each area are outlined, as are the most convenient ways of getting there.

All in all, the Indiana Tourist Association has produced a fine helpmate to the visiting tourist and to the native Hoosier wishing to get better acquainted with his State. The booklet is well worth obtaining.

ECONOMIC POLICY—BALANCE OF PAYMENTS

Mr. HARTKE. Mr. President, on July 4, the day on which the Dillon Committee on International Monetary Reform was created, President Johnson named our Ambassador to Switzerland, Hon. True Davis, to be the new Assistant Secretary of the Treasury. While in Switzerland, Ambassador Davis brought a rare combination of diplomatic expertise and economic wisdom to the task of representing the United States in one of the world's great financial centers. I strongly applaud his appointment as Assistant Secretary of the Treasury at a time when international financial issues have become critically important.

In two speeches delivered 4 months and more than 4,000 miles apart, Ambassador Davis gave proof positive of his insight into the difficult and delicate area of international economic relations. Speaking in Lausanne, Switzerland, on February 24 of this year, Ambassador Davis summarized the then balance-of-payments posture of the United States—before the President's voluntary program of restraint had taken effect:

> In the common type of case, the balance-of-payments deficit results from structural weaknesses in the economy of the country. This is another way of saying that the country is living beyond its means. This is not so in the case of the United States. Ever since the end of World War II we have had a surplus in balance of goods and services, and in the last 2 years this surplus has risen at a rapid rate. This shows that the U.S. economy is basically healthy and competitive.

He went on to point out:

> The private sector of the U.S. balance-of-payments has traditionally recorded a surplus, even including the deficitary capital account. If it were not for the dollars sent abroad for military expenditures and foreign aid, the United States would not have a balance-of-payments deficit.

On June 24, speaking in Chicago, Ambassador Davis commented on the European impact of the President's emergency balance-of-payments program:

> The supply of dollars throughout Europe has become much scarcer. The effect of this in Switzerland can be seen in the rise of the dollar in the Swiss foreign exchange markets. In March, the rate approached 4.35 Swiss francs to the dollar, forcing the Swiss National Bank, for the first time in 3 years, to sell dollars on the market in order to keep the dollar rate within the limits fixed by the bank's policy. The dollar has remained close to this maximum rate ever since.

Now that Secretary Fowler and the entire Johnson administration has taken the lead in calling for international monetary reform, now that our success in ending the balance-of-payments deficit is threatening to produce even greater problems in the form of an international liquidity crisis, now that American leadership in the continuing struggle to defend world prosperity is so urgently needed—I congratulate the President upon his wise nomination of True Davis as Assistant Secretary of the Treasury.

I ask unanimous consent, Mr. President, that the two addresses from which I have quoted may appear at this point in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

SOME REFLECTIONS ON CURRENT U.S. ECONOMIC POLICY

(An address before the Swiss-American Society for Cultural Relations, Lausanne, and the Société d'Etudes Economiques et Sociales at Lausanne on Feb. 26, 1965, by Ambassador True Davis)

Your invitation to speak to you in Lausanne tonight was triply pleasing to me. First, because it gives me an opportunity to visit your beautiful city again and to get together again with some of the distinguished people I have had the pleasure of meeting here; second, because it gives me an opportunity to present the views of the United States on some international economic questions which have recently been very much in the public eye, and, third, because now that the mayor of your fine city, Mr. Chevallaz, has become an honorary citizen of Kansas City, in my own home State of Missouri, it is a little like coming home to have a reunion with a fellow citizen.

In my remarks to you tonight I shall try to emphasize those aspects of American economic policy which affect not only the United States, but also our trading partners and the leading international financial centers, of which Switzerland is a very important one. In view of the great degree of economic interdependence in the world of today, a subject of obvious interest to many countries is the state of the American economy. Europeans, and others, have good reasons for wanting to know whether the American economy is continuing its expansion or whether expansion will always be followed by a recession every 3 or 4 years. They are also interested in the relationship between the American domestic economy and the balance-of-payments deficit, and the relationship between the balance-of-payments deficit and America's international obligations. This leads naturally to the question of whether the economic problems of the United States detract from its willingness or ability to carry out its international responsibilities. Our friends abroad also have a legitimate interest in how well the dollar is performing its important role in the international payments system. I hope that my following remarks will help to clarify the views of the United States on these matters.

Under the administration of President Johnson the U.S. Government has undertaken a number of important new domestic economic programs. The national economy has been given an important stimulus by the tax cut. New and improved training programs are helping to combat the problem of unemployment. A bold new program has been instituted to help those people who for one reason or another have not been caught up in the mainstream of economic progress. The first bill placed before the new Congress would vastly extend the medical care available to the aged. The amount of public attention directed to these new domestic programs, together with a tactical flexibility shown by the United States in certain recent international negotiations, has led some foreign observers to jump to the conclusion that the United States is withdrawing in its shell—that it is becoming so concerned with its domestic affairs that it is losing its interest in its international responsibilities.

I hope to be able to demonstrate to you tonight that this is not so. I hope to be able to convince you—or in case there are no doubters among you anyway, to strengthen your belief—that the United States, although it may change its tactics as conditions change, has not lessened its willingness to face up to its international responsibilities; and that the United States continues to consider Western Europe crucial to the military defense, the political stability, and the economic progress of the free world as a whole. The importance we attach to our new domestic policies is not inconsistent with this. Continuing economic growth at home will make it easier for the United States to carry out its responsibilities abroad. Conversely, our acceptance of obligations to help defend the free world and to assist the less developed nations has had a significant effect on our domestic economy.

Developments in the European Economic Community, in EFTA, and in GATT, may well make great impressions in the interior of the North American continent. Americans have come to accept this interrelationship between America and Europe—between America and the world—as a permanent part of their national political picture. The Americans of today have accepted, in fact if not in law, a limitation on their freedom of national action which would have been inconceivable to the generation of Americans which rejected the League of Nations.

THE CURRENT ECONOMIC SITUATION IN THE UNITED STATES

At present the United States is experiencing a remarkable economic expansion. It is not remarkable so much for the rate of growth, which has been exceeded in a number of other countries and has been exceeded in other periods in the United States, but for two other features—the duration of the period of expansion, and the stability of prices. After the 1953–54 recession we had a 35-month period of expansion before the 1957–58 recession set in. This was followed only by 24 months of recovery before the 1960–61 recession. The current period of expansion has already surpassed that of 1954–56 in duration and within a few months will have surpassed any other peacetime American expansion on record.

Economists are agreed that current forces can be depended to carry the expansion on through 1965, and the U.S. Government is determined to see that it continues after that. As President Johnson said in his Annual Economic Report to the Congress last month: "I do not believe recessions are inevitable. Up to now, every past expansion has ended in recession or depression—usually within 3 years from its start. But the vulnerability of an expansion cannot be determined by the calendar. Imbalance—not old age—is the threat to sustained advance."

The second remarkable feature of our current period of expansion is that a substantial expansion of the economy, with increase in the gross national product from $503 billion in 1960 to $622 billion in 1964, was not accompanied by the usual inflationary trends. Wholesale prices in 1964 were practically the same as in 1960, and consumer prices rose only 1.2 percent per year. Since it is reasonable to assume that there has been an improvement in the quality of goods, of which the price index cannot take account, it is fair to say that the purchasing power of the dollar is no less today than it was in 1960. This has been made possible by the increase in productivity, which has averaged 3.5 percent a year, and thus permitted wages to rise without an increase in unit labor costs. I, of course, don't need to tell you about all the dangers of inflation. I would like to point out, however, that one important effect of America's ability to avoid inflation, while prices in most other countries rose, was to make American goods more competitive on international markets. Thus, U.S. exports have been increasing more rapidly than imports in recent years, giving us an ever-increasing foreign trade surplus. This, of course, has made a significant contribution to the improvement in our balance-of-payments situation.

THE 1964 TAX REDUCTION

I do not intend to try to discuss all the factors which have contributed to the current economic expansion in the United States. I would like to say something, however, about the role of the 1964 tax reduction in furthering economic growth, because of the change it represents from traditional American economic policy. This was the first time in history that the U.S. Government has cut taxes for the stated purpose of stimulating the economy. It is also interesting to note that the 1966 budget, based on a reduced tax rate, foresees an increase in Government spending but a decrease in the deficit. I think it may also be interesting to note that our Federal Government budget has been increasing at a slower rate than the gross national product. In the last 5 years our gross national product has increased by 27 percent, while the Federal budget expenditures have increased by only 23 percent.

It has been the American experience that in an economy with substantial unemployment and with productive capacity not fully used the ups and downs in business activity are caused not by changes in the buying habits of consumers, who always spend about 93 percent of their disposable income, but by fluctuations in the volume of disposable income in their hands. Thus the idea behind the tax cut was simply that if more money were put into the hands of consumers they would buy more, production would rise, employment would rise, investment would rise, and, as incomes and profits rose, tax receipts would rise, even under a lower tax rate. Events so far seem to have proven this reasoning valid. The tax cut directly added $7.7 billion to disposable income in 1964 and is estimated to have caused consumer spending to increase by $9 billion. The increased demand resulting from the tax cut also spurred an increase in business investment. In view of the time lag between stimulus and investment, we may assume that a good part of the investment stimulated by the tax cut is still ahead of us. This investment, in turn, will add to income and thus create additional demand, in what is customarily referred to as a "vicious circle," although in this instance we are inclined to think of it as a "virtuous circle" instead.

UNEMPLOYMENT

In spite of the progress we have made since the last recession, there are still a number of economic tasks which the United States has to perform. In the international area, the two most important tasks are to solve our balance-of-payments problem, and to assist the developing countries to raise their standards of living and to assume roles of greater importance in world trade. In the domestic sphere, our most urgent task is to abolish unemployment. The social and political reasons for setting up this goal are obvious. There are economic reasons, too. Our national product is less than it would be if those who are now unemployed were producing. If they were working they would also be earning and spending more, and would thus increase demand and add another stimulus to the upward movement of the economy.

To Western Europeans accustomed to worrying about a shortage of labor, it may seem strange to think of a country so rich and productive as the United States as plagued by unemployment. An important reason for the continued existence of unemployment in the midst of plenty is the fact that American industry has prepared for the future, by finding ways to reduce the need for unskilled labor, better than American society in general has done by training workers in the skills needed in the future.

BALANCE OF PAYMENTS

The second unfinished economic task, and the most urgent one in the international field, is to correct our balance-of-payments situation. Much progress has already been made. Our balance-of-payments deficit has been reduced from over $4 billion in 1959 to $3.3 billion in 1963 and $3 billion in 1964. Furthermore, if we excluded from the calculation of our deficit, as many other countries do, the increased holdings of dollars by private firms and individuals abroad, our deficit in 1964 would have amounted to only $1.3 billion. This way of looking at the matter still does not do away with our need for further action, but it does give some indication of the confidence which private individuals throughout the world have in the dollar. Still more needs to be done if we are to maintain confidence in the dollar to keep it indispensable to the international payments system.

Before going into a discussion of the components of our balance-of-payments problem and how we expect to solve the problem, I would like to stress two general points about the balance of payments of the United States. The first is that there is a profound difference between the American payments problem and the payments problems which various other countries have had in recent years. In the common type of case, the balance-of-payments deficit results from structural weaknesses in the economy of the country which lead to deficits in the current account. This is another way of saying that the country is living beyond its means. This is not so in the case of the United States. Ever since the end of World War II we have had a surplus in our balance of goods and services, and in the last 2 years this surplus has risen at a rapid rate. This shows that the U.S. economy is basically healthy and competitive. We, of course, have a deficit in the capital account which outweighs the surplus on goods and services and thus causes an overall deficit. This is not a sign of economic weakness, either. American investments in foreign countries today will bring about increased earnings tomorrow. Thus the outflow of investment capital, even though it gives us concern today, will in the long run contribute to an improvement in our balance-of-payments situation.

The second point I wanted to make is that the private sector of the U.S. balance of payments has traditionally recorded a surplus, even including the deficitary capital account. If it were not for the dollars sent abroad for military expenditures and foreign aid, the United States would not have a balance-of-payments deficit. These items once represented a greater part of our balance-of-payments deficit than they do today, but measures instituted by President Kennedy reduced the dollar outflow for these programs, chiefly by tying most military and economic aid to the procurement of goods from the United States. We have not terminated our commitments for the defense of our allies or escaped our duty of extending assistance to the developing countries. Nor would we wish to unless a greater willingness by others to shoulder a fair share of the burden makes it possible for us to reduce our contribution even without jeopardizing the goals. Thus we still have to maintain large numbers of men abroad, military personnel, aid technicians, etc., together with their wives and children who alone total over 800,000. The cost of housing and feeding all these people constitutes a significant drain on our foreign exchange—as does that part of their salaries which they spend abroad (and from my observation I would say they spend most of their salaries abroad).

Now, as you are undoubtedly aware, the greatest part of our military expenditures are in Europe, and will continue to be so in the foreseeable future. While most of our foreign aid expenditures are in the other continents, it is Western Europe that is best able to share the aid burden with us. I think, therefore, that it is fair to consider the question of how great America's foreign expenditures for defense, and aid must be, to be a question falling within the realm of American-European relations. We have not sought the responsibilities which we now bear. We have not coveted foreign territory, nor have we sought political or economic privileges. We have only sought to help preserve the independence of countries threatened by military aggression and to help needy countries get onto the road to economic progress. Only with political stability and a leveling of economic disparities can the world as a whole move toward a better future.

When most of the countries of Western Europe were left prostrate at the end of World War II and were threatened with military aggression, economic chaos, and in some cases political turmoil, we willingly came to their aid. We extended a total of almost $40 billion in aid to Western Europe, most of which was in the form of grants. In addition, we accepted the main responsibility for the defense of Western Europe and stationed large numbers of troops here. When Europe had sufficiently recovered, we turned our attention to the underdeveloped countries of the world, where poverty and lack of technical skills frustrated attempts to better the conditions of life. For years we were practically the only source of aid to these nations. Now that Western Europe has not only recovered from the ravages of war, but has attained a degree of prosperity undreamed of when the Marshall plan began, it is appropriate to ask whether Western Europe should not bear an even greater part of the military and foreign aid burdens which we took up when Europe was not able to do so.

It is clear that economically Western Europe is able to play an even greater role in its own defense than it now does. In the political field, however, European preparedness is weaker. For Europe to achieve greater effectiveness in the military field, it must be prepared to subordinate national aspirations to the common good. It was in such a spirit that during the First World War we were proud to have our troops serve under the command of Marshal Foch, because we recognized that France was bearing the burden of responsibility for the success of the allied cause. Responsibility and influence inevitably go hand in hand. Thus those who say they would like to see a lessening of American influence might consider offering to assume part of America's responsibilities.

Before leaving the balance-of-payments question I would like to say a few words about the measures announced by President Johnson on February 10 for the purpose of slowing down the excessive outflow of capital. As I mentioned before, if we could dispense with our military and aid expenditures abroad we would not have a balance-of-payments deficit. We have no thought, however, of shirking our international responsibilities. Thus we have had to see where a reduction of the dollar outflow would do the least harm. To place any restrictions on imports would have been so contrary to our basic foreign trade policy as to be out of the question. This left private capital transactions as the only area in which reductions of any great size might be effected.

As you know, in order to counter a sharp rise in sales of foreign securities in the United States the interest equalization tax was applied to such sales effective July 19, 1963. When the decline in sales of foreign securities was followed by an increase in bank loans and other credits, it was a logical step to apply the tax to them as well. The most controversial parts of the program announced by President Johnson this month have been the voluntary programs to restrain direct investment and short-term loans, and the omission of any reference to plans to increase the interest rate. With reference to the suggestion, made principally by bankers, that an increase in interest rates would be the only correct solution to our problem, I would only like to say that such a step would be less difficult in Western Europe, where full employment is the rule, than in the United States, any step which might slow down the economic expansion might intensify our unemployment problem.

I have heard suggestions, both in America and abroad, that our voluntary programs for the restraint of loans under 1 year and of direct investment are unrealistic, and that we should have imposed formal controls in these fields, too. The reason we did not, is that we do not wish to discourage all transactions in these fields to the same degree. Many of the short-term credits serve useful and desirable purposes, such as the furtherance of international trade. Direct investments, too, vary considerable in their usefulness and in their importance to the companies concerned. Some of them involve not dollars, but profits earned abroad. These funds would be difficult to bring under U.S. Government formal control, but we might, by informal consultation, have some of them repatriated to the United States.

Another reason for our reluctance to impose a rigid hindrance on direct investment is that experience has shown such investment to be a powerful stimulant to American exports. In fact, almost one-fourth of American exports are bought by foreign subsidiaries of American firms. A simple tax would not permit the desired flexibility of treatment. Some type of foreign exchange licensing system would be required. This would involve a more direct Government intervention in private enterprise than we would like to see.

With respect to the idea that the voluntary programs are unrealistic, I would like to say that we are not naive about such matters, but believe we have solid reasons for our optimism. One is that the number of large firms engaged in direct investment abroad and large-scale lending aboard is relatively small. This greatly reduces the problem of insuring uniform action. Another is that the program was formulated after consultation with the banks, who promised their full support. In the short 2 weeks since the program was announced we have already seen some striking evidence that American banks and corporations intend to support it in good faith. On the day the program was announced the president of a large American corporation called the Secretary of Commerce to inform him that his firm had planned a $72 million direct investment abroad, but that he now planned to reduce it to $60 million and would explore the possibility of cutting out another $15 million. A few days later we learned that a European consortium had approached some American banks to request a loan of $200 million for a period of 11 months—just under the year which would have made the loan subject to the tax. The Europeans requested a "gentlemen's agreement" that at the end of the 11 months the loan would be "rolled over" for an additional 11 months. The American banks refused the proposal as contrary to the spirit of the new program, and reported the offer to the Treasury Department. Of course a voluntary program always entails a certain risk. But we are not going to be panicked into imposing more controls than the situation clearly makes necessary.

I should like to make one last comment on the subject of American direct investment abroad. A good number of countries, including some which express concern at the volume of American investment, still have in effect measures which tend to encourage foreign investment in their countries or which discourage their own citizens from investing abroad. It seems to us that there should be no place for such measures in countries which are not suffering from balance-of-payments deficits. Another factor which should not be overlooked, is that a very large part of American direct investment abroad was stimulated by the formation of the European Economic Community. As internal tariffs among the six EEC member countries have been reduced, exports from the United States to the Common Market have become subject to an increasing competitive disadvantage. Many American firms have attempted to overcome this disadvantage by setting up plants within the Common Market itself. It was this discrimination against American goods which prompted the United States to take the initiative in bringing into being the Kennedy round in GATT. If the EEC and all the other participants cooperate in good faith to bring about the greatest possible reduction of trade barriers in the Kennedy round, the incentive to American manufacturers to get over the common external tariff by establishing plants within the Common Market, will be greatly reduced.

Let those who point at our balance-of-payments deficit as a sign of weakness, or who criticize us for our handling of it ask themselves whether they are doing all they might do to contribute to the defense of the free world and to assist less-privileged nations to improve their standards of living. Let them ask themselves whether they are doing all they could to prevent the creation of artificial conditions which stimulate unnatural flows of capital. Let them ask themselves whether they are keeping in effect unnecessary measures to attract foreign capital and to hinder their citizens from investing abroad.

THE INTERNATIONAL MONETARY SYSTEM

There are those who argue that the persistence of U.S. balance-of-payments deficits indicates a weakness in the dollar which should be a warning against continued reliance on the dollar as one of the most important media of international exchange. President Johnson flatly challenged this line of thought in his report to the Congress on February 10, when he said:

"The state of the dollar in the world today is strong—far stronger than 3 or 4 years ago. The strength of our dollar is backed by—

"The world's most productive and efficient economy;

"The world's largest supply of gold;

"The world's strongest creditor position based on $88 billion of public and private claims against foreigners, $37 billion greater than their claims against us;

"The world's most favorable trade position.

"Clearly, those who fear for the dollar are needlessly afraid. Those who hope for its weakness, hope in vain. A country which exports far more than it imports and whose net asset position abroad is great and growing is not 'living beyond its means.' The dollar is, and will remain, as good as gold, freely convertible at $35 an ounce."

Now, as you are all aware, President Charles de Gaulle has recently made a proposal that the present gold exchange system of international payments be abandoned and that all countries return to the full gold standard, which collapsed in 1931 after bringing us all to disaster. Quite aside from the practical objections to this proposal, it is contrary to the trend of monetary theory and practice in all countries. As an economic writer observed recently, the entire history of money consists of a ceaseless search for more and better ways of avoiding cash payments. In trade between nations, as well as in trade between private parties, it is necessary to create instruments providing sufficient flexibility so that temporary imbalances do not disrupt the orderly progress of commerce. A payments system based on gold alone would not have the needed flexibility.

We must assume that the French proposal envisages a substantial increase in the price of gold, since otherwise, the sponsors of the proposal surely recognize, it would result in such a contraction of international liquidity as to have disastrous effects on world trade. Now, the United States would receive certain benefits from an increase in the price of gold. Since we have the world's greatest gold stock, we would benefit more than any other country from the increase in value of that stock. Also, the United States is still an important producer of gold, although not nearly so important as it once was. In the second half of the 19th century we were the world's greatest gold producer, and as late as the 1920's we were second only to South Africa. Our gold deposits are still far from depleted, although the richest ones were naturally exploited first. But the determination of the U.S. Government to prevent a rise in the price of gold, while mining costs increased steadily, drove many of our gold producers to suspend operations. I myself have toured Alaska, where I have seen some 20 placer mining installations, now standing idle with their machinery rusting. An increase in the price of gold would call these installations back into life overnight.

However, there are much stronger reasons for our refusing to increase the price of gold. In dealings between nations, as in dealings between private persons, successful permanent relationships must be based on mutual trust. Each partner's actions must be based on a sense of honor. For us to raise the price of gold would mean a cheapening of the dollar. It would mean, in effect, refusing to pay our debts in full. This would, quite naturally and properly, destroy faith in the United States and in its dollar. Thus one of the principal supports of the present international monetary system would crumble. We cannot and will not allow this to happen.

In any case, to increase the price of gold would not solve anyone's problems in the long run. It would confer an immediate one-time benefit on those who have been hoarding gold, and it would confer a permanent benefit on those who produce gold—principally the Soviet Union and South Africa—but all countries would still have to make the same effort to keep their international payments in balance and arrangements would still have to be made to bridge over temporary imbalances. Instead of devoting thousands of men, and millions of dollars to digging more yellow metal out of the ground just to be put back into the ground in bank vaults, it would perhaps be more economical to devote a few dozen financial experts to the study of how to improve and expand our present international payments system.

For these reasons the United States is determined to maintain the price of gold at the present level of $35 per ounce. I think it is well for all to realize, too, that as things are in the world today, neither France nor anyone else can bring about an increase in the price of gold in the face of American determination to keep the price unchanged. Only the United States could change the price of gold, and the United States will not do so.

CONCLUSION

In conclusion I would like to reiterate that the U.S. economy has been growing in strength and will continue to grow. The dollar has been getting stronger every year and will get even stronger in the years to come. The strains that had been placed on the dollar would not have come about if the United States had not accepted the responsibilities which were thrust upon it to look after the economic well-being, and the military defense, of its friends in the free world. In its foreign affairs the United States will continue to center its attention on Europe. We have invested more in the economic recovery and the military defense of Western Europe than of any area of the world. We consider that these investments have paid off well. Europe has now achieved unprecedented prosperity and is more secure in its defenses than at any other time since the end of the war. However, now that Europe is fully able to do so, it is time for Europe to accept a greater share of the responsibility for the security and progress of the free world. And I mean not only financial responsibility, but also moral responsibility. For without moral responsibility, particular interests may impede the kind of sincere cooperation which alone will advance the interests of the free community of nations as a whole.

SWITZERLAND'S ROLE IN OUR BALANCE-OF-PAYMENTS PICTURE

(An address by the Honorable True Davis, American Ambassador to Switzerland, at a luncheon sponsored by the Continental National American Group in Chicago, Ill., on June 24, 1965)

Today I wanted to speak to you about the U.S. balance-of-payments problem and the international monetary system. As you are aware, there have been many speeches recently by public figures explaining what our balance-of-payments problem is, how it got that way, and how we are going to cure it, and many speeches for and against the present international monetary system, and for and against the systems proposed to replace it. I thought that it might be more interesting to you if I approached the subject from a somewhat different angle. I therefore plan to speak to you primarily about how Switzerland fits into this whole picture.

You have heard a lot recently about the United Kingdom's balance-of-payments crisis and the international action to support sterling. You keep hearing too, that West Germany's problem is the opposite of ours and Britain's, that the Germans are concerned because they are taking in too much money. You hear also about French purchases of gold from the United States and about General de Gaulle's proposal to return to the gold standard. You do not hear much about Switzerland in this connection, though. It may therefore be interesting to see what connection there is between a country as small as Switzerland and the United States balance of payments. A few facts will suffice, I think, to demonstrate that Switzerland has an importance in the financial world much greater than its size and population would suggest. Many people may not be aware, for example, that Swiss firms and individuals are the largest foreign holders of U.S. corporate stocks, holding a portfolio with an estimated total value of almost $4 billion. In addition, Swiss firms have direct investments in the United States with a total value of over $800 million—considerably more than the aggregate value of American direct investment in Switzerland. It is true that some of the American securities recorded as being held by Swiss banks may actually be owned by persons in third countries, nevertheless, I think these figures give some idea of the international importance of the Swiss financial community.

SWISS-UNITED STATES TRADE

As you all know, foreign trade is the largest item in the balance of payments of most countries and the foreign trade balance is the largest positive item in our balance of payments. Our income from exports of goods and services is more than adequate to pay for our imports and to cover our other current expenditures abroad. Bilateral trade between the United States and Switzerland fits into the general U.S. foreign trade picture. Switzerland consistently buys from the United States more than we buy from Switzerland. On a per capita basis Switzerland buys more American goods than any other country except Canada. Our leading export to Switzerland is construction machinery and equipment, which happens to be the product of the American industry most dependent on the export trade, selling 35 percent of its total production abroad. You might think that because of its persistent foreign trade deficit Switzerland would tend to try to restrict imports and to protect its domestic industries. The Swiss have taken a longer range view, however, and have followed a trade policy based on liberal principles. Thus the Swiss have enthusiastically supported the initiative launched by the United States for a far-reaching reduction of tariffs in the current Kennedy round in GATT.

SWISS INVESTMENT IN THE UNITED STATES

The activity of Swiss investors in the United States has some importance for the U.S. balance of payments. They have been for years the leading foreign buyers of American corporate stocks, and are estimated to hold a portfolio totaling almost $4 billion. During the earlier years of our balance-of-payments problem, Swiss purchases of U.S. stocks made a useful contribution to lessening our deficit. In 1959, for example, net Swiss purchases of American corporate stocks totaled $215 million. Over the next 3 years net purchases by Swiss investors averaged $130 million per year. In 1963, however, Swiss sales of U.S. stocks exceeded purchases by $25 million and in 1964 net sales rose to $214 million. In both these last 2 years Swiss investors were still the leading foreign buyers of American stocks, actually buying more than before, but Swiss sales increased at an even more rapid rate, thus leading to a net outflow of capital from the United States.

You can see from this that in the period when the outflow of private capital became an increasingly important element in our balance-of-payments deficit, the actions of Swiss investors also tended to have an adverse effect on our balance of payments. On the other hand, the volume of new American investment in Switzerland was probably quite small, for reasons which I will explain shortly. Thus, while there was a substantial flow of capital from the United States to Switzerland last year, this flow was different in nature from the flow to other Western European countries. The main item in the flow to Western Europe as a whole was new direct investment by American firms, which represented a new outflow of capital of $1.2 billion. The main item in the flow to Switzerland, on the other hand, was capital repatriated by Swiss investors.

SWISS ANTI-INFLATION PROGRAM

There were probably several reasons for the liquidation by Swiss investors of such substantial holdings of U.S. stocks last year, including unduly pessimistic predictions by some Swiss regarding the future of the American stock market. A major factor, however, was undoubtedly the effect on the Swiss capital market of the anti-inflation program instituted by the Swiss Government early last year. This program is embodied in three decrees designed to cool off the "overheating" of the economy. The most important of these is the credit decree, which forbids the payment of interest on foreign money coming into Switzerland after January 1, 1964, and prohibits the investment of foreign capital in Swiss securities, real estate, or mortgages. The other two decrees are a construction decree, which places most nonresidential construction under licensing controls, and a decree limiting the employment of foreign labor by Swiss firms.

The credit decree was intended to block the inflow of foreign capital, which was considered to be feeding the overexpansion of the economy and thus contributing to inflationary pressure. This decree, of course, discouraged American investment in Swiss capital even more effectively than our interest equalization tax did. Although it did not cover direct investment by foreign firms in Switzerland, it did, together with the other anti-inflation decrees, create an unfavorable climate for such investment. In fact, more American firms have left Switzerland during the past year than have come in, and other American firms have transferred part of their facilities from Switzerland to Brussels and other European cities. Thus, although the figures are not yet available, it is safe to assume that there was no significant increase in American direct investment in Switzerland during 1964.

Throughout most of 1964 the credit decree did not seem to be having the intended effect of reducing demand and thus lessening inflationary pressures. The reason for this is that the decree placed no restrictions on the repatriation of Swiss capital from abroad. Thus Swiss firms which were determined to expand and found money harder to raise on the domestic market, liquidated some of their foreign holdings to raise the necessary funds. The influx of dollars into Switzerland reached such a volume in the second quarter of 1964 that the Swiss National Bank felt constrained to withdraw some $300 million from the market in order to keep the rate for the dollar from falling below the minimum fixed by the bank's exchange rate policy. This action, of course, added to the volume of Swiss francs in domestic circulation, and thus tended to fan the inflation which the Government was trying to combat. To counteract this, therefore, the Swiss National Bank withdrew 225 million francs from the market in August by issuing treasury bonds. The National Bank then invested the proceeds of the sale of these bonds in U.S. Treasury bonds denominated in Swiss francs (Roosa bonds). This, in effect, represented a contribution of some $50 million to the financing of the U.S. balance-of-payments deficit for last year. It also brought the Roosa bonds held by the Swiss National Bank to a total of $100 million.

By causing Swiss firms to repatriate their foreign investments, including those in the United States, the Swiss Government's anti-inflation program has so far tended to have an adverse effect on the U.S. balance of payments. However, if the anti-inflation program should succeed in its overall objective of slowing down the level of economic activity in Switzerland, there should be a letup in the demand for capital and consequently less repatriation of capital from abroad.

EFFECTS OF THE CURRENT U.S. BALANCE-OF-PAYMENTS PROGRAM

When President Johnson announced our current balance-of-payments program on February 10, the Swiss were pleased that vigorous measures were being taken to correct the situation, but they had certain reservations. They thought that a better way of handling the problem of capital outflow would have been to raise interest rates in the United States. They were also skeptical about the effectiveness of the voluntary parts of the program. The effects of the new program were soon felt strongly in Switzerland, however, and skeptics have now been reduced to wondering whether the voluntary cooperation of American business will be as enthusiastic a year from now as it is at present.

Since the institution of our current balance-of-payments program, a number of American firms, which previously had supplied money from the United States for the needs of their European subsidiaries, have been borrowing in Switzerland instead. The supply of dollars throughout Europe has become much scarcer. The effect of this in Switzerland can be seen in the rise of the dollar in the Swiss foreign exchange markets. As I mentioned earlier, in the second quarter of last year the dollar fell to 4.31 Swiss francs, at which point it is the policy of the Swiss National Bank to step into the market and buy dollars in order to keep the rate from falling any further. The price of the dollar rose slightly in the third quarter, but fell again the fourth. After President Johnson's February 10 message, however, the rate for the dollar began to pick up. In March the rate approached 4.35 Swiss francs to the dollar, forcing the Swiss National Bank, for the first time in 3 years, to sell dollars on the market in order to keep the dollar rate within the limit fixed by the bank's policy. The dollar has remained close to this maximum rate ever since.

REFORM OF INTERNATIONAL MONETARY SYSTEM

The balance-of-payments difficulties of the United States and the United Kingdom—the countries whose currencies are the leading ones used for international payments and reserve purposes—have led to increased discussion of whether the present international monetary system is in need of modification.

Switzerland, as one of the world's leading financial centers, naturally has a keen interest in this question. The most striking of the recent proposals made for a change in the present system is that made in February by President de Gaulle of France calling for the settlement of balance of payments deficits between countries in gold alone.

I am sure you are familiar with the U.S. Government's views on the proposed return to the gold standard. You might therefore prefer to have me tell you about the views on this matter I have heard from Swiss bankers and Government officials. Many Swiss bankers are more convinced than we are that the present international monetary system is becoming inadequate to meet the needs of the world economy, and must therefore be improved or supplemented. Most of them agree. however, that the world needs a monetary system with the flexibility to adapt to changing conditions. They see clearly that a return to the gold standard would not provide this flexibility.

Dr. Samuel Schweizer, chairman of the board of the Swiss Bank Corporation, Basel, expressed what I think is a typical Swiss view of the future role of the dollar, in his address to the bank's stockholders in March. Dr. Schweizer said: "Whatever the new monetary system devised, there is no doubt that the U.S. dollar would be automatically assigned a dominant role by the very power of the American economy. On the other hand, this fact imposes upon the American government and the American economy duties which may not in the past have received all the attention due to them." I should also like to quote one other comment of Dr. Schweizer's since remarks of this nature are not too often heard in Europe today. Concluding his remarks on the international monetary system, Dr. Schweizer said: "It might be recalled in Europe more than anywhere else that not many years ago the monetary problem of our time—quoted and discussed from every angle—was the so-called dollar gap, until Marshall aid—now also apparently forgotten—brought about a decisive change. In those days no complaints were voiced about an excessive creation of credit by the Americans."

The official Swiss view of President deGaulle's proposal was given by Dr. Schwegler, the chairman of the board of directors of the Swiss National Bank, in his address to the Bank's annual general meeting on March 27. Dr. Schwegler commented as follows:

"In the light of experience with the gold exchange standard in the last few years, it cannot be said that the French proposal is illogical or inconsistent. However, the question arises of whether the system as proposed by France would make sense and could function satisfactorily under present conditions.

"Obviously, a gold standard system would only be viable if accompanied by a large increase in the price of gold. Prof. J. Rueff has expressed the opinion that the introduction standard would necessitate an increase in the gold price from $35 to $70 per ounce. Such a rise would mean that the value of gold held by the Western monetary authorities would be increased from $43 to $86 billion. In other words, an artificial creation of money of huge proportions would occur. There can be no doubt that this would pave the way for a worldwide inflation, the repercussions of which would far overshadow those of the so-called dollar inflation. An increase in the price of gold could be felt as a shock by the mass of the population and would undermine confidence in the authorities, for it is well known who generally benefit and who suffer from inflation. In conclusion it can be said that the idea of a return to the gold standard, while containing an element of truth, appears unrealistic and dangerous."

Before closing, however, Dr. Schwegler voiced mild criticism of the way the present system has been managed. He said:

"Admittedly, the gold exchange standard is not perfect. But its defects lie not so much in the system as such as in the fact that important participants in this system have in the past not paid sufficient attention to the rules for the proper management of the international machinery."

To sum up, while the Swiss feel that it may become necessary to improve the functioning of the present monetary system, no set formula is likely to bring this about. What is needed, they feel, is greater self-discipline on the part of all the major countries and, above all, increased international coordination and cooperation in a spirit of good will and mutual confidence. They see the dollar continuing to play a dominant role in international trade and payments, and, unlike some countries, view this prospect with satisfaction rather than alarm.

SOME COMMENTS ON SWISS BANKING

Before closing, I would like to make a few general remarks about Swiss banking. You may not be surprised to hear that in proportion to its population Switzerland has more banks than any other country in the world. There are some 450 banks with over 4,000 offices in Switzerland, serving a population of less than 6 million. In fact, there are more bank savings accounts in Switzerland than there are people. In addition, there are over a thousand companies and institutions with quasi-banking functions. Five big banks handle over one-third of Switzerland's banking business and predominate in international banking. Another third of Switzerland's banking is handled by the cantonal banks. The rest is handled by the hundreds of local banks, savings banks, etc. The Swiss National Bank is the central bank of the country. It has less power over the capital and money markets, however, than do central banks in most other industrial countries. It has no power, for example, to require the banks to maintain any certain level of reserves, and it cannot engage in open market operations. Furthermore, since the Swiss banks depend relatively little on National Bank credit, its official discount rate plays only a minor role in determining the cost of money. However, since the Swiss banking community is a fairly close-knit community with common interests and outlooks, the National Bank has been able to exercise a substantial degree of leadership by getting the leading banks to adhere to gentlemen's agreements to achieve various objectives.

I mentioned that in Switzerland there are many institutions which, although they are not banks, perform quasi-banking functions. The Swiss banks, likewise, perform certain functions which in our country are not considered banking functions. The most important of these is that the Swiss banks act as underwriters and stockbrokers. I have heard it said, in fact, that most of the stockbrokerage in Switzerland is actually handled by the banks, rather than by brokerage houses as such.

One subject that always comes up whenever you talk about Swiss banking is Swiss banking secrecy and the much talked about numbered accounts. To see this subject in its proper perspective one must take a look backward into Swiss history. Switzerland's tradition of neutrality has repeatedly made Switzerland a haven for refugees of religious, political, and racial persecution. In the 17th century thousands of French Huguenots fleeing religious persecution came to Switzerland. Some of these became bankers and for obvious reasons, had to maintain secrecy regarding their affairs with clients back in their homeland. A similar situation came about when a stream of French refugees poured into Switzerland following the French Revolution. A direct connection between Swiss neutrality and banking secrecy is clearly seen in the fact that it was Hitler's persecution of the Jews which led to the Swiss banking law of 1934, the present legal basis of Swiss banking secrecy. Following Hitler's rise to power in 1933, Swiss banks came under increasing pressure to reveal information about the accounts of German clients, especially Jews—feeling that, under the circumstances, a client whose confidence was betrayed might not be in a position to get adequate redress through the civil action available to him, the Swiss passed a new law making the violation of banking secrecy a criminal offense.

Swiss banking secrecy, contrary to what many people suppose, is not absolute. In a number of circumstances, Swiss bankers are required to divulge information about the affairs of their clients. They have an obligation to give information to private citizens who have certain rights regarding an account, such as rights of inheritance, family rights, or rights of guardianship. Bankers must supply information to the Swiss authorities when a criminal proceeding is underway and there is reason to believe that the money in the account is connected with the crime in question. Swiss bankers may even be compelled to give information to foreign authorities if related to a criminal proceeding involving a crime covered by an extradition treaty between Switzerland and the foreign country.

The holder of a numbered account acquires no immunity from the possibility that his banker may be compelled to give information under one of the circumstances I have just mentioned. What he does acquire is a certain extra assurance against improper passing on of information about his affairs by, say, one of the clerical employees of his bank. It also keeps his identity hidden from the independent auditors who go over the bank's books. In fact, the practice of using numbered accounts only became frequent after the 1934 law compelled the banks to call in independent auditors. The holder of a numbered account is not, however, anonymous. He must be known to the top officials of the bank, and they could be compelled to give information about his account if he were to become involved in a criminal procedure. The lower level personnel of the bank, however, would know only his number, and would therefore not be in a position to gossip about his affairs. Among the closemouthed Swiss, though, the numbered account seems an unnecessary double precaution, and I understand that its use is diminishing.

CONCLUSION

In conclusion, I think it is fair to say that the United States and Switzerland have pretty much the same goals in the international economic field. We are both earnestly striving to reduce trade barriers in the Kennedy Round. We both want to see an orderly development of the international monetary system, without any radical disruptive changes or any academic reliance on formulas which would reduce flexibility. We both believe in the importance of assisting the developing countries—a field in which Switzerland has a modest but increasing program. The Swiss wish us well in our efforts to eliminate our balance-of-payments problem and look forward to a dominant role of the dollar in the international payments system of the future. We should consider ourselves lucky to have Switzerland working toward the same goals as we are in so many important matters, because in spite of its small size, Switzerland knows a lot about handling money.

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

Mr. HARRIS. Mr. President, I move that the Senate go into executive session to consider nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to consider executive business.

If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

NOMINATIONS IN THE PUBLIC HEALTH SERVICE PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. HARRIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. HARRIS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. HARRIS, and by unanimous consent, the Senate resumed the consideration of legislative business.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

Mr. HARRIS. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. Bass in the chair). Is there objection? The Chair hears none. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

Mr. HARRIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Alaska [Mr. GRUENING] on a nongermane subject without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER UNITED ARAB REPUBLIC VIOLATIONS OF FOOD FOR PEACE PROVISIONS

Mr. GRUENING. Mr. President, in the course of the past 2 weeks the Comptroller General of the United States has released two reports that are significant contributions to the long list of violations of aid agreements that have been committed by the United Arab Republic.

In addition to pointing out violations of aid agreements by the United Arab Republic, the reports reconfirm all of our fears concerning the bungling, vacillating, and totally inadequate policy of the State Department in the Middle East.

These reports are further evidence of why the Harris amendment to the Foreign Assistance Act of 1965, which would cut off aid to Sukarno's Indonesia and to Nasser's United Arab Republic, should be retained in conference.

In 1963, the Senate adopted an amendment, which I proposed, to the Foreign Assistance Act of 1963 which provided that no further assistance and no further sales under Public Law 480 should be made to any nations found by the President to be "engaging in or preparing for aggressive military efforts against any country" receiving assistance from the United States. That amendment was adopted, and is now the law of the land.

Since that time, despite the United Arab Republic's continued aggression in Yemen, its active support through the furnishing of arms to the rebels in the Congo, its supplying of arms to Cyprus to promote strife there, its continuing threats to destroy the independent nation of Israel, and its continuing boycott of that country and the perpetuation of a declaration of war against it, our President has not made the necessary finding that the United Arab Republic is an aggressor within the meaning of my amendment.

This year the Senate voted 73 to 13 for an amendment to the Foreign Assistance Act of 1965—proposed by the able and distinguished Senator from Oklahoma [Mr. HARRIS]—that would prohibit any kind of aid to Indonesia or the United Arab Republic "so long as they continue to commit aggression."

The Harris amendment refines my amendment. It improved on it.

Without binding the hands of the President, under the Harris amendment, if adopted, Congress would be making the finding that both the United Arab Republic and Indonesia are aggressors within the meaning of the law. This would still leave the President perfectly free to find, whenever he feels that the facts so justify, that either or both of these countries are no longer aggressors, and thereby are again eligible to receive U.S. foreign assistance and to purchase grain and fiber under Public Law 480.

On June 23, 1965, I inserted into the RECORD facts that had come to my attention which indicated a serious and illegal misuse of wheat sold to the United Arab Republic under title I of Public Law 480.

In my speech on June 23 I showed how violations of her agreements with the United States and disregard of section 101(a) and section 304 of Public Law 480 have enabled Egypt to:

Support the economies of countries behind the Iron and Bamboo Curtains;

Support the Cuban economy by shipping more than 62,000 metric tons of rice to Cuba in 1964 alone;

Adversely affect the U.S. balance of payments at the rate of more than $15 million a year;

Expand Nasser's brand of economic and political socialism;

Deprive the people in Egypt of food intended for them; and

Carry on an aggressive war in Yemen at a cost of over $2 billion to date.

The recent reports issued by the Comptroller General of the United States shed further light on our maladministered aid program in Egypt.

The first report to which I refer is titled: "Displacement of Commercial Dollar Sales of Tallow to the United Arab Republic." The report clearly demonstrates that about $5.5 million in commercial sales of tallow were displaced by sales for local currency carried out under title I of Public Law 480, our food-for-peace program, between 1962 and 1964.

This was done by the United Arab Republic in direct violation of section 101(a) of Public Law 480 which states that in negotiating agreements by which surplus agricultural commodities of the United States are exchanged for local currency:

> The President shall (a) take reasonable precaution to safeguard usual marketings of the United States and to assure that sales under this Act will not unduly disrupt world prices of agricultural commodities or normal patterns of commercial trade with friendly countries.

Due to the present excess currency situation in Egypt, this means that the United States made an outright gift of $5.5 million to President Nasser's foreign exchange coffers to spend in any way he wanted, including the carrying on of aggressive wars in the Middle East and aiding rebels in the Congo.

It means that $5.5 million was subtracted from the U.S. balance of payments during a period when we were having serious balance-of-payments difficulties.

It also means that to the extent that the supply of tallow was not increased in the United Arab Republic, the people who use tallow in the United Arab Republic had to pay a higher price for the tallow they used.

Due to the importance of this report, issued by the Comptroller General, I ask unanimous consent to have substantial portions of the report printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, the second report recently issued by the Comptroller General of the United States to which I refer is entitled "Questionable Grant of Corn to the United Arab Republic Under Title II, Agricultural Trade Development and Assistance Act of 1954."

This report discloses one of the most disgraceful acts of international chicanery ever perpetrated in connection with our foreign assistance programs.

Under title II of Public Law 480, the food-for-peace program, the President is enabled "to furnish emergency assistance on behalf of the people of the United States to friendly peoples in meeting famine or other urgent or extraordinary relief requirements."

Title II of Public Law 480 thus authorizes the shipment of surplus agricultural commodities to people beset by famine or in need of relief for other reasons. It is a clear indication of the compassion of the people of the United States for the starving peoples of the world.

On October 19, 1961, the United Arab Republic requested the United States to grant 200,000 tons of corn to the people of the United Arab Republic to meet an emergency crop failure.

On November 19, 1961, the United Arab Republic stated that its 1961 corn crop had suffered an estimated loss from insect infestation and floods of about 350,000 tons, or about 20 percent of its average annual corn crop.

On December 28, 1961, the Agency for International Development, in Washington, authorized the shipment of up to 200,000 tons of corn to the United Arab Republic to be distributed free to famine victims who had suffered food shortages as a result of insect infestation of crops and who could not purchase necessary food.

Between February 12 and July 22, 1962, 186,000 tons of granted corn valued at $23,700,000 arrived in the United Arab Republic.

An official United Arab Republic Ministry of Agriculture Yearbook, published subsequent to the grant of corn, shows that the United Arab Republic's 1961 corn crop actually had not failed. In fact, in 1961, the United Arab Republic actually had a bumper corn crop for the area planted.

On November 29, 1961, the United Arab Republic had agreed that it would distribute the corn it received from the United States to needy famine victims from January to May 1962.

On April 26, 1962, only 266 tons of corn had been distributed in Sharkia Governorate—province—although the United Arab Republic had stated on November 19, 1961, that especially heavy losses of the corn crop had occurred in that province.

On April 26, 1962, auditors from the Agency for International Development reported that no corn had been distributed in six other provinces they visited.

On July 1, 1962, auditors from the Agency for International Development observed that weevils had begun to infest granted corn that had been at a distribution center since March 3, 1962.

Previously, on November 29, 1961, the United Arab Republic had agreed that it would distribute the corn which the United States granted free to the people of Egypt.

In the course of their visits to distribution centers from April to October 1962, U.S. mission auditors found that 6,000 tons of the granted corn had been sold. Subsequently, the Agency for International Development's mission in Egypt was informed that an additional 8,500 tons of granted corn had been sold. Still later checks disclosed that more than 80,000 tons of corn had been sold.

What happened to the remainder of the 186,000 tons of corn valued in excess of $23 million remains a mystery.

I seriously doubt that the portion which was not infested with weevils or did not rot on the docks was distributed without charge to the hungry people of Egypt.

Mr. President, I ask unanimous consent to have substantial portions of the Comptroller General's report on the misuse of title II famine relief printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRUENING. Mr. President, in my speech on June 23 I showed that section 101(a) of Public Law 480 had been violated in the execution of wheat agreements with the United Arab Republic. Those violations have had an adverse effect on the U.S. balance of payments of at least $135 million.

In addition, I showed where violations of section 304 of Public Law 480 had enabled the Egyptian Government to substitute wheat for rice and to ship hundreds of thousands of metric tons of rice behind the Iron and Bamboo Curtains—at a great cost to U.S. taxpayers and the people of Egypt.

One of the Comptroller General's reports which I have cited above shows how violations of section 101(a) of Public Law 480 have enabled the United Arab Republic to displace $5.5 million worth of commercial exports of tallow with tallow acquired under title I of Public Law 480.

The other report cited above demonstrates the illegal acquisition of $23 million worth of agricultural commodities by the United Arab Republic. My conservative estimate of the damages done by all of these violations of Public Law 480 places the dollar amount in excess of $160 million. This implies an adverse affect on the balance of payments of $160 million. It implies an increase in foreign exchange of the United Arab Republic in excess of $160 million.

But dollar costs are of less significance than the tremendous human cost that must be considered in assessing the damage done by these violations of Public Law 480. It is not simply a case of pouring the American taxpayer's money down a rathole. For then the money would be lost, but there would be no repercussion.

The fact is that the surplus agricultural commodities which we have shipped to the United Arab Republic have been used by the Government of Egypt to accomplish goals that are in diametric opposition to the goals of U.S. foreign policy.

For some nebulous reason it appears that the State Department thinks that by continuing to throw away the money of the American taxpayers this way, Nasser will eventually stop his nefarious undertakings.

Not only is Nasser exploiting the food-for-peace program, for the purpose of carrying on aggressive wars in Yemen, and for supporting rebels in the Congo, but he is also misusing the food-for-peace program domestically in a fashion which results in a widening of the gap between the extremely rich and the extremely poor in Egypt. Thus, surplus agricultural commodities intended by the people of the United States for the less fortunate people in Egypt are being used instead to fill government coffers.

Retention of the Harris amendment in conference would result in the cessation of aid to Nasser so long as he continues to make war. It is a necessary first step in preventing further misappropriation of foreign aid. It is one of the prerequisites to the building of a constructive Middle East policy based on just principles.

EXHIBIT 1

REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES ON DISPLACEMENT OF COMMERCIAL DOLLAR SALES OF TALLOW TO THE UNITED ARAB REPUBLIC, JULY 1965

INTRODUCTION

The General Accounting Office has reviewed selected aspects of surplus tallow sales to the United Arab Republic, as part of an overall review of surplus agricultural sales activities in the United Arab Republic under title I of the Agricultural Trade Development and Assistance Act of 1954 (commonly known as Public Law 480).

This report covers the part of our review that primarily was concerned with U.S. Department of Agriculture (USDA) and Agency for International Development (AID) policies and procedures in support of the decision to sell tallow to the United Arab Republic for Egyptian currency. We also evaluated this decision in the light of past U.S. commercial sales of tallow for dollars and the amount of Egyptian currency on hand for U.S. uses. Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67). Our examination was directed primarily to those aspects of the activity which appeared to be in particular need of attention.

BACKGROUND

Title I of Public Law 480 authorizes the President to negotiate and carry out agreements with friendly nations or organizations of friendly nations to provide for the sale of surplus agricultural commodities, with payment to be made in local currency of the recipient country.

Public Law 480 states in pertinent part that it is the policy of the Congress to:

"* * * Stimulate and facilitate the expansion of foreign trade in agricultural commodities produced in the United States by providing a means whereby surplus agricultural commodities in excess of the usual marketings of such commodities may be sold through private trade channels, and foreign currencies accepted in payment therefor."

Title I of Public Law 480, which provides for such sales, requires the President to take reasonable precautions to safeguard the usual marketings of the United States and to assure that such sales do not unduly disrupt world prices of agricultural commodities or normal patterns of commercial trade with friendly countries. This is done by requiring recipient countries to procure with their own resources a stipulated quantity of the commodities from free-world sources and/or from the United States. USDA, in determining a country's usual marketings, considers such matters as the country's commodity requirements and production, its average imports of the commodities over a 3- to 5-year period, its balance-of-payments situation, the U.S. dollar sales of the commodities, and the Public Law 480 program in the country.

At the time of the initial title I sale of tallow to the United Arab Republic on November 11, 1961, the United States owned a substantial quantity of Egyptian currency. Also, at that time it was known that additional Egyptian currency would become available from loan repayments and from the title I program for fiscal year 1962 and following years. At June 30, 1964, the United States owned or was scheduled to receive from loan repayments about $500 million in Egyptian pounds of which about $61 million worth was available for immediate expenditure. The $500 million represents about 50 years' supply for U.S. uses at the current rate of expenditure.

Section 402 of the Mutual Security Act of 1954, as amended, provided that funds would be made available annually to finance the export and sale for foreign currencies, or the grant, of surplus agricultural commodities or products thereof produced in the United States, in addition to surplus agricultural commodities or products transferred pursuant to the Agricultural Trade Development and Assistance Act of 1954, and in accordance with the standards as to pricing and the use of private trade channels expressed in section 101 of said act.

FINDINGS

Displacement of commercial dollar sales of tallow to the United Arab Republic

U.S. commercial dollar sales of tallow to the United Arab Republic have been displaced by sales of surplus tallow for foreign currency under title I, Public Law 480, programs. We estimate that commercial sales totaling about $5.5 million were displaced between 1962 and 1964 and that under existing agreements additional sales are likely to be displaced in 1965. This situation resulted because U.S. agencies made increasing amounts of title I surplus tallow available without establishing realistic commercial import requirements for the United Arab Republic. Commercial import requirements are specified in each Public Law 480 sales agreement as a means of insuring that title I sales do not displace normal commercial sales.

In 1958 the United Arab Republic's imports of tallow amounted to about 32,000 metric tons, which were obtained from U.S. exporters for dollars. In 1964 the United Arab Republic's imports increased to about 56,000 metric tons, but U.S. commercial dollar sales decreased to 21,600 metric tons.

The following schedule shows the commercial sales and Public Law 480 sales of edible and inedible tallow from 1956 to 1964, according to the Department of Agriculture records we examined.

Tallow exported to the United Arab Republic from the United States, 1956–64

[In metric tons]

Calendar year	Total exports	Financing		Public Law 480 exports
		Commercial	Sec. 402	
1956	22,400	22,400		
1957	30,930	30,930		
1958	32,336	32,336		
1959	24,510	11,710	12,800	
1960	30,006	13,806	16,200	
1961	26,667	26,667		
1962	43,669	20,161		23,508
1963	53,344	7,097		46,247
1964	56,475	21,637		34,838

As can be seen from the above table, during the period 1956 through 1958 commercial dollar sales averaged 28,555 metric tons a year (a metric ton equals 2,204 pounds). In 1959 and 1960, however, with the introduction of imports financed under section 402, U.S. commercial sales dropped to an annual average of only 12,758 metric tons, while total imports from the United States held at an average of 27,258 metric tons. In 1961, in the absence of a section 402 program, commercial sales returned to a high of 26,667 metric tons. It should be noted that the United States is virtually the only supplier of tallow to the United Arab Republic.

The decrease in U.S. commercial tallow exports in 1962 through 1964 was due to (1) the establishment of unrealistically low usual marketing requirements as part of the title I, Public Law 480, agreements and (2) serious delinquencies on the part of the United Arab Republic in complying with these reduced import requirements.

Public Law 480, title I, sales of tallow started in fiscal year 1962 and continued under subsequent title I agreements for the United Arab Republic. These agreements specified specific quantities which the United Arab Republic was required to purchase commercially from the United States (i.e., "usual marketings"). However, our review disclosed that the usual marketings established for tallow were understated, principally because they were based on the average commercial imports by the United Arab Republic during a preceding 5-year period, excluding sales financed under section 402.

We believe that the establishment of more realistic usual marketing requirements would have made possible a substantially higher level of U.S. commercial tallow exports. The requirements should have been set on the basis of the level of established imports by the United Arab Republic from the United States during the period from 1956 through 1960 and the United Arab Republic's willingness to utilize its foreign exchange in 1961 to import tallow at a level in line with imports of previous years. Using these criteria, the establishment of usual marketing requirements of 28,000 metric tons would have been arrived at to protect U.S. commercial sales. Instead, responsible U.S. agencies set substantially lower usual marketing requirements with the resultant loss in dollar sales, as shown in the following table.

[In thousands of metric tons]

	Fiscal year			Total
	1962	1963	1964	
Title I sales agreement	20	30	37.5	87.5
Average historical level of imports from the United States, per our calculation	28	28	28.0	84.0
Usual marketing requirement in title I sales agreements	20	20	22.5	62.5
Loss of U.S. dollar sales	8	8	5.5	21.5

The foregoing computation of lost U.S. commercial sales has as its basis the fact that the United Arab Republic imported from the United States a total of 140,182 metric tons of tallow in calendar years 1956 to 1960, including those financed under section 402. Based on these data it seems reasonable that a minimum expectation, and consequent usual marketing requirements, for U.S. tallow should have been at least 28,000 metric tons which is the average of the imports for the 5-year base period used by USDA in its calculation of usual marketing requirements.

We also noted that the United Arab Republic was seriously delinquent in complying with the reduced usual marketing requirements that had been established throughout the period of the title I, Public Law 480, sales of tallow. Under the Public Law 480 sales agreements, the usual marketing requirements must be met by the United Arab Republic's importing, with its own resources, the specified quantity of tallow in the fiscal year for which the requirement was established. The cumulative shortfall, by fiscal years from 1962, was as follows (in metric tons):

Fiscal year	Usual marketings		Commercial imports	Shortfall
	For fiscal year	Cumulative		
1962	20,000	20,000	18,249	1,751
1963	20,000	21,751	12,505	9,246
1964	22,500	31,746	23,606	8,140
1965 (as of Apr. 30, 1965)	25,000	33,140	[1] 13,754	

[1] Most current available data.

At an average price of about $193 a metric ton, the shortfall in complying with usual marketings at April 30, 1965, amounted to $3.7 million.

The establishment of unrealistic usual marketing requirements and the delinquency of the United Arab Republic in meeting even these reduced import requirements led to a reduction in commercial imports from the historical level of about 28,000 metric tons annually to an average of only 16,300 metric tons annually between 1962 and 1964. We estimate that, at world market prices in effect during these years, commercial dollar sales of tallow to the United Arab Republic amounting to $5.5 million were displaced between 1962 and 1964, as shown below:

	Calendar year			Total
	1962	1963	1964	
Average historical level of imports from the United States, per our calculation (metric tons)	28,000	28,000	28,000	84,000
Actual imports by the UAR from the United States (metric tons)	20,200	7,100	21,600	48,900
Loss of commercial dollar sales (metric tons)	7,800	20,900	6,400	35,100
Average world market price (per metric ton)	$156	$149	$187	
Estimated value of lost commercial sales (in millions of dollars)	$1.2	$3.1	$1.2	$5.5

Under existing agreements, additional sales are likely to be displaced in 1965.

Unrealistic usual marketings established

Tallow was added to the list of commodities sold to the United Arab Republic for Egyptian currency because of a United Arab Republic request submitted to the USDA in

September 1961 for 34,000 metric tons of the inedible tallow and 6,000 metric tons of edible tallow.

The Department of State negotiated an amendment on November 11, 1961, to the September 2, 1961, title I sales agreement on the basis of a sale of 20,000 metric tons of tallow with a 20,000-metric-ton usual marketing requirement. In an exchange of notes accompanying the agreement, the United Arab Republic agreed to purchase 20,000 metric tons of tallow with its own resources from the United States during fiscal year 1962, in addition to the quantity being provided under title I.

The usual marketing requirement for tallow under the title I sales agreement remained at 20,000 metric tons for fiscal year 1963 but was increased to 22,500 metric tons for fiscal year 1964 and to 25,000 metric tons for fiscal year 1965. The Department of State stated that these gradual increases in the usual marketing requirement took into account the increases in consumption envisaged in the multiyear agreement for fiscal years 1963 through 1965. The established amounts of usual marketings, however, are still less than the average annual amounts of tallow imported from the United States by the United Arab Republic prior to the title I sales of this commodity. Moreover, the United Arab Republic has not imported commercially all of the reduced amounts.

As shown elsewhere in this report, a number of factors are considered in determining a country's usual marketings. In this case, however, we have ascertained that only historical sales were used in making this determination. We were informed by a USDA official that only United Arab Republic-financed commercial imports of inedible tallow were included and that imports financed under section 402 were excluded because they were considered to be noncommercial transactions. The 5-year period 1956 to 1960 was used to arrive at the usual marketing requirement of 20,000 metric tons included in this amendment.

In regard to how section 402 commodity assistance is to be considered in setting usual marketing requirements, our review of the Public Law 480 legislation disclosed that no criteria for determining "usual marketings" were specified in the legislation. Although the act requires the President to take reasonable precautions to safeguard the usual marketings of the United States, the manner in which such precautions are to be taken is not specified.

Nevertheless, we do not believe that the usual marketing requirements of 20,000 metric tons were realistic. The United Arab Republic had imported substantially higher quantities from the United States prior to 1962 despite its limited foreign exchange reserves. Thus in 1961, when neither section 402 or Public Law 480 commodity assistance was available, the United Arab Republic imported over 26,000 metric tons of tallow on a commercial basis from the United States, and these purchases, which were made in dollars, occurred during a period when the UAR's foreign exchange difficulties were most severe.

With regard to the exclusion of commodities imported in 1959 and 1960 by the United Arab Republic under section 402 on the ground that such imports were noncommercial, our review showed instances where section 402 imports were considered as commercial transactions in setting usual marketing requirements for other countries. The Department of Agriculture agrees that this has been true in the past and may occur again for particular economic or foreign policy reasons.

Agency comments and our evaluation

We received comments on the foregoing findings from the Departments of State and Agriculture and from the Agency for International Development. The Department of State classified its comments as confidential, and, as stated, they are contained in the classified supplement to this report. AID advised us that it concurred in the comments of the Department of Agriculture concerning consideration of section 402 sales in determining usual marketing requirements. The comments by the Department of Agriculture are summarized below.

Department of Agriculture comments

The Department did not agree that local currency sales under title I, Public Law 480, agreements resulted in a reduction of U.S. commercial exports. The Department stated that, in retrospect, it may be an open question as to whether or not the correct decision was made on the quantity of tallow that would be purchased commercially in the absence of a Public Law 480 agreement but that this was not the result of an improper procedure in determining usual marketing requirements. The Department advised us that it is most difficult to say with any degree of certainty what quantity of tallow the United Arab Republic would in fact have purchased in the absence of a Public Law 480 agreement, given its deteriorating foreign exchange position.

The Department made the following additional points:

In determining usual marketing requirements, the Department attempts to judge what a country would be likely to purchase with its own resources in the absence of a Public Law 480 agreement. Since section 402 imports were financed with foreign aid funds, they were noncommercial imports and should not be regarded as having been purchased through a country's own resources.

The assumption that the United Arab Republic would not have purchased the amounts of tallow provided under section 402 with its own resources appears to be borne out by the financial situation of that country. Beginning in 1958, the external financial condition of the United Arab Republic underwent a precipitous decline that reached its lowest point in the third quarter of 1962; that is, reserves fell steadily from $429 million at the end of 1958 to $195 million in September 1962.

Evaluation

The comments of the Department of Agriculture contain major inconsistencies in regard to the method of determining usual marketing requirements.

1. The Department stated that in determining usual marketings it considers the balance-of-payments situation of countries receiving title I, Public Law 480, assistance, but this is explicitly omitted in another part of the Department's comments, as follows:

"The usual marketing requirement established represented a judgment of what the United Arab Republic could be expected to procure commercially in the absence of a Public Law 480 agreement. This judgment was based on available data of past commercial imports."

Our review confirmed the last sentence. We ascertained, through discussions with agency personnel and review of available documents, that only historical sales were used in determining the commercial imports which the United Arab Republic would be required to make and that foreign exchange shortages were not a consideration.

Further, we do not believe that it is realistic or in the best interests of the United States to forgo commercial sales which the United States could make, solely because the importing country has experienced declines in its foreign exchange holdings. If the country has developed a pattern of commercial imports from the United States in past years and needs the commodities for its industries, it is likely to continue such commercial purchases regardless of the decline in its foreign exchange reserves. This is indicated by the fact that the United Arab Republic purchased 26,667 metric tons of tallow from the United States in 1961 with dollars when it could not obtain the commodity through AID financing or through Public Law 480, and these purchases were made at a time when the United Arab Republic was experiencing sharp declines in its foreign exchange.

2. The Department states, in one part of its reply, that since section 402 imports were financed with foreign aid funds they are noncommercial imports and should not be regarded as being purchased through a country's own resources. In another part of the Department's reply, however, it is stated that:

"There have been cases in the past, as there may be in the future, where particular economic or foreign policy reasons require negotiations and agreements in which imports financed under section 402 or under other types of AID financing were or may be characterized as part of usual marketing requirements (i.e., commercial imports requirements) in reaching agreement with a foreign country."

It is evident that in the case of the United Arab Republic, tallow imports financed by AID under section 402 displaced commercial sales of tallow. Although there was no requirement to protect U.S. commercial exports under section 402, such requirement does exist as regards Public Law 480 surplus sales. Reasonable efforts to carry out this requirement would, in our opinion, have involved recognition of the fact that commercial tallow imports in 1959 and 1960 were reduced because the United Arab Republic was able to meet its needs through AID-financed imports. Adequate recognition of this factor would have resulted in usual marketing requirements for tallow being set at a considerably higher level.

Recent decisions of the Interagency Staff Committee indicate that, in the future, country commodity imports financed by the United States, such as those financed under section 402, will be considered in establishing usual marketing requirements in light of the overall capability of the country to import commodities commercially and in a manner which will protect normal commercial markets.

3. The Department stated that it agreed with our proposal that the Secretary of Agriculture establish procedures which will fully protect United States commercial sales by requiring that transactions previously financed by section 402 be considered in establishing the level of title I sales and in negotiating the quantities which countries are required to import from the United States on a commercial basis. The Department advised us that its policy is to take reasonable precautions to safeguard usual marketings of the United States and that this policy had recently been reinforced in an effort to assure that displacement of commercial sales was not taking place.

The main thrust of the Department's reply, however, is that the policies and procedures in effect at the time the Public Law 480 tallow agreements were made with the United Arab Republic were proper and that local currency sales under title I, Public Law 480, did not result in a reduction of U.S. commercial exports. This discrepancy, as well as the discrepancy between the Department's comments and the recently adopted policies of the Interagency Staff Committee described above, leads us to conclude that there is need for the Department to reappraise its thinking on this matter and to establish a firm definitive policy which will assure the maximizing of U.S. commercial sales abroad. It should be noted that one of the objectives of Public Law 480 legislation is to develop increased dollar markets for U.S. agricultural commodities through the use of title I sales.

The need for such policy is evidenced by the facts related in this report. U.S. commercial dollar sales of tallow have been displaced by Public Law 480 sales, but this displacement could have been avoided, in our opinion, had the Department of Agriculture and other responsible agencies established, and required adherence to, realistic usual marketing requirements in light of the United Arab Republic's historical commercial purchases of tallow and its need for that commodity. The record of United Arab Republic's tallow imports from 1956 through 1961 clearly shows that the United Arab Republic was importing its tallow requirements from the United States and that if it could not obtain such imports with U.S. financing it was prepared to use its own limited foreign exchange to do so.

4. Our report also notes that, at the time of the initial title I sales of tallow to the United Arab Republic, the United States owned a substantial quantity of Egyptian currency. These amounts accrued to the United States from the proceeds of title I commodity sales. Although most of the sales proceeds are granted or loaned to the United Arab Republic for economic development or other purposes described in Public Law 480 legislation, specified amounts are reserved for the United States and are available to pay its administrative expenses in the United Arab Republic.

The Department makes point that it does attempt to avoid building up an excess of local currencies under the program and that:

"In the case of the United Arab Republic, the multiyear title I, Public Law 480 agreement covering fiscal years 1963, 1964, and 1965 provides for 10 percent for U.S. uses as compared with previous agreements providing for 20 percent or more."

We do not see how this provision avoids building up excessive holdings of foreign currency. Obviously if the United States receives for its own needs a lesser amount of local currency and gives away or writes off the remainder, as has been done in some countries, there will be less excess currency. In the case of the United Arab Republic, however, the sales agreements for tallow make increased quantities of Public Law 480 local currency proceeds available to the United Arab Republic in loans which, as they are repaid, may eventually result in further accumulation of Egyptian currency surplus to United States needs in the foreseeable future.

It is equally apparent that the most effective way of avoiding a buildup of excess currency is to maximize U.S. commercial sales, with the concomitant increase in dollar earnings which would assist in alleviating U.S. balance-of-payments deficits.

CONCLUSIONS

It is evident that sales of tallow for local currency under Public Law 480 have displaced commercial U.S. dollar exports to the United Arab Republic. This occurred because responsible U.S. agencies provided the United Arab Republic with title I surplus tallow without requiring the United Arab Republic to import tallow commercially at a level in line with its past commercial imports. In setting the level of required commercial imports, the responsible U.S. agencies did not, in our opinion, make a realistic assessment of the established pattern of the United Arab Republic's tallow imports from the United States, the United Arab Republic's need for tallow, and the country's willingness to utilize its foreign exchange holdings to purchase tallow through commercial channels.

We believe that the real reason for the unrealistic assessment by the U.S. agencies involved in this matter, and the consequent failure to protect U.S. commercial exports, is the overriding consideration by the Department of State of the foreign policy aspects and implications of Public Law 480 programs, and the administration of these programs in a manner which focuses primarily on this consideration rather than on the safeguarding of U.S. commercial exports. It is evident that this center of focus results in the following adverse effects.

1. One of the objectives of Public Law 480 legislation—to develop increased dollar markets for U.S. agricultural commodities through the use of title I foreign currency sales—is not achieved at least so far as tallow is concerned.

2. The loss of dollar sales in the United Arab Republic has impaired efforts to improve the critical balance-of-payments problem.

3. The reduction of the requirement for the United Arab Republic to purchase tallow commercially from the United States with dollars has permitted that country to conserve a substantial amount of its foreign exchange or to use it for different purposes, which, in effect, is a form of economic assistance. However, unlike normal economic assistance, it has not been approved by the Congress nor is it subject to the administrative controls imposed by U.S. agencies on the more usual forms of economic assistance which are designed to insure that such assistance is used to further U.S. interests.

SCOPE OF EXAMINATION

Our examination of Public Law 480, title I, sales of tallow to the United Arab Republic consisted of a review of the reasonableness of, and the compliance by the United Arab Republic with, the usual marketing requirements established for this commodity. We reviewed correspondence, reports, and other pertinent material available to us at the AID mission, the U.S. Embassy, and the office of the agricultural attaché in the United Arab Republic. We also discussed the matters in this report with responsible officials of the AID mission, the Embassy, AID/Washington, and U.S. Department of Agriculture.

EXHIBIT 2

REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES ON QUESTIONABLE GRANT OF CORN TO THE UNITED ARAB REPUBLIC UNDER TITLE II, AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954 (COMMONLY KNOWN AS PUBLIC LAW 480), JULY 1965

INTRODUCTION

The General Accounting Office has examined the grant of corn costing over $23,700,000 made to the United Arab Republic in December 1961 by the Agency for International Development (AID) under title II of the Agricultural Trade Development and Assistance Act of 1954, as amended. Our examination was directed primarily toward an evaluation of the basis on which the Agency for International Development and the Department of State determined that an emergency need existed in the United Arab Republic for a grant of corn under title II. We also examined the adequacy of the actions taken by these agencies to insure that foodstuffs were properly distributed and utilized. Our review was confined to the title II program in the United Arab Republic, and the findings in this report are not necessarily indicative of the administration of title II programs in other countries. Our examination was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67) and was made at AID's overseas mission in the United Arab Republic (referred to in this report as the mission).

GENERAL COMMENTS

Title II of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) (7 U.S.C. 1691) authorizes the grant of surplus agricultural commodities to other nations for disaster relief. Section 201, as amended, of Public Law 480 (7 U.S.C. 1721) provides. quoting from the code, that—

"In order to enable the President to furnish emergency assistance on behalf of the people of the United States to friendly peoples in meeting famine or other urgent or extraordinary relief requirements, the Commodity Credit Corporation shall make available to the President out of its stocks such surplus agricultural commodities (as defined in sec. 1706 of this title) as he may request, for transfer (1) to any nation friendly to the United States in order to meet famine or other urgent or extraordinary relief requirements of such nation, and (2) to friendly but needy populations without regard to the friendliness of their government" (7 U.S.C. 1721).

Title II also authorizes the payment of ocean freight charges from U.S. ports to designated ports of entry abroad upon a determination by the President that it is necessary to accomplish the purposes of that title.

The President delegated the functions conferred upon him by title II of Public Law 480 to the Secretary of State by section 2 of Executive Order 10900, as amended, dated January 6, 1961 (7 U.S.C. 1691, note). The Secretary of State redelegated responsibility for title II functions to the Administrator of AID by State Department Delegation Order No. 104, effective September 30, 1961.

In addition to the commodities delivered under title II, commodities valued at over $70 million have been delivered to the United Arab Republic through June 30, 1964, under other titles of Public Law 480.

FINDINGS

Questionable grant of corn to the United Arab Republic

The Agency for International Development granted about 186,000 metric tons of corn costing over $23,700,000 to the United Arab Republic in December of 1961 under title II of Public Law 480 on the basis of representations made by the United Arab Republic that a famine would occur as a result of crop failures. The grant was made without adequate verification of the actual need for the requested assistance. Official statistics of the United Arab Republic, which were subsequently accepted by U.S. agencies, showed that the corn crop had not failed and most of the corn was undelivered many months after it arrived in Egypt.

In addition, responsible U.S. agencies did not check on the distribution of 85 percent of the corn and do not know whether this quantity of corn ever reached intended recipients. The limited distribution checks which were made disclosed that substantial quantities, which the United Arab Republic had agreed to give to needy people, were sold commercially. The Agency for International Development took no action to determine the extent of actual corn sales and to initiate a claim against the country until we suggested that this be done. A subsequent audit of the records of agencies of the United Arab Republic disclosed that over 80,000 tons had been sold.

Most of the United Arab Republic's corn crop is harvested in November and December of each year; therefore, AID should have discovered that the losses had not materialized before it accepted the United Arab Republic's representations on November 30, 1961.

The United Arab Republic on October 19, 1961, requested the United States to grant 200,000 tons of corn for human consumption under the provisions of title II of Public Law 480 to meet an emergency crop failure. On November 19, 1961, the United Arab Republic stated that its 1961 corn crop had suffered an estimated loss from insect infestation and floods of about 350,000 tons, or about 20 percent of its average annual corn crop of about 1,700,000 tons. The United Arab Republic stated also that the small farmers' ability to buy corn was greatly diminished because their cash crop, cotton, was also seriously damaged by insect infestation. The mission informed AID/Washington on November 30, 1961, that the United Arab Republic's November 19 statements substantially explained and justified the need for 200,000 tons of corn as emergency assistance under title II and recommended that the United Arab Republic's request be approved. On December 28, 1961, AID/Washington authorized the shipment of up to 200,000 tons of corn to the United Arab Republic, to be distributed free to famine victims who had suffered food shortages as a result of insect infestation of crops and who could not purchase necessary food. One hundred and eighty-six thousand tons of granted corn arrived in the United Arab Republic between February 12 and July 22, 1962.

Estimated losses in the 1961 corn crop did not materialize

According to official United Arab Republic statistics, the United Arab Republic's 1961 corn crop actually had not failed. It was harvested during the period when the corn grant was approved; therefore, the mission could have discovered that the estimated losses had not materialized if the proper verification had been performed or a decision had been made to defer approval until adequate verification was made. The mission had time to verify the United Arab Republic's representations, since the corn was not granted to relieve an immediate emergency.

The United Arab Republic's 1961 corn crop was within the range of the United Arab Republic's 1955–60 corn crops. A United Arab Republic Ministry of Agriculture yearbook published subsequently to the grant of corn stated that the United Arab Republic's 1961 corn production was 1,617,000 tons. The agricultural attaché of the U.S. Embassy in the United Arab Republic also reported after the grant of corn that the United Arab Republic's 1961 corn production was 1,617,000 tons. The agricultural attaché's reports and the United Arab Republic's yearbook showed that the 1960 corn production was 1,691,000 tons and that the 1955–59 average production was 1,624,000 tons with a range from 1,495,000 tons in 1957 to 1,758,000 tons in 1958.

In 1961 the United Arab Republic actually had a bumper corn crop for the area planted—a yield of 1.009 tons per feddan (1.038 acres)—but had reduced the acreage planted with corn. The United Arab Republic's yearbook and the agricultural attaché's reports showed that the area planted with corn dropped from 1,821,000 feddans in 1960 to 1,603,000 feddans in 1961. However, these sources also showed that the yield increased from 0.929 ton per feddan in 1960 to 1.009 tons per feddan in 1961. The average yield from 1955 to 1959 was 0.878 ton per feddan, ranging from 0.807 ton in 1959 to 0.935 ton in 1955.

The agricultural attaché reported during 1959, 1960, and 1961 that a small part of the United Arab Republic's corn was produced in the summer crop and harvested in September and October and that most of its corn was produced in the fall crop which was harvested in November and December. The mission recommended approval of the grant on November 30, 1961. If the crop was harvested by that time, the mission should have discovered by physical inspection and other verification of the United Arab Republic's representations that the crop was a bumper crop for the acreage planted with corn and that the total corn production would, therefore, be within the normal quantity range of preceding years. Were it not possible to make a complete verification on November 30, 1961, because the entire crop had not been harvested, the approval of the grant of corn should have been deferred until such determination was made.

The feasibility of such a deferral is indicated by the mission's recognition that the emergency need for famine relief was anticipated rather than immediate at the time it recommended approval of the United Arab Republic's request. The Chargé d'Affaires of the U.S. Embassy in the United Arab Republic told us that the mission did not recommend approval of the United Arab Republic's request in order to relieve a famine situation of pressing urgency. As indicated above, the United Arab Republic estimated that its 1961 corn crop would be 80 percent of normal, or 1,350,000 tons. A crop that was 80 percent of normal should have been large enough to meet the needs of the United Arab Republic for about 10 months, or from the beginning of the harvest season in September 1961 through June 1962. Thus, the mission had sufficient time in which to verify the United Arab Republic's representations that a shortage of corn existed before recommending approval of the United Arab Republic's request and had time to consider alternatives to granting corn if assistance was actually needed.

The lack of urgency is further shown in the total quantity of corn scheduled for delivery to the United Arab Republic under other Public Law 480 programs. Enough corn was programed for delivery to the United Arab Republic under titles I and III of Public Law 480 to avert the anticipated famine. A total of 327,000 tons of corn were programed for delivery to the United Arab Republic at the time the mission recommended approval of the grant of corn. At June 30, 1961, 27,000 tons of corn were programed for delivery during fiscal year 1962 under title III. The title I sales agreement of September 2, 1961, made 100,000 tons of corn available to the United Arab Republic, and the November 11, 1961, amendment to that sales agreement made another 200,000 tons of corn available. The agricultural attaché reported that the United Arab Republic's average annual corn imports for fiscal years 1957 through 1961 were 65,000 tons, with the maximum imports during that period being 80,000 tons in 1960, and that these imports were almost entirely consumed in the cities. Thus, the corn imports programed under Public Law 480 provided about 262,000 tons (327,000 tons less the annual average imports of 65,000 tons) more than had previously been normally consumed in the cities. These programed 262,000 tons plus the Embassy's estimate of 1961 corn production of 1,350,000 tons amounted to a total of 1,612,000 tons of corn available to avert famine in rural areas. The United Arab Republic's corn production, which was consumed by the rural population according to the reports of the agricultural attaché, amounted to 1,691,000 tons in 1960 and averaged 1,624,000 tons from 1955 to 1959 with a range in those years from 1,495,000 to 1,758,000 tons. Thus, the available 1,612,000 tons of corn were sufficient to meet the normal needs of the United Arab Republic's rural population.

United Arab Republic's actions to alleviate losses by purchasing power caused by crop failure not considered

The mission recommended approval of the United Arab Republic's request partly on the basis that farmers had insufficient purchasing power to buy corn, even though the United Arab Republic had taken, and was considering taking additional, measures to alleviate losses of purchasing power. The United Arab Republic requested the corn on the basis that losses in cotton crop due to insect infestation had greatly diminished the farmers' ability to buy corn, as well as on the basis that the corn crop had suffered serious losses. The mission recommended approval of the United Arab Republic's request on November 30, 1961, on the basis of both reasons. However, the United Arab Republic had stated on October 19, 1961, that it had waived land taxes and postponed repayment of agricultural debts to alleviate the hardship resulting from the crop losses. The United Arab Republic stated on October 19 and November 19, 1961, that it was considering distributing corn free or at a nominal price to further alleviate the problem. Thus, not only was sufficient corn available to meet the United Arab Republic's normal needs, but the United Arab Republic had taken, and was considering taking additional, measures to alleviate any losses of purchasing power that might have resulted from losses in the cotton crop. We found no evidence that the mission considered the effects of the United Arab Republic's relief measures before recommending approval of the United Arab Republic's request.

United Arab Republic's representations of crop losses not verified

The mission did not verify the United Arab Republic's representations that the 1961 corn crop had suffered serious losses. We found no evidence that the mission verified the existence of the estimated losses in the 1961 corn crop by determining exactly where the insect infestation and floods had occurred, or by physical inspections of the damaged areas or interviews with farmers suffering crop losses, or by other means. We found no indication that the mission ascertained what evidence the United Arab Republic's representations of serious corn crop losses were based upon.

The Chargé d'Affaires told us that mission personnel and the agricultural attaché made field inspections in which they viewed the damage to the 1961 corn crop before the mission recommended approval of the grant. He also told us that the mission director discussed the crop damage with the United Arab Republic Minister of Supply who, he said, had letters from various governors regarding damage in their governorates (provinces) before recommending approval of the grant. He said that the mission director talked with farmers regarding damage to their crops after recommending approval of the grant. However, the mission director was unable to give us any documentary evidence as to the existence and nature of these field inspections and discussions and the information obtained thereby.

Although the mission based its recommendation for approval of the grant on the representations made by the United Arab Republic in its November 19, 1961, request, it did so without resolving the contradictory information contained in this letter concerning the required quantity of corn needed to feed the United Arab Republic's rural population. The request stated that the estimated annual per capita corn consumption of the United Arab Republic's 16 million rural population was 120 kilograms, which would mean a total annual consumption of about 1,920,000 tons. The request stated, also, that the average annual corn production was about 1,700,000 tons. The former figure is far in excess of the United Arab Republic's annual corn production, which averages 1,624,000 tons.

Imported corn could not have made up the difference, since corn imports never exceeded 80,000 tons in the prior 5 years, and imported corn is almost entirely consumed by the urban population. Thus, although the United Arab Republic indicated that its rural population, which it stated was in need of assistance, normally consumed about 1,920,000 tons of corn per year, in reality it consumed only that amount within the United Arab Republic, which was far less than this quantity. The mission did not resolve this conflicting information as to the quantity of corn normally consumed by the United Arab Republic's rural population.

Inadequate supervision by AID/Washington

AID/Washington did not require the mission to verify the United Arab Republic's representations or to consider alternatives to granting corn. The U.S. Ambassador to the United Arab Republic informed the Department of State on October 13, 1961, that the United Arab Republic would shortly request, under title II, 200,000 tons of corn for human consumption. AID/Washington knew at least as early as November 17, 1961, that the United Arab Republic had requested 200,000 tons of corn under title II. AID/Washington did not grant the 200,000 tons of corn until December 28, 1961. We found no evidence that AID/Washington required the mission either to verify the United Arab Republic's representations that a serious crop loss had occurred or to consider alternatives to granting corn under title II if assistance was actually needed.

Final disposition of granted corn not ascertained

The mission did not ascertain how the United Arab Republic disposed of over 85 percent of the granted corn, even though it was aware that the United Arab Republic did not distribute the corn within the stated distribution period and had sold part of the corn although all the corn was to have been distributed free.

On November 29, 1961, the United Arab Republic agreed that it would distribute the corn to needy famine victims from January to May 1962. However, very little corn was distributed through July 11, 1962. On March 15, 1962, a mission official reported that the United Arab Republic did not plan to distribute the granted corn until the summer of 1962. Mission auditors repeatedly reported from April to June 1962 that very little granted corn was being distributed to recipients. For example, on April 26, 1962, they reported that only 266 tons had been distributed in Sharkia Governorate (province), although the United Arab Republic had stated on November 19, 1961, that expecially heavy losses of corn had occurred in that province.

The auditors also reported on April 26, 1962, that they found no distribution going on in the other six provinces visited. They observed on July 1, 1962, that weevils had begun to infest granted corn that had been at a distribution center since March 3, 1962. They reported that no granted corn had been distributed by any of the 17 distribution centers visited in April 1962 and that only 4 of the 42 distribution centers visited in June and July 1962 had commenced distribution. They reported that United Arab Republic officials attributed the delay in distributing the corn to needy famine victims to the amount of time required to select recipients, prepare distribution lists, and print the coupons used in identifying the recipients. They also reported that the unloading of four ships was delayed temporarily because the United Arab Republic had blacklisted the ships due to calls at Israeli ports.

The mission found initially that the United Arab Republic sold 14,500 tons of the granted corn, although all the corn was to have been distributed free. The United Arab Republic agreed on November 29, 1961, that it would distribute the corn free, and AID specified on December 28, 1961, that the corn was to be distributed free. The mission auditors found during their visits to distribution centers from April to October 1962 that 6,000 tons of the granted corn had been sold. Subsequently, the Mission was informed that an additional 8,500 tons of granted corn had been sold. The mission took no action on this matter until we uncovered the situation and proposed to AID that it determine the extent of the corn sales and initiate a claim against the United Arab Republic for the value of the corn improperly sold. A subsequent audit by the Mission of the records of agencies of the United Arab Republic disclosed that over 80,000 tons of corn had been sold.

The mission took no action to prevent further deliveries of granted corn after it discovered this lack of distribution, although delivery of granted corn worth millions of dollars could have been avoided by terminating further shipments. For example, on April 26, 1962, about 87,000 tons of granted corn had not yet arrived in the United Arab Republic. At the average cost of the granted corn of approximately $127 per ton ($23,700,000 divided by 186,000 tons), this undelivered corn was valued at about $11,049,000. As late as June 1, 1962, about 62,000 tons of granted corn valued at about $7,874,000 had still not arrived in the United Arab Republic. We found no indication that the mission recommended discontinuance of further deliveries of granted corn after it discovered that the delivered corn was not being distributed.

The mission did not ascertain how the United Arab Republic disposed of most of the granted corn. The mission auditors found that the distribution centers had distributed free 12,000 tons in addition to the 6,000 tons that had been sold and had 24,000 tons on hand. They also found in their October 1962 visits that the remaining 144,000 tons of granted corn had been merged with other corn obtained from the United States upon orders of the United Arab Republic Government and that a single set of accounting records was being maintained for both. The mission did not ascertain the final disposition of the corn granted to the United Arab Republic, apart from the 12,000 tons identified as having been distributed free and the 14,500 tons verified as having been sold. Since the title II corn had been merged with other U.S.-furnished corn, the mission was not in a position to trace specific shipments of title II corn to individual recipients. Action should have been taken, however, to insure that the quantity of corn given to the United Arab Republic for emergency relief purposes, i.e., 186,000 metric tons, actually reached needy recipients.

On July 26, 1964, 2 years after the last of the granted corn arrived in the United Arab Republic, the mission obtained information showing which provinces received the granted corn. The mission took this action as the result of our inquiries. The mission did not ascertain what quantity of the granted corn was distributed free and how much was sold or otherwise disposed of. AID regulations assign responsibility for end-use audits and investigations to overseas missions which are staffed with internal auditors to carry out this function. We discussed this deficiency with responsible mission personnel but were unable to obtain any explanation on this matter.

Agency comments and evaluations

The AID and Department of State comments are detailed below together with our evaluation.

1. AID's comments

Approval of the title II program was based on a major shortfall in the corn and cotton crops. This approval was based not only on representations of the United Arab Republic Government, but also on the observations and estimates of United States officials then stationed in the United Arab Republic, particularly those of the agricultural attaché in Cairo. His report, dated November 9, 1962, considered the Ministry of Agriculture's estimate of 1,617,000 tons as unrealistically high and placed the 1961 crop production at 1,360,000 tons.

Evaluation: The agricultural attaché's report was made nearly a year after the grant; it therefore reflects an ex post facto attempt to establish that which should have been established prior to the making of the grant.

Analysis of the report discloses that it is predicated on opinion rather than on substantiated facts, as follows:

(a) After citing the Yearbook data, the report states a supposition that "a record average yield is highly unlikely in a poor year of bad climatic and growing conditions together with the prevalence of diseases and insects that severely infested most of the crop." Yet the mission was unable to produce at our request any evidence whatsoever in the form of documents or facts ascertained by field visits before the grant was made to show that the crop conditions were in any way unusual.

(b) The report states that "Many believe that an average yield of 0.848 ton per feddan last year is quite reasonable. This would place the total crop production in 1961 at 1,360,000 tons instead of 1,617,000 tons presented by the Ministry of Agriculture," There was no evidence of who were the "many," their qualification, or the basis of their belief.

(c) The report stated that this lower production estimate is substantiated by the fact that the largest corn imports in the United Arab Republic's history were made in 1961–62 in order to cover up the crop deficit. It thus attempted to justify the existence of the need by the actions taken to fulfill it.

Subsequent to the agricultural attaché's report, the Agriculture Yearbook 1961 crop estimate of 1,617,000 tons was used without qualification by the same agricultural attaché in his May 11, 1963, report as his revised estimate of the 1961 United Arab Republic corn crop, and it was also used in a report of an acting agricultural attaché and by the current agricultural attaché. The American Embassy also used this estimate in its airgram No. 615, dated February 14, 1964, in statistics supporting its justification for a Public Law 480 sale to the United Arab Republic of 400,000 tons. The Embassy stated that the statistics presented were the best available.

AID also contends that there is no indication that we cross-checked the United Arab Republic Agriculture Ministry report with other published data available for the same year; for example, the official report of the United Arab Republic Ministry of Supply. AID further states that, "The records of the Ministry of Supply indicate an unusually high figure for corn imports over the period 1961–63," and cite the same total corn import tonnage data as that given in the agriculture attaché's November 1962 report. It was also noted that, since there is no evidence that stocks increased in the 1961–63 period, it must mean that consumption increased.

We have cross-checked the United Arab Republic official estimate of the 1961 corn crop with all available documentation. In addition to the documents cited above, the only other documents available that contain statistics pertaining to the size of the United Arab Republic's 1961 corn crop are the United Arab Republic's "Statistical Pocket Book" published by the United Arab Republic Administration of Public Mobilization; the "International Monetary Fund's Staff Report and Recommendations—1963 Consultations," dated April 10, 1964; and a publication entitled "The Agricultural Economic of the United Arab Republic" (Foreign Agricultural Economy Report No. 21) published in November 1964 by the Economic Research Service of the U.S. Department of Agriculture. All of these documents state that the size of the crop in question was 1,617,000 tons.

With regard to the contention that the high imports in 1961–63 indicate increased consumption, no evidence was furnished us to support this position. There was no evidence in the agency files to indicate that the mission knew whether the increased corn imports went into inventory, were consumed, or were exported. The fact remains that the actual need for the grant of corn had not been established at the time the grant was made. We see no reason why approval of the grant could not have been deferred until it could be established definitely whether there was a crop failure and the degree of such failure, if any. The feasibility of deferring approval of the title II grant of corn is indicated by the mission's recognition that the emergency need for famine relief was anticipated rather than immediate at the time it recommended approval of the United Arab Republic's request.

2. AID's comments

Information received from the mission indicates that, though the audit team discussed numerous matters concerning the title II program, there is no record that it ever requested comments as to the existence or nature of field inspections which are customarily made by mission personnel concerned with agriculture in the United Arab Republic.

A study of reports filed by the agricultural attaché reveals numerous references during the period September to November 1961 of infestation of both the cotton and the corn crops as well as losses due to floods.

United States personnel constantly traveled throughout the United Arab Republic, and those expert in agriculture identified areas where infestation occurred and so reported at staff meetings of the Embassy and USAID. With U.S. Government cooperation, but with all costs paid by the United Arab Republic from limited foreign exchange, insecticides were airlifted urgently to Egypt in August–September 1961 in an effort to halt the damage to crops from the leafworm infestation affecting both corn and cotton.

Evaluation: We asked the Mission for evidence as to the existence and nature of the actions taken to verify the alleged crop failure. Contrary to the Agency's statement, the Mission was unable to furnish us with documentary evidence or concrete factual data ascertained by specific observation concerning the estimate of damage to the growing crop that was used as the basis for concluding that the losses had in fact occurred.

The information furnished, including the numerous references to infestation of both the cotton and the corn crops as well as to losses due to floods, was completely devoid of specific facts. The information consisted of broad generalities based on information said to have been furnished by the people concerned in the Ministry of Supply, by appropriate people in the Ministry of Agriculture, and statements made to us that the Nile flood conditions were observed daily by Embassy officials. There was no evidence available in the Mission to substantiate such reports nor is any now provided. The Agency response gives no clue to the rationale of accepting as valid the Ministry of Agriculture forecasts of future events while rejecting the Ministry's Yearbook reports on those that had occurred.

It appears to us therefore that the present insistence that such verification was made is not only unsupported by facts or the record but is contradicted by the best available information as to the actual crop results for 1961. Further doubt is cast on the reliability of AID's position by certain other considerations, which, while of only general bearing, nevertheless should have shown the need to ascertain the true crop conditions. For example, insect infestation and flooding are relatively normal conditions in Egypt. They are known to be aggravated by the fact that effective crop spraying is impracticable because of the practice of sowing corn by indiscriminately scattering seed and the common practice of small farmers' refusing to spray disinfectants in order to salvage the leaves from the stalks to feed their cattle.

One of the bases for AID's rejecting the crop statistics shown in the United Arab Republic Ministry of Agriculture Yearbook is that Ministry reports are frequently inaccurate or misleading. AID stated that this is particularly true with respect to agricultural statistics, since in many countries a high percentage of agricultural production fails to reach the commercial market and thus is not easily captured by the material statistical system. This would seem to suggest that actual production probably was greater rather than less than that shown by the agriculture yearbook.

A further indication that the alleged shortfall did not occur and that the title II grant was not needed exists in the fact that substantial quantities of title II corn were not distributed from January to May 1962, the period in which the supposed need existed. In fact there is no evidence that 85 percent of it ever was distributed for the purpose intended. The United Arab Republic had agreed, on November 29, 1961, to distribute the corn to needy famine victims from January to May 1962. However, very little corn was distributed through July 11, 1962. For example, Mission auditors reported that only 4 of the 42 distribution centers visited in June and July 1962 had commenced distributions.

3. AID's comments

The Mission was fully aware of relief measures being taken by the United Arab Republic but concluded that these measures would not prove adequate. While the United Arab Republic in October and November 1961 was considering distributing corn free or at a nominal price to further alleviate the problem, it would not be an erroneous deduction to state that the possibility of taking such measures was a result of the hope that title II corn would become available, thus permitting free distribution to needy farmers. Corn programed under titles I and III could not be shifted to avert the anticipated famine. Title I corn could not be used in this manner since the requirement for the United Arab Republic to pay for additional corn would have produced an undue burden on the already strained economy of the United Arab Republic. Title III corn had been earmarked for specific feeding programs and was required for this purpose.

Evaluation: We found no evidence to support AID's contention that it was aware of the relief measures being taken and that the United Arab Republic's actions had been evaluated and found to be inadequate. Public Law 480, titles I and III, agreements consummated before the title II grant was made assured the United Arab Republic of an increase of 262,000 tons over and above prior years' imports. Even had the alleged shortfall in the United Arab Republic crop occurred, the total thus available for consumption would have been 1,612,000 metric tons (1,350,000 metric tons plus 262,000 metric tons) or approximately the same as the average annual United Arab Republic crop.

These facts, as well as the other alleviation measures by the United Arab Republic, were known over a month before the title II grant and show that the threatened shortfall, if it occurred, could have been substantially offset from the United Arab Republic's own resources and those which it could expect to receive. Nevertheless, we found no evidence that the mission actually considered these facts in connection with the title II request or of the basis for the conclusion that the Agency now says was reached at that time that these partial measures would not prove adequate.

With regard to AID's reasons as to why title I corn could not be used, audits by the mission disclosed that in fact quantities of title I corn were commingled with title II corn and distributions were made from the total quantity. With regard to title III corn, our review showed that large quantities of such corn were not specifically earmarked for feeding programs and were used outside the title III program.

4. AID's comments

AID/Washington specifically requested the mission to investigate the crop situation and outlined to the mission the detailed information needed to justify the program. Verification was made by the mission of the United Arab Republic's representation on the crop loss. In addition, verification was made by review of reports of the agricultural attaché and the mission agricultural officer.

Evaluation: The AID message that allegedly specifically required the mission to investigate the situation asked them to investigate the drought situation including the United Arab Republic's desire for title II program. The mission's response did not in any way indicate that it had verified the need for the program; it merely stated that in the mission's judgment the United Arab Republic's request substantially explained and justified the requirement.

AID's contention that verification was made by review of reports of the agricultural attaché and the mission agricultural officer also has no substance since, as noted above, such reports as were made stated that they were based on unverified information received from the United Arab Republic. The mission agricultural officer, in response to our request, told us that he issued no written reports concerning the extent of damage to the United Arab Republic 1961 corn crop.

5. AID's comments

Although it is true that final disposition of all corn granted under the title II program was not confirmed by audit, the General Accounting Office (GAO) draft report does indicate that 15 percent was accounted for. Further, as of April 1963 the AID mission reported that 186,000 metric tons of corn had arrived in the country and that records had been examined in the United Arab Republic Ministry of Supply to show the total allocation and distribution of corn to the several governorates. In addition, some 42,000 tons of corn, or 23 percent of the total corn shipped, was traced by audit to distribution centers. Although end-use checks were limited because only a small quantity had been distributed to recipients, the mission audit report concluded that "storage facilities, records, and methods of receipt and distribution are considered satisfactory." Although some problems were indicated—such as delays in distribution beyond the emergency period, the use of unmarked bags, and the need for more publicity—no specific recommendations were set out in the report.

The mission obtained information listing Provinces which had received the granted corn. Review of the data furnished by the GAO disclosed that this listing was checked with the United Arab Republic Ministry of Supply records showing actual distribution to the 25 governorates. This was in addition to the above-mentioned 42,000 tons (23 percent) of the total corn shipped which was traced to distribution centers, of which 12,000 tons were identified as having been distributed free. Further, all records covering distribution to end users were kept (and are still available) in the agriculture banks. The draft report does not indicate whether the audit team availed itself of these existing United Arab Republic records. With regard to the 14,500 tons of corn sold, the mission has instituted measures for repayment although no deposits have yet been received from the United Arab Republic.

Evaluation: Mission verification that the United Arab Republic records showed the total allocation and distribution of corn to the several governorates is not evidence that the corn actually was distributed to those for whom intended by the grant, since the governorates represented merely central distribution points. That would be true even had the wholesale distribution been verified, which had been done only to the extent of the 42,000 metric tons described in our report as having been traced to that point by the mission auditors.

As shown in our report, the mission auditors found that 24,000 metric tons of that 42,000 metric tons remained at the distribution centers still undistributed to consumers as late as October 1962, that only 12,000 metric tons had been distributed free, and that 6,000 metric tons were sold; the mission was also subsequently told by United Arab Republic that an additional 8,500 metric tons had been sold, or a total of 14,500 metric tons. The mission had not ascertained the disposition of the remaining 159,500 metric tons (186,000 metric tons less the 26,500 metric tons sold and distributed free) despite the clear evidence that over half of the known dispositions were improperly made by sale. It was not until July 1964, and then only as a result of our review, that the mission obtained information showing which provinces received the granted corn, and it did not even then know the final disposition.

The Agency's statement that its review of data we furnished disclosed a listing that had been checked with United Arab Republic records showing actual distribution to the 25 governorates, and that this was in addition to the above-mentioned 42,000 tons, improperly implies that this evidences actual distribution of the entire 186,000 metric tons. Such is not the case. We found no evidence that these quantities were actually delivered to needy individuals or even shipped to the distribution centers. In any event, determinations in respect to the title II program could not have been made from those particular records since both title I and title II transactions were merged in the single set of records with the commodities under both titles being treated as fungible goods. Nor, in our opinion, could review of such records without independent verification be considered as fulfilling the agency responsibility.

Department of State comments

The Department of State advised us that it concurred in the AID comments. The Department also stated that:

"Our willingness to consider a title II program had an important psychological effect. It coincided with a conscious effort to improve United States-United Arab Republic political relations. Because of the United Arab Republic leadership role in the Near East, its geo-political importance, the part it played in assuring peace and stability in the Near East, * * * a determination had been made at the highest levels of our Government to carry out an action program designed to build a broad and useful relationship. Because there was a mutuality of interest in orderly economic development, much of our interest was focused in this field. For a country with limited resources and no foreign exchange resources to fall back on, it was clear that an agricultural failure would have an adverse effect on the over-all economy and could cause its burgeoning economic development program to falter. Thus it appeared desirable for humanitarian and political reasons to be associated with measures to alleviate the economic consequences of this agricultural short-fall on the masses of Egyptian farmers who had suffered."

Evaluation: Our study of title II, Public Law 480, discloses no specific authorization for the Executive agencies to grant commodities to foreign countries under section 201 of the act in order to improve political relations with these countries. Section 201, under which the grant of corn was made, permits emergency assistance to be furnished to friendly people in meeting famine or other urgent or extraordinary relief requirements by the transfer of surplus agricultural commodities. While "famine or other urgent or extraordinary relief requirements" are not defined in the legislation or in the legislative history, we find nothing in title II which would authorize the donation of corn to the United Arab Republic for the reasons cited by the Department of State. However, section 2 of Public Law 480 states it to be the policy of the Congress "to make maximum efficient use of surplus agricultural commodities in furtherance of the foreign policy of the United States." Presumably the grant of corn to the United Arab Republic for political reasons cited by the Department of State was made under the Department's responsibility for the conduct of foreign affairs.

CONCLUSION

We believe that the underlying reasons for granting corn to the United Arab Republic without adequate verification of the need for the commodity are to be found in the policies of the Department of State. The Department advised us that the willingness to consider a title II program coincided with a conscious effort to improve relations with the United Arab Republic, the country's geopolitical importance, and the part it played in assuring peace and stability in the Near East.

We have found no specific authorization in title II, Public Law 480, or in the legislative history of the act, which permits the grant of corn to achieve foreign policy objectives. However, the act does contain a general statement of policy of the Congress to make maximum efficient use of surplus agricultural commodities in furtherance of the foreign policy of the United States.

Under these conditions, we believe that there is a need to clarify, in existing legislation, the conditions under which the executive branch can donate surplus agricultural commodities to achieve foreign political objectives. Public Law 480, as presently written, makes no specific provision for such donations.

We also believe that there is a need to identify more specifically the agencies responsible for the decisions made relating to Public Law 480 programs. Under present arrangements, the Department of State carries out those functions relating to the Public Law 480 programs in advancing the foreign policy interests of the United States. However, there are no procedures involving title II grants requiring that the decisions of the Department in this area, which override other considerations, be explicitly stated and justified by the Department to the Congress. Further, the cost of title II programs which are motivated primarily by Department of State foreign policy considerations is shown in the Department of Agriculture's budget and defended before the Congress by the Department of Agriculture. We believe identification of agency responsibility in the decisionmaking process and presentation of program justification by the responsible agency would enable the Congress to better evaluate the purpose of the programs and to make better informed judgments relating to appropriations of funds necessary to carry out these purposes.

Matters for consideration by the Congress

The Congress may wish to consider enacting legislation which would require that commodities be donated under title II of Public Law 480 only upon a certification by the U.S. Chief of Mission that he has verified the need for such commodities or upon the determination by the Secretary of State that such food donations are in the interests of the United States.

The Congress may also wish to consider whether it would be more appropriate to require that the expense of providing surplus agricultural commodities to foreign governments to meet U.S. foreign policy objectives be met from appropriations made available to the Department of State or the Agency for International Development rather than from Department of Agriculture appropriations.

SCOPE OF EXAMINATION

Our examination of this grant of corn to the United Arab Republic consisted of a review of the justification of the grant and its subsequent administration. We reviewed, in the United Arab Republic, correspondence, reports, and other pertinent material available to us at the AID mission, the U.S. Embassy, and the office of the agricultural attaché. We also discussed the grant with responsible officials of the AID mission and the Embassy and with the agricultural attaché.

Mr. HARRIS. Mr. President, I wish to commend the distinguished Senator from Alaska for the statement which he has made in the Senate today concerning aid to the United Arab Republic. The distinguished Senator from Alaska [Mr. GRUENING] serves as chairman of the Subcommittee on Foreign Aid Expenditures of the Government Operations Committee.

I commend to all Senators the report which has previously been made by his subcommittee on foreign aid expenditures in certain Middle East countries. There are 10 of those countries which were included in that report.

I have had an opportunity in recent days to read the report of the Comptroller General on misuse of foreign assistance in the United Arab Republic, the report of the Comptroller General which has been referred to by the Senator from Alaska, portions of which have been made part of the RECORD.

I commend to the attention of all Senators, particularly those who are serving as conferees on the foreign aid bill, those portions of the Comptroller General's report and the statement made today by the Senator from Alaska, which again is a significant contribution in this field.

I associate myself with his remarks and commend him for having made them.

Mr. GRUENING. I thank the Senator from Oklahoma. His amendment to the foreign aid bill, which was an improvement on the amendment which was in the Senate bill but is still in conference, is absolutely essential if we are to deserve the respect of foreign nations. It is disgraceful that we have ladled out funds of the American taxpayers to a dictator whose every move has been in opposition to the interests of the United States, who has denounced and insulted the American people, who has permitted the burning of the Kennedy Library, who shot down an unarmed American plane, and who has conducted a campaign of vilification and hostility to the United States.

Not that alone, but he has moved into Libya and urged its rulers to throw out Wheelus Air Force Base which we established there, and produces great economic benefits to that country. If the Harris amendment is dropped by the conferees it will be a shocking betrayal of what the Senate adopted by an overwhelming vote.

Mr. HARRIS. I thank the Senator for his comments on the amendment, which is, in truth, an extension of the broader concept already included in the Foreign Assistance Act which the Senator from Alaska authored and which, if followed, would take care of this problem without any additional laws or amendments. Inasmuch as the amendment was adopted to the Foreign Assistance Act by the Senate, I join with the Senator in the hope that the conferees will keep it in the bill.

Mr. GRUENING. If it is not kept in the bill, the conference report should be rejected.

NOMINATION OF HAROLD H. GREENE TO BE A JUDGE IN THE COURT OF GENERAL SESSIONS FOR THE DISTRICT OF COLUMBIA

Mr. HARRIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Michigan without losing the floor.

The PRESIDING OFFICER. Without obection, it is so ordered.

Mr. HART. Mr. President, it is in the nature of the press and politics to emphasize crises and conflicts and to let the good and even inspiring events pass without notice. I want to comment briefly about a nomination sent to the Senate by the President a few days ago. It is the nomination of Harold H. Greene to fill a vacancy on the court of general sessions for the District of Columbia.

He was born in Germany in 1923. His parents, in a series of stop-and-go movements, reached this country in the late 1930's. Shortly after that, Harold Greene entered the U.S. Army and served with distinction during the war in Europe.

When he returned, he went to George Washington University Law School, graduating with honors. He served on the board of editors of the Law Review at George Washington and was awarded the Order of the Coif.

This early indication of intellectual excellence was confirmed by a brilliant career almost exclusively as a Government career attorney. He served 1 year as a law clerk to Judge Bennett Champ Clark of the U.S. Court of Appeals, a former Member of this body.

In 1953, Harold Greene was appointed an assistant U.S. district attorney for the District of Columbia, a position he held until 1957, when he became an attorney adviser in the office of the legal counsel of the Department of Justice.

In 1958, he established the Appeals and Research Section of the Civil Rights Division of the Department of Justice. He has been there ever since.

I hope very soon that we shall put on the law books of this country the landmark legislation—the Voting Rights Act of 1965. All of us who had daily discussions in developing that bill were impressed with the quickness of mind of Harold Greene, his magnificent temperament, and his ability to adjust to and understand competing points of view, and to contribute materially toward the resolution of conflicts, which was demonstrated throughout the course of the many meetings and negotiations.

When the public bewails the fact that somehow or another one must have political "muscle" to secure advancement, that hurdles imposed in the progress of those who start from scratch are too great successfully to clear, in short, when we think about the travail and the mistakes which all of us make in our experience, let us remember that the President of the United States has just sent to us the name of a man who had no head start, but who had the deep conviction that by an application of the magnificent gifts which God had given him he could succeed—and he has.

The nomination of this able Government career lawyer to the Bench evidences again the determination of President Johnson and the Attorney General, Nicholas Katzenbach, to recognize merit and ability in their judicial selections.

All of us are the richer because of it, and I welcome the opportunity to say so on the floor of the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Washington Evening Star, entitled "Needed Judge."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEEDED JUDGE

In nominating Harold H. Greene to fill a longstanding vacancy on the Court of General Sessions, the President has picked a man who should be an asset to this overburdened tribunal.

The vacancy has gone unfilled for almost 2 years—a circumstance which adds unduly to the work of the other judges. And furthermore, there is an additional vacancy to which no one has been named.

Mr. Greene, who is 42, has spent most of his legal career in Government posts since graduating at the head of his class from George Washington University Law School in 1952. For the most part, he has served in the Department of Justice. But he also served a year as clerk to Judge Bennett Champ Clark of the U.S. Court of Appeals, and he practiced for 4 years as an assistant U.S. attorney in the Court of General Sessions. So he brings to his judicial assignment the kind of experience which should amply qualify him for the new position he is to occupy.

There is no disputing the need for more judges on this court. As Chief Judge Smith has just reported to the Attorney General, more than 235,000 civil and criminal cases were filed during the fiscal year ending June 30. This was an increase of more than 3 percent over the previous fiscal year—an increase which came on top of a serious backlog in the civil department. This backlog is not the fault of the judges. What is needed is more "judge-power," and congressional proposals to create three additional judgeships recognize this fact. In the past fiscal year, the General Sessions Court collected $4.7 million in fees, fines, and forfeitures. So it pays its way. And it should have the judges required to handle the workload—both in the interests of the court and, more importantly, in the interests of the many thousands of litigants who are entitled to have their cases heard without excessive delay.

Mr. TYDINGS. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from Michigan.

I am looking forward to the opportunity of introducing Mr. Greene to the District of Columbia Committee which will consider his nomination next week.

SECRETARY McNAMARA'S APPEARANCE BEFORE DEFENSE APPROPRIATIONS SUBCOMMITTEE

Mr. STENNIS. Mr. President, last week, I announced that the Defense Appropriations Subcommittee of the Committee on Appropriations was nearing the conclusion of its hearing on the Department of Defense budget for the fiscal year ending June 30, 1966. I stated at that time that the hearing, along with the hearings and work of the Senate Preparedness Investigating Subcommittee, had conclusively proved that the funds requested in this budget are not adequate to provide for the basic readiness of our forces and to support the present level of combat operations in southeast Asia.

At the time I made the announcement last week, Secretary McNamara had just returned from South Vietnam and was in the process of making his report and recommendations to the President. The subcommittee recessed until such time as Mr. McNamara coud come before the subcommittee and gave us more information.

In his press conference on Wednesday, the President stated that Congress will be asked to provide additional funds to meet the increase in costs of combat operations in Vietnam. I have asked Secretary McNamara to present a definite request as to amount, and to develop and present to us definite and factual information with respect to the added funding which will be required. It is expected that the formal request will be submitted to Congress the first of next week.

I believe that such additional funds should be included in the Department of Defense appropriation bill now pending before the subcommittee, rather than wait for all the needed funds to be included in a supplemental request which may be presented and acted upon at the next session of Congress.

Secretary McNamara will appear before the Department of Defense Appropriations Subcommittee next Wednesday morning at 10 o'clock. His testimony will cover major aspects of the pending bill, as well as added funds for Vietnam. Inasmuch as the request for additional funds will include the procurement of items and the construction of projects for which authorization is ordinarily required, I have invited the full membership of the Senate Armed Services Committee to attend and participate in the hearings.

I thank the Senator from Oklahoma very much for his courtesy in yielding to me.

CRISIS IN VIETNAM

Mr. HARRIS. Mr. President, the President's statement this week on Vietnam will help us all, I hope, focus our minds on the hard realities of things as they are, not as we would wish them to be.

We are dramatically reminded that short of nuclear war, on the one hand, and dishonorable withdrawal on the other, is another way, which, like most right courses, is a narrow and rugged path.

President Eisenhower decided in October 1954, "to assist the Government of Vietnam in developing and maintaining a strong, viable state capable of resisting attempted subversion or aggression through military means." Since then top officials in three U.S. administrations have constantly examined and reexamined the alternatives open to this country in southeast Asia. Each reexamination has confirmed the basic necessity of the commitment we made 10 years ago, a commitment based on the conviction that the vital interests of the free world and our own country could be broadly affected by the course of events in southeast Asia.

That part of the world has great strategic significance in the forward defense of the United States. Its location across east-west air and sea lanes flanks the Indian subcontinent on the one hand, and Australia, New Zealand, and the Philippines on the other. It dominates the gateway between the Pacific and Indian Oceans. In Communist possession, this area would present a serious threat to the security of the United States and to the entire non-Communist world.

Also, South Vietnam is a test case for the Communist strategy that was spelled out by Khrushchev in 1961, when, in a major elaboration of Communist doctrine, he dedicated communism to the provoking and encouragement of "wars of liberation" and specifically referred to Vietnam as one such war. "It is a sacred war," he said. "We recognize such wars." The West cannot let communism succeed with this masquerade of aggressive expansionism.

Finally, and most to the point, South Vietnam, a member of the free world family, is struggling to preserve its independence from Communist attack. The Vietnamese have asked for our help. We are giving it. We do so in their interest, and we do so in our own clear self-interest.

Our goal there is simple and forthright. The United States has no designs whatever on resources or territory in that part of the world. Our national interest does not require that South Vietnam or Thailand or Laos or any other country of southeast Asia serve as a western base or a member of the western alliance.

Our ultimate goal in southeast Asia, as in the rest of the world, is to maintain free and viable nations which can develop politically, economically and socially, and which can be responsible members of the world community.

We could, of course, abandon Asians to a Communist future by pulling out of South Vietnam and vacating our commitment to freedom. To do so, as President Eisenhower stated in 1959, would almost certainly "set in motion a crumbling process that could, as it progressed, have grave consequences for us and for freedom * * *. The remaining countries in southeast Asia would be menaced by a great flanking movement." As this happened, the sphere of the free world would begin to shrink. We would simply postpone, perhaps for a very brief time, the multiplication by the thousands—and perhaps by the millions—of the casualties that would result from our giving away in the struggle for southeast Asia.

The alternative followed by this administration—and its predecessors—is to draw on our rich resources, our dedication to freedom, the power of our prestige, and our military capabilities to help the people of South Vietnam win this war and to build a stable, independent society. This is not going to be easy or quick. But because the conditions are difficult and the processes agonizingly slow is no reason to abandon our carefully chosen course, and choose instead the dishonor and possible disaster of surrender.

We are a big and great country, and today we shoulder the burdens of leading the free world. Problems of war and peace, and the task of defending the course of freedom under adverse conditions perhaps far from home are an unshakeable part of that burden. Deep down inside, all of us Americans know this to be true. We are not going to quit or to panic because the going is tough, the cost is high and the progress is slow. We are going to stick to our commitment, to use our power wisely and to save and extend freedom wherever and whenever we can. That is not merely the honorable course, it is the wise and necessary one for America.

So I support President Johnson in the course of action that he has outlined. I support him soberly, recognizing that the decisions that have been reached will mean personal sacrifice for many American families. The decision to enlarge draft calls was not taken lightly. It is the product of thorough, searching study, and a full and careful weighing of alternatives. For, as the President has stated over and over again, this is not a war that we seek. In Vietnam as elsewhere we prefer the paths of peace. We have come only with reluctance to the course of action now before us. We have done so only after exploring all valid alternatives and rejecting them as incompatible with our commitment and our interests.

Repeatedly we have sought by means, private and public, to achieve a solution short of larger war. Our readiness to move this confrontation into diplomatic and peaceful channels has been made clear over and over again. No significant interval has elapsed in the period since the Geneva Conference of 1961–62, at which the United States accepted in good faith an agreement for the neutralization of Laos—an agreement that the Communists violated from the start by failing to withdraw their combat military personnel—without a renewed effort by our Government to enter into discussions or in other ways seek new pathways to peace in southeast Asia.

The Communist record of diplomacy stands in sharp contrast to this. Rather than the quiet, behind-the-scenes discussion of difficult issues they call loudly for negotiations—but fail to arrive at the negotiations table. They promote the adoption of resolutions in international forums—but fail to respond to thoughtful initiatives that might contain the seeds of peace for southeast Asia.

Despite Communist intransigence we have continued to take and support actions that might lead to peaceful settlement of this war. Among the steps taken are these:

In the United Nations: In August 1964, we raised the Gulf of Tonkin events in the Security Council, and North Vietnam was invited to present its case. The Foreign Minister of Communist China in an August 13 letter to the Foreign Minister of North Vietnam emphatically stated that the United Nations had no right at all to consider this subject. North Vietnam responded to the President of the Security Council in a similar vein and added that any Security Council decision would be considered null and void by North Vietnam.

In April 1965, the Secretary General of the United Nations, U Thant, considered visiting Peiping and Hanoi to explore possible ways of ending the war in Vietnam. Communist China through the medium of the People's Daily commented on April 12 that U Thant was knocking at the wrong door and should spare himself the trouble since "the Vietnam question has nothing to do with the United Nations." The Prime Minister of North Vietnam, Pham Van Dong, in a statement on April 8 said that "any approach tending to secure United Nations intervention in the Vietnam situation is inappropriate."

Through the British: On February 20, 1965, the United Kingdom proposed to the Soviet Union that the British and Soviets undertake as Geneva cochairmen to explore the bases of a possible Vietnam settlement with all the Geneva Conference countries. The United States supported this approach. The Soviets were, however, not even prepared to cooperate in seeking the views of the parties concerned regarding the grounds for settlement.

The British then undertook to send former Foreign Minister Patrick Gordon Walker to visit interested countries and explore the bases for a Vietnam settlement. Walker visited South Vietnam, Cambodia, Laos, Thailand, and Burma in April. Peiping, however, informed the British Government in a formal note that it was not suitable for a special representative of the British Government to contact the Chinese Government on the problem of Vietnam and that he would not be welcome. Hanoi also declined to receive Walker.

More recently the Commonwealth Prime Ministers Conference sought to play a constructive role. We welcomed this initiative, which was to take the form of a five-man team of Commonwealth Prime Ministers led by British Prime Minister Harold Wilson. The mission was harshly refused even to receive the group. Subsequently a Labor Member of Parliament with personal ties to individuals in the North Vietnamese Government attempted on his own to keep this effort alive. He, too, faced the same intransigence and returned to London discouraged by the absolute unwillingness of the Communist leadership to take even preliminary steps that might lead to a peaceful settlement.

Unilateral initiatives: On April 7 in a major address President Johnson stated that the United States stands ready for unconditional discussions any time, anywhere to bring peace to Vietnam. He noted that we have stated this position over and over again to friend and foe alike. Hanoi and Peiping responded by calling the proposal a hoax, a big swindle, a lie covered with flowers.

Proposals from other nations: A proposal with wide international backing was the appeal of 17 nonalined nations for a peaceful negotiated solution to the Vietnam conflict. In its response to this appeal on April 8, the United States stated again its readiness to undertake unconditional discussions.

Communist China and North Vietnam rejected unconditional negotiations, declaring that the Vietnamese people will never agree to negotiations without preconditions. Marshal Tito and other unspecified backers of the 17-nation appeal were labeled monsters and freaks in the Peiping People's Daily.

Another proposal by President Radakrishnan, of India, called for: (a) cessation of hostilities by both sides, (b) policing of boundaries by an Afro-Asian patrol force, and (c) maintenance of present boundaries so long as the people concerned desire it. We have shown our interest in this proposal in continuing discussions with the Indian Government.

Communist China denounced the Indian proposal as a plot to use Afro-Asian countries to serve U.S. aggression against Vietnam and accused the Indian Government of betraying the Afro-Asian countries' stand of opposing imperialism and colonialism and supporting the national liberation front movement.

Hanoi also rejected the Indian proposal, calling the erroneous viewpoints of Indian ruling circles an offense against the South Vietnamese people.

Cambodia conference: Not all overtures for negotiations are direct. It was widely suggested that a conference to consider the neutrality and territorial integrity of Cambodia would provide opportunities for discussion of other serious and related matters such as the conflict in Vietnam. A new Cambodian proposal for such a conference was made in 1965. The United States indicated it would be willing to attend. But subsequent statements by the Cambodian Government, strongly endorsed and amplified by Communist China, made it clear that such a conference would not be permitted to serve as a way to search for a solution to the Vietnam issue.

Bombing "pause": Often actions speak louder than words. Seeing its own overtures and those of other concerned nations rebuffed by the Communists, the United States provided a further opportunity for the other side to demonstrate its interest in ending the Vietnam conflict by suspending bombing operations against North Vietnam for the period May 13–17. Such a pause had been suggested by a number of observers who believed this might give the Communists an opportunity to indicate a change in course without preliminary diplomatic or public discussions. This hope turned out to be baseless. The Vietnam News Agency in Hanoi called the suspension "a worn-out trick of deceit and threat." The New China News Agency in Peiping characterized the suspension as "a peace swindle," "a despicable trick," and "war blackmail."

Equally significant was the fact that there was no noticeable change in the pace of aggression mounted from North Vietnam. The Canadian representative on the International Control Commission in Vietnam who went to Hanoi to discuss North Vietnam's reaction to the pause also found no change in the Communist position.

British Foreign Secretary Michael Stewart told the House of Commons on June 21 that the British Consul in Hanoi had attempted to serve as a channel of communication between the United States and the North Vietnamese authorities before, during, and after the pause, but that he was coldly rebuffed.

The record is clear. On our side: a readiness to undertake discussions under a wide variety of auspices, without preconditions, for the purpose of ending the fighting in Vietnam. On the Communist side: intransigence, rude rebuffs of well-intentioned overtures, insistence on plainly unacceptable preconditions, and an unabating output of harsh propaganda.

I know our Government will continue to look for a workable solution to this problem, a solution that enables the people of Vietnam to live in peace and enjoy the progress of which they are capable. But I would point out in closing that negotiations on a problem of this gravity are too important to be entered upon lightly. Each proposal must be considered on its merits. Does it contain the possibility of a serious contribution toward a solution? Will the responsible parties take part?

That is why our Government insists that any peace discussions be conducted with responsible governments. The Communists are naturally anxious to get us to negotiate with the so-called national liberation front, or with the Vietcong. We know, however, that the front is just what its name indicates: a front for a Communist apparatus controlled and directed by the Communist authorities in Hanoi. It is little more than the South Vietnamese branch of the North Vietnamese Communist Party, and as such has no valid claim to popular support or representativeness in South Vietnam.

Our Government has quite correctly taken the view that there is no point in negotiating with the troops in the front lines when the real power lies in Hanoi. The Secretary of State has indicated that we would not object if North Vietnam included members of the front in a North Vietnamese delegation to a possible peace conference. That would be up to Hanoi. But for us to enter into negotiations with the front, or with the shadowy figures who run the Vietcong in South Vietnam, would fly in the face of an elementary principle of successful negotiations: that the opposite party actually have authority and power to speak for its side.

We will continue to work for peace in southeast Asia. Our diplomatic actions are part of that effort. So is our military commitment. As the President has indicated, we will persevere at both.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. MONRONEY. I associate myself with the very fine speech that my distinguished colleague has just delivered on the history of our peace efforts to end the war in Vietnam and the importance of the struggle for freedom in that part of the Far East in which Vietnam is the keystone. I commend him for the historic research that he has done for his speech on the peace efforts that have been made.

He has very clearly focused light on the fact that peace efforts by Hanoi are for propaganda only. Repeated overtures by responsible negotiators of many nations have been rebuffed and ridiculed, while the North Vietnamese have held out a phony olive branch trying to convince the rest of the world that they are being denied a chance to negotiate a just settlement for this vital area of the world.

I quite agree with my colleague, and the actions of the President of the United States in moving to strengthen our hand in the Far East, so that we shall be certain not to become the victims of a military disaster, and that we shall have the strength to maintain the freedom of South Vietnam until peace overtures can genuinely come from Hanoi and North Vietnam.

I compliment my colleague on the work he has done, and what he is trying to do.

Mr. HARRIS. I appreciate the kind words of my distinguished colleague, especially because of his superior firsthand knowledge of the situation in Vietnam, having been there himself in very recent months, and because of the great weight his statements have with me and with all others who know of the great dedication and knowledge which the Senator has, not only on this subject, but on all subjects which concern us these days.

I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I join the senior Senator from Oklahoma in commending the junior Senator from Oklahoma on an excellent speech on Vietnam. This is the kind of speech that is most helpful.

There has been a great deal of concern around the country and a great deal of misinformation about our position, strength, and prospects in South Vietnam. Too few Americans understand the remarkable efforts President Johnson has made to persuade our adversaries to settle this tragic situation with peaceful negotiations. The junior Senator from Oklahoma's brilliant analysis of the patience, persistent work for negotiations should persuade any open-minded, fair-minded American that this administration is doing all it honorably and sensibly can do to achieve peace.

The President has been frank in telling the American people that this is a difficult situation which is likely to take a long time and likely to require sacrifices on the part of all young men sent overseas.

The kind of thoughtful well-organized exposition the Senator from Oklahoma [Mr. HARRIS] has given us is most helpful to a thorough understanding throughout the country of this complex and difficult issue.

Mr. HARRIS. The distinguished Senator from Wisconsin has made a great contribution to the knowledge and understanding in this field. Only yesterday I listened to a careful accurate, and sound statement on the very subject which he has discussed. I appreciate his comments.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. COOPER. I, too, commend the Senator from Oklahoma [Mr. HARRIS] for his very fine speech. He has performed a valuable service in providing to the Senate and the country a source of information on the efforts that have been made toward negotiations. From a historical standpoint the speech of the Senator from Oklahoma is valuable. I like the hopeful note at the end of the speech that efforts toward negotiations will still be made; and we hope very much that they will finally have results.

Mr. HARRIS. I certainly thank the distinguished Senator from Kentucky.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Without objection, it is so ordered.

WATER POLLUTION CONTROL

Mr. MOSS. Mr. President, the Deseret News, a pioneer Utah newspaper founded in 1850, published on Monday, July 26, 1965, an editorial entitled "Where U.S. Control Is Warranted."

Quite normally, the Deseret News takes a strong editorial position against the expansion of authority and influence by the Federal Government.

In this instance, however, the Deseret News shows its flexibility and its great understannding of a critical situation now facing America.

The editorial, concerning water pollution and the efforts of Congress during recent sessions to approve a water pollution control bill contains a recommendation that Congress now pass S. 4, the Senate-approved Water Pollution Control Act.

The Senate bill provides for the setting of water quality standards and the enforcement of the act by the Federal Government.

The Deseret News rightly feels that since the States have been given ample opportunity to enact water pollution controls and provide strenuous enforcement, but have not acted, the Federal Government should take the responsibility. The editorial also notes that 14 States have no authority under existing statutes to set the contemplated water quality standards.

A conference committee, of which I am a member, has just been appointed to resolve the differences between the Senate and House bills. It is my hope that the Federal Government will be given the authority to set quality standards and provide stringent enforcement so that our Nation's lakes and rivers might once again run clear.

Mr. President, I ask unanimous consent that the Deseret News editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHERE U.S. CONTROL IS WARRANTED

Last year Congress was unable to pass a water pollution control bill because it couldn't agree whether the Federal Government or the States should set water quality standards.

This year the legislation passed both Chambers—but final enactment is being delayed because of the same dispute. In fact, nearly 3 months have gone by without even so much as the selection of a conference committee to resolve the differences between the House and the Senate.

The Senate bill provides for Federal standards of water quality and enforcement procedures to prevent pollution of intrastate streams and other bodies of water. The House version allows States to set their own standards.

This deadlock is hard to understand because water pollution is one area where Federal standards and enforcement are warranted.

In the first place, in 14 States no one has the authority to set the contemplated water quality standards.

In the second place, uniform national standards are necessary in order to prevent pollution effectively and keep it controlled. Because streams and rivers pass from one State to another, the State that falls down on the job of controlling pollution unnecessarily complicates the task of those States which are conscientious about combating dirty water.

Supporters of the House version of the bill contend that States should be given an opportunity to act first because they are closest to the source of the pollution. The trouble is that the States already have had adequate opportunity to act on their own, yet the pollution problem grows greater every year as the country gets more people and more industry.

Moreover, we can't afford to delay. By the year 2000, according to a report from the Senate Public Works Committee, the Nation's need for water will have far outstripped the maximum amount of usable water. The solution is to reuse the available water. But the more water is polluted, the less possible multiple use becomes.

Unless we all pull together, the need to control water pollution could defy solution, which is within grasp. So let's stop stalling and start working, beginning with adoption of the pollution control measure as passed by the Senate.

PROGRESS IN CURBING INVASIONS OF PRIVACY BY FEDERAL GOVERNMENT

Mr. LONG of Missouri. Mr. President, a little over a year and a half ago, the subcommittee over which I preside, the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, began a small, limited investigation into the use of electronic snooping devices by the Federal Government. At that time, my small staff and I were deep in the woods not knowing where the small path we had found would lead or what we would find along the way. Today, we are still not out of the woods; in fact, we are in a woods darker and more sinister than where we began. For today, the subcommittee is deeply involved in a most important and long-overdue investigation.

Initial probes revealed that there had been substantial purchases of electronic gear by Government agencies. If the agencies had them they must put them to some use.

As the investigation proceeded a little further, the staff and I became increasingly aware of the sophistication of this gear and the potential dangers it posed for the right to privacy.

After further study and reflection we decided that use of electronic gear was only one method or weapon used to invade privacy. Because of the overall concern for infringements upon any aspect of this right, the subcommittee decided to attempt to take a hard look at all kinds of invasions of privacy by Federal agencies. Pursuant to this decision, a comprehensive questionnaire was prepared and sent to over 30 agencies of our Government.

The questionnaire, while concentrating on the possession, cost, and use of electronic gear, also inquired into the use of security forces, mail covers, psychological testing, desk checking, and other activities that might possibly step on the individual's privacy without sufficient public need for doing so.

The results of this questionnaire have only partially been analyzed. Lack of cooperation in answering the questionnaire, evasive answers when given, and checking the accuracy of the responses are some of the roadblocks to a complete and accurate, even if preliminary, report of the facts disclosed by the questionnaire. The tally continues. It may be some time before all the truth is revealed.

The questionnaire did serve a very important function. As the first public and official step of the investigation, it gave the subcommittee a foundation upon which to build a detailed and thorough inquiry. In addition, the press reports of this initial step made the public aware of our interest in the privacy area. The public then began to relate their experiences with the Government and their losses of privacy because of those experiences.

Marshaling the facts gained from the questionnaire and from the independent investigations of citizens' complaints, and researching the legal posture of the Congress, the Executive and the courts in regard to these facts, the subcommittee was ready to begin building an official record documenting what we knew or had suspicion of for some time. I might add, that many times, disclosures were made that were unheard of until revealed at the actual hearings.

Hearings began February 18, 1965. In order to demonstrate to the public, to the press, and to the Congress the insidious and intrusive character of modern electronic devices, this first day was devoted to a demonstration of the workings and use of various "bugging" gadgets. Experts in the field testified as to the use and effectiveness of the "bugs," and also to their potential danger to a free society. Indeed, one manufacturer of such devices stated his belief that these "bugs" were dangerous enough to warrant congressional control through legislation.

The devices included innocent looking flower vases and cigarette lighters cleverly concealing miniature microphones, a Dick Tracy wrist watch transmitter, a transmitter concealed in a martini olive, telephone attachments that could surreptitiously intercept and record either telephonic communications or normal conversations within an entire room.

One such device, when placed on a telephone line, could be activated by merely dialing the phone number of the line to which the device was attached. The eavesdropper could dial the number from just about anywhere in the world—that is, Hawaii to Washington, D.C.—as long as he could dial directly and the "bug" would be activated. The microphone of the phone would then be turned into a transmitter which would transmit over the phone line all sounds in the room in which the rigged phone was located. I might add, that the rigged phone would not ring when dialed, and if the person who was being bugged used his phone, the device would automatically deactivate. In short, there was absolutely no way to discover this bug other than by physical search.

Other devices of clever concealment were shown. There were desk pen mikes, attaché cases that were in reality small, compact and efficient broadcasting and recording studios, lapel mikes, mikes disguised as cigarette packs, as desk staplers, desk calendars, and picture frames.

The subcommittee was convinced, due to the efficiency and size of these bugs, that there is just about no way in which they cannot be concealed in an everyday object that we all have in our homes or offices; and that there was no home or office that did not contain ample locations for such bugs that would provide a perfect place of concealment. In short, this first day of hearings proved beyond doubt the Orwellian capabilities of these small electronic devices.

The next 4 days of hearings turned the subcommittee's attention to activities in the Post Office Department. While little information was developed as to the use of electronic bugs, the hearings did reveal widespread use of another type of investigative technique with which, I for one, have known and questioned for some years. This technique is the mail cover.

By now, most of us are aware that a mail cover consists of recording the information—the address, return address and postmark—on the outside of an envelope. A mail cover does not include opening first-class mail. The testimony at the 4 days of hearings revealed possible abuses of this investigative technique.

Mail covers are used to locate fugitives or aid in the securing of evidence of criminal acts involving the mails. This was asserted repeatedly by postal officials. However, it was admitted that mail of innocent citizens was often caught in the cover of a suspect's mail. The mail of an attorney and his client could be covered. The mail of a suspect's wife and children could be covered. Anyone corresponding with someone suspected of some improper conduct could have his mail covered.

The lack of safeguards against abusive use of mail covers also concerned the subcommittee. There is, barring mistake, no way to determine whose mail is covered at any one time. There were no records kept of mail covers after 2 years, yet there were around 1,000 mail covers placed each month. In addition, fearing improper disclosure, the Post Office requested to be released from their obligation to deliver a list of 24,000 names that were subjected to mail covers over the last 2 years.

The number, scope, and lack of records in regard to mail covers prompted the subcommittee to take immediate steps to mitigate the chance for abusive use of mail covers. The staff of the subcommittee had several conferences with the postal authorities in regard to the corrective steps necessary to protect the mail of our citizens. The subcommittee was particularly gratified with the cooperation given by Postmaster General Gronouski.

Due to the candor and aid of the Postmaster General and the Office of General Counsel, a tentative accord has been reached on the use of mail covers. On June 16, 1965, I placed into the CONGRESSIONAL RECORD, the new and more rigid regulations regarding mail covers issued by the Postmaster General.

I emphasize that this was a tentative agreement. If further abuses occur or these new regulations are ignored, the Postmaster General understands that I will renew my previous efforts to ban mail covers outright. To this purpose S. 973 was introduced some time ago, and is now, and has been pending before the Post Office and Civil Service Committee.

In addition to mail covers, the subject of the use of peepholes or observation galleries were examined during these 4 days of hearings. In the major post offices around the country, a system of observation galleries had been established by which postal inspectors could spy on the postal employees while at work. These galleries extended throughout the work areas, the swing or locker rooms—men's and women's—and the men's toilets.

The postal officials at first claimed that these galleries were essential to securing inviolability of the mails. However, after questions concerning the propriety of such galleries and their actual effectiveness in protecting the mails, the Post Office Department issued new orders blacking out the peepholes in the men's toilet rooms and the women's shift rooms. While some galleries remain in operation, we have assurances of the Postmaster General that these remaining ones are absolutely necessary to protect the mails, and that no peeping at employees while engaged in purely personal activity will recur.

Throughout these 4 days of hearings, the postal officials adamantly adhered to their statement that no first-class mail was or could be opened unless pursuant to a search warrant or statutory directive to the employees of the dead letter office. However, one witness did testify that his mail was opened. The postal officials explained that this was an embarrassing mistake that was completely unintentional.

While preparing to inquire into another agency's activities, the subcommittee learned that the profession that the inviolability and sacredness of first-class mail rendered impossible the improper opening of it was not quite accurate.

On April 13, 1965, the subcommittee held hearings on what is now referred to as "mail levies." Under dubious, if not nonexistent, legal authority, a mail levy involved the handing of all classes of mail—including first class—over to the Internal Revenue Service. IRS then would levy on the contents of this mail in order to collect delinquent taxes owed by the addressee.

Thus, without search warrant as required by the Supreme Court decision in Ex Parte Jackson, in the face of three criminal statutes and the many protestations of the sacredness of the mail by postal officials in hearings concluded not 3 weeks before, the subcommittee documented 34 cases in which a mail levy—involving the opening of first-class mail—was employed to collect taxes.

The upshot of this hearing was the immediate passage of a law forbidding the IRS from levying on first-class mail. This law went into effect on June 21, 1965.

The next phase of this investigation revealed some of the worst aspects of bureaucratic excess and incompetent administration and law enforcement this Senator has seen in a long time.

On April 27, 28, 29, and June 7 the subcommittee took testimony concerning the Food and Drug Administration of the Department of Health, Education, and Welfare.

From the start, the FDA hierarchy chose to be evasive and uncooperative with the subcommittee. Requests to speak with various FDA officials often had to be repeated. When FDA finally acquiesced in the request, strict instructions were issued as to just what the employee or official could discuss with members of the subcommittee staff. Requests for documents and other official papers of the agency were delayed or ignored. Most responses came from lower echelon officials instead of the Commissioner or Secretary of the Department.

In typical fashion, when the hearings opened, pious preachments were heard from the FDA officialdom about the serious and dangerous task that was being performed by FDA inspectors in preserving the health of the Nation. Also in typical fashion, after the hearings were concluded, some nameless official at FDA branded its critics as crackpots and quacks, and charged that the subcommittee chose to believe only one side of the story.

Between these two typical reactions of the FDA, the subcommittee documented the following astounding activties of the FDA. These are only some of those activities.

In the Kansas City, Mo., area the FDA inspectors conducted an investigation in the best traditions of the keystone cops. Because some milk substitute allegedly did not contain sufficient protein content, FDA sent seven inspectors, a female undercover operator, and an array of electronic snooping equipment that would shame James Bond, to a suburban supermarket. The mission was to gather evidence of the illegal sale and distribution of this product, Allerjoy. While the bugging turned out to be a complete failure, the owner of the company distributing the product was in any event brought to trial. Thanks to a sterling defense by the former Governor of Georgia, Ellis Arnall, the owner was acquitted. However, he was forced to spend a huge sum of money in this groundless suit, or else go to jail for a farcical charge of violating the Food, Drug, and Cosmetic Act.

In addition, as if more was necessary, the distinguished trial judge, recently appointed to the Court of Appeals for the Eighth Circuit, expressed his dismay over the conduct of the FDA inspectors in the case. Indeed, having well-founded belief that one of the inspectors perjured himself during the trial, the judge recommended that the Justice Department look into a possible perjury charge. I am informed that the Justice Department has looked into the matter, and has taken no action.

Other witnesses testified of harassment by inspections, bugging, raids and other methods of investigatory practices. Charges were made of attempts to try citizens in the press prior to the obtaining of any judicial process or conducting a hearing. Regulations against the use of certain bugging devices were ignored or winked at. As will be shown later, this is not a custom limited to the Food and Drug Administration.

Finally, one of the most disgraceful instances to ever occur in this country was documented by the subcommittee. Under the guise of a technical, anachronistic legal process that finds its origin in admiralty law, libel of information, the FDA out-did its previous attempts to impersonate the Keystone Cops. In January 1963, they staged a "raid" on a church. This church was the Church of Scientology. While it is not one of the major faiths of this country, while its members have no wealth or political influence, and while the church can justly be described as a minority religion, it has been judicially and officially recognized as a valid church. Nevertheless FDA got 14 or so U.S. marshals with one or two patrol trucks to raid and seize the property and literature of the church. This property was used in religious practices of the church.

Prior to the raid, a spy was planted in the church. During the raid, the Metropolitan Police of the District of Columbia roped off the street where the church was located. Press and photographers accompanied the marshals and the FDA agents while they ran through the premises of the church, banged on doors, shouted and seized the property of the church.

Why?

The reason for all of this elaborate law enforcement activity was that a device used in the confessional practices of the church was allegedly misbranded under the Food, Drug and Cosmetic Act. Yet, I would point out to my colleagues, that only 2 days after this raid, the use of these devices was resumed and continues to this present day. When the subcommittee inquired into how this was possible; that is, how such activity—that warranted in the FDA officials' judgment, a raid similar to the type used in raiding gambling dens or bawdy houses—was allowed to resume operation only 2 days later, we received the perfunctory answer that the FDA had no knowledge that such activity had resumed.

Intimidation, trial by press, groundless but expensive lawsuits, "bugging," raiding, and harassment were revealed. Has the FDA repented? Has it assured anyone it will at least investigate to determine if these facts are true and if so, who is responsible? Mr. President, the answer is no. Not one thing, to the knowledge of this subcommittee, has been done to investigate and correct any abuses. Complete disavowal of any wrongdoing has been FDA's only response.

I remind the Senate that all of these allegations against FDA were made in sworn testimony. I also submit that the witnesses are respectable lawyers and other professional men. It seems, however, that no criticism, no indictment or charge can prompt the FDA to even attempt to change their mode of operation. However, for the Senate's information, possible legislation is now under study to help FDA accomplish that which they seem to have no desire nor intention to do themselves.

Hearings were also conducted that sought to elicit the position of the Federal Communications Commission in this area of electronic snooping. New legislation could obviously help here.

To bring matters up-to-date, only this month, the subcommittee turned its attention to the Internal Revenue Service. To date these hearings have elicited no less than Federal agents frequently violating Federal and State laws and their own departments clear and unequivocal policy directives.

Since 1934 Federal law has forbidden wiretapping. Since 1938 the Treasury Department has issued written instructions banning the use of wiretaps. Since 1957, Pennsylvania has outlawed wiretaps. Yet, in the 1961–64 period various instances of wiretapping occurred in the Pittsburgh, Pa., and Boston, Mass., areas.

As if this were not enough, the Internal Revenue Service special agents have admitted illegal breaking and entering to place "bugs" for the purpose of eavesdropping. Another agent admitted his possession of burglar tools. Another agent admitted ordering a subordinate to disguise himself as an officer of the Coast Guard, knowing that it is a crime to impersonate an officer of the military.

Bugging conference rooms where taxpayers are interviewed, often with their attorneys, is another trick employed by the Internal Revenue Service to catch suspected tax cheats. Surreptitious recorders, 2-way mirrors and snooper scopes and sniper scopes to peer in the dark are found in the well-equipped Internal Revenue Service agents investigative pouch.

Intimidation and harassment along with all of the other abusive law enforcement techniques are also being documented.

As with the other agencies subjected to the subcommittee's scrutiny, the Internal Revenue Service has chosen to hedge its cooperation. Requests for documents are met with refusal or delay. Witnesses refuse to answer questions before the committee on the thinnest excuse ever posed before a congressional committee.

Congress has often had witnesses refuse to testify due to their 5th amendment rights, or some valid exercise of executive privilege. However, never has Congress heard of paragraph 7 of the Commissioner of Internal Revenue's authorization to testify used as an objection to a validly constituted subcommittee of Congress.

Mr. President, need I remind my colleagues that this same agency, IRS, that has admitted wiretapping, breaking and entering, possession of burglar tools, impersonation of officers, bugging lawyers' offices and conference rooms, is the same agency that previously opened first-class mail to levy on delinquent taxpayers.

Mr. President, I would like, in fairness to the involved special agents of IRS, to state for the record that they are not entirely to blame for their activities. As I stated earlier, Treasury has banned use of wiretapping since 1938. But, which of us would not believe that that regulation was made purely for show, to be winked at, but not obeyed, when it was the national office of IRS, right here in Washington, that not only possessed and issued the wiretapping equipment, but also sent out the experts to install and remove that equipment?

Surely, we cannot expect subordinates to obey their department's directives when those who issue these directives show every intention to ignore them.

Another aspect that I wish to discuss, is the matter of whose prerogative it is to investigate the activities of our Federal agencies.

The Commissioner of IRS made repeated assertions that he and his staff would conduct a complete investigation of these matters, and then make a full report to Congress and to the people. I do not doubt the sincerity of this promise. I sincerely believe that the Commissioner deplores the conduct of his agents as revealed by this investigation. However, I do not believe, first, that it is the Commissioner's prerogative to dictate what, where, or when Congress may investigate in order to legislate, and second, that the Commissioner can get all the facts that an independent, open investigation as conducted by a committee of Congress can obtain. After all, the top echelon of IRS, from the Commissioner to District Director, repeatedly asserted that they had no knowledge of these activities until after the subcommittee made its probe.

This lack of knowledge persisted in spite of an elite corps of 200 agents in IRS's Inspection Service. The Inspection Service has as its sole function the job to investigate IRS employees' integrity and efficiency. Two hundred men could not find six wiretaps. One investigator for our subcommittee found them.

Lastly, I would like to say a few words on the organized crime drive conducted by the Justice Department with the aid of IRS. As I stated throughout the hearings, and specifically to the Attorney General, the subcommittee and its staff has absolutely no desire to hinder the organized crime drive program. I regret that some nameless, unidentified official of the Justice Department took it upon himself to judge our efforts as killing the organized crime drive program. Despite the obvious irrelevancy of such an objection to our investigation, since no one is authorized to violate constitutional rights to fight crime or commit a crime to stop a crime, it is mandatory that Congress investigate where it finds possible legislation as the remedy for an existing bad situation.

Testimony at the hearings showed the organized crime drive program, at least in Pittsburgh, may not have had the salutary effect that would be expected. Local gamblers were caught. However, the result of this, according to a distinguished reporter, was to create a vacuum into which the larger, interstate criminal elements immediately stepped.

Today, gambling continues in the Pittsburgh area at about the same rate as before.

One other detail. The Justice Department deemed catching one bad policeman more important than putting five organized crime drive-type criminals behind bars. The reprehensible conduct of a public official taking bribes to protect local hoodlums was reprehensible conduct that deserved the swiftest and severest punitive action that could be brought to bear. Following this policy, the U.S. attorney in Pittsburgh promised the five organized crime drive criminals that if they testified against the officer they would recommend leniency in the gamblers' sentences.

Mr. President, the disclosures made during these hearings are truly a sad commentary upon the situation we find ourselves in today. Are we losing that stern stuff of our founders which created the principle that all men are innocent until proven guilty? It would seem so when flagrant disregard for actions in violation of our criminal laws is the means to put others behind bars, and then to criticize those of us who would stop such affrontery of our Constitution and democracy.

Mr. President, I would like to quote the late Mr. Justice Frankfurter, one of the outstanding jurists to grace the Supreme Court bench. Mr. Justice Frankfurter was dissenting in *Harris* v. *United States*, 331 U.S. 145 (1947). He stated:

> Stooping to questionable methods neither enhances that respect for law which is the most patent element in law enforcement, nor, in the long run, do such methods promote successful prosecution. In this country police testimony is often rejected by juries precisely because of a widely entertained belief that illegal methods are used to secure testimony. Thus, dubious police methods defeat the very ends of justice by which such methods are justified. Respect for law by law officers promotes respect generally, just as lawlessness by law officers sets a contagious and competitive example to others. Moreover, by compelling police officers to abstain from improper methods for securing evidence, pressure is exerted upon them to bring the resources of intelligence and imagination into play in the detection and prosecution of crime.

The great Mr. Justice Brandeis also knew the danger of law officers that wink at the law. In his great dissent in *Olmstead* v. *United States*, 277 U.S. 479 (1928), he stated:

> It is * * * immaterial that the intrusion (by means of wiretap) was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

Mr. President, do we realize the prophetic nature of these words? Does the American citizen understand that today, his freedom is threatened by smug, self-righteous bureaucrats who, through the mistaken belief that they are helping their Government, whittle away his constitutional rights and basic dignity?

Mr. President, the investigation my subcommittee is conducting continues. It will continue until the complete story is told. This may take some time, for, as can be expected, those agencies that have violated our citizens' rights are not about to cooperate in their own indictment. But, I can assure this body, that no matter how long it takes, nor where the investigation leads, we shall fully and completely document all the facts for the people and Congress to study and act upon.

Mr. President, in the short time this investigation has been underway, significant results have already been accomplished.

This investigation has brought before the public the modern developments in electronics snooping, making it possible for rational and corrective steps to be taken to curb future misuse of such gear.

Peepholes in the Post Office Department have been closed out—at least in the areas where they were most offensive.

New rigid regulations have been issued to control the use of mail covers. In addition, it is publicly known that if these mail cover regulations are not strong enough to stop abusive use, that legislation will be pushed to abolish the practice in its entirety.

A new law has already been enacted which prohibits the opening of first class mail by IRS in order to levy on delinquent taxpayers.

Legislation is under study to correct the distressing situation that exists in the Food and Drug Administration.

A record has been built that shows the existing impotence of the Federal Communications Commission in their efforts to control and police the area of electronic snooping. Such a record can be considered the first step to further hearings on this topic, with a view toward drafting comprehensive regulatory legislation giving the FCC or another agency power to police the manufacture, sale, and use of all electronic snooping gadgets.

The recent disclsures of lawlessness in our law enforcement agencies has made the American public, the press, and Congress, more acutely aware of an insidious enemy of freedom within the very boundaries of our Nation—indeed, within the very walls of our Government.

The Commissioner of Internal Revenue Service has publicly promised a full investigation of his agency, and has promised a full and complete report to the public.

Recently the President has expressed his awareness of this investigation and has unqualifiedly endorsed its purpose. The President restated his long-standing policy against wiretapping and use of electronic eavesdropping gear. By such forthright and decisive action, the President has placed himself and thus the whole executive branch foursquare against further encroachments of the individual's rights. Indeed, all of us today can be thankful that the President has taken this position in the past, and adheres to it today. Perhaps we all can sleep better tonight because this policy has been declared.

There we have it, Mr. President. The public and the Congress have been alerted to a modern danger to freedom. Various invasions of privacy have been corrected by official directives, regulations, and an enactment of Congress. Other legislation can be and is being considered based upon the record that has already been built, and has yet to be built. The President has made it clear where he stands on this issue, and has let his position be clearly known to his branch of the Government.

With this successful record thus far, there is every hope that the future promises not an Orwellian nightmare, but a return to the ideals and principles that made this country, preserved it for nearly 200 years and will save it in the future. The future thus promises that the guarantees of our Constitution and the basic dignity of all men will be more fully understood, and thus more fully realized in fact by all American citizens.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period August 31 through September 6, 1965, as National American Legion Baseball Week.

Mr. JORDAN of Idaho. Mr. President, I am pleased to have this opportunity to speak in behalf of the proposed constitutional amendment which deals with the freedom of States—the freedom of voters—to participate in the reapportionment of their own State legislatures.

I express this pleasure for a number of reasons, but I know I will not have the opportunity to dwell upon all these reasons here today. I will ask, however, that Senators give me a few moments of special consideration to the shock, the frustration, the uncertainty, and the potentially harmful discouragement which hovers around not only my own State of Idaho but many of its neighbors which together comprise the western part of the Nation, where population is still small compared with land area.

The frustration to which I refer comes chiefly from two sources. One is the crazy-quilt pattern of court actions which surrounds the subject of legislative reapportionment. The other is the uncertainty as to what can be done to maintain fairness as a reapportionment principle if this guideline amendment should fail of passage.

I am aware that frustrations of this type are apparent in many States. But even to the point of being repetitious, I want to tell the Idaho story.

In April 1962, in Caesar against Williams, the Idaho Supreme Court, reversing a district court finding, found that the lower house was constitutionally apportioned. It is further stated that apportionment was a legislative function.

The apportionment of both houses was then challenged in Federal district court, plaintiffs arguing that one house had to be apportioned solely on the basis of population and that population had to be the primary consideration in the apportionment of the other house.

While the suit was pending, the legislature passed a temporary apportionment plan which improved the apportionment in the lower house.

In January 1962, the Federal district court refused to order reapportionment, stating that the lack of a manageable criterion left it no other alternative. This decision was summarily reversed and remanded by the U.S. Supreme Court on June 22, 1964, in Herne against Smylie.

On remand, the Federal district court refused to enjoin either the 1964 primary, set for August, or the November election and postponed further consideration until 30 days after the end of the 1965 legislative session. The postponement was appealed to the Supreme Court, which, on February 1, 1965, continued the appeal until May 21.

On June 1, 1965, the Supreme Court refused to rule on a motion made by Idaho Attorney General Allan Shepard to dismiss the suit in Herne against Smylie.

This refusal had the effect of leaving the matter in the hands of the Federal district court.

The basis of Shepard's pleading was the enactment of the legisature, on March 25, of a reapportionment statute which created 27 house districts for 67 State representatives but left the senate stable with 44 members, although creating 9 multimember districts.

On April 23 a suit was filed—also in the Federal district court—challenging the constitutionality of the statute. While it appears to the State's counsel that this suit is groundless, no end of exasperation has been caused our legislators—who must, of course, make their plans for 1966—because neither this suit nor the original suit can be disposed of until one of the three district court judges recovers from an illness.

As I have said, situations such as the one I have just described in my home State of Idaho are frustrating. Multiplied by equally complex circumstances which have developed in other States, the result becomes a matter of national urgency. Small wonder that the great newspapers of our country have been headlining developments and issuing warnings in their editorial columns.

In commenting on current reapportionment problems in California, the San Francisco Chronicle voiced this conclusion based upon a warning that the courts would soon be reapportioning the State senate. I read two significant paragraphs from that editorial:

> When the Federal court comes to the end of its struggle to reapportion the senate of the largest State of the Union on a straight population basis, we believe it will finally become clear how regrettable it is that the U.S. Supreme Court found it necessary to put the judicial machinery to this added strain. There is nothing more political than the process of drawing—or gerrymandering—these political lines, and the necessity to draw them will, we fear, unavoidably plunge the Federal courts into a political cauldron.
>
> The only hope now of avoiding such consequences is to take reapportionment out of the courts. That would require a constitutional amendment like that of Senator DIRKSEN, which would let the people of a State apportion "one house of a bicameral legislature upon the basis of factors other than population."

The San Francisco Examiner contributes this equally forceful editorial comment:

> Backward government in some States can certainly be attributed in part to the fact that their legislatures are badly apportioned and rural dominated. But California, with its enlightened and forward-looking State government, including its legislature, illustrates the error of generalizing on that point.

And here is a comment from the Spokane Spokesman-Review, published in a State that is not particularly overwhelmed by current difficulties, but, note that contained therein is an illustration of how States, when given an opportunity will improve their own systems. The editorial makes this point with commendable clarity:

> The State of Washington was not directly affected by this particular decision, even though it was required by Federal judicial edict to reapportion its legislative districts. The fault was with the State's old apportionment law, which was deemed to be in violation of the State's own Constitution—which has always required both houses of the legislature to be apportioned on a population basis.
>
> The proposed amendment to the Federal Constitution is a direct challenge to Federal court authority to dictate to the States in a field of legislation previously reserved for State jurisdiction. Congress ought to challenge the Court in this manner, and to provide the States an opportunity to ratify the proposed amendment.

I come, as I have said, from one of those small States in which the voters, if the U.S. Senate itself were to be apportioned on the basis of numbers of people only, would probably be sharing its Senate representatives with Oregon, and possibly a third State, such as Hawaii. I think Senators will agree with me that there was real food for thought in that speech made on the floor of the Senate on July 23 by the able Senator from Wyoming [Mr. SIMPSON], wherein he pointed out in realistic fashion that on the basis of a numbers apportionment system many Western States would be forced to share Senate representation. He presented computer figures that would put the States of Arizona, New Mexico, Utah, and Colorado in a position where they would be sharing a combined total of three representatives in this Senate I can assure Senators that our reactions here in the Senate to this computer type of thinking differ little from the reactions many voters in our Western States have had to some of the State legislative apportionment proposals they have had tossed their way during recent months.

This proposed constitutional amendment embodies a certain element of pride in opportunity for every voter in these Western States. The distinguished Senator from Colorado [Mr. DOMINICK] voiced this well in a statement presented to the Senate Subcommittee on Constitutional Amendments. I quote two paragraphs from his able presentation:

> Each of us who serves in this body represents a sovereign State in the Union. I am privileged to represent the great State of Colorado along with my senior colleague Senator ALLOTT. Colorado, like other States, has its own history, geography, and economic or other sorts of identifiable group interests. It has its own ideas about attempting to insure effective representation for its people in its State legislature.
>
> It has struggled along with the problems of communications because of its topography and with trying to maintain convenient access for its citizens to its representatives. Is it not fair and just that its people be empowered to choose their own local way of coping with this problem and differences?

The distinguished Representative from the State of Minnesota, the Honorable ANCHER NELSEN, gave an able explanation to another western viewpoint in his recent statement before the Senate Subcommittee on Constitutional Amendments. He said in part:

> I would like to point out that our ingenious system of government consisting of several levels—Federal, State, and local—is unique in the provisions it makes for our time-proved system of checks and balances. These checks and balances were written into our Constitution by wise men who understood the necessity of protecting against rash, ill-founded actions, and these controls have insured our Nation of steady, flexible, continued development.
>
> The most important function of a State legislature is its taxation of property and income. It should be apparent that trees, farms, and acres are among the objects of this taxation. This is true even though you do not find trees and acres overcrowding the school systems, populating the welfare institutions, and making demands for a great variety of new, tax-supported public services. That is why our forefathers so wisely provided in our Federal Constitution that area representation is a legitimate protection that must be afforded to insure fair government.

I am sure all Members of the Senate are fully aware that the great agricultural organizations of our Nation are united in their support of this proposed constitutional amendment. Some of these great organizations have been studying rural problems and presenting farm viewpoints for more years than several of our States have been in existence. The records of the Senate Subcommittee on Constitutional Amendments contain many thoughtfully prepared statements which will certainly reflect a unanimity of opinion among the Nation's farm producers. As an outstanding example and explanation of farmer concern, I want to read the resolution unanimously adopted by the National Grange at its last annual convention, which, incidentally, was the 98th annual session held by this great organization. The resolution reads:

> Whereas the U.S. Supreme Court in a split decision in interpretation of the Federal Constitution has ordered the several States to reapportion their State legislatures solely on the basis of population; and
>
> Whereas development, utilization, and conservation of our natural resources, upon which the progress and prosperity of our total civilization depends, present problems and legislative needs with which rural residents have closer acquaintance than do urban voters; and
>
> Whereas legislation involved in the management and conservation of water, timber, soil, mineral, wildlife, and recreational resources needs the attention of the best informed and most vitally interested men and women available; and
>
> Whereas the very nature of all agricultural pursuits precludes density of population: Therefore, be it
>
> *Resolved,* That the Grange at all levels use its vast influence toward bringing about an amendment to the Constitution of the United States which would reserve to the several States the right to apportion one house of their State legislature on the basis of political subdivision, as has always been our historical heritage, as is now the case with respect to our U.S. Senate.

Senator FRANK CHURCH, my distinguished colleague from Idaho, gave some of this farmer and western emotion a national application earlier this year, when in a statement before the Senate Subcommittee on Constitutional Amendments, he offered this comment:

> The *Lucas* v. *Colorado* decision seems to me to challenge the most fundamental principle upon which our system of government rests, the principle of popular sovereignty. The American political system is composed of a wondrous, pragmatic amalgam of institutions. But the foundation upon which it is built is not these institutions, not even the Constitution itself, but the ultimate will of the people. Sovereignty resides in the people as citizens of the Union and as citizens of their respective States. Surely the people of the States should retain the sovereign right to pass upon the composition of their own legislatures. The referendum is the instrument of popular sovereignty; when its results are in, the people have spoken and their voice should be respected. Indeed, I believe that unless the people continue to exercise their sovereignty, the concept withers from disuse, apathy sets in, and government of the people can become a phrase in a civics textbook, not a common feeling of responsibility which resides in the hearts of men.

It seems to me there is also much wisdom to be found in this personalized paragraph to be found in a statement made not long ago before the House Judiciary Committee by another distinguished westerner, Representative DAVID S. KING of Utah, where, with notable thoughtfulness, he set forth his personal analysis of the problem in this manner:

> I am aware that there are some who would be perfectly happy to see the States reduced to the lowly status of administrative subdivisions of the Federal Government. I do not share this view. Our system of government demands the preservation of diversity and local autonomy.
>
> Somewhere between the two extremes there must be a sensible middle area in which the conflicting needs for centralization and for decentralization find accommodation. My stand on the reapportionment issue is consistent with my concept of where that middle area lies.

One of California's distinguished Democratic State senators, the Honorable George Miller, Jr., presented an exceptionally clear analysis of the general problem in a letter recently published in the magazine the New Republic. These excerpts from the letter are well worth our study and well worth making of record here. I am now quoting:

> I have been asked by liberal friends in other parts of the Nation—who automatically assume that progressive legislation can only be conceived by urban legislators—why California is in the forefront of the drive to secure an amendment. I reply that the only way the differing interests and needs of such a varied and elongated State can be reconciled and accommodated is to assure adequate voice in the legislature for its various parts.
>
> California stretches to a length of more than 800 miles: If it were situated on the east coast it would run from Portland, Maine, to Florence, S.C. Moreover, its steep mountain ranges and wide deserts effectively seal off its regions from each other. Adequate voice for its sparsely settled, but minerally and agriculturally rich parts is now achieved by merely giving token representation in the legislature—one assemblyman and one senator—to a district as large as Tennessee * * *. I, for one, have no quarrel with the *Baker* v. *Carr* decision of 1962. When State legislatures shamelessly disregard the commands of their own constitutions and the people have no recourse through the initiative process, there is clearly no relief available but through the judiciary. But I cannot abide a decision which brushes a mandate from the people themselves. The false front of many of the one-man, one-vote crusaders is exposed by their abhorrence of the idea of letting the people settle the question. They have taken an eloquently appealing slogan and, somewhat dangerously, I think, fastened onto one of the great moral issues of all time: equal rights for Negroes. By their sloganeering they hope to conceal the bald fact that their aim isn't Jefferson's equal and exact justice at all but plain, total political power. They would exchange untrammeled rural domination of some legislatures for unchecked urban domination of all. If this were not so, they would not recoil at putting the question to the people.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. JORDAN of Idaho. I am happy to yield.

Mr. CHURCH. I want to commend the Senator for the fine address he is making. I associate myself with his observation that the most fundamental question at issue is the sovereignty of the people themselves. I concur in what the Senator has said with respect to the decisions of the Supreme Court relating to those States where the people had no opportunity to pass upon their State's system of legislative representation; but where the people have, by majority vote, in a popular referendum, exercised their sovereign judgment, and given their stamp of approval to a system in which one house is based on some formula other than population, then it seems to me they are entitled to make that choice.

This is why, as the Senator knows, I have advocated the adoption of a constitutional amendment, and have, myself, proposed one based on such a concept of popular sovereignty.

I think this is the most elementary principle upon which popular Government rests. Since our system has been one of representative government, based on the underlying sovereignty of the people, I think the majority in any State should have the right to establish an upper house in the legislature in such form as seems to them best designed to further the interests of the State.

I commend the Senator for his excellent address and I assure him that I share the view he is expressing.

Mr. JORDAN of Idaho. I thank my colleague. I do not know whether he was present during the earlier part of my statement, but I quoted from his testimony before the Judiciary Committee, wherein he enunciated the very principle of State sovereignty that he has outlined so ably on the floor of the Senate at this time.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. JORDAN of Idaho. I am glad to yield to the Senator from Wyoming.

Mr. SIMPSON. I want to associate myself with the remarks of the distinguished junior Senator from Idaho and to compliment the distinguished senior Senator from Idaho for the expressions made heretofore and made on the floor today. I think he has stated the situation in the simplest language and in the simplest perspective possible. His argument is very compelling. I hope we can adopt the constitutional amendment proposal and present this question to the people.

Mr. JORDAN of Idaho. I thank the distinguished Senator from Wyoming for his comments. I do not know whether he was present earlier in my remarks when I quoted him.

I thought he made a very fine speech on the floor of the Senate several days ago in this same manner.

Now, Mr. President, continuing with my text:

Travel through this great Nation of ours as we will, through the agricultural areas, the mining areas, the timber areas, the playground areas, and most certainly I would invite you to that grandest of all States, Idaho. But, wherever we go, we will find a rising tide of concern over this question of fairness of representation. The plea is mounting in each of our States—a well-expressed plea—that voters be allowed to be participants in those decisions upon which their welfare is most closely related.

Apparently, everywhere in these picturesque and productive areas faith abounds in the principles so well enunciated in this constitutional proposal which we have before us. I repeat their plea—let the people decide.

Mr. President, I ask unanimous consent to have printed in the Record Senate Joint Memorial No. 1, passed by the Legislature of the State of Idaho on the 21st day of January 1965, expressing support of the legislators, assembled in the capital city of Boise, for a constitutional amendment that would implement this provision.

There being no objection, the Joint Memorial was ordered to be printed in the Record, as follows:

Senate Joint Memorial 1

Joint memorial to the Honorable Senate and House of Representatives of the United States in Congress assembled

We, your memorialists, the members of the Senate and the House of Representatives of the Legislature of the State of Idaho, assembled in the 38th session thereof, do respectfully represent that:

Whereas the Constitution of the United States should not prohibit any State which has a bicameral legislature from apportioning the members of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State, and

Whereas the Constitution of the United States should not restrict or limit a State in its determination of how membership of governing bodies of its subordinate units should be apportioned, and

Whereas in proposing an article as an amendment to the Constitution of the United States implementing the above freedom from prohibition, restriction or limitation of apportionment, the article, as proposed, should be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by Congress: Now, therefore

We, your memorialists, respectfully make application to the Congress of the United States to call a convention for the purpose of proposing an article as an amendment to the Constitution of the United States, to read as follows:

"Article —

"Section 1. Nothing in this Constitution shall prohibit any State which has a bicameral legislature from apportioning the numbers of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

"Sec. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by Congress."

Now, therefore, be it resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this memorial prior to June 1, 1965, this application for a convention shall no longer be of any force or effect; be it further

Resolved, That the Secretary of State of the State of Idaho be, and he is hereby authorized and directed to forward certified copies of this memorial to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the U.S. Congress from this State, as being an application of the Legislature of the State of Idaho, pursuant to article 5 of the Constitution of the United States.

Jack M. Murphy,
President pro tempore of the Senate.
Pete T. Cenarrusa,
Speaker of the House of Representatives.
Attest:
Arthur Wilson,
Secretary of the Senate.

Mr. PROXMIRE. Mr. President, will the Senator from Idaho yield?

Mr. JORDAN of Idaho. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. While I disagree with the Senator from Idaho, I join in commendation of his excellent speech, which is eloquent, thoughtful, and moderate.

Let me ask the Senator a few questions. On Sunday, July 25, the Oregonian of Portland, Oreg., published a lead editorial in which Idaho was discussed as an example of what can happen when we do not apply the one-man, one-vote principle. I should like to quote briefly from the editorial and would ask the Senator to comment, because he is a former Governor and now a Senator from the State of Idaho, and is, therefore, very competent to speak on this subject.

Idaho provides an example of how unfair the representation can be when one house of a State legislature is elected on other than a one-man, one-vote basis.

Twelve of Idaho's 44 counties have a population less than the seating capacity of Memorial Gymnasium at the University of Idaho. Those same 12 counties have 27 percent of the votes in the Idaho Senate.

Minority control of a legislative house can block legislation desired by a majority of the people. That is its purpose. In States dominated by large cities, smalltown and rural people fear they will be overrun by the city majorities if representation in both houses is based solely on population.

Their concern is understandable but in a democracy one man's vote must carry as much weight as the next. If it doesn't situations like that in Idaho are bound to develop. There is no reason to believe that the few people of Camas and Clark Counties are wiser and therefore entitled to a greater voice in State government than the people of Boise, Lewiston and Pocatello.

Mr. JORDAN of Idaho. The Senator from Wisconsin has made a good point. I am not here to defend the malapportionment which has grown up in my State, and also in a number of other States, that started reasonably close to a one-man, one-vote basis. I am not here to defend excessive malapportionment because it has grown out of bounds to the disadvantage of the higher population centers. However, I believe that there is a remedy within the States to correct the situation, without having it forced on us by the Supreme Court. I believe that the Supreme Court has rendered a service in making the States face this important problem.

Mr. PROXMIRE. The difficulty to me is that although letting the people decide is certainly the issue, it seems to me that those favoring the Dirksen amendment would give the majority of citizens in a State the opportunity to decide the make-up of its legislature.

Mr. JORDAN of Idaho. One house only of a bicameral legislature.

Mr. PROXMIRE. Having decided that, if they opt for a unicameral legislature, taking the extreme example, and then opt for geographic representation in that unicameral legislature, that would be the end of letting the people decide. For after that one fatal decision all other issues concerning for example taxation, civil rights, civil liberties, agriculture, and everything else which affects the people of that State, the minority, not the majority, would be able to rule, and the majority would not have the right to decide.

Furthermore, while both Senators from Idaho make an eloquent plea for popular sovereignty to let the people decide on this particular issue, I am concerned about the possibility that in an unrepresentative election, with the newspapers organized on one side, with a strong lobbying effort, and with the question being put by a malapportioned legislature and framed in such a way as to win for the answer the malapportioned legislatures wished, there is every reason to expect the people might very well vote for a system of legislative organization which would serve most of them badly, and greatly reduce the value of the vote for many of them.

Mr. JORDAN of Idaho. I have heard that point raised before. The distrust which the Senator seems to have in the way the question might be phrased on a ballot, and the fear that it might be distorted and bring in a vote favorable to the wishes of the phrasers of the question who put it on the ballot, I believe is going a little too far in distrust even of malapportioned legislatures. I have more faith in human nature than has been expressed on the floor of the Senate by some Senators. I doubt that it would inspire these men to try to put a question on the ballot in order to obtain a distorted answer.

Mr. PROXMIRE. Does the State of Idaho have a referenda system?

Mr. JORDAN of Idaho. Yes.

Mr. PROXMIRE. The State submits referenda on taxes, and so forth?

Mr. JORDAN of Idaho. Yes, they can.

Mr. PROXMIRE. As a State legislator in the State of Wisconsin, I know what my feelings are, and frankly, those of almost every Senator on both sides of the aisle, on questions which have often been put in the past. We never accuse ourselves of this, of course, but we are going to get a certain kind of answer that those who framed the question expected. It does not take much ingenuity to frame a question to secure the desired answer. The issue of legislative apportionment is relatively remote to most people, compared with direct, personal issues such as taxes, civil rights, and so forth.

Under these circumstances, it seems to me that there might be real danger that a majority could vote against their interest.

Let me ask the Senator one further question. I am concerned with the effect of this proposal, frankly, in some of our Southern States. We know that in the Southern States to date the overwhelming majority of Negroes do not vote. We have documentation of that fact. It is our hope that they will vote increasingly in the future, but when we have this issue put to the people in a Southern State, the majority of which are white to begin with, and where very few Negroes vote, that the legislature should be apportioned in such a way that the counties which have a preponderantly Negro population would have a relatively small representation in the legislature, it would seem to me that although this would impose a great limitation on Negroes' rights, and would reduce the value of their vote, I can see how in State after State in the South it might be a way to overcome the voting rights achievements we have made in the 1957, 1960, 1964, and 1965 civil rights bills.

Mr. JORDAN of Idaho. I share the concern which the Senator has expressed for civil rights. I have voted, along with my distinguished colleague [Mr. CHURCH], and the Senator from Wisconsin, for every civil rights measure which has come before the Senate—including voting rights.

However, I doubt very much that this is a matter of real concern or real danger, because I have confidence in the people who would phrase such a question. I do not believe that they would do it for ulterior motives. I still have faith in the judgment of the judgment of the people and I see no reason whatever to inject civil rights into this issue.

Mr. COOPER. Mr. President, will the Senator from Idaho yield at that point, that I might answer the Senator from Wisconsin?

Mr. JORDAN of Idaho. I am glad to yield to the Senator from Kentucky for that purpose.

Mr. COOPER. I have not participated in this debate so far. I do intend to speak on the subject, but let me say that I have heard the statement made by the Senator from Wisconsin—and made several times by others during debate, either directly or by implication, that if the Dirksen amendment should be approved by Congress and is ratified as a constitutional amendment, it could be used in the Southern States or in other States to deprive Negroes of their equal right to vote. I challenge that statement. I challenge it because the Supreme Court had decided that issue before the Baker case, in the Gomillion case. The distinguished Senator from Wisconsin has spoken of this issue several times. His argument cannot stand in the light of Gomillion against Lightfoot.

Mr. PROXMIRE. Let me give an example to the distinguished Senator from Kentucky.

Mr. COOPER. Is the Senator familiar with the case of Gomillion against Lightfoot?

Mr. PROXMIRE. I know of the case.

Mr. COOPER. Anyone who makes the argument the Senator makes ought to know that case. He ought to read it. He ought to understand it. Before the Supreme Court held that the apportionment of a State legislature was justiciable, and before the Reynolds case, it held in the case of Gomillion against Lightfoot that a State could not fix voting boundaries to discriminate against Negroes. It applied to a city, but the principle is the same.

As I have heard the arguments of the kind the Senator is making, I have felt that that was wholly unfair to say that the Dirksen amendment is discriminatory racially. I say that with great respect for my friend from Wisconsin, whom I admire. However, I believe it is an unfair argument. It indicates that those who are making the argument have not studied the court decisions.

Mr. PROXMIRE. Will the Senator yield?

Mr. JORDAN of Idaho. I yield.

Mr. PROXMIRE. Let me ask the Senator a question in return. I ask him whether this would not have the effect of reducing the value, the force, the effect of the Negro vote. Let me give an example. Beginning in line 10 on page 1 and going over to line 3 on page 2 there appears this language:

> SECTION 1. The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature.

Let us assume that in California it was decided, on this basis, that Los Angeles County would have a single State senator, and that San Francisco County would have a single State senator. The overwhelming majority of the Negroes in California live in Los Angeles County and in San Francisco County. There are several hundred thousand Negroes living in Los Angeles County alone. Another county may have 20,000 or 30,000 people, with virtually no Negroes in it, and, in some cases, no Negroes at all. They too would have one State senator representing them.

Would not the Senator agree that under those circumstances the effect, regardless of the Gomillion case, would be to reduce the force of the Negro's vote, and would not the same situation, a priori, prevail also in the State of Illinois, where 97 percent of the Negroes live in urban areas for example?

Mr. COOPER. The Senator is not addressing himself to the argument he made a few moments ago. The Supreme Court held in the Gomillion case—and it dealt not with State legislatures but with the voting boundaries of a city, but the principle is the same—that a city—and it is the creation of the State—could not establish its boundaries in such a way as to discriminate on the basis of race.

I have resented during the debate on this amendment the implication that the amendment could be used as a discrimination against race. It is extremely unfair to say that. I speak for myself. I live in a Southern State. Yet I have supported every civil rights bill during my service in the Congress. I introduced many bills—bills on public accommodations, education, and voting rights long before the administration of President Kennedy or of President Johnson offered them. In 1947 and 1948, in my first 2 years in the Senate, I supported and voted for civil rights bills.

One would think from the Senator from Wisconsin's argument, and that of others who oppose the Dirksen amendment that the people have considered that the theory of one man, one vote, laid down by the Supreme Court, is a basic right, and that it should have been the law of the land for all the history of our country. The truth is, that not until the recent decisions, did the Supreme Court consider it a justiciable matter. It had considered it a political matter for the States.

No Justice at the time of the decision in Baker against Sims considered the one-man, one-vote theory of such weight as to suggest it be used by the States on reapportionment.

The Solicitor General, Archibald Cox, a very excellent lawyer, in arguing that case, did not suggest apportionment upon the basis of population alone. It was not until the Reynolds against Sims case that this was done.

The Senator from Wisconsin and others would have us believe that they had been thinking of the Reynolds against Sims rule all their lives, that the American people had been thinking of it, that the judges had been thinking of it, and that the courts had been thinking of it. I should like to ask if the Senator can give some historical evidence to indicate that anyone was thinking of it as a rule for State legislations before Reynolds against Sims.

The Court had not argued it. The Solicitor General did not argue a rule on the sole basis of population. No political philosophers proclaimed it.

Mr. PROXMIRE. If the Senator will yield, I completely disagree. There is a long history on that subject.

Mr. COOPER. We who support the Dirksen amendment are arguing that the States and the people can establish a system of representative government for the States which can be as valid, if it is fair, as the system that the Senator is arguing for so strongly, after the Supreme Court's decision. I do not deny that the Supreme Court probably had to reach that decision after the failure of State legislatures to establish a fair system and to apportion properly on its framework. However, even after the Court's decision, if the States or people or the United States want to adopt a constitutional amendment which would authorize the States to provide a certain system of representative government respecting the apportionment they have the right to do so. This is the argument I make.

The Supreme Court no doubt had to come to its decision. However, I say that its theory had not been held throughout our existence.

Mr. PROXMIRE. At the Constitutional Convention, Founding Father after Founding Father enunciated this explicit doctrine. I am talking about

Mason, Jay, and Madison, and later Jefferson and others. This was a doctrine that they felt was just as clear and simple and logical and necessary as it could be.

Furthermore, they wrote it into the Northwest Ordinance of 1787. They required that the apportionment in my State be based on the one-man, one-vote principle, because it was one of the Northwest Territory States. This is an old doctrine. This is not something that has come out suddenly. This has been known to us for a long time.

I do not mean any disrespect to the Senator from Kentucky. I regard him as one of the outstanding Members of this body.

He is a great Senator and brilliant man.

I honor him for the great sincerity of his convictions, but I deeply disagree.

This is a civil rights issue. It is a philosophical issue of the most important significance and enduring kind.

I apologize to the Senator from Idaho [Mr. JORDAN] and thank him for permitting me to interrupt.

Mr. COOPER. I, too, thank the distinguished Senator from Idaho, whose speech has been fair, logical and illuminating.

Mr. JORDAN of Idaho. I close with one sentence from section 1 of the Dirksen amendment:

> When the first plan of apportionment is submitted to a vote of the people under this section there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.

I yield the floor.

The PRESIDING OFFICER (Mr. HARRIS in the chair). What is the will of the Senate?

ONE-MAN, ONE-VOTE PRINCIPLE IS NOT AN INALIENABLE RIGHT THAT CANNOT BE VOLUNTARILY LIMITED

Mr. GRUENING. Mr. President, in the abstract, the principle of one man, one vote enunciated by the Supreme Court sounds like the embodiment of all that is best in a democracy. However, on closer examination, that doctrine has inherent dangers which it is the duty of the Congress to avoid.

On April 24, 1956, the people of the State of Alaska adopted their State constitution in which they carefully delineated 20 senatorial election districts designed to take into consideration the peculiar problems of Alaska with its large size and small population. These deviations from a strict adherence to the one-man, one-vote principle—however slight these deviations may be—were long and carefully discussed in our constitutional convention of 1956.

Alaska's method of apportioning seats in the State senate was adopted only after careful deliberation and was not utilized as a means of depriving any group or region of the State of fair representation in the senate.

Its objective was just the opposite. It was designed to assure that certain areas of the State of Alaska and certain minority groups in the State of Alaska would be represented in at least one of its legislative bodies. Only in this way could the people of Alaska assure that the needs of vast but sparsely populated portions of its territory, with very special and unique conditions and problems, would be given adequate attention.

This is in no manner intended to disparage the type of representation which would otherwise be given by senators chosen from the populous areas of the State. I have no doubt at all that those who serve in the Alaska Senate from the populous areas of my State are as much concerned as any other State senator about the needs of the less populous centers of the State of Alaska. However, human nature being what it is, it would be wholly unrealistic to expect State senators elected from the more populous senatorial districts hundreds of miles away in a greatly differing environment to put the needs of other areas of the State ahead of the needs of their own districts.

However, with limited resources, it would be only natural for them to put the needs of their own districts ahead of other unrepresented districts.

I am greatly disturbed by the decisions of the Supreme Court which seem to say that if the people of a particular State through their freely and deliberately expressed will, desire to have one house of a bicameral State legislature elected on a basis other than one man, one vote, provided there is no discrimination on the basis of race, creed, color, or religion, the will of the people of that State will be set aside, and they will be required to follow the one-man, one-vote rule.

With all due regard for the protection of the undeniable rights of minorities, it does seem to me that in a democracy such as ours the wishes of a majority should hold sway. Thus, if the majority of the people of any State decide that the majority shall each have less than one vote in the selection of the members of one of the bodies of their State legislature, it is my firm conviction that they should be permitted so to decide.

It is not my intent to give the impression that the bicameral legislature of the State of Alaska is so constituted that either body could be controlled by a small clique of voters banded together. Theoretically, according to the Congressional Quarterly, it would still take at least 41.9 percent of the voters of Alaska to elect control of the Alaska State Senate and 47.3 percent of the voters to elect control of the Alaska House of Representatives. As compared to comparable figures in the Nation, Alaska ranks 4th highest in the number needed to elect control of the house of representatives and 17th in the number needed to elect control of the Alaska State Senate.

The feature of any amendment to the Constitution dealing with apportionment that is absolutely vital is that any decision by the majority of a State to institute less than one man, one vote for one of the bodies of a bicameral State legislature in order to give a minority greater representation must be reviewed periodically.

For we are living in a time of rapid change.

An apportionment provision written into the Alaska constitution in 1956 may or may not meet the changed conditions which will confront the voters in 1966 or 1976, or the majority of the voters may have a change of heart 10 years later.

I am not even attempting to defend State legislative apportionment schemes that, however equitable they may have been when first adopted, have through the passage of time grown unrepresentative and inequitable through changed conditions or rates of population or in or out migrations. In these instances, the possibility of change is barred by the very unrepresentative character of the State legislatures involved.

Thus the requirement for periodic review is a sine qua non from my standpoint of any constitutional amendment dealing with reapportionment of State legislatures. Any scheme adopted will not and should not be riveted upon the body politic for all time to come.

It goes without saying, also, that no apportionment amendment to the Constitution should permit any plan which would contravene any of the fundamental rights of any individual guaranteed by the remainder of the Constitution.

It has been argued that any amendment to the Constitution permitting one house of a bicameral State legislative body to be selected on anything other than a one-man, one-vote basis would contravene such a fundamental right and should not be permitted.

It is argued, for example, that such action would be equivalent to an amendment to the Constitution removing the treatymaking power from the executive branch of the Government and placing it in the Congress or in the States or a constitutional amendment establishing a State religion.

I feel that those who so argue miss the point.

Under the amendment which I would support dealing with reapportionment the majority of the people would not be depriving the minority of a right but rather would themselves be agreeing to forego to a moderate degree their own right of one man, one vote in order to confer a greater right on the minority. This the majority should be able to do if it so desires and clearly expresses that desire.

The situation confronting the Nation today in the light of the recent Supreme Court decisions is fraught with danger. I do not refer to those situations existing in some States where, without the people having been given an opportunity to express themselves, an apportionment system of a bygone era, designed often to meet an entirely different situation, cannot be changed because it is self-perpetuating.

The situation is dangerous for States like Alaska where within the past few years the people have expressed themselves at the polls as to the manner in which the members of the State legislature are to be selected and where the overwhelming majority have clearly stated that the election of one body of the bicameral legislature on a one-man, one-vote basis would not serve the best interests of the State or of its citizens.

Mr. PROXMIRE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, in the colloquy which I recently had with the distinguished Senator from Kentucky [Mr. COOPER], I understood the Senator to indicate that, in his judgment, the Reynolds against Sims decision was the first time this philosophy had been voiced by responsible national leaders.

Benjamin Franklin came to the Continental Congress on July 21, 1775, with his "Articles of Confederation and Perpetual Union." These articles would have allotted delegates to each of the States strictly according to the voting population.

Thomas Jefferson in 1783 said:

> It is a grave error to allow each town regardless of size one seat in the legislature * * * equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified.

Alexander Hamilton, in the Federalist Papers, criticized the Articles of Confederation because they were not based on equal representation. Hamilton stated:

> Its operation contradicts that fundamental maxim of republican government, which requires that the sense of the majority should prevail.

James Madison argued for the Virginia plan at the Constitutional Convention in the following words:

> If power is not immediately derived from the people, in proportion to their numbers, we may make a paper confederacy, but that will be all.

Mr. President, the debate at the time of the Constitutional Convention is replete with this philosophy, which was enunciated over and over by the leaders among our Founding Fathers. They were the overwhelming majority. Of course, they could not obtain agreement because one or two States held out.

Senators will notice, if they read the proceedings of the Constitutional Convention, that it was not on the principle but on the simple fact that the States would refuse to join in the Union on that basis.

Delaware, in particular, indicated that she might possibly make an alliance with a foreign power. Under those circumstances, the Founding Fathers agreed on a Federal basis, an agreement which I believe was wise under those very difficult circumstances but they were emphatic in their espousal of the philosophy of one man, one vote.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. GRUENING. Is not the Senator from Wisconsin in conflict with the doctrine in some of the quotations he has cited that the ultimate power to rule rests with the people?

Mr. PROXMIRE. No, indeed. I feel strongly about that; but I also feel that there are certain rights that should not be destroyed by any majority. One of them is freedom of speech; another is freedom of religon; another is the right of trial by jury. Those rights are safeguarded in our Constitution, so that a majority cannot tyrannically destroy them. Another is the equality of every person, whether rich or poor, black or white, living in a remote area or an urban area.

Mr. GRUENING. I fail to see why the people of a State, having duly deliberated and approved a method of voting, cannot be sovereign in that State. That is where I differ with the decision of the Supreme Court which the Senator from Wisconsin is defending. If the people of a State, as in the case of the people of Alaska, after lengthy debate by their elected delegates provide in their constitution, subsequently approved by vote of all the people, that certain outlying areas, sparsely settled, shall be represented by the people elected from those areas and which would not have representation under a one-man, one-vote formula, that is a proper and legitimate performance. That is what has been done in Alaska. It was done deliberately and, I feel, justly and wisely.

Yet the view of the Senator from Wisconsin is that that should be thrown out, and that those people—rural people, Eskimos, and Indians—should be represented solely by urban dwellers living 500 miles away.

That is all wrong. It contravenes the basic principle that the people have the ultimate power.

Mr. PROXMIRE. I have great respect for the Senator from Alaska and understand the unique problems of his State. Alaska has the toughest problem of any of the 50 States because of the peculiar conditions of geography which exist there. The Senator from Alaska makes a strong case for his position. But I still believe there can be adequate representation based on population, even in Alaska, although I admit that the situation there is much more difficult.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. AIKEN. The Senator from Wisconsin has referred to statements made by Hamilton, Franklin, and Jefferson in the Continental Congress. Will the Senator advise us what State Franklin represented?

Mr. PROXMIRE. The Senator from Vermont well knows that Franklin was a Pennsylvania man. Whether he actually represented Pennsylvania at the time, I do not know. He was born, grew up, and prospered in Pennslyvania.

Mr. AIKEN. What State did Hamilton represent?

Mr. PROXMIRE. New York.

Mr. AIKEN. And Jefferson?

Mr. PROXMIRE. Jefferson was from Virginia.

Mr. AIKEN. All that those gentlemen were trying to do was exactly what the Senator from Wisconsin and his friends are trying to do today—to put representation in the Congress on the basis of population and wealth. Had they not been defeated in the Continental Congress, there would not have been any United States. They used exactly the same argument that we are hearing from the Senator from Wisconsin and some Senators from the larger cities at this time.

Mr. PROXMIRE. The Senator from Vermont is talking about something else.

Mr. AIKEN. No; I am not. I am talking about the same principle.

Mr. PROXMIRE. The Senator from Kentucky [Mr. COOPER] discussed Reynolds against Sims and specifically argued that the one-man, one-vote principle was not enunciated by our national leaders; and that it was not voiced as national policy by leading Americans. I maintain that it was. Certainly, they came from large States; but they were also men of deep principle. I am sure the Senator from Vermont would be the last one to say that Thomas Jefferson and Benjamin Franklin were so self-centered and concerned with the interests of their States alone, and so disregarded the interests of the country as a whole, that they would subordinate the interests of the Union to the interests of their States.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. COOPER. I agree with the Senator from Wisconsin that our political philosophers—upon whose ideas our country was established—held that our Government must rest upon the will, the consent, the vote of the people. The people rule. But to say that, and not take into consideration the development of our system of representative government with its unique characteristics—such as checks and balances, the Federal-State system and others; is a highly simplistic way to consider the question we are now debating, just as I believe the Supreme Court decision was rather simplistic.

The Supreme Court had to make the decision it made, because of the failure of the State legislatures to reapportion properly. The Supreme Court could have decided on some other ground; nevertheless, it made its decision, and it is the law.

My colloquy with the Senator from Wisconsin had two objectives. One was to refute, if I could, the line of argument that has been made throughout this debate, sometimes directly, and sometimes not directly enough; that is, to say or imply that the proposed constitutional amendment, is a civil rights issue.

I have pointed out that the Supreme Court had decided—before it decided that the reapportionment of State legislatures was justiciable, as it held in the Baker case, and before it decided in the Reynolds case that it could lay down a rule, for the apportionment of State legislatures—that a State could not draw boundary lines to discriminate against Negroes or anyone else by reason of race.

I contend that if the proposed amendment should be approved by Congress and approved by the States, the States, nevertheless, would not be able to reapportion in such a way as to discriminate racially against any group, unless we accept the argument, which we are contending against, that the so-called one-man, one-vote theory, has always been a basic right.

My second point, went to the philosophy of the one-man, one-vote theory. One would think from the arguments heard that it had been widely accepted and embraced throughout our history. I make the point that it was not embraced. The Supreme Court had not embraced it. In the case of Baker against Carr, the Court did not embrace it. The Honorable Archibald Cox, the Solicitor General who argued that case—did not argue the one-man, one-vote proposition. The rule was developed by the Supreme Court, or at least a majority of it. I respect the Court, do not often differ with it—but in this instance it simplified the idea of representative government.

I know that the U.S. Senate was constituted as it is—equal representation from each State as a political measure. I will not say that the States established their legislatures upon the Federal analogy but as a practical matter they have followed it throughout the years. Under the electoral college system a candidate can win the popular vote but still lose the Presidency.

The very fact that there are legislative districts in the States gives validity to the idea that areas in a State must be represented, because of their special characteristics. Logically the argument of the Senator from Wisconsin ought to be that members of the legislature should be elected at large in every State. Then there would not be any dilution of the vote as the Senator from Wisconsin argues there is.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I believe I have the floor. I shall yield after I reply to the Senator from Kentucky.

The Senator from Kentucky made an assertion to the effect that the Supreme Court should not permit action that would reduce the value of Negro's votes to be taken. It has been very simple for the States to permit this to be done. Pennsylvania, Illinois, and many other States have done this, in most cases by failure to reapportion.

It is the easiest thing in the world to provide that each county in each State shall have one State senator. Cook County probably has 80 or 90 percent of the Negro population of Illinois. It would have only one State senator under such a provision.

In California, we could have the same situation. Los Angeles, with a predominance of the State's Negro population, could have one State senator.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PROXMIRE. The Senator from Florida asked me to yield first. Permit me to finish my response to the Senator from Kentucky.

It was also implied by the distinguished Senator from Kentucky that the State legislatures had been apportioned on something approximating the Federal basis. The fact is that up until 1900, our States were apportioned very largely on a population basis. Then, because of a dramatic shift in population and the failure of State after State to reapportion, the malapportionment became so bad that some States changed their constitutions. Many States decided to apportion their legislatures on something approximating the Federal basis, with one house being apportioned on a basis of area, and the other on the basis of population. However, the basic system of representation, even before the Constitution was adopted, was fundamentally based on equality of population, and population representation in the State legislatures. We are not arguing that we must have representatives at large. Most of us believe that that is not a very good system. It is one possible way by which we could have one man, one vote.

What is wrong with apportioning a State in the manner in which it has been in Wisconsin, Michigan, and many other States—that is, on a one-man, one-vote basis? In many other States, each district has equal representation in the State legislature. However, the size of the district is determined by population, not by area.

I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I heard the Senator state a moment ago, in his colloquy with the distinguished Senator from Alaska [Mr. GRUENING], that Alaska was a peculiar case. I cannot quote his words, but they were to the effect that it would be most difficult to apply the one-man, one-vote principle to that State, or something to that effect. The Senator may restate his position, if he desires.

Mr. PROXMIRE. The Senator is correct.

Mr. HOLLAND. I wonder if the Senator has thought about the situation which exists in the State of Hawaii.

Mr. PROXMIRE. Yes, indeed.

Mr. HOLLAND. There are eight habitable islands. One of those islands has more than four-fifths of the population of the entire State. Some of the islands are divided by very great water mileage.

I wonder how the Senator feels that he could divide or distribute the representation in one house of the Hawaiian Legislature so as to have the people on each of those islands, even the smallest in population, given some opportunity to have ready access to a representative and have someone represent them in the fulfilling of their opportunities for development.

Mr. PROXMIRE. The answer is very clear in that case. The fact is that the Senator from Hawaii [Mr. INOUYE], the Governor of Hawaii, the Lieutenant Governor of Hawaii, and a number of other Hawaiians have joined in support of the one-man, one-vote principle, and in explicit opposition to the Dirksen amendment along with a long list of Hawaiians who know the problem far better than does any Senator, other than the Senator from Hawaii. They feel very strongly that the one-man, one-vote principle would work out very well.

The people of Hawaii have probably advanced more rapidly than the people of any other State in the Union in fully recognizing, psychologically, socially, and every other way, the importance of civil rights. There is no discrimination of any kind in Hawaii. The basic equality of every person before the law is recognized.

I believe, because of that situation, and in spite of the very difficult geographical situation, that the people of Hawaii understand and desire this kind of representation. However, in Alaska Eskimos come from a different kind of culture, different from that of virtually everybody else in the area. They desire to have an Eskimo represent them in the State legislature. Some of the Eskimo settlements are on small islands which have a very sparse population. This makes it most difficult.

In Hawaii, the people are heterogenous, but they do have common aspirations. The difficulty would not be as great in Hawaii as it would be in Alaska.

Mr. HOLLAND. I am in agreement with the distinguished Senator. However, I call attention to the fact that the distinguished Senator from Hawaii and the distinguished Governor of Hawaii joined in fixing the distribution of the two Hawaiian houses when that fine former territory was admitted recently to Statehood. Apparently, at that time they felt that was a fair way to treat the various areas and the people in the remote islands.

Mr. PROXMIRE. Yesterday the Senator from Hawaii made an excellent speech on the one-man, one-vote principle and endorsed the opposition to the Dirksen amendment wholeheartedly.

Mr. HOLLAND. Mr. President, I wonder if the Senator from Wisconsin would care to comment on how there could be any agreement between the very reasonable position of these distinguished citizens and fine gentlemen who, but a few years ago, were party to the present distribution of the State of Hawaii, which is not on the one-man, one-vote principle, in both houses.

Mr. PROXMIRE. I believe that is perfectly understandable. A person who has been in politics as long as, and who has participated as effectively as has the distinguished Senator from Florida, who was a fine Governor of his State for many years, knows that we must accommodate ourselves to the attitudes of the people at the time. We must work out something that will be as practical and acceptable as possible under the circumstances. At that time, apparently it seemed to be the most acceptable and useful system that could be worked out in Hawaii.

Since then, the Senator from Hawaii, the Governor, and others, as has been the case with some of us, have learned and become wiser with time and experience, as has the Chief Justice of the Supreme Court, who took a different position when he was in California. However, now he represents the entire country and has had time to reflect deeply on this matter. He was the author of the decision in the case of Reynolds against Sims. That was a magnificent decision. It was highly consistent with the doctrine enunciated by our Founding Fathers.

It is possible for people to learn and improve their conclusions in the process.

Mr. HOLLAND. Mr. President, I thank the Senator for the comment. I do not believe that this would have anything to do with the Founding Fathers. The decision in the Reynolds case depends upon a misapprehension of the 14th amendment. I have read every word of the debate that occurred in both Houses of Congress when the 14th amendment was submitted to the 39th Congress.

I know that no such reference was ever made as that which has been attributed to the framers of the 14th amendment by the Supreme Court in the decision in the Reynolds case.

It would have been virtually impossible to expect a ratification of that amendment by the States if such an interpretation had been placed on it.

Most of the States which ratified the amendment did not follow any one-man, one-vote principle, but retained the kind of representation in their houses after the adoption of the 14th amendment which they had had before.

Has the distinguished Senator from Wisconsin considered the case of Arizona? In Arizona, as Senators know, more than half the population of that very large geographical area is found in one county, the county of Maricopa. There are great distances between that county and many of the other counties which are sparsely populated. There are also areas in that State which are populated almost entirely by Indians, particularly in the Navajo region. I wonder if the Senator does not believe that the situation in Arizona is at least as difficult as it is in Alaska, which the Senator admitted would have difficulty with the one-man, one-vote principle.

Mr. PROXMIRE. No. I am not saying it would be too difficult to accommodate to it. I felt that Alaska should have the one-man, one-vote principle in both houses. The fact that the majority of people living in one county——

Mr. HOLLAND. Two in the case of Alaska.

Mr. PROXMIRE. I merely argue that they should have equal representation in the State legislature. People living in all counties should be represented. But, after all, those who reside in rapidly growing suburban counties also deserve equal representation. They pay the heaviest taxes. They are vitally interested in education, they too have peculiar interests. People in those areas are just as deserving as are those in other areas. Under the Dirksen amendment they would lose much of the value of their vote. I can see no justification for their not having full and equal representation in the legislature.

Let me ask the Senator from Florida a question. If there were a situation in which 98 percent were living in one county, does he believe the people living in the very sparsely populated areas of that State should have a majority in the legislature?

Mr. HOLLAND. I do not believe they should have a majority in either house of the legislature under the facts stated; but the people who are living in the other geographic areas should have representation, should have a part in determining who shall represent them, and be able to reach that representative and have him represent them in efforts to develop that part of the State which, in the nature of things, would be largely undeveloped, and which would be fighting for industry.

The Senator will find that throughout the history of the country the entire State is interested in the development of remaining areas that have not been developed, and the whole State makes efforts to develop those areas. It is offensive to American traditions to say that people who live in remote areas shall not have in one house the right to secure a representative to whom they may look directly to try to help them develop their areas.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HOLLAND. I do not have the floor. I am having a colloquy with the Senator from Wisconsin. I am glad to engage in a colloquy.

I am thinking of Monroe County, Key West being the principal town of that county. It is 169 miles from Miami, which is the next community of any size. Fortunately, there are today more people than there were once, but they were given representation in days when there were not many people there. That representation has enabled them to advance and develop their area and become more of an asset to their State and to the Nation, to the point that two Presidents have made their winter homes down there. That situation would not have applied in days when transportation was much more difficult in that area, so far away from the mainland, if it was not being represented in the Florida Legislature; whereas it has been able to develop its own resources and has advanced and been of benefit to both the State and the Nation.

Mr. PROXMIRE. I think they should be represented. All I am saying is that they should not have overrepresentation. The people in those areas should be represented, just as the people in any other part of the State are represented. Of course, they might have to share a representative living farther up the Keys, but I see nothing wrong in that.

I do not see why people who live in sparsely populated areas should have more representation. The fact that they are living in sparsely populated areas does not make them wiser or better. The areas of our country which most urgently need representation would not have adequate representation under the Dirksen amendment. I am referring to the suburban areas of the Nation, where great numbers of people live, whose problems of education and other problems are urgent, and who have a right to have equal representation. The Dirksen amendment would deprive them of it. Those are the areas that would be deprived of adequate representation, not the central cores of cities or rural areas.

Mr. HOLLAND. The Dirksen amendment could not possibly deprive them of anything which the majority of the people of the State did not agree should be done.

Mr. PROXMIRE. It is so easy for malapportioned legislatures to do so. It takes little ingenuity to get the kind of answer they want. This is not a simple question of taxes or education, or one that touches people directly. Apportionment is a big word. It seems rather remote to many people, but it is an important question. As the Senator from California said, it is the most important issue that has been before this body in many years.

Mr. HOLLAND. Will the Senator yield for a further question?

Mr. PROXMIRE. I yield.

Mr. HOLLAND. Has the Senator considered the case of Nevada?

Mr. PROXMIRE. Yes, indeed.

Mr. HOLLAND. As the Senator knows, two counties in that State, comprising a very small part of that State—which is a very large State, about twice the area of Florida, the State which I represent in part—have more than half the population, both being on the California border. I refer to the county in which Las Vegas is located and the county in which Reno is located. The dominant enterprise in both of those counties is the entertainment enterprise.

As the Senator well knows, those highly liberal groups which foster that entertainment enterprise, along with divorce, are quite different from the people who live in the remote areas of Nevada, separated by mountains and living in places that are much more desertlike.

What is more to the point, what is wrong with providing that the people living in the small areas, some of which are fertile, located some distance away from Reno and Las Vegas, to have some chance of direct representation, have a representative whom they can contact, elected from their own group of friends, whom they know will fight for them to develop their areas, areas which are not now developed and not on the tax rolls, but which can be developed and produce taxes for the benefit of the State?

It seems to me that Nevada presents a case in which we can give a chance to people who live in Las Vegas and Reno to say, "By all means, let us adopt a procedure which will give those people a direct chance to have a representative from those outlying counties."

It seems to me what the Senator is saying is that we do not want to give the people of Nevada, Arizona, Hawaii, Alaska, and other States, in their own discretion, the right to say that the stage of development in outlying parts of their own States is such that they want to give the people, some of whom pioneered, a chance to develop their areas for the good of their States and the Nation.

Mr. PROXMIRE. They should have representation.

Mr. HOLLAND. Why is the Senator afraid to allow the people of those four States a chance to decide? I have named only those four States. I see the Senator from Maryland [Mr. TYDINGS]. He represents a State in which a city and its environs represent more than half the population of that State. But I am referring to States which have not developed greatly. Is the Senator from Wisconsin sufficiently doubtful of the democratic principles that he is not willing to allow the people to say that there shall be more representation than population would otherwise allow to areas which are hungry for development, and that they should be allowed to be heard in the legislative halls, or at least one legislative hall?

Mr. PROXMIRE. The Senator has asked a series of questions. I will answer two of them. He contends for 1-man, 10-vote, or the 1-man, 100-vote principle. I favor the principle of the one-man, one-vote. Of course, I favor having representation for the people living in every area of Nevada, Arizona, Alaska, and Hawaii. Every citizen should have representation.

Mr. HOLLAND. Even the Navajo Indians?

Mr. PROXMIRE. Yes, indeed. Each voter should not have 10 votes, 100 votes, or 1,000 votes—if the Dirksen amendment went into effect. If we will read line 10 on page 1 through lines 3 and 4 on page 2, this is exactly what it provides.

Briefly, to answer the distinguished Senator from Florida on his other question, as to why we do not allow a vote on the issue, the answer is that we feel strongly on a fundamental issue of this kind, that where the malapportioned legislature will frame the question, it requires only a little ingenuity to get the kind of answer it would like. When there is an issue which is not in the people's interest, I believe that we may get a majority of those voting in an election to destroy the basic and sacred right of all the people.

It would be as bad for the majority of the people to say to some people in a State that they will have one-tenth or one-hundredth of a vote as it would be for them to destroy their right to freedom of worship, freedom of speech, freedom of assembly, freedom of petition, and right to a trial by jury. This is a fundamental, basic right which I do not believe we should permit anyone to destroy in this way.

Mr. MURPHY. Mr. President——

Mr. HOLLAND. Mr. President——

Mr. PROXMIRE. I have promised to yield to the Senator from California——

Mr. HOLLAND. I am sorry that the Senator distrusts the good judgment of the people in each of the States I have mentioned. I do not have that distrust. I believe that as to one house, they should at least have the opportunity to decide, based on the peculiar facts in their States—the geographic facts, developmental facts, and racial facts. We have spoken of the Navajos, and in Alaska of the Eskimos. What about the Indians in Alaska? There are Indians there. I cannot understand how anyone can attribute anything else but a civil rights meaning; and I am glad to note that the Senator from Kentucky brought that point in a moment ago——

Mr. PROXMIRE. Let me say to the Senator from Florida that we do not——

Mr. HOLLAND. It is a matter of civil rights to give the majority of the people in a sovereign State the right to decide for themselves that they believe it is for the best interests of their State and all of their people to divide the two bodies of one house only of the State legislature.

I thank the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Let me say, finally, to the Senator from Florida that this is the most potent political argument which the supporters of the Dirksen amendment have. It is said "Why not leave it to the people?" It is an ingenuous argument. We have the responsibility as Senators to pass on these amendments——

Mr. HOLLAND. Does the Senator mean to keep it away from the people?

Mr. PROXMIRE. We have the responsibility to decide upon these amendments for ourselves.

Hundreds of referenda have been proposed in the State of Wisconsin to the legislature; but the State legislature wisely submitted only a few to the people. Why? Because the members of the State legislature stood up like men and made their own decision on the basis of what they thought was right. Those who support or oppose the Dirksen amendment should do so on its own merits.

Mr. MURPHY. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I had promised to yield to the Senator from California, and am glad to yield to him now.

Mr. MURPHY. I am pleased that the Senator has yielded at this point. It seems to me that it is the basic right of each citizen of our Nation that the determination of the future of our Government belongs in the hands of the people and not in the hands of any small group, whether self-appointed, the Supreme Court, or even we who are elected Senators. I consider myself to be representing the people of California in the Senate, and, in representing them—since the Senator from Wisconsin made reference to my State—I should like to point out to him that in California at the present time, this problem is not a remote question so far as the people are concerned. They are greatly interested in it.

They are so interested and so concerned that there has been a bipartisan committee appointed, headed by Mr. Burns, the president pro tempore of the California Senate, who is a Democrat, and the minority leader, Mr. McCarthy, who is a Republican. They have been at work on this problem for some time, to bring to the attention of the several States, and Senators and Representatives alike, that in California the people are pleased with their representation as it now exists, and that they would like to have it remain so.

The State of California has developed faster than any other State that I can think of. It has been done with very little trouble. They are happy with their congressional representation, and with the two houses separate. In their judgment, everyone is properly represented.

I should like the distinguished Senator from Wisconsin to know that in California there is no question that the leadership on both sides, of both political parties, have decided that they would like this issue to be left to the people.

I should like to say on my own behalf that the day the people of the United States lose their right of self-determination, I consider the Republic to be in very grave danger.

Mr. PROXMIRE. Let me say to my good friend, the Senator from California, that he is a fine Senator. He and I went to the same university—Yale. However, I am appalled that the people of California, of all the States in the Union, have taken the position that they insist on the status quo——

Mr. MURPHY. I do not sit in judgment on my people——

Mr. PROXMIRE. In Los Angeles County, with a population of 6 million, there is but one State senator. Yet another California county with only 20,000 or 25,000 population, is also represented by one State senator——

Mr. MURPHY. I believe that I would be presumptuous if——

Mr. PROXMIRE. Is this what fair-minded Californians really want, one State senator in Los Angeles County, with a population of 6 million? I do not believe that if this were explained to the people of Los Angeles County, they would agree to be served by only one State senator when another county, with only 20,000 population, is also served by one State senator. Is it fair to count on California's vote 300 times more heavily than another?

Mr. MURPHY. Give the people of California an opportunity to make their own decision. I do not believe that we in this Chamber have any right to deny that to them.

Mr. PROXMIRE. Let me say to the Senator from California that the powers of persuasion, of press relations, and of the communication-media kind of persuasiveness are so great on the part of some citizens in California that I am concerned as to how they ever got into the situation of having one State senator in the great county of Los Angeles, which has 50 percent more people in it than my whole State.

Mr. MURPHY. Let me recall to the Senator from Wisconsin that the people of California have set this up and affirmed its desirability in several referendums. If they later choose to change it, under the Dirksen amendment, then they still have the right to do so. I do not believe it is necessary for me to criticize what is working well. My State has progressed faster, I believe, than any other State. My State is pleased with its progress.

There has long been a bipartisan campaign carried on. It would be presumptuous of me, and I would consider it to be bad manners, if I were to criticize this bipartisan committee. I would not wish to do that. If the Senator from Wisconsin wishes to do so, that is his prerogative. To me, it is very simple: it hinges on the fact that it has nothing to do with us, including the Senator from Illinois [Mr. DIRKSEN] that it has to do with the basic principles of government, as to whether the people of this country have the right to choose for themselves in this free society, even if they make a mistake. In my honest opinion and belief, that is part of America's freedom today.

Mr. PROXMIRE. I appreciate the statements of the Senator from California. He is sincere in feeling so deeply about the purely democratic system and enabling the people to decide on all issues. But I am sure that he would not vote for an amendment which would enable the people in each State to decide whether the people in that State should have freedom of religion, or should have freedom of the press and to let that be put in a referendum. I am sure it would not get one vote in the U.S. Senate. I merely state to the Senator from California that my position on this matter is that the equality of the vote is just as sacred.

Mr. MURPHY. I have as much confidence in the people as I have in the Senate. I believe that is where the power resides. Until we change our form of government, that is where the final question resides—that is, with the people of this country. I do not believe that we have a right to take it away or deny it.

Mr. TYDINGS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am glad to yield to the Senator from Maryland.

Mr. TYDINGS. I have listened to the argument that this issue should be left to the people to decide. I would like to ask the Senator from Wisconsin whether the Dirksen amendment, as presently worded, gives the people the opportunity to ratify it.

In committee, I proposed an amendment to the Dirksen amendment. It would provide for ratification of the Dirksen amendment by constitutional conventions whose delegates had been elected by the people. It was beaten down. I predict that an attempt will be made to beat it down again because the proponents of the Dirksen amendment do not want it to be ratified by the people. They want the State legislatures to ratify it. The legislatures are already malapportioned. They do not want the people to have the say. They want the malapportioned legislatures to have the say.

I should like to go into the areas covered by several other Senators.

Mr. PROXMIRE. Before the Senator does that, I should like to join him in the argument he is making. He is absolutely correct. Every Senator should read lines 6 and 7 on page 1 of the proposed amendment:

> When ratified by the legislatures of three-fourths of the several States.

That means the malapportioned legislatures. It does not mean the people. It means the legislatures. The legislature of a State is the very last body that should decide the question on this particular constitutional amendment. The way the amendment is worded, the legislatures would decide the question.

Furthermore, there is a remedy and precedent under the 21st amendment. That was ratified by constitutional conventions. The amendment of the Senator from Maryland, proposed in committee, would have provided for constitutional conventions. It would provide, in effect, for popular ratification. His amendment was turned down in the Judiciary Committee by the prime proponents of the constitutional amendment.

Mr. TYDINGS. I predict that the same proponents will fight very strongly against the adoption of such an amendment on the floor of the Senate.

I should like to go back again to the areas we were discussing. Mention has been made of representation of broad geographical expanses. Specifically, reference has been made to the States of Arizona, Hawaii, and Alaska. The distinguished Senator from Florida mentioned the fact that there were broad stretches of wilderness in Arizona, inhabited only by a few Indians.

Reynolds against Sims does not say that the apportionment must be based on precisely equal population districts. It says that there may be taken into consideration geography and other factors. It provides that apportionment be based substantially on population.

The situation in Arizona is no different from the situation that existed in Virginia in 1783, when Thomas Jefferson wrote his second draft of the Virginia constitution. At that time, the State of Virginia stretched all the way from the Atlantic to the Ohio River and the Mississippi River. For the most part, Virginia was populated by Indians and consisted of a wilderness. Thomas Jefferson at that time said:

> The number of delegates which each county may send should be in proportion to the number of its qualified electors; and the whole number of delegates of the State shall be so proportioned to the whole number of qualified electors in that they shall never exceed 300 nor be fewer than 100.

Then Jefferson continued:

> If any county be reduced in its qualified electors, below the number authorized to send one delegate, let it be annexed to some adjoining county.

The Reynolds decision did not say that broad geographic expanses cannot be fairly represented. What did the case hold? It held that a situation exists in a State where 13 percent of the population can control one house of the State legislature. That is the situation in Arizona. That is not fair to the people of Arizona. They are entitled to equal representation under the law.

The decision in Reynolds against Sims is workable. The case would never have gone to the Supreme Court if it had not been for the outrageous malapportionment of State legislatures throughout our Nation.

Who can expect members of a malapportioned legislature to fairly apportion themselves out of their seats?

State after State had constitutional provisions requiring reapportionment of these rotten borough legislatures every 10 years. The legislatures consistently ignored their own State constitutions. In my own State, even though the provision was already in the constitution, we put to a public referendum the question of whether we should have a constitutional convention. It passed overwhelmingly, but our State legislature, which can be controlled by 14.2 percent of the population, defeated the proposition. I was a member of the legislature at the time and I voted for a constitutional convention, but when a State is malapportioned to such a degree you can expect the legislature to vote to maintain the status quo.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PROXMIRE. I shall yield in a moment. First, I wish to support what the Senator from Maryland has said. There is one more thought which deserves repetition. Let the people decide this great issue, it is said. The people may decide by a majority vote, in these malapportioned legislatures, to apportion one body on an area basis. Then all other questions—taxes, education, civil liberties, civil rights, and all other questions—are not decided and cannot be decided by representatives who represent a majority of the people.

The Senator from Michigan gave an excellent speech on this subject in 1964, in which he pointed out that when Governor Williams was Governor of Michigan he was able to get his program through a body that was represented on a population basis, with a good vote. However, in the other body he was defeated, because a majority of State senators representing a minority of the people of Michigan blocked one major bill after another. This is exactly what this debate is all about.

This is what we are voting on. We are voting on whether to permit a question to be put in a biased way, by a biased body, so that henceforth the people shall not be able to decide.

I now yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I have been interested in listening to the colloquy between the two Senators. Just so that all the information will not seem to be coming from their side, I should like to engage in a little colloquy with them. In Colorado, the people have the right of initiative. In my State, we put two questions on the ballot for a vote on the Federal system, one based on population apportionment, and the other on districting. The other was on a one-man, one-vote basis. Every county in the State voted 2 to 1 for the Federal plan. The people of the State of Colorado by a vote of 3 to 2 or 2 to 1 voted in favor of the Federal plan.

Mr. PROXMIRE. Let me ask the Senator——

Mr. DOMINICK. The Supreme Court, by a 5 to 4 decision—a one-man majority—provided that the people of the State of Colorado do not have the right to determine for themselves what they should have. I do not believe that is right.

Mr. PROXMIRE. I have heard the Senator make this statement before. Let me ask the Senator a question. What was the alternative to the so-called Federal plan? How many representatives did it call for in the case of Denver, and how were those representatives to be elected? Were they to be elected on an at-large basis, which is the most unattractive method for most people, or on a district basis?

Mr. DOMINICK. I am happy to hear the Senator say that. The Democratic Party in the State has been fighting districting from the beginning. They had it on an at-large basis.

Mr. PROXMIRE. The Democratic Party has made some mistakes. I have voted against some of them on the floor of the Senate. However, I believe that the answer of the Senator from Colorado is the real answer. The fact is that it was a fake, phony question that was put to the people. That is exactly the kind of thing that is done in State after State. The people are asked, "Would you like to have population apportionment?" However, that is based on an "at large" basis of delegates from big cities. It is not possible to have very close contact with an "at large" delegate, who represents a whole city. It is possible to be closer to a representative at large on an area basis. The Senator may be right in indicting the Democratic Party of Colorado.

Mr. DOMINICK. The Senate will be interested to know that when we had put the Federal plan in, the Supreme Court declared it unconstitutional. We then put it on the one-man, one-vote basis and districting, which was in the Federal plan, and got it approved by the Federal court, and put it into effect. Our State supreme court declared it unconstitutional, because we put it on a districting basis, and it was declared to be unconstitutional.

So the legislators are now sitting in a legislature. No one knows how it is apportioned, whether it is legal, or what will happen to the bills passed by that legislature. We cannot do anything about it until 1966, at the very earliest, and then whatever is done will not go into effect until the 1968 election.

Mr. PROXMIRE. The statement by the Senator from Colorado [Mr. Dominick] is an excellent argument for not complicating the issue further with the complex Dirksen amendment which has been proposed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 456) authorizing the printing of additional copies of the public law containing social security amendments enacted in 1965 pursuant to H.R. 6675, in which it requested the concurrence of the Senate.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF PUBLIC LAW CONTAINING SOCIAL SECURITY AMENDMENTS ENACTED IN 1965

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate House Concurrent Resolution No. 456, which was just received from the House of Representatives.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The Legislative Clerk. A concurrent resolution (H. Con. Res. 456) to provide for the printing of 30,000 additional copies of the public law containing the social security amendments enacted in 1965 pursuant to H.R. 6675.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. JORDAN of North Carolina. Mr. President, the House of Representatives yesterday agreed to the concurrent resolution, which would provide for the printing of 30,000 additional copies of the medicare bill, which was signed today by the President. Since there have been a great many calls for the bill, we can save about $1,500 if we can have the additional copies printed while the type is set to print the copies that normally are made of the bill.

I ask for the adoption of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 456) was agreed to.

ADJOURNMENT TO MONDAY

Mr. PROXMIRE. Mr. President, if there is no further business to come before the Senate at this time, I move that the Senate adjourn until 12 o'clock noon on Monday.

The motion was agreed to; and (at 3 o'clock and 8 minutes p.m.) the Senate adjourned until Monday, August 2, 1965, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 30, 1965:

In the Public Health Service

The nominations beginning James P. Shortal, to be senior surgeon, and ending James E. DeLozier, to be assistant health services officer, which nominations were received by the Senate and appeared in the Congressional Record on July 7, 1965; and

The nominations beginning Nicolas V. Scorzelli, to be medical director, and ending Ruth F. Richards, to be senior health services officer, which nominations were received by the Senate and appeared in the Congressional Record on June 22, 1965.

HOUSE OF REPRESENTATIVES

Monday, August 2, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this Scripture before his prayer:

John 17: 22: *That they may be one, even as we are one.*

Almighty God, may we realize that the person of Jesus and the power of His Gospel must be made manifest in the unity and fraternity of those who call Him His followers.

Give us a love strong enough to overcome all apathy and antipathy and gracious enough to melt all pride and prejudice and above all willing minds and hands to help the bitter needs of humanity.

May the Members of Congress belong to the Master's unbroken and uninterrupted apostolic succession and seek to carry on His shining tradition of vision and service.

Inspire us never to be content with things as they are, but help us to hasten that glorious day when the wish becomes a will and we find the ways to conquer our inertia, our vanity and bigotry, our division and distraction.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, July 29, 1965, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill, joint resolutions, and concurrent resolutions of the House of the following titles:

H.R. 7954. An act to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960);

H.J. Res. 324. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 481. Joint resolution to amend the resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives;

H. Con. Res. 364. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Capitol"; and providing for additional copies; and

H. Con. Res. 456. Concurrent resolution authorizing the printing of additional copies of the public law containing social security amendments enacted in 1965 pursuant to H.R. 6675.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 489. An act to authorize the establishment of the San Juan Island National Historical Park in the State of Washington, and for other purposes;

S. 903. An act to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers;

S. 1088. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet Division, Walla Walla project, Oregon-Washington, and for other purposes;

S. 1554. An act to amend subsection (b) of section 214 and subsection (c) (1) of section 222 of the Communications Act of 1934, as amended, in order to substitute the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service;

S.J. Res. 89. Joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; and

S. Con. Res. 11. Concurrent resolution authorizing the printing of additional copies of the hearings held by the Senate Subcommittee on National Security Staffing and Operations during the 88th Congress.

The message also announced that the Vice President, pursuant to Public Law 89-81, had appointed Mr. PASTORE, Mr. BIBLE, Mr. SALTONSTALL, and Mr. DOMINICK as members, on the part of the Senate, of the Commission on Coinage.

THE LATE HONORABLE FRITZ GARLAND LANHAM

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, we are all saddened by the passing of the Honorable Fritz Garland Lanham on yesterday at Austin, Tex.

The funeral for former Congressman Lanham will be at Weatherford, Tex., the place of his birth, tomorrow.

Fritz Lanham served in Congress from April 19, 1919, to January 3, 1947, when he voluntarily retired. He was one of the most popular and effective Members of this body.

Mr. Speaker, I ask unanimous consent that on Wednesday next after the conclusion of the legislative business on the calendar for the day that the Honorable JIM WRIGHT, of Texas, have a special order for 60 minutes for remarks by himself, and to yield to other Members, on the life and services of the Honorable Fritz G. Lanham.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

SETTLEMENT OF CLAIMS BY THE UNIFORMED SERVICES

The Clerk called the bill (H.R. 5024) to amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to inquire of the distinguished chairman of the subcommittee if he proposes to offer amendments and if he could discuss the amendments that have been discussed in conference off the floor of the House pertaining to H.R. 5024?

Mr. Speaker, the basic question and purpose of H.R. 5024 is to increase from $6,500 to $10,000 the amount which the Secretaries of the respective military departments as well as the Coast Guard can handle administratively in settlement of claims or losses against the United States.

Mr. Speaker, recently we have had information on visits from members of the Judge Advocate General's department and we know of the limitations on these questions.

Many of the original questions have been answered, but I understand that there are some amendments that can and might be added which would make this bill more adaptable and which would keep the accountability factor there.

Then, Mr. Speaker, one final question while the gentleman from South Carolina is on his feet. I wish he would cover it, and that is to state whether or not for the legislative record there might ever be any intent to limit the amount that might be stored or transported on the part of any particular uniformed service or individual so that we can avoid the staggering losses going higher and higher?

Mr. ASHMORE. Mr. Speaker, if the gentleman will yield——

Mr. HALL. Delighted.

Mr. ASHMORE. Mr. Speaker, the purpose of the first committee amendment is to add a reference to the effective date of the Military Personnel and Civilian Employees' Claims Act of 1964.

Mr. HALL. And that would not be retroactive to the point where it would make it more costly, in the opinion of the gentleman from South Carolina?

Mr. ASHMORE. No.

The second amendment has to do with the provision that is really included in most bills of this type; that is, most claims bills, and it was not included in the original bill in this case because there are few instances, I am sure, where an attorney will be employed. As a matter of extra precaution some people thought it might be best to include this provision and, therefore, we have included a 10-percent limitation on any attorneys' fees to be paid out of awards made for this purpose.

Mr. HALL. I thank the gentleman. The fact of the matter is that there is no judicial review once the assayers of the Judge Advocate's department make a determination as to the total amount of loss. This serves as a protection to the Government but also makes it perhaps less necessary to employ an attorney?

Mr. ASHMORE. That is correct.

Mr. HALL. I wonder if the gentleman from South Carolina has any information as to whether or not the total amount of goods transported or stored or warehoused might be limited in these instances?

Mr. ASHMORE. It is limited, I will say to the gentleman from Missouri, in this respect. It is limited under the general law as a matter of fact and these members of the military personnel are only permitted to be paid for property which is considered to be incident to their military service.

That is the limitation on all of these cases. As a matter of fact, it must be applicable to their service.

Mr. HALL. I would hope that future implementation of regulations by the military department would limit this more closely because in some cases we have had overclaims which were properly disallowed, and we have had claims on matters that were not truly incident to military service needs.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I have objected to this bill in the past, but I will not object to it today. It is my hope, however, in giving the Defense Department the authority to settle administratively claims up to $10,000 that this authority will be used sparingly in the full amount. It would be my further hope that the Committee on Armed Services of the House will take a look at the amount of property that is being shipped around the world by servicemen. It seems to me there ought to be a reasonable cutoff point, and the serviceman required to carry his own insurance above a certain amount. It seems to me this is only fair to the taxpayers of this country.

I am going to further object, but it will be my hope this increase in the administrative settlement matter will not be abused by the Defense Department.

Mr. ASHMORE. The committee has talked with military personnel and claims officers in all branches of the service.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2732 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking out "$6,500" and inserting in place thereof "$10,000".

(2) Subsection (f) is repealed.

SEC. 2. Section 490(a) of title 14, United States Code, is amended by striking out "$6,500" and inserting in place thereof "$10,000".

SEC. 3. Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767) is amended as follows:

(1) Subsection (a) is amended by striking out "$6,500" and inserting in place thereof "$10,000".

(2) Subsection (e) is repealed.

SEC. 4. Sections 1(1) and 2 of this Act are effective July 2, 1952. Notwithstanding section 2735 of title 10, United States Code, section 490(a) of title 14, United States Code, the Act of October 9, 1940, chapter 788 (31 U.S.C. 71a), or section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 1(a) of the Military Personnel Claims Act of 1945, as amended (70 Stat. 255), section 2732(a) of title 10, United States Code, section 490(a) of title 14, United States Code, or section 3(a) of the Military Personnel and Civilian Employees' Claims Act of 1964 may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under the amendments contained in sections 1, 2, and 3 of this Act.

With the following committee amendments:

Page 1, line 5, strike "(1)".

Page 1, line 7, strike "(2) Subsection (f) is repealed."

Page 2, lines 4 through 9, strike:

Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767) is amended as follows:

"(1) Subsection (a) is amended by striking out '$6,500' and inserting in place thereof '$10,000'.

"(2) Subsection (e) is repealed."

And insert:

(a) Section 2 of the Military Personnel and Civilian Claims Act of 1964 (78 Stat. 767) is amended to read as follows:

"Sec. 2. As used in this Act—

"(1) 'agency' includes an executive department, military department, independent establishment, or corporation primarily acting as an instrumentality of the United States, but does not include any contractor with the United States;

"(2) 'uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and

"(3) 'settle' means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

"(4) 'military department' means Department of the Army, Department of the Navy, and the Department of the Air Force."

(b) Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767) is amended to read as follows:

"Sec. 3. (a) (1) Under such regulations as the Secretary of a military department, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a part of the Navy, may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than $10,000 made by a member of the uniformed services under the jurisdiction of that department or the Coast Guard or by a civilian officer or employee of that department or the Coast Guard, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before its enactment.

"(2) Under such regulations as the Secretary of Defense may prescribe, he or any officer designated by him has the same authority as the Secretary of a military department with respect to a claim by a civilian employee of the Department of Defense not otherwise covered by this subsection for damage to, or loss of personal property incident to his service.

"(3) If a person named in this subsection is dead, the Secretary of the military department concerned or his designee, or the Secretary of the Treasury or his designee, or the Secretary of Defense or his designee, as the case may be, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by this subsection. Claims of survivors shall be settled and paid in the order named.

"(b) (1) Subject to any policies the President may prescribe to effectuate the purposes of this subsection and under such regulations as the head of an agency, other than a military department, the Secretary of the Treasury with respect to the Coast Guard, or the Department of Defense, may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than $6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before its enactment.

"(2) If a person named in this subsection is dead, the head of the agency concerned, or his designee, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by this subsection. Claims of survivors shall be settled and paid in the order named."

(c) A claim may be allowed under this section for damage to, or loss of, property only if—

(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier;

(2) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; or

(3) it was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

(d) For the purposes of subsection (c) (1), the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(e) The head of each agency shall report once a year to Congress on claims settled under this section during the period covered by the report. The report shall include for each claim the name of the claimant, the amount claimed, and the amount paid.

The committee amendments were agreed to.

Mr. ASHMORE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ashmore: Page 6, lines 15 and 16: Strike "Sections 1(1) and 2 of this Act are effective July 2, 1952."; and insert "Sections 1 and 2 of this Act are effective July 2, 1952 and section 3 of this Act is effective August 31, 1964, for the purpose of reconsideration of settled claims as provided in this section."

The amendment was agreed to.

Mr. ASHMORE. Mr. Speaker, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. Ashmore: Page 7, following line 5, insert:

"Sec. 5. The Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767) is amended by the addition of the following section:

" 'Sec. 8. No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under the authority of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.' "

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING THAT THE SECRETARY OF INTERIOR SHALL CONVEY CERTAIN REAL PROPERTY TO THE COMMONWEALTH OF PUERTO RICO

The Clerk called the bill (H.R. 3433) to provide that the Secretary of the Interior shall convey certain real property to the Commonwealth of Puerto Rico.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, and I shall not object today, I simply want to make the statement that the discrepancy wherein it is stated in the committee report that this land is crown land consisting of 1.4 acres, was a part of the Fort Brooke Military Reservation; has been explained to my satisfaction, and a map presented by both the military branch and the distinguished Resident Commissioner from the Commonwealth of Puerto Rico demonstrate it is not juxtaposed to Fort Brooke proper.

Therefore, Mr. Speaker, I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

H.R. 3433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey to the Commonwealth of Puerto Rico, by quitclaim deed and without monetary consideration therefor; all right, title, and interest of the United States in and to 1.4 acres, more or less, located in the Fort Brooks Military Reservation, San Juan, Puerto Rico, and more particularly described in section 2 of this Act.

Sec. 2. The real property referred to in the first section of this Act is more particularly described as follows:

Beginning at a point numbered 6, the most southwestern corner of the tract and the most northern corner of El Abanico plot;

thence north 38 degrees 12 minutes east an approximate distance of 30 feet to the sea;

thence southeasterly along the sea for a distance of approximately 1,450 feet to a point on the sea;

thence south 22 degrees 14 minutes west a distance of approximately 50 feet to point numbered 9;

thence north 89 degrees 28 minutes west a distance of 155.7 feet to point numbered 8;

thence south 83 degrees 08 minutes west a distance of 182.1 feet to point numbered 7;

thence north 82 degrees 17 minutes west a distance of 80.4 feet to point numbered 6;

thence north 86 degrees 30 minutes west, a distance of 207.1 feet to point numbered 5;

thence south 80 degrees 51 minutes west, a distance of 174.9 feet to point numbered 4;

thence north 86 degrees 41 minutes west a distance of 93.8 feet to point numbered 3;

thence north 72 degrees 50 minutes west a distance of 163.7 feet to point numbered 2;

thence north 84 degrees 17 minutes west a distance of 88.6 feet to point numbered 3;

thence north 70 degrees 37 minutes west a distance of 83.7 feet to point numbered 4;

thence south 87 degrees 15 minutes west a distance of 111.2 feet to point numbered 5;

thence north 51 degrees 48 minutes west a distance of 114.0 feet to point numbered 6; point of beginning already described.

With the following committee amendment:

Strike out all of section 1 and insert in lieu thereof:

"That all of the right, title, and interest of the United States in and to 1.4 acres of land, more or less, located in the Fort Brooke Military Reservation, San Juan, Puerto Rico, and more particularly described in section 2 of this act, are hereby conveyed to the Commonwealth of Puerto Rico."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time and passed.

The title was amended so as to read: "A bill to provide for the conveyance of certain real property to the Commonwealth of Puerto Rico."

A motion to reconsider was laid on the table.

DESIGNATING LOCK AND DAM NO. 3 ON THE CAPE FEAR RIVER, N.C., AS THE WILLIAM O. HUSKE LOCK AND DAM

The Clerk called the bill (H.R. 496) to designate lock and dam 3 on the Cape Fear River, N.C., as the William O. Huske lock and dam.

There being no objection, the Clerk read the bill, as follows:

H.R. 496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam 3 located on the Cape Fear River, North Carolina, shall hereafter be known and designated as the "William O. Huske lock and dam". Any law, regulation, map, document, or record of the United States in which such lock and dam is referred to shall be held and considered to refer to such lock and dam as the "William O. Huske lock and dam".

Mr. LENNON. Mr. Speaker, it is with deep appreciation of the contribution made by the late William O. Huske toward the preservation of our water resources that I rise in support of H.R. 496. It is entirely fitting that the lock and dam No. 3 on the Cape Fear River, N.C., be named the William O. Huske lock and dam.

William O. Huske, affectionately known and referred to as "Billy" Huske, was a distinguished citizen and civic leader of Fayetteville, N.C. He was a veteran of World War I, having served as an enlisted man and then as a lieutenant of the 149th Field Artillery of the famed 42d Rainbow Division. He was active in the Fayetteville Chamber of Commerce and was a member of the North Carolina State Ports Authority, which now includes the port of Fayetteville. It was my pleasure and good fortune to know him personally and also to assist him on some worthwhile projects for our State.

William O. Huske had the vision to foresee the great potential that would flow from a navigable Cape Fear River. He was a tireless and unselfish worker, using much of his personal funds to bring improvements to the Cape Fear River. He organized the Cape Fear River Improvement Association and served as its president. He led the successful movement for the construction of lock and dam No. 3 on the Cape Fear River which, when completed, opened the river to commercial and pleasure traffic between the Atlantic Ocean and Fayetteville, N.C.

The Fayetteville port is being developed as an inland facility for Fort Bragg, Pope Air Force Base, and the central and industrial Piedmont areas of both North and South Carolina. William O. Huske not only envisioned the benefits of a navigable Cape Fear River for the development of our defense and civilian economy, but he was also interested in the protection it would offer from disastrous storms. Lock and dam No. 3 provides a reservoir of water as well as low-flow regulation for downstream water-supply needs.

Since I introduced H.R. 496, the response from the people of the Cape Fear River area has been in wholehearted support of honoring, in this manner, the years of constructive labor that William O. Huske gave to sound conservation of our water resources. He lived to see the fruition of his dream—lock and dam No. 3—which has brought untold benefits to southeastern North Carolina.

H.R. 496 will perpetuate the name of an outstanding citizen who devoted much of his life to Cape Fear River improvements. Designating the Cape Fear facility as the William O. Huske lock and dam will be a deserving memorial to a man of high character, vision, and service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RENAMING A LOCK OF THE CROSS-FLORIDA BARGE CANAL

The Clerk called the bill (H.R. 790) to rename a lock of the Cross-Florida Barge Canal the "R. N. Bert Dosh lock."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I would like to inquire as to why in this particular bill was the customary language omitted which prescribes that under the regulations any law, regulation, map, document, record or other paper of the United States, and so forth, would be held to refer to such project.

Mr. KLUCZYNSKI. Mr. Speaker, I hope the gentleman from Washington will not object.

Mr. PELLY. Mr. Speaker, it is my information that in the past we have always had language in bills where we designate locks and dams and other public works by the name of some worthy gentleman that we include a provision in the law saying that any law, regulation, map or records of the United States in which such a project is referred to shall be held and considered to refer to such lock and dam—and so forth. That is what we have done in other bills, but the language here in this bill does not follow the customary procedure.

Mr. KLUCZYNSKI. The gentleman is correct. This language is omitted and if this is passed over, without objection we will draft an amendment to add the needed language.

Mr. PELLY. I would also like to ask with reference to this gentleman after whom the lock is to be named, as I understand, the gentleman is still living?

Mr. KLUCZYNSKI. Yes. This is an unusual case. A project is usually never named after a living individual but it has been done before as the gentleman will remember in the case of the late great Congressman Thomas J. O'Brien who was alive when he was honored.

Mr. PELLY. I must say, I think it is nicer to recognize people while they are alive instead of after they are dead. But I am only referring to the fact that the Committee on Public Works has a rule whereby they only provide for the naming of various projects after worthy people who were dead.

Mr. KLUCZYNSKI. That is true. That is the rule of our committee. There are exceptions. This we believe is one. Mr. Dosh has a long record in connection with the Cross-Florida Barge Canal. He is now 80 years of age. He devoted a lifetime to the project and the committee believes he deserves this recognition.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

DAVID D. TERRY LOCK AND DAM

The Clerk called the bill (H.R. 7475) to name the authorized lock and dam No. 6 on the Arkansas River in Arkansas and the lake created thereby for David D. Terry.

There being no objection, the Clerk read the bill, as follows:

H.R. 7475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam numbered 6, Arkansas, a feature of the Arkansas River navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), shall be known and designated hereafter as the David D. Terry lock and dam, and the lake created thereby as the David D. Terry Lake. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam and lake are referred to shall be held to refer to such lock and dam as the David D. Terry lock and dam, and the lake as the David D. Terry Lake.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE OF NEW HAMPSHIRE

The Clerk called the bill (S. 579) for the relief of the State of New Hampshire.

There being no objection, the Clerk read the bill, as follows:

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of New Hampshire the sum of $23,292.50. The payment of such sum shall be in full satisfaction of all claims of the State of New Hampshire against the United States on account of judgments rendered against such State in connection with personal injury and property damage caused by the collision between a private automobile and an Army truck which was owned by the United States and which was, at the time of such collision (August 16, 1958), being operated by a member of the New Hampshire National Guard in Canton, Massachusetts, Public Highway Route 138, while on active duty for training mission authorized by the National Guard Bureau, Department of Defense: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF SECTION 633 OF TITLE 28, UNITED STATES CODE, PRESCRIBING FEES OF U.S. COMMISSIONERS

The Clerk called the bill (H.R. 7755) to amend section 633 of title 28, United States Code, prescribing fees of U.S. Commissioners.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to interrogate one of the handlers of the bill.

This would materially raise the fees paid to U.S. commissioners. Do I correctly understand that these increased fees will be assessed as costs against defendants, both civil and criminal, so that this will not cost the Government any money, or will this actually be an increase in the budget?

Mr. ASHMORE. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. ASHMORE. This will not be an assessment against people in court, plaintiffs or defendants, or those who are accused of criminal offenses. This will be paid out of the general cost of operating the Federal courts of the United States.

The bill is presented for the purpose of compensating these U.S. commissioners on a modern-day basis. They have not had a raise since 1957, I believe, whereas, as Members know, all Government officials have had one or perhaps two raises since that time.

This will not give all commissioners a blanket $2,000 a year. That is the maximum increase which any of these commissioners might obtain. It is based on a work-done basis. There would be an increase of approximately 25 percent on the average in each fee. Some papers would cost 30 cents each, and those would go up 25 percent. If the cost were $6, it would go up, perhaps, to $7.50.

This is based on work done and is on the same principle as these men are now paid, but it merely will give them a cost-of-living increase which is very much deserved.

Mr. JOHNSON of Pennsylvania. In this session of Congress we have increased the possible salary a court crier can receive. We have increased the allowances for court stenographers. Now we are to increase the emoluments of the U.S. commissioners.

Has there been a corresponding increase in court costs, in fees charged to litigants, in order to offset this substantial increase in the cost of running our Federal judiciary?

Mr. ASHMORE. I believe the cost of living has gone up. The last figure I saw, I believe, was a 2-percent increase. Everything is going up. It is something we cannot control, evidently.

I believe these people deserve an increase in the remuneration for the work they do, more than some others for whom we have provided increases. This would increase the overall cost of operating our courts an estimated $250,000 a year. That brings it well within the purview of the restrictions we have on consent matters.

We believe this is reasonable. We heard testimony from a number of commissioners. It was amazing how small a yearly sum was received by some of these people who do a lot of work.

This does not affect the commissioner in a district where little work is done in court. Some of them who have a heavy volume of work are near to Washington, D.C. They do turn out a tremendous amount of work. We feel that certainly they should be compensated justly, fairly and equitably, which this bill intends to do.

Mr. JOHNSON of Pennsylvania. I might reply to the gentleman that inasmuch as in this session of Congress we have increased costs materially in the operation of the Federal judiciary it seems that the committee should make a study of these increased costs with a view of increasing income from the U.S. Clerks Office, to the end that it would be a self-sustaining proposition, that the cost of running the judiciary should just about equal what we are assessing defendants, to operate our courts.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 7755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 633 (a) of title 28 of the United States Code is amended to read as follows:

"(a) United States commissioners in each judicial district, except national park commissioners, shall receive the following fees only for all services rendered, not to exceed $12,500 for any one calendar year:

"(1) For attending to any reference by order of court of a litigated matter in a civil case or in admiralty, $10 a day.

"(2) For taking and certifying depositions, 38 cents for each folio and for each copy thereof furnished on request, 25 cents per folio.

"(3) A fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of $17.50 for each of the first twenty-five cases, $11.25 for each of the next twenty-five cases, $10 for each of the next fifty cases, and $2.50 for each additional case, of the following kinds:

"Issuance of an attachment and subsequent hearings in internal revenue matters pursuant to section 7604(b) of title 26;

"Settling or certifying the nonpayment of a seaman's wage pursuant to sections 603 and 604 of title 46;

"Preliminary proceedings to hold an accused person to answer in district court, payable to the commissioner who disposes of the case by discharge or binding over, for all services rendered after presentation of the accused;

"Each accused person brought before the commissioner for holding to answer in district court shall be considered a case for the purpose of computation of fees.

"(4) For all services rendered for each accused person presented before him for purposes of bail only and not for holding to answer in district court, whether or not bail is taken or commitment ordered, $5.

"(5) Upon the filing of a sworn, written complaint, for all services rendered prior to presentation of the accused before the commissioner, $5 for each person accused.

"(6) For all services in connection with each formal, written application for a search warrant, whether granted or denied, $7.50.

"(7) For each proceeding for the discharge of an indigent prisoner, $7.50.

"(8)(a) For each defendant who appears before the commissioner and is tried or sentenced by him for a petty offense, in lieu of all other fees provided in this section, a fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of $20 for each of the first twenty-five cases and $15 for each additional case.

"(b) For each defendant in a petty offense proceeding allowed to forfeit collateral or sentenced without appearance at a formal hearing, a fee of $10 in lieu of all other fees providing in this section."

With the following committee amendments:

Page 1, line 3, strike "section 633(a)" and insert "the first subsection of section 633".

Page 2, line 1, strike "38" and insert "40".

Page 3, line 19, strike "providing" and insert "provided".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMEMORATE FATHER JACQUES MARQUETTE

The Clerk called the resolution (S.J. Res. 53) to establish a tercentenary commission to commemorate the advent and history of Father Jacques Marquette in North America, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, there are 15 functions of this commission listed, all of which will be at some expense. Yet it says authorizations for appropriated funds have been stricken from the bill. First, I would like to ask the gentleman why, and then I have additional reservations.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HALL. Yes. I am glad to yield to the gentleman.

Mr. ROGERS of Colorado. Mr. Speaker, we have for some time tried to limit these bills so that there will be no appropriation. There is authorization in this proposal in Senate Joint Resolution 53 to receive donations from various groups that will carry on this work. That is the reason for it.

Mr. HALL. That is very commendable, and I hope it comes to pass. I think within the memory of the Members on the floor we have had similar commisions like that in which we hoped to receive adequate donations to carry on a worthwhile project and subsequently we have had to appropriate and make up the balances for them. It is in that spirit that the question is asked. Furthermore, of course, it does authorize many expenses for the Government which are not calculated in the report on the bill under costs, such as the use of the penalty privilege for mailing by the tercentennial commission.

Mr. Speaker, because of that and because there are no departmental reports on this bill, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

BICENTENNIAL CELEBRATION OF THE BIRTH OF JAMES SMITHSON

The Clerk called the resolution (S.J. Res. 56) authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, when will we get the bill, if any, for the expenses on this one?

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. ROGERS of Colorado. There is no expense that I know of in connection with it. It is merely a resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson, for whom the Smithsonian Institution is named and who donated much of the property that started the Smithsonian Institution. That is all it is.

Mr. GROSS. Mr. Speaker, I am glad to hear the gentleman say that. I read the report and find there are to be some 700 scholars, scientists, representatives of universities, and so on and so forth, from around the world who will come here for this event. This will be a great day in the history of this country if we do not get stuck with the transportation to the United States and the upkeep of some of these scientists and scholars, so-called, who are to be here for this occasion. The reason why I asked the question is because we are in business every day paying the bills for a bunch of foreigners to visit the United States. I just wanted to be sure, if this was being done in this case, that we were doing it with our eyes wide open.

I thank the gentleman and compliment him on the assurance that we are not going to spend a dime to bring 700 foreigners over here for this event.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

S.J. RES. 56

Whereas James Smithson, of London, England, by his last will and testament gave the whole of his property to the United States of America, to found at Washington, under the name of the "Smithsonian Institution", an establishment for the increase and diffusion of knowledge among men; and

Whereas the United States by Acts of Congress received that property and accepted such trust; and

Whereas the United States, for the faithful execution of such trust, by an Act of Congress approved August 10, 1846, formed an establishment, consisting of the President, the Vice President, the Chief Justice, and the heads of executive departments, by the name of the Smithsonian Institution for the increase and diffusion of knowledge among men; and

Whereas the Smithsonian Institution, in carrying out the provisions of the mandate placed upon it, has striven to serve as the cutting edge of original research in advancing the frontiers of knowledge beyond the limits of the practical, the profitable, and the obvious; and

Whereas James Smithson, in setting forth the ideal of the "increase and diffusion of knowledge among men", ignored considerations of nationality, private interest, and narrow scholarly specialization; and

Whereas any institution dedicated to an ideal must constantly remember and rededicate itself to that ideal; and

Whereas the Board of Regents and the Secretary of the Smithsonian Institution to celebrate the bicentennial of the birth of James Smithson have invited prominent scholars, scientists, and representatives of universities, museums, and learned societies of the world to Washington, District of Columbia, on September 17 and 18, 1965, for a program consisting of addresses, papers, and discussions concerning the broad problems of man and his relationship to his environment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, as the presiding officer of the Smithsonian Institution, is hereby authorized and requested to issue a proclamation to announce the occasion of the celebration of the bicentennial of the birth of James Smithson and to designate and set aside September 17 and 18, 1965, as special days to honor the memory of James Smithson and the accomplishments of the Institution which bears his name.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OBSERVING THE 250TH ANNIVERSARY OF HOPKINTON, MASS.

The Clerk called the bill (H. Res. 439) relative to the 250th anniversary of the establishment of Hopkinton, Mass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

STATUTORY LIENS

The Clerk called the bill (H.R. 136) to amend sections 1, 17a, 57j, 64a(5), 67(b), 67c, and 70c of the Bankruptcy Act, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to ask a question or two concerning this bill.

Mr. ROGERS of Colorado. Mr. Speaker, may I state that this legislation has passed three previous Congresses. The gentleman most familiar with it, and who is really the author of this legislation, is the gentleman from Virginia [Mr. POFF]. If the gentleman will direct his questions to him I am sure he will be able to answer them.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, on page 8 of the report, as one of the examples of what will happen under this bill which, of course, is a highly technical bill and which I think materially amends the Bankruptcy Act, it is stated:

> Finally, under the amendment to section 67c in H.R. 394, the estate would be distributed as follows:
>
> 1. Chattel mortgage No. 1__________ $7,000

H.R. 394 is not this bill, but I take it this bill has the same amendment in it, which would grant prior distribution to a validly filed chattel mortgage.

In the event of a clash on distribution a chattel mortgage on personal property previously recorded outside of the 3-month period would be entitled to a first lien on distribution; is that correct? Is that what this bill actually does?

Mr. POFF. The essential purpose, I will say to my colleague, of the legislation is to eliminate what attorneys have somewhat inaptly described as the circuity of lien problem. It came into focus in a case which arose in the gentleman's State, as the gentleman knows. That case involved the question of the dignity of a chattel mortgage which had been timely recorded under the laws of the gentleman's State. One of the effects of this legislation would be to guarantee that this dignity would prevail in the administration of the estate and in the distribution of the assets of the bankrupt.

Mr. JOHNSON of Pennsylvania. The thing that the commercial world is interested in, in view of the large transactions in personal property where a chattel mortgage is the main security, or in States where financing statements are filed—which are the same as a chattel mortgage—the commercial world wants to know that that chattel mortgage when filed will represent a first lien and that no secret liens in the event of bankruptcy will make that lien worthless and destroy the great work that is being done in the field of financing personal property today by chattel mortgages or financing statements.

Is that what this bill does?

Mr. POFF. The gentleman is correct. The bill does honor the dignity of the chattel mortgage, properly and timely recorded, in the distribution of the assets of the bankrupt.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (11 U.S.C. 1) of the Bankruptcy Act approved July 1, 1898, as amended, is amended by inserting after paragraph 29 the following new paragraph:

"(29a) 'Statutory lien' shall mean a lien arising solely by force of statute upon specified circumstances or conditions, but shall not include any lien provided by or dependent upon an agreement to give security, whether or not such lien is also provided by or is also dependent upon statute and whether or not the agreement or lien is made fully effective by statute."

Sec. 2. Clause (1) of subsection a of section 17 of said Act (11 U.S.C. 35) is amended to read as follows:

"(1) are due as a tax, penalty, or forfeiture to the United States, or any State, county, district, or municipality;"

Sec. 3. Clause (5) of subsection a of section 64 of said Act (11 U.S.C. 104(a)) is amended to read as follows:

"(5) debts other than for taxes owing to any person, including the United States, who by the laws of the United States is entitled to priority, and rent owing to a landlord who is entitled to priority by applicable State law or who is entitled to priority by paragraph (2) of subdivision c of section 67 of this Act: *Provided, however,* That such priority for rent to a landlord shall be restricted to the rent which is legally due and owing for the actual use and occupancy of the premises affected, and which accrued within three months before the date of bankruptcy."

Sec. 4. Subsection b of section 67 of said Act (11 U.S.C. 107(b)), is amended to read as follows:

"b. The provisions of section 60 of this Act to the contrary notwithstanding and except as otherwise provided in subdivision c of this section, statutory liens in favor of employees, contractors, mechanics, or any other class of persons, and statutory liens for taxes and debts owing to the United States or to any State or any subdivision thereof, created or recognized by the laws of the United States or any State, may be valid against the trustee, even though arising or perfected while the debtor is insolvent and within four months prior to the filing of the petition initiating a proceeding under this Act by or against him."

Sec. 5. Subsection c of section 67 of said Act (11 U.S.C. 107(c)) is amended to read as follows:

"c. (1) The following liens shall be invalid against the trustee:

"(A) every statutory lien which first becomes effective upon the insolvency of the debtor, or upon distribution or liquidation of his property, or upon execution against his property levied at the instance of one other than the lienor;

"(B) every statutory lien which is not perfected or enforceable at the date of bankruptcy against one acquiring the rights of a bona fide purchaser from the debtor on that date, whether or not such purchaser exists: *Provided,* That where a statutory lien is not invalid at the date of bankruptcy against the trustee under subdivision c of section 70 of this Act and is required by applicable lien law to be perfected in order to be valid against a subsequent bona fide purchaser, such a lien may nevertheless be valid under this subdivision if perfected within the time permitted by and in accordance with the requirements of such law: *And provided further,* That if applicable lien law requires a lien valid against the trustee under section 70, subdivision c, to be perfected by the seizure of property, it shall instead be perfected as permitted by this subdivision c of section 67 by filing notice thereof with the court;

"(C) every statutory lien for rent and every lien of distress for rent, whether statutory or not. A right of distress for rent which creates a security interest in property shall be deemed a lien for the purposes of this subdivision c.

"(2) The court may, on due notice, order any of the aforesaid liens invalidated against the trustee to be preserved for the benefit of the estate and in that event the lien shall pass to the trustee. A lien not preserved for the benefit of the estate but invalidated against the trustee shall be invalid as against all liens indefeasible in bankruptcy, so as to have the effect of promoting liens indefeasible in bankruptcy which would otherwise be subordinate to such invalidated lien. Claims for wages, taxes, and rent secured by liens hereby invalidated or preserved shall be respectively allowable with priority and restricted as are debts therefor entitled to priority under clauses (2), (4), and (5) of subdivision a of section 64 of this Act, even though not otherwise granted priority.

"(3) Every tax lien on personal property not accompanied by possession shall be postponed in payment to the debts specified in clauses (1) and (2) of subdivision a of section 64 of this Act. Where such a tax lien is prior in right to liens indefeasible in bankruptcy, the court shall order payment from the proceeds derived from the sale of the personal property to which the tax lien attaches, less the actual cost of that sale, of an amount not in excess of the tax lien, to the debts specified in clauses (1) and (2) of subdivision a of section 64 of this Act. If the amount realized from the sale exceeds the total of such debts, after allowing for prior indefeasible liens and the cost of the sale, the excess up to the amount of the difference between the total paid to the debts specified in clauses (1) and (2) of subdivision a of section 64 of this Act and the amount of the tax lien, is to be paid to the holder of the tax lien.

"(4) Where a penalty not allowable under subdivision j of section 57 is secured by a lien, the portion of the lien securing such penalty shall not be eligible for preservation under this subdivision c.

"(5) This subdivision c shall not apply to liens enforced by sale before the filing of the petition, nor to liens against property set aside to the bankrupt as exempt, nor to liens against property abandoned by the trustee or unadministered in bankruptcy for any reason and shall not apply in proceedings under section 77 of this Act, nor in proceedings under chapter X of this Act unless an order has been entered directing that bankruptcy be proceeded with."

Sec. 6. Subsection c of section 70 of said Act (11 U.S.C. 110(c)) is amended to read as follows:

"c. The trustee may have the benefit of all defenses available to the bankrupt as against third persons, including statutes of limitation, statutes of frauds, usury, and other personal defenses; and a waiver of any such defense by the bankrupt after bankruptcy shall not bind the trustee. The trustee shall have as of the date of bankruptcy the rights and powers of: (1) a creditor who obtained a judgment against the bankrupt upon the date of bankruptcy, whether or not such a creditor exists, (2) a creditor who upon the date of bankruptcy obtained an execution returned unsatisfied against the bankrupt, whether or not such a creditor exists, and (3) a creditor who upon the date of bankruptcy obtained a lien by legal or equitable proceedings upon all property, whether or not coming into possession or control of the court, upon which a creditor of the bankrupt upon a simple contract could have obtained such a lien, whether or not such a creditor exists. If a transfer is valid in part against creditors whose rights and powers are conferred upon the trustee under this subdivision, it shall be valid to a like extent against the trustee. In cases where repugnancy or inconsistency exists with reference to the rights and powers in this subdivision conferred, the trustee may elect which rights and powers to exercise with reference to a particular party, a particular remedy, or a particular transaction, without prejudice to his right to maintain a different position with reference to a different party, a different remedy, or a different transaction."

With the following committee amendment:

Amend the title so as to read: "To amend sections 1, 17a, 64a(5), 67(b), 67c, and 70c of the Bankruptcy Act, and for other purposes."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIMITING PRIORITY OF TAXES IN BANKRUPTCY

The Clerk called the bill (H.R. 3438) to amend the Bankruptcy Act with respect to limiting the priority and nondischargeability of taxes in bankruptcy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I would like to inquire, after 4 years that this bill has been coming up, why we still do not have the views of the Bureau of the Budget?

Mr. ROGERS of Colorado. Mr. Speaker, is the gentleman's question why we do not have the report from the Bureau of the Budget?

Mr. PELLY. That was my question.

Mr. ROGERS of Colorado. That I do not know save and except that this has passed three previous Congresses.

Mr. PELLY. The Department's report goes back to July 1, 1961.

Mr. ROGERS of Colorado. The Treasury Department has always opposed this. So you can readily appreciate the situation that may develop as a result of it.

Now, the objective of this legislation is to see that the Treasury Department and the tax collecting agencies of the Government get busy within the 3-year period, and if they have a lien that they go ahead and establish it. That is the objective of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. GROSS. Why has this bill not passed the other body previously, since it passed the House on two or three occasions?

Mr. ROGERS of Colorado. If the gentleman can analyze the actions of the Members of the other body, then the gentleman can answer his own question. I have a suspicion that when it is received over there certain people who do not want it passed get hold of it. That is the best answer I can give the gentleman.

Mr. GROSS. I believe I could have guessed that much. But I wondered if there was a reason that had been communicated to the gentleman from Colorado as to why this bill, having passed the House on three occasions, has failed of approval in the other body. I wonder what the reason is?

Mr. ROGERS of Colorado. Well, now, what is the reason and what takes place I do not think has any relationship to each other here. The main thing is that we have passed this and as has been indicated the Treasury Department has opposed it.

Mr. GROSS. I believe I will have to settle for the gentleman's last explanation of the reason given for there not being a reason.

But could the gentleman say whether these two bankruptcy acts have anything to do with the increased number of bankruptcies in the Great Society?

Mr. ROGERS of Colorado. They have no relation whatsoever because this started a long time ago.

Mr. GROSS. I thank the gentleman.

Mr. PELLY. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 3438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (a) of section 2 of the Bankruptcy Act, as amended (11 U.S.C. 11), is amended by inserting after paragraph (2) the following new paragraph:

"(2A) Hear and determine, or cause to be heard and determined, any question arising as to the amount or legality of any unpaid tax, whether or not previously assessed, which has not prior to bankruptcy been contested before and adjudicated by a judicial or administrative tribunal of competent jurisdiction, and in respect to any tax, whether or not paid, when any such question has been contested and adjudicated by a judicial or administrative tribunal of competent jurisdiction and the time for appeal or review has not expired, to authorize the receiver or the trustee to prosecute such appeal or review;".

SEC. 2. Clause (1) of subdivision a of section 17 of such Act, as amended (11 U.S.C. 35), is amended to read as follows:

"(1) are taxes which became legally due and owing by the bankrupt to the United States or to any State or any subdivision thereof within three years preceding bankruptcy: *Provided, however,* That a discharge in bankruptcy shall not release a bankrupt from any taxes (a) which were not assessed in any case in which the bankrupt failed to make a return required by law, (b) which were assessed within one year preceding bankruptcy in any case in which the bankrupt failed to make a return required by law, (c) which were not reported on a return made by the bankrupt and which were not assessed prior to bankruptcy by reason of a prohibition on assessment pending the exhaustion of administrative or judicial remedies available to the bankrupt, or (d) with respect to which the bankrupt made a false or fraudulent return, or willfully attempted in any manner to evade or defeat; but a discharge shall not be a bar to any remedies available under applicable law to the United States or to any State or any subdivision thereof, against the exemption of the bankrupt allowed by law and duly set apart to him under this Act: *And provided further,* That a discharge in bankruptcy shall not release or affect any tax lien."

SEC. 3. Clause (4) of subdivision a of section 64 of such Act, as amended (11 U.S.C. 104), is amended to read as follows:

"(4) taxes which became legally due and owing by the bankrupt to the United States or to any State or any subdivision thereof which are not released by a discharge in bankruptcy: *Provided, however,* That no priority over general unsecured claims shall pertain to taxes not included in the foregoing priority: *And provided further,* That no order shall be made for the payment of a tax assessed against any property of the bankrupt in excess of the value of the interest of the bankrupt estate therein as determined by the court;".

SEC. 4. If any provision of this Act, or any amendment made by it, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this Act, or other amendments made by it, or applications thereof which can be given effect without the invalid provision or application.

SEC. 5. (a) Nothing in this Act, or in the amendments made by it, shall operate to release or extinguish any penalty, forfeiture, or liability incurred under the Bankruptcy Act before the effective date of this Act.

(b) The amendments made by this Act shall govern proceedings so far as applicable in cases pending when it takes effect.

SEC. 6. This Act shall take effect on the ninetieth day after the date of its enactment.

With the following committee amendments:

On page 2, line 23, strike out "or".

On page 2, line 25, strike out the semicolon, insert a comma, and add the following: "or (e) which the bankrupt has collected or withheld from others as required by the laws of the United States or any State or political subdivision thereof, but has not paid over;".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PERMITTING EARLY PAYDAY FOR ARMED FORCES PERSONNEL

The Clerk called the bill (H.R. 3039) to amend section 1006 of title 37 United State Code, to authorize the Secretary concerned, under certain conditions, to make payment of pay and allowances to members of an armed force under his jurisdiction before the end of the pay period for which payment is due.

The being no objection, the Clerk read the bill, as follows:

H.R. 3039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1006 of title 37, United States Code, is amended by adding the following new subsection after subsection (f):

"(g) Notwithstanding section 529 of title 31, the Secretary concerned may, when the last day of the pay period falls on a Saturday, Sunday, or legal holiday, authorize the payment of pay and allowances to members of an armed force under his jurisdiction on the preceding workday but not more than three days before the last day of that pay period. If a member dies after he has received an advance payment under this subsection, but before the last day of the pay period for which the payment is made, that part of the payment allocable to the part of the pay period he did not serve shall be credited to the account of the disbursing officer concerned. However, the amount so credited remains a debt of the member or his estate to the United States.

With the following committee amendment:

On page 2, line 5, strike that language following the comma and all of lines 6 through 9 and insert in lieu thereof: "no part of the amount so advanced is recoverable by the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

RENAMING A LOCK OF THE CROSS-FLORIDA BARGE CANAL

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calender No. 133, the bill (H.R. 790) to rename a lock of the Cross-Florida Barge Canal the "R. N. Bert Dosh lock."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill as follows:

H.R. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Silver Springs lock of the Cross-Florida Barge Canal is hereby renamed the "R. N. Bert Dosh lock".

AMENDMENT OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. KLUCZYNSKI: Strike out all after the enacting clause and insert in lieu thereof the following: "That the Silver Springs lock of the Cross-Florida Barge Canal shall, after the date of enactment of this Act, be known and designated as the 'R. N. Bert Dosh lock'. Any law, regulation, map, document, or record of the United States in which such lock is referred to shall be held and considered to refer to such lock as the 'R. N. Bert Dosh lock'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

INTERSTATE SYSTEM APPORTIONMENT, 1967

Mr. KLUCZYNSKI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 81) to authorize the Secretary of Commerce to apportion the sum authorized for the fiscal year ending June 30, 1967, for the National System of Interstate and Defense Highways.

The Clerk read as follows:

S.J. Res. 81

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $2,900,000,000 for the fiscal year ending June 30, 1967," and inserting in lieu thereof "the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1967,".

Sec. 2. The Secretary of Commerce is authorized to make the apportionment for the fiscal year ending June 30, 1967, of the sum authorized to be appropriated for such year for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5 of House Document Numbered 42, Eighty-ninth Congress, but the Congress reserves the right to disapprove the cost estimate for completion of such National System submitted by the Secretary on January 11, 1965, and contained in such document.

Sec. 3. The Secretary of Commerce is authorized to make a comprehensive study of the needs of the Federal-Aid Highway System, including the National System of Interstate and Defense Highways, after 1972. Such study shall be made in cooperation with State highway departments and shall include but not be limited to costs, possible extensions of such Interstate System, and such other considerations as the Secretary may deem advisable. The Secretary shall submit a report of his findings to Congress not later than January 1, 1967.

Sec. 4. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 135. Highway safety programs

"After December 31, 1967, no funds shall be apportioned under section 104 of this title to any State which does not have a highway safety program, approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom, on highways on the Federal-aid system. Such highway safety program shall be in accordance with uniform standards approved by the Secretary and shall include, but not be limited to, provisions for an effective accident records system, and measures calculated to improve driver performance, vehicle safety, highway design and maintenance, traffic control, and surveillance of traffic for detection and correction of high or potentially high accident locations. Funds withheld under this section from apportionment to a State shall immediately be apportioned among the other States in accordance with section 104 of this title."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"135. Highway safety programs."

Amend the title so as to read: "Joint resolution to amend the Federal-Aid Highway Act of 1956 to increase the amount authorized for the Interstate System for the fiscal year ending June 30, 1967, to authorize the apportionment of such amount, and for other purposes."

The **SPEAKER.** Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The **SPEAKER.** Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 213]

Abbitt
Ashley
Ayres
Battin
Berry
Bingham
Boggs
Bolling
Bonner
Cabell
Cahill
Cameron
Carey
Casey
Chamberlain
Collier
Colmer
Conyers
Corbett
Cramer
Curtis
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dulski
Dwyer
Edwards, Ala.
Evans, Colo.
Fino
Flynt
Fogarty
Frelinghuysen
Gallagher
Grabowski
Green, Oreg.
Griffin
Hanna
Harsha
Hathaway
Holifield
Holland
Hungate
Jones, Ala.
Jones, Mo.
Kastenmeier
Kee
Keogh
Leggett
Lindsay
McDowell
McEwen
McMillan
Macdonald
MacGregor
Martin, Ala.
Martin, Mass.
Matthews
Michel
Minshall
Mize
Morton
Multer
Nix
O'Neill, Mass.
Philbin
Pool
Powell
Purcell
Quie
Redlin
Reid, N.Y.
Resnick
Rivers, Alaska
Rivers, S.C.
Robison
Ronan
Roncalio
Rostenkowski
Ryan
St Germain
Scott
Stalbaum
Stephens
Sweeney
Taylor
Teague, Tex.
Toll
Walker, Miss.
Watson
Weltner
Williams
Wright

The **SPEAKER.** On this rollcall 344 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

INTERSTATE SYSTEM APPORTIONMENT, 1967

Mr. KLUCZYNSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the amendments to Senate Joint Resolution 81 include increasing the amount of funds authorized for the Interstate System for fiscal year 1967 from $2.9 billion to $3 billion and authorizing the apportionment of these funds for fiscal year 1967, using the apportionment factors contained in the 1965 Interstate System Cost Estimate—House Document No. 42, 89th Congress—but withholding approval of the cost estimate; authorizing the Secretary of Commerce to make a comprehensive study of certain future highway needs; and creating a new section 135, title 23 of the United States Code, to provide for highway safety programs within the several States.

This legislation which is before this body today has the unanimous support of the Committee on Public Works.

The $3 billion authorization is needed for fiscal year 1967 so that the Federal-aid highway program may continue and not be brought to an abrupt halt. Many States have almost run out of funds and this resolution will allow the Bureau of Public Roads to apportion the funds to the States for the fiscal year 1967 on the basis of $3 billion so that there will be no break in the Federal-aid highway construction program.

Let me digress for a moment at this point to indicate that this is very much a temporary action on the part of the committee. Under the Federal-aid highway legislation of 1956 the Congress authorized the Secretary of Commerce to submit to the Congress over the life of the Federal-aid highway program set up by the 1956 act, cost estimates from time to time of the cost of completing the system as the program moved along.

The latest such cost estimate was submitted to the Congress by the Secretary of Commerce on January 11 of this year. It covered the fiscal years 1967, 1968, and 1969. This estimate set forth what the latest figure would be for completion of the Interstate System in the various States.

That estimate raised the prior one of $41 to $46.8 billion. An increase of some $5.8 billion.

Of this figure $5 billion is the Federal share.

Additional revenue not originally anticipated to come into the trust fund and transfer of additional excise taxes on trucks and bus parts and lubricating parts into the trust fund reduced the need to raise revenue to match the new estimate of cost from the figure of $5 billion to approximately $3 billion. Unfortunately and most regrettably no action has been taken by the Congress to date to provide the necessary needed financing to take care of the new cost estimate. As a result because of the lack of financing the Committee on Public Works finds it cannot approve this new estimate as submitted by the Secretary of Commerce and is resorting to the $3 billion figure for the fiscal year 1967 to keep the highway program going.

Let me emphasize at this point as chairman of the Subcommittee on Roads and let me say that I have the support of the entire Committee on Public Works, including the distinguished chairman, the gentleman from Maryland [Mr. Fallon], and the ranking minority member, the gentleman from Florida [Mr. Cramer] and the gentleman from California [Mr. Baldwin], that we feel that ways and means must be found to finance the revenue needed for continued construction of this program until it is completed as the Congress intended in 1972. We have made a commitment to the American people on this point. That is the very meaning of the words "trust fund" and I strongly urge each and every one of you to consider most carefully the need to find proper financing to carry forth the program which has proved to be a most effective one and which each and every one of you can see as you return to the District from time to time would be one that is moving forward in the manner intended by the Congress.

Senate Joint Resolution 81 includes an authorization for the Bureau of Public Roads to make a comprehensive study of future highway needs. This legislation passed the House in the last session of the 88th Congress as a separate bill but there was no further action taken on it.

This legislation has the complete support of all those interested in the Federal highway development of our Nation. It authorizes the Secretary of Commerce to plan an intelligent program for Federal highway construction beyond 1972.

It has been drafted to cover all and any problems directly or indirectly related to our Federal-aid highway program. The House has put a stamp of approval on this legislation once before and I trust this time it will be enacted into law.

Finally, there is contained in Senate Joint Resolution 81 language which requires that no Federal-aid highway funds shall be apportioned to any State after December 31, 1967, which does not have a highway safety program approved by the Secretary of Commerce, designed to reduce traffic accidents, deaths, injuries and property damage resulting therefrom on highways on the Federal-aid systems. Last year some 47,700 Americans were killed in traffic accidents. This is an amazing and unnecessary loss of life on our highway system. The committee is deeply concerned about this problem and it believes it has the responsibility to see to it that every State involved in our highway program will have underway by the time designated in this bill a highway safety program which will help to cut down this awful toll of death and injuries on our great roadways.

The language contained in this section gives the States until the end of 1967 to set up this program.

In some States legislative action is needed to bring about this type of program and, for this reason, the committee has given the States what it believes is sufficient time to act in accordance with the language contained herein.

Senate Joint Resolution 81, as I stated previously, has the complete support of the Committee on Public Works.

I recommend its enactment.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Illinois.

Mr. GRAY. I would like to commend the distinguished gentleman from Illinois, chairman of the Subcommittee on Roads, for his very forthright work on this committee since he has become the subcommittee chairman. He has worked with diligence and with intelligence.

As the gentleman has pointed out very clearly in his statement, safety is of vital importance in our highway program. Orderly planning is important. We are killing 40,000 people a year on the highways of America. We need better roads as soon as possible. I want to again commend the gentleman for bringing forth this legislation, Senate Joint Resolution 81, and for the good work he is doing as subcommittee chairman.

Mr. KLUCZYNSKI. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to my colleague, the gentleman from Illinois.

Mr. ANDERSON of Illinois. I, too, would like to commend the gentleman from Illinois for his statement and to assure him of my support for this resolution. If it is not an inappropriate time, I would like to raise a question with the gentleman because of his rank and position as a member of the Committee on Public Works. I think it was about 3 weeks ago that the senior Senator from Illinois, a Member of the other body, raised, in a press conference in Illinois, the question of the importance of a mid-State highway, an interstate highway, as an addition to the present mileage on the Interstate System. He indicated at that time that it would be perhaps within a time period of 1967 or 1968 before any decision would actually be made with respect to possible additions to the mileage included in the Interstate System.

I wonder if the gentleman now in the well could tell us anything about what, if any, plans the Committee on Public Works has in that regard and how they would be disposed at this time to look specifically on the question of a mid-state or north-south interstate highway in our State of Illinois?

Mr. KLUCZYNSKI. As the gentleman knows the question of route locations under present highway law is left up to the various State highway departments and the Federal Bureau of Public Roads.

We must still finish our present highway program. However, the needs study beyond 1972 contained in this bill would be the vehicle to consider additional highway mileage for the entire country, including the north-south interstate highway in Illinois. The Bureau of Public Roads would report back to the Congress and we could determine then how much additional mileage is needed for further highway construction. May I say I support such a route as the gentleman is proposing.

Mr. ANDERSON of Illinois. I appreciate the gentleman's expression and also I am further pleased to hear of his expression of support for the idea of a north-south interstate highway in Illinois and I hope that will continue to be his position on this matter, and that he will exercise his great powers of persuasion on other members of the House Committee on Public Works.

Mr. KLUCZYNSKI. I thank the gentleman.

Mr. BATES. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Massachusetts.

Mr. BATES. I congratulate the gentleman from Illinois for his very lucid and effective statement. I intend to support the gentleman on this resolution.

Mr. KLUCZYNSKI. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAMER. Mr. Speaker, I rise in support of Senate Joint Resolution 81 but do so with considerable dissapointment.

It is essential that funds authorized for the Interstate System for fiscal year 1967 be apportioned to the States at the earliest possible date. A number of States have, for all practical purposes, exhausted previously apportioned interstate funds and have been forced to defer awarding contracts for additional interstate construction projects. Senate Joint Resolution 81 will permit apportionment of interstate funds for fiscal year 1967 and thus will permit continuation of the interstate program. For this reason, I support the resolution and urge my colleagues to support it also.

However, Senate Joint Resolution 81 does not provide for the continuation of the interstate highway program on the originally planned schedule which contemplated completion of the system in 1972. This is because the resolution simply provides for the apportionment of amounts previously authorized, and does not increase such amounts to reflect the $5 billion additional cost of completing the system as reflected in the cost estimates submitted to the Congress in January of this year.

H.R. 6548, which was overwhelmingly approved by the Committee on Public Works, would have increased the amounts to be appropriated for fiscal year 1967 and succeeding fiscal years by $5 billion to reflect the increased estimated cost of completing the Interstate System. The bill was referred to the Committee on Ways and Means for appropriate action but nothing has been done and apparently nothing will be done in the foreseeable future. I attribute this lack of action to the failure of the administration to exert any leadership or encouragement toward the objective of completing the Interstate System on schedule. Apparently the administration is so preoccupied with devising new and spectacular ways of spending tax moneys that it has no time left for supporting existing programs whose value and necessity have been proved. It is not too late for the administration to lend support to measures to provide sufficient additional revenues for the highway trust fund to complete the Interstate Sytem on schedule. I hope that it will do so. In the meantime, in the interest of continuing at least some work on the interstate highway system, I must support this stopgap measure.

Senate Joint Resolution 81, as reported by the House Committee on Public Works, contains an additional provision which is of great importance.

Section 3 of the bill provides for a study of highway needs after 1972. Such a study must be made and a comprehensive report submitted to the Congress fairly soon so that the Congress may make intelligent decisions on long-range plans for the Federal-aid highway program after 1972. This provision is of direct interest to all Members. In my own State of Florida, the study may well lead to the construction of the missing link in the Interstate System from St. Petersburg-Tampa to Naples and Miami. The study, which is to be made by the Secretary of Commerce, in cooperation with the States, will include examination of the possiblity of the extension or improvement of the Interstate System and the possible development of freeways or express routes on a different basis than the Interstate System. I hope and expect that the State officials of Florida will furnish complete and comprehensive data to support the obvious need for a freeway from St. Petersburg-Tampa to Miami. The portion of the bill which provides for the study of future highway needs has the same objectives as House Joint Resolution 464, which I introduced in June of 1963, and House Joint Resolution 203, which I introduced on January 18, 1965. Therefore, I support this part of Senate Joint Resolution 81 without reservation.

Mr. Speaker, I urge the favorable consideration of Senate Joint Resolution 81, but must emphasize my deep hope that further action will be taken at an early date to enact legislation similar to H.R. 6548 to permit continuation of the interstate highway program on schedule, so that it may be completed as originally planned, by 1972.

Mr. BALDWIN. Mr. Speaker, I rise in support of Senate Joint Resolution 81. This joint resolution is an essential measure from the standpoint of continuing the Federal interstate highway program on schedule.

Under our normal procedures, under the overall Federal interstate highway program, we should be passing at this time a measure to approve the estimates of construction costs for the 4 years beginning in 1967. We have received estimates for that 4-year period from all the State highway departments. Those estimates have increased.

There are recommendations pending before the Ways and Means Committee for certain increases in taxes on road users which would offset the estimated increase, but this has not yet been acted upon and may not be acted upon this year by the Ways and Means Committee.

For this reason this joint resolution therefore merely approves the estimate of costs for the first of the 4 years, 1967. It increases the figure authorized for expenditure in 1967 to $3 billion, which can be expended within the amount of funds that will be coming in to the trust fund under the existing tax rates for that year.

Second, the joint resolution authorizes a study to be made by the Department of Commerce as to the type of Federal-aid assistance which should be provided for highways at the termination of the present Federal Interstate Highway Act in 1972. It has become increasingly clear that we must think ahead and must think of what should be done beyond that point. This would authorize a study to determine just exactly what should be done beyond that point, with the recommendation to come back to the Congress for consideration and appropriate legislative action.

The third major portion of this bill deals with highway safety. Our committee has been deeply concerned about this problem. Highway casualties last year hit a new alltime high. More than 47,000 people were killed on our Nation's highways last year. More than 1.7 million were injured. These casualty rates are simply staggering.

Many of us have been greatly concerned about the casualties which we have suffered in Vietnam up to the present time. Do the Members realize that here in the United States, on our highways, as many people are killed in a 3-day weekend as the total number of men killed in Vietnam from the time of our original engagement in that country to the present date? This is absolutely appalling from the standpoint of what is happening on our highways. When we talk about 1.7 million people being injured on our highways last year, we are talking of a greater number of people injured in a 1-year period than we have ever suffered in any war in which we have been involved in a similar 1-year period. This is a staggering figure.

Our committee has felt that we should give greater attention to this problem and try to find a solution to it. So the last section of this joint resolution states that the Department of Commerce will be authorized to establish certain minimum standards in the field of highway safety and that unless the States individually meet those standards, the States will not qualify for Federal aid under the Federal interstate highway program and Federal aid to primary and secondary highways programs. We feel this is the minimum we should do in this field.

The Department of Commerce today has a section which works on highway safety, which endeavors to develop improved means of preserving highway safety and endeavors to work with the States on a voluntary basis to carry out these means.

So all this does is to put more emphasis on this program by stating that it is the intent of the House of Representatives and, we hope, of the other body, that action will be taken in this field and that the States will meet the minimum standards established by the Department of Commerce so that we can actually know that forward progress is being made in all of the 50 States to endeavor to reduce this absolutely horrifying accident rate which now exists.

Mr. Speaker, I hope that this bill will be passed by an overwhelming vote of this body.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of Senate Joint Resolution 81, a resolution "to amend the Federal-Aid Highway Act of 1956 to increase the amount authorized for the Interstate System for the fiscal year ending June 30, 1967, to authorize the apportionment of such amount, and for other purposes."

I want to draw the particular attention of my colleagues to section 2 of the bill which authorizes the Secretary of Commerce to make a comprehensive study of the needs of the Federal-aid highway system after 1972. The Secretary would be required to submit a report of his findings to Congress not later than January 1, 1967.

This study will include, among other subjects, the extension or improvement of the present Interstate System, the possible development of freeways or express routes on a different basis, special urban highway problems, classification revision for Federal-aid primary and secondary systems, and their urban extension, and other matters. I am particularly anxious that the study include a comprehensive review of the Federal-aid secondary highway system, and officials of the Bureau of Public Roads have stated that the study will do this. In a speech before the county engineers on February 21, 1965, Mr. Ralph P. Agnew, Chief of the Secondary Roads Division, Bureau of Public Roads said:

> Such examination (of the secondary system) on an intensive scale is scheduled in the study being planned by the Bureau of Public Roads in cooperation with State and local officials to provide a sound basis for such a highway program in the future.

Mr. Rex Whitton, Federal Highway Administrator, has also indicated that the study of future highway needs will include review of the Federal-aid secondary system.

While the dramatic Interstate Highway program attracts most of the public attention, the Federal-aid secondary highway program is also of critical importance to the Nation's welfare. It is in the development of the Federal-aid secondary system that the voices of the county and other local road officials will most effectively be heard. Under the law, the Federal-aid secondary system must be selected by the State highway department and the appropriate local road officials in cooperation with each other. Under the law, programs for projects on the Federal-aid secondary system must be selected by the State highway department and the apropriate local officials in cooperation with each other. In addition to this, under the policies adopted by the Bureau of Public Roads, not less than 50 percent of the Federal-aid secondary funds apportioned to each State for any fiscal year after diversion of the highway planning survey funds shall first be made available to the appropriate road officials and shall remain so available until the end of such fiscal year for roads not on the State highway portion of the Federal-aid secondary system.

The total mileage of routes designated on the Federal-aid secondary system, as of December 31, 1963, was 626,438 miles. The actual traveled ways of these routes totaled 618,041 miles. Of this mileage, nearly 180,000 miles do not have a paved surface.

The highways on the Federal-aid secondary system are essential for the day-to-day activities of our citizens, particularly in view of our rapidly shifting population patterns. It is necessary that highways on the Federal-aid secondary system be improved to adequate standards in the interest of not only adequate transportation but also in the interest of reducing loss of life, injuries, and property damage which result from vehicle accidents on the secondary system.

In light of these considerations, I was surprised and disturbed at the proposal of the President to divert one-third of all funds apportioned for the Federal-aid secondary highway system to the construction of scenic and recreational roads and landscaping and roadside development on roads, irrespective of whether they be on the Interstate primary or secondary system. I am certainly in favor of measures designed to protect and enhance the beauty of our highways, but I cannot believe that such should be done at the expense of needed highway construction. The diversion of needed highway funds from the Federal-aid secondary system, in my opinion, is deplorable. This is further emphasized by the fact that the proposal was not based upon any comprehensive study of actual needs of the Federal-aid secondary system and, in fact, was made in the face of the fact that a study of all highway needs, including those of the secondary system is about to get underway, under the provisions of Senate Joint Resolution 81.

Mr. Speaker, I strongly support Senate Joint Resolution 81 and urge my colleagues to join me in its support. I am particularly interested in the highway needs study provision, and am looking forward to the report of the Secretary of Commerce and its findings and recommendations concerning the Federal-aid secondary system.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am sure that we are all in sympathy with any reasonable program to eliminate the fatalities and the terrible toll of injured on the highways, but I would have to disagree with my friend from California [Mr. BALDWIN] that in the passage of this resolution we are merely expressing congressional intent in this respect. Page 3 of the bill makes it very plain that after December 31, 1967, no funds shall be apportioned under section 104 of this title unless the States have agreed to do what the Secretary of Commerce says they should do with respect to highway safety. This goes beyond—and far beyond—congressional intent.

I have before me a resolution passed unanimously by the Governors' conference at Minneapolis on July 29, 1965, in which the Governors of the United States take exception to this provision of the bill. Let me read to you their resolution which was adopted unanimously:

HIGHWAY SAFETY RESOLUTION

(Passed unanimously July 29, 1965, by National Governors' Conference 57th annual meeting, Minneapolis, Minn.)

Whereas the Governors have long acknowledged the gravity of their traditional obligation of concern for the personal welfare and safety of all of the people of their States; and

Whereas the Governor's conference has repeatedly demonstrated the collective determination of the chief executives of the States to act in the public interest through cooperative efforts in behalf of highway safety; and

Whereas strong endorsement has been given to the action program for highway safety as a master plan and an effective guide to essential traffic accident prevention services at all levels of government; and

Whereas the pending amendment in the House of Representatives to make highway construction grants-in-aid contingent on arbitrarily determined highway safety standards is unworkable and therefore unnecessarily punitive: Now, therefore, be it

Resolved by the Governor's conference, That the Congress of the United States be urged to adopt as national policy the principles contained in the action program for highway safety; and, be it further

Resolved, That the pending amendment to the highway construction grants legislation be set aside; and be it further

Resolved, That the Governor's conference invite the National League of Cities, U.S. Conference of Mayors, and the National Association of Counties to join with the Governors in sponsoring a national conference of State and local governments to define and clarify areas of traffic safety responsibility and to determine the most effective possible courses of action with respect to priority needs and financing; and be it further

Resolved, That the comprehensive approach to today's traffic safety problems be extended to include a continuing study by the Committee on Roads and Highway Safety of the total public and private transportation outlook as it encompasses every manner of movement in the service of both people and commerce.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from from California.

Mr. BALDWIN. Mr. Speaker, let me say first that the Bureau of Public Roads of the Department of Commerce has never acted in an arbitrary manner in administering the Federal Interstate Highway program. Let me say, second, that under the Federal Interstate Highway Act, the Department of Commerce through the Bureau of Public Roads was authorized to set minimum standards of construction for the highways, which the States have found not difficult to meet, and the Governors have not complained about that.

Furthermore, in the act passed 3 years ago this Congress stated that the States would have to comply and set up a comprehensive transportation planning process in order for the States to continue to qualify under the Federal-aid program. The States did not complain about that. They have met that requirement. They have continued to receive Federal aid. So this is not establishing a new precedent.

Mr. GROSS. Mr. Speaker, let me ask the gentleman this question: Have you ever before armed the Secretary of Commerce with the power of life and death in the matter of funds if the States do not, in the matter of safety, adopt and conform to the Secretary's every whim and desire? Where and when before has Congress delegated any such authority by law?

Mr. BALDWIN. As to safety this is a new provision. But the point that I make is that as to highway construction standards, we have functioned under this procedure of a comprehensive planning process.

Mr. GROSS. I am talking about safety programs and the arbitrary authority to a Federal official to lay down rules and compel a State government to conform.

Mr. BALDWIN. We have functioned under this for several years, and in my opinion there is nothing more important on our highways than safety.

Mr. GROSS. We will all agree as to that. But the Governors are saying, and I agree with them, that you are going too far with this amendment in saying that the Secretary of Commerce may cut off the funds, and all the funds, for Federal highway construction. If I understand this resolution correctly, and I ask the gentleman to correct me if I am wrong, he can cut off all the Federal funds to the States and the various subdivisions of government, for interstate, primary and all other roads, if they do not conform to his desires in the matter of a safety program.

You are carrying too far, in my opinion. The Governors think so, and they unanimously adopted a resolution in opposition only 3 or 4 days ago.

I am sorry that this amendment goes as far as it does. I think the same result could be accomplished with far less authority vested in the Secretary of Commerce to punish the various subdivisions of government in the various States. I think this is wrong, Mr. Speaker. I am sorry the bill cannot be amended, but it is here under suspension of the rules, which prohibits normal procedure. If it were here so that it could be amended I have the feeling that this House, rather than delegate more power to the Secretary of Commerce to whip the Governors and the other officials of the State into line, would join in an amendment to at least modify this provision. It would be my hope that this joint resolution could be defeated today and brought back without the drastic language that is presently written in the resolution.

I would like to support this measure but I cannot do so under the circumstances. As much as any other Member of the House, I want to stop the killing and maiming on the roadways of this Nation, but it is not necessary, as the Governors have so well stated, to delegate arbitrary authority to the Federal Government in order to wage an effective campaign in behalf of safety on the highways.

Mr. ZABLOCKI. Mr. Speaker, I rise to commend the very able and distinguished gentleman from Illinois [Mr. KLUCZYNSKI] for the excellent work he has done as the chairman of the Subcommittee on Roads of the House Public Works Committee.

The legislation under consideration by this body today, increasing the amount authorized for the Interstate Highway System during fiscal year 1967, is the result of the foresight and leadership of the gentleman from Illinois and the members of his subcommittee.

The increased funds will hasten the day when the I-system as presently planned will be completed, enhancing commerce, travel, and safety throughout our Nation.

It is my earnest hope that part of the increased amount will be allocated to the initiation of construction of I–794 in my own State of Wisconsin. This highway segment will provide a high-level bridge across the harbor of Milwaukee, linking the city's downtown with the spreading southern suburbs. The effect of the expressway bridge will be felt throughout the great manufacturing region of southeastern Wisconsin.

Further, this interstate highway segment is the first step toward a new link between Milwaukee and Chicago, specifically serving the traffic needs of communities close to Lake Michigan. Although the completion of this expressway must await the approval of a new interstate program, the initial planning already has begun both in Wisconsin and Illinois.

Of particular concern at the present time is the need for interstate funds to plan and construct the approaches to the I–794 segment in Milwaukee. The people of my district and Wisconsin are looking to the Federal Government to make funds available to begin work on this needed project.

Mr. PEPPER. Mr. Speaker, it should be obvious to each of us in this enlightened day that the savage killing on our highways of thousands of our citizens, some 47,700 last year alone, is one of the great failings of our civilization. Although it is not possible to legislate absolute safety, it is incumbent upon us to do all we can to prevent this butchery on the Nation's highways.

I commend my colleagues in the House and Senate for their efforts toward planning for our future highway needs in Senate Joint Resolution 81 which passed the House last week. The Nation owes special gratitude to the Honorable John C. Kluczynski, chairman of the Subcommittee on Roads of the House Public Works Committee, for this resolution which will not only provide for the present but will facilitate a safer future for us all.

Mr. Speaker, I am sorry to say that 1,542 persons died last year on Florida highways and that 87,055 were injured. This is a shameful and shocking thing. I am happy to say that the $110 million allocation of State and Federal funds in Florida annually to make our highways safer and more adequate to our motoring needs will be increased greatly in the future.

Perhaps the most progressive facet of Senate Joint Resolution 81 is its provision that no State shall receive new funds unless its safety program meets the standards established by the Secretary of Commerce. There is no doubt that a reevaluation of the efforts being made to prevent highway deaths by both Federal and State officials is necessary. Thus, I both support and commend the provision of this resolution which will instruct the Secretary of Commerce to study the future needs of America's highways.

The increase in appropriations from $2.9 billion to $3 billion is not overwhelming in scope. However, I am pleased to see that the committee hopes to renew these provisions in future years so that the deadline for completion of the system, 1972, will be achieved.

My great confidence in the advantages of an automated society are reinforced by the progressiveness of this resolution. I hope we can all laugh at the fictitious character in Robert Frost's poem, "The Egg and the Machine," who scorned the railroad, and "gave the rail a solid kick." With turtle eggs in hand, he said, "I am armed for war. The next machine that has the power to pass. Will get this plasm in its goggle glass."

Senate Joint Resolution 81 will help make traveling a pleasure rather than a hazard. When we have safety on our highways, we can say we have harnessed machine power to do the job for which it was created.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House suspend the rules and pass the joint resolution.

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds had voted in favor thereof.

Mr. BALDWIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 313, nays 11, not voting 110, as follows:

[Roll No. 214]

YEAS—313

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baldwin
Bandstra
Bates
Beckworth
Belcher
Bell
Bennett
Betts
Blatnik
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Callaway
Cameron
Carter
Cederberg
Celler
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Conable
Conte
Cooley
Corman
Craley
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Dent
Derwinski
Devine
Dickinson
Dole
Dorn
Dow
Dowdy
Downing
Duncan, Oreg.
Duncan, Tenn.
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Gray
Green, Pa.
Greigg
Grider
Griffiths
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Halleck
Halpern
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holland
Horton
Howard
Hull
Huot
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Karsten
Karth
Kee
Keith
King, Calif.
King, N.Y.
King, Utah
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McFall
McGrath
McVicker
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Mathias
Matsunaga
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Moeller
Moore
Morgan
Morris
Morrison
Mosher
Moss
Murphy, Ill.
Murray
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olson, Minn.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Price
Quillen
Race
Randall
Reid, Ill.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Teague, Calif.
Tenzer
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watkins
Watts
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wyatt
Wydler
Yates
Young
Zablocki

NAYS—11

Ashmore
Baring
Gross
Hall
Ichord
O'Neal, Ga.
Pool
Satterfield
Senner
Smith, Va.
Talcott

NOT VOTING—110

Abbitt
Andrews, N. Dak.
Ashley
Barrett
Battin
Berry
Bingham
Boggs
Bolling
Bonner
Cabell
Cahill
Callan
Carey
Casey
Chamberlain
Collier
Colmer
Conyers
Corbett
Cramer
Curtis
Delaney
Denton
Diggs
Dingell
Donohue
Dulski
Dwyer
Evans, Colo.
Feighan
Fino
Flynt
Fogarty
Frelinghuysen
Fulton, Pa.
Gallagher
Grabowski
Green, Oreg.
Griffin
Hanna
Hansen, Idaho
Holifield
Hosmer
Hungate
Jennings
Jones, Ala.
Jones, Mo.
Kastenmeier
Kelly
Keogh
Kirwan
Leggett
Lindsay
McDowell
McEwen
McMillan
Macdonald
MacGregor
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matthews
Mize
Monagan
Moorhead
Morse
Morton
Multer
Murphy, N.Y.
Nelsen
Nix
O'Brien
Olsen, Mont.
O'Neill, Mass.
Philbin
Powell
Pucinski
Purcell
Quie
Redlin
Reid, N.Y.
Resnick
Rivers, Alaska
Rivers, S.C.
Robison
Ronan
Roncalio
Rostenkowski
Ryan
St Germain
Slack
Smith, Calif.
Stalbaum
Sweeney
Taylor
Teague, Tex.
Thomas
Thompson, N.J.
Toll
Vanik
Walker, Miss.
Watson
Weltner
Williams
Wolff
Wright
Younger

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Corbett.
Mr. Fogarty with Mr. Frelinghuysen.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Wolff with Mr. Fino.
Mr. O'Neill of Massachusetts with Mr. Smith of California.
Mr. Roncalio with Mr. MacGregor.
Mr. Rivers of Alaska with Mr. Younger.
Mr. Carey with Mr. McEwen.
Mr. Boggs with Mr. Cahill.
Mr. Philbin with Mr. Cramer.
Mr. Donohue with Mr. Martin of Massachusetts.
Mr. Dulski with Mr. Berry.
Mr. Feighan with Mr. Morse.
Mr. Moorhead with Mr. Chamberlain
Mr. Barrett with Mr. Martin of Nebraska.
Mr. Holifield with Mr. Mize.
Mr. Rostenkowski with Mr. Watson.
Mr. Toll with Mr. Hosmer.
Mr. Williams with Mr. Griffin.
Mr. Monagan with Mr. Reid of New York.
Mr. Ashley with Mr. Quie.
Mr. Jennings with Mr. Hansen of Idaho.
Mr. Thomas with Mr. Battin.
Mr. Wright with Mr. Martin of Alabama.
Mr. Delaney with Mr. Lindsay.
Mr. Hungate with Mr. Walker of Mississippi.
Mrs. Kelly with Mr. Robison.
Mr. McDowell with Mr. Fulton of Pennsylvania.
Mr. Multer with Mr. Collier.
Mr. Murphy of New York with Mr. Morton.
Mr. Powell with Mr. Curtis.
Mr. Rivers of South Carolina with Mr. Andrews of North Dakota.
Mr. Slack with Mr. Nelsen.
Mr. Teague of Texas with Mr. Stalbaum.
Mr. Taylor with Mr. Jones of Alabama.
Mr. Sweeney with Mr. McDonald.
Mr. Colmer with Mr. Kastenmeier.
Mr. Kirwan with Mr. Leggett.
Mr. O'Brien with Mr. Nix.
Mr. Flynt with Mr. Pucinski.
Mr. Redlin with Mr. Resnick.
Mr. Grabowski with Mr. Conyers.
Mr. Denton with Mr. Diggs.
Mr. Dingell with Mr. Hanna.
Mr. Weltner with Mr. Vanik.
Mr. St Germain with Mr. Ryan.
Mr. Ronan with Mr. Matthews.
Mr. Abbitt with Mr. Bingham.
Mr. Bonner with Mr. Callan.
Mr. Cabell with Mr. McMillan.
Mr. Casey with Mr. Evans.
Mrs. Green of Oregon with Mr. Olsen of Montana.
Mr. Purcell with Mr. Gallagher.

Messrs. GARMATZ, DERWINSKI, and GLENN ANDREWS changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The title was amended so as to read: "Joint resolution to amend the Federal-Aid Highway Act of 1956 to increase the amount authorized for the Interstate System for the fiscal year ending June 30, 1967, to authorize the apportionment of such amount, and for other purposes."

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE FOREIGN SERVICE ANNUITY ADJUSTMENT ACT OF 1965

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4170) to provide for adjustments in annuities under the Foreign Service retirement and disability system, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Annuity Adjustment Act of 1965".

SEC. 2. (a) Annuities paid from the Foreign Service retirement and disability fund on the date of enactment of this Act, based on service performed by annuitants which terminated prior to October 16, 1960, shall be adjusted under the provisions of section 821(b) of the Foreign Service Act of 1946, as in effect on October 16, 1960, relating to the formula for reduction in annuity to provide for a surviving widow, as though such provisions had been in effect on the date of the annuitant's separation from the Service, or, in the case of any annuitant who makes an election under paragraph (1) or (2) of this subsection, in accordance with the following:

(1) An annuitant who at time of retirement was married to a wife who is still living (and to whom he is married on the date of enactment of this Act), and for whom he has not elected a widow survivor benefit before such date of enactment, may, within one hundred and twenty days after such date of enactement, elect to provide a widow survivor benefit of $2,400 per annum. The annuity of an annuitant who makes an election under this paragraph shall be reduced by $300 per annum.

(2) An annuitant who at time of retirement was married to a wife who is still living (and to whom he is married on the date of enactment of this Act) and for whom he has elected, before such date of enactment, a widow survivor benefit of less than $2,400 per annum, may, within one hundred and twenty days after such date of enactment, elect to provide a widow survivor benefit of $2,400 per annum. The annuity of an annuitant who makes an election under this paragraph shall be reduced by $300 per annum in lieu of any reductions of his annuity in effect on the date of enactment of this Act because of elections made by him before such date of enactment in connection with the provision of a widow survivor annuity.

(b) If an annuitant referred to in paragraph (a)(1) or (a)(2) of this section dies within one hundred and twenty days after the date of enactment of this Act, without having made an election under such paragraph (a)(1) or (a)(2), his surviving widow shall be paid the greater of—

(1) $2,400; or

(2) the annuity to which she may be entitled from the Foreign Service retirement and disability fund as his widow under any provision of law in effect on the date of the death of the annuitant.

(c) Notwithstanding the foregoing provisions of this section, each annuitant who makes an election under paragraph (1) of subsection (a) shall pay into the Foreign Service retirement and disability fund an amount equal to the amount by which (A) the total annuity received by the annuitant during the period beginning October 16, 1960, and ending on the effective date of any adjustment in his annuity pursuant to such election exceeds (B) the total annuity which he would have received during such period had he elected a survivor annuity of $2,400 per annum on October 16, 1960. The Secretary of State may permit the payment required by this subsection to be made in installments of not less than $25 per month. In any case in which the Secretary permits payment in monthly installments, the monthly annuity of the annuitant shall be reduced by the amount of such installment until the required amount has been paid into the Foreign Service retirement and disability fund or until the date of his death, whichever first occurs; and if the latter date first occurs any remaining portion of such required amount shall be deemed to have been paid into such fund as of that date.

SEC. 3. If a former participant whose service as a class 4 Foreign Service officer was terminated prior to October 16, 1960, and who elected a deferred annuity, dies before becoming eligible to receive an annuity, the benefit of the surviving widow, if she was eligible under the terms of the law in effect upon his separation from the Service, shall not be less than $2,400 per annum.

SEC. 4. In any case in which an annuitant who retired prior to October 16, 1960, dies before the date of enactment of this Act, leaving a widow to whom he was married at time of retirement who is not entitled to receive an annuity under the Foreign Service retirement and disability system, and who is not receiving benefits as a widow under the Federal Employees' Compensation Act, the Secretary of State shall grant such widow, whether remarried or not, an annuity of $2,400 per annum.

SEC. 5. The annuity of each widow survivor annuitant who, on the date of enactment of this Act, is receiving a survivor annuity from the Foreign Service retirement and disability fund of less than $2,400 per annum is hereby increased to $2,400 per annum.

SEC. 6. The annuity benefits elected or provided with respect to any widow under section 2, 3, 4, or 5 of this Act shall be in lieu of any annuity benefits to which such widow otherwise would be entitled as the widow of the Foreign Service officer with respect to whom such annuity benefits are so elected or provided.

SEC. 7. Any increase, adjustment, or grant of an annuity under section 2, 4, or 5 of this Act shall commence on the first day of the month following the expiration of the one-hundred-and-twenty-day period beginning on the date of enactment of this Act, and the monthly rate payable shall be fixed at the nearest dollar.

SEC. 8. Annuity benefits provided by this Act shall be paid from the Foreign Service retirement and disability fund; except that, no part of such fund shall be applied toward the payment of any benefits under section 2, 4, or 5 of this Act until an appropriation is made to such fund in an amount which the Secretary of the Treasury estimates to be necessary to prevent an increase in the unfunded liability to such fund for the first fiscal year during which such benefits are payable.

SEC. 9. Title VIII of the Foreign Service Act of 1946, as amended, is amended as follows:

(1) Section 821(b) of such Act (22 U.S.C. 1076(b)) is amended to read as follows:

"(b)(1) At the time of retirement, any married female participant may elect to receive a reduced annuity and to provide for an annuity payable to her husband, commencing on the date following such participant's death and terminating upon the death of such surviving husband. The annuity payable to the surviving husband after such participant's death shall be 50 per centum of the amount of the participant's annuity computed as prescribed in paragraph (a) of this section, up to the full amount of such annuity specified by her as the base for the survivor benefits. The annuity of the participant making such election shall be reduced by 2½ per centum of any amount up to $2,400 she specifies as the base for the survivor benefit plus 10 per centum of any amount over $2,400 so specified.

"(2) At the time of retirement, the annuity of each married male participant computed as prescribed in paragraph (a) of this section shall be reduced by $300 to provide for his surviving wife a minimum annuity of $2,400, except that, if his annuity is more than $4,800, he may elect up to 50 per centum of such annuity for his surviving wife, and if such election is made, his annuity shall be further reduced by 10 per centum of the difference between $4,800 and the base he specifies for the survivor benefit."

(2) The first sentence of section 832(b) of such Act (22 U.S.C. 1082(b)) is amended by inserting immediately before the period at the end thereof the following: "; except that the annuity of any widow shall not be less than $2,400".

(3) At the end of title VIII of such Act add the following:

"PART J—COST-OF-LIVING ADJUSTMENTS OF ANNUITIES

"SEC. 882. (a) On the basis of determination made by the Civil Service Commission pursuant to section 18 of the Civil Service Retirement Act, as amended, pertaining to per centum change in the price index, the following adjustments shall be made:

"(1) Effective April 1, 1966, if the change in the price index from 1962 to 1965 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1965, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(2) Effective April 1 of any year other than 1966 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from the date of the first increase under this section, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 821(c), which annuity commenced the day after the annuitant's death, shall be increased as provided in subsection (a)(1) or (a)(2) if the commencing date of annuity to the annuitant was earlier than January 2 of the year preceding the first increase.

"(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 821(c)), which annuity commences the day after the annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(3) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 821(c), the items $600, $720, $1,800, and $2,160 appearing in section 821(c) shall be increased by the total per centum increase allowed and in force under this section and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 821(c) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death. Effective from the date of the first increase under this section, the provisions of this paragraph shall apply as if such first increase were in effect with respect to computation of a child's annuity under section 821(c) which commenced between January 2 of the year preceding the first increase and the effective date of the first increase.

"(c) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(d) No increase in annuity provided by this section shall apply to amounts paid under authority of section 5 of Public Law 84–503, as amended, section 4 of the Foreign Service Annuity Adjustment Act of 1965, or any other law authorizing annuity grants to widows.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar."

The SPEAKER pro tempore. Is a second demanded?

Mrs. BOLTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is identical—except for technical amendments—to one that emerged from a Senate-House conference last year. The original House bill was passed under suspension of the rules. The conference version was accepted by the House. But the Senate failed to act. Its main provisions are as follows:

First. It adjusts survivor annuities of those Foreign Service officers who retired before October 1960 when the Foreign Service retirement system was amended so far as survivor benefits are concerned and the system was brought more nearly into accord with the civil service retirement system.

Second. Those officers who retired before October 1960 and made no provision for a survivor annuity may elect a survivor annuity of $2,400 but must pay into the retirement fund $300 a year covering the period from October 1960 to the effective date of his election.

Third. It adjusts annuities of widows whose husbands retired before October 1960.

Fourth. It requires future annuitants to provide a minimum annuity of $2,400 for surviving widows.

Fifth. It incorporates language in the civil service law providing cost-of-living adjustments of annuities.

I urge the passage of H.R. 4170.

Mrs. BOLTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have asked the gentleman from Indiana [Mr. Adair] to speak for this side of the aisle on this legislation. The gentleman from Indiana has lost most of his voice, but he has some left. So I hope he will have the attention of the Members.

I yield to the gentleman from Indiana such time as he may consume.

Mr. ADAIR. Mr. Speaker, I think most of us on the subcommittee headed by our colleague from Ohio [Mr. Hays] feel somewhat apologetic for taking the time of this House to consider once more this bill. Last year it was before the House twice, the second time in a form identical with that which appears in H.R. 4170. We thought then that we were in the final stages of enacting a bill that gave a measure of relief to a small number of deserving people. But the other body failed to act in the last days of the 88th Congress. Therefore, the committee is before you again unanimously urging the adoption of this bill.

Since I have been a member of the Committee on Foreign Affairs, the committee has had before it at least once in each Congress measures that provided some adjustment in the annuities of widows of retired Foreign Service officers. Each of those earlier measures covered a few widows whose annuity computation was determined by the date of retirement or by the date of the death of the retired officers. In a few cases, where it had not been possible for the husband to provide a survivor annuity, the committee recommended, and Congress voted, a small annual gratuity. But the approach was always piecemeal. Relief provided to some only created inequities among others not covered by the legislation.

Last year the subcommittee decided the time had come to consider the matter of survivor annuities of the older retired Foreign Service officers in a more thorough manner. One reason for that approach was the fact that in October 1960 the survivor benefits for Foreign Service officers were amended to bring them more nearly into line with those accorded retired civil service personnel. But such benefits were not retroactive. They were granted only to those who retired after October 1960. The difference in cost of survivor benefits before and after the amendments passed in October 1960 can best be seen by the examples given on page 3 of our report.

One of the provisions of this bill makes it possible for individuals who retired before October 1960 and who did not elect a survivor annuity to elect a survivor annuity of $2,400 and pay for it at the rate of $300 a year—the rate applicable to those who retired after October 1960. Further, those who make such an election must pay into the retirement a sum of $300 a year from October 1960 to the effective date of their election for a survivor annuity. This feature was inserted in the bill last year in a conference between the House and the Senate and has been retained in this bill. This is in the nature of a partial repayment of sums that would have been deducted from their annuity had they chosen to make provision for their surviving widows when they retired.

Another provision of this bill will be found in section 9(1). That section requires that an officer who retires after the date of enactment of this bill must provide an annuity for his surviving widow of not less than $2,400. He may, of course, provide considerably beyond that sum under existing law. But in no case may he elect less than $2,400 for his surviving widow. This should do much to end the hardship cases that have necessitated numerous earlier bills.

Finally, the committee has written into this bill that section of the Civil Service

Retirement Act that authorizes cost-of-living adjustments of annuities based upon a price index analysis made annually by the Civil Service Commission.

Mr. Speaker, if one bears in mind the objectives the committee is seeking to achieve, this is not a complex bill. But I must admit that it is quite technical. It is so because the committee has attempted to deal in a single piece of legislation with individuals who have previously been covered by numerous acts of Congress that affected a few of them at one time. If this bill is enacted into law, it should relieve the Congress of the burden of considering further bills on this subject for some years. This is a constructive measure that treats equitably our older retired officers as well as their widows.

I urge the House to pass H.R. 4170.

The SPEAKER pro tempore (Mr. Albert). The question is on the motion of the gentleman from Ohio that the House suspend the rules and pass the bill (H.R. 4170), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

A motion to reconsider was laid on the table.

CONVEY PROPERTY TO OKALOOSA COUNTY, FLA.

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4905) to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla., as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to section 3 of this Act, the Secretary of the Air Force shall donate, grant, and convey to the Board of Public Instruction for the County of Okaloosa, Florida, all right, title, and interest of the United States in and to the real property described in section 2 of this Act for use as a permanent site for Okaloosa-Walton Junior College.

Sec. 2. The real property referred to in the first section of this Act is more particularly described as follows:

Beginning at the southeast corner of section 31, township 1 north, range 22 west, run north 0 degrees 25 minutes east 2,800.00 feet; thence north 88 degrees 48 minutes west 2,100.00 feet to concrete monument; thence south 0 degrees 25 minutes west 2,800.00 feet to a concrete monument; thence south 88 degrees 48 minutes east 2,100.00 feet to point of beginning.

Also:

Beginning at the southwest corner of section 32, township 1 north, range 22 west, run north 0 degrees 25 minutes east 2,800.00 feet to a concrete monument; thence south 88 degrees 48 minutes east 2,000.00 feet; thence south 0 degrees 25 minutes west 2,800.00 feet to a concrete monument; thence north 88 degrees 48 minutes west 2,000.00 feet to point of beginning.

All containing 263.544 acres. According to redependent survey 1937.

Sec. 3. The conveyance provided for by the first section of this Act shall be subject to the condition that the real property so conveyed shall be used as a permanent site for Okaloosa-Walton Junior College and if such property is not used for such purpose, all right, title, and interest in and to such real property shall revert to the United States, which shall have the right of immediate entry thereon, and to such other conditions as the Secretary of the Air Force may prescribe to protect the interest of the United States.

The SPEAKER pro tempore. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BENNETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is primarily for the purpose of making available to a State school, a junior college, some land that is not desired or needed by the Air Force. The Department of the Air Force has recommended favorably in behalf of this legislation.

Mr. Speaker, the details of this legislation are well known to the author of this bill, the gentleman from Florida [Mr. Sikes], and I now yield to the gentleman 10 minutes.

Mr. SIKES. Mr. Speaker, first, let me explain the reason for asking that this bill be placed on the Calendar for Suspension of the Rule. We have a time problem which is urgent.

It is highly important that action be expedited on the measure in every way possible. Two million dollars in funds for construction have been made available through the Florida State Legislature and State educational agencies to initiate construction for the State junior college. It was stipulated, however, that if action on obtaining a permanent site could not be substnatially completed by September 1, the money would be diverted elsewhere. The college is now in temporary quarters which are crowded and wholly inadequate for the requirements. At best, it will be necessary that these temporary facilities continue to be used for all, or a substantial part, of the next academic year. It is very important, however, that the opportunity to provide better quarters be expedited.

As you have noted from the title of the bill, we seek to make available 263.54 acres of land, now a part of the Eglin Air Force Base Reservation, as a permanent site for the Okaloosa-Walton Junior College. It is undeveloped property.

The project of selecting a site for the location of the junior college has been in progress for the past 2 years. Because of the stringent requirements set forth by the Florida State Department of Education, the land covered by this bill was chosen over many other sites as the best possible location to administer the educational needs of the students served by this fine institution.

The site chosen is almost in the exact population center of the two Florida counties which are served by the college. It lies within the Eglin Air Force Base Reservation but it is separated by the heavily traveled Highway 85 from practically all Eglin operations. The only Eglin activity in the immediate vicinity of the proposed site is the Eglin Golf Course. So, there will be no interference with the training operations at Eglin. The Department of Defense, the Bureau of the Budget, and General Services Administration have posed no opposition to the transfer of the property.

Mr. Speaker, I insert at this point in the Record a copy of the letter I received from the Department of the Air Force. It points up the attitude of the Air Force and the advantages to the Air Force in having this bill enacted.

(The letter referred to follows:)

Department of the Air Force,
Washington, July 29, 1965.

Hon. L. Mendel Rivers,
Chairman, Committee on Armed Services,
House of Representatives.

Dear Mr. Chairman: Reference is made to Department of the Air Force letter of July 21, 1965, which expressed the views of the Department of Defense with respect to H.R. 4905, 89th Congress, a bill "to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla." This letter furnishes supplemental information on the status of the real property which would be conveyed by the bill discussed in the referenced letter.

While there exists no planned mission for the use of the land covered by this bill, it would not normally be declared surplus as it is an integral part of the Eglin test range complex. However, the substantial benefits which would accrue to the Department of the Air Force and its personnel by reason of the establishment of a junior college at this location have caused the Department of the Air Force, on behalf of the Department of Defense, to interpose no objection to the enactment of H.R. 4905.

In addition, no foreseeable Air Force requirement exists which would result in the acquisition of other lands to replace the land which would be conveyed by this bill.

I hope that this information will be useful. If you should desire additional information, please let me know.

Sincerely,

Lewis E. Turner,
Deputy for Installations.

Mr. SIKES. Mr. Speaker, let me specifically clarify that the college is open to military personnel and to their dependents. Costs of tuition are the same as those charged to Florida residents. The availability of course work to military personnel and their dependents is, in fact, one of the principal reasons of the desire of the Air Force to have this college located at the site which has been selected. It is in the center of the Eglin complex and is only 3 or 4 miles removed from the main Eglin base. There are 17,500 military, civilian, and contract personnel at Eglin. They and their dependents have long had a need for an institution of higher learning. Heretofore the closest one has been 50 miles away.

The college, in its first year of operation, has proven itself to be an important part of the educational needs of the area which it serves. First year enrollment was predicted at a modest 350 students. Officials were amazed when this total reached over 700. Already, second year enrollment totals are being revised from anticipated figures of 1,500 to close to 3,000.

The Okaloosa-Walton Junior College has exceeded the expectations of even its stanchest supporters. Dr. J. E. McCracken, the institution's able and dedicated president, has acquitted himself admirably in maintaining exacting efficiency and a high degree of educational standards under adverse conditions. Dr. McCracken has been fortunate in obtaining the services of an outstanding and capable staff to implement the college creed, "Quality Education in Northwest Florida."

Indicative of OWJC's progress was its acceptance by the Department of Health, Education, and Welfare for participation in the college work study program, enabling students from low-income families to work part time and implement their college education costs.

Another significant achievement of this institution has been virtual assurance by the Southern Association of Secondary Schools and Colleges of accreditation in 3 years rather than the normal 4. This was accomplished because of the excellent curriculum offered by Okaloosa-Walton Junior College and the high standards maintained there.

The reasons which I have outlined here, and the consuming desire of the people of Okaloosa and Walton Counties to avail themselves of quality education, dictate that all possible efforts be expended to accomplish the mission of providing permanent facilities for the college. The acquisition of a permanent site is all that stands in the way. H.R. 4905 is intended to make that site available and I respectfully urge its approval today.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. HALL. I want to thank the gentleman for his presentation. The gentleman is a distinguished Representative from Florida and is a member of the Committee on Appropriations. The gentleman has interceded and discussed this bill with me since I voted against it coming out of the Committee on Armed Services. I want to say, as a result of that intercession and with the explanation of the fact that many of the personnel on the base will be primarily benefited by this college which is already a going concern, which will literally move on to the post rather than the post having to establish facilities for the training of its own people, and at the same time benefiting the community, I have changed my opinion about it and I am happy to so report. I have come back into the fold so to speak. Indeed, Mr. Speaker, my original objection to this was based on a matter of principle as to the method of transfer or disposal of this kind of property. For a long time in the Committee on Armed Services, I have decried the military giving away land unless it was truly declared to be surplus to their needs, and then in such case to be distributed through the General Services Administration channels, and list of priorities in the normal way. In this instance we are not following that procedure but it is certainly for a good cause. The statement of "nonexcess" has been modified adequately.

I will ask the gentleman who has just given us such a good explanation of this from the well of the House, our colleague, the gentleman from Florida, Congressman SIKES, if the letter which he quoted from and a copy of which I have in my hand which letter is signed by Lewis E. Turner, Deputy for Installation, Department of the Air Force, and dated July 28, 1965, insofar as the declaration of the status of this land and as to whether it would be declared surplus, does not in his opinion and in the opinion of the U.S. Air Force supersede the one signed by the Assistant Secretary of the Air Force and others in the report in that it came to hand of a later date than those which had previously been communicated to the committee.

Mr. SIKES. First, let me express my appreciation to the distinguished gentleman for his kind comments about the purpose of this bill. Let me assure the gentleman that the letter which I quoted from is the most recent document from the Department of Defense and is dated July 29.

Mr. HALL. And it takes precedence over the others in the report?

Mr. SIKES. That is correct.

Mr. HALL. I thank the gentleman.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. SPRINGER. I think for the purposes of establishing educational institutions, there is a great deal of merit in transferring such an instance as this. One example of such a situation happens to be in the district of our colleague, the gentleman from Illinois [Mr. ARENDS] adjoining my own county of Vermilion where a portion of a hospital facility there for veterans was not needed any longer so it was ceded directly to the city of Danville in order that they might establish a junior college which is a very fine thing and the city is raising over $1,500,000 in order to make it possible to have a junior college in Danville.

Mr. SIKES. I thank my colleague very much.

Now, Mr. Speaker, let me express my appreciation to the great Committee on Armed Services and in particular, my appreciation to my very good friend, my distinguished colleague from Florida [Mr. BENNETT], the chairman of the subcommittee which reported the bill.

Mr. BRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I asked for a second to speak on this legislation because the procedure that we are taking is rather unusual. I was at first rather reluctant in committee to agree to this bill. In the ordinary course of procedure in the disposition of real estate, that is, military real estate, first it should have been declared surplus by the military and then the real estate subcommittee of the Armed Services Committee would approve of that declaration and then the real estate would go to General Services for disposal.

There are basically at least two reasons why this was not really a proper procedure.

First. It would not be quite proper to say that the property in question was surplus.

Second. Because of the time it would have taken to resort to the usual procedure would have prevented construction of the junior college.

As a third point, it might have been difficult, if the land had been declared surplus in the regular manner, to have been able to get it for this educational institution.

One of the principal reasons why I did agree to this legislation—is that one of the primary beneficiaries of the junior college will be the personnel at Eglin Air Force Base.

Frankly, I have no hesitation in agreeing to this, after the committee studied the entire matter. I do not want it understood however, that this will be a precedent to dispose of land in this manner in the future. In the future, as in the past, every case of this kind should receive very careful and special attention by the committee; and I am certain that each will be the case.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Florida that the House suspend the rules and pass the bill H.R. 4905, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed, as amended.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, immediately preceding the passage of the bill, H.R. 4905.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida.

There was no objection.

LAW ENFORCEMENT ASSISTANCE ACT OF 1965

Mr. WILLIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8027) to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Assistance Act of 1965."

SEC. 2. For the purpose of improving the quality of State and local law enforcement and correctional personnel, and personnel employed or preparing for employment in programs for the prevention or control of crime, the Attorney General is authorized to make grants to, or to contract with, any public or private nonprofit agency, organization or institution for the establishment (or, where established, the improvement or enlargement) of programs and facilities to provide professional training and related education to such personnel.

SEC. 3. For the purpose of improving the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, the administration of the criminal laws, the correction of offenders or the prevention or control of crime, the Attorney General is authorized to make grants to, or contract with, any public or private nonprofit agency, organization, or institution for projects designed to promote such purposes, including, but not limited to, projects designed to develop or demonstrate effective methods for increasing the security of person and property, controlling the incidence of lawlessness, and promoting respect for law.

Sec. 4. The Attorney General may arrange with and reimburse the heads of other Federal departments or agencies for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act with respect to any program or part thereof, and authorize the redelegation of such powers.

Sec. 5. (a) The Attorney General or his delegate shall require, wherever feasible, as a condition of approval of a grant under this Act, that the recipient contribute money, facilities, or services for carrying out the project for which such grant is sought. The amount of such contribution shall be determined by the Attorney General or his delegate.

(b) The Attorney General is authorized to prescribe regulations establishing criteria pursuant to which grants may be reduced for such programs, facilities, or projects as have received assistance under section 2 or 3 for a period prescribed in such regulations.

(c) Payments under section 2 or section 3 may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General or his delegate, and shall be made on such conditions as he finds necessary to carry out the purpose of section 2 or section 3, as the case may be.

(d) Payments under section 2 may include such sums for stipends and allowances (including travel and subsistence expenses) for trainees as are found necessary by the Attorney General or his delegate.

Sec. 6. (a) The Attorney General is authorized to make studies with respect to matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, including the effectiveness of projects or programs carried out under this Act, and to cooperate with and render technical assistance to State, local or other public or private agencies, organizations, and institutions in such matters.

(b) The Attorney General is authorized to collect, evaluate, publish, and disseminate information and materials relating to studies conducted under this Act, and other matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, for the benefit of the general public or of agencies and personnel engaged in programs concerning these subjects, as may be appropriate.

Sec. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the organization, administration or personnel of any State or local police force or other law enforcement agency.

Sec. 8. (a) (1) The Attorney General is authorized to appoint such technical or other advisory committees to advise him in connection with the administration of this Act as he deems necessary.

(2) Members of any such committee not otherwise in the employ of the United States, while attending meetings of their committee, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding $50 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Sec. 9. The Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1966, and the two succeeding fiscal years.

Sec. 10. For the purpose of carrying out this Act, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1966; and for the fiscal year ending June 30, 1967, and the fiscal year ending June 30, 1968, such sums as the Congress may hereafter authorize.

Sec. 11. On or before April 1, 1966, and each year thereafter, the Attorney General shall report to the President and to the Congress on his activities pursuant to the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana will be recognized for 20 minutes and the gentleman from Virginia will be recognized for 20 minutes. The Chair recognizes the gentleman from Louisiana.

Mr. WILLIS. Mr. Speaker, I yield myself such time as I may consume.

This bill, called the Law Enforcement Assistance Act of 1965, comes before the House with the unanimous approval of the full Committee on the Judiciary. The measure is part of the President's program on crime, and was introduced at the request of the Attorney General.

The bill would authorize the Attorney General to make grants for training State and local enforcement, correctional and crime prevention personnel, and for projects designed along the same lines. It would also authorize the Attorney General to make and publish studies and to appoint any necessary technical or other advisory committees.

No money limit or reporting requirement was contained in the bill as introduced. At the hearing, however, the Attorney General in a discussion agreed to two amendments. The first was that the authorization would be limited to $10 million the first year and such sums in the second and third years as Congress may hereafter authorize, since the bill covers a 3-year program. The second was that an annual report under the bill must be made both to the President and to the Congress.

Furthermore, the subcommittee and later the full Committee on the Judiciary reduced the per diem compensation for members of committees which might be appointed from $100 to $50.

That, in short, is the purport of the bill.

I would like to call to the attention of the House at this time the provisions of section 7 of the bill. Section 7 makes clear that nothing contained in the act shall be construed to authorize any Federal supervision or control or direction over the organization, the administration, or the personnel of any State or local police force or other law enforcement agency. As a matter of fact, the Attorney General testified that under no circumstances would the grant be made without the request having first been made by local authorities.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. WILLIS. I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. I certainly wish that the bill just passed, wherein the Secretary of Commerce was given dictatorial power over safety programs in the several States, had contained the section 7 provision of this legislation. I say that because there is no limit to the power or practically no limit to the power that the Secretary of Commerce can use in making the States conform to what he deems to be a safety program in a State. In other words, carried to its ultimate end, theoretically the Secretary of Commerce under the bill passed a few moments ago on a rollcall vote could determine the speed limits and all other traffic movements in your State and mine. This would apply not only on farm-to-market roads but to the Interstate System and the primary road system. I assume he could also make it necessary for the States to employ additional highway patrolmen and other enforcement officers if deemed to be in the interests of highway safety.

I want to commend the gentleman from Louisiana for the provision in this bill which prevents the invasion of the State law enforcement agencies by the Federal Government.

Mr. WILLIS. Mr. Speaker, I assure the gentleman I would not have reported this bill out of my subcommittee without this provision being in it.

Mr. GROSS. I appreciate that and thank the gentleman.

Mr. WHITENER. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I am glad to yield to the distinguished gentleman from North Carolina.

Mr. WHITENER. In the hearings on this bill the gentleman from Louisiana [Mr. Willis] was very painstaking in his examination of witnesses who support the bill with reference to section 3, where it is provided that the Attorney General is authorized to make grants to or contract with any public or private nonprofit agency, organization, or institution for projects designed to promote such purposes. As I understand the hearings, it is the definite legislative intent that this not become a program whereby new nonprofit organizations will be brought into the field and be the beneficiaries of Federal money, but it is the intent of the committee that law enforcement organizations such as sheriff's associations or State law enforcement officer associations will be the type of nonprofit organization to which you refer.

Mr. WILLIS. The gentleman is exactly right. People legitimately interested and involved in the law enforcement business.

Mr. WHITENER. And it is not for the purpose of having research organizations spring up who never had any reason to be concerned with this problem. Our committee intends to confine it to the folks who have an overpowering interest in law enforcement.

Mr. WILLIS. The gentleman is exactly right.

Mr. Speaker, I reserve the balance of my time.

Mr. POFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill, and I support this bill enthusiastically. The measure is limited to 3 years, but I call specific attention to the fact that the authorization of $10 million is limited to the first of 3 years. In the event that the program must be extended beyond that period of time, the program will have to be reactivated by a new authorization bill.

In that connection, may I call attention to the fact that the bill in its original form, as sent to the Congress by the Attorney General, involved an open-end authorization. The gentleman from Michigan [Mr. HUTCHINSON] called prompt attention to that defect, and Members on both sides of the political aisle in the subcommittee agreed that this would be unwise in such a new, untried program.

Accordingly, the $10 million limit was imposed; and I believe we are indebted to the gentleman from Michigan for bringing this matter into proper focus.

Mr. Speaker, as the chairman of the subcommittee has already said, essentially the program would do only two things. First, it would authorize the Attorney General to make grants furthering the training of State and local law-enforcement officials; and secondly, it would authorize the Attorney General to make grants for demonstrations and other projects designed to improve State and local law-enforcement agencies.

It seems to me that the Attorney General, operating under the injunctions which members of the subcommittee placed upon him during the course of the hearings will be careful to administer this program in a proper way, and I believe, if properly administered, this program can make a major contribution to the improvement of the cause of law enforcement which is so wanting improvement today.

Mr. Speaker, I yield to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding. I did not mean to interrupt his flow of thought awhile ago, but I did want to raise a question on that one point of the open-end funding of the cooperative law enforcement schools, or Assistance Act. Is the $10 million for 3 years, or is it $10 million a year for a total of $30 million for 3 years?

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield.

Mr. WILLIS. For the second and third years the bill states that a new authorization will have to be made by the Congress.

Mr. POFF. I beg the gentleman's pardon; when I said a moment ago that the authorization was limited I intended to point out that the authorization would have to be renewed at the end of he first year, and that the $10 million would apply to the first year. It was the thought of the Attorney General that the total cost over a 3-year period would not exceed $30 million.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, the first authorization clause ends with the first semicolon in section 10, and the rest of it refers to such sums as the Congress may hereafter authorize for the 2 subsequent years ending June 30, 1967, and June 30, 1968; is that correct?

Mr. POFF. Precisely; the gentleman is correct.

Mr. HALL. In effect, we are authorizing $10 million for the first year of this instruction and assistance and we are reducing the per diem of any board that may be established to help set this up, and we are stipulating the amount for the future subject to both authorization and appropriation. Is that a correct statement?

Mr. POFF. The gentleman has made a totally correct statement.

Mr. HALL. Mr. Speaker, may I ask the gentleman one further question?

Mr. POFF. I yield.

Mr. HALL. I am very interested in this cooperative law enforcement. I am sure the gentleman knows, as a member of the Committee on the Judiciary, that law enforcement is only as good as the courts and the judiciary behind it are empowered or inspired to act in supporting the apprehension of those who commit crimes, misdemeanors, and so forth. I have heard my local constabulary, police force, sheriff's department, highway patrol and others on the one hand remark very favorably about the assistance in training that they get from Federal agencies; and I am thinking of the FBI, for example, and their training schools. Those are now available to these people, are they not, almost for the asking?

Mr. POFF. The gentleman is correct. They are available. However, the thought behind this legislation is that the grants will make available to the cities and counties the kind of training locally to which the local constabulary, as the gentleman phrases it, have been accustomed under the present program.

Mr. HALL. If the gentleman will yield further, I thank the gentleman for that answer.

Now, if I may go to the other end of the stick, I have also heard these same local municipal or community enforcement organizations decry the day or fear the time, if and when it might arrive, that perhaps they would be taken over by a big Federal constabulary or posse comitatus or maybe troops under Federal action, removing that which they can do best at the local level.

Can the gentleman assure me—and I am looking particularly at section 5 of the bill under consideration although I have had section 7 well explained to me, that there is nothing in this bill today to lean in the direction even of the Federal authorities taking over from the local authorities in areas of their specific expertise and interest?

Mr. POFF. In response to the gentleman I consider that section 5 does confer upon the Attorney General rather broad discretion and he necessarily must have some flexibility in the administration of this new, untried program. But I am satisfied that under section 7 of the bill, in addition to the colloquies that occurred during the course of the committee hearings between the chairman and the witness from the Department of Justice and between the witness and myself, there is no danger that this discretion will be abused in the 3-year period of this temporary program.

Mr. HALL. I thank the gentleman for yielding. In his overt manner he has made a clear and succinct statement, and I appreciate it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Iowa.

Mr. GROSS. Is there any reason why the Federal Bureau of Investigation could not have taken over this training program without the expenditure of $10 million in the first year and, perhaps, $10 million in each of the succeeding 2 years?

Mr. POFF. The present law does not contain authority for the FBI to launch such a program as that contemplated by this bill. The FBI presently has facilities for the training of local enforcement officers who come to Washington specifically for that purpose. That program is carefully overseen and regulated by the FBI and by the Committee on the Judiciary of the House of Representatives.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I assume there is provided authority so that the Attorney General can enter into contracts with a firm to provide the training? In other words, how is the training to be handled?

Mr. POFF. The program will make it possible under the contracts for the local officials and the Federal officials jointly administering the program to employ experts in the field of criminal detection who will instruct law enforcement officials in the localities.

Mr. GROSS. If the gentleman will yield further, can the gentleman give us any idea of what you developed during the hearings as to how many of these training centers there will be? Is this to become a permanent part of the training program in this country with the Federal Government sponsoring and paying for it?

Mr. POFF. I might say to the gentleman from Iowa, as I thought I indicated earlier, under the bill originally introduced, there would have been no practical limit on the amount of proliferation which might have occurred. The program is now limited to 3 years and there is a spending ceiling of $10 million set on the first year. Language has been included which requires the Department of Justice, before it obtains an authorization for the second year of operations, to come before the Congress and justify its case.

Mr. GROSS. Mr. Speaker, I want to say again I will support reasonable measures to provide for the elimination of traffic fatalities and injuries on the highways of this country. I deeply regret there was no clause such as section 7 inserted in the bill passed a little while ago to prevent the Secretary of Commerce from invading the States and dictating in the matter of safety programs.

That was unnecessary and punitive as the Governors stated in their resolution. I want to commend the gentleman from Virginia [Mr. Poff], as well as the gentleman from Louisiana [Mr. Willis], and the members of the subcommittee for writing into this bill a proviso that puts the brakes upon Federal officials invading the States and throwing their authority around in regard to this program to hopefully reduce the crime rate.

I thank the gentleman for yielding.

Mr. POFF. I thank the gentleman for his generous comments, and I now yield 2 minutes to the gentleman from Michigan [Mr. Hutchinson].

Mr. HUTCHINSON. Mr. Speaker, I am confident this bill would not have survived subcommittee action had section 7 not been in it. The chairman of the subcommittee has given us that assurance.

However, I want to sound a word of caution: Unless this Congress is continuously vigilant that section 7 is respected in the administration, unless we are vigilant that section 7 does not become a dead letter, this bill may very likely be the basis for a national police force in this country, being administered through the Department of Justice.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Louisiana.

Mr. WILLIS. The gentleman raises a very valuable point. I call attention of the membership to the fact that in order to strengthen the effectiveness of section 7 the committee proposed—and it is now in the bill—an amendment which directs the Attorney General to make a report to the Congress and to the President so that we will know exactly what is going on.

Mr. HUTCHINSON. The committee amendment certainly improves the bill, but I do not think that we can afford to rest here on that point. The basis for my concern is the very broad language in section 5 which does give the Attorney General wide discretionary powers in administering the law. If the Attorney General or any of his successors chooses to put more emphasis on section 5 than they do on section 7, then I say we have a ground for concern.

COMMITTEE ON THE JUDICIARY

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a conference report on the bill, S. 1564, the voting rights bill.

The SPEAKER pro tempore (Mr. Albert). Without objection, it is so ordered.

There was no objection.

Mr. WILLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. Scheuer] who appeared before our committee and made a very good contribution to this bill.

Mr. SCHEUER. Mr. Speaker, I would like to announce publicly my support of H.R. 8027, the law enforcement assistance bill. It is a well-conceived and imaginative measure.

Over the years this body has spent much time and effort in addressing itself to the complicated problems of an increasingly urbanized society. We have now finally begun to attack the problem of crime in our cities. H.R. 8027 will be a splendid beginning.

I have sponsored a bill, H.R. 8110, which would change H.R. 8027 in two respects. It would place the program promulgated by the law enforcement assistance bill under the jurisdiction of an Assistant Attorney General. Thus, we would all know just where the buck stops. It has been my experience in both business and government that diffused authority often ends in inertia and nonaction, whereas clear designation of authority and responsibility often brings forward momentum and positive action.

My bill would also set up a science advisory committee composed of experts in the physical and communication sciences which would advise the Attorney General on advances in these fields which could be related to crime prevention and detection. As the Attorney General stated recently:

> Police face the 20th-century criminal with 19th-century methods and weapons.

This country, which will spend $21 billion on research and development this year could well apply much of the benefits of this massive research effort to the protection of its own citizens, and to the maintenance of law and order in our great urban centers, given the requisite effort. The $10 million to be appropriated equals less than one-twentieth of 1 percent of the annual expenditures for scientific research carried on in this country—truly a modest beginning.

Mr. Speaker, I ask permission to include my statement of July 30, 1965, before the ad hoc subcommittee of the Senate Judiciary Committee on the Law Enforcement Assistance Act of 1965, in the body of the Record.

Statement of Hon. James H. Scheuer, Democrat, of New York, Before the Ad Hoc Subcommittee of the Senate Judiciary Committee on the Law Enforcement Act of 1965

Mr. Chairman, members of the Judiciary Subcommittee, I appreciate the opportunity that you have given me to testify before you today. I am here to urge that the law enforcement assistance bill, S. 1825, introduced by the distinguished Senator from Michigan, Mr. Hart, be amended to include, as additional features, the provisions of a bill which I have introduced in the House of Representatives, H.R. 8110.

My bill adds two new elements to the excellent and well-conceived program introduced by Senator Hart. First, it would establish a Science Advisory Committee to advise the Attorney General on advances in the physical and communications sciences which could produce new police techniques of crime prevention and detection. There appears to be no effective liaison between physical scientists and law enforcement agencies. Apparently, no national scientific body now exists which regularly advises law enforcement officers and other people concerned with the ramifications of crime prevention and detection on the application of current scientific developments to their specific fields of interest. While it is true that the FBI does some work in this area, it is apparently on a scale inadequate to meet the present needs.

In the New York Times of July 19, 1965, it was reported under a London dateline that Scotland Yard has just developed two new weapons in the war against crime; closed-circuit television cameras and buttonhole microphones. The closed-circuit television cameras are carried in unmarked vans and are used to monitor areas known to be high in crime incidence such as the Soho and Mayfair Districts of London. The buttonhole mikes represented an enormous breakthrough in police communications. Whereas the police formerly had to communicate via inconvenient telephone boxes they can now report their movements to the operations room in headquarters with the aid of a microphone placed on their person.

Scotland Yard has long held a reputation as the world's foremost agency in the field of criminology. A number of the techniques which it has developed have been taken over by local law enforcement agencies in the United States. I see no reason whatever, why the United States which will spend nearly $21 billion this year on scientific research and development—over 10 times our requested budget for our war on poverty—cannot effectively apply much of this massive research effort in assistance of its own war against crime.

Perhaps this effort would be of less critical importance if the national crime rate were diminishing. Rather, it has been increasing steadily. Last year there was a rise of 13 percent in reported serious crimes over the previous year. More than 230,000 men, women and children were killed or injured as a result of a criminal action. This represents a number larger than the entire population of Richmond, Va. The United States has established several Federal research programs for diseases which maim and kill less than this.

We have now advanced from an age of science fiction to an age of science fact. From the days of Jules Verne and Dick Tracy, we are now at the stage where it is quite feasible to develop sidearms that fire pellets which stun temporarily rather than kill—quite permanently. This would give the police more latitude in using their guns than they have now and at the same time would reduce the number of innocent bystanders killed or wounded by police action.

This program should be given top national priority. At this time, when relations between the races leads to tension ridden and highly sensitive community situations, in both North and South, it is imperative that the use of firearms be controlled. Instead of bringing a suspect into a morgue on a marble slab, development of this new weapon would enable the police to bring in their suspects safe and sound. The police themselves favor the development of such a new weapon. Instead of bearing the brunt of criticism for accidentally injuring or killing innocent bystanders, or persons wanted for interrogation, their jobs would be made much easier as they could temporarily disable a suspect without inflicting grievous or mortal physical injury.

Transistors and IBM machines can also be invaluable aids. The myriads of vital information could be quickly coded and sorted for use by the law enforcement authorities. In fact, the police could instantaneously ascertain, by the use of these machines, critical problem areas and send men there with the utmost dispatch.

It has been well known for a long time that dark streets are an open invitation to crime. However, no large-scale studies, to my knowledge, have been carried out concerning the science of street and park lighting and how, finally, to remedy this problem. The Attorney General, himself, stated in testimony before this subcommittee that "police face the 20th century criminal with 19th century methods and weapons." He said that more funds are necessary to develop "more sophisticated equipment for the collection and dissemination of information." Gentlemen, I think that my proposal could meaningfully fit into section 8(a)(1) of S. 1825. However, instead of simply authorizing the Attorney General to appoint a technical or advisory committee, I believe we should instruct him to do so, with the proviso that a certain proportion of the committee should be experts in the physical and communications sciences. A similar view was expressed by Mr. Quinn Tamm, executive director of the International Association of Chiefs of Police when he testified before you last Friday.

I have just cited a few possibilities. There are many others. The second element which my bill adds to that of Senator HART is in the administrative aspect. Every program to work, must have a "daddy" in charge. My bill would put responsibility for carrying out the provisions of the law enforcement assistance bill in the hands of an Assistant Attorney General. I feel this is much more preferable to the delegating and redelegating of responsibility, as could now occur under section 4 of S. 1825. By giving one man full responsibility for this program on a full-time basis, with adequate status, staff and funds, he would be able to give real leadership and direction to a massive research and training program. It has been my experience both in business and government, that diffused authority often ends in inertia and nonaction, whereas clear designation of authority often brings forward momentum and positive action.

To date, my proposals have received the endorsement or support of the International Association of Chiefs of Police, National Police Officers Association of America, the National District Attorneys Association and the National League of Cities. Several other interested groups have informed me that they have scheduled formal consideration of my bill at upcoming meetings.

Thank you once again, gentlemen, for your courtesy in letting me appear before you.

Mr. WILLIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Speaker, last week J. Edgar Hoover released the uniform crime report for 1964. That report revealed that 2,600,000 serious crimes occurred throughout the United States in 1963. In order to curb crime, the FBI Director called upon local law enforcement agencies to improve police administration and achieve more efficient use of manpower. He stressed that all investigative agencies must be alert for new technological developments which can strengthen their efficiency and facilitate more rapid exchange of essential information within law enforcement.

By approving H.R. 8027 this House can take a historic step toward implementing those recommendations and bolstering the basic pillar upon which our free society is based—the maintenance of law and order.

H.R. 8027 provides assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and the prevention of crime.

This is not a program of broad Federal assistance but rather a program of Federal stimulation for specific development of innovative, promising ideas in crime control and the dissemination of the results of that development.

Our purpose is to strengthen local law enforcement and we specifically prohibit Federal interference in the operation of local police and sheriffs departments.

This bill has the support of the President of the United States, the American Bar Association, the National League of Cities, the International Association of Chiefs of Police, and the National Conference of Police Associations.

We seek to authorize the Attorney General to contract with any public or nonprofit agency, organization, or institution to pursue the purposes of this act and we are assured that local law enforcement officials will play a significant role in those committees.

The Federal Government is necessarily engaged in a multitude of assistance programs in the fields of medicine, nursing, welfare, housing, roads, and construction of public facilities. Nor have we ignored several vital areas in the field of criminal justice—the Juvenile Delinquency Act of 1961 and the Criminal Justice Act of 1964 are but two examples.

Yet, nowhere, have we confronted the staggering task of directly enforcing law and order. In view of the job ahead, the request for $10 million in the execution of this act for the initial fiscal year may seem far too inadequate, but I believe the Attorney General has been prudent in that request for he is determined that every penny will be wisely spent.

What shall we get for our investment? A number of benefits cannot now be foreseen but there are several types of projects that await our support:

First. Special training programs for police officers, such as the ones which have been undertaken by the new California Commission on Peace Officer Standards and Training. These training programs, if properly developed and financed, would have the effect of improving the skills of the rookie police officer before he undertakes his duties as opposed to requiring him to develop such skills on the job by the trial-and-error method. These programs would also keep more experienced officers up to date on new law enforcement techniques and practices.

Second. Live experiments with better lighting and the use of electronic equipment in high crime areas. Public works officials have found they can use television to inspect underground facilities, but the impact of the use of closed-circuit television in areas where crimes against the person occur frequently has received only limited testing.

Third. Computers can be used to free police officers from administrative drudgery and to speed the process of criminal identification. Federal grants would be particularly useful in enabling smaller police departments to benefit from this new technology.

Fourth. Local officials would like to develop imaginative solutions to the repeater problem, especially with regard to minor crimes. Municipal court dockets are overburdened with cases brought against the chronic inebriate, vagrant, and traffic violator. Municipal judges have been innovators in this area, but nationwide experimental programs to overcome this repeater problem must be undertaken.

Fifth. Improved methods of police organization which will permit special police task forces to deal effectively with outbreaks of crime on a moment's notice and to provide a mobile strike force to bolster public confidence in the capacity of police to prevent crime and to swiftly arrest criminals.

Sixth. Means of strengthening public support for and participation in the work of police. Especially, we need new programs to involve our youth on the side of law and not on the side of lawlessness.

The Committee on the Judiciary has carefully studied the bill and believes that this legislation provides no panacea but rather a hard-hitting instrument to curb crime in a fashion which is consistent with our Federal form of government and not otherwise possible given the severe financial constraints faced by local law enforcement.

The time has come to serve notice that the Congress of the United States will not stand idly by while crime mounts and public confidence erodes.

I urge your support for H.R. 8027.

Mr. BENNETT. Mr. Speaker, I rise in support of the bill, H.R. 8027, legislation to provide assistance in training State and local law enforcement officers and to improve capabilities and techniques for the prevention and control of crime.

This legislation, I believe, is needed to halt the continuing rise in serious crimes in the United States, which increased 13 percent in 1964 and 1963, according to FBI Director J. Edgar Hoover. Of a more serious nature, this legislation is also sufficiently drawn to combat the rising juvenile delinquency crimes rate, also up 13 percent in 1964 and 1963. This figure is alarming to all law-abiding Americans, especially when you consider that the population 10 to 17 years old increased only 4 percent over the previous years, while the increase in arrests of persons under 18 years of age jumped 13 percent.

Crime is a national responsibility, although it is the direct responsibility of State and local law enforcement agencies, in that it is up to each citizen to do what he can to reverse these drastic increases in crime rates.

Prior to the President's suggestion for a Law Enforcement Assistance Act of 1965, included in the legislation before the House today, I introduced a package of three crime and juvenile delinquency bills, which I thought would help halt crime, delinquency, violence in the streets and adult apathy in their tracks.

The positive measures which I introduced on February 16, 1965 include a resolution calling for a White House Conference on Crime Prevention and Juvenile Delinquency, secondly a bill to establish a National Advisory Commission on Interstate Crime, and thirdly, legislation to provide grants to teach local law enforcement officers modern methods of crime detection, and to provide grants for research to determine the causes and cures for various types of criminal behavior. The second bill has been administratively adopted by the appointment by President Johnson of a national commission to study crime prevention methods and criminal behavior.

My third suggestion, H.R. 4937, very similar to H.R. 8027, is to provide Federal assistance for programs of research and experimentation in crime prevention and detection, and for training of law enforcement personnel, and is now pending before the House Committee on Education and Labor.

It would establish grants under the direction of the Commissioner of Education, in cooperation with the Attorney General, to institutions of higher education to study and do research in the causes and cures of criminal behavior and for the study of new and improved methods or techniques of crime prevention and detection and of law enforcement generally.

H.R. 4937 would also establish grants for the purpose of training personnel in the law enforcement field which could be made to any Federal, State, local or other public or nonprofit agency, organization or institution. I have also introduced H.R. 8677 which is almost identical with the bill before the House today—the Law Enforcement Assistance Act of 1965.

Mr. Speaker, we have talked too long with too little action about the basic problems of crime and juvenile delinquency, gnawing at the very basic roots of our Nation's moral and ethical fiber.

The greatest need in American life today is a safe society and no one will dispute this.

The prime responsibility in the prevention of crime and juvenile delinquency, which costs the country annually $27 billion, rests with the State and local governments, but this legislation will help them to make a safe society.

Mr. BINGHAM. Mr. Speaker, I am pleased to join in support of H.R. 8027, the Law Enforcement Assistance Act of 1965.

Organized crime has shown itself to be a major threat to the health and safety of citizens everywhere. In their replies to a questionnaire I sent out recently, my constituents in the 23d Congressional District of New York made clear their concern over this problem. More people mentioned crime as the most pressing of all domestic issues than any other and it ranked second in importance only to education. I share with them their concern. As crime increases across the country it becomes a problem of national concern, and we must make a coordinated national attack upon it. That can be accomplished without damage to local law enforcement agencies or individual rights.

This act authorizes the Attorney General to make grants to public or private nonprofit agencies for the training of State and local personnel in the fields of law enforcement, correctional institutions, and crime prevention, and it authorizes him to make studies of law enforcement problems in cooperation with other agencies, and to "collect, evaluate, publish, and disseminate" relevant information. The act provides the necessary money to carry out this program, and it also makes clear that no department of the United States is to exercise any control over any State or local law enforcement agency. In the words of the President:

> The Federal Government now provides financial assistance for research and training in other professions—science, mathematics, foreign languages, medicine, nursing. Trained, professional law-enforcement personnel are fully as essential to the preservation of our national health and strength—and no less deserving of increased Federal support.

This act will not, of itself, solve the problem of crime in the United States. It is only part of a balanced program of governmental action against the roots as well as the effects of crime, and it is important that we not neglect necessary actions aimed at these roots. But by permitting the Attorney General to help local law-enforcement agencies with their work in this field, it is a vital step forward.

Mr. WILLIS. Mr. Speaker, there being no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is, shall the House suspend the rules and pass the bill, H.R. 8027, as amended?

The question was taken.

Mr. DON H. CLAUSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 326, nays 0, not voting 108, as follows:

[Roll No. 215]

YEAS—326

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Bates
Beckworth
Belcher
Bell
Bennett
Betts
Blatnik
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Callan
Callaway
Cameron
Carter
Casey
Cederberg
Celler
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Conable
Conte
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Dent
Derwinski
Devine
Dickinson
Dole
Dorn
Dow
Dowdy
Downing
Duncan, Oreg.
Duncan, Tenn.
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Friedel
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Horton
Howard
Hull
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Karsten
Karth
Kee
Keith
King, Calif.
King, N.Y.
King, Utah
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McFall
McGrath
McVicker
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Moeller
Moore
Morgan
Morris
Morrison
Morse
Mosher
Murphy, Ill.
Murray
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olson, Minn.
O'Neal, Ga.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Quillen
Race
Randall
Reid, Ill.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
Satterfield
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Tenzer
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watkins
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—0

NOT VOTING—108

Abbitt
Andrews, N. Dak.
Barrett
Battin
Berry
Bingham
Boggs
Bolling
Bonner
Cabell
Cahill
Carey
Chamberlain
Collier
Colmer
Conyers
Cramer
Curtis
Delaney
Denton
Diggs
Dingell
Donohue
Dulski
Dwyer
Evans, Colo.
Feighan
Fino
Flynt
Fogarty
Fraser
Frelinghuysen
Fulton, Pa.
Gallagher
Grabowski
Green, Oreg.
Halpern
Hanna
Holifield
Holland
Hosmer
Hungate
Jennings
Jones, Ala.
Jones, Mo.
Kastenmeier
Kelly
Keogh
Kirwan
Leggett
Lindsay
McDowell
McEwen
McMillan
Macdonald
MacGregor
Martin, Ala.
Martin, Mass.
Matthews
Mize
Monagan
Moorhead
Morton
Moss
Multer
Murphy, N.Y.
Nelsen
Nix
O'Brien
Olsen, Mont.
O'Neill, Mass.
Patman
Philbin
Powell
Pucinski
Purcell
Quie
Redlin
Reid, N.Y.
Resnick
Rivers, Alaska
Rivers, S.C.
Robison
Ronan
Roncalio
Rostenkowski
Ryan
St Germain
Slack
Stalbaum
Sweeney
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, N.J.
Toll
Utt

Vanik
Walker, Miss.
Watson
Watts
Weltner
Williams
Wilson,
Charles H.
Wolff
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh with Mrs. Dwyer.
Mr. Thomas with Mr. Lindsay.
Mr. Boggs with Mr. Teague of California.
Mr. Kirwan with Mr. Martin Moss.
Mr. Holifield with Mr. Berry.
Mr. Toll with Mr. McEwen.
Mr. Sweeney with Mr. Cahill.
Mr. Macdonald with Mr. Watson.
Mr. Watts with Mr. Robison.
Mr. Wolff with Mr. Frelinghuysen.
Mr. Fogarty with Mr. Andrews of North Dakota.
Mr. Donohue with Mr. Reid of New York.
Mr. Philbin with Mr. Utt.
Mr. Barrett with Mr. Cramer.
Mr. Rostenkowski with Mr. Hosmer.
Mr. Jennings with Mr. MacGregor.
Mr. Monahan with Mr. Morton.
Mr. Thompson of New Jersey with Mr. Chamberlain.
Mr. Teague of Texas with Mr. Quie.
Mr. Roncalio with Mr. Curtis.
Mr. O'Neill of Massachusetts with Mr. Mize.
Mr. Rivers of South Carolina with Mr. Collier.
Mr. Rivers of Alaska with Mr. Fulton of Pennsylvania.
Mr. Feighan with Mr. Nelsen.
Mr. Dingell with Mr. Fino.
Mr. Moorhead with Mr. Halpern.
Mr. Moss with Mr. Battin.
Mr. Abbitt with Mr. Martin of Alabama.
Mr. Colmer with Mr. Walker of Mississippi.
Mr. Multer with Mr. Wright.
Mr. Williams with Mr. Grabowski.
Mr. Matthews with Mr. Resnick.
Mr. Pucinski with Mr. Powell.
Mrs. Kelly with Mr. Stalbaum.
Mr. Gallagher with Mr. Delaney.
Mr. Purcell with Mr. O'Brien.
Mr. Nix with Mr. Charles H. Wilson.
Mr. Leggett with Mr. McDowell.
Mr. Slack with Mr. Ryan.
Mr. Taylor with Mr. Dulski.
Mr. Denton with Mr. Diggs.
Mr. Conyers with Mr. Carey.
Mr. Weltner with Mr. Vanik.
Mr. St Germain with Mr. Ronan.
Mr. Hungate with Mr. Holland.
Mr. Bonner with Mr. Bingham.
Mr. Cabell with Mrs. Green of Oregon.
Mr. Patman with Mr. Redlin.
Mr. Flynt with Mr. Murphy of New York.
Mr. Kastenmeier with Mr. Evans of Colorado.
Mr. Jones of Alabama with Mr. Olsen of Montana.
Mr. Hanna with Mr. Fraser.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks in the RECORD with reference to the bill just passed.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

REHABILITATION OF FEDERAL PRISONERS

Mr. WILLIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6964) to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States, with a committee amendment.

The Clerk read as follows:

H.R. 6964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4082 of title 18, United States Code, is amended to read:

"§ 4082. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough

"(a) A person convicted of an offense against the United States shall be committed, for such term of imprisonment as the court may direct, to the custody of the Attorney General of the United States, who shall designate the place of confinement where the sentence shall be served.

"(b) The Attorney General may designate as a place of confinement any available, suitable, and appropriate institution or facility, whether maintained by the Federal Government or otherwise, and whether within or without the judicial district in which the person was convicted, and may at any time transfer a person from one place of confinement to another.

"(c) The Attorney General may extend the limits of the place of confinement of a prisoner as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to—

"(1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted only to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, or for any other compelling reason consistent with the public interest; or

"(2) work at paid employment or participate in a training program in the community while continuing as a prisoner of the institution or facility to which he is committed, provided that such paid employment will not result in the displacement of employed workers or impair existing contracts for services, and provided also that the rates of pay and other conditions of employment will be appropriate and reasonable in the light of such factors as the type of work performed, geographical region, and proficiency of the prisoner employee. A prisoner authorized to work at paid employment in the community under this subsection may be required to pay, and the Attorney General is authorized to collect, such costs incident to the prisoner's confinement as the Attorney General deems appropriate and reasonable. Collections shall be deposited in the Treasury of the United States as miscellaneous receipts."

"(d) The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the Attorney General, shall be deemed an escape from the custody of the Attorney General punishable as provided in chapter 35 of this title.

"(e) The authority conferred upon the Attorney General by this section shall extend to all persons committed to the National Training School for Boys.

"(f) As used in this section—

"the term 'facility' shall include a residential community treatment center; and

"The term 'relative' shall mean a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person who, though not a natural parent, has acted in the place of a parent), brother, or sister."

SEC. 2. The chapter analysis of section 4082 of title 18, United States Code, is amended to read:

"Sec. 4082. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough."

SEC. 3. Sections 751 and 752 of title 18, United States Code, are amended by inserting the words "or facility" following the word "institution".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Louisiana will be recognized for 20 minutes and the gentleman from Virginia [Mr. POFF] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has to do with the rehabilitation of Federal prisoners. In short, it would grant prisoners as to whom there is reasonable cause to believe that they will honor their trust, up to 30 days leave for carefully specified purposes such as attending the funeral of a deceased relative or visiting a relative who may be desperately sick, which would be certified to by the doctors.

Further, this bill would permit trustworthy Federal prisoners to work in private employment. That is another basic purpose of the bill.

Under the bill, a prisoner who would willfully violate the conditions of his leave would be considered an escaped prisoner and punished under the Escape Act.

In order not in any way to disturb working conditions or the existing labor force near the Federal penal institution, the committee amended the bill and has provided, by an amendment which has a twofold purpose, first, that work releases authorized by the bill shall not result in the displacement of employed workers or impair existing contracts for services and that the rates of pay and conditions of employment shall be appropriate and reasonable.

The second purpose of the amendment we offered to the bill as proposed by the Justice Department is to make clear the authority of the Attorney General to collect from a trustworthy prisoner who might be employed from time to time a reasonable amount of the cost of his board and lodging.

This is consistent with a plan of this kind which exists in a number of States, the pioneering State being North Carolina. The committee report makes this perfectly clear. Perhaps reading a few sentences will bring out what I have in mind, which was consistent with the observations of my distinguished colleague on the committee [Mr. WHITENER]. The report states:

> The committee understands that a prisoner working or obtaining training in the community under the provisions of subsection (c)(2) will continue to reside at the institution to which he is committed for the service of his sentence. This means that he will be released temporarily from the institution only on those days and for such hours that his employment or training may require. The committee also understands that the wages of a prisoner working at paid employment under this subsection will be deposited in his institutional account and disbursed and saved pursuant to written conditions specified by the warden and signed by the prisoner.

Finally, as to the cost of the program, I am delighted to inform the House that it is not anticipated there will be a cost. On the contrary, under the work release system payments will be made, and it is anticipated this will mean a saving to the Government as inmates become capable of contributing to the cost of their own confinement.

With that explanation, Mr. Speaker, I reserve the remainder of my time.

Mr. POFF. Mr. Speaker, I yield myself such time as I may consume.

I shall consume a minimum of time in expressing my wholehearted support of this legislation.

Under the so-called Juvenile Delinquency Act and Federal Youth Offenders Act, it is now possible to establish residential community centers which have come to be known as half-way houses. Experience under this program has been extremely good. Statistics show that only 20 percent of those who are released to civilian life after service of their penalty and prescribed time in the half-way house violate parole. This is down from 50 percent for those who have not been privileged to avail themselves of this approach.

We believe that making this same system available to adult offenders will make it possible for those convicted of crimes to rehabilitate themselves before they are thrust unprepared and embittered upon a community.

They will be under close surveillance while resident in the residential community centers, and they will conduct themselves according to strict rules. When they have finished their work tour they will be required to return to confinement.

I believe it should be emphasized that if they should leave the confines of the residential community center they will have committed an offense under the Escape Act and will be subject to penalty for that violation.

I also call attention to the fact that some 19 of our States today use similar programs. Two of them, Maryland and North Carolina, have extended that program to adult felons.

I believe all of the statistics reflect tremendous success with this experiment.

Mr. Speaker, during the course of the hearings we were careful to impress upon the witnesses from the Department that the committee would maintain a continuing oversight of the program. We abjured them to be extremely careful in using the new authority which this legislation will grant them. I am satisfied that they intend to do just that.

Now, in order that we may have some idea about the scope of the problem involved, there are today only 22,000 Federal prisoners. It is anticipated that no more than 1,000 to 1,500 will use this new system, at least in the foreseeable future.

I also call attention to the fact that the committee found it wise to adopt an amendment which intends that this new program will not work any undue or unfair competition with the private civilian worker.

Accordingly, Mr. Speaker, I urge the adoption of this legislation.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. POFF. Yes. I yield to the gentleman from Missouri.

Mr. HALL. In my hometown is located the U.S. Bureau of Prisons Federal Hospital for Defective Delinquents. It is a part of the U.S. Department of Justice prison system, of course. It has all types of confinements, including a prison farm in which the chronically ill who are not mentally defective are also committed, and they work on this prison farm. For example, those who have come a long way toward recovery from lung disease or tuberculosis, and such chronic or long duration diseases.

Now, would this bill as it is now written, within the discretion of the Attorney General, apply to those in this hospital, as well as to those in the community treatment centers, and the regular prisons?

Mr. POFF. May I say, if I understood the premise of your question correctly, the gentleman has reference to juvenile offenders?

Mr. HALL. No, sir. These are not juveniles. These are adult prisoners in the U.S. Hospital for Defective Delinquents in Springfield, Mo., a part of the Department of Justice prison system. As a matter of fact, there are very few juveniles there. They are mainly adults. As I said, they have this work farm in the confines of the limits which the city of Springfield presented to the Department of Justice years and years ago for this purpose. Once in a while we have trustees who escape from there, the prison farm, but it has never caused any serious problem. We also had a few escape from the "maximum custody" portion of the hospital while undergoing treatment.

All I want to know is, in addition to the regular prisoners in the community treatment centers, could the Attorney General or his designee parole to homes in such emergencies or for work or for an earned furlough, within territorial restrictions and otherwise, prisoners of the prison hospital, under this act if we pass it here today?

Mr. POFF. I will say to the gentleman I believe that the pertinent language in this bill will be found in section 4082 of title 18, United States Code, subparagraph (c), and I would like to read that for the RECORD:

> The Attorney General may extend the limits of the place of confinement of a prisoner as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions—

And so forth.

Mr. HALL. That would apply, in the opinion of the gentleman, to any person in the Bureau of Prisons?

Mr. POFF. Yes. I think it would. Of course, I think the test would necessarily have to be applied both objectively and subjectively. Whether or not the individual Federal ward was one who would come within these terms would depend on the determination made by those in a position to judge.

Mr. HALL. Then do I understand further that such a prisoner, convicted of a Federal offense, may be assigned to an area in which the limits are prescribed, and after he has earned this money in employment, the receipts would go back into the Treasury of the United States as miscellaneous receipts?

Mr. POFF. They go back into the fund and may be disbursed according to an agreement between the officials and the inmate. For instance, it might be possible for the money to go to the support of the inmate's dependents.

Mr. HALL. The gentleman assures us that in any given area in which they might be paroled they would not be competing with labor for jobs in business or industry; is that correct?

Mr. POFF. I believe I can speak for the subcommittee chairman—and if not, he can correct me—in saying that the bill as amended has the general approval of organized labor.

Mr. HALL. I do not know about the AFL–CIO, but in view of the action of this House last week, assuming this bill is passed by the other body, would these men be forced to join a union in a closed shop since the repeal of section 14(b)?

Mr. POFF. I will allow the gentleman to draw his own conclusion with reference to that.

Mr. HALL. I am very serious about it. Would that be required under such circumstances?

Mr. POFF. I am afraid I cannot answer the gentleman's question. I think he will have to reach his own conclusion.

Mr. HALL. Perhaps we will have to test that in a court; if a man gets a job when he is under "house arrest," or is paroled while he is in a house arrest status, by the Bureau of Prisons, if this bill is enacted, would that follow as a just conclusion?

Mr. POFF. Possibly.

Mr. HALL. I thank the gentleman.

Mr. WILLIS. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Speaker, the gentleman from Louisiana [Mr. WILLIS] has pointed out that the State of North Carolina was a pioneer in the work release approach in handling prisoners. Since that time many jurisdictions have sent people to our State—not only other States in this union but foreign countries—to study the program which has worked so excellently in our State. I hasten to say that it has worked excellently because of the administration of the law by an outstanding prison director, the Honorable George W. Randall, who is serving as director of prisons in North Carolina.

I would point out that under our law in North Carolina we do have some provisions which are not in the legislation which we are considering now. One of those is that the prisoner, until he has served the minimum sentence which would entitle him to consideration for parole, cannot be put on work release in North Carolina until the judge who tried him has concurred in that decision by the prison department. That probably is not necessary in the Federal situation.

Another provision in our North Carolina law is that a prisoner is not entitled to file a claim for unemployment compensation in the event he loses his job while a prisoner. I think that should be probably considered here.

Another provision in our law is that a prisoner in North Carolina who is on work release is not to be considered an agent of the State in the event he commits a tort or a negligent injury while going about his work or going to and from his work.

Mr. Speaker, I believe these provisions of the North Carolina law might well be considered by the other body in connection with this legislation.

Mr. Speaker, since it may be of interest, I would like to make a part of the RECORD section 148–33.1 of the North Carolina general statutes, and I ask unanimous consent to do so.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

(The matter referred to follows:)

148–33.1 Sentencing, quartering, and control of prisoners with work-day release privileges:

(a) Whenever a person is sentenced to imprisonment for a term not exceeding 5 years to be served in the State prison system, the presiding judge of the sentencing court may recommend to the State prison department that the prisoner be granted the option of serving the sentence under the work release plan as hereinafter authorized.

(b) The board of paroles of this State may authorize the State prison department to grant work release privileges to any inmate of the State prison system serving a term of imprisonment. Provided, in any case where the inmate being considered for work release privileges has not yet served a fourth of his sentence if determinate or a fourth of his minimum sentence if indeterminate, the board of paroles shall not authorize the prison department to grant him work release privileges without considering the recommendation of the presiding judge of the court which imposed the sentence.

(c) The State prison department shall from time to time, as the need becomes evident, designate and adapt facilities in the State prison system for quartering prisoners with work release privileges. In areas where facilities suitable for this purpose are not available within the State prison system when needed, the State prison department may contract with the proper authorities of political subdivisions of this State for quartering in suitable local confinement facilities prisoners with work release privileges. No prisoner shall be granted work release until suitable facilities for quartering him have been provided in the area where the prisoner has employment or the offer of employment.

(d) The State prison department is authorized and directed to establish a work release plan under which an eligible prisoner may be released from actual custody during the time necessary to proceed to the place of his employment, perform his work, and return to quarters designated by the prison authorities. No prisoner shall be granted work release privileges except upon recommendation of the presiding judge set forth in the judgment of imprisonment or written authorization of the board of paroles. If the prisoner shall violate any of the conditions prescribed by prison rules and regulations for the administration of the work release plan, then such prisoner may be withdrawn from work release privileges, and the prisoner may be transferred to the general prison population to serve out the remainder of his sentence. Rules and regulations for the administration of the work release plan shall be established in the same manner as other rules and regulations for the government of the State prison system.

(e) The State department of labor shall exercise the same supervision over conditions of employment for persons working in the free community while serving sentences imposed under this section as the department does over conditions of employment for free persons.

(f) Prisoners employed in the free community under the provisions of this section shall surrender to the prison department their earnings less standard payroll deductions required by law. After deducting from the earnings of each prisoner an amount determined to be the cost of the prisoner's keep, the prison department shall (1) allow the prisoner to draw from the balance a sufficient sum to cover his incidental expenses, (2) retain to his credit such amount as seems necessary to accumulate a reasonable sum to be paid to him on his release from prison, (3) cause to be paid through the county department of public welfare such part of any additional balance as is needed for the support of the prisoner's dependents. Any balance of his earnings remaining at the time the prisoner is released from prison shall be paid to him. The State board of public welfare is authorized to promulgate uniform rules and regulations governing the duties of county welfare departments under this section.

(g) No prisoner employed in the free community under the provisions of this section shall be deemed to be an agent, employee, or involuntary servant of the State prison system while working in the free community or going to or from such employment.

(h) Any prisoner employed under the provisions of this section shall not be entitled to any benefits under chapter 96 of the general statutes entitled "Employment Security" during the term of the sentence.

Includes amendments of 1963 session of general assembly.

Mr. WHITENER. Mr. Speaker, now let me get around to the broad picture. When Mr. Randall and I were talking a few days ago about this legislation, I asked him if he could give me some information as to the North Carolina experience. I believe these bits of information which I will give to the Members may be of interest to them.

Our law was enacted in North Carolina in 1957. At that time it was limited to misdemeanants. It worked so well with those misdemeanants that shortly thereafter the judges of the State at their judicial conference requested the legislature to extend it to felons also because they felt this could very well be used for rehabilitation of felons.

One of the problems that our country has in the correction of prisoners is to eliminate repeated criminal conduct by former prisoners. I believe the term used in this connection is "recidivist." In North Carolina work-release has played a very important role in reducing recidivism. Four years ago we had 12,000 prisoners in our State prison system or approximately 60 percent of all the Federal prison population today. Today, in spite of the fact that our State is growing rapidly, our prison population has been reduced to 10,600. This is 3,700 fewer prisoners than the University of North Carolina social scientists predicted we would have at this point when they made a study and projection in 1956. Our State of North Carolina has been able to close 22 of its field units in its prison system, each of which was designed to accommodate 100 prisoners.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. WILLIS. I yield 3 additional minutes to the gentleman from North Carolina.

Mr. WHITENER. Mr. Speaker, I feel it is a remarkable thing that today we have more than 1,000 work release prisoners in North Carolina who are supporting themselves who otherwise would be a complete burden to the taxpayers of the State.

We have had 6,080 participants in the program since its commencement in 1957 through July 1, 1965. They have earned a total of $4.4 million. The prison department has deducted $1.5 million for their keep and $370,000 for their transportation.

Mr. Speaker, these inmates on work-release have contributed $1,212,000 to the support of their families during that period of time. Of course, they have paid taxes to the Federal and State Governments upon their earnings.

However, Mr. Speaker, the most remarkable thing about it is that during the period that we have had the work-release program the repeat rate of violations of the criminal law by these men and women who have been on work-release has been only 6.8 percent. This is certainly lower than the overall percentages that we find in the Nation with reference to the repetition of crime by former inmates in prisons.

Now, Mr. Speaker, North Carolina prison director Randall gave an example which I believe will be of interest to the Members. He said a former felon with a wife and one child was given the opportunity to go on work-release. He was a heavy-equipment operator. During approximately 16 months he worked about this type of employment while serving a sentence in prison. In spite of the periods of unemployment due to bad weather, his earnings totaled $6,052.93.

He paid the prison department $1,172.25 for his keep, $310 for his transportation to and from his work, and $2,272 to support his family. He used $998.76 for approved personal expenses. When he was released from prison he had $1,299.92, a steady job, and a family to go back to. According to his employer, by whom he is still employed, he is doing a splendid job.

I think the experience in my State indicates that, properly administered, this program can be a great improvement in our penal system and correctional procedure.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Texas.

Mr. BURLESON. Will the gentleman from Louisiana explain this: Who decides who will go out on this temporary parole?

Mr. WILLIS. This is not a parole. The decision is made by the warden in consultation, of course, with the prison authorities, as to the level of conduct which would justify the prisoner getting this privilege of, let us say, a stated leave of absence or engaging in work which does not displace local labor. Somebody has to make the rules. No one is better equipped than the warden under jurisdiction of the Bureau of Prisons here, formerly headed by Mr. Bennett. His successor is Mr. Alexander.

Mr. BURLESON. I am not critical. I wanted to know if one man decided, or a board, or other consultation.

Then another question: Are there any categories of crime to be considered as to eligibility for this sort of treatment?

Mr. WILLIS. There are no categories. It is a question of the exercise of the judgment of the prison officials, but they must be what we used to call trusties, because in the language of the bill itself the privilege of outside employment with the condition of going back to prison every night, and so forth, is limited to prisoners as to whom there is reasonable cause to believe he will honor his trust.

Here is the language of the bill describing the nature of the prisoners to whom this privilege will extend:

> The Attorney General may extend the limits of the place of confinement of a prisoner as to whom there is reasonable cause to believe he will honor his trust, by authorizing him—

And then the bill goes on to say that whoever violates his trust is considered to be an escaped prisoner and punished accordingly.

Mr. BURLESON. I am not aware whether this question has been touched on or not. What about the criminally insane convictions? Are they to be eligible for consideration for this leave of absence?

Mr. WILLIS. I cannot conceive of any such person being eligible.

Mr. BURLESON. In other words, it would be a matter of judgment and possibly this type could, under circumstances, be considered?

Mr. WILLIS. Yes. I do not think that would conform to the language. In my opinion they would be clearly ineligible. I do not think this has come up in the record as yet, but my understanding is, and I have been chairman of the committee handling Federal prisoners for many years, the total prison population of the United States is something like 22,000. This bill would involve employment, according to statistics submitted to the committee, of between 1,000 and 1,500, or about 5 percent, shall we say, 5 out of 100 people, who in the old days we used to call "trusties," would be involved.

Mr. BURLESON. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the distinguished chairman of the subcommittee yield further?

Mr. WILLIS. I am delighted to yield to the gentleman.

Mr. HALL. I would say to the gentleman from Texas as well as to the chairman of the subcommittee, I am thoroughly convinced as to those of unsound mind not coming under this bill, but that is not the point I wanted to raise. I tried to stipulate in advance that we have people who are defective for other reasons than being of unsound mind who may be in a U.S. hospital for defective delinquents or anyone else who may be convalescing from tuberculosis or some other sickness perhaps who do work on the prison farms. My query was to know whether they would come under this bill or not. I think that question was adequately answered, that there are adequate safeguards as to them.

I have another question if the distinguished and able committee chairman will yield further.

For a long time I have been interested because of this same hospital situation in my hometown and in fact I have introduced a bill, as the distinguished gentleman knows, to perfect the admission procedures of those who are of unsound mind to Federal facilities. That is section 4244 of title 18, United States Code, up to section 4452 and so forth.

Now am I correct in understanding that this bill deals only with rehabilitation of persons who have been convicted of an offense?

Mr. WILLIS. Yes, that is correct.

Mr. HALL. In other words, in connection with the admission directly to a Federal mental department of justice hospital under the revised section 4082 of United States Code 18, paragraph (a) in your bill, (a), (b), and (c) is changed and it says:

> A person convicted of an offense against the United States shall be committed, for such term of imprisonment as the court may direct, to the custody of the Attorney General of the United States, who shall designate the place of confinement where the sentence shall be served.

In other words, judicial determination has already been made before he designates the place of confinement; is that correct?

Mr. WILLIS. Yes, the gentleman is entirely correct.

Mr. HALL. Section (b) says:

> The Attorney General may designate as a place of confinement any available, suitable, and appropriate institution or facility, whether maintained by the Federal Government or otherwise—

Under my bill, judicial determination would have already been made either of an unsound mind or juvenile delinquency or that he is convicted of an offense against the Federal Government; is that correct?

Mr. WILLIS. He must be a person convicted of an offense against the United States.

Mr. HALL. And there would be no danger of this bill including someone who was suspected of being a criminal who pleaded narcotism during the commission of a heinous crime which he committed which was obviously a felony.

Mr. WILLIS. I now see what the gentleman has in mind. The gentleman has in mind his own proposal. The gentleman need have no concern about that. This bill refers to a person convicted of an offense against the United States.

Mr. HALL. I thank the distinguished gentleman.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I gladly yield to the gentleman.

Mr. PEPPER. I ask the able gentleman if there might be any opportunity here for a restoration or resumption of a system that we all know once prevailed in our part of the country and in other States as well where the public authorities would lease out convict labor to private employers, which practice led to abuses that I am sure we would not wish to see again. Is there any such practice as that possible under this legislation?

Mr. WILLIS. I assure the gentleman there is nothing in this bill that would in the remotest degree lend itself to such an ugly practice as might have prevailed in the past.

Mr. PEPPER. I thank the able gentleman.

The SPEAKER. The time of the gentleman has expired. All time has expired.

The question is, Will the House suspend the rules and pass the bill, H.R. 6964, as amended?

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 325, nays 0, not voting 109, as follows:

[Roll No. 216]

YEAS—325

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Annunzio
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Beckworth
Belcher
Bell
Bennett
Betts
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brock
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Callan
Callaway
Cameron
Carter
Casey
Cederberg
Celler
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Conable
Conte
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtin
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Dent
Derwinski
Devine
Dickinson
Dole
Dorn
Dow
Dowdy
Downing
Duncan, Oreg.
Duncan, Tenn.
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Garmatz
Gathings

Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Henderson
Hicks
Horton
Howard
Hull
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Karsten
Karth
Kee
Keith
King, Calif.
King, N.Y.
King, Utah
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McFall
McGrath
McVicker
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
May
Meeds
Michel
Mills
Minish
Mink
Minshall
Moeller
Moore
Morgan
Morris
Morrison
Mosher
Murphy, Ill.
Murray
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olson, Minn.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Quillen
Race
Randall
Reid, Ill.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
Satterfield
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sikes
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Teague, Calif.
Tenzer
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watkins
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wolff
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—0

NOT VOTING—109

Abbitt
Andrews, N. Dak.
Arends
Barrett
Bates
Battin
Berry
Bingham
Bolling
Bonner
Brooks
Cabell
Cahill
Carey
Chamberlain
Collier
Colmer
Conyers
Cramer
Curtis
Daddario
Delaney
Denton
Diggs
Dingell
Donohue
Dulski
Dwyer
Evans, Colo.
Feighan
Flynt
Fogarty
Fulton, Pa.
Gallagher
Grabowski
Green, Oreg.
Halpern
Hanna
Hébert
Herlong
Holifield
Holland
Hosmer
Hungate
Jennings
Jones, Ala.
Jones, Mo.
Kastenmeier
Kelly
Keogh
Kirwan
Kluczynski
Leggett
Lindsay
McDowell
McEwen
McMillan
Macdonald
MacGregor
Martin, Ala.
Martin, Mass.
Matthews
Miller
Mize
Monagan
Moorehead
Morse
Morton
Moss
Multer
Murphy, N.Y.
Nelsen
Nix
O'Brien
Olsen, Mont.
O'Neill, Mass.
Philbin
Powell
Pucinski
Purcell
Quie
Redlin
Reid, N.Y.
Resnick
Rivers, Alaska
Robison
Ronan
Roncalio
Rostenkowski
Ryan
St Germain
Sisk
Slack
Stalbaum
Sweeney
Taylor
Teague, Tex.
Thomas
Thompson, N.J.
Toll
Vanik
Walker, Miss.
Watson
Watts
Weltner
Williams
Wilson, Charles H.
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended was passed.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Arends.

Mr. Thomas with Mr. Martin of Massachusetts.

Mr. Kirwan with Mrs. Dwyer.

Mr. Hébert with Mr. Bates.

Mr. Brooks with Mr. Mize.

Mr. O'Neill of Massachusetts with Mr. Morse.

Mr. Colmer with Mr. Walker of Mississippi.

Mr. Williams with Mr. Watson.

Mr. Thompson of New Jersey with Mr. Cahill.

Mr. Sweeney with Mr. McEwen.

Mr. Abbitt with Mr. Cramer.

Mr. Watts with Mr. Quie.

Mr. Philbin with Mr. Berry.

Mr. Charles H. Wilson with Mr. Fulton of Pennsylvania.

Mr. Donohue with Mr. Halpern.

Mr. Feighan with Mr. MacGregor.

Mr. Gallagher with Mr. Robison.

Mr. O'Brien with Mr. Hosmer.

Mr. Miller with Mr. Andrews of North Dakota.

Mr. Macdonald with Mr. Chamberlain.

Mr. Multer with Mr. Lindsay.

Mr. Kluczynski with Mr. Curtis.

Mr. Sisk with Mr. Reid of New York.

Mr. Slack with Mr. Nelsen.

Mr. Roncalio with Mr. Battin.

Mr. Ronan with Mr. Morton.

Mr. Taylor with Mr. Collier.

Mr. Teague of Texas with Mr. Martin of Alabama.

Mr. Weltner with Mr. Resnick.

Mr. Wright with Mr. Murphy of New York

Mr. Matthews with Mr. Dulski.

Mr. Toll with Mrs. Kelly.

Mr. Jennings with Mr. Delaney.

Mr. Leggett with Mr. Carey.

Mr. Holland with Mr. Ryan.

Mr. Hungate with Mr. Powell.

Mr. Purcell with Mr. Rostenkowski.

Mr. Holifield with Mr. Bingham.

Mr. Herlong with Mr. Barrett.

Mr. Vanik with Mr. McDowell.

Mr. Dingell with Mr. Daddario.

Mr. Conyers with Mr. Kastenmeier.

Mr. Moss with Mr. Diggs.

Mr. Pucinski with Mr. Evans of Colorado.

Mr. Denton with Mr. Cabell.

Mr. Bonner with Mr. Stalbaum.

Mr. Jones of Alabama with Mr. Grabowski.

Mr. Fogarty with Mrs. Green of Oregon.

Mr. Flynt with Mr. Hanna.

Mr. Rivers of Alaska with Mr. Redlin.

Mr. Moorhead with Mr. Olsen of Montana.

Mr. St Germain with Mr. McMillan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 2054) entitled "an act to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. HICKENLOOPER, and Mr. AIKEN to be the conferees on the part of the Senate.

DAHOMEY INDEPENDENCE DAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the African Subcommittee of the Committee on Foreign Affairs it is my privilege and pleasure to announce that yesterday, the 1st of August, was the fifth anniversary of the independence of the Republic of Dahomey. To president Sourou-Migan Apithy, to Ambassador Louis Ignacio-Pinto, to the Government and the people of Dahomey, I extend warm congratulations and sincere well wishes for a happy, prosperous, and peaceful future.

Mr. Speaker, I ask unanimous consent that all of my colleagues who so desire, and I trust many will do so, have 5 legislative days in which to extend their remarks in tribute to and in compliment of the fine, brave, courageous, and promising Republic of Dahomey in Africa.

Dahomey is bounded on the east by Nigeria, on the west by Togo, and on the north by Upper Volta and Niger. With an area of 44,000 square miles, slightly smaller than Pennsylvania, it is one of the most densely populated territories of former French West Africa.

Dahomey's 2 million people are among the best educated in West Africa. The annual rate of population increase is about 2.8 percent. There are about 5,500 Europeans in Dahomey, some of them descendants of the Portuguese traders who established a trading post at Porto Novo in the 17th century.

Dahomey achieved independence on August 1, 1960, and was admitted to the United Nations on September 20 of that year. Membership in the French community was allowed to lapse, and no mention was made of it in the accords which Dahomey signed with France on April 24, 1961, defining the relations between the two countries.

Dahomey has a predominantly agricultural economy. Palm products, both kernels and oil, provide three-fourths of the country's exports as well as an important element in the Dahomean diet. In the past decade four large mills have been constructed to extract palm oil from the kernels. Coffee is the second cash crop. Other export products are peanuts, cotton, kapok, and tobacco.

A new artificial port, costing $25 million, is under construction at Cotonou, the economic center of the country.

Dahomey's foremost need is development of its economy. Over three-fourths of the working population derives a living from subsistence agriculture. Improved agricultural techniques are needed. Although industry is at an early stage of development, the labor confederation has a substantial membership, some of which comes from the many unemployed or underemployed Dahomeans who possess a good educational or vocational background.

Dahomey has adopted a neutral stance in foreign policy matters, preferring not to become involved in cold war issues. It is a member of the pan-African grouping formed in 1963 at Addis Ababa, the Organization of African Unity. Dahomey also belongs to the African and Malagasy Union, an economic and political grouping of 13 French-speaking African states south of the Sahara plus the Malagasy Republic.

Relations between Dahomey and the United States are cordial. The United States is sympathetic toward Dahomey's efforts at self-help in economic development and toward its neutral policies in international affairs.

Mr. MURPHY of Illinois. Mr. Speaker, I take this occasion to congratulate the Honorable Sourou-Migan Apithy, President of Dahomey, and Ambassador Louis Ignacio-Pinto, on the progress their country has made in its 5 years of independence and to express my hope that the American people will become better acquainted with the people of Dahomey.

This small African state was for many years the home of several powerful ancient kingdoms whose culture and customs have long been a fascinating study for anthropologists and historians. During the 17th century, Portuguese, English, Dutch, Spanish, and French traders arrived in Dahomey seeking to promote slave trade in the area. For many years the country was the scene of bitter rivalry between various colonial powers.

The conflict ended in 1892 when Dahomey became a French protectorate. In 1946 it was given representation in the French Parliament and a certain amount of internal self-government. Beginning in 1958, Dahomey gradually prepared itself for the responsibility of independence, which was at last granted on August 1, 1960.

Dahomey is an agricultural country: subsistence agriculture is widespread and the economy depends heavily on the export of palm oil and palm kernels. There is a great need for agricultural experimentation and innovation, which is being met by the establishment of government technical assistance centers. The government has also sponsored pilot stock raising farms and meatpacking plants in the desire to expand the role of animal husbandry in the national economy. In 1962 the National Assembly approved a 4-year plan, part of a 20-year program, to increase agricultural and industrial production by about 50 percent.

In the fields of health and education Dahomey has made striking progress in the years since independence and is working toward the establishment of more hospitals and medical centers and the expansion of the educational system to serve all the people.

The Republic of Dahomey has shown remarkable strength and stability in its political activities. We of the United States congratulate the Dahomeyans and wish them every success in their plans for further economic development.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, the Republic of Dahomey celebrated 5 years of independence yesterday. I would like to take this opportunity to congratulate the people of Dahomey and their leaders and to wish them well in their continued efforts to develop a strong economy and a strong and stable political system.

The Republic of Dahomey is one of the most densely populated areas of former French West Africa. In spite of this, Dahomey's 2 million people are among the best educated in West Africa.

Over three-fourths of the working population is engaged in subsistence agriculture. Palm products and coffee are the two most important cash crops. Although Porto Novo is the official capital of Dahomey, a new artificial port is under construction at Cotonou, the economic and political center of the country.

Dahomey maintains diplomatic relations with both the free world and the Communist countries, having officially adopted a neutral stance in foreign policy matters. Dahomey has been a member of the United Nations since September 20, 1960, and is also a member of the Organization of African Unity, formed at Addis Ababa in 1963.

One of Dahomey's foremost needs is an expanded and diversified economy. As a symbol of the cordial relations between our two countries, the United States has a modest aid program there.

Mr. MATSUNAGA. Mr. Speaker, 5 years ago, a small west African republic named Dahomey proclaimed its independence.

Judging by American standards, Dahomey is a small nation, but by any standards the challenges facing its leaders are enormous. The challenges which face Dahomey are the same challenges which must face the leadership of many of the newly developing nations. The economy is underdeveloped; arable and is limited; and the vast majority of a population which is expected to more than double by 1985 is plagued with illiteracy.

Today I do not intend to dwell on the staggering problems faced by the men who must lead Dahomey; rather I would like to speak of the way in which these farsighted men are facing up to the tasks before them. The problems which I have mentioned have all been recognized by the leaders of Dahomey; nevertheless, they have bravely stated that true freedom for the people of Dahomey cannot be achieved without a minimum standard of living. For this reason they have wisely recognized that "the only battle worth while" is an unrelenting struggle against all those factors which we so casually classify under "underdevelopment."

They are already making important progress. With the help of the World Health Organization, the terrible epidemic diseases which once ravaged the countryside have been brought under control and in some cases, virtually eliminated. Illiteracy is being attacked no less resolutely. Last year Dahomey spent 14 percent of its national budget on education alone. Finally, an imaginative plan has been devised to fight the enormous problem of economic underdevelopment. It is not merely rhetoric which has prompted the leadership of Dahomey to refer to its 20-year national development plan as "Our aim, our hope, and our sheet anchor."

Dahomey is a young nation, but its leadership shows the wisdom of experience in facing its challenges realistically and in devoting its energies to the "unrelenting struggle against underdevelopment" in order to improve the lot of the people.

To Dahomey, its leaders and its people, go my hearty congratulations and best wishes on this anniversary of their independence.

Mr. ROOSEVELT. Mr. Speaker, this week Dahomey is celebrating its fifth year of independence. A former member of the French Union, Dahomey achieved its independence peacefully by a steady process of political evolution resulting finally in an official declaration of its complete independence on August 1, 1960.

Since that date its leaders have worked wisely to further the freedom and economic well-being of its citizens. The challenges which this young republic has faced have not been easy ones; nevertheless, its leaders have not hesitated to accept the challenges directly and face the future with resolution and optimism. The Government of Dahomey has rejected the easy cliches of anticolonialism in favor of rallying its citizens behind the less popular but more valuable struggle against disease, poverty, and ignorance. To this end they have expressed their desire to work with the West in conquering these ageless enemies of mankind. Let us express our support of their high purpose and extend our congratulations on this fifth anniversary of their independence.

Mr. CONYERS. Mr. Speaker, at the stroke of midnight on August 1, 1960, the Republic of Dahomey came into existence in accordance with an agreement between Dahomey and France. Its second President and head of state, elected in 1964, is Sourou-Migan Apithy. Dr. Justin T. Ahomedegbe, Vice President, is head of the Government. This progressive country is bounded by Nigeria on the east, Togo on the west, and Upper Volta on the north. The excellent port of Cotonou, center of economic life and some government activity, is on the Atlantic Ocean.

The Nation of Dahomey is composed of many kingdoms dating back to the 16th century which united to form a republic. The most important of these kingdoms were Abomey and Porto Novo.

The 2 million people of Dahomey are among the best educated in West Africa. Dahomean students are encouraged to pursue a higher education through scholarships offered by the Government. Although Dahomey is a French-speaking nation, the United States extends an invitation to students who wish to study English to attend American colleges and universities.

Dahomey is an agricultural nation whose economy is based primarily on palm products and coffee. The soil and climate of Dahomey are also favorable to an increased production of teak, a highly valuable wood, which is a major Dahomey export. The people of this growing young country are making great efforts to utilize its mineral and other resources to establish native industries. Dahomey and its neighbor Togo are negotiating an agreement which would dam the Mono River and provide hydroelectric power for both countries.

Dahomey, like many other African countries, is a member of the Organization of African Unity. It is also a member of the African and Malagasy Union, an economic and political grouping of 14 French-speaking African States.

The United States is proud to note the friendly relationship which we have maintained with Dahomey. At present the United States has a modest aid program in Dahomey which is aimed at encouraging her already vigorous efforts at self-help in economic development.

I want to express my congratulations to His Excellency President Apithy, His Excellency Vice President Ahomadegbe, and His Excellency the Dahomean Ambassador to the United States, Louis Ignacio Pinto.

We wish for the people of Dahomey a day of deserved celebration on this fifth anniversary of their independence, and many years of peace and increasing prosperity.

SUPPORT OF 1965 AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT

Mr. McKAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MACKAY. Mr. Speaker, last week the House passed the 1965 amendments to the Economic Opportunity Act. I supported those amendments because from firsthand observation I have seen the economic opportunity program at work in the Fourth Congressional District.

It seems to me that this program to reduce poverty by eliminating the causes of dependency must be judged by its possibilities and not by its failures. Congress can only provide legislation and appropriations.

The success or failure of the program will depend ultimately upon the response in the local community.

Last week I heard many complaints and many references to failures. These did not influence my decision to vote for these amendments because of my knowledge of the fine work being done in my district.

The following success story of one facet of the war on poverty was written by Mrs. Claude Burgess. It tells the specifics of Operation Head Start in the county seat of Georgia's second largest county accurately and eloquently.

I am proud to insert this statement in the CONGRESSIONAL RECORD and I think it will cause those who have opposed this program to more closely examine this energetic effort to make our citizens self-reliant and productive:

HEAD START CAN SUCCEED: THE DECATUR, GA., STORY

Head Start can succeed—it must. From the beginning of this worthwhile program to the end, the great need for such a program has been evident. After 6 weeks of Head Start, children who were shy, withdrawn, many nonverbal, whose faces were sad, expressionless and reflected little hope, are now happy, extroverted, and talkative. Their faces reflect happiness, hope, and faith—faith that people will continue to love and respect them.

The excellent training period for the seven members of Decatur Head Start staff, held at Georgia Tech, prepared them well for their duties. The finest instructors in the fields of child growth and development, child guidance, health education, nutrition, sociology, and psychology, offered a concentrated but comprehensive program for the development of the project and setting up of child development centers. As a consequence, these centers "burst into being" and were inviting and in order when the Head Starters arrived. Community groups and individuals rallied around to help supply needed materials and equipment. Newspapers, TV, and radio, flashed the news as quickly as it was released. It appeared everyone wanted to be a part of this humanitarian program. Any request for service, transportation, or equipment was readily granted by the community.

Decatur School Board members sponsoring the program, and under the guidance of Dr. Carl G. Renfroe, superintendent, threw all the resources and personnel of this small, but excellent, independent school system, into action, at the busiest time of the school year, to plan for this important venture. Fortunately, preschool registration held in May had pointed up the children who would profit by such a program. Knowledge of families of prospective first graders, with children already in school, who were Grady Hospital-eligible, many of them already receiving health and nursing service from DeKalb Health Department, and who were free participants in the school lunch program, plus the knowledge of children who were unable to afford paid kindergarten, led us quickly to our potential Head Starters.

Principals and teachers called at the home of these and other children and did a door-to-door coverage, telling parents the advantages offered their children through this program and letting them know someone cared about having them ready when school started in September. Parents, upon learning of the program, felt the importance of getting their children to the center each day. They participated in health examinations, field trips; visited the centers often, came for interviews when requested and attended parents meetings where they spoke of their appreciation for what was happening to their children.

Parents were made aware of ways in which they could greatly help to get their children ready for entering school. The final week they were invited to a special program to see some of the things their children had accomplished during Head Start. At this time, materials received from the State health department and from their Congressman, Hon. JAMES MACKAY, concerning child care for this age group, were distributed.

Physical examinations, given the first week, pointed up cardiac cases, hernias, need for plastic surgery, respiratory ailments and hearing problems. Trained counselors in conference with parents, made this known to them, suggesting agencies that would help in the correction of these physical handicaps.

Volunteers for Vision, headed by members of the auxiliary of the American Optometric Association, Inc., screened children for visual problems. Children with crossed eyes, far and near sightedness, mixed dominance, that may cause severe handicap in learning to read, were discovered. This group will contact parents and refer children needing eye training and glasses to sources for help before they enter school in September.

Decatur's program provided well for an adequate mid-morning snack time. Snacks included milk or orange juice. Many new foods were introduced into the children's diet, such as celery, carrots, apples, oranges, bananas, cereal, cheese, and the alltime favorite—peanut butter.

With volunteers that included adults, teenagers, and 15 paid Youth Corps workers, an average of 3 children to 1 worker, was maintained. This meant children had personal attention from a number of people who were interested in them, and with whom they could talk.

Decatur's program included sufficient funds for complete physicals, plus measles vaccine; additional equipment needed for centers, transportation for two big field trips—Grant Park Zoo by chartered buses, and Stone Mountain on the Georgia Railroad.

Community volunteers transported children to Mathis Dairy, the fire department, city hall, library, city park, and recreation centers; health department, post office, seed store, car wash, office buildings to ride the elevator and escalator, drug stores, and grocery stores. These field trips enriched the experiences of these children and provided them with something to "talk about" now and when they enter school in September.

At the end of 5 weeks, many children, who, on entering the program, not knowing how to stack blocks, listen to a story, follow directions, engage in creative experiences involving clay, "play dough," tempera and finger painting, and dramatic play in "dress-up clothes," had learned to do, and enjoy, these things and were now ready and beginning to learn some of the routines of school, such as: Giving attention when directions are given, tipping through halls in order not to disturb other groups, printing their names, recognizing and naming colors, tying shoe laces, zippering and buttoning jackets, counting and writing to 10, and "speaking-up" when spoken to—all of which gives them a head start to learning.

Head Start is succeeding in Decatur, Ga. While research will further prove many things, there is no question but that Decatur's 75 Head Starters, from the three child development centers, will enter school with an eagerness and confidence they would not have had, and with experiences to share with their classmates; also, with increased vocabularies to take them into reading and most important, with the knowledge that they are worthy individuals who are "cared about."

Those working with Decatur's Head Start project predict that potential dropouts, enrolled in Head Start, will remain in school, since successful entry into school and readiness for reading play such important parts in encouraging continued education.

MILITARY PERSONNEL SHOULD NOT BE USED IN CIVILIAN JOBS WITH THE OFFICE OF ECONOMIC OPPORTUNITY

Mr. GUBSER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **GUBSER**. Mr. Speaker, during debate on the bill to extend the war on poverty, I offered an amendment which would prevent the use of military personnel in civilian jobs with the Office of Economic Opportunity.

In arguing against my amendment, the gentleman from Pennsylvania [Mr. DENT] stated that I was "playing with words for consumption back home."

The gentleman from Pennsylvania is free to act as the arbiter of each Congressman's conscience if he wishes. He is also free to assume expertise within the jurisdiction of the Committee on Education and Labor. But when such expertise is extended to fields which members of the Armed Services Committee study on a daily basis, then I suggest that the gentleman from Pennsylvania needs more information. To assist him in his homework, I submit a letter from Mr. Nate Wolkomir, president of the National Federation of Federal Employees, wherein Mr. Wolkomir says:

> The use of military personnel in traditionally civilian positions in the Federal service is costly, wasteful, and unsound from every standpoint.

I shall also include under leave to revise and extend my remarks a press release on this subject issued by President Wolkomir.

It is also significant that Assistant Secretary of Defense Norman Paul in recent testimony before the House Post Office and Civil Service Committee and the House Appropriations Committee announced a new policy of the Defense Department to release military personnel from billets which can be filled by civilian employees. Mr. Paul clearly states that one of the results of this new policy can be to "increase combat strengths," a need which our President has recently stated.

As reported in the Journal of the Armed Forces on July 24, 1965, Secretary Paul stated further:

> Clearly, military personnel should be utilized in combat units or in units whose mission and contingency plans call for the deployment of personnel on short notice to a combat environment.

Thus, the proper use of military manpower is a subject of serious concern to men of stature and knowledge. It is not an idle issue which is idly raised.

The letter from Mr. Wolkomir and the news release follow:

NATIONAL FEDERATION
OF FEDERAL EMPLOYEES,
Washington, D.C., July 9, 1965.

DEAR CONGRESSMAN: The use of military personnel in traditionally civilian positions in the Federal service is costly, wasteful, and unsound from every standpoint.

It is a practice, however, which not only is widespread but is accelerating at an alarming rapid rate.

Because of the importance of this problem nationally, I am taking the liberty of calling to your attention a statement just released to the press and other news media on behalf of the NFFE.

I would appreciate any comment you may care to make on this vital issue.

Yours sincerely,
N. T. WOLKOMIR,
President.

President Nathan T. Wolkomir, of the National Federation of Federal Employees, today assailed the Department of Defense for "flagrant failure to take effective action to curb the wide and still growing use of military personnel in civilian positions."

At the same time he said that he was presenting to Representative DAVID N. HENDERSON, of North Carolina, chairman of the Manpower Utilization Subcommittee of the House Post Office and Civil Service Committee, "additional hard-fact case evidence of this entire situation, which is worsening from week to week."

The NFFE executive cited figures from the Secretary of Defense's own directorate of statistical services which, he asserted, "provide irrefutable proof of the seriousness of this problem." He said that in the period 1960–64, there was a 110,000 increase in uniformed personnel in the Army with a corresponding decline of 20,500 civilian jobs. In the Air Force uniformed personnel jumped by 42,046 while civilian employees dropped by 18,000. In the Navy there was a 50,000 increase in uniformed people while 14,300 civilians were dropped.

"These figures prove beyond all doubt that military are replacing civilians in traditionally civilian jobs in all three services at an accelerated pace and all indications we have are that this trend is continuing," President Wolkomir said.

He declared that "we continue to receive from DOD pious platitudes and vague assurances which give little indication of a genuine desire to take effective remedial action. Moreover, we find that regardless of DOD policy enunciated at the Pentagon, the use of military personnel in civilian positions not only persists but is mounting at many installations and bases all across the Nation.

"We find it incredible that the Pentagon does not know that this is the case. We find it shocking that, knowing what is taking place, there is continued flagrant failure to act forthrightly to curb this wasteful, costly, inefficient practice."

The NFFE executive said that while some of the blame for this practice must be laid at the door of Congress, since insufficient appropriations for civilian support services account in part for it, "the Department of Defense cannot evade the major responsibility."

"The fact is," he said, "that this problem has been with us for many years and has been mounting in extent and seriousness. Much of it, experience shows conclusively, stems from the desire of some base commanders to have uniformed personnel in virtually all positions, even those clearly, obviously and historically civilian in nature. At many installations, therefore, we find outright and persistent violation of DOD policies and regulations dealing with manpower utilization. Is DOD, below Chief of Staff level, not aware of the fact that military control of manpower, both military and civilian, places them in the position of adjudicating their own violations of DOD policy?

"This is a situation which has been of great and growing concern to Congress. Representative HENDERSON and his subcommittee have given much attention to it and are to be highly commended for that concern.

"But the time has now come for action. DOD has tolerated violation of its policies far too long. DOD, for whatever reason, has failed to get the message to its base commanders and others charged with carrying out policy at the local level.

"The dangers in the complete militarization of the Defense Establishment long have been recognized by successive Chief Executives, including Gen. Dwight D. Eisenhower. The danger is real and it is present, and its further growth is a national hazard of the first magnitude. Further, its growth represents a callous negation of the military-civilian team concept in our defense posture which is so completely vital to our national security. Loss of essential civilian skills in the military establishment is proceeding at an alarming pace. DOD's complacency in the face of this loss is incomprehensible.

"DOD's response to the presentation of facts on this issue is evasion and equivocation. Therefore, it is essential for Congress to make known its concern more emphatically, more directly, and more forcefully than ever before.

"It grows increasingly clear that drastic action will be required to bring a reversal in DOD action on this issue, which is so vital to every American citizen."

WAR ON POVERTY

Mrs. **REID** of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. **LANGEN**. Mr. Speaker, I see the Vocational Rehabilitation Act Amendments of 1965 as the most effective war on poverty legislation yet passed this session.

When you consider that three-fourths of the people accepted under the old act were unemployed at the time, you must realize that this new expanded program will provide means to lessen the numbers of jobless even more. It is mostly a lack of income that creates poverty and with the trades taught under the Vocational Rehabilitation Act, these jobless people are given the skills necessary to become wage earners.

It is reported that there are about 3½ million disabled Americans today who need the services of this program. There are 300,000 added to this total every year. If we are to meet the demands of training the disabled of this country, we must rehabilitate and place in employment more than the 135,000 yearly figure we reached last year. This newly passed legislation will provide for reaching the annual goal of 200,000 rehabilitated in the next 3 years or less.

I also congratulate the authors of the amendments for recognizing one of the great needs of our present-day society; that of rehabilitating the mentally retarded youths and adults. In 1964, the vocational rehabilitation program reached more than 7,200 mentally retarded Americans and the expanded program intends to reach even more.

The bill also provides for assistance in the construction of new workshops and rehabilitation facilities and in the operation of new facilities. These facilities are the tools with which the trained men and women shape the lives of these unfortunate individuals who seek their help.

I know that we in Minnesota take a great pride in our efforts in behalf of the handicapped individual and welcome these new strides in the direction that we, as a State, have struggled in.

BREAD PRICES ARE UP

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, on July 1, Members of this body received a letter from Agriculture Secretary Orville L. Freeman in which he declared:

> Consumer prices for wheat products have remained stable. Bread prices in the past 12 months have averaged around 21 cents a loaf or less, virtually unchanged from the period before the certificate program went into effect.

He quoted derisively predictions made a year ago that the certificate program would lead to higher consumer prices.

By using loose phrases like "averaged around" and "virtually unchanged" the Secretary protected himself while attempting to mislead you.

The truth is bread prices are up.

The Department of Agriculture Crop Reporting Board issued a report July 30 showing on page 23 that average price paid by farmers for white bread per pound—the average loaf weighs 1 pound—on June 15, 1965 was 21.2 cents compared with 20.6 cents on June 15, 1964. This increase of 0.6 cent amounted to 3 percent, an increase that is especially significant when one considers that low-income families rely most heavily on bread.

Let us not forget to that the farm bill (H.R. 9811) proposes to raise the value of the domestic wheat certificate by at least another 50 cents a bushel. Secretary Freeman admits this means 0.7 cent rise in the cost of a pound loaf of bread.

Secretary Freeman issued a speech text today in which he predicted net farm income will be reduced by as much as 50 percent if Congress fails to act. This horror story is pure speculative fiction and grossly misleading. If no farm legislation is passed this year, wheat farmers will be covered by the very same program Secretary Freeman twisted congressional arms to enact in 1962. Feed grains and cotton farmers will be covered by programs amended in 1958 and 1963 which, with proper administration, will cut Government costs, reduce surpluses, strengthen income opportunities for the farmer in the marketplace, and make him less dependent on Government payments.

As the day for reckoning on the farm bill (H.R. 9811) approaches, we should bear in mind that Secretary Freeman's office often becomes a propaganda mill and his statements are not always reliable.

HUMANE CARE OF ANIMALS USED IN RESEARCH

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. SPRINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I have today introduced a bill to provide for the humane care of animals used in scientific research.

Experimental use of animals in laboratories undoubtedly has contributed to the achievements of medical research for the benefit of all mankind.

The Congress, as well as many of our State legislatures, have pondered for many years the question of how best to relieve the suffering of laboratory animals and at the same time to safeguard the legitimate interest of science.

As ranking minority member of both the Committee on Interstate and Foreign Commerce and its Subcommittee on Public Health and Welfare, I have long sought a solution for this problem.

The bill which I am cosponsoring with my committee colleague, the distinguished gentleman from Florida [Mr. ROGERS] will not prevent medical researchers from using animals, but it will require laboratories to maintain high standards of care to spare these animals avoidable pain and discomfort. Laboratories failing to conform to such standards would be ineligible for Federal research funds.

Several years ago, our committee obtained enactment of humane slaughtering legislation to curb abuses and unnecessary cruelty in meatpacking plants. Surely, we can assure minimum standards of humane care for laboratory animals.

I am glad to say that this bill has the support of both the American Humane Association and the Humane Society of the United States. This is the first time that the two largest humane organizations have endorsed a single legislative approach to this problem.

Section 1 of my bill declares it to be the policy of the United States that animals used in laboratories shall be procured and cared for in a humane manner and the number used shall be reduced as far as possible, in order to fulfill the ethical and moral obligations of a civilized society as well as to increase the degree of reliability of scientific information obtained through their use.

To put this policy into effect, the bill provides for an independent Office of Laboratory Animal Welfare to be established in the Department of Health, Education, and Welfare. It would be headed by a coordinator appointed by the President who would be charged with the responsibility for the promotion of the best care, handling and use of laboratory animals by every practicable means. For example, he could send consultants to any laboratory requesting such assistance, furnish advice on the design, construction and maintenance of facilities for laboratory animals, and establish training programs aimed at improving the skills of animal handlers in the laboratories.

A great deal of work has gone into the drafting of this legislation to assure humane treatment for laboratory animals without impeding their legitimate use for medical research. I am requesting the chairman of our committee to schedule early hearings on this bill and wholeheartedly urge its enactment.

THE CHALLENGE IN VIETNAM

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, the President has recommended to the Congress and the people that the United States greatly expand its military assistance to South Vietnam. Slightly more than a month ago there were 72,000 American troops in South Vietnam. Soon there may be more than 100,000 Americans in that country. As a result, we face an increase in the draft; and our soldiers face longer tours of duty in Vietnam.

These are painful decisions, but there is—in my mind, at least—no doubt about the answer. For the challenge in Vietnam is a challenge to the free world. We have always maintained that the people of Vietnam must be free to determine their own government and their own course in world affairs. That has always been our sole demand. In making that demand, we have affirmed the fundamental American idea that it is the people of a country, and they alone, who have the right to decide what kind of country they want to live in. In 1776 our forebearers believed that truth to be self-evident and we believe it now.

No man, and no nation, need ask toward whom the challenge of tyranny is really directed in Vietnam. The freedom of the Vietnamese people has become inseparable from the freedom of all people, including our own.

We are engaged in the test of a proposition—whether this planet can be governed in freedom and in peace, or whether free men must inevitably succumb to violence. We are no longer protected by geography. Our safety now depends on the strength of our purpose, and our willingness to sacrifice.

Make no mistake—if we decline or evade the challenge now in Vietnam, we will soon be facing it somewhere else. Our friends and enemies alike will make their judgment and plan their future on the basis of the choice we now make. The present challenge is merely one in a long line of challenges, past and future.

The question is not "can we afford to stand our ground in Vietnam," but rather "can we afford not to." The answer is clear to our President, it is clear to our military leaders, it is clear to me—and I believe that it is clear to the overwhelming majority of the American people.

WATER—A NATURAL RESOURCE

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from California [Mr. TUNNEY] is recognized for 10 minutes.

Mr. TUNNEY. Mr. Speaker, it is time, I believe, to make a few overdue observations about water—a natural resource which is necessary to all forms of life and upon which our national prosperity is dependent.

It is not sufficient just to talk about the inadequate supply of water for our major population centers throughout the Nation. It is not enough to frighten our citizens in the arid Southwest and the congested East with prognoses of water rationing. Much more is required than speeches and alarms and then more alarms and speeches.

What is needed is planning for future water needs; and after planning, the construction of adequate facilities to guarantee an available supply of water for all agricultural, industrial, and domestic uses.

There is no single answer to the problem of water scarcity. A solution must be found by employing numerous techniques of engineering and a developing science. It is not enough to build reservoirs and transport water hundreds of miles from source to consumer. A broad attack against the mysteries of low-cost salt water conversion must be sustained and new methods to antisepticize polluted waters must be found.

The dilemma of sufficient water for future America is not for the States alone to resolve. It is an issue of national significance and must be the subject of national legislation. Rivers cut across State lines, rain which falls in one State is collected for man's use in another, waters polluted upstream cause disease and esthetic revulsion downstream.

The Congress has been involved in water legislation for a long time. In 1902 the historic Reclamation Act authorized funds for the construction of dams, levees and aqueducts so that the arid and semiarid Western States could irrigate their land and so that the land could support agriculture, industry, and people. Since 1952, $95 million has been authorized by Congress for the study of an economically feasible method of water desalinization. As recently as April of this year the House passed a water pollution control act. In all this legislation that Congress in its wisdom has enacted, there has been tacit recognition that a gulf of many years separates the steps between the original study of water needs, the construction of facilities to implement the plans and the delivery of water to the waiting users.

I would like to direct specific attention today to the water problems of California and the entire Southwest. With immediately available water resources already overcommitted, there is a desperate need to develop plans to bring surplus water into the region from other areas. The Colorado River simply does not have a sufficient flow to satisfy current requirements of basin users, let alone future demands in California; for instance, 5.2 million acre-feet of Colorado River water are currently used. When Nevada and Arizona begin to draw the allotments to which the law says they are entitled, California will be cut back to 4.4 million acre-feet. What is more in times of shortages, it is conceivable that California's share will be even less than 4.4 million acre-feet.

Although it is expected that the Colorado River and the California State water project will provide southern California with a sufficiency of water for about another quarter century, in 1990 our population will be approximately 17 million—almost twice what it is today—and with the Colorado River already overcommitted, what happens then?

Our needs throughout the Southwest have grown larger while our traditional sources of supply have diminished so that the only obvious answer is that we will have to look elsewhere, to other areas beyond the Colorado River Basin, for the water to satisfy those needs. Thus, it is no longer a strictly regional problem.

The logical direction of our search is the wet Northwest, with its abundant Columbia River, which discharges nearly 170 million acre-feet a year into the sea.

I urge this Congress to begin immediate planning to transport some of that surplus water to the dry Southwest.

A Federal investment in developing new value for wasting water, by transporting it to places where it will create vast new wealth, will help strengthen our Nation to meet its expanding future.

The entire Far West, not only the seven States of the Colorado River Basin, would gain from an inter-basin transport of but 15 million acre-feet of the Columbia River water that is wasting into the Pacific Ocean.

The Nation needs our western markets to prosper if we are to maintain a healthy national growth. The penalty for failing to provide water needed by southwestern farms and industries to provide more jobs would be felt throughout the country. By the same token, the whole of our United States will benefit from insuring the future economic wellbeing of the Far West, a region already contributing an increasingly important share of tax income to our Government and a region where pressures from growing population are the greatest.

I do not suggest that the State economies of Washington, Oregon, Montana, or Idaho should be penalized to benefit the Southwest. Nor am I suggesting that any water should be transferred which could jeopardize the economies of these States at some future date. I am saying that there is a vast surplus of water in the Columbia River Basin, and a feasibility study will undoubtedly show that a considerable quantity of this surplus could be directed south without any adverse economic results to Columbia Basin States. I am also saying such a feasibility study should be undertaken immediately.

Planning for the water transfer works needed to serve future needs of all seven Colorado River Basin States should be on a scale adequate to also realize every advantage possible for residents of the northern areas where the surplus water exists. It is not generally realized that only a small fraction of arable lands in the Columbia Basin can produce consistently without irrigation. By increasing the quantity of water available to vicinities near an interbasin transfer of surplus water, many of these marginal water district developments have justifiable cost-benefits ratios.

Engineers use the term "economies of scale" with reference to the fact that if it costs $1 to collect 10,000 gallons of water for use, it normally costs only about 20 cents more to enlarge the construction so as to double the amount of water to 20,000 gallons. The degree of saving varies as conditions differ, but it is substantial nonetheless.

Where it would be best to salvage surplus water in adequate quantity, and by what path it could best be moved to the Colorado River, is not known now. That is why H.R. 4673 and identical bills introduced by 36 of my House colleagues—provides for a westwide water inventory by the Department of the Interior and for feasibility studies which will permit Secretary Udall to recommend a plan to benefit the entire Far West.

The Colorado River Association has produced a map which shows the location of five proposed interbasin aqueducts designed to sustain the growth of existing economies dependent upon the Colorado River. Names of many communities near each of these alternate proposals are shown on this map which I hold in my hand and are available to anybody interested in studying it. Residents of these towns would profit greatly if the Federal Government's feasibility studies favor an aqueduct which passes close to them.

Of the five aqueduct routes suggested for transfering wasting water to the Colorado River, the westernmost is that proposed by E. Frank Miller, of Rockville, Md. Mr. Miller, a former Government engineer, recommends a diversion of the Columbia River below Bonneville Dam, upstream from Portland, thence taking the water excess to local needs through central Oregon and western Nevada to Lake Mead.

The Oregon and Nevada areas which would be crossed under the Miller plan need water, too, as is true of other sections of the country along the routes of the alternative proposals. Putting the imported water into Lake Mead would benefit upstream users. And it would permit the Upper Colorado River Basin to retain more of the flow of the Colorado which now must be released under terms of the Colorado River compact to the lower basin for use in homes, factories, and farms in Nevada, Arizona, and California.

A similar proposal of Col F. Z. Pirkey, of Sacramento, Calif., has The Dalles in Oregon, as a diversion point. This suggestion has received favorable notice from Senator JORDON of Idaho. The Pirkey plan for an interbasin aqueduct is close to, but not identical with, that of Miller, and was suggested prior to Miller's to serve some additional purposes.

Two other proposals contemplate diverting surplus water from the Snake River, a tributary of the Columbia. That of Samuel B. Nelson, general manager and chief engineer of the Los Angeles City Department of Water and Power, would originate near Twin Falls, Idaho, and travel south to Lake Mead through eastern Nevada. The suggestion of William Dunn, of Palo Alto, Calif., is to tap the Snake River downstream, near Weiser, Idaho, and to carry the water not needed locally from there south through eastern Oregon and central Nevada.

The easternmost project mapped is an element of the gigantic Ralph M. Parsons Co. plan. The Parsons plan in its entirety would cost from $80 to $100 billion and proposes a system involving Canada and Mexico as well as parts of the United States as far east as the Great Lakes.

The route of the partial Parsons plan runs from a locale near Flathead Lake south through western Montana, eastern Idaho and western Utah to empty into Lake Powell behind Glen Canyon Dam in the Upper Colorado River Basin. Dams on streams draining the Rocky Mountain trench might later be increased to create a reservoir hundreds of miles long, stretching far into Canada and developing water adequate to replace any quantity now considered surplus but which one day might prove to be needed up north.

The success in reaching an agreement for a power intertie, to make Bonneville Dam and Canadian power surpluses available to consumers in the expanding southwestern markets, makes many feel a similar agreement could be reached for a water transfer.

The Colorado River Board of California has urged a prompt start on the essential task of a westwide water study. It is hoped that official agencies of other Western States also will declare how essential to their future it is that we have a proper balancing of Western water supply and demand.

The necessary works will be very expensive and will require financing by Federal funds under appropriate repayment terms. Realizing a project of this size will also require years of work. We must get started at once.

Mr. BOLAND. Mr. Speaker, will the gentleman from California yield?

Mr. TUNNEY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I congratulate the gentleman from California for his well-prepared, deeply reasoned, and highly persuasive statement. He puts his finger on one of the most significant matters that this Nation faces. With national water conditions as they presently are, many parts of this country are coming to realize what California has long found out. No area, no community can prosper economically without a well-planned, coordinated, long-range water resources program. This holds true for the Nation—is particularly true of the gentleman's State of California and significantly so in the 38th District of California which is so well represented in this Congress by the gentleman now addressing the House.

Specifically referring to the gentleman, I recall his appearance in this session of the Congress before the House Subcommittee on Appropriations for Public Works. The gentleman testified on the need of an appropriation of $1.6 million for the Coachella Valley County Water District. This project was requested by the Bureau of Reclamation but was not budgeted for this fiscal year. At his urgent request and the case he made for its inclusion in the budget, the committee acceded to the request. I want to take this opportunity to compliment the gentleman on his testimony before the committee and to congratulate him for his constant attention to the needs of his district.

Mr. TUNNEY. I thank the gentleman from Massachusetts.

VOTING RIGHTS ACT OF 1965

Mr. CELLER submitted a conference report and statement on the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, and for other purposes.

SHIPYARD CAPABILITY AND SKILLS ARE PRICELESS

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. COLMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COLMER. Mr. Speaker, our distinguished colleague, the Honorable EDWARD A. GARMATZ, of Maryland, delivered a stirring speech last Saturday, July 31, in Pascagoula, Miss. He spoke at the launching of the U.S.S. *Tripoli* in the shipyard of Ingalls Shipbuilding Corp. which, as you know, is located in my district and, in fact, in my hometown.

The U.S.S. *Tripoli* represents a new family of LPH's. These are amphibious assault ships used in a new concept of warfare called vertical envelopment in which troops are transported by helicopter. It will greatly increase the amphibious assault capabilities of our fine Navy.

Ingalls shipyard, and its many skilled workers, are proud of the U.S.S. *Tripoli*, just as they are proud of the many other submarine and surface vessels they have built for the Navy and commercial interests.

My good friend, EDDIE GARMATZ, not only praised the record and competence of our Ingalls yard and its employees, but he took the occasion to also underscore the importance of shipbuilding to our national interests. He spoke eloquently of the accomplishments, improved techniques, and cost reductions of shipyards throughout the entire world.

Since this is an industry whose relationship and importance to our security are frequently forgotten, I am confident my colleagues will be heartened—as I have been—by the pertinent observations made by the distinguished gentleman from Maryland. Through many years of vigorous endeavors as a member of the Committee on Merchant Marine and Fisheries, he knows his subject and his views deserve our consideration.

Therefore, Mr. Speaker, under leave to extend my remarks, I am submitting herewith the full text of Mr. GARMATZ' speech:

REMARKS OF CONGRESSMAN EDWARD A. GARMATZ, DEMOCRAT, OF MARYLAND, AT LAUNCHING OF "TRIPOLI," JULY 31, 1965, INGALLS SHIPBUILDING CORP., PASCAGOULA, MISS.

It is a pleasure to be here in this district so ably represented by my good friend and colleague, BILL COLMER.

It is an honor, and a privilege which I value most highly, to be with you here today also to help speed this splendid, modern fighting ship down the ways and to its appointed task of bolstering our country's defense.

Entirely fitting is it that I bring greetings from a State long versed in the ways of the sea—a State whose men have fought our country's battles on many seas in many wars, and whose great port of Baltimore produced the famed Baltimore Clippers which gave a new tempo to its commerce.

Most fitting, too, it seems to me, is that the occasion happily stresses the interdependence of our great fleets of fighting ships and the less glamorous but highly strategic carriers of its world commerce.

For, proud of our Navy as I have always been, my prime responsibility as a member of the House Committee on Merchant Marine and Fisheries is to help maintain and strengthen our country's commercial shipping and shipbuilding facilities, which ofttimes, and with good reason, are termed the fourth arm of our defense.

Bearing a proud name, and reflecting the lessons learned in the amphibious landings of World War II, the ship on which our attention is focused is unique in concept.

Known as an amphibious assault ship, the *Tripoli* is designed to carry on the brave traditions of her predecessor, the escort carrier *Tripoli*, using another form of air power, the helicopter.

This new ship will make possible landings of troops and their equipment anywhere in enemy territory. No longer will our forces be limited to over-the-beach operations, such as proved so costly in World War II.

The new amphibious assault ships, of which the *Tripoli* is a prototype, will work in conjunction with the newly designed LSD's or landing ship docks. These auxiliary vessels will transport preloaded heavy landing craft, as well as troops and combat vehicles.

Together they offer a striking example of new Navy teamwork, designed to work in double harness, with deadly effect. The assault ships will land the troops and certain type of equipment by helicopter, while the landing ship docks will land the heavier combat equipment by surface means as well as by helicopter.

What this means to the Navy in increased assault capabilities can easily be visualized. No longer will their forces be required to seek out favorable landing beaches knowing with advance assurance that these beaches will be heavily fortified.

The air assaults make possible far greater dispersal of landing forces—and establishment of beachheads more quickly, and to far better advantage. They are but another instance in the competence of the private yards to keep step with the advances in military thinking.

In this age of nuclear power there are some, even in high places, unfortunately, who seek to downgrade American private shipbuilding and the U.S. Merchant Marine and who would question their importance to our security, and even to our commerce.

While unable to deny the invaluable logistic support furnished our military forces in World War II and in Korea, they cite the greater speed of air transport as an argument that ship transport is outmoded, and that a private shipbuilding industry is less important than of yore.

Today, each emergency or threat of emergency brings new proof of the reliance of the military forces on our merchant fleet, and, fortunately, there are available to our defense at all times the fastest, most modern ships afloat, all built in U.S. shipyards, and all in "ready" status because they are in actual commercial service.

Due to budget restrictions, there aren't as many of these new vessels as our commerce demands and our vastly newer emergency military needs will require.

However, it is good to know that there are more of those high speed and truly modern ships in the American fleet than in the fleets of the other free world nations combined.

An instance of this reliance just this month, on July 13, American shipowners were notified by Defense that 54 merchant ships would be required to transport supplies to Vietnam.

Included in this group of ships by the way are three new automated cargo liners recently completed by Ingalls for Moore-McCormack Lines. At the same time, the private U.S. shipyards were alerted to the possibility of need for prompt conversion of other ships from the national defense reserve fleet—a call which the private yards will heed, of course, as always.

They may have their troubles in fulfilling such a demand—lack of work has reduced the ranks of their skilled workers. And once dispersed, these skilled workers are reluctant to return to yards which cannot guarantee permanent jobs.

The Cuban threat brought a similar demand on the ship operators which, as it turned out, did not have to be fulfilled.

Operation Steel Pike I, the largest U.S. peacetime amphibious exercise, staged last October on the coast of Spain, necessitated the use of 10 large, fast, modern freighters, which were supplied by American ship lines, as always.

There was no question in these cases, nor will there be in case of any future emergencies, as to the need of the military for logistic support from American shipping and of the readiness of American shipowners to meet any such call upon them.

Making their fleets available to the Government in emergency is only part of the price the shipowners pay in return for Government aid.

Testifying before the House Merchant Marine Committee in March of this year, Vice Admiral McCain, commanding the Navy's amphibious forces in the Atlantic, declared: "There is an interdependence between merchant marine and the Navy which cannot be violated."

He also quoted Admiral Mahan, famed Navy strategist and author, to the effect that: "Seapower not only included the arms by which the sea or any part is ruled but also the peaceful commerce and shipping from which alone a military fleet naturally springs and on which its security rests."

So much for the interdependence of the two fleets. Even from a commercial standpoint, however, there are some who should know better who argue that maintenance of a merchant fleet is uneconomic because Government aid is required toward construction and operation of the vessels.

It would be less costly, they contend, to entrust our ocean commerce to foreign vessels, manned by low-paid foreign crews.

America learned a lesson on this point in World War I that should never be forgotten. We had no merchant marine to speak of at that time, and our commerce was left high and dry.

The foreign vessels upon which U.S. shippers had relied were busy serving the needs of their own countries. They had no time or concern for us. Ocean freight rates zoomed as much as 2,000 percent and cargoes rotted on our docks.

It would be national folly to lay our commerce open to such neglect again—apart from the hundreds of millions of dollars that would have to be spent foreign in such event and added to our payments deficit.

Our merchant marine is a mighty asset to the economy of the United States. It deserves vastly more consideration than some elements of Government accord it.

Now a word or two about what concerns us immediately here today. Construction of this fine vessel for the U.S. Navy is another example of the competence and the unique skills of our Nation's private shipyard industry—a competence and skill that our people will do well to cherish and maintain unimpaired.

Victory in World War II would not have been possible but for the "bridge of ships" built by U.S. private shipyards, as President Eisenhower, Sir Winston Churchill, and other world leaders have attested.

Their high tribute to the production genius and output of our shipbuilding industry applies today just as much as in those critical days, for the same high degree of production genius and quality of output has prevailed in the postwar years.

As a result, America's defense authorities have been turning more and more to the private shipyards for the construction of the most modern and efficient naval vessels ever conceived by the minds of men: the world's first nuclear-powered aircraft carrier; the world's first nuclear-powered cruiser, the world's first nuclear-powered frigates, the world's first nuclear-powered submarine, and the world's first nuclear-powered merchant ship were all built in U.S. private shipyards. These accomplishments would not have been possible without the personnel capabilities, the design competence, and the modern plant facilities required to deal with the full spectrum of engineering and technical problems associated with nuclear power.

No other country in the world, I say with great pride, can presently match this nuclear expertise.

Government's confidence in the competence of Ingall's skilled craftsmen is evidenced not only by the amphibious assault ship being launched today, but also by the 8 nuclear-powered submarines and the 24 other submarines and surface vessels of various types already completed or presently under construction or under contract.

Simply stated, our private shipyards—as exemplied by this fine yard in Pascagoula—are equal to and in some respects, surpass the balance of the world in terms of techniques and facilities.

Our private shipyards, in spite of steadily increasing material and labor costs have been able to offer their customers—in today's case the U.S. Government—selling prices which are 15 percent below the level of prices as they existed in 1957.

I doubt that any other defense industry can make that claim.

This peacetime record of accomplishment has resulted from not only cautious optimism and a planned endeavor to survive but also from improved facilities, new techniques and generally more efficient management and operations.

Intensive cost reduction programs are now underway in every private shipyard.

In other words, these achievements result from increased productivity, and the hope for an increased volume of business, on the part of both labor and management. All of these elements can be found here at Pascagoula and in the other private yards.

Most of the modern shipbuilding techniques and know-how—cost control programs, reduced scale lofting, optical layout, automated flame-cutting, shot-blasting, automated material handling, new welding processes and prefabrication—are already being employed.

Computerized operations and tape control of various fabrication processes may soon bring about even more improvements in our shipyards and shipbuilding methods. More advances in shipyard technology obviously are on the horizon. I am informed that this yard has been employing these new techniques and know-how for some time now.

In conclusion, I would offer sincere congratulations to the Navy on having acquired a most valuable addition to its fighting potential and to the management and craftsmen at Ingall's and to the shipbuilding industry as a whole—my congratulations on an excellent job of modernizing their plants and their operating procedures.

It is my sincere hope, and I will do my utmost to insure, that new work in greater volume will come to the private yards from the Navy and from the shiplines, with Government's acquiescence.

The skills available in your yard and the other private yards are priceless—as World War II proved. We must not permit these skills to be dissipated for even the shipping demands of the Vietnam struggle remind us that the danger of another world conflict is still with us.

DEVELOPMENT OF GEOTHERMAL STEAM RESOURCES

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARING. Mr. Speaker, for more than 4 years the Congress has given some consideration to the development of a policy for the disposition of our geothermal steam resources and the encouragement of their development by private industries with adequate protection to the public interest.

Today I introduce a measure which, in my opinion, will bring about the basic development of our geothermal steam resources and the accompanying byproducts. I am not advancing this as the final panacea to full development of these resources. I know that it is important to recognize that geothermal steam development is an infant industry in this country. Private enterprise should be encouraged to invest in it in every way possible, and, of course, such encouragement should take the form of reasonable rewards consistent with the risk attendant upon any such new enterprise.

The bill which I advance is done so with a view to bringing about thorough consideration of the role that geothermal steam will play in our economy and the manner in which it shall be disposed of. I am hoping that through careful consideration of this and allied measures that we may develop in this session of Congress an act which will give us a good start in advancing the infant geothermal steam industry now existing on private lands.

Other nations have already gotten a head start in the use of geothermal steam resources. This is particularly so in New Zealand, Iceland, and Italy. I had the privilege, as a member of the House Interior Committee, to view the geothermal steam uses in Iceland and Italy last year. The heat generated from the steam can be used to produce electrical energy and also to provide heat for human habitation. In many localities the steam carries with it much needed minerals such as rare metals and salts. In a number of places in the West today, geothermal brines are now producing minerals.

The greater part of geothermal resources of this country are located, primarily on the public domain, and there are extensive sources believed to exist in my own State of Nevada. Today there is no provision in law under which the Secretary of the Interior can lease or otherwise dispose of geothermal resources in these lands.

For this reason commercial developers of geothermal steam resources have attempted to secure rights to them under other laws such as under the Mineral Leasing Act or by the staking of placer mining claims. This confused situation results in the introduction of this bill.

I believe it is high time that we plowed this new ground to bring about the development of this new industry. I hope that our Interior Committee will join in the efforts of its sister committee in the Senate to arrive at a measure which will make a start in this direction. I hope, too, that my colleagues will join with me in support of the development of this new industry.

TRADE BETWEEN UNITED STATES AND EASTERN EUROPEAN NATIONS

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ROONEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, the continuing effort to build up trade between our own country and the nations of Eastern Europe is the subject of constant review by the Special Committee on U.S. Trade Relations set up by President Johnson for that purpose.

The Committee consists of some of this Nation's outstanding industrial and business leaders.

I was very interested in a recent report issued by the Committee in which it was strongly recommended that financial claims still pending against such countries as Hungary and Czechoslovakia should be considered before any new agreement for sale of goods or manufactured products is reached by the United States.

Most of the Members of the Congress would surely agree with that position, as, I am sure, would the majority of the American people.

Just recently, an editorial appeared in the Towanda, Pa., Daily Review of June 3, 1965, which states the case very succinctly. I am pleased to bring it to the attention of my colleagues as part of the record of these proceedings. The editorial is reprinted herein.

PAY UP, THEN TRADE—U.S. POLICY

One of the more commendable documents filed recently in Washington is the report to President Johnson of the Special Committee on U.S. Trade Relations with Eastern European Countries and the Soviet Union.

This group of high-level businessmen strongly urged the President to make appropriate use of his powers to secure recognition of the validity of any financial claims outstanding and to obtain reasonable settlement of such claims.

The Committee also recommended that negotiations with the Eastern European countries should involve "hard bargaining. We should bargain for agreements on matters related to trade, such as reasonable settlements of outstanding financial claims."

This refreshing commonsense advice comes at a time when Washington is considering a relaxation of trade policy with respect to the Communist satellites of Russia.

Two of the countries that must be dealt with firmly are Czechoslovakia and Hungary.

Czechoslovakia, which permits mobs to attack the U.S. Embassy in Prague, which "bugs" that Embassy with listening devices and ships arms to Castro's Cuba and the Communist Vietcong, has for years owed American citizens and business corporations more than $113 million for property its government nationalized. Hungary owes Americans more than $80 million for seized properties.

These two countries have ignored or have been wangling to get away with some ridiculously low settlement of these debts, the figures for which were established by the Foreign Claims Settlement Commission.

They must not be permitted to do so. The United States must adhere to a policy in effect since 1945 of requiring reasonable settlement of nationalization claims as a test of sincerity and as a condition to relaxing U.S. restrictions on trade and financial relationships with Communist countries.

That policy was applied in the cases of Yugoslavia, Poland, Rumania, and Bulgaria and it should also apply to the Czechs and the Hungarians.

Let's follow the sound advice of the President's Special Committee.

ONE MAN, ONE VOTE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, the 12th Congressional District of Michigan, which I am privileged to represent in the House, is composed of Macomb County and a small section of the city of Detroit. My district is, for the most part, a rapidly growing suburban area similar to some of those surrounding other of our Nation's large cities.

Of the 411,800 persons living in the District, according to the 1960 census, 405,804 lived in Macomb County, my home county. Before this year, Macomb County had a total of four State legislators—three representatives and one senator.

Following the one-man, one-vote decisions of the U.S. Supreme Court last year, the Michigan State Legislature was reapportioned. Now Macomb County has two State senators and six State representatives. One representative's district also includes a part of another county.

For the first time in many years, the people of Macomb County have the number of State representatives and State senators they deserve. For the first time in many years, the vote of a Macomb County citizen for State representative or State senator in last November's election was worth approximately the same as votes of citizens in other parts of Michigan.

Mr. Speaker, the increase in Macomb County's representation in the State legislature did not just happen. It resulted from the reapportionment of the legislature following the one-man, one-vote decisions of the U.S. Supreme Court.

On the basis of the 1960 census figures, the Michigan State House of Representatives and Senate were both reapportioned. And it was a fair reapportionment with the house members districts varying in population at most only 2.8 percent from the average and State senators constituencies varying only one-half of 1 percent.

I am proud, Mr. Speaker, to be able to say that my home State was one of the first to apportion its legislature in accordance with the U.S. Supreme Court's decisions. Michigan has proved that both houses of a bicameral State legislature can be apportioned on a population basis—and apportioned equitably—to give all citizens approximately an equal voice in their government.

To illustrate what this has meant to Macomb County, I include a few paragraphs from an article which appeared some weeks ago in the Macomb Daily at this point in the RECORD:

MACOMB'S VOICE NOW LOUDER IN STATE LEGISLATURE

(By Jack Limpert)

Macomb County has never had more representation in the State legislature.

Before last fall's elections, the county had four Democratic legislators in a Republican-controlled legislature.

Now Macomb residents have two senators and six representatives, all Democrats, in a legislature controlled by metropolitan area Democrats.

To the suburbs this means action. Bills once proposed but never adopted are being dusted off by the new legislators.

Included are bills affecting mass transportation, the county judicial system, county home rule and other areas vital to the suburbs.

Macomb County legislators are playing an important role in this new look at metropolitan area problems.

Mr. Speaker, as Mr. Limpert's article points out, to the suburban areas—the rapidly growing parts of our Nation—increased State legislative representation is going to mean action. It means a new look at metropolitan area problems.

This, Mr. Speaker, is the effect of legislative reapportionment in the State of Michigan. And it is one of the reasons why I am not about to sit idly by and do nothing while efforts are made in Congress to nullify or delay implementation of the Supreme Court's decisions on legislative apportionment.

I intend to fight the efforts now underway to modify the Court's decisions with all the resources at my command.

DR. JAMES B. CONANT URGES INTERSTATE COMPACT FOR EDUCATION

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, one of America's foremost educators, Dr. James B. Conant, president emeritus of Harvard University, addressed the 57th annual meeting of the Governors' conference in Minneapolis last week on "The Role of the States in Education."

Dr. Conant proposed an interesting imaginative new approach—the use of an interstate compact or agreement—for cooperative effort and leadership by the States in the planning of a nationwide educational policy.

I am pleased to say that our very able and distinguished former Governor of North Carolina, Terry Sanford, is associated with Dr. Conant in this endeavor. Governor Sanford has been actively engaged in planning and developing a workable interstate mechanism for this purpose.

I am greatly impressed by Dr. Conant's conclusion, after years of studying education at both the university and high school levels, that neither Federal money nor Federal planning can produce an effective nationwide educational policy. He said:

> I am convinced Washington alone cannot do the job that must be done. The consequence of failure of the States to act together and together with the Federal authorities will be confusion doubly compounded. The vast increase in Federal funds for education, which I heartily welcome, is all too likely to result in a tangled mess that no one can straighten out unless the States take new and energetic action. And they can only plan together if they can obtain and share information. In short, without some such device as an interstate planning commission, I do not see how a nationwide educational policy can be shaped and made effective.

I believe Dr. Conant's important and provocative address will be of interest to all Members of the Congress, and I therefore include it in the RECORD at this point:

The Role of the States in Education

(Address by Dr. James B. Conant, at session on "Education," July 27, 1965, National Governors' Conference, Minneapolis, Minn.)

There has been a good deal of talk in recent years about the need for a national educational policy. As I have studied public education in this country at all levels, I have become more and more convinced that the phrase "a national educational policy" is misleading. To be sure, a nation which has a centralized government does have a national educational policy. France is an example. So too is Sweden. Laws passed by the national Swedish parliament have recently transformed the whole structure of the educational system. But a nation in which the basic governmental structure is in part Federal—as in the United States or Switzerland or the Federal Republic of Germany—one can hardly speak with meaning about a national educational policy. Each of the separate States in the United States has a more or less definite policy. And one could say that the summation of these policies plus certain Federal enactments and decisions constituted something approaching a vague nationwide policy.

Some people are quick to point out that in the last few years the Federal Government and the Federal judiciary have come to play an increasingly greater role. This is true. But the structure of our educational system is such that the Federal Government by itself cannot formulate and implement a national policy. Why? Because the power to establish and regulate elementary and secondary schools has so long rested with each State. So too it has the power to charter and establish colleges, universities and teacher training institutions.

The U.S. Commissioner of Education, Francis Keppel, in an address delivered in Detroit on October 15, 1964, said, and I quote:

"In the long run nothing that we in education can do, whether in Washington or anywhere else, can be more important than strengthening the capacity of our States to respond to the educational needs of our time * * *. In education we look to the States to respond to the educational needs of our time * * *. In education we look to the States not merely as a matter of law or precedent, but as a matter of practical soundness and necessity. In this Nation of 50 States with vast and independent enterprises for education, the Federal Government can help as a partner, but only as a partner * * * and a somewhat junior partner at that."

I can do no better, this morning, than to take as my theme the Commissioner's words "the Federal Government as a junior partner" and add my own words—a partner in shaping a new and better nationwide educational policy.

Now we must all recognize the fact that in the last few years the resources and power of this junior partner have increased rapidly and enormously. There can be no doubt about it. The Congress of the United States and the electorate from which it derives its power have decided to make education throughout the Nation a matter of top priority. I see no signs that this trend will change. Quite the contrary. Right now the wise expenditure of Federal funds in the various States presents a set of complex administrative problems.

In any enterprise, public or private, spending money to implement a policy is difficult. But if the policy is not clear the wise expenditure of money becomes so confused as to be almost hopeless. And it is my contention that we have not as yet developed a clear nationwide educational policy adequate to meet the demands of the American public in the 1960's. Furthermore, we have no political machinery to enable the States to work together with each other and with the authorities in Washington to develop a 1960 model of a nationwide policy.

To be sure, the Council of Chief State School Offices has performed and continues to perform a most useful function. But in each State, with a few exceptions, the chief State school officer is concerned primarily with public elementary and secondary schools. And it is in regard to education beyond the high school that we find the greatest diversity among the States and the greatest uncertainty in many States as to what to do in the next few years.

In more than one State the question is being asked, How shall we expand public educational facilities for grades 13 and 14? Should we follow the California pattern with many 2-year community colleges, closely linked with both 4-year and multipurpose State colleges and a State university? Or shall we follow the lead of Indiana by establishing 2-year branches of the State university throughout the State? There is no study in depth of the experience of the different States in this vital matter. There is no way in which a State now considering the subject can obtain reliable and complete information from other States which have had many years of experience. Not that I yearn for the day when the pattern of post-high-school education would be the same in all the States. Not at all. Diversity we shall have and ought to have. But we ought to have, I believe, a mechanism by which each State knows exactly what the other States have done in each educational area and the arguments pro and con for any changes which are being considered. We ought to have a way by which the States could rapidly exchange information and plans in all educational matters from the kindergarten to the graduate schools of a university.

Interstate cooperation in the area of higher education in recent years has become possible through interstate regional compacts or agreements. I am sure you are as well aware of the existence of the Southern Regional Education Board, the Western Interstate Commission for Higher Education, and the New England Board of Higher Education. These arrangements have proved their worth. But they are by themselves not sufficient to develop a nationwide coherent policy for higher education and, as far as I am aware, there has been no attempt to extend the area of competence to include education up to and through the 12th grade. Yet, today the line between high school and college is very fuzzy. The continued expansion of 2-year colleges and the introduction of college work into the 12th grade in many schools (the advanced placement program) underlines this point. Why not extend the idea of regional pacts both in terms of the area of education to be covered and also in terms of number of States to be included? In short, why not establish by interstate compact or agreement an interstate commission for planning a nationwide educational policy?

In a book published last fall entitled "Shaping Educational Policy," I answered this question in the affirmative. I suggested that the States enter into a compact or agreement to establish a commission which would be a planning commission with no administrative authority and thus differ from some of the regional boards. The prime purpose would be to study problems at all levels of education in such a way as to help the States plan together and with the Federal authorities.

This suggestion has been discussed by many groups and many individuals in the last 8 months. I am now convinced that the key person in each State to get the idea moving and keep it moving is the Governor. Your next speaker, the former Governor of North Carolina, Terry Sanford, will outline to you what appears to be the best method of developing a detailed scheme. Here I only want to say that in any scheme in which the Governors take the lead, the Governor in each State is certain to call on the person or persons in his State who are responsible for higher education on the one hand and for the public elementary and secondary schools on the other. But I leave further discussion on this and related matters to Governor Sanford.

Let me take a few moments of your time to spell out in detail how I think such an interstate planning commission might work. A vital part of my proposal is the creation of working parties appointed by the interstate commission and reporting to it. While the members of the interstate commission would be primarily laymen, the working parties would certainly include many educators and, in some cases, perhaps be composed exclusively of professors, researchers, teachers, and school and college administrators.

First of all the interstate commission would have to agree on certain basic principles to guide the activities of all the working parties. These principles would include a statement of the ends of education in preparing youth to function as responsible members of a free society, a statement that each State was committed to free schooling through 12 grades for all children, the right of parents to send children to private schools, the responsibility of the State for providing public educational opportunities beyond the high school, the support of a State university for advanced scholarly work and research and the guarantee of academic freedom for the teachers in the university.

The declaration of some such set of premises by an interstate commission would be the first step in shaping an educational nationwide policy. If each State legislature would pass a resolution accepting such a declaration, we would for the first time as a nation be officially committed to certain basic principles of educational policy. We now assume these principles to be valid, but in fact they have never been promulgated by representative assemblies and could not be promulgated by the Congress.

The working parties would be so chosen by the commission as to represent a variety of views. Unanimous reports would not be expected. The right of dissent would be guaranteed to each member. The reports would be reviewed by the commission and perhaps return to the working parties for fuller comment. In this way the diversity of State traditions and the differences State-by-State as to the nature of the problems would be reflected in the final report.

To each of these parties would be assigned a particular task. Let me give just a few examples of the kind of task which might thus be carried out by a working party. First, there is a question of obtaining a thorough study of the needs of the Nation on a State-by-State basis for people trained for the various vocations. I think it is generally agreed that we do not have yet anything like adequate information. The assistant commissioner of education emphasized this fact at a meeting I attended in Pittsburgh last winter. A second matter which might well be considered by a working party would be the dropout problem, again on a State-by-State basis, and here by the dropout problem I mean something far more than the dropout from high school. I mean to include the loss of talent between the high school and graduation from a college or university. A document published by the National Science Foundation some years ago brought out some alarming statistics which have not yet been fully appreciated by the American public. I have referred to these in my book, "The Education of American Teachers," and would merely like to repeat here what I have written in that book. According to estimates in a study by the National Science Foundation, it would appear that of the 30 percent most able students in the high schools of the country only 38 percent graduated from college (45 percent of men, and 31 percent of women), and even of the top 10 percent in terms of ability only about half complete college work. These data were obtained for the Nation as a whole by a sampling procedure. What we need are much more accurate data on a State-by-State basis, for the differences State by State must be considerable. Such data could be obtained by a working party established by the interstate commission.

To name another example—with the vast sums of money being spent on research and training research people I think it is time we had a look on a nationwide basis at the standards for the Ph. D. degree. There are only 219 institutions awarding this degree. One suspects the standards in some of these are low. We need a study of the whole problem of the doctorate. I think only at this high level would it be practical to consider the matter of degree standards. For the lower degrees the task is too great and the institutional standards too diverse. Before it is too late, however, we should see if we cannot develop a nationwide policy for the Ph. D. degree awarded by our universities. I do not propose that the interstate planning commission would attempt to enforce any standards. It would have no such power. What I envisage is a report finally agreed to by the commission and transmitted to each of the States. It would then be up to the States to take appropriate action by State authorities to accept or reject these standards and, if accepted, to enforce them.

Still another subject that requires attention by an interstate commission is one I have already referred to, I mean the provision of public education for the first two post-high-school years. Indeed, there is a special urgency in the demand for a thorough study of this problem. For many States are right now making far-reaching decisions. And I do not see how new funds—State or Federal—can be spent effectively in this area without much more careful planning and planning based on information as to what is contemplated in all the States.

Consider for a moment high school education. The widely comprehensive high school which enrolls all youth in a given area is an American invention. To my mind it is an essential element in our democratic society. I am certain it will continue in spite of some critics. But I am equally certain many comprehensive high schools need improvement—improvement in what is offered to those going on to a 4-year college and improvement in what is offered to the others. There has been a revolution in the high school curricula in the last 10 years. But no one can say how widespread has been the acceptance of the new physics, the new chemistry, the new biologies and the new approach to the study of foreign languages. We need to know what has happened in each State and the difficulties, if any, which have been met in introducing the new ideas.

More than one well-informed person believes the time has come for a national survey of the present status and future prospects of educational television and the use of other audiovisual aids to learning. This is a complex and thorny subject. What group could tackle it better than a working party appointed by an interstate planning commission?

A considerable fraction of our youth in some States is deprived of an adequate preparation for university work leading to a career in medicine or science or engineering. The deprivation arises from the fact that the only accessible high schools are very small. Such schools cannot afford to provide adequate instruction for able students in mathematics, science, and foreign languages. The cure is district consolidation and the establishment of good-sized schools with the students brought by bus. Here each State has full responsibility for the satisfactory or unsatisfactory situation which exists. The shape and size of school districts is a legal responsibility of the legislature. Progress has been made in the last 10 years in a number of States. But no document exists which shows the present situation in each State and reports on what measures have succeeded in promoting district consolidation and which have failed. Here is a task for a working party to which I would assign high priority.

There are many topics that I could have added to the list of possible subjects for study by the working parties of an interstate planning commission. You may well ask why the tasks which I have mentioned could not be as well performed by some committee appointed in Washington. My answer would be that I do not believe a report of a working party whose authority comes from the Federal Government either on the executive or congressional level would have the acceptance by Governors and State legislators as would the report of a working committee appointed by an interstate commission which would be, in the last analysis, composed of representatives of the States. Furthermore, a committee reporting to Washington unlike an interstate commission would not open the way to interstate communication and planning.

The legislature in each State has the last say in the question of money for education and in chartering colleges and universities. A legislature can, unless properly guided, pass legislation which is a detriment to the progress of American education. A legislature to my mind would be likely to listen with care to the views of a working committee whose report had been carefully analyzed and discussed by an interstate commission, particularly a report that dealt with State by State differences. Indeed it is the existence of these State by State differences of which I think you are all aware, which has persuaded me to make my radical suggestion, as a hope of making progress in developing a nationwide educational policy.

I am sure I do not have to tell you that I am not making an old-fashioned plea on the basis of States rights. This is a nation operating under a Constitution created by all the people; we are not merely a federation of 50 States. This question was settled 100 years ago on the battlefields of the Civil War. But unless we were to amend the Constitution the separate States have and will continue to have the responsibility of developing State systems of education. They will differ one from another in important points. It is important that there be a mechanism for the interchange of information and for informing the general public, the Congress and executive officers of the Federal Government of what the facts are in many a crucial situation.

Educational policy in the different States has been determined in the past by the more or less haphazard interaction of (1) the leaders of public school teachers, administrators and professors of education, (2) State educational authorities, (3) a multitude of State colleges and universities, (4) private colleges and universities, and (5) the variety of agencies of the Federal Government, through which vast sums of money have flowed to individual institutions and the States. Such a jumble of the decisions of influential private and public bodies does not correspond, it seems to me, to the urgent needs of the present day.

The whole free world is passing through a period of educational change, one could almost say educational revolution. I have already referred to what has happened in Sweden. Reform is in the air in France, Great Britain, Italy, and free Germany. Statesmen are coming to realize the truth of what some economists have been saying; namely, that there is a close parallel between national prosperity and the extent and level of education. The conclusion seems clear. No modern highly industrialized nation can afford not to improve its schools and widen the base of educational opportunity. Do not the same considerations apply to each of our 50 States?

I have referred more than once to the increased role of the junior partner—the Federal Government. This increased role in itself would demand interstate cooperation and better intrastate planning. Let no one think this issue can be bypassed. Either the States individually and collectively must plan or Washington will be forced to endeavor to determine detailed policy in many areas where the partnership of which Commissioner Keppel spoke should prevail. I hold no brief for what the Federal Government should do on the basis of any ideology about government. My case for an interstate commission is based on what Commissioner Keppel called "practical soundness and necessity." I am convinced Washington alone cannot do the job that must be done. The consequence of failure of the States to act together and together with the Federal authorities will be confusion doubly compounded. The vast increase in Federal funds for education, which I heartily welcome, is all too likely to result in a tangled mess that no one can straighten out unless the States take new and energetic action. And they can only plan together if they can obtain and share information. In short, without some such device as an interstate planning commission, I do not see how a nationwide educational policy can be shaped and made effective. The times challenge educators and statesmen alike. What will be the response from the States? The answer depends largely on what you gentlemen decide.

NATIONAL PARKINSON WEEK RESOLUTION—A TRIBUTE TO MRS. JEANNE LEVEY

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FASCELL. Mr. Speaker, today I am introducing a joint resolution which would authorize the President to proclaim the week beginning October 25 in each year as "National Parkinson Week." More than one and one-half million people are afflicted with Parkinson's disease—a dread disease for which medical science has yet to discover a cure.

Within the past few years, some strides have been made in aiding victims of the disease. An organization called the National Parkinson Foundation has been, and is, conducting, coordinating, and sponsoring a great deal of research and rehabilitation. These activities are carried on at the National Parkinson Institute which is located in Miami, Fla. In addition to an out-patient unit, the institute will operate a 100-bed inpatient facility which will alleviate the long-standing need for such an intensive care unit. In the past, victims of Parkinson's disease found that hospitals and nursing homes lacked facilities for their care since patients required too much care, for too long, with too little hope for progress.

The institute is a living memorial to the founder of the National Parkinson Foundation, Mrs. Jeanne Levey. This courageous woman first became aware of the lack of knowledge in this field through a personal tragedy—her late husband, S. Jay Levey, fell victim to the dread disease about 18 years ago. After many years of seeking some relief or treatment of the disease, it became apparent to the Leveys that by and large the medical profession as a whole did not know much more about it than they. Finally, they were referred to Dr. Lewis Doshay of Columbia University whose studies of the disease had failed to produce a cure but indicated that physical rehabilitation and medication could retard the progress of deterioration. Dr. Doshay suggested that Mrs. Levey start a foundation to assist similarly afflicted persons. While this would appear to be an overwhelming task to most people, Mrs. Levey accepted the challenge.

Starting with a small clinic, Mrs. Levey tirelessly engaged in fundraising projects. With the assistance of comedian Bob Hope as honorary national chairman, the foundation has had highly successful annual dinners at Miami Beach. The proceeds of these dinners have been a major source of the foundation's operating expenses.

The determination of this gallant lady is perhaps best demonstrated by her attempt to get a Hill-Burton grant for the institute. When her request was turned down, she enlisted the assistance of the University of Miami's medical advisory board and of State, county, and local officials. Buttressed with this support, Mrs. Levey came here to Washington where her first stop was at the office of the then Secretary of Health, Education, and Welfare, Abraham Ribicoff. After this visit she began a tour of various agencies, finding that she was endlessly referred from one to another. Not one to be easily discouraged, she pursued her goal until she got a positive response—in the form of a grant of $135,000.

This Federal grant, under the Hill-Burton program, made possible the world's first Parkinson Rehabilitation, Diagnostic, and Research Institute which was dedicated on May 13, 1962, and opened a few weeks later on June 1. The institute's doors are open to all victims of Parkinson's disease regardless of their race, creed, national origin, or ability to pay.

The initial success in establishing the clinic would have been sufficient for most individuals—but not for Jeanne Levey. Convinced that the clinic was only a beginning and aware that thousands of others were awaiting evaluation, treatment, and medication, her thoughts turned toward expanding the facilities of the institute. Again setting out to raise funds, she was again successful; this time the reward for her efforts was an additional Hill-Burton grant of $300,000. It was with this grant that the aforementioned 100 bed inpatient facility became a reality.

The groundbreaking ceremony for the addition took place on September 8, 1963. Paradoxically, just a month later—on October 9—the individual whose condition had been the motivating force behind Mrs. Levey's endeavors, succumbed to the disease after years of battle. With her determination and courage reinforced by this personal loss, Mrs. Levey reassured all those who worked with the foundation:

> My tribute to my dear companion * * * will be my pledge to all his friends—I will continue to help stem the tide, but I will need your help.

Having lost a loved one to this malady myself, I share Mrs. Levey's interest in, and concern for, the more than 1½ million victims of Parkinson's disease. It is for these reasons that I am introducing this resolution. Such a week would focus national attention on the need of additional funds for research—research which is absolutely necessary before the disease can be finally and fully conquered. Such a concerted drive on the part of all Americans would result in the eventual eradication of the disease. We know that such unified efforts in the past have resulted in the virtual elimination of tuberculosis and poliomyelitis. If we have done it before, we can do it again. We cannot wait any longer, the time for action is now. Such action can be achieved through adoption of this resolution.

U.S. GOLD REPORT

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FASCELL. Mr. Speaker, the newspapers and magazines, and particularly financial journals of today are replete with articles which discuss the state of international monetary matters of great importance to everyone. Daily, experienced and learned writers examine such subjects as international payments balances, international trade, conversions of key currencies into gold, activities in the London gold market, plans for international monetary reform, and other related topics of tremendous worldwide interest.

Today's Washington Post is typical. It contains four separate articles on international monetary matters, in addition to editorial comment.

For instance, an article by Hobart Rowen, written from Paris, discusses that writer's apparent belief that the French want to downgrade the position of the U.S. dollar as the world's leading reserve currency, and that the French Government is convinced that gold is the only logical core of a monetary system.

Karl E. Meyer, writing from London, asks whether it is really true that Great Britain is the "sick man of Europe." His account discusses the difficulties of a government which rests on the uneasy majority of three seats, the problems involved in saving the British pound, in view of Britain's serious balance-of-payments deficits.

Also in today's Washington Post is an article on the U.S. international payments balances by Rowland Evans and Robert Novak. As they put it, 7 years of U.S. payments deficits endangered the U.S. gold reserve and world confidence in the dollar. It was imperative, they say, that the United States show the world that it could run a payments surplus. That is being done, and now the United States must face the completely different problem of whether a reversal of its deficit balances can dry up the supply of dollars abroad to the extent of endangering the economic well-being of some nations, and also endangering U.S. exports.

Another article in today's Post, this by Frank C. Porter, discusses how payments balances would be measured to best give their correct posture.

This is just a sampling of the interest and concern that is everywhere evident about international monetary matters. Several committees of the Congress are presently holding hearings into balance-of-payments problems, in their various implications. The problems are difficult and continuing. Most are highly technical, and some are extremely difficult to comprehend.

During studies which the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations made into the Nation's coin shortage, and the shrinking U.S. silver stock, it received so many inquiries on whether the United States is also encountering a gold shortage that a study of the U.S. gold situation was undertaken by the subcommittee staff under my direction, as chairman of the subcommittee. The results have been released by the Committee on Government Operations as a report entitled "The Gold Situation."

Objectively, and in a nontechnical manner, the report, I believe, provides background for a more general appreciation of such subjects as those covered in the articles in today's Washington Post to which I have alluded. For example, the report contains factual data concerning the country's gold stock, the extent to which it has been drained, the effects deficits in U.S. balances of payments have had on the U.S. gold, the efforts undertaken to reverse deficits to surplus, some of the limitations thereon, the present outlook, and a compilation of plans which have been suggested for improving international monetary arrangements.

The report was filed for release last Friday, July 30.

INTERGOVERNMENTAL COOPERATION ACT OF 1965

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. SICKLES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SICKLES. Mr. Speaker, I am pleased to introduce, for appropriate reference, a bill to facilitate cooperation and coordination among Federal, State, and local governments, to strengthen our State and local governments in meeting the growing and diverse needs of the American people, and to achieve equity and consistency in the treatment of the mounting numbers of people and businesses displaced by intergovernmental programs.

My bill is similar but not identical to S. 561, which was introduced by Senator MUSKIE. On July 28, Buford Ellington, special assistant to the President, speaking before the meeting of the Governors' conference in Minneapolis, had this to say regarding S. 561:

> This bill, which has 42 Senators' names on it and is supported by the President, awaits congressional action. I hope this legislation can be moved shortly. It is badly needed.

On Friday, July 30, S. 561 was favorably reported by the Senate Government Operations Committee.

President Johnson has strongly emphasized the necessity of improved collaboration among Federal, State, and local governments in his messages on the state of the Union, the budget, natural beauty, and the city and the surburbs. In his message on the cities, for example, he called for strengthening "the constructive relationships between Nation, State, and city—the creative federalism which is essential to progress." This bill is a contribution toward building a truly creative partnership in which each level of government performs best its proper functions and in which all levels make the most meaningful contributions to overall governmental policies and programs.

Several major trends have marked intergovernmental relations in the United States in recent years. One is the continued growth in number and complexity of Federal grant-in-aid programs. Another is the ever-increasing complexity of intergovernmental problems in our exploding metropolitan areas. A third has been the increasing displacement of people and businesses by major Federal grant-in-aid programs, such as highways and urban renewal, and the inconsistent Federal policies in assisting relocation of those forcibly displaced. These relocation difficulties have their major impact on low income and minority groups.

The Intergovernmental Cooperation Act of 1965 will establish practical and realistic new Federal policies and procedures to achieve effective and responsiveness in our American Federal system.

This proposed act consists of six major substantive titles: Improved administration of grants-in-aid to the States; congressional review of Federal grants-in-aid to States and to local units of government; permitting Federal departments and agencies to provide specialized or technical services to State and local units of government; coordinated intergovernmental policy and administration of grants for urban development; acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with land utilization programs of affected local government; and establishing uniform Federal relocation practices.

Many of the provisions grow out of recommendations of the Advisory Commission on Intergovernmental Relations, which was established by the Congress in 1959 for the express purpose of making continuing studies and recommendations for the strengthening of our Federal system.

Grants-in-aid to State and local governments are the National Government's principal intergovernmental instrument for accomplishing national legislative objectives, while at the same time maintaining the strength of State and local governments. Without the support of these grant-in-aid programs, the vitality of State and local governments would be greatly diminished. On the other hand, it would be difficult and highly undesirable for the National Government to establish its own direct operating programs in each of the more than 100 grant fields with consequent expansion in the size of the Federal Establishment.

In view of our increasing dependence on grants-in-aid, it is very important that the efficiency, integrity, and public acceptability of the grant-in-aid device be safeguarded and its effectiveness preserved and improved. Yet studies of the Advisory Commission and others, and the experiences of officials and citizens at all levels of government, reveal that a tangle of confusion and inconsistent procedures have been established, often pursuant to or required by law, by many Federal departments and agencies administering these grant-in-aid programs.

Many programs, once established, have not been adequately reviewed and revised in light of constantly changing needs. Federal agencies often lack authority to provide technical services to State and local agencies that would produce savings for all three levels of government. In our urban areas some Federal agencies have shown too little regard for overall local goals and desires; individual agencies sometimes overlook the interdependency of their program with other Federal, State, local, and private activities. Some Federal programs have supported or encouraged the creation of special districts, further complicating the pattern of local government, and there is insufficient recognition in Federal grant-in-aid programs of the need for many governments in our metropolitan areas to work together on common problems. Finally, Federal grant-in-aid programs causing major displacements of people and businesses are inequitable in the treatment of those displaced and inconsistent among themselves, as well as in relation to State and local programs causing displacement.

The first substantive title of this bill authorizes Federal departments and agencies to make full information available to the Governors on funds granted within their States, and provides for more uniform administration of Federal grant funds. It also improves the scheduling of Federal transfers of grant funds to the States, resulting in a saving in Federal interest costs; permits the States to budget Federal grant funds in much the same way as they budget other revenues, facilitating their overall financial planning; and permits simplified organizational arrangements at the State level for administering grant-in-aid programs.

The next title provides for systematic review of new Federal grant-in-aid programs so that they will be revised and redirected as necessary to meet the growing and changing needs which they were originally designed to support. A manifestation of both the basic importance and the wholesome character of the grant-in-aid device in our Federal system is the fact that organizations of State, county, and municipal governments—the grant recipients, so to speak—strongly support this provision for the systematic congressional review of new grant programs.

Another title authorizes Federal departments and agencies to render technical assistance and training services to State and local governments on a reimbursable basis, where such services are not conveniently available through ordinary channels. This will enable State and local governments to avoid the expense of unnecessary duplication of specialized or technical services, and at the same time permit more economical use of Federal facilities. Congress has already authorized such arrangements in the case of the Bureau of the Census, the Internal Revenue Service, and certain other agencies.

The next title establishes a coordinated intergovernmental urban assistance policy. It also requires local government review of certain applications for Federal programs and encourages a broader approach for review, at the metropolitan area level, of applications for loans as well as grant projects affecting urban development. Urban renewal and public housing are not included among the activities subject to review, however, since at the present stage of urban development they are usually of primary concern to only one unit of government, namely, the central city. The title basically serves to strengthen metropolitan planning machinery and encourages more orderly metropolitan growth. It also favors the eligibility of units of general local government—cities, towns, and counties—in contrast to special-purpose districts and authorities.

Another title amends the Federal Property and Administrative Services Act by prescribing a uniform policy and procedure for urban land transactions and use undertaken by the General Services Administration. By requiring acquisition, use, and disposal of land in urban areas by this agency to be consistent, to the extent possible, with local zoning regulations and development objectives, this title will also help make urban planning more effective.

The final title establishes a uniform Federal policy of relocation payments and assistance for all persons, businesses, and farm operations displaced by direct Federal programs and by programs conducted through Federal grants-in-aid to State and local governments. It requires all such grant-in-aid programs to assure that standard housing is provided or being provided for those displaced, and provides for full Federal reimbursement of the first $25,000 of any relocation payment and Federal sharing of any cost beyond that amount on the basis of the regular cost-sharing formula of the grant program.

As I stated at the outset, President Johnson has stressed the need for creating a new dynamic federalism and the vital role of State and local governments in achieving our goals. He has said:

> What much of the world has still to learn—and we must not forget—is that levels of government must function interdependently if they are to succeed independently. Ours is a system of interdependence. Authority is divided not to prevent action but to assure action.

This bill is a major step on the road to improving our interdependent system. The major organizations of governmental officials in this country—the Governors' conference, the National League of Cities, the National Association of Counties, and the U.S. conference of mayors, support the principles embodied in this legislation. They are deeply interested in action by the Congress to improve intergovernmental relations. Various Federal agencies and departments have also expressed interest and support for different provisions of the bill. I look forward to prompt and thorough hearings on this important legislation.

Mr. Speaker, under unanimous consent, I include the text of the bill in the Record immediately following my remarks:

ERRORS IN SOUTH VIETNAM

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Brown] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BROWN of California. Mr. Speaker, last Wednesday, following the President's speech on Vietnam, I was asked by the press for my comments—as were many other Members of Congress, I am sure. I responded with a statement which said, in essence, the following:

> Despite my opposition to the escalation of the war in Vietnam, I must commend the President on his speech. He was moderate and restrained in the actions which he proposed to take, and he gave us increased hope for peace by the further definition of the goals we seek in Vietnam, and by his increasingly emphatic assertion of our desire and willingness to accept the help of the United Nations, or any of its members, in bringing about negotiations for the settlement of this unnecessary and undeclared war. I am confident that the President will do all in his power to prevent the tragedy of world war III.

I offer my full and wholehearted support to the President in his efforts to seek a lasting peace—a peace that is based upon the principle that the Vietnamese people shall, in the President's words, "shape their own destiny in free elections in the south or throughout all Vietnam under international supervision, and they shall not have any government imposed upon them by force and terror."

I offered this support for efforts to secure a negotiated peace on May 5, when I felt compelled to oppose the President's request for $700 million in additional funds for Vietnam. I said then:

> Let us begin by pledging ourselves unequivocally to support the basic propositions of democracy in a Vietnam at last free from war. Let us spell it out in simple terms.
>
> First. The people of South Vietnam shall control their own government.
>
> Second. Every qualified citizen shall be allowed to participate freely in elections and in government office.
>
> Third. The government shall not permit any individual or collective reprisals against persons who have collaborated in any way with one of the parties during the war or against members of such persons' families.
>
> Fourth. A basic constitutional form of government shall be adopted within a reasonable time, subject to approval of the people.
>
> Fifth. Elections shall be held in accordance with the constitution at the earliest possible date.

I asked further that we spell out our support for secure guarantees of any negotiated settlement, in the form of an international peacekeeping force, and our willingness to withdraw our troops and relinquish our bases when order and freedom have been restored.

I am well aware, however, that the President must contend with forces which, in the name of "national honor," oppose a negotiated peace and call for an ever-increasing escalation of this war. These are the ones who call for "victory at any price," even though their "victory" would destroy what we sought to save, weaken the fabric of freedom and democracy we seek to strengthen and sacrifice the lives of a generation of American youth.

Because of this and in answer to those voices of destruction, I must point out that despite the moderation of the President's course we have this week reached a new stage in the war we are fighting in southeast Asia—a new rung on the ladder of escalation. This is a rung which brings us measurably closer to the end of the ladder—that last rung of "spasm and insensate war," in the words of Herman Kahn.

Relatively speaking, the new step is, of course, a small one. We will only add 50,000 troops to the 75,000 now in Vietnam, and we will double monthly draft callups from 17,000 to 35,000. A few billion dollars will be added to this year's military appropriation request. The actions which are being taken and proposed to be taken are a part of our policy of "carefully measured response," whereby we escalate in a planned and deliberate way, carefully noting the results—or lack thereof—as we proceed down the road in the direction of worldwide nuclear war.

The major difficulty with this policy stems from the basically unmeasurable and irrational nature of war. How can we tell whether the National Liberation Front and Ho Chi Minh will respond affirmatively to the sweet reason of our bombs, or whether they may decide that the destruction of their meager physical resources and the sacrifice of a few hundred thousand more of their long-suffering people is better than surrender or settlement on U.S. terms? The answer is that we cannot know. And the further we proceed with our campaign of death and destruction, the smaller becomes the significance to our opponents of a halt in our military measures and the greater becomes the chance of war with China and Russia.

History is replete with examples of peoples and armies that fought to the death for far less noble motives than the ones which inspire the Vietnamese in their resistance to U.S. military might. Despite our calculated downgrading of the enemy's purpose and aim, there can be no question but that the great majority of the Vietnamese we are fighting see themselves as the instrument of a transcendant purpose—the purpose of national freedom and liberation. As the U.S. military presence and role looms increasingly large, it but confirms to the peasants of Vietnam, and indeed to all of Asia, that this is a continuation of the Asiatic's war of liberation from the domination of the white colonialist. Whether we like it or not, there is no other adequate explanation of the growing support for the National Liberation Front among the peasants and the increasing difficulty of the Saigon government in maintaining the semblance of a government and a military force.

So, by the very act of escalation, we are strengthening the arguments of the Front. We are strengthening their image as fighters for freedom. We are weakening the motivation of the people we claim to be assisting. We are increasingly and inevitably confirming to the world a picture of this war as a race war—a war of the strong against the weak, without moral or ethical justification, and where the only result will be the genocide of the Vietnamese people.

This is the tragic result of a policy of continued escalation under the conditions which exist in Vietnam. We have armed our enemies in the Communist world with the strongest weapon in the arsenal of man—the weapon of martyrdom in the cause of freedom.

If this is so, then where does this sterile policy lead? Already we hear the cry to bomb Hanoi, to bomb the dikes which contain the Red River, and to bomb the Chinese nuclear installations. Just as we said, 6 months ago, that we had no intention of bombing North Vietnam and that this war had to be won on the ground of South Vietnam, now we say that we have no intention of bombing Hanoi or Communist China. The very policy of escalation, however, demands that we be prepared to do this. It demands that there be no permanent hostages, no privileged sanctuaries, and no credibility gap as to our intention to go all the way—including the way of nuclear destruction. This is exactly what the "war hawks" are pressuring the President for.

World war III may well be the first war in history which no country wanted but which was precipitated by the carefully measured steps of one of the participants, drawn irresistably to a dance of destruction by the fatal and insane logic of course of unlimited escalation—as lemmings are driven to the sea.

Because I feel so strongly on this matter I am compelled to point out that if this country had acted vigorously 11 years ago to guarantee the purposes of the Geneva agreement, we would not face the problem we face today. To say this does not solve today's problems, but to understand it may help to avoid the repetition of yesterday's errors.

The Geneva agreement provided for free elections under international supervision—the same election process that we now seek. Our Government gave encouragement—by its silence if not in more direct ways—when the Government of South Vietnam, in March 1956 and on numerous other occasions, gave notice that it would not be bound by the Geneva agreement and would not permit elections. The leading spokesmen for our Government at that time, in addition to the President and Secretary of State Dulles, were Senate Majority Leader Knowland, Senator McCarthy, Congressman Walter Judd, Vice President Nixon, and other exponents of "brinkmanship" and supporters of Chiang Kai-shek.

Since that time, the International Control Commission established to police the agreement has been a travesty. In report after report, the Commission begs for the great powers to take action leading to the political settlement of the problems in Vietnam. These pleas have gone unheeded. Let me quote from some of the Commission reports—the fifth interim report, dated January 8, 1956:

> The review of the 4 months' activities presented in this report, in the view of the majority of the Commission, shows a further deterioration of the situation in Vietnam, causes serious concern about the implementation of the Geneva Agreement particularly in view of the continued nonacceptance of the Geneva Agreement and the final declaration of the Geneva Conference by the Republic of Vietnam, and also confirms the fear expressed by the majority of the Commission in the fourth interim report that the Commission cannot work with any effectiveness unless the difficulties mentioned in these paragraphs are resolved by the Cochairmen and the Geneva powers without further delay (par. 53).

And from the sixth interim report, dated September 9, 1965:

> Apart from these difficulties, developments of a serious nature have taken place in South Vietnam. The Commission had already pointed out in previous reports that the transfer of power from the French authorities in the south to the authorities of the Republic of Vietnam had created difficulties in the implementation of the agreement in South Vietnam, particularly in view of the fact that the Government of the Republic of Vietnam did not consider itself as bound by the Geneva Agreement, stating that it was not a signatory to that Agreement. On April 5, 1956, the Commission received a letter from the High Commissioner for France in Saigon dated April 3, 1956, giving notice that the French high command would withdraw completely from South Vietnam on April 28, 1956 (par. 86).
>
> The cochairmen of the Geneva Conference discussed the matter during their talks in London and on May 8, 1956, issued messages to the International Commission, to the Government of the French Republic and a joint message to the Governments of the Democratic Republic of Vietnam and the Republic of Vietnam. They strongly urged both the Governments in Vietnam to make every effort to implement the Geneva Agreements, to prevent any future violations of the military provisions of the agreement and to insure the implementation of the political provisions and the principles of the final declaration of the Geneva Conference. They further asked the parties to give the International Commission all possible assistance and cooperation in future in the exercise of its functions. So far as the political settlement is concerned, the cochairmen requested the two governments to transmit their views about the time required for the opening of consultations on the organization of elections and the time required for holding of elections to unify Vietnam (par. 88).
>
> In spite of the difficulties which it is experiencing, the Commission will, as directed by the cochairmen of the Geneva Conference, persevere in its efforts to maintain and strengthen peace in Vietnam on the basis of the fulfillment of the Geneva Agreements on Vietnam with a view to the reunification of the country through the holding of free nationwide elections in Vietnam under the supervision of an International Commission (par. 90).

And from the seventh interim report, dated July 12, 1957:

> A major difficulty facing the Commission arises from the failure to hold consultations between the two parties and free nationwide elections with a view to reunification of Vietnam. The cochairmen in their message of May 8, 1956, to the parties had asked them to indicate the time required for the opening of these consultations and, in their message of the same date to the Commission, had informed it that they attached great importance to the maintenance of the ceasefire under the continued supervision of the International Commission for Vietnam. There has been no progress in the matter of the consultations and the elections to the knowledge of the Commission. The Commission is naturally anxious about the duration of its stay in Vietnam which is conditioned by the political settlement in this country, as envisaged in the final declaration of the Geneva Conference (par. 66).

And from the eighth interim report, dated June 5, 1958:

> The Commission notes that there has been no consultation between the two parties with a view to holding free nationwide elections for the reunification of the country, and to resolving the political problems and thus facilitating an early termination of the activities of the Commission and the fulfillment of its tasks. The Commission is confident that this important problem is engaging the attention of the cochairmen and the members of the Geneva Conference (par. 43).

And from the ninth interim report, dated March 10, 1959:

> There has been no progress in the field of political settlement as envisaged in the final declaration of the Geneva Conference. There has been no consultation between the two parties with a view to holding free nationwide elections for the reunification of Vietnam. This has maintained the prospect of an indefinite continuance of the Commission and its activities. The Commission hopes that this important problem is engaging the attention of the cochairmen and the Geneva powers and that they will take effective measures to resolve this problem as envisaged in the final declaration of the Geneva Conference (par. 45).

And from the 10th interim report, dated April 6, 1960:

> During the period under report, there has been no progress in regard to the political settlement envisaged in the final declaration. The parties have not held consultations with a view to holding free nationwide elections leading to the reunification of Vietnam and thereby facilitating early fulfillment of the tasks assigned to this Commission and the termination of its activities. The Commission is confident that this important problem is engaging the attention of the cochairmen and the Geneva powers and that they will take whatever measures they deem necessary to resolve it (par. 68).

And from the 11th interim report, dated September 18, 1961:

> Once again, during the period under report there has been no progress in regard to

> the political settlement envisaged in the final declaration of the Geneva Conference (par. 88).

By this time the insurgency situation in South Vietnam had become serious. One wonders if the warnings issued above, and so completely disregarded by everyone concerned, should not have signaled this eventual outcome.

Because of the seriousness of the situation the Commission issued a special report, dated June 2, 1962. The State Department, in one of its rare references to the reports of the International Control Commission, made the following statement:

> In June 1962 a special report on Vietnam was issued by the International Control Commission, a unit created by the Geneva Conference and composed of a Canadian, an Indian, and a Pole. Though it received little publicity at the time, this report presented evidence of Hanoi's subversive activities in South Vietnam and specifically found Hanoi guilty of violating the Geneva accords.

It should be mentioned that the Polish delegate dissented from the views expressed in the special report, because he considered them too favorable to South Vietnam, submitting a separate statement of his own. The following is quoted from the report as submitted by our friends, Canada and India:

> Since the presentation of the 11th interim report, the situation in Vietnam has shown signs of rapid deterioration. The Commission is obliged to make this special report to the cochairmen with regard to the serious allegations of aggression and subversion on the part of the Democratic Republic of Vietnam against the Republic of Vietnam and the serious charges of violations of articles 16, 17, and 19 of the Geneva Agreement by the Republic of Vietnam, in receiving military aid from the United States of America (par. 4).
>
> The International Commission wishes to draw the serious and earnest attention of the cochairmen to the gravity of the situation that has developed in Vietnam in the last few months. Fundamental provisions of the Geneva Agreement have been violated by both parties, resulting in ever-increasing tension and threat of resumption of open hostilities.

In this situation, the role of the Commission for maintenance of peace in Vietnam is being greatly hampered because of denial of cooperation by both the parties (par. 22).

Mr. Speaker, I cannot fully accept the statement that it was the Communists who cruelly shattered the 1954 agreements. This great country, whose leaders did not want the Geneva Agreements, whose Secretary of State refused to sign them, and whose President and Congress gave active encouragement to South Vietnam to unilaterally renounce them, must take a full measure of responsibility for this cruel shattering.

Today we know that we were wrong—that, as the President says of the agreement, "its purposes are still our own." Today we can look back and recognize that "the machinery of those agreements was tragically weak." But it was the machinery of law, and it held the promise of illustrating the principle that the will of a people expressed in elections supervised by an international body, can substitute for the rule of force and the destruction of war. We could have strengthened that machinery. We could have nourished that principle. In addition, whether we liked the precise results or not, we could have moved the whole world a long step down the road to the rule of law in world affairs instead of another rung up the ladder of escalation toward nuclear war.

As I pointed out on May 5, the policy of the United States, as expressed by the President in 1954, was:

> In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the United Nations to insure that they are conducted fairly.

How much stronger would the United States be in the eyes of the world if we had stood by and supported this policy instead of undermining it? How much greater would be our credibility in insisting on elections to reunify East and West Germany or North and South Korea? How many festering sores of conflict all over the globe could be resolved peaceably by free election under U.N. supervision if we had acted to strengthen this principle instead of to sabotage it? And how much stronger would the United Nations and its peacekeeping functions be, if we had chosen a different course 11 years ago?

No human being can answer these questions today, for history gives us only one chance at decisions. However, if we truly support the principle of self-determination for all people—if we truly support the principle of resolving disputes by law rather than by force, and adhere to the goal of a world free from war—then we must look honestly and critically at our own errors of the past and seek to avoid them in the future.

It is fruitless to seek to assess blame for the decisions we made half a generation ago, but we can and should recognize some of the main factors in those decisions. The American people had just given a "mandate for change" to a new administration. A strong, new Secretary of State interpreted that mandate, with the approval of the President, to call not for coexistence with or containment of the Communist governments, but for a "rollback" of communism around the world. This "rollback" was more important than the Geneva accords and justified our ignoring their provisions for a political settlement—if it appeared that the settlement might result in a government sympathetic to communism. Leading voices in the Congress supported and encouraged policies built on illusions—illusions such as the possibility that communism in China would disappear if we closed our eyes to its existence.

Within the CIA and the military were voices who advised that we had found a leader, in the person of Ngo Dinh Diem, who would cooperate with the United States in maintaining a strong, anti-Communist government in South Vietnam, regardless of the cost. And the military, of course, advised the administration that South Vietnam could be held if we wished to disregard the reunification election provisions of the Geneva agreement. Not only could it be held, but it could be held by the Vietnamese alone, provided we paid for and trained a large enough native army.

Other voices provided other justification—the sudden, vital importance of South Vietnam to the defense of the free world; the rich resources that would fall to communism if we neglected our clear duty to be "the guardians at the gate"; the eminent peril to the freedom-loving Cambodians, Indonesians, Laotians, Thais, Burmese, and others if South Vietnam "fell to communism." Today, of course, the major justification for continuing is merely that we cannot stop what we have been doing—otherwise it would appear that perhaps we should not have been doing it to begin with.

A tragic corollary to our denial of the elections called for in the Geneva Accords is that we justified it on the grounds that elections would result in a Communist government—a government that would eventually suppress individual freedom and liberty by force and terror. To prevent this, we maintained a family dictatorship which deprived large segments of the population of freedom and liberty by force and terror. We not only footed the bills for this dictatorship, paid 90 percent of the cost of a half-million-man army to prop it up, and paid for most of the foreign imports necessary for its survival, but we did so in such a way as to allow the wealthy merchants of Saigon to get wealthier at the expense of the U.S. taxpayer; the bureaucrats to line their pockets with graft; and the generals to divert payroll funds meant for their armies—provided by our military assistance program—into their own pockets.

If there were any important errors of judgment or practice that could have been made by the United States in connection with South Vietnam which were not made, I have yet to find them.

Today the government that we deal with in Saigon that is pictured as representing the people of South Vietnam is that collection of hand-picked generals, wealthy businessmen and landowners, and grafting bureaucrats who have managed to siphon enough out of the multibillion-dollar stream of American AID money to become independent for life. They, naturally, want to continue this fortunate—for them—state of affairs.

The President, has said that "nor would surrender in Vietnam bring peace." I say that there is no possibility of victory in the situation we have created there. We can only hope that a benevolent diety will forgive us our mistakes and allow us another chance to do better. If we do not acknowledge our mistakes, even that is impossible.

I say further that "victory in Vietnam," whatever that term may mean, will not bring peace to the world. The American people delude themselves if they believe that the defeat of an enemy by virtue of superior military force anywhere in the world today will prevent the further outbreak of wars and revolutions all over the world. The conditions that bring forth wars and revolutions—the insatiable demands by the world's underprivileged for freedom, for justice, and for economic progress—will continue to break forth in violence as long as the demands are unmet and the causes unsolved.

I desire that my country be the voice for freedom, justice, and economic progress in the world. I believe that our success in that role will do immeasurably more to roll back communism than will our support of petty dictators around the world, our devotion to a crumbling status quo that claims to be anti-Communist, and our willingness to allow our foreign policy to be controlled by the machinations of the CIA.

I desire that my country lead the way toward a new world, a world based on law and respect for individual human beings. This is the road to victory today—not not just victory for the United States, but victory for mankind. The other road, which is the road followed by all the great empires of the past—the road of power exercised for the sake of power and national honor—leads but to oblivion.

REACTIVATING SHIPS FOR WAR DUTY

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Garmatz] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GARMATZ. Mr. Speaker, I have long called attention to the fact that the policy of the Department of Defense in distributing naval shipwork between Government and private shipyards was undermining the private yard capability on which we must depend in times of emergency.

It will be remembered that for many years the naval shipyards have been receiving the lion's share of this type of work, and that for the last 3 years the Congress directed that at least 35 percent should be awarded to the private yards. This minimal amount of Navy work has not stopped the closing of commercial yards nor has it prevented the escape of skilled workers to other more steady employment.

As a consequence, at this very moment, when ships for our Vietnam commitments must be put into service quickly, many of our private shipyards are having great difficulty in finding trained workers in sufficient numbers. This acute situation is detailed in an August 1, 1965, article by Walter Hamshar, marine editor, the New York Herald Tribune. Mr. Speaker, as evidence of a badly premised policy which inhibits the ability of our shipyards to respond in times of emergency, I include Mr. Hamshar's timely article in the body of the Record at this point:

Reactivating Ships for War Duty

(By Walter Hamshar)

The reactivation of merchant ships from the Nation's reserve fleets for the military buildup in South Vietnam has created the problem the ship repair industry has been warning the Navy about for years.

And the solution of that problem will cost the Government—and the taxpayers—millions of dollars that would not have to be spent had the Navy provided more repair work to private shipyards, especially in the New York area, instead of allowing such yards to close while it funneled its work to Navy shipyards.

To meet the needs of the stepped-up war against the Vietcong, the Navy's Military Sea Transportation Service must double, at least, the flow of military supplies to the Far East. The MSTS, which has the responsibility of delivering all military supplies by ocean, has been seeking the extra merchant ship tonnage for the additional cargoes.

REACTIVATION

Almost 2 weeks before President Johnson's announcement Wednesday of the military buildup, the MSTS was frantically seeking to charter every suitable American merchant ship that was available. Unable to fulfill all its needs, the Navy service was forced to request the reactivation of ships from the Merchant Marine Reserve fleets.

As a starter, 14 World War II Victory ships have been withdrawn—4 from the Hudson River fleet—are being readied in various shipyards for service.

For future ship breakouts, the Navy has asked the Maritime Administration to conduct a survey of the ship repair industry to determine how many ships can be readied per month.

To the layman, the breakout of ships from reserve fleets may seem a simple, routine process of scraping off a few barnacles, oiling up the engines, and slapping a coat of paint over rust spots. Nothing could be further from what actually is necessary.

COMPLEX

The reactivation of a ship which has been idle for years involves 110 standard items and a thousand and one detailed items. All take time and money and skilled workers.

The Navy has ordered a crash program to get the ships in service early this month. A deadline of August 7 has been set for some of the vessels to be on berth so that they can load supplies for the increased forces in Vietnam.

A survey indicated that the deadline will not be met for most of the reactivated ships. The sky is the limit on overtime and men are working around the clock 7 days a week. But the trouble is a shortage of skilled workers.

Since the Navy began starving the private shipyards several years ago, the skilled men who were laid off have drifted to other industries. Expert machinists and mechanics of the type needed for reactivating merchant ships have no trouble getting shore jobs. And they are not eager to leave their present jobs for a temporary upsurge in shipyard work. Even welders are hard to get.

CAPACITY

"The skilled workers we have been able to keep are working as fast as they can, but there is a limit to what one man can do," one yard official said.

The Maritime Administration is hoping to get the Victory ships reactivated at a cost of about $250,000 a ship. A yard official laughed at the figure. He estimated it will be closer to $405,000.

"When ships were reactivated for the Suez crisis the average was $325,000 per ship," he said. "Now the ships are that much older."

STORED

Although the Maritime Administration has followed a preservation program, the sun, wind, rain, and salt air takes a heavy toll on idle ships. When ships are in regular service the crews look to the maintenance of cargo gear, engines, decks, and other equipment.

When a merchant ship is laid up in the reserve fleet, virtually everything movable that is exposed to the elements is stored in the vessel's holds. This includes booms, cable, navigating instruments, lifeboats, davits and a long list of equipment. The decks inside and the machinery are sprayed with oil. Bedding, table linen, crockery, crew furnishings are stored ashore. Compasses, chronometers, radio equipment is taken ashore to prevent it from being stolen.

Even lighting fixtures must be replaced because they have mysteriously disappeared during layup. Brass fittings for various equipment are almost invariably gone when the ship repairmen start looking for them.

Replacing and restoring, cleaning and painting all take time. Rusted-out plates must be torn out and new ones installed. Every welded seam must be checked inch by inch for corrosion during the long years of layup.

FLEET OF 1,600 SHIPS

Should the Vietnamese situation develop into a full-fledged world war the United States has a fleet of 1,600 ships laid up in various anchorages throughout the country. This would mean that theoretically a total of 1,600 ships would ultimately be available for war duties.

But only 960 of those ships have been given any form of preservation. The other 700 are mostly Liberty ships and were in the process of being sold for scrap at the rate of 100 a year for the last 10 years. To make the 960 priority ships serviceable on a crash basis as has been required for the 14 ships already withdrawn, would cost an average of $400,000 to $500,000 per ship. This would be about one-twentieth the cost of building new ships as was done for World War II. To restore the neglected ships will cost considerably more.

The Maritime Administration's preservation program had to be content to limp along at an annual budget of $5.5 million. This reduced to about $3,000 for each priority ship. The average age of the ships in the reserve fleet is 21 years. The average time each has been laid up is 15 years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Nelsen (at the request of Mr. Gerald R. Ford), for today, and the balance of this week, for personal reasons.

Mr. Bingham (at the request of Mr. Scheuer), for today and tomorrow, on account of illness.

Mr. Stalbaum (at the request of Mr. Albert), for today, on account of official business.

Mr. Sweeney, for Monday, August 2, 1965, on account of official business.

Mr. Roncalio (at the request of Mr. Aspinall), for Monday, August 2 through August 12, 1965, on account of official business.

Mr. Berry (at the request of Mr. Gerald R. Ford), through August 5, on account of official business as a member of the National Park Subcommittee of the House Committee on Interior and Insular Affairs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Wright (at the request of Mr. Patman), for 60 minutes, on Wednesday next.

Mrs. May (at the request of Mrs. Reid of Illinois), for 60 minutes, on Thursday, August 5.

(The following Members (at the request of Mr. Price) to revise and extend their remarks and to include extraneous matter:)

Mr. Ryan, for 30 minutes, on August 3.

Mr. Fraser, for 10 minutes, on August 4.

Mr. Reuss, for 1 hour, on August 3.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. McCormack (at the request of Mr. Albert) and to include extraneous matter.

(The following Members (at the request of Mr. Price) and to include extraneous matter:)

Mr. Roncalio.
Mr. McGrath.
Mr. Powell.
Mr. Todd.
Mr. Rooney of New York.
Mr. Cohelan.

SENATE BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTION REFERRED

Bills, a joint resolution, and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 489. An act to authorize the establishment of the San Juan Island National Historical Park in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 903. An act to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers; to the Committee on Interstate and Foreign Commerce.

S. 1088. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet Division, Walla Walla project, Oregon-Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1554. An act to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to substitute the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 89. Joint Resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; to the Committee on House Administration.

S. Con. Res. 11. Concurrent resolution authorizing the printing of additional copies of the hearings held by the Senate Subcommittee on National Security Staffing and Operations during the 88th Congress; to the Committee on House Administration.

ADJOURNMENT

Mr. PRICE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Tuesday, August 3, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1398. A letter from the Chairman, National Commission on Food Marketing, transmitting interim report of the National Commission on Food Marketing, July 1, 1965, pursuant to Public Law 88–354; to the Committee on Agriculture.

1399. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal, without regard to the prescribed 6-month waiting period, of vegetable tannin extracts from the national stockpile; to the Committee on Armed Services.

1400. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting supplemental report with respect to certain construction projects for the Air Force Reserve, pursuant to provisions of 10 U.S.C. 2233a(1), and to authority delegated by the Secretary of Defense; to the Committee on Armed Services.

1401. A letter from the Acting Comptroller General of the United States, transmitting a report of the disparities in transporting overseas personnel to and from work, Department of State, Agency for International Development, U.S. Information Agency, Peace Corps, Department of Defense; to the Committee on Government Operations.

1402. A letter from the Acting Comptroller General of the United States, transmitting a report of insufficient amounts claimed from foreign governments for recovery of ocean transportation costs financed under the Agricultural Trade Development and Assistance Act of 1954; Commodity Credit Corporation, Department of Agriculture; to the Committee on Government Operations.

1403. A letter from the Acting Comptroller General of the United States, transmitting a report of additional costs resulting from failure to provide purchase options for automatic data processing equipment, Federal Aviation Agency; to the Committee on Government Operations.

1404. A letter from the Commissioner, Federal Prison Industries, Inc., U.S. Department of Justice, transmitting annual report of the Directors of Federal Prison Industries, Inc., for fiscal year 1964, pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

1405. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report of orders entered into, pursuant to section 13(c) of the act of September 11, 1957; to the Committee on the Judiciary.

1406. A letter from the Governor, Canal Zone Government, transmitting a report of claims paid for the period July 1, 1964, to June 30, 1965, pursuant to section 2672 of title 28, United States Code, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of July 29, 1965, the following reports were filed on July 30, 1965:

Mr. DAWSON: Committee on Government Operations. Sixteenth report on Reorganization Plan No. 3 (Rept. No. 701). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Seventeenth report on the gold situation (Rept. No. 702). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Aug. 2, 1965]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. H.R. 4653. A bill to authorize checks to be drawn in favor of banking organizations for the credit of a person's account, under certain conditions; with amendment (Rept. No. 703). Referred to the Committee of the Whole House on the State of the Union.

Mr. SELDEN: Committee on Foreign Affairs. S. 511. An act to increase the authorization of appropriations for the support of the Gorgas Memorial Laboratory; with an amendment (Rept. No. 705). Referred to the Committee of the Whole House on the State of the Union.

Mr. SELDEN: Committee on Foreign Affairs. H.R. 9336. A bill to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba; without amendment (Rept. No. 706). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. S. 1903. An act to amend the United Nations Participation Act, as amended (63 Stat. 734–736); with amendment (Rept. No. 707). Referred to the Committee of the Whole House on the State of the Union.

Mr. JENNINGS: Committee on Ways and Means. H.R. 9570. A bill to amend the Federal Firearms Act to authorize the Secretary of the Treasury to relieve applicants from certain provisions of the act if he determines that the granting of relief would not be contrary to the public interest, and that the applicant would not be likely to conduct his operations in an unlawful manner; without amendment (Rept. No. 708). Referred to the House Calendar.

Mr. FASCELL: Committee on Foreign Affairs. House Joint Resolution 403. Joint resolution authorizing an appropriation to enable the United States to extend an invitation to the World Health Organization to hold the 22d World Health Assembly in Boston, Mass., in 1969; with amendment (Rept. No. 709). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 9020. A bill to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel cost for applicants invited by a department to visit it for purposes connected with employment; without amendment (Rept. No. 710). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee of conference. S. 1564. An act to enforce the 15th amendment to the Constitution of the United States, and for other purposes (Rept. No. 711). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee on Foreign Affairs. H.R. 10132. A bill to authorize the Honorable Joseph W. Martin, Jr., of Massachusetts, former Speaker of the House of Representatives, to accept the award of the Military Order of Christ with the rank of grand officer; without amendment (Rept. No. 704). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (by request):

H.R. 10192. A bill to amend the authorization to appropriate money for the maintenance and operation of three experimental stations of the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10193. A bill to amend the act of August 31, 1964 (78 Stat. 751), relating to the satisfaction of scrip and similar rights; to the Committee on Interior and Insular Affairs.

H.R. 10194. A bill to provide for the recordation of mining claims; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 10195. A bill to revise existing bail practices in courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.R. 10196. A bill to establish a U.S. Capitol page system for needy and deserving students of a college, university, or other institution of higher education; to the Committee on House Administration.

By Mr. JOELSON:

H.R. 10197. A bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes; to the Committee on Agriculture.

By Mr. LENNON:

H.R. 10198. A bill to amend the requirements relating to lumber under the Shipping Act, 1916; to the Committee on Merchant Marine and Fisheries.

By Mr. ROOSEVELT:

H.R. 10199. A bill to authorize the Secretary of Agriculture to conduct programs to reduce the impact of droughts on rural residents, small municipalities, agriculture and livestock enterprises, and for other purposes; to the Committee on Agriculture.

H.R. 10200. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. SISK:

H.R. 10201. A bill to amend the Federal Employees Health Benefits Act of 1959 to reduce the length of certain periods governing eligibility for enrollment as an annuitant under health benefits plans under such act; to the Committee on Post Office and Civil Service.

H.R. 10202. A bill to amend the Federal Employees Health Benefits Act of 1959 with respect to health benefits of certain former Members of Congress and their dependents, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITE of Idaho:

H.R. 10203. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. BARING:

H.R. 10204. A bill to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 10205. A bill to modernize, revitalize, and strengthen the reserve components of the Armed Forces; to the Committee on Armed Services.

By Mr. DE LA GARZA:

H.R. 10206. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. McDADE:

H.R. 10207. A bill to amend title II of the Social Security Act to permit the State of Pennsylvania to obtain social security coverage, under its State agreement entered into pursuant to section 218 of such act, for policemen and firemen in certain cities; to the Committee on Ways and Means.

By Mr. MATHIAS:

H.R. 10208. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 10209. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. POWELL:

H.R. 10210. A bill to amend the Economic Opportunity Act of 1964 to require representation from the poor on community action boards; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 10211. A bill to establish a Bureau of Older Workers in the Department of Labor; to the Committee on Education and Labor.

By Mr. SICKLES:

H.R. 10212. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government; to provide for uniform and equitable relocation procedures under Federal and Federal grant-in-aid programs, and for other purposes; to the Committee on Government Operations.

By Mr. SPRINGER:

H.R. 10213. A bill to provide for the best care, welfare, and safeguards against suffering for certain animals used for scientific purposes without impeding necessary research; to the Committee on Interstate and Foreign Commerce.

By Mr. DOW:

H.R. 10214. A bill to authorize the Secretary of Agriculture to conduct programs to reduce the impact of droughts on rural residents, small municipalities, agriculture and livestock enterprises, and for other purposes; to the Committee on Agriculture.

By Mr. TUPPER:

H.R. 10215. A bill to assist the domestic commercial fishing industry through the construction of three advanced design factory fishing vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. PATMAN:

H.J. Res. 594. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 595. Joint resolution to authorize the President to proclaim the week beginning October 25 in each year as National Parkinson Week; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 458. Concurrent resolution expressing the sense of the Congress with respect to the adoption in the United States of the metric system of weights and measures; to the Committee on Science and Astronautics.

By Mr. BYRNE of Pennsylvania:

H. Res. 496. Resolution expressing the sense of the House of Representatives with respect to discriminatory practices by the Government of Rumania; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

352. The SPEAKER presented a memorial of the Legislature of the State of Illinois, relative to calling a convention to propose an amendment to the Constitution of the United States, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 10216. A bill for the relief of Jozefa Huzarska; to the Committee on the Judiciary.

H.R. 10217. A bill for the relief of Barbara Mancari; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 10218. A bill for the relief of F. E. Yust; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 10219. A bill for the relief of Dimetrios Christopoulos; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 10220. A bill for the relief of Abdul Wohabe; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 10221. A bill for the relief of Jose Almeida Daniel; to the Committee on the Judiciary.

By Mr. RHODES of Pennsylvania:

H.R. 10222. A bill for the relief of Naotaka Nakanishi; to the Committee on the Judiciary.

Br. Mr. ROOSEVELT:

H.R. 10223. A bill for the relief of Mrs. Rosa Chapiro; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H. Res. 497. Resolution expressing greetings and felicitations to the American Golf Hall of Fame and Museum, Foxburg, Pa.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

253. The SPEAKER presented a petition of Henry Stoner, Fishing Bridge Station, Wyo., relative to establishing an Eastern Seaboard Water Crisis Commission which was referred to the Committee on Public Works.

SENATE

MONDAY, AUGUST 2, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of love and mercy, for a sacred moment fenced in from the pressing concerns of state, we bow in reverence at this wayside altar speaking to us always of the sustaining faith of the daring founders who knelt around the cradle of the Republic. In this new day, pressed by the practical problems crying for solution which crowd our hours with all their drab details, we would keep clear the vision of the changeless verities amid the tempest of the temporal.

Before we talk to one another we would be still and know that Thou art God. Into Thy hands we commit ourselves and our cause.

Against all odds and obstacles may we keep steadfast our belief in the awesome meaning of life, our joy in friendship, our hunger for new knowledge, our abhorrence of what our hearts tell us is false and degrading.

Accepting in all humility the call of destiny that our America is summoned to be the keeper of the gateway which opens to a realm of freedom for all men, quicken our sense of world mission that we may see the shining glory of this Nation under God both as a heritage and a trust.

We ask it in the name of the Master who tells us that the field is the world. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 30, 1965, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also anounced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8310. An act to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes; and

H.R. 8856. An act to amend section 271 of the Atomic Energy Act of 1954, as amended.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were each read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 8310. An act to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 8856. An act to amend section 271 of the Atomic Energy Act of 1954, as amended; placed on the calendar.

ORDER DISPENSING WITH CALL OF LEGISLATIVE CALENDAR UNDER RULE VIII

On request by Mr. MANSFIELD, and by unanimous consent, the call of the legislative calendar under rule VIII was dispensed with.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request by Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

EUGENE M. ZUCKERT

Mr. MANSFIELD. Mr. President, I am sure we all shared the same feeling of sincere regret on learning of Eugene M. Zuckert's resignation as Secretary of the Air Force. He has been a personal friend for almost two decades, and I have the highest admiration for the way in which he has performed in the many positions of responsibility and trust he has held. He has served in this position with distinction following his appointment by President Kennedy in January 1961. He has served in that high office longer than any previous appointee and has served longer than any service Secretary in this century, excepting only three. When it is considered that he also served as an Assistant Secretary of the Air Force from 1947 to 1952, this should entitle him to be known as "Mr. Air Force." Eugene Zuckert's remarkable dedication to this particular job is only a part of his record as a distinguished public servant which began 18 years ago.

The record of his accomplishments and effective leadership during the past 4½ years is indelibly reflected in the high state of combat readiness and strength of the U.S. Air Force today. This can be attributed in no small part to his personal talent and contribution in effecting improvements in organizational and management concepts. Though his successes in effecting cost reduction and improved efficiency are well known, it is reassuring to the Nation that the objective of full military strength and effectiveness have not been sacrificed or impaired.

As is true of all good leaders, Eugene Zuckert has been a loyal and effective member of the defense team where he will be greatly missed. Despite his particular interest and skill in managing and directing the Air Force, it has been characteristic of his broad and balanced understanding that he never overlooked or lost his appreciation of the importance of people.

This devoted public servant has earned his country's "well done."

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON ADDITIONAL RESEARCH LABORATORY SPACE AT UNIVERSITY OF FLORIDA, GAINESVILLE, FLA.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the use of $1,190,000 of funds to provide additional research laboratory space at the University of Florida, Gainesville, Fla. (with an accompanying paper); to the Committee on Aeronautical and Space Sciences.

REPORT ON ISSUANCE OF GUARANTEE BY EXPORT-IMPORT BANK OF WASHINGTON

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance of a guarantee by that Bank, in the amount of $20 million, to a U.S. commercial bank which has established a credit in favor of the Government of Rumania; to the Committee on Appropriations.

AMENDMENT OF SECTION 1085 OF TITLE 10, UNITED STATES CODE, RELATING TO REIMBURSEMENT PROCEDURES AMONG THE MEDICAL FACILITIES OF THE ARMED FORCES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments (with an accompanying paper); to the Committee on Armed Services.

PUBLICATION OF NOTICE OF PROPOSED DISPOSITION OF CERTAIN MAGNESIUM

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 21,500 short tons of magnesium contained in primary pigs and alloys now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

IMPLIED CONSENT LAW FOR THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to promote safe driving and eliminate the reckless and irresponsible driver from the streets and highways of the District of Columbia by providing that any person operating a motor vehicle within the District while apparently under the influence of intoxicating liquor shall be deemed to have given his consent to a chemical test of certain of his body substances to determine the alcoholic content of his blood, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS OF ACTING COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on review of the use of Government-owned aircraft by the Army Mobility Command and Army Tank-Automotive Center, Department of the Army, dated July 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on audit of financial statements of St. Lawrence Seaway Development Corp., calendar year 1964, Department of Commerce, dated July 1965 (with an accompanying report); to the Committee on Government Operations.

REPLIES OF AGENCY FOR INTERNATIONAL DEVELOPMENT TO REPORTS OF COMPTROLLER GENERAL

A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting, for the information of the Senate, a copy of that Agency's reply to a report of the Comptroller General of the United States, relating to unnecessary costs resulting from an inflexible policy of donating flour instead of wheat to voluntary relief agencies for distribution abroad under the Agricultural Act of 1949, as amended (with an accompanying paper); to the Committee on Government Operations.

A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting, for the information of the Senate, a copy of that Agency's reply to a report of the Comptroller General of the United States, relating to unnecessary dollar costs incurred in financing purchases of commodities produced in Brazil (with an accompanying paper); to the Committee on Government Operations.

Report on Tort Claims by Office of Emergency Planning

A letter from the Director, Office of Emergency Planning, Executive Office of the President, reporting, pursuant to law, that no tort claims were paid by that Office during the fiscal year 1965; to the Committee on the Judiciary.

Report on Refugee Operations

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on refugee operations, for the 6-month period ended June 30, 1965; to the Committee on the Judiciary.

Report on Adjustment of Immigration Status

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting pursuant to law, reports on adjustment of the immigration status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

RESOLUTION OF NEBRASKA LEGISLATURE

Mr. CURTIS presented a resolution of the Legislature of the State of Nebraska, which was referred to the Committee on Labor and Public Welfare, as follows:

Legislative Resolution 60

Whereas the people of the State of Nebraska in the year 1946, by initiative referendum adopted by a vote of 212,443, to 142,702 amendments to the constitution of the State of Nebraska now designated sections 13, 14, and 15 of article XV which provide in part that: No person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization; and

Whereas the Legislature of the State of Nebraska in the year 1947 adopted sections 48-217, 48-218, and 48-219 of the statutes of Nebraska which provide in part that: To make operative the provisions of sections 13, 14, and 15 of article XV of the constitution of Nebraska, no person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization; and

Whereas section 14(b) of the Taft-Hartley Act of our Federal statutes provides that States may forbid agreements requiring membership in a labor organization as a condition of employment; and

Whereas President Johnson has recently sent to Congress a message urging the repeal of section 14(b) of the Taft-Hartley Act which would have the practical effect of invalidating the right-to-work laws of Nebraska and other States having these statutes; and

Whereas the citizens of Nebraska desire to retain their right-to-work law and believe that each State should have the right of self-determination in this regard: Now, therefore, be it

Resolved by the members of the Nebraska Legislature in 75th session assembled:

1. That the Nebraska Legislature reaffirms its belief in the necessity of sections 13, 14, and 15 of article XV of the Nebraska constitution and the statutes implementing these sections.

2. That the Nebraska Legislature disagrees with the efforts of the present national administration to take from the States the right to self-determination in this area.

3. That the Nebraska Legislature forward printed copies of this resolution and the position of the State of Nebraska's Legislature to the Nebraska delegation in Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARTLETT, from the Committee on Commerce, with amendments:

S. 945. A bill creating a Joint Commission of the United States and the State of Alaska to make administrative determinations of navigability of inland nontidal waters in the State of Alaska for State selections (Rept. No. 529).

By Mr. ROBERTSON, from the Committee on Banking and Currency, without amendment:

S. 1308. A bill to authorize revised procedures for the destruction of unfit Federal Reserve notes, and for other purposes (Rept. No. 531);

S. 1556. A bill to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes (Rept. No. 533);

S. 1557. A bill to amend the Federal Reserve Act to enable Federal Reserve banks to invest in certain obligations of foreign governments (Rept. No. 534); and

S. 1558. A bill to amend section 22(g) of the Federal Reserve Act relating to loans to executive officers by member banks of the Federal Reserve System, and for other purposes (Rept. No. 535).

By Mr. ROBERTSON, from the Committee on Banking and Currency, with amendments:

S. 1309. A bill to authorize checks to be drawn in favor of banking organizations for the credit of a person's account, under certain conditions (Rept. No. 532).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 7969. An act to correct certain errors in the Tariff Schedules of the United States (Rept. No. 530).

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

S. 1599. A bill to establish a Department of Housing and Urban Development, and for other purposes (Rept. No. 536).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 2347. A bill for the relief of Margit Deme and her daughters, Klara Deme and Zsuzanna Deme; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2348. A bill for the relief of Dr. Jorge G. Echenique; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. SIMPSON) (by request):

S. 2349. A bill to provide a supplemental payment for Arapaho Indians; to the Committee on Interior and Insular Affairs.

RESOLUTION TO AMEND THE STANDING RULES OF THE SENATE REQUIRING GERMANENESS OF AMENDMENTS

Mr. CLARK submitted a resolution (S. Res. 138) to amend the Standing Rules of the Senate requiring germaneness of amendments, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

EXTENSION OF TIME FOR SENATE BILL 2331 TO LIE ON THE DESK

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill (S. 2331) to provide for repair by the District of Columbia, at the expense of the owner, of buildings violating the District of Columbia housing regulations, and to make tenants evicted from unsafe and insanitary buildings in the District of Columbia eligible for relocation payments, introduced by the Senator from New Jersey [Mr. CASE] remain at the desk for one additional week for cosponsors.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILL

Mr. JAVITS. Mr. President, at its next printing, I ask unanimous consent that the names of the Senator from Nevada [Mr. CANNON] and the Senator from New Jersey [Mr. WILLIAMS] be added as cosponsors of the bill (S. 2305) to amend the International Travel Act of 1961 in order to promote travel in the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTICE OF HEARINGS ON IMPROVEMENTS IN JUDICIAL MACHINERY (S. 578)

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery, I announced hearings on S. 578, which was placed in the RECORD July 30, 1965.

I would like to add that hearings will also be held on two other measures: H.R. 3999, a bill to provide the same life tenure and retirement rights for judges hereafter appointed to the U.S. District Court for the District of Puerto Rico as the judges of all other U.S. district courts now have; and H.R. 7707, a bill to authorize the appointment of crier-law clerks by district judges. These hearings will be held at the same time, August 12, 1965, at 10 a.m. in room 2228, New Senate Office Building. Any person who wishes to testify or submit statements pertaining to these measures should contact the Subcommittee on Improvements in Judicial Machinery.

NOTICE OF HEARINGS ON CERTAIN CLAIMS LEGISLATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, on behalf of the Senator from Alabama [Mr.

JOHN SPARKMAN], the chairman of the Subcommittee on Claims Legislation of the Committee on Foreign Relations, I wish to announce that public hearings have been scheduled on the following matters on the dates set forth below:

On August 4, 1965:

S.J. Res. 13, to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952; and

S.J. Res. 32, to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952.

Gut Dam Claims Agreement with Canada (Executive C, 89th Cong., 1st sess.).

On August 5, 1965:

S. 1826. To amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba; and

S. 1935. To amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes; and

S. 2064. To amend the International Claims Settlement Act of 1940, as amended, relative to the return of certain alien property interests.

The hearings will begin at 10 a.m. each morning in room 4221 of the New Senate Office Building. Persons interested in testifying in connection with the above matters should communicate with the committee clerk without delay.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENT FREI, OF CHILE, IMPORTANT ECONOMIC INITIATIVE

Mr. JAVITS. Mr. President, I invite the attention of Senators to a very important initiative reported in the press this morning by President Frei, of Chile.

According to the New York Times, President Frei is weighing a proposal to link Latin American economic development to the Atlantic Alliance to seek to bring Europe into a relationship with Latin America in respect of acceleration of the progress of Latin America economically.

This is an idea and an objective which should have the greatest sympathy from the United States and other American countries. It is following in a governmental sense what is already developing in a private enterprise sense through the Atlantic Community Development Group for Latin America, the well-known ADELA Investment Company, which I had the honor of initiating with Vice President HUMPHREY, when he was in the Senate, through the NATO Parliamentarians Conference.

To bring the governments of Western Europe with their new found possibilities and economic strength into a relationship of helping Latin America and the Alliance for Progress is extremely important and a most deserving objective. I do not believe that anybody in the United States wants to exercise in any way the power of exclusivity with respect to aid to Latin America.

On the contrary, just as we did in the private enterprise sector, we will in the governmental sector welcome with enthusiasm the new partner.

President Frei proposes a major role for Latin America in the Atlantic Community by drawing Western Europe more closely into the economic development of Latin America and by revising the OAS to permit closer ties between hemispheric institutions and those of Western Europe. Specifically, according to an article in the New York Times, President Frei is expected to propose the development of new machinery to plan and coordinate Western European aid to Latin America, possibly as an element of the Alliance for Progress, through the Inter-American Bank, and by strengthening and consolidating the functions of the Inter-American Economic and Social Council.

President Frei's more specific proposals have not yet been made public, but it is clear from today's news story, reports on his recent journey to several European capitals, and his statements since his overwhelming victory last year, that President Frei's hope is to place Latin America on a more equal footing with the United States and Western Europe in a number of areas of great concern to Latin America, specifically the development of new markets for Latin American exports and the means to accelerate Latin American economic development.

ADELA is specifically designed to bring West European concerns, jointly with U.S. private capital, into the expansion of the private agricultural and commercial and industrial aspects of Latin America's economy. Since September 1964 when it began operations, the ADELA Investment Co. has been actively at work to carry out this objective. With over $32 million in cash capital subscribed by 120 shareholders—corporations and financial institutions from the United States, 12 Western European countries as well as Canada and Japan, ADELA and its technical assistance subsidiary, the ADELA Management and Technical Services Company, has already made six important investments in El Salvador, Peru, Guatemala, Nicaragua, and Colombia. In June, ADELA took a leading role in organizing an open-ended mutual fund in Central America. But ADELA's impact in Latin America is far larger than its $32 million capital indicates. Its member companies command among themselves close to $200 billion in resources. These resources, both in capital and personnel, can be called upon for sound proposals which interest the respective companies in individual Latin American countries in which here is a healthy climate for private enterprise and the opportunity for meaningful partnerships with local concerns.

President Frei's proposals could also touch upon other proposals which I have made to accelerate Latin American economic development. In speeches made in 1964 and earlier this year I recommended the creation of a Latin American Common Market built upon the progress made by the Latin American Free Trade Association and the Central American Common Market, associated with North America through a limited Western Hemisphere free trade area. The purpose of these arrangements would be to accelerate Latin American development through closer economic integration of, first, Latin America, then the entire hemisphere. An essential requirement to the success of closer economic integration of Latin America is expanding markets for the raw materials and the manufactured products of Latin America in the United States and Western Europe.

The initiative of President Frei is a most interesting one, proposing to forge links on the governmental level between Latin America and Europe—and I note in this connection also the role of Japan, which is represented in the OECD—just as ADELA is already forging links similarly in the private sector. It is my hope that the U.S. Government will wisely cooperate in this distinguished initiative from so important a Latin American leader with an understanding of the fact that it is moving in the right direction and that under present conditions time is short for major achievements along these lines.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Frei's European Trip not Anti-American," written by John M. Goshko, and published in the Washington Post of August 1, 1965; an article entitled "Chile Weighs Plan to Link Latins to Atlantic Alliance," written by Henry Raymont, and published in the New York Times of August 2, 1965; excerpts from the Alliance for Progress Weekly Newsletter of May 17, 1965; an article written by Paul Kennedy entitled "Latin Financing Steps Forward—Private Investment System Prepares First Meeting" and published in the New York Times on June 22, 1965; as well as a July 4, 1965 article which appeared in the New York Times and entitled "Latin Program Is Moving Ahead."

There being no objection, the articles, newsletter, and statement were ordered to be printed in the RECORD, as follows:

CHILEAN LEADER SOUGHT TO AID ALLIANCE, UNITED STATES FEELS FREI'S EUROPEAN TRIP NOT ANTI-AMERICAN

(By John M. Goshko)

Chilean President Eduardo Frei Montalva's recent "journey of understanding" to Western Europe appears to have sparked some misunderstandings about the Frei

Government's attitude toward the United States.

In many quarters, there is a feeling that Frei's trip was intended as a vehicle for asserting Chile's independence of the United States by bidding for closer European ties and support.

This impression seems due in part to the timing of the trip, which took place in the immediate aftermath of Chile's unyielding opposion to the U.S. intervention in the Dominican Republic.

Reinforcing the impression were some of Frei's statements in Europe—or rather the interpretations placed on these statements. In much of the European and U.S. press, the emphasis appeared to be on combing his words for hints of anti-Americanism.

UNITED STATES OF AMERICA OPINION

However, this almost conspiratorial view of Frei's trip is not shared by Johnson administration policymakers. And they have watched him very closely in the year since he defeated a powerful Communist-Socialist coalition to become Latin America's first Christian Democratic head of state.

From each of the four countries visited by Frei—Italy, France, Britain, and West Germany—the reports of U.S. diplomatic observers have been unanimous in agreeing that Frei's stated positions were devoid of anti-Americanism or excessive neutralism.

In short, the official U.S. assessment is that Frei's intentions were exactly what he said they were: to win greater European support for the Alliance for Progress. But this aim, he stressed repeatedly, in no way lessened Chile's conviction that the United States must remain the principal mainstay behind the drive to transform Latin America's social and economic structure.

LIKENED TO DE GAULLE

Those who profess to find a sinister motive in Frei's 3-week trip are, in the view of U.S. officials, either taking his remarks out of context or reading too much into them. Those statements that raised the most eyebrows involved the rap at U.S. hegemony over Latin America and an appeal for the reintegration of Cuba into the inter-American system.

The hegemony remark came during a press luncheon in Paris, and the French press immediately made a big show of pointing out that President de Gaulle frequently uses the same word to describe American pressures in the international sphere.

It is true that Frei said that the United States "exercises its hegemony in several parts of the world" and that Chile, as a "proud" country, "cannot recognize the hegemony or domination of any people." But he also added:

"We want an inter-American system without hegemony, an association of peoples in which the United States will have a role to play."

This is hardly a new concept in the area of United States-Latin American relations. When weighed against some of the other knuckle rappings that Latin leaders occasionally administer to Washington, it certainly does not stand up as an example of latent anti-Americanism.

RESTATEMENT ON CUBA

Similarly, his support of Cuba's return to "the American family" was merely a restatement of a position long held by Frei and all other major segments of Chilean political thought.

Moreover, Frei carefully coupled his support of the Cuban people's right to self-determination with the opinion that every government must respect the individual liberties of its citizens and refrain from interfering in the affairs of its neighbors. This could hardly be regarded as a blanket endorsement of Cuban Prime Minister Fidel Castro's regime.

All this searching for an anti-American bias tended to obscure the impact that he made on European leaders. On this score, U.S. officials believe he made a first-rate impression.

Although he never glossed over his commitment to sweeping reform in Chile, he also stressed that his Government is not hostile to private enterprise. In Cologne, he told a group of German businessmen that he intends to create a ministry to facilitate and guarantee foreign investment.

PROMOTES CONSORTIUM

In talks with German Chancellor Erhard, Frei is known to have promoted the idea of a German, French, British, and Italian consortium to aid Chile. While it is doubtful that the Europeans are ready to go that far, they are expected to respond to his pleas with a substantial boost in technical assistance, credits, and private investment.

Even more importantly, the Europeans are known to have been greatly impressed by Frei's articulateness, sincerity, and dedication to the cause of Latin American reform.

Like the United States, they too will be watching him closely in the future. And if he is successful in translating these qualities into concrete successes at home, Frei could well emerge as the spokesman that Latin America has long lacked on the international scene.

[From the New York (N.Y.) Times, Aug. 2, 1965]

CHILE WEIGHS PLAN TO LINK LATINS TO ATLANTIC ALLIANCE—OAS WOULD BE REVISED AND WEST EUROPE WOULD AID ECONOMIC GROWTH

(By Henry Raymont)

SANTIAGO, CHILE, August 1.—Chile's Christian Democratic government is seriously considering an ambitious proposal designed to give Latin America a pivotal role in the Atlantic Alliance.

The proposal would suggest a far-reaching revision of the framework of the Organization of American States and open the door to a more concerted West European cooperation in the economic development of Latin America.

The new approach, which is emerging as the keystone of Chilean foreign policy, is based on President Eduardo Frei Montalva's conviction that Latin America must be knit into the Atlantic community in a three-way relationship with the United States and Western Europe.

Essentially, it calls for all-out Western support of Latin America's efforts to effect a peaceful transformation of its social structures in the face of mounting revolutionary pressures. In disclosing an outline of the Chilean plan, a high Government official declared:

"Unfortunately, Latin America was forgotten during the construction of the Atlantic policy between Western Europe and the United States. We are now working on plans to rectify this."

Because of its scope and political importance, Mr. Frei hopes the plan will be sponsored jointly by several Latin American governments and the United States.

That is why the President is not launching any "hard-selling" effort or setting deadlines for the consideration of the plan, but has begun to unfold it undramatically in recent talks with Latin American and West European leaders, the Government official said.

It is understood that initial response was so positive that Mr. Frei asked his foreign minister, Gabriel Caldés Subercaseaux, to give the matter top priority.

The plan, both in its details and conception, is very different from the goals attributed to the Chilean Government in recent newspaper articles published in the United States. These reports suggested that the Frei administration advocated the formation of a purely Latin American system that would exclude the United States and would pursue neutralist policies.

Qualified sources disclosed that specific proposals for closer links with Western Europe would be submitted by Chile to other Latin governments in advance of a conference of the OAS foreign ministers scheduled before the end of the year to reassess the regional alliance's requirements in the light of new world developments.

An immediate goal of the plan would be to draw the affluent European powers into a major effort to help end economic underdevelopment and poverty in this tension-ridden region of almost 200 million people, which now depends primarily on U.S. assistance.

MOVE TO EASE STRAINS

But the Chilean blueprint goes beyond administrative and economic problems. By breaking out of the confines of the United States-Latin American axis it is intended to reduce some of the psychological and political strains that have developed in the inter-American alliance and put relations with Washington on a more relaxed footing.

Mr. Frei, whose reformist Christian Democrats surged to power last year in a decisive electoral victory against a powerful Communist-Socialist coalition, hopes that the new three-way association could demonstrate the advantages of cooperation among the west European nations as opposed to cooperation with the Communists.

Emphasizing that economic equality is essential for a democratic partnership, Chilean officials hope to achieve these objectives:

The reduction of tariffs and other discriminatory measures by the European Common Market nations against Latin American exports, especially on manufactured and semimanufactured goods.

A broad shift in Western Europe from short-range commercial credits to the concept of long-range, low-interest development lending that has characterized U.S. assistance in the area since the latter part of the Eisenhower administration.

The acceptance by the United States of the conversion of the Alliance for Progress into a many-nation convention that would commit Latin America to specific social and economic reforms and commit the United States to continued large-scale aid.

POLITICAL NEED CITED

Chilean officials realize that Western Europe's assistance can only be complementary to the much bigger U.S. resources. Yet a new effort to extend European participation is considered highly important for political as well as for economic reasons, especially now that Washington's new commitments in Vietnam are causing apprehension regarding the future scope of U.S. programs.

Among the economic measures envisaged in the Chilean plan to reorganize the Organization of American States is the development of new machinery to plan and coordinate west European aid, possibly through the Inter-American Development Bank, and to strengthen and consolidate the functions of the Inter-American Economic and Social Council.

There is a keen awareness here of the resistance the plan is likely to encounter, especially in France and among conservatives in the U.S. Congress. But the Frei administration is determined to begin promoting it.

ALLIANCE FOR PROGRESS WEEKLY NEWSLETTER

MAY 17, 1965.

ADELA Investment Co., formed by U.S., European, Canadian, and Japanese corporations and financial institutions to promote Latin American development, will invest a total of $5,250,000, by the purchase of stock or through convertible loans, in six enterprises:

Implementos Agricolas Centroamericanos, S.A., in El Salvador, a new company manufacturing handtools for agriculture and manufacturing; and Financiera de Desarrollo e Inversiones, S.A., San Salvador, a new, private development finance company.

Promecan Ingenieros, S.A., of Lima, Peru, steel fabricator and manufacturer of heavy industrial machinery; and Banchero Holding Co., of Lima, operator of eight enterprises in Peru's dynamic fishing industry.

Ingenio Madre Tierra, a sugar mill near Guatemala City, Guatemala, that is expanding its sugarcane processing capacity to meet the needs of rising can production in the area.

Corporación Nicaragüense de Inversiones, S.A., of Managua, Nicaragua, a recently established development company similar to the one in El Salvador.

ADELA also announced the formation of ADELA Management and Technical Services Co., a wholly owned subsidiary, to provide management and technical assistance to private enterprises in Latin American. The new company will be able to draw on the management and technical skills of ADELA stockholder corporations and will also use outside consultants.

Incorporated in September 1964, ADELA has its main office in Luxembourg, a branch office in Zurich, and an operations office in Lima. The undertaking now has 120 shareholders—corporations and financial institutions from the United States, Canada, Japan, and 12 European countries. ADELA's first investment was in Forjas de Colombia, a new plant manufacturing heavy forgings in Bucaramanga, Colombia.

[From the New York (N.Y.) Times, June 22, 1965]

LATIN FINANCING STEPS FORWARD—PRIVATE INVESTMENT SYSTEM PREPARES FIRST MEETING

(By Paul P. Kennedy)

SAN JOSE, COSTA RICA, June 16.—The newest investment finance system in this area of Latin America will take another step toward coordination late this month when the financieras of six Middle American countries meet here in Costa Rica to discuss operational integration.

The financiera is somewhat the equivalent of an investment bank and is not new to Latin America. But the present loosely related system that will hold its first meeting here June 25–26 is the first privately owned and operated system of this type in Latin America.

The other financieras, such as those of Mexico and Nicaragua, are government-operated borrowing and lending agencies for industrial development solely within their own countries.

Representatives of the financieras of Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and Panama are expected at the meeting.

All of these have been in business only a year or less, but all, with the exception of Guatemala, which is just opening its doors, have actually been active in loans and investments.

RULE ON CAPITAL

Each of the organizations, with two exceptions, have a required minimum capitalization of $1 million. Nicaragua has a capitalization of $2 million, and Guatemala $1.2 million.

All six nations have loans of $3 million and upward from the Agency for International Development.

Nicaragua has a $3 million loan, and El Salvador $5.2 million. The remainder have $5 million loans each.

All of the stock in each of the financieras was disposed of almost immediately upon incorporation.

In addition to the private subscriptions and the AID loans, the financieras have a working arrangement with the private international investment agency, Adela (Atlantic Community Development Group for Latin America) for equity investments in various ventures in which the financieras singly or as a group have become interested.

FINANCIERA FUNCTIONS

Basically the financiera procedure is to make long- and short-term loans for the creation, development, or the expansion of industries in the Central American area.

The individual financieras purchase equity in the various industries in which they are interested or provide loans for working capital. One of their most important functions is to act as go-between in the usually redtape-snarled negotiations between the potential investor and the various governments.

While each organization guards its private operational status, the group acts as an adjunct to the Alliance for Progress.

In Costa Rica, for instance, it is required that industries in which the local financiera, COFISA, is interested display a sign in their office with the COFISA insigna on one side and the Alliance and AID insignias on the other.

The letterhead of the Costa Rica organization bears the Alliance insignia with the legend "Alliance for Progress in Private Initiative."

The various financieras are presently coordinated to the extent that a project too large for one to handle alone is apportioned to various or all of the others in the financiera system.

One of the objects of the meeting here is to facilitate this type of investment interchange. It is envisioned that in the foreseeable future private investors of every Central American country will have interests in the other countries.

One of the principal items to be discussed at the meeting is the establishment of an open end mutual fund of Central American enterprises.

Tentative plans already more or less agreed to, guarantee with the underwriting of ADELA, a minimum annual dividend return, plus the usual participation in net profits.

Other items on the meeting's agenda include the formation of a communications network, via shortwave radio, between the various financieras.

Also to be discussed will be the possibility of maintaining a team of technicians to make studies of and to set up enterprises in which all of the financieras have agreed to participate.

Thus far the financieras have participated in projects in the fields of textiles, food processing, forest products, construction material manufacture, plastics, pharmaceuticals, and the import financing of trucks, tractors, and other working vehicles.

The average size of the loans thus far has been less than $50,000, but some have gone as high as $250,000.

In virtually all the financieras, the leading financiers of their respective countries are on the boards of directors.

[From the New York (N.Y.) Times, July 4, 1965]

LATIN PROGRAM IS MOVING AHEAD—$15 MILLION COMMITTED FOR FINANCING IN A YEAR

(By Edward T. O'Toole)

International industrialists and financiers have been quietly moving ahead with a revolutionary program for providing investment and technical aid for Latin American industry.

Although Adela is less than a year old, the wide-ranging consortium of private business corporations and big banks already has committed more than $15 million for short- and medium-term financing in the southern republics. Adela is the acronym for the Atlantic Community Development Group for Latin America.

What makes Adela unusual is that it is a completely private, cooperative enterprise for channeling funds into Latin America. It does business on a business-to-business basis, although the new organization welcomes the participation of public financing institutions once new investment projects have been approved.

During the quarter that ended Wednesday Adela put together a six-part package that will provide total investments of more than $5 million in four countries. The Adela investments will take the form of equity participations or convertible loans for:

In El Salvador, a new company for making tools called Implementos Agricolas Centro-Americano and a new private development company, Financiera de Desarrollo e Inversiones.

In Nicaragua, another new development company, Corporacion Nicaraguense de Inversiones. (The development companies will use Adela funds for making on-the-spot investments in native enterprises.)

In Peru, a plant for making steel and heavy industrial machinery, Promecan Ingenieros, also, a new holding company, the Banchero Holding Co., which encompasses eight existing enterprises engaged in fishing, producing fish meal and fish oil, and in building and maintaining fishing vessels.

In Guatemala, a sugar-processing plant that is expanding.

Marcus Wallenberg, Sr., chairman of Adela, said recently that besides these recent commitments, a number of others are under active consideration.

"We believe Adela's activities will attract additional needed capital and know-how into manufacturing industry and agriculture in the Southern Hemisphere," he remarked. This chain reaction depends upon the confidence of international private enterprise in the future of Latin America—and upon the Latin Americans themselves and their ability to create the conditions necessary to attract foreign private business."

Mr. Wallenberg is vice chairman of Stockholm's Enskilda Bank. Other Adela members include top names from 15 member nations of the North Atlantic Organization. A significant nonmember of Adela is France, whose participation in NATO has become increasingly passive since the return to power of President de Gaulle in 1958.

The 120 corporate and bank shareholders of Adela have advanced $32,150,000 in capital funds so far. The initial authorized capitalization is $40 million, although this can be expanded when needed. The assets of the Adela members total more than $200 billion.

There are 32 American corporate and bank members whose capital subscriptions to date total $13,750,000. American representation on the executive committee of the Adela board of directors includes: Howard C. Petersen, Adela vice chairman and president of the Fidelity-Philadelphia Trust Co.; William Blackie, president, Caterpillar Tractor Co.; Emilio G. Collado, director and vice president, Standard Oil Co., (New Jersey); David M. Kennedy, chairman, Continental Illinois National Bank & Trust Co. of Chicago, and George S. Moore, president, First National City Bank of New York.

Mr. Collado, in discussing the modus operandi of Adela, indicated the membership was encouraged by the progress made to date in constructing new investment channels for aiding the less developed areas in Latin America. He emphasized that the role of Adela in no way was intended to diminish the central importance of the Alliance for Progress.

"The private international role of Adela is fully compatible with what our Government, in cooperation with Latin American governments is doing through the Alliance for Progress," Mr. Collado commented. Actually, the Alliance for Progress emphasizes the importance of further developing the private sectors of the Latin American economies.

GIRARD COLLEGE

Mr. ERVIN. Mr. President, Stephen Girard, a merchant, a banker, and philanthropist of Philadelphia, died in 1831 leaving a last will and testament directing that his estate be used to found and maintain Girard College as a free, educational institution for poor, white orphan boys.

Laurence H. Eldredge, a distinguished member of the Pennsylvania bar, has written certain letters to the Philadelphia Evening Bulletin pointing out the incontestable proof that "the future raising of funds for so-called charitable, benevolent and educational purposes, depends upon a firm, continued adherence to the settled law that here in America, at least, a person is free to make his own choice in giving his property away, and that the courts stand guard to see that the donor's intent is faithfully carried out, despite the dogooders who are sure they could use the money for much better purposes."

I ask unanimous consent that the letters written by Mr. Eldredge to the Philadelphia Evening Bulletin be printed in the body of the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Girard Trustees Are Defended

It is time to speak up in support of the board of trustees of Girard College and the orphan's court's orders, which are being unjustly attacked.

No question of civil rights is involved. The talk about the college's tax exemption is silly. If failure to serve all segments of the population is a valid ground to withhold tax exemption it must be applied to every Catholic church, every Jewish synagogue and countless other organizations, which restrict their work and services to a limited segment of the taxpaying population.

The recent letter of John A. Diemand to U.S. Senator Joseph Clark, as reported in the Bulletin, stating, as president of the Girard College board, its position on Senator Clark's clamor to admit Negroes, should be applauded.

Too little has been said about the fundamental point that Mr. Diemand's letter to Senator Clark makes so clear; i.e., "that under our free enterprise system it is any man's prerogative to give his money or will his property for the benefits of Negroes exclusively." I may add "or for the exclusive benefit of any other segment of the community."

Some may deem the gift eccentric, such as a trust fund to buy green neckties on St. Patrick's Day for red-headed Irishmen. But, thank God, there is, as yet, no big brother to tell us what objects of charity we shall select as donees, short of a gift to promote a clearly antisocial purpose, such as a school to train better burglars.

The thing the well-intentioned benevolent yearners, who are howling again about Girard College, overlook is that they are a threat to future charitable gifts.

Experienced fund raisers know that few people have any general charitable bent. A prospective donor is "sold" on making a gift for some specific, limited purpose which appeals to him. Suppose a man is considering making a million-dollar gift for any one of thousands of permissible purposes, for example, scholarships for sons of Methodist ministers, or some specific type of medical research on white mice, or a hospital for sick stray black cats.

As the generous donor reaches for his checkbook, the fund raiser says, "Of course, you realize that some years from now, a wave of hysteria may sweep the community and you may be damned instead of praised for your generosity. In that event your gift may be diverted to some purpose a vocal segment of future public opinion clamors for, rather than used for the purpose we have discussed and which you find so appealing." Can we not visualize the unopened checkbook going back into the would-be donor's desk drawer?

The future raising of funds for so-called charitable, benevolent, and educational purposes, depends upon a firm, continued adherence to the settled law that here in America, at least, a person is free to make his own choice in giving his property away, and that the courts stand guard to see that the donor's intent is faithfully carried out, despite the dogooders who are sure they could use the money for much better purposes.

There is no issue of civil rights involved in carrying out Stephen Girard's expressed intent, except in the minds of persons who reach their conclusions emotionally rather than by objective, logical thinking. The courage which President Judge Klein and his colleagues on the orphans' court have shown in their handling of this case merits the praise, not the condemnation, of the community.

Laurence H. Eldredge.

Startling Chapter in Girard Case

Very few people appear to realize what a significant and startling chapter in the history of government in Pennsylvania is now being written around the Girard College situation.

I see the spectacle of the executive branch of the Commonwealth, acting through the Governor and his attorney general, attempting to nullify the decisions of the judicial branch of the Commonwealth, expressed by 12 judges (including 2 chief justices) as recently as 1958.

This takes the form of using the great power of the Governor, including statements to the press containing veiled threats, to compel the trustees of a charitable trust to do precisely what the judicial branch of the Government has decided they may not do.

Indeed, the Governor's public position has encouraged the Philadelphia Human Relations Commission (which should know better) to ask the attorney general to remove the Girard trustees, who, it says, "stubbornly and wilfully" hold to the racial restrictions (or, more accurately, who courageously and lawfully obey their fiduciary duty as the courts have declared it).

The struggle to establish the principle that "the King is not above the law," took several centuries of English history and ended in the reign of James I.

Our concept of "a government of laws and not of men" was dramatically shown when Presidents Eisenhower and Kennedy stated it was their duty to enforce the decisions of the Supreme Court, and ordered Federal troops and marshals to do just that.

I suggest that under his oath of office it is equally Governor Scranton's duty to accept the decisions of the Supreme Court of Pennsylvania; and, if lawless elements make such action necessary, to use all necessary means to enforce such decisions.

Laurence H. Eldredge.

THE THREAT OF CIVIL DISOBEDIENCE

Mr. ERVIN. Mr. President, our country's greatest and most cherished characteristic is its ability to satisfy the demands and needs of its people through the orderly and constitutional processes of government. We call this the rule of law. Where it does not exist, political instability, social chaos, and violence are the rule.

In order to protect our law society, all citizens must be alert to attempts at illegal and extra-legal means to effect change, no matter how desirable the changes may appear. The rule of law is the only alternative to war, revolution, and tyranny. We must remain opposed to the philosophy that if the ends are desirable we can be less strict about the means used to obtain them. Righteous ends must never be permitted to justify nonlegal means, because once accepted, those same means can be used for less desirable ends, and the rule of law is overthrown.

Mr. President, that is why the present complacency about the use of civil disobedience in the civil rights and other causes is so disturbing to so many thoughtful people, irrespective of their views on the immediate issues. Disrespect for a single law is a short step from disrespect for law itself. And disrespect for law and orderly change is the fatal blow to democracy and the rule of law.

I commend to Senators the thoughtful article on this subject, entitled "Civil Disobedience: A Threat to Our Law Society," written by Mr. Morris I. Liebman, and published in the July 1965, issue of the American Bar Association Journal. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Civil Disobedience: A Threat to Our Law Society

(Note.—Mr. Leibman writes that the crowning achievement of the American constitutional system has been the development of the law society. But today this society is threatened by organized and deliberate disobedience justified by concepts that are semantic traps. The only enduring method of realizing the goals of those who engage in civil disobedience, Mr. Leibman declares, is the use of society's means for orderly change.)

(By Morris I. Leibman, of the Illinois bar, Chicago)

There is a standard against which we should test basic issues of foreign policy. That standard is the historical and continuous struggle of human beings for freedom and dignity. This must be our basis in confronting world communism. We are right because the history of man proves it. Only the law society can discipline the cult of the personality. The law society is man's only hope.

Domestic issues must also be measured against man's historical struggle for liberty. Here, too, the record establishes that the Communists will pervert with tactics of confusion, disruption and violence the rights of our law system. The history of the advance of world communism overwhelmingly provides the evidence that it will seize upon any situation approximating dissent for propaganda purposes.

Woodrow Wilson said: "A nation which does not remember what is was yesterday, does not know what it is today, nor what it is trying to do. We are trying to do a futile thing if we do not know where we came from or what we have been about."

In seeking to improve tomorrow, it is our duty to remember where we have been and reflect on where we are.

We live in that instant of time when it can be said that never before have 190 million people enjoyed so many material things, however imperfect their distribution. But the multiplication of consumer wealth is subordinate to our greatest accomplishment—the fashioning of the law society. This open democratic republic is man's highest achievement, not only for what it has already accomplished but, more important, because it affords the greatest opportunity for orderly change and the realization of man's self-renewing aspirations. Our goals are set forth in the Declaration of Independence and buttressed by the Constitution—a judicial, legislative, and executive system of checks and balances which permits the continuation of Western civilization's spirited dialog and makes possible the opportunity continuously to approximate, through our legislative and judicial systems, our moral and spiritual goals.

OUR LAW SOCIETY PROVES ITS METTLE

The long history of man is one of pain and suffering, blood and tears to create these pathways for progress. This noble experiment of ours survived the cruelty of a massive civil war, the ultimate test whether our unique system could endure. It did. It has. It will. Let us always remember that the law society is both the pinnacle of man's struggle to date and the foundation for his future hope.

There is an obligation to that law society, however. Abraham Lincoln stated it plainly in these passionate words:

"Let every American, every lover of liberty, every well-wisher to his prosperity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country. * * * Let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American mother, to the lisping babe that prattles on her lap—let it be taught in schools, in seminaries and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and young, rich and poor, the grave and gay, of all sexes, tongues and colors and conditions, sacrifice unceasingly upon its altars."

No society can give its citizens the right to break the law. There can be no law to which obedience is optional, no command to which the State attaches an "if you don't mind." What has happened to us? Why is it necessary to repeat what should be axiomatic and accepted? What is the responsibility of a citizen? Surely the continuing social task for the morally sensitive citizen is to impart reality to the yet unachieved ideal of full and equal participation by all in all our opportunities.

But we must remember that there have been no easy solutions for man's inhumanity to his fellows. "Only those lacking responsible humility will have a confident solution to problems as intractable as the frictions attributable to differences of color, race, or religion," Justice Frankfurter declared.

There is nothing new in violence. Violence has been too often a way of life throughout mankind's history. Whole continents have been involved in riot, rebellion, and revolution. Human rights problems exist in India, in Asia, in the Middle East, and in Africa. A large part of the world lives behind the ugly Iron and Bamboo Curtains of communism.

We cannot sanction terror in New York or in Mississippi. Retaliation is not justified by bitterness or past disillusionment. No individual or group at any time, for any reason, has a right to exact self-determined retribution. All too often retaliation injures the innocent at random and provokes counter-retaliation against those equally innocent. Our imperfections do not justify tearing down the structures which have given us our progress. The only solution is the free and open law society.

In times when man's progress seems painfully slow, we might consider how well we are doing on all issues compared to most areas of the world. In this frame of reference, let us identify certain current forces whose aim is to destroy the law society.

The inexorable requirement of communism to exploit every difference between men should now be clearly understood. Communism constantly exploits mankind's troubles ideologically, philosophically and psychologically. Yet we seem to be surprised, confused and even bitter about Communist intervention in our civil rights problems. What could be a more natural target for Communist use?

The Communist Party of the United States has a long history of attempting to infiltrate every segment of our society. The Negroes of America have a long history of resisting this subversion, but it would be dangerous to believe that Communists would not seek to insert themselves where there is unreasoning and extreme militancy in any troubled area. This is no reflection on any segment of our society. It is a recognition of the constant threat of trained troublemakers and rabblerousers. The Communists know they can profit by stimulating agitation and disrespect for law and order. They would neglect their own sinister doctrines if they did not use these instruments of subversion and violence.

The inciting of dissension and conflict between nationalities and races is a widely exploited revolutionary tactic. Communists long have been instructed to change passive attitudes to "activist" attitudes, to intensify the struggle at all levels at all times. To the Communist, all means are justified by the end—a basic concept that we of the law society reject. Communist imitators—the Nazis, the Ku Klux Klanners—repeatedly and directly have challenged our principles and insisted on taking law into their own hands. Those who reject our legal methods and choose terror, force, violence, hate and bigotry only play into the hands of the international Communist conspiracy.

The lawlessness of the frontier demonstrated to the pioneers that law was essential to the establishment of civilization. It was not the destruction of the buffalo or the rise of fences or fast-draw gunmen that tamed the wilderness. It was the installation of American juridical proceedings that enabled our people to weld the disparate territories destined to become a nation.

I am deeply troubled by certain concepts which have sought acceptance: "freedom now" and "righteous civil disobedience." Both terms are semantic traps and only add heat to the problems of freedom and justice for all. It is also a semantic trap to divide the discourse on civil disobedience into a stereotype of liberalism against conservatism.

"Freedom now" is an illusion. The desire for self-expression can be satisfied only in an atmosphere of freedom, and freedom is not an absolute. It exists only within the confines of the necessary restraining measures of society. I wish it were possible to have the ideals of justice and freedom in all their perfect form at this moment. But the cry for immediacy is the cry for impossibility. What is possible is to continue patiently to build the structures that permit the development of better justice.

Let us beware of pat expressions, such as: "Justice delayed is justice denied." Justice delayed cannot serve as an excuse for antijustice. The fact that particular reforms have not been achieved completely does not justify rejecting legal means—the only hope for lasting achievement.

The demand for equality cannot be converted into a fight for superiority. We must be for equality under the rule of law. We can only be for freedom under law, not for freedom against the law. We must avoid unreal questions, e.g., is justice more important than order, or vice versa. Order is the sine qua non of the constitutional system.

What about the concept of righteous civil disobedience? Everyone should recognize that there can be no justification for violent disobedience under our constitutional system. Is the concept validated, however, when the disobedience is nonviolent? No, this idea has no place in our law society. I will go further and suggest that the criminal law experts consider whether, when there is a specific intent to disobey the law, such disobedience is civil. This specific state of mind is ordinarily treated as the essence of criminality. There would appear to be an inherent contradiction in the concept of righteous civil disobedience.

Yet, even basing the case on broader grounds, the concept of righteous civil disobedience is incompatible with the American legal system and society, which more than any other provides for orderly change. I cannot accept the right to disobey when the law is not static and effective channels for change are constantly available. Our legislatures have met the changing times and changing needs of our society, and our courts need not apologize for their continued dedication to the liberty of all men. Our law is not only a guardian of freedom, but the affirmative agent for freedom.

If the cause seems just, the idea of civil disobedience may evoke sympathy. But we must be more careful in the sympathetic case, because once we accept a doubtful doctrine we legitimatize it for other causes which we might reject. We dare not substitute pressure for persuasion or squander the carefully nurtured value of self-restraint and jeopardize the system of law.

Let us not restrict our thinking to the area of civil rights. Consider the people who feel they have the right to interfere with the launching of a Polaris submarine; who demand the right to sail into an area restricted for military testing; who think they have the right to publicize their Government's military secrets to the detriment of national security.

A plain fact of human nature is that the organized disobedience of masses stirs up the primitive instinct. This is equally true of a soccer crowd or a lynch mob, and it has been shown repeatedly and clearly that no man, however well intentioned, can keep group passions in control.

Civil disobedience is an ad hoc device at best, and ad hoc measures in a law society are dangerous. It is at best deplorable and at worst destructive.

Our grievances must be settled in the courts, not in the streets. Muscle is no substitute for morality. We must insist that men use their minds and not their biceps. But while the emphasis must be on the three R's of reason, responsibility, and respect, alternatively we cannot accept self-righteousness, complacency and noninvolvement. We have an obligation to eliminate discrimination and provide opportunity—full opportunity and meaningful equal justice for all citizens.

I often think of J. Edgar Hoover as a symbol of the lawyer's obligation. His has been the difficult task of protecting the law society from enemies within and without—the spy and the gangster, the saboteur and the kidnaper, the violators of New York and Mississippi. Let his conduct remind us that the lawyer must also serve in the tough, hard areas where our society rubs against complexity and controversy and where prejudice and emotions are the sharpest. Here lawyers have a primary obligation.

We must insist on the integrity of the means. We must support and protect the laws, whether we agree with the particular statute or not. We cannot settle for lip-service to legality. We cannot be sometime lawyers. We must renew our understanding and improve our articulation of the basic issue of freedom under law. We must not tire of the challenges to extend freedom abroad and to make it a still greater reality at home.

IN MEMORY OF ADLAI E. STEVENSON

Mr. CHURCH. Mr. President, I sometimes believe that our country is star-crossed. We seem to be losing our very best men when we need them most. Truly this was so in the sudden and untimely passing of Adlai Stevenson.

When the news of his death reached me, I was on a mountain top, high above the Clearwater River, in the remote woods of Idaho. It was not possible for me to relay more than a brief and insufficient statement, but it did, at least, contain the thought that came first to mind. I said that many were the able and dedicated men I had known in public life, but that the great men were few and far between. Adlai Stevenson possessed genuine greatness. For me his death meant the loss of a coveted friend; for the world, it meant the loss of a poignant force for sanity and peace.

Returning to Washington after the funeral services, and after the many eulogies had been spoken, I deferred making any further statement of my own. No words of mine could measure up to the beautiful tributes that had been rendered Stevenson by the most talented masters of English prose to survive him. Nothing I might have said, which had not already been said better could add to the memory of this extraordinary man. The pity is that so eloquent an outpouring of deep affection and world-felt respect could not have come before, rather than after, Stevenson's death.

A year ago, while he still lived, it was my good fortune to have had the opportunity to pay my respects publicly to Adlai Stevenson. The evening was June 2, 1964, the occasion was a special dinner meeting of the Woman's National Democratic Club, held at the Sheraton-Park Hotel. Ambassador Stevenson was the speaker, in honor of whom President Johnson dropped by. Mine was the privilege of introducing the speaker. What I said then seems not inappropriate now, so I ask unanimous consent that my introductory remarks that evening may appear at this point in the RECORD.

There being no objection, the introductory remarks were ordered to be printed in the RECORD, as follows:

INTRODUCTORY REMARKS OF SENATOR FRANK CHURCH

He who introduces the principal speaker customarily accords to him the same generous treatment your gracious president, Florence Hoff, has accorded to me. It is altogether appropriate to recount the speaker's accomplishments, to flatter him with an embellished portrayal of his prominence, and to attribute him with qualities which will assist him to loom large before his audience.

But when the speaker is Adlai Stevenson, a recital of his accomplishments becomes a presumption; an attempt to add luster to his talents finds words beggars; and it is clearly impossible to assist him in looming large before this audience, as we have long since recognized that he is a man who looms large before his country, and, indeed, before the whole world. Nor is it possible to flatter him, for it is he who flatters us by consenting to be our speaker this evening.

So I shall adhere to that old rule which holds: the more eminent the speaker, the briefer the introduction, and content myself with saying that, in this city where nearly every public square commenmorates, in enduring bronze, some vaunted warrior, and during these times, when so much of our national treasure is directed toward further fortifying our house for war, I am deeply privileged to present an American statesman who strives each day to strengthen the world's one, still-fragile, house of peace, our gifted Ambassador to the United Nations, the Honorable Adlai Stevenson.

Mr. CHURCH. Mr. President, I ask unanimous consent that certain other items be printed in the RECORD. The first is a delicate, discerning poem, composed by a dear friend of mine, Mrs. Katie Louchheim, who shared with Stevenson the long and arduous campaigns, directing women's work for the Democratic National Committee. The second is a worthy editorial, entitled "A Stronger, Wiser, Better Man," which is a fitting tribute to Stevenson contributed by the departing editor of the Lewiston, Idaho, Morning Tribune, Mr. Bill Johnston.

I ask unanimous consent also that Max Freedman's column, entitled "The Greatness of Adlai Stevenson," be printed following these remarks, together with an exceptionally fine article by Richard N. Goodwin, which appeared in the July 18 edition of the Washington Post, under the caption: "He Never Learned To Hide His Soul."

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. Mr. President, Eric Sevareid has written that Stevenson's last expressed wish was for a time to pause. "Oh, what I would like is to sit in the shade with a glass of wine in my hand and watch the dancers." May God grant him eternal peace.

EXHIBIT 1

IN MEMORY OF A.E.S.

He was always vulnerable,
So incandescently human,
Seduced by reason and delight.
Awed by history's harsh commands
To be keeper of our conscience,
He made temples of his prose
Where the discomforted might hope.
He held humility as high
As most hold pride; he could not hide
His hurt, his doubts, his loneliness
And yet he leaves a legacy
Of larger loneliness for all
Who waited in the heat brimmed noon
Or on cold corners for his voice,
The quick smile in surprised blue eyes.
Gathered into his grand design
Were all their little dread days doom,
His heart was bigger than his time.
In the landscape of tomorrow's lives,
Portals of peace open at his words.

—*Katie Louchheim.*

[From the Lewiston (Idaho) Morning Tribune, July 15, 1965]

"A STRONGER, WISER, BETTER MAN"

"I should have preferred to hear those words uttered by a stronger, wiser, better man than myself * * *. The burdens of (the Presidency) stagger the imagination. Its potential for good and evil now and in the years of our lives smothers exultation and converts vanity to prayer.'—ADLAI E. STEVENSON.

For millions of Americans and for uncounted millions more around this troubled world there is a sudden, yawning gulf now in the years of our lives.

Adlai E. Stevenson, surely the greatest American political leader never elected President in this generation, died as he lived—in the ceaseless, selfless service of humanity. If there exists in all this rich, resourceful land a stronger, wiser, better man than he the Nation and the world will need him now.

Stevenson's speech accepting the Democratic presidential nomination in 1952 probably was one of the most influential political speeches of this century. The doubters may dispute this assessment in the future as they did at the time. Certainly the appraisal was not sustained by the election results that November. Yet, the effects of that speech profoundly influence national and world affairs even today. The Nation was introduced that historic evening to one of the great statesmen of the world.

For American liberals, longing since the death of President Franklin D. Roosevelt for a leader to express their principles and aspirations in articulate, inspiring language as well as protect them with the sturdy deeds of the salty Truman years, the voice of Stevenson came as an electric shock. Here, obviously, was a great new orator. The magnificent prose enveloped complexities and subtleties long unfamiliar in American political campaigns. Here at long last was a spokesman for liberalism who seemed capable of illuminating the most intricate nuances of complex public issues without losing his directions or his faith in the capacity of the public to understand. The Stevenson acceptance speech created almost instantaneously the nucleus of perhaps the most devoted band of political followers ever assembled in 20th century America.

Some of the "eggheads" in the liberal audience already knew, of course, of the potential of this transcendent political personality. And the realists among them knew, even as they thrilled to his words, that he had only the remotest chance of defeating the beloved and trusted war hero, Gen. Dwight D. Eisenhower. But they also knew that here was a man who would make a lasting impression upon the world, however the election turned.

He made that impression in two major ways.

First, he elevated the style of American political campaigning, even though he lost two presidential elections. The public might prefer for a time the homily verities, the oversimplification of complex issues into reassuring promises of peace and prosperity—at least if Mr. Eisenhower expressed them. But millions of Americans had been captivated by the eloquence, wit and wisdom of Adlai Stevenson. Any presidential candidate who presumed to lead American liberals was obliged to sit awhile at the feet of its most articulate champion.

The scoffers derided this candidate who "spoke over the heads" of the public, of course, and Stevenson compromised his intellectual approach to a degree in his second campaign. But those two lost crusades were not really lost. They set the stage for the philosophy, the style and the political program of John F. Kennedy. Adlai Stevenson, more than any other American of this generation, raised the political maturity level of the American people.

His second great contribution, of course, was to the people of the world through the United Nations. He was superbly prepared for this role through long and brilliant service in the American Government and through penetrating studies in other lands. When he became U.S. Ambassador to the U.N. the smaller nations especially sent their representatives to him as a warm and wise friend. He proved repeatedly in the fateful confrontations with the Communist bloc that he could be a stern defender of the free world's vital interests as well as the eloquent pleader for its ultimate dreams. This Nation and the whole free world tended to take him for granted, but the world sensed then and understands now that his was the greatest voice in the council of the nations.

So he labored, day after stormy day. He struggled ceaselessly with crises which threatened the survival of the world we know. He conferred endlessly with President Kennedy, President Johnson, and Secretary of State Dean Rusk, speaking as a respected equal in the formulation of policy and espousing it with unmatched eloquence once a consensus had been reached. He worked constantly with delegations from all over the world. And he continued to present outside the U.N. those wise and witty speeches which audiences throughout the Nation and the world continued to demand.

It was too much too give, and so that marvelous intellect and deep compassion will live now only in his words and in the memories of the countless millions who loved him. The President described him well: "A friend and guide to all mankind."

At the outset of his political career, impatient with the foolish critics who indiscriminately belabor politicians, Stevenson declared that politics is "the noblest career anyone can choose." He pledged to devote his life to "honest, sincere, courageous performance" for the public.

Now his life is ended, and millions who knew him or felt they knew him grieve. He was loved as much for his humility as for his nobility, and surely he hoped even at the last that "a stronger, wiser, better man" might stride forward to champion the cause of freedom in the council of nations. He hoped in vain. The world has lost one of the great men of history.—B.J.

THE GREATNESS OF ADLAI STEVENSON

(By Max Freedman)

By the grace of his spirit and the splendor of his mind Adlai Stevenson turned the sting of defeat into a crown of glory. He earned more honor in misfortune than most leaders gain in victory. He lost two elections, but he never lost the pride of his party or the admiration of his country. That garland can never wither, nor can time stain the radiance of his enduring renown.

In 1952, without his choosing, he took charge of a party divided by many quarrels and uncertain of its future. He gave it a fighting faith once more by making it confident of its purpose and destiny. That was his first great achievement.

Then he fought a campaign with the shining weapons of wit and eloquence and scholarship, never once picking up a dirty bludgeon or falling below the level of his own high theme. There had been nothing like it since the first campaign of Woodrow Wilson in 1912; and Wilson ranked with Jefferson and Lincoln among his three supreme heroes.

The world applauded and Americans were impressed; but an epigram can never defeat a legend; and Stevenson twice knew defeat on a humiliating scale.

What was the greatness of Stevenson? Even in death his complex spirit commands no unanimity. But on certain guiding principles, with the wisdom of the afteryears, all may agree.

Words were sacred to him because he refused to trifle with the truth. That is why he polished his speeches to the last reluctant minute, to the despair of his friends and the torment of reporters. He wished to say exactly what he meant. He was not seeking merely the sheen of eloquence, though eloquence often came in the crackle of a vivid epigram, the gaiety of a twinkling sarcasm, the sudden felicity of an inevitable phrase, or the exaltation of a moral appeal.

He had a higher aim in view than his place as America's prose laureate. He wanted words on the political platform to be used as counters of truth and never as weapons of deception. He has left us his example to shame those who fall below his standards.

Was Stevenson, the master of noble words, also the servant of noble causes?

His was the first prophetic voice in a national campaign that dared to denounce Negro wrongs as an outrage on American rights. There would never have been a Suez war if his advice had been followed in good time and if an international police force had been placed in the Gaza strip.

No one can take from Stevenson the distinction of being the first American statesman fully to recognize the definite end of the colonial era and the growing importance of the emergent nations.

He pleaded for a nuclear test-ban treaty when others denounced this advocacy as theatrical folly. He strove for an end to the arms race though he knew the barbed stratagems of Communist power far better than most of his critics.

He argued with a certain spacious courtesy that made him for some 15 years the most admired and trusted spokesman of American policy on the world scene.

We have no way of knowing what leadership in the White House would have done to Stevenson. Lesser men have grown in stature and in power of decision. He, too, might have found resources of character within himself that would have provided the crowning proof of his greatness. It is more than an act of faith, under the shadow of death, to believe that this last felicity would have been granted to him.

Almost from the first it has been common talk among his friends that Stevenson's work as Ambassador to the United Nations was uncongenial to him. No one in that position can ever share fully in the shaping of policy. He must often speak from a brief prepared in Washington instead of crying aloud the mandates of his conscience.

But he served two Presidents in this campaign for peace, though with a chafed spirit, because he knew he brought personal gifts to America's cause that were unique and invulnerable. And two Presidents honored him deeply for it.

When his vagrant melancholy lifted, as it always did at the touch of wit or the challenge of a fresh idea, he could be a companion so beguiling that time folded its wings and crept away into a corner, until the cascade of talk at last came to an end.

He honored us all by refusing to stoop in order to conquer. Now we are left with a huddle of grief-stricken memories when only yesterday we had a valiant friend and a radiant champion.

Tread lightly, for here is a name certain to blossom in the dust.

[From the Washington (D.C.) Post, July 18, 1965]

HE NEVER LEARNED TO HIDE HIS SOUL

"We shall not come again
We never shall come back again
But over us all, over us all,
Over us all is—something."
—*Thomas Wolfe.*

(By Richard N. Goodwin)

Twice he had come as close as a man could come to leadership of the American Nation. Yet no one noticed as, for a moment, Adlai Stevenson looked toward the caped statue of Franklin Roosevelt, walked a few hundred yards, grasped the thin steel columns of a sidewalk railing, and died.

Questions of man's survival, of war, and of human progress had very nearly rested on the qualities of his personal mind and will. The destiny of every man and woman he passed that afternoon was almost placed in his hand. Yet no one cheered or waved or even turned to stare.

For he had escaped power. And for a politician, power is the tool which etches out one man's figure from among his companions.

IMPRESSIVE QUALITIES

Would he have been a good leader of his country, or a great one? We will never know. Many deny it. And they give reasons which start to persuade, until we remember that they—or their counterparts in other years—has said the same of past leaders such as John Kennedy and Franklin Rossevelt and, violently, of Abraham Lincoln.

The fact is no man who has not been President can survive analysis of his capacity for the task. Nor can we predict his qualities until they pass through the purification of power and responsibility. We do know he had more promise than most. We do know the impressive qualities of mind and spirit his career permitted him to reveal. We also know he was ambitious. For you do not run for President unless your ambitions are greater than those of other men.

Was that ambition tinged with self-doubt? It is for every man except the very dangerous. Did he have the courage of decision? His own words, public and in private conversation, cloud judgment. But perhaps they only mask the fact that never in his public life did he fail to decide when it was time to decide; except in 1960 when the shameful prospect of leading his party to a third defeat postponed judgment beyond the reach of action.

Where public issues were concerned he spoke—on the platform and in the meeting room—with a clarity of conviction few had courage to match. And on this question the judgment of those who knew him is disfigured by the tortured musings of a man who had never quite learned the trick of hiding his soul; whose confidence had been twisted and battered by defeat and by the indifference and contempt of lesser men, which finally killed him.

He was not, as some have said, marked by fate for failure. He was the victim of less mystical forces: bad luck, poor timing, unfortunate issues, a party too long in office, and an opponent who could not be defeated. Had 6 percent of American voters switched to him in 1952 then all the hesitation and humility would today be regarded as the skillful genius of a master politician.

So we do not know, and will never know, if Adlai Stevenson would have been a good President of the United States. But we must be reluctant to believe that the judgment of so many who had desired his victory so furiously could have been so wrong.

Great men of affairs are either kings or prophets. Very few are both. And honor comes more reluctantly to prophets because they touch us more deeply. Adlai Stevenson never became a king, but he was a prophet. Death is already beginning to dissolve the masks of public failure and private personality which hide that recognition. It will become clearer as the self-justifying commentaries of those who scorned him in life begin to fade.

SEED ON UNPLOWED GROUND

I knew Adlai Stevenson as a colleague in my work for President Kennedy and, more recently for President Johnson. Both valued him most highly. Both had worked for his election to the office which they, not he, were to hold. Both knew, as others did not, what it took to bare yourself—ambitions and hopes—to the faithful, the indifferent and the hostile alike.

Many others in Washington, in these years, looked at him with a certain condescension. At times, thankfully only a few times, my own instinct was submerged in the need to be fashionable. But Adlai Stevenson will be mourned more deeply and remembered longer than any of these. It is not that millions loved him and millions more admired him because they did not know him. It is that closeness and ambition, envy and rivalry obscure the heart's truth. Yet that is the truth that finally matters; which selects the man from among the shadows, sadly past the hour when recognition might bring personal joy.

But though I knew him and admired him, opposed him in 1960 and occasionally worked with him thereafter, many can speak far more intimately than I.

I remembered best the Adlai Stevenson I never knew, when the world was young and the ringing phrases tumbled like the sowers seed on the unplowed ground.

In the fall of 1952 I was a senior in college in Massachusetts. John Kennedy was a young Congressman I had never met now running for the Senate. And Lyndon Johnson was the uncertainly familiar name of a Senator from Texas.

But Adlai Stevenson was my hero and my leader and my candidate for President of the United States. I never met him or even saw him nor had I read the carefully crafted texts of his speeches. But something was in the air. My tiny world suddenly seemed to widen. Events and the course of history were drifting back within the reach of a man's skill and brains. The pursuit of power, and its use, were not solely the object of greed and vaulting ambition but infused with service and nobility and the love of others.

It wasn't that he talked sense or spoke the truth harshly. It was the more profound act of telling us—my generation—what we knew but didn't realize. He revealed a world we already sensed was there, bared challenges we were aching to undertake. The words were the words of sacrifice but the music sang of meaning and purpose to a young man.

As much as any, he was the end of postwar America and the beginning of a time still nameless. We knew and still repeated the old political phrases and the outworn battle cries. But we did not understand them because the lines had been drawn in a different war, and it was not our war. Now finally, there was a language we could understand and make our own.

THE ELEVATED INTELLIGENCE

Eight dreary, near-tragic, years were to pass before that prophesy was to be fulfilled by different men. It is hard to overstate the extent to which he helped shape the dialog, and hence the purposes, of the New Frontier and then the Great Society. He dissolved the old, unserviceable simplicities and taught us to apply to the world the complex wisdom we have used so triumphantly in the affairs of our Nation: We could seek peace while resisting danger. Everyone who was not a friend was not an enemy. Agreement and accommodation could come from self-confidence as well as fear. By helping others we could strengthen ourselves. Particular problems could be resolved, but we must learn to live for generations with a troubled world. The contest was not simply between our system and communism, but between those who found security in dominion and those who found it in a world of strong and diverse lands.

And all these principles, and many more, he suffused with another welcome and shining truth: the pursuit of national self-interest was not inconsistent with the desire for justice and dignity and well-being for all the people of the world—that there was no basic unresolvable contradiction between realistic policies and high ideals.

To our domestic problems he brought the same elevated and critical intelligence. He told us our sights were too low, the course we had charted too narrow. In every area of our national life we not only could do more than we were doing but more than we thought. And he taught that wealth was not excellence, power was not greatness, the pursuit of abundance was not the pursuit of happiness.

After he spoke, no leader of his party nor the dialog of democracy itself, would ever sound the same again. He was eloquent and acclaimed for eloquence, but finally it was not how he spoke, but what he said that mattered. Others would bring new accents and perhaps even greater powers to leadership. But it had all begun in Springfield, Ill., in that hopeful dawn year of 1952.

CITIZEN-POLITICIAN CREATED

The most farsighted policies molder and dissolve, lose content and direction, in the hands of the mediocre and the indifferent. The Nation rests on the quality of its public men, and they in turn are shaped by the quality of American politics. Adlai Stevenson brought many individuals into Government who have enriched the administrations of President Kennedy and President Johnson. But this is the least of it. More than any man, he created the citizen-politician. He told an entire generation there was room for intelligence and idealism in public life, that politics was not just a way to live but a way to live greatly, that each of us might share in the passions of the age.

My first experience in national politics was in an overflowing, chaotic room of the volunteers for Stevenson. Many thousands had the same initiation. Today, the citizens groups, the volunteers, the clubs to discuss issues and the clubs to reform politics, are a force which every politician must confront, and which the best will welcome. Thus, he changed the face of American politics; enriching the democracy, providing a base on which talent could aspire to power, opening a gateway to public life through which many who never heard his voice will someday enter.

All these—ideas and men—are contributions to be remembered. But there was something more to Adlai Stevenson, a quality that resists thought and language alike. For none of this explains the fierce desire millions brought to his cause, the disappointed tears of many who never knew him, the deep impulse which could make even experienced politicians forget commitment and interest alike to be at his side.

It was not the first time we have seen this quality, nor the last. But how rare it is in those who find their way to power.

Part of it was in his lesson. It was not a new lesson. It runs like a vein of light through the dark history of the race. It suffuses the religion and beliefs of every people. It says that man is more than the sum of his needs and desires and fears. It ennobles those who look beyond their own interest to great principle. It acclaims, not wealth and power, but the charity of the spirit and the reach of the heart.

LOVE FELT BY MILLIONS

This is what he wanted for the American people. And although we may never be equal to it, many loved him for thinking we could.

The rest was the man himself. You didn't need to know him to feel it, although knowing brought confirmation. There was a gentleness, a spaciousness of sensibility, a love which in unseen ways was felt by millions. He could laugh and be cynical. If he read these words he would joke about them, and he would deride this writing with soft self-deprecation. But all the wonderful humor, the urbanity, the captiousness was, in large part, a mask to protect himself from a world which so easily confused humility with weakness, sentiment with unreality, amplitude of understanding with failure of will. Many who met him were fooled. Millions who never met him knew the truth.

This is the secret of today's mourning and to his place in the play of passion clothed in fact which is history. People return what they receive. They believe in the man who believed in them and thus made them believe in themselves. They love the man who loved them and thus let them love themselves a little more. They honor the leader who told them they were better than they were and, in so doing, made is so.

He has often been compared to Hamlet. And those who make the comparison do so as a metaphor of irresolution. Hamlet is the story of a man who tries to understand and reach for certainty before he strikes. But he does strike; and for justice loses kingship and life while the election lights on a young and valiant captain.

Our judgment must echo Shakespeare's own when the new king stands beside Hamlet's body, saying:

"Let four captains
Bear Hamlet, like a soldier, to the stage;
For he was likely, had he been put on,
To have prov'd most royally * * *."

L.B.J.'S NEWS CONFERENCE ON VIETNAM

Mr. CHURCH. Mr. President, last Wednesday, President Johnson again defined the American purpose in Vietnam. He avoided any trumpet call for a wider war, focusing his attention upon South Vietnam. Our commitment—from the beginning—has always been confined to South Vietnam. It is in South Vietnam that the guerrilla war is being fought, and it is there that a solution must be found.

I was also reassured by the President's emphasis on our stated goal—a peaceful settlement at the conference table. In the past, I have strongly urged negotiations, in which I have believed the United Nations should play a role. On June 24 I called for free elections in South Vietnam, once the requisite internal order would permit them, and suggested that peace talks would have to include the Vietcong. I am gratified that the President indicated his willingness to move in these directions.

In my judgment, the best assessment of the President's news conference was written by Walter Lippmann and published in the July 30 issue of the Washington Post, under the title "Realism and Prudence." I ask unanimous consent that Mr. Lippmann's column be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

REALISM AND PRUDENCE

(By Walter Lippmann)

The decisions taken by the President as the result of the review of the situation in Vietnam are, it seems to me, realistic, and as a result, the American position is strengthened and improved. The crucial issue which he had to resolve was what this country should do in view of the fact that the South Vietnamese Government has lost to the Vietcong the control of virtually all the highways and most of the villages and territory of South Vietnam. Should the United States volunteer to fight the war which Saigon has so very nearly lost, substituting American troops for the Vietnamese troops, taking military command of all the fighting forces and of the government in Saigon? Or should the United States defend its presence in South Vietnam for the purpose of negotiating a political settlement?

The difference between these two strategies is all the difference between, on the one hand, an unlimited and illimitable war that could escalate into total war, and, on the other hand, a limited war, as the President calls it a "measured" war, which is clearly within American military power, demands no exorbitant sacrifice, and keeps the struggle within the possibility of diplomatic negotiations. The President on Wednesday announced, if I understand him correctly, his choice between these two strategies. Although he repeated the grand formulas of a great war, in fact his decision as of now is to fight a limited war. The size of the callup is in accord with this decision: the additional troops are sufficient, or can be made sufficient, for a limited and defensive strategy. They would be absurdly inadequate if our objectives were the reconquest of South Vietnam. Instead of 125,000 men, the troops needed would, according to the usual formula of 10 to 1 for guerrilla war, mean more nearly a million.

There is additional evidence from the official disclosures on Wednesday that the President has decided against a serious escalation of the war in North Vietnam. He has been under pressure to send the bombers into the heart of North Vietnam, into the area of Hanoi and Haiphong, where are the industries and the population centers of the country. While it is never wise for a commander to say what he will not do, there is considerable evidence that the administration has decided not to bomb the population centers, and to avoid putting Hanoi in the position where, having nothing to lose in the north, it uses its formidable army to invade South Vietnam.

Moreover, high U.S. Government officials have let it be known that we do not intend to comb the countryside to eliminate the Vietcong from villages, but rather to confine ourselves to conventional military action.

Along with the decision to keep the war limited, the President has launched a strong diplomatic campaign for a negotiated peace. He has in the past proposed, or hinted at, most, perhaps all, of the elements of his campaign. But the combination he described on Wednesday is new and impressive. In calling upon the United Nations and all member governments, severally or jointly, to bring the fighting to an end, he has, for the first time I think, given the mediators something concrete to talk about with Hanoi.

The President has agreed that the principles of the 1954 agreements, which are the declared war aims of Hanoi, are an acceptable basis of negotiation, and that we are prepared in South Vietnam, or in all Vietnam, to accept elections supervised by the U.N. This is contrary to the position taken by Secretary Dulles 10 years ago, and the President's willingness to return to "the purpose of the 1954 agreements" opens the door wide in principle to a negotiated settlement.

Probably, Hanoi will still refuse to negotiate. For the Vietcong and Hanoi are within sight of a military victory, not over the United States but over the Saigon Government, and it is by no means certain that General Westmoreland with his reinforcements can prevent that. But even if he cannot prevent it, the strategy adopted by the President will leave the U.S. Army invincible in Vietnam, with the United States exercising an influence which cannot be ignored in the eventual settlement.

JOHNSON'S BREAKTHROUGH ON TALENT

Mr. CHURCH. Mr. President, after a year in Europe on a Ford Foundation grant, Max Lerner is back in his role of one of the most perceptive social and political analysts of our day. His first column after returning discusses Adlai Stevenson, Arthur Goldberg, and the remarkable ability of President Johnson to put the right man in the right position.

Commenting on the appointment of Justice Goldberg as Ambassador to the United Nations, Mr. Lerner writes:

> It is an exciting country that can offer this example of stripping away the inessential in order to get at the quality most needed, of talent seized imaginatively, reexamined, relocated. It is also exciting to find a man willing to give up a safe place in a snug harbar for life, and accept the risks of storm and battle anew.

I believe Senators will find this column of uncommon interest. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, July 30, 1965]

JOHNSON'S BREAKTHROUGH ON TALENT

(By Max Lerner)

Returning to the battlefront after a more serene vacation month than anyone has a right to enjoy in our troubled time, one finds a profusion of events clamoring for comment—a death that left a scar on the Nation, a dramatic appointment, disclosures of the inside story of past events, emerging political battles, war decisions in the making. Such event clusters link past and present in an unbreakable web.

One is the death of Adlai Stevenson and the appointment of Justice Arthur Goldberg to his U.N. post. The Nation gave Stevenson, on his death, the kind of understanding and devotion that it had never given him during his life, much as most of us do when some good kind friend dies, whom we have neglected unconscionably and treated shabbily. We suddenly rediscovered in Stevenson a number of lofty qualities we might have noted earlier, in 1952 and 1956, when we not only managed to dissemble our love but kicked him downstairs. None of the glowing tributes to him could hide the fact that at no point in his life did we give him the chance he thirsted for—the chance at power, at making the great decisions of the Nation.

The U.N. post, in which he died, was not a power post but one for an advocate and negotiator. He performed it with grace and wit and logic, and as an advocate he was the more effective because for all the newer and smaller nations he was a symbol of what was best in the intellectual and political life of the great Western power he represented.

For many years we have been asking our Presidents to show more imaginativeness in their approach. President Johnson has now done exactly that, with a vengeance, and no one will ever again prod him on that score. To take a man who had been general counsel for the CIO, then Labor Secretary and then a Supreme Court justice, and give him the top diplomatic post at the disposal of the United States—that took some boldness. To persuade him to step down from lifetime tenure on the Court took some doing. To think of choosing a Jew for a post where he would be vulnerable to Arab attack, took some political courage. To sense that Americans, and indeed most of the world, would first be stunned and then delighted by so extraordinary an appointment took some political intuition.

I like this kind of imaginativeness, partly because it puts a good man in a good place, where he will acquit himself well, but mainly because it shakes up the dodos—in fact, it shakes up the whole political consciousness. Many Presidents, including John Kennedy, have railed at the State Department and its encrusted paper-shuffling ways. President Johnson didn't rail, but matched the professionalism of the Department with his own professionalism as a political man—and the result was a resounding success.

The crucial talent that Goldberg brings to his new post is, I take it, his capacity as a persuasive mediator and a tough negotiator. He has shown it inside the American labor movement and the American economy. He will now have a large stage on which to function—that of helping resolve the fiscal and constitutional crisis of the United Nations, and of giving some needed strength to the shaky efforts at peacemaking.

It may or may not work. But what counts is that willingness to look for the needed trait and talent, however far and high one has to go, however unlikely at first sight the external facts about a man may be. That is the breakthrough—the daring is locating talent, the will to use it not where tradition tells you to use it but where it will have the greatest effect. It is a vertical way of finding talent, by cutting down through the accepted divisions, rather than the horizontal way—by canvassing the possible men in a particular field or specialty.

It is an exciting country that can offer this example of stripping away the inessential in order to get at the quality most needed, of talent seized imaginatively, reexamined, relocated. It is also exciting to find a man willing to give up a safe place in a snug harbor for life, and accept the risks of storm and battle anew. What more can men offer their fellowmen than talent and commitment? A nation that has such men is one with a capacity for self-renewal.

REFORM MARCHES ON

Mr. CHURCH. Mr. President, President Johnson's forward-moving domestic program has won the support of most of the Congress and of the country. Historians will regard President Johnson's administration as one of the most successful in our history in implementing necessary social reforms. Chalmers M. Roberts has written an excellent on President Johnson's domestic program which was published in the July 25 issue of the Washington Post.

I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, July 25, 1965]

Reform Marches On: L.B.J. Programs Follow Heritage of T.R., W.W., F.D.R.

(By Chalmers M. Roberts)

Four times in this century—under Theodore Roosevelt, Woodrow Wilson, Franklin Roosevelt, and now Lyndon Johnson—the United States has pushed forward the frontier of domestic welfare and reform.

The circumstances and the details have differed but the aim, stated or unstated, has been the same: to use the powers of Government to keep the Nation attuned to its ever-changing social and economic needs.

Today, the 89th Congress is approaching the end of a remarkable first session in which scores of welfare state measures are being enacted. The record is extraordinary if for no other reason because it is being compiled in a period so totally different from the last great burst of domestic reform, the early New Deal of the 73d and 74th Congresses in 1933–36.

What, in fact, is happening? Why is it happening today? Where do we go from here?

NEW ERA OF REFORM

In 1933, when F.D.R. came to power, a fourth of the labor force was unemployed and millions more were underemployed. Despair was abroad in the land; demands for action, almost any action, came from all sides.

Today, the United States is at the height of prosperity, despite unemployment of around 5 percent of the much larger labor force. Despair is limited; F.D.R.'s one-third of a Nation ill-housed, ill-clothed, and ill-fed is down to one-fifth. The presidential campaign last fall, in its domestic aspects, centered more on whether to preserve the current welfare state than on expanding it.

Yet now, in a psychological atmosphere totally different from that of 25 and 30 years ago, the United States is in the midst of a new era of domestic reform.

An examination of the "why" question with Senators, Representatives, and White House officials deeply involved produces four answers: recognition of accumulated needs, an altered view of Government economics, new majorities in both Senate and House of reform-minded Members, and the legislative wizardry of Lyndon Baines Johnson. In combination, these factors are producing the successes of the Great Society.

First, then, the need. F.D.R.'s New Deal advances, by and large, came to an end in 1937 when the President split the Congress with his Supreme Court "packing" plan. From then until the current Congress opened last January, the coalition of conservative Southern Democrats and Republicans has, with only a few exceptions, blocked major changes.

TRUMAN PROPOSALS

These needs did not go unnoticed, of course. President Truman proposed to meet many of them and blasted "the terrible 80th Congress" for balking at their enactment. Adlai Stevenson twice tried as a presidential candidate to arouse the Nation to action. President Kennedy modernized the list and had the first successes, though limited. The 8 Eisenhower years amounted to a standstill period but they did serve, at least, to end the ultraconservative dream of repealing the New Deal and all its works.

During most of these years the Nation's energies were absorbed in the cold war and the hot war in Korea. Not until the pause after the 1962 Cuban missile crisis did the United States have time for general contemplation of its domestic problems. Then it began to explore the meaning of such massive factors as the postwar population explosion, the flight of whites to the suburbs, and of Negroes from the South to the northern city cores.

Numerous books dissected facets of these problems; John Kenneth Galbraith's "The Affluent Society" stirred many. Then, too, State and local governments seemed more and more overwhelmed and pressure for Federal action in many fields increased.

In an unexpected way, Barry Goldwater's campaign last fall capped this growing public education. His "crime in the streets" speeches brought into the open unspoken worries over crime and juvenile delinquency, especially among Negroes. But those speeches did more: they made the general public look at what the specialists had been saying that the cause of the Negroes' involvement in crime has not been his race, per se, but the conditions of his life, his limited education, his low income, his slum housing; above all, his isolation from the mainstream of increasingly middle-class America. Poverty in the United States took on a new meaning.

In his initial honeymoon months with Congress, President Johnson made a number of breakthroughs. By 1965, public opinion was ready to go the whole way.

Second, then the matter of finances. F.D.R. spent freely—every New Deal year ran a budget deficit—and the national debt soared during World War II. A back-to-the-balanced-budget psychology followed. This conventional financial wisdom was attacked by John Maynard Keynes and his followers, including President Kennedy, but not until after L.B.J. entered office was the country and Congress prepared to accept the idea of tax cutting, despite a budget deficit, to fuel the economy.

Top Government officials have yet to say a deficit is good for the United States but they operate on that basis. This new economics, under L.B.J. has won unprecedented support from the business and financial chieftians who so long were the bulwark of conservative and conventional thinking. Mr. Johnson's skillful use of liberalized business depreciation allowances, plus corporate income tax cuts, has helped to produce this swing of opinion, not to mention the contentment induced by swelling profits and dividends.

Spending thus no longer is automatically suspect. Spending to prevent lulls in the economy has been widely accepted.

Third is the matter of votes, the sine qua non of legislative triumph. The 1964 election, because the Republican Party nominated Barry Goldwater, produced two more Democratic Senators and, most important, added 37 more House Democrats, almost all fully prepared to vote for expansion of the welfare state.

In short, the old coalition was broken. Mr. Johnson in 1965 had a clear working majority for reform for the first time since 1937. He had what Presidents Truman and Kennedy lacked and what Stevenson doubtless would have lacked even had he been able to win the Presidency.

Fourth and finally, Mr. Johnson was able and anxious to use the votes, to take advantage of the recognition of need and to exploit the new economics. His fellow Democrats are often inclined to credit his personal legislative magic with being the key to the great flood pouring through Congress. But the times had to be right and the votes had to be available for the master tactician to work his will.

His techniques are well known and widely advertised: the personal attention, the flattery, the arm twisting, the telephone, the White House receptions and the small tete-a-tetes, plus his ability to marry GOP proposals to Democratic plans, as in medicare, or to find a path past the most dangerous pitholes, as the religious issue in the education bill. Nor should the skill of his legislature aides, led by Larry O'Brien, go unmentioned.

FIELDS OF LEGISLATION

The Great Society program is not easily categorized since, for example, items in the poverty, education, urban affairs, tax, health, and civil rights fields all are aimed at helping the disadvantaged Negro. Nonetheless, the program can be divided into three broad fields, aside from the specifics of civil rights.

Public health and welfare: The medicare measure is prime here, breaking new ground in both compulsory hospital and health insurance and voluntary medical insurance. The need is to lessen the worry of our increasing number of older citizens about the medical bills which mount at a time that income lowers and to reduce the burden on their children at the family-forming age when incomes generally are skimpy.

Subsidiary measures include better control of drugs; at least warnings about cancer danger in smoking; efforts to lessen air and water pollution; and additional research, especially in the key areas of heart disease, cancer, and stroke. New or additional benefits for children in broken homes, or with emotional or other problems, also fall in this category.

Education: A mass infusion of Federal funds for the first time into elementary and secondary schools is the prime item here, with the funds concentrated in areas where poverty and other circumstances have crippled or defeated normal educational efforts. But more help in higher education, for the crowded colleges themselves and for poor students, is included. Many believe educational techniques must be radically changed in this increasingly computerized society; at least the new measures provide financial underpinning for such efforts.

Urban affairs: The poverty program, begun a year ago, is central here, including such related items as the teacher job corps idea in the cities and the young people's job corps in the country, all aimed at breaking the cycle of poverty. Also important is the preschool Project Head Start and the rent subsidy scheme so poorer families will not have to pay more than 25 percent of their income in rent.

An effort to pull together the problems of our increasingly urban society, including mass transportation, will be made by creating a new Cabinet post of Secretary of Housing and Urban Development.

All these items, and lesser ones, provide at least an attack, however scattered and tentative in some cases, on the complex problems of urban life, including measures relating to crime and juvenile delinquency.

There are other items which do not neatly fall into any of these categories: the Appalachian aid program for the tier of eastern rural and depressed counties, manpower retraining, highway beautification, auto safety. And of course the economic measures, chiefly tax cuts.

Some of the Johnson measures will have to wait until next year but the big breakthroughs in medicare, housing rent subsidies and education already are accomplished.

In sum, these measures certainly will not solve America's problems but they at least represent a concentrated attack. Out of the experiences which flow from their administration will come knowledge on which to base changes and to propose new programs to fill gaps.

CLEARED THE BOARDS

Some Senators will tell you that "we're finally passing the Truman program," noting his pioneering the civil rights, medicare, and other items. White House Assistant Richard Goodwin declared last week that "we have cleared the boards of most of the old ideas, from medicare to education."

Basically, that is true. There have been some innovations: the rent supplement approach in housing the poor, the idea of regional medical centers (an L.B.J. favorite along with water desalinization), the proposed teacher corps, some aspects of the poverty program. But the antecedents of even these new approaches can be found in Roosevelt's three R's: relief, recovery and reform.

Mr. Johnson has bullied and badgered the Congress to pass just about all his program this year and he is now working on a program for next year. It is widely believed that the Democratic majorities will be reduced in the 1966 congressional election and the aim now is to pass everything possible while it is relatively easy to do so.

Foreign wars have a habit of halting progress at home and Vietnam may yet do that, though so far it has not even made a dent. And the White House is acting on the assumption that L.B.J. won't have to repeat F.D.R.'s famous statement that "Dr. New Deal" was being supplanted by "Dr. Win-the-War."

AND FOR 1966

Mr. Johnson's task forces are being urged to concentrate on three wide areas in making proposals for 1966: the problems of the American city, of the Negro and his environment, and the pollution of the American environment.

Goodwin, the intellectual shepherd of the Great Society—indeed the apparent initiator of that phase—last week put out a riot call to the Nation's intellectuals. Come up with new ideas and quickly; the cupboard is bare, and "we in Washington—posed with the greatest political means of forward movement in a generation—are groping for proposals and programs."

Some critics feel that some of what has been already enacted shows a lack of clarity in thinking, the poverty program for one. Certainly there is a considerable degree of let's try it and see if it works in some Great Society measures. Already the politics of poverty is evident. It will be a miracle if scandals are avoided; they were not avoided in New Deal days either.

Administrative problems now being created are immense. There is a clash with the entrenched New Deal-born bureaucracy, as demonstrated by the public housing lobby's struggle against the new rent supplement idea.

But the President quite obviously is in no mood to stop and consolidate his gain. He wants to press on and doubtless will until the day comes, as history indicates it surely will, when public opinion calls for a pause.

THE NATION'S HIGHWAY BUILDING PROGRAM

Mr. CASE. Mr. President, articles which were published in two different Washington newspapers last week focus attention on some of the destructive aspects of our federally aided highway building program in its present form.

One article shows what can happen when the highway builders have a free hand. The article, carried in the Washington Daily News on Wednesday, July 28, reports that the State of California is about to permit the construction of a federally aided freeway which will destroy 80 acres of spectacular redwood trees in the Jedediah Smith State Park near Crescent City, Calif. The State park was started by the Garden Clubs of America in honor of those who served in World War II. Seven thousand acres were contributed with money raised by the Garden Clubs, Daughters of the American Revolution, the Audubon Society, the Sierra Club, and the Save-the-Redwoods League.

The redwood grove was turned over to the State, the article adds, on the premise that it would be dedicated to preservation of the big trees.

According to the article, the redwoods could be spared by moving the right-of-way about a mile north of the proposed alinement. Yet, the article reports, the State highway commission refuses to budge from its present plan, and neither the State park commission nor the State division of beaches and parks has opposed the politically powerful roadbuilders.

The second article, published by the Washington Post on the same day, strikes a more hopeful note. It points to the possibility of reconciling our highway needs with the preservation of our natural resources and also the livability of our cities and towns.

The thrust of the article is that tunnels are getting cheaper to build and operate, and open highways more expensive, and, therefore, it would be useful to consider putting many of our new roads underground in congested areas. This challenging concept merits our most serious consideration.

In the last few weeks I have been critical of certain features of the interstate highway building program in the District of Columbia. Of immediate concern is a plan to run a leg of the so-called Inner Loop directly through Potomac Park, site of the Lincoln and Jefferson Memorials and the beautiful Tidal Basin. Under one plan, acres of precious parkland would be covered by concrete. In addition, it would blight the setting of several of our most-honored national shrines.

Fortunately, this plan has now been put into cold storage while new proposals are studied. There is still a chance to preserve much of the beauty and majesty of this world-famous memorial area. We must make the most of it.

The threat to Potomac Park is not unique. Indeed, if this most honored memorial area in our Nation's Capital is is not immune, how much more vulnerable are our cities, parks, and monuments throughout the Nation?

Congress, which is responsible for our vast highway building program, must reconsider its impact on our cities. In building roads, are we not destroying other, also important, values?

We need to look at the effect of the highway program on local planning, on parks and other open spaces, on housing, on historic monuments—on the need to preserve essential values which, once destroyed, can never be replaced.

I am convinced we can preserve these essential values and have our highways, too. I do not believe that it must be a case of "either, or." But we must make up our minds that we want both and that we will pay for both.

If we need proof that both can go together, we need only look at the Delaware Expressway in Philadelphia. In a recent editorial, the New York Times noted that the Federal Government had agreed to pay 90 percent of the additional cost—estimated at $12 million—of building part of the expressway below ground level in order, among other things, to avoid obstructing the view of the river from residential areas beyond it. Not only will motorists have the expressway—but esthetic values will have been preserved.

The New York Times also suggested that the same treatment for the Lower Manhattan Expressway in New York City would be a tremendous improvement. I fully agree with this. And if this approach is proper for Philadelphia and New York, certainly it is proper for Washington and, indeed, for all the country.

This same sort of thoughtful approach applied to the construction of highways everywhere will avoid blight, prevent the loss of real estate values and tax revenue and preserve or enhance the beauty and livability of our cities.

There are a number of ways this can be done. In some cases, it will involve the actual design as well as alinement of the highways. In all cases, it will call for greater coordination of highway planning with community development of every sort.

And I suggest here that we establish the principle that in all cases where any parkland is taken for highway use, full compensation in kind must be made. Parkland taken for highway purposes must be replaced by other equivalent acreage added to the park system.

Highway building can and must be compatible with the preservation of our natural resources, of the beauties of our countryside, and of the amenities of our cities as places in which civilized human beings can work and live.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD articles published in the July 28, 1965, editions of the Washington Post and the Washington Daily News and an editorial published in the New York Times of July 10, 1965.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, July 28, 1965]

CALIFORNIA STICKS TO PLAN—FREEWAY WILL DESTROY 80 ACRES OF REDWOODS

(By William Steif)

California is about to slash a 2-mile-long freeway through a State redwood park which may become part of the proposed redwood national park.

The freeway will destroy 80 acres of the biggest and most spectacular redwoods in Jedediah Smith State Park, near Crescent City.

Russell Butcher, an Audubon Society official, said the last obstacle to the land's condemnation by the State highway commission was removed this week.

Mr. Butcher added that moving the road "a mile or so" to the north of the proposed right-of-way would be no more costly, would take it out of the park and would take it out of the redwood acreage which a lumber company has promised to sell to the State as an addition to the park.

But the highway commission has refused to change its 18-month-old plan, said Mr. Butcher, and neither the State park commission nor the State division of beaches and parks has opposed the politically powerful roadbuilders.

Thirteen months ago President Johnson directed Interior Secretary Stewart Udall to prepare a plan for a national redwood park by January 1965.

The Park Service is now completing the plan and is expected to deliver it to Mr. Udall in the next few days.

The 9,539-acre Jedediah Smith Park is believed to be one of the plan's key areas. It abuts the Smith River, which empties into the Pacific at Crescent City.

Engineers planning the new road—part of U.S. 199—conceded that a cut through a hill in the park will be as much as 700 feet wide. The United States is scheduled to pay 58 percent of the road's cost.

Mr. Butcher said the State park was started by the Garden Clubs of America, which in 1945 suggested that a national tribute grove of redwoods be purchased in honor of those who served in World War II.

In all, 7,000 acres were bought with $620,000 raised by the Garden Clubs, Daughters of the American Revolution, Sierra Club, Save-the-Redwoods League and Audubon Society.

The grove later was turned over to the State on the premise that it would be dedicated to preserving the big trees.

[From the Washington Post, July 28, 1965]

UNDERGROUND ROADS BECOMING A FEASIBLE ANSWER TO CITY NEEDS

(By George Lardner, Jr.)

Tunnels are getting cheaper all the time. And urban highways are growing more and more expensive.

Perhaps it's too early to take advantage of the trend. But it would seem to offer an encouraging rebuttal to those who contend the cost of Washington's proposed subway system will skyrocket far beyond the $431 million cost estimate.

And after 1972 at the least, when the Interstate Highway System is scheduled to run out of steam, the trend suggests that Washington and other major U.S. cities may be able to continue expanding their transportation systems without losing any more of the land they need so badly for other uses such as housing and recreation.

Highway planners generally dismiss the thought of tunneling their freeways with a wave of the dollar sign.

A Bureau of Public Roads spokesman says he knows of no major urban link built under the interstate program that has been tunneled. The thought that it might prove economical he called "real futuristic stuff."

Yet according to a study of the Rand Corp. by George A. Hoffman of Santa Monica, Calif., "cost differences between tunnels and new urban roads may be indistinguishable before the end of this century."

Just when, he suggests, depends on how hard we try.

Hoffman's findings—based on selected tunnel and city highway projects—indicate that the cost per lane mile of expressways through heavily populated areas has been steadily rising since 1930 while the price tag on tunnels—through all kinds of strata, apparently—has been steadily coming down.

By 1960, his report shows, the price of the most expensive freeways had jumped close to $6 million a lane mile while the cost of some tunnel projects had dropped below $4 million. The cost of tunnels, he indicates, ranged from about $3.8 million to $10 million a lane mile in 1960 while urban surface freeways ranged from $1 to almost $6 million a lane mile.

That might not seem too impressive—until you go back to about 1930. Tunnels then cost $6.7 to $20 million a lane mile while big-city highways cost only about $210,000 to $1.5 million a lane mile.

In short, over the three decades, it seems, the price tag on the most expensive tunnel work was cut in half while the cost of the most expensive city freeway quadrupled. The price of the cheapest tunnel dropped 46 percent while the cost of the cheapest city freeway went up almost five times. And by 1960, some tunnels were costing less than some freeways.

Hoffman says the reasons for all this, such as rising land values upstairs and better technology downstairs, suggest that "automotive and bus travel and storage may soon be cheaper when conducted deep-underground, below the central city."

But tunnels alone, he feels, won't be enough "The city planner," Hoffman says, "cannot consider only subterranean highways without also considering connected subsurface parking garages." He proposes that there be no outlets to city streets except for passenger and freight elevators. Cars would come up for air only in the suburbs.

Highway officials are fond of citing ventilation costs to squelch suggestions for tunnels. But, Hoffman says, conventional urban freeways require about $500 to $2,000 a lane mile each year for snow and ice removal and other expenses that tunnels would eliminate. Decent ventilation, he estimates, would cost $1,000 to $2,000 per lane mile each year. In other words, the operating costs are comparable.

As a starter, Hoffman proposes development of new rock-boring machines capable of drilling three- and four-lane tunnels and underground garages, too—a technological feat that could be accomplished in the late 1960's, given enough research and funding impetus.

The cities should be able to provide the incentive. Protests against freeways are mounting.

With some urban freeways, through areas that would be designated for urban renewal anyway, it would seem just as well to dig a trench and cover it over with new buildings.

But by and large, if Hoffman's analysis is correct, genuine tunnels would offer the best solution.

The new machine to dig tunnels with, Hoffman suggests, could be developed for $10 to $20 million. Even without it, he feels vehicular tunneling costs can be brought down to between $2.2 and $3.5 million a lane mile within the next 5 years.

Highway officials may consider this all real futuristic stuff, but the same might be said of their plans for finishing the city's Inner Loop within the next few years. If they think futuristic, they might get it done.

[From the New York Times, July 10, 1965]

EXPRESSWAY BELOW STREET LEVEL

President Johnson laid down the principle before the White House Conference on Natural Beauty that new highways should not be built without consideration of their effect on the adjacent areas. In accordance with that principle, the Federal Government has now agreed to defray 90 percent of the extra cost—estimated at $12 million—of building part of the new Delaware Expressway in Philadelphia below ground level in order to avoid obstructing the view of the river from the residential areas beyond it.

The Regional Plan Association points out that this precedent means that New York could logically expect the Federal Government to pay 90 percent of whatever extra cost might be entailed in building the Lower Manhattan Expressway below street level. This would be a tremendous improvement over the present plan for an eight-lane elevated structure, which Mayor Wagner himself only 3 years ago acknowledged would result in "economic and social blight" for the neighborhood.

While the city is acquiring the right-of-way from the Holland Tunnel and the West Side Highway to the Manhattan and Williamsburg Bridges, a thorough engineering study could and should be made of the cost of a depressed roadway compared with that of the proposed elevated highway. Apart from the fact that the former would be preferable from the point of view of urban planning, it is probable that many millions of dollars in tax assessments would be saved by protecting valuable real estate from the desolation that would inevitably come to the area once an elevated highway was built.

AMENDMENT OF ACT OF JUNE 19, 1935, RELATING TO THE TLINGIT AND HAIDA INDIANS OF ALASKA

Mr. METCALF. Mr. President, I ask that the Chair lay before the Senate the amendments of the House to the bill S. 893.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 893) to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska, which were, on page 1, line 8, strike out "are citizens residing" and insert "reside"; on page 1, line 9, strike out "United States." and insert "United States or Canada."; on page 2, line 8, strike out "are citizens residing" and insert "reside"; on page 2, line 9, strike out "United States," and insert "United States or Canada,"; on page 3, lines 11 and 12, strike out "are citizens residing" and insert "reside"; on page 3, line 13, after "States" insert "or Canada", and on page 3, after line 18, insert:

> SEC. 2. As used in the act of June 19, 1935, as amended by this Act, the terms "Indians of Tlingit or Haida blood who reside in the various local communities or areas in the United States or Canada" and "persons of Tlingit or Haida blood who reside in the various local communities or areas in the United States or Canada" mean only those persons of Tlingit or Haida blood, as defined in section 1 of said Act prior to its amendment, by or on whose behalf suit was properly brought pursuant to said Act and, in addition, any such Indian or any descendant of such an Indian who may have left the local community in Alaska in which he lived or to which he belonged on June 19, 1935, and moved to another community or area in the United States or Canada.

Mr. METCALF. Mr. President, I move that the Senate concur in the House amendments with an amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk read as follows: On page 3, strike out section 2 and insert a new section 2 as follows:

> SEC. 2. As used in the Act of June 19, 1935, as amended by this Act, the terms "Indians of Tlingit or Haida blood who reside in the various local communities or areas in the United States or Canada" and "persons of Tlingit or Haida blood who reside in the various local communities or areas in the United States or Canada" mean only persons of Tlingit or Haida blood residing in a local community or area in the United States or Canada who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto, or who are descendants of persons of Tlingit or Haida blood who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. METCALF. Mr. President, the purpose of S. 893 is to amend sections 1, 7, and 8 of the act of June 19, 1935, which authorized the Tlingit and Haida Indians of Alaska to bring suit in the Court of Claims. Following lengthy hearings on April 2, 1965, the Subcommittee on Indian Affairs amended S. 893 in a number of ways and the bill was reported by the Committee on Interior and Insular Affairs and passed the Senate on April 13.

This legislation is necessary in order to modernize the 1935 Jurisdictional Act to meet existing conditions and circumstances. The Tlingit and Haida Indians will soon be awarded a substantial judgment by the Court of Claims involving millions of acres of land in southeast Alaska. It is necessary to establish a Central Council of the Tlingit and Haida Indians and provide a method of electing delegates to such Council so that it may prepare plans for the use of the judgment fund. It is also necessary to provide for a roll of the Indians who will be entitled to share in the fund and remove a prohibition against per capita payments.

As passed by the Senate, S. 893 defined the Tlingit and Haida Indians to be citizens residing in the various local communities or areas in the United States. The House has amended the Senate bill to permit Tlingit and Haida Indians residing in Canada to share in the forthcoming award.

On the floor of the House, for the purpose of clarifying the legislation to define as beneficiaries Tlingit and Haida Indians who have a bona fide relationship with Alaska communities, as distinguished from Tlingit and Haida Indians residing in Canada who never were residents of Alaska, an amendment was adopted which raises serious questions of interpretation.

I have discussed the House amendments with the distinguished Senators from Alaska, and the staff of the Interior Committee has consulted with the Members of the House most directly affected, and it has been agreed that the substitute language I am offering for section 2 as passed by the House will accomplish the objective but avoid serious complications, including the possible exclusion or disentitlement of some Tlingit and Haida Indians from the benefits of this act.

The amendment I have proposed simply states that the terms "Indians of Tlingit or Haida blood who reside in the various local communities or areas in the United States or Canada" and "persons of Tlingit or Haida blood who reside in the various local communities or areas in the United States or Canada," as used in this act, mean individuals of Tlingit or Haida blood residing in a local community in the United States or Canada who were legal residents of Alaska prior to or at the time the 1935 act was passed, or who are descendants of Tlingit and Haida Indians who were legal residents of the Territory of Alaska on June 19, 1935, or prior to that date.

AMENDMENT OF PEACE CORPS ACT

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to S. 2054.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, which was to strike out all after the enacting clause and insert:

That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1965" and substituting "1966".

SEC. 2. Section 5 of the Peace Corps Act, as amended, which relates to Peace Corps Volunteers, is amended as follows:

(a) Subsection (c) is amended by adding at the end thereof a new sentence as follows: "For purposes of the Internal Revenue Code of 1954 (26 U.S.C.), a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this Act to the fund from which such readjustment allowance is payable."

(b) In subsection (e):

(1) In the first sentence, strike out "and such health examinations and immunization preparatory to their service," and substitute therefor "applicants for enrollment shall receive such health examinations, immunization, and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service,".

(2) In the second sentence, strike out ", examinations, and immunization" and strike out "for volunteers".

(c) In the first proviso of subsection (g), strike out "one" and substitute therefor "two" and strike out "in the aggregate".

(d) In subsection (h), immediately after "(5) U.S.C. 73b–5)," insert "the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a),".

SEC. 3. In section 6(3) of the Peace Corps Act, as amended, which relates to the provision of health care to the spouses and minor children of volunteer leaders, immediately after "accompanying them" insert ", and a married volunteer's child if born during the volunteer's service,".

SEC. 4. Section 7 of the Peace Corps Act, as amended, which relate to Peace Corps employees, is amended as follows:

(a) Strike out subsections (a) and (b).

(b) Redesignate subsection (c) as subsection (a) and in the subsection as redesignated:

(1) In the introductory phrase:

(A) Insert "(1)" immediately before "For the purpose of".

(B) Strike out "—" immediately after "may".

(2) In paragraph (1) strike out "(1)".

(3) In paragraph (2):

(A) Amend the first sentence to read as follows: 'The President may utilize such authority contained in the Foreign Service Act of 1946, as amended, relating to Foreign Service Reserve officers, Foreign Service staff officers and employees, alien clerks and employees, and other United States Government officers and employees apart from Foreign Service officers as he deems necessary to carry out functions under this Act; except that (A) no Foreign Service Reserve or staff appointment or assignment under this paragraph shall be for a period of more than five years unless the Director of the Peace Corps, under special circumstances, personally approves an extension of not more than five years on an individual basis; and (B) no person whose Foreign Service Reserve or staff appointment or assignment under this paragraph has been terminated shall be reappointed or reassigned under this paragraph before the expiration of a period of time equal to his preceding tour of duty or until the expiration of one year, whichever is the shorter."

(B) Strike out in the second sentence thereof "the Foreign Service Act of 1946" and insert in lieu thereof "that Act".

(C) In the first proviso in the second sentence thereof strike out "of" immediately after "the period of the appointment" and insert in lieu thereof "or".

(D) Insert immediately after "may prescribe" in the second proviso thereof ": *Provided further*, That under such regulations as the President may prescribe persons who are to perform duties of a more routine nature than are generally performed by Foreign Service staff officers and employees of class 10 may be appointed to an unenumerated class of Foreign Service staff officers and employees ranking below class 10 and be paid basic compensation at rates lower than those of class 10."

(4) In paragraph (3):

(A) Strike out "specify" and insert in lieu thereof: "The President may specify what additional compensation authorized by section 207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118h), and".

(B) Strike out "(c)" and insert in lieu thereof "(a)".

(C) Strike out "that Act" and insert in lieu thereof "those Acts".

(c) Redesignate subsection (d) as subsection (b) and in that subsection as redesignated:

(1) Immediately after "or assigned" insert "for the purpose of performing functions under this Act outside the United States".

(2) Strike out "subsection (c)(2)" and insert in lieu thereof "subsection (a)(2)".

(d) Redesignate subsection (e) as subsection (c) and in the second sentence of that subsection as redesignated strike out "(c)" and insert in lieu thereof "(a)".

SEC. 5. (a) Section 4 of this Act shall not become effective until the first day of the fourth pay period which begins after the date this Act becomes law.

(b) Under such regulations as the President may prescribe, each person employed under authorities repealed by section 4(a) of this Act immediately prior to the effective date of that section shall effective on that date be appointed a Foreign Service Reserve officer or Foreign Service staff officer or employee under the authority of section 7(a)(2) of the Peace Corps Act, as amended, and appointed or assigned to an appropriate class thereof; except that—

(1) no person who holds a career or career-conditional appointment immediately prior to the effective date of section 4(a) of this Act shall, without his consent, be so appointed until three years after such effective date; and

(2) each person so appointed who, immediately prior to the effective date of section 4(a) of this Act, held a career or career-conditioned appointment at grade 8 or below of the General Schedule established by the Classification Act of 1949, as amended, shall receive an appointment for the duration of operations under the Peace Corps Act, as amended.

Each person appointed under this subsection shall receive basic compensation at the rate of his class determined by the President to be appropriate, but the rate of basic compensation received by such person immediately prior to the effective date of his appointment under this subsection shall not be reduced by the provisions of this paragraph.

SEC. 6. In section 10(a)(3) of the Peace Corps Act, as amended, which relates to acceptance, employment, and transfer of gifts, immediately after "and transfer such" insert "money or".

SEC. 7. In the second sentence of section 15(c) of the Peace Corps Act, as amended, which relates to training of employees, strike out "Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any" and substitute therefor "Any".

Mr. FULBRIGHT. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. HICKENLOOPER, and Mr. AIKEN conferees on the part of the Senate.

THE HS "VICTORIA"

Mr. BARTLETT. Mr. President, when launching a new hydrofoil vessel, the HS *Victoria*, in Baltimore, Md., July 29, Chairman MAGNUSON of the Senate Commerce Committee, said some things well worth remembering.

This new ship will serve Seattle, Wash., and Victoria, British Columbia. This international course will take about an hour and a half to negotiate—a startling difference from today's schedules by conventional means.

As Senator WARREN G. MAGNUSON of Washington pointed out in his remarks, this remarkable speed will be important in the Puget Sound scheduling and the potential of this vessel already has attracted attention of other nations around the world.

For example, six foreign powers were represented at the launching ceremonies and have indicated interest in the performance of this fast ship in both its trials and regular service.

I ask the unanimous consent of the Senate that Senator MAGNUSON's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WARREN G. MAGNUSON, DEMOCRAT, OF WASHINGTON, AT THE LAUNCHING OF THE HS "VICTORIA," JULY 29, 1965

One hundred and fifty years ago, within sight of this shipyard, an event took place which inspired the "Star-Spangled Banner" and brought about the realization by our forefathers that, to exist as a nation, the United States needed a strong merchant marine backed by an equally strong Navy.

We meet together to salute today those who have made possible the construction and launching of this impressive vessel, the hydrofoil ship *Victoria*. We offer this salute at a time in which the U.S. merchant marine is far below its immediate post-World War II pinnacle of strength. In fact it must be admitted that the American merchant marine today is suffering from severe criticisms both from inside the maritime community and from those outside who speak from a lack of knowledge or appreciation of the importance of a merchant marine in the world struggle being carried out on the high seas today.

I, for one, am confident, however, that these harsh days will pass. I feel an awakening interest in the higher offices in this administration to accomplish something constructive and positive for our merchant marine. These days of severe turmoil are perhaps needed to bring forth new answers and a brighter future.

An important contribution to this brighter future will be the excellent work that has been carried out by Maryland Shipbuilding & Drydock and other shipyards throughout the country to bring about new designs and new concepts in water transportation. The research effort carried out by private industry and by the Government through the Department of Commerce is beginning to show promise. These private and public marine research programs should be further encouraged, not curtailed; we should spend more to advance marine technology and marine engineering to make certain that the U.S.-flag fleet is second to none not only in tonnage, but in marine transportation concepts and design. We must continue to pursue new ways of thinking, new lines of thought, to take advantage of the technology that is available and to encourage further development.

To accomplish this we first must improve conventional-type ships. This we are doing through research in the fields of automation and nuclear propulsion. But we must do more. We must go beyond the traditional concepts in conventional-type ships to pursue advanced designs as we see in the nondisplacement-type ship such as the hydrofoil. Having personally followed this program and supported the development of the hydrofoil concept for many years, I believe, that to survive, the surface Navy and the merchant marine must be receptive to new ideas and innovations in ships in order to meet the requirements of space-age transportation; namely, speed and reliability.

One of the early vessels which was developed from our maritime program is the hydrofoil ship *Dennison*. The *Dennison* is an experimental oceangoing hydrofoil which was developed in cooperation with private industry and completed in 1962.

Extensive tests have been run with the *Dennison* and the vessel has been successfully operated in waves up to 6 feet at speeds up to 50 knots. I mention *Dennison* because it can be truly said that from this background, the *Victoria*, which we salute today, was developed. Thus the launching of the *Victoria* marks another significant step in the U.S. effort to promote marine engineering and technology. But for me it involves something a bit more personal than that. The *Victoria* will operate in Washington State and more specifically will run in Puget Sound between Seattle and Victoria, British Columbia. It is designed to carry 75 passengers between these 2 ports in an hour and a half run and at a speed of 37 knots. This will substantially reduce the transportation time presently required. I consider this true progress. I believe this service will give people in the Puget Sound area a valuable means of transportation and will be an exciting experience for the community.

I can see many potential uses for a vehicle such as the hydrofoil. In addition to supplying commuter services, there is no reason why hydrofoils cannot be built in larger sizes and transport high-value cargo along our coasts—cargo which benefits from high speeds. They can be used to take workers to and from offshort sites, saving man-hours which would otherwise be lost. They can serve to give quick aid to vessels in distress. Most important of all they are indicative of a move toward developing a truly modern water transportation system which uses to full advantage the best features which technological advancement can produce. The worldwide interest in this new and advanced ship concept has, I note, led to the attendance of representatives from many countries, many of whom have traveled a long way to be here today. Most of the countries represented are located in areas where commercial as well as military *Victoria*-class hydrofoil ships could be advantageously employed in their domestic waters.

I wish the HS *Victoria* and those who have sponsored her the fullest success in this worthy venture.

WHAT IS THE FUTURE OF THE PACIFIC TRUST TERRITORY?

Mr. FONG. Mr. President, during the past 2 weeks, in a series of remarks in this Chamber, I have endeavored to focus some light and insight on the status of the Trust Territory of the Pacific Islands. This is a vast region too little known among Americans.

Only a generation ago, however, the fierce battles that were fought by our Armed Forces to wrest the tiny islands from Japan made headlines across the Nation. Names such as Kwajalein, Saipan, Peleliu, and Truk were among the most famous Pacific battles of World War II.

Today, these and scores of other islands scattered within a 3-million-square-mile area in the western Pacific are home to the people of the trust territory, which the United States administers under a United Nations trust agreement. Our Nation is responsible for promoting the general well-being of the Micronesians and their eventual self-government.

I now wish to call attention to an excellent discussion of the political situation in the trust territory by John A. Carver, Jr., Under Secretary of the Interior, in remarks delivered at the opening of the First Congress of Micronesia in Saipan on July 12.

With keen perception and a sensitive awareness of the local, national, and international implications involved, Mr. Carver pinpoints the all-important issue in these words:

> In creating this legislative body and in participating in this opening session, we voice confidence in the future of Micronesia. But this confidence must be tempered with realism. What, in terms of stark reality, is the future of this area?

He then proceeds to suggest an answer:

> We must plot a course for the ultimate decision on future political status and association. The ultimate determining factor, so far as the United States is concerned, will be the will of the people who have elected you to represent them in this Congress. But how we arrive at making that choice and how we implement the chosen alternative will involve highly complex negotiations within the United Nations and careful weighing of the national policies of my own country.

My personal recommendation is to propose to the Trust Territory people affiliation with the United States through annexation to the State of Hawaii. This is not a new idea.

To my esteemed colleague, the senior Senator from the State of Alaska [Mr. GRUENING] goes the credit for having broached this subject several years ago, in discussions with me and several others.

It is a subject currently being actively discussed in the Pacific. It will take

much time, years perhaps, and much consultation to obtain a consensus of all the parties concerned.

At an early date, as I announced in this Chamber previously, I plan to offer a resolution designed to seek the views of the Members of this Senate as to the desirability and feasibility of the annexation proposal. Assuming that Congress favors the proposal, the assent of the people of Hawaii and of the trust territory will, of course, be essential, as will be the approval of the United Nations Security Council.

I believe it is timely to start the serious discussion of the subject. The problem is one which must be resolved eventually, and an early commencement of consideration of the subject could be both prudent and productive.

For those wishing to be apprised of the current political situation in the trust territory, I highly commend the remarks made by Under Secretary Carver before the Congress of Micronesia on July 12, 1965. It is a thoughtful, reasonable, and realistic appraisal of the problem.

I ask unanimous consent to have Mr. Carver's remarks printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Under Secretary of the Interior John A. Carver, Jr. at Ceremonies Opening the First Session of the Congress of Micronesia, Saipan, Marianas Islands, July 12, 1965

This is indeed an historic day—not only for Micronesia, but for the United States of America and the free world everywhere. For today we participate in the founding of a new political institution through which the democratic will of 90,000 people may be worked.

For me personally this is an especially sentimental occasion. When I first visited the Trust Territory just a little over 4 years ago, it was a journey of familiarization—to learn more about this territory of small islands scattered over a vast expanse of sea, to meet with the people and learn of their aspirations, and to confer with Mr. Goding who had just assumed his new duties.

In that era, Saipan was maintained apart from the rest of Micronesia, the seat of trust territory government was not even in the territory but in Guam. The essential ingredient of a democratic society—a popularly elected legislative assembly—was not in existence. Public expenditures for education, health and sanitation lagged further and further behind the needs. Economic activity in the Territory was practically at a standstill.

No miracles have occurred in the last 4 years—but the changes in Micronesia are measurable. It is one governmental and territorial entity under unified administration. Its headquarters is located within the territory. There is a hum of progress in education, medical care and in the economic life of the area. And today we meet to mark the taking of that first long stride toward the ideal of responsible self-government.

This should indeed be observed as an occasion for congratulations and well wishes for future success. But it must also be the occasion for sober reflection. For the assumption of democratic prerogatives also carries serious burdens of responsibility. You are the chosen leaders of a community which is widely dispersed by geographic distance, language differences, unequal levels of social and educational advancement. It is elemental that you must work for the greatest good to the majority of the Micronesian people. But you must be ever mindful of the rights, the aspirations, and the essential human dignity of the minority. It is one of democracy's greatest virtues that the majority rules, but always attempts to protect the fundamental rights of the minority—not only to disagree, but to live according to its own precepts so long as they do not endanger the rest of the community.

This is the reason that the American Bill of Rights is embodied in the code of the trust territory almost from its inception—and why it is incorporated by reference in the charter for this legislative body. We do not urge the concept of individual freedom just because it is American—or even because we claim any particular genius in its development. It represents, rather, the democratic idealism which has evolved from man's earliest attempt at governing himself in an atmosphere of freedom. We are as indebted to the ancient Greeks and the French and British political philosophers as we are to the actual authors of our own basic political documents. We think them the best set of rules for the regulation of the social community.

There will be some—there may be some already—who will criticize Secretarial Order No. 2882 as being imperfect in one way or another and in one degree or another. I cannot quarrel with such a conclusion. But we must remember that no constitution which evolves from the free consent of men will ever be perfect. By its nature, democracy is and must be a system of compromises. Its products will therefore never fully satisfy those who want to achieve perfect symmetry. But, by the same token, compromise of the majority's position is the only proven method for protecting the minority against tyranny.

What has been done in this order is to start the trust territory on the path to self-government. It will be long, and sometimes difficult. Some aspects of legislative authority are limited or circumscribed—not because we want the Congress of Micronesia to be permanently deprived of the full scope of legislative power, but because our best judgment is that it is better to move gradually and well than to shoulder the total burden suddenly and badly. We are able to develop political and legislative skills through the process of experience. Those peoples whose independence was achieved without a background of training in self-government have labored under a great handicap. Democracy stands in jeopardy in those nations where strong central rule became the only answer to the confusion and conflict of undisciplined legislatures. We think Micronesia can and will be spared that kind of experience.

Legislative self-determination is welcomed by the administering authority in many ways, but most particularly in reference to the pace of change that is occurring in the territory. As the sovereign charged with protecting and advancing your welfare, it has been our stated policy to interfere as little as we possibly could with the customs and mores of the community. Yet we know that the people are demanding and will demand increasingly that changes be made in the customary way of life. It is fitting and proper that the pace of change be set by representatives of the people, rather than an outside authority no matter how sympathetic and well intentioned that authority might be.

In creating this legislative body and in participating in this opening session, we voice confidence in the future of Micronesia. But this confidence must be tempered with realism. What, in terms of stark reality, is the future of this area?

In terms of social and political development, the progress of the recent past gives us confidence that the people of Micronesia can be relied upon to produce institutions adequate to meet their needs.

They are interested in and eagerly seek the education necessary to govern their own affairs and to cope with their environment. As the younger people achieve higher levels of training, they can take over the task of improved health conditions and a generally higher standard of living.

But Micronesia will still be faced with many physical facts of life that present serious problems. Geographic dispersion, a limited land base with a vastly expanding population load, relatively meager resources, and strategic location between the contesting forces of East and West pose grave questions for a viable economic and political community on any kind of a self-sustaining basis.

We must plot a course for the ultimate decision on future political status and association. The ultimate determining factor, so far as the United States is concerned, will be the will of the people who have elected you to represent them in this Congress. But how we arrive at making that choice and how we implement the chosen alternative will involve highly complex negotiations within the United Nations and careful weighing of the national policies of my own country.

We have said in the past that the people of Micronesia should not be called upon to decide their political future until they had been provided the tools with which to make a wise choice—those tools being education sufficient to cope with the modern world, economic development and experience in self-government. These remain valid criteria to govern the timing of that critical decision.

We are bridging that gap of educational lag. Today we launch the latest in a series of steps toward experience in responsible self-government. Economic viability remains as a substantial hurdle to a truly free choice. This Congress, in conjunction with the administration, must concentrate its attention on the hard task of converting resources into an economic fabric which will supply the people with the standard of living to which they aspire.

The history of American administration over the past two decades in this area has been an honorable one. Considering its strategic character in this unsettled world and the constant threat to freedom that has been posed by totalitarian powers, our commitment to the welfare of the people has been constant and overriding, albeit at some times underfinanced. Now we have more than doubled our level of investment in your future. Probably this will have to be increased further in support of your progress toward whatever goals you seek to achieve.

Just as we have confidence in your competence to assume management of your own local affairs, so also do we believe that you are convinced of our good faith in the larger task of protecting and developing your homeland. The world is not likely to become less tense over the next few years, much as we might hope for it. The trust territory will very likely continue to be a strategic factor in the defense of freedom—yours as well as the United States. Thus we have a community of interest which is based on mutual confidence and friendship, coupled with necessity.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. TALMADGE. Mr. President, crime in the Nation's Capital has long been a national disgrace, and it is indeed encouraging to note that the President in very forceful terms has urged that action be taken to halt lawlessness in Washington. However, Washington is not alone in experiencing a great increase in crime. Unfortunately, in recent years crime and acts of violence on our public streets have been rampant throughout the entire country, and particularly in almost all of our large metropolitan areas. According to the latest statistics from the Federal Bureau of Investigation, crime increased in the United States last year at a rate of approximately 13 percent. No section of the country, neither the North nor the South, the East or the West, has escaped the ravages of an increase in the crime rate.

This is a matter of grave concern to all Americans. The present trend must be reversed. This is a matter which primarily addresses itself to law enforcement officials. However, it also addresses itself to the people and to the Federal judiciary. I share the view of former Justice of the U.S. Supreme Court, Charles E. Whittaker, who declared that it is high time that all the American people, and particularly governmental officials, demanded a vigorous and certain enforcement of the law with sure and meaningful punishment for those who violate the law, circumvent the law, or take the law into their own hands.

Mr. President, there appeared in the July 28 issue of the Atlanta Journal an excellent editorial concerning crime in the District of Columbia and the action proposed by the President.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered printed in the RECORD, as follows:

[From the Atlanta Journal, July 28, 1965]

L.B.J. AND CRIME IN THE DISTRICT OF COLUMBIA

President Johnson used a good country-boy line with "some fur is going to fly" if Washington doesn't have the best police in the country.

The phrase means there's going to be some mean come-uppance for somebody if all that goin' on isn't stopped.

There's plenty goin' on in the Capital. The President said there is a crime wave. And in saying this he signed a bill to beef up the police force.

"We are not going to tolerate hoodlums who mug and rape and kill in this city of Washington," he said. The stronger police force and the Chief Executive's strong words are welcome—and overdue.

For years the rise in crime in the Capital has been the subject of much talk. Congress has been accused of being remiss in its responsibility. The judicial system has been blamed. The race question has been injected.

Whatever the points of debate, for the city which it is, Washington has not had enough police protection. But Mr. Johnson's stand is new. It is the first time he or any other recent Chief Executives have personally addressed themselves to the problem.

We're all for seeing some fur fly and even some heads roll if the extra police aren't sufficient for the job. We are with the President in his sudden decisiveness on this.

A VISIT TO OHIO'S BAD LANDS

Mr. LAUSCHE. Mr. President, Grace Goulder, a widely read writer with the Cleveland, Ohio, Plain Dealer, is author of a special feature article which appeared in the magazine section of the Sunday, July 25, edition of that newspaper under the title of "A Visit to Strip Mining Country—the Ohio Bad Lands."

I commend Grace Goulder for the excellence and accuracy of her article describing Ohio's "bad lands" resulting from the strip mining of coal and the inadequacy of spoil bank reclamation, partly due to the failure of the operator to recognize his moral obligation to restore the land and partly due to the failure of Ohio's Legislature to strengthen Ohio's existing strip mine law.

The article is well illustrated with photographs taken in Ohio's "bad lands." I regret that the rules forbid reproductions of those pictures in the RECORD for they contribute much to her descriptive story. In my own words, however, I shall attempt to describe what Grace Goulder's camera saw on her tour.

The photograph in the beginning of her article shows what is known as the "last cut" or "highwall." This is a sheer cliff, possibly 50 feet high, and at at its base is an impoundment of stagnant, toxic water avoided by even the lowest forms of insect and aquatic life. The barren cliff is left exposed to the elements to shed its poisonous waters into springs and nearby streams and, finally, through the process of natural erosion, to slough off, carrying with it boundary farm fences, family cemeteries, township roads, or whatever is left standing or living. Another photograph as part of the article pictures the terrain of a reclaimed spoil bank farm. The caption under this photograph reads:

> A solitary farm in the midst of desolation. The top soil here was saved and the land properly restored after stripping. A rare instance in a small area of good reclamation, it proves that such practices could be followed for all strip mining.

Another photograph is of a family cemetery. The photograph's caption reads:

> Many family cemeteries have been scooped up in monster coal shovels to disappear completely. This, the Bronson cemetery, is one of the few saved. The flag marks the grave of a young lieutenant killed in 1862 at Antietam.

The caption beneath a photograph of a new giant strip mine shovel reads as follows:

> The Silver Spade being assembled and observed by a delegation of businessmen brought in by the Consolidation Coal Co. for a tour. The shovel rises almost to the height of a 10-story building; weighs 7,000 tons and has a boom 200 feet long. It cost $8 million and is about to turn Ohio earth upside down.

Another photograph reveals a black river of coal dust marking the roads used by the strip mining trucks which have rumbled through this desolate earth. No greenery is left in these manmade hills and no living thing remains.

Mr. President, I ask unanimous consent that the article by Grace Goulder be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A VISIT TO STRIP MINING COUNTRY: THE OHIO BAD LANDS

(By Grace Goulder)

Strip mining aftermath is not particularly noticeable in the immediate periphery of Cadiz, county seat of Harrison County, the most extensively stripped in the State. Ohio Division of Natural Resources statistics show that 38,800 acres, more than 15 percent of the county, have been stripped, or, in company language, "affected," much of it more than once.

On main highways stands of trees planted by the coal company screen dead hills and empty vales. Company-nurtured lavender-pink ground covering, called crown vetch, reminiscent of Scotland's heather, hides earth scars in deceptive prettiness. The Cadiz Country Club (coal company officials in the membership) has "a beautiful nine-hole golf course surrounded by reclaimed land" with another nine holes planned on company-owned, reclaimed acres, according to company brochures.

All in all, as visitors we at first were favorably inclined to statements in handsomely illustrated deluxe publications handed out by the big operator here, the Hanna Coal Co., Division of Consolidation Coal Co., that summed up the Hanna reclamation program as a "model for the industry."

However, we had not traveled far before the picture changed drastically, and it took searching to locate that "model" restoration. Going generally south of Cadiz as far as the Belmont County line, we made a fan-shaped tour. (Tourism in Ohio is being advocated by high State officials.) Our trip led us mainly, but not exclusively, into the territory between Route 22 on the west and 250 on the east. Perhaps the coal company's publicity writers have not visited this area.

We prevailed upon our long-time friend, Milton Ronsheim, editor of the Cadiz Republican, to guide us. And a mighty good thing we did. Without him we might have become lost. We invaded a desert, upheaved and depeopled, without landmarks of any sort. There was no house, no barn, no store, no filling station, no place where one might seek directions. The countryside was crisscrossed by dirt roads, some of them the company's, others county roads, few of which still carried signs. Villages, though their names might be carried on maps, no longer exist. Whole townships had disappeared.

The naked, tortured land was silent—except when a distant dynamite blast erupted. Rocks were belched up like pebbles, billows of smoke rose heavenward and the earth trembled.

Occasionally we encountered human beings. Drivers of giant coal trucks lumbered past, covering us with dust. One summarily honked us over when we stopped in the middle of a nameless intersection to get our bearings.

Coal had taken over completely in one section where the black landscape seemed to reach to the horizon. Coal was everywhere. It covered the ground, the roadway, and was piled in hills of reserve stock. The black heights were crowned with a lake which we learned was a mile in circumference and more than 100 feet deep.

It was for preparation, of washing, the coal and was ringed with "gob," discarded impurities, also black. The impounded waters likewise seemed black. No blade of grass, no weed, no growing thing could be seen. Here and there the coal had set itself on fire. Little tongues of flame shot out to lick hungrily at the nearest lumps, and quickly die down. We had the eerie feeling of having arrived at the nether regions. And once this was verdant farm country. Could it ever be again?

Elsewhere there were lively sights and much going on, like performance of the big shovels. One, the Mountaineer, was described in company booklets as costing $2.6 million, weighing 2,700 tons, with a dipper capable of scooping out 98 tons of earth in one bite, or enough to fill a room 10 by 20 by 9 feet high. It is equipped with a three-passenger elevator. The operator's cab has a tile floor, wood paneling and a picture window.

But this was pigmy stuff compared to the Silver Spade. At an observation point provided by the company we watched it being assembled. Viewing it, too, was a delegation of well-groomed men, flown in, we were told, on a Consol (Consolidation) plane for a day's tour under company aegis.

A Hanna representative distributed facts and figures about the colossus, whose dipper can dig up in one lift more than 150 tons—no mention of how it puts this back. The shovel's electric power is sufficient to serve a city of 15,000. It is headed soon for Belmont County's Egypt Valley where plans are announced for the biggest dig of all.

At one point Hanna officials recently were quoted as threatening to halt the Silver Spade's construction and terminate Ohio's mining altogether, if the legislature passed what is known as bill No. 1. At this writing it is scheduled for a hearing in the House. Endorsers claim it has been watered down by amendments that eradicate many requirements such as leveling post-mining high walls. Nonetheless, backers concede it is the best bill so far toward safeguarding Ohio's future.

Coal companies, on the other hand, are opposing it as they have opposed every previous restoration bill, claiming, as always, that reclamation costs would put them out of business.

"No one wants to interfere with removal of coal," said Ronsheim, whose weekly newspaper has fought consistently for more comprehensive reclamation. "Coal is a natural resource, a commodity needed for modern industry. All we want is that the land be restored so it will be habitable after the coal runs out."

Published statements indicate the coal company anticipates this may be within 20 to 25 years.

In an effort to be fair, the editor regularly gives space in his newspaper to the coal company's accomplishments. He was at pains to acquaint me with this program: Beef cattle imported by the company for fattening on crown vetch in fenced pastures; plantings for paper pulpwood and Christmas trees; experiments with fruit and grapes, as well as 40 acres in elderberries and 3 in cucumbers for an Orrville preserve manufacturer.

Some of the little plots we didn't find, not surprising in that 38,000 acres. If the vegetation seemed struggling for a root hold in that soil, at least it was a start at long last. Company literature discloses mining has been going on hereabouts since World War I.

We inspected a picnic area with tables, cookouts and three manmade lakes, company-established, and more planned. If this one appeared a bit raw and barren, the years would soften it. Consol makes much of its recreation contributions; plantings to attract wildlife and the hunters as well as lakes for fishing and swimming (evidently these are clear of mine seepage contamination).

Recreation is desirable, certainly—if there are people to enjoy it. But the absence of people is the most depressing aspect of this desolation. Harrison County has been losing its life blood, its people, at the rate of 1,000 to 2,000 a year, according to census figures. As we drove up and down deserted roads, Ronsheim pointed out one-time locations of a prosperous farm, a school, churches, homes, a busy community. In such places no remnant remained. Only the naked earth.

Consol states it owns 47,000 acres (not all as yet stripped, some to be stripped again for deeper-lying coal veins). It is vocal about its contributions to the county in taxes (no reference to low tax rates on this kind of land). Company publications are eloquent about conservation achievements, of land changed "from a liability to esthetic sensitivity" * * * "Plantsites are to be encouraged on reclaimed land in the vicinity of Cadiz."

There are 26 other counties in Ohio with strip mining operations, many leaving the land far worse than Consol is doing in Harrison County.

We recommend a midsummer, know-Ohio tour over backroads in the State's bad lands.

PRESENTATION OF LINCOLN STATUE TO PEOPLE OF MEXICO

Mr. McGEE. Mr. President, the 88th Congress, enacted a measure, Public Law 88–399, to provide for the presentation by this country of a statue of Lincoln to the people of Mexico. It is not my purpose today to question this legislation or the $150,000 needed to carry it out. I believe that this is most worthwhile legislation and a fitting expression of the friendship between Mexico and the United States.

However, Mr. President, I am concerned that after having created good legislation we shall fail in its execution or carry it out in such a manner as to detract from the spirit in which it was created.

The first question faced after the decision was made to present this statue of Lincoln to the Mexican people was whose statue should be used? There are two obvious sources of statues, sculptors and existing works. I have been informed by our State Department that the Commission of Fine Arts has recommended that this statue be a replica of the standing figure "Lincoln the Man" by Saint Gaudens, which is located in Dearborn Park in Chicago.

Mr. President, I have nothing against this statue. I am completely convinced that Saint Gaudens was one of our great artists, but also I am convinced that by choosing a replica rather than by commissing an original work of art we are taking the easy road of bland conformity which does not reflect well upon either our courage or our willingness to make a commitment to progress and innovation.

It is particularly unfortunate, Mr. President, that we should make this type of gift to the nation of Mexico, a world leader in aristic and architectural development and a nation where creativity and originality receive their due and their people and the world benefit as the result. And here we are, sending to this nation of artistic innovation, to this place which is alive and exciting with fresh explorations into the unknown and with new attempts at the previously untried, a copy of a statue that was made 78 years ago.

There might be some slight justification to this decision if the original molds could be obtained and thus the cost of casting substantially reduced, but that is not the case. I am informed that the molds can no longer be found, that new ones will have to be made and that the cost will approximate that of a work created from scratch.

Undoubtedly this decision rests in part on the desire of the Commission to avoid controversy. Saint Gaudens has a secure place in history and few would now attempt to evict him from his niche in the world of art. And there are many, including those in high places who fancy themselves critics of art of one sort or another who would undoubtedly criticize a work produced by a modern artist. These are the people who are uncomfortable in the presence of the strange and unknown, who fear change and who will brook no variance in the rightness of the world as they see it or the standards to which they conform. Mr. President, these people have a perfect right to their opinions and their ideas—or lack of them—but we should not permit their fears to stifle initiative and progress in any realm, artistic, political, or social.

And I believe that this tendency to cling tightly to the tried and true, to disdain artistic innovation as akin to and perhaps subtly a part of creeping socialism and moral decay is multiplied many times in a deliberative body such as the Congress of the United States. Mr. President, I stand second to no man in my admiration for the sagacity, intelligence, and collective wisdom of the Congress when applied to the cares of state and the conduct of national affairs. But when it comes to judgments on art we have a rather dubious record. We, or those who must answer to us, have spawned lumps of buildings that have neither form nor function; we have embraced mediocrity as a standard and shunned innovation as the plague. When something of merit is born of the Federal Government, it is either in spite of our decrees, the result of our inattention, or a construction in a foreign place where our daring is less likely to be revealed to the taxpayer. Frank Lloyd Wright, the very antithesis of committee art and judgments graced the American scene for but 10 years shy of a century. Monuments to his genius grace the entire globe, yet in his lifetime he received not a single Federal contract. Thus do we officially honor artistic prophets in this country. Art is the demonstration of individual powers and insights; it is a world that we who deal in consensus and compromise have never made. We should never try.

Mr. President, I would hasten to add that I am not a disciple of any form of art, modern or traditional. I am not an expert on art, and I am sure a great many people would find my tastes mundane. There is much in modern art I do not understand and some that I actively dislike. But I am willing to accept the proposition that my election to this body has not made me qualified to judge art. And I will defend the notion that progress is made only by venturing into the unknown, by creating something new, by inspiring men of skill and genius to production. We turn in circles when we insist on repeating that which has gone before. Circular movement may at the moment be confused with progress but in the end you are right back where you began.

It may well be that any work now commissioned would not match in spirit and artistic endeavor Saint Gauden's "Lincoln the Man." But how shall we know this if we do not try? We may avoid controversy—this, for some, is an end in itself—but we do not advance the arts or human understanding.

Mr. President, there certainly is no shortage of American sculptors who have the capacity and demonstrated ability for this type of commission. My State, 49th in population, has one and there must be many more who would welcome the challenge to create for our good neighbors the image of a man whom we mutually respect and admire as a leader in the cause of human freedom.

Let us not settle for the easy way out. Let us not substitute compromise for challenge. Let us not bow before the gods of mediocrity. If we can reach for the moon, can we not reach for new expressions of human spirit and seek new horizons in man's expression of the humanity of man? Like Longfellow, I believe that "art is power" and no nation, no people can afford to ignore its power to advance art and understanding. I would hope, therefore, that the Commission of Fine Arts will reconsider its decision, not in any judgment of Saint Gaudens, but to acknowledge that the spirit which moved him still works in the hearts and minds of Americans today.

SECURITIES MARKETS AND THE ANTITRUST LAWS

Mr. ROBERTSON. Mr. President, in recent years there have been a number of developments involving the relation of the antitrust laws to the securities markets, and there have been reports that the Securities and Exchange Commission may be considering legislation involving this relationship.

Accordingly, last April I wrote to Mr. Cohen, Chairman of the Security and Exchange Commission, asking the Commission to look into this matter and to advise the Banking and Currency Committee as to the need for and prospects of legislation in this field.

I have now received an extensive report from Chairman Cohen, which indicates that the Commission is actively studying the need for legislation of this sort.

I ask unanimous consent to have my letter of April 29 and Chairman Cohen's reply of July 30, printed in the Record for the benefit of those who may be interested in this important subject.

There being no objection, the letters were ordered to be printed in the Record, as follows:

April 29, 1965.

Hon. Manuel F. Cohen,
Chairman, Securities and Exchange Commission, Washington, D.C.

Dear Mr. Chairman: I have noted with interest a number of recent events involving the relationship of the antitrust laws to the securities markets and reports indicating that the Commission may be considering legislation relating to its powers over the exchanges in this field. In view of the responsibilities of this committee over securities legislation, it is important for us to know whether the Commission has found problems in this field which it feels require new legislation or amendments to existing legislation.

For example, there has been considerable apprehension that the decision of the Supreme Court in *Silver* v. *New York Stock Exchange*, which held that the securities exchanges have no general exemption from the antitrust laws even when exercising the self-regulatory responsibilities imposed on them by the Securities Exchange Act, might impair the performance by the exchanges of these important functions. We note from former Chairman Cary's letter of August 8, 1963, to the Congress that the Commission shares our view that the Silver decision should in no way be construed to inhibit the vigorous performance by the exchanges of these responsibilities. In his letter, Chairman Cary stated that a review of this matter was being undertaken for the purpose of making any appropriate changes in procedures, by legislation or otherwise. It would be helpful to the committee if the Commission would give us a report on its review of the issues involved in the Silver case.

In view of the number of other private antitrust suits which have been brought in this field, I believe it would be helpful to the committee to have any comments that you might feel it appropriate to make on the issues and problems involved in this litigation.

The basic purpose of the antitrust laws is to promote and foster competition and to prevent monopolies. Vigorous and effective competition in the securities business and the securities markets is important to investors, to the financing of industry, and to the growth and development of our economy. The committee is aware, however, that in a regulated field competitive considerations assume a somewhat different aspect than in unregulated industries and may call for different forms of regulation.

In view of this committee's particular concern and responsibility for the regulation of the securities business and the functions of the Securities and Exchange Commission, both we and the Commission should give careful consideration to all facets of this important issue, and we wish the benefit of your thoughts with respect to it.

With kind personal regards, I am,
Sincerely yours,
A. Willis Robertson,
Chairman.

Securities and Exchange Commission,
Washington, D.C.

Hon. A. Willis Robertson,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

Dear Senator Robertson: In your letter of April 29, 1965, you have expressed interest and concern about recent developments which may pose problems involving the relationship of the antitrust laws to the securities markets. You note that your committee has responsibility in connection with securities legislation and you ask whether the Commission has found problems in this field which require new legislation or amendments to existing legislation. Your letter also requests a report on the Commission's review of the issues involving in the Silver case.

The first part of our reply will discuss the Silver case and the various steps taken by the Commission in light of our analysis of it. We will then describe the existing powers of the Commission in relation to the self-regulatory agencies and express our views on the relationship of the Federal securities laws to the policies of the antitrust laws. Finally, we submit our thoughts on whether problems have been found in either of these latter areas which require new legislation or amendments to existing legislation.

I

In view of your mention of the Silver case and of the obvious importance of that decision, which is the first and only expression of the Supreme Court with respect to the relationship between the securities laws and the antitrust laws and, indeed, with respect to any application of the antitrust laws to the securities markets, we think it appropriate first to analyze briefly the decision in the Silver case, primarily for the purpose of indicating what the Court there decided and what it did not decide, as well as pointing out certain other implications from the decision which are relevant to the questions which you raise.

The facts of the Silver case were quite simple. Silver, who was a registered broker-dealer but not a member of the New York Stock Exchange, established private wire connections with member firms pursuant to "temporary approval" by the exchange. In 1959, without prior notice to Silver, the exchange "disapproved" the maintenance of these wire connections. Under an exchange rule, this required the member firms to discontinue them, which damaged his business. The exchange declined to give Silver either a statement of the reasons for its action or an opportunity to explain or reply to any charges against him. He therefore filed an action seeking an injunction and damages under the antitrust laws.

The U.S. district court granted his motion for summary judgment, holding that the action of the exchange and its members constituted a collective refusal to deal and a per se violation of the Sherman Act, and that the exchange's responsibilities under the Securities Exchange Act of 1934 did not extend to its members' transactions with nonmembers in unlisted securities. The exchange appealed and the court of appeals reversed, holding that the exchange did have authority under the Securities Exchange Act over transactions by its members in unlisted securities, and that the action of the exchange, being within the general scope of its authority under the Exchange Act, was not subject to the Sherman Act.

The Supreme Court, in turn, reversed the decision of the court of appeals and reinstated the decision of the district court but on quite different grounds.

The Supreme Court reasoned essentially as follows:

The action of the exchange "had it occurred in a context free from Federal regulation" would have constituted a per se violation of the antitrust laws. However, because of the presence of the Securities Exchange Act, that conclusion "is only the beginning not the end of inquiry." The Court then reviewed the evolution and purposes of the Exchange Act and concluded that it created a "federally mandated duty of self-policing by exchanges" which extended to members' relationships with nonmembers, either in transactions in listed securities or in unlisted securities, thus rejecting the conclusion of the district court. The Supreme Court then noted that the Exchange Act contains no express exemption from the antitrust laws and that repeals by implication are not favored. It stated that "repeal is to be regarded as implied only if necessary to make the Securities Exchange Act work, and then only to the minimum extent necessary." The Court pointed out that, although the Exchange Act gives the Commission authority to require changes in exchange rules, it does not give the Commission jurisdiction to review particular instances of enforcement of exchange rules, such as that involved in the Silver case, and that consequently there was no question of exhaustion of administrative remedies or of conflict with the Commission's jurisdiction. It noted that if the Commission had possessed authority with respect to exchange action comparable to that which it has with respect to disciplinary actions of the NASD "a different case would arise concerning exemption" from the antitrust laws. The Court indicated agreement with the view that Government oversight over self-regulatory activity by the exchanges is necessary and appropriate and concluded that, where the Commission lacked authority to provide such review, review by means of the antitrust laws would accomplish the purposes of those laws without conflicting with the policy of the Exchange Act. The Court indicated, however, that even where Commission review was not provided, the rule of reason would permit application of antitrust concepts in a manner sufficiently flexible to permit the exchange to carry out the mandate of the Exchange

Act and further, implied at least, that although there is no total exemption from the antitrust laws, exemption might be found for "particular instances of exchange self-regulation." The Court, however, concluded that the particular instance of exchange self-regulation found in the Silver case could not be so justified because the procedures utilized by the exchange were unfair in that Silver was not informed of the charges against him or given an opportunity to explain them. Action taken by the use of such unfair procedures would not further the policies of the Exchange Act. In view of the lack of these procedural safeguards, the Court felt that there was no need to determine whether or not, had fair procedures been followed, the action of the exchange would have been justified.

We believe that several salient points emerge from this decision.

1. The Court gave broad scope to the self-regulatory responsibilities of the Exchange but insisted also that they be subject to adequate governmental oversight.

2. While the Court expressly declined to decide whether or not an antitrust exemption would be implied in a situation where the Commission possessed adequate authority to review the Exchange's action, the above-mentioned reasoning concerning the broad scope of self-regulation and the necessity for Government oversight seems to point in this direction. On the other hand, the statement that exemption is to be applied only when, and to the extent necessary, to make the Securities Exchange Act work implies a limited immunity.

3. Since the ultimate conclusion of the Court turned on the lack of procedural safeguards in Silver's situation, the Court was not required to, and did not, decide the substantive question of when and under what circumstances self-regulatory activity of the Exchange may be exempt from the antitrust laws, and still less did it decide whether, and to what extent, activities of the Exchange which may appear to be contemplated by the Exchange Act but are not self-regulatory in nature may be immunized from the antitrust laws by the Exchange Act. Consequently, unless and until the relationship between the Exchange Act and the antitrust laws is clarified, either by further Court decisions or by legislation, the entire subject will continue in a state of considerable uncertainty.

Our letter of August 8, 1963, transmitting the last installment of the Special Study Report to the Congress stated:

"One sector of the self-regulatory scheme will require joint analysis with the exchanges of the need for legislation. * * * We believe it essential that the Silver decision should in no way be construed to inhibit vigorous performance by the exchanges of their self-regulatory responsibilities. * * * Steps can and must be taken to avoid any possible problems. These should include appropriate procedural changes by the exchanges and careful analysis of the need for some form of review of exchange actions by the Commission. If review procedures are thought necessary, legislation may be required.

"Our firm conviction is that self-regulation, an essential ingredient in investor protection, must continue in a strong, forward movement. Accordingly, we have written to the New York Stock Exchange advising of our concern and shall undertake to resolve with it any problems presented by the Silver case."

On August 6, 1963, we wrote to the New York Stock Exchange directing its attention to two aspects of the Silver case: The first involving the factual situation before the Court in which the nonmember involved did not receive notice of the charges against him or an opportunity to answer them and the second and broader aspect of the case relating to the absence of review by the Commission of particular instances of exchange self-regulation. In its reply of September 26, 1963, the exchange reviewed the various procedural changes made in its rules as a result of the Silver case[1] and indicated some doubt as to the need for Commission review of exchange actions.

The Commission in a further exchange of correspondence with the exchange again pointed to the need for further consideration and analysis both by the exchange and the Commission of the broader question raised by the Silver case and anticipated that this might be done in conjunction with discussions of certain recommendations of the special study.

In connection with the review of exchange actions referred to in our letter of August 8, 1963, to the Congress, the special study had recommended that the Commission improve its arrangements and procedures for review of exchange rules by providing for the filing of all proposed rules with an adequate interval before effectiveness (special study, pt. 4, p. 727). Because our program for implementing the special study recommendations involved a considerable number of changes in exchange rules, this recommendation of the study was given the highest priority in our implementation program so that we might have an orderly procedure for considering these changes. In a letter of November 15, 1963, to the exchange, the Commission explained the purpose and need for a proposed rule which would require the exchanges to file with the Commission a report of any proposed changes in, or additions to, rules at least 3 weeks before effectiveness. We noted that the Commission by this proposal was not seeking authority to approve or disapprove exchange rules in advance or to prevent the exchange from adopting such rules as it might wish to adopt. The purpose of the rule was simply to assist the Commission in the exercise of its oversight responsibilities by insuring that the Commission would have the opportunity to express its views, if it so desired, before the exchange adopted any rule change. In its reply the exchange expressed doubts as to the authority of the Commission to adopt the proposed rule and stated that it would seem "to erode the principle of self-regulation." However, the exchange board of governors voted not to object to the proposed rule.

On March 3, 1964, the Commission adopted rule 17a–8 requiring that exchanges file reports of rule changes with the Commission at least 3 weeks before effectiveness. The rule has served to implement, in part, the special study recommendation that the Commission improve its program and procedures for review of exchange actions. Rule 17a–8, however, is simply a reporting requirement which, unlike the corresponding requirement with respect to NASD rules described below, does not call for formal Commission action as a condition for effectiveness.

II

In this part, we review the existing powers of the Commission in relation to the self-regulatory agencies, with particular emphasis on the similarities and differences of the respective frameworks within which the Commission exercises its supervision over the exchanges and the NASD,[2] and we then describe the relationships of the Federal securities laws to the policies of the antitrust laws and state our views on the Commission's role in enforcing those policies.

The self-regulatory agencies

Under the Exchange Act all securities exchanges, unless exempted by reason of insignificant volume, are required to register with the Commission. In so doing they must (1) file copies of all their rules; (2) satisfy the Commission that their rules "are just and adequate to insure fair dealing and to protect investors" and provide sanctions against conduct inconsistent with just and equitable principles of trade, including violation of the acts or rules thereunder; (3) agree to comply with the Exchange Act and rules thereunder and, within the limits of their ability, to enforce compliance by their members; and (4) agree to furnish to the Commission copies of any rule amendments "forthwith upon their adoption." (Sec. 6 (a), (b) and (d).) Once an exchange becomes registered, it can, without Commission approval, adopt any rule not inconsistent with the statute or a Commission rule (sec. 6(c)).

The act also vests in the Commission the direct power to alter or supplement exchange rules, under a defined procedure, "in respect of such matters as" 12 specified areas of exchange operations and "similar matters." (Sec. 19(b).) Further, the Commission is empowered to suspend or withdraw the registration of an exchange for violation of the act or for failure to enforce member compliance with respect thereto (but without express reference to enforcing compliance with the exchanges' own rules); to suspend or expel members and officers for violations of the acts or rules; and to suspend summarily, when in the public interest, trading in any registered security for periods of 10 days and, with the approval of the President, to suspend all trading on an exchange for a period of 90 days (sec. 19(a)).

It should be noted that the statute does not provide an express procedure by which the Commission can prevent a new exchange rule or amendment from becoming effective.[3] In view of the precise specification of matters included in section 19(b), the question may be raised whether the Commission has the power to alter or supplement exchange rules dealing with such important matters as the qualifications of members or seatholders, the organization or government of exchanges or their procedures for disciplining members—matters not enumerated in section 19 (b).[4] Section 19(b) also presents some procedural questions concerning the scope of the hearing, the nature of the changes that can be ordered by the Commission after the hearing, and the power of the exchanges to modify rules imposed by the Commission under that section.[5]

---

[1] The exchange made the following modifications in its procedures as a result of the Silver case: Suspended rule 355 which required prior consent of the exchange for wire connections to nonmembers and adopted rule 359 which required only that the nonmember agree in writing not to transmit continuous exchange quotations; and adopted rule 345(c) granting registered representatives procedural rights similar to those granted to members.

[2] See the discussion of self-regulation in the special study report, pt. 4, pp. 692–728.

[3] The Supreme Court in the Silver case indicated that the statute impliedly gives the Commission power to disapprove exchange rules (373 U.S. at 357). It is not clear whether this remark of the Court was intended to apply in a section 19(b) context or more broadly.

[4] Under section 19(c) of the act, the Commission was directed to make a study of these matters and report to the Congress by January 1935. In its report, the Commission made a number of recommendations for changes in exchange rules "to be put into effect by the voluntary action of the exchanges themselves without resort to legislation." (Report on the Government of Securities Exchanges, H.R. Doc. No. 85, 74th Cong., 1st sess. (1935), p. 17.) Many of these recommendations were ultimately put into effect by the exchanges. The Commission in its 1941 legislative program recommended that the matters mentioned in section 19(c) be incorporated in section 19(b) so that the Commission could alter exchange rules dealing with organization, membership and discipline. These amendments were never adopted.

While the Commission can discipline an exchange member for violation of the Federal securities laws, it cannot take action against a member for violation of exchange rules as such.[6] Also there are no provisions for Commission review, either on its own motion or on application of an aggrieved person, of an exchange's enforcement actions. It was the absence of Commission review of exchange enforcement and disciplinary matters which the Supreme Court found crucial in the Silver case. In the words of the Court:

"* * *[t]here is nothing built into the statutory scheme which performs the antitrust function of insuring that an exchange will not in some cases apply its rules so as to do injury to competition which cannot be justified as furthering legitimate self-regulative ends."[7]

Complementary to the provisions giving the Commission powers with respect to exchanges and their self-regulatory activities are powers of direct rulemaking. Without employing the channel of self-regulation at all, the Commission may enact rules directly affecting exchange members and mechanisms in the vital areas of floor trading, off-floor trading by members, and operations of specialists and odd lot dealers (sec. 11 (a) and (b)) and also with respect to short sales, stop-loss orders, and manipulative or deceptive devices (sec. 10 (a) and (b)).

In many areas, the Commission's powers in relation to the NASD are considerably broader than those with respect to exchanges. While the Maloney Act follows the earlier pattern in requiring registration of associations with the Commission and the filing of all rules at the time of registration (sec. 15A (a)), it contains a considerably more detailed specification of criteria as to which the Commission must be satisfied in permitting registration. Among other things, these relate to inclusion or exclusion of members, fair representation of members in an association's functioning, procedures in disciplinary matters, and the association's substantive or regulatory rules (sec. 15A(b)).

Important departures from the original 1934 pattern applicable to exchanges are the express grant to the Commission of jurisdiction to review disciplinary actions by associations and the requirement that associations file subsequent rule changes with the Commission. Such changes become effective only if not disapproved by the Commission. In one important respect the Commission's powers with respect to associations is less than that with respect to exchanges. Unlike the Commission's broad power to supplement exchange rules under section 19(b), the Commission's authority to alter or supplement a registered association's rules is restricted to four areas, all of which relate to organizational aspects of the association and do not touch on substantive rules of conduct applicable to members (sec. 15A(k)(2)).

Again, as in the case of exchanges, apart from the Commission's powers of supervision over self-regulation by registered associations, the Commission has important direct rulemaking powers in respect of substantive matters of conduct in the marketplace (sec. 15(c)). These powers may be said to serve roughly the same function as those under sections 10 and 11 in the case of exchange markets but are not necessarily equivalent in breadth of coverage. Whereas section 11, for the important areas covered by it, confers powers to adopt rules deemed "necessary or appropriate in the public interest or for the protection of investors," section 15(c) uses this broad standard only in respect of rules as to financial responsibility of broker-dealers. However, the Commission is given general and broad rulemaking power to outlaw conduct defined by it as fraudulent, deceptive, or manipulative or as involving fictitious quotations, and to "prescribe means reasonably designed to prevent" any of these.

The special study noted the marked differences between the provisions defining the Commission's powers in respect of exchanges and those applicable in respect of the NASD and observed that these differences may in part reflect differences in the origin and nature of the two types of agencies and may in part reflect a time interval of several years between the enactment of the two sets of provisions. The study recommended reexamination of these differences and of related Commission responsibilities:

"The Silver case pointed out the need to assure, through outside review, that what is done in the name of self-regulation is genuinely such and is not inimical to other aspects of the public interest. In the absence of Commission review, the antitrust court was found to be the appropriate forum. It is the belief of the special study that if self-regulation is to function effectively and with due regard for all aspects of the public interest, including the interest in vigorous self-regulation, the forum for review of self-regulatory action should be the agency already established as the official, expert guardian of the public interest in the field of securities; i.e., the Commission."[8]

The process of accommodating the demands of the Federal securities laws and the demands of other laws of public concern may be a complex one when reviewing particular exercises of exchange self-regulation. On the one hand, under the present scheme, exchanges may be subject to the harsh sanctions of ordinary lawsuits, particularly treble damage suits, in performing what they in good faith regard as necessary self-regulation. On the other hand, as pointed out by the Supreme Court, it is important to assure, through outside review, that what is done in the name of self-regulation is genuinely such and is not inimical to other aspects of the public interest. It is our strong view that the Commission, subject to judicial and congressional oversight, is the appropriate forum for achieving a reasonable accommodation between the policies of the securities laws and the antitrust laws.

Relationship to the antitrust laws

Your letter points out that in a regulated field competitive considerations assume a somewhat different aspect than in unregulated industries and may call for different forms of regulation. In this connection it is important to consider the nature and scope of the Commission's jurisdiction under the Securities Exchange Act with relation to competition in the securities industries.

It was not the purpose of the Exchange Act, unlike certain other regulatory statutes, to limit or restrict competition in the securities industry. The purpose of the Exchange Act rather was to protect investors by prohibiting fraudulent, deceptive, or manipulative practices, providing additional disclosures with respect to securities and regulating the operation of the markets in the interest of making them fair, honest, and orderly. The Commission consequently does not engage in economic regulation in the sense of awarding exclusive franchises or licenses, fixing or regulating prices or restricting entry into the field upon economic grounds, such as "public convenience, interest or necessity." Anyone may enter the securities business unless disqualified either by past misconduct or by lack of training or experience. New exchanges may be established if they are so organized as to be able to comply with the standards of the act and the prices of securities are determined by competitive forces. Similarly, broker-dealers may either compete, or may liquidate, merge or consolidate without authorization from the Commission.

On the other hand the Exchange Act contemplates and requires that industry organizations, particularly exchanges and national securities associations, shall engage in extensive self-regulation. Effective self-regulation requires that the self-regulatory bodies take concerted action to enforce the standards of conduct which they establish. Such enforcement by concerted action involves conduct which, absent the statutory mandate of the Exchange Act, would frequently constitute a violation of the antitrust laws. Accommodation of these policies was the central problem of the Silver case but, as noted above, peculiar circumstances there presented made it unnecessary for the court to resolve the basic issue.

Beyond questions of self-regulation, the structure of the securities markets as it presently exists involves practices concerning which questions have recently been raised under the antitrust laws. Thus the rules of all of the exchanges fix minimum commission rates and provide lower commissions for transactions between members than are charged to nonmembers. The major exchanges in addition have rules which restrict the ability of members to deal in listed securities off the floor of the exchange. The existence of the Commission rules and related requirements is expressly recognized in the Exchange Act, and in section 19(b) of that act the Commission is given jurisdiction over such rules. In the one formal proceeding which was conducted under this section the Commission found that a rule of the New York Stock Exchange prohibiting its members from acting as specialists or odd-lot dealers in exchange listed securities on other exchanges fell within several of the matters enumerated in section 19(b) and that its enforcement would operate as "an unreasonable and unjustified restraint upon interstate commerce" thereby violating "one of the basic purposes of regulation under the act, a purpose closely related to the public policy regarding unreasonable restraints and the maintenance of fair competition" of the antitrust laws.[9] Here the Commission found that enforcement of an exchange rule would impair competition between markets and thus deny to the public the benefits of competitive markets, including the high standards of performance that competition can create.

A number of private antitrust actions have been filed against the exchange and member firms which raise such fundamental questions as the validity of the exchange's minimum commission rate schedule and of its antirebate provisions as they apply to nonmember broker-dealers. Other problems in this area have also arisen recently but have not resulted in litigation. For example, questions have been posed with respect to exchange memberships for mutual fund affiliates and reciprocal business practices. Another such question is the degree to which an exchange may restrict its members from executing orders off the exchange.

In our view, the Commission, within its existing powers, can and must resolve many of these questions where they may have an impact on the free, fair and orderly functioning of markets. For example, exchange rules relating to offboard trading by members fall directly within the ambit of section 19 (b) of the Exchange Act and we have recently instituted an inquiry concerning such rules. It is our hope that this inquiry will put us in a position to make an informed judgment on the consistency of these rules with the standards of section 19(b). In the matter of commission rates, where the Commission also has the authority to regulate under section 19(b), our staff has had numerous conferences with the New York Stock Exchange seeking to improve the data and standards needed to measure the reasonableness of rates. The exchange has, as a result of suggestions made by our staff, made a number of revisions in its form used to obtain income and expense data from member firms and our staff is now conducting discussions with the New York Stock Exchange on other recommendations in the study in this area.

---

[5] The Commission proposed in 1941 that section 19(b) be amended to give it power to stay temporarily the effectiveness of new rules pending final action by the Commission.

[6] In its 1941 legislative program, the Commission recommended the amendment of section 19(a)(3) to authorize the suspension or expulsion from a national securities exchange of any member who has willfully violated any rule of the exchange the violation of which subjects a member to suspension or expulsion.

[7] 373 U.S. at 358.

[8] Special study report, pt. 4, p. 724.

[9] In the matter of the rules of the New York Stock Exchange, 10 SEC 270, 287 (1941).

We firmly believe that in matters like offboard trading by exchange members and commission rates that the Commission with its responsibility and concern for these matters is in the best position to comprehend and reconcile the diverse factors and considerations that may bear upon the public interest in the manifold circumstances under which questions may arise. Ad hoc determinations in the antitrust courts of complex matters such as these could have an undesirable impact upon the quality of the markets and the interests of the investing public.

In the Maloney Act, which provided for the establishment of national securities associations, Congress dealt with the problem of accommodating the policies of the securities laws and the policies of the antitrust laws in a manner which has worked out quite satisfactorily. The rules of such associations must be designed not only to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade but also to effectuate policies related to the antitrust laws. Thus section 15A(b) (8) provides as follows:

"(8) the rules of the association are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and, in general, to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market; and are not designed to permit unfair discrimination between customers or issuers, or brokers or dealers, to fix minimum profits, to impose any schedule of prices, or to impose any schedule or fix minimum rates of commissions, allowances, discounts, or other charges."

Any new or changed rules of the association can become effective only if the Commission finds among other things that they conform to this standard. If an association takes disciplinary action against a member or excludes any person from membership, such action is subject to review by the Commission on the application of any aggrieved person and the Commission's action is in turn subject to review in the courts. On the other hand, section 15A(n) of the act appears to grant to such associations an express immunity from the antitrust laws when performing their functions under the Exchange Act.

As we indicated earlier in this letter, the Silver case has highlighted the fact that there are a number of areas of exchange activity where the absence of Commission review was a major factor in the Court's determination that review by an antitrust court was not incompatible with the Exchange Act and consequently immunity could not be implied. In order to insure that there is adequate Commission review of exchange actions, we believe that specific gaps in the rulemaking, enforcement, and disciplinary areas of exchange activity should be filled by some form of review power and, to that end, we have initiated discussions with the principal exchanges looking toward legislation to be submitted to your committee. The Commission's exercise of such review power would, in turn, be subject to judicial review under section 25 of the Exchange Act, and consequently, any failure upon the part of the Commission to give proper weight to antitrust considerations could be corrected in that way. It might, therefore, be advisable to provide antitrust immunity in areas subject to this review.

It is not presently clear whether additional legislation beyond the foregoing will become necessary, and this may depend upon the decisions ultimately reached in certain of the pending antitrust actions. The Commission, however, does not seek broad economic powers to regulate or supersede competition in the securities markets, after the model of traditional public utility regulation. In many areas of the securities markets competition alone, without Government regulation, has served to protect investors and the public interest.

Sincerely yours,

Manuel F. Cohen,
Chairman.

DAHOMEY INDEPENDENCE DAY

Mr. LAUSCHE. Mr. President, the Republic of Dahomey became an independent state on August 1, 1960. For more than half a century Dahomey was a French protectorate, and the people of this country in West Africa had little or no voice in the administration of their country. Following the Brazzaville Conference of 1944, gradual changes began to take place. In 1946 Dahomey became an overseas territory of the French Union; a deputy and two senators were sent to the French Parliament and a Territorial Assembly was elected. Twelve years later Dahomey gained the status of an autonomous republic within the French community, and on August 1, 1960, the country's steady progress toward independent nationhood culminated in the proclamation of complete independence.

Over the past 5 years the people and the Government of Dahomey have proven to the world that they were indeed ready to assume the privileges and responsibilities of freedom and national sovereignty.

On the international level Dahomey has shown its strong belief in the validity and usefulness of international cooperation. It joined a customs union with Ivory Coast, Niger, and Upper Volta; governmental policies concerning use and development of the Niger River are coordinated with other riparian States of the region. Dahomey has maintained its connections to France, from which both countries continue to benefit.

On the domestic level, the Government of Dahomey has made a supreme effort to better the economic and social conditions of the country. The welfare of all the people has priority among governmental policies. Thus, educational facilities have been expanded; a large number of health centers were established; serious epidemic diseases have been brought under control. A 20-year program to double per capita income is underway.

We congratulate the Republic of Dahomey on the great successes of the past, and we are confident that Dahomey will continue on the course of peaceful cooperation and responsible, independent statehood.

WISCONSIN LEGISLATURE FAVORS BUTTER IN WELFARE PROGRAMS

Mr. PROXMIRE. Mr. President, although Wisconsin is widely known for its beer, baseball, outdoor recreation, auto, farm implement and heavy machinery manufacturing—the Badger State is perhaps best known as America's dairyland.

In this connection, the Wisconsin Legislature recently memorialized the Congress use Wisconsin agricultural products in the food-for-peace, Alliance for Progress, and other foreign aid programs.

The State legislature also passed a resolution urging the Congress to order the use of butter, not inferior substitutes, in Federal welfare programs. The resolution points out that Wisconsin last year produced 308,517,000 pounds of butter, or 21.7 percent of total national production.

I ask unanimous consent to have the two joint resolutions of the Wisconsin Legislature inserted in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolution of the State of Wisconsin

A joint resolution to memorialize Congress to use Wisconsin agricultural products in the food-for-peace, Alliance for Progress, and other foreign aid programs

Whereas Wisconsin as America's dairyland is justly proud of its industrious and capable farmers; and

Whereas the industry of the Wisconsin farmer and the ingenuity of the Department of Agriculture at the University of Wisconsin have increased the productivity of Wisconsin's soil and of its famous dairy herds many times over; and

Whereas Wisconsin's agriculture is justly famous for developing many new and healthful food products; and

Whereas in spite of the tremendous advances in agricultural technology in recent decades and the abundance of food in this country, food supply remains one of the most pressing problems of mankind; the world needs food; and

Whereas the Federal Government of the United States has frequently lent money to foreign nations, or granted them credit in the form of foreign aid, for the purpose of acquiring agricultural produce: Now, therefore, be it

Resolved by the assembly (the senate concurring), That this legislature memorialize the Congress of the United States to consider a massive program of American-grown food for foreign aid, to ameliorate starvation throughout the world: a program in which Wisconsin dairy and other agricultural products could be used not only to feed the children of the world, but also to teach them, in a most instructive way, the benefits to be derived when agriculture can freely develop through the industriousness of the individual in a democratic society; and be it further

Resolved, That duly attested copies of this resolution be transmitted to the President of the United States, and to the members of the delegation in Congress from Wisconsin.

ROBERT T. HUBER,
Speaker of the Assembly.
JAMES P. BUCKLEY,
Chief Clerk of the Assembly.
——— ———,
President of the Senate.
WILLIAM P. NUGENT,
Chief Clerk of the Senate.

RESOLUTION OF THE STATE OF WISCONSIN

A joint resolution memorializing the Federal Government to cease using butter substitutes in its welfare programs

Whereas Wisconsin's butter industry ranks second in the Nation, last year producing 308,517,000 pounds of butter which amounted to 21.7 percent of the Nation's total butter supply; and

Whereas the purchase of oleomargarine for distribution to needy persons is a direct blow to Wisconsin's dairy farmers and industry and out of focus with the Secretary of Agriculture's objective of improving the dairy farmer's income and an action which can only result in long-range damages to the American commercial market for butter; and

Whereas the U.S. Department of Agriculture should without exception exhaust every alternative available to it to maintain the supply of butter being used in domestic Government programs and make adjustments in foreign aid or in export programs to keep butter in the American consumer's diet: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the legislature requests that positive action be taken opposing the purchase of oleomargarine now or at any future time for use in the Nation's welfare programs; and be it further

Resolved, That copies of this joint resolution be transmitted to the President of the United States, the Secretary of Agriculture, and to each Wisconsin Member of the Congress of the United States.

ROBERT T. HUBER,
Speaker of the Assembly.
JAMES P. BUCKLEY,
Chief Clerk of the Assembly.
——— ———,
President of the Senate.
WILLIAM P. NUGENT,
Chief Clerk of the Senate

LAW ENFORCEMENT WIRETAPPING

Mr. LONG of Missouri. Mr. President, the Christian Science Monitor recently carried a pro and con discussion of law enforcement wiretapping. Mr. O. W. Wilson, the superintendent of police in Chicago, presented the argument in favor of legalizing this practice by police officials. I had the privilege of offering the the case against wiretapping.

Since this is one of the more thorough examinations of the subject that has recently appeared in print, I believe that many of my colleagues will want to review the article.

Mr. President, I ask unanimous consent that the feature coverage of law enforcement wiretapping from the Christian Science Monitor of July 30, 1965, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOULD WIRETAPS BE ALLOWED?

YES

(By O. W. Wilson, superintendent of police in Chicago)

CHICAGO.—Indiscriminate wiretapping is admittedly an intolerable and indefensible invasion of privacy. This is not the issue.

The true issue is: Can we find a way to regulate wiretapping, through proper supervision by the courts or by other means, so that it can be used by legitimate law-enforcement agencies against organized criminals and yet at the same time protect the ordinary law-abiding citizen against untoward invasion of his privacy?

I think we can and must.

To begin with, I wish there were another noun we could use as a substitute for the word wiretapping, because the very word wiretapping conjures up a lot of emotionalism that makes it difficult to discuss the subject with logic.

Selected targets

Law enforcement is asking only for authority to tap the telephones of a relatively few selected targets—the telephones used by organized gangsterdom, the Cosa Nostra, the syndicate or whatever name you choose to call it—and only then when sufficient evidence of crime can be introduced before a court of law to satisfy the court that probable cause exists for the use of a wiretap on that particular telephone.

Under our present law, the higher-ups in organized crime are given complete immunity in their oral and telephonic communications.

This shouldn't be. The very fact that the telephone exists has made law enforcement more difficult. It permits the higher-ups in organized rackets to conspire and carry out their illegal activities by telephone and to issue directions to their underlings without committing any overt acts themselves that might result in their apprehension by the police or other law-enforcement officers.

Immunity retained

Thus they remain immune from punishment, and the only persons who are charged with crimes are the minor figures in the rackets—the lowly policy runner, the prostitute, or the narcotics pusher, all of whom are at the bottom of the ladder.

They are the only ones who do something that the police can see and testify about and therefore they are the only ones who are arrested and charged with a crime.

The telephone is not only a means of facilitating crime but it may be the very instrumentality for committing certain types of crime. It is almost invariably used in such crimes as extortion and kidnaping, and is, of course, the very sine qua non of bookmaking, call-girl operations, and lewd, obscene, or threatening telephone calls.

If the higher-ups in our highly organized rackets commit their crimes primarily by using the telephone, why shouldn't law enforcement be permitted to intercept their telephone conversations and use this as evidence against them?

Three methods available

To get at the higher-ups in organized crime, it is necessary to peel off several layers of protective covering surrounding the hard core of leadership. I know of only three ways of doing this:

1. By persuading accomplices to testify against their coconspirators;

2. By planting undercover operatives within the upper echelons of the crime syndicate;

3. By intensive surveillance over an extended period of time using wiretapping, electronic listening devices, covert visual observation, and other sophisticated audio and visual techniques to obtain evidence—evidence of continual association and repeated acts in concert from which a conspiracy to commit crime may be proved beyond a reasonable doubt.

The first two possibilities are rather remote for reasons only too obvious.

Members of the Cosa Nostra don't often give evidence against one another. Even Joseph Valachi (witness in 1963 before the Senate Permanent Committee on Investigations) didn't give us any solid evidence that could be used in court to prosecute any of the major racketeers.

Difficulties noted

As to penetration of the syndicate with undercover operatives, this we have tried with limited success. It is very difficult for an undercover operator to get very far without involving himself in serious law violations.

This leaves us only with the third possibility and the racketeers have muscled us out here, too.

It is a sad commentary on our system of criminal justice that we occasionally prosecute major racketeers for income-tax violations but rarely, if ever, for the actual crimes that are the source of their tremendous incomes.

Wiretapping is not unconstitutional; but even if it were, the Constitution does not make any of our rights absolute.

Our homes are our castles but they are not immune against search and seizure—only against unreasonable search and seizure. And so it should be with our telephonic communications.

A choice has to be made, it seems to me. Either we place some confidence in our prosecuting attorneys and courts to properly administer court-authorized wiretapping, or we must acknowledge here and now that we cannot trust even them to safeguard our civil liberties.

In that event, we must recognize organized crime as a fact of life in the United States for which society must continue to pay a frightful cost in life and property and ever-mounting insurance rates.

NO

(By Senator EDWARD V. LONG, Democrat of Missouri)

WASHINGTON.—For some 180 years, Americans have prized the right to be let alone by their Government. For the past several months, as chairman of the Senate Judiciary Subcommittee on Administrative Practice and Procedure, I have been conducting a wide-ranging probe to determine just how much this right has been eroded.

The subcommittee has so far uncovered a variety of ways in which the Federal Government intrudes into areas of life that were formerly held private by Government agent and individual citizen alike. None of the snooping techniques studied by the subcommittee has been more alarming than wiretapping.

We have been told of Federal agencies using concealed tape recorders, hidden transmitters, bugged conference rooms, mail-surveillance techniques, two-way mirrors, and other means to spy on American citizens who have not been convicted of any crime. Unethical and unsavory to freedom-loving people as these methods may be, none compares with wiretapping as an insidious encroachment on individual liberty.

A wiretap necessarily monitors all phone calls regardless of their nature, making no distinction between the suspect and the unsuspected associate. It allows of no respect for the privileged conversation between a lawyer and his client, a priest and his parishioner, or a husband and his wife.

My subcommittee's investigation thus far has revealed these abuses in Federal wiretapping:

The Internal Revenue Service has used wiretaps in Pennsylvania, where a State law explicitly forbids their use.

Federal agents have tapped an attorney's telephone in violation of a privileged relationship that has long been a key concept in our system of criminal justice.

To place wiretaps, Government snoopers have entered offices at night with no semblance of a search warrant, committing what was clearly the criminal offense of breaking and entering.

Legal history outlined

All these abuses of personal liberty are characteristic of wiretapping. Indeed, all are to be expected if the practice is widely used for law-enforcement purposes. Whether legalized or not, wiretapping can never be subject to the safeguards and restraints that the democratic process can bring to bear on most law-enforcement procedures.

The legal history of the practice is confused and conflicting. The only Federal statute dealing with the subject is the Federal Communications Act of 1934. It provides that "no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purpose, effect, or meaning of such intercepted communication to any person."

In 1940, the Attorney General of the United States chose to interpret this language as not prohibiting wiretapping, so long as divulgence of information secured was only to other agents of the Justice Department, and so long as the facts gained were not introduced as evidence in court. Since then, the FBI has conducted a program of wiretapping that still continues today.

Power refused

A number of attempts to legalize police wiretapping have been made in the Congress over the past three decades. None, however, has been successful. In the tense and security-conscious days of the McCarthy era the effort came under the guise of an antitraitor bill. Even then, Congress refused to grant this vast power to law-enforcement officials.

The absence of congressional approval, however, has not stopped the practice. In spite of its questionable legality and in spite of the fourth amendment's unmistakable safeguard against unreasonable search and seizure, wiretapping has been practiced with slight restraint by a number of Federal agencies, and by local and State law enforcement officers.

Presidential action cited

Aside from the tangle of conflicting court decisions and legal interpretations, I am firmly convinced that wiretapping is completely contrary to the intent of the fourth amendment to the Constitution.

Recently, President Johnson took an action that reflects this position. He instructed his Cabinet officers that in the future no wiretapping was to be permitted in Federal agencies—except when national security was at stake.

I would never belittle the need for a vigorous and determined Government effort against crime. We should certainly make the safety of our citizenry a prime objective of Government at all levels. But at the same time, overzealous law enforcement must not be allowed to run rampant over our constitutional guarantees of individual liberty.

Loss versus gain

Even if law enforcement wiretapping were legalized and if it did prove a highly effective tool in convicting lawbreakers, would the gain offset the loss of personal liberty?

Our country was not founded that its citizens might be spied upon at the whim of a Government bureaucrat.

Our Constitution was not framed by men who doubted the value of personal liberty.

Our vast continent was not tamed and settled by persons who wanted to weigh every word of their every conversation against the possibility of its being overheard by official ears.

Wiretapping for domestic law enforcement should be prohibited.

When I took my oath of office as a U.S. Senator, I swore to uphold all the Constitution. No part of that historic document is more vital to the welfare of our democracy than its assurance of individual liberty. Since wiretapping violates this protection, every effort will be made to see that it is prohibited.

LONG EAR OF THE LAW: VIEWS PAST AND PRESENT

The "invasion of privacy" question—an ethical issue dating at least to the American Revolution and the day of the English Jurist Blackstone—is raised anew by wiretapping devices. Here is a sampling of opinion past and present:

"Eavesdroppers, or such as listen under walls or windows, or the eaves of a house, to hearken after discourse, and thereupon to frame slanderous and mischievous tales, are a common nuisance, and presentable at the court-leet [petty court for misdemeanors], or are indictable at the sessions and punishable by fine and finding sureties for their good behavior." (William Blackstone.)

"This court has never held that a Federal officer may without warrant and without consent physically entrench into a man's office or home, there secretly observe or listen, and relate at the man's subsequent criminal trial what was seen and heard." (Justice Potter Stewart, speaking for the Supreme Court majority, March 7, 1961.)

"Bills are being introduced so that no one is safe from wiretappers. Congressmen who voted against wiretapping are intimidated. They are investigated. We hear of visits in the night by Federal officials and of illegal seizing of records." (James R. Hoffa, Teamsters Union president, March 1, 1963.)

"To deny law-enforcement officers the right to monitor telephone communications is to permit our Nation's vast communications network to be used as an irreplaceable tool of the underworld." (Former U.S. Attorney General Robert F. Kennedy in 1962.)

"Any wiretapping constitutes an unlimited and unlimitable general search and is, therefore, contrary to some of the most fundamental principles of a free society." (Lawrence Spieser, director of the American Civil Liberties Union, Washington office, April 4, 1962.)

"It (wiretapping) is the single most valuable weapon in law enforcement's fight against crime." (Frank S. Hogan, New York County (Manhattan) district attorney, May 10, 1962.)

"Wiretapping and other forms of electronic eavesdropping are recognized by even their most zealous advocates as encroachments on the citizen's right of privacy, aptly characterized by Supreme Court Justice Louis D. Brandeis as 'the most comprehensive of rights and the right most valued by civilized men.'" (American Civil Liberties Union, 1962.)

"It seems ridiculous that a criminal can use every modern electronic device, including the telephone, but law enforcement can't." (New York City Police Commissioner Michael Murphy, May 15, 1964.)

NATIONAL SCIENCE FOUNDATION PROGRAMS AIDING THE SMALL COLLEGE

Mr. HARTKE. Mr. President, when we passed the independent offices appropriations bill on July 12, we included approval of $480 million for the National Science Foundation. This was an increase of $60 million, but it was $50 million below the 1966 budget estimate. Appearing in the budget on page 323, where the increase budgeted is listed, there appears this notation:

> Includes increases to provide adequate growth in overall Federal support for research in universities (by 51 percent increase in research grants) and to strengthen institutional science programs (by 27 percent) and science education.

The conferees are still considering the independent office bill. I regret that we did not come closer to the requested increase, but it is a gain that we have added the funds we did for the National Science Foundation programs in these areas.

We are not always aware of the importance and value of these sums in the programs of higher education. We tend sometimes to think that all of the benefits are concentrated in the large universities. But there are many small colleges which benefit also, and which could benefit more as the funds available for the programs of research grants, science programs, and science education within the institution are increased.

One of these smaller schools is Earlham College, of Richmond, Ind. I recently received a letter concerning the ways in which Earlham has benefited from the National Science Foundation, a letter written by Gerald Bakker, assistant professor of chemistry. He notes the participation of Earlham in all three of the programs for which the NSF asked additional funds. It is a clear demonstration of the effectiveness of the NSF program in such a college. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EARLHAM COLLEGE,
Richmond, Ind., July 16, 1965.

Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: This afternoon I sat in my office and talked to a representative of the National Science Foundation about National Science Foundation programs which are currently in operation at Earlham College. I tried to impress upon him the fact that we consider these programs to be extremely important and valuable parts of our educational effort. I argued that the National Science Foundation ought to put much more money into these programs because of their very high return. His only response was to ask me if I had written my Congressman—thus, this letter.

There are a number of ways in which Earlham College has benefited from funds given by National Science Foundation. I would like to speak about just a couple of these. This summer we are operating for the third time an institute for high school chemistry teachers. We are trying to bring them up to date in their chemistry and in their methods of teaching. We have some 37 teachers here this summer and we are finding this to be an extremely interesting and worthwhile venture. These teachers are excited about the work and are profiting very much from their 6 weeks here. The amount of money which National Science Foundation has to put into summer institutes could very well stand enlarging. I know that there are a number of schools which National Science Foundation could grant money to for the support of summer institutes and they have never been able to do so because of limitations in funds made available to them by Congress.

The second program with which I am involved this summer is the undergraduate research participation program which Earlham has been involved in since its inception by National Science Foundation. In fact, this program was partly designed on the basis of the research efforts which Earlham has been carrying out with its undergraduates for a number of years. This summer we have in chemistry four students working full-time on research sponsored by National Science Foundation. These students are gaining an experience in research which is invaluable to them and in a way which would be impossible during the academic year. We could quite reasonably enlarge this summer program.

During the academic year we have supported about half of our students with funds from the National Science Foundation undergraduate research participation program. These students do not receive stipends but, instead, money is used to pay for equipment and supplies and such. The other half of our students carry out research just as the first half do but without the benefit of National Science Foundation money. This has placed a burden on the college which we are willing to bear since we agree that this research experience is worthwhile, but it would be very desirable to have National Science Foundation support the research of these people as well. They could do better work, and they could profit just as the other students do. The entire undergraduate research participation program which the National Science Foundation has supported across the Nation has borne considerable fruit. Many students have gained from a research experience during their undergraduate years because of these funds dispensed by the National Science Foundation, but there are many more who could profit if the National Science Foundation had more money available.

The third way in which Earlham College has benefited from the National Science Foundation has been through the institutional grant, a grant given without strings to the president of the college based on a formula relating the size of the grant to other grants held by the college from the National Science Foundation. This money has permitted the college to do a wide variety of things in science which have been of considerable benefit. We have supported research too new and too exploratory to qualify for a normal research grant. We have also purchased equipment which has been very useful. In a number of ways this institutional grant has permitted the college to redress imbalances caused by research grants limited to specific projects. The institutional grant has been a very effective way for the National Science Foundation to give the colleges and the universities of this country autonomy in arranging their own scientific affairs. More money could very profitably be put into this program.

I apologize for the length of this letter, but I have tried to give you some idea of the programs which have been supported at Earlham College through National Science Foundation funds and how significant we consider these funds to be. The conclusion which I come to is that the money which the National Science Foundation spends is money very well spent. My hope is that Congress will see fit not to decrease the budget of National Science Foundation, but they will continue to increase its budget. The money spent here has produced significant results. I would be happy to provide further specific information if you would wish to have it.

Sincerely,

GERALD BAKKER,
Assistant Professor of Chemistry.

BETTER ROADS CAN END HIGHWAY TRAGEDY

Mr. HARTKE. Mr. President, it is with great sadness that I report to the Senate the death of 25 persons in traffic accidents in Indiana over the past weekend. This appalling toll is one of the heaviest in history and surpasses by three the number killed on highways over the recent Fourth of July weekend.

This carnage can and must be brought to a halt. Human life is too valuable to be tossed away in meaningless slaughter on the highways. Already this year 810 lives have been lost on Hoosier highways. Across the Nation, nearly 25,000 have died in useless automobile crashes. Our national resources are not so great that we can sacrifice one life, much less thousands.

A prime solution to reducing highway death rates is to speed completion of an enlarged Interstate Highway System. These roads are proven lifesavers with accident rates half those of standard roads. In Indiana, for instance, 22 persons were killed on highways during the Fourth of July weekend. Not one of these died on an interstate highway although more than 500 miles of these roads are now in heavy use. The tragedy of this past weekend took 25 lives, yet only 1 of these was lost on an interstate highway.

I call on each Member of Congress to join with me in action to speed up and expand construction of interstate highways. I am urging that the Interstate System be expanded now from the 41,000-mile plan to a network of 60,000 miles of safe highways. Furthermore, I propose a new plan for financing this construction which will permit us to move with greater speed.

Already, this vital system is suffering delays because the Federal Government cannot meet its financial obligations on time. Just last week Congressman HULL, of Missouri, told his colleagues in the House of Representatives that delays in funds from the Federal level were holding up construction of interstate highways in Missouri. He quoted an entire speech by Marvin J. Snider, chief engineer of the Missouri Highway Department, which said in part:

> If Congress wants the interstate system to be financed adequately for completion in 1972, then additional revenue is going to have to be provided. Until this dilemma of financing is solved in Washington, it would appear to me improbable that apportionments or the release of funds for obligation would be made. To me it is a very disheartening thing to witness the slowdown in State highway construction now occurring in Missouri. Delays such as these are detrimental to the public interest because, with the demands of traffic what they are today, every new road and every new highway improvement is vital to the safety and well-being of motorists. Delays can mean loss of lives, injuries and accidents.

This is sad testimony. But it is within our power in Congress to end these costly delays with improved methods of financing.

I have proposed an acceleration of interstate construction by making available an additional $1 billion a year. The Highway Trust Fund, which now accrues $3.8 billion a year, is presently being tapped for other highway uses costing $1 billion annually. If we pass legislation which will limit the fund's use strictly to the construction of interstate highways, we can move ahead rapidly.

Most importantly, we will be saving lives in the process.

ADLAI E. STEVENSON

Mr. BARTLETT. Mr. President, the memory of the man will abide with those who knew him and those who were influenced by him—and they number in the millions. Adlai E. Stevenson is dead; he has left behind a monument which will endure. His golden eloquence has been captured on film and tape so that Americans and others of a day yet to come may hear that voice which became one of the mightiest in the land. They may listen to his speeches filled with sense and sensibility and wit. They will know as we know that here was a great humanitarian, a patriot, a man of inbred humility and superior intelligence.

Mr. President, since Governor Stevenson's death I have read ever so many accounts by those who named themselves as his close friends. I cannot do that. It would be an exaggeration for me to claim more than casual friendship. In paying this small tribute to him I do not propose to give my own evaluation of the mark he made upon the world which he adorned, but to relate a personal experience.

It occurred more than a decade ago. It kept me close to this man from Illinois for 10 glorious days. It was in July of 1954, I believe, that Governor Stevenson and his close friend and confidant, William McCormick Blair, Jr., now American Ambassador to the Philippines, and I set out on a trip which took us widely over the then territory of Alaska. It was a joyous occasion. Adlai Stevenson, standard bearer of the Democratic Party in 1952 and to be the same in 1956, was acclaimed at his every stop in Alaska by Alaskans of all shades of political belief. Later on during the journey we were joined by the Governor's son, John Fell Stevenson.

Adlai Stevenson made several speeches in Alaska. The principal one was at Anchorage. There he spoke on a Sunday afternoon before what is said to be the largest crowd ever to assemble in Alaska. He did the unexpected. Alaskans were, and I suppose sometimes still are, used to important visitors extolling the beauties of the land and speaking of the State's economic promise. Governor Stevenson did more than that, far more than that. He flattered all Alaskans by devoting most of his speech to foreign policy. He did not pretend to know everything about a territory in which he had so recently arrived. He did know much about foreign policy and he communicated his hopes and fears to Alaskans that day.

Before making these remarks I went to a file cabinet and drew from it the manuscript of the Stevenson speech at Anchorage. Behind this lies a story which I should like to tell. The Anchorage speech had been written for him before he ever came to Alaska. It was nicely typed, all prepared. I read it and marvelled that its author, nameless to me, had been able to copy so exactly—as I thought—the Stevenson style. But what I thought and what Adlai Stevenson thought were two different things. It did not suit Governor Stevenson. It was not his; he had not composed it. And his it must be before he could deliver it, as we learned during those presidential campaigns of 1952 and 1956. So what to do? Well, Governor Stevenson and William Blair and I traveled from Fairbanks to McKinley Park and stayed at the hotel there while Governor Stevenson rewrote the speech. Very little of the original remained when he was through. But a crisis then arose. There was no typist at the park hotel. There was seemingly no way to transfer Adlai Stevenson's sometimes not too legible handwriting to typewritten form. Into the breach stepped I. Typing was one thing I had learned at college—at the University of Alaska—under the expert tutelage of Mrs. LaDessa Nordale. So I volunteered, and was up a good part of one night completing the typing job. In the morning I handed the results of my labor to Bill Blair and urged that in payment I should be presented with the original manuscript. Mr. Blair demurred; he said that all such were sent to a library to form part of a permanent record. But when Adlai Stevenson appeared at the breakfast table I renewed my request. He granted it. So it is that I am perhaps one of the few individuals who have an original manuscript of a Stevenson speech.

I was looking it over a bit earlier. There were some words from it concerning a part of the world which draws America's attention now.

Governor Stevenson told Alaskans at Anchorage:

> But far more disturbing than what is happening in Alaska or in the States—on the outside as you rather exclusively call it—is the disintegration abroad. The shooting has stopped but Korea is still divided and there is no peace or unification in sight. And this week in Indochina the West suffered its worst disaster since the loss of China. Again the shooting has stopped but Communist China has staked out another menacing salient into free Asia and enveloped 13 million people and one of the richest rice-growing areas in the Orient. Unable to fight, unable to negotiate, unable even to speak with a coherent tongue, U.S. policy failed and France salvaged what she could out of the endless weary war in Indochina—and the Communists not only added valuable and strategic territory but threw the Western alliance into confusion and dissension. But the blame for the collapse of our policy in Asia remains our responsibility and we shall fail again and again unless we profit from this experience. The fact is that our thinking since the war has been nourished on myths.
>
> This as I see it is the function, the responsibility, of leadership at a time like this. Will the leaders of our Government lead this way? Will they eschew mythology and demagoguery? Will they enlighten the people? Or will they continue to confuse words with reality, myths with truth, and confuse themselves and the people?

Long ago then, during the very week when France had lost Vietnam, Adlai Stevenson foresaw at least some of the torments that lay ahead, and he did not hold the United States blameless for that debacle.

But all was not on the serious side during those Alaska days.

I shall never forget the banquet at which Governor Stevenson was outmatched. He was of course the guest of honor at this gathering in Anchorage. The toastmaster was Judge J. Earl Cooper, now dead. Always a maestro of the art, that night Judge Cooper was superlative, at his very lofty peak. His wit, issuing in a steady stream, captivated Adlai Stevenson, who, when it came his turn to speak, sought to outdo the toastmaster by a sparkling display of Stevensonian wit. However, he later confessed that he had been outdone and years later he continued to refer to that evening.

At Anchorage, Ray Petersen, president of Northern Consolidated Airlines, arranged for us to fly to Katmai National Monument, where the airline maintained lodges. There is to be found some of the finest fishing in the world and there for 2 or 3 days Governor Stevenson left all cares behind him and put in a 12-hour day on the fishing streams.

And, so, finally, in southeastern Alaska we parted, the Stevenson group leaving for what we Alaskans exclusively term the outside.

When Adlai Stevenson died in London many reminiscences appeared in Alaska newspapers concerning his 1954 trip. And many memories stirred in me. I learned much then about a man I consider to have been very great. Among other things I learned that he was a marvelous human being, a warm and friendly human being, a man's man when he stood by the water's edge with fly rod in hand and the world's man when he stood at the speaker's podium.

AWARD OF MERIT, 1965, BY GROUP HEALTH ASSOCIATION OF AMERICA TO NELSON CRUIKSHANK, DIRECTOR, SOCIAL SECURITY DEPARTMENT OF AFL–CIO

Mr. McNAMARA. Mr. President, the final enactment of the medicare legislation is a tribute to the hard and dedicated work of many persons.

Among those who can be singled out for special praise in helping to guide this program to achievement is Nelson Cruikshank, director of the Social Security Department of the AFL–CIO.

Recently, the Group Health Association of America, at its annual meeting in Philadelphia, presented Mr. Cruikshank with its Award of Merit 1965.

The text of this award summarizes clearly the work of Mr. Cruikshank in the field of social welfare. I ask unanimous consent that the text of the award be printed in the RECORD.

There being no objection, the text of the award was ordered to be printed in the RECORD, as follows:

> The Group Health Association of America, Inc., does hereby present its Award of Merit, 1965, to Nelson H. Cruikshank in recognition of his long and devoted service—
>
> As a forceful and effective spokesman for the organized consumers of health care in the United States and Canada.
>
> As a tireless advocate of constructive legislation to promote the responsibility of Government in developing needed programs of health care and standards.
>
> As an architect of an expanded social security system to provide health and other benefits.
>
> As an outstanding representative of organized labor in the broad field of health and social welfare.
>
> As a consistent supporter of the movement to develop nonprofit comprehensive direct service group health plans.
>
> As a loyal friend and a splendid citizen.
>
> Bestowed upon Nelson Cruikshank by the Group Health Association of America at its 15th annual Group Health Institute, Philadelphia, May 21, 1965.
>
> FREDERICK D. MOTT,
> *Chairman.*
> KENNETH M. MCCAFFREE,
> *President.*
> W. PALMER DEARING,
> *Executive Director.*

THE REPUBLIC OF DAHOMEY

Mr. HARTKE. Mr. President, I wish to congratulate the people of Dahomey on the celebration of their independence day, August first. Five years ago yesterday the Republic of Dahomey joined the community of nations as a sovereign state and 7 weeks later was admitted to the United Nations. She has since conducted her international business with the responsibility and respectability worthy of high commendation.

With only modest assistance from the United States, Dahomey has earnestly undertaken a program of self-help in economic development. In international affairs she has remained aloof from the conflict of the nuclear powers; yet she has demonstrated her deep concern for the international peace and cooperation which will benefit all peoples, permitting the fullest development of human and materials resources everywhere.

The people of Dahomey, among the best educated in West Africa, are divided among some 42 ethnic groups—four of which predominate. Like the United States with its many ethnic and religious minorities, Dahomey is experiencing the challenges of national amalgamation. We recall the many frictions that have threatened to rend our own Nation asunder; yet we realize now that our ultimate strength was to be derived from the many divergent interests of our population. We trust that Dahomey will likewise find the diversity of her people to be among her greatest assets.

In light of our own heritage as colonists who eventually attained national independence and later political and economic integration, we cannot help but take pride in the achievements of new nations such as the Republic of Dahomey.

Mr. President, I know many Americans join with me in saluting the people of Dahomey as they celebrate their national independence.

PARTNERS FOR ALLIANCE PROGRAM, UNDER ALLIANCE FOR PROGRESS

Mr. TYDINGS. Mr. President, the Baltimore Sunday Sun of July 18 carried a feature article on the Partners for Alliance program under the Alliance for Progress. The article is an excellent one, which well describes this marvelous program. Under the Partners for Alliance, the people of various States organize to help a state or country in Latin America. Since the program was initiated last year, 25 States have allied themselves with 25 sister states or countries in Latin

America. Maryland's sister state is Rio de Janeiro in Brazil.

Mr. President, I commend to my colleagues this excellent article and the program which it describes, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALLIANCE PARTNERS: MARYLAND'S "PEACE CORPS" IN SOUTH AMERICA

(By John Dorsey)

The State of Rio de Janeiro is like Maryland in a lot of ways. A subdivision of the nation of Brazil, as Maryland is a subdivision of the United States, it borders but does not include the more famous city of Rio, as Maryland borders Washington.

Its land area is half again as large as Maryland's (16,000 square miles to 10,000 square miles) but its population is almost the same (3,400,000 for Rio to 3,100,000 for Maryland).

The population of Rio is largely urban, and it has a big steel-producing plant in Volta Redonda, one of its principal cities. Both Rio and Maryland border on the Atlantic and both have long stretches of shoreline on principal bodies of water.

There are slums in Rio cities, as there are in our cities. There they are called favelas. But slums there are much worse than anything people in Maryland know of, or probably can even imagine. The misery is deep.

There are farms in Rio, but farming methods are old-fashioned and farming equipment is primitive. In some villages there is not even an adequate water supply.

NOT ENOUGH SCHOOLS

There are schools in Rio, but not enough of them. There are roads, but many of them turn into impassable quagmires when it rains, and in numerous places there are no bridges where there should be bridges.

But just last November a group of Marylanders in Rio suggested to a farming community a simple solution to what had seemed an impossible problem. As a result, the farmers were able to build a bridge, and take their produce to market again.

More recently, schoolchildren from nine Baltimore public schools held dances, parties, bake sales, and other activities and raised $1,000 for building a schoolhouse in a Rio slum where the illiteracy rate is staggering.

It might not sound like much, but $1,000 will do a lot more in Brazil than it will in the United States. For between $800 and $1,200 a one-room schoolhouse, capable of accommodating up to 80 children a day, can be built.

Also this year, $1,000 was raised by Marylanders to provide equipment for a school in Niteroi, the capital and largest city of the State of Rio (population 245,000).

GROUPS OF PRIVATE CITIZENS

All these projects to help the people of Rio—and these are only the beginning—have been accomplished by groups of private citizens in Maryland. The projects are part of a program known as the Maryland Partners of the Alliance.

A part of the Alliance for Progress, Partners of the Alliance is a program in which the people of various States organize to help a State or country of Latin America.

Since the program was originated about a year ago, 25 States in this country have allied themselves with 25 countries or subdivisions of countries in Latin America.

Partners committees have just begun to tap their communities at numerous levels for means to improve the education, health and living standards of their Latin American Partners.

Texas' Partner is Peru. Utah's Partner is Bolivia. Connecticut's Partner is the state of Paraiba in Brazil. And Maryland's Partner is the state of Rio.

Rio was chosen as Maryland's Partner because of similarities of geography, population and industry. The climate is somewhat warmer—more like that of Florida. Despite conditions that are far below those in the United States, Rio is by no means among the least developed areas of Latin America.

DEPENDS ON CONTRIBUTIONS

Though technically a part of the Alliance for Progress, Partners of the Alliance receives no financial support from the Federal Government. The Maryland Partner program receives no State or local government funds, either. It depends solely on contributions of time, money and knowledge from individuals, businesses, fraternal and civic organizations, women's clubs, school groups—anyone willing to lend a hand.

The Maryland Partners, headed by Albert Berney, president of Hamburgers, was organized last fall, with headquarters at 10 North Charles Street. Its first task was to send a team to Rio to see conditions there.

Mr. Berney, Dr. Vernon Vavrina, associate superintendent of the Baltimore city schools, and Julian Stein, secretary of the Maryland Partners, spent 10 days in Rio last November. Escorted by members of the Rio Partners Committee, the men visited towns.

"We were most impressed by the warmth of the people and the really fantastic reception they gave us. They are particularly devoted to the memory of President Kennedy," Mr. Berney says.

The Maryland team got the Partners program off to an early start by suggesting satisfactory solutions to local problems on two occasions. One resulted in construction of the bridge mentioned earlier, and the other eliminated a fishing village's tidal drainage problem.

"We realized from our trip that the most critical need of the people was in the area of education," Mr. Berney recalls. "The average age of the population of Rio is 15. (That of the United States is about 30.) There is no shortage of teachers, but in many places there are no schools.

"There is supposed to be compulsory education through the fourth grade, but about half the children who are supposed to be getting an education are not even in school. The illiteracy rate in the state is 40 percent.

PLAN ONE-ROOM SCHOOLHOUSE

"As a result of our visit, plans were drawn up for a one-room schoolhouse to cost no more than $1,200. Schoolhouses constructed to these plans can be erected easily in any town. They can hold 20 to 30 children apiece. With shifts, as many as 80 might be accommodated every day."

When the Maryland team returned, the Partners were increased, and special committees were setup to deal with specific areas, including education, health, and technical assistance.

The Maryland Partners now include about 40 leading citizens, including Senator BREWSTER, William Boucher 3d, executive director of the Greater Baltimore Committee; Dr. Martin Jenkins, president of Morgan State College; and Charles Parkhurst, director of the Baltimore Museum of Art.

So far, the Partners committees have been most concerned with organization. But some projects have been begun, and many others are in the planning stage.

"We are off to a good start," Mr. Berney says. "We have had a particularly good response from school students in the Baltimore area. I hope we can expand out efforts to the counties now, and get our other committees underway on their projects"

Mr. Berney, and Dr. Vavrina, chairman of the education committee, toured Baltimore schools in the spring, giving illustrated talks on Rio and the Partners program.

TOURS SCHOOLS IN BALTIMORE

During the spring two members of the Rio Partners committee, Durval Goncalves and Ronald Hees, spent 3 weeks touring schools in the Baltimore area, speaking on condiitons in Rio.

One result was the stimulation of programs to raise money, which resulted in the $1,100 donation to build a school.

The University of Maryland Student Government responded to the program's call by raising $300 for purchasing books for the University of Rio. A student exchange program is being developed between the two universities.

Because Rio is on the other side of the Equator, its summer comes during our winter, and its school years extends from March to November. Under the University of Maryland exchange program, Maryland students will go to Rio during the summer months, when their schools are in session.

In addition to studying the Maryland student will help members of the University of Rio in their program of assistance to favelas. "In effect," say Dr. Vavrina, "we will be establishing a Maryland Peace Corps."

There is also a plan for 4–H members to live and work on Rio farms.

"I hope that in the coming months we can set up a college council to interest all colleges in the State, State-supported and private alike, to take some part in the Partners program," Dr. Vavrina says. "And I hope that the student exchange plan can be extended to public and private high schools as well as colleges. There might even be an exchange of faculty members."

In addition to school children themselves Dr. Vavrina's committee will attempt to interest labor groups and women's committees in joining the education activities of the Partners.

"I think education is one area in which the program can work to benefit both States," he says. "We hope to include in our school curricula here as much information about Rio as possible. Geography classes are probably the best places to fit the material in.

"Brazilians speak Portuguese. So far there is no Portuguese program in our public schools. But we have always been flexible on this point. Any time there is a sufficient demand for a certain language, we try to put it into the curriculum. We could easily begin a Portuguese program if the students are interested in it."

The health committee of the Partners, headed by Dr. Matthew Tayback, deputy commissioner of health for Baltimore City, has also initiated a number of programs. The committee is trying to raise $1,000 to provide a water supply for a clinic in the fishing village of Saquarema.

Funds are also required for equipment for several hospitals the Maryland team visited last November. Most needed is equipment for obstetrical and pediatric services.

Dr. Tayback hopes to raise money from individual contributions and from church groups among other sources. "It should be pointed out," he notes, "that we know the money will be spent wisely, as the recipient projects are investigated and we work with the highly capable Rio Partners Committee." The chairman of the Rio Partners is Dr. Hugolino de Mendonca, special assistant to Governor Paulo Torres of the State of Rio.

PROFESSIONAL MANPOWER SOUGHT

Dr. Tayback feels the health committee "can be most effective in the exchange of people. I hope professional manpower—doctors, engineers and technicians—will be made available by hospitals, teaching institutions and businesses for short visits to Rio. That way the people there could get advanced knowledge not only about patient care but about building and equipping hospitals and clinics."

Dr. Tayback plans to be among those planning a trip to Rio this fall to evaluate the Partners program and give technical assistance. "I want to talk to people concerned with the planning of health facilities and hygiene programs, and help them map out their strategy for improvement of the general health.

"When you are dealing with areas that are far less developed than ours you can be most helpful in advising the people about what should take priority in health planning.

"Among the first things are adequate water and sewage facilities for the population. People must be made to understand the relationship between personal hygiene and health. And they must give increasing attention to matters of pregnancy and infant care."

The big job of the technical assistance committee is aiding a rural electrification project for the entire State of Rio. "We hope to get assistance from the rural electric cooperatives in southern Maryland and on the Eastern Shore," says William Robertson, president of a local contracting company and chairman of the technical assistance committee.

"The cooperatives can provide us with technical assistance and perhaps with some used material that can be shipped to Rio free of charge in fruit ships.

SEEKING PIPES AND FITTINGS

"We are also working to supply material to extend the water distribution system in 'State Hill' a Niterio favela. We're trying to get water departments and contractors and engineers in Maryland to supply us with pipes and fittings. One or two experts will go on the fall trip to give technical assistance."

Other projects are under a miscellaneous projects committee, which has been instrumental in establishing a "twin city" relationship between Westminster and Macae in Rio. Under the arrangement, if Macae wants to start a project, it can appeal to Westminster rather than to the Maryland Partners as a whole. Eugene Moore, of the Chamber of Commerce of Metropolitan Baltimore and head of the miscellaneous committee, is trying to promote the twin city idea in other Maryland towns.

The committee is also trying to raise $175 for lights for a school athletic field and $700 to equip a school cafeteria in Niteroi. "We are also trying to get local Kiwanis, Rotary, and other clubs interested in sponsoring activities in Rio," Mr. Moore says.

"The Lions are already active in this field. So far, we haven't had much response from the other clubs, but that may not be their fault. Many of their activities have to be authorized through national headquarters."

There are other aspects of the Partners program. Dr. Vavrina is also chairman of a cultural exchange committee, which is making plans for a Brazilian trade fair to be held in Baltimore.

It is hoped that among the team going to Rio this fall will be someone from the State planning department, to assist with State planning in Rio. The group will also include experts in the labor, business, and education fields.

The first Inter-American conference of the Partners was held in Washington earlier this month. Representatives of the 50 Partners committees in this country and Latin America met to discuss progress and mutual problems.

Dr. Evaldo Saramago Pinhiero, head of Rio's agricultural extension service and vice chairman of the Rio Partners committee, came to Washington for the conference and spent a week in Maryland. He talked to officials of Maryland's Economic Development Commission and of the University of Maryland's agricultural extension service.

While here he expressed his satisfaction with the progress of the Partners program so far. He talked, too, about the pleasant surprise of meeting Marylanders.

"The impression of American life that our people get is a Hollywood impression," he commented. "But when we come here, we find that you don't all lead lives filled with scandal. In fact, you're like us."

MEDICARE AND VOTING RIGHTS

Mr. BASS. Mr. President, I call to the attention of the Senate an editorial from the Nashville Tennessean entitled "July 9 a Landmark Day in Legislative History." It was indeed a historic day in the annals of parliamentary bodies.

This body passed an act which will probably be more sweeping in its effect than the law which it amended, the social security program. Under its terms the elder citizens of our country will receive medical benefits they need and deserve regardless of their station in life and without being subjected to the indignity of having to embarass themselves by swearing they are paupers.

The other body on the same day passed the Voting Rights Act, which will insure that all our citizens are provided with the most basic of our liberties, the right to vote. The House included a provision abolishing poll taxes, which I had the privilege of cosponsoring in this body and which lost by very small margin. I am sorry this provision was not successfully retained in the bill in conference. I commend the editorial to the attention of my colleagues, and therefore ask unanimous consent that it may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

July 9 a Landmark Day in Legislative History

Friday was a historic day in the Congress, a day that saw passage of both the voting rights bill and a measure to provide medical care for the aged. They represented victories for President Johnson and his party, but more important, they were victories for the American people.

Both measures are intended to fill a vital need. The House, by overwhelming vote, approved a voting rights bill to close the gap between declarations of equality and the long and shameful failure to give the declarations practical effect.

Although a century has passed since the Emancipation Proclamation and 95 years have gone since it was reemphasized in the 15th amendment, American citizens are still being denied the right to vote in some areas.

It is sad that such a bill is necessary and that there are those who still seek to deprive the Negro of his right to be a part, as Representative Hale Boggs of Louisiana, phrased it, "of this great experiment in human progress under freedom which is America."

It is not, of course, a perfect bill and even the hammering it will get in the Senate-House conference will not make it that. But it is a restatement of the fundamental concept of equality. And it will make it possible for thousands to participate in their Government.

The Senate, by 68-to-21 vote, approved a measure that is a great and far-reaching piece of social legislation. The bill would establish a comprehensive medicare program for 19 million Americans over 65 and raise all present social security benefits and taxes. It will affect every American now under the social security program.

The measure for health care is probably as historic a piece of legislation as will be passed for decades. It represents culmination of a great struggle between various points of view and philosophy. It represents a big advance in taking cognizance of the extension of the lifespan of Americans and of the health and financial vagaries of older persons.

It would have been a proud day for the late President John F. Kennedy, who had made medicare and equality of opportunity his major legislative goals. It was unquestionably a gratifying day for President Johnson who has carried both objectives forward.

Both measures are a significant tribute to the American political system in that despite tremendous controversy, despite the passions and fears of individuals and the pressures of groups, there have been remarkable areas of agreement, remarkable unanimity of purpose, and a growing maturity.

It took some courage for Representative Boggs to make an impassioned plea for passage of the voting rights bill, but he was convinced of the right and the need of it. There is something symbolic here of a Nation forging out its solutions in the free market of ideas and debate. Credit for foresight and courage also are due Tennessee Congressmen Evins, Anderson, Fulton, and Grider and to Senators Gore and Bass for their votes on these measures.

Not all will agree with the legislation that emerged from the balloting, but Friday, July 9, will stand as a legislative landmark.

PRESIDENT KENNEDY SPOKE OUT AGAINST THE "ROTTEN BOROUGH" SYSTEM OF MALAPPORTIONMENT IN OUR STATE LEGISLATURES

Mr. TYDINGS. Mr. President, our late beloved President, John F. Kennedy was firmly and unequivocally opposed to the "rotten borough" legislative malapportionment, which the Dirksen amendment seeks to perpetuate.

As early as May 1958, 5 years before the Supreme Court decided Baker against Carr, Senator John F. Kennedy noted:

> The apportionment of representation in our legislatures and, to a lesser extent, in Congress, has been either deliberately or shamefully ignored, so as to deny cities and their voters that full and proportionate voice in government to which they are entitled.

He believed that the States had failed to meet their historic responsibilities, and that malapportionment was a principal cause.

Senator Kennedy's statement appeared in the magazine section of the New York Times. It is entitled "The Shame of the States." In it, he deals perceptively with the effects of malapportionment in producing rural-dominated legislatures that are unresponsive to the needs of the urban areas. Senator Kennedy maintained that the key to effective State government is a legislature whose members represent substantially equal numbers of constituents. He also pointed out that "those who talk longest and loudest" about restoring State power over areas now dealt with by the Federal Government could best begin by reapportioning their State legislatures.

I believe that this article will aid us in our consideration of the Dirksen reapportionment amendment and I therefore ask unanimous consent to insert it in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"THE SHAME OF THE STATES"—LEGISLATURES ARE SO CONSTITUTED THEY DENY CITIES FAIR REPRESENTATION, DECLARES SENATOR KENNEDY, AND THAT IS ONE CAUSE OF URBAN ILLS

(By John F. Kennedy)

WASHINGTON.—Just 50 years ago Lincoln Steffens and his fellow muckrakers exposed "the shame of the cities." In city after city, they documented the sorry record of bossism, bribery, and graft, the degradation of officials, police, and public. Mayors were either the venal bosses of dishonest machines or figureheads for the bosses. The meeting of any board of aldermen could be completely cleared, a wag said, by a prankster shouting: "Alderman—your saloon is on fire." It was an age in which Mr. Dooley could observe that city bosses were "fine, strong American citizens—with their hand on the pulse of the people and their free forearm against the windpipe."

Whatever the truth of these charges may have been 50 years ago, they are not true today. Fifty years of reform and reconstruction of municipal government have produced a new breed of able political leaders and civil servants, playing a wholly different and highly competent role in the management of their towns and cities, their States, and Nation. The oldtime machines and bosses, the politically managed police departments, the purchase and control of elections—all of these and other causes for shame have, on the whole, given way to the honest, efficient, democratic kind of municipal administration the voters have rightfully demanded.

Yet our urban areas have only exchanged one set of problems for another. Growth has outrun reform; achievement has been dwarfed by need. State and local governments, for example, have increased their employment twice as fast, in this century, as the rate of growth for the Nation's total population and employment. Their expenditures are 30 times the 1900 level, far outstripping the Nation's economic growth. In the last 10 years alone, the financial demands on local government have doubled. A record proportion of cities are mired in a deficit posiiton. The difficulties of such a position were accentuated last year when tight-money policies made borrowing more difficult and more costly; and they are accentuated now by the contraction of investment capital at a time when relief and other needs are multiplying.

Able and devoted city officials are overworked and underpaid. Necessary programs and services are either cut back or defaulted. Far from progressing, most urban communities are hard pressed just to hold their own.

The shame of our cities today is not political; it is social and economic. Blight and decay in urban government have been replaced by blight and decay in the cities themselves. They suffer from overcrowded and hazardous schools, undermanned with underpaid teachers—halfway education in half-day sessions. They suffer from slum housing, congested traffic, juvenile delinquency, overcrowded health and penal institutions, and inadequate parking. They lack parks and recreational facilities, too often crowded out and ignored in the hasty, haphazard growth of the metropolitan areas.

In a blighted city, economic and social malaise go hand in hand. Industries move out, and so do their markets. The city's core tends to become a community of only the very rich and the very poor. Downtown merchants lose their customers and their ability to match the attractiveness of suburban rivals. As the community deteriorates, the tax base shrinks, the tax burden on those who remain grows heavier—and the community deteriorates further. "The thing generally raised on city land," wrote Charles Dudley Warner, "is taxes."

The efforts of many local governments to eradicate this shame, to rebuild our cities and restore their health, have been inspiring. But all too often they have had to do the job alone, even though the work affects many living outside the town or city's corporate limits.

The education of our children, the control of air and water pollution, the expansion of airport facilities, provisions for civil defense, the treatment of the mentally ill—these and other problems are not confined within city limits or even to metropolitan areas. They affect us all; they are of concern to us all. Juvenile delinquency bred in city slums seeps steadily outward. The traffic jams of the city become—at least twice a day—the headache of the suburbs.

The burden for coping with these problems rests—logically or illogically, fairly or unfairly—upon our municipal governments primarily. But the harsh facts of the matter are that these local governments receive all too little help and cooperation from Washington and the State legislatures. They are refused adequate Federal and State funds for the programs they need so badly, and for which they have paid so heavily. They contribute the lion's share of Federal and State taxes, but an equitable share is rarely returned to them. They have been preempted by the Federal and the State Governments from the best sources of tax revenue.

They have been held back and hamstrung by antiquated debt limits, patchwork city charters and prehistoric municipal boundaries which uninterested and distrustful legislatures balk at altering. Often, they have been denied even the right to manage their own affairs.

But a majority of Americans, 100 million strong, live in the metropolitan areas. They cast the majority of votes, they pay the largest share of taxes. Why do they not exert their power politically to secure their rights and their needs?

This is the root of the problem. For the sad answer is that the urban majority is, politically, a minority and the rural minority dominates the polls. Of all the discriminations against the urban areas, the most fundamental and the most blatant is political: the reapportionment of representation in our legislatures and to a lesser extent in Congress has been either deliberately rigged or shamefully ignored so as to deny the cities and their voters that full and proportionate voice in Government to which they are entitled. The failure of our governments to respond to the problems of the cities reflects this basic political discrimination.

Rarely, in electing State legislatures, does an urban vote, in effect, count for as much as a rural vote. At one time, in a then largely rural Nation, legislative strength was heavily weighted in favor of rural areas. Though times have changed, many legislatures have not. They have gerrymandered the shape of legislative and congressional districts. They have left district lines unchanged (for as long as 50 years) without adjusting representation to population shifts.

In some cases, urban dwellers are "constitutional minorities." The State constitutions are so written that an urban area, no matter how large, cannot win a legislative majority. One method is to give every town or county, regardless of size, one seat in the legislature. What sounds like equality is in reality rank discrimination.

Whatever the means, the result has been systematically and often deliberately to deny the cities their fair share of political power. Our legislatures still represent the rural majority of half a century ago, not the urban majority of today.

In one State, 13,000 rural citizens have as many State senators as 4 million urban dwellers. In another, a city with one-eighth of the State's population has less than one sixty-eighth of the representatives in its legislative assembly. There are States where as little as 10 percent of the people can elect a majority in one house of the legislature. The citizens of one urban area pay 25 percent of the State's taxes, but have less than 2 percent of the legislators who appropriate them. Indeed, in more than half the States, a majority in at least one legislative chamber is elected by less than a third of the voters.

Even in Congress, America's urban majority is not equitably represented. The same malapportioned State legislatures, after all, apportion congressional seats. When, in 1956, the Senate debated the Mundt-Coudert proposal to apportion electoral votes along the lines of congressional districts, I learned in startling detail how many of our urban citizens are shortchanged in their congressional representation. In one State, an urban Congressman has 800,000 constituents. A rural Congressman in the same State represents just over 200,000 people. In at least 18 States, the city dweller's vote is in effect worth less than his rural neighbors. In at least seven of the States, a Congressman from a sparsely settled area represents less than half as many pepole as his colleague from that State's major urban area.

In some States, all urban voters are combined in one outsize district that has no more representatives than a tiny rural area. In others, the metropolitan area is split up by shrewdly but curiously drawn district lines that disperse the city voters into surrounding rural or suburban areas where their minority voice is barely heard. In some States the legislatures have simply failed to redistrict in keeping with urban growth—in others they have redistricted but in a discriminatory pattern.

In a big city, in one typical State, the average congressional district contains 404,000 people. Outside the city, the average district contains 322,000. This is not an uncommon picture of the systematic discrimination that besets the cities. The balance of political power is distorted far over to the rural end of the scale.

None of us, rural or urban, benefit in the long run from this situation. Our politics should not become a battle for power between town and country, between city dweller and farmer. The principles at stake go much deeper than that. For whenever a large part of the population is denied its full and fair voice in government, the only result can be frustration of progress, bitterness, and a diminution of the democratic ideal. Country and city are interdependent; conflict and discrimination cannot serve the interests of either.

We in the Congress are constantly warned about the centralization of functions in Washington. We are urged to disperse many activities to State governments closer to the people. We are asked to turn back to the States the task of meeting many of the urban problems which Congress—despite its own imbalance of urban representation—has attempted to meet. The present administration has—first with the Kestenbaum Commission and more recently with a special committee of Governors—explored ways of moving in that direction.

I am not a believer in the omnipotence of Federal bureaucracy; I see no magic attaching to tax money which has flowed to Washington and then back again. But as long as our State legislatures are not fully responsive to the urban areas and their needs, there is no practical way in which Congress can avoid its responsibility for meeting problems that are national in concern.

For all its limitations, Congress stands in shining contrast to many State legislatures in responding to the needs of the city and its people. As a Member of Congress, I would not presume to instruct the State legislatures in their responsibilities. But I do insist that Congress cannot yield vital public functions affecting our metropolitan majority to State legislatures dominated by rural minorities. To do so would consign almost two-thirds of a nation to second-class citizenship. As long as democracy is distorted in this fashion, our cities will inevitably turn from unsympathetic State legislatures and seek help from a more responsive source—the Federal Government.

The cities of America cannot afford to become wholly dependent upon unsympathetic and unrepresentative State legislatures for assistance in tackling their problems of urban redevelopment and all the rest. It is apparent now that our growing classroom shortage cannot be met by State aid alone.

It is apparent, too, that we cannot leave it up to the States to fix standards to unemployment insurance payments. Today, when the cushioning effect of this system is most needed, it is woefully inadequate in too many States which have failed to raise their benefit levels since the low-wage days of the depressed 1930's. Those on the State level who talk longest and loudest about returning these and other functions to the States ought to take an equally long look at what might well be called in 1958 "the shame of the States"—their unrepresentative State legislatures.

I do not claim that fair and equal representation offers any panacea for the city's ills. Even given sufficient funds and authority, too many of our cities suffer from a lack of trained personnel, from a multiplicity of governing units, and from the political, housing, and other personal habits and trends of our population. But whatever their handicaps, our urban officials are more familiar with, responsible for, and responsive to our urban needs. The recent example of the strong antipublic-housing Congressman who became a strong propublic-housing mayor is a vivid illustration of this point.

Housing legislation, school legislation, labor and similar measures of primary concern to our cities have been defeated in the Congress in recent years by narrow margins. Had our urban areas been fully represented, there is every indication that the outcome might have been different. I have no doubt that our cities have experienced similar frustration on rollcalls in our State legislatures—denied their fair share of State funds or the legislation necessary to tackle their problems.

The great difficulty in stating these problems is that there is no apparent solution. Reform of our State legislatures depends upon the unselfishness of our State legislators. They are both the perpetrators and the beneficiaries of the present malapportionment. When they undertake reform—when they restore to our metropolitan areas their full suffrage—many of them do so at their own expense. Even the Congress is reluctant to require fair apportionment as a condition for representation. Appeal to the courts is an unlikely avenue of relief, for the Supreme Court has made clear its belief that such change depends basically upon political, not judicial, processes.

Our greater reliance, therefore, must be on the sheer weight of logic and morality in support of what is right, practical, and necessary. As our cities grow and their problems mount, the pressures for reform will increase. Perhaps an aroused public, a vigorous press, and the force of the democratic tradition will create an irresistible demand for justice to the second-class citizens of the city and its suburbs.

One hundred million citizens—constituting a majority of the Nation—will not forever accept this modern day "taxation without representation." If there is a "shame of the cities" today, it is the failure of our urban dwellers and their spokesmen to be aware of these discriminations—and to press more vigorously for their elimination.

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none and it is so ordered.

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as National American Legion Baseball Week.

The PRESIDING OFFICER (Mr. Young of Ohio in the chair). The senior Senator from Ohio is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. LAUSCHE. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I yield to the senior Senator from New York.

FBI POWERS OF ARREST—CIVIL RIGHTS DEMONSTRATIONS

Mr. JAVITS. Mr. President, during the summer of 1964, and this summer, a number of civil rights workers have been actively engaged in picketing, demonstrations, and marches in the cause of civil rights. The newspapers have unfortunately been replete with incidents of violence and brutality visited upon these people seeking to exercise their constitutional rights. In some cases it has been reported that agents of the Federal Bureau of Investigation refuse to make arrests for such offenses even for assaults committed in their presence.

On June 18, I contacted the Attorney General of the United States about this matter specifically citing title 18, sections 3052 and 3053 of the United States Code which outline the powers of the Federal Bureau of Investigation and U.S. marshals and deputies to arrest persons in cases in which the assault was committed in the presence of the officials. I requested information from the Attorney General on why these statutes were not used more widely.

In his reply to me of July 20 the Attorney General cites the case of *Screws* v. *the United States*, 325 U.S. 91, which declares that a finding of specific intent is a necessary element of violations of civil rights statutes.

While I believe strongly that a specific intent to violate another's civil rights can be proved in cases of assaults on civil rights workers in situations such as I have just described, the Attorney General's letter serves to underscore the need for legislation which would clarify the situation created for us by the Screws decision.

I have introduced such legislation, S. 1497. Unless and until Federal law enforcement officials and juries are willing to take action in cases of assault and murder, we must be prepared to bring the full force of the Federal Government to bear on these offenders. Sections 241 and 242 of title 18 create clear Federal offenses and, with the removal of the requirement of specific intent—which my bill would accomplish—these sections could be used more widely.

While I do not accept the Attorney General's explanation of the Bureau's reluctance to arrest, I again urge prompt Senate action on my bill and ask unanimous consent that the correspondence between the Attorney General and me be printed at this point in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

June 18, 1965.

Hon. Nicholas deB. Katzenbach,
Attorney General,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: Thank you very much for your letter of June 11 clarifying the relationship between S. 1564 and certain provisions of the Louisiana constitution relating to good character tests. Your statement will be a valuable part of the legislative history on this bill, and I intend to insert it in the Congressional Record.

On another matter, I have received a number of letters from constituents and civil rights groups concerning the failure of agents of the Federal Bureau of Investigation to make arrests at the scene of civil rights demonstrations. It has been reported that while agents take notes and subsequently investigate violations of constitutional rights, they consistently maintain that they are not authorized to make arrests.

In this connection I would like to call to your attention, 18 U.S. Code secs. 3052 and 3053 which outline the powers of the Federal Bureau of Investigation and of U.S. marshals and deputies. These sections are:

"Sec. 3052. Powers of Federal Bureau of Investigation: The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have resonable grounds to believe that the person to be arrested has committed or is committing such a felony.

"Sec. 3053. Powers of marshals and deputies: U.S. marshals and their deputies may carry firearms and may make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony."

Many of the acts both official and private, complained of by civil rights workers, constitute such felonies. I refer, for example, to

18 U.S. Code 241, which prohibits conspiracy against the rights of citizens, and to the criminal provisions of S. 1564 which, hopefully will be law by this summer.

In light of the fact that this summer is likely to bring renewed voter registration drives and demonstrations in the South which, in all probability will be met with obstructions and even violence, a statement from you that these sections will be enforced with vigor would be most reassuring.

With best wishes,

Sincerely,

JACOB K. JAVITS,
U.S. Senator.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 20, 1965.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to your letter of June 18, 1965, in which you advised of your receipt of a number of letters from constituents and civil rights groups concerning the failure of agents of the Federal Bureau of Investigation to make arrests at the scene of civil rights demonstrations.

While it is true that agents of the Federal Bureau of Investigation and U.S. marshals have the power to make arrests without warrant under the circumstances described in sections 3052 and 3053, cited in your letter, this power is sparingly exercised. Whenever possible, Federal officers secure warrants before making arrests. The independent and objective judgment of a magistrate reduces the chance of error so likely to occur when a legal judgment, such as that required in determining whether certain facts constitute an offense or probable cause, is made in the context of an emotionally charged and rapidly evolving situation.

Civil rights crimes involving official misconduct are not of such nature as to lend themselves well to the procedure authorized by sections 3052 and 3053. A necessary element of the offense is specific intent (see *Screws* v. *United States,* 325 U.S. 91, 104), the existence of which involves factors beyond the immediate comprehension of the observer and can best be determined by the dispassionate consideration of the prosecutor removed from the scene of action. It is substantially for this reason that the Department for many years has reserved final decision in civil rights prosecutions to the Civil Rights Division in Washington.

I do not believe the suggestion of your constituents and the civil rights groups who have written to you that Federal officer make immediate arrests during civil rights demonstrations would contribute to the orderly enforcement of the law.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. JAVITS. Mr. President, I urge the Attorney General to review the correspondence himself in the light of the manifestation of the unmet evils which are an assault and affront to the dignity of every American. Assaults are being committed on civil rights workers in the presence of FBI agents and U.S. marshals, and arrests are not being made. The Attorney General states that arrests should not be made.

I hope that Senators will join with me in protesting his determination.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

Mr. LAUSCHE. Mr. President, I rise to support Senate Joint Resolution 2. In my opinion, the question facing the people of the United States with regard to the subject of reapportionment is one of extraordinary importance and is one which cannot safely be ignored by any citizen who is concerned with the future growth of the Nation.

The subject of reapportionment is swirling through the courts of our land. It is a subject which is destroying great legislative bodies, a subject which has sent political bosses scurrying to computer rooms, to meet with associates, and contemplate the great political power that the subject offers.

It is a subject which threatens to render government in this country asunder from school district to township, from county to State, and from Congress to the Presidency itself.

I urge all Senators to approve Senate Joint Resolution 2. This is a resolution created to meet an overriding national need under which the governments in our Nation are traveling a historic course under which we have grown as free men and women into a social and economic body with no equal at any time in the history of the world.

Under the composition of the U.S. Congress, with Representatives chosen on the basis of one vote for one person, and Senators chosen on the basis of two Senators for each State, we have been able to blend the diverse thinking of the city man with that of the rural man, and out of that we have been able to forge programs that have brought great economic and social advancement to our people.

We are now faced with a constitutional crisis. In its wisdom a majority of the Supreme Court of the United States has declared that every State legislature in which both houses have not been constituted on strict population lines has been illegally constituted since the founding of the United States.

For all practical purposes this would mean that the legislature of every State at some time in our history has been illegally constituted and that the great majority of the State legislatures are illegally constituted today. There may be States which are not now legislatively in order.

However, a reading of the newspapers practically every day discloses the trials and tribulations confronting the courts and the legislatures with respect to the need of readjustment in conformity with the decree laid down by the Supreme Court.

We are faced with that problem in Ohio. In Ohio, three times since 1913, the people have had the opportunity of amending the constitution so as to make the representation of Senators conform to one person, one vote, and remove them from geographical representation.

Each county has at least one representative. If the county has 10,000 people, it has 1 representative. If it has more than 10,000 people, it has at least 1 representative, and there is added a number so as to represent population.

In 1913, a constitutional convention was assembled. It took up the subject of reapportionment. It refused to change the rule then in force under the constitution.

Twenty years later, in 1933, a question was submitted to the voters of Ohio: "Do you want reapportionment of the manner in which your house and senate are constituted?" Again the people declared they wanted no change.

In 1953, while I was Governor, there was, under the constitution, submitted again to the people the question of a change in the apportionment. Labor leaders and big city political bosses wanted a one-man, one-vote rule. There are 88 counties in the State. When the votes were counted, not a single county supported the theory of a one-man, one-vote rule. That is the situation as it prevailed in Ohio until the pronouncement of the Supreme Court.

But the pronouncement of the Supreme Court is the law of the land, and with it we cannot quarrel. We must abide by it. If we do not believe it is right, it then becomes our duty, by constitutional amendment, to change the impact of that pronouncement.

Senate Joint Resolution 2 contemplates the manner in which rectification shall be made. This turn of events, however, was not the intent of the framers of our Constitution, as has been so eloquently demonstrated by other Senators in this Chamber, and it is not the wish of the people of the United States, in my opinion.

The framers of our Constitution made it clear that they believed sound government would best be achieved by having a Senate composed of Senators numbering two sent to the Senate by each State. Rhode Island, with about 800,000 people, has two Senators. New York State, with a population of about 16 million, has 2 Senators. Ohio, with a population of 10 million, has 2 Senators.

On its face, that might not seem too sound, but the framers of our Constitution, back in 1787, wanted to preserve the sovereignty of the States. They did not want a small State to be digested and ruled at the whims and caprices of States with large populations. But to offset what seemingly was an ill-proportioned representation, they provided that the representation in the House of Representatives should be on the basis of population rather than geography.

To those who are opposing Senate Joint Resolution 2, I would put the questions: Have we not thrived under this Federal system? Have we not improved our social relations? Has not the economy of the citizenry of the country grown under it? The answers to each one of those questions must be in the affirmative. If that system is good for the Federal Government, I submit to my associates it likewise is good for the State governments.

I do not know how my colleagues are going to vote, but let us assume a Senator from a small State says, "I do not want reapportionment." I suggest to him that he probably soon will be faced with the specter of a change in our Contitution which, if accomplished, will take from under him the seat which he now occupies.

We can, by popular constitutional means, submit to the 50 States the question of how apportionment shall be made. If the States ratify this carefully constructed constitutional amendment, it then will become the duty of those States which desire to constitute one house of a bicameral legislature on factors other than population to submit that issue to the voters of the State for acceptance or rejection.

In the Foreign Relations Committee and on the floor of the Senate, the argument is repeatedly made that we should advocate everywhere the right of self-determination. The President of the United States, with respect to South Vietnam, has repeatedly stated that we are interested in allowing the people of South Vietnam to determine for themselves the type of government that they shall have, without imposition of it by the Communist leaders in Peiping and Moscow. Yet with regard to this issue, the paradoxical argument is made that we should not give to the people of the inidividual States the right to determine for themselves whether they want one house in a bicameral legislature to be chosen on a geographical basis.

I cannot see the logic of that position, and I cannot understand how Senators believing in human dignity, who proclaim on this floor their great devotion to liberty, are arguing that we should not give to the people of the States the right to determine for themselves how they want their legislatures constituted.

Mr. HOLLAND. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER (Mr. BASS in the chair). Does the Senator from Ohio yield to the Senator from Florida?

Mr. LAUSCHE. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I thoroughly approve the argument which the distinguished Senator is making. I find it completely incomprehensible that Senators object to the submission to the people of a State—each State—any State—of the question whether one house of its legislature shall be apportioned on a basis other than a strictly one-man, one-vote basis, and including factors as stated in the amendment of population, geography, or political subdivision.

I particularly fail to see any strength or soundness in such opposition to the amendment when I note that there is required, under the amendment, when a choice is submitted to the people of any State as to some other plan for one house of their legislature, that there be submitted a program that is essentially the one-man, one-vote program as an alternative, so that the people may vote for one or the other.

I am wondering whether the Senator, in looking at the last sentence of section 1 of the proposed amendment, would not come to the same conclusion.

That last sentence reads as follows:

> When the first plan of apportionment is submitted to a vote of the people under this section there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.

How can any Senator possibly claim that the people are likely to be misled, that the people are likely to be given no choice when, under the first section of the proposed amendment, it is required that in the submission of any proposed plan which deviates from the one-man, one-vote principle, there shall also be submitted, as an alternative choice, under which they might choose for themselves—and not because someone had directed it from outside—to have that second house apportioned on the one-man, one-vote principle. How can Senators oppose the amendment when that alternative choice is so clearly made available?

Mr. LAUSCHE. The Senator's question, in its rhetorical form, gives implied confirmation to the argument which I have made. The Senator is completely correct when he states at election, and at the same time, there shall be submitted the alternative question to people. It means that to the people is made the declaration. They choose for themselves what kind of apportionment they wish.

Mr. HOLLAND. In the second house?

Mr. LAUSCHE. In the second house, yes. They can choose complete representation on the basis of one-man, one-vote, or they can divide and say that one house shall be on the basis of geographical representation and the other house on the basis of population.

I join the Senator from Florida in stating that the provisions of the resolution give the fullest opportunity for individual expression to each voter in every State to determine how their legislatures shall be composed.

Mr. HOLLAND. Mr. President, will the Senator from Ohio yield further?

Mr. LAUSCHE. I am glad to yield.

Mr. HOLLAND. Does not the Senator feel that that particular part of the amendment appeals to that person who believes in the real essence of democratic government and who has trust in the intelligence of the majority of the people in his State?

Mr. LAUSCHE. I do not wish to be crude in my expression, but I have frequently found that great confidence is shown in the wisdom of the people when it is believed they will vote in conformity with the thinking of those who are doing the evaluation; but, when it is believed that the people will not conform to their thinking, they reverse their position and lose confidence in the good judgment and integrity of the people in passing upon the issues which are so vital to the needs of the country.

How can one say in good conscience, if he believes in the integrity of the people of the country, that they should not have the right to determine how the State legislatures shall be apportioned? I say to the Senator from Florida that I cannot understand it.

Mr. HOLLAND. Let me say to the Senator from Ohio that I cannot understand it, either. In a reasonably long life in public service, I have seen so many instances in which the public judgment to which the Senator refers is trusted to make a decision, that I have come to have very great confidence in the public judgment and the public intelligence. It seems to me that if we have confidence in the intelligence of the people of our States, we should know that they are going to choose what they prefer. When they are given the alternative choice as to the second house of their legislature, they will take the program proposed which deviates from the one-man, one-vote principle, or they will take the one-man, one-vote principle.

I believe that they have intelligence enough clearly to distinguish between the two proposals which will be made to them.

I thank the Senator from Ohio for yielding to me.

Mr. LAUSCHE. I thank the Senator for his contribution.

Mr. President, those of us who favor passage of the amendment do so in full confidence that the people of the individual States are convinced that the present method of apportionment is more than satisfactory to prove that the question is not mere wishful thinking.

I need only to point out the situation in the State of California, one of the States which would be affected most emphatically by the Supreme Court's so-called one-man, one-vote decision.

It is a matter of record that the people of California have had no less than five opportunities since 1926 to express themselves at the polls on the matter of apportionment of that State's upper house.

On every occasion the voters chose to continue the Federal system of apportionment as it exists today in their State. The fact that even those citizens living in the major population centers made their satisfaction with the present system known at the polls is of particular significance.

The experience in California has practically been duplicated in Ohio—as I have already mentioned. Three times, the people had the opportunity to repudiate the Federal system, and on each occasion, they failed to do so.

Mr. HRUSKA. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I am glad to yield to the Senator from Nebraska.

Mr. HRUSKA. The Senator is making an excellent statement, and I fully commend him for it. There is much that goes into the discussion which does not get back to the fundamental proposition which the Senator from Ohio has been emphasizing and reemphasizing; namely, that it will be the decision of the people which will control in the procedure which would be possible under the proposed constitutional amendment.

I should like to ask the Senator from Ohio a question in regard to the point he made on the plan in Ohio, and the plan which is in effect in California now—both of which have been referred to the people repeatedly in the past several years and reaffirmed as a plan of legislative organization. When attention is called to that, the opponents of the proposed amendment sometimes say that the Federal analogy, as it is called, the comparison of that kind of system with the U.S. Senate, does not lie, because there is a historic reason for the Senate of the United States being composed as it is. It was necessary to resort to that system in order to make it possible for the large States and the small States to get together and create the Republic which was created when the Constitution was adopted in 1789.

The question I should like to pose to the Senator from Ohio is this: Does it matter too much what the origin of the composition of the U.S. Senate is, or do the results and the fruits which have flowed from this system constitute the real reason for trying to follow it in States where the popular vote of the State would approve that kind of system?

Mr. LAUSCHE. I would say that any rational person, in determining for himself what system he wished, would look for evidence to ascertain what would be best for him and his descendants and the security of the country. The evidence he would turn to would be the fruits produced by our Federal composition of Congress. He would ask, How did we grow into such mighty power, richness, intellectual strength, and social comfort? The answer would be that it was through this bicameral Congress, with one branch chosen on the basis of population and the other on basis of geographical representation.

Mr. HRUSKA. Do not those fruits and those results extend not only in times of peace and times of relative normalcy—if that is not an illegal word—but also in all times of stress, in times of military stress, as was the case 100 years ago, in times of World War I and World War II, and in times of depression, and in times that were normal or abnormal or subnormal, when the bicameral system in Congress has functioned notably well, and has served the country?

Mr. LAUSCHE. I agree completely with what the Senator has said.

Mr. HRUSKA. The further argument is sometimes made that the members of a State legislature will be reluctant, perhaps, to propose a plan that would work themselves out of office, and, therefore, the amendment is not a good amendment.

Is not the safety valve in that situation, and the answer to that argument, to be found in connection with the referendum to be held on any plan that the legislature may propose? If it does not meet the approval of the people, it will not be adopted; and in that case both houses of the legislature in the State must be apportioned on the one-man, one-vote basis. Is that correct?

Mr. LAUSCHE. The Senator is correct. We should also remember that under section 2 of the resolution there is a requirement that there be submitted to the people at regular intervals the question of the representation in their State legislatures.

Mr. HRUSKA. That is, the submission is an automatic submission every 2 years, in the general election held immediately after the Federal census is taken; unless the legislature wishes to submit a new plan for that general election, there will be submitted the plan that is in existence in the particular State involved. Therefore the people will have a regular choice either to affirm or to reject the special plan that applies to their State; and that choice will be given to them automatically every 10 years. Is that correct?

Mr. LAUSCHE. Yes. For the purpose of the record I believe it would be well to read into the RECORD at this time what section 2 proposes. It reads:

> SEC. 2. Any plan of apportionment which has been approved under this article shall be resubmitted to a vote of the people, or, another plan may be submitted under the provisions of section 1, at the November general election held 2 years following each year in which there is commenced any enumeration provided for in section 2 of article I, and upon approval by a majority of those voting thereon, such plan of apportionment shall continue in effect until changed in accordance with law and with the provisions of this Constitution.

Mr. HRUSKA. It is in that reference to the people in the initial instance, followed by resubmission at least every 10 years, that we find the safeguard and, in fact, the genius of this proposed constitutional amendment. Is that correct?

Mr. LAUSCHE. I did not participate in the drafting of the amendment. However, one of the evils of the past was the failure to act at regular intervals in assuring proper apportionment. This provision makes it mandatory that it shall be done every 10 years.

Mr. HRUSKA. In one of the cases in which the Supreme Court acted and rendered a decision, there had not been any reapportionment since 1901. That represented a period of 60 years. However, the Supreme Court, in its decision, lumped that kind of situation, in which there was a flagrant violation of the State constitution of that State, with situations such as those that prevailed in Ohio, California, Pennsylvania, Missouri, Nebraska, and Colorado, where there had been a reference of the apportionment at frequent intervals to the people and in which the people had approved the plan.

The result was grossly unfair to those States which have complied with their constitutional provisions, but are unable to follow through because of the one-man, one-vote rule.

Mr. LAUSCHE. The Senator is correct. I thank him for his contribution.

It is inconceivable to me that Congress could do otherwise than submit the issue to the people for the people's determination. To do otherwise would be to override our entire history and to assume a dictatorial position of arrogance as to what is best for the people, without the people being given an opportunity to decide whether they wish to accept or reject this change in our form of Government. We would be arrogating to ourselves the supreme judgment, and substituting it for the thinking of 190 million people. That is what the 100 Members and the Senate would do, in connection with the course that we should follow on this issue. I respectfully say that, regardless of how learned we may be or how broad our experience may be, the fact is that we are nothing more than human beings, burdened with the same weaknesses and the same prejudices as anyone else, and we ought not to assume that we are the supreme source of all good and all wisdom.

I point out that the fin of the shark is beginning to show on the surface of this sea of constitutional crisis.

It is much like an iceberg, of which only a part shows above the surface, with the major and most dangerous part beneath the surface.

The confusion and chaos that are yet to come, because of the litigation that is pending and will undoubtedly yet be started, is frightening.

If the equal protection clause of the 14th amendment means that both houses of a State legislature must be constituted strictly along population lines, insuring the destruction of minority rights and assuring a government through the tyranny of the majority then what of the Presidency?

When I joined the American Legion back in 1921, I took an oath. There was read to me the declaration of principles or the preamble of the constitution of the American Legion.

One of the principles enunciated was that I oppose the tyranny of the masses and the tyranny of the classes.

Mr. President, unless we pass the joint resolution, we shall place into the hands of the masses of our State a tyrannical power so large that the minority, regardless of the virtue of their position, will not be able to assert itself. We shall have Government controlled by the metropolitan areas, and in the metropolitan areas those in charge of the political machines will be gloating about the great power they have. In my State, if the resident of a small rural area wants something done for him in the State legislature, he will probably have to go humbly before the big city political boss and ask that boss to provide for him the votes needed to obtain a virtuous demand. The tyranny of the majority can be extraordinarily cruel. I have a deep and abiding conviction that that is the situation that will prevail.

Only the fin of the shark is now visible above the waters. Only the head of the iceberg appears. We are arguing about State legislatures. But what about the U.S. Senate? What about the House of Representatives? What about city councils and county boards of supervisors?

Legal challenge has already been instituted against the requirement that each State must cast all its electoral votes for one presidential candidate. This may or may not be a change in our presidential election process that should be brought about, but as a single subject it warrants the deliberate and careful scrutiny necessary to assure that such is the will of the people, not the unfortunate side effects of another decision.

As has been made clear already to this body, a legal basis also exists for challenging the composition of the Senate of the United States. Added to that legal basis is the political and philosophical advocacy of a Member of this body who recently said that each State should not be permitted two U.S. Senators, but that it would be preferable to reconstitute this deliberative body, strip away Senators from our smaller States, and deliver them body and soul to the Nation's major population centers, rendering vast regions of this Nation voiceless, helpless, and placing them in the position of beggars going to the mighty of the big cities asking for aid.

If the U.S. Senate were constituted on a one-man, one-vote basis, as some would have it, by way of illustration, the States of Arizona, New Mexico, Utah, and Colorado, all of which have two U.S. Senators each at the moment, would be reduced to three, a net loss of five for that region of four States.

On the other hand, New York would skyrocket in Senate membership from two to nine, while Delaware and Maryland combined would be reduced to two.

Similar comparisons for various regions of the Nation would be quite simple to make. But the obvious fact, as I stated a moment ago, is that vast regions of our Nation would be stripped of their voice in Federal Government.

We must ponder whether we want the policies of the Nation determined by the metropolitan areas of our country. Do we want New York, which would have nine Senators, if the present apportionment of the Congress of the United States were eliminated, to dominate the philosophical, economical, and social thinking of the people of our country?

Let us dwell for a moment, therefore, upon the great influence exercised in this Chamber by those representing States whose land masses far outweigh their populations in terms of size. It is not hard to bring to mind the memories of those men. But it is hard indeed to imagine what this body would have been like without their kind in the Senate. Let us remember their abilities and influence, which were much greater than the mere number of constituents represented by each of them. I submit to the Senate that had we the time to study the history of each of the various State senates, we would find a parallel to our own situation.

The mere fact that an elected official represents a small town does not mean that he is small in thinking stature, any more than representing a big city automatically makes one a big man.

In a constitutional sense, these are revolutionary matters. They are bloodless, but they represent an overthrow of our system of government as we know it. If we cut away the false front in today's discussion of Senate Joint Resolution 2, and among other things we reveal a vast grab for political power in which the people would be deliberately denied a voice by big city political machines which long have sought to dominate the destiny of the Nation, where does the cry become most strident that the people cannot have a voice in this matter? Loud cries are emerging from the large cities—Chicago, Philadelphia, Boston, New York, Detroit, Cleveland, and Pittsburgh. They are the ones which feel that their population should dominate the thinking of the State legislatures.

I come from a big city, but I have had enough experience in Ohio to know that without the contribution of the stable thinking of the sparsely settled areas, we could not have good government within the State—and that is no disrespect for the citizenry of the big cities.

Let us for a moment become political realists and face up to the fact that it is in cities having compacted population centers that the greatest danger lies for their own takeover, to the detriment of the people.

I recognize that political organizations are needed, but I also know that the political machines of the big cities have not been conscious of a desire to serve on an equal basis, but frequently are motivated by what will bring them the greatest good in promoting the course that ought to be followed. When that happens, the one-man, one-vote rule does not work. It is one man, one vote by the big city political boss. He tells his henchmen what to do in the legislature. If a bill is to be passed, it is necessary to consult with him. I have seen the system operate. I was Governor of Ohio for 10 years.

It is a certainty that it would be much harder to build a political machine in the little town of Marengo, Ohio, than it would be to build it in Cleveland, Pittsburgh, Detroit, Boston, New York, or Philadelphia. Yet the people of Chicago, Philadelphia, Boston, New York City, Detroit, and Cleveland are strongly determined, as are the people of the rest of the United States, that the people shall remain in control of their government. The best proof of that is, as I have already stated, that three times since 1913 the people of Ohio, at a constitutional election, refused to change the apportionment to what was there proposed.

These people are largely in support of our cause, largely because they are voiceless minorities in their own cities, who are aware of the debilitating effect of government by absolute majority, government by political machines.

I have no quarrel with those who believe, philosophically, that this Nation should change its form of government, so long as they are willing to submit that decision to the people. Each and every one of us should take ringing exception to those who would fashion a new government in which the people would not have the deciding vote.

All that the proponents of Senate Joint Resolution 2, as it was originally designated, are asking is that the people of the individual States be allowed to determine how their legislatures shall be apportioned.

Conversely, the opponents are, in effect, saying, "Have no confidence in the people. Do not give them the right to determine for themselves what they want. Let us here in Washington do the thinking and speaking. Let us formulate a plan of government for them and have them wholly indifferent and unmindful of what the little citizen may think."

The more I ponder this position, the more convinced I am that my advocacy of the adoption of the joint resolution is sound, and the less doubt I have that those who refuse to yield this issue to the vote of the people have no confidence in the human dignity of our citizenry. We have now reached the action period. We must act before there can be irreparable damage.

I have to chuckle when I think about the courts of the country. They do not know in what direction to move.

I sometimes wonder if some of the judges are not leaving their courthouse buildings with their judicial robes on their backs, not realizing that they are still on their backs while they are out of the courtroom. The courts are confused. Virtually every reapportionment case is subject to different guidelines. I shall give a few illustrations.

In Hawaii the court first ordered the legislature to adopt a reapportionment plan prior to dealing with any other legislative matters. When the legislature finally adopted a reapportionment plan, the court promptly threw it out. Finally, the court granted the State until 1966 to comply with the Supreme Court's ruling.

The Hawaii court told the State legislature to act on the reapportionment plan first; not to take up any other business but reapportionment. The legislature followed the instruction, the court declared the reapportionment plan wrong, and finally had to say it would grant the State until 1966 to adopt a reapportionment plan corresponding with what the court had told the legislature to do.

In Oklahoma, taking a tough line, the Federal court first rejected an apportionment law enacted by the legislature in 1963. Then the Federal court nullified the constitutional amendment adopted in the 1964 primary election and invalidated the primary election itself. A new primary election on the basis of districts contrived under the court's direction was held, and the nominees selected through it in September went into the November finals. That is another example of complete confusion.

Georgia, on the other hand, has benefitted from a soft line by the courts. The most recent decision, on April 1 of this year, gave the legislature 3 years in which to accomplish reapportionment. Georgians were not spared confusion, however. First, the Federal district court, trying its best to find logic in the case of Baker against Carr, declared that it would be sufficient for the legislature to base only one house on population, and the Senate was districted on a one-man, one-vote basis. That court in Georgia was completely confused about what was to be done. The court decided, however, that it would not be constitutional to mix single multimember districts in the same apportionment.

Those difficult decisions having been made, the lower court rested from its labors, only to be jolted by the revelation by the Supreme Court that the 14th amendment requires population districting in both houses of the legislature, but is indifferent to the question whether some districts might have 2 or 12 senators, while others have only 1.

Now, completely distorted and bewildered, the district court has ruled that legislatures elected in 1964 can serve but 1 year and can conduct no investigation. Left uninstructed by the Supreme Court when the matter was taken up on appeal, the lower court backed off by deciding to give the legislature until 1968 to finish the job.

Both houses of the Washington Legislature were found to be malapportioned in 1962 by a Federal court which, even before the rendering of Lucas against Colorado, shrugged off the voters' rejection of an initiative ballot proposition calling for straight population apportionment. Following the Supreme Court's approval of its action in 1964, the lower court consented to allow the upcoming legislative elections to be held on the basis of unconstitutional districts but foreshortened all legislators' terms to 1 year and devised a weighted voting scheme for the 1965 legislature to use. Then the judges changed their minds, scrapped the weighted voting and short terms, and substituted a fiat that the lawmakers could do no other business than reapportionment until acceptable districts were enacted.

In California, on the other hand, the court demanded reapportionment by July 1965. I repeat that some States have been given 3 years. Other States have been given 2 years. Some States have been given no time at all. If that is not confusion, I do not know what confusion means. California was given until July 1965. That time has now gone.

Thus, we have court orders requiring compliance with the Supreme Court decisions which vary like the winds on the Texas prairie. The guidelines differ from State to State.

Should Congress not take action, I point out that the States themselves are in the process of mandating action through the instrumentality of a constitutional convention, the ground rules of which no one knows for certain. Already 30 States have petitioned Congress for action, 27 States specifically calling for a constitutional convention if Congress does not act. Three other States memorialized this body to act.

If 34 States vote for a constitutional convention, that is the manner in which this subject shall be decided. I believe that we would be derelict in our duty if we were not to assume the responsibility for controlled action in view of the overwhelming expressing of opinion from the different States.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. PROXMIRE. Did I correctly understand the distinguished Senator from Ohio to indicate that the people of Ohio have voted for the Federal system and opted for it when they have had an opportunity to do so?

Mr. LAUSCHE. That is not quite accurate. About 70 years ago, the people of Ohio adopted a constitutional amendment which gave, regardless of population, at least one sole representative to each county. They compensated for counties with increased population by giving them more than one representative. I believe that was in about 1900.

In 1913, we had a constitutional convention in conformity with the provisions of the constitution which required the submission to the people, every 20 years, of the question, "Shall we or shall we not have a constitutional convention?"

In 1913, the people voted to have a constitutional convention. That convention was held. One of the issues was, "Shall we repeal the geographical representation?" The constitutional convention turned the proposal down. Twenty years later, the question was again submitted to the people. "Shall we or shall we not have a constitutional convention? Vote 'Yes' or 'No.' "

The proponents of a convention went to the people. One of the issues was, "We must change the representation of the legislature." That was a primary issue. The people turned the proposal down.

In 1953, 20 years later, the question was submitted again. "Shall we or shall we not have a constitutional convention?" In 1953, the labor leaders and political bosses were the ones who primarily argued, "We must reapportion the legislature." The people voted. Not a single county of the 88 counties—including Cincinnati, Dayton, Springfield, Youngstown, Toledo, Columbus, and Cleveland—voted to hold the convention.

I submit that on the basis of that expression of view, the conclusion is warranted that the people of Ohio were satisfied with their legislative apportionment, although I think it was wrong in the case of the Senate, because no action had been taken for perhaps 50 years to rectify the change in population.

Mr. PROXMIRE. Mr. President, is it not true that at the latest opportunity on which they had to vote, on May 4, 1965, the people gave a different response?

The gentleman from Ohio, Representative SWEENEY, in filing a statement with the subcommittee, said:

> On May 4, 1965, by an overwhelming majority the people of Ohio rejected a proposal that was on the Ohio ballot, the effect of which would have been to apportion the State legislature on a basis other than population. This amendment, in my opinion, would have negated the Supreme Court ruling and thereby nullified the Supreme Court one-man, one-vote decision.

Mr. LAUSCHE. The people did vote in 1965. However, the issue was whether the legislature had been gerrymandered in grotesque lines. That was the principal argument that was made.

Mr. PROXMIRE. Was not the argument also made concerning one man, one vote?

Mr. LAUSCHE. The argument was also made concerning one man, one vote. That was a part of the issue. However, the principal argument concerned the maps which were displayed.

Mr. PROXMIRE. Representative GILLIGAN, of Ohio, pointed out that in 1960, the percentage majority party vote statewide in Ohio was 53 percent. But the party representation in the House was only 38 percent.

In 1962 it was 53 percent vote, and again 38 percent representation.

In 1964, the percentage majority vote was 58 percent on the legislature, but representation was only 45 percent in the House. Representative GILLIGAN said that this was one of the arguments which was advanced, against the referendum and for one man, one vote.

Mr. LAUSCHE. I stated that an evil had developed. However, I ask the Senator from Wisconsin why he does not allow this issue to go squarely before the people of the 50 States.

Mr. PROXMIRE. Fine. I should like to answer the question. First, the Dirksen amendment does not propose to permit the issue to go before the people of the 50 States.

If the proponents of the Dirksen amendment were to permit the issue to go to a constitutional referendum of the 50 States, it would be different. This is an amendment which directly affects the people. The people have a direct interest in the matter. The legislatures would ratify the amendment. The amendment, if ratified, should be ratified by the people and not by the legislatures.

Second, once the amendment was ratified, it would be incorporated into the Constitution. Before the amendment could go into effect in each State, as the Senator from Ohio pointed out, it would be necessary to have a referendum in each particular State. However, the framing of the question would again be left in the hands of the legislature, which, in my judgment, would be biased because of existing malapportionment.

Mr. LAUSCHE. I should say that if there were bias, it would be in the interest of the large population centers. The legislatures would be in control of the large population centers.

Mr. PROXMIRE. In a very large number of States, we have a situation in which the rural areas and small town areas still control legislatures, and they will control them until after 1966.

The legislators who are anxious to hold their jobs, even if it means a malapportioned legislature, will be in a position to put the question as they wish. There is every prospect that what will happen is what happened in Colorado, as was brought out in the debate on Friday. The option would be between, first, apportionment on an area basis; or second, a one-man, one-vote apportionment with the legislators elected on an at-large basis. The one-man, one-vote option would mean an election like last November's nightmare in Illinois when the legislature was elected on an at-large basis. There it required three-quarters of an hour to vote. People had to wait in lines 3 and 4 hours before they could vote. Having that kind of option would mean that the one-man, one-vote alternative would be so impractical it would have no chance. It comes down to a case of a distorted, unfair option.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I do not have the floor.

Mr. LAUSCHE. May I reply first? The Senator from Wisconsin has expressed something that fortifies me in my conviction that if our objective is good government, the support for that objective is in what the Senator from Wisconsin said. He said the legislatures will be in control of the rural people; therefore, he fears them.

Mr. PROXMIRE. No——

Mr. LAUSCHE. I have said they will be in control of the big cities.

Mr. PROXMIRE. The Senator from Wisconsin does not fear the rural people at all. The Senator from Wisconsin says——

Mr. LAUSCHE. Just one moment. My argument is that if we want to keep good government, we should have a blend of the rural people and the big city people, but do not have it one sided. The Senator from Wisconsin says that the resolution or effort will be ratified because the legislatures are dominated by the rural people. I am quite sure the Senator said that.

Mr. PROXMIRE. The Senator from Wisconsin did not say that. The point is that the representatives themselves, have a vested interest in keeping the present system and seeing that they are reelected. This is true of big city people, also. The argument of the Senator from Ohio that the city population will dominate if we have a one-man, one-vote rule is just as erroneous as to say that the rural vote will dominate if we have population reapportionment, because the cities have been losing population. They are now overrepresented in some States. The suburban people are the ones who are not getting fair representation. It is they who will benefit on the one-man, one-vote basis. Regardless of where the people live, whether they live in cities, on the farms, or in the suburbs, each one should have his vote counted equally. We do not want to see city people ignored, and we do not want to see rural people ignored. They should all have 1 vote, not 10 and not one-tenth.

Mr. LAUSCHE. The Senator says he does not want to see the rural people ignored.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. SIMPSON. Did I understand the Senator from Wisconsin to say that the 21st amendment was passed by referendums of the various States?

Mr. PROXMIRE. The 21st amendment, repealing prohibition, was submitted on the basis of State constitutional referendums.

Mr. SIMPSON. I believe the record will disclose, as the Senator may well remember, that it was passed by State conventions, and not in referendums.

Mr. PROXMIRE. The Senator is correct. Technically, it was by State constitutional conventions, but the argument I am making is that when we have State constitutional conventions, the people can choose on a popular basis. There are slates presented on which they can vote for or against. The people are given an opportunity to have a voice in what is being done, and can vote on the question.

Mr. LAUSCHE. The course presented by the Dirksen resolution is prescribed by the Constitution of the United States. It is not one that has been contrived or designed by devious minds in the Senate. It is the course that has been chosen in practically each one of the constitutional amendments that has been passed since I have been here. It is no different. I am quite certain the Senator from Wisconsin, in the several constitutional amendments which we adopted, never raised the argument that it should be done by referendum, and not by legislative approval.

If we approve the Dirksen amendment, we are following a course prescribed by the Constitution. I know of no reason at this late time to begin challenging the integrity of that provision. It has been a part of our Constitution for 178 years. Why should we begin losing faith in its provisions?

If I were in the position of the opponents of this measure, looking for some ground, some answer to the argument that we are afraid to go to the people, I would designedly find one. This is the path the Senator has chosen: Instead of having approval by referendum, the proposal is for approval by the legislatures. I will not stand for that kind of condemnation.

Mr PROXMIRE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. PROXMIRE. The Senator from Wisconsin did not advocate an alternative system in other amendments because the other amendments did not affect the personal interest of every member of the State legislatures. This is an amendment that would go to the State legislatures, made up of members who have an interest in maintaining their places in those legislatures. On the other hand, it could be submitted to State constitutional conventions, so the people would have an opportunity to express their views, so they could vote for the one-man, one-vote principle or for the so-called Federal system. This proposal would give them an option. Otherwise, they could not do it. This particular amendment is unique because it affects the makeup and the apportionment of the legislatures, and therefore the legislatures should not be the ratifying agency. The other amendments did not have this feature. Is that not correct?

Mr. LAUSCHE. My only comment is that the Senator recognizes that there ought to be a choice made on this subject other than by the Congress. However, he says it should be made directly by the people, and not through their legislative representatives in the States. I submit that his statement that it ought to be decided by others establishes clearly the fact that we ought not to do it. That is what we are proposing to do. We are in effect saying, "Disregard the Constitution of the United States by allowing the people to speak directly or through their representatives." We have a republican form of government. We do not have direct selection of legislators as is the case in Switzerland.

Finally, the opponents of the Dirksen amendment are driven up against the wall and they have come up with the argument that we should allow the question to be determined by referendum. Balderdash.

It is apparent, too, in looking at the rollcall of States petitioning for reapportionment action that this is not a partisan issue, nor a sectional issue. Liberals and conservatives, Democrats and Republicans, easterners, westerners, northerners, and southerners—all are petitioning us to submit this matter to the States so that the people can decide the fundamental issue confronting the Nation.

This bipartisan approach has impressed many of us as one of the most refreshing political phenomena to be seen in recent years. Those who have petitioned this body for a constitutional amendment constitute a microcosm of the contemporary American political machine because they are speaking by the people of this Nation and have risen above party labels and philosophical differences.

It is with an abiding faith in the wisdom of the people of this Nation that I urge that we act affirmatively on Senate Joint Resolution 2.

Mr. PROXMIRE. The Constitution is neutral on this point.

Mr. CASE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield the floor.

Mr. PROXMIRE. My reply to the Senator from Ohio is that the Constitution is neutral on this. It makes no difference whether we use the State constitutional convention or the State legislature. Either is perfectly constitutional, perfectly legal, and perfectly proper. There is no preference expressed for ratification by State legislatures on the one hand or State constitutional conventions on the other in the Constitution.

Mr. LAUSCHE. What is the Senator complaining about, then?

Mr. PROXMIRE. If we wish to rely on the people, and that is the only substantial argument I have heard on the other side, then let us do so. In ratifying the constitutional amendment, let the people have the option, in a constitutional convention, to elect alternative delegates so that the people can vote for or against ratification of the amendment. I point out that if we will not do that, if we require ratification of the amendment in the legislature, such a method in this case will permit legislatures to perpetuate malapportionment. They can then proceed to button this up by putting the question in such a way as to get the kind of answer which we know they are going to strive for and secure.

I recognize that members of State legislatures are fine people. I served in the State legislature of Wisconsin myself. I also recognize, on a question like this, that it is simple to frame a question in such a way that people will be left with malapportioned legislatures, because the population alternative could very well be to elect all of the State legislators at large—that is, technically in accordance with the one-man, one-vote principle. Then you might have the ridiculous situation you now have in Illinois, an endless ballot which of course no one is for, or should vote for.

Let me make more observation on the persuasive and forceful speech just made by the Senator from Ohio. He certainly never leaves anyone in doubt as to where he stands. He is a convincing and effective advocate of his cause.

However, I point out that the argument the Senator makes, that the big cities would be taken over, simply is not corroborated on the basis of the evidence, because the cities—in many cases that would be the central core cities—are, in fact, now overrepresented in many State legislatures.

Why? Because they have been losing population, not gaining it. Every single major city in the country in 1960, compared with 1950, has lost in population.

The fact is, all the suburban areas are gaining in population. More than one-half the big cities—already have less population than their suburbs—so that by 1970 the overwhelming majority of the big cities will have less than ever. No city contains as much as 50 percent of the population of the State. All cities which contain as much as 25 percent of the population of the State have felt a percentage decline over the last 30 years. Therefore, what we are working for is that the vote will follow the people, that it will not remain after the people have left. In other words, when a farmer comes to a suburban area he will still have the same ability to influence a State legislature as he had before. It seems to me that this is perfectly fair——

Mr. LAUSCHE. There is a difference in the use of semantics. I am talking about metropolitan areas. The Senator from Wisconsin is talking about cities in themselves. I agree that Cleveland has less population than it had 20 years ago.

Mr. PROXMIRE. Does not the Senator also agree——

Mr. LAUSCHE. That is, Cleveland proper, not the metropolitan area.

Mr. PROXMIRE. Does not the Senator also agree that the suburban areas are not subject to so-called machine manipulation? The labor leaders and the ward bosses certainly do not have the same kind of influence in the suburban areas that they have had in the central city areas. After all, the suburban people, by and large, are the best educated, earn the highest income, and pay the biggest taxes anywhere in the country. Most of them, unfortunately, are Republicans.

Mr. LAUSCHE. I hesitate to say it, but I have seen instance after instance where nefarious proposals were made in the State legislature and it was needed to get two, three, or four votes. Those two, three, or four votes were delivered by the big city political bosses. When I was Governor of Ohio, I was helpless to stop it. They did not get the rural people. If there was a measure which it was wished to get passed, and it needed an additional push—I will not identify names—but there were those available, in the guise of practicing law, who were down in the State legislature delivering votes. That is the thing which I fear.

Mr. PROXMIRE. The Senator from Ohio relied heavily on defense of the Federal system as set forth in the Constitution. I, too, favor a Federal system for the Federal Congress. I invite the Senator's attention to the fact that there is nothing in the Supreme Court's action in Reynolds against Sims, or any other action, that would change the Federal system for the Federal Government. The fact is, even if we wish to do so, article V of the Constitution is clear. It says in part: "And that no State without its consent, shall be deprived of it's equal suffrage in the Senate."

Mr. LAUSCHE. Yes.

Mr. PROXMIRE. That means, of course, that we cannot amend the Constitution to take away two Senators from, say, Rhode Island, Idaho, or Nevada.

Mr. LAUSCHE. On the floor of the Senate, it has already been stated that we should eliminate the constitutional provision which gives each State two Senators.

My position is that if the reason supporting two Senators for each State in the Federal Constitution is sound, then logic requires that the same principle is likewise sound when advocated for adoption by the States.

Mr. PROXMIRE. Let me take a couple of minutes to answer that.

Mr. LAUSCHE. We cannot separate the two.

Mr. PROXMIRE. It is true that we cannot separate the two, but we know how the Founding Fathers stood on equal apportionment and representation. They did conceive——

Mr. LAUSCHE. I am talking about principles.

Mr. PROXMIRE. They felt strongly on that principle—I do not wish to increase the size of the RECORD or take the time today to repeat it, but Jefferson, Madison, Jay, Hamilton all felt strongly that all the people should be equally represented in both houses. However, they did compromise that principle out. They did so because it was the only way they could persuade States like Delaware, and New Jersey, to come into the Union. They compromised. They believed in their principle, but they were willing to compromise it to get a United States.

I say the compromise has gone well for the Federal Government. It is appropriate because the Federal Government has a vast power, the power of the sword, the power of national taxation; therefore, under the circumstances, I believe that it is proper we give the States all the dignity and all the residual sovereignty we can possibly provide for them. It seems to me that the Federal system, by giving each State two Senators is one of the points to reinforce this. It provides that the State can impose itself between the Federal Government and the individual and provide real protection for him. Having two Senators helps that alone. There is no analogy in the States for this. No one pretends that counties are sovereign. The counties are creatures of the State. They can be created or recreated, their lines can be drawn or redrawn. It is an administrative convenience for the State, so there is no real basis for preventing the one man, one vote in the States themselves.

Furthermore, there is a great injustice—not a potential injustice, but an established and sure injustice. The Senator from Michigan made, I thought, a most effective speech last year, when he pointed out that because we have this kind of division in the States with one house based on population and one house not, that often a Governor cannot get a program through. The States cannot do the job themselves, so they turn to the Federal Government. The Federal Government has done more and is doing more than it should do. We should leave more responsibility to the States, and the best way to leave it to the States is to require them to organize, on a one man, one vote basis, so that both houses can be representative of the same constituency and can move promptly and properly in response to what the popular will provides.

Mr. LAUSCHE. I have merely one comment to make. The Senator from Wisconsin has been driven into a great deal of sophistication, and the necessity of speaking many words to exculpate the blame which lies with the proponents of the measure in the arguments that are being made.

It requires a sort of algebraic or mathematical mind to understand the refinements that have been advanced. On the one hand, it is said that geographical representation in the Senate is good and population representation in the House is good, but it is not good for the State. The effort has been made to explain how this conflicting conclusion was reached. However, the conclusion is too refined and too belabored to be listened to. The same argument applies to the latter discussion that we have had. So far as I am concerned, if we evolve a system of State government in which the people will have an opportunity to be heard, blending the thinking of the city man and the thinking of the rural man, we will have good government; otherwise we shall have a tyrannical form of government.

Mr. PROXMIRE. Mr. President, so far as an algebraic or mathematical mind is concerned, this is a very simple proposition. What we are talking about is one-man one-vote, regardless of where the man lives, whether he lives in the city or in the country or in the suburbs. Everybody should be equal. What could be simpler than that? One equals one is our arithmetic, not one equals ten.

What the Dirksen amendment advocates are talking about is 1 man, 10 votes, or, in some cases, 1 man, 100 votes.

Mr. LAUSCHE. That is not so. The Dirksen amendment contemplates doing what I said, constituting one house on the basis of geography and the other house of the basis of population. The Dirksen amendment contemplates serving the city man and the rural man. The opponents of the Dirksen amendment want the government to be controlled by the big city populations and the big city forces. With that I cannot agree.

Mr. TYDINGS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. TYDINGS. I should like to comment on two of the arguments which the Senator from Ohio has propounded. He said that the arguments of the opponents of the Dirksen amendment were too refined, or too difficult to contemplate. I ask the Senator from Wisconsin whether the argument against the rotten borough representation system, which existed in Great Britain in the 18th and 19th centuries, when the Thirteen Colonies were refused equal representation in the House of Commons, were too refined for our colonial ancestors to understand? They went to war against Great Britain, one of the grounds being taxation without representation. Was it too difficult for our people to understand what it meant not to have free people represented in a legislative body?

Second, I ask the Senator from Wisconsin whether, if we had fair apportionment in the legislatures of the United States, on a one-man, one-vote basis, or on the basis of substantial equality of population—and the Reynolds against Sims decision provides for a substantial representation on the basis of equality population—the big cities would pick up additional representation, or whether the suburbs would?

In every major metropolitan area, my State included, the big cities would not pick up more seats. It would be the suburbs that gained the most from reapportionment. It is the people who live in the fast growing areas around the big cities who would pick up the additional representation.

What we are requesting today is no more than what our forebears requested in 1776, when they demanded the right of representation in the British House of Commons. When the British refused this equal representation, our forebears went to war over it.

It was not too difficult at that time for the people of this country to grasp the meaning of equal representation or fair representation. I say that the arguments today are not too difficult for the American people to grasp, either.

Mr. PROXMIRE. Mr. President, I thank the Senator. I yield the floor.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORTON. Mr. President, the Supreme Court of these United States has, in Reynolds against Sims, revealed to us that the 14th amendment dictates numbers alone as the basis of representation in our State governments. This is indeed a revelation; we would never have discovered this requirement in the Constitution ourselves.

Yet, though the tradition of checks and balances in our State legislatures is thereby swept away, the tradition that the Supreme Court alone may tell us what the Constitution means remains intact. As Americans we bow to the rule of law; we acquiesce. Though we may propose to the people a constitutional amendment restoring some semblance of checks and balances by means of Senate Joint Resolution 2—and I urge the Congress to do exactly that—we do not deny that Reynolds is the law of the land.

And, may I add parenthetically, I advocate passage of the resolution not by any means to protect a system of what some may consider unjust apportionment in my State. Indeed, in numerical terms the legislative apportionment of Kentucky comes almost as close to the ideal as humanly possible. Such is demonstrated by testimony of the Senator from Illinois [Mr. DOUGLAS] before the Subcommittee on Constitutional Amendments on March 4, 1965. At that time he introduced a table denoting the smallest part of State populations which can elect a majority in each house of our legislatures. In Kentucky, 45 percent can choose the majority of the upper house and 47 percent, the majority of the lower house. Senators will note that there is a discrepancy of merely 2 percent between these figures and that both are quite near the numerical ideal, which is 50 percent in each instance. Mr. President, while five States—notably Oklahoma, 49–49; Michigan, 50–50; Wisconsin, 48–45; Colorado, 50–50; and Oregon, 48–48—may be judged equal or better in this regard, Kentucky cannot be accused of malapportionment. We not only meet but surpass the standards established by the Federal courts. Clearly, I do not speak as one defending a system in numerical imbalance.

Returning to Reynolds against Sims, we all know that each precedent advanced by the Court merely lays the foundation for further doctrine. Step by step it proceeds on its way, often by diverse paths. If some steps surprise, astonish or exasperate us, we do not deny that the progression is but the logical consequence of the Court's traditional authority to find the law. As we have so often heard, "The Constitution is what the Supreme Court says it is."

What was swept away by the Court's new law in the Reynolds decision was a pervasive imitation by the States of the Federal plan of legislative apportionment, patterned, as every schoolboy knows, after the example of the Congress of the United States.

In the summer of 1964 the States were convicted of using a system that many of us think has served this Nation well. In determining representation, the States had to forget that the people are human beings with overlapping, divided and often conflicting loyalties. Instead, the people must now be considered as uniform mathematical integers, to be sorted into neat, arbitrary units, row upon row, like coffee beans.

But Congress, we were relieved to learn, although it was presumptively the arch-villain—the dissolute old man who had set up a corrupting example—was freed on a technicality.

The Court concluded that:

> The system of representation in the two Houses of the Federal Congress is one ingrained in our Constitution, as part of the law in the land. It is one conceived out of compromise and concession indispensable to the establishment of our Federal Republic * * *. The fact that almost three-fourths of our present States were never in fact independently sovereign does not detract from our view that the so-called Federal analogy is inapplicable as a sustaining precedent for State legislative apportionments.

I submit that there is precious little ground for complacency in those words. Indeed, I am fearful that the wholesale junking of balanced apportionment in the States, coupled with this flimsy platform for equal representation of the States in this very Chamber, gives us little cause for confidence. How can we be sure that the equal protection clause will not, as the Court sees it, mandate that this Senate be reconstituted on the basis of numbers alone?

I invite my colleagues' attention to the footing the Supreme Court found for its conclusions in *Bolling* v. *Sharpe* (347 U.S. 497) 12 years ago. Commendably, the Court wanted to abolish segregation in the schools of the District of Columbia, but the foundation it selected to stand on should put us all on guard. In that case, the Justices looked for the same hook upon which, 11 years later, they were to hang Reynolds against Sims—the equal protection clause of the 14th amendment. It had served admirably as justification for *Brown* v. *Board of Education* (347 U.S. 483) and certainly the evil was the same if the facts of the case were not. There was a hitch: In Bolling it was the Federal Government, not one of the States, which was the offending party and, as we all know, Congress neglected to include the Federal Government within the provisions of that amendment. No matter; the Court forged ahead anyway. Its rationale simply was that if the States could not misbehave, neither could the National Government. The Court declared:

> In view of our decision that the Constitution prohibits the States maintaining racially segregated schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government.

We would do well to consider what an upheaval would take place in the composition of this body if, by that reasoning, the Reynolds doctrine were extended to the Senate of the United States. If we assume that the States would at least remain intact we could contemplate a Chamber composed of 27 multimember districts.

Maine and New Hampshire would together have one Senator, where they now have four. Maine, being the more populous of the two, in practice it alone would determine who that Senator would be.

Massachusetts, with Vermont attached to it, would be entitled to three Senators. Vermont's inevitable loss of representation would be the Bay State's gain.

Connecticut and Rhode Island would share two. Again, the larger State would do the selecting.

New York, of course, would gain handsomely. It would have a total of nine Senators.

New Jersey would gain one more member in this Chamber and Pennsylvania's delegation would go to six.

I say to the Senator from Pennsylvania [Mr. SCOTT] that he would probably be vice chairman of the delegation from Pennsylvania.

Maryland and Delaware would have two Senators between them.

Virginia, with the "recovery" of West Virginia to form its district, would be entitled to three Senators.

Kentucky, Tennessee, and Georgia would be three of only four States to retain exactly the representation they have in this body today. And again, I can speak from an objective point of view, Mr. President.

Florida would have three Senators of its own rather than its present two, but Alabama and Mississippi would be joined together to form a three-member district.

Louisiana would be joined to Arkansas to create another district entitled to three Senators. Since Louisiana has nearly twice the population of Arkansas, it would be vain to hope that either of those gentlemen who have so long distinguished this Chamber, Mr. McCLELLAN or Mr. FULBRIGHT, would return.

Ohio would, however, have five Senators of its own—so John Glenn may yet join our company—and Michigan would have four.

Wisconsin would remain as it is with two, but Indiana would receive one more Senator and Illinois, with its 10 million people, would be entitled to six.

Minnesota and Iowa would have to surrender some portion of their individuality so as to join in a district entitled to three Senators.

Similarly, Missouri, Kansas, and Oklahoma would be packaged in order to make the total population come out right for five Senators.

Texas, of course, would sacrifice nothing. It would now have six Senators.

A new State, perhaps named "Northern Plains," might as well be created to accommodate the necessary cementing of North and South Dakota to Nebraska, Wyoming, and Montana. This "district" would be given all of two Senators to do with as it pleased.

New Mexico, Arizona, Utah, and Colorado would have three Senators among them—and note how beautifully compact and contiguous this district would be.

With the addition of Nevada, California could look forward to nine Senators in all.

Something would have to be done about Hawaii, of course, and since numbers would be all that mattered, the islands could be joined with Oregon and Idaho in a "district" entitled to just two Senators.

By the same token, we would be obliged to disregard the remoteness of Alaska. Our youngest State would have to be made an adjunct of Washington and since the latter has more than 10 times the population of the former, Alaska would have to reconcile itself to being represented in this Chamber by 2 benevolent Washingtonians.

This, then, is a preview of our new Senate, reapportioned on an equal population basis.

Still, it must be acknowledged that even this drastic scheme falls short of the standards which the courts require of our State legislatures. This apportionment treats the States as distinct entities which may not be fractured. Although the State constitutions almost without exception contain similar provisions as regards their counties, these restraints have been swept away by the courts.

If, in redistricting this house, we were compelled to bow to the same rule, the outcome would be even more revolutionary.

For example, the Carolinas are really not, by themselves, entitled to four Senators. They are deficient by some 200,000 people, while Georgia has roughly 370,000 more inhabitants than it needs for its 2 Senators. A solution to this vexing predicament would logically be to split off the city of Savannah, plus Effingham County, and add that area to the Carolinas. Naturally, North Carolina, the larger State, would dominate the "district." A South Carolinian would encounter formidable obstacles in getting elected in the district—and the cause of the Savannah candidate would be hopeless—but such considerations are of no consequence under Reynolds. It is numbers that count. Only numbers.

By the same token, we could not let Illinois have six Senators all by itself. Nothing would do but that a slice of Iowa be taken to make up its deficit in population. Appropriation of Dubuque, Cedar Rapids, Davenport, and Ottumwa would be necessary. Again, it would not matter that a quarter of Iowa's people would be swallowed up by the great electoral majorities of Illinois; it is numbers that count, not people.

In region after region the story would be the same. Arkansas and Louisiana, being shy of their quota for 3 Senators by 313,500 people, would have to be given a bite of east Texas—the northeast corner would do.

The "district" of Connecticut and Rhode Island is 176,000 people short, but that is easily remedied by extracting Dutchess County from New York. It happens to have just the right population.

Our problems really snowball when we set out to make equal districts in the West. The Washington-Alaska district which I described would be deficient to the extent of 492,000 people. The only remedy would be to perform surgery on Oregon to the extent of removing all its counties bordering the Columbia River, taking care to save Portland's Multnomah County for the State, and half the counties down the Pacific coast.

Naturally, this would wreak havoc on our wish to assure Hawaii, Oregon, and Idaho of two Senators, so, again, the deficit population would have to be made up elsewhere. The obvious victim is California. First, we renege on the gift of Nevada to the Golden State—that will yield about a third of the numbers we need—then we detach the Second Congressional District of California, which would virtually put the whole Sierra Nevada Mountain Range in our reconstituted district.

It goes without saying that we are now confronted with still another predicament: California will clearly have too little population now to warrant those nine Senators, yet it will retain a million more than needed to qualify for eight. Further dismemberment is called for. The only logical thing to do now is to sever the 33d and 38th Congressional Districts and attach them to Arizona for inclusion in that four-State "district." That will convert a population deficit there of approximately 460,000 to a surplus of roughly 423,000. That excess, in turn, could be given—at New Mexico's expense—to Texas, which, as I mentioned earlier, would have to surrender people to Arkansas and Louisiana.

From these examples we might ponder a moment the predicament of the citizens of Savannah, Ga.; of Poughkeepsie, N.Y.; of Davenport, Iowa; of Astoria, Oreg.; of Reno, Nev.; of El Centro, Calif.; of Carlsbad, N. Mex.; and of Marshall, Tex. How effective are their votes going to be in these grand, new, beautifully balanced districts? How forcefully are the views of one farmer, dependent on irrigation, going to be if he lives on the "wrong side of the river" in a multistate district where the great majority's interest in water rights goes directly counter to his? How productive are his relations with the Government going to be when he has to look in one direction on State matters, then do an about-face when it comes to Federal issues?

These instances, as I say, are only a part of the picture; only a sketch of what would have to be done to the composition of the U.S. Senate to bring it into conformity with the population-only rule.

Absurd? Farfetched? Of course it is. But it is nothing less than a national adaptation of what has been commended in all seriousness in State after State by the Federal district courts.

To insist that a rigid population standard is the sole and exclusive basis of legislative apportionment is to ignore the fact that, as Justice Stewart said:

> Legislators do not represent faceless numbers. They represent people, or, more accurately a majority of the voters in their districts—people with identifiable needs and interests which require legislative representation, and which can often be related to the geographical areas in which these people live.

Each Member of Congress knows well the peculiarities, the variations, and the idiosyncrasies of the various parts of his State. He knows well the rivalries and the conflicting interests those parts have among themselves, and he knows that these rivalries and conflicts unfailingly show up in the arena of the State legislature to be blended, compromised or fought out, as the case may be, exactly as they are here in Congress.

Senators know, too, that adequate voice for these interests is not assured by token representation in the legislature. Adequate representation means reasonable parity for the differing interests and regions of a State.

We are a democracy. We do believe in majority rule—with "the consent of the governed"—but unchecked, overweening, unmitigated rule of numbers alone has never been a part of the American way. The distinguished constitutional scholar, Robert G. Dixon, Jr., has made the distinction very clear:

> A representative democracy may be sufficiently majoritarian to guarantee majority, rather than minority rule; but, an excess of the majoritarian principle may rob the system of its representative character and may yield action without accommodation.

Mr. President, I earnestly feel that Congress should act now to assure the continuity of the American system. It seems apparent that the only course of action now available is that of an amendment to the Constitution.

For the benefit of Senators, I have had circulated and placed on each desk a map of what the senatorial districts in this country would look like if State lines were followed. I have not attempted to prepare a map that would show what plan would have to be followed if it were necessary actually to go to the same population extremes as are suggested in the Federal court admonitions to the various States.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. MORTON. I yield.

Mr. BENNETT. Mr. President, I enjoyed listening to the discussion of the Senator from Kentucky and enjoyed following the map. The map is based on present population.

Is it not correct that, after every census, it can be expected that carefully prepared districts would have to be realined and district lines shifted back and forth?

Mr. MORTON. That is correct. This map was based on the 1960 census. It is already out of date.

I read in the newspaper this morning that many people feel that there should be a census every 5 years. Of course, the population will shift constantly. Our population is a mobile population, perhaps more so than anywhere else in the industrialized world.

I saw statistics the other day which indicated that more than 20 percent of the people in California now live in residences or domiciles other than those which they occupied 19 months ago.

We have a mobile population. People shift constantly between States and between localities within States. This constant moving greatly weakens the continuing accuracy of the U.S. census.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I propose, in the course of this presentation, to call up at the appropriate time, my amendment No. 367 as an amendment in the nature of a substitute for the pending amendment of the Senator from Illinois [Mr. DIRKSEN] to the pending joint resolution. I shall call up my amendment in due course, but I would first like to make some remarks about it.

No one knows better than I the depth of feeling on both sides of this very great controversy as to what is involved for the future of our Nation.

I have thought about it long and hard, and I stand in a rather interesting position, myself. By parentage, upbringing, education, and training, I am a big-city child, born in the slums of New York. I suppose I have been asked as often as any man in this Chamber, in the many political campaigns in which I have engaged, about my attitude on this subject. Also in my present capacity in the Senate I have, for almost a decade, represented a tremendously large State. Many people forget that my State is not only large in population, but very large in size, and very large in the diversity of its resources, economy, and society.

I have noted with the greatest of interest the analysis made in the debate of the States of Hawaii, Alaska, Nevada, Arizona, and other States considered to have unique problems as related to geography and population. My State has exactly the same problems. We have a vast area called the North Country, which extends from the great cities in the middle of my State to the Canadian border, which is a relatively sparsely populated area and which is to a great extent undeveloped, with problems unique to itself.

I have had a very deep feeling on what legislative apportionment on the one-man, one-vote basis would mean to that area of my State, not necessarily that it would not be justly and fairly treated by a legislature so organized, but a feeling of unease and disquiet as to what might happen with a heavy legislative majority from the suburbs and big cities of my State. For this reason I stood for a considerable time in a rather unique position with respect to this great issue. After a great deal of soul searching and a great deal of study, I came to the conclusion that there was a solution and that that solution should be offered to the Congress as an alternative to the proposals which had been made in good faith, and which had been in good faith opposed. So I suggested an amendment in the nature of a substitute, which I shall be proposing before I conclude my speech today.

Mr. President, the substitute has many safeguards in it. I would first like to read it to the Senate, and also note the differences between it and the amendment of the Senator from Illinois [Mr. DIRKSEN]. The substitute reads as follows:

> SECTION 1. The people of a State may apportion one house of a bicameral legislature, or a unicameral legislature, using geography or political subdivisions as well as population as factors, if such plan of apportionment bears a reasonable relationship to the needs of the State, is consistent with the provisions of this Constitution except for the provisions of this article, and has been submitted to a vote of the people in a statewide referendum held in accordance with law and with the provisions of this Constitution and has been approved by a majority of those voting on that issue. When a plan of apportionment is submitted to a vote of the people under this article there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.
>
> SEC. 2. Any plan of apportionment which has been approved under this article shall be resubmitted to a vote of the people in a statewide referendum, or, another plan may be submitted under the provisions of section 1, at the November general election held two years following each year in which there is commenced any enumeration provided for in section 2 of article I—

That is the decennial census—

> and upon approval by a majority of those voting thereon, such plan of apportionment shall continue in effect until changed in accordance with law and with the provisions of this Constitution.

The salient difference in principle between this approach to the problem and the amendment of the Senator from Illinois [Mr. DIRKSEN] is the following: my amendment, like his, would permit one house of a State legislature to be apportioned on the basis of a mix of population and geography or political subdivisions, but my amendment provides that this mix shall bear a reasonable relationship to the needs of the State. Under this basic difference in principle, the following things would occur, in my judgment:

First. The Supreme Court would retain full jurisdiction to test the reasonableness of such a departure from straight population apportionment, based upon the standard of the needs of the particular State. This is a basic difference from Senator DIRKSEN's proposal, which sets no such standard and therefore gives no such authority to the Supreme Court.

Second. The Supreme Court would retain full power to insure that such a plan of apportionment does not discriminate on grounds of race or color, since the amendment would specifically preserve all other requirements of the Constitution excepting only the ruling in Reynolds against Sims interpreting the equal protection clause of the 14th amendment as it applies to one house of a State legislature. The proponents of Senator DIRKSEN's amendment argue that it does this, but I believe it is not as clearly stated in Senator DIRKSEN's amendment as it is in mine.

Third. Such a plan would have to take population into consideration as well, even where geography or political subdivisions are permitted as factors. Again, the proponents of Senator DIRKSEN's amendment argue that it does this, but I believe it should be clearly stated.

Fourth. Such a plan would have to be submitted to the people of the State in a statewide referendum on a one-man, one-vote basis—not submitted to the legislature or to a convention or in countywide or subdivision-wide referenda—and approved by a majority of those voting on that issue. Senator DIRKSEN's amendment does not specify a statewide referendum, although it is claimed to imply it.

Fifth. Such a plan, once adopted, would have to be resubmitted to a statewide referendum every 10 years, following each decennial census, so that the plan would be responsive to changes in the people's attitude. This provision is also in Senator DIRKSEN's amendment.

Sixth. Finally, whenever a plan was submitted or resubmitted to the people, they would have to be given a clear choice between the proposed plan and a straight population plan.

The amendment of the Senator from Illinois [Mr. DIRKSEN] requires such a choice only on the first submission to the people.

A number of the points to which I have referred are more clearly stated in my amendment than in the amendment of the Senator from Illinois. Although they are more explicitly stated, I do not believe that alone would be sufficient reason for submitting a substitute. One could always perfect the language in the proposal of the Senator from Illinois without the need for a substitute.

The fundamental reason for submitting a substitute is the basic difference in principle, which is that I believe the Supreme Court should retain jurisdiction for these purposes: one, to be sure that the amendment does not violate the other safeguards of the Constitution as to race, color, freedom of speech, and other factors, and strictly to confine the amendment to the reapportionment of one house based upon not only population but also—and I emphasize the word "also"—the factors of political subdivisions and of geography; two, to require such a reapportionment to be in response to the valid needs of the State, rather than to be without any protection of the minority within a State, and to put the majority to the proof that such a plan does not respond to the valid needs of the State.

I contend that the standard of the reasonable needs of a State is a perfectly acceptable, legal standard, already used in many statutes and even in the Constitution itself and entirely susceptible of definition and specificity in decisions by the courts in particular cases. Perhaps the best way to sum up what I have in mind in the amendment is to state that it is designed to commit the problem to the courts but with a standard of judgment which we have set forth and which is not in the Constitution at the present time. On the other hand, as I construe the amendment of the Senator from Illinois, its theory is, as to at least one house, to take the problem away from the courts and vest it in the people, acting as a majority. This is the fundamental question of principle which is involved.

We must strip from the debate on this issue of principle certain extraneous considerations. I have heard it argued in this Chamber, for example, that ratification of the amendment should be committed to State conventions, such as was the case with the 21st amendment, rather than to State legislatures.

I have no great feeling about that. I have left it to the State legislatures in my substitute, because I believe that, as this is a permissive matter for the people of each State anyhow, I see no great cause for making it doubly permissive; that is, requiring a referendum for the approval of the amendment as well as a referendum as to whether any State will use it. One reason is enough, but I have no passionate feeling on that subject. If that is the sticking point which will win over the bulk of Senators opposed to the Dirksen amendment, I would certainly be willing to listen to them on that score.

Also, I am well aware of the position of the Senator from Indiana [Mr. BAYH] as to the so-called Bayh amendment, a variant of what I have just discussed, under which State legislatures would be required to be reapportioned before they would have the qualifications to ratify the amendment.

I feel the same way about that, although I believe it will probably take much longer and will be somewhat more difficult and therefore less practical. But, again, I have no deep feeling about that subject at all. If that would be the way in which Congress could get together to resolve this dilemma, I would certainly not consider that to be a reason for holding out for the particular form of the amendment which I have filed.

However, I respectfully submit, from what I know about the situation, that neither amendment represents the real essence of debate between the parties, but the debate between the two sides is based upon very much more fundamental ground.

It is to that point I should like to address myself.

In my judgment, my substitute for the Dirksen amendment is the most logical solution of the controversy which has been engendered by the Supreme Court's decisions in Baker against Carr and Reynolds against Sims.

It will be remembered that Baker against Carr held that the Supreme Court would take jurisdiction of apportionment cases, and that Reynolds against Sims actually decided that the Court, having taken jurisdiction, would apply the one-man, one-vote rule.

As I see the way the argument lines up, it goes something like this: Those who wish to overrule the Supreme Court's decision do so, in my judgment, without adequate regard for the political and social factors which dictated it. On the other hand, those who wish to sustain the decision do so without regard to the dilemma which the decision has created. It seems to me they also disregard the fact that the majority of the Court believed that, based on the wording of the equal protection clause of the 14th amendment alone, they were themselves powerless to create any standard other than the standard of one-man, one-vote, and that they could not themselves create a more flexible standard such as the one my proposal embodies.

I therefore believe that to adopt my proposal would not overrule the Court, but would, rather, follow a path which the Court itself has indicated, but which the Court is powerless to delineate as an acceptable path, in view of its construction of the present language of the 14th amendment. In short, the Court is in the grip of its own logic. Having decided that the equal protection clause applies, it was almost compelled to decide that equal protection requires that every vote has the same weight and, having decided that, there was no way out to permit any amelioration of the strictness of that proposition.

The Court itself was not unmindful of this and did its best to open a few escape hatches. In this regard, I refer to the very interesting statement on page 44 of the slip opinion in Reynolds against Sims, in which the Court said:

> History indicates, however, that many States have deviated, to a greater or lesser degree, from the equal population principle in the apportionment of seats in at least one house of their legislatures. So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational State policy, some deviations from the equal population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral State legislature. But neither history alone, nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population based representation. Citizens, not history or economic interests, cast votes.

It seems to me, Mr. President, that the Court very clearly indicated its own disquiet with the completely logical application of its own rule and was, there, at least saying that it would not be absolutely rigid and inflexible in its application. Indeed, the Court buttressed that view by going on to say, on page 45 of the slip opinion of Reynolds against Sims:

> A consideration that appears to be of more substance in justifying some deviations from population-based representation in State legislatures is that of insuring some voice to political subdivisions, as political subdivisions.

It is these words in the opinion which gave rise to the broad speculation about the so-called 15-percent rule; that is, that a tolerable margin of deviation would be 15 percent in the weighting of votes, and that this would not invalidate the application of the so-called one-man, one-vote rule.

The difficulty with that is that it has caused a situation verging on chaos, which has ensued in the decisions of various courts, because of the fact that the Court is essentially lashed to the one-man, one-vote formula. Any deviation from that mathematical formula, unless it is relatively minor in character, places great restraints upon the freedom of action of the lower courts. It may require many years before anyone knows exactly what the Supreme Court will consider as coming within the terms of its own dicta, which is all the quoted language was in the case of Reynolds against Sims.

Many of those supporting the Court's ruling argued that it is this language, which indicates that the Court will not be inflexible. I shall demonstrate in a little while why this must be flexible.

It seems to me, therefore, that the argument these persons are making is implemented by giving to the Court a standard by which to judge individual cases, in the way in which I have done it in my substitute amendment. We would thereby be carrying out what is almost the consensus of opinion on the degree of flexibility that the Court ought to have if the proposition of fair representation is going to be made to work.

So, Mr. President, the constitutional proposal which I have made is a logical and fair solution to an otherwise insoluble dilemma. It gives to the Court additional constitutional language on which to base a careful case-by-case determination of fair apportionment in the second house of State legislatures. It maintains the Court's role in determining the fairness of apportionment of both houses of those legislatures, and it provides for the possibility of a departure from strict population apportionment of one house of the legislature, if the people of the State so desire, and if they manifest their will in a one-man, one-vote popular statewide referendum.

As I see it, the opposing sides on this issue are making the following basic arguments. The opponents of the Dirksen amendment say that the Court's one-man, one-vote decision was necessitated by the stubborn opposition to reapportionment, over a period of years in practically all the States, often in spite of State constitutional requirements for reapportionment to reflect the shifts in population from the rural areas to the cities, and from the cities to the suburbs. The opponents of the Dirksen amendment argue that the right to an equally weighted vote for every citizen is inalienable and basic and that therefore the State legislatures must be reapportioned as the one-man, one-vote rule dictates.

As I have noted, some opponents privately point to language in the majority opinion in Reynolds against Sims, which suggests that the Court would permit divergencies from a strict population standard if "based on legitimate considerations incident to the effectuation of a rational State policy." It will be noted that this basic and fundamental thought is carried in my substitute, except that under it the Court would not have to assume that power; we would give that power to the Court.

The proponents of the Dirksen amendment argue that we are not living in a pure democracy. They contend that the people have accepted for 177 years the fact that the pattern of a State's legislative apportionment was a political decision beyond the reach of the courts. So the proponents of the Dirksen amendment argue that to upset that expectation, which the people have entertained for one and three-quarter centuries, necessarily causes grave social and political repercussions. They say that the people have the right to determine their own legislative apportionment and that if it is unjust, the people have the responsibility to correct it. These proponents of the Dirksen amendment argue that strict population apportionment of State legislatures could itself be most unfair if, for example, a political minority were shut out completely by the at-large election of State legislators.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield to me without losing his right to the floor?

Mr. JAVITS. I yield.

The PRESIDING OFFICER. Without objection, the Senator from New York yields to the Senator from Montana for that purpose, without losing the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM TOMORROW UNTIL 10 A.M. ON WEDNESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 10 o'clock on Wednesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

UNANIMOUS-CONSENT AGREEMENT TO LIMIT DEBATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer on Wednesday, there be no morning hour, and that the Senate turn to the consideration immediately thereafter to the pending question, which will be the Javits substitute.

The PRESIDING OFFICER. Is there objection.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Has the Javits amendment in the nature of a substitute actually been offered?

Mr. MANSFIELD. It will be.

Mr. JAVITS. Mr. President, if the Senator will yield, I shall call it up now.

Mr. MANSFIELD. I yield.

AMENDMENT NO. 367

Mr. JAVITS. Mr. President, I offer my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from New York will be stated.

The legislative clerk proceeded to read Mr. JAVITS' amendment No. 367.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 367) offered by Mr. JAVITS is as follows:

S.J. RES. 66

In lieu of the matter proposed to be inserted by the amendment of the Senator from Illinois (Mr. DIRKSEN) insert the following: "(two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. The people of a State may apportion one house of a bicameral legislature, or a unicameral legislature, using geography or political subdivisions as well as population as factors, if such plan of apportionment bears a reasonable relationship to the needs of the State, is consistent with the provisions of this Constitution except for the provisions of this article, and has been submitted to a vote of the people in a statewide referendum held in accordance with law and with the provisions of this Constitution and has been approved by a majority of those voting on that issue. When a plan of apportionment is submitted to a vote of the people under this article there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.

" 'SEC. 2. Any plan of apportionment which has been approved under this article shall be resubmitted to a vote of the people in a statewide referendum, or, another plan may be submitted under the provisions of section 1, at the November general election held two years following each year in which there is commenced any enumeration provided for in section 2 of article I, and upon approval by a majority of those voting thereon, such plan of apportionment shall continue in effect until changed in accordance with law and with the provisions of this Constitution.' "

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the prayer on Wednesday morning next, there be a time allocation of 2 hours on the amendment in the nature of a substitute offered by the Senator from New York [Mr. JAVITS] to the Dirksen amendment and that the time be equally divided between the distinguished Senator from New York [Mr. JAVITS] and the distinguished Senator from Illinois [Mr. DOUGLAS]; that there be a limitation of 1 hour on all other amendments, the time to be equally divided between the proponents and the Senator from Illinois, or whomever he might designate. The 2 hours allotted on the amendment offered by the Senator from New York would include time on the Javits amendment in the nature of a substitute and all amendments thereto.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I am sorry that I cannot consent to that agreement because, first, I wanted an hour and a half myself.

Mr. MANSFIELD. I had forgotten that.

Mr. JAVITS. I do not believe that the agreement ought to apply to any amendments to my amendment. If there are any amendments to be offered to my amendment, the time on those amendments should be divided, with adequate time, perhaps 15 minutes, on a side.

Mr. MANSFIELD. The Senator would have our assurance that, on that sort of basis, we would see that the time was allocated if the entire request were agreed to.

Mr. JAVITS. I have the greatest faith in the majority leader. I wish to make clear that I need an hour and a half on Wednesday on my proposal.

Mr. MANSFIELD. The Senator had that assurance last week. I had forgotten it. I wanted to change the time on the Javits amendment to 2 hours, 1½ hours to be under the control of the distinguished senior Senator from New York [Mr. JAVITS] and one-half hour to be under the control of the distinguished Senator from Illinois [Mr. DOUGLAS].

Mr. JAVITS. Then if there are any amendments to my proposal, there might be a half hour on each amendment with 15 minutes to a side.

Mr. MANSFIELD. I had that proviso in mind. If there are any amendments to the amendment of the Senator from New York in the nature of a substitute, I ask that there be a time limitation of 30 minutes on each of such amendments, the time to be equally divided between the proposer of the amendment and the distinguished Senator from New York [Mr. JAVITS]; and that there be 1 hour on all other amendments, the time to be equally divided between the proposer of the amendment and the distinguished Senator from Illinois [Mr. DOUGLAS], or whomever he might designate.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. I happen to be opposed to all amendments and to the Dirksen amendment itself.

Mr. MANSFIELD. Then, if the Senator will allow me to get to the remainder of the request, I ask unanimous consent also that there be 4 hours on the Dirksen amendment, the time to be equally divided between the distinguished Senators from Illinois [Mr. DIRKSEN and Mr. DOUGLAS].

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MANSFIELD. And all amendments thereto.

The PRESIDING OFFICER. Is there objection to the request from the Senator from Montana?

Mr. DIRKSEN. Mr. President, reserving the right to object, that would not quite carry the work to a conclusion.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I should like, first, to make a brief statement.

After we have had 4 hours on what I am pleased to call the principal substitute, I wish to know whether or not there is in mind any motion or any proposal that would undertake to delay or postpone in any way a vote on the principal substitute?

Mr. MANSFIELD. It would be my understanding that at the end of the 4 hours the Senate would vote on the Dirksen substitute.

Mr. DOUGLAS. Mr. President, reserving the right to object, if the present form of the Dirksen amendment is then the pending question before the Senate, those of us who are opposed to it would be perfectly willing to vote.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CLARK. The present Dirksen amendment——

Mr. DOUGLAS. That is correct.

Mr. CLARK. If the Dirksen amendment, in its present form as now before the Senate, were the pending question, we would be ready to vote at that time.

Mr. MANSFIELD. Speaking purely in my capacity as the majority leader, the rights of every Senator, regardless of his position on the proposal, should be protected. If a Senator wishes to amend the proposal of the Senator from Illinois, or if some Senator wishes to make a motion to amend the amendment of the Senator from Illinois, he would be exercising a right that every Senator has, and that is a right which should be safeguarded by all concerned.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CLARK. I do not have the slightest doubt about what the majority leader said should be agreed to by every Senator. On the other hand, some of us do not wish to be rushed to a final vote on any question other than the present Dirksen amendment.

Mr. MANSFIELD. Mr. President, no one is being rushed into anything. The first proposal for a time limitation came from those who were opposed to the Dirksen amendment.

Mr. CLARK. It is my understanding—and the Senator from Illinois will correct me if I am in error—we were discussing the present Dirksen amendment and not about some other form of amendment which the able junior Senator from Illinois might decide at the last minute to substitute for what he now has at the desk.

Mr. DIRKSEN. Yes. If for any reason some slight modification is made in the principal substitute, I am asking whether or not the Senator would then propose virtually to ignore the 4-hour limitation in order to prevent a vote at that time on the principal substitute.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. If the present Dirksen amendment is modified by amendment or by substitution, those of us who are opposed to the Dirksen amendment would then be willing to canvass the situation and decide whether we should proceed more or less immediately to a vote or whether we believe the subject should be developed further. In any event, all we are willing to consent to at present is a vote on all amendments up to and including third reading of the joint resolution as it will then stand, but we do not wish to agree to vote on a day certain if the Dirksen amendment should be modified.

Mr. MANSFIELD. Mr. President, I have heard of hammerlocks before this. I have also heard of courtesy and consideration and understanding among Senators who may differ widely in their views.

I would hope that the Senator from Illinois [Mr. DOUGLAS] would reconsider what he has just said, and understand that everything which has been advocated has been quite out in the open; that negotiations have been undertaken by the majority leader, in his capacity, between Senators who are opposed to the Dirksen amendment and the author of the Dirksen amendment. I repeat that the first suggestion that there be a time limitation came from Senators who are opposed to the Dirksen amendment, and it was at their suggestion at that time that the vote be held tomorrow, Tuesday.

I went to the distinguished minority leader and asked him what his views were on this proposal. This was early last week.

The distinguished minority leader said, "Let us think about Wednesday, but not definitely at this time." I said that was fine.

On Friday I again talked with the minority leader, the senior Senator from New York [Mr. JAVITS], and Senators who are opposed to both amendments.

We thought we had arrived at a reasonable agreement. At that time the agreement was held up pending a meeting with those who are today opposed to the Dirksen proposal.

This morning, on my own initiative, I called a meeting in my office of the chief opponents of the Dirksen amendment. I thought we had arrived at a reasonable solution. There was to be a meeting of the entire group this afternoon, at that time the views of the group were to be made known.

I offered the unanimous-consent request on the basis of what I thought was a unanimous-consent agreement, but I shall not offer any proposed unanimous-consent agreement which withholds the right of any Senator or puts a hammerlock on him in respect to any piece of proposed legislation that comes before this body.

I believe in fairness to all.

Mr. PROXMIRE. Mr. President, it seems that the senior Senator from Illinois [Mr. DOUGLAS] agreed with the Senator from Montana [Mr. MANSFIELD] precisely as he stated the unanimous-consent agreement originally. The majority leader stated it fairly and fully. The Senator from Illinois [Mr. DOUGLAS] was merely restating his understanding of what the Senator from Montana said.

The Senator from Montana originally said that any amendment to the Javits amendment, or later, the Dirksen amendment, would be in order; and any Senator would be free to offer such an amendment.

The position of the senior Senator from Illinois, as I understand, is that after the Dirksen amendment is substituted—and we would agree to a unanimous-consent request on that question also; that is what the 4 hours is all about—after it is substituted, the Parliamentarian has informed me that under the rules of the Senate, no amendment would be in order.

At that point, and only at that point, did we say we wanted an opportunity to consider whether we would agree to further unanimous consent. But this would not limit the junior Senator from Illinois or any other Senator from offering any amendment in the process of arriving at the third reading.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. The suggestion just made by the distinguished Senator from Pennsylvania [Mr. CLARK] is that he will agree provided there is no modification in the so-called Dirksen amendment; in other words, the rule book would go out the window.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CLARK. Either the Senator misunderstood me or perhaps I misspoke myself. The senior Senator from Illinois [Mr. DOUGLAS] and the Senator from Wisconsin [Mr. PROXMIRE], who really have the authority to speak for all of our group, will correct me if what I say is in error.

All I wanted to guard against was that we would not find coming from him at the last moment a significant amendment to his own amendment which might change the parliamentary situation which confronted us. In other words, to be perfectly candid, we intend to vote against all amendments; but if the junior Senator from Illinois should change his mind and bring in an amendment significantly different from the one he has at the desk, at that point we ought to have some liberty of action.

Mr. DIRKSEN. But under the proposed limitation the Senator suggested a moment ago, it would not make any difference whether it was a significant amendment or not. The Senator said "the Dirksen substitute as is." So a modification of a word, a clerical correction, or some inconsequential addition, and the original proposal would be out the window.

I have never, in all the years I have been a Member of the Senate or a Member of the House, seen the time when the proposer of legislation, whether it was a joint resolution or a bill, was ever interdicted from offering an amendment if he so desired.

I have no substantial changes in mind.

Mr. CLARK. Ah, that is what we wanted to know.

Mr. DIRKSEN. But I am not going to get caught on that kind of petard.

Mr. CLARK. If the junior Senator from Illinois has no substantial changes in mind, I will yield to the senior Senator from Illinois [Mr. DOUGLAS] and the Senator from Wisconsin [Mr. PROXMIRE].

Mr. PROXMIRE. Whether the junior Senator from Illinois wants to modify his amendment drastically or later change his mind has nothing to do with it; he is perfectly free. All we say is that we are agreeing to a unanimous-consent agreement up to and including the third reading, up to the time the Dirksen amendment in the nature of a substitute is substituted. The junior Senator from Illinois is absolutely correct; he can change his amendment in any way he wishes. It would be perfectly in accordance with the unanimous-consent agreement. But we are simply not giving consent to agree to final passage at any time. The Senator from Montana [Mr. MANSFIELD] stated it well.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Illinois will state it.

Mr. DIRKSEN. The substitute I am offering is in the nature of an amendment. We do not get to a third reading on an amendment. I do not know what the Senator from Wisconsin has in mind when he is talking about a third reading.

The PRESIDING OFFICER. As the Chair understands, the request of the Senator from Montana does not include a request for a time limitation on the final rollcall vote on the joint resolution as amended.

Mr. DIRKSEN. As amended.

The PRESIDING OFFICER. If at all.

Mr. DIRKSEN. Assuming the substitute is adopted.

The PRESIDING OFFICER. Yes.

Mr. PROXMIRE. The junior Senator from Illinois stated it much better than did the Senator from Wisconsin. If the Dirksen amendment is substituted for the baseball joint resolution, as I understand the Parliamentarian, at that point no amendment will be in order. It is only at that point that our group has said we would not agree to a limitation of debate. But up to that point we are willing to agree.

Mr. DIRKSEN. Certainly I should like to have assurance that there will be a vote on the final substitute at the end of 4 hours.

Mr. DOUGLAS. The Senator can have a vote on his substitute in its present form.

Mr. PROXMIRE. In any form.

Mr. DOUGLAS. Yes; a vote to substitute the Senator's constitutional amendment for the joint resolution to designate National Junior Baseball Week.

Mr. DIRKSEN. It is there; it is the pending business until the Javits substitute is offered. But does the Senator agree to 4 hours of debate on the substitute?

Mr. DOUGLAS. That is correct.

Mr. DIRKSEN. And on amendments to that?

Mr. DOUGLAS. That is correct.

Mr. DIRKSEN. I have assured the Senator that I have no significant or drastic changes in mind whatsoever; but I want a vote on the substitute without the intervention of any kind of dilatory tactic.

Mr. DOUGLAS. As a substitute for the American Legion Baseball Week joint resolution; but we reserve the right, if the Senator's amendment has previously been amended or changed, we reserve the right to determine how much elucidation and discussion in depth the measure should receive before passage.

Mr. DIRKSEN. Is the Senator speaking now about the substitute or the joint resolution as amended?

Mr. DOUGLAS. The joint resolution as amended.

Mr. DIRKSEN. The Senator is talking now about the final vote?

Mr. DOUGLAS. That is correct.

Mr. DIRKSEN. Being a very naive country boy——

Mr. DOUGLAS. I am more naive in the parliamentary wilds than my junior colleague.

Mr. DIRKSEN. I have been charged with working miracles; I have been classed with Houdini as a magician; I have been charged with masquerading. I believe the only thing that I have not been charged with is sorcery.

Mr. DOUGLAS. Oh, I would charge the Senator with that on political tactics.

Mr. DIRKSEN. Now I am so naive as to inquire what do the opponents of the joint resolution have to say about completing the business on Wednesday next, when we start? I will stay all day and all night.

Mr. DOUGLAS. Since my junior colleague has addressed the question to me, I think I am privileged to reply.

Mr. DIRKSEN. Oh, indeed.

Mr. DOUGLAS. If the Dirksen amendment is in its present form, we will stay all day Wednesday, we will stay until midnight and until the dewy morn of Thursday, if necessary. But we reserve the right, if the Dirksen amendment should be modified from its present form, to take counsel as to whether or not it needs further elucidation and discussion in depth, because a constitutional amendment is a solemn thing. We are not passing on American Legion Baseball Week. We are passing on fundamental changes in the structure of American legislatures and possibly of county boards of supervisors. This is not something to be rushed through quickly or hastily. We do not want to repent at leisure. We do not believe in acting at once and repenting it at leisure. We believe in orderly procedure, and acting in the name of orderly procedure. I am sure the majority leader and the minority leader will agree with us in our position.

Mr. DIRKSEN. I want to make my position perfectly clear. I have been charged with filibustering and antifilibustering in committee and on the floor of the Senate. I did not initiate this move. One of the opponents of the substitute amendment came to me and said, "We are ready to pull down the curtain after a reasonable period of time."

I said, "All right. What do you suggest? I am like the President. He says, 'I am a reasonable person. Let us come and reason together as reasonable people should do.' I shall be glad to entertain any kind of proposal."

Out of that, in a conference with the distinguished majority leader and others, we contrived to take this matter up on Wednesday. We proposed to come in at 10 o'clock and move straight through, no matter how long it took.

Now it is proposed to let the amendment in the nature of a substitute stick out like a sore thumb, and to complete no action on it, when I had in mind, in all good faith, that that was the reason for the proposal that came to my attention—that we would plow the furrow to the end. Now it is proposed to plow it far from the end and wait to see what will happen, and not to take a chance on what the disposition of the Senate may be at that time. That would be a pretty kettle of fish.

Mr. President, this proposal was debated for 20 solid days, covering a 44-day period last year.

Then we had to go to the national convention. When we came back, we laid this to rest, at long last, as they said about MacDuff.

There was the Javits-Humphrey substitute, calling for an expression of the sense of the Senate, which the Senate did reject. Then came the Mansfield substitute for the Mansfield-Dirksen amendment which would have provided that the court would not be ordered, but would be urged to suspend action for a reasonable time. That proposal was debated all that time. It was debated in the House in the form of the Tuck bill, introduced by the former Governor of Virginia. That proposal carried in the House by a vote of 218 to 175.

Talk about an end run. The Senate Committee on the Judiciary had a 2-day hearing. The Committee on Rules and Administration took the proposal from the Committee on the Judiciary by a vote of 10 to 4. I shall have to go over there and take a lesson on how to make an end run. I am an amateur.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. Mr. President, my junior colleague has quoted Shakespeare's play "Macbeth." If I may be permitted to refer to the same play, I should say that perhaps he "protesteth too much" concerning this subject. Let it be clear that we are perfectly willing to proceed to a vote, on the Dirksen constitutional amendment on Wednesday.

Our only reservation is that if the amendment is further modified, we should be permitted to know what we are to vote on.

Mr. MANSFIELD. Mr. President, I hope that the integrity, the decorum, the good manners, the understanding, and the tolerance of the Senate will not be disturbed further. So far as any Senator is concerned, his rights will be protected.

May I say to the distinguished minority leader that it may well be possible to plow that straight furrow on Wednesday next. I hope that, with his usual understanding, he will allow this question to be put so that we may, at last, be able to reach the objective of a vote on the Javits amendment and any amendments thereto, or the substitute, rather, any other amendments to the Dirksen substitute, and any other amendment, if any, which the proposer of the Dirksen substitute may wish to have considered.

Every Senator, regardless of what side of the picture he is on, will get a fair shake, and no Senator's rights will be touched by one title.

Mr. DIRKSEN. Mr. President, I shall go along with the request of the majority leader. However, I want to reach a final vote on this measure. I intend to get it.

I said that I would get the measure to the Senate floor, and that I would get a final vote. I will climb the highest mountain and go into the deepest sea for the majority leader. However, if I am thrown a curve, there will be no legislative action on anything if I can stop it. I shall object to every request to set aside the pending business, whether it be appropriations or any other measure.

The Senate will come to standstill, if I can bring it about, until I get a vote on this substitute.

I say that with apologies to my distinguished and gentle friend, the Senator from Montana, for whom I will do almost anything. However, I cannot always foresee these curves. Therefore, I shall put myself in a defensive position right now, so that everyone will understand that, for the time being, when we reach that point, there will be no other business, if I can stop it, until we get a vote on this substitute, as it amends Senate Joint Resolution No. 66.

Senate Joint Resolution 100 has already been introduced to take care of the American Legion Baseball Week. We shall take care of that, too. There sits the author. We shall see that that measure is taken care of. Have no trepidation on that score.

Mr. MANSFIELD. Mr. President, I assure the distinguished Senator that there will be no curves thrown.

Mr. HOLLAND. Mr. President, reserving the right to object, I am not completely clear as to what the present proposed request would do. I understand that we would first take up amendments, if there be any, to the Javits substitute.

Mr. MANSFIELD. Two hours to the Javits substitute, and one-half hour on any amendment thereto.

Mr. HOLLAND. Then we would take up the amendment to the Dirksen substitute, or amendments thereto, assuming that the Javits substitute is rejected.

Mr. MANSFIELD. The Senator is correct. That is the only way in which the amendments can be offered.

Mr. HOLLAND. Then we would have a vote on the question of substituting the Dirksen amendment, in whatever form it might then be, for the resolution now pending.

Mr. MANSFIELD. The Senator is correct.

Mr. HOLLAND. And the unanimous-consent request would stop there, in its present form.

Mr. MANSFIELD. The Senator is correct.

Mr. JAVITS. Mr. President, reserving the right to object, in the first place, the mills of the gods grind slowly, but they grind exceeding fine.

The Senator referred to the so-called Humphrey-Javits amendment, which then became the Mansfield amendment. We wound up by urging the Court to suspend action for a reasonable time. I hope very much that, in the present circumstances, we shall again end, as we should, by leaving the matter to the jurisdiction of the Court, with the majority free to work its will. However, be that as it may, I should like the indulgence of the majority leader while I make a few parliamentary inquires.

The **PRESIDING OFFICER.** The Senator will state them.

Mr. JAVITS. Mr. President, is there anything contained in the unanimous-consent request that would change the rules of the Senate?

The **PRESIDING OFFICER.** There is not.

Mr. JAVITS. Mr. President, is the substitute measure which I have called up open to amendment?

The **PRESIDING OFFICER.** It is open to amendment.

Mr. JAVITS. In how many degrees?

The **PRESIDING OFFICER.** One degree.

Mr. JAVITS. Would the Senate vote on my amendment before voting on the Dirksen substitute?

The **PRESIDING OFFICER.** Any amendment to the substitute offered by the senior Senator from New York would first be voted upon. Then the substitute measure offered by the Senator from New York would be voted upon.

Mr. JAVITS. After that measure is voted upon, would that stand in the place of the Dirksen amendment if it were agreed to?

The **PRESIDING OFFICER.** The Senator is correct.

Mr. JAVITS. Otherwise the Dirksen amendment would be the pending business?

The **PRESIDING OFFICER.** The Senator is correct.

Mr. JAVITS. Would that be open to amendment?

The **PRESIDING OFFICER.** It would not be open to amendment if the substitute offered by the Senator from New York were adopted. If it were not adopted, it would then be open to amendment.

Mr. JAVITS. To what degree?

The **PRESIDING OFFICER.** One degree. The Dirksen amendment would be open to amendment for two degrees.

Mr. JAVITS. If the Dirksen amendment were agreed to, would that be subject to further amendment?

The **PRESIDING OFFICER.** It would not be open to further amendment.

Mr. JAVITS. The Dirksen substitute can be adopted by a majority vote of the Senate; is that correct?

The **PRESIDING OFFICER.** The Senator is correct.

Mr. JAVITS. If the Dirksen substitute were agreed to, and the title amended, what vote would be required on the joint resolution?

The **PRESIDING OFFICER.** The Senate would vote on amending the title after it had voted on the joint resolution. However, on the passage of Senate Joint Resolution 66, if the Dirksen substitute amendment were agreed to, a two-thirds favorable vote would be required since it proposes an amendment to the Constitution.

Mr. JAVITS. It may be adopted by a majority, except that the final vote must be two-thirds.

The **PRESIDING OFFICER.** The Senator is correct. On the question of agreeing to the substitute, only a majority vote would be required.

Mr. JAVITS. Mr. President, I thank the Chair.

I express the hope that, in the interest of getting something done, no one will endeavor to freeze my amendment. The Senator from Illinois [Mr. DIRKSEN] can speak for himself. However, I believe this subject requires discussion and consideration by the best brains of the Senate, and not merely some moves on a checkerboard.

I hope that the concern evidenced by the majority and minority leaders will also be evidenced by other Senators.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement submitted by the Senator from Montana?

The Chair hears none; and it is so ordered.

The agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Wednesday, August 4, 1965, after the prayer during the further consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week," debate on the measure up to and including the third reading thereof, shall be limited as follows: debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Illinois [Mr. DOUGLAS], except that on the amendment by the Senator from New York [Mr. JAVITS], offered as a substitute for the amendment by the Senator from Illinois [Mr. DIRKSEN], and numbered 367, the debate shall be limited to 2 hours, with 1½ hours under the control of the Senator from New York [Mr. JAVITS] and 30 minutes under the control of the Senator from Illinois [Mr. DOUGLAS]: *Provided*, That, any amendments to the Javits amendment (No. 367) shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the Senator from New York [Mr. JAVITS]; and on the substitute amendment for the joint resolution offered by the Senator from Illinois [Mr. DIRKSEN], numbered 366, debate shall be limited to 4 hours, to be equally divided and controlled by the Senators from Illinois [Mr. DIRKSEN and Mr. DOUGLAS].

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and that I may regain the floor after the call.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I was discussing earlier what I believe to be the point of view of the proponents of the Dirksen amendment.

They point to the Federal analogy—the apportionment of the U.S. Senate—which could have been prohibited to the States had the Founding Fathers believed that such apportionment was inconsistent with the Constitution or had the framers of the amendment believed that it was inconsistent with that amendment.

Finally, the proponents point to the chaotic situation in which the States are now left. Take the example of my State of New York. The highest State court ruled that a particular plan of reapportionment upon which an election of the legislature was ordered this year was in violation of the State constitution, but the Federal court held to the contrary; and only within the past few weeks the Federal courts have prevailed, so that the State courts stayed their hands and allowed an election to take place this year.

Cases in Colorado, Hawaii, Kansas, and other places indicate similar practical problems which are greatly unsettling in the States. The courts are left in this matter with such an uncertain standard, that they are holding rather strictly to the one-man, one-vote theory for both houses of State legislatures.

I believe that one of the greatest recommendations for my substitute is that it would untie the hands of the courts and give the courts a standard by which to judge. It would make people feel that it is worth trying to find another way, if the people of the State wish to find another way, because the courts would have the latitude to allow it to take effect, if there is reasonable need in the State shown for it.

I am personally most deeply impressed by the need for some flexibility so that the States can, with the approval of their citizens—approval, incidentally, which would have to be given on a one-man, one-vote basis—reflect the needs of the State in the apportionment of at least one house of its legislature. I believe that the majority opinion of the Court in Reynolds against Sims may have had this in mind in the language to which I have referred. But, let us remember that this was dictum, and leaves the matter unclear at present, particularly in view of the emphasis of just this point in the dissenting opinions of Justices Stewart and Clark, and in view of the almost undeviating district court decisions since Reynolds against Sims rather strictly enforcing the one-man, one-vote theory.

The proposal which I have made would overcome this uncertainty by authorizing specifically this kind of flexibility while fully retaining the power of the Court to insure that the deviations from strict population apportionment would be rational and based upon valid needs of the State and its people. Indeed, it is just this sort of test which the Court itself uses repeatedly in assessing State action under the equal protection clause; that is, whether the means chosen by the State are rationally related to achieving the valid goals of the State.

Also highly important to me have been the allegations that the Dirksen amendment would defeat the voting rights of Negroes which have been effectively and unlawfully denied in a number of Southern States over the years. One of the strong arguments against the Dirksen amendment is that the nonrepresentation of Negroes in some State legislatures could be perpetuated for a decade or more by the vote of the white majority, at least until Negroes were able to vote in those States.

My proposed substitute would insure that the Court would retain its authority to protect against depriving Negroes—or for that matter any minority—of representation in State legislatures. It would do so by stating specifically that a plan of apportionment must be—and I quote from my substitute: "Consistent with the provisions of this Constitution, except for the provisions of this article."

Consequently, the solution which I have authored deals with all the objections made to both the Supreme Court's decision and to the Dirksen amendment provides an opportunity for meeting those objections without the disadvantages or dangers of either course standing alone.

Mr. CLARK. Mr. President, will the Senator from New York yield at that point, or would he prefer to finish his address?

Mr. JAVITS. I am glad to yield to the Senator from Pennsylvania at this time.

Mr. CLARK. What bothers me about the new language in the Senator's proposed amendment is the language: "Consistent with the provisions of this Constitution, except for the provisions of this article."

Does that not mean that Reynolds against Sims is still the law and that any decision by a people of the State which violated the one-man, one-vote rule of Reynolds against Sims would automatically be barred by the Senator's proposed amendment?

Mr. JAVITS. I do not read it that way. The way I read it is that all of the provisions of the Constitution would apply, including the 14th amendment, except insofar as this particular amendment which I am proposing gives further latitude; namely, gives latitude to adopt a different apportionment, one based on geography or political subdivision as well as population, in response to the reasonable needs of the State as determined by the courts.

As I read the amendment—and as its author I have made that the authoritative legislative history—it has only the intention which I have specified.

Mr. CLARK. If the Senator will yield further, it does seem to me that those words, "inconsistent with the provisions of this constitution," must carry the implication, as the Constitution is interpreted by the Supreme Court, as the Supreme Court has interpreted the present Constitution, to give effect to Reynolds against Sims, and I would be fearful that the Senator's language would not achieve the results I know that he desires.

Mr. JAVITS. But the Senator has not read the words, "except for the provisions of this article." It seems to me that by adding those words, "except for the provisions of this article," the intention of the article is made very clear.

Mr. CLARK. Mr. President, with great humility I suggest to my friend from New York, who is one of the ablest lawyers in this body, that a reading of that exception clause would eliminate from a consideration of the provisions of the Constitution this new amendment.

Mr. JAVITS. I do not believe that any court would construe this amendment so as to cancel itself out, certainly not after the Congress had gone to all the trouble of writing the amendment, and having it ratified. The Court has said many times that the meaning is what the meaning is to an ordinary and reasonable man. What we want is to preserve all the requirements of the Constitution, except to the limited extent that we are changing the Constitution in this article; in other words, we are changing it only to the extent of allowing apportionment of one house of a State legislature upon the conditions set forth in this article.

Mr. CLARK. The Senator has at least 48 hours in which to give some further thought to the language that is proposed. I suggest, again with deep humility, that he take another look at it to see whether what appears to me at first blush to be the meaning could be changed by a slight change in the amendment.

Mr. JAVITS. Yes. The Senator heard me ask the Senate to allow me freedom of action, by not asking for the yeas and nays at this point. Knowing my colleagues as I do, I am sure that I shall have that freedom of action.

I am grateful to the Senator for his views. I shall again examine the amendment, though I have been very conscious of this situation and I have done my utmost to deal with it. It is one of the basic problems, I believe, with the Dirksen amendment. I do not want to open the door, directly or indirectly, to the kind of situation which the Supreme Court faced in the famous Tuskegee, Ala., case, Gomillion against Lightfoot, in which the Court struck down a gerrymander designed solely for the purpose of keeping the Negro population from casting votes in the city.

I want to leave the Supreme Court's jurisdiction intact on that score. The Senator from Pennsylvania enables me to repeat what I have said many times before. The reason my own amendment is in such direct juxtaposition to Senator DIRKSEN's proposal is that I want the courts to do more, rather than less. That is the purpose I have.

I feel that under our system of government it is the only way in which any satisfaction can be given to people who complain about a situation. I believe that the most ardent defenders of the Supreme Court's opinion will not stretch that argument to the point of saying that the Supreme Court has found the perfect solution to the problem. Rather—and I have heard many say this—there is something to be said for the argument that the decision in Reynolds against Sims may not be "as hot as it is cooked." It is very difficult—although I have tried my hand at it with great study and care—to draft something which will provide some easing of the situation without running afoul of many other problems about which the proponents of the Supreme Court decision feel deeply concerned. One of them, which I know is a dominant question that has concerned me, is the civil rights question.

Mr. CLARK. I wonder whether the Senator intends—perhaps he has already said this—by constitutional amendment to change a conception so clearly written in the Reynolds against Sims case, that it is a civil right, an individual right, that each American citizen shall have equal representation on a one-man, one-vote basis in his local legislature, and that this individual civil right cannot be taken away from him by a majority, no matter how large.

Mr. JAVITS. Mr. President, I am seeking to safeguard that right by making it suspendable only when the Court finds that it is necessary to suspend it in a very modest way in response to a valid need of a State. I point out that even the Court itself—and I have argued this—recognizes that this is a problem. But there is now the manifold difficulty of getting the courts below to define what the Supreme Court had in mind. In dicta in Reynolds against Sims the Court contemplated—and I am reading at page 44 of the slip opinion:

> Some deviations, from the equal-population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral State legislature.

The Court itself says that in its dicta. What I am trying to do is to make it clear that the people may plan and work upon that theory, and that the Court will actually approve it as to one house, notwithstanding the one-man, one-vote concept. Perhaps it cannot be done. I believe it can be done, and I am trying.

The Senator from Pennsylvania has been very kind in helping me to make clear that I believe the solution which I have authored deals with all the objections that have been made to both the Supreme Court's decision and to the Dirksen amendment, and provides an opportunity for meeting those objections without the disadvantage or danger of either course standing alone.

My proposal differs fundamentally from the Dirksen proposal in that it does not repudiate the Court, but, on the contrary, strengthens the Court's ability to deal with the dilemma which its own decisions has created. Caught in the logic of its own decision, the Court appears unable now to permit a deviation from a strict population basis, even to meet the demonstrably reasonable needs of a State and even if a majority of the people of the State desire such a deviation. My proposal would untie the hands of the Court in such a case. It would untie the hands of a majority of the people in such a case.

It would therefore resolve the dilemma by setting a reasonable standard from which the people and the court could work.

A number of instances have been offered in debate. I have particular reference to the speech in favor of the Dirksen amendment made by the Senator from Nebraska [Mr. HRUSKA], on July 20, 1965, citing cases of alleged reasonable need for relaxation of the one-man, one-vote concept. These were brought out further by the distinguished Senator from Florida [Mr. HOLLAND], relating to Alaska, Arizona, Hawaii, and Nevada, and were added to by the Senator from Colorado [Mr. DOMINICK], raising the question of Colorado. I pointed out the situation in New York.

However, in all those cases there was a heavy concentration of population in a limited area—a big city area—set in a vast territory, with enormous resources, but with a relatively sparse population outside the populous area. The basic question involved in representation was whether to encourage settlement in the sparsely settled area, to encourage development of those resources through some representation in at least one house of the State legislature, and to encourage those activities in a way which would be completely satisfactory to the people of the State. The Senator from Colorado cited the example of the vote of the people of Colorado, by an overwhelming majority, showing that this is the plan they desired for their State.

Another point that is important to note is that if my amendment were adopted, it would take no greater time and involve no more litigation than would be involved in working out the one-man, one-vote doctrine. It probably would involve very little more litigation than would the Dirksen proposal, for even the Dirksen proposal would require litigation over the one, straight population house and over compliance of the other house, with the procedural requirements which are built into his amendment as in mine. I do not see any choice with respect to the amount of litigation under any proposal, my own, the Dirksen amendment, or the one-man, one-vote doctrine. If that be the case, we should choose the optimum, the approach best adapted to the social, economic, and political needs of the Nation.

I am confident also that the courts would make it clear speedily, in the event my amendment is adopted, that in the absence of abuse and of imposition on a minority, the will of the majority of the people of a State should in general prevail. But if there were abuses, they would be subject to review in a forum in which justice can be done. In addition, the Supreme Court would be able to pass on whether a State had the kind of situation in which it would be necessary to afford the measure of flexibility in one house, which my amendment would permit.

There is no short way out of the great national upheaval which is signaled by the Supreme Court's decision, but I believe there is a fair standard which the Congress has often used.

Mr. President, I would like to submit for the RECORD a list showing the many instances of the use of the concept of "reasonable" as a standard in legislation, and the fact that the courts accept it, interpret it, and it leads to the objective of equality under law. The substitute I have proposed meets that test.

I point out the fourth amendment to the Constitution itself, which relates to unlawful searches and seizures, uses the term "unreasonable." The courts have for years interpreted and defined the use of the word "unreasonable" in that amendment.

Mr. President, I ask unanimous consent that this compilation, together with the applicable cases, be made a part of my remarks.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

Amendment IV: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched, and the person or things to be seized."

Carroll v. *U.S.* 267 U.S. 132 (125) and other citations: construed in a manner which will conserve public interests as well as the interests and rights of individual citizens and in the light of what was deemed an unreasonable search and seizure when it was adopted.

Trupiano v. *U.S.*, 33 U.S. 699 (1948): "The Supreme Court has the duty of giving effect to the right of the individual to freedom from unreasonable intrusion by those in authority."

U.S. v. *Abel*, 258 F. 2d 485, aff'd 362 U.S. 217 (1958): "Whether unreasonable depends upon particular facts and circumstances of each case."

Interstate Commerce Act, 24 Stat. 379, section 1(5), 49 U.S.C. section 1(5) (1887): "All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful."

Texas R. Co. v. *I.C.C.*, 162 U.S. 197 (1896): "The interests of the carrier, the shippers, and the public must all be considered."

I.C.C. v. *Chicago Great Western R. Co.*, 141 F. 1003 aff'd. 209 U.S. 103 (1905): "The general public good may be considered in ratemaking, and this includes the welfare and advantage of the great body of the citizens of the United States who constitute the producers, shippers, and consumers, and it also includes the welfare and advantage of the various localities and of the common carriers."

Many decisions: Question of reasonableness is one of fact to be determined by the I.C.C. and reviewable by the courts under the substantial evidence rule.

Packers and Stockyards Act, 42 Stat. 164, section 305, 7 U.S.C. 206 (1921): 'All rates or charges made for any stockyard services furnished at a stockyard by a stockyard owner or market agency shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful."

Section 207: "Secretary of Agriculture sets rates upon application."

Tagg Bros. & Moorhead v. *U.S.*, 280 U.S. 420 (1930): Upheld as constitutional under claim of violation of due process clause.

Many decisions: Reasonableness is for the Secretary to decide, subject to judicial review under the substantial evidence rule.

Section 7 U.S. 208: Prohibits unreasonable or discriminatory practices generally.

Farmers' Livestock Commission Co. v. *U.S.* 54 F. 2d 375 (1931): "Not invalid for indefiniteness of the definition of acts prohibited."

Food and Drug Act, 52 Stat. 1047, section 403(e), 21 U.S.C., section 343(e) 1938): "A food shall be deemed to be misbranded—

* * * * *

"(e) If in package form unless it bears a label containing (1) * * *; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this subsection reasonable variations shall be permitted, and exceptions as to small packages shall be established, by regulations prescribed by the Secretary."

United States v. *Shreveport Grain & Elevator Co.*, 287 U.S. 77 (1932): upheld as constitutional with proviso for permitting reasonable variation by rules.

Forfeiture under Judicial Code, 28 U.S.C. section 2465: "Upon the entry of judgment for the claimant in any proceeding to condemn or forfeit property seized under any Act of Congress, such property shall be returned forthwith to the claimant or his agent; but if it appears that there was reasonable cause for the seizure, the court shall cause a proper certificate thereof to be entered and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution."

The City of Mexico, 25 F. 924 (1885): "Reasonable cause means the same as 'probable cause', which in turn means less than evidence which would justify condemnation, and in all cases of seizure has a fixed and well-known meaning."

Bridges over navigable waterways of United States (33 U.S.C., sec. 502): "Criminal liability for failure to alter a bridge 'whenever the Secretary of the Army shall have good reason to believe that any railroad or other bridge * * * is an unreasonable obstruction to the free navigation of such waters.' "

Wisconsin v. *Duluth*, (96 U.S. 379 (1878)): Upheld as constitutional.

Title 33 United States Code, section 503: "Tolls for passage of transit over any bridge * * * shall be just and reasonable."

Federal Railway Labor Act (44 Stat. 577, sec. 2; 45 U.S.C., sec. 152 (1926)); "First, it shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes * * * in order to avoid any interruption to commerce or to the operation of any carrier."

Virginian Ry. Co. v. *System Federation No. 40*, (300 U.S. 515 (1937)): Constitutionality upheld.

Courts determine what is a "reasonable effort" in particular cases, imposing a duty to bargain on all parties (*Brotherhood of Ry. and S.S. Clerks et al.* v. *Atlantic Coast Line Ry. Co.*, 201 F. 2d 36 (1953); *Shipley* v. *Pittsburgh & L.E.R. Co.*, 68 F. Supp. 395 (1946); *Brisbin* v. *E. L. Oliver Lodge No. 335*, 279 N.W. 277 (1938)).

Federal Power Act, 41 Stat. 1068, section 10; 16 United States Code, section 803(d); "All licenses shall be on the following conditions:

" '(d) That after the first 20 years of operation, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the net investment of a licensee, * * * the licensee shall establish and maintain amortization reserves.' "

"Determination of what is reasonable rate of return": *Metropolitan Edison Co.* v. *F.P.C.*, 169 F. 2d 719 (1948).

Title 16 United States Code, section 805: Participation by Government in cost of locks, etc., "consistent with a reasonable investment cost to the applicant."

Title 16, United States Code, section 807: Compensation for condemnation: "Plus such reasonable damages."

Title 16, United States Code, section 808: "Upon reasonable terms."

Title 16, United States Code, section 809: "On the basis of a reasonable profit."

Title 16, United States Code, section 812: "Reasonable regulations."

Title 16, United States Code, section 824d (a): "Reasonable regulations."

Renegotiation of defense contracts, 50 United States Code, appendix, section 1216 (b) (1951): "Excluded from consideration in determining excess profits are profits derived from income attributable to the increment in value of excess inventory." The section defines "excess inventory" as that "which is in excess of the inventory reasonably necessary to fulfill existing contracts or orders."

Mr. JAVITS. So I believe it is this standard of reasonableness, set forth in my amendment, which can lead us out of the dilemma in which the courts and the Nation have been cast by these decisions.

I am heartened by the dissenting opinion of Justice Stewart in the case of Reynolds against Sims, which I think, as time goes on, will be more and more respected as a magnificent statement of what the law should be. Justice Stewart in his dissenting opinion looked exactly toward such a solution as I am offering here.

I quote from that opinion, because it is so apposite to the argument and position I have taken.

> And the further fact is that throughout our history the apportionments of State legislatures have reflected the strongly felt American tradition that the public interest is composed of many diverse interests, and that in the long run it can better be expressed by a medley of component voices than by the majority's monolithic command. What constitutes a rational plan reasonably designed to achieve this objective will vary from State to State, since each State is unique, in terms of topography, geography, demography, history, heterogeneity and concentration of population, variety of social and economic interests, and in the operation and interrelation of its political institutions. But so long as a State's apportionment plan reasonably achieves, in the light of the State's own characteristics, effective and balanced representation of all substantial interests, without sacrificing the principle of effective majority rule, that plan cannot be considered irrational.

Mr. President, here is what in my opinion is the perfect interpretation of Reynolds against Sims.

In a very interesting way Mr. Justice Stewart might easily have joined with the majority and written a concurring opinion, but he felt, I am sure, as he looked down the vale of history, that the one-man, one-vote doctrine, if his point of view were adopted, would be so strained and twisted by circumstances in particular cases that it would be better to accept the circumstances in the first instance and adapt the law to suit those circumstances, thus making the law practical and realistic, as well as just.

Mr. President, I again call the attention of my colleagues who are so devoted to the strict application of the one-man, one-vote rule to the fact that if the principle is applied to an at-large State election of a State legislature, it would be more unjust then the result of many of the worse apportionments of State legislatures in defiance of the one-man, one-vote rule.

Therefore, no matter how it is sliced there are still arbitrary standards, as to how to carve up a State and carve up the population segments in that State in order to bring about some fair result, even under the one-man, one-vote rule.

I believe we had better not make that too tight. I urge the opponents of the Dirksen amendment to consider that carefully. If the string is drawn too tightly, so as to disable the people of the States from working their will, within some reasonable latitude, the next amendment which will come along will be a great deal tougher than the Dirksen amendment, and a great deal more disdainful of what the Supreme Court has done, not only in this case but in other cases.

This is a case in which the Court has found itself in a very tight clutch, and only Congress and the country can pull it out. I believe in the Court and want to give it more rather than less authority, but I do not believe the coordinate branches of government do their duty unless they support and correlate with one another.

It seems to me that here is a case for wise and judicious study. I am in no rush about this, either. I think the opponents are very wise to defer a vote on the final result for a while and have a good look at it. I have little doubt that in the other body the same will be true.

There is no great rush about this.

We were told some time ago, when Vice President HUMPHREY and I had very considerable objections to giving the Court an order to stop deciding these cases, that the whole world would collapse around our ears. It has not.

But over a measurable period of time, there will be great strain unless we do the really wise thing.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PROXMIRE. Why does the distinguished Senator from New York feel there is likely to be a strain if we stay with the court's decision in Reynolds against Sims? My State of Wisconsin has had strict population apportionment in both State legislative houses for 116 or 117 years, and there has not been a great deal of pressure to change it. There has been little or no real strain. The report I get from Senators representing many other States that have recently apportioned on the basis of the Court's requirements is that after the apportionment almost all the pressure dies down or disappears. Most of those actively concerned are members of legislatures—not all of them, but most of them—and the feeling is that once the court decision has been agreed upon, the justice that everyone should have one vote is irrefutable and acceptable. I am wondering what the Senator has in mind when he says "If the string is drawn too tight"; and that if Reynolds against Sims is insisted upon, there is likely to be a stronger amendment.

Mr. JAVITS. I will tell the Senator what I have in mind. First, there is a sense of disquiet and fear in those parts of States which urgently require development and additional settlement, but which have small populations. This situation will develop from the pressure of those who feel that their needs are not being adequately represented, just as pressure for Reynolds against Sims came from the people in the cities and suburbs who were materially underrepresented and felt that the legislatures were too conservative—indeed, in some cases reactionary—and were holding up the march of progress as to housing, sewage disposal, mass transportation, crime problems, and the other things which are difficult for cities and suburbs to handle.

I do not like to see the pendulum swing completely the other way. That is the reason why I suggested reasonableness in my approach. It will leave the problem manageable; it can be handled. I wish the Supreme Court had left it that way. That would have been an ideal solution. But unfortunately, I do not believe the Court, for practical purposes, has left it that way.

Mr. PROXMIRE. As I understand, the court left some leeway. The Senator from Maryland [Mr. TYDINGS] has on a number of occasions reminded Senators that the Court leaves some leeway by saying that apportionment does not have to be strictly, mathematically, precisely, and entirely on the basis of population. It must be substantial, but there is enough leeway so that reasonable people can agree.

Mr. JAVITS. That is dictum. If the Senator will examine the cases which are being decided all over the country, he will find that the lower courts, generally speaking, do not feel themselves as having any real latitude. The Supreme Court left itself some latitude in its dictum. But the lower courts do not feel that way. In their decisions, they are quite strict about population being the only basis for the apportionment of both houses. Indeed, there is an argument, notwithstanding what seems to be the clear language in the decisions, with respect to the length of the term of one house, even on the one-man, one-vote theory.

There was some feeling by professors in colleges and in law schools that if a political subdivision—and the Court seemed rather solicitous about political subdivisions—made even a material population difference, the Court, unless it were an invidious discrimination, as the Court said, might let it stand. But the lower courts are not acting that way, and the reason is that there is really no latitude. That is what I am arguing for.

The Supreme Court in the basic decision gives itself no latitude, because it is arguing for the one-man, one-vote rule. It is arguing for absolutely strict enforcement.

They have gone to the extent—as the Senator from Pennsylvania [Mr. CLARK] asked me, and he is quite right about it, from reading the majority opinion—of saying, "You are depriving the individual of a civil right if you deprive him of his one-man, one-vote weight, when he votes for a representative in the State legislature."

I feel in all frankness—and, as the Senator knows, I was unwilling to vote for the Dirksen amendment in committee; I announced I would vote against it if that were all I had to vote on—that the Court is tying its own hands so unnecessarily tightly, that we ought to give an opportunity to recognize what I think Justice Stewart, and even the majority of the Court, have recognized. Every situation is not the same; there are considerations, and valid ones, which would induce the people of a State to change to a better practice: to give some weight to geography or a political subdivision. In a given case they may be warranted in doing so, and the one-man, one-vote theory should not hold them quite so tightly.

If the opponents of the Dirksen amendment wanted to justify voting for my amendment, they could do so by extending the doctrine of the dictum into law. But I do not argue for it on that basis. I am willing to assume, whether I win or lose—if I lose, lawyers and judges will still be concerned with dictum—that the law will be refined and further defined. I hope it will; I have no desire to see everything prove that I was right and everybody else was wrong. On the contrary, I hope to be proved wrong in the fears I have, rather than right. But I feel that we should not leave the situation in quite the strict posture it is now, according to the way the lower courts construe it. By vesting complete authority in the courts and the people, we are safeguarding the exercise of this authority and, at the same time, providing the degree of flexibility which is deserved by the political and social conditions which are involved.

Mr. PROXMIRE. The Senator from New York always makes a highly useful and intelligent contribution to an understanding of issues. He is a great lawyer; he is most persuasive. There is substantial merit in his amendment. He points out, not only in the argument he is making now, but in section 2, that his amendment, as contrasted with the Dirksen amendment, provides that any plan of apportionment—as I understand it, after the apportionment has been approved—shall be resubmitted to a vote of the people in a statewide referendum.

The Dirksen amendment does not provide for that. I understand that in the first instance the Dirksen amendment requires a statewide referendum with an alternative but that is it. The amendment of the Senator from New York modifies that proposal by providing that once a State has adopted this proposal, in subsequent referendums population alternatives shall be offered so that the referendums are true referendums, and there will be a true choice on the part of the people. This is a substantial improvement.

Mr. JAVITS. I thank the Senator. I realize that my amendment falls between two poles, and that the lines are so tightly drawn that it is extremely difficult to work out what I am seeking to work out practically. It is sad, but it is true. I understand the situation well. I appreciate what the Senator has said. I know his mind will be open on it, and so will the minds of other opponents. I am gratified and rather solaced by that. But I point out that almost the same situation existed with respect to such a tight provision when the Tuck bill was passed in the other body last year, and when we were face to face with a resolution to lower the boom on the courts in these cases. Proposals were made; they did not seem to get anywhere. They were rejected overwhelmingly.

But somehow or other, the basic concept prevailed, because it seemed to commend itself to reason and justice. I hope, therefore, that in the debate, as we move along, and fight this proposal out, this concept in my amendment may be demonstrated, because I think there is a deep feeling throughout the country—and I believe it is a majority feeling—that the one-man, one-vote situation in a State should not be locked in by Reynolds against Sims, generally speaking, absolutely and forever.

For example, a great newspaper like the New York Times stated that they see a lot in the argument that this concept should not be locked into law, but that perhaps we ought to wait a while and see how things come out before deciding what kind of an amendment we should have.

In many ways, my suggestion would accomplish exactly that, because the standard of reasonable need, which is a constitutional concept and is used in many statutes and decided cases, is a continuing one. What the Court might construe as reasonable need today and what the Court might decide as reasonable need tomorrow might be very different.

I realize the difficulties in trying to arrive at a solution. However, I also point out that once we freeze vested interests in control, when we make a change in the apportionment of these legislatures, with different majorities, then the pendulum would have swung completely the other way. The people would no longer have an opportunity to give the flexibility to the Court which I seek to give.

Mr. PROXMIRE. Mr. President, the Senator said something which is extremely interesting and which makes substantial legislative history.

The Senator said that he was simply desirous of giving meaning, substance, and definition to the dicta in Reynolds against Sims.

Mr. JAVITS. I think that is correct.

Mr. PROXMIRE. If that is true, it places an entirely different picture on the following language:

> The people of a State may apportion one house of a bicameral legislature, or a unicameral legislature, using geography or political subdivisions as well as population as factors, if such plan of apportionment bears a reasonable relationship to the needs of the State, is consistent with the provisions of this Constitution except for the provisions of this article.

This reasonable relationship to the needs of the State is necessarily general and vague language. If the Reynolds against Sims decision is followed, the primary and predominant consideration should relate to population, although some consideration could, under unusual circumstances, be given to geography and area.

The Senator would then be saying that in a State which has a city with a population of 3 million, and the State as a whole has a population of 10 million, to take a simple mathematical example, the Senator would not require that if the upper body had 100 representatives, there would have to be precisely 30 Senators from the city. However, prime weight would have to be given to such population consideration, and if any less than 20 or 25 from the city would not provide this kind of Reynolds-Sims dicta representation.

The needs of the State would take into consideration the fact that 3 million people have some very complicated problems and that they certainly should not be confined to 1, 2, or 5 Senators. The people should have something roughly approaching the relationship between their population and the population of the State.

Mr. JAVITS. Mr. President, I do not wish to get into the question of numbers. I do not believe that the Senator does, either.

Mr. PROXMIRE. The Senator is correct.

Mr. JAVITS. The dictum of the Court is a general indication. It is clearly spelled out by Justice Stewart. I would rather say to the Senator that I am trying to implement the construction which Justice Stewart has placed upon what the Supreme Court is trying to do. The Justice said that the Court did not do it. He said that the way the Court decided would not lead it to do it.

I say, let us have a constitutional amendment which would settle the question of what is to be done and how it is to be done.

I have tried to make it clear that population is the standard except where the States have a legitimate reason for deviation. The Court itself implies that. The Court goes on to negate it by saying that stones do not vote and fences do not vote, or words to that effect. The Court said that only people vote.

The fundamental dictum is there, too. Justice Stewart drew it out to what he considered to be the logical conclusion. I felt that because he did that, it would be entitled to some consideration. The Court felt that the dictum was by no means the dominant objective of the majority opinion. That is why I felt it was not enough to argue, as does the opposition, that there is latitude in the decision, and why I believe that we must incorporate it and give it meaning and substance for the future, in an appropriate form of law.

Mr. PROXMIRE. Mr. President, I can imagine how the amendment of the Senator from New York would apply in Alaska.

Wisconsin has had over 100 years of successful representation based strictly upon population. We have no distant or remote areas which are populated by people of an entirely different kind of culture. In our State it would seem to me that it would be extremely hard for the Court to sustain representation based on much else than population, regardless of the plea to the Court, if the Javits amendment as just interpreted by its author were to become law.

Mr. JAVITS. Mr. President, after listening to the postulates laid out by the Senator, I would agree as to Wisconsin. However, I should like to give my own State of New York as an example.

New York State has a population of approximately 18 million people. Eight million are in the city of New York, in the five boroughs alone. When we add the contiguous areas, those in the suburbs who work in New York City we get a population of approximately two-thirds of the population of the entire State, or something like 12 million people. There is quite a case to be made, for example, with relation to the northern counties which constitute an enormous and undeveloped area.

A case has been made with reference to the so-called southern tier underdeveloped counties. The Senator will remember the amendment to the Appalachia bill offered by my colleague, the junior Senator from New York, and myself. We do have areas which would probably qualify for aid under the Appalachia bill.

These are the sociological questions which face me. I am not afraid of them. The mere fact that I come from New York City and am devoted to the city, and that this question has been a big cause in the city for years does not disturb me. That one house should be apportioned on the basis of population is already a big reform. And it would be a major reform to provide that for the other house, if we were to adopt my amendment, the burden of proof would be on the State to show that a reasonable need existed to deviate from strict population apportionment.

The way in which legislatures already have been reapportioned is revolutionary. There has been a big gain in the number of people in the suburbs and the cities. Do we have to go all the way in that concept?

I do not believe that it would be in the interest of people in the city and the suburbs to go all the way. My proposal would still leave some room for flexibility and modification so as to suit the situation of the State, always obtaining the sanction of the Court to make sure that nothing goes haywire and no one imposes on a minority.

Mr. PROXMIRE. In a State like New York, if in order not to impose on the minority, we have one house based on geography, and have two-thirds of the people of the State living in a small contiguous, fairly homogeneous area, do we have one entire legislative house which represents the outlying area and therefore has a veto over a substantial majority of the people?

It would seem to me that, interpreting what the Senator said, it would be possible to so organize the legislature in the State of New York that one-third of the people might elect the majority of one house, and therefore be in a position to block action on the part of the popularly elected Governor and lower house, and the clear will of the people.

Mr. JAVITS. Mr. President, one-third of the people can elect one house today. I might point out to the Senator that that would be possible even under Reynolds against Sims. It would depend on how many people voted.

Mr. PROXMIRE. The Senator is correct. But the point is irrelevant. If we assume people do not vote, of course, they cannot elect or win representation under any system.

Mr. JAVITS. Laying that question aside, we would not be able to do that under my proposed amendment. My amendment would continue using population as the fundamental basis, but making any deviation from it justiciable and requiring justification on the ground of reasonable need.

The same Supreme Court which handed down the decision in Reynolds against Sims will be passing on the question of need, if my amendment is adopted. I represent my people fully in this effort. They will have complete protection of themselves and at the same time will not have a situation which is completely locked in, without the flexibility which I think my State requires.

Mr. PROXMIRE. I thank the Senator.

Mr. JAVITS. I thank the Senator from Wisconsin.

Mr. President, I yield the floor.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER (Mr. Tydings in the chair). The Senator from Pennsylvania.

Mr. CLARK. Mr. President, in view of the unanimous consent agreement entered into earlier this afternoon, I shall be quite brief in my remarks—a comment which I suspect will find favor with the present occupant of the chair. However, I would like to make a few points in connection with this reapportionment debate.

First, there appeared on the desks of all Senators this afternoon a beautifully printed little sheet, in two colors on a white background—red, white, and blue, the colors of our great country—containing an anonymous map and chart entitled "How the United States Senate Would Look if Apportioned According to 'One Man, One Vote.' "

Mr. President, I do not know who prepared this beautiful little brochure——

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I was present when the Senator from Kentucky [Mr. Morton] made his speech. He used this as an exhibit when he made his speech. The Senator from Louisiana has from time to time used exhibits. If he used them in connection with his speech, he would assume he would be identified as the author of them. I assume the same thing would apply to the Senator from Kentucky.

Mr. CLARK. I thank the charming and distinguished majority whip. I do not know to which Senator from Kentucky he is referring.

Mr. LONG of Louisiana. The junior Senator [Mr. Morton].

Mr. CLARK. I will say to the Senator from Louisiana that it is quite an extraordinary document which was placed on every Senator's desk. When this type of argument by eye rather than by ear is put on each Senator's desk, it generally indicates the source from which it came. There is nothing on it which indicates it came from the office of the Senator from Kentucky. I suppose, knowing the Senate as I do, that not many Senators were present at the time.

Mr. LONG of Louisiana. In fairness to the Senator from Kentucky, I do not believe there were many Senators present, but that was not the fault of the Senator from Kentucky. Most of us have had to settle for less than a quorum when we make speeches. Is not the Senator from Pennsylvania suffering from that same complaint at this time?

Mr. CLARK. It might be called an occupational disease. It is a fine old senatorial practice to speak to generally empty press galleries and generally full galleries of citizens, but with practically no Senators in the Chamber. This is standard operating procedure. But this document is so artistically made up, so beautiful, and has so many lively colors, that I wonder if it was not printed by the firm of Whitaker & Baxter, which has been hired by the proponents of the Dirksen amendment to try to put their best foot forward. This was the same well-known public relations firm from Madison Avenue which led that brilliant campaign against medicare. I suspect their efforts in this regard will end with about as much success as they did in that recent endeavor.

Mr. LONG of Louisiana. If that was the firm that handled the campaign against medicare, it was very much overpaid, because, judging by its results, it did a poor job.

Mr. CLARK. I was indulging in the always precarious undertaking of prognostication. I was thinking that if they were as well paid for this campaign as they were for the last one, they will be equally unsuccessful. At any event, I raise the question because I believe that any college graduate who has been given a course in primitive government, or perhaps any high school graduate who has had a course in American history, would realize the ridiculousness of the wording of the brochure, "How the United States Senate Would Look if Apportioned According to 'One Man, One Vote.' "

This is a kind of adventure in Alice in Wonderland. It is a fairy story. Why is it a fairy story? Because I think every college or high school graduate, certainly anyone who has had 1 year in law school, knows that, under article V of the Constitution, no State, without its consent, shall be deprived of its equal suffrage in the Senate.

So if there ever was a straw barrier set up to be knocked down by anyone with even a rudimentary education, this is it.

Perhaps this is an effort by Whitaker & Baxter, who are public relations experts, and therefore masterful in their ability to get American citizens into habits through advertisements in slick magazines and the like to induce Americans to buy something that they do not need. So successful have these public relations firms been in persuading the American people to buy things they do not need that the advertising and public relations field has been one of the most profitable that one can get into.

I close by saying that if ever there was an example of an effort to persuade people not only to buy what they do not need, but what they cannot have, because the Constitution says they cannot have it, this is it. I hope whoever is paying the bill for this beautiful little piece of advertising will not feel too put upon when he reads these remarks.

GERMANENESS OF AMENDMENTS—RESOLUTION

Mr. CLARK. Second, I am deeply concerned, in all seriousness, about what is going on in the Senate with respect to reasonable rules of procedure, and I have been for a good long while. The Dirksen amendment is a prime example. However, there are other examples. Last year there was a bill to limit the jurisdiction of the U.S. Supreme Court in reapportionment cases proposed as an amendment to the foreign aid bill. This year we have a constitutional amendment proposed as a substitute to the bill to establish a week in September as American Legion Baseball Week.

I say to my good friend from Louisiana that back in 1964—and I did not approve of the procedure then—we undertook to bring up an important civil rights bill—a bill that I was for but which the Senator from Louisiana did not favor—without referring it to committee. We took it off the calendar and lost the benefit of consideration by committee. We did the same thing back in 1957 and 1960, when we had other, more moderate civil rights bills, and the Judiciary Committee was bypassed.

That procedure, to my way of thinking, is destructive of the orderly processes of legislation. I do not approve of it. It could not be done in any other legislative body in the free world.

They certainly could not get away with it in the House of Representatives. The way to stop it, I pointed out before, and should like to point out again, is to adopt a new, standing rule of the Senate to be entitled, "Germaneness of Amendments," which would provide:

> No amendment not germane or relevant to the subject matter contained in the bill under consideration shall be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments, when raised, shall be decided by the Presiding Officer, subject to appeal to the Senate to be decided without debate.

PROPOSAL TO AMEND STANDING RULES OF THE SENATE

Mr. CLARK. Mr. President, out of order, I ask unanimous consent that this resolution in the form of a change in the standing rules of the Senate may be sent to the desk for appropriate referral, and may lie on the desk for 10 legislative days, in order that cosponsors may have an opportunity to join.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be held at the desk as requested by the Senator from Pennsylvania.

The resolution (S. Res. 138) was referred to the Committee on Rules and Administration, as follows:

> *Resolved,* That the Standing Rules of the Senate be amended by the addition of the following new rule:
>
> RULE —
>
> *Germaneness of amendments*
>
> No amendment not germane or relevant to the subject matter contained in a bill under consideration shall be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments, when raised, shall be decided by the Presiding Officer, subject to appeal to the Senate to be decided without debate.

Mr. CLARK. Mr. President, I would hope that the majority of Senators, in view of the way we have really—and I use the word advisedly—misused our procedures, would feel that the time has come to put a stop to this sort of legislative tactic, which is as undignified as it is unwise.

I hope very much that Senators will feel the same way. I shall bring the amendment to the attention of each Senator, and I hope it will meet with general approval.

Mr. LONG of Louisiana. Mr. President, will the Senator from Pennsylvania yield at that point?

Mr. CLARK. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. What the Senator is suggesting has appealed to me on many occasions. The difficulty is that Senators frequently vote on merit, when there is a question of germaneness. I have been tempted to do that myself and I have seen other Senators do it, where the measure might be a controversial one that Senators would prefer not to vote on. And I have seen a vote where the Senate would vote on a matter which was not germane, even though a very good argument could be made for the fact that it was. I have had some Senators confess to me that they have, on occasion, voted on a germane question, and voted on their convictions about the amendment itself, on its merits, rather than because it was germane.

Under the Senator's proposal, it would seem to me that a simple majority could bypass the purpose of his amendment by voting, without debate, that an amendment is germane if they wish an amendment added to the bill or to keep it from being added to the bill by voting that it is not germane.

Mr. CLARK. In effect, the rule which I have proposed is a present rule of the House of Representatives and is similar to germaneness rules in effect in most if not all of the State legislatures. While there may be dangers along the line which the Senator from Louisiana suggests, to my way of thinking those dangers are minimal compared to the harm suffered because of the almost circuslike atmosphere which now prevails, causing the press and public to snicker at the U.S. Senate as being something ridiculous, where a limitation in court jurisdiction is proposed as an amendment to the foreign aid bill, and an amendment to the Constitution is offered as a substitute for a bill to honor American Legion baseball.

To my way of thinking, this brings disrepute on the Senate.

Therefore, I believe that we should exercise the kind of judgment which has motivated other legislative bodies, both here and abroad, and impose on ourselves a measure of self-discipline by adopting a rule to require germaneness of amendments, realizing full well that there may occasionally be an abuse of such a rule.

However, I challenge the Senator from Louisiana to name one abuse under the rule which I propose which would be half as bad as the practice of permitting a nongermane amendment, or a constitutional amendment, to be added to a foreign aid authorization bill or to a simple joint resolution dealing with the question of American Legion baseball. In order to persuade the Senator from Louisiana to agree with me, let me point out that I never had much sympathy with the Stella reorganized school tactic, which the Senator will remember. That involved a small bill to pay $1,500 to the Stella reorganized school in Missouri, to which a civil rights bill was attached.

My understanding is that the more than patient people in the Stella School District have had to wait a good many years before they received their $1,500. I do not believe that is right.

Mr. LONG of Louisiana. I do not believe it is right, either.

At that time, I happened to be against the amendment because, to me, no opportunity was given to arrive at a proper conclusion whether something should be germane or not, depending upon how we felt about the amendment.

Of course, the position of the Senator from Pennsylvania has great merit. I was suggesting the other side of the argument.

Mr. CLARK. I thank my friend from Louisiana.

Mr. President, in this connection, I would like to refer to a statement made by Mr. John Gardner which was published in the New York Times of yesterday. Mr. Gardner has recently been appointed the new Secretary of Health, Education, and Welfare, subject to Senate confirmation. What Mr. Gardner had to say on the question of organization, in my opinion, merits careful consideration by the Members of this body, because I believe it applies to the way in which we run our business in the Senate, and to the rather substantial criticism which we have incurred in the press and country generally as a result of the way we operate.

Mr. Gardner said:

> Experienced management knows that some organizations can be renewed through new leadership and new ideas. Others need a more massive infusion of new blood or far-reaching organizational changes. Still others can only be renewed by taking them apart and putting them together again; and some cannot be renewed at all.

I would hope that all Members of this body, which I love and which I am happy and proud to serve in, would ponder into which category the U.S. Senate falls.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6, 1965, as "National American Legion Baseball Week."

Mr. CLARK. Mr. President, I should like to insert some documents in the RECORD which reveal the present situation with respect to reapportionment in Pennsylvania.

We are not very happy about the situation in Pennsylvania. Our dissatisfaction goes back a great many years. We have had four constitutions in our State since the first one in 1776, the year that the Declaration of Independence was promulgated.

Pennsylvania was the first State to adopt population as a basis for legislative apportionment. Later, we fell from grace, and in the constitution of 1874 we put such restrictions on the one-man, one-vote system that a Federal court last year declared certain sections of the constitution of 1874 to be unconstitutional in the light of Reynolds against Sims.

Therefore, Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum entitled "Legislative Apportionment and the Constitutions of Pennsylvania."

There being no objection, the document was ordered to be printed in the RECORD, as follows:

LEGISLATIVE APPORTIONMENT AND THE CONSTITUTIONS OF PENNSYLVANIA

1. The constitution of 1776 apportioned representation among the counties on the basis of taxable inhabitants. It also included a mandate that reapportionment take place every 7 years ("* * * the general assembly shall cause to be taken the lists of the taxable inhabitants of Philadelphia and each county * * *"—ch. II, sec. 17).

Pennsylvania was the first State to adopt population as the basis for legislative apportionment. Following our lead, Georgia (unicameral like us), New York, and South Carolina adopted population as the standard of representation.

The Northwest Ordinance adopted the population standard re the territorial legislatures (for every 500 free male inhabitants there shall be one representative). The subsequent actions of the States formed out of the Northwest Territory leave little doubt as to their understanding of what the proper standard should be: Of the 20 States joining the Union after the ratification of the U.S. Constitution but before the Civil War, only two (Vermont and Florida) adopted nonpopulation schemes.

The original constitutions of 36 States required that representation be based entirely, or almost so, on population factors. Subsequently, through constitutional amendments (often according legal status to de facto institutions) this pattern was to change. Needless to say, the growth of the big cities was a major factor in this shift.

2. The constitution of 1790 established a bicameral legislature but retained population as the basis of representation in both houses. The mandate that reapportionment take place every 7 years was retained. The new constitution further required that each existing county be entitled to one representative (but stipulated that no subsequently created county could qualify for representation without one full ratio of population). This was the birth of the "one representative to each county" mandate that the Federal district court found objectionable in *Drew v. Scranton*.

3. The constitution of 1838 retained the features of its predecessor but tacked on the added requirement that no city or county be entitled to more than 4 senators. (By 1870, was to have one-fifth of the population of the State, but only one-eighth of the representation.)

4. The constitution of 1873 discarded the combination of population plus taxable property which had been the basis of the earlier constitutions.

The convention debate regarding apportionment in the Senate reflected the conflict of interest between Philadelphia and the rest of the State; the debate re apportionment in the House was not as bitter or prolonged, and centered around the rural desire to retain the "one representative from each county" requirement. Also included re the House was adoption of the rule of major fractions for counties with less than four full ratios of population, and the rejection of this rule for counties whose population exceeded four full ratios.

Quoting from the court's opinion in *Drew* v. *Scranton*: "It seems clear from the (convention) debates * * * that the provisions restricting representation of the more populous counties were the product of an agrarian philosophy which held that the inhabitants of the rural counties were to be more trusted with the responsibilities of government than the population of the cities, which contained a greater proportion of wicked and irresponsible men. * * * The desire to protect rural voters from domination by urban majorities was the basis for (the) restrictive provisions."

(Those in favor of discriminating against the cities quoted Thaddeus Stevens to the effect that "great cities are great sores upon the body politic." (Stevens had made this statement at the convention of 1837 in support of limiting each city and county to no more than 4 senators.)

Mr. CLARK. Mr. President, the current status of legislative apportionment in Pennsylvania is also of interest to my constituents, and I would hope to many Senators who are interested in determining just what the situation is in each of the 50 States.

Therefore, I ask unanimous consent to have printed in the RECORD a memorandum, entitled "Current Status of Legislative Apportionment in Pennsylvania."

There being no objection, the document was ordered to be printed in the RECORD, as follows:

CURRENT STATUS OF LEGISLATIVE APPORTIONMENT IN PENNSYLVANIA

1. On April 9, 1964, a three-judge Federal district court held unconstitutional the apportionment of seats in the Pennsylvania State senate and house, under the Apportionment Acts of January 9, 1964.

The decision also struck down certain provisions of the Pennsylvania constitution inconsistent with the "one-man, one-vote" principle.

The Federal court decision laid down the following rules:

(1) Disparity between senatorial districts may not exceed one-half a ratio (approximately 56,000).

(2) Disparity between house districts may not exceed one-half a ratio (approximately 14,149).

(3) Multimember districts are unconstitutional.

2. On April 14, 1964, the Federal District Court stayed its order pending disposition of an appeal to the U.S. Supreme Court.

3. On September 29, 1964, the Pennsylvania Supreme Court, in an independent litigation, also struck down the apportionment scheme of the acts of January 9, 1964.

The Pennsylvania court relieved the Federal district court of responsibility for legislative apportionment in Pennsylvania. It gave the State legislature until September 1, 1965, to reapportion both senate and house, and declared that if this mandate was not obeyed the court would act on its own initiative.

In laying down guidelines for the State legislature, the Pennsylvania Supreme Court purported to render invalid the order of the Federal district court:

(1) establishing numerical criteria for disparities in size of senate and house districts.

(2) establishing as unconstitutional per se the creation of multimember districts. Nevertheless, the Pennsylvania court cautioned the Pennsylvania Legislature against their creation.

5. As of Wednesday, July 28, the situation is as follows in Harrisburg:

(1) The Senate Reapportionment Committee, has reported out a reapportionment scheme for the senate.

(2) The House Committee on Elections and Apportionment has not yet acted.

Mr. CLARK. Mr. President, last year the Legislature of Pennsylvania, both branches of which were then controlled by the Republican Party, did reapportion the Pennsylvania Legislature, both the lower and the upper house; and I ask unanimous consent to have printed in the RECORD a memorandum entitled "Effects of Apportionment acts of January 9, 1964."

There being no objection, the document was ordered to be printed in the RECORD, as follows:

OVERALL EFFECTS OF APPORTIONMENT ACTS OF JANUARY 9, 1964

The effect of the 1964 acts was to increase the representation of the Republican suburbs in the southeast (albeit not enough to bring them up to par) by taking representation away from overrepresented districts in Philadelphia. The most flagrantly overrepresented rural Republican districts were brought in line, but much of the rural overrepresentation was left untouched. (Before 1964, 13 senatorial districts were overrepresented by more than 35 percent, 7 of them by more than 50 percent. After 1964, six senatorial districts were overrepresented by more than 35 percent, two by more than 50 percent. Before 1964, 11 districts were overrepresented by 15 to 35 percent; after 1964, only 6 districts fell within this range. As regards underrepresentation, the two worst isolated cases are:

1. Westmoreland County (39th district), with deviation from average of 55.8 percent.

2. Luzerne County (20th district), with deviation from average of 53.3 percent.

But as a general class, suburban counties in southeastern part of State suffer worst discrimination:

1. Bucks County (10th), 36.3 percent more inhabitants than the average senatorial district.

2. Northern part of Delaware County (26th), 31.3 percent.

3. Southern part of Montgomery (12th), 16.1 percent.

4. Southern part of Delaware (9th), 13 percent.

5. Northern part of Montgomery (17th), 12.1 percent; Lancaster (13th), 23 percent.

Also: Discrimination against city of Philadelphia still exists, but is not nearly so bad—of the eight senate districts in the city, median district has only about 10 percent more inhabitants than average for the State.

Areas which benefit most by present malapportionment:

1. Wayne-Pike-Monroe-Carbon (14th district), has 42.6 percent fewer inhabitants than average district.

2. Somerset-Bedford-Fulton (36th district), 42.4 percent.

3. Franklin-Adams (33d district), 38.1 percent.

4. Venango-Clarion-Forest-Elk (48th district), 36.2 percent.

Mr. CLARK. Mr. President, from this memorandum it will be seen that the reapportionment which was later declared to be unconstitutional, both by a 3-judge Federal court and by the Supreme Court of Pennsylvania, grossly discriminated against the suburban areas.

Westmoreland County, which happens to be Democratic, is a suburb of Pittsburgh. It is penalized to the tune of 55.8 percent over the average district representation in the remainder of the State.

However, the counties of Bucks, Delaware, Montgomery, and Lancaster, which are Republican, were almost equally badly discriminated against. The areas which had a favorable ratio were all Republican counties and received a status to which they were not entitled on a population basis. These were the counties of Wayne, Pike, Monroe, and Carbon, on the one hand, and Somerset, Bedford, and Fulton in the second place.

Franklin and Adams were in the third place in terms of overrepresentation. Venango, Clarion, Forest, and Elk were in the fourth place. They were all rural counties, and, except for Elk County, Republican. Elk County was in a district which is normally Republican, although the county itself has been a Democratic county, and we have a splendid State senator from that district, who is a Democrat. However, this is the exception and not the rule.

As I have indicated, the courts have declared the 1964 reapportionment unconstitutional.

The Supreme Court of Pennsylvania, in a unanimous opinion, participated in by six of the seven justices, including all of the Republican members, of whom there are four, declared, much to their credit, that the reapportionment plan adopted by the Republican legislature was unconstitutional.

A very fine Federal three-judge district court, consisting of a very eminent appeals court judge, Judge Maris, one of the great lawyers and great judges in Pennsylvania of my generation, ably aided by Judges Sheridan and Nealon, came to the unanimous decision that this reapportionment scheme was unconstitutional.

Presently, the Supreme Court of Pennsylvania, to which the three-judge court relinquished jurisdiction once the Pennsylvania court came to its conclusions, has ruled that unless the legislature reapportion itself by September 1 of this year, the court will do it itself. As of this moment, it is very doubtful whether the legislature will comply with that mandate. There is a real possibility that the supreme court itself not only will decree the reapportionment in accordance with the case of Reynolds against Sims, but will also direct that the legislature be elected at large.

This was actually done in Illinois. There are two schools of thought as to whether it was successful. I personally would not like to see the legislators elected at large. I have enough confidence in geography to believe that both in the State senate and in the general assembly it is wise to have representatives elected from districts.

In the fifth place, and finally, the other day I received from the chairman of the Pennsylvania Democratic State Committee a letter which had been directed to Vice President HUMPHREY and to the majority and minority leaders in both

Houses of Congress. The letter is signed by the county chairmen of the Democratic Party in Pennsylvania, coming from the counties which contain more than 98 percent of the Commonwealth's total population. These county chairmen come from 59 of our 67 counties. Only eight Democratic county chairmen, some of whom could not be reached for comment, did not participate in the poll.

Among the signers, in addition to myself and former Govs. George M. Leader and David L. Lawrence, who was also the Democratic national committeeman, were the Democratic State chairman, the Democratic State vice chairman, the Democratic State Committee treasurer, the Democratic national committeewoman, that grand old lady, Emma Guffey Miller, the mayor of Pittsburgh, Joseph M. Barr, and Maurice Splain, all of them former Democratic State chairmen. Then follow the names of the 59 county chairmen.

I ask unanimous consent that the letter directed by these eminent democratic Democrats may be printed in the RECORD in full at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PENNSYLVANIA DEMOCRATIC
STATE COMMITTEE,
Harrisburg, Pa., July 23, 1965.

Hon. HUBERT H. HUMPHREY,
Vice President of the United States.
Hon. JOHN W. MCCORMACK,
Speaker of the House.
Hon. MIKE MANSFIELD,
Senate Majority Leader.
Hon. EVERETT M. DIRKSEN,
Senate Minority Leader.
Hon. CARL ALBERT,
House Majority Leader.
Hon. GERALD R. FORD,
House Minority Leader.

SIRS: In 1964 Pennsylvania Democratic State platform states that "no person's vote should be worth less than another person's vote simply because of where he happens to live." As ratified by the Pennsylvania Democratic State Committee, the platform continues: "We believe that the legislators of both houses of the legislature are elected to represent people and only people. Our pledge to the ideal that one person is entitled to one vote is complete and unequivocal."

In the light of the present debate focused on legislative reapportionment on both the State and National level, we wish to reaffirm this position.

Further, we wish to declare our opposition to the proposed constitutional amendment on apportionment of State legislatures. The proposal, familiarly known as the Dirksen amendment, in effect would nullify part of the recent Pennsylvania and U.S. High Court rulings on reapportionment. These rulings uphold the basic principle of equal representation for all citizens regardless of where they live within the State.

In short, we believe in the one-man, one-vote concept as valid and essential to democratic State governments. It is the only approach to legislative apportionment which can end the denial to thousands of Pennsylvanians of their right to have a legislative voice in the State senate and house of representatives.

We believe passage of the Dirksen amendment would have the negative effect of perpetuating the same kind of unfair discrimination which now exists in Pennsylvania and would continue to shortchange the vital urban and suburban areas whose residents consistently contribute so much to the welfare and economic prosperity of the entire Commonwealth.

Ostensibly the Dirksen amendment is meant to permit one house of a bicameral legislature to be apportioned on a basis other than population. The implication of this amendment is that the upper house of a State legislature would be apportioned on a geographical basis. Further implication is made that this approach is part of the legislative traditions of the States, Pennsylvania included.

But, in Pennsylvania, as in most States, this is not so. The language of the Pennsylvania State constitution is unmistakable: "The State shall be divided into 50 senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect 1 senator."

The Dirksen amendment would not only provide the privilege of annulling this portion of our State constitution, but it also contains more questionable aspects. For example, one section would have the effect of preventing judicial review of any State reapportionment plan by a Federal court.

Another section has incorporated the concept of irrevocability. Once a State had decided to apportion on a nonpopulation basis its action could not be reversed. This is a form of rigidity without precedent or logic.

In short, the Dirksen amendment seems to be saying that all men are created equal, but some men living in some places are more equal than others living in other places. We believe all men are created equal.

This is not a partisan issue. And it is a distortion of fact to reduce the controversy to a rural-urban dispute. Actually such geographic distinctions scarcely exist in present-day Pennsylvania. The 1960 Bureau of Census figures classify nearly 72 percent of Pennsylvania's total population as urban, with only 5 of the State's 67 counties having less than 0.1 percent of its population classified as urban. It is simply a matter of assuring a voice in government for the Pennsylvanians who, to date, have been deprived democratic representation in their legislative halls. The Dirksen amendment to the U.S. Constitution would perpetuate that silence and deprivation of equal representation. That is why we urge its defeat.

Respectfully,

[Signed by the following]

JOSEPH S. CLARK, U.S. Senator of Pennsylvania, Room 361, Senate Office Building, Washington, D.C.

George M. Leader (former Governor of Pennsylvania), 320 North Twenty-seventh Street, Camp Hill, Pa.

David L. Lawrence (former Governor of Pennsylvania), Room 216, Executive Office Building, Washington, D.C.

Otis B. Morse, Chairman, Democratic State Committee, 510 North Third Street, Harrisburg, Pa.

Louise M. John, Vice Chairman, Democratic State Committee, 510 North Third Street, Harrisburg, Pa.

Andrew M. Bradley, Treasurer, Democratic State Committee, 510 North Third Street, Harrisburg, Pa.

Emma Guffey Miller (Democratic National Committeewoman), Wolf Creek Farm, Slippery Rock, Pa.

John S. Rice (former Democratic State Chairman), 60 West Broadway, Gettysburg, Pa.

Fred G. Klunk, Chairman, Adams County Democratic Committee, 15 North Peter Street, New Oxford, Pa.

James W. Knox, Chairman, Allegheny County Democratic Committee, 800 West Penn Building, Pittsburgh, Pa.

Preston E. Busch, Chairman, Armstrong County Democratic Committee, Box 172, R.D. No. 3, Apollo, Pa.

Eli Corak, Chairman, Beaver County Democratic Committee, 740 Virginia Avenue, Midland, Pa.

J. Robert Rohm, Chairman, Bedford County Democratic Committee, R.D. Breezewood, Pa.

Richard H. Rhoads, Chairman, Berks County Democratic Committee, 5 Hawthorne Road, West Lawn, Pa.

Richard Rothrauff, Chairman, Blair County Democratic Committee, Box 254, Sylvan Heights, Hollidaysburg, Pa.

Francis Sullivan, Chairman, Bradford County Democratic Committee, R.D. Towanda, Pa.

John T. Welsh, Chairman, Bucks County Democratic Committee, 62 East Court Street, Doylestown, Pa.

Joseph M. Barr, (former Democratic State Chairman), Office of the Mayor, Pittsburgh, Pa.

Maurice Splain, (former Democratic State Chairman), 510 House Building, Pittsburgh, Pa.

James A. Green, Chairman, Butler County Democratic Committee, Courthouse, Butler, Pa.

John R. Torquato, Chairman, Cambria County Democratic Committee, Law Building, Edensburg, Pa.

Hugh Friel, Chairman, Carbon County Democratic Committee, 77 West Sixth Street, Jim Thorpe, Pa.

John Gingher, Chairman, Centre County Democratic Committee, 467 East Bishop Street, Bellefonte, Pa.

Alexander C. Kovach, Chairman, Chester County Democratic Committee, 976 Cherry Street, Phoenixville, Pa.

Joseph F. Schierberl, Chairman, Clarion County Democratic Committee, 20 Barber Street, Clarion, Pa.

E. L. Fisher, Chairman, Clearfield County Democratic Committee, P.O. Box 205, Curwensville, Pa.

Esther M. Kephart, Chairman, Clinton County Democratic Committee, Avis, Pa.

Floyd Aten, Chairman, Columbia County Democratic Committee, Mifflinville, Pa.

B. Frank Swigert, Jr., Chairman, Cumberland County Democratic Committee, 123 South Pitt Street, Carlisle, Pa.

G. Thomas Miller, Chairman, Dauphin County Democratic Committee, 25 South Front Street, Harrisburg, Pa.

Ernani C. Falcone, Chairman, Delaware County Democratic Committee, 430 Portland Drive, Broomall, Pa.

Robert E. Horn, Chairman, Erie County Democratic Committee, 4219 Melrose Avenue, Erie, Pa.

William J. Graham, Chairman, Fayette County Democratic Committee, 358 Morgantown Street, Uniontown, Pa.

Thomas Boyd, Chairman, Greene County Democratic Committee, 45 West Lincoln Street, Waynesburg, Pa.

Andrew F. Puchalla, Chairman, Huntingdon County Democratic Committee, 125 South Division Street, Mount Union, Pa.

E. James Trimarchi, Jr., Chairman, Indiana County Democratic Committee, P.O. Box 428, Indiana, Pa.

Joseph C. Stefanelli, Chairman, Jefferson County Democratic Committee, 300 Bradford Street, Reynoldsville, Pa.

Patrick J. Mellody, Chairman, Lackawanna County Democratic Committee, 311 Larch Street, Scranton, Pa.

John W. Hartman, Chairman, Lancaster County Democratic Committee, 18 South Duke Street, Lancaster, Pa.

Ralph Audino, Chairman, Lawrence County Democratic Committee, 512 Centenial Street, New Castle, Pa.

Wayne Tobias, Chairman, Lebanon County Democratic Committee, 1108 Forest Street, Lebanon, Pa.

Joseph Spirk, Chairman, Lehigh County Democratic Committee, 42 South Seventh Street, Allentown, Pa.

John L. Dorris, Chairman, Luzerne County Democratic Committee, 324 Miners National Bank Building, Wilkes-Barre, Pa.

Lewis L. Hare, Chairman, Lycoming County Democratic Committee, R. D., Montoursville, Pa.

Francis J. O'Hearn, Chairman, McKean County Democratic Committee, 41 Main Street, Bradford, Pa.

Joseph M. Walton, Chairman, Mercer County Democratic Committee, R.D., Greenville, Pa.

Earl B. Fink, Chairman, Mifflin County Democratic Committee, Granville, Pa.

James V. Cadue, Chairman, Monroe County Democratic Committee, Oak Street, Tobyhanna, Pa.

J. Phil Doud, Chairman, Montgomery County Democratic Committee, 1671 Peachtree Lane, Norristown, Pa.

Harold Van Sickle, Chairman, Montour County Democratic Committee, 26 Grand Street, Danville, Pa.

Martin J. Bechtel, Chairman, Northampton County Democratic Committee, 726 Walnut Street, Easton, Pa.

John Mazur, Chairman, Northumberland County Democratic Committee, 338 E Avenue, Mount Carmel, Pa.

Francis R. Smith, Chairman, Philadelphia County Democratic Committee, 1421 Walnut Street, Philadelphia, Pa.

Ernest H. Gastmeyer, Chairman, Pike County Democratic Committee, 608 Second Street, Matamoras, Pa.

Daniel Glassmire, Chairman, Potter County Democratic Committee, R.D. Coudersport, Pa.

James V. Ryan, Chairman, Schuylkill County Democratic Committee, Box 360½, R.D. No. 2, Pottsville, Pa.

Marshall Boyer, Chairman, Snyder County Democratic Committee, Box 84, Kreamer, Pa.

Paul L. O'Connor, Chairman, Somerset County Democratic Committee, 597 East Main Street, Somerset, Pa.

Joseph Walsh, Chairman, Susquehanna County Democratic Committee, 66 Center Street, Forest City, Pa.

Paul R. Willis, Chairman, Tioga County Democratic Committee, Covington, Pa.

Charles Hollister, Chairman, Union County Democratic Committee, College Park, Lewisburg, Pa.

Max Gabreski, Chairman, Venango County Democratic Committee, 1 Main Street, Oil City, Pa.

William L. Martin, Chairman, Warren County Democratic Committee, R.D. Russell, Pa.

Michael A. Hanna, Chairman, Washington County Democratic Committee, R.D. No. 2, Washington, Pa.

Isabelle C. Dunne, Chairman, Wayne County Democratic Committee, 415 15th Street, Honesdale, Pa.

George R. Sweeney, Chairman, Westmoreland County Democratic Committee, Union Trust Building, Greensburg, Pa.

Alban Carney, Chairman, Wyoming County Democratic Committee, Tunkhannock, Pa.

Donald T. Puckett, Chairman, York County Democratic Committee, 56 South George Street, York, Pa.

Samuel Humer, Chairman, Franklin County Democratic Committee, 146 North Main Street, Chambersburg, Pa.

Mr. CLARK. Mr. President, the letter points out that the Pennsylvania Democratic platform of 1964 states that "no person's vote should be worth less than another person's vote simply because of where he happens to live."

Then continues a most cogent argument against the Dirksen amendment, stating in part:

> In short, we believe in the one-man, one-vote concept as valid and essential to democratic State governments. It is the only approach to legislative apportionment which can end the denial to thousands of Pennsylvanians of their right to have a legislative voice in the State senate and house of representatives.

I commend a reading of this letter to all my colleagues in the Senate before they cast their votes on Wednesday.

In short, there is no doubt in my mind that the Dirksen amendment is both unwise and unnecessary and I hope it will fail to receive the two-thirds vote which is essential to its passage in this body.

COMMENCEMENT EXERCISES OF VISTA—VOLUNTEERS IN SERVICE TO AMERICA

Mr. CLARK. Mr. President, last Saturday I had the privilege of attending the first graduation exercises of students in the VISTA training program in Philadelphia. VISTA stands for Volunteers in Service to America. I was touched and delighted by these young people and their splendid faces and demeanor, as well as their obvious dedication and earnestness.

One of their number, a Negro, Mortimer S. LeCote, Jr., of Pittsburgh, gave a most moving valedictory address.

There are two women for every man in the class. This is only because more girls volunteer than boys. They receive a 6-weeks training course, from which they had just graduated. They will give 10½ months of volunteer service to the war on poverty.

These young people come from 20 States. They are of all races and creeds and colors.

As the valedictorian noted, they have become a close knit, dedicated group, who have been participating in fieldwork, seminars, and lectures, from which, Mr. LeCote said, they have been able to form a confident philosophy of life. They feel that on their own they have learned how to get things done. He said that some people have said to these young volunteers, in the course of their fieldwork, "Go home. We do not need you." He said, "We did not heed them"; that the volunteers were not discouraged; that they knew they were needed; and that they have the determination to see that "no one is stepped on and that everyone has an equal opportunity."

They are a competent group, and they know that the future is a test of their determination. They know that the program is not perfect and that they must help to improve it.

Then with considerable drama, and not a little learning, Mr. LeCote ended his valedictory address with a reference to Polonius' advice to Laertes in "Hamlet" when he said:

> This above all: To thine ownself be true,
> And it must follow, as the night the day,
> Thou canst not then be false to any man.

It was my privilege to make a graduation address at that ceremony. I ask unanimous consent that a copy of that address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR JOSEPH S. CLARK AT TEMPLE UNIVERSITY, JULY 31, 1965

We are engaged today in a war—a war which President Johnson has described as a "total commitment to pursue victory over the most ancient of mankind's enemies."

This war is not being conducted in Vietnam. It is being waged right here in Philadelphia as well as across the entire United States.

The war on poverty, ignorance, and prejudice will take longer to win than all the foreign wars in our history put together. Its ultimate aims are to provide all our people with the opportunities which most of us take for granted—the opportunity for our people to learn; the opportunity for the able bodied to work; and the opportunity for the hungry, the sick, the ill-housed, ill-clothed, and the hopeless to live in decency and dignity and hope for the future.

These are the commitments of the Great Society—the promise to concern ourselves with the quality of life, not just the quantity of goods and services which we produce.

In the rural and small-town America of another era, it was customary for a man to help his neighbor when his neighbor's barn burned down. Neighborliness was expected, but was informal in its delivery. In the past half century, as the Nation has been urbanized, much of this neighborliness has been lost. The social scientists tell us we are alienated and remote from one another. At the same time rural simplicity has given way to urban complexity. The three R's have given way to the Ph. D., technical training, and continuing education throughout life.

We are living in a time of unparalleled prosperity. We've had 53 months of consecutive economic growth and expansion. The profits of our industry, dividends to our investors, our overall personal income, and our gross national product are all at the highest levels ever. The United States of America has half the gross national product of the whole world. But these are only a part of the picture of the Great Society—a part of which we can indeed be proud.

Yet, we still find our achievements short of our aspirations.

Nearly 5 million Americans who want to work are unable to find jobs. Others, especially many in minority groups, are working for wages too low to support their families. Nine million American families live in substandard housing. Thirty-five million Americans, a fifth of our entire population, live below the levels of a decent standard of living.

We are doing something about all this, but we must do more.

We are providing greater equality of opportunity for all. We are stimulating the capabilities of all our citizens as they grow to maturity and live out their lives. And we are searching for new dimensions of quality in all that we do. It is toward these goals of American life that the war on poverty is waged.

We are giving immediate attention to the young, the sons and daughters of the poor, who without adequate education could never break through the economic barriers which have held their parents and grandparents in poverty.

We are providing the older poor, through job training and basic education programs, the skills which they must have to secure and hold employment.

Most significant, we have mobilized the resources and talents of our cities and towns into a massive and comprehensive effort to remove poverty from our urban centers.

As your U.S. Senator, as a former mayor, and above all as one who has spent his life living and working in and for Philadelphia, I am especially proud of the job that has been done in this city in launching Philadelphia's community action program.

In the few short months since the formation of the antipoverty action committee, programs have been approved in many crucial areas. Programs to provide preschool education and day care for more than 5,000 of our youngest deprived children; programs to provide job counseling and training for 4,000 adults at Rev. Leon Sullivan's opportunities industrial center.

Programs for the development and use of city and country day camps and recreational centers by 12,000 children and a thousand families; for the acquisition and rehabilitation of 250 abandoned and vacant dwellings for lease and sale, with financial assistance, to low income families; and for the archdiocese's "Operation Discovery" to develop special skills among 400 school youths, promoting and enhancing their leadership abilities.

Philadelphia's community action program is unique in one particularly significant respect. The war on poverty is predicated upon the premise that the poor must, to the maximum feasible extent be represented as policymakers and in the implementation of community action programs.

In no other city in the country have the poor elected their own representatives to community and neighborhood antipoverty action councils. Philadelphia's 144 elected representatives are the vehicle by which the poverty war is carried to the poor and back from them to the rest of the community. They are the voice of the poor in the councils of leadership.

The success of Philadelphia's war on poverty may well depend upon the success of this new experiment in community leadership.

In another respect Philadelphia has an opportunity to demonstrate its capacity for innovation and leadership.

I refer to the need for family planning; the need—indeed, the freedom—to limit the size of one's own family—the freedom from the burden of bringing unwanted children into the world.

Statistics show that the poor are more likely than any other group to have large families. Such families exist most frequently among those who can least afford to have them. Many of their children are unwanted because they cannot be given a fair chance in life. Yet, because many of their parents do not have access to adequate birth control information and techniques, they are unable to put their desires into effect.

The Office of Economic Opportunity has funded community action program requests for family planning services in other cities, why not in Philadelphia? All that is needed is a local request for help. The need is obvious. What is wrong with our local leadership? Family planning services should be an integral part of our local war on poverty.

The Federal Government should take a more active role in this field. It must take the lead. Congress should specifically authorize, and the Office of Economic Opportunity should actively promote, the use of antipoverty funds for community action programs in family planning.

President Johnson has pledged, before the country in his state of the Union message, "to seek new ways to help deal with the explosion in world population."

On June 25, at the 20th anniversary of the United Nations, the President again reaffirmed this commitment before the world:

"Let us in all our lands," he said, "—including this one—face forthrightly the multiplying problems of our multiplying population and seek the answers to this most profound challenge to the future of the world. Let us act on the fact that less than $5 invested in population control is worth $100 invested in economic growth." Let us in Philadelphia particularly in our voluntary civic organizations take up the President's challenge.

This morning's commencement marks the completion of your training course. It marks the beginning of your work.

You need not to told, for you have learned, already, in your fieldwork, that the VISTA volunteer isn't somebody who tells people what to do.

Your task, your most difficult task, will be to open up a dialog between people, break down false barriers, and get people to talk about their own human concerns.

You have come with love, with concern for the plight of your fellow man. But above all, you come with dedication, wanting to help to try to find ways to communicate with your fellow man and to break down the false barriers of race or color or geography or social origins.

You are part of a new volunteer generation. You have responded to President Kennedy's call. You have asked "what you can do for your country"—because you feel a sense of responsibility for your fellow man.

To give freely of oneself in the service of others meets a standard of citizenship to which more of us aspire than many of us achieve.

For the past half century the concept of the "volunteer" has been emerging. At times self-righteous, at times misused by the anxious professional, and at times resented as "Lady Bountiful," the "volunteer" has come into his and her own during the present decade. The overseas Peace Corps has dramatized America's moral commitment to the rest of the world against charges of materialism. The work of these dedicated people, young and old, has been an eloquent statement of our hopes and dreams. In the last few years, thousands of college students have organized themselves in many groups to tutor the young, persuade the fearful to vote, and expand freedom for all of us. Now you, the VISTA volunteers, represent another generation of Americans who are moving out to build a better America.

Coming from diverse backgrounds and regions of this land, you have come together these past weeks to add competence to your commitment, to add understanding to your outrage, and to replace anxiety with both toughness and sensitivity. As you go out to your year of service, these traits will be your skills. With them, you can face the apathy of an urban ghetto, the empty face of an underdeveloped youngster, the hatred of men too long without hope, and the pain of the afflicted. You will serve, and you will grow, and all of us will be richer for your experience.

As you move back into your own families and communities at the end of your service, you will be different people than you were before. You will be painfully sensitive to the smugness and indifference so characteristic of too many of us. Although no longer VISTA volunteers, your dedication must continue in other forms of community service and leadership, and I include political service within that dimension. Indeed it is my hope that in addition to its immediate goal of human service, VISTA will in time to come be regarded as a significant training for lifelong community leadership.

* * * * *

I believe that we have only begun to uncover the volunteer potential of this country. In addition to the current shape of the VISTA program, I would like to see VISTA stimulate every major metropolitan center of the United States to develop a multifaceted volunteer program. Most of you are college students; there are countless others who would profit by following your example. College students in classes can give a few hours of their time each week to make a contribution, and expand their horizons at the same time.

The nature of our economy forces many citizens to retire when they are in the prime of life. Why not help them to find new meaning for their remaining years through voluntary service. The competence and wisdom of a lifetime of productive work is needed in our hospitals, schools, and neighborhoods. By volunteering within their own communities they can both serve and stay close to their families.

It is now quite clear that the war on poverty cannot be won with existing personnel. It is not a matter of money; there are just not enough people to do all of the jobs that have to be done. In addition to the young and the old, each metropolitan area should find ways to induce the competent housewife to give some of their time to voluntary service.

I have recommended this metropolitan approach for VISTA to Sargent Shriver and believe that Philadelphia, true to its traditions, will be among the first to demonstrate the usefulness of this approach.

VISTA graduates, you are starting on a career that will never be finished. It is in our American nature as a people to keep our aspirations ahead of our achievements. It is your task to help our country to achieve its aspirations. As you move through the pleasure and the pain, the joy of accomplishment and the frustration of temporary failure of the coming year, and then for the rest of your years, remember the words of Mr. Justice Holmes spoken in 1884:

"It is required of a man that he should share the action and passion of his time, at the peril of being judged not to have lived."

ADJOURNMENT

Mr. CLARK. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Tuesday, August 3, 1965, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Lest We Forget

EXTENSION OF REMARKS
OF
HON. JOHN W. McCORMACK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, August 2, 1965

Mr. McCORMACK. Mr. Speaker, in connection with the world situation that exists today, it is well for us to refresh our memory and keep definitely in mind the tragic events of only three decades ago when, due to weak leadershipship in France and Great Britain, the aggression of Nazi Germany under Hitler led to World War II with its terrible destruction of life and property.

In that period there were many who lived in "a dream world of hope." It is evident that if strong leadership existed then in Great Britain and France that World War II might have been averted.

The events that took place prior to World War II should convince any person that appeasement is the road to war, and that the calculated risks of inaction are greater and more dangerous than the calculated risks of action.

"Lest we forget" it is well for us to keep in mind facts and dates concerning the Saar, Austria, Sudetenland, and Poland which led to World War II.

THE SAAR

France, in 1934, agreed not to interfere with German activities in the Saar. Nazi propaganda, including threats and material support, was conducted during that year in the Saar, which influenced the people to such an extent that the result of the plebiscite in 1935 was an overwhelming vote in favor of the return of the Saar to Germany.

The aims of Hitler had already been known to France and England and the inaction of France could be taken as a sign of weakness, and in fact, encouraged Hitler to proceed with his plans of expansion.

AUSTRIA

Hitler proclaimed through his infamous book Mein Kampf and numerous speeches, his repudiation of the Versailles Treaty and intention of bringing all Germans under German rule. Preparations were made in 1934 for the absorption of Austria.

The assassination of Chancellor Dollfuss by an attempted putsch by the Austrian Nazis occurred in July of 1934. The putsch failed due to Mussolini who sent troops to the Austrian border to intercept any German troops that might attempt to cross into Austria.

However, in October 1936 Hitler and Mussolini signed an accord, thereby establishing the Rome-Berlin Axis. In the same year—1936—Hitler reached an agreement with Chancellor Schuschnigg. In return for Hitler's promise not to interfere in Austrian affairs, Schuschnigg would allow German social and cultural organizations to be established in Austria and that more political responsibility to Nazi sympathizers would be granted.

In 1937 Mussolini announced that Italy would no longer protect Austria against any German attempt to absorb that country.

In February 1938, due to Hitler's threats, Schuschnigg yielded to Hitler and appointed three leading members of the Austrian Nazi Party to the posts of Minister of Interior, Minister of Justice, and Minister of Foreign Affairs.

The Austrian Chancellor announced on March 9, 1938, that a plebiscite would be held to determine whether the Austrian people wished to maintain their independence or become annexed to Germany.

On March 11, 1938, the Austrian Nazi leader, Seyss-Inquart, demanded Chancellor Schuschnigg's resignation and postponement of the plebiscite. This demand was backed up with a threat of invasion by German troops mobilized on the Austrian border.

Schuschnigg resigned and canceled the plebiscite. Seyss-Inquart became Chancellor and at once invited the German Government to send troops into Austria to preserve order.

On March 13, 1938, the German Government issued a decree that declared Austria to be a state of the German Reich, although union between Austria and Germany was forbidden by the Treaty of Versailles.

England and France formally protested the absorption of Austria but did nothing to preserve Austria's independence.

Thus, the annexation became complete without one of the Allied countries offering any assistance whatever.

With the annexation of Austria, the Czechoslovakian fortifications on the German frontier could be outflanked, thereby weakening any resistance to Hitler's plans for his next move, the absorption of a region in western Czechoslovakia—the Sudetenland.

Three million Germans lived in the Sudetenland and, of course, were under the jurisdiction of the Czech Government. The demands of the Sudeten German Nazi leaders with the full support of Hitler steadily became more increasing. In 1938 the demand for autonomy gave way to a demand for self-determination and union with Germany.

Notwithstanding France's military alliance with Czechoslovakia, the French and British Governments urged the Czech Government to make all possible concessions to the Sudeten Germans.

Following an interview on September 15 between Prime Minister Chamberlain of Great Britain and Hitler, the British and French Governments served what amounted to an ultimatum on Czechoslovakia—that is, to cede all areas under Czechoslovakian jurisdiction where the populations was more than 50 percent German. Both governments further indicated, if Czechoslovakia refused these concessions, they could not promise any aid.

The Czech Government capitulated and on October 1, 1938, Germans troops marched into the Sudetenland.

In March 1939 Hitler absorbed Czechoslovakia and the Slovak states in direct violation of the Munich agreement while France and Britain stood by, making no attempt to assist Czechoslovakia.

POLAND

Britain and France announced they would come to the aid of Poland on March 31, 1939, if Poland's independence were threatened. This guarantee was extended to Greece and Rumania following Mussolini's seizure of Albania in April.

In the same month, Britain and France opened discussions with the Soviet Union for the purpose of concluding a mutual assistance pact. The Soviet Union, in the meantime, entered into a nonaggression pact with Germany. On August 23, 1939, the nonaggression pact was signed between Germany and Russia with an accompanying secret protocol.

According to the terms of the protocol, Eastern Europe was to be divided into German and Russian spheres, the Russian sphere including Finland, Latvia, Estonia, and parts of Poland and Rumania.

In the spring of 1939 Hitler demanded the return of Danzig to Germany. On August 29, 1939, Germany served in ultimatum on Poland demanding extraterritorial rights in the Polish Corridor. Poland was willing to discuss the issue, but Hitler regarded anything other than complete capitulation as unsatisfactory.

On September 1, 1939, the German motorized armies invaded Poland preceded by the bombings of Polish cities by the German air force.

The Soviet armies advanced into Poland from the east on September 17, 1939. This turn of events ended the last hope of aid from Britain and France reaching Poland in time.

The conquest of Poland by the German army was over in less than 4 weeks.

Britain and France, in accordance with their pledge to Poland, declared war on Germany on September 3, 1939. However, it was too late to halt the German armies, and one country after another was conquered until Nazi rule extended from the Atlantic to the Volga.

ADDITIONAL FACTS

Hitler announced rearmament of Germany on March 16, 1935, and compulsory military training for male Germans. Britain, France and Italy protested and the League of Nations condemned these violations of the Versailles Treaty. No action was taken, however, to prevent these violations.

The Nazi government had been encouraged to take these steps due to the weakness of the League of Nations and responsible statesmen of the leading powers in allowing Japan to seize Manchuria in 1931–32 and the aggression by

Italy against the independence of Ethiopia in 1935–36.

No action having been taken to halt these aggressions, Hitler sent 20,000 troops into the Rhineland. Despite this violation of the Locarno Treaty, France and Britain took no action to eject the German troops from this demilitarized zone, and the erection of Nazi fortifications, in the Rhineland, was at once begun.

Notwithstanding the condemnation of Italy's seizure of Ethiopia by the League of Nations, and certain sanctions imposed upon Italy, Britain and France made many concessions to Mussolini and refused to impose oil sanctions upon the Italian Government. In July of 1936 the League of Nations voted to end sanctions against Italy. Hitler, in the meantime, stood by and watched all opposition to Italy's aggression collapse.

Hitler and Mussolini signed an accord, in October 1936, which established the Rome-Berlin Axis. In 1937, Mussolini announced that the Italian Government would not assist Austria in the event there was any attempt by Germany to absorb that nation. This removed an important obstacle to Hitler's conquest of Austria.

The consistent policies of appeasement by Britain, France, and the free nations of Europe aided and assisted Hitler and Mussolini in their ruthless violations of treaties and their brutal conquests and enslavement of one country after another.

When Britain and France declared war on Germany at the time of her entry into Poland, it was too late to stem the flow of the German armies and thus the world witnessed the second greatest war within a quarter of a century.

Salute to Jamaica

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1965

Mr. POWELL. Mr. Speaker, today August 2, Jamaica celebrates the third anniversary of her independence. On this occasion, therefore, I wish to extend warm felicitations to His Excellency Alexander Bustamente, the Prime Minister of Jamaica; and to His Excellency Sir Neville Noel Ashenheim, the Jamaican Ambassador to the United States.

Jamaica's emergence from British colonial status into independence made her the first new state in the Western Hemisphere since the beginning of this century and the 14th member of the Commonwealth. Jamaica is a stable multiracial society with a history of democratic institutions. The Jamaican Government's efforts to industrialize were called laudatory in an article which appeared in the New York Times in January of this year.

To overcome the most pressing problems—a lack of investment capital and technical know-how—the Government offers incentives to new enterprises. The incentive law permits duty-free imports of machinery for manufacturing plants and of raw materials for products earmarked for export. One hundred and fifty of the 1,000 plants operating on the island came into being with the help of the incentive laws. The incentive program was aided by Jamaica's stable currency.

Of the $179 million the Government expects to spend in fiscal 1964–65, no less than $48 million is being poured into the economic-development program. This sum was decided on to help the gross national product grow by about 5 percent each year. Such a growth rate would be sufficient to increase the per capita income to $413 by 1967.

I referred to Jamaica's tradition of parliamentary democracy. To be more specific, I should say that Jamaica possesses a stable two-party system. Both party leaders are moderately left of center and party alinements are not based on racial factors.

Shortly after independence the Jamaicans drew up a 5-year independence plan. It is especially significant because it discusses political and social as well as economic goals and plans. I should like, in conclusion, to quote from Jamaica's plan, which is to extend until 1968:

> Present-day Jamaica is a microcosm of the world, mixing many of its peoples, having many of its problems, some of its fortunes, and endeavoring to answer the question that must concern every country today, large or small, namely: Can a small country achieve and maintain at once, parliamentary democracy, economic viability, and social justice?

The Independence Day of Dahomey

EXTENSION OF REMARKS

OF

HON. PAUL H. TODD, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1965

Mr. TODD. Mr. Speaker, on August 1, the Republic of Dahomey celebrated the fifth anniversary of its independence. The day was one of double national pride, for the people of Dahomey are not only commemorating 5 years of independence, but they are also dedicating the new port of Cotonou. On this occasion, I feel it appropriate to extend the congratulations and best wishes of the House to the Government, and people of the Republic of Dahomey.

The inauguration of the port is a fitting landmark to celebrate 5 years of national freedom. The opening of this deep-water facility signifies that Dahomey is making impressive progress in economic development. Now there is every reason to expect that Cotonou will become a growing center of transportation and commerce. Already a leader among west African nations for its level of education, Dahomey is now equipped to assume a position of growing importance in the field of transportation.

It is also fitting on this occasion, Mr. Speaker, to recall the development projects which have grown out of the cooperation between our countries. The United States, itself once a recipient of foreign technical and capital assistance, knows the value and importance of a nation's own contribution to its growth. In this spirit, we have supported Dahomean programs in agricultural training, highway improvement, telecommunications, and public health. The distinguished Dahomean Ambassador, His Excellency Louis Ignacio-Pinto, has done much to establish and maintain these friendly, cooperative relations between Dahomey and the United States.

When Dahomey gained full independence 5 years ago, many of us had mixed feelings of concern and hope. The turbulent years of the 1960's are trying times for any nation, especially so for a young one. But the hope that the spirit of youth and freedom would provide the strength for survival and growth has been justified. That same spirit enables the people of Dahomey to look to the future with confidence.

International Youth Leadership Training Course

EXTENSION OF REMARKS

OF

HON. THOMAS C. McGRATH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1965

Mr. McGRATH. Mr. Speaker, there is presently in progress at Camp Thunderbird, N. Mex., one of the most unique and important "people to people" programs in which Americans have ever been engaged. It is the international youth leadership training course, in which 40 young leaders from 15 nations in Asia, Africa, and Latin America are being taught the essentials of directing national youth-work programs.

The international youth leadership course has been established under the auspices of Sports International and Youth for Development, a private, nonprofit organization dedicated to fostering youth development on an international level through youth leadership and sports training programs.

I am proud to note that the founder and director of Sports International and Youth for Development is a constituent of mine in New Jersey's Second District, Dr. David Dichter, of Atlantic City, a former athlete and former U.S. Information Agency officer. Since its incorporation in Febuary 1963, Sports International and Youth for Development has been about the important work of exchanging athletic and youth leadership know-how quietly and without fanfare.

Sports International and Youth for Development has sponsored annual programs for foreign track and field athletes who visited the United States to "learn by doing" at American colleges, universities, and high schools. These programs, cosponsored by the host institutions and the U.S. Department of State, have proven of great benefit to the foreign trainees and have resulted in tangible improvements of the U.S. image in participating countries, Dr. Dichter reports. In helping emerging nations achieve the pride of nationalism without hostility, the programs help make clear that there is no inbred Western superiority in athletics—that excellence is achieved through hard work.

A variety of programs has been launched by Sports International and Youth for Development in its relatively short existence and still other, even more far reaching, are contemplated. But the international youth leadership training course underway in New Mexico is truly worthy of attention, I feel.

While the United States has long recognized the importance of individual initiative and dynamic leadership in national life, the international youth leadership training course is the first program of its kind to develop self-reliance, initiative, and confidence in foreign youth leaders.

Since World War II ended, there has been a growing interest among newly independent and developing nations in utilizing their young people for national development work. Youth of these nations now play important roles in many nation-building tasks. Sports International and Youth for Development feels it is essential that their youth leaders be able to cope with critical economic problems they face, such as rural backwardness, rapid urban growth, and serious underemployment. The IYLTC was devised to provide exactly such preparation.

"Learn by doing" is the program's underlying philosophy. Its threefold program includes classroom instruction on the role and mission of a youth leader; technical instruction on such actual work projects as building roads, laying telephone lines, rearing fish in ponds as a food source, building small dams and schools, and so forth; and instruction on how to utilize the physical challenge of outdoor living in developing confidence.

After completing a 3-month course in New Mexico, the foreign leaders should have mastered many basic construction skills, be competent physical fitness instructors, and possess necessary self-confidence to effectively administer national youth service corps programs. Not only will they be competent organizers, skilled in imparting discipline and espirit de corps, but by their example they will also foster better citizenship in their own young people.

The program's instructors are among the world's most experienced and respected in the youth leadership training field. They include the former director of a Peace Corps training camp in Puerto Rico, a national official of England's Outdoor Activities Council, the Peace Corps director in Guatemala, and a former director of the Agency for International Development's youth conservation program in Turkey. They are joined by experts from the U.S. Forestry Service, the Soil Conservation Service, the Bureau of Fisheries and Wildlife, CARE, "Food for Peace," and the Population Council.

Because of its immediate practical nature, this Sports International and Youth for Development program will doubtless enjoy widespread applicability in the nations of the participants. As the 40 youth leaders who are spending the summer in New Mexico put into practice the experience they are acquiring, the International Youth Leadership Training Course will amply demonstrate its effectiveness as a vehicle for harnessing the energy and enthusiasm of youth in Asia, Africa and Latin America for productive, nation-building tasks.

At the same time, Mr. Speaker, I feel this program is a tribute to the willingness and ability of American citizens to dig in and do something to improve conditions in other parts of the world on a private basis and at a people-to-people level. Dr. Dichter and his colleagues deserve the admiration of all Americans.

The Warsaw Uprising

EXTENSION OF REMARKS

OF

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1965

Mr. ROONEY of New York. Mr. Speaker, I feel that the Members of this body and all Americans should be reminded that August 1, designated Warsaw Uprising Day, marks the 21st anniversary of the historic act of Polish patriots to liberate their capital, the city of Warsaw, from its cruel and inhuman Nazi occupiers.

In President Lyndon B. Johnson's impressive proclamation of last year, designating August 1 as Warsaw Uprising Day, the President acted on the premise that the American people regard the actions of the Polish patriots in the Warsaw uprising as a great manifestation of bravery and devotion to home and country. He urged that this historic effort should serve to inspire people everywhere to rededicate themselves to the cause of freedom and justice.

Mr. Speaker, the words of our President are just as meaningful a year later as they were when proclaimed. The importance of being reminded of the valiant and heroic efforts of a captive nation to overthrow its oppressors is vital to all of us living in the free world today.

Today the Nazi occupiers are but a recorded historic failure, but the memory of their cruelty, their arrogance and their lack of interest in humanity is as vivid as it was a score of years ago. Unfortunately the patriots of Poland who survived the punishments meted out by the Nazis to the Polish people, whether actually participating in the uprising or not, were not to enjoy freedom when the Nazi forces were finally subdued.

All too soon a new and sinister force took over the destiny of Poland and subjected its freedom-loving people to a life of privation and servitude under Communist leadership as bad as that of the Nazis.

Today the Polish people are still denied the right of self-determination. Today as in 1944 they are subject to the whims of an alien master. Today their lives are still regulated and nonconformity assures a swift and dire punishment.

So, Mr. Speaker, on this day 21 years after one of the greatest displays of a people's courage ever recorded anywhere on the pages of history, we must remind ourselves that the Polish people like all the people behind the curtains and the wall erected by Communist dictatorship are still held captive. They are held in bondage by those whose power can only be maintained as long as there are no free elections and no toleration of the people's voice and will.

On this day we pray that soon the conditions of the world may be such that those who love freedom may be able to assert themselves to the extent that domination of the weak by stronger, foreign powers will end and that all men may choose their own leaders, pursue their own choice of occupation, worship how and as they please, and be assured of living in peace and security. This goal to the pessimist is an impossibility; to the optimist a golden era; but to us as Americans it is but the practical attainment by the people of the world of but a fraction of what we in America have long enjoyed. May this anniversary remind us of our obligations as Americans and help us to rededicate ourselves to the attainment, worldwide, of liberty and justice for all.

Dahomey Celebrates Independence

EXTENSION OF REMARKS

OF

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1965

Mr. COHELAN. Mr. Speaker, I rise today to congratulate the Republic of Dahomey which celebrated its fifth anniversary of independence on Sunday, August 1.

Located in former French West Africa, Dahomey has a population of 2 million people, and an area of 44,000 square miles. The capital of Dahomey is Porto Novo.

The theme of Dahomey is economic progress, guided by President Sourou-Migan Apithy and the National Assembly. Dahomey's main exports are palm products and coffee. A 272-mile railroad connects the central city of Parakou with the coastal city of Cotonou, where a new $25 million artificial port is under construction.

In 1958, the Fifth French Republic made Dahomey an autonomous member of the French Community. On August 1, 1960, Dahomey achieved independence, and by September, was admitted to the United Nations. Dahomey belongs to the Organization of African

Unity, the African and Malagasy Union, and to the Council of the Entente.

I take great pride, Mr. Speaker, in congratulating the Republic of Dahomey on 5 years of independence and progress.

Profiles in Wyoming Greatness

EXTENSION OF REMARKS

OF

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1965

Mr. RONCALIO. Mr. Speaker, in commemoration of Wyoming's 75th anniversary of statehood, the following article is the third in my series on famous Wyoming citizens. Prior articles dealt with Joseph M. Carey and Francis E. Warren:

JOHN B. KENDRICK

A Democrat in politics, a cowboy for the love of it, and a millionaire in lands and cattle, John Benjamin Kendrick was often called the most popular man in Wyoming. Born in Cherokee County, Tex., on September 6, 1857, he went to grammar school at Florence, Tex., but educational facilities in those Civil War days were meager.

A cowboy from the age of 16, young Kendrick had only a will to work when he drove cattle from Matagordo Bay on the Gulf of Mexico to the Running Water River in northeastern Wyoming in 1879. The journey took 5 months and covered 1,500 miles.

UNTYPICAL COWPOKE OF HIS DAY

Unlike some cowboys, Kendrick avoided the saloons and gambling halls, choosing to study grammar, arithmetic, and history until he dozed off after a hard day's work.

He married his boss' daughter, Miss Eula Wulfjen, who taught school at Greeley, Colo. They settled at the O.W. Ranch, in Wyoming's Hanging Woman country. Mr. Kendrick had saved $150 on the trip from Texas and invested it in a small herd of cattle, establishing his own ranch. He drove the cattle 200 miles to the railroad in South Dakota. Later, the drive was reduced to 115 miles to cattle cars at Gillette.

THE COWBOY'S FRIEND

After the small start, the ranch gradually became a domain, but Kendrick never deserted his friends of earlier days. The cowboys knew, liked, and trusted him to such an extent that he became a youthful patriarch to the carefree ranch hands.

In 1910, he was elected a member of the Wyoming Senate and then elected Governor of Wyoming for the term 1915–19. In the primaries of 1916, Wyoming voters disregarded the name of the official candidate for the U.S. Senate and wrote in the name of Governor Kendrick, whose popularity was such that he was elected, and reelected for the second and third terms.

OUTSTANDING STAFF

John B. Kendrick did more to shape the future of Wyoming's Democratic Party than any other person in its history. During his term of Governor, he encouraged participation in political activity of a young newspaperman, Joseph C. O'Mahoney, who had just come West with a consumptive brother from Chelsea, Mass., hoping to find relief for the brother's tuberculosis. Kendrick took a liking to the young man and upon his election to the Senate, offered a position on his staff to O'Mahoney. This in turn made possible Joe O'Mahoney's education and launched his great career.

Another young news reporter and student in Wyoming those days was a redheaded young Scotsman named Tracy Stephen McCracken. He also was encouraged to political activity, and was hired as newspaperman on Senator Kendrick's staff following graduation from the University of Wyoming.

Senator Kendrick worked energetically in Washington to curb the power of big meatpackers. In 1919, he demanded Federal supervision of the meatpacking industry to reduce the high cost of living. His efforts resulted in passage of the Kenyon-Kendrick bill early in 1920.

EXPOSED TEAPOT DOME AFFAIR

When the Teapot Dome affair began, Senator Kendrick called for an investigation and made important revelations which resulted in the late Senator Walsh's historic report on the scandal.

During his later years in the Senate he worked tirelessly for the $23 million Casper-Alcova reclamation project which finally was approved by the Public Works Administration in the advent of the New Deal.

When Congress wasn't in session, he would return to his home in Sheridan, supervising his lands and cattle, more at home in the saddle than in the senatorial armchair. He had been president of the Wyoming State Cattlemen's Association and a president of the National Cattlemen's Association.

The Senator's daughter married the late Gen. Hubert Harmon, one of the first Commandants of the U.S. Air Force Academy. Mrs. Harmon is the mother of a son, Kendrick, and a daughter, Eula. The Senator's son and daughter-in-law, Mr. and Mrs. Manville Kendrick, are the parents of a son, John III.

Partisan politics were minimal where Senator Kendrick was concerned. From all parts of the State his constituents, Republicans and Democrats alike, supported him in Washington.

So great was his following that in the months before his death on November 3, 1933, there was talk of putting him in the Senate by acclamation for his next term. Republican newspapers and party leaders discussed the possibility that no opponent would be nominated for the fall senatorial election.

Through a combination of initiative, diligence, and personal integrity, Senator Kendrick arose from humble origins as an uneducated cowboy to a place in history as one of our country's great leaders.

Through his appeal to men and women in all walks of life, Senator Kendrick made an everlasting contribution toward realizing the concept of true representative government.

SENATE

TUESDAY, AUGUST 3, 1965

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of our salvation, whose ear is always open to the yearning cry of contrite hearts, our voice shalt Thou hear in the morning, O God. In the morning will we direct our prayer unto Thee and look up. To Thee, unto whom all hearts are open, we bring our inmost selves, cluttered and confused, where the good and evil, the petty and the great, the wheat and the tares, are so entwined.

Yet, with all the strange mixture of our desires and motives Thou knowest what, at our best, we long to do and be. In prayer we stand on the summit of our aspirations with far horizons of our high calling stretching before our plodding feet. It is there as we lift the petition, "Thy kingdom come," that there is kindled within us the burning passion that it may come through us and that, with all our frailties Thou wilt empower us as heralds of good will across all the frowning barriers of race and creed to make some contribution before our brief day ebbs out, to the glad time now on the way, when justice and mutual understanding shall engirdle this worn and weary earth so plagued by man's inhumanity to man.

We ask it in the name of the Redeemer whose kingdom has no frontiers. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 2, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on July 30, 1965, the President had approved and signed the following acts:

S. 26. An act to authorize the Secretary of the Interior to acquire lands for, and to develop, operate, and maintain the Golden Spike National Historic Site; and

S. 627. An act to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes.

REPORT OF THE ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 253)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

By Public Law 88–609, I was authorized to appoint five men from private life to make a full study of the most suitable site for, and best means of constructing, a sea-level canal connecting the Atlantic and Pacific Oceans. On April 18, 1965, I appointed five distinguished American citizens to serve on the Atlantic-Pacific Interoceanic Canal Commission. They are: Robert B. Anderson, Chairman; Robert G. Storey, Vice Chairman; Milton S. Eisenhower, Kenneth E. Fields, and Raymond A. Hill.

The Commission immediately set about its difficult and complicated mission. The initial phase of its work has been to develop a program of investigations covering the many aspects of the construction of a sea-level canal. It has selected the Chief of Engineers, U.S.

Army, to conduct the engineering feasibility study under the direction of the Commission. The Commission will soon call upon other Government and private agencies to carry out additional studies to aid in assessing the broad national and international implications of a sea-level canal. By early next year the Commission expects to begin on-site surveys of possible canal routes. The Commission is also contemplating a trip to Panama in the near future to study at first hand the present Canal Zone and another possible canal route in Panama's Darien Province. I am highly gratified by the progress made by the Commission, under the able leadership of Mr. Anderson, during the short period that it has been working.

The Commission has requested the Congress to appropriate sufficient funds in fiscal year 1966 to initiate investigations on the most promising sea-level canal routes. On-site surveys would begin in January, with the next annual dry season on the isthmus. I recommend prompt action on the request in order that the Commission be in a position to initiate this important aspect of its work during this 4-month period of favorable weather conditions.

Under the terms of the authorizing legislation, the Commission is required to report to me on its progress for transmittal to the Congress on July 31 of each year and to make its final report not later than June 30, 1968. I take pleasure in submitting the first annual report of the Commission.

In forwarding this report to the Congress, I wish to reiterate the importance which I attach to pressing forward with plans and preparations for a sea-level canal. I think this is needed for the protection and promotion of peaceful trade, as well as for the welfare of the hemisphere. It is needed in the true interests of the United States and in fairness and justice to all.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *July 31, 1965*.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolution of the Senate:

S. 579. An act for the relief of the State of New Hampshire; and

S.J. Res. 56. Joint resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson.

The message also announced that the House had passed the joint resolution (S.J. Res. 81) to authorize the Secretary of Commerce to apportion the sum authorized for the fiscal year ending June 30, 1967, for the National System of Interstate and Defense Highways, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 136. An act to amend sections 1, 17a, 64a(5), 67(b), 67c, and 70c of the Bankruptcy Act, and for other purposes;

H.R. 790. An act to rename a lock of the Cross-Florida Barge Canal the "R. N. Bert Dosh lock";

H.R. 3039. An act to amend section 1006 of title 37, United States Code, to authorize the Secretary concerned, under certain conditions, to make payment of pay and allowances to members of an armed force under his jurisdiction before the end of the pay period for which such payment is due;

H.R. 4905. An act to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.;

H.R. 7755. An act to amend section 633 of title 28, United States Code, prescribing fees of U.S. commissioners; and

H.R. 8027. An act to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 136. An act to amend sections 1, 17a, 64a(5), 67(b), 67c, and 70c of the Bankruptcy Act, and for other purposes; to the Committee on Finance.

H.R. 790. An act to rename a lock of the Cross-Florida Barge Canal the "R. N. Bert Dosh lock"; to the Committee on Public Works.

H.R. 3039. An act to amend section 1006 of title 37, United States Code, to authorize the Secretary concerned, under certain conditions, to make payment of pay and allowances to members of an armed force under his jurisdiction before the end of the pay period for which such payment is due; and

H.R. 4905. An act to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.; to the Committee on Armed Services.

H.R. 7755. An act to amend section 633 of title 28, United States Code, prescribing fees of U.S. commissioners; and

H.R. 8027. An act to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes; to the Committee on the Judiciary.

HERBERT HOOVER NATIONAL HISTORICAL SITE, IOWA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 498, H.R. 8111.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8111) to establish the Herbert Hoover National Historical Site in the State of Iowa.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 515), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 8111, is to provide for the creation of the Herbert Hoover National Historic Site and for its administration by the Secretary of the Interior as a unit of the national park system. A similar measure, S. 810, was introduced in the Senate by Senator MILLER, for himself and Senator HICKENLOOPER. Hearings were conducted on both bills.

NEED

Herbert Clark Hoover, 31st President of the United States, was born August 10, 1874, in a two-room cottage on the site in West Branch, Iowa. He spent the first years of his life there and his and Mrs. Hoover's graves are on the site. The cottage in which he was born is still standing. It has been fully restored and houses family pieces and other furniture of the period. A replica of his father's blacksmith shop is also on the site, as is the modern Herbert Hoover Library in which are kept his Presidential papers and a number of other memorabilia from his long career as an engineer, translator (with Mrs. Hoover) of Agricola's "De Re Metallica," relief administrator in Belgium, Secretary of Commerce, and elder statesman.

The proposal under the bill is to set aside approximately 200 acres of land in order to preserve, as far as possible, the setting of the Hoover cottage, blacksmith shop, library, and graves. Twenty-eight of these acres are already owned by the United States and administered by the General Services Administration. The Hoover Birthplace Foundation owns another 6½ acres and has acquired scenic easements on 15 more.

The plan for development of the site so that it can be fully appreciated by the visiting public includes the building of a small visitor center, provision of adequate parking space, rerouting of a city street in order to eliminate vehicular traffic immediately in front of the cottage, and refurbishing certain older houses in the area as needed to preserve the atmosphere of the site. The library will continue to be administered by the General Services Administration, but provision is made in the bill for a cooperative agreement betwen the Administration and the Secretary of the Interior for transfer to the latter of land not needed for use in connection with the library and for use by the General Services Administration, in accordance with terms to be agreed upon, of facilities constructed by the Secretary.

The Committee on Interior and Insular Affairs is unanimous in its belief that the creation of the Herbert Hoover National Historic Site is a worthy proposal, that the historic site will be a worthwhile addition to the national park system, and that the Nation will be honoring itself in showing its continued respect for a great American.

Mr. HICKENLOOPER. Mr. President, this bill is of interest to the Nation and it is of special interest to the State of Iowa.

The bill provides legislation for the further development and maintenance of the Herbert Hoover birthplace site in

West Branch, Iowa. A great deal of work has already been done on this project.

The West Branch Heritage Foundation, the Cedar County Historical Society in Cedar County, Iowa, and various other groups have done a great deal toward rehabilitation and development of this site.

This bill, so far as I know, has the unanimous approval of the committees of both the House of Representatives and the Senate.

My colleague, the junior Senator from Iowa [Mr. Miller] and I introduced a bill on the subject some time ago in the Senate.

The bill before the Senate is not exactly the same bill that we introduced, and it is not exactly the same bill originally introduced in the House, but it has been considered meticulously by the committees of both Houses and has had the full cooperative assistance of the Department of the Interior and the administration.

The plans and specifications have been filed and well understood, and, as I have said, I know of no objection to the measure. I am sure that there is a great deal of enthusiasm and approval of the program at this time. The bill will accomplish its objective to the satisfaction of the people, the Hoover family, the Hoover Foundation, the West Branch Heritage Foundation, the Cedar County Historical Society, and all other elements involved in this development.

I do not wish to take the time of the Senate any further in discussing this bill. It has already passed the House of Representatives, and remains to be passed by the Senate at this time.

I invite attention to the fact that on the 10th of August 1965, a special Herbert Hoover commemorative stamp will be issued in West Branch, Iowa, through the post office there, as I understand it, and ceremonies will be conducted there in commemoration of the issuance of this stamp.

Mr. MANSFIELD. Mr. President, this is a very worthwhile effort in behalf of a great American and I join the Senator from Iowa in the statement which he just made.

Mr. HICKENLOOPER. I thank the Senator.

Mr. President, my colleague, the junior Senator from Iowa [Mr. Miller], is unavoidably absent, although he desired to be present. I ask unanimous consent that a short statement he prepared on this bill be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Miller

Senator Hickenlooper and I introduced S. 810 on January 28 of this year for the purposes covered by the pending bill.

Our bill was introduced at the request of the Herbert Hoover Birthplace Foundation, which had been working closely with the Hoover family, with the city officials of West Branch, Iowa, and county officials of Cedar County, with the West Branch Heritage Foundation, and with the Cedar County Historical Society.

I pointed out at the time the bill was introduced on January 28 (p. 1465 of the Congressional Record) that considerable work had been done by the foundation in reviewing the properties available and in coordinating the program with other interested groups.

The witnesses and testimony in behalf of our bill during the hearings conducted on June 7 were impressive. Probably the finest thing that can be said about them is that they all paid tribute in a most objective way to one of our great Presidents.

I am pleased to note that during our White House visit with President Johnson, he indicated the fullest support for this project. Officials from the Budget Bureau and the Department of the Interior have been most cooperative.

The bill before us satisfied the recommendations made by the witnesses who testified in behalf of our bill and the requirements of the Interior Department. Although it is not the same one as that introduced by Senator Hickenlooper and me (S. 810), having been introduced several months after ours, the important point is that it will get the job done. I am more interested in getting the job done than I am in whose name appears as a sponsor of the bill which becomes law. The people we represent well know of our work in behalf of this project, and their appreciation of our efforts is sufficient praise.

The PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

DEVELOPMENT OF ELLIS ISLAND AS A PART OF THE STATUE OF LIBERTY NATIONAL MONUMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 491, Senate Joint Resolution 79.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The Legislative Clerk. A joint resolution (S.J. Res. 79) to provide for the development of Ellis Island as a part of the Statue of Liberty National Monument and for other purposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment to strike out all after the resolving clause and insert:

That there are hereby authorized to be appropriated such funds, but not more than $6,000,000, as may be required to develop Ellis Island as a part of the Statue of Liberty National Monument, but not more than $3,000,000 shall be appropriated during the first five years following enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report of the Committee on Interior and Insular Affairs (No. 508), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of Senate Joint Resolution 79 is to authorize the appropriation of the funds necessary to develop Ellis Island as a unit of the Statue of Liberty National Monument.

NEED

On May 11, 1965, the President, acting under authority of the act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), proclaimed Ellis Island a part of the Statue of Liberty National Monument. The Presidential proclamation, a copy of which is attached to this report, provided that the Department of the Interior should expend no funds appropriated for the administration of the national monument to develop Ellis Island until appropriate legislation had been enacted. House Joint Resolution 454 was introduced in response to this provision of the proclamation.

Ellis Island, situated in New York Harbor 1 mile from the tip of lower Manhattan, 1,300 feet from the New Jersey shore, and 2,300 feet from Liberty Island, has been in Federal possession since 1800. Originally 3½ acres in size it has been enlarged from time to time until it now consists of 27½ acres. Its most famous role was played during the years 1892–1954 when it served as the great point of entry for millions of the immigrants who were then coming to the United States. In earlier times it had served as a place for the execution of pirates, as a part of the New York Harbor fortifications, and as a naval gunpowder magazine. It was an internment center during World War I and a place of detention for enemy nationals during World War II. Since 1954 it has been unused. Many suggestions have been made for its development (see the report of the Senate Committee on Government Operations entitled "Disposal of Ellis Island" (S. Rept. No. 306, 89th Cong.)), but none has received as wide support as has the proposal to retain it in Federal ownership and to develop it as a part of the national park system.

The plan of the National Park Service is to rehabilitate the main immigration building for use as a public museum, to rehabilitate one or two other smaller buildings for administrative use, to remove all or nearly all the other structures now on the island, to restore the ferry basin, seawall, and utilities, to landscape the grounds for public park use with emphasis through sculpture and otherwise on the importance in history of Ellis Island, and to provide (probably through a concessioner) a restaurant and similar facilities for the visiting public. It may also be that, eventually, a walkway will be provided to connect the island with the New Jersey shore. This will be particularly desirable if the plans which New Jersey has for rehabilitating the Jersey City waterfront and developing it into a public park materialize, but plans for such a walkway have not yet been fully formulated. While part of this development work can be accomplished through the use of Job Corps members, the entire undertaking is obviously too large to be handled this way and enactment of House Joint Resolution 454 is therefore needed.

The committee agreed to the House action in limiting the amount authorized to be appropriated to $6 million in all, with a $3 million limit on funds for the first 5 years of the program. The Ellis Island facilities will be subject to the fee provisions of the Land and Water Conservation Fund Act of 1965 and any fees that are charged will be covered into the fund.

Mr. WILLIAMS of New Jersey. Mr. President, the purpose of Senate Joint Resolution 79 is to set aside Ellis Island as part of the Statue of Liberty National Monument complex with the long range prospect of creating an impressive and meaningful approach to New York and New Jersey harbors.

The controversy over the final disposition of the 27.5 acre Ellis Island tract has been long and sometimes bitter. It is my hope that we will reach a solution by enacting this legislation. It is only fitting that we provide some monument for those that have given so much to this country. The more than 16 million immigrants who passed through the Ellis Island station between 1892 and 1954 have given of themselves to make this country grow and prosper.

The establishment of a national memorial on this island will serve to beautify the entire approach of New York bay.

In my own State, plans are already under way to construct a waterfront park across from this island. I am sure that many other areas in New York and New Jersey will follow the lead that we now set in creating areas of true beauty.

It is necessary for us to act with determination and speed so that the monument to these citizens may inspire our country in growth and freedom. The accomplishments of these people are legion. It is only fitting that we take steps to create a monument to the first landing place for over 70 percent of our immigrants. Just as the Pilgrims are remembered at Plymouth Rock for their first steps on a new soil so we must pay tribute to our 20th century voyagers whose skills and determination have contributed so much to this country.

The conversion of Ellis Island into a national park site is a fitting tribute to the immigrants of all nations. I can think of no better place for the establishment of such a memorial than in the shadow of the world's capital the New York-New Jersey complex. This area has become the home for many of these immigrants. The contributions of these people are all around us. It seems only just that the cities that they helped build should look down upon this island as a living memorial of their hardships and efforts.

I am sure that everyone here is aware of the changing face of the American composite. We are no longer a Nation of purely Anglo-Saxon heritage.

The term "melting pot" does not adequately describe the contributions that our immigrants have made to the development of this Nation. That term carries the connotation of a blending—a sameness. This is not our America of today.

The genius of this people has always been our individuality. The basis of this individuality is the premium that we place on human dignity and there is no racial or ethnic common denominator for dignity. Each people has its proud origins, each its special talents. We have not "melted" these qualities into a stereotype of the average American, but rather accepted the uniqueness of each nationality to compose our one nationality.

The accomplishments of our diverse citizens must be memorialized. It is our duty to insure that our heritage is not forgotten. Ellis Island is where American life began for so many of our citizens, and we are duty bound to maintain a symbol of that beginning as an inspiration for the future.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed, as follows:

> Whereas the President of the United States has by proclamation added Ellis Island to the Statue of Liberty National Monument, and
>
> Whereas the Presidential proclamation prohibits the use of funds appropriated to the Department of the Interior for the development of Ellis Island unless otherwise authorized by Act of Congress: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there are hereby authorized to be appropriated such funds, but not more than $6,000,000, as may be required to develop Ellis Island as a part of the Statue of Libery National Monument, but not more than $3,000,000 shall be appropriated during the first five years following enactment of this Act.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Senate reconsider the action by which Senate Joint Resolution 79 was passed. An identical resolution, House Joint Resolution 454, has been referred to the Interior Committee and to preclude the necessity of the House acting on this identical measure a second time it is my intention to ask the Senate to pass the House resolution which as I said is identical to the resolution of the Senator from New Jersey [Mr. Williams]. I have cleared this procedure with the Senator from New Jersey [Mr. Williams].

The PRESIDING OFFICER (Mr. Tydings in the chair). Is there objection? The Chair hears none and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of House Joint Resolution 454, a companion and identical resolution to Senate Joint Resolution 79.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 454.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The Legislative Clerk. A joint resolution (H.J. Res. 454) to provide for the development of Ellis Island as a part of the Statue of Liberty National Monument, and for other purposes.

Mr. JAVITS. Mr. President, I am pleased that the matter of the disposition of Ellis Island will be finally settled with the passage of this joint resolution.

Over the years, this island—which holds such an honored place in the history of the Nation—has been the subject of study and controversy, and many alternatives have been proposed for its use since it ceased to be the immigration reception center for the east coast. Lying at the entrance to New York Harbor, it is in an ideal location for any one of a number of projects—a great memorial, a university, a housing development, a hospital—all of which, have, at one time or another been considered by the Federal Government. But the plan upon which we have now settled is by far the most suitable. Ellis Island will be developed as part of the Statute of Liberty National Monument; a museum will be built on the island and park land landscaped and developed. It is hoped eventually, that the island will be connected by walkway or causeway with the proposed Jersey City waterfront park.

With the passage of this joint resolution, we authorize the expenditure of $6 million to develop Ellis Island along these lines. It is an investment in needed park space and a commemoration of a most storied part of our Nation's history. The shares of many immigrant sons and daughters who have contributed so much to make our Nation great are with us today. Their living descendants like myself and generations to come will deeply appreciate this deed.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 454) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask that Senate Joint Resolution 79 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 79 is indefinitely postponed.

CONFLICT OF INTEREST AMENDMENT TO COMMUNICATIONS ACT OF 1934

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 509, S. 1948.

The PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (S. 1948) to amend the Communications Act of 1934, as amended, with respect to commissioners, employees and executive reservists of the Federal Communications Commission.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 3, line 10, after the word "amended", to strike out "96" and insert "69"; and after line 15, to insert:

> (4) Paragraph (2) of subsection (b) of this section shall not apply if the commissioner or employee advises the Government official responsible for appointment to his position of all pertinent circumstances and receives a written determination made by such official that the financial interest, employment, or official relation to a person described in paragraph (2) is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect such commissioner or employee.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That subsection (b) of section 4 of the Communications Act of 1934, as amended, is amended to read as follows:

"(b)(1) Each member of the Commission shall be a citizen of the United States. A commissioner shall not engage in any other business, vocation, profession, or employment. He shall not, for a period of one year following the termination of his service as a commissioner, represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any commissioner who has served the full term for which he was appointed. Not more than four members of the Commission shall be members of the same political party.

"(2) No member of the Commission or person in its employ shall have a financial interest in, be employed by, or have any official relation to—

"(A) any person engaged in radio broadcasting;

"(B) any person engaged in communication by wire or radio as a common carrier;

"(C) any person a substantial part of whose activities consists of the manufacture or sale of radio apparatus for wire or radio communication;

"(D) any person a substantial part of whose activities consists of the installation, servicing, operation, or maintenance of apparatus used for the transmission of communications by wire or radio;

"(E) any person a substantial part of whose activities consists of the providing of services to any other person a substantial part of whose activities consists of radio broadcasting or communications by wire or radio as a common carrier; or

"(F) a holding company, mutual fund, or other investment company whose investments are concentrated substantially in the areas covered by clauses (A) through (E) of this paragraph (2).

"(3) Paragraph (2) of subsection (b) of this section shall not apply—

"(A) to a 'special Government employee' as defined in section 202(a) of chapter 11 of title 18 of the United States Code; or

"(B) to persons acting as executive reservists pursuant to subsection (e) of section 710 of the Defense Production Act of 1950, as amended (69 Stat. 583; 50 U.S.C. App. 2160(e)), and (i) not otherwise employed by the Government in a full-time capacity, or (ii) when employed full time in time of war or during periods of national emergency declared by the President."

(4) Paragraph (2) of subsection (b) of this section shall not apply if the commissioner or employee advises the Government official responsible for appointment to his position of all pertinent circumstances and receives a written determination made by such official that the financial interest, employment, or official relation to a person described in paragraph (2) is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such commissioner or employee.

Sec. 2. The second sentence of subsection (j) of section 4 of the Communications Act of 1934, as amended, is hereby repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 527), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

GENERAL STATEMENT

This bill was introduced by Senator Warren G. Magnuson, chairman of the committee, at the request of the Federal Communications Commission. A hearing thereon was held on June 23, 1965, at which the Federal Communications Commission Chairman, E. William Henry, testified in support of the proposal. No witness appeared in opposition to the bill.

PURPOSE OF LEGISLATION

The purposes of this legislation are to amend section 4(b) of the Communications Act (47 U.S.C. 154(b)) dealing with financial interests of FCC Commissioners and employees to bring this provision of that act more closely into line with current national policy on conflicts of interest as reflected by the general conflict-of-interest law enacted by the Congress in 1962 (Public Law 87–849), and President Johnson's Executive Order No. 11222 of May 8, 1965, and to exempt from the provisions of section 4(b) "special Government employees"; i.e., the short-term consultant, and persons serving in the Commission's executive reserve program. (See memorandum regarding conflict-of-interest provisions of Public Law 87–849 of Robert F. Kennedy, Attorney General, dated January 28, 1963; memorandum of May 2, 1963, entitled, "Preventing Conflicts of Interest on the Part of Special Government Employees"; and Executive Order No. 11222 of May 8, 1965, reprinted in full in appendix.)

As reported, the bill, S. 1948, would:

1. Prohibit members of the Federal Communications Commission or persons in its employ from having a financial interest in, being employed by, or having any official relation to—(i) any person engaged in radio broadcasting; (ii) any person engaged in communication by wire or radio as a common carrier; (iii) any person a substantial part of whose activities consists of the manufacture or sale of radio apparatus for wire or radio communication; (iv) any person a substantial part of whose activities consists of the installation, servicing, operation, or maintenance of apparatus used for the transmission of communications by wire or radio; (v) any person a substantial part of whose activities consists of the providing of services to any other person a substantial part of whose activities consists of radio broadcasting or communications by wire or radio as a common carrier; or (vi) a holding company, mutual fund, or other investment company whose investments are concentrated in the areas covered above.

2. Exempt from its provisions "special Government employees" as that term is defined in Public Law 87–849, 76 Stat. 1119; "executive reservists" acting as such pursuant to section (e) of section 710 of the Defense Production Act of 1950, as amended (96 Stat. 583, 50 U.S.C. App. 2160(e)), and not otherwise employed by the Government in a full-time capacity; and those executive reservists employed full-time in time of war or during periods of national emergency declared by the President.

3. Provide that the proscriptions of subsection 4(b)(2) shall not apply where, after full disclosure, a written determination is made by the appointing official that the interest [of the Commissioner or Commission employee] is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from him.

4. Repeal the second sentence of subsection 4(j) of the Communications Act as redundant.

Thus, S. 1948, while continuing to prevent the same general types of activities now prohibited by subsection 4(b), would narrow the restrictions contained therein to make them clearer and more realistic without sacrificing the necessary and meaningful restrictions on substantial outside interests which might affect a Commissioner's or an employee's performance of his duties.

BACKGROUND AND NECESSITY FOR LEGISLATION

While FCC Commissioners and employees should continue to be prohibited from investing in broadcasting companies and communications common carriers, the committee believes that the broad language of present subsection 4(b) should be changed to remove the shadow land involving those thousands of companies which use radio merely as an incident of their business, and situations such as purchases of an ordinary mutual fund.

Subsection 4(b) of the Communications Act presently contains a wide prohibition against any financial interest by any Commissioner or Commission employee in any company connected with radio. It covers not only communication common carriers, and broadcast and other radio licensees, but also any company manufacturing radio apparatus, and every company furnishing services or radio apparatus to companies which are licensees or manufacturers. It prohibits the ownership of "stocks, bonds, or other securties of any corporation subject to any of the provisions of the act."

When the Communications Act was enacted in 1934, the relevant background was the use of radio by broadcast companies and the regulation of communications common carriers. Since that time, however, the Commission has licensed over a million companies and individuals in the safety and special radio services.

Thus, today many corporations having nothing to do with broadcasting or communications common carriers subject to the Commission's regulatory authority are Commission licensees, and FCC Commissioners are prohibited from buying their stock, solely because their corporate airplane is equipped with radio, or because in some other incidental way they use radio communications in their business. States and municipalities are also usually licensees of police and fire radio systems. In fact, practically every facet of modern industry and commerce, whether it be farming, mining, manufacturing, transportation, or public utilities uses radio communication and is therefore subject to the licensing provisions of the Communications Act.

Furthermore, the growth of mutual funds containing a wide diversity of stocks, some of which are almost certain to be in the communications field, raises further problems as to the applicability of subsection 4(b). Almost any mutual fund would likely contain some shares in A.T. & T., GE, RCA, or some such company which Commissioners and employees should not be permitted to invest in directly. However, where the employee's financial interest in such company—through investment in shares of a mutual fund—is so remote or inconsequential that he would not be barred under the general conflict-of-interest law from participation in matters involving such companies, then the Communications Act should be clarified to permit him to hold such investments. The nonparticipation test of the general conflict-of-interest law (Public Law 87–849) would apply in such circumstances.

S. 1948 exempts from the financial-interest provisions of subsection 4(b) "special Government employees" as that term is defined in Public Law 87–849, 76 Stat. 1119, approved October 23, 1962, 18 U.S.C. 201. The broad scope of existing subsection 4(b) stands as an obstacle to the use of part-time consultants contemplated by Public Law 87–849, which has liberalized the conflict-of-interest standards as they apply to special Government employees. That act is designed to "* * * help the Government obtain the temporary or intermittent services of persons with special knowledge and skills whose principal employmen is outside the Government" (Attorney General's "Memorandum Regarding Conflict-of-Interest Provisions of Public Law 87–849," dated January 28, 1963 (28 F.R. 985)).

Such an employee would continue to remain fully subject to all the conflict-of-interest standards now contained in Public Law 87-849. And, in the event a "special Government employee" should become a regular employee of the Commission, or a member thereof, he would then become subject to subsection 4(b)(2) of the Communications Act. In short, it is not intended to confer on "special Government employees" any rights beyond those now set out in Public Law 87-849.

Also exempt from the financial interest provisions of subsection 4(b) would be persons acting as executive reservists pursuant to subsection (e) of section 710 of the Defense Production Act of 1950, as amended (69 Stat. 583, 50 U.S.C. app. 2160(e)), and not otherwise employed by the Government in a full-time capacity, and those executive reservists employed full time in time of war or during periods of national emergency declared by the President.

The executive reserve program, approved in Congress in 1955, authorized the President to provide for the establishment and training of a nucleus executive reserve for employment in executive positions in Government during periods of emergency. It further authorized the President to provide by regulation for the exemption of members of such reserve from the operation of the conflict-of-interest provisions in sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (sec. 99 of title 5). This he did in his Executive order establishing the National Defense Executive Reserve. (Executive Order 10660, Feb. 15, 1956, 21 F.R. 1117.)

The financial interest provisions of section 4(b) of the Communications Act have been found to be unduly restrictive in the recruitment for the executive reserve training program of the Commission. This has been one of the difficulties encountered in the search for well-qualified appointees. And it is those people who by reason of their past employment in the Commission or employment in executive positions in the communications industry, are the best qualified and most valuable to serve the Government as full-time Commission employees in periods of national emergency or time of war.

AMENDMENT

The committee adopted the amendment recommended by Chairman E. William Henry of the Federal Communications Commission in the course of his testimony at the hearing before the committee on June 23, 1965, and has amended the bill by adding after line 15, on page 3 the following new paragraph (4) to subsection (b) of section 1 as follows:

"(4) Paragraph (2) of subsection (b) of this section shall not apply if the Commissioner or employee advises the Government official responsible for appointment to his position of all pertinent circumstances and receives a written determination made by such officials that the financial interest, employment, or official relation to a person described in paragraph (2) is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such Commissioner or employee."

Under the legislation, as introduced, injustice or hardship could still occur in exceptional circumstances. For example, if an employee of the FCC were to be named beneficiary of a trust containing, among other things, a few shares of stock of an interstate communications common carrier, he would be in violation of the Communications Act if he continued in the Commission's employ. Yet he might have no control over the trust and not be able to get the trustees to sell the shares in question. Other factual situations, each one unique, could arise.

The amendment adopted by your committee provides some flexibility so that, in such cases where no substantial actual or apparent conflict of interest exists, the appointing official, upon a consideration of all pertinent circumstances, may prevent the applicability of section 4(b)(2) to the case by determining in writing that the financial interest, employment, or official relation to a person described in paragraph (2) is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such Commissioner or employee.

This language is taken from a comparable provision of the general conflict of interest laws revised by the Congress in 1962 (sec. 208(b), Public Law 87-849, 76 Stat. 1119, approved Oct. 23, 1962).

CONCLUSION

The committee wishes to emphasize that this legislation merely provides relief from some of the more stringent special rules applicable to the financial interest, etc., of members and employees of the FCC. Subsection 4(b) of the Communications Act, as amended, continues to apply to such persons strict standards with respect to the primary fields of Commission regulatory activity; i.e., broadcasters and communications common carriers. In addition, members and employees of the FCC continue to be subject to any pertinent provisions of the general conflicts of interest law (Public Law 87-849), and to Executive Order 11222 (30 F.R. 6469, May 8, 1965). It is only "special Government employees" and executive reservists who are exempt from the additional specific restrictions imposed upon members and employees of the FCC.

These changes thus accord with the view followed in both the 1962 general revision of the conflict of interest law and Executive Order 11222 that Government employees should be free to engage in lawful financial transactions to the same extent as private citizens where no real conflict of interest exists. (See e.g., H. Rept. 748, 87th Cong., 1st sess., p. 6, and sec. 203 of Executive Order 11222, May 8, 1965, 30 F.R. 6469.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request by Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SESSION OF THE SENATE

Mr. MANSFIELD. Mr. President, the request I am about to make has been cleared with the minority leadership.

I ask unanimous consent that all committees may be authorized to meet this afternoon during the session of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REFERRAL TO COMMITTEE ON FINANCE OF BILLS RELATING TO BANKRUPTCY RECEIVED FROM THE HOUSE OF REPRESENTATIVES

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from North Carolina [Mr. ERVIN] has informed me that the bill (H.R. 136) to amend the Bankruptcy Act relating to statutory liens and powers of the trustee, and the bill (H.R. 3438) to amend the Bankruptcy Act with respect to limiting the priority of taxes, both of which are companion bills of those introduced by the Senator from Nebraska [Mr. HRUSKA] and the Senator from North Carolina [Mr. ERVIN] have passed the House of Representatives.

I ask unanimous consent that, in line with the action taken with respect to the two bills previously reported out of the Judiciary Committee covering these particular subjects, H.R. 136 and H.R. 3438 likewise be referred to the Committee on Finance under the same conditions as the two Senate bills were previously referred to that committee.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the bill (H.R. 136) to amend the Bankruptcy Act relating to statutory liens and powers of the trustee, and the bill (H.R. 3438) to amend the Bankruptcy Act with respect to limiting the priority of taxes, were each read twice by their titles, and referred to the Committee on Finance with instructions that they be reported back to the Senate within a period of 30 days.

EXECUTIVE COMMUNICATION

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman, Federal Deposit Insurance Corporation, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act and the Federal Reserve Act with respect to the payment of deposits and interest thereon, to limit the payment of compensation for obtaining deposits, and for other purposes, which with the accompanying papers, was referred to the Committee on Banking and Currency.

RESOLUTIONS OF GUAM LEGISLATURE

The PRESIDENT pro tempore laid before the Senate three resolutions of the Eighth Guam Legislature, which were referred to the Committee on Interior and Insular Affairs, as follows:

RESOLUTION 114

A resolution relative to requesting and memorializing the Members of Congress to favorably consider the passage of bill H.R. 8720, which provides for the payment of legislative salaries and expenses by the Government of Guam

Be it resolved by the Legislature of the Territory of Guam:

Whereas bill No. H.R. 8720 has been introduced for the consideration of the 89th Congress; and

Whereas said bill, which provides for the amendment of the Organic Act of Guam to provide for the payment of legislative salaries and expenses by the Government of Guam, is in the best interests of the Territory of Guam in that it will enhance the degree of autonomy and self-government; and

Whereas it is fitting and in the public interest that federally imposed limitations on such salaries and expenses be eliminated and the United States be relieved of its obligation to pay those salaries and expenses: Now, therefore, be it

Resolved, That the Members of Congress be and they are hereby respectfully requested and memorialized to favorably consider the passage of bill No. H.R. 8720 of the 89th Congress which provides for the amendment of Organic Act of Guam to provide for payment of legislative salaries and expenses by the Government of Guam; and be it further

Resolved, That the speaker certify to and the legislative secretary attest the adoption hereof, and copies of the same hereafter be transmitted to the Congress of the United States, to the chairman, Committee on Territorial and Insular Affairs, of both the Senate and House of Representatives, to the Governor of Guam, and to the Washington Representative of the Territory of Guam.

Duly adopted on the 13th day of July 1965.

V. C. Reyes,
Vice Speaker.
Antonio S. N. Duenas,
Legislative Secretary.

Resolution 131

A resolution advising the President and the Congress of the United States that it is the policy of the Eighth Guam Legislature to encourage purchases of American products by the Government of Guam

Be it resolved by the Legislature of the Territory of Guam, That the Congress of the United States be and it hereby is memorialized and advised that an appropriation act for the purchase of goods and materials recently passed by the Eighth Guam Legislature provided at least 75 percent of all sums spent on purchases made pursuant to any item of said act shall be spent on purchases of products manufactured in the United States and that it is the continuing policy of the Eighth Guam Legislature to encourage the purchase of American products by the Government of Guam, and be it further

Resolved, That the speaker be and he hereby is instructed to sign this resolution and that the legislative secretary be and he hereby is instructed to attest to the adoption of this resolution and to transmit a copy hereof to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the Governor of Guam.

Duly adopted on the 30th day of June, 1965.

Vicente C. Reyes,
Vice Speaker.
Antonio S. N. Duenas,
Legislative Secretary.

Resolution 156

A resolution relative to extending to Capt. Jerry M. Barlow, commanding officer U.S. Navy, on behalf of the Eighth Guam Legislature and the citizens of Guam their congratulations and appreciation for the unusual and outstanding performance of duty as commanding officer of Navy Air Station, Agana, Guam, from June 21, 1963, to July 31, 1965

Be it resolved by the Legislature of the Territory of Guam:

Whereas although the territory of Guam has been most fortunate in having outstanding officers assigned to this territory, it is seldom that we have had a commanding officer who not only went out of his way to establish fine relationships between civilians and the military but who, in addition, has devoted so much of his time to the promotion of a close relationship between our young people; and

Whereas there has seldom been an athletic event that he and his wife have not attended; and

Whereas Capt. Jerry M. Barlow came to Guam with an outstanding prior naval record; and

Whereas under his capable administration the naval air station was, to a large extent, substantially rebuilt and extended to include arrangements for the grading by the U.S. Navy of land and space for the building of an air terminal for the territory of Guam. Now, therefore, be it

Resolved, That the speaker certify and the legislative secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to Capt. Jerry M. Barlow, commanding officer, U.S. Navy, Naval Air Station, Agana, to the President of the United States, to the Speaker of the U.S. House of Representatives, to the President of the U.S. Senate, to the Secretary of Defense, to the Secretary of the U.S. Navy, to Commander Naval Forces Marianas, and to the Governor of Guam.

Duly adopted on the 13th day of July 1965.

Vicente C. Reyes,
Vice Speaker.
Antonio S. N. Duenas,
Legislative Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on Government Operations, with amendments:

S. 561. A bill to achieve the fullest cooperation and coordination of activities between the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical service to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes (Rept. No. 538).

By Mr. HILL, from the Committee on Appropriations, with amendments:

H.R. 7765. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes (Rept. No. 537).

PRINTING OF ADDITIONAL COPIES OF HOUSE DOCUMENT NO. 198 ENTITLED "THE COMMISSION ON INTERGOVERNMENTAL RELATIONS" REPORT OF COMMITTEE

Mr. MUSKIE, from the Committee on Government Operations, reported an original concurrent resolution (S. Con. Res. 44) authorizing the printing of additional copies of House Document No. 198, entitled "The Commission on Intergovernmental Relations," which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Government Operations 10,000 additional copies of House Document 198 of the 84th Congress entitled "The Commission on Intergovernmental Relations."

PRINTING OF ADDITIONAL COPIES OF THE "CATALOG OF FEDERAL AIDS TO STATE AND LOCAL GOVERNMENTS" AND THE 1965 SUPPLEMENT THERETO—REPORT OF A COMMITTEE

Mr. MUSKIE, from the Committee on Government Operations, reported an original concurrent resolution (S. Con. Res. 45) authorizing the printing of additional copies of the "Catalog of Federal Aids to State and Local Governments" and the 1965 Supplement thereto, which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed thirty-two thousand additional copies each of the committee prints entitled (1) "Catalog of Federal Aids to State and Local Governments," Eighty-eighth Congress, second session, and (2) "Catalog of Federal Aids to State and Local Governments—Supplement, January 4, 1965," Eighty-ninth Congress, first session; prepared by the Legislative Reference Service, Library of Congress, for the Senate Committee on Government Operations; of which twenty-one thousand nine hundred and fifty copies of each shall be for the use of the House of Representatives, and ten thousand and fifty copies of each shall be for the use of the Senate Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Tom Killefer, of Virginia, to be Executive Director of the Inter-American Development Bank; and

Executive D, 88th Congress, 2d session, Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964 (Executive Report No. 4).

By Mr. HILL, from the Committee on Labor and Public Welfare:

Frank W. McCulloch, of Illinois, to be a member of the National Labor Relations Board.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS of New Jersey (for himself, Mrs. Neuberger, Mr. Morse, Mr. Moss, Mr. Clark, Mr. Randolph, and Mr. Kennedy of Massachusetts):

S. 2350. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy and reliability of therapeutic, diagnostic, and prosthetic devices; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. DODD:

S. 2351. A bill to protect the morale and efficiency of members of the Armed Forces by prohibiting the making of certain threatening and abusive communications to members of such forces or their families, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. Dodd when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself and Mr. Prouty):

S. 2352. A bill to amend the Labor-Management Relations Act, 1947, as amended, so as to provide for the regulation of certain employees benefit funds; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. ROBERTSON (by request):

S. 2353. A bill to amend the Bank Holding Company Act of 1956, and for other purposes; and

S. 2354. A bill to amend the Federal Deposit Insurance Act and the Federal Reserve Act with respect to the payment of deposits and interest thereon, to limit the payment of compensation for obtaining deposits, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. Robertson when he introduced the last above-mentioned bill, which appear under a separate heading.)

PREMARKET TESTING OF CERTAIN DEVICES

Mr. WILLIAMS of New Jersey. Mr. President, I introduce for appropriate reference a bill that would require premarket testing—for safety and for efficacy—of diagnostic, therapeutic, and prosthetic devices sold in interstate commerce.

The reasons for enactment of this measure are compelling, and the need for prompt action is urgent. As long as we are without this bill, we stand only partially protected from those who infest the fringes of honest medical practice. As long as we permit promoters and crooked practitioners to make false claims for useless gadgets, we will foolishly permit the unscrupulous to make millions of dollars every year from victims desperately crying out for real help or well-founded hope of cure.

The bill, would, quite simply, require that a manufacturer of a device be required to apply to the Secretary of Health, Education, and Welfare when he wishes to introduce that device into interstate commerce. The manufacturer would have to submit full reports of investigations which have been made to show that the device is safe for use and effective in use.

Exemptions would be made for devices intended solely for investigational use by experts qualified by scientific training and experience. A similar exemption would apply to common devices recognized "as safe and effective for use under the conditions prescribed." In other words, a surgeon's scalpel would be recognized as a safe device.

The purpose of the bill is not to keep worthwhile devices from hospitals or the treatment rooms of reputable practitioners. The purpose is to put a stop to the vicious misrepresentations and use of devices that do nothing more than take the money of their victims while postponing helpful treatment.

Mr. President, many arguments for this bill were made in a report issued on January 31 by the Subcommittee on Frauds and Misrepresentations Affecting the Elderly. This subcommittee, a unit of the U.S. Senate Special Committee on Aging, conducted hearings in 1964 on health frauds and quackery. The comments in the report, though dealing only with older Americans, nevertheless summarize a problem that should be of concern to all Americans.

The report states that a substantial trade in worthless devices exists in the United States, and that profits to some of the manufacturers are now in the millions of dollars. The report described one highly mobile pitchman who made an estimated $2½ million from a machine that did little more than give colonic enemas to victims of major diseases. In the explanatory text on its recommendation for premarket testing, the subcommittee added:

> Premarket testing of therapeutic, diagnostic, and prosthetic devices should be required at the Federal level.

As has already been noted, the subcommittee is concerned about a widespread traffic in devices purported to provide treatments or diagnoses to patients in need of competent professional care.

One of the strongest arguments for a more effective action against such devices was a summary of seizure actions taken by the Food and Drug Administration between January 1 and December 31, 1963. Among the devices seized were the following:

An Oxy-Gear oxygen inhalator kit described as providing effective treatment for ailments including cardiac and asthmatic attack, lung conditions, and the effects of shock.

A battery-operated wrinkle remover that produced electrical impulses to the body through sponge applicators.

The Auto-Electronic Radioclast, model 20, which supposedly detected diseased organs. Put on display at the hearing, the device was actually nothing more than a wooden cabinet containing a combination of electronic circuits, pilot lights, and dials operated by a practitioner allegedly trained to interpret its mysteries.

The Magnetron, originally advertised as a sure cure for arthritis, prostate gland trouble, varicose veins, diabetes, failing heart, and tumors, was demonstrated at the Washington, D.C., hearing. Here is an excerpt from the testimony:

> Maurice Kinslow. You will notice that when I take my hand off of here the light brightens. You cannot tell this, but I am getting a little shock out of it. It is just enough to make the unsuspecting, naive, or desperate person believe that he is getting some advantage from it.
>
> The instructions indicate that you start using it for a minute, and increase up to 30 minutes a day, but you should not expect results in less than a few months, and possibly after you have used it for a year, you will have much better results.

The Micro-Dynameter: The Food and Drug Administration rounded up 1,200 of these devices in 1963, and most of them were taken from licensed practitioners. It was claimed that the Micro-Dynameter could diagnose all kinds of disease by measuring the minute electrical currents generated when metal attachments were applied to the skin of the patient. FDA scientists found, however, that the device merely measured the amount of perspiration on the skin.

Many other devices were brought to the attention of the subcommittee. In California, where State law already requires premarket testing of devices, a witness gave a dramatic demonstration of an ozone generator which crackled and buzzed as it produced a mixture of oxide and nitrogen. Advertisements for the generator claimed that the machine would cure cancer, heart disease, sinus infections, ulcers, and diabetes, to name a few of the ailments listed. Actual laboratory tests, however, have shown that such gases have killed mice in laboratory experiments. Experts have informed the California Bureau of Public Health that the gases could damage the lungs of people who breathe them very long.

LUCRATIVE TRADE

Devices are moneymakers for small-time tinkerers with mechanical ingenuity, and also for entrepreneurs with more elaborate plans.

The Magnetron, for example, was a very simple cabinet that cost about $20 to build. It sold for $197.50.

The Micro-Dynameter was a more sopisticated product. Each one sold for $875, and it is estimated that the cost to patients—at $5 to $10 per treatment—could easily have been from $25 to $50 million, just from the 1,200 devices seized by the FDA in 1963.

In California, the subcommittee received some evidence of an organized plan to accelerate ozone generator sales. This exchange occurred between the subcommittee chairman and Joseph F. Bottini, program supervisor of the State bureau of food and drug inspections:

> Senator Williams. Do you know how many were sold?
>
> Mr. Bottini. Yes; we feel there were about $1.5 million worth sold.
>
> Senator Williams. Nationwide?
>
> Mr. Bottini. Statewide. The interesting thing about it was that it was called Calozone in California, Orozone in Oregon, and Nevozone in Nevada, and this avoided the interstate requirements. It was really an elaborate scheme. It generated a considerable amount of ozone.

Mr. Bottini estimated that it cost $24 to make the generator. It was sold for $154, plus tax. The assistant district attorney of Los Angeles County, Mr. John Miner, showed the subcommittee a device that used blood samples in a machine to effect "cures" of serious and minor ailments:

> Now we laugh at this, or at least it is humorous to us, and we smile. This particular operator has records of treating over 35,000 people of whom some 20,000 are in the area of your special concern and perhaps over the age of 60.
>
> At least from the records we have, well over a half million dollars has been taken from these people by the use of this one machine. They are retailing now at $550 apiece.

DIFFICULTIES OF ENFORCEMENT

California State witnesses said that it took 2 years to prepare the evidence needed to proceed against the Calozone generator, and the devices were sold throughout that period. The officials were hopeful that their new State law—requiring testing before marketing—would eliminate the need for investigations after the abuses had been committed.

FDA Commissioner Larrick described the national problem and proposed a solution:

> Under present law a device may be sold with impunity until the Government is able to accumulate evidence to prove in court that the device is unsafe or will not do what is claimed in its labeling.
>
> To carry through one of these cases by the Government is a terrifically expensive deal. We have to have expert physicists to take those machines all apart and measure every circuit. We have to have very skilled physicians who will go on the witness stand and testify that the device will not do any good.

The Commissioner drew a parallel to another consumer protection law:

> The new device clearance system would operate in much the same manner as the new drug procedure now works. The sponsor of a new device would be required to furnish for the Government's evaluation and approval sound scientific evidence that the device is both safe and effective for its recommended uses before it can be marketed. This would enable the Government to give the consumer the protection he deserves by requiring uncleared devices to come off the market promptly.

PROSTHETIC DEVICES, A SPECIAL PROBLEM

Under the proposed new regulations, prosthetic devices would be subjected to the premarket testing. Surgeons and other medical specialists, in treating elderly people and other patients, frequently introduce into the body artificial hip joints, pins, or nails used to repair fractured bones, and other forms of prostheses.

Usually such devices give much needed help to persons for whom little else could be done. The subcommittee, however, received direct evidence that some unsatisfactory products are sold in this highly specialized marketplace.

The FDA brought to the hearing room 20 hip nails, 1 bone plate, and several metal hip joints, and other devices removed by one orthopedic surgeon from elderly patients over a period of less than 2 years. One had broken; all had set up chemical reaction in the body, followed by infection. Twenty-three artificial eyes, of poor design, were also displayed.

The following exchange between the FDA witness and a subcommittee member pinpointed the problems faced by surgeons and patients under present law:

> Senator Yarborough. Now what protection does the surgeon have in introducing these pins into the human body? What protection has the surgeon got to know that the metals in these pins are the kind that have been made biologically inert and that they will not be hostile to human tissue?
>
> Dr. Martin Dobelle. Actually he has no protection whatsoever. Unfortunately, we have a gaining tide of malpractice suits, but counsel and attorneys in general now are aware of the fact that the defective device, even though the physician is a prime target, actually is the fault and the responsibility of the manufacturer.
>
> Senator Yarborough. You mean for the malpractice suit, the doctor takes one of these pins made from metals that are not tolerated by the human body and human tissue, a competent surgeon introduces one of these pins into the body, to pin a broken hip, it is hostile, and the surgeon gets a suit for malpractice. There is no law or rule or regulation about the manufacture of these devices, these pins, these bolts, these metal braces that are put in the human body. There is no protection for the surgeon there except his judgment of the manufacturer; is that right?
>
> Dr. Dobelle. That is correct, sir.

The FDA witnesses made it clear that most manufacturers maintain careful metallurgical control standards and that a committee formed by the manufacturers is "doing some heroic work in trying to get some real standards." But they emphatically said that only premarket testing would give the patient protection. Examining the prosthetic devices, one subcommittee member asked this question:

> Senator Keating. Are they (the defective devices) put out by what you would consider reputable manufacturers?
>
> Dr. Dobelle. Yes, sir; some of these unfortunately are. I do not think the manufacturer sometimes is quite aware of what might have taken place because they do not subject these to proper biological research. I am sure this one was put out by a very reputable concern, and it is completely rusted inside, completely rusted here. You have dulling along the very areas to show where these excrescences have been cleaned over.

TOO MUCH CONTROL?

At a later hearing, some concern was voiced by the subcommittee chairman about the possibility of overregulation under premarket testing procedures:

> Senator Williams. The problem arises with thousands of noncomplicated therapeutic devices. As a matter of fact, the manufacturers of thousands of devices have expressed concern * * * the Band-Aid, for example—does this have to be tested before marketing? You see, the simple device presents a problem, does it not?
>
> Mr. Winton B. Rankin, Assistant Commissioner of FDA. Yes; it does. Some of the manufacturers have spoken with us through their associations about this particular question. Now the way that we propose in the bill to deal with that problem is to classify as a device requiring testing only those products that are not generally recognized as safe and effective by the experts, so that a surgeon's scalpel made of ordinary steel that will cut would not have to be tested. It would be recognized as safe. And eyeglass frames made of nonflammable plastic would not have to be tested. They are recognized as safe.

The subcommittee feels, however, that the particular question raised about the simple device should receive careful study and deliberation by appropriate congressional committees.

SUMMARY

The premarket testing of devices was strongly endorsed by President Kennedy and President Johnson in consumer messages of 1963 and 1964. At subcommittee hearings, the FDA witnesses gave strong arguments for such action. The bill was also endorsed by a spokesman for the National Better Business Bureau. Early action on a bill, with full hearings for adequate consideration of all its ramifications, is recommended.

Mr. President, a nation that can send men in tandem through outer space in perfect orbit can, it seems to me, protect its own citizens against charlatans who deliberately misrepresent the gains of science to confuse and victimize men and women suffering from illness. Should we not at least require full information about devices used in medical treatment before we permit them to be distributed across State lines? I suggest that the answer to that question is "Yes," and I hope that we will soon receive that answer from Congress.

Mr. President, I ask unanimous consent that the bill and its summary be printed in the Record, and that the bill lie on the table for cosponsorship until the close of business on August 10, 1965.

The PRESIDING OFFICER (Mr. Brewster in the chair). The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the Record, and the bill will be held at the desk, as requested.

The bill (S. 2350) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy and reliability of therapeutic, diagnostic, and prosthetic devices, introduced by Mr. Williams of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food, Drug, and Cosmetic Act Amendments of 1965."

SAFETY, EFFICACY, AND RELIABILITY OF DEVICES REQUIREMENT OF ADEQUATE CONTROLS IN MANUFACTURE

Sec. 101. (a) Subclause (B) of clause (2) of section 501(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(B)) is amended—

(1) by striking out the words "it is a drug and"; and

(2) by striking out the words "such drug" and inserting in lieu thereof the word "it".

(b) For effective date, see section 103.

PREMARKETING CLEARANCE OF NEW DEVICES

Sec. 102. (a) Paragraph (p) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) is amended—

(1) by inserting "(1)" after "(p)" and redesignating the present subparagraphs "(1)" and "(2)" thereof as "(A)" and "(B)", respectively, and

(2) by adding at the end of paragraph (p) a new subparagraph "(2)" as follows:

"(2) The term 'new device' means—

"(A) Any device the composition, construction, or properties of which are such that such device is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of devices, as having been adequately shown, through scientific investigations (or through experience based on common use of such device prior to January 1, 1965), to be safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or

"(B) Any device the composition, construction, or properties of which are such that such device, as a result of such investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions."

(b) Section 505 of such Act (21 U.S.C. 355) is amended as follows:

(1) The heading of such section is amended to read "NEW DRUGS AND NEW DEVICES".

(2) Subsection (a) of such section, the first sentence of subsection (b) of such section, clauses (1), (2), (4), (5), and (6) of the second sentence of such subsection, and subsections (d) and (e) of such section, are each amended by inserting "or device" after the word "drug" each time it appears therein.

(3) Clause (3) of subsection (b) of such section is amended to read: "(3) in the case of a drug, a full statement of the composition of such drug, or, in the case of a device, a full statement of its composition, properties, and construction and the principle or principles of its operation;".

(4) (A) The first sentence of subsection (i) of such section is amended by inserting before the period at the end thereof the following: ", and devices intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of devices".

(B) The second sentence of such subsection (i) is amended by inserting "or device" after the word "drug" each time it appears in clauses (1) and (3) of such sentence and the first and third times it appears in clause (2) thereof, and by inserting "or on whom the device is used" after "patients to whom the drug is administered".

(C) The third sentence of such subsection (i) is amended by inserting "or devices" after the word "drugs" the first and third times it appears therein, and by inserting "or on whom such devices or any controls in connection therewith are being used," after "administered,".

(D) The fourth sentence of such subsection (i) is amended by inserting "or devices" after "drugs".

(5) Subsection (j) of such section 505 is amended by inserting "or device" after the word "drug" each time it appears therein.

(6) Such section 505 is further amended by adding after subsection (j) the following new subsections:

"(k) The Secretary shall by regulation exempt from this section, or from one or more of the requirements imposed by or pursuant to this section, devices licensed by the Atomic Energy Commission under the Atomic Energy Act of 1954 to the extent he finds it to be appropriate to avoid duplication of regulatory controls or procedures and to be consistent with the purposes of this Act.

"(1) Whenever in the judgment of the Secretary the requirements of this section, or of any part thereof, with respect to any drug or class of drugs or with respect to any device or class of devices are not necessary in order to carry out the purposes of this section, the Secretary shall by regulation exempt, or provide for exempting, such drug or device or class thereof from such requirements, or from such part, upon such conditions as he may find to be appropriate."

(c) Section 501(a) of such Act (21 U.S.C. 351(a)) is amended by inserting before the period at the end thereof a semicolon and the following: "or (5) if it is a new drug or new device and there is not in effect an approval of an application under section 505 with respect thereto under the conditions prescribed, recommended, or suggested in its labeling or it fails to conform to such approved application, unless such drug or device (A) is for investigational use and conforms to the terms of an exemption in effect with respect thereto under section 505(i) or (B) conforms to the terms of an exemption in effect with respect thereto under section 505 (k) or (1)".

(d) Paragraph (u) of section 201 of such Act (21 U.S.C. 321(u) is amended to read as follows:

"(u) The term 'safe', except when used with respect to cosmetics, refers to the health of man or animal."

(e) Paragraph (1) of section 301 of such Act, is amended by striking out the words "or cosmetic" each time they appear therein, and inserting in lieu thereof ", device, or cosmetic".

EFFECTIVE DATES AND TRANSITIONAL PROVISIONS

SEC. 103 (a) Except as otherwise provided in this section, the foregoing provisions of this title shall take effect on the date of the enactment of this Act.

(b) The amendments made by section 101 of this Act to section 501(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act shall take effect on the first day of the seventh month following the month in which this Act is enacted.

(c) Except as provided in subsection (d) of this section, the amendments made by section 102 of this Act to section 505(a) and section 501(a) of the Federal Food, Drug, and Cosmetic Act shall, with respect to any particular use of a device, take effect (1) on the first day of the seventh calendar month following the month in which this Act is enacted, or (2) if sooner, on the effective date of an order of the Secretary approving or denying approval of such use of the device under section 505 of such Act as amended by section 302(b) of this Act.

(d)(1) Where, on the day immediately prior to the date of enactment of this Act, a device was in use (other than investigational use) in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animal, or for the purpose of affecting the structure of any function of the body of man or animal, such amendments to section 505(a) and section 501(a) of the Federal Food, Drug, and Cosmetic Act shall become effective with respect to such preexisting use or uses of such device on the closing date (as defined in this subsection) or, if sooner, on the effective date of an order of the Secretary approving or denying approval of such use of the device under section 505 of such Act.

(2) For the purposes of this subsection, the term "closing date" means the first day of the nineteenth calendar month which begins after the month in which this Act is enacted, except that, if in the opinion of the Secretary it would not involve any undue risk to the public health, he may on application postpone such closing date with respect to any particular use or uses of a device until such later date (but in no event later than the first day of the thirty-first calendar month following such month of enactment) as he determines is necessary to permit completion, in good faith and as soon as reasonably practicable, of the scientific investigations necessary to establish the safety and efficacy of such use or uses. The Secretary may terminate any such postponement at any time if he finds that such postponement should not have been granted or that, by reason of a change in circumstances, the basis for such postponement no longer exists or that there has been a failure to comply with a requirement of the Secretary for submission of progress reports or with other conditions attached by him to such postponement.

The summary presented by Mr. WILLIAMS of New Jersey is as follows:

SUMMARY OF "PRE-MARKET TESTING BILL" TO BE CITED AS THE "FOOD, DRUG, AND COSMETIC ACT AMENDMENTS OF 1965"

Section 101 of the bill would amend section 501(a) of the basic Federal Food, Drug, and Cosmetic Act so as to extend to devices (as defined in the act) the 1962 amendment which deems a drug adulterated if the methods, controls, or facilities used in its manufacture, processing, packing, or holding do not conform to, or are not operated or administered in conformity with, current good manufacturing practice to assure that safety requirements are met and that identity and strength, and quality and purity characteristics are as represented.

Section 102 of the bill would, as explained below, extend to new devices the provisions of the basic act relating to new drugs as amended in 1962.

Section 102(a) of the bill would amend section 201(p) of the basic act to define a "new device" to mean a device (1) the composition, construction, or properties of which are not generally recognized among qualified experts as having been adequately shown, through scientific investigations (or through experience based on common use prior to January 1, 1965), to be safe and effective for use under the conditions suggested in its labeling, or (2) which has not (otherwise than in such investigations) been so used to a material extent or for a material time. The parenthetical clause permitting the scientific consensus as to safety and efficacy to be based on common-use experience before January 1, 1965 instead of scientific investigation is not intended to exclude a device from the term "new device" if, in view of later experience or scientific investigation, the device is no longer generally recognized among qualified experts as safe and effective for its suggested use.

Section 102(b) would bring "new devices" under the premarketing-approval requirements with respect to safety and effectiveness of new drugs (and under the provisions for revocation or suspension of such approval and for records and reports as to experience with such devices), contained in section 505 of the basic act as amended in 1962, by inserting throughout section 505 appropriate references to such devices, including a provision requiring an application for approval of such a device to contain a full statement of the composition, properties, and construction, and the principle or principles of operation, of such a device.

In addition, section 102(b) of the bill would add to section 505 of the basic act two new subsections, (k) and (1), both concerned with exemptions from the requirements of section 505 (other than exemptions for investigational use). The new subsection (k) would authorize the Secretary to exempt by regulation from one or more of the requirements of section 505 of the basic act a device licensed by the Atomic Energy Commission under the Atomic Energy Act of 1954, to the extent he finds such exemption to be appropriate to avoid duplication of regulatory controls or procedures and to be consistent with the purposes of the basic act. The new subsection (1) of section 505 would permit the Secretary to exempt by regulation, upon such conditions as he finds appropriate, any drug or class of drugs or devices or class of devices from any of the requirements of section 505 which he deems not necessary to carry out the purposes of section 505. Insofar as new drugs are concerned, this would make explicit the previously assumed exempting authority of the Secretary, which has been exercised by him by exempting from section 505 biological drugs licensed under section 351 of the Public Health Service Act or under the Animal-Virus-Serum-Toxin Act of 1913.

Section 102(c) of the bill would amend section 501(a) of the basic act to provide that in the absence of an applicable exemption granted under section 505 of the basic act an article which is a new drug or new device shall be deemed adulterated if and when there is not in effect an approval, under section 505, of an application with respect to such drug or device under the conditions prescribed, recommended, or suggested in its labeling, or if the article fails to conform to the approved application. This is a clarification of the purpose and intent of section 505 that, in the first place, an article covered by an approved application must conform to the approved application not only at the time of introduction into interstate commerce but also thereafter and, secondly, that withdrawal or suspension of approval affects articles already marketed and shipped as well as those not yet introduced into interstate commerce.

Section 102(d) of the bill is a technical amendment that would make the definition of "safe", appearing in section 201(u) of the basic act, inapplicable to cosmetics. (Section 201(u) defines "safe" as referring to the "health of man or animal.")

Section 102(e) of the bill would amend section 301(l) of the basic act (now applicable to drugs) to prohibit use, on the label or in advertising, or any new device, or any representation or under section 505 of the basic act is in effect with respect to such device, or that such device complies with section 505.

Section 103 of the bill would provide that the proposed amendments to section 501 (a)(2)(B) of the basic act (made by section 101 of the bill, see above), requiring adequate controls in manufacture of devices, shall be effective on the first day of the seventh calendar month following enactment.

The amendments to sections 505(a) and 501(a) of the basic act made by section 102 (b) and (c), respectively, of the bill, see above (so as to prohibit interstate shipment of a new device unless covered by an approved application, and deeming a new device or new drug adulterated if it does not conform to a currently effective approval of an application under section 505), would also become effective on the first day of the 7th calendar month following enactment, except that, as to devices in use before enactment, such amendments would become effective on the first day of the 19th month after enactment, with authority to postpone such date until the 31st calendar month following the month of enactment; the effective date would be accelerated if the Secretary sooner approves or denies approval of a new-device application under section 505 of the basic act (as amended by section 102(b) of the bill, see above). The other provisions of title III of the bill would take effect upon enactment.

PROTECTION OF MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES FROM THREATENING AND HARASSING COMMUNICATIONS

Mr. DODD. Mr. President, I introduce for appropriate reference a bill to protect the morale of our Armed Forces by prohibiting threatening and abusive communications to members of such forces or their families.

The PRESIDING OFFICER (Mr. Bayh in the chair). The bill will be received and appropriately referred.

The bill (S. 2351) to protect the morale and efficiency of members of the Armed Forces by prohibiting the making of certain threatening and abusive communications to members of such forces or their families, and for other purposes, introduced by Mr. Dodd, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. DODD. Mr. President, the proposed legislation is essential because there is mounting evidence that the Communist fifth column in this country is seeking to undermine the morale of our forces in Vietnam through a campaign of threats and harassments directed against the families of American servicemen in Vietnam.

I am convinced that Congress should enact this proposed legislation, first, because it has to do with the security of our Nation and, second, because it is the duty of Congress not only to carry out its constitutional responsibility to raise and support armies, but also to do what it can to protect the health, welfare, and morale of servicemen and their families.

I first took the floor to discuss this matter on June 22, shortly after the first reports about threatening calls to servicemen's wives had appeared in the press.

Among other things, I described the anonymous calls and letters received by the widow of Capt. Christopher O'Sullivan, a 28-year-old Army officer killed in Vietnam.

Picture the agony of Mrs. O'Sullivan receiving a phone call from an anonymous caller, who said to her:

> He didn't belong in Vietnam in the first place * * * your husband got what he deserved * * * I am glad * * * it serves him right.

I quoted a dispatch from Vietnam describing the resentment this incident and others like it caused among those who had served with Captain O'Sullivan in Vietnam.

Since I spoke, there have been reports of other incidents of an even more vicious nature.

For example, an AP dispatch of July 13 reported that Mrs. James Sides, of Oklahoma City, had received phone calls threatening her life and the lives of her children, 2 days after a newspaper story described a letter she had received from her husband in Vietnam. It was also reported that two crude bombs had been thrown at her home.

One of Mrs. Sides' anonymous callers said to her:

> I know you are alone in the house with only a woman and child. You will not live through the night.

On other occasions, the caller, sometimes a man and at other times a woman, said to Mrs. Sides:

> Get out of the neighborhood. Your husband is killing innocent women and children in Vietnam. We will kill you if you don't get out of the country.

In concluding my remarks on June 22, I expressed the hope that at least some of those involved in this campaign would be brought to book. The measure I am introducing today is intended to make that hope a reality.

Stated in simple terms, my bill would make it a crime, by an anonymous or pseudonymous communication of any kind, to harass any member of the Armed Forces or any member of his family, or to threaten them with physical harm, because of military service rendered or to be rendered by such member of the Armed Forces.

Since time immemorial, it has been a standard part of the arsenal of psychological warfare to seek to undermine the morale of the opposing forces in various ways—to breed discontent among them, to fan anxiety, to encourage insubordination, disloyalty, and defection.

During World War II, the antimorale propaganda of the Axis Powers assumed particularly scurrilous forms.

Axis Sally and Tokyo Rose taunted the American GI's with the assertion that, while they were bleeding for the American capitalists, their wives were making sport with other men.

But in all the wars in which we have participated since our independence, our forces have never been subjected to a form of psychological warfare as crude and merciless as the present campaign of threatening and harassing calls to the families of American servicemen in Vietnam.

In the past, psychological warfare has been directed against the minds of the men in uniform. What distinguishes this new form of Communist psychological warfare is that it is directed, in the first instance, against women and children, and, through them, against the men in uniform.

Let there be no mistake about it, these were not crank calls—they were ideologically motivated calls. Nor were these calls made by pacifists who think that our Vietnam policy is wrong—because no ordinary human being could stoop to such heartlessness.

There is absolutely no doubt in my mind that these calls were made by members of the Communist conspiracy in this country, and that their purpose is to seek to undermine the morale of the American forces serving in Vietnam.

Over the years, the Communists have employed the techniques of telephone harassment in numerous situations. They have used it against their opponents in the trade union movement. Judge Harold Medina, who presided over the trial of the Communist Party leaders, and Judge Irving Kaufman, who presided over the trial of Julius and Ethel Rosenberg, were both harassed by telephone calls for months on end, at all hours of the day and night.

Such threats or harassments, when directed against servicemen or members of their families, constitute a crime akin to treason. Because of this, and because I can conceive of no more vile or unhuman form of assault than these telephone calls directed against the wives and children of American servicemen, the bill I am submitting provides for very heavy penalties for convicted offenders. It provides for a maximum sentence of 15 years in prison or $10,000 fine, or both.

It has always been exceedingly difficult to track down the writers of anonymous letters and the makers of anonymous phone calls.

It is my hope that by making it a Federal crime to use any form of communication for the purpose of threatening or harassing American servicemen or their families, the way will be paved for a concerted campaign of research and enforcement that will result in a much higher rate of convictions than has heretofore been possible in such cases.

I do not pretend to be an expert in the field of police techniques. But it does seem possible to me that, by properly informing the public and by combining computer techniques with the resources of the FBI and the radio patrol cars of local police forces, methods could be developed that would make it possible to track down a threatening phone call within minutes so that the offenders can be apprehended before they have had time to move on.

It is imperative that we seek to improve our capabilities in this area, because we can take it for granted that the Communists will not relent in this campaign unless we can find the means of apprehending and imprisoning at least some of the offenders.

Let us not underestimate the potential impact of this type of anonymous communication.

Think of the impact it would have on your boy, or on anyone's boy if, shortly after he learned that he would be proceeding to Vietnam, he picked up his telephone and a voice at the other end said:

> Eat a hearty meal lad. You won't get many more. Da Nang is not Dallas. Over there they're dying like flies with dysentery. You don't belong there anyway. Your family needs you. Don't go. Get sick now.

Or, think of the impact on an American boy in Da Nang who reads in his hometown newspaper about the midnight calls his buddy's wife has been getting, telling her that her husband was a butcher; or if his buddy has been reported killed or missing, telling the distraught wife that her husband got what was coming to him.

Themes like this will be played louder and louder by the Communist propaganda apparatus, and they will have their impact in more and more homes as we become increasingly involved in Vietnam.

We owe it to our men in the Armed Forces to silence this campaign now, before it becomes a crescendo.

I intend to ask that the Judiciary Committee report my bill as expeditiously as possible, and it is my hope that it will prove possible for Congress to take action on this measure before the close of the session.

My bill is designed to do no more than assure our men in uniform that while they are in Vietnam or elsewhere, serving us with all their energy and all their devotion, we, for our part, will do everything in our power to protect them and their families from such insidious harassments and threats by the Communist fifth column in the United States.

We can do no less than this for those who are doing so much for us.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Whereas there have in recent months been repeated reports of telephone calls or other communications to wives and widows of members of the American Armed Forces serving in Vietnam, harassing and threatening them, and even threatening their children, specifically on account of their husbands' service in Vietnam; and

Whereas it is the natural expectation of all members of the American Armed Forces that the society they are serving will do its utmost to protect their families in their absence; and

Whereas the widespread publicity received by the threats and harassments directed against wives and widows of American servicemen in Vietnam has resulted in widespread indignation among our Armed Forces and an understandable anxiety over the safety and welfare of their families; and

Whereas this anxiety can only have an adverse effect on the morale of our servicemen in Vietnam and impair their ability to render efficient military service; and

Whereas the national security is threatened by such indirect assaults on the effectiveness of the Armed Forces of the United States; and

Whereas it is the power and duty of Congress to provide for the common defense and general welfare of the United States, to raise and support armies, and to make all laws necessary and proper for these purposes: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 115 of title 18, United States Code (relating to treason, sedition, and subversive activities), is amended by adding at the end thereof the following new section:

"S. 2392. Subversive communications to members of the Armed Forces or their families

"(a) Whoever, at any time at which the United States is at war or any of the Armed Forces of the United States are engaged in military operations abroad, knowingly makes, or knowingly conspires with any other person to cause to be made, an anonymous or pseudonymous communication by any means—

"(1) to any member of such forces whereby such member, or any member of his family, is threatened with physical harm or is subjected to abuse because of military service rendered or to be rendered by such member of the Armed Forces; or

"(2) to any member of the family of any member of such forces, or of any individual who died while rendering military service in such forces, whereby such member of the Armed Forces or any member of his family, is threatened with physical harm or is subjected to abuse because of military service rendered or to be rendered by such member of the Armed Forces—

"Shall be fined not more than $10,000, or imprisoned not more than fifteen years, or both.

"(b) As used in this section—

"(1) The term 'Armed Forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

"(2) The term 'family,' when used in relation to any member or deceased member of the Armed Forces, means the wife, widow, child, brother, sister, or parent of such member."

(c) The section analysis of chapter 115, title 18, United States Code, is amended by adding at the end thereof the following new item:

"2392. Subversive communications to members of the Armed Forces or their families."

Mr. MANSFIELD subsequently said: Mr. President, on behalf of the Senator from Connecticut [Mr. DODD], I ask unanimous consent that Senate bill 2351, which he introduced today, relating to protection of members of the Armed Forces and their families from threatening and harassing communications, be held at the desk for 1 week for additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL TO CURB EMPLOYEE BENEFIT FUND ABUSES

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Vermont [Mr. PROUTY], I introduce, for appropriate reference, a bill to amend the Labor-Management Relations Act to provide for more effective regulation of employee pension and welfare funds.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2352) to amend the Labor-Management Relations Act, 1947, as amended, so as to provide for the regulation of certain employees benefit funds, introduced by Mr. JAVITS (for himself and Mr. PROUTY), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, the Senate Permanent Investigations Subcommittee has just concluded hearings on the administration of welfare and pension funds, and these hearings have disclosed what seem to be very serious, indeed shocking, misapplications, or perhaps even misappropriations, of employee benefit fund assets—shocking not only because the result was to divert $4 million in trust assets from their original purposes into private hands for use for other purposes, but even more shocking because this manipulation of trust assets could well have been accomplished without any violation of Federal law. In short, we have been treated to the spectacle of a union officer or officers who discovered a loophole in the Taft-Hartley Act and exploited it so that the end result is that welfare benefits, originally funded out of union dues and employer contributions and intended, certainly as the intended beneficiaries were likely to view it, for use solely to provide welfare benefits, are diverted to other uses unlikely to be of direct benefit to the intended beneficiaries.

The hearings just concluded threw the spotlight of public scrutiny on a union officer or officers who transferred several million dollars in trust fund assets arising out of a union welfare fund to a dummy corporation organized in Liberia and completely controlled by union officers who have the power to dissolve that corporation at any time and to distribute the assets to themselves as its members. And all this, we are told by the Department of Justice and the Labor Department, is probably within the law.

I can think of no more cruel hoax which could be perpetrated on an employee or union member than to make him believe that the money for which he is working is being deposited in a fund held in trust for his benefit and that of his family, only to discover, when he applies for benefits, that he has no realizable entitlement and that the funds have been diverted to other purposes. Yet, this apparently can happen under present Federal law.

At present, the only Federal statute regulating welfare and pension funds—other than the reporting requirements of the Welfare and Pension Plans Disclosure Act—is section 302 of the Taft-Hartley Act, essentially an antibribery statute. Currently, section 302 makes it a crime for any employer to pay money to a union or union official and then makes an exception for payments to certain welfare or pension funds. The section also requires that the fund provide certain stated benefits and be jointly administered by labor and management.

The fundamental weaknesses of section 302, which have been demonstrated in the recent hearings, are:

First. That, being basically an antibribery statute, it covers only payments into the fund. What happens afterward is seemingly irrelevant. Consequently, section 302 does not regulate what becomes of assets of a fund which is liquidated or terminated—the money may end up in Liberia, or a private bank account, or elsewhere.

Second. Section 302 does not cover conflicts of interest. There is no prohibition in it against padding the fund's payroll, nor against the trustee misappropriating the fund's assets.

Third. Section 302 presumes that joint administration of the fund will insure proper management, while in actuality in some cases only one of the trustees runs the fund, with a proxy from the other.

Fourth. Section 302 does not cover those unilateral funds established solely by management or by a union—and these funds comprise a majority of the welfare and pension funds now in existence.

Fifth. Finally, section 302 does not provide an adequate procedural remedy for violations—it is a criminal statute which cannot be a proper vehicle for regulation. Indeed, even when the criminal is apprehended, the assets themselves may be lost.

The bill I propose would seek to close these loopholes. It would create a new section 306 of the Taft-Hartley Act, supplementing section 302, which would define in detail how an employee benefit trust fund must be administered, and what must become of the money when it is terminated. Padded payrolls, and other diversions of assets would be prohibited. Joint administration would be retained for joint labor-management funds, but the requirements of the statute would be extended to cover "unilateral" funds as well. And the joint trustees would be prohibited from divesting themselves of responsibility by giving their "proxies" to an administrator who may be only a dummy for one side or the other. No officer or employee of the employer or the union would be permitted to draw a salary from the fund.

But perhaps most importantly, this bill would provide a battery of procedural avenues of enforcement. First, an individual beneficiary could sue in Federal district court to recover any benefit denied him in violation of the statute. Second, any beneficiary could sue on behalf of the fund to compel any person to return to the fund any assets wrongfully diverted. And third, the Secretary of Labor could bring suit on behalf of the fund or on behalf of a beneficiary to recover benefits, compel return of misappropriated funds, or restrain violations of the statute. And if the Secretary requests it and the court finds it appropriate, the district court could appoint a receiver to take possession of the assets and conserve and administer the fund until the violations of the statute have been remedied.

There is nothing in this bill which should cause any difficulty to a union, a company, or a welfare or pension fund which is now being administered in accordance with the customary fiduciary standards which we have come to expect of trustees. Nor is this bill a trap for the unwary. This is a bill aimed solely at unscrupulous persons who could deprive employees and union members of the benefits earned by long years of service.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record at this point, and that the bill be held at the desk for 1 week for additional cosponsors.

The PRESIDING OFFICER. Without objection, the bill will be printed in the Record, and will lie at the desk for 1 week for additional cosponsors, as requested.

The bill (S. 2352) is as follows:

S. 2352

A bill to amend the Labor-Management Relations Act, 1947, as amended, so as to provide for the regulation of certain employees benefit funds

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Labor-Management Relations Act, 1947, as amended, is amended by adding at the end thereof the following new section:

"ADMINISTRATION OF EMPLOYEES BENEFIT FUNDS

"Sec. 306. (a) As used in this section and in section 302(c)(5), the term 'employees benefit fund' means any fund, whether established pursuant to a collective bargaining agreement or unilaterally by one or more employers or by a labor organization, which is available for the payment either from principal or income, or both, to persons who are employed in an industry affecting commerce or who are members of a labor organization representing employees in an industry affecting commerce, or to members of the families, dependents, or beneficiaries of such persons, of one or more of the following benefits: Medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance, or pooled vacation, holiday, severance or similar benefits, or defraying the costs of apprenticeship training programs.

"(b) An employees benefit fund shall be established pursuant to a duly executed trust agreement which shall set forth the purpose or purposes for which the fund is established and the detailed basis on which payments are to be made into and out of the fund.

"(c) Moneys in an employees benefit fund shall be available for expenditure only for the sole and exclusive purpose of paying to employees or their families, dependents, or beneficiaries the benefits for which it was established, and for defraying the reasonable costs of administration of such fund. An employees benefit fund which is available for the purpose of providing pensions or annuities for employees shall not be used for the payment of any other benefits. None of the assets of an employees benefit fund shall be held, deposited, or invested outside the United States, except as may be permitted by regulations of the Secretary of Labor. Any such assets remaining upon dissolution or termination of the fund shall, after complete satisfaction of the rights of all beneficiaries to benefits accrued to the date of dissolution or termination, be distributed ratably to the beneficiaries thereof or, if the trust agreement so provides, to the contributors thereto.

"(d) In any case in which an employees benefit fund is established by collective bargaining agreement, the labor organization and the employer or employers making such agreement shall be equally represented in the administration of such fund, together with such neutral persons as the representatives of the employer or employers and the labor organization may agree upon. No person appointed by an employer or group of employers to act as a representative in the joint administration of such a fund shall delegate or otherwise transfer his responsibilities to any person appointed by a labor organization to act as its representative in such joint administration or to any person affiliated with, employed by or otherwise subject to direction by such labor organization; and no person appointed by a labor organization to act as a representative in the joint administration of such a fund shall delegate or otherwise transfer his responsibilities to any person appointed by an employer or group of employers to act as its representative in such joint administration or to any person affiliated with, employed by, or otherwise subject to direction by such employer or group of employers. In the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement shall provide that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the fund has its principal office.

"(e) The person or persons responsible for the administration of an employees benefit fund shall cause an independent audit to be made of the fund annually, and shall make the results thereof available for inspection by interested persons at the principal office of the fund and at such other places as may be designated in the agreement pursuant to which the fund is established.

"(f) No person who is an officer or employee of an employer or association of employers or a labor organization, which is a party to any agreement establishing or relating to an employees benefit fund, shall receive or accept, directly or indirectly, whether through a corporation or other entity owned or controlled in any substantial degree by such person or otherwise, any payment, loan, pledge, hypothecation, assignment, or other transfer out of the assets of such fund (other than benefits to which such person is entitled as an employee), except that if such person is an officer or employee of such fund, reasonable fees or expenses of attending meetings in connection with the business thereof may be paid from the fund to any such officer or employee attending such meetings in an official capacity. Nothing herein contained shall prohibit the purchase by an employees benefit fund, in the ordinary course of business, of the securities or indebtedness of any corporation or other business entity employing a substantial number of employees who are beneficiaries of such fund.

"(g) Suits by persons entitled, or who may become entitled, to benefits from employees benefit funds may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy and without regard to the citizenship of the parties (1) against any such fund to recover benefits required to be paid from an employees benefit fund pursuant to the terms of the agreement pursuant to which such fund is established or other constituent instrument; or (2) on behalf of and in the name of an employees benefit fund against any person who shall have transferred or received any of the assets of such fund in violation of any such agreement or of the requirements of this section.

"(h) Whenever the Secretary of Labor has reasonable cause to believe that an employees benefit fund is being or has been administered in violation of the requirements of this section, the Secretary of Labor may petition any district court of the United States having jurisdiction of the parties for an order (1) requiring return to such fund of assets transferred from such fund in violation of the requirements of this section, (2) requiring payment of benefits denied to any beneficiary in violation of the requirements of this section, and (3) restraining conduct in violation of the requirements of this section by any person performing duties in connection with the administration of such fund. Upon the filing of any such petition, the district court may, in its discretion, appoint a receiver to take possession of the assets of such fund and to administer them until such time as there no longer is probable cause to believe that those persons otherwise responsible for the administration of such fund will not conform to the requirements of this section.

"(i) The provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (29 U.S.C. 101–115) shall not be applicable with respect to proceedings under this section."

SEC. 2. (a) Clause (5) of section 302(c) of such Act is amended to read as follows: "(5) with respect to money or other thing of value paid to an employees benefit fund which meets the requirements of section 306."

(b) Clause (6) of such section is repealed.

SEC. 3. The amendments made by this Act shall take effect 120 days after the date of enactment of this Act.

INSURANCE OF BANK DEPOSITS

Mr. ROBERTSON. Mr. President, the Chairman of the Federal Deposit Insurance Corporation has transmitted to the Congress legislation which would provide effective penalties for violations of Federal regulations prescribing the maximum rate of interest which insured banks may pay on deposits. I am introducing the bill at the request of the Federal Deposit Insurance Corporation, and I ask unanimous consent to have printed in the RECORD at this point the letter from the Chairman of the Federal Deposit Insurance Corporation to the Vice President, the attached summary of the bill, and the text of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and summary will be printed in the RECORD.

The bill (S. 2354) to amend the Federal Deposit Insurance Act and the Federal Reserve Act with respect to the payment of deposits and interest thereon, to limit the payment of compensation for obtaining deposits, and for other purposes, introduced by Mr. ROBERTSON, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by striking out the next to last sentence thereof, relating to penalties for violations of such subsection, by inserting "(1)" at the beginning thereof, and by adding thereto the following paragraphs:

"(2) No insured nonmember bank or officer, director, agent, or substantial stockholder thereof shall pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for such bank, except as the Board of Directors may by regulation prescribe. For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in such bank shall be deemed to be a payment of such compensation by the bank if the bank had or reasonably should have had knowledge of such payment by such person when it accepted the deposit.

"(3) Any violation by an insured nonmember bank of the provisions of this subsection or of regulations issued hereunder shall subject such bank to a penalty of not more than 10 percent of the amount of the deposit to which such violation relates. The Corporation may recover such penalty, by suit or otherwise, for its own use, together with the costs and expenses of such recovery.

"(4) The Board of Directors is authorized by regulation to prescribe what shall be deemed to be a payment of interest by a nonmember insured bank (which shall include an agreement to pay interest and may include payments to the depositor or any other person made by an officer, director, agent, or substantial stockholder thereof or by any other person if the bank had or reasonably should have had knowledge of such payment by such other person when it accepted the deposit), a payment of compensation, and a substantial stockholder for the purposes of this subsection and regulations issued pursuant thereto and to prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this subsection and prevent evasions thereof."

SEC. 2. Section 19 of the Federal Reserve Act is amended by inserting the following paragraphs after the thirteenth paragraph thereof (12 U.S.C. 371b):

"No member bank or officer, director, agent, or substantial stockholder thereof shall pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for such bank, except as the Board of Governors of the Federal Reserve System may by regulation prescribe. For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in such bank shall be deemed to be a payment of such compensation by the bank if the bank had or reasonably should have had knowledge of such payment by such person when it accepted the deposit.

"Any violation by a member bank of the provisions of this section or the regulations issued hereunder relating to payment of deposits and interest thereon and payment of compensation for obtaining deposits shall subject such bank to a penalty of not more than 10 percent of the amount of such deposit to which such violation relates. Such penalty may, by direction of the Board of Governors of the Federal Reserve System, be recovered by suit or otherwise by the Federal Reserve bank of the district in which the offending member bank is located, for its own use, together with the costs and expenses of such recovery.

"The Board of Governors of the Federal Reserve System is authorized by regulation to prescribe what shall be deemed to be a payment of interest by a member bank (which shall include an agreement to pay interest and may include payments to the depositor or any other person made by an officer, director, agent, or substantial stockholder thereof or by any other person if the bank had or reasonably should have had knowledge of such payment by such other person when it accepted the deposit), a payment of compensation, and a substantial stockholder for the purposes of this section and regulations issued pursuant thereto and to prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this section and prevent evasions thereof."

SEC. 3. The provisions of this Act shall be applicable to funds received by the bank after the date of its enactment and to any subsequent renewals of a deposit.

The letter and summary presented by Mr. ROBERTSON are as follows:

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington.

The PRESIDENT OF THE SENATE,
The U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The attached legislation which I recommend to the Congress would amend section 18 of the Federal Deposit Insurance Act and section 19 of the Federal Reserve Act so as to provide effective penalties for violations of Federal regulations prescribing the maximum rate of interest which insured banks may pay on deposits. Under the proposed legislation no insured bank or officer, director, agent, or substantial stockholder thereof would be permitted to pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for the bank, except as the Board of Directors of the Corporation or the Board of Governors of the Federal Reserve System may by regulation prescribe. Any payment made by any other person to induce the placing of a deposit in an insured bank would be deemed to be a payment of compensation by the bank if the bank has or reasonably should have knowledge of the payment by such person when it accepts the deposit. Any violation by an insured bank of the prohibitions in the law or regulations issued pursuant thereto would subject the bank to a penalty of not more than 10 percent of the amount of the deposit to which the violation relates. The Corporation and the Board of Governors of the Federal Reserve System would be empowered to recover these penalties, by suit or otherwise, together with the costs and expenses of recovery.

The Board of Directors and the Board of Governors would be authorized by regulation to prescribe what would be deemed to be a payment of interest. This term would include an agreement to pay interest by an insured bank and include payments to the depositor or any other person made by an officer, director, agent, or substantial stockholder of the bank or by any other person if the bank has or reasonably should have knowledge of the payment by such other person when it accepts the deposit. The Board of Directors and the Board of Governors would also be authorized to define payment of compensation and substantial stockholder, and to prescribe such rules and regulations as they may deem necessary to effectuate the purposes of the law and prevent evasions thereof.

The financial condition of seven of the recently failed banks was brought about primarily through self-serving loans of the management with funds for this purpose obtained with the aid of money brokers rather than from the growth of deposits in the normal course of business. These funds were brought in with compensation in excess of the maximum permissible rate of interest which insured banks may pay on deposits under regulations of the Corporation and the Board of Governors of the Federal Reserve System.

Under the Federal Deposit Insurance Act, in any case where the Corporation is not satisfied as to the validity of a claim for an insured deposit, it may require the final determination of a court of competent jurisdiction before paying the claim. A long line of court decisions in relation to State deposit guaranty plans years before the formation of Federal Deposit Insurance Corporation has clearly established that money placed in banks under an arrangement for payment of a bonus or premium in excess of the statutory or regulatory interest rate limit was not a deposit insured or guaranteed by such guaranty plans.

Under the circumstances surrounding the deposits involved in the seven closed banks, the Corporation decided to submit the matter to the courts for a determination as to whether the funds placed in these banks under these facts constituted deposits entitled to insurance. Consequently, the Board of Directors of the Corporation authorized declaratory judgment actions in California and Texas for a determination by the courts of whether these certificates qualify as insured deposits and to what extent Federal deposit insurance may apply.

In the case of each of the seven banks with brokered funds represented as deposits, there was an arrangement made either directly or indirectly to have a bonus over and above the permissible rate of interest on deposits paid to obtain the money. Our litigation involves about 388 certificates of deposit issued by these closed insured banks. These certificates aggregate about $18.3 million and there was one certificate of $3 million. Insurance coverage of these deposits would amount to about $3.8 million.

After these actions were filed it became apparent that these law suits would not end the practice by some banks of bringing funds into the bank at excessive interest rates in exchange for certificates of deposit or other evidences of deposits. This is borne out by the large amount of money involved in some of the transactions, which suggests that certain lenders of funds to banks are not interested in Federal deposit insurance protection.

At the time of the Corporation's original suit on the question of the insured status of certain certificates of deposit, only two banks with an aggregate of $4.5 million of assets were involved. Our reports of examination had also indicated to us that the practice of brokering deposits at rates in excess of the maximum permissible rates under Federal banking regulations was becoming more widespread. Last year we thought that this problem involved in the closing of two small banks did not merit an approach to Congress for legislative action, but we did decide it was our duty to request the courts for a determination of this matter. The failure of 12 banks in the last 18 months with book assets totaling $84 million, in which the pattern of brokered deposits at excessive rates of interest was important in seven of these failures, has brought us to the conclusion that this subject requires legislation.

The theory of our declaratory judgment actions, in brief, is that these funds brought into the banks at rates of interest in excess of that permitted on deposits were not deposits received in the usual course of business and therefore were not insured. The basis of this position is that under paragraph (1) of section (1) of the Federal Deposit Insurance Act the term "deposit" means the unpaid balance of money or its equivalent received or held by a bank in the "usual course of business."

Our subsequent appraisal of this matter after the institution of our lawsuits has convinced us that litigation will not solve the problem. Denial of insurance coverage to these transactions would not restrict the circumvention of the interest regulations in connection with transactions over the insurance limit of $10,000. On the other hand, it might well have a serious detrimental effect on the status of an insured deposit in the minds of depositors. Weighing the desirability of preserving the confidence of the public that their deposits of funds in banks are entitled to Federal deposit insurance coverage against the fact that a favorable decision in our lawsuits would not curtail the objectionable practice of brokered funds, we have concluded that the public interest will best be served by preserving the deposit status of these transactions and by providing by legislation a means for enforcing the interest regulations of the Corporation and the Board of Governors of the Federal Reserve System. It is now my view that the validity of the deposit relationship should not be affected by violations of the Federal interest regulations which provide the maximum permitted interest rate on time and savings deposits and prohibit payment of any interest on demand deposits.

Our litigation would only determine the question of the insured status of funds shown on the banks' records as deposits on which the person placing the funds in the bank received more compensation from the bank, the bank officers, or the bank owners, than permitted to be paid on deposits under applicable Federal regulations. An effective penalty is needed to enforce the interest regulations and stop the practices of brokering funds into insured banks for sums in excess of the maximum rate of interest permitted on deposits by Federal regulation.

The Bureau of the Budget has advised that enactment of this legislation would be consistent with the administration's objectives.

Sincerely yours,

K. A. Randall,
Chairman.

Summary of Proposed Legislation for Enforcement of Interest Regulations

The attached legislation would amend section 18 of the Federal Deposit Insurance Act and section 19 of the Federal Reserve Act so as to provide effective penalties for violations of Federal regulations prescribing the maximum rate of interest which insured banks may pay on deposits. Under the proposed legislation no insured bank or officer, director, agent, or substantial stockholder thereof would be permitted to pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for the bank, except as the Board of Directors of the Corporation or the Board of Governors of the Federal Reserve System may by regulation prescribe. Any payment made by any other person to induce the placing of a deposit in an insured bank would be deemed to be a payment of compensation by the bank if the bank has or reasonably should have knowledge of the payment by such person when it accepts the deposit. Any violation by an insured bank of the prohibitions in the law or regulations issued pursuant thereto would subject the bank to a penalty of not more than 10 percent of the amount of the deposit to which the violation relates. The Corporation and the Board of Governors of the Federal Reserve System would be empowered to recover these penalties, by suit or otherwise, together with the costs and expenses of recovery.

The Board of Directors and the Board of Governors would be authorized by regulation to prescribe what would be deemed to be a payment of interest. This term would include an agreement to pay interest by an insured bank and include payments to the depositor or any other person made by an officer, director, agent, or substantial stockholder of the bank or by any other person if the bank has or reasonably should have knowledge of the payment by such other person when it accepts the deposit. The Board of Directors and the Board of Governors would also be authorized to define payment of compensation and substantial stockholder, and to prescribe such rules and regulations as they may deem necessary to effectuate the purposes of the law and prevent evasions thereof.

CONCURRENT RESOLUTIONS

PRINTING OF ADDITIONAL COPIES OF HOUSE DOCUMENT NO. 198 ENTITLED "THE COMMISSION ON INTERGOVERNMENTAL RELATIONS"

Mr. MUSKIE, from the Committee on Government Operations, reported an original concurrent resolution (S. Con. Res. 44) authorizing the printing of additional copies of House Document No. 198, entitled "The Commission on Intergovernmental Relations," which, under the rule, was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when reported by Mr. Muskie, which appears under the heading "Reports of Committees.")

PRINTING OF ADDITIONAL COPIES OF THE "CATALOG OF FEDERAL AIDS TO STATE AND LOCAL GOVERNMENTS" AND THE 1965 SUPPLEMENT THERETO

Mr. MUSKIE, from the Committee on Government Operations, reported an original concurrent resolution (S. Con. Res. 45) authorizing the printing of additional copies of the "Catalog of Federal Aids to State and Local Governments" and the 1965 Supplement thereto, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when reported by Mr. Muskie, which appears under the heading "Reports of Committees.")

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the name of the junior Senator from South Dakota [Mr. McGovern] be added as a cosponsor to S. 2318, my bill to increase benefits for the dependents of servicemen killed on active duty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, at its next printing I ask unanimous consent that the names of the junior Senator from Idaho [Mr. Jordan] and the senior Senator from Massachusetts [Mr. Saltonstall] be added as cosponsors of S. 561, a bill to promote intergovernmental cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, at the request of Senator McCarthy, I ask unanimous consent that the names of Senator Dirksen and Senator Murphy be added to the list of cosponsors of Senate Joint Resolution 85, the measure Senator McCarthy introduced proposing a constitutional amendment relating to equal rights of men and women, and that their names be listed among the sponsors at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Sylvan A. Jeppesen, of Idaho, to be U.S. attorney, district of Idaho, term of 4 years. (Reappointment.)

Anson J. Anderson, of North Dakota, to be U.S. marshal, district of North Dakota, term of 4 years. (Reappointment.)

John O. Garaas, of North Dakota, to be U.S. attorney, district of North Dakota, term of 4 years. (Reappointment.)

Robert F. Morey, of Massachusetts, to be U.S. marshal, district of Massachusetts, term of 4 years. (Reappointment.)

Frank W. Cotner, of Pennsylvania, to be U.S. marshal, middle district of Pennsylvania, term of 4 years. (Reappointment.)

David M. Satz, Jr., of New Jersey, to be U.S. attorney, district of New Jersey, term of 4 years. (Reappointment.)

Doyle W. Foreman, of Oklahoma, to be U.S. marshal, northern district of Oklahoma, term of 4 years. (Reappointment.)

Forrest F. Walker, of Virginia, to be U.S. marshal, eastern district of Virginia, term of 4 years. (Reappointment.)

On behalf of the Committee of the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, August 10, 1965, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ARMY READINESS REPORT

Mr. STENNIS. Mr. President, on Tuesday, July 27, 1965, the Preparedness Investigating Subcommittee, of which I am chairman, unanimously adopted and approved a classified report on Army readiness. This report, which is based on a 6-month study and inquiry by the subcommittee and its staff, finds that the Army has significant and existing problems in equipment shortages, lack of repair parts, and a substantial amount of overage equipment, particularly in the wheeled and tracked vehicle area. It is the judgment of the subcommittee that these problems require vigorous and prompt corrective action.

The subcommittee report was sent to all members of the Senate Armed Services Committee and the Defense Appropriations Subcommittee. I feel that it will be helpful to them in the consideration of the administration's request for additional fiscal year 1966 defense funds and in their study of defense matters and problems in general.

Several weeks ago, and before he departed for Vietnam, a copy of an early draft of the report was furnished to the Secretary of Defense for study by him and his staff.

The report is based upon and contains classified information, some of it of a sensitive nature. Therefore, the text of the report cannot be made public.

The problems discussed in the subcommittee report exist in the combat critical areas of firepower, mobility, and communications equipment. They directly affect the Army's readiness and its ability to carry out its assigned missions. The only answer to these problems is increased funding and additive procurement. Therefore, the subcommittee recommended that the Secretary of Defense immediately present to the Congress full information on the subject and such upward revisions in the defense budget as are necessary to insure that adequate funds will be available to meet our defense requirements, including our stepped-up activities in Vietnam, and to insure also that our military forces do not lack for any equipment and other resources which are necessary for the fulfillment of our commitments around the world.

As the report points out, one of the primary reasons for the situation in which the Army finds itself today is the existence of "unprogramed requirements" which the Army has been required to meet from its existing assets without being given special or added funding. The major unprogramed requirement is our operations in Vietnam. This has not been separately funded except for the recent $700 million supplemental appropriation. Otherwise, it has been funded under what is essentially a peacetime budget. Only about $8 million of the $700 million supplemental was allotted for the procurement of Army equipment.

I wish to say that there is no evidence of any significant or serious shortages in Vietnam itself. However, the requirements of our operations there constitute a serious drain upon the assets and resources of the remaining Active Army forces and it is the considered judgment of the subcommittee that prompt action is necessary to restore these assets and rebuild our strategic reserve. The continued drawing down of our assets and resources for Vietnam could create an unacceptable and dangerous degradation in the Army's ability to meet other contingencies which might arise around the world.

To permit this to happen would be a perilous and risky gamble with our national security.

Thus, it is my conviction that if and when additional appropriations are made to defray the actual cost of the operations in Vietnam, action should also be taken to provide funds to replenish the equipment and assets of Army divisions and other combat units which have suffered depletion by reason of diversions to Vietnam.

I know that that cannot be done in a week, a few days, or months, or in a short time; but we ought to lay the groundwork and start the machinery now for a systematic revision, for the consideration of money items for this and other purposes.

It should be added that there are no fatal or insurmountable deficiencies at this time. The problems, however, are real and apparent. Fortunately, we have the time and the resources to correct them before they reach the critical stage. We should get on with this task now.

In issuing its report, the subcommittee had the benefit of a great mass of classified Army documents and other information. In addition, members of the subcommittee staff personally visited and inspected 9 of the 16 Active Army divisions—4 in the continental United States and 5 in Europe. In summary, the report is based upon factual data and information provided to the subcommittee by the Army itself and not upon individual and unsupported judgment.

The subcommittee's investigation and study of this matter is continuing and will be pursued vigorously. Additional reports will be issued in the future if circumstances warrant.

Secretary McNamara is to appear before the Defense Appropriations Subcommittee on Wednesday to discuss the fiscal year 1966 defense budget and to present and explain the supplemental request. I hope that the added amounts requested will be adequate to remedy the problems and deficiencies revealed by the subcommittee report, although I know that they cannot all be covered, as I have said, in only a few weeks of special preparation.

As I have mentioned, funding is needed not only for the prosecution of the fighting in Vietnam but also for replacement of assets already sent there and which were diverted from other Active Army forces. It is not enough merely to take care of the Vietnam costs. It is important also that the Army be made whole so that it will have the capability to react promptly to both foreseen and unforeseen contingencies as they occur.

As I have said, the subcommittee report cannot be given public release because of its classified content. However, if any Member of the Senate should desire to read it he may do so by going to the subcommittee office where a copy will be available to him.

In concluding, Mr. President, I express my deep appreciation to all of the subcommittee members for their outstanding assistance and cooperation during the course of this and other inquiries. These members are Senators SYMINGTON, JACKSON, CANNON, BYRD of West Virginia, SALTONSTALL, SMITH, and THURMOND. I am indebted to them for their support and advice.

Mr. CLARK. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I will yield if I have sufficient time.

Mr. CLARK. Mr. President, I ask unanimous consent that I may have 3 minutes in order to ask questions of the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Can the Senator from Mississippi tell us what the impact of the proposed additional expenditures for Vietnam will have on the deficit or on the budget?

Mr. STENNIS. I could not state a round figure. It will run over the budget amount. We have appropriated, as the Senator will recall, $700 million. A request will be made tomorrow for additional funds for Vietnam alone. I am not yet at liberty to say what the amount will be, because the figure is not final. I assume that it will be between $1 and $2 billion. That amount will contemplate still further appropriations for this purpose in January, especially with the pickup we have had in the last few days. From there on, the amounts to be requested are highly uncertain.

Mr. CLARK. Does not the Senator agree that it would be useful to let the Senate have some idea, if possible, when we are asked to pass upon additional appropriations, what the effect on the budget will be?

Mr. STENNIS. Yes. We will obtain the figures, as I have already related. The Senator from Mississippi has been urging for months that the requests come now. We knew they were real and that money would be needed, so we have been urging that the requests be made now for Vietnam. Today, I am speaking primarily to fill the deficiencies in the other divisions that have been partially created, although not critically, because of what is taking place in Vietnam.

Mr. CLARK. I share the Senator's view that this is a necessary expenditure in light of the situation; but I believe that Congress is entitled to know what the impact of the expenditures will be on the fiscal situation.

Mr. STENNIS. The Senator is correct. I am putting the other horse in front, because we must have sufficient materiel and equipment so as not to be caught short.

Mr. CLARK. One more question. Can the Senator from Mississippi or perhaps some other Senator enlighten us as to what the impact of these expenditures will be on our balance of payments, which is a delicate matter now, since our supply of gold has been under attack to some extent? We have had a successful second quarter with respect to balance of payments, I am told, but these additional expenditures might put us back in a deficit position again, and that could produce serious implications. I believe that Congress is entitled to know about that before we pass on the rest of the requests, although I say again that I believe the requests are justified.

Mr. STENNIS. I appreciate the Senator's interest in the subject and the comments he has made.

NONPROLIFERATION OF NUCLEAR WEAPONS

Mr. CLARK. Mr. President, for more than a year, I have been contending that a treaty dealing with the nonproliferation of nuclear weapons is one of the most important immediate objectives of our foreign policy. Not too long ago, the junior Senator from New York [Mr. KENNEDY] made a brilliant speech in which he took the same position. He was supported on the floor of the Senate by 17 other Senators.

I have been discouraged by the lack of urgency given to this matter by the Johnson administration. I have also been discouraged because the administration has not seen fit to recognize that it will not be possible to obtain a treaty dealing with the nonproliferation of nuclear weapons unless we give up what I believe to be the obsolete, and unnecessary concept of the multilateral force, which is of little value militarily, and also the British equivalent thereof.

A most interesting editorial entitled "MLF Versus Nonproliferation" was published in the Washington Post for Monday, August 2. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Aug. 2, 1965]

MLF VERSUS NONPROLIFERATION

President Johnson had some nice things to say at his press conference about the Russians' agreement to return to the Geneva disarmament conference and his hope that some progress might be made. But this time it may be up to the United States, not the Soviet Union, to take more of an initiative than it so far has done in making progress possible.

The choice would seem to be between the United States holding out for a multilateral mixed-man nuclear missile fleet (MLF) as a sop to its West German ally, or making an all-out attempt to achieve a nuclear nonproliferation agreement with the Russians.

Disarmament now has a nuclear timetable on it. As more powers join the nuclear club, the chances of ever reaching any disarmament agreement diminish. The other day, both Communist China, which has just joined the club, and Indonesia, which would like to, boldly told the World Congress Against Atomic and Hydrogen Bombs gathering in Tokyo that countries opposed to "imperialism" should make it their business to obtain nuclear weapons. Indonesian President Sukarno contended that this would be "for the defense of peace and freedom."

A nonproliferation agreement, such as is being advanced by the British at Geneva, would require a pledge from nuclear powers not to transfer control of nuclear weapons to other countries or groups of countries, and a pledge from nonnuclear countries not to acquire them. Obviously getting Russia to sign on the dotted line would not necessarily commit either China or France. But if others signed up the pressures on the holdouts would become mighty persuasive.

The United States, until now, has given a nuclear nonproliferation treaty lesser priority than the working out of some sort of nuclear sharing arrangement with the Germans. The fear, in certain quarters of the State Department, has been that if the Germans are not satisfied they might insist on acquiring nuclear weapons on their own.

Recently, West German Foreign Minister Gerhard Schroeder publicly set "concrete and irrevocable steps toward unification" with East Germany as the price tag of an all-out renouncement of the right to acquire nuclear weapons. In the Paris treaties of 1955, in which West Germany was accepted into NATO, the Germans renounced the manufacture of the "ABC" weapons—atomic, bacteriological and chemical—on their own soil, but only issued a policy decision on not acquiring such weapons elsewhere.

The Germans have a legitimate right to be consulted about the use of any NATO nuclear weapons involving their own security, and due attention should be paid to this. But is it to the best interests of the United States to be so solicitous over the Germans participating in the control of nuclear weapons if Germany is only throwing out hints about control in order to get the Russians to agree to a unified Germany? These hints rekindle the fears of all of Germany's World War II victims, not just the Russians.

The Congress has shown no enthusiasm whatever for amending the Atomic Energy Act to permit a multinational use of these weapons under an MLF. The NATO peoples, other than the Germans, have shown no enthusiasm for MLF. Aware of this, President Johnson last December ordered his administration to hold up on its supersell of MLF and let the NATO nations themselves come forth with their alternatives. But, despite this order, the MLF boosters in the State Department lately have gone back to trying to get MLF accepted.

Germany, with one of its frequent elections coming up in mid-September, has been all for this. The Germans also are aware that should the United States and Britain ever join in a nonproliferation agreement, this would cut off their most likely suppliers—should they ever really want to acquire nuclear weapons.

Probably it is too much to expect the Johnson administration to commit itself to a nuclear nonproliferation agreement before the German elections, and thereby prejudice Premier Erhard's chances. But the current Geneva disarmament conference is scheduled to adjourn around August 25 in order to permit the conferees to report back to the U.N. General Assembly, which reconvenes September 1. Might it not be possible for the United States to look to a reconvening of the disarmament conference after the German elections as the right time to give top priority to a nuclear nonproliferation effort?

It certainly has become apparent that the world is not going to obtain such an agreement while the United States still champions the unwanted MLF. And, because of the increasing chances of more nations joining the nuclear club, the time for such an agreement may be only now.

Mr. CLARK. Mr. President, the editorial makes the point that it is up to the United States, not the Soviet Union, to take more of an initiative than it so far has done in making progress toward a nonproliferation treaty possible. It indicates—and I agree—that the choice is between the United States holding out for a multilateral mixed-manned nuclear missile fleet as a sop to its West German ally, or making an all-out attempt to achieve a nuclear nonproliferation agreement with the Russians. In my opinion, we should not offer that sop to our West German ally.

I do not even believe, although the editorial indicates this might be wise, that we should wait until after the German elections. We should be moving right now in Geneva, today and tomorrow, to come to an agreement with the Russians on a nonproliferation treaty.

BACK TO McCARTHYISM

Mr. CLARK. Mr. President, a few days ago on the floor of the Senate the Senator from Connecticut [Mr. DODD], with what I thought was a great exhibition of candor and courage, took the floor to denounce the Senate Subcommittee on Internal Security, and particularly, to censor its counsel for having made a totally unjustified attack on the patriotism of the American Friends Service Committee. A number of us joined the Senator from Connecticut in his condemnation of the action of the subcommittee.

In the Washington Post of Monday, August 2, there was an editorial entitled "Back to McCarthyism." This editorial deals with this subject.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Back to McCarthyism

> That curious anachromism, the Senate Internal Security Subcommittee, has reverted to the dishonored practice of condemning organizations of whose policies it disapproves. A publication issued by the subcommittee on July 13 called "The Techniques of Soviet Propaganda" contains a statement that the American Friends Service Committee is "well known as a transmission belt for the Communist apparatus."
>
> The allegation is, of course, as absurd as it is insulting. Senator Dodd, the vice chairman of the subcommittee, rose in the Senate on Wednesday to say, "I wish to disassociate myself from this statement, which I never saw and never approved and which I consider most damaging and unfortunate." Senators Ervin, Scott, Bayh, Clark, and Case also denounced the statement and disassociated themselves from it. "I think that counsel for the Internal Security Subcommittee is entitled to criticism for what has been done," said Senator Case.
>
> But Senators cannot so easily disassociate themselves from the insult. They, as well as the subcommittee counsel, Mr. Jay Sourwine, are entitled to criticism. For it is they who permit Mr. Sourwine to use the subcommittee as a megaphone for the expression of his personal crotchets. And it is they who allow the subcommittee to go on acting as a kind of commissariat of political orthodoxy. It is outrageous for the Senate of the United States to allow its prestige and its power to be employed in so careless and irresponsible a fashion.

Mr. CLARK. Mr. President, the editorial makes the point that Senators cannot easily disassociate themselves from the insult rendered, primarily by the subcommittee counsel, Jay Sourwine, to this patriotic organization.

The editorial suggests that some action be taken and states that it is an outrage for the Senate to allow its prestige and its power to be employed in so careless and irresponsible a fashion.

The general responsibility for the activities of Mr. Sourwine rests primarily with the Committee on the Judiciary, which, I hope, will take appropriate action. However, the secondary responsibility rests with the Committee on Rules and Administration, of which I am a member. This committee provides the money each year to make it possible for this kind of activity to continue.

I shall undertake to see that the request for an appropriation next year is closely scrutinized.

PUERTO RICAN PETROCHEMICALS

Mr. MORTON. Mr. President, we are now being treated to the amusing, if sordid, spectacle of the Secretary of the Interior, Mr. Stewart Udall, attempting to disengage himself from a predicament of his own making in connection with a multi-million-dollar petrochemical plant in Puerto Rico.

Some weeks ago, when I last addressed myself to this matter, I suggested that the Secretary seemed about to manipulate the very flexible oil import control program—imposed in the name of the national security—in a fashion which appeared to accord a discriminatory preference to one large oil company. Since that time, we have seen the denouement and it is now a matter of official record. The Phillips Petroleum Co. will be allowed an extra quota—over and above its present 22,255 barrels-a-day quota under the oil import program—of 50,000 barrels a day of petroleum feedstocks from the Caribbean, to be brought into Puerto Rico for processing in the proposed petrochemical facility. Nearly 25,000 barrels a day of gasoline produced in this petrochemical facility will apparently be brought into the U.S. east coast to compete with domestically produced gasoline. At the present time, it is unclear the extent to which the chemical products of this new facility will be imported into the continental United States to compete with U.S. chemical firms which process domestically produced feedstocks.

Now that the cat is fully out of the bag, the other oil companies, whose import quotas will be reduced to make room for the Phillips windfall, are complaining of the unfairness of the Udall decision, and seeking equal treatment at the hands of their Government.

They have thus presented Mr. Udall with a dilemma which should have been apparent from the start—he must either grant similar treatment to all comers and scuttle the import control program, or he must deny to other U.S. firms the preferential treatment which he accorded Phillips—and thus publicly reveal the discriminatory nature of the scheme. The Secretary has obviously chosen the latter course as the lesser of two evils, and is now casting about frantically for justifications. About the only beautification which he has not yet invoked in support of the handout to Phillips is the beautification program.

As I said, Mr. President, the Secretary's periodic struggles to extricate himself from the consequences of his own actions are not without their amusing aspects. Perhaps we should be grateful to him for the comedy relief, if it were not for the inevitable collateral injury which he inflicts on the reputation of the Government for impartial administration of vital programs, and on the faith of the citizens in the fairness and impartiality of government administrators.

The truth is, Mr. President, that this very serious situation deserves consideration at the very highest levels of government. Is it not obvious that what has happened here is the conversion of a national security program into a cynical political payoff on a lordly, gigantic scale? The situation is hardly mitigated by the long history of "adjustments," "loopholes," and other carved-out special features rigged to bestow great benefits upon a very few in the industry at the expense of the many.

I refer to the following "flexible" features of the oil import program:

First. There is the famous double dip still enjoyed by a few favored refineries located in Minnesota, Wisconsin, and Michigan. Quite appropriately, no domestic refinery whose import quota is calculated on a throughput basis—and this applies practically to all refineries in the country—is permitted to include the runs of quota-free overland oil from Canada and Mexico in the calculation of its quota for offshore imports. For some peculiar reason, this handful of refineries has been allowed to claim import quotas on the basis of so-called historic imports of Canadian oil, even though that oil is completely quota-free. This treatment, which has never been satisfactorily explained and, in fact, defies explanation, has resulted in greatly enlarged quotas for these favored few to their great financial advantage and to the corresponding disadvantage of all other quota holders who have had to yield position to them.

Second. There is the loophole in the Mexican overland shipments—an arrangement which elicited this comment from Fortune magazine:

> Whenever men conspire to rig the market, other men are sure to find a loophole in the rigging.

Because oil entering the United States overland is quota-free, one operator is permitted to bring Mexican oil under bond into Brownsville, Tex., by tanker, then to truck it across the border and back, thus qualifying such shipments for quota exemption. There is a valid national defense justification for hemispheric overland shipments of crude, but, it seems to me, permitting this farcical Mexican loophole to continue discredits the entire control program.

Third. There is a loophole of unrestricted flow of imports from Puerto Rico into the mainland of the United States in violation of the President's proclamation.

Section 2(c) of Presidential Proclamation No. 3279, as amended, states:

> The maximum level of imports of crude oil, unfinished oils, and finished products into Puerto Rico shall be approximately the level of imports into Puerto Rico during all or part of the calendar year 1958, as determined by the Secretary of the Interior to be consonant with the purposes of this proclamation, or such lower or higher levels as the Secretary may subsequently determine are required to meet increases or decreases in local demand in Puerto Rico or demand for export to foreign areas.

Clearly, it is the intent of the proclamation to permit increased crude and unfinished quotas only as needed within Puerto Rico, and for export processing to foreign areas.

When the mandatory oil program was instituted in 1959, crude and unfinished oils were set at approximately 80,000 barrels per day for Puerto Rico. The volume of finished products entering the U.S. mainland from the two refineries was approximately 28,000 barrels per day, according to information contained in a document officially filed with Secretary Udall. Five years later, crude and unfinished allocations for Puerto Rico had increased to about 112,000 barrels per day, and finished product flow to the mainland to about 50,000 barrels per day.

Why has Mr. Udall exceeded his authority under the proclamation and boosted crude quotas for Puerto Rico at the expense of the increased flow of byproducts into the U.S. mainland, which have increased by 22,000 barrels per day?

In some of these instances, there was at least a pretense of honest administration, as the Interior Department sought to minimize the disruptive effects of newly instituted controls. The Government can point to some mitigating evidence in defense of its action, no matter how truly preferential it may have been.

But in this case, the act was barefaced. Mr. Udall says that no other company applied for the privilege of building a petrochemical plant in Puerto Rico. Of course no other company applied, because it was a well-known fact that the Government oil import policy precluded the importation of foreign crude oil that would result in increased oil flow to the U.S. mainland. In fact, the Interior Department rejected a petition by one company for an increase in its crude quota to permit the construction of a somewhat different type of facility in Puerto Rico, on the grounds that this request depended upon U.S. outlets—despite the creation of additional employment opportunities. No other company imagined that sheer gall, plus the felicitous application of political cronyism, would succeed in winning for itself preferential rights to import the products into the United States.

In fact, Phillips admitted that its proposed facility would not be constructed were it not for this special privilege of access to the protected U.S.-market. Moreover, the contract between Phillips and Puerto Rico provides that, in the event such protection is withdrawn and the market opened up to all through lifting of import controls, Phillips can pull out of Puerto Rico entirely. What a brazen condition. And what a bonanza to Phillips.

And, Mr. President, I use the word "bonanza" advisedly. The right to use foreign oil is a valuable one; it has a monetary value of between $1 and $1.25 per barrel, roughly equivalent to the discount under the domestic crude price. The rights given Phillips to import its required feedstocks for shipment of nearly 25,000 barrels per day of gasoline to the east coast are estimated to be worth close to $15 million a year. This is to be the reward for seeking something which Government policy denies to all others.

What are our citizens to think about such a display, where Government favors are handed out to some and denied to others? What are U.S. chemical companies to conclude as to the fairness and objectivity of their Government, when they are denied access to the less expensive foreign feedstocks which have so freely been made available to a preferred recipient? And how about the east coast gasoline refiners and marketers whose operations are related to U.S. crude and product prices? What will they conclude as to the integrity of their Government when they read that Interior has made a grant of privileges which will flood their markets with low-cost gasoline manufactured in Puerto Rico from foreign crude which is not available to them?

What are domestic oil producers to think when they see import quotas handed out on such a flimsy pretext at a time when more than two million barrels a day of domestic oil is shut in for lack of a market?

Mr. President, it appears to me that this is a scandalous situation which can be neither justified nor ignored. The last scene in this tragicomedy is yet to be played, Mr. President. Mr. Udall has named an interagency committee to study proposed changes in the Presidential proclamation on which the oil imports program is based. When that committee has completed its deliberations, its recommendations will presumably go forward to the President for his ratification. Mr. Udall has indicated that, since oil policy has been delegated to him, the President will simply ratify the decisions reached by Mr. Udall and the interagency committee. I submit, Mr. President, that no President of the United States can afford to have these kinds of decisions made for him by underlings. These are not considerations of oil policy which are at stake. They are considerations of ethics and morality which go to the very roots of our citizens' confidence in their Government.

I sincerely hope that the interagency committee will give serious consideration not only to the economic issues, but also to the ethical questions involved in this prejudicial grant to a single aspirant. And I hope even more sincerely and fervently that the President and his closest advisers will consider whether any government, no matter how strong and how popular with its citizens, can assume the pose of handing out its favor in such blatant fashion.

Mr. President, it is my intent to send the head of every department and agency concerned with the review of the important program the text of my address today. I would hope that in their deliberations that they would address themselves to these aspects of the Phillips-Puerto Rico deal:

First. If the import restrictions can be breached for Phillips, why not for the many other companies anxious to establish petrochemical industries in Puerto Rico on similar terms?

Second. The Secretary stated that a stimulus to Puerto Rico's economy was a cardinal factor that prompted his action—an objective which we applaud and sympathize with. Would not the same logic apply to applicants who would like to establish petrochemical facilities in West Virginia and the Virgin Islands? Would not a similar program for operators willing to establish petrochemical facilities in the continental United States be effective in mitigating the poverty in our own depressed areas?

Third. Is there a secret understanding with the Puerto Rican government that it will not extend to other applicants the same privileges that have been granted Phillips, in order to save the Interior Department the embarrassment of having to turn down other companies desiring the same deal?

Fourth. Is the Puerto Rican Government's lack of interest in other petrochemical projects due to the fact that Puerto Rico has an equity interest in the Phillips project which it seeks to protect? Is this compatible with Mr. Udall's promised open-door policy there?

Fifth. If Phillips must receive this 25,000 barrels per day handout from the friendly Federal Government, should the firm in all conscience not yield its existing 22,255 barrels per day import quota, so as to minimize the impact of this sleazy deal on other U.S. refiners and importers?

Members of Congress will await answers to these questions with great interest.

Mr. President, I ask unanimous consent that articles from the Wall Street Journal of July 20, 1965, and from Business Week magazine dated July 17, 1965, be printed in full at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 20, 1965]

OIL IMPORT IMPASSE: PHILLIPS' PLANNED PROJECT IN PUERTO RICO STIRS CONTROVERSY

(By Roger W. Benedict)

If all goes according to plan, Phillips Petroleum Co. will begin breaking ground in a few weeks for a $45 million oil refinery near Las Mareas, P.R., that's to be the core facility of an eventual $597.7 million complex of petrochemical plants and consumer goods factories.

Expected to employ 33,255 workers if all the plants contemplated are attracted to the complex, the huge project is already regarded as the biggest boon so far in Puerto Rico's war on poverty.

But it's stirring a war of another kind in the U.S. oil industry. And it confronts the poverty war's Commander in Chief, Lyndon B. Johnson, with one of his toughest decisions to date.

In the near future, the President will have to decide whether to approve a proposed change in the Presidential proclamation governing the Nation's mandatory oil import controls to grant Phillips an import quota needed to make the project economically feasible.

Under plans already approved by Interior Secretary Stewart L. Udall, Phillips would be permitted to bring into Puerto Rico 50,000 barrels each day of Venezuelan naphtha, and would be allowed to ship to Phillips service stations on the U.S. east coast up to 24,800 barrels of gasoline daily turned out by the Puerto Rican plant.

Competitors assert that Venezuelan naphtha can be delivered in Puerto Rico for about 5 cents a gallon less than the cost of naphtha refined from U.S. crude oil. What's more, since Puerto Rico is part of the United States, the usual 57-cent-a-barrel tariff on imported gasoline would not apply. All this adds up to a windfall to Phillips of as much as $30 million a year, some angry oil men charge.

"There is absolutely no sound reason to jeopardize the whole domestic oil industry to give a special economic advantage to one company," fumes Johnny Mitchell, president of Jade Oil Co., Houston, and former campaign manager for Lyndon Johnson in Harris County, Texas' most populous county. He has asked U.S. Attorney General Nicholas Katzenbach to make "a comprehensive investigation" of the whole system of allocating oil import quotas, with "attention focused" on the Phillips transaction. He asserts there is "a growing feeling within this industry that there are unwholesome developments which could prove seriously embarrassing to us all."

Stanley Learned, Phillips' president, stoutly defends the propriety of the project. He asserts. "The Government of the Commonwealth of Puerto Rico had been trying to interest someone for several years in establishing a core chemical complex in Puerto Rico, but no one presented an acceptable program until the Phillips proposal was made." He adds that Secretary Udall has said that the Phillips quota "will be accommodated without increase in the total importations of crude oil or refined products under the import program."

DEEPENING OF THE DILEMMA

But even a successful solution to shoehorning the Phillips quota into the existing oil import program may only deepen the Federal Government dilemma. Then it will be faced with what to do about requests for similar quotas for other companies. Rejecting such quotas opens the Government to charges of favoritism; granting them would mean a massive scrambling of the whole import program. If new quotas were placed on top of existing ones, domestic producers would be hopping mad; if present quotas were reallocated to make room for new oil, it is bound to make refiners angry.

The upshot is a situation in which any decision will be controversial. The President has made no secret of his dislike for controversy, and he has taken particular pains to disassociate himself from Federal oil policies, since he hails from the Nation's No. 1 oil State. But now he is faced with a decision that is not only controversial, but involves oil as well.

To make things even more ticklish for the President, two of his close friends helped steer the proposal through the Interior Department. Oscar L. Chapman, Secretary of the Interior under President Truman, acted as an attorney for Phillips, and Abe Fortas, a former Interior official and frequently the President's personal attorney, acted as attorney for the Commonwealth of Puerto Rico, which would own 25 percent of the core facility and could participate up to 25 percent in future petrochemical plants in the project.

Nor is this the first time that Interior has been accused of giving an economic advantage to Phillips. The General Accounting Office charges that under helium contracts Interior negotiated with Phillips and three other companies in 1961 "it appears the Government will incur unjustified costs of at least $155 million" over the 22-year life of the contracts. Phillips, with two of five plants involved, will sell about $300 million of a little over $1 billion of the helium Interior will buy under the contracts. Secretary Udall conceded that Interior made some mistakes in the contracts, including failure to include a renegotiation clause to recover any profits above a reasonable return.

The greatest concern of the oil industry, however, rests in fears that "the Phillips case could open a whole Pandora's box of concessions that could wreck the import program," as an economist for the Independent Petroleum Association of America puts it.

Most major oil companies bitterly fought the Phillips proposal at public hearings a year ago this month, but now three of those who opposed it are asking for similar special quotas since it appears likely the Phillips plant will be approved.

So far, at least five other oil companies have informed Interior that they're interested in building Puerto Rican petrochemical plants if they can get approval of import quotas similar to those OK'd for Phillips. They include: Cities Service Co., Sinclair Oil Corp., Standard Oil Co. (Indiana), Standard Oil Co. (New Jersey) and Tenneco Oil Corp., a subsidiary of Tennessee Gas Transmission Co. The first four projects would involve importing a total of 143,000 barrels a day of foreign naphtha, and shipping on to the U.S. 61,000 barrels of gasoline daily.

Says Mr. Learned: "No doubt the Department of the Interior will treat Standard Oil of New Jersey, Standard Oil of Indiana, Sinclair and any other new applicants for petrochemical complexes in Puerto Rico just as they have Phillips and require that they first get the endorsement of the government of the Commonwealth of Puerto Rico, go through open hearings to prove the need and justification for the project, and make just as exhaustive an investigation of their projects as they did of the Phillips project, and will, no doubt, require that commitments as great as taken by Phillips will be established by agreements with the government of Puerto Rico."

Mr. Learned adds that he hopes such a procedure would "clearly show to the producers that there is no loophole in the import program in this connection."

CONCERN FOR MARKETS

Competitors, however, also worry about what low cost gasoline will do to east coast markets. "It could simply wreck retail prices" grumbles one eastern marketing official, who estimates Phillips will have about a 4-cent-a-gallon advantage on other marketers in the cost of the gasoline coming from Puerto Rico.

Mr. Learned defends this phase of the project by asserting the influx of Puerto Rican gasoline will be more than absorbed by the growth of sales at Phillips own east coast filling stations. Shipments wouldn't start until 18 to 21 months after the start of construction, but 6 years from now they could reach 1 million gallons a day, he concedes. But that's equivalent to a gain of only 500 gallons of additional filling station volume each day of the 6-year period, a goal Phillips expects to "far exceed," he says.

The chain reaction touched off by the Puerto Rico project is unlikely to end there. Gov. Hulett C. Smith of West Virginia, for example, suggests that what's good for Puerto Rican poverty should work equally well in fighting the continental U.S. variety. He has asked Buford Ellington, head of the Office of Emergency Planning which is currently considering changes in the oil import program, to consider providing special oil quotas for U.S. petrochemical plants as well. West Virginia is backing a request by Borg-Warner Corp. that Interior grant a 25,000-barrel-a-day quota of foreign feedstocks-naphtha or other petroleum raw materials—for a petrochemical complex on the Ohio River in the area covered by the Appalachia antiproverty program.

Then there are the chemical companies that would like to gain the same access to low-cost foreign feedstocks now enjoyed by their oil company competitors. They feel this can be done under current laws by declaring all or part of their petrochemical plants "foreign trade" zones or subzones. Commodities coming into a foreign trade zone are exempt from U.S. import restrictions; only products leaving such zones for domestic consumption are liable to such restrictions. Since there's no restriction on importing petrochemicals, a plant within such a zone could freely bring in foreign feedstocks and produce unlimited quantities of petrochemicals for domestic as well as foreign markets.

Union Carbide is now seeking foreign trade subzone status for part of a $90 million petrochemical plant planned for Taft, La. Dow Chemical Co. is asking that its Bay City, Mich., petrochemical plant be declared a foreign trade zone. Sinclair-Koppers Co., a joint venture of Sinclair Oil and Koppers Co., says it plans to seek such status for a plant in Houston. And Monsanto Co. asserts that approval of any of these projects will force it to seek such status for its mammoth Chocolate Bayou plant on the Texas gulf coast.

EFFECT ON EXPORTS

William M. Haile, executive vice president of Union Carbide, warns that without access to low-cost foreign crude oil or naphtha, the U.S. petrochemical industry "will have to abandon important export markets to plants abroad." Union Carbide not only doesn't have an oil import quota, he notes, but its daily purchases of about 100,000 barrels of domestic feedstocks actually boost the quotas of its oil company competitors, which are partly based on processing rates.

"Where do you draw the line" Secretary Udall wondered aloud when hearing of plans for petrochemical trade zones at the oil import hearings last spring.

Many are asking the same question about Phillips' Puerto Rico project approved by Secretary Udall. In a scathing speech on the Senate floor, Senator THRUSTON MORTON, Republican, of Kentucky, declared that the Phillips project adds "new pressures for additional patchworks in what is already a crazy quilt of special deals."

Some examples: The same-sized refinery can process up to 3½ times as much foreign oil if it's on the west coast than if it's on the gulf or Atlantic coasts, "northern tier" refiners not only get unlimited access to low-cost Canadian oil, but an import quota as well, based on the amount of imported oil they process. Small refiners can use up to a four times greater percentage of foreign oil as big ones. "Historical" importers get bigger quotas than other companies. Inland refiners that can't economically use overseas oil get quotas anyway, reaping premiums of up to $1.25 a barrel when they swap these quotas to coastal refiners for domestic crude.

Aside from the quotas, there's a huge 1,435,212 barrel-a-day inflow of "exempt" foreign oil and products that actually far exceeds the 1,062,613 barrels daily covered by quotas. Imports from Canada have tripled since the program got under way, and imports of residual fuel oil have about doubled. At Brownsville, Tex., tankers unload 30,000 barrels of Mexican crude daily under bond into trucks that make a quick "U-turn" through nearby Matamoros, Mexico, to earn an "overland" exemption from import restrictions.

Noting that Secretary Udall calls the Puerto Rico plant for Phillips "inviting in terms of hemisphere politics," Senator MORTON commented, "That is a nice choice of words. But his remarks would have been just as pertinent without the word hemisphere. From the start, politics seems to have been the yardstick of this program."

[From Business Week magazine,
July 17, 1965]

UDALL SPARKS ANOTHER OIL BATTLE: THE INTERIOR SECRETARY'S DECISION TO RELAX IMPORT QUOTAS FOR A PHILLIPS COMPLEX IN PUERTO RICO HAS BROUGHT REQUESTS FOR SIMILAR TREATMENT BY OTHERS AND THREATS OF COURT ACTION

Just 17 days after he entered the White House, President Johnson gave his Secretary of the Interior "full responsibility" for shaping the Nation's oil policy. Since then, Stewart L. Udall has grappled with that problem in the face of almost constant criticism. But rarely, if ever, has he found himself in as big a snarl with the oil industry as he does now.

The trouble began when Udall approved a plan for Phillips Petroleum Co. to build a multimillion-dollar petrochemical complex in Puerto Rico, starting late this summer. The complex will ship nearly 25,000 barrels a day of gasoline byproducts to the U.S. mainland. Raw material needs of 50,000 barrels of naphtha daily will be met entirely by foreign oil.

To give Phillips the foreign oil, Udall decided to relax the quota controls that have governed imports into the United States for 6 years. He based this decision on Puerto Rico's need for heavy industry. Pestered by low wages and high unemployment, the Commonwealth has been seeking petrochemical investment since the early 1960's and hopes this complex will create 33,000 jobs.

PROBLEM'S ROOT

But it was giving this aid to Phillips that touched off the conflagration. Until the Phillips plan went through most companies felt they were ruled out of Puerto Rico by import restrictions. Now, some of the biggest oil companies are out either to block the project or reap profits for themselves. By midweek, Standard Oil Co. (New Jersey), Standard Oil Co. (Indiana), Sinclair Refining Co., Tennessee Gas Transmission Co.'s Tenneco Oil Co., and Cities Service Co. all had applied to build petrochemical plants of their own in Puerto. This strategy is embarrassing Udall. He knows that granting all the applications would undermine oil import controls, while refusing any one of them will almost certainly result in a court challenge.

HIGH STAKES

Quotas to bring in foreign oil, which is cheaper by $1 to $1.25 a barrel than the domestic stuff, are one of the most valuable disbursements of the Federal Government. Doled out among domestic refiners, they are worth in excess of $1 million a day. With stakes that high, even the slightest change in quotas sends shivers through the oil industry. Udall's decision to approve the use of foreign oil for the Phillips project—at the expense of other companies—enraged those that didn't benefit.

Opposing companies charged that the grant was arbitrary, that it would open a loophole in import controls, that shipments of low-cost gasoline to the east coast would shake up markets there, and that assistance to Puerto Rico, however desirable, has no place in the oil import program.

INFLUENCE PEDDLING?

Privately, oilmen point to what they consider influence peddling affecting the Phillips decision. They see it as significant that Puerto Rico was represented by the Washington law firm of Arnold, Fortas & Porter, although Abe Fortas, a personal friend and confidant of President Johnson, denies he had anything to do with it. Oscar L. Chapman, an influential Democrat who was Harry S. Truman's Secretary of the Interior, was attorney for Phillips.

Udall's decision evoked dissension even within his own Department. Assistant Secretary of the Interior John M. Kelly, an independent producer and Udall's top oil adviser, didn't see eye to eye with his boss. Subsequently, Kelly quit his post and went home to New Mexico.

STATUS REPORT

Despite the opposition, including threats of lawsuits by some companies, it was soon apparent that Udall would stand his ground. "Other companies will be a little bit unhappy," he says, "but I'm willing to take the criticism."

Then Udall's opponents in the oil industry launched their counterattack. The companies that began lining up at his door with demands for foreign-oil-supplied complexes of their own were the same that had most vigorously objected to the Phillips decision.

Besides those interested in Puerto Rico, a sixth company proposed a petrochemical complex to be run on foreign oil in Appalachia. The company, Borg-Warner's chemical division, Marbon, reasoned that West Virginia has unemployment problems, too.

SERIOUS INTENT

While the companies are grimly serious about their Puerto Rican applications, they, as well as Udall, realize that he cannot approve them all without opening a wide breach in import controls. Thus, any company that has its proposal granted will be sharing relatively exclusive economic advantages. On the other hand, if a request is turned down, the threat of a court challenge would have a basis for being carried out.

Thus, the Secretary, still feeling his way on uncharted seas, is moving with deliberation. His staff points out that the Phillips plan took 2 years to be approved, so there is no need for hurry on the rest. Meanwhile, one company official says with ill-concealed glee: "I'm just waiting to see how Udall will wiggle out of this one."

VIETNAM

Mr. YOUNG of Ohio. Mr. President, in his Johns Hopkins address last April 7, President Johnson stated his willingness to enter into unconditional negotiations with North Vietnamese officials seeking to end the war in Vietnam. His hard-nosed militarist Ambassador to South Vietnam at that time, Gen. Maxwell Taylor, when asked about proposed unconditional negotiations, was quick to say that our President did not suggest unconditional negotiations, but only conversations. It would take a militarist to make the distinction between unconditional negotiations and unconditional conversations to try to end a war at a conference table.

Fortunately, in his recent press conference, President Johnson enlarged the invitation that was the high point of his Baltimore speech. He definitely stated our willingness to enter "unconditional discussions" over Vietnam. He added in his letter to United Nations Secretary General U Thant:

> The United States is prepared to enter into negotiations for peaceful settlement without condition.

This is significant. It takes the ground from under militarists and warhawks, many of whom favor the bombing of nuclear installations in Red China, which is capable at this time of producing only the crudest sort of nuclear weapons. In other words, some of our generals and warhawk leaders of the minority party in the House of Representatives appear to advocate our waging preemptive war against Red China by destroying that nation's nuclear installations.

Furthermore, our President has stated explicitly that he is willing to discuss the four-point program of Hanoi which was announced last April. In other words, he has come closer to the demand of Ho Chi Minh, the president of North Vietnam, who has urged "free elections in Vietnam."

President Johnson, in his latest press conference, stated that we are willing to include representatives of the Vietcong in any negotiations and that this is not an insurmountable problem at all. He further indicated that we are willing to agree to free elections in the south, or throughout all Vietnam, under international supervision and that the purposes of the 1954 Geneva agreement on Vietnam "still guide our actions."

Notwithstanding this, he said that the machinery for this was "tragically weak" and that these agreements were "cruelly shattered" by the Communists.

The Hanoi program, announced last April, called for "observance by both sides of the military provisions of the 1954 Geneva accord" and urged "reconvening of an international conference along the pattern of the 1954 Geneva Conference."

If this is still the position of the leaders of North Vietnam, and if the Vietcong will select delegates to represent them at the conference table, it appears that an honorable peace or cease-fire in South Vietnam is well within the realm of possibility. Without a doubt, Ambassador at Large Averell Harriman has held some fruitful conferences in Moscow and elsewhere proposing a cease-fire in South Vietnam. Now our President, by his letter to Secretary General U Thant and his instructions to our Ambassador to the United Nations, Arthur J. Goldberg, has acted in a constructive manner toward extricating the United States from a commitment that was first made in 1954 under General Eisenhower. This action has proved by hindsight to be a mistake and this mistake has been compounded many times until now, instead of 2,000 men of our Armed Forces being involved in southeast Asia, 150,000 or thereabouts are involved, and many lives are being lost.

Here is an opportunity for the United Nations to demonstrate that it is more than a mere debating society and that by exercising some initiative it can become a real peacemaking force.

President Johnson has now made some modest enlargement of previous statements toward peace. His statements are so clear and unequivocal that even militarists bent on preemptive war cannot distort their meaning.

In negotiating for a withdrawal of our forces we are presently able to negotiate from strength. If Hanoi is willing to have its delegates meet at a conference table and discuss ending this fighting and bloodshed on the basis of a stalemate, with election of a president of Vietnam agreed on at an early date to be supervised in the manner stated, then there is real hope for a cease fire, and peace may be just over the horizon.

Mr. President, those Republican leaders in the House of Representatives, including GERALD FORD, MELVIN LAIRD, and others, who urge that we unleash our airpower against all industrial plants, installations, and cities in North Vietnam are in reality calling for all-out war in southeast Asia. This would bring North Vietnam and possibly Red China directly into the conflict, and could mean our involvement in a disastrous land war in southeast Asia. These warhawks are really opposed to unconditional negotiations to end the war in South Vietnam honorably.

To date, our bombing of North Vietnam has failed to weaken the Vietcong. In all likelihood, increased bombing will only stiffen enemy resistance. Our military situation there has been going from bad to worse. The only answer is a negotiated settlement involving major concessions by both sides which would offer the Communists a reasonable and attractive alternative to military victory.

President Johnson seems trapped politically by Vietnam. When he and others advocate negotiation so that we may withdraw our Armed Forces, the warhawks scream: "Appeasement. Send in more ground troops." If we send in more ground troops, they denounce this. These armchair militarists say we ought to win the war the easy way, by all-out bombing, not only of Hanoi but also of Red Chinese nuclear installations and airfields. Then, were thousands of American boys to be killed and this Nation bogged down in a terrible land war in southeast Asia, these presently warhawk Congressmen, including FORD and LAIRD, would next year be terming it "Lyndon's war."

THE AMERICAN SHIPBUILDING INDUSTRY

Mr. BREWSTER. Mr. President, I have spoken several times during recent weeks about the sad decline of the American shipbuilding industry. The emergency in Vietnam, requiring the reactivation of 15 ships from the mothball fleet, has once again pointed up this continuing and worsening problem.

An excellent and timely article on the subject appeared in the Journal of Commerce dated July 22 of this year. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, July 22, 1965]

SHIPPING OUTLOOK: U.S. SHIPPING TIEUP LIMELIGHTS PLIGHT OF AILING SHIPBUILDING INDUSTRY

(By Charles F. Davis)

The U.S. shipping strike which has immobilized a major portion of the U.S. merchant marine could be serving a useful purpose, ugly and sordid as the situation may now appear. The tieup came about over such relatively narrow if thorny issues as shipboard automation. Already, however, it has directly or indirectly raised some much broader points. These include the purpose, scope and execution of the Nation's shipping laws and the objectives of the maritime subsidy programs. All this needs a thorough airing and, hopefully, it will get it in the months ahead.

The airing may well extend beyond the problems of the shipping industry as such, into the U.S. shipbuilding industry, for example, where the shipping tieup has brought into sharp focus an unhealthy state of affairs.

NEEDED IN A HURRY

The situation develops as a result of the Defense Department's decision to break out 15 vessels from the reserve fleet to move military cargoes to Vietnam in lieu of commercial shipping halted by the strike. The vessels are needed in a hurry and the deadline on reactivating the ships has been set for early next month.

Reactivating these ships, mostly World War II Victory-class vessels, is a considerable task to undertake in such a short time but not one which would normally be beyond the capacity of shipyards.

However, in at least one instance, a New York yard has been forced to turn down some of this business because of the shortage of trained manpower.

PROBLEM NOT UNIQUE

Reports from Baltimore and other areas indicate that this problem is not unique to New York.

The fact of the matter is that the U.S. shipbuilding industry, lacking new orders and, as a matter of policy by the Defense Department, allocated only a marginal share of naval work, is withering on the vine.

It can't, moreover, wither much more before it will be unable to cope with the routine requirements of the U.S. shipbuilding industry, much less an emergency situation such as has been brought about by the strike.

A score of yards have gone out of business in the past decade and a number of big facilities owned by major shipbuilding firms have been closed because of a lack of business.

The shrinkage of the industry has brought with it a shrinkage of trained and skilled workers who, laid off or unwilling to continue in a precarious employment, have turned to other trades.

PART AND PARCEL

Thus, it is all too apparent that the plight of the U.S. shipbuilding industry is part and parcel of the whole problem of the maritime industry.

We submit, therefore, that this should be considered in any realistic appraisal of forthcoming construction programs, immediate or long range.

It certainly puts a new light on any proposal to build American-flag shipping in foreign yards, naval or commercial.

It might well be also considered in terms of the Navy's parsimonious assignment of repair work on naval vessels to private industry in favor of naval yards.

In sum, the work capacity of American shipbuilders is a vital part of the entire U.S. maritime picture and any realistic program aimed at restoring the maritime industry's health should be drawn up with this in mind.

Mr. BREWSTER. Mr. President, on the same subject, an editorial appeared in the July 30, 1965, issue of Life magazine. The editorial discusses the present strike in the maritime industry. I do not wish to assess blame or take sides in the strike. I do wish to emphasize the problem we have in the American merchant marine industry and that something must be done. American taxpayers have hundreds of millions of dollars invested in ships which are tied up at the same time that cargoes are being carried on foreign-flag ships because American ships cannot carry them, and also U.S. ships are flying foreign flags. The editorial states:

> No new maritime policy will make sense until Washington solves this problem.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Life magazine, July 30, 1965]

SINK OR SWIM FOR U.S. SHIPS

The U.S. Government pays out some $350 million a year to subsidize a U.S.-flag, U.S.-built merchant marine. But when the Defense Department needed to expand its military shipments to Vietnam it had to hire British and Danish vessels for some shipments and then to mobilize some 30 U.S. ships. The reason for this costly humiliation of a traditionally great maritime nation was that most of our best cargo vessels have been tied up for nearly 6 weeks in one of the industry's perennial strikes.

This one, kept going by the Marine Engineers' Beneficial Association, has been termed "intolerable" and "against the public interest" by the Secretary of Commerce. Since U.S. taxpayers already get up 72 cents of every maritime wage dollar, and would normally pay 100 percent of any increase, he can say that "public interest" again.

MEBA represents 16,000 seagoing engineers who already average $1,500 a month. It is known as the "head-kicking union" because at one session its president, Jesse Calhoon, was charged with jumping on the negotiating table and kicking a shipper in the jaw. Negotiations have since broken down, the tough issues being retirement income and automation. The owners have also lost confidence in the arbitrator but are willing to arbitrate almost anything under a new one, including any appointee of George Meany's. MEBA says no.

Joe Curran of the National Maritime Union, a third of whose sailors have been beached by it, calls this "a political strike" and "a threat to all other workers in the maritime industry." Curran is gored because the strike plays into the hands and treasury of the Seafarer's International Union, which means unsubsidized tramps and liners and whose chief, Paul Hall, has been Curran's bitter rival for many years. The fact that only part of the maritime industry is shut down also prevents the Government from invoking a Taft-Hartley emergency and sending the engineers back to work.

Chronic interunion feuding, extravagant demands, and ruthless tactics have cost the maritime industry 10 million man-hours since World War II. The subsidy formula, which offsets the fact that U.S. wage costs are three to four times foreign costs, has hitherto floated off the exorbitant settlements. But not this time. This strike coincides with a more general crisis in the U.S. merchant marine.

President Johnson promised last January to introduce a whole new maritime policy to replace the 1936 system. His lively young Maritime Administartor, Nicholas Johnson, has not only been scaring the unions and owners alike with boyish speeches but has threatened to keep new wage increases out of the subsidy formula and even disallow increases of several years past. U.S. shipowners, both struck and unstruck, are therefore fighting for their lives against rising costs, foreign competition, and uncertain Government policy. By tonnage, U.S. shipping's share of U.S. foreign trade has fallen from 50 percent to 9 percent since 1945. Large parts of the fleet have been scuttling to Liberian and Panamanian registry or counting their last days as eldering tramps carrying giveaway "food for peace" at subsidized rates. The U.S. maritime picture is gloomy indeed—except in one respect.

The authors of our 1936 subsidy policy, chiefly F.D.R. and Joseph P. Kennedy, knew what they were about. They wanted a first-class, liner-type cargo fleet sailing established routes—and that we have. It is second only to the British in size; in quality, second to none. The 15 leading U.S. lines (Grace, Lykes, Moore-McCormack, United States Lines, etc.) run their 300 vessels on a subsidy contract which requires them to keep their fleets modern; as a result, 80 percent of all cargo vessels in the world capable of more than 20 knots fly the U.S. flag. If U.S. foreign trade is measured by value instead of by tonnage, U.S. ships carry 37 percent of it.

Nicholas Johnson would like to see the Government out of the shipping business eventually. He sees no future in passenger subsidies and would cut cargo subsidies by relying on improved productivity through technological change, including such futuristic carriers as undersea pipelines and hydrofoils.

Undoubtedly great technological improvements lie ahead of ocean shipping, the most realistic being specialized bulk cargo ships. The industry itself has ordered 35 new "automated" freighters. But much of their automation is in the engine room, and MEBA refuses to agree to any fixed manning schedules in advance. This puts all savings from automation in doubt—the more so since any maritime labor settlement is subject to later interunion whipsawing.

Some owners have suggested a "czar" to save their industry from further strife and stalemate. Czars seldom solve anything, but this one might provide what U.S. shipping desperately needs, a period of labor peace while it adjusts to the throes of technological change. No new maritime policy will make sense until Washington solves this problem. The jobs at risk from automation will either expand with an expanding industry or sink with a dead one.

VIETNAM

Mr. MANSFIELD. Mr. President, there have been comments on the floor this morning relative to Vietnam. Emphasis, and proper emphasis, has been placed on the military needs of the moment by the distinguished Senator from Mississippi [Mr. STENNIS], chairman of the Senate Preparedness Subcommittee. Others have made their views known, as well.

I would reiterate that in the speech by the President last Wednesday he extended both the arrow and the olive branch. I endeavored to emphasize that point in some remarks I made last week, but due to the fact that they were not inserted in the RECORD in the form that I had requested. I ask unanimous consent that the nine avenues of honorable negotiations offered by the President of the United States in that speech and the press conference that followed be included at this point in the RECORD and that they be differentiated one from another, either through the use of asterisks or through the use of numbers.

I make this request because I think the President has just about covered every conceivable possibility in seeking to bring about a negotiated settlement of the situation now existing in South Vietnam and it ought to be clear that he has.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1

Once the Communists know, as we know, that a violent solution is impossible, then a peaceful solution is inevitable. We are ready now, as we have always been, to move from the battlefield to the conference table.

I have stated publicly and many times, again and again, America's willingness to begin unconditional discussions with any government at any place at any time.

Fifteen efforts have been made to start these discussions, with the help of 40 nations throughout the world. But there has been no answer. But we are going to continue to persist, if persist we must, until death and desolation have led to the same conference table where others could now join us at a much smaller cost.

* * * * *

2

I have spoken many times of our objectives in Vietnam. So has the Government of South Vietnam. Hanoi has set forth its own proposals. We are ready to discuss their proposals and our proposals and any proposals of any government whose people may be affected, for we fear the meeting room no more than we fear the battlefield. And in this pursuit we welcome and we ask for the concern and the assistance of any nation and all nations.

* * * * *

3

And if the United Nations and its officials or any one of its 114 members can by deed or word, private initiative or public action, bring us nearer an honorable peace, then they will have the support and gratitude of the United States of America.

* * * * *

4

I've directed Ambassador Goldberg to go to New York today and to present immediately to Secretary General U Thant a letter from me requesting that all the resources and the energy and the immense prestige of the United Nations be employed to find ways to halt aggression and to bring peace in Vietnam.

* * * * *

5

But we insist and we will always insist that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the south or throughout all Vietnam under international supervision, and they shall not have any government imposed upon them by force and terror so long as we can prevent it.

* * * * *

6

As I just said, I hope that every member of the United Nations that has any idea or any plan, any program, any suggestion, that they will not let them go unexplored.

* * * * *

7

And as I have said so many times, if anyone questions our good faith and will ask us to meet them to try to reason this matter out, they will find us at the appointed place, the appointed time and the proper chair.

* * * * *

8

I have made very clear in my San Francisco speech my hope that the Secretary General under his wise leadership would explore every possibility that might lead to a solution of this matter. In my letter to the Secretary General this morning which Ambassador Goldberg will deliver later in the day, I reiterate my hopes and my desires and I urge upon him that he—if he agrees—that he undertake new efforts in this direction.

Ambassador Goldberg understands the challenge. We spent the weekend talking about the potentialities and the possibilities, our hopes and our dreams, and I believe that we will have an able advocate and a searching negotiator who, I would hope could some day find success.

* * * * *

9

We have stated time and time again that we would negotiate with any government, any time, any place. The Vietcong would have no difficulty in being represented and having their views presented if Hanoi for a moment decides that she wants to cease aggression, and I would not think that would be an insurmountable problem at all. I think that could be worked out.

Mr. MANSFIELD. I commend the President for the frankness he has shown in publicly making these proposals. I only hope that those who are interested in peace, who have eyes to see, who have ears to hear, and who can recognize print when they see it will take into consideration the nine choices, some of them cumulative, which have been offered by the President of the United States to the peoples of the world in seeking to bring about an honorable conclusion through negotiations to this most complicated conflict.

A FAIR AND REASONABLE PLAN FOR APPORTIONMENT WHOLLY CONSISTENT WITH DEMOCRATIC PRINCIPLES

Mr. GRUENING. Mr. President, last week, speaking of the reapportionment proposals now before the Senate, I stated:

> If the majority of the people of any State decide that the majority shall each have less than one vote in the selection of the members of one of the bodies of their State legislature, it is my firm conviction that they should be permitted so to decide.

Writing in the Washington Star last night, August 2, 1965, in a column entitled "Dirksen's Apportionment Plan," James J. Kilpatrick thoughtfully and clearly set forth a point-by-point analysis of Senator DIRKSEN's reapportionment amendment, stressing that it "is founded surely and squarely upon the oldest principles of republican government."

I ask unanimous consent that the article by James J. Kilpatrick in the Washington Star for August 2, 1965, entitled "Dirksen's Apportionment Plan" be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, Aug. 2, 1965]

DIRKSEN'S APPORTIONMENT PLAN

(By James J. Kilpatrick)

It is one of those marvelous ironies of parliamentary life, that the merits of EVERETT M. DIRKSEN's amendment may yet be obscured by the radiance of his charm.

The venerable senior Senator from Illinois is struggling to win approval of a profoundly significant resolution, intended to preserve one of the great principles of American government; but the DIRKSEN enchantment is such that he might almost as well be speaking of his choice of the marigold to become the national flower.

Which is to say that not many of the Senator's friends or foes seem actually to have read what he proposes. They are enraptured, ensorcelled, overcome with delight.

In the past few months, DIRKSEN suddenly has emerged as an American institution, to be ranked in the Nation's affections somewhere between Jimmy Durante and Casey Stengel. * * *

As a consequence, people are not writing about DIRKSEN's resolution; they are writing about DIRKSEN's style. It is a terrible temptation. If the Senate has been long on ability in recent years, it has been woefully short on color. Now, after all these years, recognition has dawned that in DIRKSEN, some genuine color has returned. And we correspondents knock ourselves out to capture the charm of the guy; the face that looks as if he had slept in it; the rumpled hair, like an old Brillo pad; the rolling eye, the eloquent hand, the sepulchral voice that sadly sighs at the insensitivity of his Democratic friends.

But he can't get the Senate's attention.

The assumption is that his reapportionment resolution would "thwart the Supreme Court," or "nullify democracy." About the most that ever is said is that the Dirksen resolution, if it were added by amendment to the Constitution, would permit the States to apportion seats in one house of their legislatures by factors other than population.

There is much more than this to the Dirksen proposal. It begins with that great and forgotten noun with which the Constitution itself begins—the noun that recurs four times in the Bill of Rights. "The people," it begins.

"The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate." Here DIRKSEN is reaching to the very roots of sovereignty, to the people themselves. He would let them decide.

In the next phrase, he echoes the words. Before such a plan of apportionment could be adopted, it must have been submitted "to a vote of the people and approved by a majority of those voting on the issue." But this is not the only safeguard: When such a plan of apportionment is submitted to a vote of the people, "there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population."

What could be fairer? This was precisely what was done in Colorado, where the people twice rejected by overwhelming margins the bogus "democracy" one man, one vote.

The people are capable, DIRKSEN is saying, of deciding their own destinies better than the Supreme Court is capable of deciding for them.

Yet the Dirksen proposal has still one additional safeguard. The indefensible malapportionments of recent years cannot be permitted to recur, even in one chamber, as a consequence of one decision, once made.

Every 10 years, any apportionment plan based on considerations other than population "shall be resubmitted to a vote of the people." There must be a continuing renewal of the people's consent to be governed by legislators of their own choosing, and not by "King Numbers."

This is what the Dirksen amendment provides. It is founded surely and squarely upon the oldest principles of republican government. We ought not to become so mesmerized by the Senator's parliamentary skill and by his beautiful basson voice that we fail to heed what the Senator says.

STOP TIGHT MONEY—END THE RESTRICTIVE MONEY POLICY OF THE FEDERAL RESERVE BOARD

Mr. HARTKE. Mr. President, last week, business loans of the leading New York banks fell for the fourth straight week. The decline since the 1st of July has now reached $394 million. Here is proof positive of the tight money policy of the Federal Reserve System in action.

Three months ago, the Federal Reserve moved to place our banking system in a negative reserve position. The result for the last 3 months has been an average weekly reserve position of minus $150 million to $175 million. Sooner or later, as I and my distinguished colleague, the Senator from Minnesota [Mr. MCCARTHY], have consistently warned, this pressure on the banks would bring pressure to bear on business. Furthermore, the Johnson administration's basic fiscal policy—which looks to an expanding economy which can produce higher tax revenues at lower tax rates—is being placed in jeopardy.

I conferred with the Senator from Minnesota [Mr. MCCARTHY], and it is with his entire concurrence that we call for a reversal of the Federal Reserve's tight money policy.

During the past month, it has become the stated policy of the U.S. Government—declared so by Treasury Secretary Fowler—to work toward expansion of the international money supply by reforming the intentional monetary system. Soon it will be possible for this policy to be translated into progressive and enlightened action. But this policy will be meaningless, this action will be ineffective, if it is not based upon a soundly and continuously expanding American economy. It is now time for the fundamental and forward-looking revision of international monetary policy announced by Secretary Fowler to be accompanied by a similar revision of domestic monetary policy by the Federal Reserve.

The foundation that exists today for a continued expansion of economic activity is unprecedented—and should be unquestioned. But questions will continue to be asked, both at home and abroad, until all branches of the American Government agree in deed as well as in word that American prosperity is the No. 1 prerequisite for world prosperity. In order that this agreement may be made known to all the world, I once again call upon the Federal Reserve to end its tight money policy before a squeeze on money becomes a squeeze on activity, profits, and jobs.

THE GROWING DANGER OF OUR CONTINUING UNFAVORABLE BALANCE OF PAYMENTS

Mr. SYMINGTON. Mr. President, back in 1963, in a series of five Senate talks, I presented my growing apprehension about the continuing unfavorable balance of payments.

Since then there has been increased discussion of this subject along, with its relation to such program as first, offshore military expenditures; second, tourism; third, private investment and lending abroad; and fourth, foreign aid.

Some years ago the two nations representing the two power centers of East and West achieved what might be termed a "'nuclear standoff"; a position that has been described in various ways: "Balance of terror," "two scorpions in a bottle," and so forth; and since then it has become increasingly clear that total victory, as known in the past, would be impossible in any future all-out war.

There is a sphere in which this Nation could suffer total defeat; and that is in the economic field.

For over 100 years various Communist leaders, especially Lenin, have pointed to that possibility; and I believe it could become more than a possibility if we do not face up to all the implications of this continuing unfavorable balance of payments.

This thinking has brought an increased interest in reassessment of our foreign economic policies; and it is based on that interest that I now present these thoughts.

With the sole exception of 1957, the United States has been running consistent balance-of-payments deficits for 15 years—since 1950.

Starting with 1958, these deficits became disturbingly large—and remained at a $3 to $4 billion level through the 1958–64 period.

As a result, the Nation's gold supply has dwindled some $10 billion. Our gold stock now stands at less than $14 billion with our current liabilities to foreigners, redeemable in gold, totaling over $28 billion—more than twice the volume of our gold stock. That stock is now lower than it has been since August 1938.

Recently there has been a flurry of publicity that, as a result of voluntary actions, the balance-of-payments deficit is now licked. Any jubilation is premature. The President, in his press conference of July 9, was wise in caution, as evidenced by the following colloquy.

> Question. Are the reports, sir, that the balance-of-payments deficit is wiped out in the last 3 months true, and, if so, what about some worry among economists that it will hurt the economy of Europe, that they will not have the dollars that they had before?
>
> Answer. The reports I have read are highly inaccurate. They cannot be confirmed. We do not have the exact information.
>
> I asked the Secretary of the Treasury to give me even his speculation. He refused to do that yesterday. After I read the wire service stories and stories in other periodicals, I asked the Chairman of the Economic Advisers, the Secretary of Commerce, and the Secretary of the Treasury.
>
> All of them were unfamiliar with it. They said that the only thing they could say was that it was premature, it was inaccurate and undependable as far as the information to the President is concerned.
>
> Now, in the days ahead, they may be exactly on the nose, but they are unwilling to say that in their position today, even to me, or to the task forces.

How long can this development continue before the dollar is forced into devaluation?

The answer is clear—not very long.

There are those who ask about the importance of a $3 billion deficit in an economy where the gross national product approaches $650 billion; and ask also of what real relevance is a foreign aid package of $5.7 billion. In this connection, the 1966 fiscal year request for foreign aid was $780 million for development loans; $210 million for technical cooperation and development grants; $580 million for Alliance for Progress; $369 million for supporting assistance; $271 million for contingency fund; $206 million for the Inter-American Development Bank; $500 million for the fund for special operations of the IDB; $104 million for the IDA, the soft loan window of the World Bank; $125 million for the Peace Corps; $1,658 million for food for peace; and $1,170 million for military assistance.

The answer is that our ability to continue our policies of lending and giving away financial resources is dependent upon first, the size of our gold stock; second, our net annual foreign earnings; and, third, liquid short-term assets abroad, less our short-term liabilities to foreign holders. It is not dependent on either our income, or our assets, in the United States.

Any continuation of a $3 billion deficit in our international accounts can only mean that we will not be able to undertake much of the planned foreign aid and military expenditures programs. Actually, and as I have presented previously, we are already borrowing from foreign countries in order to carry out aid and military programs for these foreign countries.

If we continue in this fashion, there is real danger of a forced devaluation of the dollar; and this could well set off a chain reaction of diminished world trade and serious domestic recession if not actual depression.

With respect to foreign aid, never in history has any nation so willingly opened its purse to so many for so long.

In the early postwar period, we responded wholeheartedly to the needs of economic reconstruction, pumping billions of dollars into European and Japanese recovery. Of the $64.5 billion in net foreign assistance provided between July 1, 1945, and December 31, 1957, $53.8 billion, or 83.4 percent, was in the form of nonrepayable grants. Only $9 billion was in long-term, low-interest credits, the rest being in sales of commodities under agricultural surplus disposal programs.

Of the total $53.8 billion in foreign military and economic grants during this period, about $35 billion went to Western Europe, and $15 billion to Asian countries.

I believe that most of this program during that time was sound. The world was rewarded by the recovery of Europe and Japan from the ravages of World War II. Soon they reemerged as world traders.

Looking at it with the aid of hindsight, perhaps our only mistake was in providing so much of our postwar assistance in the form of nonrepayable grants. Had we concentrated on 20- to 25-year loans instead of grants, our international financial position today would be far different. As example, France instead of being a creditor with the ability to embarrass our economic and political policies, a policy she is now pursuing assiduously, would owe us over $4 billion from the economic grants we provided during the post World War II period.

This would be in addition to $6.4 billion France owes from World War I.

It is futile to bewail the past. But this experience is of great importance, for here we are, 20 years after the war, still spending, gross, between $8 and $9 billion a year on foreign aid and defense overseas; and this does not include the steadily increasing cost of our military operations in South Vietnam, nor the proposed new programs for southeast Asia and other parts of the world.

In 1964, for example, Government capital outflows under assistance programs, excluding military assistance, totaled $4,362 million. This figure included $1,761 million under the farm products disposal programs—Public Law 480; $2,011 million under the Foreign Assistance Act and related economic aid programs; $338 million under the Export-Import Bank; $112 million in paid-in subscriptions to the International Development Association and the Inter-American Development Bank; and $140 million in other assistance programs.

If to these figures we add $2.8 billion in direct cash military outlays overseas, plus $1.2 billion in military aid expenditures, one arrives at an $8.3 billion commitment to both defend the security of nations and to save the less fortunate from poverty, ignorance, and disease.

These are all noble objectives, but every informed American should study the problem and decide whether we can afford this $8 to $9 billion a year, in the light of our now increasingly serious balance-of-payments position.

Not all of these expenditures involve dollar outlays which contribute to our deficits; in fact, of the $4.3 billion in Government economic grants and loans in 1964, $2,812 million was spent on merchandise exports from the United States, and $585 million was spent on U.S. services. There were other small receipts which bring down to $702 million the total volume of dollar expenditures abroad on Government economic grants and loans.

Of the $2,824 million in direct cash military outlays overseas, only $762 million was offset by purchases of military hardware from the United States, leaving a net deficit on this account of $2,062 million. Furthermore, although it is believed in many quarters that our military assistance is all in the form of exported hardware, the fact is that $100 million of this is spent on foreign procurement. Thus the direct net balance of payments impact of our Government commitments in 1964 was $2,864 million—$702 million from Government grants and capital outflows, $2,062 million from our direct military cash outlays, and $100 million in offshore procurement under the military aid program.

The above figures do not take into account any of the indirect effects of such expenditures; as example, the amount of substitution of credit sales for cash sales under our letter-of-credit AID program loans, or the amount of military hardware which would have been purchased here even without the offset agreements.

That there is a substitution of credit sales for cash sales under our "tied aid" program would seem clear from the fact that U.S. exports to countries in Latin America which are major recipients of U.S. aid, have been static—in some countries there has actually been a decline—while exports from other nations to Latin America have increased.

Mr. Graydon Upton, the Executive Vice President of the Inter-American Development Bank, recognized this in a statement he made on April 24, 1962, in Buenos Aires. He stated:

> In the light of this continuing flow of untied dollars to Latin America, it is interesting to review the changes in the pattern of trade between Latin America and its chief suppliers. In 1948 Latin America imported $1.3 billion worth of goods from Western Europe, while importing $3.7 billion from the United States. By 1960, importation from Western Europe had increased to $2.5 billion, while imports from the United States had dropped to $3.5 billion. In other words, while Latin America still continues to secure the majority of its imports from the United States, the U.S. share of the Latin America market has dropped from 59 to 45 percent, while Western Europe's share has risen from 23 to 33 percent.
>
> On the other hand, Latin American exports to the United States rose from $2.5 billion in 1948 to $3.4 billion in 1960, or by 36 percent while exports to Western Europe rose from $2.4 billion in 1948 to $2.5 billion in 1960, or by only 4 percent. This means that Europe is still increasingly benefiting from the flow of untied U.S. dollars into Latin America in which the loans of the IADB are a significant factor.

A more recent public acknowledgment of the fact that our balance-of-payments deficits arise through third country transactions was made on March 25, 1965, by Gov. J. L. Robertson, of our Federal Reserve Board. The Governor stated:

> Actually, the main source of the persistent payments surplus of Continental Europe, which is the counterpart of our payments deficit, are not the direct transactions between the United States and Europe—but indirect transactions. Continental Europe has a huge export surplus in relation to the less developed nations, which is being financed largely by the public and private funds that the United States pours into those countries. Hence a curtailment of the continuous increase in the flow of U.S. funds in less developed countries is needed for a correction both of our own payments deficit and of the Continental European surplus.

It would appear, therefore, that our balance-of-payments deficits, along with the European surpluses, arise in large part through third country trade and aid. While we have maintained our trade surplus vis-a-vis Europe, Japan, and Canada, our relative trade position in the developing countries has deteriorated; and it follows that if our balance of payments is to be rectified, some of the public funds poured into those countries should be curtailed. That is emphasized by the fact that, to the extent tied aid involves a substitution of credit sales for cash sales, the claimed benefit to our balance of payments would appear exaggerated.

I have here two tables which illustrate that our balance-of-payments deficit arise in large measure through transactions with third countries.

The first table shows the United States share in Latin American imports over the 1956-64 period. There is a distinct decline of our exports relative to the increase in Latin American imports in spite of the increasing amount of aid.

United States exports to the Latin American Republics declined from an average of $3,700 million in the 1956–1958 period to an average of $3,400 million in the 1959–1964 period, while total Latin American imports rose from an average of $7,500 million a year to $7,700 million a year.

The principle of substitution applies, not only to shifts of trade from the United States to other countries in spite of increasing aid expenditures, but also when aid money is used for repayment on interest and principal by aid-receiving countries to third countries in Europe.

As example, in our relations with India, most of the other countries belonging to the aid consortium, including the World Bank, had been making hard loans to India, whereas United States aid to India has been on a 40- or 50-year basis without interest.

India now needs foreign exchange to repay these hard loans.

Although our bilateral aid to that country is supposed to be tied to U.S. procurement, this is not true of loans by the World Bank's soft loan window, IDA, to which we make heavy contributions.

The reliance of a country like India on foreign aid to repay its loans and interest is a matter of public knowledge. A story by Selig Harrison, of the Washington Post foreign service, dated New Delhi, July 17, quotes the Finance Minister T. T. Krishnamachari specifically on this point.

> Finance Minister T. T. Krishnamachari ruled out today devaluation of the rupee or a moratorium on foreign debt repayments as solutions to India's foreign exchange crisis.
>
> Krishnamachari implied in an address over the government radio that India may ask aid-giving countries instead for more in new aid to cover debt repayments.
>
> Reliable sources estimate that U.S. aid—now running $435 million a year—would have to be increased by 25 percent in order to continue to have its present impact on Indian development during the fourth 5-year plan beginning next year. West European and Soviet aid would also have to be increased.
>
> This estimate is based on an analysis of repayments on principal and interest falling due during the fourth plan period on loans from all sources.

It is apparent that the movement toward softer loans and the emphasis on the International Development Association as a medium of lending soft loans to countries like India is based upon the anxiety of both debtor and creditor to pay up on their hard loans.

One can raise the legitimate question, How much new economic development can be obtained by using foreign aid as a means of repaying old debts? Second, what is the effect of this on the U.S. balance of payments? Obviously, the effect can only be negative.

My second table is entitled "Triangular Nature of U.S. Balance-of-Payments Deficits, 1960–64." This table shows cumulatively during these years the United States has been running a surplus with Western Europe, although in some years there was a deficit in total transactions. In the main, however, Western Europe has been earning dollar surpluses through transactions with other areas of the world.

This latter table also indicates that we have been running deficits with Canada, again in total transactions, with Japan, and with Latin American countries, in fact all areas of the world except Western Europe.

We have also been running a deficit through the international institutions.

This second tabulation supports the view that our balance-of-payments deficits are caused primarily through our foreign aid and military expenditures in the underdeveloped countries, plus Japan, as well as through these international institutions which continue to grow in number as well as size.

In this talk I have presented the status, and chief reasons for, this continuing unfavorable balance of payments.

In a further presentation to be made shortly, I will offer some specific recommendations for reversing this serious trend.

I ask unanimous consent that the tables, to which I have referred, be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—*U.S. share of Latin American imports and U.S. net aid to Latin America, 1956–64*

[Dollar amounts in millions]

	Total imports Latin America[1]	Total exports to Latin America from the U.S.[1]	Percent U.S. share	U.S. net aid to Latin America[2]	IDB[3]
1956	$6,924	$3,318	47.9	$212	------
1957	8,306	4,279	51.5	320	------
1958	7,403	3,498	47.3	629	------
1959	7,020	3,222	45.9	397	------
1960	7,550	3,406	45.1	271	------
1961	7,770	3,426	44.1	834	$7
1962	7,879	3,403	43.2	656	59
1963	7,807	3,356	43.0	630	141
1964[4]	8,400	3,600	42.9	489	198

[1] Excludes Cuba.

[2] Actual disbursements; does not include aid from international institutions.

[3] Actual disbursements.

[4] Preliminary.

Source: U.S. Department of Commerce, IDB Information Office.

TABLE II.—*Triangular nature of U.S. balance-of-payments deficits, 1960–64*

[In millions of dollars]

	Western Europe					Canada					Japan				
	1960	1961	1962	1963	1964	1960	1961	1962	1963	1964	1960	1961	1962	1963	1964
Increase in reported total foreign gold reserves and liquid dollar holdings	3,042	2,605	490	2,038	2,449	109	301	281	170	207	(1)	−257	526	289	249
Through estimated net receipts from, or payments (−) to, the United States	900	−818	−1,049	−27	373	−249	76	−107	282	109	(1)	328	586	787	576
Through other transactions	2,142	3,423	1,539	2,065	2,076	358	315	388	−112	98	(1)	−585	−60	−498	−327

	Latin America[2]					Other countries[3]					International institutions and unallocated[4]				
	1960	1961	1962	1963	1964	1960	1961	1962	1963	1964	1960	1961	1962	1963	1964
Increase in reported total foreign gold reserves and liquid dollar holdings	−322	160	−115	587	316	(1)	335	425	410	475	996	−224	928	10	−140
Through estimated net receipts from, or payments (−), to the United States	270	225	25	75	19	(1)	1,095	796	684	283	479	375	682	412	385
Through other transactions	−592	−65	−140	512	297	(1)	−760	−371	−274	192	517	−599	246	−402	−525

[1] Not available.

[2] The increase in gold and dollar reserves in 1963 and 1964 is probably due to increasing aid disbursements.

[3] The "Developed countries" of Australia, New Zealand, and South Africa reported a combined increase in gold reserves and liquid dollar holdings of $187,000,000 in 1963 and a decline of $32,000,000 in 1964. These countries had net payments (−) to the United States of $280,000,000 and $609,000,000 in these 2 years respectively. Thus the increase in receipts from the United States in the "Other countries" category is mainly to less-developed countries in Asia and Africa and the Caribbean.

[4] Transactions with shipping companies operating under the flag of the Bahamas, Honduras, Liberia, and Panama are included in "Unallocated."

Source: U.S. Department of Commerce, Survey of Current Business (Washington: U.S. Government Printing Office), June 1965, pp. 16–17.

GOVERNOR BURNS OF HAWAII SUPPORTS PRESIDENT JOHNSON ON VIETNAM WAR

Mr. INOUYE. Mr. President, Gov. John A. Burns, of Hawaii, was among those privileged to attend a special White House briefing here last week for the Nation's Governors.

In the belief that his comments may be of interest to my colleagues, I respectfully request that two articles quoting Governor Burns, one published in the Honolulu Advertiser and the other published in the Honolulu Star-Bulletin, be inserted in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Honolulu Advertiser, July 30, 1965]

L.B.J. Stand Impresses Governor Burns

Washington.—Gov. John A. Burns said yesterday he was strongly impressed with the review of Vietnam operations which President Johnson made to the national governors conference at a White House briefing here.

"I think the President presented the case very well and very thoroughly and there was a general expression of appreciation by the chairman of the conference and others for the comprehensive presentation he made," Burns said.

"Since Hawaii is the center of operations for the Pacific area, and because we have many Vietnamese as well as people from many other Asian countries, we are naturally vitally concerned about our Nation's interests in the Pacific area," he added.

[From the Honolulu Star-Bulletin, July 30, 1965]

Burns Strongly Backs Johnson on Vietnam War

(By Frank Hewlett, Star-Bulletin Bureau)

Washington.—Gov. John A. Burns today strongly backed President Johnson on his action in Vietnam and added: "I think all of Hawaii is 100 percent behind the President's position."

Burns, who attended a 2-hour White House briefing last night for the Nation's Governors, said, "I think the President did a masterful job."

He said they had been "given the total picture."

U.S. POLICIES IN VIETNAM

Mr. THURMOND. Mr. President, one of the best editorial commentaries I have seen on the President's address of July 28, 1965, to the Nation on U.S. policies in Vietnam has been printed in the Greenville News, of Greenville, S.C. The editorial is entitled "LBJ Left Much To Be Desired" and was printed in the July 29, 1965, issue of the Greenville News.

I ask unanimous consent, Mr. President, that this editorial be printed in the Record at the conclusion of these remarks together with my newsletter dated August 2, 1965, and entitled "Prospects in Southeast Asia."

There being no objection, the editorial and newsletter were ordered to be printed in the Record, as follows:

[From the Greenville News, July 29, 1965]

LBJ Left Much To Be Desired

President Johnson's address to the Nation and the world at his press conference yesterday on the administration's "new" plans for prosecuting the war in Vietnam left much to be desired on the part of American families directly affected and those who, as a matter of national policy and welfare, hoped for a definition of plans for victory.

It did not help at all in this respect for the President to turn from his rather general and even vague discussion of American battle plans and goals in Vietnam to his hopes for further extension of the benefits of the Great Society.

His folksy personal references and his declaration that he did not intend to see the hopes and dreams of the people swept away by war fell flat.

And against this backdrop his announcement of the appointment of John Chancellor of NBC to head up the Voice of America and of Abe Fortas to succeed Arthur Goldberg on the U.S. Supreme Court was sadly out of place.

On the one hand the President flatly stated, for the first time so far as we can recall, that the conflict in southeast Asia is a war between freedom and communism.

But on the other he said no declaration of war was needed because the Chief Executive had ample authority to do what had been done up to now and that he had been in constant consultation with the Congress and had received unstinting cooperation and support.

"This is war" Mr. Johnson said, and the United States positively will not surrender or retreat, for that way lies hopeless disaster and an invitation to further Red aggression in Asia and elsewhere.

But the President did not speak of victory as the goal of that war.

Instead, he digressed to declare that the United States not only intended to help the South Vietnamese to reach the point where they could set up their own government with free elections; it also will render economic assistance on a large scale.

Mr. Johnson announced that large numbers of additional troops will be sent to Vietnam, including specific units ranging from special battalions up to the new "Air Mobile" infantry division.

This outfit has been formed only this summer by taking crack units from the Nation's combat-ready divisions and training and equipping them to move entirely by air—going into battle in planes, helicopters and by parachute-drop.

But he said there were at present no plans for calling up reserve units or individual reservists, although recruiting efforts and the draft will be stepped up.

The President said he had asked Gen. William Westmoreland, the South Carolinian in command of all American forces in Vietnam what he needed to do the job assigned to him, although the General's mission has not been clearly defined to the public's satisfaction, and these forces and the necessary equipment were going to be supplied.

In his formal address the President defined the American goal in Vietnam as a limited one, although he didn't call it that. The purpose, he said, is to convince the Communists they cannot win, or rather that the United States cannot be defeated, by miliary force alone. The idea is to force the Reds to the conference table.

But he did not say American forces would be turned loose to do what is necessary to convince the enemy of this fact by inflicting on him a thorough defeat in and from the air and on the ground.

In his speech and in answer to questions, he emphasized that escalation of the war, especially a direct confrontation with the Soviets and the Chinese Communists, will be avoided if possible. More significantly, he said that the policy of having American troops serve primarily as advisers to the South Vietnamese, rather than taking over and running the war themselves, would not be changed.

He made no reference at all to the committal of larger air and naval forces to stepped up air and coastal raids on the Vietcong training centers and supply bases in North Vietnam.

This is the crux of the matter. The United States is committing more troops to the confined battle area of South Vietnam. Their mission, presumably, is to make the war so costly to the Vietcong that they, instead of the South Vietnamese and the United States, will give up and ask for peace talks.

But the tactical and strategic problems of maneuvering such a force against the Communist guerrillas effectively on a battlefield and in tactical situations created by the Vietcong are staggering. It is hard to see more than a stalemate, at best, as possible in a war fought under such conditions.

Perhaps the President has issued orders he did not disclose for security reasons, but his emphasis on hopes for bringing "peace with honor" by negotiating with the Communists, hopefully with the full assistance of the United Nations, indicates the contrary. And he conceded that the war could continue indefinitely.

Mr. Johnson emphasized the importance of the war, and none can deny it. But the apparent limitations on goals and tactics are not in keeping with the gravity of the situation.

Mr. Johnson emphasized the importance of the war, and none can deny it. But the apparent limitations on goals and tactics are not in keeping with the gravity of the situation.

[From weekly newsletter by Senator Strom Thurmond, Republican, of South Carolina, Aug. 2, 1965]

Prospects in Southeast Asia

The President's announced steps to meet the crisis in Vietnam were significant. Even more significant, however, was his statement of U.S. objectives in southeast Asia, for these objectives provide the basis from which the prospects for the war can be measured.

Initially, the President rejected the alternative of surrender. He wisely pointed out that surrender would not bring peace, for "success only feeds the appetite of aggression."

Therefore, the President said, "We intend to convince the Communists that we cannot be defeated by force of arms or by superior power." There can be little doubt that the United States can, by committing large numbers of military personnel, avoid total military defeat in southeast Asia. Conceivably, we can occupy strong points in South Vietnam for decades, although the cost in casualties and resources may well be high.

Next, the President said, "We are ready now, as we have always been, to move from the battlefield to the conference table."

The prospects for negotiations appear unlikely. North Vietnam has rejected out of hand all overtures advanced by the United States and by other nations. Red China has shown an equal unwillingness to negotiate.

Some hope that the Soviet Union will assist in bringing about negotiations. Realistically, this too appears most unlikely. The Soviets have much to gain from U.S. involvement in a ground war in Asia. Against an essentially guerrilla-type offensive, the United States must confront the enemy with an overwhelming numerical superiority in an area 10,000 miles from the United States. In this area, the Communists have almost unlimited manpower in adjacent areas, and supplies from all the Communist nations.

Largely unknown to the public, the United States is already faced with a very serious and severe shortage of equipment essential to fight this type of war. Major resources will have to be committed as the war continues. The Soviets can also logically reason that the requirements for financing a ground war in Asia will cause the United States to increasingly divert resources away from its strategic military forces, which is the nemesis of Soviet expansion plans. In addition, the Soviets could and probably do reason that U.S. involvement in a ground war in Asia would make us less capable and less willing to respond vigorously to Soviet expansion efforts in other areas, such as Africa and Latin America.

It is unrealistic to believe that the Soviets would assist in bringing about negotiations which would end the conflict. Indeed, they are now supplying the Communist forces with equipment and supplies, including missiles, in order to assure that the Communist aggression can be sustained. The one major world power who has most to gain from a major U.S. ground war in Asia is not the United States nor Red China, but the Soviet Union.

In any negotiations the President stated that the United States would insist that the people of South Vietnam shall have "the right to shape their own destiny in free elections in the south." The 1954 Geneva accord specified that elections would be held in Vietnam in 1956. The elections were never held, because it was obvious that the Communists, through the use of terror and intimidation, could win any election. In 1956, the Government controlled 70 percent of the territory; now, the South Vietnamese Government and the United States control less than 20 percent of the territory. The fact is, we could not even hope to win an election in South Vietnam. If we are negotiated out, even under the guise of free elections, we will lose Asia just as surely as if we pull out now; and the casualties we incur in the meantime will have been fought for naught.

To win the war in Vietnam, it would be necessary to bring to bear our real power advantage—air and sea power. It may also require that we use troops from the Philippines, Korea, and Nationalist China. Such actions would involve a risk of confrontation with all communism, including the Soviets.

In the final analysis, however, there is no realistic middle ground. We must either apply our power to win the war or get out, either now by surrendering, or later, after more casualties, through negotiations, if they ever come to pass. We cannot escape the immutable truth of General MacArthur's warning, "There is no substitute for victory."

AN AUSTRALIAN VIEW ON VIETNAM

Mr. GRUENING. Mr. President, the Reverend Alan Walker, the director of the Central Methodist Mission in Sydney, Australia, writing in the August 4, 1965, issue of the Christian Century under the title "An Australian Looks at Vietnam," states:

> The world outside the contending powers pleads: In the name of humanity, in the name of God, stop before it is too late. Turn from the battlefield to the conference table. Take risks for peace rather than continue the risks of war. Accept military disengagement now.

I echo his sentiments. I have expressed these views for a year and a half on the floor of the Senate and elsewhere.

I reiterate the pleas of many here in the United States for a cessation of the escalation of the undeclared war in Vietnam before it is too late.

The Reverend Walker's words should be heeded by all who would urge a further military buildup of armed might there. I ask unanimous consent that the Reverend Alan Walker's article in the Christian Century for August 4, 1965, be printed in the RECORD at the conclusion of my remarks.

The same issue of the same periodical contained a thoughtful and thought-provoking editorial entitled "Runaway War or Deadlocked Peace" in which the options facing not only the major powers of the world but the world itself. The editorial concludes with the question:

> Will American Christians and Jews and and all other men of good will have the maturity and the energy to compel their government to choose those next steps which could lead from the brink of runaway war to the long hard pull that—the best we can hope for—is the deadlock of a peace in which neither side has victory and neither is destroyed?

Without such maturity and without such energy to persuade this administration to turn from the paths of war to the paths of peace, the dangers of a future thermonuclear devastation clearly lies ahead.

I ask unanimous consent that this editorial also be printed at the conclusion of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Christian Century, Aug. 4, 1965]

AN AUSTRALIAN LOOKS AT VIETNAM

(By Rev. Alan Walker)

In rare consensus, the Christian churches around the world are appealing for an end to the fighting in Vietnam. Through its international affairs section the World Council of Churches has said: "The effort to solve the problem of South Vietnam by military measures is bound to prove futile." The British Council of Churches "supports the worldwide plea for an end to the suffering of the people of Vietnam." Some weeks ago the United Church of Canada called on the Canadian Government not to support American policy in Vietnam if the war there should be further escalated—and now the escalation has occurred. Even in the United States the National Council of Churches has asked for "persistent efforts to negotiate for a cease fire."

On the other side of the world the Australian Council of Churches has declared that "now is the time to strive for a conference." Japanese Christians have written to President Lyndon Johnson urging reappraisal of American policy. On July 20 a delegation of five Japanese Christians representing different denominations was to leave for the United States to tell church and Government leaders how the Vietnam conflict looks through Asian eyes, and to explore means of peacefully resolving that conflict. Heading the mission is Isamu Omura, moderator of the United Church of Christ in Japan and vice chairman of the East Asian Christian Council.

HOW STAY THE CONFLICT?

There are three ways by which the war in Vietnam can be halted. One is by a full-scale American military effort aimed at imposing peace through victory. But the price would probably be war with China, certainly a years-long policing by the United States of a ruined and an embittered Vietnam, north and south. Another way is by negotiation. That way lie difficulties, as the cool reception met in Asia by the Commonwealth nations' peace mission indicates. Certainly if peace is to come through negotiation there must be a new spirit in Hanoi and terms more specific than "unconditional negotiations" from Washington. But the struggle for negotiated settlement must go on; peacemakers must not permit their patience to be exhausted by rebuffs.

The third way to halt the move toward disaster is for the United States to accept the Geneva Accords of 1954 and withdraw its Armed Forces from Vietnam. Surely America does not need to prove its opposition to communism by prosecuting an unnecessary war, a war condemned by great segments of the world's people and opposed by at least 40 percent of its own citizens. Surely withdrawal would be preferable to continuance of the agony of the Vietnamese people, to great power confrontation leading to nuclear catastrophe. The world outside the contending powers pleads: In the name of humanity, in the name of God, stop before it is too late. Turn from the battlefield to the conference table. Take risks for peace rather than continue the risks of war. Accept military disengagement now!

A WAR IMMORAL, UNJUSTIFIED

Disengagement as a prelude to peace in Vietnam is imperative. For one thing, the conflict there is immoral and unjustified. All war, says the Christian judgment, is incompatible with the mind of Christ. And this war is to a greater extent than most wars indefensible.

Vietnam has become a cockpit for the cold war. Behind North Vietnam and the Vietcong in the south stands the Communist world; behind the South Vietnam Government, the West. Competition for influence, desire to impress neighboring states, a test of will—these are the vital elements in the conflict. The United States and now my own country are committed in Vietnam to protect what they regard as their own interests; it is better, they hold, to engage the enemy as far as possible from one's own shores. But though apparently unquestioned, that assumption is immoral. The idea that others' lives and lands may be ravaged to protect one's own is a frank expression of power politics, a relic of imperialism. To the claim that Vietnam offers a time and place for confrontation between China and the United States, D. T. Niles, the Christian statesman from India, replied simply: "Here we ask only one question: Is human life cheap in Asia?" An Asian, he spoke with the voice of Asia.

The contention that escalation must occur so the United States can negotiate "from strength" is specious. To sacrifice countless lives for a bargaining advantage is expediency at its most callous. And one cannot help recalling that when his country was still master in the area the French general in charge drew up a plan "to create military conditions for an honorable solution." Then came Dienbienphu and the end of French power in Indochina.

There is a fatal flaw in the argument that unless the United States stops communism in Vietnam all southeast Asia will "go Communist." For communism cannot be contained by military might; it is an ideology that breeds in the kind of chaos and misery war produces. Asian countries will be made "safe" from communism only through peaceful change and the expansion of social and economic justice. By the time the United States managed to "defeat" communism by military force, the peninsula would be a bloody shambles. Where then could a government be found that would be accepted by the people? The United States would have to buttress some sort of puppet government for years on end.

How can a war be justified that is embarked upon unilaterally by nations that at the same time are pledged to work through the United Nations? The United States has long contributed to the ineffectiveness of the world body by its irrational insistence on the exclusion of mainland China. Now it is further undermining its effectiveness by taking unilateral action without seeking combined world action through the United Nations.

All this has made millions of men of good will throughout the world uneasy in conscience; they know in their hearts that the war in Vietnam is basically immoral and without justification.

INTOLERABLE SUFFERING OF A PEOPLE

It is almost impossible to estimate Vietnamese loyalties accurately. That military governments can "represent" any people is questionable, and the present Government of South Vietnam is a military despotism, as were the eight regimes that preceded it through the past 20 months. Certainly the strength of the South Vietnam Armed Forces and their persistence despite huge casualties testify that a large body of opinion is opposed to the Vietcong. Yet it is hard to believe that the Vietcong could exert virtual control over about half the country without the collaboration of people from village and countryside. Neutral observers—the Commission of the Churches on International Affairs for one—report that there is among the Vietnamese a deep-seated desire to be independent. Certainly there is no doubt that the suffering of the people is deep and tragic. It has lasted for 19 long years. Terrorized by action both sides, subjected to atrocities, sniped at in the jungles, bombed from the air, decimated by the dread napalm bomb, one of the most hideous weapons yet devised, the Vietnamese see no end to their miseries. For the Communist and the Western nations to prolong their suffering is iniquitous.

As an Australian I was ashamed because of all the nations represented at the Commonwealth prime ministers' conference it was my country that by choosing to be a combatant in Vietnam embarrassed Prime Minister Harold Wilson's peace mission. Disengagement would make it possible for Australia to extract itself from a conflict into which it has been led, without debate, by a government that has been less than frank with our citizens.

Australia's present policies run counter to its own and its neighbors' long-range interests. For our future is irretrievably bound up not with the West but with the 1,000 million people of Asia, where the days of Western dominance are numbered. We must learn to live at peace with our neighbors. Meanwhile, the presence of our soldiers on Asian soil combined with our "white Australia" policy at home gives us an ugly image throughout Asia. From such an attitude as we now display are enemies made. And the Bible's warning still holds: They who sow the wind reap the whirlwind.

While freedom of speech remains, before casualties mount and emotions are dangerously aroused, there is still time for Australian troops to be withdrawn and an example of disengagement to be set is a prelude to peace.

AHEAD, NUCLEAR HOLOCAUST

Of one thing we can be certain: The world today faces its greatest peril since World War II. Consider the pattern of escalation thus far established. First, the United States simply proffered aid and advice to the government in the south. Then came military support, with mounting numbers of American troops engaged. Then retaliatory bombing of military targets. Then Australia's adding its quota to the flames by sending troops. Finally, on June 10, President Johnson's announcement that American troops would take the initiative in attack.

What are the later steps, unless arrested? Crossing of the 17th parallel; accompanied by bombing of the cities in the north, with the inevitable slaughter of noncombatant men, women, and children; then increased and open Chinese intervention. The West could have but one answer to the impossibility of countering the military manpower the 700 million Chinese can provide: Nuclear bombing. Then—one short step to complete nuclear involvement and a third world war, leaving the planet contaminated with radiation for generations to come.

Impossible? Improbable? Hardly. Mental attitudes so easily lead to overt action. And there are forces, particularly powerful in the United States, that would urge the atomic bombing of China now as a means of keeping it from becoming a nuclear power. Corrupted by unreasoning fear of communism, public opinion in the United States, and to a lesser extent in Australia, could depart from rationality. The peril of all-out nuclear war lies just beyond the Vietnam firing lines.

Right now the world may be offered its last chance to pause and seek deliverance. The search for a solution in Vietnam must move from the battleground to the conference table. And for that, no matter what the risk or sacrifice involved, disengagements is a necessity. There is still time to reverse the tragic trend. I would hope that a ground swell of opposition to our Government's policies in southeast Asia might move across my own nation, that Australia might become a reconciling, a peacemaking force in today's splintered world. To seek peace, not to make war, is the call our people—as well as those in the United States—must hear. Let us demand that our troops be recalled, that the issues be transferred to the United Nations. Above all, as Christians let us pray that the miracle may take place, that the doors to peace missions now closed may be opened.

[From the Christian Century, Aug. 4, 1965]

RUNAWAY WAR OR DEADLOCKED PEACE

SAIGON, July 14.—In the judgment of this member of the clergymen's mission sent to southeast Asia at the end of June by the Fellowship of Reconciliation, a dangerous turning point in the war in Vietnam is at hand. As Henry Cabot Lodge returns to the Embassy in Saigon and the White House starts a sweeping reappraisal of Vietnam policy, the only real alternatives in Vietnam itself, it seems to me, are a runaway war and a deadlocked peace. It is a shocking fact that the choice between these harsh alternatives is being made unilaterally, in this 20th anniversary year of the United Nations, by the U.S. Government on the one hand and the National Liberation Front (Vietcong) on the other. The destiny of millions of people and perhaps of the whole world is being decided by a small group of military and political officers, with not much more chance of broad citizen-participation in the decisionmaking process in the United States than in Vietnam, let alone among the many other peoples who will bear the consequences of the policies chosen.

I

All developments during this beautiful rain-then-sunshine-again summer in Vietnam indicate that on both sides those who possess the power of choice are moving swiftly toward runaway war. The Vietcong has astonished even its Chinese mentors in the art and science of revolutionary warfare by moving directly from the first phase—defense—to the third phase—offense—without bothering with Mao's prescribed second phase—a balance of forces. At Djakarta recently, a spokesman for Peiping stated that his government was studying the methods and strategy of the Vietcong, who in their 20-year struggle have become unequaled masters at effecting social transformations through revolutionary warfare.

The Vietcong are everywhere in South Vietnam. They have cut all major transportation arteries linking the several regions of the country, making air transport the only means of supplying either urban centers or mountain villages with food produced in the delta. They hold from one- to two-thirds of the area of many provinces by day as well as by night, leaving the Republic of Vietnam forces, with their American advisers, in the tense posture of beleaguered garrisons. By night the Vietcong hold this capital city itself in a ring of terror. Last Sunday evening about 10 p.m. my taxi driver missed the house where I am staying at the edge of the city—a bare 3 miles from downtown Saigon. As the road led through the dense tropical orchards toward the rubber plantations, he became quite anxious. Soon we were approaching the sources of some of the artillery fire that is heard in the city throughout the night, and we saw some of the flares with which the army posts continually flood the forest area with light. These are the measures by which the republican army tries to discourage the grouping of Vietcong forces for terroristic forays into the city itself.

But as everyone knows, the Vietcong is not merely an insurrectionary movement in the countryside, strongly supported by Hanoi, but a politico-military force within Saigon and the other cities of the south. There are terrorist strikes, such as those against the U.S. Embassy, the floating restaurant, the Saigon Airport, and very seldom do the passersby offer the authorities any evidence to help apprehend the offenders. I have talked with city people who, as both patriots and social progressives, are continually solicited by the Vietcong to join the national liberation movement to help overthrow the latest of Saigon's junta governments and to rid the country of the Americans, who are viewed as the remaining vestige of white imperial occupation. My interlocutors had reluctantly declined to enter the Vietcong only because they could not stomach its wanton violence. The Vietcong appear to sense that their people are closer to the goal of an independent Vietnam, free of the last traces of foreign domination, than they have ever been since the French first arrived a century ago. They smell victory and will stop at nothing in their effort to grasp it firmly in their hard and horny hands.

II

Meanwhile, North Vietnamese battalions are taking up positions back of the guerrilla warriors, ready to consolidate their gains. The Foreign Minister of neutralist Cambodia, Koun Weck, warned me in an interview that if these troops should prove unable to withstand the increasing number of U.S. paratroopers and infantrymen, "the Chinese will not hesitate to employ millions of soldiers in a combat with the United States on the ground in southeast Asia, and Peiping would definitely use the nuclear arms at her disposal."

There is no need here to recall in detail the escalation of the American war effort in South Vietnam from a few hundred military advisers 10 years ago to more than 75,000 men today, supported by bombing missions originating both from aircraft carriers off the Vietnamese coast and from the Guam naval base more than 2,000 miles away. There is great need to hold congressional hearings and nationwide debate on the wisdom and rightness of current Pentagon plans to turn the large-scale American war effort into a massive land war in southeast Asia, whose immediate objective might well be an independent and friendly South Vietnam but whose ultimate goal would inevitably become—once the armed might of the United States became locked in mortal encounter with the North Vietnamese and the Chinese peoples' armies—the liberation of North Vietnam from the Communist rule of Ho Chi Minh and the overthrow of the imperialist Chinese Communist government of Mao Tse-tung.

Since every Western military expert believes that the United States possesses weaponry more than sufficient to balance the sheer numbers of the Asian Communist armies. the crucial question would then be the response of the Soviet Union. I have met no one in southeast Asia who believes that in such a showdown the Soviet Union could avoid giving modern military support to the poorly equipped armies of sister Communist nations. This feeling that such a situation would close the rift between the Soviet Union and China is based not on sentimental factors but rather on the sober surmise that a Pentagon which was allowed to destroy Chinese power would be expected by the Soviets to turn its sights at once on the Kremlin itself—the only logical outcome of the chain of reasoning that begins with the attitude of "Why not victory?" The Soviet Union too has to worry about falling dominoes. The likelihood is that, as this fear begins to dominate the planners who control the levers of command at the heart of both the vast affronting blocs, the brushfire on the Mekong delta will blaze into a runaway conflagration.

The Cambodian foreign minister terminated our conversation by saying: "The world is at an extremely dangerous turning point in the Vietnamese war. The peace efforts of the American clergymen's committee are laudable but, I fear, doomed like all others to failure. The world is headed straight toward nuclear war."

III

The peace movement on the American campuses and in the American churches has long been aware of the sinister character of the war in Vietnam. It has reminded all who would listen that the struggle there is basically political and must eventually be resolved by a political settlement, that military power alone cannot obtain any end that could be termed victory. And it has pointed out the very real and perilous possibility that one-sided concentration on military force will end in general war.

Most of those Americans who have urged President Johnson to stop the war in Vietnam have responded to his question "How?" by calling for negotiations. When pressed for more detail they have envisaged the reconvening of the Geneva Conference or something similar and have insisted on a return to the 1954 agreement for a reunified Vietnam in which a national government would be established on the basis of free elections. These elections, the withdrawal of foreign armed forces and the integrity of the total territory of Vietnam would be guaranteed by some kind of international peacekeeping police power.

I am sorry to have to report that in the course of innumerable conversations held by the 12 members of our clergymen's mission in South Vietnam, Cambodia, and Thailand, we heard no knowledgeable person call for reunification of the two Vietnams. Not only does no one we met believe it to be a possible political objective at present, but most would seriously question its desirability now or for years to come.

We were astonished at the depth of the antagonism between the North Vietnamese and the South Vietnamese, whatever their individual political coloring—particularly between the Tonkinese, who predominate in the north, and the Cochinchinese, who constitute 80 percent of the population of the south. When the Chinese exercised their 1,000-year suzerainty over the area that now comprises the two Vietnams, they were always obliged to handle them separately, and the French did likewise during their century of colonial rule. One reason for the governmental instability that has characterized South Vietnam for the past 10 years is that many of the top posts have gone to able and aggressive men among the refugees that came from the north in 1954. No Cochinchinese has yet been Prime Minister or President of South Vietnam. In university circles and among religious groups—e.g., between the two main Buddhist reform movements—this same regional tension obtains, rendering unified action all the more difficult.

IV

In a word, a deadlocked peace—one in which continuing division of the country is the only reasonable and perhaps the only realizable basis for political settlement—is the true option to a runaway war. But a separate South Vietnam can be achieved only it the National Liberation Front participates in its government. And here lies a formidable obstacle to all negotiations. There have been indications that the "unconditional" discussions suggested by President Johnson might countenance Vietcong representation in the delegation of North Vietnam. But the people with whom I talked unanimously declared that this arrangement would never be accepted by the National Liberation Front, arguing that the N.L.F. and its Vietcong warriors, while quick to utilize Ho Chi Minh's skilled personnel and his material support, have no intention of turning over to him and the detested northerners the fruits of 20 years of struggle and suffering. The N.L.F. will insist on being represented at the conference table in its own right, and a good share of the cabinet posts in any coalition government must go to it.

What kind of society would this coalition government offer the continuing Republic of South Vietnam? It would have as its base, my respondents answered, a planned economy in which landlords would have a diminishing part—a "national socialism" such as Algeria and other new nations are trying to establish. But as for foreign policy the country would be nonalined, on the model of neighboring Cambodia—swinging toward China if pushed too hard by the West but swinging toward the United States and France if pushed too hard by China. Like much of the "third world," most South Vietnamese who think in geopolitical terms aspire to national independence, economic development under a socialist type of government and elemental security from hunger and violence.

V

Could such a small neutralist state remain independent against new pressures from North Vietnam and eventually from China? It is clear that the viability of such a South Vietnam could be guaranteed only by the continuing presence of an international peacekeeping force. But from all sides I have heard it affirmed that no whites, be they American or Swedish, Russian or French, would be acceptable for this task. Only an international police force composed primarily of representatives of the armies of India, Burma, Indonesia, and the smaller countries of the area—and quite possibly Africa as well—would have a chance of being accepted as essentially different from colonial powers.

This vision of the future will not please many Americans, and it may seem to be an entirely inadequate reward to many of our military leaders for all the risks run, materials consumed, lives lost. But will our Congress reassume its constitutional authority to control the warmaking machine? Will our President restore to the State Department the role of supreme adviser in the making of foreign policy? Will American Christians and Jews and all other men of good will have the maturity and the energy to compel their Government to choose those next steps which could lead from the brink of runaway war to the long, hard pull that—the best we can hope for—is the deadlock of a peace in which neither side has victory and neither is destroyed?

Howard Schomer.

BIG BROTHER: FEDERAL SNOOPING

Mr. LONG of Missouri. Mr. President, my Big Brother item for today consists of two unusually good editorials. One is from the Miami Herald, of July 21, 1965, and the other is from the Times of Corpus Christi, Tex.

I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Miami Herald, July 21, 1965]

Case of Federal Snoopery

Some of us who fuss about big government and bureaucracy often are set down as lowly beaters of dead horses. But look what big government and bureaucracy begot in the Internal Revenue Service.

A Senate subcommittee which has been looking into charges of invasion of privacy by revenue agents has uncovered some examples of unrestrained folly.

Wiretapping is practiced so widely that there are government schools where agents are trained in its niceties. A recruit can also learn how to pick a lock, plant a microphone, set up a two-way mirror and operate gadgets that see in the dark.

All of this is not only illegal; it's even forbidden by departmental regulations. Thus these invasions of privacy make a hypocrite of the law itself, which is perhaps their worst offense.

Of course, it is all done in a good cause. Many a hoodlum would have gone tax-free as well as scot-free but for some kind of surveillance on which the law frowns. The temptation is to write off this activity as a necessary evil in the complicated process of doing good.

We think, however, that the law ought to be observed or repealed.

In practice, it is not considered illegal to tap a wire or bug a room unless conversations which are picked up are in turn disclosed officially. Yet evidence of this sort cannot be used in court.

So the law becomes not merely hypocritical but inconsistent and thus ridiculous.

Privacy, like water, is ignobly polluted in the United States today. The Senate hearing may have the effect of cleaning up some of the sources if a shocked public opinion becomes the detergent.

[From the Corpus Christi (Tex.) Times, July 3, 1965]

Privacy

Quite a little attention has been focused lately on invasion of privacy by units of the Federal Government. The public has been made aware that thousands of Government employees are given "lie detector" tests or psychological tests featuring intimate personal questions, that the post office pries into who gets mail from whom, that there is a lot of authorized and unauthorized listening in on phone talk in Government offices, and so on.

Congressional committee probes have brought most of these disclosures. That is the first half of a pattern that has emerged. The second half, more often than not, is a promise by the offending agency that it will be less snoopy—less in violation of the basic American right to privacy—than in the past.

The State Department, for example, has been reviewing use of psychological tests, and may modify its practices. Postmaster General Gronouski, after admitting that the so-called mail covers "do to some degree invade individual rights," has issued new administrative rules intended to keep this extralegal practice under better control.

This is an unsatisfactory way to deal with a problem that touches closely on a constitutional right we should be zealous to preserve—the right to live our private lives without Government prying. The pattern of disclosure followed by promises to do better in the future is not adequate. What is needed is congressional action to reaffirm the principle of individual privacy, and to keep the actions of Government agencies firmly in check.

THE HUNGER EXPLOSION

Mr. MONDALE. Mr. President, last week I spoke to the Senate on the danger of the world's hunger explosion, and the urgent need for the United States to do more in order to save millions from starvation and crippling malnutrition. I was gratified to read, in the Sunday newspapers, two articles which illuminate the dimensions of this crisis and discuss what can be done to cope with it.

In the Washington Post, Jean M. White gives a graphic picture of the developing situation in her article, "The Poor Are Engulfing the Earth."

In the New York Times, an article by Felix Belair, Jr., gives a detailed discussion of an important new program just launched by our Agency for International Development to combat malnutrition in preschool children in developing nations. His article is entitled "U.S. Acts To Raise World Nutrition."

I ask unanimous consent these two articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 1, 1965]

THE POOR ARE ENGULFING THE EARTH; THE POPULATION EXPLOSION—ACTUALLY, A HOLIDAY FOR DEATH—IS OCCURRING WHERE IT'S LEAST SUPPORTABLE

(By Jean M. White)

In just 35 years—when many of us still will be around—it is very likely that there will be twice as many people on earth as there are today.

The time to do anything about that, if we had wanted to, was yesterday. The population problem is here and now and grows bigger by at least 1¼ million people each week.

Population projections used to be interesting mathematical exercises enabling demographers to predict when a standing-room-only sign would be posted on a crammed earth. But today we are finding that runaway population is bound up with many of our big problems: hunger, poverty, illiteracy, economic stagnation, political instability.

It will touch the very quality of life for those being born today. Yet a recent Gallup poll showed that only 3 out of 10 Americans who had heard of the population problem were at all worried about it.

Why should we suddenly get excited about population growth? Here are some things to consider:

A NEW DIMENSION

1. The human family is growing at a faster rate than ever before in man's history. This is the new, alarming dimension of the population problem—the rate.

Human multiplication is self-accelerating, like compound interest. It spurts upward in geometrical progression: 2-4-8-16-32-64-128. The annual rate at which it is growing has doubled in the last decade, from 1 to 2 percent.

This increase may not seem extraordinarily high until you follow the spiral of geometrical progression. If the human race had begun with a single couple at the time of Christ and increased at a rate of 2 percent a year, there now would be 20 million people for every person now alive—or 100 people on each square foot of earth.

The current world population is 3.3 billion. It will take only 15 years to complete the fourth billion. The fifth billion will follow in just 10 years after that.

THE DANGER SPOTS

2. Most of this population growth is in the underdeveloped countries, which can afford it the least. There a powder keg of social unrest and political instability is building up as runaway growth smothers efforts to give a little better life to millions of people who are ill fed, ill clothed, and ill housed.

Like the Red Queen, the poor countries have to run as fast as they can just to stay in the same place—bare subsistence for their people. By the time the Aswan Dam is completed, Egypt's population is expected to have grown so much that the new irrigated lands will merely provide food enough for the additional people.

PLENTY AND PENURY

3. At a time of "a revolution of rising expectations," the world's poor are finding their hopes frustrated. The world is rapidly coalescing into widely separated groups of "haves" and "have-nots."

In 1963, North America and Western Europe had 17 percent of the world population and 64 percent of the world's income, as measured in the value of goods and services produced. Asia had 56 percent of the world's population and 14 percent of its income.

Today, roughly a third of the population is in the capitalist world, another third is in the Communist camp, and the last third is uncommitted. In Latin America and the Far East, runaway populations are creating more poverty and misery in which communism can breed.

THE ROAD TO FAMINE

4. The world's already hungry countries are growing more people than food to feed them. Some demographers and agricultural experts are warning of the threat of serious famine by 1980.

In Latin America, Asia, and Africa, food production is growing only about two-thirds as fast as the population. Per capita food production is actually declining in many of these countries and has slipped below levels of 25 years ago.

When people have to eat what they grow just to survive, there is nothing left to invest in better seeds, fertilizers and pesticides to increase food production. What science might do with algae gardens and sea farms is too far in the future to fill bellies already gnawing.

The United States has long been helping to feed millions of Indians with its food-for-peace program. But the way the world is, there can be no common trough for all men.

Last March, B. R. Sen, Director General of the United Nations Food and Agriculture Organization, warned that the world must raise food productivity and curb population in the next 35 years or face "disaster of an unprecedented magnitude." The alternative, he added, is that "mankind will be overtaken again by the old Malthusian correctives: famine, pestilence and war."

A CRISIS AT HOME

5. For Americans, the population problem is not just that of faraway places. The United States is having its own troubles at home in its brave new urban world.

Think about 350 million Americans—nearly double the number today—using some 300 million cars at the turn of the century. (It is not that far away; children born today will be 35 years old then.)

Then think of the new classrooms, roads, jobs, houses, taxes for social services. Think of the jammed buses, lengthened commuting time, increased pollution of water and air, the search for precious open space and privacy.

Rapid population growth in the United States—we are growing at a rate of 50 percent above that of western Europe and close to the world pace—is aggravating urban ills and perpetuating poverty in the midst of abundance. See our high rate of growth as a real threat to the amenities and esthetics of our preferred way of life.

In its study of world population growth, the National Academy of Sciences emphasized the population problem in these words:

"Other than the search for lasting peace, no problem is more urgent * * * Nearly all our economic, social and political problems become more difficult to solve in the face of uncontrolled population growth."

THE REAPER REPULSED

What is the reason for the speed of growth that lies behind these population problems? The answer is a matter of simple arithmetic: births minus deaths.

There has been no sudden burst of fertility to set off the population explosion (demographers cringe at the use of this phrase). Birth rates haven't gone up. But death rates have dropped dramatically.

Man now is practicing effective death control without balancing this with equally effective birth control. It is ironic that one of man's great humanitarian achievements—the control of mass killer diseases—has created a new critical problem of runaway population which, in turn, raises a threat to life.

The dilemma is neatly summed up by the National Academy of Sciences report: "Either the birth rate of the world must come down or the death rate must go back up."

The only choice—for the earth cannot contain or support population growth at the present rate over a long time—is between humane birth control and the cruel equalizer of death. In a way, the bogy of Malthusianism, apparently buried a century ago, has risen again.

ALL IN A DECADE

The sudden, spectacular drop in death rates, particularly infant mortality, has come chiefly in the developing countries. Indeed, the lowest death rates in the world today are not in the United States and Western Europe but in such countries as Malaysia, Taiwan, and Puerto Rico, with their younger populations.

Modern medicine, vaccines, and pesticides have sharply cut death rates in a matter of a few years. In Ceylon, after DDT spraying had largely eradicated malaria, the death rate fell 57 percent in less than a decade—while the population increased more than 80 percent and per capita income declined.

A low 20th century death rate (about 10 per 1,000) is now combined with a medieval birth rate (40 to 50 per 1,000) to send population spiraling upward.

Europe went through a "demographic transition (changeover from high birth and high death rates to low birth and low death rates) before achieving its nearly stable population of today. But there the decline in the death rate came gradually over many decades starting with the early 19th century.

After about 1875 (France was earlier), birth rates began to drop in European countries. Over the next 60 to 75 years, millions of couples made personal decisions to limit family size against the opposition of both church and State. There had been no advances in contraceptives, so they relied on such folk methods as withdrawal. Marriages were delayed, particularly in Ireland.

To help it through its transition, Europe also had the safety valve of emigration. But the 34 million who emigrated from Europe to the United States from 1820 to 1955 represent less than a single year's population growth in Asia today.

A VICIOUS CIRCLE

Unlike Europe, the developing countries today don't have time for gradual adjustments to balance birth and death rates. They are caught on a treadmill. Rapid population growth is blocking the modernization they need to achieve the conditions—industrialization, mass education, urbanization, literacy—to bring their birth rates down.

"The past is not relevant for the developing countries today," says Irene B. Taeuber, a noted demographer. "There must be a new pattern. Something has to happen that never happened before. They must cut birth rates either before or during the process of economic development."

President Eisenhower, who 10 years ago felt that birth control was not a proper concern of governments, has explained that he abandoned this view after seeing the erosion of foreign aid programs by population growth.

In a recent speech on the 20th anniversary of the United Nations, President Johnson called for all nations to face "the multiplying problems of our multiplying populations" and pointed out that less than $5 invested in population control is worth $100 invested in economic growth.

ECONOMIC STALEMATE

If population is growing at a rate of 2.5 or 3 percent a year—as it is in many of the developing nations—it takes that same rate of economic growth to stay even. It comes down to a kind of holding operation at miserably low standards of living.

It takes 9 percent of capital investment to generate a 3-percent increase in income. It will take heroic efforts to achieve the United Nations' goal of 5 percent annual growth in underdeveloped countries in this "decade of development." Expanding population growth also brings a heavy burden of child dependency. In the developing countries, more than 40 percent of the population is under 15 years of age. (It is 25 to 30 percent in the West.) That imbalance puts heavy demands on health and education services.

Once, the subject of population control—which implies birth control—was politically taboo and considered too sensitive for public discussion. Now governments are speaking out on the need for action.

President Johnson's historic 25 words in his state of the Union address lifted the hush-hush attitude of the U.S. Government. A Senate subcommittee under Senator ERNEST GRUENING, Democrat, of Alaska, is holding hearings on the need for birth control information here and abroad.

The United Nations will hold its Second World Population Conference in Yugoslavia late this summer. For the first time, family planning is on the agenda—by demand.

The developing countries themselves are acting. Egypt, India, Pakistan, Japan, and South Korea have made family planning a part of national policy. There are government supported or sponsored projects in Ceylon, Taiwan, Turkey, Tunisia, Thailand, Malaysia, Barbados, Puerto Rico, and Hong King.

Pope Paul VI has said that he hopes the Catholic Church can soon redefine its stand on birth control.

For whatever term is used—family planning, fertility control, population control, responsible parenthood—the issue comes down to the deeply emotional subject of birth control.

The issue touches the very fabric of society, centuries of cultural traditions and deeply held beliefs. There are many barriers to its introduction: illiteracy, nationalistic pride, the peasant desire for sons to work the fields and provide social security in old age, the low status of women, the tradition of early marriage, contraceptive costs.

People have always been ahead of governments in the limitation of family size. Government can help set the climate, but individual couples must make the final decisions—as they did in Europe.

Mrs. Taeuber, the demographer, feels that the change in attitude toward birth control has now reached the ordinary man as well as his governments.

"I have been to Indian villages," she says, "These people are shrewd. They have survived where we might not have. They pull out old maps of land holdings a century ago and the divisions today, with more and more children living. Population is no abstraction to them."

Attitude polls have shown that the Chicago slum dweller, the Mexican factory worker, and the Indian villager alike want to limit the size of their families. All want to give their children a chance at a better life.

CHEAP NEW CONTROL

Along with the change in attitudes is the recent progress in contraceptive technology. The intrauterine device—IUD—costs only a few cents and has proved dramatically effective in pilot projects. Once inserted, it can control fertility over months and years.

"Control" is an important word here. Frank W. Notestein, president of the Population Council, a private institution which has spent $20.4 million on the world's population problems, emphasizes that the object of a population policy is not to tell a couple how many children they may have. Rather, it is to give them "the basic right to choose freely."

Most population experts feel that population doesn't have to be stabilized to the point of no growth. They see it as a choice between uncontrolled growth and a gradual increase at a rate that will allow for improvement of the human lot.

Population projections are not predictions. If fertility is decreased, the United Nations has projected a possible 5.3 billion figure at the turn of the century rather than the 7 billion prospect if current trends continue.

And once the break is made, the leveling-off effect will be cumulative, just as the present rapid growth is self-accelerating.

[From the New York Times, Aug. 1, 1965]

UNITED STATES ACTS TO RAISE WORLD NUTRITION—PLANS PROJECTS, IN EIGHT LANDS, GEARED TO NEEDS OF YOUNG

(By Felix Belair, Jr.)

WASHINGTON, July 31.—A bold new program designed to reduce and eventually eradicate serious malnutrition among preschool children of underdeveloped countries was quietly set in motion this week by the Agency for International Development.

Orders went out to AID mission chiefs in 14 countries to sound out host governments on their willingness, with local private enterprise, to join the U.S. Government and food industry as well as private investors in an effort to break the biggest single bottleneck to economic development.

Depending on the responses from the 14 countries, it is planned to start experimental programs in some 8 of them.

The immediate objective would be to increase indigenous food production by more intensive cultivation through fertilizers, bringing new lands into cultivation, and providing farmers with greater incentive to produce by land redistribution and pricing policies.

Countries finally selected for the pilot programs would be expected promptly to encourage local processors to market commercially a grain based "complete" or formulated, food that utilizes locally available proteins and is enriched and fortified with vitamin, mineral, and amino-acid additives.

COUNTRIES LISTED

The 14 nations from which mission chiefs were ordered to report were chosen because of the availability of facilities for the production and distribution of formulated foods especially suitable for children.

These countries are Brazil, Chile, Colombia, El Salvador, Guatemala, Peru, India, Pakistan, Turkey, Korea, the Philippines, Thailand, Morocco and Uganda.

The experimental programs would look to an expansion of the facilities as well as the development of distribution systems. Where needed vitamin-mineral additives were not available locally, or were beyond the capacity of the government to finance, they would be supplied by AID loans or grants.

In addition to providing the wheat flour, cornmeal and vegetable oil through continued food-for-peace shipments of U.S. farm surpluses, the United States would provide metering machines for accurately measuring the enrichment and fortifying process.

About 25 percent of the grain donated through food for peace is milled in the recipient countries. Unlike commodities shipped from this country, the locally milled grain has not been locally enriched. This would be required under the experimental programs.

In addition, recipient governments would be urged to fix and enforce standards for enrichment of flour and other commodities and to sponsor and support local research on the development and marketing of low-cost protein foods.

Host governments would also be asked to assume progressively larger responsibility for the storage, processing and distribution costs of donated food-for-peace shipments with the ultimate goal of complete assumption of responsibility for child feeding programs.

Food-for-peace operations in recipient underdeveloped countries are already in the process of shifting from the "doling out" system of family and child feeding through religious and other voluntary relief organizations.

Gradually, the emphasis is being shifted from charity to the principle of "food for work." The voluntary agencies will continue to play an important role but distribution is being tied more and more to development projects approved by the AID with recipients required to shift from "relief" to "earning their keep."

In his message to mission chiefs, the foreign aid administrator, David E. Bell, said it was now a settled policy of the Agency that "correcting serious protein deficiencies of preschool children would make a greater contribution to development than any other health measures—malaria eradication, sanitation and water supply not excluded." He added:

"It is also clear that food for peace donations alone cannot solve this problem; and that coordinated efforts by our agriculture, health, industry and community development programs will be required if progress is to be made."

MIX OF METHODS

Regarding the hoped for results of the experimental programs, Mr. Bell said that "we would hope that after a year or two we would be able to come to some conclusions on the best mix of methods for reaching target groups.

"At the same time," he said, "attention should be given to, and work initiated on, the longer run and more basic aspects of the situation requiring research on such things as increased production of protein-rich foodstuffs, nutritional habits, cultural factors, taboos, food processing, storage and distribution."

To illustrate, Mr. Bell pointed out that ground nuts were not exploited for human nutrition in a number of countries that grow them for oil or for export. As for local taboos, it was recalled, for example, that in some underdeveloped areas it was axiomatic that meat could not be digested by children while in others milk was for babies only.

As an example of the way in which the experimental programs would operate to bolster or expand child food industries, Mr. Bell included in his message to mission chiefs the following:

"The type of assistance required will vary but might include exchange or purchase of specific amounts of the final products for use in welfare-type feeding programs. Such arrangements should be structured to do away with the 'doling out' type of operations.

"Plans should proceed for the role of private industry in these projects to be increased progressively, as the private sector can achieve results not attainable through government efforts.

"The United States could, for example, contract with a local processing firm to mix the locally produced protein and vitamin elements with the food for peace grain donations and commercial products, thus combining the feeding operation with a market promotion function for the private firm.

"New private enterprise, including U.S. firms, in coventure with existing or new local firms, can be encouraged. Cooley loans (local currency counterpart funds jointly controlled by the United States and recipient government), investment feasibility surveys, investment guarantees, and other AID tools could also be used to bolster the child food industry in host countries.

"Loans could be made to existing firms for the extension of their facilities for production, market development, or other activities. These loans should take into consideration the cost of production, advertising, surveys for acceptability, and education."

The experimental programs are intended to carry out findings of an executive branch study group on nutritional needs of developing countries.

CONCLUSION OF STUDY

Mr. Bell attached to his directive to mission chiefs these principal conclusions:

1. That the high prevalence of hunger and malnutrition in the world is a leading contributor to human misery, apathy, disease, economic stagnation, and political instability.

2. That the problems associated with hunger and malnutrition cannot be separated from the basic problems related to social and economic development such as agricultural production, industrial production, and population growth.

3. That an estimated 50 percent of the preschool-age children in the developing countries is suffering from malnutrition, and that there is evidence that this condition produces a nonreversible retardation of mental and physical development of 10 to 25 percent.

4. That overcoming the protein and vitamin deficiencies of young children in most less-developed countries would do more to reduce disease and eventually raise productivity than any other health measure that could be taken.

THE EASTERN SHORE OF MARYLAND

Mr. TYDINGS. Mr. President, throughout my life, I have had many enjoyable and memorable visits to the Eastern Shore of Maryland. Certain restored sections of this delightful area provide an excellent example of 16th century architecture and are deeply steeped in American tradition and history. In addition to sightseeing, a relaxed atmosphere is offered by the facilities for boating, fishing, and hunting.

The outstanding features of this area, and particularly those of Talbot County and its county seat of Easton, are described in an article entitled "Maryland Eastern Shore: A Delightsome Land," by Catherine Handley, printed in the New York Times on July 25, 1965. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARYLAND EASTERN SHORE "A DELIGHTSOME LAND"

(By Catherine Handley)

EASTON, MD.—This lovely town, the seat of Talbot County on Maryland's Eastern Shore, lies 215 miles from New York, via the New Jersey Turnpike and the Delaware Memorial Bridge. It is the perfect place to make one's headquarters while exploring the county's 602 miles of waterfront; it also affords the traveler a glimpse into America as it was three centuries ago.

Easton is a blend of attractive year-round residences; of good, modern shops, housed mainly in buildings of colonial style; of proudly maintained historic structures, and of a relaxed vacation atmosphere created by nearby boating, fishing, and hunting.

A TOWN IN 1788

Easton grew inland. First, there was the Friends Meeting House, built in 1682 on the headwaters of the Tred Avon River. Then there was the Talbot County Courthouse, erected from 1710 to 1712. In 1788, the community was organized as a town.

The Friends Meeting House, which is situated on South Washington Street, stands in a quiet, meadowlike clearing to which, in early days, worshippers came by boat to attend the all-day meetings. William Penn preached there soon after the meeting house was built, and Lord Baltimore was among the worshippers.

Interesting aspects of the structure include separate entrances for men and women, and the wall separating them when they sat in meetings.

The original Talbot County Courthouse, on Washington Street between Dover and Federal Streets, was replaced in 1794 by a second structure. This has been remodeled and wings have been added.

BRITISH ACTION PROTESTED

On these courthouse grounds in May 1774, citizens of the county met to protest Britain's closing of the port of Boston. They also adopted the Talbot Resolves, which voiced sentiments that appeared in the Declaration of Independence.

The market house on Washington Street—it adjoins the courthouse—was a slave market before the Civil War, and here farmers brought garden produce along with their slaves. Tobacco was a leading crop.

Housed in the south wing of the courthouse group is the Talbot County Free Library. A large colored map by John Mall, which hangs on the wall just inside the entrance, gives a good pictorial introduction to Talbot County and is worth seeing.

It shows the kinds of fish native to these waters, and the types of small craft in use here—the oyster tonger, bugeye, skipjack, (so-called for the fish of the same name) and the log canoe.

Among the notable colonial houses in town are the Hughlett Henry House, 26 South Street, built about 1795; Foxley Hall, Goldsborough and North Aurora Streets, erected about the same year, and the Bullitt House, Dover and Harrison Streets, built in 1790.

White Marsh Church, about 5½ miles south of Easton, is now in ruins, but in the churchyard are several interesting graves. Tench Francis and Elizabeth Turbett were married in the church on December 29, 1724. They were the grandparents of, among others, Peggy Shippen, who became the wife of Benedict Arnold.

On State Route 333, about 10 miles from Easton, is the charming small town of Oxford. It existed as a town long before Baltimore, and in its early history was one of two leading settlements in Maryland, the other being Annapolis.

Oxford was proclaimed a port of entry in 1669, and extensive trade, including slave trade, was carried on. Many indentured servants and convicts from England landed here.

FISHING AND CRUISING

Today, oysters, crabs, clams, and many varieties of fish are brought into Oxford, and the town has several boatyards and marinas. Boats for fishing or cruising can be bought or hired.

The Robert Morris Inn, which was originally the home of the father of the "financier" of the Revolutionary War, lies where the Tred Avon-Bellevue Ferry operates. This ferry, with a capacity of three cars, is said to be the oldest one of its kind in the United States in continuous operation.

Many visitors take the ride simply for the beauty of the crossing. Fare for foot passengers is 15 cents one way and 25 cents round trip. The automobile rate is 75 cents one way and $1.25 round trip.

The inn itself has operated continuously since before the Civil War. During the past year, it has been remodeled and redecorated.

The fireplace in the tavern is a copy from Williamsburg, and its bricks are estimated as being more than 250 years old. The wallpaper in the dining room is the same as that installed in the diplomatic reception room and the Presidential dining room in the White House in 1961, when it was redecorated by the Fine Arts Commission under the direction of Mrs. John F. Kennedy. The paper was printed by Zuber & Co. in Rixheim, Alsace, in 1834; it is based on engravings of the 1820's.

A 3-day regatta is held in Oxford in August. It is sponsored jointly by the Tred Avon Yacht Club and the Chesapeake Bay Yacht Club, and is regarded as a highlight of the sailing and social season.

Wye Mills, which lies north of Easton, has several points of interest for tourists. Old Wye Mill, which produced flour for Washington's troops at Valley Forge, has been restored, and now operates on a limited basis.

The Wye Oak, the official State tree of Maryland and the symbol of the Eastern Shore, is owned by the State and still stands in what is now a State park. It is the largest white oak in Maryland, and its age is estimated at well over 400 years.

RESTORED CHURCH

Wye Church, an Episcopal Church built in 1721, was completely restored in 1949 under the direction of William G. Perry, supervising architect of colonial Williamsburg.

Among other sites easily reached from Easton, and worth visiting, are St. Michaels and Tilghman's Island. The history of St. Michaels, 10 miles northwest of Easton, has been dramatic. Its snug harbor has been a haven for boats since early days.

At Parrot's Point, a "chain and log boom" was hung during the War of 1812 to prevent the British from entering the harbor. The Village Green, called St. Mary's Square, was laid out in the 1770's as a principal place for town activities.

Now the harbor is used primarily by the oystermen, crabbers, fishermen, and clammers. Regattas are held during the summer months from the nearby Miles River Yacht Club. They attract many participants and spectators.

Tilghman's Island, which lies 13 miles from St. Michaels, has a $10 million industry in canned, frozen, and fresh seafood. The Tilghman Packing Co.'s plant is built almost entirely on an island of oyster shells. During the hunting and fishing seasons, many sportsmen use the island as their base.

"PUBLICK" ACCOMMODATIONS

There are several motels just outside of Easton, as well as accommodations in the town itself. One of these, of Federal design, retains a definite feeling of the old "publick houses" of colonial days.

Capt. John Smith, when he sailed into Chesapeake Bay in 1608, wrote in his diary, "[this] is a most delightsome land." Captain Smith's phrase is still a good way to describe the area.

A BREAK IN TENSION THROUGH A DOLL COLLECTION

Mr. HARTKE. Mr. President, in the midst of a very busy legislative session replete with the pressures of both domestic issues and new international tensions, I would like to share with my colleagues a wonderful experience I had recently.

The display windows of one of downtown Washington's most prominent department stores has a most extraordinary and colorful exhibition of hundreds of dolls. It is a wonder and delight to see families looking and enjoying a family of nations living in peace and harmony. These dolls in the costumes of many nations reflect the culture and heritage of the old world and new. They tell the eloquent story of mankind from the stone age to the jet age. Arabs in flowing robes mingle with Israeli farmers, Indian maharaja's with Pakistani camel drivers, and Russian countrymen with British royalty.

I might add that in examining the accompanying display I was surprised to note that my good friend and a friend of many legislators in both parties, Sam Pryor, vice president, Pan American World Airways, and his wife, Mary, are the collectors of this amazing repository of dolls.

To those of us who know Sam Pryor, a man of great ability and energy in the business world, doll collecting seems far removed. But, as world traveler, this hobby has taken on greater significance for him.

Mr. and Mrs. Pryor have expressed it in this way: "It is our hope that these dolls will inspire this generation, and others to come, with a new tolerance and understanding of peoples everywhere. We hope, too, that the dolls will inspire all of us to imagine a world without tensions, a world without frontiers, a world of peace on earth and good will toward men."

I believe this statement expresses in an eloquent way, the hope all of us share as both parents and lawmakers. I highly recommend to my colleagues and their families an evening well spent in looking at these dolls. The spirit evoked will certainly refresh us from cynicism and skepticism that abounds with each new international crisis.

Further information on this magnificent collection is included in a pamphlet, "The Story of the Doll House," by Mary Tay and Samuel Pryor. This month's issue of Association Management, the Journal of the American Society of Association Executives, features an article by Barbara Sigel, "The Art of Leisure," which also gives us some insight into this remarkable hobby.

I ask unanimous consent that these items may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STORY OF THE DOLL HOUSE

This collection grew from a legacy of 300 inherited from the late Mrs. Ann M. Archibald of Washington, D.C., to 2,500 dolls from all parts of the globe. Today, with the addition of several other collections including that of Janet Pagter Johl, Lila Singsen, and Virginia Woodin of Washington, D.C., there are 8,000 dolls representative of almost all nations and eras.

The size of the collection and its educational value as evidenced by the frequent visits of schoolchildren led us to dream of forming a nonprofit foundation to create a doll library. This dream is now a reality. Our International Doll Library Foundation can be viewed against the authentic American background of the old Mead Farm in Greenwich, Conn.

This farm, a typical New England property, built in 1792, has been occupied until the present by the descendants of the Mead family, pioneers who settled the virgin land. Everything remains as in the days of the American Revolution from the rough-hewn oak beams with their wooden dowels to the thick stone walls enclosing the old horse pasture at the edge of Field Point Park. The original farmhouse in which we have now made our home and the great barn in which the doll collection is displayed will give our visitors an opportunity to visualize how Americans lived at the time this Nation was founded.

In an age when so much of our own heritage is vanishing, we feel that this perfectly preserved colonial homestead is an appropriate setting in which to guard the heritage of culture from across the seas. The dolls in the costumes of all nations reflect that heritage, and tell the story of mankind from the stone to the jet age.

We extend an invitation to all of you, from this country and abroad, to visit the International Doll Library Foundation. Age is no barrier among these "little people of the world," and everyone, young and old, is welcome at the doll library by appointment.

When you come, you will find a happy family of nations, a family where Arabs in flowing robes mingle with Israeli farmers, Chinese coolies with American cowboys, Indian maharajas with Pakistani camel drivers, and Russian countrymen with British royalty. It is our hope that the library will inspire this generation and generations to come with a new tolerance and understanding of peoples everywhere. We hope, too, that the dolls, representing as they do, a potpourri of customs and cultures, will inspire all of us to imagine a world without tensions, a world without frontiers, a world of peace on earth and good will toward men.

MARY TAY and SAMUEL PRYOR.

[From Association Management, August 1965]

THE ART OF LEISURE

(By Barbara Sigel)

"You never know where a hobby is going to take you," says famed Civil War historian Bruce Catton, himself an ardent hobbyist. "It doesn't much matter anyway. It matters even less whether your special interest is in an intangible thing such as a knowledge of a particular area in history. The only thing to do is to follow it for its own sake. It can lead you into a world of various experiences, where you share in fantastic happenings that took place long before you were born. It can bring you straight into dreamland, or up to a deeper knowledge of life and death; and what you finally do with it all is up to you, and to luck, and is actually more or less beside the point. What matters is the fun you have along the way."

Millions of words have been written about leisure. It's an elusive concept that has spurred the curiosity of semanticists and philosophers from pre-Christian times to today.

Is it time at one's command free from engagements or responsibilities? Spare hours don't necessarily connote leisure.

There are those contagious personalities who have learned the art of making spare time work for them. For such people, the concept of leisure is no longer ambiguous and elusive, but definite and exciting. Spare hours are not leftovers from a frustrating day * * * hours to be idled away.

Western man has learned to respect work and the concept of self-improvement. For this reason, he may have guilt feeling when at leisure. Even while having a good time, his mind may be on what he "should" be doing. For the work-dedicated man, having fun is like "playing hooky" from school. Thus, one may make use of leisure in an atmosphere of nervousness.

Even the liberal novelist and journalist Daniel Defoe planted this unrest in the soul of Robinson Crusoe. Instead of basking in the shade, he set to work and taught his good man Friday to work.

"We certainly need occasionally to take a recess from character building or, for that matter, from any kind of building and simply live and let others live," states Howard Braucher, former president of the National Recreation Association. Forget yourself, he would say. Egomaniacs pounce on happiness, and always miss.

According to one survey, most people who work have about 45 hours spare time per week. As leisure becomes more available the concept of leisure gains in importance. But to achieve a conception of leisure is to achieve an aptitude for leisure.

One who looks forward to leisure has no need to preach about the emotional and physical salutary effects of private pursuits. There's no need to justify one's activities. After watching Winston Churchill with his brush and canvas, President Eisenhower caught the thrill of painting. Busy Congressmen, when talking about their favorite pastimes, have been known to attain new dimensions of articulation, wrapping their pronouncements in the choicest oratory. Leisure, for them, has become freedom, and freedom represents choice and choice means opportunity.

Occasionally one has the pleasure of encountering a person who seems to have made maximum use of the 24-hour period.

One such person is Samuel F. Pryor, Jr., vice president of Pan American World Airways. This 67-year-old New Englander has made the most of his freedom to travel. As a result he has a fantastic and renowned repository of more than 8,000 dolls collected from all parts of the world.

Originally established to illustrate the materials, resources, and ingenuity of the country and era which produced the dolls, the hobby has become more than a collection with a purpose. The specially converted barn which houses the array is another world in which he can forget the real world. The doll library has led Pryor to the study of symbolism in dolls and this has led to extensive lecturing on the subject. His hobby has even taken him to Japan for a special showing there.

Currently, Pryor is restoring a small Hawaiian church located in the ruggedly beautiful Kipahulu area of Maui, Hawaii, where he recently bought a 200-acre ranch. The property, carefully chosen for its spectacular waterfalls and vistas includes this once dilapidated church, now 108 years old.

Pryor also works with the agents from the Bureau of Narcotics—an interest which grew after experience as a board member for the Boys Club of America. He holds a special agent's badge and is a graduate of the Bureau's special training school.

Although it would seem that he spends all his time pursuing his hobbies, his career has been marked by several outstanding achievements, in addition to being head of Pan American's Public Relations Division.

During his 17-year service as vice president of the American Brakeshoe and Foundry Co., he served as vice chairman of the Republican National Committee. In 1940, during Wendell Willkie's campaign for the presidential nomination, he chaired the arrangements committee at the Philadelphia nomination convention and later served as manager of Willkie's eastern campaign headquarters.

After joining Pan American in 1941, he headed the company's airport development program; and his work in building 50 strategic air bases in 16 countries in South America, and Africa earned him a Medal of Merit from President Truman.

From the unusual hobby of doll collecting, Mr. Pryor has been led into a world of various experiences. To requote Mr. Catton, "You never know where a hobby is going to take you."

RESOLUTION OF GOVERNORS ON TRAFFIC SAFETY

Mr. FANNIN. Mr. President, last week the chief executives of our 50 States convened in Minneapolis for the 57th annual meeting of the National Governors' Conference. Among the few resolutions adopted unanimously at the conference was a forthright statement of policy on behalf of traffic safety.

In this resolution the assembled Governors made two specific requests of Congress which I believe merit our serious consideration. They urged that Congress reject any attempt to make Federal highway construction grants contingent upon arbitrarily determined highway safety standards. Legislation to impose such a requirement is now pending in the Congress, despite the opinion of all 50 Governors that the proposal is unworkable and punitive.

The resolution also requests the Congress to adopt the action program for highway safety as national policy. This program has been worked out through coperation of the States and professionals in the traffic safety field, and it deserves our attention and support.

Mr. President, I ask unanimous consent to have this resolution adopted by the National Governors' Conference printed in the Record following my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Highway Safety Resolution

(Passed unanimously July 29, 1965, by national Governors' conference 57th annual meeting, Minneapoils, Minn.)

Whereas the Governors have long acknowledged the gravity of their traditional obligation of concern for the personal welfare and safety of all of the people of their States; and

Whereas the Governors' conference has repeatedly demonstrated the collective determination of the chief executives of the States to act in the public interest through cooperative efforts in behalf of highway safety; and

Whereas strong endorsement has been given to the action program for highway safety as a master plan and an effective guide to essential traffic accident prevention services at all levels of government; and

Whereas the pending amendment in the House of Representatives to make highway construction grants-in-aid contingent on arbitrarily determined highway safety standards is unworkable and therefore unnecessarily punitive: Now, therefore, be it

Resolved by the Governors' conference, That the Congress of the United States be urged to adopt as national policy the principles contained in the action program for highway safety; and be it further

Resolved, That the pending amendment to the highway construction grants legislation be set aside; and be it further

Resolved, That the Governors' conference invite the National League of Cities, U.S. Conference of Mayors, and the National Association of Counties to join with the Governors in sponsoring a national conference of State and local governments to define and clarify areas of traffic safety responsibility and to determine the most effective possible courses of action with respect to priority needs and financing; and be it further

Resolved, That the comprehensive approach to today's traffic safety problems be extended to include a continuing study by the Committee on Roads and Highway Safety of the total public and private transportation outlook as it encompasses every manner of movement in the service of both people and commerce.

SAN DIEGO SALUTES OCEANOGRAPHY

Mr. MURPHY. Mr. President, tomorrow, Wednesday, August 4, the 95th annual meeting of the San Diego, Calif., Chamber of Commerce will salute oceanography.

I would like to join in paying tribute to the community of San Diego for its world leadership in the exploration and study of our oceans.

The same pioneering and foresight which San Diego applied to help take man far into space is now being used to tap the wonders of our world's vast oceans.

San Diego is leading the research in deep-sea mining which hopefully will locate mineral resources still unknown to our civilization.

San Diego is also leading the way in extensive scientific and technical research in such fields as antisubmarine warfare to strengthen the free world's military position. Companies, individuals and associations are flocking to San Diego to join in the pursuit of the unknown of our oceans.

This study is vital to our Nation's future security because of the wealth of knowledge to be obtained from determining the great scientific treasures our seas hold.

Perhaps one of the most significant contributions to date has been the launching of Sealab II, the U.S. Navy's man-in-the-sea program.

When the Sealab II underseas unit starts its experimental work later this month in actual underseas quarters on the ocean bottom one-half mile off the Institution of Oceanography at La Jolla, the Nation will see and hear regular televised broadcasts from Sealab II and the 210-foot deep quarters.

Aquanauts in the quarters will carry out experimental salvage techniques, engage in oceanographic and marine biological research and undergo a series of physiological and human performance tests.

As more and more attention is focused on oceanography, it is important that the Government assist in every way possible. I am sponsoring legislation to provide expanded research and to establish a National Oceanographic Council.

Senate bill 944 would bring about closer cooperation, coordination, guidance, and more effective evaluation of the Nation's overall efforts to explore the oceans.

It is related, too, to many other fields, such as water supply, defense, underwater nuclear efforts, to name only a few.

The bill provides for the creation of an Oceanographic Council of 11 members to set forth a policy and purpose for the national oceanographic program.

The Council would also serve as a clearinghouse of information for both Congress and the public. It would make available findings to individuals, industry, educational institutions, and other organizations interested in the Nation's efforts in oceanography.

Representative Bob Wilson, the very able and experienced Representative from San Diego, has been a prime factor in San Diego's development as a leader in oceanography.

For example, Representative Wilson has introduced legislation to establish a National Oceanographic Year to call worldwide attention to the progress being made in this important field.

The city of San Diego and its chamber of commerce are to be congratulated today on the outstanding contributions they have made to our Nation's exploration of the seas.

The combination of hard work by community leaders in promoting the city's natural advantages for such work, and the efforts of private enterprise to attract industries interested in studying oceanography, has made San Diego and California a leader in this important industry of the future.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6, 1965, as "National American Legion Baseball Week."

Mr. McNAMARA. Mr. President, I truly regret that it is necessary for us once again to rise in the U.S. Senate to oppose the so-called Dirksen amendment to overturn the U.S. Supreme Court decision on the reapportionment of State legislatures.

This regret is not occasioned by any fear that our opposition is not firmly based.

In fact, this is a very easy proposition to oppose. The facts and the philosophy that we have marshalled in previous debates on this subject, and which we are again presenting, are, in my opinion, unassailable.

We seek to protect the integrity of the vote of the American citizen. This protection was long in coming.

But now that it is here in the form of the Supreme Court decisions, we do not intend to let it be stolen away.

That is the real reason for my regret in having to fight this issue again.

Our courts have spoken. States have acted in accordance with those decisions. Others are about to.

Yet, the proponents of the rotten borough system, those who count trees rather than people, are continuing their diehard fight to scrap these historic rulings.

By so doing, they are encouraging some States to delay justice, and they are trying to confuse the issue.

The facts of life are very plain. State legislatures long dominated by rural interests have fought it for years; but the U.S. center of population is no longer rural—it is urban. It will become more so.

More than 70 percent of the American population lives in urban areas. That 70 percent translates into 135 million citizens.

Since the last census in 1960, this figure represents a 10-percent increase.

It is estimated that nearly 80 percent of the American people will be living in urban areas within the next 50 years.

By no means do I suggest by these figures that the rural population of the United States is becoming so small that it should be ignored.

No American citizen should be ignored by his Government. Every American citizen should be equally represented.

That is the key word—equally.

That is the word which the Supreme Court forced down the throats of the lopsided legislatures when it ordered the doctrine of one man, one vote.

That doctrine, if carried out in all 50 States, would provide the equality of representation that has been missing.

The rural areas will have their representation, but so will the cities whose interests have been largely ignored in many States.

A 1955 report by the Commission on Intergovernment Relations appointed by President Eisenhower makes interesting reading today, 10 years later.

It states in part:

> Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen State government is far more important than any temporary advantage to an area enjoying overrepresentation.
>
> If States do not give cities their rightful allocation of seats in the legislature the tendency will be toward direct Federal-municipal dealings. These began in earnest in the early days of the depression. There is only one way to avoid this in the future. It is for the States to take an interest in urban problems, in metropolitan government and in city needs.
>
> If they do not do this—the cities will find a path to Washington as they did before—and this time it may be permanent—with the ultimate result that there may be a new government arrangement that will break down the constitutional pattern which has worked so well up to now.
>
> One result of State neglect of the reapportionment problem is that urban governments have bypassed the States and made direct cooperative arrangements with the National Government in such fields as housing and urban development, airports, and defense community facilities. Although necessary in some cases, the multiplication of national-local relationships tends to weaken the State's proper control over its own policies and its authority over its own political subdivisions.

In previous speeches on the subject of fair apportionment I made lengthy references to the situation in my own State of Michigan.

For decades Michigan had suffered under the heavy hand of the rural-dominated, minority-controlled legislatures.

Year after year progressive legislation was killed even though it was favored by a majority of the people of the State.

But then the U.S. Supreme Court handed down its historic ruling, and the walls of obstruction that had surrounded the State legislature began to tumble.

The first State election to be held under the one-man, one-vote rule was held in Michigan last November.

The results were startling. For the first time in more than 30 years the Democratic Party took control of the Michigan Legislature. The deadwood swept out with a rush; and more than half of the members were those serving their first term.

There were dire warnings that this young, inexperienced legislature would fail miserably to understand and meet the needs of the State.

But now that the new legislature's first session is over, what is the result?

One does not ordinarily look to the Michigan newspapers for praise of anything Democratic.

But the newspaper reaction to the record of the Democratic Michigan Legislature was astounding.

The Grand Rapids Press headlined its report: "Legislature Is Most Productive in Decades."

The report stated:

> Michigan's first one-man, one-vote legislature carved a big place in State and National history books during its first 6 months. It passed more major legislation than any since the 1930's and set new spending records. It broadened and increased State services, protection and benefits for the schoolchild, the worker, the oldster.

The Detroit News said:

> Perhaps the hardest working legislature in Michigan history wound up its first session of the year at midnight Friday—and astonished observers are still applauding a virtuoso performance.

This performance included adoption of 400 bills in areas requiring major attention following decades of inaction by the legislature's predecessors.

These are some of the highlights of that record.

In the field of education the legislature adopted the largest school aid bill in history. It approved $206.5 million, a $71 million increase over the previous year.

It created a new State-supported college known as the Saginaw Bay State College.

The legislature voted a $41 million increase for higher education.

It established experimental summer classes for children of migrant workers.

For the senior citizens, the legislature passed homestead tax exemption.

It removed lien provisions from aid to aged and medical assistance to aged. This means that the State can no longer claim from the estate the funds it has spent on a senior citizen for financial aid and medical assistance.

A reduction of the fishing license fee from $2 to 50 cents was passed for persons over 65.

Dental service was included under the Medical Assistance to the Aged Act.

It eliminated the requirement that a homestead of a senior citizen must be valued at less than $6,000 to qualify that person for old age assistance.

An institute of gerontology was established at the University of Michigan and Wayne State University.

And absentee ballots will be provided for persons over the age of 70.

The legislature prohibited employers from denying employment to applicants, when the only reason for denial was their age.

It prohibited cancellation of auto insurance policies solely because a person had reached the age of 65 years.

It increased monthly old-age assistance payments to counties from $90 to $140.

In the field of labor the legislature increased workmen's compensation benefits and allowed broader coverage.

It increased unemployment compensation benefits and extended coverage to all employees.

It established inspection and licensing of agricultural labor camps.

Employees working on State building projects are to be paid wages and fringe benefits that are prevalent in the area where the project is located.

In the realm of safety and law enforcement the legislature appropriated funds for 200 additional State troopers.

It placed juvenile traffic offenders under a point system.

It allowed police officers at the scene of accidents to issue notices to appear in court to persons involved in collisions, thus eliminating so-called ticketing.

It created new traffic violation of careless driving, punishable by $100 fine and/or 10 days in jail.

It created a Law Enforcement Officers Training Council for the purpose of providing adequate police training to all police officers in the State.

A seven-member Fire Safety Commission was created by the legislature to promote safety conditions and to enforce regulations in nursing homes, schools, and homes for the aged.

A Construction Safety Commission was allowed to promulgate and enforce safety rules without prior approval from the legislature.

Juvenile divisions of probate courts were allowed to establish county programs to prevent juvenile delinquency.

Five additional judges were provided for the recorders court in Detroit.

A second probate judge was provided in counties with populations between 150,000 and 1 million.

And 13 new circuit judges were provided for the State.

The legislature, in the area of health and welfare, approved a bill that would permit participation in interstate compact on mental health. This law allows a patient in a State mental institution to be transferred to the same State where his nearest relatives live, provided the relatives were residents of Michigan at the time the patient was admitted to a Michigan institution.

The legislature created an air pollution control commission and exempted from taxation air pollution control devices.

It authorized the welfare department to disseminate information on family planning, and prohibited pollution of rivers, lakes, and streams in the State.

The legislature passed a bill requiring inspection and licensing of slaughterhouses.

It passed a bill that would require the licensing of prefabricated home manufacturers, salesmen and certain improvement contractors.

It established an uninsured motorist fund, so that insured motorists can collect claims that ordinarily would be paid by the negligent motorist, but which cannot be paid because he is uninsured.

It required auto insurance companies to offer pool coverage to those who may be unable to secure insurance through ordinary methods.

It passed a bill that would allow emergency ballots to be issued to persons who are unable to get absentee ballots on the deadline date because of an emergency.

The legislature reorganized the State government so that the 120 State agencies were consolidated into 19 principal departments, which includes the new Department of Civil Rights.

This is the type of progressive record that supporters of the Dirksen amendment would help kill in other States by crippling opportunities to modernize their legislatures.

But the greatest argument against fair apportionment still seems to be that it is somehow un-American to insure that all the citizens of a State are equally represented.

The argument that is least logical is the one that asserts that, like the U.S. Senate, each State should be permitted one legislative house that is apportioned on other factors than population.

This argument disregards altogether the history of the Senate.

In the first place—the Senate was established as a brilliant compromise in order to persuade sovereign nations to unite.

Without this compromise there would have been no United States.

The situation within each State is much different.

The subdivisions of the State, its counties, cities, townships, villages, are all creatures of the State itself.

No State was formed by a voluntary association of sovereign counties. On the contrary, the State created the counties. It did not have to persuade or entice them into the State.

That is why there is no comparison between the situation of the U.S. Senate—and the badly apportioned legislatures of the States, which had to be reapportioned in accordance with the one-man, one-vote decision of the U.S. Supreme Court.

Discussions of the supposed analogy between the U.S. Senate and the State legislatures seem to me to be particularly shallow.

Consider, for example, the fact that we do not now elect Senators in the way originally prescribed by the Founding Fathers.

Every schoolchild knows that U.S. Senators were at first elected by the State legislatures. When it became clear that there were abuses under this system, we had the flexibility and the wisdom to change it.

How did we change it? We changed it to a one-man, one-vote basis within each State.

This change is what has enabled the Senate to survive.

By the greatest good fortune for the success of this body and for the preservation of its great and unique qualities, the one-man, one-vote basis for election of Senators results in a pretty adequate proportional representation—of the varied interests in the Nation.

If this were not so—there would be clamors for revision of the apportionment of the Senate.

The drive to revise States legislative apportionment did not arise out of any abstract theorizing.

It arose out of abuses that could only be corrected by establishment of the one-man, one-vote rule.

I have mentioned Michigan, for example.

In Michigan we had for many years a State legislature that was dominated by a minority of the population.

That legislature was often described as being back in the stone age, or at least in the 19th century.

We had laws governing working conditions that had been enacted around 1905, and which had not been revised since then.

We had a most inadequate workmen's compensation law—and our unemployment compensation law was written and amended in complete disregard of the interests of the working people it was supposed to protect.

Although a majority of the voters preferred more modern policies—as evidenced by their election of a Governor and of two Senators who were liberals—the State legislature steadfastly refused to enter the 20th century.

The result was stalemate, frustration of the wishes and needs of the majority, contempt for State government, and finally lawsuits to redress the evils caused by malapportionment of the legislature.

Since the Supreme Court decision requiring fair and equitable apportionment, the Michigan State Legislature has changed its political complexion. I have already discussed at length the record of this new legislature.

The one-man, one-vote principle in the election of U.S. Senators has had the same effect.

U.S. Senators represent majorities in their States—when all eligible citizens are registered and able to vote.

Small minorities, special interests, and selfish special pleaders are unable to control Senators so elected.

In consequence, the U.S. Senate today is a most representative body. It speaks the mind and heart of the American people; and in this respect it has only recently because of the more equitable reapportionment of House districts been matched by the other House.

Some Senators complain of the decline of State governments.

We often hear that programs under consideration should be handled by the States and not by the Federal Government.

Yet the most important reason for the decline of State governments is that they were so long controlled by minority interests that refused to permit them to meet and solve the problems of today.

I do not know if that trend can be halted—because many of our most serious problems are by now too great to be handled by States individually. If there ever is to be a possibility of the reversal of this trend, it will have to come in consequence of an increasing willingness of State legislatures to assume the responsibilities of the day.

This can only happen if State legislatures truly represent the views, the aspirations, and the needs of the majorities of their populations.

It is clear that some people are afraid of these majorities. What are they afraid of? Are they afraid of the electorates that sent them here?

Are they afraid of the people who live in the large urban areas and who make up more than 70 percent of our Nation now?

I wish to make perfectly clear that every citizen has a right to be resentful of any suggestion that he is less a person than somebody who lives elsewhere in his State—that he ought to have less of a voice—that he is less to be trusted with the great decisions that have to be made.

The man or woman who lives in the city, who is affected by decisions on transportation, housing and urban renewal, and highway construction, who pays his taxes and meets his civic obligations, is just as good, and has just as much right to full and equitable representation in both houses of his State legislature as the man or woman who lives in a small community and is lucky enough to be able to avoid some of these major problems.

I will fight just as hard for equitable representation of the small town voter, but he has no moral, nor legal right to demand more representation this his city cousin.

George Orwell, in his wonderful satire on the Soviet system "Animal Farm"—sums up the folly of inequitable representation in the slogan:

> All animals are equal, but some animals are more equal than others.

We in the United States are by now too sensitive to the rights of our fellow citizens to want to assert any superiority of one group of citizens over another.

If there is any meaning to the great debates over civil rights and voting rights that have occupied so much of our attention, and the attention of the Nation, it is that we reject any suggestion of inequality.

That is why it is so important to uphold the one-man, one-vote principle.

It is possible to lose all we have accomplished to date in civil rights and voting rights if we permit the dilution of this principle.

Let us not delude ourselves about whose representation will be reduced now, by a rejection of the one-man, one-vote principle.

As things stand now it will be the people who live in the cities—because most of the proposals for nonrepresentative apportionments give geography a voice out of proportion to population.

But in the long run, is it not just as possible that the opportunity to reduce the representation of particular populations might be used against groups that have long and unfairly been in the saddle?

Is it not the case—now as it always has been—that the best guarantee of my rights is my respect for your rights?

Those who speak for rural or geographical interests represent a shrinking proportion of the population.

Their best protection of their own rights—of their fair share in government—is to help nail down now the principle of one-man, one-vote.

The United States has come a long way since the Constitution was written.

It is the special genius of our system that it has been able to adjust to the changing times.

If it had not been able to do this, we would have had many more upheavals than we have had.

One necessary adjustment is to make certain that every citizen has a voice as nearly equal as possible to the voice of every other citizen.

That adjustment has been made. We must not turn back the clock.

Mr. RIBICOFF obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing the floor?

Mr. RIBICOFF. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator from Connecticut yield, without losing his right to the floor?

Mr. RIBICOFF. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, Senate Joint Resolution 66 is inherently unsound. It abridges one of the most fundamental, one of the most sacred of political rights—the right of individual citizens to be represented equally in the legislature that controls public affairs and appropriates their taxes. This right is more than old—it is the cornerstone of representative government.

Three hundred years ago John Locke, the great English political philosopher and theorist, argued that the legitimacy of a government's acts depends on the consent of the governed—consent given through the votes of the legislature. According to Locke, legislatures that are nonrepresentative are improper vehicles for conveying the consent of the governed. They are to be condemned.

Despite Locke's argument, the rotten borough—the nonrepresentative constituency—continued to be an important part of the English electoral system until the 19th century. In fact, reform of the rotten borough is a main theme that runs through modern English constitutional history. Some of the greatest names in English history are associated with efforts for reform—the Elder Pitt, the younger Pitt, Lord Russell, Lord Grey, Disraeli, and Gladstone.

The English experience holds significance for us today. For while there were many outstanding statesmen who championed reform of the rotten boroughs, and there were some who defended the rotten borough on the grounds of custom and self-interest, yet no one of any political prominence ever advocated the transformation of representative constituencies into rotten boroughs.

This, Mr. President, is precisely what the present resolution may do. There is nothing in the present resolution requiring the malapportioned State legislatures to apportion themselves fairly before acting upon the substance of the resolution. Furthermore, this resolution is an open invitation for some States to adopt a geographical unicameralism for the purpose of effectively disenfranchising minority groups.

Mr. President, we will seldom be called upon to decide a more fundamental issue in this Senate. We meet at a time when local initiative and local action are the key to the success of many of our great new programs. They will require the best of our State governments and the most imaginative officials. Such programs and such men will come from representative governments—prepared to deal with the realities of the 20th century.

If adopted, this resolution would greatly modify the historic right of equal representation. If this resolution leads to an amendment of the Constitution, it will be the first amendment ever added to our Constitution that would substantially infringe upon the fundamental rights of American citizens. At a time when the Congress has been laboring to extend and protect the constitutional rights of all American citizens, I see no consistency or reason in amending the Constitution of the United States so that the votes of some citizens will be worth more than the votes of other citizens.

I have said that the right of equal representation is for American citizens a historic right of very long standing. In Colonial America, the legislatures were, without exception, more representative of the people than the British Parliament. In the course of our Nation's history, the concept of equal representation has ever been expanded.

During the American Revolution, our political leaders and theorists considered the pillars of the English constitution to be the right of representation in the legislature and the right of trial by jury. John Adams considered the right of representation to be the basic right of political man—the right on which all other rights depended. Adams believed that a representative legislature should be an exact portrait in miniature of the people at large. It should think, fell, reason, and act like them. It should be them.

Alexander Hamilton advocated equal representation in State legislatures. The great Thomas Jefferson was so critical of Virginia's failure to achieve equal representation before its second constitution that he wrote to Rufus King in 1819:

> Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation, because the prejudices themselves cannot be justified.

There has been a decided trend in our political tradition toward having both houses of a State legislature apportioned according to population. By 1830 nearly all of the barriers to equal representation had dissolved before the concept of political equality. After the adoption of the Constitution only four States entered the Union with significant departures from the population principle of representation in either house of the State legislature.

Mr. President, there is no historical basis for an analogy between the composition of the State legislatures and the Federal Congress. Throughout the 19th century students of American government commented on the great difference in the theory and practice of the Federal and the State legislative bodies. Alexis de Tocqueville, one of the most astute observers of the 19th century American political life, wrote in the 1830's:

> The members of the two houses are nearly everywhere subject to the same conditions of eligibility. They are chosen in the same

> manner, and by the same citizens. The Americans plainly did not desire to make one house hereditary and the other elective, one house aristocratic and the other democratic. It was not their object to create in the one a bulwark to power, while the other represented the interests and passions of the people.

What De Tocqueville noted, the Congress proceeded to enact. Congress itself recognized equal representation in State legislatures, requiring it of territories in the organic acts and of new States in the enabling acts.

At the end of the last century, Woodrow Wilson commented on the Federal analogy. He said:

> No such historical reason for having two houses exists. The State legislatures have two houses simply for purposes of deliberating upon legislation. The double organization represents no principles, only an effort at prudence.

President Wilson was right. There is no proper analogy between the constitutional compromise which produced the Union, and the formation of State legislatures in which one house if primarily apportioned on the basis of counties, towns of other geographical districts. Perhaps the best, most concise comment on this matter was made by Chief Justice Warren who, in his opinion in the Alabama apportionment case last June, wrote:

> Attempted reliance on the Federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment provided that representation in both houses of the State legislatures would be based completely, or predominantly, on population. And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted. Demonstrative of this is the fact that the Northwest Ordinance adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.

Yet, opponents of fair representation in the State legislatures repeatedly argue that the representation of factors other than population in one house of a State legislature follows the alleged analogy of the Congress of the United States. Perhaps they have not read Madison's notes on the Constitutional Convention which explains clearly the situation as it unfolded. The framers of the "great compromise" were forced to compromise by the open threat of Delaware, and the veiled threats of Maryland and possibly other small States, to enter into a treaty with a foreign power—one of our enemies poised for the opportunity to destroy our independence—unless they and the other small States received equal representation in the Senate.

In fact, the threats of Delaware, Maryland, and possibly other small States to enter into a treaty with a foreign power caused a compromise to be entered into with a pistol at the head of the largest States of the Union, which were then Massachusetts, Virginia, and Pennsylvania. Thus the Federal Government's structure stems from a unique basis. It is properly organized on the basis of the principle of federalism, by men who knew that accommodation was an essential ingredient in the formation of the Union. Let us take a further look at the historical basis for this decision—to make it clear that the so-called Federal analogy cannot properly be used in arguing for a reapportionment amendment.

Only after the most strenuous debate did the Constitutional Convention of 1787 agree to a U.S. Senate based on the principle of two Senators from every State; in other words, territorial representation. Only through this expedient could the framers of our Nation's Constitution gain the consent of the smaller States to cede part of their sovereignty to a national government. The House of Representatives, of course, maintained the principle of representation on the basis of population.

To fully appreciate the problem as prominent contemporaries saw it, we might look at a few leading opinions of the day. Hamilton, in the Federalist Papers, pointed to the confederation, which was very definitely not based on equal representation. He said:

> Its operation contradicts that fundamental maxim of republican government, which requires that the sense of the majority should prevail. Sophistry may reply, that sovereigns are equal, and that a majority of the votes of the States will be a majority of confederated America.

In Federalist Paper No. 54, Madison explained the basis for apportionment of the House of Representatives by saying:

> It is agreed on all sides, that numbers are the best scale of wealth and taxation, as they are the only proper scale of representation.

Madison was concerned about unequal representation in the Senate. For this reason he said:

> If the power is not immediately derived from the people, in proportion to their numbers, we may make a paper confederacy, but that will be all.

Elbridge Gerry supported the compromise reluctantly in these words:

> We were, however, in a peculiar situation. We were neither the same nation nor different nations. We ought not, therefore, to pursue the one or the other of these ideas too closely. If no compromise should take place, what will be the consequence? A secession would take place; for some gentlemen seem decided on it; two different plans will be proposed, and the result no man could foresee. If we do not come to some agreement among ourselves some foreign sword will probably do the work for us.

This, then, is the great Federal compromise, based on State sovereignty, that some people want to apply to State governments. The analogy is without merit. The States created the United States. In so doing, they reserved much authority and power to themselves. And the representation of the States in the Senate of the United States can, in fact, be justified on the Federal principle—the vital principle of liberty that the States, in fact, represent an authority and force that intervene between the otherwise all-powerful Federal Government and the individual.

This principle of federalism is a vital ingredient of American liberty. Counties and towns are creatures of the State—administrative units that can be abolished or created by the State legislature. They exist to provide an orderly framework for the administration of laws and the provision of services. If and when they prove too cumbersome or ineffective, they can be, and often are, replaced by units of Government more realistically attuned to the needs of the people.

I know that prior to the American Revolution my own State of Connecticut was formed by a federation of river towns and that, in a sense, it had to grant representation to the towns.

Also, in the rivalry between New Hampshire and Vermont—with regard to whether the towns along the upper Connecticut River would affiliate with Vermont or with New Hampshire—each State had to make a promise that each town was to have representation in the State legislature. But these concessions antedate the American Constitution and the admission of these States to the Union. Moreover, the agreements were not binding, even to the limited degree to which they were made in those States, once the Union had been formed—once the 14th amendment had been adopted.

For the 37 of the 50 States that came into the Nation after the Union was set up, it was the States which were admitted—not the counties, towns, precincts, or other subdivisions of the States which are its creatures and which it can change.

Consequently, as the Supreme Court, constitutional scholars, and historians have pointed out repeatedly, counties and towns have no right to claim equal representation in a State legislature regardless of population. Where they have such representation it is by the acquiescence of the State in the unconstitutional denial of equal citizenship to all its citizens. Once and for all, let me say that there is no "Federal analogy," even though it has often been used as a convenient rationalization. Often it has been used to give State legislatures an excuse for violating their own constitutions.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the senior Senator from Wisconsin.

Mr. PROXMIRE. I warmly commend the distinguished Senator from Connecticut on his excellent speech. I believe that the first two subjects with which he has dealt are extraordinarily important. They are usually overlooked in a line-by-line analysis of the proposed amendment. The Senator has hit two fundamental aspects of the debate.

In the first place, he points out, as I understand, that the trend throughout our history has been toward equal rights, has been toward democratizing the franchise, has been toward enabling more people to participate, as our civil rights laws passed last year, in 1960 and 1957 demonstrate, and as the 17th amendment, enabling women to vote, certainly did.

I also very much appreciate the emphasis which the Senator from Connecticut has given to the fact that this has been a continuing trend, reaching its crest as interpreted by the Supreme Court. As he says, it will require the very best performance of all our State governments to solve these perplexing and complex problems which confront them.

Is it not true that if a State legislature is deliberately organized so that one body—the lower body, perhaps—will represent population, and the other or upper body will represent area, it is asking for deadlocks, or an impasse, or for a situation in which the State legislature will not be able to act?

Mr. RIBICOFF. The Senator is absolutely correct. Further along in my speech, I cite State after State in which that is the case, in which proposed legislation has been held up, and, as a result, the States have not been able to make progress.

There is no question that we are inviting a deadlock or pitting a town or urban area against a rural area. It would be a dangerous procedure to try to undo what the Supreme Court has done, and which many States, including my own State, have been trying to do.

Mr. PROXMIRE. The proposed amendment would not only reverse the trend toward democratization of the franchise, which is a trend which most of us in theory approve, and in which we have had a part in our civil rights legislation and in relation to other measures, but it would also provide a situation in which State legislatures would not be able to act, and therefore it would be necessary for the Federal Government to act.

I should also like to comment briefly on the Senator's excellent analysis of the Federal Government analogy. If there is one argument to which the proponents of the Dirksen amendment keep coming back, it is the Federal Government analogy. They say, "If you disagree with the Dirksen amendment so that the States cannot have the proposed system in the States, how can you justify the Senate of the United States in conducting this debate?" We are not organized on a population basis; we are organized on an area basis. It seems to me that the Senator from Connecticut has laid that argument to rest most convincingly by pointing out, first, that the constitutional provision relating to the Senate was a forced compromise. The Senator has pointed out that our Founding Fathers felt very strongly and argued very emphatically in favor of equal representation, and they agreed to the Federal compromise only because it was the only way that they could persuade Delaware, Maryland, and possibly New Jersey to come into the Union. Otherwise, they might have made alliances with foreign countries.

Mr. RIBICOFF. Again I emphasize that at that time the Founding Fathers were dealing with 13 sovereign States which were coming together to form our Nation. But I know of no provision under which the cities, towns, or counties are designated as sovereign bodies. Basically they are creatures of the States, and the States can make them or undo them. So we are dealing with a completely different set of circumstances. The analogy that is constantly being made that if it is satisfactory for the U.S. legislative process and the Congress of the United States it should be satisfactory for the State legislatures is incorrect. There is no question, philosophically, legally, and historically, that there is a vast difference.

Mr. PROXMIRE. The Senator also emphasizes the fact that there is a principle which justifies federalism in our Federal Government. The principle is that under the 10th amendment the States have reserved to themselves all the powers not enumerated. That reservation of a degree of sovereignty we recognize as important. I thought the Senator put the point well by saying that the States are constructed so that they can intervene between an all-powerful government and the lone individual.

That aspect of keeping the Federal Government's power from being imposed on the individual is one that is well served by having two Senators from every State so that the State can be embodied with the dignity, the identity, and the great significance of having representatives in the top legislative body of the Federal Government.

On the other hand, as the Senator has so well said, there is no analogy with the States and their counties. No one has ever argued that counties have or should have or could have sovereignty.

I should like to ask the Senator, however, if it is not true that in his study of the debates before the Constitutional Convention he found that virtually all of the philosophical argument was made on the side of the one-man, one-vote principle, and the contrary argument was not rationalized in any philosophical terms; it was strictly a question of power.

Mr. RIBICOFF. There is no question about that. Every great founder and every great philosopher whom we constantly quote, cite, and hold up with pride—whether he be Jefferson, Madison, or Hamilton—recognized the one-man, one-vote principle and argued against the procedure discussed, but it was the basis to get all the States together and arrive at a compromise.

Mr. PROXMIRE. I thank the Senator.

Mr. RIBICOFF. The result of the application of the Federal analogy to State legislatures, Mr. President, is simple. Some people are made more equal than others.

The proposed resolution is based on two assumptions. The first is that equal representation will mean that significant minority interests in the State will be overlooked—such as those which have long enjoyed overrepresentation. The second assumption is that the majority of the people ought to have the power to decide on whatever system of representation they prefer. Both are attractive assumptions.

But why should the majority of the people in a State election be permitted to base representation in one house of their legislature on factors other than population? The easy answer is that even a majority should not be allowed to set aside basic rights of American citizenship.

To give a more searching answer we must look for a moment at the nature of constitutional democracy—the type established in this country.

The idea was best expressed in Jefferson's first inaugural address:

> All, too, will bear in mind this sacred principle that the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression.

Mr. President this was the same Thomas Jefferson who drafted the Virginia Constitution of 1816 providing for equal representation and its permanent protection from majority power. The true foundation of republican government, wrote Jefferson in another place, is the equal right of every citizen in his person and property, and in their management.

Jefferson's view, it seems, would warn against permitting the minority to vote either to preclude majority rule in the legislature or to reduce the equality of any majority.

The right to fair and equal representation is an inalienable right of individual citizens. In his eloquent way, Jefferson described these fundamental principles of our Nation in the Declaration of Independence. They are familiar to all of us:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and pursuit of Happiness.

Certainly the right of a citizen to have his vote count with equal weight to that of another citizen in the election of representatives is an inalienable right in our Republic. It is not the prerogative of any majority to reduce this right, nor is it the right of any citizen to give up this right for himself or another person. No citizen of the United States may sell himself nor any other person to bondage or slavery. Similarly he is without power to give up his equal representation in the legislature of his State.

Mr. President, when the 18th century thinkers described natural right they were describing moral rights. And these moral rights are ingrained in the consciousness of man. There certainly is a deeper basis for the law than purely human statutes.

Our Republic was founded on the belief that there were certain inalienable rights which men could neither contract nor give away, and which a mere majority could not deny them.

The issue of one man, one vote is in no way a proper issue for a referendum. It is not one that should be subject to an election.

By requiring a referendum, the supporters of this resolution imply they would not trust a majority of a legislature—even a truly representative one—to abridge a constitutional right. Why, then, should a majority of the people exercise such a power? Shall we stop submitting such cases to the courts to measure the action of the majority against the Constitution? Shall we say, indeed, that nothing in this Constitution shall protect against any law approved by a referendum? Shall we reinstate every grandfather clause, every white primary law, every freedom of choice educational scheme, every discriminatory statute just because it is approved by a referendum? I do not think that the limitations placed upon majority power ought to be stripped away.

Here is the nub of the issue, Mr. President. Of all the decisions about fundamental rights that a majority should not make, the question of how the majority can be formed is among the least appropriate of all. We must not allow a majority formed on a single day to prejudice by a single vote the political arrangements within which all future political decisions will be made.

Mr. President, we must recognize that the referendum fails as a magic guarantee of the democratic process. There are the following practical arguments against the use of a referendum, as well as the constitutional and ethical reasons I have already discussed.

For example, many questions often appear on a ballot. The long ballot is now the rule rather than the exception. A referendum is most likely to occur during the course of a statewide or national election. Issues become confused. The proposed resolution fails to protect against more than one question appearing on the ballot. Moreover, according to the Legislative Reference Service, 28 States now do not have provisions for holding a referendum. In each of those States, the handling of "the vote of the people" would be left to the already malapportioned legislatures.

To further illustrate the disadvantages of a referendum, let us look at what happened when one was held. In the Colorado case, Lucas against Colorado, decided by the Supreme Court, a majority of the population voted to apportion one of their houses on factors other than population. Two choices were presented to the voters. But these two choices were anything but clear. The apportionment plan based on population contained what many Colorado citizens believe to be an undesirable feature in Colorado State government. This was the provision that those counties with more than one seat in either or both houses had to elect all of their legislators at large from the county as a whole. As Mr. Chief Justice Warren stated:

> No identifiable constituencies within the populous counties resulted, and the residents of those areas had no single member of the senate or house elected specifically to represent them. Rather each legislator elected from a multimember county represented the county as a whole.

Mr. President, I would say that the use of the referendum in a constitutional amendment is a radical departure in American constitutional practice. It would create more problems than it would solve.

Since the concept of the referendum was brought into American politics, experience suggests that it is a highly unworkable tool for major issues. Indeed, more likely than not, the use of referendum will sharply divide the electorate and unnecessarily deepen political and social divisions. Important questions like the right to vote and the composition of State legislatures are best resolved by working through existing political institutions and the legislative process rather than through the referendum. Campaigns using the referendum normally skip the issue involved and concentrate on signs urging "Vote no on question X."

Experience also demonstrates that most referendums draw a low percentage of the electorate, even when the issue is well publicized. By providing for ratification by the legislatures of the States, this resolution presents every legislature with an irresistible conflict of interest; for, basically, the resolution would allow the rotten boroughs to decide whether they want to remain rotten. Every sitting member would have a personal interest in the amendment, and too often such interests exceed the public interest. If the legislature were to vote on it, I think we can expect in almost every State—where the legislature is under a court mandate to reapportion—lawsuits challenging the capacity of a malapportioned legislature to sit in judgment on this amendment. The amendment proposed in this resolution should not be submitted at all. However, if it is submitted, it should be submitted only to conventions elected at large in the respective States. Only then can any semblance of the voice of the majority be heard on this subject.

In my own State of Connecticut, the three judges of the U.S. District Court of Connecticut held in 1964 that the malapportionment of both houses of the general assembly impaired the constitutional rights of thousands of citizens of our State. The court granted an injunctive relief against the holding of general elections—other than elections at large—to the general assembly in 1964, until the house was reapportioned and the senate redistricted. I am pleased to report that as of this date, the State of Connecticut has successfully met the court order of reapportionment. At this very moment, in the capital city of Hartford, 84 duly elected representatives of the people are meeting in a constitutional convention. These delegates have in their hands the power to reshape the fundamental laws of the State. Their accomplishments will, in fact, shape the lives of people living in the State of Connecticut for generations to come.

Mr. President, there is no reason why other malapportioned States cannot follow Connecticut's example and convene constitutional conventions. The ultimate source of responsibility, however, lies with the citizens of each State. Do they have the wisdom and the will to set their own house in order, or must the court continue to force the State to protect the right of its voters to cast equally weighted ballots?

A constitutional convention is no place for partisan politics. People must be placed above party and principle above prejudice. The constitutional convention in Connecticut is serving neither itself nor a particular political party. It is—I am proud to say—meeting in behalf of all the people in the State.

We in Connecticut take pride in our heritage and justly so. We are proud of the fact that our State holds a distinguished place in the history of the world because its Government was the first to be established by a written constitution. In 1638, the inhabitants of Connecticut adopted what is known as the "Fundamental Orders." The orders recognized no allegiance on the part of the colonists to England. Rather, they established an independent representative government and in so doing they marked the beginning of American democracy. The inspiration behind the Fundamental Orders came from the Reverend Thomas Hooker. In a sermon he preached the following:

> The foundation of authority is laid firstly in the free consent of the people. As God has given us liberty, let us take it.

In time, his words were to be given new life and meaning for all American citizens in the phrase, "governments derive their just powers from the consent of the governed." Section 8 of the Fundamental Orders is especially significant for those of us who are here today, because it provides for representation in the legislature according to population. Section 8 states specifically:

> It is ordered, sentenced, and decreed, that Windsor, Hartford, and Wethersfield shall have power, each town, to send four of their freemen as their deputies to every general court; and whatsoever other town shall be hereafter added to this jurisdiction, they shall send so many deputies as the court shall judge meet, a reasonable proportion to the number of freemen that are in the said towns being to be attended therein; which deputies shall have the power of the whole town to give their votes and allowance to all such laws and orders as may be for the public good, and unto which the said towns are to be bound.

Mr. President, in providing that the three settlements of Hartford, Windsor, and Wethersfield should send deputies to a general assembly, the drafters of the Fundamental Orders created what has become the oldest form of continuing government in the United States—that is, the town-by-town legislative system. It existed for over 325 years. In fact, the State of Connecticut has had but one constitutional change in all its history—that was in 1818. For more than 40 years after the independence of this Nation, the Fundamental Orders continued to be regarded by the inhabitants of Connecticut as the source of their government. In 1662 a charter granted by King Charles II set the basic pattern still in existence today in Connecticut, providing that the general assembly should not have more than two representatives from each town. In 1698 the second house was added. The pattern for apportionment for the house remained until the constitution that was adopted in 1818. It provided in article III, section 3, that in the house existing towns should have the same number of representatives "as are at present practiced and allowed; new towns, formed after the adoption of the constitution should have one."

The system of representation outlined in the constitution of 1818 could be justified only as long as the towns remained roughly within the same area of population. And in fact Connecticut did remain essentially a rural State until the middle of the 19th century. There was virtually no rural-city conflict to worry about. A majority of city dwellers did not appear until the great population shifts to the cities in the latter part of the 19th century. This enormous population shift took place in Connecticut as in most other States of our Nation.

It is a fact each and every one of us must accept. What was once a just and equitable system of representation in Connecticut in 1638 or even in 1818 is no longer just and equitable in 1965. The malapportionment in the Connecticut General Assembly could not be rationalized or defended in the light of the equal-protection clause of the Constitution. Sooner or later, the situation had to be remedied.

In the 1964 case of *Butterworth et al.* v. *John Dempsey et al.*, Civil No. 9571, the U.S. district court handed down a decision declaring unconstitutional the system of representation in the house and senate of the Connecticut General Assembly in light of the recent Supreme Court decisions in Baker against Carr and Reynolds against Sims. In its decision, the court points to the striking inequalities of representation present in the general assembly. The senate of Connecticut was clearly malapportioned. The disparity between the most populous district—the 25th with 175,940 inhabitants—and the least populous district—the 10th with 21,627 inhabitants—was in a ratio of 8 to 1. Based upon a 1960 State population of 2,536,234, the norm for each senate district was 70,423.

Yet the deviations from this norm were striking. For example, the average population of the five most populous districts in Connecticut was 159,721—compared with the norm of 70,423—indicating a deviation of 226.8 percent from the norm. The average population of the five least populated districts was 28,722 or a 40.8 percent deviation from the norm. Of the 36 senatorial districts in Connecticut, 25 deviated more than 25 percent from the norm, 17 below and 8 above. It was possible for only 31.9 percent of the population to elect a majority of the senate. The 17 districts 25 percent or more below the norm contained only 27.6 percent of the population. Yet they elected 47.2 percent of the senate membership. On the other hand, the eight districts 25 percent or more above the norm contained 43.9 percent of the State population, while they elected merely 22.2 percent of the senate membership. The votes of those citizens living in the more highly populated districts of the State were clearly diluted.

Malapportionment in the house of representatives was even more flagrant. The house consisted of 294 representatives. It was the second largest State legislative body in the United States, surpassed only by New Hampshire in size. Each of the 169 towns, the basic local governmental subdivision in the State, had either one or two representatives in the house. Article III, section 3, of the constitution of Connecticut established the town unit system of representation in the house. Each town which had a population of more than 5,000 was entitled to two representatives, and each new town was required to have a population of at least 2,500 before being entitled to one representative. Those towns which had two representatives at the time the Connecticut constitution was adopted in 1818 retained the right to keep those two representatives. If we look at the makeup of the house, we see that the largest town in the State, Hartford, with a population of over 162,000, had the same number of representatives—two—as the smallest town, Union. Its population was only 383. Thus the vote of a resident of Union weighed 424.5 times as heavily as the vote of a resident of Hartford. This inequality is further evidenced in the fact that 11.9 percent of the total population of Connecticut could elect a majority of the house. Only in Vermont, where 11.6 percent of the population can control the lower house, is the situation worse. In Connecticut the 27 towns having populations per representative 25 percent above the norm of 8,623 contained 64.2 percent of the population. They elected, however, only 18.3 percent of the house membership, while the 119 towns having populations per representative 25 percent or more below the norm contained 20.4 percent of the population and elected 66 percent of the house membership.

Mr. President, I have cited these figures to show that, in fact, there has been and is now blatant discrimination against those living in the cities and suburbs. There is no rational basis for the disparity between the weight of votes cast by citizens of different parts of a State. The Constitution of the United States allows no such inequality. We as Americans with our innate sense of human justice should not tolerate it.

When the three-judge U.S. district court found in 1964 that the malapportionment in the Connecticut General Assembly violated the constitutional rights of many citizens of the State, the Honorable Judge Timbers stated in his decision:

> The equal protection clause of the 14th amendment provides that "No State shall deny to any person within its jurisdiction the equal protection of the laws." In *Baker* v. *Carr*, 369 U.S. 186 (1962), where plaintiffs (as in the instant case) alleged denial of equal protection of the laws through malapportionment of a State legislature resulting in debasement of their votes, the Supreme Court held (p. 237):
>
> "The right asserted is within the reach of judicial protection under the 14th amendment."
>
> The "right asserted" there, as here, should be kept clearly in mind. It is the citizen's right to an effective vote free of arbitrary impairment by the State. The equal protection clause is not concerned with desires to perpetuate political philosophies, geographical entities, historical anomalies. It is equally and impartially unconcerned with the protection of any minority, save one: the minority of one embodied in the individual citizen.

The court then ordered the general assembly into special session to set up the mechanics for a constitutional convention to redistrict the senate and reapportion the house on a population basis. The special session lived up to the challenge of setting its own house in order. It passed a bill calling for a constitutional convention, which is now in session.

At the same time, it passed bills creating 36 new senate districts and 177 house districts. In creating the 177 new house districts, the legislators aimed at an average population of approximately 14,000, with communities of 20,000 and over entitled to two or more representatives. Before the passage of the reapportionment legislation, the house was made up of 294 members with large towns such as Hartford, New Haven, and Bridgeport represented only by two delegates. Now these towns have been given 10 districts, rather than at-large representation. The reapportionment action taken by the special session of the Connecticut General Assembly marked the end of the unit system, which has provided for town representation in the lower house for over 300 years.

Mr. President, the Connecticut Legislature has proceeded with the realinement of general assembly memberships in an exemplary way. It had the option of doing nothing. Or it might have done so poor a reapportionment job that its work would have been unacceptable. The legislators had to override many strong personal reservations and doubts. Before they could succeed, they had to submerge many personal feelings in the light of the modern, common good. The creation of 36 senate and 177 house districts, the overthrow of a historic representational system, the alteration of partisan balances, compliance with the court directives not generally popular—these and other factors tested the ability of the individual legislators to rise to an unusual challenge. Mr. President, I salute the compromise and bipartisanship that took place in the assembly during that difficult period of reapportionment. The New York Times also echoed my sentiments when it praised the "statesmanship shown by the assembly in the handling of reapportionment fairly and equitably."

On July 1, 1965, the constitutional convention, which the assembly authorized, convened in Hartford at the Old State House, amid the historic background of a structure built in 1796. It was only the third such convention in more than 300 years of Connecticut's history. The 84 delegates—42 Democrats and 42 Republicans—were elected in a special statewide election held June 15, 1965. These delegates include men and women prominent in the State's public life: former chief justices, former U.S. Senators and Representatives, mayors, jurists, and those well known in every aspect of the life of Connecticut. They are indeed a credit to all those whom they represent. The constitutional convention will meet for 4 months. It will produce a revised State constitution for submission to the people at a statewide referendum on December 14, 1965. In a spirit of compromise and bipartisanship which has characterized the entire reapportionment proceedings in the State, the convention elected as chairman, Raymond E. Baldwin, of Glastonbury, the distinguished former Governor, U.S. Senator, and chief justice of Connecticut. The convention elected retired Chief Justice P. B. O'Sullivan, of Orange, as vice chairman. Justice Baldwin is a Republican; Justice O'Sullivan is a Democrat. The two major parties reached a further agreement calling for the chairman and vice chairman to preside on alternate session days.

On Thursday morning, July 1, 1965, the Hartford Courant published an editorial entitled "To the Delegates: Greeting." It is a stirring challenge to the delegates of the convention to strive for excellence in their deliberation, and I should like to quote from it now.

> The constitutional convention that opens here in Hartford today is not like others. The constitutional convention, a unique American political invention, sprang from the deep wellsprings of our people. For these conventions had their origin in the need of the citizens of a new country, whose birth 189 years ago we are soon to celebrate once more. The need of these people was to shape their own government.
>
> Today's convention, in contrast, is but the accidental and all but intended offspring of the Supreme Court's reapportionment decisions. For all that, this is a God-given opportunity. For the delegates now have the occasion and the power to do what has not been possible for almost a century and a half: to adapt to modern need the traditions and the lessons and the wisdom of the past. This, then, is a time to lay aside the grubby, self-seeking end of politics. It is a time to rise above the partisan battle, lusty and necessary as that is to the ordinary affairs of government. It is a time not to stand on petty symbols of party prestige. It is rather a time to seek a common end, on behalf of the people of Connecticut of today, and on behalf of those who are to come after. In this spirit, and in full realization that there need be no limit on what is done in the work now to begin, let us too step boldly into the future.

Mr. President, Connecticut has had but one constitutional change in all its history. That was in 1818. The convention of 1818 did its business in slightly more than 3 weeks. The entire State constitution was drafted, debated, and approved in that short period of time—from August 20 to September 16. This was remarkable, considering the fact that the bitter controversy that had preceded the summoning of the convention had lasted for more than a quarter of a century. The conflict that led to the 1818 convention was caused by the domination of the State government by the Congregationalist Church, which was part of the Federalist Party establishment prior to 1818. The adoption of the new constitution ended the church-state relationship and killed the Federalist Party in the State. The issue in 1818 had developed over a period of generations and was forced by Tolerationists seeking religious freedom. The 1965 issue, however, was not forced by the people, but by the Federal courts. The 1818 convention proved to be extremely important for another reason. Research by the Hartford Courant uncovered a speech given at that convention 147 years ago by Nathaniel Terry, a delegate from Hartford. In this speech, Terry called upon the 1818 convention to organize a house of representatives based on population, rather than on the town-by-town representation that began with the Fundamental Orders in 1638. But the convention rejected his plea. From the following excerpts of that historic speech, my colleagues will see the outlines of the one-man, one-vote principle enunciated in the 1964 Supreme Court decisions.

Terry said:

> I say that numbers and not property should be the criterion of representation. In the house of representatives, according to our present representation, does a majority of the people govern? This is the evil which we ought to correct. It is a principle acknowledged by all, that the majority should govern: then alter the ratio of your representation. I know that your representation cannot be made perfectly equal. We are now legislating for posterity, and we ought to have an eye to the future situation in Connecticut.
>
> The time will come when certain towns in the State shall have 15,000 inhabitants; and shall no provision be made for such a state of things? We are sanctioning the very principle which was the cause of unequal representation in England. If you sanction the principle you break down the landmarks of democracy and destroy the foundation of a Democratic government. In all the States an attempt has been made at an equality of representation, and on the principle of numbers: we can recognize the same principle and ought not to depart from it.

Terry then went on:

> Now, sir, if the people meet, as originally, to transact their own business, would there not be an equality in their votes? Would not each vote count? And the vote of one individual be equal to that of another?

Unfortunately, the 200 delegates at that 1818 convention, elected on a town-by-town basis, voted to keep the 1638 formula for house representation in the new constitution. Had Terry's appeal been accepted, the present constitutional crisis might have been avoided and the 1965 convention never summoned.

Mr. President, our State legislatures could certainly do worse than follow Connecticut's example of reapportionment. Through compromise, bipartisanship and united party effort, the people of Connecticut have provided an example, worthy of emulation by all those who seek equality of the franchise for all the citizens of their States.

Mr. President, I ask unanimous consent that several articles and editorials on reapportionment, published in the Hartford Courant and the Hartford Times, including some excellent studies by the Courant's great political writer, Jack Zaiman, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hartford Times, Feb. 11, 1964]

CITY LEADERS HAIL REAPPORTIONMENT; BENEFITS CLAIMED

City political and business leaders reacted favorably today to a Federal court decision requiring reapportionment of the general assembly.

Mayor Glynn termed it "the most significant decision in a generation or more for the welfare of this State and the health of our cities.

"We would have a tax rate five or six mills lower had the house of representatives been more representative of the city's needs in the past.

"This decision," he said, "will turn the general assembly from the small towns to the cities where the needs are greatest."

New Republican Leader Howard J. Kaufman said the decision was long overdue. Now political leaders have the responsibility to reapportion the legislature for the benefit of the people.

"While the GOP may appeal this decision, I believe that reapportionment of both houses will give the cities stronger, more aggressive representation which is needed."

The GOP had sought apportionment of the senate alone whose makeup favored the Democratic areas while it wanted the Republican house of representatives left alone.

Arthur J. Lumsden, speaking for the Greater Hartford Chamber of Commerce, said the chamber had supported the action and was very pleased with the decision.

Mr. Lumsden said reapportionment should bring more awareness of legislation needed to deal with problems in urban areas and the State's several metropolitan areas.

Such action will bring more effective action in the common solutions of metropolitan problems, spurring the economy.

He said the chamber supports a considerable reduction in the size of the house of representatives which, he said, would bring substantial reductions in the expenses of the State government.

If a three-judge Federal court reapportions both houses of the Connecticut General Assembly, it won't be an unprecedented step.

A similar Federal panel reapportioned both houses of the Oklahoma Legislature last July after being convinced that the legislature "is either unable or unwilling to reapportion itself."

The step ended a half-century of rural domination of the Oklahoma Legislature.

The Federal panel said Monday it would reapportion the Connecticut General Assembly if the assembly fails to act within a reasonable time.

[From the Hartford Courant, June 25, 1965]

CONVENTION—1902 CONVENTION FAILED; SMALL-TOWN RUSE DID IT

(By Jack Zaiman)

Why did the constitutional convention of 1902 fail?

Why did the voters, by a 2-to-1 margin, turn down the product of the 4½-month convention? The vote against the proposed new constitution was 21,234 to 10,857.

The 1902 convention, like the one opening Thursday at the Old State House, was summoned primarily for reapportionment of the general assembly as it was set up in the 1818 constitution.

There were 168 delegates, 1 from each of the towns then in existence. The convention was dominated by Republicans, who were split on the reapportionment issue.

DEFEATED BY RIDER

Basically, the formula agreed on by the convention for reapportionment didn't satisfy either wing of the GOP. Further, the small towns succeeded in attaching a rider to the proposed new constitution that, if adopted, would effectively have prevented the summoning of any future constitutional conventions.

Attorney John H. Perry, of Southport, first vice president of the 1902 convention, claimed in a history of the gathering that it was this rider that defeated the proposed constitution in the referendum.

The rider provided that no constitutional convention could again be held in Connecticut unless the call for it had been approved by a majority vote of the entire electorate.

This meant that if there were 500,000 voters in the State, 250,001 would have to vote in favor of summoning a convention. Today there are 1,350,000 voters in Connecticut. Under this proposal, 775,001 persons would have to vote in favor of calling a convention.

LESS THAN 70,000 VOTE

Less than 70,000 voters turned out in Connecticut June 15 to vote for the election of the 84 delegates to the 1965 convention. This was 5.1 percent of the electorate.

In his history, Attorney Perry said the rider attached by the small towns created the argument "that the calling of future constitutional conventions had been made almost impossible."

"It was probably the most commanding argument of the opposition," Perry wrote. "It was its conviction that constitutional conventions should be authorized at definite intervals, not only for the necessary expansion of the organic law as changed social conditions might reasonably demand, but also to create a medium for the education of successive generations in both the significance and history of that law.

"There was, too, the feeling that the denial of this privilege was an unfair assertion of town exclusiveness."

So the proposed 1902 constitution fell. Along with it collapsed the only serious effort between 1818 and 1965 to change the apportionment of the assembly.

SENATE OF 45 PROPOSED

The 1902 proposal was for a senate of 45 members elected from districts on a population basis (there are 36 senators today, as compared with 12 in 1818), and a formula for house membership providing for 1 representative from each town having 2,000 or less population, 2 representatives from towns between 2,000 and 50,000 population, 3 representatives from towns between 50,000 and 100,000 population, and 4 representatives for towns having 100,000 population or more, with 1 additional representative for each 50,000 population in excess of the 100,000.

The 1818 formula, since slightly amended, provided that no community should have more than two representatives. Towns with less than 5,000 population were given 1 representative, and those with more than 5,000 got 2.

However, those towns that in 1818 had two representatives, no matter what their population, continued to have two under the 1818 constitution.

Thus the small towns dominated the 1818 convention, and again dominated the 1902 convention. The delegates in 1818 and in 1902 were elected on a town-by-town basis. But, in 1965, they have been elected on a congressional district basis—14 from each district.

NO SMALL TOWN CONTROL

The small towns are not in control of the 1965 convention. The two political parties, with 42 delegates each, are in control. Neither can act without the other, however, since a two-thirds vote will be necessary to approve anything, including the election of a convention chairman.

Only one of the two constitutional conventions held thus far in Connecticut's history has been successful—the 1818 convention. The people will decide in a statewide referendum on December 14 whether the 1965 convention will be successful.

[From the Hartford Times, Jan. 16, 1965]

HARD WORK DONE IN ROOM 201

(By Bob MacGregor)

Room 201 at the State capitol may go down in history as being short on space but long on accomplishment.

The small speaker's room adjoining the house of representatives is where Democratic and Republican Party and general assembly leaders this week put together the final pieces of a complicated legislative reapportionment jigsaw puzzle.

Thousands of man-hours went into solving the puzzle—cutting the State into 36 senate and 177 house districts of nearly equal population.

It was a game of give and take as the rival leaders put together a senate redistricting and house reapportionment plan. Their task was greatly complicated because they tried to put the puzzle together to satisfy as many of their local party leaders and legislators as possible.

There were some hectic and some humorous moments during the closed-door huddles.

For example: All appeared in accord on a plan for dividing Southington into two house districts. Suddenly it was discovered that under the plan the two Democratic incumbent representatives would be in the same districts. So the dividing line had to be shifted a couple of blocks.

Before the final piece of the house reapportionment puzzle was fitted into place, the lines for three proposed districts in Fairfield were reshuffled so that two Republican representatives would not have to run against one another.

And after agreement was reached on senate redistricting, two of the districts were renumbered reportedly to satisfy a Republican demanding a lower number.

Among the leaders themselves there was no pettiness and very little rancor in the high-level negotiating sessions, which started with the opening of the current special session November 10.

Democratic Chairman John M. Bailey, GOP Chairman A. Searle Pinney, and their respective leaders in the assembly worked hard and in harmony toward considering each other's problems. There also was considerable mutual respect between Democratic mapmaker Leo Parskey and Scott McAlister, Republican reapportionment technician.

The alinement plan, slated for final approval by the general assembly Monday, is generally considered fair and equitable to both sides.

It is designed so that a party winning the State by 20,000 will control both the senate and house.

In the past, the Democrats have been able to win the senate when they carried the State by less than 3,000 votes. Republicans had to win the State by about 25,000 to gain control of the upper chamber.

Republicans have been so solidly entrenched in the house that it took a 246,000 landslide scored by Governor RIBICOFF in 1958 for the Democrats to gain control of that chamber for the first time in nearly a century. The Democratic house margin then was only three votes.

The plan for reducing the house from 294 to 177 members, effective in 1967, could result in an estimated saving of over $400,000 every session.

With 117 fewer members of the house at $2,500 each, the saving in salaries alone would amount to nearly $300,000.

The mileage allowance to legislators, which in 1963 was more than $190,000, would be cut by better than a third. This would represent another saving—some $65,000.

With one-third fewer house members, hopefully there would be fewer bills introduced, shorter debates and possibly less oratory—all of which has to be recorded and last year ran up a printing bill of $234,000.

Of course, all these savings could be wiped out if the lawmakers voted a pay raise for the members of the next session of the general assembly.

The 1959 session boosted the pay of legislators from $600 to $2,500 a biennium, with the increase taking effect in 1961.

By law, a legislative pay raise cannot take effect until the session following its enactment.

[From the Hartford Courant, Jan. 31, 1965]

HISTORIC POLITICAL UPHEAVAL STARTS IN STATE

(By Jack Zaiman)

A reapportionment of Connecticut's two major political parties is getting underway.

Throughout history, the structure of the two parties has been based, in some way or another, on the structure of the general assembly. Once the assembly structure changed, it was inevitable that the structure of the political parties would have to be changed to conform.

Studies are starting, both in the political parties and within the State government, as to what changes are required in the structure of the parties and in the wording of the State primary law.

The redistricting of the State senate for the first time in more than half a century will force a huge reconstruction of the setup of the State central committees of both major parties. Each political party elects two committee members from each of the 36 districts.

The reapportionment of the house of representatives from a town-by-town system to a district basis, and the reduction of the number of house members from 294 to 177, will alter the delegate setup of the Republican Party.

The cutting up of Stamford and Waterbury, and the attachment of part of these cities to senatorial districts in other communities, will create a major problem on the choice of State central committee members and on the nominating process for senators.

The creation of numerous house districts within the cities will bring major changes within the structures of the two major parties within the cities, and also to voting district lines that may have to be changed by municipal authorities.

TWO YEARS AWAY

And one of the big questions is:

When are all these changes supposed to be made?

The reapportionment of the general assembly will not be effective until the election of 1966.

But the two major parties on the State level, the partly organizations on the municipal and town level, and the State primary law provisions affecting the 1966 primary and election setup become effective late this year and early in 1966.

Do the changes have to be made this year or next?

If the reapportionment is not effective until November 1966, then what about the composition of the two State central committees? The new committee members, who elect the State party chairmen in June 1966, are chosen in the spring of 1966. Are the new committee members to be named under the existing, but outgoing system, or are they to be named under the new, and incoming system?

Are the delegates to the State conventions in 1966 to be picked under the old or new systems?

The answer to the delegate question is vastly important, because of the possibility, even the probability, of a major battle for the Republican nomination for Governor in 1966.

The answer to the State central committee question is important to the GOP in case there is a renewal of the battle for State party control.

It is clear that the State primary law will have to be changed in some respects.

The only time these changes can be made is within the next 4 months during the special regular session of the holder general assembly. For if the changes are not made now, then they won't be able to be made until the 1967 legislative session, which would be too late for the assembly election in 1966.

Obviously the primary law will have to be changed at the session of the assembly starting Tuesday.

This might lead to the conclusion that if the State law is changed, effective for the primaries and elections of 1966, then State and local party rules on both sides of the fence would have to be changed for the whole of 1966.

One of the big problems on the municipal level for both the political parties and city hall officials are the voting district setups in each community. Once house districts are created within a town, where formerly house members were elected at large, a new election district setup emerges.

Voting districts overlap house districts unless the house districts are so created as to follow voting district lines to the letter. Town officials, concerned about who votes where and for whom, have to make sure that each house district, is, in reality, a voting entity.

In Waterbury, the GOP town committee already has voted to change its structure to conform with the new house district setup there. There is talk in Hartford of a reorganization of both the Democratic and GOP town communities, as well as a major reconstruction of the city's 45 voting districts. The opportunity may be taken to save the city quite a sum of money by reducing the number of voting districts from 45 to about 30 or 35.

Both parties in all big communities have to create a nominating agency for house members in the newly created districts. The town committees make these endorsements, so the town committees will have to be rebuilt to conform with the new house district lines to create a clear party endorsement authority.

SMALL TOWN LOSSES

So many ripples from the assembly reapportionment are occurring that new ones are being spotted all the time. For instance, what about State GOP rules that give small towns an extra State convention delegate for every GOP State representative they elect?

The small towns have taken a battering by assembly reapportionment because of the change from a town-by-town to a district house system. Automatically the towns will lose State convention delegate strength because they have lost many of their representatives.

Just a year ago, the State GOP rules convention took convention strength away from the towns and distributed it toward the cities and suburban areas. Now another such redistriction may occur, giving the big population centers additional control—unless the GOP changes its delegate distribution rules in such a manner as to prevent further erosion of town delegate strength.

But the towns, which got added State central committee strength in the GOP in last year's rules changes, may pick up additional strength by redistricting of the State senate. Hartford is losing one senate district, New Haven is losing two, and Bridgeport is losing one. These State committee votes are being redistributed around the State. Thus, the small towns, losing delegate strength in the GOP, are picking up State central committee power.

It is a bit early to start calculating what the political effect will be of the massive changes that are about to be made in the structures of the two parties, both on the State and local levels.

The State GOP has appointed State Legislative Commissioner Howard Hausman, of New Britain, to head a study committee on party rules, and the Democrats probably will name a counterpart pretty soon.

What seems clear, however, is that a historic political reconstruction is underway.

[From the Hartford Courant, Jan. 11, 1965]

How History Is Made

(By Jack Zaiman)

Some day, perhaps 100 or 200 years from now, someone will be researching this period in the history of Connecticut. This era is of such massive importance that it will find its place in history along with 1639, 1662, 1818, and 1902, among others. All of these dates have been thoroughly researched down the years. So there is no reason why 1964 and 1965, and the years immediately preceding, won't be the subject of extensive exploration in the centuries to come.

Being one of the researchers into the past, so as better to be able to judge the place in history of this period in the life of the State, I discovered quickly that what I was looking for in these journeys into history was not particularly what happened, for we know that, but how it happened, and who made it happen.

In looking through the newspapers, periodicals, pamphlets, and other publications of the past, I have found a great lack of this explanatory material. There is plenty of what happened. But there is not too much of the drama and excitement of what must have gone on behind the scenes in, let us say, the 1814 Hartford convention, the 1818 constitutional convention, and the 1902 constitutional convention.

Here is just one thing that intrigues me: How did the 201 delegates to the 1818 convention, plus all the clerks, secretaries, newspaper reporters, spectators, and others fit into the Old State House meeting room? Today they won't let more than 25 or 30 into the same meeting room because of fire laws. How did 250 people get into the room in 1818?

Today they won't let the 84 delegates to the 1965 constitutional convention into the Old State House.

In 1814, hardly a line of print is available that I know of to describe what went on in the same smoke-filled meeting room at the Old State House when some 30 delegates from the New England States met to discuss the War of 1812. The journal of the convention wasn't even made public until 20 years later and, when it was, it turned out to be a dud. Only the barest convention essentials were disclosed. Not a word of debate or discussion.

Will the researchers of the future be looking into 1964 and 1965 and the surrounding years for the how and why of things, rather than the actual deeds?

Will they be wondering about the smoke-filled speaker's room at the State capitol, where the walls are lined with huge photographs of former speakers of the State house of representatives, from the clean-shaven men of the 20th century back to the bearded speakers of the 19th century? This is where the big decisions are being made.

Will they be wondering who paced the halls outside the speaker's room while the State was being cut up into new senatorial districts and the power of the small towns in controlling a general assembly was being wiped out in the creation of new house districts to replace the town-by-town representation system?

A great behind-the-scenes drama is being played today, just as it was played in 1639 and 1814 and 1818. A lot of men are involved in this drama that is shaping the State for centuries to come. What are they saying behind those closed doors: How are they bargaining off one district for another? What outside influences are being brought to bear on them? What do they say about the U.S. courts which have forced them into this crisis?

We know, for instance, that the chief mapmaker on the Democratic side is a Bloomfield attorney, Leo Parskey. He is counsel for the Democratic Party and for the Democratic State senators.

We know that the chief mapmaker on the Republican side is C. H. Scott McAlister, of Hartford, a former assistant dean of the School of Business Administration at the University of Connecticut who now is employed as assistant to John Alsop, president of the Mutual Insurance Co. of Hartford.

The political balance of Connecticut, along with the legislative balance, is being decided in the speaker's room by Connecticut's top political and legislative leaders.

But how they are doing it, what they are saying, how they are chopping it up and why, is not being disclosed. We know what some of their problems are. But we don't really know what is going into solving these problems.

We are missing the fascinating part of this great adventure into history.

We have missed the inside of how the two major parties agreed on a constitutional convention in a political pact that ranks as one of the great deeds in the State's history.

We are missing the inside of the struggle over the new lines for the senate and house.

We have missed the private conferences between the U.S. court and the political and legislative leaders.

Perhaps this is how history is made.

[From the Hartford Courant, Mar. 22, 1965]

Time for Change

(By Jack Zaiman)

Massive changes are underway in Hartford's relationship with the rest of the State, as a result of the one-man, one-vote principle enunciated by the U.S. Supreme Court. The principle guarantees equal voting strength to each person. It theoretically prevents an imbalance of voting power. It is supposed to keep a majority in some areas from throttling a minority and, in other areas, from letting the tail wag the dog—a minority overpowering the majority.

Before 1966 is over, Hartford will have 11 State representatives instead of the 2 it has had since the constitution of 1818 was adopted and for many years before then. The three senatorial districts in the city will be reduced to two. The Republican and Democratic State central committees will lose one-third of their membership from Hartford—the number of members of each State committee from this city dropping from six to four.

The Democratic and Republican town committees are doing some thinking on a reorganization of their district lines and membership as a result of the reapportionment changes. And city hall is already working on a revision of voting districts so they will conform with the new senate and house districts in Hartford.

These and other changes are the greatest the city will experience at one time in political history.

Yet, in all this vast overturn, there is one change that is missing in the municipal government. It is a change desperately needed to save the city from one-party government, a change that will guarantee minority representation on the city council as well as produce other benefits.

Such a change was approved last week by voters in a Norwich referendum. Norwich is returning to an election system that prevailed prior to 1951, discarding its nonpartisan election system under council-manager government and installing a political party system with minority representation.

What Hartford needs, and has needed for some time, is a restoration of the city's municipal election system to the political parties. The present nonpartisan election system, which went into effect in 1947 under totally different municipal conditions, is a detriment now rather than a benefit to the city. The nonpartisan election system was put into effect to throttle the power of the two major political parties.

It succeeded for a while. It succeeded so long as a nonpartisan political organization such as the Citizens Charter Committee was able to put up candidates for local office who could compete with the political parties.

But the CCC is no longer a major factor in municipal elections. It is a shell of its former self. Yet the nonpartisan system, which was tailor-made for a nonpartisan political organization that no longer is effective, continues.

As a result, the two political parties are doing business in Hartford as they did prior to 1947—but without any tools. The local election system, as one municipal candidate once put it, is a jungle in which the normal rules of politics and electioneering do not prevail. The political parties have no official responsibility for their municipal candidates. They don't nominate them officially. There is no Democratic or Republican lever. It is every man for himself.

This is but one phase of the problem. The other, and by far the more important, is the fact that Hartford is overwhelmingly Democratic. The number of Democrats is about 40,000, while the number of Republicans is in the 12,000 area. The Democrats cannot lose in a nonpartisan municipal election because of this overwhelming voting strength. There is a continual danger of complete Democratic control of the city council—even to electing all nine members.

The minority party in Hartford—the Republican—is in constant danger of being shut out in a municipal election.

The municipal election system, unlike that in West Hartford, permits one party to run the show, but doesn't give the party any authority. It is like giving the city an army, but without any general and without any rules of war. As a result, the army runs in all directions during a primary and election, frequently assassinating his own members who, under the election system, are the enemy.

It is possible in Hartford to elect nine councilmen from one street, from one apartment house, and, of course, from one party. And, once elected, the nine have no responsibility to any party—unless they want to on their own. Luckily, Hartford has done pretty well under this astonishing election system. Most of the councilmen who have come up have shown civil responsibility.

But why tolerate a system with such built-in dangers? The era that produced the nonpartisan election system has long since past. Now a good case can be made that the local system violates the principle laid down by the Supreme Court in the reapportionment cases. A minority in Hartford has no guarantee of reprepresentation in the city government. A single ethnic group could elect all nine councilmen in the city.

On top of it all, the public doesn't have much interest in the local election system, traditional campaigning is astonishing in its absence and observers can predict, almost to the man, who will be nominated in the primary and elected in November.

Now is a good time to contrast the spirited West Hartford municipal election, under the same council-manager government system, with the barren Hartford campaign. West Hartford, with its party system, knows its candidates and its issues. It has minority representation. Hartford continues to operate under an outmoded lackluster, spiritless and potentially dangerous system.

[From the Hartford Courant, Jan. 18, 1965]

END OF AN AGE

(By Jack Zaiman)

This day, January 18, 1965, will be long remembered in the history of Connecticut. The oldest form of continuing government in the United States—the town-by-town legislative system of this State that has grown since 1639—is being voted out of existence.

Exactly 326 years ago, in January 1639, the three settlements of Hartford, Windsor, and Wethersfield wrote a compact known as the Fundamental Orders, recognized everywhere as the first constitution written in the world by freemen. The orders provided that the three towns shall send deputies to a general assembly.

To this day the towns of Connecticut have sent deputies (representatives) to the house of representatives of the general assembly. But before this day is done, the town-by-town allocation of State representatives will be abolished and the State will enter a new age.

Thus it is that the State capitol is a place of history today. For this day will go down in the books along with 1639, with 1662 and the King's Charter, with 1698 when two houses of the assembly were formed, with 1814 when the Hartford convention was held, with 1818 when the present constitution was adopted at a constitutional convention, and with 1902 when a constitutional convention rewrote the constitution but found the people rejecting the proposed new constitution at a statewide referendum.

The drama of the day will come in the house of representatives, whose membership structure was created in 1639 in a log cabin somewhere in what is now the center of Hartford.

The house chamber is a huge, high-ceilinged place with tiers of seats for the 294 State representatives. It has a large gallery for spectators who have an awful time hearing what is going on, despite the amplification system. The gallery is in such a location that the spectators cannot see the rostrum. They can't see the speaker of the house, nor can they see all of the representatives.

Sounds reverberate through the hall of the house, as it is known, making it into an echo chamber. On the floor, there is hardly a place left for an additional seat for a representative. Capacity has been reached with a membership of 294. Reapportionment of the house has come just in time to save the house from a housing problem. Starting with the legislative session of 1967, the membership of the house will be 177.

The 177 will come there from districts rather than from towns, with each district having an average population of about 14,000. From Hartford alone will come 10 State representatives, instead of the two the city has had through history. The little town of Union, with its 400 residents, had had two representatives through history, but, now, it will close both of them. Union is moving into a house district with three other towns to form district 49, with one representative.

The assassination of the town-by-town representation system is being left in the house today to the town representatives themselves. They are legislating themselves out of existence. In one swoop, 117 State representatives are being eliminated. This does not mean that the 177 who will be left in the house will be the same ones who are there today. Many will simply retire. Many will have to fight for their nominations in districts rather than in their home towns.

The rules of the game are being changed for the first time in history, and the human toll will be enormous.

Thus anyone with a sense of history cannot help but feel the drama that will be played here today. For a legislative body, the second largest chamber of any State legislature in the country, is about to wipe itself out. What must be going through the heads of these people as they ride to the capitol today from the 169 towns in the State?

There is an air of resignation and sadness in the capitol for this fateful day.

The towns made their fight for survival, and lost. Now both major political parties, pushed by the Federal Court, have joined hands and votes to enact a bill of historic import. The Senate will keep its 36 senators, though with changed districts. But the house, which always has been the center of the State's legislative system, which has produced innumerable Governors, State political leaders, jurists, and government officials, is completely overhauling itself.

No doubt the air in the house today will be filled with orations on the immensity of the deed that has to be done. For how could such an occasion pass without some words for history?

The king is dead. Long live the king.

[From the Hartford Courant, July 30, 1965]

ON COURSE: FULL SPEED AHEAD

All's well that ends well. Months of confusion and doubt over how Connecticut's legislature could be rebuilt, after having been knocked apart by the Supreme Court, have now ended and ended right. As far as anyone can foresee, the procedure announced yesterday by the three-man Federal tribunal that has jurisdiction over the issue is the soundest one that could be adopted under the circumstances.

Everyone concerned emerges with credit from this happy ending, which now becomes a happy beginning for what is to come. Governor Dempsey had the courage to suggest to the court a simpler, cheaper, and more workable plan than the one that the court had originally prescribed. The court itself revealed its own strength and stature by reconsidering, and by accepting much of the procedure that the political authorities of the State had suggested. The Republicans likewise deserve the thanks of the State, for contributing the idea and the mechanism of a constitutional convention that is to provide a permanent new framework for the State legislature.

Thus as early as next Monday, the date originally set by the court, the existing general assembly is to convene in special session. Its Republican house and Democratic senate must agree in two tasks. The first is to set up a wholly new apportionment for the general assembly, in accord with the new constitutional requirement that all State legislatures be apportioned by numbers alone, in equal districts in both houses—if there are to be two—on a basis of one man, one vote.

Under the scheme thus drawn, a 1965 general assembly will be elected in the fall. Whatever the system by which it is apportioned, that system is to last for the next term only. But this new general assembly will be in full command of the normal legislative situation, without the complexities, costs, and difficulties of the plan originally offered by the court.

The second task of the special session will be to set up the mechanism for the constitutional convention. That convention is to write the permanent constitutional provisions for the new legislative branch. It is also to set up the required new system for amending the State constitution, and for enforcing periodic redistricting of the future general assembly. It was the failure under the old system to provide any legal remedy for injustices that had come with time that, more than anything else, prompted the Supreme Court to scrap the historic system that otherwise has served well.

Important as is the special session and a new system in time for this fall's election, the constitutional convention is even more important. For it will design the framework within which future political and legislative battles are to be fought.

Therefore the convention should have within it the best political brains of the State, and indeed have available to it any scholarly authority outside the State if need be that might help. It must have adequate staff and financing. For its task will be no less fundamental than that of the State's last successful constitutional convention in 1818, which in its day too gave legal form to changing times.

It is fortunate that the court yesterday looked with favor on the design for a constitutional convention that had been advanced by Meade Alcorn and Mr. Pinney for the Republicans. This plan is fair and thoughtful. There are to be 70 delegates, a number large enough to provide variety of thought, experience, and value yet small enough to be maneuverable. Sixty of these delegates are to be chosen at this fall's regular election. But they must be equally divided politically, not only as a whole but in that five from each party are to be elected from each of the State's six new congressional districts. On top of this the Governor, the chief justice, and leaders of house and senate together are to appoint a total of 10 more. We have a right to expect that these delegates will be named because of their wisdom and experience.

All in all, under the new plan now in effect the State's needs are well cared for. It remains to operate the machinery thus set up with a maximum of intelligence and good will. Perhaps a presidential year is not the happiest time to avoid partisan self-seeking and bickering. But the State needs a genuine and earnest effort on the part of political leaders, Democrats and Republicans alike, to do the most statesmanlike job possible.

As far as the future of the State constitution goes, the people are not interested in political squabbling. Even from the special session, but certainly from the constitutional convention, they will expect performance worthy of the task to be done. The prompt and sensible agreement on congressional redistricting, which had not been achieved since 1911, is a model to be followed again.

Make no mistake about it, what is now to happen is fundamental. We are about to have a new framework of State government, in a situation that still leaves qualms because a system of dual representation that has endured in the State from the beginning, and that still is part of the Federal Constitution, is now ruled out. But we can take courage from the fact that the court, the Governor, and the parties have risen to their responsibilities. May it all continue so, as our new legislative framework is hammered into shape over the next 8 months.

[From the Hartford Courant, Jan. 10, 1965]

HISTORIC TWO-PARTY ALLIANCE RESHAPING STATE

(By Jack Zaiman)

Never in the history of Connecticut politics has there been an alliance between two major political parties such as is now operating at the State capitol.

It is a unique and dramatic thing, and the stakes are the face and form of Connecticut government and politics for perhaps centuries to come.

Nowhere in Connecticut history can anything like it be found. It is absolutely without precedent. When this adventure in bipartisanship is over, which should be at the end of this year, a fascinating story for history will have been written.

Yards and yards of comment have been written about the day-by-day movements of the Connecticut politicians as they maneuvered here and there to try to seize advantage or avoid disadvantage in the congressional and general assembly reapportionment ordered by the U.S. Supreme Court.

But little has been written about the amazing companionship into which the rival political and legislative leaders have been thrown as a result of the Supreme Court's decision.

They have almost become buddies since the reapportionment situation developed early in 1964 and spread, with ever-increasing momentum, into 1965. In their common peril, in their joint fear of the political unknown, the political leaders have been forced into a temporary alliance to shape the government of the State under an agreed on formula of their own.

Of course, nothing like this would ever have happened if the Supreme Court had stayed out of reapportionment.

The State's politicians would have continued trying to knock each other's block off.

But reapportionment has been ordered, and the politicians have been forced to comply.

What brought about this dramatic alliance between both major parties was the fact that the general assembly could not act unless there was such a compact.

For the senate is overwhelmingly controlled by the Democrats, and the house is overwhelmingly controlled by the Republicans. Both parties are needed if anything is to pass in the assembly.

This has not been the case in New York, where the 1964 assembly, under complete Republican control, approved four alternate reapportionment programs, and in Rhode Island, where the Democratic-controlled assembly put through a call for a constitutional convention that gave the Democrats an 81-to-19 margin in the convention now meeting.

In Connecticut, one party was unable to deliver a reapportioned assembly and reapportioned congressional districts. Both parties were needed, or there wouldn't be any reapportionment.

There is nothing politicians fear more than the unknown. They hate to lose control of any operation.

The constant threat that a three-judge U.S. court in Connecticut might institute its own reapportionment plan, if the assembly failed, has frightened the politicians in both major parties to a point close to panic.

For a political party is a group of people, and it is the function of party leaders to lead their people and to protect them against adversity—or else the leaders are thrown out.

DEFENSIVE ALLIANCE

Thus, faced with the common danger from the direction of the court, the two major political parties joined together in a defensive alliance in Connecticut to keep the Federal judges and the Yale University computer from reapportioning the State.

Most of what has happened and is happening has gone on behind the scenes as the political apparatus of both major parties went to work in the writing of a political drama of historic importance.

The first major achievement was the reapportionment of Connecticut's five congressional districts into six—the first reapportionment in this area in more than half a century. The congressman-at-large seat, which came into existence in 1931, was abolished.

Weeks of joint political effort in Washington, among the Connecticut congressional delegation, and in Hartford among the political generals of both parties, produced a congressional reapportionment that both sides like.

Each side thinks it came out ahead, and that is the mark of a great political accomplishment.

UPS AND DOWNS

The historic political alliance continued into general assembly reapportionment, but not without its ups and downs.

Earlier it was said that the key to the Connecticut situation was the division of control of the general assembly—the Democrats in the senate and the GOP in the house. This setup fell into peril with the nomination by the national GOP of Senator Barry Goldwater for President, and the clear indication that he would be swamped in Connecticut.

A Democratic landslide, it was clear, would throw the house of representatives into Democratic hands, and thus break up the growing political alliance between the two major parties. It would give the Democrats complete control of reapportionment in the State, as well as the setting up of a constitutional convention ordered by the Federal court.

It was here that GOP State Chairman A. Searle Pinney made a political decision that will rank as one of the great developments in Connecticut politics.

To avoid losing control of the House, and to keep the Democrats from reapportioning the State by themselves, Pinney so maneuvered a special legislative session on reapportionment last fall that it failed to accomplish anything. In a historic decision, the Federal court then canceled the November 3 election for the general assembly, thus saving the house of representatives for the Republicans.

For, certainly, in the November 3 election, the house would have gone Democratic, just as it did in New York where a complete Democratic legislature is now in control.

The interparty alliance thus was saved, not without some discomfiture on the part of the Democrats.

MOMENTOUS STEP

The massive importance of Pinney's action to history is this: He may have saved the Republican Party from not only an assembly election catastrophe, but he may have saved the GOP from a long-term reapportionment catastrophe of untold depth.

So the alliance that began last year with congressional redistricting now is continuing.

The second major achievement of the alliance has now come forth. It is the law creating and governing the operation of a constitutional convention starting July 1.

Both major parties have an equal piece of the convention. Neither party can do a thing without the other.

The alliance has to continue into the constitutional convention if it is to acomplish anything.

MOVING TO CRISIS STAGE

The third phase of the alliance between the two major parties is moving into its crisis stage.

This is the actual writing of new senate and house lines, overthrowing a legislative system that began in 1839. No political project of this kind has ever been seen in this State.

This linedrawing must be completed and enacted into law bv January 30, less than 3 weeks from today.

If it is not, the Federal judges have said they will impose a redistricting plan on the general assembly being drafted by a special master, Morris Davis, of New Haven, director of the Yale Computer Center. The gun is at the politicians' head.

The fourth and climactic phase of the great political alliance will come at the constitutional convention later this year.

The whole story is yet to be written. But when it is, it will set down for history a political adventure story of momentous importance.

Mr. RIBICOFF. Mr. President, in these times of rapid scientific and technological advances, it is imperative that we have government at every level which is responsive to change. The challenges of our day must be met by leadership working with people—by leadership working with representatives of all the people.

If legislatures are to be capable of reacting to the complex problems that face our cities and States, they must cease to be creatures of a bygone era of American life—composed largely of nonurban representatives. Such a change can only result in more vital States and cities—and, indeed, must be the backbone of our federal system.

Whatever progress is made will be made through decisions of those elected by ballot, through political leadership responsible to the will of the people.

Conditions have drastically changed since our federal system of government was established 176 years ago. Our population has increased 50 times since that date and our economy, once based on agriculture, now depends on industry.

Most of our government bodies have made attempts to adapt their processes to the needs of our industrial society. For example, the U.S. Congress and the executive branch of the Government have been revitalized under reorganization acts. On the State level, the Governor's office has generally increased in staff, and the executive departments and agencies have been modernized. Too many of our State legislatures, however, continue to employ techniques formulated centuries ago—techniques that are incapable of meeting modern needs. The survival of State legislatures as a meaningful part of our Nation's government machinery depends upon the adoption of far-reaching reform and modernization. State governments cannot afford to do their business the same way they have for the past 100 years. Malapportioned legislatures have demonstrated their persistent refusal to institute meaningful reforms. If this is the case our State legislatures must either make plans for reapportionment immediately or else cease to be a working part of our American government.

In the past, where there has not been fair representation in State lawmaking bodies by a majority of the citizens, the needs of urban areas have too often been cast aside. Legislation which would recognize and meet the needs of the cities often has failed to pass because a majority of legislators are from areas of the State where these matters are not pressing. A brief survey of some of the malapportioned States and their unsolved problems illustrates this well.

The National Municipal League produced a "Compendium on Legislative Reapportionment" in 1962. It contains an interesting account of some of the problems of State governments dominated by malapportioned legislatures. The following information is drawn from the "Compendium."

In Colorado, the formula for taxing rural property and the system of distributing highway user taxes and State payments to equalize local school systems are examples of State programs which tend to aid rural areas at the expense of the urban areas.

In Delaware, rural downstate members of the legislature are said to be inattentive to needs for parks, recreation spots, and welfare aids which are needed in northern Newcastle County. Furthermore, the northern county would move toward an integrated administrative system, but the legislature insists on continuing the commission form. The groups in the urban area feel the commission form is more costly and the integrated system would save tax money, most of which comes from the populous northern areas.

In Florida there are complaints regarding the way in which road funds are divided among the counties. Moreover, State service for urban areas is held back.

The metropolitan press in Missouri consistently complains of urban underrepresentation in connection with, first, efforts of St. Louis to pass or renew the city's earning tax law; second, legislation concerning the Bi-State Development Agency; and, third, efforts to exempt low-cost public housing from taxation.

In Montana, during the last decade, very significant measures sponsored by the Montana Municipal League have repeatedly failed. A bridge bill and an act to permit cities to share 50 percent of the car and truck license fees both failed three times; home rule bills lost twice; a bill for snow removal and another for gas exemption each failed five times; a measure to increase municipal court jurisdiction and raise the salaries of judges failed twice; and an attempt to obtain a 15-percent share of the gas tax failed once as did a police reserve fund bill. Bill after bill sponsored by the Montana Municipal League passes the house only to meet with death in the senate.

In Nevada, rural areas, which have little gambling, get a disproportionately high share of the gambling tax. Rural interests have defeated repeated attempts of the cities to get municipal home rule legislation passed.

In New Jersey, rural control of the legislature results more in inaction than in action detrimental to cities. The efforts of urban representatives to get legislation to extend the life of rent control in their communities have been blocked in the rural dominated senate. Provisions for increasing the water supply for urban and suburban areas were adopted only after a long and difficult legislative battle. Reform of property tax assessment administration has been blocked for years. State aid for public school operations remains at a low level, particularly with respect to school construction most needed by the suburbs.

In North Dakota, the tax laws favor rural areas. By a constitutional amendment, all farm improvements and structures located on agricultural lands are tax exempt. For example, a house in Grand Forks City with a value of $40,000 to $50,000 would be taxed over $1,000 a year. The same house on a bona fide farm is exempt from taxation. Even when an REA powerplant is located within a city's limits, the taxes are distributed to rural areas on the basis of the miles of powerlines involved. For example, Grand Forks City has a powerplant with a value of more than half a million dollars located within the city limits, but it receives less than $10 a year in taxes from it.

Rural domination of the legislature in Oklahoma is revealed in formulas controlling the distribution of State aid for county roads and to public schools. Rural influence opposes reorganization of State government and the consolidation of weak school systems. It has been almost totally indifferent to municipal problems.

In Pennsylvania, the largest share of State revenues is obtained from urban areas, but the largest share of State expenditures is bestowed on the rural areas. The rural dominated legislature, in the opinion of the cities, refuses to give sympathetic consideration to the needs of the urban areas.

In South Carolina, the rural dominated senate has blocked modernization of the annexation law. Tax rates also reflect the rural and small county interest in the senate. Generally, the senate is more sympathetic to sales tax increases than to income tax increases. Rural legislatures insist upon State tax rebates to counties. Where rebates are ample, shall counties impose very little property tax? In order to get the house reapportioned, the big counties had to agree to a formula for the distribution of State finance grants whereby no county will receive less than 95 percent of what it was entitled to under the 1950 census. This deprives the urban area of their full share under the 1960 census figures.

In Tennessee, two examples of the discrimination of rural controlled legislatures against the legitimate needs of people living in the cities are cited in the plaintiff's briefs on Baker against Carr. Two-sevenths of the State gasoline tax is distributed according to a formula distributing 50 percent equally among the 95 counties of the State and only 25 percent on the basis of population. In the distribution of State educational funds, there is a basic formula which takes into consideration each county's and city's ability to contribute to the education of children, but the rural counties are exempted from all application of the formula and are guaranteed school funds in the amounts they previously had, even though they do not contribute on the basis required by the formula.

In the division of revenues from motor vehicle fees collected by the county in Texas, State law provides that counties may retain all of these fees up to $50,000 and 50 percent of the fees above that up to $175,000, with the remaining amount going to the State. Rural counties collect less than the maximum and hence are allowed to retain all or most of what they collect, while large cities are forced to turn over to the State a large proportion of what they collect. Rural farm-to-market roads are constructed at the expense of needed urban highways.

In Vermont, the greater proportion of the road mileage grant-in-aid goes to larger schools, and this is true of other State funds. Fish and game bills are discussed at great length, while the major appropriation bills get little attention from the lower house.

And if anyone is still not satisfied about the extent to which a rural-dominated State senate can block needed legislation despite the fact that senators representing a majority of the people vote for the measures, some illustrations from the Michigan experience, prior to that State's recent reapportionment, are surely convincing. The following examples are taken from the testimony given by August Scholle, before the House Judiciary Committee last year.

First. A bill to provide free polio shots for needy children was blocked by Senators representing 2.8 million people, despite the fact that Senators representing 3.2 million voted for it.

Second. A bill to provide an unemployment insurance increase of $3 was killed by senators for 2.4 million people, despite support for the bill by Senators representing 3.5 million.

Third. Workmen's compensation amendments were killed by senators for 2.9 million people, despite support for them by senators for 3.5 million.

Fourth. A modest St. Lawrence Seaway budget was killed by senators for 2.7 million people, despite support for it by senators representing 3.3 million.

Fifth. The addition of several hundred desperately needed mental health beds was blocked by senators for 2.8 million people, despite the support for them of senators for 3.1 million.

Sixth. A bill to help small business by letting development credit corporations secure the benefits provided by the Federal Small Business Investment Act was killed by senators for 2.6 million people, despite support for the bill from senators for 3.6 million.

Seventh. A bill to exempt food and medicine from the 4 percent sales tax in order to help retirees and others with fixed incomes was killed by senators representing 3.3 million people, despite the fact that senators representing 5 million people voted for it.

Mr. President, the record makes our case clear. Failure to apportion both houses of the State legislature substantially on the basis of population is certain to deny to the majority fair consideration of their problems. As the Michigan experience—which I just discussed in some detail—illustrates so well, it takes only one unrepresentative house to block legislation desired by the majority of the people. But, unfortunately, Mr. President, there is no dearth of examples of State legislatures apportioned on bases other than population. These legislatures are generally unresponsive to the needs of a majority of the State's population.

Mr. President, another important subject related to the issue of reapportionment is civil rights—a problem of national urgency and overwhelming importance to the Nation. The effort to guarantee to all citizens their full political rights has three kinds of forces at its disposal: a moral force, an economic force, and most important of all, a political force—the right to vote.

For the past 5 years, numerous private citizens and organizations have dedicated themselves to securing this basic American right for those Negroes who have been denied it up to now. The heroic and sobering events in Selma, Ala., earlier this year, brought home to the entire population of this Nation the problems of politically deprived Negroes.

In the Government, the Civil Rights Division of the Department of Justice has devoted a large part of its efforts since 1960 to insuring Negro citizens that they would be given the right to register and vote freely. They would then have a proportional voice in their State and local governments.

President Eisenhower and President Kennedy both championed measures designed to insure this right. President Johnson and the 89th Congress have, in the Civil Rights Act of 1964 and the voting right bill of 1965, demonstrated their determination that nothing should interfere with this right.

I believe that the proposed amendment would seriously hamper these efforts, and thus would frustrate the national will.

There are many ways to deny a person the vote. Some of them are obvious; some are subtle. Surely no one would contend that it is enough merely to guarantee that every persons has the right to vote if there were no requirement that his vote be counted. Are we, then, guaranteeing the right of citizens to have their votes counted if we permit a denial of equal representation—if we permit the use of contrived districting to make some votes count less than others?

The recent Supreme Court decisions have not created any constitutional crisis. Rather, until the Federal courts finally intervened to protect the right to equality in voting, a crisis in our Federal system was developing because of failure on the part of the States to meet their responsibility. We must remember that in most instances the apparent inability of the States to act effectively leads to reliance of the States on Federal programs. The refusal in some States to correct discrimination against Negroes in registration and voting has been one of the most glaring examples of such a situation.

Amending the Constitution so as to permit such inaction to continue is dangerous for the future of our society. It is especially dangerous to the minority groups—Negroes, particularly, who most drastically feel the impact of State neglect. In fact, the Dirksen amendment, even though not intended by the distinguished author, will very seriously endanger our efforts to give these groups an effective political voice in asking their States for help.

The proposed amendment also contains an actual, substantial threat to the further development of legislative responsiveness to the problems of Negroes.

In the first place, Senate Joint Resolution 66 nowhere explicitly bars racial consideration as factors in determining the apportionment of representation in a State legislature.

I do not think that the proponents of this amendment here in the Senate consciously intend to dilute or eliminate the effect of the 14th and 15th amendments in this manner. Nevertheless, even though the Congress of the United States has no desire to disenfranchise Negroes, it is a fact that the choice of methods of apportionment rest ultimately with legislators in some States who have been put in office by an electorate that has excluded large numbers of Negroes.

Furthermore, the effect of past discrimination in some States has been to deny equal representation to the Negro population. In those areas, even though Negroes are now permitted to register and vote, the legislature would remain the representative of only selected citizens of the State.

Thus, the initial decision in these States, whatever the amendment says, will be made with racial history in mind. The legislatures passing on the amendment itself would be unrepresentative; and, at least until the Voting Rights Act of 1965 has been passed and given a substantial period of time in which to work, the electorate passing on the system of apportionment in any referendum would be an unrepresentative electorate.

Mr. President, to believe that race would not be a major—if not controlling—factor in any referendum on the apportionment question in several of our States for a considerable time to come would be to ignore reality.

It is of course possible to include a ban on the use of racial factors in apportioning legislative districts. Less easily remedied, however, are the many ways in which racial considerations can enter apportionment decisions without violating such a prohibition.

But we must not depend on the Supreme Court alone to bear the burden of protecting our rights and liberties. It is essential that we make our laws as nearly self-executing as possible. In our democracy, this means that we must allow our lawmakers to be as responsive to and aware of the needs and problems of all members of the population.

The limited amount of redistricting which has occurred since 1960 has shown that fair apportionment produces such a result.

We must remember that the essence of the amendment now proposed is to allow a malapportioned house in every State legislature, which will at the very least have veto power over welfare, economic, educational and civil rights measures aimed at remedying urban problems.

If our past experience means anything, it is unrealistic to expect responsiveness to these needs by a legislative body whose members owe little or no political allegiance to the people in need of help.

Mr. President, we are living in an age of change and an age of challenge. We have set ourselves great tasks, and we have tried our best to reach our goals. We are engaged in an attempt to breathe new life into our institutions—we are trying to bring about "creative federalism."

In a dozen new programs and more, we have put the responsibility for developing imaginative and creative plans of action on local communities and State governments. The poverty program, Federal aid to education, and pollution control all require the very best of our local and State institutions.

We cannot expect 19th century mechanisms to do 20th century tasks. The fact of the matter is, Mr. President, that the Dirksen amendment will in large part determine the success or failure of our efforts. It can allow the States to continue in their 19th century ways—creating the conditions that have made the Federal Government more and more the source of solution to problems. Or, by defeating the Dirksen resolution we can allow the States to do what they should do—to do what they must do—to equip themselves according to the principle of one man, one vote with a government truly responsive to the needs of the people. Then the States will be able to do their share in bringing about a better life for the people of our Nation.

Mr. President, I yield the floor.

Mr. ALLOTT. Mr. President, in entering this discussion I find myself in the unusual position of representing the people of a State that I am sure no one can gainsay have every right to feel thwarted and pushed around.

The voters of the great State of Colorado are deeply concerned and have good reason for their concern, over this issue of legislative apportionment and over the fate of this debate. They have been living with the issue in rough fashion for several years. Their own system of legislative apportionment, adopted by the electorate as a part of our State constitution, has been under constant attack in both the State and Federal courts. They have been told their majority expressions at the ballot box mean nothing. They have been told, in fact, not only what they cannot do but what they must do and when and where their constitution is at fault. To put it bluntly, they have been told in no uncertain terms that what they consider to be effective representation is all wrong.

Some of the developments regarding reapportionment that have taken place in Colorado read more like fiction than serious democratic undertakings. What has transpired, however, has served to bring into sharp focus certain fundamental concepts that must become matters of national concern.

As Coloradans we deem it terribly important that we learn as quickly as possible just how far afield from our home grown concepts of fair representation we are to be pushed under the banner of the numbers game. I know there are those in every State in the Union who are burdened with the same anxiety and the same frustration and it is in this atmosphere of urgency that we must act.

In Colorado, as elsewhere, it is in the nature of things that a legislative body must be responsive to the demands of the people. We long since proved to our own satisfaction in Colorado that we can get out best representation and our best response from a two-house legislature in which one house is dominated by the urban centers and the other gives recognition to geography. Our State has made its greatest progress under the checks and balances which this system provides, and this progress has been great.

It is likewise in the nature of things that a legislative body based on population alone must always be responsive to the demands of urban centers and eventually urban bossism. This our people knew when they carefully organized their legislature under the Federal plan. This they still believed at their last election even though their views were booted aside by a new interpretation of how the numbers game theory should be applied.

Lest generalities obscure the truth of how frustrating this has been to the voters of my State, let me be more specific. Colorado utilizes both the initiative and the referendum to make its majority views known. It had formal opportunity in a free and open general election as recently as 1962 to express its views on the reapportionment issue which concerns us here. In November of that year the electorate of the State of Colorado decisively rejected the one-man, one-vote theory as expounded by the opponents of the apportionment subject here under discussion and approved the representation principle enunciated in this proposal, and ordinarily known as the Federal plan.

To be more specific, the electorate of Colorado by a vote of 305,700 to 172,725 has said it wants to continue utilizing the system of legislative representation under which it has been so successfully living. At the same time by a vote of 311,749 to 149,822 it rejected the numbers game theory being applied to its State senate.

Need we seek stronger proof than these votes that the people of Colorado are convinced they have been operating with a reasonable balance between rural and urban interests and in a manner which gives neither group a clear and overriding balance of power?

I interpret this vote as a belief on the part of the people of Colorado that an intolerant majority can be fully as oppressive as a dictatorship. I interpret it as a strong endorsement for a system of checks and balances. We believe the system under which we operated gives minorities everywhere a measure of protection not obtainable through unrestricted majority rule.

I have a deep and abiding faith in the intelligence and in the fairness of the voters of my State. I join them in their desire to provide a forum and give protections to minorities wherever they exist.

I believe Senators will agree with me when I say that when the voters of a State have expressed themselves in such positive fashion, they have done so because they have been aroused and are concerned. They know what it means to live in a State where one single area representing only 3.5 percent of the land in the State contains 53 percent of the State's population. They know from having struggled for years with problems of communication, due to topography and diversification of interests, the exacting needs of minority representation; and, I may say even the necessity for minority representation. They have learned through experiment and experience how to cope with these problems and differences and they want to continue and to be permitted to continue making such decisions.

In my opinion there is only one recourse left for American citizens who wish to restore legislative representation in many of our States to its original integrity and that is to amend the Constitution of the United States. The proposal under discussion is a vehicle to bring this relief to our respective States.

There are two points I want to emphasize in connection with what to me is an extremely moderate resolution.

First, it does not require the people of any State to constitute one house of their legislature on a basis other than population. It is not compulsory. It is permissive. It leaves the decision as to adoption of the procedure up to the people themselves, individual State by individual State.

The philosophy of this amendment in no way quarrels with the contention that there are legislatures that need reapportioning or the argument that the theory of "one man, one vote" must be respected. Its objective is to permit individual States, by the one-man, one-vote process, to determine how one house of their legislature shall be organized. Insofar as my own State of Colorado is concerned it reaffirms for our voters a right which they long thought they possessed.

Second, I want to give answer to those opponents who carelessly assert that progress of the civil rights movement is dependent upon reapportioning legislatures on a one-man, one-vote basis, and that this resolution will hurt the civil rights movement.

It is probably natural when talking about minority rights to think first of Negro rights. Those rights have been much in the news, and much on our minds here in Congress recently. But, "minority rights" is a phrase with many facets, and all facets are in need of protection.

To those who would argue that this resolution would injure the civil rights movement, let me answer that at the top of the rollcall of States that are in the forefront in accomplishments on behalf of the civil rights movement will be found States that have for years been operating under the type of legislative apportionment which this resolution would permit. For example, under its apportionment plan prior to the Supreme Court case of Lucas against 44th General Assembly, Reynolds against Sims, and the other cases where the Court first applied the one-man, one-vote slogan—and that is all it is, Mr. President, a slogan—Colorado had a proud record of antidiscrimination legislation. Our public accommodations law was adopted in 1895 (CRS '63, 25-1-1). It is still the law in Colorado, and it is broader than the public accommodations section contained in the Federal Civil Rights Act of 1964. In 1917, our public accommodations law was strengthened by a new statute (CRS '63 25-2-1) forbidding discriminatory advertising by any place of public accommodation, which would indicate that the patronage of any particular race, creed, or nationality is unwelcome or not acceptable. A fair employment act was adopted in 1957 (CRS '63, 80-21-1) by a legislature which was not constituted solely on a population basis; it was, in fact, malapportioned if judged by the one-man, one-vote standard which the opponents of the Dirksen amendment maintain is a prerequisite to advancement of civil rights. The Colorado Antidiscrimination Commission, now referred to as the Colorado Civil Rights Commission I understand, was established by act of the same legislature, in 1957 (CRS '63, 80–21–1). And in 1959, our so-called malapportioned legislature enacted fair housing legislation, prohibiting the owner of housing from refusing to sell, rent, or lease on the basis of "race, creed, color, sex, national origin, or ancestry," and forbidding discrimination based on those factors in the making of loans related to housing (CRS '63, 69–7–1).

Other States which have deviated from a population-only apportionment may have similar records of progress in civil rights. New York is an example which comes to mind. But, to charge any lack of progressiveness in the field of civil rights to a failure to apply the one-man, one-vote slogan to both houses of a State legislature is to indulge in a grievous error of generalization and follow a faulty premise.

Further, to attribute weaknesses in State government to the fact that one house of the State legislature is apportioned on a geographic rather than a population basis is the same as saying that we cannot operate properly and progressively here in the legislative halls of Federal Government. Some of the criticism I have heard regarding this resolution makes me wonder whether there are not those among such critics who deplore the continued existence of the U.S. Senate on a geographic basis.

I believe that the situation in Colorado with respect to apportionment of our legislature is so compelling an argument in behalf of Senator DIRKSEN's proposal that I wish to detail our specific situation, as I know it can be detailed by Senators from most of the States.

In Colorado we had a constitutional provision which had been properly implemented by the legislature, spelling out the method of apportionment in both the Colorado House and the Colorado Senate. That constitutional provision had been adopted in 1962 as a constitutional amendment by a majority vote in every one of our 63 counties on a one-man, one-vote basis.

The 1962 amendment was submitted to the people as an initiated law at a general election, which can be done under the constitution and statutes of the State of Colorado. The amendment which was adopted was titled, on the ballot, No. 7, and was popularly called the Federal plan for reapportionment. It was adopted statewide by a vote of 305,700 to 172,725, almost 2 to 1. Every county in the State passed the amendment, including those counties which, according to the Supreme Court, are under represented. In that same year, on the same ballot, there was another amendment titled No. 8, which would have reapportioned the legislature on a straight population basis—that is, it would have conformed to the Supreme Court ruling of one man, one vote. Amendment No. 8 was defeated by a vote of 311,749 to 149,822, or by a vote of more than 2 to 1.

What I am saying is that in 1962 the people of Colorado, on an initiated law, in every single county in the State, turned down, by a vote of over 2 to 1, the theory which the Supreme Court has arrogated to itself under the Sims decision; and by a vote of almost 2 to 1 adopted in every county, the principle that our State has maintained throughout its life since 1876. It was this constitutional provision which the Supreme Court struck down in its decision of June 15, 1964, in the Colorado case, Lucas against 44th General Assembly. Mr. Justice Stewart, in his dissent to the Lucas case, discussing apportionment in Colorado under that constitutional provision, had this to say:

> In the Colorado House, the majority unquestionably rules supreme, with the population factor untempered by other considerations. In the senate rural minorities do not have effective control, and therefore do not have even a veto power over the will of the urban majorities. It is true that, as a matter of theoretical arithmetic a minority of 36 percent of the voters could elect a majority of the senate, but this percentage has no real meaning in terms of the legislative process. Under the Colorado plan, no possible combination of Colorado senators from rural districts, even assuming arguendo that they would vote as a bloc, could control the senate. To arrive at the 36 percent figure, one must include with the rural districts a substantial number of urban districts, districts with substantially dissimilar interests. There is absolutely no reason to assume that this theoretical majority would ever vote together on any issue so as to thwart the wishes of the majority of the voters of Colorado. Indeed, when we eschew the world of numbers, and look to the real world of effective representation, the simple fact of the matter is that Colorado's three metropolitan areas: Denver, Pueblo, and Colorado Springs, elect a majority of the senate.

If there is anything in the history of Colorado which can be described as a longstanding antipathy, the struggle between urban centers of population and the predominantly rural balance of the State would fit this description. I can testify that the Colorado plan adopted by the voters, struck a reasonable balance between rural and urban interests, with neither group having a clear overriding balance of power. But when the State is apportioned solely on population, we find that the Denver metropolitan area alone, composed of Denver, Adams, Arapahoe, Boulder, and Jefferson Counties, can impose its wishes in the whole of the State. This area accounts for only 3.5 percent of the land in the State, but it contains 53 percent of the State's population. The vote of the city and county of Denver alone is sufficient to offset 55 other counties' votes, out of a total of 63 counties in the State. This situation could lead to absurd results.

I just want to take an absurd situation here to illustrate it. Assume that a new agricultural facility is planned for the State—perhaps a retraining school for agriculture workers. Is 16th and California Streets in downtown Denver the best location? Obviously not, but Metropolitan Denver, assuming an absurd situation, could force that decision on the State.

Or, to give an example which is not so farfetched, but which would have tremendous importance in a State such as Colorado where water is literally a precious commodity, suppose an urban-dominated legislature were to enact laws designed to divest all agricultural water rights; or put a prohibitive tax on animal breeding stock; or drastically lower the amount of State funds allocated to sparsely populated areas in school aid. All of these possibilities would seem grossly unfair, and yet they are possibilities in a legislature composed of representatives with little concept of the problems of the rural area.

And, while I do not really believe that legislators from the urban areas would insist on this type of legislation, still I do believe that the hypothesis demonstrates what the supporters of "one man, one vote" have ignored. Those people cry loudly that we are now in a position to break the stranglehold which the rural areas have imposed on State legislatures. They assume that rural legislators will ignore the needs of urban areas, and at the same time they seem to assume that urban legislators will be somehow fairer and wiser in treating all the problems of all the people in a State. I do not go along with that assumption. I agree, rather, with John Adams, who said in 1789:

> The essence of a free government consists in an effectual control of rivalries.

This we had in Colorado, our own solution worked out by our own people, adopted in free elections and enshrined in our constitution.

Yet, after the voters had adopted this constitutional provision and the legislature had implemented it, an opponent of the Federal plan filed suit in the Federal court for the district of Colorado, claiming violation of his constitutional rights. The three-judge district court convened to hear the case, held that the Colorado plan of apportionment was not violative of the U.S. Constitution, but when the case was appealed to the U.S. Supreme Court, the case was reversed and remanded to the district court.

Thereafter, we had the following sequence of events: The Federal district court, under the mandate of the Supreme Court, decreed that reapportionment must be accomplished by July 15, under threat of the court itself accomplishing the reapportionment if the legislature was unable to do so. The Governor called the legislature into a special session, and it proceeded to devise a new plan on the guidelines of the Colorado Constitution as it stood before the amendment of 1962. The new plan adopted by the legislature provided for subdistricting of multimember districts, such as the city and county of Denver. This plan was approved by the three-judge Federal court and signed by the Governor. Immediately thereafter suit was filed in the Colorado Supreme Court attacking the new apportionment plan on the basis that provision for subdistricting contravened the old Colorado constitutional provisions. Simultaneously, the backers of the Federal plan of apportionment appealed the district court's decision that amendment No. 7 was not severable.

The Colorado Supreme Court held that the old constitutional provision on apportionment prohibited the division of the counties into districts for the election of senators and representatives and held, therefore, that the whole apportionment act, approved by the Federal district court, was invalid. Nevertheless, they permitted elections to be held in the fall of 1964 under the invalid act. Subsequently, on February 1 of this year, the U.S. Supreme Court ruled on the appeal from the district court, and in a per curiam opinion, said:

> Insofar as the judgment of the district court decides Federal questions, it is affirmed. Insofar as the judgment decides other questions, it is vacated and the cause is remanded for further consideration in light of the supervening decision of the Colorado Supreme Court.

Four Justices, in a concurring opinion, said:

> It is our understanding that the court's disposition of this case leaves it open to the district court to abstain on the question as to the severability of the various provisions of amendment No. 7 pending resolution of that issue with reasonable promptitude in further State court proceedings. We deem it appropriate explicitly to state our view that this is the course which the district court should follow. On the basis we join the Court's opinion.

Senators are certainly aware of some of the difficulties involved in determining what is a Federal question. It seems to me that this latest decision of the Supreme Court in the Colorado situation points up the near impossibility of laying down guidelines in the apportionment problem. It clearly points up the Court's unwillingness to lay down such guidelines. Basically, apportionment is a political question and the more the Supreme Court is pinned down to have to provide guidelines, let alone draw apportionment plans, the more they are going to discover the truth of this.

Justice Harlan discussed the political ramifications when the judiciary gets involved in the question of apportionment, in his dissent to the case of Reynolds against Sims. He speaks of the difficulties which courts are likely to encounter in this field, and says:

> Generalities cannot obscure the cold truth that cases of this type are not amenable to the development of judicial standards. No set of standards can guide a court which has to decide how many legislative districts a State shall have, or what the shape of the districts shall be, or where to draw a particular district line. No judicially manageable standard can determine whether a State should have single-member districts or multimember districts or some combination of both. No such standard can control the balance between keeping up with population shifts and having stable districts. In all these respects, the courts will be called upon to make particular decisions with respect to which a principle of equally populated districts will be of no assistance whatsoever. Quite obviously, there are limitless possibilities for districting consistent with such a principle. Nor can these problems be avoided by judicial reliance on legislative judgment so far as possible. Reshaping or combining one or two districts, or modifying just a few district lines, is no less a matter of choosing among many possible solutions, with varying political consequences, than reapportionment broadside.

It is interesting to draw a parallel between the language in Mr. Justice Harlan's dissent and the majority opinion in the case of MacDougall against Green decided in 1948, in which the Court said:

> It would be strange indeed, and doctrinaire, for this Court, applying such broad constitutional concepts as due process and equal protection of the laws, to deny a State the power to assure a proper diffusion of political initiative as between the thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former. The Constitution—a practical instrument of Government—makes no such demands on the States.

I am fully in agreement with Mr. Justice Stewart's dissent in the apportionment cases:

> What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage. My own understanding of the various theories of representative government is that no one theory has ever commanded unanimous assent among political scientists, historians, or others who have considered the problem. But even if it were thought that the rule announced today by the Court is, as a matter of political theory, the most desirable general rule which can be devised as a basis for the makeup of the representative assembly of a typical State, I could not join in the fabrication of a constitutional mandate which imports and forever freezes one theory of political thought into our Constitution.

This is exactly what the decision in the Sims case did. And, all that the Congress would do, if it passes this proposal by the required two-thirds in each body, is to give the people of the various States, if three-fourths of the States concur with Congress, the opportunity to use factors other than population alone in apportioning one house of their legislatures. Representative government has historically been a balancing of many diverse interests and good representative government must protect the rights of minorities. And, I am fearful that the numbers game which is required under the Court's rulings will, in actual practice, leave much to be desired in protecting these minorities.

I am opposed to a strict population basis as the sole allowable factor in apportioning both houses of a bicameral legislature. I have no doubt that an intolerant majority can be fully as oppressive as a dictatorship, when there is no restriction placed upon the majority. I have no illusions that all values worth protecting are fully protected in the Constitution. Again, our system of checks and balances affords protection—political protection—to a minority who otherwise might be completely submerged and run over roughshod were there no such checks. The whole principle of bicameralism is to provide another such check within the government and this is as true on the State level as it is on the Federal level. Madison's arguments in the Federalist and John Stuart Mill's arguments in his "Essay on Representative Government" both lay some stress on having the two houses "distinct" and "dissimilar in genius." Madison in No. 63 of the Federalist closes his arguments for a distinctive second chamber saying:

> It adds no small weight to all these considerations to recollect that history informs us of no long-lived republic which had not a senate.

But, the basic question is whether we will give to States and the people the opportunity to decide for themselves what factors are important in apportioning seats in their legislatures. Certainly, the proposal under consideration does not require that the States use such other factors, but only permits it if the plan has been submitted to the electorate in accordance with law and with the provisions of our U.S. Constitution.

I believe that if the Senate opens the way, our Constitution will be amended. The American Bar Association House of Delegates recently gave their support to a constitutional amendment in this area. There is obviously great sentiment here for a change. I know that the majority of people in Colorado feel they have been unjustly dealt with by the Supreme Court. I have been surprised by the amount of mail I have received, and the number of resolutions passed by various groups in Colorado, asking that I do all in my power to allow the people in each State to decide on their own governmental structure. They understand the Constitution does not speak of the structure of State government, except to guarantee that it be "republican." And they understand the damage—psychological, at least—done to the Union of States by the Supreme Court decisions.

I ask unanimous consent that various letters and resolutions which I have received from Colorado be printed at this point in my remarks.

There being no objection, the letters and resolutions were ordered to be printed in the RECORD, as follows:

DEER TRAIL, COLO.,
January 14, 1965.

Senator GORDON ALLOTT,
Washington, D.C.

DEAR SIR: We, the members of Deer Trail Grange No. 412, feel the Supreme Court overstepped their authority in declaring our plan for reapportioning the legislature illegal.

We hope the National Congress will pass an amendment to the Constitution making it legal for a State, with bicameral legislature, to elect one house on other than a population basis. We hope you will give this some consideration.

Yours truly,
DEER TRAIL GRANGE NO. 412,
MYRTLE HAYWARD, *Secretary.*

ANIMAS VALLEY GRANGE NO. 194,
Durango, Colo., January 11, 1965.

Hon. GORDON ALLOTT,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: The members of Animas Valley Grange No. 194 are very much concerned over the turn of events leading up to the U.S. Supreme Court decision declaring unconstitutional the amendment to Colorado's constitution pertaining to the apportionment of our two legislative bodies, and the resultant reapportionment and realinement of districts both State and National.

I am enclosing a resolution passed by our Grange at our last regular meeting regarding this matter and ask you to give it all possible consideration.

Animas Valley Grange is comprised of 134 members.

Sincerely,

DENNIE GRAY.

RESOLUTION

Whereas in the year 1962 the people of the State of Colorado passed by a majority vote what was termed the "Federal plan" of apportioning our State's legislative body; and

Whereas the Animas Valley Grange No. 194, Durango, Colo., together with other Granges in the area and throughout the State, supported the Federal plan of apportionment and worked for its passage; and

Whereas a minority group in the State of Colorado saw fit to challenge the constitutionality of the amendment to the constitution of the State of Colorado, which set up the guidelines of apportioning Colorado's legislative bodies, appealed it to the Supreme Court of the United States of America, who set aside the aforementioned amendment to the Constitution of the State of Colorado and caused the two legislative bodies of the State to be reapportioned on a population basis as nearly as possible: Now, therefore, it is

Resolved by the Animas Valley Grange No. 194, Durango Colo., That legislation be introduced in this session of the 89th Congress of the United States of America which will permit the sovereign States of this great Union to apportion their legislative bodies by similar methods as our Federal governmental bodies and thereby give the Government back to the people.

ROBERT BARR,
Master of Animas Valley Grange.
JENNIE GRAY,
Secretary of Animas Valley Grange.
WALTER W. JEFFERIES,
Chairman of the Legislative Committee.

CUSTER COUNTY COWBELLES,
Westcliffe, Colo., February 5, 1965.

DEAR SENATOR ALLOTT: We have read in different farm magazines about the battle over reapportionment. "The courts taking away the say of the people."

Our Cowbelle organization of 35 members had a discussion upon this and unanimously voted in favor of writing to you to tell you we are strongly in favor of an amendment to give back to the people and rural areas their voice in government, instead of letting the courts make the decisions.

We would appreciate your support in favor of an amendment to this effect. Thank you.

Sincerely,

MRS. GEORGE HALL,
Secretary.

MONTE VISTA, COLO.,
October–November 1964 and January 1965.

Senator GORDON ALLOTT,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: When the people of Colorado defeated the amendment to reapportion our beloved State according to population the following people, whose signatures close this letter, feel that this was the voice and desires of all the people of the State.

We encourage you as Senator of our State to back any legislation to the effect that a State may keep its area representation.

This is the only way for rural peoples to have a voice in our Government.

We know that Senators and Representatives can serve the people best only when we make our opinions and desires on legislation known.

Sincerely,

S. G. Deacon, Jr., Mrs. S. G. Deacon, Jr., Keith Lohr, Mrs. Homer Wright, Helen S. Adams, Frances W. McCullough, Florence DeSautell, Nancy McGrath, Mrs. Kenneth Mitz, Mrs. B. R. Witt, Betty Porter, Margie Male, Mrs. Richard Hoffman, Evelyn Trimble, Mrs. Eldon G. Comin, D. D. David, Mrs. D. D. David, local townspeople, ranchers and farmers (wife) of the San Luis Valley.

DURANGO, COLO.,
January 16, 1965.

Hon. GORDON L. ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: It is my request that you consider the enclosed resolution that has been backed by the Colorado State Grange.

Respectfully yours,

WALTER W. JEFFERIES,
Chairman, Subcommittee on Agriculture and Legislation for the San Juan Basin of Colorado State Grange.

RESOLUTION

Whereas in the year 1962 the citizens of the State of Colorado passed by a majority vote amendment No. 7—known as the Federal plan—to the Colorado State constitution as the method of apportioning our State legislative bodies; and

Whereas the La Plata Pomona Grange No. 10 of the County of La Plata, State of Colorado together with other grangers in the area and throughout the State supported the Federal plan of apportionment and worked for its passage; and

Whereas a minority group in the State of Colorado challenged the constitutionality of amendment No. 7 to the constitution of the State of Colorado which set up guidelines of apportioning the States legislative bodies; appealed it to the Supreme Court of the United States of America who set aside amendment No. 7 and directed that both legislative bodies of the State be reapportioned on a population basis as nearly as possible: Now, therefore, it is

Resolved by La Plata Pomona Grange No. 10, La Plata County, Colo., That legislation be introduced in this session of the 89th Congress of the United States of America permitting the sovereign States of this great Union to apportion their legislative bodies according to the wishes of the citizens of the respective States and thus return the Government to the people.

RESOLUTION COMMITTEE LA PLATA
POMONA GRANGE NO. 10,
ROBERT BARR,
WALTER W. JEFFERIES,
BRYAN WOODS,

REDLANDS MESA GRANGE NO. 487,
Hotchkiss, Colo., January 5, 1965.

Senator GORDON ALLOTT,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: We the members of the Redlands Mesa Grange feel very strongly concerning the recent decision of the Supreme Court in the case of reapportionment in the State of Colorado.

We wish to go on record as favoring a constitutional amendment to overrule the decision of the Supreme Court in this matter.

Thanking you for doing all you can in this matter so vital, not only to the people of Colorado, but to each and every citizen of the United States.

Sincerely,

HAROLD PAULSON,
Master, Redlands Mesa Grange.
HELEN HICKS,
Secretary, Redland Mesa Grange.

MANUFACTURERS ASSOCIATION
OF COLORADO,
Denver, Colo., May 17, 1965.

Hon. GORDON L. ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR GORDON: The Manufacturers Association of Colorado would like to lend its support to your efforts in behalf of a constitutional amendment to permit the majority of voters in any State to determine whether or not one house of their State legislature should be based on factors other than population alone.

We recall that the voters of Colorado were given a clear choice in the passage of amendment No. 7 and that they favored this method of apportionment by an almost 2-to-1 majority. We firmly agree with you that the best interests of the State would be better served under a "Federal system" of legislative apportionment.

Sincerely yours,

CARL H. DETEMPLE,
Executive Secretary.

MARCH 22, 1965.

DEAR SENATOR ALLOTT: Just a note of encouragement on your stand for Senate Joint Resolution 2 calling for an appropriate constitutional amendment.

It seems to me if the people of a State vote on an issue, they should have the right to abide by the outcome of that vote. As long as the Federal Government committees can say, "We don't think you should do it that way," why do we bother to vote on an issue like reapportionment in the first place? When the American people start feeling this way, our governmental system is on its way backward.

Have faith—we're with you all the way.

Sincerely,

E. C. BOXBERGER,
Larimer County Young Farm Bureau Chairman.

NORTHWEST OF MONTE VISTA, COLO.,
March 29, 1965.

Mr. GORDON ALLOTT,
Senate Chambers,
Washington, D.C.

DEAR MR. ALLOTT: When and if a bill should come up for the reapportioning of the house and senate, I urge you to support a bill that the representatives be based on population and the senate on area or district.

Sincerely yours,

LEO STOEBER, Jr.

AMHERST, COLO.,
March 21, 1965.

Hon. GORDON ALLOTT,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: I am writing concerning Senate Joint Resolution No. 2.

I thoroughly believe in the seventh amendment to our State constitution, as was voted on and passed by the people, who knew more about Colorado than anyone else, but by a split decision of the U.S. court was declared unconstitutional.

I cannot think we should let that stand, but let us uphold the American principles of government that have served us so well in the past.

I wish to thank you for all your efforts to adopt Senate Joint Resolution No. 2.

It will give the States the right to decide the reapportionment issue through action on an amendment to the U.S. Constitution.

Then the States could consider factors other than population in apportioning one house of a bicameral legislation.

We would be able to follow the plan of the U.S. Congress, and would preserve to the States, and to the voters of the separate States, the right to decide this issue for themselves. It would also provide the check and balance which is so very essential to good government.

Sincerely,

MARTIN H. STODDARD.

UNITED FARM AGENCY,
Delta, Colo., March 18, 1965.

Hon. Senator GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SIR: It is my understanding that you favor and are working for the adoption of Senate Joint Resolution 2 on legislative reapportionment.

I am grateful for your efforts and would like you to know it.

Sincerely,

HAROLD B. ROSS.

MEEKER, COLO.,
March 28, 1965.

Hon. Senator ALLOTT.

DEAR SENATOR ALLOTT: As legislative reapportionment is coming up for consideration, we are supporting and urging action on Senate Joint Resolution 2. We know you are fighting for us and we urge you to work hard for Senate Joint Resolution 2.

The Supreme Court took away our right that we in Colorado earned. The right to determine how our legislature is to be apportioned. And we feel that Senate Joint Resolution 2 would give us back our right, and the voters would have the opportunity to make the decision on this important issue. We feel we must win. Thank you.

Respectfully,

Mr. and Mrs. GUS KRACK.

ROCKY FORD, COLO.,
March 30, 1965.

Hon. GORDON ALLOTT.

DEAR SIR: I am sure thankful for what you are doing for us here in Colorado and hope that you and other supporters of Senate Joint Resolution 2 will be able to pass this amendment that will give back to the States the right to apportion their own legislatures.

Yours,

LESLIE KIEFER.

MEEKER, COLO.,
March 29, 1965.

Senator GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

To the Honorable GORDON ALLOTT: I am in favor of the Senate Joint Resolution No. 2 on reapportionment and will appreciate anything you can do to help get it passed. I feel that the States should have the authority to apportion their own legislatures, one house on population and the other on some different plan if they so wish.

Respectfully,

W. H. JACOBS.

MEEKER, COLO.,
March 29, 1965.

Senator GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

THE HONORABLE GORDON ALLOTT: I am in favor of the Senate Joint Resolution No. 2 on reapportionment and will appreciate anything you can do to help get it passed. I feel that the States should have the authority to apportion their own legislatures, one on population and the other on some different plan if they so wish.

Respectfully,

ALICE L. JACOBS.

HESPERUS, COLO.,
April 3, 1965.

Senator GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: As we feel that property rights should be assured fair representation equal to the representation given human rights, we feel it is imperative that State legislatures should be apportioned one house on population and one house on a basis other than population. We feel the Supreme Court decision does not assure this equal representation.

Therefore, we ask your support of a constitutional amendment on reapportionment which will provide that one house of State legislatures may be apportioned on a basis other than population.

Sincerely yours,

LLOYD F. BENTON,
CECILE A. BENTON.

MARCH 29, 1965.

Senator GORDON ALLOTT,
Senate Chambers,
Washington, D.C.

DEAR SENATOR: Mt. View Grange No. 411 of El Paso County, Colo., supports discharge petition No. 1 of 89th Congress.

One house by population and one house by area.

Thank you.

LEE M. ALGER.

RESOLUTION

Whereas our system of government is based on the principle of protection to minorities; and

Whereas recent Supreme Court decisions have decreed that all State legislators must be apportioned by population alone: Be it therefore

Resolved, That Progressive Pomona Grange favor amendment to our Federal Constitution allowing States to apportion seats of one house of their legislature by some means other than population: Be it therefore

Resolved, That copies of this resolution be sent to the Colorado delegates in Congress.

Passed at Progressive Pomona Grange meeting at Grand View Grange on March 13, 1965.

MARIE MINSHALL,
Secretary.

BENT-PROWERS CATTLE AND
HORSE GROWERS ASSOCIATION,
March 15, 1965.

Senator GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Our organization is made up of stockmen in five southeastern Colorado counties. At our 96th annual meeting in Lamar on February 27, 1965, our group adopted the enclosed resolution. I was instructed to send a copy to your office.

Our group also took the position on reapportionment of State legislatures that we are in favor of one house of the legislature be on a basis other than population. Also that since the Federal plan for Colorado was voted on by the people on a one-man, one-vote ballot, that this power not be subject to any Federal Court.

Yours very truly,

JOHN A. SMARTT,
Secretary.

RESOLUTION PASSED AT THE 96TH ANNUAL MEETING OF THE BENT-PROWERS CATTLE AND HORSE GROWERS ASSOCIATION ON FEBRUARY 27, 1965

Whereas coyotes have become a great menace to livestock and poultry in this area, and it is impossible for producers of livestock and poultry to effect any practical destruction of coyotes. We hereby urge the Federal Government to put sufficient money into the program to bring about the elimination of this menace. That copies of this resolution be sent to U.S. Senators and Representatives in Congress, and to the Secretary of Interior, Stewart Udall.

STRATTON, COLO.,
March 13, 1965.

DEAR SENATOR: I understand you are for legislative reapportionment (S.J. Res. 2), for which I'm very pleased. Keep fighting.

Sincerely,

JOE CURE.

GUNNISON, COLO.,
March 12, 1965.

Hon. GORDON ALLOTT,
U.S. Senator,
Old Senate Building, Washington, D.C.

DEAR SENATOR: I am writing to you in regard to the apportionment amendment which each and every one has a very vital interest in.

The Farm Bureau supports Senate Joint Resolution 2 for the following reasons:

1. It will permit the States to decide the reapportionment issue through action on an amendment to the U.S. Constitution. The author of the Constitution provides two methods for amending it. The first method calls approval of an amendment by two-thirds of the House and Senate and ratification by two-thirds of the States. The second method provides that if two-thirds (currently 34) of the States petition Congress to a constitutional convention to consider a particular issue, the Congress shall do so. Any amendment approved by a constitutional convention would also require ratification by three-fourths of the States before it becomes law. So far this year, 17 State legislatures have taken action to petition Congress to call a constitutional convention to consider apportionment. This is evidence of their interest and desire that a constitutional amendment such as Senate Joint Resolution 2 be approved by the Congress and submitted to the States for ratification.

2. It restores the power of the people of each State to determine the composition of the legislature and the apportionment of the membership. Under the June 15, 1964, U.S. Supreme Court decisions the States lost their right to determine how their legislature shall be apportioned. The majority opinion of the Court held "that the seats in both houses of a bicameral State legislature must be apportioned on a population basis."

Population thus becomes the sole factor in determining the composition and apportionment of a State legislature. Even if an overwhelming majority of the people in a State wanted to consider some other factor, they could not do so. As the minority opinion of the U.S. Supreme Court said: "It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States."

Senate Joint Resolution 2 says, "The right and power to determine the composition of the legislature of a State and the apportionment of the membership thereof shall remain in the people of that State." We believe that this is where our Founding Fathers intended this power to be lodged, and where it should be lodged today.

3. The people would have the right to consider factors other than population in apportioning one house of a bicameral legislature.

The proposed constitutional amendment would permit members of one—but not both—of the houses of a bicameral State legislature to represent districts established with consideration to factors other then population. Area, geography, and the local units of government could be considered. Any State that wishes to apportion both houses of its legislature solely on a population basis would be free to do so.

4. Opportunity to follow the historic pattern of the U.S. Congress would be preserved to the States.

Under the "Federal" pattern one branch of a legislative body is elected on an area basis while the other branch represents districts established of a population basis.

Whether in the Federal Government or in a State government this historical pattern of apportionment serves as an essential "check and balance" in our political system. It insures that area problems and minority interests will be given appropriate recognition when public issues are considered. Also, local views and concerns will not be buried and lost before the power of majorities.

5. The voters would have the opportunity to make that decision on this important issue.

Under Senate Joint Resolution 2 any system of State legislative apportionment based on factors other than population would require approval by a majority of the voters in a statewide referendum.

This means that the people in a State would have two opportunities to express themselves on this question before any apportionment plan reflects factors other than population could go into effect: First, when their State legislature has before it the question of whether or not to ratify a constitutional amendment such as that proposed in Senate Joint Resolution 2, and second, after the U.S. Constitution is amended when the people in the State would vote in a referendum on a specific plan of apportionment.

With this double safeguard for the will of the people, we do not believe any Member of Congress should oppose approval of a constitutional amendment such as Senate Joint Resolution 2. The right of the people to express themselves in this manner should not be denied them.

We support the appropriate reapportionment of State legislatures. We recognize that there have been instances where States have failed to keep their legislatures apportioned in accordance with requirements of their own State constitutions. However, we do not believe this is adequate reason to permanently deprive the people of the various States of all authority to determine the apportionment of their legislatures.

Farm bureau urges the prompt enactment of Senate Joint Resolution 2. Thank you for the privilege of presenting our views.

Yours very truly,
LOUIS F. VAN TUYL,
President,
Gunnison County Farm Bureau.

LONGMONT, COLO.,
July 20, 1965.

Senator GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR MR. ALLOTT: We do hope you will consider the feelings as set forth in this resolution.

Thank you.

Sincerely,
MRS. FRED C. HEIMBECKER, *Secretary.*

RESOLUTION

Whereas if population is a controlling factor in all elections for both houses of a State legislature, the ability of rural citizens to cast a meaningful ballot will be impossible.

Whereas the movement chips away at the built-in checks and balances whereby minority interests in one house will have sufficient voice and power to influence legislation.

Whereas it moves to silence or greatly diminish the farm voice at a time when fewer and fewer farm representatives are elected to Congress.

Whereas, further, total urban control of government will open the door to many policies and programs that rural people do not support.

Therefore: Liberty Hall Grange No. 459, Colorado, favors amendments to the Constitution allowing the people of each State to apportion one house of their legislature on factors other than population by a majority vote in a statewide election.

We resolve: That you as our Congressman support Senate Joint Resolution 2.

Adopted July 14, 1965.

Mr. ALLOTT. Mr. President, the Senate can at least take the first step to restoring the balance in relationship between the States and the Federal Government by passing this proposal, and returning to the States their traditional right to solve the problem of apportionment as their own experience dictates. I urge that we do so.

The senior Senator from Illinois [Mr. DOUGLAS] said in his speech of last Thursday:

> Not only do referendums fail to dependably represent public opinion, referendums, in fact interfere with a fair expression of the popular will.

Mr. President, this statement seems absurd on its face, but Senator DOUGLAS cites statistics to prove his point. Basically, his point was that voter participation in referendums is extremely low. He cited, among others, the case of Colorado and gave the prevailing vote on apportionment referendums in three elections. He stated that in 1962, the percentage of the voting-age population on the prevailing vote on the two apportionment questions on the ballot was 31.1 and 32.2 percent, respectively. I feel constrained to point out, however, that if we are to indulge in the numbers game on the Senate floor, as we have seen the Supreme Court doing across the Capitol plaza, the figures can be used somewhat differently. It seems to me very definitely misleading to compare the prevailing vote against the total voting-age population. For example, using the figures which Senator DOUGLAS used, we find that in the 1962 election, 36 percent of the voting-age population of Colorado elected the Governor and 31 percent of the voting-age population elected a supreme court justice to a 10-year term.

So the figures used by the Senator from Illinois are hardly illustrative and involve getting into the "numbers game," which the opponents of the joint resolution seem so determined to adopt.

We in Colorado feel that we have been hurt badly. We feel as individual citizens that we have been deprived of the right to choose our own form of State government, provided only, under the Constitution, that it shall be a republican form of government. We feel that when 63 counties, even including those which would theoretically be hurt if there were not the so-called one-man, one-vote theory, vote in favor of an amendment initiated by the people, that amendment ought to be accepted and become a part of our government.

Mr. DOMINICK. Mr. President, will my colleague yield?

Mr. ALLOTT. I yield.

Mr. DOMINICK. Unfortunately, I was unable to be present to hear the entire address of my colleague from Colorado. However, I had the opportunity a few days ago to hear Senators who oppose the amendment comment on the same problem. I interjected myself into that debate and enjoyed it.

What the senior Senator from Colorado said at the conclusion of his speech is of extreme importance; that is, that no one, by this amendment, is attempting to determine, out of Washington, or under the Constitution, what the makeup of any particular State legislature shall be. That is correct, is it not?

Mr. ALLOTT. That is entirely correct.

Mr. DOMINICK. What we are trying to do, more than anything else, is to say that the people in each of the States may determine for themselves how their legislatures shall be apportioned, keeping in mind only one restriction; namely, that one house of a two-house legislature must be apportioned on a population basis.

Mr. ALLOTT. That is entirely correct; that is what we are attempting to do.

Mr. DOMINICK. Once again, I express appreciation to my distinguished colleague for his address on this point. It strikes me that we are coming to the very nub of the issue; that is, the question of whether we shall let the courts determine the makeup of each State's legislature, or let the people of the States themselves decide the question.

Mr. ALLOTT. I thank my distinguished colleague for his contribution to the debate. He has put his finger exactly on the nub of the problem. It is a question of whether we shall place the responsibility in the individual people of the States or let the Supreme Court itself decide the political question of districting and redistricting the legislatures of the States of the Nation.

Mr. DOMINICK. I should like to ask one more question, because I think it is pertinent. Do I correctly understand that a number of States—as I recall, 20—have now reapportioned?

Mr. ALLOTT. My memory is that that is the approximate number.

Mr. DOMINICK. They have apportioned both houses of their legislatures under the one-man, one-vote theory. The point has been made that we cannot expect any legislature which has not reapportioned to submit to a fair test to the voters by referendum, because since the legislatures are already dominated by the rural segment—and this statement has been made, I believe, by the Senator from Illinois [Mr. DOUGLAS], as opposed to the Senator from Wisconsin [Mr. PROXMIRE]—we could not expect them to propose anything which would be fair.

This particular amendment, as I read it, merely provides that if only one side of the proposition is to be presented to the people, there must be presented, in two separate amendments, both sides of the proposition for a vote by the people.

Mr. ALLOTT. Yes; it would be similar to the 1962 situation in Colorado, where the so-called Federal plan was presented in amendment No. 7, and the one-man, one-vote concept was presented in amendment No. 8.

Mr. DOMINICK. One of our friends from Delaware said that Delaware had already reapportioned its legislature; and that if the legislature should be asked to go forward and initiate a referendum for a vote of the people, the legislature, because it is already controlled by the cities, would undoubtedly place on the ballot a proposal which would be even more discriminatory against some of the rural areas than the present makeup of the legislature is. Therefore, he has some doubts about the amendment.

But is it a fact that when the populous counties and areas of our State—and I believe of California too—voted on this proposal, they concluded that the makeup of a two-house State legislature should be more or less the same as it is in the Federal Government; namely, that one house should be apportioned on the basis of population, and the other house not.

Mr. ALLOTT. That is correct.

Mr. DOMINICK. So even in a State that is reapportioned, this amendment, in the Senator's opinion, would be helpful.

Mr. ALLOTT. It would. It would also be helpful even in States which did not have the initiative and referendum, as Colorado has. It would be helpful because it would at least give the people of those States a choice.

Mr. DOMINICK. That is exactly my feeling. If the people themselves, by a vote, decide that they want to maintain the one-man, one-vote principle in both houses, they are capable of doing so under this proposal.

Mr. ALLOTT. Under this amendment, they would have the right to do so; the Senator is exactly correct.

Mr. DOMINICK. I again express appreciation for my colleague's distinguished presentation of an extremely important issue.

Mr. ALLOTT. I thank the Senator.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, I should like to know whether the Senator feels that a State legislature should be permitted to enact into law a statute which would provide, let us say, that the women of Colorado should be entitled to only one-half of a vote in an election for State officials or legislators.

Mr. ALLOTT. I do not know about Maryland, but I do not believe that the State of Colorado——

Mr. TYDINGS. In any State.

Mr. ALLOTT. Mr. President, I would say that it could not be done in Colorado. It would be contrary to our constitution.

Mr. TYDINGS. Mr. President, does the Senator agree that it should not be done?

Mr. ALLOTT. The Senator is correct.

Mr. TYDINGS. Mr. President, would the Senator from Colorado further agree that the legislature of Colorado, Maryland, or any other State should not be permitted to enact into law legislation which would provide that American Indians, Negroes, or Japanese-Americans should be entitled to only one-half of a vote in any election for State legislators or officials?

Mr. ALLOTT. I heard the Senator from Maryland query the Senator from Nebraska along the same line. My answer would have to be no.

Mr. TYDINGS. Mr. President, does the Senator realize that the latest version of the Dirksen amendment—a version which was not voted on or considered by the subcommittee during approximately 13 weeks of hearings and which was not voted on or considered finally by the Committee on the Judiciary—provides that the people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as is deemed appropriate. Is the Senator aware that that language is contained in the amendment pending the Senate?

Mr. ALLOTT. I am.

Mr. TYDINGS. Is the Senator aware of the definition of the word "geography," which is one of the factors which a legislature may use in reapportionment? Is the Senator aware that the definition of the word "geography" is so broad and all-encompassing that it could include almost any factor that a legislature might dream up, so long as it bore some relation to a physical phenomenon on the face of the earth?

Mr. ALLOTT. I realize that the term "geography" is a broad, general term. However, in this concept, I assume and believe that any reasonable man would assume that the term has a relationship to the area and land which would be involved in the district apportioned by the legislature for any particular legislator.

Mr. TYDINGS. I believe that the response of the Senator is excellent. It would be my firsthand response, as well. However, the problems implicit in trying to define the word "geography" exemplify the difficulties that arise when we try to amend the Constitution of the United States on the floor of the Senate, with language that has been drawn hastily and has not been considered before either the subcommittee or full committee. Now we must try for the first time to define the term "geography" on the Senate floor. Testimony adduced in hearings would have been extremely helpful in this endeavor.

We find in the Oxford English Dictionary that "geography" is defined as follows:

> 1. The science which has for its object the description of the earth's surface, treating of its form and physical features, its natural and political divisions, the climate, productions and population, etc., of the various countries. It is frequently divided into mathematical, physical, and political geography.

We find in Webster's Third International Dictionary that "geography" is defined as follows:

> 1. A science that deals with the earth and its life, esp. the description of land, sea, air and the distribution of plant and animal life including man and his industries with reference to the mutual relationships of these diverse elements
>
> 2. The geographic features of an area
>
> 3. A treatise on geography
>
> 4. A delineation or systematic arrangement of constituent elements.

We find in the Century Dictionary and Cyclopedia that the word "geography" is defined as follows:

> The science of the description of the earth's surface in its present condition, and of the distribution upon it of its various products and animals, especially mankind.

We find in Funk & Wagnall's Dictionary that the word "geography" is defined as follows:

> 1. The science that describes the surface of the earth and its associated physical, biological, economic, political, and demographic characteristics, especially in terms of large areas and the complex of interrelationships among them.
>
> 2. The natural aspect, features, etc. of a place or area.

We find in the American College Dictionary that the word "geography" is defined as follows:

> 1. The study of the areal differentiation of the earth's surface, as shown in the character, arrangement, and interrelations over the world of elements such as climate, relief, soil, vegetation, population, land use, industries, or states, and of the unit areas formed by the complex of these individual elements
>
> 2. The topographical features of a region, usually of the earth, but sometimes of the moon, etc.

We find in the Thorndike-Barnhart Dictionary that the word "geography" is defined as follows:

> 1. Study of the earth's surface, climate, continents, countries, peoples, industries, and products
>
> 2. The surface features of a place or region.

Mr. President, the very nature of the term "geography" is so broad and so inclusive that it could be used by a State legislature as a vehicle for disenfranchising groups of people or for giving greater weight to the vote of one person than to the vote of a member of an unpopular minority. Could the legislature not use one of the many terms which fall under the classification of "geography" to work its will, and thus disenfranchise a minority group, which the Senator and I agree should not be done?

Mr. ALLOTT. Mr. President, let me answer the Senator in this way: First of all, we all have occasion to use the dictionary now and then. When I use the dictionary with respect to a particular word, I do not look for a definition that has no application to the context in which I intend to use the word.

I would assume that anyone who would interpret this language, even the Supreme Court of the United States, might possibly use the word "geography" in the context which is meant to be used here.

Second, I do not agree with my friend the Senator from Maryland. If the Senator has lost faith in his people to the extent that he believes the people of his State will disenfranchise minority groups, I should say that he has good grounds for his point of view.

Frankly, as I look at it, as I view the action of the people in my own State, and as I have watched them perform in this area, after being closely associated with the legislature for 15 years, and somewhat associated with it even before that time, I cannot conceive that the people of Colorado, as an entity, or even a substantial portion of them, would do this kind of thing.

My State has a long history in civil rights. No man has ever been deprived of his right to vote since the State came into the Union, because of race, color, creed, or any other reason.

It is a very peculiar thing. It was a Negro, a man named Barney Ford, who enshrined a provision in the constitution of the State of Colorado which forbids discrimination in the franchise. Since that time, other minority groups have come to the State of Colorado—including Spanish-Americans, as well as Negroes. A great many people have come there from southern Europe and middle Europe, who, in the first generation, considered themselves to be members of the minority group, and somewhat of the nature of underdogs. None of them has ever been denied the right to vote, and to have his vote counted.

I frankly cannot conceive that the people of the State of Colorado, in a referendum, on an initiative, or on an amendment referred to them by the legislature, would deliberately set out to disenfranchise any group of people. I do not care whether it would involve race, color, religion, or any other factor; I cannot conceive that they would do it.

Mr. TYDINGS. Mr. President, I think the Senator's confidence in the State legislature is commendable.

Mr. ALLOTT. My confidence is in the people of the State of Colorado.

Mr. TYDINGS. Mr. President, will the Senator yield for another question?

Mr. PROXMIRE. Mr. President, will the Senator yield? I know that the Senator is rushed and has an appointment at 2:30.

Mr. TYDINGS. One further point. Forgetting, for a moment, the problem of rights of minorities, does the Senator agree that a State legislature should not be permitted to reduce the franchise, the right to vote, of the great majority of the people of a State who might live in suburban communities?

Mr. ALLOTT. I am not sure that I understand the question. If the Senator means a flat proposition that a legislature should not be entitled to reduce any particular section, I would say "Yes"; but on this amendment—and this is where the Senator falls down and does not see the point, and I am referring to the amendment the Senator was speaking of—provides that the question is to be submitted to the people of the State in an alternative form.

Let us suppose a finagling legislature did exactly what my friend has premised his question upon. Let us suppose it presented a proposal, to be voted on under this amendment, which would disfranchise a group of suburban people, or because they are colored, or Spanish-Americans, or something else. The legislature also has to submit at the same election an alternative plan of apportionment based upon substantial equality of population. So even if a legislature does what the Senator has assumed, if it betrays the trust of the people, the people will have the right of voting on the other proposal, and of putting it back on a population basis.

Mr. TYDINGS. Taking the problem that the Senator has set forth, why should a majority of the people, those living in the suburbs, as they do in my State, be subjected to the vicissitudes of a referendum? Why should the legislature have a right to require the people to vote in a referendum to protect the right to vote which is granted them by the Constitution?

Mr. ALLOTT. I do not regard having to vote in a referendum as a serious burden on the consciences or souls of the people. The process of legislation is a continual process of tugging and pulling. That is why people petition the Congress. People in the suburban areas have the same right.

Laying aside this question, the people are required to go to the polls and vote for legislators who have gone against what they considered their interests, or vote for people who they thought voted for their interests. I do not consider of any significance the argument of having the burden of having to make a choice.

Mr. TYDINGS. Is not the right to vote and to cast an equal vote a right granted to every American citizen? Is it not a right so fundamental that no legislature should be able to take it away from the people?

Mr. ALLOTT. My friend has put his finger exactly on the issue. Under the proposed amendment every man and woman would have a right to vote for one of two plans. At worst, it would lead to where the Supreme Court has put us. At best, the people would be given a right which has been theirs ever since the Union was organized.

Mr. TYDINGS. Let us assume that the average vote in a referendum in the United States is about 25 or 30 percent. That would be about the percentage of those voting. Suppose that in State A the national average voted in a referendum, and the great groups that were working to maintain the status quo received a majority of the 25 percent of the vote, which resulted in depriving the people in the suburbs of two-thirds or three-fourths of their equal representation in one house. Does the Senator believe the people of that State would have been justly deprived of the right to vote?

Mr. ALLOTT. The Senator is only playing a numbers game. If the Senator will check the general elections—I have not made the study myself, but I feel reasonably certain of these facts in my mind—he will find, as I have detailed it—I do not have before me at present the note that I used—that according to Senator DOUGLAS' figures, 31.1 and 32.2 percent of the voting age population voted on the winning side, in the Colorado referendums of 1962; however, only 36 percent voted for Governor, and only 31 percent voted for the winner in the Supreme Court Justice contest. These numbers prove little.

Mr. TYDINGS. But we are talking about an amendment which would deprive a citizen of his equal right to vote. We are not talking about elections for Governor or attorney general.

Mr. ALLOTT. I shall never be able to persuade the Senator. I am sure of it. In my opinion, the right to vote is guaranteed by this proposal. Certainly, we would not be in the situation where citizens of Colorado, in every one of their 63 counties, passed on a plan, only to have the Supreme Court destroy that plan.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point? I know he has an appointment to keep.

Mr. ALLOTT. If the Senator will guarantee to protect my rights for me in the markup of the appropriation bill which is presently going on.

Mr. PROXMIRE. I cannot guarantee that. The Senator from Wisconsin suffers from the same problem.

Is it not true that the questions which are put to the voters in referendums turn out to be the kind of loaded questions that were put to the voters of Colorado? What was the so-called one-man, one-vote option in the Colorado election? It was to have 16 or so State senators from Denver elected on an at-large basis. There are many reasons why voters should vote against at-large representation. It is not nearly as satisfactory as district representation. This could very well be the reason why they voted against it.

Mr. ALLOTT. That is the present provision of the constitution of the State of Colorado, or what it was prior to the time of our 1962 referendum and the time the Supreme Court started rewriting it. Let me say on that point that there were no loaded questions in amendments 7 and 8. They were stated as clearly as anything could be. Never in the history of the State had there been any amendment proposed to Colorado's constitution that had received such a thorough ventilation and discussion as those two amendments.

Mr. PROXMIRE. Let me say to the Senator from Colorado that under the alternative proposed by the Dirksen amendment, as the Senator knows, one could have geography as the sole criterion. Such an apportionment could provide that Denver would have one senator. Then the one-man, one-vote alternative could be that all State senators are to be elected at large. The one-man, one-vote alternative would then be the kind of ridiculous option that confused the voters in Illinois when they had to vote last year on a sheet about as long as a bed sheet. It would be a one-man, one-vote, at-large alternative that would be utterly impractical. So the voters would reject such an alternative. This is the kind of question that might be put by legislatures made up of legislators who do not want to lose their seats or see their friends lose their seats. When they know that a one-man, one-vote rule would destroy that seat, they put forward an alternative knowing it would be unacceptable or impracticable. The people would have the choice of voting for the status quo or an unsatisfactory alternative.

This amendment does not accord to the individual citizen an opportunity to have the people decide.

Actually, it is the malapportioned legislature itself which has a vested interest in the malapportionment and which puts the question. It can easily put the question in such a way that it will get the answer it wishes.

Mr. ALLOTT. I am sorry that the Senator from Wisconsin feels that way. I know that there is nothing which can change his mind, any more than I can change the mind of the Senator from Maryland. Let me say to the Senator from Wisconsin, however, that it is his own party in Colorado which is insisting that senators be elected at large.

Mr. PROXMIRE. I am glad the Senator mentioned that, because there is sin in both parties. There is certainly sin in ours. I have voted against the party at every opportunity when I believed that I was justified in doing so. Mistakes are made by both the Democratic and Republican Parties——

Mr. ALLOTT. I am glad to hear that.

Mr. PROXMIRE. Both parties have made mistakes. It is something to which every one of us is subject.

Mr. ALLOTT. I am certainly glad to hear about that sin in the Democratic Party.

Mr. CASE. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. CASE. I wonder whether the Senator from Wisconsin could give us the percentage of the deviating votes which he has cast.

Mr. PROXMIRE. Percentage of what votes?

Mr. CASE. Deviating votes.

Mr. PROXMIRE. I have not cast any votes which I consider to be wrong, but they did deviate from that of the Democratic Party. I believe the thrust of the question from the Senator from New Jersey was that I may have voted against the party occasionally; is that not correct?

Mr. CASE. Yes; of course that is what I meant. I would not suggest anything else.

Mr. PROXMIRE. I believe it was something like 35 percent or 40 percent last year in disagreement with the President.

Mr. ALLOTT. Mr. President, am I still recognized as having the floor?

The **PRESIDING OFFICER.** The Senator from Colorado has the floor.

Mr. ALLOTT. The reason I ask is that I do not like to yield the floor for colloquy between two other Senators because I have a meeting to attend, and I am overdue now. I shall be glad to answer questions——

Mr. CASE. I would be glad to take the floor in my own right, but I want the Senator from Wisconsin to know that I have a brotherly feeling toward him because, although he and I occupy different sides of the aisle, we sometimes find ourselves in the same position.

Mr. PROXMIRE. I feel much better.

Mr. CASE. I apologize only for what the Senator understood me to mean, and not what I meant.

Mr. COOPER. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I addressed a proposition to the Senator from Wisconsin a few days ago. I note also that the able Senator from Maryland raises the same question, referred to by the Senator from Wisconsin. To me, there is a critical distinction between the argument which they make and what I believe the facts to be in the development of what we call our representative system of government.

As I listened to the two Senators speaking—and I have listened to them with great interest, and have read their statements in the RECORD—it seems to me that they proceed on the assumption that the so-called right to have the apportionment of both houses of a State legislature based on population has always been accepted, just as the right to vote and the right to have the vote counted are also accepted.

The point I made the other day, in a discussion with the Senator from Wisconsin, which I believe is borne out by history, by law, and even by the record of the cases which had been decided in the Supreme Court, was that it was not until the Reynolds against Sims case that there was a direct expression from the courts, or any legal theory expressed in the decisions, that both houses of a legislature had to be apportioned on population alone.

Mr. ALLOTT. Mr. President, will the Senator from Kentucky yield to me for a moment?

Mr. COOPER. I yield.

Mr. ALLOTT. Mr. President, I yield the floor—may I yield the floor?

Mr. COOPER. I beg the Senator's pardon—if he desires to proceed.

Mr. CASE. Mr. President——

The **PRESIDING OFFICER.** The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky [Mr. COOPER] so that he may engage in colloquy with sundry Members of this body, provided that in doing so I do not lose my right to the floor, and without my resumption of the floor being counted as a second speech.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. COOPER. Mr. President, I will continue with my statement.

It seems to me that there is an assumption upon the part of those who oppose the Dirksen amendment, an assumption which is also shared by several who write in the press, that the one-man, one-vote rule in the apportionment of both houses of State legislatures had been accepted throughout our history and that because it is now the law of the land, that it is wrong for the Congress to consider approving the submission of this constitutional amendment.

The point I made in my colloquy with the Senator from Wisconsin the other day was: that it was my judgment, based upon study, that prior to the decision in the Reynolds against Sims case, by a closely divided court, that the assumption that both houses of a State legislature must be based on population only, had not been generally held in the United States. That does not mean, of course, that it is not now the law of the land, or that it could not be maintained as the law of the land; but I make the point that the assumption which is being expressed on the floor of the Senate that this has been the view of our political philosophers and judges throughout history is not correct.

There has been another idea——

Mr. PROXMIRE. Mr. President, will the Senator from Kentucky yield on that particular point?

Mr. COOPER. I will, but let me finish my point first. I give full weight to the proposal that there should not be any malapportionment which would substantially strike down the idea of representation based upon population. But I make the point that in the development of our representative system of government, there are other concepts which have been accepted. It is the concept that the people may choose the kind of representative government they wish if it takes into consideration, in a fair way, apportionment upon the basis of population and considers other factors which are based upon the interests of the people. I believe that a study of the constitutions of a great many States, and the decisions of the courts, will bear out the support of this concept.

It is the approach suggested by Archibald Cox, Solicitor General of the United States at the time, when he argued the apportionment case before the Supreme Court of the United States.

He said that he was not relying solely upon the one-man, one-vote principle. He included in his argument the fact that other factors could be considered. I shall read the statement which he made in his argument. It expresses very well this principle. He said:

> In matters of apportionment I suggest that the critical difference is between rules which serve the purpose of making representative government work better, the operation of which may have the collateral consequence of creating discriminations per capita, and rules whose only function is to create classes of voters with preferred political rights disproportionate to their number, which we say is impermissible.

That is the point I make—that there is nothing wrong per se in considering a plan as Archibald Cox said in his argument before the Supreme Court, which would serve the purpose of making representative government work better.

The one-man, one-vote principle could lead to conformity and bring about as great disparities in representation in legislatures, which has existed in some States and which the Court has properly stricken down.

It is possible and proper to consider whether or not another system as proposed by the Dirksen amendment, may give weight to population, geography, and political subdivisions in one house and would be a better system of representative government.

Mr. PROXMIRE. The Senator has made an excellent statement not for the Dirksen version but in support of the Javits amendment. There is a great distinction. I wish to point out why. The Dirksen amendment provides, in lines 10 and 11 on page 1, through line 3 on page 2:

> The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature.

Mr. President, there is nothing in the Dirksen amendment, as distinct from the Javits substitute, which would prevent legislators from creating a unicameral legislature—we have one in Nebraska—and then providing, on the basis of geographic definition, which was in some detail put in the RECORD by the Senator from Maryland a few moments ago, for apportioning on any basis they wish, totally disregarding population. I admit that this is an extreme interpretation of the amendment. However, I believe it is perfectly proper and necessary for us to consider this possible interpretation. There has been no restraining interpretation of the language by the author of the amendment, Senator DIRKSEN, that is on the use of geography or political subdivision or population. Those are the only alternatives. It would seem to me, if the Dirksen amendment were adopted and followed strictly by States, that States using it would have an excellent defense in court if they provided that their only house in a unicameral legislature should represent the people and that that house should be organized on the basis of geography, without regard to population.

Mr. COOPER. I shall answer that by saying that I disagree with the possibility the Senator has suggested, on these grounds:

The Dirksen amendment uses population as one of its factors. In essence, I believe it is in accord with the argument made by Archibald Cox before the Supreme Court, and which some judges suggested in Baker against Carr.

I cannot conceive of a plan being adopted by a State, and voted by the people that would be upheld by the courts, if in the language of the land it were invidiously or egregiously discriminatory.

I have great regard for the legal ability of my colleague, the Senator from New York [Mr. JAVITS]. I believe he will agree with me.

However, what I say is that the argument the Senator makes—and I say this with great respect, but it has to be said—the argument that the Senator makes is extreme and is exactly the same kind of argument that is being made against the Dirksen amendment, that no other plan ought to be considered, except the plan formulated by the Supreme Court that both houses of a legislature must be apportioned strictly on population.

The amendment would provide States an opportunity to develop a representative government which in their judgment would work in their own State. This is in accord with development of our Government.

Mr. PROXMIRE. The Javits amendment is an alternative which would do that. Of course, I am opposed to all amendments. However, let me point out that the amendment provides:

> The people of a State may apportion* * * using population, geography, or political subdivisions.

It does not say "and political subdivisions"; it says "or political subdivisions." I repeat "or."

Obviously, it means population or geography or political subdivisions. In other words, any one of those criteria can be used.

They could reapportion the one body of their unicameral legislature on any one of these three criteria.

Furthermore, let us take a Southern State, feeling as the effective electorate of those States do and with a tiny proportion of Negroes voting. It might be persuaded to adopt precisely this alternative, and the voting electorate in a referendum might be persuaded to validate it.

This might be an extreme case, but I believe our job is to be aware of that and at least to be conscious of possibly amending it out, as the Senator from New York has tried to do.

Let me say one thing more, so that I may yield the floor, because I know the Senator from New York wishes to say something.

In answer to the first part of the Senator's criticism of the one-man, one-vote argument, that there is not a historical principle, I would say that this has been established in our Government practices, as the Senator from Connecticut and as the Senator from Maryland has said on the floor. Our Founding Fathers overwhelmingly felt that this one-man, one-vote principle should be the principle of every legislature. The legislatures were so organized in colonial times, and until the 20th century, because the counties were generally created on an equal population basis, so most State legislatures were in fact organized on a population basis, and they recognized this principle.

It has only been since the mass migration, with people leaving farms and moving to suburban metropolitan areas by the millions in this century that this has been changed.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. The Senator, with his customary fair and keen mind, has posed the real dilemma which caused me to offer my substitute amendment. We are at one and the same time in a position where a new majority, created by the case of Reynolds against Sims, could itself malapportion legislatures in effect, because what we complain about today is that at one time the rural population predominated. Time went on, and it ceased to predominate, but its representation remained the same.

Now the city population greatly predominates, and it will have an overwhelming majority in these legislatures.

The interesting thing about human beings is that when they have this authority they will undoubtedly use it. However, at the same time it is possible—indeed, I think it is probable—that if given the opportunity, they will put restraints, to some extent, on themselves.

The dilemma is, What shall be the nature of those restraints?

I must say that I feel it is also the one-man, one-vote concept that they should have an opportunity to put restraints upon themselves, if they choose the one-man, one-vote principle, and that is what it would be in a statewide referendum. I believe that is the essence of the Senator's argument.

I would not wish to distort what is in the Senator's mind by relating it directly to my own amendments, except to say I think I have articulated better, perhaps with greater refinement of detail and greater effort, to make States as closely apportioned to the situation as possible.

Mr. COOPER. Than I have?

Mr. JAVITS. No, I would not say greater than the Senator has, but more than the Dirksen amendment would.

But I must say that there is this inherent dilemma, this inherent contradiction that we seem to have in the way of righting the pendulum which has swung away from one side, has swung in the center, but is now going to swing to the other side.

I am deeply concerned, as I know my friend the Senator from Kentucky is, that this, too, can have its inequities, difficulties, and dangers.

Mr. COOPER. That is one of the points I am trying to make. As the Senator expressed it very well, the pendulum is swinging to the wrong side. The Supreme Court said that. But under the proposed rule or standard it could swing as far the other way.

That kind of a dilemma has been present in the development of our system of government from the beginning. It was present in the development of our Federal Constitution and in the development of our State constitutions. The idea of checks and balances has been accepted. I do not believe that representative government must be exactly the same in every State. It would lead to a kind of conformity.

If a representative system of government in a State is fair, and recognizes individual rights, protects against discrimination in voting, and provides that one house shall be elected on a basis of population, and takes into consideration with respect to election of the other house, the representation of the interests of people—and it is always people; not geography or acres, or trees, or rocks—then, it seems to me that it could be said that it is a fair system of representative government.

If the courts can oversee it, I believe it would have more of the element of fairness, than merely a mathematical rule, which, of course, is the easiest rule anyone could think of.

Mr. JAVITS. Will the Senator yield very briefly?

Mr. COOPER. I yield.

Mr. JAVITS. Incipient in this whole debate is the idea that unless they get under the tent quickly—and I think that is the theory of the Dirksen amendment—legislatures and States will not approve a constitutional amendment.

With all respect to Senators in the opposition, their theory is to let legislatures become reapportioned and they will never approve an amendment like the Dirksen amendment. I respectfully submit that it is not true.

I do not use the term "truth" in the sense of any design to deceive, but I do not believe it is valid. I deeply believe that this proposition is profound enough so that the majorities of people in the cities quite freely apportioning legislatures might very well favor a reasonable plan of the kind the Senator describes.

My real difference with the Dirksen amendment is that I do not believe we need to have quite the drive, quite the push, quite the broad provision, to get the advantage or benefit, as some might wish to call it—of the existing situation before it is put in some other form in order to do what is just with respect to giving the States the needed flexibility.

I do not know whether the Senator from Illinois [Mr. DIRKSEN] is going to succeed. Still, even if he does succeed here he would have to run the course of hurdles in the House.

I hope, unless we do something that leaves it very open—and my amendment would do that—we are for the moment better off studying it carefully in order to find what is the best plan.

I do not believe that the basic proposition, if it really has the national support claimed for it, will be materially prejudiced or jeopardized by the fact that further progress may be made in the reapportionment of State legislatures.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. Mr. President, I believe the Senator from New Jersey wishes to speak.

Mr. CASE. Mr. President, I was happy indeed to yield to the Senator. His fine mind has sometimes, I think, been exercised in behalf of a more worthy cause, although I understand the sincerity with which he has posed his views on this particular subject.

I believe this is a very fascinating point, and one upon which he, the Senator from New York, and Senators from other States with whom he has discussed the question, have enlightened us.

Mr. President, I ask unanimous consent that I may further yield at this time to the Senator from Maryland [Mr. TYDINGS] for such time as he may take, without my losing the floor or having my resumption of the floor counted as a second speech today.

I further ask unanimous consent that after the Senator from Maryland [Mr. TYDINGS] has completed his remarks, I may yield to the Senator from Oregon [Mr. MORSE] without losing my right to the floor and without the resumption of my speech being regarded as a second speech today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. I thank the Senator.

Mr. TYDINGS. The Senate is about to vote on a fundamental issue of representative government.

We are going to decide where we wish to put the high water mark of representative democracy.

The bedrock of our liberty, of our democratic precepts, includes the Declaration of Independence, the Constitution, the Bill of Rights, the 13th, 14th, and 15th amendments to the Constitution, the 17th, 19th, 23d, and 24th amendments, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and I submit, the great Supreme Court cases of Smith against Allwright, Brown against Board of Education, Baker against Carr, and Reynolds against Sims.

I do not believe we want our history books to show that the Senate turned its back on these great traditions and amended the charter of our Government to forestall the fulfillment of the principle of equal representation which was enunciated in Reynolds against Sims and Baker against Carr.

That is the issue before the U.S. Senate and that is the issue that is going to be voted on tomorrow.

No high sounding words or soothing rhetoric can disguise this bold and regressive move to lock the rotten borough into the Federal Constitution. No parliamentary maneuver, no matter how adroit, can hide the consequences of this amendment.

I repeat, as I previously said, that this will be the first amendment since the founding of this Republic to limit the right of our citizens to vote.

It is a ticket to uninhibited exercises in political prejudice. In some States this amendment could destroy much or all we have sought to accomplish under the Civil Rights Act of 1965.

To any Senator who has the least apprehension over my statement I submit that he should read the testimony of Burke Marshall, Assistant Attorney General in charge of civil rights, before our subcommittee. It is combined in hearings on each Senator's desk.

His testimony showed many instances in which the rotten borough technique has been used to disenfranchise minorities before; and, under the proposed amendment, it might be used again.

Why is the right to cast an equal vote so precious?

Since the time this Republic was founded the ballot has been the key to our liberty. It has been each man's access to power. It is his only guarantee to the right to participate in our political process.

We have found it not only illegal but unthinkable that some citizens should be denied the right to vote at all. We have found it unconstitutional for votes cast not to be counted. We would not countenance saying to women, or to Negroes, or to any minority groups in America, "You may vote, but your vote shall count only half as much as the vote of those who are members of the majority sex, the majority race, or the majority religion, when you vote for members of the State legislature."

Yet this amendment would give to any transient majority that happened to control a State legislature at the time the vote was cast the power to determine for at least 10 years which citizens shall have the right of participation in their Government, how much of a right, and which group should have one-half of a vote, one-third of a vote, one-quarter of a vote, or, as in the case of some States, one one-hundredth or one one-thousandth of the vote that others have.

The amendment before the Senate does no less than to provide a system of local option as to whether the fundamental rights of American citizens to an equal vote shall be guaranteed by the Constitution. It is alien to our entire constitutional system and is dangerous to the liberties of our country.

The amendment before the Senate, unlike others that have been added to the Constitution, does not emerge from years of consideration or from any arduous study and detailed thinking. No; this amendment springs from the panic of a few State legislators and legislative leaders and the great lobbying groups that back up their special interest clients who are desperately trying to cling to their power in their malapportioned State legislatures.

This is not an amendment to let the people decide.

The sole issue before us is the maintenance of the status quo. It is whether those in control in so many State legislatures will remain in control so that they can continue to kill good legislation. I have seen that happen in the legislature of my State.

The sole purpose of the amendment is to salvage political power for the very forces which have undermined the vitality of representative government in the States. Those forces do not trust the people. They have, for generations, held the people in contempt, particularly those who live in the cities or the suburbs.

Year after year, citizens from the disfranchised groups have gone, hat in hand, to their State houses to plead for equality; for an educational TV system, if you please, for the schoolchildren of Baltimore City; and for many other urban and suburban needs. But they were ignored, and many times rudely rebuffed. Now they do not have to go, and the old barons of barnyard government, to use the apt phrase of our great Maryland writer, H. L. Mencken, have panicked. They are so panicked that they are mouthing deathbed allegiance ostensibly to the principle of majority rule.

Their tactic is to stampede Congress. They knew that if we carefully deliberate, as did the Supreme Court, we will not act in their behalf. This amendment is a carefully staged effort to stampede. Its beginning was almost 2 years before the decisions in Reynolds against Sims. It came, in an early form, from a meeting of State legislators a few weeks following the decision in Baker against Carr which permitted Federal courts to look into the area of representation in State legislatures.

The amendment is supported by rich and powerful lobbies, which benefit, or think they do, from the rotten borough system in many States. So deep is the concern of these elements for the wisdom of the people, or of Congress, for that matter, that they have retained a celebrated advertising firm to help them bamboozle the country.

We have seen some of the works of that advertising firm. The Senator from Wisconsin and the Senator from Pennsylvania propounded a question last night, and we have not heard it answered, as to who prepared that copy. It would divert any person from a study of the amendment into a completely irrelevant examination of the way the United States Senate might be reapportioned if the Federal Constitution did not specifically prohibit such reapportionment. That has nothing to do with the issue before us today.

The effort to stampede us is dramatically clear from the manner in which the amendment came to the floor of the Senate. After hearings which extended over a period from January through May—5 months—and after three complete afternoons of consideration in executive session, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary reported a drastically revised version of Senator DIRKSEN's originally proposed amendment to the full Committee on the Judiciary.

Without waiting for committee consideration, the distinguished minority leader circulated yet another substantially revised draft—the third form of his original amendment—to the members of the committee. After less than 1 hour of debate in committee on the newly revised, third draft version, the junior Senator from Illinois abandoned his efforts at compromise and persuasion and, in an end run, took the text of his newly revised third draft amendment to the floor of the Senate, and attached it to the joint resolution which is now before the Senate.

I submit that the Constitution of the United States is not meant to be amended in that fashion. The dangers of such a course are all too apparent in the present case. The language now before the Senate was not the subject of testimony before the subcommittee; it was not even considered by the full committee. As a result, we have before us a hastily drawn, ill-conceived amendment that, in my judgment, contains serious ambiguities and weaknesses.

The first weakness is that the present amendment would remove the courts completely from the problem of State legislative apportionment. The distinguished senior Senator from New York [Mr. JAVITS] has offered an amendment which would seek to correct that weakness.

In its present form, the Dirksen amendment would deny the court jurisdiction over the apportionment of one house of a legislature. Moreover, it now provides a way by which all court jurisdiction over reapportionment may be denied.

We who have followed with almost breathless wonder the reputed transformations in the text of the amendment cannot help admiring the skill with which the amendment has been altered. In its early versions, while clearly eliminating judicial review of one house of a bicameral legislature, it permitted only "reasonable" use of nonpopulation factors in a unicameral legislature. But in its quick trip from the subcommittee to the floor of the Senate, the word "reasonable" was lost.

There are now no limits whatever on the use of geographic or political subdivision factors in the apportionment of unicameral legislatures under the amendment. This is explicitly clear from the language that permits giving those factors whatever weight the people—and by that is meant the legislatures—deem "appropriate." By removing the word "reasonable" from the unicameral clause, the amendment is now an invitation to every legislative cabal which can engineer it to establish unicameral legislatures based on geography or subdivisions, and thus escape completely from surveillance by the courts.

The second weakness in the present amendment is that it contains virtually no limit to the extent that nonpopulation factors can be considered in apportioning a State legislature.

In a stimulating debate earlier with the senior Senator from Colorado [Mr. ALLOTT], I placed in the RECORD various definitions of the word "geography" which indicate just how broad and all-encompassing the word is.

I submit that the language in the third draft of the Dirksen amendment, as it is presently constituted, would permit a legislature to use geographical factors to an extent that is not intended. The language is just as broad and just as completely open as the original Dirksen amendment which would have provided that they could use any factors they deemed appropriate.

The door would be open for the reapportionment of one house in any manner in which a State legislature might wish to accomplish this purpose. The use of the word "geography" in the proposal shows what can happen when we do not have hearings. The word "geography" is far broader, I am sure, than even the sponsor realizes. The definition of "geography" is such that we could use any standard and come within the Dirksen amendment.

If a State can apportion on geographic factors, and these factors include the distribution of plant and animal life, and the location of residential and industrial centers, what would prevent a State from discriminating against Negroes, Jews, Mexican-Americans, and American Indians? Negro precincts, called low-income areas or geographic districts, still contain Negroes. If, as the Oxford English Dictionary tells us, the term "geography" includes climate, production, and population, what would there be to prevent a State from according unequal representation to any arbitrarily chosen minority that it may wish to single out for favored or discriminatory treatment?

The wholly arbitrary and unbridled use of "geographic factors" was at issue in the Supreme Court litigation involving the apportionment of the Maryland State Legislature. The Maryland State Senate, it was argued by the proponents of the status quo, was apportioned on a basis of political subdivision.

The Maryland State Senate has 29 senators. Each county has one senator. Baltimore County, one of our 23 counties, has more than half a million people, 16 percent of the population of our State.

That is not Baltimore City. That is Baltimore County, a suburban county.

Kent County, a lovely rural county on the Eastern Shore, has 15,000 people and one senator. The one senator from Baltimore County represents more people than do his 15 colleagues from the 15 smallest counties. These 15 senators are a majority of our 29-member State senate.

So far, the proponents would claim that Maryland is apportioned on a Federal analogy, with counties represented in the Senate, rather than States, as is the case here. However, when one looks at the city of Baltimore, the analogy breaks down. The city of Baltimore, with 900,000 people, has 6 State senators. The city is divided into six election districts.

The rationale of this situation is rather interesting. Logically, one would suggest that the six senate seats were in recognition of the population of Baltimore, from 900,000 to a million people. However, if that were so, why should Baltimore County, with half a million people, not have 3 State senators?

We find the answer, claimed the State of Maryland, in its defense against a reapportionment suit, in the uniqueness of Baltimore. It has a port, the State explained. But Annapolis is not landlocked. Baltimore city has industry, the State replied. But the largest steel works in the world is in Baltimore County.

I submit that these are geographic arguments. They were used in my State and they will be used in other States in support of the argument of geography. They show that we can twist the word geography in any way we wish to twist it.

Thus, in Maryland, the defense of senatorial apportionment rests upon geographic factors that were not and could not be logically identified, much less defended. Geographic factors meant, in Maryland, factors having no basis in logic or fact, other than that they embody the status quo.

The same question comes up when we consider the meaning of subdivisions. Is a subdivision any line which the legislature wishes to draw in any school district, sanitary district, new county, or town? What is a political subdivision?

These matters were not considered in subcommittee. They were not brought up. We are talking about an entirely different constitutional amendment now than the ones on which we held hearings for 5 months.

We now come to the clincher. The amendment, as I mentioned earlier, would allow States to give these vague factors of geography and political subdivisions such weight as is deemed appropriate.

I have already pointed out that, in Maryland, the State senate was apportioned as was deemed appropriate. However, in a referendum in which the people were asked whether they wanted to call a constitutional convention which could consider changing the apportionment system, the people of Maryland voted overwhelmingly in favor of calling a convention; the legislature then refused to carry out the wishes of the people. It simply did not call the convention. It has also happened, as the Senator from Indiana [Mr. BAYH] pointed out, that in many States whose constitutions call for periodic reapportionment, the State legislatures just refused to reapportion, in order that they might maintain the status quo.

Mr. President, there are so many situations concerning reapportionment which would be permitted under the proposed amendment that I could go on and on. I am prepared to go into situation after situation. However, I should like to dwell upon the argument of the proponents of the amendment that they will justify the adoption of the amendment and the malapportionment of the State legislature on the ground of majority rule.

The plain truth about the amendment is that it would permit anything to be done. There would be no appeal to a court of justice so long as the pattern was stamped with approval in a referendum. Were it not for that magic formula, the amendment would be long since dead. However, on the referendum rests the cry, "Let the people decide."

This refrain might be a little more believable if the distinguished minority leader, the proposer, had agreed to my amendment in the committee. My amendment would have provided for ratification by State conventions elected by all of the people, rather than by the rotten borough legislatures all over the country which have their own self-interest to consider when it comes to ratification.

If this amendment, in its present form, should be agreed to by Congress, it would be ratified by the rotten boroughs legislatures which are already malapportioned. We know how they would vote. They have their own selfish interests and status to consider.

Devotion to letting the people decide is no virtue so far as this amendment is concerned.

> Do you not believe in majority rule?
>
> Are you not in favor of letting the people decide?

We are asked that question time and time again in the debate. Let me repeat the question: "Is there a Member of the Senate who does not believe in majority rule?" Of course we believe in majority rule. We cherish the principle of majority rule. But I do not believe that we believe in absolute majority rule when the power of the majority is to do as it will without having to be held to account for its actions to the Constitution and to those affected by the majority's decisions.

This is the crux of the issue and this is the responsibility the amendment seeks nimbly to avoid. The power of the majority to rule does not give it the right to rule absolutely without any constitutional restraints. This is what Roger Sherman, of Connecticut, and Edmund Randolph, of Virginia, back in 1787, 1788, and 1789, were concerned with in the ratification of the Federal Constitution. That is why they demanded that the Bill of Rights, the first 10 amendments to our Constitution, be adopted.

We do not give absolute power to the majority. There are certain things we do not let the people pass on in each State by local option, by referendum.

We do not let the people, by referendum, decide to remove freedom of speech or freedom of the press. We do not permit the majority of the people to pass a law that no Catholic can hold church services in a State, or that no Jew can attend services in a synagogue. There are certain fundamental rights given to our people which a majority of the people do not have a right to change.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. COOPER. The argument the Senator is making supports the argument I have made. It is one of the fallacies in the argument of the opponents to the Dirksen amendment, because the Senator just argued that there is a limitation in our system of government on the absolute rule of majority. Every student of history knows that our system of government involves a system of checks and balances. It runs through the Federal Government. It is contained in the electoral college. It runs through our State governments. Having that system of checks and balances provides a way to give our people proper representation. It is not invidious, discriminatory, or evil.

Yet the Senator from Maryland said that if this constitutional amendment should be ratified, a State could adopt through one of its chambers an unfair system of apportionment for one of the houses of the legislature, and that there would be no control over it. As the Senator knows, the Supreme Court, in acting upon the case in Maryland and in other cases, took jurisdiction and determined that apportionment in those States was invidious and discriminatory, as the court said.

If this proposal should become a constitutional amendment and should be added to the Constitution, does the Senator contend that the court could not examine the disposition made by State legislatures with respect to the apportionment of one Chamber?

Mr. TYDINGS. I can only tell the Senator what the amendment provides.

Mr. COOPER. The Senator does not have to read the amendment. In consideration of the Supreme Court's saying in one case, and in the case from the Senator's State, that it was a justiciable matter, did not the Supreme Court take jurisdiction and determine that apportionment there violated the 14th amendment?

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. If this amendment should become a part of the Constitution——

Mr. TYDINGS. If this amendment should become a part of the Constitution, it would carve out of the 14th amendment an exception, providing that in the legislature the people could be deprived of their equal representation.

Mr. COOPER. That is the argument that has been made.

Mr. TYDINGS. The point is that it is in the amendment.

Mr. COOPER. I disagree with the Senator.

Mr. TYDINGS. Let me read it.

Mr. COOPER. I have read it.

Mr. TYDINGS. All we have to go on is how it reads. It reads:

> The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate.

This is an amendment to the Constitution.

Mr. COOPER. Therefore, that could be done, but in adjudicating the effect of the apportionment of one of the houses, the Supreme Court could still determine whether or not that apportionment followed a rational plan; whether it took into consideration population and other factors; and whether, in effect, it represented a fair type of representative government. That is what the Court was saying in the Sims case. To argue that it could not go back to that standard is fallacious and not worthy of the argument of the Senator from Maryland.

Mr. TYDINGS. I dislike to disagree with the Senator, but if his argument is to be universally accepted, I submit that the sponsor of the amendment would not be pushing it. The reason for the adoption of the amendment is to permit the apportionment of one house of the State legislature and take it away from the dominance and control of the Supreme Court. The purpose of the amendment is to take the question away from jurisdiction of the Supreme Court and give the legislature control.

Mr. COOPER. That is so with respect to one chamber, but that does not say that apportionment of that chamber should not be fair under the standards fixed by the court or the Supreme Court.

Mr. TYDINGS. There is nothing in the amendment which uses the word "fair." I have listed the factors—population, geography, or political subdivisions—each factor to be given "such weight as they deem appropriate."

The Senator and I want the same end, but we have to take what we have before us. That is one of the great problems in considering this amendment, without having any public hearings, without the benefit of the advice of legal professors who would testify before the committee. We have to take it as it is, and as it is, it carves out an exception to the 14th amendment to the Constitution.

Mr. COOPER. The Senator is a disguished lawyer. He has engaged in law practice. He is also a former U.S. attorney. He knows as well as I do that the courts look at the language, and in the light of the debate, in the light of the history, in the light of the Constitution and our system of government. If a State made the apportionment of one house of its legislature not upon a per capita basis, but on factors set forth in the amendment, and that was questioned by a group of citizens, as they could do, and if the Court found and said, as it has done in past decisions, that it was without rationale, that it was invidious, that it was egregious, the Court could strike it down. Does not the Senator agree?

Mr. TYDINGS. The Senator from Kentucky and I want the same end. I wish I could say "Yes" to the Senator's question, but I cannot.

I believe that the strong proponents of the amendment would have to agree with me that the purpose of the amendment is to permit a legislature in apportioning one of its houses subject to referendum to use any factors so long as they fitted under the definition of geography and political subdivision, and to give these factors the weight it wished, without having the apportionment plan be subject to judicial review. It is judicial review which is the purpose of the amendment of the Senator from New York.

Mr. COOPER. Judicial review could be undertaken under the Dirksen amendment. It seems unreasonable to contend that, if the apportionment of the one house were questioned upon these factors, and it came before the Supreme Court, the Court would sustain an irrational form of apportionment.

The Senator has read the cases of Reynolds against Sims, and Baker against Carr, and is familiar with the arguments made by the judges in those cases. The Senator is also familiar with the arguments made by the Honorable Archibald Cox, the Solicitor General, and he knows that those who did not seize upon the one-man, one-vote theory, said that there must be standards in the apportionment of a legislature, that it must have some rationale, that it could not be based upon invidious disseminations. It is impossible to think that the Court would not adhere to such standards if the apportionment were ever tested by the Court. I cannot understand that argument being made. It is impossible for me to understand it.

Mr. MONDALE. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. TYDINGS. I am glad to yield to the Senator from Minnesota.

Mr. MONDALE. The language of the so-called Dirksen amendment provides that:

> The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate. * * *

Those are not merely innocent words; those are words which vest the incumbent State legislature with almost unlimited discretion to do what it wishes.

If I were the Attorney General—as I once was for nearly 5 years in my State—and someone came to me with this language and asked what it would permit the State legislature to do in proposing an apportionment of one of its houses, I would say, "anything it wished." While it can be appealed to the Court, the Court is limited to review—the nearly unlimited discretion which would be vested in the State legislature. Therefore, I believe that any reasonable reading of the Dirksen amendment, up to the point which I have read, would return to the State legislatures the same powers of unlimited malapportionment which existed prior to the case of Baker against Carr. It would revive and restore nearly two centuries of malapportionment by which State legislatures, year after year, drew district lines not designed to represent geography, not designed to represent farmers, not designed to represent cities, not to do anything but to give them safe seats and to create a self-perpetuating State board of directors.

I hear many times that the Dirksen amendment is designed to retain strength in rural America, but the apportionment in most States is based on no such philosophy, but merely on the "safe seat" psychology.

In Minnesota, and in many other States, the traditional areas of the downtown cities are as overrepresented as many of the traditionally rural parts of those States.

Why? By what rationale? Why are the proponents of the Dirksen amendment so hard put to describe the criteria for the districts? The reason it is difficult is that there is only one purpose, there is only one theory under which apportionment would work under the Dirksen amendment, and that is to create "safe seats" for incumbent State legislators. That is the chief interest which would be served under the amendment. The Court would have precious little jurisdiction to do anything about it.

Mr. COOPER. Mr. President, will the Senator from Maryland yield further?

Mr. TYDINGS. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. I understand the argument being made by the distinguished Senator from Minnesota [Mr. MONDALE], but I would not say it is a wholly correct argument—and I say that with great respect.

I have said that I felt the decision of the Supreme Court had to be made because of the failure of the legislatures to apportion, and apportion properly. But, to say that, and to accept that as the final judgment which the people might make of the problem, is, in my opinion, a rather limited view, taking into consideration that our representative system of government has developed in different ways in different States and, also, that it has always involved the element of checks and balances.

Mr. TYDINGS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I am glad to yield.

Mr. TYDINGS. I subscribe to the governmental theory of checks and balances, but I have never heard that the right to vote to elect a State official, a local official, or a Federal official is a check or a balance. I have always considered that to be a fundamental liberty.

Mr. COOPER. That is an argument which has been made. It is not an argument which I would say conforms with the history of the development of representative government in this country.

We talk about the right to vote. Of course, everyone agrees on the right to vote, and the right to have that vote counted. I have fought for this for years, in the Senate.

How would the Senator describe the Federal Constitution? I hope it is not dashed off as being an analogy—but it does limit the right to vote, does it not? Also, how would the Senator describe the electoral college? The right to vote is limited, is it not?

Mr. TYDINGS. The Senator from Kentucky is a brilliant historian. He knows the sequence of events in the summer of 1787 when the delegates met in Philadelphia. He knows of the great compromise proposed by Roger Sherman, and he knows that the States of New Jersey, Delaware, and Connecticut threatened to leave the Constitution and enter into separate treaties with France and other countries, unless the great compromise was reached; and he knows that the right of equal representation in the U.S. Senate is a sovereign right which cannot be amended out of the Constitution without consent of the State itself even if every other State ratified it. Each State is sovereign, whereas a county or a town could be redistricted or realined any time that the State legislature wished to do so.

Mr. COOPER. I know that, and I know it well. I know the history of the Federal system. But, to get back to my point, the Senator made the flat statement that we all agree upon the right to vote, and the right to have that vote counted, and that it should be given equal weight. We all agree upon that. But the Senator says that it is an absolute. The point I make is that it is not an absolute in every case.

The Senator describes the Federal analogy as a compromise. It was a compromise, but nevertheless it still dilutes the right to vote. It is accepted in the Federal Government as a fair system of representative government.

I do not say the analogy should be applied everywhere. My argument is that we have accepted different forms of representative government. They work. They have been accepted, with all the factors involved, if they make for a fair system of representative government.

If this amendment becomes a part of the Constitution, and a State's apportionment of one house on a basis other than population resulted in a malapportionment which, as the Court has said, was invidiously and evidently unfair, I believe that the Court would strike that down, too.

We must give some consideration to the elements of representative government, not merely one mathematical system of conformity.

Mr. TYDINGS. Mr. President, I do not wish to confuse what an absolute majority can and cannot do, or how a majority is constituted.

Let me say again, to refute the argument, "Submit it to a referendum, and in that way it will be all right," that there are certain questions that we do not submit to our referendum for majority rule. Among them are freedom of speech, freedom of religion, and other questions. We do not submit to a referendum in the various States whether a State shall segregate its public schools. We do not submit for referendum the question whether there shall be prayers in public schools.

Those are fundamental rights.

The distinguished Senator from Illinois refused to accept in committee an amendment which would permit the people of a State to ratify his amendment. He insisted that the amendment be ratified by State legislatures alone.

One of the major weaknesses of the amendment arises from the fact that the proposed constitutional amendment was not the subject of any hearing. We have not been able to hear any witnesses testify on it. We did not have the benefit of any direct testimony on what is meant by political subdivisions, or on what geographical factors would be considered.

In this connection, I shall propound to the distinguished minority leader tomorrow in debate the same question that was propounded to me a short time ago by the Senator from Kentucky, namely: Is not the purpose of the Dirksen amendment exactly what it provides, namely, to permit State legislators to apportion one house on the basis of factors of geography or political subdivisions, and to give these factors what weight they wish, without interference from the court? I shall propound that question to the majority leader. This is a fundamental question. We had no hearings, and we had no discussion in subcommittee of the meaning of this particular amendment.

Finally, the fourth major weakness in the Dirksen amendment is its wholly ambiguous and cumbersome procedure for holding a popular referendum.

The latest version of the amendment provides that "when the first plan of apportionment is submitted to a vote of the people under this section, there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population."

Three questions come immediately to mind:

Why is the requirement for an alternative plan of apportionment limited to the first plan of apportionment? Why should not the people have a clear alternative every time they are asked to approve a malapportioned scheme? Are the proponents afraid that, given an alternative every 10 years, the people will reject the malapportioned scheme.

What assurance is there that the "alternative plan of apportionment based upon substantial equality of population" will be a fair plan? What is there, for example, to prevent, a rotten borough legislature from proposing as the "alternative" a plan that provides for the election of all State senators at large?

A comparable situation has occurred. It happened in Colorado. It was defeated. It would be defeated in Maryland. People wish to elect legislators from districts, from the areas in which they live. They do not want a long ballot with 150 names of legislators from all over the State. But there is nothing to prevent a malapportioned legislature from framing an alternative, based substantially on equality of population, so as to make it a complete farce without any chance of popular approval.

The more one studies this jerry-built referendum procedure, the more one wonders what effects this amendment would have on pending lawsuits and on existing court orders requiring reapportionment. I feel reasonably certain that the adoption of the amendment would create only chaos in the 1966 and 1968 election of legislators from one end of the country to the other.

I do not know whether it is generally realized, but we do not even have provision for State referendums in 14 of our States. In 17 more States there is no provision for an initiative. That includes my own State of Maryland. In other words, there is no way for people to put any alternative plan on the ballot.

The argument that "You can submit it to a referendum and the people can vote on it" is greatly weakened when it is remembered that, if we permit a malapportioned legislature to present the referendum, a plan of fair apportionment would never have a chance of being adopted.

Mr. COOPER. Of course, in such a case the State would be required to follow the rule in Reynolds against Sims.

Mr. TYDINGS. I hope that would be the case. I submit that the courts would be tied up for a long time on that point. Nothing but chaos would result. That would prevent the interpretation that this provision means that a State must have a referendum.

Mr. COOPER. I do not think so.

Mr. TYDINGS. The Senator does not think so. I may not think so.

Mr. COOPER. I believe, with a reasonable amount of sense, I can read the language.

Mr. TYDINGS. We are talking about an amendment to the Constitution of the United States.

Mr. COOPER. It provides that a State "may" do so. Otherwise it must follow the Reynolds against Sims decision.

Mr. TYDINGS. This is not a good way to amend the Constitution. I consider the distinguished Senator from Kentucky a great scholar. I have subscribed to his views time after time. However, we can differ on an interpretation. We did not have one witness testifying on how this should be interpreted. We did not have it before us. Here we are concerned with an amendment to the Constitution of the United States, with language on which reasonable men clearly differ. We did not consider it in committee. This would be the first amendment to the Constitution on this subject since the founding of the Republic. It is the first amendment which would limit the franchise, and it is now proposed to do that without any hearings on the language of the amendment. I submit that this is not the way to amend the Constitution.

I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mrs. KELLY, Mr. HAYS, Mrs. BOLTON, Mr. ADAIR, and Mr. MAILLIARD were appointed managers on the part of the House at the Conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 496. An act to designate lock and dam 3 on the Cape Fear River, N.C., as the William O. Huske lock and dam;

H.R. 3433. An act to provide for the conveyance of certain real property to the Commonwealth of Puerto Rico;

H.R. 3438. An act to amend the Bankruptcy Act with respect to limiting the priority and nondischargeability of taxes in bankruptcy;

H.R. 4170. An act to provide for adjustments in annuities under the Foreign Service retirement and disability system;

H.R. 5024. An act to amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes;

H.R. 6964. An act to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States; and

H.R. 7475. An act to name the authorized lock and dam numbered 6 on the Arkansas River in Arkansas and the lake created thereby for David D. Terry.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 579. An act for the relief of the State of New Hampshire;

H.R. 7954. An act to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960);

S.J. Res. 56. Joint resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson;

H.J. Res. 324. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 481. Joint resolution to amend the joint resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 496. An act to designate lock and dam 3 on the Cape Fear River, North Carolina, as the William O. Huske lock and dam; and

H.R. 7475. An act to name the authorized lock and dam No. 6 on the Arkansas River in Arkansas and the lake created thereby for David D. Terry; to the Committee on Public Works.

H.R. 3433. An act to provide for the conveyance of certain real property to the Commonwealth of Puerto Rico; to the Committee on Interior and Insular Affairs.

H.R. 3438. An act to amend the Bankruptcy Act with respect to limiting the priority and nondischargeability of taxes in bankruptcy; to the Committee on Finance.

H.R. 4170. An act to provide for adjustments in annuities under the Foreign Service retirement and disability system; to the Committee on Foreign Relations.

H.R. 5024. An act to amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes; and

H.R. 6964. An act to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States; to the Committee on the Judiciary.

CATHEDRAL CONCERTS ENRICH LIFE IN WASHINGTON

Mr. MORSE. Mr. President, amid the sound and fury of legislative battles and debate on grave foreign issues in Washington, there is constant need for refreshment of the soul in beauty and harmony.

Such notes were struck on July 26 and 28 with the beginning of a series of outdoor concerts at Washington's National Cathedral. The "Summer Festival of Chamber Music," as it is called, began with a program of trios by Mozart, Haydn, and Schumann. It will extend, in the coming weeks, to vocal, choral, and other instrumental presentations.

The scene of the concerts is the Steps of the Pilgrims, which lead upward to the south transept of the Cathedral, where floodlights silhouette the gothic spires against the darkening blue sky. The listeners are surrounded by the ornamental shrubbery of the Cathedral gardens, where birds accompany the performers from time to time.

In the words of music critic Irving Lowens of the Evening Star newspaper, these concerts have been a sensational success from many points of view. One indication was the overflow, first-night audience estimated at between 1,500 to 2,000. Mr. Lowens further observes that although many cities have long enjoyed classical music during the summer, this new venture in Washington should provide encouragement and an excellent precedent.

Although the names of those responsible for the festival do not appear on the program, I understand that it was conceived and planned by Mr. Richard Dirksen, who also plays a leading part as the keyboard artist, in its execution.

Werner Lywen, the concertmaster of the National Symphony Orchestra, and John Martin, its first-chair cellist, head the list of the other outstanding performers.

Mr. Dirksen, who has been with the cathedral for the past 20 years as its associate choirmaster and organist, now occupies the position of director of advance program. This office was established a year and a half ago for the purpose of expanding the institution's ministry by presenting events such as the festival as free offerings from the catherdral to the community.

In my judgment, the cathedral and these individuals have enriched life in Washington by providing pleasant entertainment in an inspiring setting.

I would thus like the Congressional Record to reflect the appreciation of one member of the Senate District Committee and undoubtedly many grateful citizens.

Mr. President, I ask unanimous consent that the schedule of future concerts, together with reviews from the Washington Post and Evening Star, be printed following my remarks:

There being no objection, the schedule and reviews were ordered to be printed in the Record, as follows:

Washington Cathedral Announces a Summer Festival of Chamber Music

Monday, July 26 and Wednesday, July 28: Trios of Mozart, Haydn, Schumann, and Mendelssohn; Werner Lywen, John Martin, Richard Dirksen.

Monday, August 2 and August 9: A chamber chorus, music of Gesualdo, Vecchi, Hindemith, Thomson and Van Delden; David Koehring, conducting.

Wednesday, August 4: A Lieder program, Diana Beveridge, soprano; Thomas Beveridge, baritone; Norman Scribner, piano.

Wednesday, August 11: Music for flute and oboe; Carl Tucker, flute; Ernest Harrison, oboe; Richard Dirksen, harpsichord.

Sunday, August 15 (in the cathedral): The festival chorus; masses of R. Vaughan Williams and Poulenc, David Koehring, conducting.

All concerts are free beginning at 8 p.m. in the amphitheater, south of the pilgrim steps, and will last about an hour and 15 minutes each.

Each program is preceded by a carillon recital beginning at 7:30 p.m., Ronald Barnes, carillonneur.

Few chairs or benches are available in this area. A grassy slope is the main provision for our guests, who are urged to provide their own campstools, blankets or other "sitzen" materials. In case of damp ground, recitals will be in the cathedral.

Parking is extremely limited on the cathedral close. Come early and by Massachusetts Avenue, Wisconsin Avenue, or Woodley Road bus if at all possible.

The cathedral will remain open until 10 p.m. on each of these evenings, but no aids will be on duty. Your quiet postconcert visit is most cordially invited.

Cathedral Concert Offering Praised as "Festival" Event

(By Charles Crowder)

At last Washington has the makings for a unique and glorious summer festival of music. On the basis of last night's first concert of a series this week and next month, Richard Dirksen's organization of outdoor musical events on the grounds of Washington Cathedral should easily grow into something that would attract visitors from far and wide.

It was by far the most engaging and delightful summer music that has come my way in Washington for a decade. Dirksen, Werner Lywen, concertmaster of the National Symphony, and John Martin, first-chair cellist of the same, joined forces as they have many times in the past, and brought us trios of Mozart, Haydn and Schumann.

Aside from the relaxed and gracious music-making from the players, the cathedral grounds proved to be spectacular as a setting.

A small platform, backed and angle-roofed, was open on three sides and placed near the bottom of the wide steps leading to the newly completed south entrance to the cathedral. About 300 chairs were at the foot of the stairs, not nearly enough to hold the crowd which brought blankets, chairs, baby carriages, books and children to hear the music.

Boxwood, magnolias, dogwood and holly banked the staircase. As darkness closed in, the lights in the boxwood, those in the archway of the door above and on the tower created a scene around the musicians at once both peaceful and exciting * * * the sort of atmosphere best described as majestic.

But for the newness of the edifice it might well have been the Baths or Basilica of Constantine in Rome, a Cathedral Square concert in Spoleto, or a concert in the Mirabel Gardens in Salzburg. And it must be said that had the concert been given with any less than such perfect planning and care for details, things would not have been so rare and so thoroughly enjoyable.

The crowd sat on the lawns for at least another 50 yards out from the chairs. No amplification system was used but with the spell cast by the scene and the music, only the occasional zoom of a locust (which managed a close rythmic pulse in the second movement of the Haydn) and a goodnight chirping of a cardinal interrupted the calm of listening conditions.

It was a very special evening. The three musicians, longtime friends and playing partners, were in fine form. They will take the same spot over again Wednesday night, this time with other trios of Mozart, Haydn, and the Mendelssohn D minor. A half hour of carillon music will be played by Ronald Barnes before concert time at 8 p.m. See you there.

[From the Washington (D.C.) Evening Star, July 27, 1965]

News of Music: Concert at Cathedral a Success in Three Ways

(By Irving Lowens)

Note.—Werner Lywen, violin; John Martin, cello; Richard Dirksen, piano. Outdoor amphitheater, Washington Cathedral. Program: Piano Trio No. 5 in B flat, K 502, Mozart; Piano Trio No. 16 in D, Haydn; Piano Trio No. 2 in F, Op. 80, Schumann.

The first of seven free summer chamber music concerts presented by the Washington Cathedral in its outdoor amphitheater took place last night, and from many points of view, it was a sensational success.

For one thing, there was the size of the audience. It was a bit difficult to estimate, since the amphitheater has no chairs or benches, and people were pretty widely scattered. However, my guess would be somewhere between 1,500 and 2,000, which is roughly three to four times the capacity of the Coolidge Auditorium. Not bad for piano trios.

And those on hand did not come just because it was a nice evening, although the weather may have helped to increase the crowd. They came to listen to Mozart, Haydn and Schumann. They acted as if they were at a concert, as, indeed, they were and they gave the excellent performers full attention.

For another thing, there was the loveliness of the setting. The three musicians played from a tiny, wood-frame shell perched on the steps approaching the southern facade of the Cathedral. As dusk fell and the shadows deepened, the thrust of the Gothic spires against the deep blue sky was awe-inspiring. It would be difficult to think of a European festival that takes place in a spot more visually attractive.

It would seem that the potential of a summer series of outdoor cathedral concerts is limitless, but it would not be fair to those who conceived this inspired idea to leave the impression that perfection has been achieved at one full swoop.

The one big difficulty at the moment—and it should not be underestimated—is that bugaboo of all outdoor music: bad acoustics.

The musicians play from a spot well above their listeners, and the slope of the grass from the base of the steps is downward. If you think about the architecture of all theaters (indoor and outdoor), you will recollect that the audience invariably looks down upon the performers—that is, the slope of the seats from the edge of the stage is upward.

The reason for this was plain yesterday—sound, like smoke, rises. As a consequence, what one heard down below was a pale echo of the three instruments, lacking both highs and lows and with middle tones faint and dull.

Thus, John Martin's cello (even were he not handicapped, in the Haydn D major trio, with a line which doubles the piano more often than not) was barely audible; Werner Lywen's violin sounded more like a cigarbox fiddle than a fine instrument; and Richard Dirksen's piano reminded me of the "practice uprights" I used to avoid on campus in my student days.

This was most unfortunate, because from the evidence, the Messrs. Lywen, Martin, and Dirksen were playing extremely well.

I was following proceedings score in hand, so I feel confident in saying so. They simply were not getting through in aural tones.

The program, although featuring familiar composers, consisted of rather unfamiliar works. Only some 4 years separated the B flat Mozart (one of the finest of his eight piano trios) from the D major Haydn, but there is a world of difference in the manner in which the two men handle the combination. Mozart looks forward to Beethoven; Haydn looks back to the trio-sonata.

The Schumann F major trio, the least performed of his three is characteristically romantic and impetuous, while it does tend to be a little verbose, it contains some remarkably eloquent pages.

Tomorrow, the Lywen-Martin-Dirksen combination returns with a completely fresh program: Mozart in E; Haydn in A; Mendelssohn in D minor. At 7:30 p.m., half an hour before the concert begins, the Cathedral's carilloneur, Ronald Barnes, plays a short recital.

If the Cathedral's advance program committee can get the acoustics straightened out, Washington will get a present of a superb outdoor series of fine concerts.

Bring your folding chairs, camp stools, and blankets; sit in close; applaud loudly. The least the city's music lovers can do is to testify to the fact that Washington wants more than the service bands, the pickup orchestras, and the Carter Barron lollipops during the long, long summer.

[From the Evening Star, Washington, D.C., Thursday, July 29, 1965]

CATHEDRAL TRIO DRAWS THRONG

(By John Haskins)

NOTE.—Werner Lywen, violin; John Martin, cello; Richard Dirksen, piano. At Washington Cathedral Amphitheater. Program: Trio in E, K. 542, Mozart; Trio in A, Hayden; Trio in D Minor, Op. 29, Mendelssohn.

There may have been as many as six or seven hundred persons attending the second in Washington Cathedral's series of outdoor chamber music concerts last night, but it was hard to tell. They sat in seats provided on the cinder roadway below the south entrance, they clustered on the dripping steps, they gathered on soaked slopes, and they just stood around.

One would have expected the concert to be moved indoors, but Richard Dirksen listened to the strong though inaudible vox populi, and seeing them gathering outside, changed his mind for the third time and decided to go ahead with the original schedule of place. It made trying conditions for everyone, not least of all the players, but it was cool, though dank, and the only audience loss during the concert was accounted for by cranky children who had to be removed when darkness fell.

Sound, though not focused, was adequate for anyone who could take up a position within a couple hundred feet. In the peculiar acoustical situation, the Mendelssohn trio came off best, because of its restlessness, its sweeping romantic character, and because the cello was kept in its high range most of the time. A close second was the Haydn, its natural strength asserting itself through scoring not so heavy as the Mendelssohn. There was better ensemble in the Haydn, also.

Least successful was the Mozart, its patrician grace designed for surroundings more intimate, its open writing designed to be undertaken only after rather more rehearsal than this performance suggested it might have had.

Two things can be said for chamber music in what the Cathedral chooses to call an amphitheater. There is no more magnificent backdrop in the area for music of any kind, with the thrusting Gloria in Excelsis Tower dignifying all that falls within its shadow. And if hundreds of persons will gather for chamber music under conditions far less than adequate, the need is unarguable.

Substitute a proper shell for that junky-looking plywood hut, even located where it is, and Washington will have something special in the way of summer chamber music—better than Meridian Hill Park 25 years ago.

THE WAR IN VIETNAM

Mr. MORSE. Mr. President, I turn to the subject of the war in Vietnam. In the course of my remarks, I shall express some respectful disagreements with the Senator from Wisconsin [Mr. PROXMIRE] in regard to a speech that he delivered on the floor of the Senate on July 28, which I did not have the privilege of hearing because I was engaged in committee work. I have supplied the Senator from Wisconsin with an advance copy of my remarks this afternoon.

On July 28, the Senator from Wisconsin [Mr. PROXMIRE] spoke in the Senate on the subject of why the United States has not followed the procedures of the United Nations Charter in connection with Vietnam. In general explanation of administration action, the Senator said:

> We cannot turn to the U.N. for practical reasons. Use of the U.N. Assembly and use of the U.N. Security Council are both blocked.

Yet a few sentences later, the same Senator said:

> The President also said that if the United Nations can by deed or word bring us nearer to an honorable peace, it will have American support, and that Ambassador Goldberg has been directed to tell the United Nations that we want all resources of the United Nations used to achieve peace.

I assume the Senator from Wisconsin was quoting with approval those statements of the President. He is in the position that so many administration supporters are in of saying that we cannot turn to the U.N. but if the President turns to it, fine. Over the weeks and months since early 1964, there has been an amazing chronicle of American policy spokesmen explaining why one avenue for action in Vietnam was closed to us, only to be followed by a turndown of that very avenue within a short time.

This has been true of statements on escalation of the war, and it has been true of statements on use of the United Nations. If we know anything for certain about the conduct of American policy in Vietnam, we know that just because an alternative is rejected today does not mean it will not be used tomorrow.

And I know that the vast majority of those defenders of the administration will support the administration if it should place the whole matter before the U.N., just as they now support the administration in not placing the matter before the U.N. This is the real meaning of the opinion polls which are so often cited to prove public support of the policy in Vietnam. They prove that the public is still putting its trust in the President, not that they believe any one given policy is the best or the soundest. I do not doubt for a minute that if Ambassador Goldberg were to ask for an immediate meeting of the Security Council to consider the threat to the peace in Vietnam—an action we are duty bound to take under the terms of the charter—the American people would continue to say they have confidence in the handling of the Vietnam situation by the President.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I am delighted to yield.

Mr. PROXMIRE. What the Senator is saying, as I understand, is that if in the judgment of the President the time appears to be propitious, if the time appears to be right, if the situation has changed or has become modified, if under those circumstances the President proposes to take a different course with regard to the United Nations, he might receive the support of many Senators, including the Senator from Wisconsin.

In reply to the Senator from Oregon, the position of the Senator from Wisconsin is that the situation does change. There are many reasons that might bring about a change, many of which are within the knowledge of the State Department and the President of the United States, and are not available, at least to the Senator from Wisconsin. It seems to the Senator from Wisconsin that, if the President of the United States wishes to follow a different course in the future than he has in the past, that does not mean that he was wrong in the past.

It does mean that the President of the United States has information that might be persuasive. I am not saying that I give him a blank check because I do not. But I do say that the President of the United States, under new or different circumstances, might be able to make a case which would convince the Senator from Wisconsin and other Senators that his course was correct.

The situation changes. It is very subtle. Often the changes are behind the scenes. For perfectly obvious reasons, they might not be available to the general public. They cannot be. I say under those circumstances it makes sense for the President to change his policy as time goes on. The worst kind of policy is one which would freeze his feet in concrete and never permit change.

Mr. MORSE. I should like to say good-naturedly and out of love and affection that by the same argument it does not show that the Senator from Wisconsin was right in the past.

Mr. PROXMIRE. Oh, I agree.

Mr. MORSE. I have been expressing the point of view for the last 2 years that the Senator has been dead wrong for the past 2 years.

Mr. President, I do not doubt for a minute, either, that the politicians and the newspapers who are now defending our refusal to live up to the charter would be the first to defend our resort to it if that became the policy of the administration.

What we have from the Senator from Wisconsin and from the Washington Post, which he quotes, is a defense of the President. Do either of them mean to say they would express public opposition to laying Vietnam before the Security Council if the President decided to do it?

Of course not. They would be the first to explain the advantages of such a move.

The great, basic flaw in the line presented by the Washington Post and the Senator from Wisconsin is that they set up a strawman which they proceed to knock down. It is nothing but a strawman to say that supporters of the United Nations indicate that going to the U.N. would put an end to the whole struggle. I do not know of anyone who has held out the promise that the United Nations could or would eliminate the problem of Vietnam.

The problem would continue to exist, but it would be considered in a new context and a new forum and not solely in the context and forum of a confrontation between the United States alone on one side and Communist powers in Asia on the other side.

Second, it is a great, and glaring assumption of their presentation that the United Nations Charter is no more to us than it is to Communist powers—a device to be used when convenient and ignored when it is not convenient. The directives of the charter on what to do when a threat to the peace occurs are not contingent on whether they are practical for any particular nation. There are many times when any constitution is not practical. But if we are to have a rule of law either in one nation or among nations, the procedures designed in the calm of an international deliberation to cope with threats to the peace must be followed.

Fifty years ago, Americans were shocked when Kaiser Wilhelm referred to a treaty obligation of the German Empire as "a scrap of paper." The treaty was not convenient and not practical for the needs of the German Empire at that hour, so that was the end of the treaty.

Today, we have an American policy that views the United Nations Charter not as a solemn national obligation but as impractical and inconvenient. Where is our national honor as pledged by our ratification of the United Nations Charter? Where is our word as a nation that we will submit to the Security Council any dispute to which we are a party and cannot resolve by peaceful means?

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. I feel certain that the Senator from Oregon knows that the Senator from Wisconsin has never been a rubberstamp for the President of the United States, who, when he was the majority leader, had great power in the Senate. The Senator from Wisconsin was the first on the floor of the Senate to attack procedures under which the Senator from Texas was operating. The Senator from Oregon strongly supported the Senator from Wisconsin in that position. But I took the initiative and criticized the major leader on many issues. I shall do so in the future now that the former Senator from Texas is the President.

I do not criticize him in this area because I agree with him. However, I invite the attention of the Senator from Oregon to the fact that any nation, under article 35 of the United Nations Charter, can bring any dispute or situation to the attention of the Security Council or of the General Assembly; yet they have not done so. Why? Does this mean that all the nations of the United Nations are wrong, and that only the senior Senator from Oregon, in this particular case, is right?

Mr. MORSE. Ninety of them receive our foreign aid.

Mr. PROXMIRE. Oh, yes, they receive our foreign aid; but a number of them do not get it. Some of them that receive our foreign aid have been very quick to criticize the United States for all kinds of factions adverse to the United States. And certainly those 90 nations are not so corrupt that they would sell their moral obligation for foreign aid.

No, the time is not ripe. The other nations in the world know that to bring this matter before the Security Council now would not make sense.

First. They know that there is a likely veto in the Security Council.

Second. They know that the United Nations Assembly is paralyzed and has been able to move only on procedural matters, and barely that, as a matter of fact, in the past 4 or 5 months. There is no prospect that the United Nations Assembly will be able to take action in the near future.

It is hopeful that Ambassador Goldberg and President Johnson may be able to change the situation. The situation may change in the future. I hope and pray that it will. But the fact that they have not acted to date has the affirmation and support of the other nations in the world. Yes, a hundred other nations could bring up the matter. Why have they not done so?

Mr. MORSE. May I say two or three things before I proceed with my speech? Many of the comments of the Senator from Wisconsin are answered in the speech.

Many of the nations that are not now receiving foreign aid have never given up hope.

I do not charge the Senator from Wisconsin with being a rubberstamp. He will not put words either in my mouth or in my speech. I merely say that I believe the Senator from Wisconsin has followed bad judgment and reasoning in following the President in his unconstitutional and, therefore, illegal war in Asia.

The senior Senator from Oregon does not intend to follow the President in fighting a war, which the President now admits is a war—he stated his admission last Wednesday—that has not been declared.

As I said in my reply to the President last Wednesday, he is conducting an illegal war. He is without the slightest authority to conduct that war, under the Constitution. The Members of the Senate and House who voted to seek to delegate power to the President to declare war cannot resolve their action under the Constitution, for they have no right to delegate the power to make war. All that Congress can do is to declare war.

The senior Senator from Oregon intends to continue to take the position he has taken, calling either for a declaration of war or for our stopping the making of war and the taking of American boys to their slaughter in South Vietnam.

Many persons are disturbed because I said last Wednesday—and I repeat it today—that when life is taken illegally, those who take it become guilty of homicide. In my judgment, we cannot justify the homicides for which the President, or Rusk, or McNamara, or Bundy, or Lodge, and the rest of them are responsible in conducting an unconstitutional war in South Vietnam.

So far as the other nations are concerned, they have the same legal obligation under the United Nations Charter as has the United States. Their failure to have the Security Council convened does not make our failures to do so right. Furthermore, the United States is a major belligerent; we are a party to the dispute. Therefore, more provisions of the charter apply to us than to others, and we have an even greater moral responsibility to live up to our obligations under the United Nations Charter. That is why, for 2 years, I have been pleading from this desk, and I shall continue to do so, short of a declaration of war, to do what I can to get my country to start living up to its obligations under the United Nations and to stop being an outlaw Nation, which we are so long as we violate our obligations under the United Nations Charter.

Mr. PROXMIRE. Mr. President, will the Senator yield once more on that point?

Mr. MORSE. I yield.

Mr. PROXMIRE. Does it not make sense that the President of the United States, before he takes this issue to the Security Council, should do everything within his power to create a situation in which he can obtain affirmative action from the Security Council to try to dissuade Russia, and perhaps France, from acting adversely toward us? Does not the Senator from Oregon conceive that this may take a great deal of time, and that weeks, perhaps months or even years may be needed to cause a change in the situation? There has perhaps been a change in the attitude of the Soviet Union recently. This is the kind of a situation into which the President would be wrong in blundering at any time, regardless of the situation. He must work carefully with the State Department, with his ambassadors, with those who are talking with the Russians, people who are competent and have good judgment concerning the situation. Should he not permit the new Ambassador to the United Nations to have an opportunity to observe the situation and use his enormous ability in this regard?

It seems to me that to urge the President to act impetuously, without regard to what the other members of the United Nations may do, may be technically correct, according to the words of the charter; but it seems to me that it could be a most unwise policy, and not the way an effective, successful policy is achieved.

The Senator from Oregon recalls, I feel certain, how effective the former Senator from Texas was as majority leader. He was very careful, before he moved, to make certain that he had his "ducks in a row." He worked for a consensus. He made sure that all his bases were touched. All this takes time; it cannot be done immediately. Not only does it take time, but—and I feel sure the Senator from Oregon will disagree—it takes a display of power and takes a demonstration of our resolution to act militarily. These are the ingredients that must be woven into the fabric.

Does the Senator from Oregon really believe that the President should be required to act impulsively, suddenly, or automatically?

Mr. MORSE. The Senator from Wisconsin has asked me a question; I shall be glad to answer it. The question is: Do I, in essence think it makes sense for the President to follow the course of action he has been following in South Vietnam?

My answer is: No. I have seen no sense in the President's course of conduct in Vietnam. To the contrary, I have seen the President write one of the most sorry, sordid pages or chapters in American history by his course of conduct in Vietnam.

"Time," pleads the Senator from Wisconsin. During that period of time, boy after boy has been taken to his slaughter in the escalated war in South Vietnam. If it is time the President has needed in order to take this matter to the United Nations Security Council, he should have stopped killing boys in South Vietnam. By escalating the war, he has been clearly in violation of all his powers as President of the United States.

The course of conduct that the President has followed in South Vietnam is completely unjustified with regard to his violations, in my judgment, of one international law obligation after another. It would not have taken any time to live up to the treaty. If we have pledged ourselves to obligations under the treaty, then we have no right to continue for months and months to violate that treaty on the basis of the rationalization that time is needed to get "ducks in a row"; that time is needed to get the matter before the United Nations Security Council. No time was needed other than to lay the matter before the Security Council and tell it that we were willing to support the Council's taking jurisdiction.

I know what is going on, in part, in regard to this position. The President is aware of a rising opposition to him at the grassroots of America for his failure to take the problem to the United Nations.

Now he is talking, in his press conference of last Wednesday, about sending Ambassador Goldberg to the United Nations with a letter to U Thant. That is merely a lot of semantics. He should have sent the Ambassador to the United Nations with a resolution in behalf of the United States, and instructed the Ambassador to lay the matter before the Security Council. That is what the President needs to do.

There will be plenty of time after we get that resolution formally before the Security Council, for all the negotiations alluded to by the Senator from Wisconsin. There will be plenty of time to consider, as I shall say later in my prepared manuscript later this afternon, for the negotiations and discussions to take place.

Some other nations may then come forward with different proposals, and out of the various offerings, I believe they will hammer out a final resolution that I pray to God will result in the United Nations taking jurisdiction in South Vietnam and ordering a cease-fire and bringing about the steps that I sincerely hope will bring this affair to an end.

I yield now to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, does not the Senator also overlook the fact that, as the President said in his speech on July 28, that on 15 occasions, working through 40 nations, we have sought to negotiate with the North Vietnamese, with the Communists? We have tried again and again. We have agreed to negotiate any time, anywhere, with anyone.

We are still persisting in that endeavor. As the President said, we are asking that all of the resources of the United Nations be used in this endeavor. The President may have decided that it would be ineffective and impractical at the present time to go to the Security Council. That decision is concurred in unanimously by every member of the United Nations. Any nation could go to the Security Council. However, none of them do.

It would seem to me that it is wrong to say that the President has not taken such action as he could in an effort to try to bring an end to this tragic situation and try to negotiate.

Mr. MORSE. Mr. President, my reply to the Senator from Wisconsin is that every so-called semantic offering of the President of the United States is accompanied by other language which rebuts his offer. All that the President has ever had to do was to send up a formal resolution and lay the matter before the United Nations Security Council in accordance with the procedures of the United Nations Charter.

Starting with the President's speech at Johns Hopkins, every public professing that he has made and all the peaceful overtures concerning Vietnam have been made while, at the same time, he has been killing, as a result of his orders, boy after boy, and thousands of civilian people in South Vietnam. He has attached to every one of his semantic offers, terms, conditions, and qualifications that made any hope of a United Nations jurisdiction fly out the window.

The only way in which we can lay this matter, under the law, before the United Nations would be to submit a resolution. That is what I have been pleading for for 2 years. I do not intend to have any of the verbalism of the President of the United States fool me as to the fact that we have not formally and officially and in keeping with our obligations presented this matter to the United Nations.

Mr. PROXMIRE. The Senator from Oregon completely overlooks the fact that, while the President of the United States has again and again sought negotiations, he has most recently said that we will discuss the situation in Vietnam even on the conditions which have been implied or suggested by Hanoi—on their own conditions. Not a single time have the North Vietnamese or the Chinese Communists agreed to negotiate on any conditions, anywhere with us or anyone else. Their answer has been "No, No, No."

It would seem to me, under these circumstances, that the President of the United States is not killing boys out there, and the Senator from Oregon knows it. We should recognize the fact that we are there at the request of the South Vietnamese Government, to help defend against Communist aggression. The North Vietnamese are doing the killing. They are engaged in aggression. We are trying our best to defend the people of South Vietnam, and to negotiate.

Mr. MORSE. Mr. President, they are killing under the invitation of a group of puppet corruptionists, crooked political tyrants financed by the United States. That is the sordid chapter of the history that we are writing.

I cannot imagine a greater non sequitur policy than the position of our Government that we are there at the invitation of the South Vietnamese Government. That is a group that we have set up. That is what history will record.

I love the Senator from Wisconsin. However, he and I could not be further apart than we are in respect to this great public issue. We are as far apart as opposites can be.

Mr. President, I shall go back and repeat a couple of paragraphs of my text, because I believe they should be emphasized.

Today we have an American policy that views the United Nations Charter not as a solemn national obligation, but as impractical and inconvenient. Where is our national honor as pledged by our ratification of the U.N. Charter? Where is our word as a Nation that we will submit to the Security Council any dispute to which we are a party and cannot resolve by peaceful means?

It is the policy of ignoring those obligations that is destroying the good word and the international honor of the United States.

We are not obliged to find out first what the U.N. may do in Vietnam. We are not obliged to find out whether the interests of the United States will be advanced in Vietnam by the United Nations. We are simply obliged to lay the issue before the U.N. That we have not done, and it is not being done by the various letters between U Thant and the American administration.

The only letter to U Thant that will fulfill our treaty obligation is a letter asking him to lay the Vietnam issue before the Security Council. It can be done that way. The Korean aggression was done that way. Once it was made the business of the Security Council, the United States had something to say about what action the Security Council should take in Vietnam.

There are many possible courses for the U.N. to follow. It could ask for a reconvening of the Geneva Conference of 1954. I have been asking for it for 2 years. It could ask for the jurisdiction to be taken by the SEATO nations. I have asked for that course to be followed for 2 years. It could ask the belligerents, including the Vietcong, to meet in conference. It could prescribe some preconditions or not. There is a great variety of courses open to the U.N. But most of them are not open to the United States acting alone. We are the sole belligerent, for all practical purposes, on our side. The Government of South Vietnam is our creature, and it rises or falls according to the support it receives from the U.S. Treasury. The men who run it live off American economic and military aid, without which they would all disappear from view. As President Johnson well knows, it is often not possible for one element in a conflict to impose its will on its opponent. Settlement more often comes by the work of a third party who is able to arrange and negotiate and suggest alternatives and exert a third party opinion upon both sides.

That is what the United Nations is supposed to do. That is why disputes that the parties cannot settle themselves are supposed to be put before the Security Council. Do we set up the United States above the interests of world peace? Do we believe that we have some security interest in Vietnam so vital to our national existence that the machinery mankind devised at the end of World War II to save future generations from the scourge of war deserves to be scuttled?

Speaking on television Sunday, the Nation heard the most respected figure in American military affairs, the senior Senator from Georgia [Mr. RUSSELL], point out that we have no vital American security interest at stake in Vietnam. That is a contention that many of us have been making here in the Senate for a long time. It is not a popular theme down at the Pentagon, but the Senator from Georgia knows it to be true, nonetheless, and I am satisfied that the great bulk of the American people, also, know it to be true.

What we are scorning the United Nations Charter for is not a vital strategic interest of the United States. We are scorning it because we think we have to save face. We are scorning it because we believe that once we have put our American stamp upon a government in Saigon, we must send as much money and as many American boys as may be necessary to keep it going. We have already shifted our policy from one of helping the Vietnamese to save themselves to one of doing the job for them. What President Kennedy called a war the South Vietnamese must win for themselves is now overtly transformed into a war the United States must win for itself. And President Johnson's warning of last summer that we must not send American boys to do what Asians must do for themselves is repudiated by his own announcements of 125,000 troops to be sent to Vietnam.

We think we are saving face in Vietnam, but surely we are not saving freedom. Again, as the Senator from Georgia stated to the Nation, the people of South, as well as North, Vietnam would probably elect a government headed by Ho Chi-minh if given a chance. He pointed to another obvious but unpopular truth, which is that no leadership has developed in South Vietnam despite our 10 years of massive financial and military support and that the United States is better off out of such a country than to continue to fight with its own people for its existence.

I note the Secretary of State felt obliged to deny the conclusion of the Senator from Georgia about sentiment among the people of South Vietnam. No doubt he feels all that money we have spent there must have produced at least some favorable result.

Let me say for the RECORD that I would rather have the opinion of the Senator from Georgia [Mr. RUSSELL] on the situation in South Vietnam than that of 10 Rusks, 10 McNamara's, 10 Bundy's, 10 Lodge's, 10 of each of those responsible for the blueprint who have gotten us into this shocking, embarrassing situation in southeast Asia.

Why not hold the election and find out?

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. Come on, Senator, does the Senator agree—really feel—that North Vietnam, a police state, will permit an unrigged vote or even could? North Vietnam is completely dominated and controlled by the Communist Party. The people of North Vietnam have available to them only such information as the government wants them to have. They see the world strictly through Communist eyes.

There are more people in North Vietnam than in South Vietnam. We know that there are Communists in South Vietnam who might vote for Ho Chi-minh. And under present circumstances North Vietnam would vote as they do in Russia and China—unanimously. Would not the kind of election the Senator from Oregon is proposing result in a sure, predictable, grossly rigged takeover in South Vietnam by the Communist Party? Would this not result in virtually unprecedented genocide and destruction of the people of South Vietnam?

Mr. MORSE. I shall reply briefly now, and at greater length later. There are so many false premises in that list of pretty interesting premises laid down in the question of the Senator from Wisconsin that I must reply briefly to a few of them. The Senator from Oregon says North Vietnam is a different kind of Communist country from Red China or Red Russia. The Senator from Wisconsin is talking about communism, as so many people do, in blanket terms. The type of appeals to the inhabitants of North Vietnam, the type of municipal governments they are allowed to operate in many of the towns and cities of North Vietnam, would lead me to characterize that part of the regime more as approximating a Socialist government than Chinese or Russian communism. Ho Chi-minh, who was, not long ago, a hero, is a paradox of contradictions and political ideologies. He has a surprising amount of procedures within his government that the Senator and I would call democratic procedures. But the fact remains that North Vietnam is a Communist country, and I despise it, as I despise all forms of communism. But I am not going to be a party along with the Senator from Wisconsin in agreeing to a blanket characterization of North Vietnam as a Communist state, leaving the implication that it is the same as other Communist states.

Next, the Senator from Oregon has not been talking about North Vietnam under a trusteeship and protectorate. I have been speaking for the right of the people of South Vietnam to determine their government. The Geneva accords did not set up a government in South Vietnam. The United States did that, in clear and open violation of the Geneva accords of 1954.

The record is also clear that there has been little more political freedom in South Vietnam than in the North. Candidates for office are as carefully screened there as in the Communist zone.

I have always pleaded, and will plead again, to set the record straight, for a supervised election in both zones under which the people would have the right of self-determination, under the doctrine, which we profess but of which we have become notably in violation. I would give to the people of South Vietnam the right of self-determination. But—and this is what the Senator from Georgia was talking about—if we went to an election in South Vietnam, either Ho Chi-minh or his candidates would win in

South Vietnam. That is what has resulted from the deterioration of American policy in South Vietnam.

That is why I say I completely discount any appraisal of the Secretary of State. The Secretary of State, the Secretary of Defense, Bundy, Lodge, and Taylor, have been dead wrong on each of their representations on Vietnam that I do not find them to be reliable witnesses at all with respect to South Vietnam.

If the Senator will bear with me a while longer, he will find in my speech that I shall again propose a United Nations protectorate of South Vietnam. That does not mean that we would have North Vietnam rule South Vietnam. That does not mean we would have what the Senator from Wisconsin is alluding to, a so-called blood bath in South Vietnam. As the Senator from Wisconsin knows, the Senator from Oregon would always insist on a procedure that does not let the Vietcong kill South Vietnamese in a blood bath or that does not let the South Vietnamese kill the Vietcong in a blood bath. But when it comes to methods and cruelties and terrorism in South Vietnam, the South Vietnamese are no different from the Vietcong.

Both sides have been in violation of the Geneva treaty in connection with handling of war prisoners. The other day, as I announced on the floor last Wednesday, at long last the International Red Cross has found it necessary to take cognizance of man's inhumanity to man there by both the Vietcong and the South Vietnamese.

There must be a protectorate there. I have also called it a trusteeship. I do not care what label is used. But it must be a third party trusteeship, just as Franklin Roosevelt, 20 years ago at Teheran and Cairo, proposed for all Indochina.

But now we have the trouble spot in South Vietnam. At the very least now, we should move in, through a concert of nations, to change the situation in South Vietnam from one of warmaking to one of enforcing the peace.

I do not know what the United Nations may decide, but I am willing to talk with the Senator from Wisconsin about some hypothetical questions. I would not be in the least surprised if the United Nations decided to take jurisdiction either under the Security Council or through the General Assembly, and then to set up a protectorate, and that their first demand would be for a ceasefire.

I would pray for that. I would also pray for bringing the killing to an end on all sides, and to send in whatever number of divisions of many nations would be necessary—as I say later in my speech—to enforce that ceasefire.

If anyone believes that a ceasefire will end the shooting 100 percent, he could not be more wrong. It did not do so in the Congo. It has not done so in the Gaza Strip. It has not done so in Cyprus. It has not done so in the Kashmir. But, it is much better than a full-fledged war, and offers a much better hope for mankind to lead itself into the path of peace rather than to complete destruction.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. Of course, we all wish for a ceasefire, and we all wish to stop the killing. The question I asked the Senator from Oregon, however, was in response to his question, "Why not hold elections and find out?" He is talking about Vietnamwide elections, is he not?

Mr. MORSE. Elections in both South Vietnam and North Vietnam. There is no question about what North Vietnam would do. Let me say respectfully to the Senator from Wisconsin that I believe we are 10 years away from an election. We must have a protectorate for 10 years before we can have an election on unification. That is the United States doing, back in 1956.

Mr. PROXMIRE. I am talking about what the Senator is proposing, a Vietnamwide national election. In that kind of election——

Mr. MORSE. The Senator is wrong.

Mr. PROXMIRE. Ho Chi-minh, of course, would have a big advantage.

Mr. MORSE. The Senator is wrong. I am proposing an election in North Vietnam, and I am proposing one in South Vietnam; but I am also saying that Ho Chi-minh would win in South Vietnam probably with 80 to 90 percent of the votes. Once we get out of Saigon, support for the puppet administration which the United States is financing vanishes.

Mr. PROXMIRE. The Senator says and I read word for word from the text of his prepared speech:

> Ho Chi-minh's followers or General Ky's followers would win a nationwide election throughout all of Vietnam.

Perhaps the Senator does not mean what he says, but his statement certainly is clear to me. It means a nationwide election between the followers of the present government in South Vietnam and followers of the government in North Vietnam. If it does not mean that, it does not mean anything.

Mr. MORSE. The Senator from Wisconsin refuses to take into account that back of it is the United Nations' protectorate. The United States must find out what the feeling is in South Vietnam, and what the feeling is in North Vietnam in regard to support for certain parties, if any; and, of course, they should find out what the support and feeling is in regard to unification at the present time. But, that is not going to create unification at the present time. If we have a protectorate, the protectorate is not going to vanish. In my judgment, we must have a United Nations protectorate in Vietnam for probably up to 10 years in this particular trouble spot of the world.

Mr. President, if the Geneva Agreement of 1954 is now good enough for us, why not permit the canceled election to proceed? There is nothing to be proved by arguing in the United States whether Ho Chi Minh's followers or General Ky's followers would win a nationwide election throughout all of Vietnam. Only the people in Vietnam can settle that question. The Geneva Accord states that such an election was to have been held in 1956 under the supervision of the International Control Commission. Discussions were to have taken place between officials of the North and South to settle the details of time and place of voting.

It was at that point that the United States and South Vietnam junked the Geneva Agreement because we were afraid of what the outcome of the election might be.

But now President Johnson is talking again of the possibility of nationwide elections there. Let us go ahead with them. At least we would uphold the element of our national honor which professes great confidence and belief in self-determination.

An election of this kind, too, is something that might be better advanced through the United Nations than by the United States speaking alone.

Finally, I note that the Washington Post editorial, and the Senator from Wisconsin in referring to it, regard the potential veto of the Soviet Union as the total obstacle to U.N. action. Of course, the possibility of a veto has no bearing whatever upon the procedures that are mandatory under the terms of the charter. To talk about a possible veto as a reason for not going to the Security Council is not to talk about a reason, but an excuse. Guesses as to what the Soviet Union might do are nought but excuses for not fulfilling our legal duties.

But how do we know what the Soviet Union will veto? We have not put any course of action for Vietnam before the Council. Probably there are many potential U.N. actions that the Soviet Union would veto. Probably there are some that France and China would veto, too. But until we make a suggestion for U.N. action, we have not the slightest idea what Russia might veto. And it is also entirely possible that the Soviet Union might make a proposal that would prove workable.

The Soviet Union did not veto the Cyprus peace mission. We tried to keep Cyprus out of the United Nations, too, because we wanted to handle it through NATO, and we used the excuse that if it went to the Security Council, Russia would veto it. But the Cyprus issue was put before the Security Council, anyway, and the peace mission was sent without a Soviet veto.

I have no way of knowing whether the Soviet position would be the same or different on Vietnam; but neither do those who wave the flag of a Soviet veto as an excuse for not going to the United Nations.

I would also point out that they are already giving not only the Soviet Union, but North Vietnam a veto over U.N. action. We read again today that Hanoi has ruled out any United Nations intervention until the American troops have left. Why should Hanoi be given great power status at the United Nations? Why do we give her an equal weight in the Security Council with the other five great powers? Yet we do it every time we point to Hanoi's objections to U.N. action as a reason for not taking action through the United Nations. It is not for North Vietnam to say what action the United Nations may or may not take in cases of a threat to international peace, any more than it was North Korea's. North Korea was not a member of the United Nations. We did not give North Korea a veto power. We laid it before the United Nations Security Council and the United Nations took jurisdiction.

Mr. PROXMIRE. Mr. President, will the Senator from Oregon yield at that point?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. MORSE. I am glad to yield.

Mr. PROXMIRE. The Senator from Oregon knows very well what happened in the Korean situation, that the Soviet Union was boycotting the Security Council. It was not present and, therefore, could not physically exercise its veto. This was a fortuitous happening from our standpoint. That is not the situation today. I doubt whether the Soviet Union will be caught napping again, certainly not in the South Vietnamese situation.

Mr. MORSE. The Soviet Union was not caught napping in North Korea, in my judgment. She found it a convenient way for sending the problem to the Security Council, but she stayed for Cyprus. In thinking about the Cyprus situation, the United States had to get kicked back into the United Nations on Cyprus. France and Russia were the leaders in support of Security Council action in Cyprus.

That is a good precedent to wrap around Russia's neck in any debate in the Security Council, over the matter of jurisdiction in connection with the crisis in South Vietnam.

Let me say to the Senator from Wisconsin that we do not know until we try. This is the argument which the Secretary of State has been advancing for almost 2 years, before the Committee on Foreign Relations; and I keep saying to him:

> Mr. Secretary, why do you not find out? Why do you stop reading the charter? Go ahead and read the rest of the charter; and if Russia does veto it, you have proved to the world by that veto who it is that does not wish to follow the rules of law for settling the threat to the peace of the world. Take them to the General Assembly, and I will tell you how many I believe you would get there—a minimum of 90.

Mr. PROXMIRE. This is exactly what the Senator from Oregon and I disagree on.

Mr. MORSE. Try it.

Mr. PROXMIRE. It seems to me that we cannot determine foreign policy on the floor of the Senate. It seems to me that——

Mr. MORSE. We certainly could not do a worse job than the one which is now being done in the State Department.

Mr. PROXMIRE. It seems to me that without very careful preparation with Russia, without knowing precisely what Russia is likely to do, it would be an exercise in futility, or worse—it could mean premature repudiation. That could forestall constructive agreements later.

There may come a propitious time, and it is very important that that time be prepared for with the greatest care. Russia might very well absent herself under the right kind of circumstances, but it is very important that they be fully prepared in advance. This must be done in a way so that it will work. It is not wise that we move in merely because we can do so under the charter, technically. That does not make any sense to me. That is exercising the most futile kind of diplomacy.

Mr. MORSE. It may not make any sense to the Senator from Wisconsin, but it was right in 1954. That is how long it has been right. The argument is made that we must have more time to put our ducks in a line. That is what the Senator argues. It is argued that we must have more time to get ready to see what Russia will do.

I do not believe in that kind of secret diplomacy. The American people are entitled to have the President and the Secretary of State out in the open, with open covenants openly arrived at. In regard to the war in South Vietnam, they are entitled to have the President and the Secretary of State take them into their confidence. They are entitled to have their President and their Secretary of State follow the clear procedures of the United Nations Charter, and to file a resolution, or to use one of the alternatives.

At the request of the President I have worked hard on the international law aspects, to give him a memorandum which would provide for an alternative resolution.

I do not quote the President, but his advisers have found no fault with the legal analysis of the Senator from Oregon. We get from them the argument that the Senator from Wisconsin has made, that they doubt that it is practical. Of course, my good-natured reply is, "Why not find out?" If it is not practical, let us find out.

Mr. PROXMIRE. The Senator from Oregon, who is an extremely experienced man in these matters, and who has been a member of the Foreign Relations Committee for many years, knows perfectly well that we cannot discuss all these matters publicly. He knows that it might be extremely embarrassing to Russia because of her relationship with China and North Vietnam. That would be true under certain circumstances. He knows that these things must be discussed privately; otherwise there would be very little chance of success.

The Senator from Wisconsin takes the position that that time may never arrive. On the other hand, the time may come.

Mr. MORSE. I fear that that is the Senator's position.

Mr. PROXMIRE. The time may never come. If it does not come, the President would have been mistaken to go to the Security Council. He might suffer an action that might be extremely adverse to our interest and the interest of freedom and, in the long run, adverse to the interest of peace. There may be other ways of achieving this than by relying on the Security Council or of the General Assembly, that could be prejudiced by such an action.

Mr. MORSE. Mr. President, the Senator has outlined the difference of opinion that he has with me.

It is not possible to have a rule of law on the basis of responding as an outlaw to one's responsibility as a signatory to a treaty. That is where the Senator from Wisconsin and I part company.

I believe that we have an obligation to take these matters to the United Nations. I disassociate myself from what I consider to be the implication of the Senator from Wisconsin, that he thinks it is perfectly all right for our Government to engage in so-called secret diplomacy. That can mean the difference between life and death for millions of Americans. We cannot even gain access to it, as the elected representatives of the people in Congress. They tell us what they want to tell us, and no more. I am a great advocate of Woodrow Wilson's policies, one of which was open covenants, openly arrived at; and also of Woodrow Wilson's concept as to the constitutional duties of a President of the United States. He enunciated that principle in Congress in the historic joint session of Congress on the night of April 2, 1917, when he pointed out to Congress that it was his constitutional duty to come to a joint session of Congress and make a recommendation for a declaration of war, and that he was without constitutional authority to make war in the absence of a declaration of war.

I thought, as an old teacher, that it might be helpful for the record to get that lesson from Woodrow Wilson into the RECORD, which I did last Wednesday, for the edification of my President.

Mr. PROXMIRE. The Senator is taking the position that the United States is wrong, and he has previously said that our hands are dripping with blood. He says that although the President of the United States has said again and again that he wants to negotiate, has indicated that he is willing to go along with the 17 so-called neutral nations, and has turned to the United Nations, for example, by asking the Secretary General to use his office for intervening, and so forth.

Despite all that, the Senator from Oregon now says that he is going to give the United States no choice, but that we must act at once, that we must move into the Security Council, without any preparatory action at all; that we must act at once, and that we alone among all nations must conduct our negotiations in public, in the headlines, in front of the world. I submit that the Senator from Oregon is really handcuffing our Government, and suggesting rules of procedure that the Communists do not care about.

There are moral forces, of course, of which we must be aware, and we must do all we can to play by the rules. However, this world is not a Sunday school. We must do our best and recognize that we must act with all the moral means that we can find, and always with moral ends. However, at the same time, it is proper, it seems to me, to operate discreetly and try to persuade nations to come around to our view quietly and privately in a way which would do the most good.

Also, we must time our action in accordance with our best judgment as to what action can best secure peace. This Nation wants peace. The Senator from Oregon has never said that this Nation wants to get any territorial benefit out of the the war in Vietnam, or that we want to get any economic benefit out of Vietnam.

In that sense the Senator from Oregon would agree that our hands are clean, and that all we want is peace.

What we disagree on is the tactics. I say that we should give our country an opportunity to work with weapons which will enable us to win the peace.

Mr. MORSE. Mr. President, I disagree with the Senator not only on tactics, but also on the fundamental and basic policy of our country in Vietnam.

Let me make these comments on the verbalistic and semantic offerings of the President of the United States. I disagree. In each one he has a sleeper clause and terms and conditions that make impossible his professings of his desire for peace, and make impossible getting the results that he would like to have the people think he is seeking.

The Senator has heard me say many times that I do not pay much attention to what politicians say, unless what they say can be squared with their actions.

So the President has caused me to come to the conclusion that until he is willing to keep our Nation's trust under the United Nations Charter by filing a resolution calling for United Nations action, it does not make much difference what he says.

The Senator from Wisconsin [Mr. PROXMIRE] again talks about time. We must have time.

We have had time since 1954. We have been a wrongdoer since 1954. We have had all the time many, manifold, than any nation should need if it really wants to correct a wrong course of action.

The Senator talks about our objectives in South Vietnam. I will state to the Senator from Wisconsin that in the opinion of the senior Senator from Oregon they are not as lilywhite as he would have us believe from his rhetorical questions.

The Senator has also heard me say many times on the floor of the Senate that I am satisfied that the major top policymakers in the Pentagon are aiming at preventive war against China. That is what they are after. The President should call them off—and quickly.

The Senator from Wisconsin has heard me say many times during the past 2 years since that the first demonstration of nuclear power on the part of Red China that we have those in the Pentagon who wish to bomb those Chinese nuclear installations. The Senator has heard me say that when we do I am satisfied that Red China will come in. They have no alternative. The Senator has heard me say that I am satisfied that Red Russia will come in, and when Red Russia comes in they will not pick China as the battlefield for Russia's war.

The great danger is that the President of the United States and his advisers are leading the United States to the brink of total war. The American people had better recognize it before it is too late.

Mr. President, I do not like to find myself in such complete disagreement with my friend the Senator from Wisconsin, or with my President, but I feel that I have a solemn trust to continue to do what I can do to change the course of action of the United States from one of warmaking, which is unconscionable and illegal, to one of peacekeeping, which would accrue to the everlasting historic credit of this generation.

I do not believe the United States should continue to allow its projections of the views of others guide our policy at the United Nations. Our treaty obligations are a far more binding guide than the views of North Vietnam, or even the potential veto of the Soviet Union.

I think the objectors to U.N. action also ignore the interest Russia itself has in confining the Vietnam war. A peace mission, sent to Vietnam to keep the peace, could be as useful to the Soviet Union as to the rest of the world. A peace mission to Vietnam would have much the same role as it has had in the Middle East, in the Congo, and in Cyprus. Its function would be to pacify; but if it were attacked or its peacekeeping operations threatened by any party, it would shoot back. That should be its function in South Vietnam. If such a mission could be established, it would be a great improvement over the current "pacification" whereby American troops are going to fight the Vietcong while the South Vietnamese forces try to establish government control behind the lines.

That kind of operation, which is the arrangement advocated by General Ky, only means that Americans will bear the brunt of the fighting, kill the villagers along with the Vietcong, bring in our B-52 heavy bombers for their indiscriminate support value, and provide an umbrella for General Ky and his feeble army to establish themselves in the rear.

Do the Senator from Wisconsin and the Washington Post want to call that kind of war preferable to a United Nations mission? I do not doubt that deaths will occur even among a peacekeeping operation. They occurred in the Congo. But there was a vast difference between the rebels in the Congo fighting the United Nations and rebels in the Congo fighting American troops sent in to prop up a government of our own choosing.

The plain fact is that South Vietnam is in no better condition to govern itself than was the Congo. It has many more elements of leadership that could develop into a meaningful government; but at the present time, it cannot furnish a government and it has not furnished one out of its own resources for 10 years.

South Vietnam should be a United Nations protectorate. It should be policed by a United Nations force to maintain peace and order until such time as a reunification election can be held or some other political disposition made of its future.

I am not impressed by any of the excuses that have been offered by the administration, by the press, or on the Senate floor for the continued flouting of the United Nations Charter. I find it a shocking and appalling situation when the United States of America announces itself embarked on a war in which we have undergone no attack whatever, a war 8,000 miles from our own shores, and in which American security interests are not at stake, without so much as a nod at the United Nations Charter. What a travesty upon the efforts of those who believed an Atlantic Charter and a United Nations were an essential political objective of World War II. What a repudiation of the principles we have preached for 20 years. What a deplorable precedent we are setting for the other nations of the world, whom we constantly implore to follow our example.

Sukarno's Indonesia left the United Nations when it found the organization no longer served its international purposes. The Soviet Union has stalked out from time to time when displeased by U.N. actions. But the United States merely calls it impractical and engages in war without reference to its charter.

Is it possible that the American people are prepared to see their Government continue to escalate such a war without ever demanding that we live up to the U.N. Charter? Is it possible that our people will support an American war in Asia that is prosecuted by us just as though the United Nations was never created? I find that there is an increasing outcry among our population that we have pushed the Vietnam war far enough, and that it is time to live up to some of the international obligations we undertook 20 years ago in order to control future wars.

I ask unanimous consent to have printed at the conclusion of these remarks correspondence I have received in just the last week on this subject.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

CONGRESS MUST REMAIN IN SESSION

Mr. MORSE. Mr. President, in my trip across the country and back since I spoke on the floor of the Senate last Wednesday, I have been alarmed by the rising denunciation of the President and his administration for their Vietnam policy. I have heard the word "impeach" used more often in the last week than I have heard it since President Truman sacked General MacArthur. I have been asked by more people than I would have thought possible if there are not grounds for impeachment of the President, and how the process can be set in motion. I have been advised about petitions that have been circulated and hundreds of people are signing asking for the President's impeachment.

Much of this talk stems from objections to a war being undertaken without congressional declaration. Most of these people see the President as waging an executive war in violation of the Constitution. They think the impeachment clauses of the Constitution must apply to such a case.

I do not think that those of us who want this administration to succeed in its objectives of peace and prosperity should be thinking of going home when it is coming under such fire as that. The President and his administration are going to need all the help and advice they can get from Congress on Vietnam this fall. It is time they gave ear to the views of the Senator from Georgia and the Senator from Montana, who apparently finally got the word through to the White House that there is a lot more acquiescence than genuine support in Congress for the Vietnam war. The Democratic Party has put up a verbal facade to protect a President of its own party. It has muted or stifled its criticism, except for a few voices like mine and that of the Senator from Alaska [Mr. GRUENING].

But the facade is very close to cracking. When the welfare of the Nation is at stake, the desire to keep up appearances is less controlling than the desire to keep the Nation from making a ghastly mistake.

Members of Congress of both parties will serve their President a lot better by being here to tell him the truth than by adjourning and leaving his ears to the exclusive talk of the McNamaras and the Lodges and the Bundys and the Rusks and the other architects of Asian policy who dug us into this pit in the first place. The President's advisers on Vietnam have a frightening record of having been wrong over and over again about the situation in that unfortunate country. They have misled the President and they have misled the country. Their estimates of the situation have been wrong, and their prescriptions of what to do about it have been wrong.

Congress could do no worse than they have done. And in fact, we would serve the President better by open and honest debate on Vietnam than we have served him by going along, sight unseen, with whatever the McNamara-Lodge-Bundy cabal has proposed. As the war worsens, and as the additional 50,000 soldiers are sent to Vietnam, and as the draft calls go up, the criticism of the President is going to increase. He will need friends in Congress then, and he will need some advisers who, like the Senators from Georgia and Montana, have a perspective on American interests that is lacking among the White House advisers.

The American people respect the views of these Members of Congress, and the administration would do well to attend to them, as well.

This is no time for Congress to take a walk, and leave the war up to the President. We should remain in session until January 1.

We should never overlook the fact that under the Constitution of the United States, Congress has the solemn obligation to function as an effective check upon the President and the executive branch of the Government. The President, too, has his checks upon Congress. But in my judgment, with American boys dying in Vietnam, Congress cannot justify any sine die adjournment.

EXHIBIT 1

CORVALLIS, OREG.,
July 29, 1965.

DEAR SENATOR MORSE: Let me tell you that I fully support your stand on Vietnam and am glad some others are now seeing the light. Enclosed is an article of mine on the subject.

It is my understanding that whatever commitment we have to the Vietnam Government is an Executive commitment. There has been no treaty with the advice and consent of the Senate. Is this not correct? Furthermore weren't whatever commitments which have been made made with disregard of the Senate and national sense of disapproval of any involvement in Vietnam about 1954?

Also, could you tell me what effect President Johnson's speech before the U.N. in June has in bringing this issue before the U.N.? What further steps need to be taken on the part of the U.S. Government?

Sincerely,

KERMIT J. ROHDE.

P.S.—If you have any good suggestions as to what further I can do to support you in this matter, let me have them.

[From the Oregon State University Daily Barometer, May 19, 1965]

VIETNAM QUESTIONS

(By Kermit Rohde, professor of psychology)

What are some of the questions which could and should be asked about Vietnam?

First, what is our purpose for being in Vietnam?

That we must honor our commitment to the South Vietnamese governments is not an answer. The Government to which we made this commitment was overthrown, not legally changed, and many subsequent changes by force have occurred. The original government itself became illegal when it refused to hold free elections in 1956 and thereby to carry out the 1954 Geneva agreement terms under which it was established. Furthermore we committed ourselves publicly to nations of the world to uphold the Geneva agreement which requires us not to interfere in Vietnam.

That we are fighting for freedom is not an answer. During the 1954–58 period when there was peace in Vietnam, we stood firmly behind the Diem government as it abolished a 40-year old tradition of electing village chiefs. President Eisenhower and Diem scuttled the holding of free elections on a nationwide basis in 1956 as planned in the Geneva Awards. Since then the governments that have been formed have been military dictatorships overt or covert. Our Diem regime, the only one which had a peaceful period in which to work, was the most cruel and repressive, especially of religious freedoms.

Do we fight for the people of Vietnam?

The reason General Eisenhower gave for overthrowing the planned elections in 1956 was that 80 percent would vote against those we wanted to rule. There is evidence that even the Vietnamese Army is against us. Eighty percent of the arms of the Vietcong come from the United States much of this as a near gift from the Vietnamese Army. As testified by U.S. military men, the Vietnamese have used such delivery tactics as marching into jungles, carefully laying down their arms and running when a shot is fired at them.

Furthermore Vietcong fights a guerrilla war. It is generally conceded that one cannot fight a guerrilla war without a friendly populace. As Mao, the Chinese expert puts it, "The guerrilla must be able to move among friendly people as fish in a sea." How is it possible that huge supplies sufficient to sustain Vietcong forces which are strongest around Saigon are obtainable? Saigon at a minimum is 500 miles from North Vietnam, the nearest friendly source. Needn't there be local friends for direct contributions or to facilitate transport?

It seems unlikely that the Vietnamese are cooperative with Vietcong through force. The greatest use of force and terror in our time, that by the Nazis and the Japanese, did not make unfriendly European and Asian peoples cooperative during World War II.

The answer that we are fighting communism brings up other questions. Is it true that the elected president of the Vietcong, Nguyen Huu Tho, never has been a Communist, and that only one of his vice presidents has been a Communist? Are we to militarily oppose communism everywhere? Are we to militarily engage all types of communism, the Russian, the Chinese, the Yugoslav, the North Vietnamese type, the Cuban Marxism? Why only Vietnam now?

The answer that the safety of our Nation brings up other questions. President Eisenhower stated that the price of his famous settlement of the Korean dispute was the loss of southeast Asia including Vietnam. If the loss of Vietnam makes our Nation powerless in its own defense, did President Eisenhower sell his country down the river for a political advantage or has the importance of Vietnam changed? If it has changed what has brought about this change?

Just exactly and specifically what is the great harm which will occur if we do not control a nation on the other side of the earth? If Vietnam is really the key to our safety, what will we do should we lose it? Dissolve our Nation? Pull back to the Hawaiian Islands? Pull back to the Pacific Ocean?

The second major question one could ask is, How practicable is our present plan?

We are bombing North Vietnam. Why? The March 1965 white paper of the U.S. Government simply supports earlier estimates that the Vietcong was mainly a South Vietnam movement at that time—only 10 to 20 percent of the aid comes from outside. Almost all of the captured soldiers mentioned, though trained in the north, are native-born South Vietnamese.

Can North Vietnam force the war to stop? North Vietnam did use its influence to get warfare to cease in the south during the 1954–58 period by selling the Vietcong on the idea that 1956 free elections would be held as promised by the United States and others. After this betrayal, can the north again sell the Vietcong on the good faith of the United States or anyone associated with it?

Furthermore, the known morale effects of strategic bombing, ever since the Spanish civil war, are to create opposition and to harden it. The military effects are negligible. Analysis of World War II strategic bombing shows that it contributed negligibly to military victory. In North Korea, 1950–52, the only effect of bombing was to demoralize the U.S. Air Force involved. I knew those airmen well. Indeed Secretary Bundy admitted recently on "Meet the Press" that bombing has had no visible effect on the war. The present allegations that North Vietnamese regulars are now fighting indicate that it may have had the predictable effect of making the war more difficult for the United States.

To fight against guerrilla war takes a ratio of 10 to 15 to 1. On Malaya, it took 350,000 troops 13 years to win against 8,000 guerrillas. One-fourth of the officers in the U.S. ground forces are now involved in this war.

If we involve North Vietnam, is it to be noted that North Vietnam has an army twice the size that Japan had in southeast Asia during World War II. Are we going to continue to tie up these large military forces in

Vietnam? Will we want to do so for many years?

Vietnam has had a 1,000-year-old tradition of resisting China. Ho Chi Minh, the leader of North Vietnam, has spent years in a Red Chinese prison. There are 16 million people in North Vietnam. Isn't it possible for such a group to remain independent of Red China as it is for little Finland with only 4 million to remain free of the Soviet Union? Isn't it possible that our bombing or further attacking of North Vietnam will weaken the will to resist Red China and enable Red China to enter and control North Vietnam?

It is to be noted here that though there is general agreement that Red China is happier than we over the fight the Vietcong puts up, no responsible authority, even our Government who has every reason to do so, contends and offers evidence that Red China controls North Vietnam or the Vietcong. In short aren't we operating to extend Red Chinese control in southeast Asia? As Chou En-Lai said "Once we worried about southeast Asia. We don't any more. The Americans are rapidly solving our problems for us."

Besides these practical questions there are legal and moral questions such as where would we stand with regard to the principles used for judgment at the Nuremberg trials? But these I leave for others.

These are merely some of the questions which could and should be asked and to which I would like answers and some straight answers.

[From the Oregon State University Daily Barometer, May 19, 1965]

INHUMANE WAR?

(By Amos Roos, 1965, engineering)

The war we are pursuing in Vietnam is even more inhumane than wars usually are. Prisoners of war are tortured in most ingenious ways, barbaric beyond comprehension. Whole villages are napalmed on the suspicion that they may shelter a few soldiers of the Vietcong. At our prompting, the Saigon Government has established "strategic hamlets," guarded stockaded villages where whole populations, uprooted from their homes, are forced to live in virtual concentration camps. Intellectuals who speak out for peace are exiled.

Perhaps actions as reprehensible as these are undertaken by the Vietcong as well; perhaps they are carried out by Vietnamese personnel and not by Americans. Nonetheless, we are responsible. Torture cannot be justified as revenge or reprisal for damage done to us; the napalm, regardless of who drops it, was furnished by you and me, the American taxpayer.

Once upon a time, such a war was not considered civilized; but Hitler has taught us to kill vast numbers of civilians on the chance that, among them, there might be one soldier. The war we are waging in Vietnam is obscenely immoral.

The American position in Vietnam cannot be defended on moral grounds. In the policies of the Johnson administration, I regret to note, justice and morality are no longer at issue. We are not in the Dominican Republic to see justice done, or human lives saved, or to support any moral law. Our purpose is political. We are there to stop communism.

In Vietnam, likewise, our purpose is not to help the people attain a fuller life. It is to stop the "spread of communism," and to retain our "hold" on a piece of land whose strategic importance is highly debatable.

Perhaps our present position in Vietnam can be justified from a political standpoint, since it clearly cannot be justified from a moral or ethical one. If our presence there brings about results which, over the short and long term, are beneficial to the interests of the United States, then that presence may be considered worthwhile. If the ends justify the means, as they seem to for Johnson, we must ask whether the means employed are likely to lead to the desired ends.

What are the ends we seek in Vietnam? Do we seek to destroy the regime of Ho Chi Minh in Hanoi? His army is presently a great obstacle to Chinese incursions into Indochina. Do our policymakers seek to provoke the Chinese into a war so we can "let 'em have it"? Such a war, if it ever comes, will at best inflict terrible damage on both sides. It will probably become world war III.

Do we seek to destroy the fighting spirit of the Vietcong so that a strong and stable government may be established in South Vietnam? If so, the people of Vietnam will remain divided, arbitrarily at the 17th parallel.

As the record indicates, there is little hope that a stable government could be established in the south. And the policies we are following are totally ineffective in destroying the Vietcong. The overwhelming proportion of their arms comes, not from Hanoi, but from the U.S. Army.

The men of the Vietcong are South Vietnamese, fighting to liberate their country from the American imperialism which in 1954 installed Diem as its puppet ruler, in 1956 prevented free elections from taking place, and has been devoting ever more effort to ravishing their country.

Let us survey what consequences might result from our present policies in Vietnam. Will we succeed in weakening the regime of Ho Chi Minh, the guerrilla leader who saved Vietnam from Mao Tse-tung? Impossible: under threat from an outside enemy, a nation unites under its chosen leaders. Are we in Vietnam to demonstrate the advantages of a democratic form of government? Sure thing. We've already demonstrated half a dozen times in the last year and a half.

Will our present policies guarantee that the next Vietnamese Government will be friendly to us? Probably not. We are presently engaged in the destruction of their industrial base, such as it was (though we are building plenty of good airstrips), the disruption of their society, and the decimation of their population. Our army, virtually an army of occupation, and our vast expenditures of money foment profiteering and corruption in Saigon. And history has shown us no way to guarantee ourselves a "friendly" government. Though we may try to buy them with the offer of a billion-dollar Mekong Valley project, such loyalty as we may gain will be mixed with contempt.

Lyndon Johnson seeks peace in Vietnam. In 1939, all Europeans wanted peace in Europe. Hitler wanted a peace in which Poland would be a part of Germany. England and France sought a peace under somewhat different conditions—and the peace was lost. A difference of opinions about the conditions of that peace helped lead to war. It is therefore of fundamental importance to know the conditions of peace which Johnson would accept.

Sooner or later, if world war III does not break out, there will have to be a truce in Indochina. How will it be maintained? Who will police it? If a force of Vietnamese, under whose command? If an international force, how would it be financed? Would it be possible to set up such a force under such circumstances that countries such as France, the United States, and the Soviet Union would all be willing to contribute their share of the cost?

Under what kind of government might Vietnam then carry on? If a neutral government, how could the situation be maintained? Because any government which Ho did not consider reactionary, Johnson would certainly view as Communist. Perhaps the solution would lie in the creation of a trust territory under the U.N. But what country's trusteeship would be acceptable to all the powers concerned?

The war in Vietnam cannot possibly cease until such questions as I have raised have been thoroughly discussed. So far, they have scarcely been raised.

ASPEN, COLO.,
July 31, 1965.

Hon. WAYNE L. MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: As a former Oregonian I am proud because of your courageous opposition against our unwise involvement in Vietnam. I should have told you this much earlier but I was mixed up and tried hard to believe that we are doing the right thing. However the more I study the question, the less defensible our position appears to me, even when viewed solely from the angle of power politics.

Very sincerely yours,

A. E. BRETTAUER.

SALEM, OREG.,
July 22, 1965.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SIR: I wish to go on record, as one who has thought for months, that it was past time for us to take the Vietnam problem to the United Nations. I and many people who are confused, but may not write, will be grateful if you use all your influence to use the one and only hope (U.N.) to keep us from being carried down the road to annihilation.

Respectfully,

LILLIAN I. ANDERSON.

PORTLAND, OREG.,
July 26, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Please do all in your power to halt the fighting in Vietnam.

I do not see how the President can keep sending troops there, when we are not at war. We were only supposed to show them how to use our equipment. No wonder they look on us as aggressors.

If our men must fight give them every weapon. We have no business to do less. These men who are dying are precious to us. I do not see how our leader has the right to draft men and send them to war, when we have not declared war.

May God forgive us.

I pray God will guide you and help you to show others where they are wrong. May He bless your fine work, we need more like you in our Government.

Sincerely,

MRS. JESSE HACKWORTH.

ASHLAND, OREG.,
July 21, 1965.

Senator WAYNE MORSE,
State Capitol Building,
Salem, Oreg.

DEAR SENATOR MORSE: I heard an unbelievable story the other day. It concerned something that the mayor of Mexicali said to Chou En-lai and the Chinese people.

It seems that the fighting has been raging furiously around La Paz and Ensenada in Baja California. Gringo-equipped banditos from northern Baja California have penetrated across the desert south of Pozo Grande and Santo Domingo to threaten La Paz itself, and a posse of southern Baja Californians (with Chinese advisers) are chasing the banditos up and down their mountainous retreats in the Sierra de la Giganta while the Chinese Air Force carries out daily bombing raids to the north, knocking out the casino and resorts at Ensenada and the chamber of commerce, branches of U.S. banks, and greenback concessions in Tijuana.

From the capital city of Mexicali, just below the California border, the northern government has issued a statement to all Baja Californians, but pointedly addressed to the La Paz government of the south. The great Mexican people, it reminded them, share a common heritage of democracy. Born in the revolutionary days of Zapata there has been a fierce love of liberty throughout the land, and a process of change which has seen the growth of education and a consequent evolution toward responsible, enlightened democracy and greater and greater individual independence. The statement then charged that the Emperor of La Paz was a heel-dragger. Balking mulishly against the hands of change, he was holding his people back in their democratic growth—all under the guise of benevolent fathership—and that to save this benevolent fathership (which was nothing more than a selfish little monarchy in fear of all threats to its fatty status quo of conquistadores and Indians) he had put on a mask of Communist aspirations and had beseeched the Chinese to save him from the aggression of gringo commercialism. Ah, but what is more ridiculous than descendants of Zapata kowtowing to coercion—to Mao Tse-tung's tyranny of pseudoscientific economic determinism, which itself must change one day? Measured against the proud palomino of our native heritage, the communique concluded, no foreign influence can hope to stand higher than the eye of a lizard.

From the Emperor of La Paz there were only the briefest of statements. In an interview with the Chinese people's daily TV, he said that his people were all Marxist-Leninists at heart, were born and bred in dialetical materialism, and only needed to be kept free from gringo commercialism in order to build a showplace Communist utopia amidst the cactus and gila monsters of the Territorio del Sur. The Emperor ended on a note of humility, offering his selfless services as a servant of destiny and of the people. Chou En-lai ended the interview, assuring the Emperor of the Chinese people's selfless and continuing support. The riches of the Vizcaino desert and the heart longings toward Marxism-Leninism of the progressive people of La Paz must not fall to the greedy commercialism of the gringos and their lackeys in Mexicali, he said. Ending on a similar note of humility, he reiterated that the Chinese people's purpose in bombing Ensenada was only to defend Peiping and the Communist world and that their stay in Baja California was only for the temporary purpose of fighting the gringo aggressors from Mexicali and protecting all of Mexico for communism.

What was ungraciously unbelievable was what the mayor of Mexicali replied to Chou En-lai. Heartily backed by Lyndon Johnson and the U.S. Army, he replied that he and his people would fight against the pirates from China "for 20 years and longer."

Yours sincerely,

EDWARD N. HUGGINS,
Department of English,
Southern Oregon College.

JULY 24, 1965.

DEAR SENATOR MORSE: When you stated, earlier this year, that by the end of 1965 hundreds of thousands of Americans would be dying in Vietnam, I thought you were probably exaggerating to make a point. The events of the past few days have shown me that, as usual, you were right, your critics wrong. It has become obvious that no action is too insane for President Johnson. I think I know now how many Germans must have felt during the latter part of the thirties. As many Germans must have done, I tell myself that no one is heinous enough to order the murder of women and children, that no one is mad enough to begin a war over a Boy Scout concept of "honor." Nevertheless, the newspapers, the television, and the radio all join in telling me that precisely this is happening.

Also like many Germans, I discover that I do not have the courage or whatever it takes to meaningfully oppose this idiocy. No, I will not refuse to serve in the Armed Forces; if asked, I will even join in the murder of Vietnamese women and children. Like Adolf Eichmann, I will "follow orders." My only wish is that bloodthirsty politicians would not ask me to believe in what I do. In short, I wish men whom I despise and for whom I feel nothing but contempt—men such as Lyndon Johnson, Robert McNamara, and Dean Rusk—would cease mouthing empty platitudes and childish lies. Because if the American way of life can survive only on a base of colonialism, then I hope and pray that this society is destroyed as quickly as possible.

I should like now to congratulate you for what has been a gallant and inspiring fight. Sometimes a voice in the wilderness saves a society, sometimes it does not. In any event, if the human race has a future, history will justify your actions. As the war gets worse, American democracy, such as it is, will probably be replaced by a more efficient form of government. So, if you abandon your fight, I will not blame you. Good luck.

Yours truly,

MIKE MIKKELSON.

PORTLAND, OREG.,
July 26, 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I don't suppose this letter will be read by you, since I understand about 1 in 50 reaches your desk, the rest receiving polite acknowledgments from your secretaries, but I felt in view of the worsening Vietnam situation I had to write, feeling as I do that escalation of this war will provoke us into a major conflict with unforeseeable if not tragic consequences. Much as we would like to be the savior of all downtrodden countries and carry the shining banner of democracy into every land, realistically we are not going to be able to carry out such a mission, and it is a big question whether democracy, in the present state of the world, is the answer for all nations.

Many people are questioning whether we can wipe out communism and play "Sir Galahad" to all our fellow men. It may be we will have to learn to coexist with Russia and Red China, protecting the interests of threatened Americans where trouble brews (as in Santo Domingo, until that situation mushroomed into a foolish and impossible crusade), but not extending hostilities into enemy territory. Our lines of supply are so far extended compared to the Chinese, in this Vietnam situation, to say nothing of the juggernaut of Chinese manpower, that we will really find ourselves "painted into a corner" and unable to get out if we bomb Hanoi and other Red Chinese bases. Maybe we could win eventually, who knows, but when the experts talk of the war continuing 10, 15, 20 years, in the holocaust of death and destruction, attrition and possible use of the atomic or hydrogen bombs by either side, the question of who wins is purely quixotic.

I often think nowadays of President Franklin Roosevelt's words: "The only thing we have to fear is fear itself." So many of us have become so hysterical about the Communist threat that we have lost all sense of proportion and prate about it as deluded parents do the bogeyman to frighten a child. It is the black plague, the Salem witchcraft hunt of our day. I, for one, get mighty tired of all these timid, frightened people who scurry around in the dark blind alleys of communism, like moles who have lost not only their sight but other senses as well. We can recognize it as an unquestioned threat to our way of life but we can meet it clear eyed and clear headed. I think much of this pumping up the high blood pressure of the Nation can be laid at the door of newspapers and periodicals, particularly Life and Time which thrive on sensationalism and the sometimes atrophied views of Mr. Henry Luce. For a refreshing contrast to this panic beating of the war drums by such publications, read George Feifer's excellent article "Communism Is Not What We Think" in the Saturday Evening Post's "Speaking Out" section for February 27, 1965, and Frederick Nossal's "Dateline—Peiping," published in 1962.

Dear Mr. Johnson, I think you are a fine and dedicated President; we voted for you and have every confidence in your great abilities but I think some of your advisers are leading you astray when they propose stepping up the war and sending ever more and more American boys over there. The bombing of villages, of helpless women and children, is not only blackening the image of the United States in foreign eyes, but a grave sin on our own collective soul. When we can argue the necessary successful outcome of any war on the number of human beings killed, whatever sex or age, combatants or noncombatants, we have fallen low indeed. I never approved the bombing of Hiroshima or Nagasaki despite the military arguments designed to salve the national conscience and I am heartsick about the war in Vietnam. If we have to "lose face" to get out or negotiate, better it be now than in some near or distant future when we have committed ourselves too far to ever withdraw.

Most sincerely yours,

MARGARET MOZZANINI.

cc: Hon. EDITH GREEN
Hon. WAYNE MORSE

PORTLAND, OREG.,
July 28, 1965.

Hon. President LYNDON B. JOHNSON,
White House,
Washington, D.C.

HON. PRESIDENT JOHNSON: Your message to the American people asking for a doubling of the draft leaves me appalled. How can our Nation call for action on two fronts—seemingly contradictory—the waging of a wider war, as indicated by an increase in the military manpower being sent from our country to Vietnam and at the same time an appeal to United Nations Secretary U Thant "requesting that all the resources, energy and immense prestige of the United Nations be employed to find ways to halt aggression and bring peace in Vietnam."

I sit in attendance at a 1-week institute on teaching disadvantaged children. For what do we want to prepare these children? Don't we want manpower to help our country and the world reach new heights of achievement for world peace? How do we do this when we are faced with pronouncements which seem to give greater value to possibilities of greater destruction of mankind.

Our Nation, one of the great powers in the world in intellectual and other areas of achievement, should be giving greater leadership to efforts for disarmament and total world peace. I ask this of you, Mr. President. Let us not live with the lie that says the waging of a wider war is a true pursuit of peace.

Sincerely yours,

HELEN L. GORDON,
Mrs. William Gordon.

PORTLAND, OREG.,
July 28, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I feel compelled to write to you on the recent developments in the southeast Asian controversy. As a student I feel that the only way to a settlement at all is through the United Nations. I feel that the recent draft increase that the President has called is unquestionably an act of aggression on the part of the United States of America, and is therefore an act of war. For this reason I feel that the President has clearly overstepped his authority.

As you may well know President Johnson becomes very upset when he is criticized, but I feel that it is about time that he was brought under fire by more people than yourself. I would like to also tell you that I am proud that you represent me on the floor of the Senate.

Being a student I realize that the recent decisions of the Johnson administration will no doubt affect me much more than I realize at this time, and I would serve faithfully in any post that I might get placed in should I get called up by the Army. However, I must say in all honesty that had I been old enough to vote in 1964 I would have voted for Johnson because of his apparent stand on southeast Asian policy, but in 1968 I will be old enough to vote and I shall not vote for anyone who runs under the same colored flag that he ran under in 1964. Johnson has broken his faith with the public and if he feels that appointing Mr. Lodge to Mr. Taylor's job in Saigon will curb criticism he's really on the wrong trail.

I hope that every young man and woman that will be affected by our Government's recent shift in hit and miss policy to more of the same, will write to their representatives and let them know how they feel on the subject of U.S. aggression in southeast Asia.

Respectfully yours,
DONALD JAMES NELSON.

HALFWAY, OREG.,
July 27, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: From the reports we have had this week you, as well as many others, are being consulted about the war in South Vietnam.

First, we would like to tell you that we are proud of the way you have expressed your opinions about the situation and we are supporting you all the way when you say we should pull out of that part of the world. After careful consideration it appears to us that we are not wanted by these people—that is with the exception of a few at the expense of many. In the first place it was our understanding that it would be for a short time to advise and keep the peace until they could have an election—which never happened. Then it was supplies and a few men and now many more men to fight and die for a cause even they do not understand the meaning of. We believe in a free government and would like to see the people of Vietnam free to choose their leaders and have the right to rule themselves as they see fit, but are we imposing our opinions on them so that they find that we are not the welcome guests that we would be led to believe—or are supposed to be? Why are we getting more and more involved in a situation that is so complicated and why are we afraid to lose face? Is it not more important to save the lives of our young men than to say we have saved face and let so many die in a cause that we should never have entered into?

Very truly yours,
Mr. and Mrs. LEWIS LAIRD.

PORTLAND, OREG.,
July 28, 1965.

The OREGONIAN,
Portland, Oreg.
To the Editor:

The Oregonian has performed a vital public role in giving front page space in its July 19 issue to the article by AP staff writer John T. Wheeler. Most Americans must feel both angry and ashamed of what we are doing in Vietnam in the name of freedom. The London Daily Mirror reports of a July 4 interview with Air Force General Ky, now head of the South Vietnamese Government. Asked who his heroes were, he replied: "I have only one, Hitler." In this dirty, unprincipled war Hitler seems an appropriate hero to the General but is he to be our hero as well?

Have we lost all reason, all sense of proportion and all human conscience that we can continue to devastate a country in an attempt to save a government which lacks any support from its own people? If this senseless slaughter is allowed to continue in the name of the American people we will certainly go down in history side by side with those tyrannical powers who knew no moral concern. Even beyond this, the continuation of the war in Vietnam threatens to escalate into a total holocaust engulfing not only South Vietnam, North Vietnam, and China, but the United States itself. Is it so difficult for us to imagine the wailing Vietnamese woman cradling a baby in her arms—pictured with Mr. Wheeler's article—to be an American mother cradling an American baby midst the ruins of a once happy country?

Time is running out and the American must protest in every conceivable way the continuation of this senseless, fruitless and ill-conceived war. Negotiations through the United Nations are the only alternative and no excuses can substitute for immediate action to end this tragedy. Senator MORSE has repeated time and time again the procedures open to the Government of the United States if it truly wants to end this fiasco. Within the last few days, Governor Hatfield has called for an immediate convening of the United Nations to deal with ending this horror. Both men deserve our thanks and support.

All Americans, of every religious conviction, of every ethical persuasion, of every political conviction—in the name of humanity and its future—have the urgent task to convince our Government to order an immediate cease-fire and to enter into negotiations for a political settlement through the United Nations.

Sincerely,
Mr. and Mrs. HOWARD L. GLAZER.

cc: President Lyndon B. Johnson,
Senator WAYNE MORSE,
Governor Mark O. Hatfield.

WEST LINN, OREG.
July 25, 1965.

DEAR SENATOR: I am enclosing clippings I think you may enjoy.

I trust you won't consent to our President sending more men and boys to be slaughtered in Vietnam, without full knowledge and consent of the House and Senate majority OK.

I feel the President and Attorney General, and Mr. McNamara have too much authority. We do have other minds worthy of consideration don't you?

Sincerely,
Mrs. BOBBY SCHEER.

HILLSBORO, OREG.,
July 22, 1965.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: Last weekend we heard a radio report that you were preparing a paper in hopes of taking the Vietnam problem (war) to the U.N. I've searched the papers since and cannot find one line regarding this. I'm beginning to think we have a very well controlled press.

All I could say was "Bless you," please continue that line of thought and speak out loud and long and do all in your power to try for a settlement of the horrible southeast Asia mess. Somehow the citizens must be made to realize that American boys' lives are being sacrificed every day for them.

One does not need a degree in military science to see the mistake of getting involved in Vietnam, unless the Government is prepared to fight Red China backed by Russia which could mean a war continuing many, many years. China has been preparing for this expansion for years with her 2 million troops in uniform. Why does the Government feel we have to convince the South Vietnamese that they should live in a democracy when their government has been unable to do it for the last 10 years? Why are we so concerned that they not be communist controlled, when we did so little to prevent it in Cuba? I realize that communism must be contained but at least we could begin in a country that makes an effort to defend themselves. Our Government does not seem concerned when Communist members and even college professors are permitted to speak and influence our young people, who in turn, belittle democracy and defy our government by burning their draft cards.

We have spent billions on the U.N. and that is the one place the Vietnam question must be discussed to find out just who is wrong. Where are our allies? We can't even depend on our good neighbor, Canada, who right now is supplying Red China with much needed supplies. They must feel that we are wrong and want no part of it. France knows we are wrong, and if nothing else, we should have gained a lesson from their sad and costly mistake. England can offer nothing but moral support, knowing our troops will be a buffer for them in Malaya and relieve the pressure on them. So our allies, little Australia and South Korea send a token of troops, and our boys, the cream of manhood between 22 and 30, will be killed by the thousands when Red China completes their missile bases in North Vietnam. That doesn't make sense to me.

We have been given the impression by the press that we have to liberate the South Vietnamese from the Communists, but tonight an article in the Journal says: "Taylor and the South Vietnamese officials were inside the stadium attending a rally marking the creation of a new movement to liberate North Vietnam from Communist control." If that is attempted, just who are the aggressors?

Now they tell us that the Reserves and the National Guard must be called up. Do you realize what that means? Thousands of young men who have worked hard for several years to secure a job, have married and many with small children, are to be told to give up everything and go to a seething jungle to kill and be killed. Is that the true meaning of the Great Society we hear about from President Johnson, who also said during his campaign that he would not send troops to Vietnam. That meant many votes for him because we wanted to believe him. We are sick to death of war with every Democratic President in office.

What will become of the families of these men? In most cases they will lose their homes, for certainly the salary of the lowly enlisted man is not sufficient to maintain a home. The Government seems so concerned with the war on poverty, Job Corps training and all the underprivileged groups, I wonder how concerned it will be when these families lose their husbands and daddies.

What is hardest of all to understand is this draft call. Until the late President Kennedy decided no married men should be drafted, all young men physically able had a military obligation to fulfill. Now it seems all they have to do is produce a marriage license and they are immune to even 6 months' training. We have seen it happen all around us. Right out of high school or maybe a few years in college, but at least before that draft board calls, that marriage license is the next step, and they are laughing up their sleeves at the "suckers," as they call them, who got drafted.

What is fair about all these so-called students, and the troublemakers we find at every coastal resort, and the black jacket crowd and beatniks, do they not owe anything in the way of military service? It's terribly hard to see them roam the streets and highways and our young family men obligated to give 4 to 6 years and maybe their lives. For we know it will be a terrible price they will have to pay once they are sent to fight the Vietcong guerrillas with the little training they have received in the Reserves. My cousin fought in New Guinea in World War II and because of 8 years' service in the Marines he lived to come home but he said it was pure murder to send in such inexperienced men as the Reserves and Guards.

Again, please do all in your power to get this dispute before the U.N. so at least we could find out if we have any allies and if they are as interested in containing communism as our Government would like us to believe. Our belief is that they are not, or Cuba and Red China would have been boycotted before now. We wonder, too, why our other Senator and Representatives from Oregon have been so silent on such a vital (life or death to many) matter.

Respectfully,

Mrs. W. H. Hathorn.

P.S.—We assume because of the untimely death of our Ambassador Stevenson your purpose will be delayed, but continue to persist. If you are successful in this mission, there is small doubt but that you could be our next President by popular demand.

Washington, D.C.,
July 27, 1965.

Hon. Wayne Morse,
Old Senate Office Building,
Washington, D.C.:

Recognizing gravity current situation, mindful of Nation's welfare and world responsibilities, and awful dangers of escalation, we urge thorough discussion by Senate of Vietnam policy including need for limiting U.S. intervention to holding defensible positions, halting bombing of North Vietnam to facilitate negotiation, seeking a cease-fire agreement by every effective avenue multilateral diplomacy, and negotiating with all parties involved.

Bishop A. Raymond Grant,
President,
Bishop Charles F. Golden,
Vice President,
Dr. A. Dudley Ward,
General Secretary Board of Christian Social Concerns, the Methodist Church.

Portland, Oreg.,
July 28, 1965.

Wayne Morse,
Washington, D.C.:

Deeply opposed to any further escalation to the war in Vietnam.

Martha B. Foley,
Margaret Smith,

Portland, Oreg.,
July 28, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.:

Strongly feel Vietnam problem should be brought before U.N.

Charles W. Petersen,
Betty M. Petersen,

John Day, Oreg.,
July 28, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Am increasingly alarmed at decreasingly justifiable position of United States in Asia. Believe it imperative to stop escalation, define objectives clearly and publicly, face realities of Taiwan, establish diplomatic communication with China, and make fullest use of United Nations despite difficulties, seeking all possible avenues toward peace before too late.

M. T. Merrill, M.D.

Portland, Oreg.,
July 28, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

We urge support your continued efforts for peaceful settlement in Vietnam.

Charles and Eleanor Davis.

Portland, Oreg.,
July 29, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Why can't you elect Members in your caucus to effectively disallow the administration's current policies in Vietnam that will have the effect of repudiating them. Public sentiment will support you gentlemen.

John R. Stafford.

Corvallis, Oreg.,
July 25, 1965.

Dear Senator Morse: Keep up the questioning on Vietnam. I noticed the Monitor had an article saying that some Senate critics had been virtually silenced by the pressure that criticism was now unpatriotic and un-American. I want you to know I do not think that, and I hope you will be able to continue your questioning.

If you are in Oregon this fall, I would like for you to share your thinking with us.

Sincerely,

Paul F. Davis.

Eugene, Oreg.

The Honorable Senator Morse.

Dear Sir: I am the mother of two sons; therefore I am quite concerned as to the reports of the situation in Vietnam and the stand of President Johnson and others.

I protest wholeheartedly about sending our boys to fight, especially when we have such little knowledge of why we are there.

With sincere hope you will do all you can to pass on more information to the people of Oregon.

Very truly yours,

Mrs. Fred M. Brown.

Portland, Oreg.,
July 27, 1965.

Dear Senator: I agree with your views on the conflict in Vietnam, as expressed in your latest Senate speech, completely.

Yours truly,

Mrs. A. W. Stephenson.

Portland, Oreg.,
July 28, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: I was glad to see on the television screen your views on Vietnam. Please be assured of our wholehearted support and please keep on working for peace.

Yours sincerely,

Margaret Robinson.

Portland, Oreg.

Dear Senator Morse: This is merely a brief note from one of your constituents and supporters who wishes to express his admiration for your logical views concerning Vietnam. I only wish more policymakers felt the same way.

Sincerely,

Robert Staver.

Astoria, Oreg.,
July 28, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Just a word to say how glad I am someone is unafraid to speak out against the lack of wisdom in the handling of the Vietnam crisis. I am sure in the events that so surely lie ahead of all of us that you will be thankful to have been among the counted who would have sought solution, where it properly belonged, with the United Nations.

Unfortunately wisdom and enlightenment is seldom shared by the majority * * * therefore your responsibility is even heavier. Would that our governing leaned more to wisdom and less to politics.

My best wishes to you and all who share the burden of decisions in these trying times.

Sincerely,

Blanche Tucker.

P.S.—The Job Corps seems to be making excellent use of the Tongue Point facility.

Portland, Oreg.,
July 27, 1965.

Dear Senator Morse: I admire your forceful stand against the present policy on southeast Asia. Please continue the good work.

Sincerely,

John Malone.

Portland, Oreg.,
July 28, 1965.

Senator Morse: I completely support you in your opposition to our activities in Vietnam. I urge you to devote your complete time to influencing other Senators and Congressmen as well as the press and public toward an end to this futile slaughter.

With deepest concern,

Holly M. Hart.

Cammer & Shapiro,
New York, N.Y., July 30, 1965.

Hon. Jacob K. Javits,
Senate Office Building,
Washington, D.C.

Dear Mr. Javits: I am writing to express my dismay at the silence of Senators like yourself and Mr. Kennedy over the abdication by Congress of its sole responsibility to decide whether or not the country is to be at war in the face of the usurpation of that responsibility by the President.

Article I, clause 11 of the Constitution is explicit that Congress alone has the constitutional "power * * * to declare war," and under clauses 12 and 13 only Congress has constitutional authority "* * * to raise and support armies" and "* * * to provide and maintain a Navy."

It is thus clear that the Constitution imposes a tight rein upon the President's participation in deciding whether or not to declare war. The Constitution provides that Congress alone must make that decision.

"Nothing in our Constitution is plainer than the declaration of war is entrusted only to Congress." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 642 (1952).

The sole responsibility of Congress for this decision is further emphasized by the fact that the Constitution does not provide that Congress should declare war "on recommendation of the President," or that the "President with advice and consent of Congress may declare war." As former Assistant Secretary of State James Grafton Rogers has observed: "The omission is significant. There was to be no war unless Congress took the initiative." Rogers, "World Policing and the Constitution," p. 21 (Boston, 1945).

The proceedings of the Constitutional Convention make clear that the Founding Fathers were not only determined to deny a warmaking power to the President, but were even unwilling to entrust it to the Senate alone. To assure the fullest consideration of these fateful decisions they therefore provided that the entire Congress, including the House of Representatives should participate in the decision. Bemis, "The Diplomacy of the American Revolution" (New York, 1935), pp. 29–35. See also, Morris, "The Era of the American Revolution" (1939), p. 140–169.

Despite this constitutional separation of powers, the country and the world were subjected, by the President's East Room press conference on July 28, to the spectacle of an executive declaration of war. The President did not even trouble to characterize our involvement as a "police action;" he boldly declared not only that we were and would be at war, but presumed to decide and to declare the extent to which we would commit troops and other forces in that war.

I submit that this flouting of the Constitution is the destruction of the form and substance of constitutional government. No justification appears for this disregard of the basic separation of powers which is fundamental to our form of government. Congress is and has been in session; the situation in Vietnam has been in the making for many years; no sudden emergency or unexpected developments have arisen which might remotely justify unilateral executive action. It is wholly unfitting for the President to exercise powers which are vested solely in the Congress. As Chief Justice Warren pointed out as recently as June 7, 1965 (quoting James Madison):

"The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

United States v. *Brown*, — U.S. —, 33 LW 4603.

Nor are the President's closed discussions with "leaders" of Congress an adequate substitute for congressional action. Under a government of laws, action must be taken lawfully through the constitutionally established institutions of government—in this case by Congress—and in a constitutional manner. Congress acts as a Congress when it acts in a parliamentary manner and with opportunity to debate and deliberate, not in closed meetings with a few over breakfast or otherwise.

"With all its defects, delays, and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations."

Mr. Justice Jackson, concurring in *Youngstown Sheet and Tube Company* v. *Sawyer*, supra, 655 (1952).

The President has indicated that he is reluctant to ask Congress for a declaration of war lest any opposition to his policies, even if by a small minority, might give aid and comfort to the enemy. This, of course, does not justify his usurpation of powers which are solely in the Congress and not in himself.

But even if it were, it is worthwhile to recall that when he was Democratic leader of the Senate during the administration of President Eisenhower, Mr. Johnson rejected such factors as justifying the exclusion of Congress from the fateful decisionmaking in this area, and that he took this position in connection with an earlier, and perhaps more critical stage of the situation in Indochina.

For on May 6, 1954, it was Mr. Johnson who broke the bipartisanship which had theretofore and since the war characterized American foreign policy. On that day, according to the New York Times of May 7, 1954 (then) Senator Johnson, as Democratic leader of the Senate, launched an attack upon the administration's foreign policy and gave dual notice (1) that the bipartisanship of the last 16 months was breaking up, and (2) that the congressional Democrats could not be counted upon for unquestioned general support in the field of world affairs.

According to the Times, Senator Johnson and former President Harry S. Truman used the Jefferson-Jackson dinner on May 6, 1954, to lead off the attack by a declaration that the administration was alienating allies of the United States and that, according to Senator Johnson, the United States was in "clear danger of being left naked and alone in a hostile world."

Senator Johnson launched this attack at a time when the fall of Dienbienphu was imminent, and, in fact, it fell only a few days later. Nevertheless, he criticized the administration about the differences which he claimed it had developed with the traditional allies of the United States over Indochina and demanded that thereafter Congress should be consulted in advance on decisive issues of national security policy. He said:

"We will insist upon clear explanations of the policies in which we are asked to cooperate. We will insist that we and the American people be treated as adults—that we have the facts without sugar coating * * *."

At the same dinner, Senator Green asserted that the administration was "isolating ourselves from our friends about as fast as the administration can grind out new policy statements * * *. The administration blusters about massive retaliation, and our allies fear we are inviting war."

As you can discern, I deeply believe that our involvement in the current war in Vietnam is a tragic and perhaps fatal error. It is occurring despite all warnings that we should not become involved in a ground war in Asia. And it is occurring in the worst possible circumstances, for, as Walter Lippmann has pointed out, we are alone in our stand. The claim that we must honor our commitments is patently hollow. Not one of the nations we are presumably trying to save has seen fit to support us in this war, and, if anything, the indications are that they oppose our actions. This includes Indonesia, India, Malaya, Cambodia, Thailand, Laos; none of their troops are in the field with ours. Australia is not one of the "dominoes.") Even the South Vietnam beneficiaries of our commitment have long since gone or are going (many of them over to the other side). We are thus fighting to help people who don't want our help, or at least not the kind of help—barbaric war—we are giving to them. Lawyers call this officious intermeddling, but here the potential consequences are more appalling.

I feel that you, as the senior Senator from New York and also as a member of an opposite political party from the President, have the greater opportunity and responsibility to speak up for constitutional government and thereby, in this case, to further the greater cause of world peace. Perhaps they are one and the same.

I am sending a copy of this letter to Senator KENNEDY with the hope that he, too, may see fit to join with you in opposing the President's usurpation of the function of Congress and to bring to end the self-destructive policy of Executive escalation of an unjustifiable and dangerous war.

I am also sending copies to Senators MORSE and GRUENING, to whom, in my humble opinion, the Nation owes a massive debt for their courageous opposition to those policies. I hope future generations will be able to appreciate their courage and wisdom. I hope, too, that you will join with them in their patriotic efforts.

Respectfully yours,

HAROLD I. CAMMER.

ONTARIO, OREG., *July 29, 1965.*

U.S. Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I wish to thank you for the speech you made in the Senate opposing the President's stand in Indochina. I believe it is the best speech you ever made. Sometimes I think some Members of Congress have the backbone of a jellyfish.

How can we win a war against 700 million people?

I have been in nine different States and I find very few people in favor of a war with any part of China.

And many, many people, workers and young men praised your stand "talk first". Some favored get out.

I was born of white parents in Kansas on a farm, taught school, farmwork, vet in World War I, lived and worked 28 years here in eastern Oregon. Was a watchman at Nyssa, Oreg., factory for about 14 years, now I am retired. 72 years old this December. Widowed, live all alone and have a small place north of Nyssa, worth about $5,000, and will keep it for a summer home. I pay taxes on it. I am not in favor of vets paying no taxes.

I bought a house in Osborne, Kans., my old hometown and plan to spend winters there. A year ago you worked and boosted for social security, insurance companies said it would ruin them, you said it would make them grow and you were right, without it we would be in a mess 50 years behind what we are today.

Now Senator there is another thing I wish you would do for this United States of America.

Get the U.S. Supreme Court to make a decision against State laws that compel our people to buy insurance or put up bond to travel on our public roads. Article I, section 8 says Congress is to establish post offices and post roads, but I do not find any place in our Constitution where it compels or allows States to have laws that force us to buy insurance.

I pay over $100 a year for car insurance and I need that money to live on.

The premiums are used for members of the insurance companies. It is not used for road maintenance or construction of new public roads.

Drivers licenses money is used for help in Oregon paperwork and when a person is convicted of an offense he loses his license for a time. Drivers license is OK, I believe. A court decision would give each a choice in buying insurance or not to buy and I believe it would do like you said social security would do, make the insurance companies grow.

I sure wish the U.S. Supreme Court would make a decision like I am asking for.

Please write me.

LEE C. TAYLOR.

OSBORNE, KANS.

JULY 28, 1965.

DEAR SENATOR MORSE: What in God's name do our military and civilian "experts" hope to accomplish with the insane policy of escalation?

Please inform the President and his "expert" advisers that my wife and I do not sanction interference by the U.S. military in domestic problems of any country; problems which the military mind does not comprehend, or appreciate.

We suggest the flyboys practice using their "toy" guns and hideous napalm to bomb in areas in which innocent women, men, and children are not to be found.

We further suggest civilian authorities to place restrictions on military policymakers. We need no Caesars, Napoleons, or Ludindorffs today. Let the eager military heroes attack poverty here and overseas, illiteracy in and out of the military, and other ills of mankind instead of helpless human beings.

Sincerely,

PETER J. DONAHUE.

LAKE OSWEGO, OREG.,
July 28, 1965.

DEAR SENATOR MORSE: I wish to thank you for the stand you have taken over the Vietnamese situation. Although, your advice has not been heeded by the decisionmakers, it has not gone unnoticed by your constituents. Thank you.

Today, Mr. Johnson gave us a sugar-coated pill in his message about Vietnam. He minimized the situation by indicating that he did not think it necessary to call up the Reserves, while at the same time he indicated that he would reinforce the Vietnam troop commitment by 50,000 from a now undermanned Army. He also indicated that he would double the draft. Young men need mature leadership or they quickly die on the battlefield. I have a son who will be one of those to go with the 1966 draft or he will volunteer, but I do not desire to see him led by inexperienced garrison soldiers, or disturbed and disgruntled reservists. I think that he is entitled to receive his training from tried and proven professionals. One good source would be the hundreds of thousands of retired professionals who have left the army after only 20 years service.

Mr. Johnson cannot call up the retired soldiers without congressional permission; however, many are serving in dual capacity as reservists in the retired reserve—many of these men in their late thirties and early forties could well free an Active Army professional from stateside or service-type or training-type duties if ordered back to active service. I do not advocate that they be called to duty involuntarily, but they all should be asked to volunteer their services; many with complete dedication would leave lucrative civilian jobs to return to harness. Each one so returned to duty would lessen the need to draft a boy or dislodge an untrained reservist who really doesn't want to go, or can't afford to go. These men could replace the military staff at universities, recruiting service, station complements, and other housekeeping jobs; thereby, freeing well qualified professionals for duty overseas. However, as evidenced during the Korean war—the administration would not do this unless it were dictated by the Congress. It costs less to recall a retiree because he gives up his retirement pay—an economic factor, plus the efficiency that would be gained by the use of experience that is available. Furthermore, many retirees would be qualified for troop duties also. Of course, only physically qualified retirees should be called.

I would appreciate your comments on the above, and ask that you consider these thoughts for possible action as my representative in the U.S. Senate if the president should call for authority to raise more troops.

Sincerely,

RAY A. ZIEGLER.

AMBLER, PA.

Senator WAYNE MORSE.

DEAR SIR (meant to be an appeal to Congress also): Have you thought of getting impeachment proceedings started against President Johnson, or interesting any of your colleagues in the legalities of starting impeachment proceedings against a President who violates the Constitution by waging undeclared war according to his own will and whimsey?

Surely he cannot play havoc with the lives of U.S. citizens whom he has sworn to serve and protect.

Surely he cannot order boys to their death without Congress lifting a finger.

How has this egomaniac, power-hungry man obtained such absolute authority over this democratic Nation?

Where are the checks and balances of the system?

Can President Johnson (one man) involve the whole world in a nuclear holocaust?

Can he ignore public and world opinion and fool Congress with his pious and hypocritical mouthings that are written by another man?

Democracy is truly dead, if such a man can, unchecked, continue to embroil us, step by step, into a deeper and deeper conflict. He will sacrifice thousands, yea, millions to save face and pride, rather than admit defeat. He dictates to Congress and then pressurizes them into sanctioning his wild, cowboy foreign policy. Congress has become a rubberstamp. For shame.

Are there no men of good will left, sane men of authority who will stand up and stop this stubborn, obstinate man?

The late Edward R. Murrow helped to turn the tide against another seemingly invincible tyrant, the late Senator Joseph McCarthy. Let us hope that enough similar good men will come forth, join with you, and turn the tide against the Johnson gang before it is too late.

Sincerely,

MRS. FRANCES COX CECCHINI.

FLAGSTAFF, ARIZ.,
July 13, 1965.

DEAR SENATOR MORSE: In your letter of July 6 you are probably right in the idea that any attempt to remove Johnson from office would backfire. My suggestion for impeachment, however, stems from an anger which has been growing for 20 years. For quite a while after 1945 our diplomacy toward Russia seemed to me to consist mainly of the truculent stockpiling of atomic bombs. Then came McCarthy and no issue could be discussed anywhere, domestic or foreign, without fear of some kind of reprisal—the kind that would, and did, bring ruin to many individuals. Now Johnson has proved to be quite as trigger happy as it was feared his opponent would be. I am very much disappointed in him.

I have not yet read the excerpt from the CONGRESSIONAL RECORD (July 1, 1965; pp. 15466 through 15473 but I shall study it thoroughly.

I want to endorse the last paragraph of your July 6 letter which I will copy here:

"I hope that the opponents of Johnson's policy in Vietnam will not fall apart by adopting what we call splinter tactics in conducting this struggle for peace in Asia."

If there is any way in which I can help the opponents of Johnson's Vietnam policy I will do so.

I appreciate very much the care, the thought, and experience shown in your answer to my letter. You may expect to hear from me again. Meantime, any communication or literature from you concerning the cause of peace will be most welcome.

My wife and I are on vacation with truck and trailer heading for Colorado. I am a retired postal employee. We will return to San Bernardino in September when her school term begins. She is a teacher of the visually handicapped there. I am studying a great deal myself in an attempt to become literate in my old age. Rural Kansas—at least the part I was born in—60 years ago did not encourage education beyond the elementary. Or at least I can say it did not encourage a broad outlook. During the First World War I remember signs on the street corners of Newton: "Speak the American language: If you don't know it, learn it. If you don't like it, get out." And German was no longer studied in the schools. I am sure you can read much between these lines.

The vacation is expensive. We should have waited really until next year. But, now is the time. We are still alive and this beautiful country is still here to be seen. What next year will bring no one can tell.

Sincerely,

CLIFFORD M. TURNER.

P.S.—In spite of everything I have become rather fond of the human race. In it there is surely the potential for universal happiness and well-being. But not if everything is reduced to rubble by nuclear weapons.

ANN ARBOR, MICH.,
July 31, 1965.

WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Negotiate with National Liberation Front for cease-fire in Vietnam.

Mr. and Mrs. WILLIAM R. CHILTON.

ANN ARBOR, MICH.,
July 31, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I protest latest escalation in Vietnam. Please escalate negotiation attempts instead.

MARCIA BARRABEE.

WINNETKA, ILL.,
August 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Encouraged by President's recently expressed willingness to consider withdrawal of troops and inclusion of Vietcong in negotiations.

MARY BOYER.

RYE, N.Y.,
August 2, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Have telegraphed President re congressional hearings on the war in Vietnam.

MADOLINE WANG.

WASHINGTON, D.C.,
August 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Strongly urge great effort cease fire negotiation for peace in Vietnam.

MRS. KAGER RAY.

CHICAGO, ILL.,
August 2, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Keep negotiating for peace in Vietnam.

SELMA EWISS.

ANN ARBOR, MICH.,
August 1, 1965.

Senator WAYNE MORSE,
Washington, D.C.:

Support for your hearing on negotiations to secure peaceful means in solving problem in Vietnam and urge support for Goldbergs' efforts at the U.N.

SARITA DAVIS.

ANN ARBOR, MICH.,
August 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Let the U.N. arbitrate in Vietnam then back a free election. Democracy works for everyone.

JAMES KOPP.

ANN ARBOR, MICH.,
July 31, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Strongly opposed Vietnam stepup would support unconditional negotiations with Vietcong.

MRS. HOWARD GADLIN.

SANTA BARBARA, CALIF.,
July 31, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Thank you for your efforts to keep world peace. I believe you are right.

MRS. CATHERINE SEGGIE.

U.S. PEACE CORPS PROJECT, WESTERN MICHIGAN UNIVERSITY,
Kalamazoo, Mich., July 31, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Just a few lines (long overdue) congratulating you for your stand against United States policy in Vietnam.

As a long and careful observer of events in Vietnam, I concur completely with your pronouncements. While you may not be popular and must be subjected to all kinds of pressure, you have at least the comfort of being able to look in a mirror at yourself.

Please keep up the good work—history will judge you well.

Yours sincerely,
CEDRIC C. CLARK,
Former Peace Corps Volunteer.

NORTH MANCHESTER, IND.

Senator MORSE.

HONORABLE SIR: We are grateful to you for speaking out against our country's action in Vietnam. We feel that we are interfering in the reasonable plan which was agreed upon at the Geneva Conference, a plan which we agreed to respect. We feel we have no right to bomb North Vietnam or to support those in South Vietnam who have not received the support of their own people. Our boys are being asked to die and our money spent for unjust foreign policy of the United States. We urge that you continue upholding fair principles and oppose the sending of our forces 8,000 miles from here to no good for anyone.

Respectfully yours,
Mr. and Mrs. DWIGHT H. ASHLEY.

FAIR OAKS, CALIF., *July 27, 1965.*

Hon. LYNDON JOHNSON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. JOHNSON: I am writing to you as a citizen of the United States, deeply concerned with those basic assumptions of our foreign policy that seem to underlie our recent actions in Vietnam and the Dominican Republic. Senators FULBRIGHT, MORSE, MCGOVERN, GRUENING, and others have pointed out on numerous occasions that an effective foreign policy must be based on present-day realities rather than old myths. The following assumptions seem to me extremely dangerous in an age of thermonuclear reality.

Our foreign policy apparently assumes (1) that all Communist governments are dangerous to our security and therefore no new Communist governments should be allowed in the world; (2) that subversion can be equated with armed invasion; (3) that our foreign policy should be unified and inflexible and public debate should be discouraged, and (4) that we can win the cold war and this can be accomplished by military methods.

I will try to discuss each of the above assumptions, hoping that this discussion will help to promote a dialogue on this crucial subject. The first assumption does not correspond to present-day reality. Yugoslavia, Poland, and Rumania, for example, offer no military threat to our security. Inherent in this assumption is the belief in a unified worldwide Communist conspiracy. Tito's independence as well as events such as the China-Russia split should be sufficient to dispell this myth.

The second assumption is an extremely important one. If a few Communists attempt to wield some influence in a government or revolution, are we justified in calling this an act of aggression in order to justify our armed intervention? How can an effective war be carried out against subversion? How can we tell a Communist subversive from a a socially concerned patriot? Why do we fear subversion? Has any government that was sensitive to the needs and wishes of its people ever been subverted?

The third assumption openly violates the principles of our constitutional democracy. In a society that is ruled by the peoples' representatives at the concent of the governed, the government must provide the people with accurate information and encourage unlimited discussion in the national legislature and among the public at large. Only then are the people and their representatives able to arrive at wise decisions.

The fourth assumption implies the defeat of communism. In this assumption we imply that we have the only political system worthy of existence in the world and that not more than one political ideology can exist at one time. Why is it that we are not concerned about the existance of dictatorships? Isn't this system of government just as alien to our own as communism? Obviously we must learn to live peaceably and with mutual respect for other systems of government. Our only other alternative is to try to conquer the world in order to make it safe for democracy. In my opinion the latter course of action can lead only to national suicide.

With sincere concern,
DAN W. CLANCY.

REDDING, CALIF.,
July 28, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We wish to thank you for your opposition to U.S. policy in Vietnam and ask you to keep up the fight. The hopes and prayers of millions of parents are with you. Keep up the good work.

We have admired your fearless stand on other matters in the past, but, like most, did not take time to write you.

We, like millions of other parents, are wondering why American boys should fight for a system obvioulsy so corrupt as the South Vietnam Government system is. We are sick and tired of more than a decade of bungling in Vietnam. This country has spent enough money there to have bought every family there a good farm, yet the continuing poverty of the peasantry makes them easy converts to the Vietcong.

The rest of the world is turning against us in this war. We look great, using napalm all over the Vietnam landscape. How many innocent people have been destroyed because of indiscriminate plastering of a jungle by burning gasoline and high explosives? The pictures of our own press runs of Vietcong suspects—suspects mind you—being tortured by South Vietnamese soldiers are enough to turn anyone's stomach.

We are losing the respect of all the world. And, fighting in a hostile environment where technological advantages mean little, we are making ourselves the laughing stock of other nations. We and our South Vietnamese allies together can't put down half-starved guerrilla fighters who think they have an ideal to fight for.

Please read the attached editorial. Our prayers are with you.

Sincerely,
GARTH and LORRAINE SANDERS.

[From the Redding (Calif.) Record-Searchlight, July 29, 1965]

LET'S HOPE UNITED NATIONS WILL MEDIATE IN VIETNAM

The one cheering note in President Johnson's press conference speech yesterday was the renewed appeal to the United Nations to do something about the Vietnam situation.

Unless we can get some acceptable international body to take over and mediate, it appears we're trapped in an increasingly bad mess. For without allies, Asiatic or European, we are engaged in a land war in Asia, and in the eyes of a great part of the world this is rich white men killing poor dark-skinned people.

And it's a war in which there is no real winning. Suppose we somehow whip the Vietcong and occupy and control all of Vietnam, or at least of all South Vietnam, and that neither China nor Russia comes into the fight. This would be "victory," but one in which we'd have to be the occupying conqueror for a long, long time. An alternative would be to set up another of the long series of dictatorships that have plagued this part of the world.

Of course, having gone as far as we have, it's difficult to back out without losing face and welching on commitments. The commitments should not have been made; they were commitments the American people were assured would not be made; they were made to a "government" lacking the support or consent of the people it seeks to govern.

President Johnson did not make the original commitments, though he has tightened them. But now he's stuck with them, and his political enemies, the very ones who have urged him to hit even harder in Vietnam, already have shown they'll make him suffer either way. If he seeks to end the ghastly mess, he'll be called an appeaser; if the war goes on and gets worse, as it shows every sign of doing, it'll be "Lyndon's war" and he'll face a candidate pledged to "bring our boys home."

This is a predicament from which we seem unable to free ourselves. That's why some help from outside will be more than welcome.

WASHINGTON, D.C.,
July 29, 1965.

DEAR SENATOR MORSE: Thank you for your courage in speaking out against our occupation of South Vietnam by military forces.

Our position there seems illegal, immoral, and untenable and completely opposed to our stated national concept of goals and ideals in dealing with our fellow men.

Tacit consent in aiding in torture of Vietnamese peasants, both adults and teenagers and actually children, who are caught between the ambitions of two politically opposed groups of Vietnam is perhaps one of the most barbarous acts committed by this country in many decades.

Ruthlessly aiding in bombing indiscriminately, either because of inexperience of the military commanders or complete disregard of international military code, indicates that we have already taken ourselves out of the boundaries of behavior set by the United Nations. As a Christian nation we are setting an appalling example of being far more ruthless than Communist nations.

It is most unfortunate that the advisers of the President disregard United Nations opinion. Whatever good has been achieved on a national level during the President's tenure of his office will be of little or no importance if we continue our international policy of interfering in the domestic affairs of other countries. Rather, we should withdraw all troops from Vietnam at once, leaving only our Embassy personnel and work through the United Nations for fulfillment of the Geneva Conference to permit the Vietnamese electorate to decide their own destiny.

Hopefully they would be willing to become a neutralized nation and put an end to the military dictatorship which we are supporting in South Vietnam.

Again my gratitude that we have one strong, intelligent, and moral voice which speaks out again and again for world law and order.

With warmest best wishes.

Cordially,

Mrs. Fred Z. Hetzel.

San Francisco.

The Honorable Wayne Morse,
U.S. Senate,
Washington, D.C.

Sir: My congratulations on your forthright militant rejection of President Johnson's "war" program.

There are many of us walking in peace marches, talking to friends and coworkers, urging withdrawal and negotiation who are becoming more frustrated and discouraged as each day more dreadful acts are carried out in the name of the people of the United States.

Your voice gives us courage to carry on. Don't fail us—speak out, often.

Most sincerely,

Ellen Izard.

July 29, 1965.

Dear Senator Morse: I appreciate your having the courage to speak out and give your opinion on this terrible war in Vietnam. I agree with you completely. I do hope, through your efforts, this civil war in Vietnam can be settled in the United Nations.

Very sincerely,

Mrs. Irene Mandell.

July 27, 1965.

Dear Senator Morse: You are fighting a losing battle—but thank God you are fighting.

It seems as though the warhawks, including Johnson, have gone completely off their mind.

I wish I knew how I could help—I write Johnson almost daily hoping that enough mail against war will make him realize that his words of peace and his actions of war is not fooling anyone.

He would make a good actor—he is always posing—and frankly we turn off our TV when he is on—because he seems to think he is fooling the American people. All he is doing is showing that he is a warhawk—he lied to get the Presidency—so where do we go from here?

Again thank God that you and a very few of the others are protesting—it gives us just a little hope.

Please help us to help you in some show of faith we have in you to possibly make the warhawks come to their senses.

Thank you.

Peggy Klempner.

Yucaipa, Calif.

Woodacre, Calif.

Dear Senator Morse: Please continue in your efforts against more military aid to Vietnam and in your criticism of Johnson's policy regarding this disgusting situation.

Thank you.

Evelyn Hall.

Carmichael, Calif.,
July 28, 1965.

Dear Sir: I would like to take this opportunity to thank you for your efforts in the Senate to bring about peace in the world. I feel, as I know you do, that our only hope in this age is the settlement of our problems through world law and the United Nations. I am certain that more and more voices will join yours in this effort in the weeks to come.

Americans everywhere are indebted to you.

Sincerely,

James K. Todd.

P.S.—Since I am a displaced Oregonian now living in California, may I be added to your mailing list.

J. T.

State University of
New York at Buffalo,
July 31, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Of all the U.S. Senators you must surely stand most erect for your forthright declaraitons in opposition to President Johnson's war in Vietnam. I can only say that you deserve the highest praise, our foremost respect, and our fullest support in your sustaining efforts to inform the Senate, the President, and the American people of our persistent errors in regard to our military intervention in Vietnam. I plead with you to maintain your courage and your dedication—not to yield and lose heart.

Let me inform you that our own endeavors to educate the American public concerning the Vietnam situation continue with increasing vigor and dedication through the sponsoring of public debates, speeches, distributions of literature, conversation, and letters to newspaper editors and public officials. If you should have any suggestion to propose to us so that we might be more effective, please do not hesitate to so inform me.

I am wondering if you have available copies of speeches, official publications, or any other written material to send me. I would be most pleased for you to place my name on your mailing list in order to receive whatever you have to offer along these lines.

In closing, let me offer to you a more complete quotation of President Johnson's appeal to reason so often quoted:

"Come now, and let us reason together.
If ye be willing and obedient, ye shall eat the good of the land:
But if ye refuse and rebel, ye shall be devoured with the sword.
—Holy Bible, Book of the Prophet Isaiah, chapter 1, verses 18, 19, and 20.

What could be more prophetic?

Respectfully yours,

Sidney M. Willhelm,
Assistant Professor.

Woodland Hills, Calif.,
July 29, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: It is the purpose of this letter to register my approval of your stand concerning U.S. policy in southeast Asia, particularly as regards our action in Vietnam.

I greatly admire your courage in taking a forthright stand for what you believe to be right.

Sincerely yours,

Harry E. Sullivan.

Los Angeles, Calif.,
July 29, 1695.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I heard your comment on CBS regarding Vietnam where you suggest that our dear President send a resolution to the Security Council of the United Nations in order to work out a peace through world law.

He is asking for help through the United Nations but in turn is committing more American forces because the South Vietnamese have given up. This is not a war for freedom. This is an American war. It looks like we are in it to stay.

How can we alert our Congress and the people to the facts. I heard Sander Vanocur—NBC newsman just back from Vietnam explaining this type of war can never be won. If the Americans want to do it alone, it will take 2 million men.

Wish you health in order to keep up the courage. Your Governor Mark Hatfield's position is great. I wrote and commended him too.

Sincerely yours,

Ida Messinger.

Cupertino, Calif.,
July 28, 1965.

Senator Wayne Morse.

Dear Sir: I believe you will appreciate the sentiments I have enclosed with this letter. I don't know if you ever looked up any of the Bible passages I have referred to in my material to you. I will say this, you have been unswerving in your fight for honesty and fairplay in our foreign affairs. If you and your associates could all get busy and recognize the basic soundness of my analysis, perhaps civilization might be saved.

I can anticipate a major American naval disaster in the immediate future. Following that there will be four or five atomic or nuclear bombs dropped by our side in a continuation of "measured" retaliation.

Sincerely,

Elton R. Maas.

Seattle, Wash.,
July 30, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: My own Senators are of no use to me in this matter about which I and many, many of my neighbors feel strongly.

I speak of our activities in Vietnam. It seemed to us that Lyndon Johnson had the opportunity of all history to proclaim peace for the world when he came into office. He did not.

We look at the wars of history and find that after killing numberless men, the peace table was the final settlement. We act like beasts.

What concerns us, out West here, is the real motivation for this war in east Asia. If "communism" the favorite cuss word of our time, is the real cause, then it is the fears of business, private profits and monopolies which are the actual urgency. Is it such things as tin, rice, and rubber and their future control by our "free enterprisers" which are furthering this killing spree, this drafting of more and more young men to snatch their profits for them at the cost of lives, defeated family life, and embittered young men?

I remember, during the Korean war, we had a pet shop and many soldiers on furlough used to come in to play with the puppies and kittens. One day I asked one of these young men what we were accomplishing in Korea. I have never forgotten the way he stiffened up and replied "Not a damn thing."

After that I made a business of asking. Perhaps it was my friendly, gray-haired old lady appearance which made them speak frankly, but out of the 39 I asked they all made practically the same reply.

Why, for instance, have we not sent vessel after vessel loaded with food and materials for bettering life in Vietnam, to get the same result over communism—if it really is communism we fear. Think of the attitude toward America to be created by such gifts, instead of winning what we now have—

the disapproval of practically all nations, lost trade with the immense Chinese population, and not the least, the fears, sadness and unwillingness of the parents of drafted soldiers.

Please set me straight. We need the advice and wisdom of a Senator who dares to oppose our Government policy.

Sincerely yours,

Ethelyn M. Hartwich.

North Hollywood, Calif.,
July 28, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: I'm with you.

Yours truly,

J. E. Katzenberger.

Fort Lauderdale, Fla.,
July 29, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: You seem to be one of the very few leaders in this country to whom the American citizen can appeal.

Why do our statesmen hide their heads in the muck and become merely politicians under the heel of President Johnson? Why is everyone who disagrees with Johnson tarred as a Communist? Is it so that none will dare speak out?

Will we have to whine like the German people did of Hitler's war: "We were not responsible; it was not of our doing."

Khrushchev got out of Cuba. Was he a more responsible leader than Johnson? Doesn't he know or care that the use of violence to solve problems is an absurdity? Or is he some sort of antihero, above the conscience of God and man?

Our late President Kennedy was more than a man for America, he was a man for the world. Will there be anyone to seize the banner from his stilled hand or are we never to have the loathsome yoke of war lifted? Must we all follow like lemmings down into the hellish pit which Johnson is digging deeper for us everyday?

Johnson's arguments for war are as straw in the wind. Everyone of us knows that this country is strong enough to turn back any aggressor. Let not America be the aggressor.

Why hasn't this vital issue been laid squarely before the United Nations where it belongs, in this world that is being forced to use commonsense? Why is Johnson hedging this question?

Surely, America could do more for the peoples of Asia and Africa through a demonstration of all-out help in a South Vietnam that is separated from her Communist neighbor, North Vietnam.

This senseless killing of both Americans and Asians is creating vast fear of the U.S. Government throughout the world and in American citizens, also.

In God we trust.

E. Coots.

Winnetka, Ill.,
July 31, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am enclosing a copy of a letter just sent to President Johnson. It is only one of many recent messages to him.

I hope that you will use his recent statements in such a way that he will receive public support for the diplomatic and political approach, rather than the military escalation which seems almost inevitable.

Unfortunately, there are few men in Congress to whom we can make an effective appeal. We hope that you can convince more of them.

Yours sincerely,

Sarah Shoresman.

Winnetka, Ill.,
July 31, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: Not long ago, I wired you that I do not want a wider American war in Asia. I still feel the same way. I, however, applaud in your latest remarks that you are ready to talk with the Vietcong and discuss the four points previously made by Hanoi. I hope that your request to the Security Council will be vigorously pursued and will bear fruit before we become more involved in deadly warfare. I hope that diplomatic, political, social, and economic means, not military, will be used from this point on to bring an end to the death, destruction, and disease in both Vietnams. The increase in draft calls, the request for more military spending and expansion of our forces in Asia, frighten all of us and serve to consolidate opposition to our policies throughout the world.

I shall stand behind you in every diplomatic effort to bring an end to the tragedy of Vietnam.

Yours for a better world,

Sarah Shoresman.

Gaza, Iowa,
July 28, 1965.

Dear Senator Wayne Morse: The situation and deplorable U.S. policy in Vietnam has many in this community deeply worried and concerned.

I understand you are one who is in opposition to the bombing in North Vietnam and the terrific military buildup in South Vietnam. If so I would like to extend my sincere appreciation and wholehearted support.

It seems this situation has gotten way out of hand. Not much but disaster is going to be achieved by all the military aggressiveness and show of force. If all the personnel and money could be turned to constructive efforts and peaceful help and building up of the country's resources rather than the current destructive policies how much better everyone would be.

May you continue to work for peace and a constructive U.S. policy.

Many thanks,

Mrs. Russell ———.

Billings, Mont.,
July 24, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: I've listened with interest to the opinions you have expressed in recent years concerning the Vietnam war. I think that we made a terrible blunder and the proper thing now is to admit that we made a mistake and get out of Vietnam, because after all anyone can make mistakes and we have made them before. We should turn it over to the United Nations and let the United Nations take responsibility and be supported at the very time that it needs our support. This should be done immediately before this war escalates into world war III.

Thank you.

Sincerely yours,

Eugene V. Kronmiller, M.D.

Menlo Park, Calif.,
July 30, 1965.

My Dear Senator Morse: I have not seen your name in our papers since Johnson's talk, but I heard on radio that you yelled "murder" with which I wholly agree.

We keep on trying to influence Johnson to cease-fire, to turn the negotiations over to a United Nations which we would support and make strong enough to settle international disputes.

Could some of these clippings be inserted in the Congressional Record? Do you like to see the editorials and good columnists from the San Juan Chronicle?

My dear man, how I wish we had you for our President.

Carry on.

Helen Hildreth.

Los Angeles, Calif.,
July 29, 1965.

Congressman George E. Brown, Jr.,
House Office Building,
Washington, D.C.

Dear Congressman Brown: May I again, on behalf of both myself and Mrs. Borough, express appreciation and gratitude for your firm stand on behalf of world peace in the present crisis precipitated by the Johnson administration? You and the courageous dissident minority of Senators and Representatives who are standing out against the warhawks may well prove the deciding factor in the prevention of ultimate chaos and dissolution for civilization. Your responsibility is tremendous.

Your battle is by no means hopeless—the people are being mobilized on behalf of peace. It is undoubtedly true that a decisive majority of the politically conscious citizenry of the United States stands for peace—against the escalation of the Vietnamese war and for the prompt settlement of the issues involved through the United Nations. As for the people as a whole, the majority is torn by doubts and fears and, though silent, is by no means convinced that it wants its sons to fight a truly foreign war. There are, of course, the representatives of the Pentagon-industrial complex and their defenders—always the enemies of international law and sanity. But these, though powerfully entrenched, are by no means invincible in the face of national and international opinion. I am eager that you and your courageous colleagues accept this wholly rational premise. Do you? You must not concede that you are fighting a losing battle.

Above all else, it ought to be increasingly apparent that the official Washington presumption that this Nation has a right to lay down the moral law for all humanity is ludicrous and totally unacceptable to the rest of mankind. Let's get off our high horse and try to be cooperative human beings.

Thanks again, Congressman Brown.

Cordially yours,

Reuben W. Borough.

Cortaro, Ariz.,
July 30, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: The critical Vietnam situation is a very serious problem. It seems that most people, who are concerned about the Vietnam fight, deal with it only with their emotions, not with their intellect (perhaps their brain has been numbed by the slaughter).

Oh, how the American people do need understanding and integrity when they are confronted with controversial problems.

The average public official and the average American is starving for, at least, one of the qualities in which you are outstanding, that is intellectual and moral courage.

I think the national administration is making some good progress with many of our domestic problems, but the foreign policy seems to be far off the course, especially the massacre action in Vietnam.

I think this Nation has no right to use military power to force other nations to adopt an ultra conservative or reactionary government.

It seems to me that for many years the United States has been giving military or economic support to royalty and other dictators in foreign countries.

It seems to me that this Nation is interfering with the democratic processes in Vietnam.

This Government should exercise more effort to stop the Vietnam fight instead of extending it.

Senator, I think some of your views on foreign policy are much better than some of those being followed.

Senator Wayne Morse, I appreicate your active intellectual and moral courage in your concern with our today's problems.

Sincerely yours,

A. B. Jackson.

P.S. A quotation from a cartoon: "The only thing to do is set up a reactionary, incompetent government, then ask for U.S. support."

Egg Harbor, N.J.,
July 30, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: How courageous a man you are. Your path must be lonely. I pray for you and your convictions, daily. How some of our leaders throughout the world can gamble with millions and millions of lives is nonunderstandable.

A concerned citizen,

Mrs. Calette Galli.

Dorchester, Mass.,
July 31, 1965.

Dear Senator Morse: I am in favor of your fight to have President Johnson clarify our foreign policy. You are a patriot to your country. I am sorry that you are harassed by being unable to have your speeches printed because of your dissent from President Johnson's view.

Gerald J. O'Rourke, Jr.

Milwaukee, Wis.,
July 29, 1965.

Dear Senator Morse: Please continue your efforts to have the Vietnam war settled by the U.N. My husband and I are among those who do not approve of U.S. behavior in that country and who do not go along with President Johnson in this area.

Sincerely,

Ivy Nevala.

Davis, Calif.,
July 27, 1965.

Dear Senator Morse: My profound admiration for your courageous stand on Vietnam.

You will yet be honored for your expert analysis of this senseless war—if there is anyone left to honor you.

John E. Draper.

West Branch, Iowa,
July 31, 1965.

Dear Senator Morse: Your "No" vote on May 4, 1965, when the President asked Congress to appropriate an "additional $700 million to meet mounting military requirements in Vietnam" is applauded. May you continue to be responsible to and for the people of these United States and of this world.

Through Christ.

Love,

Fred L. Barnett.

New York, N.Y.
July 31, 1965.

Senator Wayne Morse,

Sir: You are indeed the greatest man in Washington today, I only wish that you were from New York. My representatives—one a man full of Boston beans who must confess to Cardinal Spellman and the other is forever looking for softer matzoth balls on Broadway.

S. Moraski.

New York, N.Y., *July 30, 1965.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: Enclosed is a copy of a letter I sent to President Johnson.

This country is rapidly approaching the point of no return. You are one of the few people with the courage and honesty to speak out. We look to you for leadership and guidance.

Sincerely,

Jane K. Sklar.

New York, N.Y., *July 30, 1965.*

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: Your remarks concerning your distress at having to send our boys to be killed in Vietnam were unconvincing. To the ears of a mother they had a false ring.

The war in Vietnam is not worth the cost of a single life, American or Vietnamese. If you are at all sincere, you can agree to the implementation of the 1954 Geneva Accords. Then you will be saved the need for shedding tears for our boys.

Respectfully,

Jane K. Sklar.

Modesto Junior College,
Modesto, Calif., July 15, 1965.

Dear Senator Morse: As a college teacher since 1930, except for 4 years' service in World War II, I am behind you 100 percent in your program for Vietnam. I also suggest that McNamara and Rusk should go.

Also, the Bundy boys should go.

What can we Democrats do to help matters?

Charles Black,
Instructor in Anthropology.

P.S. The administration could use a few anthropologists, but then these are not very popular with either the south or the Army.

Springdale, Conn.

Dear Senator Morse: I just want you to know that I think you are the only Senator in Washington that is sensible. Please continue to speak out for you reflect the views of many Americans.

Thank you.

Dorothy Osilea.

Ypsilanti, Mich.,
August 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Eastern Michigan University Vietnam Committee urges cease-fire and immediate negotiations with National Liberation Front in Vietnam.

J. Theodore Hefley.
James R. Walter.

Pittsburgh, Pa.,
August 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I endorse your stand on Vietnam. We were wrong to go there; are wrong to stay there. Two wrongs do not make a right. "May your tribe increase."

Celia C. Lewis.

Ypsilanti, Mich.,
August 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Urge you to cease bombing Vietnam. Begin negotiations immediately with the National Liberation Front.

James R. and Judith C. Walter.

Salt Lake City, Utah,
July 27, 1965.

Dear Senator Morse: Hurrah and cheers. Heard your short comment anent Vietnam fracas tonight at 10 p.m. over Station KCPX, Channel 4.

It is about time some of you in Congress pulled on President Johnson's [but more so on McNamara's and Rusk's and CIA's] leashes. Who says we [the people] want to fight? If Mr. Johnson and his well-heeled backers want to fight a war let them—with their bodies, their blood, their sons—keep the rest of us out of their perile, childish, stupid, Napoleonisque games.

We have many problems here. Why not make this country a closer approximation of Heaven and leave the rest of the world to their hell-making. And what will the Vietnamese be freed from—an approximation of poverty to the sureness of destroyed productivity? Since when can the destruction of land be called a blessing? What kind of friends are those who come into my yard to help me in a fight with my brother and who leave me minus a house, a barn, a crop, everything. That is what we are doing in Vietnam.

Mr. Johnson better take care that he not lose more than his face. The one called God may take a look-see on this earth and decide to sweep it clean of all who encumber it because they are spiritually dead. With God, positions and possessions do not count and leaders who lead their followers to evil-doing are guiltier than the ignorant masses they lead.

May that God inspire you to oppose the real malefactors within this and within all nations on this earth. Congress still has the last say-so on declaration of war. Don't let Johnson, et al., eucher us into that declaration.

God be with you.

Fred F. Jurasek.

Portland, Oreg., *July 30, 1965.*

Dear Senator Wayne Morse: I feel the pulse of heartbreak for our Nation at the decision of President Johnson to send his peace and progress program forward on foreign soil with the blood of our sons, and tears of their loved ones.

As our confidence in our President is shaken, please let us extend our vote of confidence to you for the mighty right you stand for, and thank God you can speak out so we can all hear you.

We voted for a man who promised that no mother's son would fight on foreign soil, and not at home; unless we were attacked. The Oregonian depicted our new President and Vice President in colored pictures and ink as peace and progress.

Now he describes "peace" to us as war strategy to have peace if we have to fight for it. He never talks of initiating measures to bring about a peaceful solution. He only suggests that those who do not have either the ability or the confidence in our Nation to offer a solution that will be inviting enough for us to stop killing them because they are Communists.

President Johnson is right when he claims this idea of carrying the war forward over there is an old idea for that is what MacArthur was fired for.

It was hard to expect anything from Ike except war strategy, but somehow we all had high hope that Kennedy would gradually negotiate trade agreements to bridge a way to greater understanding among nations, because of his great intelligence in influencing the nations of the world to work peacefully toward solutions, and his patience to bring them about, and now we mourn his loss to our Nation anew as we see the result of "impatience."

When you speak it is like a light high on a hill of hope, again a vote of confidence from us to you.

Sincerely,

Mrs. John Maxwell.

JACKSON, CALIF.,
July 28, 1965.

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: I cannot vote for you, but I do respect you. Why, why, why must we continue to kill our lovely young boys?

We have spent millions of dollars for United Nations. What is it for? Can't America produce even one good leader that can prevent war?

We are not all behind President Johnson. Is this another Korea? What is our foreign policy?

We fight communism in Asia, then we have it 90 miles away and even in the United States.

I thought only Congress could declare war? I've lost faith in our "Great White Father."

Respectfully but so very, very sad, I am,

Sincerely,

MRS. CLAUDIA BABCOKE.

EASTERN MICHIGAN UNIVERSITY,
July 31, 1965.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SIR: As a voter and citizen in the United States, I want to express my deep and sincere appreciation for your courageous stand upon the question of Vietnam. It is comforting to know that the Senate is not entirely without consciousness that in Vietnam the United States has put forward the most unfortunate foreign policy commitment (with the exception of the inexcusable performance in the Dominican Republic) to date.

The United States should never have been in South Vietnam, to begin with. And neither international law nor commonsense support our continued adventures in that unfortunate country.

The only conceivably sensible and honorable thing for the United States to do now in Vietnam is to ask the U.N. to exercise all its possible power to gain a cease-fire preliminary to serious negotiations for a settlement. And negotiations must include all concerned parties (the Vietcong also) at the conference table.

Once the dangerous, insane escalation of the war, and the mutual use of terror and brutality, have stopped, we may all recover our wits sufficiently to make a settlement at least as good as the 1954 Geneva accord—with the United States a signatory this time, please.

Sincerely yours,

ANN HUBBELL.

P.S.—I am sending a copy of this letter to President Johnson.

NEW YORK, N.Y.,
July 31, 1965.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a college educated, voting, questioning, responsible citizen, I feel compelled to protest what my country is doing in Vietnam and other parts of the world. I may not approve of what other countries do, but that is irrelevant. This is my country, and the only one in which I have an involvement.

I am offended that we feel we have inherited the divine right to determine what is right for the rest of the world. This has burdened us with policing the whole world, enforcing our policies most cruelly at times and, in short, led us to a kind of insanity which calls every revolution communist and quashes the just struggle for freedom. We have turned our backs on the motivations which, in their turn, caused our own revolution. We are ignoring the realities of the world situation.

I feel like a citizen of prewar Germany who sat and watched while the trains took Jews past to be stripped of the final freedom. There is no "right" or "wrong" in this world politically; but there is a wrong, and we all know it, when people are mangled and murdered by us. Hitler leveled Lidice in the war when it was supposed to hold partisans—and the world called it just one more of his atrocities. I do not want my country to be doing the same; I grew up being taught it could never be so.

And even more practically, can we go on using these methods wherever another country would use communism or socialism or whatever to achieve what we already have. It is none of our business. And we cannot keep it up forever. We must find alternative methods to war to settle human disputes. Instead of relying on defense and armaments experts, please listen more to the many State Department and university experts who are spending their lives working out ways to achieve peace through honest negotiations, economic cooperation, agreement to allow others to differ with us.

In brief, they, whoever they are, are no more perfect than we. We must accept this and plan for, not an end to strife, ways to settle strife without the horrible means of modern war.

Sincerely yours,

JEAN CLARRIDGE PELLETIERE.

YPSILANTI, MICH.,
August 1, 1965.

President LYNDON JOHNSON,
The White House,
Washington, D.C.

MY DEAR PRESIDENT JOHNSON: I wish to convey to you my opposition to the present policy toward Vietnam.

Although the number of our troops has been increased in that area and the draft doubled, the war is hopeless, it seems to me, from a military standpoint. The French committed a quarter of a million troops to the task of defeating the Vietminh and ultimately had to withdraw even though they continued to hold the major cities.

If the war continues to escalate, both Vietnamese and Americans will be killed in increasing numbers in a brutal, senseless war which can go on for years until it becomes another Korea. And the Korean war finally became so unpopular that General Eisenhower in 1952 promised to go to Korea if elected and secure a cease-fire which he did.

The political implication of a continued war in Vietnam is that we will lose more face than we already have among southeast Asians and probably among undeveloped nations over the world. Moreover, if it is communism with which we are chiefly concerned, more Communists will be produced with each day the war continues.

But the most serious results of the war might well be a nuclear confrontation followed by someone's decision to employ atomic weapons. This danger, it seems to me, is so frightening that no nation is justified in embarking on the sort of military adventurism which now characterizes our Vietnam policy.

I urge you to deescalate the war with a view to reducing the tension and removing American troops from Vietnam as soon as possible.

Very truly yours,

J. THEODORE HEFLEY.

BRONX, N.Y., *July 29, 1965.*

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: Keep up your fight against the ever-widening U.S. military involvement in Vietnam.

Only Congress can declare war, according to the Constitution. We are in a hot shooting war, but why has Congress failed to exercise its warmaking authority, which is expressly mandated in article I, section VIII, subdivision 11 of the Constitution?

I am proud that you keep insisting for Congress to debate this issue. Too many of your colleagues in Congress either are too timid, or too indifferent to this life and death problem.

Maybe now Congress will take up discussion of our southeast Asia troubles since hundreds of thousands of our men are to be sent there, and since it is to cost so much money.

I admire you for standing up almost alone in your dissent of current Presidential policy on southeast Asia. The Congress should be grateful to you for saving the warmaking policy for the Congress to perform, as the Constitution states.

Yours very truly,

HELEN D. KARSTADT.

ANN ARBOR, MICH.,
July 31, 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I wish to express my great dismay at your decision once again to escalate the conflict in Vietnam. The refusal of our antagonists there to talk peace cannot be a convincing reason for escalation until we have offered to talk with the people we are actually fighting against.

If that kind of peace negotiation now seems like "backing down," we have nobody to blame but ourselves, since our "commitment" to dictate what kind of government the Vietnamese shall have violates all our basis American values.

The only moral purpose for a foreign military presence in Vietnam would be to insure the freedom of free elections by the Vietnamese themselves, and the only way to do this is to make the military presence international; i.e., under the United Nations.

If we are afraid that South Vietnam would go Communist in a free election, then our best bet is to have the U.N. supervise two free elections, several years apart, so that the Vietnamese have a chance to live under the kind of government they now think they want and then have a chance to change their minds if they want to.

Such a policy would do the greatest honor to our American beliefs in democracy and individual freedom. Until it has been tried we cannot honestly claim that we have no peaceful and honorable alternatives to war in Vietnam.

Respectfully,

ELIZABETH CONVERSE.

Copy to Senator WAYNE MORSE.

JACKSONVILLE, FLA.
July 30, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is being written to say that I agree entirely with your position in the illegal war we are carrying on in South Vietnam. I have read in the papers at times that you are one of the very few men in Congress who have the courage to get on your feet and disagree with Mr. Johnson in this matter. We have no business in fighting a war in South Vietnam and we never made any promises or commitments to any country to do so. We were to furnish some military advisers to that little country but we were never under any obligation to send thousands of troops there to carry on a war.

If the forces of North Vietnam get control of South Vietnam I do not see whether that makes any difference to us. This whole little country is not worth the life of one American soldier. The situation is getting worse and worse. We are losing men every day and the expense is terrible and we the taxpayers have to pay. This is a matter that the United Nations should have to handle and not the United States should handle alone. We ought to get out of that little country as quickly as we can and slow down instead of enlarging the war. If a vote in this country were taken, I am confident that the great majority would agree with you that we should not and have no right to carry on a war in that country. I want to congratulate you upon your courage in the position you have taken. It seems, however, that practically all the Democrats in Congress go along with whatever Mr. Johnson wants and are afraid to oppose him in anything.

With best wishes, I remain,

Respectfully yours,

J. H. ROSS.

P.S.—Our Florida Senator, GEORGE SMATHERS is doing a poor job—he does everything Mr. Johnson orders to be done. I have so written him. I have been a member of the Jacksonville City Council for several years.

J.H.R.

JULY 29, 1965.

DEAR SENATOR MORSE: I am writing to you with the hopes that you will relay my plea to anyone who is in a position to listen. Please, please for every mother, son, wife, and children left behind, can't someone put a stop to this horrible mess before it goes any further? It appears that the U.S. Government has gone completely insane with a few exceptions of course.

As a private citizen, taxpayer, and voter, I am unable to understand the reasons for the insane mess in Vietnam.

Mr. President has explained and explained but I am still unable to grasp the real reasons Why? Are they being told? Or are we being duped again?

Please do whatever you can to help stop the war and register my protest if it will help.

Yours truly,

MRS. LAUREL TODD.

JULY 30, 1965.

Secretary General U THANT,
United Nations,
New York, N.Y.

DEAR SIR: Since all governments have expressed their desire for peace and the ending of the war in Vietnam, may I suggest that you call for a cease-fire to take effect August 14, the 20th anniversary of the cease-fire in World War II. This should be accompanied by steps toward negotiations.

Very sincerely yours,

PHILIP S. ROWEN.

VISTA, CALIF., *July 27, 1965.*

Senator WAYNE MORSE.

DEAR SIR: We are in accord with your policy on Vietnam. How can we help you in your efforts?

Sincerely,

MRS. LEROY THOMAS,
LEROY THOMAS.

SEBASTOPOL, CALIF., *July 29, 1965.*

DEAR SENATOR MORSE: I've heard many people in this area express their appreciation for your valiant effort in behalf of the Vietnam people. Accept my thanks for all you are doing to promote justice and sanity in world affairs.

LLOYD M. ALLEN.

DEAR SIR: I am simply a citizen who feels that we are embarked upon a losing so immoral path in Vietnam. Although I am aware of the many mistakes of U.S. policy of the past in this region and of the many fallacies and flaws of the present policy, I find it difficult to consider alternatives. Most of what I read is either outright opposition, with no actual realization of any dangers of outright surrender, or approval of the present U.S. policy. Intelligent criticism, that is aware at least of the perils of surrender and can consider them and still offer alternatives, is what I seek. If you could send me any literature you might have, copies of past speeches on this topic or the names of some other books so I might read, I would be greatly appreciative.

Thank you.

Sincerely yours,

WALTER NEWMAN.

LONG ISLAND CITY, N.Y.,
July 29, 1965.

DEAR SENATOR MORSE: The President's approach to the United Nations in his statement yesterday indicates that he is at last beginning to feel the force of your persistent argument.

I am deeply grateful to you, and to those few of your colleagues courageous enough to support you. I hope you will find the energy to persist in your wearying, and in many places unappreciated, effort to bring sense into our foreign policy.

I am sure that if it had not been for you, the President would still be holding tight shut even this one little door to peace.

With assurances of my highest personal consideration, I am, sir,

Yours truly,

EMMETT SWISSHELM.

JULY 27, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: As I doubt that President Johnson's consensus is any less evident in Oregon than in my locale in eastern Massachusetts, I wish to congratulate you for your (politically) brave stand on this Nation's policy of abandon in Vietnam. Certainly, you are alienating many of your constituents with your statements. It is absurd that the Senate is proving itself so woefully lacking in its willingness to get informed on the development of U.S. policy in Vietnam that only two in its ranks, yourself and Senator GRUENING, seem to be able to bring reason to bear on the problem. More power to you! Vietnam is obviously too delicate a problem to be coped with intelligently by politicians.

I have recently finished reading Harold Laski's "The Rise of European Liberalism" (1936). Below I have quoted the closing passages from that work for you. In them Laski describes his impression of the failure of the so-called liberal states of the 19th century to avoid the conflagration of 1914. His analysis, which points out the ironies of universal ideals compromised to parochial self-interest and reason perverted by crusading self-righteousness, seemed to this reader compellingly applicable to the posture of the present U.S. policymaking machine. At least it helps to explain our Government's naive understanding of modern Communism, its reluctance to understand Ho, the Viet Minh, the Vietcong, Vietnamese-Chinese relations, its spurious legitimization of South Vietnam in 1954, its sanctification of that regime by means of the SEATO protocol in September of 1954, and its mounting of a crusade there since 1960. Surely, the men in our Government who have so consciously pursued a power position in Vietnam, a position which can be rationalized only through crude abuses of fact and history, must feel threatened by ideas such as self-determination of peoples, anti-colonialism, distribution of goods according to need, to name but a few.

Whether either blind self-righteousness or cunning greed alone inform the outlooks of our Vietnam policymakers is impossible to determine from my vantage point. More than likely both these traits are playing important roles as our Government enjoys equating the protection of mankind's freedom with our national self-interest. With an unassailable formal justification for our policy such as this, it has become increasingly impossible for the United States to keep its foreign policies geared toward satisfying the hoped-for community of diverse nations and political systems that gave a reprieve to the war-torn world in 1945. In essence, the United States is committing its power to a concept of world order that is already obsolete. The self-interest of the United States is its own business which it must square with the interests of the other nations of the world; the freedom of mankind is the business of a genuine United Nations.

Well, enough of my theorizing. Here are the passages from Laski:

"That they [the classical liberals] had made war and revolution in their search for authority they either did not remember or chose to forget. That there was a time when they, also, had been driven to plead for understanding and justice and mercy they no longer recollected. That the liberty they cherished was, in sober fact, a freedom denied to the overwhelming majority of their fellow-citizens too rarely entered into their conscious thoughts. They had refused to see that a just society means either one in which there is recognition of an equal claim upon the common stock of welfare, or one, at least, in which differences in reward are capable of justification in terms of relevance to that common stock. They had been content to assume that a profitmaking society will, as science bestows the fruits of its discoveries upon mankind, always be wealthy enough to buy off its adversaries with material concessions. On their assumptions, they could not foresee that the forces of production would come into conflict so profound with the relations of production as to jeopardize the continuity of all the habits by which they shaped their lives. That conflict had been predicted throughout the course of the 19th century; but, for the most part, they had refused to take those steps by which its acerbities might have been assuaged.

"So that when the conflict did come, they were unprepared for its advent. Like their predecessors, they fell into angry panic, and felt with conviction that no price was too high to pay for the retention of their privilege. Even when the price exacted was the destruction of the liberal spirit, they did not hesitate to justify that sacrifice. They called it the common well-being, the maintenance of order, the preservation of civilized life. They refused to admit that the energizing principle of their society was exhausted. They could not believe—even with the evidence dramatically before their eyes—that mankind was ready for a new social order based upon a new relation of man to man. They had in their hands the choice between peace and war. But so completely were they in thrall to the profitmaking motive that, in the name of humanity, they blindly chose war, without the vision to perceive that the thing they called humanity was no other than the greed they served. So, as in the 16th century, mankind seemed to enter upon a long period of winter. We can comfort ourselves only with the hope that a later generation will detect in its rigors the grim prelude to a brighter spring" (pp. 263, 264).

Sincerely,

PAUL A. FIDELER,
Instructor in History, State College, Framingham, Mass.

RIVERSIDE, RIPARIUS, N.Y.,
July 30, 1965.

DEAR SENATOR MORSE: I have a new wrinkle of an argument for you in your continuing and just fight against the administration's immoral policies in Vietnam, though perhaps it occurred to you.

We are allegedly fighting to preserve and secure freedom for the South Vietnamese and we are using B-52's and napalm in this cause. Do we love freedom so much that we would send some marines to South Africa to release the hundreds of political prisoners there—who are imprisoned because they have stood up for certain minimal human rights? Or is our concern for freedom highly selective and relevant only where our banks do not have significant investments. In short, our guardianship of freedom is strangely selective and seems limited to destroying the terrain of primitive countries to stop communism. How about freeing Albert Luthuli?

Cordially,

WARREN E. STEINKRAUS.

FLUSHING, N.Y.,
July 30, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: We are enclosing a copy of a letter mailed to Senators JAVITS and KENNEDY, and Congressman ROSENTHAL. We wish to express our approval to you and Senator GRUENING for being two courageous men whose views we applaud.

Very truly yours,

Mr. and Mrs. SAMUEL J. HOLLAND,
BURT S. HOLLAND.

FLUSHING, N.Y.,
July 30, 1965.

Hon. ROBERT F. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: We are tremendously concerned regarding the escalation of our administration's war in Vietnam. It is a war not declared by the Congress or approved by the American people. We believe that neither we Americans nor the Western World is being threatened in the manner that the Nazis menaced all mankind.

We further believe that the Vietnamese have the right to determine their own destiny and their own form of government. All countries cannot be shaped in our image. If President Johnson wants free elections, let him adhere to the principles agreed to at the Geneva convention.

We urge you to prevail upon our Government to act with sincerity and to talk with the majority of the Vietnamese who have been fighting for more than 40 years to free their country from aggression. The so-called Vietcong are resisting us and it should be to these people who are fighting that we must address with our proposals of peace, if they be real.

That the German people did not speak out and protest a Hitler is now piously lamented. We who still have the right of dissent must speak up now against the unilateral policy decisions which are earning us the enmity of the free as well as the uncommitted countries of the world. Our stanchest allies can hardly contain their criticism of our actions.

Since our country has not been provoked our attitude is insane. If this madness continues much longer our country will cease being a democracy despite the administration's brilliant record domestically.

Where are the leaders who will speak up for us? If no one appears soon enough, words such as these will soon be deemed traitorous and treasonable.

May heaven help us.

Very truly yours,

Mr. and Mrs. SAMUEL J. HOLLAND,
BURT S. HOLLAND.

LINCOLN CENTER, MASS.,
July 29, 1695.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I do not need to explain to you why I believe our present course of action in Vietnam is wrong—if not insane. But I can see no hope of reversing it except through the action of the U.S. Senate.

The people will follow the President blindly, more readily because of his evident, sincere desire for peace "with honor." The conditioned reflex of the cry of "stop communism" is strong. But I see little hope of a solution along lines acceptable to the President's advisors through the United Nations—whom the Vietcong is unlikely to trust.

I believe we must get out with what little dignity remains possible and save our powder for a better fight—which please God may not be necessary—such as a Chinese invasion of India. This present one can lead to nothing but an interminable, massive military occupation.

Sincerely yours,

WILLIAM M. PRESTON.

MOUNT VERNON, N.Y.,
July 28, 1965.

DEAR SENATOR MORSE: I wish to congratulate you and thank you for your courageous stand against U.S. military policy in Vietnam. This policy (like a cancer) has eaten into the hearts and minds and morale of our American people to the extent that they are no longer able to honestly evaluate our actions. I believe the Pentagon must be responsible for this. This damage to ourselves could become irreparable if not checked. My heart aches for the people of Vietnam.

What can be done to turn the tide of our military policy? The American people do need and want peace. With all best wishes for your continued strength and good health to work for peace.

Sincerely,

ALTA B. CHUSID.

OTTAWA, KANS.,
July 30, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I write to say I approve of your views on the world situation in which you state you believe the United States must take the initiative for peace. The President has lagged here, or doesn't believe it.

I am opposed to the present Government war policy as I understand it. I urge you to work for cessation of U.S. bombing raids on North Vietnam; cessation of troop movements to South Vietnam.

I urge you to continue to work for peace, especially to make full use of the U.N. resources. I feel the latter has not been done.

Yours sincerely,

RUTH A. HANNA.

EAST CHICAGO, IND.,
July 28, 1965.

Hon. WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR MORSE: I wish to compliment you on your stand on the Vietnam crisis. It's too bad that we don't have more in the Senate today with your understanding.

I am a lifelong Democrat as my voting in East Chicago will verify. I was one of those who welcomed our President to East Chicago during the time he ran for President.

I am very disappointed in his stand on the Vietnam policy. I feel strongly that we have no obligation there and especially in the needless sacrifice of our American youth.

Recently I returned from a 4,000-mile vacation trip. Rather by accident in my travel which covered 11 States, the Vietnam situation was mentioned and discussed. Sometimes it was a gas station attendant and others such as fishermen, resort owners, restaurant operators, etc. Most of those I talked with disclosed their politics, and were Democrats, and all of them condemned the President and his policy on Vietnam. In Washington, D.C., I heard the same comments.

The States through which my travels took me were Wisconsin, Indiana, Illinois, Ohio, Pennsylvania, Maryland, Washington, D.C., Virginia, West Virginia, North Carolina, South Carolina, Tennessee, and Kentucky.

I estimate that I talked with 40 to 45 persons. Remember these are the working class of people and not executives, and so forth. Also, I determined that by far the largest majority were Democrats and were very bitter.

As a businessman I am hearing the same thing from customers every day and this is a very strong Democratic vicinity.

Again congratulations and keep up the good work. You are winning a lot of respect.

Yours truly,

HERBERT O. JOHNSON.

MENLO PARK, CALIF.,
July 29, 1965.

DEAR SENATOR MORSE: This letter is an expression of support for your outspoken criticism of the Johnson administration's present foreign policies. I am disgusted by the acquiescence of Congress in the face of this grave situation. A full scale debate of the Vietnam war by the Senate is definitely in order. I strongly urge you to continue your efforts to present rational alternatives to our present foreign policies. You have the support of a large proportion of the bay area citizenry. Could you send me a couple of your most recent speeches concerning the Vietnam situation?

Very truly yours,

JAMES K. SAYRE.

SENATOR MORSE: Keep up your Vietnam criticism. You are correct.

Truman made a mess in Korea, Johnson has made a mess in Vietnam.

You may not agree with some of the things I say. But look at things correctly and you will see.

ABN.

MONCKS CORNER, S.C.,
July 29, 1965.

Gov. MARK HATFIELD,
Portland, Oreg.

DEAR GOVERNOR HATFIELD: With interest and satisfaction I noticed that out of all the various Governors assembled, only you and Governor Romney had sense and courage enough to voice opposition to sanctimonious talking Lyndon-come-lately as related particularly to the ever-growing-worse situation in Vietnam.

My hat is off to both of you gentlemen—and my sincere wish is that other men, both in Governor's seats and in the U.S. Congress will awaken to what is going on and side with you two gentlemen.

A fair, sensible and impartial look at U.S. involvement in Vietnam should make every intelligent man and woman realize that from the very beginning conditions pertaining to U.S. involvement have steadily gone from bad to worse. And, of late, alarmingly so.

Henry Cabot Lodge, whom I long ago dubbed, "Mr. Saigon failure," accomplished little or nothing during his reign in Vietnam. Now he is back. And why? More because of politics than ability.

Gen. Maxwell Taylor has nothing to boast about for his efforts.

Arrogant McNamara made several trips to Vietnam. And if he accomplished anything worthwhile—except wasting public money on such trips—it has not been apparent.

It seems to me, as I think it should be to anyone and everyone with good sense, that the fault lies with the political leadership in Washington.

The Vietcong have, on occasions too numerous to mention, made monkeys out of the men sent to Vietnam by the Washington chapter of the political KKK.

Just to mention three: When that building was bombed killing several sleeping

Americans, the official excuse was in the jungle and couldn't be guarded. Bah. Green, country boys with buckshot could have and would have protected that building as it should have been. Apparently, no leader.

When those several planes were destroyed. Officially, accidental.

Bah again. No competent leadership was evidently there.

When correctly timed and planted bombs at that floating restaurant. These three occurrences should make people wonder why this Government did not hire a few Vietcong leaders to guide American destinies in Vietnam.

Now, the United States under the guidance of the Washington leaders of the political KKK who have made a mess so far in Vietnam, is flirting with a real war.

If we are to become engaged in a real war, why, oh why can't the sensible and thinking people of America work for and find a way to make the nigger vote wooing political racketeers in Washington take a back seat, and in their place, put real men to guide this Nation when real leadership is most wanted? Men of the caliber of Gen. Mark Clark.

The only war that sanctimonious talking Lyndon-come-lately: Smiling, smirking Hubert, arrogant McNamara, bullying Katzenbach, and their tools among the Federal judiciary who have made a mockery of city and State laws, can win—have the ability to win—is the war against the hated and persecuted South to force equality between races that God did not make equal.

Withholding Federal funds, Federal patronage from Members of Congress who dare to buck the political KKK, numerous forms of reprisals, Federal court edicts that have made crimes committed by bestial niggers skyrocket, and all such practices of the political KKK will never win a war in Asia or Russia.

This Nation needs real men at the helm to guide our destiny—not the poor excuse for men with the welfare of their Nation and all of its people at heart, that we now suffer from.

Think over what I have told you. We sorely need real leadership—far different from what we now have: a leadership that will work for the welfare of this Nation and all its people. Instead of working to win the votes of a class that can and will be led to the polls as so many sheep.

A. B. Nimitz.

Lowell, Mass.,
July 29, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: May I commend you for your forthright statement on Vietnam.

It is heartening to many of us who feel that we are being catapulted into a untenable situation to know that there remain some public figures who have the courage to represent reasonableness at a time when this may not be popular.

After reading your comments, I was moved to send the enclosed letter to my Senators and Congressmen.

Very truly yours,

Carol Gass.

Copy enclosed.

Lowell, Mass.,
July 29, 1965.

Senator Kennedy,
Representative F. Bradford Morse,
Senator Leverett Saltonstall,
U.S. Senate,
Washington, D.C.

Dear Senator Saltonstall: My deep concern over the recent stepped-up involvement on our part in the war in Vietnam has forced me, an unaccustomed public letter writer, to write to you. Like many, I have sat by silently awaiting the forces of wisdom and restraint to eventually assert themselves in our foreign policy. I am now, however, appalled and frightened by the accelerated tempo of our determination to risk total war as the price of what must appear to much of the world as our determination to throw our weight around.

Phrases such as "survival of the free world," and "protection of Asia," have a hollow sound as we find no active allies among the free world or the Asians. Indeed, although our President has clarified what we must fight against, there appears little indication of any stable entity or philosophy in South Vietnam that we are fighting for. I appreciate that the situation cannot be oversimplified and that we are in a difficult bind in terms of commitments. Yet there must be a cheaper price for saving face than further immersion in this tragic venture which can obviously not be solved through further loss of human lives.

Was it not our fear that just this very kind of situation could trigger off another world war that made us so determined to set up a Council of Nations? Why have we not transferred the responsibility of seeking some compromise solution for this problem to this world body where the United States can take its proper, supportive role along with the other freedom loving people of the world? I do not idealize the power of the U.N., yet feel that it can only begin to gain stature and become a meaningful instrument as we entrust it with the problems of the world and invest in it our integrity and strength.

Very truly yours,

Carol Gass.

San Francisco, Calif.,
July 30, 1965.

President Lyndon B. Johnson,
Washington, D.C.

Sir: Abraham Lincoln has been credited with the statement that "Some of the people can be fooled some of the time but not all people can be fooled all the time." It came to mind Wednesday morning when suffering the agony of watching you on my television screen announcing the sending of countless thousands of young Americans as cannon fodder to the slaughterhouse in Vietnam.

Embarking upon an undeclared war no different from the criminal actions of Germany and Japan when starting World War II without the sanction of Congress, in arrogant contempt of and in flagrant violation of the Nation's Constitution. Apart from the nauseating grin on your countenance, the hypocritical use of the words "peace" and "freedom" it was sickening to hear your sanctimonious protestations of your concern for the young people you are dispatching to most cruel, premeditated mass murder and misery.

Like warring heads of state in times past you have also invoked the support and blessings of Providence. It was the immortal Scotch poet Bobby Burns who once exclaimed "God does not give nor accept pleas and thanks for murder." This on the occasion of an invitation to participate in a church Thanksgiving ceremony after one of Britain's many imperialist, colonial adventures. If there exists a just Providence what severe punishment must await you and your kind when summoned to appear on judgment day. See Michelangelo's masterwork in the Sistine Chapel in Rome, "The Last Judgment."

The German people by silence and acquiescence allowed Hitler to come to power. Our planet has still not recovered from that tragedy. Your acts of aggression in Vietnam if not stopped can only lead to world war III, for which history will denounce and condemn you.

I, a civilized human nearing the three-fourths century mark, will not remain silent. For the sake of our planet's preservation and in order that America's youth and families may live out their lives in peace, uninterrupted by the scourge of war, I demand that you cease and desist your acts of aggression.

Yours truly,

Herman Stuyvelaar.

Evanston, Ill.,
August 1, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: Your voice sounds like that of the only sound man in an insane asylum. I wish something could be done that it may be heard all over the world turning this escalating nightmare into a bad dream—and the dawn of commonsense and peace into reality.

Sincerely,

Elizabeth Kende.

Saratoga Springs, N.Y.,
July 30, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Although you are not of my home State, New York, nevertheless the views you are holding forth are my views and from what I've read in the newspaper, may I express my wholehearted admiration for your remarkable courage in your outspoken criticism of the President's Vietnamese policy and of the brutal sending of our American boys to sacrifice their lives in such a coldblooded manner. I'm shocked and may I say that you earn my most profound respect and may God bless you for having a conscience and not having the timidity to speak out against the sickening war this administration is carrying on without any regard for our youth and fighting men. I also have a son just turned 18 who is very depressed and most unhappy over the state of affairs now going on in our country. Our Congress is being ignored for a formal declaration of war. We might as well have no Constitution for all the administration cares. The U.N. is a peacekeeping organization. Where are they functioning, on paper only? Also I see by the newspapers that your most worthy Governor, Mark Hatfield of Oregon, was the only Governor besides Governor Romney of Michigan who had any spunk to disagree with the other Governors. It really seems to me, as a resident of New York City, that the only intelligent members of our Government, who have minds of their own, are not afraid to express their own individual opinions are the rugged individualists from the State of Oregon, such as yourself, sir, your Governor and also a Senator from Alaska.

Senator Morse, although I'm only a woman, and a poor one at that, were I given the opportunity, I would have liked to get up on the floor of Congress and express my anguish and sorrow as a mother, and also express the pain of the countless millions of mothers of our land, the poor people whose lives have always been one of hardship and poverty, and to have the final insult thrust at them by having their flesh and blood sent to be killed or maimed in a far-off jungle and for what, I ask you. God bless you again, and I feel grateful at least that the mothers have at least one champion in you to defend us in the Halls of Congress.

May God give you strength to fight those policies of the administration in Vietnam and to let yourself be heard.

Sincerely,

Mrs. Mildred Tirado.

San Gabriel, Calif.,
July 28, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: May I congratulate you highly for your strong opposition to the escalation of the war in Vietnam. You are truly a prophet crying in the wilderness. I only wish many would heed your words. Keep it up.

Sincerely,

Rolland Thompson.

Washington. D.C.,
August 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Urge an end to hostilities and negotiations in Vietnam based on Geneva accords.

Dr. and Mrs. R. S. Freeman.

Brooklyn, N.Y.,
August 2, 1965.

Senator Wayne Morse,
Senate Building,
Washington, D.C.:

Do you relax anti-Vietnam war effort. Strongly support you. Doing everything we can.

Dorothy Allen.

July 31, 1965

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: This is in inquiry based upon fading hope and mounting awe.

I am shocked by the Vietnam policy of the United States. I have communicated this shock to Senator Kuchel, and, to the President of the United States. I have not received a reply, despite my letters conveying an interest in understanding their perceptions. But, I need a reply, if only to frustrate the growing tension within me which manifests itself by contaminating somewhat the doctrine of peace and democracy which purportedly motivates our Nation. Thus, I am writing you, in the anticipation that your publicly announced position on Vietnam will allow you the political freedom to react to my often compromising questions.

I inquired of the Senator and of the President: by what right does the United States impose its might upon a primitive country that has for centuries resisted external control? By what authority does the United States exercise its weaponry upon innocent South Vietnamese women and children? Under what aegis does the United States preempt the United Nations in the search for peace, or, if not peace, then negotiation? What are our naive assumptions regarding the ephemeral nature of the South Vietnamese political puzzle? What ideological ignorance is the matrix for the apparent presumption that the Vietnam population possess the awareness of higher authority, national identity, or personal integrity sufficient to form the conviction demanded for victory, or even combat? What evidence is there which suggests the commitment of the lay South Vietnamese individual, who, ultimately, will be expected to power the social aspect of reconstruction? What is the protracted design regarding southeast Asia? Is Vietnam a bogus issue, and is Red China the ultimate foe? What is the reason for the apparent disparity between the combat troop reports (on deficiencies of weapons, material, etc.) and the Pentagon reports? How do you account for the likely bamboozling of the public by the administration, which manifests itself in weekly estimate contradictions, reversing position evaluations, heavy press censure, etc? How can one American death be justified in a war that isn't a war, fought by native soldiers who aren't soldiers, for a government that isn't a government? Is the stability of the mightiest Nation in the history of man dependent on aggression? And lastly, what happened to Goliath?

I wonder how representative our Government really is. Thank you for your consideration.

Sincerely,

John Stellern.

Greeley, Colo.

Lyndonville, Vt., *July 26, 1965.*

Dear Senator: Can anything be done to stop this senseless war in Asia?

We will not have a friend in the world.

Sincerely,

W. Arthur Simpson.

Casa Grande, Ariz., *July 22, 1965.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Senator Morse: I have been reading ancient history. I wonder where we have so utterly failed. History repeats itself and no nation has remained free more than 200 years. Wouldn't you think people would learn. Is it true that luxury living only breeds rabble and it takes 200 years for that rabble to get strong enough to rule things. Elections in our loved land is now only a farce. Under a really free election the people who have gotten elected for the last 35 years would never have made it. These people fear the truth worse than the Devil hates holy water. What good is education if it does not teach godliness, patriotism, honor, duty, cleanliness of mind and body, and most of all love to work, not play.

We know that for many years there has been an evil force working to destroy everything that makes life worth living. They talk of progress—the only progress they are making is back not forward. And as sad as it is this has all been planned from the start of our loved land. The Constitution, the envy of the world, is no longer a shield but a weapon. All this did not just happen, but was planned.

Now anyone with the courage to stand against them gets the smear act. They dare not start an argument by attacking what they say, for they only tell the truth—and the truth must not be known, at any price.

The Congressional Record is full of truths, but are being ignored. Let me suggest you read up on your history and see if you want the same kind of government that men have struggled for years to free themselves from. Or is the people under 45 unable to be anything but slaves.

Thank you.

Mrs. J. D. Kirkpatrick.

New York University,
New York, N.Y., July 31, 1965.

Lyndon B. Johnson,
The President,
The White House,
Washington D.C.

Dear Mr. President: I am writing in sorrow and outrage that our country has proceeded with an extremely serious escalation of the Vietnam war, masked by appeals for peace. Many who voted for you, like myself, voted for opposition to Senator Goldwater's call for war. We will not be deceived by words which are denied by actions.

Others who are now swayed by admiration of your domestic program and the authority of your office will be shocked to reality as the costs of our country's intervention mount. If vigorous protests were made to Democratic Senators and Congressmen when an immediate call of the Reserves was expected, what will happen when the costs of a war which has increasingly ominous prospects hits vast numbers of our people? Reality will not forever be masked by word illusions.

Moreover, I urge that you consider the wiser voices of our friends before we suffer new setbacks. As the Manchester Guardian recalled on June 27, we twice removed Souvanna Phouma with unhappy results, and our illusion that if only foreign subversion could be stopped, all would be well is a fatal misconcetpion. As our own press has emphasized, the North Vietnam aid became significant only after our mounting intervention.

Since you quoted the Bible in your Johns Hopkins address, it is appropriate to urge that you consider another part, "As a man sows, so shall he reap."

Even at this late hour, let us turn from words of peace with acts of war to both words and acts of peace. Ask the United Nations to organize negotiations among all parties involved in the Vietnam war. This will include the Vietminh as well as the government of North Vietnam.

Respectfully yours,

Edwin S. Campbell,
Associate Professor of Chemistry.

P.S.—I am enclosing a copy of this letter in appreciation of your persistent effort for a peaceful solution of the Vietnamese war. Your work is needed more than ever before.

Copies to Senator Wayne Morse, Senator Ernest Gruening, and Senator Robert Kennedy.

July 27, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: You must keep yelling against this Vietnam madness. Atrophy must have set in with your colleagues. They cannot be allowed to sit idly by and let Johnson-McNamara & Co. push us over the brink.

———— - ————.

Whittier, Calif.

Chevy Chase, Md.,
August 1, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: Enclosed is a copy of a letter I have sent to President Johnson on the Vietnam situation. I hope my letter helps in your brave attempt to keep our Government from escalating this war to a point of no return.

Good luck.

Miriam Levin.

Chevy Chase, Md.,
August 1, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: I speak to you as a mother and want to assure you first of all that I am fully aware of the awesome job you have as our President.

As a mother I also have the job of giving my son confidence that if he is drafted to go to South Vietnam he is doing the right thing for his country to kill and perhaps be killed. In this capacity I would appreciate it very much if you would answer some very troubling questions.

In essence you say that we are fighting in that small country to keep men free so that the ideology of communism will not spread in southeast Asia and then have the opportunity to come to this country.

From all reliable reports I have heard the majority of people in South Vietnam are with or for the Vietcong. If the majority of South Vietnamese people are with the Vietcong and are helping them fight the Saigon Government, my commonsense tells me that the Vietcong must be better to the people than the Government of Saigon which we are keeping in power.

My questions are:

1. If the majority of people in South Vietnam do not want the Saigon Government ruling them, why should we, thousands of miles away, insist, by such methods as we are using, that these people be ruled by a government they are fighting to get rid of?

2. Is it our job to tell these millions of people that they don't know what is good for them?

3. Shall I tell my son that we are killing the Vietcong because we say they are Communists, and Communists are very bad people in our thinking?

4. If such be the case then why don't we send our army to the other Communist countries such as the Soviet Union, Poland, Czechoslovakia, Romania, etc., etc., instead of having diplomatic and economic relations with them?

5. I would like to tell my son, Mr. President, what you think a Communist is and just what does communism mean?

It seems to me that our country's approach to the whole Communist problem, (if that's what you say our problem is) is inconsistent and really makes no sense to me at all so that I could not in good consciousness at this point tell my son to go to South Vietnam and in this way help our country.

I am very serious about these questions and would appreciate some serious answers.

With sincere good wishes,

Miriam Levin.

New York, N.Y.,
July 31, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator Morse: I enclose a copy of a letter to Mr. Leon Stein, editor of Justice, ILGWU, for your reference.

I regret that I cannot vote for you. For awhile I thought that men like you are no longer around. Although the workers are inarticulate because of the suppression of democracy in the unions, they are with you in this great struggle for morality and the good name of our country. History will prove you right; unfortunately, the Pentagon may swallow millions of lives to provide the proof.

May God be with you all the time.

Very truly yours,

Julius Buchwald.

New York, N.Y.,
July 31, 1965.

Mr. Leon Stein,
Editor, Justice, International Ladies Garment Workers Union, New York, N.Y.

Dear Mr. Stein: Thank you for your letter of June 21, 1965, concerning my suggestion that you invite Senator Morse to reply to Dean Rusk's remarks in Justice. In my letter of June 4, 1965, I also indicated that in the spirit of the current discussion of American policy in Vietnam, and in the best interest of our union, it is essential that all pertinent views be heard.

You state, however, that "The two basic, divergent positions in Vietnam were presented fully and effectively by two leading spokesmen—Senators Dodd and Church—in the March 15, 1965, issue of Justice."

I have studied the matter and feel that since the article by Senator Church appeared more than a month before the Rusk excerpts, it cannot be considered an adequate reply to both Dodd and Rusk. Also, Senator Church's position is weak and self-contradictory.

Senator Church asks: "Why have we spread ourselves so thin? What compulsion draws us, ever deeper, into the internal affairs of so many countries in Africa and Asia, having so remote a connection with the vital interests of the United States?"

And he asserts: "Such a vast undertaking has at least two defects: First, it exceeds our national capability; second, among the newly emerging nations, where the specter of Western imperialism is dreaded more than communism, such a policy can be self-defeating. As a seasoned, friendly foreign diplomat recently put it: 'The United States is getting involved in situations where no one—not even a nation of saints—would be welcome.' "

But then he adds: "the judicious use of both the arrows and the olive branch represents our best hope for avoiding a widening war in Asia."

How does this position differ from the administration's? Come, come, Mr. Stein, do you really believe, do you, that Senator Church represents the other basic, divergent position? In effect, Senator Church says bomb North Vietnam "judiciously" and talk about negotiations because "we are losing the contest." Senator Church appears to be somewhat more cautious than the administration.

A report concerning a debate between Senator Church and Republican Representative Ford of Michigan defines Senator Church's position: "A long-time critic of U.S. policies on Vietnam from the liberal side, Mr. Church was forced by Mr. Ford's arguments into a defense of the administration's strategy. The Idaho Democrat declared that an abrupt step-up of the war by U.S. air attacks would almost certainly bring the North Vietnamese Army to intervene in force. This would mean the very type of land war that Mr. Ford wishes to avoid, Mr. Church argued." (New York Times, July 19, 1965.)

It is obvious that Senator Church merely objects to our spreading ourselves "so thin" and to the "abrupt" step-up of the war, but not to a gradual step-up of the war. I find Senator Church's position very interesting.

I do not understand on what basis you determined that there are two basic positions on Vietnam. May I point out that there are other "basic" opinions. For example:

Walter Lippmann maintains that North Vietnam, Saigon, and the National Liberation Front (Vietcong) should decide the issues for themselves. In the New York Herald Tribune, July 8, 1965, Mr. Lippmann says: "The new policy would have to be, it seems to me, a pullback of our forces from the defense of villages and small towns to one or more highly fortified strongpoints with certain access to the sea, and then to advise Saigon that it should seek to make peace with the Vietcong and with North Vietnam."

And Bertrand Russell has said: "The U.S. Government is conducting a war of annihilation in Vietnam. The sole purpose of the war is to retain a brutal and feudal regime in the south, and to exterminate all those who resist the dictatorship of the south. A further purpose is an invasion of the north, which is in Communist hands.

"The real concern which brings the United States to pursue the brutal policy abandoned by France in Indochina is the protection of economic interests and the prevention of far-reaching social reforms in that part of the world." (Letter to the editor, New York Times, Apr. 9, 1965.)

In the New York Times Magazine section, January 3, 1965, the well-known playwright, Arthur Miller, spoke out against the atrocities committed by the Saigon regime: "Who among us knew enough to be shocked, let alone to protest, at the photographs of the Vietnamese torturing Vietcong prisoners, which our press has published? The Vietnamese are wearing U.S. equipment, are paid by us, and could not torture without us. There is no way around this—the prisoner crying out in agony is our prisoner."

Lewis Mumford, president of the American Academy of Arts and Letters, denounced U.S. political and military policy in Vietnam as a "moral outrage." (The Nation, June 21, 1965.)

On July 16, 1965, on the Senate floor, Senator Wayne Morse stated: "I have said for many months that I am satisfied, as a member of the Foreign Relations Committee of the U.S. Senate, that we have a dangerous, desperate group of men in the Pentagon who want a preventive war against China and who would like to create an opportunity to bomb the Chinese nuclear installations. I consider them the most desperate and dangerous men in all the world." (Congressional Record, pp. 17146–17154.)

Here, Mr. Stein, are five opinions which justice must take note of, if it intends to present "basic, divergent positions" on Vietnam. This may interest you, Mr. Stein: In the editorial section of the New York Times, July 25, 1965, an article by E. W. Kenworthy is captioned, "Johnson's Policy in Vietnam—Four Positions in Congress."

I have suggested that you print Senator Morse's opinion because he is the foremost American opponent of the Johnson policy and he emphasizes the immorality, the atrocity, the criminality of U.S. aggression in Vietnam. Senator Church complains only that we are "exceeding our national capability" and that we are "losing this contest." What would he say if we were winning?

Publishing Dean Rusk's statements without an adequate reply places our paper in the category of an organ of the State Department and the Pentagon, in the service of war propaganda. There must be equal space for all pertinent views. This is the American way, Mr. Stein.

In order that Vietnam may be fully discussed, and in order to stimulate discussion on other important national issues and trade problems, I suggest that you establish a "Letter to the editor" department in Justice, and I hereby submit this letter for such a department.

I also wish to take this opportunity to express my indignation at your using our union paper for Mr. George Meany's vulgarity. I am referring to the May 15–June 1 issue of Justice, in which Mr. Meany defines the academic community as "intellectual jitterbugs and nitwits." Should someone offer you such trash for publication in the future, please, Mr. Stein, think before you print.

I look forward to your reply to the issues I have raised.

Yours truly,

Julius Buchwald,
Cutters' Local No. 10, International Ladies' Garment Workers' Union.

Cleveland Heights, Ohio,
July 31, 1965.

Honorable Senator Wayne F. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: While you're not a Senator from Ohio (more's the pity), I have followed your Senate career and feel I can write to you and have a sympathetic ear.

I am unequivocally opposed to the whole Vietnam mess and think the United States, under President Johnson (although I voted fo- him because I thought he would not get us into a war), is treading a dangerous and horrible path. During my vacation travels (on this continent) I've heard nothing but grave opposition and real concern at the belligerent steps taken by our President. I hope you and many other Senators will have the intestinal fortitude to stand up against this foolhardy increase in men and munitions to Vietnam. You will have my support and that of many, many others if you do. And I am mindful that you and Senator Church were the only ones (that I remember, anyway), who stood out against this in the beginning. I think it is monstrous and disgraceful that our President has so highhandedly bypassed the U.N. If it fails, we are the ones who made the most massive hatchet stroke to bring about its downfall.

It occurs to me that once again the House of Representatives will rubberstamp Johnson's and McNamara's demands for funds to carry this on. Wars never settled any problems and never will. It seems to me that man's inhumanity to many is a greater curse to the world today than communism. I hope you in the Senate will have the courage to speak out and vote against any further increase in money or men for Vietnam. We surely would be the first to protest if they tried to come over and bomb us into settling our racial problems, in the South or North.

Sincerely,

MARTHA L. STEWART.

ARBOR NALL FARM,
Stilwell, Kans., July 29, 1965.

Senator MORSE: Keep fighting for a new foreign policy. War is too important to be left to the generals.

We cannot be policemen for the world.

Respectfully,

IRA STEIN.

NEW ORLEANS, LA.,
July 29, 1965.

DEAR SENATOR MORSE: Perhaps if I knew all the facts I wouldn't agree with you. However, from what I've been able to gather, our stand in Vietnam is wrong—not to mention the Dominican Republic.

L.B.J. did not receive a mandate; it was a popular rejection of what Goldwater stood for ("even Lyndon"). It's ironic that the public seems to be getting what, in essence, they voted down at the polls in 1964.

There seems to be an inference that if one doesn't agree with the administration, he is slightly less than patriotic. I say "Hogwash, and hurray for an intelligent opposition." I have never written a letter like this before, but I want you to know that some people think highly of you for your courage to stand on a seemingly unpopular issue.

Respectfully yours,

LAWRENCE Y. YATSU.

JULY 30, 1965.

The Honorable Senator WAYNE MORSE: Again I have written to our President to recommend to him your thinking on Vietnam situation. On page 2 of today's New York Times, our President is quoted as being grateful to the women of the land who support his position in Vietnam. Today, I wrote to him explicitly and solely to tell him that many "women of the land" are opposed to his position in Vietnam.

Again I read with interest and hope whatever the press prints on your position in Vietnam. I have also written to my Senators KENNEDY and JAVITS.

Respectfully,

MRS. EDNA LEVINS.

VICTORIA, TEX.

DEAR SENATOR MORSE: We read your statement on Vietnam. We want you to know most of the people in this area concur with statements you have made.

Mr. and Mrs. ZAC LENTZ.

CHICAGO, ILL.,
July 31, 1965.

Hon. WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SIR: We should like to congratulate you on your publicly critical attitude toward the administration's Vietnamese policy.

Not only is our position in Vietnam historically illegal and immoral, but it is tragically naive to suppose that a political-philosophic movement can be halted with guns. We have, in effect, advanced the cause of communism by meddling in Vietnam. We should never have been in that country, and whatever tenuous support we had originally from a singularly corrupt, nonrepresentative government is gone. It would appear that due to a recurring, pathological fear of communism, we are being taken down a garden path with patriotic platitudes masking a radioactive end.

We regret that the Senators from Illinois are not able to approach the beginnings and the end of the Vietnamese question as rationally and intelligently as you are. It is regrettable that they show no inclination to stop the blind rush to disaster, but we are grateful for your continued efforts to bring some sense to our policymakers.

Very truly yours,

CARLA C. WILDE.

CORNING, ARK.,
July 30, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: The attached column of Walter Lippmann pretty well expresses the opinion I have of our involvement in the Vietnam conflict.

In the first place, I am at more or less of a loss to know what we are doing there. In the second place, that area appears as a poor place to have drawn a line in a stand against Communist expansion.

I think that if we had conducted our diplomacy right we could have pitted Russia against China and restricted our policeman role to the Western Hemisphere.

It appears that we sometime go out of our way to get involved in the internal affairs of some undeveloped country. While pretending to contain communism in some far corner of the world, we suffer it to gain a foothold at our very doorstep.

It would certainly shock the world if we admitted our mistake and withdrew our forces from Vietnam. It is often said that it takes a big man to admit his errors. I doubt if we have this kind of big men in control of our affairs.

I have observed with interest your position on some of our foreign affairs issues. I hear many expressions of concern locally about the position of our administration in current foreign affairs.

Very respectfully yours,

BRYAN J. MCCALLEN.

NORTH BERGEN, N.J.,
July 27, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I find myself in a very difficult position as do friends of mine and others whom I have talked to. I love my country, not in a chauvinistic way, but because of its historical roots, its people, the land itself, and the possibilities that exist here for the development of the human being. All these things I love, however, are now threatened by developments in American foreign policy. The greatest threat to human development is not communism, but perversion of those ideals which America has always claimed to believe in. We have become a nation that is increasingly willing to violate its own professed standards of freedom and justice out of an unhealthy and irrational fear of communism. That word has come to mean to us what the word devil meant to our Puritan ancestors. This fear has driven us to a course of aggression and violation of the right to self-determination in Vietnam and the Dominican Republic. We are pursuing policies, especially in Vietnam, that can only lead to increased suffering and the decline in moral force of the United States, if not to the destruction of our whole civilization. I love my country, but I cannot support it. I believe in the ideals that we profess, and they must be practiced, not just given lip service. It is the discovery that my country and its government does not always believe in them and is willing to condone grave violations of those ideals that hurts most. The only course that I can see for persons like myself is to refuse to cooperate with our Government until it changes its immoral, illegal, and dangerous foreign policy. I urge you to use the power and influence of your office to seek a sane and just path to world order, and I congratulate you on the valiant effort that you have made to date.

Sincerely,

RONALD MOTTRAM.

BALTIMORE, MD.,
July 28, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have read portions of your speech before the SANE rally in Madison Square Garden, and I want you to know that I appreciate your efforts to bring before the people what the administration and other leaders do not want to discuss. I do hope you will continue to exert your influence to get our Government to work harder in the direction of getting a peaceful settlement in Vietnam.

Yours truly,

EDWARD BRODY.

CHICAGO, ILL.,
July 31, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Don't you think that the right to declare war should remain in the hands of our Congress? Or does the word "emergency" nullify our Constitution?

Please insist that the right to declare war be returned to the representatives of the people who must fight those wars. Please open debate on our Vietnamese participation. Please question our course.

We are burning and bombing, torturing and murdering in the name of "U.S. honor." This is not my conception of our honor. Is it yours?

Enclosed is a copy of a letter I sent to our President today.

Sincerely,

ELEANORE SELK.

P.S.: I wish you unlimited courage, initiative, and support. You are a voice for sanity.

Perhaps this letter to our President may interest you.

CHICAGO, ILL.,
July 31, 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: Isn't it time we encouraged the Vietnamese people to talk to each other?

If South Vietnam Government representatives will negotiate with the Vietcong a government may emerge which represents the South Vietnamese.

I am tired of this war. I am ashamed of our participation, of our bombing and our slogans. I am terrified of your promise of escalation and even annihilation.

Let's not make this our war. We were called in as middlemen. Now is the time to step aside and promote negotiations between the warring South Vietnamese Government and its Vietcong.

Sincerely,

ELEANOR SELK.

ANN ARBOR, MICH.,
August 2, 1965.

Senator WAYNE MORSE,
U.S. Office Building,
Washington, D.C.:

Consider bombing near Chinese border extremely provocative. Urge immediate submission of problem to U.N.

Mr. and Mrs. HUGH E. HENSHAW.

ANN ARBOR, MICH.,
August 2, 1965.

Senator WAYNE MORSE,
U.S. Office Building,
Washington, D.C.:

Stop ruthless bombing and killing. Start talking in United Nations for world peace.

JACQUELINE GALLI.

JULY 28, 1965.

MY DEAR SENATOR WAYNE MORSE:

Thank God for your ability to voice your convictions so strongly. I am with you 100 percent and I think I would explode if I did not hear you voice my convictions against the behavior of our Government. I sit here helpless, convinced that the United States is behaving badly. Thank God again for you.

I have found a new faith, the Bahai faith, a faith with a plan for a Godly world government. I understand Woodrow Wilson's sister was a Bahai and no doubt the President got his idea for the League of Nations from her. Now we have the U.N. along the same line. Rome was not made in a day, and if we persevere we may bring to fruition the projected plan of Bahaullah, a prophet with a message for this new era.

If you are not familiar with this faith I believe you might benefit immensely by getting some of the literature.

I went from church to church looking for a solution to solve the corruptness of our country. I found the faith I had in mind, a faith with a plan for coexistence. Now I am thinking in a straight line which is a comfort and I must again say: Thank God for you, who can express so aptly my desires for the United States.

I have 19 grandchildren. Five wonderful children. We made the grade in spite of our inequality in our economy. I hope we can build a semblance of equality.

Thank you again for your fairness to all peoples.

CLARICE GRAHAM.

KANSAS CITY, MO.,
July 28, 1965.

Re Vietnam mail.

DEAR SENATOR: Today I read an article in the Christian Science Monitor entitled, "Viet Mails Run Light in Senate." This article stated that the Vietnam mail to Senators is falling off but that the percentage of protest against the military buildup is still running high.

The Vietnam mail is running low, because the American public is not only uninformed but, worse yet, it is misinformed. For the former they are to blame, but for the latter you Senators are to blame, unless you, too, have been taken in by the frightening blandishments of the Pentagon, and unless you, too, are unaware of the facts of history, past and present, concerning Vietnam.

If you are not aware of these facts, read the recent speeches of Senators WAYNE MORSE, FULBRIGHT, and GRUENING (CONGRESSIONAL RECORD). Armed with this undisputable information, certainly you would have the courage to join ranks with these men and make all possible haste to inform and arouse the complacent, indifferent American public about Vietnam and the inevitable, useless massacre of Americans and orientals which is going to take place if offensive ground action is taken over by American forces—to what end?

Your job is to help the gullible, brainwashed Americans to save themselves rather than to sell them down the river to our military-industrial complex for a profit.

Those who know the score are begging you for assistance.

Yours truly,

ARCH R. MAULSBY.

P.S.—Has the U.S. Senate abdicated its constitutional right to declare or not to declare war?

NEWBURG PARK, CALIF.,
July 27, 1965.

Hon. WAYNE MORSE,
The Senate, Washington, D.C.

DEAR SIR: Thank God for men of courage, like yourself, sir, who see the disaster ahead and who are not afraid to speak out the truth.

The appalling side thought is that so-called intelligent statesmen (I will not dignify the military with this adjective) learn nothing from the history of Napoleon, Hitler, et al., and expect to wage a successful war with such over extended supply lines, so close to the enemy and so far from home.

I am writing, as I have from the onset, to President Johnson, HUBERT HUMPHREY, the late Mr. Stevenson, etc., in protest of our insane policy, but I feel a positive note to you is much more constructive, and will be counted among the many, many thousands I am sure you receive.

I, for the first time in my 45 years walked a precinct, in the heart of this John Birch Society area, in behalf of Mr. Johnson because of the policies he once claimed but has now abandoned.

If, in the next presidential election, it should be possible to work for one, Senator WAYNE MORSE, I know I shall work even harder, and no matter what the results, I shall not wind up with the taste of bitter ashes in my mouth.

Sincerely,

CHARLES S. BRUCK.

WEST HEMPSTEAD, N.Y.,
July 30, 1965.

DEAR SENATOR MORSE: It seems desperate to think this way, but I am finally convinced that the only way that the American people, and the people in this planet can avoid extreme disaster or extinction, is for those who clearly see what McNamara and the Pentagon gang are up to, to start a new political party. It is obvious that neither of the two major parties as constituted today offer the slightest hope. A new political party has to have as its principles, a foreign policy of real peace and living together with other nations through the U.N. regardless of their political orientation. Let us realize, that the Communist nations have not been military aggressors, but we have and constantly are.

I feel that you or people around you who support you could assume the leadership of such a party, and I am sure that, even though you will be villified, and called names, many thousands and maybe millions of college people, intellectuals, rank and file workers, and certainly mothers, will rally to the banner of a party of real peace and decent rights for all.

I hope that you can consider this matter carefully. I feel that it not only has merit, but hope. It is the only thing I can think of that does.

Yours very truly,

DR. L. FRANK.

SEATTLE, WASH.
July 27, 1965.

Senator WAYNE MORSE.

MR. SENATOR: I am writing you to express how much I appreciate the fight you are waging against the war in Vietnam and I would like to know how they know how the American people think. I want you to know that I and many others think as you do. Keep up the good work.

Many good wishes,

I. B. KINGSBURY.

ISSAQUAH, WASH.,
July 29, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Despite the lateness of the hour, it surely is not too late to stage a debate on the conduct and ultimate goals of the war in Vietnam. At least we have that coming to us. The most deadly serious actions and commitments are made in the name of us all by a series of virtual executive fiats. I am convinced that the role of a Member of the Congress of the United States is not to simply melt into a "patriotic" mass known as a consensus every time a contretemps arises outside our borders. There exists a great vacuum waiting to be filled by a genuine opposition. As far as I can see by reading what is vouchsafed to us as suitable, Congress acts more or less as a rubber stamp whenever the combined weight and prestige of the President and his military advisers is brought to bear.

How many years are we prepared to occupy South Vietnam? North Vietnam? Do we intend to wipe out entirely the Vietcong insurgents from the face of the earth—if this were possible? Are we prepared to take on China on the ground? Are we looking for some trumped-up excuse dreamed up in the military circles for bombing China's nuclear establishments? Will we launch into another "Vietnam" in Thailand? Cambodia? Are we to police the whole of southeast Asia? Are we to fall all over ourselves to rush to the beck and call of any threatened regime, anywhere, regardless of how unworthy and inept, when the local politicians cry "Communist wolf?"

Has anyone pointed out, when all the horrified murmurs about "loss of prestige" come up when it is suggested we think up a quick way out of Vietnam, that the French suffered a disastrous defeat in that wretched country, and pulled out ignominiously. French prestige, French prosperity have never been higher in years than at this time. France is universally admired and fawned upon by those very peoples one would have expected to gloat and crow and never allow her to forget what happened in Indochina.

After four and a half years in England and Canada I grew accustomed to lively and thorough parliamentary debates, where no quarter was given or expected. I returned home recently and find myself dismayed at the lack of discussion, the poor reportage on what the opinions of Members of Congress actually are on foreign affairs.

I'm very happy to see, however, that Senator MORSE is still functioning as an excellent approximation of a full-scale opposition, and as the conscience of the Senate. I salute you, sir.

Yours sincerely,

MRS. CECILE H. BOSTROM.

SAN FRANCISCO, CALIF.,
July 27, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I support your position on the war in Vietnam and I have finally started to write some letters about it. The reason I am writing you is to ask you for suggestions about who I should write to. I don't flatter myself that my letters will carry much weight, but I know they will carry more of whatever weight they have if they get to the right place. Please help me.

Thank you,

MRS. JOHN MARSH.

SEATTLE, WASH.,
July 28, 1965.

Senator WAYNE MORSE,
U.S. Congress,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you on your stand on the Vietnam war.

It is gratifying to know that there is at least one man in Congress with the courage to publicly oppose our current policy.

Thank you for your efforts.

Yours very truly,

MARY S. LEPPALA.

BROOKLYN, N.Y.,
July 31, 1965.

Senator WAYNE MORSE:

Thank you for your efforts to bring peace in Cuba, the Dominican Republic, and especially, in Vietnam.

We are fortunate in your intelligence, energy, scholarship, courage, and good will.

HARRY MARSHAK.

LOS ANGELES, CALIF.

DEAR MR. PRESIDENT: Several days ago I returned home after a fortnight in the hospital where I enjoyed the advantages of mid-20th century medicine and surgery to find myself once again in a world in part still governed by principles of the stone age.

Previously I had addressed myself to you on the subject of our policies and conduct in southeast Asia. The events of recent months force me again to protest against them. The talk should not be of national honor but of national preservation, not of international responsibilities but of international morality.

To think that the other side can be driven to the negotiating table by force of arms is to deny all knowledge and understanding of human thinking and action. Negotiations can never be undertaken if one side announces in advance what it demands for satisfaction, for, then, what would be the reason for negotiating?

The blasphemous morality of equating our side with God and assigning the other to the anti-Christ, of confusing what is God's with what is Caesar's, with assuming that political and economic systems unlike our own are damned, all this may confuse and lead astray the thoughtless among our own citizens, but not the thoughtful here and abroad.

May I urge you to temper our policies so that among us it will again be recognized that "Blessed are the peacemakers," that our country be known for its moral might, not its military power.

I am taking the liberty of sending copies of this letter to Senators KUCHEL, MURPHY, GRUENING, and MORSE.

Yours respectfully,

S. M. RABSON, M.D.

ROCHESTER, N.Y.
July 31, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Every so often we, in this snug little, snug little, low-key pitched news media area—get rumbling usually television—of that healthy voice from the northwest United States, last stand of the "Bill of Rights and the Constitution," which you have so long and faithfully and dedicatedly and tirelessly represented in Congress. Your long and principled devotion to the democratic ideals to which our country has aspired (until Hiroshima and Nagasaki and its compromises with the Nazis in W. Germany)—deserve eulogies by your constituency; casts a real light of political "enlightenment" upon the State you represent and shines like a neon sign in a desert of gloom. Long may you voice the principles, ideas and practicality in a precarious age—of international peace and universal brotherhood of man.

And like Abou ben Adam: "May your tribe increase" And I say—to Democrats and Republicans and Liberals alike sabre rattling bomb—poise breathing forth threads and bombast of all world tyrannies—"a plague on all your houses." A party of peace unconditional peace, global peace is the only party (and its candidate for public office I shall ever support again). I nominate you to search such out.

Anyway thank you for your opposition to the "military-industrial complex"—Pentagon, "face savers" in the administration; unilateralists in foreign policy Congresses. Men—and all such public commonweal—disservicers—Congress should reassume by repealing Government by crisis, powers, it has delegated to the President over the years since 1950. And never again any administration such absolute power as the U.S. Presidency wields.

Very truly yours,

MRS. MILDRED O'TOOLE.

YARNELL, ARIZ.,
July 29, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I know I'm not one of your constituents, but I should like to congratulate you for your courage to stand up for what you believe.

What I can't understand is why we send our men to Vietnam to fight for the freedom of colored people, when we deny that same freedom to the colored citizens in our own country.

I wonder what the President and the Congress would do if Africa or China or Russia, were to send soldiers and bombs to the United States to fight for the freedom of our Negroes.

I, too, believe we are rushing into world war III.

I thank you for your support for peace.

Sincerely yours,

ULA BAIRD.

LOS ANGELES, CALIF.,
July 31, 1965.

WAYNE MORRIS,
Senator, Oregon,
Washington, D.C.

DEAR SIR: This is a copy of a letter I sent to President Johnson today.

Yours truly,

JOSEPH SIEGEL.

"Dear President Johnson: Wednesday, St. Louis Post Dispatch, July 28, 1965, has an interview by Larry Johnson, American Broadcasting Co., on his return to St. Louis for treatment of grenade wounds. He was asked how the war in Vietnam had changed since 3 years ago when he was there. He said the only difference was the war was now expanded. 'And now the Vietnamese couldn't care less which side wins.'

"Is this the freedom we are drafting our sons for? To die in a jungle 12,000 miles from Washington, D.C.?

"President Kennedy said the Vietnamese have to fight this out. Now we are combat troops, no longer advisers. The Saturday Evening Post's Stewart Alsop says 58 percent of the American people do not support the war in Vietnam. Please call a halt to the shooting—cease fire—and then negotiate.

"Yours truly,

JOSEPH SIEGEL."

Copies to: WAYNE MORSE, Senator, Oregon; Huntley-Brinkley Report, NBC–TV.

BUFFALO, N.Y.,
July 28, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: It seems to me that there is only one way to stop President Johnson dead in his tracks on the Vietnam situation, and that is by setting up committees in every city of any size to collect signatures to be sent to congressional Representatives and Senators calling for the immediate impeachment of the President violating the Constitution of our country and for reneging on his campaign pledges. I've sounded out a lot of people, in all walks of life, and they think it would catch and go like wildfire. But it takes someone prominent in political life to launch the thing. You could do it.

I'm an oldtime ex-union organizer. I've learned that to be effective when you are unable to stop someone you must go for his throat. And a threat of impeachment, merely the gathering of hundreds of thousands of signatures, would be a real lunge for the President's vulnerable jugular vein. I'm convinced it would work. And I know of no other way to get him to listen to reason.

I hope you will seriously consider this step.

Sincerely,

EMANUEL J. FRIED.

CLEVELAND, OHIO,
July 28, 1965.

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: May the good God strengthen you in your marvelous courage to uphold sanity and human values in this deplorable condition in which we of the United States have become embroiled.

It seems to me the Senate is letting us the people down. Acquiescence is given each new rapid step in the escalation, no matter what individual Senators have previously said about the need for careful exploration of the entire Vietnam situation, if it developed further.

Two things call for most careful, conscientious probing.

First. The President's declaration that our cause is just.

"Once to every man and nation comes the moment to decide etc."

Second. Today the President said the present course might take many years in its completion.

This latter is a terrific statement given as a "plausible possibility."

How can our Congress fail to open the whole situation, lest this brings the end of Western civilization? How blind are we?

You are our one greatest champion. Our fervent appreciation and earnest prayers are yours.

Very sincerely,

HILDA A. FOSTER.

LANSING, MICH.,
July 29, 1965.

DEAR SENATOR MORSE: Please accept my thanks for your firm opposition to the Vietnam situation. The voices of opposition are so few, and so quickly stifled.

We said goodbye to our only son last night as he left for that war, and we cannot, in spite of all we have read, studied, or listened to, give ourselves any good reason for his going. We have had years of evasion, secrecy and lies, so why should the American people now believe anything coming out of Washington? The President does not know, nor can he ever, the tears of a mother, father, wife or child. That is nauseating hogwash.

Please continue your stand. There are those of us who applaud you, and thank you.

Sincerely,

MRS. T. A. LUCAS.

STATEN ISLAND, N.Y.,
July 29, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I wish to convey to you my deepest respect and admiration and thanks for the courageous role you have taken upon yourself on the question of United States involvement in Vietnam. I believe that you personally are responsible to a large degree for the increasing willingness of our Government to take this matter before the United Nations. I also believe that through your speeches before the Senate and by your personal appearances, such as at the Madison Square Garden rally of June 8, you have given strength and hope to millions of Americans who protest our role in Vietnam. As one who has been involved in this struggle for the past several months I can testify to how easy it is to lose heart and get discouraged as more and more men are sent over, and how much it means to have someone who is part of the power structure of this country who is willing to speak out against our role. I don't know what the outcome of this struggle will be, but if our Government does decide to take this matter directly before the United Nations and will agree to abide by their decision, I believe I will be justified in thinking that you played a great role in preventing the possible destruction of all of mankind. No man can possibly do more.

With my profound respect, I remain

Respectfully yours,

JONATHAN LEVY.

DULUTH, MINN.,
July 29, 1965.

Senator WAYNE MORSE: I wish to add my support that I, too, am very much against this war in Vietnam.

There must be some way that this could be settled around the conference table.

I do not agree with President Johnson for I fear that the war will get larger and take more and more young men.

I served 3 years in World War II and I know what war is.

But to get into a war with China and that is the way it seems to be going could take an awful toll of life.

I am glad, Senator, that we can turn to someone in this crisis.

Thank you.

DAVID E. OPIEN.

NEW YORK, N.Y.,
July 29, 1965.

Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for bringing before the people the fact that President Johnson has no right to make war without a declaration by Congress.

He is dragging us into a ridiculous swamp like Korea and possibly over the brink into a holocaust.

Since he talks about honoring promises, he has a promise to honor that he made to the American people. He was elected on the basis that he was against war. Yet his foreign policy is so weak that the only way he knows how to implement it is by waging war.

I certainly hope that more Members of Congress speak up. I am, of course, writing to my own Senators, however I wanted to write and thank you.

Very truly yours,

MRS. B. SHAFRAN.

SACRAMENTO, CALIF., *July 29, 1965.*
Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SIR: I should like to commend you on the views which you have expressed concerning the inadvisability of our Nation's policies on Vietnam. I hope that you will continue to articulate more reasonable solutions to our current problems of foreign policy.

Sincerely,

RICHARD S. KIMBALL.

MELROSE, MASS., *July 29, 1965.*
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Because you have a long record of fearless and independent action, I am writing to say that I hope the Senate will not agree with the House in repeal of the "right to work" law now on the books. States should retain their present power to legislate on the subject, and individuals should retain their present rights to employment without union membership. Surely there are economic as well as civil liberties that need to be defended. Also, the unions have become too powerful for the public good. Congress should not aid the unions further.

Sincerely yours,

HUGH NIXON.

KENSINGTON, CALIF.,
July 28, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: I want to express my gratitude to you for your untiring efforts to argue and promote a rational solution of the war in Vietnam.

How unfortunate for this country that there are so few others in its government with your courage and integrity.

Sincerely yours,

S. A. ANDRES.

KELLY, KELLY & KELLY,
JACKSON, MICH., *July 29, 1965.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: The American people support and applaud your standup fight against the slaughter of American boys in Vietnam.

Keep it up.

Yours very truly,

PHILLIP C. KELLY.

ST. LOUIS, MO.,
July 27, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: With today's announcement that the Viet war is being expanded there is more than ever the need for your loyal opposition. Others in high office have feared to speak out against the administration's terrible mistake, and now there will be fewer. Even the people around here appear dazed as to what is happening; there is certainly no flag waving among the general public because what they thought was nothing has suddenly become a real threat, and they are mumbling to themselves asking "What has happened?"

We Americans have been blessed with too few leaders of experience, wisdom, and liberal vision. Liberalism, the patient and reasonable defense of our way of life, is the only existent and truly effective alternative to Marxism. The present administration has lowered themselves to a crass and unwise method of dealing with the "Marxism" that is being displayed in the "underdeveloped countries." America needs your voice, your leadership, and your far-sighted wisdom.

There is a large body of sentiment against the war; it is not being expressed in public; the fear is too great. But you do have a silent support—but maybe even more important you have the support of history.

Sincerely,

C. FRED BLAKE.

KNUEPPEL'S,
Milwaukee, Wis., July 29, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please persist in the attitude you have taken against the Vietnam fiasco. We are with you 100 percent.

Yours very truly,

Mr. and Mrs. HILBERT H. KNUEPPEL.

R. L. RICHARDSON, D. C.,
Pitcairn, Pa., July 30, 1965.

Hon. WAYNE MORSE,
U.S. Congress,
Washington, D.C.

DEAR SENATOR MORSE: May I urge you to continue your efforts in extricating us from the Vietnam solution? This policeman of the world bit betrays the San Francisco conference on peace. Let the U.N. be the policeman not the United States of America.

Sincerely,

R. L. RICHARDSON, D.C.

ANN ARBOR, MICH.,
July 28, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: In an article appearing in the Ann Arbor News you are named as the one and only Senator who has the fortitude to oppose L. B. Johnson's steamroller, as far as Vietnam is concerned.

Well, I am thankful that there is someone in Washington to speak for a host of citizens who voted for L.B.J. because they were led to believe that he was a "sane, peace-loving man" and who are now thoroughly disillusioned.

It is a tragedy that the other Senators are such a cowardly lot, intimidated by right-wing fanatics who would brand them as Communists.

Perhaps if you persist you can bring the power mad war lords in the White House and the Pentagon Building and the Senate to their senses before the world is engulfed in a fearful holocaust.

Respectfully,

LAURA GETZ.

NEW YORK, N.Y.,
July 29, 1965.

EDITOR, NEW YORK TIMES.

DEAR SIR: I listened to President Johnson during his press conference on Vietnam, and I recalled that when he was running for election in November 1964, he called Barry Goldwater trigger happy, which now can well apply to Johnson. What one cannot forget is the promise that if elected he would not escalate the war in Vietnam. Evidently, those were false promises in order to get the people to vote him into office. He would never have received the overwhelming vote that he got from both Democrats as well as Republicans if the American people had an inkling that he would bring them to this pass—where our young men would once again find themselves giving up their freedom and their lives in this atomic age, which bodes ill for all humanity. The atom bomb was supposed to have been a deterrent to war—now look what is happening.

President Johnson is a good politician, but not a wise statesman, representing a powerful Nation. It is easy to become involved in war, but it takes wisdom to know how to avoid one. Johnson has surrounded himself with the wrong advisers—the military mind—the CIA—McNamara—Bundy, et al.

This is an undeclared war because President Johnson fears that the Congress would not support him in this drastic step of escalation which may bring on a Third World War that spells madness. While there is still time, the American people should openly express themselves against this threatened holocaust which should be avoided at all costs.

It is either going to be coexistence or no existence.

Very truly yours,

MRS. EVA WILLIAMS.

SAN DIEGO, CALIF.,
July 27, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: Since in my own district we get so little cooperation from our Representatives in the Congress we have to appeal to others on a nationwide basis.

The enclosed is a letter I am sending to the Members of Congress far and wide and to let the few great leaders among you know the citizens are aroused.

The situation looks very dark at the moment, but I try to believe that the darkest hour may be before the dawn.

Thank you for your wise leadership.

Sincerely,

MRS. ALICE B. HASKINS.

I am having copies of this letter made to send to Senators as well as Representatives.

SAN DIEGO, CALIF.,
August 1, 1965.

MY DEAR SENATOR: In the June 21 issue of the Nation (which this year is celebrating its 100th anniversary) I would call your attention to an editorial under the head of "Where's Congress?" It points to the fact that Congress has not been relieved of the responsibility for the consequences of Presidential action in committing the United States to hostilities against other states. In failing to actively assume this responsibility, the Congress has, by its inaction and abdication, nullified the Constitution. With about two dozen exceptions, this is literally true, thus the war in Asia rises to increasing heights of mutual peril, not to mention what is happening in the other Americas.

There is no logic known to man that can justify the ruthlessness of our foreign policy in waging war. It is tragically reminiscent of the Hitler period and I am wondering if, when this situation has reached the point of no return, the American people will claim, as the Germans did, "We were unaware." There is no way we can escape responsibility for the death and destruction being perpetrated either on a neighboring state or on a people half a world away.

We look to those we have elected to responsible places in Government to take leadership in seeking solutions which will bring peace to a war-torn world. The people are still awaiting that leadership. As a loyal American citizen, one who has lived through many wars and knows the futility of them, I beg of you to stop this mad drive toward world destruction. The more concerned a citizen becomes the more suspect he is.

This insane fear of communism will surely be our ultimate destruction if we do not return to reason.

Sincerely,

MRS. ALICE B. HOSKINS.

LOS ANGELES, CALIF.,
July 26, 1965.

Hon. WAYNE L. MORSE,
U.S. Senator,
Washington, D.C.

DEAR SIR: The purpose of this missive is twofold, to thank you and to encourage you.

First, I wrote you last fall asking for certain information and copies of speeches that you have made in the past. Your response was immediate, exciting, and more than I dared hope for. But, alas, I wait until now to thank you.

Moreover I wish to thank you for your consistent positions on such matters as foreign aid, education, and international law.

Second, I encourage you to continue your work with the same zeal that you have heretofore shown.

I would remind you of a statement of President Wilson, one that you doubtless already keep in mind. I refer to his statement in reference to "Fighting Bob," prior to our entrance into the First World War, wherein he stated that Mr. La Follette represented no opinion but his own.

I hereby go on record as stating that your expressions represent my opinion and my position.

Warmly and cordially yours,

IRA L. LOWERY,
Superior Court Clerk, Los Angeles County, Calif.

LONG BEACH, CALIF.,
July 27, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I feel that your comments on the Vietnam situation are most perceptive, and, from the historical point of view, will eventually be proven to be highly profound. You must, therefore, exert all possible efforts to prevent the loss of any more American lives defending remote jungle outposts populated by ignorant barbarians.

I can see no justification for the defense of any territory whose people generally do not understand the implications of life in a Marxist society and would tolerate elected officials with pro-Communist views. For these reasons I feel that the American forces should be immediately pulled out of Vietnam, and that the U.S. Government should concede all territory to the Communists up to, and including, the State of Oregon, with the defense perimeter established at the Oregon State line.

Very truly yours,

EMIL M. MURAD.

CANOGA PARK, CALIF.,
July 28, 1965.

Senator WAYNE MORSE.

DEAR SIR: Glad to hear you speak out about the powers of the President not being dictatorial.

We certainly need many more men such as you in Congress these days. I do hope you will not drop the fight, but keep on until we return to the constitutional form of government.

Yours very truly,

EUGENE F. BROWN.

JULY 31, 1965.

SENATOR MORSE: What little news we get in our local Seattle press about you, plus your statements over the radio—are all very welcome. Yours is one of the few voices of sanity in the country when values seem upside down. Please keep up this fine courageous stand. If your office has copies of any of your policy speeches, I'd like a few copies.

Thank you.

JOY FULLERTON.

SEATTLE, WASH.,
July 28, 1965.

President LYNDON B. JOHNSON,
The White House, Washington, D.C.:

It will always be our actions that speak to the peoples of the world, no matter how we rationalize in words—and the continuation of the acceleration of the war in Vietnam is an act of stubborn perversity, not wisdom. Eventually we shall provoke a conflagration we cannot stop, let alone cope with.

New complex social, political and economic problems exist in the world which cannot be solved by the old show-of-force technique. Greater numbers of our fighting men in Vietnam will only force Russia closer to Red China, and Red China will be forced by our aggressive "invitations" into war. No matter what one's color or politics * * * when one is hit again and again, one will eventually strike back.

When will the leaders of our country and shapers of our foreign policy learn that by swallowing just some of our pride and actively backing down to peaceful negotiations (which may seem to our military minded, a "loss of face"), we, in the long run, will raise our stature in the eyes of the world.

What is the price of our brand of democracy in southeast Asia? Slaughter of innocents as well as the Vietcong? Total war? Step by step you are leading us toward the latter. I for one have been ashamed of being an American since we stepped up our aggression. This is not what I voted for, nor condone. And having spent nearly half of last year traveling in Europe, I know what the peoples of those countries thought of Goldwater's policies. They were appalled. When will we ever learn?

To sum up: Whatever the causes for the war in Vietnam, the reasons (which remain very cloudy) for any continuation, any stepup, have too high a price in human lives and in American dollars. The money that is being spent to keep us in Asia could far better be spent in cleaning up our own many problems at home. It is ironic to compare the sums being spent for the Peace Corps, poverty program and beautification of America with the total daily cost of this undeclared war. We are rapidly undoing whatever good we have done with our Peace Corps program. And as for the cost in human lives (what is the "price" of a human life?) * * * any realistic and reasonable thought should lead one to conclude that we cannot win any war with numbers of fighting men in Asia. Can't we learn from France's bitter experience?

Shall we learn only when our own homeland is finally bombed? Perhaps we shall have deserved it for we are now committing murder in Vietnam—while remaining ignorant at home.

JOY FULLERTON.

SAN DIEGO, CALIF.,
July 27, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I agree with your viewpoint of Vietnam and Santo Domingo, and if more members of the executive and legislative branches of our Government knew more history we would not be in the mess in which we are mired.

I wish that every member of Government would read the article by historian Arnold Toynbee entitled "We Must Woo Red China" in the July 17, 1965, issue of the Saturday Evening Post. Toynbee's treatise supports your contentions, and the article should be read into the CONGRESSIONAL RECORD.

Respectfully yours,

D. W. MILLER.

ST. PAUL, MINN.,
July 29, 1965.

Senator WAYNE MORSE,
Congress of the United States,
Washington, D.C.

DEAR SENATOR MORSE: I should like to extend my support and solidarity to you and your colleagues, especially Senator GRUENING, for carrying on the campaign against our involvement in Vietnam. About a year ago, President Johnson stated publicly that as long as he is President, no action of his will be in the direction of provoking war. He was elected to office largely on the strength of this promise, which he has subsequently violated.

I would appreciate your sending me reprints of any material you may have inserted into the CONGRESSIONAL RECORD or any other news media. Thank you very much.

Yours truly,

LOWELL J. SATRE, Jr.

WASHINGTON, D.C.,
July 30, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: As a mother have written President draft increase. Appreciate your stand on Vietnam.

SYLVIA SHULMAN.

WASHINGTON, D.C.,
July 30, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: As a mother have written President draft increase. Appreciate your stand on Vietnam.

MOLLIE KANAREK.

Las Vegas, Nev.,
July 28, 1965.

Dear Mr. Morse: I fully agree with you about our involvement in Asia, I do hope the lawmakers heed your warning before it is too late.

Sincerely,

Mrs. Arthur Kistler.

Morgantown, W. Va.,
July 30, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I am not a constituent, technically, but feel that you serve me well. Too often, I'm sure, American Congressmen receive correspondence of demands or complaints with laurels too thinly interspersed. I would like to take this opportunity, however, to commend you on your intelligent and forthright stand on the grave Vietnamese issue. The praise is better deserved for your long and continued opposition to our policy.

Although there are those who would have us believe, however fantastic, that America's interests are best served in the rice paddies of a nation involved in civil war, there are also those of more mature reflection who believe that American integrity and safety are being compromised.

The cry is arising for preventative war against China. We have had "war hawks" in the past. History pronounces their epitaph as the wailing of idiots. Enough American blood has been spilled in this century, not to speak of the wanton slaughter of Europe's and Asia's millions, with no resolution of the problems. Will we not learn that war creates more problems than it solves?

Our people need proper medical care, our children need good teachers, our cities need hospitals, our rivers and streams are sorely polluted. Yet we callously spend the majority of our national budget for military purposes. Surely, Americans, indeed all people, deserve better. For when we involve ourselves in war we are involving all others. The responsibility for wise leadership and wise behavior rests with the preponderance of power. The gargantuan stands guilty as accused of misusing its power.

Men, particularly leaders of men, appear to be more warlike than peaceable. Consequently the burden of proof and debate rests with the advocates of peace who constitute the minority. But, for the sake of mankind, the mission of peace is vastly important and must be diligently pursued.

To you, sir, America owes a debt of gratitude, for you serve America well.

Sincerely yours,

Wayne Holliday.

East Stroudsburg, Pa.,
July 30, 1965.

Senator Wayne Morse,
U.S. Senate.

Dear Senator Morse: I share your concern over the deepening and dangerous involvement in Vietnam. I believe that if the President is arrogating to himself the power to conduct war without a specific resolution from Congress to that effect by the constitutional mandate, then impeachment proceedings are in order. It is, I think, imperialism of a most blatant kind.

As Norman Mailer said at a recent Harvard discussion, "He shares the insanity that is in all of us." The spending on arms, the moon race, and such simple things as building highways and killing more people by the automobile.

As Professor Seymour Melman says in his recent book, "Our Depleted Society," we are tied too much to the military, our defense spending and research is throwing the rest of development out of kilter.

So, I thank you for adding your very powerful and influential voice in what must seem like a quite lonely wilderness, and the few other Senators and Congressmen as well who have risked Presidential displeasure as opposing such willful and arrogant actions.

Sincerely,

Glen Fisher.

Whitestone, N.Y.,
July 29, 1965.

Dear Senator Morse: Never before have I written to any Senator about any issue, however, I am finally moved to do just that because of the courageous stand taken by you regarding the indefensible position the President has taken in the Vietnam adventure. I admire your intellectual honesty in pursuing a course advocating the widest possible discussion and scrutiny by both branches of the legislature in conformity with our Constitution. It seems, indeed, as if too many of our legislators prefer political expediency to discharging their duty.

A copy of this letter is being mailed to your colleagues, Senators Kennedy and Javits, for, after all they are my representatives and they should be aware why one of their constituents feels impelled to write to the distinguished Senator from Oregon.

Please be assured of my deep gratitude for the valiant fight you are conducting for all of us.

Sincerely yours,

Frank Simon.

Flushing, N.Y.,
July 29, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator: Regarding your position in the current Vietnam crisis:

I thank God that there is a man in the Senate with your commonsense and understanding of the value of human beings. My husband and I truly admire you for your reluctance to go barging into a situation that obviously will never be resolved by dropping bombs and sending troops.

I pray that your efforts are rewarded. Please never stop striving for peace. We want our children to live in a world without constant fear and possible destruction.

God bless you.

Respectfully yours,

Aurora Doherty.

Dear Senator Morse: Although I have never written to a public person I must say I echo my wife's sentiments. God bless you in your fight for peace and commonsense.

John Doherty.

Philadelphia, Pa.,
July 28, 1965.

Dear Senator Morse: First, congratulations for your necessary response to the President's address this afternoon. As far as I'm concerned, we are in the words of Governor Hatfield "being run and told what to do by a few experts." As for me, I agree with people like yourself, Senator Gruening, Walter Lippmann, and Drew Pearson.

I want you to know that you have many supporters all over the country and as for myself (me?) you're my favorite Senator—perhaps because—quite bluntly—you don't give a damn about your colleagues and you've the guts not to go along and be a yes-man—because Johnson says to. I have been solidly behind you ever since I can remember (I'm only 16) possibly because in my eyes—you're the epitome of a person who believes wholeheartedly in the welfare of not only his country—but the world.

You don't propose to be a messiah to the Negro—as Senator Robert Kennedy—yet you show your true colors by voting against that segregationist Coleman—whereas "Mr. Everything" voted for him.

I disagree with our policy on South Vietnam. 1. We have no right to be there and if it were any country in there but us—all —— would break loose. 2. L.B.J. constantly refers to the "aggressors" but are we the epitome of peace when we bomb North Vietnam? We are always the good guys.

It is a civil war in South Vietnam and it's none of our business and they're not even fighting for the people of that land—they fight blindly against the Vietcong—they (the Marines) bear a resemblance to the Birchites as they seek out and kill the "Reds."

I could go on and on and on but I don't want to consume your time—I just want you to please, please, please do all you can to convince Senators to vote nay concerning the money L.B.J. will ask for to finance the war and please—don't ever give in and never feel as though you have no support—you have a lot.

Sincerely,

Rosanne Heller.

Bronx, N.Y.,
July 29, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I am writing this letter to you because yours has consistently been a voice of reason in the Vietnam crisis.

After hearing the President's news conference yesterday, I find myself dismayed in the extreme at the continued pursuit of what I feel to be a disastrous course.

This is a military operation which, in my opinion, we cannot win, if by that we mean causing the enemy to sue for peace on our terms. Both sides concede that this could go on for 5 years or more. Aside from "side issues" of what happens to Vietnam and its people in this period, as we use up more of our own young men and materiel in this bottomless pit, the pressures for the use of nuclear armaments will increase, with catastrophic results we can only vaguely imagine.

I am writing to ask you, how an individual can register a protest so as to at least cause the juggernaut to pause a moment before it crushes everyone in its headlong dash? To whom can one write or speak in order to arouse some meaningful opposition to this course?

I really would appreciate an answer from you.

Respectfully,

Arthur Huffman.

Springfield, Ill.

My Dear Senator: Stop Johnson at all costs. Get out and come home. If he must have a war, throw Castro out. Our gold is gone, our silver is gone, and we are busted now. A big war is our finish.

Stanley K. Halbert, M.D.

Lakewood, Ohio.

Dear Senator: You, Senator, and your colleague from Alaska are the only men in Washington who are not frightened silly by communism. France and Italy have had large Communist Parties for years and even their nations are ruled by Communists. We are wasting men, money, and materials in Vietnam.

Cannot you give a little of your courage and backbone to our present leader?

D. Lohmeier.

P.S.—Wish you had a chance of becoming President.

July 28, 1965.

Dear Senator: Heard your comment on President Johnson's policy speech. Amen. May I thank you and commend you for your honesty and courage. Our Constitution and our elected officers' oaths are more precious than any political or military advantage.

Arthur E. Spencer.

Fort Wayne, Ind.,
July 20, 1965.

Dear American: I hope you keep up your fight as you have. I think your stand is morally, logically correct.

Success to you and to all of us and the world if you win.

Sincerely,

John Conley, M.D.

July 27, 1965.

Dear Senator Morse: Is there any way I, as a citizen, can help you and your all-too-few rational colleagues restore sanity to our country's foreign policy. Why does President Johnson pursue a policy of ever-increasing military involvement in Vietnam? Does he really think we can bomb and burn people into being our friends? The publicized reasons of resisting aggression from North Vietnam and keeping South Vietnam free do not seem consistent with the facts of the Vietnam situation. Why doesn't our country encourage popularly supported resistance to oppressive authoritarian regimes such as in South Vietnam, Portugal, etc.? Why should we support an oppressive anti-Communist dictatorship any more than an oppressive Communist one? I can think of no justifiable reason, can you? I can think of no other reason than to preserve the foreign economic wealth of powerful and wealthy Americans and American corporations. I certainly hope there are other reasons, but what are they?

Can you suggest any organizations that I could work with in an effort to deflect President Johnson from his present course toward, I fear, a nuclear third world war?

Is there any way to replace President Johnson with someone as intelligent and sensitive as you as the Democratic Party presidential nominee in 1968, if we live that long? His actions concerning Vietnam, Latin America, and U.N. finances have been so distasteful that I can never vote for him again.

I would appreciate any documentation of the inconsistencies of American Vietnam policies with facts that you have readily available, and want you to know that I support your efforts to bring reason, truth, and justice into play as the guiding principle of our country's actions in affairs with other countries.

Sincerely,

Roger D. Woods.

Cuyahoga Falls, Ohio.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

We definitely agree with you taking your stand against our boys being murdered in Vietnam and also against Congress adjourning until this situation is settled.

Mrs. Marie Steinbeck,
Mrs. Gloria Thomas.

Akron, Ohio.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Congratulations on your correct and courageous leadership of opposition to our involvement in Vietnam.

Ardath Rosenberg.

Denver, Colo.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

We are headed for disaster in Vietnam. Get us out of Vietnam immediately.

William Hannah,
World War II Veteran, Republican.

Chicago, Ill.

Senator Wayne Morse,
Senate Building,
Washington, D.C.:

We support your courageous stand against administration's Vietnam policy. Urge you continue vocal opposition.

Prof. and Mrs. Melvin Rothnberg.

July 27, 1965.

Hon. Wayne Morse,
U.S. Senator,
Senate Office Building, Washington, D.C.

Dear Senator Morse: As a private citizen, I feel sick at heart over the role of our country in Vietnam. In your recent remarks, you have expressed my sentiments and convictions very strongly.

I wish to commend you for your courage in speaking out. People like myself feel so impotent to alter the course of events. Perhaps men like yourself, in positions of responsibility, will be more successful.

I know you will continue to speak out as you have so often done in the past. May my expressions of approval give you some support.

Yours very truly,

Mrs. Irene A. Wilcox.

El Cerrito, Calif,
July 26, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Enclosed is a copy of a letter I have written to President Johnson indicating my opposition to his policy in Vietnam.

I hope you may use it as evidence of some public support of your admirable attempts to change U.S. policy in Vietnam and Asia.

Respectfully,

Gerald D. Berreman.

El Cerrito, Calif.,
July 26, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: I am appalled at the military action being taken in my name and in the name of all Americans in Vietnam. I consider it to be foolhardy and immoral. Moreover, I am certain that it will achieve the opposite of its professed aims.

I feel betrayed as one who supported your candidacy for the presidency.

I have previously expressed my belief in this matter to you and to my Congressmen by letter. I have expressed my belief publicly on several occasions at debates and protest meetings in the Bay Area, including a talk before an audience in excess of 10,000 at the Vietnam Day "teach-in" held on the campus of the University of California at Berkeley in May. I have signed public statements opposing the war in Vietnam including the one sponsored by the "Scientists and Engineers for Johnson" decrying your failure to adhere to the policies implied and promised in your campaign.

I am endorsing and working for the Vietnam Day Committee of Berkeley in preparation for massive protests this fall. I endorse the Assembly of Unrepresented People To Declare Peace and the other, associated activities scheduled for Washington, D.C., August 6-9.

These are scattered, perhaps desperate, perhaps ineffective measures. They are the product of people who are seriously alarmed at the course of events. But these alarmed people are also informed people, thoughtful people and responsible people. The activities listed above are but a few of the many such being carried out by a significant proportion of the most informed and politically responsible segment of the American public—many of them in colleges and universities, many of them in the clergy, many of them in public service. Not a few of them (like myself) make the study of human behavior their life work; some of them (like myself) make the study of Asian society their specialty. They act urgently, perhaps desperately, but not foolishly or carelessly. They act from knowledge and conviction.

For an indication of the variety of activities in this realm, I would refer you to the recently initiated "Biweekly Information/Action Report of the Universities Committee" (Post Office Box 7228, Detroit, Mich.).

To those in positions of political power, such activities may appear useless, hopeless or even ridiculous. But they are not to be ridiculed. We find ourselves becoming implicated in military and political adventures which we find utterly reprehensible and indefensible. We cry out for sanity before it is too late for sanity. We do what we do because other means have been ignored.

We will continue to attempt to convey our interpretations, our facts and our convictions in ways which will be heard. Our responsibilities as citizens and as men compel us to do so. Many will resort to nonviolent resistance, refusal to serve in the Armed Forces, refusal to pay income taxes, civil disobedience, to disrupt munitions shipments to Vietnam, etc. I have not found these means to be the appropriate ones. But if no others are effective, then surely these must be tried. Whether or not they will be effective, they at least disassociate their participants from the policies they protest. They draw attention to the fact of the protest and the sincerity of those protesting. They are an anguished cry, but a cry which will be heard. It is a sad day if this is the only cry which will be heard.

At present I have taken steps to do two things to register my personal protest:

1. I have undertaken to resign my commission in the U.S. Air Force Reserve (in which I served actively, 1953–55).

2. I have refused to participate further in training programs for the Peace Corps or other governmental programs sending personnel to Asia. These programs are sheer hypocrisy in the present context. You cannot buy friends in India while you are killing potential friends in Vietnam, and I consider it immoral to attempt to do so.

These are two activities or affiliations which I repudiate in light of the immoral war with which they are associated.

I will henceforth do everything within my power and conscience to oppose that war. I am totally unconvinced by the doubletalk, doublethink, euphemism and hypocrisy with which that war is rationalized by Mr. Bundy and your other advisors, and by the Departments of State and Defense.

I wish with all my heart that before this country wades deeper into the morass which is that war, you would listen thoughtfully to its critics. Historians of the future, should there be some, will know that current U.S. policy is sheerest folly. If it is abandoned it will be no more than an unpleasant historical footnote. If it is not abandoned, it may well be the end of the book.

The present course is hopeless. There are alternatives as you well know. Please pursue them.

Sincerely yours,

Gerald D. Berreman.

Hayward, Calif.,
July 28, 1965.

Hon. Wayne Morse,
U.S. Senator,
Washington, D.C.

Sir: Yours seems to me to be the most vigorous and consistent voice for peace now heard in our land.

I can't help remembering the virtually unanimous clamor after the Second World

War condemning the German people for standing by while Hitler led them down the path to ruin. I mention this, not because I think the situation is in any sense analogous to ours today, but rather to emphasize that perhaps there is or ought to be some action ordinary people might take now before our country takes the final step in Vietnam.

I'm doing the usual things. But is there some political action one might undertake which could reverse the present trend? I'd like to help if I could. If this were a presidential election year, a lot of people would like to see you and Senators Gruening and Church join together. But what can be done now?

Respectfully,

H. V. Yeager.

Berrien Springs, Mich.,
July 28, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: This letter is inspired by your televised comments (of July 27, 1965) regarding the U.S. bombing of the two Russian-installed antiaircraft missile bases in North Vietnam. I should like to convey to you my wholehearted support and approval of the position you have taken in connection with this particular incident, and, more generally, of your opposition to the administration's entire policy in southeast Asia.

I, too, find it impossible to understand the President's policy in Vietnam. I believe it to be immoral, illegal, and dangerous. Moreover, even if one accepts the highly dubious administration premise that an American presence in southeast Asia is desirable, it would still seem that current American policy is the worst possible policy for achieving that goal. Indeed, it seems to me that our aggressive action is succeeding only in driving Hanoi into the arms of Peiping—a consummation devoutly to be shunned.

I am keeping a file (for my own study and for display to my friends) of material relating to U.S. involvement in southeast Asia, which includes press clippings and publications of the Senate Foreign Relations Committee. I would be very grateful for any material which illustrates your own views that you would care to send me; especially welcomed would be copies of your Senate speeches and public addresses on the subject.

Finally, I urge you to continue your very constructive opposition to the administration's policy in Vietnam, even though it seems to be falling on deaf ears at the White House. It is of no little comfort to those like myself who welcome evidences of sanity in the National Government to know that there are still a few reasonable men where they are so very necessary.

Sincerely yours,

Gordon C. Gossard,
Graduate Student in Philosophy, University of Michigan.

P.S.—I have just finished viewing the President's press conference, and unfortunately, my former fears are now increased. I still believe the matter should be submitted to a formal debate in the United Nations as a first step toward extricating ourselves from a wholly unwise entanglement in southeast Asia.

Morrison's Lodge,
Merlin, Oreg., July 25, 1965.

Dear Senator Morse: I am writing to express my feeling on the proposed gun bill S. 1592.

From all the press releases and information I have read on this bill it appears to me:

1. The proposed Dodd bill is not strictly aimed at law enforcement as Senator Dodd implies, but it is aimed at controlling and hindering gun transactions to all citizens, law abiding and otherwise. This raises the question, Is it your function to restrict firearms to all?

2. Senator Robert Kennedy (which I think highly of) states, "Let's legislate nonviolence." As I recall the last attempt to legislate morality, prohibition, failed miserably. This is an absolute impossibility.

3. The license fees in section 3(a) will prove a hindrance to both sportsmen and the small businessman. I have a small business and would not be able to continue to sell ammunition if these fees were enacted. This is an example of which I am sure there are many.

4. Interstate shipments, by the individual for hunting or any other purpose of which there are thousands, will seriously hamper the sport hunting industry in many of our States. What do we gain by this sacrifice? I doubt seriously if the criminal will be dissuaded from his endeavors because of this law.

5. Is this suppression of guns a Federal problem? Certainly there is a big difference in States like New York and Montana.

I could go into quite a lengthy discussion on this bill and its different sections, however I will be brief, as I believe I have conveyed the main thought.

I would very much like to know what your stand is on this bill and if you intend to vote for or against its passage. Please consider the intent of this bill and how the proposed bill does not accomplish it.

A much better tool to accomplish the suppression of firearms in crime, would be H.R. 5642 introduced by Bob Casey, of Texas. This bill is really against the criminal, not a bill to suppress firearms to the public under the guise of a threat against crime.

Sincerely,

B. A. Hanten.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Is it true that our young sons just out of high school are being sent to Vietnam after a few months' training? I have heard this story so often and have read newspaper accounts of the 18- and 19-year-olds fighting and dying in Asia. Why are we fighting the Asiatic Communists who are supported by Red China when many of our former allies are trading with Red China, thereby strengthening her against us?

Now we are going to double the draft call and perhaps call up the Reserves, although we have hundreds of thousands of enlisted military holding down civilian jobs on our military posts. Why not send these men into the war since that is the purpose of the Armed Forces? The draftees and Reserves could replace these men both here and in peaceful areas overseas, meanwhile getting additional training so that they could be used as replacements in the theater of war when needed.

When a man chooses the armed services as his lifetime career he does so with the full knowledge that he can be sent anytime, anywhere into whatever war the United States becomes involved. Why are we keeping these professional fighters back home or stationed in peaceful areas of the world and sending teenagers with a few months' training into hand-to-hand combat with a tough foe with years of training and combat experience? No wonder we are losing in Vietnam. Or is this war merely an elimination of excess World War II babies for whom there is not enough employment or college facilities at this time or in the future? Please, please do something to insure adequate training for our teenagers.

Sincerely,

Mrs. Gerald Badcliff.

San Diego, Calif.,
July 29, 1965.

Senator Wayne Morse,
New Senate Office Building,
Washington, D.C.:

Right you are, Senator, about the U.N. and Vietnam. However, you, Ford, Dirksen, and others relax, take it easy, and cheerio, for efforts along the lines you suggest have been taking place by yours truly, and the administration, etc.—allies of late now, for weeks now; but Rome wasn't built in a day; right? Good luck. Wish me luck, too.

E. Lane.

Belle Harbor, N.Y.,
July 28, 1965.

Dear Senator Morse: As a student who is on the verge of being sucked into L.B.J. & Co.'s Vietnam idiocy, I want to express my sincere appreciation and respect for your position on this issue and your courage to speak out against the current horrible trend.

Your comment of today on the United States abandonment of the U.N., our last hope, seemed especially cogent and effective.

I am against this war, as you are. What steps do you think I can take in order to help try to avert the final catastrophe? We can't just sit back and frown quietly as we sink deeper and deeper. What can I do?

Unless it's too late. I hope it isn't.

With deep admiration,

Jerry L. Avorn.

Bing-Cronin & Leonard
Personnel, Inc.,
New York, N.Y., July 29, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: As a conservative Republican I am seldom able to agree with your policies. At this time however, I find that you are the only member of the Government who I can agree with. I commend your stand on the Vietnam crisis and urge you to continue to speak out against the dreadful course which is being followed.

I have listened to and read the speeches made by Members of the Congress and administration as well as the many editorials printed in support of Johnson's policy in the press. I have also heard loudly condemned the "leftist beatnick" groups which oppose Johnson. What has amazed me is the lack of publicity or attention given to the responsible middle-of-the-road and conservative elements who oppose our present course of action in Vietnam.

My friends and associates are primarily conservative thinking Republican and Democratic businessmen of unimpeachable patriotism. Naturally the Vietnam crisis is discussed more and more each day—what would come as a great shock to President Johnson is the opinion that most of these persons have—they are dead set against what is being done.

I am not a Communist or a pacifist, but a person who sincerely believes in the American way. I fail to see, whatever arguments are used, how as an honest, peaceful Nation we can continue the terrible things we are doing in Vietnam.

You are by no means alone in your convictions. I am indeed grateful to you for taking the stand for our country's honor.

Sincerely,

Clement R. Knorr.

Marine Biological Laboratory,
Woods Hole, Mass., July 28, 1965.

Senator Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Morse: Though I am not one of your constitutents, I would like to express my approval of your continued outspoken opposition to the adventure for us becoming more and more embroiled in Vietnam. Our moral stance is a pure shame. We have in fact abandoned all semblance of morality and are beginning to abandon all reason also.

This war will profit no one, except possibly China, and I hope you will continue to voice your opposition.

Sincerely yours,

Ruth Wald
Mrs. George Wald.

Cambridge, Mass.

Discount Cabinet Center,
Chicago, Ill., July 29, 1965.

Hon. Wayne Morse: I feel that we are going to enter into a terrible state of manufactured hysteria.

It seems the American people are being forced into a war that they don't need or want when a nation for an individual cannot decide on a right course it ultimately leads to disaster. The world is changing and people are made restless by these leaders who don't seem to lead but drift. We all know that after the killings and torture, the leaders will sit down once more and divide the world again. When nations rebel and refuse to be friendly with the power's who want to help them than something is wrong. It seems to me that the State Department and the Pentagon seem to run this country. Why don't we hear from the Members of Congress who were elected by the people to run their affairs, instead of supposed experts.

My wife is now in a mental hospital from praying until she no longer could control herself. These are sad days for people of liberal feelings.

O' how long do we have to be deceived. All freemen should stand up and shout. No more wars we are tired of killings.

Incidently, I would have voted for you as president if you were a candidate.

I too am a maverick.

Respectfully,

David Deamond.

Springfield, N.J.

Dear Senator Morse: You are indeed a gallant man. I admire your courage. Your stands against war are most admirable.

I, too, believe a victory in Vietnam would gain little. It would temporarily stymie future efforts by the Communists to take over these small second-rate countries.

Shouldn't our primary aim be to confront and contain the giant Communist nations? Why then did we not attempt to stop the takeover of China by the Communists, standing idly by assisting Chang to retreat to Formosa?

We tolerate the Russian rape of Poland, Hungary, and countless others, many being the same countries ravaged by Hitler, which drew the wrath of the free world and led to his eventual defeat. Why did we not then stand up and confront the Russians for these horrible incidents?

Our efforts in the little brush fire wars as Vietnam prove little. With our huge superiority of modern weapons in the air and sea, and practically unopposed in these mediums, makes us look the bully.

Being a pacifist I realize the futility of atomic war and believe everyone's efforts should be directed toward disarmament and the establishment of a strong United Nations to prevent abhorring systems as communism from accomplishing its aims to subjugate other coverted nations.

Do you think the masses of people will ever wake up and refuse to be the tools of the power hungry leaders and their henchmen?

Respectfully yours,

Charles Sims.

Hamden, Conn., *July 29, 1965.*

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Once more, my thanks for your courageous comments on the new escalation of our Armed Forces in Vietnam.

I have just written President Johnson of my misgivings and urged upon him several suggestions to end the war.

We are heading toward a tragedy of enormous proportions unless the bulk of the American people speak up.

Sincerely, and gratefully yours,

Mrs. Jose Casanova.

Miami, Fla., *July 29, 1965.*

Senator Wayne Morse,
U.S. Congress,
Washington, D.C.

Senator Morse: Is it too late? Is there any way we can stop this before we have a huge land war with nuclear weapons?

I hope that many of your colleagues now regret that they did not openly oppose the war buildup as you and Senator Gruening have. Are these men now scared into action? Is there any checkpoint you can see?

We feel there is nothing we can do. We have spoken of a petition and could easily collect signatures of people who oppose our Vietnam policy, if we thought this would do any good. We hope you make a Senate speech soon and indicate what is a realistic approach. I would like to be on your mailing list.

I feel very thankful that you and Senator Gruening have been so outspoken, that there are at least two Senators who are willing to bear witness against the crime we are committing.

Michael Lurie.

Buffalo, N.Y.
July 29, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to express my deep admiration of your courageous, persistent, and eloquent opposition to the administration's policy of waging an undeclared war against the people of a small, impoverished, and war-battered country.

There is no longer any doubt that the majority of the people of South Vietnam are opposed to the Saigon government. They are not Communists but are siding with the Vietcong. At the very least, they have no wish to fight the Vietcong. Their greatest wish is for the war to stop.

Thus the United States, the richest country in the world, is waging war—with the planes and bombs and increasing numbers of American soldiers—against the people of South and North Vietnam.

Although our intentions were honorable, we are now embarked on a course which is morally wrong and endangers the peace of the world. The world must be shocked.

We must stop. A peacekeeping mission must be brought in by some world agency, preferably the United Nations.

Sincerely,

Marion Hyman,
Mrs. Marion Hyman.

North Hollywood, Calif.,
July 28, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Sir: Having just concluded a letter to the Vice President of the United States, reminding him of his past record up to the Vietnamese mess. I feel that I must commend you for your forthrightly courage in taking the stand so much in opposition to that of our devious administration.

I have a normal circle of friends and friendly acquaintances. They include Democrats, Republicans, Liberals, Conservatives, one or two leftists, and a few rightists. With the exception of the few rightists, I find among these friends and acquaintances, no approval of our Vietnamese adventure—in fact, for the most part there is downright disapproval.

The President is waging a war without the approval of Congress, as unconstitutional a procedure as any that has ever been attempted. Must we risk the destruction of humanity just to cover the errors and to save face for a stubborn, misled, egocentric man?

By continuing to speak out, as you have so far, you will earn the gratitude, not only of all Americans, but all of humanity.

Most respectfully yours,

George Drexler.

Milwaukee, Wis.,
July 29, 1965.

Senator Morse,
Washington, D.C.

Dear Senator Morse: God bless you for your stand against this foolishness in Vietnam. It's not even foolishness, it is madness. I never thought I would be ashamed to be an American, but I am today. And to think that I, a conservative Republican, voted for Johnson to preserve peace because of Goldwater's "fire and brimstone policy," is more than a bit of gall to drink.

Alas, alas.

Mrs. Concetta Sagert.

P.S.—There are five registered voters in this family who are against this "mercenary army for hire" business we seem to be assigned.

North Hollywood, Calif.
July 28, 1965.

Hon. Wayne B. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: The Morse code of decency and sanity doesn't fall upon a complete sea of deaf mutes—lost as most Americans seem to be in their refrigerators.

Yours is a clean, strong voice in a wilderness of fat and cynical toads. I wish, on odd blue Mondays, I myself were cynical toad enough to wish for the shallowy illiterate U.S. public—with its consensus support of the megomaniacal L.B.J. and his neo-Forestal, McNamara—the nuclear way it deserves.

Please keep talking—loud and clean and strong. A few of us are with you—plus hundreds of millions in Europe and Asia and (if you will excuse the expression) the Soviet Union.

Sincerely,

John Bright.

Glendale, Calif.,
July 29, 1965.

Senator Wayne Morse
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for speaking out so clearly this morning on the Vietnam crisis. I feel sorry for President Johnson for I know the pressures must be enormous, pulling him in different directions. So it is especially good to have a Senator of your stature reminding us all of the dangers the world faces if we continue in our present direction and the alternatives possible. I agree with you completely, and hope that the dismal affair will soon be turned over to the United Nations. If only we would do things because they are right, not expedient.

Sincerely,

Mrs. Glenn Smiley.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am grateful to have at least one person in Washington who represents my point of view. I admire your courage in speaking for peace when everyone in Washington speaks for war. I hope you will continue to fight until the peace is won.

I would appreciate it if you would include me on your mailing list.

I hope my letter reaches you and not a computer or a scale because I want to wish you well.

Sincerely yours,
MILDRED M. TUTTLE.
NORTH HOLLYWOOD, CALIF.

HAZELHURST, WIS.,
July 28, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I am sure I join with millions of Americans who hope you are wrong but are certain you are right.

I am getting old. In my time I have seen the last of the Hohenzollerns, the Romanoffs, the Hapsburgs, and the Bourbons as they walked the plank of lost or exhaustive wars and passed into history. Hitler and Tojo too joined them in my time. Likely we will not live to see the end of this war but one wonders what families are next.

Anyhow, I believe you are making a notable contribution not only to American civilization but also to world civilization and history.

It takes not only courage but conscience to chose the path you have chosen. It will be hard and lonely.

May the greatest power of all bless you and keep you safe.

Sincerely yours,
PHIL KRONENWETTER.

PITTSBURGH, PA.,
July 28, 1965.

DEAR SENATOR MORSE: I have been following your views on the situation in Vietnam. I cannot for the life of me see why Congress (the voice of the people) does not put a halt to L.B.J. and his group that is heading us toward total doom. The Bible tells us that he who taketh the sword shall perish by the sword and it looks like the United States is going to test this saying. These are our sons that are doing the fighting and dying. Johnson and his group will be safe in their bomb shelters. Please do something to stop him. I'm writing as a mother who loves her sons. I'll sacrifice them to defend their homeland but please not in some forsaken jungle. Let the people decide by vote whether they want war. They are the ones who will suffer.

Sincerely,
MRS. HOWARD KLAUSS.

JULY 28, 1965.

DEAR SENATOR MORSE: I hope you continue as an outspoken critic of President Johnson's unsound policy in Asia.

As a private citizen it is difficult to know how to effect public policy. If your office has any suggestions as to how myself or others who share my views can make a contribution toward the adoption of a rational approach to communism in Asia, I would appreciate hearing from you.

I hope you will consider running for the Presidency in 1968.

Sincerely,
MISS JOANNE DALBERG.
LARKSPUR, CALIF.

BATESLAND, S. DAK.,
July 27, 1965.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have often appreciated your courageous devotion to truth, but never more than in your sharp reminders that the Pentagon program means accelerating the crisis in Vietnam, perhaps to the point of war.

This would be a war nobody wants and strategically foolish.

Is there anything we can do to enlighten the Nation to the fact that we will reap a harvest of devastation and war, if we keep sowing seeds of acceleration.

Sincerely yours,
FARLEY J. STURKY.

NORTH ANDOVER, MASS.,
July 28, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: That there is one man in Washington who protests this horrible war in Vietnam lends one last ray of hope to our rapidly dying faith and confidence. After bloody Korea, how can anyone want to repeat it? There were over 160,000 American casualties there (Boston Herald) and it ended right where it started.

At the polls in November 1964, the people spoke loud and clear. Party did not count. There was only one issue. They voted for peace. They voted against a war in Vietnam. Do you believe that there is one parent, black, white, or yellow, who believes that Vietnam is worth his or her son's life? Washington turned a deaf ear to our pleas. The people apparently do not count any more.

The late Adlai Stevenson so aptly said: "The farmer wants higher prices; but he wants peace more. The businessman wants stability and the laborer wants security, of course; but they want peace more." The people want all of this but they want their sons most. And now, after nearly a quarter of a century, we see our sons still being yanked from home and college at the whim of Selective Service and sent to senseless slaughter in rice paddies of a people who does not want to fight. They are not free. They have no choice. At least the men in World War II believed in what they were fighting for but these helpless pawns do not have even that to sustain them.

Where are the Reserves? They are the volunteers. But of course, it is cheaper to send our boys. And so our boys die, cruelly and needlessly, before they are 26. And the seething volcano of parents' outrage and resentment grows and grows and grows.

As I overheard one little old lady from a backward country say the other day (she was here for a visit): "We got our sons. We got everything. You don't have your sons. You don't have nothing." She was so right.

Sincerely,
MRS. MARY OGDEN.

SAN FRANCISCO, CALIF.,
July 26, 1965.

Hon. WAYNE MORSE.

DEAR SIR: The expected callup of Reserves is another escalation leading up to a fullscale ground war in southeast Asia that I feel will end in disaster for all concerned. Please continue your efforts to stop this path to destruction.

TOM SIEGEL & FAMILY.

WESTWOOD, MASS.,
July 29, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have followed with interest your critical reactions to recent administration decisions concerning activity in Vietnam. I want to say that I wholeheartedly support your position. We need, in the U.S. Senate, more voices like yours.

Even though I am from another State than the State you represent, I feel that I owe it to you to let you know that yours is not a voice crying in the wilderness.

I have studied Far Eastern philosophy, culture, religion and history. All I have learned leads me to the conclusion that what we are doing in Vietnam is dead wrong. To use violence to settle problems in a culture which in its several thousand years has not known the methodology of violence is a crime against humanity. I hope we eventually realize that a military solution will not work in a strong Buddhist culture.

Keep up your perceptive criticism for the benefit of those of us who agree with the stand you have taken.

Sincerely,
LEO F. JOHNSON.

LOS ANGELES, CALIF.,
July 27, 1965.

To a Senator that is not afraid to talk over radio:

And how about the Far East trouble. It seems to me now that the United States has rockets that go 2,000 and 5,000 miles there is no need to have troops in the Far East.

The people in the Far East live different, and think different, so let them fight amongst themselves. We, the people, are supposed to be free and can vote for laws that has to do with the people here in the United States.

So why not call for a special national election, and let the people here in the United States vote on whether we should stay in the Far East or to withdraw back to the international date line at the Pacific Ocean.

JOSEPH FRYER.

TYLER, TEX.,
July 28, 1965

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: As one who was born in your State, I feel obligated to tell you of my feelings on the present state of the Union.

I am morally opposed to President Johnson's further involvement in the Vietnam war. I am concerned about future involvement in view of his press conference today, and recent bombings of Russian-built missile bases.

I urge you to convince him that his present policy in Vietnam is not in the best public interests, or in the best national security interests of this Nation.

I will support you in your efforts to bring about a change in foreign policy, and I hope for the sake of the United States of America that you will be successful.

Sincerely yours,
RONALD E. YOUNG.

CHELAN, WASH.,
July 26, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR MR. MORSE: Through the years I have come to respect your stand for the cause of peace and rationality. Now I write to you asking help. We are a typical young American family, with ordinary jobs, ordinary hopes and dreams and a lovely, extraordinary child whom we love, protect and hope for with all our hearts. Now we live in terror.

Each news bulletin of the increasing chaos in southeast Asia brings the sick chill of fear on us like a flood. We don't talk about it, because it only serves to make the peril more real, and we feel so helpless.

Marvin is one of those in the Army Reserve who will be called to active duty if the President and his advisors decide to do so; and it looks more likely every day. He will leave for Vietnam with the knowledge that he may never return. To some of our military leaders and perhaps to Mr. Johnson, he is expendable, a mere digit to be sacrificed in order to demonstrate our patience and resolve in suppressing the threat of communism.

Patience and resolve are all very noble, but this man is not expendable. He is far more than a digit. He is our light, our warmth, and joy and our strength. It would take more than patience and resolve to make our lives meaningful if he were gone.

Isn't it possible to demonstrate our Nation's purposefulness with equal strength at the conference table? Must this man and thousands like him be sacrificed on the altar of bravado? Can we strengthen ourselves by sending men to die? I only pray that you will use your influence to see that this does not happen, that you will urge that we strive to find a nobler peace than that of mutual destruction, to show the greater strength, of reason.

Sincerely,

Mrs. Marvin Grillo.

Washington, D.C.,
July 6, 1965.

Mr. Clifford M. Turner,
San Bernardino, Calif.

Dear Mr. Turner: Thank you for sending to me a copy of the suicide note of Alice Herz.

I have not obtained a copy of the July-August issue of Fact, but I shall do so tomorrow and read it.

I am enclosing tear sheets from the Congressional Record, containing the latest major speech I have made in the Senate on the shocking U.S. war in Vietnam.

In your letter, you asked me for my views concerning your suggestion that steps should be taken to impeach President Johnson and perhaps some other officials. It is my view that such an impeachment attempt would be a very serious mistake. All it would do would be to divert attention away from the basic issues involved in American foreign policy in Asia and center attention on President Johnson, as an individual. It would cause many people who disagree with his foreign policy to rally behind him, because they would consider such a movement to be an ad hominem approach. Attacking Johnson, personally, will not change his course of action, and it will not win supporters for a change of foreign policy in Asia, but to the contrary, it will drive supporters away.

In my opinion, there is no question about Johnson's sincerity or his patriotism or his desire for peace. It is Johnson's bad judgment and mistaken reasoning in respect to the war in Asia that constitute the basis of the crucial problems that confront us in trying to get a change in Johnson's policies in Asia. To attack him, personally, by proposing impeachment would be the most serious personal attack that could be made upon him. It would rally the Nation behind him and result in his policies being escalated into a major war at a much faster rate. Those of us who oppose Johnson's foreign policies must meet his views on their merits. We should never attack him, personally.

Although you may disagree with me on this matter, I am giving you my honest advice in this letter.

I hope that the opponents of Johnsons' policy in Vietnam will not fall apart by adopting what we call splinter tactics in conducting this struggle for peace in Asia.

With best wishes,

Sincerely yours,

Wayne Morse.

Enclosure.

San Bernardino, Calif.,
June 29, 1965.

Dear Senator Morse: I copied the enclosed suicide note of Alice Herz from the July-August issue of Fact. I tried to type it just as it appears in an article "The Martyrdom of Alice Herz," by Hayes B. Jacobs beginning on page 11.

Jacobs' article extends from page 11 through page 17.

There was some publicity about the flaming death of Alice Herz in the San Bernardino Sun-Telegram. About as much as you got for your speech June 8 at Madison Square Garden. I have a copy of that speech.

I am not as brave as Mrs. Herz but I share her feeling. My own sentiment—dangerous to express—is that Johnson should be impeached. Some other top officials should go with him. Some such drastic attempt is necessary if the world is to be saved for mankind.

Our present actions are driving the Chinese Reds and the Russians back together. Do our great leaders think we can win a military victory over their combined forces? America and Russia in cooperation might save civilization; opposed to each other they will destroy it. We surely must have people in each country who realize this.

"Civilized men everywhere have common ideals and these ideals have a force that unites. They may prove more lasting than current conflicts." (U Thant, Reader's Digest, July 1962, p. 172.)

Civilized people in this country and the world over must somehow unite if the world as Mrs. Herz said is not to "blow itself up to oblivion."

Eventually I shall write to my own Congressmen and Senators regarding these things. But I don't know them as yet; and, little publicity as you have been given, I am sure I am substantially in agreement with you. I would be interested in all you have said concerning international matters.

I am beginning to ask myself more and more what distinguishes us from the Germany of 1939? And I quote here from your speech of June 8, "The Communists murder and kidnap and maim the villagers; we burn them with jelled gasoline. That is some record of fighting for freedom." We are driving Asians by the millions into the arms of communism. Or I might add, into some kind of totalitarianism.

Sincerely,

Clifford M. Turner.

P.S. I am marking this letter personal because I want to be sure you read it as soon as possible. And the idea of removing Johnson and perhaps some others from office I should rather not at present share with your staff. It may be of some help to me if you can inform me how such a movement could be started. I recommend you read the article in Fact for July–August 1965. Alice Herz may well have been wrong in some of the things she said or did. But her suicide was not the act of an insane person but a brave, sincere, and humane one. I share her feelings—have since August 1945—but I have never been as courageous or energetic. I was frightened—terribly frightened—in August 1945—but I could not find people around me who shared that fright. I am no great prophet and no scientist. But I saw or thought I saw—the horrors that such a weapon as the then comparatively crude atomic bomb could bring humanity. It took no sage or seer to know that the thing could be "improved." Since that time, all my worst fears but one have been realized; we have not yet had a nuclear war.

We must have peace or nothing.

This subject is endless. I will leave it now.

P.P.S. I imagine there were many people like me—though certainly a small proportion—who were deeply agitated but were silent through sickness caused by ignorance and apathy—mostly by that which surrounded them rather than their own.

March 1965.

To the Nations of the World, to U Thant, Executive Secretary of the United Nations:

As a citizen of the world, in full possession of my physical, mental, and spiritual capabilities, before the Creator of this world I accuse Lyndon B. Johnson, President of the United States of America, for having declared his decision—and already started to enact it; to use his amassed capacity of 400 times overkill to wipe out, if necessary whole countries of his choosing.

To the American people with the help of the colossal lie your Presidents Harry S. Truman, Dwight D. Eisenhower, J. F. Kennedy, and Lyndon B. Johnson, have deceived and misguided you. Through hatred and fear, deliberately whipped up during the last 20 years, you have allowed your lawmakers in Congress to appropriate endless billions of dollars for an arsenal of destruction—unlimited.

Awake and take action before it is too late.

Yours is the responsibility to decide if this world shall be a good place to live for all human beings, in dignity and peace, or if it should blow itself up to oblivion.

God is not mocked. To make myself heard I have chosen the flaming death of the Buddhists on the Wayne State University Campus of Detroit.

May America's youth take the lead toward life.

[Signed] Alice Herz.

Marlton, N.J.,
July 28, 1965.

Dear Senator Morse: I sincerely regret that I am not one of your constituents. It seems impossible that you stand alone, a man of convictions who refuses to be swept along on a bandwagon. Even men of my own church, whom I know to be men desirous of peace, of world brotherhood, etc., have been found wanting (Bartlett, of Alaska, Clark, of Pennsylvania, Harrison Williams, of New Jersey, and even the late Adlai Stevenson) and have allowed their own beliefs to be silenced in the interests of political unity. Without thoughtful opposition, no matter the cost, democracy cannot survive.

I hope you can raise up some little shadows, or infuse some moral stamina into our anemic doves, the war hawks have had far too much opportunity to bring chaos into our beautiful land.

Though I am not from Oregon, you continuously speak for me, and for others who reside far afield. Thank God for at least a single voice in the wilderness.

Sincerely,

Beatrice Smolens.

Easton, Conn.,
July 29, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: Hold fast, hold fast Senator, and know well, that you have the backing of silent millions, who, tragically enough, keep their thoughts to themselves, and do not come out to be counted in these dire times of contemplated destruction.

It was James Russell Lowell who wrote:

"They are slaves who fear to speak
For the fallen and the weak.
They are slaves who will not choose
Hatred, scoffing, and abuse,
Rather than in silence shrink
From the truth that needs must
think,
They are the slaves who dare not be
In the right with two or three."

Abraham Young.

Brooklyn, N.Y.,
July 29, 1965.

Dear Senator Morse: The "great manipulator" (with apologies to Abe Lincoln, the great emancipator) who may go down in history—if there is any future history—as the "great exterminator" has cleverly advanced us one fatal step further toward doom.

L.B.J. and his whole "Napoleonic complex" administration have brainwashed most of the

American people but haven't of course fooled the rest of the world.

The grim farce must be stopped. We must negotiate with the Vietcong. More troops, more bombings of North Vietnam will produce nothing but further deterioration of the situation, aside from dragging us into a horrible conflict with China, and perhaps Russia.

And except for a handful of people like you, Congress abdicates its solemn duty—allows the President to wage, and escalate an undeclared war in violation of the Constitution.

I do not ordinarily believe in filibusters but I think that you and Senators Gruening, Church, McGovern, etc., must do this now or else—goodbye world.

Sincerely,

Sidney Rosenblatt.

Jamaica, N.Y.,
July 28, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: I have seen you express your views many times on television, and many times I have wanted to write to you but have resisted the impulse. But in view of the President's announcement today, I feel as if I must.

Sir, in a world of insane voices, yours is the only sane one I have heard express itself on the Vietnam situation. I only wish more people in high places had the insight and wisdom you have shown in connection with this terrible war. I am a young mother, 29, and I remember the Korean war which started when I was 14. I remember veterans of the Second World War saying that they would "mop it up" before the summer ended, but before it was over there was a shocking waste of young American lives and all for nothing.

This war is just a repetition of Korea. Nothing for the boys when they return home because there has been no formal declaration of war, so there will be no GI bill, no mustering out pay, no compensation for losing 3 or more years of one's life, not to mention possibly losing one's life, no adequate pension for the widows, the orphans, the lonely mother and very little thanks in general for all the suffering our boys are going through.

Every time I hear you speak, my heart lifts a little. You are a tiny light in this senseless horror and senseless waste of our best. If only you could make enough people listen. You are in a position to be heard; I am only one woman, a housewife and mother, in other words, a nonentity. Must we, in every generation, waste and spend our best in every useless war just to prove our point?

I have a 3-year-old son, just 3 today, and I read in the paper that this war could last 20 years. It's just insane enough to be true. I will not gladly send my bright, lovely boy to die in some God-forsaken mudflat for something that has begun before he was old enough to understand it all.

Sir, I have faith in you, both as a Senator, and as a man who calls them as he sees them. You are a plain spoken, honest man, and God knows there are pitifully few of them in Washington. You are speaking the truth, please make them listen, try and make them see what they are doing, how they are spending our best. When will we get more? These are men, not just machines to be wound up to die in Vietnam. That's not what they were born for, educated for, carefully nurtured for. If this is all that faces our male children, then we ought to kill them at birth and save the Government the trouble.

I realize that you are a busy man, and I won't take up any more of your time. But, in conclusion, I'd just like to say, I wish, and most sincerely, that you were one of the Senators from New York so that I could say that my vote helped send a sane man to the U.S. Senate.

God bless you in all your battles for the sanity of the American people.

Sincerely,

Mrs. Ella Williams.

Washington, Conn.,
July 27, 1965.

Dear Senator Morse: I was terrified to hear of President Johnson's proposed fund toward the war in Vietnam, and to think of possible and probable results.

I always was opposed to the war in Vietnam, but now it seems that the United States is just asking for trouble, by trying to boost the war fund.

In my opinion, the only result that could come from this monstrous war fund is a third world war.

Although, as a citizen of the United States, I am powerless in this matter, I beg you to do all you can to veto this fund.

Sincerely,

Anne Edith Miller.

Sonora, Calif.,
July 24, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I just want to congratulate you on your stand in the Vietnam affair. I think you are right on all you have said. What are we there for, and what will we get out of it except the loss of a lot of our boys and money. I was in the first one, the war to make the world safe for democracy, and the war to end wars. How did we come out? Keep up your good work.

Respectfully,

Arthur S. Paul.

Kew Garden Hills, N.Y.
July 28, 1965.

Hon. Senator Wayne Morse,
U.S. Senate, Senate Building,
Washington, D.C.

Dear Senator Morse: I have been following your position on foreign policy and in particular on Vietnam. Your statements have been very logical, mature, and sensible. I wholly support your efforts to deescalate our involvement in that war and with you every bit of God's help in your efforts.

It sometimes becomes difficult for me to retain newspaper clippings of your statements. I would like to have as complete a file as possible, and ask you to send me any copies of your speeches you can.

If you do not have such copies, could you please let me know where I could obtain them. I would be glad to pay for them.

My best wishes for your continued health and activities.

Respectfully yours,

Anthony Peters.

Mt. Vernon, N.Y.,
July 29, 1965.

Dear Mr. Morse: I urge you to continue your lonely cry against this most dreadful act. Mr. Johnson has agreed to commit unwarranted destruction upon a country and ultimately, the world.

If you want to start a motion to impeach him, I am with you.

Sincerely,

Dr. B. Bauman.

Jamaica, N.Y.,
July 28, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Honorable Sir: Our most profound respect and admiration are with you for opposing the President's stand in Vietnam.

We know you are a singularly courageous and valiant voice of peace and truth in a world very much gone mad.

You have ardent supporters and admirers everywhere in this land. Would that we could stop this holocaust. We continue to write letters of protest to our President.

With deep gratitude and every good wish for your continued efforts toward peace.

Respectfully yours,

Eleanor Klein,
Kalman Klein,
Richard Stanley,
Hazel Stanley,
Shirley Margolin,
Leo Margolin,

and hundreds of others known to us.

Philadelphia, Pa.,
July 28, 1965.

Dear Senator Morse: Bless you for keeping your voice raised in the Senate as a beacon of hope for the people of our beloved country and the world.

I have written to my own Senator, Senator Clark, many, many times.

And as long as I can walk and talk I shall in my own small way do what I can with others or alone to help stop this holocaust.

The average person to whom I have talked—say, "this is all wrong but how do we get out."

The answer is simple yet difficult but possible and rational—stop the slaughter, get out—and give us the challenging opportunity to stop the bloodletting and begin to heal the wounds.

With the deepest of feelings,

Mrs. Dorothy Kunkle.

Washington, D.C.

Re your statement of July 16, quoted in I. F. Stone's Weekly, July 26, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

"WAR FOR THE SAKE OF JOBS?

"The other day a representative of a great union sat in my office protesting my position on the war in Vietnam. I listened patiently, very much interested in a point of view that is held by too many labor leaders in the United States today. During the conversation, he mentioned the great interest his union had in the helicopters, airplanes, munitions, and war materiel in Vietnam that was being manufactured by their labor. Senators know that I would be aghast. I was shocked to think that even the thought should go through his mind that any change in my position should be dictated by the alleged benefits to the economy of the United States by fighting a war in South Vietnam." (Morse in the Senate, July 16.)

Dear Senator Morse: Inasmuch as I serve the American labor movement in a professional capacity, I want you to know that I, too, am shocked by the position of the unnamed leader you cited in your statement. I believe that the loss of even one life in the war in Vietnam cannot possibly be offset by the alleged economic benefits of such a war to American workers. And I do not believe that American workers themselves would be so callous as to seek economic gains at the expense of lives of fellow human beings.

Sincerely,

Colin D. Neal,
Research Intern, Collective Bargaining Section, Industrial Union Department, AFL–CIO.

New York, N.Y.,
July 29, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I have long admired your unswerving determination to speak out against our Government's war policies in

Vietnam. Those of us in New York who have feared the steady escalation of the war for a great many months and regard the United Nations as one of the promising arenas for discussion truly value your persistent courage as you face the tremendous odds on the Senate floor each time you declare yourself on this subject.

I and my friends ask that you continue to demand that the United States honor its commitment to the Charter of the United Nations by permitting the dispute to go before the Security Council. We are very much behind you.

Sincerely yours,

JUDITH N. MITCHELL.

NATICK, MASS.,
July 28, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: I am deeply disturbed by the trend of events in Vietnam. Although there is great disagreement about what is the proper course of action, there is a large percentage of the American people which is convinced that the policy President Johnson is following will lead this country to military and moral disaster.

I urge you to speak out against the administration's policy. You will find much popular support behind you. The hostile tones of the reporters' questions at President Johnson's press conference of July 28, 1965, indicate to me that you will find a favorable press.

Sincerely,

ROBERT OLSHANSKY.

PITTSBURGH, PA.,
July 28, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Your television comments on the Vietnam situation together with two other Democratic Congressmen was very informative. Your comments make sense and I sincerely hope that you will continue to take the position and stand that will give the American people an opportunity to express displeasure with the method used in our involvement. There are many American citizens who are deeply concerned about the reckless method of pursuing a policy that can only bring us disaster.

If sufficient Congressmen will follow your stand and proclaim their position for a complete discussion of all the facts, then perhaps we will not become involved to the extent that it's too late to change our course.

Sincerely,

ERNEST G. ROESSLER.

BUFFALO, N.Y.,
July 27, 1965.

Senator WAYNE MORSE,
Capitol Building,
Washington, D.C.

DEAR SENATOR MORSE: I have just heard a recent speech of yours in which you, once again, deplore the situation in Vietnam. It seems that you are one of the few voices of reason amid the turmoil, emotionalism, and head-strong aggression that appears to characterize the foreign policy of the present administration.

My husband and I, as well as many students here at the University of Buffalo hope that you will continue to use your influence to bring about a negotiated settlement and peace. We only wish there were more Senator MORSES.

Most sincerely,

Mr. and Mrs. ROBERT BINCKERHOFF.

NEW YORK, N.Y.,
July 28, 1965.

DEAR SENATOR MORSE: I want to express my gratitude to you for your consistent and outspoken criticism of administration policies in Vietnam on this latest and most drastic occasion as in the past. Although I am not one of your constituents, you have given far better expression to my views than any of the representatives from my locality, and it increasingly appears that you are the last sane man in Washington. Although this may not seem to be a good deal to be grateful for. I am nonetheless extremely grateful that you are there.

Sincerely,

SALLY ZANJANI.

BROWNSVILLE, TEX.,
July 28, 1965.

DEAR MR. PRESIDENT: While I am writing this to you on the stationery of the church of which I am the minister, yet let me make it crystal clear that I am speaking and writing for only myself as an individual.

With full attention and great interest did I listen to and watch you on TV this morning as you held your press conference. Again you confounded the prognosticators as to what you would probably advocate and say. I was delighted with your appointments of Mr. John Chancellor as the new head of the Voice of America and Mr. Abe Fortas as a Justice of the U.S. Supreme Court. May I say, also, that I think your appointment of Mr. Arthur Goldberg as our Nation's Ambassador to the United Nations was an excellent choice.

I am sure that the decisions you announced about the war in Vietnam, the calling up of more troops and the more than doubling of the draft quotas per month were reached only after hard, long, and painful thought. I can only commiserate with you.

While I am more than pleased that the number of troops to be called up for duty in Vietnam is smaller than the news media predicted, yet I am concerned, even distressed, about what is now our Nation's official policy, posture, and stance regarding the Vietnam situation. As I see it, it is a war policy, posture and stance rather than a policy, posture and stance of peace. This I deeply and sorrowfully regret. For, again, as I see it, the Vietcong will have no other alternative than to react in kind as well as the forces associated with that nation. Thus we, the Vietnamese and the Vietcong will be, I believe, enlarging a vicious and widening circle. To me, Mr. President, there is no such thing as a "just" war; war is always and inevitably destructive and noncreative.

It destroys persons, and persons regardless of their nationality, political allegiance, race, creed, educational attainments and economic status, are of supreme and unconditioned worth—the most precious trust of all creation. War destroys cities, towns, villages and much valuable material. However limited the war may be, nobody wins, but everybody loses.

Because of these convictions may I be so bold and brash as to suggest what seems to me to be a possible creative way out of the present impasse: (1) that the U.N. be requested to establish a mediation commission consisting of representatives of the democracies, the Communist bloc, and the nonalined nations in the U.N. Excluded from membership on the mediation commission should be any nation currently involved in the Vietnam war; (2) that a cease-fire or truce be effected for an indefinite period so as to allow ample time for the mediation commission to organize and do its work; (3) that there be agreements among the nations currently involved in the war that they will abstain from any activity whatsoever that would tend to influence negatively the nation they regard as their enemy; (4) that the mediation commission work with all deliberate speed in attempting to work out a mutually satisfactory settlement of the disputes and issues between the nations now involved in warfare; and (5) that upon completion of the mediation commission's efforts its findings, proposals, recommendations and suggestions be announced before the General Assembly of the U.N. and given the widest possible publicity.

I am well aware that it is easy for one who is not an expert in international affairs to engage in typewriter desk quarterbacking. I am aware, also, that there are risks in this proposal—it may not work out. But it does seem to me to be worth a try in an effort to bring a permanent halt to this horrible and terrible carnage and to bring about a state of permanent peace—a just peace and a positive peace. And surely this proposal is in accord with the Charter of the United Nations; to save succeeding generations from the scourge of war.

Mr. President, I am taking the liberty of sending copies of this letter to those named below. This may violate accepted protocol but when the world is threatened with a conflagration of immense proportions, I think protocol can be suspended.

Believe me, Mr. President, you have my prayerful thoughts as you discharge your difficult duties and responsibilities.

Very cordially yours,

ALBERT F. HARKINS.

DENVER, COLO.,
July 27, 1965.

DEAR SENATOR MORSE: Although I am not one of your constituents, I have followed your congressional activities and efforts for 20 years and I might add with admiration.

Why is President Johnson pursuing this Vietnam thing?

Can we win this fight short of an all-out atomic war? What kind of an exercise is President Johnson putting us through?

The only voice in the Senate that I have heard opposing this war has been yours. I would appreciate any information you might send. Thank you.

Yours very truly,

H. C. SUTTON.

MAPLEWOOD, N.J.,
July 29, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We want you to know that we support your views on Vietnam, that is, for stopping the bombing, and negotiation with the National Liberation Front, as well as with North Vietnam.

We realize the difficulties but we must try. We have long hoped for China to be in the United Nations but now that seems remote. Having lived in the Far East, as well as in Europe, my husband and I understand the difficulties, but also the absolute necessity of avoiding world war III.

Sincerely,

Mrs. H. B. ALLINSMITH.

BIRMINGHAM, ALA.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I wish to express my approval of your outspoken criticism of President Johnson's Vietnam policy.

I am a loyalist Democrat, but to me President Johnson is doing in Vietnam the very things feared Senator Goldwater would do.

Keep up the good work and I wish you the best of luck.

Sincerely,

MAYMIE C. RUSSELL.

GLEN HEAD, N.Y.

Senator WAYNE MORSE.

DEAR SIR: I am writing to tell you that I support your stand concerning Vietnam. You have given me at least a little hope.

Please continue to fight for peace in the world. You are one of the bright lights in a country which I am growing continuously more ashamed of.

Thank you for your great contribution.

JOHN M. MONDEO, Jr.

Wilmington, Ohio,
July 27, 1965.

Dear Senator Morse: You have tried so hard to stop that war in Vietnam and there are many of us that appreciate all you are doing.

I just can't understand the President, either, especially since he had promised no wider war last September when he told us, "We think that losing 190 lives in the period we've been out there is bad but it is not like 190,000 that we might lose if we escalated that war."

It looks as if that was nothing more than a campaign promise to be broken as soon as he was elected.

According to the papers he wants to go down as the great President. It looks more as if he wants to be the last President. I, for one, get tired listening to a lot of pious talk while we are bombing those poor souls who have never harmed us in any way.

What they need is a better way of life and we could give it and have no fear of their going Communist.

Sincerely yours,
Mrs. Helen Gona.

Brooklyn, N.Y.,
July 29, 1965.

Dear Senator Morse: Hats off to a real patriot. We in the 13th Congressional District in Brooklyn, N.Y., are behind you in your fight against our immoral intervention in Vietnam.

Please continue your work so that we will all be proud again to be called Americans.
George Hoffman.

Dear Senator Morse: I'm with you. I think Congress should be required to go on record either for or against war in Vietnam. I frankly admit that I don't know what is best but I don't want any drawn-out land war on the mainland. Let's either destroy Red China now or get out. We must not take on both Russia and Red China.
James D. Bryson.

My Dear Senator: May the Lord bless you to continue to speak up against this "stupid war." Our boys are being sent to their doom and will die like rats.
Fred Kupperman.

Long Beach, Calif.,
July 26, 1965.

Senator Wayne Morse,
Washington, D.C.

My Dear Senator: Thank you for your valiant efforts for peace. You have shown courage where lesser men have weakened. Your efforts may be in vain, but at least you have a clear conscience.
Mrs. Evy Dawson.

Seattle, Wash.,
July 27, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: My congratulations on your stand on settling the Vietnam crisis. It takes courage to speak out for your conviction. The American people are with you. What can we do to support you in stopping this mad war? I have written the President and have urged others to do so.

Please continue to fight for peace.

Sincerely,
Mrs. Audrey Hurley.

Walnut Creek, Calif.,
July 27, 1965.

Dear Senator Morse: We just sent this telegram to Kuchel, Baldwin, Murphy:

"Speech shocking—no formal declaration of war—U.S. action unconstitutional—immoral.

"You share guilt.

"——— ———,
"Voters."

Please keep up your work for peace and sanity.

Sincerely,
Clarence and Dale Andersen.

Ithaca, N.Y.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: Thank you for courageously opposing President Johnson's policy in Vietnam. I wish you Godspeed in your efforts. I think you express the real thoughts of the American people; thoughts they would express far more vocally if not for the stigma of being labeled "unpatriotic."

Sincerely,
Mrs. S. Saltzman.

Norwich University,
Northfield, Vt., July 28, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator Morse: The newscast has just quoted you as taking violent exception to the President's noonday press conference.

I heartily endorse your position. I was of the opinion that only Congress could declare war, but there was the tacit admission by the President that our country is at war and the declaration of deeper and deeper involvement.

There should be a thorough congressional debate on our involvement in Vietnam. The U.S. Senate is said to be the most deliberative body in the world, but have they abdicated their responsibility? The President should not be permitted to commit the country through unilateral action. I felt that his position was perfidious, illogical and irresponsible. I trust that you will continue to speak up.

Most sincerely yours,
Rev. Herschel G. Miller,
Chairman of the Department of Religion and Philosophy.

Georgetown University,
Washington, D.C., July 27, 1965.

Dear Senator Morse: I had the privilege of sitting in the Senate gallery today to hear you deliver your courageous and vigorous speech on our suicidal adventures in Asia. As a teacher and a Fulbright grantee soon to leave to teach English for a year in Japan, I feel especially keenly and close to the truth of your repeated and too often ignored warnings. Of course, when I had the temerity to applaud I was hustled from the gallery. I'm not sure but some of the other visitors would have liked to throw me out onto the floor. But even there, some faces registered agreement with you.

One other thing. I was sitting in the Orient Restaurant the other night when you and Mrs. Morse were also there having dinner. You look far too tired. All of us need you too much for you to look as weary as you did that evening. Please do your duty by the world only as far as you can maintain your personal health as well.

Sincerely,
Samuel A. Eisenstein.

San Rafael, Calif.,
July 30, 1965.

Senator Wayne Morse.

Dear Sir: Yours is the only sane voice I have heard in this wilderness of confusion.

Keep it up, sir. The American people are listening. As a Californian, I cannot vote for you, but I am with you, and I pray to God that you will continue to speak the truth as you have been doing.
F. McMullen.

Northampton, Mass.,
August 2, 1965.

Dear Senator Morse: Yours seems to be one of the few courageous voices of wisdom and moderation still raised in the Senate against the wrong and dangerous policies of President Johnson in Vietnam.

One can admire much that he has done domestically, but in the international situation he seems to have done all we feared Goldwater would do and to have led us down a path that can end only in the third world war which none of us want. Can you not rally your colleagues to oppose or restrain such a policy? We would be the first to say that the United Nations should handle this matter were another country engaged as we are in a foreign nation.

Sincerely yours,
Marjorie Roach.

St. John's United Church of Christ,
Powhatan Point, Ohio.

Dear Mr. Morse: Please keep up your witness against our present increasing involvement in Vietnam. Read your statements in Congressional Record. Let's go to United Nations. Stop this madness. Help us.
Bernice Buehler.

Rye, N.Y.,
July 30, 1965.

President Lyndon Johnson,
The White House,
Washington, D.C.

Dear President Johnson: While your speech was welcome in that it invited the United Nations to assist in trying to make peace, I believe that we will have to take more concrete steps before this hideous war can be ended. I think we should stop the aerial bombing and withdraw some of our troops to show that we are truly seeking peace. A 10-year war in the jungles is unthinkable, when we have commitments elsewhere in the world. You will have the whole Nation under arms.

Also, I think the question put to you at the press conference, about consulting with Congress, was very pertinent. Before any more money is spent or troops are sent, I think hearings should be held by Congress and expressions of opinion from all over the country sought. We all have much at stake in this and our Representative should be heard, as well as ourselves, and Congress can then decide.

Sincerely yours,
Mrs. R. G. Webber.

August 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: The following telegram was sent to President Johnson today:

"As American mothers, we implore you to stop the undeclared war in Vietnam. You talk of peace, but you have devastated a country. Now our young men are to be sacrificed. You must halt this madness by withdrawing American troops."

Signed:

Mrs. Rose Kogan, 55 Calhoun Avenue, New Rochelle, N.Y.

Mrs. Ida Hoffman, 14 North Avenue, New Rochelle, N.Y.

Mrs. Hetty Applebaun, 33 Parcot Avenue, New Rochelle, N.Y.

Mrs. Esther Bass, 461 Stratton Road, New Rochelle, N.Y.

Mrs. Ofie Mayer, 1 Agar Avenue, New Rochelle, N.Y.

Mrs. Betty Reiser, 74 Hunter Avenue, New Rochelle, N.Y.

New Rochelle, N.Y.
August 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: We have sent the following message to President Lyndon B. Johnson, today:

"We wish to express horror at the American policy in Vietnam. We voted for you as a peace candidate and find you embarked on the road to a world holocaust. As American mothers, we urge you to stop this undeclared war."

Signed:

Mrs. Ruth Elton,
Mrs. Hannah Ginsberg,
Mrs. Carolyn Blacker,
Mrs. Naomi Unger,
Mrs. Evelyn Lands,
Mrs. Marilyn Katz.

New York, N.Y.,
August 2, 1965.

Sir: The United States can use the U.N. to extricate itself from a losing war in Vietnam. Let the United States ask U Thant to make a statement that he is going to send U.N. representatives to Vietnam to hold a plebiscite. The plebiscite: Do you want to unite with North Vietnam? would be voted yes according to most observers. A yes vote is tantamount to the Vietnamese people asking us to go. The United States could then gracefully withdraw. And even if the vote is no, the United States has nothing to lose.

Very truly yours,
Alan Cooper.

Corvallis, Oreg.,
July 29, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: On several occasions in the past I have disagreed with your ideas and policies. However, I now wish to congratulate you on your opinions you have voiced regarding our Vietnam policies.

You must continue to express these views. Only through influential people as you will we hope to impress the administration. There are many other people who share our views.

We simply cannot afford to escalate the war in Vietnam. The United States must be much more willing and desirous of initiating negotiations, and every possible effort must be made to urge the United Nations to start efforts in bringing about a settlement. As of now, we are only subjecting ourselves and millions of others in the world to world war III.

Our poor judgment in foreign policies should have long been corrected. We are now reaping the results. It is time we wake up and live in the 20th century, instead of 100 years ago.

Sincerely yours,
Mrs. W. H. Slabaugh.

Redwood City, Calif.,
July 27, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I grieve for my country and the world. The "last, best hope of earth" cannot long survive on a diet of delusion. We will probably survive Vietnam, but this disastrous display of self-deceit portends a dismal future.

Democracy is by nature slow to adjust, it may be too slow to survive. Please hang in there and fight for the truth. You and the few cool heads in the Senate may be the last, only hope of earth.

Sincerely,
Mr. and Mrs. L. J. Marshall.

Copies to Senator William Fulbright, Senator Ernest Gruening, Senator George McGovern, Senator Frank Church, Senator Ted Kennedy, Senator Robert Kennedy, Senator Jacob Javits, Senator Thomas Kuchel, Senator George Murphy, Secretary of Defense Robert McNamara, Secretary of State Dean Rusk, President Lyndon Johnson.

Astoria, Oreg., *July 29, 1965.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: First, please let me congratulate you on your stand and voice about the policy in Vietnam. I think as you that we are wrong there now and all my World War II veteran friends think so too. We should quit militarily. Very interesting that Mark Hatfield thinks as you do on this and I'm very glad to have seen his vote at the Governors' conference.

Please recognize this also as the hearty hope of myself and my wife (me a doctor of the common people, she a career social worker) that you will vote nay on the repeal of section 14(b) of the Taft-Hartley Act. I'm sure you recognize that this would be a bad nonliberal thing.

Sincerely,
R. P. Moore.

Division of Peace and World Order, General Board of Christian Social Concerns of the Methodist Church,
Washington, D.C., August 2, 1965.

The Honorable Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am sure that you have noticed the article in the Friday, July 30, New York Times by Tom Wicker suggesting that the positions taken by Members of the Senate played an important role in moderating the decisions made by the President in regard to Vietnam.

While we appreciate fully the great difficulties confronting President Johnson in the very involved Vietnamese situation, we also believe that the restrained and thoughtful attitudes of many Members of the Senate have made a constructive contribution in the shaping of policy at this time. Certainly, any steps taken in regard to the war in Vietnam must be taken with full appreciation of their consequences and with every effort to achieve the declared goal of negotiations continuing at the same time.

This note will serve to express to you our appreciation for whatever role you may have played as the leaders of our Government faced very difficult problems and fateful choices during the past 2 weeks.

We earnestly hope that Members of the Senate will continue to advise with the President concerning their judgments of the situation, for in many ways they are closer to the concerns of the people of the Nation than policymakers often can be due to preoccupation with study and detail.

Sincerely yours,
Herman Will, Jr.,
Associate General Secretary.

Chicago, Ill.,
July 31, 1965.

Dear Senator Morse: I believe that your same courageous views on Vietnam reflect the true interests of the American people. I believe the United States has no more right to intervene in South Vietnam than the British had in the South during our Civil War.

Please keep fighting for an honest foreign policy.

Very truly yours,
Sydney G. Bildern.

Tribune,
Los Angeles, Calif., July 28, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: Since you are one one of the few consistently principled men in Congress, I am appealing to you. The American people did not elect Lyndon Johnson to mount a war in Asia, or anywhere else. His was a mandate from the people to proceed in the opposite direction from Barry Goldwater. Today, he might as well be Barry Goldwater.

I call upon you, as conscientious public servant, to call for the impeachment of President Johnson. He is a vain, capricious and willful man, and his recent actions demonstrate the foolhardiness of electing a southerner. Militarism and deviousness have been inbred in them by hundreds of years of brutalizing and deceiving the Negro.

Mr. Johnson does not have the right to throw away lives while he holds out for a cease-fire before negotiations. Americans have continued to fight when they have known that the peace had already been made and while they awaited the official word, in past wars, that is. Why stand on such a stupid piece of intransigence now?

You have taken drastic action before for a principle. You owe it to the thousands who will die futilely to do something now.

Sincerely yours,
Alemena Lomax,
Editor-Publisher, Tribune.

Portland, Oreg.,
July 29, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I wish to express my support of your stand on foreign policy in general, and especially on the Vietnam war. The American people in time will rally behind you and others who condemn the Johnson administration for its suicidal actions in the field of our policy in Vietnam and the whole gamut of giveaway American tax dollars for this or that reason.

We need more men like you to trumpet the policy of getting our nose out of everyone else's business. Send no arms and no aid. Let them solve their own problems. Our relations should be on a congenial trade basis.

Keep the pressure on Johnson.

Respectfully yours,
Howard W. Harris.

Portland, Oreg.,
May 29, 1965.

Senator Wayne Morse,
U.S. Senate Building
Washington, D.C.

Dear Senator Morse: I wish to express my heartfelt commendation and admiration for you in the courageous and forthright stand you have taken against President Johnson's foreign policy—especially that of Vietnam. In my opinion, most of our foreign policy is idiotic and self-defeating, and that in Vietnam is positively suicidal. If we are too stupid to learn from history, I suppose we deserve what we will eventually get.

I sincerely believe that what we are doing in southeast Asia is wicked. I cannot understand the double talk that comes from our President—"war is peace," etc., and the double think that goes on in our country.

You are a man of conviction and integrity. Would that every State had at least one like you. Long may you represent Oregon.

Sincerely,
Nina M. Harris.

July 30, 1965.

Dear Sir: I want to thank you so much for your stand against the war.

I thought that is what we put so much money into the U.N. for—to solve these problems. It makes me sick for all these men to have to go over there when there is so much to do and live for in this day of knowledge in every field.

It doesn't make sense to say we are going to fight poverty and then go ahead and make more.

I heard a reporter that was hurt and back here now. He said the people over there didn't care who won. He said they worked beside you in the daytime and at night would go out and sabotage the United States. Maybe some countries would appreciate what they are doing. But I have felt those people don't care.

I wish men like you could make others see how foolish this war is.

Yours truly,

Mrs. Walker.

Tacoma, Wash.

Tacoma, Wash.,
July 29, 1965.

Wayne Morse,
Washington, D.C.

Dear Sir: I have never written a congressman before, but being an Oregon resident all my life until this month when I moved to Washington; I felt obliged to let you know my views on this Vietnam mess.

It seems to me you are right when you say we have become the aggressor nation. This is a position that I, as an American citizen, do not enjoy being in.

It seems to me Congress is playing follow the leader with the President. I believe as I am sure millions of Americans do, that it is up to Congress to put a stop to this nonsense over there.

It was particularly heartening to hear Governor Hatfield come out against Johnson's policies. How long does the President think we can continue supporting the world and fighting everyone's battles? I hope others in Congress will have guts enough to object and stop this mess. Or are we slipping into a dictatorship too?

Yours truly,

Gordon D. Peck.

Ann Arbor, Mich.,
August 1, 1965.

Dear Senator Morse: I am writing to thank you for your stand on Vietnam. You represent many of us who are otherwise unrepresented in present national politics on this tragic issue. It is difficult to understand how our Government can proceed so relentlessly on the road to international war when so much stands to be lost, so many stand to perish.

Would it be possible for your office to send me copies of your major addresses on Vietnamese situation? It would be greatly appreciated.

Again, thank you for speaking for me in this time of tragedy.

Sincerely,

Joel R. Harris.

Downers Grove, Ill.,
July 31, 1965.

Hon. Wayne Morse,
Senate Office,
Washington, D.C.

Sir: Millions of people all across our land appreciate your great courage in speaking out against the criminal war we are carrying on in Vietnam.

I have enclosed a copy of my letter to the President.

I hope you will read it.

Yours truly,

Mrs. Alberta Daunells.

Downers Grove, Ill.,
July 31, 1965.

President L. B. Johnson,
White House, Washington, D.C.

Sir: Please be willing to accept the National Liberation Front of South Vietnam as a necessary party for negotiations in the war in Vietnam.

Let us use the U.N. to solve the difficult problem.

Yours truly,

Mrs. Alberta Daunells.

Pacific Palisades, Calif.,
August 1, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: We followed your advice and wrote letters to your colleagues and the President expressing our opposition to our increasing involvement in the fruitless war in Vietnam. Your courageous pioneering plus a considerable slice of more articulate public opinion combined with real pressures from friend and foe alike seem to have led to a more realistic evaluation of the actual factors involved. This in turn has made the outlook for an honorable solution to that terrible conflict somewhat brighter. We are thinking of the implementation, under United Nations supervision, of the terms of the Geneva agreement by all sides, and the subsequent undertaking of a southeast Asia development program which might give those sorely tried peoples new hope for a better life.

The first order of business would seem a renewed suspension of aerial raids on North Vietnam in order to clear the atmosphere for meaningful negotiations.

Meanwhile let us express to you again our heartfelt gratitude for your courageous work on behalf of the most lofty of human objectives, peace.

Sincerely,

Ernest and Michèle Buchholz.

Eugene, Oreg.,
July 29, 1965.

Dear Senator Morse: I oppose the war in Vietnam and will do anything I can to stop it. I am very proud of your courageous stand. But with the administration's recent affirmation of their old senseless policy, we have got to renew our efforts to thwart this path to oblivion. Please continue your dissent. The Governor's recent position has given me a glimmer of hope (but it is only a glimmer). I have written Congressman Duncan asking him to state his position in regards to Vietnam. I hope he supports us.

Yours very sincerely,

Richard Reed.

Chicago, Ill.,
August 1, 1965.

Senator Wayne Morse: Your voice is as that of one "crying in the wilderness." The peace forces of this country do feel encouraged, though, to have one person with the courage to speak out against what seems to us as a suicidal policy being followed by our President and his so-called expert.

I am enclosing my most recent letter (copy of) so that you may see how one citizen has tried to work for peace. Please feel free to use it as you see fit.

Sincerely yours,

Claudia Parnell.

Chicago, Ill.,
August 1, 1965.

President Lyndon B. Johnson,
White House Office Building,
Washington, D.C.

Honorable Sir: Again and again, and yet again, I have written imploring you to use your influence to stop this senseless war in Vietnam. However, you seem only to listen to the experts (so-called), and they apparently advise to escalate this war.

You talk about our "commitments" and "keeping our word." Well. Were there not promises to the voters to keep the peace? Let me remind you that we voted you into office, as we did Mr. Kennedy and Mr. Eisenhower before him, believing all of you to be men of peace. Now, we feel as if what we think means nothing to you, but that what your four or five "experts" think is all that counts.

If this Nation continues on its present policy, it will become, in my opinion, the most hated and distrusted among nations. And one might add, that instead of being known as a great and good president, you may be spoken of as one who "ruled" without regard to the voters' opinions, or the man who became a dictator.

It is a sad commentary on this Nation's behavior when the neutral nations feel impelled to attempt to bring about negotiations. Were I a Chinese or a Soviet citizen I would feel the same way about my nation.

Respectfully yours,

Claudia Parnell.

San Juan Capistrano, Calif.,
July 30, 1965.

Hon. Wayne Morse,
Senator from Oregon,
Washington, D.C.

Dear Sir: In agreement with your evaluation of the Vietnam situation 100 percent. As a lifelong Democrat I supported Johnson wholeheartedly but now what am I and others supposed to do? We can't sit idly by and see destruction and slaughter brought on by our own party. That was "Goldwater's" theme. What has happened to our idealism in the Democratic Party?

God preserve you,

Mrs. Mary Sparknhl.

San Francisco, Calif.,
July 29, 1965.

Dear Senator Morse: Almost every day I read or hear a statement by you on the Vietnamese war. And everyday I thank you. So for once I thought I would say, directly to you, thank you for your courage and integrity.

Sincerely,

Constance Miller.

Palos Verdes Peninsula, Calif.,
July 28, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I wish to express my approval of your stand concerning the Vietnam situation and my admiration for your courage in speaking out on this apparently unpopular view.

Although I can see no good solution to the Vietnam situation at this late date. I feel the escalation of the war there is the worst of possible approaches to the problem. Basically, it seems that this is the common problem of an emerging, uneducated, unprepared people struggling with their many ambitions and also weaknesses. While I hate to see the people dominated by Red China, I feel that we have no real right to insist that Vietnam be dominated by the West. I am also aware that an independent Indochina was organized soon after the Japanese left only to be squelched by the French with American and British approval. In any case, I do not feel it is a cause worth having American boys (or any other boys, for that matter) killed for.

Again, let me express my appreciation for your courage and articulation on this matter.

Very truly yours,

Lewis E. Unnewehr.

Little Neck, N.Y.,
July 28, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I write this letter to give you my support of your opposition to the war in Vietnam and to let you know that there are people all over the country that are also opposed to this ridiculous but impendingly tragic war.

Senator, you and Senator Gruening are our representatives. I write to thank you for your courage in taking the dissenting stand and to assure you that those of us who are opposed to this war have full confidence in you—and that you will act with rationality and ethics, as you have in the past.

Sincerely yours,

Vami E. Fianard.

Santa Barbara, Calif.,
July 29, 1965.

Senator Thomas Kuchel,
U.S. Senate, Washington, D.C.

Dear Senator: I have voted for you, Senator Kuchel, Senator Murphy, and Congressman Teague because I believe you are good men. After years as a Republican, because of the hate groups, war-provoking groups, the senseless Communists-under-every-bed scare groups in the Republican Party, I changed to the Democratic Party, and now their actions are equally distressing.

Senator Wayne Morse, of Oregon, I believe, stands above most Americans today because he has the knowledge of Asia, the integrity and courage to speak out for what is right. His speech of July 2 in the Congressional Record is true. And being true, what reason has the present administration, and the passel of politicians who follow along, have in causing the increased killing of American men in Vietnam? What honest reason can be given?

Another fact: since 1927 when Mao Tse-tung came to power in China's communistic world, the U.S.S.R. (Stalin until his death) has used every means to destroy Mao. This condition still exists. These two powers will fight each other to the end. Anyone who has studied their history should know this. Surely the administration knows this. Yet, they are doing exactly what communistic Russia has planned, if we go to war with China.

If you and the administration cause the death of thousands of American men, as happened in Korea, to take Vietnam, we are face to face with 600 million or more Chinese who have good cause to hate us. Mao's maggot-type armies of millions have been warring for the past 40 years or more. It is a way of life with them. On their own soil they can go on fighting for another 40 years or more, slaughtering Americans and eventually driving them out. The situation is like a great diseased bed of quicksand.

In view of the foregoing facts, don't you believe that the administration's causing American men to die in Vietnam is nothing short of criminal? Without reason? The Vietnam article in Time magazine, July 9, gives facts of the complete degeneration of the Vietnam government and economy caused by the U.S. presence.

I thought Johnson would make a good president. His ability in domestic affairs has been good. But I have no faith in his actions regarding Vietnam. I wonder about the caliber of men surrounding him, their integrity and their motives.

Surely there must be other men of courage and integrity in Washington such as Senator Morse, Senator Gruening, Senator Young, Senator Mansfield, and Senator Fulbright.

I do not know anything of your viewpoints on Vietnam. What course of action are you taking to bring peace? I most sincerely want to know. My son is one of a very fine group of officers going to Vietnam soon. If anything should happen to these men, the responsibility rests directly on your shoulders and on your conscience.

I would appreciate hearing from you.

Respectfully yours,
J. Howard Campbell.

(Copies to Senator Morse and President Johnson.)

Lyons, Oreg.,
July 30, 1965.

Hon. Wayne Morse,
U.S. Senator, Washington, D.C.

Dear Senator Morse: I take this opportunity to congratulate you for your courageous stand you are taking against and concerning the Vietnam war. I am very glad to hear also that Gov. Mark Hatfield, of Oregon, also is taking such a courageous stand against the Vietnam war in the Governors conference in Minneapolis, Minn., and in Washington, D.C. Thus I am very proud that two Representatives of the people of Oregon are taking this attitude against and concerning the war in Vietnam. I would only hope that more Congressmen would do the same and support you because you are fighting a lone battle against the forces that would take us into World War Three if it goes worse in this war. As I wrote you already before we will never win this war, the French have tried it for over 20 years and lost out and they knew that country and its people far better than the Americans do. Our boys over there are greenhorns against the seasoned and well trained soldiers of jungle war. You cannot fight a war in the jungles with a modern Army and the Communists have unlimited manpower and get help from Russia as well as China. That war might well mean a catastrophe for our country. We did not have any business in the first place to start this war there; if we wanted to oust the Communists why did we not oust Fidel Castro from Cuba which is only 50 miles from our shore and clean up the mess in the Santo Domingo? This is an immediate danger to our country, but the Johnson administration and the State Department do not seem to be concerned about the Communists there. Congress should take more action concerning these danger spots close to our home. Hoping you will continue to fight against the undertakings in Vietnam, I shall remain, with kindest greetings and wishing you much success.

Very truly yours,
William J. G. Miller.

Middleton, Wis.,
August 2, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

My Dear Mr. President: It is not easy to write this letter, believing as I do that you feel sincere in your desire for peace in Vietnam. I have followed your statements to the press and understand your feeling that you are only doing what must be done. At the same time, however, I cannot help but feel sorely disappointed, that the man for whom I and millions of other Americans voted last November has now felt compelled to carry out essentially the same foreign policy that we then so resoundingly defeated.

I do not believe that our Nation's "honor" requires military victory in Vietnam, even if that were possible. What is being hurt is our Nation's pride—pride in our military power, and our ability to use it to make others do as we desire. This Nation has stamped on all of its money the words "In God We Trust"; perhaps "In Guns We Trust" would be more appropriate.

Mr. President, Christian morality compels us to end this conflict, even though our national pride may suffer as a result. Immoral means always lead to immoral results, and continued killing of the South Vietnamese people (whether guerrillas or noncombatants) can never contribute to a lasting peace, either for Vietnam or for the world.

Commendable as your call for negotiations and for United Nations participation are, I fear that what your more war-minded advisors have in mind is negotiations on our terms only. On the contrary, we must be prepared to take unilateral steps to end the war. Only in that way can we hope to achieve a settlement that is consistent with both the good of the people of Vietnam, and our own profession of commitment to Christian principles.

Yours truly,
Roger D. Simkin.

Copy of telegram sent to President Johnson, August 2, 1965, on extension of the draft and military policies in Vietnam:

August 2, 1965.

To President Lyndon B. Johnson,
The White House, Washington, D.C.:

Finding Americans increasingly shocked by drafting more men for Asian death and by saving military face through destruction. Constructive alternatives announce cease-fire for several weeks permitting Vietnam softening and pursue revival Geneva agreements. Commitment is to humanity in saving lives. May your hand be strengthened in this.

M. E. Pidgeon.

(For many years Chief of Research Division, Women's Bureau, U.S. Department of Labor, under Mary Anderson; formerly for several years instructor at University of Virginia.)

(Copy to Senator Morse.)

Chicago, Ill.,
August 1, 1965.

Mr. Lyndon B. Johnson,
President, White House,
Washington, D.C.

My Dear Mr. President: Continued intervention through escalation as the civil war in South Vietnam is a futile policy. The one sure result is thousands of dead men, women, and children, Vietnamese and American. But certainly this is not our aim.

I plead for a policy of communicating with the National Liberation Front in genuine desire for a cease-fire at once, followed by negotiations.

Respectfully,
Hilda D. Armin.

(Copy to Wayne Morse.)

Harrisburg, Pa.,
August 1, 1965.

Senator Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Senator Morse: Having read an editorial in the Harrisburg paper of your support for Senator George McGovern, I want to commend you for stating your opinion. It seems no one is allowed an opinion that doesn't follow the wishes of the power that is in.

Hoping for more men like you in Congress.

I remain sincerely yours,
P. Vincent Myers.

Roseburg, Oreg.,
July 29, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: For what little it seems to be worth, you have my wholehearted support in your courageous stand against present U.S. policy in Vietnam.

Many of my friends are with you also—and those who are not concede that there is no possibility of political "hay" in your stand.

In a way, it must be a lonely feeling—your forecasts proving correct, but your stature being such that "I told you so" is not a satisfaction available to you. When this is all over, and the appraisals are made (if there are any appraisers still functioning), my bet is that there are going to be many wishes that the "voice in the wilderness" had been heeded.

To me, the indications are that we are becoming a garrison state with a rubber-stamp attitude toward military demands, and a smug self-satisfaction in our international affairs. I am anxious to support any movement to reverse the trend.

Again, you have my deepest admiration and appreciation for your rational and selfless opposition to the course being pursued.

Sincerely,
R. D. Sherman.

St. Peter Claver Catholic Church,
The Josephite Fathers,
Baltimore, Md.

Dear Senator Morse: An inadequate word of commendation and gratitude for the stand that you have taken on foreign policy, and more particularly, on the Dominican Republic and South Vietnam. Among people who are attempting to preserve some fidelity to our heritage and Christian values, you have been a model and an inspiration. I have no doubt, that had it not been for your presence in the Senate, opposition to present foreign policy would be immeasurably weaker than it is. This contingency is hard to imagine, but undoubtedly, it is possible.

In my own feeble way, I have been on the line in this issue for many months now, and like yourself, have experienced the stupidity and malice of the superpatriots through the extensive measures at their disposal. So I have some idea what this has cost you. But I want you to know that I support you totally, and that scores of my friends do also, and that many of us are literally willing to face any eventuality to stop this fiasco and restore reason and Christian political values to the scene.

It may be possible for you, I do not know, to continue your efforts to have the Congress reevaluate our whole position in South Vietnam. And it may be possible too, for you to call upon the country for nonviolent protest against that policy. These two measures, it would seem, are the only check against the consensus which will logically lead to a large-scale land war in Asia, and World War III. Whatever you can do, I know that you will do. In this I have full confidence. My prayers and admiration go with you—to me, it is very clear that you are doing Christ's work. May He give you His wisdom and strength.

Gratefully in Him,
Rev. Philip F. Berrigan, S.S.J.

Ann Arbor, Mich.,
August 1, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: I am writing to implore you to order a cease-fire in Vietnam. The slaughter of women, children, and other noncombatants is described daily in our newspapers, and the extent to which our country is willing to make war in that wretched country has been made abundantly, horribly clear. What is not clear is what we are willing to do to obtain peace, for to continue to kill people until their survivors accede to our demands can give us, at best, only a military victory, not peace. How we are hated everywhere.

Respectfully,
Rudolf B. Schmerl.

(Copy to Senator Wayne Morse.)

Ann Arbor, Mich.,
July 31, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Enclosed is a copy of a letter which I have mailed to President Johnson. It expresses my feelings on the situation in Vietnam.

I wish to thank you for your long and dauntless fight to bring some sanity into our policy concerning Vietnam. You and a few other daring souls in our Congress and Senate give one hope that the democratic system has some hope of survival. The President may be mad at you, but you keep from utter despair the many, many thousands who have been waiting for our elected representatives to speak out against this crazy, hopeless, immoral war. Please let us know if there is anything we can do to help you.

Sincerely yours,
Mrs. Joel Isaacson.

Ann Arbor, Mich.,
July 31, 1965.

President Johnson,
The White House,
Washington, D.C.

Dear Mr. President: Certainly you will agree that saving the whole bodies of American young men and Vietnamese soldiers and civilians is more important than the saving of face. I am very pleased that you called in your most recent speech on Vietnam for the United Nations to try to seek a solution to the terrible disaster that is taking place there. However, I believe that we still seem to be too concerned with an honor that is disassociated from morality. We therefore lose our chance to gain true honor and glory, to show that we act on the principle that human life—the lives of citizens of other nations as well as those of our own—is more important than some abstract idea of national greatness.

I therefore call upon you to consider the following suggestions: (1) that we again institute a period of stopping our bombing of North Vietnam and of suspected Vietcong areas of South Vietnam. Indeed, I hope you would even consider the more extreme idea of calling for a cease-fire. Is it not worth it (so many lives would be spared) to try reason and good will before we resort to such horrific use of force, and (2) I would ask that you say not only that you would negotiate with all governments, but that you would be willing to see the national liberation front come to the conference table as a separate entity and not merely as a part of the North Vietnamese delegation. Would it not be to our advantage to have an NLF that might be able to show some independence from North Vietnam? I realize that our entire position is based on the assumption that Hanoi pulls the strings and that the NLF is not independent, but isn't it worthwhile exploring the possibility that there might be some independence in the relationship and that it would be a good thing for the country of Vietnam if we encouraged any independence? I believe that our foreign policy in general suffers from a blind spot in differentiating between different kinds of nationalisms, socialisms, and communisms. We should always make every effort to encourage independent nationalist movements when they may wish to not be beholden to some larger and more powerful Communist state.

We have not been able to help the people of South Vietnam to form a stable and democratic government. I believe they will be able to achieve one only if the war ends. Let us then make every effort—in deed as well as word—to help them establish peace in their land.

Sincerely yours,
Mrs. Joel Isaacson.

Ann Arbor, Mich.,
July 31, 1965.

President Lyndon Johnson,
The White House,
Washington, D.C.

Dear President Johnson: I am writing to protest the continued step-up of the war in Vietnam. I strongly believe that this war is neither pragmatically nor morally justifiable on either side.

I strongly support your recent, though belated, attempt to take the matter to the United Nations.

I urge you most sincerely to announce an immediate cease-fire for an indefinite period and to seek a political settlement with all involved parties (including the Vietcong if necessary).

Sincerely,
Dorothy D. Ciarlo.

Port Washington, N.Y.

Senator Wayne Morse, *August 1, 1965.*
Senate Office Building,
Washington, D.C.

Dear Sir: Just a word to let you know how much we appreciate all the effort and determination you have shown toward bringing about a peaceful solution to the Vietnam situation.

Apparently we seem now finally to be moving in the direction which you have so ably advocated. Every American and peace-loving person in the world is indeed indebted to you.

Sincerely yours,
Joseph N. Deblinger.

Chicago, Ill.,
August 1, 1965.

President Lyndon B. Johnson,
White House,
Washington, D.C.

Dear President Johnson: I view with horror the slaughter which is taking place on both sides in the war in Vietnam. Eventually a way will have to be found to end the bombings, to have a cease-fire, to have talks at the negotiating table.

I ask that you use your power and your high office to find new ways leading to an end to the war in Vietnam; to prevent a horrifying third world war which may lead to the complete destruction of civilization.

Sincerely,
Goldie Shapiro.

Spokane, Wash.

Senator Morse.

Dear Sir: I agree that Congress should stay in session during this terrible situation in Vietnam. As you seem to be the only one that is using any commonsense of things, I am sending you some clippings, I don't think we should have to fight everyone's wars. Our boys have no future any more, and I think a great many of the ———? is caused by that. I am very much worried about things. I am a widow; have no children, but know a great many of the ones that are going to have to go.

Sincerely,
Mrs. A. B. Peck.

North Bend, Oreg.,
July 30, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I am a disheartened, confused, disgruntled, upset, saddened, middle-aged American mother, surrendering one freedom after another, and much of my woman-geared income in the name of patriotic duty. Why?

Now I am faced with making the ultimate sacrifice—two fine, intelligent, hope-of-the-future, teenaged sons fast approaching draft status. Why? Where is the hope? Where is the future? What's the use?

Sincerely,
Mrs. S. J. Weybright.

Brooklyn, N.Y.,
August 2, 1965.

Senator Wayne Morse,
The Senate,
Washington, D.C.

Dear Senator Morse: I trust you will present as strong a plea as possible to the Senate in support of your position for an end to the war in Vietnam. I am appalled at the constant increase of American troops and at the admission that they are no longer there as advisers, but as an actual fighting force.

Sincerely yours,
Celia Zitron.

Long Beach, N.Y.,
August 1, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to express my deep gratitude to you for your consistent opposition to the escalation of the war in Vietnam. What I don't understand is that your voice seems to to go unheeded though your thoughts and reasoning seems so clear.

I believe that your constant prodding has finally led the administration to put the question before the United Nations, however.

Please continue your crusade against our involvement in an unnecessary war.

Respectfully,

MRS. D. BERGER.

SOUTH NORWALK, CONN.,
August 2, 1965.

DEAR SENATOR MORSE: Just to tell you I applaud your courageous stand on Vietnam. I wrote President Johnson today urging him to make you Secretary of State.

Sincerely,

JOSEPH LASKER.

CHICAGO, ILL.,
August 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The enclosed message was telegraphed to the President on August 1, 1965.

I thank you beyond the power of words for all your words, votes, speeches and stand for peace, truth, justice, and honest government.

Respectfully,

GWENDOLYN WILLIAMS.

CHICAGO, ILL.,
August 1, 1965.

MR. PRESIDENT: I implore you to exert your full power to stop the war in Vietnam and use the United Nations for peaceful negotiations.

GWENDOLYN WILLIAMS.

CAMP HILL, GA.,
August 1, 1965.

Hon. WAYNE MORSE.

DEAR SENATOR: Undoubtedly you receive many letters in regards to your stand in Vietnam. Personally I admire your position. This war is really a planned effort on the part of a few people.

You have given many speeches on this subject. I would like to have copies of them. As I recall you related the steps we have taken to be in the position we are in at present.

It is most unfortunate President Johnson is incapable of turning his ear to the military. He seemingly deserves to be generous to the old and now generous in giving lives to a cause that has no value. In my opinion he has fooled our entire Nation. He appears to be mad for publicity and does desire to be a so-called war President.

Would you mail me copies of your speeches and by all means keep the torch burning for peace.

M. E. ACKERMAN.

NEW YORK, N.Y.,
August 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The following is a copy of a telegram I have just sent to President Johnson as a public opinion message:

"Oppose undeclared war in Vietnam. Withdraw American troops. Honor Geneva Convention agreement."

Very truly yours,

MRS. AMELIA K. LIPPIN.

SAN FRANCISCO, CALIF.,
July 29, 1965.

DEAR SENATOR MORSE: We are in full agreement with your outspokenness with regards to Vietnam. Please continue to speak for us. I have written to President Johnson and would like to help you any way I can. Today Mr. Johnson likened the situation to World Wars I and II. We fought to protect freedom then, now we protect General Ky, who reportedly said his hero is Hitler. I would like to hear from you.

JAMES F. MCILROY.

EGG HARBOR CITY, N.J.,
August 2, 1965.

DEAR SENATOR MORSE: If only all your supporters would write to you. It seems as though so many people feel as you do about the Vietnam situation but feel it uselsss to do anything about it.

God bless you on your courageous stand in this terrible situation. I feel like a lot more Senators and Congressmen feel as you do but find it easier and more comfortable to go along as "a nation of sheep."

A concerned citizen,

MRS. COLETTE GALLI.

YPSILANTI, MICH.,
August 2, 1965.

DEAR SENATOR MORSE: Our eternal thanks go to you for your intelligent, humane, and courageous stand on Vietnam. I am enclosing two editorials by Jud Arnett who sums up the situation very well.

Sincerely,

GLADYS SWEET,
ARDON SWEET.

[From the Detroit, (Mich) Free Press, July, 1965]

ANOTHER WRONG WAR

(By Judd Arnett)

TODAY AND YESTERDAY

What did Lyndon Johnson mean Wednesday when he said of the fighting in South Vietnam—"It is really war"? In a hundred newspaper offices across the land the editorial writers are probably weighing the first use of those words by the President in describing our participation in that unhappy affair. In due course there will undoubtedly be a hundred interpretations.

To me, the words brought back memories of another man and another crisis. I remembered the poignancy of Franklin D. Roosevelt's farewell to a group of well-wishers at Warm Springs, Ga. "I will see you next year," he told his friends, "unless there is a war."

"What did he mean?" a hundred editorial writers then asked in a hundred different ways, but it was some months before the true significance of the President's goodby was commonly grasped. Then it was realized that F.D.R. had, indeed, been trying to tell us something.

Was the later President, caught in the web of still another international catastrophe, trying to tell us something at his rather strange and curious press conference of July 28? Quite possibly. As well as he could under the circumstances, he may have been intimating that we have reached the point of no return with the Red Chinese. The war in Asia every American military leader of this century has dreaded may become a reality unless the last dove of peace can somehow penetrate the air cover raised by the hawks. What a tragic circumstance. How did it come about?

A good deal of our share of the responsibility has stemmed from the American obsession with communism, bordering at times on hysteria. Off and on since 1919 we have been witchhunting in this country, at times paying homage to nitwits who had no other credentials beyond the ability to shrill—"There goes a Communist!"

The result has been a gradual creation of a mass inner-instinct to look upon every Communist, real or fancied, regardless of his location, as a mortal enemy, to be eradicated by any means. That communism, particularly when it followed on the heels of czarism or some other form of tyranny, might be a first step toward freedom has not occurred to many of us. We have crusaded instead for instant democracy, little realizing that it has small chance in this world under existing circumstances.

This obsession has led us into faraway places, in the role of the policeman, where we had no hope of success. Vietnam was such a place, but we went there, and stayed there, because of the assurance that we were "fighting communism." Bosh. To this day the average citizen of that hellhole, north or south, does not know the difference between Marxism and the Bill of Rights. Nor could he care less. What he wants, in essence, is what Douglas MacArthur once said all Asians were seeking: a roof over his head, clothes on his back, food in his belly, and the chance to express a bit of nationalism. He would appreciate help from all sides, then would the foreigners kindly go home, please?

For years in this country the atmosphere has been such that if a decent citizen carried a sign in a parade, advocating peace, he was immediately classified as some kind of a nut. We have even made fun of the Quakers, the gentlest people with whom our society has been endowed.

A Quaker, mind you, saying that there might be something to brotherly love if only we pursued it, has been an object of scorn. That obsession, again; that inner-instinct; that inner-fear; that disregard for the evolution of political ideas; that reluctance to provide a trouble world with moral and spiritual leadership; that substitute for warmth and compassion—dollar diplomacy.

Well, here we are. At least, here we are if I interpret the President's remarks with any degree of accuracy. Another wrong war, in the wrong place, at the wrong time.

Sure we will fight it; "My country, right or wrong"; certainly we shall win it. But isn't it about time more of us asked: Was this war necessary—and how do we avert the next one?

[From the Detroit (Mich.) Free Press, July 1965]

BEHIND THE MASK

(By Judd Arnett)

Persistent visitors to this outpost may recall that a sense of uneasiness has been weighing upon the sentry who mans it.

The night has been dark; there have been rustling noises out beyond the barbed wire; in the distance a dog has howled; to the corporal of the guard the sentry has said—"There is something wrong with America."

But what? Until now, there have been no proper words for it. Just mumblings of things half seen and whispers half heard. Oh, for the power of communication; oh, to be able to draw a word picture for the corporal of the guard.

So thank heaven for Seymour Melman, who has put the gist of my uneasiness into disturbing sentences. They appeared in the July 31 edition of Saturday Review in an article entitled "Behind the Mask of Success." They were but a preview, we are told, of what he has written in a book—"Our Depleted Society."

Dr. Melman is a professor of industrial engineering at Columbia University and he has looked at America through the eyes of a man appalled at the erosion occurring in our productive capacity. He states what he has seen in this fashion:

"A process of technical, industrial and human deterioration has been set in motion within American society. The competence of the industrial system is being eroded at its base. Entire industries are falling into technical disrepair, and there is massive loss of productive employment because of the inability to hold even domestic markets against foreign competition.

"Such depletion in economic life produces wide-ranging human deterioration at home. The wealthiest Nation on earth has been unable to rally the resources necessary to raise one-fifth of its own people from poverty.

"The same basic depletion operates as an unseen hand restricting America's relations with the rest of the world, limiting foreign-policy moves primarily to military-based initiatives."

What has caused this erosion? High wages? Pleasure seeking? A breakdown in public morals? Widespread unrest because of the civil rights revolution? No, no—none of these.

"The deterioration," Dr. Melman writes, "is the result of an unprecedented concentration of America's technical talent and fresh capital on military production. * * * Military extravagance has been undermining the world value of the dollar and with it the world banking position of the United States."

What is wrong, you may be asking, with a Nation that in 1964 produced goods with a total value of more than $600 billion? Did any of our enemies approach this outpouring, or any of our friends? Again, no; we were in a class by ourselves. But statistics can be deceiving. To get at the truth you have to rephrase the question, How much of our production, our growth, was healthy, and how much was parasitic?

Too much was parasitic. Bad enough was the fact that $50 billion of the Federal budget went into the arms and space races, which expended manpower and materials without contributing to the Nation's economic health or to future production. But even worse was the siphoning-off of the technicians and scientists so sorely needed in industry.

Very few American companies, Dr. Melman notes, are now undertaking extensive research programs. For every 100,000 Americans, there are 11 fewer physicians in practice than in 1950. We were short 118,000 schoolteachers at the start of the 1964 autumn term. Only 9 percent of our foreign trade is carried in American ships—because our shipyards have been oriented primarily to serving the Navy. And this, if you please: "Americans must begin to face the bitter fact that, in many areas of industrial technology, the United States has already become second-rate."

Our emphasis, and much too much of our brainpower, has been devoted to overkill. Today, we can deliver the equivalent of 6 tons of TNT for every person on this planet. In overkill, things are booming, you might say. But this is progress?

CHICAGO, ILL.,
August 2, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: We understand you are taking steps that might call a halt to Vietnam and its impending holocaust. I and all I have talked to are against any involvement there and for a complete reversal of our steps and thorough withdrawal from that area. Our naval control of the seas is enough. We appreciate your attitude and know it's that of an overwhelming majority of our people. Let's get out for good and all. Our potency will supply the grace for such a step.

Respectfully,

MARCUS CHADWICK.

CHICAGO, ILL.,
August 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: I have just written to President Johnson regarding his action in Vietnam.

America is looking to you to open up the discussion. Believe me, the people are very fearful and worried.

We are counting on you.

Gratefully yours,

TOBEY SCHEIN.

LOS ANGELES, CALIF.,
July 31, 1965.

President JOHNSON,
The White House,
Washington, D.C.

DEAR SIR: I write to express my concern over the crisis in Vietnam. I think that the increased war is a mistake. We must use our ingenuity to arrange a cease-fire. The reputation of our country is being severely damaged by our military action. Let us call for a continuation of the Geneva Conference, or turn the entire matter over to a United Nations decision.

Sincerely,

HERBERT E. ANDERSON.

BROOKLYN, N.Y.

Senator WAYNE MORSE,
Senate Chambers,
Washington, D.C.

DEAR SENATOR MORSE: I fully support your position for letting the Vietnamese settle their differences by a return to the 1954 Geneva Treaty Agreement.

We must honor that agreement and stop the slaughter of innocent Vietnamese women, children, and patriotic citizens. Our soldiers should be home.

Thank you.

Sincerely yours,

ABRAHAM ZITRON.

ACCOKEEK, MD.,
July 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MR. SENATOR: Three cheers for a man with courage enough to shout down the United States latest political endeavor.

I am against the Vietnam fray and glad to see at least one Senator is also. There is no justification to sending Americans to their death in a country which doesn't want us, will throw us out if "we" win (win what?), and imprison all Americans if we lose. I can hardly believe that once again our country is in such a worthless mess.

Sincerely,

Mrs. MARILYN WITHERS.

NEW YORK, N.Y.,
July 31, 1965.

LYNDON B. JOHNSON,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is a tragic mistake for us to be involved in fighting an ever-extending war in Vietnam. Our present position in Vietnam brings us more fear among our allies and more enemies than any Communist regime could hope to do.

The United States must join with the United Nations in bringing about negotiations for a peaceful settlement in Vietnam. It is imperative that the Vietminh, as well as all other parties involved in the war, be brought to the negotiating table. This is the only way in which a real solution could be achieved. The Vietnamese people must be allowed to determine their own political and economic organization and must be guaranteed by the United Nations from intervention by China, the U.S.S.R., the United States, or any other country.

The war in Vietnam cannot be won by us with guns, bombs, fire, the torture of Vietnamese guerrillas, or by the destruction of the face of Vietnam. On the other hand, your idea of calling for international aid in developing the Mekong River Delta is farsighted and humanitarian. Such a development would go down in history as one of the great achievements of mankind and your name would become one of the bright stars in the memories of all peoples.

Respectfully yours,

Mrs. PATRICIA M. CAMPBELL.

VALPARAISO, IND.,
July 30, 1965.

Senator WAYNE MORSE.

DEAR SENATOR: Enclosed is an article I read from a Catholic magazine, I knew you would like to read. Please hang this clipping on a bulletin board, so all of your colleagues can read, and see the blunders being made in Washington, for which the people of this country must suffer in the not-too-distant future. I go along on your way of thinking, we have nothing to gain in Vietnam only to kill our young, innocent men and have a large debt to pay. We know France is still suffering from the ravage of her war in Vietnam.

Senator MORSE please help us not to make the same mistake. We need more Senators like you, so please keep up the good work.

From an American citizen.

Mrs. M. MAHRINGER.

P.S.—What good is the U.N. if our differences cannot be straightened out in a peaceful way, or are we just the suckers that pay the bills?

[From the Sunday Visitor]

RIGHT OR WRONG—AMBASSADOR LODGE RETURNS

(By Rev. Daniel Lyons, S.J.)

Two years ago our commander in South Vietnam, General Harkins, declared that the war was almost won. Secretary of Defense McNamara told us that most of our troops would be home by Christmas. Sir Robert Thompson, who was head of the British Advisory Mission to South Vietnam, notified his superiors at Whitehall that the Vietnamese Government "had turned the corner and was winning the country back from the Communists." Our distinguished career Ambassador, Frederick E. Nolting, Jr., agreed wholeheartedly with these reports and continued backing the Diem regime.

President Diem was so successful that the Communists were determined to get rid of him. It was their only chance to avoid defeat. In order to get him out, the Communist concentrated on a propaganda campaign against him. They soon convinced reporters that the Government was persecuting the Buddhists. Ambassador Nolting said that in 2½ years he had not seen any signs of religious persecution, but the correspondents kept reporting that there was. Their proof was the fact that several Buddhists committed suicide. A suicide actually does not prove anything, but pictures of two or three suicides in Saigon electrified the world. They even made a great impression on the White House.

Averell Harriman had been urging President Kennedy to appoint Henry Cabot Lodge as Ambassador to South Vietnam, and when Lodge walked into the President's Office in June 1963, the President exclaimed: "Just look at this. Where is it all going to end?" He showed Lodge a newspaper photo of a Buddhist committing suicide. Kennedy told Lodge that the people in Vietnam were against President Diem and our policy there was liable to fail. He urged Lodge to go to Saigon and take over.

THE FIRST MISTAKE

The biggest single mistake about Lodge was for the administration to send him there in the first place. He did not have any experience in Asia, or as an Ambassador to any country. Both former President Eisenhower and former Vice President Nixon advised Lodge not to take the appointment. But he did, and he arrived in Saigon in August 1963, only to commit blunder after blunder. His first mistake was to present himself publicly to the leaders of the Buddhists before he called on the President of the country. Less than 24 hours after he arrived, he wired Washington that Diem would have to go. His next blunder was to grant asylum to the Buddhist monk, Thich Tri Quang, who had been trained by the Communists, and whose three brothers were Communists. Tri Quang had been giving the Government a great deal of trouble, and Lodge gave him sanctuary in the Embassy for 10 weeks, until Diem was assassinated, even though it was against our regulations. Tri Quang's pagoda was the headquarters for the Communist Youth Organization. Father Raymond de Jaegher has since testified that Tri Quang was a Communist all along.

The Communists had gained control of only 14 of the 3,500 Buddhist pagodas in South Vietnam, but the 14 got all the attention from the press, with their cries of persecution. The Communists also spread the rumor among American officials in Saigon that Diem was trying to make a Catholic state out of the country, and that the 500,000 Protestants in South Vietnam were going to be persecuted.

Ambassador Lodge told President Diem that he said send his brother, Ngo Dinh Nhu, away. Lodge gave no real reasons for this, and Diem pointed out that it was like asking President Kennedy to get rid of his brother, the Attorney General. Shortly before his death, Courselor Nhu declared that at first they thought Lodge, being a Republican, "would possess good anti-Communist feelings, but he did not. His political views seemed to be dominated by Linus Pauling in the New York Times, and the neutralist preaching of Walter Lippmann. * * * Lodge never stopped working against us. His only care has been to intrigue against the legal government to which he was accredited."

THE BIGGEST MISTAKE

When President Diem requested Lodge to send four Americans away for plotting against Diem, Lodge failed to do so. Lodge told Diem he should replace his ministers, who were civilians, with army generals. He even had the generals polled to see if they would lead a coup. None of them wanted to, but as Marguerite Higgins wrote: "Everyone in Vietnam knew that America had declared political war on Diem."

Secretary of State Rusk had praised President Diem highly just a few months before we instigated his death. So had Vice President Lyndon Johnson, and Senate Majority Leader MIKE MANSFIELD. Secretary of Defense McNamara described the magnificent work done by Diem as "a near miracle." The House Committee on Foreign Affairs, a few weeks before Diem's death, declared: "In the 8 years since Diem took power, Vietnam has acquired full independence, written a constitution, and held the first four national elections based on universal suffrage ever conducted in Vietnam."

To refute the Communist charges that Diem was persecuting the Buddhists, Diem had asked the United Nations to send a factfinding mission to investigate. The report was due to come out that fall, but after Diem was killed the United Nations did its best to suppress it. It was finally uncovered by Senator THOMAS J. DODD, and published by the Senate Internal Security Subcommittee. It completely cleared the late President from charges of persecution.

South Vietnam had enjoyed nearly 10 years of stable rule under President Diem, and both American and British officials had declared that the war was being won. When the Communists in Vietnam heard about Diem's death, they exclaimed that it was "too good to be true." Of the 8,000 strategic hamlets that President Diem had built to protect the peasants from the Vietcong, 5,000 were taken over by the Communists after his death. The war was prolonged several years by the death of Diem, a death brought on by the policy of American officials. Somehow, through a merciful providence, it is hoped that this time Ambassador Lodge will not impede the defeat of communism, but expedite it. In either case, his appointment remains a mystery.

TOWACO, N.J.,
July 30, 1965.

Hon. WAYNE B. MORSE,

MY DEAR MR. MORSE: Please continue to urge as boldly as you always have negotiations on the Asian war. We hope the President doesn't get the idea he has a mandate on that issue—we are so happy when we see that you have "spoken up."

Sincerely,

——— ———.

PORTLAND, OREG.,
August 1, 1965.

Gov. MARK HATFIELD,
State House,
Salem, Oreg.

DEAR GOVERNOR HATFIELD: Thank you for your courageous stand at the Governors' conference and later at the Presidential briefing. Your interview by Reporter A. Robert Smith, the Oregonian, July 30, deserved most thoughtful bipartisan reading and consideration. Viewpoint was obscured by misleading headlines.

I am grateful that you joined Governor Romney in calling for action by the United States in accordance with (1) our own Constitution and (2) that of the United Nations. This is indeed a crisis which threatens not only the peace but the very existence of all people.

Oregonians may well be proud that a leader in each party is willing to speak out and voice scruples which constituents feel but are hesitant to express.

Very sincerely yours,

MISS ALICE B. PLYMPTON.

CHICAGO, ILL.,
August 2, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have just written to President Johnson, to protest the escalation of the war in Vietnam, and to implore him to do everything in his power to bring about a peaceful settlement.

Sincerely,

MARJORIE G. HOKE.

DARIEN, CONN.,
August 2, 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I endorse what the Clergymen's Emergency Committee for Vietnam has to say in the newspaper ad, New York Times, August 1.

Indeed, I go further than the committee does and say that I believe we should withdraw from Vietnam forthwith.

Mr. President, you have said our "national honor" is at stake and that we can't withdraw now. With all due respect, may I say that leaders in all wars and on all sides have said that—all have believed they were right and that God was on their side. This thinking has caused countless millions to die and countless millions to be orphaned. We can no longer think in this way if we wish civilization to survive.

If the Communists act dishonorably that is no moral defense for our acting so. Unless I am completely wrong about the facts of the Geneva agreement and our promises in connection therewith, I do not feel that we acted altogether with honor there.

So, I believe we should leave Vietnam now, and I say this being fully aware of our commitment. A much larger thing is at stake than this. Besides I have a hunch the great mass of the people in South Vietnam would be very glad to see us go. Present withdrawal would take great courage, perhaps too much, for the political wolves would surely be at you. But I think the world would salute you.

Aside from the moral question involved, I believe our present policy in Vietnam is unsound. We might succeed in killing and maiming an awful lot of Asiatics but our policy would fail. You can't create anti-Communists by killing people—you only create more Communists, or some other distasteful breed of 'ists.

Mr. President, I voted for you and I admire you for what you have done in several important directions. It is not the purpose of this letter to carp, but only to express a simple deep-seated conviction.

Respectfully,

CONGER F. SHUR.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. Mr. President, I yield to the distinguished majority leader without losing my right to the floor.

CREATION OF NAVIGABLE WATERS COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 512, S. 945.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 945) creating a Joint Commission of the United States and the State of Alaska to make administrative determinations of navigability of inland nontidal waters in the State of Alaska for State selections.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 2, line 2, after the word "with", to strike out "a similar" and insert "an equal"; on page 3, line 18, after the word "navigability.", to insert "Notice in advance of Commission hearings, including a statement of the time and place of the hearing, shall be published in the Federal Register and may be published elsewhere as the Commission deems appropriate."; on page 4, line 10, after the word "by", to strike out "statutory, common law, and judicial authorities on the subject of navigability of waters" and insert "the law and usages recognized and applied in the Federal courts"; in line 15, after the word "shall", to insert "be published in the Federal Register and shall"; in line 17, after the word "all", to insert "executive"; and in line 24, after the word "in", to strike out "the United States District Court for the District of Alaska within one year after the publication of such determination in the Federal Register. Such judicial review shall be on the basis of the record" and insert "the United States Court of Appeals for the Ninth Circuit. As a part of its answer the Commission shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commission, and may, in its discretion, remand the cause for a rehearing. The findings of the Commission as to any fact, if supported by substantial evidence, shall be conclusive."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to cooperate with the State of Alaska in making a joint administrative determination, for purposes of State selections only, of the navigability of inland nontidal waters within the State of Alaska.

Sec. 2. (a) The Secretary of the Interior shall designate, for such terms as he deems proper, not less than two and not more than five officers or employees of the Department of the Interior to comprise, together with an equal number of officers or employees of the Department of Natural Resources of the State of Alaska designated by the commissioner of that department, a joint commission of the United States and the State of Alaska for the determination of the navigability of inland nontidal waters within the State of Alaska, to be known as the "Navigable Waters Commission".

(b) The Commissioner of the Department of Natural Resources of the State of Alaska may designate an officer or employee of the Department of Law of the State of Alaska as a member of the Navigable Waters Commission in lieu of the designation of an officer or employee from the Department of Natural Resources of the State of Alaska.

Sec. 3. The Navigable Waters Commission shall meet at a suitable place in the State of Alaska at the call of the Chairman. The Chairman for the first meeting of the Commission shall be designated by the Secretary of the Interior. During the course of each meeting, the Commission shall elect a chairman for the next meeting, and the chairmanship shall alternate between members from the Department of the Interior and members from the State of Alaska. Salaries and expenses of Federal and State members shall be borne by their respective governments. Joint expenses of the Commission shall be borne equally by the two governments.

Sec. 4. At each meeting the Department of the Interior of the United States and the Department of Natural Resources of the State of Alaska shall, either jointly or separately, propose to the Navigable Waters Commission, a determination of the navigability or nonnavigability of particular waters, or of all waters contained in particular areas described with reference to the public land survey wherever possible, situated in whole or in part within the State of Alaska. The members of the Commission shall not take part in the making of such proposals by their respective departments. The Commission shall hear from (1) representatives of the two departments, (2) any expert witnesses hired by the Commission, and (3) any person who first establishes to the satisfaction of one-half of the membership of the Commission a sufficient interest in the proceedings, evidence bearing on the question of navigability. Notice in advance of Commission hearings, including a statement of the time and place of the hearing, shall be published in the Federal Register and may be published elsewhere as the Commission deems appropriate. As soon as practicable, the Commission shall make a determination of the navigability or nonnavigability of the inland nontidal waters so proposed. No determination of navigability or nonnavigability shall be made with respect to particular waters or areas containing waters unless concurred in by a majority of the members of the Navigable Waters Commission. The expenses of the Department of the Interior and of the Department of Natural Resources incurred in investigating and proposing the navigability or nonnavigability of waters shall be borne by the respective governments.

Sec. 5. In making its determinations the Navigable Waters Commission shall be guided by the law and usages recognized and applied in the Federal courts.

Sec. 6. Determinations of the Navigable Waters Commission shall be published in the Federal Register and shall be binding, insofar as State selection rights of the State of Alaska are concerned, upon all executive departments, agencies, officers, and employees of both the United States and the State of Alaska, and upon all persons deriving title from either or both governments subsequent to the effective date of this Act: *Provided,* That the United States, the State of Alaska, or any other affected party may obtain judicial review of any determination by filing a petition for that purpose in the United States Court of Appeals for the Ninth Circuit. As a part of its answer the Commission shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commission, and may, in its discretion, remand the cause for a rehearing. The findings of the Commission as to any fact, if supported by substantial evidence, shall be conclusive.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 529), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to create a joint commission or representatives of the United States and the State of Alaska to make administrative determinations of the navigability of inland nontidal waters in Alaska for purposes of State land selection.

LEGISLATIVE BACKGROUND

The bill was introduced on February 2, 1965; public hearings were held by the Subcommittee on Merchant Marine and Fisheries on June 11. At the hearings, the Department of the Interior testified in favor of the legislation and suggested several amendments. In separate statements and reports, the State of Alaska and the Treasury Department urged enactment of the bill with amendments. The committee amended the bill as suggested in the testimony and by the reports of the Justice and Interior Departments.

DISCUSSION OF LEGISLATION

The Alaska Statehood Act (72 Stat. 339) provides that the navigable waters of Alaska are the property of the State. The act also provides that the State may select in addition approximately 1 million acres of land over a 25-year period. Since the navigable waters in the land area selected are not to be charged against the State's selection quota it is essential that navigability must be determined as the selection proceeds. The responsibility for these determinations for State land selection purposes rests with the Department of the Interior, but under present procedures the determinations are not being processed on a current basis. This legislation is intended to expedite the land selection program by improving that condition.

The legislation should also be of assistance in the area of Alaska mineral resource development. At the present time, it is necessary in many instances to obtain a lease from both the State and the Federal Government because of the uncertainty as to whether the acreage includes navigable waters. The timely determination of these questions should be of substantial assistance in encouraging the economic development of the State.

The bill proposes to expedite determinations of navigability by creating a joint State-Federal commission to be known as the Navigable Waters Commission. Members of the Commission shall be appointed by the Secretary of the Interior and the Alaska commissioner of natural resources. The appointees shall come from the officers and employees of the Interior Department and the Alaska Department of Natural Resources. The Commission will be guided in its determinations by statutory provisions, common law, and judicial authorities on the subject of navigability of waters. Determinations will be binding upon all departments, agencies, and employees of both the State and the Federal Government and upon all persons deriving title from either. The legislation provides for notice for all hearings and judicial review of any determinations.

CALL OF CERTAIN BILLS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the call of certain bills on the calendar, beginning with Calendar No. 514 and ending with Calendar No. 518.

There being no objection, the following calendar measures were considered and acted upon, as indicated:

REVISED PROCEDURES FOR DESTRUCTION OF UNFIT FEDERAL RESERVE NOTES

The bill (S. 1308) to authorize revised procedures for the destruction of unfit Federal Reserve notes, and other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 413), is hereby further amended by revising the last sentence thereof to read as follows: "Notwithstanding any other provision of law, Federal Reserve notes unfit for circulation shall be canceled, destroyed, and accounted for under procedures prescribed and at locations designated by the Secretary of the Treasury. Upon destruction of such notes, credit with respect thereto shall be apportioned among the twelve Federal Reserve banks as determined by the Board of Governors of the Federal Reserve System."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 514), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

S. 1308 would authorize the destruction of Federal Reserve notes which are unfit for circulation under procedures prescribed and at locations designated by the Secretary of the Treasury. Credit for the notes so retired would be allocated among the Federal Reserve banks as prescribed by the Board of Governors of the Federal Reserve System.

The need for this bill arises from the change from $1 silver certificates to $1 Federal Reserve notes in accordance with Public Law 88–36 of June 4 1963. It is estimated that the bill would result in savings of about $800,000 a year which would otherwise be spent in shipping and handling expense.

One-dollar bills constitute the bulk of our currency and the majority of wornout bills. In 1962, for example, approximately 965 million $1 bills were destroyed, compared to 546 million bills of $5 and larger denominations. Under present law, arrangements have been made to verify and destroy unfit silver certificates and U.S. notes at the various Federal Reserve banks and branches. This saves about $500,000 annually, which it would cost to ship the currency to Washington for this purpose.

Section 16 of the Federal Reserve Act, however, now requires that Federal Reserve notes unfit for circulation must be returned to the Comptroller of the Currency for cancellation and destruction. S. 1308 would repeal this requirement, and instead it would permit cancellation and destruction of Federal Reserve notes under the same procedures as those used for silver certificates and U.S. notes.

In addition, at the present time, unfit Federal Reserve notes are sorted by bank of issue before destruction in order to satisfy collateral requirements and accountability for outstanding notes. Sorting $1 Federal Reserve notes would add more than $300,000 a year to the cost of retiring the notes. The Treasury and the Federal Reserve Board are in agreement that this sorting is no longer necessary, since experience with the billions of Federal Reserve notes which have already issued and retired make it possible to account for these notes on a formula basis which would be fixed by the Federal Reserve Board under S. 1308.

S. 1308 was recommended by the Secretary of the Treasury in a letter dated February 18, 1965. The Board of Governors of the Federal Reserve System recommended prompt and favorable action. The Chairman of the Federal Reserve Board and the Fiscal Assistant Secretary of the Treasury testified in support of the bill at a hearing on July 21. 1965.

ONE-CHECK PAYMENTS

The Senate proceeded to consider the bill (S. 1309) to authorize checks to be drawn in favor of banking organizations for the credit of a person's account under certain conditions which had been reported from the Committee on Banking and Currency with amendments on page 1, line 6, after the word "word", to strike out "Except" and insert "It"; on page 2, line 5, after the word "the", to strike out "bank, savings institution, or Federal or State chartered credit union" and insert "financial organization"; in line 11, after the word "same", to strike out "banking" and insert "financial"; and in line 21, after the word "Columbia", to insert a semicolon and " 'financial organization' means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is amended—

(1) by inserting the designation "(a)" before the word "It" at the beginning thereof; and

(2) by adding the following new subsections at the end thereof:

"(b) Notwithstanding subsection (a) or any other provision of law, and under regulations to be prescribed by the Secretary of the Treasury, the head of an agency may, upon the written request of a person to whom a payment is to be made, authorize a disbursing officer to make the payment—

"(1) by sending to the financial organization designated by that person a check that is drawn in favor of that organization and for credit to the account of that person; or

"(2) if more than one person to whom a payment is to be made designates the same financial organization, by sending to the organization a check that is drawn in favor of the organization for the total amount due those persons and by specifying the amount to be credited to the account of each of those persons.

In this subsection, 'agency' means any department, agency, independent establishment, board, office, commission, or other establishment in the executive, legislative, or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia; 'financial organization' means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

"(c) Payment by the United States of a check, drawn in accordance with subsection (b) and properly endorsed, shall constitute a full acquittance for the amount due to the person requesting payment."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize checks to be drawn in favor of financial organizations for the credit of a person's account, under certain conditions."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 532—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 1309 is intended to simplify and clarify the laws relating to Government disbursing procedures. If a number of employees of a Government agency, or other persons to whom the agency has to make payments, ask that payments due to them be sent to a single bank, savings bank, savings and loan association, or credit union, S. 1309 would authorize the agency to send a single check for the aggregate amount, specifying the amount to be credited to the account of each of the individuals.

GENERAL STATEMENT

S. 1309 was proposed by the Department of the Air Force in a letter of January 28, 1965. The Treasury Department recommended enactment. The Comptroller General, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Department of Justice, and the Department of Health, Education, and Welfare advised that they would have no objection to the bill. In addition, letters supporting the bill were received from the American Bankers Association and CUNA International, Inc. A hearing was held on July 21, 1965, at which representatives of the Department of the Air Force and the Treasury Department testified in support of the bill.

The Department of the Air Force, in order to simplify its payroll procedures and to reduce expenses, has undertaken one-check payroll procedures at a number of installations. This has been questioned by the General Accounting Office under some conditions as going beyond current statutory authority, though in other cases the General Accounting Office found there was such authority and took no exception to the procedure.

The letter from the Department of the Air Force and the statement by the Air Force representative at the hearing take the position that significant savings might result from the enactment of this bill.

EXPLANATION OF THE BILL

The bill would add two new subsections to section 3620 of the Revised Statutes (31 U.S.C. 492). The first new subsection (subsec. (b)) would empower the head of an agency, on the written request of a person to whom a payment is to be made and subject to regulations issued by the Secretary of the Treasury, to authorize a disbursing officer to make the payment by sending a check to a financial organization designated by the payee. In cases where several persons to whom payments are to be made have designated the same financial organization to receive their payments, the head of the agency could, at the written request of the payees, send a single check to the financial organization for the total amount due, specifying the amount to be credited to each person's account.

The authorization is entirely voluntary, both as far as the individual agency is concerned and as far as the employee or other payee is concerned. The provision would apply primarily to employees and payrolls, but it would not be limited to payrolls and would apply to any other persons entitled to payments from the Government, for example, persons entitled to pensions, retirement, or other similar payments.

The new authority would be subject to regulations prescribed by the Secretary of the Treasury. These regulations would be designed to assure that these procedures would be applied only where Government economies would result and that all payroll and other disbursement procedures would not be compromised, but would continue to provide full protection to the interests of the Government and the payees involved. The committee expects that these regulations would provide for equal participation by the various financial institutions covered by the bill. These regulations should also be designed to make sure that no compulsion or undue influence is exerted on employees or other payees, either to take their payments by way of check or to designate any particular financial institution, if they do not wish to do so.

The subsection would define "agency" broadly so as to include all departments, boards, and commissions in the executive or judicial branches, Government corporations, and the municipal government of the District of Columbia. "Financial organization" would be defined as any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

The second new subsection (subsec. (c)) would provide that payment by the United States of a check drawn in accordance with the statute and properly endorsed would constitute a full acquittance for the amount due to each payee.

DELEGATION OF CERTAIN FUNCTIONS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The bill (S. 1556) to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding after subsection (j) the following subsection:

"(k) To delegate, by published order or rule and subject to the Administrative Procedure Act, any of its functions, other than those relating to rulemaking or pertaining principally to monetary and credit policies, to one or more hearing examiners, members or employees of the Board, or Federal Reserve banks. The assignment of responsibility for the performance of any function that the Board determines to delegate shall be a function of the Chairman. The Board shall, upon the vote of one member, review action taken at a delegated level within such time and in such manner as the Board shall by rule prescribe."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 533), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. 1556 would authorize the Board of Governors of the Federal Reserve System to delegate any of its functions, other than those relating to rulemaking or pertaining principally to monetary and credit policies, to one or more hearing examiners, members, or employees of the Board, or Federal Reserve banks.

The Chairman of the Board would be authorized to assign responsibility for the performance of functions delegated by the Board. Any one member of the Board might under the bill require the Board to review actions taken under the delegation.

S. 1556 would give the Federal Reserve Board the same powers of delegation which have been granted to most independent boards and commissions. Such authority is possessed, for example, by the Interstate Commerce Commission, the Federal Trade Commission, the Federal Home Loan Bank Board, the Civil Aeronautics Board, the Federal Maritime Commission, and the Securities and Exchange Commission.

The situation with which the Board of Governors is presently faced because of its lack of specific authority to delegate any of its functions is described in the following excerpt from a message sent to Congress by President Kennedy on April 13, 1961:

"The reduction of existing delays in our regulatory agencies requires the elimination of needless work at their top levels. Because so many of them were established in a day of a less complex economy, many matters that could and should in large measure be resolved at a lower level required decision by the agency members themselves. Even where, by the force of circumstances, many of these matters are now actually determined at a lower level they still must bear the imprimatur of the agency members. Consequently, unnecessary and unimportant details occupy far too much of the time and energy of agency members, and prevent full and expeditious consideration of the most important issues."

Under the bill the Board could not delegate its rulemaking functions or those pertaining principally to monetary and credit policies.

The Board pointed out that in recent years its responsibilities have increased tremendously, both in the field of monetary and credit policies and in the field of bank supervision and regulation. For example, the Bank Holding Company Act of 1956, the Bank Merger Act of 1960, and the Securities Acts Amendments of 1964 have imposed substantial additional regulatory responsibilities on the Board of Governors.

The Board gave the following examples of kinds of actions which it might delegate if the bill were enacted—though no decision to do so has yet been made: extensions of time for filing reports by affiliates of State member banks; extensions of time for registration by bank holding companies; extensions of time for registration of securities of State member banks; waivers of the 6-month notice that a State member bank must give before withdrawing from membership; approvals of investments by State member banks in bank premises in excess of their capital stock; approvals of the declaration of dividends by State member banks under certain circumstances, and approvals of the purchase of certain stocks by foreign banking corporations.

It is expected that the enactment of this bill, by relieving the Board of unnecessary detail, would enable it to act more effectively and more expeditiously on the major functions which would not be delegated. It would be appropriate for the Board to indicate in future annual reports the extent to which this authority to delegate is exercised and the benefits resulting from such delegations.

ENABLING FEDERAL RESERVE BANKS TO INVEST IN CERTAIN OBLIGATIONS OF FOREIGN GOVERNMENTS

The bill (S. 1557) to amend the Federal Reserve Act to enable Federal Reserve banks to invest in certain obligations of foreign governments was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (e) of section 14 of the Federal Reserve Act (12 U.S.C. 358) is amended to read as follows:

"(e) To establish accounts with other Federal Reserve banks for exchange purposes and, with the consent or upon the order and direction of the Board of Governors of the Federal Reserve System and under regulations to be prescribed by said board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its endorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than ninety days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and to buy and sell any securities which are direct obligations of, or fully guaranteed as to principal and interest by, any foreign government or monetary authority, and which have maturities from date of purchase not exceeding twelve months and are denominated payable in any convertible currency; and, with the consent of the Board of Governors of the Federal Reserve System, to open and maintain banking accounts for such foreign correspondents or agencies, or foreign banks or bankers, or for foreign states as defined in section 25(b) of this Act."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, No. 534, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. 1557 would authorize Federal Reserve banks to invest in securities which are direct obligations of or fully guaranteed as to principal and interest by any foreign government or monetary authority and which have maturities from date of purchase not exceeding 12 months and are denominated payable in any convertible currency. This authority could be exercised with the consent or under the order and direction of the Federal Reserve Board.

From time to time the Federal Reserve banks have had occasion to engage in foreign currency operations designed to safeguard the value of the dollar in international exchange markets. These operations have been implemented by swap arrangements between the New York Federal Reserve Bank and foreign central banks under which the New York Federal Reserve Bank acquires foreign currencies.

Under the present law amounts held by a Federal Reserve bank in an account with a foreign bank may be invested in bills of exchange and acceptances that arise out of actual commercial transactions and have maturities of not more than 90 days, or they may be placed in an interest-bearing time account with the same or some other foreign bank. However, this has not always been practicable. Under present law, such funds may not be invested in obligations of foreign governments, such as foreign treasury bills, which are more readily available under present conditions. S. 1557 would permit this.

This proposal was recommended by the Board of Governors of the Federal Reserve System and was supported by the Treasury Department.

LOANS TO EXECUTIVE OFFICERS BY MEMBER BANKS OF THE FEDERAL RESERVE SYSTEM

The bill (S. 1558) to amend section 22(g) of the Federal Reserve Act relating to loans to executive officers by member banks of the Federal Reserve System and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 22 of the Federal Reserve Act (12 U.S.C. 375a) is amended by striking out the first two sentences thereof and inserting in lieu thereof the following: "(g) No executive officer of any member bank shall borrow from or otherwise become indebted to any member bank of which he is an executive officer, and no member bank shall make any loan or extend credit in any other manner to any of its own executive officers: *Provided,* That any member bank may extend credit, on terms not more favorable than those extended to other borrowers, to any executive officer thereof, and such officer may become indebted thereto, in an amount not exceeding $5,000, or, in the case of a first mortgage loan on a home owned and occupied or to be owned and occupied by such officer, in an amount not exceeding $30,000, but any such indebtedness shall be promptly reported by such officer to the board of directors of the bank of which he is an officer. If any executive officer of any member bank borrows from or if he be or become indebted to any other bank or banks in an aggregate amount exceeding that which he could lawfully borrow from the member bank of which he is an executive officer under this section, he shall make a written report to the board of directors of such member bank, stating the date and amount of such loan or loans or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 535), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. 1558 would amend the provision of the Federal Reserve Act which now prohibits any member bank from lending more than $2,500 to one of its executice officers. It would authorize member bank loans to their executive officers up to $5,000, or in the case of a first mortgage loan on the officer's home, up to $30,000. Such loans could only be made on terms not more favorable than those extended to other borrowers, and they would of course, be subject to the usual rules applicable to personal or mortgage loans. These loans would have to be reported to the board of directors of the bank. In addition, if an executive officer of a member bank borrowed from other banks in an amount in excess of what he could borrow from his own bank, he would have to make a report to his board of directors.

The provision now in the Federal Reserve Act was enacted in 1933. It has become unrealistically severe in the light of changed economic conditions. The President's Committee on Financial Institutions recommended in 1963 that the $2,500 ceiling be increased.

S. 1558 was proposed by the Board of Governors of the Federal Reserve System, and its enactment was recommended by the Federal Deposit Insurance Corporation. The Treasury Department advised the committee that it had no objection to the bill.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar. I wish to express my deep appreciation to the distinguished Senator from New Jersey for his usual courtesy and graciousness.

Mr. CASE. The Senator from Montana is most kind.

Mr. President, I now ask unanimous consent that I may yield, on the same basis, to the distinguished Senator from Wisconsin for 2 minutes.

Mr. PROXMIRE. Mr. President, I thank the Senator from New Jersey. He deserves much credit for his patience. He has waited a long time.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

Mr. PROXMIRE. Mr. President, earlier today the distinguished senior Senator from Michigan [Mr. MCNAMARA] delivered a superlative speech on reapportionment. To appreciate that speech, one must read it in context with the speech the Senator from Michigan delivered last year, in which he set forth what had happened year after weary year because of malapportioned legislatures in Michigan, in which one house, organized on the basis of area, was opposed to the other house, which was organized on the basis of population.

Today, the senior Senator from Michigan pointed out how brilliantly the 1965 Michigan Legislature had performed on a one-man, one-vote basis. He said that even the Republican press of Michigan had warmly praised the performance of that legislature and had described it as a virtuoso performance.

The Senator from Michigan listed bill after bill that had passed this year, that the legislature had not been able to pass in previous years. This was under the unusually adverse circumstances of the first Democratic legislature in many years and a Republican Governor.

Mr. President, this is an example of how the one-man, one-vote method will operate. It will give a new lease of life to State legislatures to act for themselves and not have to depend on the Federal Government.

L.B.J.'S JULY 28 SPEECH—EXCELLENT REBUTTAL OF SENATOR MORSE ON VIETNAM

Mr. PROXMIRE. Mr. President, the Senator from Oregon [Mr. MORSE], in his strong attack on the policies of the administration and on the statement by the Senator from Wisconsin, left the impression, in my judgment, that the President has not been working hard for peace. The President's activities on behalf of peace are well known throughout the country. I ask unanimous consent that the brilliant and remarkable statement delivered by the President last Wednesday, July 28, which constitutes an excellent rebuttal of this afternoon's remarks by the Senator from Oregon, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 29, 1965]

TEXT OF STATEMENT BY PRESIDENT ON VIETNAM CONFLICT

(The text of President Johnson's formal statement at his White House news conference yesterday)

My fellow Americans:

Not long ago I received a letter from a woman in the midwest. She wrote: "My dear Mr. President, in my humble way I am writing to you about the crisis in Vietnam * * * I have * * * a son who is now in Vietnam. My husband served * * * in World War II * * * Our country was at war, but now this time it's something I don't understand. Why?"

I have tried to answer that question a dozen times and more. I have discussed it fully in Baltimore in April, in Washington in May, and in San Francisco in June. Let me now discuss it again. Why must young Americans—born into a land exultant with hope and golden with promise—toil and suffer and sometimes die in such a remote and distant place.

The answer, like war itself, is not easy. But it echoes clearly from the painful lessons of half a century. Three times in my lifetime—in two world wars and in Korea—Americans have gone to far lands to fight. We have learned—at a terrible and brutal cost—that retreat does not bring safety, or weakness peace.

DIFFERENT KIND OF WAR

It is this lesson that has brought us to Vietnam. This is a different kind of war. There are no marching armies or solemn declarations. Some citizens of South Vietnam at times with understandable grievances have joined in the attack on their own government. But we must not let this mask the central fact that this is really war.

It is guided by North Vietnam and it is spurred by Communist China. Its goal is to conquer the south, to defeat American power, and to extend the Asiatic domination of communism.

And there are great stakes in the balance.

Most of the non-Communist nations of Asia cannot, by themselves, resist the growing might and grasping ambition of Asian communism. Our power is a vital shield. If we are driven from the fields in Vietnam, then no nation can ever again have the same confidence in our promise or protection. In each land the forces of independence would be weakened. An Asia so threatened by Communist domination would imperil the security of the United States itself.

We did not choose to be the guardians at the gate, but there was no one else.

Nor would surrender in Vietnam bring peace, because we learned from Hitler at Munich that success only feeds the appetite of aggression. The battle would be renewed in one country and then another country, bringing with it perhaps even larger and crueler conflict, as we have learned from the lessons of history.

PROMISES ARE NOTED

Moreover, we are in Vietnam to fulfill one of the most solemn pledges of the American Nation. Three Presidents—President Eisenhower, President Kennedy, and your present President—over 11 years, have committed themselves and have promised to help defend this small and valiant nation.

Strengthened by that promise, the people of South Vietnam have fought for many long years. Thousands of them have died. Thousands more have been crippled and scarred by war. We just cannot now dishonor our word or abandon our commitment or leave those who believed us and who trusted us to the terror and repression and murder that would follow. This, then, my fellow Americans, is why we are in Vietnam.

What are our goals in this war-stained land?

First, we intend to convince the Communists that we cannot be defeated by force of arms.

They are not easily convinced. In recent months they have increased their fighting forces and their attacks.

I have asked the commanding general—General Westmoreland—what he needs to meet mounting aggression. He has told me. And we will meet his needs.

I have today ordered to Vietnam the Air Mobile Division, and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested. This will make it necessary to increase our active fighting forces by raising the monthly draft call from 17,000 over a period of time to 35,000 per month, and for us to step up our campaign for voluntary enlistments.

NO CALL TO RESERVES

After this past week of deliberations, I have concluded that it is not essential to order Reserve units into service now. If that necessity should later be indicated, I will give the matter most careful consideration and I will give the country an adequate notice before taking such action, but only after full preparations.

We have also discussed with the Government of South Vietnam lately the steps that we will take to substantially increase their own effort, both on the battlefield and toward reform and progress in the villages. Ambassador Lodge is now formulating a new program to be tested upon his return to that area.

I have directed Secretary Rusk and Secretary McNamara to be available immediately to the Congress to review with these committees, the appropriate congressional committees, what we plan to do in these areas. I have asked them to be able to answer the questions of any Members of Congress.

Secretary McNamara, in addition, will ask the Senate Appropriations Committee to add a limited amount to present legislation to help meet part of this new cost until a supplemental measure is ready, and hearings can be held when the Congress assembles in January.

In the meantime, we will use the authority contained in the present defense appropriation bill under consideration to transfer funds in addition to the additional money that we will ask.

These steps, like our other actions in the past, are carefully measured to do what must be done to bring an end to aggression and a peaceful settlement.

READY FOR CONFERENCES

We do not want an expanding struggle with consequences that no one can perceive, nor will we bluster or bully or flaunt our power, but we will not surrender and we will not retreat, for behind our American pledge lies the determination and resources, I believe, of all the American Nation.

Second, once the Communists know, as we know, that a violent solution is impossible, then a peaceful solution is inevitable.

We are ready now, as we have always been, to move from the battlefield to the conference table. I have stated publicly, and many times, again and again, America's willingness to begin unconditional discussions with any government at any place at any time. Fifteen efforts have been made to start these discussions with the help of 40 nations throughout the world, but there has been no answer.

But we are going to persist, if persist we must, until death and desolation have led to the same conference table where others could now join us at a much smaller cost.

I have spoken many times of our objectives in Vietnam. So has the government of South Vietnam. Hanoi has set forth its own proposal. We are ready to discuss their proposals and our proposals and any proposals of any government whose people may be affected, for we fear the meeting room no more than we fear the battlefield.

WELCOMES ASSISTANCE

In this pursuit, we welcome and we ask for the concern and the assistance of any nation and all nations. If the United Nations and its officials or any one of its 114 members can by deed or word, private initiative or public action, bring us nearer an honorable peace, then they will have the support and gratitude of the United States of America.

I have directed Ambassador Goldberg to go to New York today to present immediately to Secretary General U Thant a letter from me requesting that all of the resources, energy, and immense prestige of the United Nations be employed to find ways to halt aggression and to bring peace in Vietnam.

I made a similar request at San Francisco a few weeks ago, because we do not seek the destruction of any government, nor do we covet a foot of any territory, but we insist and we will always insist that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the south, or throughout all Vietnam under international supervision and that they shall not have any government imposed upon them by force and terror so long as we can prevent it.

This was the purpose of the 1954 agreements which the Communists have now cruelly shattered. If the machinery of those agreements was tragically weak, its purposes still guide our actions. As battle rages, we will continue as best we can to help the good people of South Vietnam enrich the condition of their lives, to feed the hungry and to tend the sick, and teach the young, and shelter the homeless, and help the farmer to increase crops, and the worker to find a job.

It is an ancient but still terrible irony that while many leaders of men create division in pursuit of grand ambitions, the children of man are really united in the simple elusive desire for a life of fruitful and rewarding toil.

WOULD HELP ALL ASIA

As I said at Johns Hopkins in Baltimore, I hope that one day we can help all the people of Asia toward that desire. Eugene Black has made great progress since my appearance in Baltimore in that direction—not as the price of peace, for we are ready always to bear more painful cost, but rather as a part of our obligations of justice toward our fellow man.

Let me also add now a personal note. I do not find it easy to send the flower of our youth, our finest young men, into battle. I have spoken to you today of the divisions and the forces and the battalions and the units. But I know all of them, every one. I have seen them in a thousand streets, of a hundred towns, of every State in this Union—working and laughing and building, and filled with hope and life. I think I know too how their mothers weep and their families sorrow. This is the most agonizing and most painful duty of your President.

There is something else, too. When I was young, poverty was so common we didn't know it had a name. An education was something you had to fight for. Water was really life itself. I have now been in public life 35 years, more than three decades, and in each of those 35 years I have seen good men, and wise leaders, struggle to bring the blessings to the land of our people. Now, I am the President.

It is now my opportunity to help every child get an education, to help every Negro and every American citizen have an equal opportunity, to have every family get a decent home and to help bring healing to the sick and dignity to the old.

As I have said before, that is what I have lived for. That is what I have wanted all my life since I was a little boy, and I do not want to see all those hopes and all those dreams of so many people for so many years now drowned in the wasteful ravishes of cruel wars.

I am going to do all I can to see that never happens. But I also know, as a realistic public servant, that as long as there are men who hate and destroy, we must have the courage to resist or we will see it all, all that we have built, all that we hope to build, all our dreams of freedom—all—will be swept away in the flood of conquest.

So, too, this shall not happen. We will stand in Vietnam.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

Mr. CASE. Mr. President, despite, or perhaps because of, the torrent of words provoked by Senate Joint Resolution 2, I suspect that the ordinary citizen still does not realize that what is at stake in this debate is his, and every man's, right to have an equal voice with his neighbor—and with his country cousin—in his State government.

In words every schoolboy learns, Abraham Lincoln spoke at Gettysburg of "government of the people, by the people and for the people." He did not distinguish between people on the basis of where they lived, or their color, or their religion, or their economic position.

In his concern, he was reiterating the belief of the Founding Fathers who were virtually unanimous in advocating representation on the basis of population.

Thomas Jefferson once said:

> Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified.

Yet the blunt truth is that this is exactly what we are being asked to do. We are being asked to give constitutional standing to a particular prejudice—a prejudice against people who live in urban and suburban areas in favor of people who live in rural areas.

It is significant, I believe, that even before the Federal Union was formed, the Northwest Ordinance passed by the Congress under the Articles of Confederation provided that there be one representative for a specified number of inhabitants. Of the 20 States joining the Union after ratification of the Constitution and before the Civil War, all but 2 made population the basis for legislative representation in both Houses.

If history is not as strong a reed as supporters of this amendment claim, the realities of the 20th century are even less encouraging. Any believer in our Federal system must be concerned by the steady erosion of the role of the States in this century. This amendment will not halt that erosion. On the contrary, should it be adopted, it would worsen it. For the erosion is in large part caused by the inability or the reluctance of malapportioned State legislatures to deal effectively with the problems of great numbers of their citizens.

"You can't expect a city man to worry about the farmers," one of the amendment's leading proponents recently said. To which an opponent of the amendment replied, "or vice versa."

The vice versa can be documented at great length. But to argue the relative considerations shown by farmers to city men, or by city men to farmers, is to beg the question. It assumes that all farmers think alike and that all urbanites and suburbanites think differently. And, from our own experience, we know this is not so. For example, only 2 years ago wheat farmers divided almost evenly in rejecting the wheat program developed by the Department of Agriculture.

And the same differences in view are characteristic of the suburban and urban dweller. For farmers and city men and suburbanites are more than just that. They may be young or old, rich or poor, producers as well as consumers, parents or bachelors, union members or business executives, wise or stupid, regardless of where they live. Geographic location may have an influence, but it is only one of many factors affecting a given individual.

The Dirksen amendment further assumes virtue is inherent in geographic areas with the fewest people in them.

This, I suggest, is an appeal to romanticism, if not to downright snobbery. People are not better or worse because of where they live. Neither virtue nor wisdom knows a right or wrong "side of the tracks." Is there anything less brutal about the calculated murder of the civil rights workers in Philadelphia, Miss., than about the senseless killing of a passerby on a New York street? Both are abhorrent to the conscience of decent men everywhere.

It is inherent in our American system that there is no fixed, unchanged minority or majority. Both will vary with the issue. Vital to the effective functioning of our system is the principle to which Jefferson referred; that is, the belief that no minority should have a veto power over the majority. Yet, in State after State, a minority has effectively throttled the majority through the disproportionate representation of the people in the legislature.

Let there be no misunderstanding. The practical effect of this amendment would be to enable a particular minority which now enjoys the power of veto to perpetuate its power.

The issue was well put in the statement of the Young Men's Business Club of Birmingham, Ala., to the House Judiciary Committee:

> The fact is, and history proves it, as a legislature becomes malapportioned through the passage of time it simply ceases to speak for the people on this subject. It begins to speak for its members as officeholders—and officeholders rarely vote to remove themselves from office.
>
> The suggestion that factors other than population be permitted to be taken into account in apportionment if approved by the vote of the people is a deceptive proposal considered in a practical light. It sounds as if the people can have population apportionment if they want it, but can permit deviations if approved by majority vote. But, of course, the entrenched legislator in a grossly malapportioned legislature can never really be expected to give them that choice voluntarily. The people can only expect a chance to accept or reject discriminatory proposals submitted to them by the legislature. If the people are offered an improvement, the choice becomes, accept this or take the worse situation you have now. Under the proposals here, we can assure you that equal representation of people will never even be proposed for adoption in Alabama.

I recognize that the amendment now provides for submission initially, to the voters of a State, of two plans for reapportionment, one of which must be based on population. But what protection is this to the disenfranchised Negro citizens of Mississippi or Alabama? In this connection, I call attention to the fact that while the amendment would provide for periodic submission thereafter of reapportionment to the people, only one plan of reapportionment need be submitted on the later submissions and it need not be based on population.

Although the proponents support this amendment as a protection to minority rights, one of their chief arguments for passage is the right of the majority to establish a system of unequal representation in which one citizen's vote counts for less than another.

I cannot agree. I do not think a majority of the voters have the right to take away a constitutional right from even one citizen, and that is the basic issue involved in this amendment.

If this is a simplistic position, so be it. I am a simple man.

Most of my colleagues would agree, I believe, if we were talking about the rights enumerated in the Bill of Rights—freedom of speech, jury trial, and the like. Would this position be regarded as a simplistic position? Most would agree if we were talking about reversing the principle enunciated in the historic decision on school desegregation. Would this position be regarded by anybody as a simplistic position?

I point out, as has been suggested on the floor of the Senate with respect to the question of apportionment in the Reynolds against Sims and other cases, that like that case, the school desegregation decision involved the overturning of court doctrines which had been settled and accepted by the courts generally, as well as by the Supreme Court and by the people of the country for a long time. The precedents before the action in that case were actually followed by the court in the representation case. This action affords just as much—and I think none at all—justification for action to amend the Constitution, as does the action of the court in the representation case.

In other words, I believe that we cannot say that some rights of a citizen are alienable and some are inalienable. All are equally sacred rights. I place no right higher than the right to an equal voice in one's State government.

Only a few weeks ago, we acted to uphold the right of individual citizens to vote regardless not only of their color or race but regardless, too, of the wishes of perhaps a majority of the voters in their States—at least, certainly the majority of those now effectively exercising the franchise in their States.

It is ironic that even before that measure is law we should be asked to nullify it, at least in part. Moreover, we are being urged to act not in response to any great upwelling of public opinion that I can see, but at the behest of those who now enjoy the status quo and, not unnaturally, are unreceptive to change.

I have not detected any great swell of public demand for the Dirksen amendment or for any of the variations which have been suggested. So far as detecting any feeling about it on the part of the public at large is concerned there has been a feeling that the one-man, one-vote principle is perhaps long overdue.

What a weird perversion of minority rights we confront. Why give a man who lives on a hundred acres a greater voice than the man who lives on a 100-foot lot or a 50-foot lot, or a 15-foot lot, as is the case with some of the people in Washington. Is there any more justification for this than there would be for giving more than one vote to a Jewish citizen, or a Catholic citizen or a Unitarian?

Do we really believe that, while all men are equal, some are more equal than others? In any case, as I have already said, I do not believe the majority of the people want unequal representation. I suspect the history of reapportionment in New Jersey is not unlike that in many other States. For years, efforts to revise our New Jersey State constitution were unsuccessful because of the reluctance of the legislature to open the door to possible reapportionment. The price which we paid to secure a constitutional convention in 1947 was to exclude the question of apportionment from the purview of the delegate to the constitutional convention. There was no way the citizens of New Jersey could vote for a constitutional convention without accepting this limitation imposed by the legislature.

It was on the ballot in that form. The question was: "Shall there be a constitutional convention that shall not have the power to change the representative of the counties or the geographic limits of the counties?" Of course, the people said they wanted that convention, because they wanted a convention to deal with other pressing needs that our people long felt should be met. The price of that was to accept the limitation imposed by the legislature. There was not any way the people of New Jersey could have a constitutional convention without accepting the limitation imposed by the legislature.

Yet when the question of reapportionment was recently raised in the courts of our State, some members of the State legislature argued that by voting for the constitutional convention, the voters had "approved" the existing apportionment. Our New Jersey Supreme Court rightly rejected this specious claim.

Our Federal system can function effectively only if the States function effectively. The story of many of our State legislatures has been one of stall and stalemate, indecision, and inaction in the face of urgent and pressing issues, issues affecting millions of our people in the great urban areas of our government. These issues can only be met, and will only be met, by governments truly representative of and responsible to all the people.

Therefore, I am opposing this amendment. I shall oppose it even though it is amended to meet some of the peripheral objections, some of them very sound objections, to the amendment as originally proposed.

Some of the Members of the Senate are proposing further amendments, but I suggest that while these amendments are desirable, and they represent an improvement, there is no amendment which, so far as I can see now, would make this constitutional amendment anything but offensive to those who believe the right of an individual citizen under the Constitution ought not to be taken away by a majority of the people of the State and that the Supreme Court, having declared this right to equal representation in the legislature of a State to be a matter subject to the equal protection clause; that if we change it by this amendment, providing that a majority of the people of a State can take that right away, we are destroying precious constitutional rights.

Therefore, I oppose the amendment. I opposed it in its original form when it came up as a flagrant effort, by brute strength, to take from the courts jurisdiction over all matters of apportionment of the legislatures.

I have opposed it in its various subsequent forms. No matter how improved it may be, it will still be something we will want to continue to oppose. I hope it will fail to get the votes required for a constitutional amendment.

Mr. President, at this point in my remarks I ask unanimous consent to insert into the Record editorials on the reapportionment amendment from the Record, of Hackensack, N.J.; the Home News, of New Brunswick, N.J.; and the New York Times; and also an article on the same subject by Roscoe Drummond which appeared recently in the Washington Post.

There being no objection, the editorials and article were ordered to be printed in the Record, as follows:

[From the Bergen (N.J.) Evening Record, May 21, 1965]

The Wish To Go Back—To What?

Under the terms of Senator Dirksen, Republican, of Illinois, Senate Joint Resolution 2, the proposed constitutional amendment whose purpose would be to reverse the Supreme Court's one-man, one-vote decisions of 1964, the power to determine the form and apportionment of a State legislature would be reserved to the people of the State, and one house could be apportioned on the basis of factors other than population. The bill is moving now, backed by powerful forces that like State legislatures just the way they were before the Supreme Court said this rotten-borough outrage had gone far enough, but it is encouraging to find a counteroffensive getting under way. Citizens who think legislatures should represent people may be cheered by three recent utterances on Senator Dirksen's little invasion of the judiciary.

One, proposed by the New Jersey legislative correspondents with tongue in cheek, was quoted by Senator Case, Republican, of New Jersey, in testimony before the subcommittee holding hearings on the bill. These wits had drafted for their amusement a reapportionment plan satisfying the terms of the Dirksen amendment.

Under the plan, counties would be credited with 200,000 residents for each boardwalk, 250,000 for each ferry mooring, 1.3 for each chicken, and 5.34 for each hundredweight of milk produced. The plan gives Somerset an extra 150,000 residents for its population of foxhounds, as determined under the last census by local hunt clubs. The Supreme Court has said legislators represent people, not acres, trees, cows, or pastures. The Court was eloquently silent on the specific questions of boardwalks, ferries, chickens, butter, and foxhounds.

The second comment was Mr. Case's. He noted that States could and would apportion themselves on such bases as income level, religious belief, or (most probably) color. Now he referred to the Senate Joint Resolution 2 fancier's insistence that an amendment is needed to protect minority rights. Logician Case tackled that:

"The supporters of this amendment seem to think that the only way to provide adequate protection of the rights of any minority is to give that particular minority a hammerlock on the legislative process. They are usually thinking of citizens in rural or less populous areas. But if the premise is true, is not every minority entitled to the same kind of consideration? That is to say, why not give every minority a hammerlock on the legislative process? Why should one minority be more equal than any or all other minorities?

And finally Senator Proxmire, Democrat, of Wisconsin, raised the central question: Why do people in State government sweat and heave in support of this lemon? Said Mr. Proxmire:

"This amendment is calculated to assure the country that State government—which has been too timid, too backward, too reluctant, and as a result has seen its power and initiative go to Washington—will be slowed down to a molasses pace indefinitely. It would do so by striking down the greatest opportunity in many years which the States have had for swift progress."

If Senator Dirksen and his friends had set out to trip, rope, and hogtie the stumbling institution of State government they could not have devised a surer way. For the legislatures a new day is dawning. It is shocking to find how many people in them fear and detest the light.

[From the New Brunswick (N.J.) Daily Home News, July 8, 1965]

The Challenge to Democracy

The reapportionment battles which have followed the Supreme Court's one-man, one-vote decision are presenting a distasteful picture of individuals and groups trying to maintain a selfish advantage rather than to design a system which will permit every man and every woman, rich or poor, educated or uneducated, the same amount of political power with a vote.

The U.S. Constitution does not use the word democracy. It only guarantees to the States a republican form of government.

Most Americans give at least lipservice to the thesis that we are, and should be, "a democracy within a republic." And most Americans give at least lipservice to a universal right to vote, limited only by factors like youth, confinement as a criminal, etc.

But the right to vote is fragmented and in some cases almost destroyed by the way many legislatures are constituted. The rural counties have long held the power of veto over the New Jersey Legislature, through their representation in the State senate, though the number of votes in the urban counties far exceed theirs.

Now, there is no logic in this, unless we agree that a farmer has some divine right to say more about how he shall be governed than a factory worker has. Or unless we agree that acres should have votes.

In the Western States we have heard it said that one man, one vote will give the lumber industry no say in Government. Who believes the industry should have more say than the number of votes of lumbermen and their friends and those whom they can persuade?

The difficulty in getting legislatures to reapportion themselves is that the existing power structure wants to maintain the status quo and its present unfair advantage.

This same desire to maintain an unfair and unwarranted advantage pervades the thinking behind the Dirksen amendment, which would to some extent nullify the Supreme Court one-man, one-vote decision by permitting one house of a State legislature to depart from the ruling.

If the Dirksen amendment is ever submitted to the States and ratified by a sufficient number, selfish and undemocratic control through unfair apportionment will continue to dominate many State legislatures. While the High Court frequently strains in interpreting the Constitution, it would never openly defy a constitutional amendment.

The whole reapportionment battle today is a challenge to our essential belief in democracy. If we really believe in democracy, we must believe in and achieve the one-man, one-vote ideal.

[From the New York Times, Aug. 3, 1965]

Baby Filibuster

The Senate has reached a unanimous-consent agreement to vote tomorrow on taking up the proposed constitutional amendments to reverse the Supreme Court's one-man, one-vote decision on legislative reapportionment. Nevertheless, it is still possible that a baby filibuster on this issue may develop if Senator Dirksen goes through with vague hints of insistence on extended debate.

Since he appears to have a majority of the Senate with him, but not the two-thirds needed to adopt the amendment, observers are divided as to whether Mr. Dirksen's motive is to play for time in the hope that he can attract additional votes or play to the galleries in the knowledge that he cannot win. Either way, he would be wasting the Senate's time.

Earlier, the Senate liberals who are determined to block the Dirksen amendment had threatened a filibuster of their own. But that was before they picked up the necessary marginal votes for their side. The same exchange of tactics occurred in the Senate Judiciary Committee. The liberals took their time and Senator Dirksen pressed for a vote when it looked as if he had a majority. When his majority slipped away, he stalled and finally bypassed the committee altogether. He is now offering his amendment as a substitute for a bill proclaiming the week of August 31 as "National American Legion Baseball Week."

These cute maneuvers seem an inextricable part of the reapportionment amendment. Last year Mr. Dirksen tied up the foreign-aid bill for a long period by attaching this same proposal as a rider. One difficulty in foreseeing the probable course of events now is that Mr. Dirksen, having twice modified his amendment, may yet offer still another version. For all the rather elephantine humor of the minority leader's mock-eloquent speeches in defense of his tactics, a serious point underlies these attempted legislative coups and drolleries. It is that any amendment incapable of commanding overwhelming national support ought not to be written into the Constitution. An amendment that requires pressures and maneuvers for its success is an amendment self-condemned.

Time in this session is also becoming precious. With Congress pressing for adjournment by Labor Day, either a baby filibuster by the proponents or any further extended oratory by the opponents is out of order. The Senate should vote down Mr. Dirksen's amendment promptly.

[From the Washington Post, July 23, 1965]

Dirksen Amendment—1 Man; 10 Votes

(By Roscoe Drummond)

The proposed Dirksen amendment is visibly losing support in Congress.

Its purpose is to reduce the effect of the Supreme Court decision that State legislatures must be reapportioned roughly on the basis of one man, one vote.

Its method is to amend the Constitution to allow voters in each State, if they so choose, to have one house apportioned on a basis other than population.

Here is what the argument is all about: When in 1 county 30,000 people elect 2 State senators, for example, and a neighboring county of 300,000 elects 2 State senators, then the votes of the 30,000 count 10 times as much as the votes of the 300,000.

This was typical throughout the Nation at the time the Supreme Court ruled that such a practice violated the Constitution. Until the Court started reapportionment, a minority of the voters in 40 States elected either one or both houses of their legislatures. In effect, the Court said give the larger counties more representation or the smaller counties less representation.

The Dirksen amendment, which aims to permit the voters of each State to keep one house from being reapportioned on a population basis, seems to many to be self-evidently reasonable. But is it? Let me raise some questions in the interest of reflecting about it.

Under the Constitution every eligible citizen has the right to vote for State officials as well as Federal officials. Should this right be diluted by any action which has the effect of saying that, while every citizen has the equal right to vote, some citizens are not to have the right to an equal vote?

Isn't the right to the vote and the right to cast an equal vote as precious as the right of free speech? Or free assembly? If so, should we amend the Constitution to allow the voters in even one State to deprive a citizen of any of these rights?

Is there any evidence that allowing unequal representation in one house will produce better State government? I haven't seen the advocates of the Dirksen amendment produce any such evidence.

During the past half century, as the flow of population has moved massively into the cities and suburbs, most State legislatures have been dominated by minority representation. The legislators have violated their own State constitutions by refusing to reapportion and have perpetuated such egregious distortions that the Supreme Court had no choice but to provide relief.

How is it that the election of one house on a basis other than population suddenly becomes so meritorious? Where were the advocates of minority representation when the cities were in the minority and the rural population the majority.

It is sometimes suggested that the Federal system is applicable to the States, that just as the States, regardless of size, are equally represented in the U.S. Senate, so should counties regardless of size be equally represented in State senates. Plausible, but one answer is that, while the Federal Government is composed of sovereign States, the States are not composed of sovereign counties.

Fortunately, there will be plenty of time for reflection before the amendment gets to the point of ratification—if it ever does.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield.

Mr. PROXMIRE. I am delighted that I was on the floor when the distinguished Senator from New Jersey spoke. He has been a tremendous asset to those of us who oppose the pending constitutional amendment. The Senator from New Jersey is a man of remarkable courage and independence. I congratulate him, because it seems to me in his speech he went right to the heart of what is wrong with the proposed amendment to the Constitution. I was so glad he picked out the term that is used by the proponents of the amendment to attack our position. To call simplistic our argument in defense of the equal right of every American to cast a vote for his legislature is to concede that our simple, straightforward plea for an equal vote for all is the heart of the matter. I thought the Senator from New Jersey did a superlative job by pointing out that, regardless of rationalizations, as he said, whether people are farmers, city people, or suburbanites, there is no justification for diminishing the right of American citizens by providing in effect, that one citizen's vote shall be counted as one-tenth of a vote, and another citizen's vote shall be counted as 10 votes.

I congratulate the Senator from New Jersey and thank him for his excellent statement.

I would like very much to say, if I may have his permission, that I think this has been a great day for those of us who oppose the amendment. The Senator from New Jersey did a superlative job, hitting the crux of the problem.

The Senator from Michigan showed the adverse consequences of passing the Dirksen amendment, pointing out by chapter and verse the example in Michigan.

The present occupant of the Chair, the Senator from Maryland [Mr. TYDINGS] did as fine a job as I have seen since I have been in the Senate in his colloquy with the Senator from Kentucky. He did so in showing that if the amendment passes, the Supreme Court will be prevented from reviewing apportionment in one house of the State legislature; that the amendment not only nullifies the decision of the Supreme Court in Reynolds against Sims, but any reading of the amendment, as the Senator from Maryland demonstrated so well, destroys the discretion of the Supreme Court in using its judgment as to what would constitute, in effect, a fairly apportioned legislature.

Of course, the Senator from Minnesota's [Mr. MONDALE] brilliant speech on the amendment showed conclusively that this amendment would give a legislature an unrestricted opportunity to create spare seats and hold on to their jobs.

I thank the Senator from New Jersey for yielding to me.

Mr. CASE. I thank the Senator from Wisconsin. I yield the floor.

Mr. FONG. Mr. President, I support the Dirksen amendment, Senate Joint Resolution 2, proposing an amendment to the Constitution of the United States to preserve to the people of each State power to apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature if, in either case, such plan or apportionment has been submitted to a vote of the people in accordance with law and with the provisions of the Constitution and has been approved by a majority of those voting on the issue.

This plan, or another plan of apportionment, must again be approved by the people at the November general election held within 2 years of the next decennial census and every 10 years after that. If such a plan is not approved, then the legislature must be apportioned on a one-man, one-vote basis.

Mr. President, the subject of this proposed constitutional amendment is a product of long and careful analysis, study, and extensive deliberations. Discussion of this question dates from at least March 26, 1962, when the Supreme Court of the United States held, in *Baker* v. *Carr*, 369 U.S. 186, that a challenge to the apportionment of representation in a State legislature presented a justiciable question under the equal protection clause of the 14th amendment to the Federal Constitution, and that the Federal courts have jurisdiction.

Then, on June 15, 1964, the Court handed down six decisions dealing with reapportionment in as many States. The first case, *Reynolds* v. *Sims*, 377 U.S. 533, promulgated a rule for apportioning all State legislatures:

> We necessarily hold that the equal protection clause requires both houses of a State legislature to be apportioned on a population basis (377 U.S. at 576).

The Court in each of the six cases specifically invalidated a system of apportionment adopted by nearly every State with bicameral legislatures, in which one chamber was apportioned on the basis of population and the other chamber on factors besides population.

There is no doubt that by these historic decisions, the Supreme Court has corrected abuses that existed for many years in some States in which State legislatures were apportioned under plans that had not been reviewed for decades. There is no question that in many State legislatures urban areas are underrepresented, as in my own State legislature in the case of Oahu.

The Supreme Court rulings, however, impose a single, inflexible standard, that of population, as the sole factor which may properly be the basis of a validly constituted legislature in all 50 States. As a consequence of these far-reaching decisions, confusion, haste, uncertainty, jurisdictional conflict between State and Federal courts, invalidation of State constitutions, and endless litigation—in short, a great deal of chaos—has resulted in many of our State governments.

Since the decisions were handed down, court actions seeking enforcement of the one-man, one-vote ruling were filed or implemented in 39 States.

In my own State, a special three-judge Federal district court on February 17, 1965, ordered the State legislature to call for a constitutional convention to reapportion the State senate. The order was filed only 1 hour before the legislature convened for its 1965 general session.

The three-judge panel enjoined the legislature from taking "final action" on any legislation, except to organize itself and appropriate necessary operating funds, until it has enacted legislation providing for the constitutional convention.

The court also set deadlines for the following elections:

First. Submission to the voters by August 1, 1965, of the question whether or not a constitutional convention should be convened.

Second. Special elections—possibly a primary as well as a general election—to elect delegates to the convention by September 15, 1965. The convention must convene no later than October 15, 1965.

Third. A special election to ratify the convention's amendments to the State constitution, by January 30, 1966.

Fourth. Elections in 1966—a primary and a general—to choose an entirely new senate on the basis of the new apportionment, half of the members for 2-year terms and half for 4-year terms. The court decreed that the terms of all senators, including those elected in the 1964 election, would be vacated as of the date of the general election in November 1966.

It has been estimated that all of these elections and the convention would cost the people of Hawaii about $2 million.

But far more serious than the high cost resulting from the court's decree is its injunction against any "final action" that the legislature may take on any matter except reapportionment.

By this injunction, the court tied the hands of the legislature and placed a legal cloud over all its actions, except on reapportionment, so that for all intents and purposes, after passing a reapportionment plan, the legislature would be dissolved. For the next year and a half, until a new State senate is elected after the November 1966 elections, any action other than on reapportionment that may be taken by the legislature might be open to legal challenge.

The State election held in November 1964 would have been nullified, and months of work and hearings held by legislative committees preparing for the 1965 session would have been rendered null and void.

On March 1, 1965, the State legislature, then convened in regular session, petitioned the Federal Court to alter its February 17 order so as to permit the legislature itself to pass legislation, first, provisionally reapportioning the State senate on the basis of 1964 registered voters, to be effective for the 1966 election and until a constitutional amendment on reapportionment had been adopted by the people of Hawaii, as provided in the State constitution; second, adopting a proposed constitutional amendment embodying the reapportionment plan for ratification at the 1966 general election; and third, submitting to the electorate at the 1966 election the question whether there should be a constitutional convention to deal with reapportionment.

The court granted all three requests on March 9, and on March 18 the legislature informally submitted a multimember senatorial district plan of apportionment for the State senate to the court. The largest district was to elect 10 senators, another district 9. The three-judge panel immediately rejected the plan on the ground that "40 percent of the entire senate (coming) from one senatorial district and 36 percent from another alongside" would constitute a "grossly lumpy apportionment of senators." The legislature then submitted a second multimember district plan to the court. Several districts were to elect four senators each. The district lines laid down in this plan substantially coincided with boundaries laid out for representative districts.

On April 23, 1965, the same court in the case of *Holt* v. *Richardson,* 240 Fed. Supp. 724, handed down a per curiam opinion rejecting the second plan. Some of the senatorial districts, the court ruled, were too small, and some too large. While the State house of representatives, which is apportioned on the basis of population alone and which has multimember districts, had been determined by the court to have been "not unconstitutionally apportioned," the court ruled that the senate may not be apportioned in the same manner, because, first, "there should not be any monolithic political units of representation," and, second, the representative districts had not been "perfectly laid out."

The court laid down the following guidelines for what it considered to be a fair basis of apportionment, guidelines, I must confess, which are most unclear. The court said:

> Unless, within any single geographically defined political area or unit, there is a meaningful and substantial difference in the composition of that body of electors therein, whose combined votes elect a senator, from that body whose combined votes elect a member of the house, then the demanded differing complexions and collective attitudes are lost, the necessary cross checking and resulting balance is absent, and the majorities therein are given a disproportional monolithic command, not only within the narrow political unit, but also within the legislative bodies. Such artificially concentrated political power negates any notion of equality of representation for the minorities entrapped therein, as well as for all other electors of the State outside such a monolithic political unit.
>
> However complicated or sophisticated an apportionment scheme might be, it cannot, consistent with the equal protection clause, result in a significant undervaluation of the weight of the votes of certain of a State's citizens merely because of where they happen to reside." *WMCA, Inc.* v. *Lomenzo,* 377 U.S. 633, 653, 84 S. Ct. 1418, 1428, 12 L. Ed. 2d 568.

In setting down these guidelines, the court complained that the legislature's second plan was inadequate because—

> Within the 15th district, in the Moiliili area, there was a higher proportion of persons of Japanese ancestry than in any census tract of the island, yet Waikiki, primarily concerned with tourist service, was the second highest among census tracts in percentage of caucasian residents. Also, high-level professional, technical, and managerial people tended to live in Waikiki or upper Manoa, whereas operatives, laborers, clerical workers, middle and lower middle income people lived in the central (Moiliili, etc.) area.
>
> The fifth senatorial district likewise encompassed a highly heterogeneous area containing a multitude of Caucasian widows in the uplands area, and an overabundance of Filipino males in the seaward portion of the district. The 12th representative district, therein, had a very high proportion of persons of foreign birth or Asiatic ancestry, of the lower middle socioeconomic group. * * * The boundary between the 12th and 13th representative districts; i.e., within the proposed 5th senatorial district, had a very unfortunate location.
>
> Within the seventh senatorial district were two clearly defined and geographically, economically, and socially divided groups. In Palolo in the 16th representative district area were found the socioeconomic laborers, operatives, and clerical workers, and in the Waialae-Kahala and Aina Haina areas were the highly professional and managerial class. In the latter area the median annual family income in 1959 was almost $16,000, whereas in Palolo it was $3,000.

The court capped its decision with the dicta that "while it is a fundamental factor under decision of the court, population is not the sole definitive measure for setting up either representative or senatorial districts. Compactness and contiguity of the territory are admittedly also factors, but community of interests, community of problems, socioeconomic status, political and racial factors—each and all must be considered, and not only must the electoral districts be laid out with the totality of these factors having been taken into consideration, but even more, the sum total of all of the districting must result in substantial equality of meaningful representation to each and all voters of the State."

This decision, which was to have laid down the guidelines for reapportionment, has only added to the confusion, for it is very unclear as to what should be done.

The State legislature has since appealed this decision to the Supreme Court of the United States before which this case is now pending.

I am sure, to anyone attempting intelligently to read the Court's opinion, the apportionment of the lower house, which is undeniably apportioned on the basis of population alone, is even thrown into question.

Should the Supreme Court sustain the district court's decision, the State legislature would either have to try a third reapportionment plan or call for a Constitutional Convention.

Mr. President, this is Hawaii's trying and chaotic experience in the wake of Reynolds against Sims.

Unfortunately, Hawaii's experience is by no means unique. Other instances of confusion and uncertainty existing in other States have been described by other Senators in the course of this debate. The disastrous experience in my own State, however, has been enough to convince me that a constitutional amendment, such as that embodied in the Dirksen amendment referred to as Senate Joint Resolution 2, is urgently needed to bring order out of this chaos and to restore to the people the right to determine the composition of one house of their legislature.

Mr. President, a logical extension of the Court's decision in Reynolds against Sims would be an amendment to the U.S. Constitution or a Supreme Court decision requiring reapportionment of the U.S. Senate on the basis of population in spite of the prohibition "that no State without its consent, shall be deprived of its equal suffrage in the Senate" under article V.

The Supreme Court may rule this provision has been superseded by the equal protection clause of the 14th amendment. It may also rule that this provision is violative of the due process clause of the 5th and 14th amendments. It certainly has the power to do so.

A reading of the decision in *Bolling* v. *Sharpe,* 347 U.S. 497 (1953) certainly gives cause for great concern that the Supreme Court by its decision may require reapportionment of the U.S. Senate on the basis of population in spite of the constitutional prohibition against reapportionment of the State without a State's consent.

Chief Justice Warren in that case, which dealt with racial segregation in the public schools of the District of Columbia, correctly held such racial segregation was unconstitutional under the fifth amendment. The fifth amendment does not contain an equal protection clause. The 14th amendment does, but the 14th amendment applies to the States only.

Nevertheless, the Supreme Court relied on the fifth amendment and said that even though it does not contain an equal protection clause the Federal Government cannot discriminate on a racial basis.

Chief Justice Warren said:

> In view of our decision that the Constitution prohibits the States from maintaining racially segregated public schools it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government. (347 U.S. at 499.)

These very same words may easily be applied in the reapportionment of the U.S. Senate by a Supreme Court decision.

In rendering such a decision, the Supreme Court need only paraphrase what it said in Bolling against Sharpe as follows:

> In view of our decision that the Constitution prohibits the States from maintaining legislatures unless they are apportioned solely on the basis of population, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government.

If the Supreme Court should so rule, who is to stop it, except by constitutional amendment, which we are here proposing?

According to the 1960 census, Hawaii had only 632,772 of our Nation's 180 million people. On the basis of population, with 100 Senators, Hawaii would be entitled to but one-third of a Senator—in other words, none.

The 1960 census also shows that the following 14 States have populations numbering less than a million—some a little more and some a little less than that of Hawaii:

Alaska	226, 167
Delaware	446, 292
Idaho	667, 191
Maine	969, 265
Montana	674, 767
Nevada	285, 278
New Hampshire	606, 921
New Mexico	951, 023
North Dakota	632, 446
Rhode Island	859, 488
South Dakota	680, 514
Utah	890, 627
Vermont	389, 881
Wyoming	330, 066

These States, having relatively small populations, would also be stripped of their Senate representation. They would fare almost as badly as, or worse than, Hawaii.

In the 1960 census there were 180 million people in the United States. Should the Supreme Court decide that a reapportionment of the Senate is necessary because it violates the due process and equal protection clauses of the Constitution, a State, at that time, to sustain two Senators in the U.S. Senate, must have a population of about 3,600,000.

Since it takes a population of 1.8 million to entitle a State to 1 Senator and, thus, 3.6 million for 2 Senators, the rule of Reynolds against Sims should serve as a caveat to all Senators representing States with populations of less than 3.6 million. For these States, too, could well be stripped of possibly one of their Senators.

Besides the 15 States having populations of less than 1 million which I have previously named and which may stand to lose all representation in the U.S. Senate, there are an additional 19 States that may lose a Senator in the U.S. Senate. I list them as follows:

Alabama	3, 266, 740
Arizona	1, 302, 161
Arkansas	1, 786, 272
Colorado	1, 753, 947
Connecticut	2, 535, 234
Iowa	2, 757, 537
Kansas	2, 178, 611
Kentucky	3, 038, 156
Louisiana	3, 257, 022
Maryland	3, 100, 689
Minnesota	3, 413, 864
Mississippi	2, 178, 141
Nebraska	1, 411, 330
Oklahoma	2, 328, 284
Oregon	1, 768, 687
South Carolina	2, 382, 594
Tennessee	3, 567, 089
Washington	2, 853, 214
West Virginia	1, 860, 421

So, Mr. President, you can see that 34 out of the 50 States, or approximately more than two-thirds of the States of our Union, may find themselves shorn of representation should the Supreme Court carry to its logical conclusion its ruling in Reynolds against Sims.

As a Senator from a small State, I must vigorously protect the small State's voice in the Senate and oppose any moves which might deny or diminish that voice. I know the people of my State and the people of the other 33 States that I have mentioned that have a population of less than 3.6 million did not send us here to the U.S. Senate to liquidate their representation in the Senate of the United States.

A move to so amend the U.S. Constitution is not at all farfetched. As Robert A. Dahl, a noted political theorist, suggests in his book "A Preface to Democratic Theory"—University of Chicago Press, 1956—a revision of the U.S. Senate along population lines may well be achieved by either a constitutional amendment or by judicial review.

Recently "The New Republic," a well-known liberal publication with nationwide circulation, cited Hawaii as a State which is grossly overrepresented in the U.S. Senate. It further stated that the "widely malapportioned U.S. Senate, like the British House of Lords, has got to be reformed."

Throughout our history, there have been nine proposed constitutional amendments introduced in the Congress from 1789 to the present time that relate to altering the membership of the U.S. Senate on population factors. They are as follows:

THE 47TH CONGRESS

H.J. Res. 85 (joint resolution). Mr. Bayne of Pennsylvania; January 9, 1882: Would amend the Constitution to provide that each State should have at least two Senators, but that for each million of inhabitants of any State in excess of 2 million, an additional Senator should be allowed such State. Referred to Judiciary Committee.

THE 52D CONGRESS

H.R. 35 (joint resolution). Mr. Miller of Wisconsin; January 17, 1892: Would amend the Constitution to provide that each State shall have one Senator, and an additional one for every million of population. Referred to Committee on Election of President and Vice President.

THE 81ST CONGRESS

S.J. Res. 95. Mr. McGrath; May 24, 1949 (judiciary): Proposes a constitutional amendment to increase to three the number of Senators from each State.

H.J. Res. 205. Mr. Coudert; March 28, 1949 (judiciary): Proposes a constitutional amendment to authorize Congress in admitting any new State to limit its representation in the Senate.

THE 82D CONGRESS

H.J. Res. 10. Mr. Coudert; January 3, 1951 (judiciary): Same as House Joint Resolution 205, 81st Congress.

THE 83D CONGRESS

H.J. Res. 17. Mr. Coudert; January 3, 1953 (judiciary): Same as House Joint Resolution 205, 81st Congress.

H.J. Res. 199. Mr. Pillion; February 23, 1953 (judiciary): Proposes a constitutional amendment providing that representation in the Senate of any new State, which is admitted to the Union after the effective date of this amendment, shall be limited according to the population of such State.

THE 84TH CONGRESS

H.J. Res. 30. Mr. Coudert; January 5, 1955 (judiciary): Same as House Joint Resolution 205, 81st Congress.

H.J. Res. 208. Mr. Pillion; February 8, 1955 (judiciary): Same as House Joint Resolution 199, 83d Congress.

Another logical extension of the Supreme Court one-man, one-vote ruling is a change in the electoral college system.

The electoral college is part of the process of electing the President and Vice President of the United States, as provided in article II, clauses 2, 3, and 4 of the Constitution. In voting for a President every 4 years, the people actually vote for electors, who subsequently meet in Washington and cast their votes for President and Vice President.

There appears to be wide agreement among political scientists and constitutional experts that, as a direct consequence of the rule in Reynolds against Sims, Supreme Court action or congressional action to approve a constitutional amendment bringing the electoral college system in line with the Reynolds criterion is all but inevitable—see, for example, the Proceedings of the National Association of Attorneys General, June 1965, panel discussion on electoral college reform and the Supreme Court's reapportionment decisions.

Proposals have already been submitted in Congress to abolish the electoral college and the electoral voting system, and replace them with either, first, direct national popular election; or, second, a system in which the electoral vote of every State is divided among the candidates in proportion to the popular vote received—see, for example, Senate Joint Resolution 28—Senator SMATHERS, January 15, 1965—a proposal to abolish the electoral college but retain the electoral vote; Senate Joint Resolution 4—Senator SMITH, January 6, 1965—a proposal to abolish the electoral college system entirely and provide for popular election.

If the electoral college system were abolished entirely and the President and Vice President were elected by a plurality of the total popular votes cast—as proposed by Senate Joint Resolution 4—Hawaii's voice in presidential elections—along with those of the other small States of the Union—would be drastically curtailed. Figuring on the basis of the 1964 presidential election, the relative weight of Hawaii's vote would be reduced by more than two-thirds. This would be the equivalent of the State of Hawaii losing as many as three out of its four present electors. In other words, Hawaii's voting strength would be only about one-quarter as effective as it now is in a presidential election. This holds true also for the other 33 States which I named earlier.

If electoral college votes were to be apportioned on the basis of each State's population compared with total U.S. population—as proposed by Senate Joint Resolution 28—Hawaii with its small population would have only two electors, or a loss of two or three of its four electors.

It is to protect small States and minority groups that many Members of Congress are urging caution in reapportionment proceedings.

Mr. President, the charge by many opponents to this resolution that support of Senate Joint Resolution 2 was inconsistent with support of the voting rights bill is most spurious and disingenuous.

The glib slogan, "one man, one vote," is grossly misleading in its negative implication that the Dirksen proposal would somehow deprive some people of their right to vote. Nothing could be farther from the truth.

On the contrary, rather than depriving anyone of this right, it would preserve it, and render it more effective. For it would preserve to the people their sovereignty, the fundamental right to govern themselves to determine how their legislatures should be constituted.

Should this amendment be added to the Constitution, the 14th and 15th amendments would continue in force. It would be subject in its implementation—like all other constitutional provisions—to judicial review, so that all apportionment questions continue to be justiciable.

The bill itself lists three specific factors which may be used in apportioning one house of the legislature, in whatever degree that may be deemed appropriate: population, geography, and political subdivisions. No other factors may be considered.

This language was added during the executive sessions of the Judiciary Subcommittee on Constitutional Amendments, of which I am a member. The subcommittee took this course to insure that such factors as race, color, religion, or wealth would continue to be in violation of the Constitution.

The bill, consonant with America's basic governmental tenet of popular consent, also provides that apportionment plans for one house of State legislatures at variance with strict population representation must be submitted to the people of that State for approval or rejection, voting on a one-man, one-vote basis in a statewide election. No plan of apportionment may continue in effect beyond 2 years after the following decennial census, at which time such a plan or another one proposed by the legislature must again be submitted to the voters.

In my opinion, this provision of Senate Joint Resolution 2 cannot be said to be a restriction of the franchise by any stretch of the imagination. It is rather, an effective extension of the franchise.

Significant, too, is the fact that the bill does not require compliance with its provisions. It is not mandatory. It is permissive, allowing the people of a State to reapportion one house of their legislature on factors including population if they so choose. They may choose to reject it. All we are asking here is to give the people the chance to choose. Why are opponents of this measure so afraid to allow the people this choice? Are they afraid that the people will so choose? And if they do, is it not their right?

Mr. President, fundamental to this debate on this proposed constitutional amendment are two central facts.

The first is that government derives its just powers from the consent of the governed. Our Declaration of Independence so proclaims. For 189 years this right—so fundamental in our democracy—has been respected and observed, and the people have determined for themselves the manner in which their State legislatures should be apportioned.

Certainly in any representative government there exists a fundamental right in the people to determine how their legislatures should be constituted, and what factors should be considered in its apportionment.

The Dirksen amendment is a bill which I feel is in line with this basic concept of our democracy, that sovereignty ultimately rests with the people themselves. This proposed constitutional amendment would make certain that the people have the final voice in the makeup of their own legislatures.

As Prof. Robert G. McCloskey, writing in the Harvard Law Review, volume 76, November 1962, stated:

> It is certainly untrue that "one man, one vote" was regarded by the framers (of the Constitution) as an imperative basic principle for carrying on the day-to-day, year-to-year process of government; and it is at least dubious that any such principle became embodied in our constitutional tradition in the years that followed.
>
> But it is beyond doubt that the framers of the Constitution acknowledged popular consent as the indispensable basis for setting up that process of government in the first place. Though the Government might take various forms and possess various powers, those characteristics were derived from the consent of the governed. If this central principle, so created in the Declaration, was not expressed in the explicit language of the Constitution, it is because after 1776 it was taken for granted. Its claim to be a fundamental principle of the Constitution is about as solid as any claim could well be.

The second fact that is central to this debate is that our system of government, with a bicameral legislature—one house based on population, and the other apportioned on several factors including population—has served our Nation well. It has provided us with a well-balanced, fair, and effective scheme of representation. Had this not been the case, this system would surely not have been adopted by virtually every State in the Union.

As Mr. Justice Stewart points out in his dissent in *Lucas* v. *The Forty-fourth General Assembly of the State of Colorado,* 377 U.S. at 749, representative government is "a process of accommodating group interest through democratic institutional arrangements * * * Appropriate legislative apportionment, therefore, should ideally be designed to insure effective representation in the State's legislature * * * of the various groups and interests making up the electorate."

It is well known that in our American tradition the public interest is composed of many diverse interests. Thus, the goal of a plan of apportionment of a State legislature is the fairest, most effective, and well-balanced representation of the regional, social, and economic interests within a State as possible.

As each State is unique in terms of topography, geography, demography, history, heterogeneity and concentration of population, variety of social and economic interests, and in the operation and interrelation of its political institutions, just what constitutes a rational plan to achieve these goals will vary from State to State.

In determining how the State senate should be constituted in Hawaii, for example, there are at least the following factors, in addition to that of population, to be considered:

First. We are the only State that has evolved from an absolute monarchy, to a constitutional monarchy, to a republic, and then to a U.S. territory, before we were admitted to statehood; there are these historic factors, then, to take into account.

Second. We are an island State, and each of the eight major islands in the Hawaiian archipelago are separated by wide channels of open sea; surely, these geographic factors are relevant.

Third. By 1950, Honolulu, our State capital located on the Island of Oahu, had developed into a large metropolitan urban complex, while the other neighboring islands remained essentially rural and agricultural; this is another relevant consideration.

In addition, there are other minority and group interests which should be considered.

I am sure that with respect to the other States of the Union, the situation in each State will pose problems and considerations peculiar to its area and its development which should necessarily be taken into account in apportioning one of two houses of a bicameral legislature on a fair and just basis.

Mr. President, the right of the people of a State to determine how their legislature shall be apportioned has been abridged. It cannot be restored until an amendment to the Constitution, such as that embodied in Senate Joint Resolution 2, has been adopted by both Houses of Congress and ratified by the States.

The right of the people to be effectively and fairly represented in their State legislatures has been seriously compromised. It can only be regained by the adoption of the proposal now pending before the Senate.

I urge its passage.

Mr. HART. Mr. President, while I am not a member of the Subcommittee on Constitutional Amendments, I am, as the distinguished minority leader [Mr. DIRKSEN] fully described in opening this debate some days ago, a member of the full committee. At a rather critical meeting of that committee, when the joint resolution was first brought up, I expressed grave concern about it.

I have read carefully and have studied conscientiously the remarks that have been voiced on the floor of the Senate in the days that have intervened. I still have the grave concern I voiced initially in the committee. I feel that the passage of the joint resolution would be a serious mistake.

It is my feeling that the State of Michigan's one-man, one-vote legislature constitutes probably the best example of the reason for the one-man, one-vote concept.

In short, Mr. President, it is my hope that tomorrow the Senate will reject the joint resolution and do it in such fashion that no American longer need be concerned that he will have to hit the hustings in order to protect certain rights which heretofore he felt were embodied in the Constitution beyond the reach of a majority of his neighbors to withdraw; that he will not be required to campaign every 10 years or during the first year after the next decennial census for his right to have his voice in his State legislature heard in equal degree with the voice of a neighbor.

If the question were put to the people of America in that simple proposition, I feel certain that they would reject the theory overwhelmingly. One of the dilemmas is that the question is always somewhat fogged when it goes to the public, as has been voiced before. This is one of the underlying concerns of those of us who feel that the joint resolution and any modification of it would be a serious setback to America.

Mr. President, debate on his pending resolution was opened some days ago by the distinguished minority leader, the junior Senator from Illinois [Mr. DIRKSEN]. In his opening argument, the able Senator from Illinois reported fully and accurately the discussion which was had in the meeting of the Committee on the Judiciary, when he first attempted to obtain favorable action by that committee on the resolution.

As that report reflects, I am not a member of the Subcommittee on Constitutional Amendments, but, as a member of the Committee on the Judiciary, I expressed serious concern and reservation with respect to the Dirksen amendment.

My concern and reservation have not been removed by the full discussion which has ensued. Although I have followed the remarks voiced on this floor in the intervening days, I feel that passage of the pending resolution would be a serious mistake.

At this late hour I would not review in detail the many points that have been made so effectively against the resolution. However, as did my able colleague, the senior Senator from Michigan [Mr. MCNAMARA], I should like to review with the Senate, on the eve of our vote, the effective performance by the new one-man, one-vote Michigan Legislature.

Whenever the subject of reapportionment of State legislatures comes up, there are cries from one side that equal population apportionments will lead to the domination of State politics by venal unsavory big city machines, with resultant neglect of rural needs, while those on the other side contend that the new apportionments will result in a revitalization of State governments. The evidence is now beginning to trickle in, so that we now have some hard facts on which to base our speculation.

The Michigan experience is especially instructive. The able Member of Congress from Michigan's 12th District, JAMES G. O'HARA, inserted in the RECORD on July 15 an article from the Grand Rapids Press which I would like to take a few moments to summarize. The article is headlined "Legislature Is Most Productive in Decades—Spending Records Set in Biggest Surge of Lawmaking Since 1930's." It then goes on to say:

> Michigan's first one-man, one-vote legislature carved a big place in State and national history books during its first 6 months.
>
> It passed more major legislation than any since the 1930's and set new spending records. It broadened and increased State services, protection and benefits for the schoolchild, the worker, and the oldster.
>
> It was controlled by Democrats but most votes on major bills were bipartisan, and many measures passed with near unanimous support.
>
> Biggest bipartisan achievement of the session was near unanimous approval of reorganization of the State's 145 sprawling departments, agencies, boards and commissions into 19 principal departments under 12 directors and 7 commissions to be appointed by the Governor. This was the achievement most observers said couldn't be done in this session.
>
> The 110-member house of representatives with 56 rookies was the hotbed of change, the laboratory of social planning, the great debating ground for new ideas such as State approval of birth control.
>
> The senate was the balance wheel with conservative Democrat Garland Land, of Flint, at the helm of the finance committee. The senate changed the hastily written house bill for senior citizen's tax relief, and killed the house's plan to change the business activities tax into a profits tax even more burdensome to small business than "BAT."

This last point, I think, illustrates well that a bicameral system is not rendered useless by a one-man, one-vote apportionment. The Michigan Senate continues to act as a balance wheel even though it is apportioned on a strict population basis. The reasons for this are rather apparent. First of all senators are elected from large districts and thus represent constituencies with wider and more varied interests than those in the smaller house of representatives districts. They are elected for longer terms—4 years as opposed to 2 years—and are therefore somewhat more insulated from the transitory passions of the people as our Founding Fathers would have put it. And not least, as the quoted example indicates, politicians are human beings whose differing personalities and abilities and experiences produce institutions of differing qualities.

Just a few examples should suffice to indicate the magnitude of the achievement of the Michigan Legislature:

First. The State school aid guarantee was increased by $71 million to a total of $456 million.

Second. The appropriations for mental health and public welfare each exceeded $100 million for the first time in history.

Third. Almost $190 million was appropriated for higher education, including the community colleges.

Fourth. Unemployment benefits were increased, as was workmen's compensation for job-connected injury and sickness.

Fifth. Several measures were passed changing or modernizing the election code.

Sixth. A water pollution bill with teeth was passed which bans the discharge of materials into lakes or streams if the result would be pollution of those lakes or streams.

Seventh. The conservation department's budget was raised by $6 million to a new high of more than $26 million.

This is only a sample of the legislation passed by this 6-month session of the newly reapportioned Michigan Legislature.

Now this is all very fine, some might say, but what about the specific needs of rural people? Has the farmer not been overlooked in all this onrush of progressive legislation? The short answer to this is "No." The new urban and suburban dominated legislature in Michigan has shown a considerable understanding of the needs of farmers and a readiness to make legislative decisions that benefit the agricultural community.

Farm organizations in Michigan report that the reapportioned legislature was an improvement over any legislature in recent memory. The legislative counsel for the Michigan State Farm Bureau, Mr. Robert Smith, said he would have to characterize the 1964–65 legislature as friendly to the needs of agriculture. He went on to point out that the record of performance of the legislature makes it clear that the last session was exceptionally productive of good farm legislation.

Mr. Herman Koenn, legislative representative of the Michigan State Grange, was even more extravagant in his praise of the legislature. He said it was the best legislature in years, in terms of the needs of agriculture. Not only did it pass substantially more farm legislation of a routine sort, but it passed a number of major bills that agricultural interests have been trying to get through the legislature for years.

And on those matters where the farm groups and the legislative majority did not agree, the disagreements were marked by tolerant understanding by the legislature and real efforts to work out acceptable compromises. As Mr.

Smith of the Farm Bureau pointed out, the farm community was not especially happy about inclusion of agricultural workers under the new Workmen's Compensation Act, but they acknowledged that the legislature made many changes to make the impact more tolerable and to respond to the special problems of farm employers.

Another evaluation of the performance of the Michigan State Legislature during the 1964–65 session can be found in a statement released by Richard K. Stout, an agricultural expert, who is chairman of the Legislative Advisory Committee of the Michigan Democratic Committee on Agriculture. He said:

> One of the most significant, but least noticed, achievements of this session of the Michigan Legislature has been the passing of many important agriculture bills.
>
> A sound and much-needed agricultural program was presented to the legislature by all farm organizations in a unified effort. This program will be one of the utmost importance to Michigan farmers and the consuming public. The legislature, especially the chairmen of the respective house and senate agriculture committees, Representative Floyd Mattheeussen and Senator Roger Johnson, dedicated themselves to working tirelessly for the betterment of Michigan agriculture.
>
> The major agriculture bills that were passed included:
>
> 1. A unified meat inspection bill which will assist Michigan livestock raisers in marketing and assures the consumer of a quality and sanitary product;
> 2. A unified dairy inspection bill to end duplicate inspection problems:
> 3. Created a bean commission; strengthened the potato commission, and so forth, to help commodity groups do a better job in marketing their products and help increase the farmers' income;
> 4. A bill to allow contractual labor to be employed on the same basis as in the past;
> 5. Bills to improve the State's feeds, seeds, fertilizer, and lima laws for the protection of the farmer;
> 6. Bills to improve the plight of migrant workers while not increasing labor costs for the farmer;
> 7. Bills to protect the public against the sale of cracked and checked eggs, botulism and many other bills important to the Michigan Department of Agriculture and the consumer.
>
> The only real fatality was the tabling of the milk bill and the Democratic committee on agriculture is gearing itself for a real fight to assure passage of this bill in the fall.
>
> The 1965 legislative session will long be remember as the session which accomplished more for Michigan agriculture than any other in the history of the State.

On Sunday, August 1, the New York Times "News of the Week in Review" reported in some depth on the just concluded Governors' conference. It made this interesting observation:

> Reapportionment has made the legislatures more responsive to the needs of the urban areas. Michigan, for one, probably passed more useful legislation in this first year after reapportionment than in the past dozen years, despite divided political control.

But one must recognize that the needs of the rural areas in Michigan were recognized and, as the Times puts it "more useful legislation" was passed in its first year after reapportionment on the one-man, one-vote basis, than in a dozen prior years.

The experiences of other States which have had both houses of their legislatures apportioned on an equal population basis parallels that of Michigan.

There are three States—Massachusetts, Oregon, and Wisconsin—which apportioned their legislatures substantially according to population following the 1950 census and again following the 1960 census. The urban population in these States ranges from 62.2 percent in Oregon to 83.6 percent in Massachusetts. Yet despite this dominance of urban area population, in the major State programs of financial assistance to local government—education and highways—each State's assistance formula contains provisions which permit greater financial assistance to rural areas than to urban areas. These results are due to such factors as the following:

First. Basing school transportation assistance on the extent of service provided to students residing more than 1 or 1½ miles from the school—hardly likely to be available to urban school districts.

Second. Keying the equalization provisions of both highway and education assistance to equalized property assessment formulas, although census figures show conclusively that the value of property is lower in rural than in urban areas.

Third. Providing in highway allocation formulas for the distribution of a certain amount of funds according to highway miles rather than automobile registration or population within the particular political subdivision.

In each of these instances, the needs and interests of the rural residents of the State have been properly considered and evaluated by a legislature in which both houses were apportioned according to population and in which the urban majority had one-man, one-vote representation in each house of the legislature.

It has been shown time and again—on the floor of this Senate, in learned journals, popular magazines, and numerous books—that rural-dominated State legislatures prior to Baker against Carr consistently ignored the needs of cities and urban areas. All available evidence indicates that legislatures apportioned on an equal population basis are responsive to the needs of all areas of the State. The burden of proof, a very heavy burden indeed, is on those who would advocate the return to rotten borough legislatures.

Mr. President, to paraphrase Chief Justice Marshall, let us not forget that this is a constitution which it is proposed that we amend.

I believe that there are certain guarantees in this Constitution which a majority, no matter how large, should not be permitted to deny a minority, no matter how small. That minority ought not be required to campaign to retain its right freely to speak and publish and to worship—and to have its vote and voice accorded no more and no less weight in the legislative decisions than the voice of all other citizens.

FALLOUT: POLLUTION AND POLICY

Mr. BARTLETT. Mr. President, the contamination of the Arctic Alaska food chain by radioactive fallout increases day by day. The contamination will increase year after year.

Mr. President, American citizens resident in the Arctic, dependent upon this food chain are now receiving doses of radioactivity in amounts at or above the so-called permissible levels as set forth by the Federal Radiation Council. They are receiving doses substantially above the acceptable levels set by the National Council on Radiation Protection and the International Commission on Radiological Protection. I ask unanimous consent that a table setting forth radiation protection guides for exposure to cesium 137 and strontium 90 may be made a part of the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Radiation protection guides for cesium 137 in the body

[In nanocuries]

	Individual	*Population average*
National Council on Radiation Protection	3,000	300
International Commission on Radiological Protection	3,000	300
Federal Radiation Council	3,000	1,000

Strontium 90 [1] *in picocuries per day*

Range I	0–20
Range II	20–200
Range III	200–2000

[1] Assumes intake of 1 gram of calcium per day.

> The grades are as follows: Range I, intakes in this range would result in only a few individuals, if any, reaching a large fraction of the radiation protection guide; range II, intakes in this range would result in average exposures to population groups not exceeding the radiation protection guide; and range III, intakes within this range would result in exposures exceeding the radiation protection guide if continued for a sufficient period of time. The Federal Radiation Council has recommended that measures limiting intake of radioactive materials should be considered when indications are that levels averaged over a year will be within range III.

Mr. BARTLETT. Mr. President, contamination in the Arctic is not a new problem nor is it short lived. There have been no major nuclear test series above ground since 1962. Even so, radiation levels in the Arctic have continued to climb as the fallout placed in the atmosphere more than 3 years ago drifts to earth. Arctic radiation levels, according to rough estimates—and these are the only kind available—will continue to rise at least through 1968. They will continue to rise even without a resumption of nuclear testing by the great powers, even without the expected development of nuclear test devices by the smaller powers. There is no immediate cause for alarm. The people are reasonably safe, although constant continuing surveillance is necessary to be sure of this.

If, however, atomic testing should be resumed, if new and substantial amounts of radionuclides should be released into the atmosphere in addition to the fallout already present, conditions in the Arctic would soon call for positive actions and measures to counter the rise in contamination. And yet we do not know what countermeasures could be taken.

We do not know, except in the roughest terms, the pattern and cycle by which the contamination works its way through the food chain. In short, we are not prepared.

For 3 years I have called for increased research in radiation hazards. I have called for increased monitoring and surveillance. I have called for the development of effective and workable countermeasures by which these hazards might be averted.

THE ARCTIC FOOD CHAIN

Biology in the Arctic is more simple than it is in the more temperate regions of the world. There is less sun. There are fewer nutrients and life is not easily sustained. As a result, there is not the complex variety of flora and fauna found in the temperate zones.

During summer, the Arctic tundra is covered with grasses and forage. In winter, the grass is gone and the tundra is bare of everything but sedges and lichens. Across this vast land great herds of caribou migrate on a seasonal basis. The Arctic herd in northern Alaska numbers at least 250,000 animals. In the summer the caribou feed on grass. In the winter, they feed on the lichens and sedges. Following the herds in their migrations are the hunters—the wolves and the Eskimos. In the summer there are other things for the Eskimo to eat. In the winter, the caribou is the most available source.

Some of the inland Eskimos, during a part of the year, exist almost entirely upon caribou meat.

This is what is meant by the Arctic food chain: The Eskimo eats the caribou and the caribou eat the lichens.

Unfortunately, the lichens are heavily radioactive. This is not because Alaska receives more fallout than do more temperate areas. Precisely the reverse is the case. The level of fallout in Alaska is about one-fifth that of the most northern of the contiguous states. Lichens and sedges have a peculiar property which causes the radiation buildup. These plants are extremely long lived. They live not for years or decades, but for a century or more. They have no roots. They do not obtain their nutrients from the soil. Instead they sift the air, straining from it their nourishment and fallout. There is little rain in the Arctic and fallout once deposited on the lichens remains there. It is not washed away. And as a result of the food chain, the poisons on the lichens are transmitted through the caribou to man.

In an article in Science magazine in April 1962 by Arthur Schulert, it was stated that Arctic caribou carry between 10 to 20 times as much strontium 90 as do domestic cattle. Eskimos were found to have 4 times the strontium 90 content of the average world population in the north temperate zone. This article was based on statistics obtained during 1959, 1960, and 1961.

In testimony presented to the Joint Committee on Atomic Energy on June 29 of this year, Dr. W. C. Hanson of the Battelle Memorial Institute, Pacific Northwest Laboratory of Richland, Wash.—operated under contract with the Atomic Energy Commission—brought these figures up to date. Levels of strontium 90 in caribou bone samples have increased from 2½ to 5 times over the years from 1961 to 1964.

The amount of strontium 90 ingested by the inland Eskimos increased almost fivefold over the years from 1962 through 1965, from a rate of 5 to 24 picocuries per day during the summer months. These figures, however, are based on sketchy estimates and inadequate data. Even so, the strontium 90 burdens in Eskimo bone appear to be about 4 times as high as those found in the lower 48 States. To my knowledge, no continuing or Arctic-wide measurement program is underway to determine the amount of strontium being absorbed by the residents.

In his testimony, Dr. Hanson makes an interesting statement:

> Strontium 90 ingestion rates of Anaktuvuk Pass Eskimos were within range one of the Federal Radiation Council guides except during the summer of 1964.

In the summer of 1964 range two was reached. This level, according to the Council, calls for "quantitative surveillance and routine control." I am not satisfied that such surveillance and control is being undertaken.

As far back as 1962, it was estimated by non-Government scientists that range one had been exceeded in the Arctic. This possibility was denied by the Atomic Energy Commission in a letter to me of May 6, 1963, from S. G. English, Assistant General Manager for Research and Development. In his letter, Mr. English explained that an Eskimo would have to eat "an average of 58 pounds of caribou meat per day per person for a lifetime at these levels" if he was to obtain a radiation dose above range one. If, as Dr. Hanson says in his testimony, range one was exceeded in the summer of 1964, it is clear that either radiation levels have jumped significantly or else that Eskimos are eating a good deal more caribou meat than they used to.

Strontium 90 is a very long-lived nuclide. Its biological half life—that is, the length of time it stays in the system once ingested—is 11 years. Once taken into the body, it finds its way into the bones. Children, because they are growing and adding to their bone structure, tend to absorb eight times the amount of strontium 90 absorbed by full-grown adults. Very high levels of strontium may cause bone cancer and leukemia. It is not to be taken lightly.

CESIUM IN THE CHAIN

Cesium 137, another radionuclide contained in fallout, is thought to have a considerably shorter biological half life. This is perhaps as short as 100 days. Cesium does not concentrate in the bone but spreads itself throughout the body. Very high levels of cesium may cause mutations and birth defects as well as cancer. Whereas strontium 90 is largely concentrated in caribou bones, cesium 137 is not. It is found in the meat of the caribou and thus in the diet of the Eskimo. Because of the feeding habits of the caribou, cesium levels in meat and humans vary with the season. The highest levels found in Eskimos are those taken in the early summer when caribou meat comes from animals killed at the end of the long winter during which the caribou fed on lichens.

In 1963, cesium 137 levels were found to be 50 percent greater than the levels of 1962. In 1964, the levels found were twice those of 1963. In the summer of 1964, the average level found in Anaktuvuk Eskimos was 1,330 nanocuries. The maximum individual cesium 137 body burden found was 3,000 nanocuries. Over past years, it has been shown that contamination levels drop fairly substantially during the winter and early spring months and yet figures taken in April of this year indicate the average body burden stands at 1,050 nanocuries as compared with an average level of 530 nanocuries in the spring the year before. The levels have dropped less this year than they did last; substantially less than the year before.

These levels are particularly impressive when compared with the average body burden of all American citizens which in 1964 was but 26 nanocuries. Anaktuvuk natives are receiving far more cesium 137 than are the other citizens of the United States.

In his testimony before the committee, Dr. Hanson had some reasonably reassuring words:

> Measurements made at Anaktuvuk Pass during the first few months of this year suggest that at least the period of maximum rate of buildup is past but we are as yet not confident that we have enough information to accurately predict future levels.

This reassurance, however, is weakened when one reckons that all such past predictions of fallout levels have been wildly inaccurate and greatly underestimated.

The scientists employed by the Atomic Energy Commission and the Public Health Service who are working on the problems in Alaska are good men who do their best. There are not enough of these men, however, and their best is not good enough.

What is the biological half life of cesium and strontium on lichens? How much is retained by the caribou and for how long? How much strontium are the people at Anaktuvuk receiving in their diet? What is the effect on caribou of receiving substantial levels of strontium and cesium? What would be the genetic effect, if any, of substantial increases of strontium and cesium in the diet of the inland Eskimos who are a small isolated population. What is the cumulative effect of exposure to substantial amounts of both cesium and strontium? These are questions that have no answers. They are important questions and it is important that more work be done to obtain their answers.

The importance of these matters turns them into questions of public policy. The health and safety of the people—not just in Alaska but across the United States—may at some future date depend upon our knowledge of radiation hazards and their avoidance. We do not now have this knowledge nor do I believe we are working hard enough to get it. The subject is complex, technical and hard to grasp and the issues tend to be hidden by the technical language in which they are usually presented. Too often in the past, public officials, including Members of Congress, have allowed themselves to be lulled by the false sense of reassurance which is obtained in reading this material.

Unfortunately, the very agencies in charge of the development of our nuclear capacity are also, in large part, in charge of research on atomic fallout. It has been reported that these agencies hesitate to admit the extent of our ignorance on radiation hazards or to undertake a full scale program of research for fear of raising doubts in the minds of the people and their elected representatives. Whether this hesitancy exists, I cannot say. If it does, it is certainly understandable. The very possibility of its existence, however, points out the error in assigning both development and protection responsibilities to a single agency. It is difficult for the agency to avoid ambivalence and this is why, perhaps, the information available to the public is often both confusing and apparently contradictory.

This sort of thing is not helpful. It is not helpful to democracy and it adds to the burdens of the nonscientist public officials. The need for research in the problems of radiation presents scientists with a responsibility to their fellow men which they have not as yet accepted.

An example of this tendency to gloss is illustrated by a speech and an interview given by Dr. Frank Hungate of the Hanford Laboratories. Speaking in Fairbanks at the 15th Annual Alaska Science Conference on September 8, 1964, Dr. Hungate made the following points which cry out for rebuttal:

Dr. Hungate said that the strontium and cesium contamination levels in Alaska were "insignificant." He said this even though, at the moment he was speaking, the average population contamination level at Anaktuvuk exceeded the so-called acceptable limit for population groups as set forth by the Federal Radiation Council. He said this even though Dr. H. M. Parker, manager of the laboratories which employ Dr. Hungate, had said on August 23, 1963, in discussing the problem of the increasing contamination of the food chain:

> This is not to say that in the long run it would not be dangerous * * * and if I were a resident there, I'd begin to look around to see how reasonable it would be to substitute some other kinds of food.

Since this statement of Dr. Parker's, of course, contamination levels have doubled. Little good is served by calling these levels "insignificant."

Dr. Hungate said that Alaska levels were no cause for worry because people in other parts of the world for generations have received radiation doses in excess of those in the Arctic from natural background sources. He mentioned specifically Sweden, India, and Brazil. Background levels in these countries are high. The thorium-bearing sands of Kerala, India, do provide background radiation levels 15 times greater than those in other parts of India. And people living in Denver do receive 1½ times as much background radiation as do those living in San Francisco. It would be useful if some meaningful study with full environmental controls could be made to determine whether those living in the relatively highly radiated areas are more prone to leukemia, cancer, or genetic damage as a result of their exposure. Work is being done in this direction. It is, however, practically impossible to provide the controls which a scientifically meaningful study would require. For example, present figures indicate that San Francisco citizens with but two-thirds the radiation level of Denver have 1½ times the incidence of leukemia and bone cancer. It would be a very bad scientist indeed who took this as a "post hoc, propter hoc" kind of argument to show that the more radiation you have, the less likely would be your chance of contracting leukemia. Environmental factors in San Francisco and Denver are very different. There are so many, many things different that no reputable scientist can state whether high Denver background radiation levels are less or more dangerous than lower San Francisco levels. Dr. Hungate no doubt is aware of this. Why then did he attempt to reassure with irrelevancy?

Dr. Hungate claimed that a speech of mine to the Senate last year exaggerated in saying that the cesium contamination levels of citizens of Anaktuvuk Pass were 300 times those of the average American. Had he read my statement in full, he would have seen that what I said was, "In 1962 the average body burden of the average American was estimated at 3.9 nanocuries. The Anaktuvuk average today stands at 300 times that level." I would have used the 1964 figure for the average American body burden had it been readily available to me, but it was not. My statement as it stands is accurate.

Dr. Hungate stated that the Federal Radiation Council's so-called radiation protection guide is "meaningless" and that "new aceptable levels should be set." This may or may not be so. The radiation protection guides, it is admitted by all, were set conservatively and, I had believed, almost all agreed that conservatism in this regard was a wise policy. Repeatedly the Federal Radiation Council has stated:

> The nature of radiation hazards requires, in the formulation of recommendations for radiation protection, a correlation between the possible risks associated with a particular radiation exposure and reasons for accepting exposure.

The Federal Radiation Council, in determining levels of acceptability, has always made clear that the radiation protection guide is the radiation dose which should not be exceeded without careful consideration of the reasons for doing so; every effort should be made to encourage the maintenance of radiation doses as far below this guide as practicable. The Council has never suggested that its radiation acceptability levels should be used as an absolute basis for determining whether countermeasures are called for in a particular contamination situation. The guide, based upon a balancing of all factors, social, political, and scientific, is to be used as an indication of situations that need careful surveillance and evaluation. They may not be very good—as many have said. They may be much too vaguely and generally worded to be of much use. They are not, however, "meaningless" as Dr. Hungate claimed and they should not be disregarded merely because acceptance levels have been exceeded.

Having thrown away the radiation protection guide, Dr. Hungate, in his evaluation of the contamination levels of the citizens of the inland Arctic, especially the village of Anaktuvuk Pass, attempts to use instead the maximum permissible levels which have been established for workers employed in radiation laboratories. If these values are applied, the contamination levels of the Anaktuvuk population group do not sound so high. Unfortunately, these values are not really applicable. Radiation workers are carefully monitored on a day-by-day, hour-by-hour basis. They are checked as they go in and they are checked as they come out. If their dose level approaches the yearly limit, they must seek employment elsewhere. Obviously, this is far different from the situation at Anaktuvuk and elsewhere in Arctic Alaska where only sketchy efforts are made at surveillance and where no one knows for how long the exposure will continue or to what heights exposure levels will climb.

Dr. Hungate estimates that the natives of Anaktuvuk will receive two to three rad from cesium 137 exposure over the next 30 years. This would, of course, be in addition to strontium 90 exposure as well as to normal background radiation to which we are all exposed. Hungate is assuming there will be no further atomic testing, no further filling of the skies with radioactive fallout and that present contamination levels will not continue to rise in the years ahead as they have in the years past. Not one of these assumptions is assured and it would be a foolish man indeed who would base his calculations upon them. Even with such assumptions, in order to obtain the minimal figure of two or three rad it is necessary to calculate the biological half life of cesium on lichens as 10 years. This is precisely one-third of the figure usually taken. No one really knows whether a figure of 30 years is more accurate than 10 for it is only this year that, as Dr. Hanson said in his recent testimony, work was begun on evaluating the retention of strontium and cesium radionuclides by lichens communities because of the importance of lichens in providing a reservoir of fallout radionuclides at the base of the food web. These studies are continuing at the present time.

Dr. Hungate was quoted in the newspapers as saying that he did not consider strontium 90 as a significant factor to Eskimos since this fallout substance is present in meat only in barely detectable amounts. Dr. Hanson's testimony before the Joint Atomic Energy Committee states that levels of strontium 90 ingestion were well out of range one, well into range two last summer. His estimate, based on the most scanty figures, is that the average strontium 90 rates went from

13 picocuries per day per adult in 1963 to 24 picocuries per day per adult in 1964. Whatever this is, it is surely not insignificant.

Dr. Hungate was further quoted as saying that radiation in Alaska is inconsequential because fallout is fivefold less than in the 48 contiguous States. As we have seen, however, it is the contamination trapped in the food chain rather than the overall amount of fallout which causes a problem in Alaska. To my knowledge, no one has ever claimed that the Arctic receives more fallout than elsewhere. It is just that it does a better job of keeping what it gets.

In order to show his lack of concern with the Alaska situation, Dr. Hungate stated publicly that he and his fellow scientists at Hanford had considered ordering large amounts of caribou meat with which to feed their children and their families. This is patently absurd. If his children would like to make over 70 percent of their diet caribou meat for over 30 years, their experience might have some relevance to our problem in Alaska. Ordering a carload of caribou meat as a publicity gimmick is not going to solve anything at all and it is distressing to have a reputable scientist suggest such a thing. It is not only distressing, it is perhaps contrary to law. It is illegal, under Alaska State law, to transport, sell, offer to sell, purchase or offer to purchase caribou except according to State regulation. Fish and game officials might well wish to keep watch on Dr. Hungate's activities.

Lastly and incredibly, this scientist is quoted as saying "repeatedly," that evidence had not shown that radiation caused bad effects, and the scientist said they had fed animals large amounts of radiation for the last 3 years and had noticed an increased ability at survival. He indicated the radiation had helped cause mutations and that mutations had been necessary in the evolution of man.

This defies comment.

Many a good laboratory mouse and monkey have endured the suffering imposed by leukemia and cancer; many a fruit fly and mouse have given birth to monstrous mutations in the process of proving to scientists and nonscientists alike that radiation is not good for you. Exposure to radiation is harmful. Exposure to more radiation is more harmful.

It is absurd to imply otherwise.

In a letter dated January 11, 1965, Paul Tompkins, Executive Director of the Federal Radiation Council explaining the basis on which our Government formulated its guides made clear that our policy is predicated upon the harmfulness of radiation exposure. The guides, he said, took into account available scientific estimates of the risks of exposure. Tompkins gave as an example of this:

> The United Nations report expresses its estimate of the radiation risk associated with exposure of the thyroid in the dose range of 100 to 300 rads as about one case (of cancer) per year per rad per million exposed individuals averaged over a period of approximately 16 years following irradiation.

Cancer is not good for you; nor is radiation exposure.

The Alaska speech which I have referred to was written by Dr. Hungate himself. The article to which I have referred was based on a lengthy interview. It was written by a Fairbanks reporter. Dr. Hungate insisted that he be allowed to edit the reporter's copy before it went to press. And edit it he did, extensively. Although I have read both the original and printed versions of the story, I have limited my comments to the less extreme printed version.

Dr. Hungate, alas, is not alone in misleading the public and public officials. Other scientists have done the same. Ultimately, the problems of fallout and what do do about them become a matter of public policy. Any sort of nuclear reactor or nuclear weapons test involves a certain degree of risk. The benefits resulting from the reactor or the test must be weighed against the genetic and somatic risks resulting from radiation exposure. Determining what these risks are and determining where the proper balance should be are immensely difficult and subtle problems. Ultimately, it is the Government and the Federal officials who head our Government who must make these determinations. To do so responsibly they need the best judgment and advice and the most honest presentation of the facts and evidence that scientists and science can give. Anything less is unacceptable.

AT LAST, AN ACTION GUIDE?

In May of this year the Federal Radiation Council released its staff report No. 7 setting for the first time protective action guides for strontium 89, strontium 90 and cesium 137. These perhaps are supposed to have specific applicability to fallout situations. The Council has always taken an ambivalent position on the applicability of the old radiation protection guide to fallout. When the protection guides were first released in 1960, these were to apply to "normal peacetime operations" and most observers assumed they would apply to the normal weapons testing which had been underway for 15 years. Two years after the proclamation of the radiation protection guides, in 1962, it was announced that they did not necessarily apply to fallout and yet both the Federal Radiation Council and other interested groups continued to make reference to them in discussing fallout levels because there was nothing else to refer to. For example, the Atomic Energy Commission, in a letter to me May 6, 1963, used the radiation protection guide throughout in analyzing the extent of the contamination in the Arctic:

> We then calculate from the data in TID-17226 how many pounds per day of caribou meat an Eskimo might eat and still stay within this range of the radiation protection guide, * * *.

In an attempt to end the confusion over the applicability or nonapplicability to fallout of the radiation protection guides, the Council has now come up with something called the protective action guides. Basically, these are designed to indicate what levels of contamination must be reached before countermeasures are brought into play and how these countermeasures are to be applied.

Unfortunately, the action guides have only added to the confusion. The subject is so complex, the dangers so subtle, our knowledge so inadequate that the Council has played it safe by cloaking its directives in swards of qualifying ifs, ands, and buts. The Council avoids saying flat out that when protective action levels are reached, protective action should be taken. The Council does not say who should make the decision to apply the protective action or by whom the action should be taken. It does nothing to clear up the overlapping jurisdictions of State, local and Federal public health authorities.

The Council specifically says that the action guides apply to "release of radioactive materials from nuclear weapons," and seems to direct most of its attention to potential contamination problems caused by fallout or the accidental venting of underground nuclear tests. Yet, when it comes right down to applying the action guides to fallout, it shies away:

> The Protective Action Guide is based on the assumption that the occurrence, in a particular area, of environmental contamination that would require protective action is an unlikely event. Circumstances that involve either repetitive occurrence or in which there appears a substantial probability or recurrence within a period of 1 or 2 years would require special consideration.

Obviously then "special consideration," undefined, will be required whenever the fallout contamination reaches protective action levels—for fallout and venting are repetitive and recurring.

If the protective action guides were prepared on the basis of new knowledge of the effects of radioactive contamination, the Council has kept this knowledge a secret. If no new knowledge is involved, the Council has apparently decided that unspecified "economic, political, or other considerations of national welfare" justify increasing by twentyfold the acceptable radiation risks to which Americans may be exposed.

This is a justification I would like to know more about.

This, of course, is not the first time that the levels of acceptability have been raised. In 1960, the maximum permissible concentration of strontium 90 was 33 micromicrocuries per liter in conformance with standards set by the International Commission on Radiological Protection. In 1962, after the largest series of weapons tests in the history of man, and with a resulting substantial increase in strontium fallout, our Government raised the levels of tolerability from 33 to 200.

Now, apparently, they are to be raised again.

The inevitable conclusion to be drawn from this is that acceptable levels of fallout contamination are determined largely on the basis of how much fallout is unavoidable in the maintenance of our military and industrial progress and how high the acceptable levels must be drawn to avoid applying counter measures which might arouse the people to the hazards which this progress is exposing them to.

This continued raising of the levels of tolerability taken together with the extreme reluctance of official sources to so much as talk, let alone apply countermeasures, only shows how far we have come from the first report of the Federal Radiation Council which emphasized that "every effort should be made to encourage the maintenance of doses as far below" the guide limits as possible.

The Radiation Council has given particular attention, in its latest report, to the contamination of the Arctic food chain by fallout. The Council concedes the inapplicability of the new protective action guides to the continuing and increasing buildup of radionuclides in the food chain. Instead, the Council turns back to the radiation protection guides in evaluating the extent of the contamination—even though these were said in 1962 not to apply to fallout conditions.

Although the radiation protection guide sets a body burden of 3,000 nanocuries of cesium 137 as acceptable for an individual, it reduces substantially the amount allowed for population groups so as to allow for individual extremes within the group. The permissible dose of cesium 137 for population groups is 1,000 nanocuries. As we have seen, in the summer of 1964, the average body burden at Anaktuvuk of a carefully measured group of 40 people was 1,330 nanocuries. In spite of this, the Federal Radiation Council's latest report speaks of average doses for adults in this village as being less than one-third the radiation protection guide.

Certainly it is true that the year-round annual dose would be less than the summer measurement. Dose rates during the summer are thought to be at their highest. Measurements are now being taken on a quarterly basis and the July figures have always so far been the highest. Even so, it is difficult to see how the average annual dose could be as low as one-third the radiation protection guide as claimed by the Radiation Council. The Radiation Council also claims that the annual dose to individual Eskimos having the highest body burdens was slightly more than one-half the radiation protection guide of 3,000 nanocuries for individuals. It has been reported to me that the highest body burden found in July 1964 was 3,000 nanocuries. It is difficult to see how the year-round average for this man could be but one-half the radiation protection guide.

The Council, in its comments on the Alaska situation, does not say what should be done as Arctic rates climb. It does not say what the cumulative effect is of cesium and strontium doses.

The Council says only that:

> Surveillance and research programs examining the special ecological situations in the Arctic region (should) continue until future trends can be predicted with greater confidence.

This is not enough.

In an important speech on the Senate floor the junior Senator from New York [Mr. KENNEDY], recently said that at least 18 nations would be in a position to develop nuclear weapons within the next 3 years.

The history of nations makes clear that if a country can build a better bomb it will do so.

The history of treaties makes clear that sooner or later most are broken.

Although I pray that the test ban treaty will not be broken, it is important that we plan for such a contingency in public health terms as well as military terms.

There has not been been a major series of weapons tests in the atmosphere for 3 years. Even so, not all of the fallout released into the air has come to earth. The remaining poisons are still drifting about the skies settling to earth.

Last year no one expected the contamination rates in the Arctic to double as they did.

The year before no one expected that they would increase by 50 percent as they did.

Who can say what the levels will be this year or next year or the year after?

Who can say that the great powers will not resume their testing at some dreadful day in the future?

Who can say that all 18 or 28 or 128 nations will not begin weapons tests of their own?

We spend over $7 billion a year developing and perfecting our nuclear weapons and their delivery systems. This year we are spending but $20 million on radiological health. It is not enough.

We talk a great deal about pollution; pollution of our air, our water, and our land.

This is a pollution far more dangerous, far more important—the pollution of our inheritance, the mutation of our genes. The effects, both genetic and somatic, of radioactive fallout are so subtle and yet so vital that it is foolishness itself to continue our research efforts at their present penny ante level.

We must step up our research on radiation, especially in the Arctic.

We must step up our radiation monitoring and surveillance, especially in the Arctic.

We must step up our study of radiation countermeasures, especially in the Arctic.

And we must insist that the responsibility for the development of countermeasures and the research on the somatic and genetic effects of radiation exposure be separated completely, totally from the responsibility for the development of our nuclear armory. These responsibilities, the men and the money assigned to them, must be separated into independent and distinct agencies each with its own and sufficient scientific capability. Sound administrative and managerial reasons suggest such a separation. Sound humanitarian reasons require it.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HART. Mr. President, if there is no further business to be transacted, I move, in accordance with the order heretofore entered, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 19 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Wednesday, August 4, 1965, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, August 3, 1965:

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general, subject to qualification therefor as provided by law:

Wallace H. Robinson, Jr.
Virgil W. Banning
Earl E. Anderson
Michael P. Ryan
Frank E. Garretson

THE JUDICIARY

Edward M. McEntee, of Rhode Island, to be U.S. circuit judge, first circuit, vice Peter Woodbury, retired.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 3, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D. prefaced his prayer with these words of Scripture: Isaiah 32: 17: *The work of righteousness shall be peace and the effect of righteousness, quietness and assurance forever.*

Eternal God, our help in ages past, and our hope in years to come, we beseech Thee to have mercy upon mankind in its blindness and bitterness, its contention and confusion.

Fill us with a wise and just understanding, a brotherly kindness and love, and deliver humanity from the bondage of hatred and anger and fear, its spirit of rancor and revenge.

Temper the minds of men with some finer essence of forbearance and forgiveness and may we know how to rightly interpret the moral order of the world and Thy divine will for us.

Help us to reorder our thought and living so that reason, sanity, and good will shall prevail everywhere and may we believe that peace is not only possible but inevitable. Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On July 21, 1965:

H.R. 3638. An act for the relief of Robert O. Overton, Marjorie C. Overton, and Sally Eitel;

H.R. 5306. An act to continue the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors; and

H.R. 7847. An act to amend the Small Business Act.

On July 24, 1965:

H.R. 225. An act to amend chapter 1 of title 38, United States Code, and incorporate therein specific statutory authority for the presidential memorial certificate program;

H.R. 4185. An act to fix the fees payable to the Patent Office, and for other purposes;

H.R. 5246. An act to amend sections 20a and 214 of the Interstate Commerce Act; and

H.R. 9497. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1966.

On July 27, 1965:

H.R. 4526. An act to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional 5 years, ending September 7, 1970;

H.R. 5041. An act to provide for safety regulation of common carriers by pipeline under the jurisdiction of the Interstate Commerce Commission, and for other purposes;

H.R. 5242. An act to amend paragraph (10) of section 5 of the Interstate Commerce Act so as to change the basis for determining whether a proposed unification or acquisition of control comes within the exemption provided for by such paragraph; and

H.R. 8775. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1966, and for other purposes.

On July 28, 1965:

H.R. 3625. An act for the relief of Alfred Estrada.

On July 30, 1965:

H.R. 1217. An act for relief of Capt. Paul W. Oberdorfer;

H.R. 1374. An act for the relief of CWO Elden R. Comer;

H.R. 1487. An act for the relief of Maj. Kenneth F. Coykendall, U.S. Army;

H.R. 1889. An act for the relief of Albert Marks;

H.R. 2881. An act for the relief of George A. Grabert;

H.R. 2913. An act for the relief of Lt. Thomas A. Farrell, U.S. Navy, and others;

H.R. 6675. An act to provide a hospital insurance program for the aged under the Social Security Act with a supplementary medical benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes;

H.R. 8484. An act to amend section 2634 of title 10, United States Code, relating to the transportation of privately owned motor vehicles of members of the Armed Forces on a change of permanent station;

H.R. 8720. An act to amend the Organic Act of Guam to provide for the payment of legislative salaries and expenses by the government of Guam;

H.R. 8721. An act to amend the Revised Organic Act of the Virgin Islands to provide for the payment of legislative salaries and expenses by the government of the Virgin Islands; and

H.J. Res. 591. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees, with an amendment, to the amendments of the House to a bill of the Senate of the following title:

S. 893. An act to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

VOTING RIGHTS

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (REPT. NO. 711)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1564) to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the substantive provisions of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act shall be known as the 'Voting Rights Act of 1965'.

"SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

"SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided,* That the court need not authorize the appointment of examiners of any incidents of denial or abridgment of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

"(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

"(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

"SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided,* That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

"An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subjection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

"If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

"(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

"A determination or certification of the Attorney General or of the Director of the Census under this section or under section

6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

"(c) The phrase "test or device" shall means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

"(d) for purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonably probability of their recurrence in the future.

"(e)(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

"(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

"SEC. 5. Wherever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

"SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3 (a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed,. compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

"SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

"(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

"(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

"(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

"SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

"SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

"(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

"(c) Upon the request of the applicant or the challenger or on its own motion the

Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate state interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

"(b) In the exercise of the powers of Congress under Section 5 of the Fourteenth Amendment and Section 2 of the Fifteenth Amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against states or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

"(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

"SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

"(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however*, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commisioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

"(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11 (a) or (b), shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11 (a) or (b) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

"(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act, any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

"(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

"SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

"SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

"(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

"(c)(1) The term 'vote' or 'voting' shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

"(2) The term 'political subdivision' shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

"(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

"SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

"(a) Delete the word 'Federal' wherever it appears in subsections (a) and (c);

"(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

"SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

"SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

"SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

"SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

And the House agree to the same.

The House recede from its amendment to the title of the bill and agree to the same.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
HAROLD D. DONOHUE,
WILLIAM M. MCCULLOCH,
WILLIAM C. CRAMER,
Managers on the Part of the House.
THOMAS J. DODD,
PHILIP A. HART,
EDWARD V. LONG,
EVERETT M. DIRKSEN,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House passed H.R. 6400 and then substituted the provisions it had adopted by striking out all after the enacting clause and inserting all of its provisions in S. 1564. The Senate insisted upon its version and requested a conference; the House then agreed to the conference. The House also amended the title of the bill, which was not necessary.

The conference report recommends that the Senate recede from its disagreement to the House amendment to the substantive provisions of the bill and agree to the same with an amendment, the amendment being to insert in lieu of the matter inserted by the House amendment the matter agreed to by the conferees, and that the House agree thereto.

The House recedes from its amendment to the title and agrees to the Senate version.

The conference report contains substantially the language of the House amendments with certain exceptions which are explained below.

Sections 1 and 2 of the House and Senate bills were not in disagreement.

Section 3 differed in the House and Senate bills in several respects:

(a) The Senate version authorizes a court to suspend all tests and devices rather than only the particular test found to have been administered, discriminatorily. The House version authorizes suspension only of such test or device found to have been used to discriminate. The conference report adopts the Senate version.

(b) The House bill, but not the Senate bill, provides for suspension of tests and devices where such tests or devices have been used for the purpose "or with the effect" of discriminating. The House version was adopted.

(c) The conference report adopts the House version which does not qualify, as the Senate bill does, the duration of suspension of tests or devices.

(d) The House version respecting the court-imposed moratorium on new voting laws was adopted in lieu of the Senate provision requiring that the court order the submission of new voting laws to the Attorney General.

(e) The conference report adopts the language of the Senate bill providing that a declaratory judgment approving the use of a new voting requirement will not bar a subsequent lawsuit to enjoin the use of such a requirement.

With these exceptions and a minor clarification, the conference report adopts the House version of section 3.

Section 4 of the House and Senate bills differed in two important respects, namely, the so-called escape provision (sec. 4(a), and the formula for automatic suspension of tests and devices (sec. 4(b)). The Senate bill suspends tests and devices until (1) the effects of discrimination have been effectively corrected, and (2) there is no reasonable cause to believe that any test or device will be used for the purpose or with the effect of discriminating. The House bill establishes an absolute bar to the lifting of the suspension of tests and devices for 5 years after the entry of a judgment finding that discrimination had occurred within the territory of the State or subdivision. The Senate receded, and the conference report adopts the language of the House bill with a technical amendment.

The formula for suspending tests or devices contained in the House bill requires that there shall have been a test or device in use in November 1964 and that fewer than 50 percent of the voting age population voted or were registered in the presidential election of 1964. The Senate version adds the requirement that 20 percent of the population shall have been nonwhite according to the 1960 census. In addition, the Senate version alternatively provides that where less than 25 percent of the nonwhite population in any State or subdivision are registered to vote, tests or devices are suspended. The Senate receded, and the conference report adopts the language of the House bill with a minor technical change.

Section 4(c) of the House and Senate bills was not in disagreement.

Section 4(d) of the House and Senate bills is substantially identical except for a grammatical difference. The conference report adopts the House version.

Section 4(e) of the Senate bill has no equivalent in the House bill. It allows a prospective voter to qualify with respect to literacy, without taking a literacy test, by demonstrating that he has completed the sixth grade, or whatever grade the State requires, in a school under the American flag conducted in a language other than English. The conference report adopts this provision.

Section 5 of the House bill is similar to the Senate bill, except that the Senate version provides that a declaratory judgment approving the use of a new voting requirement will not bar a subsequent lawsuit to enjoin the use of such a requirement. The conference report adopts the House version with a clarifying amendment and with the Senate provision described above.

Section 6 of the House and Senate bills is substantially identical. The Senate bill requires, however, that examiners shall "to the extent practicable be residents" of the State in which they are to serve. The Senate receded and the conference report adopts the language of the House version of section 6 with a clarifying amendment.

Section 7(a) of the House and Senate bills differs in that the Senate bill permits the Attorney General to require that an applicant for listing allege that he had applied for registration to the State registrar within the preceding 90 days. The conference report adopts the House version, omitting the Senate provision.

Section 7(b) of the House version is retained in the conference report except that the Senate provision requiring State or local officials to place the names of listed persons on the official voting list is adopted. Additional clarifying language contained in the Senate version is added to sections 7 (a) and (b) in the conference report.

Section 7 (c) and (d) of the House and Senate bills were not in disagreement.

Section 8 of the House bill and section 10 of the Senate bill relate to the appointment of election observers. The Senate version provides for both judicial, as well as administrative, appointments of observers. The House version provides only for administrative appointment. In addition, the Senate version provides for administrative appointment of observers by the Attorney General, while the House version empowers the Civil Service Commission to assign such persons. In the conference report, both the House and the Senate agree to language incorporating certain requirements of both bills. Thus, the Senate receded from the provision for judicial appointment of observers, and the House provision authorizing appointment of observers by the Civil Service Commission was adopted.

Except for technical differences, section 9 of the House bill and its equivalent, section 8 of the Senate bill, are identical. The conference report adopts the House version of section 9 with certain clarifying language contained in the Senate bill.

Section 10 of the House bill is the equivalent of section 9 of the Senate bill. The House bill contains a ban on poll taxes. The Senate bill directs the Attorney General to sue to invalidate the poll tax in States where the tax has the purpose or effect of denying or abridging the right to vote. Both the House and the Senate receded from the poll tax provision in their respective bills. The conference report adopts a substitute provision which rephrases the findings of Congress in subsection (a) and contains a congressional declaration that by the requirement of the payment of a poll tax the right of citizens to vote is denied or abridged, and makes clear, in subsection (b), that the Congress is acting under the authority of section 5 of the 14th amendment and section 2 of the 15th amendment to the Constitution. The remaining subsections (c) and (d) are practically identical to the Senate version.

Section 11(a) of the Senate and House bills prohibits denials of the right to vote with respect to those who are entitled to vote under the Act. In addition, the House bill prohibits denials of the right to vote to persons who are "otherwise qualified to vote." The Senate receded and the conference report adopts the language of the House bill.

Section 11(b) of the House bill prohibits, whereas the Senate bill does not, intimidation of a person "for urging or aiding" any person to vote. The Senate receded and the conference report adopts the House version with the addition of certain clarifying language.

Section 11(c) of the House bill is the equivalent of section 14(d) of the Senate bill. The two versions are substantially identical. The conference report adopts section 11(c) in the House bill with an amendment to include the election of the Resident Commissioner of the Commonwealth of Puerto Rico within the scope of the section.

Section 11(d) of the conference report contains the language of section 14(d) of the House bill prohibiting false or fraudulent statements to an examiner or hearing officer. There was no equivalent provision in the Senate bill.

Sections 12 (a), (b), and (c) of the House and Senate bills, providing penalties for violations of the act, are identical except that in sections 12 (a) and (c) the Senate version applies to deprivations or conspiracies done "willfully and knowingly". In section 12(b), the Senate version applies to prohibited activities committed "fraudulently". The House version contains no similar qualifications. The Senate receded and the conference report adopts the House version of sections 12 (a), (b), and (c) together with certain technical and clarifying amendments.

Section 12(d) in the House and Senate bills was not in disagreement.

Section 12(e) in the House and Senate bills differs in several respects:

(a) Under the Senate version the time limit for an allegation to an examiner of denial of the right to vote is 24 hours; under the House version it is 48 hours. The Senate receded, and the conference report adopts the House version.

(b) A report by the examiner (if the allegation is well founded) is to be made to the U.S. attorney under the Senate version; it is to be made to the Attorney General under the House version. The Senate receded, and the conference report adopts the House version.

(c) Under the Senate version, application to the court must be made within 72 hours by the Attorney General rather than "forthwith" as in the House version. The Senate receded, and the conference report adopts the House version.

(d) Under the House version, the court is required to issue an order temporarily restraining the issuance of any certificate of election prior to a hearing on the merits. The related Senate provision leaves the court discretion to stay election results. The House receded and in lieu of the two-step proceeding contained in the House version, the conference report adopts the Senate language providing for a single proceeding wherein a court would retain the discretionary power to hold election results in abeyance. The conference report also adopts certain grammatical differences contained in the Senate version of section 12(e).

Section 12(f) in the House and Senate bills was not in disagreement.

Section 13 of the House and Senate bills both provide for the removal of examiners and termination of listing procedures by petition to the Attorney General, or to the authorizing court with respect to examiners appointed under section 3(a). In addition, the Senate version permits a political subdivision to seek, through court action in the District Court for the District of Columbia, the termination of listing procedures when more than 50 percent of the nonwhite voting age population is registered, and (1) all persons listed have been placed on the appropriate voting list, and (2) there is no reasonable cause to believe that there will be denials of the right to vote. The conference report adopts the additional Senate provision with certain technical amendments.

Section 14 of the House and Senate bills was not in substantial disagreement. The conference report adopts certain clarifying language in sections 14 (b) and (c) contained in the Senate version. Section 14(c)(1) of the House bill includes as part of the definition of "vote," whereas the Senate bill does not, voting in elections for candidates for "party" office. The Senate receded and the conference report adopts the House version. In addition, section 14(e) of the Senate version, permitting the District Court for the District of Columbia to issue subpenas beyond the 100-mile limit, for which there was no equivalent provision in the House bill, was adopted in the conference report. Except for these additions from the Senate version, the conference report adopts the House version of section 14.

There is no equivalent in the Senate bill to the House version of section 15. This section amends title I of the Civil Rights Act of 1964 by striking out all limiting references therein to "Federal" elections. The Senate receded and the conference report adopts the House provision.

There is no equivalent in the House bill to the Senate version of section 16. This section provides for a joint study by the Attorney General and the Secretary of Defense of voting discrimination against members of the armed forces. The House receded and the conference report adopts the Senate provision.

Section 16 of the House bill which provides that nothing in the Act should be construed to impair the right to vote of any person registered under the law of any State or political subdivision has no equivalent in the Senate bill. The conference report adopts this provision, renumbered as section 17.

Section 17 of the House bill is the equivalent of section 15 of the Senate bill. They provide for appropriations. Section 18 of the House bill is equivalent to section 17 of the Senate bill and they provide for severability. These provisions were not in disagreement. They have been renumbered sections 18 and 19, respectively, in the conference report.

Section 18 of the Senate bill provides a temporary exemption from the appointment of examiners and is related to the alternative formula contained in section 4(b) of the Senate bill which the conference report does not adopt. It has no equivalent in the House bill. The Senate receded and the conference report omits this provision.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
HAROLD D. DONOHUE,
WILLIAM M. MCCULLOCH,
WILLIAM C. CRAMER,
Managers on the Part of the House.

CALL OF THE HOUSE

Mr. CONTE. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 217]

Ashley
Battin
Berry
Bingham
Bonner
Cabell
Cahill
Callan
Carey
Colmer
Fraser
Green, Oreg.
Holifield
Hosmer
Jones, Mo.
Keogh
Laird
Lindsay
Long, Md.
McMillan
Martin, Mass.
Morgan
Morton
Nelsen
Powell
Rivers, Alaska
Roncalio
Taylor
Toll
Vanik
Walker, Miss.
Watts
Williams
Wright

The SPEAKER. On this rollcall 401 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1966

Mr. RIVERS of South Carolina submitted a conference report and statement on the bill (H.R. 8439) to authorize certain construction at military installations, and for other purposes.

VOTING RIGHTS

Mr. CELLER. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. McCULLOCH. Mr. Speaker, I thank the gentleman.

Mr. CELLER. Mr. Speaker, one of the more arduous tasks in Congress is that of a conferee. He must seek to reconcile differences in the bill as passed by both Houses. He must try reasonably to preserve the position taken of the Chamber he represents—but only up to a certain point. He dare not persist in such a way as to bring disbandonment of the conference, and thus inaction. Stalemate, to be resolved, ofttimes requires parry and thrust, give and take—in short, compromise.

The conferees met numerous times. The differences were many, wide, and deep. Mutual concession was essential otherwise there would have been no report and there would have been no bill.

Edmund Burke said in his speech on conciliation with the colonies:

> All government, indeed every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter.

THE UNIVERSITY OF MICHIGAN LIBRARIES

So, Mr. Speaker, we compromised. This report is the result of compromise.

In view of the crisis impending on civil rights and the need to act promptly so that the Federal Government be empowered to set up machinery to enable nonwhites to register and to be free to vote in any election, and because the bill represents a long overdue movement toward genuine democracy, we found it prudent to compromise. In the language of President Johnson, we came to a consensus. The alternative would have been failure.

Some may object to some provisions of the conference report. It is exceedingly difficult to undertake to please everyone—try to please all, and you please none. The members of the conference committee on the House side got much of that which we sought. We had to yield, of course, in some instances.

We prevailed, for example, with reference to the "triggering" formula, a very important provision in the bill. The other body differed with us in that regard. The conference report adopts the House formula for suspending tests and devices, namely, that there was a test or device in use in November 1964, and that fewer than 50 percent of the population of voting age voted in the presidential election of 1964. The Senate version which added the requirement that 20 percent of the population be nonwhite was not adopted.

In addition, the Senate version containing an alternative method for suspending tests or devices, namely, that less than 25 percent of the nonwhite population was registered, also was not adopted. I would say that that was a very decided victory for the conferees on the part of the House.

As to the escape provisions of the bill. The conference report adopted the House version of the escape provision which requires a 5-year cooling off period. The House version sets up a bar to the lifting of the suspension of tests or devices for 5 years after the entry of a judgment finding that discrimination had occurred within the State or political subdivision covered under the formula.

The Senate version had a much weaker provision in this regard. The House conferees felt that a number of these States had been derelict in this regard for almost 100 years and it was essential that a reasonable period be set up for redemption, as it were; and 5 years, the conferees all agreed, was reasonable. That again was a victory for the House conferees.

Both the House and Senate bill prohibit denials of the right to vote with respect to those who are entitled to vote under the act.

In addition, the conference report adopted the House version prohibiting denials of the right to vote to persons "otherwise qualified to vote." The Senate version did not extend this protection. In other words, if a person is registered to vote under State law, his right to vote is protected under Federal law from denials by State officials. The conference report adopts the House version prohibiting intimidation of a person for urging or aiding any person to vote. The Senate bill did not contain this protection for registration workers. This is a highly important provision and the House side prevailed in that regard.

As to the so-called 90-day requirement, the conference report adopts the House version.

The conference report adopts the House version by omitting any authority for the Attorney General to require that an applicant for registration before a Federal examiner allege that he had applied for registration to a State registrar within the preceding 90 days. In other words, we do not compel the nonwhite to go back to the source which originally denied him the right to register or to vote. That would be placing him under obloquy once more. We believed it would be wrong thus to denigrate further the nonwhite.

The residence of examiners: The conference report adopts the House version and omits any requirement or preference that Federal examiners be residents of the State in which they are to serve. This matter is left to the discretion of the Civil Service Commission as provided in the House bill. We felt that if there were a command or preference that the examiners be residents of the State where they are to serve, they, taking on the color of their surroundings, might repeat what the State officials had done and thus perpetuate the mischief we are trying to eliminate. Thus we leave it to the Civil Service Commission, a nonpartisan body, a fair body, to determine whether or not the examiners shall or shall not be residents of the States where they are to serve, depending upon conditions to be determined by the Civil Service Commission.

Pockets of discrimination, section 3: The conference report adopts the House version respecting preclearance of new voting laws in lieu of the Senate provision requiring the court to order the submission of new voting laws to the Attorney General. The House version automatically provides for the submission of new laws to the Attorney General.

The conference report adopts, however, the Senate version authorizing a court to suspend all tests and devices rather than only the particular test or device found by the court in section 3 to have been discriminatorily administered. The House bill in this regard was more restricted, and we accepted the Senate provision.

Under section 4, of course, Members know all tests and devices are automatically suspended.

Party office: The conference report adopted the House definition of "vote," which includes voting in elections for candidates for "party" as well as public office.

"Willfully and knowingly" and "fraudulently": The conference report adopts the sanction provisions of the House bill without the qualifying and limiting phrases, "willfully and knowingly" and "fraudulently," which were contained in the Senate bill. These terms of the Senate bill would have hindered adequate enforcement of the measure.

The conference report provides, in accordance with the recommendation of the House conferees and the House bill, that the voting rights provisions of the 1964 Civil Rights Act be amended to make it apply to State and local as well as Federal elections.

The observer section: Observers are to be appointed by the Civil Service Commission as in the House version and not, as the Senate had it, by the Attorney General.

The so-called Puerto Rican amendment: The conference report adopts the Senate provision, for which there was no equivalent in the House bill. It allows a prospective voter to qualify with respect to literacy, without taking a literacy test, by demonstrating that he has completed the sixth grade, or whatever grade the States require, in a school under the American flag conducted in a language other than English. It is interesting to note that approximately 30 States have no literacy test.

Therefore, in general there is no requirement for the knowledge of English. In adopting this provision, which is firmly grounded in the equal protection clause of the 14th amendment, Congress would be finding that it is an arbitrary classification for a State to refuse to accept the American flag education of one of its citizens as evidence of his qualification to participate in the voting process.

The poll tax substitute provision: The conference report adopts the substitute poll tax provision which rephrases the findings of Congress and contains a congressional declaration that by the requirement of the payment of a poll tax the right of a citizen to vote is denied or abridged. This provision also contains the clear statement that the Congress is acting under the authority of section 5 of the 14th amendment and section 2 of the 15th amendment to the Constitution. Subsections (c) and (d) of this provision are practically identical to the Senate version except subsection (d) in the conference report provides—and this is very important—that tender of a poll tax for the current year, up to 45 days before an election, to the appropriate State or local officials—or, to a Federal examiner—in an area covered by the formula will satisfy poll tax requirements during the pendency of lawsuits to invalidate the poll tax.

Now, that means just this: During the pendency of a suit brought by the Attorney General, and thereafter for a period of times, where the court renders a decision that the poll tax is constitutional, then any individual, particularly a nonwhite, would not be deprived of his right to vote if he has paid his poll tax 45 days before the election for the current year. He would not have to pay any cumulative tax. Some States provide that the poll tax must be paid in January preceding the election. Other States have other onerous provisions with reference to the time of paying a poll tax. However, here we provide that if he pays his poll tax 45 days before the election, he shall have the right to vote.

The so-called Long-Boggs amendment: Both the House and Senate bills provide for the removal of examiners by petition to the Attorney General or to the authorizing court with respect to examiners appointed under section 3(a). In other words, both the House and Senate bills provided for removal of examiners. The conference report adds and adopts the additional Senate provision which permits a political subdivision to seek through court action in the District Court for the District of Columbia the removal of examiners when more than 50 percent of the nonwhite voting age population is registered and, in addition, first, all persons listed have been placed on the appropriate voting list and second, there is no reasonable cause to believe that there will be denials of the right to vote.

This provision does not affect the so-called automatic trigger. It does not stay the operation of the bill. It does not prevent the appointment of examiners. It comes into play only after the examiners have been appointed. In the House version examiners could be removed from the political subdivision by the Attorney General or by the court when you have two conditions present:

First. All persons listed have been placed on the appropriate voting list.

Second. There is no reasonable cause to believe there will be denial of the right to vote.

We add another way to terminate listing procedures under the bill. Access is provided to the political subdivision in question to the court of the District of Columbia where a minimum of 50 percent of the nonwhites have been registered and those two provisions that I have just read are established to the satisfaction of the court.

So that in general I would say, as I said before, we have a very strong bill. We have an adequate bill. We have a bill we may well be proud of. Of course, we did not get everything that we hoped for. You cannot get everything you hope for when you deal with the other body or when the other body deals with us. As I said before, it was a case of give and take, weighing the equities against the inequities, weighing the give as against the take. I think we got more out of the conference than the Senate conferees got out of it. For all these reasons I do hope the conference report will be overwhelmingly adopted.

Mr. **McCULLOCH**. Mr. Speaker I listened as best I could to the distinguished chairman of the Judiciary Committee in his summary report of the activities and final decision of the conference committee, and I wish to compliment him on the accuracy of his report.

Mr. Speaker, I joined in signing the conference committee report, but I did so with some reluctance and with much regret.

Mr. Speaker, I do not like to engage in a discussion of who has done what and who has been most helpful in writing civil rights legislation in the United States. But in view of what has been said in some high places, I think it is proper to say a few accurate words for the record. There have been few, if any Members of Congress who have given more of their time and ability to this question that the Member from the Fourth Congressional District of Ohio. I am content to let the record tell the story.

Mr. Speaker, one of the things in the conference committee report of which I have misgivings is that provision which nullifies or seeks to nullify by statute a qualification to vote enacted by the State of New York, and which has been on the statute books of that State for more than 40 years. That qualification in the New York law requires a voting citizen in New York to be able to read and write English. Mr. Speaker, this is an English-speaking Nation. Mr. Speaker, English is the official language of our country. I ask the Members of the House and I ask the people of this country, what is wrong with a law requiring citizens to read and write English, before being eligible to vote, when such law is never used to deny or abridge the right to vote by reason of race or color?

Mr. Speaker, as late as 1960, and not longer than 1957 the House and the Senate wrote into the statutory law of the land that jurors serving in cases growing out of civil rights legislation of that year must have the ability to read, write, and understand the English language.

Furthermore, Mr. Speaker, our immigration and naturalization laws require that no citizen of another land may be naturalized in America unless and until he or she can read and write the English language. Yet, with one bold stroke by legislative enactment, we strike down the law of New York which was enacted pursuant to the Constitution of the United States.

Mr. Speaker, as late as 1961 this question was raised in the Federal courts of New York, and by a decision of a three-judge Federal court it was held that New York's law was constitutional. The case was not taken to the Court of Appeals or to the Supreme Court.

Mr. Speaker, if there be a single provision in the Voting Rights Act of 1965. which may be unconstitutional, it is the provision that strikes down the law of the State of New York. You see no charge that such law has been used to deny or abridge the right to vote by reason of race or color.

Mr. Speaker, it is well within the constitutional power of every State to require literacy in the English language as a condition precedent to the right to vote.

The establishment of State and local standards has been held to be within the authority of the States and not subject to Federal supervision—*Guinn* v. *U.S.*, 238 U.S. 347 (1915)—unless as such legislation violates either the 14th and 15th amendments—*Breedlove* v. *Suttles*, 302 U.S. 277 (1937). Payment of a poll tax, residence within a State for a designated period of time, absence of criminal conduct, and the passing of a literacy test have all been held to be constitutionally valid State requirements.

In the legislation before us, it is true that State and local standards of voter eligibility are suspended, but only where discrimination against a portion of the State's population has occurred in violation of the mandate of another provision of the Constitution. But, through this amendment, rejected by this body only a few weeks ago, we are striking down the constitutional power granted to the States—article I, section 2 and the 17th amendment—to establish voter qualifications without even attempting to rationally base it on a constitutional attack against discrimination, denial of equal protection of the laws, or violation of any other provision of the Constitution.

The proponents of the Puerto Rican amendment cite the 14th and 15th amendments to the Constitution as the basis for its validity.

However, the case which looked to the validity of the New York requirement of literacy in English, *Commancho* v. *Rogers* (tried in the New York State courts and finally in a three-judge Federal district court—199 F. Supp. 155 (1961)—denied the validity of these arguments.

First. It is true that the equal protection clause of the 14th amendment prohibits the State from treating people in the same circumstances differently. But a State law requiring literacy in the English language does not distinguish between people similarly situated; it applies equally to all people in the same circumstances. As the district court said in Commancho:

> The literacy requirement is applicable to all citizens of New York without regard to race, creed, color or sex. No charge is made that the test is improperly given or its contents unfair. The test is equally and fairly applied to all who take it. Plaintiff has not been denied the equal protection of the laws nor has he been deprived of his life, liberty, or property, in violation of the 14th amendment. *Lassiter* v. *Northampton Co. Board of Elections*, supra; *Trudeau* v. *Barnes*, supra.

Second. In reviewing the applicability of the 15th amendment, which provides that neither the States nor the Federal Government shall deny or abridge the right of any person to vote on account of race or color, the court in Commancho said in response to the plaintiff who had claimed that he had been denied the right to vote because of his Puerto Rican ancestry:

> Because the plaintiff is unable to vote as a result of his inability to pass the test, it does not follow that the plaintiff is being discriminated against. The 15th amendment was not designed to protect against the claim of this plaintiff. He is not being denied the right to vote because of race, creed, or color, but because of his illiteracy in the English language.

The Supreme Court of the United States said in *Lassiter* v. *Northampton Co. Board of Elections*, 360 U.S. 45, 79 (1959):

> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record—are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world

THE UNIVERSITY OF MICHIGAN LIBRARIES

> show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

While this decision looked only to that portion of the North Carolina statute which called for a literacy test and did not address itself to the requirement that it be in the English language, it is appropriate in case of individuals literate only in a foreign language. Citizens trained in a language other than English in American-flag schools are no different than children born in the United States who are taken from this country in their childhood and who return later, literate only in a language other than English. If the proponents are to be consistent, must they not allow such persons to vote, also?

A State law requiring its electorate to be literate in the English language does not create an unreasonable classification of its citizens. In addition to the necessity of being able to read a broad variety of current publications and to understand the language used on radio and TV in order to understand the campaign issues, it is reasonable to expect that a voter be able to read the language used in the voting system itself.

In the next statewide election in New York, there will be at least 20 special issues printed on the ballot for acceptance or rejection by the voters. These issues will be printed in English, along with the titles of offices to be filled and the written directions for the procedure to be used in marking the ballot or operating the voting machine. How can the voter there function intelligently if he is illiterate in the English language? That he cannot do so is the best evidence that an English literacy requirement is not an unreasonable exercise of State powers.

Would the proponents of this legislation suggest that State standards, which require that one must be of a minimum age before is is eligible to vote, constitute a denial of equal protection of the laws? I have never heard such a proposal seriously offered.

Yet what distinction can be validly made between a minimum age requirement and a minimum literacy requirement in the English language? Both apply to all people without distinction in order to provide minimum standards for a qualified and responsive electorate.

I believe that some of us are under the impression that this amendment will affect only the State of New York. While it is true that New York has, perhaps, more residents who will be affected by this amendment than any other State, you should know that there are 13 other States that require the ability to read and/or write the English language.

The States which have such requirements are: Alabama, Alaska, California, Connecticut, Delaware, Georgia, Hawaii, Louisiana, Maine, Massachusetts, New Hampshire, New York, North Carolina, Oregon, and Washington.

It is my opinion that the McCulloch amendment is consistent with existing Federal law, for it would deny the right of the States to require that which the Federal Government requires in the Immigration and National Act. I quote from the act:

> REQUIREMENTS AS TO UNDERSTANDING THE ENGLISH LANGUAGE, HISTORY, PRINCIPLES, AND FORM OF GOVERNMENT OF THE UNITED STATES
>
> SEC. 312. No person except as otherwise provided in this title shall hereafter be nationalized as a citizen of the United States upon his own petition who cannot demonstrate—
>
> (1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language.

Furthermore this amendment is inconsistent in principle with a portion of the Civil Rights Act of 1957. In that law we amended section 1861 of title 28 United States Code, in regard to the qualifications of Federal jurors. There we provided that a citizen of the United States to be competent to serve as a grand or petit juror must be able to read, write, speak and understand the English language:

> SEC. 1861. QUALIFICATIONS OF FEDERAL JURORS
>
> Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless—
>
> (1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.
>
> (2) He is unable to read, write, speak, and understand the English language.
>
> (3) He is incapable, by reason of mental or physical infirmities to render efficient jury service. As amended September 9, 1957, Public Law 85–315, part V, section 152, 71 Stat. 638.

The motive of some people, Mr. Speaker, is purely political.

Finally, Mr. Speaker, the House, by a yea-and-nay vote of 216 to 202 wrote such provision into the law, which position was not sustained in the conference committee.

The second thing about which I have some misgivings in being one of the spokesmen for the House, is the abandonment of the decision of the House on the poll tax amendment.

Mr. Speaker, the Ford-McCulloch bill, and Mr. McCULLOCH as an individual before the Ford-McCulloch bill was written, attacked the poll tax which so few of us like and which I detest and which my State of Ohio has not had for half a century or more, if ever.

Mr. Speaker, in finding that the poll tax in many areas of the United States had been used as a weapon of discrimination solely by reason of color, we mandated the Attorney General of the United States to file complaints testing the validity of such poll taxes in such areas forthwith.

Mr. Speaker, that was my proposal, then. It is really my proposal, now, and for that reason I cannot frown upon it too much. However, the House conferees did not stand by the decision of the House on this important issue.

And, Mr. Speaker, there was the so-called Boggs-Long amendment. At the very outset I would like to say that I supported the Boggs amendment when it was offered on the floor of the House, but I supported it on the statement that the companion amendment, the Long amendment, had been adopted in the other body by the unanimous vote of 80 to 0. As a matter of fact, there was no head count in the Senate. While the vote was unanimous—and I want to be completely fair—there was no head count thereon. Furthermore, the chairman of the committee and the ranking Republican member were outvoted by a veto of 263 to 155 and the House conferees abandoned their position on that proposal notwithstanding that vote.

Mr. MATHIAS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Maryland.

Mr. MATHIAS. I thank the distinguished gentleman from Ohio for yielding because this point in the conference report is a significant one.

The House conferees yielded on this amendment. One of the cardinal reasons given was that this amendment differed from the Willis amendment which we considered in the Judiciary Committee where it was characterized as an amendment which would "gut the bill." I want to point out that the Long-Boggs amendment does differ from the so-called Willis amendment which we considered in the committee.

The Willis amendment, offered in an executive session of the House Judiciary Committee on May 4, 1965, and the Boggs-Long amendment, now incorporated in the voting rights bill agreed to by the House-Senate conference, are the same in basic intent. Both would give relief to a political subdivision that can meet a specified statistical test: a demonstration that a specific percentage of its nonwhite population is now registered or that a specific percentage was registered and voted in the last presidential election.

The Willis proposal would have added a new subsection (e) to section 4, the automatic triggering provision. Its effect would have been to allow a political subdivision, with respect to which the 50-percent test has been applied under section 4(b), to get relief from the bill if, when seeking a declaratory judgment under section 4(a), it could allege and prove: "that more than 40 percent of the nonwhite voting-age population was registered on November 1, 1964, and that more than 60 percent of such persons voted in the presidential election of 1964."

The Boggs-Long proposal is an amendment to section 13, the "termination of listing" section which was defeated in the House by a rollcall vote of 262 to 155, but adopted by the conferees. Its effect would be to bring a termination of listing procedures by the Federal examiners not only where the Attorney General has found: "that all persons listed have been placed on the voting rolls and, that there is no reasonable cause to believe that voter discrimination will continue," but additionally whenever "the District

Court for the District of Columbia in an action for a declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote," has found one and two above.

Section 13 is further amended in the conference report by adoption of the Boggs-Long amendment to authorize a political subdivision to "petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable."

The Willis amendment requires that statistical minimums for both registration and voting be met before the political subdivision escapes."

The Boggs-Long amendment inquires only as to the level of registration. Unlike the Willis amendment it does not look to statistics from the 1964 election, the basis for the automatic trigger from which relief is being sought for innocent subdivisions, but its relief can be effected at any time in the future when a political subdivision increases its registration of nonwhite voting age persons beyond the 50-percent level.

Thus, the Boggs-Long amendment would give a political subdivision the opportunity to apply self-help to extricate itself from the coverage of the bill by actively encouraging Negroes to register until the 50-percent level has been attained. On the other hand, such a political subdivision is still faced with sustaining the burden of proof "that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision"—section 13(a) (2).

But the exact point is this was an amendment upon which the House had given its judgment in forceful and inescapable terms, as the gentleman from Ohio pointed out. To retreat from this position was a retreat which was significant in the bill.

In considering the conference report as a whole I want to point out that the record vote on the Long-Boggs amendment to which the gentleman from Ohio has referred was of extreme importance because it was by virtue of the House insistence on this amendment, on poll tax and on other important points that we were able to come out of conference with a bill significantly better than the bill the administration sent to us. Without the strength of the House and without the insistence of the rank-and-file Members of the House on these points, it would have been impossible for us to improve the original draft. The other body certainly did not give us any help in this respect. The advances made in conference under this bill were the advances made by this House and the strength of the House and the purpose of the House is what made the difference.

I thank the gentleman for yielding.

Mr. McCULLOCH. Mr. Speaker, I thank the gentleman for his contribution, because he is the Member who sensed the play, even before the quarterback snatched the ball, and spelled it out so clearly before the House.

Mr. Speaker, for the record, and while I am feeling so pleased and so good about so many things, and while I have not irritated or infuriated anyone, I would like to say even with my record as I have described it, this is the most weakening amendment that was offered to the Voting Rights Act of 1965 since the day it came before the House Judiciary Committee.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, let me say to my colleague that the gentleman from the Fourth District of Ohio [Mr. McCULLOCH], in my opinion, is the most dedicated individual in this House on civil rights. I know he is standing here today asking us to support this conference report with a lot of reservations. The Ford-McCulloch substitute bill that he offered and was turned down by the House was a far better bill. That bill was a much stronger and a more effective bill than the shambles that are before us today.

I commend the gentleman for his foresight in the field of civil rights. He recognizes these problems before they are upon us. He has been a champion of civil rights. I congratulate him, but I want to ask him how he can urge his colleagues on this side to support this compromise in view of the fact that we are against the poll tax and we want to get rid of this tax now and forevermore. We do not want to prolong and perpetuate this problem just to carry it over to another campaign. We on the Republican side want to get rid of this tax now. We were doing that in the House-passed bill. In view of the fact that we did not want to vitiate an English-speaking statute in New York by this legislation, and thirdly, that we defeated the Boggs amendment in the House overwhelmingly, how could the conferees agree to this report?

Now in view of these conference changes, how can the gentleman from Ohio, one dedicated to the cause of civil rights, humbly ask his colleagues on this side to support this conference report? Before he answers that question, let me ask this second question. Why would it not be better for us on this side to turn this proposal down and send it back to conference?

Mr. McCULLOCH. Mr. Speaker, answering the last question first, I regret to say we the minority do not have the king's horses and we do not have the king's men nor are we of the administration supporting this weakened and watered-down bill. We did not have the king's horses and we did not have the king's men in subcommittee nor did we have them in the full committee.

Finally, Mr. Speaker, I think it is so essential in a representative republic that all qualified people be permitted to vote without let or hindrance—and not just 50 percent of them—but all of them—that I am now willing to help move even a weakened bill to final enactment into law.

Mr. LATTA. Mr. Speaker, will the gentleman yield for another question?

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I will yield only for a question by my friend, the gentleman from Ohio [Mr. LATTA.] I might say I only have one-half the time. I would be glad to yield to some of my distinguished and able and persuasive friends on the other side who were so helpful last year when they did not have all the king's horses and all the king's men, but I do not have the time.

Mr. LATTA. When the gentleman speaks about the king's men and the king's horses, I suppose he means the administration supporters on the other side of the aisle who are pledged to civil rights legislation. I think it is now time to line up some of the king's men and some of the king's horses to support the House-passed bill, a good piece of civil rights legislation and not delay the abolition of the poll taxes in the country.

Mr. McCULLOCH. Well, Mr. Speaker, those of us in the committee from the earliest days have been supporting strong and effective legislation which would meet the test of the Constitution of the United States, but in view of the conditions which are now upon us, I am so interested in seeing that all qualified people get the right to vote, and I am so interested in the clean elections amendment of my colleague from Florida [Mr. CRAMER], that I am supporting the legislation as the best we can get at this time.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio has consumed 16 minutes.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, and Members of the House, I take this time to review and to repeat my support of this legislation. I supported this bill when it was here on July 9 and I say today what I said then, that the right to vote is one of the most sacred rights an American citizen has. I shall support the conference report today.

Mr. Speaker, I take this time for just a minute or two, in view of the limitation of time when the bill was originally considered by the House, to talk a bit about the so-called Boggs amendment which was agreed to in the conference. Now the idea that this is, as someone has said, a gutting amendment or this amendment in any fashion weakens the right of American citizens to register and vote just is not so. A lot of people like to make a lot of statements and sometimes they do not quite know what they are talking about. This amendment is designed to encourage registration and to reward those who comply with the laws.

THE UNIVERSITY OF MICHIGAN LIBRARIES

Now what are the facts? Under section 13 of this bill, as it passed the House, there are certain provisions under which the Attorney General of the United States may remove an examiner. There are two principal conditions. One, that all eligible voters have been registered to vote and, two, that there is no discrimination of any kind whatsoever.

If a political subdivision meets these requirements, then the Attorney General of the United States may say that a Federal examiner is no longer required.

I am happy the gentleman from Ohio made the statement he made, and did support the bill. I am happy the gentleman from Maryland corrected his original statement, in that he said this was a different amendment from the one originally considered by the Judiciary Committee.

All this amendment does is supplement the House-passed bill. That is all. It does not take anything away. It says that if all these conditions are met—the same conditions as in the bill—then and if at least 50 percent of the non-whites are registered a political subdivision may come in to the District Court of the District of Columbia, and if the District Court of the District of Columbia is satisfied that the requirements of the statute are met, then the District Court of the District of Columbia may withdraw the examiner, but the District Court maintains its jurisdiction and supervision.

I submit that in many ways that is not only a supplemental provision but in many ways it is a more desirable provision. Why do I say that? I believe it can be assumed that a court is less apt to be pressured than an appointee, even though he be the highest legal officer in the land, the Attorney General. Nobody is going to call up a District Court judge and try to influence him. It could happen the other way around.

The point is that this is not a weakening amendment. It is a supplemental amendment. It was agreed to by the other body, so far as I know, unanimously, although the RECORD does show there was no record vote taken on it.

I believe the amendment is a good amendment, and I am happy indeed that the conferees agreed to it.

The notion that the amendment would limit registration to 50 percent is totally incorrect. What the provision does is permit a political subdivision with a minimum of 50 percent registration of nonwhite to then apply to the District Court and the District of Columbia for the removal of an examiner provided all of the other requirements of the act are met. Specifically, those requirements approving nondiscrimination and the lack of devices to prevent registration.

It should be remembered that the "50 percent nonwhite registration figure" which makes a political subdivision eligible for withdrawal of examiners, is a minimum, not a maximum. The amendment does not and cannot underwrite token compliance with the 15th amendment.

A court would also have to find that first, all persons listed have been placed on the voting rolls, and second, there is no reasonable cause to believe voter discrimination will continue. A minimum of 50 percent nonwhite registration would probably never even lead to the appointment of Federal registrars.

Presumably whenever all these conditions exist, the Attorney General would find it inappropriate to appoint examiners.

As 50 percent is a floor not a maximum, a political subdivision by merely complying with this 50 percent figure would not be meeting the requirement of this amendment.

Finally, Mr. Speaker, let me say that it has been some days since I voted to support this legislation. Some people were kind enough to say some nice things about the fact that I did, which I appreciate no end. But I am happy to say that from the district which I represent with pride, and which I have had the honor and privilege of representing now off and on for 25 years, I have been generally applauded for saying that the right of every American to vote should be and must be supported by this Congress and by the American people generally.

Mr. CELLER. Mr. Speaker, I yield 1 minute to our distinguished majority leader, the gentleman from Oklahoma, [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I take this brief time only to say that this is a historic measure. This is a historic day in this Chamber.

Many men on both sides of the aisle have contributed to the legislation before us, but I cannot let this moment escape without saying that this remarkable piece of legislation is another monument to the great dean of the House, who for more than 40 years has been the supreme champion in this chamber of the rights of human beings—and particularly of the right of all Americans to vote.

Mr. McCULLOCH. Mr. Speaker, so that the RECORD will be unmistakably clear, I stand by my statement about the Boggs-Long amendment. It materially weakens the bill, and it is satisfied when 50 percent of nonwhites are permitted to vote. Or, said substantially accurately in another way, it is all right with the proponents of this amendment if 50 percent of the nonwhites are not permitted to vote or are not accorded the right.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I cannot yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman made an untrue statement. The gentleman ought to yield.

Mr. McCULLOCH. Mr. Speaker, I now yield 4 minutes to the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Speaker, on July 9, this House, by a bipartisan effort, rejected an amendment to the voting rights bill that would permit hundreds of thousands of Spanish-speaking residents of New York to vote in the forthcoming election without meeting the English language literacy requirement specified by the State constitution.

The amendment, which was offered on the floor of this House and which the Judiciary Committee had not considered in its hearings, was turned down by a vote of 216 to 202.

Unfortunately, this provision was adopted by the Senate on the floor also without hearings. Therefore, it became the subject for conference between the Senate and the House.

I must say that I am very disappointed with the conference report now before us. I very much regret that the House conferees saw fit to recede from the House position and accept a provision in this bill which has absolutely nothing to do with racial discrimination.

The decision to ban New York State's English-language literacy test for Puerto Rican citizens is a pure concession to political demagoguery.

These are not my words but the words of the New York Times in its July 30 editorial. I fully subscribe to this editorial expression. I am certain the other 215 Members of this House, who voted against the Javits-Kennedy amendment, feel the same.

In describing the unfortunate compromise arrived at by the House-Senate conferees as "bad public policy," and "errors of judgment" the Times went on to say:

> It is a device for discouraging the full integration of these citizens into a community that conducts all its public affairs in English.

This kind of compromise on the part of the House conferees could hardly come at a worse time. This year, New York's voting machines will contain 25—let me repeat—25 questions, propositions and amendments ranging from budget procedure to water pollution. All of these issues will be captioned in English and, as sure as God made little apples, will be utterly unintelligible to the newly enfranchised Puerto Ricans.

No one sincerely believes or expects these newly enfranchised voters to familiarize themselves with these 25 proposals through Spanish language media.

I said in the floor debate on July 9, that this amendment was unfair, unjust, and discriminatory. I repeat here again that this amendment would discriminate in favor of Puerto Ricans and against Jews, Italians, Irish, Poles, Germans, and other naturalized U.S. citizens who cannot satisfy the English literacy requirement although they have at least shown some basic knowledge of English and understanding of citizenship in order to get their citizenship papers.

If anything, they are far better qualified to vote than non-English speakers who have never shown any literacy or civic proficiency but whose brief schooling in a foreign language fortuitously occurred under the American flag.

This amendment which this House rejected and which the House conferees accepted from the Senate is hypocritical and political because it removes the need and necessity for Puerto Ricans to learn English, which is so very essential if we are to help lead them out of the slums in our war against poverty.

This amendment, which this House rejected and which the House conferees accepted, represents legal irrelevancy and political opportunism.

I said it on July 9 and I will say it again. This Congress has no business in interfering with New York State's English literacy requirement which our State court of appeals upheld, as constitutional, as recent as May 27 of this year.

This Congress has no right to grant any citizen the right to vote—nor do we have the right to regulate or control any State's requirements and qualifications of voters unless there is evidence of discrimination on account of race or color.

No one has ever said that New York's English language literacy requirement has any racial overtones that would justify its destruction by this provision.

The House, in rejecting this amendment, expressed its position on this subject matter and the House conferees should have held fast and firm on this proposal.

The failure and refusal of the House conferees to stand pat against this provision and its willingness to accept this most discriminatory amendment will mean nothing more than a one-way ticket to trouble for New York State and future trouble in other States of the Union.

I urge this House to vote down this conference report and insist that the House conferees stand fast and firm on the House position against this provision.

Mr. CELLER. Mr. Speaker, I yield myself 1 minute, to state that the gentleman who just addressed the House very carefully avoided mentioning the fact that the New York State Legislature at its last session adopted a law reducing the requirement of literacy from the eighth grade to the sixth grade and significantly provided that there shall be no English requirement as a prerequisite to voting; and recommended that the Constitution of the State of New York be changed in that regard. So that in a way the whole question is academic. I wanted the House to know that as far as New York State is concerned it is on its way to striking out from its election laws the requirement of English.

Mr. McCULLOCH. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I should like to say in answer to my colleague's statement that the matter is academic that I do not believe it is. I have been advised there are at least 12, if not 14 States of the Union which have the same requirement as does New York.

Mr. Speaker, I now yield to the gentleman from Florida [Mr. CRAMER] 6 minutes.

Mr. CRAMER. Mr. Speaker, this was an interesting conference on which I had the privilege of serving. It was interesting for many reasons. One of the principal reasons is this. I always thought that conferees had the responsibility of trying to uphold the position of the House on major questions. I thought, after the House took a vote on some of these questions— and this is regardless of what my position may have been—that the conferees had the responsibility of trying to uphold the House position.

Lo and behold, the first day we went in conference, the Long-Boggs amendment was agreed to, contrary to the position of the House which defeated it, 262 to 155.

Second, the House voted down the so-called Puerto Rican amendment 202 to 214. That kind of dangled until the last 2 days of conference. There were two meetings of the conferees on this and on poll taxes. On Tuesday preceding the final decision last week, lo and behold, I walked into the conference meeting and was informed that a deal had been made with the other body and that both of these major controversies remaining had been settled in favor of the other body.

All three major questions, major as far as I was concerned, at issue, were all decided in favor of the other body. They were decided contrary to the position taken by the House. The Long-Boggs amendment, which we voted down, was agreed to the very first day in conference. The poll tax ban which the House voted, was bartered away the last day of the conference, after the Tuesday deal fell through, because the conferees on Tuesday refused not to sustain the House position on poll taxes.

On the Puerto Rican amendment, Thursday of that same week, when we met in conference and the House conferees changed their Thursday position, and the House was sold out in conference on these two major provisions.

Mr. Speaker, I always thought that conferees had a responsibility to uphold or to try to uphold the House position. In my opinion, the conferees did not do so.

Now, admittedly, those in charge of the conference report, will indicate that we had 14 amendments and the Senate had 7 in conference. I am not necessarily too good a horse trader, I guess, but I never thought that trading a horse for a rabbit was a good deal. That is just about what the House conferees did. We gave up three horses for a number of rabbits.

On the three major issues we gave up to the other body. I am thinking of the integrity of the House. This has nothing to do with my position. My position is a matter of record on these matters. I voted for the bill on final passage. I say that the House capitulated with relation to these three major questions.

And, it is very interesting to note what happened between the Tuesday conference at which no agreement could be reached with respect to the Puerto Rican amendment and with respect to the poll tax ban and the Thursday conference at which time the position was reversed.

On Thursday we were called to conference again and we were informed of certain meetings with civil rights leaders that had taken place. I was not a party to those meetings. The gentleman from Ohio [Mr. MCCULLOCH] shakes his head and indicates he was not a party to the meeting where the position taken on Tuesday was changed. However, a certain meeting was held with civil rights leaders who were consulted with respect to what the press said was one of the basic major issues facing the conferees and that was whether to have an absolute poll tax ban, or to have a court determination of the poll tax constitutional question with perhaps stronger findings of fact.

We were informed that a certain meeting had taken place and that certain civil rights leaders were consulted and certain changes in positions then were taken. As a matter of fact, that was documented, as it relates to one of those leaders, and I have a copy of the document before me.

Now mind you, this is a document, a letter, read to the conferees but, unfortunately, my hands are tied to make this document public because of the last paragraph of the letter. And I thought this was done. It was not, but the conference was assured that it would be made public by the writer of the letter indicating what evidence was before us upon which the conferees based their determination not to stand by the House position on banning poll taxes.

Mr. Speaker, I discussed this matter of releasing the letter with our distinguished chairman and I would like to ask the chairman now what the chairman intends himself to do or does he intend to request the writer of the letter to make this letter, which was a suggestion read to the conferees and a suggestion of the conferees upon which they made a decision, whether it is going to be made public?

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the distinguished chairman of the committee.

Mr. CELLER. The Chair does not wish to violate the confidence. If the gentleman from Florida wants to make it public, that is his responsibility. But the Chair will not. I will not make that public.

Mr. CRAMER. Does not the chairman feel that this is information to which the House is entitled in that the conferees had such information and unquestionably it affected the judgment of the conferees? Would not the gentleman from New York join me in a request that the writer of the letter make it public?

Mr. CELLER. All civil libertarians naturally are interested in what we do with reference to this civil rights bill, this voting bill, and as in all cases, representations are made and requests are made by those who are interested in the bill and we get representations from them. In this particular instance the writer of the letter asked that its contents be held in confidence until he personally would make a public statement. And, I say his confidence should be respected.

Mr. CRAMER. I think this should be made public and I shall insist upon the writer doing so. I believe this is in the public domain.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Michigan [Mr. GERALD R. FORD], our minority leader, the remainder of the time on our side.

Mr. GERALD R. FORD. Mr. Speaker, the bill before us today or the conference report in reference to the bill before us is a weaker bill than that which passed the House on July 9. It has been diluted by the capitulation of the House conferees in three instances. This has been well explained by the gentleman

THE UNIVERSITY OF MICHIGAN LIBRARIES

from Ohio and others who have taken the floor here this afternoon.

I would like to speak specifically about one concession that has been made by the conferees. I refer here to what is called the Boggs-Long amendment.

I am told that in the subcommittee of the House Committee on the Judiciary, when this amendment was offered, the distinguished Chairman of the House Committee on the Judiciary indicated that such amendment would gut the bill. I am told that when the amendment was offered in the full Committee of the House Committee on the Judiciary a similar comment was made, that the Boggs-Long amendment would gut the bill.

On the floor of the House on July 9 a majority, an overwhelming majority of the Members of this body, voted to agree with the opinion that this amendment, the Boggs-Long proposal, would gut the bill. As a matter of fact, the vote was 262 against the Boggs amendment to 155 who voted for it.

Now we have the conferees agreeing to accept the so-called Boggs-Long amendment. May I say at this time that 23 days later—today—there will be a motion to recommit offered that will move to send the conference report back to the conference committee with instructions to strike the Boggs-Long amendment. A vote for the motion to recommit will sustain the House position. It will strengthen the legislation. Those people who voted to disapprove of the Boggs amendment on July 9 will have a similar opportunity to vote the same way today.

Let me add that on July 10 the President said:

> I also congratulate the House on its decisive defeat of the substitute amendment submitted by the Republican leadership, which would have seriously damaged and diluted the guarantee of the right to vote for all Americans.

The gentleman from Ohio [Mr. McCulloch] and I and many others violently disagree with the President's views in this regard. If the Boggs amendment is defeated today—and I hope it is—I trust the President will make this kind of a statement:

> I also congratulate the House on its decisive defeat of an amendment, resisted by the Republican leadership, which would have seriously damaged and diluted the guarantee of the right to vote for all Americans.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. Pepper].

Mr. PEPPER. Mr. Speaker, as one who, beginning as early as 1941, was the author of a bill in the other body to abolish the poll tax, I wish to commend the able chairman of the Committee on the Judiciary and those who worked with him for bringing to this House a conference report which I am morally certain will lay the legislative groundwork for a judicial holding that the poll tax as a condition for the exercise of the right to vote is in violation of the Constitution of our land.

Mr. Speaker, the early cases of the U.S. Supreme Court's failing to strike down the poll tax had nothing to do with the exercise of congressional power under the 14th and 15th amendments. Beginning with Reynolds against Sims, the Supreme Court of the United States laid down the principle of one man, one vote, and gave assurance for the equal protection of that franchise on the part of every citizen. In April of this year the Supreme Court of the United States, through the distinguished Chief Justice, in Harman against Forssenius, significantly referred to congressional hearings and debate, which indicated "a general repugnance to the disenfranchisement of the poor occasioned by failure to pay the poll tax."

Mr. Speaker, since that language was written by the Supreme Court, this House by a vote of 333 to 85 passed the bill outlawing by statute the poll tax. The other body, lacking only four votes, did the same thing. Extensive hearings, reports, and debate have further indicated a general repugnance to the disenfranchisement of the poor occasioned by failure to pay the tax.

Now we have fulfilled, I believe, the requirements of the Supreme Court decision for striking down the poll tax as a condition to voting in the findings made in this conference report. A summary of the findings of the report is in this language:

> The conference report adopts a substitute provision which rephrases the findings of Congress in subsection (a) and contains a congressional declaration that by the requirement of the payment of a poll tax the right of citizens to vote is denied or abridged.

Mr. Speaker, I commend the able chairman of the Judiciary Committee and his associates for taking the price tag off the franchise to vote in America.

The SPEAKER. The time of the gentleman has expired.

Mr. CELLER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Corman].

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman.

Mr. CONTE. Mr. Speaker, I must admit I am dismayed and more than a little frustrated by the action taken on the voting rights bill by the conference committee. I am speaking specifically of their action with respect to the provision which would have outlawed State poll taxes as a qualification for voting.

I am particularly disappointed over the failure of the conference committee to retain this provision because it was largely over the poll tax issue that I was constrained to desert the alternative measure drafted as a substitute by the leadership of my own party. I supported the so-called committee measure, espoused by the majority on the other side of the aisle, and I voted on its behalf.

A conference is designed to compromise on conflicting provisions in similar bills approved in this body and in the other; to work out a version acceptable to both. The spirit of compromise is that you give a little in order to win a little. I must say I deeply regret and I am somewhat mystified that the "little" which our conferees gave was the poll tax provision.

This provision was voted on and upheld by the House in our version of the bill. It was knocked out of the Senate version by the narrowest of margins. I cannot help wondering what pressures were brought to bear to fortify the Senate objections to this provision and to so weaken and undermine the determination to retain the provision expressed by the positive vote of this body.

I intend to support this bill. I will vote for it and I urge my colleagues to do likewise. There is much of merit in the bill. However, it remains incomplete without the ban against State poll taxes. It cannot do the job it is designed to do so long as these discriminatory, unfair devices are permitted to exist. I do not think there can remain any doubt in the minds of any of us as to what these poll taxes accomplish, and what they are specifically designed to accomplish. So long as they remain legal, there will remain a device which can be used to deny fundamental rights to our citizens.

I confidently predict that we will soon be forced to return to this issue for the third time perhaps in as many years. We will have to come back and deal with the poll tax because we are failing to deal with it now and because, by not dealing with it, we are not solving the problem of denial of voter rights. The bill we approve now snips some of the fringe around the edge, but leaves the binding intact.

We will have to come back to it and deal with it in another panicky, so-called must bill in another few years, perhaps in another few months. And we will have to answer the same letters from our constituents who will write to find out why. They will want to know then, as many of them have wondered this year, why it is necessary to tackle another major civil rights bill so soon after we have finished with one. Their questions will have a more pointed ring to them since, by that time, we will have enacted not one but two major civil rights laws in as many years, and one of these will have been in the very same ballpark—voter rights.

I must say, it is not a prospect to which I am looking forward.

Mr. CORMAN. Mr. Speaker, let us look very briefly at where we have been and where we are.

In 1964 we passed a great civil rights bill. It effectively eliminated the scourge of racial discrimination in many areas of our national life. But it was a matter of compromise and in that compromise we weakened the section that dealt with voting rights.

In early 1965 it became apparent that new legislation would be required to implement the 15th amendment. At that time, many supporters of strong civil rights legislation were impatient with the administration and expressed apprehension that the proposal to come from the Justice Department would not be strong enough to correct what had become a disgraceful and intolerable situation in the hard-core areas of segregation.

President Johnson sent us a strong, effective proposal. During our weeks of legislative work, our committee made some improvements and certainly that is as it should be.

The House approved our committee's efforts. But every one of us was apprehensive about the outcome of a House-Senate conference. Historically, no civil rights legislation had ever weathered a conference.

I tell you that this conference report is the finest, fairest, most effective bill that any of us could ever have hoped for.

Much has been said in criticism of the Long-Boggs amendment. No part of the bill has been so erroneously distorted as this provision. It does one thing; it encourages voluntary compliance with the voting rights bill.

Now no one is "satisfied" when one-half of the Negroes are registered. But that is not the factor which implements the Long-Boggs amendment. That merely puts the case in court, and in court in the District of Columbia, to insure uniformity of standards. Local officials must then prove that there is not and is not likely to be racial discrimination in that district in voting.

Results of the public accommodations section of the 1964 act clearly demonstrate a willingness in some areas in the South to comply with the law. This amendment simply encourages such compliance.

Some of our colleagues on the other side of the aisle have suddenly become champions of the poll tax ban. Their sincerity becomes somewhat questionable when one remembers the original Ford substitute. It kept poll taxes. It did not ban them.

The gentleman from Ohio [Mr. LATTA] referred to this conference report as a shamble. He errs. The only shamble was the Ford substitute. It was left in that condition when the House properly and overwhelmingly rejected it on July 9.

We hear that certain parts of the House bill over which the conferees differed should be inviolate of compromise because they were a matter of record vote. How much legislation would Congress enact if we followed that suggestion?

Mr. Speaker, those whose rights have been so wrongly and sometimes viciously denied, have been uncommonly patient. Rejection of this conference report would be a tragic betrayal of that patience. I urge its adoption.

Mr. CELLER. Mr. Speaker, it strikes me that this last-minute attack on this conference report is simply a demagogic device to defeat the bill. I can say now as a conferee, we fought hard with reference to this bill and we have the major provisions of the House bill in the conference report.

Some want to make very light of that.

With reference to the so-called Long-Boggs amendment, it must be remembered that a court order must be obtained to remove examiners. It does not merely rely on the discretion of an appointee. This provision permits a subdivision to seek, through court action in the District Court for the District of Columbia, the removal of examiners when more than 50 percent of the nonwhite voting age population is registered. This is a minimum. The subdivision also has to establish to the satisfaction of the court that (1) all persons listed have been placed on the voting rolls, and (2) there is no reasonable cause to believe that there will be future denials of the right to vote. What wrong can there be in that? It is only doing what is right to do. I say to you again, any vote to strike this out will imperil this bill.

Mr. RYAN. Mr. Speaker, the conference report on S. 1564 is now before us. It is the final step in developing this bill on voting rights which is long overdue.

It is almost 100 years since the 15th amendment to the Constitution was adopted. It made a solemn pledge to our Nation's citizens—a pledge that all Americans, regardless of race or color, shall enjoy the right to vote. This pledge has not been fulfilled; it is common knowledge that there has been a determined conspiracy in the South to prevent Negro citizens from voting. It took violence, brutality, and murder to arouse the Nation and make the Congress recognize the need for legislation to implement the pledge of the Constitution.

Now we have that legislation before us. It has been ably guided through the conference by the gentleman from New York, Chairman EMANUEL CELLER, of the House Judiciary Committee. In most cases the Senate conferees receded from their version of the bill and accepted the stronger language adopted in the House.

However, in at least three cases the differences are significant. In one, that dealing with the voting rights of Spanish-speaking citizens, the conference has adopted the Senate language for which I have been fighting for so long.

Section 4(e) of the conference bill allows a prospective voter to qualify, without taking a literacy test, by demonstrating that he has completed the sixth grade, or whatever grade the State requires, in a school under the American flag, without regard to whether that school was conducted in English.

Mr. Speaker, my colleagues will no doubt remember that, at the very beginning of the House debate on the voting rights bill, I urged that H.R. 6400 be amended to include this provision. I noted that, without it, hundreds of thousands of American citizens, residing in New York, but educated in Puerto Rico, are being arbitrarily disenfranchised, merely because of New Yorks State's English language literacy test. Chairman CELLER immediately responded and assured me that he would accept the provision. Unfortunately, the amendment was narrowly defeated in the House.

The Senate adopted exactly the same provision by an overwhelming vote of 48 to 19. Now the conference has taken the same wise course. Its action is an important step toward assuring equal rights for all American citizens.

Mr. Speaker, the second difference represents a setback, for the House receded from the complete ban on the poll tax which the House adopted. Instead, a congressional finding—that the poll tax precludes persons of limited means from voting or imposes financial hardship upon such persons as a precondition to their exercise of the franchise, that the tax does not bear a reasonable relationship to any legitimate state interest in the conduct of elections, and that in some areas the poll tax has the purpose or effect of denying persons the right to vote because of race or color—is inserted. The conference bill also directs the Attorney General to institute action to test the constitutionality of the poll tax.

It is most disappointing that the House has retreated on the poll tax. Now is the time to ban, once and for all, the arbitrary and discriminatory poll tax in all elections. I fail to understand why the administration did not support the abolition of the poll tax.

Thirdly, Mr. Speaker, I opposed the Boggs amendment when it was offered in the House. It was defeated then. I regret that the conferees receded on this point.

Mr. Speaker, by adopting the conference report on the 1965 voting rights bill, we will at long last be responding to the conscience of America, a conscience that cries out for an end to voting discrimination. After the President signs it, I urge the Attorney General to move immediately to implement its provisions.

Mr. WAGGONNER. Mr. Speaker and Members of the House, under the rules of the House time does not permit adequate discussion of this conference report. It is a foregone fact that this House is today going to adopt this conference report and I must once again raise my voice in opposition to this unconstitutional legislation.

I would like to know how any Member of this Congress can believe that this measure is by any stretch of the imagination, constitutional.

Section II, article 4, of the Constitution, states, and I quote:

> Citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

This legislation is discriminatory in that citizens of all the States are not entitled by this legislation, as the Constitution provides, to all the privileges and immunities of the citizens of other States.

It further ignores the Constitution in that it takes away from a few States the right to prescribe voter qualifications. The penalty of the law is discriminatory in that the penalty is more severe on six Southern States than on the other States. It contains much more. But we've discussed the provisions of this bill on a number of occasions before, and I am convinced that this House is not to be guided by constitutional principles nor by what is right or wrong. The mass hysteria which has swept over this country has come to roost in this Congress and too many Members of this House are going to be guided simply by what, at the present, appears to be political expediency.

I will not be caught up by such hysteria, because I remember the oath I took upon becoming a Member of this Congress. Therefore, in good conscience and without reservation, I will vote against this conference report and cannot for the life of me, understand how any man, especially a resident of one of the States to be discriminated against, could do otherwise.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge this House to promptly and resoundingly accept and approve this historical conference report on voting rights because I very deeply believe its adoption is absolutely vital to the continuing existence of this Nation as a democracy.

As a member of the conference committee I can conscientiously reassure you that the committee members, from both Chambers, worked diligently and arduously to cooperatively construct the strongest possible voting rights measure in our legislative history.

The basic objective of your committee was twofold. We pledged ourselves to forge a legislative instrument that would give each American citizen everywhere in this country an equal opportunity to participate in the free elections of all public officers and which would encourage him to so participate. At the same time we sought to reach this objective by the most careful choosing of such language and means as would tend to avoid and minimize the temptations and opportunities to project legal challenges and probings that could result in interminable obstruction and delay of the fullest and speediest operation and application of all the benefits and provisions of the bill. After reviewing the substance of this report, I feel you will agree it represents the most prudent achievement of this twofold objective.

This is particularly reflected, I think, in the final language of the most controversial poll tax provision which emphasizes the solid sentiment of the Congress and the country at large against the poll tax levy as a precondition of voting and instructs the Attorney General to proceed forthwith to move in traditional court channels for its invalidation as constituting a device of discrimination. It appears that all authorities and interested parties are united in their approval and acceptance of this final provision.

Another prominent feature in the bill is that providing automatically for Federal examiners to register voters in States and subdivisions in which less than 50 percent of persons of the voting age were registered last fall and in which a test or device was used as a prerequisite for voting.

A further vitally important provision prescribes criminal penalties for persons acting under the color of law for failure or refusal to permit a qualified individual to vote or failure to properly count or tabulate their votes and for the coercion, the intimidation, or the threatening of voters.

An overall examination of this report will show that in its antipoll tax provisions and in protection of voters the bill before you goes far beyond the administration's original proposals. The distinguished and esteemed chairman of our committee has already very ably and fully explained all other pertinent issues and decisions within the report and there is no need to burden you now with unnecessary repetitions.

Mr. Speaker, as I indicated at the outset of my remarks I believe that the right to vote is fundamental to true democracy in action and I further believe it is the duty of this Congress to exert every possible legislative effort to preserve, extend, and encourage the exercise of that right. The only way we can carry out that duty is through the enactment of legislation designed to remove and eliminate all the obstacles and obstructions that have been wittingly or unwittingly used to deny that right to any citizen anywhere in this country.

This great Nation was founded upon and has been committed to the principle of equal justice under the law to all citizens. By approval of this history making bill before us we can take another mighty step along this Nation's honored march toward further fulfillment of our traditional goals of equal opportunity and equal treatment for all Americans regardless of race, creed, color, or national origin. Let us take that giant step now.

The SPEAKER. All time has expired.

Mr. CELLER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

MOTION TO RECOMMIT

Mr. McEWEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. McEWEN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. McEwen moves to recommit the conference report on S. 1564 to the committee of conference with instructions to the managers on the part of the House to insist upon the following amendments:
>
> In Section 13, the first sentence, clause (a), after the words "Civil Service Commission" strike the words, "or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote,".
>
> In section 13, the second sentence, after the words "of this Section", insert a period and strike the remainder of the sentence.
>
> In section 13, strike all of the third sentence.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 284, not voting 32, as follows:

[Roll No. 218]

YEAS—118

Adair
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baldwin
Bates
Bell
Betts
Bolton
Bow
Bray
Broomfield
Brown, Ohio
Burton, Utah
Byrnes, Wis.
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Conte
Corbett
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
Derwinski
Devine
Dole
Duncan, Tenn.
Dwyer
Ellsworth
Erlenborn
Findley
Fino
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Goodell
Griffin
Gross
Grover
Gubser
Gurney
Hall
Halleck
Halpern
Hamilton
Hansen, Idaho
Harsha
Harvey, Ind.
Harvey, Mich.
Horton
Hutchinson
Johnson, Pa.
Keith
King, N.Y.
Kunkel
Langen
Latta
Lipscomb
McClory
McCulloch
McDade
McEwen
Macdonald
MacGregor
Mailliard
Martin, Nebr.
Mathias
May
Michel
Minshall
Mize
Moore
Morse
Mosher
O'Konski
Pelly
Pirnie
Quie
Quillen
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Robison
Roudebush
Rumsfeld
Saylor
Schneebeli
Schweiker
Secrest
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Talcott
Teague, Calif.
Thomson, Wis.
Tupper
Watkins
Whalley
Widnall
Wilson, Bob
Wyatt
Wydler
Younger

NAYS—284

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Annunzio
Ashmore
Aspinall
Bandstra
Barrett
Beckworth
Belcher
Bennett
Blatnik
Boggs
Boland
Bolling
Brademas
Brock
Brooks
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Callan
Callaway
Cameron
Casey
Celler
Chelf
Clark
Clevenger
Cohelan
Conyers
Cooley
Corman
Craley
Cramer
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dent
Denton
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fisher
Flood
Flynt
Fogarty
Foley
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Hagan, Ga.
Hagen, Calif.
Haley
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holland
Howard
Hull
Hungate
Huot
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Landrum
Leggett
Lennon
Long, La.
Long, Md.
Love
McCarthy
McDowell
McFall
McGrath
McVicker
Machen
Mackay
Mackie
Madden
Mahon
Marsh
Martin, Ala.
Matsunaga
Matthews
Meeds
Miller
Mills
Minish
Mink
Moeller
Monagan
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Poff
Pool
Price

Pucinski
Purcell
Race
Randall
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, S.C.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
Satterfield
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Scott
Selden
Senner
Shipley
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Smith, Va.
Staggers
Stalbaum
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Teague, Tex.
Tenzer
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watson
Weltner
White, Idaho
White, Tex.
Whitener
Whitten
Willis
Wilson, Charles H.
Wolff
Yates
Young
Zablocki

NOT VOTING—32

Ashley
Baring
Battin
Berry
Bingham
Bonner
Cabell
Cahill
Carey
Colmer
Green, Oreg.
Holifield
Hosmer
Jones, Mo.
Keogh
Laird
Lindsay
McMillan
Martin, Mass.
Morton
Nelsen
Powell
Rivers, Alaska
Roncalio
Taylor
Thomas
Toll
Walker, Miss.
Watts
Williams
Wright

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts for, with Mr. Walker of Mississippi against.

Until further notice:

Mr. Keogh with Mr. Lindsay.
Mr. Thomas with Mr. Hosmer.
Mr. Toll with Mr. Laird.
Mr. Colmer with Mr. Nelsen.
Mr. Holifield with Mr. Berry.
Mr. Roncalio with Mr. Morton.
Mr. Watts with Mr. Battin.
Mr. Williams with Mr. McMillan.
Mr. Bingham with Mr. Baring.
Mr. Ashley with Mr. Carey.
Mr. Rivers of Alaska with Mr. Powell.
Mr. Wright with Mr. Cabell.
Mr. Taylor with Mr. Bonner.

Mr. POAGE changed his vote from "yea" to "nay."

Mr. BROCK changed his vote from "yea" to "nay."

Mr. BROYHILL of North Carolina changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 328, nays 74, not voting 32, as follows:

[Roll No. 219]

YEAS—328

Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baldwin
Bandstra
Barrett
Bates
Belcher
Bell
Bennett
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Cameron
Carter
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Diggs
Dingell
Dole
Donohue
Dow
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gubser
Hagen, Calif.
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Herlong
Hicks
Holland
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Krebs
Kunkel
Langen
Latta
Leggett
Lipscomb
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Martin, Nebr.
Mathias
Matsunaga
May
Meeds
Miller
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Saylor
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Senner
Shipley
Shriver
Sickles
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Tenzer
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watkins
Weltner
Whalley
White, Idaho
White, Tex.
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—74

Abbitt
Abernethy
Andrews, George W.
Andrews, Glenn
Ashmore
Beckworth
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Callaway
Casey
Cooley
Davis, Ga.
Davis, Wis.
Dickinson
Dorn
Dowdy
Downing
Edwards, Ala.
Everett
Fino
Fisher
Flynt
Fountain
Fuqua
Gathings
Gettys
Gross
Gurney
Hagan, Ga.
Haley
Hansen, Idaho
Hardy
Harris
Hébert
Henderson
Jonas
Jones, Ala.
Kornegay
Landrum
Lennon
Long, La.
McEwen
Marsh
Martin, Ala.
Matthews
Michel
Mills
Murray
O'Neal, Ga.
Passman
Poage
Poff
Pool
Rivers, S.C.
Roberts
Rogers, Tex.
Satterfield
Scott
Selden
Sikes
Smith, Calif.
Smith, Va.
Stephens
Teague, Tex.
Tuck
Tuten
Utt
Waggonner
Watson
Whitener
Whitten
Willis

NOT VOTING—32

Ashley
Baring
Battin
Bingham
Bonner
Cahill
Carey
Colmer
Green, Oreg.
Hall
Holifield
Hosmer
Jones, Mo.
Keogh
Laird
Lindsay
McMillan
Martin, Mass.
Morton
Nelsen
Powell
Rivers, Alaska
Roncalio
Scheuer
Taylor
Thomas
Toll
Walker, Miss.
Watts
Williams
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Colmer against.

Mr. Holifield for, with Mr. Bonner against.

Mrs. Green of Oregon for, with Mr. Taylor against.

Mr. Roncalio for, with Mr. Williams against.

Mr. Rivers of Alaska for, with Mr. McMillan against.

Mr. Martin of Massachusetts for, with Mr. Walker of Mississippi against.

Mr. Hosmer for, with Mr. Battin against.

Until further notice:

Mr. Thomas with Mr. Laird.
Mr. Carey with Mr. Lindsay.
Mr. Ashley with Mr. Hall.
Mr. Bingham with Mr. Nelsen.
Mr. Toll with Mr. Morton.
Mr. Wright with Mr. Watts.
Mr. Powell with Mr. Scheuer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDING PEACE CORPS ACT

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, with House amendments thereto, insist on the House amendments and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair against this conference report and cannot for the life of me, understand how any man, especially a resident of one of the States to be discriminated against, could do otherwise.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge this House to promptly and resoundingly accept and approve this historical conference report on voting rights because I very deeply believe its adoption is absolutely vital to the continuing existence of this Nation as a democracy.

As a member of the conference committee I can conscientiously reassure you that the committee members, from both Chambers, worked diligently and arduously to cooperatively construct the strongest possible voting rights measure in our legislative history.

The basic objective of your committee was twofold. We pledged ourselves to forge a legislative instrument that would give each American citizen everywhere in this country an equal opportunity to participate in the free elections of all public officers and which would encourage him to so participate. At the same time we sought to reach this objective by the most careful choosing of such language and means as would tend to avoid and minimize the temptations and opportunities to project legal challenges and probings that could result in interminable obstruction and delay of the fullest and speediest operation and application of all the benefits and provisions of the bill. After reviewing the substance of this report, I feel you will agree it represents the most prudent achievement of this twofold objective.

This is particularly reflected, I think, in the final language of the most controversial poll tax provision which emphasizes the solid sentiment of the Congress and the country at large against the poll tax levy as a precondition of voting and instructs the Attorney General to proceed forthwith to move in traditional court channels for its invalidation as constituting a device of discrimination. It appears that all authorities and interested parties are united in their approval and acceptance of this final provision.

Another prominent feature in the bill is that providing automatically for Federal examiners to register voters in States and subdivisions in which less than 50 percent of persons of the voting age were registered last fall and in which a test or device was used as a prerequisite for voting.

A further vitally important provision prescribes criminal penalties for persons acting under the color of law for failure or refusal to permit a qualified individual to vote or failure to properly count or tabulate their votes and for the coercion, the intimidation, or the threatening of voters.

An overall examination of this report will show that in its antipoll tax provisions and in protection of voters the bill before you goes far beyond the administration's original proposals. The distinguished and esteemed chairman of our committee has already very ably and fully explained all other pertinent issues and decisions within the report and there is no need to burden you now with unnecessary repetitions.

Mr. Speaker, as I indicated at the outset of my remarks I believe that the right to vote is fundamental to true democracy in action and I further believe it is the duty of this Congress to exert every possible legislative effort to preserve, extend, and encourage the exercise of that right. The only way we can carry out that duty is through the enactment of legislation designed to remove and eliminate all the obstacles and obstructions that have been wittingly or unwittingly used to deny that right to any citizen anywhere in this country.

This great Nation was founded upon and has been committed to the principle of equal justice under the law to all citizens. By approval of this history making bill before us we can take another mighty step along this Nation's honored march toward further fulfillment of our traditional goals of equal opportunity and equal treatment for all Americans regardless of race, creed, color, or national origin. Let us take that giant step now.

The SPEAKER. All time has expired.

Mr. CELLER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

MOTION TO RECOMMIT

Mr. McEWEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. McEWEN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McEwen moves to recommit the conference report on S. 1564 to the committee of conference with instructions to the managers on the part of the House to insist upon the following amendments:

In Section 13, the first sentence, clause (a), after the words "Civil Service Commission" strike the words, "or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote,".

In section 13, the second sentence, after the words "of this Section", insert a period and strike the remainder of the sentence.

In section 13, strike all of the third sentence.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 284, not voting 32, as follows:

[Roll No. 218]

YEAS—118

- Adair
- Anderson, Ill.
- Andrews, N. Dak.
- Arends
- Ashbrook
- Ayres
- Baldwin
- Bates
- Bell
- Betts
- Bolton
- Bow
- Bray
- Broomfield
- Brown, Ohio
- Burton, Utah
- Byrnes, Wis.
- Carter
- Cederberg
- Chamberlain
- Clancy
- Clausen, Don H.
- Clawson, Del
- Cleveland
- Collier
- Conable
- Conte
- Corbett
- Cunningham
- Curtin
- Curtis
- Dague
- Davis, Wis.
- Derwinski
- Devine
- Dole
- Duncan, Tenn.
- Dwyer
- Ellsworth
- Erlenborn
- Findley
- Fino
- Ford, Gerald R.
- Frelinghuysen
- Fulton, Pa.
- Goodell
- Griffin
- Gross
- Grover
- Gubser
- Gurney
- Hall
- Halleck
- Halpern
- Hamilton
- Hansen, Idaho
- Harsha
- Harvey, Ind.
- Harvey, Mich.
- Horton
- Hutchinson
- Johnson, Pa.
- Keith
- King, N.Y.
- Kunkel
- Langen
- Latta
- Lipscomb
- McClory
- McCulloch
- McDade
- McEwen
- Macdonald
- MacGregor
- Mailliard
- Martin, Nebr.
- Mathias
- May
- Michel
- Minshall
- Mize
- Moore
- Morse
- Mosher
- O'Konski
- Pelly
- Pirnie
- Quie
- Quillen
- Reid, Ill.
- Reifel
- Reinecke
- Rhodes, Ariz.
- Robison
- Roudebush
- Rumsfeld
- Saylor
- Schneebeli
- Schweiker
- Secrest
- Shriver
- Skubitz
- Smith, Calif.
- Smith, N.Y.
- Springer
- Stafford
- Stanton
- Talcott
- Teague, Calif.
- Thomson, Wis.
- Tupper
- Watkins
- Whalley
- Widnall
- Wilson, Bob
- Wyatt
- Wydler
- Younger

NAYS—284

- Abbitt
- Abernethy
- Adams
- Addabbo
- Albert
- Anderson, Tenn.
- Andrews, George W.
- Andrews, Glenn
- Annunzio
- Ashmore
- Aspinall
- Bandstra
- Barrett
- Beckworth
- Belcher
- Bennett
- Blatnik
- Boggs
- Boland
- Bolling
- Brademas
- Brock
- Brooks
- Brown, Calif.
- Broyhill, N.C.
- Broyhill, Va.
- Buchanan
- Burke
- Burleson
- Burton, Calif.
- Byrne, Pa.
- Callan
- Callaway
- Cameron
- Casey
- Celler
- Chelf
- Clark
- Clevenger
- Cohelan
- Conyers
- Cooley
- Corman
- Craley
- Cramer
- Culver
- Daddario
- Daniels
- Davis, Ga.
- Dawson
- de la Garza
- Delaney
- Dent
- Denton
- Dickinson
- Diggs
- Dingell
- Donohue
- Dorn
- Dow
- Dowdy
- Downing
- Dulski
- Duncan, Oreg.
- Dyal
- Edmondson
- Edwards, Ala.
- Edwards, Calif.
- Evans, Colo.
- Everett
- Evins, Tenn.
- Fallon
- Farbstein
- Farnsley
- Farnum
- Fascell
- Feighan
- Fisher
- Flood
- Flynt
- Fogarty
- Foley
- Ford, William D.
- Fountain
- Fraser
- Friedel
- Fulton, Tenn.
- Fuqua
- Gallagher
- Garmatz
- Gathings
- Gettys
- Giaimo
- Gibbons
- Gilbert
- Gilligan
- Gonzalez
- Grabowski
- Gray
- Green, Pa.
- Greigg
- Grider
- Griffiths
- Hagan, Ga.
- Hagen, Calif.
- Haley
- Hanley
- Hanna
- Hansen, Iowa
- Hansen, Wash.
- Hardy
- Harris
- Hathaway
- Hawkins
- Hays
- Hébert
- Hechler
- Helstoski
- Henderson
- Herlong
- Hicks
- Holland
- Howard
- Hull
- Hungate
- Huot
- Ichord
- Irwin
- Jacobs
- Jarman
- Jennings
- Joelson
- Johnson, Calif.
- Johnson, Okla.
- Jonas
- Jones, Ala.
- Karsten
- Karth
- Kastenmeier
- Kee
- Kelly
- King, Calif.
- King, Utah
- Kirwan
- Kluczynski
- Kornegay
- Krebs
- Landrum
- Leggett
- Lennon
- Long, La.
- Long, Md.
- Love
- McCarthy
- McDowell
- McFall
- McGrath
- McVicker
- Machen
- Mackay
- Mackie
- Madden
- Mahon
- Marsh
- Martin, Ala.
- Matsunaga
- Matthews
- Meeds
- Miller
- Mills
- Minish
- Mink
- Moeller
- Monagan
- Moorhead
- Morgan
- Morris
- Morrison
- Moss
- Multer
- Murphy, Ill.
- Murphy, N.Y.
- Murray
- Natcher
- Nedzi
- Nix
- O'Brien
- O'Hara, Ill.
- O'Hara, Mich.
- Olsen, Mont.
- Olson, Minn.
- O'Neal, Ga.
- O'Neill, Mass.
- Ottinger
- Passman
- Patman
- Patten
- Pepper
- Perkins
- Philbin
- Pickle
- Pike
- Poage
- Poff
- Pool
- Price

Pucinski
Purcell
Race
Randall
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, S.C.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
Satterfield
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Scott
Selden
Senner
Shipley
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Smith, Va.
Staggers
Stalbaum
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Teague, Tex.
Tenzer
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watson
Weltner
White, Idaho
White, Tex.
Whitener
Whitten
Willis
Wilson, Charles H.
Wolff
Yates
Young
Zablocki

NOT VOTING—32

Ashley
Baring
Battin
Berry
Bingham
Bonner
Cabell
Cahill
Carey
Colmer
Green, Oreg.
Holifield
Hosmer
Jones, Mo.
Keogh
Laird
Lindsay
McMillan
Martin, Mass.
Morton
Nelsen
Powell
Rivers, Alaska
Roncalio
Taylor
Thomas
Toll
Walker, Miss.
Watts
Williams
Wright

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts for, with Mr. Walker of Mississippi against.

Until further notice:

Mr. Keogh with Mr. Lindsay.
Mr. Thomas with Mr. Hosmer.
Mr. Toll with Mr. Laird.
Mr. Colmer with Mr. Nelsen.
Mr. Holifield with Mr. Berry.
Mr. Roncalio with Mr. Morton.
Mr. Watts with Mr. Battin.
Mr. Williams with Mr. McMillan.
Mr. Bingham with Mr. Baring.
Mr. Ashley with Mr. Carey.
Mr. Rivers of Alaska with Mr. Powell.
Mr. Wright with Mr. Cabell.
Mr. Taylor with Mr. Bonner.

Mr. **POAGE** changed his vote from "yea" to "nay."

Mr. **BROCK** changed his vote from "yea" to "nay."

Mr. **BROYHILL** of North Carolina changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The **SPEAKER**. The question is on agreeing to the conference report.

Mr. **CELLER**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 328, nays 74, not voting 32, as follows:

[Roll No. 219]

YEAS—328

Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baldwin
Bandstra
Barrett
Bates
Belcher
Bell
Bennett
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Cameron
Carter
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Diggs
Dingell
Dole
Donohue
Dow
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gubser
Hagen, Calif.
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Herlong
Hicks
Holland
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Krebs
Kunkel
Langen
Latta
Leggett
Lipscomb
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Martin, Nebr.
Mathias
Matsunaga
May
Meeds
Miller
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Saylor
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Senner
Shipley
Shriver
Sickles
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Tenzer
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watkins
Weltner
Whalley
White, Idaho
White, Tex.
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—74

Abbitt
Abernethy
Andrews, George W.
Andrews, Glenn
Ashmore
Beckworth
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Callaway
Casey
Cooley
Davis, Ga.
Davis, Wis.
Dickinson
Dorn
Dowdy
Downing
Edwards, Ala.
Everett
Fino
Fisher
Flynt
Fountain
Fuqua
Gathings
Gettys
Gross
Gurney
Hagan, Ga.
Haley
Hansen, Idaho
Hardy
Harris
Hébert
Henderson
Jonas
Jones, Ala.
Kornegay
Landrum
Lennon
Long, La.
McEwen
Marsh
Martin, Ala.
Matthews
Michel
Mills
Murray
O'Neal, Ga.
Passman
Poage
Poff
Pool
Rivers, S.C.
Roberts
Rogers, Tex.
Satterfield
Scott
Selden
Sikes
Smith, Calif.
Smith, Va.
Stephens
Teague, Tex.
Tuck
Tuten
Utt
Waggonner
Watson
Whitener
Whitten
Willis

NOT VOTING—32

Ashley
Baring
Battin
Bingham
Bonner
Cahill
Carey
Colmer
Green, Oreg.
Hall
Holifield
Hosmer
Jones, Mo.
Keogh
Laird
Lindsay
McMillan
Martin, Mass.
Morton
Nelsen
Powell
Rivers, Alaska
Roncalio
Scheuer
Taylor
Thomas
Toll
Walker, Miss.
Watts
Williams
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Colmer against.
Mr. Holifield for, with Mr. Bonner against.
Mrs. Green of Oregon for, with Mr. Taylor against.
Mr. Roncalio for, with Mr. Williams against.
Mr. Rivers of Alaska for, with Mr. McMillan against.
Mr. Martin of Massachusetts for, with Mr. Walker of Mississippi against.
Mr. Hosmer for, with Mr. Battin against.

Until further notice:

Mr. Thomas with Mr. Laird.
Mr. Carey with Mr. Lindsay.
Mr. Ashley with Mr. Hall.
Mr. Bingham with Mr. Nelsen.
Mr. Toll with Mr. Morton.
Mr. Wright with Mr. Watts.
Mr. Powell with Mr. Scheuer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **CELLER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

AMENDING PEACE CORPS ACT

Mr. **MORGAN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes, with House amendments thereto, insist on the House amendments and agree to the conference requested by the Senate.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MORGAN, Mr. ZABLOCKI, Mrs. KELLY, Mr. HAYS, Mrs. BOLTON, Mr. ADAIR, and Mr. MAILLIARD.

SALINE WATER CONVERSION PROGRAM

Mr. ASPINALL submitted a conference report and statement on the bill (S. 24) to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes, which was ordered to be printed.

INTEREST EQUALIZATION TAX

Mr. DELANEY from the Committee on Rules reported the following privileged resolution (H. Res. 498, Rept. No. 719) which was referred to the House calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4750) to provide a two-year extension of the interest equalizaton tax, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider the substitute amendment recommended by the Committee on Ways and Means now in the bill and such substitute shall be considered as having been read for amendment. No other amendment to the bill or committee substitute shall be in order except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but such amendments shall not be subject to amendment. At the conclusion of such consideration, the Committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

INCOME TAX TREATMENT OF CASUALTY LOSSES ATTRIBUTABLE TO MAJOR DISASTERS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7502) relating to the income tax treatment of certain casualty losses attributable to major disasters, which was unanimously reported by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. COLLIER. Mr. Speaker, reserving the right to object, and I shall not object, I take this time for the purpose of asking the chairman of the committee to make an explanation of the bill.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I am happy to yield to the gentleman.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 7502 as reported to the House by the Committee on Ways and Means is to amend the provisions of existing law relating to the income tax treatment of casualty losses to provide that if property is destroyed or damaged by a storm, flood, or other casualty which is designated by the President of the United States as a major disaster, then, if the losses exceed the gains, both the losses and the gains will be treated as ordinary for tax purposes.

Under present law, uninsured business losses—or those from property held for the production of income—arising from a fire or other casualty are treated as ordinary losses without regard to any gains the taxpayer may have. This rule is not changed by H.R. 7502—which was introduced by our colleague in the Committee on Ways and Means, the gentleman from Oregon, the Honorable AL ULLMAN. In the case of major disasters, the pending bill supplements this rule of existing law to provide substantially similar loss treatment for partially insured business property—or property held for the production of income. This loss treatment also is provided in the case of major disasters for losses of personal assets held for over 6 months——such as a personal residence—whether or not it is covered by any insurance.

In addition, a technical amendment makes it clear that uninsured losses arising from the destruction—in whole or in part—theft, or seizure, or requisition or condemnation of property—used in the trade or business or capital assets held more than 6 months—are to be offset against gains otherwise treated as capital gains except to the extent they are specifically excluded from the provision.

The Treasury Department has indicated that it has no objection to this legislation, and the Committee on Ways and Means is unanimous in urging its enactment.

Mr. COLLIER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

H.R. 7502

A bill relating to the income tax treatment of certain casualty losses attributable to major disaster

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1231(a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "In the case of any involuntary conversion of property (subject to the provisions of this subsection but for this sentence) in respect of which the taxpayer is compensated for by insurance in some amount, and which is attributable to a storm, flood, fire, or other casualty which is subsequently designated by the President of the United States as a major disaster for the purposes of the Act of September 30, 1950, as amended, entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes' (64 Stat. 1109), this subsection shall not apply to such involuntary conversion (whether resulting in gain or loss) if, during the taxable year, the recognized losses from such partially insured conversions exceed the recognized gains from such involuntary conversions."

(b) The amendment made by this Act shall apply to taxable years ending after November 30, 1964.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) section 1231(a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: 'In the case of any involuntary conversion of property (subject to the provisions of this subsection but for this sentence) which is attributable to a storm, flood, fire, or other casualty designated by the President of the United States as a major disaster for the purposes of the Act of September 30, 1950, as amended, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C., secs. 1855–1855g), this subsection shall not apply to such involuntary conversion (whether resulting in gain or loss) if, during the taxable year, the recognized losses from such conversions exceed the recognized gains from such conversions.'

"(b) The amendment made by subsection (a) shall apply to taxable years ending after November 30, 1964.

"SEC. 2. (a) Paragraph (2) of section 1231 (a) of the Internal Revenue Code of 1954 is amended by inserting after 'losses' the first place it appears '(including losses not compensated for by insurance or otherwise)'.

"(b) The amendment made by subsection (a) shall apply in respect of losses sustained after the date of the enactment of this Act in taxable years ending after such date."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DUTY ON CERTAIN FORMS OF NICKEL—ANNOUNCEMENT

Mr. MILLS. Mr. Speaker, it had been my intention to ask unanimous consent for the consideration today of the bill, H.R. 6431, but I have been advised by the gentleman from Oregon [Mr. DUNCAN] that if I did do so he would have to object today. Therefore, I am not asking that the bill be considered, but I will ask later in this session for its consideration.

NORA ISABELLA SAMUELLI

Mr. SENNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 618) for the relief of Nora Isabella Samuelli.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arizona?

Mr. TALCOTT. Mr. Speaker, reserving the right to object, I wish to briefly discuss this bill.

Mr. Speaker, I wish to discuss for a few moments private bill, S. 618, which provides for a $55,000 lump sum payment and retirement benefits "as a gratuity for the sacrifices" of Miss Nora I. Samuelli, of Rumania, a former employee of the American Legation in Bucharest.

This legislation requires a more complete explanation than we have received to date. The bill was drawn by the State Department, originated in the Senate, and has been passed over thrice by the House objectors when called up on the Private Calendar.

Because of the extraordinary emotional factors inherent in a case of this type much publicity has been generated which makes objective and rational consideration exceptionally difficult.

As Members know, the Private Calendar does not permit any question, discussion or debate of a bill. Therefore, I take this time to present some additional facts and views regarding S. 618. I commend the members of the Claims Subcommittee of the Judiciary Committee for providing this opportunity for discussion.

Miss Samuelli, by all reports, is a decent, sensitive person who performed her job loyally and well for the United States. She was imprisoned by Rumanian authorities for 12 years—probably because of her employment by the United States. She is entitled to full consideration, even sympathy—which I am determined to accord her. But individual personalities and special interests should not supersede the best interests of the United States and its citizens.

Miss Samuelli had been employed at the American Legation in Bucharest, Rumania, as a clerk, performing unclassified duties, for 3½ years, when, in July 1949, she was arrested, tried, and convicted—unjustly by our standards—by the Rumanian Communist regime for treason and espionage as a turncoat spy for the United States. She was confined for almost 12 years. Her imprisonment was harsh—often incommunicado and sometimes in solitary confinement. She suffered a painful, but not disabling, accidental back injury during this period.

Miss Samuelli was not a spy for the United States. There is no evidence whatsoever that she was a spy for the Communists.

After her release from prison in June of 1961, Miss Samuelli went to France, where she contacted her former superior officer who strongly recommended that the Department of State show full appreciation for her loyal services to the United States and the hardships she endured. For several reasons—the unusual circumstances involved, the lack of a clear law or regulation covering the case, the insistence by Miss Samuelli that the United States reward her comparably with her English and Israeli counterparts, and a variety of bureaucratic mistakes—no satisfactory compromise of her entitlement was effected.

In 1963, Miss Samuelli had an opportunity to come to the United States in order to present her case in person. The State Department agreed to sponsor legislation to compensate all persons in her category for their full salaries for the time spent in prison. Such a bill is now pending in the House. Miss Samuelli also importuned several Members of the other body, who were impressed with her story, and who urged the Secretary of State to seek a more generous award of her full back salary, plus retirement benefits, plus a $20,000 gratuity.

Miss Samuelli's compensation at the time of her arrest was $1,920 per annum—a fair and mutually satisfactory wage for unclassified work in Bucharest at the time. The Department of State, which now contends her case is "the most deserving ever encountered," originally set her entitlement at $26,972.46—computed on the basis of her last prearrest salary rate projected over the total period of her imprisonment.

After the Members of the other body interceded, the Department of State revised the figure upward to $44,873.67—computed on the basis of the actual compensation received by a fellow employee—who held a similar position and was paid the same salary as Miss Samuelli at the time she was imprisoned—and who continued to work throughout the period during which Miss Samuelli was confined, plus full pay for an additional 2 years at the highest estimated rate of about $3,300 per annum, plus accrued annual leave. Value of pension benefits are difficult to compute; however, at present rates her annuity would be about $85 per month, $1,020 per year, or an actuarial value of $10,440 to $28,700. If Miss Samuelli were to apply for service-connected disability compensation, and if approved, her total benefits could be greater.

Pursuant to standard procedure, the mother of Miss Samuelli received a sum equal to her salary for 6 months shortly after Miss Samuelli was arrested in 1949.

Another pending bill would grant U.S. citizenship to Miss Samuelli.

In addition to the above, a $10,000 payment for "suffering and expenses" was recommended by the Department of State. The Department has stated that this sum is "a gratuity in recognition, not only of the physical and mental suffering she endured, but also the expenses to which Miss Samuelli has been put in developing this first case of its kind." These expenses are said to include legal fees and costs of travel in pursuing her claim, although payment of the former is specifically prohibited by the bill. This provision, in effect, pays a bonus to a stateless person for developing a claim against the U.S. Treasury. Some Members believe this is a first-of-its-kind bonus—which should not be encouraged, let alone subsidized.

It is understood that another almost identical case is known to the Department of State, but was withheld because the Samuelli case has more emotional and political appeal, and also because Miss Samuelli has more prominent supporters and advocates. This appears to be a questionable parliamentary tactic—discriminatory and conceivably detrimental to the other case—which casts a shadow of doubt on both, in my opinion. The State Department has assured me, in writing, that the "Department will not consider the amount provided in this bill as a precedent for other claimants." In other words, we are assured that other claimants will not be given bonuses. Some Members consider this unfair to other claimants—or special treatment for this particular claimant.

On the other hand, it is also alleged that there are pending as many as 50 comparable or similar cases for which this case would be a precedent.

Some Members contend that such a novel first case of its kind, with dozens more standing in the wings, deserves more thorough consideration, debate, and deliberation than the "ask-no-question, see-no-problem, hear-no-answers, assume - no - public - interest" Private Calendar procedure can provide.

Some Members have demanded that Congress, and the public, be permitted to know first, why the State Department changed its mind and proposed a more than 100-percent increase in lost back salary; two, whether the U.S. Government intends to pay gratuities for imprisonment to foreign nationals which were not paid to our own military and civilian employees; and three, how this case will affect the computation of salaries of future prisoners of war—will they be entitled to hypothetical potential pay raises and gratuities; and, if so, what will be the criteria?

Some proponents have suggested that, unless we treat Miss Samuelli with special generosity, recruitment of nationals for employment in our embassies and legations will be severely handicapped and Communist governments will propagandize that the United States "pays only salaries, not bonuses, for imprisonment; so do not work for economy-minded, inhumane capitalists."

In other words, "do not work for the United States unless you are guaranteed a bonus when we put you in jail." Not everyone concurs.

Some proponents have suggested that our friends in captive nations may say "after all we did for the United States, now we do not get a bonus—how cheap." Or "after all, we are volunteers, we did not have to work for the United States—so we should be entitled to special gratuities in addition to back salary, when imprisoned."

These arguments may have some validity—and perhaps should be a part of the basis of our foreign employment policy. Perhaps there is no other way we can attract competent, loyal foreign workers. However, the objectors simply believe that these are dramatic deviations from our existing policy and therefore should have a fuller debate than is possible under the Rules of Procedure of the Private Calendar.

Some proponents support the gratuity also on the basis that Miss Samuelli did an excellent job. We do not dispute her competency. If she had not done a good job, she should have been dismissed; if her services were more valuable than her compensation, she should have been promoted. Adjustments of compensation at termination has not been the practice of our foreign employment policy. The objectors believe our policy in this respect should not be changed via a private bill.

Other proponents justify the gratuity on the basis that she was loyal to the United States. We do not disparage her loyalty; we even applaud it. But if she were not loyal, she should not have requested or been given employment in the first place. If she were anything but loyal, she should receive nothing. A policy of gratuities for loyalty needs more discussion, the objectors suggest.

Her friends say, "She suffered pain and severe hardships while in prison." We do not deny or disparage this. In fact, none of us can fully appreciate the full extent of her physical, mental, and emotional suffering—as we were not there. But we have never awarded special gratuities to our own citizens—military or civilian—for harsh and inhumane treatment while military or political prisoners.

Some advocates of this bill say that gratuities for Miss Samuelli based upon hypothetical potential salary increases, promotions and increments is progressive and enlightened. We do not necessarily disagree, but we believe that there should be some criterion and that the policy should apply also to our own civilian and military prisoners—which is believed not to be the practice now. If our policy is to be changed, some objectors believe it should not be done by a precedent established in the House by a Senate bill without question or debate under the Private Calendar.

A point also is made that England, France, and Israel treat their political prisoners more generously than the United States and that this is embarrassing or damaging to our international reputation, especially when we are more affluent than they. First, substantiating evidence of this argument has not been adduced. Second, if our policy is different, there has been no evidence that a change is necessary. If a change is necessary, the specific proposals for such change have not been suggested. There has been no evidence that our present policy failed to produce adequate, competent personnel or that our international relations or goals have been adversely affected by our policy. Some might even dispute the efficacy or appropriateness of maintaining a policy which give more generous gratuities than other nations give to their political or military prisoners. Such considerations and arguments cannot be developed during the call of the Private Calendar.

It can be fairly said that $44,873.67—lately proposed by the State Department—represents a handsome salary for the 12 years' work she could have obtained during those years in Rumania. No others with her training and classification were paid so well. The actual salary of a similarly classified coworker, Miss Maria Rothbacker, during the entire term of Miss Samuelli's internment totaled $35,729.46. Lost annual leave amounted to $2,385.44—for a total of $38,114.90.

The inexcusable bureaucratic mistakes and delay in the State Department should not become an excuse for hasty, inadequately considered congressional action which may have far-ranging future consequences.

We concede that most of the arguments for this particular claimant are emotionally appealing—to conscientious legislators; decent, humane officials; sob-sisters; and avid, earnest anti-Communists—and they are absolutely apolitical; nevertheless, the questions, reservations, and even objections have some validity. Not only is it the official duty of an objector to investigate, question, and call to the attention of the House any reservation or objection he may have, or another Member may request of him, but every Member should interest himself in private bills which are of such great importance to our Nation and to so many individuals who may have been, or may be, similarly situated.

Nobody with whom I have discussed this case would object to full recompense for Miss Samuelli—even acceding to the imponderables and vagaries of favorable hypothetical potential increases; but when the State Department proposed to more than double or triple her remuneration, after the intercession of influential Senators, but without any objective explanation or rational criterion, grave doubts were bound to arise which could not be properly or adequately satisfied by way of the limited and narrow Private Calendar procedure.

Scores of comparable cases come to mind—and I believe research and elaboration of comparable situations might be interesting, sobering, and cautionary. The Philippine Scouts, I understand, were certainly competent and loyal, and certainly suffered hardships and imprisonment, even death—to themselves and their families. They voluntarily served along with our Army often without pay during the Pacific campaign of World War II, and were later promised compensations equal to our servicemen—not bonuses—but the Government has never seen fit nor thought it appropriate to grant these loyal, competent, suffering nationals any gratuity.

We suspect that many persons throughout the world, now and in the future, might qualify for money payments under the criterion or principles of this case. The objectors simply think they should have hard evidence, fuller discussion, and cleaner legislative history before we establish new criterion and policy by the precedent of a private bill.

This case is already beginning to bring inquiries from individuals asking if they and others are not eligible for back pay, gratuities, and retirement benefits for their employment, service, or imprisonment before, during, and after World War II. The objectors think it would be wise to have a policy and criterion before we open the floodgates by passing a private bill granting a special gratuity.

This case could open up an enormous Pandora's box of pending, dormant, or future cases which are identical, comparable, or sufficiently similar to warrant or invite an avalanche of private bills and claims. Some Members question whether this appealing, highly emotional, pressurized, single case should become the criterion for the disposition of all future prisoner-of-war cases.

As one Member of Congress who wants to help Miss Samuelli and expedite her claim, who believes a fair employment practice requires our Government to pay full wages during enemy imprisonments, but as one who concurs with numerous other Members of the House that the novel aspects of gratuities should be the subject of general, rather than special legislation, I concur that the only way this bill can be passed by the House now is to accept the committee amendment proposed by the gentleman from Arizona [Mr. SENNER] at my request. I understand that the amendment is being accepted by the minority objectors and the minority members of the Claims Subcommittee of the Judiciary Committee. I especially commend the gentleman from Arizona [Mr. SENNER], the proposer of this bill, and the gentleman from South Carolina [Mr. ASHMORE] the chairman of the subcommittee, for their splendid cooperation in working out this compromise amendment which I trust is satisfactory to the claimant and also in the best interests of the United States and its citizens. The committee demonstrated concern for the claimant and for the U.S. citizens. The committee has demonstrated that special private bills can be processed through the Private Calendar and that, when necessary and appropriate, a bill can be given full consideration and that the House can work its will.

Furthermore, Mr. Speaker, there are several other worthy claimants equally entitled with Miss Samuelli—at least one who served the United States longer and was imprisoned longer and under more harsh circumstances, and who returned from imprisonment to continue loyal employment for the United States, but she has had no influential supporters in the Congress. Another case is even more pathetic, but tragically her imprisonment left her so broken in mind, health, and spirit that she could not pursue any claim, no matter how valid.

If we are today going to pass a bill for the benefit of Miss Samuelli, which I have worked assiduously to pass, we should be prepared to pass forthwith comparable bills for the benefit of other nationals loyal to the United States who were imprisoned because of their employment by the U.S. Government abroad.

I intend to introduce private bills for the benefit of several persons not my constituents but known to me, who should be compensated comparably with Miss Samuelli, not to give them bonuses, gratuities, extra pay, or special consideration, but simply to treat them fairly and comparably with other foreign nationals employed by the United States in our legations abroad.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, I believe this bill for the relief of Nora Isabella Samuelli is a clearly meritorious one. I appreciate the efforts of the gentleman from California, and I hope this bill, which is equitable and long overdue, will pass in the full amount recommended by the Department of State.

The Deputy Under Secretary of State for Administration, William Crockett, has informed me that staff physicians report Miss Samuelli is "physically incapacitated" and would meet criteria for "medical retirement." Under other circumstances this could make Miss Samuelli eligible for a certain percentage of her annual salary for the rest of her life and I trust this will be taken into consideration by Members of the House and by Members of the other body.

The **SPEAKER.** Is there objection to the request of the gentleman from Arizona?

Mr. **GROSS.** Mr. Speaker, further reserving the right to object, it is the intention of the gentleman to offer an amendment to this bill, is it not?

Mr. **SENNER.** Mr. Speaker, will the gentleman yield?

Mr. **GROSS.** I am glad to yield to the gentleman from Arizona.

Mr. **SENNER.** Mr. Speaker, in answer to the gentleman, I would like to inform him that I am presenting a committee amendment to the bill, S. 618, for the relief of Nora Isabella Samuelli. This bill was favorably reported to the House on May 27, 1965. In the time intervening from that date, it has been possible to review the provisions of the bill and to secure additional information. On the basis of this information it has been concluded that there should be a modification of the amount provided in the bill so as to make it correspond with the amount computed by the Department of State to be the equivalent of that Miss Samuelli would have earned had she not been seized by Rumanian authorities and imprisoned for a 12-year period. This requires a deduction of a $10,000 figure which is stated in the State Department report as being an additional sum over and above that which she should have earned. Further, it appears that Miss Samuelli was imprisoned from July 24, 1949, to June 14, 1961; however, due to some inadvertence in the period selected in the computation of the compensation Miss Samuelli would have earned, the period covered was extended to 1963. Accordingly, this amounted to the inclusion of approximately 2 additional years in the original computation; therefore, the figure for the loss of compensation which previously was $44,873.67 has been reduced by the figure of $6,758.77 to the revised figure of $38,114.90. This is the amount stated in the committee amendment.

Section 2 of the bill provides for the period of Miss Samuelli's imprisonment to be recognized as creditable service for the purpose of the Civil Service Retirement Act. The committee in reporting the bill assumed that Miss Samuelli would make the required employee contribution in order to receive the credit for this service; however, to make this point absolutely clear, the committee also recommends that the bill be amended to state affirmatively that she shall be granted this service provided that she makes the required employee contribution.

Mr. **GROSS.** Mr. Speaker, I submit that this is the type of bill which ought to have been brought to the House floor under a rule, because I am fearful it does set a precedent. I am not going to object, but in the future I will object to the unanimous-consent consideration of bills of this unique nature on the floor of the House by way of the Private Calendar where, under ordinary circumstances, it cannot be discussed; no questions can be asked and no answers given. I hope that we have seen the end of this sort of legislation on the Private Calendar.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the unanimous-consent request of the gentleman from Arizona?

There being no objection, the Clerk read the bill as follows:

S. 618

An act for the relief of Nora Isabella Samuelli

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nora Isabella Samuelli, the sum of $55,000 as a gratuity for the sacrifices sustained by her as a result of having been imprisoned for twelve years by the Communist Government of Rumania on charges that the said Nora Isabella Samuelli acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Sec. 2. The period from July 24, 1949, to June 14, 1961, inclusive, during which Nora Isabella Samuelli was imprisoned by the Communist Government of Rumania on charges that she acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania, shall be determined to be creditable service for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251, et seq.).

AMENDMENT OFFERED BY MR. SENNER

Mr. **SENNER.** Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Senner:

Page 1, line 6, strike "$55,000 as a gratuity for the sacrifices" and insert "$38,114.90 for loss of compensation".

Page 2, line 15, after "2251, et seq.)" insert "*Provided,* That, she makes the required employee contribution".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

FIRST ANNUAL REPORT OF THE ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION (H. DOC. 253)

The **SPEAKER** laid before the House the following communication from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed with illustrations:

To the Congress of the United States:

By Public Law 88-609, I was authorized to appoint five men from private life to make a full study of the most suitable site for, and best means of constructing, a sea-level canal connecting the Atlantic and Pacific Oceans. On April 18, 1965, I appointed five distinguished American citizens to serve on the Atlantic-Pacific Interoceanic Canal Commission. They are: Robert B. Anderson, Chairman; Robert G. Storey, Vice Chairman; Milton S. Eisenhower, Kenneth E. Fields, and Raymond A. Hill.

The Commission immediately set about its difficult and complicated mission. The initial phase of its work has been to develop a program of investigations covering the many aspects of the construction of a sea-level canal. It has selected the Chief of Engineers, U.S. Army, to conduct the engineering feasibility study under the direction of the Commission. The Commission will soon call upon other Government and private agencies to carry out additional studies to aid in assessing the broad national and international implications of a sea-level canal. By early next year the Commission expects to begin onsite surveys of possible canal routes. The Commission is also contemplating a trip to Panama in the near future to study, at first hand, the present Canal Zone and another possible canal route in Panama's Darien Province. I am highly gratified by the progress made by the Commission, under the able leadership of Mr. Anderson, during the short period that it has been working.

The Commission has requested the Congress to appropriate sufficient funds in fiscal year 1966 to initiate investigations on the most promising sea level canal routes. Onsite surveys would begin in January, with the next annual dry season in the isthmus. I recommend prompt action on the request in order that the Commission be in position to initiate this important aspect of its work during this 4-month period of favorable weather conditions.

Under the terms of the authorizing legislation, the Commission is required to report to me on its progress for transmittal to the Congress on July 31 of each year and to make its final report not later than June 30, 1968. I take pleasure in submitting the first annual report of the Commission.

In forwarding this report to the Congress, I wish to reiterate the importance which I attach to pressing forward with plans and preparations for a sea-level canal. I think this is needed for the protection and promotion of peaceful trade, as well as for the welfare of the hemisphere. It is needed in the true interests of the United States and in fairness and justice to all.

Lyndon B. Johnson.

The White House, *July 31, 1965.*

PRIVATE CALENDAR

The **SPEAKER.** This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

THE UNIVERSITY OF MICHIGAN LIBRARIES

MRS. NATHALIE ILINE

The Clerk called the bill (H.R. 1380) for the relief of Mrs. Nathalie Iline.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

OUTLET STORES, INC.

The Clerk called the bill (H.R. 2924) for the relief of the Outlet Stores, Inc.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. HALL objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

CHARLES MAROWITZ

The Clerk called the bill (H.R. 1445) for the relief of Charles Marowitz.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS and Mr. HALL objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

EDWARD V. AMASON AND EMERITA CECILIA AMADOR AMASON

The Clerk called the bill (H.R. 1473) for the relief of Edward V. Amason, and Emerita Cecilia Amador Amason.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JOANNE MARIE EVANS

The Clerk called the bill (H.R. 3103) for the relief of Joanne Marie Evans.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DEDRICK A. MAANUM

The Clerk called the bill (H.R. 4070) for the relief of Dedrick A. Maanum.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

MRS. RUTH GORFAIN

The Clerk called the bill (H.R. 5206) for the relief of Mrs. Ruth Gorfain.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN and Mr. HALL objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

LT. COL. JAMES P. HUBBARD, U.S. ARMY

The Clerk called the bill (H.R. 5815) for the relief of Lt. Col. James P. Hubbard, U.S. Army.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL and Mr. GROSS objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

E. F. FORT, CORA LEE FORT CORBETT, AND W. R. FORT

The Clerk called the bill (H.R. 6527) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

There being no objection, the Clerk read the bill as follows:

H.R. 6527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. F. Fort, of Beaumont, Texas, to Cora Lee Fort Corbett, of Lake Wales, Florida, and to W. R. Fort, of Palestine, Texas, the sum of $4,000 in full settlement of their claims against the United States for payment for land formerly owned by them and taken by the United States located in the west half of the northeast quarter of section 34, township 39 south, range 42 east, of the Tallahassee meridian, county of Martin, State of Florida, and known as tract numbered 131, Camp Murphy, Florida: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MARVIN D. NELLS

The Clerk called the bill (H.R. 7822) for the relief of Marvin D. Nells.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. HALL objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

DEBRA LYNNE SANDERS

The Clerk called the bill (S. 916) for the relief of Debra Lynne Sanders.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MICHIKO MIYAZAKI WILLIAMS

The Clerk called the bill (H.R. 1274) for the relief of Mrs. Michiko Miyazaki Williams.

There being no objection, the Clerk read the bill as follows:

H.R. 1274

Be it enacted by the Senate and House of Represententtaives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (23) of the Immigration and Nationality Act, Mrs. Michiko Miyazaki Williams may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

LOUIS ADLER

The Clerk called the bill (H.R. 1821) for the relief of Louis Adler.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNA DEL BAGLIVO

The Clerk called the bill (H.R. 1871) for the relief of Anna Del Baglivo.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Anna Del Baglivo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Anna Del Baglivo. From and after the date of the enactment of this Act, the said Anna Del Baglivo shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced on any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. GUISIPPINA RUSSO LUCIFORO

The Clerk called the bill (H.R. 1415) for the relief of Mrs. Giusippina Russo Luciforo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. GROSS objected and under the rule, the bill was recommitted to the Committee on the Judiciary.

CARLO ANTONIO DeLUCA

The Clerk called the bill (H.R. 4032) for the relief of Carlo Antonio DeLuca.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN and Mr. HALL objected, and under the rule, the bill was recommitted to the Committee on the Judiciary.

WRIGHT G. JAMES

The Clerk called the bill (S. 1196) for the relief of Wright G. James.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

1ST LT. ROBERT B. GANN

The Clerk called the bill (H.R. 1644) for the relief of 1st Lt. Robert B. Gann.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

WILLIAM S. PERRIGO

The Clerk called the bill (H.R. 6726) for the relief of William S. Perrigo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

KENT A. HERATH

The Clerk called the bill (H.R. 8212) for the relief of Kent A. Herath.

There being no objection, the Clerk read the bill, as follows:

H.R. 8212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kent A. Herath the sum of $676 in full satisfaction of his claim against the United States for the loss of certain personal property from his official residence in David, Panama, where he was serving as United States Information Service branch public affairs officer: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.00.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUCCESSORS IN INTEREST OF COOPER BLYTH AND GRACE BLYTH

The Clerk called the bill (H.R. 8350) for the relief of the successors in interest of Cooper Blyth and Grace Johnston Blyth otherwise Grace McCloy Blyth.

There being no objection the Clerk read the bill, as follows:

H.R. 8350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to return to Barclays Bank Limited, 54 Lombard Street, London, E.C. 3, as executor under the will of Cooper Blyth, deceased, the sum of $654.73, representing the proceeds of fifteen shares of capital stock of the National City Bank of New York evidenced by certificate numbered CTF 155563, which were vested under vesting order 11122, dated April 26, 1948.

With the following committee amendment:

Part 1, line 10: Strike "948." and insert "1948.".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CLARENCE L. AIU AND OTHERS

The Clerk called the bill (H.R. 8351) for the relief of Clarence L. Aiu and others.

There being no objection, the Clerk read the bill, as follows:

H.R. 8351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to each of the following claimants, or to his survivors, the sum designated, in full satisfaction of his claim against the United States, which sum represents the reasonable value of each claimant's personal property lost, damaged, or destroyed by, and personal expenses incurred as a result of, Typhoon Karen which occurred at Guam, Marianas Islands, on November 11, 1962, where each claimant was required to be incident to his service as an employee of the United States Government:

Clarence L. Aiu, $652.06; Ralph C. Alexander, $225; Ronald E. Bereman, $570; Donald F. Berrigan, $660.77; John M. Bonvissuto, $1,919.60; Thomas G. Brown, $2,475.45; Norman L. Butner, $675; George T. Candy, $1,886; Willis S. Cannon, Junior, $2,134; Harry Clark, Junior, $2,537.50; George DeLima, $801; John C. Enlow, $198; Wilfrid F. Gehrkin, $325; Marvin A. Gradwohl, $6,500; Emil E. Guenther, $881; Harold W. Hamm, Junior, $235; Chester D. Hand, $1,638;

George T. Harris, $3,084.74; George F. Hartley, $1,951.50; William A. Hawkins, $618.22; Yushio Hirata, $1,290; Guy R. Hudson, $1,476.10; Ronald H. Inefuku, $843.19; William G. Jackson, $1,909; Loren E. Jones, $1,146.95; Leroy E. Joppie, $260; Arthur K. Kawai, $529; Lyle V. Kilpatrick, $489; Verden Kim, $876; Albert S. C. Kong, $2,181.40; James T. Kushima, $264.25; William A. Lawless, $1,503.83; Roy S. Makio, $797; Manuel Marin, $6,500; K. Steward McClelland, $329;

Lestel D. McQuay, $54.77; Alexander S. Melligio, $2,584.45; Wallace T. Morioka, $3,128.19; Thomas J. Morris, $1,284; Judson S. Munsey, $3,463.05; Gary J. Nelson, $510.50; Cornelius E. O'Brien, $1,023; James T. O'Donnell, $2,536.97; Robert E. Orr, $675; John H. Outcalt, $1,108.25; Daniel J. Pereira, $1,453; James V. Powell, $214; Agnes M. Pratt, $1,144.20; John B. Pratt, Junior, $807.90; Joe C. Price, $947.55; Lloyd V. Richmond, $2,495; Leroy Rosa, $80; Kenneth H. Short, $1,768;

Vianna C. Stream, $626.50; Chester K. Tatsumura, $1,106.90; Raymond S. Tokumoto, $971.22; Charles M. Unten, $3,184.75; Arthur H. Watt, $545; James A. Wene, $449; Homer L. Willess, $1,834.85; Robert G. C. Wong, $135; Gordon R. Yen, $400.

Provided, That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. This Act shall become effective immediately upon its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MAJ. DERRILL deS. TRENHOLM, JR., U.S. AIR FORCE

The Clerk called the bill (H.R. 8641) for the relief of Maj. Derrill deS. Trenholm, Jr., U.S. Air Force.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Derrill deS. Trenholm, Junior, AO-664848, United States Air Force, Offutt Air Force Base, Nebraska, the sum of $472.96 in full satisfaction of his claim against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects that were lost or destroyed as a result of a fire of undetermined origin on August 9, 1963, at the Smitty's Van and Storage Company warehouse, Omaha, Nebraska, while the property was stored in a warehouse under a Government contract. No part of the amount appropriated in this Act will be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MAJ. RAYMOND G. CLARK, JR.

The Clerk called the bill (S. 45) for the relief of Maj. Raymond G. Clark, Jr.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LT. RAYMOND E. BERUBE, JR.

The Clerk called the bill (S. 97) for the relief of Lt. Raymond E. Berube, Jr.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LLOYD K. HIROTA

The Clerk called the bill (S. 134) for the relief of Lloyd K. Hirota.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

BENJAMIN A. RAMELB

The Clerk called the bill (S. 149) for the relief of Benjamin A. Ramelb.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **TALCOTT**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

HONORATA A. VDA DE NARRA

The Clerk called the bill (S. 263) for the relief of Honorata A. Vda de Narra.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **TALCOTT**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

ROBERT L. WOLVERTON

The Clerk called the bill (S. 572) for the relief of Robert L. Wolverton.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LT. COL. WILLIAM T. SCHUSTER, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (S. 919) for the relief of Lt. Col. William T. Schuster, U.S. Air Force, retired.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

OTTILIA BRUEGMANN JAMES

The Clerk called the bill (S. 1008) for the relief of Ottilia Bruegmann James.

There being no objection, the Clerk read the bill as follows:

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation on the time within which applications for disability retirement are required to be filed under section 7(b) of the Civil Service Retirement Act (5 U.S.C. 2257(b)) is hereby waived in favor of Ottilia Bruegmann James, a former employee of the Department of the Army, and her claim for disability retirement under such Act shall be acted upon under the other applicable provisions of such Act as if her application had been timely filed, if she files application for such disability retirement within sixty days after the date of enactment of this Act. No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of enactment of this Act.

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the enactment of this Act shall be paid from the civil service retirement and disability fund.

Passed the Senate May 27, 1965.

Attest:

FELTON M. JOHNSTON,
Secretary.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

FRED E. STARR

The Clerk called the bill (S. 1068) for the relief of Fred E. Starr.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **McEWEN**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

LT. ROBERT C. GIBSON

The Clerk called the bill (S. 1138) for the relief of Lt. Robert C. Gibson.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JACK C. WINN, JR.

The Clerk called the bill (S. 1267) for the relief of Jack C. Winn, Jr.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

BETTY H. GOING

The Clerk called the bill (H.R. 1221) for the relief of Betty H. Going.

There being no objection, the Clerk read the bill as follows:

H.R. 1221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Betty H. Going, of Jacksonville, Florida, the sum of $5,000 in full settlement of all her claims against the United States for an amount equal to the amount she would have received as the beneficiary under a life insurance policy (number 85538–E) issued in 1948 by the Guardian International Life Insurance Company of Dallas, Texas, on the life of her brother, the late Sergeant Walker D. Howle (AF14268363), if the United States had not caused such policy to lapse for nonpayment of premiums. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$5,000" and insert "$4,718.44".

Page 2, lines 3 and 4, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

IRENE McCAFFERTY

The Clerk called the bill (H.R. 1395) for the relief of Irene McCafferty.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

M. SGT. RICHARD G. SMITH, U.S. AIR FORCE, RETIRED

The Clerk called the bill (H.R. 1892) for the relief of M. Sgt. Richard G. Smith, U.S. Air Force, retired.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RALPH S. DESOCIO, JR.

The Clerk called the bill (H.R. 2571) for the relief of Ralph S. DeSocio, Jr.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph S. DeSocio, Junior, of Pine City, New York, the sum of $1,500 in full settlement of all claims of Ralph S. DeSocio, Junior, against the United States for reimbursement of amounts paid in settlement of judgments against him obtained in the Supreme Court, State of New York, county of Chemung, as a result of a motor vehicle collision on December 22, 1958, in Elmira, New York, between a privately owned vehicle and a Government vehicle being operated by him within the scope of his employment with the United States Post Office Department. The payment authorized by this Act shall be made on the condition that the amount so received shall be paid in accordance with the settlement referred to herein in full and final satisfaction of the judgments obtained against Ralph S. DeSocio, Junior: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MAJ. ALEXANDER F. BEROL, U.S. ARMY, RETIRED

The Clerk called the bill (H.R. 3684) for the relief of Maj. Alexander F. Berol, U.S. Army, retired.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PACIFIC MISSILE RANGE EMPLOYEES

The Clerk called the bill (H.R. 3770) for the relief of certain individuals employed by the Department of the Navy at the Pacific Missile Range, Point Mugu, Calif.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

WILLIAM L. MINTON

The Clerk called the bill (H.R. 4078) for the relief of William L. Minton.

There being no objection, the Clerk read the bill as follows:

H.R. 4078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William L. Minton, of Tacoma, Washington, Navy service number 533-9801, is hereby relieved of liability to the United States in the amount of $241, the amount of his liability to the United States for overpayments of per diem during the period August 16, 1960, to April 13, 1961, while he was serving as a member of the United States Navy. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said William L. Minton, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 10, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed and a motion to reconsider was laid on the table.

MYRA KNOWLES SNELLING

The Clerk called the bill (H.R. 4596) for the relief of Myra Knowles Snelling.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JAMES P. BRADLEY

The Clerk called the bill (H.R. 5121) for the relief of James P. Bradley.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM C. PAGE

The Clerk called the bill (H.R. 5903) for the relief of William C. Page.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. HARLEY BREWER

The Clerk called the bill (H.R. 5915) for the relief of Mrs. Harley Brewer.

There being no objection, the Clerk read the bill as follows:

H.R. 5915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Harley Brewer (or, in the event of her death, to her estate) of San Ildefonso Pueblo, New Mexico, the widow of Harley Brewer, the sum of $4,500. The payment of such sum shall be in full satisfaction of all the claims of the said Harley Brewer against the United States for compensation authorized to be paid to him by Private Law 88-360, approved October 14, 1964, but which was not so paid to the said Harley Brewer by reason of his death prior to enactment of the said private law: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Amend this title so as to read: "A bill for the relief of the estate of Harley Brewer, deceased."

With the following committee amendments:

Page 1, lines 5, 6, 7, 8, and 9 strike "to Mrs. Harley Brewer (or, in the event of her death, to her estate) of San Ildefonso Pueblo, New Mexico, the widow of Harley Brewer, the sum of $4,500. The payment of such sum shall be in full satisfaction of all the claims of the said Harley Brewer" and insert "the sum of $4,500 to the estate of Harley Brewer, deceased, in full satisfaction of the claims of the decedent".

Page 2, lines 3 and 4, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended to read: "A bill for the relief of the estate of Harley Brewer, deceased".

A motion to reconsider was laid on the table.

RICHARD D. WALSH

The Clerk called the bill (H.R. 7282) for the relief of Richard D. Walsh.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WALTER K. WILLIS

The Clerk called the bill (H.R. 8218) for the relief of Walter K. Willis.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CERTAIN EMPLOYEES OF THE FOREIGN SERVICE OF THE UNITED STATES

The Clerk called the bill (H.R. 8352) for the relief of certain employees of the Foreign Service of the United States.

There being no objection, the Clerk read the bill as follows:

H.R. 8352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the following employees of the Foreign Service of the United States, the sum designated in full satisfaction of their claims against the United States for compensation for personal property lost while performing their official duties: Edward H. Brown, $2,240; Anna J. Bryant, $1,625; Ronald G. Dixon, $211; John J. MacDougall, $1,465; Rene A. Tron, $1,500.

With the following committee amendment:

Page 1, line 11, insert:

"No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CHIEF M. SGT. ROBERT J. BECKER, U.S. AIR FORCE

The Clerk called the bill (H.R. 8640) for the relief of Chief M. Sgt. Robert J. Becker, U.S. Air Force.

There being no objection, the Clerk read the bill as follows:

H.R. 8640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Chief Master Sergeant Robert J. Becker, AF 33597473, United States Air Force, Headquarters, Tactical Air Command (DA), Langley Air Force Base, Virginia, the sum of $702.70 in full satisfaction of his claim against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects destroyed as a result of a fire of undetermined origin on July 6, 1958, at the Tidewater Storage and Crating Company warehouse, Hampton, Virginia, while the property was stored in a warehouse under a Government contract: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

COL. EUGENE F. TYREE, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (H.R. 8642) for the relief of Col. Eugene F. Tyree, U.S. Air Force (retired).

There being no objection, the Clerk read the bill as follows:

H.R. 8642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Colonel Eugene F. Tyree, 33218A, United States Air Force (retired), Louisville, Kentucky, the sum of $3,601.24 in full satisfaction of his claim against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects that were lost or destroyed as a result of a fire of undetermined origin on March 26, 1964, at the Lincoln Moving and Storage Company warehouse located in Moses Lake, Washington, while the property was stored in the warehouse under a Government contract. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

LT. (JG.) HAROLD EDWARD HENNING, U. S. NAVY

The Clerk called the bill (H.R. 4603) for the relief of Lt. (jg.) Harold Edward Henning, U.S. Navy.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING HON. JOSEPH W. MARTIN, JR., TO ACCEPT AWARD OF THE MILITARY ORDER OF CHRIST

The Clerk called the bill (H.R. 10132) to authorize the Honorable JOSEPH W. MARTIN, JR., of Massachusetts, a former Speaker of the House of Representatives, to accept the award of the Military Order of Christ with the rank of grand officer.

There being no objection, the Clerk read the bill as follows:

H.R. 10132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Honorable Joseph W. Martin, Junior, of Massachusetts, former Speaker of the House of Representatives, is authorized to accept the award of the Military Order of Christ with the rank of grand officer tendered by the Government of Portugal, together with any decorations and documents evidencing such award, and the consent of Congress is hereby expressly granted for this purpose as required under section 9 of article I of the Constitution. The Secretary of State is authorized to deliver to the Honorable Joseph W. Martin, Junior, the decorations and documents evidencing such award.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PACIFIC MISSILE RANGE EMPLOYEES

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 162, for the consideration of the bill (H.R. 3770) for the relief of certain individuals employed by the Department of the Navy at the Pacific Missile Range, Point Mugu, Calif.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 3770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each individual named in section 3 of this Act is relieved of liability to pay to the United States the amount set forth opposite his name, which amount represents an erroneous payment of compensation received by him during the period, 1959 through 1964, as a civilian employee of the Department of the Navy at the Pacific Missile Range, Point Mugu, California, and was erroneously paid to him due to administrative error.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual named in section 3 of this Act, the sum certified to him by the Secretary of the Navy as the aggregate of amounts paid by such individual to the United States, or withheld from amounts due him from the United States, on account of the liability for which relief is granted by the first section of this Act

SEC. 3. The individuals referred to in the first section of this Act, and the amount of the liability of each of them, are as follows:

Name	*Amount of overpayment*
Baker, Donald M	$340.00
Baldonado, Ernest C	226.40
Ballinger, Ben C	168.78
Bell, Lloyd A	115.20
Blackwood, Adams G	199.20
Blayney, Walter L., Jr	138.40
Brauer, William E	207.22
Brewer, Kenneth R	168.00
Brewer, Max R	81.28
Breyer, Theodore J	115.20
Brickley, Cecil E	168.00
Bright, Donald R	782.34
Burch, J. D	91.20
Carter, Norman S	340.00
Chiellon, Hector J	739.20
Clark, Harold A	318.73
Cowley, James A	137.60
Cox, Arthur C., Jr	19.44
Day, James H	97.60
Devine, Lloyd W	91.20
Dick, Perry K	149.60
Domes, William J	124.80
Doran, Gerald F	8.80
Doran, Lawrence B	28.00
Dragoo, Norman R	91.20
Duncan, Robert E	36.10
Duryea, Leon K	66.40
Ellis, Edgar C	274.40
Ellison, Silas W	272.63
Ferguson, Francis, Jr	85.60
Fox, J. L	234.40
Fraser, Thomas A	260.00
Gallagher, Warren L	279.20
Gustafson, John G	25.60
Hall, James B	56.00
Hansen, Loren R	79.20
Hayden, Edgar H	104.80
Higginson, Leo T	33.60
Hollan, John E	137.92
Hopwood, Arthur E	193.60
Hutton, Sidney D	149.60
James, Anthony B	79.84
Jensen, Carl O	176.00
Johnston, Robert L	205.60
Kline, Robert A	67.20
Knapp, Thomas R	340.00
Lake, Robert A	25.60
Lary, Benjamin E., Jr	97.60
Lee, Robert E	212.80
Liennmann, Lee Roy D	139.89
Lopert, Robert C	304.80
Lucier, Robert L	341.69
Lukshis, Edward R	340.79
Lundy, John O	72.80
McCarty, Michael	148.80
McDaniel, Dale Z	234.96
McQueen, Russell O	161.60
Magasis, Arthur	175.04
Martin, Alex	212.80
Mayo, Van S	104.80
Morris, Paul W	378.20
Norton, Walter T., II	97.60
Oakley, Gerald E	243.89
Pratt, William G., Jr	30.05
Preciado, Ruben H	107.20
Rice, William G	112.00
Riley, Merle H., Jr	91.20
Roberts, Bernard L	343.83
Rockwell, Duane D	199.54
Seaglione, Samuel F	200.53
Selva, Adolph	59.20
Sessions, Alma G	212.80
Smith, Charles E	162.92
Steffen, Maynard G	746.40
Thorpe, Carl O	277.60
Tucker, George D	105.44
Tucker, Gordon L	51.20
Turner, Robert E., Jr	57.60
Valencia, Albert J	104.80
Valencia, Robert R	212.00
Varela, Alfred	817.60
Villarreal, Philip R	144.52
Vogus, William D	52.00
Walker, Jesse J	86.24
Young, Chester C	114.11

SEC. 4. No part of the amount appropriated in this Act for the payment of any claim shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CIVIL SERVICE RETIREMENT ANNUITY ADJUSTMENT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 471, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 471

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendments recommended by the Committee on Post Office and Civil Service now printed in the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 471 provides for consideration of H.R. 8469, a bill to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes. The resolution provides an open rule, waiving points of order, with 2 hours of general debate; also, it shall be in order to consider without the intervention of any point of order the amendments recommended by the Committee on Post Office and Civil Service now printed in the bill.

The history of civil service annuity adjustments to meet exploding costs of living has been one of too little and too late. The responsibility rests squarely on the Congress and there is general agreement that this problem requires our most immediate attention.

The unprecedented expansion of our economy is a serious problem to active workers, but in a larger measure has become the mortal enemy of elder citizens who are caught between rising prices and fixed incomes. The impact on these senior citizens is far more critical than it is on any other segment of our economy.

The purpose of H.R. 8469 is to provide equitable, moderate, and desperately needed adjustments in the annuities of Federal civil service retirees and survivors currently on the annuity rolls, to improve the existing cost-of-living adjustment principle by gearing it to a more sensitive monthly price index indicator, and to increase the survivorship protection of spouses of employees and future annuitants.

Mr. Speaker, I urge the adoption of House Resolution 471.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would the gentleman state why points of order are waived on this bill?

Mr. YOUNG. Mr. Speaker, the points of order are waived on the bill because it involves certain appropriated funds that are being disbursed under the bill.

Mr. GROSS. In other words, under this rule the House is not able to work its will on this legislation to the extent that points of order are ruled out?

Mr. YOUNG. That is a matter of a point of view, of course, Mr. Speaker. I will say to the gentleman, in one sense waiving points of order permits a broader exercise of the will of the House.

Mr. GROSS. I cannot conceive that it does, I will say to the gentleman from Texas. When points of order are waived on a bill of this nature, to provide for the handling of money in a way that is not in conformance with the rules of the House, I would think it would be restricting the ability of the House to legislate in a normal and regular way.

I thought that when the Rules Committee was packed we were supposed to get a different deal from the Rules Committee, but apparently not.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from California.

Mr. SMITH of California. Actually, we waived points of order on this because a certain amount of the money will be paid from funds in the civil service retirement fund. We will be able to use that money without having to go through the Appropriations Committee and appropriating all the money. That is why there is to be a transfer of money from that fund, so it can be used without having it all appropriated. I believe we have in here up to $148.4 million. That is the reason, I say to the gentleman from Iowa.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Missouri.

Mr. HALL. Would the gentleman specifically say that it is the language on page 2, lines 3 to 8 of the bill, H.R. 8469, which requires the waiver of all points of order? In that paragraph it says:

> And for payment of administrative expenses incurred by the Commission.

Mr. YOUNG. Mr. Speaker, I will defer to the gentlemen of the committee, since this is a substantive matter.

Mr. DANIELS. The answer is "Yes" on subsection (b) on page 2. The other relates to section 3, which provides that these increases be paid from the retirement fund notwithstanding the limitation of the Independent Offices Appropriation Act, 1959.

Mr. HALL. If the gentleman will yield further, will the distinguished subcommittee chairman advise me whether the payment of administrative expenses incurred by the Commission involves the increased annuities to the civil service retirees, or whether that is simply the administrative expenses of the Commission?

Mr. DANIELS. It is my understanding that it is the expense of the Commission and does not involve any increase in the costs for the retirees.

Mr. HALL. That would not involve the $148 million coming out of the civil service retirement fund, referred to by the gentleman from California?

Mr. DANIELS. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Iowa.

Mr. GROSS. Where is this fund the gentleman is talking about? I thought that was $36 to $38 billion in the red.

Mr. DANIELS. I understand that the fund has $12 billion in cash assets at the present time.

Mr. GROSS. And it is still $36 billion in the red?

Mr. DANIELS. If the Government does not make its annual contribution to the fund, then there is a deficiency.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I favor this resolution and the passage of the bill, which would increase the compensation paid to civil service annuitants, to those who have retired both before 1956 and since.

We have seen here in the Congress throughout the years a steady inflationary trend as result of our Federal Government engaging in deficit financing. This policy has increased the cost of living for all our citizens; it particularly hurts those people who have been living on fixed retirement benefits.

We have seen Congress increase the pay of many Government employees, including its own Members. I voted against the pay increase for myself, because I did not believe it was a proper thing to vote to increase my own pay, but Congress saw fit to increase the pay of its Members and other executive and high-ranking officials of Government, as well as employees of Government both in the civil service branches and in the Post Office Department.

We have seen the Congress enact legislation to increase by 7 percent the benefits paid to social security annuitants because it was necessary to give them that large an increase to meet the increase in the cost of living.

They have to eat the same as the rest of us. We have seen this House pass a bill to increase the pay not once but three times for those serving in the Armed Forces. It is only fair and only right that the Congress give to these retirees the same treatment and consideration that we have given to ourselves and almost every other Government employee.

Therefore, Mr. Speaker, I favor this bill.

I understand that the cost will be somewhere around $90.4 million a year. If we include certain increases in benefits for widows and others who are not covered under the original bill but who, like the rest of us, must eat, the cost will be increased by another $58 million.

There were no minority views filed on the bill; the measure came out of the Committee on Post Office and Civil Service with a unanimous vote. It was cleared by the Committee on Rules by a unanimous vote, and I hope that the House will approve the measure in the same way.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHEUER] for 1 minute for the purpose of making a unanimous-consent request.

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent to explain for the record that, just as I voted against the motion to recommit the voting rights bill, I would have voted for approval of the conferees' report had I not been called off the floor on an urgent matter concerning my district. Unfortunately, I underestimated the dispatch, speed, and efficiency with which my colleagues can act on a matter of such high national priority. I have enthusiastically supported the bill throughout this session and would have voted to approve the conferees' report, had I not missed this vote by a few moments.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CORRECTION OF SALARY INEQUITIES FOR OVERSEAS TEACHERS

Mr. YOUNG. Mr. Speaker, by Direction of the Committee on Rules and on behalf of my colleague, the gentleman from Mississippi, [WILLIAM M. COLMER], I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6845) to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except on motion of recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska [Mr. MARTIN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 483 makes in order the bill H.R. 6845, to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act. It provides an open rule with 1 hour of general debate.

Mr. Speaker, the situation has become such in the teaching profession in the Department of Defense overseas that it makes it extremely difficult for the Department to secure teachers for the teaching of dependents' children overseas. This bill would provide that the secretaries of the various services in the Department of Defense have authority to adjust the overseas salaries of teachers in accordance with the average teachers' salaries in urban communities in the United States of 100,000 or more.

Mr. Speaker, I urge the adoption of House Resolution 483.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas has just stated to the House the provisions of House Resolution 483. The resolution makes in order the consideration of H.R. 6845. The rule is an open one, calling for 1 hour of debate. I know of no opposition to the rule.

Mr. Speaker, H.R. 6845 seeks to correct an inequity in the wage scale which has had some part in continuing a difficult problem, that of securing and retaining qualified teachers for the schools operated by the Department of Defense, in connection with the overseas military bases of the United States.

In the hearings before the Rules Committee, testimony brought out that while there are indeed other reasons for the problem, lower wage scales than are available in the average urban school system of 100,000 or more population plays a significant part in our securing and retention problem. I should add, Mr. Speaker, that this is true in spite of the fact that the Department of Defense has more applications than it has job openings each year. Many of the schools are located in desirable areas, giving the teacher many opportunities not available in domestic school systems, for trips, study, and vacationing.

H.R. 6845 will require that the salaries paid teachers in the DOD overseas schools be equal to the average of the minimum, intermediate, and maximum rates paid teachers holding positions of comparable responsibility in our urban school systems in cities of 100,000 or more population. The estimated cost of increasing teachers' salaries is $3,065,000 over the present budgetary amounts for such salaries. The average increase for approximately 6,300 teachers is $785 per year, or $300 more than the budget request.

Mr. Speaker, increased pay alone will not secure and retain qualified teachers for the children of our servicemen in foreign lands. Such positions, as I said, have other benefits not available to teachers in domestic school systems. A full and complete study must be made if the problem is to be removed. The Committee on Education and Labor has looked into this situation. I hope it will intensify its efforts. I understand it plans to do so. I hope that we shall shortly see on the floor of the House legislation directed at this problem.

Mr. Speaker, I know of no opposition to the rule and I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I yield such time as he may require to the distinguished gentleman from Arkansas [Mr. Mills].

Mr. MILLS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and proceed out of order.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FEDERAL TAX COURT JUDGE RUSSELL TRAIN RESIGNS BENCH TO HEAD CONSERVATION GROUP

Mr. MILLS. Mr. Speaker, just a few days ago the resignation of the Honorable Russell E. Train as a judge of the U.S. Tax Court was announced by the White House, and simultaneously an announcement was issued stating that Judge Train has accepted the presidency of the Conservation Foundation effective August 1.

The resignation of Judge Train from the Tax Court of the United States will be a loss to that institution. Judge Train has participated, since his appointment to that court by President Eisenhower in 1957, in many hundreds of imporant decisions and in his capacity as a judge has been an important influence on the course of the development of tax law through judicial decisions. I regret that Judge Train decided to leave the court because he brought to bear on that institution a rich background which peculiarly suited him for service on the court.

Judge Train, immediately before his appointment to the Tax Court, served as assistant to the Secretary of the Treasury for tax legislation. Prior to his service in that capacity, he served as the clerk of the Committee on Ways and Means during the formulation of the Internal Revenue Code of 1954 during the 83d Congress and, subsequently, he served as minority adviser from 1954 until 1957. Judge Train also had experience prior to his service with the Committee on Ways and Means as a staff member of the Joint Committee on Internal Revenue Taxation. This combined background enabled Judge Train to make important contributions to the public interest through his service as a judge on the U.S. Tax Court. I know that his presence there will be missed by his colleagues and by the members of the Tax Court bar.

I do want to take this opportunity, while expressing my regret that he decided to resign from the Tax Court, to express to him best wishes on the very important position which he has accepted as the president of the Conservation Foundation. I understand that organization has performed functions of a very valuable nature in the field of population growth, water resources, air and water pollution, recreation planning, conservation education, and plant and animal life, and that it is one of the foremost of many volunteer organizations which have interested themselves in the increasingly important problem in this day and age of preserving our diminishing natural resources. I know that Judge Train will provide a sound and constructive and imaginative leadership to the work of that organization and its allied groups. I wish him well in his new endeavor.

Mr. YOUNG. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. Byrnes].

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to speak out of order.

The **SPEAKER.** Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I noted with some regret the resignation of Judge Russell E. Train as a judge of the Tax Court of the United States. During the past 9 years, Judge Train has made a great contribution to that court. He will be missed. However, I am glad that he is taking over the presidency of the Conservation Foundation, and will continue his good work in the service of the Nation.

Prior to his appointment as a judge of the Tax Court, Judge Train served as assistant to the Secretary of the Treasury for tax legislation and with the Ways and Means Committee. He was clerk of the committee in the 83d Congress and minority counsel in the 84th Congress. In that capacity, he made valuable contributions in the work of the committee. I am certain that all the members of the committee join me in wishing him happiness and success as president of the Conservation Foundation.

CIVIL SERVICE RETIREMENT ANNUITY ADJUSTMENT

Mr. YOUNG. Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. Sisk). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DANIELS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Commitee of the Whole House on the State of the Union for the consideration of the bill H.R. 8469 with Mr. Stratton in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the rule the gentleman from New Jersey [Mr. Daniels] will be recognized for 1 hour and the gentleman from Pennsylvania [Mr. Corbett] will be recognized for 1 hour.

The Chair now recognizes the gentleman from New Jersey [Mr. Daniels].

Mr. DANIELS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of H.R. 8469 is to provide equitable, moderate, and desperately needed adjustments in the annuities of Federal civil service retirees and survivors currently on the annuity rolls, to improve the existing cost-of-living adjustment principle by gearing it to a more sensitive monthly price index indicator, and to increase the survivorship protection of spouses of employees and future annuitants.

H.R. 8469 was unanimously reported by the Subcommittee on Retirement, Insurance, and Health Benefits, and the full Committee on Post Office and Civil Service without a dissenting vote.

Mr. Chairman, I have always felt that the U.S. Government—the largest employer in the United States—should serve as a model for all employers in the private sphere of our economy. Unhappily, this has for the most part not been the case. And in no area has the Congress been slower to act than in those areas that deal with the retired civl servant. Granted that we have made important steps in the last few years, but we still have a long way to go.

We are all sharply aware, I am sure, that the vast expansion of our economy is a serious problem to active workers. Are we as well aware, however, of the extent of its effect upon our own Federal retirees? Are we as cognizant of its repercussion upon widows and children of retirees and former employees that inevitably feel the squeeze of steadily rising living costs and fixed, meager income? A serious problem to workers, it has in a large measure become the mortal enemy of elder citizens. I submit—without fear of contradiction—that its impact on these senior citizens is far more critical than it is in any other sector of our modern economy.

In times past, our civil service retirees have earned fair and decent retirement incomes for themselves and their dependent survivors. Unfortunately, however, too often they do not receive such incomes. They have truly become the forgotten people in our Great Society, and particularly in relation to their friends and former colleagues who make up our family of Federal employees.

At a time when $3,000 is deemed to be the borderline below which a couple is in the poverty class, the record shows that more than 75 percent of retired Federal employees are receiving annuities of less than $3,000. The figures with respect to survivor annuitants is even more shocking. Only 1 percent receive annuities of $3,000 and about 80 percent receive benefits of less than $1,200. These conditions are the result of a decade of neglect of the welfare of older retirees and survivors.

These are the people of whom I speak today—nearly 700,000, a vast majority of whom have been consigned to lives of marginal survival on the fringes of poverty—innocent victims rather than beneficiaries of this country's expanding economy. If any one group in our society has been denied justice, it is those older retired persons who reached retirement age 10 or 20 years ago and whose annuities, based on the smaller salary bases in effect then, are literal pittances in the light of present day standards.

A further examination of the records discloses that 44 percent of these retirees are receiving less than $1,800 a year. Even more astounding is the fact that 26 percent are paid less than $1,200, and that 10 percent are receiving less than $600 a year. The plight of many of our retirees is literally at the point of desperation, and the record is replete with authoritative testimony which clearly points to the urgent need for immediate remedial action. The committee files contain thousands of letters from retirees and survivors who are existing at a marginal level because the purchasing value of the dollar is declining. Mr. Chairman, these letters cry out for an answer—an answer today.

This legislation is an effort to help equalize inherent disparities of existing laws. It is a long overdue attempt to restore some sense of fairness and basic justice to thousands of loyal and devoted public servants whose golden years have, for too long, been tarnished by the neglect of a busy, growing, and prosperous society. It is my conviction that the Government has the responsibility to maintain the annuities of its retirees and survivors at a level that will give them a living comparable to what they had and rightfully expect to have at the time of retirement.

Mr. Chairman, the reported bill provides fair, moderate, and desperately needed adjustments designed to increase the annuities where the greatest relief is warranted. It is the product of voluminous testimony received by the subcommittee during extensive hearings, in which over 50 Members of the House and Senate appeared, in addition to representatives of every major employee organization. It provides for an adjustment in benefits of approximately 11 percent to those whose annuities commenced on or before October 1, 1956, and approximately 6 percent to those whose benefits commenced thereafter, effective the first day of the third month after enactment of this bill.

The increase is in two parts: The first part is a straight 6½ percent increase. The second part is a cost-of-living increase based upon the rise in the cost of living as reported by the Consumer Price Index published monthly by the Bureau of Labor Statistics, over the average of the price index for 1962. The price index in June 1965 had risen 4½ percent since 1962.

I might, at this point, anticipate a question which many Members may have. On page 3 of the report on this bill it states that the increases in annuity total 10.2 percent for those whose annuities commenced before October 1, 1956, and 5.2 percent for those whose annuities commenced after that date. The actual figures now are 11 percent and 6 percent, respectively. The difference between the actual current figures and those printed in the report comes about because of a rise of eight-tenths of 1 percent in the cost of living since the bill was reported by the full committee. This trend in the rising cost of living is indicative of the urgent need for enactment of this legislation.

The 6-percent rise for those whose annuities commenced after October 1, 1956, is arrived at by combining a 1½-percent increase with a 4½-percent cost-of-living adjustment.

Mr. Chairman, I might explain at this time why we have chosen to distinguish between those who retired before the 1956 date and those who retired later.

The 1956 amendments raised the annuities of those who retired after September 1956 by about 20 percent. These amendments, however, did nothing for those who retired before that date. Since that time, the pre-1956 group have received about 10 percent more in the form of increases than those who retired after the 1956 date. Thus, we have made some progress in closing the gap between the two groups. This bill narrows the gap even more.

Mr. Chairman, I call your attention to line 5 of page 3 of the bill. The sentence which begins at this point grants an increase of 15 percent or $10, whichever is least, to the so-called forgotten widows. These are the widows of employees or annuitants who passed away at a time when widows were not entitled to survivorship benefits.

At present, these annuities which in law are really gratuities, are, for the most part, pitifully small, averaging about $44 per month. No one can deny that there is a desperate need for us to do something for these singularly deserving individuals.

One of the most salient facts brought out during hearings was the fact that the cost-of-living feature for annuities contained in the 1962 bill is not working out very well.

This provision provides that whenever the Consumer Price Index of the Bureau of Labor Statistics shall have risen by an average of 3 percent or more for a full calendar year above its average for the calendar year 1962, annuitants shall receive a comparable increase effective April 1 of the next year.

It also projects into the future with provision for similar cost-of-living adjustments when a like percentage increase in the Consumer Price Index occurs after any cost-of-living increase in annuities is placed in effect.

As a practical matter, here is what has happened since 1962. The rise in the Consumer Price Index over 1962 reached 3 percent in November 1964, and has remained at that point or above ever since. In fact the latest available index shows a 4½-percent increase as of June 1965. Under the formula in the 1962 retirement amendments, annuitants will not receive an adjustment until April 1, 1966—3 years and 6 months after the 1962 law was enacted.

For this reason we are seeking to change this provision. Under the provisions of H.R. 8469, whenever the Consumer Price Index of the Bureau of Labor Statistics shall have risen by an average of 3 percent or more for 3 consecutive months, annuities shall be increased by the highest percentage during such 3 months with the increases beginning the third month which begins after the end of such 3-month period. This provision will retain the spirit of the 1962 amendments but will accelerate the effective application of the cost-of-living feature.

The language beginning with line 12 on page 4 and ending with line 15 on page 5 extends the effect of the basic annuity adjustment provisions proportionately to surviving widows and children.

Mr. Chairman, the bill proposes to amend existing law, from the date of enactment, to provide that the annuities of eligible widows of employees who die while actively employed, or who die after retirement, be computed at the rate of 60 percent of the earned annuity or of the survivor base elected by the retiree. Existing law provides that such computation be at the rate of 55 percent of the earned annuity or selected base.

By proposing to increase the annuity of future survivors under our retirement laws from 55 percent of the annuity to 60 percent, we are making a pitifully small attempt to maintain some semblance of equity and justice for very deserving people.

The Government was late—as late as 1920—in getting around to doing anything at all about a retirement program for its employees. Almost every private industry in the country had a retirement program in operation when the Government finally found time to follow suit.

The treatment of survivors of employees and retirees has been even more tardy. Not until 1948 did the Government embark upon a program of providing benefits to widows and children of its employees. The benefits provided then, and subsequently, have been parsimonious in the extreme.

Under the present laws, for instance, 38 percent of all the survivors on the rolls—and there are more than 200,000 of them—are receiving less than $50 a month. Seventy-nine percent are receiving less than $100 a month. Ninety-three percent are getting less than $150 a month.

With full knowledge of the depressing history of insensitive treatment of the survivors of Federal retirees in the past, we are, in this bill, trying to avoid some of the mistakes that have been made. We can make a start toward doing this by increasing the annuity rate for survivors from 55 to 60 percent.

I want to make it clear that although there are several categories of survivors in our retirement plan, we are talking here, for the most part, about widows. By far, the greatest percentage of our survivors consists of widows of former employees.

I do not completely subscribe to the theory, Mr. Chairman, that two can live as cheaply as one, but there is a great deal of solid truth to the saying as far as it applies to elderly retired couples. They have certain fixed expenses: rent or mortgage payments, taxes, and so forth, and these fixed expenses go on undiminished after one member of the couple dies. As a matter of fact, the income taxes go up after one dies, since the survivor cannot claim her spouse as a dependent.

The survivor can save a little on food, but not much, since it is proportionately considerably more expensive to shop for one than it is to shop for two. She may also find she can save a little on clothes, but, again, not very much, since elderly couples in straitened circumstancese spend very little on self-adornment.

And that is about all the survivor can effect in savings.

Meanwhile, a surviving widow often finds, as she grows older, that there are other expenses to be met which she did not experience when her husband was alive. She finds herself increasingly unable to take care of herself properly without some kind of help. Help costs money. She finds herself becoming more and more dependent upon her doctor and his prescriptions. These, too, cost money. She finds that she must use public transportation for distances which she used to be able to walk. This also costs money. When you are old, and alone, and a woman, the simple business of keeping body and soul together becomes increasingly expensive.

Under the present 55-percent provision, many widows find they cannot make ends meet, no matter how hard they try. This has led too many of them to panic into hasty, ill-advised remarriages, solely to have someone share the crushing burden of poverty with them. This has caused, in far too many cases, heartbreak and misery during those sunset years when all should be serene and secure.

Mr. Chairman, just because we have treated the widows and other survivors of our Federal employees inadequately in the past, there is no justification for accepting this state of affairs as a way of life and a precedent for our future course.

Even with the increased pensions provided for under this bill, the annuities will not be generous. The value of the dollar—which has been constantly changing, and changing downward, ever since 1895—except for a few years in the great depression—continues to move downward. Unless we increase the percentage of the survivor annuities from 55 to 60 percent, we shall be condemning a whole generation of widows to a life of penury, misery, and insecurity.

We can avoid this course, to a certain extent, by increasing the percentage for the annuities of future widows from 55 to 60. This is a first step. I hope that future Congresses will continue the good work and build on this foundation a pension program for survivors that will be worthy of the Government of the greatest and richest Nation on the face of the earth.

Section 3 of the bill is technical in nature and authorizes payment of the annuity increases from the Civil Service Retirement and Disability Fund. The benefits would not be payable unless funds to cover their cost were appropriated.

Mr. Chairman, the conclusion is inescapable that the vast bulk of annuities now being paid are inadequate, that altogether too large a proportion of our annuitants are not receiving amounts which represent a minimum subsistence level of living. Meanwhile, these annuitants wait and look to us, the Congress, to act.

It has been said many times, but can never be said often enough, that Government has an absolute obligation to its retired workers. That obligation rests squarely, I believe, on the Congress. The past history of delays and inadequate adjustments should not be repeated. Let us start with the simple principle that this Nation has no intention of permitting further deterioration of the relative position of its annuitants. Let our goal be that these senior citizens, whose work laid the foundations of the prosperity the country now enjoys, should not be deprived of a just share in that prosperity.

Mr. Chairman, I urge the full support of this body for H.R. 8469.

Mr. MORRISON. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Louisiana.

Mr. MORRISON. Mr. Chairman, I want to commend the gentleman, who is chairman of the subcommittee that spent a great deal of time and effort on this legislation, and the other members of the subcommittee. As one of those who voted to support this legislation in the full committee. I certainly support it on the floor of the House today.

I think the gentleman and his committee have done a very excellent and outstanding job.

Mr. DANIELS. I thank the gentleman.

Mr. RACE. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman.

Mr. RACE. Mr. Chairman, I rise in support of the legislation and I also want to commend the gentleman in the well who is chairman of the subcommittee on retirement, insurance, and health benefits for bringing this legislation before us.

Mr. DANIELS. I thank my colleague.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. I wish to compliment the gentleman from New Jersey, now in the well, and the subcommittee on retirement for an excellent job on this bill and this legislation for the benefit especially of the survivors of annuitants of the Federal retirement system. I subscribe to his remarks and rise in support of the bill.

I note that especial attention has been given to the forgotten widows and to retirees who were getting and are getting a great deal less than a subsistence level of income.

I am happy to note they are to be given an increase—at about $10 per month.

Mr. DANIELS. At least that much.

Mr. OLSEN of Montana. Regardless of percentage, there has been an increase in the retirement for all retirees in general, and the gap between benefits has been closed.

I notice in the second section of the bill—which I believe is justly done—there is an increase in percentage that future survivors may receive of a future retiree's annuity. It has been increased to 60 percent.

Mr. DANIELS. The base is increased from 55 to 60 percent.

Mr. OLSEN of Montana. I believe this is well merited. I would hope that in the future attention could be given to increasing the amount that older survivors of annuitants might receive by, say, 20 percent.

Mr. Chairman, while the committee bill would increase the amounts of all annuities, the bill does not go as far as I would like. I supported the bill in committee, but I believe these widows should be treated a little better than they have in the past. I sponsored six bills providing better treatment for these survivors, all of which are before our Committee on Post Office and Civil Service. H.R. 2645 would apply the 55-percent formula to annuities of survivors of a retired employee who retired prior to October 11, 1962. This bill would have required a recomputation of the annuities of these people. The administration objected to this requirement on the basis that it would be too difficult to administer. I hope in the near future your committee will overcome this difficulty by not requiring recomputations, but will provide a straight 20-percent increase in annuities for these survivors whose annuity is based on service which terminated prior to October 11, 1962.

Another bill I sponsored, H.R. 9, would increase the 55-percent formula to 75 percent.

I believe additional benefits for these survivors are fully justified.

Mr. Chairman, my attentions are directed to the extraordinary inequities in the case of survivors, but more particularly to the "forgotten widows."

This latter group are surviving widows of employees or annuitants who passed away at a time when their widows were entitled to no survivor benefits. Congress recognized that special inequities existed for this class, and under various laws about 15,000 widows are receiving an annuity averaging $44 a month.

I hope that in the near future we can provide an increase of 20 percent in widows' annuities which are based on laws in effect prior to October 11, 1962, and will be in addition to the increases otherwise provided in this bill. Thus, the average $44 monthly widow's annuity for the 15,000 widows will be increased 15 percent under this bill, or by $6.60, and then by 20 percent of the new total, or a new monthly annuity of about $61.

Of course, many of the survivors affected by these sections are receiving amounts in excess of $44. However, I am sure you will agree that this is a most modest increase.

Mr. Chairman, as I have indicated, we have granted only token annuities to "forgotten widows" of pre-1948 laws. In addition, employees who retired before 1956 are still suffering annuity reductions up to 25 percent in order to provide survivor benefits for their spouses, while persons retiring more recently may provide similar benefits by deductions of only 2½ percent.

Survivors of former employees who retired before October 11, 1962, cannot receive more than half of the annuities paid to their spouses, but in the case of those who retired on or after that date, survivor annuities are 10 percent higher.

H.R. 8469, the committee bill, proposes to correct this deficiency, but only for those who retire after the date of enactment. I believe we should give our widows equal treatment and not just provide these benefits for the future, as is provided by the bill.

My first proposal will do this by providing an additional 20-percent increase for those whose annuities are based on service which terminated prior to October 11, 1962, and another proposal which I make covers those whose annuity is based on service which terminated on or after October 11, 1962.

Federal civil retirees and their survivors are truly the forgotten people in the United States. At a time when $3,000 is deemed to be the borderline below which a couple is in the poverty class, the records of the Civil Service Commission show that more than 75 percent of the 482,000 retired Federal employees on the retirement rolls are receiving annuities of less than $3,000.

The figures with respect to survivor annuitants are even more shocking. Of 205,855 survivor annuitants, only 2,237, about 1 percent, receive annuities of $3,000, and 163,274, about 80 percent, receive annuities less than $1,200, or under $100 per month.

As I have indicated, the forgotten widows receive an average of only $44 a month. Naturally, any increase involving approximately 200,000 survivors is bound to cost a substantial sum. The best estimate I could obtain on the cost of my first proposal is $31 million for the first year.

As you no doubt know, the administration has taken the position on all retirement legislation that we should wait until they complete their studies sometime at the end of the year. Also, they say there is neither need nor justification for any further annuity increase legislation beyond that already enacted into law. It is a little hard for me to understand this position, particularly when, as I have shown, 15,000 survivors are receiving an average of $44 a month. We could also go on to show that over 200,000 annuitants are receiving well under $3,000 a year, and over 163,000 are receiving under $1,200 a year.

I am sure you will agree that it is time we did a little more to help these survivors, and that the cost is amply justified.

Mr. Chairman, I urge the membership today to support this bill and I hope we can soon take up my additional proposals.

Further, I urge that soon the Committee and the Congress apply the 60-percent formula proposed by section 2 of the committee bill to those survivors whose annuity is based on service which terminated on or after October 11, 1962.

Section 2 of the committee bill applies the 60-percent formula prospectively only, and specifically provides that it shall not apply with respect to employees retired or separated prior to the date of enactment.

Existing law provides that such computation be at the rate of 55 percent of the earned annuity. This percentage originally was provided by the 1962 act, Public Law 87-793. I supported a higher increase at that time, and believe that the 60-percent formula now proposed by the committee bill should be applied from October 11, 1962. As I indicated earlier, my bill, H.R. 9, proposed to increase the 55 to 75 percent.

Mr. Chairman, all the arguments I have advanced in connection with my first proposal are equally for application to this. As in the former case, the administration, of course, does not favor this additional increase, but here again, I am convinced that any increases or additional benefits that we may authorize for these survivors is amply justified and this proposal would bring uniformity and justice.

The cost of this latter proposal is estimated at only $2 million for the first year.

I urge that you support this amendment.

Mr. DANIELS. Mr. Chairman, I might say to the distinguished gentleman from Montana that the President has appointed a Commission to study the entire field of retirement legislation. That Commission is due to come in with its report on December 1, 1965. I want to assure the gentleman from Montana that when that report is received our committee will give careful consideration and study to it and look into this question of retirement legislation once again. I am sure there must be some other inequities which exist which we have not had the opportunity to explore, but I do give you my assurance that our committee will look into that proposal once again.

Mr. OLSEN of Montana. Mr. Chairman, I certainly appreciate that assurance and know that you share with me anxiety over these people, because people who retired many years ago had to pay out of their own retirement a considerable percentage of the money in order to obtain the right of benefit for their survivors. I would like to see those survivors whose retirees paid a large percentage of these benefits get substantial increases. I am sure they will, because we have talked of this matter off the floor privately ourselves.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. BECKWORTH] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BECKWORTH. Mr. Chairman, Texas has nearly 30,000 Federal retirees and survivors, and we know their plight in these days of inflation.

H.R. 8469 and its amendments will in some degree correct conditions for these folks who carried the workload of our Government for 30 to 40 years and who are now plagued by high costs and low annuities.

Federal civil retirees and their survivors are truly the forgotten people in the United States today. At a time the sum of $3,000 does not go very far when a retired couple confronts the usual health problems, the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees on the retirement rolls are receiving annuities of less than $3,000. The figures with respect to survivor annuitants are even more shocking. Of 205,855 survivor annuitants, only 2,237, about 1 percent, receive annuities of $3,000, and 163,274, about 80 percent, receive annuities less than $1,200, or under $100 per month.

These conditions are the result of neglect of the welfare of older retirees and survivors. There have been many revisions of the retirement laws since the system was established in 1920, all because of experience that demonstrated that liberalizations were necessary. Basic retirements benefits were liberalized in 1926, 1930, 1942, 1948, and 1956. It was recognized during the early years that when it was necessary to increase benefits for those who would retire in the future, it was equally necessary to increase the annuities of those previously retired. Those who would retire in the future would have the opportunity of salary increases to boost their retirement annuities while those previously retired were seriously handicapped financially. Consequently, we see that in the retirement increase legislation approved in 1926, 1930, 1942, and 1948, comparable adjustments were not made in the annuities of persons previously retired to equalize them generally with the new retirees. There was no comparable provision in the 1956 law.

Furthermore, in the first part of the decade between 1950 and 1960, annuity increases were approved to match increases in salaries of employees. The annuity increase of $36 for each half year the employee had been on the retirement rolls in 1952 was roughly equivalent to a salary increase the previous year. An annuity increase of 12 percent on the first $1,500, and 8 percent on the excess over $1,500 in 1955, was directly related to the salary increase in that year. Since 1955, there have been no annuity increases to match salary increases.

A limited annuity increase of 10 percent was approved in 1958, only for persons retired before the effective date of the 1956 retirement liberalization law. This was not a general annuity increase because it was restricted to a particular class of annuitants. It was a partial compensation to pre-1956 retirees who did not receive the benefits of the 1956 act. We can judge its sufficiency by the statement of the Chairman of the Civil Service Commission on the first day of the committee hearings in March of this year that the 1956 act increased benefits for retirees retiring after October 1, 1956, approximately 25 percent, while the 1958 compensating adjustment was only 10 percent.

In round figures this leaves older retirees 10 percent behind and others proportionately.

H.R. 8469 is a compromise of many bills introduced in this Congress. I urge passage of H.R. 8469.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. MILLER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MILLER. Mr. Chairman, I rise to support H.R. 8469.

Over the past years, the annuities paid to our retired civil servants have failed to provide a comfortable existence for them. Although we have attempted to provide salaries for Government employees which have kept abreast of the increasing cost of living, we have been falling behind in keeping the retirement payments in the same proportion. In addition, we have failed to make substantial compensation for those civil servants whose retirement or survivor benefits are based on wages earned when the cost of living was far below what we enjoy today. As a result, over 75 percent of our retired civil servants are receiving annual payments of less than $3,000, thus placing them in the poverty bracket by our economic standards for today.

Previous legislation has attempted to alleviate the effects of inflation on the annuities of Government employees, but this only has succeeded in providing patchwork remedies. Two major changes occurred in 1948 and 1956. These have either become ineffective due to a lapse of time or have not provided overall improvement of the situation. There have been no annuity increases to match salary increases since 1955. In 1962, legislation was enacted which provided payment increases based on a 3-percent or more rise in the cost of living from the 1962 average. However, these increases are only calculated on a yearly basis. Annuitants would not receive their first increase provided in the 1962 act until April of 1966.

The bill before the House is not patchwork legislation. It is a comprehensive bill which provides for the future and compensates those who have received inadequate payments in the past. It provides for the future by increasing every annuity in equal proportion to the increase in the cost of living, with fluctuations to be calculated quarterly instead of annually. These increases will occur whenever the Consumer Price Index figures rise to 3 percent or more of the base period. Three months from the time of enactment, annuitants or their survivors would receive their first increase in payments based on a near 4 percent rise in the cost of living since 1962. The bill also provides for increasing the survivor annuities from 55 to 60 percent in the case of future retirees.

The bill compensates for past inadequacies in several provisions. First, by providing an additional 1.5 percent increase for all persons retired after October 1, 1956. Second, by providing compensation for those widows whose husbands passed away before survivor protection was afforded in 1948, and who are only receiving an average of $44 per month under present conditions.

But most important, H.R. 8469 recognizes that the greatest inadequacies are to be found among those who retired before 1956. Annuities are based on the average of the 5 highest income years. The cost of living has increased over 18 percent since that time. Therefore, the pre-1956 annuities could not possibly be adequate in today's living standards. In addition, these retirees have gained only minimally from recent legislation. At the same time, the elderly age of these people imposes tremendous medical expenses on them. H.R. 8469 alleviates these lamentable conditions by alloting an additional 6.5 percent increase to the annuities of all persons retired before 1956.

The cost of the program would involve $50 million initial cost and $650 million in actuarial costs. These figures are small in comparison to the millions of dollars which have been denied the civil service retirees and survivors over the past years. We are asked to wait for further studies and for time to find justifications for such expenditures in the budget. We must not waste time on further studies. The facts we have before us today clearly indicate the inadequacy of the present conditions. What more justification is needed than the dire need of these retired civil servants, many of whom are classified in the poverty bracket?

We are debating whether or not to provide an opportunity for a comfortable existence in retirement for our fellow public servants who have dedicated themselves to the service of our country, many of them being employed over 40 years. These people are victims of history and a spiraling cost of living. Twenty or thirty years ago, it was impossible to plan for the financial demands that would come with the last half of the 20th century. And yet, under the present superannuated retirement plan, we expect these retirees and their survivors to pay the current taxes, meet the fast-increasing medical expenses, and compete economically with members of private industry retirement plans.

Passage of the bill would have a broad effect in every part of the country. In my own State of California, there are over 70,000 people who would be affected. Its provisions reach both far into the future and deeply into the past. At a time when we are working with the problems of poverty throughout our Nation and at a time when we are able to eliminate taxes on some of our luxury items, we must not lose sight of these retired civil servants who are so often referred to as the forgotten people.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. ROOSEVELT. Mr. Chairman, I rise in support of H.R. 8469, a bill which provides relief from hardship to those facing the greatest need.

It is my firm conviction that it is the responsibility of the Government to maintain the annuities of its retirees and survivors at a level which will enable them to enjoy freedom from want and a measure of economic security throughout their declining years.

Retirement income should be fairly and directly related to the level of earnings and length of service and, as a practical matter, must be calculated to reflect new standards of living. The real basis of a merit system in retirement cannot be measured by the dollar rate received in a past generation, but must be a rate deliberately reappraised from time to time to meet the rising cost of living.

It is a well-known fact that large numbers of our senior citizens elect to spend their years of retirement in my State of California. In July 1964 the Civil Service Commission ranked California first as having the largest geographical distribution of annuitants. Out of 650,367 annuitants, 70,183 had settled in California. It is in their behalf that I say to you that, while the unprecedented expansion of our economy is a serious problem to many active workers, it is fast becoming an insuperable problem to retired citizens caught between rising prices and fixed incomes.

At a time when $3,000 is deemed to be the borderline below which a couple is in the poverty class, the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees on the retirement rolls receive annuities of less than $3,000; and, 80 percent of the survivor annuitants receive annuities of less than $1,200 a year, or under $100 per month. These conditions are the result of a decade of neglect of the welfare of older retirees and survivors.

The purpose of the legislation before us is to provide much needed adjustment in the annuities of Federal civil service retirees and survivors currently on the annuity rolls by gearing the cost-of-living adjustment principle to a more sensitive monthly price indicator to meet the exploding cost of living; and, provide an increase in the survivorship protection of spouses of employees and future annuitants.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. Sickles] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SICKLES. Mr. Chairman, I am pleased to rise in support of H.R. 8469. The purpose of a pension plan is not simply to pay an employee a set amount of money monthly, but to provide him with a certain amount of financial security after retirement. It is the obligation and duty of the Government to assure Federal employees sufficient retirement income to allow them to maintain an adequate living standard during their retirement years.

Increases in the cost of living present a drawback to most workingmen, but they affect the retired in an even greater sense, in view of the fact that as the cost of living goes up, their income remains stationary. During the hearings on this bill, spokesmen from groups of retired Federal employees stressed the need for immediate passage of legislation increasing retirement pay. Their testimony clearly pointed out the necessity of helping those who live on small, fixed incomes in dealing with the problems presented by the wage and price rises in our economy.

In view of the fact that a married couple with an income below $3,000 a year is considered to be living in poverty, it has been pointed out that most Federal civil service retirees are getting annuities of a considerably smaller amount and are therefore in the poverty bracket. These retirees and their survivors are clearly a neglected segment of our economy, and I feel that H.R. 8469 would come to their rescue to some degree by providing the increases in annuities where they are most urgently needed.

The bill would also benefit widows of employees who died before a law concerning survivor protection existed. It has also been disclosed that the survivor benefits currently provided are drastically inadequate and accordingly, H.R. 8469 provides for an increase in these benefits.

The aspect of the 1962 amendments to the retirement act dealing with the automatic cost-of-living adjustment has proven inadequate also and H.R. 8469 provides for a percentage increase in benefits whenever the consumer price index rises. The acceleration of cost-of-living increase provisions, along with other provisions make the bill a much welcomed, long needed asset to our Federal civil service retirees. We in the Congress, out of obligation to our Federal employees who have served our country so faithfully, should not let this opportunity to repay them slip by.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. Schmidhauser] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Chairman, I urge support of H.R. 8469, a bill to increase annuities of retired civil servants. The time is long past due for a realistic adjustment upward of the retirement annuities of the many civil servants whose dedicated public service has earned the gratitude of the American public. The gentleman from New Jersey, Congressman Daniels, and the members of the Post Office and Civil Service Committee are to be commended for their fine legislative craftsmanship and their humane understanding of the serious financial problems of our retired civil servants and their survivors.

Mr. OLSEN of Montana. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. Machen] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MACHEN. Mr. Chairman, this bill to increase civil service retirement annuities is of great interest to me as Representative of the Fifth Congressional District of Maryland. My district, a neighbor of the District of Columbia, is heavily populated with Federal employees. These people have communicated to me their concern for their future after retirement. I have been pleased to tell them that this Congress is cognizant of their needs and is moving along toward enactment of a bill providing substantial increases in retirement annuities.

This Congress has written legislative history by enacting a medical care and social security law that acknowledges the responsibility of a nation to its senior citizens. Can we do any less for those Federal employees who do not have social security benefits? I think not.

This Nation is engaged in a siege on poverty with some of the assaults aimed especially against poverty among the elderly. Congress has passed bills providing housing assistance for low income elderly, for medical care and for a special administration on aging. However, when you get right down to it, the most direct weapon against poverty is increased income.

There is another compelling reason for passage of this bill. A decent level of retirement income will improve the employment situation considerably and open the way for younger men to advance themselves. This is true because the older workers will be more likely to retire knowing that, instead of having to eke out a living on an inadequate pension, they will be able to better enjoy the fruits of their labor with a feeling of comfort not previously possible under present, below-standard benefits. Unfortunately, at this time, retirement for thousands of people means not a rest from years of labor, but instead the acceptance of a poorly paying job, unsuited to their talents, to supplement a totally insufficient retirement income.

I am particularly pleased by that feature of the bill which provides for closing part of the gap between annuity improvements for pre-1956 retirees and post-1956 retirees. These people are not recipients of charity. They have earned their retirement by contributions throughout their working years. It is not their fault if the cost of living has risen so rapidly. We must recognize that we are not dealing with the same dollar today as before 1956 and those whose incomes were adequate years ago are severely shortchanged today.

I hope that these factors and the reasons set forth so forcefully in the excellent committee report on this bill will convince the Congress to move swiftly toward passage of this badly needed legislation.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I wish to commend the gentleman from New Jersey for an outstanding job on this leglisation.

Mr. Chairman, I strongly support the civil service retirement annuity adjustments before us today and my only criticism of this legislation is that it does not go as far as it should to provide for the needs of our deserving Federal annuitants. Much has been said in recent days in this Chamber and in the press about poverty. According to most of the definitions of poverty that have been proffered, fully 97 percent of the 200,000 survivors of civil service annuitants are poverty stricken, if their entire income is derived from their annuities.

There were a total of about 687,000 civil service annuitants in all categories at the end of fiscal 1964 and fully 75 percent of these annuitants received less than $3,000 per year. This, I believe, the President has cited as the borderline between barely living and poverty. Shockingly enough, nearly half of these retirees receive less than $2,400 a year.

One of the main attractions the Federal service has had over the years has been its vaunted retirement system. I submit that this is rapidly becoming a myth. It is rapidly becoming a myth because the Congress has failed to keep faith with those who served our Government and yet have had no control over the cruel inflation that has ensued over the past several years.

It seems that many of our people still assume that anyone who has retired from the Federal service enjoys the best retirement benefits the world has to offer. Perhaps at one time this may have been true. It is certainly a bitter farce today.

I am aware that the President has called for special studies on retirement systems. I am in full accord with this program and applaud it. However, nothing can be done for the civil service annuitant as a result of that study until next year. The need for relief by our retirees is immediate. They need help now.

Therefore, I urge my colleagues to join me in strong support of this measure.

Let us begin to fulfill our obligations to the civil service retiree by enacting this bill at once.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Chairman, if I have lived long enough to speak for the senior citizens, I would like to say for them, blessed be the name of DANIELS. This is good legislation, long overdue.

Mr. DANIELS. I thank you.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the member of the committee [Mr. HENDERSON].

Mr. HENDERSON. Mr. Chairman, I would like to commend the chairman and the members of the subcommittee. This has been somewhat controversial legislation in years past, at least among the members of our subcommittee. To find here today that this subcommittee after many long hours of deliberation brought out a bill unanimously supported by every member of the committee is a tribute to you, Mr. Chairman, and to the members of your subcommittee.

Mr. Chairman, I rise in support of H.R. 8469.

As a member of the Post Office and Civil Service Committee over the past 4½ years, I have seen the Congress adopt the policy of comparability in establishing compensation for our civil employees and tie to this principle cost-of-living increases. In the business world we see cost-of-living escalation clauses written into employment contracts.

I am and have been most concerned about the great number of our retirees who retired 20 or more years ago when basic compensation was so much lower. Although these annuitants have had increases in 1948 or 1950, 1952, 1955, 1958, and 1963, their annuities are still approximately 80 percent below the annuities being received by today's retirees from the same positions.

There are probably today about 30,000 retirees who are receiving only a little more than half the annuities paid to persons recently retired from the same or similar positions.

It costs the 1945 retiree just as much to live as it costs the 1965 retiree.

H.R. 8469 will help to provide the retirees whose service was terminated at a time when salaries were lower a better break and I support it strongly for this reason.

Mr. KING of Utah. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Utah.

Mr. KING of Utah. Mr. Chairman, I commend the distinguished gentleman from New Jersey for the work he has done in bringing this measure to the floor of the House. I support H.R. 8469, and urge the House to approve it. I think it tragic that the very people who need the help the most, our retirees and senior citizens, are the ones who receive it the least. One of the tragedies of our Federal retirement annuity system is that the recipients of annuity payments are caught in a cost-price squeeze. Their income is fixed. and their expenses go up steadily. The more elderly they become, the less becomes their real income, but the higher become their expenses.

As their medical expenses mount, which they almost invariably do during the declining years, their resources diminish.

This bill attempts, in a small way, to adjust this gross inequity which inflicts itself upon almost 700,000 Federal retirees and their survivors.

The bill accomplishes a fair and a just result. I urge its adoption.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I would like to associate myself with the remarks of the other members of our committee and congratulate the chairman of our subcommittee who led H.R. 8469 to reality.

Mr. Chairman, I rise in wholehearted support of this meritorious and badly needed legislation to help meet the needs of our civil service retirees who, for the most part, are struggling to survive on inadequate pensions.

Now is the time for us to act toward improving the living standards of those dedicated civil servants who have given their best when our Government needed them most. The least we can do here, as a grateful employer, is to help raise our former workers and their survivors out of the depths of poverty into which so many have been allowed to remain far too long.

Since the inception of the retirement system in 1920, the Congress has enacted over 200 amendments, the great bulk of them improving the retirement benefits of prospective retirees. As desirable as these improvements have been, they have been seldom applicable to persons previously retired. I am fully aware that Congress has improved conditions, to some extent, for those already retired, but I am equally aware that many sad disparities remained. Let us correct some of these disparities by giving them some help now.

In the last several Congresses we made salary adjustments for Federal employees and military personnel. At the present time we are considering additional adjustments for these same groups. Are we now going to overlook the people who carried the burden of Government for many years?

Almost a half-million civil service retirees are receiving annuities averaging approximately $2,200 per year. Over 200,000 widows and children of former Federal employees and retirees are receiving approximately $800 yearly in survivor benefits. This pathetic situation exists with almost three-quarters of a million beneficiaries of our retirement program at a time when the badge of the impoverished has been affixed to Americans with annual incomes of less than $3,000. The Government has too long contributed to the very poverty it seeks to eliminate by permitting Federal retirees and survivors to live on inadequate incomes.

These victims of our rapidly expanding economy have but one place to look to for relief—that is, to us, the Congress. H.R. 8469 is a partial remedy, modest as it is, but at least an antidote that is readily available and directly accessible to their needs. I know that Members of Congress are greatly concerned over these inadequate pensions. I urge you all to express that concern by overwhelmingly supporting this measure.

Mr. CORBETT. Mr. Chairman, I yield such time as he may require to the gentleman from Nebraska [Mr. CUNNINGHAM], who is the capable ranking member of the subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I find myself to be one among many Members of Congress who believe that "justice long delayed is justice denied." I further find that I am also but one among the large majority of Members who believe that the history of civil service annuity adjustments to meet exploding costs of living has been one of too little and too late.

I am one who fully subscribes to the definition of a noted actuary—that the basic purpose of a retirement plan is to enable each employee to enjoy freedom from want and a measure of economic security after he or she is no longer actively employed, and throughout the declining years. To think of a pension plan simply as a promise to pay a stated number of dollars monthly represents a superficial view.

I submit, Mr. Chairman, that the Consumer Price Index fails to fully reveal the plight of these elder citizens who are attempting to maintain themselves and their dependents after years of dedicated public service—years during which their hopes and expectations were continuously built around the concept that they would be able to retire on a dignified basis, and with enough income to meet their basic needs. With the constant introduction of new products, with the necessity of increasing governernment at all levels, with the concentration of population in urban areas, and with the necessity for more dollars to maintain our standard of living, the situation of the declining purchasing power of the dollar is not likely to change.

The Consumer Price Index covers prices of everything people buy for living—food, clothing, cars, homes, furnishings, household supplies, fuel, drugs, recreational goods, fees to doctors, lawyers, beauty shops, rent, repair costs, transportation, public utilities, and so forth. It deals with prices actually charged to consumers, including sales, excise, and real estate taxes, but it does not include Federal, State, or municipal income taxes, nor personal property taxes.

The various items are given specific weights, with the total percentage being 100. The health and recreation items which affect retirees greatly, provide 20 percent, and include but 1 percent for drugs; 2½ percent for professional medical services; 3 percent for personal care; 6 percent for reading and recreation; and 5½ percent for other goods and services. It would appear that, in the case of retirees, the medical care item would greatly exceed the allowance made in the index, particularly if the retiree had to spend substantial time in a hospital or nursing home. It is a well-known fact that medical costs have risen more than any other single item in the Consumer Price Index. Medical studies disclose that almost one-third of our citizenry age 65 and older are chronically ill, and that they have twice as many disabling illnesses lasting a week or longer as do persons under age 62. These illnesses of the aged last twice as long as those of younger persons.

In recent years hospital charges have increased over 85 percent, hospital insurance rates over 95 percent; medical services over 40 percent; doctors' fees over 35 percent; and drugs and prescriptions over 10 percent. As these elder citizens require more medical attention, with constantly increasing medical expenses, it is quite obvious that these cost items strike them particularly hard. It is equally obvious that these people are not physically able to evade them or adjust to them, as might a younger person. As important as cost-of-living figures are, the Consumer Price Index does not represent a true reflection of the changes in the cost of living of retirees. Its official name is the "Consumer Price Index for Urban Wage Earners and Clerical Workers," and it is weighted to reflect the costs of a wage-earning family, the expenses of which are not representative of the expenses of a retired family. Salaries of active workers have gone up somewhat in relationship to increased living costs, but civil service annuities have not maintained a comparable increase. Our social security program has done better, relatively, for elder citizens in the private segment of our economy during recent years and, as all Members of this House are fully aware, in the past week.

Roughly 40 percent of the retirees and survivors on the annuity rolls are persons whose benefits are based upon pre-1956 law. Their annuities, on the average, would be increased about $12 per month. The remaining 60 percent, constituting those who enjoy the 1956 retirement improvements, would receive increases, again on the average, of about $8 per month.

A third category consists of only 6 percent of the entire annuity rolls, and represents about 43,000 elderly widows of employees or annuitants who died at a time when no survivor protection was provided by law. Congress has recognized the special equities of these forgotten widows over the years, and bestowed upon them minimal, gratuitous annuities. Because of the very small size of their annuities, averaging only $44 per month, the committee recommends a slightly larger increase than the percentages otherwise provided. In view of these particular recipients' monthly benefits, an average adjustment of 15 percent would increase their annuities to about $50 per month.

Mr. Chairman, H.R. 8469 is a measure that has been developed after prodigiously careful and meticulous resolution of all of the merits and factors concerned. It was unanimously reported by the Subcommittee on Retirement, Insurance, and Health Benefits, and the full Committee on Post Office and Civil Service without a dissenting vote. It is an inescapable fact, Mr. Chairman, that we cannot remake the past. We cannot alter the evidence that the vast bulk of annuities now being paid are inadequate. However, Mr. Chairman, we propose here today a partial remedy that is immediately available, and the access to which is direct.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield.

Mr. TEAGUE of California. Mr. Chairman, I asked the gentleman to yield simply for the purpose of expressing my appreciation to the subcommittee and to the committee for bringing this legislation to the floor. It has my full support.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman.

Mr. PELLY. Mr. Chairman, as one who is not a member of the Committee on Post Office and Civil Service I would like to express my appreciation to the committee members for bringing this legislation to the floor. I think it is long overdue. I certainly support it and intend to vote for it.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. Buchanan].

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the remarks of Mr. Ellsworth be inserted in the Record immediately following my own.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I am delighted, as a member of the subcommittee, to join in this chorus of praise to our subcommittee chairman for his outstanding leadership. It is particularly a pleasure to be able to agree with the gentleman from Illinois [Mr. O'Hara], the distinguished member with whom this may be the first and last time I shall agree, in his beatitude to the subcommittee chairman, which is well deserved. This is indeed a needed bill. It is a bill that reaches out to a group of people to whom we have a unique responsibility in the Congress, people who have given their lives to Government service and are therefore in a unique sense our responsibility here.

I will quote a second scriptural statement, and that is simply this:

> He that careth not for his own is worse than an infidel.

It seems to me that there is an application here for us to these who have given so many years of service to our country as civil service employees.

In my own State there were some 10,682 of these retirees as of July 1, 1964. In the Nation there are close to 700,000. Many of them are living on incomes pitifully low. This is therefore needed legislation and it is good legislaiton. This bill does not do all that we ought to do for the retired civil service and postal employees of this country, but it is a significant step in the right direction. It does increase their annuities. It does provide a mechanism whereby they can more closely keep up incomewise with the cost-of-living index in the future. It does make greater provision for the survivors of future retirees.

May I join the gentleman from Montana and the distinguished subcommittee chairman and others in expressing my hope that this shall be the beginning and not the end of corrective action by this body to place these, who have given themselves to Government service through the years, in a more equitable position in the future. I specifically hope that we shall be able to increase the annuities, in later legislation, of survivors of civil service retired employees, not covered by the increase to 60 percent in this legislation.

Mr. Chairman, I hope that we shall be able to continue to work toward placing these whom we touch here today, these 700,000 Americans, in a more equitable position. Many of them are living on incomes well below what this Congress has determined to be the poverty level. At a time when $3,000 is declared to be the borderline the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees on the retirement rolls are receiving annuities of less than $3,000. The figures with respect to survivor annuitants are even more shocking. Of 205,855 survivor annuitants, only 2,237, about 1 percent, receive annuities of $3,000; and 163,274, or about 80 percent, receive annuities less than $1,200, or under $100 per month.

Mr. Chairman, in addition there are internal inequities. People who retired at different times and did not receive the same salary levels during their working period, did not retire at the same percentage level and hence we have a group of retirees who are in the same grade and class but who are receiving different benefits because of the differing times of their retirement.

Those who worked earlier or the older retirees working on small salaries, are receiving smaller annuities. Later legislation has worked toward increasing the percentage of the annuities and toward increasing salaries for working employees. Hence, inequities have been created and perpetuated.

Mr. Chairman, this bill goes a long way toward correcting such inequity but it does not fully do the work.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CORBETT. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BUCHANAN. I thank the gentleman.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. Mr. Chairman, I wish to rise and compliment the gentleman from Alabama upon his comments on this bill. I believe we share the same views. I want to say especially I admire his ambition to go further than this bill in the future, after some further study, and I certainly hope that

that can be done, as the gentleman from New Jersey [Mr. Daniels] pointed out, after having received recommendations from the present retirement commission and that it will be done certainly earlier next year.

Mr. BUCHANAN. I want to thank the gentleman from Montana and assure him that this shall have my personal, active support and I am sure the active interest of the full committee. I share the gentleman's concern. We shall be actively working toward that end.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I want to say that the gentleman from Alabama [Mr. Buchanan] is a new member of our committee, but he is a member with a heart, he is a member with a conscience, he is a member who works diligently in the important work of our committee.

Mr. Chairman, I congratulate the gentleman for the very constructive attitude and the constructive work which he has contributed toward the enactment of this bill.

Further, Mr. Chairman, I congratulate a real leader, the gentleman from New Jersey [Mr. Daniels], for taking the action to get this bill to the floor of the House, and I support it.

Mr. BUCHANAN. I thank the gentleman from Arizona.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. CORBETT. I yield the gentleman 1 additional minute.

Mr. BUCHANAN. Mr. Chairman, may I read into the Record some additional facts. Insofar as the benefits for survivors are concerned, one can understand some of the present inequities when one sees this analysis, all based on an annuity income of $3,600 per annum:

Those who retired between 1948 and 1949 must pay $360 per annum in order for the surviving spouse to receive $1,800 annually.

Those who retired between 1949 and 1956 pay only $285 per annum for the same benefits.

Those retiring between 1956 and 1962 have to pay but $180 per annum for the $1,800 benefit. Those retiring now pay only $90 per annum but receive benefits for their survivors of $1,980 per annum.

This illustrates the kind of inequity which we only partially correct here, and which we must more fully eliminate in the future.

I support the bill, and urge your support of this much-needed and worthwhile legislation.

Mr. ELLSWORTH. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ELLSWORTH. Mr. Chairman, I wholeheartedly support my colleagues on the committee in the hopes that this meritorious and sorely needed legislation soon can become law. Reasons for enactment of H.R. 8469 are quite evident and have been carefully defined in the committee report.

Certainly, the increases provided in H.R. 8469 can be considered fair, moderate, and although not truly corrective, they will go far to assist the Nation's civil service retirees who have seen their purchasing power drained by continuing increases in the cost of living. I am pleased to see that some 43,000 widows of our former Government workers are receiving increases to assist in their financial plight.

I would like to direct attention to section 2 of the bill which makes it possible for future widows of employees and/or annuitants to receive 60 percent of the earned annuity. I believe in the case of the retiree, we find a true example of the age-old adage that "two can live as cheaply as one"; however, when that one finds herself alone in the world, the costs originally borne by the two end up, generally, being the burden of the survivor.

Let us consider a typical widow of a retiree who has enjoyed living with her spouse for many years in a home which they were able to call their own. The widow has suddenly found herself alone in the world and her expenses started mounting, despite the fact that under present law overnight the household income dropped 45 percent. The widow found after her first month of being alone that the electric light bill remained the same, telephone costs were not reduced; and when repairs were necessary, she had to pay where previously her husband was able to handle the chores.

Then came the annual expenses and the widow learned that the real estate taxes and the fire insurance were not reduced because of the death of her husband; but in fact in some instances were increased.

All that section 2 of H.R. 8469 does is to insure future widows that their annuities will be 60 percent of the amount received by their retiree husbands rather than 55 percent which is the present law.

Mr. DANIELS. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. Bennett].

Mr. BENNETT. Mr. Chairman, the purpose of this legislation is to provide equitable, moderate, and desperately needed adjustments in the annuities of Federal civil service retirees and survivors currently on the annuity rolls, to improve the existing cost-of-living adjustment principle by gearing it to a more sensitive monthly price index indicator, and to increase the survivorship protection of spouses of employees and future annuitants.

The history of civil service annuity adjustments to meet exploding costs of living has been one of too little and too late. The responsibility rests squarely on the Congress and there is general agreement that this problem requires our most immediate attention.

To think of a pension plan simply as a promise to pay a stated number of dollars monthly represents a superficial view. Pension plans are long-term financial operations, and the basic purpose to be served is to enable an employee to enjoy freedom from want and a measure of economic security upon the expiration of active employment and throughout his declining years. During the period of employment, the hopes and expectations of employees are continuously built around the concept that they will be able to retire on a dignified basis and with enough income to meet their basic needs. It is the responsibility of the Government to maintain the annuities of its retirees and survivors at a level that will give them a living comparable to what they had, and rightfully expected to have, at the time of retirement.

Representatives of organizations of retired Federal employees have strongly urged the immediate approval of increases to meet the critical need of those living on small, fixed incomes to cope with the continued upward spiral of our vastly expanded economy. Every major organization of active Federal employees lent its support to these proposals. More than 50 individual Members of Congress appeared in person or submitted statements recommending immediate increases in benefits. These witnesses presented testimony and evidence which clearly established the urgent need for the early adjustments provided in this legislation.

At a time when $3,000 yearly income is the borderline below which a married couple is deemed to be in the poverty class, the record shows that the bulk of the 700,000 civil service retirees and survivors are receiving annuities of much less than such amount. It is a well-known fact that medical costs have risen more than any other single item in the Consumer Price Index. Medical studies disclose that up to one-third of those 65 years of age or older are chronically ill, and that they have twice as many disabling illnesses lasting a week or longer as do persons under age 65. Moreover, the average disabling illness of the aged lasts twice as long as that of younger persons. During the past decade the cost of medical services has increased over 40 percent; doctors' fees over 35 percent; hospital charges over 85 percent; hospital insurance rates over 95 percent; and prescriptions and drugs over 10 percent.

As people over age 65 require more medical care, these cost items hit them particularly hard. They are confronted with reduced income, impaired health, depressed living standards—and, in most cases, with increased medical expenses. Federal civil service retirees and their survivors are truly the forgotten people in the economic life of the United States today.

The reported bill provides fair, moderate, and direly needed adjustments designed to increase annuities where the greatest relief is warranted. This is our opportunity to do our part and pass this legislation.

Mr. DANIELS. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. Matsunaga].

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 8469 and wish at the outset to commend the chairman of the subcommittee on his demonstrated leadership. This legislation is a step in the right direction toward a sound and lasting policy with respect to Federal employee retirement benefits.

In my studies of retirement theory and practice, as a new member of the Post Office and Civil Service Committee, I was impressed by the definition of an effective retirement plan, as stated by an associate of the Society of Actuaries in America. This is what he said:

> The basic purpose to be served in establishing a pension plan is to enable each employee to enjoy freedom from want and a measure of economic security after he or she is no longer actively employed.
>
> * * * * *
>
> Pension plans are very long-term financial operations. To think of a pension plan simply as a promise to pay a stated number of dollars monthly, commencing at some future date, represents a superficial view. The hopes and expectations of employees are continuously built, during the period of employment, around the concept that they will be able to retire under the plan on a dignified basis and with enough income to meet their basic needs.

The ideal plan, in my judgment, would provide for the adjustment of annuities, from time to time, to equate them on the basis of length of service and level of responsibility, regardless of when the service was performed. Sharp disparities in treatment of former employees now exist, as evidenced by an example cited in our hearings. On the one hand, an employee who retired in 1945 from a grade GS–9 position after 36 years of service, whose original annuity was $150 a month, after all subsequent annuity increases, now receives $257 a month. His surviving widow would receive an annuity of $58 a month.

On the other hand, an employee who retires under today's law from an identical position in grade GS–9, with the same years of service, can provide for a widow's annuity of $165 a month and receive a life annuity of $468 a month.

This results from the many pay raises during the 20-year period, plus the 1956 Retirement Act Amendments. The GS–9 salary average for the 1945 retiree was $3,917 per annum, compared to $8,200 for the 1965 retiree, and the 1956 Retirement Act Amendments improved annuity benefits by more than 20 percent for those retiring thereafter.

While H.R. 8469 is not by any means perfect, it is, as I have noted, a step in the right direction since it gives at least partial recognition to the relative condition of salary and benefit provisions at various times of retirement.

Mr. Chairman, I am the last to believe that we are not to provide all retirees with a decent living and security. The Government attracts well-qualified personnel for its activities with the promise of amply designed retirement benefits which would permit withdrawal from active service with the knowledge that they and their dependents will be financially secure insofar as the necessities of life are concerned. This expected security is not an actuality because year after year the cost for services, utilities, medical fees, insurance, and staples keeps increasing while the annuity income remains stationary.

Just how vital a part these retired employees have played in shaping our Government cannot be fully appreciated until one has observed some of the lesser-developed countries in this world where the lack of competent governmental staffing at all levels has put up the greatest of barriers to effective administration of national affairs. Fortunately, in this country we have no such problem—and it is because of the dedicated men and women who would be the beneficiaries of the legislation before us today, that this is the case.

A retirement annuity, to pass the fairest tests, must meet two conditions: namely, provide an income for the principal that is sufficient to maintain dignity and self-respect—and to provide an adequate annuity for survivors who suffer the loss of the principal's salary or annuity income.

Congress has taken cognizance of this, to a degree, by providing increases for other retirement programs within its jurisdiction—social security, veterans' benefits, and railroad retirement. It would be a gross inequity were we not to do the same for our own civil service annuitants. We have supported constructive legislation aiding the senior citizens of our country with the medicare bill, we have passed legislation benefiting millions of children with the elementary and secondary school bill, and we are presently involved in writing salary legislation designed to attract and retain high-quality personnel. Yet, we have done relatively little to increase the benefits of a retirement program that assists, in many ways, to maintain a high level of quality in Federal employees.

Mr. Chairman, a primary concern of Congress is to legislate towards effectuating equity. The bill now before us will deliver justice to a long neglected segment of our population. These are the ones who have borne too long the burden of Federal service in years past, and are now forced to meet an ever-increasing living cost with a retirement income that was inadequate by fair standards a decade ago. Certainly, this Nation has a primary obligation to its own retired citizens, many of whom are septuagenarians and octogenarians.

Mr. Chairman, the mechanisms of this bill will help to guarantee that the greatest percentage increases will inure to the emergent need of those who need them most, with the lesser increases designed for those who have benefited by salary increases and improved computation formulas. We cannot, in all good conscience, deny a degree of comparability to these deserving citizens over whom the ever-increasing cost of living has cast a cloud of poverty during the very years that they had been promised would, at least, be uncomplicated and secure.

As a Congress that is well on its way to bringing about the reality of the Great Society, it behooves us to act in behalf of the ones we owe a great obligation, our own retired Federal workers. I urge a favorable vote on H.R. 8469.

Mr. CORBETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, I merely wish to say that the gentleman from Hawaii has not only eloquently spoken here on behalf of retired civil service and postal employees of this Nation, but he has worked with energy and dedication on the committee. The gentleman has shown a very active interest in making certain that there shall be no inequity based on year of retirement and that present inequities shall be eliminated. He has demonstrated his determination that there shall be adequate provision for these folks who have felt the full brunt of all cost of living increases without comparative increases in their annuities. The gentleman has pursued this with energy and dedication, and I thank him for his work on the committee as well as here.

Mr. MATSUNAGA. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Alabama. I join in the commendation earlier attributed to him for the great contribution he has made to the subcommittee.

Mr. CORBETT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I thank the distinguished gentleman from Pennsylvania for yielding.

Mr. Chairman, this bill would correct an injustice which has existed far too long and I support it. The need for an increase in annuities under the Civil Service Retirement Act has been apparent for several years, and I am gratified that the committee has seen fit to report such a comprehensive and worthy bill.

The point which I should like to stress is that the recipients of civil service retirement annuities, the recipients of the increases proposed today, are people who have devoted their lives to public service. They are the manpower behind the process of implementing and administering the laws which this Congress enacts. They comprise the work force of the strongest and most active national government in the world. As members of the civil service, they are a very special and deserving class.

It is the responsibility of this Government to insure that its employees will enjoy freedom from hardship and can sustain economic security during retirement. It is our responsibility to insure that Federal employees will be able to retire with dignity and with enough income to meet their basic needs.

Civil service retirement annuities simply have not kept pace with the swiftly rising cost of living. However adequate the schedule of annuities may have appeared a few years ago, it is clearly inadequate now. The Civil Service Commission's own records show that more than 75 percent of the 482,131 retired employees on the retirement rolls receive annuities which fall below the "poverty line" of $3,000 per year. The figures for those receiving survivor annuities are even more disgraceful.

This bill would help raise these annuities to a more satisfactory level. The bill in part makes up for past neglect by providing increases consistent with the rise in the cost of living. It also provides for automatic cost-of-living increases whenever the Consumer Price Index registers an advance of 3 percent for 3 consecutive months, and makes needed adjustments in survivor annuities.

Mr. Chairman, this bill does not restore to retired Federal employees the retirement income which was lost before Congress responded to the rising cost of living. But it does reaffirm our intent to provide our civil servants with adequate and equitable retirement annuities. It does affirm our intent to maintain retirement annuities in the future at their present levels of purchasing power, and not to let the real value of an annuity decline as prices rise. It is a promise of continuing attention and further action.

For several years I have advocated necessary increases in civil service retirement annuities. I commend the committee for the hard work which it has done in drafting this comprehensive bill, and I urge its prompt enactment.

Mr. CORBETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. Fino].

Mr. FINO. Mr. Chairman, I rise in support of this very important bill. This legislation is long overdue. In recent years, retiree living standards have been progressively undermined by the creeping inadequacy of pension purchasing power.

I am glad to see H.R. 8469 come before this House for consideration. It constitutes a recognition of our Government's obligation to provide a continuing and ascertained standard of living for retired Federal employees. This bill proves that we have come a long way toward seeing pensions as moral obligations and not merely dollars-and-cents contracts. This is only proper and just.

In the first place, this bill includes a much-needed increase in existing pensions. This increase will lessen the inequities which have accumulated over the years as a result of the fact that persons retiring today receive far higher benefits than persons of the same grade received when they retired years ago. The increases provided for—which vary according to whether or not the employee retired before October 1956—will make existing pensions correspond better to those presently being granted. Unfortunately, the increase provided for does not relieve older retirees of all of the relative economic disability that has been accumulating during recent years of prosperity. My own feeling is that we still have not exhausted our backlog of obligation to our retired workers. We must remember that the booming economy we enjoy—which cuts into the value of fixed incomes—is something our retirees helped to create, and in which they should share.

This bill we have before us does not just aim at correcting the past—it also seeks to better anticipate and solve future retiree needs by making the automatic cost-of-living increase mechanism more responsive to actual economic change and consequent retiree needs. At the present, automatic cost-of-living increases are based on changes in the consumer price index over a period of a year, and these cost-of-living increases thus do not generally become available as quickly as they are needed. Under H.R. 8469, automatic cost of living will be computed every 3 months enabling retirees to more quickly get the increased benefits they need to cope with the rising costs of living.

I am also heartened to see the surviving spouse's annuity being raised from 55 percent of the earned annuity or survivor base to 60 percent. This is necessary for the future, but we must also consider those who have already come under the woefully inadequate existing benefit levels. I therefore support the amendments to be offered which will make this increase retroactive with respect to some recently granted surviving spouses' annuities, and provide also for a straight increase in older surviving spouses' annuities.

I have long urged increases in Federal retiree benefits and, I am happy to see this day arrive. For each Congress, since the 83d, I have introduced a packet of legislation designed to improve the status of Federal employees—present and retired—as they so much deserve. I am glad to see this legislation on the threshold of passage today, with its promise of fulfilling at least some of our Nation's obligation to its retired civil service workers.

Mr. CORBETT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. Harvey].

Mr. HARVEY of Michigan. Mr. Chairman, I rise in support of H.R. 8469. Several months ago I introduced similar legislation to provide reasonable and long-overdue adjustments in the annuities of Federal civil service retirees and surviving spouses of certain former employees who died in service or after retirement.

The record, I believe, clearly shows that this legislation not only is overdue but is fair. As a matter of fact, strong arguments may be made that perhaps it does not go far enough even to meet the swiftly rising cost of living.

As this Congress concentrates and acts on poverty, it should not and must not ignore its responsibility to those dedicated public servants who have served so long and well.

This is a modest bill, providing a 3.8-percent increase in every annuity. There are other provisions, thoroughly discussed by other Members, which attempt to rectify a situation demanding our attention and action.

Let us keep in mind that more than 700,000 retirees and survivors are now on the retirement rolls of the Civil Service Commission. They should not be forgotten, but treated fairly and recognized for their contributions to our Nation.

Mr. CORBETT. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. Burton].

Mr. BURTON of Utah. Mr. Chairman, I am pleased to rise in support of H.R. 8469, a bill to provide badly needed adjustments in the annuities of Federal civil service retirees and survivors.

Mr. Chairman, Federal civil service retirees are today's fogotten people in the United States. The Federal Government is very much concerned about programs for assistance to families in our Nation whose income is low. Those whose income is below $3,000 are being regarded as being below the borderline of the poverty class. But at this same time the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees on the retirement rolls are receiving annuities of less than $3,000. The situation is even more serious with survivor annuitants. Of 205,855 survivor annuitants, only about 1 percent receive annuities of $3,000 or more.

Retirement income should be fairly and directly related to level of earnings and length of service, but should be adjusted to reflect new standards and cost-of-living changes. It needs to be recognized that an individual retiring today likely will receive a much higher retirement benefit—as a result of having drawn higher salary—than the individual who retired from a similar job several years ago. Adjustment should be made to bring the older retiree's annuity more nearly in line with the current annuities.

I urge my colleagues to approve H.R. 8469 to bring a measure of relief to the older civil service retirees.

Mr. Chairman, these people are people who have devoted their careers and their lives to the service of their country and their countrymen. I am happy today and thankful to the members of the subcommittee for allowing us the opportunity on the floor and in our subsequent vote to show these people that we are concerned with their welfare and to support them.

Mr. HORTON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Chairman, I would like to urge prompt passage of H.R. 8469, providing civil service retirement annuity adjustments. The range of this bill covers not only the retirees of our civil service, their dependents and survivors, but expands to benefit America at large, by the protection and preservation of a capable civil service, a system which forms the core of our democratic Federal framework.

The expression "civil servant" in the true sense connotes selfless service—long hours, often with little or no recognition. It is the responsibiliy, and indeed the moral obligation of those of us in Congress to remedy the present injustice suffered by our civil service retirees. It is a travesty of every form of compensation we hold dear to raise salaries of the military and present Federal workers, without also turning to those retirees of the Government who through no fault of their own are overwhelmingly burdened by inflation. They, too, are entitled to a life of dignity, a life of retirement which shows our appreciation for the services they performed and which is in keeping with the contributions made during their working years. We can no longer neglect to provide this relief where it is most warranted.

We are all painfully aware of the exploding costs of living and the hardships caused those senior citizens who find themselves victims of our expanding modern economy. In this case, it is not the fault of the individual, but rather that of the system which needs long-overdue correction.

This bill would increase the annuities of pre-1956 retirees by 10.2 percent, and that of post-1956 retirees by 5.2 percent. It would go a long way toward closing the gap created by different systems, the gap between those who have benefited from post-1956 improvements and those who retired from active service before that date. Moreover, this measure provides a flexible standard, with cost-of-living increases based on the Consumer Price Index. This flexibility is urgently needed; until this point, Congress has never brought the retiree up to par with the rising cost of living.

I am fully aware of the position and needs of our more than 700,000 retired folks and survivors, which include 51,262 from New York State alone. To remedy the anomaly of their situation, I have introduced two bills, H.R. 5694 and H.R. 5695, which contain provisions very similar to those considered here today. It was my privilege to testify earlier this year before the Subcommittee on Retirement, Insurance and Health of the House Committee on Post Office and Civil Service. I return to the plea I made at that time to do something now, and not wait for future studies by committees appointed to report in the distant future. This is one of many cases where actions speak louder than words; the need for present improvements is the first order of business—it is not only reasonable and just, but mandatory. Let these measures go into effect now, and then, in the future, let us continue to remember our retired and active civil service employees. This annuity increase is only one of many needed measures affecting the condition of American workers.

I think all of us are aware of constituent letters in the files, numerous cases citing need and inequity. I can think of no more fitting way of showing our thanks and pride in the long history of selfless service and devotion among this Nation's civil employees than by granting them retirement benefits in keeping with the fine service they have demonstrated.

Mr. CORBETT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, I thank the gentleman.

I, too, rise in support of the legislation before us, as it is quite apparent that most of the Members of the House do favor this necessary legislation. However, in the committee report I notice on page 8 in a letter from Chairman Macy to the gentleman from New Jersey Representative DANIELS—and I refer you to the next to the last paragraph thereof—it says that the Bureau of the Budget advises that enactment of this bill would be inconsistent with the program of the President if it includes the provisions in section 2 of the bill. I understand that these provisions are still in the bill. Does this mean, therefore, that the administration is opposed to the bill as it is being presented to us today?

Mr. DANIELS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from New Jersey.

Mr. DANIELS. If the gentleman will read that letter very carefully, he will find that the bill which was originally opposed by the administration now has its approval except for section 2. We feel or, rather, it is the feeling of the committee that section is a much needed provision. It is reasonable, equitable, and fair. Most of these people on the rolls who would be affected by section 2 are people whom we feel it is necessary to include in this legislation.

Mr. COLLIER. Mr. Chairman, I happen to agree with the gentleman, but I do repeat my question, namely, is the administration opposed to the bill inasmuch as this provision is still in the bill?

Mr. DANIELS. All I can say in answer to the gentleman is this letter from Commissioner Macy speaks for itself. He says that he favors the bill except for section 2. I think our committee can stand on its own two feet and do its own thinking. We put this provision in there. It was unanimously approved not only by the subcommittee but by the full Committee on Post Office and Civil Service.

Mr. COLLIER. I agree with the committee's position, and I thank the gentleman for his comments.

Mr. DANIELS. Mr. Chairman, I yield 3 minutes to the able gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, I thank the able gentleman from New Jersey for yielding to me.

It is with deep interest that I urge the Members of this House to recognize the need for helping our Federal retirees. H.R. 8469 with its amendments will give help and encouragement to the thousands of retirees on low meager annuities. The bill is so designed to give greater help to those who need it the most—those who retired several years ago.

My personal concern is for the nearly 35,000 Federal annuitants and survivors in my State of Florida, as well as the more than 700,000 retirees and survivors throughout these United States.

In simple justice to these folks let us pass this bill and give encouragement to those who are the last to benefit. It seems we have taken care of most everyone but them.

H.R. 8469 would give retirees an immediate increase in every annuity, effective the first day of the third month after approval of the bill, of the amount of the accrued increase in the cost of living since the year 1962, now 3.7 percent, and perhaps up to as much as 3.8 or 3.9 percent by the time the bill passes.

An additional increase in the annuities of all persons retired prior to October 1, 1956, and of the surviving spouses of such persons as are receiving survivor annuities, in the amount of 6.5 percent, making a total increase of more than 10 percent.

An additional increase in the annuities of all persons retired since October 1, 1956, and of the surviving spouses of such persons who are receiving survivor annuities, in the amount of 1.5 percent making a total increase of more than 5 percent.

A provision that the minimum increase in the surviving annuity of a former employee who died or retired prior to April 1, 1948, shall be 15 percent or $10 per month, whichever is less. This would mean a minimum increase of 15 percent for each of these survivor annuitants whose present annuity is less than $67 per month.

Automatic cost-of-living increases in the future whenever the Consumer Price Index has registered an advance of 3 percent for 3 consecutive months since the base average, instead of waiting for more than a year under the present law.

Increasing the percentage of survivor annuities for persons retiring in the future to 60 percent and the amendments would give all survivors this needed improvement.

There are thousands who get only meager annuities because when they retired the salaries, and the benefits of retirement laws were then low. Many of the retiree survivors fare worse. Letters bring us data on these folks who are receiving amounts as low as $40 per month, $50 per month and until recent years, very, very few received over $200 a month after a lifetime of work.

Let me read extracts from a letter of one of the more fortunate ones. Surely you will agree his lot is a rough one. We, none of us, would like to be in this predicament:

> It is with deep regret I have to write you regarding your low pensioned retiree employees. We need more money and we need it badly *now*. Life is short—we don't need it after we're dead.
>
> I get a check for $185 out of which I have to pay $101 for rent and electricity. I cannot live on $85 a month in this age of high cost of living. I have to buy secondhand clothes and my hospital policy I gave up. We need that increase now. Time is short; so is life.
>
> We have money to throw all around the world by the millions to nations we can't depend on in times of war. Yet there is nothing to give but a few crumbs to our faithful servants who gave the best years of their lives serving their country and are old men—some sick and can't get a living pension to enjoy those few years to live. It's time we got action now for more money, next year may be too late.
>
> I know you're doing your best for us retired men. I would appreciate it if you would show some of the Congressmen and Senators this letter.

Yes, we have hundreds upon hundreds of similar letters, and some are really pitiful. In Florida we have more than 34,000 of these retirees who need help and need this help now.

I strongly support this measure. I believe it does justice, although in some instances delayed justice, to one of the most deserving and important segments of our citizens, the retirees from the Federal service. I warmly commend the able gentleman from New Jersey [Mr. DANIELS] for the leadership that he has given us in the presentation of this meritorious measure to this House.

Mr. DANIELS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. HANLEY].

Mr. HANLEY. Mr. Chairman, the paramount objective of H.R. 8469 is the granting of the financial relief that our Federal retirees and survivors so desperately need. It has been well substantiated by the testimony offered in the hearings, that tens of thousands of our retired employees are in dire circumstances—and that only a comparative few are in receipt of annuities that permit them to maintain a reasonably decent standard of living.

The word "poverty" is being bandied about these days by people who set their own standards as to what constitutes impoverishment. Certainly, by any standards, and particularly those which the President himself has adopted in connection with his antipoverty program, a family income of $200 a month is a poverty income. Now, since this Congress has seen fit to appropriate massive sums of money to combat poverty on every conceivable front, are we not at least morally obligated to upwardly adjust the poverty level incomes of those people who have so loyally served their Government? The cold facts of the matter completely justify the overwhelming need of this legislation—not next year—but now.

Mr. Chairman, it is unfortunate, but nevertheless true, that a survey of our economic activity over the past decade shows a significant amount of inflation. In its simplest definition, inflation means that a dollar buys less today than it bought yesterday. I believe it is safe to say that this burden falls heaviest upon these persons whose fixed incomes do not rise with the times. It is these persons, with this type of income, with whom we are concerned here today. It is these persons, many of whom paid for their annuities with 100-cent dollars, who are being compensated with 30-cent dollars in their twilight years. We are concerned today with the problems of those retired from public service, who 20 or 30 years ago were laying plans for their later years in life, and who could not foresee the inflationary erosion of the household budget in the latter half of the 20th century.

There is much concern, Mr. Chairman, for the welfare of our elderly citizens, as is apparent from the legislative record of the Congress the past few months. Is there similar concern for the welfare of our own former employees? Are we as concerned over the economic requirements of their widows and children? These are the people who have been characterized as the "truly forgotten people in our Great Society." These are the same people who worked to make life better for all Americans, but whose dreams of a peaceful and serene retirement have been turned into an inflationary nightmare in our present-day economy.

Legislation providing increases should have been enacted in the 88th Congress, and only the fact that time ran out on that Congress prevented passage last year. Meanwhile, these annuitants wait and look to us, the Congress, to act on an increase that is long overdue. How much longer will the Federal Government—the would-be benefactor of a Great Society—turn away from the actual and existing needs of its own former employees? I hope, not long. The subcommittee has acted, the full committee has acted, but we must see that the Congress itself acts—today.

Mr. Chairman, there can be no escaping the fact that this body is dutybound to ease the burden placed upon these worthy persons. By taking diligent and favorable action today we will not condemn them to retirement years that will be unpleasant ones. They are the same golden years for which we ourselves, I am sure, are laying plans. They are the same years upon which we all are continuously building our own hopes and expectations—a concept of hopes and expectations that we may be able to retire from our duties on a dignified basis—and with sufficient income to meet the basic needs of our future years.

Mr. Chairman, in further support of H.R. 8469 which amends the Civil Service Retirement Act, I say the bill has four major provisions: percentage increases in the annuities of Federal retirees, a cost-of-living increase in annuities, modification of the procedure to determine and effectuate cost-of-living increases, and a 5-percent increase in the percentage of the life annuities of their husbands to be received by surviving widows.

It is my belief that H.R. 8469 is a good bill worthy of the support and approval of the Congress. It is clearly a compromise measure with its provisions stemming directly from the information produced in our hearings and discussions with interested parties, including the Civil Service Commission.

To my way of thinking the major feature of the bill is the 6½-percent increase in the annuities of former Federal employees who retired prior to October of 1956. The bill also includes a 1½-percent increase in the annuities of post 1956 retirees. Testimony before the Subcommittee on Retirement and Pension revealed that 75 percent of the 482,131 Federal retirees receive annuities of less than $3,000 and 80 percent of the survivor annuitants receive less than $1,200. These figures, shocking as they may be, do not of themselves necessarily demand that we amend the Retirement Act. Again it was testimony before the subcommittee directing our attention to the fact that older retirees were concentrated on the lower end of the annuity scale which prompted that 6½-percent increase. While it was brought up that many former Federal employees receive small pensions because of short periods of Federal service, it was never suggested that short Federal service alone was responsible for negligible annuities. This 6½-percent increase cannot be considered an expedient welfare measure designed to help people who are in need merely because they are in need. Testimony disclosed that a portion of the blame for the plight of Federal retirees stems from the departure by the Congress from a principle of long standing. That principle was expounded by Clarence Tarr, president of the National Association of Retired Civil Employees, during the hearings. He said:

> It was recognized during the early years that when it was necessary to increase benefits for those who retire in the future, it was equally necessary to increase annuities of those previously retired. Those who would retire in the future would have the opportunity of salary increases to boost their retirement annuities, while those previously retired were helpless.

The reason H.R. 8469 is before us today is that this principle was not adhered to in the major amendments to the Retirement Act enacted in 1956. Unfortunately 1956 became a watershed dividing Federal retirees. Chairman Macy alluded to this division during the hearings when he said:

> The other half of the annuity roll was made up of annuitants with benefits based on service which ended on or after October 1, 1956. These annuities had been computed under the liberalized annuity formula installed by the 1956 Retirement Act amendments which afforded benefits average some 25 percent higher than previous levels.

That the Congress recognized the unfairness of this gap was evident in 1958 when a 10-percent increase in the annuities of pre-1956 retirees was enacted into law. The gap was not closed in 1958 nor will it be closed upon the enactment of 8469. As Congressman DANIELS has stated, however, this bill will produce a much more reasonable relationship than presently exists between the two groups.

The second major feature of this bill is the cost-of-living adjustment increase to be granted in the third month following enactment. In 1962 legislation called for automatic cost-of-living increases, and the time has come for one. Our subcommittee chairman, Congressman DANIELS, pointed out in the report on H.R. 8469 that there is need for modification of the procedures set up in 1962 to handle the principle of cost-of-living increases in annuities. The purpose of the changes the committee suggests is to bring the cost-of-living adjustments somewhat closer in terms of time to the actual changes in cost of living. Instead of employing a yearly average showing a 3 percent or more increase in the cost of living, the annuity increase to become effective in the fourth month following that year, H.R. 8469 would institute a procedure whereby an increase will be granted in the third month following a 3-month period showing a consecutive 3 percent or more increase in the Consumer Price Index. I feel that since the Congress established automatic cost-of-living adjustments in annuities in 1962, it is important that we amend the law to make the application of the principle more effective.

The fourth provision of the bill, the 5-percent increase the percentage of full annuity provided survivors, will apply to the survivor of an employee who retires or is otherwise separated after the enactment of this bill.

I believe that H.R. 8469 is the best possible bill the committee could produce at this time, and I earnestly urge all of my colleagues to support its passage.

Mr. CORBETT. Mr. Chairman, I yield to the gentleman from New York [Mr. ROBISON] such time as he may consume.

Mr. ROBISON. Mr. Chairman, I rise in support of H.R. 8469, a bill designed to give some measure of relief to the more than 700,000 retired civil servants of this Nation whose needs have largely been overlooked in our recent efforts to provide necessary increased benefits for those in the military and for those other citizens covered by social security.

On April 29 of this year I introduced my own bill—H.R. 7753—dealing with this problem, and, though the bill as reported by the committee and now before us does represent a compromise from the position I have previously taken as set forth in H.R. 7753, I do support the committee bill and urge my colleagues to do likewise.

As the committee report on H.R. 8469 states:

> The history of civil service annuity adjustments to meet exploding costs of living has been one of too little and too late.

This has resulted, as much as anything else, from the unfortunate fact that these deserving, retired Federal employees have not the organized voice to speak with strength comparable to us, in behalf of equitable treatment, as do the many more thousands of others now presently employed by our Government. So, I think it is accurate to say that these people have found themselves too often forgotten.

H.R. 8469 takes a substantial step forward correcting this oversight, and I believe it is our responsibility to see that that step is taken in behalf of—to again quote from the report—these "elder citizens that are caught between rising prices and fixed incomes."

The Congress also, long ago, accepted the premise that the benefits of those who retired some years ago should not be permitted to lag too far behind the benefits being granted those who retire currently—and H.R. 8469 addresses itself specifically to this problem in a helpful manner.

It seems to me, therefore, Mr. Chairman, that H.R. 8469 should be passed, and that the additional expenditure which its enactment will entail can well be justified not only on the basis of doing equity to those to be benefited thereby—with whom we must keep faith—but also on the added ground that we should not expect to be able to attract to the Federal service the type of dedicated talent and skills it needs unless we also provide the adequate financial incentives that such employees should have to look forward to in their retirement years.

One more word—perhaps of gratuitous advice: This whole situation also serves to point up, once again, at least the indirect relationship between the fiscal and budgetary policies followed by the Federal Government, which policies are supposedly partly within our control, and the gradual increase we have been witnessing in the general cost of living which affects all our citizens. It ought, Mr. Chairman, to encourage us to be more watchful than we have of the results of our other actions in other legislative fields to the end that we are able to maintain some degree of control over the inflationary tendencies that are inherent, today, in our economy, and so that we do not place further financial burdens on those of our fellow citizens who do have to live on fixed incomes and who therefore have to bear the brunt of inflation, which has aptly been called the cruelest tax of all.

Mr. CORBETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON of Pennsylvania. Mr. Chairman, I strongly support H.R. 8469 and I urge its immediate passage.

H.R. 8469 is a bill which deals with retirement and annuities, one of the complex and difficult functions of our U.S. Government. This is an area of human interest, personal needs, and human living requirements and necessities, which requires constant vigilance by Congress. This retirement legislation must be reevaluated and reexamined constantly by the committees of the House of Representatives.

The purpose of this legislation is to provide long overdue and exceedingly necessary adjustment in the annuities of retired U.S. Federal employees and survivors presently on the annuity rolls. The present cost-of-living adjustment will be vastly improved by keeping it to the more sensitive and realistic monthly price index indicator.

It is imperative that Congress recognize the present hardship plight of the U.S. civil service retirees and survivors. In our age of ever increasing food costs and clothing and rent prices we must provide adequate means for the good and worthy people on our retirement rolls. Congress should not cast them aside, nor should Congress force our retirees to exist on a substandard basis.

It is the duty and the responsibility of the U.S. Government to assure adequate financial means so that U.S. retirees may maintain a living standard comparable to what they had while working, and which they rightfully deserve in retirement. Retirement should be a pleasure and a period of well-deserved good living earned through our good service during our working years. Retirement should not be a punishment, a period of lower living standards, and real suffering time of need.

The administration has accepted the standard that an income of $3,000 a year is the borderline below which a married couple is classified as being in the poverty class. Yet most of the good U.S. civil service retirees and survivors are receiving amounts which are well below this figure. For the Government to permit this injustice to happen is to me not only wrong morally, it is an unhappy and unhealthy situation for our U.S. economy. This is really hardship to our older people who have given efficient, loyal, and devoted service to the U.S. Government and the American people.

We must not forget that in most instances the cost of living for the elderly is higher than for the general population.

It is well known that our senior citizens have special food, special housing needs, medical requirements, and longer hospital stays, than any other age group in our society. We must see that our older people can meet their present needs adequately, and can face the future with confidence.

The retirees of this Nation must not face impaired health, increased medical expenses, and a reduced income. We in Congress have the responsibility to act now.

This bill will provide reasonable and urgently needed increases and adjustments. It will provide a 10.2-percent increase for those who retired on or before October 1, 1956, and a 5.2-percent increase for those who retired after this date. This is a good increase, but we should in Congress examine these U.S. retirement pensions and annuities soon, to make sure these retirees have adequate purchasing power for decent and comfortable living and they are able to keep this purchasing power in spite of inflation and rising costs of living.

The initial cost of the first section of H.R. 8469, covering U.S. retirees, will be $90.4 million, as estimated by the Civil Service Commission. The second section covering annuities of widows and widowers of employees who die in U.S. service, would increase the cost approximately $58 million, or 0.18 percent of the payroll. This expenditure is reasonable and worthwhile.

I recommend to the Members of this House that we act and vote today to provide the U.S. civil service retirees and survivors with the increase they so desperately need, and certainly deserve. This legislation will permit our U.S. retirees to be our gratefully remembered retirees, rather than to become the "forgotten people" of the United States, the tragic term by which they are now so often designated.

I am confident this Congress will promptly authorize this legislation. I hope all the Members of Congress recognize the necessity and desirability of this bill, and will act favorably on this legislation by voting for final passage.

Mr. CORBETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I support this measure.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just simply want to point out to the Committee that this has been a year of tax decreases. As you know, we have decreased the income tax rate, we have decreased the excise taxes, but up until right now we have left intact the most cruel tax that we have in this or any other country which is inflation.

Mr. Chairman, this effort represents really the first onslaught which we have made against inflation by this Congress.

Mr. Chairman, we all recognize that people who are living on fixed incomes wherever they may be in the world or in the Nation are the real victims of rising prices. They are the ones who see their standards of living falling as perhaps the standards of living may be going up for other people because of easy money, easy credit, and increased salaries.

Now, Mr. Chairman, for most of these retirees there is no place they can turn except to their Representatives in the Congress for any help in a situation that has found them going backward instead of forward.

Mr. Chairman, if there is anything at all to this war on poverty, if there is anything at all to the business that we ought to make this a better place in which to live in these United States, it seems to me that we are attacking at exactly the right point today.

Mr. Chairman, I believe that this House will be doing the Nation a service and our elderly employees a service if we pass this bill unanimously. Mr. Chairman, I hope that that will be the result of our actions here this afternoon.

Mr. Chairman, I yield back the balance of our time on this side.

Mr. DANIELS. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. McVicker].

Mr. McVICKER. Mr. Chairman, the Congress has just enacted a retirement increase on behalf of some 20 million Americans in adopting the Social Security Amendments of 1965—a measure which has been called the greatest single social enactment of this century. I applaud this action, and I supported it. But I appear today on behalf of a forgotten segment in this momentous legislation—namely the some 700,000 retirees of Federal service in our Government whose retirement income is largely unaffected by this legislation. I support passage of the bill, H.R. 8469, which would make an appropriate adjustment on their behalf.

The bill reported by the Committee on Post Office and Civil Service would help to rectify this situation. I am happy to say that it incorporates a principle contained in my bill, H.R. 8709, introduced on June 2 of this year, in that it triggers the effect of the adjustment to the automatic increased cost-of-living principle incorporated in 1962 legislation, by tying it to a monthly rather than an annual measure. The earlier legislation had provided that whenever the Consumer Price Index of the Bureau of Labor Statistics shall have risen by an average of 3 percent or more for a full calendar year above its average for 1962, a comparable percentage increase will become effective on April 1 of the following year.

But, during hearings conducted this spring it became abundantly clear that the automatic "cost-of-living adjustment" feature contained in the 1962 amendments has not operated as effectively as was anticipated. The rise in the Consumer Price Index over 1962, although averaging 2.6 in 1964, reached 3 percent in November 1964 and has steadily risen to around 3.7 percent. However, under the existing formula, annuitants will receive no adjustment until April 1, 1966. The need for a better measuring rod is thus apparent.

The present inequity suffered by older retired Federal employees is compounded by the fact that their annuities are based on the low salaries for which they worked for their Government. This result is illustrated by the following examples which were presented to the committee:

A man who retired in 1949, for example, after 30 years of service as a postal clerk is entitled to an annuity of $2,328, while in the event of his death his wife's survivor annuity would be $1,020.

A present postal clerk, with the same years of service, would be eligible for an annuity of $3,624 a year—or 39 percent more—while his wife would be entitled to $2,052 or more than twice of the older wife's benefit.

As I pointed out when I introduced my bill in early June, a person who retired 10 or 12 years ago receives from 30 to 50 percent less than one who has retired recently from the same kind of a position. Moreover, the 5 percent increase enacted in 1962 was meant to cover increases in the cost of living only since 1958 because another adjustment had been made at that time for persons who retired before October 1, 1956.

Present law, therefore, largely disregards the steep increases in the cost of living since 1956 for many annuitants. And for older workers it fails to reflect changes in living standards since their working years when they were paying for their annuities with 100-cent dollars but are now receiving 30-cent dollars, comparatively.

Most of all I am concerned with the fact that a good principle incorporated into present law—the principle of an automatic adjustment of retirement income to increases in the cost of living—has proven itself to be unworkable. It is a mechanical weakness, rather than a weakness of principle, and it can easily be fixed.

Under the bill all annuities would be increased by the same percentage as the rise in the Consumer Price Index from the annual average of calendar year 1962 to the month latest published on the date of enactment. Moreover, annuities which began, or survivor annuities deriving from annuities which began, on or before October 1, 1956, would be further increased by 6½ percent while annuities which began after October 1, 1956 would be further increased by 1½ percent.

I know that there has been some argument that such action should be delayed because, on February 1, 1965, the President created the Cabinet Committee on Federal Staff Retirement Systems under the chairmanship of the Director of the Bureau of the Budget. However, the Civil Service Commission itself, while holding that major changes should await the report of this Committee, scheduled for December 1, 1965, acknowledged that experience to date has shown that the 1962 formula can be improved by shortening the time element from years to months. Accordingly, the Commission does not object to this feature since it makes workable a principle adopted in the 1962 legislation.

Mr. Chairman, in introducing my bill on June 21, I said:

> If we want to attract and retain high caliber career Federal employees we must offer them an equitable and adequate guarantee that retirement benefits will keep pace with increasing living costs.

That is good personnel practice and it is good business.

By enacting the bill, which does justice and preserves equity for our currently retired civil servants we will not only be benefiting them, but we will be providing assurance to all present employees of the Federal Government that they will not be forgotten when they have retired from years of faithful and dedicated service.

Mr. DANIELS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. Krebs].

Mr. KREBS. Mr. Chairman, I rise in support of H.R. 8469. I want to say, also, that I feel our subcommittee chairman, my distinguished colleague from the State of New Jersey [Mr. Daniels] deserves the plaudits which he has received, because the gentleman has done an excellent job. I want to say, too, that I am extremely happy that this bill went through the full committee with its unanimous support. After listening to the expressions of concern for the 19 million elderly citizens in this country today and for the tens of thousands who are dependent upon their meager annuities or pensions, I eagerly look forward to the day when the Members on the Republican side of the aisle join again with the Members of the Democratic side of the aisle to make the next bill unanimous in raising a bit closer the benefits as compared to the needs of the elderly citizens today.

Although much of its purpose has been amply explained by my colleagues, I should like to emphasize the importance of this bill in our overall legislative program.

We have heard much about the Great Society and the war against poverty. But where should this Great Society begin, if not with those who have given the productive years of their lives in the service of their Nation? Can there be a war against poverty if we ignore the veterans who served unheralded in the domestic battlefields of the past?

The men and women whom we seek to aid today worked unselfishly in an organization which did not keep pace with the salaries of private industry, which did not keep its salary structure abreast of the rising cost of living, and which has provided an inadequate retirement program.

When many of our retirees first entered into Government service, I am sure they anticipated monetary benefits approximating those of private industry. A below-comparable pay scale has increased the burden of a low retirement annuity. The lower salary made week-to-week savings difficult, and there was no prospect that future income would be supplemented by generous retirement benefits.

Could our retirees have left the Government for better-paying jobs? This question can best be answered rhetorically—should this have been necessary? We certainly did not want to encourage our qualified civil servants to find positions elsewhere.

With the growing need for Government activity produced by the increasing pressures of our fast-paced industrial society, there has been a corresponding need for qualified personnel to administer new Government programs. It would indeed be a sad commentary on our way of life if we removed from the Great Society of the future those individuals who unselfishly laid its foundations in the past.

H.R. 8469 is not a panacea, but it is an aid. Most of our 700,000 civil service retirees are receiving less than $3,000 in annuities. That is borderline income, below which a married couple is considered to be living in poverty. An increase in benefits by 5½ or 10½ percent is not going to provide a substantial income. But it will help to supplement past savings.

H.R. 8469 remembers the "forgotten widows." These 43,000 widows whose husbands died when there was no retirement annuity provision will receive a 15-percent increase, with the maximum set at $10.

One very important aspect of this legislation is the alteration of the cost-of-living adjustment feature contained in the 1962 amendments to the Retirement Act. This feature, which has not as yet become operable, provided that whenever the Consumer Price Index of the Bureau of Labor Statistics shall have risen by an average of 3 percent or more for a full calendar year above its average for 1962, a comparable percentage increase shall become effective on April 1 of the following year. It further provided similar increases when a like increase in the Consumer Price Index occurs after any increase predicated upon such feature.

The rise in the Consumer Price Index over 1962, although averaging 2.6 in 1964, reached 3 percent in November 1964, and has steadily risen to 3.7 percent at present. However, under this formula annuitants will receive no adjustment until April 1, 1966.

It should be obvious that retirees are least able to wait for cost-of-living adjustments. With the productive years spent in serving their Nation, they are often unable to supplement their income to meet the rising cost of living. These people did not wait to serve when it was convenient; they should not be made to wait unnecessarily for an annuity that reflects the cost of living. H.R. 8469 does not change the substantive policy that the annuity should reflect the cost of living. It does allow for faster reflections by providing for increases in annuities whenever the Consumer Price Index rises by 3 percent or more for 3 consecutive months after any previous increase.

Thus, I am glad that I have had the opportunity to speak on behalf of H.R. 8469. It is needed legislation; it is equitable legislation. I am happy that I can lend my support to make the future a bit brighter for those who did so much for all of us in the past. And I am proud that the Great Society will benefit some of its greatest workers and that the war on poverty will not neglect the deserving domestic veterans.

Mr. RANDALL.. Mr. Chairman, it is a long past due privilege to raise a voice in support of H.R. 8469.

This bill to provide increases in annuities payable from the Civil Service Retirement and Disability Fund is an action which should have been taken a long time ago. Even the wording of the bill itself, when it refers to these increases as adjustments, is perhaps too moderate. For, the truth of the matter is that the increases are equitable and are desperately needed. No longer is it realistic to look at a pension which states its extent in terms of a stated number of dollars payable monthly. In this day and age that just does not make good sense. If a pension plan has any real usefulness it cannot remain static because the basic purpose and the underlying philosophy of any pension proposal is that the pensioners enjoy some measure of comfort and convenience in their declining years. Not only is it important that an annuitant be free from want but that they have a feeling of economic security after the expiration of their active employment.

The reason the enactment of this measure is so important is that our retirees and their survivors thought or expected at the time of their retirement that they would have a measure of income proportionately comparable to what they had received during their active employment.

We all prefer times of prosperity and we all hail these 52 uninterrupted months of continued expansion in our economy. Yet who can deny that the present tempo has posed serious problems for elder citizens caught in the squeeze between rising prices and their fixed incomes in the form of an annuity that remains the same number of dollars they had received before the expansion of our economy. Yes, prosperity is good for most of us but the fact is its impact on a large group of our senior citizens has been very critical.

There has been a lot of talk about what measure of income puts a person in the poverty class. We hear that if one receives less than $3,000 a year he is a borderline case. Yet, the bulk of our 700,000 civil service retirees are receiving annuities in an amount much less than $3,000.

Mr. Chairman, every time in recent months when I have visited my congressional district I have been reminded by these retirees of their plight. For a long time now I have assured them that they would soon be given consideration. H.R. 8469 is fair. Maybe it does not go far enough but it does provide a direly needed adjustment and after the action of the House on this bill, we may be able to say to these retirees with reduced income, impaired health along with increased medical expenses who are existing upon a depressed living standard that they will no longer be the truly forgotten people in this present era of economic prosperity. H.R. 8469 will also give assurance to these annuitants that, in the future, they will receive more frequent and hence more flexible and more responsive adjustments in annuities to reflect the increased costs of living. Our enactment in 1962 providing for an adjustment on an annual basis has been shown to be a too-infrequent adjustment. The bill under consideration now will assure an increase in annuities to be reflected immediately upon a change in the cost of living. This should be some assurance that those who have been so badly neglected in the past will not be forgotten in the future.

Mr. HALPERN. Mr. Chairman, I rise in support of H.R. 8469, a bill which makes long-overdue adjustments in the annuities that our civil servants must live on in retirement.

H.R. 8469 is a simple, straightforward, proposal to help better the lot of the Federal civil service retiree. Because of our ever-expanding economy, civil service retirees are caught in the economic straightjacket of fixed incomes and increasing prices. It is shocking to learn that most of the 700,000 Federal retirees and survivors are receiving annuities of much less than $3,000 yearly, the income below which a married couple is considered in the poverty class. This bill would increase by about 10 percent the annuities which commenced before October 1, 1956, and by approximately 5 percent those which commenced thereafter. The reason for this difference is quite evident: The 1956 retirement liberalization law improved the annuities of those who retired after that date, but neglected to adjust the annuities of those who retired before.

Mr. Chairman, we have been told that Federal civil service retirees are the forgotten people in the affluent society of the United States today. Well, that is why we are considering this legislation. Let the Congress and the people of the United States not forget these civil servants who spent their lifetimes in the service of their Nation. These men and women have toiled for the Government of the United States; they and their survivors, deserve retirement annuities at least comparable to those who retire from employment in the private sector of our economy.

H.R. 8469 also provides a higher increase in annuities for approximately 43,000 elderly widows of employees who passed away when no survivor protection was afforded by law. Moreover, this bill would increase from 55 to 60 percent of the annuity or of the survivor base, the annuities of eligible spouses of those who retire or who die in service.

Finally, H.R. 8469 would correct the presently slow-moving adjustment principle, based on the fluctuations in the cost of living, to be more sensitive to changes. Under this bill, whenever the Consumer Price Index, rises by 3 percent or more for 3 consecutive months the annuities would be increased to the same amount.

Mr. Chairman, H.R. 8469 is an important step forward in realizing the goal of providing our Federal civil service retirees with an adequate retirement income. I strongly urge my colleagues to give it their support, so that this House may keep faith with those men and women who dedicated their working years to the service of the U.S. Government.

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 8469, to provide certain increases in annuities payable from the civil service retirement and disability fund. This legislation will provide equitable and desperately needed adjustments in the annuities of Federal civil service retirees and survivors currently on the annuity rolls, to improve the existing cost-of-living adjustment principle by gearing it to a more sensitive monthly price index indicator, and to increase the survivorship protection of spouses of employees and future annuitants.

The only general annuity increase legislation that has been enacted since 1955 was the 5-percent increase enacted in 1962. Yet the cost of living rose by 14 percent between 1955 and January 1, 1963, the effective date of the 1962 increase. I think that we should make this effort to allow retired Federal employees benefit from our expanding national economy. American workers today are enjoying unprecedented increases in real wages, and this is particularly true of Federal employees who have benefited from several substantial salary increases in recent years. Retired Federal workers have not been treated nearly as generously as have active employees in this regard. I urge my colleagues to vote for this much needed legislation for retired civil service employees.

Mr. HARVEY of Indiana. Mr. Chairman, most Americans, I am happy to say, make allowances for their retirement years and most Americans by the time they reach retirement age have a pretty good equity in their homes. Many have life insurance policies.

The one thing that most senior citizens cannot predict is the rising cost of living and inflation. For this reason I am pleased to add my support to H.R. 8469 and I would like to commend the House Post Office and Civil Service Committee for reporting out this legislation because it is, in my opinion, a good bill.

It has been reported that, since 1900, the number of persons in the United States, aged 65 and over, has increased from 3.1 million to well over 15 million. It also has been reported that over 10 million are receiving or participating in compensation retirement programs. This is a good bill because it will enable the recipients to take care of what they have in a dignified and deserving fashion.

Mr. GILBERT. Mr. Chairman, the main reason for a retirement plan is to enable an employee to live in dignity and enjoy economic security upon his retirement and through his declining years. It is the responsibility of Congress to maintain the annuities of our retired Federal workers and their survivors at a level that gives them a living comparable to what they had looked forward to and expected upon their retirement.

Our elderly citizens living on fixed incomes have suffered more than any other segment of our population due to the spiraling cost of living. Retirees and survivors are being forced to get by on very low annuities; nearly 300,000 of them receive less than $100 a month. We consider $3,000 the minimum income for a couple for a decent living and less than that is considered in the poverty class, and yet the records of the Civil Service Commission show that more than 75 percent of the 482,131 retired Federal employees are receiving annuities of less than $3,000. Only about 1 percent of the 205,855 survivor annuitants receive as much as $3,000; and about 80 percent receive less than $1,200 a year—or under $100 a month.

We must bring the annuities of persons who retired 15 and 20 years ago up to a fair comparison with the annuities of current retirees. We must improve the existing cost-of-living adjustment principle and increase the survivorship protection of spouses of employes and future annuitants.

Mr. Chairman, the House Post Office and Civil Service Committee held extensive hearings on annuity-increase proposals, and the committee has recognized the urgent need of retirees living on fixed incomes. The committee is to be commended for reporting out H.R. 8469. I believe it is a fair bill and I support it. I believe it will benefit annuitants and survivors who are most in need.

H.R. 8469 will provide increases totaling about 5.2 percent in all annuities based on service which terminated after October 1, 1956, and it will provide a 10.2-percent increase in all annuities based on service which terminated prior to October 1, 1956. The bill also provides up to 15-percent increase in the annuities of widows of persons who retired or who died prior to April 1, 1948. It will change the plan for automatic annuity increases to match increases in the cost of living, and will liberalize survivor annuities for persons who retire in the future.

Mr. Chairman, I voice my support of H.R. 8469. The increased cost of living in recent years makes this adjustment in annuities imperative, and I call upon my colleagues in the House to join me in supporting this bill.

Mr. BINGHAM. Mr. Chairman, I am pleased to support H.R. 8469 which provides increases in annuities payable from the civil service retirement and disability fund.

The adjustments proposed in this legislation will appreciably relieve the economic burdens of Federal civil service retirees and survivors presently on the annuity rolls. The record shows that the bulk of the 700,000 civil service retirees and survivors are receiving annuities of much less than $3,000 yearly—the borderline below which a married couple is included in the poverty class. Compounding the effect of the reduced income, these civil service retirees and survivors generally face higher medical expenses and a mounting cost of living. Benefits for those who have served their country have lagged far behind rising prices.

H.R. 8469 provides fair and reasonable adjustments to benefit these annuitants and survivors. It provides approximately a 10.2 percent adjustment in those annuities which commenced on or before October 1, 1956, and 5.2 percent in those which commenced thereafter. The difference in relief is aimed at closing approximately one-half of the gap in annuity improvements for the pre-1956 retirees as compared to improvements which benefited the post-1956 retirees.

The bill also fulfills a moral obligation on the part of the Government in providing for a 5-percent increase in the share of annuities for some 43,000 elderly widows of employees of annuitants who passed away at a time prior to the enactment of survivor protection. In addition, the bill would remedy a serious defect in application of the cost-of-living principle in the 1962 amendments to the Retirement Act. While the bill will not alter the substantive policy of the Retirement Act, the revision provides for reflecting rises in the Consumer Price Index on a current basis. That is, whenever the index increases by 3 percent or more for 3 consecutive months after any previous increase resulting from this feature, the level of annuities will be raised.

I hope and trust that passage of the bill will not jeopardize the chances for improvements in the health benefits program for retired Federal employees. This is a commitment contained in the Conference Report on Social Security Act Revisions—one we must redeem.

In passing H.R. 8469 Congress will demonstrate its ability to meet responsibilities to our senior citizens who devoted their most productive years to the service of our Government.

Mr. MORSE. Mr. Chairman, I hope that the House will give prompt approval to this long overdue legislation. While more and more groups in our society have moved forward to full participation in our economy and our national growth, the men and women who have served our Government faithfully over the years have been left behind.

We should never have permitted the income of the majority of the 700,000 annuitants and their survivors to fall below the $3,000 poverty level. Now we have an opportunity to right this wrong and guard against such developments in the future.

This bill will increase the annuities of those who retired on or before October 1, 1956, by approximately 10.2 percent and the annuities of those who retired after that date by approximately 5.2 percent. This difference is necessary to close the gap in the pensions now available to those early retirees. The 1956 amendments were of great benefit to those who retired after that date, but did nothing for those already retired. This legislation will not right the balance completely, but it goes a long way toward that goal.

The other significant amendment would change the formula for the determination of the cost-of-living increases. According to the findings of the Post Office and Civil Service Committee, this automatic provision has not worked successfully because of the lag between the increase in the cost of living and its reflection in the annuity checks. This measure, by providing for immediate reflection in the annuities after a 3-month period of 3-month increases in the index, should give those on fixed incomes immediate relief from inflation. I urge the passage of H.R. 8469.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 8469, legislation which it is imperative that we enact and which is long overdue.

We all know from our own experience how rising costs hit each of us. However, I am sure that no one feels the effects of the rising cost of living more than annuitants living on fixed incomes. The bill before us provides for a much-needed increase for the primary beneficiaries, and, furthermore, it provides increases to bring more closely together the annuities of those who retired prior to October 1, 1956, and those who retired after that date and who have thus far fared better than the "prior to October 1, 1956, group."

It is to the credit of the Committee on Post Office and Civil Service that it has seen the need to provide higher percentage increases for the approximately 43,000 elderly widows of employees who passed away before survivor protection was enacted into law. The gratuity payment they receive under existing law averages only $44 per month, absolutely inadequate.

Our Federal retirees are at the age where many are chronically ill or can expect more disabling illnesses than the general population—we all know the costs of medical care, medicines, and hospitalization. This group can least afford it. The bill before us today will not solve all the problems of our annuitants, but it will be a big help.

Mr. Chairman, I was a member of the Committee on Post Office and Civil Service in 1962 when we enacted legislation to provide for an automatic increase in annuities, based upon the consumer price index. Unfortunately, the cost-of-living adjustment provision has not worked out as well as we had anticipated. The bill before us today seeks to correct this, and future increases in the consumer price index will be more quickly reflected in annuity benefits.

Mr. Chairman, I can recall no legislation which has evoked such support since I have been in Congress. I have received a great deal of mail on this subject and not one letter or postal card has been against this legislation.

As I have stated, this legislation is overdue, I support it wholeheartedly, and I urge my colleagues to do the same.

Mr. EDMONDSON. Mr. Chairman, I support H.R. 8469 and urge its approval.

This bill is urgently needed to meet the problem of rising living costs for our civil service retirees and survivors. For many, the need is desperate and this action is already in the category of "too little and too late."

Certainly this great Government, which commands our common allegiance, should not delay any longer in assuring at least a minimum opportunity for a dignified and decent retirement to millions who have served America honorably and well.

This bill should be approved without a dissenting vote in the Congress, and speedily sent to the President.

Mr. DYAL. Mr. Chairman, I am pleased to support the passage of H.R. 8469. I think we all recognize the dire need of all the older retirees of our Federal Government. Of the more than 650,000 Federal retirees and survivors in the United States, more than 10 percent reside in the State of California.

Inflation has hurt our Federal retirees with fixed incomes. Thousands upon thousands of our retirees have very low incomes. This is due to two causes, the first being inflation and the other being low salaries at the time of retirement.

The National Association of Retired Civil Employees is the champion of these former Federal workers. This association has asked the Congress through the years to introduce bills in their behalf and is just as much interested in being fair to the Federal Government as to the Federal retiree. H.R. 8469 was proposed by the House Post Office and Civil Service Committee and is a fair bill, although it does not give all that these folks deserve. However, it gives encouragement and will aid retirees who find themselves in most difficult situations because of the inroads of inflation.

An analysis of cost-of-living figures from July 1956 through December 1964 will disclose there was an increase of approximately 15 percent. Only a part of this gap was covered by the increase of 1962 which became effective January 1, 1963. This bill will correct this deficiency.

Again, let me tell you the reason for my deep concern. In California we have over 70,000 Federal retirees, so you can easily see the reason for my great concern and interest in these deserving folks. Because of its climate and environment, California, with the many friendly and desirable locations, such as Apple Valley, Twentynine Palms, Desert Hot Springs, Sun Valley, Escondido, San Diego, and others, is the goal of retirees. I shall continue my interest in their welfare.

Mr. GURNEY. Mr. Chairman, an article on the front page of last Friday's Washington Post announced that the cost of living last month set a 23-month high—the biggest jump in nearly 2 years of steady increase.

The consumer price index is over 10 percent higher now than it was from 1957 to 1959. The recent increase is blamed on the 6-percent rise in the cost of meat and the 10-percent rise in potato prices, both staple foods.

This increase in the cost of living was no news to me. It was no news to the housewife who shops for her family's food every week. And it was no news to the retiree on the fixed income. To him it has become a sad and expected fact of life. For in the past few years he has become resigned to this trend and each new rise just means that he tightens his belt a little tighter and does without a few more things. But the time is rapidly approaching for some, and already here for others, when the belt will not tighten any farther.

Food is not the only necessity whose cost has risen. The rest of the economy has done its part in keeping up. And right at the top of the list is the one thing that older people need in greater amounts than those below retirement age—medical care.

One-third of those people who are over 65 are chronically ill. They have twice as many disabling diseases lasting a week or longer as their younger friends. The average disabling illness of the older person lasts twice as long. But despite their increased need for medical care at this time of their lives, older citizens must live on sharply decreased incomes. And to top off the already difficult situation, in the past 10 years the cost of medical services have risen 40 percent, doctors fees have increased over 35 percent and hospital charges have jumped a whopping 85 percent. At the same time all this was happening, the cost of medical insurance has almost doubled. These increases have hit us all, but to the older American the squeeze has been its most severe.

They are confronted, at just the time of their life when they need to slow down and deserve a restful retirement, with the added burdens of reduced income, impaired health, depressed living standards, and increased medical expenses.

What has happened to the program set up to provide annuities for our civil servants? Retirement benefits were set up on the basis of the highest 5 years of salary. In 1956, the benefits of those who retired after that were improved by over 20 percent, but those who were already on the rolls were not affected by the increase. Since then they have received 10 percent more in increases than the post-1956 retirees, but there is still a gap of about 10 percent.

What does this mean in dollars and cents to the retirees? A man who retired in 1949 after 30 years as a postal clerk gets $2,328 a year. In case of his death, his wife gets $1,020. A present postal clerk with the same years of service would get $3,624 and his wife $2,052, more than twice that of the earlier retiree's wife. Yet the two families must pay the same prices for food, clothes, housing, and medical care. Certainly the more recent retiree's income is not a princely one—it is barely above the limits this Congress has set in its definition of poverty. But the man who retired in 1949 is far below these limits.

The retiree of the 1940's or 1950's is not buying food at 1950 prices, yet he is paid 1950 wages. What would have happened to our civil service employees if we had not raised their salaries in the past 15 or 20 years? We would have mighty few civil servants—they would have left for other jobs where the pay scale kept up with the economy. But we have done just this for our retirees, and they cannot go out and get another job.

I think it is about time we asked ourselves what our responsibilities are in this area—our responsibilities to the retirees who have served their Government even when they could have made more money in private enterprise, and our obligation to the whole country. A pension plan is not merely a promise to pay a man a certain number of dollars every year as long as he lives. It is a financial obligation to provide retirees with enough money to assure them freedom from want and a small measure of financial security. It is our unquestionable responsibility to assure these men and women a living comparable to that which they had at the time they retired and were led to expect that they would always have.

The impact of the squeeze between fixed income and the rising cost of living is the greatest upon our senior citizens and we have not accepted our responsibility to help them.

We have a national responsibility too, to set the pace for employee relations and benefits. Yet in retirement annuities we have lagged far behind other employers.

What can these people think of their Government when we pass legislation here to aid the poverty stricken with incomes below $3,000 and ask our older citizens to live on less?

My mail is full of letters from older people trying to maintain a decent home and live in dignity on unbelievably low incomes. I hear from men who are trying to save enough from this pitiful amount so that their wives will have a more decent income than the pittance we will allot them when their husbands die. Some of the cases are heartbreaking.

What are these people asking for? Not for luxuries—they are people with simple tastes who ask only for clothes and a roof over their heads and food on the table. It amazes me that some of them are able to provide even a semblance of these necessities from the amounts we give them.

These are not people asking for handouts, they are loyal citizens who have spent their lives working for us, and who were assured that when they retired, they would not be forgotten to live on the charity of their relatives.

Our treatment of them is one economy of which the Congress cannot be proud.

H.R. 8469, civil service retirement annuity adjustments, has my complete, unqualified support.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of this legislation. As a sponsor of legislation to increase annuities for retired Federal employees I am pleased that the Committee has taken action on this matter.

My bill, H.R. 6633, would have allowed annuities increases for the 482,000 retiree annuitants in the Nation today. Approximately 75 percent of those annuitants were receiving annuities of less than $3,000 per year at the end of the last fiscal year. At a time when there is growing national concern about poverty, and the poverty label has been applied to those Americans with annual incomes of less than $3,000 per year, I feel that strong action is needed by the Congress.

The bill recommended by the Committee would have a total effect of giving a combined increase of at least 10.2 percent to those whose annuities were in effect on or before October 1, 1956, and not less than 5.2 percent to those whose annuities went into effect after that date.

Mr. Chairman, the elder annuitants are those who are feeling the greatest hardships today as they were Federal employees when Federal service salaries were generally less than they are now. This measure will do much to alleviate the inequities presently imposed on those whose service to the United States contributed to our present well-being.

I urge that this Congress give speedy enactment to this legislation.

Mr. SCHISLER. Mr. Chairman, I am pleased to support the passage of H.R. 8469, a bill which will provide equitable adjustments in the annuities of Federal civil service retirees and survivors. I introduced a measure similar to H.R. 8469 into the House of Representatives, and I was happy to lend my support to the final piece of legislation which was reported by the House Post Office and Civil Service Committee.

The history of civil service annuity adjustments to meet the rising costs of living has been one of too little and too late. At a time when $3,000 yearly income is the borderline below which a married couple is deemed to be in the poverty class, the record shows that the bulk of our 700,000 civil service retirees and survivors are receiving annuities of much less than such amount.

During the period of employment, the hopes and expectations of employees are built around the concept that they will be able to retire in a dignified manner and with enough income to meet their basic needs. But as people reach age 65, they require more medical care and the costs of living in retirement are continually rising. I feel it is the responsibility of the Government to maintain the annuities of its retirees and survivors at a level that will give them a living comparable to what they had, and rightfully expected to have, at the time of retirement.

This bill provides fair, moderate, and directly needed adjustments designed to increase annuities where the greatest relief is warranted. It provides an adjustment in benefits of approximately 11 percent in those annuities which commenced on or before October 1, 1956, and approximately 6 percent in those which commenced thereafter. The increase is designed to compensate for the lag in annuity improvements in past years.

This legislation will also provide a higher percentage increase for approximately 43,000 elderly widows of employees of annuitants who passed away at a time when no survivor protection was afforded by law.

The Civil Service Commission estimates the initial increase in annuities to be about $90.4 million. No longer will civil service retirees be the forgotten people in the economic life of the United States. The passage of this legislation means that our retired citizens, whose work laid the foundation of the prosperity our country now enjoys, will not be deprived of a just share in that prosperity.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

H.R. 8469

A bill to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1(t) of the Civil Service Retirement Act, as amended (5 U.S.C. 2251(t)), is amended to read as follows:

"(t) The term 'price index' shall mean the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics. The term 'base month' shall mean the month for which the price index showed a per centum rise forming the basis for a cost-of-living annuity increase."

(b) Section 17(a) of such Act, as amended (5 U.S.C. 2267(a)), is amended by inserting immediately before the period at the end thereof the following: ", and for payment of administrative expenses incurred by the Commission in placing in effect such annuity adjustment granted under section 18 of this Act".

(c) Section 18 of such Act, as amended (5 U.S.C. 2268), is amended to read as follows:

"SEC. 18. (a) Effective the first day of the third month which begins after the date of enactment of this amendment each annuity payable from the fund which has a commencing date not later than such effective date shall be increased by (1) the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, determined by the Commission on the basis of the annual average price index for calendar year 1962 and the price index for the month latest published on date of enactment of this amendment, plus (2) 6½ per centum if the commencing date (or in the case of the survivor of a deceased annuitant the commencing date of the annuity of the retired employee) occurred on or before October 1, 1956, or 1½ per centum if the commencing date (or in the case of the survivor of a deceased annuitant the commencing date of the annuity of the retired employee) occurred after October 1, 1956. The month used in determining the increase based on the per centum rise in the price index under this subsection shall be the base month for determining the per centum change in the price index until the next succeeding increase occurs. Each survivor annuity authorized (1) by section 8 of the Act of May 29, 1930, as amended to September 1, 1950, or (2) by section 2 of Public Law 85-465, shall be increased by any additional amount which may be required to make the total increase under this subsection equal to 15 per centum or $10 per month, whichever is the lesser.

"(b) Each month after the first increase under this section, the Commission shall determine the per centum change in the price index. When the Commission determines that the price index has for three consecutive months shown a rise of at least 3 per centum over the price index for the base month, the following adjustment shall be made:

"(1) Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months, each annuity payable from the funds which has a commencing date not later than such effective date shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(c) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 10(d)), which annuity commences the day after annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death, except that the increase in a survivor annuity authorized by section 8 of the Act of May 29, 1930, as amended to September 1, 1950, shall be computed as if the annuity commencing date had been prior to the effective date of the first increase under this section.

"(2) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 10(d), the items $600, $720, $1,800, and $2,160 appearing in section 10(d) shall be increased by the total per centum increase allowed and in force under this section and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 10(d) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death.

"(d) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except that such installment shall after adjustment reflect an increase of at least $1."

SEC. 2. Section 10 of the Civil Service Retirement Act, as amended (5 U.S.C. 2260), is amended by striking out "55" wherever it appears therein and inserting in lieu thereof "60". This amendment shall not apply with respect to employees or Members retired or otherwise separated prior to the date of enactment of this Act.

SEC. 3. The provisions under the heading "CIVIL SERVICE RETIREMENT AND DISABILITY FUND" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85–844), shall not apply with respect to benefits resulting from the enactment of this Act.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: (1) Page 2, line 7, strike out "such" and insert in lieu thereof "each".

(2) Page 3, line 7, strike out "September 1, 1950," and insert in lieu thereof "July 6, 1950,".

(3) Page 3, line 14, strike out all matter after the period in such line and all that follows down through the period in line 2 on page 4 and insert in lieu thereof the following:

"Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the base month, each annuity payable from the fund which has a commencing date not later than such effective date shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum:".

(4) Page 4, line 16, strike out "September 1, 1950," and insert in lieu thereof "July 6, 1950,".

(5) Page 4, lines 17 and 18, strike out the words "prior to".

(6) Page 4, line 25, immediately before the comma insert "for employee annuities which commenced after October 1, 1956".

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. STRATTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes, pursuant to House Resolution 471, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced the ayes had it.

Mr. DULSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 397, nays 0, not voting 37, as follows:

[Roll No. 220]

YEAS—397

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Beckworth
Belcher
Bell
Bennett
Betts
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Carter
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Denton
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Walker, N. Mex.
Watkins
Watson
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Williams
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—0

NOT VOTING—37

Battin
Berry
Bingham
Bolling
Bonner
Cahill
Carey
Colmer
Dent
Derwinski
Duncan, Oreg.
Green, Oreg.
Hays
Holifield
Holland
Hosmer
Jones, Mo.
Keogh
Laird
Lindsay
McMillan
Martin, Mass.
Morton
Nelsen
Powell
Rivers, Alaska
Roncalio
Roybal
Sisk
Taylor
Thomas
Toll
Ullman
Vivian
Walker, Miss.
Watts
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Laird.
Mr. Thomas with Mr. Battin.
Mr. Toll with Mr. Morton.

Mr. Taylor with Mr. Berry.
Mr. Bonner with Mr. Hosmer.
Mrs. Green of Oregon with Mr. Martin of Massachusetts.
Mr. Rivers of Alaska with Mr. Derwinski.
Mr. Bingham with Mr. Nelsen.
Mr. Holifield with Mr. Walker of Mississippi.
Mr. Colmer with Mr. Vivian.
Mr. Roncalio with Mr. Carey.
Mr. Dent with Mr. Duncan of Oregon.
Mr. Hays with Mr. Roybal.
Mr. Sisk with Mr. Holland.
Mr. Watts with Mr. Ullman.
Mr. Wright with Mr. McMillan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. DANIELS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MRS. HARLEY BREWER

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1198) for the relief of Mrs. Harley Brewer, a bill similar to House bill H.R. 5915, as passed by the House today on the call of the Private Calendar.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Harley Brewer (or, in the event of her death, to her estate) of San Ildefonso Pueblo, New Mexico, the widow of Harley Brewer, the sum of $4,500. The payment of such sum shall be in full satisfaction of all the claims of the said Harley Brewer against the United States for compensation authorized to be paid to him by Private Law 88–360, approved October 14, 1964, but which was not so paid to the said Harley Brewer by reason of his death prior to enactment of the said private law: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. ASHMORE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHMORE: Strike out all after the enacting clause of the bill S. 1198, and insert the provisions of H.R. 5915 as passed today.

The amendment was agreed to.

The bill was ordered to be read a third time, and was read the third time and passed.

A similar House bill (H.R. 5915) was laid on the table.

A motion to reconsider was laid on the table.

CORRECTION OF SALARY INEQUITIES FOR OVERSEAS TEACHERS

Mr. UDALL. Mr. Speaker, pursuant to the resolution, House Resolution 483, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6845) to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6845, with Mr. STRATTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arizona [Mr. UDALL] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. CORBETT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, let me say that I am advised this is the last legislative business scheduled for today. I have discussed this with the managers on the minority side, and we believe, with the cooperation of the House, we can dispose of the general debate in perhaps 20 minutes.

There are no controversial amendments of which I know except one. I intend to urge the House to accept one amendment which will be offered by my friend from North Carolina [Mr. BROYHILL].

I would urge those Members who might be inclined to vote with me on this amendment to stay seated in these comfortable chairs. I know you have had a busy day. You will not wish to wander. On the other hand, I would understand that those who might want to vote against me on an amendment do have business back in their offices. We will let them know if we should have a rollcall vote.

I have prepared a very learned and eloquent statement on this bill.

Mr. Chairman, the real issue presented in the bill before us is whether or not the children of our military and civilian personnel assigned to overseas posts are to be denied educational opportunities equal to those they would have were they in the United States.

To provide these children educations of American caliber requires, first of all, that they have not only teachers in sufficient numbers but, especially, teachers of sufficient quality. One thing is certain; we get only what we pay for. If our budgets for goods or services are miserly and below the going market rate for sound goods and services, then we can expect to receive only shoddy goods and inferior services. I hardly think anyone can quarrel with this basic economic principle.

Most regrettably—and I believe through honest misunderstanding—we have forced our overseas dependents school system into the untenable position of paying cutrate salaries to teachers while at the same time demanding the first-class qualities to which American children are entitled although they are in foreign areas because their parents are there looking to the worldwide interests of the United States.

The purpose of H.R. 6845—to provide an adequate salary structure for overseas dependents schools—was also one of the major purposes of Public Law 86–91. This is the one important purpose of that law in which the Department of Defense has failed completely.

Our Subcommittee on Compensation this year conducted an exhaustive review of events leading up to enactment of Public Law 86–91, as well as all pertinent new information and evidence presented in our extensive public hearings. We consulted in detail with representatives of the Department of Defense, the military departments, the overseas teachers, the National Education Association, the American Legion, and other authorities—and with senior members of our committee who developed and drafted the legislation that became Public Law 86–91. They all support the principles of H.R. 6845.

The chief misunderstanding that has clouded perspective in the matter of overseas teachers' salaries relates to the frame of reference in which the bill that became Public Law 86–91 was written. Before our committee reported the bill the Department of Defense had prepared draft regulations which it assured the committee would be placed in effect upon enactment. Therefore, it was, in direct consideration of those proposed regulations that the language of the law was carefully prepared to coincide. The key operating principle of the regulations was that salaries of overseas teachers should be fixed in relation to salary rates for urban school jurisdictions of 100,000 or more population in the United States.

Accordingly, so as to authorize the issuance and implementation of such regulations, Public Law 86–91 explicitly spelled out that the secretary of each military department shall fix salary rates of teachers in his department in relation to the going salary rates "for similar positions" in the United States. The Secretary of Defense, in turn, was required to issue regulations governing the fixing of salary rates for overseas teachers in relation to salary rates "for similar positions" in the United States.

The words "similar positions" were very carefully selected to make certain that appropriate bases would be used for comparison of domestic teachers' salaries with overseas teachers' salaries. One of the most important of such bases was understood and agreed to be the size and complexity of the overseas dependents school system as compared to school systems of various sizes and complexities in the United States. In other words, the necessity of making salary comparisons in consideration of size and complexity was fully recognized during the deliberations on the legislation and the writing of the law.

Today there are some 160,000 American children who look to the Department of Defense dependents school system and its 6,200 teachers for the kind of education they could receive were they in the United States. Any diminution in the quality of instruction—whatever the cause—makes these children the innocent victims.

Both the numbers of students and teachers and their diverse geographical locations in fact constitute the overseas dependents school system one of the larger and most complex school systems operated anywhere for American children. It is the ninth largest in point of numbers alone.

According to the National Education Association, a school student population of only about 25,000 is representative of an urban school jurisdiction with 100,000 population in the United States. Against this test, therefore, a fair comparison of the 160,000-student overseas dependents school system properly could be made with an urban school jurisdiction in the United States having several times more population than the 100,000 level prescribed by administrative regulation under Public Law 86-91 and provided for in H.R. 6845. I cannot too strongly emphasize this point, in view of certain suggestions that have been made for reducing the 100,000 population standard to a ridiculously low level—and other proposals I anticipate here today which would have a similar damaging effect.

Incidentally, let me remind my colleagues that in writing Public Law 86-91 we removed the overseas teachers from the Classification Act because it was clearly inappropriate in terms of both salary levels and school personnel practices. Now we find that had these teachers been left under the Classification Act their salaries today would be higher even than those that will be provided with the enactment of H.R. 6845. But, however that may be, the salaries of these overseas teachers now average $785 below the levels authorized by Department of Defense regulations issued in accordance with Public Law 86-91. H.R. 6845 will merely bring them up to the level authorized by the regulations.

Should the 100,000 population standard of comparison provided in this bill and the administrative regulations be revised downward to 50,000, for example, it would mean a reduction of $150 in the average salaries authorized by the bill. Make no mistake about it, the burden and the damage in such a change would fall squarely on the students. The already serious difficulty in recruiting and retaining teachers of the required professional standard would be further aggravated. Numbers of applicants alone are misleading and meaningless. One hundred or more applicants for physical education positions can do nothing to meet the need for capable teachers of mathematics and science and American history. High-quality teaching skills cannot be purchased at cut-rate prices.

H.R. 6845 as introduced would have tied the teachers' salary rates directly to those of teachers with similar levels of responsibility in the District of Columbia school system. This standard was opposed by the administration and the Department of Defense, in particular, recommended substitution of the standard already authorized by administrative regulations—that is, equating of overseas teaching salary rates to salary rates for teaching positions with similar levels of responsibility in urban school jurisdictions in the United States having 100,000 or more population.

The committee amendments carry out this Department of Defense recommendation and, in addition, require that the full range of rates, including minimum and maximum rates, be recognized in making salary comparisons. It is to be noted, in passing, that one of the military departments already is paying teachers in its dependents schools in Puerto Rico salaries equal to teachers' salaries in the District of Columbia school system.

The salary-determination procedures of H.R. 6845 are intended to require that the salary scheduled for a particular school year will be set in consideration of rates paid in school jurisdictions in the United States for the preceding school year. This is necessary because the Department of Defense budget must be prepared during the preceding year when salary schedules in the United States for the coming school year cannot be determined. Under Bureau of the Budget regulations, departments may not budget for anticipated increases in wages or salaries based on prevailing rates outside of the Federal Government. Only wage or salary schedules based on wages or salaries actually being paid can be considered.

To sum up, Mr. Chairman, H.R. 6845 will reaffirm the policy laid down by the Congress in Public Law 86-91 and, at long last, make it fully effective as originally intended. It will help restore to children of our overseas military and civilian personnel access to the kind of American education which is their right. It will halt the gradual erosion in teachers' morale and overall level of professional competence that has reached a critical point—an erosion far more damaging to the 160,000 students than to the teachers.

I earnestly hope that our committee bill will receive the same overwhelming approval of the House which was given in 1959 to our bill which became Public Law 86-91.

Mr. Chairman, if I may have the attention of my colleagues, I believe I can state what this bill is about in 3 or 4 minutes.

We have a very serious problem. It involves one of the largest American school systems in the country. There are 150,000 American children who go to school in American schools overseas. These are dependents and children of military people stationed in Germany, in Japan, and some 28 other countries. They are located in some 200 different locations.

There are about 6,000 American citizens who are teachers in these schools. These are professional people. They have B.A.'s. They have M.A.'s. Many of them have teaching experience in this country.

The shocking fact is that these people are now paid an average of $750 a year less than is paid to comparable teachers in this country.

This bill would do something about it. I am concerned about an injustice to the teachers, but I am also concerned about an injustice to the students. These are American children who, through no fault of their own, are forced to live abroad because their parents are serving our country in the Defense Establishment, in the State Department, in the foreign aid program, and in the other vast operations overseas.

These children are not getting the kind of education they deserve because we have not provided the quality of teaching they need, because the Defense Department cannot recruit good teachers as a result of the salaries which are paid.

Let me give the cold statistics quickly. The turnover is reflected by the fact that in a recent study made, 58 percent of the teachers were there in the first year. Eighty-one percent of them had been there for 1 year or 2 years. How in the world can we provide a high school or grammar school with proper teachers when they lack experienced teachers to carry the work along from year to year and to provide continuity? That is the kind of turnover we have had under the present salary schedule.

Another plain fact is that a GS-4, a secretary-typist in the base adjutant's office at one of these air bases, who perhaps has had 2 years of high school and a little business school education, is paid more than a professional teacher, because she is under the Classification Act.

There are all sorts of inequities.

In the United States the teachers in the Bureau of Indian Affairs are mostly rated GS-7, yet we are providing less than GS-4's for these overseas teachers.

One of the really ironic things is that the Defense Department operates a school in Puerto Rico under a different law and pays its teachers the same salaries paid to District of Columbia teachers.

I could outline the inequities in other ways, but this is the heart of the problem.

What will this bill do? How will the bill solve the problem?

This bill will solve the problem by fixing mandatory standards for teachers' pay at overseas dependent school systems equal to the average salary rates paid in U.S. school jurisdictions of 100,000 or more population. This is a well-recognized standard used in educational statistics all over the country.

It is recognized as the medium grade of teachers' salaries in this country. This bill would pin the oversea teachers effective in this next school year to the salary level paid in jurisdictions in this country of over 100,000 people. It simply puts in statutory form what the Department of Defense always tries to do, because their regulations under existing law fix teachers' pay at the level of 100,000 population or more and which we have been unable to do.

The cost of this bill will be $3 million a year. This will be $3 million invested in better salaries and in better schools for these 160,000 students overseas. This bill is supported by the National Education Association, the Overseas Teachers Association, the AFL-CIO teachers group, and the American Legion. It was voted out of our committee without a single vote being cast against it. It has broad bipartisan support. The distinguished gentleman from Washington [Mr. PELLY] has a companion bill. The distinguished gentleman from New York [Mr. STRATTON] who will be unable to participate in this debate with us, has a companion bill. The gentleman from Hawaii [Mr. MATSUNAGA] also has a companion bill. This bill has broad bipartisan support in the committee and I hope without a great deal of argument or discussion here that we can pass this badly needed legislation.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. Mr. Chairman, I wish to commend the gentleman in the well and his committee for bringing this very much needed legislation to the floor of the House. I rise in support of the legislation.

Mr. UDALL. Mr. Chairman, I had hoped for some support in this debate from the gentleman from New York [Mr. STRATTON] but because I am unable to see him here, I ask unanimous consent that he have leave to revise and extend his remarks in connection with this bill.

The CHAIRMAN (Mr. STRATTON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STRATTON. Mr. Chairman, I rise in support of H.R. 6845 which would correct the salary inequities of our overseas teachers and I wish to commend the distinguished gentleman from Arizona [Mr. UDALL] for his effective leadership in guiding this legislation through committee and here on the floor.

I joined in the fight to correct this inequity by introducing a companion bill because both as a former schoolteacher and as a member of the Armed Services Committee, I have long been concerned with the problem of pay for our Defense Department's schoolteachers overseas. Legislation was passed by Congress in 1959 which took teachers in these dependent schools overseas out of the regular classified civil service structure. The reason for this action was that their positions were professional, and therefore somewhat more difficult to evaluate and grade than would be the case of regular civil service personnel. Needless to say, had these teachers remained in the classified civil service they would have been eligible for all the regular pay increases which have come to civil service employees since 1959. In order to assure these teachers that they would not suffer financially from this change, however, the understanding and assurance was given that periodic adjustments in the pay of these teachers would be made by the Defense Department so as to keep their pay scales comparable to those of teachers in the continental United States confronting similar responsibilities.

Unfortunately, since that time nothing has been done to provide this upward adjustment of pay for these overseas teachers, while teachers' pay under civil service has moved steadily upward Last year the Defense Department finally did provide an across-the-board increase of $100 per year for these teachers, and the Defense budget for this fiscal year includes a proposal for another $300 increase, also across-the-board.

This boost too, although more generous, would not really begin to meet the comparability status which the teachers were assured in 1959 would be the basic objective of the Defense Department in its dealings with them.

Consequently, Mr. Chairman, whatever appropriations may finally be made this year, I believe we should not further delay taking the necessary action to put this informal 1959 commitment into hard legislative language. This is the purpose of the bill before us today, and of my companion measure, H.R. 7921, and I wholeheartedly endorse it.

I had the occasion this past fall to visit a number of our bases overseas and to consult with the dependent schoolteachers themselves at that time on this problem. I am convinced that their case is a sound and a just one. The services have long prided themselves on their ability to provide conditions overseas for families of career personnel adequate enough to persuade these people to make the armed services a permanent career. In this connection, certainly the education of the children of career personnel is an absolutely vital element, just as valuable and perhaps even more so, than commissaries, say, or housing, and so forth.

If the Department of Defense and its individual services are going to provide this kind of education, obviously it must not be provided at cut rates. The responsibilities of teaching the children of service personnel are certainly comparable to the responsibility of teaching children elsewhere. In the long run, if the salaries of teachers in our dependent schools overseas are neglected and kept below those paid to teachers in comparable positions elsewhere, the education of our service dependents will inevitably suffer, and thus our ability to attract and keep qualified individuals in the career service will also suffer. It is as simple as that.

Mr. Chairman, perhaps the most impressive argument of all, however, is the fact that while every other employee in Government has received some kind of a pay increase since 1959, even Members of Congress themselves, the overseas teachers have been forgotten. We can no longer wait, it seems to me, upon the generosity of the Defense Department or of the committees on defense appropriations. The requirement of equity must be incorporated into the law itself.

Therefore, Mr. Chairman, I wholeheartedly support this bill and urge its adoption today.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. Yes. I am glad to yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, I take this time to ask a question in order to get it on the record. I was somewhat surprised this summer when one of these teachers in transit from one area—from the Philippines in this instance—to a European destination came to my office with a Secretary of Defense card showing she was unemployed and therefore entitled to draw unemployment compensation. I was somewhat surprised to find this is the general situation with reference to those teachers. They teach 9 months and draw unemployment compensation for 3 months. I hope that the committee has done something about this, because certainly it is unfair to our American teachers the way we do business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UDALL. Mr. Chairman, I yield myself 1 additional minute.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Florida.

Mr. HALEY. The gentleman said a little while ago one of the authors of the bill would not be able to participate. I would like to say for his benefit to the gentleman from Arizona that the gentleman from New York cannot participate because he is presiding over the Committee of the Whole.

Mr. UDALL. I thank the gentleman for that information, of which I was aware. I had intended to revise my remarks to take out what I thought was a humorous reference here.

Mr. MORRISON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Louisiana.

Mr. MORRISON. Mr. Chairman, I certainly want to commend the gentleman who was the chairman of the subcommittee which handled this bill. I think he did an excellent job along with the other members of the subcommittee. He worked long and hard on this measure. I certainly want to join with him in support of this very important legislation.

Mr. UDALL. Mr. Chairman, I thank the gentleman for his support.

Mr. KREBS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. KREBS. I, too, as a member of the subcommittee, want to commend the gentleman for his hard and diligent work in bringing this bill to the floor today, and I want to say further that I am happy to associate myself with all of the purposes of this bill.

Mr. UDALL. Mr. Chairman, I thank the gentleman and thank him for the contribution that he made to this legislation as a member of the committee.

Mr. CORBETT. Mr. Chairman, I would like to yield 5 minutes now to the ranking minority member of the subcommittee, the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL of North Carolina. Mr. Chairman, I strongly feel that there are serious inequities in the compensation of our teachers in the overseas teaching establishment. I certainly feel that this legislation is a sincere attempt to correct these inequities. I believe that we should provide a basic formula under which these teachers are paid and on which the compensation is based.

The chairman of the committee, the gentleman from Arizona [Mr. UDALL] has explained this legislation to you. Certainly he has given you an adequate picture of what we are trying to do in this particular bill. I do not want to take a lot of time. He has mentioned the fact that there will be amendments offered. I do intend to offer, when we are under the 5-minute rule, two amendments which I feel are very important. One of them relates to the salary formula itself. Under the bill the teachers' salaries are fixed at those levels or averages for teachers in cities of 100,000 population or more.

One amendment that I shall offer is to the effect that these teachers' salaries will be fixed to school systems with a student population of 12,000 or more rather than a total population of 100,000 in the city, but not necessarily students.

The other amendment will be an amendment limiting to 5 consecutive years the appointments of these teachers to the overseas school system. The teachers then would return to this country for 1 year and then would be eligible for another 5-year appointment.

Mr. Chairman, in just a very few moments, that is my explanation. I shall explain in greater detail these amendments when we come under the 5-minute rule.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I am delighted to yield to the gentleman.

Mr. MICHEL. Can the gentleman tell us how much of a backlog we have in applications of teachers for overseas appointments? Is that information available at all?

Mr. BROYHILL of North Carolina. I do not have that information available to me on the spot. I understand there are a number of people who are applying for these positions. They do have a considerable turnover in these teaching positions and continually they have to go out and get new people to fill the vacancies that do exist every year.

Mr. MICHEL. I gather the justification then would be more on the strength of the turnover rather than a lack of applicants because, as I am informed—and as a matter of fact, we have in our own office a number of requests by teachers in this country who want to go overseas to teach; which raises the question, if these jobs are so attractive why do we have to raise the salary, if there are sufficient teachers who are applying?

Mr. BROYHILL of North Carolina. Mr. Chairman, I should like to yield to the gentleman from Arizona to answer that question specifically. Before I do, however, I should like to say that one of the problems is that so many of these people who are applying for these overseas teachers positions I feel are not really sincere in their expression of wanting to go over to teach. They rather want to go over there as tourists, run around the country, for the fun of it. I think one of the things we need to do, and one of the things we are trying to do in this legislation, is to raise the professional status of these overseas teachers.

There is one other thing I might add in response to the gentleman from Illinois and that is that our committee has specifically stated that we are going to look into this whole question in considerable detail in the future. I think you will find such an intent in the committee report.

Now I yield to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, there are two answers to the gentleman's question. One of them the gentleman from North Carolina has just made better than I could make it. That is the quality problem. The second is that it does not help us at all to have a backlog of 1,000 physical education instructors, if we do not have enough good chemistry teachers, science teachers, history teachers, et cetera. The fact that we do have a backlog—and I concede we have—does not mean that we have a backlog of the quality and the specific kinds of instructors that we need.

Mr. MICHEL. Mr. Chairman, I thank the gentleman.

Mr. UDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, as a new member of the Post Office and Civil Service Committee this year I was greatly disturbed by two matters disclosed during our public hearings on H.R. 6845.

The first is the glaring failure to carry out the clear policy laid down by the Congress when Public Law 86–91 was placed on the statute books. The second is the seemingly total disregard of the Government's high moral obligation to provide, for the children of our military and civilian personnel assigned to overseas posts, educational opportunities substantially equal to those afforded children in the United States.

As the distinguished chairman of our Subcommittee on Compensation, the gentleman from Arizona [Mr. UDALL], has so ably stated, our chief concern is with the impact of an inferior school program on 160,000 dependent students, who are in overseas areas through no fault of their own. Already we find difficulty in accreditation of some of the overseas schools and the placement of students when they return to their homeland. There is no question but that inattention to overseas school facilities, and particularly to the need for high-caliber teachers, has taken its toll and threatens irreparable future harm if we do not approve the corrective measures provided for by H.R. 6845.

With respect to salaries, the record shows that one of the key objectives of Public Law 86–91 was removal of our overseas teachers from the Classification Act of 1949 because its salary provisions were completely inappropriate for teaching positions. Our committee, which developed Public Law 86–91, was informed at that time that overseas teachers would be placed in the proposed new salary system on the basis of a conversion formula of 87½ percent of Classification Act salaries. Under 1959 salary rates this was agreed to provide a range of from $5,294 to $6,869 for teachers who had been classified at grade GS–7. For those who had been classified at grade GS–9, the salary range was to have been from $6,318 to $8,247. I repeat, these were 1959 salary rates.

Since Public Law 86–91 was passed, the entrance or base rate for grade GS–7 has been raised nearly $1,100, while the base rate for overseas teachers has been increased by only $185. The disparity is even greater at the maximum rates.

For certain Government-operated schools in the United States, such as schools run by the Bureau of Indian Affairs on Indian reservations, grade GS–7 salaries are paid for what is considered to be the "journeyman" teacher's rate. Presently, the entrance rate is $6,050, the top rate is $7,850, and the fourth step, which tends to be the average rate, is $6,650.

The average overseas teacher's salary in the fiscal year 1965, according to testimony by the Chairman of the Civil Service Commission, is only $5,030, or $1,620 a year less than the average paid a teacher on an Indian reservation. If we were to apply the 87½-percent conversion formula of Public Law 86–91, the average should be 87.5 percent of $6,650, or $5,819. Based on official Civil Service Commission testimony, then, the overseas teachers on an average have been shortchanged by approximately $789 a year. Under the circumstances, how can we blame the teachers for feeling there has been a breach of trust?

It should be noted, too, that this $789 salary shortage is calculated on figures before enactment of the liberal new salary increases now awaiting approval for the Classification Act and other statutory salary systems enjoyed by 1.8 million other Federal employees.

But this overly frugal treatment of overseas teachers' salaries is only the outward evidence of the far more dangerous internal condition. Plainly, the intent of the Congress in enacting Public Law 86–91 has not been carried out—a circumstance warranting very thoughtful examination in and of itself. The overruling question of the moment, however, is simply this: What is the ultimate result—the real injury—of this serious act of omission?

Without in any way minimizing the failure of responsible officials to implement fully Public Law 86–91, or the harsh inequity visited upon the teachers, I concur heartily in our subcommittee chairman's view that the greatest

THE UNIVERSITY OF MICHIGAN LIBRARIES

mischief is being imposed on the innocent students.

Our Federal Government has been penny wise and pound foolish in forcing cutrate salaries on these teachers. The meat-ax approach which has kept the teachers' pay so far in arrears has done nothing but weaken and cheapen educational opportunities for the children of our military and civilian personnel assigned to carry out our critical overseas commitments.

Enactment of our committee bill, H.R. 6845, is essential to carry out—finally—the congressional policy intended in Public Law 86–91. The bill provides a mandate for this purpose—an obvious need to replace the authorization in present law which has not been implemented.

Mr. Chairman, I strongly urge my colleagues to give this worthy measure overwhelming support.

Mr. CORBETT. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. Pelly], the author of a similar bill.

Mr. PELLY. Mr. Chairman, I introduced an identical bill to H.R. 6845. This legislation is badly needed to correct inequities in the basic compensation of our overseas teachers.

Mr. Chairman, there is a very serious situation affecting approximately 160,000 children attending overseas schools of our military abroad. At this time there are employed about 7,000 overseas teachers who are grossly underpaid. Needless to say, if we wish to give these children the type of education that they deserve, then we must be willing to pay the price, and the most important thing in a classroom, outside of the child, is the caliber of the teacher. Constant low pay breeds constant low-caliber teachers.

Favorable action today on this legislation will go a long way in upgrading our overseas schools to the position that they so rightly belong. Therefore, I urge my colleagues to support H.R. 6845.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to our distinguished minority leader, the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. Mr. Chairman, let me say at the outset, I speak as a former member of the Committee on Appropriations that for the last few years has had the responsibility of funding the overseas dependents school system. For 12 years I served on a subcommittee under the chairmanship of the gentleman from Texas [Mr. Mahon]. This subcommittee has the responsibility of looking into the overseas dependents school system, of approving or modifying the recommendations of the executive branch of the government for this school system.

In the course of a number of trips overseas during the 12 years I served on the committee, I did visit and examine the school systems in a number of areas that the Department of Defense has operated.

I have a somewhat different view, perhaps, than those expressed here a few minutes ago. I believe we have a good dependents school system. I think the quality of the teachers in that school system is very good with few exceptions. On the other hand, I have some reservations about a very small minority in the teaching group in the dependents school system. Unfortunately, whenever the pay demands that this limited group had asked for were not granted by the Secretary of Defense or the subcommittee, or the Congress, it brought a few vitriolic, bitter letters to Members of the House, and I assume Members of the Senate, condemning the attitude of the executive branch of the Government and of the Congress.

I would not put in the Record of the House of Representatives some of the letters that were received by me and others which letters were from a very limited number of those teaching in the overseas dependent school system. These letters I might say were a disgrace. The public would be shocked by intemperate letters written and sent by these few teachers in the overseas dependent school system.

I concede that the group in this school system do need a pay increase. But the poorest way to get it was by the kind of letters that were sent to the Members of Congress from this limited percentage of the teaching staff in the overseas dependent school system.

I said earlier that the teachers in the overseas school system were a good group. I believe the teachers who come from my district who teach in the system for 2 years are in the top layer of the teachers in my particular congressional district. We have more applicants for the program among the best teachers than they can accept.

I would like to add this: These teachers who go overseas help to improve that system. I think they infuse new experience, new ideas, and new energy in the system and in addition when these teachers from my part of Michigan come back home to teach again in their local school system, they are better teachers.

I happen to feel very strongly that the amendments to be offered by the gentleman from North Carolina are necessary. Particularly is it necessary to have the amendment on mandatory rotation. There are teachers in this system, some of them in administrative capacities, who have been overseas far too long. They ought to come back home and live in America again. They would be better teachers. So this amendment to be offered by the gentleman from North Caroline is sound and desirable. I understand that the gentleman from Arizona is willing to accept it and I compliment him for his fine and responsible attitude.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. UDALL. I do intend to urge the adoption of the amendment. I think it is is a constructive suggestion. I want to say, if the gentleman will yield further, the gentleman from Michigan has an intense interest in the schools and I know he believes in good schools. I regret the controversy that has developed between him and some misinformed people in this school system and some of the intemperate things that they have said about him.

I want to say here and now, I appreciate his constructive attitude toward this legislation. I hope we can put this smoldering controversy to bed once and for all by the passage of this bill. It will lay out a statutory salary and we will know what it is and the gentleman from Michigan wil not have to be troubled by the criticism that he has had.

Mr. GERALD R. FORD. I deeply appreciate the comments of the gentleman from Arizona. I do intend to support the legislation, but I do think these two amendments are desirable. I am very happy that the gentleman from Arizona is accepting the amendment on mandatory rotation. I will support the bill whether the other amendment is accepted or not by the Committee of the Whole. I think it is good that these salary scales are being set in the manner in which this legislation proposes rather than to leave it up to the executive branch of the Government to establish it according to the method that has been used in the past, with the subsequent approval or disapproval of the Congress.

Mr. UDALL. I thank the gentleman for that statement. I think this is a very happy day for me and I think for the overseas teachers because we will spell this out in a fashion that reasserts the authority of the Congress and we will be fixing the salaries and it will no longer be done by the Department of Defense. I commend the gentleman for his constructive and statesmanlike attitude with reference to this problem.

Mr. GERALD R. FORD. Mr. Chairman, I do want to say in conclusion, this is good legislation. It can be improved in two instances. I am delighted that the gentleman from Arizona has agreed to accept the one amendment. The other amendment I believe is desirable and I hope it will be approved, but if it is not, I will support the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UDALL. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Hawaii [Mrs. Mink].

Mrs. MINK. Mr. Chairman, I should like to take this opportunity to commend the chairman, the distinguished gentleman from Arizona, for the wonderful work he has done and the leadership he has provided on this measure. I wish to associate myself with the remarks he has entered in support of this bill. I also wish to join my own colleague from the State of Hawaii in his great efforts to see that our teachers overseas receive recognition in the pay bill we are now considering.

Mr. Chairman, as a cosponsor of a similar measure I rise in support of H.R. 6845. This bill is designed to correct—at least in part—a gross inequity that has developed in the methods of paying teachers in schools at Defense Department overseas installations.

In brief, the bill will require that these teachers be paid on a level equal to the average of the range of rates paid teachers having comparable positions in urban school districts with populations of 100,000 or more within the United States.

Mr. Chairman, this bill will put into effect a pay policy that the Congress had thought was established by passage of Public Law 86-91. Unfortunately, the intent of Congress at that time never was translated into practice.

As a result, the pay of teachers in the overseas school has lagged badly, resulting in a gross injustice to those teachers who entered the overseas teaching system expecting compensation equal to their peers in the United States.

This injustice is graphically illustrated by a comparison of pay rates now scheduled by the Department of Defense and those in urban school districts of 100,000 or more population.

The DOD schedule for beginning teachers with a bachelor's degree remained at $4,065 from 1960–61 to last year, and now stands at $4,165. In the U.S. districts of 100,000 or more comparable salaries have risen from $4,294 to $4,850. The DOD gave the same magnificent $100 a year raise to beginning teachers with a master's degree in 1962–63, raising their salary to $4,365. Meanwhile, the comparable figure in the United States has reached $5,225. For those with 6 years of college training, the starting salary since 1962–63 has been $4,465, compared to the comparable figure of $5,822.

The same discriminatory story can be told of annual increments awarded these teachers and of the maximum salaries they can attain in the overseas system.

And this is so even though there are many who maintain, with some justice, that even these large U.S. school districts do not pay enough for good teachers.

The obvious failure of the administrators of this program to follow the intent of Congress cries for correction, and this bill would provide it—at least to the extent of putting our overseas teachers on the salary basis that Congress had intended in the first place. It would provide these teachers with average increases of $785 a year, or $485 more than requested by the Department of Defense.

Mr. Chairman, this bill is a positive step in the direction of providing the children of our military personnel and others serving their country overseas with the same high-quality education that we endeavor to provide for citizens within our borders. It is a step toward equality in pay for those teachers who leave their homeland to serve their country.

I strongly support the passage of H.R. 6845 and urge my colleagues to do so also.

Mr. COHELAN. Mr. Chairman, I want to commend the distinguished gentleman from Arizona [Mr. UDALL] for his efforts in bringing this bill before the House today.

The simple fact of the matter is that a rank injustice exists today. The present law has not accomplished one of its principal objectives and that is to provide reasonable and adequate salaries to many of the teachers serving in the overseas dependents schools of the Department of Defense.

As the committee's report makes very clear, the median range of annual salaries for overseas teachers is presently several hundred dollars per year below the median range authorized by the existing regulations.

Certainly American children who must attend school outside of the United States because of their father's military assignment should not be short-changed in their educational pursuits by a lack of well-qualified teachers, which only adequate pay can guarantee.

Certainly American teachers serving overseas should not be subjected to standards of pay that are grossly inferior to what they would receive at home.

Unfortunately, I have received a number of letters which indicate that both of these circumstances do in fact exist.

This bill, by calling for a formula which is variable although positive, because precise dollar amounts are readily ascertainable, is both an important and a long overdue step in the right direction.

I intend to vote for it as a matter of equity and good educational insurance and I call on my colleagues to do likewise.

Mr. SCHISLER. Mr. Chairman, I support the passage of H.R. 6845, a bill which will correct the inequities in the basic compensation for our overseas teachers.

I recall President Johnson's words on May 28, 1964, at a rally in Madison Square Garden when he said:

> I ask you to march with me along the road to the future—where no youngster will go unschooled, where every child has a good teacher and every teacher has good pay, and both have good classrooms.

The President was including American teachers who are teaching overseas in his Great Society. But until the passage of this bill some 6,000 American citizens who are teaching in schools overseas—professional people with B.A. and M.A. degrees—were being paid an average of $750 a year less than comparable teachers in this country.

As I have said before, I believe the quality of education is dependent upon the quality of instruction offered by our teachers. There are 150,000 American children who go to school in American schools overseas. These are dependents and children of military people stationed in Germany, in Japan, and some 28 other countries. They are located in some 200 different locations.

While educational standards and teachers' salaries have shown some improvement in schools in the United States, this unfortunately has not been true of our overseas Defense Department schools. In order to remain open, the overseas schools have found it necessary to cut corners, to economize, and to find other means to finance an inadequate program.

I will vote for H.R. 6845 because this legislation will help restore to children of our overseas military and civilian personnel access to the kind of American education which is their right. Every other employee in Government has received some kind of pay increase since 1959. It is my belief that these additional funds will halt the gradual decline of teachers' morales and thus strengthen their capacity to teach our American youth.

This legislation will, I believe, go a long way in upgrading our overseas schools to the position where they rightly belong.

Mr. UDALL. Mr. Chairman, we seem to be fresh out of speakers on this side.

Mr. CORBETT. Mr. Chairman, we yield back the remainder of our time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 6845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 214; Public Law 86–91; 5 U.S.C. 2352(a)(2)) is amended to read as follows:

"(2) the fixing of the rates of basic compensation for teaching positions at the rates of basic compensation for similar positions of a comparable level of duties and responsibilities under the municipal government of the District of Columbia;".

(b) Section 5(c) of such Act (73 Stat. 214; Public Law 86–91; 5 U.S.C. 2353(c)) is amended to read as follows:

"(c) The Secretary of each military department shall fix the rates of basic compensation of teachers and teaching positions in his military department at the rates of basic compensation for similar positions of a comparable level of duties and responsibilities under the municipal government of the District of Columbia.".

SEC. 2. The amendments made by this Act shall become effective at the beginning of the first school year which begins after the date of enactment of this Act.

Mr. UDALL (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD and be considered as open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment:

On the first page strike out line 7 and all that follows down to and including line 2 on page 2, and insert in lieu thereof the following:

"(2) the fixing of basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population;"

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of North Carolina to the committee amendment:

In that part of the committee amendment in lines 3 to 8, inclusive, on page 2, strike out "urban school jurisdictions in the United States of 100,000 or more population" and insert in lieu thereof "public school systems in the United States with enrollments of 12,000 or more students".

Mr. BROYHILL of North Carolina. Mr. Chairman, all of us on the Compen-

THE UNIVERSITY OF MICHIGAN LIBRARIES

sation Subcommittee and, I know, all Members of Congress are very much interested in assuring that the teachers in our dependents schools overseas are properly and fairly compensated and I believe this bill will do much to alleviate the confusion and dissatisfaction that has arisen over this question. Certainly, I know that is the purpose that has guided the House Post Office and Civil Service Committee in its recommendation of legislation. That is the purpose of my friend, the gentleman from Arizona [Mr. UDALL], whose interest, understanding, and sincere effort has been so largely responsible for bringing this bill to the floor.

While I am in full accord with the principles of the bill, I offer the amendment today to perfect it. The amendment is offered in the same spirit of fairness that has gone into the writing of the bill.

As things stand, the present bill calls for the fixing of basic compensation for teachers in our schools overseas at rates equal to those being paid in school jurisdictions in the United States of 100,000 or more population. My amendment would substitute for the last phrase the words "public school systems in the United States with enrollments of 12,000 or more students."

Mr. Chairman, the 1962 Federal Salary Reform Act adopted the principle of comparability in establishing rates of pay for Federal employees. This is a sound and just principle which protects the interests of the Government, the taxpayer and the Federal employee, as well. In a sense, we have sought to reach some formula for comparability in this bill and I believe that is entirely proper.

As the bill was first discussed, the overseas teachers pay would have been computed at the same rates as those paid in the District of Columbia. The committee recognized, however, that although the District is a Federal jurisdiction, it is, after all, only one jurisdiction with its own special problems and does not reflect any cross-section of American school systems. For that reason the bill was amended to base salary rates on those paid in urban school jurisdictions of cities of 100,000 or more.

I believe that if we wish to apply the principles of comparability more fairly for overseas teachers, we need to use a somewhat broader base.

Most American students are in school districts where there are fewer than 25,000 students. Nevertheless, using the 12,500 base would come closer to a national average for pay rates than the terms of the present bill.

I would point out, Mr. Chairman, that I have discussed this amendment with the chairman of the Civil Service Commission, Mr. John W. Macy. Mr. Macy concurs with its purposes and finds the purposes of this amendment preferable to the provisions of the legislation as proposed in this bill.

In testimony to our committee, the Honorable Norman S. Paul, Assistant Secretary of Defense for Manpower, said:

> The some 6,000 teachers in the dependents schools are recruited throughout the United States from all geographical areas and from low, medium, and high pay areas. Accordingly, the salary formula should be essentially a national average.

Mr. Chairman, this is precisely what my amendment is intended to accomplish.

A school district of 12,000 student enrollment is, according to the figures compiled by the National Education Association, roughly comparable to a census population of 50,000 or more. According to the same source, the difference between average salaries of teachers in school districts with enrollment of 12,000 or more and average salaries of teachers in school jurisdictions of over 100,000 population is slight.

However, there is a distinct advantage in using the formula I am proposing as a basis of comparison. There are an estimated 441 districts with enrollments of 12,000 or more. All information needed for the purposes of this amendment is available for 407 of them. Therefore, we can effectively utilize this information to provide the broader base we are seeking.

The use of school districts of 12,000 students or more obviously offers a better cross section of teachers' salaries and levels of responsibility, and so would be a more accurate reflection of school systems in the United States.

In addition to this, by designating school districts with a specific enrollment as a comparison base, we eliminate distortion that would enter into the generalized selection of population areas. By this I mean that a school district of 12,000 students or more is exactly what it says and we can pinpoint duties and levels of responsibility. On the other hand, a population area of a certain size may not necessarily represent a specific school system. We now have many retirement communities where urban population statistics do not reflect proportional school enrollment figures at all.

Enrollment figures of school districts are readily available so as to present no problem in defining them as a point of reference in salary comparability studies.

I suggest, Mr. Chairman, that my amendment more accurately establishes a basis for comparison and at the same time, the broadest reasonable base of school systems throughout the country upon which to compute these salaries.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment to the amendment.

Mr. Chairman, as far as I know, this is the only amendment about which there is any controversy, and as soon as we have settled this I think we can complete the business of the day.

I think the gentleman's amendment ought to be defeated, and let me tell you briefly why.

I have come to a great respect and affection for the gentleman from North Carolina. He is a very able member of our committee.

The overseas teachers are now $1,000 behind per year in pay compared to teachers in the big cities such as the District of Columbia, Cleveland, and St. Louis. If you take the middle-size cities, they are $785 a year behind. They have been behind for 6 years. They have had two $100 pay raises in 6 years. If we adopt this amendment, you cut it back $150 more. When they have been behind this long and when we are picking the middle level—not the lowest level or the highest level but the middle level—I think we have achieved a balance that should be supported by the committee. This level of 100,000 was adopted in the committee on the motion of the gentleman from North Carolina. The original bill had the District of Columbia salary, and they said that is too much. We agreed with them and said that we will cut it down to cities over 100,000 to get a better cross section. Now they want us to back off to an even smaller level. I think we have a moderate middle ground compromise position under the committee amendment which we can stick with. You know, the hard fact of the matter is that the overseas schoolteachers between 1959 and 1965 have had pay raises amounting to 4 percent. That is all. Teachers in this country have averaged 18 percent. Other Federal employees have averaged 21 percent.

Now, as I say, it is a friendly disagreement on this amendment. You can vote with the gentleman from North Carolina or you can vote with the majority members of the committee. I was pleased that the gentleman from Michigan [Mr. FORD] says he will support the bill whichever way it goes, but I hope you will vote down the amendment to the committee amendment and will support the committee amendment.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take this time to ask the gentleman from Arizona about the fringe benefits accruing to these overseas teachers. Do they not in some places get cost-of-living allowances that are rather substantial?

Mr. UDALL. Yes, they get them whenever the other Federal employees get them, such as the military; when the technicians and people in the Classified Service get them, they get them, too.

Mr. GROSS. But they do get cost-of-living allowances?

Mr. UDALL. Oh, yes.

Mr. GROSS. And they also have the privileges of the PX; is that not true?

Mr. UDALL. In the same way that the military and every Federal civil employee gets the use of the PX, they have the privileges of the PX.

Mr. GROSS. So that when Congress makes their pay comparable to the highest levels of teacher pay in this country they are getting what amounts to additional compensation, are they not?

Mr. UDALL. In one sense they are, yes. But if you accept the gentleman's argument you have to say, if you are going to throw these people out of the PX or cut their pay down——

Mr. GROSS. I am not advocating that.

Mr. UDALL. You would also, in consistency, have to cut down the GS-4's and the GS-5's, and cut their pay overseas, or refuse them the privileges of the PX.

Mr. GROSS. I am not advocating that. I am simply trying to point out

THE UNIVERSITY OF MICHIGAN LIBRARIES

that there would be, I assume, some saving as between the formula which is presently in the bill and that under the amendment offered by the gentleman from North Carolina. I assume there would be some saving to the taxpayers of this country. I am trying to point out that using the 12,000 formula instead of the 100,000 formula, plus the fringe benefits, overseas teachers would still be well compensated.

I would like to say something else to the gentleman and Members of the House. The only way we are really going to be able to cut down bills of expense such as these is to see to it that those so-called friends of ours in Europe and elsewhere start providing troops to take care of the policing and defense of their own countries, and withdraw American troops. They are not putting their troops into Vietnam or anywhere else where we are having difficulty.

It is long past the time when they should take over the defense of their own countries and relieve American taxpayers of some of the bills of expense of this nature. Let the foreign governments take over and let us bring our troops and teachers back home. This is what we ought to do more of instead of continuing to supply troops and police forces for countries that are well able to take care of themselves.

Mr. UDALL. I would observe that there is much in what the gentleman has said. I hope we can bring our troops home. But our committee has not yet been given jurisdiction over that subject.

Mr. GROSS. I understand that. But I say that we are continuing to pour out money for this purpose and many other purposes that we ought to be saving our own taxpayers.

Mr. UDALL. I should hope that we could. The gentleman has a point.

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BROYHILL of North Carolina. Mr. Chairman, the gentleman has asked whether or not there would be a saving under the amendment I have offered. I would say that certainly there would be an average, I have been informed by my staff—an average saving to the taxpayers of over $800,000. I would add very quickly, for the benefit of the Members that with my amendment, under the maximum the teachers in the Overseas School System are going to receive a $1,200 increase above what they are presently receiving. Under the maximum the teachers with a bachelor's degree receive at present $6,015, and under my amendment they would receive under the maximum $7,200.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I hope the Committee realizes that the standards of competence of these teachers overseas are set by the Department of Defense and are in no way set by any standards normally set by anyone having anything to do with an educational agency. I hope very much that the Committee on Education and Labor will undertake very shortly to see that, as we are now going to raise the remuneration of these teachers, proper educational competence be established not by the Department of Defense but by the proper educational agency.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from North Carolina.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 2, strike out lines 6 to 11, inclusive, and insert in lieu thereof the following:

(c) The Secretary of each military department shall fix the basic compensation for teachers and teaching positions in his military department at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of one hundred thousand or more population.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of North Carolina: Page 3, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

(c) (1) Section 5 of such Act (73 Stat. 214; Public Law 86-91; 5 U.S.C. 2353) is amended by adding at the end thereof the following new subsection:

"(e) A teacher shall not be eligible to hold any teaching position or positions for a period in excess of five consecutive years, except that—

"(1) a teacher who has performed service in any teaching position or positions and has returned to the United States for a period of not less than one year shall be eligible to hold a teaching position or positions for an additional period of not to exceed five consecutive years, and

"(2) The Secretary of each military department is authorized, when he deems it necessary in the public interest in individual cases, to provide, in accordance with regulations which shall be prescribed and issued by the Secretary of Defense, for the extension of any such period of five consecutive years to not more than eight consecutive years."

(2) The amendment made by paragraph (1) of this subsection shall apply only to teachers appointed after the date of enactment of this subsection to teaching positions for any school year but shall not apply to teachers holding a teaching position on the date of enactment of this subsection who are transferred without a break in service after such date.

SEC. 2. The amendments made by subsections (a) and (b) of the first section of this Act shall become effective as of the beginning of the first school year which begins after the date of enactment of this Act or which is in progress on the date of enactment of this Act, whichever first occurs.

Mr. UDALL (interrupting reading of amendment). Mr. Chairman, I ask unanimous consent that the further reading of the gentleman's amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. BROYHILL of North Carolina. Mr. Chairman, the purpose of my amendment is to fix a limit on the tour of overseas employment of those teachers who come into this program in the future.

The amendment would limit to 5 consecutive years, appointments made to overseas dependents school positions, with the exception that in certain cases necessary in the public interest, an appointment may be extended no more than an additional 3 years. A teacher who returns to the United States for at least 1 year would then become eligible for another 5-year appointment overseas.

Testimony from Department of Defense and Civil Service Commission witnesses fully supports this proposal and they have strongly recommended that it be made a part of this bill. Also many of my colleagues have expressed interest in fixing such a time limitation on these overseas teaching appointments. I believe such a system of rotation would help improve the quality of these schools and would keep both teachers and students in closer touch with current events in the United States.

Despite the fact that the Department of Defense does not have a career program for dependent school teachers, there are some who make a career of it. Some 777, or about 13 percent, of the 5,850 teachers in the program have held overseas appointments for more than 5 years. There are a few who have held these positions for 15, 16, 17, and more years.

I feel that such extended service overseas puts these teachers out of touch with the realities of day-to-day happenings in the United States. I suggest that a system whereby they return to the United States would be in order so that they will be able to keep abreast with trends in American life as well as new trends in teaching methods and procedures.

Chairman Macy of the Civil Service Commission supports this idea. He told our Subcommittee on Compensation:

> I would like to suggest that Congress, either in legislation or in legislative history, go on record as supporting the rotation of overseas teachers at least every five years. This is particularly desirable to keep these teaching staffs from becoming "provincial" or too far removed from American customs, beliefs, and way of life.

The Honorable Norman S. Paul, Assistant Secretary of Defense for Manpower expressed a similar opinion. Said Mr. Paul:

> "We are concerned that this continued and indefinite overseas employment is not generally in the best interest of the Government for essentially the same reasons that the Foreign Service finds it desirable to provide periodic rotation to the United States for its personnel.

Mr. Chairman, I am informed that this amendment would not present any administrative problem and that, in fact, the Department of Defense would welcome such instruction from Congress.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. **BROYHILL** of North Carolina. I would be delighted to yield to the gentleman from Arizona.

Mr. **UDALL**. Mr. Chairman, I wanted to simply repeat what I said earlier, that I believe this is an amendment which I can accept and support. I congratulate both the gentleman from North Carolina and the distinguished minority member, the gentleman from Michigan [Mr. GERALD R. FORD], for making this suggestion that we proceed in this fashion. There is a good argument for rotating the teachers and getting them home, bringing them back to this country. Yet the amendment places a 5-year limit, with some flexibility so that if in the national interest for the really outstanding teacher or a situation where teachers are not readily available in an isolated area, an island or a Far Eastern place, they could make exceptions.

Mr. Chairman, I believe this strengthens the situation and I am happy to accept the amendment.

Mrs. **MINK**. Mr. Chairman, will the gentleman yield?

Mr. **BROYHILL** of North Carolina. I am delighted to yield to the gentlewoman from Hawaii.

Mrs. **MINK**. I would like to ask the gentleman this question. Under the gentleman's amendment what provision would be made for the jobseeker, for these teachers who must come back every 5 years? Where would they find a job which they could enter after having been away overseas for a period of 5 years? I would assume that they would have lost their tenure in the system out of which they came.

Mr. **BROYHILL** of North Carolina. I would like to say that there are school systems in the United States operated by the Department of Defense. They could be transferred to those systems. I further understand that there are school systems operated under the Department of the Interior and operated by other agencies of the U.S. Government other than the Department of Defense.

Of course, I feel very strongly that these overseas teachers would be very welcome and would be in demand for public school systems all over the country, because they would have the experience of travel overseas, of contact with our friends in foreign countries, and would have had this experience of the foreign scene and thus would be valuable assets to public school systems over the United States.

Mr. **KREBS**. Mr. Chairman, will the gentleman yield?

Mr. **BROYHILL** of North Carolina. I yield to the gentleman from New Jersey.

Mr. **KREBS**. I wonder if the gentleman would be prepared to write into law a guaranty whether or not there are jobs for them we would be responsible for paying their salaries?

Mr. **BROYHILL** of North Carolina. May I say that I think that suggestion is a little premature. We have stated very explicitly not only in the committee report but the chairman has stated, and certainly other Members have stated that the committee strongly intends to hold further hearings on this subject. We intend to look into it, and continue to have our eyes on this whole program. We are not only interested in it now, but we intend to follow it up.

Mr. **KREBS**. But the fact remains these people come back with no assurance there will be work available for them. I think it is incumbent upon us if we are insisting that they return to the United States periodically we should assume the responsibility of providing for them.

Mr. **BROYHILL** of North Carolina. I may say to the gentleman that I respect his opinion, and I thank him for the statement he has made. If these teachers are valuable to the oversea department in the 5, 6, 7, or 8 years they have been associated with the oversea school system, if they have been capable of holding down that job, certainly their qualifications would be acceptable in any public school system in the United States.

Mr. **GUBSER**. Mr. Chairman, will the gentleman yield?

Mr. **BROYHILL** of North Carolina. I yield to the gentleman from California.

Mr. **GUBSER**. It is an established fact that the State of New York and the State of California pay the highest teachers' salaries in the United States, yet we are not able to get enough qualified teachers. I think it is safe to assume any qualified teacher in the overseas system can readily find employment here in the States.

Mr. **BROYHILL** of North Carolina. I thank the gentleman.

Mr. **MATSUNAGA**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the pending amendment for this simple reason, and I will put it in the form of a question:

Where will the overseas teachers rotate to? I would like to quote from a statement by Dr. Lynn M. Bartlett, Deputy Assistant Secretary of Defense—Education—in testifying before the Committee on the Post Office and Civil Service of the Senate, and this was his testimony on a similar bill, now before the Senate, S. 2228:

> All dependent schools are in foreign countries and we do not have comparable positions in the United States to which we could rotate teachers after they have served several years overseas as we do with other employees.

For this reason, if for no other, the amendment should be defeated.

Mr. **ROOSEVELT**. Mr. Chairman, will the gentleman yield?

Mr. **MATSUNAGA**. I yield to the gentleman from California.

Mr. **ROOSEVELT**. Let me point out also they cannot go into the public school systems, or many of them cannot, because they have been in their present jobs without qualifications which would guarantee them a job in the public school systems of the United States. If they get a job they would have to start at the bottom, therefore they would be starting all over again. I really do not think this is a sound amendment.

Mr. **MATSUNAGA**. I agree with the gentleman from California. Let us defeat this unsound amendment.

Mr. **GERALD R. FORD**. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if the assumption is correct that these teachers in this program are of a superior quality and have had a unique experience, certainly they will be in demand in any school system. So there will not be any problem about them getting a job in any good school system in the United States.

From the point of view of the overseas dependent school system, I think it is very important that these teachers come back home occasionally and teach in an American school system in the United States. I think they could contribute to the local school systems in the United States, and I think it would be wholesome for them to get reacquainted with the United States after a 5-year period.

The distinguished gentleman from Pennsylvania [Mr. FLOOD] and the distinguished gentleman from Alabama [Mr. ANDREWS] and perhaps others who have been on the Subcommittee on Appropriations for a long, long time know that the school system that we have is a good one and that the teachers with few exceptions are above average, and that when they come back home they will have no trouble getting a job. In fact, they will probably be placed in jobs better than the ones they have had overseas.

Mr. **HOWARD**. Mr. Chairman, will the gentleman yield?

Mr. **GERALD R. FORD**. I yield to the gentleman.

Mr. **HOWARD**. Is it not true however that several States have State laws concerning certification of teachers and that teachers may be hired for overseas by the Department of Defense who may not have the educational courses required by the various States back home. Therefore, no matter how qualified they might be, and I agree that as to teachers teaching overseas it would be very desirable to have them in any school system in the United States, a local board of education no matter how much they might want to hire this particular teacher may not do so by law because the teacher may not at the time he or she comes back from overseas be eligible for a teaching certificate in an individual State and this would put them at a disadvantage.

Mr. **GERALD R. FORD**. It is my recollection that most, if not all States, make exceptions. They give temporary permits for teachers who come under these unusual circumstances. In addition, let me say this. If a teacher has been overseas for 5 years and has not earned the necessary qualifications to qualify him or her to teach in a good school system, then that person I think is lacking in the necessary initiative to qualify to teach overseas.

Mr. **HOWARD**. Mr. Chairman, will the gentleman yield further?

Mr. **GERALD R. FORD**. I yield to the gentleman.

Mr. **HOWARD**. In the State of Pennsylvania for example, one must have taken a course entitled "The History of Pennsylvania." Such a course might not be available to the teacher who may be trying to improve his or her professional standing overseas and, therefore, that

THE UNIVERSITY OF MICHIGAN LIBRARIES

teacher might not meet the standards of a particular State.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. UDALL. I want to say, I do not very often find myself supporting the gentleman from Michigan against my good friend, the gentleman from Hawaii and the gentleman from California. But the Chairman of the Civil Service Commission testified that he was in favor of some kind of rotation plan such as this plan and the Defense Department said that they were trying to work out some kind of plan with a 5-year limit. I thought that information might be of some help to our colleagues.

Mr. GERALD R. FORD. Is it not also true there is a provision that gives some flexibility in cases of unusual circumstances where a person is needed for an additional year or two?

Mr. UDALL. Oh, yes, the amendment gives flexibility up to 8 years in particular cases where the Department of Defense thinks that retaining any particular person for longer than 5 years would be helpful.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. CORBETT. I just wanted to point out that right now with the shortage of teachers, it is mighty easy to get a temporary permit to teach. It is probably true in every State and we have situations here in the District of Columbia right now where I understand teachers have been operating on a temporary permit for over 20 years.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, and that all debate on the bill cease in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. PUCINSKI. Mr. Chairman, reserving the right to object, I have been on my feet and intended to obtain time to address the Committee.

Mr. UDALL. I do not see anyone else seeking time so I suspect that the gentleman will get the entire 5 minutes.

Mr. PUCINSKI. Mr. Chairman, I withdraw my reservation of objection.

Mr. MATSUNAGA. Mr. Chairman, reserving the right to object, if I may put a question to the gentleman from Arizona. Does his request pertain to all other amendments to the bill as well?

Mr. UDALL. That is correct.

Mr. MATSUNAGA. I have an amendment that I intend to offer.

Mr. UDALL. I did not understand the gentleman had an amendment.

Mr. Chairman, I would change my request and ask unanimous consent that all debate on the pending amendment, and all amendments thereto, and that all debate on the bill and all amendments thereto, cease at 6 o'clock and 25 minutes p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I believe the colloquy on this amendment has clearly demonstrated the lack of wisdom of adopting it at this time.

The gentleman from Hawaii read excerpts from the testimony indicating the difficulty these teachers would have in gaining employment in the States, because they were hired by the Defense Department in the first instance without the certificates which are normally required of teachers in the States.

The gentleman from New Mexico pointed out that the Secretary has indicated they are working on some form of voluntary rotation plan to get these teachers back to the States for refresher courses for some time.

To add to all this, I should like to advise the House that the very distinguished chairman of the Select Committee on Education, the gentleman from Pennsylvania [Mr. DENT] who is a ranking member on the House Committee on Education and Labor, has already announced previously that his committee is undertaking a full study of this whole program of American schools at overseas military installations.

It would appear to me, in light of all these activities, that no purpose would be served by accepting this amendment today, to force the rotation of these teachers, when I feel reasonably confident within a very short time we are going to have a proposal made to Congress to deal with this subject from the House Committee on Education and Labor.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. COLLIER. So that the other Members may understand this particular issue and get it in perspective, can anyone on the committee tell us the number of overseas teachers teaching at military installations, and the percentage who have certificates which would qualify them to teach in the school systems here and the percentage who do not? What percentages are we talking about in respect to this problem?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Arizona.

Mr. UDALL. The staff advises me this was not covered. The rotation business came up after the bill was reported. I had negotiations with the people on the other side of the aisle about the particular problem. We had no occasion to take testimony on this particular question.

Mr. PUCINSKI. I should like to call the attention of my colleagues to the testimony read by the gentleman from Hawaii [Mr. MATSUNAGA] in which he clearly quoted the professional opinion expressed by those learned on this subject with regard to bringing these teachers back, in many instances.

This does not mean we are condoning inferior education at overseas bases. I heard someone say that if they cannot get jobs in this country they do not belong there. That is not the case. These teachers have been certificated by the Defense Department and they meet the qualifications and standards applied, but unfortunately do not meet the standards established by various States.

Mr. COLLIER. I understand that thoroughly. I go back to my original question. I am trying to determine, when we speak of "these teachers," what percentage we are talking about.

Mr. PUCINSKI. I cannot help the gentleman. Perhaps the committee can.

Mr. COLLIER. How can we vote intelligently on this unless we know what we are talking about? What is involved?

Mr. UDALL. Let me put this in focus. I hope we can vote on the amendment one way or the other.

The cold plain fact is that in the testimony before the committee it was indicated that 98 percent of the teachers come back before 5 years, anyway. As to the other 2 percent, the amendment which is before us would give the Defense Department discretion to extend that up to 8 years. This does not really deal with the vitals of overseas education.

Mr. COLLIER. 98 percent come back, and 2 percent do not?

Mr. UDALL. That is correct.

Mr. COLLIER. That is not exactly an answer to the question I asked. What percentage are qualified to teach in the school systems here, and what percentage are not?

Mr. ROOSEVELT. Mr. Chairman, if the gentleman will yield, the gentleman does not have the answer.

Mr. COLLIER. I am happy to have the answer that there is no answer.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The question is on the amendment offered by the gentleman from North Carolina [Mr. BROYHILL].

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 74, noes 38.

So the amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STRATTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6845) to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act, pursuant to House Resolution 483, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

COMMITTEE ON HOUSE ADMINISTRATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the gentleman from Maryland [Mr. FRIEDEL], has said that he may call up certain privileged resolutions from the Committee on House Administration tomorrow.

SECTION 14(b) OF the TAFT-HARTLEY ACT

Mr. GRIDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GRIDER. Mr. Speaker, on Wednesday, July 28, I offered an amendment to H.R. 77. It was ruled out of order as not germane. I have no quarrel with the ruling, nor with H.R. 77 which I supported. I think repeal of section 14(b) of the Taft-Hartley Act is a step forward. At the same time, I do not think that any worker should be required to support a union unless that union won recognition as the result of a free, secret election. Such was the purpose of my amendment. Today I am introducing a bill that would have the same effect. I urge its prompt consideration.

USDA—CONSUMER FRIEND FOOD INSPECTION PROTECTS CONSUMERS

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ADAMS. Mr. Speaker, no program of government touches more people every day than the U.S. Department of Agriculture's meat and poultry inspection service.

When we buy a hot dog at the ball park we eat it without a second thought. But do we realize that there are few other countries in the world where it would be safe to do that?

The Meat and Poultry Inspection Acts passed by Congress require that every meat animal and every bird slaughtered in plants which sell across State lines must pass the rigid examination of USDA inspectors. This is why we can buy meat and poultry almost anywhere in this country with perfect assurance that it is clean, safe, and wholesome.

But the USDA inspection service does more than examine the poultry and the meat. It supervises the whole slaughtering and processing operation to make sure that strict sanitary controls are exercised. Everything that touches the meat or poultry—every ingredient that goes into preparing a product—even in labeling—must be approved by the inspection service to make sure that the consumer is protected from anything that might in any way be unsafe.

Because this is a growing country, and our increasing population is also increasing its purchases of meat and poultry, the inspection service must grow to keep pace with the job. It now takes some 5,700 inspectors to safeguard our national supply of meat and poultry.

The USDA also conducts voluntary inspection programs—for which a fee is charged the user. These programs, which provide sanitary controls and make sure that only wholesome products are used, are available for fruit and vegetable products, dairy products, and egg products. They are widely used by the food industry—another reason that our consumers are among the best protected in the world.

I submit that these and other consumer protection services of the U.S. Department of Agriculture make an immense contribution to the well-being of every person in this country. They are important to farmers and the food trade, as well as consumers, because only with services like these could the kind of modern food industry we now have be operated—and this is a $70 billion-a-year business.

NEGROES URGED TO AVOID DRAFT, REFUSE TO FIGHT

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I could hardly believe my eyes on reading in the press a few days ago of a command to young Negroes in my State to avoid the draft and refuse to fight in Vietnam if called upon to do so by the President of the United States. This command has come from a group who have banded together in what they call the Freedom Democrat Party. This organization is made up almost entirely of Negroes but the greater part of their leadership comes from without the State and particularly from the northeastern section of the United States. Actually, very few of the Negro people of my State are affiliated with the movement. The responsible leadership among Mississippi Negroes refuse to have anything to do with the so-called party or its leaders.

Suggesting to the young colored people of my State, as well as other Southern States, that they decline to honor their draft calls, that they go on a hunger strike and tear up their draft cards has a very familiar ring. Similar conduct was reported from another section of the country a few days ago by an irresponsible group who admit their disloyalty to our country at a time when our sons are dying in Vietnam for the preservation of our way of life and to prevent the spread of communism. I regret that anyone in my State, even those associated with the so-called Freedom Democrat Party movement, have affiliated themselves with the enemies of this Nation. But, Mr. Speaker, as for the leaders of the so-called Freedom Democrat Party, I am not at all surprised.

We have known all along that this movement has had the backing and support of the Communist Party of America. Surely no one doubts it now.

Mr. Speaker, I am today communicating the disloyal act of these people to the President of the United States and also to Gen. Lewis B. Hershey, head of our selective service. I sincerely hope the disloyal acts of those who espouse such irresponsible conduct on the part of our draftees will have the appropriate attention of our President, the head of Selective Service and the U.S. Department of Justice.

In connection with these remarks I include in the RECORD copies of press reports on the matter, an editorial from the Vicksburg Sunday Post, Vicksburg, Miss., and also copies of my telegrams to the President and General Hershey, as follows:

FREEDOM DEMOCRATIC PARTY URGES STATE'S NEGROES TO IGNORE THEIR UNCLE SAM—REFUSE VIETNAM DRAFT

(By James E. Bonney)

The Mississippi Freedom Democratic Party circulated an appeal Friday urging Negro mothers to keep their sons from honoring the draft and for Negroes in the armed services to stage hunger strikes.

The Freedom Democratic Party, a civil rights group that led recent racial demonstrations in this capital city, printed the plea in a leaflet distributed in Negro communities throughout the State.

The appeal also appeared in a monthly newsletter of the party and copies were placed on a bulletin board in the headquarters building in Jackson.

Charles Horwitz, a spokesman for the Freedom Democrats, said "the McComb Freedom Democratic Party initially published the letter and although the executive committee of the Freedom Democratic Party hadn't taken any action in it, we decided to reprint it in the official newsletter for distribution across the State."

CHALLENGING

The Freedom Democrats are challenging the seating of Mississippi's five Congressmen on grounds Negroes were not allowed to vote in the elections.

An editor's note in the newsletter said the appeal was authorized by Joe Martin of McComb, and Clint Hopson, a law student from New Jersey.

"No Mississippi Negroes should be fighting in Vietnam until all the Negro people are free in Mississippi," the newsletter said.

"Negro boys should not honor the draft here in Mississippi. Mothers should encourage their sons not to go.

RESPECT

"We will gain respect and dignity as a race only by forcing the U.S. Government and the Mississippi government to come with guns,

THE UNIVERSITY OF MICHIGAN LIBRARIES

dogs, and trucks to take our sons away to fight and be killed protecting Mississippi, Alabama, Georgia, and Louisiana.

"No one has a right to ask us to risk our lives and kill other colored people in Santo Domingo and Vietnam, so that the white American can get richer. We will be looked upon as traitors by all the colored people of the world if the Negro people continue to fight and die without a cause.

"Last week a white soldier from New Jersey was discharged from the Army because he refused to fight in Vietnam; he went on a hunger strike. Negro boys can do the same thing. We can write and ask our sons if they know what they are fighting for. If he answers freedom, tell him that's what we are fighting for here in Mississippi.

"And if he says democracy, tell him the truth—we don't know anything about communism, socialism, and all that, but we do know that Negroes have caught hell right here under the American democracy."

But a Congressman who has supported the Freedom Democrats labeled the latest appeal as "ridiculous and completely irresponsible."

Representative CHARLES DIGGS, Democrat, of Michigan, told a newsman, "I think that our domestic problem is separate from any conflict that this country has with any other country. There has never in the history of the American Negro been any such lack of patriotism. Negroes have always been proud to have fought and died despite imperfections of this country."

DIGGS is a Negro who, as a member of the credentials committee of the last Democratic National Convention, supported seating of Mississippi Freedom Democratic Party delegates at the convention.

"In event of any confrontation or conflict with outside groups," he said, referring to the urgings for a Negro draft protest, "any bombs sent over here will not be labeled for any particular segment of society: They will be labeled for all of us."

NEGROES URGED TO AVOID DRAFT, REFUSE TO FIGHT—FREEDOM DEMOCRATS ASK MOTHERS TO ENCOURAGE SONS TO BALK

JACKSON, MISS., July 30.—Negro mothers are being urged by a largely Negro political organization to keep their sons from honoring the draft and Negroes in the armed services were asked to stage hunger strikes.

The Freedom Democratic Party, composed of some civil rights groups, made the plea in a leaflet distributed in Negro communities throughout the State.

Asked about the appeal, Charles Horwitz, a spokesman for the Freedom Democrats, said, "The McComb Freedom Democratic Party initially published the letter and although the executive committee of the FDP hadn't taken any action on it, we decided to reprint it in the official newsletter for distribution across the State."

An editor's note in the newsletter said the appeal was authored by Joe Martin of McComb and Clint Hopson, a law student from New Jersey.

The Freedom Democrats are challenging the seating of Mississippi's five Representatives on grounds they were illegally elected because Negroes aren't registered in sufficient numbers in Mississippi.

The newsletter said:

"No Mississippi Negroes should be fighting in Vietnam for the white man's freedom until all the Negro people are free in Mississippi.

"Negro boys should not honor the draft here in Mississippi. Mothers should encourage their sons not to go.

"We will gain respect and dignity as a race only by forcing the U.S. Government and the Mississippi government to come with guns, dogs and trucks to take our sons away to fight and be killed protecting the whites in Mississippi and Alabama.

"No one has a right to ask us to risk our lives and kill other colored people in Santo Domingo and Vietnam, so that the white American can get richer. We will be looked upon as traitors by all the colored people of the world if the Negro people continue to fight and die without a cause.

"Last week a white soldier from New Jersey was discharged from the Army because he refused to fight in Vietnam; he went on a hunger strike. Negro boys can do the same thing. We can write and ask our sons if they know what they are fighting for. If he answers freedom, tell him that's what we are fighting for here in Mississippi.

"And if he says democracy, tell him the truth—we don't know anything about communism, socialism, and all that, but we do know that Negroes have caught hell right here under this American democracy."

[From the Vicksburg (Miss.) Sunday Post, Aug. 1, 1965]

A DEFIANT ATTITUDE

Seldom have we seen a published plea for defiance as that which came from the Freedom Democratic Party. This was an outright attack upon the laws of the United States even though it rather crudely endeavored to shift the blame for the action to Mississippi, Alabama, Louisiana, and Georgia.

Calling upon Negroes not to honor the draft, and suggesting to mothers of sons in the Armed Forces that they urge their sons to go on hunger strikes, certainly does not come under the category of responsible citizenship.

There is something familiar about this. There have been instances of young men tearing up their draft cards, supposedly in protest against the Government's action in Vietnam, and the hunger strike has already shown up as a means of protesting also. This is no new idea of the Freedom Democratic Party, and the question rather quickly arises, where, indeed, did it originate?

The Freedom Democratic Party, which thus published open defiance of our Government, is attempting to unseat the Mississippi delegation in Congress. The same Freedom Democratic Party was successful, to a degree, in gaining some recognition at the Democratic Convention in Atlantic City last year, and now has visions of being the arm of the National Party in Mississippi.

Let every official of the national Democratic Party, including President Johnson, take cognizance of this act of defiance. Let the Congress of the United States recognize this act as coming from a leadership and a membership, so devoid of responsibility, its protest against the State's delegation should immediately be thrown out. Let every American who has been brainwashed into believing this type of leadership should prevail, be numbed by the audacity of those who will go to any end to further their cause, even to acts of disloyalty toward the Nation which has leaned over so much to meet its increasing demands.

The audacity, the impudence, and the downright published disloyalty to the United States, as evidenced by the Mississippi Freedom Democratic Party, should receive the widest publicity possible, so that the people of this Nation will realize the type of thinking that prevails in the organization which seeks to oust people who were duly elected and who have served both our State and our Nation well. Our own JOHN BELL WILLIAMS lost an arm in the service of his country, and he is proud of his sacrifice, which, joined with others, guaranteed freedom for all of our people. He did not fail to honor his draft call—in fact he volunteered. He would have shuddered at the very thought of going on a hunger strike in protest against our Government. Yet he is one of the five Mississippi Congressmen this irresponsible group would unseat in the Congress of the United States.

Even under the present situation of emotion and passion, there must be enough commonsense in the Nation and in the Congress to evaluate the Mississippi Freedom Democratic Party as inimical to the very best interests of the Nation and of Mississippi.

AUGUST 3, 1965.

The PRESIDENT,
The White House:

Associated Press stories from Jackson, Miss., report that so-called Freedom Democrat Party in Mississippi is urging Negro draftees not to honor their draft calls, to go on a hunger strike, and to force the Government to come with guns, dogs, and trucks to take them to their draft stations. Such conduct is not only treasonable but is nothing short of an insult to the President, the Commander in Chief of our Armed Forces, and to the people of the United States. Am sure such conduct was cheered in Moscow, Peiping, and Hanoi. Sincerely hope the responsible parties will have appropriate attention of your good offices and the U.S. Department of Justice.

THOS. G. ABERNETHY,
Member of Congress.

AUGUST 3, 1965.

Lt. Gen. LEWIS B. HERSHEY,
Director, Selective Service System:

Associated Press stories from Jackson, Miss., report that so-called Freedom Democrat Party in Mississippi is urging Negro draftees not to honor their draft calls, to go on a hunger strike, and to force the Government to come with guns, dogs, and trucks to take them to their draft stations. Such conduct is not only treasonable but is nothing short of an insult to the President, the Commander in Chief of our Armed Forces, and to the people of the United States. Am sure such conduct was cheered in Moscow, Peiping, and Hanoi. Sincerely hope the irresponsible parties will have appropriate attention of your good offices and the U.S. Department of Justice.

THOS. G. ABERNETHY,
Member of Congress.

LEGISLATIVE REAPPORTIONMENT

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, Subcommittee No. 5 of the House Committee on the Judiciary resumes hearings tomorrow on the most important issue to be considered by the Congress during this session. As a matter of fact, in its implications for our Federal system of government—as we have known it up until June 15, 1964—the most important issue to come before the Congress in a number of sessions is this issue of legislative reapportionment.

June 15, 1964 will go down in history as the day the people of the United States arrived at a crossroad in the progress of their Nation as a representative republic. In *Reynolds* v. *Sims*, 377 U.S. 533, as every Member of this body knows, the Supreme Court announced that from thenceforth, both houses of State legislatures would be required to be apportioned on a strict population basis to conform with the equal protection clause of the 14th amendment of the U.S. Constitution.

In the last session of the Congress and again in this session, many Members of this body, including the Representative of the Fourth District of Ohio, introduced proposals for constitutional amendments designed to adjust what they felt was an overreaching decision of the Supreme Court. Many of those proposals—some 106 in number—are presently the subject of hearings in Subcommittee No. 5. Three days of hearings were conducted from June 23 to June 25. During this same period, hearings have been conducted in the other body. And, of course, the CONGRESSIONAL RECORD of this session almost daily includes excerpts from the continuing debate in the press on this most important subject.

Mr. Speaker, I am introducing today House Joint Resolution 600 which represents a refinement of House Joint Resolution 69, the resolution I introduced at the start of this session. I believe it more accurately reflects and technically defines the proper and desirable flexibility the several States must be allowed in selecting—as article IV, section 4 of the Constitution allows—a republican form of Government suited to their several needs and their widely differing requirements. I claim no pride of authorship—the language of this resolution comports with the language introduced by the junior Senator from Illinois [Mr. DIRKSEN] in the other body. I will claim confidence in its sponsorship, however, and I am anxious to submit it for the scrutiny of the very able and distinguished members of the subcommittee, and for analysis by the many witnesses who have accepted invitations to present their views.

Mr. Speaker, it is not premature to read into the RECORD the thoughtful words of the distinguished Chairman of the Judiciary Committee as he opened the subcommittee hearings on the proposed constitutional amendments:

> It * * * is my purpose now, not only to hear the sponsors of this legislation, but also all interested parties, so that this committee and the Congress may have a clear, objective understanding of the problem, of its ramifications and the responsibility of all concerned in order to bring about the best solution to a very difficult problem.

It is my sincere hope that the Congress will study to achieve a clear objective understanding of this problem. To that end, I ask unanimous consent to place in the RECORD a selected series of articles, editorials and statements, selected to outline the scope of the problem, to suggest some of its serious ramifications, and to present some of the considerations which are essential to the most practical solution consistent with the needs of our people, our Federal system and our Constitution. As a preface, I submit a summary compiled by the American Law Division of the Library of Congress which describes the sweeping impact of the first reapportionment case of Baker against Carr. This summary is dated July 17, 1965.

LEGISLATIVE REAPPORTIONMENT SINCE REYNOLDS AGAINST SIMS

THE PRESENT STATUS OF APPORTIONMENT

Since the decision in *Baker* v. *Carr*, on March 26, 1962, court cases have been filed in 44 States, seeking declarations of invalidity of the apportionment of one or both houses of those State legislatures. The States were Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

In its June 15, 1964, decisions,[1] the United States Supreme Court invalidated apportionments in six States—Alabama, Colorado, Delaware, Maryland, New York, and Virginia. On June 22, 1964, in a series of per curiam decisions, it invalidated the apportionment of eight additional States—Ilinois (the senate), Washington, Florida, Idaho, Connecticut, Michigan, Oklahoma, and Ohio (the house).

Twenty-four States began in 1965 under court orders to reapportion. They were Alabama, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Maryland, Minnesota, Nebraska, Nevada, New Jersey, North Dakota, Pennsylvania, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. Arkansas, Kansas, Missouri, and New Mexico have since joined the list.

Suits are presently pending involving various aspects of apportionments in Arizona, Delaware, Idaho, Indiana, Louisiana, Michigan, Nevada, and Ohio.

A number of States have reapportioned in 1965 to date. Those presently known to us are Colorado, Connecticut, Florida, Georgia (house), Hawaii, Idaho, Indiana, Missouri (house), Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and Washington. The action in Georgia, Hawaii, and Nebraska has been found wanting by Federal courts, while the action in Connecticut, New Jersey, New York, Vermont, Virginia, and Washington has been upheld.

The following article presents a clear, layman's analysis suggesting some of the philosophical and historical drawbacks to the principle of one-man, one-vote enunciated by the Supreme Court in Reynolds against Sims:

[From Fortune magazine, August 1964]

THE SUPREME COURT AND THE REPUBLIC

(By Felix Morley)

(This is a layman's, not a lawyer's, dissent from the recent Supreme Court decisions on reapportionment. Mr. Morley is a journalist and educator, onetime editor of the Washington Post, and subsequently president of Haverford College. He is also an authority on constitutional history and the author of The Power in the People and Freedom and Federalism. His views, considered alongside the Court's, point up the profound difficulties of maintaining our system of republican government.)

In his final opinion as a Supreme Court Justice, delivered from that bench on March 26, 1962, Felix Frankfurter quietly observed that: "What is actually asked of the Court in this case is to choose * * * among competing theories of political philosophy."

The case was *Baker* v. *Carr*, establishing jurisdiction for Federal courts over the system of representation in the General Assembly of Tennessee, and, in effect, ordering that representation in the lower house be made proportionate to the geographic spread of population. Justice Frankfurter, in his monumental dissent, pointed out that arithmetical equality in voting "was not the system chosen by the Constitution" and "is not predominantly practiced by the States today." The case, he concluded, "is of that class of political controversy which, by the nature of its subject, is unfit for Federal judicial action."

That, however, was not the majority opinion. And the theory of judicial control over legislative composition has now been carried much further by the Supreme Court's judgment of June 15, on six similar cases appealed from Alabama, Colorado, Delaware, Maryland, New York, and Virginia. In all of these Justice Harlan, associated with Frankfurter in the Tennessee dissent, again denies validity to the argument that the legislatures of these States "are apportioned in ways that violate the Federal Constitution."

The progression to the current cases from that of 1962 is noteworthy. In the Tennessee ruling the Court established its right to intervene, justifying this by the "invidious discrimination" among electoral districts of the lower house with very unequal population. In the current cases the right of intervention is assumed. Local efforts to rectify imbalance without profound disturbance of traditional patterns are found inadequate. And not just one but both houses of the affected State legislatures are told that they must reapportion on the principle of one-person, one-vote.

With this decision, which demands reorganization of legislative arrangements in almost every State, the import of Justice Frankfurter's prescient observation becomes more clear. What the Court is doing is to impose on the States a new conception of representative government, far more egalitarian than that established by the founding fathers. The effect is no less revolutionary because ordained by an agency—the Federal judiciary—not customarily associated with profound political upheavals.

Nor is it to be expected that the resultant tremors will be confined to State capitols and local political organization. In *Wesberry* v. *Sanders* the Supreme Court decided, some months ago, that "our Constitution's plain objective" is to provide "equal representation for equal numbers of people." This goes for the Federal House of Representatives as clearly as for the State legislatures. And if the U.S. Senate is safeguarded by very specific constitutional guarantees the current decisions nonetheless imply that its system of representation—two Senators alike from sparsely and heavily populated States—is somehow un-American and undesirable.

THE CHOICE

The "competing theories of political philosophy" to which Justice Frankfurter referred are that of a federal republic, on the one hand, and that of a unitary democracy on the other. "Totalitarian" would be a more descriptive adjective than unitary, except that it has acquired a strongly derogatory flavor. The point is that the opposite to the division of governmental power essential for a federal republic is the concentration of governmental power necessary to make a democracy operative.

Democracy, in its political sense of unqualified majority rule, upholds the principle of "winner takes all." Carried to a logical conclusion it means that minorities have no rights which "the will of the people" may not override. Vox populi, vox dei, as the old Romans said. The trouble there was that ambitious generals soon saw themselves as spokesmen of all the people and therefore as godlike rulers. Thus representative government, lacking careful institutional restraint, soon ceased to be democratic even as it claimed that objective. We see the same phenomenon operating in Communist countries today, called "democratic people's

---

[1] *Reynolds* v. *Sims*, 377 U.S. 533 (and companion cases).

THE UNIVERSITY OF MICHIGAN LIBRARIES

republics" by their dictators on the assumption that they are the only legitimate interpreters of the popular will.

The Greeks, for a brief but glorious period, were able to avoid this political degeneration, simply by stressing the excellence for which they were taught to strive in every aspect of life. Government should be representative, serving the interests of all, impartially. But those who conduct it should be, in every sense, an "elect" group, chosen by a very limited suffrage.

The authors of the Constitution, for the most part good classical scholars, paid close attention to the Greek and Roman precedents. While firm believers in representative government, they found democracy, in its political as contrasted with its social sense, abhorrent. The word is not mentioned in the Constitution and became especially mistrusted when the doctrine of absolute equality led to the Reign of Terror in France. This prompted the famous aphorism of John Adams, our second President: "There never was a democracy that did not commit suicide."

THE MEANING OF FEDERALISM

In fact, it was impossible for the Government of the United States, in origin, to be really democratic. It had to take Federal form to achieve the union of the thirteen originally independent States. The essence of federalism is the reservation to its component parts of certain defined powers, which of itself involves a limitation of the powers of the general government. No matter what their collective desires, the people of a federation are not entitled to decide matters reserved to the authority of the constituent States. In a federation, majority opinion is therefore sometimes ineffective, unless it coincides with the public opinion of autonomous localities.

That much is true of any federation, but in our own the curbing of democracy was originally carried further. Some of these curbs on popular control have been removed, but others of great significance remain. Congress, for instance, "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Here is a clear contraction of democracy but not of representative government, which serves to protect those very minorities that democracy is disposed to crush. Under our system an opinionated religious sect, like the Amish, is safeguarded not by sending representatives to Congress but simply because the conventional majority there is denied the democratic power to suppress.

While deeply interested in political personalities and detail, most contemporary Americans are far more ignorant of political theory than were their forefathers. This presumably explains why the present Supreme Court can effectively suggest that representative government is necessarily democratic, and that democracy is necessary representative. Yet illustrations of the important difference between the two are all around us. As the electoral system has developed it will be the rule, not the exception, in November for a simple majority, or even a plurality, of the voters in each State to decide the entire electoral vote of that State. This accords with the democratic principle of "winner takes all." But it is difficult to find anything representative in the procedure.

There are many indications that the objective of some Americans today is to substitute pure democracy for our traditional system of representative government. One way to accomplish this is to take all intelligent content out of the technical political term "democracy," and to make it a "good" word surrounded with a mystique calculated to make people react with spontaneous favor to its utterance. Over the years this has been done. Today it is almost embarrassing to recall that James Madison considered political democracy "incompatible with personal security or the rights of property."

The second way to weaken representative government is to erode the Federal structure by a continuous and progressive centralization of governmental functions. This process, too, was under way long before the day of F.D.R., who probably deserves less credit, or discredit, than he generally receives for the concentration of power in Washington.

But the movement to eliminate the States as sovereign entities is greatly impeded by the fact that local self-government, though often inefficient and not infrenquently corrupt, is still generally regarded as preferable to dictation by distant bureaucrats. At many points along the road to socialism the Congress has dug in its heels, showing strong skepticism toward the provision of "bread and circuses," as the old Romans characterized the various new and fair deals by which the unconquerable empire was undermined from within.

A DANGEROUS PRECEDENT

There is, however, an infrequently used device by which the executive may overcome the obstruction of a recalcitrant legislature. It can summon the third arm of Government, which is the judiciary, to its aid, and if the judges are compliant, giving fluid interpretation to the laws, representative government may in effect be frustrated. Such a policy is dangerous and a great deal depends on the manner in which it is undertaken. King Charles I of England called on the judiciary to support the divine right of Kings, as did Louis XVI a century and a half later in France. In both cases the monarchs were decapitated for their pains.

It is a more subtle and promising tactic to have the judges find legislative obstruction "undemocratic" since the charisma of democracy protects the executive against any charge of arrogance, seems favorable to everybody, and accords with the general sense of justice, in which the judicial profession is assumed to be expert. And though the Supreme Court is, ironically, the most undemocratic of our institutions, it is working assiduously in favor of more democratic representation.

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." So says Chief Justice Warren in his controlling opinion on the latest reapportionment cases. But the right to vote freely is not at issue in any of these cases. The issue is merely whether there is improper discrimination when all votes are not equally weighted on a nose count basis. And that question does not affect "the heart" of representative government. Its major concern is quality of representation while that of democratic government is quantity in election. New York was not underrepresented at the Philadelphia Convention of 1787 because it had only one delegate—Alexander Hamilton—to sign the Constitution, whereas Delaware had five, whose names would today be recognized by very few.

NOT TREES OR ACRES

Confusion of qualitative and quantitative values, in Chief Justice Warren's opinion of June 15, leads to a tortured reasoning not likely to become more impressive as it is subjected to the test of time. The opinion relies, in large part, on that clause of the 14th amendment which says that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

Taking this clause out of context it is laboriously argued that equal protection is denied unless representatives speak for an arithmetically equal number of people. "Legislators," says the current judgment, "represent people, not trees or acres." That is the theory of pure democracy, which reduces individuals to so many faceless integers, to be electronically numbered and herded about like sheep. The theory of representative government is that those who make the laws should consider their constituents not merely in quantity but also in quality. Their interests, too, merit consideration and these include trees, acres, and countless other properties, tangible and intangible. To ignore these manifold interests is to debase human nature.

That is what happens when representative government concentrates wholly on democratic principles. But if it ignores these principles entirely it also ceases to be representative. By the latter mistake the States collectively have invited the further blow to their sovereignty that the Court has now delivered. In many of the local legislatures there has been no redistricting for decades, so that rural areas continue to dominate the State capitols in a manner palpably unfair to the swollen metropolitan ganglia. Chief Justice Warren points out that "the last apportionment of the Alabama Legislature was based on the 1900 Federal census, despite the requirement of the State constitution that the legislature be reapportioned decennially." Few would deny that the Supreme Court has both the authority and the duty to request a State to observe its own constitutional provisions.

Unfortunately, the decision in regard to Alabama and the five others goes far beyond any such timely admonition. It rules that both houses must be apportioned strictly on the basis of population, asserting that "the fundamental principle of representative government in this country is one of equal representation for equal numbers of people." If the U.S. Senate seems to refute this dictum it is because that body is a case apart, constituted not on the basis of logic but of compromise at the Constitutional Convention of 1787.

MORE THAN A CONVENIENCE

Compromise between the large and small States certainly played a part in the decision to make representation in the Senate equal for all, while adjusting it to a population ratio in the lower House. But the suggestion that this arrangement was merely a matter of convenience is not sustainable. When the Constitution was drafted many of the State legislatures already had senates formed on a geographical basis, regardless of population. And it was this arrangement that made the eventual equivalence of two Senators from each State in the Union not merely plausible but also logical. As Madison wrote, in No. 62 of the Federalist, "in a compound republic, partaking both of the National and Federal character, the Government ought to be founded on a mixture of the principles of proportional and equal representation."

Nor is it convincing for the Court to say that there is no analogy between the Federal and State Governments, and therefore a State senate based on geographic considerations "is impermissible." The Constitution does not concern itself with the organization of State government, except to guarantee that in each case the form shall be "republican." But the record shows that the counties were generally regarded as having the same relation to the States as these would have to the general government, with senates in both sovereignties serving as "an anchor against popular fluctuations." This is particularly emphasized in No. 63 of the Federalist, where Madison closes six arguments for a distinctive second chamber by saying: "It adds no small weight to all these considerations to recollect that history informs us of no long-lived republic which had not a Senate."

UNHEEDED ADVICE

Madison is discussing all legislative bodies, not just the U.S. Congress, when he argues for an upper house "distinct" and "dissimilar in genius" from the more numerically representative legislative chamber. Then comes a passage that is poignant reading in connection with the Supreme Court's decision of June 15. "This (distinctive senate) is a precaution founded on such clear principles, and now so well understood in the United States, that it would be more than superfluous to enlarge on it."

Since the Founding Fathers are practically ignored, it is scarcely surprising that the Warren opinion pays no attention to the arguments of John Stuart Mill, in his classic essay on "Representative Government." In this, first published in 1861, the reasons for bicameral legislatures based on differing principles are set forth in universal terms. In a passage that might have been written for the Warren court, Mills says: "It is important that no set of persons should, in great affairs, be able even temporarily to make their sic volo [thus I wish] prevail without asking anyone else for his consent." He then argues that the most effective check on legislative blundering is provided when the second chamber is organized on a wholly different principle from that of its opposite number. "One being supposed democratic, the other will naturally be constituted with a view to its being some restraint upon the democracy."

That, of course, is the principle of check and balance underlying bicameralism in the State legislatures as well as in Congress. To strike at that principle in the case of the States is to injure it for the Nation as a whole. With tiresome statistical detail Chief Justice Warren emphasizes that in the Alabama State Senate "members representing 25.1 percent of the people of Alabama" can theoretically control that body. This the Court calls "invidious discrimination." But it is also true that Senators representing only 16.4 percent of the people of the United States form a majority of that body. What is invidious for 50 Capitoline gees can scarcely be admirable for the more august gander who cackles across the park from the Supreme Court's majestic home.

A final flaw in the reapportionment policy that has been ordered is that it can never be accurate. In its 1964 opinion the Court takes statistics from the 1960 census to show disparities. But population changes daily. The most meticulous reapportionment during the next few months would be outdated when made, and continuously more so until replaced after the 1970 census.

So the assumption that "dilution" of a vote is unconstitutional leads on to the unanswerable question: How much dilution? As populaton mounts it would appear that the condition of the country steadily deteriorates. In the First Congress no Member of the House represented more than 30,000 people. Currently, with many more Representatives, the average is 1 for approximately 425,000. The only way to stop this progressive "debasement" would be to cut off all immigration and then exactly equalize the numbers of births and deaths.

NOT A RIGHT BUT A PRIVILEGE

Reluctantly the Court concedes that "it may not be possible to draw congressional districts with mathematical precision." And this is fortunate, since if it were possible the most dangerous flaw in the argument might be concealed by feasibility. Representative government, as Mill so cogently argued a century ago, is not a right but a privilege, successful only when voters are "willing and able to fulfill the duties and discharge the functions which it imposes upon them." To emphasize his point Mill was intentionally provocative. He would exclude from the franchise not only the illiterate and incompetent, but also all who receive any form of relief from public funds. He also advocated multiple voting by university graduates, on the dubious assumption that higher education would have improved their minds. "It is not useful, but hurtful, that the Constitution of the country should declare ignorance to be entitled to as much political power as knowledge."

A SUPERFLUOUS COURT?

Yet this, swinging to the opposite extreme, is precisely what the Supreme Court declares in its strongly egalitarian ruling. Equality means, literally, deficient in quality and to eliminate quality has never been a dominant American objective, in the choosing of legislative bodies or in any other function. Though "all men are created equal," in the sense of being entitled to equal social consideration and legal protection, they do not remain equal in their abilities and accomplishment. Equal opportunity has never implied that competition is undesirable. The customs and laws of the country have always encouraged individuals to "get ahead"—which means to become unequal.

Justice Harlan has the importance of excellence in mind when he warns that the reapportionment edicts have "portents for our society and the Court itself which should be recognized." We shall have a very different society if a dead level of mediocrity is successfully established as the national image. If the Federal structure is destroyed to gain this objective, there will no longer be any function for the Supreme Court. Its only constitutional purpose is to maintain the delicate balance between the National and State Governments. If the latter lose their autonomy the Court becomes superfluous.

There is no similar organ in the Soviet Union, where totalitarian democracy is triumphant, at the cost of representative government.

Implementing the one-man, one-vote thesis of the Supreme Court into workable plans of reapportionment has proved more than simply complex, as the following editorials indicate.

[From the New York Times, June 3, 1965]

IN THE NATION: THE GROWING REAPPORTIONMENT "THICKET"

(By Arthur Krock)

WASHINGTON, June 2.—The prophecy of the late Justice Frankfurter that the Supreme Court would find itself deeply entangled in a "political thicket" when it asserted jurisdiction over apportionment of State voting districts was emphatically verified in this week's related decisions. Expressing a variety of attitudes toward the confusion the Court itself has created among the lower judiciary and State legislatures, it—

Reproved one Federal tribunal and peremptorily sustained another.

VARIED ATTITUDES

Reversed the highest court of one State and admonished a Federal judge for supervening another.

Complained of the widespread resort to the Supreme Court, which its own preemption had made inevitable, of litigants in reapportionment disputes.

Denied an allocation of seats in the California State Senate that had been approved four times by a majority of the voters of that State.

The Supreme Court's reproof was addressed to a Federal district judge in Illinois who refused to stay his reapportionment order until due process had been completed in "appropriate agencies of the State," including its highest tribunal. The Court's sweeping endorsement was conferred on the California Federal judge who held that, despite the repeated popular endorsement of the reapportionment of the State senate, the plan was "invalid" under the key Supreme Court ruling. The highest State tribunal whose decision was reversed was the New York Court of Appeals, which ruled that the legislative reapportionment (plan A) enacted at the special session of the New York Legislature violated the State constitution. The Supreme Court's complaint against being showered with requests to take jurisdiction in disputes for which it said there is ample intrastate authority was stated in the Illinois ruling as follows:

> The power of the judiciary of a State to require valid reapportionment, or to formulate a valid redistricting plan, has not only been recognized by this Court, but appropriate actions by the States in such cases has been specifically encouraged.

EXEMPLARY ANOMALY

There can be few better examples of an anomaly where the source of confusion admonishes its victims. But until or unless Congress submits—and three-fourths of the States approve—a constitutional amendment curbing the powers over reapportionment which the Supreme Court has asserted, there is nothing the innocent victims can do about it. Yet such an amendment, now being pressed in Congress by Senate Majority Leader DIRKSEN, is being hotly opposed by the bipartisan liberal groups in the House and the Senate, and the biggest surprise of this political year would be even indirect endorsement of the proposal by President Johnson.

Some of the liberal opposition is based on the conviction that the Supreme Court's assumption of jurisdiction over State reapportionment established a basic principle of the American democratic system, however much it may lack the authority of the Constitution. Others are prepared for a last-ditch fight against the Dirksen proposal because they believe that the Supreme Court's action enhances their personal political prospects.

As for the Supreme Court's latest contributions to the confusion and inconsistency over reapportionment it has initiated. Justice Harlan stood alone in noting these growths in the political thicket which he and Justice Frankfurter prophesied with remarkable clairvoyance at its original seeding by the ruling of March 26, 1962, in *Baker* v. *Carr*. In dissenting, Justice Frankfurter wrote: "Disregard of inherent limits in the effective exercise of the Court's 'judicial power' * * * presages the futility of judicial intervention in the essentially political conflict of forces by which the relation between population and representation has time out of mind been determined (as recently as 5 years previous)."

HARLAN'S DISSENT

In commenting on yesterday's ruling concerning New York State reapportionment, Justice Harlan wrote: "I am wholly at a loss to understand the Court's casual way of disposing * * * of matter [which] bristle with difficult and important questions that touch the nerve centers of the sound operation of our Federal and State judicial and political systems * * * [and] surely * * * are deserving of plenary consideration and reasoned explication."

To "casual" he might truthfully have added "contradictory and confusing"; and also noted the curious blindness of the Court to its sole accountability for the whole mess.

[From the New York Times, July 11, 1965]

LAW: CONFUSION OVER DISTRICTING

John P. Lomenzo has a problem. He is the Secretary of State of New York and he is under a Federal court order to prepare a special legislative election for November 2. Ordinarily this would be an easy thing to arrange, an administrative matter that Mr. Lomenzo's staff could handle in due course.

But on Friday the Court of Appeals, New York's highest State court, told Mr. Lomenzo to disregard that Federal court order because there would be no election this fall.

THE UNIVERSITY OF MICHIGAN LIBRARIES

And then yesterday a Federal judge signed an order requiring those who oppose the election to explain in Federal court on Tuesday why they should not be stopped from impeding a fall election.

If you were Mr. Lomenzo would you be confused? For that matter aren't you confused anyway?

The fact is that all New Yorkers are today caught in a Federal-State judicial crossfire over reapportionment that could turn out to be as serious as it is now muddled.

Ever since the U.S. Supreme Court arranged for the political restructuring of the Nation by its "one-man, one-vote" ruling of June 1964, legislatures and courts over the country have been grappling with its implication.

But as in all other things, New York's troubles come in spades. After Barry Goldwater's overwhelming defeat in the State last fall, which wiped out Republican majorities in both houses of the legislature, the GOP proceeded in "lameduck" session to pass a series of alternative reapportionment plans.

The Democrats cried foul and promised to come up with a plan of their own as soon as they took office. In the meantime Federal and State courts were taking up the Republican plans. After a series of decisions, what finally evolved was that the Federal court gave its less-than-happy blessing to a formula called plan A, doing so only when the Democrats failed to come up with an alternative.

Under plan A a substantial part of the voting power now concentrated in upstate rural areas would be shifted to more populous cities and suburbs. It was designed to help the Republicans recapture the legislature.

The legal trouble with plan A, as both Federal and State courts agree, is that it violates the New York constitution, mainly by increasing the membership of the assembly from 150 to 165. On the other hand, the trouble with the legislature as it is presently constituted, is that it violates the U.S. Constitution's "one-man, one-vote" requirement.

The difference between the State and Federal courts' approach to the problem is that the Federal courts are unwilling to permit the present legislature to sit for another year in violation of the U.S. Constitution, while the State courts are unwilling to order an election that would violate State constitutional standards.

But on this point most lawyers agree that the supremacy clause of the Federal Constitution requires the conflict to be resolved in favor of the Federal Government. Indeed, the majority opinion in the court of appeals recognized this.

Then what is the problem? What went on in Albany on Friday?

In his 4–3 majority decision, Chief Judge Charles S. Desmond seemed to say that his court would order a fall election if there were "final and binding" Federal court orders requiring it.

But if this were all there was to it the issue could be settled by a new order, a relatively simple matter. Moreover, the attorney general's office insists that there was a "final and binding" Federal order.

There were indications that Judge Desmond meant more than this, however. For one thing, the three dissenters, led by Judge Stanley J. Fuld, cleary considered the decision a "direct conflict" with Federal authority. For another, there were passages in the majority opinion which could be read to mean that Judge Desmond would accept only a U.S. Supreme Court ruling as binding.

If that is the case, the matter could be settled by Justice John M. Harlan at his summer home in Connecticut. He could sign an order staying the effects of Friday's ruling until the Supreme Court can take up the matter in the fall, which would be too late to affect the election.

But if Justice Harlan refuses to stay the court of appeals ruling, then things could get rough. For example, if next week the Federal District Court reaffirms its order for an election, and the court of appeals does not then reverse its decision, what nobody wanted will have happened: a head-on collision between Federal and State courts.

If the New York situation on our eastern coast produced a knot of gordian description, a situation on our opposite coast brought similar upheaval. Despite the fact that the people of the State had long since agreed what form of legislature was best for them and their State, the High Court decisions denied their right to choose, and produced legislative chaos.

[From the New York Times, Oct. 9, 1964]

IN THE NATION—EFFECTS IN CALIFORNIA OF ONE PERSON, ONE VOTE

(By Arthur Krock)

WASHINGTON, October 8.—Congress adjourned without taking any legislative notice at all of the Supreme Court's requirement that henceforth the populations of the districts which elect members of each branch of State legislatures must be as "nearly equal as practicable." After many weeks of debate as to whether Congress should address the Court on the new apportionment rule of one person, one vote, and, if so, what the representation should be, the issue died in a Senate-House conference.

But it died because the House, which had legislated intrastate reapportionment out of the Supreme Court's jurisdiction, rejected a Senate resolution in which acceptance of the Court's assertion of this jurisdiction was implicit. And it seems certain that a strong effort will be made in the next Congress to submit the issue to the States in the form of a constitutional amendment embodying the principle of the House bill.

In promoting this effort a current study of the effects the execution of the Supreme Court's decree would have in California undoubtedly will be prominently cited. The study, endorsed by Chairman Edwin J. Regan and other members of the judiciary committee of the California State Senate, arrived in Washington too late for consideration before Congress adjourned. But meanwhile it will be widely circulated among those elected to Congress on November 3.

The limitations of this space prescribe the brevity of the following summary of the highlights of the document:

1. Beginning in 1926, the voters of California have three times approved the "Federal plan" (by which Members of Congress are chosen) in apportioning the districts which elect members of the State legislature: Those for the house based on population; for the senate, on geographic and county lines. The result has been that "a majority of the senate, no matter from which counties or districts, represents a major part of the State's area and, accordingly, a major part of its resources and interests. No legislative measure, unduly favoring a small part of the State or a few limited interests, and conversely no measure affecting the larger part, is likely to win a majority vote in the senate."

2. Problems of "serious magnitude" that could arise if equal population is the base of apportionment of the State senate seats include water development, taxation and education—"in all of which California long has been recognized as a national leader."

THREATS TO EQUITABLE GOVERNMENT

3. (Water). "A metropolitan population controlling all government power * * * and driven to desperate or short-sighted measures by pressing immediate needs," could grab all or most of the immediate water supply that originates in the northern counties. This is potential in the facts that the 4 southern counties which are the largest water-users, and cover only 2½ percent of the State's land area, contain 52 percent of the State population of 18 million.

4. (Education). Through action of State legislatures elected under the "Federal plan," the University of California has created "an educational system of balanced financial support and distinctive achievement in all parts of the State, not only at the university, but also at the State and junior college levels." Abolishment of the Federal plan could, as has happened in other States, destroy "those institutions situated outside the areas of concentrated population, or reduce them to mediocrity." And without the Federal plan "perhaps they would never even have been established."

5. (Taxation). Basing State senate election districts on population could make law of the theory, "often voiced" in the concentrated population centers, "that tax expenditures in a given area should equal the tax revenues from it." This would end the present legislative policy of collecting tax revenues on a uniform statewide basis and using them "in the interests of the State as a whole." This policy has made possible "the extensive * * * freeway systems in Los Angeles and San Francisco to ease their traffic problems—while at the same time avoiding neglect of rural needs."

The study is sure to appeal to Members of Congress from States of like diversity, especially since it approves whatever Federal action is required to compel decennial legislative reapportionment in States which have failed to do that.

[From the Washington (D.C.) Post, Jan. 21, 1965]

SPLIT CALIFORNIA?

California is the only State in the Union which appears to have given any serious thought to bifurcation as a means of meeting its reapportionment dilemma. The State has a precarious balance of power between its southern and northern portions for many years. Because of its dense population, Los Angeles County dominates the assembly. The senate has served as a check on the assembly because none of the 58 counties has more than one senator. This arrangement has led to fantastic inequalities of representation in the senate, but to eliminate the geographical basis for representation entirely, as the Supreme Court's decisions seem to require, would bring the State under the general domination of Los Angeles.

To many people in northern California this seems to be intolerable. If reapportionment of the seats in the senate is to wipe out the bargaining power they have in State affairs, they would rather see the State split in two. A substantial majority in the present senate has lined up behind measures to bring this about.

It seems highly improbable that the assembly will consent to this proposed political surgery. Even if it should do so, Congress would probably reject such a solution, and no State can be carved out of the territory of another State without the consent of Congress as well as the State legislature. Only one State—Virginia—has been thus divided, and that was under the pressures of the Civil War. Texas in coming into the Union reserved to itself the right of dividing into five States, but under the Constitution the consent of Congress would doubtless be essential to make it effective.

California is undoubtedly big enough for two States. In area it is more than three times the size of New York, the second most populous State. The proposed State of southern California would have more than 10 million inhabitants in seven counties; the northern State nearly 8 million in 51 counties. Each of the proposed States would have more population than North and South Carolina combined and several times the population of North and South Dakota combined.

Nevertheless, the splitting of a State because of antagonism and conflicting interests between its different segments would be a most unfortunate precedent. Despite the steam that has been built up behind the idea in the San Francisco-Sacramento areas, it does not afford a practical solution. But the predicament of California may serve to dramatize the case in Congress for some degree of flexibility in the distribution of seats in senates that serve large States of many diverse interests.

The requirements of fair representation of a large State containing areas of divergent and conflicting interests was well summed up by Colorado Governor John A. Love, in his statement before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee:

Statement of Hon. John A. Love, Governor of the State of Colorado

Governor Love. Thank you, Mr. Chairman, members of the subcommittee. I appreciate this opportunity to appear before the subcommittee and bring you some of my thoughts, but also, I think, perhaps more important, to talk to you a little bit about Colorado's reapportionment history, which I think points up the problem more clearly than perhaps any other State. I also think it is true that many of the things that prior witnesses have been talking about are demonstrated very clearly in the population distribution and in the geography of the State of Colorado.

First as to the reapportionment history, on June 15 of last year, in a companion case to *Baker* v. *Carr*, the Supreme Court decided the case of *Lucas* v. *Forty-Fourth General Assembly, et al.*, a case in which, as Governor of the State of Colorado, I was a party defendant. As you know, that case held unconstitutional and void a plan of legislative apportionment adopted by an overwhelming majority of the Colorado electorate less than 2 years earlier, and embodied in our State constitution. The voters of Colorado, in adopting the constitutional amendment which was overturned by the Supreme Court evinced, in my opinion, an appreciation of the diversity of our State and of the necessity of fair representation of the rural minority in our legislature. Our voters had a clear choice between a plan which apportioned seats for both houses of the legislature on a population basis only, and a plan which so apportioned the lower house, but took other factors into consideration in the upper house, the so-called Federal plan. In the election which was held in 1962, the voters in every county without exception, and by about a 2-to-1 majority on the statewide basis, adopted the second plan, the Federal plan.

Nevertheless, this plan was, as I said, declared to be violative of the Federal Constitution by the Supreme Court and we lost no time in complying with the Court's opinion. Pursuant to my call, on July 1, the forty-fourth general assembly of Colorado convened in its second extraordinary session of 1964. The first extraordinary session, held in April of last year, had seen the general assembly redistrict Colorado's congressional districts in obedience to the Supreme Court's mandate in *Wesberry* v. *Sanders*, 376 U.S. 1. The legislature thereby reluctantly destroyed the homogeneity of Colorado's unique western slope as a congressional district, represented by Congressman Aspinall. The second session passed a plan of reapportionment for the State legislature which was approved by the three-judge U.S. district court panel for the district of Colorado, and which I signed into law on July 8, 1964. We subsequently held an election in accordance with this plan. I think Colorado was the first State to comply with the Supreme Court's mandate.

Nevertheless, I appear here today to lend my support to the efforts of this committee to consider a means of allowing States to apportion at least one house of their legislatures by taking into account factors other than population alone. In this respect, I disagree with the philosophy of equal protection expressed by the majority of the Supreme Court, as well as with its reading of the legislative history of the 14th amendment.

I must disagree with this philosophy because it caused the majority of the Court to disregard the will of the Colorado electorate, which approved the plan of apportionment by a majority in every county of the State, in an election where all votes were given the equal weight now required by the Court's opinion. In effect, this opinion held that the majority of the voters in the urban areas discriminated against themselves in adopting this plan rather than one which apportioned both houses on a strictly per capita basis. In the words of Circuit Judge Breitenstein, writing for the majority of the court below in the Lucas case:

"The contention that the voters have discriminated against themselves appalls rather than convinces."

It is my firm belief that the Colorado electorate knew exactly what it was doing when it went to the polls in 1962, and I firmly believe that its decision thus to amend the constitution of the Sovereign State of Colorado should have stood unaltered, except by another vote of the people.

Gentlemen, I am a firm believer in the protection given to the citizens of the several States by the 14th amendment to the Constitution, and I would not favor any attempt to shrink its protection in any of the important areas of human liberty. But I do not believe that the framers of that amendment ever dreamed that it might be used to accomplish the results which the Supreme Court has reached in the past term. Mr. Justice Harlan's dissent traces the legislative history of the 14th amendment quite carefully, and proves beyond a doubt that it was not intended to deny to the States control over the franchise. Indeed, Mr. Justice Harlan's opinion quotes from speeches which state that while the speakers might personally prefer that the amendment give more protection to the franchise, that it would be impossible to obtain ratification by the required number of States of such an interference with their sovereignty.

But a majority of the Supreme Court having taken an opposite view, I am not here today to engage in a legal debate over issues which are now decided. Rather, it is my purpose to urge upon you the adoption of some form of relief which will return this Nation to the state of law which it thought existed for over 90 years, until this past June 15. As Mr. Justice Stewart stated in his dissent, over four-fifths of the States give effect to nonpopulation factors in apportioning seats in at least one house of their legislatures, indicating that there must be some very compelling and convincing reasons for a departure from the rule now declared by the Court. While I cannot claim to be an expert political scientist, or to be able to give you all the reasons for such a departure, I can, based on our own experience in Colorado, give you some of the reasons which a majority of the voters in every county in my State found decisive in 1962.

Mr. Justice Stewart's dissent gives an excellent one-paragraph description of the diverse nature of the State of Colorado, which I quote:

"The State of Colorado is not an economically or geographically homogeneous unit. The Continental Divide crosses the State in a meandering line from north to south, and Colorado's 104,247 square miles of area are almost equally divided between high plains in the east and rugged mountains in the west. The State's population is highly concentrated in the urbanized eastern edge of the foothills, while farther to the east lies that agricultural area of Colorado which is a part of the Great Plains. The area lying to the west of the Continental Divide is largely mountainous, with two-thirds of the population living in communities of less than 2,500 inhabitants or on farms. Livestock raising, mining, and tourism are the dominant occupations. This area is further subdivided by a series of mountain ranges containing some of the highest peaks in the United States, isolating communities and making transportation from point to point difficult, and in some places during the winter months almost impossible. The fourth distinct region of the State is the south-central region, in which is located the most economically depressed area in the State. A scarcity of water makes a statewide water policy a necessity, with each region affected differently by the problem."

Add to this diversity the fact, according to the 1960 census, the Denver metropolitan area contained more than one-half of the State's population and in listening to Governor Sawyer and considering other States, this is not too unusual across the United States, now—in addition to this, the three major metropolitan areas of Denver, Colorado Springs, and Pueblo contained two-thirds of the State's total, and you realize that if both houses of the Colorado General Assembly were apportioned solely on a population basis, that urban domination of the legislature can be so strong that the remainder of the legislators, representing one-third of the State's population, would barely be heard. Thus, serious problems confronting citizens in rural areas would, in all probability, not be given the time, study, and deliberation given to problems of more immediate interest to urban legislators and their constituents. In this respect, Colorado's problems are not unlike those of New York or Illinois, or even Arizona, where it is probable that one metropolitan area will now dominate both houses of the State legislature.

It is my feeling that the Legislature of the State of Colorado can best represent its citizens as a whole if the legislators individually represent homogeneous, identifiable groups of voters. This was also the conclusion of the majority of the Colorado electorate in 1962, including a majority in the so-called underrepresented Denver metropolitan area, which voted to give somewhat greater representation to many areas of the State than mere numbers would require. They did not intend to have legislators represent trees or acres, but people with distinct problems, backgrounds, and aspirations. These voters recognized that Colorado is made of many groups of citizens with diverse and often conflicting interests, and that these interests sometimes would be without any voice in our legislative councils if measured on a purely numerical basis.

Another reason which justifies departures from strict per capita representation in both houses is recognition of the fact that there may be times of stress and crisis when public feeling runs against a minority, when that minority needs the protection of the legislature. That protection is much more likely to be forthcoming when at least one member of the legislature has a significant number of such a minority among his constituents, than when the minority constitutes only a small fraction of a large, heterogeneous district.

I think it is true that in our history of government in this Nation, we have always expressed a concern that we be protected from what has been called at times the tyranny of the majority.

THE UNIVERSITY OF MICHIGAN LIBRARIES

In Colorado, at least, there is always a possibility that in some areas of legislation the majority of the population may treat the minority unfairly. This can be illustrated in the crucial area of transmountain diversion of our most vital natural resource, water. If the populous portion of the State east of the Continental Divide were to use its heavy representation solely in its own interest, it might divert so much water from the less heavily populated western slope of the mountains that this area's full economic growth and the development of its vast natural resources might be frustrated, thus preventing it from making its full contribution to the growth and welfare of the entire State of Colorado. Such a result can best be avoided by effective representation of western slope water interests. This calls for a departure from pure per capita representation.

The western slope, as I say, representing approximately half of the area of Colorado, contains only about 10 percent of its population. It contains most of the water. It contains great stores of natural resources, including oil shale. It has a great future which could be frustrated, theoretically and perhaps practically, under the apportionment plan which we have been forced to follow.

While each area of the State tends to have its own problems, the welfare and prosperity of each section affects the welfare and prosperity of the State as a whole. It is therefore, in the long-term interest of Denver's voters to have a strong and vigorous rural delegation in the Colorado Senate, despite possible temporary conflicts over water or other problems. Denver's voters recognized that fact when they went to the polls in 1962 to reject a plan which was based solely on population (and approved one taking other factors into consideration in apportioning the Colorado Senate).

As I stated earlier, Colorado has, since June 15, enacted into law a plan of apportionment complying with the Supreme Court's ruling in the Lucas case. The contrast between the senate, as apportioned under the new bill, and as apportioned under the plan adopted by the people in 1962, dramatizes the disadvantages of the rigid, nearly mathematical approach now required. An example of the problems created is in new senate district 35, covering the northwest part of the State. The district measures approximately 175 miles from east to west, and 140 miles from north to south, over rugged mountainous terrain. It contains 10 counties covering 20,514 square miles, an area larger than that of nine of our States. For example, this district is 10 times the size of Delaware, 4 times the size of Connecticut, and over twice as large as Massachusetts, Hawaii, New Hampshire, New Jersey, or Vermont. The district includes three major river basins, one to the east of the Continental Divide and two to the west. And yet, States smaller in area each have two Senators in the U.S. Senate, while the district in question has only one senator in the Colorado Senate.

Another example of the problems created by this new plan of apportionment is the treatment now accorded the San Luis Valley, in the south-central region of Colorado. The six counties in this valley are in the Rio Grande Basin, and are vitally concerned with water rights on the Rio Grande, and with Colorado's relationship with New Mexico, Texas, and Mexico, with respect to the Rio Grande. The rest of Colorado has no direct interest in this great river, whose waters are the economic foundation of the San Luis Valley. This area is also one of the most economically depressed of the State, and contains a high percentage of residents of Spanish-American heritage, with a relatively low educational level, and a relatively high State welfare load. This area, containing 38,000 persons according to the 1960 census, was formerly able to elect a senator to bring to the attention of the legislature its unique problems. But under the new per capita based apportionment, the legislature was forced to place the counties of the San Luis Valley in three separate senatorial districts, and the residents of this valley are in the minority in each district. This is a clear case of denying a minority any representation at all in one branch of the legislature; it hardly fits our traditional concept of representative government.

One of the districts into which part of the San Luis Valley, Saguache County, had to be placed, illustrates problems of another kind caused by per capita apportionment. District 30 consists of 9 counties, and extends over 150 miles from north to south, from Gilpin and Clear Creek Counties, former gold and silver mining areas now rapidly becoming part of suburban Denver, to Saguache County in the San Luis Valley, which is primarily dependent on agriculture. This district straddles the Continental Divide, and it contains approximately 33 peaks over 14,000 feet in height. It is drained by four river basins, the South Platte, the Arkansas, the Rio Grande, and the Gunnison. These areas have sharply conflicting interests, and no one senator can adequately represent all of them.

I hope that these examples of the problems we now face in Colorado make clear what the Colorado electorate recognized in 1962, and what most of our States have believed; that effective representation of the diverse interests of the people of the States, and of the States as a whole, is best achieved by representation of these separate interests, and not by overwhelming them in legislatures where their voice is so small as to go unheeded.

It has long been part of the American tradition to allow the several States to engage in experiments within the framework of our Constitution, such as Nebraska's adoption of a unicameral legislature. It is my belief that the framers of the 14th amendment, and certainly the States which ratified it, had no intention to disturb this freedom. Over the years, the systems of apportionment have varied from State to State in accordance with the particular needs and development of the various States. I believe it would be appropriate to restore that freedom of State action now.

There are a number of possible means of achieving this goal. I personally believe that at least one house of a bicameral legislature should be apportioned purely on a population basis, so that growing ubran areas will always be assured of sufficient representation to protect their own interests. This, coupled with the growing ability of urban areas to control the election of Governors in many States should provide ample protection against "minority rule."

My own preference for a remedy is a substantive amendment to the Constitution which would allow the States having bicameral legislatures, by this, I do not mean to limit it to that Senator HRUSKA—to give reasonable consideration to factors other than population in apportioning seats for one house. I would emphasize that I prefer the phrase "reasonable consideration" because I believe that such language would do no more than restore to the Constitution what most people thought to be its meaning ever since the adoption of the 14th amendment. "Reasonable consideration" would, as I understand it, allow the States to give reasonable weight to factors such as history, geography, economic interests, and effective representation of minority groups, without permitting arbitrary or "crazy quilt" apportionment. Such a standard would strike down any invidious discrimination against the majority, while accepting more variation from per capita representation than the Supreme Court would now allow.

The reason why I advocate such a modest amendment is that it would, I hope, allow the courts to protect the citizens of the States from any gross malapportionment of one house, of their legislatures, while still allowing the States maximum freedom to engage in the development of a variety of governmental machinery within the framework of representative government. Such an amendment would, I hope, incorporate the well-established standards which most of us thought governed "equal protection"; namely, that any deviation from absolute equality should have a rational basis in permissible objectives and not be simply arbitrary, or related to an invidious discrimination against any group.

It is not only the interests of individual voters who are affected by the new constitutional doctrine. The following article from Nation's Business presents a balanced analysis of some of the probable and demonstrated effects of the decision, in urging that final decision on their form of government be returned to the people of the several States.

[From the Nation's Business, December 1964]

How Reapportionment Threatens Business

"We're scared stiff of the damn thing and make no bones about it."

That's a blunt description of the reapportionment issue by Gwyn Thomas, Government affairs director for Associated Industries of New York, Inc. It reflects the concern of business across the country over the political revolution caused by the Supreme Court's mandate that State legislatures must be set up on a one-man, one-vote basis.

"No manager in New York State could plan with any reasonable certainty for future cost and future business expectations," the industry group's board of directors declared. "Such expectations would be subject to the political expediency of the metropolitan New York area and entrenched political majorities in all bigger cities."

Many businessmen elsewhere agree that court-ordered representation based purely on population threatens to wipe out traditional checks and balances which protect minority interests—business included.

Thus many businessmen are expected to support Senator EVERETT M. DIRKSEN's campaign next year to present the apportionment issue to the voters through a constitutional amendment.

If Congress passes legislation providing for such an amendment, the people can decide whether State governments can be apportioned as are the House and Senate in Congress.

Passage of the amendment would allow State voters to choose periodically whether to apportion one house on the basis of population and the other on additional factors such geography, economic interest, and tradition.

The issue is not minority versus majority rule, but effective representation of minority interests versus "winner-take-all" domination by highly concentrated urban voting majorities.

Reapportionment expert William J. D. Boyd, a senior associate with the National Municipal League, foresees a political battle involving more money than you've seen in a long time." Business and unions, especially in New York and Illinois are likely to line up on opposite sides.

A CASE OF POLITICS

Reapportionment, though decided in the courts, is pure politics. Robert G. Dixon, Jr., professor of constitutional law at George Washington University, remarks that "The political thicket has become no less political because the courts have entered * * * and in politics no one is neutral."

A Supreme Court ruling in 1962, widely interpreted as requiring one house of each legislature to be based on one man, one vote, raised little uproar. Many concede the ruling corrected glaring inequities of years' standing.

Sharper criticism, however, followed a ruling last summer that the voters of Colorado were flat wrong when they chose, in a referendum conducted on a one-man, one-vote basis, to apportion one house on population while giving weight to additional factors in the other.

Said Senator Jacob Javits of New York: "Many citizens find it difficult to understand why the U.S. Senate can be organized on a basis not of population and the other House on the basis of population, but the individual States, even if their people so elect—which I emphasize—cannot have the same privilege."

Many businessmen have been living with reapportionment campaigns long enough to assess the implications realistically in concrete business terms.

Observers have found, however, that many with a stake in the issue are unaware of it or regard the Supreme Court's ruling as beyond challenge. One political expert, who has discussed it privately with some business groups, shocks them with warnings of what could happen to leaders of legislative committees: "Some of these boys you've been giving boxes of cigars to for years are going to disappear."

The goals of organized labor pushing for reapportionment in industrial States give some indication of what's at stake.

This is clearly the case in Michigan, where the one-man, one-vote battle is familiarly known as the Gus Scholle suit, after August Scholle, head of the State AFL-CIO. Business expects an apportionment plan ordered into effect by the union-backed Michigan supreme court to give impetus to:

More legislation increasing control over business—regulatory activity giving a State agency, possibly an expanded department of labor, a fishing license to cast about in corporate files.

The unions' long-time goal of a corporate income tax and an individual income tax with high exemptions—in the $6,000 range—having the effect of a progressive State tax.

Expansion of unemployment and workmen's compensation, with increased coverage, higher benefits and lower eligibility standards.

Business in other States could feel the effects of another union drive—toward establishment of State-operated workmen's compensation funds.

The United Auto Workers, for example, have urged "establishment of an exclusive State fund in each State and elimination of private insurance companies in this field to stop their profiteering and the negative effects they exert on legislation."

Both of Michigan's Senators, Philip A. Hart, who was up for reelection, and Patrick V. McNamara, who was not, led the successful filibuster against efforts in the last Congress to give States a breathing period to adjust to the reapportionment rulings or press for a constitutional amendment.

In New York State, issues likely to be affected by reapportionment include unemployment and workmen's compensation, education, utility rates, regulation of utilities, banks and insurance companies, minimum wage and taxes, plus a long string of social and economic measures focused on urban problems.

New York City, for example, has been considering adoption of a payroll tax, which could not be imposed without State action. Some observers expect that greater urban strength in Albany would lead to income tax increases in the higher brackets.

Manufacturers fear that the same forces that twice won increases in the New York City minimum wage above the statewide level—both actions were ruled unconstitutional—would raise the State minimum if in control in Albany.

This would hurt, for example, the upstate textile manufacturer who has large numbers of apprentices and is already hard up to meet competition from imports.

HUGE URBAN ADVANTAGE

Thomas F. Moore, Jr., counsel to the New York Power Authority, has made estimates indicating that reapportionment on a strict population basis would give the city and suburban area of 2,100 square miles 95 assemblymen and 31 senators, compared with 55 assemblymen and 19 senators for the remaining 47,000 square miles in the State.

A major force in the New York reapportionment fight has been the International Ladies Garment Workers Union. David I. Wells, assistant director of its political department, estimates he has spent half his time and efforts on this issue for the past 3 years.

The union's interest is clear. For example, ILGWU Vice President Gus Tyler contends that the unemployment insurance tax, based on a firm's experience with layoffs, is a burden on small, unstable, seasonally fluctuating companies in the garment industry. They are hit with the highest taxes which they are least able to pay, he argues, in contrast to banks, utilities and insurance companies. Spokesmen for more stable industries counter that they already are subsidizing benefits for employees of high layoff operations.

Mr. Wells, who has written and lectured widely on reapportionment, notes that an unemployment insurance bill opposed by organized labor once passed the New York State Assembly by a vote of 81, representing 6.6 million citizens, to 64, representing more than 7 million.

"This means that the assemblymen who opposed the bill were actually speaking for almost a half million more people than the assemblymen who voted for it," Mr. Wells charges. "Yet the bill passed by 17 votes."

Much legislation never gets out of the labor committee in the Connecticut Assembly, according to Joseph M. Rourke, deputy director of the AFL-CIO's committee on political education and a member of the Connecticut Legislature. He speculates that a reapportioned legislature would pass the labor planks in the State Democratic platform.

Opposition to the latest batch of Supreme Court reapportionment rulings is not limited to advocates of the status quo or do-nothing State government.

One vigorous opponent is Robert Moses, head of the New York World's Fair, who has been associated with many major public resource development projects in his State for decades.

A key factor involves the characteristics of State legislators. Mr. Boyd observes that city types often have been mere political hacks, that urban seats in a legislature have been regarded not as steppingstones to political advancement but dead ends—a payoff for old Joe. But he contends that the corrupt city machines have been cleaned up since World War II and that the caliber of urban legislators is improving.

Senator Frank Lausche, of Ohio, puts it more bluntly: "I was mayor of Cleveland. If the city bosses were to get control of the legislature, I would fear it greatly."

Voters have rejected all-out one man, one vote in repeated referendums, observes Prof. Karl A. Lamb of the University of Michigan's political science department and a coauthor of "Apportionment and Representative Institutions: The Michigan Experience."

Professor Lamb tells Nation's Business that urban voters who oppose greater representation for their own areas seem dissatisfied with what they already have and don't want a whole lot more of the same.

Professor Dixon, who has a foundation grant to study reapportionment, offers another reason. A party with, say, 40 percent of the vote in a given district may become a "perpetually submerged minority" as the majority party with 60 percent of the vote repeatedly sweeps the field.

Such a minority might well wish to maintain reduced representation for its own district if its interests are better protected by members of the same party elsewhere in the State. These considerations were ignored by the Supreme Court in what Professor Lamb calls "a shocking assertion of judicial competence in redesigning democratic representational institutions."

Another view of the urban legislator is offered by John A. Skipton, public affairs manager for the Marathon Oil Co., Findlay, Ohio. He formerly served as State finance director and as director of the Ohio Legislative Service Commission, the research arm of the Ohio General Assembly.

Mr. Skipton says of one-man, one-vote reapportionment: "It changes the locale of power and how you acquire it.

"The man who has to appeal to an unrecognizable mass of voters will usually use the quick solution, the dramatic approach, the pass-a-law approach. From the legislative point of view, these people will be using legislation or government regulation as solutions to problems because this is a result they can ascribe to themselves rather than seeking solutions to problems outside the legislative area."

Government spending, mammoth public works, corporate income versus sales taxes—these are devices legislators use to keep in the public eye in urban areas were nobody knows anyone else, Mr. Skipton adds.

"This is not philosophical; this is the nuts and bolts of how a man gets elected in a metropolitan area."

These factors serve to strengthen the hand of the metropolitan news media, he adds, and that of organized pressure groups with pocketbook interests in specific legislative measures—groups needed to turn out the money and manpower to get a man elected in a city constituency.

Others argue that the statehouse attracts a higher caliber of legislator from the rural area, where a man gains more prestige from sitting in the legislature. A great fund of know-how among many long-term rural legislators would go down the drain if they were redistricted out of office.

Rural legislators are closer to their constituents, Mr. Boyd notes. "This is something that's going to pass and this is lamentable," he says.

Mr. Skipton says, however, that many members of the so-called cornstalk brigade in highly urbanized Ohio actually come from metropolitan areas.

Studies show that in Illinois and Missouri the failure of urban delegations to agree among themselves, rather than rural obstructionism, has blocked urban programs. This has led the rural forces to throw up their hands and say: If you boys ever figure out what you want we'll vote for it.

Unions argue that too many rural representatives are not farmers but smalltown lawyers on retainers from major industries in the States. In the same vein, Mr. Boyd observes that some United Auto Workers shop stewards sit in the Michigan legislature.

Some conservatives look to reapportionment as the route to revitalized State government, reversing or at least retarding the trend toward dependence on the Federal Government.

"Anyone who thinks this is going to stop the trend to Washington is out of his mind," Mr. Boyd declares. But he feels that more active State legislatures could slow the process and, by the example of successful State programs, influence the output of Congress. Other authorities add that many urban liberals would prefer to see things done in Washington on a philosophical rather than pragmatic basis.

Mr. Boyd says that reapportioned legislatures will not be hostile to business—with the possible exception of Michigan—and will be more sympathetic to business problems than is Congress.

In the South, generally speaking, pronational and governmental-activist factions will probably gain strength in both parties, according to Prof. Alfred de Grazia, of New York University. If this happened, it could lessen the region's attractiveness to business.

Professor Dixon warns that anyone with a stake in the issue should analyze census tracts and voting patterns to determine how any reapportionment scheme based strictly on population would affect the political balance of power in his locality.

He says gerrymandering is already in evidence, whereby areas heavily representing one party have been arranged to dilute minority strength.

For all these reasons many businessmen are supporting a constitutional amendment designed to supplant a Supreme Court ruling which Justice Stewart described as being without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage.

Adds a businessman from a major California firm: The voter has rights to be represented not only as a voter but as a member of three groups—stockholders, employees, and customers. Any curves tossed at business hurt all three.

Finally, Mr. Speaker, I will place in the Record one of the most objective and thoughtful statements I have seen. It was prepared for presentation to the subcommittee by Prof. Karl A. Lamb of the University of California. I am looking forward to hearing his testimony in subcommittee, but I feel every Member of this body will want to read and digest his views on this important subject.

I am an assistant professor of Government in Cowell College at the Santa Cruz campus of the University of California.

I speak as an individual citizen of California. However, State legislative apportionment has been my main research interest since 1960, when I was on the faculty of the University of Michigan, and I claim familiarity with the recent work on political scientists in this field. I contributed the chapter on Michigan to the book edited by Prof. Malcolm Jewell, whose testimony you heard previously.[1] I coauthored a book on legislative apportionment in Michigan.[2]

I will argue that those opposing and those favoring the Dirksen amendment are appealing to two of the main symbols which support the legitimacy of American government. Those symbols are, on one hand, the sanctity of the Constitution and the Supreme Court as guarantors of individual liberties; on the other, popular sovereignty within the various States. When applied to this issue, those symbols are in direct conflict. Until the basic nature of this conflict is recognized, the issue cannot be resolved on its merits. And the continued evocation of these powerful symbols may lead to at least a minor crisis in the legitimacy of American government.

I am convinced that those on both sides of the issue would agree on a single goal: to make representation within our State legislatures effective and responsive to the needs of a changing America.

They would further agree that the most pressing change is the rapid urbanization of the American population. State legislatures must win the consent of the people to difficult decisions with aims as diverse as the control of urban blight and the preservation of vanishing natural areas.

How can that consent be won? What constitutes fair representation in the mind of the individual citizen? The citizen, above all, wants to feel that his own voice can be heard. If he has some question to ask, some request to make, he wants a representative who must at least listen, or see that his letter gets answered. Beyond this, he may expect that his representative give due consideration to the claims of various organized groups to which, in our pluralist society, he gives his own allegiance. He may expect that his representative indicate familiarity with the problems of the district and community in which he resides. He may wish to "own" his own man, feeling that his own voice—or that of his race or his political party—is swallowed up in a large, heterogeneous district represented by several legislators.[3]

All of these attitudes are but aspects of the broader question of legitimacy. This concept is at least a thousand years old. One of its expressions was a slogan of the American Revolution, "taxation without representation is tyranny." A citizen owes his allegiance to a legitimate government. That government is legitimate when he is assured that its nature and procedures are determined by a higher law.

What are the sources of the legitimacy of American Government? Legitimacy is at heart a psychological assurance. A primary source of this assurance is the U.S. Constitution, a symbol of enduring majesty, interpreted by the Supreme Court, so that the rights of the individual may never be contravened by his Government.

State constitutions do not share in this mystique. They tend to be long, complicated, and burdened with statutory material. Most of them, however, were adopted by direct popular vote, and all but 14 of them can be changed by direct popular vote, through the initiative, the referendum, or both. Their constitutions are treated as quite malleable instruments by the people of the States. That of California has been amended 350 times since 1879. New Yorkers have changed their fundamental law on 133 occasions since 1894; Ohio, 88 times since 1851; and Colorado, 64 times since 1876.[4] The people of 19 States are granted direct influence upon the apportionment of State legislatures by their State constitutions.[5]

These 19 States provide specific applications of a more general symbol buttressing the legitimacy of American government. As citizens, we give allegiance to both Federal and State Governments because of our feeling that there are certain matters reserved to the States or the people in which the National Government, or any of its three branches, will not intervene. We know that the symbol of "States rights" is often invoked for unwholesome purposes by scoundrels. We know that many of the conditions which compelled the formation of a Federal Union are no longer operative. We also know that federalism is interlaced with American history and that its principles are taught in every classroom.

In this review of the symbols of legitimacy, we have yet to mention the notion that fair representation depends upon population equality in each legislative district. Yet this concept is now the law of the land. By considering the intellectual history of the concept, we may discover the unplanned manner in which these powerful principles of legitimacy came into conflict.

As America's people moved to the cities in the first half of this century, and then into the suburbs, the apportionment of legislatures was not adjusted to reflect the new distribution of population. The constitutions of most States stipulated that at least one house of the legislature should reapportion itself; in Tennessee, this stipulation was ignored for over 50 years.

Political scientists, journalists, and urban based interest groups such as the National Municipal League, discussed "rural domination" of our State legislatures. This motion became a prime tenet of the conventional wisdom concerning State government. It was based on fact, since many legislatures had failed to reapportion. But the conventional wisdom made the further assumption that this failure to reapportion was a principal cause of the multiplying problems and frustrations of our major cities. The most recent work of political science in this field indicates that this assumption of a casual relationship had little foundation in fact.[6]

The decision in *Baker* v. *Carr*[7] proved to be among the seminal of the decade. In terms of judicial business generated, its impact was astonishing. Baker was handed down on March 26, 1962; by October of that year, 70 cases were underway in 33 States; 39 in State courts and 31 in Federal courts.[8]

The Court was confronted with a dilemma. Baker had made apportionment a justiciable matter; it had not established standards by which lower courts could judge existing apportionments. The Court could offer some vague rule, such as a "rational pattern" or "without invidious discrimination." But this could lead only to the spinning of judicial wheels: the promise of relief implied in Baker would be withheld. A more certain standard was required.

The judges were being asked to value total systems of apportionment. Typically, plaintiffs filed complaints "in their own behalf and on behalf of all similarly situ-

---

[1] "The Politics of Reapportionment" (New York, 1961).

[2] Karl A. Lamb, William J. Pierce and John P. White, "Apportionment and Representative Institutions: The Michigan Experience" (Washington, 1963).

[3] Malcolm Jewell finds that, when southern legislators are chosen in large, plural-member districts, Negroes and Republicans are swamped despite their substantial numbers. See "State Legislatures in Southern Politics," 26 Journal of Politics 177 (1964).

[4] Council on State Governments, "The Book of the States, 1964–1965," p. 12.

[5] Library of Congress, Legislative Reference Service, "State Constitutional and Statutory Provisions for Popular Initiative and Referendum With Particular Reference to Legislative Apportionment" (1964) p. 2.

[6] David A. Derge, "Metropolitan and Outstate Alignments in Illinois and Missouri Legislative Delegations," 52 "American Political Science Review," 1051 (1958); John C. Wahlke, Heinz Eulau, William Buchanan and Leroy C. Ferguson, "The Legislative System" (New York, 1962); John C. Wahlke and Heinz Eulau (ed.), "Legislative Behavior" (New York, 1959); Gilbert Steiner and Samuel Gove, "Legislative Politics in Illinois" (Urbana, 1960); Murray C. Havens, "City vs. Farm" (University, Alabama, 1957); Thomas A. Flinn, "The Outline of Ohio Politics," 13 "Western Political Quarterly," 702 (1960); Robert S. Friedman, "Reapportionment Myth," National Civic Review, April 1960; and "The Urban-Rural Conflict Revisited," 14 Western Political Quarterly, 481 (1961); Robert H. Salisbury, "Missouri Politics and State Political Systems," in Missouri Political Science Associations Research Papers 1958 (Columbia, 1959); Alfred de Grazia, "Essay on Apportionment and Representative Government" (Washington, 1963), 96–128.

[7] 369 U.S. 186 (1962).

[8] New York Times, Oct. 21, 1962. Cited in Lamb, Pierce, and White, op. cit. p. 88.

THE UNIVERSITY OF MICHIGAN LIBRARIES

ated * * * voters."[9] In effect, the Court was being asked to find that the residents of cities, as a group, are being denied constitutional rights. In his Baker dissent, Justice Frankfurter held that this claim could only come under the purview of that clause guaranteeing to each State a "Republican Form of Government."[10]

Without presuming to read the minds of the Court majority, we must assume that they found the guarantee clause inadequate to this task. It has had little judicial exercise; the Court declined to define a "Republican Form of Government" in 1849,[11] and it has not taken on that task in the 116 years following. Such a determination would have brought the symbol of judicial review into direct conflict with the symbol of popular State sovereignty.

But another device was at hand. In a progression of cases, the Court had expanded the meaning and application of the 14th amendment, which provides that no State may "deny to any person within its jurisdiction the equal protection of the laws." This amendment clearly protects the rights of individual citizens vis-a-vis the power of their State governments. Application of the 14th amendment to the question of legislative apportionment required the statement of the eventual rule as a personal civil right. Although the Court cautiously decides no more than it has to, the logic of the course begun in Baker brought the Court to the declaration in Reynolds that "petitioners right to vote has been invidiously 'debased' or 'diluted' by systems of apportionment which entitle them to vote for fewer legislators than other voters."[12]

In order to predict the results of implementing this decision, political scientists must ask two questions:

1. What evidence supports the contention that districts of unequal population cause unfair and unjust representation—particularly an unfair representation of urban-based interests; and

2. What evidence supports the expectation that adjusting district boundaries to contain equal populations will ensure fair and effective representation?

Here we must confess to a major failing of political science. As recently as 10 years ago, writers in this field accepted at face value the conventional wisdom regarding the "rural domination" of State legislatures and selected glaring—but often atypical—examples to illustrate it.[13]

The result was that political scientists had simply not applied their growing methodological sophistication to the complex problems of legislative representation. This error is being corrected in response to the Baker decision, but the time-lag between the appearance of social science data and its acceptance by the legal fraternity is often very lengthy.

The Courts have widely accepted two particular measuring devices as evidence supporting the claims of plaintiffs for relief from unjust apportionments. These are (1) the range in population size between the smallest and the largest districts and (2) the "majority to elect" or Dauer-Kelsay scale.[14]

The first of these devices is hopelessly inadequate as an indicator of the effectiveness of an entire system of representation. Comparing the most populous district with the least populous district tells us nothing at all about the districts in between. In the language of the statistician, this is a misuse of the range to measure dispersion.[15] A study produced by the Legislative Reference Service of the Library of Congress warns that "[this] measurement is quite descriptive of extreme cases, [but] it indicates nothing about the other constituencies between the extremes."[16]

We can only be grateful that the U.S. Supreme Court has so far refused to state a standard of fair apportionment based on this measure.[17]

The majority-to-elect, or Dauer-Kelsey scale, is figured by adding the populations of all the smallest districts until a majority of the legislature is reached, to determine the smallest population that could, in theory, control the legislative business of a State. The words in theory are very important, for the Dauer-Kelsey measurement tells us something about the fairness of an entire system of representation only if the legislators from small districts habitually conspire to thwart the desires of the overpopulated districts. Professors Schubert and Press state that this assumption "is contradicted by all of the recent empirical research in legislative voting behavior with which we are familiar."[18]

The U.S. Supreme Court has not specified a mathematical standard defining fair apportionment. Yet the plaintiffs in nearly every case have relied upon these two highly questionable measuring devices. If some rule of thumb has guided the Court, its dimensions are as yet unrevealed.[19]

Realizing the inadequacy of all previous devices for establishing a standard which would facilitate the comparison of the legislature of one State with that of another, Professors Schubert and Press have devised a highly sophisticated measurement—so sophisticated that its application requires a year of work and three minutes of computer time. Their measurement takes into account such variables as the usually greater influence of the upper house in legislative business; the number of districts that contain very nearly their fair share of people as well as the range between largest and smallest; whether single- or multi-member districts are utilized; and the pattern of distribution of population centers. After correcting a coding error in the computation, Professors Schubert and Press were able to announce that, as of March 26, 1962, the State of Ohio enjoyed the services of the best-apportioned legislature in the United States, when judged by the "one man-one vote" standard applied to the 1960 distribution of population.[20]

This result was not necessarily intended by the Ohio constitution then in force, which guaranteed representation to each county. But it is interesting to note that this result was obtained in spite of the 15-to-1 range between the least and most populous districts. This can only be bitter news to Ohioans, whose legislature was upheld by Federal district court on the basis of the "Federal analogy." The Supreme Court found that analogy irrelevant.[21] The voters of Ohio have since rejected a new apportionment which meets more closely the standard of the Court. Opponents of this apportionment claimed that it was drawn in a manner favorable to candidates of the Republican Party.

This controversy would indicate that Ohio voters are aware that population equality among districts provides no guarantee whatever of fair representation of groups within the population—whether they be political parties, economic interest groups, or racial minorities. Schubert and Press concur.[22]

In order to consider the effects of "one-man one-vote" apportionment upon the perceived legitimacy of legislative representation, let us consider the example of Colorado. Although statehood did not come until 1876, the boundaries of Colorado were determined by exigencies of national politics as the U.S. Congress strove to prevent civil conflict by balancing a new slave Territory or State against a free area. Colorado's boundaries are completely artificial. No rivers or mountain ranges define the geographical integrity that is often considered necessary to the formation of a successful political system. On the contrary, the State is split down the middle by the massive peaks of the Continental Divide. Formerly impassable in wintertime, and difficult of passage in any season, this great mountain range divided Colorado into two halves. Commerce and communication of the eastern slope centered on Denver. The attention of the western slope turned elsewhere, often to Salt Lake City. Created for its own purposes by the National Government, Colorado was left alone to evolve its own political institutions. Popular participation has been lively; as noted above, Coloradans have amended their constitution 74 times since 1879.

Most recently, the people of Colorado—including a majority in every county—adopted the so-called Federal plan of legislative apportionment. The Supreme Court of the United States ruled that the people of Denver are constitutionally prohibited from voting against their own fair representation.[23]

This was a direct confrontation of the two symbols: the Federal Supreme Court versus the popular will of the State. Anger and frustration are the inevitable result of such a conflict. Gov. John A. Love, a Republican, and former Governor and U.S. Senator Edwin C. Johnson, a Democrat, both offered anguished testimony to the Senate Subcommittee on Constitutional Amendments. But Colorado lost no time in choosing the higher value: the legislature complied with the Court's order; it then memorialized Congress for the adoption of a constitutional amendment.

---

[9] *Reynolds* v. *Sims*, 377 U.S. 533, 537 (1964).

[10] U.S. Constitution, art. IV, sec. 4. Frankfurter's statement is at 369 U.S. 297.

[11] *Luther* v. *Borden*, 48 U.S. 1.

[12] As described in the dissenting opinion of Justice Harlan, *Reynolds* v. *Sims*, 377 U.S. 533, 590 (1964).

[13] See Gordon E. Baker, *"Rural Versus Urban Political Power"* (Garden City, New York, 1955).

[14] Manning J. Dauer and Robert G. Kelsey, "Unrepresentative States," National Municipal Review (December 1955) pp. 571–575, 587, as corrected in National Municipal Review (April 1956), p. 198. This work also belongs to the period before political scientists realized that the factual basis of the myth of rural domination required further examination.

[15] The wide use of this measurement by the courts, and its inadequacy for their purposes, is discussed in John P. White and Norman C. Thomas, "Urban and Rural Representation and State Legislative Apportionment," 17 Western Political Quarterly 724 n. 3. (1964).

[16] Library of Congress. Legislative Reference Service, "Methods for the Measurement of Legislative Apportionment Systems," Mar. 3, 1965, p. 4.

[17] In *Roman* v. *Sincock*, 377 U.S. 695, 710 (1964) the Court disapproved the suggestion of the lower Federal court that the most populous district should contain no more than one and one-half times the population of the least populous district.

[18] Glendon Schubert and Charles Press, "Measuring Malapportionment," 58 American Political Science Review 302, 305. The authors cite at this point the first six sources cited in note 6, supra.

[19] In *Lucas* v. *Forty-fourth General Assembly of Colorado*, 377 U.S. 713, 730 (1964) the Court noted that the Colorado House "is at least arguably apportioned substantially on a population basis" (with a population range of 1.7:1) but, at 734, declined to rule on the question. See also action in *Roman* v. *Sincock*, note 17 supra.

[20] Schubert and Press, corrected figures, 58 American Political Science Review 966 (1964).

[21] *Nelson* v. *Rhodes*, 378 U.S. 556 (1964), found the Ohio Legislature unconstitutional.

[22] Op. cit., p. 303.

[23] *Lucas* v. *Forty-fourth General Assembly of Colorado*.

THE UNIVERSITY OF MICHIGAN LIBRARIES

Governor Love has described some of the results of that compliance: Senate district 35, in the northwest Colorado mountains, is a single district containing 10 times the area of the State of Delaware, twice as large as Massachusetts or New Jersey. Or consider the San Luis Valley, economically depressed, containing many Spanish-American citizens, and bearing a high State welfare load. The 38,000 citizens of this geographically and economically homogeneous area formerly elected a single Senator. Now they are divided between three separate senatorial districts and are a minority in each.

This, I submit, is not the best way to maintain the symbol of the popular will as a pillar of the legitimacy of government.

The Supreme Court has decreed that those 38,000 persons in the San Luis Valley ought not to enjoy an advantage over the million-plus residents of Denver. This fact confronts us with a mystery: how can the voters of Denver County, or those of Los Angeles County, vote—as they have done—against increasing their own influence in their respective legislatures?

A solution to this puzzle is suggested in the work of Professors John White and Norman C. Thomas. They begin by pointing out that "popular analysis [of the *Reynolds* decision] stressed a major political victory of urban majorities over entrenched rural minorities." [24] Reminding us that the two devices used by the Court do not measure the representation of rural or urban populations as such, nor can they "help us to evaluate the decision of the Court in terms of the 'gravity of the evil' of rural overrepresentation," [25] the authors analyze every county in the United States and develop a device for measuring the extent to which counties classified by the Census Bureau as "rural" and "urban" are represented in the legislatures of their States. They discover that the effect of rural overrepresentation is greatest in those States which have very few urban counties. In 11 States, the apportionment in existence before 1962 strengthened the legislative power of an extant rural majority; in 13 States, an urban majority was transmuted into an artificial rural majority in both houses of the legislature; and an artificial rural majority was created in one house in six States. Since many of these States in which a good case can be made for "rural domination" are found in the South, a consideration of their nature is relevant to the claim advanced before this committee that ending "rural domination" through the application of the Court's equal populations standard may significantly increase the political influence of the Negro.[26]

Of more relevance to the rhetoric of urban-rural conflict, however, is the fact that in the remaining 20 States, an urban population majority yielded an urban legislative majority.

All of the larger States are in this last category. These States are "more able to absorb rural over-representation without disastrous dilution of the urban majority. California is the best example. In the California Senate, the rural population enjoys the greatest overrepresentation in the United States * * * yet because California is less than 14 percent rural," only 39 percent of the California Senators may be said to represent rural interests. Similarly, in Colorado, a 26-percent rural minority won but 39 percent representation in the Senate. In Ohio, a 27-percent rural minority was accorded a 38-percent representation in the upper house. The comparable figures for New York are 15 and 22 percent.[27]

We now have a plausible explanation for the actions of the voters in Denver and Los Angeles. It seems reasonable to assume that they voted against increasing their own representation because they did not perceive themselves as being disadvantaged by the existing arrangements.[28] And they were probably correct. But residents of the areas outside the principal urban area—as in northern California or western Colorado—are likely to resent bitterly the granting to the urban residents of their constitutional entitlement of representation.

Gentlemen, the best evidence that contemporary political science can offer supports the following contentions:

1. Apportionment in districts of equal population does not by itself guarantee fair representation.

2. The conventional wisdom regarding rural domination of State legislatures rests on shaky foundations.

The rhetoric of urban-rural conflict may be loudest in the most populous States, such as Michigan, California, New York, and Ohio. But these States will see the least shift in real political influence as a result of equal population apportionment.

Those who oppose the Dirksen amendment appeal to the symbol of the Constitution and the Supreme Court as the guarantors of personal liberties. Those who support the Dirksen amendment appeal to the sovereignty of State populations within the Federal system. The application of those two great symbols to this issue results in a direct conflict. That conflict creates a potential crisis in the legitimacy of American government.

The Constitution is what the Court says it is. When the judgment of the Court does not result in wise public policy, the Constitution may be amended, provided there is an overwhelming consensus in Congress and among the States that it be so amended.

I urge this subcommittee to report out a resolution, so that, in the vast arena of public discussion, such a consensus may be formed. But the responsibility of Congress extends much further. I suggest that any proposed constitutional amendment must itself serve to resolve the conflict between these two great symbols of legitimacy. Such an amendment should make clear that one house of a State legislature may be apportioned on the basis of factors in addition to population, if approved by vote of the people. But the question should be resubmitted to the voters at regular intervals so that no system of representation becomes frozen and unable to reflect population movements. Furthermore, the effects of all systems of apportionment should be specified as subject to judicial review, thus insuring the applicability in matters of representation of the 14th, 15th, 19th, or any subsequent amendment to the Constitution of the United States.

Thank you for permitting me to submit these views.

APPENDIX

On June 25, 1965, Mr. James Farmer, national director of the Congress on Racial Equality, testified before this subcommittee. He stated categorically that "the denial of equal representation to urban dwellers is most directly a denial of full citizenship to the Negro." [29] Mr. Farmer stated that this principle applies directly to the American South; and he cites percentage increases in the nonwhite urban population of five States: Alabama, Florida, Louisiana, Mississippi, and North Carolina.

It is instructive to compare the 1950 and 1960 percentages of nonwhite rural population in those five States with the results obtained by Professors White and Thomas: [30]

The representation of rural nonwhite populations in 5 southern legislatures

	Rural percentage of total population	Rural percentage of legislative representation—		Nonwhite percentage of rural population—	
		In lower chamber	In upper chamber	In 1950	In 1960
	(I)	(II)	(III)	(IV)	(V)
Alabama	[1] 45.15	[1] 60.41	[1] 60.09	30.68	28.96
Florida	[1] 26.05	[1] 51.94	[1] 50.54	21.78	16.31
Louisiana	[2] 36.73	[2] 44.77	[2] 43.67	36.15	33.46
Mississippi	[2] 62.31	[2] 68.04	[2] 75.89	48.19	46.09
North Carolina	[2] 60.55	[2] 70.30	[2] 66.25	26.60	25.40

[1] Artificial rural majorities in both houses.

[2] Rural majority is strengthened in both houses.

Several facts emerge. First, rural interests did hold a commanding position in the legislatures of those five States in 1962. Second, the non-white portion of the rural population is substantial in those five States and is not declining very rapidly. Third, rural Negroes could in theory have dominated the upper chamber of the Mississippi Legislature—with no help from city Negroes—under the apportionment in force before the Baker decision.

These figures suggest that, if the 1965 Civil Rights Act should magically destroy all barriers to Negro political participation, and if Negroes participated at the same level as whites, and were as effective in the country as in the cities, then the immediate political influence of Negroes would be greater under the apportionments preceding the Baker decision than under "one man, one vote." This would be true only if district boundaries were not recast to divide groups of newly participating Negroes between several districts.

Apportionment with districts of equal population does not by itself guarantee fair representation to any group or its individual members.

VOTING RECORD ON MAJOR LEGISLATION

Mr. McVICKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

---

[24] John P. White and Norman C. Thomas, "Urban and Rural Representation and State Legislative Apportionment," 17 Western Political Quarterly 724 (1964).

[25] Id., 725.

[26] See attached Appendix.

[27] White and Thomas, op. cit., p. 729.

[28] Technically, California voters retained the system initiated in 1926, while Coloradans chose between two new apportionments: A Federal plan and a straight-population plan. A further element of complexity was the use of multimember districts in the population-only scheme.

[29] James Farmer, "Testimony on Reapportionment Before the House Judiciary Committee," p. 3.

[30] Columns I, II, and III from White and Thomas, op. cit., table III, p. 729. Columns IV and V calculated from U.S. Bureau of the Census, Census of Populations, for 1950 and 1960.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. **McVICKER.** Mr. Speaker, unfortunately, because of serious illness in my family I could not be here last week.

I wish to place in the RECORD my position on the votes that were taken on major legislation.

Had I been here I would have voted as follows:

The conference report on H.R. 6675, medicare and other social security amendments, was agreed to in the House July 27. Had I been here I would have voted "aye."

The conference report on H.R. 7984, Housing and Urban Development Act of 1965, was agreed to in the House on July 27. Had I been here I would have voted "aye."

H.R. 77, repealing the right-to-work provisions of the Taft-Hartley Act, passed the House July 28. Had I been here July 26, I would have voted "aye" on the rule. On July 28 I would have voted "nay" on recommital, and on final passage I would have voted "aye."

The conference reports on three health bills, S. 510—health program extensions; H.R. 2984—health research facilities; and H.R. 2095—mental health staffing, were agreed to in the House July 27. All actions were by voice vote except H.R. 2985—mental health staffing. Had I been here I would have voted "aye" in support of all three measures.

H.R. 8283, the Economic Opportunity Amendments Act of 1965, expanding the poverty program, passed the House July 22. Had I been here I would have voted "aye" on final passage.

H.R. 8856, amending section 271 of the Atomic Energy Act of 1954, passed the House July 29, 1965. Had I been here I would have voted "aye."

H.R. 9026, amending the Peace Corps Act, passed the House by a voice vote July 29. Had I been here I would have voted in support of its passage.

H.R. 8310, amending the Vocational Rehabilitation Act, passed the House July 29 by a voice vote. Had I been here I would have voted in support of its passage.

HONORABLE JOSEPH CAMPBELL

Mr. **PATMAN.** Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **PATMAN.** Mr. Speaker, the Honorable Joseph Campbell, Comptroller General of the United States since December 14, 1954, tendered his resignation to the President of the United States on June 30, 1965, to be effective July 31, 1965. His health has been poor for several months and the advice of physicians prompted his decision. With his resignation the American people have lost a loyal and most capable servant, a servant who worked unceasingly to bring to our attention those activities in the Government which indicated a need for congressional review, correction, or change.

He has truly given substance to the needs of the Congress as contemplated in the Budget and Accounting Act of 1921. This act called for:

> The creation of an independent auditing department will produce a wonderful change. The officers and employees of this department will at all times be going into the separate departments in the examinations of their accounts. They will discover the very facts that Congress ought to be in possession of and can fearlessly and without fear of removal present these facts to Congress and its committees. The independent audit will, therefore, * * * serve to inform Congress at all times as to the actual conditions surrounding the expenditure of public funds in every department of the Government.

It has been well established that Congress intended that the Comptroller General should be a constructive critic, in his area of responsibility and something more than a bookkeeper or accountant. No matter which political party controls the Congress or the Executive, it is his responsibility to point to inefficiency so that it may be corrected.

The intent of Congress did not become a part of the law until 1945 when the Comptroller General and the General Accounting Office were declared to be part of the legislative branch of the Government. Later the Accounting and Auditing Act of 1950 (31 U.S.C. 65) specifically designated the Comptroller General an agent of Congress. Prior to 1946, the audit concept was relatively simple as compared with the current activities of the General Accounting Office. During fiscal year 1946, 43,672,262 vouchers were examined; and at June 30, 1946, 14,219 employees were on the payroll. This compares with a payroll of 4,350 on June 30, 1964.

The changed concept of how the Comptroller General and the General Accounting Office would best serve Congress was started under Lindsay C. Warren, Comptroller General of the United States from November 1, 1940, through April 30, 1954. He initiated a new approach and methods with emphasis on furnishing information and assistance to Congress.

Comptroller General Campbell brought to his position a wealth of experience. From 1924 to 1941 he held various responsible financial positions in private businesses and the public accounting profession. He became associated with Columbia University in New York City in 1941 in an administrative capacity. He resigned as vice president and treasurer of Columbia University when he responded to President Eisenhower's appointment to the Atomic Energy Commission in July 1953. Then following his loyal and commendable service, he was called upon again and became Comptroller General of the United States on December 14, 1954.

During his period in office, the General Accounting Office has changed, with emphasis on serving Congress promptly and efficiently with the use of professional personnel. The following comparisons will show the change in qualifications of persons employed as of June 30, 1956, and June 30, 1964: Certified public accountants increased from 288 to 393; other professional accountants from 1,019 to 1,701. During the same period, fiscal auditors, transportation auditors, and investigators were reduced from a total of 1,513 to 800 and the legal staff from 596 to 294. Other employees, mostly in supporting and clerical positions, were reduced in number from 2,136 to 1,162. In total, there were 5,552 employees on the payroll in 1956 and 4,350 in 1964.

The scope of the work performed by the General Accounting Office under the direction of Comptroller General Campbell during fiscal year 1964 is described in the introduction to his annual report for that year. His staff reviewed U.S. Government disbursements at 340 locations in 41 foreign countries and about 2,400 locations in the United States. Estimated financial benefits to the taxpayers amounted to more than $300 million.

The Transportation Division audited almost 5 million bills of lading and issued claims against the carriers for overcharges of more than $11 million.

The General Counsel's office handled 5,330 decisions and related matters. Among these were 788 legislative or legal reports to committees or Members of Congress.

The Auditing Division issued more than 1,000 audit reports to Congress. Roughly, half of these reports were in response to requests by congressional committees, officers of Congress, or individual Members of Congress. In addition, over 9,000 man-days of technical assistance were provided to congressional committees.

A few months ago a leading newspaper columnist noted that Comptroller General Campbell has done a fearless job regardless of whether his reports criticize Democrats or Republicans. His leadership has been extremely demanding for him, his integrity and courage have been an example to all. We all salute him on his retirement and hope for his prompt recovery. We hope further that his health will permit us to call upon his experience and wisdom for advice in the future.

VOTING RIGHTS

Mr. **CRAMER.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **CRAMER.** Mr. Speaker, pursuant to my discussion on the floor of the House of a letter which was before the conferees, I sent the following wire to the Honorable Nicholas deB. Katzenbach, Attorney General of the United States:

AUGUST 3, 1965.

Hon. NICHOLAS DEB. KATZENBACH,
Attorney General of the United States, Department of Justice, Washington, D.C.:

As I stated on the floor of the House, and I understand you were present in the gallery, I was going to demand of the writer of the letter which I referred to, dated July 29, 1965, and which was quoted in the conference on the voting rights bill in toto last Thursday relating to a major matter before the conference and quoting one of the civil rights leaders, be made public. Since that time, the press has acquired some information concerning the letter, including who the writer was; namely, yourself, and I am, therefore, addressing this telegram to you asking that the entire letter be made public immediately.

I consider this matter within the public domain, but in keeping with your request in the letter that it not be made public, I am willing to give you a reasonable opportunity to do so yourself. If this is not done, then, of course, I will feel free to make the letter public myself in that I believe it to be in the public domain and a matter concerning which the House should be fully advised. The press apparently has acquired from other sources certain selected quotes from the letter and I think it is imperative that the entire letter be made public.

William C. Cramer,
Member of Congress, Florida.

MINIMUM WAGE BILL

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, the House General Labor Subcommittee will report tomorrow morning a minimum wage bill which I feel will probably affect nearly every Member in one way or another. I would, therefore, like to make the suggestion that if you have any questions from constitutents or questions of your own, if you wish to get our explanation of the bill, we will be happy to give you such explanation directly and if enough of you wish to do so following consideration of the bill by the full committee, I would be delighted to obtain a special order for the purpose of answering as many questions as possible at that time if you would be good enough to let me know.

A BILL FOR THE RELIEF OF MR. JUAN A. DEL REAL

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CURTIS. Mr. Speaker, I am today introducing a bill in behalf of Mr. Juan A. del Real, a Cuban refugee who is graduating from St. Louis University Law School in February of 1966. Because of the dilemma of the requirements for admission to the Missouri Bar Association and their interrelationship with the naturalization laws, Mr. del Real finds that he could not practice law for a period of approximately 8 to 9 months.

Mr. del Real's case is one that has its counterpart in most of the States of our country. The bar associations of States like Missouri require that a person must be a citizen of the United States before he is admitted for membership.

After leaving Cuba in November of 1960 because of the existing political situation there, Mr. del Real declared himself a political refugee. He married an American girl and lived in St. Louis until November of 1963. When he made inquiries about becoming an American citizen, he was told that the time he had spent in this country as a refugee would not count toward the 3-year period of time necessary for the spouse of an American citizen to become naturalized. Due to this fact, he left the United States and went to the Dominican Republic where he applied for and was granted a residence visa. He reentered the United States on November 7, 1963, as a permanent resident.

Although Mr. del Real has already spent over 3 years in the United States, most of the time did not count toward citizenship since he was a refugee; and he will not be entitled to U.S. citizenship and membership in the Missouri Bar Association until November 7, 1966, about 9 months after his graduation from St. Louis University Law School. It is for this reason I am introducing a bill which would have the effect of holding that the time he spent in this country as a refugee will be considered in compliance with section 316 of the Immigration and Nationality Act as it relates to residence and physical presence. Of course, the bill would have to be approved before or soon after February of 1966 in order to prove beneficial. If it were not approved, Mr. del Real could not practice law for about 9 months between the time he graduates in February of 1966 and the time he would normally become a citizen of the United States in November of 1966.

THE 175TH ANNIVERSARY OF THE U.S. COAST GUARD

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Bates] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. BATES. Mr. Speaker, tomorrow, August 4, 1965, will be the 175th anniversary of the founding of the U.S. Coast Guard at Newburyport, Mass., in my congressional district. I intend to participate in the ceremonies there, which will be highlighted by the Post Office Department's first day of issuance of a 4-cent commemorative postal card honoring this milestone in the annals of our great principal agency for maritime safety and marine law enforcement.

Last week, the Congress enacted a joint resolution (S.J. Res. 83) which it was my privilege to cosponsor, authorizing the President to issue a proclamation calling for nationwide recognition of the first century and three-quarters of the Coast Guard's dedication to humanity through the saving of life and property at sea. In Massachusetts, by proclamation of Governor John A. Volpe, tomorrow is being observed as U.S. Coast Guard Day.

Inasmuch as circumstances prevented President Johnson from issuing his proclamation until today, I not only plan to quote it at Newburyport tomorrow, but I believe that inclusion of its text in the Record will help to emphasize the importance of its message on the eve of the occasion we are celebrating. Therefore, I am at this point inserting the President's proclamation, together with the Massachusetts Governor's proclamation, as follows:

Proclamation Commemorating the Founding of the Coast Guard by the President of the United States of America

Whereas each year, the lives and property of thousands of people are protected or saved by the vigilance and alertness of the Coast Guard; and

Whereas the enforcement of U.S. law afloat and the protection of the integrity of U.S. shores are key responsibilities of the Coast Guard; and

Whereas the safety of the U.S. merchant marine and numerous pleasure craft operating in our waters and on the high seas is of primary concern to the Coast Guard through the establishment and maintenance of requirements for seaworthiness, proper equipment, qualified personnel, and the system of aids to navigation; and

Whereas the Coast Guard maintains a state of readiness as a branch of the Armed Forces; and

Whereas August 4, 1965, marks the 175th anniversary of the founding of the Coast Guard, the Nation's oldest, continuous, seagoing service; and

Whereas it is fitting that the Coast Guard receive the recognition and support of all citizens in the accomplishment of its many tasks;

Whereas the men of the Coast Guard who are called upon to act in situations of stress and danger draw a great part of their strength and courage from this recognition and support; and

Whereas the Congress, by a joint resolution approved August 3, 1965, has requested the President to issue a proclamation commemorating the 175th anniversary, on August 4, 1965, of the founding of the U.S. Coast Guard at Newburyport, Mass: Now, therefore,

I, Lyndon B. Johnson, President of the United States of America, do hereby call upon the people of the United Stats to observe the 175th anniversary of the Coast Guard on August 4, 1965, with appropriate ceremonies and activities.

I also urge appropriate State and local officials, as well as public and private organizations, to join the observance of this milestone in the history of the Coast Guard.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Lyndon B. Johnson.

The White House.

A Proclamation by His Excellency, John A. Volpe, Governor, 1965

Whereas the U.S. Coast Guard, our oldest continuous seagoing armed service, by its vigilance and alertness each year saves hundreds of lives and millions of dollars in property; and

Whereas the Coast Guard is our principal agency for promoting marine safety and law enforcement in all its phases, including the merchant marine as well as the hundreds of thousands of recreational boatmen who annually throng our waterways; and

Whereas the Coast Guard, as a member of the U.S. Armed Forces, maintains itself in a state of constant military readiness to assist in the defense of our country; and

Whereas August 4, 1965 marks the 175th anniversary of the founding of the Coast Guard at Newburyport, Mass.; and

Whereas the U.S. Coast Guard depends upon the wholehearted support of all our people for the successful discharge of its many duties: Now, therefore,

I, John A. Volpe, Governor of the Commonwealth of Massachusetts, do hereby proclaim the day of August 4, 1965, as U.S. Coast Guard Day and urge all citizens of the Commonwealth to take cognizance of this event, in commemoration of the 175th anniversary of the U.S. Coast Guard, and to appropriately participate in its observance.

By His Excellency the Governor,

John A. Volpe.

Kevin H. White,

Secretary of the Commonwealth.

PERSONAL ANNOUNCEMENT

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. Hansen] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. HANSEN of Idaho. Mr. Speaker, yesterday during the consideration of Senate Joint Resolution 81 to increase the amount authorized for the Interstate Highway System for fiscal year 1967, I was called off the floor by a constituent and missed the rollcall vote. Had I been present I would have voted against the resolution. I favor the additional funds to continue the program and I favor safety on the highways. However, I object to that section which gives the Secretary of Commerce final authority in this matter.

A SPECIAL BIRTHDAY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Conte] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CONTE. Mr. Speaker, it is a great pleasure for me to inform my colleagues of a very special birthday celebration this weekend. It will take place in a picturesque community in the northwest corner of Franklin County, Mass. It will be large—everyone in the town has been invited. It will be long—it begins on Friday and does not end until Sunday night. And, it will be significant—it marks the 200th anniversary of the incorporation of Charlemont, Mass.

I had hoped, Mr. Speaker, to share this historic occasion with my neighbors in Charlemont. However, legislative duties will take me elsewhere, and so I want to spend a few minutes today taking note of some of the outstanding events in Charlemont's early history.

The story begins on June 27, 1735, when the House of Representatives of the Massachusetts Colony granted to the town of Boston three tracts of land in western Massachusetts, one of which, Boston Township No. 1, later became Checkley's Town and finally Charlemont. The grant stipulated that within 5 years the city of Boston should settle at least 60 families in the township, build a meeting house and a school, and secure a minister to preach the Gospel. The land was surveyed in 1736, but no attempts at settlement were made. Instead, the selectmen sold the town the following year to John Read, Esq., for £1,020.

Read sold it to John Checkley and Gersholm Keyes, who in turn divided it up and sold parcels of it to others, and so the story went. The purchasers were interested in speculation rather than in settlement, and so the greenhills of Charlemont remained untouched for 8 years after the township was established.

A "Historical Discourse" delivered by Joseph White of Charlemont in 1858, now in the Library of Congress, describes well the first settlement of Charlemont. White says:

> This quiet valley, now so beautiful with its garniture of green, and these guardian hills, still bore up the ancient forest. But the time appointed for a wonderful change was at hand. The ax was now to be laid at the root of the giant trees; the blue smoke was now to curl from the low cabin of the pioneer; and the voice of industry, and the notes of prayer and praise, were now to arise; and the long, dark reign of wild beast, and wilder man, not without a bitter struggle, was soon to cease forever. The first settler—the patriarch of the valley—was on his way. In the spring of 1743, if not, indeed, in the previous autumn, Moses Rice, of Rutland, in the County of Worcester, removed with his family to the town and settled upon the tract which he had previously purchased.
>
> It is quite probable that Captain Rice and his sons had visited the place during the previous summer, and begun the work of preparation; had cleared portions of the meadow and prepared them for cultivation; had hewn the timber, and, perhaps, erected the house which was to be his future home. This supposition receives some support from the statement of his son, Sylvanus Rice, handed down to us by his daughter, the late Mrs. Fuller, that "he had slept under the buttonwood tree," still standing by the roadside, near the dwelling of Mr. William Patch, "when there was no other white person in town."
>
> Feebly, indeed, can we of the present generation conceive of, and, much less, adequately appreciate the difficult and exhausting labors, the privations and hardships experienced by the little band of hardy adventurers who leveled the primeval forests and turned the first furrow in these peaceful fields, which now smile, in quiet beauty, beneath our eyes. Yet, with strong hands and resolute hearts, the father and his youthful sons went to their work. The forests retreated before them; the harvest was gathered; comforts were multiplied; the signs of plenty increased; and a prosperous and smiling future seemed before them.

But in 1744 hostilities broke out between Great Britain and France, and savage Indians were incited by the French against the English colonists. They came down Lake Champlain to Crown Point, followed Otter Creek to the highlands of Vermont, whence they split up into small parties and proceeded along the Hoosic, Deerfield, and Connecticut River valleys until they reached the infant English settlements. The English defense consisted of a chain of forts along the northern border of Massachusetts, garrisoned by small parties of soldiers from the colony. The most important post, Fort Massachusetts, located at the northern base of Saddle Mountain in the Hoosic Valley, was under the command of Col. Ephraim Williams, benefactor of the college in Williamstown which bears his name.

Despite the threat of danger from the north, Rice continued to cultivate his fields. Since his home was on the route from Deerfield to Fort Massachusetts, it was a frequent stopping place for colonial soldiers, and a welcome refuge for small parties of scouts engaged in their dangerous marches.

Fort Massachusetts fell on August 20, 1746. The small garrison of 22 men fought bravely for 28 hours, after which they were forced to surrender from lack of ammunition. During the same week, Moses Rice moved his family to Deerfield. This prudent retreat saved their lives, for when Rice returned a few days later, he found his home burned to the ground. His provisions were gone, his cattle slaughtered, his hay, grain, and farming tools destroyed. With a broken heart he took his wife and children home to Rutland, where they remained for the duration of the war.

But such was the courage and resolve of that sturdy pioneer that he eventually returned to his desolate homestead. A new house erected on the site of the old one, and a separate dwelling was built nearby for his son Samuel, who by now had three sons—Moses, Asa, and Martin. This time two other families joined the Rices. Othniel Taylor and his brother Jonathan arrived about 1749; Gershom, Joshua, and Seth Hawks, probably with their father Eleazer, came in 1750.

In the summer of 1752, the three families sent Captain Rice to Boston to petition the general court for relief. Rice's petition stated in part:

> He and several others, knowing the conditions of the grant, and expecting it would be complied with, purchased a part of said township and became obliged to settle the same agreeable to the conditions of the grant, and have made considerable improvements; but, by reason of the negligence of the other proprietors, are brought under great and insupportable difficulties and hardships, not being able to support the ministry, build mills, or even mend the roads and make suitable bridges (the nearest mill being 20 miles distant). Your petitioner, therefore, in behalf of the inhabitants of said township, humbly pray that your honor and honors would take their case into your wise and compassionate consideration, and grant a tax on the lands of the nonresident proprietors, in order to carry on the settlement; or relieve the said inhabitants in such way as your honor and honors shall think reasonable. And as in duty bound will ever pray.

The general court hastened to assist the settlers. A tax of 1 penny per acre was levied, the proceeds of which would build a meeting house, support preaching, and encourage the construction of roads and mills. Moses Rice was designated to call a town meeting, at which a clerk, treasurer, assessors, and other necessary officers would be chosen. Rice was also granted 100 acres of land at the south end of the township "in consideration of his services for the Government, and the losses he sustained."

Rice's new land was surveyed by Mr. Joseph Wilder, who had recently purchased all of the unsold land in the township. He moved to Charlemont from Lancaster, and settled in the northern section of the town. Around him grew up a group of men mostly from Lancaster and Leominister, and Mr. White's narrative reports that "in the proprietary and town meetings of subsequent years—they—were designated by the river men as the Lancaster party."

Mr. White goes on to tell of the early town meetings, at which Captain Rice presided as moderator. Committees were formed to collect taxes, lay out roads, and secure a preacher. At one meeting it was voted to pay "Mr. Aaron Rice, who hath built a corn mill in said town, which is allowed by the proprietors to be of public use for the town, £170 old tenor, in part satisfaction for building said mill provided the said Aaron Rice will give a sufficient obligation to the propriety to keep said mill in repair, and grind at all convenient times for the proprietors, taking one-sixteenth part for toll, and no more; and to keep said mill in repair for the space of 10 years from this day."

Thus the little settlement, so long in getting its start, began to prosper under its organization as a propriety or plantation. But it was destined to receive one more serious blow before its success could be firmly established. In 1754, the smoldering conflict between the French and English burst into flames again. It was the final struggle for possession of a rich new land, made more intense by the conflict between Catholic and Protestant religious backgrounds and opposing nationalities. The French cemented their relations with the Indians of the Northeast in preparation for a massive and deadily assault, while the English settlers repaired their old defenses and stood ready for war.

Charlemont took measures to protect herself. Captain Rice and his sons fortified their homes, and other residents moved their dwellings together and enclosed them with pickets. The defenses were made at the settlers' own cost, and no soldiers were furnished to provide additional protection. The settlers kept a constant vigil, and worked with muskets in hand, while women and children never left their homes unguarded. One day, tragedy struck. Mr. White's narrative provides a vivid description:

> On Wednesday morning the 11th day of June 1755, Captain Rice, his son Artemas Rice, his grandson Asa Rice—a boy 9 years of age—Titus King Phineas Arms, and others, went into the meadow which lies south of the present village road, having Millbrook on the east and Rice's brook on the west, for the purpose of hoeing corn. Captain Rice was plowing and the boy riding the horse; the others were engaged in hoeing, except one who acted as sentinel—passing through the field, from brook to brook, with musket in hand, while the firearms of the others were placed against a pile of logs near the western brook. This, instead of flowing in a direct line to the river, as at present, entered the field at some distance below where the road now runs, and passed in a southeasterly direction nearly to the mouth of Millbrook. Meanwhile a party of six Indians, as tradition informs us, having carefully observed their victims from the neighboring hill, stole cautiously down the western brook; and, concealed by the thick brushwood upon its banks, watched till the working party were near to Millbrook and farthest from their firearms, when they suddenly fired and rushed upon the defenseless party.
>
> Arms fell dead in the cornfield; Captain Rice received a severe wound in the thigh and was taken prisoner, together with the lad Asa upon the horse, and Titus King, a young man, and a relation of Captain Rice. Artemas Rice escaped after a hot pursuit, and reached Taylor's Fort at noon. The inmates of the house in the adjoining field, hearing the firing, fled to the fort.
>
> The Indians, however, made no further attack, but withdrew with their three captives to the high plain in the rear of the present public house. Here the aged and wounded man was left alone with a single savage, to meet his fate. After a fearful struggle, he fell beneath the tomahawk, and was left, scalped and bleeding, to die. Late in the day he was found yet alive, and brought to his son's house, where he expired in the evening.
>
> The other prisoners were led to Crown Point, and thence to Canada. The lad was ransomed after a captivity of 6 years.
>
> King was carried to France, thence to England, whence he, at length, returned to Northampton his native place.
>
> On receiving the alarm, Mr. Taylor hastened to Deerfield for succor, and returned the same night with 25 men. They proceeded up the river in the morning to Rice's fort, but only to witness the desolations of the preceding day, and to render their kind offices to the stricken family in the burial of the dead. Sad, indeed, was this the first burial day in Charlemont; sad, when sons and daughters, and their little ones, looked for the last time into the mangled face of the aged sire, and buried him in silence and gloom beneath his own soil. His grave was made upon the slope of the hill near his dwelling; and here also, by his side, they buried the young man, Phineas Arms, who had fallen with him in the field.

Fortunately, this was the last time that Charlemont was exposed to the horrors of Indian depredation. The tide was turning and the French and Indians were forced to hasten back to defend their own territories on Lake Champlain and in Canada. In September 1759, Quebec was taken, foreshadowing the ultimate defeat of the French. In 1763, by the Treaty of Paris, France lost forever her foothold on American soil.

For the next 3 years Charlemont grew and began to prosper. There were new town meetings, and the projects begun before the war were resumed and completed. On June 21, 1765, in response to the petitions of the settlers, Charlemont was incorporated as an independent township.

So, Mr. Speaker, that is the story behind the birthday celebration this weekend. It is a fine story, and I think you will agree that there is much to celebrate. I hope that my colleagues in Congress will join with me in sending our warmest best wishes to Charlemont on this, her proud and historic 200th birthday.

EMPLOYEE PENSION AND WELFARE FUNDS

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Reid] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. REID of New York. Mr. Speaker, today I am introducing a bill along with the distinguished gentleman from New York [Mr. Halpern] to provide for more effective regulation of employee pension and welfare funds. A similar bill has been introduced in the other body by Senator Jacob K. Javits.

This bill will not affect those unions and/or companies which are administering welfare and pension funds in accordance with customary fiduciary standards—it is aimed solely at those unscrupulous persons who would deprive employees and union members of the benefits earned by long years of service.

The bill would amend the Taft-Hartley Act to:

First. Prohibit any officer of a firm or a union from receiving, directly or indirectly, any money other than normal pension benefits from an employee benefit fund.

Second. Insure that all fund assets will ultimately be distributed to the beneficiaries of the fund and not diverted for any other purpose, or to the personal use of those in control of the fund and prohibit the transfer of fund assets outside the United States.

Third. Extend existing Federal law and regulations so that they cover all employee benefit funds, whether or not they are established jointly by labor and management.

Fourth. Authorize the Secretary of Labor to sue in Federal court to regain illegally diverted assets for the fund, to restrain such diversions or to compel payment of benefits, and to put the fund into receivership if necessary.

Fifth. Allow individual beneficiaries to sue in Federal court to recover benefits or to protect or recover the fund's assets.

It is shocking that there are loopholes in existing law which would allow the misappropriations of employee benefit fund assets. Yet, such appears to be the case. During hearings recently held by the Senate Permanent Investigations Subcommittee on the administration of welfare and pension funds, it was revealed that a "union officer transferred several million dollars in trust fund assets arising out of a union welfare fund to a dummy corporation organized in Liberia and completely controlled by union officers who have the power to dissolve that corporation at any time and to distribute the assets to themselves." According to the Department of Justice and the Labor Department, this is probably within the law. It should be corrected.

The bill, I propose, would close these loopholes and in addition would provide a battery of procedural avenues of enforcement.

First, an individual beneficiary could sue in Federal district court to recover any benefit denied him in violation of the statute.

Second. Any beneficiary could sue on behalf of the fund to compel any person to return to the fund or on behalf of a beneficiary to recover benefits, compel return of misappropriated funds, or restrain violations of the statute. And if the Secretary requests it and the court finds it appropriate, the district court could appoint a receiver to take possession of the assets and conserve and administer the fund until the violations of the statute have been remedied.

THE HONORABLE JAMES D. WEAVER OF PENNSYLVANIA

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, it is fitting that from time to time we take note of the efforts of those who by their service in past Congresses have made a lasting contribution to the welfare of our country and its people. In this regard, I would like at this time to give recognition to the work of our former colleague, the Honorable James D. Weaver, of Pennsylvania, during his tenure in the House of Representatives.

During the past 88th Congress, Jim Weaver, who in private life had been a physician in Erie, Pa., until 1948, served as a member of the House Committee on Science and Astronautics, which considers the budget for the National Aeronautics and Space Administration. He was active in the work of the Subcommittees on Research and Development and Space Sciences and Applications. In this capacity, Congressman Weaver was a zealous guardian of the interest of the American taxpayer. At the same time he recognized the paramount importance of maintaining U.S. superiority in the vital area of science and technology. Along with other House Members, he strongly urged formation of a special congressional group to help shift emphasis of the U.S. space program toward meeting the Soviet thrust for military domination of inner space.

Along with his concern for our country's defensive posture in space, Congressman Weaver was a strong advocate of a firm U.S. foreign policy in dealing with the Communist threat in Latin America and other areas of the world. Under his guidance a bipartisan group of Congressmen was formed to explore and consider the complex problems involved. He was among the foremost in understanding the continuing need for policies and programs to protect the free world's vital interests against the aggressive designs of international communism.

Jim Weaver served the 24th Congressional District of Pennsylvania faithfully and well. During his term of office the three counties which comprise the northwestern corner of the Keystone State reaped the benefits of his efforts. As an example, the employment picture improved to the extent that the label of "distressed area" has finally been removed and unemployment has fallen below the national average. Through Congressman Weaver's efforts, progress was made in securing funds for both continuing useful projects and initiating new projects of importance to his district. Moreover, he was always attentive to the needs of his constituents and conscientious in his efforts to secure prompt action.

During the second session of the 88th Congress, Jim Weaver was appointed to the important and powerful House Committee on Appropriations, a signal honor for a freshman Member of Congress. As a member of this important committee for 14 years I was pleased to have a person of Jim's outstanding ability and dedication assigned to this group that has the responsibility to critically scrutinize the Federal budget.

Jim Weaver's concern for his district includes his longstanding opposition to the proposed Lake Erie-Ohio River Canal. As a member of the House Appropriations Committee, he would have been in a strong position to exert his influence against the appropriations of funds for this billion-dollar boondoggle.

I am proud to have served with a man of Jim Weaver's stature and high sense of duty to country. His record as a Member of the 88th Congress stands as a tribute to his dedication and diligent efforts on behalf of those principles which make America a great republic.

UNIFORM DAYLIGHT SAVING TIME

The SPEAKER. Under previous order of the House, the gentleman from Minnesota [Mr. FRASER], is recognized for 60 minutes.

Mr. FRASER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks on the subject on which I am to speak following my own today; and further that all Members have 5 legislative days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore (Mr. PEPPER). Without objection, it is so ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, I have been concerned with the problem of time uniformity for several years. Time problems plagued our State during the years I was a member of our Minnesota Senate, but these problems were not settled then and I continue to be concerned about them as a Member of Congress.

I believe we need Federal legislation to resolve the confusion arising from the use of daylight saving time, and for that reason I have introduced bills in the 88th and 89th Congress to provide a uniform period for the use of daylight saving time.

Mr. Speaker, I fully realize the complexities of the time issue. Although the bill which I have introduced, H.R. 6134, is a short, straightforward measure, it does not belie the fact that time problems are knotty.

Before 1883 we had no regular time zones, and it was in that year that the railroad industry created four time zones. This eliminated much of the confusion that had arisen, and this system was in effect until the Standard Time Act of 1918 was adopted by the Congress.

This bit of history shatters the myth of "God's time" of which we hear so much from opponents of daylight saving time. The plain truth is that standard time is really railroad time and not God's time. The standard time law which went into effect in 1918 has not been changed since its original enactment. During World War I and World War II Congress adopted nationwide daylight saving time. Except for the war years, the question of the use of daylight saving time has been left to local authorities causing what the New York Times describes as "time schizophrenia."

The latest information available to me indicates that 36 States observe daylight saving time. Eighteen of these States have daylight saving time on a statewide basis and 18 States allow their local communities to decide the issue. I will insert at the conclusion of my remarks a list of those States observing daylight saving time. The combined population of these 32 States is almost 110 million or over half of all Americans.

One of the most perplexing causes of time confusion is the widespread variation in the dates on which daylight saving time begins and ends.

The variation in dates on which daylight saving time begins has been reduced but there still are important exceptions to the general starting date of the last Sunday in April. Ten States begin daylight saving time on dates other than the last Sunday in April. Of these, two States begin on Memorial Day, one State on the Monday after Memorial Day, one State on May 5, and several States have varying dates because they leave it up to local officials.

My own State of Minnesota begins daylight saving time on the fourth Sunday in May.

Of the 18 States having statewide daylight saving time, all but 3 will return to standard time on the last Sunday in October. The communities of one of these States switch instead on the last Sundays of September and October. One State returns to standard time on Labor Day but has unofficial "summer hours" continuing in some areas as long as the fourth Sunday in October. The other State will return to standard time on the last Sunday in October, except for two counties which remain on daylight saving time year around.

Of the 18 States having nonstatewide daylight saving time only 1 will end daylight saving time on the last Sunday in October.

To complicate matters even more, some communities in two States have daylight saving time on a year-round basis. Some other States, I understand, are now considering the use of daylight saving time in excess of the usual 6-month period.

Mr. Speaker, I now turn to the situation in my own State of Minnesota. The situation there, which has been called "confusion compounded with chaos," typifies in many ways the problem we are trying to correct.

Minnesota observes daylight saving time on a nonstatewide basis from the fourth Sunday in May to Labor Day.

This year several cities in the eastern part of the State jumped the gun and began daylight saving time on the same date that Wisconsin, our eastern neighbor, started daylight saving time. This prompted one Minnesota paper to write:

> Convicts do time. Soldiers do double time. Minnesotans do triple time.

For a while we had central standard time, daylight saving time, and extended daylight saving time.

Some examples of this situation show the humor and the confusion:

Students at the University of Minnesota-Duluth went to class on standard time but ate and slept at home on daylight saving time.

A person could lose an entire hour by walking the 120 feet from the Duluth City Hall to the St. Louis County Courthouse but get it back by walking another 100 feet to the Federal building.

On April 30, the town council of Hibbing, Minn., voted to go on daylight saving time on May 2. On May 1, they voted to stay on central standard time, and later on the same day voted to begin daylight saving time on May 10.

I now would like to recall for my colleagues our worst experience with time confusion—a real "tale of two cities" to quote Charles Dickens. On May 9 of this year our capital city of St. Paul decided to go on daylight saving time 2 weeks ahead of the statewide changeover date. The confusion that resulted is almost indescribable.

All the State offices located in St. Paul remained on central standard time.

The St. Paul police were writing out parking tickets on standard time while the firemen were fighting fires on daylight saving time.

The city council which had voted daylight saving time convened for its regular meeting under a clock that was on standard time because all the courthouse clocks remained on central standard time.

This confusion was compounded by the fact that the Twin City of Minneapolis which I represent remained on standard time. For a while you could lose an hour just going across the bridge. Or if you were not careful, you could get caught in two 5 o'clock rush hour traffic jams instead of the usual one.

All this was made worse by the fact that some of the suburbs went on daylight saving time with St. Paul while some remained on standard time.

Mr. Speaker, under unanimous consent I insert several articles reporting this confusion at this point in the RECORD:

[From the Minneapolis (Minn.) Star, May 10, 1965]

CONFUSION REIGNS AS ST. PAUL GOES ON DAYLIGHT SAVING TIME

St. Paul was on "wrist watch time" today.

That was really the only way you could be sure of the time in this city, which went on daylight saving time (d.s.t.) Sunday morning, 2 weeks ahead of Minneapolis and much of the rest of Minnesota.

Most business places moved their clocks ahead 1 hour, but some remained on standard time and moved the starting times of their employees ahead 1 hour.

All State and Federal offices, however, were on standard time. The Ramsey County board opened its regular weekly meeting at 10 a.m. standard time.

The telephone company was still giving out standard time in its recorded time-of-day message.

Sewage rolled into the Minneapolis-St. Paul Sanitary District plant from St. Paul on daylight time, but left on standard time.

If you called a cop, he arrived to take care of your problem on standard time. But if you needed a fireman, he showed up on daylight time.

Two St. Paul policemen arrived for work wearing a wrist watch on each arm, one for standard time and one for daylight time.

Mail arrived an hour earlier at St. Paul homes because the post office is on standard time.

STAGGERED SHIFTS

All city and county offices in which records with deadline times are filed, staggered the shifts of some employees to remain open from 7:20 a.m. standard time to 4:30 p.m. daylight time.

Most St. Paul business firms reported little confusion with employees arriving late—or early—for work.

Two clocks were set up at the Northwest Orient Airlines registration desk to aid employees in informing passengers about flight times. Warren Phillips of the United Airlines desk said "We just ask people what time it shows on their watch and give them directions according to that."

Al Olson, St. Paul City Council recorder, probably had the best solution. "I don't have any watch," he said. "I'm going to lunch when I'm hungry."

[From the St. Paul, Minn. Pioneer Press, May 10, 1965]

TIME TROUBLES: CLOCK CONFUSION CONFOUNDS CITIES

Mother had time on her hands—or at least on her mind—Sunday as the Twin Cities area's fast and slow clock situation became more and more confusing.

St. Paulites had been instructed to set their clocks ahead one hour at 2 a.m. Sunday. But some forgot.

Many families arrived for church services just as the rest of the congregation was leaving. Here and there Sunday school pupils were minus a teacher who still was operating on central standard time.

Of calls received in the St. Paul Pioneer Press newsroom, some were irate. All were confused.

One man complained that he had missed his favorite television program. It seems he tuned in an hour too early and then forgot to tune back an hour later. Confusing?

Just to keep the record straight, all Twin Cities television stations are on central standard time. To create as little additional confusion as possible, this newspaper's television and radio logs will be listed in standard time as will television highlights. If you live in a daylight saving time community, just remember 7 p.m. shows will be on at 8 p.m. on your radio or television.

The clock-switching also has caused some headaches for local on-sale and off-sale liquor establishments. It seems off-sale liquor store owners will have to decide for themselves whether or not they will operate according to daylight time.

St. Paul on-sale bars will operate on daylight saving time starting today.

"We have moved our clocks ahead to comply with the decision of our city council, the local governing body," said Frank J. Einck, executive secretary of the St. Paul On-Sale Liquor Dealers Association. "Daylight saving time hours will be from 9 a.m. until 2 a.m., effective until May 23."

All of Minnesota goes on daylight saving time May 23.

For those still confused about what time it is in various suburbs, here's a list of communities on daylight saving time: Bayport, Birchwood, East Oakdale township, Gem Lake, Lake Elmo, Lakeland Shores, Landfall, Lauderdale, Lincoln township, Mahtomedi, Newport (unofficially), Roseville, St. Croix Beach, Shoreview, Stillwater, Sunfish Lake, Vadnais Heights, West St. Paul and White Bear township.

[From the Minneapolis (Minn.) Star, May 6, 1965]

BIGGEST PROBLEM: STATE 3 WEEKS BEHIND OTHERS IN DAYLIGHT SAVING TIME START

(By Dick Caldwell)

In the uproar over an hour's time differential that is to come to the Twin Cities Sunday, the problems of business and industry apparently will be merely nuisances.

The really big problem is Minnesota's 3-week lag behind the Nation's major metropolitan centers in starting daylight saving time (d.s.t.).

An hour's time difference between St. Paul and Minneapolis will affect most businesses only to the extent it will affect their employees and the man in the street.

Northwestern Bell Telephone Co., for instance, will keep Minneapolis time in its Minneapolis business office and change the clock to daylight saving time in the St. Paul business office.

Honeywell, Inc., will keep its Roseville plant on standard time, even though Roseville is following the lead of St. Paul by going to daylight saving time Sunday.

Northern States Power Co. will operate its St. Paul and Minneapolis divisions according to the prevailing time in each city.

Most of the juggling will be done by transportation companies, especially Twin City Lines.

John L. Dahill, assistant to the executive vice president of that firm, said bus schedules will be set ahead 1 hour in St. Paul and suburbs.

BIG CITY TIME

"This will mean that people in areas adjacent to St. Paul who use our service must reckon with St. Paul time," said Dahill.

"In Minneapolis and the communities adjacent thereto, there will be no change in the schedules. On trips between St. Paul and Minneapolis at the peak hours of travel, adjustment in the service will be made at the city limits to provide the least inconvenience to the traveling public."

Greyhound Bus Lines still operates on standard time throughout Minnesota, even though Duluth and some other communities already are on daylight saving time.

[From the Minneapolis (Minn.) Tribune, May 9, 1965]

NOW IS THE HOUR—PICK ONE

St. Paul residents lost 1 hour's sleep Saturday night and may lose a few more in the confusion of the next few days, thanks to daylight saving time (d.s.t.).

D.s.t. (wherein you set your clock ahead 1 hour) began in St. Paul and several suburbs at 2 a.m. today—that is, it began in most of St. Paul.

The municipal court has announced that it will remain on central standard time (c.s.t.) until May 23, and since the courts are on c.s.t., the St. Paul police have decided to stay on slow time, too.

Then there are the Minnesota legislature and State office buildings. Naturally, they'll abide by State law that provides for Minnesota to go on d.s.t. officially at 2 a.m. May 23.

A spokesman for Gov. Karl Rolvaag said the legislature has "torn up its work schedule and will be working around the clock anyway."

Minneapolis and most of its suburbs also will wait 2 weeks before starting d.s.t. as will both campuses of the University of Minnesota.

Attempts by Minneapolis Mayor Arthur Naftalin and others to effect a change in State law have been futile, at least so far in the Minnesota legislative session.

Meanwhile, those who divide their time between the Twin Cities are in something of a bind. To accommodate 50 to 75 part-time school bus drivers who live or work in d.s.t. areas, the Mounds View Independent School District 621 (primarily non-d.s.t.) will start all activities 1 hour early Monday.

Parents who are still on CST will have to get their youngsters going on d.s.t. School board member George Hanzalik admitted that this might be a hardship, but he said the decision was a "compelling one."

The St. Paul area communities now on fast time include Roseville, Lauderdale, Shoreview, Vadnais Heights, Birchwood, Mahtomedi, Sunfish Lake, Lake Elmo, Bayport, West St. Paul, East Oakdale Township, Stillwater, and Newport. In the later's case the move is unofficial, through communitywide agreement.

Hibbing and Rochester also began d.s.t. today. Many other communities, most of them near the Wisconsin border, went on d.s.t. a week ago.

North St. Paul will try to stand divided. The village council voted to remain on c.s.t. until next Sunday, but the North St. Paul Businessmen's Association decided to start d.s.t. Monday.

District courts in St. Paul will stick to c.s.t., but will start 1 hour earlier, as will most offices in the St. Paul City Hall-Courthouse.

Twin City Lines buses will operate in St. Paul on daylight time and all bus patrons in areas adjacent to St. Paul will be on conforming schedules.

[From the St. Paul (Minn.) Dispatch, May 11, 1965]

TWO TIMES CUT CITY MEET TO 6 MINUTES

St. Paul's private daylight saving program ran along smoothly in the city hall today, with the council session lasting only 6 minutes—if you look at it that way.

The council had a good measure of work and some public hearings, but it wound up and adjourned at 10:06. However, that was central standard time and since it had started at 10 a.m. St. Paul daylight time, which was 9 a.m. central standard time, the session lasted an hour and 6 minutes under one calculation and 6 minutes under another.

There was not the slightest move to rescind the daylight rule.

Nor was there much comment about the situation, although a television team from Chicago, working on the NBC circuit for the Huntley-Brinkley television show, attended the council session with cameras and lights, hoping to get some usable data on the situation.

Four members of the crew, directed by Neil Boggs, Midwest correspondent for the show, came in with equipment and took a few shots of the council in action, but there was little said about daylight saving.

Afterward, they interviewed Mayor George Vavoulis on tape, and were scheduled to hurry back to Chicago by plane so the tape could be used tonight.

The council received an official notice from the Shoreview village council confirming its changeover to daylight saving time, and a couple of communications from citizens, one a Minneapolis housewife protesting.

Daniel A. Mitchell, 139 Amherst Street, wrote that he works at Wold-Chamberlain Airport, on standard time; his wife attends University of Minnesota evening classes, standard time, and their five children attend St. Paul schools, daylight time, and that creates problems.

Such communications were all placed in the city clerk's files.

Most persons who discussed the situation today and found fault with it consoled themselves with the fact that it will last for only 2 weeks because the entire State will then go on daylight saving time.

Now, Mr. Speaker, there has been great concern in my State that this same time smorgasbord might take place all over again this fall when we return to standard time ahead of our neighbor, Wisconsin. This would have produced an even worse situation because that would have meant that St. Paul would have been on daylight saving time almost 2 months longer than the rest of the State.

However, recent events have indicated that we will be spared this confusion. The mayors of St. Paul and Minneapolis each appointed a committee to meet jointly to see if the daylight saving time problems could be resolved. After several meetings the committee agreed that daylight saving time in the metropolitan area "could not be voluntarily achieved." As a result of this finding, the mayor of St. Paul has announced that his city will not remain on daylight saving time after the date specified by State law.

Mr. Speaker, through this entire episode our State legislature was unable to approve a bill which would have resolved these problems. I am told by some of my colleagues that they have had the same experience in their States. It is for this reason that I strongly believe that we need Federal legislation to provide a uniform period for daylight saving time.

H.R. 6134 which I introduced on May 11, 1965 after I saw that our legislature would not act, provides that daylight saving time begin on the last Sunday in April and end on the last Sunday in October. As I pointed out earlier, these are the dates that are in most common use for daylight saving time at the present time.

It is very important to note that my bill would not impose any unwanted change to daylight saving time on those sections of our country which prefer standard time. It would only amend the existing Standard Time Act of 1918 to provide for a uniform period for those areas that use daylight saving time.

Mr. Speaker, I would like to emphasize that my interest is in uniformity. I do not want to force any State to go on daylight saving time if it does not choose to do so at this time. The beginning and ending dates proposed by me reflect the practices of the majority of the States.

I think the proposals that have been made by myself and others are not an undue intrusion on local autonomy. The virtues of local autonomy are many, but to the businessman or the tourist, the varying dates of time changeover must seem to be mere idle caprice. There seems to be no good reason for all this variance. Undoubtedly many States and communities set their dates without any real awareness of the need for uniformity.

In my own State of Minnesota, a statewide poll last year showed that a majority of Minnesotans favor congressional action to decide dates for daylight saving time. Twenty years ago Minnesotans favored the retention of standard time throughout the year. Only 8 years ago, in 1957, did majority support for daylight saving time emerge. The subsequent confusion over the dates for daylight saving time resulted in a special session of the legislature.

To this internal confusion has now been added the inconvenience and unauthorized practices of local communities in choosing their own dates for daylight saving time.

As a result, Minnesota residents are asking the Federal Government to set a uniform time period for daylight saving time. This is true for both those who support and those who oppose daylight saying time in Minnesota.

Mr. Speaker, under unanimous consent I place in the RECORD the results of a poll published in the Minneapolis Tribune on June 14, 1964:

FIFTY-EIGHT PERCENT SAY CONGRESS SHOULD DECIDE DATES FOR DAYLIGHT SAVING

Minnesotans are divided on whether to start daylight saving time (d.s.t.) in late April or in late May, but a majority of State residents think it would be better if Congress set uniform limits for all States who use it.

In a statewide survey by the Minneapolis Tribune's Minnesota Poll, 58 percent of the people interviewed favor having Congress establish uniform dates for daylight time.

The switchover to d.s.t. in Minnesota was complicated this year because some communities like Duluth and Winona started 4 weeks ahead of the official date.

That development led Representative DONALD FRASER, of Minneapolis, to introduce a bill in the U.S. House of Representatives calling for daylight time to begin each year on the last Sunday in April and continue until the last Sunday in October. His bill would apply just to d.s.t. States.

The final question in the series was: "Which do you think is better—that Congress decide when daylight time should start and end for all States that use it, or that each State decide that for itself?"

The responses of different types of State residents:

[In percent]

	Let Congress decide	Let each State decide	Other and no opinion
All adults	58	35	7
Men	58	34	8
Women	59	35	6
Residents of Twin Cities and Duluth	61	34	5
Smaller cities	61	36	3
Town	64	25	11
Farm	42	47	11
People who—			
Like daylight saving time	60	36	4
Dislike daylight saving time	53	35	12

Mr. Speaker, under unanimous consent I will have printed at the conclusion of my remarks several editorials from Minnesota papers indicating support for a Federal law to establish uniform dates for daylight saving time.

Mr. Speaker, when the committee of the other body concerned with time legislation held hearings on a time bill, Mr.

Lloyd Brandt, manager of the legislative department, Minneapolis Chamber of Commerce, appeared as a witness. Under unanimous consent I insert Mr. Brandt's statement at this point in my remarks:

Statement of Lloyd Brandt, Manager, Legislative Department, Minneapolis Chamber of Commerce, Before Hearing Before the Committee on Commerce, U.S. Senate, on S. 1404, April 26, 1965

Mr. Chairman, we are happy to have the opportunity to read a short statement from our organization.

The Minneapolis Chamber of Commerce by resolution of its board of directors, supports S. 1404.

After years of experience in our State legislature, it is our conclusion that a national bill is the only way to bring order out of chaos. This bill has definite limitations, but it is a step in the right direction.

This is the situation in Minnesota. The time statute in Minnesota orders daylight saving time from the fourth Sunday in May to Labor Day. However, communities along the Wisconsin border such as Duluth, Winona, and a host of smaller towns move their clocks forward the last Sunday in April to conform to daylight saving time being observed in Wisconsin. On the fourth Sunday in May, the rest of the State will go on fast time except certain communities along the Dakota border. The same procedure will be followed in the fall—some cities remaining on daylight saving time while the State goes back to central standard time.

As a result of this confusion, for 6 months all Minnesota clocks are the same. During the remaining 6 months various combinations of time can be found in the State, depending on what month or day it happens to be.

I don't need to tell you what kind of problems are presented to the transportation companies, radio and television, and others by this confusion. These are isolated industries, however, and if only they were affected, it might be a tolerable situation.

Such is not the case; the efficiency of every major company is affected. We are a grain, finance, and electronics center and for the most part, our community of interest is with the East. The great majority, 80 percent of long-distance telephone calls originated in the Minneapolis area, are with the eastern connections. During the period that we are on central standard time and the East is on daylight saving time, our time for telephone contact with the eastern offices is reduced to less than 2 hours per day.

Gentlemen, we are traditionally a conservative organization. We don't usually look too favorably upon Federal solutions to local problems. In this case, however, we feel justified in requesting your intervention in what has heretofore been a local matter. This does involve commerce across State lines and it is a problem that cannot or will not be satisfactorily resolved by the States.

In 1962 an ad hoc association was formed to support efforts to promote time uniformity. This group, known as the Committee for Time Uniformity, is made up of transportation, communication, finance, travel, farm, labor, and other interests.

Mr. Speaker, I would like to have included in the RECORD the list of the organizations associated with the Committee for Time Uniformity:

List of Companies and Organizations Which Have Associated With Committee for Time Uniformity in Support of Greater Time Uniformity

Aircraft Owners & Pilots Association.
Air Line Pilots Association.
Air Transport Association.
Amalgamated Transit Union.
American Bankers Association.
American Farm Bureau Federation.
American Hotel & Motel Association.
American Mutual Insurance Alliance.
American Short Line Railroad Association.
American Society of Travel Agents.
American Telephone & Telegraph Co.
American Trucking Associations.
American Waterways Operators, Inc.
Association of American Railroads.
Association of Local Transport Airlines.
Association of Oil Pipe Lines.
Association of Stock Exchange Firms.
Council of State Chambers of Commerce.
Freight Forwarders Institute.
Insurance Institute of Highway Safety.
Investment Bankers Association of America.
Manufacturers Hanover Trust Co.
Metropolitan Washington Board of Trade.
National Association of Broadcasters.
National Association of Manufacturers.
National Association of Motor Bus Owners.
National Association of Securities Dealers, Inc.
National Association of Travel Organizations.
National Bus Traffic Association.
National Business Aircraft Association.
National Council of Farm Cooperatives.
National Grange.
National Industrial Recreation Association.
National Industrial Traffic League.
Pacific American Steamship Association.
Pacific Coast Stock Exchange.
REA Express.
Railway Labor Executives Association.
Transportation Association of America.
United States Independent Telephone Association.
Western Union Telegraph Co.

Mr. Speaker, I would like to conclude my remarks today by referring to the results of a Minnesota poll which just arrived in my office today.

That poll conducted by the highly respected Minneapolis Tribune shows that 63 percent of people polled feel strongly about the extension of daylight saving time, 36 percent do not feel strongly and only 1 percent had no opinion.

The poll also showed that 58 percent of the people like daylight saving time while only 35 percent disliked it.

These figures are very significant, I believe, and point out the importance the citizens of Minnesota attach to the daylight saving time issue.

I hope the 89th Congress will be able to resolve this problem by enacting a law to provide uniform dates for daylight saving time.

Extent of Observance in 1965 of Daylight Saving Time in the United States

STATES OBSERVING DAYLIGHT SAVING TIME

Statewide: California, Colorado, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Washington, West Virginia, and Wisconsin.

Not statewide: Alabama, Idaho, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, Ohio, Oregon, South Dakota, Tennessee, Utah, and Virginia.

STATES NOT OBSERVING DAYLIGHT SAVING TIME

Alaska, Arizona, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, North Carolina, North Dakota, Oklahoma, South Carolina, Texas, and Wyoming.

[From the Grand Rapids (Minn), Herald-Review, Apr. 28, 1965]

Daylight Time Confusion Gets Federal Attention

Daylight saving time started on Sunday in 16 States. Another nine States will make the switch during the next month or so. States in the South and in the Farm Belt will for the most part stick with standard time. The situation is shown in the map below which appeared in the Minneapolis Star (not printed in the RECORD).

But the proposition isn't quite as simple as it looks on the map. A number of Minnesota communities have switched to daylight time in spite of a State law which forbids the change until the whole State makes the change on May 23.

Among the Minnesota maverick cities are Duluth, Two Harbors, Winona and a number of smaller towns. Any law-abiding Minnesotan who keeps his watch set on standard time, must remember that events start and stop an hour earlier these days in Duluth.

Daylight saving time is a popular move throughout most of the Nation. The hour more of daylight after regular working hours is appreciated by most people.

Eventually, however, some means must be found of making the switch uniformly throughout the country. There is no sense in having Wisconsin on one time and Minnesota on another, even for a month or two in spring and fall.

Some people would argue that the Minnesota Legislature should get into the question of daylight time and change our law to conform to that of the Eastern States. But it was exceedingly difficult to obtain agreement even on the present compromise. The legislature could spend days in debating daylight saving and still end up without a satisfactory arrangement. The legislature has much more important business to attend to and it can afford to spend little time on daylight saving.

Congress is finally taking up the question of daylight saving time seriously. It will consider laws to establish daylight time uniformly throughout the Nation. There is a natural reluctance for Congress to move into the field because some States are strongly for it and some are bitterly opposed. But there is no other reasonable answer. The costs, uncertainties and inconvenience produced by lack of uniformity in time should not be allowed to continue longer than necessary.

[From Rochester (Minn.) Post Bulletin, May 1, 1965]

Uniform Daylight Saving Time Bill Merits Support

(By Charles Withers)

America's annual "time bomb" has exploded again, spreading prescheduled confusion throughout the land. Something like 100 million citizens advanced their clocks 1 hour last Sunday, leaving 85 million fellow Americans out of step, clockwise.

Only 15 States now schedule daylight saving time simultaneously. In the 16 others that observe this summertime pleasantry, the whole business is mighty confused. In our own Minnesota, for example, there are three sets of d.s.t. periods—one for Wisconsin border communities, one for communities bordering the Dakotas, and one for all the rest of the State. It is just plain silly.

It's just as bad or worse elsewhere. A driver traveling 35 miles from Steubenville, Ohio, to Moundsville, W. Va., now passes through seven time zone switches. Pennsylvania is conducting State business on standard time but resident of more than 600 communities in that State are on daylight time. In neighboring Iowa there are 23 different combinations of dates when communities begin and end d.s.t.

In the 16 States, including Minnesota, that observe some daylight time but not on the April–October regular schedule, there are 11 different starting times and terminal dates. And in States where d.s.t. is permitted on a local-option basis the situation is completely snafu.

FEDERAL, NOT STATE MATTER

Although this newspaper favors extension of daylight saving time in Minnesota from the last Sunday in April to last Sunday in October, as observed in the East and in the more populous States, we have cautioned against a full-scale battle over this controversial proposal in the current session of the Minnesota Legislature. Although it seems to be a dead issue there anyway, we still feel that our legislators have more than enough pressing business to handle, what with reapportionment, big new spending proposals and the necessity to raise millions of new revenue dollars, so that they shouldn't be tied up arguing about daylight time.

We've said before, and repeat, that extension of d.s.t. can wait a year or two, while reapportionment and tax reform can't.

What needs to be done now, in this writer's opinion, is for Minnesotans to urge their Senators and Congressmen to support the bill, now before the Senate Commerce Committee, to create uniform nationwide starting and ending dates for daylight saving time.

This bill would not impose d.s.t. on any State. But it provides that any States, counties or cities that do want to go on daylight time must start on the 4th Sunday of April and end on the 4th Sunday in October.

Surely this proposal to unsnarl the crazy-quilt now in effect makes good sense—not only for every industry and business but for the man in the street also. It is scarcely an invasion of a State's rights or a community's rights, to have it observe a standardized time rule. And, incidentally both the American Farm Bureau Federation and the National Grange have gone on record supporting the uniform d.s.t. proposal.

Congress has made several unsuccessful attempts in the past to bring order to this patchwork. Let's inform Congressman AL QUIE and Senators EUGENE MCCARTHY and WALTER MONDALE that this uniform time bill should be approved.

TALK OF "GOD'S TIME" IS NONSENSE

While we're on the subject of daylight saving time, let's explode a myth always used by the opposition. Whenever the d.s.t. controversy comes up the opposing speakers, and letterwriters, invariably say man has no right to tinker with "God's time."

This is the second phoniest use of religion that we can think of. (The first is the dragging of religion into the Sunday-closing debate by businessmen who are motivated 100 percent by economic considerations.)

At any rate it is just plain ridiculous, and in fact an untruth, to refer to standard time as "God's time." The truth is that standard time is railroad time. The four standard time zones in America were created in 1883 to eliminate the mass confusion that existed with each railroad running on its own "standard time." There were more than 100 railroad "standard times" in existence, eight different ones in Pittsburgh alone.

Officially, standard time went into effect in 1918 and the law hasn't been changed since except by State or local option. So, please, let's not have any more of this "God's time" nonsense.

Let's have daylight saving time from the end of April to the end of October, and let's have those dates uniform in every State and locality that wants d.s.t.

[From the Hopkins (Minn.) Suburban Life, May 9, 1965]

TIMES A DEMOCRATIC ELEMENT

Time is the most democratic element in existence—everyone from the mighty to the humble have 24 hours in a day, no more, no less. It's the division of the hours that's causing all the consternation in our State today.

Contrary to popular belief the Lord did not establish time zones. There's no such thing as "natural times." There are many schools of thought of how time zones were established. The railroads, some assert, established divisions of time in this country to regulate schedules more sensibly.

Credit for the original idea of daylight saving time goes to Benjamin Franklin. Always a careful man with his pennies, Mr. Franklin awoke one morning at 6 a.m. in Paris in 1784 and was amazed to find light streaming into his room while most of the city still slept. Being a logical man he figured Parisians would not have to light their candles so early at night if they started their day an hour earlier to take advantage of early sunrise. Being the son of a candlemaker he figured Parisians could save 96 million livre in candle overhead by just moving their clocks ahead 1 hour.

Minnesota is one of the 31 States observing daylight saving. Of this number 20 move their clocks ahead on May 1, the others, including our State, move ahead later in the month. Dates for turning clocks back are equally as varied—only 15 States do so on the last Sunday in October.

Before Minnesota's present predicament is resolved, it appears that a bill now being considered in Congress will have to be enacted. This legislation carries no hope of getting the entire Nation to use one system or another. It's a compromise, whereby all areas using daylight time will be required to start on the same day in the spring and end it on the same date in the fall. If the legislation is passed it will mark the first time general agreement on the controversial subject other than in wartime. Better write your Congressman and tell him to vote favorably on this proposal.

[From the Virginia (Minn.) Mesabi News, May 12, 1965]

CONFUSION IN TIME

Monday, we will start saving time, but it appears that we will lose most of it again trying to figure out what time it is.

This confusion has it roots in a lack of patience—of a willingness to sit down and work out differences of interest and opinion. For instance if the communities of Hibbing and Virginia felt that the change to daylight time 2 weeks ahead of the State mandate was necessary, they had a place to work the problem out—the range municipalities and civic association.

Rural area legislators have the law on their side, but they are not without blame as they apparently have vetoed the will of the majority of the people of the State.

This time confusion has proven again that we as a people are not law abiding enough to obey a law without penalties. But those who have voted to ignore the State law on time are not yet in the clear. There is still the possibility of civil actions to recover damages resulting from the change in time.

On a larger scale the time confusion is an illustration of the reason the role of the Federal Government is constantly being expanded. When the States cannot agree, people, perhaps including some States righters, say "Congress ought to pass a law."

Meanwhile, we will have to wait 2 weeks before we can sing, "My time is your time; your time is my time."

[From the Ortonville (Minn.) Independent, April 8, 1965]

IT'S TIME TO UNSCRAMBLE TIME

The uniform time legislation introduced in both Houses of Congress to end clock confusion is long overdue.

On Sunday, April 25, America will again live on "scrambled time." More than 100 million Americans will advance their clocks to daylight saving time, while 90 million people will not change.

"This annual time scramble complicates the operations and scheduling of the transportation industry. It confounds the television viewer, bewilders the vacationing traveler and aggravates the businessman," Senator NORRIS COTTON, Republican, of New Hampshire, said. "A flood of missed appointments, and late arrivals will plague many Americans," he continued.

Let's see what happens:

Fifteen States start daylight saving time the last Sunday in April and end the last Sunday in October.

Sixteen other States either start or end daylight saving time—or both on different dates.

Of the 31 States, 15 observe it on a statewide basis, while others have local option.

And across the country isolated areas observe "wildcat" d.s.t. without official sanction. Some States do not observe it at all.

This legislation to have time and date uniformity, wherever daylight saving time is adopted should be encouraged.

[From the Cambridge (Minn.) Star, April 15, 1965]

Any change in Minnesota's daylight saving time schedule seems to be a dead issue insofar as the present legislative session is concerned. However, a resolution has been introduced in both houses of Congress to provide a uniform system throughout the country. Here are some examples of the confusion which exists today: Fifteen States start daylight saving time the last Sunday in April and end the last Sunday in October. Sixteen other States either start or end daylight saving time—or both—on different dates. Of the 31 States, 15 observe it on a statewide basis, while the others provide for local option. Areas in other States observe it without official sanction, and other States do not observe it at all. A uniform system is badly needed.

[From the Stillwater (Minn.) Gazette, Apr. 29, 1965]

TIMELY CONFUSION

In the wee hours of Monday, the 26th of April, 20 States and a scattering of adjacent communities went on daylight saving time. Later in the day, hearings on proposed legislation to bring some order out of the daylight saving time chaos were started by committees in both Houses of Congress.

The situation Congress proposes to wrestle with will take some rather fancy wrestling. Not all the 20 States that so unanimously changed their clocks on April 26 will revert to ordinary time on the same day; the switch back will be made on various days, ranging from sometime in August to the last Sunday in October. Furthermore, 11 other States will go on and off of daylight time on a variety of dates. Nor is the fast time spread over entire States in all cases; some areas go their own way.

Oh, and one more thing: The other 19 States pay no attention to daylight time. All of which makes life more confusing than usual in summer. So hurry up, Congress, and do something sensible, even if the problem can't be solved all at once.

[From the Owatonna (Minn.) Photo News, Apr. 29, 1965]

IT'S TIME TO UNSCRAMBLE TIME

As the accompanying editorial cartoon indicates, the Nation is now living on "scrambled time."

More than 100 million Americans will advance their clocks to daylight saving time, Minnesotans still having another month to wait, while 90 million people will not change. Fifteen States start daylight saving time the last Sunday in April and end the last Sunday in October. Sixteen other States either start or end daylight saving time—or both—on different dates. Of these 31 States, 15 observe it on a statewide basis, while the others have local option. And across the country isolated areas observe "wildcat" daylight saving time without official sanction. Some States do not observe it all.

Uniform time legislation designed to end clock confusion has been introduced in both Houses of Congress, and I'm all for it. How about you?

Mr. KARTH. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Speaker, I ask unanimous consent to extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KARTH. Mr. Speaker, I join my colleague and good friend, the gentleman from Minnesota [Mr. FRASER], in an effort to better call to the attention of the House the need for early action on any one of a number of daylight saving time bills pending before the Interstate and Foreign Commerce Committee. I have on several occasions talked with the chairman of that committee—the distinguished gentleman from Arkansas [Mr. HARRIS]. I might say I am happy to report that he is most receptive to hearings, and in fact favors action on this subject. The Senate has already acted upon daylight saving time and I am hopeful that adequate time can be found within the House establishment to act likewise.

Let me cite some of the reasons for needed Federal action. I am one of those who always remains hopeful that the several States can resolve their own problems. However, when it is proven beyond any reasonable doubt that some of them cannot, will not, or do not act in needed areas, then we ought to act here in a helpful manner. One of those areas of needed Federal action is that of daylight saving time.

Anyone who has the occasion in this modern day to travel or communicate cross country is ever mindful of the differences in time zones. This, in itself, is a troublesome matter at best, but when it is compounded by the confusing patterns of daylight saving time throughout the United States, the situation becomes sheer chaos.

The metropolitan areas in many sections of our country want a uniform period for daylight saving time to facilitate interstate business and communications.

Many cities are hampered by State laws setting forth daylight saving time periods which are not uniform. It is no answer, in my opinion, to tell the city governments that they should go to the State legislatures for help. The facts of life are that legislative apportionments in many States have shortchanged urban areas of fair representation, so that the needs of the cities, when they conflict with those of rural areas are, more often than not, subordinated to farm interests.

Daylight time, frankly, is a subject which often stirs many rural area legislators to a high pitch of emotion.

The enactment of my bill and/or similar legislation would not disturb the rights of the States to impose or not impose daylight saving time but would only set forth a uniform period when daylight saving time would be in effect; namely, from the last Sunday in April to the last Sunday in October of each year.

I believe that Congress, which has the power to regulate commerce among the several States, has the duty to make better sense between the time zones than currently exists when daylight saving time is imposed for varying periods in the United States.

I am pleased to sponsor legislation of this kind, especially since the City Council of St. Paul, Minn., and a number of business, civic, and labor organizations favor the passage of a uniform daylight saving time law.

[From the Minneapolis Star, July 27, 1965]

ST. PAUL TO CONCUR WITH DAYLIGHT SAVING TIME STATUTE

(By Jim Shoop)

St. Paul Mayor George Vavoulis announced today that St. Paul will not remain on daylight saving time this fall beyond the date specified by State law.

St. Paul was on daylight time for 2 weeks ahead of most of the rest of the State in May and planned to continue this fall until October 31, nearly 2 months after the date specified by State law.

At Vavoulis' urging, the St. Paul City Council passed a resolution May 5 placing the city on daylight time May 9 until the last Sunday in October.

State law limits fast time to the period between the fourth Sunday in May (May 23 this year) to the Tuesday after Labor Day (September 7).

At the time, Vavoulis contended that Minnesota time dates conflicted with those in the East and made it difficult for businessmen to conduct their operations.

ACTING ON ADVICE

A statement issued by the mayor's office today said Vavoulis was acting on the advice of a committee appointed to study whether daylight time could be operated successfully on a metropolitan area basis.

(Vavoulis is attending the National League of Cities convention this week in Detroit, Mich., and could not be reached for comment.)

The committee was composed of Robert O. Eckhardt, chamber of commerce; Priscilla Rugg, St. Paul public schools; Russell Hunsinger, Downtown Retailers; and Richard Radman, Trades and Labor Assembly. They said daylight time in the metropolitan area "cannot be voluntarily achieved."

The committee report said the St. Paul action this spring "has been instrumental in making the Congress of the United States aware" of the necessity of a national daylight saving time law.

The mayor's statement said he is hopeful Congress will pass a bill introduced by representatives Joseph Karth, St. Paul, and Donald Fraser, Minneapolis, both DFL'ers which would create a national daylight time period of 6 months.

Minneapolis Mayor Arthur Naftalin vigorously opposed the St. Paul action this spring, which placed Minneapolis and St. Paul an hour apart for 2 weeks. He appeared before the St. Paul City Council to urge it to drop the idea, and argued publicly with Vavoulis for a week over the wisdom of the move.

Naftalin maintained it was a direct violation of State law and Vavoulis argued it was necessary to dramatize the need for a longer fast-time period and to pressure State legislatures into doing something about it.

The legislature took no action on daylight time.

[From the St. Paul (Minn.) Dispatch, July 28, 1965]

GVT MISSION ACCOMPLISHED

Mayor George Vavoulis has asked the city council to rescind a resolution that put St. Paul on extended daylight saving time. It is assumed that the council will go along with the mayor, at whose urging the resolution was passed this spring. It put St. Paul on fast time 2 weeks ahead of Minneapolis and it would extend this city's daylight time 8 more weeks this fall.

Vavoulis now feels that the mission has been accomplished. There is no doubt that the action did focus attention on this State's asinine fast time law and those in other States. He is hoping now for passage of legislation introduced again this session by Representative JOSEPH KARTH, of St. Paul, which would require uniformity. The Karth bill doesn't force daylight time on anyone, but it does set forth that States which go on it would have to start and stop together.

We felt the mayor was somewhat impulsive when he put St. Paul on an independent time base. There was confusion and it would have been compounded this fall. But he emerges now a somewhat heroic champion of the city folk over the cow, with all her fussiness at changes in working hours, and her stanch champions in the legislature.

This city's head start on fast time, occasionally referred to as George A. Vavoulis Time, or GAVT, or merely GVT, was good for a few laughs, more than a few headaches (the police, for example, spent a few days on standard time to the regret of motorists parking in timed no-parking zones) and lots of heated debate in regard to lawbreaking by public officials.

There was, however, less confusion than had been predicted and there was the therapeutic benefit of cocking the city's snoot at the chaps on our Capitol Hill.

We can hope the cause has been dramatized enough at this point to help passage of the Karth bill. There has been enough insanity on the issue and apparently the cure is beyond the capabilities of many State legislatures, including our own.

[From the St. Paul Dispatch, July 27, 1965]

MAYOR ASKS REPEAL OF FAST-TIME DECREE

(By Carl G. Langland)

St. Paul is expected to rejoin the rest of Minnesota on Labor Day in respect to daylight saving and standard time.

Mayor George Vavoulis announced today, through his secretary, Duane Gratz, that he will ask the city council to rescind a resolution, adopted last May 4, at his urging, which put St. Paul on its own independent daylight saving time.

Vavoulis, attending a municipal conference in Detroit, sent word back that he is taking this action in great measure because he hopes the Karth-Fraser bill, now in Congress, will pass. If it does, it will require that any State adopting daylight saving must start and end such time change on specific dates that will encompass a 6-month period.

If the mayor's request for cancellation of the council resolution is adopted—and that is expected—St. Paul will drop daylight saving time at 2 a.m. Tuesday, September 7, the day after Labor Day.

If the council refuses to go along, St. Paul would continue on daylight time until Sunday, October 31, and thus provide nearly 8 more weeks of the double time standard that prevailed here from May 9 to May 23.

The change would put St. Paul in line with the State, which will revert to central standard time the day after Labor Day.

Mayor Vavoulis and Mayor Arthur Naftalin of Minneapolis, who had set up joint efforts to win a metropolitan time schedule for the Twin Cities, were reportedly submitting a resolution to the National League of Cities, at its Detroit session, urging Congress to adopt the Karth-Fraser bill.

Also helping the mayor make up his mind to drop the original longer daylight time period was a special report given him by a four-citizen committee which made a special study of the situation.

It reported that St. Paul's early start on daylight saving served a good purpose by helping make Congress aware of the necessity for a uniform, nationwide program as to starting and ending times. It also said that establishment of a uniform daylight saving time cannot be voluntarily achieved in the metropolitan area.

Members of the committee were Robert O. Eckhardt of the St. Paul Area Chamber of Commerce; Miss Priscilla Rugg, St. Paul public schools; Russell Hunsinger, downtown retailers, and Richard Radman, Jr., trades and labor assembly.

RAMSEY COUNTY LEAGUE
OF MUNICIPALITIES,
June 24, 1965.

Representative JOSEPH E. KARTH,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE KARTH: The problem of setting the beginning and ending dates for daylight saving time has caused a good deal of confusion in Minnesota and in other States. As you know, the situation this spring in Minnesota was especially confused and it promises to be even worse this fall. As an organization of municipal officials, we feel that the only sensible solution to the problem is a nationwide daylight saving time act which would set a uniform beginning and ending date.

The enclosed resolution was adopted by the Ramsey County League of Municipalities as an expression of our desire to see this kind of legislation passed by the Congress. We ask your support for a national daylight saving time act. We realize the problems of securing passage of such a bill in the Congress are as difficult as they are of securing passage of a daylight saving bill in the Minnesota Legislature. Nevertheless, this is a national problem, affecting interstate commerce and we feel a nationwide solution is the only reasonable answer to the problem.

Sincerely yours,
BYRON HOLM, *President.*

RAMSEY COUNTY LEAGUE OF MUNICIPALITIES DRAFT OF RESOLUTION ON DAYLIGHT SAVING TIME

Whereas the different beginning and ending dates for daylight saving time in the several States of the United States create confusion among neighboring States and municipalities; and

Whereas the Minnesota Legislature has repeatedly failed to pass legislation which would make the beginning and ending date for daylight saving time in Minnesota conform with that of the majority of other States of the Nation: and

Whereas the problem of uniform time zones is one which the Congress has dealt with on several occasions and is a nationwide problem affecting the commerce among the 50 States; be it therefore

Resolved, That the Ramsey County League of Municipalities does hereby go on record in support of Federal Legislation for a uniform daylight saving time act; and be it further

Resolved, That the members of the Minnesota congressional delegation be so notified and urged to support such legislation.

BYRON HOLM,
President.

RESOLUTION BY CITY OF ST. PAUL

Resolved, That the council of the city of St. Paul hereby commends Congressman JOSEPH E. KARTH on his submission of a bill in the Congress of the United States aimed at standardizing the dates on which States will observe daylight saving time; our support is given wholeheartedly to Congressman KARTH in his efforts, through such proposed legislation, to solve the confusion and problems which arise when States which adopt daylight saving time do not do so uniformly and for the same periods of time; be it

Further resolved, That the city clerk be and he is hereby directed to forward to Congressman KARTH a copy of this resolution.

STEPHEN L. MAXWELL,
Corporation Counsel.

VILLAGE OF NEWPORT, MINN.,
May 19, 1965.

Hon. JOSEPH KARTH,
House of Representatives,
Washington, D.C.

DEAR SIR: The village council urges you, as our representative, to enact some nationwide legislation that will put all of the States on daylight saving time at the same time.

We are sure that you appreciate the importance of such a law, as you must certainly be aware of the immeasurable amount of confusion among the citizens of Minnesota as the situation now stands.

Respectfully yours,
BASIL L. LOVELAND,
Mayor.

MINNEAPOLIS, MINN.

Congressman JOSEPH E. KARTH,
House Office Building,
Washington, D.C.:

Chaotic business conditions are now existing in Minnesota and in its relationships with the rest of the country due to daylight saving time disagreement. State and local offices unable to agree. We feel that only through congressional action will this situation be alleviated. We urge your immediate attention.

General E. W. RAWLINGS,
President, General Mills, Inc.

STRINGER, DONNELLY & SHAROOD,
Saint Paul, Minn., July 7, 1965.

Hon. JOSEPH KARTH,
Representative in Congress,
House of Representatives Office Building,
Washington, D.C.

DEAR CONGRESSMAN: A few days ago the St. Paul Charter Commission, of which I am the chairman, met for consideration among other things of a proposal to amend the St. Paul City Charter so as to extend the duration of daylight saving time to conform to the national pattern on that subject. As you may remember, in St. Paul, and in fact throughout Minnesota, daylight saving time by statute extends only from Memorial Day to Labor Day, whereas on the national scale where there is daylight saving it extends from the last Sunday in April to the last Sunday in October. There is pending before the charter commission a proposal to adopt the national pattern by charter amendment. The commission passed a resolution, copy of which you undoubtedly have, endorsing the bill in Congress now to put all of the daylight saving dates on a uniform basis.

The amendment which would put St. Paul on the same basis as the national pattern in this respect was warmly endorsed by a large number of civil leaders and, as I am sure you know, the Dispatch conducted a plebiscite on the subject which endorsed the enlarged daylight saving overwhelmingly and I think there is very little question of the fact that there is overwhelming support in St. Paul for the national pattern to be adopted locally.

The commission is meeting again on July 15 for further study of the subject and I would appreciate it very much if by that time I could have word from you as to what the chances are of the Federal legislation in this field which is now pending, being passed. Obviously, the charter commission would not want to call a special election on the subject if the matter is going to be taken over on the Federal level; but if it looks as though the Federal proposal was not going to go through, then I think the charter commission would want to take the initiative, or at least consider doing so, so as to eliminate the intolerable situation which exists on the confusing dates during the periods when most of the Nation is, but Minnesota is not, on daylight saving time.

I would appreciate word from you that I could pass on to the charter commission at the meeting on July 15 as to the status and probability of enactment of the bill in Congress setting daylight saving dates on a national basis; and if you could give me word on this subject before our meeting of July 15, I would appreciate it very much and I am sure the other members of the charter commission will also.

Cordially yours,
PHILIP STRINGER.

NORTH CENTRAL COMMERCIAL AGGREGATE AND READY-MIXED CONCRETE PRODUCERS ASSOCIATION,
St. Paul, Minn., February 20, 1965.

Hon. JOSEPH E. KARTH,
Fourth District, Minnesota, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN KARTH: The executive board of this association would like you to know that we support the bill which you introduced to the Congress regarding legislation on a uniform daylight saving time.

We believe this is an excellent bill, not only for our industry, but for an expanded economy in Minnesota in the areas of industry and recreation.

Yours very truly,
ALFRED C. FULTON,
President.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA,
Detroit, Mich., March 2, 1965.

Hon. JOSEPH KARTH,
U.S. Congressman,
House Office Building,
Washington, D.C.

DEAR JOE: I wish to compliment you on your introducing legislation which will standardize daylight saving time nationally.

Our State legislature is again arguing whether or not to add an additional 2 months to our present daylight saving time which would be the same as our neighboring State of Wisconsin. I am advised that the proposed legislation will not pass. As a matter of fact, we will no doubt wind up keeping what we have.

I have read in the paper that Wisconsin has introduced legislation to extend their daylight saving time further, which will throw us 4 months out of balance, if it is passed.

It is my opinion that leaving this problem up to the State is not the answer, as you know the condition of our legislature in Minnesota. Ramsey County has already gone on record to recommend legislation which would standardize us with Wisconsin. Evidently, this will not receive any consideration in the State legislature.

There is but one answer to the problem of daylight saving and that is through Federal legislation.

Very truly yours,
GORDON R. CONKLIN,
Vice President.

BROTHERHOOD OF RAILROAD TRAINMEN,
St. Paul, Minn., January 30, 1965.

Hon. JOSEPH KARTH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KARTH: The members of the Brotherhood of Railroad Trainmen, Lodge 804, St. Paul, Minn., have instructed this secretary to write you to have you take steps to put daylight saving time in effect on a national basis, rather than at State option.

The reason for this request is that now, with railroads running through the various States, it is very difficult for railroadmen to negotiate work-hour rulings that would not conflict with other areas. If the Nation was to change time uniformly, as it did during World War II, it would be very easy to adjust standard time to daylight time.

Trusting that this will receive your prompt attention, I remain,

Yours truly,

——— ———,
Secretary Lodge 804.

ST. PAUL, MINN.,
February 5, 1965.

Hon. JOSEPH E. KARTH,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KARTH: I wish to offer some information relative to your bill to standardize daylight saving time. As you recall, I am a postal inspector assigned to the St. Paul division headquarters and have talked to you on a number of occasions in the Twin Cities at various Democratic functions.

The present system of administering daylight saving time by the various States and communities is chaotic. It is costing the Post Office Department millions of dollars a year to cover the cost of printing all the air mail changes, railroad changes, star route changes, and other material directly connected with effecting such changes. Every first- and second-class post office must maintain their individual copies of transportation schedules up to date. At the larger post offices, individual distributors are required to maintain their own assigned distribution schedules and schemes.

In addition, just consider the other mediums of transportation such as the airlines, railroads, buslines, and telegraph companies that are required to print new schedules because of the lack of standardization of daylight saving time.

Attached is a news item out of last night's St. Paul Dispatch which presents another picture—the loss to business because of the present confusion.

Besides the Post Office Department, there are a large number of other governmental agencies that are also affected and which costs them a considerable amount of the taxpayers' money and their budget for these obsolete practices.

It was a pleasure to attend the dinner in your honor out at the Venetian Inn last fall. Best wishes for your continued success.

Sincerely yours,

HARRY R. HINTZEN,
Postal Inspector.

THE PILLSBURY CO.,
Minneapolis, Minn., June 11, 1965.

Hon. JOSEPH E. KARTH,
Longworth House Office Building,
Washington, D.C.

DEAR MR. KARTH: As a new resident of the Fourth District, I have received the first of your reports from Washington.

I note with great interest that you have a bill to impose uniform daylight saving time observance. I am strongly in favor of this bill.

The Pillsbury Co. favors this legislation because of the extreme inconvenience occasioned by Minnesota's not having the same beginning and ending dates as most of the major commercial States. We do an enormous amount of business by telephone and other communications devices. The nonuniform status of our daylight time in Minnesota is a major inconvenience to our merchandising and communications operations. As you know, this will be particularly serious for 2 months this fall owing to the action taken by St. Paul and certain other communities and to the failure of the State legislature to act.

We earnestly urge the Interstate and Foreign Commerce Committee to give favorable consideration to your bill.

Very truly yours,

TOM R. MULCAHY.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I would be happy to yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I wish to commend my colleague, the gentleman from Minnesota [Mr. FRASER], for taking this special order to point out the difficulty which exists in many areas as a result of the differences in the calendar date on which they go on daylight saving time.

Mr. Speaker, we who go home on occasional weekends surely have found this to be the case in Minnesota. In my own congressional district it is next to impossible, with some communities being on daylight saving time and another one not, sometimes within the same county, to get to one area an hour early and to another an hour late. Also, there is no chance of making this up on the road. It has caused a great deal of confusion. There also seems to be a pattern as to time when many areas go on daylight saving time which interferes with the television programs, the world communications and transportation being fitted into this pattern.

Mr. Speaker, in my opinion it would greatly facilitate matters if the Congress would take action and set a date when daylight saving time would go into effect, if communities or States are to have daylight saving time.

Mr. Speaker, I hope the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], will hold hearings soon at which we can testify to the effect in our own communities as to this pattern of time and the necessity for the Congress to act to set a standard date when daylight saving time will go into effect.

Mr. FULTON of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I would be happy to yield to the gentleman from Tennessee.

Mr. FULTON of Tennessee. Mr. Speaker, I rise to commend the gentleman from Minnesota for his continuing efforts on behalf of establishing a uniform daylight saving time throughout our 50 States.

Mr. Speaker, since January 1963, I have spoken several times from the floor of the House in support of uniform daylight saving time. I have testified before the Interstate Commerce Subcommittee which is chaired by the able Representative, the gentleman from West Virginia, HARLEY O. STAGGERS, and frequently I have discussed the problem of the lack of time uniformity with the chairman of the Interstate and Foreign Commerce Committee, the gentleman from Arkansas, the Honorable OREN HARRIS.

Welcome is this opportunity to again speak for needed meaningful legislation in the regulation of our Nation's timekeeping.

Mr. Speaker, I will not relent in my efforts to bring some synchronization to our keepers of time—the clock and the watch. I remind those opponents of a reasonable solution to our state of time chaos that sundials are virtually extinct.

Let us not work for time but rather let time work for us.

Each spring, some 29 States representing over 100 million Americans from Maine to California advance their clocks by 1 hour. In only 16 of these States, however, is daylight saving time observed statewide, with the other 13 observing it on a local option basis. Twenty-one States do not observe it at all. Among those that do favor fast time during the summer, there is no uniformity as to length or limits of duration.

Now, it would be ideal if there were no necessity for uniformity of time, if one area could observe one time and one other area another time, with no effect on institutions outside its borders. Consider, however, the classic example of the 35-mile stretch from Steubenville, Ohio, to Moundsville, W. Va., where travelers until recently were obliged to change their watches seven times in order to observe various local times. And the situation becomes increasingly detrimental to business, commerce, and communications when, for example, Minneapolis, Milwaukee, and Chicago start and end daylight saving time independently of each other.

The transportation industry is particularly affected by the annual time-change disparities between areas. The motorbus industry estimates that it loses $250,000 a year; the Nation's railroads a million dollars a year just in printing costs necessitated by the annual scramble.

Mr. Speaker, do you realize that Cinderella possibly would have returned home a beautiful princess in the horse-drawn carriage rather than a pumpkin-drawn by mice had she not become confused as to whether her community was observing standard or daylight time.

Or can you imagine this conversation:

Lord Elgin: "Dinner at 8?"

Lady Elgin: "Is that daylight time?"

Lord Elgin: "Oh no, I am on standard time."

Lady Elgin: "Sorry, our movements are not together."

My bill, H.R. 76, is an attempt to effect a solution to this chaotic situation. This bill would vest in the Congress the responsibility for regulation of the Nation's time. Beginning on the last Sunday in April and ending the last Sunday in October, the standard time of each zone would be advanced 1 hour.

This complete uniformity would eliminate situations such as that existing in Pennsylvania. Here, the State law requires that official business be conducted on eastern standard time but more than 600 localities observe daylight savings time. Similar interstate discrepancies, such as those existing between my own State and several others in the central time belt, would be resolved.

In essence, then, H.R. 76 would end the time confusion in this country by establishing a uniform schedule of savings time to be observed in every locality for 6 months. Control would be vested in the Congress to keep our national activity at its maximum.

This, to my thinking, is the most effective and comprehensive solution to the problem.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I would be glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would like to say at this point that I wholeheartedly support this effort to get uniformity and some sense into this current time situation and in the confusion which exists.

Mr. Speaker, it seems to be essential that Congress step into this picture. This is one area in my opinion where the Congress has a real responsibility in an effort to get rid of the confusion that now exists and plagues our people all over the country.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I would be happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to join the gentleman in his statements and in his proposal for obtaining uniformity of time nationally.

I am reading into the RECORD the provisions of my bill H.R. 9023, introduced on June 14, 1965, a bill to provide a uniform period for daylight saving time. These are the provisions:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to save daylight and to provide standard time for the United States", approved March 19, 1918, as amended (40 Stat. 450; 15 U.S.C. 261–264), is amended by adding at the end thereof the following new section:

"SEC. 6. Whenever the standard time in any time zone, or any part thereof, is advanced one hour by any State or a political subdivision of any State, such advanced time, generally known as 'daylight saving time', shall commence at 2 o'clock antemeridian on the last Sunday in April of each year and shall end at 2 o'clock antemeridian on the last Sunday in October of each year."

The observance of time is of high national priority. Correct and easily calculated time uniform over broad areas is essential for modern civilization.

The overriding national interest in time in all periods, but especially in times of emergency, is shown clearly by what happened during both World War I and World War II. In both of those conflicts, the U.S. Congress wisely decided that the war effort deserved the highest economic efficiency. It therefore legislated war time, which was in effect national daylight saving time. This not only eliminated time confusions—it helped to conserve fuel and other resources and eased the strain on our power system by shifting the consumer peak-load demand into later in the evening.

My proposal and that of other Members does not assert that national daylight time be enacted now, and the pending legislation would not have that effect. Our proposal is for uniformity in time nationally, to avoid confusion. But I believe the time decisions made by Congress during the wars is impressive evidence that time confusion should not be tolerated for reasons high in the national interest. The pending legislation would wipe out the confusion now caused by daylight saving time and would permit us to enjoy that remarkable device without causing ourselves grave problems at the same time.

As a Pennsylvanian, I am proud that the first mention of the unique idea of daylight saving time came—as did so many other progressive ideas—from Benjamin Franklin. While Franklin was our Minister to France, he conceived of the idea of advancing clocks 1 hour in order to make more daylight available. Franklin even calculated how many candles this would save the people of Paris. But the idea did not sell them.

In the United States, an early crusader for daylight saving time is another Pennsylvanian—Robert Garland, longtime Republican councilman of Pittsburgh, whom I admired and respected, and remember well. In one attempt to get daylight saving time, Garland declared that only man, of all living things, "is so stupid as to deprive himself of an extra hour of sun by sticking to a rigid system of time."

Pennsylvania thus has a historic stake in daylight saving time and consequently a great interest to see that daylight saving time is wisely utilized as a benefit—rather than a problem—for our country. The pending legislation would have precisely that effect—it would permit States and localities desiring it to enjoy the advantages of daylight saving time without permitting our present problems of confusion and uncertainty to arise.

I urge the House to act this year to guarantee that 1965 will go down in the history books as the last year of the great U.S. time snarl, and the beginning of a uniform system on a national basis in the institution of daylight saving time. Let us at least start on uniformity where daylight saving time is desired and initiated in the United States.

I call attention to the following good newspaper articles:

[From the Scranton (Pa.) Times, Apr. 21, 1965]

TOWARD SENSIBLE TIME

A U.S. Naval Observatory scientist contemplating the nationwide mishmash of fast time and slow time in the good old summertime, was moved to remark that "the United States is the worst timekeeper in the world." This view is amply documented. When America starts shifting Sunday to so-called daylight saving time—or not shifting, as the case may be—the chaos is enough to drive a punctilious man to drink.

There are examples galore. In Iowa, which has local option on time changes, daylight saving time was in effect during 23 different periods last year. Carriers from Chicago to Milwaukee to Minneapolis-St. Paul and back will encounter five time shifts and schedule changes in 6 months. Before 1963, when West Virginia adopted daylight saving on a statewide basis, those traveling the 35 miles from Steubenville, Ohio, to Moundsville, W. Va., would have had to set their watches every 5 miles to have local time.

It is most encouraging, then, that Congress seems on the verge of taking constructive if limited action to bring order out of chaos. Prosposed legislation would keep clocks in the four major time zones in a constant year-round relationship. No State would be required to have daylight saving time but those that adopted it would observe uniform starting and ending dates. Support of the National Farm Bureau Federation and the Grange undermines traditional rural opposition to daylight saving. This appears to be the year for a start toward a more sensible system.

[From the Scranton (Pa.) Tribune, Apr. 22, 1965]

DAYLIGHT SAVING TIME

Daylight saving time, which will shortly start, is popular with factory and office workers, golfers and fishermen, city merchants and businessmen. It is suffered by railroad schedulemakers and television programers. It is opposed by outdoor movie operators, bowling alley proprietors, and tavernkeepers. It is anathema to farmers who insist that cows want to be milked on "God's time."

However, with the steady advance of State and Federal legislative reapportionment, the once strident political voice of the farmer slowly diminishes, and an end to the time confusion appears feasible.

As it is, 31 States and the District of Columbia have d.s.t., either statewide or by local option. But only 15 start and stop simultaneously. That means that clocks will be put ahead in only 15 States on the last Sunday—next Sunday—in April. The same States will push the clocks back an hour on the last Sunday in October.

An extremely modest start toward bringing order into chaos has been made in Congress. A Senate committee last year approved a bill to impose uniform time standards on all Federal agencies and on such interstate businesses as airlines, buses, railroads, and communications companies. A House committee last August approved a compromise bill that would set a uniform period for d.s.t. but would allow many exceptions. Neither measure, however, reached the floor. Identical bills have been offered in both Houses this year. And the Senate Commerce Committee will begin discussion of proposed legislation on the subject next Monday.

The cost and work imposed by d.s.t. is not generally realized. Western Union, for example, once estimated that it had to adjust 40,000 clocks in tens of hundreds of cities. Add to this the general inability to agree not only on whether to have it at all but also when to have it, and confusion is compounded.

However, before too long we Americans may at least be able to agree on the time of day.

[From the Monongahela (Pa.) Republican, Apr. 20, 1965]

ORDER OUT OF CHAOS

Millions of people favor daylight saving time, other millions oppose it. Other millions still probably don't particularly care, one way or another. But all these groups should be able to agree on one point—the coming of d.s.t., under present circumstances, is accompanied by a welter of confusions.

The date is April 25. On that day about 100 million of us will enter this year's d.s.t. period. But about 85 million will stick to standard time, though some of these will move to d.s.t. at a future date. In any event, the mixups will begin once more. The transportation services—rails, airlines, buses—will figuratively speaking, go slightly crazy. They will be constantly moving from one kind of time to another, to the consternation of travelers who aren't sure which is which. Tourists, driving in and out of d.s.t. and standard time areas will find themselves off schedule, often with expired reservations. And the confusions are not limited to those concerned with mobility. In some States, where local option is the rule, one town may be on d.s.t. and the next one, just a jump away, on standard time.

So it goes in many fields—radio and TV broadcasting, communications, farming, etc. That's why there is increasing interest in the efforts of the committee for time uniformity to do something about it. It has distinguished support from industries, organizations of various kinds, government departments and agencies, and individuals interested in bringing order out of chaos. It wants, as its name implies, to end, through agreements and necessary legislative action, the present "scrambled time" problems. May it succeed.

[From the Wilkes-Barre (Pa.) Times-Leader News, Apr. 20, 1965]

Switch to Daylight Saving Brings Confusion

New York, April 20.—The United States is about to enter into an annual period of confusion.

Daylight saving time will soon be here for much of the country.

This yearly clock juggling will affect business, transportation, and ordinary citizens.

Next Sunday 100 million Americans in 20 States will advance clocks 1 hour and thus get out of step with the other 85 million Americans. These other 85 million will either shift to daylight time on different dates or will remain on standard time.

Thus, the country will become a patchwork of time.

Benjamin Franklin is credited, or blamed, for daylight time. It's said that, when Ambassador to France, he awoke one morning and found sunlight streaming through his window while the city slept.

This "wasted" sunlight annoyed the frugal author of Poor Richard's Almanac and he soon evolved a plan to conserve this daylight by advancing the clock 1 hour.

Daylight time achieved its first wide observance in World War I when it was adopted throughout the country to give farmers more time to work in their fields.

Except for during the two World Wars, observance has been optional. As a result, the country is spotted with areas of observance and nonobservance. This is what has created the confusion.

For example, in 1964, 15 States started daylight time the last Sunday in April and ended it the last Sunday in October. Another 16 States either started or ended—or both—on different dates. The remaining States kept standard time.

Here are some of the things that happen:

An airplane takes off in Washington and, according to the clocks, lands at Norfolk 5 minutes before it was airborne.

Pennsylvania tries to run its State business on standard time while residents of more than 600 communities try to remember that their towns are on daylight.

By the law, trains run on standard time and thus are out of step whenever they arrive in a daylight community.

Some west coast businessmen are getting ready to go to lunch when the east coast business day is over.

For years, people have been talking about daylight saving time, like the weather, but doing nothing about it.

Now there's a move on foot to get some uniformity into the picture.

Next Monday Congress is due to begin action on legislation that would eliminate the snarls.

The Senate Commerce Committee will hold a hearing on a bill proposed by the committee on time uniformity, which was formed by the Transportation Association of America.

The bill would fix the last Sunday of April and the last Sunday of October as the mandatory starting and ending dates in States and communities utilizing daylight time. The measure would have nothing to do with whether it was observed in any particular area.

[From the Phoenixville (Pa.) Republican, Apr. 22, 1965]

Scrambled Time

At 2 a.m. on April 25, 1965, America will start living again on "scrambled time." Phoenixville's Borough Council adopted daylight time at its meeting this month.

"Scrambled time," the Committee for Time Uniformity points out, is because some 100 million of us will advance our clocks to daylight saving time, while the remaining 85 million will retain standard time all year round or move to d.s.t. on another date.

Time confusion goes to fantastic lengths. An airplane, according to the clocks, may arrive at its destination before it took off from its point of origin. Trains, being held to standard time by law, are out of step whenever they arrive in a d.s.t. community. Some west coast businessmen are just getting ready for lunch when the east coast business day is over. In one of the States, there are 25 different combinations of dates on which community areas move to and from d.s.t. In an Iowa town, the banks open on d.s.t. and close by standard.

An impressive list of companies and organizations—representing transportation, broadcasting, banking, communications, agriculture, and other enterprises have associated themselves with the Committee for Time Uniformity. Numbers of Government departments and organizations including Commerce, Defense, Post Office, General Services, the Weather Bureau, and others are also cooperating. The goal is to coordinate the efforts of all concerned and to bring about that uniformity through agreements and legislative action when and where needed. To risk a pun, it is high time this was done.

Mr. MULTER. Mr. Speaker, the city of New York has been observing daylight saving time continuously for over 35 years, and this observance has been statewide for many years. However, the time situation around the country, and in many States and localities, is not quite so simple. Thirty-one of the fifty States observe some form of daylight-saving time, but only fifteen States have uniform beginning and ending dates; sixteen States have it as a matter of local option, and nineteen States do not observe it at all. Additional confusion results from time variations between different localities and communities within a single State.

This lack of time uniformity is more than an annoyance. It represents a substantial and unnecessary waste in money and resources. The travel and communications industries as well as manufacturers and producers are especially concerned with this problem.

A strong argument can be made for the desirability of a shift to daylight saving time, winter as well as summer. Such a proposal has met with considerable favor in New York and New England. However, it would be unwise to confuse the situation with further proposals while Congress is considering Federal legislation in the same field.

The proposals now before Congress are more simple. These bills would perfect the application of the time zones to Alaska and Hawaii, and would add a single requirement concerning daylight-saving time. They would not forbid it; they would not require it. They would merely provide that wherever daylight-saving time is established it shall be effective for a uniform period from the last Sunday in April to the last Sunday in October.

This is not a complete coverage of the time situation that exists in this country, but it is a good step toward a uniform system of time by eliminating one of the most confusing features, namely the bewildering multiplicity of beginning and ending dates for the daylight-saving period.

I join in urging that such time-uniformity legislation be adopted.

Mr. CORMAN. Mr. Speaker, the entire Nation is looking forward to October 31. On that day, our annual time snarl will come to an end as the last group of States end daylight saving time and revert back to standard time.

Then we will have time uniformity—the first uniformity since the first group of States started daylight saving time last April.

The patchwork manner is which daylight saving time is now observed means that America has uniform time for only 5 months of each year—from October to April. The other 7 months we spend in a State of confusion, as far as time is concerned, because of the many different time laws, standards and practices permitted in the United States.

This self-inflicted burden of confusion is close to a national disgrace.

The Congress now holds the power to correct this situation by passing the pending legislation, which would at least fix the starting and ending dates for daylight saving time by making the last Sundays of April and October the mandatory switchovers.

I support this legislation strongly and hope the House acts on it this year.

One important point should be noted: While fixing the start and end of daylight saving time, the pending legislation does not in any way affect State-level and local-level decisions on whether to utilize daylight saving time at all. The integrity of local and State authority over daylight saving time thus remains unimpaired.

This is not a daylight saving time bill. This is not a Federal grab for more power. This is merely a bill to bring a measure of order out of the chaos created by our nonsensical time practices. This is perhaps the only piece of legislation that directly affects the daily life of every American. I believe that fact should spur the House to enact the legislation.

Mr. HANSEN of Iowa. Mr. Speaker, there is much that can be said, obviously, in favor of both standard time and daylight saving time. It would be an understatement to say that each has come to have its place in the American way of life. There is a great deal more to be said, however, for the need of putting a prompt end to the extremes of confusion which have resulted and continue to result from the annual juggling of clocks in this Nation.

Year after year, we find ourselves plagued by the innumerable variations in standard and daylight saving times across the country. Differing changeover dates are the main ingredient of this unhealthy muddle, with a wide assortment of local community options and a number of time zone boundary disputes serving to compound the confusion.

It is my conviction, therefore, that if we do nothing else in this regard than set up standards for the starting and closing dates for daylight saving time, standards that will apply throughout the country uniformly, we will have done all Americans a real service.

Certainly this would be helpful to the citizenry of Iowa.

Last year, for example, there were 23 different combinations of dates on which various Iowa communities shifted to and from daylight time. There also were periods when some school districts were observing daylight time while adjacent districts were on standard time.

The confusion reached a peak beginning in late August when many small communities began shifting back to standard time for the opening of the fall school term. With other areas remaining on daylight time until the first or last Sunday of October, it often was difficult to figure with any certainty what the time was in any given city.

There have been some moves this year toward unraveling the time snarl in Iowa, but the situation is still a thoroughly frustrating snafu.

So again I say that there is urgent need for national agreement at least on the starting and closing dates for daylight saving time—these dates to be the last Sunday in April and the last Sunday in October in keeping with what is clearly the majority choice in this regard.

I am including an article from the Shenandoah, Iowa, Sentinel in regard to daylight saving time. The article follows:

[From the Shenandoah (Iowa) Sentinel, Apr. 20, 1965]

Confusion Over D.S.T. Over Nation

(By Jack Lefler)

New York.—The United States is about to enter into an anual period of confusion.

Daylight saving time (d.s.t.) will soon be here for much of the country.

This yearly clock juggling will affect business, transportation, and ordinary citizens.

Next Sunday 100 million Americans in 20 States will advance clocks 1 hour and thus get out of step with the other 85 million Americans. These other 85 million will either shift to d.s.t. on different dates or will remain on standard time.

Thus, the country will become a patchwork of time.

Benjamin Franklin is credited, or blamed for d.s.t. It's said that, when Ambassador to France, he awoke one morning and found sunlight streaming through his window while the city slept.

This "wasted" sunlight annoyed the frugal author of Poor Richard's Almanac and he soon evolved a plan to conserve this daylight by advancing the clock 1 hour.

Daylight saving time achieved its first wide observance in World War I when it was adopted throughout the country to give farmers more time to work in their fields.

Except for during the two World Wars, observance of d.s.t. has been optional. As a result, the country is spotted with areas of observance and nonobservance. This is what has created the confusion.

For example, in 1964, 15 States started d.s.t. the last Sunday in April and ended it the last Sunday in October. Another 16 States either started or ended d.s.t.—or both—on different dates. The remaining States didn't observe d.s.t. at all.

Now there's a move on foot to get some uniformity into the picture.

Next Monday Congress is due to begin action on legislation that would eliminate the snarls now involved in observing d.s.t.

The Senate Commerce Committee will hold a hearing on a bill proposed by the Committee on Time Uniformity, which was formed by the Transportation Association of America.

The bill would fix the last Sunday of April and the last Sunday of October as the mandatory starting and ending dates for d.s.t. in States and communities utilizing it. The measure would have nothing to do with whether d.s.t. was observed in any particular area.

Mr. WALKER of New Mexico. Mr. Speaker, I wish to associate myself with remarks of my colleagues who are interested in the question of time uniformity. It is not necessary to recount here the great inconveniences caused by the crazy-quilt pattern of time being observed throughout the United States. I am sure that more than a few Members of this House have arrived an hour early or late for speaking engagements because of the confusion compounded by chaos in time-keeping practices. As one Member of the Senate categorized it, "Americans are plagued with missed appointments and baffled by timetable distortions." The neighboring State of Virginia is an example of the expense involved. In this State bus schedules must be revised four times in 6 months each year.

In the State of New Mexico, with the exception of the city of Los Alamos, standard time is observed throughout the year. The time may come when the citizens in the land of enchantment may wish to observe "fast time" as is done in the majority of our States. Until they do, however, I would hope that no requirement would be imposed upon them to observe daylight saving time.

It is my understanding that the U.S. Senate early in June, passed by voice vote, legislation which would help immeasurably in clearing up the present confusion. This bill would not affect those States which do not observe daylight saving time. Those jurisdictions which do advance their clocks 1 hour would, however, be required to do so on a uniform basis, beginning on the last Sunday in April and ending on the last Sunday in October. In my judgment this is a reasonable and realistic approach to a difficult problem.

Substantially identical bills have been introduced in the House and await consideration by the Committee on Interstate and Foreign Commerce. I realize that this great committee of the House has been burdened with an extremely heavy workload at this session of Congress. However, I hope that before we leave Washington in a few weeks, the committee will find it possible to schedule hearings on these bills. I understand that there is virtually no opposition and the hearings could be completed in the course of one-half day.

In conclusion let me insert for the Record an editorial in the Alamagordo, N. Mex., News of May 3, 1965, which sets forth very clearly the problems involved and the hope for at least a partial solution:

Time Mixup Again

The popular attitude toward the summertime mishmash that plagues this country resembles that of the man who worried about his leaky roof when it rained but did nothing about it on fine days. Americans fret a good deal when the summertime chaos is upon them and nothing immediately effective can be done about it, but in winter they tend to put off consideration of the matter.

The present state of affairs is a classic illustration of this. There was a big hue and cry last summer about how stupid it was for a modern country not to have a reasonably uniform time setup. There was a lot of public irritation at ridiculous discrepancies in time, not only between States but within States and sometimes from community to community. All this led to demands for congressional action at the earliest opportunity. Congress did nothing. Thus we will have to live through a repetition of last summer's time mixup.

Some idea of just how mixed up the time situation is can be gained by considering a few salient points. Thirty-one States observe daylight saving time; 19 States do not. Twenty of the 31 did all start daylight saving time together, on April 26, but that is the last nod to the ideal uniformity. These States will go off d.s.t. at varying times, some as early as August, others not until October. The other 11 daylight saving States will both start and stop on a variety of dates. As in the past, the motto seems to be: Let the traveler beware.

There is some hope that this will be the last summer of chaos. Committees in both Houses of Congress has turned the spotlight on this matter. Bills are in the legislative hoppers. The proposed uniform time law would not solve the problem, but it would be a start. Congress should not let another summer pass without action.

Mr. DERWINSKI. Mr. Speaker, I am pleased to participate in the debate this afternoon in support of the enactment of legislation to provide a uniform period across the country for daylight saving time.

I have joined my colleague, the gentleman from Minnesota [Mr. Fraser] in introducing a bill for this purpose, H.R. 9152, and am hopeful that the House Interstate and Foreign Commerce Committee, which has jurisdiction over this subject, will soon schedule hearings on it.

This legislation would merely limit daylight saving time for those States and communities who wish to use it to the period commencing on the last Sunday in April and ending on the last Sunday in October of each year.

Many States and communities commence and terminate daylight saving time at different periods, and within normal time zones some States and communities remain at variance with their neighbors throughout the period. Although the legislation we advocate would leave to each State the choice of adopting daylight saving time or not, it would accomplish the purpose of standardizing the dates on which it would begin and end for all areas choosing to adopt it.

The time confusion which we now face results in enormous expense of changing schedules to our railroads and airlines and causes considerable inconvenience to persons who travel from one area to another during the time when various States and communities are changing to and from daylight saving time.

I hope that Congress will act this session to end this expensive and inconvient system and adopt a standard period for daylight saving time.

Mr. HATHAWAY. Mr. Speaker, although the State of Maine, located in the extreme northeast corner of the country, has always been in the eastern zone, it has a standard of time which is relatively the slowest in the country—that is in relation to local sun time. With daylight saving added, the time in the eastern part of the State is only 28 minutes faster than sun time. Even our rural dwellers—about half the population—have grown accustomed to daylight saving time.

Our situation is complicated in that our eastern and part of our northern boundary is shared by our Canadian neighbors in New Brunswick, who observe Atlantic time, with daylight saving added in the summer months, making their time an hour faster than ours all year round.

Recently, the State legislature tentatively adopted a proposal to establish statewide, year-round daylight saving time. This measure has not become effective, but is awaiting the acceptance of similar proposals in other Eastern States. However, this move reflects a trend which could build up into another rash of time changes in the near future, unless Congress acts promptly to fulfill its duty to fix a uniform system of time standards for the United States.

For years Congress has been urged to preempt the field of time standards, thus preventing the exercise of local option, which has resulted in the present chaotic situation. The conflict between two or more standards of time affecting public affairs and activities in the same community at the same time, or the change from one to the other at the whim of local authorities is against the public interest, and the resulting widespread confusion is becoming intolerable. Sooner or later Congress will have to act.

Maine citizens have not always enjoyed unanimity in their time arrangements; but in the early years of daylight saving time they learned the lesson that uniformity, at least on a regional basis, is vital, if the benefits of daylight saving are to be realized.

The pending bills would require a uniform period during which daylight saving would be allowed. While they would not completely occupy the field, they would bring about a great improvement over the existing lack of consistency, and such legislation has my support.

Mr. BROWN of California. Mr. Speaker, the people of California recommend making our time observance uniform. They have done so themselves with an overwhelming vote at the polls—a vote which gives strong testimony to the fact that people want uniformity and are sick and tired of time confusion.

The question came up directly on the California ballot in November of 1962, at a time when California went off daylight saving time in September of each year—1 hour earlier than the majority of the other daylight saving time States, including the east coast States which observe daylight saving time.

The result of this was that, during that month, there was a 4-hour rather than a 3-hour difference between the coasts. The east coast was shutting down when people were still at lunch in California.

A referendum was ordered held in November of 1962, and the results were overwhelming. By a vote of 2,836,050 to 1,087,408 the people of California ratified their use of daylight saving time and extended it 1 month to conform with the vast majority of the other States. This put California daylight saving time on the April–October switch dates proposed as national standards in the pending bill.

That vote meant that more than 72 percent of the voters approved uniform time.

The trend of such votes in California adds an interesting commentary on a change in public opinion over the past 35 years with regard to daylight saving time itself and, then, uniformity of daylight saving time observance.

The people of California rejected any use of daylight saving time in 1930 and again in 1940. In 1948, however, daylight saving time was approved by a margin of 238,000 votes—the tally was 1,405,257 to 1,167,846.

And then came the 1962 landslide.

California enjoys its uniform daylight saving time. It recommends it highly and I strongly support the pending bill, H.R. 6781. Congress should act this year.

Mr. FRIEDEL. Mr. Speaker, the concept of daylight saving time has been credited to one of the most renowned of all of America's statesmen, Benjamin Franklin, before 1807. As phenomenally prophetic as Ben Franklin was, however, I think it is safe to say that he could never have foreseen the involvements that the current lack of time uniformity in the United States would produce. In many areas of this Nation today the situation in this regard is nothing less that chaotic.

We have towns where banks open on daylight saving time and close on standard time, and where the citizenry goes to bed on standard time and gets up by daylight-standard time variations.

More confusion reigns in families with members who work or go to school in different time zones. And there are the particular problems faced by the broadcasting agencies in trying to maintain some continuity of timing across the country in reaching audiences.

The list of examples of clock juggling and resulting mixups is literally endless—adding up to one of the greatest public inconveniences in America.

Nor is my own State of Maryland separated from the confusion. I can assure you that we have our share of mixups as a result of this annual scrambling of time.

There is much to be said for the principle of daylight saving time. There's much more to be said, however, for establishing and maintaining an orderly system of time changes. In a society as modern and progressive as America's, there is simply no place for the monumental mishmash of time that has been allowed to get so far ahead of us.

As I see it, a reasonable and realistic step in the right direction would be the adoption of standard starting and cutoff dates, on a statewide basis, across the land, for daylight saving time. The dates I have in mind are the last Sunday of April and the last Sunday of October.

Mr. TODD. Mr. Speaker, it is difficult to visualize that the activities of mankind are affected by anything more important than our system of timekeeping. It applies to all of us as public officials, professional persons, businessmen, travelers, and citizens alike. I am sure there is hardly any individual who has not suffered confusion or inconvenience by the differences in time observance. A Wheaton, Minn., resident recently complained that daylight saving time in Minnesota resulted in an "extra hour of sunshine which turned my grass brown." And then there was the elderly lady in New England who felt tired all summer until she got her hour back when standard time resumed in the fall.

Seriously, the practices across the country have during peacetime periods created a crazy-quilt of timekeeping. This has been a real problem for the banking and financial interests in particular. Our stock exchange firms serve 18 million stockholders; a system of rapid and efficient communication is a vitally essential element for conducting a nationwide securities market. This need also applies to all other areas of our fiscal structure. Being a member of the House Banking and Currency Committee I can speak with familiarity about this problem of this important segment of our economy.

I am also convinced that the American people want us in Congress to act. The Nation has been blanketed with extensive news accounts of time schizophrenia which need correction. It would be a constructive step forward to at least get those areas observing daylight saving time to do so for the same period of time each year and Congress should so legislate. The Senate passed a bill to this effect in June and I hope the House will soon follow suit.

Mr. SAYLOR. Mr. Speaker, it is my understanding that Henry Austin Dobson, an English poet and man of letters whose career bridged from mid-18th century through the days when various countries of the world first experimented with daylight savings time, wrote these lines:

> Time goes, you say? Ah no.
> Alas, Time stays, we go.

If Mr. Dobson were still living, he would certainly want to revise that philosophical expression, for there are times during the summer months when we cannot be certain whether we are coming or going. I believe that H.R. 9066, or the Senate-passed S. 1404 will eliminate some of the confusion that plagues just about everyone when some—not all—clocks are advanced an hour in the spring and again when hands are turned back in the fall.

The idea of saving a working hour each day during the summer months originated as early as 1908 in England, but it was not until World War I was underway that most nations on the Continent as well as Britain put the plan into practice. Less than a year after the United States entered the conflict, we too turned to daylight savings time and have found it generally advantageous in peacetime as well as in wartime.

Some areas still rebel at the thought of this artificial means of lengthening the working day, and I have no quarrel with this attitude. I am convinced, however, that there needs to be a uniform arrangement whereby all States and areas desiring to adopt daylight savings time will do so on a stipulated date. Inasmuch as the Federal Government has for the past 47 years provided by statute the opportunity to use daylight savings time where desired, it would seem only reasonable to specify the respective dates for turning clocks ahead and back. I feel such an arrangement especially important during a period when the world is beset with hostility and America is involved with men and guns. With defense research and production facilities scattered across the land, there is no excuse for making possible any avenue of delay that may be costly to the war effort. Yet, under conditions that allow for flexibility in time changes, a breakdown in communications—short-lived though it might be—could easily develop to the detriment of the military program.

I urge that such legislation be enacted at this session of Congress, Mr. Speaker.

Mr. HORTON. Mr. Speaker, I rise to urge passage of legislation to achieve a greater nationwide time uniformity. Our country, which can boast of many outstanding accomplishments in the scientific field, is long overdue for uniform time legislation. The Interstate Commerce Commission has been aware of this problem for many years, and the moment is now at hand that Congress turn the Commission's recommendations into actuality.

The present lack of enforcement provisions, leaving the determination to each community as to what time it should observe, has resulted in considerable variance in clocking, which complicates the operations and public schedules of the transportation industry, and as many of us here may have experienced, it often bewilders travelers, television viewers and radio listeners. Missed appointments and late arrivals hamper, complicate, and often irritate business and social affairs.

Local option enables the local authorities to determine their own pattern of scheduling. One point will have standard time and the next, daylight saving time. The trains operate on standard time regardless of the local time, while the airlines and buses attempt to reflect the local time in their schedules.

But one of the most confusing elements in the situation is the great difference in the periods during which daylight saving is observed. Although 31 States, and the District of Columbia, have daylight saving time, only 15 start and stop at the same time. In the remaining 16 States, daylight saving time is a decision of local officials. Crossing a single State the traveler may be met with as many as 23 different combinations of dates on which areas or towns go on or off daylight saving time.

It is this difference in periods of observance which is the principal point of attack of the pending bills. Under their terms the State or other governmental subdivisions would be free to decide whether daylight saving would be observed; but, if adopted, the period of observance would have to be from the last Sunday in April to the last Sunday in October. I believe this is a most needed improvement and I urge adoption of legislation making the beginning of progress toward a uniform system of time.

Mr. ROOSEVELT. Mr. Speaker, without exception, all citizens of the United States literally live by the clock, almost automatically, as a matter of habit. From the time a child is taught how to read the face of a clock until he becomes a senior citizen his entire existence is regulated by time. Whether it involves going to a movie, watching a favorite television show, maintaining appointments at the office, or shopping for Christmas presents, we all live by the clock. Books have been written about the technicalities of time observance throughout the world and beyond to the universe. Most of us, however, conduct our day-to-day affairs with family, friends and business associates merely by glances at our timepiece countless times each day.

The history of time observance in this country is a fascinating story. It was the railroad industry which adopted its own system of timekeeping 82 years ago, followed 35 years later by the enactment of the Standard Time Act of 1918, currently administered by the Interstate Commerce Commission. During World War I and World War II, the Congress adopted nationwide daylight saving time to enhance the war efforts. During the intervening peacetime periods, the observance of daylight saving time has been left to the States and local communities, resulting in a veritable patchwork of conflicting and confusing time practices.

Thus, almost half a century has passed since Congress has legislated on basic time obervance prevailing in peacetime periods. The time has come to clear up the time scramble. Congress must act, since leaving the matter to the States has resulted in a situation considerably less than desirable.

The extreme contrasts in time regulation are exasperating, to be sure, and the United States is probably the only country in the world in which you need a highly detailed map as well as a watch in order to be certain of the time.

It is my belief the prevailing conditions warrant congressional attention to the time problems of today, and justify immediate consideration of the legislative proposal of the gentleman from Minnesota [Mr. FRASER].

Mr. DOWNING. Mr. Speaker, time inevitably marches on and once again it is performing its annual giant's stride, leaping over an hour to bring about another period of so-called daylight saving time. The impact of such clock confusion on our American way of life, with half of our citizenry on daylight and the other half on standard time, has been dramatically brought to the attention of the American people. What you may not appreciate is that the State of Virginia has become the symbol of clock juggling which challenges belief, much less a constructive solution.

Let me very simply describe time observances in Virginia. As a result of State legislative action, on the first Saturday in April the same time was observed in the State capital of Richmond, in the metropolitan area comprising Alexandria and the counties of Fairfax and Arlington, and in the eight counties on the Virginia-Tennessee border.

On the last Sunday in April the metropolitan areas adjacent to Washington, D.C., moved their clocks forward 1 hour. Then on the Monday following Memorial Day—June 6—Richmond caught up with Alexandria but was then 1 hour faster than Bristol and the eight counties. In just 3 months, Richmond will rejoin Bristol but will then be 1 hour behind Alexandria. On the last Sunday in October Alexandria will lose an hour and rejoin the rest of the State until the cycle begins all over again next spring.

To further complicate matters this year, Bluefield and Pocahontas, Va., on the West Virginia border ignored State law and went on daylight time the last Sunday of April because of the West Virginia shift at that time.

What to do? Let me add my voice to the growing chorus that it is time to unscramble time—the annual battle of timetables and the time change puzzle must be licked. An overwhelming sentiment nationwide has developed to the effect that Congress must take the lead in establishing peace—time uniformity. My own people in Virginia say "Amen" to this.

The Virginia State Legislature in early 1962 adopted two resolutions. One resolution requested Congress to prescribe what time shall be applicable in the eastern standard time zone of the United States and, if different times are to prevail at different times of the year, then to establish the periods during which such different times shall be observed. The other resolution urged adjoining States to join in requesting Congress to take such action. These resolutions were presented to the U.S. Senate in time hearings during April 1962, by one of the senior members of the Virginia State Legislature, the Honorable Thomas N. Frost.

Mr. Frost also appeared in a similar Senate hearing earlier this year to support uniform time legislation, since adopted by the Senate. He presented a letter from Governor Harrison, dated April 23, 1965, which included the following statement:

> Enactment of such legislation, in my judgment, would be in the best interest of the Nation and I trust that the Congress will act favorably during this session. As you know, the Virginia General Assembly has advocated such an approach, and I am confident that the legislation would meet with the approval of the great majority of citizens.

How much more proof of clock chaos is needed?

First. An airplane takes off in Washington and, according to the clocks, lands at Newport News, Va., 5 minutes before it was airborne.

Second. A high foreign dignitary early in 1963 arrived in the United States an hour early near Williamsburg because someone failed to note that this particular area of Virginia had not yet joined the rest of the State in daylight saving time.

Third. In Virginia, bus schedules must be revised and reprinted four times in 6 months each year.

Fourth. Due to the Virginia State law the Official Bus Guide this year, effective May 28, used two different systems of telling time for our citizens, one by Trailways and the other by Greyhound. Think of how this would confuse not only the general public but also the 25,000 travel agents trying to serve the public.

Congress has much to do but it also "has time on its hands." Let us help to straighten out this crazy quilt of time once and for all.

Mr. Speaker, I insert an editorial from the Newport News Daily Press in the RECORD at the conclusion of my remarks. It is persuasive evidence of the need for some corrective action:

Scorecard-Toting Time Arrives

Two events of the past few days make it more certain than ever that many Americans will be toting scorecards in their pockets. Baseball season opened and that's one reason. The other is that daylight saving time is starting, and somebody who travels, or calls back and forth needs to know what time it is anywhere else in the Nation. Hence, the scorecard.

One-third of the country goes into daylight time today. Another third will set watches ahead in a few weeks, on or about the first week in June, and the rest of the Nation won't observe daylight time at all.

We have no idea which States will change clocks and when, so we won't be of much help in filling out your d.s.t. scorecards.

Unfortunately, this wouldn't help much even if we could, because in traveling about, you'd have to have a calendar, too, to find out when d.s.t. started.

Solution? There doesn't appear to be one.

We can't possibly expect any national agreement on the matter, because it ranks next in controversial value to dog leashes, insofar as we are able to determine.

A small step toward some degree of uniformity, however, is pending in Congress now. It doesn't say each State should or should not have d.s.t., but it does require standardization of the length of time every State that does go on d.s.t. would make the change. For instance, it would make d.s.t. mandatory from the last Sunday in April to the last Sunday in October in those States which have d.s.t., but would have no effect on those States which do not have the summer fast time.

Virginia, where time is neither fish nor fowl, goes on d.s.t. on the first Monday after Memorial Day holiday, which makes it pretty late this year, and goes off on the midnight before Labor Day.

Uniformity is the overriding need here, for there is a time loss of 25 percent of the working day when cities with d.s.t. try to communicate with cities without fast time. One office opens an hour earlier, the other closes an hour later, and the 2 hours lost are an important part of the 8-hour day.

But uniformity, alas, is not in the offing. And chaos will continue to reign in the summer.

Mr. DENT. Mr. Speaker, we design rockets which take close-up pictures of the Moon and Mars but we still struggle along with antiquated methods of measuring time, something which affects the life of every person every day.

Atomic science now permits 1 second to be divided accurately into 100 billion equal parts. And scientific time measuring devices can be so precisely set that two of them would deviate no more than 1 second in 5,000 years.

Yet the United States remains "the world's worst timekeeper," according to Dr. William Markowitz, leading time scientist at the U.S. Naval Observatory.

The reason for this, of course, is the haphazard way daylight saving time is illogically observed on widely varying dates in different parts of the country.

Pennsylvania has no major problems of uniformity within its borders—daylight saving time starts the last Sunday of April and ends the last Sunday of October, as the pending legislation proposes to make a national requirement.

Pennsylvania, however, does have its own time antique—while towns and other communities observe daylight saving time, State law requires that State business be done on standard time.

The ridiculous result is that all State office clocks remain on standard time while everyone works on daylight saving time hours. This little fiction, I suppose, preserves the sanctity of our laws.

What it really does, however, is expose the horse-and-buggy means by which we observe time.

While Pennsylvania has no uniformity problem itself, the national time confusion does affect our people as they travel or communicate to other parts of the country.

If the pending legislation became law, one could at least be certain as to whether or not daylight saving time was being observed anywhere on a certain date. This would contribute a lot to public convenience and national efficiency.

It is time for a real national overhaul of our time observances and I strongly support the pending legislation as a significant step toward time sanity.

I commend the following news articles to the House for consideration. They well point up the time dilemma we find ourselves in:

[From the Monessen (Pa.) Independent]

Time Mixup Again

The popular attitude toward the summer time mishmash that plagues this country resembles that of the man who worried about his leaky roof when it rained but did nothing about it on fine days. Americans fret a good deal when the summer time chaos is upon them and nothing immediately effective can be done about it, but in winter they tend to put off consideration of the matter.

The present state of affairs is a classic illustration of this. There was a big hue and cry last summer about how stupid it was for a modern country not to have a reasonably uniform time setup. There was a lot of public irritation at ridiculous discrepancies in time, not only between States but within States and sometimes from community to community. All this led to demands for congressional action at the earliest opportunity. Congress did nothing. Thus we will have to live through a repetition of last summer's time mixup.

Some idea of just how mixed-up the time situation is can be gained by considering a few salient points. Thirty-one States observe daylight saving time; 19 States do not. Twenty of the 31 did all start daylight saving time together on April 26, but that is the last nod to the ideal of uniformity. These States will go off daylight saving time at varying times, some as early as August, others not until October. The other 11 daylight saving States will both start and stop on a variety of dates. As in the past, the motto seems to be: Let the traveler beware.

There is some hope that this will be the last summer of chaos. Committees in both Houses of Congress have turned the spotlight on this matter. Bills are in the legislative hoppers. The proposed uniform time law would not solve the problem but it would be a start. Congress should not let another summer pass without action.

[From the Greensburg (Pa.) Tribune Review]

Time Tinkering

Congress, so it would appear, is moving a step forward to end the perennial confusion of some of the Nation's habit of going on daylight summer time.

Legislation to establish uniform effective dates for the summer time has passed the Senate and now goes to the House, where similar approval is expected.

This legislation would standardize start of daylight time as of 2 a.m., the last Sunday in April, and be removed at the same time the last Sunday in October. As the procedure stands today the start and finish of this time is largely left up to States and individual communities, which has caused considerable confusion in the country.

Over the years there have been many advocates of some sort of standardization in summer recreation hours. As the situation is today the transportation media has rather a difficult time attempting to relate its schedules to the whims of States and municipalities.

It might be wiser, therefore, for Congress to go a step further in its time tinkering and come up with a universal pattern. At least this would end the annual confusion that now prevails.

[From the New Kensington, Pa., Dispatch]

Many U.S. Areas Turn Clocks Ahead

More than half the American people will have to turn their clocks ahead 1 hour Sunday to conform with daylight saving time.

The change goes into effect at 2 a.m. (local time).

In 16 States, the change will be statewide. In others, one or more areas of the State will go on daylight saving time, while other areas stay on standard time.

Some States remaining on standard time next week will shift to daylight saving time later in the spring.

Latest reports indicate a slight gain for the daylight saving time advocates, many of whom would like to see the whole country on daylight saving time all year as some sections in Indiana are now.

New to the fold is Colorado, which will turn the clocks Sunday for the first time.

Iowa adopted daylight saving time on a statewide basis for the first time this year by legislative action, but will have it only from Memorial Day to Labor Day.

Wisconsin will begin daylight saving time as usual Sunday, but by legislative action will have an extra month of it, going back to standard time at the end of October, rather than as previously, in late September.

Generally statewide daylight saving time is favored by populous States—New England, the Middle Atlantic States, Illinois and California. Others adopting statewide daylight saving time include West Virginia, Nevada and Washington.

But in other States the picture is not so clear. In Ohio, 226 cities and communities in the northeast and eastern parts of the State will go on "fast" time Sunday. But only 21 of Ohio's 88 counties will be affected by daylight saving time and some of those only in part.

Other States which will experience both daylight saving time and standard times within their borders during the summer are Pennsylvania, Maryland, Virginia, Kentucky, Indiana, Michigan, Missouri, Minnesota, South Dakota, New Mexico, Montana, Idaho and Oregon.

Vast areas of the South and Southwest—including Texas—ignore the whole idea.

Daylight saving time ends October 31 in much of the East.

AMENDING THE TRADE EXPANSION ACT OF 1962

The **SPEAKER** pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Illinois [Mr. COLLIER] is recognized for 30 minutes.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COLLIER. Mr. Speaker, the time for amending the Trade Expansion Act of 1962 is long overdue. Today I wish to join the other Members who also believe that urgent action must be taken. When this act reached the floor directly from the executive branch of Government, it was under a closed rule, which prevented it from being justly amended. The House therefore, had little choice but to adopt this overly liberal and damaging bill. Existing tariff rates were cut by 50 percent with but a few exceptions. Those items with less than 5 percent duty, were placed on the free list, and the more cautious "peril point" provision which had been in force for 10 years was abolished.

In 1955 a 15-percent tariff cut was allowed; 1958 saw a 20-percent reduction, and in 1962, the free-trade enthusiasts made their mark by establishing the 50-percent reduction, or more than the combined two previous reductions in our tariff rates. The 800 witnesses appearing before the committee on the rate reduction, apparently failed to make their point. Hardly an exception was to be found in the across-the-board 50 percent reduction, and the "peril point" protection was lost. The new act provided for adjustment assistance to industries, firms, and labor—and yet, to this date not a single applicant has qualified for such assistance. Seventeen have tried for this assistance, including five labor groups. The Tariff Commission has turned down 16 of the 17, unanimously, because the law does not clearly define the degree of injury which is actionable. This extremely liberal piece of legislation is today implemented by the GATT negotiations which are now moving along at a snail's pace in Geneva. Here the United States continues to commit itself to 50 percent reductions, and possibly greater, with only "a bare minimum of exceptions."

With the flooding of our markets by imports, many industries have and will continue to take defensive measures. In order to compete with low foreign labor costs, and thus low product costs, large amounts of money have been expended to modernize equipment and procedures to bring about economies in production. This action has resulted in decreasing the demand for large labor forces and has a negative effect on employment, as the new workers supplied by the population growth are not absorbed. Another option for our industry was to invest heavily in plants abroad, buy into going concerns, or purchase the foreign company outright. License arrangements, by means of patent royalty agreements, aid in supplementing the domestic company's income, without actually going abroad. We all realize, however, that heavy investment abroad means more American dollars flowing out of our country and a worsening of our balance-of-payments problems, which we are striving so hard to correct through the "see America first" and other programs instituted by this administration.

The electronics industry provides a typical example of the effects which flooding imports have on the domestic employment situation. The United States gained an early lead in this industry and provided a great diversity of electronic products in the industrial, governmental and military, and household or consumer areas. The television, tape recorder, and so forth, sector represents the typical nonessential type of consumer goods field, to which the economy looks for employment.

This branch of the consumer industry depends solely upon public acceptance of the total product package—gadgetry, cost, advertising, and so forth—and the amount of income available for such nonessentials. Although there is no necessity to purchase these types of products, the affluent Americans consider them close to being essential. Automobiles were also considered luxury items and today their production and sales are major factors in our economy. Mass production saw price reduction and new layers of consumer purchasing power resulting in a vast increase in sales. The potential market is then expanded until the lowest levels of income in our economy can afford these nonessentials. Multiple unit consumption follows each level of saturation. With the introduction of low-cost foreign products, our industries scramble for more automation to avoid the spiraling labor costs.

The market for necessities—that is, food, is limited by a standard of national consumption, only to be increased with a growing population. Yet nonessentials are very sensitive to the various cycles and slight indications of our economy. The elastic demand of the electronic industry follows the confidence of the consumer, as his income and spending increases. Military and Government purchase of electronic goods depend on the defense budget and the pace of space exploration. Industrial electronics follows both the general economic picture and the demand for consumer goods.

Imports began to register a serious impact on consumer electronic employment from 1958 forward, as compared with the nonconsumer branches—Government, military, and industrial. Imported consumer electronic goods were only $17.2 million in 1958, increased steadily to $153 million in 1963 and were estimated to exceed the 1963 figure by 15 percent in 1964. Employment in the consumer sector was 101,000 in 1954, fell to 66,500 in 1958, and after the recession rose again to 83,000 in 1962, without ever reaching the 100,000 level again. Employment in the military, governmental, and industrial area grew from 91,500 in 1954 to 282,000 in 1962. Employment increased threefold in the other areas of electronics, while it declined some 17 percent in the consumer electronic field. If employment in the consumer field kept pace with the other areas, it would have reached close to 300,000 in 1962, instead of only 83,000. The nonconsumer segment is five times as large in the domestic sales as in the consumer division, yet the imports are less than a fourth of those in consumer goods. The result has been a heavy contribution to employment by the nonconsumer sector and a contribution to unemployment by the consumer sector. Thus one can see the sensitivity of the consumer sector to imports.

Growing import competition forced our manufacturers to purchase component parts from foreign countries at a small cost, leaving our small parts manufacturers in the cold. These lower levels of domestic income suffered as a consequence and were without employment, along with the small manufacturer, who lost his contracts. Our producers may be able to lower their prices over the longer period of years, as they did with televisions, but foreign competition refuses to wait, for they are ready now with their low cost and high production levels.

Great expansion of investment in the consumer electronic field is dubious under the present national trade policy. Additional investment in automation which would lower the cost per unit, would be advisable if it didn't have such a negative effect on employment. If industry could be assured that further tariff reduction wasn't imminent, industry could move judiciously, yet swiftly toward a realistic program of cost reduction and a solution to the employment problem.

The electronic industry is but one example of the situation faced by many of the consumer industries today. Its features are common enough to be shared by all of those concerned with consumer goods. We should take heed of the grave warning signs it is displaying today and provide corrective measures so that America's industries continue their innovations and provide jobs for our growing labor force. If we do not face up to the problem today, we will find ourselves buried in imports tomorrow. The need will continue to increase for more comprehensive retraining programs, higher antipoverty measures, and larger area redevelopment projects.

With this in mind a bill should be passed that provides that any product whose imports have risen 75 percent since 1958 and now occupies 7½ percent of domestic production, should be taken off the list of products to be considered for further tariff reductions. By holding the particular import to a proportionate share of the expanding market, the existing damage of unlimited imports would not continually be reintroduced. The U.S. trade policies should be subjected to congressional review every year. They should be considered in the light of our yearly expanding economy and our world trade goals. This is not an easy assignment, but must be done to insure a favorable balance for our home industries. The Ways and Means Committee should therefore place this bill high on its list, for immediate consideration.

THE FEDERAL WATER COMMISSION ACT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. Ryan] is recognized for 30 minutes.

Mr. RYAN. Mr. Speaker, last week I introduced House Concurrent Resolution 457 expressing the sense of the Congress that the Delaware River Basin Commission should immediately investigate the feasibility of relocating Philadelphia's intake on the Delaware River. The existing intake is vulnerable to saltwater incursion, and to protect it from this threat New York City is presently required by Commission order to forego daily 155 million gallons of drinking water to which it is entitled under a U.S. Supreme Court decree. This water is spilled over into the Delaware from the city's reservoir for the purpose of holding back the salt front at Philadelphia's intake, although very little of it is actually withdrawn for use by that city.

House Concurrent Resolution 457 is designed to spur action by a regional commission on what may well be one of the few remaining approaches which holds any promise of enlarging the usable water supply in the New York-Philadelphia area. Since such an approach is only possible now through a regional, multistate authority such as the Delaware River Basin Commission, I want to acknowledge the importance of the concept and practice of regional water regulation in this present drought crisis.

However, the present philosophy of regional water control is inadequate to the challenge which we face today and will surely face again. Only 3 weeks ago the House and Senate passed the Water Resources Planning Act of 1965. This measure, involving the expenditure of at least $120 million over the next 10 years by river basin commissions, will set the direction of our water resource planning for the coming decade. Yet there is little comfort in this law for most people living in the Maine-Washington-Cincinnati triangle now suffering acute drought conditions. The reason, as I pointed out on July 13 at page 16554 of the Record, lies in a provision added to the bill for the first time in conference. The provision, section 3(d) of the act, expressly forbids the Federal Water Resource Council or any river basin commission acting under the law to "study, plan, or recommend" the transfer of waters between areas under the jurisdiction of more than one commission.

This limitation was apparently tailored to the demands of Columbia River Basin residents who feared the act would lead to diversion of Columbia River water to the Southwest. The actual effect of the provision is, however, far broader, and its impact on other areas dramatically illustrates the total inadequacy of basin-by-basin water resource control as the governing premise of our national water policy.

New York City's present plans for coping with its acute water shortage is a clear case in point. New York City has extensive water recovery and storage facilities on the upper Delaware. These have proved insufficient to meet simultaneously the requirements of both New York City and Philadelphia. Consequently, New York City plans to reconstruct a water intake project on the Hudson River which it once started and foolishly abandoned. This intake, unlike Philadelphia's intake on the Delaware, is located near the conduits carrying water from the Delaware reservoirs to New York City. This will permit New York to either use Hudson River waters as an emergency substitute for Delaware withdrawals or mix waters from the two sources for the city's water supply.

Mr. Speaker, the river basin planning concept of the Water Resources Planning Act of 1965 stands foursquare against this proposed project. None of the $15 million in Federal and matching funds which the Delaware River Basin Commission might receive in the next decade could be used to support or perfect it, if a Hudson River Basin Commission comes into being as it surely will, in response to the availability of $15 million under the act.

Instead of addressing itself to the effect of this prohibition on the Northeast, the brief Senate debate on the Water Resource Planning Act conference report centered on a just-released Presidential directive to the Water Resources Council, calling for a report within 7 days on the Northeast water crisis with recommendations for Federal measures to alleviate it.

This report, which was transmitted to the President on July 21, must be a shock as well as a disappointment to many of those in the Northeast. The shock is due to the Council's commendable candor in concluding that the water emergency will become increasingly serious during the next year, possibly resulting in outright disaster conditions in several States. The disappointment stems from the inadequacy of the Council's recommendations for Federal action in view of its own findings. The recommendations are numerous, but mainly focus on technical assistance or credit extension to State and local governments, special relief for the farm economy, and ominous contingency plans for mobilization of civil defense agencies as well as the Office of Emergency Planning.

Nowhere does the Council's report indicate that it considered its mandate in section 102 of the act to "maintain a constant study of the adequacy of administrative and statutory means for the coordination of water and related land resource policies." Instead the Council prefaces its recommendations with the statement, "The paramount responsibility for providing local water supplies traditionally and properly rests with local jurisdictions."

Mr. Speaker, to say the least, it is ironic to assert flatly, in the course of a report foretelling disaster, that the traditional way is the proper one. I would go farther and say that one obvious reason for the present crisis is the very lack of coordination of our basic water policies which the council declined to consider. While we accept national coordination in the development of our electric power system, we still harbor the anachronistic view that our water resource management should reflect virtually every theory of water use control ever conceived by the mind of man. In keeping with this we honor the law of capture or prescription on the one hand, and virtual socialization on the other. There is a special water commission in one State, while in another claimants must press their case in ill-suited and crowded courts. We exalt the geological integrity of the river basin and at the same time construct reservoirs and conduits which establish the preeminence of demographic considerations.

In short, our water economy is not so much mixed as it is scrambled. The absence of nationally applicable standards and the failure to coordinate water pollution control with water use regulations has resulted in chronic misallocation of this vital resource throughout the country. Now the water problem which lies under the surface everywhere is painfully exposed in that area of the country which has been most inclined to take water for granted and least receptive to the changes which must come sooner or later. Within the next year, while the water shortage continues, there is an opportunity to make these changes.

Mr. Speaker, today I have introduced a measure entitled the Federal Water Commission Act, based in large part on the Model Water Use Act adopted in 1958 by the National Conference of Commissioners on Uniform State Laws. The act would cover all water use or water-polluting activity affecting any navigable, interstate, or coastal water in the United States.

Taking or pollution of these waters would be governed by uniform Federal standards aimed at insuring that they are employed only for beneficial uses. A five man Federal Water Commission, modeled after the Federal Power Commission, would administer and enforce the law.

The key provision of the bill authorizes the Commission to require and issue permits for all uses of water resources covered by the bill, including any activity which results in water pollution. The Federal permit procedure specifically protects existing uses so long as they remain beneficial and serve the public interest. Householders taking water directly from wells or streams for normal domestic use are exempted from the permit procedure.

Permits issued by the Commission would continue in effect for a minimum period of 5 years. This provision, although working to the disadvantage of a regional, State, or local government which quickly corrected the shortcomings in its own laws, would remove the market-depressing element of uncertainty which would otherwise affect sales of water-related assets. Further, the bill provides scrupulous procedural safeguards and unqualified right of appeal in connection with a decision to invoke the Federal licensing procedure.

Another major provision of the bill authorizes the Commission to suspend the application of Federal licensing procedures when it finds, after a hearing, that regional, State, or local regulations will adequately effectuate the purposes of the act. This suspension or retrocession of jurisdiction over Federal waters would be subject to routine review after 5 years, and extraordinary reconsideration at an earlier date, if an investigation and hearing reveal that a particular jurisdiction had fallen below Federal standards in its water use policy.

The bill also provides the Commission with the powers to deal with two classes of acute problems: water shortages and water emergencies. Where the Commission finds that a shortage exists or is developing, it may take such steps as requiring water rotation, barring new water uses, and prorating available supplies among existing users. Where these steps are inadequate to protect public health and safety, the Commission may take more urgent measures, such as outright water rationing and emergency appropriation of private water supplies.

Of course, after the Federal Water Commission is in operation, it should develop a long range plan of allocation. If this plan is executed properly, shortages will be anticipated, and we will not live from crisis to crisis.

Finally, the bill makes two changes in the Water Resources Planning Act of 1965. First, it deletes altogether the ban on planning interbasin water transfers. Second, it recasts the Water Resource Council in the role of an advisory committee to the Commission. This conforms the Council's role to the original 1956 proposal of the Presidential Advisory Committee on Water Resource Policy, which envisaged the Council as an advisory committee to a water resource coordinator who would be in turn responsible to the President.

Mr. Speaker, the principal effect of my bill would be to establish a Federal Water Commission as a water policy review board, dealing chiefly with the laws and regulations of other governmental agencies and political subdivisions. As such, it should be acceptable in principle to those who have confidence in the wisdom of their region's allocation of its water resources and wish to retain discretionary control at the regional or local level.

The Federal Government has responded to the critical water shortage in the Northeast with prompt technical assistance to regional, State and local authorities.

However, Federal action thus far has failed to face the hard fact that we must have an integrated national policy of water conservation, water development, and water pollution control. It is inconceivable and, in view of the present crisis, intolerable to reject the principle of Federal coordination for water resources when we now embrace it actively in developing a national electric power grid. Water is quite obviously a scarcer resource and far more vulnerable to the devastating caprices of nature. The Federal Water Commission bill I have introduced today would close this glaring gap in our nation's resource policy in a way consistent with both existing regional differences and the paramount necessity of securing an ample, constant water supply for all citizens of the United States.

IN ORDER THAT THE UNITED NATIONS MAY BE EFFECTIVE IN VIETNAM, WE MUST REHABILITATE IT

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Wisconsin [Mr. REUSS] is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the body of the RECORD in connection with my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. REUSS. Mr. Speaker, the President deserves high praise for his action last week in invoking the United Nations in the Vietnam situation.. By his letter to Secretary General U Thant asking "that all the resources, energy, and immense prestige of the United Nations be employed to find ways to bring peace in Vietnam," and by his instructing Ambassador Arthur Goldberg to communicate the matter to the members of the Security Council, we have shown that we respect the United Nations and intend to use it.

What comes out of the United Nations depends on what its members are willing to put into it. I therefore hope and pray for a United Nations call for a cease-fire, for United Nations-sponsored negotiations between all interested parties, for United Nations supervised elections to enable the people of South Vietnam to decide their own future, and for a United Nations program of economic development for all of southeast Asia.

The case for United Nations responsibility for southeast Asia was well stated 15 years ago by then Secretary of State Dean Acheson in his January 12, 1950, speech to the National Press Club in Washington:

> What is the situation in regard to the military security of the Pacific area, and what is our policy in regard to it?
>
> In the first place, the defeat and the disarmament of Japan has placed upon the United States the necessity of assuming the military defense of Japan so long as that is required, both in the interest of our security and in the interests of the security of the entire Pacific * * *."
>
> This defensive perimeter runs along the Aleutians to Japan and then goes to the Ryukyus. We hold important defense positions in the Ryukyu Islands, and those we will continue to hold * * *.
>
> The defensive perimeter runs from the Ryukyus to the Philippine Islands. Our defensive relations with the Philippines are contained in agreements between us. Those agreements are being loyally carried out and will be loyally carried out.
>
> So far as the military security of other areas in the Pacific is concerned, it must be clear that no person can guarantee these areas against military attack. * * * Should such an attack occur—one hesitates to say where such an armed attack could come from—the initial reliance must be on the people attacked to resist it and then upon the commitments of the entire civilized world under the charter of the United Nations which so far has not proved a weak reed to lean on by any people who are determined to protect their independence against outside aggression.

Those words were valid then, and they are valid now.

The President's action in involving the United Nations is itself the best answer to those in high places who have been raising all manner of objections to involving the United Nations.

It is said that the United Nations cannot play a useful role where the great powers are involved. In fact, the United Nations has more than once intervened effectively in just such a case. In 1950, despite the opposition of the Soviet Union, the defense of South Korea was mounted under the banner of the United Nations. While the Korean United Nations action escaped a Russian veto because Russia had absented herself from the Secuitry Council, the possibility of United Nations action even had there been a Russian veto was assured by the invention of the "uniting for peace" procedure under which the General Assembly can act. In the Middle East conflict of 1956, a United Nations cease-fire was obtained against the force of the United Kingdom and France, which, to their credit, respected the cease-fire. In the Congo and Cyprus, the United Nations played a role where the great powers were indirectly involved. Great powers as well as small are likewise not exempt from the United Nations writ in Vietnam.

It is said that there is no role for the United Nations in Vietnam because North Vietnam and Communist China have rejected and ridiculed a United Nations role. Their objection is as irrelevant as the unheeded objection of North Korea to United Nations action in 1950. Certainly it was never intended that the aggressor should decide whether he would be subject to United Nations peacekeeping action.

Equally, it is irrelevant that North Vietnam and Communist China are not members of the United Nations. Article II of the U.N. Charter expressly states:

> The organization shall insure that states which are not members act in accordance with United Nations principles.

It is said that our invoking the United Nations will be taken as a sign of weakness by our adversaries, and as a harbinger of American withdrawal. But President Johnson's signals are hardly those of weakness; and the evidence so far certainly points to no misapprehension by North Vietnam and Communist China on this score.

It is said that our invocation of the United Nations would lead to acrimonious debate in the Security Council and the General Assembly on the U.S. position. But such debate, in and out of the United Nations, is sure to occur anyway. It will have infinitely less foundation if we show our respect for article I of the United Nations Charter, which defines its purpose as "to maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace."

It is said that invocation of the United Nations would force the Soviet Union into the arms of Communist China, and heal the breach caused by differing views of violent takeovers by "wars of liberation." The Soviet Union in any event faces the dilemma posed by conflicting desires: On the one hand, to avoid heightened danger of conflict with the United States and, on the other hand, to show itself the champion of world communism.

If the Soviet Union is not going to intervene militarily against us in Vietnam without our going to the United Nations, I cannot see her intervening militarily if we do go to the United Nations with a set of peace aims that are instinct with justice for all the world to see. No one can tell whether the Soviet Union will oppose, or veto, formal United Nations action, if it comes to that. But if there is a Soviet veto, there is then the General Assembly, under the uniting-for-peace procedure.

It is said, finally, that if all other United Nations procedures of mediation, arbitration, and recommendation are exhausted, and the matter then comes before the General Assembly, the General Assembly may decline to take action or vote it down. I do not for a moment concede the point: If we will now move to rehabilitate the United Nations, I am confident that the requisite majority of the General Assembly would take a stand for peace and for the independence of small nations. But even if the United Nations should in the end shirk its responsibility, we shall at least have shown our dedication to the United Nations and our willingness to abide by our commitments under the Charter.

But as a matter of the first urgency, we must overcome the present paralysis in the United Nations caused by the year-old dispute about the financing of prior United Nations peacekeeping operations in the Middle East and in the Congo. The Soviet Union and France are both more than 2 years in arrears in paying their assessments on peacekeeping forces which they opposed. Under the letter of article 19, they are thus subject to the loss of their votes in the General Assembly. Last August the Congress, with administration encouragement, passed a concurrent resolution calling on the permanent U.S. delegate to the United Nations to "make every effort to assure invocation of article 19. The Soviet Union threatened to withdraw if denied its vote, and there was a good chance that France would do likewise. The result was that the last session of the General Assembly ended in paralysis, with no votes allowed to be taken.

The confrontation in the United Nations stemming from our concurrent resolution of last summer, if it is still in effect when the General Assembly convenes next month, will result either in our defeat or in the withdrawal of the Soviet Union and France from the world organization. For that reason, I introduced last April House Concurrent Resolution 386, which will permit our permanent delegate to the United Nations flexibility in handling the article 19 problem, and not compel him to torpedo the United Nations when it meets. For the future, we should support the proposition that General Assembly peacekeeping operations be financed by voluntary contributions. For the past, the United States, while remaining zealous to invoke article 19 against the countries in arrears in their regular United Nations dues, should not press article 19 on the Middle East and Congo special assessments.

Congress has just a few weeks to act before September is upon us. I hope that the State Department will act upon House Concurrent Resolution 386, or some similar resolution, to end the United Nations impasse. When the United Nations is revivified, it will be able to play a meaningful role in bringing peace to Vietnam.

Of one thing I am sure—that the American people wholeheartedly support a United Nations role in Vietnam. In an opinion poll conducted in Milwaukee by the Milwaukee Sentinel, and reported in the Sentinel for August 2, 1965, 70 percent of those asked, "Do you feel it is time for the United Nations to step in to find ways to halt this aggression and bring peace to Vietnam?" answered "Yes;" 7 percent said "No," with 18 percent saying "Don't know," and 5 percent not answering. I include the Milwaukee Sentinel story:

POLL FINDS SUPPORT FOR L.B.J.—U.S. BUILDUP IN VIETNAM BACKED

(By C. Brooks Smeeton)

The majority of Milwaukee area residents support President Johnson's commitment to a stepped up role for the United States in the Vietnam war.

This is despite the fact that almost one-half of those polled feel the President's decision to double the draft call and to increase the U.S. fighting strength is risking a major war with Red China.

More than 6 out of 10 persons agree with President Johnson's order to double the monthly draft calls from 17,000 to 35,000 and to send 50,000 more men to South Vietnam.

This compares with only about 1 in 5 (19 percent) who disagree with the idea, or (18 percent) who don't know.

One hundred persons were interviewed by telephone for the Sentinel by the research department of the Journal Co. Of those who participated in the poll, 59 percent were women and 41 percent were men.

Interviewers asked individuals throughout the metropolitan Milwaukee area for their opinions about the statement last Wednesday on Vietnam by President Johnson.

Almost half—47 percent—said that they read about it in the newspaper while almost one-third—28 percent—listened to or watched the speech on radio or television.

The results revealed that 40 percent agree that this action on the part of the United States will bring peace eventually. Twenty percent were in disagreement; 35 percent replied they didn't know and 5 percent did not answer.

"If we didn't do it now it would lead to total war," said Howard Bruchkauser, 2709 East Whitaker Avenue, St. Francis.

Also in agreement was Thomas K. Anderson, 3455 South 104th Street, Greenfield. He said, "I like the forwardness in the President's stand. It's time we show them that we mean business and we will fight to protect our freedom."

Walter Waech, 4853 North 66th Street, indicated he felt the same way when he replied, "It's the old Teddy Roosevelt theory of 'carry a big stick.' We've been horsing around too long."

SAME AS KOREA

There were some who disagreed. In the opinion of John H. Ebbe, 3234 South 82d Street, "It's the same as Korea—fighting to establish a status quo."

Forty-eight percent of those polled felt the action by the United States is risking a major war with Red China. Twenty-nine percent said they did not think so, while 19 percent said they didn't know.

The women (almost 50 percent) were more apprehensive than the men (46 percent) about the possibility of this country getting into a war with Communist China.

Seven out of ten of the participants in the survey said that it was time for the United Nations to step in to find ways to halt this aggression and bring peace to Vietnam.

Among those who felt this was Eldon Zich, 16032 Riviera Drive, New Berlin, who said, "I've felt that way for a long time. It's the job for the U.N. They should have tried to keep peace."

EASIER THAN FORCE

John Kallas, 2574 South 35th Street, said, "I believe in the U.N. They can settle problems easier than brute force."

Donald Weber, 5856 North 61st Street, said, "It's part of United Nations business to do this. They have made no noticeable effort as yet."

Oscar Murphy, Jr., 2958–A North 12th Street, said, "The United States got themselves into it, so they should get themselves out."

William Anderson, 3702 West Sarnow Street, said, "I am negative on United Nations. They don't have too much to say. They're too far to the left."

Mrs. Ray Wotta, 2545 South 66th Street, said, "The United Nations will never settle anything."

Here are the Sentinel poll questions and the results:

"Did you happen to listen or watch President Johnson's speech Wednesday on Vietnam?"

	Percent
Yes	28
No	69
No answer	3

"Did you read in the newspaper about President Johnson's statement on Vietnam?"

	Percent
Yes	47
No	50
No answer	3

"Do you agree or disagree with President Johnson's decision to double the monthly draft calls from 17,000 to 35,000 and to send 50,000 more men to South Vietnam?"

	Percent
Agree	61
Disagree	19
Do not know	18
No answer	2

"Do you agree or disagree that this action on the part of the United States will bring peace eventually?"

	Percent
Agree	40
Disagree	20
Do not know	35
No answer	5

"Do you feel it is time for the United Nations to step in to find ways to halt this aggression and bring peace to Vietnam?"

	Percent
Yes	70
No	7
Do not know	18
No answer	5

"Do you feel this action by the United States is risking major war with Red China?"

	Percent
Yes	48
No	29
Do not know	19
No answer	4

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I will be delighted to yield to the gentleman from California.

Mr. COHELAN. I want to congratulate the gentleman for the very important statement he is making to the House this afternoon. I should like to associate myself with his remarks.

I was personally very pleased that the President in his press conference last Wednesday stated that he had sent Ambassador Goldberg with a special message to Secretary General U Thant urging him to make full use of the resources of the U.N. in bringing the war from the battlefield to the conference table. I have been urging that this be done for some months now. I also have been encouraging every official of our administration with whom I have talked to make every effort to include the United Nations in every step and that it be encouraged to play a larger role in this effort.

However, my question to the gentleman at this point, in light of some of the comments he has made about the prospects of the United Nations perhaps being turned down, is that I notice in the United Press International dispatch this morning that North Vietnam has ruled out any United Nations role in bringing the war to the conference table or for any international settlement. So I ask the gentleman, Do you really think it is possible we can get the other party to the conference table or to the United Nations in light of what they have had to say?

Mr. REUSS. Yes. Hanoi in the past has shown its contempt for the United Nations, and it has done so again in the last 24 hours. However, I remind the gentleman that the United Nations Charter, article 2, expressly states, and I quote:

> The organization shall insure that States which are not members act in accordance with United Nations principles.

So the mere fact that North Vietnam resists United Nations action, and is not a member of the United Nations, is irrelevant.

Equally in 1950, North Korea resisted the U.N. action and was not a member of the U.N. Yet that did not stop the U.N. from assuming what I think history will regard as an important role in damping down that threat to world peace. I do not want to minimize the difficulties of the situation, but I do not think that the intransigence of North Vietnam offers the slightest excuse for the U.N. to shirk its responsibilities.

Mr. COHELAN. If the gentleman will yield further, did I understand him clearly in respect to the parties with whom we should negotiate? Do I understand that the gentleman includes any and all parties that might properly be associated with an honorable settlement? By this I mean the National Liberation Front, the Vietcong, or any other party, that may be present and available to negotiate. Is that not correct?

Mr. REUSS. Yes. I said all parties and I mean all parties, including those who are now most responsible for carrying on the conflict, that is, the Vietcong. President Johnson in his press conference of last week indicated if the North Vietnamese wished to bring along the Vietcong or the National Liberation Front to negotiations, that would be acceptable, and that statement speaks for itself. Speaking for myself, I would think we have to negotiate with whomever our opponents are, and we can leave juridical considerations as to whether a group of people is a government or not to one side. They are the people who are firing at us, and they will have to be dealt with.

Mr. COHELAN. Now, if the gentleman will yield further at this point on just one other matter before he completes his comprehensive statement.

As the gentleman well knows from our own discussions, from discussions with very distinguished colleagues of ours including the gentleman from New York [Mr. BINGHAM] who at one time was a delegate to the United Nations, and with members of the administration, there has been concern expressed about us going to the United Nations at this point and possibly causing some embarrassment, particularly in relation to article 19.

Now I realize the gentleman has commented on article 19, and we have to do something about this. But I wonder if he would concentrate on the question of the reservations that are entertained by some of our colleagues who are equally anxious to bring the United Nations pressure to bear in this terrible situation in southeast Asia.

Mr. REUSS. I thank the gentleman for asking that question. I would say two things in reply to him.

First, as to the tactics and timing of our United Nations invocation, on which we are now happily embarked, I believe that the tactics and timing must very much be left to those who are directly in charge of the day-to-day conduct of our foreign policy. Thus I do not call this afternoon for any particular resolution to be presented before any particular body of the United Nations at any particular time. It may well be that the initial step taken, of having Ambassador Goldberg simply lodge the matter informally before the 11 members of the Security Council, is a good initial proceeding. I well recognize that to take a frozen formal position at the outset might not be the most productive way to proceed. So my first answer to the gentleman's question is that the important thing is that we are now before the United Nations. We are not any longer being disrespectful of it by refusing to come before the United Nations. And this I consider half or two-thirds of the battle.

I would hope that our timing and tactics will prove fruitful in the days and weeks and months to come.

The second point I would make has to do with article 19; and that is that whatever we do with the United Nations is totally dependent upon our putting the United Nations back on its feet again. It is now in a state of paralysis owing to the assessments dispute, and we must move fast to see that some sort of a workable compromise can be arrived at on that, so that the United Nations when it meets in New York next month may be once again a going institution.

I point out to the gentleman that this will require action by the U.S. Congress, because the Congress has presently saddled our permanent representative at the United Nations with a rather inflexible resolution which in effect requires that on opening day of the new General Assembly, he has got to challenge the right of France and of the Soviet Union to vote, and both countries, if that challenge were upheld, would be highly likely to leave the United Nations and thus start the tragic course toward a repetition of the last days of the ill-fated League of Nations.

Therefore, it is in my judgment vital that the State Department and Congress move within the next few weeks, preferably the next few days, to clarify our directive of last summer which was made in good faith—I voted for it, and so, I believe, did the gentleman from California, with all other Members—but, in effect, our confrontation strategy of last year regrettably did not work, and we are now confronted with a larger question of whether we wish the United Nations to continue.

I believe the American people want the United Nations to continue. In a poll conducted in my own community of Milwaukee over the weekend by the Milwaukee Sentinel, 70 percent of the persons queried on whether they wished the

U.N. participation in Vietnam said yes, they did; only 7 percent said no; 18 percent said they did not know, and 5 percent did not answer.

So that I think the American people share the faith of the gentleman from California and myself and so many other Members that the United Nations does have an inspiring role to play in world peace if only we will do our part in putting it on its feet again.

Mr. COHELAN. I thank the gentleman for amplifying this point, and again I want to express my complete agreement with what he has had to say.

I shall have further questions of the gentleman as the gentleman proceeds.

Mr. REUSS. Mr. Speaker, because of the lateness of the hour I am going to exercise my permission to insert materials in the RECORD and conclude my formal remarks by expressing the deep hope that the State Department will shortly act on the question of the U.N. impasse, that it will give a favorable report on the resolution which I introduced last April to give our representative, Ambassador Goldberg, more flexibility on the article 19 question or perhaps come up with some similar resolution, so that the United Nations may be revivified and thus able to play a meaningful role in bringing peace to Vietnam.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to my colleague from Minnesota.

Mr. FRASER. Mr. Speaker, I want to commend the gentleman from Wisconsin for his timely discussion of a most urgent question, a question which is of vital concern to the security of our Nation as well as to the future of the world.

Particularly, Mr. Speaker, I feel it is worth noting the point which the gentleman has developed, which is that before we can return to the United Nations for assistance in settling the Vietnam problem, we must first work out the problems that have kept the General Assembly from functioning over the past year. Because most of the small nations do not want to see in the General Assembly a confrontation between the United States, the Soviet Union, and France on the question of paying these assessments for the peacekeeping costs, we are going to have to recognize this as a reality and proceed to find other ways to move ahead so that the General Assembly can continue to act and function in dealing with problems around the world.

I might say, if the gentleman will yield further for a moment, that there is one point that I believe the gentleman touched upon with which I surely concur. That is the argument that by taking the issue of Vietnam to the Security Council, we would force the Soviet Union into a position of representing North Vietnam thereby committing the Soviet Union to a firmer and harder line than that to which it is presently committed.

It seems to me that while this question or consideration once had validity, today we find the Soviet Union furnishing not only economic aid but substantial military assistance, including surface-to-air missiles for North Vietnam, and warning our Government about the grave risks that we face in our course of conduct over there and demanding the withdrawal of American forces from South Vietnam.

It would seem to me that it would be hard to get the Soviet Union more deeply committed to a defensive posture on behalf of North Vietnam than that to which it is already committed as a result of its common interest with North Vietnam as a member of the Communist group of nations.

I do not know if the gentleman from Wisconsin has pursued that point to the degree that we have discussed earlier, but I do believe that this consideration which, as I say, once had validity, no longer does have the validity that it may have had in the earlier months.

Mr. REUSS. I agree with the gentleman from Minnesota that while the question of the involvement of the Soviet Union in the question of a U.N. presence in South Vietnam is a serious one, it deserves a fair discussion.

I believe, on balance, that the case is overwhelmingly in favor of going to the U.N., and letting the chips fall where they may. The Soviet Union has already found it necessary, because of its position in the Communist world, to take very considerable steps to aline itself with North Vietnam.

I do not see how that alinement is going to become any worse by reason or our bringing the matter before the United Nations.

Certainly, if in a given situation the Soviet Union, before we take the matter to the United Nations, is not going to take military step X against us, then equally the Soviet Union is not going to take military step X simply because we went to the United Nations. The United Nations invests us with a much better world standing than we have through ignoring the United Nations. So I think we are better off with respect to the Soviet Union and everybody else through going to the United Nations.

The second point I would like to make is that the worst that the Soviet Union can do to us in the United Nations, if it comes to that—I hope it will not—is to veto such resolutions as have been offered in the Security Council by us, or any other member. There is then available to us the General Assembly, under a procedure invented because of the Soviet Union's veto power. There is that great forum, with its 114 member nations, where I am confident a justly conceived and stated American case can attract the majority of votes.

Mr. FRASER. There is another consideration which might be worth developing. In the earlier years many people had in mind asking the United Nations to declare the actions on the part of North Vietnam to be acts of aggression and calling upon the United Nations for support in meeting that aggression. It is true we could go to the United Nations today and ask the Security Council or the General Assembly to declare that aggression is being waged by North Vietnam and call on them for help. That is one course of action that is open, but it seems to me in light of recent developments and in the changing complexities of the situation we are more likely to urge the United Nations to take a peace-seeking role.

Mr. REUSS. Rather than in a police force role?

Mr. FRASER. Yes. Leaving aside the question of aggression, you could go to the Security Council or to the General Assembly and seek through their offices to find a resolution to this conflict. In such a case the Soviet Union would not find itself pressed to defend North Vietnam and thereby become more deeply committed as some fear. What has been established since the United Nations has been in business is that they will recognize overt aggression and will act to meet such aggression. That was demonstrated in the case of Korea, although it is true Russia was not in the Security Council at that time; nevertheless, the other nations all recognized North Korea was invading South Korea, and they did authorize a United Nations force to take action in support of South Korea.

But here we have a war in which there are arguments about the nature of the war. Some call it a civil war just as we had a civil war between the North and South here in the United States. Others say the moral issues are obscured because the United States did not support the elections provided under the Geneva agreement. There are moral questions raised by those who discuss Vietnam. Where there are some complexities and an argument about whether or not there is truly aggression, we do have one other route to follow, and that is the route of self-determination. There is no dispute about the issue that the people of the area ought to decide by the ballot box rather than by bullets what kind of leadership they want. It is here we could move forward, and the United Nations can play an extremely useful role.

The value of moving in this direction is that if we advocate self-determination and if we say we are prepared to accept a vote by the people of South Vietnam—and I was happy to see that the President took that position the other day in his speech—then it seems to me that puts us clearly on the moral side, on the side of the angels. Whatever disputes there are about the origins of this war or the morality of it, if we can go to the United Nations and say we are prepared to ask their good offices and their help in creating machinery to carry out some kind of a political decision process such as the use of the ballot box with a referendum or by an election of some kind, this would be consistent with the highest purposes of the United Nations. It would be consistent with the spirit of the small new nations for which self-determination stands as perhaps the highest political principle of any that are abroad in the world today.

Before I ask the gentleman to comment on this, I might mention a proposal that the President could make. This is only for illustrative purposes. He might say, for example, to the United Nations that we are prepared to support a United Nations sponsored referendum in South Vietnam on the question of the political leadership that the people desire—with the questions to be framed under United Nations jurisdiction.

Further, he could suggest that a cease-fire take place in South Vietnam so that the United Nations representatives would have access to all of South Vietnam in carrying out such an election.

Third, he could say that if these steps are agreed upon, and this would involve, I think, a direct contact by the United Nations with the Vietcong or with the national liberation front, if those steps could be agreed upon, then of course we would suspend bombing in the North and agree to abide by the outcome of the election, as we would expect all other nations to do.

Now I recognize the many problems that exist in this proposal. I recognize that the United Nations really has not done this before. But necessity is the mother of invention and if there should be some willingness to proceed to allow the people of South Vietnam, who are the people whose interests are ultimately at stake, to make a decision by going to the ballot box—if we could move in that direction through the United Nations, it seems to me this would clearly put us square with the world and our own conscience and the highest principles of American democracy.

Mr. REUSS. The gentleman, as he always does, has made good sense. I think his proposal is a sound one.

I would add that it is in no way inconsistent with the observations of President Johnson at his press conference last week. Indeed, it simply carries out and makes a little more definite what was said there by the President.

The gentleman has well said that, while these things have not been done in exactly this way by the United Nations before, the fact is the United Nations Charter, like the great Constitution of this country and like the British Common-Law Constitution, is capable of infinite adjustment, within its four corners, to the turn of events.

Specifically, I think a combination of a United Nations directed cease-fire which of course, would operate on our bombers and would operate on the Vietcong and on North Vietnam and on the Saigon government; the suggestion for United Nations-sponsored negotiations; and the suggestion, which I think is perhaps the most important of all, for United Nations supervised elections in South Vietnam—this is the essence of a proposal which, if made a little more formally by our Government, and I think we are reaching in that direction now, will appeal to the sense of justice of people the world over. After all, that is our only refuge and strength. I think the gentleman has made a real contribution.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California.

Mr. COHELAN. The gentleman has cataloged the points that are important in any kind of United Nations proposal which would lead to free election machinery to determine the future of Vietnam and/or of South Vietnam.

My question at this point relates to the machinery. While it is true that we could organize elections, I think it is pretty clear one of the reasons we failed to sign the Geneva accords in 1954 was because we could not get U.N. guaranteed and supervised elections.

My question to the gentleman is: What do we propose? What can we propose? What techniques and methods will be suggested or can be suggested to arrange for the peacekeeping costs? Obviously, if there is a cease-fire it is highly desirable to have an enforcible cease-fire under U.N. supervision. Given some of the difficulties of which we are all aware, what does the gentleman envision as the means for sorting this one out?

Mr. REUSS. Of course, the costs of a United Nations-supervised election would be negligible and could be borne out of regular United Nations dues, and there would be no problem, because there has been no disposition on the part of members generally to refuse to pay their dues.

If, however, a United Nations peacekeeping presence of some sort may be necessary, a United Nations police force—bear in mind that in my colloquy with the gentleman from Minnesota just a moment ago I agreed that there were other U.N. functions and operations which seemed to be more significant right now—in Vietnam or anywhere else in the world, I should think in the future, to the extent that the General Assembly of the United Nations set up a police force, the financing should be done on a voluntary basis, just as a world organization like the International Development Association, before it makes up a consortium, goes to the various members and says, "How much can we put you down for?" If the member says, "Nothing on this one," the IDA secretary says, "Fine, we will put you down for nothing."

So, with respect to future General Assembly peacekeeping forces, because of their exacerbating nature on some of the members, it would not hurt to make their financing voluntary.

If it be said that then the United States may in a given case bear the lion's share of the burden, I would answer by saying, first, only if the United States agreed, and, second, how much better it would be if we were today bearing the lion's share and more than the lion's share of the burden in South Vietnam under the banner of the United Nations, and with the help of numerous other members of the United Nations. How much ahead, both financially and morally, we would be.

I believe, in answer to the question of the gentleman from California, there are ways of working out even expensive peacekeeping forces without wrenching the United Nations apart.

Mr. COHELAN. I thank the gentleman.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Minnesota.

Mr. FRASER. I was interested in the question of the gentleman from California and the response by the gentleman from Wisconsin.

There is an additional procedure which could be followed by the United Nations which would also, I believe, provide additional flexibility. I refer to creating a peacekeeping fund in advance, in a predetermined amount—it might be $500 million or some other figure—which would have the value of insulating a particular peacekeeping operation from the request for support of that fund. One cannot insulate it entirely, and it may depend on the magnitude of the peacekeeping operation.

I might say that one of the objections raised to the idea of having a peacekeeping fund established in advance is the possibility that the smaller nations, who control the General Assembly, might undertake to go off on their own and initiate some kind of action which we would not feel was in the interest of the United States. I mention this because it is a common objection. On that point, it seems to me we have so many other things to fear which are more real and more immediate that such a remote contingency could not seriously impair our national security. I believe we should look at the possibility of establishing such a fund as one of the possible ways to provide the United Nations with the flexibility which I very strongly feel it needs.

Mr. REUSS. I would certainly agree that this is an idea worth exploring. If it ever could be achieved, it would be a most helpful addition to the United Nations arsenal of peaceful weapons.

I return, however, to my theme, which is that immediately we are confronted with the stubborn fact that the U.N. has fallen apart and that our most immediate urgent task is to move heaven and earth to put it back together again.

There is no reason under the sun why in about 5 weeks from now the United Nations cannot be on its feet, financially sound once again, with hope for the future and, I would think, with the gratitude ringing in our ears of about 80 small nations for the initiative of the United States in trying to put the United Nations back on its feet, if we will but do what has to be done in the Halls of Congress, and in the executive branch in the 3 or 4 vital weeks to come.

Mr. EDWARDS of California. Mr. speaker, I always listen carefully to our distinguished colleague from Wisconsin [Mr. REUSS]. He is truly one of the outstanding scholars in the Congress and a thoughtful and knowledgeable internationalist. I read with appreciation his recent article on the U.N. in Commonweal magazine. I compliment the gentleman from Wisconsin on his continuing efforts in support of the U.N. and thank him for taking this time today to discuss the U.N. and its vital place in this modern world.

Mr. Speaker, I emphatically deny that fate decrees that wars are inevitable. As Schopenhauer said, what people commonly call fate is, as a general rule, nothing but their own stupid and foolish conduct, and if wickedness is atoned for in another world, stupidity gets its reward here.

I am convinced that there is a proper and well defined path we can and must take in our foreign policy. I say that the ground rules are existing and have been enumerated by wise leaders, living and dead. Sir Isaac Newton said:

> If I have seen farther than other men it is because I have stood on the shoulders of giants.

I ask only that we stand open eyed, on the shoulders of our giants.

I suppose that I realized that the day of world wars was over and done with on August 6, 1945, when our aircraft dropped the first atomic bomb and in a few seconds leveled a great city and killed 77,000 people.

You will recall that this was a few months after the Germans had started using the V–2 rocket, which was fired from hidden sites, which flew so fast that the sound of the missile did not catch up until after the explosion.

It seemed apparent on that day that substitutes would have to be found for warfare, that it would not be too many years before any reasonably modern nation could construct both the missiles and the nuclear warheads capable of destroying any other country or combination of countries. Any new Tojo, Hitler, Kaiser, Napoleon, or Genghis Khan now had the means of pulling down the rest of the world, whether in revenge or in a frenzy of paranoia.

Today we have enough atomic bombs to kill every Russian over 1,000 times, and they in turn can do the same to us.

It does not matter who strikes first. The bombs and the means of transmittal are hidden in hardened sites or on submarines which cannot be found, and the nation first attacked will always have sufficient missiles left to destroy the enemy.

For a few short years only ourselves and the Russians were atomic nations. It was our hope that there would be no further proliferation. We resembled the trustees of the church in southern California upon whose property oil was discovered. The next day the trustees announced that no more new members would be accepted.

But today we find 10, perhaps 15, other nations with actual or potential nuclear arsenals. France, whose force de frappe military experts sniffed at not many months ago, has an operational force of 36 Mirage supersonic bombers armed with atomic bombs each with an explosive force of 60 kilotons, or 4 times the Hiroshima bomb. The French force will soon be double this size, and military experts say that more than 50 percent would reach their targets.

China has now exploded two atom bombs. Those who assume that China will have no missile delivery system would do well to remember that the Chinese invented the rocket. The consensus of expert opinion is that industrialized nations such as West Germany and Japan could join the atomic club in 2 years. Other nations that have the industrial and scientific capabilities include Italy, Israel, India, Pakistan, the United Arab Republic, and Indonesia.

We would consider it imbecilic for a city to attempt to exist without government—as an anarchy—without community rules restricting the violent behavior of its citizens. But the nations in the world today have no effective government or rules of law limiting their sovereignty. The sovereign state assumes the right to take any action to serve what it considers its vital interests and to judge the appropriateness of its acts, no matter how serious the consequences to others.

This system never has worked—it cannot work. "There is no greater fiend than anarchy," said Sophocles. "She ruins states, turns houses out of doors." In my lifetime alone, international anarchy has resulted in two world wars, in the violent deaths of a hundred million people, in hunger and poverty for two-thirds of the world's population, and in a breakdown of governments permitting Communist rule over half the world's population.

Even in the brief periods between wars, the preparations for the next conflict so impoverish the world community economically and spiritually, that long-range success in the development of the underdeveloped nations is impossible.

World expenditures for armaments per year total over $120 billions, of which the United States spends 42 percent. In late May it was announced that our Nation has the doubtful honor of being the biggest arms merchant in the world, with sales of $1.5 billion this year and a special arms sales promotion program in Western Europe costing $500,000 a year.

With the nations of the world spending $120 billion per year on arms, it is clear that there is not enough money left over for aid to the underdeveloped countries.

As Grenville Clark and Louis B. Sohn have pointed out, there must be an annual flow of capital from the industrialized nations to the low-income countries of not less than $50 billion per year—or $25 per capita. The current flow of $8.5 billion is only one-sixth of what is required to make any real impression on the problem.

Unless the developed nations allocate this larger sum of capital to the low-income nations, we should not be surprised if they develop monolithic economic and political systems. Communist revolutions are not caused by the Communist doctrine, they are caused by disease and the lack of the decencies of life. These revolutions will continue even if communism evaporates.

It was 2 years and 2 months ago that President Kennedy made his immortal speech on world peace at American University here in Washington. It seemed to me at that time, and I have not since changed my mind, that his words signified a new direction in American foreign policy.

He said that world peace is the most important topic on earth. He said that war is not inevitable—that mankind is not doomed—that we are not gripped by forces we cannot control.

He said:

> Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants.

That:

> World peace, like community peace, does not require that each man love his neighbor—it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement.

President Kennedy said:

> We seek to strengthen the United Nations * * * to develop it into a genuine world security system—a system capable of resolving disputes on the basis of law * * * and of creating conditions under which arms can be finally abolished.

You will recall that within a few short weeks the Soviet Union and our country had signed the test ban treaty, outlawing atmospheric atomic testing. At the time of his death we appeared to be close to an extension of the treaty to include underground explosions. President Kennedy had traveled to England, Ireland, and to Europe. He was looked upon as the leader who might fulfill Tennyson's dream of a time "when all men's good be each man's rule, and universal peace lie like a shaft of light across the land."

It seems to me that our commitment to build world law and order is being weakened by our actions. We appear to be disassociating ourselves from a foreign policy whose matrix is the U.N. and instead giving increasing importance to unilateral power politics.

I say that this course can only lead to disaster—that man's only hope for world peace is through constant honest efforts toward world organization—that we cannot say it won't work until we have tried—and that our attempts to date have been timid and unenthusiastic.

It is my position that support of the U.N. must be the core of our foreign policy. I believe that the United States can lead its sister states on the road to a world community where disputes are settled not by war but by conciliation and arbitration.

Where the United Nations has been allowed by its members to operate, its successes have been solid and satisfying. International cooperation has been the rule in the World Health Organization, UNICEF, UNESCO, the Food and Agricultural Organization, the Monetary Fund, the World Bank, GATT, the expanded program of technical assistance, and many more.

The first and primary purpose, however, of the United Nations is to maintain international peace and security. The charter specifically requires that member States shall use no force except in self-defense—that the use of self-defense must be reported to the Security Council, and that members must settle their disputes peacefully.

The charter contemplates that nations in dispute shall first seek a solution through peaceful means of their own choosing. Then, if a solution is not found, the dispute must be referred to the U.N. before it erupts into war.

In its first few years considerable respect was paid to this commitment. Russia withdrew its troops from Iran and France hers from Syria to avoid charges of charter violation. The U.N. helped restore peace in Greece, Kashmir, and Korea. In Israel peace was maintained when the state was first established and again during the Suez crisis.

But this pattern of generally responsible conduct has degenerated during the past decade into the practice of nations taking the law into their own hands and using force without first submitting the case to the U.N. There was Britain and France in Suez, India in Goa, Russia in Hungary, the United States in Vietnam.

It might possibly be argued that the use of force would be legitimate where a member in good faith first seeks assistance through the U.N. and fails to receive it. There is no excuse for bypassing the U.N.

More and more we have been reversing the proper order of conduct in international affairs. Our charter obligation is to first submit the dispute to the international governmental authority and only thereafter back up its decision with force. There is no authority to move militarily first, seeking conciliation later.

In recent years it is said more and more that the charter does not forbid one nation from helping another quell a rebellion. This is certainly an imaginative but unsupportable conclusion. There is no authority in the charter for one nation to intervene militarily in another country whether there exists a civil war, a war of liberation, or a war in the defense of freedom.

No state has the right to intervene in another state's civil war. If the civil war constitutes a threat to international peace, then the U.N. may intervene to deal with this threat.

There is nothing in the charter to justify the great powers or the small powers rejecting or ignoring conciliation, mediation or the other peacekeeping processes of the U.N. The law of the charter, its very heart, outlaws force as a method for settling disputes.

Nor are military alliances a substitute for the treaty obligations of the U.N. Charter. NATO provides no machinery or means for settling disputes, except the use of force, or the threat of force. We have seen from NATO no arms control proposals. Indeed, NATO historically has looked with a jaundiced eye on any plans for disengagement, disarmament or the establishment of arms-free areas in Europe.

I am not saying that there is a single path to peace and that it consists of a more faithful adhereance to the rules of the charter. There still would remain many intractable problems requiring additional remedies. The U.N. must, of course, be open to every nation including China. There must be giant steps toward disarmament and the formation of an international police force. The World Court's jurisdiction must be enlarged and strengthened. There must be in the General Assembly a more realistic distribution of voting power.

But these are difficult, perhaps impossible achievements in the hostile atmosphere of the cold war. What I suggest is that one step is possible—one is immediately achievable—and that is for the member nations to cease forthwith their neglect of the U.N. and their solemn, written obligations under its charter. Regardless of whether or not there are defects in the charter, it is up to its signatories to make faithful and diligent efforts to comply with its provisions.

A constitution, any set of rules or laws, any charter, is only as effective as the good faith of its members. There are a number of totalitarian nations whose constitutions read much like our own. There is England which has no written constitution, but the long tradition of observance of the law by its citizens creates a law-abiding community.

Where law is treated with contempt by powerful and influential segments of the society, the rule of law itself is endangered.

For the past 100 years in certain areas of our South, white men in the position of leadership have said that continuation of the creed of racism is more important than the law. And to this day it is virtually impossible to enforce ordinary criminal statutes against white men who assault or murder Negroes.

A respectable and powerful political leader such as the senior Senator from Virginia will declare that the preservation of segregated schools is more important than respect for Federal law as enunciated in the 1954 school desegregation decisions.

In the community of nations we see the destruction of the international law of the U.N. Charter by the members who, like white Mississippians viewing race, find that the particular conflicts between nations are more important than the preservation of the international machinery for dealing with the conflict.

Russia declares its interest in Hungary is more important than its contract to submit the dispute to the U.N. The United States finds its stake in Vietnam more important than its treaty obligations under the U.N. Charter.

During the past few months we have witnessed a budding respect for law and order in our South and an increasing compliance with the law. Amongst the causes are the three civil rights bills and the various economic pressures exerted by the Federal Government. But important amongst the causes is the emergence of business and Government leaders who say that the quality of civilization that results from compliance with the law is now more important to them than illegal apartheid.

I would suggest that the United States as the world's most powerful and influential nation declare to the world its resolution to comply hereafter with its written contracts—most importantly its obligations under the Charter of the United Nation.

Paragraphs 3 and 4 of article 2 provide:

> All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
>
> All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

And further in article 33:

> The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

And article 37 continues:

> Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

And even then if the Soviet Union should exercise its veto, there is then the General Assembly to which the matter can be presented under the Uniting for Peace Resolution, which provides:

> That if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security.

I am not impressed with objections that the Uniting for Peace Resolution has been emasculated by France's and Russia's refusal to pay certain peacekeeping assessments or that action by the Security Council will be frustrated by a Soviet veto. In Selma last winter I talked to Sheriff Jim Clark who wore a big badge on his chest that said "Never", and I think it clear now that the integration referred to on Clark's badge will arrive sooner than he thinks.

To follow this course of compliance with what we have contracted to do by signing the U.N. Charter will not be easy. The right-wing will shout appeasement and treason unless every dispute is decided in our favor. Our elected officials must discover new reservoirs of courage and serenity that will subdue the terrors of the timid. We will have to learn to permit our President to truly negotiate in foreign affairs and not force him to be the victor in every skirmish.

And we citizens must find new character traits of sophistication and confidence in the power of our free society to persuade imitation and respect. We will have to be good natured and understanding in our relations with the nations emerging from Colonialism. Some will be headed by leftists and nonconformers who will look with distrust upon our conservatism. They will not always behave as we might want them to, and we will have to learn tolerance as well as patience.

I am afraid that America will find this path difficult and calling for new reservoirs of maturity because of what Toynbee describes as our medieval religious belief that our adversaries have a superhuman wickedness and potency and that it is the manifest destiny of the United States to unilaterally save the world.

We must be more interested in solving problems than in proving theories. All the great powers must learn that their ideologies are as great a source of danger as they are of strength.

I don't pretend to have proposed today any radical steps that, if implemented, will magically produce a world of independent states with adequate international machinery for the peaceful settling of disputes. I suggest, however, that what I have proposed is a logical first move.

As Benjamin V. Cohen recently pointed out, at least the referral of disputes to the U.N. would cause delay so that time would have a chance to operate. Our generation must be wise enough to find ways of leaving to the solvent of time and the wisdom of succeeding generations problems which we of our generation are unable to solve. Let us not forget that the most agressive ideologies undergo changes over the years. Even the most fanatical faiths balk at self-destruction and mellow with time. As Justice Holmes summed it up, "time has upset many fighting faiths."

A few weeks ago I was in Los Angeles. Automobile after automobile carried bumper stickers. Some read "Impeach Earl Warren." Two read "Register Communists—Not Firearms." Another read "The War on Poverty Means Poverty for All" and still another read "Get the U.S. Out of the U.N." I saw no cars with bumper stickers urging support of the U.N. or of world law. This brought home to me what, I think, Gladstone said, that "Good ends can rarely be attained in politics without passion." In the battle to support and strengthen the United Nations, our opponents seem to have all the passion and it is up to us to counter this with passion of our own.

Mr. Speaker, I was pleased that our President at his news conference last Wednesday reiterated his faith in the peacekeeping machinery of the U.N. I know that our President is devoted to the cause of peace and is seeking with every skill at his command a formula that can result in an honorable peace in Vietnam. I hail the mission he has assigned to Ambassador Goldberg. I have faith that the solution will eventually be found through the U.N.

Mr. ROSENTHAL. Mr. Speaker, for the past several weeks, many of us here in Congress have urged a greater United Nations role in searching for a peaceful solution to the war in Vietnam. We were all, therefore, deeply gratified by President Johnson's remarks last week affirming this country's decision to involve the United Nations in new diplomatic initiatives. Ambassador Goldberg's appointment signaled such a renewed dedication to international peacekeeping. His efforts in communicating with Secretary General U Thant represent new cause for hope.

It seems to me crucial that the United Nations be the auspices under which peace initiatives are to be taken. Initially, U.N.-sponsored gestures have a greater chance of attracting support from the nonalined countries whose good will should be a major goal of his country's foreign policy. And, since any eventual settlement should include a guarantor role for the United Nations, it is important that the organization be involved in the quest for peace as early as possible.

Much of the failure of the Geneva settlement in 1954 can be attributed to the inadequacy of strong institutional support and enforcement. The International Control Commission had neither the resources nor the authority with which to implement the difficult peacekeeping role assigned to it. We might now attempt to strengthen the Commission by establishing a United Nations presence at ICC missions. Renovating the diplomatic machinery of the Commission by giving it the support of the United Nations might prove a useful step toward the establishment of an authority equipped to handle the difficult job of supervising peace in Vietnam. The United Nations might also be the mechanism for a gradual disengagement of American and North Vietnamese forces following a ceasefire. And, eventually, full U.N. sponsorship might be given to a new Geneva Convention, with the participation of all relevant parties, whether or not they are members of the United Nations.

I think we should be equally aware of the importance Vietnam can have on the United Nations. Peacekeeping activities by an international body are now generally looked upon with disfavor and skepticism. There is nothing the United Nations needs more than a success. This country can help bring that about, with subtlety and prudence, by seeking to involve the United Nations in every diplomatic initiative and policy which has any chance of succeeding. There is no reason why we cannot be generous in peace. This, of course, is a matter of some delicacy, which is why we are so fortunate to be represented in the United Nations by Ambassador Goldberg.

Finally, let me take this moment to compliment the gentleman from Wisconsin [Mr. REUSS], for taking this time to deal with the role of the United Nations in Vietnam. He has been an important participant in a debate which for too long has been private and repressed. His thoughtful article in the Commonweal magazine last month has helped many of us develop our own views on the necessity for United Nations activity. We all are grateful for his efforts and diligence.

NEW YORK CITY IN CRISIS—PART CXLVIII

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article deals with efforts to implement the poverty program in New York and is part of the series on New York City in Crisis.

The article appeared in the New York Herald Tribune on June 6, 1965, and follows:

[From the New York Herald Tribune, June 6, 1965]

NEW YORK CITY IN CRISIS—CITY GRANTED $9.1 MILLION ANTIPOVERTY FUNDS

(By Barry Gottehrer and Alfonson Narvaez)

WASHINGTON.—New York City's long-delayed antipoverty program took a large step forward yesterday when the Office of Economic Opportunity approved a $9.1-million request in community action funds.

These funds—part of a package first requested by city officials early in March and delayed by the battle over who was to control the program—is the largest single grant so far in the Federal war on poverty.

These funds, awarded for an 8-month period, were accompanied by Sargent Shriver's approval for the formula the city administration has finally worked out to administer the programs.

Mr. Shriver said he is convinced that the newly designed New York City Council Against Poverty, which would give the poor 32 seats out of 100, does meet the Federal law's call for "maximum feasible representation" of the poor.

"I think the New York program now has a generally satisfactory structure," he said. "There is nothing in the law that says fiscal control has to be surrendered by public officials and turned over to the poor. It's up to each community to work out the best formula."

News of the OEO announcement reached Mayor Wagner at Portland, Maine, where he is spending the weekend.

"As soon as the Governor approves the proposal, we will be able to move ahead with action, rather than words," he said.

"We have had some difficulty in our groundbreaking for this effort. A certain amount of controversy developed which was doubtless a healthy thing."

The grant of $9.1 million in community action funds brings the city's share of Federal antipoverty funds to more than $20 million.

When informed of the OEO announcement, Paul Screvane, head of the city's Economic Opportunity Corp.—the operational arm of the city's antipoverty program—which will receive the funds, said that the city could at last begin to operate its programs.

"The official logjam is over," he said. "Now we will be able shortly to begin to operate our many community action programs. It should be understood that the community action program is not a single monolithic program, but a series of programs, all based on the principle that the local community knows best what it needs, but that a central theme—or umbrella —is necessary to assure all the people in all of the distressed areas that they have equal access to the benefits of the war on poverty, and an equal opportunity to enlist in the war against poverty."

The city's original request for $10.5 million for the community action phase of the war on poverty was sent to the OEO on March 11.

The Federal grant now goes to Governor Rockefeller who has 30 days in which to approve or reject it. If he takes no action at all at the end of 30 days, the grant will be considered approved.

But May 1 passed without the necessary approval and the city was again forced to modify its proposal.

Then, on May 9, Senator JACOB JAVITS released a report by the Senate Labor and Welfare Committee which attacked the city's proposal.

However, Sargent Shriver balked at this proposal and asked for a revision of the plan. He wanted members of community organizations represented on the board.

On April 7, city officials met with the OEO staff and agreed to modify their proposal. They suggested instead an Economic Opportunity Corporation composed of 11 city officials and 4 community representatives. The OEO called this unacceptable.

When the city's proposal went before ADAM CLAYTON POWELL's House Education and Labor subcommittee on April 15, it called for a corporation composed of 11 city officials and five or six community representatives.

Even then, Representative POWELL challenged the city's position and said that the proposed corporation was "monopolistic" and in violation of the Economic Opportunity Act, which called for "the maximum feasible participation of residents of the areas and members of the groups served."

Congressman POWELL then asked the Comptroller General to cut off funds for the city's poverty programs. Meanwhile pressure from community groups, social welfare agencies and from several Congressmen representing the city, began to mobilize against the proposed corporation.

On May 11, Mayor Wagner released plans for a completely new arrangement for the city's anti-poverty program. He would create two corporations—an Economic Opportunity Corporation and a Council Against Poverty.

The Economic Opportunity Corporation would still consist of the 11 city officials and six representatives of the community, but the new Council Against Poverty would have a 62-man board of directors, composed of 16 city officials, 40 representatives of community groups and agencies, and six members of the poor.

Even while the Mayor was releasing his new proposal, the OEO said that the inclusion of only six members of the indigenous poor—the target population—was insufficient and that approval would not be forthcoming. It called for a new formula which would have greater representation by the poor.

Reaction in the community also spelled doom for the city's plan. Mass meetings were held in which the poor and members of the already existing community action agencies challenged the city's move. They called for a greater voice in the anti-poverty movement.

Finally on May 24 Mayor Wagner issued an executive order which called for the creation of a Council Against Poverty composed of not more than 100 members. The proposal called for inclusion of 32 members of the poor—two from each of the 16 designated pockets of poverty in the city—and 10 members of community action organizations. The city would have only 16 officials on the Council. The rest would come from social welfare agencies and community leaders.

This new formula was acceptable to the OEO only when the Mayor included a promissory letter pledging that the Council would include the 32 representatives of the poor and 10 representatives of community action groups "within a month—surely no longer than 60 days."

NEW YORK CITY IN CRISIS—SHRIVER POLICY LINKED TO HARYOU-ACT CHARGES

COMMUNITY ACTION GIVES POOR A SAY

(The New York City Council Against Poverty has promised the Office of Economic Opportunity that it will enlarge its body to include 32 representatives of the poor, and 10 persons from community-action groups, to comply with the law that states the poor shall have "maximum feasible participation." The following report deals with the problems facing the city in producing these 32 representatives from the 16 communities designated as target areas in New York's antipoverty campaign.)

(By Marshall Peck)

There were some 200 persons in the auditorium at PS 11 on 21st Street, Thursday night, well-dressed and attentive, men and women, young adults, churchmen, a few nuns in a row, gathered for a community meeting. They were told that this was where a democratic program starts.

"What we are doing tonight is the antipoverty program itself," said the Reverend John H. Wilson, chairman of the evening. "This meeting makes up and actually constitutes the program. For this program involves getting the people together and hearing their thoughts and suggestions, and planning things out."

As Father Wilson finished, a woman translated his remarks into Spanish.

Discussion

Then Father Wilson moved the microphone down to the auditorium floor and opened the discussion on proposals presented in mimeographed leaflets. They were how the directors of the local antipoverty board would be chosen, and what would be its composition.

The meeting started at 8 p.m. What followed in the next 3 hours—calculated debate, heated exchanges, charges of divisive language, pleas for unity action—may well typify the hundreds of meetings that will be held across this city.

For here, in Chelsea, at the grassroots, people—with considered judgment by some, snap viewpoints by others, with poise, bravado, shyness—were articulating the views and demands of the poor.

Objective

The objective of the meeting in Public School 11 was the formulation at community level of a structure representative of the poor, which would help coordinate antipoverty programs, and help select representatives to sit on the City's Council Against Poverty. Dozens of similar groups are gearing up the same way. The Chelsea meeting conveyed some of the impact of the program so far on the people it is intended to serve.

First, despite distribution of 15,000 leaflets (some allegedly delivered the day of the meeting), it was a sparse audience, with particularly little representation from middle or higher income families. Two hundred people were deciding on matters that would have some bearing on 60,000 neighbors. (When this was noted there were cheers, "That's fine, fine.")

Second, it quickly became apparent that the voice of the poor intends to be heard, loudly, in pursuit of just demands as laid down in the Economic Opportunity Act. Longtime Chelsea residents who argued that they were entitled to share direction because they had once felt poverty were waved aside. A few suggestions of moderation, presented by some who had in fact arranged for this public discussion, were quickly talked down.

Third, out of all came the evidence that, with responsible assistance, a community can organize such a meeting, get lower income people to attend, and the poor can, indeed, speak effectively for themselves.

There are still uncertainties about the Chelsea program, but the result of this meeting Thursday night, were decisions to allow the entire community to vote for two slates, one of the poor and the other a general list, and that two-thirds of the 10-man board membership should be "of the poor."

A rough rule of thumb was laid down that the limits for qualifying as poor are $3,000 annual income for a single person, $4,000 for a couple, with $500 for each dependent. A man got up and said that "everyone is poor today," and asked if anyone present considered himself otherwise. One, a lawyer and member of the planning committee, raised his hand:

The Chelsea meeting showed a long road ahead as the city attempts to broaden its base of "representation of the poor" on the New York City Council Against Poverty." For instance, Chelsea is only one of four neighborhoods in the West Side poverty target area (along with Greenwich Village, Clinton, Lincoln Square). But somehow this entire West Side must elect two representatives to the council against poverty.

Throughout the other 15 target areas there are similar problems, and in some cases tougher ones of rivalries between "umbrella" councils and smaller action teams, between older social agencies and upstart activist programs.

There is antagonism by some at the use of Spanish ("You're in America now, speak English," said a woman. "I admire Puerto Ricans who try to speak English. I don't care about your grammar * * *"). And there is uneasiness among Puerto Ricans that, as Miss Antonio Pantoja, executive director of Aspira, said, they "won't even come out second best, because the Puerto Ricans are citywide in scope, with no majority in any one community." She added: "The Negro is always in the majority."

Centers

There are factions within factions, and the court had to step in to decide who was the legitimate leadership of QUEST (Queens United Educational and Social Teams, Inc.). There is much uncertainty at the grassroots. Said the Reverend George Hardy, president of SEBU (Southeast Bronx United). "The city doesn't want to tell us how to do it [elect two representatives], and the community doesn't know how to do it. This is a gigantic task. It won't get off the ground by September."

The city has planned to administer to some areas through so-called community progress centers, which are to be set up in the South Bronx, Williamsburg, Brownsville, West Side, East Harlem, and South Jamaica, but these are viewed with disfavor by some. A professional social worker, George Silcott, executive director of Forest Neighborhood House in the Bronx, said: "A CPC will be superimposed on the community, and the community should be doing the job."

The Office of Economic Opportunity has accepted the New York Council's finding application on condition that the council fulfill its pledge to enlarge its body with 32 representatives of the poor and 10 persons from community action programs. That means one each from Southeast Bronx United, Queens Unlimited Educational and Social Teams, Lower West Side Anti-Poverty Board, Bedford Stuyvesant Youth-in-Action, Puerto Rican Forum, Puerto Rican Community Development Project, South Bronx Neighborhood Orientation Project, Massive Economic Neighborhood Development (MEND), Mobilization for Youth, and Harlem Youth Unlimited-Associated Community Teams (Haryou-ACT).

Dr. Arthur C. Logan, chairman of the Council Against Poverty, said that he hoped to have the 10 new members "within a few weeks," and the 32 additional representatives "within a very few months."

The Office of Economic Opportunity pointedly hoped that the council, as the chief structure that will administer New York's antipoverty program, could comply with the law "within a month—surely no longer than 60 days." There have been two recent public rallies by community groups, full of hard talk against city hall's recalcitrance, and an OEO spokesman noted that action was needed to head off possible "long, hot summer" demonstrations.

The city has laid down guidelines for the elections of "representatives of the poor" in a procedures manual put out by the Anti-Poverty Operations Board. But the city wishes, quite properly, to give full rein to the communities in the final choice of its delegates.

So confusion, lack of information, antagonism, have seriously hamstrung the seating of "the poor" on the council. In effect, the program is going on, and the people who are supposed to be having a say, aren't. They know it, and they're mad.

FULL DISCLOSURE OF BOOKS DEMANDED

(By Barry Gottehrer and Alfonzo Narvaez)

WASHINGTON.—Sargent Shriver, head of the Office of Economic Opportunity, announced yesterday that all agencies, both public and private, receiving Federal antipoverty funds must respond fully to all reasonable requests for information concerning programs and finances.

If these agencies, after being funded by OEO antipoverty grants, it was learned that Mr. Shriver said his office would make this information available under his agency's full-disclosure policy.

Though a spokesman maintained that the full-disclosure clause was standard in all OEO antipoverty grants, it was learned that this statement of policy was attached—along with other special conditions—to New York's $9.1 million grant because of the continuing refusal of Livingston Wingate, executive director of Haryou ACT, the controversial Harlem antipoverty program, to open his books.

During the last 3 months, Mr. Wingate, a former aid to Representative ADAM CLAYTON POWELL, has been under attack both from within and without his organization for his administration of the multimillion-dollar project.

Charges—coming from some staff members and directors, former employees and residents of the troubled area the program has been created to help—have included political control, padded payrolls, slipshod recordkeeping, shortages in inventory, little progress and mismanagement.

Mr. Wingate has denied these charges orally but, despite pressure from both city and Federal officials, has refused to provide financial records sufficient to refute them.

In announcing the grant, OEO officials made it clear yesterday that approval of the request, which included $1.2 million for Haryou-ACT, was not to be taken either as refuting or substantiating these charges.

Mr. Shriver maintained that a series of conditions—established to fit local situations—must be met before Haryou-ACT and any of the other New York projects would receive these funds.

Included in these conditions—which must be met within 60 days—are full reports on personnel and accounting methods and, for the first time, a provision that would bar members of a project's nonsalaried board of directors from receiving consulting fees for services related to the projects' programs.

On May 10, in its first report of trouble at Haryou-ACT, the Herald Tribune's New York City in Crisis series pointed out that several members of the Haryou-ACT board were receiving consulting fees from Haryou-ACT and ACT, its sister project.

OEO, which with two other Federal agencies conducted a survey audit of Haryou-ACT's books last month, said it was waiting for the results of a depth audit of the program by Price Waterhouse, a major accounting firm brought in by the Haryou-ACT board.

The results of this audit are expected by the end of the month at which time OEO will give Haryou-ACT 60 to 90 days to put the firm's recommendations into effect.

"We're pretty hard nosed about this," said William Kelly, OEO's assistant director for management. "If there's something wrong—and it's not taken care of—and I don't care if it's Haryou-ACT or Boeing Aircraft, we'll do something about it."

Many of the charges began in June 1964, when Dr. Kenneth Clark, the "father" of the Harlem antipoverty plan "Youth in the Ghetto," lost his fight with the Powell faction for control of the agency and resigned from his post as chairman.

The charges again cropped up as Livingston Wingate, a former aid to ADAM CLAYTON POWELL and director of Associated Community Teams (ACT), was chosen as executive director of the newly formed Haryou-ACT and as, one by one, the original members of the Haryou administration resigned or were fired from their posts.

Since then, the charges—coming from staff members, directors, and former employees at Haryou-ACT and ACT as well as from residents the program was created to help—have included political control, padded payrolls, slipshod recordkeeping, shortages in inventory, mismanagement, and little progress in dealing with the problems of the area.

A promise

On various occasions, Mr. Wingate denies the charge orally to Herald Tribune reporters and promised to produce records to refute the charges. However when Mr. Wingate failed to produce the records by early May, the editor of the Herald Tribune, James Bellows, presented the issue to the Federal agencies funding the project.

Their reply was that the "information concerning the expenditure of public funds is public information and should be available to the greatest extent possible in response to legitimate reasonable requests."

Under prodding from Federal officials, Mr. Wingate agreed to open his records.

However, when the day of reckoning came, Mr. Wingate kept a Herald Tribune reporter bottled up in the comptroller's office at Haryou-ACT for 6 hours and then permitted a 3-hour perusal of the records.

He then announced that the investigation was disrupting the operation of the agency—which has segments of its program strewn throughout Harlem—and said that he would allow the records to be inspected only 4 more hours.

Reneged

Appeals were again made to Federal officials, who suggested that photographs be taken of the records. Mr. Wingate refused to allow this, and on a television program last Tuesday reneged on his promise of the 4 more hours and said he would not allow his records to be inspected.

Increasingly over the past few months, any request for information to refute or substantiate charges against the agency have brought cries of "bigot" and "racist" from Mr. Wingate.

"You've got to know where your enemies are," he said recently. "Your enemies are not only in city hall."

He then used as an example this newspaper, which had made "legitimate and reasonable" requests for information from the agency. He said that he would not make his records available for inspection any longer and blamed his lack of progress in implementing certain programs in the Harlem community on "the enemies of the poor who have been hanging on our necks."

However, the funding agencies still insist that the financial records of agencies using public moneys should be available to the public and have suggested putting strong language into the antipoverty bill to insure this.

NEW YORK CITY IN CRISIS—PART CXLIX

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns New York City's schools and is part of the series on "New York City in Crisis."

The article appeared in the New York Herald Tribune of June 15, 1965, and follows:

NEW YORK CITY IN CRISIS: GRAPHIC DISPLAY TO UNDERSCORE SCHOOL PROTEST

(By Sue Reinert)

A group of Washington Heights parents yesterday presented a gift to the board of education—an outhouse to be used, they said, as an "addition to the sanitary facilities of Public School 115, Manhattan."

The parents, who made the presentation to dramatize their claim that toilet facilities at Public School 115 are inadequate, outmoded, and dirty, held a brief unveiling ceremony in front of the school, on 177th Street between St. Nicholas and Audubon Avenues.

Last night they planned to take their wood and paper outhouse to board of education headquarters at 110 Livingston Street, Brooklyn, and lay it on Superintendent Bernard E. Donovan's desk.

The demonstration yesterday was sponsored by the Parents Association of Public Schools 28 and 128, and by the Riverside-Edgecombe Neighborhood Association. By 10:30 a.m. about 25 men and women were in front of the school. Some had baby carriages, and some brought rolls of toilet paper and scrub brushes.

The reason that parents from Public Schools 28 and 128 were among the sponsors was that Public School 115, now a junior high school, is scheduled to become an elementary school this fall. Some children attending Public Schools 28 and 128 will be transferred to Public School 115.

DEMONSTRATORS

Among the demonstrators were representatives from Puerto Rican organizations; a man who said he represented Representative WILLIAM FITTS RYAN, one of the Democratic candidates for mayor; and a minister from the Holy Rood Episcopal Church, 179th Street and Fort Washington Avenue.

The outhouse, about 6 feet high, was built by Irving Sadoff, 40, a salesman, and John Battiato, 33, an attorney. Mrs. Arun Rivingston painted it. It was brought to the demonstration bundled up in brightly printed cloth. After short speeches by the organization representatives, the cloth was lifted off.

The parents claimed that a $650,000 renovation job was to be done on the school before this fall, when the 1,400 children there are to move to new Junior High School No. 143. About 800 elementary school children are to be transferred from overcrowded neighborhood schools to Public School No. 115.

There are only two lavatories in the five-story school which was built in 1912. Both are in the basement.

In the boys' lavatory there are 15 toilets, none with doors. Yesterday there were three rolls of toilet paper in the lavatory. In the girls' lavatory, where there are 22 toilets—also doorless—there were 7 rolls of toilet paper.

The reason for the scarcity of toilet paper rolls was not carelessness on the part of maintenance men, but the fact that there are very few toilet paper holders in the lavatories. In the boys' lavatory, one of the rolls was hung up on a post by a rusty chain.

There seemed to be some confusion about the renovation plans even among board officials. The man who is to become principal of Public School No. 115 when it becomes an elementary school, Sidney Rosenberg, said he understands that a $75,000 renovation job is to be done on the school. He said some emergency painting will be done this summer but the main work will begin this fall.

HISTORY

However, an official of the board's division of school planning and research said the board had never planned to spend more than $300,000 on the renovation.

This was the history of the renovation plans given by board officials:

Last January, school planning and research learned that Public School No. 115 would be used as an elementary school after new Junior High School No. 143 opened. Plans for renovation were made, including plans to move a unit of the bureau of child guidance from Public School No. 139, Manhattan to Public School No. 115.

In February, school planning and research drew up the requirements for the renovations, and they were sent to the division of maintenance and operation. This division was supposed to survey Public School No. 115 to see how much the job would probably cost.

The survey took 2 months. In May, the office of design, construction, and physical plant hired an engineer to draw up architectural plans for the renovation. The cost estimated was $300,000.

Three weeks later, however, school planning and research ordered the job stopped because plans had been changed. The board was not going to move a unit of the bureau of child guidance into Public School No. 115 after all.

Since then school planning and research has been drawing up new requirements. They were completed yesterday, an official said. Instead of renovating five floors at a cost of $300,000, four floors will be repaired for $270,000.

NEW YORK CITY IN CRISIS—PART CL

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article is the last in the series on "New York City in Crisis."

As any New Yorker will tell you New York is the greatest city in the world and everything is wrong with it. We who love New York want to see its problems solved.

The following article gives a résumé of some of the crises faced by our largest city and appeared in the New York Herald Tribune on June 21, 1965:

[From the New York (N.Y.) Herald Tribune, June 21, 1965]

NEW YORK CITY IN CRISIS: THE GREATEST CITY IN THE WORLD—AND EVERYTHING IS WRONG WITH IT

POVERTY

It is a city in which poverty is everywhere and the gulf between the rich and poor grows greater and more insurmountable every day. To Negroes, Puerto Ricans and aged whites, who know the killing effects ghetto life and isolation have on the mind as well as the body, the much-publicized war against poverty so far is just another political slogan with, according to Negro leader Bayard Rustin, the force of a "cap pistol." Nearly one-fifth of the city's people now live in poverty conditions—families earning less than $3,000 a year and individuals earning less than $2,000 a year—many in cramped, inadequately heated, unsanitary, rat-infested apartments.

The Office of Economic Opportunity finally approved a $9.1 million community-action poverty grant for New York in June. Struggle for control of the program has hamstrung the city's much publicized but thus far woefully unproductive war against poverty since the funds were first requested in March. The Federal law states that a community-action program—in which people of the slums are given money and opportunity to help themselves—must have "maximum feasible participation" of the poor. The city administration has argued that this does not mean that the poor must control the poverty purse strings. Last month, the city administration finally gave in—setting up a Council Against Poverty, with 100 members, including 32 members of the poor and 10 representatives of community-action programs. The battle hasn't ended, however, even though OEO head Sargeant Shriver has approved this formula. Livingston Wingate, executive director of Haryou-ACT, says this formula is still unacceptable and has tried to rally other leaders and self-styled leaders of the poor to support him.

YOUTH

It is a city in which more than 70,000 youths now roam the streets, out of school, out of work, or underemployed, untrained, and uncaring. Because of its limited staff and its inability to keep training personnel, the youth board, set up as the official city agency to deal with youth problems in 1947, has made very little headway despite a $45 million outlay. And Haryou-Act and mobilization for youth, the new groups which offered so much hope for the future, already have become bogged down amid political, ideological, and financial controversy.

In the past 2 weeks city and Federal officials have announced a multimillion-dollar crash program to create more than 20,000 jobs for the troubled youth of the city—who, according to most estimates, still number more than 70,000. Operation Headstart, a $4.6-million program to expose preschool age slum children to basic educational programs, also has received the green light. The big questions now are: Why are these programs starting so late? Can the city administration get them going quick enough to avert another summer of rioting? One Manhattan Democratic Congressman, incensed that the city has lagged so far behind other major cities in processing applicants for Job Corps, has called for the Office of Economic Opportunity to take the processing out of the hands of the city administration. Mobilization for Youth, the poverty program on the Lower East Side, has survived a series of investigations and charges that it is Communist dominated and is making some progress. But Haryou-Act, the massive, multimillion-dollar Harlem project, has become a political football between city hall and Representative ADAM CLAYTON POWELL.

TRAFFIC

It is a city in which the daily traffic jams grow worse and worse and the hope for any improvement grows less and less. To many New Yorkers, particularly those forced to drive the Long Island expressways, the jokes about the massive traffic jams (in one, everybody leaves his car, the city pours cement over the deserted autos, and New York has solved its traffic problem) no longer are amusing. Despite the billions of dollars spent on highway construction, New York's roads and parking facilities are totally inadequate to accommodate the 1.5 million cars registered here and the 600,000 others that enter the midtown area each weekday.

Mayor Wagner finally gave the green light to the Lower Manhattan Expressway, which was first placed on the city map in 1941 and since had become the world's oldest phantom highway. Hopefully, the road, which will run crosstown from the West Side Highway and the Holland Tunnel to the Manhattan and Williamsburg Bridges, will be completed by late 1971 and offer some relief from the massive lower Manhattan traffic jams. Traffic Commissioner Henry J. Barnes has announced new traffic control systems and street routings for the months ahead to cut down on the excessive time it takes to drive crosstown in mid-Manhattan. He has also ordered that both Madison (going north) and Fifth Avenues (going south) become one-way starting next March. Despite this limited progress, New York City continues to lack substantial long-range planning in the transportation and traffic area.

MIDDLE CLASS

It is a city in which 800,000 middle-class whites, traditionally the heart of a metropolis and its economy, have fled to the suburbs since 1950 to be replaced by 800,000 Negroes and Puerto Ricans who, for the most part, are unskilled or semiskilled. And though the Mayor and city officials decry this exodus, they have done little to keep the middle-class whites from leaving. "This is a white man's city," says Miriam Robinson, a Negro nurse. Yet not many white middle-class New Yorkers would agree.

No one can seem to agree on the extent of the flow of middle-class whites and Negroes from New York. One city report says that the drain has stopped and cites figures that show the middle-class has started moving back into the city. Another report shows that more than 1 million middle-class New Yorkers have left the city since 1950 and says that the end to the exodus is nowhere in sight. What everyone does agree on, however, is that, while the city's total population has varied only slightly, the influx of Negroes and Puerto Ricans who for the most part, are unskilled or semiskilled, continues.

HOSPITALS

It is a city in which the hospitals are supposed to be the best in the world, but most patients and many doctors know better. Officials say that there are some 3,000 more beds than are being used daily, but it is not at all unusual for people to be forced to wait hours and even days to get into a city hospital. An 84-year-old woman, rushed by ambulance to a hospital after suffering a stroke recently, had to wait 8 hours and be transferred to three different hospitals before a bed could be found for her. "Maybe there are additional beds in the private rooms and semiprivates, but we need all the ward space we can get," said one of the admitting doctors at Roosevelt Hospital. "There should be an up-to-the-minute listing in each hospital telling exactly where the vacant beds are, but there isn't any." This doctor had to phone seven hospitals before he found a bed for the aged woman at Metropolitan Hospital. While he telephoned, the woman waited alone and unattended in one of the emergency examining rooms. Yet even more critical than the problems of beds and services is the problem of health insurance. Despite a 33-percent increase in rates this summer and a 124-percent boost over the last 5 years. Blue Cross health insurance, the basic financial resource of the city's hospital services, is on the verge of setting its prices beyond the range of the people who need it most.

There is still no up-to-the-minute listing to show which hospitals have beds available, and, though the number of unoccupied beds continues to average approximately 3,000 daily, many people—particularly the impoverished of the city—find it extremely difficult to gain immediate admission—even in some emergency cases. For those who do get in, according to a recent Teamster Union-financed survey, there is a 50-50 chance that the patient will receive substandard medical care. Dr. Ray E. Trussell, who has brought strong leadership and new respect to his department as head of the city's hospitals, has announced that he will probably leave his job shortly and return to Columbia. According to many people, both within and without the administration, Dr. Trussell's loss would be a severe blow to the city's hospital system. The extent of the overall problem was described by the Governor's Committee on Hospital Costs last April, after a 9-month study. "The need to replace obsolescent hospitals has now reached staggering dimensions," the report read. "Nothing less than a crisis exists in New York City." Meanwhile, the problems of Blue Cross, despite a 124-percent increase in the last 5 years, continue to mount and have brought about a special joint legislative inquiry.

COMMUTERS

It is a city in which the commuter railroads that are needed to bring more than 200,000 people into midtown Manhattan 5 days a week are now closer to financial oblivion than they have ever been before. Commuter fares have skyrocketed on the New Haven, New York Central, and Long Island lines in the past few years, but losses continue. And unless increased Federal aid and control are provided in the immediate future, the railroads may be forced to shut down commuter service completely. For the other New Yorkers, who travel by subway and bus into midtown Manhattan, getting to and from work each day has become a true survival of the fittest.

The problems of the commuter—by rail, by subway, by bus, by taxi, and even by ferry—have continued to increase drastically. Only an emergency injection of Federal and State (from New York and Connecticut) funds have kept the New Haven Railroad's commuter service alive—and even this is only a temporary solution. And the problems of the Long Island Railroad are now so critical that the State apparently will be forced to take it over to save it. Similar problems threaten commuter service on the other railroads in the metropolitan area, Strikes threaten the city's taxicabs and, for a while, seriously curtailed Staten Island ferry service. And, particularly in the rail crisis, the city administration has remained aloof from last-minute efforts of Federal and State officials and a group of New York businessmen who have banded together to work for a permanent solution—probably the creation of a tristate authority.

HOUSING

It is a city in which a public housing program has been set up to cure at least one of the problems of poverty, but, because of limited funds, unlimited red tape, and little direction from the top, it seems to have created almost as many problems as it has solved. There are currently 520,000 people living in public housing, but there are more than 660,000 others now waiting to get in. At the rate that public housing has been constructed over the last 2 years (12,000 units or apartments since 1962), it would take someone more than 10 years to gain admittance to a public housing project if he applied today.

There are still more than 600,000 persons waiting to get into public housing. These people—kept in deteriorating tenements by the scarcity of public housing and the authority's strict eligibility requirements (which keep out most of the people who need rehabilitation the most) have found little relief in the special housing phone set up by the city administration with considerable fanfare last February. The phone was supposed to speed up the process of repairing housing violations. Unfortunately, according to many slum residents who have tried it, it still takes nearly a month to get the city administration to take care of the violations and the phone has merely added another layer of bureaucracy. And, if the housing authority did not have enough trouble, the Manhattan district attorney's office is currently probing a major scandal involving the authority and painting contractors.

URBAN RENEWAL

It is a city in which more than $2.19 billion has been committed to urban renewal projects since 1950 in an attempt to wipe out slums and provide decent low- and middle-income housing, but one in which the slums continue to spread, the ghettos remain, and there is still a critical shortage of low- and middle-income housing. To many New Yorkers, urban renewal has come to mean human removal, the shifting of a minority group from one slum to another.

Progress has been made in some respects—though the administration of the program and the construction of low- and truly middle-income housing lag far behind the needs of the city's citizens. An experiment—largely a Federal project—is being attempted on 114th Street in Harlem, one of the worst streets in the city. The concept there is to rebuild one street at a time completely—creating in effect, a garden of paradise in the middle of hell. Hopefully a new look for the street—where drug addiction, prostitution and other forms of personal and social disorganization flourish—will bring a new look to its people. Downtown, in Cooper Square, residents have finally won out over political pressure and have been promised needed low-income housing. Elsewhere, the city's urban renewal program, under the leadership of Milton Mollen, continues to fall short of city hall promises and press releases. The Seward Park extension project, which was hailed as a new concept by city hall a few months ago, was no different from the new concept for the same project announced by city hall a few years before at a much lower price and junked only because of indecision over the Lower Manhattan Expressway. And, in the West Side urban renewal area, heralded as the first true test of the city administration's human renewal program where poor people would not be bulldozed from one slum to another, residents, backed up by a city-financed study, maintain that city hall has already botched up most of the relocation and human-renewal services.

WELFARE

It is a city in which half a million people, more than the number living in the State of Alaska, Delaware, Nevada, Vermont, or Wyoming, are now receiving welfare with no solution in sight. "There is not a single thing we can do to keep this figure from increasing," says one welfare department worker. "For every case we close, another three or four are added to the rolls."

The welfare rolls continue to climb. There were 498,563 persons receiving public assistance in March (the latest figures available), an increase of 12.56 percent over the year before. These people received a total of $35,440,436, an increase of 15.64 percent from 1964. There continues to be no solution in sight. A strike of 7,000 welfare investigators, which lasted 28 days, pointed up the excessive redtape and bureaucracy that plague this department. A blue-ribbon citizens' committee of businessmen reported to Governor Rockefeller last month that serious consideration should be given to the imposition of a 1-year residency requirement for any one seeking public assistance. Welfare Commissioner James R. Dumpson, however, continues to oppose the requirement, labeling it "impractical, expensive administratively, and contributes nothing."

BUSINESS

It is a city in which the problems of automation and urbanization, which threaten the future of cities all over the world, are multiplied a thousand times. In the past 5 years, hundreds of businesses, both large and small, have deserted the city—and there appears to be no way and little effort on the part of city officials to halt this drain. Despite a temporary commercial building boom brought on by a change in the zoning code and by the World's Fair, construction is now on the decline, with the trade unions currently reporting more than 15-percent unemployment. What makes this problem even more critical is that it is precisely the employers of the unskilled and the semiskilled who are deserting the city in frightening numbers. More than 80,000 manufacturing jobs alone have been lost in the city over the past 5 years. "Taxes, labor costs, insurance, and the city government's attitude have made Manhattan a nightmare for small businessmen," says one disgruntled dress manufacturer. "This is becoming a city with white-collar jobs and blue-collar people."

The flow of desperately needed blue-collar factory jobs out of New York has continued unabated despite undermanned and underfinanced but well publicized attempts by the city's department of commerce and industrial development. Herbert Bienstock, Federal labor statistician in the New York area, has documented the depth of the business crisis: New York's factory job loss has amounted to more than the equivalent of the Brooklyn Navy Yard (some 10,000 jobs due to be lost sometime soon) for each of the last 17 years—12,000 jobs a year, a total of 204,000; Negroes and Puerto Ricans, who are most in need of low-skilled factory jobs, are increasing at so rapid a rate that 63 percent of youths between 15 and 24 years of age in New York City 5 years from now will be Negro or Puerto Rican. A committee of 14, representing the major business and financial interests in the city, has been formed to fight the business crisis but, so far, has received little encouragement from the city administration.

FINANCES

It is a city in which the financial needs grow increasingly critical every day and the sources of possible revenue increasingly difficult to find. The gigantic $3.355 billion expense budget—only the Federal Government's is larger—has more than doubled under Mayor Wagner, creating the latest in a series of worsening financial crises for the city government. It has now reached the point where 14 percent of each year's expense budget—nearly $1.3 million a day—must go to pay debt service, and a $350 million deficit has been predicted for 1966. The worsening problem: Where are the new taxes—the money to bridge the gap between the city's increasing expenses and limited sources of revenue—going to come from? The increased sales tax, boosted from 3 to 4 percent in 1963–64, has been a dismal failure, failing to approach predicted revenues. And the off-track betting proposal, even if it is approved by the Democratic-controlled State legislature this year, cannot be expected to provide substantial—or even adequate—revenue. The mayor's solution (and one he applies to almost every major city problem): allocating $1 million of city money, setting up a special commission to study the problem, and convincing several important bankers and businessmen to lend their names (if not their undivided attention) to it. "It's all a game," says one of the mayor's aids. "We know we have fiscal problems and we know what we have to do—raise existing taxes or put in some new ones. But, most of all, we know that we must get more Federal and State help. But by setting up these commissions, the mayor gets the bankers and business leaders, many of them Republicans, involved. If they should ever come up with something new, then all the better. If they don't—and they rarely do—it's their failure, not the mayor's. And then, who says that he has to do anything with their proposals?"

The mayor finally came up with a solution for his immediate fiscal problems, a solution judged fiscally irresponsible by his own controller, Abraham Beame. What the mayor plans to do to meet his record $3.9 billion red-ink expense budget is to borrow $255 million now and hopefully, if two successive State legislatures and the voters in a statewide referendum give him approval to raise real estate taxes by more than 20 percent, repay later—by January 1, 1967, at the earliest. The temporary commission on city finances has so far produced a preliminary report, which offered little that was new in ways to provide new taxes, but the mayor additionally chose to ignore several recommendations on how to cut back on current expenses.

BUREAUCRACY

It is a city in which a giant bureaucracy flourishes, growing more unmanageable every day. The first charter revision in 26 years was approved in 1961, but the government and the people continue to struggle along seemingly unable to cut through the red-tape, the politics, the duplication of time, money, and departments, the inferior personnel, and the needlessly increasing costs that both separate and strangle them. "The basic problem in New York is that the government long ago ceased to be a government of and for the people it governs," says Jane Jacobs, author of "The Death and Life of Great American Cities" and, labeled by her critics, "the Barbara Frietchie of the Slums." "The people of this city are being utterly disregarded. Our government doesn't listen to the people. It has become too insulated and too smug to care about their problems." One Planning Commission specialist has come up with a novel suggestion that is guaranteed never to see the light of day under the present city administration. "This city needs a lot of things, but I'd like to use an IBM machine to figure out some chain of command for how to go about getting something done in this city," he says. "Then you'd know exactly where the power was and exactly where to go to get something accomplished."

The number of committees continue to increase, with more than 240,000 people now working for the city administration. This is an increase of more than 33 percent in the 12 years of Mayor Wagner, a period when the city's population has dipped slightly. Though a great many people continue to recommend the abolition of the office of Borough President—which was pared largely to a ceremonial plum by the 'Charter' revision—as a means to save money and slash bureaucracy, the Mayor has ignored them.

HARLEM

It is a city in which an already troubled Negro population learned last summer that city hall could be made to listen—if not made to act. As a result of last summer's rioting and the fear that it might have become worse, Harlem now has a negro police captain—and hopes that other concessions (perhaps a civilian police review board) are no longer out of the question. The responsible people of Harlem may have had nothing to do with the rioting, but these people and the civil rights leaders, who found themselves totally unable to control or direct the demonstrations, have not failed to grasp the significance of it. "Time is running out for this city," says CCNY's Prof. Kenneth Clark. "The people of Harlem and Bedford-Stuyvesant are tired of promises and nothing else from city hall."

As summer moves in, tensions once again are approaching fever proportions in Harlem. "Nothing has been done to cool the summer discontent," said Representative Adam Clayton Powell recently. "I think there is going to be trouble, trouble all over." The reasons for the growing discontent are not difficult to isolate. While Rochester, a city that also experienced racial violence in 1964, has been active in preparing for 1965, New York has for the most part, avoided facing reality. The city's poverty program, despite frantic last-minute efforts, has not yet reached the poor people, and, despite the clamor of civil rights groups and others, the mayor has refused to consider the formation of a civilian police review board. Puerto Rican groups are particularly incensed by the alleged suicides of five Puerto Ricans, all unrelated cases, while under police custody during the past 5 months. And, in the southeast Bronx, three incidents of conflict between police and citizens in the last 2 weeks indicate that the growing discontent may be citywide. Representative Powell's close friend and former aid, Livingston Wingate, who runs Haryou-Act, has on his own continued to fan the flames of discontent by labeling his critics and city hall as "enemies of the poor."

SCHOOLS

It is a city in which a gigantic school system is torn by overcrowding and substandard teaching, particularly in slum areas, becoming a political football for the mayor, the board of education, civil rights groups and racists. Though the city has built more schools and classrooms under the present administration than it had in all of the previous administrations, the vocational schools have been allowed to become woefully outdated (more students drop out than graduate) and almost nothing has been done to prepare for an elementary school population in the Bronx and Manhattan that is now more than 65 percent Negro and Puerto Rican. "You don't worry about teaching these kids here," says one long-time Harlem teacher who happens to be white. "You just keep them from killing each other and from killing you." With this attitude, it is not at all surprising that 24 percent of the youths who took the selective service exam, which approximates a 13-year-old equivalency test, in New York last year failed. The argument, favored by city officials, that the school dropout rate was greater 25 years ago than it is today overlooks one basic point. Twenty-five years ago youngsters dropped out of school to go to work to go into the Armed Forces. Today, with the seriously declining number of unskilled and semiskilled jobs, youngsters are dropping out of school not to go to work but to become members of the increasing number of the untrained and the unemployed.

Programs to decentralize the school system (by setting up 30 separate districts throughout the city), to improve education in slum schools (by the involuntary transfer of experienced teachers into these areas) and to modernize the entire system and foster maximum integration (by eliminating the junior high schools) are future hopes for a school system that has just finished perhaps its worst 5 years in its 111-year history. The culmination of a myriad of problems came this year when the issues of integration, growing teacher militancy and a red-tape strangled bureaucracy exploded with the toppling of the superintendent and the president of its board of education. To complicate matters, another teachers' strike looms in September.

POLITICS

It is a city in which the strike of nearly 7,000 welfare department workers and dozens of other city problems grow more critical every day, yet Mayor Wagner seems to spend most of his time wheeling and dealing for political control of a State legislature more than 160 miles away.

Mayor Wagner's decision not to run for reelection has completely scrambled the city's political picture. More than a dozen names are being bandied about by Democrats, with most people now expecting a bitter primary fight. The mayor's withdrawal is also expected to produce an attempted return to power by Tammany and the emergence of a new Democratic leader in the State. The most likely successor: Senator Robert Kennedy, who has given no indication of whom he will support for the mayoralty.

MAYORALTY

It is a city in which the mayor delights in expressing optimism, yet creates pessimism by his unwillingness to act boldly. Today, Robert F. Wagner is unquestionably one of the most popular mayors in the city's history, but, even to his friends, he seems to be a man almost totally incapable or unwilling to make forceful or meaningful decisions. "I like the mayor—everybody likes the mayor," says one prominent New York educator, who voted for Mayor Wagner in each of his three campaigns for the city's top position. "He's always available and he's always pleasant. But when you leave his office or Gracie Mansion, it suddenly dawns on you that he hasn't really said a damn thing. These are extremely troubled times and the problems of this city are not going to solve themselves or disappear. We need a mayor who doesn't care about his image and his political popularity. We need a mayor who cares about the city and has the ability to cope with its problems."

Over the last 6 weeks—either because John Lindsay had entered the race or because he himself had secretly decided to withdraw—Mayor Wagner suddenly started to act decisively on several major issues he had previously dawdled over. The most noticeable was the Lower Manhattan Expressway, which he had been considering since last December, when he announced that the measure would not be stalled along. Lindsay entered the race on May 13. Mayor Wagner gave the go-ahead to the expressway 2 weeks later. He also has moved quickly to provide needed police protection on the subways. But the overall direction and organization of the city's future remain without shape or form.

COURTS

It is a city in which the court backlog has become so bad that 18 Brooklyn trial judges currently face 38,000 civil cases, with more than 29,000 listed on jury calendars. The backlog is now so excessive that it takes 4 years to get many cases before a jury. The caliber of the city's judges and the manner in which they are chosen (picked by politicians and elected, frequently in face of opposition by the bar association) have both been severely criticized and reforms have been suggested, but nothing has changed. "There are often rumors, difficult to substantiate, but persistent enough to cause concern, that there is a 'going price' for a judgeship," wrote Herbert Brownell, former U.S. Attorney General and president of the Association of the Bar of the City of New York. "One year's salary is the reported figure in New York City. No honorable lawyer wants a judgeship at a price."

Despite dozens of recommendations to cut court backlog and improve the selection of judges, nothing has been done—except that cases continue to pile up and appointments remain largely political. In Brooklyn, there are now 40,000 cases listed, with 32,000 on the jury calendar and a possible wait of nearly 5 years. In New York County, there are 38,000 cases piled up (28,000 on the jury calendar); in the Bronx, 19,000 (14,000 on the jury calendar); in Queens County, 28,000 (24,500 on the jury calendar); and in Richmond, 570 cases (440 on the jury calendar).

POWER ELITE

It is a city in which big businessmen complain about civic apathy and the way the city is run, but rarely do more than talk and lend their names to civic organizations and city commissions. When they do become actively involved (and this does not include lending their names to one of the mayor's countless commissions), as in the struggle for midtown parking garages, the trade center, and the Wall Street redevelopment, it has generally been an involvement born as much out of self-interest as it has been out of a love for the city. They prefer instead to complain that, even if New York could organize a supercitizens council (as has been done so successfully in San Francisco and Philadelphia), it could accomplish little without the cooperation—if not the leadership—of the man in Gracie Mansion. "There has to be a coordination of civic effort, but there has been none here," says David Yunich, president of Macy's, New York, who favors the creation of a supercitizens council.

In the last 4 months, New York's business and financial leaders have banded together to form two blue-ribbon committees aimed to meet critical issues on their own—without waiting any longer for leadership from city hall. Seventy presidents, vice presidents, and board chairmen of the city's greatest corporations organized the committee of 14 early in March to fight the loss of blue-collar jobs, perhaps through the formation of an industrial development corporation. Initial enthusiasm diminished, however, but when Mayor Wagner announced his massive deficit budget and his plan to boost the real estate tax, the city's business leaders suddenly became deeply concerned once more. Though the committee of 14 is a noticeable step forward for the city's power elite, called by one non-New York redevelopment expert the most self-interested and least civic-minded of any in the world, it still is a million miles behind citizens' groups in San Francisco, Philadelphia, Detroit, and a dozen other U.S. cities.

STUDIES

It is a city in which the foundations, the universities, thousands of civic groups, and the city government itself spend countless millions of dollars each year on studies relating to New York City (not infrequently studying the same thing) and then do little more than file the reports for posterity. It is only rarely that the civic groups get together on a single project—and this seems to be the way the mayor would like to keep it. By keeping the civic and business groups divided, interested for the most part in winning improvements for their own particular project or area, the mayor remains the single unifying force in the city.

Studies of municipal problems, particularly critical ones, continue to serve as a successful device for taking pressure off city hall. And if the results of the study are negative or antiadministration and can't be buried, the mayor can always call for another study—even if the problem already has been studied countless times before. Just how long city hall can take in deferring action on a single problem has been demonstrated by the studies made of the city's waterfront. In 1963, the department of marine and aviation turned in a special report, which was started in 1960, proposing development of the Hudson River waterfront to the "year 2000." This report was turned over to the planning commission by the mayor for further study. The planning commission enlarged upon the original study and passed its own report on to the mayor last fall. The new budget calls for $60,000, probably for planning, on a superliner terminal sought by marine and aviation, but the evolution of this study has caused one city official to remark: "If we get things started in 2000, we'll be doing pretty good."

POLICE

It is a city in which the police force has added more than 7,000 men in the past decade and is called the best and most honest in the world by Mayor Wagner. Yet the narcotics rate in New York has skyrocketed (half of the narcotics addicts in the United States now live in New York) and gambling, the numbers, and prostitution continue to flourish. "One of the big problems with Negro kids is that they just don't have any respect for the law," says one white policeman. This is not difficult to understand. In Harlem and Bedford-Stuyvesant, corruption and the law do not always appear to be in conflict. In one after-hours place in Harlem, reefers are sold and smoked openly. In another, prostitutes, some as young as 13, solicit openly and argue over price at the bar. "We don't worry about being raided," says Jimmy the bartender and bouncer, taking a bet on a number. "Some of our best customers are cops—white cops."

The mayor has acted firmly in the face of the increasing crime rate (ranging from a 13.8-percent increase in major violence to a 52-percent jump in major subway crime) by increasing the police force to 28,000 men and staffing all subway trains with guards during the most critical evening hours. The $2.5 million monthly overtime bill, brought about by the increased patrols and the $1 billion in goods stolen annually by the city's 50,000-plus narcotics addicts and the countless millions stolen by other criminals indicate the high cost of the growing gap between law enforcement and crime. And this does not include the value of time lost and lives lost through the increasing incidence of crime. Police problems are not limited to the criminal element, however. The lines of communication and respect—vital to the policing of this or any city—have broken down, and no one knows what to do about it. Police Commissioner Michael Murphy has resigned—in face of another long hot summer, growing calls for a civilian police review board and charges of discrimination leveled by civil rights groups against the department—and Vincent Broderick, a civilian, has been named to replace him. But the same problems remain.

PRESS

It is a city in which the press alternates between praising and panning the mayor but, with few exceptions, limited by space and finances, offers little sustained, constructive criticism. One exception was a lengthy indictment in the magazine The Nation, which documented a series of major city scandals. The article was thorough and hard hitting and brought about immediate concern and momentary indignation when it appeared in late 1959. But, in the long run, without the support of the city's other papers and magazines, it accomplished little. The same administration sits in city hall, seemingly more secure than ever before, and, if the corruption and scandal are no longer as extensive or as obvious the problems of the city are a great deal worse.

Except in special instances, the press of this city continues to fail to come to grips with the daily problems of the city. Even in the instances of indepth investigative reporting, there has been little followthrough. City hall press releases are printed as gospel, and politicians, both Democratic and Republican, continue to manipulate the city's news media with incredible ease. Exceptions have been WMCA, an independent radio station which, in its recent housing and reapportionment campaigns, added a new dimension to radio reporting in New York; channel 13, a local TV station which, in a single live show on the poverty program, recently demonstrated the excitement and value that city coverage can generate; and the Village Voice, a weekly paper which, in its articles by Mary Perot Nichols on the Lower Manhattan Expressway and the World's Fair, left most of the dailies in its wake.

POLITICIANS

It is a city in which the Republican Party assails the mayor and complains about his "inefficient and corrupt" administration, but, so far, has offered no leader and no program of its own. "OK, so they don't agree with the way I run the city," says the mayor. "But what do they offer in my place? In the years I've been mayor, the Republicans have never even really had a platform. They don' t even come to the budget hearings any more. I wish they did. I'm willing to listen to anybody." Representative John V. Lindsay, a young Republican mentioned increasingly as a candidate for mayor, does not dispute the mayor's charge. He suggests the creation of a "shadow cabinet," modeled after the British body, made up of experts in the party out of office and serving as a watchdog over the party in power. "I think that under Mayor Wagner New York has lost its willpower, its great energy, and its great leadership," says the Congressman. "You hear a lot of people say that the city is too big to be governed by one man. I don't agree with that at all. It's just a cliché. But to run this city properly and get it going again, the mayor has to be very tough. He's got to ask for the moon and he's got to convince the people to make sacrifices. It will take a man who loves the city and a man who loves its people. If we don't get going again soon, New York will become a second-class city." Barbara Ward, the noted British economist, is even more pessimistic. "If children were run down in the streets, something would be done," she said during a speech last fall. "All over the world things are becoming intolerable, but we are tolerating them. Unless someone comes up with some jolly good solutions, the problems facing cities may become more lethal than the bomb."

"Can you imagine a Republican winning in New York City?" With these words, Mayor Wagner greeted the announcement that Representative John V. Lindsay had changed his mind and entered the mayorality race. With Democrats outnumbering Republicans by more than 3 to 1 in the city, Representative Lindsay certainly seemed to have his work cut out for him. Then the mayor unexpectedly withdrew from the race—leaving the Democrats with no heir apparent—and suddenly the underdog had begun to look like a much better bet. One of the biggest things in Lindsay's favor: the announcement by the Liberal Party that, if the mayor didn't run, Representative Lindsay might very well get the Liberal endorsement. Certain to complicate the Congressman's campaign, however, is the effect the mayor's withdrawal will have on his attempts to put together an authentic fusion ticket. Regardless of the outcome, the 1965 mayorality race should result in a move toward the return of a two-party system in New York City.

The Indictment and the Aftermath

"New York is the greatest city in the world—and everything is wrong with it." With these words, on January 25, the Herald Tribune launched its daily investigative series "New York City in Crisis." Today, nearly 5 months later, the Tribune is reprinting its original indictment of the failures of a city administration and, with it, a report on the progress—or lack of progress—in each of these areas. These twin indictments—plus a special report written by Barry Gottehrer, who has headed the series—appear on these two pages.

With a summer of campaigning coming up, the Herald Tribune has decided that, finally, these problems that have disturbed the past, cloud the present and threaten the future of the greatest city in the world will now receive an urgent public airing. For this reason, while the candidates discuss the problems and offer possible solutions, "New York City in Crisis" is being brought to a conclusion. This does not mean, however, that this newspaper will abandon its concern for the city in the months and years ahead but will continue to report on the problems of this giant city in crisis.

The editors of the Herald Tribune would like to thank the thousands of New Yorkers who have responded to "New York City in Crisis" by phone and by mail during the last 5 months. Even though the series is being discontinued during the mayoral campaign, the Herald Tribune will continue to welcome response from—and attempt to assist—people of New York who are trapped by the indifference and the bureaucracy of this greatest city in the world.

Do New Yorkers Care? Facts, Reaction, Action

(By Barry Gottehrer)

"New York is the greatest city in the world—and everything is wrong with it."

With these words, the Herald Tribune, on January 25, launched its investigative series—"New York City in Crisis."

Over the last 5 months, this daily series has presented a documented and sweeping indictment of a city, the greatest city in the world, in serious trouble.

It has been largely an indictment of a city government which, through inefficiency and indifference, has lost touch with its people.

Yet it has also been an indictment of the city's 8 million people who, through fear, frustration, and bewilderment, have come to accept conditions and services that grow increasingly intolerable every day.

In order to probe beneath the surface of the problems that have clouded the present and threaten the future of this greatest city in the world, a special team of four reporters and writers spent more than 6 months interviewing hundreds of city officials and citizens before the first story appeared.

One of the first persons contacted was a Ford Foundation official who expressed interest in the project but skepticism about its effect.

"Frankly, I wonder if anybody really cares any more," he said. "New Yorkers can still be vigorous, vital, and effective when it is their personal comfort or well-being that is being disturbed. The real question is: How much do New Yorkers really care today about the problems of people on the other side of the city?"

Today, nearly 5 months after the first crisis story appeared, the Herald Tribune can offer a firm answer to that question.

AN ANSWER

From the thousands of phone calls and letters that have poured into—and continue to pour into—the "City in Crisis" office, it is clear that New Yorkers do care deeply—about themselves and their own personal problems, it is true. Yet they also care about New York City itself and the deadening apathy and municipal inefficiency that have permitted these problems to become so vast and so explosive.

"It is not corruption that is killing this city," said Dr. Kenneth Clark, professor of psychology at City College, the day the series started. "New York is dying from creeping dry rot, steadily increasing blight and a total lack of leadership."

Over the last 5 months, the expanded six-man "New York City in Crisis" team, with the assistance of this newspaper's other reporters and specialists, has documented this creeping dry rot, the steadily increasing blight and the lack of leadership—where important problems are turned over to special committees and then forgotten and where a government seems to function by indecision and a policy of not rocking the boat.

In one area after another—from the increasing exodus of the middle class and manufacturing to the rising crime and narcotics rate, from the increasing critical problems of poverty and slum housing to the polluted air, the troubled schools and integration—the city administration's endless reports and press releases and the mayor's optimistic speeches have paled alongside a presentation of the facts.

What has the presentation of these problems—and the city administration's failure to cope with them—accomplished?

The city's leading businessmen banded together to set up two supercitizens councils to cope with the business exodus and the plight of the commuter railroads. The long-awaited awakening of New York's power elite to the problems of the city for the first time should finally place these crises in their true perspective—and perhaps be the start of sweeping municipal reform as it has been in Philadelphia, St. Louis, Detroit, and dozens of other cities.

While city hall has failed to act, the New York County District Attorney's office has pressed investigations of the women's house of detention and the housing authority. And the State investigation commission is determined to get to the root of the city's slum housing problem.

The plight of these slum dwellers has been helped somewhat by the city's setting up a special housing complaint telephone, though many people feel this has merely added another layer of bureaucracy. The consolidation of all housing inspection under one department, the buildings department as called for in the series, figures to help even more.

The people of the city, increasingly frightened by the rapidly soaring crime rate in the streets, in the parks, and in the subways, received hope with the mayor's decision—also called for by the press—to beef up the subway police patrol and add 1,000 more men to the police force.

Work has finally begun on the long-delayed Harlem Hospital and the city administration has been forced into changing the structure of its poverty program—from a city-controlled patronage plum hopefully into a program that will allow the people of the city to decide their own destinies.

And, after years of indecision and several complete reversals in position, Mayor Wagner finally reached a decision on the Lower Manhattan Expressway—the phanton road which has been on the city's highway map since 1941 but has still not been built. Despite increasing civic opposition, the mayor announced publicly that the highway will be built—work to start as soon as possible.

Constructive reaction to the series has come from the Office of Economic Opportunity which, when city officials refused to investigate the growing and unanswered charges against Haryou-ACT, decreed that the troubled program's records were in the public domain.

Senator Jacob Javits and Representative Ogden R. Reid plan to seek an amendment to the Economic Opportunity Act which would guarantee free access to the expense of public funds by Haryou-ACT and all nonprofit poverty programs.

Tragically, in many areas the presentation of these problems has accomplished very little.

Despite prodding, the city administration continues to muddle along in many areas.

Among problems City Hall has continued to take no action on: the spreading cancer of narcotics addiction; the continued refusal of the construction and trade unions to integrate; a public housing program that calls for a complete investigation and possible overhaul: an urban renewal program that continues to misfire; serious charges against the administration of Haryou-ACT, the controversial Harlem poverty program which has already received $6.5 million in taxpayers' money.

Also, the sad state of the women's house of detention; growing amount of anti-white feeling in Harlem and Bedford-Stuyvesant, much of it coming from more than 70,000 disgruntled youths who roam the city's streets, school dropouts, out of work or underemployed, increasingly disillusioned by the patronage plums the poverty projects have become; the pattern of fiscal irresponsibility heightened by the mayor's latest $255 million "red ink" budget; an antiquated welfare program which doles out money and little else; and an overcrowded court system which does not offer equal justice for all.

RESPONSE

Reaction to the series has come from all over the world.

In Washington, several Congressmen—both Democrats and Republicans—have entered a dozen of the special reports in the Congressional Record.

Stories have been reprinted in papers in places as far away as Bulgaria and Puerto Rico and the editor of an Indian paper requested copies of all the articles for a possible series, "New Delhi in Crisis."

Five local colleges and universities have assigned the series as required reading in government and urban affairs classes and several mayors and many Federal officials have made the articles mandatory reading for top staffers.

Hundreds of leading businessmen, church leaders, and educators have lauded the series publicly. And, in response to the articles, the New York Chamber of Commerce and the Commerce and Industry Association both have called for the formation of a supercitizens council to bring about immediate action and get the greatest city in the world moving again.

Recognition has also come from other newspapers, magazines and civic organizations. The series has won the top publishers awards of the Newspapers Reporters Association and the Deadline Club, the local chapter of the national journalism fraternity Sigma Delta Chi, the only two journalistic awards it has been eligible for thus far. The series has also won the top award of the City Club of New York and the Ralph K. Jonas award of Long Island University—again for public service.

And newspapers (including the New York Post) and magazines (ranging from Editor & Publisher to the Nation) have lauded the series editorially. Time magazine has called it "an incisive daily series on New York's brutal and burgeoning big-city problems" and pointed to it as "the kind of sustained city coverage it (New York) sorely needs."

Now, as the mayoralty campaign shifts into second gear and prospects seem excellent for a thorough public airing of the vast problems that have turned New York into a giant city in crisis, the Herald Tribune, after due deliberations, bring this investigative series to a close. The Herald Tribune now looks to the candidates—both Democrat and Republican alike—to debate these issues and offer practical solutions.

DENGLER, LAWYER AND CIVIC LEADER

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Addabbo] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ADDABBO. Mr. Speaker, New York City, New York State, and the

Nation has lost a great citizen, Theobald J. Dengler. It has been my pleasure and privilege to work with Mr. Dengler in connection with the Annual Steuben Day Parade which has become an annual attraction in New York City in September. To work with him and to know him was to like him, respect him, and admire him for his unselfish devotion to many worthy causes.

Under leave to extend my remarks, I include an article which briefly outlines his career which appeared in the New York Herald Tribune:

DENGLER, LAWYER AND CIVIC LEADER

Theobald J. Dengler, 68, a lawyer here since 1922 and for many years a leading figure in German-American civic, philanthropic and patriotic activities in the country, died Saturday night at his summer home in Long Beach, Long Island. He lived at 2809 Morris Avenue, the Bronx.

Mr. Dengler, a native of New York, completed his education at Fordham Law School and began to practice law in 1922 after serving with the U.S. Navy in World War I as an enlisted man. At the time of his death, he was the senior partner in Dengler, Dengler & Dengler, 170 Broadway.

He was active for many years in the Roman Catholic Church, and at the conclusion of World War II, he was designated at the suggestion of Francis Cardinal Spellman as chief of the Catholic section of the Religious Affairs Division of the Military Government in Germany.

Upon his return to the United States, Mr. Dengler delivered lectures in many cities, describing the desperate plight of the people in the defeated nations and enlisting aid. As a result of this work, he received the Officers Cross of the Government of West Germany and similar honors from other nations.

During the war, he headed the national German-language division of the war bond drives and received official recognition for his work.

Mr. Dengler was chairman of the executive committee of the Catholic Kolping Society of America, which operates hostels and similar services, and he also was head of the German-American Committee of Greater New York, sponsors of the annual Steuben Day Parade and many other activities.

For many years, Mr. Dengler was a member of the executive committee and of the board of directors of one of the Nation's oldest welfare institutions, the German Society of the City of New York, which figured in the establishment of the Legal Aid Society, the Travelers Aid Society, and Lenox Hill Hospital since it was established in 1784.

Surviving are his wife, Mrs. Hilda Schweiger Dengler; five sons, Theobald J. Dengler, Jr., the Reverend Ralph Dengler, S.J.; Norbert, Bernard M. and Laurence G. Dengler, and a daughter, Mrs. Hilda S. McGlew.

THE D.A. IS SUPPOSED TO PROSECUTE, NOT PERSECUTE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, last week stories appeared in the Washington Post and the Evening Star which created the impression that a colleague had attempted to influence the handling of a local criminal case. These stories quoted the U.S. attorney for the District of Columbia and in bold black headlines implied that a member of this House had done something wrong in writing two letters and making a phone call in behalf of a boy who was accused of a crime.

I deeply resent and protest the implications left by these stories. It appears to me that the office of the U.S. attorney has done our colleague an injustice. The U.S. attorney for the District of Columbia ought to apologize to the gentleman from Texas.

Mr. Speaker, the U.S. Attorney's office is no further removed from the scrutiny of Congress and from the area of its proper jurisdiction than any other Federal office. It is our duty as elected Representatives to the U.S. Congress to help people who have business or problems involving the Federal Government. If a Congressman makes an inquiry to a Federal office in behalf of a constituent or in behalf of any person, he is not acting improperly. He is doing his job. It is just as proper for a Congressman to write or to telephone a U.S. attorney on behalf of a constituent as it is for the Congressman to contact the Veterans' Administration, the Social Security Administration, the Civil Service Commission, the Army, the Navy, or the Air Force.

For a U.S. attorney to complain because a Congressman has contacted him on behalf of a constituent is ridiculous. But for a U.S. attorney to release stories to the news media creating the impression that it is wrong for a Congressman to contact him borders on a violation by the executive branch of the rights and prerogatives of the legislative branch.

If the U.S. attorney's office intentionally "leaked" the stories casting aspersion on a colleague last week for the purpose of intimidating other Members of Congress and causing them to be afraid of making inquiries on behalf of other persons, it is mistaken. Members of Congress will not be so easily intimidated.

As an example of the damage and the distortions that can result from misguided efforts such as those that apparently were made last week by the U.S. attorney's office, under unanimous consent, I insert in the RECORD at the close of my remarks a newspaper story that was carried on one of the wire services and printed in one of my hometown newspapers, the San Antonio Express, July 30, 1965.

The U.S. attorney for the District of Columbia owes the gentleman from Texas a public apology.

The article follows:

REPRESENTATIVE CASEY ACCUSED OF TRY TO INFLUENCE IN THEFT CASE

WASHINGTON.—The U.S. attorney for the District of Columbia says Representative ROBERT R. CASEY, Democrat, of Texas, attempted to influence the handling of a petty larceny case in which a constituent was involved.

David C. Acheson said Wednesday that CASEY wrote two letters, made one visit and at least one telephone call to Acheson or members of his staff in an effort to get favorable consideration in a case involving a young man charged with shoplifting a pair of Bermuda shorts.

CASEY, a former assistant district attorney, acknowledged he had interested himself in the case, but said he was "very careful not to ask anyone to drop the charges." He added:

"I haven't done anything to be ashamed of. I've known this boy's folks for 15 years, and it's not just a case of doing something for a constituent. This boy didn't have anybody up here to help him, and I hope that someone would do the same for one of my youngsters if he got in trouble."

The youth, whose parents live in Houston, was acquitted in a trial on Tuesday in the court of general sesisons.

A store detective said the youth took three pairs of shorts into a dressing room, put one pair on, then put his trousers on over them and returned the two other pairs to the display counter.

The youth contended in the trial that it was an unconscious act on his part. He said he had already paid for other items which he had selected in the store.

In acquitting the defendant, Judge Thomas C. Scalley said the prosecution had failed to prove the young man's intent to steal the shorts.

TWO DOLLARS OUT OF EVERY THREE SPENT BY USDA ARE FOR "CONSUMER PROGRAMS"

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PURCELL. Mr. Speaker, more than $2 out of every $3 expended by the U.S. Department of Agriculture in fiscal 1965 were spent for services of primary benefit to the general public. In terms of man-years of work over 90 percent of USDA activity was devoted to programs that provided far more benefits to the consumer, labor, businessmen and the general public than to farmers.

I cite these facts because they are too little known—because in the public mind the Department of Agriculture exists to serve farmers—or even to subsidize farmers.

Even when it was first established over 100 years ago—in an era when our Nation was predominantly agricultural—the USDA was known as the "people's department."

Today when less than 7 percent of our people live on farms, the USDA provides a bigger and more varied catalog of services to consumers in general than any other agency of Government anywhere in the world.

We have USDA research to thank for the first cheap commercial method of making penicillin—for the development of dextran, a blood plasma extender—for improved paints—for detergents made from animal fats—and for the aerosol spray cans in which we now buy a multitude of products from car wax to whipped cream.

These developments may seem far afield from agriculture but they are very close to the people—and therefore highly appropriate activities for the people's department.

There are other services, perhaps even more spectacular. The USDA has established more than 5,700 radiation monitoring stations throughout the United States, and has trained 18,000 employees to measure radiation levels. Why? Because in case of a nuclear attack upon this country the USDA would have the responsibility for producing, processing, storing, and distributing food through the wholesale level. It must guard against fire damage in country areas. It must determine when it is safe to resume farming operations.

USDA inspectors at ports and borders keep foreign pests, insects, and diseases from entering this country. Sometimes the Nation gets an unexpected dividend. For example, one of the largest shipments of pure heroin ever intercepted in the United States was stopped at the Mexican border in October 1963 by an alert USDA plant quarantine inspector making a routine auto search.

These activities are for the benefit of all of us—194 million Americans—not primarily for the less than 13 million people who now live on U.S. farms. So are the meat and poultry inspection programs, the grading of food and fiber, the protection and improvement of the Nation's resources of soil, water, and timber. Such activities as the school lunch, special milk, food stamp, and direct distribution programs reach far more urban than farm people.

At this time, I can only scratch the surface of the Department's services to the general consuming public. But the list includes how to stretch consumer dollars through information on how to buy, store, and prepare food; how to purchase, clean, and conserve clothing; how to put in and take care of a lawn and shrubbery; how to plant and nurture a garden; how to choose lumber for building an addition to a house and how to protect wood surfaces from decay; how to get rid of termites, ants, and roaches.

USDA architects have drawn a large number of house plans, some for very low-cost houses. They have also developed plans for time- and step-saving kitchens. The U-shaped kitchen that is so popular today is a USDA innovation. So, I am told, are slant-front cabinets and many other modern kitchen features.

Even the less than one dollar in three spent by USDA primarily and directly to serve farmers—such as for price support and the stabilization of farm income—also brings substantial benefits to all U.S. consumers. These programs help keep our food supply secure and our food costs stable. Without them farm income would be cut in half. American agriculture would soon be bankrupt, and the whole economy would suffer.

It has been said that not a minute of the day elapses but that some service which USDA performs helps to make our lives better, fuller, happier. That is a very broad statement, but I believe it is true.

It is this that makes the U.S. Department of Agriculture truly the people's department.

POTATOES

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. Hathaway] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HATHAWAY. Mr. Speaker, the gentleman from Connecticut [Mr. Monagan] in a recent speech—Record, July 27, 1965, page 18467—continued in his series of attacks on the current price of potatoes. His basic argument comes down to this: The Maine farmer should look into the future, see what the weather will be in the coming months, determine the future demand conditions, determine the price that should be charged for potatoes, and finally, if he still has any remaining time, plant his crop accordingly.

It is, of course, impossible for a farmer to do these things. The weather conditions, the growing season, and the amount of demand for his product are indeterminates and can not be forseen by either the farmer or an agency of the Government. In recent years, potato farmers have guessed wrong about how much they should plant. They have planted too much and low prices have been the result.

The gentleman from Connecticut has made the statement that Maine farmers had in some way cut back their planting in 1964 so they would get higher prices this year. The facts are in direct opposition to this statement. In 1963, Maine farmers planted 142,000 acres of potatoes. The resulting prices were far from spectacular. In 1964, Maine farmers planted more, not less, potatoes. Instead of 142,000 acres, they planted 145,000 acres of potatoes. These figures clearly show that Maine farmers did not cut back production, rather they increased it! If it were not for the frost in Idaho, we would have had too many potatoes, but as I said before, no man can look that far into the future and determine what the weather will be.

The facts are simple and easily understood. A short supply coupled with a large demand will cause a higher price. That is the way the law of supply and demand operates. Several years ago a frost in Florida destroyed a part of the citrus crop. Even before the remainder of the crop was harvested, commodity buyers knew there would be higher prices on orange juice the next year. They were correct. The higher price rations the limited supply of a commodity to those that value that commodity enough to spend the extra money to purchase it.

The Maine potato farmer has nothing for which to apologize. His crop is not subsidized—no government guarantees him a market. He plants as much as he thinks can sell to get a reasonable return on his investment. More often than not he has guessed wrong—the lean years have far outnumbered the fat ones.

OLE KING COAL

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Dent] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. DENT. Mr. Speaker, it is refreshing to note that "Ole King Coal" is not dead and in spite of atomic powerplants financed in part by the very same persons and organizations participating in the following massive power project, coal is still supreme as a fuel in the generating of electric power.

The following announcement also reaffirms the faith of our people in the future of the Keystone State of the Union, the Commonwealth of Pennsylvania. I am happy to put this important announcement in the official Record of the Congress:

News About Pennsylvania Electric Co.

Plans for a multimillion-dollar interstate electric power project, including a $140 million, mine-mouth generating station near Homer City between Indiana and Johnstown, were announced today by Pennsylvania Electric Co. and New York State Electric & Gas Corp.

The 1,280,000-kilowatt, mine-mouth powerplant would be jointly owned by the two utilities. It would consume about 3.5 million tons of coal a year, most of which would be mined adjacent to the plant and delivered by conveyor belts—with the balance to be mined within a few miles of the site.

Construction of the plant would commence next March with the first 640,000-kilowatt unit in operation by May 1969 and the second unit of the same size to be completed about 18 months later.

The plantsite is in an area rich in bituminous coal deposits and about 20 miles northwest of Johnstown. It is about 15 miles southeast of the Keystone power project under construction near Shelocta and about 12 miles northwest of the contemplated Conemaugh powerplant near New Florence. The installation of the Penelec-NYSE&G plant would mean, when all three are in operation in the early 1970's, that this 30-mile stretch of central western Pennsylvania could produce over 5 million kilowatts (including Penelec's existing Seward station), one of the greatest concentrations of electric power production capacity in the world.

NYSE&G's share of the output of the station will be delivered by a 345,000-volt transmission line that will run 170 miles from the site to the Elmira-Binghamton, N.Y., area and would be the first extra high voltage (EHV) line to tie western Pennsylvania directly with upstate New York. Penelec's share of the station output will be taken into its transmission network near the site.

Agreement to proceed with the joint construction of the plant was announced today by Penelec President Louis H. Roddis, Jr., and NYSE&G President Joseph M. Bell, Jr. The scope of the project was cited by the utility executives as "illustrating the continuing commitment and ability of investor-owned electric companies to finance and build the efficient large-scale facilities that will assure consumers in the northeast of dependable and low-cost electric service."

The New York utility serves over a half-million customers, principally in the south central portion of that State. Penelec serves 420,000 customers in about a third of the Commonwealth and including virtually the entire northern tier and in the central and southwestern parts of Pennsylvania.

The Johnstown based utility is an operating company of General Public Utilities Corp. and its generating operations are integrated with its sister GPU companies: Metropolitan Edison Co. (Pa.), New Jersey Power & Light Co., and Jersey Central Power & Light Co.

GPU, through the Jersey Central company, is a part owner of the Keystone project and Penelec is constructing and will own portions of the east-west EHV transmission lines emanating from Keystone. The GPU companies' power production operations are further coordinated with other eastern utilities through their participation in the Pennsylvania-New Jersey-Maryland Interconnection (PJM)—the world's oldest and one of the largest power pools.

Mr. Roddis noted that Penelec's forecast of increased demand for electricity by its customers and the planned retirement of old and less efficient generating units would require Penelec to have substantial additional generating capability and that the coordinated installation of a mine-mouth EHV program would meet the requirements of both utilities in 1970.

Although this project would create the first transmission tie of EHV level (over 230,000 volts) between western Pennsylvania and upstate New York, Penelec, and NYSE&G have maintained transmission connections at five points along the States' border for many years. In addition NYSE&G has 11 major transmission ties with 4 other utilities and Penelec is interconnected with 7 other companies at 13 other locations.

Design details for the plant are still to be developed but would be similar in concept to the neighboring mine-mouth stations. Cooling water for the plant will be continuously recycled from huge storage basins outside the plant, sent in to the station's condensers where it will pick up heat, returned outside and into 350-foot tall hyperbolic concrete shell natural draft cooling towers and dropped back down to the storage basins.

Additional supplies of water to make up for the amounts being evaporated in the cooling process will be withdrawn from Two Lick Creek and pumped uphill to the plantsite about a mile away. The creek's flow will be maintained at an adequate rate all year-round for this purpose by construction of a reservoir further upstream with 13,000 acre-feet of water storage impounded by a concrete dam.

The siting of the plant in the central western Pennsylvania soft coal region will allow the companies to take advantage of the substantial economies associated with using readily recoverable, run-of-the-mine coal with an average heat rate of 12,000 British thermal units per pound and requiring minimal preparation and transportation. Studies have shown about 125 million recoverable tons of coal within a few miles of the site. The officials reported that no contracts have as yet been entered upon with coal companies.

Part of the economic impact of the project would lie in the fact that the character of the coal in the area, while suitable for this plant, is less in demand for other uses and much of it might not otherwise ever be mined. It is predicted that operation of the plant at full capacity would mean 500 or more mining jobs and a large number of trucking and other associated jobs. Installation of the plant will also mean a large number of temporary jobs and substantial local purchases of materials, supplies, and services during the construction period—all of which should inject several million dollars a year of additional purchasing power into this region's economy.

Another feature evaluated in the economic analysis of the site is its proximity to Penelec's network of 230,000-volt and 115,000-volt transmission lines leading to major local electric load centers and to existing interconnections.

Mr. Roddis noted that consumers in Pennsylvania have fast been reaping the benefits of the relatively new technology of EHV transmission and the development of large-scale generating units. "This has been so," he said, "both from the standpoint of the economic impact of siting mine-mouth plants in our State and in the action of Penelec and other investor-owned electric companies to pass along the economic advantages to their customers." He noted that while Penelec had reduced rates three times in 1965 alone, and had initiated reductions totaling over $6 million in the past 5 years, it considered the substantial investment represented by today's announcement as: "intended to help us assure our customers that electric service will remain the best bargain in Pennsylvania in the years to come."

Mr. Roddis and Mr. Bell stated also that, "our project illustrates the intention and ability of investor-owned utilities to meet the Nation's growing electric power requirements and to work toward further reduction in power costs—and to achieve these ends without placing a burden on the taxpayer."

SERVICE CONTRACTS ACT OF 1965

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'Hara] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, today the gentleman from Washington [Mr. Pelly] and I have introduced identical bills, H.R. 10238 and H.R. 10239. This legislation, which will be known as the Service Contracts Act of 1965, represents an attempt to close a serious gap in our Nation's labor standards laws.

Both the gentleman from Washington [Mr. Pelly] and I have previously sponsored legislation similar to that which we have introduced today. In the 88th Congress, the Special Subcommittee on Labor, on which I serve, held hearings on proposals to provide labor standards on Federal service contracts, and the full Committee on Education and Labor reported a bill, H.R. 11522. This bill, however, was not acted upon by the full House before the adjournment last fall.

H.R. 10238 and H.R. 10239, the bills introduced today by the gentleman from Washington [Mr. Pelly] and myself, would provide much needed labor standards protection for employees of contractors and subcontractors furnishing to or performing maintenance service for Federal agencies. The service contract is now the only remaining category of Federal contracts to which no labor standards protections apply. Construction contracts, including many which are partially financed with Federal funds but to which the Federal Government is not a party, require compliance with minimum labor standards under the Davis-Bacon Act and related statutes. Supply contracts of the Federal Government also provide labor standards protection pursuant to the Walsh-Healey Act.

NEED FOR THE LEGISLATION

Many of the employees performing work on Federal service contracts are poorly paid. The work is generally manual work and in addition to craft work, may be semiskilled or unskilled. Types of service contracts which the bill covers are varied and include laundry and drycleaning, custodial and janitorial, guard service, packing and crating, food service, and miscellaneous housekeeping services.

Service employees in many instances are not covered by the Fair Labor Standards Act or State minimum wage laws. The counterpart of these employees in Federal service, blue-collar workers, are by a Presidential directive assured of at least the Fair Labor Standards Act minimum. Bureau of Labor Statistics surveys of average earnings in service occupations in selected areas in 1961 and 1962 show, however, that an extremely depressed wage level may prevail in private service employment. In contract cleaning services, for example, in some areas less than $1.05 an hour was paid. Elevator operators earned low rates, varying from 79 cents to $1.17 an hour. Service contract employees are often not members of unions. They are one of the most disadvantaged groups of our workers and little hope exists for an improvement of their position without some positive action to raise their wage levels.

The Federal Government has added responsiblity in this area because of the legal requirement that contracts be awarded to the lowest responsible bidder. Since labor costs are the predominant factor in most service contracts, the odds on making a successful low bid for a contract are heavily stacked in favor of the contractor paying the lowest wage. Contractors who wish to maintain an enlightened wage policy may find it almost impossible to compete for Government service contracts with those who pay wages to their employees at or below the subsistence level. When a Government contract is awarded to a service contractor with low wage standards, the Government is in effect subsidizing subminimum wages.

PROVISIONS OF BILL

The bill is applicable to advertised or negotiated contracts, in excess of $2,500, the principal purpose of which is for the furnishing of services through the use of service employees, as defined in the bill. Thus, for example, contracts made by the District of Columbia government with local hospitals for the care of indigent patients would not be covered, since "service employees" as defined in the bill would be performing only incidental functions. Similarly, contracts entered into by the Atomic Energy Commission for the management and operation of Government-owned plants would not be service contracts within the meaning of the bill.

Provisions regarding wages and working conditions must be included in these contracts and bid specifications. Service employees must be paid no less than the rate determined by the Secretary of Labor to be prevailing in the locality.

The bill also recognizes the growing importance of fringe benefits as an element of wages in today's society. It therefore requires inclusion in the contract of an agreement to provide service employees benefits determined by the Secretary to be prevailing for such employees in the locality. This obligation may be discharged by furnishing any equivalent combinations of benefits or cash payments in accordance with regulations of the Secretary.

The bill also prohibits the payment on any Government service contract of wages less than the minimum wages required under the Fair Labor Standards Act.

In addition to the wage and fringe benefits requirements of the bill, additional stipulations require that service or maintenance work shall not be performed under unsafe or unsanitary working conditions where those working conditions are under the control of the contractor or subcontractor. Contractors or subcontractors are also required to notify employees of the benefits due them under the act.

In the event of violation, the bill authorizes the withholding from the contractor of accrued payments necessary to pay covered workers the difference between the wages and benefits required by the contract and those actually paid. The Government may also bring court action against the contractor, subcontractor, or surety to recover the remaining amount of the underpayment. The contract may be terminated because of violations and the contractor held liable for any resulting cost to the Government.

The bill also provides a procedure for blacklisting, for a period up to 3 years, those who violate the act, with authority in the Secretary to recommend removal from the blacklist upon assurance of compliance. The Secretary is given the same authority to make rules, regulations, issue orders, hold hearings, and take other appropriate action to enforce the act as under sections 4 and 5 of the Walsh-Healey Act. The Secretary's authority to prescribe regulations includes authority to permit reasonable tolerances, variations, and exemptions from provisions of the act where they are deemed necessary and proper in the public interest or to avoid serious impairment of Government business.

Section 7 provides a number of specific exemptions from coverage under the act, including contracts for public utility services. This exemption would, for example, include contracts between Federal electric power marketing agencies and investor-owned electric utilities, Rural Electrification Administration cooperatives, municipalities, and State agencies engaged in the transmission and sale of electric power and energy.

THE 26 YEARS IN THE EVOLUTION OF MEDICARE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PEPPER. Mr. Speaker, the signing by President Johnson of the medicare bill is a positive step in the direction of providing for the health needs and care of the American people. This legislation has a long history with which I have been intimately connected. It has evolved over a period of 26 years:

First. The Social Security Act of 1935 sponsored chiefly by Senator Wagner, of New York, made the first small beginning through Federal grants-in-aid to the States for general public health work and maternal and child health services.

Second. In 1939 President Franklin D. Roosevelt transmitted to Congress the first Presidential message on health security. In the same year Senator Wagner introduced the first comprehensive national health bill upon which a subcommittee of the Senate Committee on Education and Labor chaired by Senator Murray held hearings and issued a favorable interim report upon which no action was taken by the full committee or by the Senate.

Third. In 1940 Senator Wagner and Senator George introduced a hospital construction bill which was favorably reported by the Senate Committee on Education and Labor and passed by the Senate. It died in the House Labor Committee.

Fourth. In 1943 Senator Wagner and Senator Murray introduced in the 78th Congress S. 1161 which died in the Senate Labor Committee. It included provisions for health insurance.

Fifth. In 1943 the Senate authorized under Senate Resolution 74 the establishment of a Subcommittee on Wartime Health and Education of the Senate Committee on Education and Labor to investigate the educational and physical fitness of the civilian population as related to national defense and problems of reconversion to peace after World War II. The resolution authorized, in substance, a study of the health conditions of the people of the United States, particularly before the disclosures with respect to Selective Service that, some 40 percent of the selectees were rejected because of mental and physical disabilities.

The committee consisted of seven Senators appointed by the chairman of the Senate Committee on Education and Labor, the late Hon. James E. Murray, of Montana. I was designated by him as chairman of the subcommittee.

That subcommittee held many hearings. The subcommittee held extensive hearings in July and September 1944, on the general health needs of the American people, at which the leading experts in Government including a certain general of the United States, representatives of the American Medical Association, of other groups of physicians, of the Blue Cross hospitalization plans, of other health organizations, of industry, and of labor testified and presented their views. I pointed out at the hearing that:

> It is obvious that a health program to meet the needs of our people should supply a field for creative energy and work, which will not only provide jobs, but which will also raise the standard of living of our people in the postwar period. We know that one of the best ways to raise the standard of living of our people is to improve their health.
>
> The construction of hospitals, medical centers, and health centers in regions which do not have them now, such as in rural areas, and replacement of obsolete and old-fashioned types of construction in other areas is one of the great opportunities which the reconversion period affords. Planning for such a program, however, must begin during wartime.
>
> Strong evidence was presented on the need for developing an expanded, better integrated, and better coordinated system of medical facilities such as hospitals, medical centers, and health centers. It was pointed out that some communities are too poor to be able to afford such expensive modern medical facilities, and that they will therefore need aid from the State and Federal Governments if they are to develop them.

During its existence the subcommittee published six reports on various aspects of health and education. In particular, the third report, issued in January 1945, dealt with general health conditions throughout the country. In that report, our subcommittee recommended the establishment of a coordinated hospital service plan to provide for the distribution of medical facilities, hospitals, and health centers to meet the health needs of the American people. The report No. 3 made a special study of the problem of payment for adequate medical care and it disclosed that the actual care received varied with the income of families. It pointed out:

> Evidence such as this leads the subcommittee to conclude that the 'pay-as-you-go or fee-for-service' system, which is now the predominant method of payment for medical services, is not well suited to the needs of most people or to the widest possible distribution of high-quality medical care.
>
> The solution of this problem will not be easy. * * * This might be achieved by voluntary or compulsory health insurance, by use of general tax funds, or by a combination of these methods. Insurance methods alone would not be enough, because they are not applicable to the unemployed or to those in the lowest income groups. At this stage of its investigation, the subcommittee is not prepared to pass judgment on these differing opinions. It is in agreement, however, with those who feel that remediable action is overdue and should not be long delayed.

The American Medical Association commented editorially upon this report in the following language:

> The report, in general, would seem to be a more scientific, carefully considered document than has heretofore been available as a result of previous hearings in the field.

Sixth. In May 1945, Senator Wagner and Senator Murray introduced S. 1059 on the same subject. November 1945, President Truman in a special health message to Congress, proposed a broad legislative program for national health insurance. This program was incorporated in S. 1606, the National Health Act of 1945, title II of which provided for a system of personal health services to be developed on a social insurance basis.

Title I provided for the expansion of public health services, maternal and child health services, and medical care for the needy. Extensive hearings were held on S. 1606 in April through June 1946, with a record of over a thousand pages of testimony.

Seventh. The subcommittee, of which I was chairman, then proceeded to make a study of whether or not the private fee for medical service systems prevailing in this country and the voluntary health insurance systems, which had been growing in strength and usefulness throughout the United States, were adequately meeting the challenge of financing the poor health conditions of our people. About the latter part of March 1946, a report on this subject was prepared by the subcommittee staff and made available in July 1946 as Report No. 5 to the full Senate Committee on Education and Labor to the U.S. Senate, and to the public for such value as it might have. The introduction to the report was as follows:

> We have the honor to submit herewith the fifth interim report of the Subcommittee on Health and Education.
>
> The subcommittee's third interim report, issued in January 1945, presented a series of facts showing the gravity of the Nation's health problem. Over 40 percent of the Nation's selectees were found unfit for military duty, and at least a sixth of these had defects which were remediable; many more had preventable defects.
>
> In fact, more than 23 million people in the country have some chronic disease or physical impairment. On any one day, at least 7 million people in the United States are incapacitated by sickness or other disability, half of them for 6 months or more. Illness and accidents cause the average industrial worker to lose about 12 days from production a year, a loss of about 600 million man-days annually. Sickness and accidents cost the Nation at least $8 billion a year—half of this amount in wage loss and half in medical costs.
>
> Preventive services are inadequate—40 percent of our counties do not have even a full-time local public health officer. Sanitation needs are great—846,000 rural homes do not have so much as even an outdoor privy. Hospitals are needed—40 percent of our counties, with an aggregate population of 15 million, do not have a single recognized general hospital. Doctor shortages are severe—in 1944, 553 counties had less than one active physician per 3,000 population, the "danger line", and 81 had no active doctor at all. Even in 1940 before many doctors were drawn off to war, 309 counties had less than 1 active physician for every 3,000 people and 37 had no active doctor at all. Maternal and child health services are inadequate—it is estimated that half the maternal and a third of the infant deaths could be prevented if known measures were fully applied. Seventy-five percent of our rural counties have no prenatal or well-baby clinics at all under the supervision of State health departments. State agencies had 15,000 children on their lists awaiting crippled children's care in early 1944. They do not even pretend to care for the half million children with rheumatic fever (the most killing of all diseases for children between ages 5 and 15) or for the tens of thousands of cerebral palsy (spastic paralysis) victims.
>
> To meet such problems, the subcommittee recommended Federal action with regard to certain features of a national health program, including Federal grants for hospital and health center construction, sanitation, public health, medical research, education, and medical care for the needy.
>
> The report also expressed dissatisfaction with the prevailing pay-as-you-go or fee-for-service method of payment for medical services but withheld judgment with regard to the claims that voluntary health insurance plans offer a satisfactory solution to the problem. This report summarizes the results of our further study of this subject and sets forth the conclusion we have reached.

The report continued to point out that the burdens of sickness and medical care fall unevenly on the people:

> There is an inverse relationship between the amount of sickness and the amount of medical care received by people in various income groups in our country at the present time. People with low incomes have more sickness and need more medical care, yet they receive less than those in the upper income groups.

The report further pointed out:

> In 1945 approximately 75 percent of the population had no medical care insurance whatsoever, while 25 percent had insurance against one or more items of medical care costs. Only about 2.5 percent of the population, however, are known to have had what might be called comprehensive coverage; i.e., at least doctor's care in hospital, home, and office, and hospital service for illnesses other than those usually excluded by insurance policies (such as mental disease and tuberculosis).
>
> Another 10 percent of the population had part of their doctor's fees covered, usually the surgeon's or obstetrician's fees in hospitalized illness only. The other 12.5 percent of insured persons had only their hospital bill covered; i.e., bed, board, nursing, operating room, laboratory fees, etc., while in the hospital. Relatively few people had any coverage of dental, home nursing, or preventive care costs, or regular health examinations. The figures may involve a good deal of overlap.

An analysis of existing prepayment medical plans covering about 5 million members was analyzed by the committee. Our conclusion was:

> Our health needs are urgent. Each day we fail to achieve the proper solution exacts its toll. We must resolve that the lessons of the selective service rejection rates will not be lost upon us, that never again will we allow sickness to cripple our people to the extent it now does. As a nation, we cannot afford to gamble with our health.
>
> Some say that we are the healthiest nation in the world, and that therefore nothing need be done. There is little evidence that we are the healthiest country in the world. We do not rank at the head of the list in any of the major health indexes—crude or age-specific death rates, life-expectancy rates, infant and maternal mortality, or even of some of the comparable disease-incidence rates. But even if we were, it would not excuse our health failings.
>
> Even before modern medicine had reached its present peak of complexity and specialization, the fee-for-service, individual practice method of providing medical care did not meet the Nation's health needs. Now it is a complete anachronism. It results in barriers to good health care which keep not only low-income people, but most middle-income families, from the fruits of modern medical science. It inhibits the full use of modern preventive medicine since it forces most people to wait until they are seriously ill before going to a doctor. And it leaves any family the prey of unexpected crippling costs from medical bills and wage loss. On top of the natural tragedy of illness may be heaped economic catastrophe.
>
> The need for health insurance has become clear. The well-tried American way of meeting the hazards of life by spreading risks and by prepaying costs is applicable to health services.
>
> For a century and a half the American people have experimented with various ways of insuring themselves against the costs of medical care. Voluntary group prepayment plans of various sorts have been devised for certain occupational or other selected groups, and for certain types of medical service. In the last 20 years, the growth of these plans has accelerated, but they still provide only 3 or 4 percent of the population with relatively complete medical services. Some say that since the voluntary plans are growing, ultimately they can meet the need. We do not deny that they are growing. Those who think as we do helped build them, against the opposition of the stand-patters who 15 years ago were attempting to block their growth and labeling even such voluntary systems socialized medicine. We also agree that they have certain potentialities for further growth.
>
> However, we are firmly convinced, for reasons we have given in this report, that they can never meet the total need.
>
> In its third interim report this subcommittee stated:
>
> "In order to meet the requirements of the public and of the professional groups concerned, any method (of health insurance) which is evolved should offer complete medical care, should be reasonable but not cut rate in cost, should include substantially all of the people, should afford the highest quality of care, should permit free choice of physician or group of physicians, should allow democratic participation in policymaking by consumers and producers of the service, should be adaptable to local conditions and needs, and should provide for continuous experimentation and improvement."
>
> After careful study of existing voluntary plans, it is evident to us that none of them meets all of these requirements. Neither does it appear probable that any voluntary plan can be devised which will fulfill them.
>
> The voluntary plans have served and are serving a valuable purpose, even though they do not provide any final answer to the problem of prepaid medical care for all the people. They have developed useful data on the prepayment of medical costs, and have educated large sections of the public on the value of medical care insurance. Furthermore, they have trained sizable numbers of medical and administrative personnel in the techniques of prepaid medical care. There is no reason why such plans should not continue to perform useful functions within the framework of a national health insurance system.
>
> However, to cover everyone, the adverse as well as the good risks, the young and the old, the sick and the well, the rural and the city dwellers, the low- and the high-income groups, the poor and the rich areas, all takes a mechanism as representative and all-inclusive as a national health program, built around a system of prepaid medical care. It must be financed by required contributions to the social-security fund and by payments from general tax revenues. Such a program will satisfy all the requirements set forth above, and will make possible the achievement in the foreseeable future of our goal of high quality health care for all.
>
> The cost will not be greater than that of our present efficient and wasteful fee-for-service system. According to leading experts the charge to the average family under a national health insurance program will actually be less than it pays now, partly because the employer and the Government will both contribute to the fund. It is noteworthy that the labor organizations, all of whose members are wage earners, are among the stanchest supporters of national health insurance.

> Health insurance is often erroneously called socialized medicine or state medicine. As President Truman pointed out in his health message, such a system is one in which the doctors are employed by the Government. We do not advocate this. National health insurance, which we do advocate, is simply a logical extension of private group health insurance plans to cover all the people. It is a joint national endeavor. It will guarantee free choice of doctor or group of doctors and free choice of hospital by the patient, and free choice of patient by the doctor. Indeed, free choice will be extended, because current financial barriers to the actual exercise of free choice will be broken down.
>
> Some aspects of a national health insurance program are, of course, experimental. No legislative framework or administrative plan can be perfect at first. Shortcomings will undoubtedly be uncovered, but they will be overcome as we learn from experience. None of these shortcomings, however, will be anywhere near as costly as the toll of lives and health now being exacted by our failure to have a national health program providing good medical care for all. The need for it is urgent.
>
> The concern of the Federal Government in this matter is clear. If only the national defense were involved, this would be reason enough for the adoption of a national health program. The costly lessons of the selective service rejections and of the Armed Forces medical discharges have made this apparent.
>
> Today America faces the challenge of world leadership. To a very large extent we bear the principal responsibility for the kind of world we are to live in. America can continue neither prosperous nor secure unless her people are healthy and full of strength. We owe it, therefore, to the Nation, and to every man, woman, and child in it, to open to every citizen the door to the marvels of modern medical care. Only thus unhindered by the heavy drag of sickness and ill health, can we make our full contributions to a free and happy world.

The subcommittee report carried a recommendation for national health insurance as opposed to the pay-as-you-go or voluntary health insurance plans. It studied the voluntary health insurance plans then in existence in the United States and concluded that they served only about 3 percent of the people, that only about 25 percent of the people had any kind of insurance and that we could never provide adequate medical care for the people unless we have a plan supported by taxation levied by the Federal Government and perhaps in addition to that, a Federal appropriation to supplement it. While that report did not specifically recommend the then proposed legislation in President Truman's health message to Congress in 1945 and in the famous Wagner-Murray-Pepper-Dingell bill—S. 1161, 78th Congress; S. 1606, 79th Congress; S. 1320, 80th Congress—of which I was a sponsor, it specifically endorsed the principle of health and hospital insurance.

Eighth. President Truman in his budget message of January 3, 1947, and the accompanying economic report to Congress called attention to the need for health insurance and he submitted a broad public health program including a recommendation for a national system for compulsory health insurance. On May 19, 1947, in a special health message to Congress he again called the attention of the Congress to the health needs of the Nation and recommended the enactment of a broad national health program.

Ninth. As a result Senator Murray and Senator Wagner, Senator PEPPER and Congressman DINGELL introduced S. 1320.

Tenth. When the pressure for national health insurance became very strong in the 1960's, the American Medical Association forced through the Congress as a substitute and palliative for health insurance the Kerr-Mills bill as an amendment to title I of the Social Security Act in 1960. Thereafter, Congress gradually increased the appropriations under the Kerr-Mills act but as the hearings disclosed before the House Ways and Means Committee during the last session of Congress the Kerr-Mills act failed to meet the problem of the health needs of the aged.

The medicare bill which has passed the Congress and which has been signed by the President of the law of the land, therefore, represents the first milestone along the road of its history. It represents the first definite aggressive step taken by Congress for the American people. We must look forward to the days ahead when we may have to expand the act to meet the growing needs of the American people.

DR. RALPH E. KNUTTI, DIRECTOR OF THE NATIONAL HEART INSTITUTE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 10 minutes.

Mr. FOGARTY. Mr. Speaker, I wish to call to the attention of the House the retirement on July 31 of Dr. Ralph E. Knutti, Director of the National Heart Institute.

For the past 14 years, Dr. Knutti has used his vast knowledge and remarkable skill as a scientist and administrator for the benefit of the Public Health Service. Soon after joining the Service Commissioned Corps in 1951, he came to the National Institutes of Health to help the newly created National Institute of Arthritis and Metabolic Diseases develop its extramural programs. Ten years later, Dr. Knutti took over the directorship of the National Heart Institute, initiating bold new programs and strengthening the liaisons of the Institute with other related public and private agencies.

Dr. Knutti came to the NIH after long experience as a pathologist, medical educator, and medical investigator. As chief of extramural programs and later as Associate Director for extramural programs at the NIAMD, Dr. Knutti abandoned the role of research scientist in order to aid in building the NIAMD research grant program. At that time, comparatively few scientists in this country were interested in studying arthritis and its related disorders. As a direct result of Dr. Knutti's able efforts, the NIAMD now administers one of the largest research grant programs within NIH. The Institute is widely recognized and respected among specialists in the field, due in large part to Dr. Knutti's work and the prestige he lent the Institute in its developing years.

As Director of the National Heart Institute, Dr. Knutti began several new programs—the program projects grants which broadened the concept of the research grant which enables long-term multidisciplinary projects to be organized and executed with maximum flexibility; the collaborative studies program to strengthen research in epidemiology; the diet-heart feasibility study; the coronary drug study; and the artificial heart program. These programs stand as a testimony to Dr. Knutti's administrative talents.

In 1963, as a U.S. delegate to the fourth annual Joint Scientific Conference on Cardiovascular Disease in the U.S.S.R., Dr. Knutti helped this mission to encourage greater scientific cooperation between the two countries. Last year, his testimony before the President's Commission on Heart Disease, Cancer, and Stroke had substantial influence on the conditions drawn by that select committee.

Dr. Knutti's recognition of the need for education in clinical practice as well as in research has been instrumental in strengthening the support of medical training. His conviction that clinical training should be given higher priority in the Heart Institute training programs has led to the instigation of plans to provide specialized clinical training for at least 2,800 physicians during the next 5 years. This program will provide intensive training in the latest techniques of diagnosis, clinical management, and patient care in clinical cardiology, both for new physicians and for those already in private practice.

As chairman of the Appropriation Subcommittee on Health, Education, and Welfare, I have had on several occasions the pleasure of hearing Dr. Knutti testify at our annual budget hearings. He has been a most eloquent and able witness, expertly acquainted with day-to-day developments in the field of cardiovascular diseases.

Those of us who know Dr. Knutti personally or at least by his work, are indeed sorry to learn of his leaving. His career has been a credit to his profession, an inspiration to his associates. I know that we all wish him well in his retirement—a retirement which, incidentally, is only from full-time duty, for Dr. Knutti will retain the many advisory and trustee positions he now holds.

Dr. Knutti's many contributions to NIH programs, through his genius as an innovator and administrator, will never be forgotten. For these works will last as continuing testimony to his dynamic leadership and creative talent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. TUPPER (at the request of Mr. GERALD R. FORD), for August 4, on account of official business to attend the 175th anniversary of the founding of the U.S. Coast Guard.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special order heretofore entered, was granted to Mr. FOGARTY (at the request of Mr. REUSS), for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. FINO.

Mr. SIKES.

Mr. HAGEN of California.

(The following Members (at the request of Mrs. REID of Illinois) and to include extraneous matter:)

Mr. GROVER.

Mr. BROOMFIELD.

Mr. HARSHA.

Mr. GERALD R. FORD.

(The following Members (at the request of Mr. REUSS) and to include extraneous matter:)

Mr. POWELL.

Mr. FISHER.

Mr. MURPHY of New York.

Mr. PEPPER.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the speaker:

H.R. 7954. An act to amend the Communications Act of 1934 to conform to the convention for the Safety of Life at Sea, London (1960);

H.J. Res. 324. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 481. Joint resolution to amend the joint resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 579. An act for the relief of the State of New Hampshire; and

S.J. Res. 56. Joint resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson.

ADJOURNMENT

Mr. REUSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 4, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1407. A letter from the Secretary of the Army, transmitting a letter from the acting Chief of Engineers, Department of the Army, dated June 30, 1965, submitting a report, together with accompanying papers and illustrations, on a review of the reports on Cape Fear River, N.C., above Wilmington, requested by resolutions of the committees on Public Works, U.S. Senate and House of Representatives, adopted March 29, 1961 and August 15, 1961 (H. Doc. No. 252); to the Committee on Public Works and ordered to be printed with three illustrations.

1408. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act and the Federal Reserve Act with respect to the payment of deposits and interest thereon, to limit the payment of compensation for obtaining deposits, and for other purposes; to the Committee on Banking and Currency.

1409. A letter from the Acting Comptroller General of the United States, transmitting a report of excessive procurement of equipment and supplies for packaged disaster hospitals, Public Health Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1410. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report of orders entered into in certain cases, pursuant to the provisions of section 212(e) (a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1411. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in certain cases pursuant to the provisions of section 212(d) (6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1412. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation in certain cases, pursuant to Public Law 87-885, (8 U.S.C. 1254(a) (1)); to the Committee on the Judiciary.

1413. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting a report of all claims adjudicated and paid for the period July 1, 1964, to June 30, 1965, pursuant to the provisions of 28 U.S.C. 2671–2680; to the Committee on the Judiciary.

1414. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report of positions established as of June 30, 1965, pursuant to 72 Stat. 426, 429 and 75 Stat. 785, 791; to the Committee on Post Office and Civil Service.

1415. A letter from the Deputy Director, Central Intelligence Agency, transmitting a report of no grants made during fiscal year 1965, pursuant to Public Law 85-934; to the Committee on Science and Astronautics.

1416. A letter from the Deputy Secretary of Defense, transmitting the annual report of the American National Red Cross for the year ended June 30, 1964, pursuant to the act of July 17, 1953 (67 Stat. 173); to the Committee on Foreign Affairs.

1417. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

1418. A communication from the President of the United States, transmitting additional recommendations relative to home rule for the District of Columbia (H. Doc. No. 254); to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of South Carolina: Committee of conference. H.R. 8439. An act to authorize certain construction at military installations, and for other purposes (Rept. No. 713). Ordered to be printed.

Mr. POWELL: Committee on Education and Labor. H.R. 10065. A bill to more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin, and for other purposes; without amendment (Rept. No. 718). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 498. Resolution for consideration of H.R. 4750, a bill to provide a 2-year extension of the interest equalization tax, and for other purposes; without amendment (Rept. No. 719). Referred to the House Calendar.

Mr. ASPINALL: Committee of conference. S. 24. An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes (Rept. No. 720). Ordered to be printed.

Mr. ASHMORE: Committee on the Judiciary. H.R. 872. A bill to amend the provisions of title 18 of the United States Code relating to offenses committed in Indian country; with amendment (Rept. No. 721). Referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. H.R. 6438. A bill to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof; with amendment (Rept. No. 722). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCLORY: Committee on the Judiciary. S. 69. An act for the relief of Mrs. Genevieve Olsen; with amendment (Rept. No. 712). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 8646. A bill for the relief of Rifkin Textiles Corp.; without amendment (Rept. No. 714). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 9854. A bill for the relief of A. T. Leary; without amendment (Rept. No. 715). Referred to the Committee on the Whole House

Mr. KING of New York: Committee on the Judiciary. H.R. 9787. A bill for the relief of Lt. Col. Lawrence F. Bachman, U.S. Air Force; without amendment (Rept. No. 716). Referred to the Committee of the Whole House.

Mr. SENNER: Committee on the Judiciary. H.R. 2694. A bill for the relief of John Allen; with amendment (Rept. No. 717). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CORMAN:

H.R. 10224. A bill to establish a U.S. Capitol page system for needy and deserving students of a college, university, or other institution of higher education; to the Committee on House Administration.

By Mr. FARNSLEY:

H.R. 10225. A bill to provide for the payment of interest on valid claims under the Federal Employees' Compensation Act; to the Committee on Education and Labor.

By Mr. GREEN of Pennsylvania:

H.R. 10226. A bill to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GRIDER.

H.R. 10227. A bill to amend the National Labor Relations Act to assure majority representation by secret ballot; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 10228. A bill to amend the Labor-Management Relations Act, 1947, as amended, so as to provide for the regulation of certain employees benefit funds; to the Committee on Education and Labor.

By Mr. KREBS:

H.R. 10229. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By. Mr. MICHEL:

H.R. 10230. A bill to amend the River and Harbor Act of 1958 to authorize the appropriation of $8 million for the repair and modification of certain structures along the Illinois and Mississippi Canal in the State of Illinois; to the Committee on Public Works.

By Mr. O'NEILL of Massachusetts:

H.R. 10231. A bill to coordinate and consolidate the major civilian marine and atmospheric functions of the Federal Government through the establishment of a Department of Marine and Atmospheric Affairs, to enunciate national policies pertinent to the marine and atmospheric interests of the United States, to further the expanded exploration of marine environs and the use of marine resources, to encourage research and development in the marine and atmospheric sciences and technologies, and for other purposes; to the Committee on Government Operations.

By Mr. POAGE:

H.R. 10232. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply, water systems, and waste disposal systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. REID of New York:

H.R. 10233. A bill to amend the Labor-Management Relations Act, 1947, as amended, so as to provide for the regulation of certain employees benefit funds; to the Committee on Education and Labor.

By Mr. RIVERS of South Carolina:

H.R. 10234. A bill to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments; to the Committee on Armed Services.

By Mr. MURPHY of New York:

H.R. 10235. A bill to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10236. A bill to amend title I of the Tariff Act of 1930 with respect to the rate of duty on parts of geared temperature and pressure gages; to the Committee on Ways and Means.

By Mrs. REID of Illinois:

H.R. 10237. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. O'HARA of Michigan:

H.R. 10238. A bill to provide labor standards for certain persons employed by the Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. PELLY:

H.R. 10239. A bill to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 10240. A bill to provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies; to the Committee on Government Operations.

By Mr. HARVEY of Indiana:

H.R. 10241. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

By Mr. MURPHY of New York:

H.R. 10242. A bill to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of the act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'KONSKI:

H.R. 10243. A bill to require the U.S. military establishments and installations to purchase wines and distilled spirits in compliance with and conformity to systems, procedures and requirements established in the several States, and to limit the quantities of such beverages to be sold, distributed or acquired within Federal enclaves; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 10244. A bill to establish a Federal Water Commission to provide for the development, utilization, and control of the water resources of the United States for beneficial uses and for their protection in the interest of the public health, safety, and welfare, and for other purposes; to the Committee on Public Works.

By Mr. ROSENTHAL:

H.R. 10245. A bill to establish a Federal Water Commission to provide for the development, utilization, and control of the water resources of the United States for beneficial uses and for their protection in the interest of the public health, safety, and welfare, and for other purposes; to the Committee on Public Works.

By Mr. FISHER:

H.J. Res. 596. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.J. Res. 597. Joint resolution providing for the erection of a memorial to the late Dr. Robert H. Goddard, the father of rocketry; to the Committee on Science and Astronautics.

By Mr. MARSH:

H.J. Res. 598. Joint resolution to authorize the President to issue a proclamation commemorating the 200th anniversary of the Stamp Act Congress, held at New York, in the Colony of New York, October 7–25, 1765; to the Committee on the Judiciary.

By Mr. KING of New York:

H.J. Res. 599. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on limited factors other than population; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.J. Res. 600. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on limited factors other than population; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

353. The SPEAKER presented a memorial of the Legislature of the Territory of Guam relative to an amendment of Organic Act of Guam to provide for payment of salaries and expenses, which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10246. A bill for the relief of Gaetana Battaglia; to the Committee on the Judiciary.

H.R. 10247. A bill for the relief of Cleopatra E. Beckett; to the Committee on the Judiciary.

H.R. 10248. A bill for the relief of Sharlotta and Wolf Gniazdo; to the Committee on the Judiciary.

By Mr. CLEVENGER:

H.R. 10249. A bill for the relief of Mrs. Elisabeth Manninen; to the Committee on the Judiciary.

By Mr. CURTIS:

H.R. 10250. A bill for the relief of Juan A. del Real; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10251. A bill for the relief of Giuseppe Maurello; to the Committee on the Judiciary.

H.R. 10252. A bill for the relief of Rocco Recine and Santa Recine; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 10253. A bill for the relief of Dr. Luis E. Bencomo; to the Committee on the Judiciary.

By Mr. HAGEN of California:

H.R. 10254. A bill for the relief of Maria de Jesus Benitez Casarez Hyett; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 10255. A bill for the relief of Jack R. Carpenter; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 10256. A bill for the relief of James D. W. Blyth, his wife Jean Mary Blyth, and their daughter Penelope Jean Blyth; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 10257. A bill for the relief of James N. Thomson; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 10258. A bill for the relief of Chang Heung An; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 10259. A bill for the relief of Dr. Allan Baumal; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 10260. A bill for the relief of Qosay S. Emam; to the Committee on the Judiciary.

By Mr. TUCK:

H.R. 10261. A bill for the relief of Dr. Juan F. Chavez; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

State Department Dealings in Southeast Asia

EXTENSION OF REMARKS
OF

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 3, 1965

Mr. BROOMFIELD. Mr. Speaker, even Pavlov's dogs had the ability to learn by experience.

However, it seems that the State Department has not as yet acquired this talent.

At a time when the gentleman from Illinois [Mr. FINDLEY] and myself were criticizing the State Department for considering the sale of a highly sophisticated communications system to the Indonesian military—the same military which, by the way, was busily engaged in guerrilla warfare and terror tactics against a much smaller neighbor, Malaysia—we find that a representative of the Government of Indonesia was making a trip to the State Department Building in Foggy Bottom.

His task was to pick up a check drawn on the Government of the United States in the amount of $350,000.

This tidy little sum of petty cash was for payment of one-half the cost of construction of a building to house an atomic reactor which our Government had so graciously supplied to Dictator Sukarno as a token of the esteem in which we held him for his misuse of American funds previously supplied to him and as a reward for his penchant for acquiring adjoining real estate by any means, including force of arms.

It is ironic that the name of the program under which these hard dollars were supplied to Sukarno was "Atoms for Peace" when Sukarno wants his neighbors' territory, not peace.

It is doubly ironic that Americans are required to undergo restrictions on what they buy overseas and are asked to refrain from unnecessary overseas travel so that we can straighten out our balance-of-payments problem caused by such foolish giveaways as this.

The State Department will argue, I am sure, that it had a "commitment" to supply these funds, that they were the result of promises made some years ago.

But what the State Department forgets, or never really learned, is that the really meaningful commitments we have in the world are not measured in dollars nor in the size of populations nor in paying off the blackmail threats of petty tyrants.

We have a commitment to ourselves and to our reason for being as a nation to protect freedom when it is threatened. We are not protecting freedom when we supply its enemies with the goods to help them overpower peaceful neighbors.

According to press reports, Indonesia recently purchased military rockets from Japan. We can be sure that the dollars we supplied the Indonesians just 2 weeks ago will help pay for those rockets.

We can be equally certain that these rockets, coupled with the $1 billion in military goods supplied in previous years to Indonesia by the Soviet Union, and joined with the lessons in guerrilla warfare and military tactics supplied by the U.S. Government to the Indonesian armed forces, will mean greater pressures against Malaysia and against the peace of the world.

It is no wonder that many of us wonder why the State Department Building is called Foggy Bottom. It seems that someone picked the wrong extremity.

It is almost inconceivable that the State Department persists in making the same mistake time after time in its dealings in southeast Asia. But it is happening, and it is costing our Nation in dollars, and it could cost the peace of the world unless we change our policies.

Amistad Dam

EXTENSION OF REMARKS
OF

HON. O. C. FISHER

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 3, 1965

Mr. FISHER. Mr. Speaker, on Saturday, July 31, 1965, ceremonies were held in Del Rio, Tex., which is in my congressional district, commemorating the first pouring of concrete in the Amistad Dam. The primary function of the Amistad Dam will be flood control and the United States share of the costs—56.2 percent—will total approximately $78 million. Construction will require the acquisition of nearly 61,000 acres of lands in the United States, the relocation of 14.3 miles of Southern Pacific railroad track, 19 miles of U.S. Highways 90 and 277, two electric transmission systems, and two telephone lines. These acquisitions and relocations are now almost complete. The construction of the dam itself is, today, 19 percent complete and on schedule. It will be about 6½ miles long and its top will extend 254 feet above the riverbed, creating a reservoir for 5,660,000 acre-feet of water. The dam is scheduled for completion in December 1968.

The joint construction of this dam is being carried out under an agreement with Mexico, approved by the Congress on July 7, 1960—Public Law 86-605. Before congressional approval was obtained for this undertaking extensive hearings were held in the House by the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs. The subcommittee chairman was my very good friend, the Honorable ARMISTEAD I. SELDEN, JR., of Alabama. The citizens of both the United States and Mexico who attended these ceremonies were honored and pleased to have that able and distinguished Member of the House make the principal address at this historic event.

Mr. Speaker, the history of the efforts of the local citizens on both the American and Mexican sides of the Rio Grande truly reflect the very spirit of international cooperation and compromise. The joint engineering and other studies carried out by the various agencies of both the American and the Mexican Governments, which preceded the congressional approval, and the continuing collaboration during the present construction, is indicative of the achievements that are possible when nations can negotiate and work within the framework of friendliness and good will.

I believe that the remarks of our colleague, the Honorable ARMISTEAD I. SELDEN, JR., bring into focus the advantages derived by nations working together and I commend them to the House:

THE AMISTAD DAM

(Remarks of Representative ARMISTEAD SELDEN, July 31, 1965)

I am extremely pleased that I could accept the cordial invitation to join with you today on this truly memorable occasion.

In this strife-torn world, borders bristle with armament. The Berlin wall and the Iron Curtain sever people with barriers of hatred and suspicion. Egyptian troops fight in Yemen, Indonesian troops in Malaysia, mercenaries in the Congo. Yet we meet here today, not to destroy, but to build; not to erect fortifications, but to inaugurate the construction of a peaceful enterprise destined to advance the welfare of people on two sides of an international frontier.

Mexicans and Americans can be justly proud. Throughout history two questions have persistently troubled relations between neighboring states—territorial disputes and questions of water rights. We have had our share of problems. With a 1,500-mile boundary, this is probably inevitable. But for several decades now, our record on both these potentially explosive issues has been exceptional.

The recent Chamizal agreement presents a heartening example of the determination to seek peaceful and just solutions to thorny territorial disputes. In the field of water distribution and conservation, Mexico and the United States have demonstrated the superb results of negotiations conducted in the spirit of mutual respect and consideration. We have only to recall the bitter dispute raging between Israel and the Arab States over Jordan River waters to realize how productive our own efforts have been. In the Middle East, where fertile land is scarce, the Jordan, if properly utilized, could make deserts bloom. Modern technology awaits only the decision of men to bury their grievances and recognize that their peoples are the losers so long as destructive political motives are permitted to outweigh human considerations.

Water has ever played a major role in the affairs of mankind. People must have fresh water to drink and water with which to grow their food. Where water is plentiful, communities flourish. Where water is scant, vast regions lie barren and inhospitable. No wonder men have fought ferociously to assure their domains an adequate water supply.

Yet water—so essential to life—can also be a powerful enemy. Throughout history, torrential floods have overflowed riverbanks, inundating crops and sweeping away livestock, houses, and human life. But however treacherous a river might be, where it is vital to existence men simply bury their dead, lament their lost crops and animals, and then set about to rebuild and replant the same hazardous area.

In this region you know well both the blessing and the curse a great river can bring. You have seen parched land turn fertile and productive with sufficient water for irrigation. And you have experienced tragic floods. The memory of the 1954 disaster must still be sharp in your minds. That year the Rio Grande lived up to its Spanish name—Rio Bravo, or fierce river.

Thanks to modern engineering developments, men no longer need to be helpless victims of rampaging water. And thanks to the determination and good will on both sides of the Rio Grande, Mexico and the United States are working together to use those modern techniques for the benefit of their people. The ceremony in which we have participated today marks the ceremonial beginning of a major step toward taming the once indomitable Rio Grande.

As designed, the new Amistad Dam will alleviate the recurrent floods along the 250-mile stretch from the dam site to Falcon Reservoir, affording increased protection to over 200,000 people who reside in Del Rio, Eagle Pass, and Laredo in the United States and in Ciudad Acuna, Piedras Negras, and Nuevo Laredo in Mexico, as well as to the irrigation developments aggregating over 90,000 acres on the two sides of the river. It has been estimated that the safeguards afforded by the dam will save over a million dollars annually in flood damage to property. But none can put a peso or dollar value on the protection the new dam will provide from the loss of life and human suffering.

I am deeply pleased to have played some role in this great achievement in international cooperation. It was my privilege to introduce legislation in the House of Representatives and to serve as floor manager for the bill which authorized U.S. participation in construction of the dam. In that capacity, and as chairman of the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee, I have had ample opportunity to observe the constant, cordial, and constructive cooperation in which the Mexican and United States Governments engage. I realize that the commendable collaboration at official levels is made possible, in large measure, because those of you who live along the border—Mexican and American—set the example and the environment in which friendly relations can be conducted. The name "Amistad"—friendship—for the new dam is well chosen.

We all can take pride in the record and be grateful for the beneficial results in accruing to both sides of the border. Let us hope that the Amistad Dam will be but another link in a growing chain of cooperative ventures by means of which Mexicans and Americans alike will grow and prosper.

The 1965 Questionnaire Response—New York Second District

EXTENSION OF REMARKS

OF

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1965

Mr. GROVER. Mr. Speaker, for the information and convenience of my colleagues and my constituents, I am pleased to submit the percentage analysis of responses to my questionnaire on vital issues of the day.

This year my questionnaire was prepared by the students of the political science department of Hofstra University, my alma mater, and the response analysis completed by them.

I am grateful to the university and its hard-working students and pleased with the participation by my well-informed constituency.

The percentage analysis follows:

	Percent			
	Yes	No	No opinion	No response
FOREIGN AFFAIRS				
1. Should Red China be admitted to the United Nations?	21.4	74.2	2.7	1.5
2. Should President Johnson extend diplomatic recognition to Red China?	20.8	73.8	3.3	1.9
3. Should our policy toward Red China be reevaluated to—				
(a) Include provisions for trade of non-strategic goods?	24.3	64.4	4.6	6.4
(b) Take into consideration that war with China is inevitable?	33.1	46.9	9.8	10.0
4. In Vietnam, should the United States—				
(a) Increase the military effort?	64.2	16.8	3.7	15.1
(b) Pull out of the war?	10.6	56.7	2.6	29.8
(c) Remain approximately at current levels?	19.0	37.7	4.9	38.2
5. Should the amount the United States spends for foreign aid be—				
(a) Increased?	4.5	50.2	2.6	42.5
(b) Decreased?	64.2	13.8	2.5	19.3
(c) Remain approximately at current levels?	21.6	30.8	3.7	43.6
6. Should the United States continue its aid program to—				
(a) Egypt?	12.4	77.6	6.9	2.9
(b) Indonesia?	9.0	81.0	6.4	3.4
7. Should the United States seek negotiations for disarmament?	53.3	39.5	3.8	3.1
8. Is a more inclusive nuclear test ban treaty needed?	60.8	24.1	9.4	5.5
9. Should restrictive measures on U.S. foreign investments be taken to curb the gold flow?	67.2	20.1	9.7	2.8
10. Should the Government lift its ban on travel to Cuba?	15.2	79.9	3.3	1.4
AID TO THE AGED				
11. Do you favor the medicare plan which provides for hospital and nursing home care for the aged, to be financed by increased social security taxes paid by both employer and employee?	43.9	49.1	3.6	3.3
12. Do you favor the elder-care plan for hospital and nursing home care, to be administered by the States on a voluntary basis?	40.8	42.6	9.7	6.7
13. Do you feel that most people can pay their bills through Kerr-Mills and existing private plans and that no additional legislation is needed?	28.7	51.8	12.1	7.2
LABOR				
14. Do you favor repeal of the Taft-Hartley Act?	13.4	71.2	11.4	3.8
15. Do you favor repeal of sec. 14(b) of the Taft-Hartley Act which allows States to pass right-to-work laws?	25.7	54.1	14.9	5.1
16. Do you favor placing greater restriction on organized labor?	70.7	21.6	4.9	2.6
WAR ON POVERTY				
17. Do you believe the Government should maintain the present billion dollar spending level for aid to depressed areas?	53.4	37.8	5.4	3.2
18. Do you favor the bill now before Congress which would substantially increase antipoverty spending?	32.8	57.2	7.1	2.6
EDUCATION				
19. There is a bill before Congress which would allow the Government to increase its aid to elementary and secondary schools. Do you favor this bill?	66.4	28.1	3.6	1.7
20. Are you in favor of provisions in current school aid measures which withhold funds from school districts which discriminate on the basis of race?	54.3	38.7	5.1	1.8
21. Do you favor Federal aid to private and parochial schools?	37.4	58.3	2.3	1.8
22. Do you favor Federal tax exemptions for tuition-paying college students?	81.1	14.5	2.4	1.7
23. Should the Federal Government award scholarships on the basis of need and ability?	72.4	21.2	3.8	2.5
24. Should the Constitution be amended to allow prayers in public schools?	68.8	24.9	4.7	1.4

	Percent			
	Yes	No	No opinion	No response
IMMIGRATION				
25. Should we change our present national origins system of immigration to one which would admit persons with needed skills, regardless of country of origin?	55.8	35.3	7.1	1.6
26. Should persons with relatives in the United States be permitted entry regardless of country of origin?	34.3	51.7	11.0	2.8
REAPPORTIONMENT				
27. Would you favor an amendment to the Constitution which would allow the several States to apportion at least 1 house on a basis other than population?	32.0	42.4	20.9	4.5
THE BUDGET, FEDERAL SPENDING, AND TAXATION				
28. Do you believe a tax cut should be instituted while Federal spending is maintained at present levels?	27.0	61.4	6.7	4.7
29. Do you favor the reduction or elimination of Federal excise taxes on such items as automobiles?	51.1	39.4	6.2	3.0
30. Should Federal funds be provided for the following:				
(a) A Cabinet level Department of Urban Affairs?	29.8	54.5	11.9	3.5
(b) Aid to the Nation's railroads?	48.5	40.7	7.5	3.1
(c) Increased aid to housing?	31.2	57.6	8.0	3.0
MISCELLANEOUS				
31. Do you favor a bill guaranteeing the right to vote to all citizens, regardless of race, providing the Federal Government with the means to support the bill?	77.5	15.2	3.3	3.8
32. Should the draft be ended?	18.7	71.0	7.6	2.5
33. Do you favor the creation of an interstate commission to build a bridge between Long Island and New England?	72.4	19.9	6.0	1.5

Address by Secretary of Commerce John T. Connor, Commencement Exercises, U.S. Merchant Marine Academy, August 2, 1965

EXTENSION OF REMARKS
OF
HON. JOHN M. MURPHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 3, 1965

Mr. MURPHY of New York. Mr. Speaker, at the invitation of Adm. Gordon McLintock, Superintendent, and as a member of the Board of Visitors to the U.S. Merchant Marine Academy at Kings Point, N.Y., I attended their commencement exercises yesterday, August 2, 1965. I want to take this opportunity to congratulate the 219 graduates on their academic accomplishments and to wish them good luck and Godspeed in their chosen profession.

Secretary of Commerce John T. Connor was the principal speaker, and under leave to extend my remarks in the RECORD, I include his address:

ADDRESS BY SECRETARY OF COMMERCE JOHN T. CONNOR AT COMMENCEMENT EXERCISES, U.S. MERCHANT MARINE ACADEMY, KINGS POINT, N.Y., AUGUST 2, 1965

I am happy that my first official visit to Kings Point occurs on this memorable occasion for you 219 graduates.

And coming as I do from New Jersey, I am proud to see that the No. 1 man in your class also is from my home State. So while I extend congratulations to all graduates, I want to compliment Roger Dreher in particular for continuing the outstanding academic work he started at Marist High School in Bayonne. I know Governor Hughes and the people of New Jersey are proud of Mr. Dreher.

Our country is proud of all of you here today. I know this sentiment is shared by all your relatives and friends—many of whom traveled very long distances to be present for this occasion.

You graduating cadets have today arrived at a long awaited destination. You conclude an eventful voyage and you embark on another that can be meaningful to you and your country. Shortly you will walk through Vickery Gate where countless liberty passes have been signed over the years. But I suppose some of you probably will go to Cleveland Hall and jump the fence from force of habit.

The cadets you leave behind must envy you, and so do I. I, too, am enamored of the sea. I do my sailing off Cape Cod but, I must confess, in a smaller vessel and with a rank greatly inferior to yours. In our 15-foot Cotuit skiff, my two sons are the skippers and they take enthusiastic advantage of the opportunity to order their crew around. I am the crew.

Despite my ordinary seaman's status, I find few experiences more exhilarating than feeling the bow knife through the whitecaps. To my mind, man's sense of mastery over the elements cannot be equaled in any domain as at sea. So in addition to my best wishes, my heart is with you newly licensed officers today.

I don't need to discuss with you the purpose of the merchant fleet in war and peace. Neither must I expound the history of our country's oldest industry and the maritime tradition that is engraved in our national character. Nor is it necessary to elaborate on the exciting challenges that lie in your future.

You have been studying these things for 4 years, and if those years at this fine Academy had not been productive you would not be members of the class of 1965.

In the light of the maritime situation, however, I do want to reassert the Nation's interest in a strong, reliable merchant marine—and to emphasize the need for putting the national interest first.

Events in southeast Asia remind us dramatically of how indispensable it is to have a merchant fleet ready and able.

It is in time of peril that the sharpest focus is on our merchant marine. National survival has often depended upon our capability to move vast amounts of men and materiel to faraway places where freedom is challenged.

We have seen this urgency demonstrated forcefully within the memory of many of us here today, in the two World Wars, in Korea—and now in Vietnam. In that distant but vital area of southeast Asia, the United States is fulfilling its commitment to protect the right of people to live in liberty and dignity, free from subversion and naked aggression.

All of us are involved in the commitment. The Maritime Administration already is reactivating ships from the National Defense Reserve fleets, at the call of the Military Sea Transportation Service. MSTS is chartering private vessels to supply our forces in Vietnam. The flow of essential materiel must and will go on.

And the requirements of Vietnam could very well determine your initial billets. So this is a crucial situation of distinct personal meaning to all of you.

But it shouldn't be necessary to cite crises in order to underscore the national interest in a healthy merchant marine. The vital, continuing function of the maritime industry is to transport people and products in intercontinental and coastal commerce. By all standards, this is a major industry.

By itself, the maritime industry accounts for $1.5 billion of our gross national product. It pays $75 million in Federal and State taxes. It employs 100,000 workers, who themselves pay $80 million in income taxes.

Moreover, the merchant marine is an essential element of the transportation complex which absorbs nearly 20 percent of the spending which goes into our total output of goods and services. In 1964 this added up to $120 billion, an amount substantially greater than the Federal budget.

This figure alone indicates just how much the cost of transportation affects the cost of everything we buy and just about everything we do. And that is why the Commerce Department is giving such high priority to transportation research. We want to improve the Nation's huge transportation system—and this includes the merchant fleet—in order to achieve significant economies in time, money, and efficiency. When we do so, we will be able to pour additional resources into a steadily growing economy and thus raise the American living standards higher.

A strong, competitive merchant marine also serves the national interest by helping to overcome the deficit in our international balance of payments, which in the last several years grew to serious proportions.

As a national concern, the balance of payments cannot be overstressed. The dollar must and will be maintained at full value and full strength.

Trade flows on confidence in the dollar, and trade is as essential to our domestic economy as it is to the world economy. Nearly 3½ million American workers owe their livelihood to exports. The role of the merchant fleet in world trade is obvious. And its direct benefit to our payments position is substantial. The U.S.-flag fleet conserves millions in dollar exchange every year.

And conserve we must—in every channel of business, banking, and commerce—for there must never be a doubt about the dollar. It is essential that we alleviate our payments deficit in order to maintain the strength of the dollar and curtail the drain in our gold.

Let's state the case unequivocally: The strength of our national economy and our defense posture rest squarely upon the strength of the dollar. In solving our balance-of-payments problem a healthy U.S. merchant marine can make substantial contributions.

We are making headway in easing the strains on the dollar. As you know, President Johnson developed a program of voluntary cooperation among business and banking executives to bring our international accounts into balance. Businessmen have voluntarily exercised restraint on the investment of dollars abroad, stepped up exports and taken other steps to improve their individual balance-of-payments ledgers. The results so far are promising. But parenthetically, I want to express regret that American traders who voluntarily committed themselves to a key aspect of the President's program have been thrown off stride by the shipping tieup. They are the ones who agreed to use U.S. vessels to keep their transportation dollars at home—and who were compelled to use foreign bottoms instead, or find their cargoes immobilized in strike-bound ships.

The expansion of world trade and its fabulous potential indicate the importance of maintaining a strong merchant marine. To fulfill that interest, we have a lot of ground to make up. President Johnson made this clear 2 weeks ago when he said our prosperity and safety through history have been linked closely to our role on the seas of the world, a role we can never neglect. The President added this:

"I believe," he said, "we are all increasingly conscious of the fact that as a great nation we have been laggard and we have been neglectful in many areas of our transportation responsibilities and our transportation opportunities.

"I am hopeful—greatly hopeful," the President went on, "that we can in the next few years shake off the effects of these neglected years and move forward to achieve the progress that we are so clearly capable of in every sector, from the highways on which we travel to the high seas upon which we sail."

As Secretary of Commerce, I take that to mean that you and I and everyone connected with the maritime industry are under orders to achieve the progress we are capable of in revitalizing the merchant fleet and enhancing its competitive capability through technology and modernization.

Regrettably, we must admit that the United States does not now rank where it should in merchant seapower. We have been neglectful. We have not acted to meet the challenges of change and our competition. When the world's most active trading nation employs its own ships for only 9 percent of its seaborne commerce, we are lagging behind our abilities as well as behind our competition.

The present state of the merchant marine requires this frank assessment of our maritime condition in view of an ever-increasing contribution in the form of subsidies. Since World War II operating subsidies have added up to $1.7 billion. And since the start of the fleet replacement program in 1955, construction subsidies have totaled $600 million.

Clearly, subsidies, in themselves, do not provide the answers to our maritime problems. We have witnessed a decline in our maritime industry despite an increase in subsidies.

President Johnson is determined to strengthen America on the seas. In his state of the Union message he promised a new maritime policy. That policy is developing. About a year ago the President appointed an advisory committee representing management, labor, and the public to make recommendations to the Secretaries of Commerce and Labor on matters of maritime concern. The recommendations are taking shape.

In addition, we have created an interdepartmental task force on maritime policy under the chairmanship of Alan Boyd, the Under Secretary of Commerce for Transportation. The task force is working closely with the advisory committee, and on the basis of their respective findings Secretary of Labor Wirtz and I will soon be in a position to make recommendations to the President.

Secretary Wirtz has described the current weeks in which we have an unfortunate shipping strike as being crucial to the future of this industry. I agree. But I also want to assure you that, despite the enormous problems and despite the skeptics, we are moving toward the development of a more vigorous and versatile, a more efficient and competitive merchant marine.

Our goals must be to stabilize and then improve our merchant fleet.

Now any plan for improvement must be keyed to modernization. We possess the technological know-how to send to sea the mechanized ships so essential to compete with the vessels of other nations. By applying our technology, we hope to cut the costs of building, operating, loading, and unloading our ships. Mechanization aboard ship, of course, means a reduction in crews. But this should not obscure the need. For one thing, normal attrition already is reducing the seagoing work force. We'll have to recruit additional seamen. And for another thing, as we become more competitive with the ships flying the flags of other nations, and as our international trade grows, we will need more ships and thus more men—men building in the yards and sailing on the seas.

But isn't it the challenge of competition which has made this country the most productive and prosperous in the history of man? Isn't it the challenge of competition which has enabled our system to demonstrate its superiority, by allowing private enterprise to take risks and to exercise the initiative, imagination, and ingenuity to convert risks into success? Are we going to continue to be complacent about the fact that ships can be constructed and operated so much more economically by other nations, enabling them to take the shipping business away from us?

In the maritime industry, as in any other, private enterprise must bear the prime responsibilities for stability and progress.

As it is, these burdens are shared by management, labor, and Government. The immediate interests of each party are not always identical. Management and labor, quite naturally, are concerned with profit and wages. The Government's lasting obligation is to all Americans. But I want to emphasize this point: The ultimate responsibilities of each party, one no less than the other, are to the national interest.

In our system of free, competitive enterprise, I would prefer tc see a diminishing Government role and an expanding private role in the maritime industry. But so long as the Government is involved—so long, for instance, as the Government is called upon to pay 72 cents or more of every dollar in wages aboard subsidized ships—the voice of the Government must and will be heard.

Now, I think we can all agree that neither higher subsidies nor higher rates could, by themselves, enhance the fortunes of the merchant marine. Much more is required. As President Johnson said in exhorting us to achieve progress in our maritime affairs: "To do so will require much more than the answer of just money alone. So in all the fields of transportation, our future progress depends upon the willingness of many different groups and interests to cooperate in a manner to which they are not always accustomed."

Only with this kind of cooperation will the national interest be served.

Only then can each of us concerned with the standing of our merchant fleet be able to say he has done his utmost to shake off the effects of neglect.

As men directly concerned, as officers of the U.S. merchant fleet, you will bear high responsibilities. In your hands will be the security of your ship, your crew, your passengers, and the millions of dollars in cargo that you carry. These are life-and-death responsibilities assumed by few other Americans. But your commitment does not end on the bridge or in the engineroom. I urge you to view your duties as far more than an exercise of professional skills. View them in the perspective of national needs and national purposes.

For only with that perspective can we truly restore America to its proper place in the high seas.

Thank you, good sailing, and Godspeed.

A Salute to Niger

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1965

Mr. POWELL. Mr. Speaker, today, August 3, marks the fifth anniversary of the independence of the Republic of Niger. On this auspicious occasion, therefore, we wish to extend warm felicitations to His Excellency Hamani Diori, President of Niger, and to the Nigerian Ambassador to the United States, His Excellency Ary Tanimoune.

During this period, we have seen the economy of this country increase by at least 6 percent per annum. Since its economy is chiefly agricultural, this growth represents a remarkable accomplishment. At the same time, Niger has been able successfully to avoid the sort of economic backslide which has been occurring with increasing frequency among the primary producers of the world.

Although Niger has registered a trade deficit every year since 1960, these deficits are being progressively reduced. The reductions have been largely due to the implementation of Niger's plan for raising crop yields and increasing the efficiency of the farmers and herdsmen. They also reflect a concerted effort at crop diversification—a move away from the exclusive cultivation of peanuts and toward the introduction of cotton. The exporting of animal hides has greatly increased, as has tin production. For a country which has practically no industry, where the most important factor determining successful crop production is the weather, and which is located 500 miles from the sea on the edge of the Sahara, Niger's economic progress has been exemplary.

In the political sphere, the Republic of Niger has made great strides toward the development of democratic institutions and increasing the participation of all groups in the life of the Nation. Under the inspiring leadership of Hamani Diori, Niger's able president, we have seen the development of a regime which is both pro-Western and progressive. This has occurred despite a vigorous campaign of subversion and terrorism inspired and financed by Peiping.

For example, during 1964 there occurred a series of sporadic attacks on village outposts. All the attacks were unsuccessful, largely because the Hausa tribesmen, upon whom the guerrillas had counted for sympathetic aid, were hostile to them. This reflects most qualifyingly the confidence of the people in their government and their unwillingness to participate in terrorism and other acts of violence against it. Such confidence is reassuring, faced as we are by so much unrest and instability in the "third world."

Niger's stability is obviously due to the popularity of its present government, and perhaps in part to the legacy of France. France's policies in sub-Saharan Africa were traditionally more benevolent, and the relationship between the colonies there and France were more equal than was the case in north Africa. The result has been that French influence in west Africa has helped to promote a rational outlook and greater stability in the postcolonial era.

We in the United States have also provided aid, because we feel that countries so dedicated to providing a better life for its citizens through economic and political development should be assisted. And, Mr. Speaker, on this fifth anniversary of Niger's independence, we consider it a privilege to congratulate its leaders and people on the progress they have made, and wish them our best for the future.

Federal Government and Nebraska: Partners in Crime and Vice

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1965

Mr. FINO. Mr. Speaker, today I would like to tell the Members of this House about the spineless partnership of the Federal Government and the State of Nebraska in keeping gambling illegal in Nebraska thus making gambling's lucrative profits available to the exchequers of syndicated crime.

Last year the parimutuel turnover in Nebraska came to $48 million. More significant—and more menacing—is Nebraska's illegal gambling, which makes Nebraska a prairie favorite of the syndicate. Testimony before the McClellan committee indicated that off-track betting comes to about $50 billion annually throughout the Nation, with this figure accounting for only some 42 percent of the national annual illegal gambling total, which would thus be $120 billion. On a population basis, illegal gambling in Nebraska would come to about $960 million a year. The mob cuts itself 10 percent of the illegal gambling take, which means that the syndicates are picking up a lot of bread in Nebraska. Government-run gambling would siphon these moneys from mob treasuries putting gambling revenues into needy public coffers.

The best way to make gambling work for the public good—since it is basically ineradicable—is a national or series of State lotteries. If the State of Nebraska would wake up to social and financial reality, it would legalize, regulate and control gambling and make it work for the people.

Reserve Forces

EXTENSION OF REMARKS

OF

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1965

Mr. SIKES. Mr. Speaker, I am greatly impressed by a sound and knowledgeable statement made by my distinguished colleague, the Honorable CHARLES E. BENNETT, of Florida, before the House Armed Services Committee recently. It deals with the important job of an adequate program for the Nation's Reserve Forces and deserves the attention of every Member of the Congress.

STATEMENT BY CONGRESSMAN CHARLES E. BENNETT OF FLORIDA, TO THE RESERVES AND NATIONAL GUARD SUBCOMMITTEE OF THE HOUSE ARMED SERVICES COMMITTEE, AUGUST 3, 1965

Mr. Chairman, I am grateful that you permit me to testify in support of the bill I have introduced to strengthen the Nation's Reserve Forces and to revitalize them in this time of great need.

I have been most sincerely concerned about this crisis for some time. My concern was intensified in recent days when the President of the United States announced a deeper commitment in Vietnam, with a major buildup of our forces in southeast Asia.

We are involved in a complex war; the issues are complex, and from the standpoint of the fighting forces, the battle situation is indescribably complex. As members of this committee are aware, I know something about guerrilla warfare. In the Philippines up until almost the end of World War II, I lived and worked with the guerrillas, at one time having more than 1,000 under my leadership.

President Johnson commented the other day that we require a 10-to-1 ratio over guerrillas in fighting this sort of war. My own experience tells me he is right. The hit and run—the shrinking into the shadows—the changing of costume—the presenting of the false face—the alternate daytime and nighttime identities—all make the guerrilla effective and gives a single individual the ability to spread havoc in a compound, a base, or among a large group of his uniformed and fully armed enemy.

The plan to abolish the Army Reserves is a shocking proposal. To suggest the wiping out of the regional general officer training supervision of the Army's backup forces, and to place all of the remainder—the only Reserve the U.S. Army would have—under the various Governors is a major security mistake in itself. We need a National Reserve, national in every respect. This merger proposal goes far beyond anything which we should consider, even if we were in a time when minimum security forces are required. The merger plan appears to me to be highly dangerous—an almost unbelievable proposal—in this time when we are truthfully telling the American people we are in a national security crisis.

To consider carrying forward such a drastic reorganization in 1965—when the Nation is simultaneously being prepared for dramatic and heavy calls upon our manpower for military services—is folly of the highest order.

The principal element that goes into guerrilla war is trained manpower. Southeast Asia's terrain does not lend itself to use of much of our modern equipment—heavy tanks for instance. Manpower is the key to success. If we are going to have to outnumber the guerrillas 10 to 1, then we know that the buildup is going to continue and involve more and more men—trained men, not green recruits. Without revealing any classified figures, I know this committee knows we are a long way from any 10-to-1 ratio now, even with the announced buildup.

I applaud the determination of the Defense Department to take immediate steps to prepare some elements of the Reserve Forces for callup. We perhaps should not even take time now to point the finger at anybody and ask why the Reserve Forces today are undermanned, and underequipped. What I do feel free in saying is, let us not permit this condition to continue a moment longer.

I think the American people properly expect action now. In my view, they are impatient because of the delay. I think many people are alarmed over the neglect of the Reserves, glaring shortages of equipment recently exposed, and the failure of the Defense Department to correct the deficiencies which this committee cited after long hearings in 1962.

As a citizen, as a Congressman and as a member of the House Armed Services Committee, I have spent many sleepless hours thinking of the problem our Nation faces today. The Congress—both as a body and as individual Members—carries the responsibility of providing for the national defense, and in regulating and prescribing strengths, and equipment levels, and training formula for the Armed Forces—both Regular and Reserve.

Because the issue before us has been that of the Reserves, I have talked with many reservists. They have a right to stability and relief from continued turmoil and continuing ill-conceived shakeups. They have a right to know plans for their employment. We know that in a general war, they do most of the fighting and they do most of the dying. They have a right to realistic training. They have a right to be ready.

I have talked with the national staff of the Reserve Officers Association. I know these officers and I have a great deal of respect for them. The Reserve Officers Association, as you know, holds a charter from the Congress and under law is charged with working for "military policies which will provide adequate national security." ROA's attitude, in my observation, always has been to serve the interest of the Nation.

The bill, H.R. 10205, which I introduced yesterday in the House is based upon ROA's recommendations. These recommendations are based upon the findings and experiences of people with broad background both in the Reserves and in the Active Duty Forces.

My bill proposes a number of amendments to the Armed Forces Reserve Act, which was designed in the post-World War II and post-Korea period to give us the modern, vital Reserve that we should have today. The bill would provide essentially for the designation of "Selected Reserve Forces" in each component to be continually given intensified training, and maintained in a high state of readiness.

It would bring the Reserve Forces in line with the Active Forces, and have their strength established each year by the Congress just as is done with the Active Forces.

It would prescribe at least 48 drills per year and at least 2 weeks of intensive active-duty training with the Active Duty Forces.

The bill contains other important amendments to strengthen and clarify the Armed Forces Reserve Act.

I am concerned about the safety of our Nation, now that we are fully committed to a war which may require millions in manpower and many billions in dollars before we achieve a satisfactory result.

In conclusion, Mr. Chairman, let me emphasize my most earnest recommendation that you reject forthwith the merger proposal. If it had any ground for consideration in 1964, it has none now in 1965.

The Defense Department, in my view, should begin without another moment's delay improving the readiness of both the National Guard and the Army Reserve. New personnel must be recruited, new training programs instituted, new support in many ways provided. The crisis of today places urgent demands upon the 14 corps commanders whose professional leadership and training supervision are required as never before.

The 21 divisions—now admittedly starving from lack of support—can prove the difference between disaster and safety of our country. The 150,000 trained men it was thought last December we could do without may turn out to be the most indispensable members of our counterguerrilla teams.

Let us hope and pray that the Reserves have not been too discouraged so that they will tackle their new challenge with vigor and spirit. Let us hope that those who have been encouraged to drop out may come back. Our country owes a great debt of gratitude, an infinite one, to our reservists.

Even if the Vietnam crisis were settled today, I still would say we need to improve our defense structure. The way of the world Communist conspirator is to entice us into relaxation. I hope we never again make that mistake. Our survival as a free nation is the stake. I would not surrender one of our freedoms for promise of $150 million—nor $150 billion.

As the late great statesman Bernard Baruch used to say, "I have no ambition to be the richest in the graveyard."

Congressman Harsha Reports

EXTENSION OF REMARKS

OF

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1965

Mr. HARSHA. Mr. Speaker, periodically I report to my constituents various facts about our Government and the legislation that Congress is enacting. I do this through the medium of a newsletter.

However, because the Congress, in recent days, has enacted legislation that has so many ramifications and will create such a change in our way of life, I am choosing this method to report to my constituents so that not only they, but other citizens as well, may have a better understanding of what their Government and the Congress are doing.

MEDICARE

Medicare has now become the law of the land. It applies to all over 65 regardless of whether they were previously eligible for Social Security benefits and regardless of need—millionaires are included. Thus it does too much for those who do not need it, and too little for those who do. It is compulsory. It adds enormously to the payroll deduction of every wage earner, putting a burden on the younger people who are striving to support their families, pay for their homes, and educate their children. If these workers live to enjoy the benefits under this plan, they will have paid for them many times over.

The bill I introduced in Congress would have provided much better coverage and benefits, would have been voluntary, would have been financed by tax credits and the General Treasury, and therefore would have been paid for by those most able to pay, easing the burden on those least able to carry it.

Above all do not cancel your hospitalization insurance yet because this legislation falls far short of covering the needs of the elderly and furthermore, it does not become effective until July 1, 1966, and some provisions do not become effective until January 1, 1967.

Following are the highlights of the new law: It provides for the following hospital insurance: 90 days of hospitalization in semiprivate rooms or wards with the patient paying $40 for the first 60 days and $10 a day after that. One hundred days of posthospital care in a skilled nursing home with the patient paying $5 a day for each day after 20 days. This provision does not become effective until January 1, 1967. Care and treatment of mental diseases or tuberculosis are not covered under this provision. Outpatient diagnostic services are provided with the beneficiary paying the first $20 and 20 percent of the cost above that for all services rendered during a 20-day period.

Nonhospital insurance. This coverage is to be obtained by the recipient paying a $3 monthly premium to be matched by an equal payment by the Government. The recipient must enroll in this program; he is not automatically covered. It provides for physician and surgeon services whether in hospital, home, or office. However, chiropractors and podiatrists are excluded. It also provides for diagnostic tests, surgical dressings, casts, and medical equipment such as oxygen tents. Besides the $3 monthly premium, beneficiaries must pay the first $50 of expenses during a calendar year and 20 percent of the total bills above that amount.

Important: This law does not go into effect until July 1, 1966.

Financing hospitalization and other social security benefits—under the present law the first $4,800 of your earnings are taxed annually at current rates for payments into the social security fund. This is referred to as the taxable base. Under the new law this base will be raised on January 1, 1966, to $6,600 and your tax rate increased to 4.2 percent each on employee and employer. The self-employed rate will rise to 6.15 percent on $6,600. The rate of taxation rises periodically until it reaches 5.65 percent each on employee and employer and 7.80 percent on the self-employed.

For a comparison of these taxes to be paid in future years see the following chart:

How your social security taxes will go up

Income	Under present law employee pays—	Under new law employee must pay tax shown (employer pays similar tax)						
		1966, 4.2 percent	1967–68, 4.4 percent	1969–72, 4.9 percent	1973–75, 5.4 percent	1976–79 5.45 percent	1980–86, 5.55 percent	1987 (and after). 5.65 percent
$4,487	$162.65	$188.45	$197.43	$219.86	$242.30	$244.54	$249.03	$253.52
$5,000	174.00	210.00	220.00	245.00	270.00	272.50	277.50	282.50
$5,600	174.00	235.20	246.40	274.40	302.40	305.20	310.80	316.40
$6,000	174.00	252.00	264.00	290.40	324.00	327.00	333.00	339.00
$6,600	174.00	277.20	290.40	323.40	356.40	359.70	366.30	372.90

SOCIAL SECURITY BENEFITS

Amendments to the social security law have been enacted that will raise benefits by 7 percent with a minimum increase of $4. This increase is retroactive to January 1, 1965, and beneficiaries should receive these benefits by September 15. The amendment I introduced called for a 10-percent increase, but the Congress held the increase down to 7 percent.

Effective January 1, 1966, persons receiving social security pensions will be able to earn $1,500 in wages a year without losing any benefits; present law limits this sum to $1,200. The amendment I introduced would have raised this exemption to $3,000 but, here again, the Congress held the increase down to a very meager one.

There are many other changes in the law such as reduced benefits for widows who choose to receive them at age 60 instead of 62; remarriage of a widow will not cause loss of her eligibility for her deceased husband's benefits, and children may continue to receive benefits to age 22 provided they are in school—and others. If there is any question about any of these changes or if any assistance is needed in obtaining benefits by those who feel they are entitled to them, I hope these people will call on me to help them. I am more than happy to utilize the complete facilities of my office to assist those who request it.

HOUSING

The Congress has enacted into law a new housing bill containing a completely new departure in housing legislation. In addition to FHA housing, the law contains an authorization for the expenditure of $2.9 billion for urban renewal. Many complaints have been raised against urban renewal. The program became so questionable in the District of Columbia that a committee of the Congress conducted an investigation of urban renewal here in the District of Columbia. I served on that committee which held more than 130 hours of public hearings and six volumes of testimony were printed. This study revealed the following: First, although $130 million had been spent, not one unit of low-rent or public housing had been built in any urban renewal area; second, while thousands of homes were demolished, the program failed to provide housing for low-income families and a critical housing shortage of nearly 10,000 units exists; third, the Redevelopment Land Agency illegally received and used $23 million in Federal funds; fourth, one project—cancelled after the committee investigation—which would have cost $22 million, was unjustified; fifth, that preferential selection of redevelopers resulted in windfall profits in some cases and in other cases the complete default on contracts after several years; sixth, it will be at least 33 years before the public will receive the first dollar in taxes above the cost of a completed project; and, seventh, that small businesses were essentially without any protection and were not given reasonable provisions for relocation.

The housing legislation contained one program heretofore undreamed of, opening such vistas of waste, favoritism and political power that I could not vote for the bill even though it continued programs I favor such as FHA loans to homeowners, housing for the elderly and for colleges.

The new program is called rent supplements or renticare. "Renticare" is a brand new miracle drug not just something warmed over from the New Frontier and the New Deal as are most of the ingredients of the Great Society. As it first came from the White House it was not aimed at low-income families but those of middle income not eligible for public housing. It would provide more suitable quarters for a mysterious group of people referred to as the disadvantaged by paying part of their rent. This disadvantaged group was so susceptible of a wide variety of interpretations and so all inclusive that it provided for extending rent doles to about half the families in America. As a result it was modified to meet the same income qualifications that apply to public housing. But what most people do not understand is that this varies from place to place and under the amended language, people living in New York, Chicago, Philadelphia, or San Francisco, can get rent supplements even though they earn as much as $11,200 or nearly twice the median national family income.

This renticare program kills the incentive of the American family to improve its economic status; it kills the incentive of home ownership; it actually places an incentive on poverty and it makes renters wards of the Government. Here is how the bill works. Under section 101(d) of the bill the Housing Administrator may subsidize a tenant's rent in an amount up to the difference between the fair market rental for the unit and one-fourth of the tenant's income. That formula kills the incentive of the American family to improve its living accommodations by its own efforts. A family with $3,000 a year income—$250 a month—could live in a $100-a-month apartment and pay rent of only $62.50 a month—one-fourth of income—with the Government providing a subsidy of $37.50 a month—difference between one-fourth of tenant's income and market rent for the unit. The disincentive of the family to improve its housing accommodations is readily apparent. Should that $250-a-month family's income increase to $300 a month, its rent payment would increase to $75 a month and the Federal subsidy would drop to $25 a month. And, of course, if the family's income increased to $400 a month, it would pay the full market rent of $100 a month as one-fourth of family income of $400 a month would equal full market rent for the unit. In other words, the family with $250-a-month income has no incentive to improve its living accommodations by increasing its earnings to enable it to rent better accommodations. It can live in the same accommodations with $250-a-month income as it could if it increased its income to $400 a month. In other words, an incentive is placed on poverty, since the administration chooses to use the figure of $3,000 as being in the poverty classification.

The formula also produces another type of disincentive to a family improving its living accommodations by its own efforts. That $250-a-month-income family might decide it wants to live in a $200-a-month apartment instead of the $100-a-month unit. Under the formula it could do so. And under the other proposed provisions of this section, this still would be true. The primary requirement for a qualified tenant is that he be unable to obtain standard privately owned housing at a rental no more than one-fourth of his income. As far as the proposed law is concerned, that standard housing could be standard housing suitable to the tenant's needs or suitable to his desires. The Administrator could decide either way. The family would pay the same one-fourth of its income as rent or $62.50 a month and the Government would pay an increased subsidy of $137.50 a month to make up the balance of the fair market rent for the unit. Under the formula the way to better housing is increased Federal subsidy rather than increased individual effort.

Another example would be a family living in New York with a total family-annual income of $11,200. Under the housing law, up to $2,300 is allowed as exemptions, not countable in tabulating total family income. With the exemption, this leaves total annual income of $8,900. One-fourth of this is $2,225, a monthly figure of about $185. This family could live in an apartment costing $300 per month, and the Government would subsidize the difference between $185 and $300, or $115 per month.

When another head of a family earning $400 a month and paying $100 a month rent—without any help from Uncle Sam—saw that his neighbor, earning far less than he, was able to move into a much better apartment with no increase in his rent payments, he suddenly would wake up to the possibility of the formula. This family, otherwise eligible for rent supplements, by free choice could be living in standard but crowded quarters. The head of the family simply does not want to allocate more than $100 a month of his income to housing. With the balance of his income he prefers to enjoy other amenities of life, such as a second car or an extra week's vacation. Rent supplement is his easy way out. He would be eligible for subsidy in a more expensive apartment. He, too, would move to the $200-a-month apartment. He would continue to pay only $100 a month of his income as rent because the Government would provide the other $100 a month necessary to cover the market rent for the unit.

This formula is a formula for killing the American incentive system of improving one's lot by one's own effort. This would be keeping up with the Joneses via Federal subsidies.

To own one's own home, no matter how modest, is the goal of the typical American family. The rent supplement kills the incentive of a family to achieve that goal. Under FHA underwriting standards a family with $3,000-a-year income can afford to purchase a home costing 2½ times that amount or a $7,500 home. The housing cost of such a home would approximate $60 a month. But as noted in the illustration above, the $3,000-a-year family by paying $62.50 a month as rent could live in a partially federally subsidized $100-a-month rental unit. The cost of such a dwelling unit would approximate $12,500. Or, as above noted, that same family could also live in a $200-a-month rental unit and pay only $62.50 of its income a month as rent with the balance of $137.50 paid by the Government under the rent supplement formula. The cost of the $200-a-month rental unit would approximate $25,000. Why would a family strive to own a $7,500 home when for approximately the same monthly outlay for housing it could rent a $12,500 or $25,000 cost dwelling unit? Not only would the rent supplement proposal kill incentive for homeownership, it also would be a powerful incentive for a family to discontinue homeownership and become a renter on the Federal dole. That runs counter to the American way of life. Home ownership preserves family life. Home ownership can do more in a minute to keep communism from our shores than the FBI, the CIA, and the Un-American Activities Committee can do in a lifetime.

Proponents of this legislation claim that it has a price tag of only $7.5 billion but they are not taking into account the fact that these rent supplements are contracted on a 40-year basis at an annual authorization of $150 million—this adds some $6 billion to the price tag or a total of over $13 billion.

RAPID TRANSIT

The House of Representatives has passed and sent to the Senate, where it undoubtedly will be approved, a rapid transit bill for the District of Columbia. This bill authorized the expenditure of almost $500 million to construct a subway system here in the District. The Federal Government is underwriting the total expense and even the proponents admit that this is only the first step. The system is to be expanded into Virginia and Maryland, adding considerably to the cost. The taxpayers of America are going to eventually foot this bill. Why should the taxpayers of the 6th District of Ohio have to subsidize the transportation of the citizens of Maryland, Virginia, and the District of Columbia? A transportation system is like a utility and the users and those benefiting from it should have to pay for it, not the residents of Ohio or anywhere else for that matter.

FOREIGN AID

When the Congress considered foreign aid the Johnson proposal for $3.4 billion was labeled as a "bare bones" request. I challenged that position and stated that the State Department was misleading the American taxpayer. I pointed out that much more than this was being funneled into foreign aid and also called attention to the unexpended balances still in the fund. Recently, I received a letter from the Honorable OTTO PASSMAN, Democrat and chairman of the Appropriations Subcommittee on Foreign Aid. Mr. PASSMAN is probably the most knowledgeable man in Congress on this subject of foreign aid expenditures. The following is his letter verbatim:

> A great American once said: "It is true that you may fool all of the people some of the time; you can even fool some of the people all of the time; but you can't fool all of the people all of the time." This statement was made before America started the foreign giveaway program.
>
> Requests for new foreign aid funds so far this year amount to $7,512,467,000. I am attaching, hereto, a list showing the 15 separate requests for foreign aid funds. Only the first item on the attached list is ever mentioned publicly as being foreign aid. The other 14 items are just as much foreign aid as your hand is a part of your body.
>
> On June 30, 1965, unliquidated funds from prior years' authority to the credit of these 15 items amounted to $10,605,738,000. If the Congress approves the full additional $7,512,467,000 that the administration has requested in new funds this year, then there will be a staggering total available for disbursement in the amount of $18,118,205,000.
>
> The $7,512,467,000 requested in new funds this year does not include an appropriation of $1.35 billion, tacked on to a recent appropriation bill for the International Monetary Fund so that it would apply to the fiscal year which ended on June 30, 1965, rather than to the new fiscal year. Neither does it include the $4 billion annual interest we are paying on the money we have previously borrowed to give away.
>
> How any administration could dissipate America's wealth on foreign aid as we are doing is beyond the realm of sane, human understanding. I hope that the circulation of the startling information contained in this letter will be broad enough to cause the American people to demand an explanation as to why only 1 of the 15 requests is ever mentioned publicly as foreign aid.
>
> Sincerely yours,
>
> OTTO E. PASSMAN,
> *Chairman, Foreign Operations Subcommittee on Appropriations.*
>
> (Enclosure.)

New foreign aid funds requested so far in 1965

Foreign assistance requests, as amended (mutual security)	$3,459,470,000
Receipts and recoveries from previous credits	209,770,000
Military assistance advisory group	76,000,000
Export-Import Bank (long-term credits)	900,000,000
Public Law 480 (agricultural commodities)	1,658,000,000
Inter-American Development Bank (Latin America)	705,880,000
International Development Association (IDA)	104,000,000
Peace Corps	115,000,000
Contributions to international organizations	96,953,000
Permanent construction overseas (military)	85,986,000
Educational (foreign and other students)	69,200,000
Ryukyu Islands	14,733,000
Migrants and refugees	7,575,000
Atomic Energy Commission (overseas)	5,900,000
Inter-American Highway (Latin America)	4,000,000
Total new foreign aid request—1st 6 months of 1965	7,512,467,000

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

Mr. Speaker, is it any wonder that our cost of living continues to rise and the value of our dollar drops. Only last week the Government announced that the Consumer Price Index had risen to $110.1. The index means that it cost $11.01 to purchase items in June that cost $10 in the 1957–59 base period. The Labor Department reported this was the highest quarterly rise since 1957.

FOREIGN POLICY

Our State Department argues that if we grant Communist nations foreign aid and preferential trade conditions this will win the Communists to our side and draw them away from Russia and Red China. They say if we "sell" them surplus foods under Public Law 480 the captive people in these Communist nations will know it is America that is giving them the food. Incidentally under the "sales" of food through Public Law 480 this money does not come back to the United States but stays in the nation making the "purchase" and can only be used for programs to develop that nation or in some case for maintenance of our embassies, and so forth, in that country.

Recent newspaper reports indicate that Communist Poland has turned down the request for a U.S. delegation, headed by Vice President HUMPHREY, to attend the dedication of a new hospital financed by U.S. funds. A modern and expensive facility, with a price tag of $11 million; it was built in Krakow.

Financing of the hospital was through the accumulation of money paid by the Poles for surplus American foodstuffs, Public Law 480.

This is just one more example of the fallacy in the reasoning of those who believe that unlimited foreign aid funds can succeed in bringing Communists to the side of the West.

Here is another example of the fuzzy-headed thinking in the State Department. Everyone is familiar with the attacks of Sukarno and the Indonesians on the United States, its Embassies, its libraries, and their seizures of American-owned industries. Likewise we are familiar with Sukarno's efforts to destroy Malaysia and his honey-foggling with the Communists. In fact, Congress became so incensed with his activities that it amended the foreign aid bill preventing any further aid, both economic and military, to Indonesia, unless the President deemed it in the national interest. Everyone also is aware that Sukarno with the aid of the Communists is trying to take over southeast Asia.

But now in the midst of all this conquest and aggression by Sukarno and Indonesia, the State Department is urging a private U.S. firm to sell a highly sophisticated military communications system to the Indonesian Armed Forces. This system is difficult to intercept and monitor and is jam proof.

If an all-out war should erupt between Indonesia and Malaysia this would provide a decided edge to Indonesia. It is quite probable that Sukarno would turn this system over to Russia. After all, she is supplying Sukarno with military aid in enormous amounts. Or what is to prevent him from turning it over to the Vietcong to be used against American boys?

Yet, our State Department is pressuring a U.S. industry to make this sale. This is a foreign policy?

A Vibrant Era of Opportunity and Freedom

EXTENSION OF REMARKS
OF
HON. CLAUDE PEPPER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 3, 1965

Mr. PEPPER. Mr. Speaker, the Vice President of the United States is one of our most eloquent spokesmen for the humanitarian progress of our great Nation. He has demonstrated this once again, as he has so many times in the past, in the splendid address he has prepared for the 55th annual convention of the National Urban League at the Eden Roc Hotel in Miami Beach. I am proud to have this address delivered in my district and to call it to the attention of my colleagues:

REMARKS BY VICE PRESIDENT HUBERT HUMPHREY

I am deeply honored to be here tonight with my friends of the National Urban League.

This organization was founded in 1910 in the midst of the progressive era. You retain today the spirit of that era—the spirit of innovation, experimentation, and commitment to social justice. You are still on the frontlines of social and economic reform—grappling with the basic issues of employment, education, housing, health care, and recreation.

During the years of your founding, the American people worked to preserve the rights and privileges of the individual in a time of rapid industrialization—attempting to build a social and economic order free of special privilege and discrimination.

These same issues of social and economic justice concern the American people today.

For the truth is simply this: We need everybody in the difficult task of self-government.

We can no longer afford the luxury of squandering the resources of human skills, intellect, and ability through discrimination, poverty, disease, and illiteracy.

And, for the first time in history, this Nation possesses the intellectual resources and economic power to make every American a full partner in this enterprise of democracy.

We possess the knowledge and the wealth. But do we also possess the courage and compassion to do this job? Do we have the inner strength needed to build a society where every citizen enjoys an equal chance in fact—and not just in theory?

In recent years the American people have demonstrated their intention to answer "yes" to these questions.

We have, for example, witnessed the virtual elimination of legalized prejudice and discrimination in America.

Many brave and courageous people, both black and white, have risked their lives, and sometimes lost their lives, in carrying forward this assault upon the barriers of legalized discrimination.

We can look with pride upon the dignity and compassion, yes, even the love, which has characterized the efforts of these courageous Americans.

Their actions have demonstrated that freedom still lives on these shores. They have shown us that the quest for freedom is the strongest and most compelling force in the world.

With the series of Supreme Court decisions culminating in the historic *Brown* v. *Board of Education* case in 1954—and with the series of congressional actions leading to the Civil Rights Act of 1964, and the Voting Rights Act of 1965—the initial phase of the civil rights struggle is now drawing to a close.

Much remains to be done until these decisions of our Government are fully implemented. But the fact these decisions were taken demonstrates, in compelling fashion, the intention of the American people to banish legalized inequality and discrimination forever.

In recent years we have also witnessed what your executive director, Whitney M. Young, Jr., has termed the quiet revolution—a revolution stemming from the encouraging increase of Negro enrollment in college and professional schools, from the rising level of income among Negroes, from the availability of more challenging and responsible job opportunities, and from the declining rate of school dropouts among Negroes as compared to the population in general.

Everyday we encounter fresh evidence that Negro Americans are succeeding despite the handicaps of prejudice, of closed doors, of limited or nonexistent educational opportunities, and of the deep psychological wound of being a Negro in a period where this usually implied second-class citizenship and the back of the bus.

There are, then, definite signs that our country will meet the challenge of providing every American with the chance to pursue his individual destiny in a climate of dignity and freedom.

Yet, as President Johnson pointed out in his historic address at Howard University: "For the great majority of Negro Americans—the poor, the unemployed, the uprooted, and the dispossessed—there is a much grimmer story * * * for them the walls are rising and the gulf is widening."

We are, in fact, in danger of creating two separate and distinct Negro Americas. One America, comprised of a minority of Negroes entering the middle class, has been the beneficiary of the very real progress we see about us. The other America, inhabited largely by the residents of our urban ghettoes and rural slums, has been increasingly isolated from this progress—shunted aside in this march toward freedom and justice.

In his Howard University address, President Johnson set forth the tragic dimensions of this American failure—this broadening of the gap between the vibrant promise of America and its hollow fulfillment:

Today the unemployment rate among Negroes is twice as high as among whites. Thirty-five years ago it was about equal.

Today the unemployment rate for Negro teenage boys is 23 percent as against 13 percent for whites unemployed. In 1948 it was actually lower for Negro youth.

Today the median income of Negro families compared to whites is lower than it was a decade ago.

Today infant mortality of nonwhites is 90 percent greater than whites. In 1940 it was 70 percent.

Today the number of white families living in poverty has decreased 27 percent since 1947. The number of poor nonwhite families has dropped only 3 percent.

The time has come to face these facts honestly. The time has come to appreciate how we have largely failed to make equal opportunity meaningful in many people's lives as well in the Nation's laws. The time has come to recognize that although our laws are more just than ever before, justice is for many a distant and unrealized promise.

As we enter this new phase of the Negro's struggle—the phase dedicated to securing economic and social justice—two general problems must be isolated and confronted—problems of substance and problems of spirit.

We know that the problems of substance are complex and intertwined. We cannot identify a single aspect of the Negro's life and try to deal with it alone.

We cannot emphasize just the need for more jobs, or better housing, or improved education.

More jobs cannot come without better education.

Better education awaits stable families and neighborhoods.

Stable families and neighborhoods require better housing and health facilities.

And better housing and health facilities call for better jobs.

Where do you begin to arrest this downward spiral of second-rate education, functional illiteracy, delinquency, dependence, and despair?

We can only begin by attacking all these social and economic ills at once.

We must also come to grips with the problem of spirit which plagues the Negro. We must understand that generations of prejudice, deprivation, disease, and subservience have sown among many Negroes the seeds of profound despair, apathy, indifference, and distrust.

What can we expect when hope is resolutely crushed from the young, when there are no jobs even for the educated, and no homes in good neighborhoods even for the hardworking?

What can we expect when a man's daily regimen is a combination of humiliation, insult, and embarrassment?

Is it surprising that authorities on human rights emphasize the need to replace the attitudes of unimportance and inferiority with the qualities of self-respect and self-confidence?

The origins of this crisis of the spirit lie in old brutalities. Its impact is the result of past injustice. And its virulence is sustained by present prejudices.

So progress toward full citizenship will come not only with liberation from discrimination in housing, education, and jobs, but also with liberation of the spirit.

Liberation of the spirit involves the exercise of man's uniquely human capacities: the potentiality for creativity and the opportunity to pursue excellence. These are the qualities which produce not only a climate of equal rights, but one of equal respect as well.

We make no pretense at knowing precisely what must be done to combat this dual challenge of substance and spirit.

We do know, however, that the full resources of the Federal Government are committed to this complex task.

And we know that cooperation must be the keynote—cooperation between public and private, between National, State, and local, between all concerned parties. Only such a broad assault—with a sense of commitment and imagination unknown until now—will be capable of altering this pattern of economic and social disintegration.

In no area is there greater opportunity for constructive, cooperative relations than President Johnson's war on poverty.

We are committed to mobilizing the resources of a nation to lift 35 million Americans out of the stifling atmosphere of poverty into the fresh, invigorating air of self-sufficiency. This is a task worthy of a free and compassionate people.

And while the Federal Government is prepared to carry much of the burden, we know that victory ultimately depends upon our receiving the enthusiastic support of such nongovernmental groups as the National Urban League.

We are especially gratified that many Urban League chapters have already assumed responsibility for local antipoverty programs. And your continued assistance is crucial.

We need your help in reaching the poor and demonstrating to them that opportunity for a new life does exist.

We need your help in developing neighborhood organizations and block councils—those units so vital in the struggle for self-sufficiency and self-respect.

We need your help in developing antipoverty approaches and techniques which have direct impact on the lives of people.

We need your help in finding meaningful jobs for those who participate in training and educational programs—and in expanding housing facilities and other allied community services.

And we need your help in developing leadership to carry forward the war on poverty, to plan and administer community action programs—Head Start projects, Job Corps centers and the like—and to develop constructive recommendations for improving the operation of the antipoverty program.

Indeed, we encourage constructive criticism. We intend to discard programs that don't work. We will expand those that do. And we are depending upon you to assist us in reaching these decisions.

The problems of substance and spirit require all the compassion, commitment, and ingenuity we can muster. Our labors must be recorded not in the headlines of the daily press but in the minds and hearts of those who seldom read newspapers at all.

Our progress must be measured not in number of programs funded or dollars allocated, but in the improvement in the lives of those afflicted by poverty and prejudice.

And, in the end, our goal must be to help the inhabitants of the other Negro America—

the land left in the backwash of recent progress—to step forward confidently into this new, vibrant era of opportunity and freedom.

Kern County Youth Are Outstanding

EXTENSION OF REMARKS
OF
HON. HARLAN HAGEN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 3, 1965

Mr. HAGEN of California. Mr. Speaker, the strength of our great country is the quality of its people and the opportunity given them to develop their best talents to the utmost in an atmosphere of freedom and equality. Daily we are gratified by the achievements of our young people and I wish to present two illustrations of accomplishment from my congressional district.

The first of these was announced in the Bakersfield Californian of Saturday, July 10, 1965:

BAKERSFIELD COLLEGE SINGERS TAKE INTERNATIONAL CONCERT

Bakersfield College won the international trophy for mixed choirs yesterday at the Llangollen International Musical Eisteddfod (song and poetry festival) Wales although nearly half the singers had colds.

They competed before an audience of 10,000 against 15 of the world's best choirs, from 11 countries.

The change from Bakersfield's sunny climate to chilly, damp Britain gave many of the Bakersfield singers the sniffles.

But in spite of this, they piled up 263 points, one more than the Mariakoren Singers of Vasteras, Sweden.

Adjudicator Sir Thomas Armstrong suggested warm hearts must be behind the warm tones produced by the Bakersfield choir. "They at once thrilled us and engaged our sympathy," he added.

The choir may return home to National and State honors.

Art Boehning, civic leader and one of the sponsors of the Bakersfield College Choir's trip abroad, today sent messages to Congressman HARLAN HAGEN and Senators THOMAS KUCHEL and GEORGE MURPHY calling attention to the fact the choir's triumph in song was an international triumph

The victory brings attention to the cultural achievements of this country and of an American junior college.

He said college choir members achieved their triumph by steadfast devotion to their art. In addition, they worked hard at many endeavors to help pay their own expenses to the Eisteddfod.

"If they should be invited to Washington, D.C., to sing on the White House lawn for the President of the United States, or receive national recognition, it would mean much to these outstanding young people," Boehning wired.

Boehning said the international triumph for the Bakersfield College choristers was also a triumph for the State of California and the State will also play a role in their August 3 welcome home.

Senator Walter Stiern and Assemblyman John C. Williamson and Jack T. Casey will be among those to welcome home the choir, Boehning said. He reported an invitation is being extended to Gov. Edmund G. Brown to attend the welcome-home ceremonies.

The choir won its international triumph Friday and was awarded the international trophy along with a cash award of 450 pounds sterling (about $1,260). The director is Joseph Huszti.

Ray Petty placed second in the tenors' solo contest and Patricia Varney third in the altos' contest. The madrigal ensemble of the choir placed seventh.

The choir returned to London Friday to sing in St. Paul's Cathedral there. The choir will sing the Sunday Mass July 18 at the Munich Cathedral. Singing tours of Holland and Germany will follow with concerts at Bonn, and Heidelberg.

The choir is scheduled to give an open-air concert in St. Mark's Square in Rome and to sing in Florence. The singers will leave Italy July 29 and stop briefly in Switzerland and Paris before returning to New York August 3.

If a reception is held for the choir in Washington, D.C., it probably will be August 4, or even, August 3, depending upon the time of arrival.

Dr. Ed Simonsen, president of the Bakersfield College, when told of the international victory achieved by the choir said:

"I am very proud and happy, but not too surprised that they won. These young people put all their best efforts into this project for months. We know how hard they worked to make the trip, and in addition to the many long hours they rehearsed to become the champions they are. This victory brings not only great honor to Bakersfield College, but to Kern County and California and it is also a national honor.

"The singers and the college could not have achieved so much without the fine community backing given them. They were singing as much for their community as for their college."

Chaperons for the trip are choir director Joseph B. Huszti and Mrs. Huszti, Miss Maribelle Murray, Miss Helen Welsch, Roger Winter, and Mrs. Mary Ellen Braun.

Choir members are: Lana Sue Widener, Jane C. Chapin, Janet I. Cheary, Ashley K. Cooper, Patricia Ann Weisel, Helen Clanin, Ronald L. Henson, Joyce I. Caldwell, Robert E. Whitchurch, James D. Hamman, Charlie E. Walker, Kathleen Bulkeley, Edna L. Rollins, Patricia C. Varney, Laurel Ann Miller, Charlotte Gaines, Daniel K. Sniffin, Jordan L. Grant, Bonnye R. Conner, Roger W. Jobe, William R. Matlock, Mary Jane Anderson, Don Gilkison, Richard B. Dixon, Faye D. Mahoney, Robert W. Dallons, John A. Brady, Katherine Ann Clark, Roxanne A. Tigner, Margie N. Debord, Sara Lynn Kinney, Janice L. Stone, Eddie J. Murders, Frank L. Saxton, Marilyn J. Bauer, Ramona Forquera, Karen Hodson, Ray Petty, Vicki Leech, Lonni Rae Doss, Richard Paul, James Dunaway, William Grisham, Janet P. Plummer, Roberto Mendez, Alice G. Torres, Judith Ann Fryer, Jean Clark.

It is my understanding that the prize won by the Bakersfield College singers is the most signal honor to be won by mixed choirs and in further recognition of their achievement they will be received by President Johnson at the White House this Wednesday. It should be noted that Bakersfield College has only 2 years to build a choir by reason of the fact that it is a junior college with only a 2-year program. This fact, too, is a favorable commentary on the quality of education offered in California at all levels of training.

I now invite your attention to the commentary entitled "Pipefuls" by Jim Day which appeared in the July 23, 1965, issue of the Bakersfield Californian.

PIPEFULS

(By Jim Day)

Milton Reed, assistant publisher of the Taunton Daily Gazette of Taunton, Mass., writes Walter Kane about a recent experience which conveys a nice compliment to Bakersfield youngsters.

"I spotted two sightseeing buses parked at the center of Taunton, Mass. Upon seeing a large group of young people about them I sent one of our reporters over to see if there was a story and later I went over myself and gave them some copies of our paper to take home as souvenirs. As you can see by reading the story we were much impressed by the splendid behavior of this group. They were perfect ladies and gentlemen. It really was a pleasure to talk to such a fine group especially after reading about so many riots about the country during the last few weeks."

The report about the 86 California teenagers having lunch in Taunton is quoted in part:

"As a few of them stood on the sidewalk in front of the superior courthouse, they noticed a shaggy looking young man in loud clothes stroll by. They chuckled to themselves and referred to him privately as a pseudosurfer.

"Several of the young boys, all with carefully groomed haircuts, explained that the group is conscious of its tourist appearance. They told of one boy who had submitted to a haircut for the trip and of their policy to wear ties and jackets in the larger cities. The girls, they said, could not wear slacks in larger cities. Furthermore even at brief stops such as Taunton, shirt tails must be tucked in and feet shod.

"They found the South much friendlier than the Northeast. One boy commented about New York, 'In 3 days only one person smiled at us.' "

Further corroboration of the excellent impression the county's touring youngsters have made is contained in another letter to Publisher Kane from Robert B. Devine of Buffalo, N.Y., who is quoted in part:

"Many words have been written dwelling on the faults of our young people in their teens.

"May I call to your attention and to the attention of the citizens of Bakersfield the very fine impression we gained of your community from a group of your young people in this age classification.

"We were able to observe these young folks the evening of July 8, and during their departure at a motel in the Syracuse, N.Y., area. Their conduct and friendly manner was most heartening and this message is to commend these young men and women and the community of Bakersfield."

There are six adult leaders taking some 80 students on a 9,600-mile tour that was begun last June and which will be concluded this month. Migs Apsit of this city is a pioneer here in arranging and conducting such tours which he has headed for a number of years.

Jerome A. Muzinich, of this city, writes Walter Kane from Dubrovnik, Yugoslavia, giving him a report concerning Steve Strelich of this city who was injured in an automobile accident in Dubrovnik while traveling with Dr. Chris Stockton, of Bakersfield. The car at the time was being driven by the mayor of Dubrovnik and was involved in a collision with a truck on a one-way street. Dr. Stockton was shaken up and severely bruised. Steve suffered more serious injuries but is making a good recovery in Yugoslavia. Dr. Stockton has returned here.

Mr. Muzinich writes in part:

"I was supposed to have met Steve in Belgrade, but found there after much statelike red tape, that he had been hit by a state truck in Dubrovnik, a 260-mile trip * * * I found him in high spirits and well on the way to recovery.

"Although he's covered in plaster from the chest down he will be out of his cocoon shortly after you get this letter. Some rest after that and he'll be in fine shape for dove season in California.

"I was certainly impressed with Steve's doctor. He's a fine gentleman reputed to be one of the best in Europe. At 36, he's second in command for this area and speaks seven languages just for the hell of it. We're going fishing together in the morning."

Incidentally, I believe Dr. Stockton went fishing with the same doctor.

The foregoing favorable comment with respect to a touring group of Kern County high school students is a further apt reflection on a representative group of young people from my district and invites attention to a tour which is an annual event designed to better acquaint students with the virtues of America.

The tour is conducted annually by Mr. and Mrs. Marger Apsit, of Bakersfield. Mr. Apsit is a teacher in the Bakersfield high school system and is a former college and professional football player. I would recommend that other public-spirited citizens sponsor such tours. The young people participating return home with a better knowledge of their country and its history and institutions.

A Greeting to the National Rivers and Harbors Congress

EXTENSION OF REMARKS

OF

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1965

Mr. Gerald R. Ford. Mr. Speaker, we are all familiar with the National Rivers and Harbors Congress and its endeavors. Many of us have attended its annual conventions and have been impressed with its dedication to the science of water use, control and conservation.

Our good friend the minority whip, Leslie Arends, wrote a note of greetings on June 4 to Mr. H. H. Buckman, president of the Congress. Under leave to extend my remarks I include Mr. Arends' letter.

Congress of
the United States,
House of Representatives,
Washington, D.C., June 4, 1965.

Mr. H. H. Buckman,
President, National Rivers and Harbors Congress, Washington, D.C.

Dear Mr. Buckman: I extend to you and to all members of the National Rivers and Harbors Congress my personal greetings and a hearty welcome to our Nation's Capital.

Your contribution for the control and better utilization of our country's water resources, for the conservation of our farm and timber land, and for the preservation of the natural beauties, is a contribution beyond measure. More than any other single organization, you have brought about a national awareness of this rich heritage, not only to be used and enjoyed by us but to be so used that the heritage is enriched for those who come after us.

You have indeed accomplished much. But, knowing the National Rivers and Harbors Congress as I do, you are meeting here not in self-glory of what has been done but to explore what remains to be done.

My congratulations and best wishes for a most successful and enjoyable visit to Washington.

Sincerely,

L. C. Arends.

SENATE

Wednesday, August 4, 1965

(Legislative day of Tuesday, August 3, 1965

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of our spirits, whose power is unsearchable, whose judgments are a great deep, our feverish hearts are quieted as in prayer we touch the hem of Thy garment.

As amid the earthquake, wind and fire of this violent world we wait for Thy still, small voice, give us, we ask, sensitive ears to listen, teachable minds to learn, humble wills to obey.

Here today in this Chamber of national deliberation, let some revelation of Thy light fall on our darkness, some guidance from Thy wisdom save us in our bewilderment, some power from Thine infinite resource strengthen us in our need. Acknowledging our oneness with all humanity, we come as patriots believing that our America has come to the kingdom for such a time as this.

Because of our sense of mission our Nation's welfare is of supreme priority to us. Grateful for its best traditions, anxious for its present perilous state, prayerful for its sons who this very hour are fighting in liberty's cause, we come crying for wisdom for our national leaders that we may contribute worthily to mankind's abiding peace.

We ask it in that Name which is above every name. Amen.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New York [Mr. Javits].

Under the unanimous-consent agreement, the time for debate on the amendment is limited to 1½ hours to the Senator from New York [Mr. Javits], and one-half hour to the Senator from Illinois [Mr. Douglas].

THE JOURNAL

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield for one-half minute?

Mr. DOUGLAS. I am glad to yield to the Senator from Montana all the time that he might desire.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 3, 1965, be considered as read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

Mr. JAVITS. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from New York. How much time does the Senator yield to himself?

Mr. JAVITS. I suggest the absence of a quorum, and ask unanimous consent that the time necessary for the call not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Harris in the chair). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 minutes.

Mr. JAVITS. Mr. President, I am very understanding of the portentous issue and the great decision that face the Senate today. The days of debate have highlighted the importance of the decision.

It is interesting that the issue is what politicians call a "sleeper," in that the public has not as yet become aroused to what is at stake, but I believe it will. Also, I believe it is the kind of issue of which much can be made and undoubtedly will be made in future campaigns. It is the kind of issue that develops slowly when something is done about which the people are unhappy. At some point they will suddenly return to the fact that the action has been taken and it has made them unhappy, and then they will look to what we did about it here—whether we adopted one of the two amendments or whether we did nothing. It is our job to look down the road of time and of history, and viewed in this way the issue is fully as important as it has been made by the opponents and the proponents of the proposals that are before the Senate.

Another aspect of the matter which strikes me as highly significant is that the substitute amendment which I have presented to the Senate has stood up amazingly well in the analysis and the debate which has ensued. My staff and I, together with the aid of experts in the field of constitutional law, developed this substitute; and whenever one postulates a standard of this kind, he anticipates its being shot full of holes. But if nothing else results from this effort on my part, I am now convinced, more than ever, that if a solution is desired—and I think that is undoubtedly the prevailing view of the Senate—this is a feasible, just, and constitutional solution.

Today, I wish, first, to deal with the essential differences between the substitute which I have suggested and the original proposal of my beloved leader, the distinguished Senator from Illinois [Mr. DIRKSEN], and then to deal with the major arguments which have been made against any amendment to the Constitution, and to show how, in my judgment, the substitute which I suggest meets all the arguments conclusively.

First as to the changes: It will be noted that the first change is that in my proposal there is a joinder of the population along with geography or political subdivisions as factors in the apportionment of one house of a bicameral legislature. Let us remember that the reason why we are here at all is that the Supreme Court has decided that both houses of a bicameral legislature—and undoubtedly the one house of a unicameral legislature as well—must be apportioned strictly on the basis of population—one man, one vote. The Court has indicated that there may be a difference between the two houses, but not in the matter of the weight of voting, in accordance with population. It is important that we understand exactly how the Court felt about that, so I should like to read from the decision, in slip opinion form, in the case of Reynolds against Sims, at page 41. The Court said:

> We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two State legislative bodies is required to be the same—population. A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multimember districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house.

In short, the Court allowed for the continued use of two houses—but only within the strict population standard for both.

It should be noted, therefore, that the first change which my substitute amendment makes is to require that population be the base, but that the factors of geography or political subdivisions may also be given consideration in addition to population. The difference between the Dirksen amendment and my amendment in that regard is in the use of the disjunctive in the Dirksen amendment: "population, geography, or political subdivisions."

The first difference therefore—and I think it is most meaningful, because it goes to one of the primary objections made by the opponents of any constitutional amendment—is that under my amendment, population must continue to be used, but geography or political subdivisions may also be used as factors; while it is charged that under the amendment of the Senator from Illinois [Mr. DIRKSEN], any one of the three may be used at the option of the people.

The next difference, which is critically important, is my omission of the provisions in the Dirksen amendment which read:

> Giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature——

The effort in the Dirksen amendment is obviously to place whatever decision is made on this subject within the limits of geography, political subdivisions, or population, in the hands of a majority of the people in a referendum, without tying them to any particular standard. The Dirksen amendment would make the State's judgment final.

In the case of my amendment, the jurisdiction of the Supreme Court would be preserved to determine, in the first place, whether population has still been used as the base, and geography or a political subdivision have been utilized as an additional factor. That is the second distinction.

The third distinction is, in my judgment, most basic. It concerns the relationship of the plan of apportionment to the needs of the State. The new words which I use are:

> Bears a reasonable relationship to the needs of the State, is consistent with the provisions of this Constitution except for the provisions of this article.

This language contains two separate ideas. One relates to the fact that even if the majority of the people in a State desire to apportion one house on a basis of not only population, but also geography or political subdivisions, it must yet be demonstrated to the satisfaction of the courts that the mixture of factors which the majority of the people seek bears a reasonable relationship to the needs of the State.

This is a time-honored standard of judgment which the courts will pass on. I have cited, and will cite again in the course of these remarks, the fourth amendment to the Constitution itself and a host of statutes under which the courts have dealt with precisely such a standard. Such a standard is entirely appropriate and is one with which the courts can deal.

This would mean that proof would have to be given to the Court that the nature and the needs of the State are such that one of the houses should be apportioned on a basis other than strictly population. Let me cite some examples, because they are classic examples in this controversy.

It is a fact, for example, that in my own State—and it is always best to start with one's own State—some two-thirds of the population of the State is concentrated in the five counties of the city of New York and the contiguous suburban areas. That represents but a small part of the State in area. However, it represents two-thirds of the population of the State. The other one-third of the population of the State occupies the overwhelming percentage of the total area of the State.

A similar situation exists in Alaska. In two heavily populated areas of Alaska, Anchorage and Fairbanks, reside half the population of the State.

In Hawaii, five-sixths of the population is concentrated in the Honolulu area.

In Arizona, three-fourths of the State's population is concentrated in the area in and around Phoenix and Tucson.

In Nevada, three-fourths of the population of the State is concentrated in and around Las Vegas and Reno.

These are classic cases. There are others. My colleagues have debated the situation which exists in Colorado. Colorado is a classic instance of that character. Although I do not have the figures in front of me, it is roughly in the same order of magnitude as the cases I have cited. However, Colorado is also sharply divided by a mountain chain which almost compartmentalizes the State in a physical sense and gives the people of that State a great desire for apportioning one of the houses of their State legislature with that concept in mind.

These are classic examples of the relationship of the geography of a State to its legislative apportionment.

There are 62 counties in New York. The counties to which I have referred as being contiguous to or part of the metropolitan area of New York City, in which two-thirds of the State's population reside, comprise 8 or 9 of the State's 62 counties. The disparity is immediately apparent. The other counties, constituting the overwhelming part of the area of the State, are relatively sparsely populated.

Therefore, I have drafted a substitute, and proposed it to the Senate. It would seem to me that an apportioning of one house of a State legislature, which would differ from the strict population approach and relate to the need for development of parts of the State which are not heavily populated, would qualify found him in high spirits and well on the way to recovery.

"Although he's covered in plaster from the chest down he will be out of his cocoon shortly after you get this letter. Some rest after that and he'll be in fine shape for dove season in California.

"I was certainly impressed with Steve's doctor. He's a fine gentleman reputed to be one of the best in Europe. At 36, he's second in command for this area and speaks seven languages just for the hell of it. We're going fishing together in the morning."

Incidentally, I believe Dr. Stockton went fishing with the same doctor.

The foregoing favorable comment with respect to a touring group of Kern County high school students is a further apt reflection on a representative group of young people from my district and invites attention to a tour which is an annual event designed to better acquaint students with the virtues of America.

The tour is conducted annually by Mr. and Mrs. Marger Apsit, of Bakersfield. Mr. Apsit is a teacher in the Bakersfield high school system and is a former college and professional football player. I would recommend that other public-spirited citizens sponsor such tours. The young people participating return home with a better knowledge of their country and its history and institutions.

A Greeting to the National Rivers and Harbors Congress

EXTENSION OF REMARKS

OF

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1965

Mr. Gerald R. Ford. Mr. Speaker, we are all familiar with the National Rivers and Harbors Congress and its endeavors. Many of us have attended its annual conventions and have been impressed with its dedication to the science of water use, control and conservation.

Our good friend the minority whip, Leslie Arends, wrote a note of greetings on June 4 to Mr. H. H. Buckman, president of the Congress. Under leave to extend my remarks I include Mr. Arends' letter.

Congress of
the United States,
House of Representatives,
Washington, D.C., June 4, 1965.

Mr. H. H. Buckman,
President, National Rivers and Harbors Congress, Washington, D.C.

Dear Mr. Buckman: I extend to you and to all members of the National Rivers and Harbors Congress my personal greetings and a hearty welcome to our Nation's Capital.

Your contribution for the control and better utilization of our country's water resources, for the conservation of our farm and timber land, and for the preservation of the natural beauties, is a contribution beyond measure. More than any other single organization, you have brought about a national awareness of this rich heritage, not only to be used and enjoyed by us but to be so used that the heritage is enriched for those who come after us.

You have indeed accomplished much. But, knowing the National Rivers and Harbors Congress as I do, you are meeting here not in self-glory of what has been done but to explore what remains to be done.

My congratulations and best wishes for a most successful and enjoyable visit to Washington.

Sincerely,

L. C. Arends.

SENATE

Wednesday, August 4, 1965

(Legislative day of Tuesday, August 3, 1965

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of our spirits, whose power is unsearchable, whose judgments are a great deep, our feverish hearts are quieted as in prayer we touch the hem of Thy garment.

As amid the earthquake, wind and fire of this violent world we wait for Thy still, small voice, give us, we ask, sensitive ears to listen, teachable minds to learn, humble wills to obey.

Here today in this Chamber of national deliberation, let some revelation of Thy light fall on our darkness, some guidance from Thy wisdom save us in our bewilderment, some power from Thine infinite resource strengthen us in our need. Acknowledging our oneness with all humanity, we come as patriots believing that our America has come to the kingdom for such a time as this.

Because of our sense of mission our Nation's welfare is of supreme priority to us. Grateful for its best traditions, anxious for its present perilous state, prayerful for its sons who this very hour are fighting in liberty's cause, we come crying for wisdom for our national leaders that we may contribute worthily to mankind's abiding peace.

We ask it in that Name which is above every name. Amen.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New York [Mr. Javits].

Under the unanimous-consent agreement, the time for debate on the amendment is limited to 1½ hours to the Senator from New York [Mr. Javits], and one-half hour to the Senator from Illinois [Mr. Douglas].

THE JOURNAL

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield for one-half minute?

Mr. DOUGLAS. I am glad to yield to the Senator from Montana all the time that he might desire.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 3, 1965, be considered as read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

Mr. JAVITS. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from New York. How much time does the Senator yield to himself?

Mr. JAVITS. I suggest the absence of a quorum, and ask unanimous consent that the time necessary for the call not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Harris in the chair). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 minutes.

Mr. JAVITS. Mr. President, I am very understanding of the portentous issue and the great decision that face the Senate today. The days of debate have highlighted the importance of the decision.

It is interesting that the issue is what politicians call a "sleeper," in that the public has not as yet become aroused to what is at stake, but I believe it will. Also, I believe it is the kind of issue of which much can be made and undoubtedly will be made in future campaigns. It is the kind of issue that develops slowly when something is done about which the people are unhappy. At some point they will suddenly return to the fact that the action has been taken and it has made them unhappy, and then they will look to what we did about it here—whether we adopted one of the two amendments or whether we did nothing. It is our job to look down the road of time and of history, and viewed in this way the issue is fully as important as it has been made by the opponents and the proponents of the proposals that are before the Senate.

Another aspect of the matter which strikes me as highly significant is that the substitute amendment which I have presented to the Senate has stood up amazingly well in the analysis and the debate which has ensued. My staff and I, together with the aid of experts in the field of constitutional law, developed this substitute; and whenever one postulates a standard of this kind, he anticipates its being shot full of holes. But if nothing else results from this effort on my part, I am now convinced, more than ever, that if a solution is desired—and I think that is undoubtedly the prevailing view of the Senate—this is a feasible, just, and constitutional solution.

Today, I wish, first, to deal with the essential differences between the substitute which I have suggested and the original proposal of my beloved leader, the distinguished Senator from Illinois [Mr. DIRKSEN], and then to deal with the major arguments which have been made against any amendment to the Constitution, and to show how, in my judgment, the substitute which I suggest meets all the arguments conclusively.

First as to the changes: It will be noted that the first change is that in my proposal there is a joinder of the population along with geography or political subdivisions as factors in the apportionment of one house of a bicameral legislature. Let us remember that the reason why we are here at all is that the Supreme Court has decided that both houses of a bicameral legislature—and undoubtedly the one house of a unicameral legislature as well—must be apportioned strictly on the basis of population—one man, one vote. The Court has indicated that there may be a difference between the two houses, but not in the matter of the weight of voting, in accordance with population. It is important that we understand exactly how the Court felt about that, so I should like to read from the decision, in slip opinion form, in the case of Reynolds against Sims, at page 41. The Court said:

> We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two State legislative bodies is required to be the same—population. A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multimember districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house.

In short, the Court allowed for the continued use of two houses—but only within the strict population standard for both.

It should be noted, therefore, that the first change which my substitute amendment makes is to require that population be the base, but that the factors of geography or political subdivisions may also be given consideration in addition to population. The difference between the Dirksen amendment and my amendment in that regard is in the use of the disjunctive in the Dirksen amendment: "population, geography, or political subdivisions."

The first difference therefore—and I think it is most meaningful, because it goes to one of the primary objections made by the opponents of any constitutional amendment—is that under my amendment, population must continue to be used, but geography or political subdivisions may also be used as factors; while it is charged that under the amendment of the Senator from Illinois [Mr. DIRKSEN], any one of the three may be used at the option of the people.

The next difference, which is critically important, is my omission of the provisions in the Dirksen amendment which read:

> Giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature——

The effort in the Dirksen amendment is obviously to place whatever decision is made on this subject within the limits of geography, political subdivisions, or population, in the hands of a majority of the people in a referendum, without tying them to any particular standard. The Dirksen amendment would make the State's judgment final.

In the case of my amendment, the jurisdiction of the Supreme Court would be preserved to determine, in the first place, whether population has still been used as the base, and geography or a political subdivision have been utilized as an additional factor. That is the second distinction.

The third distinction is, in my judgment, most basic. It concerns the relationship of the plan of apportionment to the needs of the State. The new words which I use are:

> Bears a reasonable relationship to the needs of the State, is consistent with the provisions of this Constitution except for the provisions of this article.

This language contains two separate ideas. One relates to the fact that even if the majority of the people in a State desire to apportion one house on a basis of not only population, but also geography or political subdivisions, it must yet be demonstrated to the satisfaction of the courts that the mixture of factors which the majority of the people seek bears a reasonable relationship to the needs of the State.

This is a time-honored standard of judgment which the courts will pass on. I have cited, and will cite again in the course of these remarks, the fourth amendment to the Constitution itself and a host of statutes under which the courts have dealt with precisely such a standard. Such a standard is entirely appropriate and is one with which the courts can deal.

This would mean that proof would have to be given to the Court that the nature and the needs of the State are such that one of the houses should be apportioned on a basis other than strictly population. Let me cite some examples, because they are classic examples in this controversy.

It is a fact, for example, that in my own State—and it is always best to start with one's own State—some two-thirds of the population of the State is concentrated in the five counties of the city of New York and the contiguous suburban areas. That represents but a small part of the State in area. However, it represents two-thirds of the population of the State. The other one-third of the population of the State occupies the overwhelming percentage of the total area of the State.

A similar situation exists in Alaska. In two heavily populated areas of Alaska, Anchorage and Fairbanks, reside half the population of the State.

In Hawaii, five-sixths of the population is concentrated in the Honolulu area.

In Arizona, three-fourths of the State's population is concentrated in the area in and around Phoenix and Tucson.

In Nevada, three-fourths of the population of the State is concentrated in and around Las Vegas and Reno.

These are classic cases. There are others. My colleagues have debated the situation which exists in Colorado. Colorado is a classic instance of that character. Although I do not have the figures in front of me, it is roughly in the same order of magnitude as the cases I have cited. However, Colorado is also sharply divided by a mountain chain which almost compartmentalizes the State in a physical sense and gives the people of that State a great desire for apportioning one of the houses of their State legislature with that concept in mind.

These are classic examples of the relationship of the geography of a State to its legislative apportionment.

There are 62 counties in New York. The counties to which I have referred as being contiguous to or part of the metropolitan area of New York City, in which two-thirds of the State's population reside, comprise 8 or 9 of the State's 62 counties. The disparity is immediately apparent. The other counties, constituting the overwhelming part of the area of the State, are relatively sparsely populated.

Therefore, I have drafted a substitute, and proposed it to the Senate. It would seem to me that an apportioning of one house of a State legislature, which would differ from the strict population approach and relate to the need for development of parts of the State which are not heavily populated, would qualify within the concept of a reasonable relationship to the needs of the State.

In referring to judicial review, I believe it is important to note that even the Dirksen amendment is not free from the need for court construction. Indeed, limiting the permissible factors, as that amendment does, to geography or political subdivision or population would itself open a plan of apportionment to challenge in the courts on the ground that some other standard had been used.

I point out also that in an early draft of the proposal of the minority leader, Senate Joint Resolution 2, the word "reasonable" appeared as applicable to the method by which a unicameral legislature might be apportioned. Once the word "reasonable" was introduced, the Court would have jurisdiction. It is my judgment that, even under the Dirksen amendment as now drafted, the Court would have to give special consideration to the situation of a unicameral legislature.

To proceed with my analysis, the basic and fundamental difference and the third difference between the two amendments, is the standard in my proposal, that a plan must bear a reasonable relationship to the needs of the State. In that connection, I refer again to a partial list of statutes I had printed in the RECORD on Monday, in which the concept of "reasonable" is written, and which the courts have for years construed in many cases with no trouble at all, as they have also in the case of the fourth amendment to the Constitution, which prohibits "unreasonable" searches and seizures.

I refer to these statutes now by title. They are: The Interstate Commerce Act; the Packers and Stockyards Act; the Federal Food, Drug, and Cosmetics Act; the Judicial Code, insofar as condemnation and forfeiture of property is concerned; the Federal law relating to bridges over navigable waterways; the Federal Power Act, which has the word "reasonable" in quite a few of its sections; and the Federal Railway Labor Act.

I refer especially to the Renegotiation Act of 1951. In that act the words used are practically the same as the words which I use in my proposed constitutional amendment. These words have been construed by the executive agencies and the courts with no trouble, just as the words in my proposal can be construed by the courts with no trouble, in my judgment. Section 1216 of the Renegotiation Act of 1951, which relates to a cost allowance and deals with inventory, states:

> SEC. 1216. EXEMPTIONS.
>
> (b) Cost allowance. For the purposes of this subsection the term "excess inventory" means inventory of products, hereinbefore described in this subsection, acquired by the contractor or subcontractor in the form or at the State in which contracts for such products on hand or on contract would be exempt from this title [said sections] by subsection (a)(2) or (3) of this section, which is in excess of the inventory reasonably necessary to fulfill existing contracts or orders * * *

It will be noted that these are very similar to the words that I have used in my amendment, and the agencies and courts have had no trouble in construing the Renegotiation Act of 1951. The courts will have no trouble in construing the exact intention of this language.

On another issue, I believe it would not be necessary under my amendment to wait until the people had acted in a statewide referendum adopting an apportionment plan, before submitting it to the courts to determine whether it bears a reasonable relationship to the needs of the State. I state, as a part of the legislative history, that I believe that a justiciable controversy is established as soon as the question is proposed to be submitted by proper legal action to the people. At that point there is a justiciable controversy, and the matter may be considered by the courts. If the courts are not ready to decide the question, they may stay the referendum until such time as they are ready to do so. So, without the embarrassment of having the Court overrule the people, a plan may be tested in the courts under the standard and the question answered before the people act on the proposal, or the proposal may be amended until it conforms to the standard set by this amendment.

I point out that at all times the people will be given a fair choice, since under my proposal, whenever a plan is submitted to the people, there is also submitted an alternative plan based on apportionment of the same house strictly on the basis of population.

It seems to me this amendment is a perfectly practical proposal which, if adopted, would give flexibility to what is now inflexible, as I read the cases, where flexibility is highly desirable, without involving the jeopardy of the courts overruling the mandate of the people on the ground that it does not meet the test of the constitutional amendment.

In sum, the third aspect of difference, and the most essential one, is the test of reasonable relationship to the needs of the State, which will make it possible for the courts to decide, when that relationship has been established, that the people may apportion one house on the basis of population and—and I emphasize the word "and"—geography or political subdivisions, rather than population alone.

The next difference in the language of my amendment from the Dirksen amendment is: "is consistent with the provisions of this Constitution except for the provisions of this article."

Again, I state the meaning of this as a matter of authoritative legislative history. What is meant is that, apart from the Supreme Court's decision in Reynolds against Sims that the 14th amendment requires the apportionment of the upper house of a State legislature to be apportioned strictly on a population basis, every other requirement of the Constitution remains as it has been, notwithstanding the proposed constitutional amendment now pending before the Senate. That is all I mean by those words. Any effort to construe them differently would be a tortured construction of words which, in simple English, mean exactly what they say, and have no hidden implications. I do not propose to amend any provision of the Constitution or any construction thereof except solely the one which must necessarily yield so that this amendment can be operative. Other than that, I intend to change nothing.

My reason for inserting this language is that, if the amendment is adopted without such protection, an opportunity might be presented to some States to perpetuate racially discriminatory malapportionment which arose because for decades a part of their population—Negroes—have been inhibited from voting, by outright discrimination, discriminatory application of literacy and other tests, by intimidation, custom, or for any other reason. There has been a very sharp limitation in some places upon their opportunity to vote.

I am seeking to protect against the utilization of this constitutional amendment to apportion one house on such a basis as to capitalize upon the fact that many Negroes do not yet vote, for reasons which I have just stated. Therefore, by making applicable all other provisions of the Constitution, with special reference to the 14th and 15th amendments, except that part of the 14th amendment affected by this amendment, I seek to insure that there shall be no inhibition in any way on account of race, color, or creed, of the constitutional rights of the people. I feel that those rights are protected, and that the courts will protect those rights under this amendment, with the inclusion of those words.

It is claimed that the courts would do that under the Dirksen amendment, even though it is not explicitly expressed as it is in my amendment. It is so important to me—and, I feel, to the Nation—that it be crystal clear, that I have made it crystal clear in the language of my amendment itself.

Two other differences between my amendment and the Dirksen amendment are as follows:

I provide specifically for a statewide referendum in which the people exercise their choice between plans of apportionment. The Senator from Illinois [Mr. DIRKSEN] calls for a vote of the people in accordance with law and the Constitution of the United States. I add to that the terms "in a statewide referendum," because, as we lawyers say, it is boilerplate language to make it clear that it is a referendum in which all the people of the State would vote, and not unit-wide or county-wide referenda, in which the result of separate majority votes might be different from the statewide majority vote. I do not for a moment charge that the Senator from Illinois [Mr. DIRKSEN] had anything else in mind than did I, but it is not stated in so many words in his amendment. In my amendment I have stated it in just so many words.

Finally, there is in both amendments provision for the submission of alternate plans to the people, that is, a plan for the apportionment of one house as permitted by the constitutional amendment and a plan based strictly on population, in the case of the first use of the amendment. I propose that not only the first submission to the people, but all subsequent submissions, every 10 years following the decennial census, shall also be in the alternative. The Senator from Illinois [Mr. DIRKSEN] provides for the submittal in the alternative only on the first occasion, that is, when this amendment of the Constitution is first used in a State.

In view of the fact that in these amendments we are trying to deal with population shifts, it is better to repeat the process in the most complete fairness, so far as people's judgment is concerned, by giving them the alternative of a straight population plan whenever the apportionment of one house other than on a population basis is submitted to them, rather than to that only on the first occasion.

Mr. President, those are the salient differences between the Dirksen amendment and mine.

When I resume the floor, I shall analyze why, in my judgment, my amendment has stood up so well in this debate as answering every one of the points which have been made against the Dirksen amendment, except, of course, the basic opposition of those who wish to make it absolutely impossible for the people to apportion one house of a State legislature other than on a basis of strict population.

Mr. President, I yield some time to the Senator from Pennsylvania [Mr. SCOTT], although he does not intend to espouse my part of the argument. Nevertheless, I desire to accommodate him, as he wishes to state his position on the Dirksen amendment.

The PRESIDING OFFICER. How much time does the Senator from New York yield to the Senator from Pennsylvania?

Mr. JAVITS. I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SCOTT. Mr. President, first of all, I appreciate the courtesy of the distinguished Senator from New York. He may be unduly pessimistic, because I have not made up my mind concerning his amendment. As debate progresses, perhaps I can support it. At this moment, I do not wish to make a commitment either way.

Aside from that, we have had a good deal of talk about alternatives, yet it seems to me that most unsought and undesirable alternative of all is waiting in the wings, in case this body and the other body do not propose a constitutional amendment on reapportionment.

Mr. President, I have been quite surprised that throughout the debate so little attention has been paid to what can happen, and what is very likely to happen, if we quibble over the wording of a constitutional amendment, instead of meeting together among all who may have divergent views to agree upon some sort of wording, rather than to be thrown upon the second choice in the Constitution of the United States.

I believe it is sound advice not to forget that there is a Constitution, and that the Constitution contains provisions.

One of those provisions has never been used—which is not to say that it cannot be used, or will not be used—and that is the alternative in article V, which I read in part:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or,—

In those two small letters "o" and "r" reside the danger of what can happen and what well may happen on this issue if we do not deal with it now in the Senate as responsible legislators.

Continuing reading from article V:

> or, on the application of the legislatures of two-thirds of the several States, shall—

Notice that it says "shall." The word is not "may" or "might" or "could" or "maybe." The word is not a Presidential word. It is not up to the President at all, for once in our legislative excitement this year. It is something which is not up to the President. It is something the President does not have anything to do with. It is something the President has indicated he is staying out of—and I believe that is good.

The provision reads "shall."

Who shall?

The Congress shall.

Continuing reading from article V:

> shall call a convention for proposing amendments, which, in either case—

Either alternative, that is—

> shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress;

Mr. President, what is going on?

I believe that we already know what the Dirksen amendment provides.

The Dirksen amendment merely permits States, subject to the consent of their electorate, to apportion one house of their legislatures on a basis other than population. The only nonpopulation factors which can be considered are geography and political subdivisions. The use of these factors would be permissive only with the consent of a majority of a State's voters in a referendum. Failure to act, or a majority defeat at the polls, would mean both houses of the legislature would be based on population alone.

Under the Dirksen amendment, a State legislature when first submitting to the electorate a plan of apportionment based upon geography and political subdivisions must at the same time submit an alternative plan of apportionment based upon substantial equality of population. Thus, a State's voters have the last word as to how they want the second house of their legislature constituted.

Now, as to the first mistake of those who oppose this amendment. There seems to be some sort of a far-fetched conviction among them that because we who support it have been forced by court decisions to take the initiative if we want to preserve a long exercised State right, that as opponents, all they need to do is to deny us a two-thirds majority vote here on the Senate floor and their problems and our problems will quickly fade away.

Mr. President, they are mistaken for two reasons:

First of all, no important piece of legislation that commands support even approaching the two-thirds mark just fades away after a rollcall. Majority will remains intact for a long time and has a way of prevailing ultimately.

Second, the tactic of delay is not going to work. Far too many people are too deeply concerned abut this issue to be deflected from trying to achieve their objective. For example, 30 of the 50 State legislatures have submitted formal pleas for action by Congress. Twenty-seven have actually told us that if Congress does not want to act, they want a constitutional convention called so that action can be taken regardless of our wishes.

I might advise some of our knee-jerk, liberal friends that we can hardly expect fair apportionment if we turn this whole proposal over to State legislators, many of whom are infinitely more conservative than the membership of this body, and whose adjudication would be more conservative than that of the Members of this body. Therefore, I wonder whether liberalism is, as they may designate it for themselves, a very liberal act when they endanger every civil rights proposal for which they and I fought and bled and almost died for on the floor of the Senate.

This is a caveat. This is a warning: "Ye know not what ye do."

Bearing in mind that 30 State legislatures have formally asked us to act on this matter, and bearing in mind, also, the alternative method of amending the Constitution provided in article V, I believe that the opponents of the constitutional amendment offered by my able and distinguished leader, Mr. DIRKSEN, fail to perceive the consequences of the developing chain of events.

If four more States demand action on this proposal, Congress will be in trouble. Let me assure my colleagues that there are more than four State legislatures determined that action should be taken.

Keep in mind that only 34 States have formally to demand a constitutional convention. Only 38 States are needed to ratify. This entire issue would then be taken from our hands and given to a national convention to decide.

Here we come to the crux of the contents of that Pandora's box which those who oppose have so far failed to perceive. A constitutional convention would be able to act as it pleases on this issue or, for that matter, on any issue. Perhaps to the misfortune of the American people, it could abolish the Supreme Court, or it could amend any section of the Constitution which we deeply cherish. It could even propose to eliminate the equal protection clause of the 14th amendment which our opponents claim is at stake in this debate. We should remember that the product of such a convention would not come back to Congress for study, correction or even official comment. It goes back to the States for ratification.

Only one's imagination can limit his speculation about the wide variety of controversial subject matter which might erupt, but I can say that a wide-open convention is not something that thoughtful and concerned citizens would relish.

I can well imagine that there could be a great deal of unofficial comment here. I, for one, would not want a convention forum afforded those who do not like our American interpretation of freedom, our faith in the voter's judgment or, for that matter, our way of life in general. There are those, we all know, who do not like the way this Senate is constituted and who would gladly have us represent population alone.

If that were to come to pass, my State would have six Senators instead of two, and I am told that I would be vice chairman of the delegation. Nevertheless, I must say that I like it the way it is.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **JAVITS.** I yield 2 additional minutes to the Senator from Pennsylvania.

Mr. **SCOTT.** There are those who zealously seek greater centralization of political power here in Washington. And, there are those who distrust both the right and the ability of the people to decide.

Those who oppose the Dirksen amendment, if successful, get something very much worse. Have they paused to consider what a constitutional convention involves? Do they realize what such a convention would have to face?

Let me suggest a few problems which would have to be faced:

Who will preside over the convention?

There is a nice, meaty subject to argue about. The President cannot suggest it. Of course he can suggest it, but he cannot nominate.

Could the call of the convention be limited to the amendment of a single article of the Constitution?

I say it cannot.

Could the call of the convention be limited?

Who would be delegates to the convention?

There is a nice, healthy opportunity for lengthy discussion.

How would they be selected?

Would the number of delegates from each State be equal or apportioned according to population?

If according to population, what guarantees are there for the rights of the small States?

I suggest that Senators from the small States might give a little consideration to that.

What rules would govern the convention?

Could such rules be adopted by majority vote? By States or population?

Would there be any limitation on debate upon the rules of the convention?

Would there by any limitation on the length of the convention?

Could not the convention last for 3 or 5 or 10 years?

Would the convention have the power to recess and return later?

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **JAVITS.** I yield 1 additional minute to the Senator from Pennsylvania.

Mr. **SCOTT.** What would be the status of reapportionment of the various State legislatures during the proceedings of the convention?

Remember this: The action of the few remaining State legislatures necessary to call a constitutional convention could occur at any time.

If those who oppose the Dirksen amendment do not want this to happen, what have they done to draft a constitutional amendment that could reasonably expect to secure the support of a two-thirds majority in both Houses of Congress and the approval of three-fourths of the States?

It is the opponents of this amendment who would open Pandora's box.

The contents of Pandora's box are not elucidated in Greek mythology. Perhaps the box contained a bucket of eels.

Mr. President, I ask unanimous consent to have a statement printed in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I want to bow to the Senator whose name is most popularly identified with the proposed constitutional amendment now before us and whose broad understanding of the problem has caused him to think through, as few of us would be able to, and deliver himself of a summary statement of how this resolution protects our American way of life.

I refer to that great student of legislative procedure, my beloved colleague from Illinois [Mr. DIRKSEN] who, just a few days ago, brought added clarity to the discussion by listing the fundamental principles involved, as follows:

(1) Government derives from the consent of the governed. Stated simply, let the people decide.

(2) The preservation of the traditional Federal pattern of two-house representation where the voters of a State so decide.

(3) An opportunity for voters to consider alternative plans for State representation under constitutionally authorized procedure.

(4) An opportunity for judicial review.

(5) A mandatory voter review of apportionment after every Federal census.

(6) Deliberate avoidance of all language which might detract from or impair the force and effect of any existing constitutional provision or law dealing with guarantees of equal rights of all citizens in a State regardless of race, color, or creed.

How much simpler our legislative task would be if we could keep such fundamentals as these before us and place them in proper perspective as we debate the issue point by point. Much of the noise and din of the battle would fade, I am sure. Politics being what it is, however, I realize that this is too fond an expectation.

In a statement before the Senate Subcommittee on Constitutional Amendments last March, I summarized my view on the proposal now before us, as follows:

"What is at stake here is not equal representation, as suggested by the slogan 'one man, one vote,' but fair representation. Not only do individuals per se deserve representation, but individuals in the context of areas wherein they reside. I am not asking that trees and open fields be represented on a par with people, but I am suggesting that people in certain areas and the problems and interests they share cannot be ignored in constructing a system of fair representation. This principle underlies our Federal system of representation whereby the U.S. House of Representatives is apportioned on the basis of population whereas the U.S. Senate is based on area considerations.

"The American system of representative Government is far more complex than the simple structure suggested by the slogan 'one man, one vote.' Given the many interests and groupings and shades of opinion present in our pluralistic society, achieving fair representation of all these elements is not an easy undertaking. Equality as an abstract ideal may be noble. In the practical world of our political system however, fairness must be the standard in developing a system of representation for our people. That surely was the standard guiding the drafters of the Constitution as they considered the structure of the Congress of the United States."

None of the debate that has occurred since then has caused me to change my mind.

Frankly, I think the more it becomes known just what this resolution is all about, the easier it will be to mass overwhelming support for it in every State. Its principles underlie our Federal system as we and our forefathers have known it, and it provides a mighty challenge for us to defend that which has worked so well.

If we pursued to the end the philosophy which some of the opponents of this resolution are advocating we would soon find ourselves and our Republic heading down hill for the cliffs with no brakes to apply. The slogan "one man, one vote," which this resolution's opponents use with such seeming innocence is the first precipice. Those who stridently utter this slogan really want to see political power centralized into the hands of big city bosses, who in combination can soon be running not only their States but the Nation as well. In elaboration, let me quote from an article in Newsweek, June 14, 1965, by the well-known commentator Raymond Moley.

After pointing out that in the industrial centers the leaders are the political bosses and the labor leaders, Mr. Moley says:

"For more than a century these urban areas were boss controlled. Some still are. But as Federal welfare grew after the middle 1930's, the bosses became mere proconsuls under the Federal Establishment which had unlimited funds to supplant the machine's beneficial treasury. This, it seems, meant the twilight of the boss and the machine. Like Othello, they found their 'occupation gone.'

"Reapportionment, which will throw control of the legislatures to these city machines and unions, will mark a revival of the old order. For in many States the urban organizations, mostly Democratic, will dominate the State capitals. Through control of the legislatures, the urban legislative stooges will next redraw the congressional district and thus assure in the House of Representatives a majority capable of perpetuating what we have now.

"That is the prospect before us. And unless some constitutional means is devised and enacted to assure some semblance of geographical representation in at least one house of the State legislatures, there may well be indeterminate domination of national affairs by the political and labor leaders in the great cities."

I don't know how many of my colleagues had an opportunity to hear the speech made on the Senate floor, July 23, last, by the distinguished Senator from Wyoming [Mr. SIMPSON]. He described in startling fashion the second precipice toward which we can find ourselves headed because of failure to pass this resolution. Some individuals have been so engrossed in the politics and the power potentials of this issue that they are beginning to consider the application of the "numbers only" theory to the U.S. Senate. They see the prospect of a handful of big city bosses controlling State political conventions, national conventions, national and State patronage, as well as legislative bodies.

My able friend from Wyoming put it this way:

"Using the 1960 census figures, let us assume that the Senate of the United States would be apportioned on a one-man, one-vote basis. The total number of votes to be considered would represent something over 178,500,000. Because of its population, New York State would be given nine Senators, Pennsylvania would be given six, California would be given nine, Illinois six, Texas five, and Ohio five. Let us stop right there. I have listed just 6 States with 40 votes. Next let us add four for Michigan, three for New Jersey, three for Florida, and three for Indiana. At this point my story is told—10 States and 53 votes—a clear majority.

"It may help to know that in working out these tabulations, we found ourselves giving the four States, Arizona, New Mexico, Utah, and Colorado, a combined total of three Senators. We found ourselves giving Kansas, Missouri, and Oklahoma a combined total of five Senators, and the States of Nebraska, North Dakota, South Dakota, Wyoming, and Montana would get a total of only two Senators."

I think Senators and all Americans should pull up sharply and look at what we are being asked to do, or rather not do. The Supreme Court of the United States has found—and it was pursuing its responsibility—that the writers of the Constitution had neglected to spell out in necessary detail those provisions needed if States are to make decisions in regard to legislative apportionment. There is language on this point regarding the United States Senate because it was placed in article I of the Constitution and reiterated as an amendment in 1913. Ours is now the choice of adding language to our Constitution which establishes once and for all the right of a State to exercise its judgment in apportionment matters. Our alternative is to sit here on our hands and permit the influence of big city bosses to become national in scope. Those who oppose the resolution have one advantage which its proponents do not possess. All they have to do is try to block the effort to preserve in constitutional language certain State rights which were long considered inviolate.

This situation, I warn, is not one that involves majority control alone. It is one in which a small group seeks to block a two-thirds vote expression. One sometimes gets the impression that to them "majority will" means nothing unless it is their will. Such conduct adds strength to the argument that they prefer control from the top, boss control, to control from the bottom which is the expressed majority will of the people.

One of the finest attributes of our Federal system has been its obvious concern for protecting the rights of minorities. Majority rule is only one side of our system of government. The protection of minorities, be they economic, regional, religious, racial, or political, is also a part of our system and should be a part of the thinking of all of us. Arbitrariness, caprice and unreasonableness make no contribution to progress under this system.

All of us are aware that some individuals would reduce State agencies to mere administrative tools for a central government. Some ambitious city bosses, also, are determined to control entire States with or without the help of the Central Government. Both groups see this resolution as a threat to their ambitions and to their power objectives. And it is right they should, for this resolution would retain in the hands of the majority of voters in each State the right to give minorities a voice in legislative halls which no big city boss would ever offer voluntarily.

Now on this question of majority will, let me call attention to the fact that the sponsors of this resolution have not come before you in whining, demanding, or belittling fashion and claimed foul play because the rules of this Senate and the demands of our Constitution call for a two-thirds rather than majority vote. Let me say that if a mere majority vote were required, this debate would be short lived. We know at the outset that more than one-half of the Senators favor this resolution, just as more than one-half of the State legislatures of this Nation have formally urged us to take action.

The sponsors of this resolution are perfectly willing to follow the course of action specifically called for by article V of our Constitution. As everyone knows, it requires a two-thirds vote of approval by both Houses of Congress and the ratification of the proposed amendment by three-fourths of the State legislatures before an amendment becomes the law of the land.

Let's look at the other side of the coin. With high emotion the opponents of this resolution have injected catch phrases into the debate and elevated the cry for majority rule to hysterical heights. They decry all systems of representation not based on a head count and a head count alone, and they indulge in tricky comparisons such as cows versus people and imaginary denials of racial rights. But just where, I ask, do they stand on this question of majority rule? Is threatening filibuster tactics against a two-thirds expression showing a true and proper respect for majority decision?

This proposed constitutional amendment is a mild one, to say the least. It is the very opposite of arbitrary. Its greatest virtue is that it provides a basis for all States that wish a very easy and logical accommodation of conflicting interests. For some States this would permit a continuation of a legislative apportionment system which they have utilized for years. For others it need mean no change at all. It is permissive in its intent and rests its usage upon a popular vote of the people. Its purpose is to provide a democratic method for dealing with gross disparities and minority claims on a basis of representation, not dictatorship. It deals with a way for fair representation.

All of us have some special knowledge of the frustrating circumstances that have developed in many States across the Nation since the U.S. Supreme Court's ruling in *Reynolds* v. *Sims*. Each State has the task of working its way out of a complex and extremely frustrating dilemma.

My own Commonwealth of Pennsylvania has been struggling with the problem for months. Pennsylvania's problem was ably outlined by the Honorable Marvin Keller, a member of Pennsylvania's State senate and chairman of its Committee on Elections and Reapportionment, as follows:

"Pennsylvania, while not without fault in the past, in January 1964, met its obligation under its constitution by apportioning the seats in both houses of its legislature.

"These 1964 Apportionment Acts were tested both in the Federal and State courts. [See *Drew et al.* v. *Scranton*, civil actions Nos. 8293 and 8338, U.S. District Court for the Middle District of Pennsylvania (Apr. 9, 1964) and *Butcher* v. *Bloom*, 415 Pa. 438 (Sept. 29, 1964).]

"In both courts, Pennsylvania's legislative apportionment was found invalid solely because of compliance with constitutional requirements which have governed reapportionment in Pennsylvania for 90 years.

"The constitution of 1776 provided for representation by cities and counties and from 1790 factors other than population have been mandated.

"The constitutional requirements contained in the Pennsylvania constitution were approved by a referendum of all the people. It is significant that five times since 1891 the matter of calling a convention to revise the constitution has been submitted to the people and five times they have rejected it, indicating satisfaction with present provisions or at least no urgency for change; the last such rejection was in 1963.

"It is submitted that the reasons which prompted the utilization of the factors other than population throughout the whole existence of Pennsylvania as a State, are valid today.

"As Mr. Chief Justice Bell observed in *Butcher* v. *Bloom*, a rule—

"'* * * which completely disregards and discards history, tradition, geography, local interests, and local problems, differences in dialects and language, in customs, in ideas, and ideals in each State and also in many parts of each State; which will almost inevitably deprive minority groups of a fair and effective representation in legislative halls of their principles, customs, traditions, their particular problems and desired solutions, and the preservation of their cherished way of life; which will insure that their interests will not only be diluted, but will be in practical effect, frequently ignored; which is so far removed and so different from what the people in each State of the United States have believed in and cherished and on which they have for a century or more based their government and their way of life; ought not to be allowed to stand.'

"A plan which is acceptable for representation in the Congress as adequate to preserve free government should not be less so when applied to a State legislature."

This is Pennsylvania's story, and I know a parallel will be found in many other States. Pennsylvania and every State needs encouragement from the national level to work out our solutions. They need the assurance that can come only with permissive language being placed in our National Constitution.

Mr. JAVITS. Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. SCOTT. I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 15 minutes.

Mr. JAVITS. Mr. President, whether or not the Senator from Pennsylvania votes for my substitute, I deeply appreciate what he has said, and I am delighted to have given him the time to say it. He has made a most significant point. The Senator from Pennsylvania has eloquently, as is his wont, explained the dangers which are inherent in the demand of some 27 or, at a maximum, 30 States, for a constitutional convention, an alternative method of amending the Constitution, not heretofore used since the founding of our Nation.

I should like to underline this point. It is a perfectly proper argument and a legitimate consideration to raise at this time. I should like to extend it one step further, because I believe it typifies what we are dealing with at the present time.

I am sympathetic toward the one-man, one-vote concept. No one has been a stancher defender of the Supreme Court than I. I fought for it when its decisions were popular and when they were unpopular. I do so now. I hope to continue to do so.

But I recognize that what we are dealing with in the Dirksen amendment is not simply a willful attempt to overrule the Supreme Court.

What we are discussing is the danger of a constitutional crisis, which may arise in our Nation if we do nothing. That is quite possible.

At one time the President sought to pack the Supreme Court. That was back in the thirties. There was a cry of outrage. The proposal was turned down by the Congress. However, there was nothing to prevent Congress from packing the Supreme Court, by a majority vote, had it wished to do so. By majority vote, we could deprive the Supreme Court of the essential elements of its appellate jurisdiction.

Mr. President, if 34 States should demand a constitutional convention, and if the Supreme Court should intervene and say that such a convention must be called on the one-man, one-vote basis and not otherwise, and if the Supreme Court should then intervene and say that the work of such a convention may not be submitted to the State legislatures—because they are malapportioned—until they are fairly apportioned, there could be a constitutional crisis second to none, in which the Supreme Court would be defied, as Andrew Jackson defied the Supreme Court when he told it to go ahead and enforce one of its decrees if it had the soldiers to do it, and not otherwise.

We are legislators. We are statesmen. We are not children. We have to contemplate all the dangers and strains to the Nation which may result.

That is what would happen if this issue assumed, as it would, in the public forums, the lineaments, the size, and the tension, which it does not now have—I am the first to say that. So far as the public is concerned, as of now we have gotten no real reaction to indicate that they are cognizant of what is taking place in this Chamber, except that a colorful Senator is moving an amendment which is called the Dirksen amendment, and that many dug-in liberals are opposing it. Other than that, the public is generally unaware of the crucial issue which is before us. That is all the more reason why we should, with judiciousness, with intelligence, and with a deep analysis, and in an objective and dispassionate way—because the public is not pressing passion upon us, as it often does with respect to burning issues—come to a conclusion in this matter.

It is for that reason that I have offered an amendment.

That is why I said when I opened this morning that I believe the whole course of the debate has buttressed and borne out exactly what I am arguing for; that this amendment has stood up remarkably well in the light of the criticisms which have been made of the Dirksen amendment, but which could not be made of my amendment. The debate leaves only the central proposition, Shall we allow any measure of flexibility to the people of a State who wish to adopt the Federal analogy, the composition of the U.S. Senate, and who face particular State problems, with heavy concentrations of metropolitan populations, or the physical separation of parts of the State, as, for example, in the State of Colorado? Shall we let anyone do anything about such cases? Shall we give them any such opportunity with the most complete safeguards in the world? I respectfully submit that we should. We would make a great mistake if we did not.

If we keep the top on top of the kettle while the kettle is boiling, it will blow some time. It would be a very unwise and dangerous thing for legislators to do. I feel this is so especially since the debate has shown that I have met the challenge of framing an amendment which, with the greatest economy of means and the greatest safeguards, would do what needs to be done, namely, to give back a little bit of flexibility to the people which I think would be unwise and dangerous to deny them.

The changes my amendment would make in the Dirksen amendment answer the arguments which have been made against the Dirksen amendment. It is most significant that the opponents of the Dirksen amendment themselves, as they have argued against the Dirksen amendment, have been compelled to say time and again, "Yes; what we say is true as to the Dirksen amendment but it is not true as to the Javits amendment." I believe that is very important, underlining and emphasizing the fact that in my amendment I have answered in substance the major points made against the Dirksen amendment.

Mr. President, for the present I should like to conclude my argument upon this note. The question is, What am I doing in my amendment as it relates to the basic decision in Reynolds against Sims? There are two things I am trying to do. One is to implement the dictum which the Court itself uttered. We lawyers call a dictum an observation not necessary to the decision in a case. My second purpose is to implement, to spell out what that dictum meant, a meaning which I find in the dissenting opinion of Mr. Justice Stewart, joined in by Mr. Justice Clark.

It is extremely important that we understand that point, because it seems to me it is the final proof of the fact that what I am seeking to do is follow along, within a very well-trodden path, that precedent, and that my proposal draws on not only the dissents, as shown by Mr. Justice Stewart's opinion, but also the majority opinion of the Court.

As to the majority, it will be recalled that I read to the Senate from page 41 of the majority opinion, with emphasis upon the fact that both houses, not merely one house, must be apportioned on the basis of population. The Court went to some pains to point out——

The PRESIDING OFFICER. The 15 minutes which the Senator yielded to himself have expired.

Mr. JAVITS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 additional minutes.

Mr. JAVITS. That did not mean that one of the houses could not differ from the other. The Court specified what could be the areas of difference.

For example, the Court said that one of the bodies could be given a longer term. Those serving in that body could represent broader geographical areas, and there could be fewer legislators in that body; and it could have different powers. But the Court emphasized that that was the only latitude permissible in the requirement that both houses be apportioned according to population.

Then the Court, in a very interesting understanding of realities, went on in what I call dictum. At page 44 of the slip opinion, the Court said:

> So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational State policy, some deviations from the equal-population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral State legislature.

The Court indicated that even they had to accept the fact that they could not be quite so strict as they might like.

Then we find on page 8 of the dissenting opinion of Mr. Justice Stewart, the following statement which, it seems to me, is a clear implementation of what was meant by the majority in the statement I have just read. Mr. Justice Stewart said:

> What constitutes a rational plan—

Note that he picks up the same idea—a rational plan—

> reasonably designed to achieve this objective, to wit, representation of diverse interests, will vary from State to State, since each State is unique in terms of topography, geography, demography, history, heterogeneity and concentration of population, varied social and economic interests, and in the operation and interrelation of its political institutions. But so long as State apportionment plans reasonably achieve, in the light of a State's own characteristics, effective and balanced representation of all substantial interests without sacrificing the principle of effective majority rule, that plan cannot be considered irrational.

It seems to me that that is all I have done with my amendment. I have taken this concept which is carried out in the majority opinion and carried out in the minority opinion and have put it into the language of law, so that it may be available to the people of the respective States, with some degree of flexibility, but with the fullest possible protection which the courts can give, to work their will in this situation to a very limited extent.

I represent a very large State. I am a "big city" Senator in the sense that I come from New York City. I have lived there all by life. It is a State having, without any question, a heavy concentration of voting and political support both in New York City and in its environs. Nonetheless, I have stood here and espoused this proposal because I believe it to be the path of statesmanship. I believe it would avoid a constitutional crisis which we might very well invite if we do nothing. I believe I am honestly representing the best judgment of not only the people of my State, but also the people of my home city and its environs, in suggesting that we move a material step away from the inequities of the past, inequities which have occurred in New York and in many other States; but that we not let the pendulum drive us completely in the other direction.

I am against the tyrannies of minorities and also against the tyrannies of majorities. I consider it to be my duty to do everything I can, so far as human ingenuity will permit, which will avoid, equally, both tyrannies.

This is not the celebrated amendment that all the newspaper talk has been about, but I think it is a logical amendment and the right amendment. It would do the job that needs to be done with the greatest economy of means and the preservation of the greatest values involved in this debate.

I deeply believe—and this is where I differ with the opponents both of my amendment and of the Dirksen amendment—that it is a great mistake of the liberals—and that does not mean that I derogate from their liberalism; I respect them for it and honor them—to keep the lid on a kettle that is likely to be hotly boiling, without providing some escape valve. That is what I propose to do, with the utmost safeguards which human endeavor and ingenuity can devise.

Mr. President, I reserve the remainder of my time.

Mr. DOUGLAS. Mr. President, I yield myself 6 minutes.

The Javits amendment, like the Dirksen amendment, is fundamentally based on the assumption that there was something wrong or incomplete in the decisions of the Supreme Court covering the reapportionment of State legislatures.

I believe, on the contrary, that the decisions of the Supreme Court were supremely right and that there was nothing wrong with them.

The State legislatures, over a period of 60 years, had refused to reapportion themselves in accordance with the movements of population. As a result, most of the State legislatures were grossly malapportioned. Voters in some districts had 10, 20, 100, or in some cases even 1,000 times the voice in selecting members of the legislatures as did other voters. The Court correctly said that voters could not be assured of the equal protection of the laws to which they were presumably guaranteed under the 14th amendment if they were grossly underrepresented in the legislatures which made the laws.

There were many striking cases of States where less than 15 percent of the voters elected a majority of the members of one house of the legislature, and in one case of both houses of the legislature; there were many other cases in which less than 20 percent elected a majority of the members of one house; and still others in which less than 30 percent and in many less than 40 percent elected such a majority.

The legislatures had refused over many decades to reapportion themselves, so the Supreme Court, acting under the 14th amendment, finally was compelled to act.

I wish to clear up one assumption under which my good friend from New York [MR. JAVITS] seems to travel, namely, that the Supreme Court in its decisions tended to impose an inflexible system of representation in implying that there must be a precise mathematical equality among the various districts and a precise equality in the number of voters who are to elect each member. I shall read from the case of *Reynolds* v. *Sims*, the Alabama case, 377 U.S. 533, to show that this is false.

> Whatever the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.

That was reaffirmed in other passages of that decision, when the Supreme Court said:

> We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

So it is clear that in its initial decision the Court provided for flexibility, holding, however, with the basic principle of substantial equality. But there was to be a margin of tolerance around the average.

Then, in the case of *Lucas* v. *Colorado General Assembly*, 377 U.S. 713, which related to an apportionment which had been put into effect by a somewhat rigged referendum, in a decision handed down on the same day as the Alabama case, the Court reaffirmed the principle that both houses of a bicameral State legislature must be apportioned substantially on a population basis. In the footnote to that case, dealing with its decision in the Maryland case, the Court said, however, that its Maryland determination had been to establish districts substantially equal in population, but that after an evaluation of the apportionment plan in its totality, the Court could then determine whether there had been sufficient compliance.

Only last winter, in a Georgia case, *Fortson* v. *Toombs*, 379 U.S. 621, the Supreme Court held that the Court might desire to achieve some flexibility by creating multimember of flotarial districts, and reaffirmed its decision in Reynolds:

> Whatever the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.

There can therefore be a departure from the principle of mathematical equality provided it is not substantial. The Court, in its good judgment, can determine what constitutes substantial equality and what constitutes a deviation from substantial equality.

The Court is on the right track. It does not need to be corrected. But my good friend the senior Senator from New York would open up all kinds of possible misinterpretations in his proposed amendment. He would provide that a State may depart from the use of population as a basis for apportionment if such plan of apportionment "bears a reasonable relationship to the needs of the State." Who is to determine the reasonable relationship to the needs of the State?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Mr. DOUGLAS. Mr. President, the presently malapportioned State legislatures would determine the needs of the State. The Supreme Court may be bound to accept that decision, because while my good friend the senior Senator from New York tries to cover himself by saying that it must be consistent with the provisions of this Constitution, he adds the phrase, "except for the provisions of this article." The Court might hold that under the provisions of the Javits article, they might depart substantially from the basis of population.

It would be dangerous to agree to the Javits amendment. The situation is similar to a group of people being confronted with a piece of polluted meat, which, if eaten, would be dangerous to the health of the multitude. I believe that is what the Dirksen amendment is.

My friend, the senior Senator from New York, would try to retain the Dirksen amendment by pouring formaldehyde on the meat in the hope that it would in some manner disinfect the meat and remove the bacteria.

The proper thing to do would be to clear up the confusion, defeat the Javits amendment, and then defeat the Dirksen amendment.

Mr. President, I yield 5 minutes to my colleague the junior Senator from Maryland.

The PRESIDING OFFICER. The junior Senator from Maryland is recognized for 5 minutes.

Mr. TYDINGS. Mr. President, I urge the Senate to reject the Javits substitute for the Dirksen substitute for the National American Legion Baseball joint resolution.

I do so with some regret, for I bow to no man in my admiration and respect for the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, will the Senator permit me to request the yeas and nays?

Mr. TYDINGS. Certainly.

The yeas and nays were ordered.

Mr. TYDINGS. Mr. President, the distinguished senior Senator from New York is an exceptionally able lawyer. I have admired him throughout my tenure in this august body.

The Senator from New York studied in depth the question of amending our Constitution to modify the Reynolds against Sims decision.

I believe that he has an intimate and detailed knowledge of the judicial decisions rendered on the subject of reapportionment by the Supreme Court and by the lower courts.

In addition, I share, as does the distinguished senior Senator from Illinois, the view of the senior Senator from New York that it is desirable, and, indeed, necessary to permit the State some latitude and flexibility in the apportionment of their legislatures. I believe that legislative districts should be substantially equal in population, as does the distinguished senior Senator from New York. However, if there is some good and rational reason to deviate in some modest degree from this standard, there should be no constitutional prohibition.

I believe, however, that that is where our agreement ends. If the distinguished senior Senator from New York is correct in interpreting his amendment as merely reiterating the judicial review inherent in the language of Reynolds against Sims, then I submit that this amendment is not necessary.

I would like to point out that we had hearings for 5 months. One thousand two hundred pages of testimony were taken before our subcommittee. But we never once considered the complete language of the amendment which now seeks to be included in the Constitution of the United States. Therefore, we do not have the knowledge we would have gained from hearings and from study by the Committee on the Judiciary.

I believe that, even if we were to pass an amendment which would, as the senior Senator from New York states, merely restate the law laid down in the case of Reynolds against Sims, it could then become a vehicle in the other body for an objectionable amendment or an amendment which might revert it to the present Dirksen substitute. This, of course, would be entirely undesirable.

I should like to comment, as did the senior Senator from Illinois, on the Reynolds against Sims decision. I believe that that decision has been thwarted and twisted by the proponents of the Dirksen amendment, so that many people do not realize what that decision means.

That decision makes it very clear that mathematical exactness is not required.

I shall read a portion of the decision in that case now to emphasize what the Supreme Court said:

> A State may legitimately desire to maintain the integrity of various political subdivisions, insofar as possible and provide for compact districts of contiguous territory in designing a legislative apportionment scheme. Valid considerations may underlie such aims. So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational State policy, some deviations from the equal population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral State legislature.
>
> A State can rationally consider according political subdivisions some independent representation in at least one body of the State legislature, as long as the basic standard of equality of population among districts is maintained.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **DOUGLAS.** Mr. President, I yield 3 additional minutes to the Senator from Maryland.

The **PRESIDING OFFICER.** The Senator from Maryland is recognized for 3 additional minutes.

Mr. **TYDINGS.** Mr. President, in the Delaware case, Sincock against Duffy, the Supreme Court reaffirmed the standard of flexibility that it had expressed in Reynolds against Sims. It affirmed the decision of the lower court of Delaware, which approved an apportionment standard that permitted deviations up to 1½ to 1. The Court took pains to state that it was not approving a mathematical standard, but rather held:

> In our view, the problem does not lend itself to any such uniform formula, and it is neither practicable nor desirable to establish rigid mathematical standards for evaluating the constitutional validity of a State legislative apportionment scheme under the equal protection clause. Rather, the proper judicial approach is to ascertain whether, under the particular circumstances, existing in the individual State whose legislative apportionment is at issue, there has been a faithful adherence to a plan of population-based representation with such minor deviations only as may occur in recognizing certain factors that are free from any taint of arbitrariness or discrimination.

The lower courts have permitted similar flexibility in approving the apportionment plans in Georgia.

To be sure, some of the lower courts seem to have adopted a somewhat mechanical attitude toward one man, one vote. But these decisions have not yet been reviewed by the Supreme Court.

We now have an effort to amend the Constitution of the United States because of one unpopular Supreme Court decision—unpopular in certain areas.

It is too early to tell if the Supreme Court's statements, admittedly in dicta, or the decisions of some of the lower courts are to be the law of the land. I hope and expect the general attitude of flexibility will prevail. But it is a mistake, I believe, to amend the Constitution on a prediction or hunch that the case law will not develop in a reasonable way.

I would remind my colleagues that the Reynolds decision is barely 1 year old. Let us not amend the Constitution in haste. If I am wrong, and the law, as it develops becomes fixed and inflexible, I will support the Senator from New York in seeking ways to loosen these standards. For the time being, I would hope we would follow the age-old tradition of Anglo-Saxon jurisprudence of allowing the law to develop on a case by case basis, at least until it becomes clear what the law is. Only then will we have an adequate basis for determining what, if any constitutional amendment is needed. We should not pass an amendment which has not been considered by the Subcommittee on Constitutional Amendments and which has not been debated in the Committee on the Judiciary, but which has been tacked on to a substitute for a substitute for the American Legion baseball joint resolution.

That is no way to amend the Constitution of the United States.

I thank the Senator.

Mr. **DOUGLAS.** Mr. President, how much time is remaining to us?

The **PRESIDING OFFICER.** The senior Senator from Illinois has 16 minutes remaining.

Mr. **DOUGLAS.** How much time remains under the control of the senior Senator from New York?

The **PRESIDING OFFICER.** The senior Senator from New York has 27 minutes remaining under his control.

Mr. **DOUGLAS.** Mr. President, does the Senator from New York wish to continue?

Mr. **JAVITS.** Yes. Mr. President, I yield myself 10 minutes.

The **PRESIDING OFFICER.** The Senator from New York is recognized for 10 minutes.

Mr. **JAVITS.** Mr. President, I heard with very great interest the arguments made against my amendment by Senators who oppose all reapportionment amendments. I should like to answer those arguments.

The first point is that it is contended that there should be some latitude and flexibility and that there could not be mathematical exactness, but that Reynolds against Sims now provides latitude and flexibility, and that therefore the amendment is unnecessary.

I respectfully submit, however, that, although the dictum which my distinguished colleagues read, which uses the words "legitimate considerations incident to the effectuation of a rational State policy," would indicate that divergence of the very kind contemplated by my amendment would be permissible, the majority opinion goes on to make it very clear as have the lower courts in subsequently decided cases in New York, Colorado, and other States, that they will enforce the equal population principle very strictly.

Therefore, as a lawyer, I say that the expression which the Court has used was dictum. It was left to Mr. Justice Stewart, whose opinion I read, to pick up the dictum in the majority opinion, namely, a rational policy, and to define it by saying that apportionment should be permissible if it is developed rationally in the light of the State's own characteristics.

In view of the fact that the decisions of the Supreme Court do not match these words quoted from the majority opinion, I have called those words dicta, because I am a God-fearing lawyer with respect for the Constitution and devoted to the Supreme Court. I have tried, therefore, to incorporate in my amendment what the Court indicated in its opinion it sees as the sociological requirements of the day and what Mr. Justice Stewart spelled out in great detail as a rational State policy. Justice Stewart picked up the Court's words on page 8 of his dissenting opinion in Lucas against Colorado when he used the phrase, "what constitutes a rational plan reasonably designed to achieve its objective."

My amendment seeks to permit the people of a State to develop a reasonable plan, which the Supreme Court indicated was its view, but which has not been its practice in deciding the cases, and which was implemented by Mr. Justice Stewart's dissenting opinion.

Second, it has been stated that my substitute was not studied in the Judiciary Committee. The Dirksen amendment was studied in extensive hearings by the Constitutional Amendments Subcommittee of the Judiciary Committee.

There was considerable debate on the Dirksen concept last year, in which, it will be remembered, the whole effort was to stop the Supreme Court from deciding this issue and that effort was headed off. There was much discussion with respect to this amendment. My amendment seeks to make certain changes in the Dirksen amendment. It seems to me that its effect can be fully judged by Senators as a result of the weeks which have intervened since it was proposed, and that there has been full opportunity to study my amendment.

I note the argument which has been made that, if my amendment is adopted, it may be a vehicle for perhaps doing something more far-reaching in the other body; that it may go to conference, and perhaps a result will occur which no one desires. There is no way of guaranteeing oneself against anything in life or in death. The other body will act. The action will be submitted to the Senate. The Senate will have to do something about it, or at least go to conference. Probably we would do something about it. If it goes to conference, we can turn down the conference report if we do not like it. We have done it many times before.

As I have just said, there is no way that one can have an absolute guarantee against what may happen in life or in death. All we know is what we do here. It is our duty to do our best here. When matters are before this body, we must do our best to consider them. We cannot refrain from acting and doing what is right because of what we consider could conceivably be abuses on the other side of the Capitol. The great majority of Senators have not been inhibited from acting on this side because of what may happen in the other body.

I would like to sum up exactly what I have in mind.

First. I believe I have taken care of every legitimate objection to the Dirksen amendment.

Second. I think I have not only preserved, but broadened and ennobled the jurisdiction of the Supreme Court in full accord with the traditions and the terms which the Court has used and utilized in reference to the fourth amendment to the Constitution and a succession of statutes, which I have spread on the RECORD.

Third, I have proposed a way to take care of a situation which might one day generate sufficiently to create a constitutional crisis. Let it be remembered that we have been fortunate in the comparatively few constitutional crises we have had. It is difficult to think of one after the effort of President Roosevelt to pack the Supreme Court. I am trying to avoid a constitutional crisis by providing the little flexibility which is needed to avoid it.

Finally, realistically and practically, I do not put beyond the realm of possibility within my own State, or any other State similarly situated, the apportionment of one house not based strictly on population, but having an admixture of population with geography or political subdivisions as additional factors, by the vote of the people in the areas which are most congested and who might be expected to have the most to gain from voting against such a proposal.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 additional minutes.

When we face the people in a deliberate way with a measure of self-restraint, in a constitutional sense, they will often adopt a proposal, notwithstanding the fact that if they are not given that opportunity they will utilize to the fullest extent possible that which gives them maximum power.

In other words, if we give an opportunity to the people living in New York City and the counties of Westchester, Nassau, Suffolk, Rockland, and other similarly situated counties, who would ordinarily elect representatives to represent their specialized point of view, to vote for less representation and to give greater representation, for example, to the great north country of my State, they very likely will, nevertheless, vote to do so. I refer to parts of a tremendous area of my State, largely undeveloped, the so-called southern tier area, which may qualify under the Appalachia development program because of its conditions. The inequity has been that malapportioned State legislatures have been extremely unfair to the people of the cities and suburbs because history stood still in legislative apportionment while it resulted in a reshuffling of the population.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

Let us not make the same mistake in giving a tyranny to the majority over the minority, which may have legitimate requests, not only abstractly, but which would willingly be accepted by the majority itself. I say let us give the majority that opportunity. On that ground I hope very much that the Senators will choose this logical way and adopt my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Illinois [Mr. DOUGLAS] has 12 minutes under his control.

Mr. DOUGLAS. How much time remains on the other side?

The PRESIDING OFFICER. The Senator from New York [Mr. JAVITS] has 17 minutes under his control.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be a quorum call, with the time not charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DOUGLAS. I yield 5 minutes to my friend and junior colleague, the Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER. The junior Senator from Illinois is recognized for 5 minutes.

Mr. DIRKSEN. Mr. President, I am always a little distressed when I have to take issue with my distinguished friend from New York. I recognize his legal capabilities. I fully appreciate his judicial temper, and above all else I appreciate his sincerity and fidelity to the Constitution of the United States as he interprets it. Moreover, I believe that I share his great regard for the high tribunal which was created by the Constitution. I find it difficult, under those circumstances, when I am compelled to disagree.

Section 2 of the Senator's amendment contains a proposal that a plan of apportionment which has been approved under this article shall be submitted to a vote of the people in a statewide referendum.

The word "referendum," insofar as I can determine, is not a word of art in legal terminology. It does not appear in the Constitution of the United States. I presume that there are many States which have no special laws dealing with a referendum.

I can understand the desire of the Senator from New York to be assured on that point, but what we would do in the Dirksen substitute would be to provide for the submission of these plans at a general election. A general election is undertaken in every State. It is taken every 2 years, because the House of Representatives—with a 2-year term—must, in its entirety, submit to the suffrage of all the people. Concomitant with that, there are other State and local officials who will be on the ballot at that time.

In my State of Illinois, that is the way we refer proposals to the people of the State. We do not use the word "referendum." We put all such proposals on the general election ballot. I believe that such a provision in a statewide referendum would only add to confusion.

For that reason, I cannot accept the substitute amendment of the Senator from New York.

In addition, the Senator from New York provides for "a reasonable relationship in any plan to the needs of the State."

Who shall determine what the needs are?

That would call, doubtless, for judicial interpretation. The Senator from New York understands that, when I approached this problem, I was thinking in terms of the people. I was thinking in terms of what I believe to be a primary principle in our Government.

I notice another dissenting opinion by one whom I regard as a great juridical scholar, Associate Justice John Marshall Harlan, who has addressed himself to that very issue. In one excerpt from his opinion, he states:

> It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States.

I do not mean for one moment to demean the status or authority of the Supreme Court of the United States. I do mean, however, that, insofar as I am concerned, I wish to get back to the people, because I believe the States are sovereign, for, if they were not, we would have no State-Federal system, as we understand it.

Justice Harlan deals with that subject also when he says that the majority opinion is so profoundly ill-advised and constitutionally impermissible. He said:

> These decisions also cut deeply into the fabric of our federalism—

Meaning our Federal-State system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. I yield 1 minute to my colleague from Illinois.

Mr. JAVITS. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DIRKSEN. I continue to read:

> What must follow from them may eventually appear to be the product of State legislatures. Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that that cost was not too high or was inevitable.

I can understand his solicitude for the Court. I do not yield in that respect to anyone. On the other hand, I take my constitutional doctrine straight. When that preamble began by saying, "We, the people, ordain this Constitution of the United States," even though that is not admissible for purposes of legal interpretation, it still means to me exactly what it says.

It is in full accord with what Jefferson wrote in the Declaration of Independence. It is because of my concept of a Federal-State system that I do not wish to see it destroyed; and when overemphasis is put on judicial interpretation, as against the rights of the people, then look out for a precious system, which has made this the greatest country on the face of the earth. Under those circumstances, I earnestly hope that the Senate will reject the substitute offered by my distinguished friend—and he is my friend—from New York.

He and I have conferred time and time again on the verbiage of his substitute and on the language that I propose to the Senate. However, I would rather not undertake the dangers that may lie in the Javits substitute. I hope, therefore, that by an overwhelming vote it will be voted down.

Mr. JAVITS. Mr. President, how much time do I have remaining?

Mr. DOUGLAS. How much time remains?

The PRESIDING OFFICER. Eight minutes remain under the control of the Senator from Illinois. Fifteen minutes remain under the control of the Senator from New York.

Mr. JAVITS. I yield myself 3 minutes.

Mr. DOUGLAS. I hope that we may proceed to a vote on the amendment as quickly as possible.

Mr. JAVITS. No one can listen to the Senator from Illinois without pleasure and without profit. It should also be stated in great tribute to him that his amendment has undergone considerable modification. The modifications have been sought in an endeavor, insofar as the Senator could, to meet the views of people like myself as to necessary procedural safeguards, such as the repeated submission to the people of an alternative straight population plan, and the limitation of permissible factors to geography or political subdivisions only along with population, not in lieu of it.

He has endeavored in every way to improve his amendment. It should be said to Senator DIRKSEN's credit also that he never once first said, "If I make these changes, do I have your vote?" That was typical and generous of him.

He has answered the argument of the senior Senator from Illinois [Mr. DOUGLAS] by saying that my amendment is merely sprinkling formaldehyde over the Dirksen amendment. I do not believe that is so.

Our proposals do have fundamental differences in principle. The Dirksen amendment reflects the view, honestly and deeply felt, that the Court should have refused jurisdiction in Baker against Carr and Reynolds against Sims on the ground that for 176 years the Supreme Court had said that legislative apportionment was a political decision and would not touch it, and that it is not a matter for judicial cognizance. But the Court took jurisdiction. In doing so it made a great, historic breakthrough in American history, which the Court justified on the ground that the people had no other way of getting out of the clutch of malapportionment. My proposal accepts the Court's jurisdiction. Therefore it differs from the idea of the Dirksen amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 additional minutes.

My proposal accepts the Court's jurisdiction, but it does so by establishing a method by which flexibility can be afforded within that jurisdiction. That is why I read into the RECORD portions of the majority opinion and the dissenting opinion of Mr. Justice Stewart, to demonstrate exactly what I was doing. My amendment accepts the Court's jurisdiction and uses the Court as an arbiter in order to give flexibility to the one-man, one-vote system which the Court's decision has put into effect.

There is a deep difference in principle, I say to both the proponents of the Dirksen amendment and to the opponents of my amendment and of the Dirksen amendment. It would be a great mistake not to accept the historic breakthrough of the Supreme Court when it took jurisdiction and used it to break the dilemma.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 more minute. But I say we should not keep the lid on too tight. If we do, it will blow up in our faces. That is the essence of my argument. It is for that reason that I hope very much that the Senate will adopt my amendment.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. JAVITS. I shall be glad to yield——

Mr. BAYH. I know that the time of the Senator from New York is running short. If he would yield to me 2 or 3 minutes, I would appreciate it.

Mr. JAVITS. I yield 3 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 3 minutes.

Mr. BAYH. The Senator from New York, as a member of the Judiciary Committee, is well aware of my views on this question. I regret that the Supreme Court of the United States was compelled to intervene in the problem, which I, as a former State legislator, believed very frankly, should have been solved on the local level. But the Senator from New York has adequately stated the point. Some action was necessary because a number of States had failed to reapportion for long periods of time. In Tennessee it had been 70 years while my own State went for 40 years before apportioning—although it was one of the better States in this regard. What alternative does the individual have when State after State refuses to accept this responsibility? This question has been posed by the Senator from New York and remains unanswered.

So the Supreme Court was forced into the field to protect individual rights. To the consternation of some of my good friends in this body, I share the opinion of the Senator from New York that we should still permit some State leeway. But the Senator from New York and I feel that we must have safeguards to go with that leeway. The proposal of the junior Senator from Illinois does not have adequate safeguards. The Senator from New York would require the "reasonable necessity" test. That is not his exact verbiage, but that is the major thrust behind his safeguard.

Until recently I had intended to offer an amendment which would contain my own views on the subject. With the indulgence of the senior Senator from Illinois, I hope later to discuss a modification. I had planned to offer an amendment, but to save time I shall not do so. I had thought that perhaps prior compliance with the Court ruling, coupled with provisions for some leeway which the junior Senator from Illinois desires, would be the better course.

I compliment the Senator from New York. To engage him in discussion on the floor of the Senate and also in the committee has been an educational opportunity. I still wish that we could provide for some leeway. Frankly, as I view it now, it appears, as the junior Senator from Illinois has said, the deck is stacked against those of us who wish to have safeguards and yet also some leeway. I thank the Senator from New York for yielding.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. What the Senator has said is most congenial and most interesting to me. Whatever his action might be on my amendment, I believe every Senator wishes to feel that he has tried to propose something which makes basic sense. I have now highlighted what I feel very deeply. In the present argument I am on the side of the Court proponents. But I believe the Court tied its hands in a way in which logic dictated. It could do nothing else. As we look through the decisions, notwithstanding the dicta which have been referred to, I feel that they would allow some flexibility. When it comes to deciding cases, they are straight down the line on the one-man, one-vote principle. They feel that that is what they must do. They find it difficult to do anything else, unless we tell them that that is what we would like to have done.

Mr. BAYH. Mr. President, will the Senator from New York yield for one further thought?

Mr. JAVITS. I yield.

Mr. BAYH. What I have to say is in line with the Senator's argument. I must admit that I speak from a very low rating in the batting order so far as seniority in this body is concerned. But as I look at the legislative process, it seems to me that we as legislators must decide the issue which is before us. The vote which will soon be taken will be on the following question: Do we prefer the Javits amendment in the nature of a substitute, or do we prefer the Dirksen amendment in the nature of a substitute? That is the issue on which I intend to vote—not what might conceivably happen at some indeterminable period in the future in some other body.

Life is extremely uncertain. Any action which is taken in the other body must come back to the Senate for concurrence. I know very well from recent experience that it takes two-thirds of those present and voting to concur in any action which is taken by the other body.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, the debate has been thorough. We shall not use any more of our time. If the Senator from New York does not wish to use any more of his time, I suggest that the Senate come to a vote.

The PRESIDING OFFICER. Do both Senators yield back the remainder of their time?

Mr. MILLER. Mr. President——

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. The Senator from Iowa wishes to offer an amendment to my amendment. He is on his feet for that purpose. Is it necessary to yield back the remainder of the time on my amendment before the Senator from Iowa offers his amendment?

The PRESIDING OFFICER. The amendment of the Senator from Iowa cannot be offered until all time on the amendment of the Senator from New York has expired or is yielded back.

Mr. JAVITS. Mr. President, I am willing to yield back the remainder of my time.

Mr. DOUGLAS. Mr. President, I should like a clarification of the ruling which the Chair has made.

The PRESIDING OFFICER. No amendment is in order to be debated until after the time on the amendment of the Senator from New York in the nature of a substitute, which is under the control of the Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. JAVITS], has expired.

Mr. DOUGLAS. Mr. President, how much time remains?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Does the unanimous-consent request provide that on an amendment to my amendment there will be available time which I shall control in opposition and the proponent of the amendment would control in favor of the amendment?

The PRESIDING OFFICER. Under the unanimous-consent agreement originally entered into, there will be 30 minutes available on the amendment, 15 minutes to each side. The Senator from New York would have control of the time in opposition to the amendment.

Mr. JAVITS. Mr. President, I wish to inform the Senator from Illinois that if he desires any time out of my 15 minutes, I shall certainly yield it.

Mr. DOUGLAS. Does the Senator from New York yield back the remainder of his time?

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. DOUGLAS. Mr. President, I yield back the remainder of my time. I hope that the Senator from Iowa will be brief in presenting his argument.

The PRESIDING OFFICER. All time on the amendment of the Senator from New York in the nature of a substitute has been yielded back. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be stated.

The legislative clerk read as follows:

On page 2, line 2, between lines 15 and 16, insert a new section, as follows:

"SEC. 2. When a plan of apportionment of either house of a bicameral State legislature or of a unicameral State legislature includes a district or political subdivision having more than one member of a house of the legislature, each such member shall be elected from a separate subdistrict based on substantial equality of population to that of every other subdistrict of the district or political subdivision: *Provided*, That nothing shall preclude a State from adopting a plan of apportionment under which more than one member is elected from a separate subdistrict where the rights of racial, religious, and political minorities are protected."

Renumber the remaining section.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 15 minutes.

Mr. MILLER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, on January 18 of this year the Supreme Court handed down its decision in Fortson against Dorsey, which was No. 178 of the October term, 1964. In reversing the district court's decision, the Supreme Court held that under the particular facts before it, the equal protection clause of the 14th amendment to the Constitution was not violated. The case involved apportionment of the Georgia State Senate, and the facts, briefly, were that in those counties where there were more than one State senator, each senator was elected from a separate district, but all of the people of the county voted for all the senators from that county.

The Court did say, however, that "It might well be that, designedly or otherwise, a multimember constituency apportionment scheme, under the circumstances of a particular case, would operate to minimize or cancel out the voting strength of racial or political elements of the voting population"; and that when this condition could be demonstrated, it would be time enough to consider the constitutional aspects.

It seems to me highly desirable to avoid the numerous ad hoc cases which could arise and proliferate as a result of the Supreme Court decision.

Granting, for the sake of argument, that voting strength of racial or political minorities might not be jeopardized at a particular time, this would not mean that the situation would not change. People move, and political affiliations change. Why not avoid the problem altogether by having the Constitution provide that, in counties having more than one legislator—representative or senator—each legislator must be elected from a separate district? Such constitutional provision would contradict the Supreme Court decision in the Fortson against Dorsey case insofar as it would preclude all of the people of a county from voting for all representatives. People residing in one legislative district could not elect a representative from another legislative district. Unless such a provision exists, how could racial and political minorities be protected? And, I believe that any representative from any district is going to quite naturally be concerned with the problems of his county. After all, he will be a resident of not only his legislative district or subdistrict, but also of his county.

To permit a situation to exist, as is now the state of the law, in which all the legislators from one county may come from one corner or one small section of the county because all of them can run at large, also lays the foundation for deprivation of rights of racial and political minorities.

Such a situation exists in my own State of Iowa today. The largest county, Polk

County, has 11 State representatives and 3 State senators. Several other counties have from four to six representatives.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table which I have prepared on this subject.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF THE IOWA GENERAL ASSEMBLY, HOUSE OF REPRESENTATIVES, MARCH 1, 1965

The following counties have more than one State representative under the interim apportionment plan and they are all elected at large within their counties under article III, section 37 of the Iowa constitution:

Polk	11
Linn	6
Black Hawk	5
Scott	5
Woodbury	5
Pottawattamie	4
Dubuque	3
Cerro Gordo	2
Clinton	2
Des Moines	2
Johnson	2
Lee	2
Marshall	2
Story	2
Wapello	2
Webster	2

Polk County also has three senators elected under the same system.

Mr. MILLER. Mr. President, it is recognized that certain sections of Des Moines, which is the capital city of Iowa and the largest city, by far, in the State, contains racial minorities of a substantial number not present in other parts of Polk County. It is also recognized that certain sections of Des Moines contain a great preponderance of voters affiliated with the minority party, which today happens to be the Republican Party. A similar condition exists in some of the other larger counties in Iowa. As a result of the election of last fall, all 11 State representatives from Polk County are members of the Democratic Party. Racial minorities are represented in the 11 elected State representatives, but it happened to turn out that way. There is nothing at all in the state of the law which would assure such representation in future primary and general elections. Also, it is generaly conceded that if Polk County had been districted into 11 State representative districts of approximately equal population size, some of the 11 State representatives would have been elected from the minority party.

My amendment is designed to require that separate subdistricts be set up for multilegislative counties or multilegislative districts, so that the people in one district may elect their own State representative or their own State senator.

I also provide in my amendment that the separate subdistricts must be approximately of substantially equal population with all the other districts, so that there will be no problem with the one-man, one-vote principle being effective so far as they are concerned.

I also provide that if the State does not see fit to have separate subdistricts for each of its legislators, it can nevertheless adopt a plan of apportionment under which more than one member is elected from a subdistrict, provided that the rights of racial, religious, and political minorities are protected.

It is my understanding that in Illinois, for example, there are legislative subdistricts from which three members of the State legislature are elected, but that because of cumulative voting it is further required that at least one of the three be from the minority party. Therefore, it appears that this particular arrangement in Illinois would at least protect political minorities. To what extent racial and religious minorities are protected, I do not know; but they should be protected, nevertheless.

That is all there is to my amendment. I believe it goes to the heart of fair representation; and that it goes to the heart of the protection of racial, religious, and political minorities, which is what the amendment offered by the Senator from New York seeks to do anyhow.

I shall be happy to answer any questions that Senators may wish to ask.

Mr. BAYH. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I yield.

Mr. BAYH. I am well aware of the problem that is presented by the distinguished Senator from Iowa, because Indiana, too, has multilegislative districts. However, are we being consistent in proposing a constitutional amendment which is designed to give the people of a State the leeway necessary to determine what formula they want and yet incorporate in the amendment restrictions which would require them to treat multicounty and multilegislative districts in a specific way?

Mr. MILLER. I believe we are entirely in order. We are really compelled to impose a restriction such as I have indicated. I have stated that there is nothing that would preclude a State from adopting a plan of apportionment under which more than one member would be elected from a separate district when the rights of racial, religious, and political minorities are protected. I believe that is a reasonable restriction to place on them. If that is not to be done, I do not believe a State has any business having multilegislative districts.

Mr. BAYH. With due deference to the Senator from Iowa, I have not had an opportunity to read fully his amendment; but as I understand, he makes certain requirements in the first section and then says, in effect, "But if you do not want to do this, you do not have to, provided you protect racial and other minorities." It seems to me that a much simpler way would be to require the protection of racial minorities, which is a clear requirement under the 14th and 15th amendments to the Constitution of the United States.

Mr. MILLER. The Senator from Indiana well knows that the umbrella to which he has referred provides protection, theoretically, at least; but he is also aware of the proliferation of cases that could arise out of these situations.

As I said in my opening remarks, in the case involving the Georgia senatorial districts, the Supreme Court intimated that under certain circumstances they might find that there had been discrimination, and this would entail ad hoc cases ad infinitum. I feel certain that the Senator from Indiana, as a member of the Committee on the Judiciary, does not want to see the Federal courts bogged down any more than is necessary for the protection of the rights of the people.

I believe the adoption of my amendment, if the Javits amendment is ultimately adopted, would greatly reduce the number of unnecessary cases that otherwise would arise. At the same time, I believe the amendment is drawn soundly to protect the rights of racial, religious, and political minorities, which is what we are striving for basically and what we are seeking to accomplish on the floor of the Senate now.

I am not trying to suggest that any ultimate umbrella is involved, because there is. The Supreme Court has intimated as much. But in order to have that umbrella cover the rights of racial, religious, and political minorities, I can visualize countless cases coming before the Court. So let us eliminate them as best we can, and, at the same time, get the job done. That is the basic thrust of my amendment.

Mr. BAYH. Perhaps I am a little more sensitive—and perhaps I should be—in the whole area of amending the Constitution and the importance of great care and deliberation be given in the verbiage put into that great document.

The Senator from Iowa is an illustrious lawyer in his home State and is aware of this need to give the proposed amendment all the care that is necessary.

However, I must admit to a bit of reluctance to voyage into the field of cumulative and proportional representation. It is one thing to say that we want to protect the rights of religious and national minorities; but to get into the position of saying that I want to protect the rights of political minorities exposes the whole area of representation, which can be debated at some length. Therefore, I am concerned about the ramifications in the conviction of the Senator from Iowa that perhaps an individual in a single-legislator district can get better representation. While that is probably the case, I believe we must consider all the other ramifications as well.

I thank the Senator for his tolerance.

Mr. MILLER. I do not believe the Senator from Indiana should be so reluctant. The substance of this amendment was offered before his subcommittee. The Senator from Iowa appeared and testified on this very point. My amendment is relatively simple. I am quite sure that the Senator from Indiana would be unhappy about the jeopardy to racial, religious, and even political minorities if, in the largest county of his State, there were 11 State representatives, all running at large, so many that the voters would not know more than 2 or 3 of them. That simply does not make for good government nor does it lay a foundation for the protection of basic rights.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CASE. Mr. President, I feel strongly that the Senator is endeavoring to get at a very important and useful point.

If his amendment were limited to his first requirement without the proviso, I should be inclined to support it. I do believe that the proviso is unworkable. It would purport to give a duty to the Supreme Court or to the courts which I do not believe the courts are competent to perform. I do not believe that the Court can protect the political minority, for example.

Specifically, I should be rather happy to vote for the amendment if it did not contain that proviso. I believe that it is desirable to bring representation in every political body down to the smallest possible case and to have one person representing each area.

Mr. MILLER. Mr. President, I appreciate the reasons stated by the distinguished Senator from New Jersey. I point out to him that I originally had my amendment drafted in that way.

The amendment which was presented to the Bayh subcommittee was so drafted. I then discovered that there appeared to be at least one State which has a peculiar situation in existence. I would be most loath to have my amendment prevent the State of Illinois from following a plan which appears to be working for the protection of the political minorities, and probably the racial and religious minorities, of that State.

Frankly, I do not believe that many States which would follow this particular point. I believe that most of them would go along with the use of the separate subdistrict approach. However, in cases in which they have not, I believe that it would be wrong for us to say, "regardless of how fairly the racial, religious, and political minorities are treated in Illinois, we will not let Illinois follow that plan."

I believe that we must have a second part to the amendment if we want to be fair.

Mr. CASE. I appreciate the purpose. I believe that it is a laudable one. I should hope that we could find some way to meet it. I have personally seen the difficulties that legislatures have in handling matters of this sort when they must make a decision.

The general result has been that the legislature ends with a compromise which does not satisfy the basis of equality of population, but does satisfy the individual members of the State legislature.

Mr. MILLER. Mr. President, the amendment would state to the people of the State that they had better have separate subdistricts for their legislatures because this is the key to the protection of racial, religious, and political minorities. However, if they do not want to do that, they can proceed with their own plans.

The PRESIDING OFFICER (Mr. Bass in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 additional minute.

Mr. MILLER. Mr. President, if they do not want to do that, they would have the privilege of developing another plan, provided that it would protect racial, religious, and political minorities.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 1 minute.

Mr. BAYH. Mr. President, let me make it abundantly clear, as the chairman of the Subcommittee on Constitutional Amendments, that I very much appreciate the contribution which the Senator from Iowa has made. However, the Senator is aware, I am sure, that the hearings were spread out for about 2 months. We heard about 200 witnesses. There were several volumes of testimony.

Perhaps I should say that I take the full consequence of the fact that this matter was not discussed as thoroughly as it should have been. It was discussed, along with other proposals. However, here, at almost the 11th hour, we have to discuss this with all of its ramifications.

I agree with the Senator from New Jersey. I believe that the individual would get better representation by the kind of legislative district proposed by the distinguished Senator from Iowa. However, I believe that we would have to consider all the other ramifications which I am frankly not prepared to vote on intelligently at this time. We have not discussed the measure thoroughly enough.

Mr. JAVITS. Mr. President, I yield 2 minutes to the senior Senator from Illinois.

The PRESIDING OFFICER. The senior Senator from Illinois is recognized for 2 minutes.

Mr. DOUGLAS. Mr. President, the amendment has been sprung, not only at the 11th hour, but also at the 11th hour, 59th minute, and 59th second. Only a few Senators have had an opportunity to read the amendment. The amendment has not been printed. It is contrary to parliamentary procedure in the consideration of so grave a matter as an amendment to the Constitution of the United States.

I ask that this amendment be voted down overwhelmingly because, procedurally alone, it is a monstrosity.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I am not appalled by the fact that the amendment comes at the 11th hour, 59th minute, and 59th second.

If I could encompass the matter intellectually, I would be glad to do it. Sometimes we are placed in this position. It is a matter of first impression with me. I saw the amendment a few moments ago.

I cannot accept the amendment. The Senator from New Jersey has helped by pointing out that if we were to design an amendment on my theory, with regard to the Court's jurisdiction, or on the theory of the junior Senator from Illinois, with regard to the jurisdiction of the people, giving some degree of flexibility to this process in respect to one house, we could not adopt another section which would restrict the flexibility which I seek to give.

The proposal seems to be contradictory to what my amendment seeks. As I leave the reasonableness of apportionment to the Court, I should leave this matter to the Court as well.

In the case to which my distinguished colleague has referred, Fortson against Dorsey, the Court reversed and made it very clear that it was sending the issue of multimember districts back for further consideration. That is pretty much my judgment of what we should do here.

I should like to feel that the fundamental decision of the Senate is being made on the basic issues and principles which have been discussed in some detail by the distinguished junior Senator from Illinois and myself as well as many other Senators. That is, whether we shall give some flexibility, and, if so, what shall it be? Shall it be entrusted to the Court or left exclusively to the people?

As sympathetic as I am for the problem in my colleague's State, I believe that if my amendment were agreed to, this problem would fall very easily within its ambit and could be worked out within the confines of my amendment.

I hope, with all due deference and respect, that the Senate will not encumber the rather clear proposition which I have submitted to the Senate through my amendment and which has been debated and discussed. I believe the amendment to my substitute might change the views of some Members for reasons unrelated to the basic issues of principle before the Senate.

For those reasons, and with the greatest understanding, I hope that the Senate will reject the amendment to my substitute.

Mr. President, I yield back the remainder of my time.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York in the nature of a substitute for the amendment of the Senator from Illinois.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Oregon [Mr. MORSE] is absent on official business.

I also announce that the Senator from Minnesota [Mr. McCARTHY] is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. McCarthy] would vote "nay."

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a live pair with the distinguished senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withdraw my vote.

The result was announced—yeas 12, nays 85, as follows:

[No. 202 Leg.]

YEAS—12

Anderson
Bass
Bayh
Church
Harris
Javits
McIntyre
Metcalf
Morton
Moss
Muskie
Scott

NAYS—85

Aiken
Allott
Bartlett
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
McClellan
McGee
McGovern
McNamara
Miller
Mondale
Monroney
Montoya
Mundt
Murphy
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—3

Mansfield
McCarthy
Morse

So Mr. Javits' amendment (No. 367) in the nature of a substitute for the Dirksen amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois [Mr. Dirksen].

Mr. TOWER. Mr. President——

The VICE PRESIDENT. The time is limited to 4 hours, to be equally divided between the opponents and the proponents.

Mr. DIRKSEN. Mr. President——

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield, without losing his right to the floor?

Mr. DIRKSEN. I am glad to yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask that the time not be charged to either side.

The VICE PRESIDENT. Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the Senator from Texas [Mr. Tower].

The VICE PRESIDENT. The Senator from Texas is recognized for 10 minutes.

Mr. TOWER. Mr. President, I wish to add my voice to those of my colleagues who have already spoken out in behalf of the Dirksen amendment. I believe that the proposal has suffered for want of the kind of exposition it has been given here in the past week, and hopefully, there is still time to offset the wholly misleading things that have been said of it in the past 6 months.

I am pleased to see Members from the opposite side of the aisle join in this endeavor. It is an issue which rises above party affiliation, as it should. Whenever we consider a matter of such profound and fundamental constitutional implications we should, preeminently, look at it in terms of what it means to the wellbeing of the Nation. And, I would add, for all time and not solely for its consequences today.

It seems to me that in the Supreme Court's doctrine that numbers alone shall hereafter be the sole basis of legislative representation in the States, there is a clear and inescapable loss to the American system of government.

I, for one, had always thought that checks and balances were an indispensable part of this constitutional fabric that we call the American Federal system. It is true that we cannot find the phrase in the Constitution of the United States, but we cannot find consent of the governed or the rule of law there, either.

The concept is, of course, part of our traditions; our heritage down through the centuries. The American way is the sum total of those things from our national experience which have served us well and, by their very endurance, proved their worth.

Justice Oliver Wendell Holmes put it very succinctly when he said:

> The life of the law is not in logic; it is experience.

I think it is ironic, indeed, that the blow which was dealt to the checks and balances system in the Reynolds decision was administered by a body whose authority to work fundamental changes in our social, economic, and political life rests not upon an explicit constitutional power but, rather, on an implied one. The sweeping decisions of the Supreme Court which have worked great changes in American society over the centuries rest upon a foundation no more concrete than an appropriation of jurisdiction to which the other branches have bowed. That original assumption, and I speak of Marbury against Madison, of course, has been acquiesced in; it has full force today and, sustained and nourished as it is by tradition, there is no danger of it being swept away.

As I say, Mr. President, how extraordinary it is that a feature of the American system, equally—if not more—honored by tradition, stands in peril of being lost if not retrieved by explicit constitutional amendment.

What shall we have, I wonder, in place of the checks and balances in State government? After all, if we will not act to save a system we have used from the earliest days of the Republic, we should at least try to answer that question. We cannot stand idly by and see a vacuum open up. The question demands an answer.

I submit that the confidence of some of my colleagues that "numbers only" apportionment will guarantee majority rule is unfounded. On the contrary, I envision "plurality rule"—total political power entrusted to a transient plurality.

The other day, my good friend, the senior Senator from New Jersey, admitted that his disquietude over the Dirksen amendment stems from a fear that a transient majority could install a system of legislative districting for as much as 10 years at a time. It goes without saying that I do not share his fear. It seems to me that, if we have been able to hold the Republic together despite 175 years' use of Elbridge Gerry's monster, a provision for decennial referendum on legislative apportionment poses no peril. Indeed, I much prefer the latter and am greatly heartened at the prospect of its availability. I believe that the Republicans of Texas, who have had some experience with problems of the gerrymander, would gladly welcome it.

I have confidence that a proposition as fundamental as this is not going to be so lightly considered in an election campaign that its outcome will be a matter of caprice. If there are skeptics among us, I suggest that they consider the referendum of May 4 in Ohio this year in which the question of legislative districting was put to the voters in an off year, nongeneral election, and yet 1,200,000 people went to the polls and rejected the proposal of the legislature.

No, Mr. President; it is not majorities that trouble me. I am happy to join with the Senator from Nebraska when he says, "Let the people decide." What worries me is the likelihood of government by plurality.

Let me elaborate. The senior Senator from Illinois, who leads the opposition to this proposed amendment, said here the other day that control of the governorship and one house of his State's legislature was not good enough for his party; he noted that:

> It requires only the control of one house of the State legislature in order to exercise the veto power upon legislation.

And he went on to say, relative to the recently concluded session of the Illinois Legislature, that:

> The Illinois House passed a good deal of legislation which I think the judgment of history will record as being in the public interest, only to have the measures defeated in the senate and the program of the Governor disrupted.

Now, I believe we ought to pause a moment and think through the implications of this statement. I think it is a very frank exposition of the case for government by plurality. Consider: the governorship of Illinois is in the hands of the Democrat Party. The lower house of the legislature, as a result of that celebrated "blindman's buff" election last November, is two-thirds Democrat. Although control of the State senate is in Republican hands, the margin is small: 33 to 25. In other words, what the senior Senator from Illinois is saying is that, no matter how considerable his party's control is everywhere else, those eight Republican senators have got to be done away with somehow. Plurality rule must triumph.

To tell the truth, I rather suspect that the people of Illinois are rather glad to have that margin of eight Republicans. I do not for a minute believe that the majority of the people of Illinois, regardless of whether they are registered Republicans or Democrats, want their State administered by the mayor of Chicago. I am inclined to believe that a downstate Illinoisan, whether he be Democrat or Republican, is concerned over the prospect of Illinois State policy being tailored to suit Cook County. It would not surprise me to hear that the people of Peoria and Bloomington and East St. Louis really did not know they were installing Chicago as their master when they voted Democrat last November. Under the impact of Reynolds against Sims, the people of Illinois are headed straight toward total government by plurality.

This is the alternative which is presented to us in place of checks and balances. It requires no innate wisdom or extensive familiarity with American history to see that under "numbers only" reapportionment, it is the plurality within the majority party that is the real winner.

Let us not be beguiled by the simplistic slogan of "one man, one vote." No man's vote is any better than the outcome of the ballot he casts. Under a differentiated system of legislative apportionment—such as we have here in Congress—there is at least the chance that the momentum of the well-oiled big city machine will at least be checked. Remove that barrier and you remove a voice in government to those who do not genuflect to the machine.

In a brilliant exposition of the case for the Dirksen amendment last Wednesday, the senior Senator from California said, and I quote:

> Let me warn that the alternative which these critics endorse, yet so skillfully hide, is the haunting specter of unrestrained bossism, which has ever lead to the denial of minority representation. Carried to its fullest implication, this can only mean that such critics are willing to entrust the determination of future State policies and expenditures to a type of popular expression mobilized and controlled by big city bosses.

I could not agree more fully with the Senator from California, and I suggest to my colleagues that, as postwar political events have shown, big city machines have held sway wherever circumstances favored plurality rule. I have only to point to the amateur reform movements which have sprung up—and usually died—in New York, Pennsylvania, Illinois, and California to make my point.

The full flower of organization, money, and discipline that one finds as a hallmark of the machine enable it, like a parasite, to grab the plurality from disorganized and nonprofessional opposition in the party primary or State convention, and moving forward under the official banner of the majority party, seize victory in the general elections.

I wish it were otherwise, but the record is clear. We may prefer a prettier world, but in the words of Lincoln, "We cannot escape history."

Mr. President, in the past few weeks we have heard innumerable references to the Founding Fathers—and rightly so. Their wisdom has served us well over the years.

James Madison stands out as one of the great thinkers of the Constitutional Convention. Yes; he did trust the people—and so do the advocates of the Dirksen amendment. We say, let the people settle this fundamental question for themselves in an open and clear-cut referendum.

We advocate this amendment because we fervently believe that something is about to go out of the American system if it is not adopted. We follow James Madison who said in the Federalist Papers:

> In Republican government, the legislative authority necessarily predominates. The remedy for this * * * is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit.

Mr. President, the proposed amendment expresses confidence in the intelligence, in the integrity of the citizens in this country. I have the utmost faith in them.

I hope the Senate will not reject the dispassionate and farsighted counsel of James Madison. I ask that my colleagues grant the States the right—merely the right—to follow that counsel. I ask the Members of this body to support the Dirksen amendment.

Mr. President, it should be noted that the Governor of my own State, Governor Connally, very strongly supports the Dirksen amendment.

I ask unanimous consent that at this point in the Record there may be published an article from the Sunday Star of August 1, 1965, entitled "We Vote for Dirksen."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Sunday Star, Aug. 1, 1965]

We Vote for Dirksen

The Dirksen constitutional amendment, which would modify the Supreme Court's one-man, one-vote ruling, is slated for a decisive test in the Senate this week. Senator Dirksen and Senator Mansfield, the majority leader, have agreed to seek unanimous consent tomorrow for a showdown vote on Wednesday. If the opponents think they can block the two-thirds Senate vote required for passage of the Dirksen proposal, they presumably will go along with the unanimous-consent appeal. If not, if they do not believe they have the needed negative votes, then a prolonged liberal filibuster is to be anticipated.

We think the Dirksen proposal, in its present form, should be approved. For it has been significantly improved since it was first submitted.

At one time it was feared that the amendment, if finally adopted, would enable State legislatures controlled by members representing a minority of a State's population to apportion one branch of a legislature on factors other than population. In other words, one house of the legislature might continue to be dominated by a minority of the population over the objection of the majority.

This is not true. The Dirksen amendment contains two key provisions. First, assuming ratification of the amendment, a State legislature wishing to act under it would be required to submit two plans to the voters of the State in a referendum. One plan would have to embody the one-man, one-vote concept. The other would authorize apportionment of one branch of a legislature on such factors as the people deem appropriate. In short, at the very outset a majority of the voters in each State would have to approve any modification of the one-man, one-vote rule laid down by the Supreme Court last year.

Furthermore, a recent change in the amendment stipulates that any plan approved in an initial referendum would have to be resubmitted in a new referendum every 10 years.

To us, it seems perfectly clear that the amendment, far from protecting entrenched minorities, would enable the people of the States to have a voice in choosing their own form of government, and to revise their choice should they see fit to do so at 10-year intervals.

What could be more reasonable, more consistent with our democratic process? To oppose it on liberal grounds is absurd. We hope the Dirksen amendment will be called up this week, and that the necessary two-thirds vote to approve it will be forthcoming.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. SMATHERS. Mr. President, I am happy to join those of my colleagues who have already spoken in behalf of the Dirksen amendment. It is, to me, a reasonable proposal and a desirable one.

I like to think that the Senate is composed of reasonable men. I have had the high honor of serving here nearly 15 years and I believe that, in the main, my colleagues have proven themselves to be reasonable men.

I believe that, above all, the distinguished minority leader has proven himself a reasonable man. He has time and again placed the national interest, as he saw it, above partisan interest. If he were the leader of the loyal opposition in England I suspect he might be in some difficulty today for this "weakness" of his. I use the word "weakness" because, if we assume that the role of the minority leader in the Senate of the United States is to oppose, embarrass, and generally cause mischief, he has passed up all sorts of opportunities to do it. He is prey to the habit of pursuing national goals first and it does not appear to be an addiction he can—or wants to—break.

Mr. President, the issue of legislative apportionment has been with us a good many months now. It might be said to have first come before us a year ago in the form of an amendment to the foreign aid bill. Perhaps some of my colleagues will recall that issue; it occupied some of our time last summer. There were some who had misgivings about that approach; they wondered about its constitutionality. I, for one, did not share that view, but there is room here for honest differences.

Be that as it may, the proposal before us now is new. When the 89th Congress convened in January, the minority leader, joined by 37 of his colleagues—of which I was proud to be one—came forward with Senate Joint Resolution 2—better known as the Dirksen amendment.

This proposal has been before us for more than 7 months. Prolonged hearings were held by the Subcommittee on Constitutional Amendments with my good friend, the junior Senator from Indiana, in the chair. The minority leader's proposal, and three other resolutions, received microscopic examination during those hearings. Distinguished constitutional lawyers, eminent political scientists, Governors, legislators, and mayors came forward to speak their minds. The subject has received a very thorough airing. I would hope that, by now, we all know what we are talking about.

Mr. President, a moment ago I commented upon the reasonableness of the minority leader. He caught the temper of those hearings. He heard the fears and doubts expressed by several earnest people. He did not share those apprehensions but, because his is of a conciliatory nature, he altered the wording of Senate Joint Resolution 2. When it came time for a vote we had new language. With amendments, Senate Joint Resolution 2 won the endorsement of the Subcommittee on Constitutional Amendments.

As a member of that subcommittee, I am pleased to say that I voted for the proposal. I was prepared to support it, too, in the full Judiciary Committee, but it was quite clear that we had a stalemate that might have lasted until Christmas. So I agree with the Senator that the only thing to do was to bring it before the entire membership of the Senate.

I confess I am somewhat disheartened at the refusal of the opposition, notwithstanding all the discussion that has taken place, to read the language of the proposal before us. It is not the language of Senate Joint Resolution 2 as introduced in January. It is not the language of Senate Joint Resolution 2 as approved by the Subcommittee on Constitutional Amendments in June. It goes further yet to meet the criticisms which have been made.

What is the substance of the Dirksen amendment? The actual language is:

> The people of a State may apportion one house of a bicameral legislature using population, geography or political subdivisions as factors.

Let us pause a moment here. The proposal does not say "both houses." The equal-population rule mandated by the Supreme Court in Reynolds against Sims for one house of the legislature is undisturbed. We are concerned only with one of two chambers.

Secondly, this language categorically limits the other factors to "population, geography or political subdivisions." Some detractors rest their case on the allegation that this amendment will sanction outrageous gerrymandering so as to deny Negroes their right to representation. I think, quite frankly, that they do not have a leg to stand on. "Population" means no more than it says. It does not mean race; it does not mean color; it does not mean national origin; it does not mean income; and it does not mean religion.

Third, judicial review is maintained. There is not a single word in this proposed amendment that would deny Federal-court jurisdiction of any scheme that might be devised to dilute or circumvent the 14th and 15th amendments. Let me read the final clause of the second section:

> Such plan of apportionment shall continue in effect until changed in accordance with law and with the provisions of this Constitution.

Now, Mr. President, there were those who were genuinely concerned with the original provision of Senate Joint Resolution 2 for popular review. It is true that, in its original form, this proposed amendment provided for just one referendum. The senior Senator from Idaho noted this and pointed out that his proposal, Senate Joint Resolution 38, called for "periodic review."

There was much to be said for this view and so, when the Subcommittee on Constitutional Amendments reported Senate Joint Resolution 2, language was inserted to require a referendum within 2 years following each Federal census. If the referendum fails at any juncture—by which I mean 1972, 1982, 1992, or any other time—the entire legislature will be apportioned on the basis of substantial equality of population.

It appears that the fears of the opposition to this proposal revolve around safeguards; in any event, that is what they say. I hope those fears have now been allayed. There are safeguards, as I have shown.

There is not the remotest chance that some States will return to a basis of apportionment that denied population representation in both houses.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. SMATHERS. Mr. President, I request 3 additional minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 additional minutes.

Mr. SMATHERS. There are no grounds for the cry that this amendment will "free the Southern States to continue their racial oligarchy."

There is no basis for the fear that judicial review is barred. The very absence of language to the contrary assures court jurisdiction in legislative apportionment.

There can be no "legislative straitjacket" locking in certain apportionment plans for all time. Decennial referendums will meet that problem. Indeed, I may say that this is certainly one area where my reform-minded colleagues have been outdone. The circumstance that flows from Reynolds against Sims is one in which the people are at the whim of the judicial branch. If there is to be any further change to keep abreast of future developments, it will come only as the result of a plea to the courts.

The referendum clause of the Dirksen amendment represents an imaginative solution to the problem of assuring periodic reevaluation of legislative apportionment. Moreover, the mechanism it creates is placed at the disposal of the people themselves.

Those who still oppose the Dirksen amendment, it seems to me, are put in a very curious position. On the one hand they advocate representation wholly and solely on the basis of numbers. For them nothing else will do. They are fond of saying "trees and acres don't vote, only people." Yet, despite their professed concern for the people—as people—they simply cannot tolerate the idea of allowing the people to settle this issue. Their speeches are full of praise for the people and we hear quotes from Jefferson, Jackson, and William Jennings Bryan, yet these modern-day Populists will not trust the people. The decision, it seems, is too complex, too recondite for the people to decide.

We who support the Dirksen amendment are willing to trust the people; we are willing to take our chances. As a matter of fact, this proposed amendment has now been made so thoroughly permissive that I am at a loss to understand the basis of the opposition's alarm.

Consider this: The Dirksen amendment must be ratified by 38 State legislatures. Today, that necessarily means that several States whose legislatures have been reconstituted by Court order along rigid population lines must give this amendment their blessing. Next, to implement its provisions, both houses of a legislature will have to agree on an alternate plan of apportionment. In several States, where Democrats control one house and Republicans the other, this will be no easy task. Next, before the plan can be put into effect it must survive a popularity contest in a general election. Finally, every 10 years the plan will be put to the test. If it has failed to satisfy the voters it will automatically be scrapped and "numbers only" apportionment will prevail.

Mr. President, the Dirksen amendment, like its namesake, is both reasonable and fair. It represents an effort to strike a balance between the intransigence of some States who brought down the wrath of the Court, and the sweeping revolution that the Court's decisions have worked.

Those of us who support this middle-road solution have the unhappy lot of wading against a stream of misinformation, distortion, and oversimplification poured out by some members of the press. We are accused of trying to save "rotten boroughs" and "undoing" the Supreme Court's decisions.

So ill-informed is some of the information I have read and some of the comment I have heard that I am reminded of the sardonic words of that old newspaperman of another day, Ambrose Bierce. Bierce once defined a conservative as "a statesman who is enamored of existing evils, as distinguished from the liberal, who wishes to replace them with others." While I think that view simply goes to show the depths of cynicism to which people often descend, there is, I think, something pertinent to it. If we who support this amendment are to be forced, against our will and the merits of our case, into the position of defending the status quo, then I think our opposition ought to accept the responsibility for creating new evils.

What are the new evils? I believe the senior Senator from California described them quite accurately here the other day. He said:

> To those who might be misled, and to all others, let me warn that the alternative which these critics endorse, yet so skillfully hide, is the haunting specter of unrestrained bossism, which has ever led to the denial of minority representation.

I submit that the proponents of "numbers only" apportionment seek to ride the back of a tiger. That tiger appears to be going in their direction today. They are, for the most part, concerned over the neglect of the cities but, rather than remedy that neglect by means of a reasonable and balanced device, they would ride the tiger all the way. They can, like the dictators Winston Churchill described, get all they want from the tiger. They can "turn the tables" on their adversaries and punish them with interest because the tiger is with them today. But what of tomorrow? They would do well to remember that, as Churchill noted, tigers get hungry.

I do not think we are making progress at all if we go from one extreme to the other. That does not solve the problems of the States. I, for one, would like to see a reasonable, fair, and workable solution emerge from the chaos of litigation into which we have been plunged.

Mr. President, I would like to see the Senate put its shoulder behind this proposal. We cannot stand idly by while the turmoil and confusion persists. We have a responsibility to perform and I hope we shall rise to it. Let us pass the Dirksen amendment.

Mr. President, I ask unanimous consent that a letter which I addressed to the Miami Herald be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

July 28, 1965.

Mr. John McMullan,
Knight Newspapers, Inc.,
Washington Bureau,
1286 National Press Building,
Washington, D.C.

Dear John: Thank you for your letter of the 22d asking for my views on legislative reapportionment.

1. The answer to your first question is quite simple: Yes, I do favor legislation that would allow States with bicameral legislatures to apportion one of their houses on bases other than strictly population.

2. While it should be left to the people of a given State to determine these bases, I would think that logically such factors as geography, political subdivisions within a State, and well-defined economic regions should be considered in arriving at the makeup of one house of a State legislature.

3. Certainly, I recognize that Florida has long suffered from the effects of malapportionment. However, I do not believe that a strict one-man, one-vote rule, applied to both houses of the State legislature, will remedy the situation. Such a rule makes one of the two lawmaking bodies superfluous, as both would be drawn from essentially the same electorate and would be mirror images of each other.

Most serious of all, the one-man, one-vote dictum, as handed down by the U.S. Supreme Court last summer, denies the logic of our time-tested Federal system, in which interest is balanced against interest, power against power. As the great French political philosopher, Montesquieu, put it over 200 years ago, "If power is not to be abused, then it is necessary in the nature of things, that power must be made a check to power."

To expand a bit, the decisions of the Court regarding legislative apportionment have placed it squarely in the densest undergrowth of the "political thicket" the late Justice Felix Frankfurter warned his colleagues about. The result has been chaos. In California, for instance, a system of apportionment—approved on four separate occasions by the voters of that State and hailed by Chief Justice Earl Warren while he was still Governor—has been thrown out by the Supreme Court's decision. Similar instances abound in the more than 40 States that have patterned their legislatures on the proven Federal system.

In my opinion, so long as the people of a State have the final say, through the ballot, on the matter of legislative reapportionment, the courts should not interfere.

With best personal regards, I am

Sincerely yours,

George A. Smathers,
U.S. Senator.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from New Mexico [Mr. Anderson].

Mr. ANDERSON. Mr. President, I am opposed to the Dirksen amendment and to constitutional amendments which would serve not the cause of democratic government, but the perpetuation of totally unfair representational systems in many of the State legislatures. It is not with pride that I view the charts which show that in New Mexico 14 percent of the people can elect a majority of the State senate. That is one of the grossest cases of malapportionment in the Nation and it ill serves the interests of a young and growing State.

Normally, a Member of Congress would shy away from entangling himself in the "political thicket" of his State's legislature. But since the one-man, one-vote ruling of the United States Supreme Court, Congress has been involved in this issue—and in my opinion that is proper. The Congress has acted to assure equal rights for all citizens regardless of the color of their skin. It should do no less to assure equal representational rights for all citizens regardless of their address—rural route or city street.

We debated for 3 weeks last summer in this Chamber the wisdom of an amendment which would have delayed, if not blocked, any fair apportionment in both houses of the State legislatures. That amendment having failed, we now are asked to cement into the Constitution of the United States the invitation to unfair representation of one house of a legislature.

What we did approve last September was a sense of the Congress resolution that Federal district courts should allow State legislatures up to 6 months to comply with orders requiring that members of both houses of State legislatures be elected from districts of approximately equal population. We simply were trying to give the State legislatures time in which to do the right things—not an opportunity to longer deny just representation to people. And the rights of people are what is important—not the rights of cattle, fenceposts, and mine shafts.

There are those who contend that our system of Government is strengthened by the checks and balances it incorporates by law and custom. I believe in that arrangement. But I do not subscribe to the subsequent argument that such being true, one house of a bicameral State legislature should be apportioned on factors other than population as a check on the population-based house. I believe that considerations of political boundaries, history, and other elements may be appropriately fitted into the drawing of State senatorial districts. But I do not believe that such considerations should override population. To do so is to encourage legislative deadlock and prevent the constructive statewide policies which are vital to the economic and social progress of our States.

Mr. President, I have prepared a series of tables which show quite clearly that the representational situation in the New Mexico Senate is growing steadily more unfair. In 1950, the 16 least-populated counties each had one senator—16 senators representing 145,475 people, and Bernalillo County, with 145,673 people, had one senator.

In 1960, 22 counties, with a total population of 255,469, each had 1 senator. And it is important to note that most of those counties lost population between the 1950 and 1960 censuses. Bernalillo County, with 262,199, had 1 senator.

By 1970, projections show the 24 least-populated counties will have a total of 385,300 people and, with a senator from each county as provided in present law, they will have 24 senators; while Bernalillo County, with an estimated 375,400 people, will have 1 senator.

I ask unanimous consent that these tables be printed at this point in my remarks.

There being no objection, the tables were ordered to be printed in the Record, as follows:

1970 projection—Counties ranked in order of population

	Population
Harding	2, 200
Catron	3, 000
De Baca	3, 100
Mora	4, 700
Torrance	6, 000
Hidalgo	7, 300
Union	7, 300
Guadalupe	7, 500
Sierra	7, 900
Lincoln	10, 200
Socorro	10, 600
Luna	13, 500
Sandoval	14, 800
Quay	15, 400
Colfax	15, 500
Taos	18, 600
Roosevelt	20, 400
Grant	21, 200
Rio Arriba	22, 200
Los Alamos	23, 700
San Miguel	25, 400
Valencia	38, 900
McKinley	41, 400
Otero	44, 500

24 counties, 385,300 population, 24 senators.

1 county, Bernalillo, 375,400 population, 1 senator.

Counties ranked in order of population, 1950 census

	Population
Harding	3, 013
De Baca	3, 464
Catron	3, 533
Hidalgo	5, 095
Guadalupe	6, 772
Sierra	7, 186
Union	7, 372
Lincoln	7, 409
Mora	8, 720
Luna	8, 753
Socorro	9, 670
(Los Alamos)	[1] 10, 746
San Juan	12, 438
Quay	13, 971
Otero	14, 909
Roosevelt	16, 409
Colfax	16, 761

Sixteen counties, 145,475 population, 16 senators. One county, Bernalillo, 145,673, 1 senator.

[1] Los Alamos did not have a senator in 1950. Not included in total of 145,475.

Counties ranked in order of population, 1960 census

County	Percentage loss ( ) or gain of population 1950-60	Population 1960
Harding	(37. 8)	1, 874
Catron	(21. 5)	2, 773
De Baca	(13. 7)	2, 991
Hidalgo	(2. 6)	4, 961
Guadalupe	(17. 2)	5, 610
Mora	(30. 9)	6, 028
Union	(17. 7)	6, 068
Sierra	(10. 8)	6, 409
Torrance	(18. 9)	6, 497
Lincoln	4. 5	7, 744
Luna	12. 4	9, 839
Socorro	5. 1	10, 168
Quay	(12. 1)	12, 279
Los Alamos	24. 4	13, 037
Colfax	(17. 6)	13, 806
Sandoval	14. 2	14, 201
Taos	(7. 1)	15, 934
Roosevelt	(1. 3)	16, 198
Grant	(13. 6)	18, 700
San Miguel	(11. 5)	23, 468
Rio Arriba	(3. 2)	24, 193
Curry	40. 0	32, 691

22 counties, 255,469 population, 22 senators. 1 county, Bernalillo, 262,199 population, 1 senator. Bernalillo, 80. 6 counties showed gain 1950-60, 18 showed loss in population.

Mr. ANDERSON. It is not just Bernalillo County which will have major population gains. Other counties, including Dona Ana, Chaves, Santa Fe, Eddy, and others, will expand too. They will be shortchanged in the Senate if considerations of population lose out to the county lines.

I do not want to take much more time to state my reasons for opposing the Dirksen amendment, but I ask unanimous consent that an editorial which appeared in the Portales, N. Mex., News-Tribune and my reply to the editor, a good friend, be printed at this point. It amplifies my position on this issue.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

[From the Portales News-Tribune, July 25, 1965]

THE DIRKSEN AMENDMENT

We hope Senators CLINTON P. ANDERSON and JOSEPH M. MONTOYA remember that New Mexico is a high, wide, and handsome State when it comes time for the showdown vote on the Dirksen amendment.

Senator EVERETT DIRKSEN proposes simply that each State shall have the right to decide in periodic referendums the question of whether one of its legislative houses may be apportioned on some basis other than population.

Senator ANDERSON in particular is well read as to the struggle that marked the principle of area representation in the U.S. Senate. Populous areas resisted to the bitter end.

How different would have been the development of this Nation if the principle of "one-man, one-vote" had applied to the U.S. Senate through the formative years of the Union.

This land of ours is broad, and even in this day of instant communication, less populated areas must have a voice in lawmaking at some level. Quite often the points of view of lawmakers from these less populated areas are needed to temper and balance the herd instincts of the population centers. The system of area representation has worked well in the U.S. Senate, and New Mexico has contributed great voices in times of stress because of this principle. Senator ANDERSON has been one of the most effective of these voices.

It is now apparent that there was nothing but tradition to uphold a similar arrangement in State legislatures, but the Supreme Court has made it abundantly clear that these traditions are not binding. We are now face to face with determining once and for all whether we are all in one big population pot, with no distinction as to area or occupation, as the Supreme Court decision implies, or whether in our highest deliberative body there is a place for the influence of the kind of personality that can bring great dignity and influence on some basis other than having a mass of faceless persons behind him.

The Dirksen amendment, we believe, will restore balance to the legislative process of our States. Without it we hesitate to guess what the future could be of rural areas. The apportionment of the House has restored the imbalance that formerly existed in the State legislature. It isn't possible to use the same formula in the State senate without making that body too large. Shoestring districts would create all sorts of political stresses. Our legislature has adopted a sensible alternative in weighted voting. The Dirksen amendment would uphold this sort of arrangement, if approved by a vote of the people. We can't think of a more democratic way to solving this problem.

AUGUST 3, 1965.

Mr. GORDON K. GREAVES,
Managing Editor, Portales News-Tribune,
Portales, N. Mex.

DEAR GORDON KING: I read your recent editorial on the Dirksen amendment with a great deal of interest, particularly since the debate in the Senate on reapportionment is reaching a climax.

Many of those who support the idea of at least one house of the State legislature being apportioned on some basis other than population, hinge their argument on the "Federal analogy;" that is, that seats in the U.S. House of Representatives are based on population while those in the U.S. Senate are apportioned solely by area. In effect, they argue: "What's sauce for the goose is sauce for the gander."

That argument is used to rationalize malapportionment in State legislatures. It is not a valid reason for continuing minority-dominated legislatures. The separate States at the time of the Constitutional Convention in Philadelphia were virtually sovereign. In order to gain the consent of those formally independent States to the creation of a National Government, it was necessary to achieve a compromise between the more populated and the less populated States. The result was the Constitution provided two seats in the Senate for every State and a House of Representatives based on population.

No such historical basis or necessity for compromise brought into being the States. Counties—unlike the original States—do not create a State; rather a State creates the counties. This is the fact that destroys the national analogy.

Moreover, the Founding Fathers believed in population as being the surest basis for democratic representation because the Northwest Ordinance adopted in 1787, the same year as the Federal Constitution, provided that the territorial legislatures, both Senate and House, be apportioned solely on population.

Indeed, the Organic Act establishing the territory of New Mexico in 1850 stated:

"An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and house of representatives, giving to each section of the territory representation in the ratio of its population (Indians excepted), as nearly as may be."

So New Mexico became a territory on a one-man, one-vote basis.

Additionally the New Mexico constitution, adopted at the time of statehood, declared:

"At its first session after the publication of the census of the United States in the year 1920 and at the first session after each U.S. census thereafter, the legislature may reapportion the legislative districts of the State upon the basis of population."

So New Mexico became a State on a one-man, one-vote basis. My vote on the Dirksen amendment should sustain that principle.

Apportionment of senate seats at Santa Fe in the past was far more equitable than it is today when 14 percent of the population controls the State senate. As Albuquerque, Santa Fe, Farmington, Roswell, Portales, Las Cruces and other cities have grown, the less populated areas have continued to either lose population or to remain virtually unchanged. How can anyone justify a situation where a citizen in Harding County has 150 times more the representational power in the senate than a citizen in Bernalillo County? (Projections for 1970 indicate that will worsen to 170 times.) Is there some special virtue in a citizen in Roosevelt County having only about one-eighth the representational strength in the State senate as a citizen in Harding County? I do not believe there is and that is why I oppose the Dirksen amendment.

While it may be possible to arrive at an apportionment of a State senate on a historical, geographical or some other basis, I do not believe that those considerations should serve to create a State senate where malapportionment, from the standpoint of population, is still extreme. I believe strongly in a system of checks and balances. But I do not believe in a system whereby the political power of one group of legislators far outweighs that held by other groups and that this imbalance is established and perpetuated by law. This is the situation that we have in New Mexico.

The Dirksen amendment may be attractive on the surface in providing for periodic referendums on legislative apportionment. The trouble is that there is no requirement that the legislatures be fairly apportioned before such a referendum. I think the words of Senator PAUL DOUGLAS point up the real heart of the case against the Dirksen amendment:

"The right of a citizen to have his vote count with equal weight to that of another citizen in the election of representatives is an unalienable right in our Republic. It is not the prerogative of any majority to reduce this right, nor is it the right of any citizen to give up this right for himself or another person. No citizen of the United States may sell himself nor any other person to bondage or slavery. Similarly he is without power to give up his equal representation in the legislature of his State."

Last year Senator DIRKSEN, through an amendment on the foreign aid bill, sought to block any fair apportionment of both houses of State legislatures. That attempt failed. Having been defeated in that attempt, he is now trying to bar a just apportionment of one house. But that desire runs contrary to what is taking place in many States. Half of the States have already reapportioned both Houses to meet the one-man, one-vote ruling of the Supreme Court of the United States.

I appreciate your statement that as a result of the U.S. Senate being apportioned on the basis of geography, "New Mexico has contributed great voices in times of stress," and that I have been, "one of the most effective of these voices." I have worked closely on a wide variety of problems with Senators who have come from less populous States as well as with those from States with heavy concentrations of people. Frankly, ability, courage, intelligence, honesty, and energy have no relationship to the census figures in the State a man represents.

The present one-county, one-vote arrangement in the New Mexico Senate forecloses opportunities for many capable persons to be elected to represent the growing areas of the State. I am not talking merely about Bernalillo County—this applies to Dona Ana, Chaves and several other counties as well. I do not believe that the legislator from a city is endowed with any more brains or integrity than his colleague from the farm or ranch. But, the large population centers face serious problems which are growing worse. There is no evidence that legislators from large urban areas would ignore the problems of the rural areas. But there is every sign that the lawmakers from rural areas have been ignoring the plight of the cities and for that reason the cities have had to turn to the Federal Government for a wide variety of assistance. That fact has helped increase the bureaucracy of a growing Federal Government.

Those who decry the growth of the Federal Government should read the words of the Commission on Intergovernmental Relations established by President Eisenhower which stated in 1955:

"One result of State neglect of the reapportionment problem is that urban governments have bypassed the States and made direct cooperative arrangements with the National Government in such fields as housing and urban development, airports, and defense community facilities. Although necessary in some cases, the multiplication of national-local relationships tends to weaken the State's proper control over its own policies and its authority over its own political subdivisions."

I am not so sure that the weighted voting plan enacted in the last session of the New Mexico State Legislature is the wisest way to more reasonably apportion the seats in our State senate. It has a number of defects. One of the most obvious, of course, is that while an urban senator may have several times the voting strength on the floor of another senator who comes from a rural area, the urban senator will have no increased voting power in committee or in caucus. And we know that it is the committees of the legislature which have the real power because virtually all bills are passed or rejected on the recommendation of a committee. That is the great flaw in weighted voting.

The problem of the urban and suburban areas cannot be solved simply by giving the senator from the urban area more votes on the floor of the State senate. The cities and their suburbs are not of one mind on any given issue and they cannot be represented by one voice. By giving these growth areas a fairer share of the State senate seats, different viewpoints, including those based on political affiliation, would be achieved. This is the essence of our system of representative government.

I am convinced that this debate on apportionment should not be cast strictly as a city-versus-rural conflict. If we look at it squarely, it is an effort to enable our legislatures to deal effectively with the complexities of a rapidly changing environment and economy. If this issue is resolved with reason, all areas of the State—city, suburb, farm or mining town—will benefit.

Sincerely yours,

CLINTON P. ANDERSON.

Mr. **ANDERSON**. There is an interesting footnote to the situation in New Mexico. Last week I read a newspaper account that at the recent National League of Cities Convention in Detroit, strong support for the Dirksen proposal was given by a small bloc of States, including New Mexico. The National League, however, endorsed the one-man, one-vote decision by about 4 to 1. I was curious as to why New Mexico was placed in the column supporting the Dirksen amendment.

I learned that the principal New Mexico representative to the convention was the mayor of Santa Rosa, who is also president of the New Mexico Municipal League. He cast a bloc of votes for the Dirksen amendment. I better understood his vote when I looked up the census figures. Santa Rosa gained only 21 people between 1950 and 1960 and its county, Guadalupe, declined over 17 percent in population in that decade. I take no pleasure in that. I want to see all of the communities in my State growing and prospering. But rural towns in New Mexico and in other States have either not grown or have lost population. The mayor's support for the Dirksen amendment, I feel, does not reflect either the attitude or the needs of the urban population of my State.

The **PRESIDING OFFICER**. The Senator from Wisconsin is recognized.

Mr. **PROXMIRE**. Mr. President, I yield myself 2 minutes.

Mr. President, those who support the Dirksen amendment recognize what has been a great tide in our Nation's values and dreams.

For almost 2 centuries the force of our democratic convictions has led men to fight continually for the expansion of our suffrage. For example, of the 14 amendments to the Federal Constitution which followed the adoption of the Bill of Rights, 9 of those 14 amendments were designed to make the franchise more democratic and give more Americans full voting citizenship.

Now, for the first time, there is proposed an amendment that would reverse that process and would write into the basic constitutional law a provision that for crucial elections in State legislatures 1 man's vote literally counts as 10, while another man's vote might count as one-tenth.

Is it right that we should deliberately alter our Constitution to make one man's vote worth less than another's? This has happened in America in the failure of State legislatures to apportion but rarely by explicit calculation, and never, not ever, never before by amendment to the Constitution.

The fundamental issue before the Senate is whether Congress should amend the Constitution to provide that, regardless of the interpretation of the 14th amendment, one man's vote can be considered of less value.

Mr. President, I yield 10 minutes to the distinguished Senator from New York.

Mr. **KENNEDY** of New York. I thank the Senator from Wisconsin.

Mr. President, perhaps I can contribute to the present debate by offering a brief comment on why the Federal Government has taken such a strong interest in the problem of State legislature apportionment.

In 1958, President Kennedy—then a Senator from Massachusetts—wrote in the New York Times an article entitled "The Shame of the States," which demonstrated that malapportionment of the State legislatures was a major cause of urban problems.

After discussing all the frustrations and problems of the cities, and their intimate connection with the prevailing malapportionment, the Senator concluded with the discouraging statement that "The great difficulty in stating these problems is that there is no apparent solution."

In 1961 when President Kennedy took office the opportunity was at hand to do something about the problem. The Supreme Court had the previous November agreed to hear a case challenging the persistent malapportionment of the State legislature in Tennessee. This case was, of course, Baker against Carr. Its facts presented the Supreme Court with a particularly good illustration of the prevailing malapportionment and its effects. In Tennessee one-third of the voters, coming from rural areas, were electing two-thirds of the legislature. The results were manifest—the rural areas had, for example, been treated to distribution formulas for school aid and highway funds which obviously discriminated in their favor. And the situation in many States was far worse than that in Tennessee. In Kansas, Delaware, Florida, Vermont, and Connecticut, for example, the majority in the lower house of the legislature were elected by 22½ percent, 19½ percent, 17 percent, 12½ percent, and 9½ percent of the population, respectively.

These disparities in representation had deprived urban citizens in particular of effective State help in meeting their problems. The malapportioned legislatures had really, in fact, ceased to provide progressive legislation for the people of their States generally. This failure had caused urban communities to look to Washington to help, but it was obvious that the Federal Government could not solve all the problems by itself. We concluded, therefore, that we should urge the Supreme Court to reverse its previous refusal to adjudicate apportionment cases. We felt that if the Court did agree with the plaintiffs in Baker against Carr and with us, the logjam created by malapportionment might be broken and the State legislatures might recapture their proper status in our federal system.

The arguments which we made to the Supreme Court in the Baker case regarding the effects of malapportionment reflected the discussion which had gone on in the executive branch. We pointed out that State legislatures used to be effective formulators of policy on the domestic level. Thirty years ago, we said, Justice Brandeis had praised the State legislatures as laboratories which could "try novel social and economic experiments without risk to the rest of the country." Partly because of failure to reapportion, the State legislatures had failed to adapt themselves to modern problems and majority needs, particularly in urban areas.

The Court's holding in Baker was only the beginning of the administration's commitment in this area. The following year Gray against Sanders, in which the plaintiffs challenged Georgia's county unit system of electing its statewide officials, came before the Court. Although the case did not involve State legislatures directly, it was clearly related.

Gray against Sanders and the Court's later decision in Wesberry against Sanders, regarding the apportionment of congressional districts—in which the United States again appeared as a friend of the Court—set the stage for the critical cases which the Court heard in late 1963 and decided in June 1964. These were the cases in which the reach of the 14th amendment in the area of reapportionment was to be determined. These were Reynolds against Sims, Lucas against Colorado, and others—challenging in all the legislative apportionments in Alabama, Colorado, Delaware, Maryland, New York and Virginia.

This was the key time—the time when we would find out how far the Supreme Court was willing to go to force open the door to State legislative reform. We talked to lawyers and law school professors all over the country, asking them for their advice on the position which the Federal Government should take. Discussions were carried on throughout the executive branch—not only within the Justice Department, but among a number of Federal agencies and including a number of high officials who were interested in the problem.

Ultimately, we decided that if each citizen's vote were to have the weight and significance it deserved, the equal protection clause had to be regarded as prohibiting any substantial departure from representation on a per capita basis in either house of a State legislature.

The matter was then taken personally to President Kennedy. Again we had a far-reaching discussion about the meaning of the problem in relation to getting an effective State contribution to the problems faced by individual citizens, particularly in the cities. He agreed that if substantial departure from per capita representation were permitted even in one house, the result would be stalemate and the same old story of legislative paralysis.

I have gone into the detail I have because I want to explain why the Department of Justice, on behalf of the Federal Government, took such an interest in the problem. We believed that the matter should not be taken lightly. And for this reason the ultimate decision was not made by the Solicitor General or the Attorney General, but, after consultation throughout the whole of the Government, and among professors and lawyers, by the President himself.

We all know of the Court's consequent holding.

Now we are confronted by a proposed constitutional amendment which would effectively set us back to where we were before Baker against Carr.

Make no mistake about it. One malapportioned house can in many cases be as bad as two. History demonstrates this. Throughout the hearings and in debate on the Senate floor we have heard example after example in State after State—in Missouri, Iowa, Illinois, New Jersey, Michigan, and others—where the fairly apportioned house passed progressive and badly needed legislation and a majority of the malapportioned house, representing a minority of the people, blocked it.

And it is important to note the significant progress which has occurred as a result of the Supreme Court's decision.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum describing the accomplishments of reapportioned legislatures in Colorado, Delaware, and Michigan, in contrast with their failures before reapportionment.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

The records of the States in which reapportionment has occurred are most instructive.

Colorado concluded the main session of its 45th general assembly early in May. It was the first legislature elected under the one-man, one-vote rule, and the session was one of the most fruitful in years. Lee Olson of the Denver Post wrote that "much of this legislation supports the conclusion that Colorado, along with many other States, has turned a highly significant corner in its political life." One young Denver lawmaker was quoted as saying that: "We passed things which should have been passed 10 years ago. The rural bloc simply sat on the lid too long—and now it's off."

Among the many accomplishments of the legislature were: enactment of a fair housing act, extending the right of minority groups to buy any housing or commercial property, the repeal of all State sales taxes on food, and greatly increased aid to higher education.

A second State now apportioned on a population basis in both houses—though there are additional Court tests pending—is Delaware. The impressive record of legislation enacted this year in Delaware includes adoption of the State's first minimum wage law after a struggle of some 13 years; a model wage payment and collection law; two consumer bills; improved workmen's compensation; and additional days for voter registration.

A third reapportioned State is Michigan, whose 73d legislature—the first elected on a one-man, one-vote basis in both houses—recently concluded its first session. It was the most productive session in Michigan history.

Before reapportionment, a bill providing an unemployment increase of $3 was killed by senators representing 2.4 million people despite support for the bill by senators representing 3.5 million. This year the Michigan Legislature passed a bill increasing unemployment benefits by 20 percent, and extending coverage to an additional 60,000 employees.

Before reapportionment, workmen's compensation amendments were killed by senators representing 2.9 million people despite support for them by senators representing 3.5 million. This year the legislature passed a vastly improved workmen's compensation bill. A worker hurt on the job after September 1 will receive the highest benefits of any industrial State. The new law also broadens coverage to take in another 120,000 persons.

Before reapportionment, the addition of several hundred desperately needed mental health beds was blocked by senators representing 2.8 million people despite support for the measure of senators representing 3.1 million. This year a broad new mental health program was enacted, covering everything from increased support for community mental health services to ratification of an interstate compact on mental health.

Reapportionment in Michigan benefitted citizens from all parts of the State. New legislation for the aged, ranging from tax relief to expanded old-age assistance to a prohibition on discrimination in hiring because of age, was enacted. Record increases in aid to elementary, secondary, and higher education were enacted. The legislature enacted significant legislation relating to conservation, water pollution, and air pollution.

And rural Michigan benefited directly as well as indirectly—a fact which is extremely important.

The legislative counsel for the Farm Bureau in Michigan characterized the record of this year's newly reapportioned legislature as "friendly" to the needs of agriculture and "especially productive of good farm legislation." The legislative representative of the Michigan State Grange has said that this was the best legislature in years in terms of the needs of agriculture. The list of the major agricultural bills passed is most impressive:

1. A unified meat inspection bill which will assist Michigan livestock raisers in marketing and assure the consumer of a quality and sanitary product.
2. A unified dairy inspection bill to end duplicate inspection problems.
3. A bill which created a bean commission and strengthened the potato and other commodity commissions to help commodity groups do a better job in marketing their products and help increase the farmers income.
4. A bill to allow contractual labor to be employed on the same basis as in the past.
5. Bills to improve the State's feeds, seeds, fertilizer, and lime laws for the protection of the farmer.
6. Bills to improve the plight of migrant workers while not increasing labor costs for the farmer.
7. Bills to protect the public against the sale of cracked and checked eggs, botulism and many other bills important to the Michigan Department of Agriculture and the consumer.

There is one other point about the Michigan experience which deserves notice. The reapportioned Michigan Legislature took some first steps toward making itself more efficient. Research, legal, and other staff services were increased; needed space was appropriated to alleviate the previously cramped working conditions; and the capitol was generally brightened up.

After the session, House Speaker Joseph J. Kowalski said:

"For the first time, we truly have a committee system operation. Committees are no longer functioning as rubberstamp bill-passing groups; they have learned the particular area of State government assigned to them. There have been more committee meetings so far this year than at any time during the past 20 years. And the committees have heard 10 times as many witnesses as had ever appeared before."

These structural reforms were no accident. Julius Duscha recently pointed out in an article in the Washington Post that the reapportionment decisions appear to have stimulated structural reform in the State legislatures in a number of States. He observed that since many of the representation schemes rendered unconstitutional by the Supreme Court's reapportionment decisions are contained in State constitutions, there is an inevitable prod to State constitutional reform. Rhode Island and Connecticut are holding constitutional conventions this year, and Idaho, Kentucky, and West Virginia have taken some steps toward constitutional reform.

Mr. KENNEDY of New York. Mr. President, the Michigan experience is particularly significant, because it demonstrates the responsiveness of the reapportioned legislature to rural as well as urban needs, and the tendency of a reapportioned legislature to be interested in structural reform.

The record shows that, under the prod of the Supreme Court's decision, our States—at least some of them—have begun to move. What President Kennedy called the shame of the States may turn to pride if we refrain from disturbing the process which the Court set in motion with its holding. This was a major interest of the Federal Government in entering the litigation in the first place, and it is a major interest of the Federal Government today. I urge the Senate not to turn the clock back on this process. I urge the Senate to reject the Dirksen amendment.

I urge the Senate not to turn the clock back to the past. I urge the Senate to reject the Dirksen amendment.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from New York for an excellent speech.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. PROXMIRE. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. Mr. President, is it not true that in the State of Michigan, for many years, it was difficult to get legislation passed. For example, when Gov. G. Mennen Williams was elected with a strong popular mandate, a situation existed in which the lower Michigan House was elected by a popular vote, and the State senate apportioned in accordance with geography blocked bill after bill, although senators representing the majority of the people, but a minority of the State senate, voted for the Williams legislation.

Mr. KENNEDY of New York. Mr. President, I can cite a few specific examples of what happened prior to the time of the Supreme Court decision.

Before reapportionment, a bill providing an unemployment increase of $3 was killed by senators representing 2.4 million people despite support for the bill by senators representing 3.5 million. This year the Michigan Legislature passed a bill increasing unemployment benefits by 20 percent, and extending coverage to an additional 60,000 employees.

Before reapportionment, workmen's compensation amendments were killed by senators representing 2.9 million people despite support for them by senators representing 3.5 million. This year the legislature passed a vastly improved workmen's compensation bill.

In the memorandum I have submitted, I have examples of three or four major pieces of legislation which were defeated in the legislature of the State of Michigan by the time of reapportionment.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from New York. I believe that his speech demonstrates that there are practical benefits in rejecting the Dirksen amendment and enabling our State governments to move ahead under the Reynolds against Sims decision with both houses based on population. The State governments have been encumbered by malapportionment. They have been blocked and unable to act. Because of inaction by the States, it has become necessary for the Federal Government to move into areas into which the States should have moved.

The speech of the Senator has been a most practical and helpful contribution to our understanding of the problem.

Mr. KENNEDY of New York. Mr. President, I wonder if we have devoted enough attention to the civil rights implications of the Dirksen amendment. Its adoption, I would suggest, could result in nullification of much of what we were trying to do just two and a half short months ago when we passed the Voting Rights Act of 1965. Its adoption could make a mockery of our scheduled action tomorrow to approve the conference report on the Voting Rights Act.

Why is this so? Certainly the Dirksen amendment as first introduced could have been far more discriminatory in its effect. The broad "factors other than population" language might have allowed racial factors to be used as an explicit basis of apportionment. That language has been replaced with an enumeration of particular factors which may be used, an enumeration which excludes race as a factor.

Nevertheless, racial discrimination in the operation of the Dirksen amendment is inevitable.

Consider first a State in which Negroes are substantially underregistered due to previous discrimination. It will be some time before the new Voting Rights Act results in the registration of all of these Negroes. In the meantime a legislature elected by the existing electorate will be formulating a reapportionment plan under the Dirksen amendment to put to the people for a vote. Who doubts the result? A way will be found to keep the Negro a political cripple indefinitely.

Former Assistant Attorney General Burke Marshall made this point particularly well in his testimony before the subcommittee:

> We have seen again and again in the States I have referred to, and in others, the lengths to which the majority of voters will go—even complicating very seriously the methods by which they become registered themselves—to find ways of keeping Negroes from gaining any political voice. It is for this reason that the Constitution thus far has prohibited the majority, even through democratic means, from depriving members of a minority group of their right to be treated fairly under the law.

The Negro's subsequent registration and realization of the franchise will be of little help to him.

Even if the referendum on the reapportionment plan occurs after the Voting Rights Act has been operative for long enough to have had some effect, the result will very likely harm the Negro. The plan put to the people will still have been shaped by the malapportioned legislature which wants to preserve the old order. It still would not be a fair fight.

More broadly, the amendment will discriminate against Negroes and other minority groups through its effect on badly needed urban legislation. This, of course, holds true for the entire country—North as well as South.

Earlier today I discussed how malapportionment—even in only one house of a legislature—has blocked significant pieces of progressive legislation. This discrimination against our Nation's cities is especially bad for the Negro because, as Burke Marshall testified, it "proportionally deprives Negroes of a political voice more than any other identifiable group. In 1960, over 72 percent of Negro Americans lived in urban areas. There is every indication that this percentage is increasing, and increasing rapidly." And, of course, it is the Negro who feels most keenly the burden of the problems which the legislatures have tended to ignore.

Comparative census figures for 1950 and 1960 are revealing. In my own State of New York, the urban nonwhite population rose by 525,000 during the 10-year period, as against an increase in the rural areas of only 12,000. New York State in 1960 counted nearly 1½ million nonwhites—primarily Negro and Puerto Rican—in its urban areas, and less than 50,000 in rural sections of the State. The figures for the Middle Atlantic States as a whole are similar. Between 1950 and 1960 the urban nonwhite population rose by nearly 1 million people, while the increase in rural areas amounted to just over 10,000.

In Illinois the increase in the urban nonwhite population between 1950 and 1960 was over 400,000, while the rural nonwhite population actually declined by 100 during the same 10-year period. Indiana experienced a rise of nearly 100,000 in its urban nonwhite population between 1950 and 1960, as against an increase of 1,000 in the rural areas. The east north-central region as a whole follows the pattern of Illinois and Indiana. In the same 10-year period the urban nonwhite population rose by more than 1,100,000—while the rural nonwhites, constituting less than 5 percent of the total nonwhite population in the region, showed an increase of less than 12,000.

The situation is the same in California. Between 1950 and 1960 its rural nonwhite population rose by a meager

12,000—while the increase of nonwhites in the urban areas amounted to over 575,000. The Pacific region as a whole showed an increase of rural nonwhites amounting to 160,000 as against a 970,000 rise in the urban areas.

Mr. Marshall's testimony showed the South to be following the same trend, only perhaps more markedly:

> In Alabama * * * the percentage of nonwhites living in urban areas went up 23 percent between 1950 and 1960, while those living in rural areas went down almost 20 percent. In Mississippi the comparable figures were 27.6 percent increase against 2.5 percent; in Louisiana, over 200 percent as against 8.6 percent. Of all the Southern States, only Florida showed any increase in the nonwhite population in rural areas, and that increase was slightly over 1 percent as against 71.3 percent in urban areas.

This marked increase of nonwhite—primarily Negro—population in the urban areas underscores the discriminatory nature of the Dirksen amendment. Negroes, Puerto Ricans, and other deprived minorities are city dwellers—and are becoming more so. Perpetuating the antiurban balance of power in the State legislatures, therefore, would jeopardize any hope that these minorities have of obtaining significant help at the State level in their struggle for equality of economic opportunity, better housing, and better schooling.

As Burke Marshall wrote to the chairman of the Subcommittee on Constitutional Amendments [Mr. BAYH]:

> It seems to me that * * * giving the States the power to weigh rural votes more heavily than urban votes in itself will prove to be another disadvantage added to the many substantial ones already inflicted upon our Negro citizens.

Support of the 1965 Voting Rights Act and of first-class citizenship for all Americans requires us to defeat the Dirksen amendment.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. HRUSKA. Mr. President, in rising to speak in support of the Dirksen amendment, I want to comment on some of the cynicism that has been hovering around this issue.

I have heard it said that people among the States are not interested in this proposal and should not be allowed to vote on the subject anyway. I have heard it said that if the Founding Fathers of our Nation had wanted the States to have a full voice in legislative apportionment, they would have spelled it out in the Constitution. And, I have heard it said that what we are proposing verges on being undemocratic.

Let us put some of this cynicism to rest here and now. First off, we are proposing to deal with this apportionment issue in a manner prescribed by the Constitution itself. In their wisdom, our Founding Fathers foresaw that clarification and additions to the Constitution might be required and to this end they purposely added an amending clause. We plan to utilize that clause and I ask this simple question: What is more democratic than following the language of our Constitution in seeking a clarifying amendment that gives people the right to vote and to make decisions at the State level?

I particularly resent the type of cynicism that puts forth only words of scorn and belittlement for the heroic labors and the wisdom of those men who drafted our Constitution. They were not just a flock of sheep drifting before the wind, nor were they men who could not distinguish the good guys from the bad guys or gray areas from black or white areas. They knew they were, in drafting the Constitution, engaged in a search for answers that would be tested by both prolonged debate and time. They sought language that would dwarf and restrain selfish and fanatical narrowness. They knew that the closer Government could be kept to the people the safer this Republic would be. They knew that with growth and change in the Nation, clarification of constitutional intent and purpose might be required. The amending clause of the Constitution which we propose to utilize, article V, attests to their wisdom on this score.

As to the determination of these men that the Nation's Government should suit the needs of the people, what better words of emphasis can be used than those of John Adams when he said:

> Our people must be consulted, invited to erect the whole building with their own hands upon the broadest foundations.

To those who attempt to argue that we should not be tampering with the Constitution on such a subject as legislative apportionment, I have two answers. One is that we are not engaged in either the unusual or the unexpected. As recently as 1913 there was an amendment of a similar nature. At that time it was felt there was need for clarification and improvement in procedures to be followed in the electing of men to this august body. The language and the protections desired were not in the original Constitution. All Senators, I am sure, have had occasion to read the 17th amendment to the Constitution, providing for the popular election of Senators. Let me say that if it had not been enacted back in 1913 or at some date since, we would with certainty be debating such a proposal here today. All of us know the amendment serves a valuable purpose.

We face exactly the same situation here today in regard to State legislative apportionment. Conflict exists between what the voters in many States have long cherished as an inherent right—the right to participate in fundamental decisionmaking—and the current Court interpretation of the meaning of existing constitutional language governing apportionment at the State level. We are confronted with one of those things that the authors of the Constitution anticipated—the need for a clarifying amendment. Sentence by sentence the procedure to follow in bringing about this clarification is spelled out in the Constitution. We as Senators know the procedure and we have the language before us today that presents and solves the issue.

And what is that issue? In simple language it is whether we are to rely upon the people in the various States to determine, under guidelines which we supply, how one house of their State legislature shall be apportioned. The men who wrote our Constitution had faith in the people and they leaned heavily upon this faith just as we must. Read the language of section 1 of article IV of the Constitution, for example, and these words will be found:

> Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State.

Faith existed that the States can be trusted to use reason and fairness and that they would be constant in their efforts to make words like freedom, rights, and liberties understood, appreciated, and respected.

Actually, this issue resolves itself into a question of freedom to participate. If the American people are to be protected from tyranny they must be able to thwart all efforts of any faction to grab power and erode the strengths of our constitutional system. The arbitrary use of power is a basic evil that can become the real enemy of human progress. We must therefore never dare to forget that we are the heirs of an earlier revolution through which men gained freedoms never before enjoyed and that those freedoms will remain with us only so long as they are protected.

None of us in our lifetime has ever before been called upon to guard quite so vigilantly such truths as these in application to legislative representation. As legislators we must deal honestly with the mechanics of preventing a further erosion of the people's rights in the various States. The courts have told us that old interpretations of the Constitution as they apply to legislative apportionment in the various States are incorrect. A vacuum has been created which we cannot afford to let continue. To fail to act will add fuel to the process of erosion that will stimulate a sweeping grab for power by the political bosses of the Nation's big cities. In fact, I believe the dominant theme of this debate should be whether we are willing to surrender the rights of the individual voter in the various States to an extent that will lead the bosses of about nine big cities to try to dominate the Nation. We think the people of each State should have the right to determine how much will be surrendered. They take the position we have no choice but to surrender.

Frankly, I do not believe our opponents will find much support for their position anywhere in the Nation once the significance and the attendant dangers of their negative position on this matter become known and understood. The goals of our society can always best be realized through free and open decisions by the voters. Such goals, we all know, can never be achieved with safety and without sacrifice to the eroding processes designed to increase the centralization of power.

Now to this vacuum which is still obviously unfilled despite the numerous court decisions and the self-help efforts of individual legislators:

The Supreme Court decisions have for all of us created an unprecedented situation. To put it mildly, they have been far-reaching and they have been history making. But as realists we also know they have created in many States what can inelegantly be called a mess. Politics being what it is, there have been loosed efforts at self-preservation that have compounded the troubles in some States and in others the courts have themselves added materially to the confusion. Some measure of the difficulty is found in the words of State Supreme Court Justice Matthew M. Levy, of New York, when he described one reapportionment plan that had been offered as nothing more than a "launching pad" for further litigation.

Those who have indulged in wishful thinking and hoped the courts would be able to pick up the problem, examine it, make certain adjustments and return it as a complete and workable program nicely wrapped in a single pretty package just do not understand the problem. The wondrous ramifications related to a complete shift in balance of political power in a nation such as ours do not lend themselves to simple packaging. I think the developments of recent weeks and months have well proved my point. You can technically get rid of a vacuum by lifting the lid, but you will have an empty space to deal with still, and such empty spaces are always dangerous.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **DIRKSEN.** Mr. President, I yield 2 additional minutes to the Senator from Nebraska.

Mr. **HRUSKA.** Mr. President, there are many able students of the subject who will quickly agree that the courts, in trying to adjudicate apportionment State by State, have actually added to the frustrations of all. The history of court actions on this subject is long, varied, confusing to read, and complex in seeming purpose. In fact, I believe we, as Senators, owe it to ourselves to become familiar with some of the legal complexities and uncertainties involved. We owe it to ourselves to follow Al Smith's advice and look at the record, even though that record is changing so fast a course in rapid reading is required to keep pace with the almost daily changes. It makes the logic of the constitutional amendment approach much more understandable.

I ask unanimous consent that summaries of the legal situations in several of our States be set forth in the RECORD at this point.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

NEW JERSEY

The State supreme court, in a 1960 ruling, anticipated the Federal high tribunal's decision in *Baker* v. *Carr.* In *Asbury Park Press* v. *Woolley* (33 N.J. 1, 161 A. 2d 705) the New Jersey court concluded that it had the power to compel reapportionment and notified the legislature that it had better act or "face the music." The legislature obliged at its next session and the State court laid the issue to rest. After last June's Supreme Court decisions, however, New Jersey's high court again declared the legislature malapportioned. The State's lawmakers were commanded to call a constitutional convention and, in the meantime, to enact a temporary plan for the regular 1965 election.

TENNESSEE

Tennessee, the offending State in *Baker* v. *Carr,* was ordered by a Federal district court to redraw its legislative districts in a 1962 special session. Following passage of reapportionment acts, the district court found both unconstitutional but ordered their use, nonetheless, for the November election. The 1965 legislature then adopted new districts for each chamber, winning approval only of its plan for the House. The court found the Senate apportionment unconstitutional but backed away from finalizing action until the Supreme Court disposed of six cases before it. With the announcement of the flat one-man, one-vote rule in the *Reynolds* case, the Federal court retrieved its blessing of the Tennessee lower house apportionment and ordered the implementation of districts drawn in the city of Nashville—if the legislature, by June 1, 1965, failed to pass palatable alternatives. The legislature met this May to adopt the third comprehensive reapportionment in as many years. The fruit of its labors once again awaits the sanction of the judiciary.

WASHINGTON

Both houses of the Washington Legislature were found to be malapportioned in 1962 by a Federal court which, even before the rendering of *Lucas* v. *Colorado,* shrugged off the voters' rejection of an initiative ballot proposition calling for straight population apportionment. Following the Supreme Court's approval of its action in 1964, the lower court consented to allow the upcoming legislative elections to be held on the basis of unconstitutional districts but foreshortened all legislators' terms to 1 year and devised a weighted voting scheme for the 1965 legislature to use. Then the judges changed their minds, scrapped the weighted voting and short terms, and substituted a fiat that the lawmakers could do no other business than reapportionment until acceptable districts were enacted.

HAWAII

On the heels of *Reynolds,* a suit was filed in the State's high court but that tribunal, although acknowledging the present apportionment to be unconstitutional under the Federal supremacy rule, declined to grant injunctive relief and the suit was dropped. Following the inability of the legislature to agree on a new districting basis that summer, apportionment was again challenged—this time in Federal court—in *Holt* v. *Richardson* (238 F. Supp. 468). The court put off action until after the elections then, in February 1965, although commenting that it was "not prepared at this time to accept plaintiff's premise that total population is the only basis upon which apportionment of State legislatures can constitutionally be based," it took a tough line with the legislature. Key sections of the State constitution, calculated to leaven what was otherwise a substantially population-apportionment with geographic realities, were nullified. The legislature was ordered to call a constitutional convention and, taking no chances, a gun was put to its head in the form of a prohibition against its taking final action on any other legislation until it had complied. When a stalemate developed between the senate and house over the convention call, the court relented somewhat but uncertainty and confusion persist to this day.

MICHIGAN

One of half a dozen States to enjoy judicial blessing of its legislative apportionment today, Michigan has traveled a tortuous road. A 1963 State constitutional provision giving overwhelming advantage to population in districting both houses of the legislature was first sanctioned, then scrapped by the Federal judiciary. Meanwhile, a State-constituted apportionment commission failed to agree on districts for the 1964 election. Accordingly, the State supreme court provisionally adopted a plan of its own and waited to see what breezes would blow from *Reynolds* v. *Sims.* The Supreme Court's dictum buttressed their invention and Michigan became one of two States to elect legislators on the basis of court-devised districts last fall.

OKLAHOMA

Oklahoma was the other. Taking a tough line, the Federal court first rejected apportionment laws enacted by the legislature in 1963, then nullified a constitutional amendment adopted in the 1964 primary election—as well as the primary election itself. A new primary, on the basis of districts contrived under the court's direction, was held and the nominees selected through it in September went into the November finals.

GEORGIA

Georgia, on the other hand, has benefited from a soft line by the courts. The most recent decision—on April 1 of this year—gave the legislature 3 years to accomplish apportionment. Georgians were not spared confusion, however. First the Federal district court, trying its best to find the logic of *Baker* v. *Carr,* declared it would be sufficient for the legislature to base just one house on population and the Senate was districted on a one-man, one-vote basis. The court decided, however, that it couldn't be constitutional to mix single- and multimember districts in the same apportionment. Those tough decisions having been made, the lower court rested from its labors, only to be jolted by the Supreme Court's revelation that the 14th amendment requires population districting in both houses of a legislature but is indifferent to the question of whether some districts might have 2 or 12 senators while others have just 1. Now distraught, the district court ruled that legislators elected in 1964 could serve but 1 year and could conduct no investigations. Left uninstructed by the Supreme Court when the matter was taken up on appeal, the lower court backed off by deciding to give the legislature until 1968 to finish the job.

NEW YORK

New York has been through the wringer on reapportionment. First, a Federal court ruled that the subject was "nonjusticiable" and was contradicted by the Supreme Court. Then the district court examined the State's apportionment laws and concluded they were sound. Again, the Supreme Court disagreed. Following the announcement of *Reynolds* and its companion cases, the same district court imposed a 10-month deadline on the New York Legislature to redistrict and, for good measure, truncated the members' terms of office. Governor Rockefeller summoned legislators into special session following the November election and, within 3 weeks, the court had three plans to choose from. The judges selected one and it became the basis for the November 1965 election even though violating the State constitution by increasing the membership of the assembly. The scene was thus set for one of the few instances in which Federal and State courts have "gone to the mat" over reapportionment. New York's court of appeals struck down the new districting act on the rationale that size of the legislature was not one of the State constitutional provisions automatically invalidated by *Reynolds.* The Federal court won the confrontation, notwithstanding certain prior admonitions from Washington that Federal judges should be guided by State jurists' interpretations of State law.

ILLINOIS

Illinois, too, has gained some notoriety over its reapportionment woes. When, in 1963, an impasse developed over decennial reapportionment of the house of representatives, the State supreme court declared that at-large districting would prevail in 1964. Predictably, the majority party captured all the seats it sought in the "blind man's buff" election which resulted in Adlai Stevenson's son leading the Democratic ticket and Dwight Eisenhower's brother outpolling all other Republican candidates for the house. Litigation over reapportionment of the Illinois Senate has led to a showdown between the Federal and State courts with the jurisdiction of the latter being upheld this past June by the Supreme Court—apparently on the basis that the State judges have shown a greater predilection for being tough.

CONNECTICUT

The people of Connecticut had to forgo the privilege of electing their legislators last year. A special session of the legislature failed to devise a plan meeting the Federal court's requirements and the jurists responded by simply holding over its members and canceling the election. Backing up a January 30 deadline to the legislature with appointment of Yale's computer expert as a special master on a standby basis, the court amassed such pressure on the legislature that it came up with a temporary apportionment for a special election to be held this November. Having thus submitted, the lawmakers were rewarded by being permitted to deal with other legislative business this spring.

IOWA

Iowa's Senate was reapportioned by the 1961 legislature in a session which also saw initial approval given a constitutional amendment providing substantially greater weight for population in districting both chambers. The new apportionment was sanctioned by the State supreme court 2 weeks prior to *Baker* v. *Carr*, then junked by a Federal district court. In a special 1963 election, Iowa voters, although predominantly urban today, rejected the constitutional amendment. Nevertheless, the Federal court, following up on its previous action, ordered the preparation of temporary legislative districts for 1964. Now those districts have been thrown into limbo with the election out of the way and the Iowa Legislature, overwhelmingly composed of first-term legislators, is under court order to come forward with still another temporary plan for 1966.

NEBRASKA

In the general election of 1962 the voters of Nebraska approved an amendment to the State constitution which modified the heretofore strict population rule to the extent of prescribing consideration of area in legislative apportionment. The permissible deviation was set at 20 to 30 percent. A month after the *Reynolds* doctrine was promulgated, however, a Federal district court, in *League of Nebraska Municipalities* v. *Marsh* (209 F. Supp. 189), declared both the constitutional amendment and the implementing statute to be unconstitutional. The court permitted the 1964 legislative elections to be held as scheduled but mandated the 1965 regular session to reapportion itself on a strict population basis. For 3 months the Nebraska Legislature wrestled with this problem. Three major proposals were put forward, all of them providing for an increase in the size of the legislature. As the weeks passed, it became apparent that the plan offered by Senator George Gerdes, of Alliance, L.B. 628, offered the greatest prospect of enactment. This bill proposed to add two senators to Omaha's present 11-member delegation and combine Districts 16 and 18, in the northwest corner of the State. This bill won committee approval on March 4 and, following 3 weeks' debate, was passed by the legislature on March 29, 40 to 5. (I might say, by the way, that 2 days afterward the legislature approved Resolution 14 asking for a constitutional convention on legislative apportionment. Governor Morrison, who is a Democrat, signed both measures.) On May 12, by a split vote, the Federal judges held this reapportionment act—with a population variance of only 1.5765 between the largest and smallest districts—invalid. The court true to the pattern we have seen, declined to formulate any standards of its own. It gave the legislature until July 15 to do the job over. The legislature, exhausted by wrestling with both State and congressional apportionment at the same session, was unable to comply. The bleak prospect, therefore, is that we shall have at-large elections in 1966.

Mr. HRUSKA. Mr. President, contrast the approaches which I have just outlined with the straightforward language of the Dirksen amendment and you find confusion weighed against clarity and simplicity. By this I do not mean that all will be serene in any of the States if this amendment is adopted. What I do mean is that the people in each State will be participating in the decision and the battle will be waged on the home grounds and with participants that know the score.

Mr. President, I like the sentiments expressed in debate here last summer by the distinguished senior Senator from Oregon, the Honorable WAYNE MORSE, when he said—and I quote from the CONGRESSIONAL RECORD, volume 110, part 15, page 20007:

> If the people all over the country had the same power that the people of Colorado and the people of Oregon have, and they decided on a constitutional amendment which would have the effect of reversing the Supreme Court decision or in amending their State constitutions, no one would find the Senator from Oregon raising one objection because the people themselves would be making that determination.

I join wholeheartedly with the Senator in his faith in the referendum process. It is a principle embodied in this proposed constitutional amendment.

I disagree with his statement only in part. We are not debating the question of whether a Supreme Court decision should be reversed. That is not our objective. Indeed, if the Congress does not take some action, the States themselves may. It is a matter of record that 27 have demanded a Constitutional Convention; another 3 have called on us to act. The failure of the Congress to be creative may very well provide the spur to that additional number of States necessary to meet the minimum requirements of article V of the Constitution. Need I point out that it only requires 34?

Let us move forward. We have before us a proposed amendment which reasserts a viewpoint which the majority of our people want contained in the Constitution—the right of the voters in the several States to make decisions regarding the apportionment of their State legislatures.

In the name of heaven, let us act.

I yield back the remainder of my time, if any remains.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Nevada [Mr. BIBLE].

Mr. BIBLE. I thank the distinguished minority leader.

Mr. President, I rise in support of the Dirksen amendment. The entire issue of legislative apportionment is a vexing problem of unwieldy proportions; yet the time for decision is at hand and the time for deliberation has nearly terminated.

In view of the amount of thought and discussion that has already been devoted to this question, I will only briefly summarize the question, attempting to view it in its entirety, and state the conclusions which I feel may be fairly drawn from the facts.

In the landmark case of Baker against Carr, decided early in 1962, a divided court, in a plurality of opinions, held that malapportionment of seats in a State legislature, as distinguished from seats in the House of Representatives, is not to be viewed as presenting a political question when the validity of the former is challenged on the basis of the equal protection clause of amendment 14. This decision, which paved the way for all succeeding cases on the issue of apportionment, constituted a major departure on the part of the Court from its previously traditional attitude that such issues amounted to political questions and were therefore nonjusticiable. This is to say that until Baker against Carr, the Court regarded the problem of malapportionment to be strictly of legislative cognizance, and simply not amenable to judicial development.

Perhaps the reason for this departure may be best explained as judicial restraint being supplanted by obvious and overriding needs of the individual. The political situations which gave rise to Baker against Carr, Reynolds against Sims, and various other reapportionment cases offered clear-cut examples of a minority exercising political control through the device of malapportionment. And, it may be true that the Court did substantial good in calling public attention to these injustices. It is also true, it seems to me, that the structure of a State's political system is a subject which concerns the people of that State, and is not a logical or legitimate area for Federal judicial intervention.

There is an unquestioned need for reform. However, there remains the question as to what seat of power shall do the reforming. It is the legislative function to determine the policy, the executive function to implement that policy, and the judicial function to determine the constitutionality of that policy. In this regard, my views correspond with those of Mr. Justice Harlan in his various dissenting opinions when he states that the vitality of our political system, in which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform and that when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amendment process.

Thus, it becomes apparent that the reapportionment decisions represent a two-pronged attack on certain fundamental concepts of American constitutional government as it has been traditionally defined. First, the Court abandons the principle of "checks and balances" by entering an area which, by its own definition, is political and should belong exclusively to the legislative branch.

Second, it abrogates the basic tenets of federalism by patently disregarding a State's sovereign right to determine its own political system. Perhaps, Mr. Justice Stewart correctly states the result of this recent judicial intrusion when he says in the case of Lucas against Colorado:

> It stifles values of local individuality and initiative vital to the character of the Federal union which it was the genius of our Constitution to create.

After taking jurisdiction of State apportionment cases, the Court moved swiftly to the conclusion that the equal protection clause made any legislative scheme unconstitutional which was based on any factor other than population, this being so, even though a majority of people gave their overwhelming support to the contrary—as the Colorado case indicates. The Court rested its decisions on a single inflexible standard—one man, one vote.

I think it is worth while to pause and briefly comment on the Colorado case, since that case represents the extreme application of the one-man, one-vote standard. In 1962, the State of Colorado, reapportioned and generally reconstituted its legislature. Accordingly, one house was based strictly on the theory of equal representation and clearly comported with the concept of one man, one vote. However, what principle of representation was to prevail in the other house was referred to the people, and they adopted a form which considered factors other than population but in no way could frustrate the will of the majority of the electorate. The Supreme Court, nonetheless, struck this down as a device denying equal protection of the laws. This result, though a logical extension of the Court's standard, is a bit incongruous. It is especially incongruous when one learns that the Court placed heavy emphasis on the phrase "We the people," in arriving at the standard of one man, one vote. Is the Court a better interpreter of what the will of the people is than the people who, through the use of their franchise, express that will?

The PRESIDING OFFICER (Mr. BASS in the chair). The time of the Senator from Nevada has expired.

Mr. DIRKSEN. Mr. President, I yield 1 additional minute to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 additional minute.

Mr. BIBLE. Mr. President, this amendment is a sound response to the challenge of federalism made by the Supreme Court, as well as an efficacious proposal to combat the apparent inequities being perpetuated in the various States through malapportioned State legislatures. It places the right to determine the composition of State legislatures where it properly should reside—with the people of the given State. It leaves open for consideration the traditional factors which have been recognized as proper considerations when establishing a representative political entity. The provision requiring a periodic review of any apportionment scheme adopted, offers certain assurance that the power to change such a scheme will continually rest with the people of the State at large.

It is strange that this Court, which has placed such high regard on minority rights, has chosen to deny the constitutionality of any legislative arrangement which substantially guarantees minority representation. But use of the phrase "minority representation," I am not endorsing any of the oppressive or unreasonable results which have arisen due to malapportioned State legislatures. I am merely saying that the reverse of the coin is not entirely desirable, either. While a "tyranny of the minority" may result in the denial of "equal protection of the law" under the 14th amendment, there is certainly no assurance that a "tyranny of a majority" will not have the same effect.

In concluding, I think it can be fairly said that the problem of State legislative reapportionment poses very difficult questions, questions of practicality as well as philosophical consistency. One can hardly stand, as an advocate of the status quo which, in this instance, means supporting the inequities of legislative malapportionment as it is manifested among the various States. However, I find myself equally troubled with a constitutional mandate requiring that all States reapportion according to the strict one-man, one-vote doctrine. What is the efficacy or the justice of exchanging one undesirable extreme for another? The amendment before this body represents an opportunity to strike a balance between the extreme positions, a balance that would preserve the integrity of our Federal structure, and at the same time, vest the majority of the people of the several States with the right and continuing opportunity to determine the composition of their democratic institutions.

It is for these reasons that I earnestly urge the adoption of the amendment under consideration which was prepared and proposed by my colleague from Illinois.

Mr. President, I thank the Senator from Illinois for yielding to me.

Mr. DOUGLAS. Mr. President, I yield 6 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 6 minutes.

Mr. MORSE. Mr. President, the question before the Senate is whether to consider a major change in the U.S. Constitution. The proposed change goes to the very foundation of the Federal system.

I know that the proponents of the Dirksen amendment have based their case largely on the idea that the Supreme Court, in applying the equal protection clause to apportionment of State legislatures, performed some kind of drastic surgery on the Federal system.

That idea is quite mistaken, and one of the purposes of the long debate of last year was to make it clear to the country that it was the Supreme Court which was upholding the Federal system and not those who were seeking to reverse its decisions through constitutional amendment.

The facts have been put in the record time and time again which show that the original States of the Union did use apportionment according to population for both houses of their legislatures. One man, one vote was the controlling principle for State representation for generations.

It was not until the end of the last century, when population shifts began on a marked basis, that the one-man, one-vote principle became grossly distorted. New State constitutions began to allow apportionment on a basis other than population, and States where equality of representation was required disregarded the directives to reapportion themselves.

Yet, the health and vitality of federalism was founded on the health and vitality of the States. If there has been an undue trend in the direction of national power and action in fields historically left to State action, it has been the result of the failure of the States to remain up to date in respect to the needs of their own people.

It is one of the ironies of this whole debate that those who have complained the loudest over the last 30 years about excessive Federal power have also stood firmly behind malapportionment of the State legislatures. I say nothing more than the obvious when I say that if the Dirksen amendment is approved, and succeeds in maintaining malapportioned legislatures, then the States will atrophy at a much faster rate in the next 30 years.

Indeed, had conditions continued as they existed before Baker against Carr, I believe that the States would, in 30 years' time, become little more than geographic lines, having little effect on the lives of their citizens, or on conditions within their jurisdiction.

We are seeing population figures projected for the United States that place our population at between 300 and 350 million by the year 2000. These additional tens of millions of people are not going to be farmers; they are not going to be residents of small towns. Most of them are going to contribute to the swelling size of metropolitan areas.

Unless the State legislatures are apportioned to reflect these population changes, the Federal Government is going to move into all areas of metropolitan need. We have already moved into many of them out of necessity.

The Supreme Court, in its reapportionment decisions, has sought to restore the effectiveness of federalism. The Supreme Court gave the Federal system its greatest shot in the arm in 50 years.

I wish to uphold what the Court has begun. I do not wish to see the American States slip backward into the backwaters of American Government.

No matter how it may be amended and doctored, the purpose of the Dirksen amendment is to preserve apportionment based on something other than people. In my opinion, such an objective can only lead to a further weakening of federalism, and I am opposed to it for that reason alone.

I am also opposed to it because it would remove from court review a present constitutional right of every American—the right to test in the Federal courts his equal protection in the State legislature. Embedded in our American system as deeply as federalism is the ultimate procedural right of an American to have his substantive rights tested in court. Of course, by constitutional amendment, either the substantive right or the right of court review may be removed. But that is an inroad into our legal protection of minorities. I am not in favor of making any such inroads.

Proponents of the amendment, and of the Javits substitute, claim that court review will continue where an issue of discrimination on grounds of race or color can be raised. Are we going to say that equal protection will continue to be guaranteed as between races but ignored among people of the same race? That is a limitation on the equal protection clause that is surely unacceptable. I am not in favor of robbing our citizens of court protection of any of their rights, and we do that when we turn over to any majority the final decision on what sound apportionment shall be considered to be.

In short, I see no longrun advantage to be gained from this proposal, either for the majority of citizens of a State or for a minority of its citizens. The Dirksen amendment robs both of some very useful and precious procedures now guaranteed by the Constitution. I believe that it is an assault upon good government and upon personal rights and should be rejected.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum——

Mr. DOUGLAS. Mr. President——

Mr. DIRKSEN. Without charging the time to either side.

Mr. DOUGLAS. Reserving the right to object—I should like to suggest to my colleagues that the time be equally charged to both sides in the interest of expediting the final vote.

Mr. DIRKSEN. Mr. President, the trouble is that I am going to be a little short on time and I have not been heard yet. I am trying to accommodate as many Senators as have made requests, so I trust that my distinguished colleague will not object to my request.

Mr. DOUGLAS. Let me inquire of my colleague whether it is understood that this will not be a live quorum.

Mr. DIRKSEN. It will not be a live quorum.

Mr. DOUGLAS. It will not be a live quorum. So it will be discontinued somewhere along the middle of the alphabet—perhaps 60 percent along the alphabet?

Mr. DIRKSEN. I do not know exactly what 60 percent might be.

Mr. DOUGLAS. I believe it will be somewhere around RUSSELL.

Mr. DIRKSEN. It will not be a live quorum.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois [Mr. DIRKSEN]? The Chair hears none; and, without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, I was very glad to agree that the quorum call be not charged to either side, in order to accommodate my friend, and also to accommodate the senior Senator from Maine, who I understand will speak. However, I must say that hereafter I shall not give consent that that be done. I believe that quorum calls should be charged to the side requesting them.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished lady from Maine, Senator SMITH.

Mrs. SMITH. Mr. President, it is difficult for me to understand why the people of each of the 50 States should not be given the right to vote in a referendum as to whether or not they wish to have their State senate modeled after the U.S. Senate.

I can understand the argument and logic that the membership of at least one of the two bodies of a State legislature should be on the basis of direct population and the theory of one man, one vote. I have no quarrel with that at all for that is the very basis of the membership of the U.S. House of Representatives as provided by the Constitution.

But if the constitutional basis for membership of the U.S. House is a valid guide for States in setting the membership of their State house of representatives, then surely the constitutional basis for membership of the U.S. Senate should be permitted at least to be voted on directly by the people of a State as to whether they wish to have that type of basis of membership—that is, other than direct population—for their State senates.

Let me make myself completely understood on this issue. I do not mean that the issue should be settled by the vote of State legislatures. I mean that it should be settled by none other than the people themselves voting on a referendum in State elections.

For if they are not to be permitted to so make their own and free choice and if the one-man, one-vote concept as laid down by the Supreme Court is to be carried to its logical conclusion, then the U.S. Senate should be reorganized and Senators elected on the basis of population rather than on the basis of two for each State.

Is this what the people of each of the 50 States want? I doubt that it is. I am sure that my own State of Maine people would not want it—for the simple reason that if the one-man, one-vote basis of representation in the U.S. Senate were applied, Maine would lose both of its two Senators.

So would Alaska, Delaware, Hawaii, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont and Wyoming. Who are some of the Senators that these State currently send to the Senate?

Montana provides the majority leader of the Senate. New Mexico provides the chairman of the Space Committee. Nevada provides the chairman of the District of Columbia Committee. Vermont provides the ranking minority member, and former chairman, of the Agriculture Committee. Rhode Island provides the vice chairman of the Joint Committee on Atomic Energy. Utah provides the ranking minority member of the Banking and Currency Committee. New Hampshire provides the ranking minority member of the Commerce Committee. Delaware provides the ranking minority member of the Finance Committee. South Dakota provides the ranking minority member of the Government Operations Committee. Vermont provides the ranking minority member of the District of Columbia Committee. Maine provides the ranking minority member of the Space Committee.

But these are not the only States that would be adversely affected if the one-man, one-vote concept is applied to membership in the U.S. Senate. The States that would lose one Senator are Arizona, Arkansas, Colorado, Connecticut, Kansas, Mississippi, Nebraska, Oklahoma, Oregon, South Carolina, and West Virginia.

Arizona provides the present President pro tempore of the Senate. Arizona provides the present chairman of the Appropriations Committee. Arkansas provides the chairman of the Government Operations Committee and the chairman of the Foreign Relations Committee. Oklahoma provides the chairman of the Post Office and Civil Service Committee. Kansas provides the ranking minority member of the Post Office and Civil Service Committee. Mississippi provides the chairman of the Judiciary Committee. Nebraska provides the ranking minority member of the Rules and Administrative Committee.

One of the arguments that I have heard repeated most frequently in support of the one-man, one-vote application to deprive the people of the 50 States the freedom of choice to have a State senate modeled after the U.S. Senate is that it would eliminate obstructionism to progressive and liberal legislation.

This argument has intrigued me. It advances the theory that representatives of the most sparsely populated areas are conservative and are obstructionists against liberal legislation. The logic that it propounds is that if the representatives of these less densely populated areas, less urban areas, were eliminated through the exclusive application of the one-man, one-vote concept, the barriers holding back liberal and progressive legislative progress would be smashed down.

I come from a relatively sparsely populated State—one of the largest in area of all the 50 States, but one of the smallest in population. So I was intrigued by this argument that the one-man-one-vote concept would get rid of the reactionaries that were holding back progressive legislation. Under such an argument I would fall under that category. Yet, I have never considered myself to be a reactionary or an obstructionist to liberal and progressive legislation. To the contrary, ultraright wing groups have denounced me as being a leftwinger.

So I made a study of the individual 50 States and their U.S. Senators to see just how true was this intriguing argument against letting the people of each State decide for themselves by direct vote if they wanted to have a State senate modeled after the U.S. Senate—the U.S. Senate in the form provided by the Constitution.

As Senators know, certain organizations issue a report card—or a grade card—on those of us in Congress. They rate us on what they consider key issues on whether we voted "right" or "wrong" according to their own views. The two most diametrically opposed organizations issuing such grade reports are the liberal Americans for Democratic Action and the conservative Americans for Constitutional Action—more popularly known, respectively, as the ADA and the ACA.

I took the report cards of these two opposing organizations on the Senators in the States that would lose Senators, under the one-man, one-vote concept if it were applied to the U.S. Senate, to see if such a concept would get rid of the conservatives—if the conservatives were concentrated in Senators from the smaller population States.

The analysis provided some very interesting facts. It revealed that of the 15 States which would lose both Senators under the application of the one-man, one-vote concept to the U.S. Senate—States which would have no Senators because they were too small in population—that 11 of the 15 States had a combined two-Senator representation that was more liberal than conservative as rated by ADA and ACA. Only 4 of the 15 States that would lose both Senators had a combined two-Senator representation that was more conservative than liberal as rated by the ACA and the ADA.

The division between the States that would lose one Senator was practically even—five liberal to six conservative.

I do not suggest in the slightest that this analysis proves that the more sparsely populated States are more liberal than conservative. But I do say that, as far as the U.S. Senate is concerned, it does disprove the contention of the one-man, one-vote advocates, who oppose letting the people of the States decide for themselves, that representatives of sparsely populated areas are reactionary obstructionists.

Their contention simply does not hold water. The smaller population States are not dominated by conservatism. All we need to do is to look at the report card of another liberal organization, the AFL-CIO's COPE, which has given a perfect 100-percent grade to a Senator from Rhode Island, to a Senator from New Hampshire, to a Senator from Maine, to a Senator from North Dakota. It has given a score of 86 percent to both Senators from Alaska—96 percent to one Senator from Hawaii, 88 percent to one Senator from Idaho, 98 percent to one Senator from Montana and 88 percent to the other Senator from Montana, 83 percent to one Senator from Nevada, 87 percent to one Senator from New Mexico, 98 percent to the other Senator from Rhode Island, 97 percent to one Senator from South Dakota, 93 percent to one Senator from Utah, and 86 percent to one Senator from Wyoming.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mrs. SMITH. Mr. President, will the Senator yield me 1 additional minute?

Mr. DIRKSEN. I yield 1 additional minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 additional minute.

Mrs. SMITH. Yet, despite these liberal ratings by COPE for these Senators, each of their States would lose both of their two Senators under application of the one-man, one-vote rule to the U.S. Senate. How some advocates of the one-man, one-vote concept can contend in the face of these facts that its application is necessary to State legislatures in order to remove reactionary obstructionism to progressive legislation is beyond my understanding.

No, this argument that sparsely populated areas produce obstructionists opposing liberal and progressive legislation, and therefore should be denied area representation, just does not make sense.

For had it been applied in the past to the U.S. Senate and the small population States denied the two-Senator representation that the Constitution gives them, the Senate would not have had the past liberal leadership of Senators from small population States like George W. Norris, of Nebraska; William E. Borah, of Idaho; Joseph C. O'Mahoney, of Wyoming; James E. Murray, of Montana; William Langer, of North Dakota; Dennis Chavez, of New Mexico; Charles Tobey of New Hampshire; Theodore Green, of Rhode Island, and several others who authored and fought for liberal and progressive legislation.

Such argument is no more logical and tenable than the opposition to giving the people of each State the right to vote in a referendum on whether or not they want to have a State senate modeled after the U.S. Senate, as provided in the Constitution by the founders of our Nation.

Mr. DIRKSEN. Mr. President, I yield 4 minutes to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have taken the floor on other occasions to support the proposed constitutional amendment dealing with reapportionment. I think it is imperative that the people reassert themselves in this fight. The question is fundamental and basic to our form of government. The issue is: Shall the people be trusted to govern themselves, or will Congress permit nine men who are appointed to the Supreme Court of the United States to determine what is the proper way for the people to be represented in their respective State legislatures. The case, in my judgment, has been well presented, and I know that the views I have expressed and the views which I am about to state are shared by the Governor of the great State of Wyoming, both houses of our State legislature, and I am confident by the great majority of the Wyoming people.

It is not my intention to unduly criticize the U.S. Supreme Court. I feel that it has erred and that the Congress and the States must take corrective action at this time.

I want to tell the Wyoming story. Wyoming was admitted to the Union in 1890, 75 years ago. In fact, we just celebrated on July 10 our 75th anniversary of statehood. At the time of admission to the Union, the 14th amendment to the Constitution had already been adopted. The 14th amendment was the supposed constitutional basis that the Supreme Court used in ruling that population be the only factor considered in reapportioning both houses of State legislatures. When Wyoming sought statehood, it submitted its proposed constitution to the Congress of the United States for approval. That constitution was approved by this Congress. In my judgment, Wyoming's constitution was in conformity with our Federal Constitution when it was approved by Congress and it still is today. Wyoming's State Legislature was created in conformity with our State constitution which provides for a republican form of government as required by article 4, section 4, of the U.S. Constitution.

The Wyoming constitution provides:

> Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively every 2 years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate.

This is the formula which was laid out in our State constitution and which has been followed.

In 1964 citizens of the six most populous counties of the State of Wyoming brought an action seeking to enjoin the State officials who were charged with conducting elections, under State laws, from proceeding in the 1964 primary and general elections. The allegation was that the recently adopted reapportionment laws of 1963 relating to the election of representatives to the Wyoming State Legislature were unconstitutional and violated the 14th amendment to the U.S. Constitution. They alleged that the apportionment failed to give representation on an equal basis as required by the Wyoming constitution and the 14th amendment to the Constitution of the United States. This case was heard by a Federal three-judge court and the court ruled that the upper body of the

Wyoming State Legislature did constitute "an invidious discrimination against the voters of the State of Wyoming," thus violating the equal protection clause of the 14th amendment of the Constitution of the United States. The court then ruled that the Wyoming reapportionment act of 1963 was null and void. This court also determined that section 3, article 3, of the Wyoming constitution, which provided that each county shall constitute an election district, is ineffective and not to be considered when determining the reapportionment of the Wyoming State Senate.

In effect the Federal Court was saying that Wyoming's constitution which had been approved by Congress and had been unchallenged for 75 years because, in my opinion, it was proper, was at fatal variance with the recent Supreme Court decision and thus must be considered unconstitutional from its inception. This is a bunch of tommyrot.

There is no validity to such an assumption other than the recent decision of the Supreme Court of the United States which I think must be remedied by the enactment of this proposed constitutional amendment.

When you represent a State such as Wyoming which is rich in natural resources, has open spaces grazed by cattle and sheep, many oil wells and a great deal of mineral activity, it is stupid and silly to say that you must only be concerned with the population of the State. For States such as Wyoming have interests which must be represented and if those interests are not represented, the economy of that State and thus the Nation will be damaged. It is ridiculous for the Court to set new standards declaring it to be unconstitutional for a State to give effective consideration in establishing legislative districts to history, economics, group interests, or geographic factors.

I do not agree with those people on this floor or on the Court who suggest that every major social ill in this country can find its cure in some constitutional principle and that the Supreme Court should take the lead promoting reform when other branches of Government fail to do so. I realize that our Constitution takes on expanded meanings and developments, but I believe the fundamentals of good government as laid down in our Constitution never change. It is for this reason that I believe the Supreme Court of the United States, in writing these new directives, exercised an amending power that was never intended. Since this has been done, it is now necessary for us to adopt a proposed constitutional amendment so our Federal Republic will be ruled by the people and not by the Court. The arguments that we have heard the last several days here on the Senate floor indicate to me that there are Senators here who do not trust the American people to determine for themselves what type of representation will be best for themselves and their State.

I trust people and I believe that people have the ability to determine things for themselves. I think the Dirksen amendment which would give an alternative to the American people is sensible, reasonable, and should be enacted. I do not understand the argument of those liberals here on the floor who contend that the American people should not be given a chance or a choice but rather the Supreme Court should be the one to dictate the terms under which all election districts should be established. I know that my Wyoming friends and constituents are better prepared to determine what is best for the interests of Wyoming than are five men who sit here in Washington, D.C., unconcerned about Wyoming as an entity. Mr. President, the Wyoming story is clear and the Wyoming people know it. Thus, we urge the Senate to approve the proposed constitutional amendment.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, as a cosponsor with the distinguished minority leader of Senate Joint Resolution 2, I want to speak briefly in support of the urgent need to secure the adoption of an appropriate constitutional amendment to guarantee to the respective States their legal and historical right to determine the apportionment of their own legislatures. I do not intend to speak at length on the subject at this time, but I do want to present to the Senate what I believe to be the basic issues.

During the past 30 years the U.S. Supreme Court has rendered numerous decisions which have announced abrupt departures from the interpretations of the Constitution theretofore rendered by the Court. The latest and one of the most far reaching of these departures from a well defined and established principle occurred in a series of opinions rendered by the Supreme Court on June 15, 1964, dealing with the apportionment of State legislatures. Prior to the decision in *Baker et al.* v. *Carr et al.*, 369 U.S. 186 (1962), the Court had uniformly refused to entertain such apportionment cases on the ground that these cases involved political questions not presenting a justiciable issue to the Court. In Baker, however, the Court summarily reversed its prior decisions and held that it had jurisdiction over the subject matter and that the cause of action was justiciable.

In Reynolds against Sims and companion cases rendered last year, the Court went much further, Mr. President, than it did in the Baker case. In those cases, the Court announced that both houses in a bicameral legislature must be strictly apportioned on the basis of population and that such apportionment must reflect as nearly as practicable the one-man, one-vote concept. Up to that time, it had never been considered that the equal protection clause of the 14th amendment, or any other provision of the Constitution, requires that both houses of a State legislature be composed of members apportioned on a strict population basis. To the contrary, our system of Government presupposes representation of all elements of society.

It seems clear, Mr. President, that the Court moved beyond the bounds of judicial responsibility in rendering these decisions on June 15, 1964. Mr. Justice Clark in his dissenting opinion in one of those cases, Lucas against Colorado, expressed this opinion very clearly when he stated:

> In striking down Colorado's plan of apportionment, the Court, I believe, is exceeding its power under the equal protection clause; it is invading the valid functioning of the procedures of the States, and thereby commits a grievous error which will do irreparable damage to our Federal-State relationship.

There is no time to develop that point here. I am sure it has been developed already. Merely a reading of the facts in the Colorado case, in which actions by the people were thwarted, set aside, and nullified, indicates, with all deference, how shocking it is that we have reached the stage where the actions of the people on this subject are not allowed to control.

Until the Court acted, it had been rightfully assumed for 175 years that a State had the right to apportion one house on a basis other than population. Indeed, it had not been seriously questioned.

These cases, dating back to Baker against Carr, present two fundamental questions: First, does the Constitution of the United States grant to the Federal courts the jurisdiction over the subject matter of legislative apportionment; and second, does the Constitution of the United States require that not only one, but both houses of a State legislature be strictly apportioned on a basis of population?

That has already been required by the Court. The real issue here is, Shall we overturn it? The logic against the Court's ever having ruled that way is the real reason for the passage of the proposed amendment.

In an unanswerable dissent in Baker against Carr, Mr. Justice Frankfurter destroyed the majority argument and holding that questions of legislative apportionment constituted justiciable issues to the Court under which the Court may exercise jurisdiction. Despite the logical and historical validity of Mr. Justice Frankfurter's opinion, however, the Supreme Court has nevertheless continued to entertain these cases since Baker. In so doing, the Court summarily reverses and ignores a uniform course of decisions prior to 1962 holding to the contrary.

An examination of the legislative history and original meaning of the 14th amendment clearly discloses that the equal protection clause does not grant unto the Federal courts the authority which has now been assumed.

Mr. Justice Harlan, in his dissenting opinion in Reynolds against Sims, fully develops the debate in the Congress of the United States on the question of the adoption of the 14th amendment. The very wording of that amendment demonstrates that its authors and those Members of Congress who voted for its adoption did not intend to take from the respective States the right which they had previously exercised to determine composition of their legislatures. I will not discuss this legislative history in detail, but I would refer each Member of the Senate to Mr. Justice Harlan's dissenting opinion.

The inescapable conclusion of this legislative history and experience, as well as the judicial precedents prior to the rendering of these decisions on June 15, is that the Federal judiciary does not have jurisdiction to entertain apportionment cases and that the Constitution does not prohibit the States from determining the apportionment and composition of both houses of their respective legislatures.

In addition to the legal attacks on the constitutional validity of these decisions, Mr. President, I submit that there are compelling reasons to correct the decisions of the Court. This is a Nation composed of many elements and population groups, each having an economic, political, and social interest peculiar to their own circumstances. In a republican government each of these group interests is entitled to recognition in its legislative representation. Citizens in rural areas, for example, have interests different from those of urban and semiurban population groups. Agricultural interests differ from those of industrial organizations, and similar distinctions can be made for many other interested groups throughout our Nation. The factors which should be considered in providing representation for these various interests are susceptible of recognition and definition only by the State and local governments. No judicial body, State or Federal, is qualified to pass on these questions and render fair and workable solutions. Our entire legal and historical background substantiates this fact.

I stated last year during the consideration of this question, and I say so again now, that there is no more vital issue pending in Congress than the subject matter of Senate Joint Resolution 2. The principles involved go right to the very heart of our Federal system and the principles of representative government. While recognizing that certain inequities have existed in the apportionment of some State legislatures, I believe that these are far outweighed by the dangers inherent in Baker against Carr and Reynolds against Sims. In my opinion, Congress must act and act now to reverse these decisions and restore control of legislative apportionment to the respective States, where it rightfully belongs.

I thank the Senator from Illinois [Mr. DIRKSEN] for yielding to me.

Mr. DOUGLAS. Mr. President, I yield 5 minutes to the distinguished junior Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, the proposed amendment to the Constitution introduced by the distinguished minority leader [Mr. DIRKSEN] which would permit States to apportion one house of their legislatures on factors other than population is one of the most important and far-reaching legislative proposals ever to come before the Senate. How we act upon it will shape the governments of all our States, the Federal Government and the lives of all Americans for generations to come.

The question of reapportionment of State legislatures is, in effect, a civil rights bill of the highest magnitude for it affects the voting rights of over half the citizens of the Nation. Stripped of all its verbiage, the amendment comes down to the essential question of whether we are willing to recognize the concept of one man, one vote in our democracy.

Mr. President, my position on reapportionment is very clear. I support 100 percent the decision of the Supreme Court. The heart of that decision is that next to the right to vote is the right of a citizen to have his vote equal the vote of every other citizen. In the words of the Court, one man, one vote.

The Supreme Court ruling was, quite simply, a ruling in favor of fair representation for all citizens. The Dirksen amendment is a blatant attempt to stop the clock of progress and to perpetuate a system whereby millions of our citizens do not receive fair representation. Its aim is to protect the vested political interests and preserve minority control rather than correct the gross imbalance of power that now exists in most of our State legislatures. In effect, it will allow evil to perpetuate itself. It will permit present State legislatures, many of them apportioned with gross unfairness, to prevent reapportionment for decades to come.

Not only will this affect the composition of our State legislatures, but also of our Federal Government. Under the status quo, rural-dominated legislatures have to a great extent so gerrymandered congressional districts in their States that citizens living in cities and their suburbs do not have fair representation in the House of Representatives of the U.S. Congress.

There are numerous examples of some State legislatures sitting for 50 years or more without so much as acknowledging the requirement of their own State constitutions regarding apportionment. With the enormous development of industry in the last 70 years and the correlative growth of urban areas more and more States amended their constitutions in order to freeze rural predominance in at least one house of their legislatures.

My own State of Ohio is a classic example. Both chambers were generally apportioned according to population during most of the 19th century. In 1903, however, the so-called Hanna amendment was adopted in Ohio which guaranteed to each county at least one member in the lower house. It was adopted under the leadership of Marcus Alonzo Hanna, who was then the boss of the Republican Party in Ohio and was ambitious to become a Senator of the United States at a time when the legislatures of the various States elected U.S. Senators. Following the adoption of the Hanna amendment, Hanna was in fact chosen by the Legislature of Ohio and represented my State as a Senator of the United States.

In Ohio the Dirksen amendment would permit the legislature again to be apportioned with 1 member in the house of representatives for each of the 88 counties, regardless of population. Vinton County, for example, would have 1 legislator; and Lake County, with a population 18 times as large, would also have only 1.

The 68 less densely populated counties of Ohio, with a population of 2,800,000 today have 68 representatives in the house, while the remaining 20 more heavily populated counties having a population of 7 million have only 66 representatives in the lower body. The result is that 28.4 percent of the State's population has more than 50 percent representation in the house.

Regarding the State senate, I am glad to note that the situation in Ohio is not so bad. There, it would require only a minority of 44.8 percent to elect a majority.

Mr. President, the people of Ohio on last May 5 rejected a reapportionment proposal which would have, in effect, nullified the Supreme Court decision in our State. I know that the great majority of Ohioans support me in rejecting this attack on our great American tradition of freedom and equality for all.

Mr. President, the Supreme Court decision was long overdue. It has provided a tremendous stimulus for the States to take the long needed remedial action necessary to make their legislatures capable of coping with the voluminous and diverse problems facing State governments in this space age of change and challenge. My only regret is that it was necessary for the Federal courts to step in at all. This would not have been necessary had the States taken action themselves.

The facts are that at the time the one-man, one-vote decision was handed down, less than 45 percent of the population was able to elect majorities in both houses of the legislatures of some 33 States. Today, there are still 2 States in which less than 20 percent of the people can elect a majority to the lower houses and 17 States in which from 20 to 40 percent can elect a majority. With respect to the upper houses, there are 10 States in which less than 20 percent can elect a majority and 13 States in which from 20 to 40 percent can elect a majority. These figures are based on the 1960 census, so the disparities are probably greater now.

Today 7 out of 10 Americans live in the cities and suburbs. In 10 years that figure will be 8 of every 10. In 25 States more than half the population resides in the cities. Many of these States are saddled with malapportioned and unrepresentative legislatures which are not responsive to the needs of their great urban and suburban majorities. The urgent needs of the cities are ignored by the dominant majorities, the politicians elected from sparsely populated areas. In some cases there might be some truth to the saying that some State legislatures have become old folks homes for retired township trustees.

Many of our States violated their own constitutions by failing to periodically reevaluate their apportionment. One State made no attempt to reapportion at all at any time in this century until the Supreme Court decision. Another had not reapportioned since 1901.

There is another aspect which must be brought forcefully to the attention of the Nation, for it has a bearing on other recent legislation designed to assure full and equal rights to all citizens regardless of their race.

We have come a long way in the last decade in reaffirming constitutional guarantees to all Americans. All of our civil rights laws and the voting rights bill recently passed by the Congress along with the 14th and 15th amendments to the Constitution have been written to protect Negroes and all others in their civil rights and civil liberties.

The proposed amendment would only dilute the rights that we have labored so long and hard to assure. It is clear that in some States the choice as to what method of apportionment should be used would fall upon legislators who have been elected by an electorate from which large segments of the citizenry were barred from their rightful privilege at the ballot box. I have supported all civil rights legislation to come before the Senate. If I were to approve of this amendment I would, in effect, be negating every vote I cast for civil rights.

Mr. President, I reject the arguments against the Supreme Court's dictum. I have yet to hear a single argument against equal representation based on fundamental principles. To the contrary, I feel that there is ample foundation for the one-man, one-vote rule.

The Founding Fathers, in the ordinance of 1787 which was intended to be a guide for future government, included the provision:

> The inhabitants shall always be entitled to a proportionate representation of the people in the legislature.

James Madison in one of his Federalist papers wrote that "Numbers are the only proper scale of representation," and Jefferson wrote that "Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation." Between 1790 and 1889 every State admitted to the Union entered with a constitutional provision for representation based on population. In all, 36 States had this provision in their original constitutions.

It is clear that the emphasis on population as the basis for representation is rooted deeply in our American philosophy of representative government. In many States, though, including Ohio, the original constitutional provisions were altered in order to preserve the legislative control by areas of declining population regardless of subsequent shifts of population.

I firmly believe that votes should be cast by persons on an equal basis. I was born and reared in a rural community—Puckerbrush Township in Huron County, Ohio. Huron County is strictly a rural county with a population of approximately 47,000.

I know from living in a rural area of Ohio, and from having lived in urban areas of my State, that citizens of our cities will not act unjustly, capriciously or vengefully in legislative matters.

Equal representation for all citizens without discrimination cannot be dangerous, despite the view of those who are opposed to this. On what basis, for example, are citizens of Franklin County or Cuyahoga County, or Hamilton County, the three largest counties in Ohio, to be considered intellectually or morally inferior to citizens of Union or Vinton Counties, two of our smaller counties?

Mr. President, adherence to the decisions of the Supreme Court must not be based on the whims and fancies of a few politicians who fear for their political lives. The courage and wisdom of the Supreme Court has changed the system under which millions of Americans have been deprived of equal representation for so long a time. The Dirksen amendment is an attempt to circumvent the Supreme Court. It is designed to protect vested political interests rather than correct the imbalance of power in legislative chambers.

It is true that the proposal provides for the submission of reapportionment plans to a vote of the people and approval for a majority of those voting. Presumably, the reapportionment referred to is one in which a second house is apportioned on factors other than population.

Should this amendment be approved by both houses of the Congress and ratified by the States, it would allow the legislatures of those States which have not been reapportioned, and which are malapportioned, immediately to present a plan to the voters for apportionment of one house on bases other than population. The referendums themselves would be prepared by malapportioned legislatures.

Mr. President, every amendment to our Constitution has extended in one way or another civil rights and civil liberties of all Americans. If the Dirksen amendment should be passed through both branches of Congress, there is real fear that three-fourths of the legislatures would ratify it providing what would be the first amendment to the Constitution to reduce and minimize the peoples' liberties rather than guarantee and expand them.

The proposal is full of ambiguities and uncertainties. It is dubious of principle and dubious in practice. Its provisions are biased in favor of those who will benefit most from its ratification and who will be the ones to judge it. It is supported, not by facts and experience, but by rationalizations and by uncertainties, even fear. A constitutional amendment that constitutes a backward step in our Nation's history is too important to be based upon such shifting sands.

I urge deliberate consideration of all its aspects and I believe that when we have finished our examination it will be resoundingly defeated, a consequence which it well merits.

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President, I should like to yield time to the distinguished Senator from Massachusetts [Mr. KENNEDY]. He is not on the floor at the moment but we expect him very shortly.

Mr. President, I was greatly interested in the address by our very good friend and beloved colleague, the senior Senator from Maine [Mrs. SMITH], who seemed to imply, even though she did not directly state, that there was involved in this question the abolition of equal representation of the States in the United States Senate.

A spurious map has been circulated from an unknown origin and is on the desks of Senators, indicating what the representation of the States would be if they were represented in this body according to population.

All Senators understand, even though not all citizens understand, that the feature of the Constitution which calls for each State to be represented in the Senate by two Senators is the one feature of the Constitution which cannot be amended.

We have only to turn to article V of the Constitution, which deals with the process of America, to see that this is so. Article V states in part: "Provided, that, no State, without its consent, shall be deprived of its equal suffrage in the Senate."

This is the one feature of the Constitution which cannot be amended. Therefore, the implication that equal representation in the Senate would be eliminated if we were to defeat the Dirksen amendment is a complete non sequitur. Like the flowers that bloom in the spring, it has nothing to do with the case.

Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, I am grateful to my friend the Senator from Illinois for yielding me this time. I note that there are a good many more of my friends in the press gallery than are usually there when I address the Senate.

As I said on the floor of the Senate a couple of days ago, I believe that a very important procedural question is raised by the pending amendment.

I believe that we should face up to that procedural question before we determine whether we want to take the first step toward adoption of a new amendment to the Constitution of the United States. This is the procedural question: Does not the action of attempting to engraft on an innocent little joint resolution dealing with American Legion baseball, an important, and, indeed, critical amendment to the Constitution of the United States, tend to bring the Senate of the United States into disrepute throughout the country, if not indeed throughout the world? I believe that it does.

I should hope that a number of my colleagues would agree, and that, purely on the procedural question, we shall get a good strong vote against the pending amendment.

I believe that I am correct in saying that there is no other legislative body in the free civilized world which would permit nongermane amendments to be offered on the floor of a legislative body. It could never be done in the House of Representatives. I know of no State legislature whose procedural rules are so loose that it could be done there. However, we have fallen into a bad habit on both sides of the aisle, among all degrees of political philosophy in this body, in utilizing this utterly illogical and ridiculous procedure. We did it in the case of the Stella School District when we passed an earlier civil rights bill.

In that case, we engrafted a civil rights bill on a small bill to provide approximately $1,500 which was justly owing to a certain school district. As a result, the unfortunate school district did not receive that money for several years.

We are doing the same thing again today. We did it last year to the foreign aid bill.

This makes no sense whatever. As I have said, it tends to bring the Senate into disrepute.

I have sent to the desk a proposed amendment to the Rules of the Senate which amendment will lie there for cosponsorship for 10 days.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Mr. President, I yield 1 additional minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 additional minute.

Mr. CLARK. Mr. President, my proposed rule would eliminate the right to propose nongermane amendments to a bill on the floor of the Senate.

This Stella School District maneuver was taken in an effort to bypass the Committee on the Judiciary, because the Judiciary Committee was then controlled by the opponents of civil rights. The present maneuver is being taken because now the committee is controlled by the opponents of the Dirksen amendment.

I hope that on the pending amendment, which has nothing to do with the merits of the proposal sought to be amended, we shall summon a vast array of Senators and rebuke this effort to demean the procedures of this legislative body by the introduction, motioning up, and adoption of a nongermane amendment.

Mr. DOUGLAS. Mr. President, I yield 10 minutes to the distinguished junior Senator from Massachusetts [Mr. KENNEDY].

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY of Massachusetts. Mr. President, many of my colleagues have spoken at length and with much eloquence about the unwisdom of any constitutional amendment undercutting the established constitutional principle of equal representation. I share this view.

The right of every citizen to have his vote count and count with equal weight to the vote of all other citizens is, as the Supreme Court has said, a right basic to our constitutional principles of equal protection and representative democracy. For that reason alone, I would be opposed to the amendment offered by Senator DIRKSEN.

I rise, today, however, to underline a particular defect of the Dirksen proposal—a defect which should be cause for concern to all of us here who are involved in the continuing fight to obtain full and complete citizenship for our Negro citizens.

It is cause for concern because, if adopted, the Dirksen amendment would, in my judgment, permit the enactment of State legislative apportionment plans which seriously diluted the vote of our Negro citizen both in our northern cities and in many of our Southern States.

In some areas of our country, the motivation for racial malapportionment still exists. It existed in the past when malapportionment was permitted. The Civil Rights Commission 1961 voting study found a close correlation between malapportionment and racial discrimination.

There is no reason to suppose that this motivation does not still persist in certain areas.

An the opportunity is there. Until the Voting Rights Act of 1965 has worked its beneficial effects, the electorate passing on apportionment plans, as provided for in the Dirksen amendment, would in some States, because of past racial discrimination, be an unrepresentative electorate with the power and the opportunity to make race a factor in such plans

The motivation is there, the opportunity is there, and the Dirksen amendment does not provide adequate means for preventing racial malapportionment.

As the testimony before the subcommittee made plain, discriminatory plans to nullify or dilute the Negro vote can be achieved by apportionment based upon factors of geography or political subdivision—factors which the Dirksen amendment makes explicitly permissible.

As Burke Marshall pointed out in his testimony before the subcommittee, apportionment on the basis of geography or political subdivision, because of the increasing movement of Negroes into urban areas can be an effective means of effectuating racial discrimination and depriving Negroes of a fair political voice.

Similarly in the South, because of the high concentration of Negroes in certain counties, it would be a simple matter to achieve racially discriminatory results by the application of these factors.

Studies by Prof. V. O. Key, an authority on southern politics, and by the Civil Rights Commission indicate that overrepresentation of rural counties in certain Southern States, have in the past given white citizens in certain States a disproportionate strength in the State legislatures.

Even if we give the most liberal reading possible to the Dirksen amendment, it cannot cope with this problem of racial malapportionment. It is simply not enough to say, as the present version does, that "such plan of apportionment—must have—been submitted to a vote of the people in accordance with law and with the provisions of the Constitution."

It is not enough because the practical effect of this proposed constitutional amendment is to alter and dilute two existing consitutional provisions: the 14th amendment right to equal protection of the laws, and the 15th amendment guarantee of complete suffrage.

The damage to the 14th amendment by overruling Reynolds against Sims would be intentional, the damage to the 15th amendment would be unavoidable, because as soon as you permit people's votes to be weighted differently on the basis of residence, you can dilute the votes of those groups in the society whose residences tend to cluster geographically.

At the hearings on the amendment, time and time again witnesses testified to this effect—that the greatest danger posed by the adoption of this amendment would be that apportionment plans in some States would be used as devices to abridge and deny the right to vote of our Negro citizens.

I have excerpted some of these remarks and I ask unanimous consent to have them inserted at this time in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM TESTIMONY ON METHODS OF APPORTIONMENT

Burke Marshall's concern has been indicated earlier in my remarks. He summarized his position in the statement that amending the Constitution "is specifically dangerous to the minority groups, particularly Negroes, who most drastically feel the impact of urban problems which I have mentioned. In fact, the proposed amendments seem to me to endanger very seriously our entire effort to give these groups an effective political voice in asking their States for help."

Clarence Mitchell, director of the NAACP, Washington bureau, expressed his concern that enactment of the amendment would undo the progress that has been made recently in Congress in the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Further, as Mr. Mitchell put it, "If there is one thing that would constitute a major and almost insurmountable roadblock on the highway of democracy, it would be this amendment, or any similar thing which would be designed to frustrate the principle that our representative system ought to be based on a one-man, one-vote philosophy."

Bernard Kleinman, a Chicago attorney, testified to apportionment abuses in Illinois. He pointed out that well over 90 percent of the Negroes in Illinois reside in senatorial districts which are grossly overpopulated, and that representation of the Illinois Senate has been diluted to the extent of perhaps one-twentieth of his rightful share. He expressed the irony of the current amendment in clear terms:

"There is simply no way that the proposals before this subcommittee can be reconciled with the civil rights legislation that the vast majority of the Members of this Congress and of the citizens of the Nation support."

The New York City Bar Association offered its analysis that "The amendment might * * * invite attempts at districting based on racial criteria or arbitrary criteria having racial or other discriminatory overtones. It is patently undesirable to have an amendment which might, for example, be relied on to undermine the safeguards of the 15th amendment * * *."

The Committee on Federal Legislation in its report to the committee expressed their belief that the proposed amendment could easily lead to racial discrimination.

Mr. Justice Feldman, a member of the New York Bar, and chairman of a special committee on reapportionment of the Democratic State Committee of New York, warned against reversing the trends being set by civil rights legislation by enacting such an amendment which would be an open invitation to

> apportion or district on the basis of arbitrary or discriminatory criteria.
>
> "We are involved in this country at this time in a great struggle to make certain that every citizen, regardless of race or color, has the right to vote * * * surely no one would contend that it is enough merely to guarantee that every person has the right to exercise his franchise, if there were no requirement that his vote then be counted."
>
> The position of the ACLU on the reapportionment issue was presented by Prof. Robert McKay, associate dean, School of Law, New York University. He stated that the ACLU because of its interest in first amendment freedoms and minority groups' rights was concerned by the lack of adequate safeguards against discrimination:
>
> "Just one other thing I want to say * * * that is the question as to whether it would be possible under these proposals granted judicial review to discriminate against racial, religious or ethnic groups, and my answer then was I would think the Supreme Court would knock that down if it were overt, but as soon as you take population out, there are ways of indirectly achieving the same result. Any kind of emphasis upon disenfranchisement of the urban areas, for instance, and this comes very close to the area of interest of the ACLU, tends to work to the disadvantage of minority groups because the minority groups do, whether wisely for their own interest or not, tend to cluster in the cities."

Mr. KENNEDY of Massachusetts. Mr. President, the 15th amendment to our Constitution guarantees that all citizens shall have the right to vote regardless of race or color.

We, here in the Senate, in this very session, have sought through the Voting Rights Act of 1965 to make this fundamental guarantee a living reality for our Negro citizens.

Would it not be a mockery if the same Congress which adopted the Voting Rights Act of 1965 approved and presented to the States a constitutional amendment which could undermine the 15th amendment guarantees upon which this Voting Act was premised?

We must not write into the Constitution a device for disenfranchisement of our Negro citizens. Yet, I believe any law which would permit the votes of some of our citizens to count for more than the votes of others is potentially just such a device.

The decision in Reynolds against Sims is only 1 year old. No one can yet say that this decision will do harm to any State's system of government. Certainly, there is no evidence as yet that any harm has been done.

Quite the contrary, there is ample evidence that once our States are apportioned on the basis of one man, one vote, our State governments will be able to play a more responsible role in our governmental structure, for the benefit of all our citizens.

Mr. President, it is for these reasons that I believe there should be no retreat from the historic one-man, one-vote rule, the only rule which is in keeping with our highest ideals of representative democracy, the only rule which can make possible a rebirth of federalism, and the only rule which will maintain inviolate for all our citizens the guarantees of the 15th amendment.

Mr. President, the State of Massachusetts has had an admirable record on the question of State legislative apportionment. In recognizing the problem and achieving a solution, Massachusetts struggled with some of the same issues with which we are confronted today.

As early as 1635, Massachusetts was the first Colony to establish population as a basis of representation in its colonial legislature. At that time, the fundamental plan in all the colonies was that each town should be represented. Massachusetts refined this notion by establishing a system whereby larger towns had more representatives, and this principle was retained when the colonies achieved independence as the United States.

But the fight for a better system of truly equal representation continued. In 1775, the Massachusetts Legislature declared that every town had a right to be represented, thus causing a steady growth in the number of legislators. Dissatisfaction with this scheme led to much agitation for reform, culminating in a 1776 statute giving 3 members of the legislature to each town with 220 freeholders, with 1 more for each additional hundred.

Even this compromise system—based on both population and town representation—was criticized by many. And in 1776, the county of Essex adopted a resolution pointing out that:

> The rights of representation should be so equally and impartially distributed that the representatives should have the same views and interests with the people at large. * * * Let these representatives be apportioned among the respective counties, in proportion to their number of freemen.

This compromise system prevailed into the next century, assuring at least one representative to every existing town, no matter how small. Then in 1836, the Constitution was changed to provide, in effect, that the small towns were to be unrepresented in the legislature in some years.

The struggle for complete equality of representation continued. Charles Francis Adams made an eloquent argument—appropriate then and appropriate today—for such equality. He said:

> I maintain that the moment a majority in a republic assumes to draw a distinction with the intent that certain men shall be enabled to enjoy twice or thrice the amount of political power which an equal number of other men are to possess, that is the house when tyranny begins.

Finally, in 1857, this popular sentiment prevailed and a district system, based as nearly as practicable on numerical equality, was put into effect. Numerical equality is defined in terms of "legal voters." The system has continued, and equal representation has prevailed, from 1857 down to the present.

Results have been excellent. As of July 1, 1961, before many States reapportioned their legislatures in response to Baker against Carr, there were only eight States where the minimum percentage of population needed to elect a majority in both houses was 45 percent or over. Massachusetts is one of these eight States.

As the figures indicate, Massachusetts long has stood for the principle of equal representation in the State legislature. I am proud of the record my State has in this area.

Moreover, there can be no doubt where Massachusetts stands now on the question of a constitutional amendment. A resolution requesting the U.S. Congress to call a constitutional convention to pass a constitutional amendment permitting apportionment of State legislatures on factors other than population was rejected by the Massachusetts General Court on April 22, 1965. I also understand that a memorial will be proposed for enactment by the general court urging the U.S. Congress to reject the Dirksen amendment and all similar proposals.

Mr. DOUGLAS. Mr. President, I yield 10 minutes to the Senator from Indiana [Mr. BAYH].

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. BAYH. Mr. President, I thank my colleague, the senior Senator from Illinois, for yielding me some of his allotted time on this matter. I have no prepared text. I speak for the allotted time in an effort to try briefly to summarize for the RECORD my thoughts on this issue.

Inasmuch as fate has placed me as chairman of the Subcommittee on Constitutional Amendments, in a position where I could hear every word of the entire debate, in the presentation before the committee, I have had an unusual opportunity to study the subject in some depth—I believe it is incumbent on me to express myself one last time on this subject.

At the outset of the hearing it became rather apparent that we were confronted with two seemingly diametrically opposed points of view. One was that it should be strictly a one-man, one-vote legislative apportionment. The other was that this was completely wrong. I read some editorials in certain publications which stated that, although there was nothing wrong about majority rule, one house of the legislature should be confined strictly to minority representation.

I do not know whether it is because of my firsthand experience in the Indiana General Assembly or whether it came from hearing all the testimony, but I have come to the conclusion that an attempt should be made to breach this seemingly unbreachable obstacle.

From the very outset it appeared that the matter of legislative apportionment was really a State problem; that if the State legislative bodies were to fulfill their constitutional responsibilities they would, on their own initiative, apportion their legislatures. There are several instances in which the legislative body as composed continued for an extended period of time without change. The case in which the Supreme Court ruled involved a State which had not had reapportionment for 70 years. There have been many instances in which the legislative bodies refused to reapportion, not in violation of the Supreme Court's edict, because it had not yet been laid down, but, rather, in violation of the State's own constitution.

Indiana was one of the better apportioned legislative bodies, yet it went for 40 years without apportionment in violation of its own State constitution. Some of the results were difficult to rationalize, especially when a particular State has 8 percent of its citizens controlling one house of the legislative body. There are similar States in which a small minority has a stranglehold on a legislature.

A study of this problem discloses that the only practical alternative—in fact, the only possible alternative, because the legislatures themselves have refused to apportion—was for the Supreme Court to protect the rights of the individual in the given States—and that is what it did.

After the hearings, I thought I had glimpsed a way to bridge the gap which existed between these two diametrically opposed philosophies. I hoped that we would be able to amend the Constitution, frankly, to give the States enough leeway to determine for themselves, in light of certain circumstances which existed in individual States, the way in which they wished to apportion.

An important aspect of apportionment is the kind of representation each citizen receives. In the subcommittee hearings, it was made abundantly clear—at least, to me—that a citizen living in the downtown metropolitan area of Denver, for example, would have better access to his legislator, and his legislator would have better access to him, than would be the case with a similar group or a similar number of citizens in the State of Colorado spread out all over the Rocky Mountains.

I firmly believe that we need to give a certain amount of leeway to citizens who live in terrain which is difficult to reach, and in some cases almost impossible to reach, as in Colorado.

It is my understanding that in certain parts of Colorado, particularly in its western sector, many of its citizens cannot be reached by television stations in their own State, and they have to tune in television stations operating in the State of Utah.

Therefore, I believe that we should consider giving those citizens some leeway.

At the same time, I was determined that we should have certain basic safeguards, and I therefore suggested that these factors should not be left open, but should be enumerated.

I suggested that geographic and political subdivision factors as well as population should be considered, and that there should be periodic review by the people and that the Court must have the power to review overall legislative apportionment schemes.

The distinguished junior Senator from Illinois [Mr. DIRKSEN] has gone out of his way to accept these three particular proposals made by me and other Senators, and I believe that the measure now before us is much improved and is a much safer measure.

Still, in one sense, it lacks what I believe to be the most important requirement of all; namely, that although each State should be permitted adequate leeway, they should all start from the same point. Some States have apportioned. They have gone through the rigors of adhering to the edict of the Supreme Court. There are other States which are doing everything humanly possible to keep from having to reapportion.

If we are to talk about equality of representation, let us treat each State equally. Let us insert in the so-called Dirksen amendment, which we are now considering, the requirement that each State, before it can deviate from the one-man, one-vote rule, must first reapportion itself.

I have discussed this question at some length with my friend the Senator from Illinois, and I am persuaded that he and the great bulk of his followers are convinced that they should not support it.

I have also talked with Senators who feel that there should be no amendment whatsoever.

Therefore, at long last, with some reluctance, I have decided not to take the time of the Senate which would be necessary to have a prolonged debate and a yea and nay vote on the amendment; but I am still convinced that if we permitted this as a starting point, and then gave each State some leeway to consider these other factors to apply its apportionment scheme to the State in question as it thought best, we would then come closer to any plan I have seen to accommodate the opposing philosophies.

Mr. President, I should like to make one final argument, and ask the Senator from Illinois one last time——

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. DOUGLAS. Mr. President, I yield 2 additional minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 additional minutes.

Mr. BAYH. Mr. President, let us remember that if we are successful in ratifying the measure which is known as Senate Joint Resolution 1, and it becomes the 25th amendment to the Constitution, Senator DIRKSEN's proposal would be the 26th time in the history of the country that this great document had been changed.

I do not need to tell any Senator of the severity and seriousness of such a move; yet, I am extremely alarmed over the fact that we should seek to impose a constitutional amendment of the complexity of the one proposed by the Senator from Illinois, without the benefit of close committee scrutiny.

Quite frankly, this question was discussed two or three times in the subcommittee, but it was never discussed in detail, or in depth, by the parent Judiciary Committee.

I make this plea, because of the recent experience that we had in advancing the last constitutional amendment, Senate Joint Resolution 1, through the Senate. We are not talking about a law that can be changed overnight. We are talking about amending the Constitution.

I remember when the Judiciary Committee had hammered out what it thought was the best possible solution. The Senator from Connecticut, the Senator from Arkansas and the Senator from Illinois were present.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. DOUGLAS. Mr. President, I yield 2 more minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 additional minutes.

Mr. BAYH. Mr. President, the Senators, and other members of that committee, made significant contributions that made it a better constitutional amendment than it was when it was first introduced and reported by the subcommittee.

Mr. President, on the floor of the Senate we argued for 2 hours over whether "either/or" would change the structure of the constitutional amendment. Frankly, I believe that we gained much from that additional debate. I see the smiling countenance of the Senator from Maryland—who was my great right arm in the Judiciary Committee as we fought to eliminate the small imperfections from the proposed constitutional amendment. I know he realizes the value of those discussions.

I have listened with great interest to the debate—and I have heard some extremely flowery and factual oratory—much better than the oratory that I am now displaying—but as yet there is no line-by-line, period-by-period, sentence-by-sentence, discussion of this matter that can take place only in a committee.

There have been great statements of policy, as to the course to be followed, but we have not yet had a specific point-by-point discussion of this problem, as is the product of committee work.

I hope, after the fire has died out and the smoke has blown away, that the Senator from Illinois will let us consider this problem in committee in the great depth which the subject matter deserves.

It seems to me that it should not be necessary for a freshman Senator to speak of the importance of the committee system in a legislative body.

We are violating it, to the detriment of the entire country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Mr. President, I yield 9 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, the U.S. Constitution stands as the most brilliant and effective charter of government in the history of the human race.

In 175 years of government, the American people have amended the Constitution only 14 times since the first 10 amendments were added in 1791.

We have been hesitant to tamper with this magnificent plan of government, even in times of national crisis and public outcry.

The Founding Fathers recognized that times of public discontent might militate for constitutional revision. So they provided a difficult, long, and orderly process for amendment so that discontent could not easily be translated into the potential disaster of hasty constitutional change.

Those wise men who created our plan of government prudently provided that the Constitution could be amended only by a two-thirds vote of the Congress followed by a ratification by a full three-fourths of the States.

If we keep faith with the Founding Fathers and if we accept the lessons of our history, we will not amend the Constitution under pressure, in haste, or without taking a very long, thoughtful look at the conditions we seek to change.

Yet today we are asked to vote on a proposal for constitutional revision which has not been subjected to the time-proven tests of legislative prudence, as the Senator from Indiana has pointed out.

Barely 12 months after the Supreme Court's decision that each citizen must be equally represented in State legislatures, some ask us to overturn that decision by constitutional amendment.

No one has pointed to any evils which may flow from that decision.

No wonder. Fewer than half the States have even been reapportioned under it. And only a handful of reapportioned legislatures have met.

Furthermore, as the Senator from Indiana has said, the amendment we are asked to approve has been brought to the floor without the normal consideration given to legislation as vital as a constitutional amendment.

Although one version of the proposed amendment was voted upon in the subcommittee, the form of the amendment we are asked to vote upon today has been barely considered and has never been voted upon in any Senate committee or subcommittee.

We have no committee or subcommittee reports from either House of Congress to point out its strengths and weaknesses.

Under these circumstances, I cannot support this amendment.

In fact, in the light of serious defects in the amendment, I must vote against it.

Yet no Senator has been more concerned than I with the problems of fair State legislative apportionment.

And there has been plenty of cause for concern.

For decades, the legislature of practically every State has been grossly malapportioned.

The majority of State legislatures, some in flagrant violation of their own State constitutions, refused to reapportion themselves to reflect the radical shifts in population which have occurred in nearly every State since the 19th century.

Prior to the Court's decision in the reapportionment cases, the legislatures in more than half the States could be controlled by fewer than two-fifths of a State's population.

In one of our States, less than 15 percent of the population could control both houses of the State legislature.

In fact, for many years in my own State of Connecticut the population ratio between the most populous State legislative district and the least populous was 427 to 1. The 382 people of one small town in my State could elect as many representatives as the 162,178 people of the largest city in the State.

This failure on the part of most States to fairly apportion themselves violates the tradition of American State government.

The people of this Nation revolted against their mother country under the banner of "no taxation without representation." The original constitutions of 36 States embodied that revolutionary principle of fair representation by providing for State legislative apportionment based completely, or substantially so, on population.

What happened to change this predominant pattern of equality of representation in State legislatures?

What created the grotesque and unfair pattern of unequal representation which prevailed among the States at the time of the Supreme Court's decisions on reapportionment?

The answer is simple.

Between 1890 and 1960 the population of this Nation shifted from 70 percent rural and 30 percent urban to 30 percent rural and 70 percent urban.

During those 70 years, most of the people who lived in many of the rural legislative districts created during the 19th century moved to the cities.

But the apportionment of State legislatures stood still, frozen in the 19th-century pattern.

The malapportionment which resulted from the massive urban migration of the last seven decades destroyed the principle of majority rule in State governments.

At least 69 of the 99 State legislative houses in the United States in 1961 could be elected and controlled by less than 40 percent of a State's people. At least 52 of those houses could be controlled by less than 35 percent of the population.

By violating the principles of fair representation and majority rule which underlie our entire system of government, malapportionment has ripped the fabric of our Federal system.

It has paralyzed State legislatures in the face of modern problems.

Time after time State legislatures apportioned on a 19th-century census have proved unwilling or unable to cope with the problems of 20th-century life.

Time after time the people of the States, clustered increasingly in underrepresented urban centers, have had to turn to Washington for the answers to urgent State problems in such areas as health, transportation, urban planning, education, and conservation.

And Washington has answered these demands for essential action which the States, paralyzed by apportionment systems based on the population patterns and problems of the past, have been unwilling to recognize and remedy.

I cannot support any constitutional amendment which would permit continuation of the gross malapportionment which has imperiled our Federal system by depriving the majority of the people of the States from fair representation.

The amendment we are asked to enact would do just that.

The proposed amendment would allow a State to malapportion one house of its legislature as long as the malapportionment is approved by a popular vote.

No standards are established as to the degree of malapportionment the amendment will permit.

Time and time again I have heard Members of the Senate decry this continued and growing centralization in Washington. This is one of the real reasons for it.

Nothing in the amendment will prevent the urban majority of a State from malapportioning the legislature in its own favor and then ratifying that malapportionment in the popular election.

Nothing in the amendment will prevent a State from adopting a one-house legislature in which the representation of racial or rural minorities is unfairly diminished.

Never before in our national history, as far as I am aware, has anyone suggested that any of our basic freedoms and liberties should be subject to a popular vote.

No one has suggested that the extent of our freedom of religion or our freedom of the press should be decided by an election.

But this amendment would make the value of a man's vote depend on the results of a popular election on a plan of malapportionment.

I must oppose this amendment because it imperils the rights of the minority in the States and because it subjects the value of our cherished right to vote to popular opinion.

These perils this proposal poses to the right to vote, to fair representation, and to the Federal system demonstrate the folly of attempting to amend the Constitution in haste.

If we amend in haste, we will surely repent at leisure.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from Vermont [Mr. AIKEN].

Mr. AIKEN. Mr. President, I agree that at the time of the Supreme Court decision last year probably the legislatures of three-fourths of the States needed reapportioning in one or both branches.

I also agree that the rule of one man, one vote is a basic rule of good government. But I insist that neither the matter of apportionment nor the question of one man, one vote is the issue here today.

The issue today is whether one man having one vote shall be permitted to exercise that vote, especially in matters affecting our form of government.

One vote without the right to vote is simply a mockery, and that is why I support the Dirksen amendment.

I would let people vote on this matter. I would let them decide what the framework of their government should be. It is the most basic of all questions they could vote upon. The determined effort now being made to deny the people the right to vote, the right to decide, is clear-cut evidence in my mind that the people would disagree thoroughly with the opponents of the proposed amendment.

I support the Dirksen amendment.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Iowa [Mr. HICKENLOOPER].

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. HICKENLOOPER. Mr. President, I have some remarks in support of the Dirksen amendment. Complementary to what other Senators have said in support of the Dirksen amendment, it seems to me that this amendment would offer not only an opportunity to implement the basic philosophy of the Supreme Court decisions, but, in the last analysis, it would leave to the States themselves the decision as to whether or not the second house of a legislature is to be based on other than population.

That would leave the question for the States to determine. If the States desire to have both houses on a population basis, they can have that under the Dirksen amendment.

The amendment would not alter that right at all, and it would preserve the right of self-determination to the people of a State.

In my judgment there is no more serious hour in this body than when we are called upon to address ourselves to the basic nature of our Republic. I want to speak on that subject today, in support of the proposed constitutional amendment which would preserve our heritage of self-determination within the States of the Nation.

I use the term "preserve" advisedly in this context, because in these days of enormous change and reform and expansion of government any appeal to traditional values or procedures often is suspect on its face, without regard to the basic issues involved.

But the proposed amendment offered by the Senator from Illinois, [Mr. DIRKSEN], and others, can scarcely be called an appeal to tradition or a suggested return to the status quo of our political life. Instead, it is a hinge which will permit us to open the door to future apportionment of our State legislative districts, without closing the door either on the Supreme Court decisions in this regard or on the political heritage under which this Nation has written an unprecedented history of achievements.

One fundamental principle which has remained unchanged throughout all of that history is the Federal system and the principle of self-determination for the American people. It was basic to the Founding Fathers in their break from Great Britain, it was basic to the establishment of each of the States, and it is basic today at every level of government. We would no more attempt to undertake Federal apportionment of city council districts throughout the country than we would attempt to legislate a monarchy. Self-determination is an unquestioned fundamental in our country.

We trust the people and we derive our powers from them. Theoretically, at least, the people—as citizens, as voters—retain all those powers which are not specifically enumerated to the States or to the Federal Government.

It is now our obligation, in the Congress, and in the State legislatures themselves, to protect those powers. It is now our responsibility, beginning where the Court left off, to make certain that no man's vote is reduced to a meaningless exercise. It is our duty to create effective protection against abuse of the citizen by certain political interests which would use the Court decisions for self-seeking aggrandizement through minority rule.

This the so-called Dirksen amendment is prepared to do. By the simple means of permitting the voters of the States to determine the form and composition of one house of their legislature—by simply spelling out their continued right of self-determination, and always against an alternative proposal based solely upon population—this amendment will provide periodic opportunities for them to decide whether to apportion one house on factors other than population alone.

Significantly, the opposition to continuing this right of the people is not based substantially on constitutional or legal grounds. We are under no Supreme Court injunction to refrain from acting on this issue. The opposition is based almost solely on political precepts.

Those who see the greatest immediate gain at the polls through the so-called one-man, one-vote concept are those who would take the revolutionary step today of denying American voters a voice in the makeup of their legislatures. Others of us who see an inherent danger to constitutional government in the concept of minority rule are convinced that this amendment is an essential bridge between the past and the future.

The opponents of this proposed safeguard by and large never addressed themselves to this subject prior to the Supreme Court decisions. Yet today these same opponents are constantly criticizing the histories of so-called malapportioned State legislatures, as though the progress of our States throughout all the decades past were to be measured against this standard of apportionment instead of the realities of history.

I reject this criticism completely. I do not believe the histories of our States need apologies, any more than I question the capacities of the voters of any State to engage wisely in self-government.

My own State of Iowa has a State legislature which some of my distinguished colleagues would define as "malapportioned." But the record of that legislature and the record of that great State are sources of tremendous pride to the people of Iowa and to me.

This malapportioned legislature of ours has created such an outstanding school system that Iowa today can boast the highest literacy rate in the United States.

This malapportioned legislature has created three great universities whose academic standards are acknowledged throughout the Nation and the world—Iowa State University, Iowa State College, and the State University of Iowa.

This malapportioned legislature has developed the Home Economics School at Ames into a model of its kind not only for the United States but for the world.

This malapportioned legislature has given the State of Iowa one of the finest highway systems in the Midwest, with an outstanding ancillary road system to move the products of our farms to the markets of America.

And this great malapportioned legislature has created, maintained, and expanded a magnificent public health system, operating efficiently and effectively under the self-help concept of the Kerr-Mills bill.

And so, to my distinguished colleagues in opposition to this amendment, I would counsel: Look to the States and you will see that "malapportioned" legislatures are responsive to the needs of the people. They have balance. They have cross sections of interest—economic, geographic, legal, ethnic, political.

They are not weighted solely by a standard of numbers; they are not weighted to favor a big-city vote over a small-city vote, as you would restrict them to do. They are balanced, and their balance is their formula for progress.

Iowa certainly is not alone in this regard. The great State of California is another obvious case in point. Many of my distinguished colleagues allege that California's State senate is the most malapportioned in the Nation.

Yet, as the No. 1 farm State in the country, Iowa welcomes the opportunity to acknowledge that California is the No. 1 income-producing farm State in America, and that its great agricultural industries have benefited enormously from the enlightened farm legislation coming from its "malapportioned" legislature.

I call the Senators' attention to the fact that California also has an enlightened FEPC program, some of the Nation's best highways, most progressive schools, beneficial welfare programs, forward-looking labor legislation, and more protective programs for the aged, to name but a few of the achievements in which its "malapportioned" senate may claim partnership.

So I would suggest to my distinguished colleagues that they are in error if they assume that a senator elected on a basis of geography is less able to vote in the interests of his entire State than one who is elected on a basis of population alone.

And yet there are, I admit, certain services in my State, at least, which the government and the people of Iowa do not provide themselves—and there are two reasons why this is so.

First, the people of Iowa traditionally reject bond issues. Generally speaking, they will not commit themselves to long-term, interest-paying obligations. In the last 10 years, the State of Iowa has passed one bond issue—$26 million for Korean war veterans; and one in 1948 for World War II veterans. The State treasurer says that it would take 2 weeks to determine the number that had been rejected.

Second, they have placed debt ceilings and tax-rate limits directly in their State constitution so that neither State nor local debts, nor State or local taxes, could become oppressively great.

The people of Iowa have refused to increase either ceiling.

Now I presume my colleagues would say that my people have refused to increase their debt or tax ceilings not because of an overriding sense of frugality or prudence or fiscal responsibility, but because allegedly they know they can get the same services they deny themselves by asking Washington for them, since the cost from that source simply would be added to the national debt for their grandchildren to pay.

This is the common assumption, or at least the common claim, of those opposed to this amendment—that malapportioned State legislatures are a failure, and therefore their people are forced to turn to a burgeoning Federal Government if their needs are to be met.

But this allegation I also reject categorically. Has a single Senator from a single State with a one-man, one-vote legislature asked this Congress to exempt his State from Federal programs, on the grounds that his legislature is now so efficient and effective and perfectly representative that his people no longer need turn to Washington for redress of their needs?

Of course the answer is "No." And it will always be no.

For the Senators know this is not a valid excuse for the growth of the Federal Government. More than 100 years ago De Tocqueville foresaw the dangers of government which would seek to keep men in perpetual childhood with minimal need to act and think on their own.

Today that danger is being realized in reality. The Federal Government has become massive, and the States have had their capacity to serve diminished by those who are sowing tax money in every possible field to harvest votes. The aggrandizement of Government is continued, to the accompanied weakening of individual will, by those who would build power by promising solutions to all problems.

It is not the weakness of the States that has fed the growth of the Federal Government. Instead, it is the growth of the Federal Government that has weakened the States.

They will be weakened further—and they could be weakened fatally, to the everlasting detriment of our country—if this apportionment amendment is not passed and ratified. For without this amendment, State legislatures could be reduced almost to the status of committees for city councils in the largest cities of the States.

I ask you, Mr. President, to consider carefully the political consequences which would concern us all, if the substance of this proposed amendment is not written into the Constitution of the United States.

Each of us is here as a product of the political system of free choice which we hold so dear in this Nation. We have competed fairly—and as Senators we have won on a one-man, one-vote basis only insofar as our own electorates are concerned, while our respective electorates are weighted vastly different one from the other. Those of us representing States of widely diverse interests, such as my own where there is a healthy economic balance between agriculture and industry as well as a healthy political balance between rural and urban voters, believe we are accountable to the whole and must serve the whole, rather than any favored segment or powerful fraction of it.

Now if this system of free choice is denied the States—if the right which was theirs until 2 years ago is permanently abrogated—what will be the consequences to the States themselves, to the Nation, and to us?

Considering the States first, we know of course the defeat of this proposed amendment would insure urban domination of both houses of the State legislatures apportioned strictly on a popular basis. Simply, for example, New York City would dominate the New York State Legislature, leaving the upstate areas permanently almost voiceless and western New York permanently almost powerless. The pattern, if not the geography, would be the same in Chicago's domination of Illinois, or Los Angeles' domination of California, or a score of other cities dominating a score of other States.

In response to those arguments that this would assure justified political representation to millions of urban voters, I reply that it would also deny a voice in the management of State affairs to millions of additional citizens and voters outside the largest urban areas—and to deny anyone an effective franchise cannot be justified.

And even if we proposed to justify it—even if we turned our backs now on the right of every citizen to cast a meaningful vote, after ourselves voting in two successive Congresses to preserve and protect minority rights—even if we ignored the moral aspects of wrongly saying, "We will permit by default the concentration of political power in the hands of a few"—we would still be committing an error in political judgment unworthy of any Senator who has earned election to this Chamber.

Let us look at the inevitable process.

A generation ago this Nation was thoroughly familiar with the consequences of urban domination of certain States. There was incredible abuse of the democratic process by those self-perpetuating political machines in which political power was looked upon as private property rather than as a public trust. The public business was conducted more by coercion than by consent.

Fortunately, in the never-ending process of perfecting and maturing our system of representative government, that age is now virtually past. The political trusts have been broken. Government of the overwhelming majority of our cities is responsive to the wills of the people, and the governments of our States are responsive to the electorate, rather than to the bosses of the cities.

Yet suddenly we stand on the brink of reversing that progress. If we permit the major cities to control the major States, without their representation being subjected to the checks and balances which are traditional to the success of our country's political system, then inevitably we will invite the creation of new bossism within the cities.

Without question the great masses of population now swelling our cities deserve adjustment in their representation. This proposed amendment permits that adjustment, not just once but periodically, regularly, and subject to their own approval.

Yet, if that adjustment is levied arbitrarily and without regard to the balance of a State's population, then we shall be permitting great masses of voters, in the words of Raymond Moley, "to work their will and promote their interests without check or restraint."

In a compelling article in the June 14 issues of Newsweek, Mr. Moley said:

> The suggestion of the necessity of countervailing forces to assure deliberation of debate and legislative calm these days may be excoriated by the gentle knights of change. But sober reflections on the motives and habits of the people in the mass must tell us of the need for balance.
>
> When power is given without limitation to people in the mass, they do not make their decisions by individual and rational choice. They move as a unit, dominated by their social and economic environment—and their leaders.

Mr. Moley continued by saying that in the industrial centers today the principal leaders are the political bosses and the labor leaders. He wrote:

> For more than a century these urban areas were boss controlled. Some still are. But as Federal welfare grew after the middle of the 1930's, the bosses became mere proconsuls under the Federal establishment which had unlimited funds to supplant the machine's treasury. This, it seemed, meant the twilight of the boss and the machine. Like Othello, they found their occupation gone.

But Mr. Moley went on to point out that reapportionment will throw control of the legislatures back to the city machines. It will mark a revival of the old order. It will restore concentrated power without checks or restraints, for in many States the uban organizations will dominate the State capitals. And through control of the legislatures, legislative majorities machines-tooled in the cities inevitably will next redraw congressional districts to perpetuate in the House of Representatives a concentration of such enormous power that the Representatives of no more than six cities in this Nation could control the fate of every piece of Federal legislation.

To those of us in this body, that prospect must be a compelling consideration today—for if the day ever arrives when half a dozen city machines control the power of the House, then Senators we will be forced to prove that it can't happen here. As realists, as products of the elective system, we know that those of us from States which do not have one of the 6, 10, or 12 largest cities could very well be reduced to a political impotence equal to the silenced millions outside the major cities who would have no voice in their State governments. Those others who do come from those States with those cities under those bosses would, I know, sense the political perils of free thought in this deliberative body if and when it should be in conflict with the will of those few lords of the cities.

This is the ultimate nature of the change we are facing. It is our opportunity now to prevent it from happening. We may never have this chance again.

If we believe in the need for balanced representation, we have here a vehicle with which to preserve it.

If we abhor the concentration of political power at the expense of many, we now have an injunction against it.

If we trust the American voters of 20, 50, or 100 years from now to decide what is best for themselves, we have the responsibility today to permit them that choice.

Members of the Senate, ours is not a government by plebiscite. But if its deliberative bodies were to be destroyed, we would do far better to establish government by plebiscite than to submit to the tyranny of a minority. It is the decisive minority against which this amendment offers protection—and for all Americans this amendment preserves freedom of choice in the composition of their government, in the scope of their government, and in the control of their governments.

I urge you to reaffirm this freedom as one that is just as inalienable as the personal choice of religion, or a place to live, or a newspaper to read. If we fail in this obligation and the future brings the consequences I have foreseen here today, or even a modification of those ill-effects, the American people of years to come who inherit this political legacy will look back to this hour in 1965 and say, that was the day when our franchise was betrayed.

But if this Congress submits this amendment to the States for ratification—and more than half the States already have indicated their profound desire to approve such an amendment—then I suggest we will have done our utmost to preserve truly a great society created out of the fabric of representative government.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the junior Senator from Iowa.

Mr. MILLER. Mr. President, I will support the Dirksen amendment as it now appears before the Senate.

It is difficult for me to understand how some of the opponents of the amendment could really be opposed.

Perhaps they sincerely believe that the one-man, one-vote doctrine should apply to both houses of a State legislature.

Insofar as the Dirksen amendment would require that doctrine to be applied to one house of a bicameral State legislature, there would be no argument.

The argument turns on the composition of the second house of a bicameral State legislature. To those who believe the second house should also be based strictly on population—on the one-man, one-vote principle, I think the argument boils down to this:

The opponents of the Dirksen amendment wish to have the principle apply to the second house absolutely, regardless of the wishes and the needs of the people of a State.

The proponents of the Dirksen amendment wish to have the principle apply to the second house only if a majority of the people of a State, in a general referendum, wish to have it apply.

I find the position of the opponents very inconsistent. In effect, they say that they want the people to be in control of the second house of a bicameral legislature. At the same time, they are unwilling to let the people decide that very question. It seems to me that either they trust the people or they don't trust them. If they trust the people, they should have no difficulty in supporting the Dirksen amendment.

If the Dirksen amendment is adopted, we know that one house must be on a population basis. And if the people of a State, in a general referendum, vote to have the second house also on a population basis, then both houses will be based strictly on population. On the other hand, if the people vote to have the second house apportioned on both population and area—geographical or political subdivision factors—that is the way it will be.

Furthermore, so that the plan for apportioning the second house is not locked in forevermore, and to enable the people to review the situation at reasonable intervals, the Dirksen amendment requires that the people have an opportunity to vote out the existing plan after each decennial census. If they have been operating on a basis of both houses apportioned according to population, they will have a chance to vote in a new plan with the second house based on population and other factors. If they have been operating on a basis of one house on population and the other house on population and other factors, they will have a chance to vote in a new plan with both houses based on population.

It is also clear that the protection of racial, religious, and political minorities furnished by the Constitution of the United States will still be present. If a plan of apportionment with the second house based on factors other than mere population lays a foundation for discrimination by reason of race, color, or creed, the 14th amendment to the Constitution of the United States will enable a Federal court to grant relief.

There are some sincere individuals who express concern lest one house of their State legislature be based solely on population and the other house be based on factors other than population in such manner as to cause overrepresentation to certain segments of the population. The answer is that this is for the people to decide, with the understanding, of course, that discrimination will still be prohibited under the 14th amendment to the Constitution. As one of the Members of the Senate who supported the Civil Rights Act of 1964 and the Voting Rights Act of 1965, I am not about to join in supporting any measure which will undo the work we have done in this deeply important area of human rights. If, for the sake of argument, the referendum by the people of a plan of reapportionment should be conducted in a manner which disenfranchises any of our citizens, I am sure the Supreme Court would very quickly throw out the plan of apportionment. If the plan of apportionment itself would discriminate by reason of race, color, or creed, I am sure the Federal courts would have no trouble in throwing out the plan under the equal protection of the laws clause of the 14th amendment to the Constitution.

There are some opponents who allege that the plan of apportionment relating to the second house of a State legislature might be developed to perpetuate in office the State legislators. This position is not valid. If the State legislators do nothing, then both houses of the legislature will be apportioned strictly according to population. If they come up with a plan for the second house which locks in these legislators, it will still be for the people of the State to decide whether the plan will be approved. And if the plan is not approved, then both houses will be based strictly on population. In short, if there is any perpetuation in office of any legislators, it will be done by a majority of the people of the State in a general referendum and by nobody else.

As a member of our Iowa State Legislature for a number of years, I took part in the leadership to provide reapportionment. I know something about this problem. At the time I served, roughly 30 percent of the people controlled both houses of the legislature. Also, I happen to come from one of the largest counties in Iowa, and I always felt we were not given fair representation in the legislature. This is not a Republican or Democratic fight. Nor is it a rural and urban fight either. Farmers living in my county were as underrepresented in the legisature as people living in the county's major city. And Democrats as well as Republicans living in my county were equally underrepresented. I suppose one might say that the clash over reapportionment has primarily been between the large population counties and the small population counties, and nothing more.

The principle we are striving for here is one of reserving to the people their powers of government. Under our system of government, we say that the people retain the ultimate power. It is not the Supreme Court, because if they do not agree with the Court's interpretation of the Constitution, the people can change the Constitution. That is what we are trying to do here—and if this amendment is adopted, it will still have to be ratified by three-fourths of the States. Once ratified, it would still be left to the people of a State to decide the makeup of one house of their legislature. The other house would have to be on a strict population basis. If the people wish to give some added weight in representation in the second house to mining areas, to ranching areas, to industrial areas, or to recreational areas because of their impact on the economic future of the State and to the job opportunities of the people of the State, why should they not have this right? If they do not wish to give some added weight to factors other than population and they wish to have the second house based on population, why should they not have the right to decide this for themselves? I think they should. And that is exactly what the Dirksen amendment is all about—nothing more, nothing less.

In conclusion, let me lay to rest another fallacy. There are some who suggest that the one-man, one-vote principle is basic—just like the right to free speech. It is not so. The right to free speech exists at the Federal, State, and local levels. The one-man, one-vote principle exists only at the State and local levels—not at the Federal level. It is not a true, fundamental right, or it would exist at the Federal level too.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DOUGLAS. What is the remaining time?

The PRESIDING OFFICER. The senior Senator from Illinois [Mr. DOUGLAS] has 47 minutes. The junior Senator from Illinois [Mr. DIRKSEN] has 64 minutes.

Mr. DOUGLAS. In view of the time situation I suggest that my friend and colleague [Mr. DIRKSEN] use some of his time, and we shall use some of our our time, but of course, we shall permit him to close the debate.

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIRKSEN] is recognized.

Mr. DIRKSEN. Mr. President, I presume one might call this "D-day," not because it is Douglas day or Dirksen day, but rather because it is decision day.

At the outset, I thank my distinguished colleague [Mr. DOUGLAS], and his associates who have been active in the discussion of this resolution for their forbearance and kindness.

We have tried to be equally forbearing, and we have tried at all times to cooperate in the interest of bringing the issue to an ultimate conclusion.

Mr. DOUGLAS. I thank my colleague. I assure my colleague that that has been our intention and our desire also.

Mr. DIRKSEN. I believe the country has taken note of the issue. I have talked with some who have been through various regions of the country, making observations, both political and otherwise. Let no Senator believe that this issue is not fundamental, or that the people are not taking account of it.

Let no one for a moment get the idea that this is the end, if perchance we should not prevail. I stated to the Senate before that I play for keeps. I made that statement to a distinguished visitor in the person of Mr. George Meany, the president of the AFL–CIO, and one of his assistants, who came to see me this morning.

I said that I shall use every weapon in the arsenal, and I intend to do so from now on. There will be no hiatus in this effort because I esteem it of such importance to the country. If I get nothing else done, I hope I can make some telling marks in the interest of this proposal for the well-being of our people.

I have been lampooned; I have been cartooned. A local cartoonist likes to cast me in the character of Red Skelton, who happens to be a friend of mine, but the cartoonist always depicts Red as a hobo with my name on the figure. I do not mind.

There have been editorials and there have been particles from one end of the country to the other. I believe it is now time to pull the elements of the question together and see where we are.

The genesis of this struggle was the Tennessee case of Baker against Carr. The Court said that it was a justiciable issue. But one of the interesting things about that case was the dissenting opinion of a great Associate Justice, Felix Frankfurter, who said the Court was getting itself into a political thicket. I have seldom read a better or more classical dissenting opinion than that. Mr. Justice Frankfurter shared with Mr. Justice John Marshall Harlan, now on the bench, the sentiment with respect to the authority and the competence of the Court to intrude iself into this domain and undertake to become an amending power of the Constitution. That is a power that is exclusively and carefully saved for the Congress of the United States or for the people when they initiate amendments by petition for the holding of a convention.

There have been other cases.

Then came the case from Alabama, of Reynolds against Sims. Interestingly enough, that happened on the 15th of June 1964, only 14 months ago. It was in that case that Justice Harlan, after doing a great amount of research work, finally wrote what I regard as a classical dissent that will go down in history. I make this statement in all kindness, but I doubt if some of the Justices did their homework as Justice Harlan did—and examined all the debates on the 14th amendment, both in the House of Representatives and in the Senate—to make sure he was on solid ground.

Thereafter, of course, the first action came in the House of Representatives, where there were introduced a great number of bills. One bill in particular was introduced by the former distinguished Governor of Virginia, Representative TUCK. That bill would have denied to the Federal courts the authority to entertain jurisdiction where representative apportionment was involved.

I saw the weakness in it, because it would not be retroactive and would look down the road. I entertained the same idea at one time, but the House of Representatives brought the question to a vote. Some Senators think I make an end run in the Senate and circumvent committees. I do not know how many times they have been circumvented, but 2 days of hearings were held on the Tuck bill in the House Judiciary Committee, and it looked to all the world as if the climate was unfavorable. What happened?

What happened? The House Committee on Rules, by a vote of 10 to 4, took it away from the Committee on the Judiciary and put it in the bosom of the House of Representatives with a rule for speedy action. What was the result? By a vote of 218 to 175, the House passed it and sent it to the Senate.

So it can be seen that where something fundamental is involved, the House has some idea, also, of how to expedite action.

I learned my rule book, after a fashion, a long time ago. When I see that I am confronted with what seems to be a hostile condition—I say it in the utmost kindliness—I then have to look elsewhere. I am reminded of what John Ruskin once said. There were three types of audiences—friendly, indifferent, and hostile. He said, "I will take a friendly audience; I will take a hostile audience; but I do not like an indifferent audience."

I had a hostile audience on that particular day, although we could get no consent to take a vote, or consent to vote the following week, or the following week.

But when the situation looked favorable to the opponents, and when they observed that three members of the committee were missing—all of them representing votes for the proposal that I have introduced—they were ready to vote; and they were ready. Mr. President, proxies cannot be voted in that committee. I almost lost my eyesight once and had to quit Congress; but I am not so blind that I cannot see what is going on. When I saw what was going on, I knew that I must repair to the rule book in order to have done what I wanted to do. That is precisely what I did.

The distinguished majority leader and I tried last year, in the 88th Congress, to buy a little time. That seems to be a good military expression. The distinguished majority leader and I teamed up, and the interesting thing was that we had some assistance from the Department of Justice when we brought it together and offered it as an amendment to the foreign aid bill.

Then began the business. When I say "the business," I mean that all the vocal stops were opened. We could not tell how long the debate would last.

Then came a substitute for our proposal—the Humphrey-Javits substitute. Once upon a time our distinguished Vice President could stand down here and reply to arguments. I remember saying at a dinner, "Now we have him where we want him. He cannot reply to anything. He is not entitled to make a speech on the Senate floor."

That proposal was one of those sense-of-the-Senate things. We had one up once before in connection with the Russian wheat deal. A man who graces this body today, the junior Senator from New York, ROBERT KENNEDY, was the Attorney General. When we pointed out that in an agricultural bill there was a provision stating the sense of the Senate with respect to shipments of wheat to the Soviet Union, he dismissed it in his opinion, saying that if Congress really intended to do so, it would have said so, instead of submitting it as the sense of the Senate. So that proposal got nowhere.

Finally we got together still another substitute, this one to order the courts to give us a respite in the matter. I used the term "a breather." We were not fooling ourselves as to what we were up against. There was a scheme of events that made it difficult. So we let it stand. For what reason? We all piled off to the national convention, starting on the 22d of August. We did not return here until August 30. The amendment was still here.

Then my friend the distinguished majority leader [Mr. MANSFIELD] suggested that instead of ordering the court, we urge the court. Finally we disposed of the matter.

The distinguished Senator from Maryland [Mr. TYDINGS] at one time wanted to recommit this measure, saying that more time and deliberation were required, and that sort of thing. But I remind Senators that last year this proposal was before the Senate for 44 days. Twenty days were devoted to debate.

A moment ago the Senator from Connecticut [Mr. DODD] spoke about how cautious and careful we must be before we lay profane legislative hands upon the Constitution. I remind Senators that the ink was hardly dry on the Constitution when Jefferson, who happened to be in Paris, hurried back and offered 12 amendments. Two of them were discarded; the other 10 became the Bill of Rights.

Talk about taking time, I think we have taken all the time we needed in order to cope with this proposal. But we were seeking a breather then. That was where we left it on the 3d of October, last year, when Congress adjourned.

But I promised the Senate then that I would resume the battle; and on the 6th day of January of this year I introduced a joint resolution for myself and on behalf of 37 other Senators. It was referred to the Committee on the Judiciary and then was sent to the Subcommittee on Constitutional Amendments, presided over by my distinguished friend and Hoosier neighbor [Mr. BAYH], for whom I have great affection.

How long was the joint resolution in that subcommittee? There were 17 days of actual hearings. There were 74 witnesses. There were 121 statements. The subcommittee heard professors, farm experts, labor leaders, Governors, Members of the Senate, Members of the House, and many others. Everybody was free to come. The whole subject was explored. At long last, there had to be a meeting of the subcommittee for the markup.

I am not sure, but I believe almost every one of the subcommittee meetings was held in my office.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. BAYH. The subcommittee is indebted to the minority leader for his hospitality. That is correct. I only wish we could benefit further from his hospitality to do a little additional work on the measure.

Mr. DIRKSEN. I was delighted to turn over my office to the subcommittee in order to hammer out the differences.

My friend from Maryland [Mr. TYDINGS] on one occasion said, "It has been change, change, change." The medicare-social security bill contained 500 modifications, including the technical changes, as the Senator from Florida [Mr. SMATHERS], who is a member of the Committee on Finance, will attest. Five hundred modifications were made in that bill, and it was on that basis that it went to conference with the House.

Talk about changes; a Johns Hopkins professor, thinking he had isolated one truth, only to have it dissected and pulled apart by his associates on the faculty, fairly wept and said, "In God's name, is there nothing eternal?"

One of his associates said, "Yes. One thing is eternal, and that is change."

May the day never come when we cannot work our will and impress our convictions at every stage of the legislative procedure to make sure that we try to hammer out on the anvil of discussion the truths that we feel.

That we did; and then, of course, it went to the full Judiciary Committee. I shall not belabor the issue. I have had it placed in the executive notes and certified, because I wanted the world to know what happened in that meeting.

Mr. President, if anybody wants to find out whether there was a stacked deck, all he has to do is to look at the notes. It was then that I said I would get it to the floor in one way or another. So it is here, and it is in compliance with the rules. It is a complete substitute for the American Legion Baseball Week, which we shall take care of in time. It will not begin until the 1st of September. The Senator from South Dakota [Mr. MUNDT] has already introduced another Senate joint resolution.

An interesting committee comes under the jurisdiction of the Committee on the Judiciary. It has two members. I am the chairman. I am the only Republican chairman in the Senate. My colleague, the Senator from Arkansas [Mr. MCCLELLAN], and I can meet in a phone booth. We can report a bill and then take it to the full committee. That is expedition. We need a little expedition from time to time.

These efforts to obtain action have been tried before. There has been reference to the Stella School District bill. The distinguished occupant of the White House used to occupy that chair. He is the one who tacked the civil rights measure onto the Stella School District bill. It was a claim which involved approximately $2,000.

I learned my techniques in a good school under good tutelage. The man who occupies the White House pretty well knows the rules and the techniques of the Senate. Incidentally, if anyone has any doubts about it, when the distinguished majority leader and I went to see him concerning adjournment—it will have been 2 weeks ago this coming Friday—I said, "Mr. President, you promised me that you would not intervene in this matter." He said, "I have not done so."

I said, "The newspapers say that the Vice President has done so." He said, "Yes; I saw it." I said, "Then, call him up and tell him to stop it." He said, "I reassert to you the promise that I made before, that I have not intervened and I shall not intervene, because the President does not sign a joint resolution to amend the Constitution. This is for Congress and not for the President to determine." So, here we are. At this point, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Star under date of Sunday, August 1, 1965. The editorial has a very fetching title. It ought to make me feel good, because the title is, "We Vote for DIRKSEN." That is pretty good, is it not?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WE VOTE FOR DIRKSEN

The Dirksen constitutional amendment, which would modify the Supreme Court's one-man, one-vote ruling, is slated for a decisive test in the Senate this week. Senator DIRKSEN and Senator MANSFIELD, the majority leader, have agreed to seek unanimous consent tomorrow for a showdown vote on Wednesday. If the opponents think they can block the two-thirds Senate vote required for passage of the Dirksen proposal, they presumably will go along with the unanimous consent appeal. If not, if they do not believe they have the needed negative votes, then a prolonged "liberal" filibuster is to be anticipated.

We think the Dirksen proposal, in its present form, should be approved. For it has been significantly improved since it was first submitted.

At one time it was feared that the amendment, if finally adopted, would enable State legislatures controlled by members representing a minority of a State's population to apportion one branch of a legislature on factors other than population. In other words, one house of the legislature might continue to be dominated by a minority of the population over the objection of the majority.

This is not true. The Dirksen amendment contains two key provisions. First, assuming ratification of the amendment, a State legislature wishing to act under it would be required to submit two plans to the voters of the State in a referendum. One plan would have to embody the one-man, one-vote concept. The other would authorize apportionment of one branch of a legislature on such factors as the people "deem appropriate." In short, at the very outset a majority of the voters in each State would have to approve any modification of the one-man, one-vote rule laid down by the Supreme Court last year.

Furthermore, a recent change in the amendment stipulates that any plan approved in an initial referendum would have to be resubmitted in a new referendum every 10 years.

To us, it seems perfectly clear that the amendment, far from protecting entrenched minorities, would enable the people of the States to have a voice in choosing their own form of government, and to revise their choice should they see fit to do so at 10-year intervals.

What could be more reasonable, more consistent with our democratic process? To oppose it on "liberal" grounds is absurd. We hope the Dirksen amendment will be called up this week, and that the necessary two-thirds vote to approve it will be forthcoming.

Mr. DIRKSEN. Mr. President, I believe it was Bruce Barton who once said that "everybody reads a commentary about the Bible, but never reads the Bible itself." This will not take long.

Mr. President, I ask to be warned at the end of 45 minutes; and I do not want to be told that I have used it already.

Mr. President, what does this amendment provide?

This is the way the amendment is before the Senate:

> The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature, if in either case such plan of apportionment has been submitted to a vote of the people in accordance with law and with the provisions of this constitution and has been approved by a majority of those voting on that issue.

That is the simple language of the amendment resolution. It refers to the people. That is a great word.

I continue to read:

> When the first plan of apportionment is submitted to a vote of the people under this section, there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.

The people would have an opportunity to vote on two proposals, not only on whatever the legislature lays before them, but also on the proposition that embodies the philosophy of the finding of the high tribunal in the Reynolds against Sims decision.

How much further can we go in order to get back to a Federal-State system with a proper respect for the sovereignty of the State?

I continue to read:

> Any plan of apportionment which has been approved under this article shall be resubmitted to a vote of the people, or, another plan may be submitted under the provisions of section 1, at the November general election, held 2 years following each year in which there is commenced any enumeration.

Enumeration of course, means census.

One of the arguments that was made was that they can make a plan and freeze it. I said, "All right. We will see that they do not freeze it."

So every 10 years, plus 2, when there is an election, they go back to the people with a plan. There can be no freeze. Once more the people have an opportunity to pass on the matter on the basis of one man, one vote.

I heard it argued by my distinguished friend and colleague the senior Senator from Illinois [Mr. Douglas] and by others that, "Legislatures are so skillful and adroit that they can get something on the ballot in the form of a referendum, and people do not understand." The people understood judicial reform in Illinois. That was a pretty complicated business. They understand bond issues for schools and highways.

I have not seen anything yet that they do not understand. They have shown enough perspicacity to turn down an overwhelming number of things that have been submitted to them. Do not tell me that they do not understand. Do not tell me that, even in a malapportioned legislature, justice cannot be done.

Our distinguished friend the Senator from Wisconsin was in the Wisconsin State Legislature. He and I, and our distinguished friend the Senator from Pennsylvania [Mr. Clark], and our friend the Senator from Pennsylvania [Mr. Scott], were on a television show downstairs. We laid it on hot and heavy. There was no kidding. I was not wearing any 16-ounces gloves when I slugged.

The Senator said, "We have apportionment on a population basis in Wisconsin for both branches of the legislature." I said, "Yes; but why not tell them that it was the legislature and not the Supreme Court that brought it about?" That is the difference. I want to go back.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. PROXMIRE. It was the Wisconsin Supreme Court that brought it about.

Mr. DIRKSEN. But the legislature of Wisconsin did it.

Mr. PROXMIRE. The legislature had failed to do it. The State supreme court ordered it to be done. It was done because the supreme court required it to be done. And it was done by the supreme court approving a plan proposed not by the State legislature but by the Governor.

Mr. DIRKSEN. That was a decision made within the State. The Senator should not give me that line. I know better.

Mr. President, that is all that we ask for. The Senator does not want his neighbors in Michigan to have that right. I am his neighbor. His father and mother used to live in my district. They were good Republicans. They always voted for me.

The Senator does not want his neighbors in Minnesota to have that right.

Mr. President, the whole burden of my argument has been: Go back to the people.

There was a distinguished Senator from that State, whose likeness appears in an oval frame in the room containing the likenesses of five great Senators. I refer to the elder Robert La Follette. He once thundered on the floor that the time had come to amend the Constitution and stop the legislatures from picking Senators, and let the people send them here. A dozen Senators walked out of this Chamber with contemptuous sneers on their faces. That prompted Bob La Follette to say, "The seats that are temporarily vacant will be permanently vacant"; and many of them were.

Back to the people—that is what I have been urging all along, because if we do not have a Federal-State system, what do we have, and what do we fight for?

The erosions are bad enough as it is. There was the Nelson case in Pennsylvania. Under the subversion law someone was indicted, and that conviction was sustained in the courts of that State. They had him redhanded, until it came to the highest tribunal, and it stated that because the Congress had passed the Smith-Connally Act, and had preempted the field, the law of Pennsylvania had no validity.

Section 14(b) of the Taft-Hartley Act is cooking on the front burner. That is why Mr. Meany came to see me this morning. He wanted to know how long it was going to last. He said, "I know how you feel about 14(b)." I told him that even if he could induce the Senate to allow the Chaplain to have a vote and he should vote with the other Senators for its repeal, I would still stand for opposing repeal.

It is proposed to say to 19 States, "You cannot legislate in that field."

If we let this decision stand without a constitutional amendment, the erosion will continue.

I see present in the Chamber my good friend from my State, Mr. Yates. I once ran against him. I am sorry, but glad in a way, because I won. What was done in the Equal Opportunity Act? It took away the veto power of the Governor. I see sitting in the Chamber my friend the Senator from Kansas [Mr. Carlson], a former Governor; the Senator from Idaho [Mr. Jordan], a former Governor; the Senator from Wyoming [Mr. Simpson], a former Governor of that State. There may be projects that the people do not want to see in Wyoming, but the Governor of that State is not going to have any veto power. It is proposed to take that power away.

So the erosion process is going forward by leaps and bounds. One day we shall be in the position referred to by the distinguished Democrat from my State, who occupied the Senate Chamber, who had pink whiskers and flashy waistcoats. I refer to J. Hamilton Lewis. We were staying at the same hotel. He used to say, "My boy." I used to brush the particles off his shoulders, and he would say, "Don't do that. I purposely put those on there." He would say, "I won't see it, but you will see the time when the only people interested in State boundaries will be Rand-McNally, for there will not be any authority left in the States." Mr. President, that is the erosion process.

I say to my friend the Senator from Maryland [Mr. Tydings], that when the Constitution was called before the constitutional convention of his State, only 2 days of consideration were given to it. It was ratified 63 to 11. One of the members had 15 amendments. The convention would not listen to him. They said that next week they would consider them, because Saturday and Sunday intervened. Then they turned them down. So the Constitution of the United States received 2 days' discussion in the legislature in the constitutional convention of Maryland. I went back and looked up my history as to what happened there. So do not tell me we are rushing the amendment, because this has had attention.

It is said that this amendment is an attack on the Court. It is nothing of the kind. I am a lawyer. I respect the Court. I would be the last to attack the Court. But this is a remedy within the power of Congress. Always the court decision is there. The people can make their selection. If they do not do anything, they automatically come under the decision in Reynolds against Sims. How much further do we have to go?

It is said that the population basis works well. I say to the Senator from Maryland [Mr. Tydings], that he must excuse me for this, but the city of Baltimore has three Representatives, and it is entitled only to two. One of the three is Representative Sam Friedel. Representative Friedel and his two colleagues have 52 years of cumulative service, and the city of Baltimore wants to keep them, so it is said in this case, "We have to ignore population." So some of us ignore it in one instance and insist on it in another.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr TYDINGS. What I said was that the Representatives from Baltimore should continue to represent the city and its suburbs, where there are 2 million people, if they were to receive fair representation, and that there should be a redistricting of the city of Baltimore. We need fair districting, just as we need fair apportionment.

Mr. DIRKSEN. All I know is what I read in the newspapers.

Mr. TYDINGS. One headline.

Mr. DIRKSEN. I read it in the Washington Star and I read it in the Washington Post. That newspaper loves to cartoon me.

So it is said that we are showing haste. This is no haste. It is said that this is an attack on the Court. This is no attack on the Court.

It is said that it reverses the Court. It does nothing of the kind. We go back to the people. If they fail, they automatically come under the provisions of the Court decision.

Senators speak about nonapportioned legislatures. I was distressed to hear my friend, the Senator from Wisconsin [Mr. Proxmire], and my friend the Senator from Maryland [Mr. Tydings], and even the Senator from Indiana [Mr. Bayh] talk about legislators in the State legislature being so anxious to hold on to their seats that one could not get a fair shake.

Do Senators mean to tell me that only in the 50 legislatures is there a lust for public office?

Look around the Chamber and see how many Senators are going to run again. My colleague is going to run. He will be 73 years old—perhaps he already is. He says that 73 is too old to be President, and too old, perhaps, to be a judge, but it is not too old to be a Senator and, therefore, he is going to be back in this Chamber if possible.

Look at the list of Senators and see how many will run for reelection.

Are we so different from members of the legislature who wish to hold onto their seats?

Oh, indeed no.

When I got my first taste of Congress in 1933, and I was called Honorable, and invited to dinners without having to pay for them, and people came saluting me in my office, I thought, "This is for me. I do not wish ever to give up this office." And I fought to keep it until a malady made me resign; and later, by the grace of the voters of Illinois, I was sent to the Senate in 1950, and I thought, "The Senate is for me. There is no germaneness rule. You cannot be taken off your feet."

The amazing thing about expressing that kind of sentiment concerning the members of our State legislatures is that on the average they are no different from Members of the House of Representatives and the Senate in the Congress of the United States. If there is someone well under the age of 70, let us say, with a great deal of energy—and I exclude myself—who is not going to run for reelection, I have to see it.

The State legislators are no different, but they are honorable. I have found them to be honorable, and I would be the last man ever to demean other legislators in the State bodies of this country on the floor of the Senate.

Mr. BAYH. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Yet we talk about malapportioned legislatures, and about the fact that legislators wish to hang onto their positions.

If the Senator from Indiana would request some time from his Senator in charge of the measure, because this will give me a little extra time which I shall need, I shall be glad to yield to the Senator from Indiana on that basis.

Mr. BAYH. I shall need only 1 minute to reply.

Mr. DOUGLAS. Mr. President, I yield 1 minute to the Senator from Indiana.

The **PRESIDING OFFICER.** The Senator from Indiana is recognized for 1 minute.

Mr. BAYH. Mr. President——

Mr. DIRKSEN. Give the Senator 2 minutes because I gave the Senator from Maryland 1 minute.

Mr. BAYH. Mr. President, I wish to answer my colleague from Illinois, because he has referred to me.

I hope that in the many decisions he has had, as the Senator in charge of this measure, he did not misinterpret or misunderstand the thrust of my discussion about legislators themselves.

Having been a State legislator for 8 years, I have the greatest respect for what they do.

I merely referred to the history of the situation which seemed to show that in some legislatures, for as long as 7 years, legislators hung onto their seats in places where there was great disparity in the kind of representation which was being provided for many areas.

I did not in any way wish to demean the many men and women in my State, in the State of Illinois, and in the other 48 States, who serve their constituents with a great deal of honor.

Mr. DIRKSEN. Let me ask my friend the Senator from Indiana if he will tell me how he can talk about a malapportioned legislature made up of legislators who are so anxious to hold onto their seats that they are prepared to violate principle, and by adroit and skillful maneuvering to push something at the voters in a referendum that could be probably deciphered only after taking a course in Egyptian hieroglyphics. Although it seems to me that it may be a burden on a great deal of discussion on the floor of the Senate, I would not do it. I have too much respect for State legislators. When they present a plan, they must present two plans.

Then we come to the one-man, one-vote principle. There we have the one man, one vote within the framework of the Federal system. If that is what the people wish, well and good. But evidently, that is not what the Court wishes.

Senators should read Justice Harlan's decision concerning how the Court misinterpreted that one provision in the 14th amendment. He makes the point, and quotes the debate in House and Senate, to show that both sections 1 and 2 must be read together; but, instead of that, they pick out one phrase between two commas of the equal protection law, and that becomes the foundation for Reynolds against Sims.

That is why the Harlan decision is classic. That is why, one day, Congress will have to act on this matter if it is to save the Federal-State system.

Here we have a decision which, in a way, is a little like the prohibition amendment, when Congress said to the people, "Thou shalt not"—"thou" meaning "the people"—"shalt not manufacture, transport, and sell spirits with a little kick in them."

That was the first time in the history of our Constitution that a stop sign was erected against the people. Find me any other amendment to the Constitution which does that and I will eat it right out of the page in the rule book. How long did the 18th amendment last? Fourteen years—with all the mischief that went along with it.

In 1932, my party was overwhelmingly voted out of office, and not the least of the issues were bread and booze—and I use that term in a refined sense. Those were among the great issues on which Franklin Roosevelt went into the White House.

Fortunately for me, the discernment of the voters in my old congressional district back home gave me as much of a majority as they did Franklin Roosevelt. That is what I call discernment with a vengeance.

But, that was one time when we held up the halting hand to the people. It did not take long to take that amendment out of the Constitution—and it probably will never get back there.

That is exactly the import of the Supreme Court decision.

The Senator from North Carolina [Mr. Ervin], representing the people of North Carolina, and the Senator from Arkansas [Mr. Fulbright], representing the people of Arkansas, will comply with the Court not with what their people wish.

I go back to "We the people," because if that is not fundamental to the American system, I have never seen anything that is. We have made the issue as simple as we can. I believe that we are on good ground. I do not know whether we shall win or lose. I know that the nose-counting has been going on for many weeks.

There is one point I should like to correct. The intimation was made on this floor that I had hired the publicity firm of Whitaker & Baxter in California. I did not know that such a firm ever existed.

I could not accumulate enough money in a lifetime ever to be able to afford hiring a firm of that kind.

I do not even have one publicity man. However, it was made to appear that I had employed this firm, and that it had been doing work on this project. I do not know who hired them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I do not know who is paying them. How much time have I remaining?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. DIRKSEN. I am glad the firm is working on it. I wish they could do more to insure the success of the substitute that we shall be voting on before too long.

I believe that, generally speaking, is about all I wanted to say, except for perhaps one or two other things.

This is a pretty good time to stand up to our responsibilities as Senators, because when we talk about "We, the people," we go back to the preamble of the Constitution. When we talk about "We, the people," we go back to the signers of the Declaration of Independence, and to that great red-haired, square-jawed Virginian, Thomas Jefferson, who wrote that immortal document. He said that governments derived their just powers from the consent of the governed.

Then they signed their names to that document. John Hancock wrote his name so high and big that the King could read it without his spectacles.

What happened to them? Five of those signers were captured by the British. Five lost their lives in the Revolutionary War. Most of them had their goods confiscated. One, who had 13 children and a sick wife, was harassed by the British and the Tories and others, to the point where he had to leave. He returned just in time to see his wife pass away. There were 13 children left.

Those men were willing to make a sacrifice for principle.

I add to all this that man from home, who stood in Gettysburg. All my life I had wanted to be asked to go up there to make the annual memorial address. Some years ago I was asked. It was a great day in my life.

Lincoln was there. He stood before a crowd of 5,000. Who knows how many heard him? At long last came his entreaty, and then his prayer that government of the people and for the people and by the people shall not perish from the earth.

If there is anything to this Federal-State relationship and to the sovereignty of States, that is hallowed for me.

Some may want to throw all that out the window and say that that is old hat, that that is old stuff, and that we cannot be encumbered with that sort of business any more. It still registers in my blood.

After I had been here for a while, almost 32 years ago, I made my first speech back home. It was a few years later. I said I had one suitcase full of ideas when I came here, and 4 suitcases of clothing. I said that the clothes had long since gone, but the ideas were pretty much intact.

Lyle Wilson, the columnist, has said that DIRKSEN has painted himself and his party into a corner. How stupid can one be?

In one corner is Jefferson, and in another corner is Lincoln; and I am happy to stand in that corner with my party, and go back to the people.

One wonders why I took exception to the substitute of my friend the Senator from New York [Mr. JAVITS], using those words that would put us back where we started.

I want the people of Illinois, as the occupants and residents of a sovereign State, to determine whether one branch of our legislature shall be apportioned according to their desires, taking into account geography, political subdivisions, or population.

I am sure Senators have read the statement of the Chief Justice, when he was Governor of the State of California, in 1948. Then he stood where I stand today, with this substitute. He said that for this was the thing which the State of California must have.

In the space of 15 or 16 years he did a 180° turn.

There sits the distinguished Senator from California [Mr. KUCHEL]. Four times the people of California, including populous Los Angeles County, voted on a proposal like this. They had their choice of voting on a population basis only or taking other factors into account. Four times they voted down population alone. They knew what they wanted. They knew what was good for their State.

It is no wonder that the State of California, populationwise is the No. 1 State in the Union, so far as I know.

It would have more Representatives in Congress than any other State. I do not like to see it. I do not like to see my own State surpassed even in this regard. Because the people of California have the perception to understand what they must have for a State like that, they should vote down the population idea alone. They had their choice in so doing.

Mr. President, I do not know that I need say any more, or that I need add anything else. How much time have I remaining?

The PRESIDING OFFICER. The Senator from Illinois has 13 minutes remaining.

Mr. DIRKSEN. I shall conclude, and save the remaining few minutes.

Mr. President, I want to wrap up this speech by telling what happened on the 17th of September 1787, in Philadelphia. That is the day action was completed on the Constitution of the United States. It was late in the afternoon. The first man out of the door was the venerable Benjamin Franklin. He was 83 years old at the time. He came out onto the lawn in the courtyard of Constitution Hall, where a number of women had gathered. Among them was the leader of a group. She was named Eleanor Powell. Her father had been mayor of Philadelphia. Her husband has been mayor of Philadelphia. She was quite a politician in her own right. She walked up to Benjamin Franklin and, presumably holding him by the shoulder, said, "Mr. Franklin, what have we got—a monarchy or a republic?"

Quick as a flash, Benjamin Franklin said, "A republic, if you can keep it."

What great sentiment.

That Constitution guarantees every State a republican form of government. We have a republican form of government in this country, because it is representative.

Coming down the corridor of time is this great echoing challenge of Franklin—"If you can keep it."

I want to keep it.

That is the reason why I go along with John Marshall Harlan in his great decision, when he points out that federalism is in danger in this country, contrary to the remarks made by the senior Senator from Oregon earlier this afternoon on the floor.

That is the issue. It will not die. I do not propose to let it die.

There will be other proposed legislation. There will be a place to hook it on. I may not succeed, but this I must do for the people of my State and the people of other States.

I can only add, in the language of one who saw Caesar with all those stab wounds, and Brutus with his apology, "not that I love Caesar less, but that I love Rome more."

I love this country. My parents came from the old country. I went to school in overalls. I lost my father at the age of 5. Drew Pearson was right this morning when he referred to me as the driver of a bakery truck. Yes; I was.

Show me the country that will give any humble person the opportunity that this country does. I do not want it eroded; I do not want it soiled; I do not want it impaired. I want no court to somehow destroy this great inheritance that has come from men who signed the Declaration of Independence, who vouchsafed to us the greatest government on the face of the earth, and for which, and because we hope to maintain its perpetuity, we have boys 12,000 miles from home.

I say to Senators—mark it well—"You have not heard the last of this." It will be tragic indeed when we have to campaign and say, "We are sorry; we tried to make you understand, but we could not and so we can only say, "You do not love the people. You do not trust them." That is better yet. We would say, "You do not trust them to pass on this matter."

May it never be said of me that I quailed in the endeaver to keep my trust in the people and keep intact the power which the people reserved to themselves in 1787, until they are prepared to forfeit it to the Central Government in Washington.

Mrs. SMITH. Mr. President, will the Senator from Illinois yield for a question?

Mr. DIRKSEN. I yield with pleasure.

Mrs. SMITH. Mr. President, in reply to my earlier statement today, the distinguished senior Senator from Illinois, for whom I have the greatest respect and friendship—and who, I am proud to say, was once a resident of Maine and an honor graduate of Bowdoin College—called attention to that part of Article V of the Constitution which states:

> No State without its consent shall be deprived of its equal suffrage in the Senate.

Because of this, I ask the distinguished minority leader if a State should not be permitted to follow the pattern of the founders of our Nation and the framers of the Constitution by adopting a similar "no county without its consent shall be deprived of its equal suffrage in the State senate," in view of that portion of section 4 of Article IV of the Constitution, which states that, "The United States shall guarantee to every State in this Union a republican form of government."

Mr. DIRKSEN. It does indeed, in the most specific words, and when the analogy was drawn with this body, which is not selected on the basis of population, the Chief Justice delivered an intriguing note. He said the analogy "is in apposition."

I am not sure that I know what that means.

I may have to look it up in the dictionary, but anyway, that was a sort of test of the analogy.

Of course, it was a compromise; and it was done by the people's representatives. It was submitted to the people or their conventions freely selected, and that is why we have a constitution; and that is why the States have constitutions in which powers are fixed and delegated to the legislature, to the executive and to the judiciary.

I say to the distinguished Senator from Maine that we have trusted them since 1818, when we came into the Union, and I am prepared to trust them a much longer time because, as Lincoln once said:

> The best rule, after all, is to let the people do pretty well as they please with their own business.

Mrs. SMITH. I thank the Senator.

Mr. DIRKSEN. I reserve the remainder of my time, if I have any left.

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois [Mr. DOUGLAS] is recognized.

Mr. DOUGLAS. Mr. President, we have listened for 55 minutes to a speech by my colleague full of charming irrelevancies, which covered virtually every subject under the sun except the amendment in question, to which he referred only incidentally and at random. It is somewhat difficult to reply to such a speech as that, which covers everything and touches nothing. I am unable to match my colleague either in oratory or in range of allusion; I shall have to confine myself to the subject and be prosaic and, I hope, brief.

Those of us who oppose this amendment are opposed to any amendment to the Constitution which subtracts from the equality of citizens before the law. That is why we oppose the amendment of my junior colleague. Putting aside all of the obfuscation and deception which has been introduced into the discussion of the issue, what the Dirksen amendment really seeks to do is to revoke an inalienable right which is now guaranteed by the Constitution of the United States, and in my judgment for ever guaranteed to human beings in the moral law which lies beneath the Constitution and in the inherent dignity of man. That right is the right to the equal protection of the laws under the Government of the United States.

As the Supreme Court has repeatedly held during this last year, men and women do not have the equal protection of the laws when they are denied an approximately equal vote to that of other citizens in the selection of their State legislature which makes the laws. It is true that most of the people in the world do not enjoy the rights of equal citizenship and are not protected in them. But for 190 million Americans, the greatest Constitution designed by the minds of men now protects the rights of the individual not only to stand equally before the courts of the land but to stand equally before the legislatures which make the laws of the land.

The purpose of the Dirksen amendment is to withdraw this right by giving the rotten-borough legislatures now in operation the power of self-perpetuation. There is no getting around that fact. It is an awesome and, in my judgment, an abominable proposal. The great deception upon which the proponents of the amendment rely is to say that all they are doing is letting the people decide, and, according to them, what could be more democratic than that?

As I pointed out earlier this week, this appeal is attractive, but it is also deceptive.

First, the claim of letting the people decide is without substance because the amendment carefully retains in the hands of the present malapportioned or rotten-borough legislatures—and it is now admitted even by the proponents of the Dirksen amendment that the present legislatures, with a few exceptions, are malapportioned—the initial and the crucial decision; namely, the ratification of the amendment itself.

While it is true that a number of legislatures have enacted reapportionment plans, most of those plans will not go into effect until the fall of 1966, and the approval by the Congress of the Dirksen amendment would be an open invitation for further obstruction and delay.

I am levying no special charge against these legislatures when I say that it is the natural tendency of human beings to hold onto such power as they possess and not to divest themselves of it even if they should.

Second, the amendment would retain in the hands of the present rotten borough legislatures the power to propose whatever plans of apportionment are offered to the people in referenda. They have the power to frame the questions and the terms under which they will be submitted to the people. Even though in the initial referendum there must be offered both a population plan and a malapportionment plan, a rotten-borough legislature may construct the proposal so as to force the approval of a "less bad" amendment rather than a worse one.

The Colorado referendum, which was held invalid by the Supreme Court in the Lucas case, is an excellent example of that.

Third, the so-called periodic review provided in the amendment continues to leave the actual decision in the hands of the forces of minority control and malapportionment. There is no requirement that an alternative plan based upon population be submitted under the review following a subsequent census. A legislature may propose for ratification the existing plan, which may be one of gross malapportionment due to the previous adoption of a plan, or due to population changes in the period since the prior referendum.

Mr. President, I have also pointed out that the argument of "letting the people decide" in a referendum is a deception because, in addition to the built-in protections for rotten-boroughism in the Dirksen amendment, referenda themselves, generally, are not an adequate vehicle to express public opinion, particularly on something so complex as apportionment. The facts show, first, that actual participation in such referenda is universally and absurdly low. In some cases, as little as 6 or 10 percent of the voting age population have made the decision on referenda on apportionment of the State legislatures. And from available data it is clear that even in referenda submitted at general elections decisions are made, on the average, by a total of less than 30 percent of the population of voting age.

Second, it is overwhelmingly clear that referenda, particularly on apportionment, are subject to widespread confusion in the understanding of the voters. It is virtually impossible for the average voter to understand the meaning of a complex referendum proposal. Consequently, he is more likely to ignore the question and not vote, or cast a vote without understanding it. There is a good question whether this truly and fairly expresses public opinion.

Third, the history of referendum campaigns in recent years shows that they are subject to manipulation by powerful interest groups, newspapers, and other communication media. Referenda have become, in this day of modern communications and propaganda techniques the tools of special interests rather than acceptable vehicles for the expression of an informed popular will. And I may point out that the special interests who may control the public understanding of referenda are the same special interests who have the greatest stake in preserving rotten-boroughism in the United States. Some of these very elements are behind the present movement to have Congress submit the Dirksen amendment to the States and to have it ratified by the legislatures.

Mr. President, another deception in the arguments for the Dirksen amendment is the assertion that it is perfectly proper to accord representation to other factors than population—and now these are called geography and political subdivisions—in one house of a State legislature so long as the equal population principle is followed in the other house. Mr. President, I hope no one will be fooled by this argument. Since the forces of rotten-boroughism have been unable to preserve their control in both houses, they will settle for control in one. And for good reason. Minority control of one house of a legislature, as should be apparent to everyone, in actuality gives control over the State government to this minority by placing a veto in their hands. By that veto they can dictate what the final legislation shall be.

Mr. President, the issue before us, contrary to what appears from the facts on the surface, is not one of urban voters versus rural voters. It only appears this way because of the historical development of malapportionment. The malapportionment came about because the distribution of population changed in the last 75 years from being equally distributed to being concentrated in the great cities and suburbs.

In the metropolitan centers of cities and suburbs 70 percent of the population now live, as compared with only 30 percent in the smaller towns and the countryside, whereas 70 years ago the situation was precisely the opposite.

The needs of the great body of the people are much the same whether they live in rural or urban areas, but because most of the people are now concentrated in the cities and the suburbs their problems are intensified in quantity and in quality. Most of the people of this country, regardless of where they live, look to the governments of their States and of the Nation for the same things: An opportunity for their children to receive an education commensurate with their abilities, the opportunity to live decent lives in good health and with self-respect, and enjoyment of the rights of citizenship.

The real issue at stake here is whether the needs of the people are to be met by their State governments or whether those interests who oppose protections to the consumer and the revenues necessary to provide needed government services are to control and hold back the activities of the representatives of the people. All these narrow interests need in order to stop needed programs for essential government services for the great majority of the people is a minority control over one house of a State legislature. In many States their existing minority veto has been achieved through the years by an alliance with representatives from the more sparsely settled areas of the country. The retention of this veto against the interests of the great masses of consumers, wage and salaried workers, and the general body of citizens is the real purpose behind the Dirksen amendment.

This amendment in the final analysis, therefore, seeks to pull the wool over the eyes of the American people by having them believe that, if the mere procedures of representative government are followed, it matters not whether there is any substance to them. To say that some citizens may have a vote worth 10, 20, 50, 100, or 1,000 times the weight of the vote of other citizens is to make a near sham of democracy and a farce of constitutional, representative government. We may not be able to stop the Dirksen motion to substitute his amendment for the American Legion baseball resolution, but we should never submit his constitutional amendment to the States for ratification. Let us ultimately hold fast for the principle of substantial equality of representation of the people in the State legislatures. Let us be done with rotten-borough legislatures and vote down the Dirksen amendment.

There have been rumors on the floor of the Senate that at the last moment the proponents were going to bring a modification of the Dirksen amendment out of the box and onto the floor of the Senate for a vote, in the hope that this action would gain some votes so that the amendment could be adopted.

I am suspicious of all these last-minute tactics. I hope that if they are used, they will stand condemned in their own right and that we may vote down the Dirksen amendment or any amendments thereto.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished Senator from Alaska.

THE SCRIPPS-HOWARD NEWSPAPERS SUPPORT THE DIRKSEN AMENDMENT

Mr. GRUENING. Mr. President, the Scripps-Howard newspapers published today an excellent and convincing leading editorial in support of the Dirksen amendment entitled: "The People Are the Last Word." It is sufficiently impressive and logical so that I desire to ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, the Scripps-Howard chain includes 17 newspapers, respectively, in New York City, Pittsburgh, Cleveland, Cincinnati, Memphis, Birmingham, Covington, Ky., Columbus, Ohio, Denver, El Paso, Fort Worth, Hollywood, Fla., Knoxville, Evansville, Albuquerque, and Washington, D.C., and should have considerable influence on the people of their communities.

I find myself in accord with the ideas expressed in this editorial and shall support the Dirksen amendment.

Although the entire editorial will appear following my remarks, I wish to read three sentences, as follows:

> But the Senators opposing the Dirksen amendment don't want the people to decide for themselves.
>
> * * * * *
>
> If the people in the States are not capable of deciding such basic questions as the manner in which they wish their legislatures to be organized, then it is valid to question the capacity of the people to decide other questions—who, for instance, should represent them in the U.S. Senate.
>
> * * * * *
>
> The issue now before the Senate is fundamental—the right of the people of the States to decide for themselves.

EXHIBIT 1

[From the Washington Daily News, Aug. 4, 1965]

THE PEOPLE ARE THE LAST WORD

In our system of government, as spelled out by the Constitution and every other principle we go by, the people are the final word.

But a substantial number of Members of the U.S. Senate, although generally classifying themselves as "liberals," are opposed to this system.

They demonstrate this opposition by the bitter manner in which they seek to defeat the so-called Dirksen amendment to the Constitution.

Last year, the Supreme Court, in an amazing ruling held that both houses of a State legislature had to be apportioned on a strict population basis—the so-called one-man, one-vote proposition. This, despite the State-by-State apportionment of the U.S. Senate, despite the constitutions of most States, despite recent and specific approval by the voters in some States of a difficult system.

Nobody wants to rip out the Supreme Court because of this airy decision, although the decision had the effect of ripping out most State legislatures.

The way to correct the Court's action is to write into the Federal Constitution an amendment. This amendment has been offered by Senator DIRKSEN, of Illinois. All the amendment says is that any State may set up one house of its legislature on other than a population basis if—emphasis on the if—the people of the State want it that way.

But the Senators opposing the Dirksen amendment don't want the people to decide for themselves. The plain implication is that the Senators know better than the people of the States what is a proper system for the States. Since many of these Senators have been among the most zealous champions of civil rights, their inconsistency on the Dirksen issue is beyond comprehension.

If the people in the States are not capable of deciding such basic questions as the manner in which they wish their legislatures to be organized, then it is valid to question the capacity of the people to decide other questions—who, for instance, should represent them in the U.S. Senate.

Maybe, if these anti-DIRKSEN Senators are right, we should go back to the old system of having U.S. Senators chosen by State legislatures. (We wouldn't favor that for a minute, but it is just as logical as the opposition to the Dirksen amendment.)

There are many arguments favoring the Dirksen amendment. But, regardless of all other arguments, the issue now before the Senate is fundamental—the right of the people of the States to decide for themselves. Despite all the windy debate, this is the only issue.

Mr. DIRKSEN. Mr. President, I should like to ask my distinguished colleague from Illinois if he has finished using his time.

Mr. DOUGLAS. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The senior Senator from Illinois has 30 minutes remaining.

Mr. DOUGLAS. I am not yet quite certain what feat of magic will appear from the other side of the aisle. I do not want to give up all the time. But I promise that unless some extraordinary feat of legerdemain is produced, we shall take very little time from now on.

Mr. DIRKSEN. Mr. President, I have 4 minutes left. I suppose that in 4 minutes Houdini could probably perform a feat of magic.

Mr. DOUGLAS. Mr. President, I yield my colleague 2 minutes.

Mr. DIRKSEN. I thank my colleague for his forbearance. Since he has that much time, and I have only 4 minutes, I think I shall save my 4 minutes and see what will happen. I assure my colleague that I have no aces up my sleeve.

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President, I yield back the remainder of our time on the condition that my friend and colleague yields back the remainder of his time.

Mr. DIRKSEN. Mr. President, I yield back the remainder of my time with the exception of 2 minutes.

Mr. DOUGLAS. Mr. President, I yield back the remainder of my time with the exception of 1¾ minutes.

Mr. DIRKSEN. Mr. President, I should like to have the attention of my colleague. I do not know what I can say to my loyal friend who used to be on the faculty of the University of Chicago, and whose perception is great, except what is contained in the amendment.

It just states that the people may apportion one branch of a legislature according to population, geography, or political subdivision.

I do not know what else to say. If that is not clear, I am quite disturbed over the fact that my colleague does not understand the most elementary provision that we can couch in the English language. It will be all right if the plan is first submitted to the people for a vote in accordance with the law and the Constitution, and is approved by a majority.

How, by syntax, parsing a sentence, or by any other grammatical technique, can we make it any plainer than that?

The Senator said that my remarks were studded with irrelevant statements. I presented this matter. I do not know what else to say. If my colleague does not comprehend it now, I shall pray for him and hope that light and understanding will come.

My prayer will be like that of Solomon's, because I shall address the Lord and say, "Give him an understanding heart."

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Mr. President, I ask whether all time has been yielded back or expired.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HRUSKA. Mr. President, I send to the desk three amendments to the Dirksen substitute, which are clarifying in nature and ask that they be considered severally, and that the one designated as No. 1 be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 1, strike "or" and insert "and."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska to the Dirksen substitute.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes. My amendment would replace the disjunctive with a conjunctive in reference to the three factors which are permissible for apportioning one house of a State legislature.

This would bring within the meaning and intent of the substitute which was submitted earlier by the senior Senator from New York.

It would require the employment of all three of these factors in the apportionment of one house in any plan submitted under the amendment. That is its intent.

Mr. DIRKSEN. Mr. President, I discussed this subject with the distinguished Senator from Wisconsin, and also with the distinguished Senator from Maryland. This is a clarifying amendment. I have no objection, as the author of the substitute, to accepting the amendment.

The PRESIDING OFFICER. Has the Senator from Illinois modified his amendment?

Mr. DIRKSEN. Yes, as suggested.

The PRESIDING OFFICER. The amendment is so modified.

The clerk will state the second amendment proposed by the Senator from Nebraska.

The legislative clerk read as follows:

> On page 2, line 2, strike "similar" and insert in lieu thereof "reasonable."

Mr. HRUSKA. Mr. President, I call the attention of the Senate to the fact that that was the original terminology of the Senate Joint Resolution 2. It was changed in the revisions that were made. In the case of the apportionment of a unicameral legislature reasonable weight could be given to the three factors specified under this amendment.

Mr. DIRKSEN. Mr. President, the Senator from Nebraska states the case accurately. We used the word "reasonable" all through any number of texts of the amendment. Frankly, I do not know quite how the word "similar" finally got in the measure. However, I presume that it was done in the subcommittee. The amendment being rather technical in nature, I have no objection to accepting it.

The PRESIDING OFFICER. The amendment is so modified.

Mr. JAVITS. Mr. President, by way of legislative history, does the Senator agree that the use of the word "reasonable" would subject the measure to the jurisdiction of the court, in the apportionment of a unicameral legislature?

Mr. DIRKSEN. The Senator is correct.

The PRESIDING OFFICER. The clerk will state the third amendment.

The legislative clerk read as follows:

> On page 2, line 8, strike "the first" and insert in lieu thereof "a"; and in the same line 8, after "apportionment" insert "based on factors of population, geography, and political subdivisions".

Mr. HRUSKA. Mr. President, this, again, is a matter of clarification. The amendment would then read as follows:

> When a plan of apportionment based on factors of population, geography, and political subdivisions is submitted to a vote of the people under this section there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.

Under this amendment, alternate plans would appear simultaneously on the ballot for the purpose of permitting the people voting to exercise a choice as to one plan or the other. There had been confusion, in the minds of some, in the use of the words "the first."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. HOLLAND. Does that amendment mean that, not only as to the first submission, but as to any subsequent submission after a decennial census, there must be two alternate proposals submitted to a vote of the people?

Mr. HRUSKA. That is my interpretation of it.

Mr. HOLLAND. I thank the distinguished Senator. He has been most helpful.

Mr. DIRKSEN. Mr. President, we regard these as clarifying amendments, and quite in accord with the assurances which I gave to the Senate that I would submit no drastic or significant changes of any kind. Having discussed these with those on the opposite side, I believe that they will agree that these are clarifying amendments.

Mr. BOGGS. Mr. President, I send to the desk an amendment to the Dirksen substitute, and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 7, substitute a comma "," for the period "." and insert thereafter: "and provided that under such plan the people residing in the less populous geographic areas or political subdivisions of the State shall in no case have less representation in either house than they would have under a plan based upon substantial equality of individual votes."

Mr. BOGGS. Mr. President, I offer this amendment because I am concerned about a weakness in the Dirksen amendment which could work to the disadvantage of citizens in less-populated areas of reapportioned States. My own State of Delaware is included among the 20 or so States now in this category. Additional States are in the process of being reapportioned, and this weakness would also affect them.

Where reapportionment has taken place, it is the legislators from a State's more populous areas who are generally in the majority. If the Dirksen amendment were enacted, they would have a decisive influence over whatever reapportionment plan was proposed to the voters. The plan could be based on any combination of the factors of population, political subdivisions, and geography.

It is not reasonable to assume—from a logical or a political point of view—that these legislators would draw up or favor any plan which would lessen their position, or the position of the people they represent.

On the other hand, it is reasonable to suppose that a plan might be devised, perhaps even unintentionally, which would work to the disadvantage of citizens in less populous areas, and these areas would not have sufficient representation in the State legislature to stop it.

To take the case one step further, when a reapportionment plan was presented to the electorate in a referendum, the more populous areas of a State would have the built-in protection of numbers. They could vote down the referendum if they felt it would reduce the present situation in which they have an equal vote.

Voters in the less populous areas, on the other hand, would not have the voting strength to protect any weakening of their present equal vote status. A plan might be adopted which would diminish their representation and the weight of their individual votes.

My point, then, is that citizens in the less populous areas of States should be protected from this danger of having their individual votes whittled down. The rights of voters in these areas to an equal voice in the voting booth should not be left to the hope, charity, and political good will of the legislature plus a bare majority of the State's voters.

My amendment is designed to safeguard the voting rights of individuals in the less populous or rural areas by providing that any new apportionment plan could not give them any less representation in either house than they would have under a plan based upon substantial equality of individual votes.

Adoption of my amendment would mean, therefore, that no apportionment plan could cut back the present position of voters in less populous areas, a position in which their vote has equal weight with the vote of persons in the more populous areas.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BOGGS. I yield.

Mr. GORE. The Senator's amendment, if I interpret it correctly, would give to the people residing in less populous areas protection against the adoption of any plan under the proposed amendment which would lessen their proportionate share of representation. Is that correct?

Mr. BOGGS. That is true.

Mr. GORE. But it would not provide such protection for people living in the more populous areas of the State.

Mr. BOGGS. That is correct. I explained that in my statement by saying that those areas have a built-in protection, because the populous areas have a majority in both houses of the legislature and a majority in the referendum.

Mr. GORE. Will the Senator yield further?

Mr. BOGGS. I yield.

Mr. GORE. I wonder if the Senator would be willing to modify his amendment, the addition of which would read as follows:

> And provided that under such plan the people residing in either the less populous or the more populous geographic areas or political subdivision—

And so forth—

> shall in no case have less representation—

And so forth.

Mr. BOGGS. I have thought about this matter in studying the amendment. As I pointed out, the majority have a built-in protection in already reapportioned States. There is no need for it at all. The amendment is needed for the protection of the minority which does not have such protection in the legislature or in a referendum.

Mr. GORE. The built-in protections to which the Senator refers are people.

Mr. BOGGS. Yes.

Mr. GORE. Why be afraid of the people? Let the people vote.

Mr. BOGGS. We are not afraid of the people. We are giving them an opportunity to vote.

Mr. GORE. Why would not the Senator accept the modification of the amendment which would provide protection of the people in the more populous areas that he seeks to provide for people in the less populous areas?

Mr. BOGGS. For the reason, as I have already pointed out, that the majority is in the populous areas, and they have a built-in protection. Under the concept of the Dirksen amendment, it is the minority who do not have a voice or a vote to protect citizens' right in the legislature, and they are the ones who need this constitutional protection. The other group, the majority, have a built-in protection. They have the final decision. I have confidence they would vote to protect their interests, and I am happy to submit to their final judgment on it.

Mr. DIRKSEN. Mr. President, as I read this language, there is no specific guideline whatever. It seems to modify the substitute so as to provide that:

> Under such plan the people residing in the less populous geographic areas or political subdivisions——

Mr. BOGGS. I apologize for interrupting, but it is impossible to hear my distinguished colleague.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. If I am in control of the time, I shall be glad to yield.

The PRESIDING OFFICER. The senior Senator from Illinois [Mr. DOUGLAS] has control of the time in opposition.

Mr. DOUGLAS. Mr. President, who has control of the time opposing the amendment?

The PRESIDING OFFICER. Under the agreement, the senior Senator from Illinois has control of the time in opposition.

Mr. DOUGLAS. I yield such time as the junior Senator from Illinois may require.

Mr. DIRKSEN. Mr. President, my comment shall be brief. I could not accept the language. The language is rather vague. It inserts a proviso in the language already in the substitute. It provides:

> That under such plan the people residing in the less populous geographic areas or political subdivisions of the State shall in no case have less representation in either house than they would have under a plan based upon substantial equality of individual votes.

There is no specific guideline as to what constitutes a less populous area or a more populous area, either on a geographic basis or a political subdivision basis. Frankly, the administration of a proposal like this would be difficult indeed.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. ERVIN. In North Carolina we have 100 counties. Ninety-nine of them are less populous than the 100th county. I ask the Senator from Illinois if the amendment of the Senator from Delaware would not nullify the whole amendment, for all intents and purposes, because it would provide that 99 counties of North Carolina would have to be given the same representation under the one-man, one-vote system.

Mr. DIRKSEN. I am sure that is so, and a comparable situation would exist in practically every State, including my own.

I trust, therefore, that the amendment will be rejected.

Mr. BOGGS. Mr. President, I yield back my time on the amendment.

Mr DOUGLAS. I yield back my time on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. BOGGS] to the Dirksen substitute.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Illinois [Mr. DIRKSEN], as amended.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. DOUGLAS. What is the question before the Senate?

The PRESIDING OFFICER. The question is on the substitute amendment of the Senator from Illinois, as amended, to the joint resolution.

Mr. DOUGLAS. As modified.

The PRESIDING OFFICER. As modified.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana (when his name was called). Mr. President, on this vote I have a pair with the Senator from Minnesota [Mr. MCCARTHY]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Minnesota [Mr. McCARTHY] is necessarily absent and his pair was previously announced.

The result was announced—yeas 59, nays 39, as follows:

[No. 203 Leg.]

YEAS—59

Aiken
Allott
Bartlett
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gruening
Harris
Hayden
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Mansfield
McClellan
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Murphy
Pearson
Prouty
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—39

Anderson
Bass
Bayh
Boggs
Brewster
Burdick
Case
Clark
Dodd
Douglas
Gore
Hart
Hartke
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Magnuson
McGee
McGovern
McIntyre
McNamara
Mondale
Montoya
Morse
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—2

Long, La.
McCarthy

So Mr. DIRKSEN's amendment, as modified, was agreed to.

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution, as amended, pass?

Mr. PROUTY. Mr. President, do I correctly understand that the Senate is no longer under a time limitation?

The VICE PRESIDENT. The Senator is correct.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays on passage of the joint resolution.

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, I seek recognition.

The VICE PRESIDENT. The Senator from Vermont is recognized.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. YARBOROUGH. How much time is being allotted?

The VICE PRESIDENT. There is no time limitation in effect.

Mr. MANSFIELD. Mr. President, will the Senator from Vermont agree to a time limitation, so that Members of the Senate may govern themselves accordingly? He could take a full hour or more. Can he give any indication of how long he will take?

Mr. PROUTY. I have no objection to a unanimous consent agreement being made after I finish my speech. I shall probably take between 45 minutes and an hour.

Mr. MANSFIELD. The Senator could take an hour, and perhaps an additional half hour. Senators could govern themselves accordingly, if he were agreeable to such a suggestion. Members of the Senate could govern themselves accordingly insofar as their engagements and other matters they must attend to with their constituents are concerned.

Mr. PROUTY. I should like to accommodate the majority leader——

Mr. MANSFIELD. Not the majority leader. I am thinking of the Senate.

Mr. PROUTY. It will not take me more than an hour, probably considerably less than that.

Mr. HOLLAND. Mr. President, the Senate is not in order.

The VICE PRESIDENT. The Senator from Florida is correct. The Senate will be in order. Senators will please cease conversation or retire to the cloakrooms.

Mr. PROUTY. Mr. President, in March of 1962, the U.S. Supreme Court in *Baker* v. *Carr*, 369 U.S. 186, held that a challenge to the apportionment of representation in a State legislature put forward a justiciable question under the equal protection clause of the U.S. Constitution over which the Federal courts have jurisdiction.

Two years later in *Reynolds* v. *Sims*, 377 U.S. 533, and in other cases, the Supreme Court held that the equal protection clause required both houses of a State legislature to be apportioned on the basis of population.

Prior to these decisions the Court had almost consistently refused to hear apportionment cases on the ground that these suits involved purely political questions and presented an issue inappropriate for judicial determination.

Mr. Justice Frankfurter, dissenting in the Baker against Carr case, attacked the foundation of the Court's decision when he said:

> The notion that representation proportioned to the geographic spread of population is so universally accepted as a necessary element of equality between man and man that it must be taken to be the standard of a political equality preserved by the 14th amendment—that it is, in appellants' words "the basic principle of representative government"—is, to put it bluntly, not true.

Justice Frankfurter continued:

> However desirable and however desired by some among the great political thinkers and framers of our Government, it has never been generally practiced, today or in the past. It was not the English system, it was not the colonial system, it was not the system chosen for the National Government by the Constitution, it was not the system exclusively or even predominantly practiced by the States at the time of adoption of the 14th amendment, it is not predominantly practiced by the States today. Unless judges, the Judges of this Court, are to make their private views of political wisdom the measure of the Constitution—views which in all honesty cannot but give the appearance, if not reflect the reality, of involvement with the business of partisan politics so inescapably a part of apportionment controversies—the 14th amendment, "itself a historical product" provides no guide for judicial oversight of the representation problem.

In deciding that each house of a State legislature must be apportioned on a population basis, the Supreme Court totally ignored the legislative history of the 14th amendment—the concept of that amendment held by the Members of Congress and State legislatures which promoted its adoption and the political practices of the State from the beginning of the Federal Union.

Of the 23 loyal States which ratified the 14th amendment prior to 1870, 15 had State legislatures apportioned on a basis other than population. No one has yet been bold enough to suggest that the State legislatures who participated in ratification had a desire or intent to invalidate their own legislative bodies.

Six of the ten Southern States which were required to ratify the 14th amendment as a condition to their readmission to the Union had legislative systems far different from those now made mandatory by the Court.

In fact, the Supreme Court could point to no single statement in the entire legislative history of the 14th amendment which supported its invasion of States rights and its overturning of the discretion of the people of those States.

The Court's shocking assault upon the foundation of our Federal-State relationship calls to mind the warning given to the American people by President Abraham Lincoln in his first inaugural address. Lincoln said:

> The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by the wide decisions of the Supreme Court * * * the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Lincoln was right. When vital decisions are made by a judicial tribunal without regard to the rights and wishes of the States and the people generally, there is a passing of power into the hands of a few, and we live under a judicial oligarchy.

The Constitution of the United States is a document that may be amended by the action of Congress and the legislatures of the several States. If it has deficiencies—if it needs improvement—the amendment process is the clearest and surest way of political reform.

In the reapportionment cases, the Supreme Court has done more than interpret the Constitution. It has amended it. This was brought clearly to light by the views of Mr. Justice Harlan who said:

> The vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform.

Justice Harlan also said:

> When, in the name of political interpretation, the court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amendment process.

For more than a century and a half, it has been the right of each State or the people of that State to decide under which political system they shall operate.

Operating under this right or principle, the State of Colorado reapportioned and restructured its legislature. One house was established on the equal representation or one-man, one-vote theory. The legislature left up to the people of Colorado the determination as to what system should prevail in the other House.

In a referendum the people of Colorado decided to adopt a system which took into account factors other than population. Yet the Supreme Court of the United States cast aside the will of the people and substituted its own set of standards.

Mr. Justice Stewart, who dissented in the Colorado case, exposed for all time this shocking challenge to the precedents and practices of a free society when he said:

> What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, geography, distribution of population, and political heritage. Even if it were thought that the rule announced by the Court is, as a matter of political theory, the most desirable general rule which can be devised as a basis for the makeup of the representative assembly of a typical State, I could not join in the fabrication of a constitutional mandate which imports and forever freezes one theory of political thought into our Constitution, and forever denies to every State any opportunity for enlightened and progressive innovation in the design of its democratic institutions, so as to accommodate within a system of representative government the interests and aspirations of diverse groups of people, without subjecting any group or class to absolute domination by a geographically concentrated or highly organized majority.

That the Supreme Court has brought about a political revolution in this country cannot be gainsaid.

As of March of this year, all States but Oregon and South Carolina have been involved in reapportionment matters. Forty-four States have been parties in Federal and State court suits. Four of these States were reapportioned by the courts, while 22 others are under order to reapportion one or both houses of their legislatures.

It is small wonder that several legislatures have petitioned Congress to call a convention to propose an amendment to the Constitution to allow States to apportion one house of a bicameral legislature on factors other than population.

Those who feel that the Constitution should be amended only by the processes described in that document believe that in Reynolds against Sims the Highest Court attempted to insert in our fundamental charter its own notions with respect to political representation.

These observers—and I count myself as one of them—recall with amusement—and, yes, sadness—the vast change that has come over the views of Chief Justice Earl Warren since he became insulated from everyday political life. While Governor of California, Warren said:

> Many California counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting the representation in the senate to a strictly population basis.
>
> It is for the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union—equal representation in one house and proportionate representation based on population in the other.
>
> Moves have been made to upset the balanced representation in our State, even though it has served us well and is strictly in accord with American tradition and the pattern of our National Government.
>
> There was a time when California was completely dominated by boss rule. The liberal election laws and legislative reapportionment of the system have liberated us from such domination. Any weakening of the laws would invite a return to boss rule which we are now happily rid of.
>
> Our State has made almost unbelievable progress under our present system of legislative representation. I believe we should keep it.

There are many of us in this Chamber who believe that our States have made remarkable progress under legislative systems devised by our people and their elected representatives.

Earl Warren was right in 1948 when he favored an apportionment which reflected the will and aspirations of the peoples of California. He and his colleagues who joined him in Reynolds against Sims are wrong now in attempting to impose on California and all other States a legislative scheme which comports with their own political ideology—an imposition or intrusion that finds no support in the Constitution itself or in the statements of the authors of the 14th amendment.

The equal protection clause of the American Constitution did not cover legislative apportionments in 1904, in 1924, or 1944. Yet, the Court held that it did in 1964.

The political bosses in the larger cities are ecstatic with joy. The judicial lever has opened the door for their political combines, and there is virtually no limit to a possible expansion of boss power.

It is interesting to note, Mr. President, that those who warmly endorse the actions of the Supreme Court would be the first to complain if the Court's concept of equity and justice were to be transported and applied to the General Assembly of the United Nations.

In that Assembly at the U.N., 176,000 people from Iceland have as many votes as nearly a half a billion people from the nation of India.

As one writer said, if delegates to the U.N. were appointed solely by population, India would have 2,489 delegates to Iceland's 1.

Do any of these advocates of the one-man, one-vote rule suggest that Egypt should be allowed to outvote Israel at the rate of 12 to 1? No, on this question the one-man, one-vote crowd is curiously silent.

Those who want the Supreme Court to prescribe the makeup of our State legislatures tell moving tales about how the big cities are neglected by rural legislators. They ignore the fact that in study after study, political scientists have concluded that when cities fail to get what they want, it is generally the result of squabbling between city Republicans and city Democrats.

Prof. David Derge, of Indiana University, did an analysis of every rollcall vote in the Illinois Legislature between 1948 and 1959. He concluded:

> The city's bitterest opponents in the legislature are political enemies from within its own walls, and those camped in the adjoining suburban areas.

Dr. Murray Clark Havens, formerly of the University of Alabama, reports:

> In the case of rural splits, which were frequent, urban representatives, fairly well united themselves, found it relatively easy to employ the ancient political device of the balance of power.

After studying the actions of the Missouri Legislature, George D. Young, of Missouri, concluded:

> In the house, the difficulty in passing city legislation does not come from rural members but from members of the city's own delegation.

Indeed, he went on to say:

> It is almost invariably true that if the city's delegation is united upon a measure, it will be accepted by the entire general assembly.

Noel Perrin, writing in the Yale Review in the fall of 1962, brought to light the fact that in Connecticut half a dozen country villages have been wiped out for the sake of one city's water supply. One of the villages, he said, was 170 years old, in good shape physically and financially, and not a bit anxious to die.

Examples of this type will multiply if the people in each State are not permitted to devise the composition of their legislature.

In the State of Pennsylvania, the Constitution of 1776 called for representation by cities and counties and since 1790 factors other than population have been required.

The constitutional mandates contained in the Pennsylvania constitution were adopted in a referendum of all the people. At least five times since 1891 there have been proposals submitted to the people to call a convention to revise the Pennsylvania constitution, and five times the people have rejected these proposals, thereby indicating their satisfaction with the language in that constitution or their feeling that change was not imperative.

In *Butcher* v. *Bloom*, 415 Pa. 438, Mr. Chief Justice Bell made a wise observation when he stated:

> A rule which completely disregards and discards history, tradition, geography, local interests, and local problems, differences in dialects and language, in customs, in ideas and ideals in each State and also in many parts of each State; which will almost inevitably deprive minority groups of a fair and effective representation in legislative halls of their principles, customs, traditions, their particular problems and desired solutions, and the preservation of their cherished way of life; which will insure that their interests will not only be diluted, but will be in practical effect, frequently ignored;

> which is so far removed and so different from what the people in each State of the United States have believed in and cherished and on which they have for a century or more based their government and their way of life; ought not to be allowed to stand.

Mr. President, let a word be said about the importance of the proximity of the State legislator to the people he represents.

In Vermont, prior to the Supreme Court decision, each community was entitled to one representative in the State's lower house. A person with a legislative problem could walk a few blocks and talk it over with his town representative. This easy identification of the citizen with his legislator must, under court order, become a thing of the past. What Vermonters think is good government must give way to the notion of men in judicial robes, many of whom have never been in our State.

I am not prepared to accept this judicial revolution supinely, and I cosponsor and strongly support the Dirksen amendment which would restore to the voter a voice in the apportionment of his State legislature.

Those who oppose the Dirksen proposal have led many persons to believe that if it were made a part of the Constitution, each State will have one of its legislative houses based upon factors other than population. Yet, Mr. President, the Dirksen amendment gives the citizens of each State a free choice. If they so desire, they may structure both houses of their legislature on a population basis, or if they so choose, they may apportion one house using population, geography, or political subdivisions.

In other words, Mr. President, it is entirely possible that every State may have a legislature whose composition is based on population, even if the Dirksen amendment becomes a part of the Constitution.

What do opponents of the amendment have to fear? Are they afraid that the voters will repudiate the notions of the Supreme Court? Are they afraid that the voters may have some ideas of their own as to what constitutes good government? Are they afraid that the city political bosses, made secure by Supreme Court decisions, will see their thrones trembling when the people speak?

We do not know what the ultimate tally will be on the Dirksen amendment, but we are sure of at least this: That well over half—and, the earlier vote indicated, nearly two-thirds of the Senators will support it. We know, too, that a high percentage of our State legislatures recommend its adoption. And we know also that people from every walk of life—farmers, factory workers, housewives—are asking that their voices be heard and we should not ignore their pleas.

Still, Mr. President, even if the Dirksen amendment should lose on final passage by a margin just short of the two-thirds requirement, there may be other means available to protect the voter's right to choose his own form of government.

If the research I am doing in depth bears out what I think it will, I may offer a new proposal for consideration by the Congress if the Dirksen amendment fails today or should fail of passage when offered at another time.

I feel that in the full and proper exercise of its power under the Constitution, the Congress might well succeed in obtaining the objective of the Dirksen amendment through passage of a joint resolution by a simple majority vote.

One may ask, How can this be so? Subject to modification based on later research, this would be my answer.

The opening words of article IV, section 4 of the Constitution are:

> The United States shall guarantee to every State in this Union a republican form of government.

The enforcement of this provision is of a political character—exclusively committed to Congress—and as such is beyond the jurisdiction of the courts.

Should the Congress decide that a distinguishing feature of a republican form of government is the right of the people or their elected representatives to devise what shall constitute the proper apportionment of their State legislatures, why, then, it may declare unrepublican those State governments whose legislative arm was shaped under judicial coercion.

In No. 32 of the Federalist Papers, Madison declares that it is essential to a republican form of government that it be derived from the great body of the society, not from an inconsiderable portion or a favored class of it.

Can it be truly said, Mr. President, that a State legislature is derived from the great body of citizens within that State if its shape, its composition, its numbers are determined not by the people themselves nor by their elected representatives? Nothing could be more unrepublican.

The opening words of the guarantee clause are "The United States shall." This is the only instance in the Constitution where the Government by its corporate name is given a duty, and in *Texas* v. *White*, 7 Wallace 730, the U.S. Supreme Court said the power to carry into effect the clause of guarantee is primarily a legislative power, and resides in Congress.

In the words, "The United States shall guarantee to every State in this Union a republican form of government," what is meant by the term "State"?

In Texas against White, the Court said:

> The primary conception is that of a people or community. The people [whether dwelling in a particular physical area,] * * * and whether organized under a regular government * * * constitute the State.
>
> This is undoubtedly the fundamental idea upon which the republican institutions of our country are established.

So, Mr. President, when the Constitution says that the United States shall guarantee to each State a republican form of government, it means that the United States shall guarantee to the people of each State a republican form of government.

The authors of the 14th amendment were very much aware of the great power which resides in Congress by reason of the guarantee clause. Indeed, Senator Sumner said:

> It is a clause which is like a sleeping giant in the Constitution, never until this recent war awakened, but now it comes forward with a giant's power.

Anyone who would seriously contend that the 14th amendment places a limitation on the power of Congress under the guarantee clause distorts history and ignores the intentions of the framers of the 14th amendment.

Indeed, when the Committee on Reconstruction reported out the 14th amendment, it stressed its strong reliance on article IV as that source of power under which Congress could reconstruct the Southern States and deal with the rights of the people in these States.

The majority report of the committee maintained that it was for Congress, not the President, to establish the relationship of the Southern State governments to the Union.

When we speak of the United States guaranteeing to each State a republican form of government, it is necessary for us to inquire what is meant by the term "guarantee."

In the dictionaries being used at the time of our Constitutional Convention, "to guarantee" is defined as "to undertake to secure the performance of any articles."

The words "to secure" are defined as "to make certain, to make safe, to protect, to put out of hazard."

The clause may, therefore, be restated as "The United States shall undertake to make certain, make safe, protect, put out of hazard republican forms of government in each State."

There is no question about the fact that under the guarantee clause, Congress can protect as well as restore republican government, and its role is not to be a motionless observer while a State is forced to operate under a political system not chosen by its people or their elected representatives.

It matters not who destroys the sovereignty of a State or impedes the sovereignty of the people—it matters not what form of tyranny makes a State unrepublican in character. In any and all efforts the Congress may intrude and insert its will.

The makeup of a State legislative body involves a political question, and the role of the Supreme Court should be limited to the enforcement of State statutory or State constitutional law.

As Mr. Justice Woodbury said many years ago:

> If the people, in the distribution of powers under the Constitution, should ever think of making judges supreme arbiters in political controversies, when not selected by nor, frequently, amenable to them, nor at liberty to follow such various considerations in their judgments as belong to mere political questions, they will dethrone themselves and lose one of their own invaluable birthrights; building up in this way—slowly, but surely—a new sovereign power in the Republic, in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than the worst elective oligarchy in the worst of times.

In closing, Mr. President, I would express again my strong support for the amendment offered by the distinguished minority leader. It contains the best of all possible solutions to the reapportionment problem.

Should it pass—and I certainly hope it will—then I hope the House of Representatives will give its provisions resounding approval.

Should the Senate, through unwisdom, reject it by a close margin, I hope the distinguished junior Senator will offer it again to give those in error a chance to be on the side of the people.

The able minority leader has given his pledge that he will offer his constitutional amendment time and time again if necessary, and if by chance such course should be essential, he may count on my voice, my vote, and my devotion to his cause.

His plea is simple. It is simply this: Let the people speak.

There can be no other choice in a truly free society.

Mr. SYMINGTON. Mr. President, I support the modified Dirksen amendment because I believe the people of the States should have the right to decide how they will be represented in their State legislatures.

Under the amendment, the people are to be given the choice at the voting booth between two plans, one based on population, geography, and political subdivisions, the other on substantial equality of population.

The factors on which a nonexclusive population plan could be based are strictly limited to geography or political subdivisions, thereby ruling out other factors.

The measure provides that this right of the people to decide would be a continuing one, in that after every decennial census, they would choose a plan for the future.

At any time the voters defeated a geographical plan, both houses of a bicameral legislature or the one house in a unicameral system would have to be apportioned on a population basis.

The amendment does not restrict the power of the Federal courts to provide judicial relief if a legislature were not apportioned in accordance with a plan adopted by the people. If a State did not utilize the provisions of the proposed amendment, both houses would be apportioned by population. If they were not, a citizen would be entitled to a judicial remedy. In all circumstances, judicial relief would be afforded whenever one house of a bicameral legislature was not apportioned on the basis of population.

It is the essence of our democratic system that the people are the authority for the government.

The amendment would permit—not require but permit—the people to decide the basis of their representation. I believe the people should have that right and therefore shall vote for the modified Dirksen amendment.

Mr. HARRIS. Mr. President, as a member of the Oklahoma State Senate and as a citizen of Oklahoma, I supported reapportionment under Oklahoma's constitution. However, once the Federal court had issued its order for reapportioning the Oklahoma Legislature under the rule established by the U.S. Constitution, because I respected my oath to uphold the United States and Oklahoma constitutions, I joined in coauthoring a bill in the 1963 Oklahoma Legislature to apportion that body in accordance with the Federal court decree.

Thereafter, the people of Oklahoma, during the same primary elections in which I was nominated for the U.S. Senate, adopted State question No. 416, providing reapportionment of the Oklahoma Legislature on a formula different from that established by the Federal court decree. The Federal court then invalidated State question No. 416.

Thereafter, in a widely publicized statement before the Oklahoma Municipal League in Tulsa, during the last general election, I stated that I felt morally committed by reason of the vote of the people of Oklahoma on State question No. 416 to support some measure along the lines proposed by Senator EVERETT DIRKSEN, of Illinois. My Republican opponent in that campaign made a similar statement at the same time.

Since that time and since my election to the U.S. Senate, the newly reapportioned Oklahoma Legislature, apportioned according to the Federal court decree, passed a resolution memorializing Congress to start procedures for amending the U.S. Constitution to allow each State to determine how its legislature should be apportioned.

The amended Dirksen resolution, which would refer to the States the question of amending the U.S. Constitution to allow the people of each State to decide how its legislature should be apportioned and providing for a periodic review by the vote of the people of each State, is in line with my commitment to the people of Oklahoma. I, therefore, intend to vote for it.

Also weighing heavily in my mind is the fact that some 29 States have memorialized Congress to call a constitutional convention for this purpose, which I think would be a far more unwieldy procedure than that proposed in the Dirksen resolution, particularly in view of the fact that such a constitutional convention apparently would not be limited to considering that proposition alone.

Mr. BURDICK. Mr. President, the Supreme Court decisions which began with Baker against Carr have done much to correct stubborn abuses in State apportionment. But they have done more than just that. They have also helped to rejuvenate State government.

During the past 30 or more years, as problems of an ever-changing society have become ever more complex, State governments were bypassed, overlooked, ignored, and just plain forgotten. Much of the reason for this affront to the States is the fault of the States themselves. They simply were not equipped to grapple with the enormous and growing problems of education, welfare, transportation, and air and water pollution—which are vexing problems for North Dakota as much as problems for California or New York.

The farflung wave of reapportionment reform set in motion by Baker against Carr, Gray against Sanders, Wesberry against Sanders, Reynolds against Sims, and subsequent reapportionment cases demonstrated an encouraging quality both of restraint by the Court and compliance by most States. Certainly not every State has overnight complied to the Court's complete satisfaction.

Many cases are still in dispute, including North Dakota. But in the overwhelming number of cases, the wheels of genuine reapportionment have been set in motion. It is almost as if the various States were waiting for an objective third person to rule on abuses which had grown more perplexing and harder to resolve with each passing year.

If Congress now tampers with the delicate question of reapportionment, by adopting Senate Joint Resolution 2 or any of its cousins, the whole impulse for reform will be thrown out of gear. It will do great harm to this and future generations.

As the Christian Science Monitor in a roundup of reapportionment cases by States commented on July 13, 1965:

> The States are putting their legislative houses in order.
>
> Perhaps at no time in American history has there been such widespread activity in the realinement of the districts from which State legislators are elected.

In summarizing, the Monitor notes:

> All but six States—Alaska, Maine, North Carolina, Oregon, South Carolina, and South Dakota—have been involved in one or more lawsuits over legislative apportionment * * *. With reapportionment court orders ringing in their ears, cautious State lawmakers have had little choice but to do the job many have dreaded for decades.

Obviously this has not been easy. Indeed, it has not been accomplished without some pain and suffering inside the various States. Many members of State legislatures have found themselves voting for apportionment schemes which promised to eliminate their own political careers. Yet it has been done and is being done, not only because of the Supreme Court's ruling, but because the States knew they had erred and the Court had merely prodded them into activity. If Congress now injects new concepts completely foreign to the long tradition of equal representation, our whole Nation will suffer irreparable harm.

OURS IS A NATIONAL GOVERNMENT—STATES WILL FLOURISH WITH FAIR APPORTIONMENT

It may come as some surprise for my colleagues in the Senate to realize that apportionment is a live topic in a sparsely populated State like North Dakota, as much as it is in Maryland, Michigan, Illinois, Georgia, or New York. A pending law suit filed by several eminent North Dakota citizens is designed to end some of the inequities in our present system of apportionment. The Reynolds against Sims decision has hastened the drive for fair apportionment in North Dakota as well as other States. The approval of Senate Joint Resolution 2 or any other dilution or renunciation of the Reyonlds standard would, in effect, throw the seats of our State legislatures into a pile and encourage interest groups to scrabble for as many as they can get their hands on.

It is my conviction that State government can best flourish when it is responsive to the needs of all its people. While no one contends that districts can be drawn with "mathematical exactitude," as the Supreme Court phrased it, certainly no one would seriously contend to a citizen of the 9th Senatorial District in North Dakota that his vote should be worth half again as much as one in the 36th District. Should a resident of Oliver County be given a skimpier ballot than a voter in Ward County? I think not. The citizens of both counties have an equal stake in good State government. The sheepherder of Hettinger County has the same basic interest in good government as the shoemaker of Cass County. Why weigh their votes on a different scale?

The Constitutional Revision Subcommittee of the North Dakota Legislative Research Committee wrote some guidelines for apportionment which are worth repeating:

> The extreme deviation between the highest and lowest legislative district should not exceed 10 percent over or under the desired population factor, and, if possible, a closer relationship should be obtained.

A sober and fair yardstick. Are we to throw this kind of calm and reasoned counsel to the winds? I fear we shall do just that if Senate Joint Resolution 2 is adopted, where all guidelines of fairness are made fuzzy and a frenzy of backscratching and logrolling is encouraged and tolerated. Judicial restraint and guidance will go down the drain, as we tell the State legislatures—Do what you want, forget about reasonable standards, the fenceposts count as much as people.

There are many States righters who favor the Dirksen rotten-borough amendment. I respect them, although I disagree with them. But I ask them if they know what they are doing to the States. If we approve this slap at the Supreme Court, and in the face of Reynolds against Sims, this is precisely what it is, then what are we doing to State government?

Mr. Allen Otten of the Wall Street Journal reported only a few days ago from the Governors' conference in Minneapolis that the States no longer have an inferiority complex. They are beginning to come to grips with the monumental problems of education. Why? Certainly one reason is reapportionment—not just of congressional districts, but of the State legislatures, too:

> Legislative reapportionment, ordered by the Supreme Court, is producing legislatures more representative of the cities and suburbs and more willing to come to grips with the pressing problems of expanding metropolitan areas—

Writes Mr. Otten, a most astute political reporter on the national scene—

> it also is focusing attention on the whole problem of absolescent State government. In close to two dozen States, constitutional revision conventions or commissions are on the way or already at work. These often are set up mainly to reapportion the State legislature, but most branch out to streamline archaic constitutions and bolster the legislative and executive branches.

Are we now going to discourage this wave of reform which is sweeping the States by saying to one house of the State legislature, you can reapportion just about any way you please and the Supreme Court cannot touch you? I hope not. For the sake of good State government, able to struggle successfully with the problems of the jet age, let us not foist the machinery of the horse and buggy on the States.

NORTH DAKOTA FARMERS RELY ON GOODWILL OF CITY DWELLERS

It is self-evident that North Dakota agriculture is the predominant economic activity of my State. But North Dakota is by no means a predominantly rural State. Not many realize that more than one-third of North Dakota or 222,708 of its inhabitants are urban dwellers. Another 202,738 according to the 1960 census are rural nonfarm, and the remaining 207,000 are rural. There has been a steady urbanizing trend in North Dakota for the past 60 years. The rural sector has steadily diminished as the urban group has grown. In a State like ours, family relationships are very close regardless of where people live. Grandfather Nyberg may live in Minot. He has farmed all his life and is now classified in the census figures as a city dweller, while his sons are farmers. Does grandfather rate 25 or 15 percent less of a vote than his son because he moved to the city during his old age? I think not.

North Dakota farmers long ago accepted the fact that "farm prices are made in Washington." North Dakota farmers realize that without the votes of Senators and Congressmen from city and suburban areas they could not have a farm program which assures an ample supply of wheat in a hungry world and an adequate price for that wheat.

In this connection, I should also like to point out that in last year's passage of H.R. 6196, the wheat-cotton bill, on April 8 in the other body, it was the 64.7 percent "Yes" votes from big city congressmen which made the difference in the outcome and meant so much to the wheat farmers of North Dakota.

The following chart prepared by the Division of Legislative Services of the National Farmers Union illustrates my point.

I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Analysis of record vote by House of Representatives on wheat-cotton bill, H.R. 6196—Passed 211 to 203, Apr. 8, 1964

Type of congressional district	Democrats	Republicans	For H.R. 6196[1]		Against H.R. 6196[1]		Percent of total votes for	Percent of total votes against	Percent of Democrats for	Percent of Democrats against
			Democrats	Republicans	Democrats	Republicans				
Total	249	177	207	10	42	167	50.9	49.1	83.1	16.9
Big city	91	31	78	1	13	30	64.7	35.3	85.7	14.3
Midurban	23	35	18	1	5	34	32.8	67.2	78.3	21.7
Rural	135	111	111	8	24	103	48.4	51.6	82.2	17.8

[1] Negative (−) and positive (+) pairs are counted in total.

Mr. BURDICK. Mr. President, I mention this to emphasize that North Dakotans have for a long time appreciated their reliance on the city, as I hope the city people realize they depend on the hard work and efficiency of the North Dakota wheat farmer. There is no more precious world asset today than our abundant supply of wheat. Would that we would make more use of it than we do. Hunger stalks the face of much of the world, and our food is a stronger weapon in winning friendship for the United States than napalm, bombers, and marines.

STATES ARE BYPASSED BECAUSE THEY ARE NOT RESPONSIVE TO CITY PROBLEMS

The political science literature of the Library of Congress is filled with warnings that State government will decline unless it becomes more responsive to the felt needs of the cities and suburbs. President Dwight D. Eisenhower, certainly no advocate of big government, issued several warnings to the States, as did a former Governor of North Carolina, a devout States righter.

Said Mr. Eisenhower:

> Opposed though I am to needless Federal expansion, since 1953 I have found it necessary to urge Federal action in some areas traditionally reserved to the States. In each instance State inaction, or inadequate action, coupled with undeniable national need, has forced emergency Federal action.

Mr. Eisenhower said this in a speech to the dinner of the 1957 Governors' conference.

Former Gov. J. Melville Broughton, of North Carolina, has written:

> Those of us who believe in the fundamental principles of States rights and local self-government may as well concede frankly that much of the almost terrifying expansion of Federal encroachment upon the original

domain of the States has come about because State governments failed to meet the challenge of the new day. Inadequate educational opportunities, archaic labor laws and regulations, unrelieved hardships and inequities suffered by the working people, low-pitched politics and unjust class and race discriminations have, all too frequently, caused the people to lift their eyes beyond the horizon of State lines and call for relief from the Federal Government. ("The Future of the States," State Government, March 1943, pp. 55–56.)

IT IS EXPECTING TOO MUCH FOR STATE LEGISLATURES TO CHANGE WITHOUT OUTSIDE GUIDANCE

Why should the Supreme Court get into the middle of "this political thicket" as Justice Frankfurter warned? Why not? How else in our system of checks and balances can we better resolve this tangle which grows more tangled as our Nation changes, as people move, and new problems emerge?

> Any substantial change in districts means that the members must face new constituents and deal with uncertainties—in short, undergo risks that few politicians would voluntarily put upon themselves. Voting for a fair apportionment bill would, in many cases, mean voting oneself out of office. That is too much to ask of most politicians. The result is that the State legislatures do not reapportion fairly or, more commonly, do not reapportion at all. Some recent examples of the performance of State legislatures on apportionment problems indicate how futile it is to remit the disenfranchised for relief to the body which has failed to enfranchise them.

So writes Anthony Lewis, prophetically, 4 years before Baker against Carr in an article calling for the Supreme Court to take apportionment case jurisdiction in a Harvard Law Review article "Legislative Apportionment and the Federal Court."

REFERENDUM AND INITIATIVE NOT INTENDED FOR FUNDAMENTAL CONSTITUTIONAL CHANGE

North Dakota has a long and proud history providing for initiative and referendums, but this was never intended to decide so fundamental a question as the right to have a full and equal vote. The history of referendums, not only in North Dakota but in other States as well, indicates that questions highly technical in their wording, obscure in their meaning are not easily grasped by the people during a few minutes in a voting booth.

In almost every case I can think of there is a disturbing dropoff in vote between the votes cast for candidates for public office and the votes cast for referendums, questions. Thus, how can you guarantee that bedrock constitutional questions will be fully grasped, if there is a wide dropoff in vote?

This question was admirably explained during the hearings by Representative ANDREW JACOBS, of Indiana, a member of the Judiciary Committee of the other body and himself a former precinct committeeman familiar with interpretation of questions raised by voters. He had this to say in response to Senator HRUSKA:

> Senator, I think anybody with the right qualifications who is elected by the people is fit and qualified to sit on legislative bodies. I would not consider myself prepared to vote on certain issues in this Congress before I came to this Congress and had the opportunity as a full-time job to study those issues. So I only think it is asking too much to say that every issue, no matter how technical, no matter how far-reaching, no matter how complicated, should be decided by referendum. (Hearings, S.J. Res. 2, pp. 704–705.)

In a further comment, Representative JACOBS added:

> I give you my assurance that those two gentlemen (Johnson and Goldwater) did run in Indiana, so we shall take Indiana as an example and say with a highly emotionally charged election, way over at the end of the machine, a referendum vote, statistics and history clearly show a very small proportion of the citizenry actually getting that far over on a voting machine and vote. In many instances, they have not had the opportunity, and I emphasize, the opportunity to have been clearly informed or clearly study a proposal. I think it is possible—I think it is possible that in such an election, by sheer accident, the people of a State could permit themselves to be enslaved by taxation or without representation. (Hearings, S.J. Res. 2, p. 707.)

THE SUPREME COURT MOVED CAUTIOUSLY AND HAD EVERY RIGHT TO MOVE

The Supreme Court did not move into the knotty question of reapportionment recklessly or hastily. After it shied away from taking jurisdiction in Colegrove against Green, it waited, hoping possibly the States would move or that civic groups would take Justice Frankfurter's admonition and bestir themselves. But if these were the Court's hopes, they were to be sorely disappointed. Even the most ardent States righter admits that little or nothing either before or after Colegrove against Green was done to reapportion on a scale befitting a changing Nation.

So the Court moved, but it moved cautiously. In Baker against Carr the Court did not move in rashly and tell Tennessee precisely what it must do. It counseled and persuaded. And as matters began to move, the Court moved in deeper, but it has still left much of the initiative in the hands of the States themselves.

Mr. Anthony Lewis in his 1958 article before Baker against Carr said in "Legislative Apportionment and the Federal Court":

> "If speech by a dissident minority is of sufficient importance to the political health of society to deserve special judicial protection, surely there is greater warrant for intervention by the courts when "the streams of legislation * * * become poisoned at the source." Of what use is the right of a minority—of a majority, as is often the case in malapportioned districts—to apply persuasion if the very machinery of government prevents political change?
>
> Malapportionment is a disease incurable by legislative physic. (Lewis, Harvard Law Review, vol. 71, 1958, pp. 1096–1097.)

Later, Mr. Lewis observes:

> The Federal courts cannot remake politics. But they can be a conscience, expressing ideas which take root in public and political opinion (ibid., p. 1098).

Mr. President, I suggest that this is precisely what the Supreme Court reapportionment decisions have meant—they have appealed to the public conscience. It would be a great tragedy, indeed a travesty, if we now undo the good which the Court has done, by allowing one house of our State legislatures to give votes to inanimate objects like stones, signposts, and silos instead of people.

RURAL PEOPLE NEED THE GUARANTEE OF ONE MAN, ONE VOTE, OR THEY COULD LOSE EVEN THAT

The one-man, one-vote principle which the Court has clearly enunciated, is not a blind, mathematical formula which has no give or take to it. Indeed not. The Court has merely said that "the rule of reason" shall be the yardstick in apportioning congressional and State legislative districts. Thus, there can be variations from State to State, or from district to district—but they must be reasonable.

Farm people have a vital stake in securing the principle of one man, one vote. Nobody questions the fact that a great shift in population from farm to city has occurred. It is more in some States than in others, but even in North Dakota, which depends on agriculture as its principal source of livelihood, the urban trend continues and there is nothing to stop it.

If farm people fiddle around with area voting they will perpetuate terrible abuses and further bring down the wrath of city dwellers. If we do not have fair standards of representation along the lines prescribed by the U.S. Supreme Court, it is wholly conceivable that the tables could be reversed, that the cities given enough time and given enough outrage will react in such a way that farm dwellers will be deprived of even their right to one man, one vote. That is why the rules laid down by the Supreme Court are both good for the sheepherder and good for the shoemaker.

CONGRESS SHOULD NOT LOCK INTO THE POLITICAL PROCESS A DECEPTIVE METHOD FOR ASSURING MINORITY CONTROL

On the surface, Senate Joint Resolution 2 looks like a fair proposition. Give the people the right to vote. But, Mr. President, I insist this is a deceptive proposal. There is nothing in our history which requires that the people should vote over and over on their fundamental right to full and equal representation, any more than they should be expected to vote on their right to free speech or free press. A full vote—even though it has been denied by malapportionment through the years—is still the right of every American. The Court has ruled that an honest count of a man's vote is his right, and the Court has ruled that a citizen's vote cannot be diluted by tricky arrangements, subject to the whim and pressures of a legislative body, which itself has too often been malapportioned. The rulings of the Court are being obeyed and complied with—this is the great and marvelous thing about the reapportionment rulings. There is scant undermining of the Court, as occurred in the school desegregation cases, unless it be permitted by Senate Joint Resolution 2.

The issue has been well stated by Prof. Royce Hanson of American University, in testimony before the subcommittee:

> But I must emphatically oppose any system that permits a majority found on a single day to prejudice by a single vote the power arrangement within which all subsequent decisions must be made, and by which every individual citizen must then abide.

No, Mr. President, Congress must not treat lightly the right of every American to a full and undiluted vote. This is no small matter which Congress or a fleeting majority in a State legislature has either right or reason to tamper with.

THERE IS NO SUCH THING AS BEING JUST A LITTLE BIT DISENFRANCHISED

Mr. President, the wisdom of the Supreme Court rulings on reapportionment grows as time goes on. In our North Dakota brief for fair apportionment, the plaintiffs say, quite correctly, "there is no such thing as being a little bit disenfranchised."

I have already pointed out how grandfathers who move from the farm to the city can in North Daokta have their votes whittled away by an apportionment scheme which is prejudicial against the inhabitants of Bismarck, Grand Forks, Fargo, Minot, or any other city of any size in North Dakota.

We are a mobile people. We move from county to county, from town to town, from city to city. Why should our vote be diluted each time we move The Supreme Court soundly reasons that in a mobile society the Founding Fathers and the authors of the Northwest Ordinance were right in establishing equal representation. There is no other rule which can better meet the test of fairness and reason.

Mr. THURMOND. Mr. President, I am opposed to the adoption of the conference report on S. 1564, on the same grounds that I opposed Senate adoption of the legislation in the first instance. The primary issue involved in the constitutional protection of the privilege of the ballot. This is a privilege which I am sure we all consider dear.

More particularly involved is the protection accorded that privilege by the 15th amendment to the Constitution. Since S. 1564 is predicated solely upon the 15th amendment, it becomes incumbent upon us to carefully examine the provisions of the amendment. It provides in section I that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The second section of the amendment authorizes Congress "to enforce this article by appropriate legislation."

In my judgment, S. 1564 is not appropriate legislation, such as is contemplated by the second section of the 15th amendment.

In my judgment, S. 1564 is unconstitutional, because it is in direct conflict with other portions of the Constitution.

The pending bill would invalidate, among other things, the literacy tests of the Southern States. Literacy tests are one valid method by which a State can judge the qualifications of citizens who offer to vote. At the present time, more than 20 States, obviously including many States outside the South, have some form of a test which could, in more or less degree, be described as a literacy test.

The provisions of the Constitution which authorize a State to require the proof of literacy for voters are clear and unequivocal. Article I, section 2, of the Constitution states:

> Electors (for Members of the House of Representatives) in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The 17th amendment, adopted more than 40 years after the 15th amendment, contains language identical to that found in article I, section 2, of the Constitution. In providing for the direct election of U.S. Senators, the Congress and the people of this country specifically reaffirmed the basic principle that it is the function of the States to establish qualifications for voters.

S. 1564 would override both of these provisions of the Constitution and substitute qualifications for voters established by the Federal Government.

The intervening adoption of the 15th amendment in no way invalidated the specific provisions of article I, section 2, of the Constitution and the 17th amendment. At a very early date, but subsequent to the adoption of the 15th amendment, the Supreme Court held that literacy tests which are drafted so as to apply alike to all applicants for the voting franchise would be deemed to be fair on their face, and in the absence of proof of discriminatory enforcement could not be viewed as denying the equal protection of the laws guaranteed by the 14th amendment. Therefore, it is implicit that neither would they violate the terms of the 15th amendment.

In 1959, Justice Douglas, speaking for the Court in the case of Lassiter against Northampton Election Board, said:

> No time need be spent on the question of the validity of the literacy test considered alone since we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

This decision upheld the literacy test of of the State of North Carolina against a charge of unconstitutionality on its face.

Even as recently as March 1 of this year, the Court, speaking through Justice Stewart, made the following observation concerning the constitutional right of the States to prescribe voter qualifications:

> There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised. *Lassiter* v. *Northampton Election Board*, 360 U.S. 45.

In that case, the Court quoted with approval the following language taken from *Pope* v. *Williams*, 193 U.S. 621:

> In other words the privilege to vote in a State is within the jurisdiction of the State itself to be exercised as the State may direct, and upon such terms as it may deem proper.

Mr. President, it would be possible to continue giving citations and examples which prove beyond the shadow of doubt that a State has been both the constitutional right and responsibility to specify the qualifications for voters, both in State and Federal elections, including requiring voters to pass literacy tests if such literacy tests are not used as a cloak to discriminate against anyone on the basis of race, color, or previous condition of servitude. However, this should be sufficient authority to convince anyone of the basic constitutional right of the States to require literacy standards for voters. For this reason, I would like to turn now to the bill itself and attempt to point out some of the more obvious defects of the proposal.

The primary object of the bill is to outlaw the use of any "test or device" to determine the qualifications of voters in any State or political subdivision of a State if, first, less than 50 percent of the persons of voting age residing in the State were registered on November 1, 1964; or, second, less than 50 percent of such persons voted in the presidential election of November 1964.

The Attorney General is empowered to determine what standard required by a State will be considered a "test or device" for the purposes of the bill. Section 3(b) of the bill contains broad guidelines for the Attorney General, but it is clear that he is delegated unlimited power to brand any qualification a "test or device" and outlaw its further use. To illustrate, if an applicant is required to sign his name to the application blank, then obviously he is being required to demonstrate his ability to write. The Attorney General, under the terms of this bill, could determine that this is a prohibited test or device. Similarly, the prohibition against requiring an applicant to "demonstrate any educational achievement" forces me to the conclusion that title I, the voting rights section, of the Civil Rights Act of 1964 falls within the prohibition of this bill. As you are aware, that act states that proof of a sixth-grade education raises a rebuttable presumption of literacy. This is unquestionably a requirement of educational achievement which would fall within the proscriptions of the pending measure. In this unhappy circumstance, a State registration official would be placed in the unenviable position of violating one Federal law by enforcing another Federal law.

This bill is predicated upon the presumption that the terms of the 15th amendment have been violated merely by the existence of the fact that less than 50 percent of the voting-age residents of a State or political subdivision of a State were registered or voted at the time of the presidential election of 1964. This is a presumption which has no logical or legal connection with the facts. It must be remembered that the 15th amendment prevents the United States or any State from denying or abridging the right of a citizen to vote solely on account of race, color, or previous condition of servitude. Any appropriate legislation designed to further effectuate the protection provided by this amendment must be predicated upon the denial of the right to vote for the specific reasons enumerated in the amendment.

The pending bill goes far beyond that. It would allow the registration of individuals who are not qualified to vote under any objective standard, regardless of race or color, in the guise of preventing discrimination solely because of race or color. If the presumption were valid, then the bill would apply and would have to be enforced in all political subdivisions which meet the statistical test. It is evident, however, that the Department of Justice has no intention of applying the terms of this bill to any section of the country outside of the South.

There is no question in my mind but that the premise of the bill fails to meet any objective standards which would be necessary to assure its constitutionality. In reality, the bill would not effect and override racial discrimination which exists in areas outside of the South. The bill would allow an illiterate to register and vote in the six Southern States and 34 counties of the other Southern State covered, but it would not allow the same illiterate to register and vote in any of the other States of the Union which require a literacy standard but do not fall statistically within the purview of this proposal.

To this extent, the bill establishes a double standard—one for the federalized States and another for the States which were fortunate enough to have over 50 percent of their voting age population registered and voting in November 1964. It is grossly unfair to the people of these six Southern States to have such rank discrimination imposed upon them.

The figures upon which all these conclusions have been based are subject to serious question. The Attorney General and other proponents of this bill primarily rely upon a tabulation of registration and statistics compiled and distributed by the Commission on Civil Rights. Needless to say, the figures contained in this compilation pertain to only 11 Southern States.

To illustrate my contention concerning the questionable nature of these figures, a large portion of the statistics for the State of South Carolina contained in this study by the Civil Rights Commission are attributed to an article from the November 1, 1964, edition of the Charleston News and Courier. By no means do I question the dedication and ability of the author of this article; but the fact remains that these are, at best, unvalidated and unofficial figures. This article estimates the total registration for the State of South Carolina as of November 1, 1964, to be 816,457. The figure given by the Civil Rights Commission is 816,458 registered voters, a deviation of only one voter. However, a newspaper article which appeared in the Greenville, S.C., News on March 16, 1965, states that the official total registration for the 1964 election in South Carolina was 772,748. This figure was attributed to the secretary of state of South Carolina, the Honorable O. Frank Thornton, whose office has jurisdiction over the official voting records in South Carolina. For that reason, I believe that the latter figure of 772,748 would be more reliable. This one example merely serves to point out the difficulty in obtaining accurate and meaningful statistics upon which to base any proposal, if this is indeed the proper way to proceed in this matter.

The total voting-age population of the State of South Carolina, according to the 1960 census, was 1,266,251. The total voting-age population of the State of South Carolina as of November 1, 1964, according to the estimates of the Bureau of the Census, was 1,380,000. I would like to remind the Members of the Senate that this figure is an approximation and is not an official tabulation. By using every possible combination of the four figures available, over 50 percent of the voting-age population of the State of South Carolina was registered at the time of the presidential election of 1964. If registration were the sole criterion contained in this bill, the State of South Carolina as a whole would not be covered. However, South Carolina is covered, simply because an unfortunately large percentage of those registered to vote chose not to vote in the presidential election of 1964. Last fall 524,748 registered voters cast their ballot in the presidential election. This is less than 50 percent of either the official voting-age population based on the 1960 census or the unofficial estimate by the Bureau of the Census of the voting-age population as of November 1, 1964.

Mr. President, there is no Federal law, and no State law that I know of, which requires qualified citizens to vote. Neither have I heard it suggested by any of the proponents of this legislation that such a law is desirable or is a necessary prerequisite to the full and free enjoyment of the freedom which is sought to be achieved through the enactment of the pending bill.

We all agree that it is one of the responsibilities of citizenship to vote in all elections and thereby contribute to representative government. Mr. President, I take a back seat to no one in attempting to get out the vote. Last fall, I traveled all over the State of South Carolina in an effort to get out the vote, and my efforts were not limited to the State of South Carolina.

I spoke to everyone who would come to hear me. I urged that they vote in the presidential election. I might add that I even suggested very strongly which candidate they should support. Even with all these efforts by me and many others, less than 50 percent of the voting-age population of South Carolina voted last November. Even so, the total vote far exceeded any previous vote ever cast in the State. Previous voting records were surpassed by at least 100,000 votes.

South Carolina has made and is continuing to make great strides in voter registration and participation, and yet no mention is made of this fact. One must be forced to the conclusion that freedom necessarily includes the right not to vote as well as the right to vote as each individual decides.

There are no valid charges of voting discrimination in South Carolina based on race, color, or previous condition of servitude. Even the Attorney General, in his statement to the Senate Judiciary Committee, stated that, "of the six Southern States in which tests and devices would be banned statewide by section 3(a), voting discrimination has unquestionably been widespread in all but South Carolina and Virginia." His attempt to justify the application of the bill to South Carolina on the basis that, "other forms of racial discrimination are suggestive of voting discrimination," does a great injustice to the State of South Carolina and is unworthy of any high ranking Federal official. This is guilt by association in its worst form.

The only constitutional method whereby the National Government could take over the voting processes of any State would be by constitutional amendment. This is the method which was followed in doing away with the poll tax as a prerequisite for voting in Federal elections. It is the only method which can be constitutionally taken to establish voter qualifications in any State.

LET THE PEOPLE DECIDE

Mr. CURTIS. Mr. President, a little over a year ago, on June 15, 1964, the Supreme Court of the United States rejected a great principle which has been one of the cornerstones of our democratic system of government. Specifically, the Court revoked the principle that all segments of the population of a State should be represented in the legislative body of the State which governs them.

On that June day to which I refer, the Court, in handing down decisions dealing with the reapportionment of the legislatures in six States, rejected the time-proven doctrine that all the people are entitled to equal protection. Thus, as the Constitution is now interpreted and unless the Dirksen amendment (S.J. Res. 2) is adopted, the people of the 50 States will be denied, or granted, representation merely on a population basis.

The Dirksen amendment is a simple measure. It merely gives effect to the first three words of our Federal Constitution. If those three words, "We, the people * * *," are to be given a meaning, the Dirksen amendment providing that the right and power to determine the composition of a State legislature shall remain with the people, must be adopted by this body. Why cannot the people of our States be trusted to determine their own destiny? Why cannot we recognize, here and now, the resolutions adopted by 28 State legislatures which have called for a constitutional convention for the purpose of amending the Constitution so as to overcome the harshness, the injustice, and yes, the undemocratic features of the Supreme Court's reapportionment decisions? Why must "We, the people" be denied the right to apportion our own State legislatures by a judicial oligarchy of five men who made the basic reapportionment decision?

The Dirksen amendment is to simply provide the people with a means of apportioning one house of their State legislature on the basis of factors other than population if, and only if, that apportionment has been submitted to a vote of the people and approved by a majority of those voting. By not letting the people decide, by not passing the Dirksen amendment, we in the Senate will stand accused of supporting "judicial tyranny."

Colorado, Nebraska's good neighbor to the west, has had its heartaches and headaches with the Supreme Court's decisions. Moreover, the people of Colorado have even had the Supreme Court deny them their rightful choice as to apportionment of their legislature. In 1962, the people of Colorado were given the right to choose by an election one of two methods by which their legislature could be apportioned. The first plan, the so-called Federal plan, had one house of the Colorado Legislature based on population only while the other house was to be based on geography plus population. The second plan provided for both houses of the Colorado Legislature to be based on population only. By a 2 to 1 majority, the people of Colorado chose the Federal plan over the one-man, one-vote plan. Yet the Supreme Court rejected the choice of the people of Colorado and insisted upon their own obscure and confusing dogma. It was nothing less than judicial tyranny when the plan approved by the good citizens of Colorado was obstructed.

In the Colorado case—*Lucas* v. *Forty-fourth General Assembly of Colorado*, 377 U.S. 713, 1964—Justice Stewart made what I consider to be a great and rational dissenting opinion from which I quote:

> To put the matter plainly, there is nothing in the history of all this Court's decisions which supports this constitutional rule. The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year political history of our Federal Union.

It is clear that the Court's concept of equality is based on sheer numbers rather than on a plan of rational representation of all the various interests in a State. By these reapportionment decisions, the Court has done nothing more than to say, "might makes right." I hope the Senate will reject these "might makes right" decisions, adopt this amendment, and let "we, the people" determine how their legislatures are to be apportioned.

The good citizens and the legislature of my own State of Nebraska have been vexed by these reapportionment decisions. In 1962, the citizens of my State amended our constitution and by popular vote, selected a method of redistricting our legislature. The amendment to which I refer provided that:

> Primary emphasis shall be placed on population and not less than 20 percent nor more than 30 percent weight shall be given to area.

By adopting this amendment, the people of Nebraska clearly indicated their preference, yet the Federal courts have said "No" to the citizens of Nebraska.

The courts, through these reapportionment decisions, have substituted their wisdom for that of the people. Why cannot the people, not only in Nebraska, but in the other 49 States as well, be trusted to adopt fair and equitable apportionment of their legislatures? There is not a Member of this body who would be here today except for direct action by the people of his State.

If today we say the people are not to be trusted to select their own method of apportioning their legislatures, tomorrow we shall surely hear the cry that the people are not to be trusted to select their representatives to the U.S. Senate.

As U.S. Senators, it is and must always be our duty to insure all the citizens of all the States and all the various areas within those States fair and equitable representation. I am heartily in agreement with the contention of the sponsors of this amendment when they say that such representation cannot be brought about by cold computer totals that turn people into numbers and numbers only. To adopt such a philosophy and such an approach, in my opinion, is to cast aside that precedent that has been fundamental to our way of life. It is to depart from a system of representation that has made the rural areas of our States self-reliant and self-confident. I am utterly amazed when I hear the opponents of this proposed amendment claim that they are abiding by the best of civil liberties precepts when they tell us that the vast and widely scattered units of our economy are entitled to only such representation as they can win through bargaining with the political bosses of big cities. This is not the way things have been done in this country. It is not in keeping with the American philosophy and with the American understanding of fairness.

To me, this entire debate has resolved itself into the simple question of whether we, as Senators, are afraid to trust the voters who sent us to Washington—trust them, I mean, to make other decisions as to how they want to be represented. I, for one, am going to support a constitutional amendment that will permit such decisions to be made at the voter level. I urge support for the distinguished Senator from Illinois, the Honorable EVERETT DIRKSEN, in his splendid efforts to increase legislative responsibility and leadership at the State level.

FREEDOM ACADEMY LEGISLATION MOVES FORWARD

Mr. MUNDT. Mr. President, it is frequently difficult for a layman to speculate accurately about what activities of Congress or in Washington are likely to be considered newsworthy by the newsgathering people on Capitol Hill. A difference of opinion involving two officials of different political conviction may stir up columns of comment and reportorial material whereas a decision by a committee of Congress—unanimously arrived at—may be overlooked almost entirely by the press despite the fact its potentiality is so great it can conceivably change the course of human history.

A recent case in point is the unanimous vote by which the House Committee on Un-American Activities reported favorably to the House the so-called Freedom Academy bill. This significant action was virtually unreported by half the Nation's press; it was overlooked entirely by many of the commentators and reporters who purport to give the public a full and fair daily report on national developments over radio and television.

Even the wire services failed to catch its significance or to report its highly important ramifications. If passed by this session of Congress—as I hope will happen—the enactment of legislation to create a Freedom Academy for strengthening the capacity of America to win the cold war in which we are engaged by other than military might and sacrifice, in all probability can bring about a real turning point in the cold war. It is thus highly unfortunate so many Americans remain uninformed about this action because it was not considered exciting or important or controversial by such a large segment of the publicity media covering Washington.

However, facts will out. Slowly but surely Americans are learning about this significant development. For example, today's issue of the Washington Evening Star carries as its top column in the editorial section an interpretative piece written by James J. Kilpatrick entitled "Freedom Academy Plan Backed." It is an excellent résumé of what is involved in this important legislation. I urge those who read the CONGRESSIONAL RECORD to write their Congressman or Senators requesting a copy of the committee report issued by the House Committee on Un-American Activities on its favorable action on the Freedom Academy bill. It is informative, interesting, compelling and encouraging reading. It gives real hope that situations such as that in which are now engaged in Vietnam will not need to be repeated and that peace and freedom may well prevail in this world without war.

Mr. President, I ask unanimous consent that the Kilpatrick column may appear in the body of the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEDOM ACADEMY PLAN BACKED

(By James J. Kilpatrick)

The House Committee on Un-American Activities came up with a bill the other day that has been almost wholly ignored in the press. This is a pity, for the bill is a good bill, intended to fill a critical need, and it ought not to be left to languish for want of public discussion.

The bill would create a new seven-man Freedom Commission, whose principal duty would be to establish and maintain a Freedom Academy. And the principal business of the Academy would be to teach courses and conduct research in "total political warfare" against the Communist foe.

Such a proposal is not new. The bill just reported by the House committee is patterned generally upon a measure actually approved in the Senate 5 years ago. Since then, a bipartisan coalition of liberals and conservatives in both Houses has kept the idea alive. Sponsors of the plan include such respected men as MUNDT, CASE, DODD, DOUGLAS, FONG, HICKENLOOPER, MILLER, PROUTY, PROXMIRE, SCOTT, and SMATHERS in the Senate; and ICHORD, HERLONG, GUBSER, BOGGS, GURNEY, CLAUSEN, ASHBROOK, BUCHANAN, and FEIGHAN in the House.

Some of these gentlemen may disagree on details, but they share a common conviction that the people of the United States—and more critically, the people in key posts in Government—know pitifully little about the nature of communism and the techniques of the Communist conspiracy around the world. By and large, we are babes in this wood. Trustful, innocent, gullible, eager to be loved, Americans by and large refuse to accept the relentless purposes of the Communist ideology. Conventional warfare we understand.

The proposed Freedom Academy would seek to fill this gap through teaching and research. It would maintain a library, publish papers, conduct seminars, cultivate public understanding; and it would draw its students not only from Government agencies, graduate schools, and college faculties here at home, but also from key institutions and governments throughout the free world.

Not surprisingly, the State Department is cold to the plan. In State's view, "the bill as a whole would not serve as a useful instrument of national policy." Granted that we must employ not only military strength but also all of the "political, psychological, economic, and other nonmilitary means at our disposal," the State Department "seriously questions whether comprehensive and realistic plans for dealing with the infinitely complex problems of U.S. foreign affairs can be developed by a new, separate Government agency, especially one without operational responsibilities." In brief, State would leave the job to State.

From a purely administrative viewpoint, the objection may have merit, but it founders in the blunt rebuttal that the State Department itself has failed abysmally to comprehend precisely this field of political warfare. If the State Department, through its Foreign Service Institute, had demonstrated a keen and continuing awareness of Communist imperialism—if it had done its own hard training job—more effective policies might have been devised, first to contain the enemy and then to defeat him.

In any event, the sponsors observe, the Foreign Service Institute exists for purposes at once broader and narrower. Its principal task is to teach the whole of diplomacy to the Department's own personnel. The Freedom Academy would specialize in the field of "Communist external political warfare," and the devising of means to combat it. In the sponsors' view, only an independent agency, cooperating with State, Defense, and the CIA but separate from them, could run the proposed institution.

The committee report gives no indication of the probable cost of the freedom commission (the State Department's cool guess is "several million dollars a year"), but in terms of total outlays for national security the sum would not be large. Quite conceivably, the investment might bring far greater returns than we got from the $900 million in foreign aid laid out for Indonesia.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

LEGISLATIVE REAPPORTIONMENT: SOUTH DAKOTA HAS PROUD HISTORY OF EQUALITY

Mr. McGOVERN. Mr. President, it is a fundamental constitutional principle that all citizens shall enjoy equal protection of the laws. The 14th amendment says that no State shall make or enforce any law which abridges the privileges or immunities of U.S. citizens. Furthermore, no State may deprive any person of life, liberty, or property without due process of law. Finally, a State may not deny to any person within its jurisdiction the equal protection of the laws. Indeed, the rallying cry of the American Revolution, which gave birth to our Nation, was based on this concept of equal and just representation—"No taxation without representation."

Acting on the basis of the equal protection clause, the U.S. Supreme Court—in the highly significant case of Reynolds against Sims—ruled that the apportionment of State legislatures must be equitably based upon population: the concept of "one man, one vote." The Senate must now decide whether to nullify the Supreme Court's ruling by passing a constitutional amendment which would allow States to apportion legislatures on factors other than population.

Mr. President, my colleagues in the Senate have ably discussed the legal questions involved in the reapportionment controversy. This year, having passed sweeping legislation to protect voting rights it would be strange indeed for the Senate to decide that certain citizens' votes should mean more than others. I am impressed by the arguments advanced by the junior Senator from Maryland [Mr. TYDINGS] and the junior Senator from New York [Mr. KENNEDY] that passage of the so-called Dirksen amendment would impede the progress of civil rights.

I am especially interested in the effect of reapportionment on the effectiveness of State governments. We hear much today about the desirability of having more vital and energetic governments on the State level. Now we must ask whether a State government which is not responsive to the population distribution in a State can ever be truly effective. If population centers within a State can expect no aid from the State governments, they may feel that their only choice is to go to the Federal Government. Reapportionment on the basis of population is destined to lead to more healthy State and local government and to breathe fresh life and vitality into the principle of local responsibility. The continued existence of malapportionment can only be a hurdle to effective State and local government.

This situation was recognized by the Commission on Intergovernmental Relations, which reported to the President in 1955. The Commission, under the chairmanship of Meyer Kestnbaum, was charged with an examination of the relationship between the States and the National Government in our Federal system. On the question of reapportionment, the report concluded:

> Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen State government is far more important than any temporary advantage to an area enjoying overrepresentation.

I am very proud of my State, South Dakota, because it has been responsive to the necessity of fair representation for all our citizens. Article III, section 2, of the South Dakota State constitution declares that the membership of the State senate may vary from not less than 25 to not more than 35. The membership of the State house of representatives may vary from not less than 50 to not more than 75. Because both houses of the South Dakota Legislature are comparatively small, the apportionment problems that arise are particularly difficult to solve. Equitably apportioning the statutory 75 house seats among 67 counties with populations varying from 1,042 to 86,575 is difficult. Even more taxing is the job of dividing the 35 senate seats among the same counties in an equitable manner.

Nevertheless, South Dakota legislatures have made significant and largely successful efforts to apportion the State in accordance with population movements. The South Dakota constitution laid out the legislative districts from which the members of the first State legislature were to be elected. Under section 2, article XIX, this apportionment was to remain in effect until otherwise provided by law. The legislature of 1891 passed a major reapportionment act, and others followed in 1897, 1907, 1911, 1917, and 1937. In addition, adjustments were made in 1903, 1951, and 1961.

Striving to draw apportionments which would reflect population movements, the South Dakota legislatures of the early years sought to take into account the increasing population in the area west of the Missouri River—the West River area. Possessing only 11 percent of the seats in both the house and senate under the original constitutional apportionment of 1889, the West River, in 1961, held 25 percent of the house seats and 29 percent of the senate seats.

The 1961 reapportionment represented a step—although not the final one—on the road to equitable representation. In a paper prepared under the auspices of the Governmental Research Bureau of the State University of South Dakota, Dr.

Alan L. Clem, associate director of the bureau, evaluates the 1961 reapportionment. Dr. Clem notes that:

> On the basis of sectional representation, the legislature in 1961 did improve matters considerably by shifting a senate seat out of the northeastern quarter (Brown County) and into the West River section (Pennington County). Before the 1961 reapportionment, the West River section had been underrepresented in both the house and the senate.

On the basis of the 1961 apportionment, South Dakota was placed in the "well apportioned" category by Glendon Schubert and Charles Press in an article in the American Political Science Review for June 1964. Still, South Dakota's largest counties remained underrepresented. Once again, in 1965, the State legislature took action to bring legislative apportionment into line with population concentrations. This year, South Dakota has passed both a legislative and congressional reapportionment.

Mr. President, I ask unanimous consent that two tables—one showing the populations of South Dakota's house districts and the other showing the populations of her senate districts—be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, South Dakotans can take pride in the record of our State in living up to the "one-man, one-vote" standard set forth by the Supreme Court. Only 2 of 29 senatorial districts and only 3 of 39 house districts deviate from their respective chamber averages by more than 15 percent. None of the deviations reach 20 percent, and it appears that they have resulted principally from particular arrangements of the population that are invariably a problem in redistricting. South Dakota has done well in complying with the equitable apportionment which is called for both by the Federal and State constitutions.

Professor Clem has written to me concerning the Dirksen amendment. At the close of his letter is this observation which I find eloquent and moving:

> May I be allowed, in closing, one personal conclusion. I deeply revere the American political heritage, particularly its Constitution and the principles of self-government, of free government, of limited government, and of responsible government that we associate with it. Crucial to these principles is the political equality of every citizen. In this sense, I strongly believe it would be wise to defeat the Dirksen reapportionment amendment and any other proposal that would limit the rights of Americans to receive fair representation and the equal protection of the laws. As the 1964 court decisions said, the right of qualified citizens to political equality should be beyond the reach of the referendum as well as of the legislative process.

I agree with this well-stated opinion of Professor Clem's. Acting in accordance with the American tradition of political equality and South Dakota's proud history of fair apportionment, I shall oppose this attempt to dilute the Supreme Court's ruling.

EXHIBIT 1

TABLE 3.—*South Dakota House of Representatives districts, 1965 apportionment*

District No.	Members	Counties	Census	Number per member
1		Harding and Perkins	8,348	
2		Butte	8,592	
3	2	Lawrence	17,075	8,537
4	6	Pennington	58,195	9,699
5	2	Custer and Fall River	15,594	7,797
6		Bennett and Shannon	9,053	
7		Mellette, Todd, and Washabaugh	8,367	
8	2	Gregory and Tripp	16,160	8,080
9		Jackson, Jones, and Lyman	8,479	
10	2	Haakon, Meade, and Ziebach	17,842	8,921
11		Campbell and Corson	9,329	
12		Dewey and Potter	10,183	
13	2	Hughes, Stanley, and Sully	19,417	9,708
14		Walworth	8,097	
15	2	Edmunds, Faulk, and McPherson	16,297	8,148
16		Hand and Hyde	9,314	
17	2	Brule and Charles Mix	18,104	9,052
18	4	Brown	34,106	8,526
19		Day	10,516	
20	2	Clark and Spink	18,840	9,420
21	2	Beadle	21,682	10,841
22		Aurora, Buffalo, and Jerauld	10,344	
23	2	Davison	16,681	8,340
24	2	Douglas and Hutchinson	16,198	8,099
25		Bon Homme	9,229	
26	2	Yankton	17,551	8,775
27		Clay	10,810	
28		Union	10,197	
29	3	Lincoln and Turner	23,530	7,843
30	9	Minnehaha	86,575	9,619
31		McCook	8,268	
32		Hanson and Sanborn	9,225	
33	2	Lake and Miner	17,162	8,581
34		Moody	8,810	
35	2	Brookings	20,046	10,023
36	2	Hamlin and Kingsbury	15,530	7,765
37	2	Codington	20,220	10,110
38	2	Deuel and Grant	16,695	8,347
39	2	Marshall and Roberts	19,853	9,926
		Total	680,514	

TABLE 4.—*South Dakota Senate districts, 1965 apportionment*

District No.	Members	Counties	Census	Number per member
1		Marshall and Roberts	19,853	
2	2	Brown	34,106	17,053
3		Deuel and Grant	16,695	
4		Codington	20,220	
5		Clark and Day	17,650	
6		Brookings	20,046	
7		Hamlin, Kingsbury, and Miner	20,928	
8		Beadle	21,682	
9		Hanson, McCook, and Sanborn	17,493	
10		Lake and Moody	20,574	
11	4	Minnehaha	86,575	21,643
12		Lincoln and Union	22,568	
13		Clay and Turner	21,969	
14		Douglas and Hutchinson	16,198	
15		Yankton	17,551	
16		Bon Homme and Charles Mix	21,014	
17		Davison	16,681	
18		Aurora, Brule, Buffalo, and Jerauld	16,663	
19		Hand, Hyde, and Spink	21,020	
20		Edmunds, Faulk, McPherson, and Potter	21,223	
21		Campbell, Corson, and Walworth	17,426	
22		Dewey, Meade, and Ziebach	19,796	
23		Hughes, Stanley, and Sully	19,417	
24		Bennett, Haakon, Jackson, Jones, Lyman, Mellette, and Washabaugh	18,541	
25		Gregory, Todd, and Tripp	20,821	
26		Custer, Fall River, and Shannon	21,594	
27		Lawrence	17,075	
28	3	Pennington	58,195	19,398
29		Butte, Harding, and Perkins	16,940	
		Total	680,514	

Mr. MURPHY. Mr. President, as a cosponsor, I rise to urge my colleagues to support Senate Joint Resolution 2, which proposes a constitutional amendment permitting one house of a State legislature to be apportioned on factors other than population, provided the people of the State so elect.

I believe that this is a most fundamental and paramount domestic issue facing the Congress and the American people. I would indeed be negligent if I did not, at the outset, pay tribute and commend the distinguished minority leader for his perseverance, his astuteness, and his leadership in chairing and steering this bill to the Senate floor.

Mr. President, I should also like to compliment the distinguished members of the Judiciary Committee who took part in the extensive hearings that were held on this resolution. The hearings have helped to focus the people's attention on this issue. I have studied them carefully and I hope that as many Americans as possible will read them. The hearings have been helpful in improving Senate Joint Resolution 2. As a result of these hearings, a bill has been drafted that will permit the people, if they so elect, to have one house of a State legislature based on factors other than population.

At the same time, safeguards have been written into the measure to make certain that the composition of the legislature will continue to reflect the wishes and the desires of the people. It does this by requiring the resubmission to the people of any approved plan every 10 years.

The Supreme Court on June 15, 1964, in Reynolds against Sims, ruled that both houses of a State legislature must be apportioned on the basis of population. This was a precedent-shattering and a far-reaching decision—one I believe that goes to the very foundation of our system of free government. No decision since the birth of the Republic portends greater disruption and alteration of our State legislatures.

To implement the Court's decision would, in my opinion, result in a devastating blow to representative government and bring an unwanted end to the time-tested and successful tradition of our balanced bicameral State legislature—a system under which the States have prospered and grown, a system under which the many interests of our many people have been accommodated, and a system under which the will of the majority has prevailed and the rights of the minority have been protected.

The United States has changed drastically since its founding. From the Thirteen Original States of approximately 3 million rural people engaged mainly in agriculture, we have developed into a mighty Nation of 190 million people spanning the continent and reaching many miles into the Pacific to Hawaii. During this development, the face of the Nation has changed. Unlike the rural agricultural society of our forebears, we became an industrial urban society. Because of this remarkable growth, it is obvious that the State legislatures have served the people well. True, the work of society is not completed; yet one can discern the steady advance of this great Nation. It is readily admitted that in many cases the legislators failed to reapportion the lower house to reflect the population changes.

Senate Joint Resolution 2 is a reasonable approach. It is an approach that allows the people to continue to pattern their legislature after the Federal system. It is an approach that will allow the people to decide whether factors other than population are important in achieving a fair representation. It is an approach that allows continuous scrutiny by the American people.

Mr. President, I ask unanimous consent that a recent editorial from the Sunday Star, entitled "We Vote for Dirksen," urging support of the Dirksen amendment, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Sunday Star, Aug. 1, 1965]

WE VOTE FOR DIRKSEN

The Dirksen constitutional amendment, which would modify the Supreme Court's one-man, one-vote ruling, is slated for a decisive test in the Senate this week. Senator DIRKSEN and Senator MANSFIELD, the majority leader, have agreed to seek unanimous consent tomorrow for a showdown vote on Wednesday. If the opponents think they can block the two-thirds Senate vote required for passage of the Dirksen proposal, they presumably will go along with the unanimous-consent appeal. If not, if they do not believe they have the needed negative votes, then a prolonged "liberal" filibuster is to be anticipated.

We think the Dirksen proposal, in its present form, should be approved. For it has been significantly improved since it was first submitted.

At one time it was feared that the amendment, if finally adopted, would enable State legislatures controlled by members representing a minority of a State's population to apportion one branch of a legislature on factors other than population. In other words, one house of the legislature might continue to be dominated by a minority of the population over the objection of the majority.

This is not true. The Dirksen amendment contains two key provisions. First, assuming ratification of the amendment, a State legislature wishing to act under it would be required to submit two plans to the voters of the State in a referendum. One plan would have to embody the one-man, one-vote concept. The other would authorize apportionment of one branch of a legislature on such factors as the people "deem appropriate." In short, at the very outset a majority of the voters in each State would have to approve any modification of the one-man, one-vote rule laid down by the Supreme Court last year.

Furthermore, a recent change in the amendment stipulates that any plan approved in an initial referendum would have to be resubmitted in a new referendum every 10 years.

To us, it seems perfectly clear that the amendment, far from protecting entrenched minorities, would enable the people of the States to have a voice in choosing their own form of government, and to revise their choice should they see fit to do so at 10-year intervals.

What could be more reasonable, more consistent with our democratic process? To oppose it on "liberal" grounds is absurd. We hope the Dirksen amendment will be called up this week, and that the necessary two-thirds vote to approve it will be forthcoming.

Mr. MURPHY. Mr. President, as the editorial states:

> It seems perfectly clear that the amendment far from protecting entrenched minorities will enable the people of the States to have a voice in choosing their own form of government and to revise their choice should they see fit to do so at 10-year intervals.

The editorial ponders:

> What could be more reasonable, more consistent with our democratic process?

There is general agreement that a legislature cannot be apportioned with mathematical exactness. The Supreme Court has recognized this in its opinions. If we are in fact desirous of apportioning on a true one-man, one-vote basis, we would require all representatives to run at large in the States. Such a proposal would be a logical extension of the opponents' arguments. Such a proposal would give all an equal voice, but it would not result in giving good representation. Fair representation, I submit, is the issue before us. To show that an at-large election is not completely remote, it might be well to heed Justice Harlan's dissenting opinion in Reynolds against Sims:

> It is not mere fancy to suppose that in order to avoid problems, the Court one day may be tempted to hold that all State legislators must be elected in statewide elections.

All this serves to illustrate the fact that we are, indeed, dealing with a most complex issue.

Opponents of this issue, using the finest techniques of Madison Avenue, have attempted to cloud and confuse the issue by drumming the catchy euphonic "one man, one voice" slogan throughout the country. I hope that the people will not be taken in by this appealing and all too simple slogan.

I can assure the minority leader this is an issue that is foremost in the minds of Californians. It is an issue which transcends political parties. Senate Joint Resolution 2 has the support of Governor Brown. It also has the bipartisan support of the California State Legislature. The majority leader of the State senate, Senator Hugh Burns, and the minority leader, Senator Jack McCarthy, have diligently and tirelessly worked for the right of the people to continue to have a legislature following the Federal plan. California citizens have been heard on this issue, also. The present apportionment of the California State Legislature was established on the basis of an initiative proceeding in 1926. At that election, there also appeared on the ballot an alternative plan, which, incidentally, would have complied with the Supreme Court's one-man, one-vote plan. The people decisively rejected the one-man, one-vote plan, and voted for the legislature patterned after the Federal system.

Subsequently, the people's voice was again heard, and the earlier decision was reaffirmed in 1928, again in 1948, again in 1960, and again in 1962.

Overwhelming support of the resolution memorializing Congress to enact a constitutional amendment was received in the California Legislature. In the California 40-man Senate, 39 out of 39 voted for the resoultion. In fact, all 39 of the senators cosponsored the resolution. We did not have 40, because at the moment there was a vacancy in the California Senate. Obviously, Mr. President, senators from the populous areas as well as senators from the rural areas wholeheartedly endorsed the Dirksen amendment.

In the assembly, the resolution passed easily by a vote of 58 to 10.

Thus, Mr. President, there can be no question on how the citizens of the great State of California feel on this issue.

I believe that the opponents of the Dirksen amendment are aware of the voters' sentiments in this issue. Knowing the people's feelings, they object to submitting this question to the people. They feel that the peoples' verdict will not coincide with their views as to what is fair representation.

My own personal observations and conversations with my California constituents, together with the mail I have received on this issue, confirm the people's feelings as expressed through the ballot and the actions of the State legislature on this issue. There is a substantial consensus among Californians on this issue.

Opponents of the Dirksen amendment have tried to cloud the question by implying that the proposed constitutional amendment is a civil rights issue. Apparently, this is done to benefit from the recognized public sympathy across the country for both the Civil Rights Act of 1964, and the Voting Rights Act of 1965.

Mr. President, I reject and resent this argument. It is very unfair to suggest or imply that the Senator from Illinois [Mr. DIRKSEN], the man most responsible for the civil rights acts, would now attempt to enact legislation that would harm the civil rights cause. This argument is specious to say the least.

As the opponents of the Dirksen amendment know very well, the Supreme Court even prior to its decision in the reapportionment cases ruled in Gomillian against Lightfoot that voting boundaries could not be fixed that would discriminate against Negroes. The distinguished Senator from Kentucky [Mr. COOPER], refuted this argument when he spoke to this point on June 30. I, for one, would hope that the discussion would not be confused by the interjection of civil rights.

Opponents of the Dirksen resolution argue that no analogy exists between the bicameral legislature on the State level and the Federal system. What they really mean to say is that no perfect analogy exists. Opponents reached the conclusion that no analogy exists by stating that our forefathers accepted the Great Compromise providing for one House of our Federal Legislature to be based on population and the other House to be based on equal representation because a "gun was at their back." Further, they argue, the counties cannot be compared to the States because the former are sovereign.

Mr. President, admittedly, there are distinctions between the counties on the one hand and the States on the other, but I feel that the American people, with their great commonsense, believe this is not a meaningful distinction. They would say, "Even if all you say is true, so what?"

Regardless of how the Federal system was fashioned, it has been a great system—a system that has served the Nation well in times of both peace and war. Despite the distinctions, the State governments are similar to the Federal system. For the most part, the State legislatures have served their people well. Where the State legislatures have been at fault, is in their failure, often ignoring the explicit commands of the State constitutions, to apportion the lower house on a true population basis. Some adjustments are unquestionably called for, but I do not believe that we should scrap the entire workable system because repairs are needed.

Mr. President, ask the teachers across the country and their pupils. They will tell us that an analogy exists between the Federal and the State legislatures. A majority of a special committee of the influential American Bar Association concluded that an analogy exists. The academic theory that no such analogy exists flies in the face of what actually has been so in practice and the common sense and good judgment of the American people.

I find Judge Campbell's opinion in *Germano* v. *Kernar*, 220 Fed. Supp. 230, most persuasive.

Mr. President, I ask unanimous consent that excerpts from Judge Campbell's opinion be inserted in the RECORD at this point.

There being no objection the except was ordered to be printed in the RECORD, as follows:

> In adopting this political and practical compromise, Illinois has done no more and no less in my opinion than to follow the example of the Founding Fathers in the Constitutional Convention at Philadelphia. Having recognized the necessity for protecting minority voting rights and local sovereignty, the Founding Fathers adopted the system still in use providing for the election of our bicameral Congress. As in Illinois, election to the upper House is based on geographical area, or if you will, a weighted voting system. Election to the lower House is based on population similar to Illinois. Should that which is deemed proper when observed in the presence of the Federal Government be suddenly deemed improper when associated with a sovereign State? Must the subject be more royal than the king? Must the State be more democratic than the United States?
>
> Necessarily, I am well aware of the atypical distinctions between the Federal Government and the individual States. My reliance on this analogy is limited somewhat by these nuances. The States as sovereign preexisting smaller units created the larger unit, the Federal Government. Contrastingly, in apportionment cases we view the States in a different perspective; as the larger unit creating the smaller. And further, the smaller unit in apportionment cases lacks the element of sovereignty possessed by the States in their relationship to the Federal Government. However, these distinctions do not render for naught this analogy. In both instances the purposes were similar, to protect minority rights and check unopposed majority control. The methods selected to achieve the desired purposes are similar, and by and large the results have been similar.

Mr. MURPHY. Thus, it may be true that counties are not sovereign as are the respective States. Yet, the subdivisions of the States do represent a governing entity. Within the unit are people with similar interests, similar problems, and similar hopes for tomorrow. To me, it seems perfectly logical to have one house reflect, if the people desire, the local governing unit.

Mr. President, it has been pointed out during the hearings held before the Judiciary Committee that one benefit of organizing a State legislature along the lines of a federal system is that the representatives of the upper house have a tendency to view problems with a Statewide outlook. The senate of my State has always responded to the needs of the entire State in the finest tradition. The League of California Cities, which obviously is vitally concerned with urban problems, made the following comment regarding the 1961 session of the California Legislature:

> Both offensively and defensively the so-called rural senate and its committees showed more understanding and sympathy toward bills of interest to the cities than did the urban assembly.

To further illustrate this fact, I should like to have incorporated at this point in the RECORD a study prepared by the California State Legislature outlining the record of the California State Senate on urban legislation. A reading of this document will dispose of the myth that one body in the State legislature based on factors other than population will be unsympathetic to the needs of an urban area.

Mr. President, I ask unanimous consent that the study of the California State Legislature may be printed at the conclusion of my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, opponents of the Dirksen amendment contend that we are dealing with a personal right similar to that of freedom of speech, freedom of the press, and freedom of religion, and for that reason we should not act on the Dirksen resolution. First, from my reading of the Constitution, I can see no constitutional prohibition preventing the people from altering even these basic rights through the established amending procedure. Would they do so? Obviously not, for even if such a proposal to eliminate a basic right were made, the American people would rise and resoundingly shout it down. Could the opponents of the Dirksen amendment for a single second imagine the American people tolerating the existence and continuance on an infringement of the right of freedom of speech, freedom of the press, and freedom of religion for the period of time which the States have had one house of a State legislature apportioned on factors other than population? Certainly not. Yet, I have seen an effort to equate these basic rights with the question of fair representation. They are just not the same thing.

Mr. President, I ask unanimous consent that a portion of a statement made by the distinguished Professor Robert H. Dixon of the George Washington University Law School in which he distinguishes between some of the personal civil rights and the question of fair representation be printed in the RECORD. Professor Dixon has long been a student of constitutional law and his remarks cogently refute the opposition's argument.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> 1. We are not dealing here solely with a matter of civil rights and liberties, even though voting concededly is involved. Few would argue that the people of one State should be the final arbiter of such federally

protected interests as freedom of speech or racial equality. But that is not the kind of issue before us. Rather, the issue is fair representation. The issue can be phrased also as one of political equity. To put it more clearly, we are dealing with the intrastate problem of setting up a legislature, a representation system, to serve as a substitute for a direct democracy of the town meeting which is impractical on a statewide basis. Apportionment and districting are part of the process of setting up a legislature to serve as a substitute for direct democracy. Viewed thusly, the argument for giving serious consideration to an amendment of the Javits-Church type (S.J. Res. 44 and S.J. Res. 38) is based to a large degree on the proposition that the people served by a given apportionment-representation system are appropriate judges of the system, and they express their judgment through the direct democracy device of recurring statewide one-man, one-vote referendums.

The National Committee for Fair Representation, which has done good work in the past, would oppose looking at the matter this way, but in opposing it I think the National Committee is in danger of belying the term fair representation in its title. It is in danger of becoming a National Committee for One-Man, One-Vote, as an abstract, self-sufficient mathematical absolute. This is to talk the language of faith, and puts one beyond the pale of reasoned discussion or empirical inquiry. The literature of political science and of law indicates that the problems and complexities in working out fair and effective representation systems are far more involved than the National Committee is willing to admit in its most recent pronouncements.

In apportionment cases the personal civil right of the voter is intertwined with large, corollary questions concerning representation; i.e., concerning political philosophies and practices of representation in a dynamically democratic public order, in which groups are as relevant as individuals. The Supreme Court, in its most recent pronouncement on reapportionment 2 months ago (*Fortson* v. *Dorsey*, 85 S. Ct. 498 (1965)) suggested the possible existence of a constitutional right of groups to be fairly represented—i.e., a political equity interest as a corollary of "one-man, one-vote." The Court did not have to decide the issue because the factual record in *Fortson* was incomplete but Justice Brennan did write as follows:

"It might well be that designedly or otherwise, a multimember constituency apportionment scheme, under the circumstances of a particular case, would operate to minimize or cancel out the voting strength of racial or political elements of the voting population."

2. In other writings, while advocating the "one-man, one-vote" or "equal population district" standard as a primary guide to reapportionment, I have pointed out its insufficiencies as an exclusive guide to fair representation. For example, an at-large election satisfied the mathematics of one-man, one-vote, but yields no representation at all for the minority, no matter how large. (See 38 Notre Dame Lawyer 367 (1963); 52 National Civic Review 543 (1963); 63 Michigan Law Review 209 (1964).)

Mr. MURPHY. Mr. President, opponents of the Dirksen amendment scream that the adoption of the amendment would perpetuate the "rotten borough" system. Although I would not deny that one can produce examples showing that a rural-dominated legislature has supported the will of the majority, at the same time, I am aware that history is more replete with examples of corruption by city machines. A balanced legislature, on the other hand, serves as a barrier against the extremes of rural domination and city domination. Senator Rattigan addressed himself to this point before the Senate Judiciary Committee:

> We Californians like to compliment ourselves on our record of clean politics and our freedom from boss rule. But it has not always been thus.
>
> California's celebrated progressive era opened with the bitter campaign in 1910 in which Hiram Johnson and the Lincoln Roosevelt League vanquished the railroad machine which had dominated both the legislative and executive branches, at various intervals, since the 1870's.
>
> This unsavory machine era in California history curiously falls within the same period—1879–1926—which saw the legislature organized wholly on a population basis—both houses. While this certainly is not intended to mean that one man, one vote gives rise to corrupt politics, the context suggests that there is, indeed, much to be said for retaining one house on a different districting basis than the other. Seldom does a political machine acquire domination on the basis of both urban and rural, north and south, worker and employer, political strength.
>
> One of our most distinguished Governors once said:
>
> "Moves have been made to upset the balanced representation in our State, even though it has served us well and is strictly in accord with American tradition and the pattern of our National Government. There was a time when this State was completely dominated by boss rule * * * Any weakening of the laws would invite a return of boss rule, which we are now happily rid of."
>
> The then spokesman for senate apportionment as it then stood, as it was in 1948, is the present Chief Justice of the United States, the Honorable Earl Warren.

The distinguished Senator's remarks, that one of the most corrupt periods in the history of California politics occurred surprisingly enough when the State legislature was organized wholly on a population basis, should be carefully digested.

I cannot help noticing that many of the one-man, one-vote advocates come from areas wherein the big-city vote has been most helpful to them. I also note that for the most part, these same cities are not recognized for having model governments.

As Senators know, California like most States of the Union has a bicameral legislature. The lower house, or Assembly, is generally based on population. On the other hand, the senate consists of 40 members. In the senate, no county can have more than one senator and no senatorial district can be composed of more than three counties.

I naturally am proud of the fact that I, along with my distinguished colleague [Mr. KUCHEL], have the privilege of representing the largest state in the union. The varying geography of the State is matched only by its size and by the diverse interests and backgrounds of the State's inhabitants. We have towering and majestic mountains, bountiful and productive valleys, irrigated deserts, and attractive and busy coasts. I mention this not to boast about the Golden State, but rather to paint a background from which I might destroy the myth that a legislature, with one house based on factors other than population, cannot respond and react to the needs and the problems of the people. I have sat and listened to Senators speaking of the legislative obstacles confronting legislation when a state legislature is so organized. Is there any State in the Union, Mr. President, that faces problems greater and more complex than the State of California? Yet, look at the record. Has the California legislature stumbled in inefficiency and thwarted the will of the people? I challenge any of my colleagues to show me any State, anywhere, having a legislature based on the so-called one-man, one-vote plan that has a more responsive record than the California Legislature. It is true that California has not solved all of its problems, but I do know that in most areas we are showing the way for the other States as well as the Federal Government. For as the San Francisco Examiner says editorially:

> Backward government in some States can certainly be attributed in part to the fact that their legislatures are badly apportioned and rural dominated. But California, with its enlightened and forward-looking State government, including its legislature illustrates the error of generalizing on that point.

Mr. President, if the Dirksen amendment is not adopted, the citizens of California will have to discard the present form of their legislature. This legislature has not only served the people of California with distinction, but it has also enacted legislation which has served as a model of legislation in the other States of the Union.

The opponents of the Dirksen measure have made great noise about senatorial district No. 28 in my State, which is comprised of the counties of Inyo, Mono, and Alpine. This is the smallest senatorial district in my State and the one that is 450 times smaller than Los Angeles County. This is the only substantial area in California that lies to the east of the Sierra Nevadas. The legislature, in its wisdom, first gave these counties two representatives, and later the legislature decided to give each county a representative, so that effective representation might be given to these citizens in Sacramento.

What might happen, Mr. President, if we were to follow the court's one-man, one-vote decree? I again quote from Senator Rattigan's testimony before the Senate Judiciary Committee where he states:

> To reduce this to one dramatic example, if you would put your finger on Imperial County, which is at the extreme lower right, the very foot of California on the right, that is the Mexican border. One prospective district and one district which might have to be so identified by reason of community of interests—that is desert or mountain territory, with relatively inadequate highway communication with the rest of California because of the complex of mountains—one district will start at Imperial County and run from there along the entire eastern border of California, to and including Modoc County at the extreme upper right, which is on the border of Oregon. If that district were so apportioned and its population would be about right under the Supreme Court's theory of one man, one vote, that district would be 1,000 miles long by airline and possibly 2,000 miles long by traversible highway, most of which, because of our mountains, would lie in the State of Nevada. That entire district could be reached from the rest of California by only

about six all-year highways. Many of our trans-Sierra highways are closed all winter because of the snow. About six of them, most of those in the south, are open all year.

But one district for one man, because of one man, one vote, would be 2,000 miles by road. There is no rail or bus transportation and no regular air transportation the length of that area. But by State highway, it would be 2,000 miles from one end of his district to the other.

It would be extremely difficult to reapportion that long district on a lateral method so that it would be split about six ways across the State because of the paucity and the inadequacy of our all-year highway system across the Sierra Nevada Mountains.

In conclusion I reiterate that the Federal plan of apportionment is the clear preference of the people of California. It is an arrangement which has served us well through our most trying years.

California's balanced legislature has blended remarkably well the diverse interests of its people. This system, by achieving a consensus among the many groups of people, has produced effective and fair representation in the proper interests of all.

Many foresee inevitable conflict between rural and urban America. I do not share their fears, for Americans historically have been sympathetic to their fellow citizens' problems. Americans realize that the rural and urban interests compliment and are interdependent of each other.

States should be permitted to organize their government in the manner desired by the people. Senate Joint Resolution 2 would establish broad guidelines which would require that one house be truly based on population and at the same time permit the upper house, if the people desired, to be based on factors other than population.

Frequently, opponents of Senate Joint Resolution 2 also rely on the catchy euphonic one-man, one-vote slogan. Yet, supporters of the one-man, one-vote decision by their very opposition seem to fear the result of allowing citizens such a vote, for one man, one vote is exactly what this resolution commends. Every voter would voice his choice through the ballot box, whether he wished to be represented in one house of a bicameral legislature on factors other than population. It allows people to determine whether the State's unique characteristics require that representation in the upper house be based on factors such as geography, economics, area and local political subdivisions.

I wish to make it clear that this is no effort to undermine the Supreme Court. Decisions of the Supreme Court, like the operations of the other great branches of our Government, properly remain accountable to the people, the ultimate source of political power in our free society. The courts do not have the final word in constitutional law. Our Founding Fathers wisely established an amending procedure giving the people the final verdict. I, for one, believe that the people have the right and they should be given the opportunity to express their decision on this most fundamental question of representation in the State legislature. I urge passage of the resolution.

Mr. President, I ask unanimous consent that various editorials in support of the Dirksen amendment be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[Times editorials, Feb. 21, 1965]

REAPPORTIONMENT: NO TIME TO GIVE UP

Finally overcoming its reluctance, the assembly has joined the State senate in petitioning Congress to act on modifying the Supreme Court's harsh legislative reapportionment decision.

A great deal of precious time was lost by assembly footdragging on support of a proposed constitutional amendment restoring the right of States to elect one legislative house on a basis other than population. Approval by Congress and the States of such an amendment is the surest way out of the reapportionment dilemma.

California's upper house has been ordered to reapportion itself by July 1 according to the Court's one-man, one-vote decree. Thus far, however, there has been far more argument than action in Sacramento.

But now that the assembly has voted its approval of the reapportionment amendment, the legislators and particularly Governor Brown should begin a determined effort to win congressional approval. California has the second largest delegation in Congress and it can surely make common cause with the many other States hit by the Court ruling.

The amendment introduced by Senator EVERETT M. DIRKSEN, Republican, of Illinois, and supported by the American Bar Association would permit one house of State legislatures to be apportioned "upon the basis of factors other than population" if approved by voters "in accordance with law and with the provisions of this Constitution."

No reapportionment plan thus could be adopted unless the right to vote was protected and enforced for all citizens. The absence of such protection was a valid basis for the Supreme Court's earlier decisions on legislative reapportionment.

In California, however, the present system was adopted by the vote of the people and endorsed by the people in several subsequent elections. In spite of some disparity in urban representation, the system is basically sound and has served California well, as Chief Justice Earl Warren said so forcefully when he was Governor.

Preservation of that system is worth the fight, worth the efforts of California's Governor, State legislators, and Members of Congress. And the time for an all-out campaign is now.

[From the San Diego Union, Feb. 23, 1965]

PUBLIC MUST RAISE VOICE: REAPPORTIONMENT STILL THREAT

The people of California cannot let the legislature rest its case on apportionment by the passage of one resolution.

A resolution passed by both houses and in conference asks Congress to nullify a U.S. Supreme Court decision requiring the State senate as well as the assembly to be based on population.

The resolution is good as far as it goes, but raises a mere whisper to Congress instead of the groundswell needed to avert the drastic Supreme Court decision.

Congress and the Supreme Court have both ignored previous pleas of States to reconsider the so-called one-man, one-vote ruling. Congress will continue to ignore the pleas unless there is enough public pressure to reach its politically sensitive nerves.

California's stake in continuing the pressure is great. If the Supreme Court's ruling is allowed to stand, a few populous southern counties will control the State senate as well as the assembly.

Representation in the large and economically important northern counties that are sparsely populated would depend on the grace and favor of the urban legislators. State government would be far removed from people of the north.

The people of California have clearly indicated in past years they do not want the State senate elected on a population basis. It is written into the constitution. Six proposals to reapportion the legislature were defeated at the polls since the turn of the century. The last was as recently as 1962.

As then Gov. Earl Warren pointed out in 1948, "Large counties are far more important in the life of our State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of redistricting representation in our senate on a strictly population basis."

Yet as Chief Justice of the United States he favored the one-man, one-vote ruling that will leave years of bitterness and divisiveness in California. Some already is evident in the proposals to divide California into two States.

The resolution passed by the legislature to seek relief from the Supreme Court decision is a good initial step. Now the campaign must be started on all fronts in earnest and maintained incessantly.

[From the San Francisco Examiner, Feb. 4, 1965]

IT ISN'T SO

Justice Arthur Goldberg of the U.S. Supreme Court defended in Washington the other day the Court's recent decision compelling the reapportionment of State senates on a population basis. He said, "For the first time in the country's history, every man's vote is going to have as much weight as the next man's."

This is not true. It was never true. It was not meant to be true. California has 2 U.S. Senators and 18 million population. Nevada has 2 U.S. Senators and 300,000 population. The vote of a single Nevada citizen weighs as much in the U.S. Senate as the votes of 60 Californians.

That is the federal system, prescribed for the U.S. Senate in the Constitution. It was also, in a modified and very successful way, the system followed in California's State senate until the Court interfered.

[From the Bakersfield Californian, Feb. 23, 1965]

SENATE PUSHES REAPPORTIONMENT FIGHT

A nationwide effort to enlist public support for a proposed constitutional amendment affirming the right of States to determine their own legislative organization and apportionment has been undertaken by the California Legislature. It is a project that earns the commendation of all Californians and certainly should receive the prompt and unqualified support from the citizens of all States. It is one that conerns their most fundamental right.

Having approved a Senate joint resolution favoring the passage of such an amendment, the California Legislature is requesting those of the 49 other States to take similar action and asking the support of the California delegation in Congress. It is also seeking to arouse a popular movement among the citizens for the amendment by appealing directly to each legislator in the Nation.

Noting these moves, Senator Walter Stiern of Kern County has observed that California's historic method of legislative apportionment "has been upheld in four statewide elections, and significantly, voters in our dense population centers who would have gained additional senators in such a readjustment balloted heavily to preserve present senate district boundaries which the Court's decision threatens."

Since there is a time limit on the Court's designation for preparation for arranging State affairs to comply with its ruling, the need for concentrated action to bring about a constitutional amendment is all the more pressing. It is certainly the "sense" of the States that defense of their fundamental rights is to be accomplished at all costs, and the citizens of the States should make their wish clear to the Congress and to the legislatures that this amendment, giving positive assurance to the States of their right to apportion their legislature as they wish, a right that had been assumed for more than a century and a half until the Court's recent decision.

Rapid and sustained action is necessary and the California senate is to be commended upon its initiative.

[From the Sacramento Bee, Feb. 8, 1965]

APPORTIONMENT DECISION CALLS FOR AMENDMENT

It is noteworthy that U.S. Senator THOMAS H. KUCHEL, of California, a stanch supporter of the U.S. Supreme Court and close friend of Chief Justice Earl Warren, has given his backing to a proposed constitutional amendment which would give States the right to apportion one legislative house on a basis other than population.

If this amendment is adopted and the voters then give their approval to a plan for election of State senators representing geographical areas, California could have the legislative system which existed prior to the Court's ruling and which served the State so well.

There is no sound basis for criticizing the Supreme Court for its decision that the Constitution requires the membership of both houses of State legislatures be based on population. The Court was acting in accordance with its responsibility to interpret the Constitution.

Immediately after the decision was rendered there was a proposal for a congressional act which would have stripped Federal courts of any authority to pass on State apportionment. Such an act would be an improper and dangerous attack on the sanctity of the judiciary.

However, the proposal to amend the Constitution is no more an attack on the Court than was the 16th amendment which made it possible to collect the income tax. Prior to the adoption of the 16th amendment the Supreme Court was obligated by the Constitution to rule that no income tax could be imposed by Congress. This, of course, was changed by adoption of the amendment which permits imposition of the tax.

This is essentially what the proposed apportionment amendment would accomplish. It would change the Constitution specifically to permit States to have one legislative house not based strictly on population. The Supreme Court no longer would be concerned with the matter.

The wishes of the people would be protected fully because the proposal would require that any plan based strictly on population would have to be approved by the voters.

The amendment deserves support because it would permit those States wishing to retain geographical representation in one house to do so, but would not require it. The choice would be left to the people in each State. No approach could be more fair.

[From the San Pedro News-Pilot, Aug. 7, 1964]

REAPPORTIONMENT ISSUE: PEOPLE CAN OVERRULE COURT; NOW IS THE TIME FOR ACTION

A historic June 15 ruling by the U.S. Supreme Court could reshape this country's basic philosophy of government, unless the public moves vigorously to block the proposed change.

The Court on that date decreed the equal protection clause of the 14th amendment requires the States to compose both houses of their legislatures solely on the basis of population. In its unusual interpretation, the Court ignored the fact that the 14th amendment was not intended to prevent a State from setting up the legislative structure it believes best suited to its needs. When the amendment was debated years ago in the House, it was stated the measure "takes from no State any right that ever pertained to it."

California, with its exceptional divergence of economy and geography, could be unusually hard hit by the decision. This State has a concentration of population along its coastline with vast geographical areas inland that are vitally important to the overall economy but thinly populated.

Similar conditions exist in some foreign countries where government representation is based on population alone. What has happened? Political power is concentrated along the coastlines. Tremendous inland resources go undeveloped. Highway and school programs and all major developments are concentrated in the population centers while other areas are ignored. The full potential of such a nation will never be realized until geographic considerations are recognized in government.

Representative WILLIAM MCCULLOCH, Republican, of Ohio, has introduced a resolution in the House of Representatives to amend the Constitution to further guarantee the right of any State to apportion one house of its legislature on "factors other than population."

It reads: "Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the membership of one house of its legislature on factors other than population, if the citizens of the State shall have the opportunity to vote upon the apportionment."

Such an amendment would eliminate any legal quibbling about a State's sovereign authority to maintain its legislative framework on an equitable basis.

Representative MCCULLOCH's resolution, however, appears doomed unless there is aggressive leadership and support throughout the Nation. In California, the people have repeatedly expressed their desire to maintain the present legislative structure. This is the logical State from which such leadership should emanate.

These leaders should include legislators, political figures, business, and civic groups, and other organizations which are acutely aware of the benefits of the check and balance system. Once organized in California, they should carry their campaign throughout the Nation.

Otherwise, California and other States will be confronted with a real disfranchised "minority"—the people who have not migrated to metropolitan centers.

This development could prove disastrous to this country's entire concept of free and equitable government to its full economic development.

California, the most populous State in the Union, must move now to assume its responsibilities of leadership.

[From the Culver City Star News, Feb. 16]

A REPUBLIC OR A DEMOCRACY? NEW RULE THWARTS CONSTITUTION

The magnitude of the political change that is to come over California is reflected in the tentative plan for reapportionment of the State senate.

Four counties—Los Angeles, Orange, San Diego, and Imperial—would have among them 20 senators. With the help of one additional county, this power group would dominate the affairs of California and its 18 million people.

Reapportionment was a fiat of the U.S. Supreme Court, brought about in a ruling on a Tennessee case which enunciated the one-man, one-vote theory.

Subsequently, a panel of Federal judges in Los Angeles set July 1 as a deadline for compliance. Californians themselves were not consulted.

We have read with a great deal of interest the recent remarks of Senator MARGARET CHASE SMITH, Republican, of Maine.

She insists the United States is a republic and a truly representative government, as it "provides representation for the minority as well as the majority."

The U.S. Senate, she says, is striking proof that our Government is not a democracy but a republic.

"New York, with a population of several million people has no more representation in the Senate than my State of Maine, which has a population of less than a million people," she says.

"Both States have two Senators each. This is a check against unlimited majority rule for the protection of minority population States."

The Constitution itself says, "The United States shall guarantee to every State in this Union a republican form of government."

The Supreme Court in 1964 got around the situation with neatness. It was argued that the States entered the Union as sovereign States and Senators were delegates of the States and not the people to the Congress.

Counties, it was contended, are not sovereign but political creatures of the State; therefore any legislative body apportioned by area and not population is unconstitutional, unfair, and not consistent with the 1964 views of Justice Warren.

A large proportion of California voters will in fact be disenfranchised politically, with the vesting of voting power of the senate in the representatives of a few large counties. It will be in effect, "one man, no vote."

[From the Oakland Tribune, Jan. 24, 1965]

RETURNING POWER TO CALIFORNIA'S CITIZENS

Apportionment based partially on geographic factors helps provide balance and flexibility in government. Specifically, it prevents urban areas from acquiring such overwhelming control of legislatures that rural problems are ignored.

Moreover, in areas of rapid growth, where today's rural area is tomorrow's city, geographic apportionment helps provide the upcoming areas with a voice against vested urban interests.

Moreover, cities are less stable and tranquil than rural areas. Legislatures weighted to give greater representation to the most stable elements in society are valuable assets in the process of orderly reform and progress.

The argument is not that cows and stumps should get a vote, but rather that geographic apportionment provides valuable checks and restraints on urban majorities.

We have never lived in a society of absolute majority rule. Any system in which majorities have unlimited dominion over minorities is inherently totalitarian, just as any system that gives a minority unlimited dominion over a majority is inherently totalitarian.

The problem, then, is to protect the vital interests of minorities, including rural minorities. Toward that vital goal, we urge the California Legislature to memorialize Congress to call a constitutional convention to deal with the apportionment problem.

[From the San Jose News, Aug. 7, 1964]

A Rational Proposal on Reapportionment

A controversial and far-reaching decision by the U.S. Supreme Court sometimes is followed by a rash of countermeasures, usually in the form of constitutional amendments, which mercifully are allowed to suffocate in congressional committee pigeonholes.

In the heat of controversy, proposals sometimes are made that, if enacted, would weaken the very institution the proponents seek to protect, the U.S. Constitution.

Before Congress now, however, is a rational plan for countering portions, but not all, of the Court's latest stand on legislative apportionment.

Coauthorized by Representative CHARLES S. GUBSER, a Republican, of Gilroy, this constitutional amendment would not affect the Court's insistence that cities be fairly represented in State legislatures. That principle is a sound one.

What the Gubser amendment would do is enable a State to follow the Federal Government's example of having one house apportioned strictly on a population basis and the other apportioned along lines dictated by geography and other factors.

The U.S. House of Representatives and the U.S. Senate are organized in accordance with such a formula. So is the California Legislature.

This is not a demote the Supreme Court or impeach Earl Warren amendment. It is a proposal to retain a system that has worked well at the Federal level and in those States which have used it.

Exhibit 1

The California Senate Record on Urban Legislation

The Supreme Court decisions on reapportionment have been hailed by many metropolitan newspapers as a victory for cities. The requirement that the seats in both chambers of a bicameral State legislature must be apportioned on a population basis supposedly will give the metropolitan areas of States relief from the oppression of rural dominated legislatures and an opportunity for the majority representing heavily populated cities to accomplish social objectives heretofore rejected by rural representatives. The record in California during the past 30 years will demonstrate that the theoretical approach of the Supreme Court justices in rewriting our Federal Constitution and torturing the equal protection clause ignores both the genius of the Federal system of checks and balances and the facts in a State which, during the past 30 years, has changed more quickly from a rural to an urban State than any other State in the Union.

Counties have simply been used as one of several devices to accomplish the same result within each State guaranteed to the Federal Government by the U.S. Constitution. In order to achieve the same stable government within each State, consideration has been given to history, economic or other group interests, area, geographic considerations, etc. The people of California, voting in absolutely free elections—where every man's vote was given precisely the same weight—have five times in the last two and one-half decades approved and insisted upon this theory of bicameralism.

Thus, the people of our State have not only taken the Federal system which has been an example to all of the free countries of the world but they have improved on that Federal system by making it absolutely certain through the initiative that a willful minority may never completely control mature and deliberate decisions made by the majority.

As indicated at the outset, the record of the senate of the State of California on legislation of major interest to cities in metropolitan areas has been both responsive and farsighted. The following is a list, year-by-year since 1933, which demonstrates results rather than tenuous theory:

1933

S.B. 563 (ch. 767) gas tax allocation (one-fourth cent State highways) provided one-fourth cent for State highways within cities. To be used for acquisition, construction, maintenance, or improvement. If State highways, adequate funds available for major streets. Delegation of expenditure to cities and accumulation authorized. This is the first time in the history of the State that gas tax was spent inside of cities and the program was initiated by a "rural" senate.

1935

S.B. 919 (ch. 330) Alcoholic Beverage Control Act (50-percent gross fines) replaced earlier State Liquor Control Act and made provisions for recognizing valid zoning ordinances, notice of license applications, and closing of bars on election days. Authority to keep liquor establishments out of certain zones was essential to the orderly and moral growth of cities.

Substituted 50 percent of gross fees for 60 percent of net fees after administration and enforcement had been deducted. Made specific provision for disposition to cities of fines and forfeitures where imposed by city and courts.

S.B. 561 (ch. 642) gasoline tax allocation (one-fourth cent major streets) provided for additional one-fourth cent for major city streets and required submission of a budget. This was the first recognition of the great need for improvement of city street systems.

S.B. 1119 (ch. 362) In lieu tax: As first enacted gave cities 25 percent and counties 12½ percent. The in lieu tax is a State license tax in lieu of local property taxes, and (as will be noted below under the year 1947) all of the proceeds now amounting to about $130 million annually are distributed equally to counties and cities. This early recognition of the financial problems of cities is repeated again and again in the following years.

S.B. 586 (ch. 260) Utility property assessment (Valuation division): Made provision for equalizing assessments to correspond to assessment of other property by a city.

S.B. 239 (ch. 273) Contracts for fire protection: Authorized cooperative contracts with fire districts and protected firemen operating outside of city.

1937

S.B. 539 (ch. 717) Special fund for capital outlays: Authorizes transfer of surplus funds, or levy of taxes to "Capital outlay" fund and funds to be transferred, raised or accumulated must be spent for single purpose unless released by two-thirds vote of people.

1939

S.B. 514 (ch. 297) Annexation of uninhabited territory: New act to replace act repealed in 1937. Provides for annexation after hearing where there is no majority protest. A major urban growth problem was and continues to be ample authority for orderly expansion. This measure was the first of several to give cities additional annexation authority.

S.B. 1194 (ch. 1026) Codification of ordinances: An act recognizing a basic internal need of our largest cities with numerous and conflicting ordinances.

S.B. 19 (ch. 231) Illegal parking (Presumption): An act which placed the burden on the owner of an illegally parked vehicle to show that he did not park the vehicle. Without this authority traffic strangulation in major metropolitan areas would have immediately followed. No such need existed in the "rural" areas.

1941

S.B. 425 (ch. 339) County aid to cities: Streets. Authorizes county aid for street work and ordinance to provide conditions upon which allocation shall be made.

1942

S.B. (ch. 1) Emergencies—war use only: Provided authority to expend funds or use property or personnel to meet any emergency created by war or sabotage.

1944

S.B. 48 (ch. 47) Plans and sites: One of the most farsighted measures ever adopted by our legislature (and initiated by the senate) granting cities $10 million to prepare plans and specifications for public works which could not be built during the war but which would be absolutely essential after the war. This was followed in 1946 by a $90 million matching construction program which, although assembly initiated, was carried over the Governor's veto as a result of senate leadership. (Incidentally, this was the only override of an Earl Warren veto during the time he was Governor of the State.)

1945

S.B. 586 (ch. 932) Hospital districts: An act desperately needed in the postwar years to provide hospitals in both urban and suburban California.

S.B. 1302 (ch. 1024) Disaster act: An act which still serves as a model for many States in the establishment of a working organization to cope with any type of manmade or natural disaster.

1947

S.B. 1351 (ch. 712) Liquor license fees: Increased the allocation to cities of liquor license fees from 50 percent of gross to 100 percent of the amount actually collected within cities.

S.B. 712 (ch. 777) Gasoline tax: The largest single increase ever made in allocation of gasoline taxes to cities by the State assuming the entire cost of extension of State highways through cities and, in addition, increasing the annual allocation for city street purposes.

S.B. 1593 (ch. 1168) In lieu tax: As indicated above, this is a major source of municipal revenue received without strings where the cities get one-half of the total amount of vehicle license fees which are in lieu of local property taxes on such vehicles.

S.C.A. 14.—Ballot Proposition 18 (ch. 173) Reimbursement for tax exempt property.

1949

S.B. 20 (ch. 1147) Separation of grade districts: Facilitating construction of grade separations by areawide financing.

S.B. 246 (ch. 1481) Added sec. 25643 to Gov. C. County structural fire tax: Excepting cities from county structural fire tax, and thereby relieving cities from unfair taxation.

S.B. 851 (ch. 1488) 1941 sewer and sanitation—revenue bond law: Revenue bonds for water. Prior to this time, cities were without authority to construct or expand such essential facilities except through the issuance of general obligation bonds requiring a two-thirds vote. By this time, California was growing at an astonishing rate, and every method of financing including the one listed immediately below had to be utilized. Here again, we find rural recognition of urban needs.

S.C.A. 33 (ch. 195) Pledge of parking meter revenues: To finance acquisition of offstreet parking facilities.

1951

S.B. 282 (ch. 633) Special census: Authorizing special census by cities for gas and in lieu tax purposes.

S.B. 914 (ch. 738) Use tax authority for sixth-class cities: Broadening and diversifying local tax base. This act was essential to the levy of both sales and use tax by cities and was subsequently followed in 1955 by the Bradley-Burns Act. This latter proposal which was opposed by farmers and agricultural interests now produces in the neighborhood of $300 million a year for local government. It is the major reason the metropolitan cities of California have been able to meet some but not all of their growth problems.

1953

S.B. 900 (ch. 526) 1941 revenue bond law: To include garbage collection, ferry systems, parking, swimming pools, and terminal facilities within revenue bond financing authority of cities.

S.B. 1100 (ch. 1582) Distribution of fines and forfeitures: Under inferior court reorganization cities are guaranteed no loss of revenue as a result of losing city courts.

S.B. 1159 (did not pass) County and city affairs commission: Showed recognition of metropolitan area problems. Measure would have provided a forum to consider local intergovernmental relations problems.

1955

S.B. 278 (ch. 703) Reimbursement agreements in subdivisions for drainage: Extended sewer financing principle to storm drainage.

S.B. 1268 (ch. 1440) OASI coverage for public employees: Made basic social security coverage available for first time to many city and other public employees.

S.B. 1971 (ch. 1890) Engineering and administration allocation of gas tax: Engineering and administrative allocation of gas tax to cities based on population.

1957

S.B 1234 (ch. 1696) Urban renewal authority: Very important legislation for metropolitan cities.

S.B. 2208 (ch. 2091) Grade separation: Five million dollars allocated annually to cities from gas tax for grade separation. Construction costs to reduce accident toll from railroad crossing accidents by speeding up construction.

S.B. 933 (ch. 1651) Aircraft operation—zone of approach: Helpful to airport-owning cities in metropolitan areas.

S.B. 244 (ch. 1989) Community mental health act (Short-Doyle Act): A precedent-setting step forward in establishing programs for outpatient care of the mentally disturbed.

S.B. 2175 (ch. 2376) State participation in Federal beach erosion control projects: Helpful to southern beach areas.

S.B. 2110 (ch. 2375) Loans for small craft harbors.

S.B. 2107 (ch. 2362) Small craft harbors division.

1959

S.B. 1461 (ch. 1658) Authorization for acquisition by counties and cities of open spaces: Open space is most needed in and around congested metropolitan areas.

S.B. 703 (ch. 1102) Revision and streamlining of Community Redevelopment Act: The most important urban renewal legislation in California since the act was adopted in 1945.

S.B. 5 (ch. 822) $750,000 annually to small craft harbor revolving fund: Most municipal small craft harbors are now financed with this fund.

S.B. 931 (ch. 1598) Small Craft Harbor District Act.

S.B. 169 (ch. 2157) Distribution of rentals from State freeway acquisitions to taxing agencies.

S.B. 20 (ch. 6) Extension of ½-cent gas tax (imposed in 1953 and due to expire in 1959). Act enables State to continue with freeway construction program in urban areas.

1961

S.B. 1031 (ch. 1404) Municipal tort liability: Postponed for 2 years the effect of a California Supreme Court decision making cities liable in all cases where an individual would be liable for negligent acts. Permitted the legislature to consider governmental problems which would arise if liability made government unable to govern.

S.B. 1294 (did not pass) Local option in lieu tax: This measure would have helped cities eliminate several billion dollars of critical street deficiencies. The bill was approved by the senate and defeated by the assembly notwithstanding the fact that 80 percent of the money would have been spent within metropolitan areas.

S.C.A. 26 (did not pass) Telephone gross receipts tax: Would have given cities 1 percent of telephone gross receipts or $9 million annually. Approved by senate and defeated by assembly.

S.B. 1522 (did not pass) Withdrawal from park and recreation districts: Would have permitted city territory to withdraw from park and recreation districts. It would have eliminated dual taxation on property owners by both district and city when service is provided only by city. Approved by senate and defeated by assembly.

1963

S.B. 344 (ch. 1852) Gasoline tax: This unquestionably was one of the most important measures for metropolitan cities considered during the 30-year period we are covering. City receipts from gasoline taxes were more than doubled and, as a result, critical deficiencies on congested city streets are now being corrected. The measure will produce about $76 million annually, in addition to revenues already received by local government.

S.B. 42 et seq. (ch. 1681 et seq.) Municipal liability: These bills spell out in detail the nature and extent of municipal tort liability. It would have been impossible to continue to operate municipal jails, police departments, fire departments, and so forth, without such legislation.

In the 1963 session, as well as others, there is no question but that bills beneficial to urban interests were initiated in a house (assembly) districted largely on the basis of population but in every case these measures had to be approved by the senate. This was true of the State water program and the Rumford Fair Housing Act.

In his Legislative Review, dated July 18, 1961, the executive director of the League of California Cities concluded:

"Both offensively and defensively the so-called rural senate and its committees showed more understanding of and sympathy toward bills of interest to cities than did the urban assembly. Contrary to popular belief this is not unusual. This year, more than ever before, the assembly showed an alarming disregard for the principles of home rule and the needs of cities. This is not true of all assemblymen nor is the outstanding senate record true as to all senators but it is a completely accurate statement as to a majority of the members of each house. The proof is in the final history."

On the negative side, we can only state that almost all bills which would infringe on the right of cities to control their own internal affairs originate in the assembly, and where successful, they have been defeated in the senate where there is much greater recognition of the rights of city councils to control their own internal operations. One need only examine measures to decrease the hours of firemen, increase vacation periods of firemen and policemen, preempt certain fields of taxation, preclude local exercise of the police power, and restrict the right of cities to enact their own land use regulations.

A wide variety of tax exemption measures (narrowing both the property and sales and use tax bases which are the principal source of revenue of local government) originate in the assembly. When successful in the assembly, they have been defeated by the senate. There can be no greater threat to urban and metropolitan municipal home rule than to make our cities dependent upon the State for adequate revenues with which to provide a minimum standard of municipal services.

In short, the record is clear that the concentration of power in the State and the regulation of the right of cities to control their own affairs stems from legislators who represent metropolitan areas.

Finally, it should be noted that in the Senate of the State of California, as now constituted, 17 of the 40 senators represent metropolitan areas as listed by the U.S. Bureau of the Budget as standard metropolitan areas. This means that 42 percent of the present senate represents the metropolitan or predominately urban areas of California. Because California has grown so rapidly, senators representing once rural areas now represent heavily populated areas even though their districts have not been changed.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to Senate Joint Resolution 66, as amended by the Dirksen amendment, as modified.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. What are we voting on?

The PRESIDING OFFICER. The Senate will be voting on Senate Joint Resolution 66 as amended by the Dirksen substitute, as modified.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

The question is on agreeing to Senate Joint Resolution 66 as amended by the Dirksen substitute, as modified.

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON (when his name was called). On this vote I have a pair with the senior Senator from Minnesota [Mr. MCCARTHY]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. LONG of Louisiana (when his name was called). In view of the fact that this is a vote on a question which requires a two-thirds vote, I am paired, together with the Senator from Missouri [Mr. SYMINGTON], with the Senator from Minnesota [Mr. McCARTHY]. If the Senator from Minnesota were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Arizona [Mr. HAYDEN] is absent on official business.

I further announce that the Senator from Minnesota [Mr. McCARTHY] is necessarily absent and his pair was previously announced.

The yeas and nays resulted—yeas 57, nays 39, as follows:

[No. 204 Leg.]

YEAS—57

Aiken
Allott
Bartlett
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gruening
Harris
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Mansfield
McClellan
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Murphy
Pearson
Prouty
Robertson
Russell, Ga.
Russell, S.C.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—39

Anderson
Bass
Bayh
Boggs
Brewster
Burdick
Case
Clark
Dodd
Douglas
Gore
Hart
Hartke
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Magnuson
McGee
McGovern
McIntyre
McNamara
Mondale
Montoya
Morse
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—4

Hayden
Long, La.
McCarthy
Symington

The **VICE PRESIDENT**. On this vote the yeas are 57 and the nays 39. Two-thirds of the Senators present and voting not having voted in the affirmative, the joint resolution, as amended, is rejected.

Mr. DOUGLAS. Mr. President, the vote today on the proposed constitutional amendment, was, I believe, a real vote for the American people. It should enable the decisions of the Supreme Court to be carried into effect in the various States. The result will be, I believe, a very healthy increase in the vigor of State legislatures and in the degree of actual representation which they will give to the people.

It should also lead to less dependence upon the Federal Government and more work on the State level.

I thank all those who participated in the debate. Especially, I wish to single out for praise the two whips, who helped us very materially, the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Maryland [Mr. TYDINGS]. Their services were above and beyond praise. We are deeply indebted to all those who worked hard and who stood firm amidst the tremendous pressures which were placed upon them.

I also pay tribute to the minority leader, my colleague from Illinois [Mr. DIRKSEN], with whom I differed very sharply on the question before the Senate, but who was not only courteous, but also extremely fair in the allocation of time and in the conduct of the debate.

I thank the majority leader also for his courtesy in the matter.

In short, I believe this has been a good day for the American people.

VIETNAM—THE IMPEACHMENT OF THE PRESIDENT

Mr. MORSE. Mr. President, yesterday I said in a speech on the floor of the Senate:

> Mr. President, in my trip across the country and back since I spoke on the floor of the Senate last Wednesday, I have been alarmed by the rising denunciation of the President and his administration for their Vietnam policy. I have heard the word "impeach" used more often in the last week than I have heard it since President Truman sacked General MacArthur. I have been asked by more people than I would have thought possible if there is not grounds for impeachment of the President, and how the process can be set in motion. I have been advised about petitions that have been circulated and hundreds of people are signing asking for the President's impeachment.
>
> Much of this talk stems from objections to a war being undertaken without congressional declaration. Most of these people see the President as waging an executive war, in violation of the Constitution. They think the impeachment clauses of the Constitution must apply to such a case.

Then I went on to make a statement as to why, in my judgment, Congress should not adjourn sine die but should remain in session until January 1. I pointed out that we should remain in session and carry out our constitutional responsibility of serving as a legislative check upon executive action.

There are those, judging from the interviews with the press today, and from telephone calls that the senior Senator from Oregon has received, who interpret my remarks as indicating that I advocate the impeachment of the President.

Of course, such an interpretation is nonsense.

Mr. President, I have been receiving a great deal of mail in regard to this matter and many people have talked to me at meetings at which I have spoken in opposition to the President's war in Vietnam. I have been answering all of the mail on the impeachment matter with a letter that contains these two paragraphs. I read two paragraphs from a letter dated July 6, 1965. I have sent similar letters before and since that time:

> In your letter, you asked me for my views concerning your suggestion that steps should be taken to impeach President Johnson and perhaps some other officials. It is my view that such an impeachment attempt would be a very serious mistake. All it would do would be to divert attention away from the basic issues involved in American foreign policy in Asia and center attention on President Johnson, as an individual. It would cause many people who disagree with his foreign policy to rally behind him, because they would consider such a movement to be an ad hominem approach. Attacking Johnson, personally, will not change his course of action, and it will not win supporters for a change of foreign policy in Asia, but to the contrary, it will drive supporters away.
>
> In my opinion, there is no question about Johnson's sincerity or his patriotism or his desire for peace. It is Johnson's bad judgment and mistaken reasoning in respect to the war in Asia that constitute the basis of the crucial problems that confront us in trying to get a change in Johnson's policies in Asia. To attack him, personally, by proposing impeachment would be the most serious personal attack that could be made upon him. It would rally the Nation behind him and result in his policies being escalated into a major war at a much faster rate. Those of us who oppose Johnson's foreign policies must meet his views on their merits. We should never attack him, personally.

I wish the record to show that this letter represents the position the senior Senator from Oregon has taken in all correspondence on the subject. Also it represents my answers to questions on impeachment at all rallies I have attended, and in all my conversations with those who urge impeachment of the President.

Those that I have talked to and who have written to me suggesting impeachment of the President are not extremists in the sense that they are irresponsible persons. Many of them are on the faculties of American universities. Many of them are out of the professional life of our Nation.

I have no intention of joining them in such a program. Nevertheless, I believe it is a significant fact that there is growing discussion in this country of an attempt to stop the President from his illegal war in southeast Asia, even to the extent of circulating impeachment petitions.

Mr. LAUSCHE. I believe it is indefensible and cruel for any person to talk about impeaching the President of the United States with respect to our part in South Vietnam.

It has just been stated that professors are urging and circulating petitions for the impeachment of the President. What does that mean?

Does that mean that professors of our universities are gifted with infallibility?

The President has tried with all his might to bring about an understanding that would end the shooting and the carnage in South Vietnam. Eleven important measures have been proposed by him, any one of which, if it had been adopted, would have brought to an end the carnage.

With respect to impeaching the President, I have had letters in the last 8 years asking for the impeachment of President Eisenhower and the impeachment of President Kennedy after the Bay of Pigs debacle. Those letters come to us and I do not attach significance to them.

In my judgment, the President of the United States is bogged down by a weight so great that it has never been equal to that imposed upon any ruler in a republic or in a monarchy in the history of the world.

The President of the United States is attempting to carry that burden courageously. He is trying to achieve peace by the proposal of negotiations to the extent that, rather than be attacked on the ground that he does not want peace, he ought to be attacked because he is going too far in surrendering to the opponents of our system of government.

Mr. MORSE. I merely wish to say in reply to the Senator from Ohio that it is not at all surprising for people in the country who think the President is following an unconscionable and illegal course of action in South Vietnam to turn to the Constitution and look for what procedural protection they have. They have a perfect right to turn to the impeachment procedure. I believe that they are making a great mistake in judgment. I, of course, would defend them in their right to exercise their constitutional rights. But, in one sense, I should like to say to the Senator from Ohio that until the President follows his constitutional obligation by coming before this body and ask for a declaration of war, the President is engaged in an illegal war. It is a war now conducted by the Chief Executive, in South Vietnam without a scintilla of constitutional right. This Congress is likewise guilty of violating its duties under the Constitution by seeking to delegate to the President a power that it cannot constitutionally delegate. It is the duty of the Congress under article I, section 8, either to declare war or to stop the President from slaughtering American boys in southeast Asia. I have no doubt that impeachment talk will increase if the President continues to conduct an unconstitutional war.

Mr. LAUSCHE. I have had no letters asking for the impeachment of President Johnson; I have had a thousand letters asking for the impeachment of Chief Justice Warren. I have disregarded the latter. I think we ought not to be talking about impeaching the President of the United States.

On the face of the President's effort to achieve peace and the preservation of our country and his courageous handling of a most difficult challenge to our security, we should not speak of impeaching but rather helping the President in the solution of a backbreaking problem that no individual ought to carry.

The President needs and is entitled to help, but not to the cruel and shameful threat of impeachment.

NATIONAL OCEANOGRAPHIC COUNCIL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 511, Senate bill 944.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 944) to provide for expanded research in the oceans and the Great Lakes to establish a National Oceanographic Council and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment.

VOTING RIGHTS ACT OF 1965—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 3, 1965, pp. 19187–19191, CONGRESSIONAL RECORD.)

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, I urge Senators to remain in the Chamber so that we may expedite action on the pending question if it is at all possible.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. Mr. President, the conferees on the voting rights bill have, following some six meetings, reported what I believe can be described as a strong bill.

There would be 100 versions of this bill, I assume, if each of us were a czar, but I believe the conference recommendation will be regarded as an effective bill and one which will bear the test of time well.

There were really two significant disagreements and attention-gathering features of the bill. I believe it fair to say, on both of these, that the Senate position is reflected in the conference report.

The section on American-flag schools, the so-called treatment of Puerto Ricans, is as the Senate adopted it.

The treatment of the poll tax, I believe, fairly could be said to be substantially as the Senate adopted the provision. The conferees on the part of the House sought very strongly to retain——

The VICE PRESIDENT. Will the Senator withhold?

The Senator is entitled to the consideration of the Senate. This is a very important matter. The Chair asks those in the rear of the Chamber to please refrain from conversation and find themselves comfortable chairs. If they cannot, please exit.

The Senator from Michigan may proceed.

Mr. HART. It will be recalled that the House of Representatives treated the poll tax by outlawing it.

We made a finding that both the 14th and 15th amendments appeared to be abused and breached, and directed that the Attorney General promptly file suit in such cases. This is the approach agreed on in conference.

Additionally, provision was made for the payment of poll taxes during the pendency of the judicial decisions, in the event decision had not been reached within 45 days of any election.

Perhaps the third most significant item of disagreement is what we in this Chamber know as the Long amendment.

Here provision is made for a county which enrolls at least 50 percent of the nonwhite eligible to come to the U.S. District Court in the District of Columbia, make a presentation satisfactory to the court that more than 50 percent are enrolled, and that no discriminatory practices are being engaged in. On that showing and finding by the court, the examiners, if any have been appointed, are removed.

The conference report additionally requires, as the Senate bill did, that if a court finds that a test or device has been abused in any jurisdiction under section 3, it shall suspend all tests and devices in that jurisdiction.

Additionally, the so-called triggering provision of the legislation reflects the House approach.

We provided that if less than 50 percent of those eligible in a State or political subdivision voted last November, and at least 20 percent of the population was not white, a suspension of the tests and devices would apply.

The 20-percent limitation was dropped in the conference, and tests and devices are suspended upon a showing of less than 50 percent voting.

The sanctions of the bill, the protections of the bill, are extended to those who aid and assist others in seeking to register and vote, thus protecting any registration drive that might occur.

The provision that was added by the Senate seeking to make automatic the introduction of examiners in an area without tests or devices where less than 25 percent of the nonwhites have registered—and I regret to say this—was eliminated by the conferees.

Section 18 of the Senate bill was dropped since it was related specifically to the State of Arkansas, where particular problems arose as a result of the 25-percent trigger provision of the Senate bill and a complete new registration requirement under the Arkansas constitution.

The Senate, in passing the bill, permitted the Attorney General to require, in his discretion, that anyone seeking to register with a Federal examiner first go to a local examiner and allege that he had been denied. This provision was dropped.

Further, we suggested as desirable, though did not direct or require, that examiners be selected from persons resident in the political unit in which they would serve. This is not embodied in the conference report.

The reach of the bill is extended to the selection of party officers, as the House version provided.

The voting title of the 1964 Civil Rights Act is amended to extend to State and local elections.

As is always the case, there were disappointments, I am sure, on the part of both groups of conferees. I repeat, however, that it is our feeling that the bill as developed by the committee of conference represents an adequate, effective response to a problem which, if left unresolved much longer, could bring disaster on us all.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. I voice my appreciation of the action of the conferees in standing, as they apparently did, rigidly back of the verdict of the Senate, although by a close vote, against any approach to a repeal of local and State poll taxes by way of Federal statute. I realize that the conferees were of varying convictions upon that subject. But the expression of the Senate was quite clear on that subject, and I congratulate the conferees upon having stood their ground on this matter.

Also—and I am not saying this entirely facetiously—I believe the distinguished conferees have saved themselves and the Senate a good bit of time by taking that very correct and loyal position. I thank the Senator from Michigan for having in that respect stood sturdily by the expression of the Senate, which he was standing for and representing in conference.

Mr. HART. I thank the Senator from Florida, who recognizes that in this particular instance the position that we as conferees took did not happen to represent the position I took when the subject was before the Senate.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. GRUENING. I should like to ask whether the conference report omits the provision that the military would be counted in Alaska.

Mr. HART. It is my impression that there is no disagreement.

Mr. GRUENING. How does that leave us? We Alaskans thought it unfair to discriminate against us in that respect.

Mr. HART. The bill remains as the Senate passed it. It is my impression that this provision was not in disagreement and therefore this rules out a matter before the conferees.

Mr. GRUENING. I thank the Senator from Michigan.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MILLER. First, I commend the Senator from Michigan for his able work in the conference, and particularly for preserving the Senate version with respect to false registration. I refer the Senator to section 11(c), on page 7 of the conference report, the so-called clean elections amendment which the Senator from Delaware [Mr. WILLIAMS] and I sponsored. I notice that a slight change has been made in conference in the wording of the language as passed by the Senate. I refer the Senator from Michigan to the proviso:

> *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

Do I correctly understand the meaning of this provision to be that if there is to be an election, let us say, for Governor of a State, or for State legislators, and also, at the same time, there is to be an election for a Member of Congress, this provision would apply due to the "in part" language that was provided by the conferees?

Mr. HART. The impression or interpretation voiced by the Senator from Iowa is the understanding of the conferees. I should explain that this is what we knew as the Williams of Delaware amendment. It was added as an amendment offered by Representative CRAMER to the House bill. The conference has consolidated this language as a fair summary of the two versions. Except for technical variations, I believe it represents the amendment of the Senator from Delaware [Mr. WILLIAMS].

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. WILLIAMS of Delaware. I thank the Senator from Michigan. He is correct. The conferees retained the Williams amendment which was cosponsored by Senator MILLER, Senator MURPHY, and Senator SIMPSON. With the possible exception of a grammatical change, it is the amendment exactly as adopted unanimously by the Senate. I am delighted that it was included in both the House bill and the Senate bill. This was the so-called clean elections amendment.

For the first time, we shall now have spelled out in the Federal law that penalties are applicable to anyone who willfully gives false information to a registrar for the purpose of establishing his eligibility to vote. This is a highly important section of the bill. While we subscribe to the right of every person to vote, we want to make certain that when he votes he casts a legal ballot and that his vote is properly counted.

Likewise, this amendment makes it a Federal crime for anyone to pay or offer to pay any individual either to register or to cast a vote and the same penalty applies to anyone who accepts such payment for voting.

This penalty is applicable in any election where the name of a candidate for a Federal office is on the ballot. This is an important part of the bill. I am delighted that it has been retained by the conferees. This new provision should help us to promote cleaner elections.

Mr. HART. It was certainly our intention to preserve it as the Senator from Delaware intended.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that section 11(c), which was the so-called Williams amendment, be printed at this point in the RECORD. This amendment was cosponsored by the Senator from Iowa [Mr. MILLER] and the Senators from California and Wyoming [Mr. MURPHY and Mr. SIMPSON].

The VICE PRESIDENT. Without objection, it is so ordered.

The section ordered to be printed in the RECORD is as follows:

> SEC. 11. (c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HRUSKA. As one of the conferees, I voted in favor of the conference report, not because I favored all of its provisions—I think that was the case with all the rest of the conferees—but because it represented a compromise, a give and take, on the various points. This is inherent in legislation.

However, there is one particular provision upon which I reserve the right to comment briefly, and that is section 4(e), which has to do with the declaration by Congress.

> That to secure the rights under the Fourteenth Amendment of persons educated in American-flag schools in which the predominant class room language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

That language, of course, has particular reference to the situation in New York. Since 1920, that State has had a law on its statute books providing that if a person is not qualified to read, write, understand, or interpret matter in the English language, he would not be qualified to vote. That law, as we know, has particular reference to the large segment of Puerto Rican population in New York City and New York State.

The reasons why I was opposed to this provision are, first, that it is a matter for the State itself to deal with; it is of doubtful constitutionality for Congress to override this law. It is very important that a knowledge of the English language be possessed by a voter.

Supporting evidence of this fact was found in the record. In the next general election in that State, there will be some 20 or 25 propositions on the ballot for the purpose of amending the New York State constitution. Without a knowledge of the English language, it would be virtually impossible for voters even to identify the amendments, let alone to scan them for the purpose of determining their substance and merit. For that reason, and for others, this Senator certainly disagreed with that provision.

One of the further arguments is that the national policy is that there be common access to the facts and that the knowledge of English is necessary to discharge the responsibilities of citizens.

We know that, because in order to become naturalized one must have a working knowledge of the English language. It is necessary to have that knowledge for the purpose of serving on a jury.

There are other reasons. However, I shall not go into them in any detail. Considering the compromise nature of any conference bill and any major piece of legislation, I was somewhat influenced by the size of the vote on the so-called Puerto Rican amendment. The vote was 48 for and 19 against, with 33 not voting. The presumption is that, had all Senators been present and voting, there would have been an overwhelming vote in favor of section 4(e) and the related parts thereof.

For that reason, I felt constrained in my capacity as a conferee to uphold the sentiment of the Senate as it had been expressed in that vote.

I take advantage of this opportunity to commend the chariman of our conference committee for his patience and persistence, not only during the hearings, but also during the sessions of the conference committee as well.

Mr. HART. Mr. President, I thank the Senator from Nebraska.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. KENNEDY of New York. I would like to ask the Senator a question concerning the meaning of the word "demonstrates" in section 4(e) of the bill. The Senator from Michigan was one of the conferees, and would therefore be aware of the intent of the conference committee in agreeing to include section 4(e), which was not contained in the House version of the bill. Would it be correct to say that the demonstration which one must give of one's educational attainment in order to invoke the provisions of section 4(e) is not limited to production of a diploma or certificate, but can also be satisfied by an oath or affirmation of the requisite educational attainment, made at the time and place of registration?

Mr. HART. The Senator is correct. Section 4(e) contemplates that a potential voter may demonstrate his educational attainment by oath or affirmation made when he comes to register.

Mr. JAVITS. Mr. President, I should like to ask a question of the Senator from Michigan.

I gather that the so-called 25-percent trigger the device to invoke the provisions of the bill in an instance in which less than 25 percent of the Negroes in a particular political subdivision were registered to vote—was dropped from the bill. Is that correct?

Mr. HART. The Senator is correct. As I say, I regret to report that.

Mr. JAVITS. Will that, therefore, result in the bill's failure to reach the States of Texas, Tennessee, and Florida? That situation—less than 25 percent of the Negroes voting—occurred in some parts of those States.

Mr. HART. As the Senator from New York well knows, those States and all other States are subject to the reach of the bill in section 3. However, the automatic device that was provided by the 25-percent formula, or the Javits amendment, is not now available under the conference report.

Mr. JAVITS. So the fact is that in those particular areas in which that trigger would have worked, we must resort to litigation which has proved unsatisfactory before.

Mr. HART. The Senator is correct. It was the opinion of the Department of Justice that, in such fringe areas, because they are relatively smaller in number, their litigation road under section 3—which I think all of us recognize to be a simpler road than the existing law provides—would make it possible to reach them effectively.

I shared the hope of the Senator from New York that the 25-percent device might be available. However, we were unable to retain that amendment.

Mr. JAVITS. I express my disappointment that that was not done. A suspicion was sought to be created that that was omitted because it pertained to the State of Texas. I do not join in that suspicion.

I have the greatest faith in the efforts of the Senator from Michigan to have that particular provision adopted by the conference.

I believe, also, that the Department of Justice will, with fairness and impartiality, pursue these cases under section 3 wherever they arise.

I am very much disappointed that those parts of States will not be reached because the trigger has been stricken out.

Could the Senator tell us whether, by virtue of the Long amendment, which, in the other body, was the Boggs amendment, we are letting out any specific parts of States which, when the bill left the Senate, we believed the triggering device would reach, aside from the 25-percent provision?

Mr. HART. The answer is "No." For the clarification of the record, the House had rejected the amendment offered by Mr. BOGGS. The bill, as it left here, contained the Long amendment which, as we understood at the time, would permit counties which established the 50-percent factor and persuaded the U.S. Court of the District of Columbia that discriminatory practices had been eliminated, if any had existed, would be able to have the examiner removed. There was no change with reference to the Long amendment in conference.

Mr. JAVITS. Mr. President, it can be truthfully said that the Long amendment represents a bonus for substantial additional effort and does not represent a windfall to counties which should not have a windfall because they have not done the job that needs to be done in allowing Negroes to vote.

Mr. HART. The Senator from New York puts it very effectively. It is a device to persuade and to encourage the application of nondiscriminatory practices. It represents a bonus in that sense, as the Senator described it.

Mr. JAVITS. I wish to say a word about the so-called Puerto Rican amendment. That is the amendment which would affect New York, particularly with respect to the voting of those who took their instruction, within the grades specified, in American-flag schools in which the predominant language was other than English.

Some have construed what I did with respect to that amendment as being very unwise politically on the ground that thousands of Puerto Ricans will be allowed to vote in New York, and that they may not vote in the manner in which I would like to see them vote. That would be my problem if I could persuade them and if my friends and political colleagues cannot persuade them. However, I believe it is right that the franchise should be available to these people, as Puerto Rico is part of the United States.

Many citizens may feel that they want to participate actively in the political process. They were educated in schools within the American framework, and under the American flag. Yet, they are not permitted to participate in the political process.

However, I express the hope that everybody understands that the provision is imbedded in the New York State constitution and that, therefore, this is a very serious change so far as New York is concerned.

Second, the matter has already had rather sympathetic attention from the Governor and the State legislature of New York.

Governor Rockefeller signed a bill the other day to reduce the literacy requirement to a presumption of literacy after a sixth grade education for all, rather than an eighth grade education, which was the previous requirement. The bill would also create a presumption that those are qualified in literacy who were educated through the sixth grade in Puerto Rican schools, but who took the predominant part of their instruction in English.

So measurable progress was made in that regard. Also, I had hoped, as I have little doubt my colleague from New York [Mr. KENNEDY] had hoped, the legislature might have taken this matter in hand and dealt with it. But it dealt with it, as I pointed out, partially, but not sufficiently.

I feel that there is a great obligation on the part of those who have received the benefit of this provision. Knowing them as I do—and I know many who may be qualified to vote under this provision—I think they are diligently anxious to learn to write and speak English, as they do Spanish, as well as anyone in New York.

I believe they will justify our confidence in them by being equally literate before very long in the English language. This provision represents, to my mind, but an acceleration of what time would have taken care of. It is something which time would have corrected, but it would have denied these people the right to vote, notwithstanding that they are American citizens, for a period of perhaps 5 or 10 years.

I saw this process at work in my own personal life. My mother learned to read and write English when she was 55 years of age, in an adult education school. This is the very same spirit which animates those who will be covered by the amendment.

I express the expectation that the confidence of the Congress will be fulfilled by these fine, patriotic Americans; in that they will become sufficiently literate, not only in the Spanish language, of which they now have capability, but the English language as well.

Finally, I state to the Senator from Michigan that, as a member of the Judiciary Committee and as a Member of the Senate, though I am disappointed over loss of the 25-percent trigger provision, I applaud the legislation as a signal measure for this country. I refer to the need to correct conditions which in some parts of our country are shameful, outrageous, and shocking. The bill will deal with the great bulk of those conditions. I hope the Department of Justice will be bold enough, as it must be, to ask for the money and personnel needed to enable them to implement this statute.

Mr. HART. I thank the Senator from New York for his comments.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield to the Senator from Florida.

Mr. HOLLAND. I want to say I have another reason now to congratulate again for action by the conferees; namely, the matter just mentioned by the Senator from New York. Of all the punitive provisions in the bill, at least from my point of view, and of all the unconstitutional provisions in the bill, at least from my point of view, the most punitive one was the 25-percent triggering provision, aimed, as the Senator from New York has suggested, at the State of Florida, among other States.

I want the Record to show how completely punitive it was. There are two small forest products counties in Florida which might have been affected by this provision of the bill. They have between them a population of only a little over 400 adult Negro citizens. Their standard of education, of course, is low in that type of county. There is no city in either of these counties, with a few Negro people scattered through the woods, camps, and the naval stores camps in those counties. There has not been anything in any report of the Civil Rights Commission remotely indicating any fraud, suppression, or intimidation of Negro registrants in those two counties.

I am grateful to the Senator and the other conferees for having yielded on this provision. I never heard of anything which was more clearly punitive, and, in the case of my own State, which leveled an accusing finger at the people of my State, which has for a long time given voting rights to all adult Negro citizens who availed themselves of the opportunity, without any test of education, or literacy, or poll tax, or other tax. All they have to do is to register and vote if they so desire. Over 300,000 of them do so.

I congratulate the Senator and the members of the conference for having yielded on that point in this bill.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. HART. I yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, it has been less than 4 months since the Voting Rights Act of 1965 was introduced into the Congress. Since that time both the Senate and the House have worked diligently to see to it that this legislation moved through the Congress not only with speed but that it was strengthened in the process. I think it is a tribute to this Nation, and to the Congress, that what will be perhaps one of the most important pieces of civil rights legislation was so treated, and I am sure that the behavior of the Congress is an indication of the acceptance in this Nation of the basic assumptions of the bill.

Too many people have waited too long for this country to meet the responsibilities implicit in the 15th amendment. I do not wish at this time to in any way delay any further our final action here. But I do think it should be noted that as a result of the attention and diligence of many of my colleagues on the Judiciary Committee and in the Senate this legislation is stronger now and carries greater assurances of success.

I would note explicitly that in the area of the poll tax, the original proposal before us fully accepted the existence of this abridgment on the rights of our citizens and, indeed, sought to involve the Federal examiners in its collection. The members of the Judiciary Committee made a forceful case against this device and as a result brought to the floor a bill which completely outlawed the poll tax. We did this because, in our view, the presence of a tax on the right to vote carried with it a violation of the 14th amendment, both in terms of the equal protection of the laws provided by that amendment as well as the safeguards inherent in the due process clause. We also felt that the presence of this tax was a violation of the 15th amendment, for we knew the evil intent behind the enactment of such laws, and we knew that this tax fell heavy upon a class of citizens who had been discriminated against in an economic sense for the past century.

Mr. President, we were not successful in our attempt to ban the tax; the House of Representatives was successful.

We now have before us the results of the work of the conferees on the voting rights bill. They have dealt with the poll tax issue and in my view, while it is not all that I would desire, they have dealt with it well. The law now carries a strong finding by Congress that this tax violates rights guaranteed under the 14th and 15th amendments; there is an explicit recognition that Congress in its findings and in its direction to the Attorney General is duly exercising its powers under section 5 of the 14th amendment and section 2 of the 15th amendment; and the Congress calls for the courts to treat this matter in an expeditious fashion.

Mr. President, in all likelihood this action by the conferees will accomplish the task. It is the view of civil rights leaders that now "The poll tax is doomed." It is my hope, indeed it is my expectation, that the prophesy of the civil rights leaders will become a reality through the vigorous and timely action of the Attorney General to meet his responsibilities so strongly stated by the Congress.

Mr. President, I am proud that I had an opportunity to be involved with this legislation, and I am pleased to support the conference report. I am convinced that this bill will rank foremost in the achievements of this Congress and among any lasting of civil rights legislation.

Mr. HART. Mr. President, I thank the Senator from Massachusetts.

Mr. DIRKSEN. Mr. President, it may be unusual to compliment the House conferees at the same time we congratulate the dedicated Senator from Michigan, when there have been various objections to the conference report. But the chairman of the House conferees had a difficult task. In the first place, the House had voted for the tax poll provision. It was a pretty hard task to eliminate the poll tax provision after it had been nailed down in the House. On the other hand, we had in the Senate bill the so-called Puerto Rican provision, which had been nailed down in the Senate by a large vote—I believe 48 to 19. One can guess at the difficulties when the House conferees went back to the House and the conference report had no poll tax ban in it. If one wants to read some caustic remarks, read the Congressional Record when the matter was considered in the House and what Members of the House had to say to the chairman of the Judiciary Committee. I thought he did a magnificent piece of work. He was always ready to listen.

While I compliment the Senator from Michigan [Mr. Hart] I bestow equal congratulations on Representative Celler, of New York, for his fine service, and for coming forth with a favorable arrangement. He was charged with having stripped the bill. It is not easy to face it, because when I served on the Appropriations Committee, on occasion I was the only conferee, and the House Members would sit down and say, "We are not going back without our shirt." I would tell them to go back, and when they were ready to act like gentlemen, resume the conference. So I know the difficulties when one is dealing with a membership of 435. I compliment Representative Celler and the distinguished Senator from Michigan for having gotten the bill out of conference, which I know was a difficult task.

Mr. HART. Mr. President, people across the country may wonder if all the things they hear about the Senator from Illinois' [Mr. DIRKSEN] abilities are true. If anyone had sat in the conference, he would recognize the great services the Senator has rendered in this field.

Mr. MANSFIELD. Mr. President, I could not let this historic occasion go by without noting the important bipartisan nature of the work on this measure. I want to give full credit to the distinguished junior Senator from Illinois, the minority leader [Mr. DIRKSEN], to the distinguished ranking Republican Representative on the House committee, Mr. MCCULLOCH, and to the distinguished Senator from Nebraska [Mr. HRUSKA].

I believe that this was a bipartisan effort of tremendous significance and, that both parties are entitled to a great deal of credit for their willingness to work hand in hand on an important national problem and for making reasonable sacrifices. Indeed, there is enough credit to go all the way around.

Let me emphasize the fact that if it were not for the distinguished minority leader, and men like Representative MCCULLOCH of Ohio, and the Senator from Nebraska, it would have been far more difficult to achieve the kind of report which is now before the Senate—if I may say so, it would have been impossible. They have served the Nation, this Congress, and their party well and I commend them for their efforts.

I congratulate all the conferees and the entire Senate for what they have done.

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Arizona [Mr. HAYDEN] is absent on official business.

I further announce that the Senator from Minnesota [Mr. MCCARTHY] is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. MCCARTHY] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Texas [Mr. TOWER] is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 79, nays 18, as follows:

[No. 205 Leg.]

YEAS—79

Aiken
Allott
Anderson
Bartlett
Bass
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fannin
Fong
Gore
Gruening
Harris
Hart
Hartke
Hickenlooper
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smathers
Smith
Symington
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—18

Byrd, Va.
Byrd, W. Va.
Eastland
Ellender
Ervin
Fulbright
Hill
Holland
Jordan, N.C.
Long, La.
McClellan
Robertson
Russell, S.C.
Russell, Ga.
Sparkman
Stennis
Talmadge
Thurmond

NOT VOTING—3

Hayden
McCarthy
Tower

So the conference report was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader what the program might be for Thursday, and also for Friday, if there is to be a session on Friday?

Mr. MANSFIELD. Mr. President, the unfinished business is S. 944, a bill to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council and for other purposes.

It will be taken up tomorrow following the morning hour.

Following that, there will be consideration of the Atomic Energy Act.

Following that there will be consideration of the conference report on military construction.

Then the Senate will turn to the consideration of the bill on intergovernmental operations, which I understand was reported unanimously from the Committee on Government Operations.

Following that, it is intended to have a discussion with the distinguished Senator from New Hampshire, tomorrow, on the HEW appropriation bill.

On Friday, it is hoped that the Senate can take up S. 1599, dealing with the proposed Department of Housing.

Other matters will be taken up as they develop.

Mr. DIRKSEN. If I may pursue the matter a little further, the Department of Housing bill, of course, is quite a controversial matter. There are some Senators who are committed to be out of the city on that day. I hope the majority leader, if he does set the bill down for Friday, will agree that there will be no votes on it on Friday, so as not to foreshorten the plans of Senators who have made plans to be away.

Mr. MANSFIELD. Would it be more agreeable if we took up this bill next week, and considered other matters in between?

Mr. DIRKSEN. Yes; I believe it would be much more satisfactory to many members of committees.

Mr. MANSFIELD. If I may have the attention of the distinguished Senator from Delaware [Mr. WILLIAMS], it is possible that the Senate will consider S. 2069 and H.R. 4346, reported by the Committee on Commerce. These may be brought up on Friday, instead.

That is about it.

There will be no more votes tonight.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1008) for the relief of Ottilia Bruegmann James.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 618. An act for the relief of Nora Isabella Samuelli; and

S. 1198. An act for the relief of Mrs. Harley Brewer.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8439) to authorize certain construction at military installations, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1221. An act for the relief of Betty H. Going;

H.R. 1274. An act for the relief of Mrs. Michiko Miyazaki Williams;

H.R. 1871. An act for the relief of Anna Del Baglivo;

H.R. 2571. An act for the relief of Ralph S. DeSocio, Jr.;

H.R. 3770. An act for the relief of certain individuals employed by the Department of the Navy at the Pacific Missile Range, Point Mugu, Calif.;

H.R. 4078. An act for the relief of William L. Minton;

H.R. 6527. An act for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort;

H.R. 6845. An act to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act;

H.R. 7502. An act relating to the income tax treatment of certain casualty losses attributable to major disasters;

H.R. 8212. An act for the relief of Kent A. Herath;

H.R. 8350. An act for the relief of the successors in interest of Cooper Blyth and Grace Johnston Blyth otherwise Grace McCloy Blyth;

H.R. 8351. An act for the relief of Clarence L. Aiu and others;

H.R. 8352. An act for the relief of certain employees of the Foreign Service of the United States;

H.R. 8640. An act for the relief of Chief MSgt. Robert J. Becker, U.S. Air Force;

H.R. 8641. An act for the relief of Maj. Derrill deS. Trenholm, Jr., U.S. Air Force;

H.R. 8642. An act for the relief of Col. Eugene F. Tyree, U.S. Air Force (retired); and

H.R. 10132. An act to authorize the Honorable Joseph W. Martin, Jr., of Massachusetts, former Speaker of the House of Representatives, to accept the award of the Military Order of Christ with the rank of grand officer.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 454) to provide for the development of Ellis Island as a part of the Statue of Liberty National Monument, and for other purposes, and it was signed by the Vice President.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1221. An act for the relief of Betty H. Going;

H.R. 1274. An act for the relief of Mrs. Michiko Miyazaki Williams;

H.R. 1871. An act for the relief of Anna Del Baglivo;

H.R. 2571. An act for the relief of Ralph S. DeSocio, Jr.;

H.R. 3770. An act for the relief of certain individuals employed by the Department of the Navy at the Pacific Missile Range, Point Mugu, Calif.;

H.R. 4078. An act for the relief of William L. Minton;

H.R. 6527. An act for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort;

H.R. 8212. An act for the relief of Kent A. Herath;

H.R. 8350. An act for the relief of the successors in interest of Cooper Blyth and Grace Johnston Blyth otherwise Grace McCloy Blyth;

H.R. 8351. An act for the relief of Clarence L. Aiu and others;

H.R. 8352. An act for the relief of certain employees of the Foreign Service of the United States;

H.R. 8640. An act for the relief of Chief M. Sgt. Robert J. Becker, U.S. Air Force;

H.R. 8641. An act for the relief of Maj. Derrill deS. Trenholm, Jr., U.S. Air Force; and

H.R. 8642. An act for the relief of Col. Eugene F. Tyree, U.S. Air Force (retired): to the Committee on the Judiciary.

H.R. 6845. An act to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.

H.R. 7502. An act relating to the income tax treatment of certain casualty losses attributable to major disasters; to the Committee on Finance.

H.R. 10132. An act to authorize the Honorable JOSEPH W. MARTIN, JR., of Massachusetts, former Speaker of the House of Representatives, to accept the award of the Military Order of Christ with the rank of grand officer; to the Committee on Foreign Relations.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1966, FOR THE DEPARTMENT OF DEFENSE—MILITARY (S. Doc. No. 45)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1966, in the amount of $1,700 million, for the Department of Defense—military (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF TITLE 10, UNITED STATES CODE, TO PERMIT CERTAIN PERSONS TO RECEIVE INSTRUCTION AT U.S. ARMED FORCES ACADEMIES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

RESOLUTION OF ILLINOIS STATE SENATE

The ACTING PRESIDENT pro tempore laid before the Senate a resolution of the Senate of the State of Illinois, which was referred to the Committee on the Judiciary, as follows:

STATE OF ILLINOIS SENATE RESOLUTION NO. 52

Resolved by the Senate of the 74th General Assembly of the State of Illinois, That this body respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

ARTICLE —

SEC. 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

SEC. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress: Be it further

Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to June 1, 1965, this application for a convention shall no longer be of any force or effect; be it further

Resolved, That a copy of this resolution be immediately transmitted by the secretary of state of Illinois to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

Adopted by the senate, June 22, 1965.

SAMUEL H. SHAPIRO,
President of the Senate.
EDWARD E. FERNANDES,
Secretary of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LAUSCHE:

S. 2355. A bill for the relief of Lazar Jivu and his wife, Elisabeth Jivu; and

S. 2356. A bill for the relief of Raymond J. Grachek; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. 2357. A bill for the relief of Maria Olga G. M. Silva, and her sons, Jorge Manuel Machado Silva and Victor Manuel da Silva; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2358. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owners of such lands; to the Committee on Interior and Insular Affairs.

By Mr. McNAMARA:

S. 2359. A bill to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. McNAMARA when he introduced the above bill, which appear under a separate heading.)

By Mrs. SMITH:

S. 2360. A bill to provide benefits under the Civil Service Retirement Act for the surviving child of Henry C. Furstenwalde; to the Committee on Post Office and Civil Service.

By Mr. SIMPSON:

S. 2361. A bill to reimburse certain persons recruited in the State of Wyoming in connection with the Athletes in Temporary Employment as Agricultural Manpower program for certain travel and other expenses incurred by them while participating in such program; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. SIMPSON when he introduced the above bill, which appear under a separate heading.)

By Mr. DODD:

S. 2362. A bill for the relief of Hilda Shen Tsiang; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 2363. A bill to authorize the Administrator of Veterans' Affairs to convey certain lands situated in the State of Minnesota to the city of St. Cloud, Minn.; to the Committee on Finance.

By Mr. PELL (for himself and Mr. HART):

S. 2364. A bill to provide a statute of limitations with respect to the deportation of aliens lawfully admitted to the United States for permanent residence, and to remove certain distinctions made in the Immigration and Nationality Act between native-born and naturalized citizens; to the Committee on the Judiciary.

(See the remarks of Mr. PELL when he introduced the above bill, which appear under a separate heading.)

By Mr. PELL:

S.J. Res. 101. Joint resolution to authorize the President to issue a proclamation designating the calendar year 1966 as "The Year of the Bible"; to the Committee on the Judiciary.

(See the remarks of Mr. PELL when he introduced the above joint resolution, which appear under a separate heading.)

LABOR STANDARDS FOR EMPLOYEES OF FEDERAL SERVICE CONTRACTORS

Mr. McNAMARA. Mr. President, I introduce a bill, and ask that it be appropriately referred.

The purpose of the bill, which has been proposed by the administration, is to provide labor standards for employees of Federal service contractors.

I ask unanimous consent that an explanation of the bill be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 2359) to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes, introduced by Mr. **McNamara**, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The explanation presented by Mr. **McNamara** is as follows:

Explanation of Bill To Provide Labor Standards for Employees of Federal Service Contractors

This bill is proposed to provide much needed labor standards protection for employees of contractors and subcontractors furnishing services to or performing maintenance service for Federal agencies. The service contract is now the only remaining category of Federal contracts to which no labor standards protections apply. Construction contracts, including many which are partially financed with Federal funds but to which the Federal Government is not a party, require compliance with minimum labor standards under the Davis-Bacon Act and related statutes. Supply contracts of the Federal Government also provide labor standards protection pursuant to the Walsh-Healey Act.

NEED FOR THE LEGISLATION

Many of the employees performing work on Federal service contracts are poorly paid. The work is generally manual work and in addition to craft work, may be semiskilled or unskilled. Types of service contracts which the bill covers are varied and include laundry and dry cleaning, custodial and janitorial, guard service, packing and crating, food service and miscellaneous housekeeping services.

Service employees in many instances are not covered by the Fair Labor Standards Act or State minimum wage laws. The counterpart of these employees in Federal service, blue collar workers, are by a Presidential directive assured of at least the Fair Labor Standards Act minimum. Bureau of Labor Statistic surveys of average earnings in service occupations in selected areas in 1961 and 1962 show, however, that an extremely depressed wage level may prevail in private service employment. In contract cleaning services, for example, in some areas less than $1.05 an hour was paid. Elevator operators earned low rates, varying from 79 cents to $1.17 an hour. Service contract employees are often not members of unions. They are one of the most disadvantaged groups of our workers and little hope exists for an improvement of their position without some positive action to raise their wage levels.

The Federal Government has added responsibility in this area because of the legal requirement that contracts be awarded to the lowest responsible bidder. Since labor costs are the predominant factor in most service contracts, the odds on making a successful low bid for a contract are heavily stacked in favor of the contractor paying the lowest wage. Contractors who wish to maintain an enlightened wage policy may find it almost impossible to compete for Government service contracts with those who pay wages to their employees at or below the subsistence level. When a Government contract is awarded to a service contractor with low wage standards, the Government is in effect subsidizing subminimum wages.

PROVISIONS OF BILL

The bill is applicable to advertised or negotiated contracts, in excess of $2,500, the principal purpose of which is for the furnishing of services through the use of service employees, as defined in the bill. Thus, for example, contracts made by the District of Columbia government with local hospitals for the care of indigent patients would not be covered, since "service employees" as defined in the bill would be performing only incidental functions. Similarly, contracts entered into by the Atomic Energy Commission for the management and operation of Government-owned plants would not be service contracts within the meaning of the bill.

Provisions regarding wages and working conditions must be included in these contracts and bid specifications. Service employees must be paid no less than the rate determined by the Secretary of Labor to be prevailing in the locality.

The bill also recognizes the growing importance of fringe benefits as an element of wages in today's society. It therefore requires inclusion in the contract of an agreement to provide service employees benefits determined by the Secretary to be prevailing for such employees in the locality. This obligation may be discharged by furnishing any equivalent combinations of benefits or cash payments in accordance with regulations of the Secretary.

The bill also prohibits the payment on any Government service contract of wages less than the minimum wages required under the Fair Labor Standards Act.

In addition to the wage and fringe benefits requirements of the bill, additional stipulations require that service or maintenance work shall not be performed under unsafe or unsanitary working conditions where those working conditions are under the control of the contractor or subcontractor. Contractors or subcontractors are also required to notify employees of the benefits due them under the act.

In the event of violation, the bill authorizes the withholding from the contractor of accrued payments necessary to pay covered workers the difference between the wages and benefits required by the contract and those actually paid. The Government may also bring court action against the contractor, subcontractor, or surety to recover the remaining amount of the underpayment. The contract may be terminated because of violations and the contractor held liable for any resulting cost to the Government.

The bill also provides a procedure for blacklisting, for a period up to 3 years, those who violate the act, with authority in the Secretary to recommend removal from the blacklist upon assurance of compliance. The Secretary is given the same authority to make rules, regulations, issue orders, hold hearings, and take other appropriate action to enforce the act as under sections 4 and 5 of the Walsh-Healey Act. The Secretary's authority to prescribe regulations includes authority to permit reasonable tolerances, variations, and exemptions from provisions of the act where they are deemed necessary and proper in the public interest or to avoid serious impairment of Government business.

Section 7 provides a number of specific exemptions from coverage under the act, including contracts for public utility services. This exemption would, for example, include contracts between Federal electric power marketing agencies and investor-owned electric utilities, Rural Electrification Administration cooperatives, municipalities and State agencies engaged in the transmission and sale of electric power and energy.

RELIEF FOR THE VICTIMS OF THE DEPARTMENT OF LABOR'S A-TEAM EXPERIMENT

Mr. SIMPSON. Mr. President, I introduce, for appropriate reference, a bill which will provide relief for the victims of the Department of Labor's recent A-team experiment.

One June 30 I brought to the attention of my colleagues here in the Senate the sad results of the Secretary of Labor's attempts to send youths to work in the agricultural fields of distant States.

The case of the A-team sent from Wyoming to California was one example out of many that pointed up the inequities of the Labor Department's program and its policies. The Wyoming team arrived in Salinas, Calif., to find that living conditions were unsatisfactory and that no agreement could be reached as to wages. Following 3 days of confusion and frustrations arising from the continuing misrepresentations made to them, the Wyoming team decided to return home. The parents of the boys on the team borrowed over $2,000 in order to charter a bus for 38 members of the team.

In my earlier speech to the Senate, I pointed out that the so-called A-team scheme was a hastily conceived and poorly executed attempt by the Secretary of Labor to control and manipulate our Nation's farm labor force. Since the publication of my remarks, other Congressmen have charged that the Labor Department was attempting to blackmail certain growers by forcing them to replace their bracero labor with inexperienced youths under the guise of the A-team program.

Immediately following my statement in the Senate, I made an official request of the Secretary of Labor that he provide some remedy to the parents who had paid for the untimely return of the Wyoming team. I got no response from the Department of Labor.

Then on July 22 I requested the courtesy of a reply from the Secretary of Labor. I was prompted to make this second request when it was brought to my attention that the people of Wyoming were waiting to hear of the disposition of their case and that interest charges were mounting as they waited.

All of this has been made clear to the Secretary of Labor, and yet, his Department has persisted in keeping silent. I have had no reply to any of my correspondence with the Secretary of Labor.

Mr. President, I cannot tolerate inaction any longer and, therefore, introduce this bill. It is my hope that the Senate will take speedy action in directing and authorizing the Secretary of Labor to repay the claims for transportation money that is rightfully owing to the Wyoming A-team.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2361) to reimburse certain persons recruited in the State of Wyoming in connection with the athletes in temporary employment as agricultural manpower program for certain travel and other expenses incurred by them while participating in such program, introduced by Mr. **Simpson**, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ELIMINATION OF CERTAIN INEQUITIES IN THE IMMIGRATION AND NATIONALITY ACT

Mr. PELL. Mr. President, aside from the glaring inequities in our Immigration Act with respect to the quota system based on national origins, there are other sections which are equally unjust.

The bill I am introducing on behalf of myself and the Senator from Michigan [Mr. Hart] will eliminate several sections and amend another, to bring the Immigration Act into harmony with our traditional American concept of fair play and justice for all under the law.

My bill proposes to establish a statute of limitation on deportation proceedings brought against aliens lawfully admitted for permanent resident in this country. Under this amendment, no such action could be effected if the alien has been living continuously in this country for 10 years or more, nor could an action be brought against an alien if the conduct for which he could be deported occurred more than 10 years before the proceeding is brought.

Although the Supreme Court in the case of Schneider versus Rusk has ruled that a naturalized citizen who returns to his country of birth and remains for more than 3 years cannot be stripped of his U.S. citizenship, the sections of the act which contain these odious provisions should be repealed to make our immigration laws consistent with the Court's ruling.

I ask unanimous consent that the bill be printed in full at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2364) to provide a statute of limitations with respect to the deportation of aliens lawfully admitted to the United States for permanent residence, and to remove certain distinctions made in the Immigration and Nationality Act between native-born and naturalized citizens, introduced by Mr. Pell (for himself and Mr. Hart), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Immigration and Nationality Amendments Act of 1965."

Sec. 2. (a) Title II of the Immigration and Nationality Act is amended by adding at the end thereof the following new section:

"LIMITATION ON DEPORTATION

"Sec. 293. Notwithstanding any other provision of this Act, no alien lawfully admitted to the United States for permament residence shall, on or after the date of enactment of this section, be deported (1) if such alien has been physically present in the United States for a continuous period of not less than ten years at any time after being lawfully admitted for permanent residence, or (2) if the conduct for which such alien is deportable occurred more than ten years prior to the institution of deportation proceedings against him."

(b) So much of the table of contents of the Immigration and Nationality Act as describes the contents of chapter 9 of title II of such Act is amended by adding at the end thereof the following: "Sec. 293. Limitation on deportation."

Sec. 3. (a) Subsection (a) of section 340 of the Immigration and Nationality Act is amended by striking out the following: ": *Provided,* That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation".

(b) Subsections (c) and (d) of section 340 of such Act are hereby repealed.

(c) Subsection (f) of section 340 of such Act is amended by striking out the following: "subsections (c) or (d) of this section, or under the provisions of".

(d) Sections 352, 353, and 354 of such Act are hereby repealed.

(e) Section 355 of such Act is amended by striking out "or 352".

Sec. 4. Paragraph (2) of section 350 of the Immigration and Nationality Act is amended by inserting the following immediately before the semicolon: "as such paragraphs existed immediately prior to the date of the enactment of the Immigration and Nationality Amendments Act of 1965".

DESIGNATION OF THE CALENDAR YEAR 1966 AS "THE YEAR OF THE BIBLE"

Mr. PELL. Mr. President, I rise today to ask this body to pay tribute to one of our Nation's most worthy societies and to one of our most worthy traditions. The tradition of which I speak is that of respect for and knowledge of the Bible. The Bible has been a vital force in the lives of Americans for more than three centuries, and the tradition of Bible reading has been supported by the American Bible Society, a nonprofit, nondenominational organization, for the 150 years since its founding.

Following the American Revolution, the new Nation was largely without a supply of Bibles. Presses operating in the Old World had been cut off to America for 2 years. The few Bibles available were far too expensive for the majority of Americans to purchase them. People moving west often were forced to settle in areas without a church and without access to a Bible. Also, this was the age of the missionary. Those who had gone overseas were pleading with their home offices to provide Bibles in the native tongues of the areas where they worked. Missionary translations lay unpublished for lack of funds and facilities to produce inexpensive editions. There was a great need for cooperation in meeting these problems, and the cooperative effort was begun with the founding of the American Bible Society in 1816 under the direction of Dr. Elias Boudinot, then president of the New Jersey Bible Society and a past President of the Continental Congress.

The goal of the society at that time and ever since has remained constant: to make the Scriptures available and meaningful everywhere. To this end the American Bible Society has donated Bibles to the personnel of our armed services and to the armed services of other nations. They have published Bibles in more than 500 languages, often making the Bible available in a specific language for the first time. For instance, portions of the Bible have been published recently in Bafia, Cashibo, and Ilongot. In this translation effort the American Bible Society has been joined by other Bible societies.

Prompted by a special concern for the blind, the society produces the Scriptures in braille and on recordings. They continue in all ways to do their best in meeting the challenges of the times—increasing secularism, newly literate peoples, and the Communist drive toward atheism. Their record of service is long and continuous.

I have always supported the goals of the American Bible Society to the fullest, and have participated in the organization as its vice president for the last 3 years. This same position is held by my colleague on the House side, Representative Peter H. B. Frelinghuysen, and he will join me in supporting the American Bible Society by introducing to the House the joint resolution which I place before you today.

Just as Representative Frelinghuysen and I have found the society's goals worthy of support, so too have noteworthy Americans of all faiths and of all positions. Many leaders of our Nation have expressed their concern by serving as honorary chairmen, including Presidents Roosevelt, Truman, Eisenhower, Kennedy, and Johnson. The society has also been served by chief justices, Congressmen, Governors, and Cabinet members. The list could continue at length.

The resolution which I introduce today would serve as a tribute to the notable past achievements of the society, an incentive to present purposes, and an expression of confidence in the future of this distinguished organization. It would authorize and request the President to designate 1966 as "The Year of the Bible" and encourage the people of the United States to acquire a better knowledge and appreciation of the Scriptures. I hope all Senators will join me in supporting this resolution.

At this point I ask unanimous consent that documentary material explaining some of the achievements of the society in recent years be entered in the Record.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the documentary material will be printed in the Record.

The joint resolution (S.J. Res. 101) to authorize the President to issue a proclamation designating the calendar year 1966 as "The Year of the Bible," introduced by Mr. Pell, was received, read twice by its title, and referred to the Committee on the Judiciary.

The documentary material presented by Mr. Pell is as follows:

HIGHLIGHTS OF 1964

During 1964 the American Bible Society—

Distributed at home 682,895 Bibles, 1,437-029 Testaments, 4,966,383 portions, and 18,255,605 selections, a total of 25,341,813 Scriptures;

Provided through donor gifts a distribution overseas of 1,118,584 Bibles, 1,102,435 New Testaments, 13,506,946 portions and 7,605,740 selections, making a total of 23,333,705 Scriptures, which represented approximately 58 percent of the total distribution in 130 countries abroad, so that altogether, the

ABS accounted for a grand total at home and overseas of 48,675,617 copies of Scriptures;

Engaged in translators' institutes in various parts of the world. Special institutes were held in Peru and New Guinea. More than 3,000 persons are now involved in Bible translation throughout the world;

Shared in the first joint worldwide meeting of Bible Society and church leaders, held June 22–26 at Driebergen, Holland; more than 100 persons from 50 nations participated;

Published for the first time the Gospel of Mark in the English of today, under the title of "The Right Time." This translation is especially useful to people without English as their mother tongue and for those with a limited vocabulary;

Issued to the blind 65,834 Scriptures in braille and on talking Bible records;

Produced in cooperation with the Canadian Bible Society—the motion picture "Freedom in Their Souls" and filmstrips "Mukaba and His Bible" and "The Blind Can Lead." Daily 1-minute radio spot announcements were developed for some 2,000 stations and six 1-minute television spots for 650 stations;

Circulated the Bible Society Record, now in its 147th year of continuous publication, to about 1 million members of the Bible Society family 10 times during the year. More than 130,000 of the recipients are ministers of churches;

Adopted the boldest budget in the society's history—$6,348,000 for 1965, or $448,000 more than that of the previous year;

Supported the "circle of the concerned" movement of church women. This program has grown from the urgency to get the Scriptures to the spiritually hungry of this new age, and the need for greater personal attention to the Bible;

Received from churches $1,186,960, an increase of $66,683 over 1963;

Participated May 17, in the first global program of reading and sharing the Pentecostal message, acts 2, presented in an attractively illustrated booklet;

Erected a Scripture distribution center in Wayne, N.J. (20 miles from Manhattan), dedicated September 3;

Appointed its first woman field secretary, Mrs. Elizabeth D. Newcomer, of Kansas City, Mo., in the new program of "women's activities" in the United States of America;

Started to construct the new Bible House at 61st Street and Broadway, New York City, near Lincoln Center;

Included 17 new languages in its accessions, of which 9 were ABS publications; and

Provided a total of 301,541 volumes of Scriptures to World's Fair visitors.

Languages and Dialects in Which the American Bible Society Distributed the Scriptures in 1964—492

ASIA: 186

Abor-Miri, Akha, Alangan, Amis, Anal, Arabic, Arabic Algerian, Arabic Judaeo-Tunisian, Arabic Mogrebi, Arabic Tunisian, Armenian ancient, eastern modern Armenian, western modern Armenian, Asho, Assamese, Atsi.

Balinese, Balochi, Batak Karo, Batak Simalungun, Batak Toba, Bawm, Bengali, Bengali Musalmani, Bhili Dehwali, Bicol, Biete, Bihari Bhojpuri, Bilaan, Binukid, Bolinao, Boro, Bugis, Bunun, Burmese.

Cambodian, Cebuano, Chinese Kuoyü, Chinese high Wenli, Chinese easy Wenli, Chinese Amoy, Chinese Cantonese, Cuyono.

Daphla, Dimasa, Dyak Ngaju.

Garo Achik, Gondi Adilabad, Gujarati.

Haka, Hanunoo, Hebrew, Hindi, Hindi Chhattisgarhi, Hindustani, Hkun, Hmar, Ho.

Ibanag, Ifugao Banaue, Ilocano, Ilongo, Ilongot, Indonesian.

Japanese, Javanese.

Kachin Jinghpaw, Kambera, Kamhau, Kankanaey, Kannada, Karen, Pwo, Karen Sgaw, Kashmiri, Kharia, Khasi, Khondi Kui, Khumi, Koho, Korean, Kulu, Kurdish Kermanshahi, Kurdish Kurmanji, Kurdish Mukri, Kurukh.

Lahnda Hindko, Lahu, Lahuli Bunan, Lahuli Tinan, Laizo, Lakher, Lambadi, Lisu Western, Lushai.

Macassar, Maguindanao, Malay High, Malayalam, Manipuri, Manobo Agusan, western Bukidnon Manobo, Manobo Ilianen, Marathi, Marathi Konkani, Mentawei, Mikir, Mon, Mongolian Literary, Mori.

Nundari, Naga Angami, Naga Ao, Naga Kabui, Naga Konyak, Naga Lhota, Naga Mao, Naga Mzieme, Naga Phom, Naga Rengma, Naga Sangtam, Naga Sema, Naga Tangkhul, Naga Zeme, Nepali, Ngawn, Nicobarese Car, Nias.

Oriya, Pahari Garhwali Tehri, Paite, Paiwan, Palawano, Pali, Pamona, Pampango, Pangasinan, Panjabi, Panjabi Persian, Pashto, Persian.

Rade, Rawang, Riang, Riang Lang.

Samareño, Sangir, Sanskrit, Santali, Sediq, Shan, Shan Yunnanese, Sindhi, Sinhalese, Sora, Subanen, Sundanese, Syriac (ancient), Syriac (modern).

Tagabili, Tagalog, Tai Lao, Tamil, Taungthu, Tau Sug, Tayal, Telugu, Thado: Kulki, Thado: Vaiphei, Thai, Tibetan, Timorese, Tiruray, Toda, Toradja (South), Turkish, Turkish (Azerbaijani), Turkish (Kashgar), Turkish (Uzbek).

Urdu, Vietnamese, Wa, Wewjewa, Yakan, Zambal Zangskari, Zotung.

For the blind

Arabic braille, Arabic talking book records, Armenian braille, Burmese braille, Chinese braille, Hebrew braille, Hindi braille, Japanese braille, Turkish braille, Urda braille.

EUROPE: 45

Albanian, Albanian Gheg, Albanian Tosk, Basque Labourdin, Basque Souletin, Breton Léon, Bulgarian, Czech, Danish, Dutch, Esperanto, Estonian, Faroe, Finnish, French, Frisian, Gaelic, Georgian, German, German (low), Greek (ancient), Greek (modern), Hungarian.

Icelandic, Irish, Italian, Latin, Latvian, Lithuanian, Norwegian, Norwegian Nynorsk, Polish, Romany, Rumanian, Russian, Russian (White), Serbo-Croatian, Slavonic, Slovak, Slovenian, Spanish, Judaeo-Spanish, Swedish, Ukranian, Welsh, Yiddish.

For the blind

French braille, French talking book records, German braille, Greek ancient braille, Greek modern braille.

AFRICA: 187

Afrikaans, Agatu, Amharic, Anuak, Ashanti (Fante), Ashanti (Twi), Avikam.

Bambara, Bangala, Baouli, Bari, Bassa Liberia, Bassa Nigeria, Bemba, Bena, Benga, Boran, Bulu.

Chaga Mochia, Chokwe, Dagbane, Dogon, Duala, Dyerma.

Ebrie, Efik, Ethiopic, Ewe, Fang, Fula, Futa Jalon, Fulani, Ga, Galla: Northern, Ganda, Gbeapo, Gio, Gipende, Giryama, Gogo, Gourma, Gouro, Grebo, Gu: Alada.

Ha, Hanga, Hausa, Haya, Herero, Ibo, Idoma, Igala, Ijo: Brass, Ila, Isoko: Igabo, Jieng: Bor, Jieng: Padang, Jita.

Kabba-Laka, Kabyle, Kalana, Kalenjin, Kamba, Karamojong, Karré, Ke'bu, Kele: Congo, Kikinga, Kikuyu, Kim, Kisii, Kissi, Kituba, Kiyaka, Kongo: Fioti, Kongo: San Salvador, Kpelle, Kunama.

Lamba, Lendu Batha, Lobi, Loma, Lomwe, Lozi, Luba Kalebwe, Luba Kaonde, Luba Katanga, Luba Sanga, Luchazi, Lugbara, Luimbi, Lunda: Kambove, Lunda: Ndembu, Luo, Lur, Luvale, Lwo.

Makua, Malagasy, Mambwe, Maninka, Mano, Masai, Masana, Mbundu Benguella, Mbundu Loanda, Mende, Meru, Mongo-Nkundu, Moré, Mukuni, Mundang.

Nambya, Namwanga, Ndandi, Ndau, Ndonga, Ngala, Ngambai, Ngandu Ngombe, Ngwana: Ituri, Nkore-Kiga, Nkoya, Nsenga, Nuba: Nirere, Nupe, Nyamwezi, Nyanja, Nyika: Nyasa, Nyore, Nyoro.

Ogoni, Otetela, Popo, Ragoli, Remi, Ronga, Ruanda, Rundi, Sangir, Sango, Sara: Mbai, Sena, Shambala, Shilha: Southern, Shilluk, Shona, Sobo (Urhobo), Somali, Suk, Sukuma, Sura, Susu, Suto, Swahili Congo, Swahili Mombasa, Swahili Zanzibar.

Tabele, Taita Dabida, Taita Sagalla, Tamachek Tamahaq, Tangale, Tchien, Teso, Thonga, Tigré, Tigrinya, Tiv, Toma, Tonga Inhambane, Tonga of Lake Nyasa, Tonga Rhodesia, Tshiluba, Tshwa, Tswana, Tumbuka.

Uduk, Venda, Wiza Lala, Xhosa, Yao, Yipounou, Yoruba, Zanaki, Zande, Zulu.

For the blind

Bemba Braille, Hausa Braille, Nyanja Braille.

PACIFIC ISLANDS: 14

Chamorro, Fiji, Gilbertese, Kate, Kusaie, Maori, Marshallese Neo-Melanesian, Palau, Samoan, Tahitian, Toaripi, Tonga of Tonga Islands, Trukese.

AMERICAS: 60

Aguacatec, Amuesha, Aymara, Aztec Sierra, Cakchiquel, Carib Garífuna, Cheyenne, Chol, Chontal of Oaxaca, Chuj, Comanche, Combe, Conob, Cuna.

English, Eskimo Kuskokwim, Eskimo Labrador, Guajira, Guarani, Haitian Creole, Hawaiian, Hopi, Huastec, Iroquois, Kekchi, Lengua.

Mam, Maya Mazatec, Mazahua, Miskito, Mixtec, Mixtec San Miguel el Grande, Navajo, Negro English, Ojibwa, Otomi Mezquital, Papiamento, Piro, Portuguese.

Quechua Ancash, Quechua Ayacucho, Quechua Bolivian, Quechua Cuzco, Quechua Ecuadorean, Quechua Huanuco, Quechua Junin, Quiché.

Shipibo, Spanish, Tarahumara, Tarascan, Tlapanec, Totonac, Tzeltal, Tzeltal Bachajón, Valiente, Warao, Zapotec Isthmus, Zoque.

For the blind

English: English Braille, Moon, New York Point, American Braille, Braille Grade 1½, Braille Grade 2, Interpoint Grade 2, English Talking Book Records.

Portuguese Braille, Spanish Braille, Spanish Talking Book Records.

Scriptures were issued through the Bible House in New York in 215 of these 492 languages and dialects. To meet the growing demand by the non-English speaking people in the United States, Scriptures were distributed nationally in 129 languages.

Overseas distribution reached people representing 422 different languages and dialect groups through the joint agencies and the associated Bible societies, for which the American Bible Society provides subsidies and aid in other countries.

MINORITY VIEWS ON EXECUTIVE REPORT NO. 4, RELATING TO CONSULAR CONVENTION WITH SOVIET RUSSIA

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I, together with any other member of the Foreign Relations Committee who might decide to join me, may be permitted to file minority views to Executive Report No. 4 dealing with a consular convention of the United States with the Soviet Union. I have spoken to the chairman of the committee, the Senator from Arkansas [Mr. FULBRIGHT], and he has approved of the request.

The PRESIDING OFFICER. Without objection, the request is granted, as in executive session.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the minority views be authorized to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

Mr. SIMPSON. Mr. President, on June 30 I introduced S. 2230, which was a companion bill to that of Representative Rivers' military pay raise bill. Last week I testified before the Armed Services Committee in support of that bill. I am hopeful that the committee will report it out as it passed the House of Representatives.

I ask unanimous consent to have added as cosponsors at the next printing the names of the Senator from Utah [Mr. Bennett] and the Senator from California [Mr. Murphy].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, there are now joined with me in the bill S. 2228, which would make the pay of overseas teachers in our Department of Defense schools comparable to that of the average in cities above 100,000 population, 17 other Senators. We have just held hearings on this bill in the Post Office and Civil Service Committee, and I hope we may have a report and affirmative Senate action before long.

I ask unanimous consent at this time that at its next printing, the name of one more of my colleagues be added to this bill, that of the Senator from Massachusetts [Mr. Kennedy].

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair announces the appointment of Senators Pastore and Hickenlooper to the International Atomic Energy Agency Conference to be held in Tokyo for 2 weeks, beginning September 21, 1965.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The VICE PRESIDENT announced that on today, August 4, 1965, he signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 579. An act for the relief of the State of New Hampshire;

H.R. 7954. An act to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960);

S.J. Res. 56. Joint resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson;

H.J. Res. 324. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 481. Joint resolution to amend the joint resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives.

ADDITIONAL COSPONSORS OF BILL AND CONCURRENT RESOLUTION

Under authority of the orders of the Senate of July 22, 1965, the following names have been added as additional cosponsors for the following bill and concurrent resolution:

S. 2318. A bill to amend chapter 13 of title 38, United States Code, in order to increase the dependency and indemnity compensation rates payable under such chapter to widows and children of veterans: Mr. Allott, Mr. Bartlett, Mr. Bass, Mr. Bayh, Mr. Brewster, Mr. Gruening, Mr. Hart, Mr. Hartke, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy of Massachusetts, Mr. Kuchel, Mr. Long of Missouri, Mr. McGee, Mr. Metcalf, Mr. Monroney, Mr. Montoya, Mrs. Neuberger, Mr. Randolph, Mr. Thurmond, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Yarborough.

S. Con. Res. 43. Concurrent resolution authorizing the printing as a Senate document of all floor remarks by Members of Congress in tribute to the late Adlai E. Stevenson: Mr. Bartlett, Mr. Bayh, Mr. Bible, Mr. Boggs, Mr. Brewster, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cannon, Mr. Carlson, Mr. Church, Mr. Clark, Mr. Cooper, Mr. Dirksen, Mr. Dodd, Mr. Douglas, Mr. Ervin, Mr. Fannin, Mr. Fulbright, Mr. Harris, Mr. Hart, Mr. Holland, Mr. Inouye, Mr. Jordan of Idaho, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Long of Missouri, Mr. Long of Louisiana, Mr. Mansfield, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Monroney, Mr. Montoya, Mr. Morse, Mr. Morton, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Prouty, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Saltonstall, Mr. Sparkman, Mr. Symington, Mr. Tower, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Yarborough.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 4, 1965, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 579. An act for the relief of the State of New Hampshire; and

S.J. Res. 56. Joint resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of John Smithson.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1742) to authorize the U.S. Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes.

The message also announced that the House had passed a bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

SEA IS THE MOTHER OF LIFE ON LITTLE DIOMEDE

Mr. MANSFIELD. Mr. President, now and again, mid the hustle and bustle, the stresses and strains of modern-day boomlife, we are reminded that there are some people who live simply and happily and find fulfillment in places that most of us would call uninhabitable. Little Diomede Island is just such a place. Located in the Bering Strait off the coast of Alaska, Little Diomede is perhaps the only place on earth where it is possible to see at one time, two continents, two oceans, two days, and the world's two most powerful nations. From the summit of Little Diomede one can see the rugged shores of Siberia while looking across the international date line and the snowcapped mountains of Alaska; the Pacific Ocean to the south and the icy waters of the Arctic to the north.

The people of Little Diomede are Eskimos, hardened to a life without luxury, yet satisfied with their lot, working and hunting, tirelessly struggling against the challenges of nature. They are people who fight the elements to live, but who live at peace with each other, sharing whatever meager largess the earth and the sea give up.

The 15 families of Little Diomede are not, however, free from all the tensions of the big world with which their contacts are so few and sparse. Some years ago a family visit to neighboring Soviet Big Diomede resulted in 52 days internment. No such visits have since taken place to Big Diomede from Little Diomede.

Mr. President, I ask unanimous consent that an article by Jim Kimball which appeared in the Great Falls Tribune on August 1, 1965, be printed at this point in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Sea Is the Mother of Life on Little Diomede

(Editor's Note.—This is the third in a series about Arctic Alaska by Jim Kimball, Minneapolis Tribune staff writer. Kimball and Dr. Walter J. (Breck) Breckenridge, director of the University of Minnesota Museum of Natural History, made their Arctic journey in June.)

(By Jim Kimball)

Little Diomede Island, Alaska.—That Little Diomede Island could be inhabited by anything other than cliff-nesting birds seems incredible. It is a 1,308-foot-high mountain of rock less than 7 miles in circumference. Much of the shoreline rises out of the water as a precipitous cliff. The village of Diomede the home of 15 families totaling 70 people, clings to the mountainside on the west side of the island. It seemed unbelievable that human life could be sustained on this tiny island of barren rock until I realized that for Eskimos, as for the birds that nest here, it is the sea which provides the resources.

A few leaves, herbs, and berries are collected by Eskimos high on the mountain, but almost everything they eat, wear, or use to build boats comes from the sea. When the sea fails to yield its bounty, food is scarce. Starvation is within the memory of the islanders.

I have been trying to understand the Eskimo's attitude toward the animals and birds which keep him alive. I have not completely succeeded. It may not be possible for one raised in the traditions of conservation, sportsmanship, and the love of wild things, for what they are, ever to comprehend the Eskimo's attitude toward wild animals.

The Eskimo is a hunter—a predator akin to the hawk, wolf, or fox. Like other predators, he kills so he may survive. At various seasons he hunts seals, walrus, polar bears, and whales. He traps, nets, and shoots birds and collects their eggs. He doesn't worry too much about tomorrow—to say nothing of next year or of succeeding generations.

Conservation and sportsmanship are recent attitudes accepted by our civilization. Should we expect to find them in Eskimos who are in about the position of our American Indians of 75 years ago?

On a foggy morning I watched as nearly all the village men took to sea in three skin boats to hunt walrus. It seemed incredible that they would go out and expect to get back to this little island when you could not see a hundred yards through the fog.

After hunting all day and all night, men in two boats returned. One boat had taken 44 walrus, the other 20. The men ate, took on more gasoline for the boat motors and went out again, without sleeping. They think nothing of going several days and nights without rest. When walrus are in the area, nothing else counts. If storms are too severe, they pull their boats onto the ice and wait.

Breck and I started climbing the mountain behind the village, to photograph birds as they returned from the sea in the evening. I spotted an Eskimo, Raleigh Ozenna, climbing the mountain with a bird net and got his permission to accompany him on his hunt.

NETTING BIRDS

Far up the mountain he suspended a line between rocks for his decoys. A few feet away, a half circle of rocks formed a blind. As the birds came over the blind, Raleigh deftly scooped a crested auklet out of the air with his net, which was a strange oblong hoop, about 6 by 16 inches, on a thin 14-foot handle.

He threaded a short thong through the auklet's nostrils and tied the bird to the decoy line. There it hung by its bill, flapping violently, while he went back to the blind. The first 10 birds caught were hung on the line.

"You want to try?" he asked me. I couldn't resist. Then I thoroughly disgraced myself. I swung the net at every bird that came by and never even touched one.

I kept on climbing to the top of Little Diomede. From the summit I looked to the east and saw the snowcapped mountains of mainland Alaska. To the west, across the international dateline, the rugged coast of Siberia loomed over Russian-owned Big Diomede Island. The Pacific Ocean lay to the south and the Arctic Ocean to the north.

TWO CONTINENTS

I was standing on the only spot on earth from which you might see two continents, two oceans, 2 days, and the two major world powers.

By the time I got back down to the village, it was midnight. Looking due north, I photographed the sun at its lowest point. Nearly half of it was visible above the horizon.

In 2 days here I have seen more birds than during the previous years of my life. The air above is constantly filled with birds. They are perched on and under every rock—it seems the world has been taken over by birds—murres, auklets, and puffins.

John Iyapana is one of the best informed Eskimos on the island. We had no language barrier when we talked to him. We pointed out to him that the 44 walrus taken in 1 day by his boat, plus 20 killed by the other boat, meant that 100 tons of meat, blubber, and hide, and nearly as many more wounded, were left to rot in the sea.

DIRECT ECONOMICS

He felt not the slightest twinge of conscience. His economics were direct and perfectly logical. "That is good hunting," he said. "We need ivory to carve and sell. That is how we get money for gasoline, guns, and fuel oil."

He explained that bringing in one or two whole walrus carcasses would be a day's work, but if hunters brought only the ivory tusks they could shoot many. Walrus must be hunted during the short time they are available. And these Eskimos already had enough cow walrus for food.

Walrus ivory is worth $2.25 per pound, and a bull carries about 15 pounds. The oozhook (baculum) is worth at least $10.

Each hunter may take not more than five walrus cows per year—there is no limit on bulls. When cows are available, the bulls are considered valuable only for their ivory because their meat is tough and their hides less valuable.

EXCEL AT CARVING

These Eskimos excel at ivory carving. Next to hunting, it is their greatest skill and their greatest source of pride, as well as income. Every man at Diomede carves. Last year their carvings brought the village an income of about $8,000.

Bracelets, beads, buttons, letter openers, watchbands, figures for mounting on earrings, pickle forks, cocktail sticks, and charms are carved from walrus tusk ivory. The figures of seals, polar bears, and walrus are excellent.

Frequently the new white ivory is combined with jet black balene from whales' throats and rich brown antique ivory dug from the ground where it may have aged hundreds of thousands of years. The carvers also use beautiful brown ivory from tusks of mastodons which have been extinct for 10,000 to 12,000 years.

UNDERGROUND HOMES

A casual visitor to Diomede would say the town consisted of tiny shacks. He would be missing the real living quarters, which are built into the rocky mountainside and are primarily subterranean. Each home is a single room, many about 8 x 10 feet, sometimes too low to stand in. Usually there are no tables, chairs, beds, or furniture of any kind other than a shelf along each wall.

To get into the homes, one goes through a tunnel about 20 feet long, 2½ feet wide, and 3½ feet high. At the end of the tunnel, a hole about 18 inches in diameter brings one through the floor of the dwelling. There's usually a single window in the ceiling. Without furniture, the rooms seem quite spacious.

All necessities of life are in the room. Surpluses are stored in the attached little shacks.

EVERYTHING SHARED

In Diomede, the ancient custom of sharing practically everything still is followed. If there is any food in the village, everyone eats. When the hunters come home, villagers come to the beach to get what they need, including the precious ivory.

How does one go about teaching that the white man's efforts to outdo and outpossess his neighbor are more Christian?

The village of Diomede would be considered a slum by our standards, but it is not. It is in keeping with the Eskimo culture and traditions.

The homes are functional and practical in a country where fuel is scarce and expensive and temperatures are always low. The people have poverty only in the gadgetry that our society has decreed essential to a high standard of living. They lead a life of great variety, hunting and working tirelessly at times and working not at all at other times, and none is richer or poorer than his neighbor.

It makes one wonder. What are we struggling for?

Superstition strongly influenced the Eskimos' lives in the past. Most of the superstitions, and the fears they generated, now are gone, but they do have one great fear.

RUSSIAN INCIDENT

This great fear, of inadvertently landing on Russia's Big Diomede Island in the fog, is not superstition. It springs from a serious incident. Albert Lyakuk, who with his wife and 2-year-old son figured in this incident, told us about it.

Some of the Diomeders and most of their ancestors were born in Siberia or on Big Diomede Island. Occasionally they would return to visit relatives. In 1947 or 1948, 17 Diomeders in two boats set out for Siberia and stopped at Big Diomede to have their passports checked. They were unaware Russia had ruled against further visits.

The Russians took them into custody and held them 52 days. The Eskimos were put into tents and fed fish soup once a day. They were in bad shape when finally released.

"Do you still have relatives in Siberia, Albert?" I asked.

"Did have, but no more—no more," Albert answered, and then laughed. Albert always laughs at a tragic situation.

He sat silently for a moment. Then he said, "I thought we not going back here no more." He laughed again.

Since that time no one has known whether there still are Eskimos living on Big Diomede Island, and there is no contact with those in Siberia.

SALUTE TO BAKERSFIELD COLLEGE INTERNATIONAL EISTEDDFOD CHOIR

Mr. KUCHEL. Mr. President, in times when difficulties and problems involving American youth are the subject of wide and continuous discussion and study, we often are inclined to overlook commendable achievements of young people. Too often, insufficient attention is paid the great numbers of them who devote time, talents, and efforts to worthwhile purposes.

Accordingly, it is a pleasure today to note the return to their homeland of a group of 48 students of both sexes who are a credit to their Nation, their communities, their families, and their college and whose dedication offers encouraging hope they will become the finest type of citizens.

I wish to bring to the notice of my colleagues the return to the United States today of the Bakersfield College Choir, a mixed chorus organization, from a European trip marked by the winning of the International Eisteddfod choral competition held at Llangollen, Wales. The group during its travels—expenses of which, incidentally, were met with money raised by the members through their own efforts—paid a visit to Pope Paul VI at his summer villa for a performance which won a standing ovation.

The justified pride felt in California over this group's activities will be intensified by the reception for these young people scheduled at the White House this afternoon by President Johnson. As a lifelong resident of California, I am delighted to salute such an upstanding assemblage of responsible and talented growing Americans.

THE WHEAT CERTIFICATE PLAN

Mr. YOUNG of North Dakota. Mr. President, farm programs of all kinds, no matter how meritorious, have been subjected to the most vicious and misleading attacks through magazine articles, newspaper columns, highly paid lobbyists in Washington, and a host of others. Most of these attacks are so untruthful that it is difficult to understand why so many people would be fooled and misled by them—but a great many are.

The pending wheat certificate plan is a good example. This plan was first proposed years ago by two great Republicans—the late Senator Charles McNary, of Oregon and Congressman Gilbert Haugen, of Iowa. It was known as the McNary-Haugen bill. It has received widespread support among wheat growers over these many, many years.

Recently the wheat certificate proposal has been subjected to unusually severe attacks by highly paid propagandists sponsored by some of the most profitable industries in the United States. I have reference to the millers, bakers, and some grain trade interests.

Mr. President, among those sponsoring and financing this campaign against the wheat certificate plan is a lobbying organization known as the Wheat Users Committee. This is financed for the most part by millers and bakers. These are the people who have reaped huge profits from declining wheat prices over the past 20 years.

During this 20-year period bakers have virtually doubled the price of bread and the price of wheat to the consumers today is lower than it was 20 years ago. Practically all of the big milling and baking concerns show unusually high profits. Their profits for the past year during which the wheat certificate program was in operation, with but one or two exceptions, are higher than they were last year.

Mr. President, it is refreshing to read a column appearing in today's daily newspapers by two reputable journalists, Rowland Evans and Robert Novak entitled, "The Bread Battle."

I hope that every Member of Congress will take the time to read this enlightening and accurate analysis of what this whole issue is about.

Mr. President, I ask unanimous consent to have this column by Rowland Evans and Robert Novak printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 4, 1965]

THE BREAD BATTLE

(By Rowland Evans and Robert Novak)

Surprisingly for Lyndon B. Johnson's consensus-style Washington, Secretary of Agriculture Orville Freeman is sporting a large red badge on his lapel with this legend: "I will not bow down to the bread trust."

Freeman's "bread trust" is the big-five baking companies which collect nearly 60 percent of the industry's profits. These giants are battling over the new wheat program scheduled for House action soon.

This is indeed startling in the Washington of 1965 where, according to the gospel of consensus, big government, big business, and big labor are supposed to cozy up together. But there is no consensus on the farm front (perhaps because President Johnson takes little personal interest here). Instead, the climate is ripe for a rip-snorting battle reminiscent of Truman days.

In simplified form, this is what the fight is all about: The administration wants to raise the income of wheat growers. But to hold the line on the Federal budget, President Johnson has decreed a strict ceiling on farm spending.

How then could the wheat subsidy be financed? By raising the bushel fee that the baking companies now pay the wheat growers from 75 cents to $1.25. The bakers would have to absorb the cost or, more likely, pass it on to the consumer. Hence, foes call this fee "the bread tax."

Actually, Freeman tried an L.B.J.-style consensus. Early this year, when bread industry leaders met privately with him. Freeman thought they might accept some variation of the "bread tax." They didn't.

Freeman believes a compromise might have been found had it not been for a lobbyist named Maurice Rosenblatt—best known for his National Committee for an Effective Congress (which endorses and finances liberal candidates). But Rosenblatt is also a paid commercial lobbyist, and Freeman believes he prodded the bread industry into battle. For their part, bread executives say they never would have bought the Freeman scheme.

Whatever the cause, the end result is a Government versus business battle not seen since preconsensus days. The bread industry, claiming the plan will hike the cost of bread 2 cents a loaf, in courting big city Democratic Congressmen who never have been ecstatic about farm legislation.

Freeman is fairly bursting for the fight. In a memorandum distributed to Congressmen, he contends:

"The bread trust may be wringing its hands about the wheat farmers to throw up a smokescreen about its own monopolistic condition." Arguing that the price increase per loaf should be no more than seven-tenths of a cent, Freeman implies that the breadmen would pocket the extra 1.3 cents.

Although the issue is still in doubt, Freeman is the clear favorite.

Republican ranks are crumbling. Congressmen from wheat States just can't afford to fight a huge farm subsidy. It was Representative Robert Sole, a Goldwater Republican from western Kansas, who talked the House GOP Policy Committee out of taking a stand against the bill.

More important, the bread lobby hasn't been able to get through to urban Democrats in Congress who have breadbuyers, not wheatgrowers, as constituents.

Take the case of Representative JOSEPH RESNICK, a first-term Democrat from Dutchess County, N.Y. RESNICK has been besieged by protest mail (particularly from workers for the National Biscuit Co. (Nabisco) in Beacon, N.Y.) who were told the bread tax might shut down their plant. Instead of running in panic, RESNICK fired off this letter to Nabisco President Lee S. Bickmore in New York.

"I have noted that the National Biscuit Co., under your able leadership, seems to have done quite well in recent years. I also note that your personal salary and compensation has gone from $123,000 to $175,000. * * * For you as a responsible head of a large corporation to tell your employees that they will be out of business because of the increase in the price of wheat is despicable."

If the RESNICKS prevail, the message will be clear: For businessmen who would oppose the Great Society the best defense is not of offense. It's consensus.

MURRAY STEIN—WATER POLLUTION FOE

Mr. RIBICOFF. Mr. President, throughout the vast establishment of the Federal Government are thousands and thousands of competent, devoted, outstanding individuals who spend their lives helping to make our Nation and world a better place to live in. Such an individual is Murray Stein of the Department of Health, Education, and Welfare who since 1956 has headed a small branch in the Public Health Service responsible for enforcing the Federal Water Pollution Control Act.

As a former Governor and Secretary of that Department I know the delicate ground of State-Federal relations Mr. Stein must trod—with its many pitfalls and frustrations. And yet for almost 10 years he has handled his responsibilities in a most outstanding manner, achieving real pollution control in the process. Men like Murray Stein seldom receive the recognition due them. That is why I was so pleased this morning to read an article about him in the New York Times which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATER POLLUTION FOE: MURRAY STEIN

CLEVELAND, August 3.—Murray Stein, a husky, bespectacled, gimlet-eyed man with a flashing grin and a hardy Brooklyn accent, is a leader of the Federal Government's campaign against contamination of the Nation's waterways. He is also one of the Nation's notable diplomats without portfolio. As water pollution enforcement director of the Department of Health, Education, and Welfare—ranking only a few notches below Secretary John W. Gardner—Mr. Stein travels regularly from Washington to the various States with the unenviable mission of reversing the trend that has turned the Nation's leading watercourses into open sewers. Today he was the central figure at the opening of 2 weeks of interstate hearings on Lake Erie.

Federal law provides that intransigent polluters of interstate waters can ultimately be thrown in jail. Mr. Stein seeks to obtain compliance through prior steps more expeditious and more agreeable.

His technique is to preside over hearings at which State, municipal and industrial officials are confronted with evidence of pollution gathered by U.S. Public Health Service investigators, and then are invited, cajoled or maneuvered into subscribing to remedial programs.

NOT AN EASY TASK

Generally, this is not easy. Polluters, whether they are municipalities or industrial establishments, are usually reluctant to admit antisocial deportment, to say nothing of spending the millions of dollars often necessary to neutralize liquid waste. State officials on occasion carry their reluctance to the point of challenging the constitutional right of the Federal Government to intervene at all.

"One of the most delicate and vexing social, economic and legal situations," Mr. Stein observed in starting the Cleveland hearing, "is to have one instrumentality of government telling another what to do, when the other one may not be ready to do it. It presents some very awkward problems."

Mr. Stein, a lawyer, copes with these problems by radiating amiability, soft-pedaling the compulsory nature of the proceedings, and resolving contretemps with casual remarks that end in a disarming chuckle.

"We're dealing with facts subject to scientific measurements," is his watchword. "Once we get agreement on the facts, the solutions will present themselves."

He lets off steam at afterhours cocktail and dinner gatherings with associates, punctuating these sessions with such exclamations as, "We're certainly getting a lot of jazz from the so-and-so people," or "Did you hear what that son of a gun from XYZ Co. had the nerve to claim?"

The net result of his onstage tact has been that in 34 enforcement cases to date, only one has reached the point of court proceedings. All have produced remedial programs, and in about a dozen cases, pollution has been ended or significantly reduced.

A FEDERAL CAREER MAN

Mr. Stein has had only one employer in his life, the U.S. Government. He was born in the East New York section of Brooklyn on October 17, 1916, the son of a food broker. He graduated from Thomas Jefferson High School and studied for 2 years at the College of the City of New York before seeking his fortune in Washington.

There, he worked as a printer's devil in the Government Printing Office, served as an Army medical technician during World War II and worked as a clerk in the Federal Security Agency's law office while studying law at George Washington University. On getting his degree, with honors, in 1949, he joined the staff of the security agency's general counsel.

Since then he has dealt with most of the many health activities that are now under the Department of Health, Education, and Welfare, ranging from vital statistics, home accidents and poultry sanitation to radiation hazards, shellfish sanitation and mental health.

He has been enforcement chief of the public health service's division of Water Supply and Pollution Control since the present pollution control law was passed in 1956.

Mr. Stein and his wife, the former Anne Kopelman, also of Brooklyn, have two teenage daughters. His hobbies are hiking and surf-swimming. He has no middle name.

The Steins live in Fairfax County, Va., in a conservative modern home. As one who spends most of his time prodding authorities all over the country into installing modern sewage treatment systems, Mr. Stein confesses somewhat sheepishly that his own residence is served by a well and a septic tank. But, he says, "we do have indoor plumbing."

TRIBUTE TO ADLAI STEVENSON

Mr. McGOVERN. Mr. President, Mr. Max Freedman, a recognized master of English prose, provided what I think may very well be the most beautiful tribute to the late Adlai Stevenson.

I ask unanimous consent that this masterful article from the Washington Evening Star of July 15, 1965, entitled "The Greatness of Adlai Stevenson," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, July 15, 1965]

THE GREATNESS OF ADLAI STEVENSON

(By Max Freedman)

By the grace of his spirit and the splendor of his mind Adlai Stevenson turned the sting of defeat into a crown of glory. He earned more honor in misfortune, than most leaders gain in victory. He lost two elections, but he never lost the pride of his party or the admiration of his country. That garland can never wither, nor can time stain the radiance of his enduring renown.

In 1952, without his choosing, he took charge of a party divided by many quarrels and uncertain of its future. He gave it a fighting faith once more by making it confident of its purpose and destiny. That was his first great achievement.

Then he fought a campaign with the shining weapons of wit and eloquence and scholarship, never once picking up a dirty bludgeon or falling below the level of his own high theme. There had been nothing like it since the first campaign of Woodrow Wilson in 1912; and Wilson ranked with Jefferson and Lincoln among his three supreme heroes.

The world applauded and Americans were impressed; but an epigram can never defeat a legend; and Stevenson twice knew defeat on a humiliating scale.

What was the greatness of Stevenson? Even in death his complex spirit commands no unanimity. But on certain guiding principles, with the wisdom of the after years, all may agree.

Words were sacred to him because he refused to trifle with the truth. That is why he polished his speeches to the last reluctant minute, to the despair of his friends and the torment of reporters. He wished to say exactly what he meant. He was not seeking merely the sheen of eloquence, though eloquence often came in the crackle of a vivid epigram, the gaiety of a twinkling sarcasm, the sudden felicity of an inevitable phrase, or the exaltation of a moral appeal.

He had a higher aim in view than his place as America's prose laureate. He wanted words on the political platform to be used as counters of truth and never as weapons of deception. He has left us his example to shame those who fall below his standards.

Was Stevenson, the master of noble words, also the servant of noble causes?

His was the first prophetic voice in a national campaign that dared to denounce Negro wrongs as an outrage on American rights. There would never have been a Suez war if his advice had been followed in good time and if an international police force had been placed in the Gaza strip.

No one can take from Stevenson the distinction of being the first American statesman fully to recognize the definite end of the colonial era and the growing importance of the emergent nations.

He pleaded for a nuclear test ban treaty when others denounced this advocacy as theatrical folly. He strove for an end to the arms race though he knew the barbed stratagems of Communist power far better than most of his critics.

He argued with a certain spacious courtesy that made him for some 15 years the most admired and trusted spokesman of American policy on the world scene.

We have no way of knowing what leadership in the White House would have done to Stevenson. Lesser men have grown in stature and in power of decision. He, too, might have found resources of character within himself that would have provided the crowning proof of his greatness. It is more than an act of faith, under the shadow of death, to believe that this last felicity would have been granted to him.

Almost from the first it has been common talk among his friends that Stevenson's work as Ambassador to the United Nations was uncongenial to him. No one in that position can ever share fully in the shaping of policy. He must often speak from a brief prepared in Washington instead of crying aloud the mandates of his conscience.

But he served two presidents in this campaign for peace, though with a chafed spirit, because he knew he brought personal gifts to America's cause that were unique and invulnerable And two Presidents honored him deeply for it.

When his vagrant melancholy lifted, as it always did at the touch of wit or the challenge of a fresh idea, he could be a companion so beguiling that time folded its wings and crept away into a corner, until the cascade of talk at last came to an end.

He honored us all by refusing to stoop in order to conquer. Now we are left with a huddle of grief-stricken memories when only yesterday we had a valiant friend and a radiant champion.

Tread lightly, for here is name certain to blossom in the dust.

ON TALKING WITH THE VIETCONG

Mr. CHURCH. Mr. President, Joseph Kraft is one of the most perceptive American commentators on Vietnam. In the August 5 issue of the New York Review of Books, Mr. Kraft reviews the recent book of Jean Lacouture, a leading French expert on Vietnam, who has studied that country for the last 2 decades. Mr. Kraft has written an excellent review of Mr. Lacouture's book which contains a comprehensive account of events in Vietnam for the last decade. Mr. Kraft concludes his review, entitled, "Understanding the Vietcong," by saying:

> Official apologists for our present policy, while acknowledging its dangers, often insist that there is no alternative * * * there remains an alternative well known to all politically alert Vietnamese. * * * It is the alternative of negotiations between the Saigon government and the Vietcong. Such talks are an absolute precondition to any reconciling of local differences. However, difficult to arrange they may now appear, direct discussions with the Vietcong will sooner or later have to take place if there is to be a settlement in Vietnam. For a struggle that began locally—and this is the central point to emerge from Lacouture's book—can also best be settled locally.

As one who has advocated discussions between the warring factions in Vietnam, including the Vietcong, I ask unanimous consent to have this review printed at this point in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

UNDERSTANDING THE VIETCONG

("Le Vietnam Entre Deux Paix," by Jean Lacouture. Editions du Seuil, 266 pp., 17 N.F.)

(By Joseph Kraft)

High strategic themes, bureaucratic interests, intellectual baggage and many other kinds of junk have been piled onto the war in Vietnam. It has been called a fatal test of will between communism and freedom. It has been described as the critical battle in the struggle between China and the

United States. It has also been described as the critical battle in the struggle between China and the Soviet Union. On its outcome there is supposed to rest the future of southeast Asia; and so it has also been sometimes described as the critical battle between China and India. At a minimum the Dr. Strangeloves of "sublimited war" claim that Vietnam poses the question whether a nuclear power can mobilize the kind of force required to contain guerrilla warfare. And with so much at stake it seems to make sense that the greatest power on earth should send as ambassador to a kind of Asian Ruritania its leading military man and, on two occasions, one of its best-known political figures.

To those who think it does make sense, which seems to include practically everybody in the United States, Jean Lacouture's new book on Vietnam will come as a kind of revelation. He announces his almost revolutionary theme in the opening sentence: "Vietnam," he writes, "exists." His book is about a particular place and a struggle for primacy there. It is, in other words, a political book. It deals with the elements and forces of the conflict, not as if they were apocalyptic and millennial events but as political phenomena. To read Lacouture after a dose of the official and even the journalistic literature which we get in this country is to pass from griffins and unicorns to Darwin and Mendel.

For writing a nonmythological political analysis of Vietnam, Lacouture has the ideal background. As a distinguished correspondent for various journals, including Le Monde, he has been to Vietnam repeatedly since he first went there on the staff of General Leclerc in 1945. He has visited both North and South Vietnam several times. He has written on his subject often and at length, notably in a biographical study of Ho Chiminh and as coauthor of a book on the Geneva truce of 1954. He knows all the leading figures on all sides from way back. Nor is he a narrow specialist. After a particularly baffling encounter with a Buddhist monk, for example, he can write: "Our seminaries also train specialists in verbal equivocation and suave silences, but never, in our climate, has the sacerdotal smile taken on such an evasive efficaciousness." Moreover, the politics of underdeveloped countries, so mysterious to most of us, and so parochial to those who know only a single country, are familiar stuff to him. With his wife Simone, Lacouture has written the best study to date of Colonel Nasser's Egypt; and one of the best on Morocco since independence. While obviously a piece d'occasion, his present book on Vietnam is of the same high quality.

His starting point is the regime of President Ngo Dinh Diem. Just how the United States became connected with Diem has become a matter of controversy. Ramparts magazine has recently published an account purporting to show that a knot of American Catholic politicos and professional anti-Communists, depending largely upon Cardinal Spellman, promoted our support of the Diem regime. Perhaps. But history has a way of demolishing theories that trace large consequences to little groups of men. Far more important is the point urged in a brilliant study of the Vietnamese war by the international lawyer, Victor Bator.[1] Bator's argument is that in 1954, for reasons of domestic politics, the Eisenhower-Dulles regime broke with the policy of moving in concert with Britain and France and tried to establish South Vietnam as a bastion of anti-Communist resistance. President Diem was merely the vehicle for that effort.

He had little chance to succeed. Not because, as some say, South Vietnam cannot exist as a separate political entity. In Vietnam too, it is different in the South. South Vietnam in fact is one of the most richly diversified areas in the world. Its topography includes mountainous areas peopled by primitive tribes, arid plateaus, and a great alluvial plain. It is a leading producer of rice—a crop requiring the kind of intense personal cultivation that breeds an independent peasantry. The diversity fostered by occupation is further promoted by religious custom: South Vietnam's 14 million people include large numbers of Catholics, Buddhists and Confucians, and all of them practice a kind of ancestor worship that places special emphasis on local custom. While Vietnamese political parties in the Western sense have existed only as affiliates of those that had grown up around the old political capital of Hanoi in the North, there remained—and remain—a multitude of local southern sects (Lacouture likens them to "armed leagues") that mixed banditry with religion. Thanks to a loose provincial reign, the French, as Lacouture points out, had governed this melange for decades with no more difficulties than those found in the sleepiest of domestic departments—"Herault and Lot et Garonne." Plainly, any southern regime that was likely to succeed would have to be pluralistic, offering great scope for local differences—and this was especially true for the regime of President Diem, a Catholic aristocrat from the high plains and thus markedly different from the majority of Vietnamese.

But if there was one thing the Diem regime lacked, it was sympathy for pluralism. The ruling family was imbued with an extra touch of fervor, something of the absolute. The President had an attachment to the ancient society of Annam—high aristocracy, closed castes, intellectual hierarchies * * * he wanted to revive the old order, the morality of the fathers, the respect for the master. His brother and political counselor, Ngo Dinh Nhu, saw in the strategic hamlets, a re-creation of the fortified towns of the Middle Ages that he had studied as a budding medievalist at the Ecole des Chartres. Another brother, Ngo Dinh Can, who ruled the northern provinces, lived in the old family mansion, dressed in the ancient Vietnamese style, and slept on the floor. Madame Nhu's war on night life and dancing was thus not a personal aberration, but a true expression of the absolute traditionalism that typified the regime.

Confronting a diversity of political factions, however, single-minded dogmatism can prevail only in a climate of strife—real or contrived. In the beginning the Diem regime had to fight against the sects and the remnants of French influence. In the course of this struggle, President Diem evicted the former Emperor, Bao Dai, and became President "in a plebiscite as honest as could be expected." But having taken the sects and the crown, the Diem regime did not know how to use its victory to develop harmony. Having won a battle, it preferred war to peace * * *. In 1955, any opponent was denounced as a relic of the sects of feudal rebels supported by colonialism. Beginning in 1956, any opponent is called a Communist. It was in this context that the regime initiated in 1956 a campaign against the Vietcong—a name manufactured by the regime and supposed to mean Vietnamese Communists, but actually embracing a far wider spectrum of political opinion. In the same spirit the Saigon regime, against the advice of the American Ambassador, publicly abrogated the clause of the 1954 Geneva agreement calling for reunification of Vietnam through free elections—a clause that Hanoi could certainly not have accepted at the time. But in the process of fighting the Vietcong, the regime called forth the two forces that were to prove its undoing.

One of these was the army of the Republic of Vietnam, or Arvin as it came to be called. In connection with Arvin, it is worth noting one of the intellectual sleights-of-hand common to Americans who believe it is good for this country to support reactionary governments abroad. After all, they say in the Montesquieu manner, democracy cannot be exported; the conditions that promote free institutions in the United States do not exist elsewhere, and one should not impose American mores uncritically. The group that most uncritically projects American ways, that is most ready to overlook and override local custom, and to ignore the tradition of centuries, is the American military. And nothing proves it better than Arvin.

It is an army created in the image of our own. It wears American parade dress and American fatigues. It rides around in jeeps and helicopters and jet planes. It is organized in corps, divisions, and companies and has special forces and ranger battalions. It has most of the weaponry available to American forces. It is full of keen young officers, trained at staff schools in the United States, bursting with energy and with clear answers to cloudy questions. What it does not have, of course, is the cultural base of the American army. It does not, to be specific, have a strong sense of discipline, nor does it have a tradition that discourages meddling in political affairs. On the contrary, Arvin was called into being by political affairs; and the younger the officers the more ardently political they tend to be. How could anyone imagine that a force so modern in its outlook, so uninhibited and unrestricted in its background, would for long yield pride of place to a regime as old-fashioned and backward-looking as the Diem government? As Lacouture points out, military plotting against the government got underway as soon as the army was organized. In 1960 and again in 1962 attempted military coups came very close to toppling the regime. Only by fantastic juggling, only by setting unit against unit and commander against commander and by planting spies and rumors everywhere was the regime able to maintain its hold over the army at all. It is typical that on the eve of the coup that succeeded, the regime itself was planning a fake coup to discover which of its generals were loyal. Sooner or later, in short, a military coup would have unseated Diem. As much as anything in history can be, his undoing by his own praetorian guard was inevitable—a consideration to bear in mind when there develops in Washington a hunt for scapegoats who will be charged with having lost Vietnam by causing the downfall of the Diem regime.

The second force brought into being by the absolutism of the regime was the Vietcong. In keeping with the Geneva Accords, almost all the guerrilla forces, and especially their leaders, who had fought for Ho Chiminh against the French moved above the 17th parallel to North Vietnam. There remained, however, in scattered areas of the South, Communists loyal to the North Vietnamese government in Hanoi. Precisely because they were disciplined Communists, loyal to the party line, they did not initiate trouble against the Diem regime. For Hanoi had troubles of its own—first the resettlement; then construction of new industry; and at all times a chronic food shortage and great difficulties with the peasantry. Feeling itself far more vulnerable than the Saigon regime, the last thing Hanoi wanted to do was to give the Diem government an excuse for intervention. For that reason, Hanoi protested in only the most perfunctory way when the clause providing for re-unification through free elections was unilaterally abrogated by Saigon. For the same reason, Hanoi tried repeatedly (and unsuccessfully) to make deals with the Saigon regime, offering to trade its manufactures for foodstuffs. And for exactly the same reason, Hanoi kept the Communists in the South under wraps. As one Communist quoted by Lacouture said later: "Between 1954 and 1958 we were pacifist opportunists. We hesitated to draw conclusions from the Diemist dictatorship and its excesses."

---

[1] "Vietnam: A Diplomatic Tragedy," Oceana Publications, New York.

But, as Lacouture shows, other victims of the Diem regime were under no such discipline. Tribal leaders, local notables, independent peasants and small holders, not to mention intellectuals and professional men in Saigon, found themselves threatened by the militancy of the regime. Many were thrown into prison—for example, the present chief of state, Phan Khac Suu, and one of the more recent Premiers, Phan Huy Quat. Others resisted, and inevitably they looked to the Communists for support. Thus local pressure for the Communists to start things began to build up. As one Vietcong leader told Lacouture: "There was pressure at the base. An old peasant said to me: "If you don't join the fight we're through with you.'" (I have heard very similar explanation in my own talks with Vietcong officials.) In short, like almost all rebellions, the Vietcong revolt was not set off by some master planner working from the outside. It was generated by local conditions.

The course of events outlined by Lacouture follows this pattern exactly. The formal establishment of the National Liberation Front, or political arm of the Vietcong, was initiated at a meeting held in the U Minh Forest of southeast South Vietnam in March 1960. According to Lacouture, the chief document before the meeting was a letter urging the establishment of the Liberation Front written from a Saigon prison by a non-Communist who is now head of the front, Nguyen Huu Tho. While at least two of those at the March meeting seem to have been Communists, most of those on the spot were not. The chief items in the declaration that was then put out were purely local grievances. And it was only after the front was already in motion, in September 1960, that Hanoi gave it explicit support. As Lacouture puts it: "The leaders in Hanoi did not take this turn [toward backing revolt in the south] except under the express demand and the moral pressure of the local militants."

Once Hanoi had formally supported the front, there was no backing down. With the United States supporting the Saigon regime, there came about the famous buildup of military operation. In failing to see the complexity of the domestic pressures that drove the United States to underwrite Saigon, Lacouture misses a vital, the only flaw in his book. But how little of the underlying political situation has really been changed by this buildup. The confrontation, to be sure, has become more dangerous. The American role as backer of the Saigon regime, and especially its army, is now more exposed. So is Hanoi's role as supplier of men and weapons to the Vietcong. Still, there remains some independence in Saigon—witness the Buddhists' maneuverings and the Government crises that regulatrly catch American officials by surprise. The National Liberation Front retains a central committee that seems to be less than a third Communist, and that is, as it always was, especially oriented toward the problems of South Vietnam. While it is true that more Communists are to be found on the intermediary levels of the NLF, neither Lacouture nor others who know the Vietcong leaders well believe that they are fighting in order to impose a North Vietnamese Communist dictatorship on the South. The chief problem remains what it always was—how to find a political means of reconciling the great diversity of interest and opinion in South Vietnam.

Official apologists for our present policy, while acknowledging its dangers, often insist that there is no alternative. This is a little like the peddler selling pills during the Lisbon earthquake who replied, when asked whether the pills would do any good: "No, but what do you have that's better?" The comparison would be even more apt if the peddler had had a hand in starting the earthquake. Certainly it is true that the alternatives have been obscured by the resolute refusal of most of the American press to study carefully the politics of the war, including the politics of the Vietcong. But, in fact, there remains an alternative well known to all politically alert Vietnamese (though it is difficult to voice because of increasingly harsh American policy). It is the alternative of negotiations between the Saigon government and the Vietcong. Such talks are an absolute precondition to any reconciling of local differences. However difficult to arrange they may now appear, direct discussions with the Vietcong will sooner or later have to take place if there is to be a settlement in Vietnam. For a struggle that began locally—and this is the central point to emerge from Lacouture's book—can also best be settled locally.

LITTLEFIELD, TEX., RESIDENTS REVITALIZE THEIR CITY

Mr. YARBOROUGH. Mr. President, a fine example of cooperative effort by responsible citizenship is now being exhibited in the town of Littlefield, Tex. Without assistance from the Federal Government or the State, the residents of this small Texas town have joined together to undertake a massive beautification project for their downtown area.

I ask unanimous consent that an accounting of this beautification project from the Lubbock Avalanche Journal be printed in the Record to illustrate the cooperation and concern of Littlefield residents for the progress of their city in undertaking this progressive project.

There being no objection, the article was ordered to be printed in the Record, as follows:

BEAUTIFICATION—DOWNTOWN PROJECT SET AT LITTLEFIELD

(By Tanner Laine)

LITTLEFIELD.—While a lot of towns and cities were planning and talking about revitalizing their downtown business districts, Littlefield was doing something about it.

At a public meeting scheduled at 7 p.m. today in the county courtroom here, details of the do-it-yourself project will be launched.

Littlefield, a progressive town of 8,000, will undertake the first district beautification project of its type in the State.

This is no chamber of commerce pipe dream or municipal project. This is for real because it was instigated, and will be carried out, by property owners themselves.

EIGHTEEN BLOCKS INCLUDED

Here in a nutshell package is what will be done: The Littlefield business district will be improved to the tune of a $371,000 beautification project encompassing 18 blocks. The heart of the town's business district will take on the appearance of a neat and beautiful mall, complete to planter boxes, canopied rest stations and sidewalks of colored stone.

The plan calls for free parking and one way traffic flows.

How far away is all this from reality? Residents will be told tonight that work begins April 7.

The plan is sure fire. There will be no additional taxes to put it over. Merchants and businessmen will foot the bill on a front foot assessment basis.

One result is certain—Littlefield will emerge as one of the best groomed towns in the Southwest.

Official name of the project is: "Downtown Park 'N Shop." The name is a giveaway to the whole objective—an attractive downtown business area with parking facilities.

Parking will be free. Littlefield sacked its meters a couple of months ago. Also, several offstreet parking lots have been leased, paved, and will be ready when the project gets underway.

Both angle and parallel parking on the streets are provided in the project plan.

Beautification of the Littlefield downtown area will be centered primarily on Phelps Avenue, XIT and LFD (named for ranches) Drives (from 6th Street north to U.S. highway 84) and the accompanying side streets—2d, 3d, 4th and 5th Streets.

NO FEDERAL, STATE FUNDS

Backers of the project, the business folks of Littlefield, want it emphasized that not 1 cent of Federal or State money is involved. Littlefield residents are paying out of their own pockets.

Resistance is nominal. From the start, there was a 93 percent approval by business firms in the area to be revitalized. Since the start of the idea, the percentage of approval has risen.

What exactly will be done? First, the streets involved will be widened. Gleaming new 10-foot wide sidewalks in front of stores will be relaid in white concrete. Then 4-foot wide sidewalks of color ranging from coral to sapphire blue will be laid next to the streets. Composition of these sidewalks will be of crushed aggregate in multiple and harmonizing colors.

REST AREAS PLANNED

The planter boxes and canopied rest areas will be strategically located along the sidewalks and in places, projecting into the street.

Sidewalks will be expanded at the end of each block into platforms which have either 20 by 20 canopied benches or gardens.

A sample block would include 13 individual planter boxes in colored masonry, ranging in shape from rectangular to toadstool.

Each block will feature covered patio-type pedestrian crosswalks extending 22 feet into the street from both sides. A driving gap of 27 feet remains.

XIT and LFD Streets, which run parallel to Phelps Avenue, will be widened 6 feet. New sidewalks will be laid.

DUMPERS HIDDEN

Phelps Aveune stores have exits on both XIT and LFD. Dumpers behind stores will be hidden by attractive brick enclosures.

Each block on Phelps is 400 feet long. The angle parking will be 60 degrees. Parking on XIT and LFD will be angle and parallel on alternate sides of the street.

The traffic flow on one-way streets will be clockwise around the 18-block area to be beautified.

The whole area will be lighted with mercury vapor 54,000 lumen lights.

Alteration of utilities will be voluntary on the parts of Southwestern Public Service Co., Pioneer Natural Gas Co., and General Telephone Co.

SWPS has agreed to spend $72,000 of its own funds in relocating primary feeder circuits, including underground conductors. Pioneer has agreed to enlarge its mains underground and install new gas meters. General Telephone will install attractive pay telephone stations and install underground conduit for future use.

ASSESSMENTS LISTED

The 100 or more property owners will pay the major cost of $189,778. The fee assessed is $30.81 per front foot on Phelps; $13.27 on XIT and LFD Drives; and $7.58 per foot on side streets.

Contract for the $224,137 worth of improvements to 18 blocks of the business community already has been awarded.

The city will come in with a $59,000 share of the project including installation of pedestal-type traffic signals. A new 4-inch water line will be laid to supply the sidewalk gardens and planter boxes.

The whole package is new, new, new, according to residents. It all started when Dr. Bill Orr, Littlefield dentist, visited his son in Grand Junction, Colo. There he saw an example of what can be done. He brought home bales of literature, pictures, and data, and began to talk about what could be done for a city, as he sat with friends and businessmen drinking coffee. He sold Kenneth Ware on the ideas first.

Dr. Orr and Mr. Ware became cochairmen. A committee was organized in July 1964. A month later the city council OK'd the project. The chamber of commerce nodded approval, putting its collective shoulder to the job.

All the while, Mayor Bill Armistead has been a willing worker. Another strong supporter and worker is Dave Kucifer, general manager of the Countywide News. His editor Tom Donnelly is in the van of workers and supporters. So is city manager, J. W. Harrison. The list goes on and on.

In fact, it includes just everybody in Littlefield.

SENATOR TYDINGS FIGHTS TO SAVE SUBURBS

Mr. DOUGLAS. Mr. President, whatever the outcome of the debate today, the people of the United States will commend and congratulate the Senator from Maryland [Mr. TYDINGS] for his magnificent fight to protect the equality of citizenship of all persons regardless of where they may live. In particular, Senator TYDINGS has argued on behalf of the equal citizenship of the now underrepresented people of the suburbs.

A very useful article on this matter by an able reporter from Illinois now working from Washington, Mr. Bruce Ladd, appropriately was carried recently in the Paddock Publications in Illinois which serves mainly a suburban audience.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Paddock Publications, July 15, 1965]

DEMOCRAT SENATOR FIGHTING TO SAVE SUBURBS IN REMAP

(By Bruce Ladd)

WASHINGTON, D.C.—A tall, handsome Lindsay-type Democrat has spoken out sharply in the suburban interest.

He is freshman Senator JOSEPH D. TYDINGS, of Maryland, 37-year-old son of the late Senator Millard Tydings, who represented the Free State in the U.S. Senate for 4 terms.

Young TYDINGS took to the floor of the Senate last week to stress: "It is perfectly clear that reapportionment based solely on population will have its greatest effect in increasing suburban representation."

The Senator was discussing the relationship of the so-called Dirksen amendment to the Supreme Court's one-man, one-vote decision.

As reported in Paddock Publications on May 13, the amendment sponsored by Senate Republican leader EVERETT M. DIRKSEN, of Illinois, would allow a State to apportion one house of its legislature on a basis other than population if a majority of the State's voters approves.

In other words, passage of the Dirksen amendment would permit a State to overturn the Supreme Court ruling that geography is not a proper basis for apportioning legislative seats.

Senator DIRKSEN, probably the most clever political tactician on Capitol Hill, has been promoting his amendment in an unobtrusive, low-keyed manner so as not to stir too much opposition.

But TYDINGS has been stirred. He ably stood up to DIRKSEN when a Senate Judiciary subcommittee recently considered the amendment, and he is now standing up in public.

"Proponents of the 'rotten borough amendments' often contend that a fairly apportioned legislature would be dominated by a cohesive bloc of urban legislators controlled by a powerful political machine," TYDINGS told the Senate last week.

"They claim that minority interests outside the metropolitan areas will be ignored and their needs submerged to the demands of city dwellers. Such fears are not justified either by fact or by experience.

"It is simply not true that cities would dominate fairly apportioned State legislatures. There is no State in which the residents of a single city could elect a majority of the legislature."

To illustrate this last point, TYDINGS pointed out that New York City contains only 46.4 percent of the people of New York State and that Chicago has only 35.2 percent of Illinois' population.

What is more, there are only five States in which the combined population of the three largest cities constitutes more than 40 percent of the population of the State.

Equally significant, TYDINGS observed, is the fact that for 30 years the Nation's major cities have been losing population. Chicago declined from 44.2 percent of the State's population in 1930 to 35.2 percent in 1960.

"The major increase in population has been and will continue to be in the suburbs," TYDINGS said.

"Of our 23 largest cities, only 3—Houston, Dallas, and Atlanta—grew faster than their suburbs in the years from 1950 to 1960. For example, Chicago's population dropped by 1.9 percent from 1950 to 1960, while its suburbs grew by 71.5 percent.

"In any clash between the cities and the rural areas, the suburbs would hold the balance of power."

TYDINGS intends to make a speech every week on the subject of reapportionment. He feels strongly that the suburbs and cities must not be stripped of their new-found political equality.

He cited a study of the Illinois Legislature's urban-rural conflict which showed that, since 1955 when Chicago and Cook County took a numerical advantage in the house, in only 4 of the 332 rollcall votes was there a cohesion of more than 67 percent among the Chicago and Cook County representatives.

Two-thirds of the urban-oriented group of legislators managed to vote together only 1 percent of the time.

The Dirksen amendment has been reported favorably by a majority of the members of the appropriate Senate Judiciary subcommittee, but there is considerable doubt that it can pass the full Judiciary Committee, much less the Senate.

If TYDINGS is to carry the day and if suburban interests are to prevail, the amendment will die in committee.

THE GARDNER APPOINTMENT

Mr. McGOVERN. Mr. President, I would like to join with the educational world in congratulating the President, and the Nation, on the appointment of Dr. John W. Gardner, of the Carnegie Corp. and the Carnegie Foundation for the Advancement of Teaching, as a member of the Cabinet.

President Johnson could not have found a man better able to head the vital Department of Health, Education, and Welfare.

The Washington Post praised the appointment in its lead editorial July 28, commenting that Mr. Gardner is "a man of great reputation as an authority on education and a courageous innovator."

The President could not better have underlined his own personal commitment to the advancement of education than he has done by disregarding partisanship in this selection.

It has been my privilege during the past year to benefit from one of Dr. Gardner's studies: The Gardner report on AID and the universities.

It was the findings in that report on weaknesses in the present system of using our universities on foreign technical assistance projects which led to the introduction of S. 1212. The bill would provide American educational institutions undertaking projects in the less-developed countries with the support they need to build strength and competence to do their job well, and to train personnel for service in this highly important work.

David E. Bell, Administrator of AID, said of the Gardner report:

> The report, as was to be expected, is forthright, lucid and provocative. It seems to me to lay the right kind of analytical basis, and to set out just the right kind of conceptual guidelines for AID and the universities to use in proceedings to work out practical improvements in our joint undertakings.

I am sure that the President, Congress and the Nation will find in the months and years just ahead that the Department of Health, Education, and Welfare under Dr. Gardner will become the source of many highly perceptive analyses of HEW programs and problems, and of proposals for their improvement which will strengthen all of the missions of that Department.

The appointment is a splendid one.

I ask unanimous consent to include in the CONGRESSIONAL RECORD the Washington Post editorial to which I have referred.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SECRETARY GARDNER

In the years that Anthony Celebrezze has been Secretary of Health, Education, and Welfare, his Department's responsibilities have been hugely expanded by a series of landmark laws. They ranged through fields as diverse as public relief, water pollution, and medical care for the aged. But the most important of them was the initiation of general Federal aid to local schools. The administration of school aid will be one of the most influential and demanding jobs in the Government of this country.

It is no derogation of Mr. Celebrezze to say that he was the architect of none of this legislation. As mayor of Cleveland for five terms and a man long tried in city politics, he was brought to the Cabinet as a spokesman for the recipients of Federal benefits.

His successor, on the other hand, is a man of great reputation as an authority on education and a courageous innovator. During the passage of the school aid bill, the debate revolved essentially around the political and legal questions of racial discrimination and the relationship of public and parochial schools. Both of these issues will require tactful and firm administration. But beyond them lies the much greater question of the Federal grants as a lever to introduce education reforms.

President Johnson chose John W. Gardner to be the next Secretary after the close of the White House Conference on Education that he chaired last week. That Conference ended with a statement deploring the lack of imagination in the organization of American schools and their unwillingness to explore new ideas. No previous White House Conference had ever received quite so immediate and emphatic a Presidential endorsement of its conclusions.

A passion for education, for all of its children, has for a century been among the most creditable characteristics of American society. But for some time it has been clear that the last generation's curriculums are in profound need of revision. In Mr. Gardner, President Johnson has chosen a Secretary who came to his notice as a committed and articulate reformer in the educational field. The fact that he happens to be a Republican is wholly incidental to the enormous task that he has assumed.

A VACATION FOR CONGRESS

Mr. McGEE. Mr. President, the Casper Star-Tribune from my State has joined its voice to those proposing that Congress might well consider giving itself a summer vacation. As one who has spoken up many times over the past few years in favor of recognizing that the work of U.S. Senators and Congressmen is a full-time, year-round job, I welcome the support of one of Wyoming's leading newspapers.

As the Star-Tribune points out in an editorial published July 29, there is much legislative work remaining for Congress, while the situation in Vietnam continues to require our watchfulness. And, for those of us with growing families, the summer months present the only time when we can get together for a vacation.

Mr. President, I view the summer vacation as only a part of the picture, however. It will come when we stop kidding ourselves about early adjournment and accept the fact that legislating for the United States of the present day is, indeed, a year-round function and a job that requires that we in the legislative branch plan our duties accordingly. I ask unanimous consent that the Star-Tribune editorial, "A Rest Would Help," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A REST WOULD HELP

President Johnson's insistence on action on his entire legislative program at this session jeopardizes the Labor Day target for adjournment. He hinted as much, when he agreed to it, "on condition" that the major bills are acted upon. The growth of the war in Vietnam and the appropriations that may be needed to provide for men and material alone could delay adjournment.

For such reasons, the cry that Congress is now a year-round job and a fixed vacation is necessary should be seriously considered. The Supreme Court takes a 3-month vacation each year. The President gets away to his Texas ranch or to Camp David in Maryland as often as he can manage. Congress, the third coequal branch of Government, has no fixed time for relaxation and for renewal of those home ties without which it would be difficult for Members to get reelected.

An added reason for a summer vacation for Congress is that many Members have children in school and the family can only vacation together during the school and college holidays. That makes the summer months just about the only time they can get together.

INNOCENT VICTIMS OF CRIMINAL VIOLENCE SHOULD BE AIDED

Mr. YARBOROUGH. Mr. President, an excellent article in the August 1 Washington Post by John P. MacKenzie points out that the forgotten person in American society today is the victim of a violent crime. A person injured in an industrial accident is compensated for his losses even though his negligence in part contributed to the accident. A person receiving the same injuries in a criminal attack must bear all the costs even though he be completely innocent. I have introduced a bill providing compensation to the victims of violent crimes in areas of Federal jurisdiction. It is time that we in Congress address ourselves to this most inequitable situation.

I ask unanimous consent to have Mr. MacKenzie's article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 1, 1965]

A BELATED NOD TO THE VICTIMS OF CRIME

(By John P. MacKenzie)

In the debate over the rights of an accused criminal versus the rights of the public, is there anything that people can agree on? There seems to be one thing: the innocent victim of criminal violence should be helped.

Growing numbers of lawyers and judges are asking whether financial compensation for injuries might be the most practical aid to the "forgotten victim." California is trying the idea. Britain and New Zealand are experimenting with publicly run compensation plans and a bill to establish an American system has been introduced in the Senate.

Support for the idea has come from both those who criticize and those who defend current legal trends toward broadened rights of the accused in criminal cases.

On June 17, in introducing his bill to create a national Violent Crimes Compensation Commission, Senator RALPH W. YARBOROUGH, Democrat, of Texas, said:

"Many persons stand ready to assist the offender in protecting his constitutional rights through all the courts of the land. While society is weeping over the criminal, it is showing no such concern, indeed no concern, for the victim of the crime. Society is brutal toward the victims of crime, not against criminals."

A week later, Arthur J. Goldberg, then still a Justice and author of recent Supreme Court decisions expanding defendants' rights, said in a speech:

"I believe that we should give serious consideration to compensating victims of violent crimes because, in a real sense, the law has failed in protecting them."

BROAD PHILOSOPHY

The broad philosophy of most compensation proposals is based partly on realization that there will always be some criminal violence, no matter what.

If people swarm into cities, and by their mere presence en masse help create a climate for violence, they should share the bitter consequences of it, the philosophy runs. Criminal violence strikes at random. Whether the victim suffers only scratches and bruises or is seriously injured and nearly wiped out financially by hospital expenses, society has a responsibility.

Compensation proposals also are based on the generous instincts of Americans. When an Officer Tippit is gunned down in the wake of a President's murder, the public responds with thousands of volunteered dollars. Other victims doubtless would receive similar help if their plight were known.

Most compensation plans are not designed to cover all the sufferings of crime victims and their dependents. They represent a gesture by the State showing that society has not neglected them totally.

For example, a man wounded by gunfire during a holdup might receive an enormous civil judgment if he sued his assailant—providing that the culprit was caught and had the resources to pay the judgment. Under most compensation programs, such a shooting victim would be given medical expenses and lost wages.

Some plans are not geared to the victim's economic status, in keeping with the theory that compensation is not charity. California's plan is based partly on need and is administered by welfare officials.

All plans are drafted so that the State admits no absolute liability for injuries to citizens. To keep the plans simple and within budgetary bounds, the victim at best has limited recourse to the courts if he is dissatisfied by a compensation board's award.

Costs vary. California has budgeted $100,000 for the first year of its program. Britain paid out $31,000 during the first 6 months of its program.

Although the compensation concept can be traced back 4,000 years to the Code of Hammurabi, it is only in the last decade that its influence has been felt in modern law enforcement.

Principal credit has gone to the late Margery Fry, a British legal reformer whose articles and speeches led to creation of the Criminal Injuries Compensation Board which has operated for a year in Britain.

Miss Fry contended, among other things, that a society like Britain's, which has firm strictures about weapons in the hands of its citizens, must assume more responsibility for crime.

The British board requires victims to have reported their injuries promptly to the police or to have established their validity in court proceedings.

Property damage is not compensated because the system is geared to the impact of major disaster on earning power and the expense of medical care.

New Zealand has a similar compensation program which covers a list of specified violent crimes. Official cost figures and evaluations are not available, but early reports showed fewer claims and less expense than had been anticipated.

The Yarborough bill would provide a Compensation Commission for a crime of violence covered by Federal law, such as robbery of a federally insured bank. The Federal Commission would be limited to the District of Columbia and other Federal territory, but it could be a model for State governments.

Under the Yarborough bill, three well-paid, experienced lawyers would serve staggered 8-year terms on the Washington-based Commission. They would have broad powers and would not be restricted to courtroom rules of evidence.

The bill raises many problems, including that of keeping the compensation proceeding separate from the criminal trial, so that one would not prejudice the other.

This problem is not considered insoluble, but the bill's backers foresee months—maybe years—of study and discussion before Congress considers it actively.

Another problem—a political one—is that the debate might get bogged down in disputes over "socialized insurance" contentions or complaints against courts for being "soft on criminals," or against police for alleged laxity.

VIETNAM: STUCK TO THE TAR BABY

Mr. CHURCH. Mr. President, Arthur Krock, one of the Nation's most distinguished political columnists, published a telling column entitled "Trying To Get Loose From the Tar Baby," in the July 25 issue of the New York Times. Mr. Krock retells the fable, relating it to Vietnam, and comments:

> Thus once more a fable serves as an excellent means to make a complex situation clear—in this instance one which could not even have been imagined at the time of the telling as a situation in which the United States would ever find itself. Certainly it is stuck hard in a tar baby. Certainly its own errors of foresight have stuck it deeper than was intended. Certainly one of the responsible factors is the concept of the mission of the United States as morally and militarily obligated to oppose the spread of communism anywhere in the world, singlehanded if necessary, and whether or not beyond our reasonable sphere of national security and interest.

I ask unanimous consent to have this article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

In the Nation: Trying To Get Loose From the Tar Baby

(By Arthur Krock)

Washington, July 24.—The means employed by President Johnson and his principal advisers on the conduct of the war in Vietnam to call public attention to the urgency of their deliberations are justified by the gravity of the problem and the need to prepare the American people for whatever new sacrifices may be required of them. This atmosphere has been intensified for the purpose by daily official emphasis on the secrecy by which the President has bound the participants to reveal no detail of the conferences.

This elaborate public relations technique would lose its justification only if it should develop that the decisions of the conferences are not for the deeper involvement of the United States in the war, with the much graver portent the expansion would create. But the general impression among qualified observers is that that is the most unlikely outcome of the White House meetings.

DESPERATE PROBLEM

The decisions which have been in the making, or have been made, may be public property by the time this dispatch appears in print. But while they may encourage, and eventually fulfill, hope of at least moderating the desperate nature of the problem of Vietnam, their immediate product will be a more realistic coming-to-grips with its true magnitude than the administration has publicly conceded before.

The ways and the plights of men and of nations have been recorded, examined, analyzed and adjudged in countless works of history and fiction. And, as in the instance of Vietnam, contemporary writings and oratory have dealt with them in millions of words. But often the serious character of these plights has been made more comprehensible to humanity by humorous fable than by solemn exposition. Such a fable, uncanny in the comparison it invites with the involvement of the United States in Vietnam, is "The Wonderful Tar Baby Story."

APT NURSERY TALE

Like the other nursery tales Uncle Remus told to "the little boy" in Georgia long ago, this one concerned the unending effort of Brer Fox to catch and eat Brer Rabbit. An unusual series of errors of foresight by the rabbit had for the first time put him in a predicament from which no exit was in sight except down the fox's gullet. This menacing situation arose after Brer Fox, smarting under Brer Rabbit's recent success in making him look foolish in the matter of the "calamus root" hoax, fixed up a contraption of tar and turpentine that the fox named the tar baby, set up in the big road, and lay in the bushes to await developments.

He didn't have long to wait, as the tale was told, because very shortly Brer Rabbit came pacing down the road, lippity-clippity, clippity-lippity, as sassy as a jay bird. Brer Fox lay low. When the rabbit spied the tar baby he reared up on his hind legs in astonishment, and then, remembering his social obligations, wished it the time of day, praised the weather and inquired how the tar baby's symptoms seemed to segashuate that morning. No reply was forthcoming, and Brer Fox winked his eye and laid low.

At this point the offended Brer Rabbit lost his temper and proceeded on actions without looking ahead to their potential consequences. Continuing to get no response from the tar baby—to an inquiry whether deafness was the cause of its refusal to talk, or to information that Brer Rabbit could holler louder if this was necessary, or to the stated conclusion that the tar baby was stuck up and the obvious cure was to bust him wide open—Brer Rabbit fit the action to the word.

HITTING THE TAR BABY

First he blipped the tar baby on the side of the head, and his hand got stuck. The tar baby went on saying nothing and Brer Fox went on laying low. Second, the rabbit fetched a blip with his other hand, and that got stuck. The rabbit lost the use of his feet in the same way, and then the use of his head when he butted the tar baby cranksided, after getting no response to a demand to be turned loose.

At this planned-in-advance strategic moment Brer Fox arose from the bushes, looking as innocent as a mockingbird; observed that the rabbit appeared to be sort of stuck up that morning; rolled on the ground and laughed and laughed until he could laugh no more; and gasped out that this time Brer Rabbit would dine with him, to partake of some calamus root the fox had thoughtfully laid in, and no excuse would be accepted.

"Did the fox eat the rabbit?" the little boy asked Uncle Remus. He might have and he might not, was the reply: at any rate that was the end of the story for the present, though "some say" that "Jedge" Bear came to the aid of the rabbit, and some say he didn't. Which pretty closely matches the conflict in speculations of the outcome of Averell Harriman's mission to Moscow.

A FABLE CLARIFIES

Thus once more a fable serves as an excellent means to make a complex situation clear—in this instance one which could not even have been imagined at the time of the telling as a situation in which the United States would ever find itself. Certainly it is stuck hard in a tar baby. Certainly its own errors of foresight have stuck it deeper than was intended. Certainly one of the responsible factors is the concept of the mission of the United States as morally and militarily obligated to oppose the spread of communism anywhere in the world, singlehanded if necessary, and whether or not beyond our reasonable sphere of national security and interest.

But fables are not necessarily conclusive as analogies to the courses of men and nations, only of the durable origins of the human tendency to err. If Brer Rabbit had been a real member of his species instead of the quasi-human Uncle Remus suggested by giving him speech, he would never have assumed the arrogant role of lord of the highway in "The Wonderful Tar Baby Story."

WOMAN SUFFRAGE IN WYOMING

Mr. McGEE. Mr. President, my State, Wyoming, is known far and wide as the Equality State. It is a name we like, deriving as it does from the fact that Wyoming was the first jurisdiction in the Nation to grant women equal suffrage. We took that step while still a territory in 1869. When Wyoming entered the Union 75 years ago it became, also, the first State to accord women an equal right to vote and to hold public office.

Mr. President, Dr. T. A. Larson, a distinguished western historian, who is head of the department of history and director of the School of American Studies at the University of Wyoming, as well as a valued colleague of mine, has traced in definitive terms the history of this landmark legislation. It appeared recently in the Pacific Northwest Quarterly and is slated for somewhat fuller treatment in Dr. Larson's "History of Wyoming," scheduled for publication in the fall. I ask unanimous consent that Dr. Larson's article "Woman Suffrage in Wyoming," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Woman Suffrage in Wyoming

(By T. A. Larson)

(Note.—T. A. Larson is head of the department of history and director of the School of American Studies at the University of Wyoming. The present article is a condensation of parts of two chapters in his "History of Wyoming," to be published by the University of Nebraska Press in the fall of 1965.)

In the preface to "Laws of Wyoming, 1869," Territorial Secretary Edward M. Lee singled out one law for special attention: "Among other acts, a law was passed enfranchising women; thus, by a single step, placing the youngest territory on earth in the vanguard of civilization and progress." Lee was, of course, right in focusing attention on this act, for Wyoming was the first U.S. territory, and later would be the first State (1890), to give women full rights to vote and hold office.[1]

"Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

"Section 1. That every woman of the age of 21 years, residing in this territory, may at every election to be holden under the laws thereof, cast her vote. And her

---

[1] The legislature was small, 9 in the upper house, which was known as the council, and 13 in the house of representatives. All legislators were Democrats. On final passage they voted 6–2 and 7–4. The Republican Governor, John A. Campbell, after 4 days of indecision, signed the act, which reads as follows: "Female Suffrage, chapter 31, An Act to Grant to the Women of Wyoming Territory the Right of Suffrage and To Hold Office.

No other action of the 1869 legislature, or of any other Wyoming Legislature, has received so much attention.

The question is often asked, Why did woman suffrage come first in Wyoming? As might be expected, causation was complex, and the answer, if it is to be worth much, cannot be given in a few words. It was certainly not a bolt from the blue. Limited suffrage rights, for example in school elections, had been given to women from time to time in various parts of the country ever since 1776 when a few women had voted in New Jersey. Since the 1840's suffragettes had been campaigning vigorously in the East. A woman suffrage weekly, the Revolution, began publication in New York City in 1868. The Cheyenne Leader said in October 1868: "There are few of our weekly exchanges that we peruse with more interest than we do the Revolution. * * * The Revolution is bound to win."

Woman suffrage amendments were proposed in both houses of Congress in 1868, and the American Woman Suffrage Association was organized in 1869. Woman suffrage bills had been introduced in several State and territorial legislatures. One house of the Nebraska Legislature had passed such a bill in 1856, and the Dakota Territorial Legislature had failed by just one vote to pass a woman suffrage bill in January 1869. Clearly the conditions were ripe for a legislative victory somewhere. The Wyoming legislators had the option of jumping in at the head of the parade or of watching it pass by. Had they failed to act as they did in December 1869, the honors would have gone to Utah Territory, whose legislators were right at their heels; Utah adopted woman suffrage in February 1870.

Apart from the national pressures which promised a breakthrough somewhere very soon, certain conditions made it probable that victory would come first in a western territory. One factor was the scarcity of women. With only one woman in Wyoming over 21 for every six men over 21 (1870 census), adoption of women suffrage was less revolutionary than it would have been where there were as many women as men.

Western territories were desperately eager for publicity which would attract population. Free advertising was a common explanation in the 1870's and 1880's for Wyoming's action. The Cheyenne Leader, for example, said, when the act was adopted: "We now expect at once quite an immigration of ladies to Wyoming"; and it added in March 1870 that this legislation was "nothing more or less than a shrewd advertising dodge. A cunning device to obtain for Wyoming a widespread notoriety."

In the 1890's, the historian, C. G. Coutant, interviewed surviving members of the 1869 legislature. He reported that "One man told me that he thought it right and just to give women the right to vote.[2] Another man said he thought it would be a good advertisement for the territory. Still another said that he voted to please someone else, and so on."[3]

It was often said in the early days that the whole thing was done as a joke. Strongest support for this interpretation lies in an editorial in the Cheyenne, Wyo., Tribune, October 8, 1870, apparently written by Edward M. Lee, who had been secretary of the territory in 1869:

"Once, during the session, amid the greatest hilarity, and after the presentation of various funny amendments and in the full expectation of a gubernatorial veto, an act was passed enfranchising the women of Wyoming. The bill, however, was approved, became a law, and the youngest territory placed in the van of progress. * * * How strange that a movement destined to purify the muddy pool of politics * * * should have originated in a joke. * * * All honor to them, say we, to Wyoming's first legislature."

Since Secretary Lee, himself a champion of woman suffrage, worked closely with the legislators, his testimony is important, although he did not say that everyone involved was joking, and William H. Bright, who introduced the bill, later denied that he had done so as a joke.

Gov. John A. Campbell, of Wyoming, was reported to have said in Boston in 1871 that "no public discussion preceded passage." While the bill may not have been discussed much, the subject of woman suffrage was often discussed in the Cheyenne newspapers during the months preceding the legislature's action. Much of the newspaper comment concerned the activities of Anna Dickinson, a nationally known suffragette. After reading about her in an Omaha paper, the editor of the Cheyenne Leader, Nathan A. Baker, proposed in June 1869: "Let's try to get her here." Ten days later, June 17, Miss Dickinson passed through Cheyenne on her way to fulfill speaking engagements in California. The Leader reported that when the "celebrated lady" stepped out on the platform for a breath of air, she was "surrounded by a crowd of staring mortals. She sought refuge in a passenger coach. She was then subjected to an enfilading fire from the eyes of those who succeeded in flattening their noses against the car windows. * * * Anna is good looking. * * *"[4]

After it was announced that Miss Dickinson would lecture in Cheyenne on her way east the Leader hailed her approaching visit as "quite an event in our city" and as "an opportunity to listen to one of the most entertaining and graceful of female orators." On September 24, 1869, Secretary Lee introduced Miss Dickinson to "some 250 people whom curiosity had attracted," according to the report in the Leader the next day. Governor Campbell was in the audience, but out-of-town legislators probably were not present, since the legislature did not meet until mid-October. The editor of the Leader had little to say about Miss Dickinson's message, but he noted that "in person she is rather below medium height, and well formed; her face is rather of the oval type."

Another woman suffrage lecturer, Miss Redelia Bates of St. Louis, spoke in Cheyenne on November 5, 1869, just a week before William H. Bright announced that he intended to introduce a woman suffrage bill. The house of representatives had voted to let her use its hall, which she did. The Leader had made only a few comments about woman suffrage since Miss Dickinson's visit in September, but in anticipation of Miss Bates' arrival, it reported that she was beautiful and talented and that she had enjoyed a successful tour through Colorado. Just how many paid the advertised price of 50 cents to hear Miss Bates is in doubt; the Tribune reported "a large and appreciative audience," the Leader an audience "though not large * * * select and appreciative."

The Leader praised the lecturer's charm, asserting that "her presence would make any home a heaven," but it did not yet accept her argument. The Tribune, on the other hand, found her both charming and persuasive: "Miss Bates is exceedingly prepossessing in personal appearance. Her arguments were unanswerable, except upon the basis of prejudice." Probably the Tribune review was written by Edward M. Lee, for he was financial backer of the paper and often wrote for it.

After Miss Bates' visit to Cheyenne, the Leader refrained from ridiculing woman suffrage during the legislative session. When William H. Bright introduced his bill, the Leader, under the heading, "Interesting Question," assumed a position of neutrality: "It will be up for consideration tonight, at the evening session, on which occasion many of our citizens will doubtless find it convenient to attend." When the bill passed both houses, the Leader's comment was noncommittal: "Ladies, prepare your ballots."

While awaiting Governor Campbell's decision, the Leader indicated qualified approval: "Although we have not yet been fully convinced of the wisdom or necessity of the measure, yet we have something of a curiosity to witness its practical operation and results, and we hope, as we believe, that Governor Campbell will approve the bill." Nathan Baker, editor of the Leader, was never an ardent supporter, but he had come a long way since Anna Dickinson first visited Cheyenne in June. And when the Governor signed the bill, Baker showed that, while he had been overcome temporarily by the charm of Redelia Bates, he was still loyal to Miss Dickinson: "Won't the irrepressible 'Annie D' come out here and make her home? We'll even give her more than the right to vote—she can run for Congress."

Unlike the Leader, the Tribune needed no conversion. It greeted passage of the bill with the accurate judgment that it "is likely to be the measure of the session, and we are glad our legislature has taken the initiative in this movement, which is destined to become universal. Better appear to lead than hinder when a movement is inevitable." The Tribune a week later hailed the Governor's signature with the headlines, "Wyoming Suffrage: Wyoming in the Van, All Honor to the Youngest Territorial Sister."

Although it is manifest that Baker, who was young (27) like most Wyoming men of the period, was attracted by Miss Dickinson (26) and Miss Bates (age unknown but young), he was repelled by Susan B. Anthony (49), whom he described in February 1870 as "the old maid whom celibacy has dried, and blasted, and mildewed, until nothing is left but a half crazy virago." One must conclude that it was fortunate that Miss Dickinson and Miss Bates, rather than Miss Anthony, came to Wyoming to promote woman suffrage in the autumn of 1869.[5]

Among those who joined the woman suffrage parade in Wyoming, William H. Bright is the neglected central figure. A Virginian, he had served in the Union Army (not Con-

---

rights to the elective franchise and to hold office shall be the same under the election laws of the territory, as those of electors.

"SEC. 2. This act shall take effect and be in force from and after its passage.

"Approved, Dec. 10, 1869."

[2] This is the reason stated on various occasions by William H. Bright, who introduced the bill.

[3] Letter from C. G. Coutant to Frank W. Mondell, no date, on file in State archives and historical department, Cheyenne, Wyo.

[4] In several other articles in subsequent weeks, the Leader referred to Anna as "the female humbug," as one who lectured for the love of money and notoriety, and as "the pepper" of the women's rights movement as contrasted with "the vinegar," Susan B. Anthony.

[5] Miss Dickinson was a prominent figure in the national woman suffrage movement. See Giraud Chester, "Embattled Maiden: The Life of Anna Dickinson" (New York, 1951). Probably the greatest moment of glory for this "Queen of the Lyceum" was in 1864, when, at the age of 21, she addressed the Congress of the United States, at its invitation, with President and Mrs. Lincoln present. On that occasion she talked for more than an hour on the conduct of the war, abolition, and in praise of the President. Redelia Bates, on the other hand, did not attain fame; she was not even mentioned in the six-volume "History of Woman Suffrage," by E. C. Stanton, S. B. Anthony, M. J. Gage, and I. H. Harper (Rochester, N.Y., 1881-1922).

federate Army, as is usually said); he was attached as a major in the office of Chief Quartermaster in Washington, D.C., in 1864. After the war he had a Federal job for a time in Salt Lake City, and then in 1868 he took his family to South Pass City, Wyo., where he opened a saloon and later worked as a miner. In Wyoming he was known as colonel, although his promotion beyond the rank of major cannot be verified. After his September 1869, election to the council (upper house) of the territorial legislature, his colleagues elected him president of that body, and he proved to be a conscientious, unassuming presiding officer. Late in the legislative session, he left the chair to introduce the woman suffrage bill.

One who introduces a bill normally gets credit for it, and this was true for Bright as long as he was around to defend himself. The Cheyenne Leader, 2 months after the act was adopted, gave Bright full credit for it and remarked that "Bright, of Wyoming, is already immortal." For the next 20 years, he was generally honored as the person mainly responsible for establishing woman suffrage in Wyoming.[6] Then gradually a legend emerged, according to which Bright had introduced the bill at the request of Mrs. Esther Morris, 56-year-old wife of one of Bright's competitors in the South Pass City saloon business. In 1890 Mrs. Morris' son by her first marriage, Edward A. Slack, who had become an editor in Cheyenne, began calling her "Mother of Woman Suffrage." One can only guess how Bright would have reacted had he been told that Mrs. Morris was beginning to receive credit for instituting woman suffrage in Wyoming. Bright had left Wyoming in the early 1870's, was heard from in Denver in 1876, and then faded from the memories of Wyoming people, although his death in Washington, D.C., was reported in 1912.

The capstone of the Esther Morris legend was put in place in 1919 when an old man, H. G. Nickerson, of Lander, came forward with a tale about a tea party which he said he had attended at Mrs. Morris' home in South Pass City in September 1869. In a letter to a Lander newspaper, Nickerson recalled that at this tea party Mrs. Morris had obtained a promise from Colonel Bright that he would introduce a woman suffrage bill if he were elected. Nickerson's story might have been scouted but for the fact that it promptly received the imprimatur of Dr. Grace Raymond Hebard, militant feminist at the University of Wyoming. To the satisfaction of most people, Miss Hebard was able to complete the transfer of credit from Colonel Bright to the Mother of Woman Suffrage. In 1955, Mrs. Morris, who had died in 1902, was named the State's outstanding deceased citizen; and soon thereafter statues of her were placed in Statuary Hall in Washington, D.C., and in front of the State capitol.[7] Nevertheless, on the basis of verifiable evidence, Colonel Bright must still be regarded as the leading actor in the drama.

The chief supporting actor may well have been Edward M. Lee, Secretary of the Territory. As a member of the Connecticut Legislature in 1867, he had introduced a woman suffrage amendment to the Connecticut constitution. (The amendment failed to pass.) In Wyoming his devotion to women's rights was unexcelled. His daily contact with the legislators and the respect with which they regarded him are matters of public record, as are several enthusiastic suffrage articles which he published in the Wyoming Tribune. Possibly he wrote Bright's bill, as his relatives later insisted, since Bright was poorly educated and lacked experience in writing bills. Curiously the archaic word "holden," which was used by Connecticut legislators in 1867, was used in the Wyoming suffrage act. In all other places where it might have been used in the Wyoming session laws of 1869, we find "to be held" rather than "to be holden." At any rate, Lee cannot be denied a place among the persons who might have been influential in encouraging Bright to introduce the woman suffrage bill.

Another person who might have influenced Bright was his attractive young wife, who was 25 in 1869 when he was 46. Contemporaries said that she was a firm believer in woman suffrage and that the colonel adored her. The 1879 pamphlet "Nine Years of Woman Suffrage in Wyoming," suggested that Mrs. Bright might have been the source of the suffrage measure. Ben Sheeks, member of the house of representatives from South Pass City, knew Mrs. Bright and Mrs. Morris well. He wrote to Dr. Hebard at the University of Wyoming in 1920 that "Mrs. Bright was a very womanly suffragist and I always understood and still believe, that it was through her influence that the bill was introduced. I know that I supposed at that time that she was the author of the bill. What reason, if any, I had for thinking so I do not remember. Possibly it was only that she seemed intellectually and in education superior to Mr. Bright."

Sheeks said he thought Esther Morris was too mannish to influence Bright.[8]

Although Esther Morris was no doubt an advocate of woman suffrage, it cannot be established that she influenced Bright or anyone else. She was not the usual type of reformer, since she campaigned for no public office for herself or others, wrote nothing except a few letters for publication, and made no public addresses except for brief remarks on four or five occasions. There is no evidence to suggest that she was in Cheyenne during the legislative sessions of 1869 and 1871. Governor Campbell never mentioned her in his diary for the years 1869–75, although he mentioned many men and women with whom he dealt during those years. Hubert Howe Bancroft did not mention her in his "History of Wyoming" (1890). In short, the advice she is reputed to have given to Susan B. Anthony, "We don't want any agitation," is consistent with all that is known about her career.

One suspects that Edward M. Lee and Mrs. Bright had more influence on Colonel Bright than did Esther Morris, but the arguments in their favor cannot be accepted as conclusive without Bright's approval, which was never given. The evidence warrants giving major credit for woman suffrage in Wyoming to Bright and further credit to the other legislators who voted for it and to Governor Campbell. In the background were such advocates as Edward M. Lee, Mrs. Bright, Mrs. Morris, Mrs. M. E. Post, Mrs. Seth Paine, Mrs. M. B. Arnold, Judge J. W. Kingman, Anna Dickinson, Redelia Bates, and J. H. Hayford. It should not be forgotten, moreover, that innumerable men and women in the East had set the stage and that without their efforts there would have been no show in Wyoming in 1869.

Many questions remained to be answered in the next few years. Would women go to the polls? Would they and should they aspire to public office? Would they make good officeholders, good jurors? How would women suffrage affect politics, government, and public morality?

Two months after the suffrage measure was adopted, Mrs. Esther Morris, the housewife from South Pass City, was appointed justice of the peace by county commissioners at the suggestion of Judge J. W. Kingman, district judge of the Territory, and with the approval of Acting Gov. Edward M. Lee. The appointment gave her considerable fame, which was enhanced many years later by the tea party story. The fact that she served as justice of the peace in South Pass City, a town of only 460 population, 80 miles from a railroad, held accurate reporting to a minimum but invited apocrypha. During her 8½-month tenure in office, she handled some 70 typical justice of the peace court cases and showed that women were capable of doing such work.[9]

A second test of woman suffrage occurred in March 1870 when women served on petit and grand juries in Laramie. Two of the Territorial judges persuaded the first six women summoned to overcome their desires to be excused. The women who participated with men on petit and grand juries in Laramie in 1870 and 1871 and in Cheyenne in 1871 appear to have been more conscientious than were the men who served with them. These women, like Mrs. Morris, contributed to the success and reputation of the Wyoming experiment. Nevertheless, Wyoming opinion was divided on the subject of woman jury service. The principal objections were the disruption of home life and the added expense of providing two bailiffs and two sets of overnight accommodations. New judges after 1871 ceased putting women on juries on the grounds that jury service was not an adjunct of suffrage.

---

[6] J. H. Hayford, editor of the Laramie Sentinel, in his newspaper columns in January, 1871, and again in January, 1876, claimed major credit for himself. In his weekly of Jan. 31, 1876, however, he backed down, after being challenged by three other editors. He accepted their conclusions that the honor and credit should go to Colonel Bright. In a letter to the Denver Tribune, Jan. 15, 1876, Bright, who was then living in Denver, had denied Hayford's claim to credit and had taken credit for himself.

In 1879 a pamphlet entitled "9 years of Woman Suffrage in Wyoming" was published in Boston. The unidentified author quoted a number of Wyoming people who described the progress of the experiment and generally judged it to be successful. Nothing, however, was said about causation, except for a report of an interview with Governor Campbell in 1871 in which it was said that "The measure is said to owe its origin to the wife of the president of the council." A copy of the 1879 pamphlet is in the possession of Mrs. Jack Meldrum, of Buffalo, Wyo.

John W. Kingman, associate justice of the Wyoming Supreme Court, 1869–73 and thereafter an attorney in Laramie, wrote in 1885 that Bright "was the author of the woman suffrage bill, and did more than all others to secure its passage."

[7] The promulgation and propagation of the legend of Esther Morris will be discussed at some length in my forthcoming "History of Wyoming."

[8] Grace Raymond Hebard, "Woman Suffrage" file, University of Wyoming Library.

[9] The Letterpress Book, secretary of state, Wyoming, preserved in the State archives, Cheyenne, shows that Secretary Lee transmitted commissions to Mrs. Caroline Neil, Point of Rocks, and Mrs. Esther Morris, South Pass City, on the same day, Feb. 17, 1870. Both had been recommended by Judge J. W. Kingman, and each was congratulated by Lee "upon holding the first judicial position ever held by woman." The copy of Mrs. Neil's letter precedes that of Mrs. Morris in the pressbook, but Mrs. Neil was delayed in qualifying, first because of her English citizenship and later because of the nature of her bond. Although Mrs. Neil seems never to have been mentioned in Wyoming history books, she probably did serve, even though her docket cannot be found. The 1870 census lists her as "justice of the peace," and she was mentioned as a justice in a few 1870 newspapers; for example, "Frank Leslie's Illustrated Newspaper," June 25. On Feb. 28, 1870, Secretary Lee transmitted a commission as justice of the peace to a third woman, Mrs. Francis C. Gallagher, South Pass City, but there is no evidence that she ever served in that office.

The women of Wyoming had their first opportunity to vote in September 1870. Doubts as to whether many of the eligible 1,000 women would go to the polls were dispelled when most of them turned out. Newspaper editors argued over the impact of female participation. The Cheyenne Leader stated that the women divided their votes evenly between the two parties, thus increasing the aggregate vote but not affecting the final outcome. The only perceptible difference, said the Leader, was the maintenance of better order at the polls. The Laramie Sentinel and the Wyoming Tribune, on the other hand, contended that more women voted Republican than Democratic. The Tribune asserted that the successful Republican candidate for Delegate to Congress, Judge W. T. Jones, got some of the female votes because he was uncommonly handsome. The Sentinel concurred that the women had tipped the scales in favor of Jones. All of the editors agreed that the presence of women inhibited drunkenness and rowdyism at the polling places: "There was plenty of drinking and noise at the saloons," noted one observer, "but the men would not remain, after voting, around the polls. It seemed more like Sunday than election day." [10]

And so the women provided encouraging answers to questions about the experiment in woman suffrage. Meanwhile, the bonanza of free advertising was smaller than expected. Polygamy in Utah was attracting more attention than woman suffrage in Wyoming, and the Franco-Prussian War got most of the headlines in 1870. True, short notices about Wyoming suffrage activities appeared in many Eastern publications in 1869 and 1870, but the advertising bonanza looms large only when the long-term accumulation is taken into account.

The woman suffrage weekly, the Revolution, used the headline "The Deed is Done" over its report of the passage of the woman suffrage act, quoted the text of the bill in full, and concluded with the statement: "It is said [accurately] there is not one Republican in the Legislature of the Territory." [11] The New York Times gave brief front page notice to the first use of women on a jury in Laramie. "Frank Leslie's Illustrated Newspaper" on April 2, 1870, reported that "Mrs. Esther Morris, one of the new justices of the peace in Wyoming, is 57 years old. On the first court day she wore a calico gown, worsted breakfast-shawl, green ribbons in her hair, and a green necktie." And on June 25, 1870, this same newspaper reported that "Mrs. Morris and Mrs. Neil continue to exercise their functions as justices of the peace in Wyoming. They are the terror of all rogues, and afford infinite delight to all lovers of peace and virtue." [12]

Two reasons why easterners were not electrified by the news that Wyoming was experimenting with woman suffrage are spelled out in a comment made by the Nation, March 3, 1870:

"The experiment is also being made in Wyoming Territory; but the women there are but a handful, and, it is said, leave much to be desired, to use a very safe and convenient Gallicism, on the score of character, so that their use of the franchise will hardly shed much light on the general question."

On the other hand, Mrs. M. E. Post, of Cheyenne received much applause and considerable newspaper comment for her address at the National Woman Suffrage Convention in Washington, D.C., in January 1871.

Later in 1871, after 2 years of woman suffrage, Wyoming's Second Territorial Legislature came very near ending the experiment. An attempt to override Governor Campbell's veto of the repeal measure failed by only one vote. However, only one member of the 1869 legislature was back in 1871, not because of voter rejection, but because only two of the 1869 legislators stood for reelection. The one returning member was South Pass City attorney Ben Sheeks. He now became speaker of the house of representatives and spearheaded the drive to end the experiment, even as he had been its principal opponent in 1869.

Whereas the 1869 legislature had been completely Democratic, a few Republicans turned up in 1871—just enough to keep the Democrats from overriding the Governor's veto. All of the Democrats voted for repeal, mainly it seems because a majority of the women were reputed to have voted Republican, while all of the Republicans predictably opposed repeal. "Am offered $2,000 and favorable report the committee if I will sign Woman Suffrage [repeal] Act," Governor Campbell noted in his diary; but he could not be bought.[13] Laramie women submitted a petition praying for retention of woman suffrage. There was no petition from South Pass City; Mrs. Esther Morris apparently was following her usual policy of leaving it to the men.

Though their rights were saved, the women of Wyoming soon learned that the men, who were in an overwhelming majority, were not interested in having women engage in political activity beyond exercise of the franchise. After she had completed the partial term for which she had been appointed. Esther Morris was not nominated for election to a regular term. Only Edward M. Lee expressed public regret, writing in his Wyoming Tribune that he was sorry "that the people of Sweetwater County [new name for Carter County] had not the good sense and judgment to nominate and elect her for the ensuing term."

After 1871 there was never any serious threat to woman suffrage in Wyoming, as virtually all substantial citizens rallied to the cause. E. A. Curley, roving correspondent for the London Field, noticed, as others had, that woman suffrage tended to weaken the influence of the numerous young, transient, male "irresponsibles," because "The married man who has come here for permanent residence has, practically speaking, two votes against the one which the roving man is able to cast." [14]

Getting the right to vote did not mean immediate economic equality. In March 1874, Herman Glafcke, the new editor of the Cheyenne Leader, complained that, despite the law about equal pay adopted in 1869, "For the same work much less is paid (even here in Cheyenne, where woman's labor is scarce) to women than is paid to men; and this too, when the work is as well done by women as by men." Women teachers, he said, received barely more than half what was paid to men. Furthermore, Gov. John M. Thayer in 1875 told the legislature that the 1869 statute which permitted the wife to acquire and hold real estate did not permit her to convey property without her husband's concurrence. Yet not until 1882 did the legislature enable a wife to convey her separate property without her husband's approval.

Meanwhile the women had abandoned attempts to organize with a view toward nominating members of their sex for public office after they found that they had no chance for election except to the position of county superintendent of schools. Only two women ran for the territorial legislature in 20 years, one received 8 votes, the other 5, when at least 500 votes were needed for election. Three women were nominated for the State constitutional convention in 1889, but they were not elected.

Thus, while Wyoming men gave women the right to vote and hold office in 1869, they did not make the women equal partners in political and economic affairs. Hubert Howe Bancroft's agents, who visited the Territory in 1885 to collect material for a history of Wyoming, interviewed 84 leading male citizens, but they did not interview any women. Most of the women, to be sure, did not complain about their subordinate position—apparently they did not want it any other way—and they were no more willing to vote for women candidates for public office than were the men.

Satisfied with the experiment so far, the all-male convention in 1889, with only token opposition, included woman suffrage in the State constitution, and thus made Wyoming in 1890 the first State to have "equality." National leaders of the suffrage movement were so thrilled that they included in the call to their 1891 convention the joyful tribute, "Wyoming, all hail; the first true republic the world has ever seen."

Subsequently other States followed suit, one after another. Colorado soon elected women to its legislature, something Wyoming did not do until 1910. For a long time Wyoming would not elect women to any offices except those of county or State superintendent of schools. Not until 1950, long after many other States had adopted it, was woman jury service reinstated in Wyoming. The women may have been partly at fault for this delay, since they had made little effort to obtain participation on juries. During World War I, when the prohibition drive was making slow headway in Wyoming—slowest in the Rocky Mountain region—eastern drys asked what good woman suffrage had achieved in the State.

Then, in 1924, the State once again advanced a claim to distinction in the women's rights movement by electing a woman Governor. The Democratic Governor, William B. Ross, who had been elected in 1922 to a 4-year term, died just 1 month and 2 days before the general election of November 4, 1924, necessitating the election of someone to fill out the last 2 years of his term. Special party conventions met in Cheyenne on October 14. The Republicans nominated Eugene J. Sullivan, a Casper attorney who had been mayor of Basin and speaker of the house of representatives. The Democrats nominated the deceased Governor's widow. Mrs. Nellie Tayloe Ross, who had not been active in politics. She had taught kindergarten briefly before her marriage in 1902, but since that time had been satisfied to remain a housewife, busy bringing up two sons.

Sullivan campaigned vigorously for 3 weeks, while Mrs. Ross announced: "I shall not make a campaign. My candidacy is in the hands of my friends. I shall not leave the house." A few small newspaper advertisements quoted her as saying that she would be "governed by the underlying principles by which he and I, side by side, have sought to conduct our lives during our 22 years together." Mrs. Ross defeated Sullivan by more than 8,000 votes, polling more votes than Francis E. Warren, who won his seventh term in the U.S. Senate. The Cheyenne Tribune-Leader correctly appraised the situation: "Chivalry and sympathy were the factors of chief consideration. * * *"

---

[10] Stanton et al., "History of Woman Suffrage, III," 736.

[11] "The Revolution, IV, No. 24" (Dec. 16, 1869), 377. I have used the Huntington Library file of this weekly.

[12] I have used the Huntington Library file of "Frank Leslie's Illustrated Newspaper."

[13] "Annals of Wyoming," vol. 10, No. 3 (July 1938), 127.

[14] Curley visited Wyoming Aug. 15–Oct. 30, 1874. The comment quoted here is taken from p. 74 of a booklet preserved in the Huntington Library: "The Territory of Wyoming, Its History, Soil, Climate, Resources, Etc.," published by authority of the Board of Immigration, Laramie City, December 1874, in the appendix of which are reprinted Curley's London Field articles.

Although she was elected on the same day as Mrs. Miriam A. "Ma" Ferguson was elected Governor of Texas, Mrs. Ross was acclaimed first woman Governor because she assumed office 20 days before Mrs. Ferguson. Partly because of this priority, Mrs. Ross received much favorable publicity outside the State during the next 2 years.

Mrs. Ross, like her huband, had to deal with a legislature that was predominantly Republican (16 to 11 in the senate, 45 to 17 in the house), and also like her husband she was the only Democrat among the five State elective officials. Predictably she did not dominate the many State boards on which she sat with the four Republicans, and predictably too, she did not control the Republican legislature.

In her brief opening message to the legislature, Mrs. Ross dealt only with the subjects that she considered to be of "greatest immediate importance." She explained at the outset that she had been aided in preparing her message by extensive notes assembled by her husband for the message that he had planned to deliver. She reported proudly that during her husband's administration the valuation of railroads for tax purposes had been increased by $11 million and that total State taxes had been reduced. She urged the legislature to continue shifting the tax burden from small property holders to large ones. Recalling a coal-mine disaster at Kemmerer in which 100 persons had died on August 14, 1923, she asked for improved safety regulations. She called for increased State investment in farm loans to aid depressed agriculture. She repeated her husband's complaint that Wyoming had not kept pace with progressive States in restricting the working day for women, and she recommended ratification of the child labor amendment which had been submitted to the States by the U.S. Congress.

Republican drys who thought their own candidate too wet had helped elect Mrs. Ross' husband in 1922. Appropriately Mrs. Ross announced that she stood "unequivocally for * * * thorough enforcement," and she proposed the enactment of a statute that would make it as great a crime to buy liquor as to sell it. Contemplating the awesome fact that 35 banks, almost one-third of the total number of banks in the State, had failed in the past year, Mrs. Ross asked for a "sound banking law" and "some form of a guaranty provision."

The legislature adopted new coal-mine safety regulations, adopted a new banking code, and enlarged the farm loan fund, but such actions were coincidental rather than indicative of Republican willingness to follow Democratic leadership. It also adopted a child labor law barring employment of children under 16 in hazardous occupations—a law which stood virtually unchanged until 1963. Otherwise the legislation enacted by the 1925 legislature showed little similarity to the Governor's message.

Although she was elected "on trust," as she herself once put it, Mrs. Ross proved to be a good Governor who gave the State a respectable, dignified, and economical administration. Intelligent, tactful, and gracious, she soon became a competent administrator and an effective public speaker. Appropriately, in 1926 her party nominated her for a 4-year term, while the Republicans advanced Frank C. Emerson, State engineer, whose ouster both Mrs. Ross and her husband had tried to accomplish, but without success.

Considerations of sympathy, charity, and chivalry were no longer important by 1926. Moreover, many Republican women who had crossed party lines to vote for a woman in 1924 voted for Emerson in 1926. The venerable champion of woman suffrage, Mrs. Theresa A. Jenkins, who had delivered an oration at the statehood celebration in 1890, asked in an open letter during the 1926 campaign: "What has Mrs. Ross done to particularly deserve the votes of women? Has she ever, since coming to Wyoming taken any interest in woman's suffrage?" A prominent Casper Republican, Mrs. H. C. Chappell, declared in a public address: "I am not against a woman for Governor, but I am against a woman who is not fitted for the office and who was elected through appeals and prejudices that have no place in politics. * * *" Mrs. Ross' critics charged that she had not given other women a chance to demonstrate their capacity for public office, that she had appointed 174 men and only 5 women, and that she had not named any women to offices formerly held by men.

Republicans alleged that Mrs. Ross was merely a figurehead and that four men were really running her administration: Cheyenne Lawyer Joseph C. O'Mahoney, State Examiner Byron S. Huie, Attorney General David J. Howell, and Interstate Streams Commissioner S. G. Hopkins.[15]

Frank Emerson was presented as a businessman and engineer who would bring development to the State. A typical advertisement asserted: "Wyoming has retrogressed while neighboring States progressed. What's wrong with Wyoming? Wyoming needs leadership. Frank Emerson can meet its need."

Democratic advertisements defended the Governor with statement that she had reduced the expenses of State government in all departments, had equalized the tax burden by increasing the share paid by corporations, and had upheld the State's water rights.

Among that year's Democratic candidates, Mrs. Ross easily ran the best race, but she lost by 1,365 votes. She lost not because she was a woman, but because she was a Democrat in a Republican State and because she could not avoid being blamed for the State's economic aches and pains. She never again sought public office in Wyoming. Her work for the Democratic National Committee subsequently brought her appointment as Director of the U.S. Mint; she served in this capacity for 20 years, 1933 to 1953. Still vivacious and charming, living in retirement in Washington, D.C., she exclaimed in 1964 with obvious sincerity: "I am very grateful for all that the wonderful people of Wyoming have done for me."

What is the status of women in Wyoming, "The Equality State," in 1965? The percentage of employed women is low because of the industrial pattern—the leading industries, oil and other mineral production, and agriculture and livestock, offer few opportunities for women. Perhaps this should leave more women available for election to public office, but if so they have not been utilized very often. There are only 3 women among the 61 members of the lower house of the State legislature and only one woman in the State senate. Mrs. Edness Kimball Wilkins, ranking member of the majority Democratic Party in the house in 1965, was passed over for the speakership. After remarking that she was accustomed to stepping aside for the men, she conceded that Cheyenne Lawyer Walter B. Phelan, who was elected speaker, was a better parliamentarian and a more aggressive party leader. Reminiscent of much that was said in the 1870's, a Republican woman declared that it would have been good free advertising had the position been given to a woman.

No woman in the State has ever won her party's nomination for a place in the United States Congress, and no woman has ever been elected or appointed district judge or Supreme Court Justice. Among the five elected State officials in 1965 two are women: Mrs. Minnie A. Mitchell, auditor, and Mrs. Thyra Thomson, secretary of state. It is not intended as a reflection on their abilities to point out, however, that each was elected soon after her husband died in high elective public office.

It seems fair to conclude that while Wyoming is properly proud of its enlightened actions in 1869 and 1889, the voters, both men and women, have never construed equality to mean favoritism for women. The traditional view that a woman's place is in the home still prevails in Wyoming politics, whether the woman is single or married, and whether or not she has young children. And so the search for talented public servants tends to be confined to only one-half of the population.

ANNIVERSARY OF THE INDEPENDENCE OF LIBERIA

Mr. PELL. Mr. President, we are constantly reminded of the many problems of the developing nations of the world. We are told of the seemingly insoluble problems of illiteracy, poverty, disease, and neglect. Further, we are told that the free enterprise system is unable to meet these problems. Pressures are strong to look for seemingly easy and, sometimes, even socialistic answers.

But today I would like to speak of a people who are attempting to prove that our beliefs in the free enterprise system are universally applicable. A people who have established the first democracy in Africa; a people who founded a republic and fought for 100 years against constant encroachments before it became accepted on that continent. A people who, while others turned to violent revolution, sought peaceful cooperation as their best avenue for change. I am speaking of Liberia, whose anniversary of independence was commemorated on July 26. And, when we honor Liberia we also honor its President, William V. S. Tubman, who has guided his country since 1944. I must also mention President Tubman's able representative here in Washington, Ambassador S. Edward Peal.

Liberia was first settled in 1822 by freed American slaves acting under a charter granted them by the U.S. Congress. President Monroe lent encouragement to the project and Monrovia, the capital, was named after him. In 1847, the Free and Independent Republic of Liberia was founded, then the only independent Negro republic in Africa. Its constitution, drawn up by Professor Greenleaf, of Harvard, was modeled after our own. Liberia's first hundred years have been called its century of survival due to the attempts by neighboring powers to encroach upon its sovereignty.

The Republic of Liberia is to be commended for both its economic progress and its human development. In 1962, faced with serious financial difficulties caused by rapid economic growth, the Liberians showed themselves willing and able to adopt a stringent austerity program. Under the guidance of the International Monetary Fund, the debt repayment schedule was stretched out. But Liberia's long-run prospects are favorable, as the Government's open-door investment policy continues to attract large amounts of private capital.

---

[15] In an interview in her home in Washington, D.C., in December 1964, Mrs. Ross told the author that she had relied mainly on advice from O'Mahoney and Howell.

But more important for the future even than economic progress, is the human development, which the Liberian Government has given top priority. The U.S. aid program is fully supporting the Government's efforts to create the educational, training, and health facilities that are being required. The Peace Corps program places heavy emphasis on teaching. And, additional support is provided by American business, missionary, and educational organizations.

And so today, our sincerest congratulations go to Liberia, the oldest Republic in Africa, our long-time friend and ally, and to its people and its President, William Tubman.

R. H. SHACKFORD ON COMMUNIST CHINA

Mr. CHURCH. Mr. President, R. H. Shackford, of the Scripps-Howard newspapers, has written skillfully on foreign policy for many years. Recently, Mr. Shackford has been performing a valuable service for the American reading public by devoting a part of his time to an analysis of the foreign policy of Communist China. It is absolutely necessary that we try to accurately assess Red China's intentions. Mr. Shackford's stories are especially important, therefore, in helping to fill the information gap existing about Communist China in this country.

Earlier this year, Mr. Shackford made an extensive trip to Asia to assess the effect of Red China's foreign policy. In an excellent series of articles entitled "Around Red China's Rim," Mr. Shackford summarized his findings.

I ask unanimous consent to have the first of these articles, captioned "Part I: Neighbors Look at Wave of the Future," printed in the Record.

There being no objection, the article was ordered to be printed in the Record. as follows:

[From the Indianapolis Times, May 3, 1965]

Around Red China's Rim—Part I: Neighbors Look at Wave of the Future

(Editor's Note.—R. H. Shackford, whose specialized reports on Red China have long been published in the Scripps-Howard newspapers, has visited 12 countries around the rim of Red China in the past 4 months. Following is the first of three articles on his overall impressions of these Asian lands, particularly as to the long-range outlook. On concluding this particular series, his regular feature, "Report on Red China" will be resumed, taking in, with more detail, the attitudes and opinions about Red China, as found among her neighbors.)

(By R. H. Shackford)

Most Asians who think about the future assume that in the long run—10 or 25 years from now—Communist China, not the United States, will be the dominant power and influence in Asia.

They accept as inevitable, almost fatalistically, that at some vague time within the next generation it will be the 750 million Chinese on the scene in Asia, rather than some 200 million Americans, 10,000 miles away, with whom they will have to reckon and make their peace.

This is my one outstanding impression left from 4 months' traveling "around the rim" of China.

Communist China already dominates the thoughts of Asians—not only those who are actively anti- or pro-Peiping, but also those whose positions are in between. Chiang Kai-shek's Nationalist China is rarely mentioned—never in the context of any important role for the future.

But Asian acceptance of Peiping's ultimate influence does not mean all Asians are anti-American or want the United States to go home. Nor are they prepared to throw in the sponge today as Cambodia's Prince Sihanouk and Indonesia's President Sukarno appear to have done.

However certain they may be that Communist China represents the "wave of the future," they want that wave held back as long as possible. They want the United States to continue a holding operation, not only in Vietnam but elsewhere. They hope that the longer the day of Chinese dominance is put off the better the chances are of China's moderation.

A popular thesis is that after the Mao Tse-tung era—if not immediately, then ultimately—a less militant China will emerge, just as the post-Stalin era made Russia easier to live with.

In short, Asians appear converted to the theses that America can, should, and, they hope, will delay and temper China's upward swing. But they are equally convinced that in the long run America cannot prevent it.

A word of caution: Any generalization such as this about Asia, with its vastness, rivalries, feuds, ambitions, divisions, and complexities, is dangerous and subject to violent and rapid change.

There are few common bonds among China's Asiatic neighbors, except that they and the Chinese are all Asians. Within almost every country there are dozens of divisive forces at work. Nationalism of many varieties and extremes is rampant. Memories of the white man's colonial role fade slowly. Communists play on these cleverly with the result that communism is not always considered the ultimate in evil as it frequently is in the United States.

The day of enlisting Asians in a militant anti-Communist crusade is gone, if it ever existed. Revolutionary nationalism, even when fomented by Communists, has the great appeal. More than negative concepts of anticommunism are needed if the nationalist fervor is to be useful. The status quo (even when good in our eyes) is not a good-enough alternative to the changes promised by Peiping even though the sophisticated realize the promises are only that.

Volumes could be written to explain why Asians feel that China's role as "big brother" is inevitable.

With our present efforts in Vietnam, this mood may seem ridiculous to Americans. But it is such a vitally important element of the future that it would be folly to ignore it.

It would be disastrous for the United States to throw in the sponge now and give up the long, difficult task of trying to hold the line.

It would be even more disastrous not to recognize what the Asians themselves think the outcome will be.

One of the most important reasons behind Asians' belief that Red China will dominate the continent in the distant future is the theory strongly held by even our best Asian friends that the day of the white man's influence there is near an end. Thus, the appeal of Peiping's propaganda slogan, "Asia for Asians."

The American stand in Vietnam and the British stand in Malaysia are—barring a major world war—probably the last of these kinds of operations by the West in Asia. Most countries worry about events which would precipitate "a Vietnam" with white soldiers in their own country.

A veteran diplomat in Pakistan, for example, is convinced that if the Pakistanis were faced today with a choice between taking their chances with Communist China or facing American intervention as in Vietnam, they would prefer to take their chances with the Chinese.

Vast changes in Asian thinking are taking place. Compared with 10 years ago, the vast crescent of land that encircles half of the perimeter of the Chinese mainland is a different world—physically and in thought. The 20th century is creeping even into the middle ages of Nepal.

Forces, for both good and evil, are at work which the Asians themselves, as well as the white man, find difficult to understand. When these are superimposed on ancient enmities and fears, the future at best can be seen but dimly.

BIG BROTHER—ORGANIZED CRIMINALS

Mr. LONG of Missouri. Mr. President, it is a constant cry that Internal Revenue Service's harassment tactics are used only against organized criminals and that plain taxpayers, especially small taxpayers, have nothing to worry about.

As a result of the recent hearings on IRS tactics, I have received much mail from small taxpayers outlining the harassing tactics of IRS agents. Recently, I received one which seemed particularly illustrative.

I ask unanimous consent to have printed at this point in the Record a letter from Mr. and Mrs. Robert Hunter of Las Animas, Colo., and an editorial of March 4, 1965, from the Bent County Democrat, Colorado.

There being no objection, the letter and editorial were ordered to be printed in the Record, as follows:

Las Animas, Colo.,
July 26, 1965.

Senator Edward V. Long,
U.S. Senate,
Washington, D.C.

Dear Senator Long: We are two taxpayers who have been "dealt with" by the Internal Revenue Service since September 1963 here in Colorado over an irrigation water assessment. We have read with great interest of your investigations of the Internal Revenue Service agents in the East, as described in the attached newspaper clipping from the Pueblo Chieftain, Pueblo, Colo.

Our Colorado Congressmen, Senator Gordon Allott of Lamar, Colo., and Representative Frank Evans of Pueblo, Colo., are familiar with our case. If you wish to verify our statements, you could talk to them.

We are also enclosing an editorial from our local newspaper which explains our situation—we have been afraid to send this article to anyone before, for fear of what the Internal Revenue Service would do to this man. As far as we know, all the farmers in the arid West have been deducting their entire water assessment as a business expense and this procedure was never questioned.

In our case the Internal Revenue agent had audited other returns on our own ditch and on similar ditches and allowed these people to deduct their full water assessment, but when he came to ours, he disallowed the water assessment as expense. When asked why, we were told "he just smartened up when he came to ours." After we refused to pay, this man began telephoning us long distance from his office at Lamar at various intervals and advised us that we should pay the amount owed, that it was small, only $135; and several times he stated that we as taxpayers had no rights. Our statement of this man's calls could be verified by the records of the telephone company. We failed to see why all these telephone calls were necessary. He would let enough time lapse between calls until we would more or less put the matter out of our minds and then would call again and repeat his warning about our paying. We had paid the other part of the taxes we owed but refused to pay the part concerning the water assessment.

It is our opinion that these calls only served to remind us how unfair we think our treatment by the Internal Revenue Service appears to be. We are small farmers, whose income is not large and during the years for which our returns were audited (1960, 1961, and 1962), we prepared our own income tax returns. Our ditch, the Highland Irrigation Co., is a very small ditch.

The latest development in our case is a request from the Internal Revenue Service that we make a 400-mile roundtrip to Denver for another conference with them, although the trial date for our case is set up in Tax Court for about November 15. It is very inconvenient for a farmer to make a trip during the busy summer season, what with irrigating, haying, and other farmwork, for a conference at which no pretrial settlement would ever be reached. Yet this is what Internal Revenue Service requests of a taxpayer.

It is also particularly galling to know that only ourselves and one other farmer around here are the only people to whom the Internal Revenue Service has disallowed the water assessment as expense, contrary to its allegations otherwise. This fact, along with the agent's treatment of us, makes us hope and pray that your investigating committee can bring to light the treatment that Internal Revenue Service seemingly gives to small people.

Should you be interested in any other facts on this case, we would be more than glad to send them to you and sincerely hope that your committee can aid in improving Internal Revenue Service policies.

Very truly yours,

Robert L. and Mae V. Hunter.

[From the Pueblo (Colo.) Chieftain, July 22, 1965]

U.S. Tax Agents Deny Intimidation Charges

Washington.—Internal Revenue Service officials from Boston denied at a Senate hearing Wednesday that they intimidate or harass individuals. "Such charges," they said, "are by people who are overemotional or trying to kill a case."

The officials testified before a judiciary subcommittee which has heard that IRS agents used electronic eavesdropping devices and questionable investigative methods. There was testimony, too, about a Treasury Department "snooper school."

COMPLETES 3-DAY INQUIRY

The subcommittee completed a 3-day inquiry into the Boston Internal Revenue Service office, after one involving Pittsburgh, Pa., and Chairman Edward V. Long, Democrat, of Missouri, said "any wiretapping or other use of listening devices was the fault of the Washington Internal Revenue Service headquarters and not the agents."

The "snooper school" and the furnishing of devices gave implied consent for their use," Long said, adding "he expects IRS headquarters to take note of this."

Alvin M. Kelley, IRS director in Boston, said he could understand why some witnesses told the subcommittee they were harassed or intimidated. "But by and large," he said, "taxpayers cooperate with us and we with them."

HARASSMENT NOT TOLERATED

"I can understand, of course," he said, "why individuals who have been subjected to fraud investigations should subjectively feel that they have been harassed—but I assure you that our policy and general practice does not tolerate harassment."

Kelley and George L. Wilson, group supervisor of IRS intelligence in Boston, said wiretaps are used only in isolated cases in cooperation with other Federal agencies, and principally in security cases.

[From the Bent County (Colo.) Democrat, Mar. 4, 1965]

Robert Hunter Has Been Victim of Harassment by Internal Revenue

(By Earl E. Asbury)

The Internal Revenue Service's case against Robert Hunter has dragged on for over a year and it is our opinion Mr. Hunter has been the victim of persecution, harassment, and injustice.

This is all the more unusual because we are used to seeing IRS operate in a coldly businesslike way, making its moves with sureness, accuracy, and justice.

The Hunter case started over a year ago when IRS Agent Virgil Richmond, in checking over Mr. Hunter's tax returns for the 3 previous years, disallowed the expense deduction Mr. Hunter had taken for that part of his Highland Ditch assessment that went toward paying for the Highland Dam that was installed after the old one washed out in the flood of 1955 on the Picketwire River 12 miles south of Las Animas.

We do not particularly criticize Mr. Richmond for questioning the expense initially. We do criticize IRS for not clearing up the issue cleanly and logically after it came up, and applying the same decision to all.

As it is, Mr. Hunter has been assessed $130 in back taxes (which he still refuses to pay). He has had a conference with the chief of the Denver IRS office in La Junta, another conference with the IRS appellate division in Denver, and now has a hearing scheduled for this fall before a tax judge in Denver.

Most people like to stay as far away from the income tax agents as they do from their undertaker. To have to spend some 2 years in the shadow of IRS as Mr. Hunter has had to do is unnecessary harassment. Especially since he took the same kind of expense deduction on his income tax form that other irrigation farmers in Bent County have taken since the beginning of time, and are still taking.

In brief, Mr. Hunter considered his whole irrigation assessment as a farming expense.

But IRS contends the Highland Dam which was built 9 years ago was a capital improvement, owned jointly by all the farmers who own shares in the Highland Canal Co.

Ordinarily, if you have a capital improvement, you can depreciate it. And if it is destroyed by accident or an act of nature, you can benefit on your income tax return by claiming a capital loss.

But IRS seems to feel the dam is so solid it isn't depreciating each year. And IRS points out the limit of years has passed so that farmers under the Highland Ditch can't go back now and claim a capital loss on the old dam when the flood washed it out.

(Most local farmers feel building the dam wasn't a capital improvement anyway, but was merely replacing the old dam as you would a roof on your barn.)

The issue has dragged on too long without being resolved. If Mr. Hunter's expense deduction is going to be allowed, IRS should allow it and get off his back. If not, every other farmer under an irrigation ditch in the west should get the same treatment as Mr. Hunter and should have the portion of his ditch assessment that goes toward payment of his irrigation dam be disallowed as an expense. Only one other farmer in Bent County besides Mr. Hunter reported a similar disallowment.

It looks to me as if IRS is just looking for trouble. Because it will end up with approximately the same amount of taxes either route it takes.

If paying for the dam can continue to be considered an expense, farmers can take the whole ditch assessment as an expense deduction as they have been doing.

If IRS insists on counting the dam as a capital improvement, farmers should be permitted to take deductions for depreciation and capital losses when the dams wash out, so that their tax will balance out about the same either way in the long run.

Senator Gordon Allott has introduced a bill in Congress to permit farmers to count the payments toward the dams as expenses if they choose to. It would probably help break the impasse if this bill would be approved.

THE REBEKAH HARKNESS FOUNDATION AND ITS CONTRIBUTION TO THE DANCE

Mr. McGEE. Mr. President, a society cannot ignore the arts, nor its artists. One that does is inevitably poorer and in danger of losing much more, indeed. Hence it is, Mr. President, that we should give honor to those who enrich our art forms. It is with this in mind that I refer to an article from the July 28 issue of the New York Herald Tribune regarding Mrs. Rebekah Harkness' contributions in time and in money to the dance.

Mr. President, I ask unanimous consent that this report from the Herald Tribune be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Harkness Credo: Talent Must Be Served

(By Walter Terry)

"The people who stay in the middle don't interest me," said Rebekah Harkness, composer, sculptor, and patroness of the arts. "It is the artist or the delinquent I care about—the point is to do something for the two extremes: on the one hand, to give the artist opportunities to release his talent; and, on the other hand, to help the delinquent find himself through the disciplines of art."

To this end, Mrs. Harkness, through her own Rebekah Harkness Foundation and the foundation established by her late husband, William Hale Harkness, has provided desperately needed funds (totaling millions of dollars) to the arts, and to dance in particular. Harkness sponsorship aided Jerome Robbins' Ballets U.S.A. in a European tour, promoted the Robert Joffrey Ballet from a small national company to one of international stature, and made possible free dance events, in collaboration with the New York Shakespeare Festival, in Central Park's Delacorte Theater.

A year ago, the Harkness dance enterprises embarked on new and expanded programs. The Harkness Ballet, which now numbers approximately 30 dancers, was founded with George Skibine and Donald Saddler as its artistic and assistant artistic director, respectively. The initial tour, which began in 1965, was booked in Europe and provided the new company with a sort of glorified New Haven in which to try out its new works and to discover its incipient strengths and passing weaknesses.

At the same time, Mrs. Harkness purchased the old Thomas Watson townhouse and launched the long and expensive process of having it converted into the Harkness House for the Ballet Arts in New York City. When it opens in the fall, as the home of the Harkness Ballet and as a center for ballet seminars, workshops, lecture-demonstrations, art exhibits related to dance, its many studios will foster not only ballet but music, design, and literature as they relate to ballet.

"It has," says Mrs. Harkness of the new ballet house, "the airs and graces of a palazzo. Maybe I'll be criticized for its elegance but I do think that beautiful surroundings are important to the working artist. And I'm serious when I use the word 'working.' I mentioned earlier, didn't I, that I'm not concerned with those individuals who stay in the middle? Well, this means I'm interested in the worker-artist. For example, there is the professional—the real pro—who does a fine job on the equivalent of the good old 9 to 5 basis. I care about the one that works to 5:45, that works extra. The former is a 90 percenter. He rarely does anything memorable. It's the extra 10 percent which counts. I guess it's the difference between the adequate and the inspirational.

"No, I'm not enough of a nut to believe that time heals all wounds nor that time creates talent. I'm not even certain just what makes for talent in the individual—chemical factors? inspiration? love?—but if talent is there, it needs time to grow. Nobody can put talent into another being. My job, and my privilege, is comparatively simple and that is to give release to talent that is already there. Maybe it's a minor talent—although we pray it is major—but it too deserves a chance. To put it bluntly, at our summer workshop at Watch Hill, R.I., and, later, at our headquarters in New York, the plan is to give choreographers, composers, and designers the time to work out their ideas and, if they have that mysterious thing, if they have something to say, this is the opportunity provided them in which to say it. It doesn't always work out. But it might. And the 'might' is worth all the expense and the effort."

This summer, at Mrs. Harkness' arts center in Rhode Island—a firehouse converted into two large studios, other studios in her own house, a complete inn for the many married couples in her troupe—the creative opportunities for a wide range of artists are being given the time and the release that Mrs. Harkness believes are the right of the potential holder of talent.

Donald McKayle (represented choreographically on Broadway in "Golden Boy,") is working on a new ballet with an Israeli theme; Sophie Maslow is restaging her successful "The Dybbuk"; Alvin Ailey, who has already created two successful works for the Harkness Ballet, is at work on "Macumba," with a score by Mrs. Harkness herself; and the Henry Street Playhouse's Alwin Nikolais is moving out of his own distinguished home for a rare occasion to create a new work for the Harkness Ballet.

Other choreographic highlights of the summer workshop at Watch Hill include a new version, by John Butler, of Gian-Carlo Menotti's "Sebastian"; Mr. Saddler's new American Indian ballet, "Koshari," with a score by the Indian composer Louis Ballard; a piece by Mr. Skibine to a new score by Carlos Surinach; Stuart Hodes' "Free for All," to music of Paul Bowles, and other ballets by Mr. Saddler (an Alice in Wonderland "Through the Looking Glass" piece), William Dollar, Leon Fokine, Karoby Barta, Richard Wagner, and others.

The ambitious program—the workshop at Watch Hill, Harkness House in New York, a second Harkness Ballet tour of Europe in 1965–66, a Rebekah Harkness Foundation Dance Festival in Central Park this fall—are but a part—albeit major—of the Harkness plans. "I think it's important," says the slim, supple (she takes ballet class and yoga exercises daily), youthful mother of three grown children, "to help dancers develop secondary talents. Why should dancers have to fear that awful moment when the muscles just won't do the job any more? I'd like to see them ready with another skill—maybe design, perhaps music, teaching, therapy—which will extend their earning capacities for many years."

A long-range project has to do with men in the ballet. Mrs. Harkness recognizes the fact that dancing for men is subjected to the incontrovertibly erroneous notion that dance is a feminine art but, more important, that the all-American "pop" is worried that his son won't make a dependable living. For this outmoded attitude, Mrs. Harkness has a campaign in mind.

"My idea," says Mrs. Harkness, "is to send lecture-demonstration programs out to as many schools as possible. Whom do we want for male dancers in American ballet? We want the types you find in high school gymnasiums. We need to win them over at that vulnerable age—and their parents, too. For these boys from our gymnasiums, given the training, can do anything that the Bolshoi Ballet wonder kids can do.

"And, I guess, this brings us back to where we started: my function. I'm a composer and I work at it hard. I'm also a sculptor—I've got a figure, in the next room, with all its muscles lying about and I'd better get 'em into place—but my own foundation and Bill Harkness' foundation have set out to help ballet in America. Mistakes will be made, that is inescapable. But the artists of the ballet have, over the years, brought so much to us that I feel that my job is to bring to them—in time, in opportunity, in release, in encouragement, in financial help and stimulating surroundings—what I can."

A GI'S LAST LETTERS FROM VIETNAM

Mr. SIMPSON. Mr. President, in view of our reaffirmed commitments in Vietnam and in light of the great need for a national dedication to our cause on that battlefield, I ask that an article appearing in Family Week be inserted in the RECORD at this point. It is entitled "A GI's Last Letters From Vietnam," and it is composed of excerpts from the letters of Capt. James P. Spruill to his family. These were wonderful letters—letters expressing the very best of the American spirit—letters showing a deep sense of responsibility and a strong hope for our cause. Before being killed in Vietnam, Captain Spruill said:

> Progress will not be dramatic. It will, in fact, be painfully slow. One of our biggest enemies will now be impatience and despair itself. * * * Talk instead of steadfastness, loyalty, and of victory—for we must and we can win.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A GI'S LAST LETTERS FROM VIETNAM

(NOTE.—On Memorial Day, a widow shares her pride in a husband who went to a war-torn land where his beliefs were put to the ultimate test—but never faltered.)

Mrs. Barbara Spruill, Suffern, N.Y.:

"On April 22, 1964, I was at my sister's house, when the telephone rang. I could hear her talking: 'Yes, she's here. * * * Read it to me. * * * Yes, I'll tell her.'

"She didn't have to tell me, though—I sensed that a telegram had been delivered to my home; a neighbor, guessing its contents, had phoned my sister.

"My husband, Capt. James P. Spruill, had been killed the previous day in Vietnam. I learned later that his jeep had struck a land mine.

"Our daughter, Elizabeth, 4, cried when I told her that daddy would not come home. But our son, Mark, 7, understood and was a great comfort to me.

"After the children were in bed, I took Jim's letters and sorted and typed them until the early-morning hours. I had a reason. Some of the people who sympathized with me felt that Jim had died without cause, that I had been widowed and my children left fatherless by a senseless death. We never believed this. Jim was a selfless man dedicated to a great responsibility—a responsibility to his country and to other people. He loved the Vietnamese and, as you shall see, never doubted that the good he could do outweighed the risks he faced.

"On this Memorial Day, I wish to share our pride in Jim's sacrifice with you. Here are excerpts from some of his letters."

It is a privilege to work with the Vietnamese (self-defense corps). Frustrating at times because he is backward, poorly trained, and—generally speaking—an amateur at almost everything he does. But in spite of his faults he is the most genuine and kind human I have met. Simple, humble, willing, and warm—they are wonderful people. If the press judges them harshly at times, it would be well to remember that they have had their independence only 9 years, and they never have had the opportunity to develop leadership, civic and otherwise.

It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledging American Army in its fight for freedom and internal order. Two of these "advisers" are well known—Von Steuben and Lafayette. It is heart-warming to think that we now continue the tradition of sacrifice fostered by those two men when they aided a nation in need.

* * * * * * *

The other day (during a hazardous field operation) when I thought I would drop, never to get up again, I said to myself: Barbara and the children are at the far-tree line. Without that thought I may not have made it. Later on in the day, I crossed a stream over my head. When you come to them, there is nothing to do but hold your breath and walk under (the water) and hope that you hold out until your head comes up again. And later on in the day, I fell into a spike trap. I was lucky because there were no spikes.

* * * * * * *

My rotation date back to the States is November 3, 1964. I am told that it could be as much as a month earlier but not to bank on that. In any event, Honey, the clock is running; I am where my destiny has led me, and I have no regrets except my painful absence from you, Billy Goat, and Punky Bear.

Well, little monkeys, by the time another letter gets to you, Christmas will be there. God alone knows how hard Daddy will reach out for you all in his heart during that time. In a way it will be a sad Christmas. But only in a selfish way. In a better, more meaningful, way, it will be one of our best Christmases, for our little family is giving of itself to the world. We are sacrificing, you and I, for the good of other people, and that is truly Christlike.

* * * * * * *

Last night, on Christmas Eve, I went down town to a Catholic service. There were children everywhere, and there was a Santa Claus, slant eyes and all. I saw a small child that reminded me of another child I know, and it was all I could do to keep smiling. But you know, the mother read what was in my eyes and brought the child over to me. I picked it up, sat it in my lap and held it, and for a wonderfully warm moment East and West were one in heart.

It was a wonderful Christmas. I want you to understand that. Before I fell asleep, I had to cry a little. But even as I did so, I knew I did not cry out of sorrow or self-pity. I cried because my heart was so full of happiness and gratitude that it could not hold it all. I was sublimely happy because I have had the three of you.

* * * * * * *

However, my post is a bit quieter than others. Last night, for example, we showed a movie in the market and that helps keep things quiet because the local VC (Vietcong) like to see the movies, too. Strange thing to sit there in the night, a pistol in your hand, and laugh at animated cartoons with members of the VC.

* * * * * * *

At the moment, the war does not go well. You read enough about that. I feel that there is too much talk of despair. I warned you of that before I left. You may remember. Above all, this is a war of mind and spirit. And it is a war which can be won no matter what present circumstances are. For us to despair would be a great victory for the enemy. We must stand strong and unafraid and give heart to an embattled and confused people. This cannot be done if America loses heart.

At the moment, my heart is big enough to sustain those around me. Please don't let them, back where you are, sell me down the river with talk of despair and defeat. Talk instead of steadfastness, loyalty, and of victory—for we must and we can win.

* * * * *

I must admit that there are many moments of frustration in Vietnam. Ineptness, dishonesty, lack of spirit, confusion, and laziness—to name only a few. But that is exactly why we are here. It is exactly in places and in circumstances such as this that communism gains its foothold. Communism is the scavenger of the upheaval that comes with the modernization process and the age of rising expectations.

* * * * *

* * * Much sweat—and I am afraid much blood—remain to be shed. Progress will not be dramatic. It will be in fact be painfully slow. One of our biggest enemies will now be impatience and despair itself * * *.

* * * * *

(His last letter, dated April 19, 1964) * * * Chin up. See you later * * *.

(Editor's Note.—Mrs. Spruill has not let her husband's sense of responsibility die. By personally writing U.S. pharmaceutical firms, she arranged for free medical supplies to be sent to Cai Son, the village where Captain Spruill was last stationed.

Last month Mrs. Spruill was awarded the George Washington Honor Medal by the Freedoms Foundation "in recognition of her husband's supreme sacrifice in Vietnam and of his resolute and reverent support of the ideals of American patriotism as exemplified in his letters.")

"NEWSCASTER WITH THE FACTS" (JOSEPH McCAFFREY) URGES PASSAGE OF THE COLD WAR GI BILL

Mr. YARBOROUGH. Mr. President, Joseph McCaffery, a newscaster in the Washington area, has a reputation for being a "newscaster with the facts." He is one of the finest reporters of the news in television, and has acquired a large following among those who have become acquainted with his nightly telecasts

On Friday, July 23, 1965, and Thursday, July 29, Mr. McCaffrey broadcast two fine editorials on the cold war GI bill over channel 7 in Washington. Although the GI bill has received editorial commentary from across the Nation, Mr. McCaffrey presents the need for this bill in a perspective which is seldom reported on in the area he covered, that of our national goals and military involvement.

To illustrate the excellence of Mr. McCaffrey's commentaries and to emphasize the need for the cold war GI bill, I ask unanimous consent that the texts of these two telecasts be printed at this point in the Record.

There being no objection, the text of the telecasts were ordered to be printed in the Record, as follows:

(By Joseph McCaffrey, July 23, 1965)

One of the strangest things in Washington has been the news blackout on the cold war GI bill.

Little or nothing had been written about this bill before the Senate on Monday, finally approved the bill which Texas Senator RALPH YARBOROUGH has been pushing for so long. Since Senate passage not much more has been written about it. Actually, there is no conspiracy to put the blanket over the cold war GI bill. The thunder of silence that greets it is probably in keeping with the general neglect of the peacetime draftee, yet he goes into the shooting war in Vietnam, or may be shot at in the Dominican Republic or, perhaps, be shot at in some part of the world where at this very moment there is no shooting, but soon may be. The Yarborough bill, passed on Monday, would fill the gap left by the expiration of the Korean war GI bill. The next step is up to the House of Representatives. Although there is no inclination on the part of editors and commentators to push the cold war GI bill, there is a huge lobby forming to support it: The thousands and thousands of veterans who would benefit from it, but most important it has something else behind it: public conscience, which recognizes that we must provide for the men who are now being sent into combat.

It is this, in the end which will force action on the Yarborough bill in the House of Representatives.

(By Joseph McCaffrey, July 29, 1965)

Now that we frankly talk of the situation in Vietnam as a war, and we double the draft quotas, with the possibility that it may be tripled within a short time, it is time to get a small beam of light focused on Senator RALPH YARBOROUGH's cold war GI bill. The Senate has already approved this bill, the House has given no indication that it is interested. Yet we are moving to a wartime footing.

We are stepping up the draft calls, as we did when we started the long haul in Korea, but the men who went into Korea knew that if they could come out alive, they would have the same GI bill benefits which veterans of World War II received.

The draftee going into the war in Vietnam doesn't have this going for him, nor will he be able to carry over into civilian life a GI insurance program, because there is no longer any GI insurance.

The draft has been called, by those who have studied it, basically unfair. There have been, and there probably will continue to be some loopholes through which thousands will escape.

But what about those who are caught up in the draft?

What does the House of Representatives intend to do about them?

What action does the House and its Veterans' Committee intend to take on the Yarborough GI bill?

It can no longer be called a cold war GI bill because the draftees going into Vietnam are taking part in a hot war.

If we are such a prosperous, fat, happy Nation with, as the President bragged yesterday, an unequaled 52 months of prosperity, we should be able to afford to treat our servicemen fairly and decently.

Whether we do or not, depends on what the House does about the Yarborough GI bill.

QUIET VICTORIES ON THE FARM FRONT

Mr. LONG of Missouri. Mr. President, in the midst of great national and international crises, our country has experienced a series of quiet victories on the farm front. This was made very clear when the Honorable Orville L. Freeman, Secretary of Agriculture, spoke earlier this week to the annual meeting of the Missouri Farmers Association in Columbia, Mo.

I am bringing to the attention of the Senate this fine speech for it tells so well the great success story of American agriculture in the 1960's. As Secretary Freeman points out, the Missouri Farmers Association operates "from the premise that what is good for the farm families of Missouri and the Nation is good for the Missouri Farmers Association." Certainly, MFA deserves our high praise for benefiting both the farmer and the consumer alike.

Mr. President, I ask unanimous consent that this speech be printed in full at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Secretary of Agriculture Orville L. Freeman Before the Annual Convention of the Missouri Farmers Association, Stephens College Auditorium, Columbia, Mo., August 2, 1965

There are some experiences which—no matter how often repeated—are ever new, and revive a man's zest for life and his joy in it:

Like feeling the trusting touch of the hand of a little child;

Recognizing the voice of an old friend by the warmth of it;

Seeing the haze of loveliness that wraps itself around a mother, a wife, a daughter; and,

Seeking to match the intense concentration of an inquisitive boy.

Another of these always refreshing experiences is looking out over the versatile and vibrant farmlands of the Midwest in the midst of a growing season. There is always inspiration, accompanied by a deep sense of gratitude, in seeing firsthand the combination of farmer skills with nature's gifts that results in the miracle we know as food abundance.

So I find it good—good indeed—to be with you in this place, at this time. Thank you for inviting me.

Four years have gone by since we were last together at an annual meeting of the Missouri Farmers Association. Since 1961 I have come to know the membership of this organization better than I did then—many of the more than 150,000 of you personally—all of you through the quality of your organization and the character of the leadership you chose for it.

These associations and observations have led me to two conclusions about the Missouri Farmers Association.

One is that you do not accept progress as inevitable. You look upon progress as a process demanding imagination and creativity * * * sensitivity and sensibility * * * anticipation and dedication * * * and plain hard work.

The other is that you consistently operate from the premise that what's good for the farm families of Missouri and the Nation is good for the Missouri Farmers Association. I've seen you apply this principle internally, as you weighed possible immediate advantages for your cooperative enterprises against the potential for long-term gains and in the whole of agriculture; and I've seen you apply it in helping create and implement national farm and food policies and programs.

For establishing and following these commendable standards, you have my admiration and respect.

This organization's spirit and its concept of proper priority—as well as the personal philosophy and abilities you have recognized for a quarter of a century—have contributed to making your Fred Heinkel an internationally recognized agricultural leader.

Fred Heinkel holds the dual role of an architect, and a builder, in the food and agriculture policies and programs of the 1960's.

Few commodity programs, now or in the past, have records of performance and popularity equalling that of our present feed grains program. It was the first big step in bringing farm production policy into harmony with the era of abundance. The chairman of the advisory committee which played a major part in the creation of the feed grains program, and in perfecting it through the years since 1961, was Fred Heinkel.

Fred, I want MFA members to know that no one has done more for American agriculture through this period of almost 5 years than you. And if you will accept a personal tribute, I want to express my own high regard and warm affection.

Earlier I recalled it has been 4 years since I attended an annual MFA meeting. At that time we discussed what needed doing in the decade of the 1960's to correct inequities that were denying parity of income opportunity to our farm families and threatening the destruction of the free enterprise family farm system.

Since then, working together, we have corrected, and we have innovated.

We have broadened the avenues of economic, educational and social opportunity for the people of rural America—farm and nonfarm.

By combining the abilities, the knowledge, the resources and the purposes of people and government we have moved steadily upward on a number of fronts from the low levels of 1960.

As Al Smith once said: "Let's look at the record."

Farm earnings today are substantially better than they were. Realized net farm income in this year of 1965 is now expected to total $13.5 billion—the highest since 1953 and some $1.8 billion more than our farm families earned in 1960.

Today's income is better than that of 1960 because we've succeeded in moving to more equitable farm price levels. In the early summer of 1960 the average return to farmers from soybeans was $1.94 a bushel. This year it was $2.72—78 cents a bushel more.

Here are some other early summer of 1960 and 1965 comparisons:

Corn: $1.09 a bushel then, $1.30 now.

Hogs: $16.20 a hundredweight then, $22.70 now.

Cattle: $21.70 then, $23 a hundredweight now.

Lambs: $20.10 then, $25 a hundredweight now.

Wool: 45 cents a pound then, 49 cents a pound now.

All hay: $15.90 then, $20 a ton now.

Farm spending is better than it was. The income gains are reflected in improved rural town and city economies as sales of goods and services to farmers trend upward. Last year, when gross farm income was $4 billion over the total of 1960, farmers increased their expenditures for automobiles by over $600 million and boosted other expenditures for capital goods and machinery by another $400 million. Better living on the farm means better living in St. Louis, Kansas City, Detroit, and Rock Island.

Food is a better bargain than it was. For the millions of American consumers, food is the best buy they find in retail stores. This year, for the average family, food costs will take about 18.3 percent of income after taxes. In 1960, food required 20 percent—and the diet contained less beef. If the same percentage of income were being spent for food in 1965 as consumers were spending in 1960, they would have $7 billion less to spend on other things.

Food distribution is better than it was. We're doing a much-improved job of making our food abundance cover the whole of our society—our families requiring public assistance, and our school children. The USDA's food programs are now reaching over 40 million American adults and youngsters each year. The volume of food distributed through these domestic programs has increased from 900 million pounds in 1959–60 to 2.1 billion pounds in 1964–65. In addition, a growing volume of food is moving into the homes of low-income families through commercial channels under the food stamp program.

Farm exports are better than they were. Sales of agricultural commodities overseas are expected to reach a new record of $6.1 billion in the current fiscal year. It will be the second year in a row with farm exports in excess of $6 billion, as compared with $4.5 billion in fiscal 1960. This means more than better markets, better incomes, for farm families—it means expanded job and income opportunities in the areas of processing and shipping—and it makes a substantial contribution to a favorable balance of payments. From a humanitarian standpoint and from a commercial standpoint the expanded utilization of American food and fiber abroad contains the greatest opportunity for maximum use of our great food production plant. In this effort there is need for the facilities and the skills of our cooperatives, and the interest demonstrated by MFA is most welcome.

The supply-demand relationship is better than it was. Surpluses are down. Carryover stocks of grain by the end of the year will be at the lowest level since the mid-1950's, which means greater farm price stability and a cut in storage and handling costs for taxpayers.

We can take pride and satisfaction in these achievements.

What we've done in the past 4 years is proof it is possible to base a reasonable, progressive, serviceable food and agricultural policy on a concept of abundance rather than scarcity, benefiting producers and consumer alike.

That doesn't mean we have achieved full parity in income opportunity for our adequate, commercial family farms or that rural America as a whole is moving ahead in job and other opportunities as rapidly as it must to reach our goal of parity of opportunity.

But we're on the right track.

Whether we stay on it depends upon the decisions the Congress makes this month on legislation that will make it possible to continue—with a variety of improvements—the policies that have provided fuel for the steady progress made since 1960.

Let me emphasize that these legislative proposals are not designed to maintain the status quo. While incorporating the dynamic parts of our past experience, the omnibus farm bill is designed to encourage development of an agricultural plant and a family farm economy that will respond to the potentials of the future.

The same mechanisms that made things better than they were are not necessarily sufficient to make them better than they are.

Enactment of forward-looking legislation is mandatory to a forward-moving rural economy, a forward-moving national economy.

Failure to act will be catastrophic to both.

Studies made by the Congress, by university economists, and others agree that if we fail to extend our farm commodity programs we will quickly experience a decline of as much as 50 percent from the current, still inadequate net farm income level.

Anyone can understand a 50-percent pay cut, and its impact upon the individual family directly affected. But let me turn your attention, and the attention of the entire Nation, to what such a blow to the farm economy would mean to the whole of the country's economic well-being.

A quick look at the farm credit situation is most revealing:

On January 1, 1965, the total farm debt amounted to $36 billion. That's 45 percent more than it was just 5 years ago. It is nearly 200 percent over the farm debt total of 1950.

It is a matter of deep, personal concern to the farm families who owe it. It should also be a matter of both humanitarian and economic concern to nonfarmers, because if farm families cannot pay it, city families are going to be in trouble, too.

The debt situation in agriculture is neither better, nor worse, than in other sectors of the economy. Farm debt has increased at about the same rate as the debt of corporations, and at a somewhat slower rate than consumer debt and private noncorporate debt.

Indications are that the sharp rise in farm debt is not due to the use of credit as a substitute for income.

Rather, the increase has resulted largely from borrowing by farmers to increase the efficiency of their operations, and borrowing by young farmers becoming established on adequate family farms. And comparatively few of them are having debt difficulties so far—this fact is made clear by the excellent record made by farm lending institutions in collections from 1961 through 1964, and the near-record low levels of delinquencies and foreclosures.

If we succeed in maintaining the farm income gains of the past 4 years; if we continue our already significant progress toward full parity of income opportunity for the operators of the growing numbers of adequate family farms, the farm debt situation is not likely to cause serious difficulties for most farmers, for the communities which provide them with goods and services, or for the urban factory workers dependent upon rural markets for a substantial share of their employment.

However, a sharp decline in farm income resulting from failure to continue constructive farm and food policies and programs would, on the other hand, quickly upset the entire rural credit structure. It would deprive farmers of the ability to borrow or to repay the massive debt load they carry today. It would mean wholesale foreclosure and liquidation. It would mean rural chaos that would quickly infect the entire economy. Once again newspapers would repeat, in headlines, the old adage that depressions are farm led and farm fed.

The times of truly great tragedy in rural America have been the times of mass foreclosures. In this community and in others across the land, scars still remain as a reminder of the last time an accelerated downgrading of the value of a man, his family, and his farm made it impossible for the family farmer to make the payments on his mortgage.

The stakes are big this month as the Congress prepares to act on the Great Society farm program. If it is enacted into law, we can look forward to steady progress, and it wouldn't be unreasonable at all to anticipate in the next 4 years a repeat of the thousand-dollar gain in realized net income per farm of the last 4 years.

But—if we fail to build upon the experience and the programs and the progress of the 1961–65 period, the outlook will be grim indeed. If failure to adopt reasonable, purposeful legislation brings a drop in net farm income from the current level down to just $6 billion a year, every American will suffer. In that event the efficient family farm structure that now ranks among the wonders of the modern world would be wiped out. No one can predict what might replace it, but the food abundance and fair prices consumers now accept as casually as the air they breathe would be gravely threatened.

If we fail to respond to both the responsibility and the opportunity contained in the food and agriculture bill now before our Congress, we'll appear in the coloring book of history painted thoughtless and indifferent—perhaps even ruthless.

I believe in the positive approach—and so do you, or you couldn't face up to the year-after-year, season-after-season hazards of farming.

I can sense a growing realization among all the people of our country that they have a good thing going for them in the policies and programs that give rural America stability and sound growth prospects; give urban America an abundance of good food at fair prices; and, give the hungry of the world not only a source of food, but a fountain of know-how that can improve their ability to feed themselves.

If that realization comes to flower in terms of constructive legislation this month, the prospects are excellent that the twin goals of parity of income for the adequate family farm and parity of opportunity for all of rural America can be reached by the end of the sixties.

Let's keep our wagon hitched to that star.

SITUATION IN VIETNAM

Mr. McGEE. Mr. President, Life magazine has this week summed up the situation in Vietnam in an editorial, "Johnson Means Business in Vietnam," which clearly outlines the nature of America's goal:

> Russian communism, a generation older than Chinese, was contained in Europe by 20 years of Western force and firmness and is now beginning to look more like a version of Russian national interest than the unappeasable firebrand it once was.

The implication there is clear, but it is spelled out nonetheless. Life points out that Asia's Red tyrants are aging and that their successors—

> will be inevitably influenced by the inherited structure of their world. If they see a string of victories behind the openings ahead, with the West in wavering retreat, they will be more revolutionary than their predecessors. If their prospect is instead one in which the rim of Asia is a strongly guarded homeland of free and prospering people, the younger Reds may choose to concentrate on their copious domestic problems and follow the Russian example of a mature revolution.

It is possible, Mr. President, to contain Red Chinese imperialism. To those who doubt this, to those who raise the dogmas laid down by military leaders about wars in Asia, Life has an answer:

> If it is dogmas we need, America has some good ones: The belief that America has a purpose as well as interests in the world, that the purpose and the interests are not regional but global, and that American freedom cannot be protected at the cost of those whose freedom we have promised to defend. Vietnam is the place where these beliefs once more are put to the test.

I ask unanimous consent that this editorial from Life be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Johnson Means Business in Vietnam

"This is really war," said President Johnson. But not a "national emergency"; that he refused to declare. A similar ambivalence marked his whole report to the people on his much publicized full-dress review of our Vietnam policy last week.

Vietnam is enough of a real war so that he has doubled the draft call to 35,000 a month and is now sending another 50,000 troops to support the deteriorating Vietnamese resistance. On the other hand, he rejected the immediate call up of reservists and saw no present need for civilian belt-tightening. Our national war aim is perhaps more resolute but still defensive: to prevent Communist domination of Asia. Unchanged also, though more emphatic, is our readiness for "unconditional discussions with any government at any place at any time." In sum, the President's prescription for Vietnam is a marked intensification of what we are already doing—i.e., more of the same.

"More" means deeper involvement in a remote and tragic land where an increasing number of Americans are in fact already dying—over 400 since February 1. Their death places have names like Phu Bai, Danang, Ban Me Thout, Kontum, Pleiku. These place names may someday be chiseled on monuments in Michigan and Kansas, under those other names, once also thought exotic, like Chateau-Thierry, Anzio, Tarawa, Pusan.

"The same" means that any further escalation of the conflict will be by steps as carefully measured as in the past. We fight, says Johnson, to force or induce a negotiated settlement, not to invite "an expanding struggle with consequences that no one can perceive." This caution, coupled with his renewed appeals for peace initiatives from other nations and from the U.N., may disarm some critics of the morality of Johnson's Vietnam policy, especially those from abroad. But while it leaves the President still in control of all the options on the escalation ladder, it does not answer certain other doubts about the practical effectiveness of that policy. Some of the Congressmen who support it do so with more fatalism than conviction. For in this kind of war, more of the same may not be enough.

"Americans do not like long, inconclusive wars. This is going to be a long, inconclusive war." The words are Ho Chi Minh's in 1962. "Son, don't ever get yourself bogged down in a land war in Asia." The words are attributed to General MacArthur on his deathbed and often quoted by Lyndon Johnson himself. These two dogmas have implanted a seed of defeatism in the American mind.

It is part of the long-war dogma that you can't beat guerrillas without great manpower superiority, the minimum ratio being something put as high at 10 to 1. The South Vietnamese Army, decimated by casualties and desertions, is now three times the known strength (about 165,000) of the Vietcong. If American troops were to redress the numerical ratio, it would take over a million of them. Even if these troops were to pacify the entire surface of South Vietnam, so runs the long-war dogma, Ho Chi Minh's "jungle Marxism" would go on burning underground like a mine fire.

From this glum prospect the MacArthur dogma jogs loose a positive fear: that the "bogging down" of American troops on the Asian mainland is an actual aim of Communist long-term strategy. It would drain and pin down their No. 1 enemy and clear the road for aggression elsewhere. As Walter Lippmann keeps arguing, the United States cannot police the entire world, and southeast Asia, where U.S. security is not directly threatened, is a bad place to commit U.S. power. Says Senator Russell, head of the Armed Services Committee and no advocate of withdrawal, "I have never been able to see any strategic, political, or economic advantage to be gained by our involvement" in Vietnam.

These dogmas, fortunately, have not governed President Johnson's decisions.

Ho Chi Minh's guerrilla tactics are indeed successful in the countryside, but they still require him to avoid pitched battles, which he would lose against superior United States-Vietnamese firepower. They are much less useful against the big cities without which he cannot conquer South Vietnam. Moreover, Ho's accumulation of small victories has been compounded by some Pentagon errors in the conduct of this war, particularly as to timing. Because of the reluctant and creeping pace of our commitment, we have generally opposed Ho with too little and too late.

The U.S. commitment in Vietnam is much deeper now. Our men already have combat missions which they are rapidly learning to make more effective. The buildup of five major bases, toward control of the entire east coast, is of dimensions not seen in Asia since the Korean war. The air raids on North Vietnam have many scores of richer targets on their agenda before the possibility of Chinese intervention (or more Russian aid) need deter us. Ambassador Lodge resumes his post with ideas for a new program than can rekindle both the villagers' military resistance and their political hope.

As for Communism's grander strategy, it is of course impossible for the United States to fight tyranny at all times and in all places. But it is perfectly possible to contain Red Chinese imperialism if we so decide.

Russian communism, a generation older than Chinese, was contained in Europe by 20 years of Western force and firmness and is now beginning to look more like a version of Russian national interest than the unappeasable firebrand it once was. The Communist tyrants of Asia are now old men—Mao Tse-tung, 71; Ho, 75—soon to be succeeded by a new generation. The strategies of this generation will be inevitably influenced by the inherited structure of their world. If they see a string of victories behind the openings ahead, with the West in wavering retreat, they will be more revolutionary than their predecessors. If their prospect is instead one in which the rim of Asia is a strongly guarded homeland of free and prospering people, the younger Reds may choose to concentrate on their copious domestic problems and follow the Russian example of a "mature" revolution.

However that may be, this is no time for defeatism about Asia. China is not, either now or inevitably, a superpower dominating her neighbors; only their fear, induced by American withdrawal, could make her so. The President refuses to speculate whether the Vietnam war will last for "months—or years—or decades," and such speculation is indeed bootless until our new commitment there has shown its military results.

If it is dogmas we need, America has some good ones: the belief that America has a purpose as well as interests in the world, that the purpose and the interests are not regional but global, and that American freedom cannot be protected at the cost of those whose freedom we have promised to defend. Vietnam is the place where these beliefs once more are put to the test.

THE 175TH ANNIVERSARY OF THE COAST GUARD

Mr. PELL. Mr. President, I am proud to endorse the resolution introduced by my distinguished colleague, Senator MAGNUSON, of Washington, establishing August 4 as U.S. Coast Guard Day in commemoration of the 175th birthday of this great armed force and humanitarian service.

The Coast Guard has always been of great personal interest to me. Four months prior to the attack on Pearl Harbor I enlisted in the Coast Guard, my first duty being that of ships' cook. At the end of the war I held the rank of lieutenant and have now the honor of being a captain in the Coast Guard Reserve.

In the State of Rhode Island, we have long been aware of the beneficent presence of the Coast Guard. We know of its unceasing efforts to provide a greater measure of safety to all who travel on or over the sea. Its extensive lifesaving network has saved many thousands of lives and billions of dollars in property. Thousands of Rhode Island boatmen have been the beneficiaries of the Coast Guard's work. In the past year alone, the Coast Guard was responsible for saving or rescuing from peril more than 130,000 persons and the value of ships and cargo saved was nearly $1 billion or approximately two and one-half times the Coast Guard's annual budget. That is a very good return, indeed, for the American taxpayer's dollar.

Besides serving the noble cause of safety at sea, the Coast Guard is hard at work expanding our knowledge of the sea upon which our future survival may depend. Its highly trained port security organization stands ready to protect our waterfronts and harbors from hostile action in the event of emergency, and its approximately 32,000 officers and enlisted personnel maintain themselves in a state of constant military readiness to serve with the Navy should the need arise.

Several weeks ago, the Coast Guard demonstrated its readiness to respond to emergencies by dispatching, at the Navy's request, 17 of its 82-foot patrol boats to help counter North Vietnamese efforts to supply Communist Vietcong units in the Republic of Vietnam.

As our country's oldest, continuous, seagoing military service, the Coast Guard has the distinction of having taken part in every major war in which our Nation has been engaged. In World War II, the Coast Guard's men, ships and planes gave an excellent account of themselves in every theater of operation. Many a Coast Guardsman never returned to his home and loved ones. Some lie buried in lonely graves in the oceans of the world. They have left us a heritage of valor which will never be forgotten.

For myself, I remember with pride that, in 1957, the Coast Guard cutter *Spar* returned to her home port of Bristol, R.I., after completing the first circumnavigation of the North American Continent by an American vessel. This was a significant event in the history of navigation. By her action, the *Spar* fulfilled the dream of navigators since the time of the Cabots to find an eastward passage across the top of the continent.

Along with my fellow Americans I say: Congratulations Coast Guard on your 175th birthday. The prayers and best wishes of the American people go with you for many additional years of rewarding service to country and humanity.

NATIONAL TEACHER CORPS WILL USE YOUTHFUL COMMITMENT AND SERVICE

Mr. NELSON. Mr. President, a few days ago Vice President HUMPHREY delivered a moving address to young Government interns at the annual meeting of the White House seminar. He praised this new generation for restoring the excitement of dialog and questioning to America's college campuses.

Large numbers of young people now are active in campus intellectual ferment, unselfish in commitments to social justice, and willing to devote productive years to service. These youthful qualities, the Vice President concludes, create the climate for such national efforts as the Peace Corps, VISTA—and now the National Teacher Corps.

In view of the timeliness of this excellent assessment of the state of America's young people, I feel all Members of the Congress should have an opportunity to read it. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I am honored to be with you this morning at the annual meeting of the White House seminar.

I have had the privilege of meeting with this group for each of the past 3 years.

First, let me say that we are pleased to have your services, if only for one summer. Even in so short a time you can make significant contributions here in Washington. And I think you will gain, too—if only from seeing just how things work here. I hope you will put this experience to good use. At the risk of sounding like a commencement speaker, I will say that your generation faces great tasks and that you will need all the experience and knowledge you can get.

We are surrounded today by a technology which is still in its infancy.

Information is already running ahead of our ability to use it.

International political crises can develop and involve the entire world in the time it used to take for an ambassador to a small country to draft his longhand report on a local uprising.

Two-thirds of the world is poor and seeking to break through, by whatever means, to something better.

We have wealth and power to do great work—or to destroy ourselves.

The point I want to make this morning may seem self-evident. But it bears repeating.

The point is this: That this Nation and world will survive and prosper only if individual man can control the great forces moving about us.

As society becomes increasingly complicated—and, therefore, by necessity, increasingly organized—there is danger of losing sight of the individual.

It is precisely in such a complex society that the individual's needs are greatest. And it is in such a society that we need men and women able to exercise individual judgment and to take individual initiative.

That is why this administration is committed to giving each child entering life full, equal, and free opportunity for personal fulfillment, while at the same time providing for the general welfare.

We seek to create an environment where each American can contribute to and share in the betterment of the human condition. We seek to create an environment in which each man may and will be able to do something for all men. This is the goal of the Great Society.

But we will not reach that goal by government initiative alone. It will only be reached, finally, by the commitment, involvement, and action of individual Americans, each working where he is.

Is our American society today a society of individual involvement? Or is it, as some have charged, a society of individual alienation?

The test is what is happening around us—by the signs and symptoms. I think the signs and symptoms are positive. I think they give us reason for hope and confidence concerning the fate of individual man as well as our society in general.

There is no question, in fact, in my mind that your generation is indeed a generation of involvement.

The best example of this is seen in activity and ferment on campuses across our country. This should not be cause for worry. What is happening indicates that the excitement of dialog and questioning has returned to the campus.

It was not so long ago that we had a college generation of apathy and complacency—a generation of people who simply didn't care about much except their own comfort and security, a generation moved by the herd instinct. But apathy and complacency are not the mark of your generation.

The fact is that more and more young Americans are devoting their productive years to service.

Some people call this "do-goodism." But let me say that I pray the day never comes in our country when a man's best efforts to aid his fellows—to "do good"—are rejected.

Our young people are not selfish. The young people of America know that life is better for them than it was for their parents. They know for certain that it is much better than it was for their grandparents. But they are not saying to themselves and others, "Let's just keep it for ourselves."

This generation, the President has said, may well become known as the volunteer generation.

More than 10,000 young volunteers are now serving in the Peace Corps. More than 3,000 have already returned. And more than 100,000 have asked to participate in this bold and idealistic experiment.

When VISTA—the volunteers in service to America—was launched, more than 3,000 inquiries were received from young people on the first day of business.

These were volunteers for jobs without great financial reward, for hard and often thankless service.

Nothing sums up this life better than a letter written by Robert Rupley, a Peace Corps volunteer killed earlier this year:

"Apathy, ignorance and disorganization are the things we want to eliminate * * * No volunteer can hope for absolute success, nor can he even expect limited success to come easily. In many ways the life of the volunteer who sincerely seeks to effect progress is miserable. That may not seem to be a very hearty recommendation for the Peace Corps, but if we as enlightened people ignore the moral and economic poverty of the unenlightened, we really slight the challenges and needs of the modern world."

The civil rights movement is surely more than anything else a product of the courage and vision of a better America held by the students who first tried to be served in a segregated public facility.

It seems a long time ago, but it was only last year at this time that the Congress responded to this moral challenge and passed the landmark Civil Rights Act of 1964.

This challenge has not gone unanswered here in Washington.

President Johnson, in two memorable speeches—first before a joint session of Congress, and again at Howard University—called for the abolition of discrimination in voting, and faced directly the deeper and more profound effects of systematic discrimination on the social and family life of the American Negro.

This Congress will shortly respond to the first of the President's calls when the voting rights bill becomes law.

But the burden of guilt and shame—a burden of every American—will not be purged until the dignity and self-respect that is the inalienable right of every citizen has been returned—returned to those Americans who have suffered for so long under second-class citizenship.

Your generation has taken this cause, has accepted it, is fighting for it.

Now, President Johnson has proposed a Teacher Corps to attract young people to the crisis areas of education.

The Teacher Corps will enable talented young people and experienced teachers to work where they are most desperately needed—in areas of chronic unemployment and poverty and the ghettos of our urban centers.

Members of the Teacher Corps will offer hope to those without hope. The Teacher Corps can offer promise that there can be a new day—with hard work and enlightened encouragement—such as is now being demonstrated in Project Head Start, which makes each young child an experiment into a better tomorrow.

Yes, this American generation has involved itself in the struggles for world peace, for equal rights, and equal opportunity, for social justice.

What does this renaissance of involvement mean?

Most importantly I believe that it signals the return of the American spirit that was described by John Adams as "one of public happiness"—a spirit, in the words of Adams, "that possessed the American colonists and won the Revolution even before it was fought * * * a spirit which is reflected in the life, in participation of public discussion and public action. The spirit of public happiness is a joy in American citizenship, in self-government, in self-control, in self-discipline, in dedication."

The public business ought not to be a gloomy business. We are talking about the business of a great people essentially optimistic, outgoing, idealistic, and enthusiastic.

The spirit that John Adams talked about remains alive today.

For democracy to work, the individual must feel a responsibility for the course his country is following, and he must know that his desires and efforts do make a difference. This generation has reaffirmed the importance of the individual in the cooperative effort of all men to improve our society.

So, as I conclude, let me salute you for your involvement in the future of your country and the world. It will be your responsibility sooner than you think.

DRURY BROWN ON AERIAL BOMBING IN SOUTH VIETNAM

Mr. CHURCH. Mr. President, Drury Brown, editor and publisher of the Blackfoot, Idaho, News, always writes with keen insight on the subject of Vietnam. I ask unanimous consent to have his editorial of July 20 printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Blackfoot News, July 20, 1965]

IT'S FOR THEIR OWN GOOD

One of the most disturbing stories to come out of war-torn South Vietnam was that written by Associated Press Writer John T. Wheeler and carried on the front page of the Blackfoot News Monday, July 19.

It told of how the noncombatants have become the victims of the battle that our Air Force is compelled to wage in that tortured land.

Ba Gia is a village close to the capital of South Vietnam. Theoretically, the people of the village are on the side of the government in Saigon.

But the entire populace of the area is infiltrated with an element of the guerrilla Vietcong. Perhaps a sizable portion of the population secretly hopes the Vietcong will win its war of revolution with the Saigon Government.

But the run of the mill population undoubtedly wishes to be left alone. Unfortunately, that is impossible. A government fort is nearby.

When not strongly patrolled by U.S. troops, the fort is a pushover for guerrilla attack. The Vietnamese troops flee or are slaughtered. The Vietnamese commander of the area calls for help from the U.S. Air Force. Our planes fly over the town and plaster it with bombs and napalm jelly to fire the area.

By this time the guerrillas are long gone. The only inhabitants are noncombatants. They are the ones that are blown to pieces or are incinerated by the flaming napalm.

When the Vietnamese commanders are satisfied the area has been saturated sufficiently, they move in with U.S. advisers, and if he can overcome the handicaps placed by the military, a reporter like John Wheeler or Malcolm Brown.

In his poignant report, Wheeler told of entering the smoldering ruins of a house that contained the remnants of wedding decorations. On the floor of another gutted house was a can of cooking oil with the clasped hands emblem of the U.S. Aid program.

But the inmates of the village looked at the Americans with hate in their eyes. With the innate decency of most Americans, those servicemen and observers must have cringed.

How do you convince people like these villagers that the battle we are waging for them is for their own good?

D.R.B.

SENATOR DODD'S GUN LAW HEARINGS

Mr. HARTKE. Mr. President, as a cosponsor of S. 1592, the gun control law introduced by Senator DODD, I am always interested in the comments of the press on the matter.

The Washington Post made such a comment in an editorial which appeared last Sunday, August 1, in which it commended the bill's author for the care and the detail with which he has held the hearings on this question. As the editorial notes, the bill "is not a cure-all to the dreadful situation in this country which makes possible nearly 5,000 homicides and 8,000 suicides with guns each year." But Senator DODD certainly focused the national attention on a problem heretofore generally overlooked, not in any fanatic way but in a spirit of amity toward our sportsmen and gun collectors and all who have a legitimate use of firearms.

Such signal service deserves the kind of approbation which this editorial, and the many with which the Washington Post has preceded it, gives. I ask unanimous consent that the editorial may appear in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR DODD'S HEARINGS

Senator THOMAS J. DODD has performed a distinctive service in the lengthy hearings on his bill to limit the mail-order sale of firearms. Both advocates of gun control and their opponents had ample opportunity to expound their views. As a result some modifications have been made, but the bill remains intact and should be promptly passed when it comes before the Senate.

The Senator's bill is not a cure-all to the dreadful situation in this country which makes possible nearly 5,000 homicides and 8,000 suicides with guns each year. It is, however, a sensible step that is rightly in the purview of the Federal Government; a step one could not imagine being blocked in the grief-filled days when the Nation discovered its President had been murdered by a weapon shipped unquestioningly to a man with a history of mental illness.

We hope Federal legislation will encourage local legislation throughout the Nation to achieve registration of all firearms and to limit the ownership of these weapons to persons over 21 who have not been convicted of a crime and who have passed a test demonstrating their knowledge of the safeguards to be observed in using firearms.

Opponents of gun legislation keep returning to the argument that it will infringe the rights of citizens in a free society, but it is a hollow claim. When the second amendment was drafted this country was largely unsettled wilderness and for many a gun was as necessary as is a refrigerator today. Our crowded urban civilization can no longer tolerate the indiscriminate proliferation of firearms to satisfy the whims of gun fanciers.

THIRD ANNIVERSARY OF ESTABLISHMENT OF U.S. ARMY MATERIEL COMMAND

Mr. KENNEDY of Massachusetts. Mr. President, August 1 marked the third anniversary of the establishment of the U.S. Army Materiel Command. The function of this Command is to perform the basic logistics mission of the Army, including research, development, procurement, production, supply and maintenance. This is a large job and it has been done well. I ask unanimous consent to include in the RECORD a more thorough description of the Command's activities to date.

Accelerated response to the Army's need for better weapons, equipment and supplies has become the hallmark of the U.S. Army Materiel Command. New levels of effectiveness and economy have been reached from research and development through procurement and distribution, and streamlining and improving both in-house operations and relationships with American science and industry.

In terms of the Department of Defense cost reduction program. AMC's dollar savings have far exceeded its established goal for the third successive year. Although final figures have not been compiled, Gen. Frank S. Besson, Jr., commanding general of AMC, estimates that AMC will show a savings of more than $500 million during fiscal year 1965 against a goal of $433,330,000.

During fiscal year 1965 AMC total military and civilian manpower decreased 5 percent from 172,500 to 163,000. From an original of 278 local and regional facilities taken over from the Army's Technical Services in 1962, AMC has reduced its nationwide network of installations and activities to 191.

Approximately 800 individual organizational consolidations were accomplished during fiscal year 1965 to reduce installation support costs. These actions ranged from unifying of maintenance operations on a single installation to the placing of two or more installations under a single management.

AMC's ability to react quickly and effectively was put to a test, when U.S. troops were dispatched to the Dominican Republic. Initial weapons and equipment support for U.S. troops was accomplished through AMC's automatic supply support machinery, based upon predetermined requirements for type and size of the force involved. This automatic support was rated effective in all respects.

Experience in Vietnam and the recent approval of the Army's first Airmobile Division have given a new sense of urgency to AMC's development of new Army aircraft and aircraft support. In addition to a continuous program to adapt and improve existing aircraft and equipment to meet requirements in Vietnam, AMC has stepped up its research development and procurement activities over the past 12 months to meet the Army's overall air support needs.

Among major aircraft actions during fiscal year 1965 was the initiation of multiyear procurement of a new light observation helicopter. Other aircraft achievements have included two XV–5A vertical short takeoff and landing liftfan research aircraft evaluation; first flight test of the XV–9A experimental hot cycle helicopter, and other aircraft with increased weapon loads to serve as escorts for transport helicopters. Other action was taken on both land and sea to increase our advantage militarily in Vietnam.

In addition to supplying U.S. forces at home and abroad, AMC furnished support to 80 national and international organizations under the international logistics programs. The AMC has helped with coproduction in both Italy and Germany. They have sent to these countries both tanks and armored personal carriers, resulting in aid abroad and industrial production at home.

The AMC this year established the Army industrial material information liaison office program—AIMILO—to increase competition for the Army's procurement dollar through providing industry with long-range advance planning procurement information—APPI—on future Army military needs.

AMC's continuing drive to improve the quality and reliability of Army weapons and equipment was highlighted over the past year by the widespread application of the zero defects concept, a program designed to motivate all personnel, from executive to shop workers, to be more quality conscious.

Other significant actions during AMC's third year as the Army's consolidated source of supplies and equipment include:

Development of a lightweight—44 pounds—atomic clock which measures time down to a ten-billionth of a second, used for setting frequencies on radios, tracking of missiles and satellites, and synchronization of radars.

Development of a Morse code reader, the size of a cigarette pack, that plugs into an Army radio and makes Morse code as easy to read as an electric signboard.

Completion of scheduled overseas deployment of new family on FM radios, four general purpose vehicles, and the Sergeant, Pershing, and Hawk missiles.

In an anniversary message to AMC personnel, General Besson, who has headed AMC since its inception in 1962, cogently summed up the aims and accomplishments of the Army Materiel Command:

> Our support for the soldier in the field—from Korea to Berlin, from the Dominican Republic to Vietnam—is on schedule. The weapons, equipment, and supplies we are providing are worthy of the men who use them. This is no time, however, to rest upon our laurels. As the pace quickens, the mounting demands upon our skills and experience must be met by each of us with determination, dedication, and with a real sense of urgency.

THROWING AWAY EXPORT MARKETS

Mr. McGOVERN. Mr. President, the commercial news service Comtel, a subsidiary of Reuters, the English news service with a bureau here in Washington, carried a story on Tuesday, August 3, that a Russian trade delegation has arrived in Canada to study two-way trade with the Canadians.

Significantly, the eight-man delegation headed by the Deputy Minister for Foreign Trade, includes top Russian wheat experts and the itinerary of the party includes Montreal, Winnipeg, and other Canadian wheat centers.

The party is said to be studying all aspects of trade with Canada but it is obvious that the central concern is wheat. The Russians are in the market for a continuing supply of wheat, as our own Foreign Agricultural Service indicated some time ago. Their experts, like ours, see clearly that there will be the continuing necessity for a number of years for Russia and the Eastern bloc nations to buy wheat by the millions of tons.

The Russian trade mission is in Canada, with no plan to come to the United States which has an 800 million bushel wheat stock on hand, millions of idle wheat acres, and economically depressed wheat producers. They will ignore American wheat stocks because if they seek to buy wheat in this country they will be confronted with shipping requirements and excess shipping charges which make the product of our farmers as much as 10, 11, 12, and even 15 cents per bushel more expensive than Canadian wheat.

In the wheat marketing year which closed about July 1, Russia and Eastern European nations purchased from Canada, Argentina, Australia, and France an estimated 5.6 million tons of wheat, or better than 200 million bushels, worth nearly $350 million.

The United States did not get any of this business for the same reason that the Russians are now bypassing us: an administration ruling in 1963, that 50 percent of any wheat sold to Soviet bloc countries, even though sold for cash on normal commercial terms, must be moved in American ships.

U.S. shipping charges are considerably above world shipping rates because our higher standard of living calls for higher wages for our maritime workers.

Shipping rates on wheat from the Gulf of Mexico to Black Sea ports is $18 per ton on American vessels and $9.25 per ton of foreign vessels. This amounts to 48 cents per bushel on U.S.-flag vessels and 25 cents per bushel on foreign ships—a difference of 23 cents per bushel.

This means that on a large cargo, shipped 50 percent in American bottoms, U.S. wheat would cost the Russians or Eastern European importers 11½ to 12 cents per bushel more than Canadian or other competitors' wheat. This is in a market on which fractions of a cent per bushel determines the sale. One cent per bushel on the Eastern bloc's purchases last year would have amounted to $1.5 million. An 11 cent differential would have meant a difference of $16.5 million.

The Export Control Act to which this 50-percent American shipping ruling has been administratively attached actually provides that no restrictions can be put on the ordinary commercial sale of American agricultural commodities except for security or foreign policy reasons. Yet, a determination was made in 1963 that it was in our national interest to make wheat sales to Russia.

The fact is that the shipping restriction was concocted for domestic political reasons and is one of the most irrational, self-defeating regulations ever devised. It results in our farmers losing an export market for at least $100 million worth of wheat annually, and a loss of that much in our balance-of-payments effort. At the same time, it does nothing to strengthen our maritime workers since it gives them 50 percent of no business.

Until November 1963, all commercial U.S. wheat exports—wheat exports outside of food for peace under Public Law

480—were exempt from the 50-percent provisions of the Cargo Preference Act. In other words commercial wheat could be shipped in western ships where available at the lowest possible cost without regard to the flag of the vessels. When the Soviet Union came to the United States to buy wheat in the fall of 1963, the administration in authorizing such exports, applied 50 percent U.S.-flag shipping requirements under authority of the Export Control Act. This was done even though the business transactions were strictly commercial, and were in no way related to Public Law 480 or involved any unusual credit or credit guarantees. The obvious reason for the move was to make the wheat sales more acceptable to the maritime workers and leaders. Thus, for the first time, the provisions of the Cargo Preference Act intended to apply for food-for-peace Public Law 480 shipments, were applied to a U.S. commercial export transaction. There is no such requirement imposed on any other commodity sold to Russia or Eastern Europe. We can sell them steel, autos, trucks, industrial machinery, or anything else except strategic materials and move them without restriction, in foreign vessels at world freight rates. No commodity except the farmers' wheat—a foodstuff that cannot be shot in guns or used to manufacture critical war implements, is impeded by this illogical regulation.

During the confusion that followed the application of U.S. shipping preference provisions to Russian wheat purchases, it was discovered that no branch of the Government had authority to absorb the U.S. freight rate differentials on the commercial exports. Therefore the extra cost of the shipping requirements was to have been borne by the buyer—in this case, the U.S.S.R. The Russians flatly refused to accept the additional cost, or to tolerate the discrimination. The issue was finally solved in part by the U.S. Department of Agriculture's acceptance of an extra high bid for export subsidy on the Durum wheat included in the total sales contract. Only half of the total sales volume to the U.S.S.R. that had been originally discussed by the Russians was realized. The remaining 2 million tons of potential wheat sales went on the shoals of the 50-percent shipping requirement. Our competitors picked up this business.

The U.S. nonliner fleet presently derives 90 percent of its business from Public Law 480 food-for-peace shipments, three-quarters of that in wheat. While the U.S. merchant fleet is carrying only 8 or 9 percent of total U.S. exports, it is carrying 38 percent of all U.S. wheat exports. The American wheat economy is already providing substantial business to U.S.-flag shipping under Public Law 480. Commercial wheat exports should not be impeded by noncompetitive U.S.-flag shipping requirements.

The effect of the 50-percent U.S.-flag shipping requirement implemented in 1963 on validated licenses to export wheat to Russia and other Eastern European countries has been most costly to the American economy this year. Since July 1, 1964, Russia has purchased from our competitors in other countries for cash payment more than 1.4 million metric tons of wheat in addition to what she imported the previous year. These purchases included 1.4 million tons from Argentina, 25,000 tons from Canada, 750,000 tons from Australia, and 325,000 tons from France. No purchases have been made by the Russians from the United States.

In addition, the other East European countries of Czechoslovakia, Hungary, Bulgaria, Poland, and East Germany have purchased more than 2,840,000 tons of wheat since July 1, 1964, from these same countries and Mexico. The United States again has not shared at all in these sales.

U.S. grain exporters and market development officers have testified that U.S. wheat sales could have been made, and indeed may still be made, to Soviet bloc buyers if our delivered price can be competitive with other exporting countries. This has not been possible because of the dramatically higher ocean freight rates associated with 50 percent use of U.S.-flag "tramp" ships compared with open market rates, which are 50 to 100 percent higher than comparable foreign rates.

The unfortunate effects of 50-percent shipping in connection with the licensing requirement has been:

First. Lost opportunities in making wheat export sales for dollars to strengthen our economy and improve our balance of payments.

Second. Increased pressure of unsold wheat stocks on our wheat producers and Government agencies.

Third. The result that the requirement has yielded our merchant marine 50 percent of no business.

Expanded trade with the Soviet bloc has been declared to be in our national interest. Yet we have defeated this decision by an unworkable shipping restriction.

It is essential that the United States develop means of supporting the U.S. nonliner merchant fleet without requiring U.S.-flag shipping to be an impediment to any agricultural exports financed under U.S. Government credit guarantees. Such a subsidy proposal might be patterned after the principles involved in the direct subsidy system in effect for the U.S. liner fleet. The proposal might include the provisions that the 50-percent rule of the Cargo Preference Act could still continue on Public Law 480 shipments, but should not be applied to commercial transactions. A direct subsidy should enable the U.S. nonliner shipping companies to capture a fair share of U.S. commercial export transportation without preferential guarantees.

The U.S. merchant fleet now carries only 8 or 9 percent of the total U.S. export business as compared to over 30 percent 30 years ago. There will be a strong appeal to somehow increase the business volume on U.S.-flag shipping in working out the new merchant marine policy mentioned by the President in his state of the Union message.

The elimination of 50-percent U.S. shipping from commercial agricultural exports would not in any way adversely affect our merchant marine because no such business can now be done where the requirement is in effect. In fact, the following benefits would accrue to our overall economy if we were to remove the shipping restrictions:

First. Improvement in our balance of international payments from increased competitive commercial exports—particularly grain including primarily wheat. Any freight payment to foreign shipping in connection with such possible exports would be vastly more than offset by dollar receipts in payment for the exported commodities.

Second. Increased jobs for our longshoremen, and business for our docks, from increased exports; as well as for interior transportation via railroads, trucks and barges.

Third. Increased farm income and reduced Government costs for storage of grain surpluses and for farm production adjustment programs.

I do not oppose support of our maritime fleet. I do not oppose the cargo preference provisions applicable to Public Law 480 shipments, enacted as a matter of maritime policy. I am prepared to support a direct subsidy to our nonliner fleet.

We should, however, end the unwise effort to use the Export Control Act for an unintended purpose, resulting in loss of trade, jobs and export income rather than in any gains for anyone—farmers, shippers or maritime workers. We should certainly question a restriction that undercuts a basic foreign policy decision. A new wheat marketing year has just started, Mr. President.

Considerable wheat has already been harvested. The brigade of combines which moves from Texas north through the wheat country cutting and threshing our abundance of the "staff of life" has started the trek north.

The new crop is expected to run better than 1¼ billion bushels. We will use about half of it for food and seed.

American farmers could market millions of bushels of it to Eastern European nations, and Russia—to say nothing of China—if we could somehow persuade the Department of Commerce and the maritime industry, including its labor force, to give up this "50 percent of nothing" regulation that is now enforced only against an agricultural commodity and only against the countries of Eastern Europe and the Soviet Union.

During the 1964–65 marketing year the Communist world purchased 12 million tons of wheat, or approximately 450 million bushels. Trade experts estimate that Red bloc purchases will be as large in the 1965–66 marketing year. The Russians are now obviously in Canada to start negotiating for the needed supply. They also estimate that the United States could get 2 million tons minimum of such a volume of business, or at least 75 million bushels, were it not for our self-defeating discriminatory shipping restriction.

The determination has already been made that sales of food to the Eastern bloc nations is in the national interest.

The regulation, therefore, is not in existence for security or to further our foreign policy.

Even though there is no basis in law for it, if this regulation was a matter of life or death to the U.S. maritime fleet, and to the maritime workers of the Nation, the matter might be debatable.

But there are absolutely no sales of wheat under the existing regulations. Everyone involved in the United States—farmers, our internal transportation system, dockworkers, sailors, fleet owners, and the Nation—are losing as a consequence of the regulation.

In the name of commonsense, Mr. President, let the administration set aside this foolish restriction that benefits no one and hurts the entire national economy.

The review underway by the Export Advisory Commission and Interagency Committee of executive agencies should not take a fortnight to complete. The extent of the wheat crop in northern hemisphere countries will be known very soon, supplies for the coming year will be known in each country, importers will know the extent of the purchases they must make, and the pattern of international transactions to provide 1965–66 wheat supplies in each nation will begin to take shape.

Every dollar in wheat trade we lose because of delay will have to be charged to folly—the sheer, indefensible folly of insisting on 50 percent of nothing—that 50 percent of no sales move in American bottoms.

Let me conclude by repeating that I am prepared to support direct assistance to our maritime industry. We ought to assist the industry in building an efficient fleet. I am not calling for the repeal of the Cargo Preference Act as it applies to Public Law 480 shipments.

I am calling only for the termination of a regulation that benefits no one and does serious damage to the American farmer, our balance of payments and the American economy.

I ask unanimous consent, Mr. President, to put into the RECORD an article from the July 12 issue of Foreign Agriculture by Mr. Raymond Ioanes, Director of the Foreign Agricultural Service of the U.S. Department of Agriculture, indicating that there will be a continuing opportunity to sell a considerable quantity of wheat to the Eastern bloc of nations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Communist Wheat-Buying Now a Big Factor in World Trade—Almost 40 Million Tons of Free World Wheat Have Been Shipped to Communist Countries in the Last 4 Years, Mainly From Canada, Australia, and the United States

(By Raymond A. Ioanes, Administrator, Foreign Agricultural Service)

Large-scale buying of free world wheat by Communist countries has become a new, major factor in international grain trade. It is affecting production patterns in some exporting countries. It is bolstering incomes of commercial wheat growers, particularly those in Canada and Australia. And it is a development which could well be with us for a number of years to come.

West-East movement of wheat in the 4 fiscal years 1961–64 amounted to almost 40 million metric tons—1,440 million bushels. This large export volume compares with the 1964 U.S. wheat crop of 1,290 million bushels.

Demand for Western wheat has come from all Communist "camps."

Red China has been the leading buyer, its imports totaling over 615 million bushels in 1961–64. Other countries in the Chinese orbit—Albania, North Korea, and North Vietnam—took about 25 million bushels more.

The Soviet Union imported 375 million bushels for its own use, virtually all of it following the disastrous crop failure in 1963. Other Eastern European countries (excluding Albania) and Cuba were customers for an additional 425 million bushels.

Free world exports to Communist countries in the current 1964–65 year, though less than in 1963–64, have been substantial. Actual shipments for the full year are estimated at about 410 million bushels, of which about 175 million are expected to go to Red China and countries in its sphere of influence, and 235 million to East European Communist countries and Cuba.

Communist buying of Western wheat has continued at a lively clip in recent weeks. Part of these new purchases are scheduled for delivery in 1965–66.

OUTPUT STIMULATED BY COMMUNIST BUYING

Of the 4 year 1961–64 exports of 1,440 million bushels, the United States furnished 273 million, or 19 percent. Of that amount, 195 million went to Yugoslavia and Poland, 65 million to Russia (most of it in 1963–64), and the remainder to other East European countries.

Canada and Australia, however, have been the big suppliers. Between them they furnished 62 percent of all the wheat moving to the Communist world in 1961–64. Canada sold 547 million bushels, Australia 348 million.

The Communist market unquestionably has helped to stimulate increased wheat production in these two countries. Although some of the stepped-up output has come from higher per-acre yields, the key factor has been expanded acreage. Canada's land in wheat last year was 30 percent (7 million acres) above the 1955–59 level; Australia's was 60 percent (8 million acres) above the average.

Argentina's acreage expansion has been a more moderate 16 percent, or 2 million acres, above average. France's land in wheat last year just about equaled the 1955–59 level. The same was true of the United States, which controls wheat acreage.

Total gains in wheat production in the five main exporting countries in 1961–64 approximate the volume purchased by Communist customers. Cumulative gains over the 1955–59 average totaled 1.7 billion bushels, as contrasted with the 1.4 billion bushels purchased by Communist countries. In other words, new demand for wheat has been offset by new supply, notably in Canada and Australia.

Probably because of this offset in demand-supply factors, Communist buying has not disturbed export wheat prices to any perceptible extent. For example, U.S. annual computed net export prices of No. 1 Hard Winter wheat, ordinary protein, at gulf ports, have not varied since 1960 by more than 3 cents from the average of $1.74 a bushel. (The computed next export price is the annual average U.S. domestic wheat price at port position minus the annual average subsidy, or, in 1964–65, the domestic price at port position, plus 25 cents—the cost of the export certificate, minus the subsidy.)

PURCHASES EXPECTED TO CONTINUE

These are the statistical outlines of West-East wheat trade to date. But what about the future of that trade?

Any answer—and it obviously cannot be precise—depends on such factors as weather, population growth, Communist farm policies, and cold war strategy.

Eastern Europe learned in 1963 that there's many a slip between planting time and harvest.

Russia, in particular, was plagued by bad weather. That's understandable. Much of Russia's wheat land is high risk, climatically. Most of the country's farming area is in the same latitude as Canada. Moscow is almost 1,000 miles closer to the North Pole than is Minneapolis. Growing seasons are short. There is an extensive semi-arid zone.

The 110 million acres planted to wheat in the New Lands area are especially susceptible to drought. But the 50 million acres in the Ukraine, Moldavia, northern Caucasus, and elsewhere also suffer occasionally from unfavorable temperatures, insufficient soil moisture, and other hazards.

Russia also must worry about weather in other eastern European countries, particularly Czechoslovakia and eastern Germany, and Cuba. The Soviet Union supplements wheat supplies of these countries; it furnished 395 million bushels in 1961–64. Needs of these countries increase, of course, when bad weather hits all of Eastern Europe.

SOVIET YIELDS FLUCTUATE

A review of Russia's wheat harvests since World War II shows an average yield of 11.5 bushels per acre—as against 21.2 in the United States. In that period, Russia had one extremely good year, 1958, when the yield hit 13.9 bushels, and one very poor season, 1963, which brought a yield of only 9.4 bushels. This yield series, based on U.S. Department of Agriculture estimates rather than official Soviet yield figures, shows a cyclic pattern. The peak of the cycle was reached in the late 1950's. The trend at present appears to be downward.

It is true that the Soviet Union's huge wheat acreage—160 million in recent years—provides powerful production leverage. For example, the difference between postwar high and low wheat yields of 4.5 bushels means, on 160 million acres, a production difference of 720 million bushels, or over 2½ times as much wheat as the U.S.S.R. purchased from the West in 1963–64.

With two or three good crops in a row, Russia can rebuild reserves, meet domestic needs and commitments to other Communist countries, and even have some wheat to export to the West, as has been the case some years. But if crops are no more than average for 2 or 3 years, and exports are large, reserves dwindle.

Russia's 1964 crop was good, but did not permit full replenishment of reserves. The 1965 crop is expected to be poorer than the 1964 outturn, though nowhere nearly as bad as the 1963 debacle. Much of the grain Russia currently is purchasing is going into reserves or is being purchased for shipment to other Communist countries.

Russia's food responsibilities have been increasing. Its population increased from 215 million in 1959–61 to about 226 million today, and it will be close to 245 million in 1970. Population expansion also is taking place in the other Communist countries and Cuba.

All these people are critical of food shortages. They want, in particular, more meat, milk, poultry, eggs, fruit, and other high-cost items than they have been getting.

NEW PLAN AIMED AT BIGGER CROPS

The Soviet Government, well aware of this dissatisfaction, has announced a new plan which could mean bigger harvests. The program, briefly, would step up prices paid producers and give them special incentives to exceed quotas; give farm workers more freedom to produce crops and livestock on privately owned plots; let management have more say in the planning and carrying out of farm operations; and, most importantly, increase the total investment in agriculture by 71 billion rubles ($78.9 billion) over the next 5 years. The massive fertilizer program started by Khrushchev has been largely continued. Introduction of new, superior wheat varieties is apparently proceeding at a good pace.

It can be seen that the wheat outlook for Eastern Europe is made up of pluses and minuses. The new Soviet farm plan could well be a plus—though it must be remembered that many earlier plans for improving Russian agriculture have not been realized. Russia's great wheat-producing potential is a factor favoring the Communist side of the equation. At the same time, population is putting ever-increasing pressure on supplies; reserves are relatively low; the weather of Eastern Europe is always capricious. The possibility is strong that Eastern Europe—as a whole—will continue to import free world wheat in the years immediately ahead.

WEATHER HAZARDOUS IN CHINA

Communist China's wheat problems are somewhat like those of the Soviet Union.

About 90 percent of Red China's production is winter wheat. It is produced in a high-weather-risk area that takes in much of north China, extending southward to central Hunan and Kiangsi Provinces, and westward to central Szechwan Province and the western boundary of Shensi Province. Droughts are common; but so, conversely, are periods of unusually wet weather, followed by floods. Insect damage and loss of grain from rust occur frequently.

Much of the spring wheat is grown in Manchuria and Inner Mongolia. The soil is fertile; but the growing season is short, freezes are common, and rainfall is scant.

Red China's agriculture, even more than Russia's, has suffered from underinvestment and overregimentation, but the situation is improving. More public funds are being channeled into agriculture; the production team of 20 to 30 families is replacing the huge communes; and peasants are being given private plots and encouraged to raise poultry, hogs, and vegetables. The government also has begun to step up fertilizer production and imports.

Food output in 1964, aided by more favorable weather, was the best in several years. But the 1965 winter wheat crop was planted under unfavorable conditions; drought again is a menace. The harvest this year is expected to be smaller than the one harvested last year.

THE POPULATION PROBLEM

China's population continues to soar. In 1951, the Communist census showed 583 million people. In 1961 it was 696 million. This year it is 750 million, and by 1970 it is expected to be 827 million.

The Chinese Government is trying to restrain the stork. It has established birth control clinics throughout the country; it has authorized abortion divisions in hospitals. It has set the marriage age for girls at 18 years and for men at 22, but has encouraged young people to postpone marriage to the middle and late 20's—and then to adopt family planning based on very few children, preferably two. But as Chou En-lai himself admits, policing such matters in rural areas is virtually impossible.

The Chinese seem to be resigned to continued wheat imports. A multi-year agreement negotiated with Canada calls for deliveries of grain over periods of more than 1 year. Chinese officials also have indicated that it is official economic policy to import cheaper grains, including wheat, and to export the higher-priced rice and soybeans.

SELLING RICE, BUYING WHEAT

The Food and Agriculture Organization reports that Red China's rice exports have expanded from 367,000 metric tons in 1961 to 700,000 in 1964, much of the total being sold for hard currencies to Hong Kong, Macao, Malaysia, West Germany, and the Benelux countries. China recently sold 120,000 tons of rice to Japan. (China also has bartered some rice with Ceylon, Indonesia, and Cuba.)

Selling rice and buying wheat makes sense. The Chinese sell their milled rice for about $120 a metric ton and buy wheat for about $70 a ton. The caloric values are close—363 calories per hundred grams for milled rice against 330 calories for whole-grain wheat.

Future West-East movement of wheat probably will be uneven. Some years, as in 1963–64, it might be quite large. Or, conceivably, it might be rather small. But barring serious deterioration in East-West relations, it seems likely that the Communist countries as a group will continue to be importers of free world wheat.

PRESIDENTIAL APPOINTMENTS OF ABE FORTAS, JOHN GARDNER, AND JOHN CHANCELLOR

Mr. PELL. Mr. President, I rise to congratulate the President on his three most recently announced major appointments, Abe Fortas, John Gardner, and John Chancellor. I know and admire each one of these men and cannot imagine finer appointments. It is with particular pride and pleasure that I shall support and vote for each one of them.

At this time I ask unanimous consent to insert an editorial which appeared in the Providence Journal, Friday, July 30, 1965, in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The President Makes Three Excellent Appointments

The latest Presidential appointments conform to the high standards President Johnson has established in seeking out highly qualified candidates for high posts in government.

John Chancellor, named to direct the Voice of America, is a competent reporter and commentator with 15 years of experience in this country and overseas.

Abe Fortas, selected for the vacancy on the Supreme Court, is a distinguished member of the bar, a former professor of law at Yale, a former Under Secretary of the Interior Department, and a man with a long record of service in other governmental capacities in Washington.

John W. Gardner, appointed to be the new secretary of Health, Education and Welfare, has an admirable record as president of the Carnegie Corporation, a private foundation, and as an articulate advocate of improvement in the field of education.

There is some reason to suppose that President Johnson may have had to exercise his talents of persuasion in winning acceptances from these appointees. Mr. Fortas was said to be reluctant to leave his private practice of law for a place on the high court. Mr. Gardner describes himself as "a lifelong registered Republican," and, as such, may have been hesitant to accept a chair in the Cabinet of a Democratic President. But if Presidential persuasion was required, it was effective, and the President has come up with appointees eminently qualified for the positions.

Mr. Gardner will take over an enormously difficult administrative task at the Department of Health, Education, and Welfare. The previous occupants of that post, Mr. Ribicoff and Mr. Celebrezze, found themselves handicapped by a shortage of administrative assistance and frustrated by the semi-independent bureaucracies that had developed in the sprawling department with its 150 separate programs and nearly 90,000 personnel.

Some of the earlier difficulties and frustrations may be lessened for Mr. Gardner, however, first because of his familiarity with the department and its problems, and, second, because Congress is now putting the final touches on a measure that will give him three additional assistant secretaries.

President Johnson has insisted that in making appointments he would seek out the best-qualified candidates wherever he could find them. His latest appointments fit into that pattern.

THE "FIXING" OF TRAFFIC TICKETS IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, this morning's Washington Post carried an article headlined, "Traffic Fines Increase $436,400 Since Morse's Antifixing Campaign." The first two paragraphs read:

> Annual revenues from traffic fines in Washington have increased by nearly half a million dollars since Senator Wayne Morse, Democrat, of Oregon, launched his campaign against ticket fixing, according to court of general sessions records.
>
> The records also show that the number of tickets adjusted by police and the Corporation Counsel's Office dropped drastically from 38,410 in fiscal 1964 to 9,119 in fiscal 1965.

I ask unanimous consent that the entire article may be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Traffic Fines Increase $463,490 Since Morse's Antifixing Campaign

(By Helen Dewar)

Annual revenues from traffic fines in Washington have increased by nearly half a million dollars since Senator Wayne Morse, Democrat, of Oregon, launched his campaign against ticket fixing, according to court of general sessions records.

The records also show that the number of tickets adjusted by police and the Corporation Counsel's Office dropped drastically from 38,410 in fiscal 1964 to 9,119 in fiscal 1965.

Actual revenue collected by the Central Violations Bureau amounted to $3,266,220 in the fiscal year ending June 30, 1964, and $3,729,710 for fiscal 1965. This was an increase of $463,490—or 14.2 percent.

A court official indicated the increase in revenues stemmed both from Morse's campaign and from stepped-up police patrols, more parking meters, and larger traffic volume in the District.

It was in April 1964 that Morse lashed out against ticket fixing in a Senate speech, but the actual crackdown began that December when he asked the District commissioners to send him a weekly report on all adjusted tickets.

The records show that, during fiscal 1964, 33,648 tickets were "withdrawn" by the police after issuance and 4,762 were adjusted by the Corporation Counsel's Office. For fiscal 1965 the police figure dropped to 4,604 and the Corporation Counsel's total to 4,515.

Putting a damper on pretrial adjustment of tickets apparently has not resulted in an increase in traffic cases taken to court, as some suggested it would. Between fiscal 1964 and 1965, the number of traffic case defendants requesting trial dwindled from 4,907 to 3,569.

Among 30 tickets adjusted from July 12 to July 16 was one involving a parking citation against Christine R. Davis, staff director of the House Government Operations Committee.

Her ticket was adjusted after receipt of a letter from Committee Chairman WILLIAM L. DAWSON, Democrat, of Illinois, who asked that the charge be dropped because Mrs. Davis was on official business, was displaying an official parking permit card and was unaware she had to move her car from the official Government zone by 4 p.m.

Mr. MORSE. Mr. President, 9,119 fixed traffic tickets are still entirely too many. An analysis of the traffic tickets—and I have given some time to an analysis of them—shows that many "fixes" are quite unjustified.

I wish to discuss one shocking case.

There was delivered to my office this morning a copy of the weekly traffic-ticket-fixing report from the Chief of the Metropolitan Police Department and the Office of the Assistant Corporation Council for the District of Columbia, for the period of July 19 through July 23, 1965. This report was delivered to my office in compliance with my letter to Commissioner Tobriner of December 17, 1964, requesting such reports on a weekly basis. Mr. Tobriner has complied with that request.

The report which I received this morning contained a total of 44 traffic tickets which had been fixed by the Office of the Assistant Corporation Counsel. Of the 44 traffic tickets which were fixed by the Corporation Counsel's office, 12, or more than one-third, were fixed for employees of the Federal and District of Columbia Governments.

Of the 12 traffic tickets fixed by Mr. Clark King, were 2 traffic tickets fixed for Mr. David C. Acheson, the U.S. attorney for the District of Columbia. These tickets were fixed at the request of the U.S. attorney.

According to the information furnished me this morning by Commissioner Walter Tobriner, Mr. Acheson received a traffic ticket at 2:15 p.m. on June 18, 1965, and another traffic ticket at 1:55 p.m. on June 22, 1965, for parking his personal automobile—a Volkswagen, bearing tag number 1EG26 in a restricted zone.

Mr. Acheson states in a memorandum to his assistant, Mr. Tim Murphy, that:

> On two successive occasions, I have parked by a sign reading "Reserved for Government Officials," while attending to Government business at the Bureau of the Budget and the Treasury Department. Since I am a Government official, it would seem to me that the place was reserved for me. Notwithstanding compliance with directions, I was ticketed both times. One space was just west of the Bureau of the Budget building and one space was just south of the Treasury Department on the square containing Sherman's statue.
>
> It would seem to me that the two tickets should be canceled and that I should be given some kind of identification on my car so that I may use these spaces without irritating episodes like this. Would you take this up with the Corporation Counsel.

Officials of the District of Columbia Department of Highways and Traffic have advised me this afternoon that the signs to which the U.S. attorney refers, read as follows: "Reserved"—then in the space that follows, the time is listed. For example: 7 a.m. to 4 p.m. Following the time restriction there appears in large letters "Government Officials Displaying Parking Permits."

The U.S. Attorney advises his assistant that he "should be given some kind of identification on my car so that I may use these spaces without irritating episodes like this." All Mr. Acheson has to do is request an official parking permit from the District of Columbia Department of Motor Vehicles and I am sure they would gladly issue him one. As recently as a few minutes ago, he has not requested such permit from the Department of Motor Vehicles though he violated the law 5 or 6 weeks ago.

I say for the benefit of the U.S. attorney in Washington, D.C., that his negligence, in my judgment, and his inexcusable violation of the District traffic laws, has cost the District of Columbia some money to ticket his car.

It also takes some time if that ticket is processed. Certainly the U.S. attorney for the District of Columbia should be counted upon to place law enforcement first in his own conduct.

How does Mr. Acheson, the chief law enforcement officer for the District of Columbia, believe policemen should know whether the Volkswagen belongs to him or some poacher on this reserved parking area?

Traffic Division Aid Mr. A. L. Clay deserves great credit for ticketing Mr. Acheson's car. Unless traffic aids strictly enforce the law in these areas, poachers park in spaces so that officials of the Government who are on official Government business and display proper identification—which Mr. Acheson apparently never even asked for—are unable to find a space to park their automobiles.

I have a hunch that Mr. Acheson would be one of the first to complain if he had the proper identification and could not find a space to park, knowing that spaces reserved for official Government business purposes were being used by the general public.

It is not easy for me to criticize the U.S. attorney.

There are some others in the Department of Justice who had better learn what it means to have uniform application of law enforcement, irrespective of the status of the individual violator.

Mr. President, I have on my desk some other traffic tickets of other officials of the Government that I only wish generally to call attention to tonight. I wish to say that the senior Senator from Oregon, chairman of the Subcommittee of the District of Columbia Committee that has jurisdiction over the Police Department in the District of Columbia, intends to do everything he can, so long as he is in the Senate to back up the police in exercising their legitimate rights and duties.

Law enforcement officers such as Mr. Acheson, the U.S. Attorney for the District of Columbia, believe it or not, in my judgment cannot square their conduct in this matter with their responsibility to back up uniformity of practice in the administration of law enforcement. But Mr. Acheson is not alone.

I have in my hand a ticket given to another official who parked illegally less than 40 feet from the intersection. He gave as his reason that he was in the process of serving some papers.

There is no justification for process servers who constantly come forward with the alibi that their duties give them the right to park illegally. Most of them probably could benefit from some foot exercise anyway. In paper process serving there is no reason why a law enforcement officer or a Government employee cannot walk a half block, a block, or two or three blocks, rather than to take the law into his own hands and park illegally.

I do not have much confidence in a Government employee who is willing to violate the law in that respect and then give the argument that it is a de minimis matter. Our Government employees should be particularly circumspect in seeing to it that they live within the letter of the law.

I have in my hand another ticket issued to a Government employee who parked in a bus stop zone. He gave an interesting alibi. He was making an inspection on premises at 3103 M Street, NW., Permit V–130570, at approximately 12 p.m.

I say to him, "Why did you not walk? Why did you not find a parking place and walk back to where you were making the inspection?"

There is no justification for parking illegally. I say most respectfully that there is a tendency on the part of some Government employees falsely to use the status of their position.

I say to the Corporation Counsel that the fixing of those two tickets cannot be justified. I say to him, "You cannot justify fixing a single one of the tickets that I am about to outline tonight." These Government employees should be told that it was their duty to live within the law and to use their feet to take them where they have to go.

I have in my hand another traffic ticket issued to an official of the U.S. Marshal's office. I shall have more to suggest to the Attorney General of the United States—after the District of Columbia Committee meeting tomorrow when I shall discuss some of his offerings in regard to the question of criminal law legislation. I say tonight only that I think Judge Bazelon, in the exchange of correspondence between himself and the Attorney General of the United States, put the Attorney General of the United States to shame in regard to the position that he has taken concerning the question of protecting the rights of free men from having their civil liberties jeopardized, as the Attorney General of the United States apparently would be willing to have them jeopardized.

I am proud of the fact that we have sitting on the court a great judge such as Judge Bazelon, who made the arguments that he made in opposition to the position that the Attorney General has taken in this field.

Another ticket shows that a member of the staff of the U.S. Marshal's office parked on private property in violation of our laws. His alibi is "On official business for U.S. Marshal's office," serving process at 3117 14th Street, NW.

I say to him, "Why did you not walk the necessary half block or two rather than violate the law? There was no rush that justified this illegal course of conduct on your part."

I say to Mr. King, of the corporation counsel's office, "You cannot justify the fix."

Mr. President, I hold in my hand another traffic ticket given to a U.S. Government employee who says that he was in the process of performing Government business. He parked in a space reserved for official Government vehicles. He had no permit. He is in the same class, as far as I am concerned, with Mr. David Acheson. He ought to obtain a permit or park legally.

Here is another case, involving one of our women Government employees. If it is a case of high heels making it difficult for her to walk, she ought to carry some moccasins in her car and walk rather than violate the law.

The ticket states, "On official business for Department of Welfare. No parking available." Of course, she parked. She did not park where she should have parked legally, so she parked illegally.

I say to the corporation counsel, "You cannot justify fixing her ticket."

Here is another traffic ticket. This ticket involves a Government employee in the Internal Revenue Service. Was it so important for a member of the Internal Revenue Service to go out to ask some questions in regard to a tax violation that he finds it necessary to park in a zone which, the ticket states, was labeled "No Parking"?

He should walk whatever distance it is necessary from a place where he could legally park his car to the spot of business where he had to carry on his official duties.

Here is another traffic ticket from the U.S. Marshal's office.

I say to the Attorney General again, "You had better have a little heart-to-heart talk with the U.S. Marshal and his staff." His assistant, too, was parking in a "no parking" area. It is inexcusable. He should have walked the distance, after legally parking his car, to the place where he had to transact business.

Mr. President, here is another one: "Parked in bus zone." This person is another member of the Internal Revenue Service.

I say to the Corporation Counsel: "You cannot justify the fix. The people of the District of Columbia should have had the fine collected. If these people are to violate the law, there should be a uniform application of the collection of fines."

Here is another one. It was a traffic ticket given to a woman; I do not know whether she is young or old. She was parked in a "no parking" zone. Apparently she works for the court of general sessions. She claims that she was delivering some law books in behalf of the court. I know what the judge should say to her. The judge should tell her to obey the law or get a new job.

I hope it will not be necessary for me from time to time to speak about the failure of Government employees in the District of Columbia to obey the traffic laws with regard to parking and other restrictions. I hope it will not be necessary for me to point out from time to time to the assistant corporation counsel that, in my judgment, these "fixes" are shockingly unjustifiable.

LEGISLATIVE APPORTIONMENT

Mr. PELL. Mr. President, I found the Dirksen amendment a difficult one, particularly for me as a Senator from a small State.

The logic of the arguments made against the Dirksen amendment could surely be extended to the thought that what is right for the States is right for the Federal Government, what is food for the goose is food for the gander. And under this thought, should my vote be counted any less than that of my colleagues from larger States?

Moreover, mine is a State where the community bonds and histories are far stronger than the State ones. My State of Rhode Island started out when four independent communities—Providence, Newport, Portsmouth, and Warwick—gathered themselves together. It was only 27 years later that they secured a royal charter for their common good. And even the name we took then indicated this recognition of the communities, because we became the State of Rhode Island and Providence Plantations. Rhode Island itself was then what today is called Aquidneck Island, and the rest of the State constituted the Providence Plantations.

As a matter of our minority rights, the right of the parity of my State's vote in the Senate is guaranteed by article 5 of the Constitution, which provides that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." In addition, while some of our town records and histories predate our State's records and history, we have since, in the last 300 years, acquired a State consciousness that prevails over that of any of our individual communities.

An argument is made against the Dirksen amendment on the grounds that it is designed to get around the Supreme Court. Of course it is—and there is nothing wrong with amending the Constitution if the general will of our people disagrees with the Supreme Court. Provision for doing this is a part of our very system of government. It is a recognition that while recognizing the three coordinate branches of Government, we also recognize that the legislative branch, representing the people, is primus inter pares.

On balance, however, and in the light of all the arguments that have been advanced in this Chamber, in my view the harm resulting from uneven or disproportionate representation outweighs the strength of the counter arguments. Because of this and because of the protection given to the small States by article 5 of the Constitution preventing erosion of the voting powers of Senators from small States, I opposed the Dirksen amendment as offered.

Finally, speaking of what is food for the goose is food for the gander, I have always believed that cloture is a perfectly proper weapon to bring us to vote—and not to procrastinate, filibuster, or delay. For this reason, I found myself surprised at the way those who have inveighed against the filibuster in the past have now threatened its use. My own view is that the right of unlimited debate is to alert the people throughout our country to what we consider a menace, but not to prevent a vote being taken. For this reason, I can see myself voting for cloture although voting against the issue involved—and would hope other Senators might feel the same way.

ADJOURNMENT

Mr. PELL. Mr. President, in accordance with the previous order, I move that the Senate adjourn until noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 15 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, August 5, 1965, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 4, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with these words of Scripture:

Ephesians 3: 20: *Now unto Him who is able to do exceeding abundantly above all that we ask or think, according to the power that worketh in us.*

God of grace and goodness, at this noonday, we raise our voices unto Thee in the adoration of praise and gladness.

May we now come to Thee in the fellowship of prayer seeking together those blessings which none can ever find and enjoy alone and beseeching Thee to bestow upon us some new unveiling of Thy eternal truth.

Grant that we may find Thee and grasp Thy heart and hand in confidence and joy, and rise above all doubt and misgiving into a trustful faith in our Lord and Saviour who walked this human way and ascended in victory.

Evoke in us a greater faith, hope, and love and may we be His partners in ministering to the poor and needy in their struggles.

In Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and a joint resolution of the House of the following title:

H.R. 8111. An act to establish the Herbert Hoover National Historical Site in the State of Iowa; and

H.J. Res. 454. Joint resolution to provide for the development of Ellis Island as a part of the Statue of Liberty National Monument, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 945. An act creating a joint commission of the United States and the State of Alaska to make administrative determinations of navigability of inland nontidal waters in the State of Alaska for State selections;

S. 1308. An act to authorize revised procedures for the destruction of unit Federal Reserve notes, and for other purposes;

S. 1309. An act to authorize checks to be drawn in favor of financial organizations for the credit of a person's account, under certain conditions;

S. 1556. An act to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes;

S. 1557. An act to amend the Federal Reserve Act to enable Federal Reserve banks to invest in certain obligations of foreign governments;

S. 1558. An act to amend section 22(g) of the Federal Reserve Act relating to loans to executive officers by member banks of the Federal Reserve System, and for other purposes; and

S. 1948. An act to amend the Communications Act of 1934, as amended, with respect to commissioners, employees, and executive reservists of the Federal Communications Commission.

SUBCOMMITTEE ON COAST GUARD OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Coast Guard of the Committee on Merchant Marine and Fisheries may be permitted to sit while the House is in session today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1966

Mr. RIVERS of South Carolina. Mr. Speaker, I call up the conference report on the bill (H.R. 8439) to authorize certain construction at military installations, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 713)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8439) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I

"SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparations, appurtenances, utilities and equipment for the following projects:

"Inside the United States

"Continental United States, Less Army Materiel Command

"(First Army)

"Fort Devens, Massachusetts: Hospital facilities and troop housing, $11,008,000.

"Fort Dix, New Jersey: Maintenance facilities, medical facilities, and troop housing, $17,948,000.

"Federal Office Building, Brooklyn, New York: Administrative facilities, $636,000.

"United States Military Academy, West Point, New York: Hospital facilities, troop housing and community facilities, and utilities, $18,089,000.

"(Second Army)

"Fort Belvoir, Virginia: Training facilities, and hospital facilities, $2,296,000.

"East Coast Radio Transmitter Station, Woodbridge, Virginia: Utilities, $211,000.

"Fort Eustis, Virginia: Utilities, $158,000.

"Fort Knox, Kentucky: Training facilities, maintenance facilities, troop housing and community facilities, $15,422,000.

"Fort Lee, Virginia: Community facilities, $700,000.

"Fort Meade, Maryland: Ground improvements, $550,000.

"Fort Monroe, Virginia: Administrative facilities, $4,950,000.

"Vint Hill Farms, Virginia: Maintenance facilities, troop housing and utilities, $1,029,000.

"(Third Army)

"Fort Benning, Georgia: Maintenance facilities, troop housing and utilities, $5,325,000.

"Fort Bragg, North Carolina: Maintenance facilities, supply facilities, medical facilities, troop housing and community facilities, $4,106,000.

"Fort Campbell, Kentucky: Operational and training facilities, maintenance facilities, troop housing and utilities, $1,992,000.

"Fort Gordon, Georgia: Training facilities troop housing and community facilities, $18,485,000.

"Fort Jackson, South Carolina: Training facilities, maintenance facilities, medical facilities, and troop housing facilities, $17,281,000.

"Fort Rucker, Alabama: Maintenance facilities, troop housing, and community facilities, $3,720,000.

"Fort Stewart, Georgia: Hospital facilities and utilities, $2,317,000.

"(Fourth Army)

"Fort Bliss, Texas: Operational facilities, administrative facilities, and community facilities, $838,000.

"Brooke Army Medical Center, Texas: Training facilities, $8,300,000.

"Fort Hood, Texas: Maintenance facilities, medical facilities, troop housing and community facilities, and utilities, $18,081,000.

"Fort Sam Houston, Texas: Medical facilities, $1,300,000.

"Fort Polk, Louisiana: Training facilities troop housing, and utilities, $1,118,000.

"Fort Sill, Oklahoma: Operational and training facilities, administrative facilities, troop housing and community facilities, $2,268,000.

"(Fifth Army)

"Fort Carson, Colorado: Maintenance facilities, $3,463,000.

"Fort Benjamin Harrison, Indiana: Hospital facilities, troop housing and community facilities, $4,017,000.

"Fort Leavenworth, Kansas: Operational facilities and medical facilities, $2,893,000.

"Fort Riley, Kansas: Maintenance facilities, troop housing and community facilities, and utilities, $9,555,000.

"Fort Sheridan, Illinois: Utilities, $47,000.

"Fort Leonard Wood, Missouri: Operational and training facilities, and troop housing facilities, $16,084,000.

"(Sixth Army)

"Fort Irwin, California: Operational facilities, maintenance facilities, hospital facilities, community facilities, and utilities, $4,741,000.

"Fort Lewis, Washington: Training facilities, troop housing and community facilities, $710,000.

"Presidio of Monterey, California: Training facilities and troop housing, $3,046,000.

"Fort Ord, California: Maintenance facilities, $974,000.

"Presidio of San Francisco, California: Administrative facilities, $1,299,000.

"Two Rock Ranch, California: Operational facilities, maintenance facilities, and utilities, $385,000.

"West Coast Receiving Station, California: Utilities, $166,000.

"Yakima Firing Range, Washington: Troop housing, $56,000.

"(Military District of Washington)

"Army Map Service, Maryland: Operational facilities, $182,000.

"Cameron Station, Virginia: Medical facilities, $168,000.

Fort Myer, Virginia: Troop housing and community facilities, and utilities, $5,409,000.

"Walter Reed Army Medical Center, District of Columbia: Medical facilities and utilities, $611,000.

"Army Materiel Command

"Aberdeen Proving Ground, Maryland: Administrative facilities and utilities, $3,419,000.

"Aeronautical Maintenance Center, Texas: Maintenance facilities, $1,941,000.

"Anniston Army Depot, Alabama: Maintenance facilities, $837,000.

"Bayonne Naval Supply Center, Bayonne, New Jersey: Maintenance facilities, supply facilities, administrative facilities, and utilities, $3,658,000.

"Blue Grass Army Depot, Kentucky: Operational facilities and maintenance facilities, $779,000.

"Cold Regions Research and Engineering Laboratory, New Hampshire: Maintenance facilities, research, development and test facilities, $1,184,000.

"Fort Detrick, Maryland: Operational facilities, research, development and test facilities, and utilities, $11,771,000.

"Dugway Proving Ground, Utah: Community facilities, $137,000.

"Edgewood Arsenal, Maryland: Utilities, $164,000.

"Granite City Army Depot, Illinois: Utilities, $56,000.

"Fort Huachuca, Arizona: Troop housing, $320,000.

"Jefferson Proving Ground, Indiana: Operational facilities, $52,000.

"Letterkenny Army Depot, Pennsylvania: Maintenance facilities, and utilities, $2,239,000.

"Lexington Army Depot, Kentucky: Administrative facilities, and utilities, $526,000.

"Fort Monmouth, New Jersey: Troop housing, $586,000.

"Natick Laboratories, Massachusetts: Maintenance facilities, $1,371,000.

"Navajo Army Depot, Arizona: Utilities, $56,000.

"New Cumberland Army Depot, Pennsylvania: Operational facilities, supply facilities, and administrative facilities, $815,000.

"Oakland Army Terminal, California: Community facilities, $912,000.

"Picatinny Arsenal, New Jersey: Administrative facilities, $584,000.

"Pueblo Army Depot, Colorado: Utilities, $337,000.

"Red River Army Depot, Texas: Maintenance facilities and utilities, $465,000.

"Redstone Arsenal, Alabama: Training facilities, $1,364,000.

"Rock Island Arsenal, Illinois: Administrative facilities, and utilities, $826,000.

"Rocky Mountain Arsenal, Colorado: Maintenance facilities, $36,000.

"Savanna Army Depot, Illinois: Training facilities, $102,000.

"Sharpe Army Depot, California: Maintenance facilities, $175,000.

"Sierra Army Depot, California: Utilities, $115,000.

"Tobyhanna Army Depot, Pennsylvania: Supply facilities, $199,000.

"Tooele Army Depot, Utah: Utilities, $340,000.

"Watervliet Arsenal, New York: Utilities, $1,713,000.

"White Sands Missile Range, New Mexico: Research, development and test facilities, and utilities, $473,000.

"UNITED STATES ARMY, HAWAII

"Schofield Barracks, Hawaii: Maintenance facilities, troop housing and utilities, $3,175,000.

"Outside the United States

"Okinawa, Various: Community facilities, and utilities, $2,558,000.

"Germany, Various: Operational facilities, and troop housing, $2,046,000.

"Fort Clayton, Canal Zone: Utilities, $387,000.

"Classified Location: Operational facilities, $2,400,000.

"SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $39,470,000.

"SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1966, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

"SEC. 104. (a) Public Law 86-500, as amended, is amended under heading 'Inside the United States' section 101, as follows: (1) Under the subheading 'Technical Services Facilities (Ordnance Corps),' with respect to 'Watertown Arsenal, Massachusetts,' strike out, '$1,849,000' and insert in place thereof '$1,952,000.'

"(b) Public Law 86-500, as amended, is amended by striking out in clause (1) of section 502, '$80,460,000' and '$147,390,000' and inserting in place thereof '$80,563,000' and '$147,493,000,' respectively.

"SEC. 105. (a) Public Law 87-554, as amended, is amended under heading 'Inside the United States' in section 101, as follows: (1) Under the subheading 'Continental Army Command (Fifth Army)', with respect to 'Fort Leonard Wood, Missouri,' strike out '$8,567,000' and insert in place thereof '$9,066,000'.

"(b) Public Law 87-554, as amended, is amended by striking out in clause (1) of section 602 '$101,816,000', and '$150,325,000' and inserting in place thereof '$102,315,000', and '$150,824,000,' respectively.

"SEC. 106. (a) Public Law 88-174, as amended, is amended under heading 'Inside the United States' in section 101, as follows:

"(1) Under the subheading 'Continental Army Command (Fifth Army)', with respect to 'Fort Leonard Wood, Missouri', strike out '$8,163,000' and insert in place thereof '$8,737,000.'

"(2) Under subheading 'Army Component Commands (Pacific Command area)', with respect to 'Hawaii Defense Area, Hawaii', strike out '$150,000' and insert in place thereof '$279,000'.

"(b) Public Law 88-174, as amended, is amended by striking out in clause (1) of section 602, '$154,993,000', and '$199,650,000' and inserting in place thereof '$155,696,000' and '$200,353,000', respectively.

"SEC. 107. (a) Public Law 88-390 is amended under heading 'Inside the United States' in section 101, as follows:

"(1) Under the subheading 'Continental Army Command (Military District of Washington, District of Columbia)', with respect to 'Fort Myer, Virginia' strike out '$4,052,000' and insert in place thereof '$4,524,000.'

"(2) Under the subheading 'United States Army Materiel Command (United States Army Weapons Command)' with respect to 'Watervliet Arsenal, New York' strike out '$77,000' and insert in place thereof '$161,000'.

"(3) Under the subheading 'United States Military Academy, West Point, New York' strike out '$20,578,000' and insert in place thereof '$27,997,000.'

"(4) Under the subheading 'Army Security Agency' with respect to 'Two Rock Ranch Station, California,' strike out '$1,014,000' and insert in place thereof '$1,210,000.'

"(b) Public Law 88-390 is amended by striking out in clause (1) of section 602 '$241,526,000', and '$292,587,000', and inserting '$249,697,000', and '$300,758,000', respectively.

"TITLE II

"SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

"Inside the United States

"Bureau of Ships Facilities

"(Naval shipyards)

"Naval Shipyard, Boston, Massachusetts: Maintenance facilities, and utilities, $5,105,000.

"Naval Shipyard, Bremerton, Washington: Maintenance facilities, troop housing and community facilities, and ground improvements, $1,692,000.

"Naval Shipyard, Charleston, South Carolina: Maintenance facilities, $5,917,000.

"Naval Shipyard, Long Beach, California: Operational facilities, maintenance facilities, and utilities, $2,931,000.

"Naval Shipyard, Mare Island, California: Maintenance facilities, and utilities, $1,129,000.

"Naval Shipyard, Norfolk, Virginia: Maintenance facilities, and utilities, $2,703,000.

"Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Operational facilities, and maintenance facilities, $3,591,000.

"Naval Shipyard, Philadelphia, Pennsylvania: Maintenance facilities, and supply facilities, $3,487,000.

"Naval Shipyard, Portsmouth, New Hampshire: Maintenance facilities, $998,000.

"Naval Shipyard, San Francisco, California: Maintenance facilities, $450,000.

"(Fleet support stations)

"Headquarters, Commander in Chief, Atlantic Fleet, Norfolk, Virginia: Troop housing, $873,000.

"Naval Inshore Undersea Warfare Group, Norfolk, Virginia: Utilities, $216,000.

"(Research, development, test and evaluation stations)

"Navy Mine Defense Laboratory, Panama City, Florida: Supply facilities, $97,000.

"Fleet Base Facilities

"Naval Station, Charleston, South Carolina: Operational facilities, and troop housing, $765,000.

"Naval Amphibious Base, Coronado, California: Maintenance facilities, $396,000.

"Naval Command Systems Support Activity, District of Columbia: Administrative facilities, $643,000.

"Naval Station, Key West, Florida: Supply facilities, and medical facilities, $1,293,000.

"Naval Station, Long Beach, California: Troop housing, and utilities, $2,319,000.

"Naval Submarine Base, New London, Connecticut: Troop housing and community facilities, and utilities, $2,350,000.

"Naval Station, Newport, Rhode Island: Maintenance facilities, and troop housing, $2,112,000.

"Naval Station, Norfolk, Virginia: Operational facilities and community facilities, $2,133,000.

"Naval Station, Pearl Harbor, Oahu, Hawaii: Administrative facilities, and troop housing, $670,000.

"Naval Submarine Base, Pearl Harbor, Oahu, Hawaii: Operational facilities, $271,000.

"Naval Station, San Diego, California: Operational facilities, troop housing, and utilities, $4,508,000.

"Naval Station, Treasure Island, California: Administrative facilities, medical facilities, troop housing and community facilities, and utilities and ground improvements, $1,856,000.

"Naval Weapons Facilities

"(Naval air training stations)

"Naval Auxiliary Air Station, Chase Field, Texas: Operational facilities, and utilities, $152,000.

"Naval Air Station, Corpus Christi, Texas: Real estate, $184,000.

"Naval Auxiliary Landing Field, Ellyson Field, Florida: Operational facilities, troop housing, and utilities, $1,530,000.

"Naval Air Station, Glynco, Georgia: Operational facilities, and troop housing, $637,000.

"Naval Auxiliary Air Station, Kingsville, Texas: Operational facilities, troop housing, and utilities, $557,000.

"Naval Air Station, Memphis, Tennessee: Training facilities, and troop housing $5,792,000.

"Naval Air Station, Pensacola, Florida: Maintenance facilities, administrative facilities, and utilities, $2,263,000.

"Naval Auxiliary Air Station, Saufley Field, Florida: Training facilities, $664,000.

"Naval Auxiliary Air Station, Whiting Field, Florida: Troop housing, and utilities, $1,355,000.

"(Field support stations)

"Naval Station, Adak, Alaska: Operational facilities, maintenance facilities, administrative facilities, and utilities, $5,000,000.

"Naval Air Station, Alameda, California: Operational facilities, and troop housing, $784,000.

"Naval Air Station, Barbers Point, Oahu, Hawaii: Troop housing and community facilities, $521,000.

"Naval Air Station, Brunswick, Maine: Operational facilities, $161,000.

"Naval Air Station, Cecil Field, Florida: Maintenance facilities, and administrative facilities, $1,124,000.

"Naval Air Facility, El Centro, California: Operational facilities, $400,000.

"Naval Auxiliary Air Station, Fallon, Nevada: Administrative facilities, and community facilities, $441,000.

"Naval Air Station, Jacksonville, Florida: Operational facilities, maintenance facilities, troop housing, and utilities, $11,595,000.

"Pacific Fleet Tactical Range Kauai, Hawaii: Operational facilities, troop housing, and utilities, $1,878,000.

"Naval Air Station, Key West, Florida: Operational facilities, and troop housing, $834,000.

"Naval Air Station, Lakehurst, New Jersey: Training facilities, $199,000.

"Naval Air Station, Lemoore, California: Training facilities, $990,000.

"Naval Station, Mayport, Florida: Operational facilities, and utilities and ground improvements, $892,000.

"Naval Air Station, Miramar, California: Operational facilities, maintenance facilities, and administrative facilities, $914,000.

"Naval Air Station, Moffett Field, California: Operational facilities, $476,000.

"Naval Air Station, Norfolk, Virginia: Maintenance facilities, and troop housing, $2,774,000.

"Naval Air Station, North Island, California: Troop housing, and utilities, $853,000.

"Naval Air Station, Oceana, Virginia: Operational facilities, maintenance facilities, and troop housing, $5,482,000.

"Naval Air Station, Quonset Point, Rhode Island: Operational facilities, and community facilities, $509,000.

"Naval Auxiliary Air Station, Ream Field, California: Troop housing, $2,024,000.

"Naval Air Station, Sanford, Florida: Operational facilities, maintenance facilities, troop housing, utilities, and real estate, $7,249,000.

"Naval Air Station, Whidbey Island, Washington: Operational and training facilities, maintenance facilities, and troop housing, $3,754,000.

"(Marine Corps air stations)

"Marine Corps Air Station, Beaufort, South Carolina: Operational and training facilities, maintenance facilities, and utilities, $2,773,000.

"Marine Corps Auxiliary Landing Field, Camp Pendleton, California: Operational facilities, $264,000.

"Marine Corps Air Station, Cherry Point, North Carolina: Operational facilities, supply facilities, and troop housing, $4,569,000.

"Marine Corps Air Station, El Toro, California: Operational facilities, supply facilities, and utilities, $659,000.

"Marine Corps Air Facility, New River, North Carolina: Operational facilities, maintenance facilities, medical facilities, and troop housing, $2,587,000.

"Marine Corps Air Facility, Santa Ana, California: Operational facilities, and troop housing, $2,483,000.

"Marine Corps Air Station, Yuma, Arizona: Operational facilities, supply facilities, and utilities, $619,000.

"(Fleet readiness stations)

"Naval Ammunition Depot, Charleston, South Carolina: Medical facilities, administrative facilities, community facilities, and utilities, $1,355,000.

"Naval Weapons Station, Concord, California: Maintenance facilities, and utilities, $609,000.

"Naval Ammunition Depot, Oahu, Hawaii: Operational facilities, and troop housing, $597,000.

"Naval Weapons Station, Seal Beach, California: Maintenance facilities, $100,000.

"Naval Weapons Station, Yorktown, Virginia: Real estate, $75,000.

"(Research, development, test and evaluation stations)

"Naval Ordnance Test Station, China Lake, California: Operational facilities, and research, development and test facilities, $495,000.

"Naval Parachute Facility, El Centro, California: Research, development and test facilities, and real estate, $2,300,000.

"Naval Air Engineering Center, Philadelphia, Pennsylvania: Utilities, $155,000.

"Pacific Missile Range, Point Mugu, California: Maintenance facilities, and research, development and test facilities; and, on San Nicolas Island, operational facilities, and troop housing, $2,480,000.

"Supply Facilities

"Naval Supply Depot, Newport, Rhode Island: Operational facilities, $726,000.

"Naval Supply Center, Oakland, California: Administrative facilities, $590,000.

"Marine Corps Facilities

"Marine Corps Supply Center, Barstow, California: Supply facilities, $200,000.

"Marine Corps Base, Camp Lejeune, North Carolina: Training facilities, maintenance facilities, supply facilities, medical facilities. administrative facilities, troop housing and community facilities, and utilities and ground improvements, $7,126,000.

"Marine Corps Base, Camp Pendleton, California: Training facilities, maintenance facilities, supply facilities, administrative facilities, troop housing and community facilities, and utilities, $8,487,000.

"Marine Corps Base, Twentynine Palms, California: Training facilities, $2,912,000.

"Service School Facilities

"Naval Academy, Annapolis, Maryland: Training facilities, and utilities and ground improvements, $9,532,000.

"Naval Training Center, Great Lakes, Illinois: Training facilities, troop housing and community facilities, $11,457,000.

"Naval Schools Command, Mare Island, California: Troop housing, $432,000.

"Naval Postgraduate School, Monterey, California: Training facilities, $2,140,000.

"Officer Candidate School, Newport, Rhode Island: Training facilities, $3,000,000.

"Fleet Training Center, Norfolk, Virginia: Training facilities, $2,221,000.

"Naval Schools Command, Norfolk, Virginia: Training facilities, $566,000.

"Fleet Anti-Submarine Warfare School, San Diego, California: Troop housing, $1,212,000.

"Naval Training Center, San Diego, California: Training facilities, and troop housing, $10,306,000.

"Naval Schools Command, Treasure Island, California: Troop housing, $3,302,000.

"Medical Facilities

"National Naval Medical Center, Bethesda, Maryland: Troop housing, $800,000.

"Naval Hospital, Charleston, South Carolina: Troop housing, $353,000.

"Naval Hospital Corps School, Great Lakes, Illinois: Troop housing, $1,696,000.

"Naval Hospital, Newport, Rhode Island: Hospital and medical facilities, $4,736,000.

"Naval Dispensary and Dental Clinic, Pearl Harbor, Oahu, Hawaii: Medical facilities, $2,800,000.

"Naval Hospital, Philadelphia, Pennsylvania: Troop housing, $315,000.

"Naval Hospital, Saint Albans, New York: Troop housing, $718,000.

"Naval Hospital, San Diego, California: Medical facilities, $1,433,000.

"Communication Facilities

"Naval Communication Station, Adak, Alaska: Operational facilities, and supply facilities, $303,000.

"Naval Radio Station, Mount Moffett, Adak, Alaska: Operational facilities, $1,185,000.

"Naval Autodin Facility, Albany, Georgia: Operational facilities, $313,000.

"Naval Radio Station, Annapolis, Maryland: Troop housing, $86,000.

"National Naval Reserve Master Control Radio Station, Arlington, Virginia: Operational facilities, $40,000.

"Naval Communications Station, San Francisco (Stockton), California: Administrative facilities, and troop housing, $518,000.

"Naval Autodin Facility, Syracuse, New York: Operational facilities, $45,000.

"Naval Communication Station, Wahiawa, Oahu, Hawaii: Operational facilities, supply facilities, troop housing, and utilities, $1,248,000.

"Various locations: Utilities, $2,000,000.

"Office of Naval Research Facilities

"Naval Research Laboratory, District of Columbia: Research, development and test facilities, and utilities, $5,560,000.

"Naval Training Device Center, Orlando, Florida: Research, development and test facilities, $851,000.

"Yards and Docks Facilities

"Naval Construction Battalion Center, Davisville, Rhode Island: Training facilities, community facilities, and real estate, $774,000.

"Navy Public Works Center, Newport, Rhode Island: Utilities, $390,000.

"Navy Public Works Center, Norfolk, Virginia: Operational facilities, and utilities, $1,868,000.

"Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, $130,000.

"Naval Construction Battalion Center, Port Hueneme, California: Troop housing, $893,000.

"Outside the United States

"Fleet Base Facilities

"Naval Station, Guantanamo Bay, Cuba: Operational facilities, $187,000.

"Fleet Activities, Ryukyus, Okinawa: Troop housing, $1,287,000.

"Headquarters Support Activity, Taipei, Republic of China: Administrative facilities, $199,000.

"Naval Weapons Facilities

"Naval Air Station, Agana, Guam: Maintenance, facilities, and medical facilities, $138,000.

"Naval Air Station, Atsugi, Japan: Operational facilities, $2,047,000.

"Naval Air Station, Cubi Point, Republic of the Philippines: Maintenance facilities, and community facilities, $331,000.

"Marine Corps Air Facility, Futema, Okinawa: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities and ground improvements, $1,499,000.

"Marine Corps Air Station, Iwakuni, Japan: Operational facilities, and troop housing, $639,000.

"Naval Air Facility, Naha, Okinawa: Administrative facilities, and troop housing, $497,000.

"Naval Station, Roosevelt Roads, Puerto Rico: Operational facilities, maintenance facilities, supply facilities, administrative facilities, troop housing and community facilities, and utilities and ground improvements, $7,986,000.

"Naval Station, Rota, Spain: Operational facilities, maintenance facilities, troop housing and community facilities, and utilities, $5,616,000.

"Supply Facilities

"Naval Supply Depot, Subic Bay, Republic of the Philippines: Administrative facilities, $120,000.

"Marine Corps Facilities

"Camp Smedley D. Butler, Okinawa: Training facilities, maintenance facilities, administrative facilities, and community facilities, $841,000.

"Communication Facilities

"Naval Radio Station, Barrigada, Guam: Operational facilities, $526,000.

"Naval Communication Station, Finegayan, Guam: Operational facilities, and troop housing, $1,701,000.

"Naval Radio Station, Fort Allen, Puerto Rico: Operational facilities, and troop housing, $94,000.

"Naval Radio Station, Isabela, Puerto Rico: Operational facilities and real estate, $1,237,000.

"Naval Communication Station, Londonderry, Northern Ireland: Operational facilities, and troop housing and community facilities, $1,364,000.

"Naval Radio Station, Sabana Seca, Puerto Rico: Community facilities, $603,000.

"Naval Communication Station; San Miguel, Republic of the Philippines: Operational facilities, $563,000.

"Naval Radio Station, Summit, Canal Zone: Operational facilities and troop housing and community facilities, $383,000.

"Various locations: Utilities, $4,500,000.

"Yards and Docks Facilities

"Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, $2,078,000.

"SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $41,099,000.

"SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1966, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

"TITLE III

"SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

"Inside the United States

"Air Defense Command

"Ent Air Force Base, Colorado Springs, Colorado: Operational facilities, maintenance facilities, and troop housing $1,767,000.

"Hamilton Air Force Base, San Rafael, California: Operational facilities and troop housing, $1,297,000.

"Kincheloe Air Force Base, Sault Sainte Marie, Michigan: Operational facilities, supply facilities, and community facilities, $189,000.

"Kingsley Field, Klamath Falls, Oregon: Operational Facilities and maintenance facilities, $258,000.

"McChord Air Force Base, Tacoma, Washington: Operational and training facilities, maintenance facilities, medical facilities, and troop housing and community facilities, $3,736,000.

"Otis Air Force Base, Falmouth, Massachusetts: Maintenance facilities, $700,000.

"Richards-Gebaur Air Force Base, Kansas City, Missouri: Maintenance facilities, $104,000.

"Selfridge Air Force Base, Mount Clemens, Michigan: Operational facilities and maintenance facilities, $117,000.

"Stewart Air Force Base, Newburgh, New York: Operational facilities, $414,000.

"Suffolk County Air Force Base, Westhampton Beach, New York: Operational facilities and community facilities, $294,000.

"Tyndall Air Force Base, Panama City, Florida: Operational and training facilities, supply facilities, and troop housing, $2,991,000.

"Air Force Accounting and Finance Center

"Air Force Accounting and Finance Center, Denver, Colorado: Administrative facilities and utilities, $225,000.

"Air Force Logistics Command

"Griffiss Air Force Base, Rome, New York: Operational facilities and research development, and test facilities, $1,890,000.

"Hill Air Force Base, Ogden, Utah: Maintenance facilities, supply facilities, administrative facilities, and community facilities, $6,258,000.

"Kelly Air Force Base, San Antonio, Texas: Operational facilities, maintenance facilities, administrative facilities, and troop housing and community facilities, $5,759,000.

"McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, administrative facilities, troop housing and community facilities, and utilities, $4,655,000.

"Newark Air Force Station, Newark, Ohio: Utilities, $181,000.

"Robins Air Force Base, Macon, Georgia: Operational facilities, maintenance facilities, administrative facilities, troop housing, and community facilities, and utilities, $6,983,000.

"Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities, maintenance facilities, administrative facilities, and community facilities, $7,314,000.

"Wright-Patterson Air Force Base, Dayton, Ohio: Research, development, and test facilities, hospital facilities, administrative facilities, and troop housing and community facilities, $12,319,000.

"Air Force Systems Command

"Brooks Air Force Base, San Antonio, Texas: Operational facilities, research, development, and test facilities, and troop housing, $588,000.

"Edwards Air Force Base, Muroc, California: Research, development, and test facilities, hospital facilities, and utilities, $2,897,000.

"Eglin Air Force Base, Valparaiso, Florida: Operational facilities, maintenance facilities, medical facilities, troop housing and community facilities, and utilities, $2,684,000.

"Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, research, development, and test facilities, supply facilities, administrative facilities, and troop housing and community facilities, $2,526,000.

"Kirkland Air Force Base, Albuquerque, New Mexico: Research, development, and test facilities and community facilities, $1,517,000.

"Patrick Air Force Base, Cocoa, Florida: Administrative facilities, community facilities, and utilities, $431,000.

"Various locations, Eastern Test Range: Troop housing, and utilities, $415,000.

"Air Training Command

"Buckley Air Force Base, Aurora, Colorado: Operational facilities, medical facilities, and utilities, $106,000.

"Chanute Air Force Base, Rantoul, Illinois: Training facilities, troop housing, and utilities, $5,442,000.

"Craig Air Force Base, Selma, Alabama: Maintenance facilities, troop housing and community facilities, and utilities, $1,781,000.

"Keesler Air Force Base, Biloxi, Mississippi: Training facilities, administrative facilities, and community facilities, $3,567,000.

"Lackland Air Force Base, San Antonio, Texas: Training facilities, troop housing and community facilities, and utilities, $5,510,000.

"Laredo Air Force Base, Laredo, Texas: Operational facilities, maintenance facilities, and troop housing and community facilities, $1,852,000.

"Laughlin Air Force Base, Del Rio, Texas: Troop housing and community facilities, $866,000.

"Lowry Air Force Base, Denver, Colorado: Community facilities, $352,000.

"Mather Air Force Base, Sacramento, California: Training facilities, maintenance facilities, and troop housing and community facilities, $2,933,000.

"Moody Air Force Base, Valdosta, Georgia: Operational and training facilities, supply facilities, troop housing and community facilities, and utilities, $1,782,000.

"Randolph Air Force Base, San Antonio, Texas: Maintenance facilities and troop housing, $651,000.

"Reese Air Force Base, Lubbock, Texas: Training facilities, troop housing and community facilities, and utilities, $1,533,000.

"Sheppard Air Force Base, Wichita Falls, Texas: Training facilities, maintenance facilities, troop housing and community facilities, and utilities, $4,319,000.

"Vance Air Force Base, Enid, Oklahoma: Operational and training facilities, maintenance facilities, and troop housing and community facilities, $1,653,000.

"Webb Air Force Base, Big Spring, Texas: Training facilities, supply facilities, and troop housing and community facilities, $1,342,000.

"Williams Air Force Base, Chandler, Arizona: Operational and training facilities, maintenance facilities, and troop housing and community facilities, $2,920,000.

"Air University

"Gunter Air Force Base, Montgomery, Alabama: Troop housing and utilities, $741,000.

"Maxwell Air Force Base, Montgomery, Alabama: Troop housing, $770,000.

"Alaskan Air Command

"Eielson Air Force Base, Fairbanks, Alaska: Operational facilities and supply facilities, $601,000.

"Elmendorf Air Force Base, Anchorage, Alaska: Operational facilities, supply facilities, administrative facilities, community facilities, and utilities, $3,640,000.

"Galena Airport, Galena, Alaska: Supply facilities, $374,000.

"King Salmon Airport, Naknek, Alaska: Community facilities, $288,000.

"Various locations: Operational facilities, maintenance facilities, supply facilities, troop housing and community facilities, and utilities, $7,837,000.

"Headquarters Command

"Andrews Air Force Base, Camp Springs, Maryland: Supply facilities, administrative facilities, troop housing and community facilities, and utilities, $2,923,000.

"Military Air Transport Service

"Charleston Air Force Base, Charleston, South Carolina: Operational facilities, maintenance facilities, supply facilities, troop housing, and real estate, $3,349,000.

"Dover Air Force Base, Dover, Delaware: Training facilities and maintenance facilities, $1,180,000.

"McGuire Air Force Base, Wrightstown, New Jersey: Maintenance facilities and utilities, $2,094,000.

"Scott Air Force Base, Belleville, Illinois: Administrative facilities, troop housing and utilities, $2,240,000.

"Travis Air Force Base, Fairfield, California: Operational and training facilities, maintenance facilities, medical facilities, and community facilities, $3,319,000.

"Pacific Air Force

"Hickam Air Force Base, Honolulu, Hawaii: Operational facilities, maintenance facilities, and troop housing and community facilities, $3,315,000.

"Wheeler Air Force Base, Wahiawa, Hawaii: Community facilities, $396,000.

"Strategic Air Command

"Altus Air Force Base, Altus, Oklahoma: Operational facilities, $46,000.

"Barksdale Air Force Base, Shreveport, Louisiana: Operational facilities, maintenance facilities, supply facilities, and troop housing, $3,015,000.

"Beale Air Force Base, Marysville, California: Hospital facilities, community facilities, and utilities, $1,839,000.

"Blytheville Air Force Base, Blytheville, Arkansas: Operational facilities, maintenance facilities, hospital facilities, administrative facilities, and troop housing and community facilities, $1,792,000.

"Bunker Hill Air Force Base, Peru, Indiana: Operational facilities, hospital facilities, and community facilities, $1,785,000.

"Carswell Air Force Base, Fort Worth, Texas: Operational facilities and troop housing, $662,000.

"Castle Air Force Base, Merced, California: Community facilities, $49,000.

"Columbus Air Force Base, Columbus, Mississippi: Operational facilities and community facilities, $306,000.

"Davis-Monthan Air Force Base, Tucson, Arizona: Supply facilities, hospital facilities, administrative facilities, troop housing and community facilities, utilities and ground improvements, $4,235,000.

"Ellsworth Air Force Base, Rapid City, South Dakota: Community facilities, $426,000.

"Fairchild Air Force Base, Spokane, Washington: Community facilities, $187,000.

"Francis E. Warren Air Force Base, Cheyenne, Wyoming: Community facilities, $263,000.

"Grand Forks Air Force Base, Grand Forks, North Dakota: Troop housing and community facilities, and utilities, $4,453,000.

"Homestead Air Force Base, Homestead, Florida: Operational and training facilities, maintenance facilities, and troop housing and community facilities, $1,908,000.

"K. I. Sawyer Municipal Airport, Marquette, Michigan: Operational facilities and supply facilities, $148,000.

"Little Rock Air Force Base, Little Rock, Arkansas: Operational facilities and troop housing, $1,169,000.

"Lockbourne Air Force Base, Columbus, Ohio: Community facilities, $565,000.

"Malmstrom Air Force Base, Great Falls, Montana: Troop housing and utilities, $577,000.

"March Air Force Base, Riverside, California: Operational facilities, maintenance facilities, and troop housing, $3,051,000.

"McCoy Air Force Base, Orlando, Florida: Troop housing, $40,000.

"Minot Air Force Base, Minot, North Dakota: Operational facilities and maintenance facilities, $109,000.

"Mountain Home Air Force Base, Mountain Home, Idaho: Maintenance facilities and troop housing, $171,000.

"Offutt Air Force Base, Omaha, Nebraska: Training facilities and utilities, $389,000.

"Plattsburgh Air Force Base, Plattsburgh, New York: Maintenance facilities, $126,000.

"Turner Air Force Base, Albany, Georgia: Maintenance facilities, hospital facilities, and troop housing and community facilities, $4,643,000.

"Vandenberg Air Force Base, Lompoc, California: Operational facilities, supply facilities, community facilities, and utilities, $691,000.

"Walker Air Force Base, Roswell, New Mexico: Community facilities, $796,000.

"Westover Air Force Base, Chicopee Falls, Massachusetts: Supply facilities, $298,000.

"Whiteman Air Force Base, Knob Noster, Missouri: Community facilities, $218,000.

"Wurtsmith Air Force Base, Oscoda, Michigan: Operational facilities, $45,000.

"Tactical Air Command

"Cannon Air Force Base, Clovis, New Mexico: Operational and training facilities, administrative facilities, and troop housing, $1,823,000.

"England Air Force Base, Alexandria, Louisiana: Operational facilities, maintenance facilities, supply facilities, and troop housing and community facilities, $2,085,000.

"George Air Force Base, Victorville, California: Operational and training facilities, maintenance facilities, administrative facilities, and community facilities, $2,483,000.

"Langley Air Force Base, Hampton, Virginia: Operational facilities, administrative facilities, and troop housing and community facilities, $3,696,000.

"Luke Air Force Base, Phoenix, Arizona: Maintenance facilities, administrative facilities, and troop housing and community facilities, $774,000.

"MacDill Air Force Base, Tampa, Florida: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and troop housing and community facilities, $9,279,000.

"McConnell Air Force Base, Wichita, Kansas: Operational facilities, medical facilities, and community facilities, $755,000.

"Myrtle Beach Air Force Base, Myrtle Beach, South Carolina: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, administrative facilities, ground improvements and real estate, $1,639,000.

"Nellis Air Force Base, Las Vegas, Nevada: Operational facilities and supply facilities, $1,636,000.

"Pope Air Force Base, Fort Bragg, North Carolina: Operational facilities, medical facilities, administrative facilities, and troop housing and community facilities, $2,560,000.

"Shaw Air Force Base, Sumter, South Carolina: Operational facilities, maintenance facilities, supply facilities, and troop housing and community facilities, $1,189,000.

"United States Air Force Academy

"United States Air Force Academy, Colorado Springs, Colorado: Training facilities, $8,872,000.

"United States Air Force Security Service

"Goodfellow Air Force Base, San Angelo, Texas: Troop housing, $275,000.

"Aircraft Control and Warning System

"Various locations: Maintenance facilities, troop housing, and utilities, $1,377,000.

"Outside the United States

"Air Defense Command

"Various locations: Maintenance facilities, troop housing and community facilities, and utilities, $970,000.

"Military Air Transport Service

"Wake Island Air Force Station, Wake Island: Supply facilities, troop housing and utilities, $1,391,000.

"Various locations: Maintenance facilities and medical facilities, $953,000.

"Pacific Air Force

"Various locations: Operational facilities, maintenance facilities, supply facilities, hospital facilities, administrative facilities, and troop housing and community facilities, $21,935,000.

"Strategic Air Command

"Various locations: Utilities, $335,000.

"United States Air Forces in Europe

"Various locations: Operational facilities, maintenance facilities, supply facilities, administrative facilities, troop housing and community facilities, and utilities, $12,002,000.

"United States Air Force Southern Command

"Howard Air Force Base, Canal Zone: Operational facilities, maintenance facilities, supply facilities, and community facilities, $1,686,000.

"United States Air Force Security Service

"Various locations: Operational facilities, supply facilities, medical facilities, community facilities, and utilities, $3,411,000.

"Sec. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $71,063,000.

"Sec. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1966, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

"Sec. 304. (a) Public Law 88-174, as amended, is amended in section 301 under the heading 'Inside the United States' as follows:

"(1) Under the subheading 'Air Force Systems Command', with respect to Sacramento Peak Upper Air Research Site, Alamogordo, New Mexico, by striking out '$2,889,000' and inserting in place thereof '$3,167,000'.

"(2) Under the subheading 'Strategic Air Command', with respect to March Air Force Base, Riverside, California, by striking out '$186,000' and inserting in place thereof '$255,000'.

"(b) Public Law 88–174, as amended, is amended by striking out in clause (3) of section 602 the amounts of '$161,940,000' and '$491,622,000' and inserting in place thereof '$162,287,000' and '$491,969,000', respectively.

"TITLE IV

"SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for defense agencies for the following projects:

"Inside the United States

"Defense Atomic Support Agency

"Sandia Base, Albuquerque, New Mexico: Utilities, $188,000.

"Clarksville Base, Clarksville, Tennessee: Troop housing, $36,000.

"Killeen Base, Killeen, Texas: Troop housing, $45,000.

"Defense Intelligence Agency

"Arlington Hall Station, Arlington, Virginia: Operational and training facilities, $17,900,000.

"Defense Supply Agency

"Defense Construction Supply Center, Columbus, Ohio: Maintenance facilities and supply facilities, $301,000.

"Defense Depot, Memphis, Tennessee: Supply facilities, $266,000.

"Defense Depot, Ogden, Utah: Supply facilities, $329,000.

"Defense Clothing and Textile Supply Center, Philadelphia, Pennsylvania: Administrative facilities, $950,000.

"Defense Industrial Supply Center, Philadelphia, Pennsylvania: Administrative facilities, $255,000.

"National Security Agency

"Fort Meade, Maryland: Operational facilities and production facilities, $6,075,000.

"Office of Secretary of Defense

"Armed Forces Radio and Television Service, Los Angeles, California: Operational facilities, $18,000.

"Outside the United States

"Defense Atomic Support Agency

"Johnston Island Air Force Base: Research, development and test facilities, $3,688,000.

"SEC. 402. The Secretary of Defense may establish or develop installations and facilities required for advanced research projects and in connection therewith may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, in the total amount of $20,000,000.

"SEC. 403. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $50,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto.

"TITLE V

"Military family housing

"SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities, in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Administrator, Housing and Home Finance Agency, as to the availability of adequate private housing at such locations. If the Secretary and the Administrator are unable to reach agreement with respect to the availability of adequate private housing at any location, the Secretary shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

"(a) Family housing units for—

"(1) The Department of the Army, two thousand and fifty units, $39,864,000:

"Presidio of San Francisco, California, one hundred and fifty units.

"Fort Benning, Georgia, three hundred units.

"Fort Leavenworth, Kansas, fifty units.

"Fort Meade, Maryland, three hundred and forty units.

"Fort Monmouth, New Jersey, one hundred units.

"United States Military Academy, West Point, New York, two hundred units.

"Fort Jackson, South Carolina, one hundred and eighty units.

"Fort Monroe, Virginia, fifty units.

"Atlantic Side, Canal Zone, one hundred units.

"Pacific Side, Canal Zone, three hundred units.

"Fort Buckner, Okinawa, two hundred and eighty units.

"(2) The Department of the Navy, four thousand five hundred and forty units, $79,950,000:

"Marine Corps Supply Center, Barstow, California, fifty-two units.

"Marine Corps Air Station, El Toro, California, two hundred and fifty units.

"Naval Complex, Long Beach, California, two hundred units.

"Naval Post Graduate School, Monterey, California, two hundred and eight units.

"Naval Complex, East Bay, San Francisco, California, four hundred units.

"Naval Complex, South Bay, San Francisco, California, three hundred units.

"Naval Complex, West Bay, San Francisco, California, three hundred units.

"Naval Base, Key West, Florida, four hundred units.

"Naval Air Station, Pensacola, Florida, two hundred and fifty units.

"United States Navy installations, Oahu, Hawaii, three hundred units.

"Naval Training Center, Great Lakes, Illinois, two hundred units.

"Naval Base, Newport, Rhode Island, two hundred units.

"Naval Air Station, Quonset Point, Rhode Island, two hundred units.

"Naval Air Station, Corpus Christi, Texas, three hundred and fifty units.

"Naval Complex, Norfolk, Virginia, five hundred units.

"Marine Corps Schools, Quantico, Virginia, one hundred units.

"Naval Station, Keflavik, Iceland, one hundred and fifty units.

"Naval Complex, Naha, Okinawa, forty units.

"Naval Station, Sangley Point, Republic of Philippines, one hundred and forty units.

"(3) The Department of the Air Force, four thousand five hundred and ninety units, $85,770,000.

"Eielson Air Force Base, Alaska, two hundred units.

"Elmendorf Air Force Base, Alaska, two hundred units.

"Beale Air Force Base, California, three hundred units.

"Vandenberg Air Force Base, California, three hundred units.

"Ent Air Force Base, Colorado, forty-nine units.

"Eglin Air Force Base, Florida, three hundred units.

"United States Air Force installations, Oahu, Hawaii, two hundred and fifty units.

"Scott Air Force Base, Illinois, one hundred and fifty units.

"England Air Force Base, Louisiana, three hundred and fifty units.

"Andrews Air Force Base, Maryland, two hundred and fifty units.

"Keesler Air Force Base, Mississippi, one hundred units.

"Nellis Air Force Base, Nevada, one unit.

"Cannon Air Force Base, New Mexico, one hundred and fifty units.

"Langley Air Force Base, Virginia, one hundred units.

"F. E. Warren Air Force Base, Wyoming, one hundred units.

"Pacific Side, Canal Zone, two hundred and fifty units.

"Andersen Air Force Base, Guam, two hundred units.

"Goose Air Base, Newfoundland, Canada, one hundred units.

"Kadena Air Base, Okinawa, two hundred units.

"Naha Air Base, Okinawa, one hundred and seventy units.

"Clark Air Base, Republic of Philippines, four hundred units.

"Site 4–S, seventy units.

"Site 6–S, two hundred units.

"Site QC, two hundred units.

"(b) Trailer court facilities for:

"(1) The Department of the Navy, 200 spaces, $360,000.

"(2) The Department of the Air Force, 400 spaces, $720,000.

"SEC. 502. Authorizations for the construction of family housing provided in this Act shall be subject to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

"(a) The cost per unit of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed—

"$24,000 for general officers or equivalent;

"$19,800 for colonels or equivalent;

"$17,600 for majors and/or lieutenant colonels or equivalent;

"$15,400 for all other commissioned or warrant officer personnel or equivalent, except that four-bedroom housing units authorized by sections 4774(g), 7574(e), and 9774(g) of title 10, United States Code, may be constructed at a cost not to exceed $17,000;

"$13,200 for enlisted personnel, except that four-bedroom housing units authorized by sections 4774(f), 7574(d), and 9774(f) of title 10, United States Code, may be constructed at a cost not to exceed $15,000.

"(b) When family housing units are constructed in areas other than those listed in subsection (a), the average cost of all such units, in any project of fifty units or more, shall not exceed $32,000, and in no event shall the cost of any unit exceed $40,000.

"(c) The cost limitations provided in subsections (a) and (b) shall be applied to the five-foot line.

"(d) For all units constructed in the areas listed in subsection (a), exclusive of the project for the United States Military Academy at West Point, the average unit cost for each military department shall not exceed $17,500, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

"(e) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $28,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

"(f) Units constructed at the United States Military Academy, West Point, shall not be subject to the limitations of subsections (a) through (e) of this section, but the average cost of such units shall not exceed $36,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

"Sec. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

"(a) For the Department of the Army, $8,000,000.

"(b) For the Department of the Navy, $5,000,000.

"(c) For the Department of the Air Force, $4,800,000.

"(d) For the Defense Agencies, $396,000.

"Sec. 504. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended to read as follows:

"'Sec. 515. During fiscal years 1966 through and including 1967, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities at or near military installations in the United States and Puerto Rico for assignment as public quarters to military personnel and their dependents, if any, without rental charge, upon a determination by the Secretary of Defense, or his designee, that there is a lack of adequate housing facilities at or near such military installations. Such housing facilities may be leased on an individual basis and not more than seven thousand of such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of $160 a month for each military department, including the cost of utilities and maintenance and operation.'

"Sec. 505. Section 507 of Public Law 88–174 (77 Stat. 307, 326) is amended by deleting the figures '1964' and '1965', and inserting in lieu thereof the figures '1966' and '1967'.

"Sec. 506. The Secretary of Defense or his designee is authorized to relocate 200 units of relocatable housing from Glasgow Air Force Base, Montana, to other military installations where there are housing shortages: *Provided,* That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within thirty days of such notification.

"Sec. 507. There is authorized to be appropriated for use by the Secretary of Defense or his designee for military family housing as authorized by law for the following purposes:

"(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $195,589,000 and

"(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $488,799,000.

"Sec. 508. Notwithstanding the authorizations for the construction of family housing contained in section 501(a) of this Act, the total number of units of family housing which may be contracted for under authority of such section shall not exceed nine thousand five hundred units.

"TITLE VI

"*General provisions*

"Sec. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

"Sec. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

"(1) for title I: Inside the United States, $252,661,000, outside the United States, $7,391,000, section 102, $39,470,000, section 103, $10,000,000 or a total of $309,522,000.

"(2) for title II: Inside the United States, $225,877,000, outside the United States, $34,436,000, section 202, $41,099,000, section 203, $10,000,000 or a total of $311,412,000.

"(3) for title III: Inside the United States, $210,630,000, outside the United States, $42,683,000, section 302, $71,063,000, section 303, $10,000,000 or a total of $334,376,000.

"(4) for title IV: A total of $100,051,000.

"(5) for title V: Military family housing, a total of $684,388,000.

"Sec. 603. Any of the amounts named in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

"Sec. 604. Whenever—

"(1) the President determines that compliance with section 2313(b) of title 10, United States Code, for contracts made under this Act for the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of this Act; and

"(2) the Secretary of Defense and the Comptroller General have agreed upon alternative methods of adequately auditing those contracts;

"the President may exempt those contracts from the requirements of that section.

"Sec. 605. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, unless the Secretary of Defense determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. Regulations issued by the Secretary of Defense implementing the provisions of this section shall provide the department or agency requiring such construction with the right to select either the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, as its construction agent, providing that under the facts and circumstances that exist at the time of the selection of the construction agent, such selection will not result in any increased cost to the United States. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

"Sec. 606. (a) As of October 1, 1966, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in Acts approved before August 2, 1964, and not superseded or otherwise modified by a later authorization are repealed except—

"(1) authorization for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

"(2) the authorization for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1966, and authorizations for appropriations therefor;

"(3) notwithstanding the provisions of section 606 of the Act of August 1, 1964 (78 Stat. 341, 363), the authorization for the following items, which shall remain in effect until October 1, 1967:

"(a) operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing and community facilities, utilities and ground improvements in the amount of $611,000 at Fort Benning, Georgia, that is contained in title I, section 101, under heading 'Inside the United States' and subheading 'Continental Army Command (Third Army)' of the Act of July 27, 1962 (76 Stat. 223).

"(b) operational and training facilities, maintenance facilities, administrative facilities and utilities in the amount of $833,000 at Fort Bragg, North Carolina, that is contained in title I, section 101, under heading 'Inside the United States' and subheading 'Continental Army Command (Third Army)' of the Act of July 27, 1962 (76 Stat. 223).

"(c) operational and training facilities, troop housing and community facilities, and utilities in the amount of $4,241,000 at Fort Dix, New Jersey, that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Continental Army Command (First Army)' of the Act of November 7, 1963 (77 Stat. 307).

"(d) training facilities in the amount of $290,000 at Fort Belvoir, Virginia, that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Continental Army Command (Second Army)' of the Act of November 7, 1963 (77 Stat. 307).

"(e) operational facilities, maintenance facilities, medical facilities, administrative facilities, and utilities in the amount of $236,000 at Fort Knox, Kentucky, that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Continental Army Command (Second Army)' of the Act of November 7, 1963 (77 Stat. 307).

"(f) maintenance facilities in the amount of $449,000 at Fort Story, Virginia, that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Continental Army Command (Second Army)' of the Act of November 7, 1963 (77 Stat. 307).

"(g) maintenance facilities, medical facilities, community facilities, and utilities in the amount of $512,000 at Fort Benning, Georgia, that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Continental Army Command (Third Army)' of the Act of November 7, 1963 (77 Stat. 307).

"(h) training facilities, maintenance facilities, supply facilities, medical facilities, troop housing and utilities in the amount of $1,836,000 at Fort Bragg, North Carolina, that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Continental Army Command (Third Army)' of the Act of November 7, 1963 (77 Stat. 307).

"(i) operational facilities, maintenance facilities, supply facilities, medical facilities, and administrative facilities in the amount of $553,000 at Fort Campbell, Kentucky, that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Continental Army Command (Third Army)' of the Act of November 7, 1963 (77 Stat. 307).

"(j) training facilities, troop housing and community facilities in the amount of $919,000 at Fort Irwin, California, that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Continental Army Command (Sixth Army)' of the Act of November 7, 1963 (77 Stat. 308).

"(k) operational facilities, maintenance facilities, troop housing and utilities in the amount of $719,000 at various locations that is contained in title I, section 101 under heading 'Inside the United States' and subheading 'Army Component Commands (United States Army Air Defense Command)' of the Act of November 7, 1963 (77 Stat. 309).

"(l) maintenance facilities in the amount of $1,498,000 at Fort Richardson, Alaska, that is contained in title I, under the heading 'Inside the United States' and subheading 'Army Component Commands (Alaska Command Area)' of the Act of November 7, 1963 (77 Stat. 309).

"(m) maintenance facilities in the amount of $721,000 at Schofield Barracks, Hawaii, that is contained in title I, under the heading 'Inside the United States' and subheading 'Army Component Commands (Pacific Command Area)' of the Act of November 7, 1963 (77 Stat. 309).

"(n) operational facilities, supply facilities, administrative facilities, troop housing, community facilities and utilities in the amount of $968,000 at various locations that is contained in title I, section 101, under heading 'Outside the United States' and subheading 'Army Security Agency' of the Act of November 7, 1963 (77 Stat. 310).

"(o) operational facilities, maintenance facilities, supply facilities, troop housing and utilities in the amount of $5,995,000 in Germany that is contained in title I, section 101 under the heading 'Outside the United States' and subheading 'Army Component Commands (European Command Area)' of the Act of November 7, 1963 (77 Stat. 310).

"(p) operational facilities in the amount of $6,900,000 at various locations that is contained in title I, section 102 of the Act of November 7, 1963 (77 Stat. 310).

"(q) training facilities in the amount of $7,600,000 for the Naval Academy, Annapolis, Maryland, that is contained in title II, section 201, under the heading 'Service School Facilities' of the Act of November 7, 1963 (77 Stat. 314).

"(r) administrative facilities in the amount of $3,484,000 for the Naval Research Laboratory, District of Columbia, that is contained in title II, section 201, under the heading 'Office of Naval Research Facilities' of the Act of November 7, 1963 (77 Stat. 315).

"(s) community facilities in the amount of $550,000 for Camp Smedley D. Butler, Okinawa, that is contained in title II, section 201, under the heading 'Outside the United States' and subheading 'Marine Corps Facilities' of the Act of November 7, 1963 (77 Stat. 315).

"(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing which are contained in this Act or any Act approved prior to August 2, 1964, are repealed except (1) the authorization for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date, (2) the authorization for two hundred family housing units at a classified location contained in the Act of August 1, 1964 (78 Stat. 341, 359), and the authorization for 180 units at Site 4–S contained in the Act of August 1, 1964 (78 Stat. 341, 360).

"Sec. 607. (a) It is the sense of Congress that all the land comprising the Bolling-Anacostia complex will be required for military purposes within the foreseeable future and should be retained by the Department of Defense for such use.

"(b) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), the Housing Act of 1949, as amended (42 U.S.C. 1441 et seq.) the Act of June 8, 1960 (40 U.S.C. 2662), or any other law, no portion of the Bolling Air Force Base or the Anacostia Naval Air Station shall be determined excess to the needs of the holding agency or transferred, reassigned, or otherwise disposed of by such agency prior to July 1, 1967.

"Sec. 608. (a) All construction under this Act shall be designed using techniques developed by the Office of Civil Defense to maximize fallout protection, where such can be done without impairing the purpose for which the construction is authorized or the effectiveness of the structure, unless exempted from this requirement under regulations prescribed by the Secretary of Defense or his designee.

"(b) The Secretary of Defense shall make appropriate provision for the utilization of technical design and construction methods in the preparation of design and construction plans and in construction under this Act, to assure carrying out the purposes of this section; and for such purposes expenditures on individual projects shall not exceed one per centum of the amount authorized for that project.

"Sec. 609. Every contract hereafter entered into between the Department of Defense, or any military department thereof, and any nonprofit corporation or organization receiving seventy-five per centum or more of its gross income from Federal funds shall contain a provision prohibiting the construction of any facility or the acquisition of any real property, the cost of which will be borne directly or indirectly by the United States, unless such construction or acquisition has first been authorizd by the Congress.

"Sec. 610. Except in the case of hospitals authorized for construction under this or any previous Act, any military hospital hereafter constructed in the United States or its possessions shall include facilities for obstetrical care unless sound and specific justification is made by the Secretary concerned for omitting such facilities in any hospital authorized.

"Sec. 611. (a) Notwithstanding any other provision of law, no camp, post, station, base, yard, or other installation or facility under the authority of the Department of Defense shall be closed, abandoned, or substantially reduced in mission until the expiration of one hundred and twenty days after the Secretary of Defense reports the details of and full justification for the proposed closure, abandonment or substantial reduction to the Committees on Armed Services of the Senate and House of Representatives: *Provided*, That such reports shall be submitted to the Committees only between the period January 1 and April 30 of each calendar year: *Provided further*, That if the Congress adjourns sine die prior to the expiration of the one hundred and twenty day period such closure, abandonment, or substantial reduction in mission shall not take place and shall be resubmitted during the next regular session of the Congress.

"(b) The provisions of subsection (a)—

"(1) shall not be construed as prohibiting the movement of troops and equipment for tactical purposes;

"(2) shall not apply to changes in a camp, post, station, base, yard, or other installation or facility at which the total military and civilian personnel complement is less than two hundred and fifty;

"(3) shall apply only to posts, camps, stations, bases, yards, or other installations or facilities that are located in the United States and Puerto Rico; and

"(4) shall not apply to any facility used primarily for river and harbor projects or flood control projects.

"Sec. 612. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction project inside the United States (other than Alaska) at a unit cost in excess of—

"(1) $32 per square foot for cold-storage warehousing;

"(2) $8 per square foot for regular warehousing;

"(3) $1,850 per man for permanent barracks;

"(4) $8,500 per man for bachelor officer quarters: unless the Secretary of Defense or his designee determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable.

"Sec. 613. The last sentence of section 2674(a) of title 10, United States Code, as amended, is amended by changing the figure '$10,000' to '$15,000'.

"Sec. 614. Titles I, II, III, IV, V, and VI of this Act may be cited as the 'Military Construction Authorization Act, 1966.'

TITLE VII

Reserve Forces facilities

"Sec. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

"(1) for Department of the Army: Army National Guard of the United States, $9,200,000.

"(2) for the Department of the Navy: Naval and Marine Corps Reserves, $8,890,000.

"(3) for Department of the Air Force:

"(a) Air National Guard of the United States, $9,000,000.

"(b) Air Force Reserve, $3,400,000.

"Sec. 702. The Secretary of the Navy is authorized to convey to the city of Little Rock, Arkansas, without consideration, all right, title, and interest in so much of the land and improvements comprising the Naval and Marine Corps Reserve Training Center, Little Rock, Arkansas, as is agreed to be required for a right of way for construction of a public highway, at such time as that portion of the land and improvements may no longer be required as a part of said training center.

"SEC. 703. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statute, as amended (31 U.S.C. 529), and sections 4774(d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

"SEC. 704. This title may be cited as the 'Reserve Forces Facilities Authorization Act, 1966'."

And the Senate agree to the same.

L. Mendel Rivers,
Philip J. Philbin,
F. Edward Hébert,
Melvin Price,
O. C. Fisher,
Porter Hardy, Jr.
William H. Bates,
Leslie C. Arends,
Alvin O'Konski,
William G. Bray,
Managers on the Part of the House.

John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Howard W. Cannon,
Leverett Saltonstall,
Margaret Chase Smith,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8439) to authorize certain construction at military installations, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

LEGISLATION IN CONFERENCE

On June 10, 1965, the House of Representatives passed H.R. 8439, which is the fiscal year 1966 military construction authorization for the Department of Defense and Reserve components.

On June 28, 1965, the Senate considered the legislation and amended it by striking out all language after the enacting clause and wrote a new bill.

COMPARISON OF HOUSE AND SENATE BILLS

H.R. 8439, as passed by the House of Representatives, provided construction authorization to the military departments and the Department of Defense for fiscal year 1966 in the total amount of $1,934,927,000.

The bill, as passed by the Senate, provided new authorizations in the amount of $1,721,352,000.

The Senate bill, therefore, represented a decrease of $213,575,000 in the amount previously approved by the House of Representatives.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a consequence of a conference between the House and Senate on the differences in H.R. 8439, the conferees agreed to a new adjusted authorization for military construction for fiscal year 1966 in the total amount of $1,780,062,000.

The new total authorization agreed to by the conferees, therefore, represents an increase in the amount previously approved by the Senate of $58,710,000, and represents a reduction of $154,865,000 in the amount previously approved by the House.

The total construction authorization recommended by the conferees for fiscal year 1966 of $1,780,062,000 is $245,068,000 more than the amount of military construction authorized in fiscal year 1965 by Public Law 88–390, that figure being $1,534,994,000.

The Department of Defense and the respective military departments had requested a total of $1,955,681,000 of new construction authorization for fiscal year 1966. The action of the conferees, therefore, reduces this departmental request by $175,619,000.

Title I—Army

The House had approved construction in the amount of $365,026,000 for the Department of the Army.

The Senate reduced this figure by $68,757,000.

The conferees agreed to restore $13,253,000 of this reduction by the Senate, and agreed to a new total authorization for title I in the amount of $309,522,000.

The restoration of $13,253,000 of construction authority is contained in the items in the bill as follows:

Fort Rucker, Ala.

The Senate denied authority for a commissary in the amount of $583,000. The Senate conferees expressed concern over providing convenience facilities at a time when there might possibly be a stepup in activities in southeast Asia. The Senate in making this deletion felt that the present facilities were sufficient and that this commissary was more for convenience than of necessity. The House conferees insisted on the restoration of this item on the basis that the commissary is now housed in five separate buildings, all of which are World War II temporary buildings not functionally suitable for commissary use. The continued use of these scattered buildings was believed to be economically unsound because of the increased transportation and handling costs which result in employees handling stocks two or three times, and a waste of manpower and low productivity.

The House conferees also pointed out that Fort Rucker is in an isolated location and that the nearest city having adequate supermarket facilities, is between 90 and 100 miles from Fort Rucker. It was also pointed out by the House conferees that even though the commissary is now operating at 60 hours per week, the facilities are inadequate for the current population and that since Fort Rucker has been assigned new missions and additional units, the situation which is already bad would become much worse.

The House conferees insisted on restoration of this item in the bill and the Senate conferees receded from their position and concurred in the authorization of $583,000 for a commissary at Fort Rucker, Ala.

Fort Polk, La.

The Senate denied authority for rehabilitation of substandard barracks at Fort Polk, La., in the amount of $372,000. It was recognized by the conferees that if any troops were put into the barracks at Fort Polk, the 80 mobilization-type barracks would have to be modernized. Concern, however, was expressed by both House and Senate conferees over the STEP program at this time. Therefore, it was agreed that this authorization would be restored only if the rehabilitation program for the barracks were not used for the special training enlistment program (STEP).

The House conferees insisted on the restoration of this item in the bill and the Senate conferees receded from their position and concurred in the authorization of $372,000 for the rehabilitation of 80 mobilization-type barracks at Fort Polk, La.

Fort Riley, Kans.

The House had approved $9 million to provide an enlisted men's barracks complex to house 2,282 enlisted men at Fort Riley, Kans. The Senate deleted this item entirely, since it was requested after the bill was submitted to Congress and only after a tactical missile site fell from the program. The Senate conferees insisted that it should be considered for inclusion in next year's military construction bill. The House conferees insisted on restoration of this item since 70 percent of the troops at Fort Riley, Kans., are living in substandard housing.

The Senate conferees receded from its position and approved an authorization for an enlisted men's barracks complex in the amount of $9 million.

Cameron Station, Va.

The Army has requested authorization in the amount of $168,000 to provide for a dispensary at Cameron Station, Va. The House authorized this project. The Senate deleted it on the basis that emergency facilities were available at Fort Myer, Va., and at the hospital at Fort Belvoir, Va.

The House conferees insisted that the project was necessary to replace an existing makeshift dispensary serving this installation. There are 2,354 assigned civilian employees under the Federal civilian health service program. The present facilities is a makeshift dispensary using a building originally constructed as a bachelor officers' quarters with deficiencies which constitute both sanitary and safety hazards. This facility provides dispensary-type care to the 319 assigned military personnel and all dependents of active duty military personnel who live near Cameron Station.

The House conferees insisted on restoration of this item and the Senate conferees receded from their position and authorized construction of a dispensary costing $168,000.

Sharpe Army Depot, Calif.

The House authorized construction at Sharpe Army Depot, Calif., in the amount of $175,000. The Senate deleted these items since they were not requested by the Department of Defense or approved by the Bureau of the Budget.

One item is for alterations to warehouse A–3 to provide for an environmental controlled laboratory. Presently Sharpe Army Depot is unable to meet its calibration requirements, although much of the equipment to outfit such a laboratory is present on the depot, but the equipment cannot be installed without the requested facilities. Because of the Army transition to larger aircraft, Sharpe Army Depot can no longer accomplish its mission on aircraft propeller repair, and this project would provide for a monorail lifting device in order to accomplish repair work on the OB–1 and CV–2 types of propellers.

The second project is for modification to building 649 at a cost of $95,000. This project is urgently required to eliminate possible future mission failures in the preservation of and preparing mechanical items for overseas shipment.

Because major mechanical equipment is being processed by the Sharpe Army Depot in support of operations in southeast Asia, the House conferees insisted on restoration of these two items. The Senate receded from its position and authorized construction in the amount of $175,000.

Kwajalein

The House approved $5,955,000 for native housing on Kwajalein. The Senate reduced this amount $2,955,000. The Senate gave as their reasons: (1) The expenditure of defense funds for this purpose is questionable as it is more properly the responsibility of the Department of the Interior rather than the

Department of Defense; and (2) the possibility of the natives constructing their own housing at a much reduced cost if the materials were furnished should be studied. The House conferees pointed out that an agreement had been made between the Department of Defense and the Department of the Interior whereby the Interior Department agreed to relocate the natives residing on the island of Ebeye provided that the Army produce suitable housing and community facilities. The House conferees also pointed out that deferral of construction of 168 of the proposed 280 family units will increase the cost from $½ to $1 million. The Senate receded.

Edgewood Arsenal, Md.

With respect to the quality assurance laboratory at Edgewood Arsenal, the conferees agreed that this matter should be deferred another year for further study.

The House conferees receded from their position in respect to other Senate changes to title I amounting to a reduction of $76,154,000, most of which were classified items.

Title II—Navy

The House had approved $319,722,000 in new construction authorization for the Department of the Navy.

The Senate reduced this amount by $12,760,000.

The conferees agreed to a restoration of $4,450,000 in the amount deleted by the Senate.

The items restored by the conferees, which amount to $4,450,000, are as follows:

Naval Station, Norfolk, Va.

The House had included $1,083,000 for a multipurpose building at Norfolk, Va. The Senate deleted this item. The House conferees pointed out that this line item was required to insure safe and proper performance of the vital functions of mail delivery, training of personnel, and control of Navy ship traffic and berthing in the Norfolk Naval Station area. At present, the port services department is comprised of an administrative staff, boat pool, logistics section, ordnance section, and degaussing station, which are located in various small areas scattered around the naval station. The Fleet Post Office, Fleet Motion Picture Exchange, and the Distirct Training Offices are now located in a dilapidated frame structure built in 1940 as a mess hall. This would consolidate all of these activities in the proposed multipurpose building. The Fleet Post Office moved into the present building in 1952 as a "temporary measure." The post office averages approximately 7 tons of mail per day for 179 ships home-ported at Norfolk, plus several thousand military personnel based ashore. U.S. postal authorities have made repeated attempts to have the Navy provide adequate postal facilities, and they have given written notice that if adequate facilities are not provided, the Post Office Department may defer postal service to this branch.

The Fleet Motion Picture Exchange has an inventory of approximately 750 films and $3 million worth of training aids, all of which are housed in a wooden building without a sprinkler system. It is estimated that the fire life of the building from spark to ashes would be 7 minutes.

The House conferees insisted upon restoration of this project and the Senate receded.

Naval Training Center, San Diego, Calif.

The House approved $5,160,000 for a technical training building at San Diego. The Senate reduced this amount to $4,500,000. The House conferees pointed out that the preliminary engineering report prepared by a professional architect and engineering firm estimated the dollar cost for this item to be $6,530,000. This was reduced during the course of initial review by the Navy, Department of Defense, and the Bureau of the Budget to $5,160,000, a reduction of approximately 21 percent. Firm fleet requirements for trained personnel necessitated an increase in students from the present 4,575 to 5,979 by fiscal year 1966. To meet the total of 723,500 square feet of training space required, only 136,150 square feet in permanent training structures is available. Twenty-five temporary buildings of World War II vintage are now being used to house the present student body and with the projected increase in the number of students, the House conferees were adamant in their position that this $660,000 be restored. The Senate receded from its position.

Naval Hospital, Newport, R.I.

The House authorized construction of a new 200-bed permanent hospital structure to be integrated with the existing permanent hospital facilities to provide a modern 256-bed hospital. This hospital serves a population of approximately 49,000.

The Senate reduced this amount by $400,000 on the basis that the square foot cost for this alteration project was excessive. The House conferees insisted on restoration of this item which will provide for a nursing unit, admitting and emergency facilities, outpatient department, pharmacy, laboratory, obstetrical and nursery facilities, military sick call, medical dermatology, EENT, (ear, eyes, nose, and throat), urology, dental clinics, and radiology. It will also provide for complete air-conditioning of the entire hospital. Too, the modernization would have eliminated the air conditioning, and the House conferees insisted that to add air conditioning at a later date would be more expensive.

The Senate receded from its position.

Naval Hospital, Oakland, Calif.

The House had approved an enlisted men's barracks and a WAVES' barracks costing $673,000. The Senate deleted these items from the bill on the basis that they can be requested and funded in fiscal year 1967 and still be in place by the time the hospital was completed. Based on this premise and with the understanding that the project will be resubmitted next year, the House agreed to the deletion.

Navy Public Works Center, Norfolk, Va.

The House authorized $1,733,000 for the second increment of an electrical distribution system at this installation. The Senate deleted the entire item because the first increment approved last year had not been placed under contract at the time this item was considered.

After Senate hearings, however, the contract was awarded for the first increment. The House conferees insisted on restoration of this item which will permit an orderly development of modernization in equipment, in shops and offices at the Navy Public Works Center. The Senate receded.

Naval Station, Rota, Spain

The House conferees authorized a telephone system in the amount of $168,000. The Senate denied such authorization. While the Senate conferees felt that such an authorization could be deferred and that the present facilities could suffice for the present, the House position was accepted.

Naval Station, Roosevelt Roads, P.R.

The House approved $397,000 for an officers' open mess at the Naval Station, Roosevelt Roads. The Senate denied this authorization. The conferees agreed that because of the remoteness of the location of the naval station at Roosevelt Roads, such an item should be restored. The Senate receded.

The House conferees receded on all other reductions effected by the Senate for a total reduction of $8,310,000 in title II of the bill.

Title III—Department of the Air Force

The House had authorized new construction for the Department of the Air Force in the amount of $386,915,000.

The Senate reduced this figure by $61,592,000.

The conferees agreed to restore $9,053,000 of the Senate reduction.

The items comprising this $9,053,000 are as follows:

Ent Air Force Base, Colorado Springs, Colo.

The House included $419,000 for an airmen's dormitory to house 200 enlisted men. The Senate denied this item on the premise that present leased facilities are believed to be adequate.

The House conferees pointed out that there were no existing facilities at Peterson Field or Ent Air Force Base which could be converted to serve this requirement and, in the long run, it would be more economical to build a barracks than to continue a program of leasing.

The Senate receded on this matter.

Suffolk County Air Force Base, Westhampton Beach, N.Y.

The House approved $188,000 for a commissary store at this base. The Senate deleted this amount because they believed present facilities were adequate.

The House conferees insisted that a new commissary was necessary to replace the interconnected World War II substandard structures which are in an advanced stage of deterioration. In addition, they pointed out that the sides of the walk-in coolers are saturated with water because of constant leaks, and that the cooler is not economically reparable.

The Senate receded.

Tinker Air Force Base, Oklahoma City, Okla.

The House authorized $461,000 for an officers' open mess and $427,000 for an exchange sales store.

Both projects were deleted by the Senate on the basis that there appears to be no urgency for either of the projects.

The House conferees insisted that the exchange sales store is located in a temporary mobilization-type structure which provides only half the space required and is in need of replacement.

The House conferees also pointed out that the officers' open mess is housed in a series of buildings that have been joined together through the years and that such buildings are structurally unsound due to woodrot, termite damage, and material failures.

The conferees agreed that these two facilities were needed. and the Senate receded on this matter

Wright-Patterson Air Force Base, Dayton, Ohio

The House had approved $455,000 for alterations to the major command headquarters building of the Air Force Logistics Command stationed at Wright-Patterson.

The Senate deleted this amount because the alterations were to a new building and the alterations would have provided 134 square feet per person which the Senate deemed excessive.

The House conferees pointed out that the temporary building serving the Air Force Logistics Command Headquarters was destroyed by fire in November 1961 and that a building was recently completed under the "act of God" provision. Under this provision, however, the Air Force was required to limit the finished office space to the same square foot scope of the destroyed building. While a full unfinished basement was provided, it could not be finished because the building would have exceeded project scope. This project would complete the basement space by installing suspended ceiling, proper lighting, air conditioning, restrooms, partitions, painting, and completion of a concrete floor with asphalt tile floor covering. This space could then be used as adequate administrative office space for 450 people now occupying space in substandard quarters, and can be provided at approximately one-third of the cost of totally new construction.

The Senate receded.

Edwards Air Force Base, Muroc, Calif.

The House had included $893,000 for additions and alterations to the existing composite medical facility.

The Senate deleted this item because the hospital was completed in 1954 and there has been a reduction in personnel since it was built.

The House conferees insisted on its restoration because the existing hospital has space and functional inadequacies, and also a survey by a representative of the Joint Commission on Hospital Accreditation severely criticized the functional arrangement and space shortage of the existing facility. The House conferees believed that this shortage could result in a removal of this facility from the list of accredited hospitals. The House conferees also pointed out that this project is required to provide adequate base level medical support to approximately 3,200 military personnel and 6,500 dependents of active duty military personnel.

The Senate receded on this on the premise that today's events might well require additional hospitalization facilities on the west coast.

Chanute Air Force Base, Ill.

The House of Representatives added $4,215,000 above the budget for a 202-man bachelor officers' quarters and a dormitory and dining hall for 1,000 men. The Senate denied the dining hall and dormitory but approved $800,000 for a 100-man bachelor officers' quarters. The Senate receded on the dormitory and dining hall for 1,000 men. The House receded on the size of the bachelor officers' quarters, and construction is authorized for the 100-man bachelor officers' quarters as originally authorized by the Senate.

Laredo Air Force Base, Laredo, Tex.

The House approved $124,000 for an aircraft engine inspection and repair shop at this base but the Senate deleted the entire item.

The House conferees pointed out that the additional shop space is definitely required to support the increased undergraduate pilot training mission at Laredo, and the concurrent conversion from single engine aircraft to twin engine aircraft. At the present time there are 118 single and twin engine aircraft, with a combined total of 227 installed and spare engines, operating at this base. By the time this project can be constructed the transition will have been made to 150 twin engine trainers with a combined total of 360 installed and spare engines, and that the flying hours each month will have gone from approximately 6,000 hours to 9,000 hours. Without this alteration and addition the engine maintenance functions required to support the base mission cannot be accomplished effectively and efficiently.

The Senate receded on this matter.

Webb Air Force Base, Big Spring, Tex.

The House authorized $340,000 for conversion of excess enlisted men's dormitories into urgently needed bachelor officers' quarters, and $170,000 for an addition to the base warehouse supply and equipment building. The Senate deleted both items.

The House conferees pointed out that by fiscal year 1969, there will be a requirement to house 330 officers and against this requirement, there will only be 250 adequate spaces available. Since the primary mission of this base is training pilots and the undergraduate pilot training program, adequate quarters are required to provide a place for study time and crew rest.

The House conferees also pointed out that there was a serious shortage of adequate storage space at this base and that the stocks required in support of the base mission are not afforded proper storage because of lack of covered space. The present storage facilities are seriously overtaxed causing the storage of many items in the open with a limited amount of improvised covering to protect them from the elements. This not only causes stocks to deteriorate but impairs inventory control, efficiency in storage operations, and deliveries to using activities.

The Senate receded on this matter.

Andrews Air Force Base, Camp Springs, Md.

The House authorized $455,000 for a recreational gymnasium. The Senate deleted this item.

The House conferees pointed out that this facility was required to assure facilities for sports for all military personnel assigned to Andrews. This "sports for all" program was established to provide maximum voluntary participation in the most commonly recognized sports, and has resulted in increased job efficiency and the building of morale. The fieldhouse will provide maximum opportunities for sports competition with service and community teams, and will result in increased spectator participation.

The present fieldhouse was build in 1944 when the base population was only 1,590, and is much too small for the base which now has a population of over 12,000.

The Senate receded.

England Air Force Base, Alexandria, La.

The House authorized construction of a base communications facility at a cost of $209,000, and the Senate denied this request on the basis that they did not deem it to be an urgent request and that existing facilities will suffice at the present time.

The House conferees pointed out that this base became the home of the 834th Air Division consisting of the 401st and 3d Tactical Fighter Wings in 1964. Prior to this time, the 401st Tactical Fighter Wing was the only unit on the base. To serve these units, the central telephone office and message center requires expansion. The existing building is completely saturated with equipment and future expansion there is impossible. The installation of CENTREX cannot be accomplished until a new base communications building is completed. The existing message center is also overcrowded and cannot meet the security criteria of the National Security Agency or the Air Force.

The House conferees pointed out that this project is of the utmost importance due to the missions of the units on this base with the activities in southeast Asia.

The Senate receded.

Goodfellow Air Force Base, Tex.

Although no item was contained in the Department of Defense submission for any projects at Goodfellow, the House added $768,000 for a service club and air conditioning for 11 dormitories. The Senate deleted both projects. A compromise was reached when $275,000 was added for air conditioning of the 11 dormitories at Goodfellow, and the project for a service club was deferred until next year.

The Senate receded, with an amendment.

Torrejon Airbase, Spain

The House authorized $79,000 for water mains at this base, and the Senate deleted this item because the workload at this base had shown a marked decrease in recent years.

The House conferees pointed out that this base is the largest SAC base in Spain, and supports the 16th Air Force Headquarters and MATS air and freight terminals for Spain and the bases in the Mediterranean area. In addition to its peacetime mission, this base is required to support numerous war and contingency operations plans. This project is also required to provide a reliable source of water for firefighting and personnel consumption at this station.

The Senate receded on this matter.

The Senate agreed to restore $988,000 for a classified project outside the United States.

Both the Army and the Air Force requested authorization for a conversion of boilers from coal to gas at locations in Alaska.

The House authorized each of these projects and the Senate deleted them. Since there has been some conflicting testimony between the Department of Defense witnesses and the Department of the Interior, the House receded on this matter with the understanding that these projects would be recommended in next year's military construction authorization bill, unless there is strong evidence that the overall economic effects will be detrimental to the Government. In other words, the conferees intend to recommend approval to the respective committees of these projects in next year's military construction bill, unless there is clear and convincing evidence presented that would negate such a position.

The Whittier POL pipeline was deferred for another year on the basis that the conferees agreed that this project required further study.

On all other projects for the Air Force, the House receded.

Arnold Engineering Development Center, Tullahoma, Tenn.

The House included funds for the construction of an airstrip at the Arnold Engineering Development Center, Tenn. The Senate deleted this project on the basis that total construction cost for this airfield and facilities at the airfield should be presented to the committee. The House conferees receded on this matter although they feel this is an extremely vital project, but agreed with the Senate conferees that total cost should be presented before the project was commenced.

Title IV—Defense agencies

There was no difference in the authorization between the House and the Senate.

Title V—Military family housing

Family Housing

A. The House authorized 12,300 units of family housing and the Senate approved 10,930 units, but placed a limitation of 8,000 units that can be built out of the number authorized. The Senate denied housing at Fort Myer, Va. (120 units); Fort Belvoir, Va. (300 units); naval complex, District of Columbia (300 units); Bolling Air Force Base, District of Columbia (300 units); Andrews Air Force Base, Md. (250 units); and Keesler Air Force Base, Miss. (100 units). Both the Senate and House were adamant in their position on family housing. Ultimately, however, the conferees agreed on the following compromise: 11,180 units of family housing authorized, including 250 units at Andrews Air Force Base, Md., with a limitation of 9,500 on the number of units that can be built. All other projects which were specifically denied by the Senate were deleted.

B. Leased housing: The House had approved a departmental request of 7,500 units of leased family housing, and the Senate reduced this number to 5,000. As part of the overall totals on family housing, agreement was reached to permit the leasing of 7,000 units of family housing.

Section 509

The House included section 509, which deals with the limitation on type of construction for family housing. The House bill provided that all housing constructed under this act be either single family units or semidetached family units, unless prior to securing bids the service concerned shall have justified to the Armed Services Committees other types of housing units which will not become substandard or cause excessive population density. The Senate deleted this provision entirely because over $800,000 in design funds have been obligated for fiscal year 1966 for housing units of the townhouse type and if single family units or, if semidetached units were substituted, more than $20 million additional would be required. Further, the Senate conferees made it clear that they are not opposed to townhouse type of construction so long as it is properly designed.

The House conferees argued that it would be better to lose the $800,000 design costs rather than to build houses which, in the near future, would become substandard; and that committee disapproval would come only in the event that the designs were found to be unsatisfactory. It was the belief of the House conferees that the ultimate effect of such a provision would be a savings to the Government.

While the House conferees were unable to prevail in their views, the conferees were in agreement that better design effort was required in family housing programs and that the Armed Services Committees next year would thoroughly scrutinize the housing program, including the design and density concepts to be utilized.

Section 510

The House provided a section authorizing the Secretary of Defense to issue regulations permitting the occupants of former Wherry housing units, whether or not such units have been rehabilitated, to occupy such units on the basis of a fair rental determination, rather than on the basis of forfeiture of basic allowance for quarters. The Senate deleted the provision entirely. The House receded from its position when the Senate conferees stated that in the few instances where former Wherry units do not meet the criteria of adequacy, funds should be requested for the necessary renovation. It is expected that the Department of Defense will make such requests as may be justified in the fiscal year 1967 military construction bill.

Title VI—General provisions

Section 605

The language of this section as proposed by the Department and reflected in the Senate bill is identical with that carried in the bill for several years until fiscal year 1965. In the fiscal year 1965 the language was changed by the House for the purpose of dividing all construction work equally between the Corps of Engineers and the Bureau of Yards and Docks. The Senate did not agree with the House position and a compromise was arrived at. This year the House has reverted to its position of last year, except it has been broadened in scope to make the so-called equal basis position worldwide rather than applicable to the United States and its possessions. The Senate conferees opposed the House language last year but finally compromised by adding to the language of the conference report in 1964, the following provision:

"Regulations issued by the Secretary of Defense implementing the provisions of this section shall provide the department or agency requiring such construction with the right to select either the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, as its construction agent, providing that under the facts and circumstances that exist at the time of the selection of the construction agent, such selection will not result in any increased cost to the United States."

The Department of Defense witness testified that while the compromise language was difficult of administration, that it had produced substantial cost savings to the Air Force and had resulted in the lowering of overhead costs of both the Corps of Engineers and the Bureau of Yards and Docks.

While the House conferees urged the broadened House provision, the Senate conferees would make no greater concession than to follow the compromised language contained in the fiscal year 1965 military construction authorization bill. The House conferees agreed on the basis that a further analysis of cost savings would be made during the coming year, and if the savings are as great as anticipated, the House would insist next year on language similar to that contained in section 605 of the House-passed bill.

Section 608—Base closure provision

Section 608 of the House-passed bill would in effect prohibit the Secretary of Defense or the Secretaries of the military departments or their designees from closing, substantially reducing, or consolidating any military camp, post, station, installation, or facilities if the proposed action were disapproved by one House of the Congress.

The Senate deleted the entire section on the basis that the number and size of bases that the United States should operate and the location of these installations is affected by many considerations, including the nature of the threat which the United States faces, changes in strategic and tactical development of new weapons, and the abandonment of obsolete systems. They felt that the power should remain within the Secretary of Defense to close such installations, but admitted that there was widespread dissatisfaction over the manner in which base closures have been announced. They agreed that in some instances there have been perplexing reversals in requirements in inexcusably short periods after the Congress has been asked for funding of the bases, including those the departments soon determined to be excess.

It was the feeling of the Senate conferees that changes should be scheduled and announced as far in advance as it is possible to predict such changes and that adequate notice should be given to Members of Congress and to the communities affected.

The House conferees insisted that section 608 as written by the House was absolutely essential for the committees to perform their legislative responsibility in authorization of projects for military installations and that sound judgment required that the Committees on Armed Services should know in advance of authorization the plans of the Department of Defense. They further felt that the constitutional responsibilities imposed by article 1, section 8, of the Constitution placed additional responsibilities upon Members of Congress in regard to the military departments.

Compromise language was adopted wherein a prohibition was placed on the Secretary of Defense from closing, abandoning, or substantially reducing in mission any post, camp, station, base, yard, or other installation until the expiration of 120 days after the Secretary of Defense reports the details of and full justification for the proposed closure, abandonment, or substantial reduction to the Committees on Armed Services of the Senate and the House of Representatives. This provision places a limitation that such reports should be submitted to the Congress only between the period of January 1 and April 30 of each calendar year. Thereafter, the Secretaries are prohibited from closing the base until 120 days after such notice to the committees. If the Congress adjourns sine die prior to the expiration of the 120 days, such closure, abandonment, or substantial reduction in mission shall not take place and notice thereof would have to be resubmitted during the next session of the Congress.

In any case in which a notice has to be resubmitted because of an adjournment of the Congress sine die before the expiration of the 120-day period, the Secretary of Defense would be required to resubmit a new notice at the next regular session of the Congress at which time a new 120-day period would begin to run. Any submission or resubmission of notice is required to be submitted between the dates of January 1 and April 30.

This, in essence, would give the Armed Services Committees of both the House and the Senate an opportunity to hear the matter of any particular base closure at a time when it is considering the military construction authorization bill and to write restrictive language in such legislation in the case it disapproved such a base closure. While the House conferees preferred the language originally contained in the House-passed version of the bill, it is believed that the compromise language can effectively accomplish the same purpose as in the original House-passed bill.

The language agreed upon is, of course, prospective in its application.

Section 609

Section 609 of the House-passed bill would prevent the Secretary of Defense from transferring or disposing of any of the land comprising the Bolling-Anacostia Airfield complex in the District of Columbia without specific authorization from the Congress. The Senate deleted this provision of the bill on the basis that the future needs of the Department of Defense for this property will not be finally determined until late in 1967 and that if land is found to be surplus, it should be handled in accordance with the Federal Property Disposal Act and the normal reporting procedures to Congress.

A compromise was reached wherein it was determined that the Department of Defense could not dispose of any of the land prior to July 1, 1967.

It is expected that the Department of Defense will present its full and comprehensive plan for the Bolling-Anacostia complex to the Armed Services Committees of the Senate and House of Representatives when the fiscal year 1967 military construction authorization bill is considered by these respective committees.

Section 610

Section 610 of the bill as it passed the House of Representatives requires the military departments to include in every replacement hospital built in the United States beds for the care and treatment of retired military personnel and their dependents, to the extent that such care had been given at the same installation for the 3 years preceding the date of this act. It also required that every hospital built within the United States include facilities for obstetrical care. The Senate deleted the entire provision.

A compromise was reached wherein obstetrical facilities be included in all future hospitals serving a dependent population and where adequate obstetrical facilities were not available in the local community. The justification to omit obstetrical facilities from any future hospital must be made on an individual project basis by each Secretary concerned.

Excluded was the requirement for beds for retired military personnel and their dependents on the theory that early in the 2d session of the 89th Congress, the Department of Defense would come forward with proposals to handle this problem. Failure on the part of the Department of Defense to make specific legislative recommendations will result in the introduction of committee-sponsored legislation to provide a solution to this very difficult problem area.

Section 611

Section 611 of the House-passed bill requires that all construction authorized by this act use the technique developed by the Office of Civil Defense to maximize fallout protection where this can be done without impairing the purpose for which this construction is authorized. It would limit the extra expenditures for carrying out this provision to not more than 1 percent of the project authorization. It would give to the Secretary of Defense or his designee, the right to exempt structures from this requirement when deemed necessary. The Senate deleted the entire provision, on the basis this is now within the prerogative of the Secretary of Defense.

On the basis that wherever design work has been completed or so nearly completed and construction costs have been so closely estimated so as to leave little flexibility to provide for such shelter space, the Secretary may exempt such structures authorized by this bill. The Senate receded and accepted the House-passed provision.

Section 612

Section 612 of the House-passed bill raised the limitation from $10,000 to $25,000 for minor construction without a determination of urgency. The Senate agreed that some change is essential to permit local accomplishment of routine items which, although important to day-to-day operations, do not truly qualify as being urgent. However, the Senate increased the amount to $15,000 rather than $25,000. While the House conferees believed that the figure of $25,000 was more appropriate, they receded to the Senate and agreed to use the next fiscal year as a test period.

Section 613

Section 613 of the House-passed bill would require the Air Force, through its contract with the Aerospace Corp., to prohibit the construction of facilities or acquisition of real property by Aerospace unless authorized by the Congress. The Senate opposed this section in that it was singular in purpose and dealt with only one aspect of the contractual relationship of one military department with one organization. The House agreed with the objections of the Senate, but insisted on a similar type of provision covering the objections raised in the Senate report. Therefore, this section was rewritten to provide that no contract between the Department of Defense or any military department and any nonprofit corporation or nonprofit organization receiving 75 percent or more of its gross income from Federal funds, may hereafter be entered into if the contract provides for construction of any facility or the acquisition of any real property and if the cost will be borne directly or indirectly by the United States, unless such construction or acquisition has first been authorized by the Congress.

Title VII—Reserve Forces facilities

Section 701

The bill as submitted to the Congress contains no new authorization requests for either the Army Reserve or the Army National Guard because of the pending proposed realinement of the Reserve Forces structure.

Until this is completely planned out, and the geographic locations and accommodations of the units are resolved within each State, the utilization of existing armories and other training and logistics facilities cannot be assessed conclusively; this is prerequisite to determining the unfilled construction requirements.

The bill did contain a provision which was deleted by the House of Representatives, to permit consolidation of Army Reserve uncommitted construction funds with those of the Army National Guard. This would adequately provide for the needs of the Army National Guard in the event the proposed realinement was consummated. The conferees are cognizant of pending legislation in regard to the proposed realinement and agree that the proposed provision might more appropriately be included in the legislative measure now pending if the Congress approves.

In the event the merger or realinement is not consummated, the Army Reserve has sufficient uncommitted funds to carry through the coming year. The Army National Guard, however, faces a deficiency of $9.2 million in authorization and $10 million in funds according to information made available to the committee. In light of this, new authorization in the amount of $9.2 million has been included in the bill for the Army National Guard. This will assure an adequate construction program in the event the realinement is not carried out. Should the realinement be favorably acted upon, then this authorization should be rescinded. By this action, the conferees wish to make sure that the future construction programs of both the Army Reserve and the Army National Guard are adequately provided for in any event and is not intended to convey a position one way or the other in regard to the pending realinement.

The House conferees agreed to the authorization for the National Guard.

Total authorization, fiscal year 1966, as approved by House-Senate conferees

New authorization:	
Title I (Army)	$309,522,000
Title II (Navy)	311,412,000
Title III (Air Force)	334,376,000
Title IV (Defense agencies)	100,051,000
Title V (Housing)	684,388,000
Subtotal	1,739,749,000
Deficiency authorization:	
Title I (Army)	9,476,000
Title III (Air Force)	347,000
Subtotal	9,823,000
Title VII (Reserve components):	
Army National Guard	9,200,000
Naval and Marine Corps Reserve	8,890,000
Air National Guard	9,000,000
Air Force Reserve	3,400,000
Subtotal	30,490,000
Grand total of all authorities	1,780,062,000

L. Mendel Rivers,
Philip J. Philbin,
F. Edward Hébert,
Melvin Price,
O. C. Fisher,
Porter Hardy, Jr.,
William H. Bates,
Leslie C. Arends,
Alvin E. O'Konski,
William G. Bray,
Managers on the Part of the House.

Mr. RIVERS of South Carolina (during the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement may be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from South Carolina is recognized for 1 hour.

Mr. RIVERS of South Carolina. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I am pleased to present to the House the conference report on the bill, H.R. 8439, the military construction bill for the fiscal year 1966. The Department of Defense, Mr. Speaker, requested $1,955,681,000. The House approved $1,934,927,000. As a result of the conference, the House receded on $154,865,000 and the Senate receded on $58,710,000, thus making a total of $1,780,062,000.

Now let me present to the House a few of the highlights of the agreements reached in the conference. At the outset, Mr. Speaker, I think it is important to note how we considered this bill when we went to conference. The Senate deleted—now listen to this—the Senate deleted practically every minor amendment made by the House and deleted without exception every major amendment which was added by the House. In other words, the Senate bill reflected almost in its entirety—with very few exceptions, the bill sent over by the Department of Defense. Its position was that of the administration rather than accepting any of the views of the House of Representatives. It was in this atmosphere, Mr. Speaker, that your conferees went to conference on the House bill.

I am happy to say that while we gave on some line items and agreed to language changes on certain major amendments, I feel and I can assure this House that the sum total of the agreements substantially represent the views of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I am glad to yield to my friend the distinguished gentleman from Iowa. I hope he will ask me the question I believe he is going to ask me.

Mr. GROSS. I thank the gentleman for yielding.

In reading the Washington Post this morning, I gained the very definite impression, if I may refer to it figuratively, that the gentleman from South Carolina, the chairman of the House Committee on Armed Services, and the members of that committee who participated in the conference, got their ears slapped down on this base closure business. I am waiting rather impatiently to find out whether this is an accurate report of what happened in the conference, because this was a tremendous issue, as the gentleman from South Carolina well knows, when the bill was before the House of Representatives. The House spoke in no uncertain fashion with regard to Mr. McNamara and his base closing procedure. I would appreciate hearing at length from the gentleman on this subject.

Mr. RIVERS of South Carolina. I should like to respond to the gentleman. He does not have to wait any longer.

This Washington Post, which, out at the ball park, advertises "quoted," "respected," and something else, could not be further from the truth. This edition of the Daily Worker is not known for its accuracy. Every day this week they have written about me.

There is an old saying in South Carolina, "You don't shoot at the end bird, you shoot at the bird who is leading."

Our committee is not doing so badly.

Let me answer the gentleman. We did not lose anything in conference. We rewrote section 608, and we are happy to recommend it to you.

Let me say, too, they have so-called reporters hanging around McNamara's office like Grant hung around Richmond. They are trying to make Brownie points with the Secretary of Defense, and they only write the things that are approved by the DOD office, or else they would not get in the office.

The Star has one reporter, who does the same thing.

I will tell you how much we lost. We rewrote it and we got exactly what we wanted.

I said on the floor of the House, when we had the bill up, we wanted the Secretary of Defense to take us into a partnership when he got ready to close a base or considered closing a base. Read the RECORD. That is what the conferees insisted on. That is what we received.

I have not gotten to that in my statement, but I will tell you that section 608 has been rewritten. We were glad to rewrite it. I thought it could stand rewriting. But the concept is in it.

The Secretary of Defense last November, in great secrecy—I related to the House what happened—in great secrecy told nobody when he got ready to close bases, not even the chairmen of committees. We found it out when he published it in the papers, like the Washington Post and others who cater and bow and scrape to his philosophy.

I said we were going to put an end to this, and we did. The amendment which we rewrote requires the Secretary of Defense, when he gets ready to propose the closing of a base, to submit that to the Congress in the months of January, February, March, and April—4 months. If he does not submit it, then he cannot submit it. He cannot come here at the end of the year and slip it in and put out statements about all the savings he has made for the United States, to a subject which we will address ourselves a little later on. The Senate has already addressed itself to the so-called savings. He cannot do that any longer.

They have only 4 months, and there will be 120 days to consider it. Four months to enter into it. Four months to consider it. That could take up to 8 months.

Here is where we did not lose, and we do not plan to lose. We will have up to 8 months to work our will, because every year—and I am speaking to the gentleman from Iowa [Mr. GROSS] now—every year they send a military public works bill up to this Congress. If a base is being closed that we elect to hold hearings on, then we have a vehicle right in our yard. This is where we will work our will, just as we did on this bill. You asked me if we lost. The answer is unequivocally, "No," the Washington Post reporter to the contrary notwithstanding. I hope he has a standing with the Secretary of Defense. To be sure, he does not have one with the Committee on Armed Services.

There is another thing I hope that the gentleman from Iowa will ask me about, that is, Bolling-Anacostia.

Mr. GROSS. I would say to the distinguished gentleman that would have been my next question.

Mr. RIVERS of South Carolina. We do not plan to give that away this year.

Mr. GROSS. And I hope not next year.

Mr. RIVERS of South Carolina. And we do not plan to give it away next year.

Does it look like we are losing? I wish we were doing as well in Vietnam as the House Committee on Armed Services is doing on Capitol Hill. I do not expect to get any encomiums from the press of Washington. But I do not run for public office in this city.

Now, in regard to title I of the bill, the section which provides line items for the Army, the Senate reduced our amount from the House-passed bill by $68 million. The conferees agreed to restore $13 million of this authorization, making a new agreed total authorization in the amount of $309 million. Most of this reduction represents classified items.

Now, Mr. Speaker, I do not want to take up all of the time of the House, but I do want to say this: The deletions which we made and on which your conferees agreed, most of them, were deferred for next year because of the importance of the President's request for additional authorizations and appropriations which are coming up because of the acceleration of the situation in Vietnam. The conferees agreed to put off many of these deletions until next year when we will get another look-see. The bill reflects a very fine attitude between the conferees. We had a very fine conference. The things which were deleted will be taken up for the most part next year.

Another item which may be of interest to the House was that item which dealt with the Army Engineers and the Navy doing work for the Air Force. We agreed that the Navy would continue to do work in the United States which has heretofore been assigned to the Army Engineers if, in the opinion of the Secretary of Defense or of the Secretary of the Air Force, it could be done better by the Navy, thereby saving money. As a result of this amendment, which was also my amendment, it saved the Army Engineers doing work for the Department of the Air Force which has come down to a competitive figure with the Navy, saving many thousands and hundreds of thousands and millions of dollars in construction which heretofore has not been checked on but is being checked on now and every year.

I might say this, also: As one of our conferees expressed it in the conference, the deletions made by the other body touched the heart of the morale of the military. More than any one thing they deleted housing. Thirty-five percent of the housing was deleted by the other body. They deleted commissaries where dependents shop along with other people. They deleted the obstetrical care for dependents in the hospitals. In these three areas we restored just about everything with the exception of housing. The other body cut down housing from 12,300 to 8,000 for new construction. They cut down the authorization for the leasing from 7,500 to 5,000. We restored, I believe, to 9,500, the new construction from 8,000. The Senate had cut it down to 8,000. We restored 1,500 of the additional new housing and increased the leasing authority from 5,000 to 7,500. So, we did a little better there. We put in just about every commissary, and we are going to make a very close scrutiny of hospital construction. We are going to insist that every hospital in the future have obstetrical care for the dependents of the military.

With reference to this bill—I could read it to you, but these are the principal items—we renewed 608. We are now in partnership with the Secretary of Defense on base closings. I venture to say we might agree on 90 percent of the base closings, but when the Secretary of Defense unilaterally dismantled the military or unilaterally disarms the military, your Armed Services Committee is going to say, "Wait a minute, you come and tell us about it" and then we will report it to you. This we can do now. This the Washington Post does not want you to know about. We will represent you, not the Washington Post.

Mr. BRADEMAS. Mr. Speaker, will the distinguished chairman yield?

Mr. RIVERS of South Carolina. I yield to the distinguished gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I want to ask the chairman a question about section 613 in the conference report. I am a member of the Committee on Education and Labor, which produced the Higher Education Facilities Act of 1963, and I have had a question put to me about section 613 only 5 minutes ago. I quote from the conference report:

> Therefore, this section was rewritten to provide that no contract between the Department of Defense or any military department and any nonprofit corporation or nonprofit organization receiving 75 percent or more of its gross income from Federal funds, may hereafter be entered into if the contract provides for construction of any facility or the acquisition of any real property and if the cost will be borne directly or indirectly by the United States, unless such construction or acquisition has first been authorized by the Congress.

I would like to ask the chairman for a clarification on this point. Suppose you have an institution like the Massachusetts Institute of Technology, which, I have been told—and I am not sure that my facts are correct, and I am willing to be corrected—which may receive as much as 80 percent of its gross income from Federal funds. The same might be true of other large universities that do a lot of Federal research work. So I ask the chairman this question: If section 613 remains as it is written in the conference report, would it be necessary for such an institution, receiving 75 percent or more of its gross income from Federal funds, to get a special act passed by Congress before it would be able to get any Federal funds for the construction of facilities under the Higher Education Facilities Act?

Mr. RIVERS of South Carolina. No, it does not apply to that. I should like to yield to the distinguished gentleman from Virginia who made a very thorough investigation of this and who is the father and author of this provision. He can explain it, I am sure, much better than I can.

Mr. HARDY. Mr. Speaker, if the gentleman will yield, this provision is intended to prevent the use of funds from Defense Department contracts with nonprofit organizations for the construction of facilities. We have encountered situations under which the authorizing legislation normally required by the Congress has been bypassed and extensive facilities have been constructed, resulting in the necessity for reimbursement, after the fact, of expenditures already made or for the assumption of amortization and interest obligations on mortgage loans against the facilities acquired. Some of the situations which we have discovered involved serious waste of the taxpayers' money. This provision is designed to prevent the use of contract funds for that purpose. I think it is an extremely important provision. It is not intended to impinge upon the Higher Education Facilities Act.

Mr. BRADEMAS. So that as I understand it, this section 613 would in no way, to use the gentleman's word, impinge upon the opportunity that the college or university would now have under the Higher Education Facilities Act to obtain grant or loan moneys from the Federal Government?

Mr. HARDY. Mr. Speaker, if the gentleman will yield further, that is true. This is designed to prevent the use of any contract funds from being used for the acquisition of such facilities.

Mr. BRADEMAS. I thank the gentleman and the chairman of the Committee on Armed Services.

Mr. RIVERS of South Carolina. I would like to say that that is my understanding of it. It was not designed to affect education.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman from South Carolina, the chairman of the House Committee on Armed Services, and those who were associated with him in this conference, especially with respect to the language that will be in the law upon the adoption of this conference report dealing with the disposal of bases and other military installations and the retention of property as represented by Bolling Field and Anacostia.

Mr. Speaker, I think the gentleman and his committee did an excellent job. I think it is fair that the Secretary of Defense have 120 days at the first of each year to notify Congress as to the proposed closings and I think it is eminently fair that Congress thereafter have something to say about those base closings, whether it approves or rejects them.

Mr. RIVERS of South Carolina. May I state to the gentleman from Iowa that our objective is to compel the Secretary of Defense to bring the House Armed Services Committee in partnership with him. How on earth can we do our work if the Military cannot come to our committee and ask for money to build a base this year and next year, the Secretary of Defense says he does not need it.

Permit me to cite to the gentleman from Iowa a case in point. If the Secretary of Defense ever made a mistake in his life—I do not know that he has ever admitted it—he made one with reference to the Olmsted Base in Pennsylvania, one of the most up-to-date, automated bases, of the Air Force, with brand-new warehousing and all kinds of technical facilities and instrument specialists for the Air Force Systems Command. He closed it overnight, one of the most serious mistakes in our military history.

Also I will say this to the gentleman from Iowa—take the Portsmouth, N.H., Navy Yard, as old as New England itself. He wants to phase this out over a period of time. There were no communications between the House and the Secretary. Now, when you close the Portsmouth, N.H., Navy Yard, you close the only naval yard on the east coast which has a capability of making Polaris submarines. You are going to turn that over to private industry and as a result you have lost that much of your ability for the construction of this vital weapons system.

Does not the gentleman think we should know something about such actions? Section 608 compels this in the future and you can bet your bottom dollar and get odds that we are going to insist upon it.

Mr. GROSS. I am delighted to have that statement.

Mr. RIVERS of South Carolina. We do not have a materiel base in the Air Force in the Northeast. All of them are closed. The only ones we have left now are in Texas, Georgia, Oklahoma, and California.

Mr. GROSS. If the gentleman will yield further, again I commend the gentleman and I am more pleased than ever to know that the gentleman has not taken a walk through the White House rose garden as was the innuendo in the Post this morning.

Mr. RIVERS of South Carolina. If I ever take a walk, it will not be with the Washington Post.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I gladly yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding and I want to say a word in personal appreciation to the chairman and to the committee for what they have done in section 701, title VII, with respect to reserve forces facilities.

If I remember correctly, the committee has taken steps to assure that the construction needs of the Army Reserve and the Army National Guard are met and fully authorized, notwithstanding the fact that no new authorization requests were submitted to the committee; is that correct?

Mr. RIVERS of South Carolina. Let me read this to the gentleman from Oklahoma. The last section of the bill relates to title VII, the reserve forces facilities:

> The DOD did not request any money this year for the Army National Guard or Army Reserve forces. The Senate added $9.2 million in authorization for the Guard which will enable it to carry out an adequate construction program in the event a realinement of the reserves and the National Guard does not take place. The House agreed to this Senate amendment and it will be used in the event this so-called realinement does not take place.

I believe we have before us a good program. It is getting late in the session. I heard on the radio, I have seen in the press, that this realinement may not take place. If it does not take place, we have the money to take care of the facilities. I think it was wise for the other body to put it in there and we agreed to it.

Mr. EDMONDSON. Can the gentleman state if provision is also adequate to continue the construction needs of the National Guard and the Air Force Reserve in this bill?

Mr. RIVERS of South Carolina. I am sure of that. If not, we have another authorization bill coming up. We are going to watch this pretty closely.

Mr. EDMONDSON. To me it has been most disturbing that the Secretary of Defense before resolution of this question was willing to stop the wheels concerning construction requirements of these important components of our defense structure. I am highly pleased the committee has not gone along with that approach.

Mr. RIVERS of South Carolina. Under the chairmanship of the gentleman from Louisiana [Mr. HÉBERT], who is head of the Reserve Subcommittee, we will probably have a statement on this very shortly.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Virginia.

Mr. HARDY. Just yesterday that point was discussed by the gentleman from Louisiana [Mr. HÉBERT] in the subcommittee and Mr. Vance. Mr. Vance assured the committee if there had been any construction funds for Reserve armories or other facilities held up because of the proposed measure, they would immediately be released.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I, too, would like to express my appreciation to the gentleman from South Carolina and to the other members of the Committee on Armed Services for a very excellent conference report that they have brought back to the House today. They have, in my opinion, defended entirely the action of the House. Especially commendable is the position the chairman and other members of the committee have taken, with regard to closing military establishments. Down in Louisiana, we have a little saying when we set the dogs loose that might have application here: "Sic 'em."

Mr. RIVERS of South Carolina. I thank the gentleman.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the distinguished gentleman from Illinois.

Mr. O'HARA of Illinois. I wish to express what I think is the general sentiment of the House; that is, the gentleman in the well is making a tremendous chairman of this committee. He is succeeding a man well known, one of the great Americans of all time, and the gentleman from South Carolina is his successor, and doing a splendid job.

The committee, of which the gentleman from South Carolina is now chairman, was taken by surprise a few years ago. Somebody from the Defense Department got them to authorize the moving of the 5th Armored Headquarters from my district to another district.

I was not given an opportunity to testify. I do not think the committee was informed, but there is the authorization.

Now next week they are coming in with an appropriation, and I hope the Members of the House will prove their friendship for the oldest Member of this House because I am going to fight that. It is wasting $10 million to appease the vanity of one gentleman—just one gentleman. As I say, it is costing $10 million. Why? Even if Fort Sheridan received this, they do not have the water supply and they do not have the sewerage system. It will take several million dollars to build all these utilities. Yet, they are going ahead because of one vain, headstrong gentleman in the Army. So next week I think it will come up. I want to say, I hope I will have the support of both the Republican side and the Democratic side. I have said a lot of nice things about JERRY FORD and I have said a lot of nice things about LES ARENDS. They are great Americans and I hope they prove up next week.

Mr. RIVERS of South Carolina. I thank the gentleman very much. You have said a lot of nice things about me and I am not deserving of all the nice things that the gentleman has said about me. But let me say this, following our former colleague, the distinguished gentleman from Georgia, is not easy. We are doing the best we can, as we understand our responsibility. We are not looking for encomiums. We hope our application to our duties and responsibilities will be deserving of mention. We are doing the very best we can—not on the gentleman's problem, however, because that was done under another regime. But any time the gentleman comes before our committee, he will get the most respectful hearing. I recall vividly when the gentleman testified before our committee on a matter affecting a veteran of the vintage of Walter Reed down in Cuba, I think that was the time—and whatever the gentleman wanted he got. That was the time I joined up with the gentleman, as he recalls vividly, and he persuaded me then that he was capable of a lot of persuasion. I thank the gentleman very much.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the distinguished gentleman from Alabama.

Mr. EDWARDS of Alabama. I think the Members know the fine work the chairman of the Armed Services Committee has done, particularly with respect to securing for the Congress the right to review the closing of bases. I want to thank him personally for his work and his efforts not only to do this but to attempt to go back and look at the closing orders of November 1964. I realize the chairman made a good fight and on behalf of the people of my district who are so greatly affected by this base closing order of the Secretary of Defense, I thank him for the work he has done in our behalf.

Mr. RIVERS of South Carolina. I thank the gentleman. Let me say this to the gentleman. Brookley Air Force Base is another base that should not have been closed. In Vietnam today one of our workhorses is the F-105—that is a Republic airplane. Airplanes happen to be a hobby of mine and I watch them very closely. Brookley had the greatest capability of any airbase in America for the work needed on this airplane. This is to be closed out. This is not a wise decision. If I had my way, it would be reversed. This is not a wise decision and it is going to cost this country hundreds and hundreds of thousands of dollars to correct this mistake.

Mr. EDWARDS of Alabama. If the gentleman will yield further, we talked to the Department of Defense on many occasions about the closing of this base. We never once made the argument as to what would be the impact on our State. We strongly argued that the defense of this country was materially hurt by the closing of this base. I think what the gentleman says and subsequent events in Vietnam bear out the fact that the closing of Brookley is a very unwise decision. Today, they are having trouble finding enough mechanics to work on the F-105 in Vietnam: they cannot get good mechanics that they can use out at Brookley because they are being transferred and moved to other locations or have just quit in disgust.

Mr. RIVERS of South Carolina. They have been discouraged because they know they are going to be phased out and that is hurting America. Let me say this to the gentleman. The F-105 is one of the most sophisticated weapons system we have. It requires intense training. You do not pick up such training overnight. When that plane was delivered from Republic, it cost something like 3,000 hours of extra work on every plane to get it airborne. The Thunderbirds do not use it now because it is not safe for them. It requires a lot of maintenance.

Mr. EDWARDS of Alabama. I thank the gentleman for his continued interest in this great effort.

Mr. RUMSFELD. Mr. Speaker, will the distinguished gentleman from South Carolina yield?

Mr. RIVERS of South Carolina. I am glad to yield to the gentleman from Illinois.

Mr. RUMSFELD. I have a question about section 611 of the report, on page 28. I notice this provision requires that the Secretary of Defense report the details and full justification for any closure to the Committees on Armed Services of the House and Senate, rather than to the Congress. I have noticed that in other instances in the House, legislation is passed in some cases providing for a report to the Congress and in some cases providing for a report directly to the committees. I am curious to know the background within the committee as to why the committee was selected, as opposed to the Congress. At first blush, it seems to me Congress would be the appropriate place for the report to go, and then of course it would be referred to the committee.

As I say, I am not knowledgeable on this subject, and am interested in learning the background of it.

Mr. RIVERS of South Carolina. Our committee is the agent of the House.

Mr. RUMSFELD. Which is why I should think the reports would go to the House.

Mr. RIVERS of South Carolina. And the same is true with respect to the other body.

More than this, the Congress is set aside in the Constitution as the only body which can provide an army and a navy and provide for the government thereof. The Congress is the paternal godfather of the military, and can delegate its responsibility to any of its children; to wit, to its committees. We are sure we are on good constitutional grounds.

Mr. RUMSFELD. I was not questioning that at all at this point. I was merely wondering if any consideration had been given in the committee to drafting the language so that the report would have been made to the Congress?

Mr. RIVERS of South Carolina. This does not concern us. We are sure it is a proper way to handle it.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I am delighted to yield to the distinguished gentleman from Missouri.

Mr. CURTIS. I am glad the gentleman from Illinois raised this point. Other committees have had this problem, such as the Ways and Means Committee.

I have long advocated that these referrals back should be to the House and Senate, to the Congress. Of course, a matter under the jurisdiction of the Committee on Armed Services would go to that committee, as matters under the jurisdiction of the Ways and Means Committee would go to our committee.

We have consistently been writing these in the past few years for a report back to the Congress, not to the committee, knowing that, of course, this means to the committee.

I do not believe this is a major point, but I believe that is a better procedure. The committee would receive the referral. There are some technical aspects of it which make it important that these matters be referred to the Congress.

I believe all committees ought to be thinking in these terms. I remember that the late Speaker Rayburn felt quite strongly on this point as well, that these matters should be referred back to the Congress and then referred to the committee involved.

Mr. RIVERS of South Carolina. I do not believe it is a major question. If the House insisted on it, I would have no objection.

Mr. CURTIS. I do not believe it is, either. I consider it a procedural point which has some significance.

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. KUNKEL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. KUNKEL. Mr. Speaker, the gentleman from South Carolina warmed the cockles of my heart by his reference to the closure of Olmsted Air Force Base. From time to time I have given him briefs prepared by employees at Olmsted in which they made a clear case showing why this base should not be closed.

They particularly stressed the degradation of Air Force support which would inevitably occur. The briefs also showed conclusively that Mr. McNamara's estimates of savings from the closing were greatly overestimated. In fact, there will probably be no savings whatever, and there may be a net deficit. These briefs were also submitted all the way up the line through the Air Force and the Department of Defense to Secretary McNamara himself. The replies received never satisfactorily answered the questions posed and raised by the Olmsted employees. It was a case of a closed mind. And yet, from the best information I have been able to glean from behind the iron curtain of the Pentagon, I understand he did authorize an independent audit of the Springfield Arsenal, a relatively minor facility and one that is not nearly so vital in our overall defense structure.

I know the gentleman from South Carolina has studied the Olmsted briefs carefully and that this is one of the cases which caused him to draw the military construction bill passed by the House with a provision for notification to the Congress before a military installation can be closed.

He is one of the best informed men in the Nation on the whole military outlook of the United States. He knows whereof he speaks. When he says the closing was "one of the most serious mistakes in our military history," he is certainly not exaggerating. In my judgment, it may well be that our air losses in Vietnam reflect to some degree the closure of Olmsted Air Force Base. I hope and pray that these losses will not increase because as time goes on the effect of the degradation of air support will probably grow.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the distinguished gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I am happy to join the distinguished chairman of the Armed Services Committee in support of the conference report in connection with H.R. 8439.

We went into conference with 80 differences between the House and Senate versions of the military construction bill. I think it is interesting to note the philosophy of the two bodies as we sat for the first time in conference. At the outset, one of the House conferees accurately stated the views of all the House conferees to the effect that we were extremely concerned that nearly all the projects relating to the comfort, welfare, and morale of the troops had been eliminated from the bill at a time when the retention and recruitment rate was the lowest in all our history, and the need for experienced service personnel was most urgent. The Senate conferees answered by explaining that all such items should be deleted, in view of economy, because of the foreseeable buildup occasioned by the events in southeast Asia. So, it was in this climate of diametrically opposite views that the conferees met, and I wish to compliment the distinguished chairman of the House Armed Services Committee for the outstanding job he did in negotiation.

While many items were deferred until next year, many other items were restored which will, in my opinion, help alleviate the recruitment and retention problems. I refer specifically to dormitories for enlisted men, to officers quarters, and to family housing.

I also call attention to the success which the House conferees made in regard to section 608 of the bill relating to the closure of military installations.

While it was not quite what the House originally desired in that it does not give a specific veto power to either House of Congress, I believe that it will permit adequate review by the Congress before any base is scheduled for closing. In essence, the provision requiring the Secretary of Defense, or his designee, to submit the announcement of its base closures to the Congress between the period of January 1 and April 30 will permit the Armed Services Committees of both the House and the Senate to review the proposed base closures at the time it considers the military construction authorization bill. During its consideration, specific language could be written in to prohibit the closure of any particular base. Naturally, we would have preferred the version as it passed the House but after strong urging, we were unable to prevail in our views; and, I think, the compromise in essence gives to us in another form the power that the original House bill provided.

For many years, I have heard service chiefs testify that the most important single morale factor was the type of housing we gave to the troops and their families. Frankly, I was somewhat appalled when the Senate reduced the number of houses authorized from 12,300 to 8,000 and limited the number of leased units to 5,000, reducing the number of the House-passed bill by 2,500.

Insofar as I could understand, the Senate conferees felt that since quarters allowances were given in lieu of quarters, the servicemen should take care of themselves on this allowance. It was extremely difficult to get them to raise the number of units authorized for construction to 9,500 and to increase the number of leased units from 5,000 to 7,000. I might add that this area was even more difficult in which to get agreement than section 608. I am hopeful that all the units of family housing authorized will be funded.

While I would like to have seen the bill exactly as it passed the House, I feel that we have worked out a satisfactory compromise, and I am hopeful that every Member of this House will support the conferees in their actions.

Mr. RIVERS of South Carolina. Mr. Speaker, I have no further requests for time.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

Mr. RIVERS of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 389, nays 0, not voting 45, as follows:

[Roll No. 221]

YEAS—389

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, George W.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Beckworth
Belcher
Bell
Bennett
Betts
Bingham
Boggs
Boland
Bolling
Bolton
Bray
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Farbstein
Farnsley
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski

Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Langen
Latta
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, N.J.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watkins
Watson
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—0

NOT VOTING—45

Anderson, Ill.
Andrews, Glenn
Bates
Battin
Berry
Blatnik
Bonner
Bow
Brademas
Brown, Calif.
Cahill
Carey
Carter
Colmer
Fallon
Farnum
Ford, Gerald R.
Fuqua
Green, Oreg.
Jones, Mo.
Kastenmeier
Keogh
Laird
Landrum
Leggett
Lindsay
McMillan
Martin, Mass.
Morton
Nelsen
Powell
Rivers, Alaska
Roncalio
Ryan
Scott
Staggers
Taylor
Thomas
Thompson, Tex.
Toll
Tupper
Walker, Miss.
Watts
Williams

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Gerald R. Ford.

Mr. Toll with Mr. Lindsay.

Mr. Colmer with Mr. Walker of Mississippi.

Mr. Fallon with Mr. Morton.

Mr. Carey with Mr. Cahill.

Mr. Blatnik with Mr. Bates.

Mrs Green of Oregon with Mr. Carter.

Mr. Roncalio with Mr. Nelsen.

Mr. Staggers with Mr. Tupper.

Mr. Thomas with Mr Bow.

Mr. Fuqua with Mr. Laird.

Mr. Williams with Mr. Berry.

Mr. Watts with Mr. Martin of Massachusetts.

Mr. Brown of California with Mr. Anderson of Illinois.

Mr. Brademas with Mr. Taylor.

Mr. Rivers of Alaska with Mr. Glenn Andrews.

Mr. Landrum with Mr. Ryan.

Mr Bonner with Mr. McMillan.

Mr. Thompson of Texas with Mr Leggett.

Mr. Scott with Mr. Battin.

Mr. Kastenmeier with Mr. Powell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on H.R. 8439.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AMENDMENT OF LEGISLATIVE BRANCH APPROPRIATION ACT, 1959, TO PROVIDE FOR REIMBURSEMENT OF TRANSPORTATION EXPENSES OF THE HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9947) to amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to inquire of the distinguished gentleman from Maryland why this type of legislation—this bill, H.R. 9947—and I understand two other bills having to do with legislative expenses of the House—come up under a unanimous consent request rather than in the usual custom and tradition, by way of a privileged motion?

Mr. FRIEDEL. The reason is that H.R. 9947 would amend the law. A privileged resolution would be an ordinary resolution which does not amend any law. The funds would come out of the contingency fund, and would not change the law. This bill will amend the Legislative Branch Appropriation Act of 1959.

Mr. HALL. This actually would change the United States Code, title 2, section 43b, of the Legislative Branch Appropriation Act, 1959, as the bill states; is that correct?

Mr. FRIEDEL. That is correct.

Mr. HALL. Would the gentleman advise me further if it would be subject to a point of order if it came up other than in this manner?

Mr. FRIEDEL. I have to obtain unanimous consent for its consideration. Of course, if any Member objected I could not bring it up. That is the only thing involved. I am willing to explain the bill thoroughly. It is quite simple.

Mr. HALL. Would the gentleman agree with me that in a reverse or corollary fashion, perhaps, granting unanimous consent for this type of legislation, wherein we increase our own emoluments or privileges or pay for necessary legislative functions out of the contingency fund, this puts all Members in the position of agreeing thereunto without the right of individuals to object?

For example, I do not use my telegraph or telephone expense or my round trips at Government expense. I might be constrained to object on one or two of these bills—or perhaps all of them—as an unnecessary expense to the Federal taxpayers, but under the reservation of the right to object, I would state that I do not feel this is an authorized, justified additional income. Would you agree with me that the unanimous consent request does obviate the possibility of further stating in debate, or by a point of order, or other means what one's opinion is?

Mr. FRIEDEL. No. As I say, this is very simple legislation. This bill was cleared both with the majority and minority leadership and passed in committee by a unanimous vote. I do not use all of my telephone and telegraph allowances, and I do not have any extra rent to pay for offices because I am located in a Federal office building. As far as trips back home are concerned, I go back and forth to Baltimore every day and quite a few other Members in Maryland and Virginia go back and forth every day. But other Members who live great distances from the Capital would benefit greatly. They are called back to their own districts on many occasions, and it is very expensive for them. You would be amazed to know how many people think that a Member of Congress can get all of the free trips he wants and all of the telephone allowances he wants. We know this is not true. This is a very good bill. The Clerk will read the entire bill for the House, and I hope that the gentleman will not object.

Mr. HALL. Mr. Speaker, continuing the reservation of objection, I am not prepared to admit it is a good bill, but we have not discussed that, as yet. I am just questioning the method and the technique by which it is being brought up. I understand it is being brought up this way because it changes the United States Code and that it has been cleared with the leadership on both sides, but it does obviate the individual right of objection unless we say "we object."

Will the gentleman please explain this particular bill, H.R. 9947 under my reservation and also advise us about the number of trips that Members of the other body can take?

Mr. FRIEDEL. This bill will give each Member two additional round trips back home for each session. The other body just passed a bill allowing for six additional trips besides the original trip. Under this bill, a Member, besides his original trip, will have four round trips back home in each session and also will be permitted to take two staff members back home to his district or one staff member twice.

There is another provision here which permits a Member to accept a lump sum of $300 in lieu of actual payment for individual trips. There are a number of Members that go back to their districts every day. They might spend about $5 a day or $20 a week or $80 a month. All they get under the present law is $10 or $10.20 or even less than that for each of two trips a year. These members could get a maximum of $300 a year to help defray the cost of these daily trips under this bill. The ones that will get $300 probably spend $800 to $1,000, and it will only partially help them.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 9947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph under the subheading "Administrative Provisions" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1959 (2 U.S.C. 43b), is amended by striking out "two" where it last appears therein and inserting in lieu thereof "four".

Sec. 2. A Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) may elect to receive in any year, in lieu of reimbursement of transportation expenses for such year as authorized by the last paragraph under the subheading "Administrative Provisions" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1959 (2 U.S.C. 43b), a lump sum transportation payment of $200 for such year. The Committee on House Administration of the House of Representatives shall make such rules and regulations as may be necessary to carry out this section.

Sec. 3. The contingent fund of the House of Representatives is made available after the date of enactment of this Act for reimbursement of transportation expenses incurred by not to exceed two employees in the office of a Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) for one round tirp each, or incurred by not to exceed one employee for two round trips, in any calendar year between Washington, District of Columbia, and the place of residence of the Member representing the congressional district involved. Such payment shall be made only upon vouchers approved by the Member containing a certification by him that such travel was performed in line of official duty, but the mileage allowed for any such trip shall not exceed the round trip mileage by the nearest usual route between Washington, District of Columbia, and the Member's place of residence in the congressional district involved. The Committee on House Administration of the House of Representatives shall make such rules and regulations as may be necessary to carry out this section.

With the following committee amendment:

Page 2, line 6, strike out "$200" and insert "$300".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TELEPHONE AND TELEGRAPH SERVICE FURNISHED MEMBERS OF THE HOUSE

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10139) to amend the act of June 23, 1949, relating to the telephone and telegraph service furnished Members of the House of Representatives.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, I assume that the same colloquy applies to this bill as applied to H.R. 9947, is that correct?

Mr. FRIEDEL. That is correct.

Mr. HALL. Mr. Speaker, may I ask the gentleman briefly to advise the Members of the House if the purpose of amending the act of June 23, 1949, by striking out "five" and inserting in lieu thereof "four" means that the number of units is increased by 20 percent, that is available to the Members?

Mr. FRIEDEL. It would be 20 percent if it were all telephone, but this refers to both telephone and telegraph. May I give the gentleman an example? We have 100,000 units for both sessions. That includes telephone and telegraph. For the telegraph each word is a unit. But every time a Member speaks on the telephone, he is charged five units for every minute. If he speaks 3 minutes he is using up 15 units. Last year we had 78 Members who were overdrawn and had to pay out of their own pockets for official business calls.

Mr. HALL. In other words, to put it in another way, if all of this allowance in units were applied to the telephone it would give each Member 16,000 minutes of time on the telephone, according to this current unit count. We are now raising it to 20,000 minutes for two sessions of one Congress, so far as the telephone is concerned, is that correct?

Mr. FRIEDEL. The gentleman is correct, although the figures he used are somewhat confusing. This is a small increase in allotment. If it were all for the telephone it would represent an increase of 20 percent.

Mr. HALL. I would like to say to the gentleman that those 78 Members who were out of money or units must have spent an inordinate amount of time on the telephone. But that is, of course, just surmise.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of subsection (b) of section 2 of the Act entitled "An Act relating to telephone and telegraph service and clerk hire for Members of the House of Representatives", approved June 23, 1949, as amended (2 U.S.C. 46g), is amended by striking out "five" and inserting in lieu thereof "four".

Sec. 2. The amendment made by the first section of this Act shall take effect as of noon, January 3, 1965.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OFFICE SPACE IN DISTRICTS OF MEMBERS

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H.R. 10014 to amend the act of July 2, 1954, relating to office space in the districts of Members of the House of Representatives.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, let me ask the distinguished chairman of the subcommittee if the effect of this is simply to double the quarterly allowance for our offices whether we use them or not?

Mr. FRIEDEL. No, this is not the case. This is a bill to take care of a Member who cannot get space in a Federal office building and has to rent an office back in his district. For example, one Member has a 210-mile area in his district and he has to rent space outside of a Federal office building. He pays $205.50 a month. Under the present law he can only be reimbursed for $100 a month and so he has to pay $105.50 a month out of his own pocket. Other Members are paying much more. This will allow them to pay up to $200 a month without taking it out of their pocket. But I would ask the gentleman to keep this in mind. Each Member must present a certified lease to the Clerk of the House before he can be paid for his office rent. He cannot be paid if he does not have a lease.

Whether he has one office or two offices, he will only be permitted to pay up to $200 a month rent for space in other than the Federal office building.

Mr. HALL. I want to say to the gentleman from Maryland that I am one of those who does not use an office in the Federal building in my hometown, although I maintain two offices in the two principal cities of my district which is even larger than the one which the gentleman from Maryland described.

Now, Mr. Speaker, first, I would ask the gentleman from Maryland whether this is retroactive; and second, does this make it also apply to telephones in those offices and/or equipment in those offices?

Mr. FRIEDEL. No. This would be for rent only. Members already receive an allotment of $300 each quarter for other expenses connected with offices in their districts. This only includes rent back in the district, and instead of it being $1,200 a year this would authorize them to pay $2,400 a year for a maximum of two offices in his district. If they have an office in a Federal office building, they can only have one additional office.

Mr. HALL. In other words, this docs not apply to the Members who have a Federal office building in his district?

Mr. FRIEDEL. Not unless they have one additional office in some other building where they have to pay rent.

Mr. HALL. But those who have just one office may go up to two, with the proper certification of the Clerk of the House of Representatives?

Mr. FRIEDEL. That is correct.

Mr. HALL. And it will mean $600 a quarter instead of $300 a quarter?

Mr. FRIEDEL. This is not based on quarters. It is based on monthly rental, which could not exceed $200 per month.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Is this limited to the continental United States or can this money be used for an office in Puerto Rico?

Mr. FRIEDEL. It must be in the congressional district.

Mr. GROSS. I beg the pardon of the gentleman?

Mr. FRIEDEL. It must be——

Mr. GROSS. It must be in the congressional district?

Mr. FRIEDEL. Yes; and, it must be so designated. For instance, it will now cover the Members from the State of Alaska and the State of Hawaii because they were not included in the old law.

Mr. GROSS. And it is limited to districts in the United States?

Mr. FRIEDEL. In the 50 States; yes.

Mr. GROSS. And a Member could not establish an office in Australia or Puerto Rico and benefit from this?

Mr. FRIEDEL. No; the gentleman is correct.

Mr. HALL. Mr. Speaker, further reserving the right to object, I have one additional question. Is this retroactive?

Mr. FRIEDEL. No. It would go into effect the minute it passes the Senate. It would be paid from then on. But the other two bills would be retroactive. However, this one would not.

Mr. HALL. With further reference to congressional districts, what relation does this have to redistricting in the various districts of the Congress? If a man has a Federal office in his district in a Federal building in one of the counties and if he is gerrymandered out of it at this time, is it presumed he can draw pay up until the end of his current term?

Mr. FRIEDEL. Yes. In other words, it will not interfere in any manner until after the new Congress is elected.

But a Member's office would have to be located in the district he now represents in this Congress.

Mr. HALL. Is there anything in this bill whereby he could go into the new area prescribed by the State legislature and establish an office in the Federal building or by rental in this new area, or does it have to await the effective date of that redistricting?

Mr. FRIEDEL. No, a Member could not establish an office in his new district until he is actually elected to represent that district. This is limited to the makeup of the congressional districts as they exist at this time.

Mr. HALL. I believe for the legislative record it might be important to determine at this time this question as our Supreme Court is redistricting throughout the land.

Mr. Speaker, I thank the gentleman from Maryland and I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 10014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of the eighteenth paragraph under the subheading "Contingent Expenses of the House" under the heading "HOUSE OF REPRESENTATIVES" in the Legislative Appropriation Act, 1955 (2 U.S.C. 122), is amended by striking out "$1,200" and inserting in lieu thereof "$2,400", and the last sentence of such paragraph is amended by striking out "the Delegate from Alaska, the Delegate from Hawaii," and by striking out "Alaska, Hawaii,".

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the first month which begins after the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the conferees on the disagreeing votes of the two Houses on H.R. 7997, the independent offices appropriation bill, 1966, may have until midnight tonight to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

INTERNATIONAL FINANCE CORPORATION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 494

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1742) to authorize the United States Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield half my time to the gentleman from California [Mr. SMITH], and pending that I yield myself such time as I may consume.

Mr. Speaker, this is a 1-hour open rule on a bill which I understand is not controversial. There is no controversy that I know of on either the rule or the bill.

At this time, I yield 10 minutes to the gentleman from Louisiana [Mr. WILLIS] and ask unanimous consent that he may be permitted to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WILLIS. Mr. Speaker, the Committee on Un-American Activities has developed information, which can be documented by unimpeachable sources, about a highly disturbing movement. Although carefully couched in terms of conscience and nonviolence, the announced plans of this movement, if carried out, will constitute a direct, conspiratorial challenge to our Government and especially to the House of Representatives.

A so-called Assembly of Unrepresented People will be held in Washington for 4 days, beginning this Friday, August 6, and ending Monday, August 9.

This is what will happen on each of the 4 days of the assembly:

On August 6, there will be a mass demonstration at the White House. It will center around a so-called declaration of conscience, which over 6,000 persons have reportedly signed.

What is the declaration of conscience? It is a document whose signers make five pledges:

First. They declare their conscientious refusal to cooperate with the U.S. Government in the effort to save Vietnam from Communist enslavement.

Second. They encourage all those who can conscientiously do so, to refuse to serve in our Armed Forces, or to ask for a discharge, if they are already in them.

Third. Those signers who are subject to the draft, declare their intention to refuse to serve.

Fourth. They state that they refuse, and they urge others to refuse, to take part in the manufacture or transportation of our country's military equipment, or to work in the fields of military research and weapons development.

Fifth. They proclaim that they will encourage other nonviolent acts, including civil disobedience, to prevent American soldiers and munitions from reaching Vietnam.

The signers of this declaration realize that their statement borders on a call to sabotage, and could result in their being sent to prison. Copies of the declaration being circulated for additional signatures contain this note:

Signing or distributing this declaration of conscience might be construed as a violation of the Universal Military Training and

> Service Act, which prohibits advising persons facing the draft to refuse service. Penalties of up to 5 years imprisonment, and/or a fine of $5,000 are provided. While prosecutions under this provision of the law almost never occur, persons signing or distributing this declaration should face the possibility of serious consequences.

And do you know what the drafters of this declaration have done? They have written a letter to President Johnson in which they respectfully demand that he meet its signers and supporters who are in Washington on August 6—and there may be thousands of them—and admit them to the White House or the White House grounds.

They have announced that they will assemble at the White House at 11 a.m., picket silently until the time set to meet the President and then, if permitted to enter, will confront the President. They also plan to hold workshops for White House employees and visitors on what they claim is nonviolent action.

If the President does not agree to confront them, they have said they will picket silently for a time, and then all who are willing to face arrest may move through the gate toward the White House in "a nonviolent effort to see the President."

There will be another special activity on August 6. The Students for a Democratic Society plan a mass burning of draft cards on that day. The Students for a Democratic Society, youth group of the League for Industrial Democracy, is the same organization which sponsored the April 17, 1965, student march on Washington to protest U.S. assistance to the people of Vietnam in resisting Communist aggression.

The next 2 days of the assembly, August 7 and 8, will be devoted to workshops. The August 7 workshops will be designed to teach those taking part in them how they can help the Mississippi Freedom Democratic Party unseat the five Members of this House who represent that State, how they can promote the campaign to abolish the Un-American Activities Committee, how to assist the Communist plan for the creation of student unions and so-called free—meaning Communist-oriented—universities, and how to conduct varied forms of "nonviolent" action.

The August 8 workshops will all be devoted to one subject—how those participating in the assembly and others, can work all through the year to stop the war in Vietnam or, in other words, to see that communism triumphs in that unfortunate land. The initiators of the demonstration have a "declaration of peace" drawn up which will be circulated in all the workshops for use on the following day. A large evening meeting, devoted to antiwar speeches, agitation, and propaganda will be held on the 8th.

August 9 will be the climax, the big day of the assembly. Those taking part will march on, and attempt to take over, the Chamber of this House. In regard to this effort, the call to the assembly, which spells out what will be done on each of the 4 days, states:

> Those members of the Assembly of Unrepresented People in a position to face possible arrest and willing to pledge themselves to nonviolent behavior during the course of the demonstration will assemble and walk toward the Capitol with the intention of convening the assembly in the Chamber of the House of Representatives and thus deny that Congress has the right to declare war in our names. If stopped along the way we will sit down and declare the Assembly of Unrepresented People in session. One of the group will rise and begin to read the declaration of peace circulated in the workshops on the eighth. If, as seems likely, the person reading is arrested before the declaration is fully read, another person will rise and continue reading.

Thirty-one persons signed the call to the assembly. A careful check into the backgrounds of these signers reveals, that the chief movers of the assembly include leaders, key activists, and members of the following organizations:

The Communist Party; the W.E.B. DuBois Clubs of America, the new national Communist youth group; the Progressive Labor Party, the ultra revolutionary Peiping-oriented Communist organization; the May 2 Movement, which is a front for the Progressive Labor Party; the National Committee To Abolish the Committee on Un-American Activities, a cited Communist front; the Southern Conference Educational Fund, which has a number of identified Communist Party members in its leadership; Women Strike for Peace, some of whose leaders, despite its fine-sounding name and innocent associates, welcome Communists as members; the Free Speech Movement, which staged the riotous sit-in at the University of California last year, leading to the arrest of almost 800 demonstrators; the previously mentioned Students for a Democratic Society; the Student Nonviolent Coordinating Committee; the Committee for Nonviolent Action; the Student Peace Union; the Mississippi Freedom Democratic Party; War Resister's League; Women's International League for Peace and Freedom; and Council of Federated Organizations and Congress of Racial Equality.

I am not here concerned with the beliefs and opinions, or the composition of the general membership, of any particular organization, but only with persons associated with the assembly.

Gentlemen, we all agree that every American has the right to petition his Government, and to act according to his conscience. But we must distinguish between the right to petition and the right to cloak conspiracy in the guise of petition. We must distinguish between conscientious objectors, and unconscionable agitators. And we cannot agree that any group has the right, not only to challenge, but also to invade, and try to replace or take over, the function of the House of Representatives of these United States.

This is a government of laws, and not of men. The August 6 to 9 demonstrations will not be legitimate assemblies of persons, petitioning their Government because they lack representation in it; they will be the actions of a tiny, infinitesimal minority of dissident troublemakers and agitators, bent on defying our laws and resorting to extra-constitutional means of advancing alien interests.

These people do not represent the conscience of America, which overwhelmingly supports the President's policy in Vietnam. I do not say, and I have never said, that persons active in genuine peace movements are Communists. But I do say that those taking part in this counterfeit assembly who are not Communists are either being exploited by Communists or are knowingly and openly collaborating with them. Further, I know that they are helping the Communist cause.

All Americans in all walks of life should assist in defeating the plans of this subversive gathering. It is my hope, therefore, that the press and other news media, in reporting the demonstrations that take place on August 6 to 9, will fully reveal the real nature of this assembly and portray its leaders in their true light. And since the international Communist propaganda machine will spread news and pictures of these demonstrations throughout the world and attempt to greatly exaggerate their size and significance, the Voice of America and USIA should similarly tell the whole truth about the assembly.

I trust that the public, both residents of and visitors to Washington, will remember that these people want to create the impression of a massive demonstration against the U.S. Government. Turning out to view their activities, even if to do so with disfavor, will help them—because cameras do not always distinguish between members of a mob and merely curious or disapproving onlookers.

Let legitimate peace and civil rights organizations and leaders disassociate themselves and their organizations from the assembly.

Let all Americans, all organizations, do all in their power to make these people stand out, isolated and alone, for what they are, and make it clear to the world that they do not speak for America.

And let us, all the Members of this House, and also all duly constituted authorities here in our Nation's Capital, resolve that the illegal plans of this assembly will be frustrated; that the laws they plan to defy will be strictly enforced; and that the institutions they would desecrate will, in the words of the late Sam Rayburn, be fully "defended, protected, preserved, and perpetuated."

Mr. SMITH of California. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to speak out of order, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I want to associate myself with the remarks of the distinguished chairman of the Committee on Un-American Activities. As ranking minority member of this important committee I have worked closely with him on this matter and the statement he has made very adequately reflects the thinking of myself as well as the gentleman from California [Mr. CLAWSON], and the gentleman from Alabama [Mr. BUCHANAN], and the other minority members of our committee. It is unthinkable that any group would consider actions which could be more repugnant than marching on the White House or these Chambers. Lawlessness in the streets is unpardonable, but for the Members of this body to tolerate any such illegal conduct would be even worse. I know Members on both side of the aisle, of all political persuasions, join us in denouncing this proposal and issuing a flat warning that we will in no way countenance such an untimely and illegal action.

Because time did not permit the chairman of our committee to include in his remarks much significant material relating to the assembly and its chief promoters, I would like to include the following:

First. The call for the so-called Assembly of Unrepresented People;

Second. The declaration of conscience;

Third. The call to the August 6 special White House demonstration.

BACKGROUND ON LEADERS

Washington is not the only city in which demonstrations of this type will be held this weekend. As the documents I have inserted in the RECORD after these remarks indicate, the signers of the call to the assembly have urged that groups far from Washington hold similar assemblies at their State capitols and city halls on August 9. Demonstrations are planned in Los Angeles and a number of other cities. Generally speaking, persons living in the East and Midwest will come to the Washington demonstration. Those living on the west coast will support the assemblies in that area.

During the past few weeks, the assembly has been favorably publicized in the Communist, fellow-traveling, and radical press from one end of the country to the other. It has been promoted by the Worker and Peoples World, the two official newspapers of the U.S. Communist Party; by the National Guardian, which the Committee on Un-American Activities cited years ago as a virtual propaganda arm of the Soviet Union, but which has, in recent years, shown signs of becoming more a propaganda arm of Red China; and by the Militant, the official organ of the Trotskyist Communists of this country. Clifton De Berry, a leader of this Communist group, has urged its members to support the assembly and has stated that he will attend it.

The dates of the assembly are significant. For years, Communists in all parts of the world have staged demonstrations of one kind or another on August 6, the 20th anniversary of the dropping of the first bomb on Hiroshima, as part of their effort to paint the United States as an imperialist, warmongering nation, and, in the name of peace, to promote their own aggressive interests. August 9, the day the assembly will close, is the anniversary of the bombing of Nagasaki, another day the Communists have been trying to utilize for their own purposes for a long time.

The assembly has actually been arranged by the Washington Action Project. The WAP is a summer-long program of activity opposing the United States effort in Vietnam. The signers of the call to the assembly were brought together at a June 20 meeting here in Washington, organized by the Washington Action Project, which has its headquarters at 107 Rhode Island Avenue NW. This is a former residential building now rented by Snick, the Student Nonviolent Coordinating Committee, and used as its Washington headquarters.

ERIC WEINBERGER

The call to the Assembly of Unrepresented People states that all correspondence should be addressed to Eric Weinberger or Bob Parris at these Washington headquarters. Weinberger and Parris are coordinators of the Washington Action Project.

Weinberger is a member of the radical-pacifist Committee for Nonviolent Action, whose members have attempted to prevent the launching of our nuclear submarines, to sail boats into atomic testing areas in the Pacific Ocean and invade nuclear test sites in Nevada. He has participated in various civil rights demonstrations and activities in the South sponsored by CORE and Snick. As a result of his activities in these demonstrations, he has been arrested at least four times—on charges such as assault and battery, disorderly conduct, resisting arrest, and inciting to riot.

ROBERT MOSES, ALIAS BOB PARRIS

Bob Parris is generally known as Robert Moses. As Moses and the field secretary of Snick, he was one of the founders of the Mississippi Freedom Democratic Party, director of the voter registration project in Mississippi in 1963, and Project Mississippi in 1964, both of which were sponsored by COFO, the Council of Federated Organizations, with Snick as the driving force.

Moses has recently begun using the name Parris, which is really his middle name. As Parris, he was the first to announce the call to the assembly.

Although Snick's proclaimed interest is the field of civil rights, Moses, as one of its key activists, has not limited his interests to that area. Last year, on the occasion of its 16th anniversary, he signed a fund-raising appeal for the Communist newspaper, the National Guardian, and spoke at its anniversary dinner which was held in New York City on November 24. He was also one of the speakers at the April 17, 1965, march on Washington to protest the United States defense of South Vietnam. That march was sponsored by the Students for a Democratic Society and endorsed by the W.E.B. DuBois Clubs of America, the Young Socialist Alliance and the May 2 Movement, all of which are Communist organizations. J. Edgar Hoover has pointed out that the U.S. Communist Party encouraged and endorsed this march and that, though the party did not control it, Communist marchers from all over the country were present, and Communist leaders claimed a major role in the demonstration.

He also took part in the speak-out at the Pentagon held on June 16 under the sponsorship of the Committee for Nonviolent Action. In May of this year, he took part in the teach-in on Vietnam held at the University of California in Berkeley. This teach-in also featured Mario Savio, leader of the Free Speech Movement. Again, in June of this year, he attended one of the events held in San Francisco to celebrate the 20th anniversary of the United Nations. This affair was a gathering of approximately 1,000 college and high school students which featured Ralph Bunche, Under Secretary of the United Nations, as a speaker. Bunche made the statement on this occasion that as an international civil servant, he did not feel that it would be proper for him to comment on U.S. foreign policy. Parris—he was using that name on this occasion—then asked the students in attendance at the event to join the group that had asked the late Adlai Stevenson to resign as U.S. Ambassador to the United Nations and also proposed that they form a new group that would seek Bunche's resignation.

Here are some facts on the backgrounds of some of the persons who are signers of the call to the Assembly of Unrepresented People.

RUSS NIXON

One of them is Russ Nixon. Nixon is the managing editor of the Communist newspaper, the National Guardian. In sworn testimony before congressional committees, at least five witnesses—all former Communists or undercover informants for the Federal Bureau of Investigation—have identified Nixon as a member of the Communist Party. He was recently convicted of contempt of Congress for refusing to be sworn when he appeared before the Committee on Un-American Activities last December in response to a subpena. Nixon was formerly, while serving as Washington correspondent for the National Guardian, the legislative representative, here in our Nation's Capital, for the United Electrical Workers Union, which was expelled from the CIO as Communist in 1949. Over the years, he has been involved in scores of Communist fronts and activities.

Another one of the signers of the call is Carl Bloice. He is a correspondent for the Communist Party's official west coast newspaper, the People's World. At the present time, he is also serving as publications director of the new nationwide Communist youth organization, the W.E.B. DuBois Clubs of America.

DONNA ALLEN

Then there is Donna Allen, a leader of the Women Strike for Peace and also the national legislative chairman of the Women's International League for Peace and Freedom. She was convicted of contempt of Congress at the same time Russ Nixon was, although the charge was slightly different. When she appeared before the Committee on Un-American Activities last December, she affirmed that she would tell the truth, but then refused to give the committee her name and address.

She was a guest speaker at the 1962 14th anniversary dinner of the National Guardian, an affair also attended by Nixon. On this occasion she made a speech urging a policy of nonexclusion in the peace movement in this country. "Nonexclusion" is a relatively new term in Communist, left, and radical circles. It means that all, including Communists, are welcome. Her speech was actually a call for legitimate peace organizations to welcome Communists into their ranks, just as the Women Strike for Peace has done. At this National Guardian dinner, Mrs. Allen sat next to Cheddi Jagan, Communist ex-Premier of British Guiana.

Donna Allen is a frequent visitor to Capitol Hill, particularly at that time of the year when Communist delegations from New York and other cities come here to agitate for the abolition of the Committe on Un-American Activities or to cut off its appropriation. The reason for her presence here on these occasions is explained by the fact that she is registered with the Clerk of the House as legislative representative of the National Committee To Abolish the House Un-American Activities Committee, a cited Communist front.

In addition to being active in so-called peace activities in this country, Mrs. Allen has traveled abroad in her opposition to U.S. defense preparations. While on one such junket last December 15, she and 14 other women were arrested and jailed in Paris for attempting to enter NATO headquarters to deliver a message opposing the creation of a multilateral nuclear fleet. Moscow, by the way, has waged an intense campaign against the creation of such a fleet.

PROF. STAUGHTON LYND

Still another signer of the call to the assembly is the Yale history professor, Staughton Lynd. He has been active in a number of teach-ins on Vietnam. He took part in the one at the University of California in Berkeley, with Robert Moses and Mario Savio. He also took part in another one at Yale University about 3 weeks ago and spoke at the Pentagon "speak-out" held this June under the sponsorship of the Committee for Nonviolent Action.

Professor Lynd is probably one of the most important people behind this assembly, because there is reason to believe that the initial proposal for it came from him. Speaking at the teach-in at Berkeley on May 22, after referring to U.S. actions in Vietnam as "murder," he made the following suggestion, among others:

> That there come together in Washington a new continental congress, made up of representatives from community unions, freedom parties and campus groups, which would say in effect: This is a desperate situation; our Government no longer represents us; let us see what needs to be done. Under its aegis mass civil disobedience could take place on such symbolic dates as Hiroshima Day and Labor Day.

He also made a number of other statements at the May 22 teach-in which, I believe, deserve quotation at this point—if for no other reason than that they reveal the thinking and attitude of the kind of people who are opposing what our Government is doing in Vietnam today and who are responsible for the organization of the Assembly of Unrepresented People:

> I am advocating nonviolent retirement of the present administration; that is, the creation of civil disobedience so persistent and so massive that the Tuesday lunch club which runs this country—Johnson, Rusk, McNamara, Bundy—will forthwith resign. We do not live in a parliamentary government where a vote of no confidence can compel an administration to resign, as the British compelled their administration to resign in the Suez crisis. Yet we cannot wait until the next presidential election in 1968. Therefore we must vote with our feet by marching and picketing, if necessary vote with our backsides by sitting in jail.

He also stated at this teach-in that the best analysis he had seen of the origin of the war in Vietnam was one published by the Communist organization, the W.E.B. DuBois Clubs. In another statement made at the Yale teach-in, Professor Lynd gave some insight into the motivations and purposes behind this assembly. He said:

> One reason I favor civil disobedience in Washington this summer is that it will have international visibility. To my mind, one of the most important things about the Selma protest was the sit-ins at the White House. Hitherto there has been a kind of mental sound barrier against direct action in Washington.

DAVID DELLINGER

David Dellinger is also one of the signers of the call to the assembly. He is the editor of Liberation, a pacifist monthly, and a sponsor of the radical Committee for Nonviolent Action. While active in pacifist organizations, Dellinger has not shied away from supporting Communist fronts and organizations. He was a member of the executive committee of the American Forum for Socialist Education, a group formed to promote cooperation between non-Communists in this country and the Communist Party. He has also been associated with the Fair Play for Cuba Committee, the West Side Committee for Friendly Relations with Cuba, and the Medical Aid to Cuba Committee. He has defended Castro's Cuba and opposed U.S. military intervention in that country. His participation in a picketing demonstration on the issue of Cuba at the Central Intelligence Agency, led to his being arrested for disorderly conduct.

Dellinger has also been a speaker for the Militant Labor Forum, which is a function of the Trotskyist Communist Party in the United States, the Socialist Workers Party. He has gone so far as to speak at a rally honoring the late Pedro Albizu Campos, president of the ultraradical and revolutionary National Party of Puerto Rico, whose members attempted to assassinate President Truman and also Members of this House.

A. J. MUSTE

Still another signer is A. J. Muste, secretary emeritus of the Fellowship of Reconciliation; cochairman of the Central Committee for Conscientious Objectors; a leader of the War Resisters League, and national chairman of the Committee for Nonviolent Action.

Muste is another "pacifist" with a long record of Communist-serving activities. No less an authority than J. Edgar Hoover has described Muste as a man "who has long fronted for Communists." Muste was a top leader of the American Workers Party, a Communist organization formed in late 1933. More recently, he was chairman of the previously mentioned American Forum for Socialist Education. He has signed appeals for the release of Communist Party leaders convicted under the Smith Act for atom spies Julius and Ethel Rosenberg and for Morton Sobell, who is now in prison following his conviction with the Rosenbergs of conspiring to pass our atomic secrets on to Moscow. He has also signed appeals to the President and to Congress urging repeal of our internal security legislation, specifically the Smith and Internal Security Acts. In 1959, he referred to the stupidity and frequent immorality of U.S. foreign policy. Several years ago, he urged President Kennedy to halt all assistance to anti-Communist Cubans. More recently, he was a speaker at a rally demanding the end of our "dirty" war in Vietnam.

SUMMARY

Professor Lynd appears to be indiscriminate in the type of Communist organizations he supports. He has written for Science and Society, the Communist Party's learned quarterly on Marxism and Leninism. He has also been a speaker at affairs staged by the Socialist Workers Party, the Trotskyite Communist organization in this country. In addition, he has contributed an article to the newspaper, Freedom, published in the South for the purposes of racial agitation by Jacob Rosen, one of the leaders of the Peiping following and ultra-revolutionary Progressive Labor Party. With Robert Moses, he was a signer of the fund-raising appeal for Russ Nixon's National Guardian on the occasion of its 16th anniversary. I might mention here that the editor-in-exile, as he is called, of the National Guardian is Cedric Belfrage, a British subject, who was deported from the United States after being named by Elizabeth Bentley as one of the persons who supplied her with information when she was a courier for a Soviet espionage ring.

Several years ago, the late Dr. W. E. B. DuBois publicly announced that he had joined the Communist Party. A short while later, he gave up his U.S. citizenship and went to Ghana where he died in 1963. The new Communist youth organization to which I referred a few minutes ago is named after DuBois. Shortly after DuBois' death, Professor Lynd was one of the initiating sponsors of a memorial tribute to Dr. W. E. B. DuBois, which was held in New York City.

One other point about this Yale professor, which deserves mention, is the fact that after the assassination of President Kennedy, he took an active part in the Communist-directed campaign to clear Lee Harvey Oswald of all guilt for his brutal crime.

One of the most significant facts about the Assembly of Unrepresented People is that it represents Communist success in achieving one of the major goals the party has been working for in recent years. This is the coupling of the civil rights issue with the issue of U.S. withdrawal from Vietnam in the interest of peace. The assembly actually represents the Communist goal of a "united front," as they call it, on these issues.

It should be made known at this point that there was a meeting of assorted peace and student groups in New York on June 24 of this year. The purpose of the meeting was to play a protest meeting here in Washington on August 6. Nothing came of the meeting because it broke up on the question of sponsorship, and also participation and support by Communist organizations. The more responsible peace and student leaders did not want Communist participation in their demonstrations and they did not want it to be timed with the civil disobedience planned by the Washington Action Project.

But the Assembly of Unrepresented People, as the facts I have cited indicate, is a completely different kettle of fish. Its initiators welcome Communist support and, in doing so, have done just what Moscow and the U.S. Communist Party want them to do. Through them, the party has succeeded in creating a united front of Communists, pacifists, radicals, and civil rights groups to work for Communist goals including sabotage of our national efforts to prevent a Communist takeover in Vietnam, the promotion of racial agitation, fostering support for destruction of the Committee on Un-American Activities and overall civil unrest and disobedience.

The proof of what I say on this score is found in the April 1965 issue of Political Affairs, the Communist Party's major monthly directive. It features an article by the U.S. Communist Party leader, Gus Hall, entitled "The Mandate: Selma and Vietnam." Hall closes his article with the following statement concerning racial agitation and agitation on the subject of Vietnam:

> Therefore, we Communists say again: "Let's end the talk of the need for left united action. Let us get on with the business of making it a reality."

That is just what has been done in and through the so-called Assembly of Unrepresented People which will be held in Washington beginning the end of this week.

I do not charge that everyone who takes part in this assembly is a Communist. I know there will be people in it who are not Communists, but what I do say is that the Communist Party and other Communist organizations in this country—and also Moscow and Peiping—are 100 percent behind the assembly; that the various Communist parties and organizations in this country will pack it with their members and that, though others are technically running the affair, the Communists will deserve major credit for turning out large numbers of people to attend it.

The record indicates that those persons from the civil rights movement who are behind this assembly comprise the most radical elements in the movement, and that they have collaborated with Communists in the past. I think it is obvious that by their past actions, as well as their promotion of this assembly, they are, as far as the overwhelming majority of Americans are concerned, doing far more to discredit than to help the civil rights movement. The point has been reached, I think, when responsible civil rights leaders should take action to clearly and firmly disassociate themselves, and the organizations they represent, from these people. I believe there is no doubt about the fact that—though I know they will deny this vehemently—the civil rights element promoting the assembly are being used by calculating, totalitarian conspirators who have no interest whatsoever in anyone's civil rights.

As far as the other non-Communists taking part in the assembly are concerned, I say frankly, though we will not hear those who comment on our national affairs point it out, that of all the merely extremist elements in our country today, they are the most irresponsible, the most ill-informed, the most in need of psychiatric treatment, and the most dangerous to our national welfare and security.

In concluding, I would like to say that I can think of no words which better describe this assembly than those written about the April 17 march on Washington by J. Edgar Hoover:

> This is a typical example of the party's widespread campaign to influence our country's foreign policies. The strategy is not new, but it is effective. The party is working through non-Communist groups and front organizations to embarrass our Government and disrupt its efforts. Communist leaders are striving to initiate other marches and demonstrations to keep their campaign of fear and terror rolling. These are methods which have served Communist causes so well since the days of Lenin.
>
> Party leaders hope, of course, that more and more Americans will be duped and misled by these tactics. They envision a commanding wave of hostility against American policies abroad. The goal is to incite citizens to the point that they will demand American forces be withdrawn from Vietnam and other places, allowing international communism to take over and engulf more defenseless countries.

Mr. Speaker, the Assembly of Unrepresented People is clearly a Communist-front group which is flying under false colors. Its leaders are a "Who's Who" of the Nation's Communist fronters. No patriotic American should give them any support. I now include at this point the documents, exhibits 1, 2, and 3, heretofore mentioned:

EXHIBIT 1

CALL FOR AN ASSEMBLY OF UNREPRESENTED PEOPLE IN WASHINGTON, D.C., AUGUST 6–9—WE DECLARE PEACE

("I like to believe that the people in the long run are going to do more to promote peace than our governments. I think the people want peace so much that one of these days governments had better get out of their way and let them have it."—President Dwight D. Eisenhower, August 31, 1959.)

In Mississippi and Washington the few make the decisions for the many. Mississippi Negroes are denied the vote; the voice of the 30 percent of Americans now opposed to the undeclared war in Vietnam is not heeded and all Americans are denied access to facts concerning the true military and political situation. We must make it plain to the administration that we will not be accomplices to a war that we did not declare. There can be no doubt that the great majority of the people of the world do not approve of the presence of American troops in Vietnam. We who will come to Washington on August 6 through 9 cannot in any sense represent this majority, but we can let our voices be heard in a symbolic Assembly of Unrepresented People To Declare Peace.

August 6 is the 20th anniversary of the dropping of the first atomic bomb on Hiroshima; August 9 the anniversary of the Nagasaki bomb. Therefore, we choose August 6, 7, 8, and 9 for a new attempt to draw together the voices of nonviolent protest in America; not only those who have for so long been calling for an end to the cold war, but also those whose protests focus on racial injustice, inquisition by congressional committees, inequities in labor legislation, the mishandling of antipoverty and welfare funds, and the absence of democratic process on the local level. We invite not only those now active in organized protests but ministers, members of the academic community, teachers, women, professional people, students, people from the newly formed community groups in slums and rural areas, industrial workers, anyone who wishes to symbolically withdraw his support from the war and who wishes to explore the possibilities of interaction inherent in this community of concerned people.

Norma Becker, Bob Swann, Donna Allen, Bob Parris, Mel McDonald, Carl Bloise, Peter Kellman, Barry Weisberg, Dena Clamager, Steve Weissman, Stephen Amdur, Eric Weinberger, Walter M. Tillow, Carl Oglesby, Ed Hamlett, Jeffrey Gordon, Jimmy Garrett, Courtland Cox, Dave Dellinger, Ray Raphael, Sandra Adickes, Francis H. Mitchell, John Porcelli, William Hartzog, Barbara Deming, Mack Smith, Staughton Lynd, Dennis Sweeney, Russ Nixon, Florence Howe, Paul Lauter.

[Printed by the Grindstone Press]

ACTIVITIES OF THE 4 DAYS

WHITE HOUSE CONFERENCE

August 6: A demonstration at the White House will center around the Declaration of Conscience which has already received over 6,000 signatures; it declares the signers' complete refusal to assist in the carrying out of the war in Vietnam and the Dominican Republic. Those of the signers who can come to Washington will constitute the core of the demonstration; nonsignors will be welcomed. The declaration has been sponsored and circulated by the Committee for Nonviolent Action, War Resisters League, Student Peace Union and the Catholic Worker. These groups will therefore have full responsibility for the conduct of this aspect of the 4-day assembly. There may be nonviolent civil disobedience by some of the signers.

August 7 and 8 will be the heart of the Assembly of Unrepresented People. They will be devoted to workshops, probably carried out in the open on the grass surrounding the Washington Monument.

PROGRAM WORKSHOPS

August 7: The assembly will divide itself according to the section of the protest movement which claims the greatest attention of each individual.

There will be groupings of community people and staff who have been working at the local level on organizing the poor to have a voice in the lives of their communities and in the administration of Federal antipoverty funds.

There will be another grouping of people whose interest and work center on the Mississippi Freedom Democratic Party's attempt to have Congress unseat the five improperly elected Representatives from their State.

There will still be other groupings to discuss the recent threats of destructive investigation by the House Un-American Activities Committee of elements of both the peace and civil rights movements.

We hope that there will also be present representative groupings from the ranks of organized labor to discuss labor's attempt to have repealed the so-called right-to-work law provisions of the Taft-Hartley Act.

There will be workshops on free universities and student unions.

Additional workshops on other aspects of nonviolent direct action will be scheduled to meet the interests of those present.

CONSTITUENCY WORKSHOPS

August 8: Vietnam. There will be workshops of ministers, teachers, members of the academic community, women, professional people, students, people from local communities, union members and other "constituency groupings" to plan how they can work in the summer and through the year to stop the war. There will be a large evening meeting.

A declaration of peace drawn up by the initiators of the demonstration will be circulated in the workshops for use on the 9th.

August 9 ("Governments had better get out of their way and let them have it."): Those members of the Assembly of Unrepresented People in a position to face possible arrest and willing to pledge themselves to nonviolent behavior during the course of the demonstration will assemble and walk toward the Capitol with the intention of convening the Assembly in the Chamber of the House of Representatives and thus deny that Congress has the right to declare war in our names. If stopped along the way we will sit down and declare the Assembly of Unrepresented People in session. One of the group will rise and begin to read the declaration of peace circulated in the workshops on the 8th. If, as seems likely, the person reading is arrested before the declaration is fully read, another person will rise and continue reading. The assembly will be open to the reading of additional declarations of peace that individuals or representatives of organizations may bring with them. We hope that this demonstration will serve as a symbol of the desire of the people of the world to express their opposition to the Vietnam war in a democratic fashion.

To implement this plan, we suggest that one focus for community organization between now and August 6 be discussion of what the Government should do in Vietnam. The results of these discussions could be embodied in declarations of peace which representatives would bring to Washington. Some groups, particularly those farthest away from Washington, may want to create assemblies at State capitals and city councils on August 9.

Preparation for the assembly will be coordinated at 107 Rhode Island Avenue, NW., Washington, D.C. Address correspondence to Eric Weinberger or Bob Parris. Before and after the assembly related activities will go on in Washington concerning Vietnam, FDP, 14-B, House Un-American Activities Committee and community organization. Volunteers are urgently needed. We can probably provide free housing.

(A few hundred dollars are needed for office expenses. Checks to Washington Summer Action are requested.)

EXHIBIT 2

DECLARATION OF CONSCIENCE AGAINST THE WAR IN VIETNAM

Because the use of the military resources of the United States in Vietnam and elsewhere suppresses the aspirations of the people for political independence and economic freedom;

Because inhuman torture and senseless killing are being carried out by forces armed, uniformed, trained, and financed by the United States;

Because we believe that all peoples of the earth, including both Americans and non-Americans, have an inalienable right to life, liberty, and the peaceful pursuit of happiness in their own way; and

Because we think that positive steps must be taken to put an end to the threat of nuclear catastrophe and death by chemical or biological warfare, whether these result from accident or escalation—

We hereby declare our conscientious refusal to cooperate with the United States Government in the prosecution of the war in Vietnam.

We encourage those who can conscientiously do so to refuse to serve in the Armed Forces and to ask for discharge if they are already in.

Those of us who are subject to the draft ourselves declare our own intention to refuse to serve.

We urge others to refuse and refuse ourselves to take part in the manufacture or transportation of military equipment, or to work in the fields of military research and weapons development.

We shall encourage the development of other nonviolent acts, including acts which involve civil disobedience, in order to stop the flow of American soldiers and munitions to Vietnam.

(NOTE.—Signing or distributing this declaration of conscience might be construed as a violation of the Universal Military Training and Service Act, which prohibits advising persons facing the draft to refuse service. Penalties of up to 5 years imprisonment, and/or a fine of $5,000 are provided. While prosecutions under this provision of the law almost never occur, persons signing or distributing this declaration should face the possibility of serious consequences.)

Some of those who have signed this declaration:

J. Malvern Benjamin, Jr., Rev. Lloyd A. Berg, Rev. Dan Berrigan, S.J., Rev. Philip Berrigan, S.S.J., Kay Boyle, James Bristol, Emile Campouya, Gordon Christiansen, William C. Davidon, Dorothy Day.

David Dellinger, Barbara Deming, Ralph DiGia, Lawrence Ferlinghetti, W. H. Ferry, Erich Fromm, Maxwell Geismar, Rabbi Everett E. Gendler, Paul Goodman, Robert Brookins Gore.

Richard B. Gregg, Ammon Hennacy, Paul Jacobs, Erich Kahler, Roy C. Kepler, Paul Krassner, Irving Laucks, Sidney Lens, John Lewis, Roget Lockard.

Staughton Lynd, Bradford Lyttle, Milton Mayer, David McReynolds, Stewart Meacham, Helen Mears, Mary Meigs, Morris R. Mitchell, Mrs. Lucy Montgomery, A. J. Muste.

Otto Nathan, Robert B. Nichols, Linus Pauling, Jim Peck, Diane di Prima, A. Philip Randolph, Earle Reynolds, Bayard Rustin, Ira J. Sandperl, Marc Schleifer.

Glenn E. Smiley, Monte G. Steadman, M.D., Harvey Swados, Marjorie Swann, Robert Swann, Ralph T. Templin, Samuel R. Tyson, Denny Wilcher, George Willoughby.

Name *Address*

--

--

--

Please return signed petitions to one of the sponsoring organizations listed below:

Catholic Worker, 175 Chrystie Street, (Att: Tom Cornell), New York, N.Y.

Committee for Nonviolent Action, 325 Lafayette Street, New York, N.Y.

Student Peace Union, 5 Beekman Street, Room 1029, New York, N.Y.

War Resisters League, 5 Beekman Street, Room 1025, New York, N.Y.

EXHIBIT 3

A CALL TO A WHITE HOUSE CONFERENCE ON THE DECLARATION OF CONSCIENCE, AUGUST 6, 1965, 20TH ANNIVERSARY OF THE ATOMIC BOMBING OF HIROSHIMA

All who have signed the declaration of conscience, those who will sign, and other concerned persons are urged to assemble at the White House in Washington on Friday, August 6, 1965, at 11 a.m.

On April 28, 1965, some 4,500 signatures were presented to Mr. Chester Cooper, deputy for Mr. McGeorge Bundy, at the White House Executive Offices by a representative group of signers. On August 6 we do not wish to repeat this. Something more is required on that tragic anniversary. Those who have taken the stand of radical rejection of war in the atomic age set forth in the declaration of conscience are urged to give further expression to their concern. The steady escalation of the war in Vietnam and the serious Pentagon discussion of again using American atomic bombs against Asians requires this of us.

One thing called for is that as many signers as possible come to Washington in person to confront the President in person on Hiroshima day. We have written a letter to President Johnson in which we respectfully demand that all signers and supporters who come to Washington August 6 be admitted to the White House or White House grounds and that he meet with all of us and not simply a small group of delegates. We seek a human confrontation, so far as that is possible, not a conventional political performance. We have made it clear in our letter to President Johnson that in stating our proposal we have no intention of being discourteous, that we are aware that ours is a minority viewpoint, and that we do not think ourselves entitled to special consideration as individuals.

However, the situation we all confront is not an ordinary one. Action through traditional and conventional channels has not saved us from getting into a situation universally recognized as one of utmost peril, in which the survival of our own people and of mankind may be at stake, and which may lead to the American people committing an even greater crime against mankind than the atom bombing of Hiroshima and Nagasaki.

As we have pointed out to the President, there is in his moving Johns Hopkins address a profound contradiction. On the one hand, he pictured us as a nation which does not find power impressive. "The guns and bombs, the rockets and warships, are all symbols of human failure * * * witness to human folly." On the other hand, we are the most heavily armed Nation in all history and we are relying on military power in Vietnam. How can we expect other nations such as China or Vietnam to take us seriously when we say that we do not find military power impressive?

We do not believe that guilt for the grave situation in which we now find ourselves and responsibility for finding a creative solution rest solely on the American people or their Government. But in such a time as this no nation or individual can shift responsibility to another's shoulders.

The signers of the declaration of conscience have concluded that it is their responsibility to withdraw all support from their own country's war activities in this situation. They believe it is the responsibility of the American people to set the example of a nation that does not find armaments and power impressive, but fearful symbols of human failure and horrifying witness to human folly.

This spirit moves us as we call on signers of the declaration of conscience and supporters who may wish to join us to meet in Washington. The August 6 White House conference will be sponsored by CNVA. War Resisters League, Student Peace Union, and the Catholic Worker.

GENERAL PROGRAM PLAN

All participants assemble at the White House at 11 a.m.

If previous discussion results in acceptance of our proposal that the President meet all participants, we shall silently picket until the time set to meet Mr. Johnson and then enter the grounds. Our program includes conducting one or more workshops in nonviolence for White House employees and visitors.

If no arrangement for the President to meet all participants is made, silent picketing will take place for a time. At some point to be agreed on, participants willing to face arrest may move through the gate toward the White House in a nonviolent effort to see the President. Large-scale activities against the Vietnam war by civil rights, peace and student actionists are planned for Washington August 7–9. The August 6 "White House Conference" activity should not detract from this: rather, it should increase interest in radical action and civil disobedience on August 9. Students for a Democratic Society have tentative plans for mass burning of draft cards in Washington and elsewhere—a welcome possible addition to the August 6 program.

If the conference cannot be arranged for the White House premises, it will be started as near the White House as possible, perhaps on the sidewalk in front of the White House, or in Lafayette Park. Some participants may feel that this conference should be moved, after an opening period, toward the White House, persisting in this effort until stopped by arrests.

If the President is not in Washington, tentative plans have been made for a delegation to meet him wherever he is.

YOUR HELP IS NEEDED

It is important that each individual help to the utmost in the limited time left:

Secure and send in additional signatures to the declaration of conscience.

Arrange to come to Washington, encourage others to come, and help arrange transportation.

Do everything possible to encourage local activity for the August 6–9 period, especially in communities distant from Washington.

Send financial contributions and solicit contributions from others.

— I want to join the White House Conference on the Declaration of Conscience.

— I am interested in joining the civil disobedience aspects of the demonstration.

— Please send me ——— copies of this call, and ——— of the declaration.

I enclose $——— for the expenses of the project. (Make checks to CNVA.)

Name ___________________________________

Phone __________________________________

Address ________________________________

CNVA, 5 Beekman Street, room 1033, New York, N.Y.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I think most of my colleagues in the House will recognize that I have been consistent in my opposition to the House Committee on Un-American Activities. However, contumacy does not mean blind opposition. There has been handed to me some days ago the document to which the distinguished gentleman [Mr. WILLIS] referred. I think all Members should look at it and see that it is bona fide and real. I agree with the gentleman from Louisiana that all of us are strong believers—and I think we have demonstrated it—in the right to dissent and free speech and the right to petition the Congress. But when demagogs and some small groups of people go to the point where they impose upon those rights, they do a disservice to the liberal elements of this country. Therefore, merely to sit silent and not to rise in support of the gentleman from Louisiana would seem perhaps to indicate opposition to what he has said. I would particularly call attention to this document where it says:

> Those members of the assembly of unrepresented people—

And incidentally I do not know why they are unrepresented unless they do not exercise democracy, and that is their own fault—

> unrepresented people in a position to face possible arrest and willing to pledge themselves to nonviolent behavior during the course of the demonstration will assemble and walk toward the Capitol with the intention of convening the assembly in the chamber of the House of Representatives and thus deny that Congress has the right to declare war in our names.

Obviously, they have not read the Constitution of the United States. The Constitution of the United States reserves to the Congress the right to declare war in the name of the people of the United States.

If you will go on and read a little bit further, they say this:

> One of the group will rise and begin to read the Declaration of Peace circulated in the workshops on the eighth. If, as seems likely, the person reading is arrested before the declaration is fully read,

And I end the quotation there. You again get the implication that we are trying to deny the right of people to read a document. We are not denying that, and I know of nowhere in Washington where it would be so denied, providing it were done in a proper legal and normal fashion. And if anybody in his right mind thinks that Washington has not been a place where the right to exercise the freedoms guaranteed to our citizens has been exercised many times, I refer them to that great march, the civil rights march, in which some of us in this House participated and in which many thousands took part, and which many millions viewed, to note that Washington, our Capital, is the place where the rights and the freedoms of our citizens are protected.

I therefore hope that these few people who, at the least, are certainly misguided and who certainly, because of what they have put in this document, may be under suspicion as to their real motives—I hope that, as the gentleman from Louisiana has said, their small numbers will be ignored on that day, but that they will not be allowed to desecrate the very sacred and very honored parts of the Capitol of the United States.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Speaker, on the opening day of this session a rightwing fanatic of the American Nazi Party came into these Chambers unauthorized, and at that time I raised the question that we did not have sufficient machinery to hold people like that in contempt of Congress. To me it does not matter whether it is a rightwinger or a leftwinger; the integrity of this Congress must be respected.

I hope that the Judiciary Committee will take prompt action so that we may get some kind of measure that will put teeth in the power of this Congress to hold people in contempt of the Congress who come in here in an authorized manner of hoodlumism.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Speaker, I take this time simply to say that the matter which the gentleman from Louisiana [Mr. WILLIS], the gentleman from Ohio [Mr. ASHBROOK], and others have discussed here today is simply a filling-in of the details of the plans which I brought to the attention of the House and forewarned the Congress of a week ago today, setting forth the aims and the plans of this publicity-seeking group of rabble-rousing, spineless, un-American trash, which intends to take over this Chamber on August 9. I simply say further that I hope, and I add that I believe, that this Congress will rise to meet the challenge. About that I have no doubt. These people do not represent America or the attitude of Americans. I support and I believe all true Americans support our position in opposition to Communist aggression in Vietnam and all over the world. It is commendable that the gentleman from Louisiana [Mr. WILLIS] has brought this to the attention of the House today. I will be in my seat August 9. I will not yield to this trash.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Speaker, the gentleman from California inquired why these people were unrepresented. I will tell him why I believe they think they are unrepresented. A pamphlet has been distributed in my district saying that because I support the President of the United States in the Vietnam situation that, therefore, they are unrepresented, and I am one of those who is responsible for their being unrepresented.

Well, permit me to say, Mr. Speaker, I am proud of the fact that I have and still do support the President of the United States in the Vietnamese situation because I firmly believe that he is a man of peace and has been seeking an honorable peace.

Mr. Speaker, there is only one thing I deplore about the situation this morning, and that is this: This group of nonentities is being publicized as a result of what has transpired on the floor of the House this morning. The attention of the Nation will be directed toward that small march that will take place on whatever date it may be. Better that they had been ignored, better that they had been absolutely disregarded, so they would fall of their own weight.

Mr. Speaker, I believe it is a grievous error to bring attention to their presence in Washington.

Mr. BOLLING. Mr. Speaker, I yield such time as he may require to the gentleman from Texas [Mr. POOL].

Mr. POOL. Mr. Speaker, the people of the United States are represented by this Congress.

They are not going to countenance or allow any group to take over this Chamber for any purpose other than for the orderly conduct of the business of the House of Representatives.

I hope that all responsible persons who might be misled will renounce this program. I agree with Chairman WILLIS when he says:

> These people do not represent the conscience of America which overwhelmingly supports the President on Vietnam.

These people are trying to say to the world that America is not backing the President, and they want to use the House of Representatives Chamber to make their propaganda stronger worldwide.

I say, let us not let this happen. We have always known how to deal with subversion; I am sure we can handle this.

Mr. POOL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the matter discussed by the gentlemen from Louisiana, California, and Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 494, which we are now considering, will provide a 1-hour open rule for the consideration of S. 1742. The purposes of this particular bill are set forth very succinctly on page 1 of the report. The main purpose is that the United States will be permitted in connection with World Bank loans to make up to $400 million of loans to the International Finance Corporation so that they in turn can loan the money to private enterprise for development purposes in foreign lands. I understand that there will not be any additional appropriation of funds necessary and that the bill came out of the committee unanimously. I know of no objection to the rule, Mr. Speaker, and urge its adoption.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PAYMENT OF UNUSED ACCRUED LEAVE TO SURVIVORS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 495 and ask for its immediate consideration.

The Clerk read the resolution as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7843) to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and pending that I yield myself such time as I may consume.

Mr. Speaker, there is no controversy in this 1 hour, open rule, and I know of no controversy on the bill which it makes in order.

Therefore, Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 495 will provide for 1 hour of open debate for consideration of H.R. 7843. It has to do with payment of unused and accrued leave to survivors of members of the armed services.

Mr. Speaker, the bill provides that if a member of the uniformed forces dies while on active duty, the survivors of the deceased shall be paid a lump-sum payment for his unused accrued leave.

Mr. Speaker, this is consistent with other laws applying to other departments of the Federal Government.

Mr. Speaker, it is limited to a period of 60 days' leave which is the usual maximum in such provisions.

In this particular instance it will cost about $2 million annually.

Mr. Speaker, this is the type bill which could have been brought up by unanimous consent or under a suspension of the rules. But in conformity with the procedures of the Committee on Armed Services, it was brought before the Committee on Rules for a rule in order to provide for debate thereon here on the floor of the House today in order to provide time for discussion.

Mr. Speaker, I have no further requests for time and I urge the adoption of the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL FINANCE CORPORATION

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1742) to authorize the U.S. Governor to agree on amendments to the articles of agreement of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 1742 with Mr. PEPPER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, S. 1742 comes before the House with the unanimous approval of the full Committee on Banking and Currency.

The principal provision of this bill is to permit the World Bank to give substantial support to the private enterprise generating activities of the International Finance Corporation by extending a $400 million line of credit to the Corporation.

Since 1945, when Congress enacted the Bretton Woods Agreements Act, the United States has been a participant and active proponent of the World Bank. The establishment of the Bank at the end of World War II represented a basic effort to deal with long-range international financial and economic problems. The Bank has consistently assisted in the economic growth of our underdeveloped international neighbors through sound loans to finance development projects. As a precondition to such loans, loans by the Bank have been guaranteed by the governments of the countries where these projects have been carried out. It is beyond question that the Bank has been a major instrument of international cooperation in the free world.

In 1955 Congress, in recognition of the fact that government-to-government financial assistance for the economic development of the free world was neither the only nor the best way of stimulating growth, authorized the participation of the United States in the International Finance Corporation. In the enlightened self-interest of the United States, we were concerned that capital should move into productive activities in free countries unable to finance development needs from their own resources. It was recognized that Government funds could not and should not be regarded as the basic source of capital for international investment. The major purpose in the establishment of the International Finance Corporation was to help channel private capital and experienced, competent, private management into productive investment opportunities that would not otherwise be created—because of the lack of sufficient private capital for the project or lack of knowledge of the opportunity by an investor or group of investors.

The International Finance Corporation makes loans directly to businesses without the necessity of obtaining any government guarantees. Such direct financing greatly expedites the injection of fresh capital into free enterprise activities in the less-developed countries, particularly where, in some of those countries, when obtaining government guarantee requires an act of the legislature before a loan can be made.

From 1956, when the Corporation began its operations, through the end of 1964, the Corporation has had total disbursements of $83.6 million; the amounts written off and in default on this amount are less than two-thirds of 1 percent. In this same period the Corporation has had cumulative net income of approximately $22 million.

Corporation money has been invested in private enterprises manufacturing automobiles, electrical equipment, fertilizers, household appliances, and heavy construction equipment. Loans have been made from Finland to the Sudan and from Argentina to Pakistan. One hundred loans and commitments to private enterprises in over 30 countries have been made by the Corporation.

The Corporation's loan commitments at the present time have reached $126 million—exceeding the total of the Corporation's subscribed capital—and the volume of investment proposals is growing. The Corporation is only able to make these commitments because of its good income position. It needs the additional capital that S. 1742 will authorize.

S. 1742 would authorize the World Bank to extend a line of credit to the Corporation to permit it to carry on the important job of financing free enterprise. Enactment of this legislation will further American foreign policy objectives without any cost whatsoever to the American taxpayer.

I strongly urge the House to enact this vital piece of legislation.

The CHAIRMAN. The gentleman from Texas [Mr. PATMAN] has consumed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in support of S. 1742.

This bill would amend the articles of agreement of the International Bank for Reconstruction and Development and its affiliate, the International Finance Corporation, to permit the World Bank to lend to the IFC. This authority will contribute measurably to the continued success of these institutions in encouraging, each in its own way, private investment in the less developed countries of the free world.

The total amount of loans outstanding by the Bank to the IFC could not, under the proposed arrangement, exceed four times the unimpaired subscribed capital and surplus of IFC. This limit would be approximately $400 million based on the IFC's present balance sheet. Moreover, World Bank lending to the IFC would take place over a period of time and in accordance with IFC's operational requirements.

It is clear, therefore, that the bill before us today would greatly increase the capacity of the IFC to assist private enterprise projects in the years ahead. At the present time 78 nations are members of the IFC, and their subscriptions all paid in, total $98,964,000. The gross total of IFC commitments to date has reached $111 million.

In its 10 years of operation, the IFC has promoted the growth of private enterprise activity in the less developed countries and brought new venture capital where it is needed by providing financing in conjunction with other investments, both local and foreign. Often, with only limited use of its own funds, the IFC has facilitated the investment of a much greater aggregate volume of private capital. In all, IFC's $21 million of commitments covered in its latest annual report of 1963–64, joined commitments by other investors of nearly seven times that amount. IFC's total commitments during the year of $14.6 million in industrial projects throughout the world joined other investments of more than $80 million; and IFC's investment of $6.2 million in development finance companies was made along with $64.5 million of loans and share subscriptions by other investors. From this, the bill before us could generate nearly $3 billion in investments of foreign private enterprise.

In making its own investments, IFC has sought not only to finance projects of economic merit, but also to stimulate other private investment, both domestic and international. In most underdeveloped countries, however, savings are scarce and the habit of investing in industrial development is not well established. IFC, therefore, continues to play a kind of trusteeship role, in several instances taking up shares in lieu of domestic investors and setting aside shares for sale to domestic purchasers who may appear once an enterprise has begun to prosper.

Mr. Chairman, speaking as a member of the minority party, I am proud to recall that IFC was a product of the Eisenhower years. Therefore, I am particularly pleased that the administration has, by this bill before us this afternoon, agreed to enable the future growth of this very fine international lending institution.

It is worth noting that the past fiscal year was a significant one for the IFC, for this was the first year during which the IFC made more than half of its investments in the form of subscriptions to capital shares rather than in loans. At the end of the year, the proportion of its portfolio invested in foreign equity stood at 30 percent compared with 17 percent 12 months before. I think the President of IFC, Mr. George D. Woods, along with the Directors, deserve particular praise for setting in motion this healthy trend toward equity investment. I think that the legislative history of S. 1742 should indicate that Congress is authorizing the U.S. Governor of the Bank to agree to the proposed amendment to the articles of agreement of the Bank so as to encourage still more of this kind of IFC equity investment in the years ahead.

It is worth emphasizing that the proposal before us does not involve any appropriation or expenditure of funds by the United States. It is fully consistent with the objectives of the United States in promoting private enterprise in less developed countries and should have our full support. Congressional approval is required for the U.S. Governor to vote in favor of this resolution, which I wish to reemphasize, does not involve any change in the U.S. subscription.

Mr. Chairman, for the benefit of the Members of the House not familiar with the World Bank and the IFC, I think it would be appropriate to spell out the profound differences between these two institutions.

The World Bank, established immediately after World War II, is now engaged primarily in lending to the less developed countries. Its present authorized capital is $22 billion, subscribed to by its 102 members. From this subscribed capital it makes long-term loans directly to member governments, public entities, or private enterprises. All loans must be guaranteed by the member nation in whose territory the project is located. Projects financed and assisted by the Bank are generally basic to the economic structure of the recipient country and typically have been in the fields of transportation, power, industrial, and agricultural development.

As I have indicated, except in the case of loans made directly to member governments, those borrowers from the World Bank are required to obtain a guarantee from the government of the country in which the project is to be located. Often, however, private investors have been reluctant to seek, and in some cases it is difficult for host governments to give, such guarantees. This is where the IFC comes into the picture. To complement the Bank's operation in promoting assistance to the private sector in the less developed countries the Bank sponsored the IFC, which was established in 1956 with the full support of the United States. The IFC invests only in private enterprise projects and does not require host government guarantees of repayment of its investments. The result is that IFC can and does make loans to private enterprise that the World Bank cannot make. It becomes clear, therefore, that the legislation before us would provide additional resources through the IFC for a future stimulation of economic growth through private enterprise.

The IFC offers a variety of forms of assistance. Its operations fall under three major categories: First, loans or equity investments in operating companies; second, investments in industrial finance companies that relend to local industry; and third, participation in underwriting and standby transactions for private firms raising capital.

During the hearings before the Banking and Currency Committee, concern was shown by committee members over the fact that IFC loans and investments are not, contrary to the World Bank, guaranteed by the recipient governments. I think it would be appropriate to give the Treasury Department's answer to these questions. Mr. Merlyn N. Trued, Assistant Secretary of the Treasury, said:

> The sole purpose of the IFC is to make private enterprise a bigger part of the development of the less developed countries. Its sole purpose is to assist and expand private enterprise. It would be totally inconsistent

> and contradictory with its own purposes if, in the light of a governmental action to expropriate private property, it were to then go in the country and finance private property under those conditions without a reasonable and decent settlement of that action taken. I find it inconceivable that the IFC would not find it so contradictory to its express purpose that I simply cannot believe that it would go in to promote private enterprise where a government is killing it off.

Mr. Chairman, I was pleased with that answer from the Treasury Department. It is a good answer and completely consistent with the attitude that any private investor has when he invests his money in a foreign country. Obviously you can't call it private enterprise when one government takes and another grants a guarantee against future losses. To be otherwise would be the same as having our Federal Government guaranting investors against future losses in the stock market.

In the face of dealing within the private sector, without government guarantees, the IFC's balance sheet is extremely healthy. New investment commitments, as I have noted, during the past year were $20.8 million. Net income for that year was $2.9 million. Cumulative gross commitments have grown to $11.4 million. Cumulative capital is $99 million while cumulative net earnings are $18.9 million. Net profits on portfolio shares total $1.3 million while repayments on investments total $6 million. Sales of investments since the IFC's inception total $22.4 million. Typically, the rates on IFC loans that have been made to private enterprise projects run between 7 and 10 percent.

Clearly the IFC deserves not only the support but the applause of Congress, both for its past record of achievement, as well as for its future plans. Its operations are in sharp contrast to both the giveaway foreign aid program and the trend of other international lending institutions toward larger and larger soft loan operations. The IFC appeals to both sound business practices and the pride of foreign enterprise in pulling themselves up by the bootstraps of private enterprise.

Recently it has been reported in the press that the proposed Asian Development Bank was aiming toward a similar kind of private investment lending operation—until the United States convinced the Asians that the proposed institution should be weakened by a soft lending window. In other words, mixing together a strictly foreign aid type operation within an otherwise straight banking setup. It was further reported that the Asians resisted this proposal—that they had planned that their bank would be based upon sound banking practices.

I mention this only because I think the success of the IFC can be attributed to a combination of sound business and banking practices together with the pride of foreign businessmen in projects unencumbered by government interference.

I heartily support S. 1742 and urge its passage. In future years its success will stand in sharp contrast to the mediocre record of foreign aid and other forms of direct government assistance.

Mr. Chairman, we will never hear the shouts of "Yankee go home" in connection with any IFC project. Although it is minuscule in size compared to our present foreign aid program, I look forward to the day when this form of multilateral foreign lending will completely supplant the more traditional foreign aid and rapidly increasing soft lending operations.

Mr. Chairman, we can no longer afford to praise private enterprise in one breath, while enhancing Government control of foreign private enterprise with the other. The IFC is the best means of avoiding such a policy.

Mr. Chairman, in any comparison of IFC with foreign aid and other forms of international lending institutions, a full discussion should not ignore the increasing concern over the growing service on debts owed by less-developed countries to the industrialized nations. From this standpoint, the IFC type of operation seems to avoid many of the long-term pitfalls associated with our other efforts.

In this regard, under permission to revise and extend my previous remarks, I am including an article by Prof. Wilson E. Schmidt of George Washington University entitled "Default of International Public Debts." It appeared in the March 1965 issue of the National Banking Review. Professor Schmidt is one of our Nation's leading authorities on international economics, balance of payments, and terms of trade. The following article addresses a subject that has been largely ignored in the past by our academic community as well as by our Government:

Default of International Public Debts

(By Wilson E. Schmidt)

There is increasing concern over the growing service on debts owed by less-developed countries to the industrialized nations. Service on public and publicly guaranteed debt of these countries rose by an estimated 250 percent between 1956 and 1963.[1]

With the growing overeas activity of American banks and their provision of credit to less-developed countries, for example through the Export-Import Bank and the International Bank for Reconstruction and Development, the problem of default is no doubt of substantial interest to the American financial community.[2] This interest should be strengthened by the fact that widespread default could have major implications for the American balance of payments, perhaps ending outflows of new loans or requiring additional aid to stave off default. The analysis developed here is also directly applicable to problems of default faced by domestic lenders.

There is no international institution with the power to collect the debts of governments. Thus, governments may be dissuaded from defaulting on their international debts only by (1) a sense of morality, (2) a loss of prestige that default may entail, (3) a fear that the creditor nations may withhold aid which they might otherwise provide, (4) a renegotiation of the terms of existing debts to ease the burden of service, or (5) offers of new aid. The purpose of this article is to analyze and compare the last three of these means of preventing default. To isolate them, we assume that the first two factors do not exist.

The conventional measures of debt-servicing capacity concern the resources available to make good on debt obligations. They are the ratio of debt service to current account earnings, to Government revenues, to national savings, to compressible imports, and the ratio of imports to reserves. If creditors employ such measures to determine their response to threats of default, it would seem natural that they should select policies which enhance the debtor's ability to pay. Viewed in these terms, balance-of-payments loans to restore reserves would seem appropriate. Easing the terms of existing debts or their cancellation would also make sense, as would additional aid to expand export or import-competing production. But the withholding of future aid would be excluded because it would not improve the conventional measures of ability to pay; in fact, it would reduce the resources available to the debtor.

Much of the discussion of debt-bearing capacity of countries assumes, implicitly or explicitly, that there is a distinction between the ability and the willingness of a country to pay its debt service.[3] In principle, countries always have the ability to pay debt service because there is always some combination of monetary, fiscal, and exchange-rate policies which will permit a country to achieve a current account surplus sufficient to meet its service obligations. Indeed, a country could export its entire gross national product if it wanted to do so. The real issue is not ability but willingness to pay, that is, willingness to adopt the right combination of policies.[4] What must be investigated, then, are the factors which influence the decisions of debtors whether or not to default, particularly the balance of gains and losses for the debtor through default.

I. WITHHOLDING FUTURE AID

A creditor may respond to a prospective default with a threat to withhold aid that the debtor might otherwise receive. The staff of the International Bank for Reconstruction and Development seems to think that this reaction will be automatic.[5] Will such a threat succeed in preventing default?

A rational debtor will not default if the present value of the future aid it will lose in the event of default exceeds the present value of the future service payments it must make on existing debts. The present value of a grant when it is made is, of course, equal to the grant itself. The present value of a loan to the debtor at the time it is made is equal to the face value of the loan less the present value of the future interest and amortization payments discounted at the yield on capital in the debtor country.

The International Bank for Reconstruction and Development estimates that the external public debt and publicly guaranteed debt of 74 less-developed countries was $18 billion at the end of 1962. In 1963, the estimated service on this sum was $2.2 billion in amortization and $0.7 billion in interest.[6] To reach a rough estimate of the present value to the less-developed countries of the future service payments on the debts existing at the end of 1962, we discounted the future service payments at 8 percent and obtained a figure of $9 billion.

---

[1] "Towards a New Trade Policy for Development," report by the Secretary-General of the United Nations Conference on Trade and Development, New York: United Nations, 1964, p. 85.

[2] George S. Moore, "International Growth: Challenge to U.S. Banks," the National Banking Review, 1, September 1963, pp. 1–14.

[3] D. Avramovic, et al., "Economic Growth and External Debt," Baltimore: Johns Hopkins Press, 1964, p. 9.

[4] It is little wonder that the conventional measures of debt-service capacity have been found inadequate by key users such as the IBRD and the Development Assistance Committee. Ibid., p. 94; and "Development Assistant Efforts and Policies, 1964 Review," report by Willard Thorp, chairman, Development Assistance Committee, Paris: Organization for Economic Cooperation and Development, September 1964, p. 48.

[5] Avramovic, op. cit., pp. 8, 10.

[6] Ibid., p. 112.

In 1963, bilateral grants and grant-like contributions from donor nations were about $4 billion. The present value to the recipients of these grants was, of course, $4 billion. In addition, there was $2.1 billion of official bilateral loans with maturities in excess of 1 year.[7] These loans had an estimated present value of approximately $800 million when the service is discounted at 8 percent.[8] Bilateral official grants and loans made in 1963, therefore, had a present value of $4.8 billion to the recipients. In addition, the less-developed countries received over $600 million in assistance from multilateral organizations.[9] The present value of this sum is approximately $100 million if we assume to be conservative, that all of it consisted of IBRD loans at the relatively hard terms of 5¾ percent and 20 years.

Therefore, barring a major change in aid levels, if the donors would have cut off all aid in response to a default, the less-developed countries as a whole would have lost, within 2 years, more than they would have gained. A chain reaction leading to worldwide default thus seems unlikely. This conclusion is strengthened if we assume that private investment would collapse in the event of a general default (net private investment and guaranteed export credits exceeded $2 billion in 1963).[10]. It is further strengthened if we assume that exchange control mechanisms would not be able to contain the local capital that would flow out of the less-developed countries in the event of defaults on Government debt.

Of course, the foregoing calculation is not conclusive. There is the problem of selecting the correct discount rate. The data on external debt and debt service are probably under-reported. And, because the foreign aid dollar is not fully convertible and generally may be used only in the donor country, the real value of an additional dollar of foreign aid is less than the real value of a dollar paid in debt service. Tied procurement therefore increases the likelihood of default. Unfortunately, there is no information available on the differences in real value of tied and untied dollars.

Moreover, what holds true for the aggregate of less developed countries may not necessarily be conclusive for individual debtor countries. Individual debtor countries may receive little aid relative to their service payments. Or they may correctly or incorrectly anticipate a reduction in future aid because of shifts in the foreign or domestic policies of the donors. In some cases, the debtor may contrive to default only on debts owed to selected creditors, hoping that other creditors will not withhold aid. And some debtors may, perhaps correctly, believe themselves to be so important in the foreign policy of certain donors that future aid will be forthcoming even if they default. In any of these circumstances, default may well be attractive.

II. RENEGOTIATION AND NEW AID

Another response to a threat of default would be a proposal of renegotiation by the creditor, or an offer of new aid in exchange for a promise not to default. There is no difference in principle between renegotiating debt and giving new aid. A reduction in the interest rate on existing debts or a partial cancellation of those debts, is the same as providing a grant each year equal to the amount of debt service forgone. The extension of a given amount of debt service over a longer period of time is equivalent to a loan of the amount of the postponed service at zero rate of interest.

Though there is no difference in principle between the two types of assistance, there is a significant difference in the amount. Renegotiation leaves some debt burden; default does not. An offer to renegotiate cannot make payment of the debt service more attractive than default unless some noneconomic factors such as morality and prestige enter the decision. In contrast, there is always some volume of new aid which will induce the debtor to renounce his intention to default. Hence, for the moment, we shall consider only new aid as a means of preventing default.

It will pay the creditor to offer new aid to induce the debtor to meet his existing service obligations if the present value to the creditor of the service exceeds the present cost to the creditor of the new aid that he must provide to prevent default, using the yield on capital in the creditor country as the rate of discount. The debtor will agree to meet his obligations if the present value to the debtor of the new aid is greater than the present value to him of the existing service payments, using the yield on capital in the debtor country as the rate of discount.

Suppose that the yield on capital in the debtor nation (8 percent) is higher than in the creditor nation (4 percent), and that the debtor is obliged to pay service of $1 per annum for the next 10 years on past debts. The present value of this service to the debtor is $6.71, so that the creditor must offer more, for example a lump-sum grant of $6.72, to prevent default. The present value to the creditor of the service is $8.11, and the creditor would be willing to offer a lump-sum grant up to this amount in order to prevent default. Because the debtor requires a lump-sum grant slightly in excess of $6.71, while the creditor would willingly offer a lump-sum grant up to $8.11, default can be prevented through offers of new aid. If he has full confidence in the renewed pledge of the debtor to pay, the creditor gains by offering a grant up to $8.11. With less than full confidence, he need only reduce his best offer in the bargaining, the saving being a risk premium. Hence, uncertainty does not invalidate the technique.

If we reverse the yields on capital so that the yield is higher in the creditor nation (8 percent) than in the debtor nation (4 percent), an offer of new aid cannot benefit both parties and, thus, must fail to prevent default.[11] The present value to the debtor of the service obligation assumed above would be $8.11, while its present value to the creditor would be $6.71. Consequently, there is no lump-sum grant which the creditor could profitably offer that would also persuade the debtor to renounce default. An annual grant equal to, less than, or more than the service payments would also fail to satisfy both parties. Finally, loans will also fail. Any new loan which gives the debtor a present value sufficient to induce the debtor to forego default imposes a present cost on the creditor far in excess of the present cost of default.[12] If the creditors have promised future loans to the debtor against its development plan, the creditors may prefer to accept default and withdraw the promised loans because default may be considerably less costly to the creditors than loans and yet provide almost as much present value to the debtor.

III. THE TYPES AND TERMS OF AID

We have seen that renegotiation of the terms of existing debts is insufficient to prevent default under our assumption that the debtor feels no remorse or loss of prestige in defaulting. The creditor faces alternatives of offering new aid only, or a combination of new aid and renegotiated terms. Our analysis shows that new aid in the form of loans with positive interest rates is a cheaper means of preventing default than renegotiation.[13]

The reason for this is straightforward. Grants always cost the creditor something. Loans at interest rates below the yield on capital in the creditor nation also cost the creditor something. But loans with higher interest rates do not. As long as the yield on capital in the debtor nation is higher than in the creditor nation, it is always possible to offer a loan with terms that benefit both parties. The interest rate can be set between the yields on capital, so that both parties gain per dollar of loan, and the total benefits to the debtor can be controlled by the size of the loan.

The United Nations Conference on Trade and Development adopted, without dissent, a resolution calling for "appropriate" periods of grace before service payments commence in agreements which reschedule debt service. Should grace periods be offered?

Insertion of a grace period in a loan contract causes the creditor to lend back to the

---

[7] "Development Assistance Efforts and Policies, 1964 Review," op. cit., table 5.

[8] Average terms were derived from tables 6 and 7 of ibid.

[9] Ibid., p. 27.

[10] Ibid., table 5.

[11] Increasingly, it is recognized that the yield on capital in some less-developed countries may be below that of the advanced countries. See sources cited in my "Economics of Charity," Journal of Political Economy, August 1964 and Avramovic, op. cit., p. 55.

[12] This is illustrated in the following table, and a general proof appears in "Economics of Charity," op. cit. Each of the four loans in the table provides $8.12 of present value to the debtor, which is enough to induce the debtor to forego default. The first two loans cover the possible range of interest rates at which the debtor could benefit from borrowing under the assumption of a 10-year maturity. The second two loans cover a wide range of maturities:

Present costs to creditor of alternative loans

	Present cost at 8 percent
Loan of $25.03 for 10 years at 0 percent	$13.44
Loan of $1,001 for 10 years at 3.9 percent	275.39
Loan of $844.48 for 1 year at 3 percent	39.10
Loan of $37.80 for 50 years at 3 percent	23.12

[13] This is illustrated in the following table, where it is assumed that the yield on capital is higher in the debtor nation (8 percent) than in the creditor nation (4 percent), and that the debtor has service payments of $1 per annum to make over the next 10 years. The present value to the debtor of these payments is $6.71. The four alternative aid offers have a present value to the debtor of $6.72, which is just enough to induce the debtor to forego default.

Present cost to creditor of alternative aid offers

Aid offer	*Present cost*
Annual grant of slightly more than $1 for 10 years, slightly more than	$8.11
Lump-sum grant of $6.72	6.72
Loan of $12.52 at 0 percent for 10 years	4.06
Loan of $1,001 at 7.9 percent for 10 years	—31.66

We see that a loan with the highest possible interest rate costs the creditor less than a loan with zero interest, and that the latter costs the creditor less than either of the two grants. (Earlier we saw that renegotiation is either the same as a grant or the same as a loan with zero interest.)

debtor the service it would have paid in the absence of a grace period. If two loans of equal size and the same maturity are to have equivalent present values to the debtor, the interest rate on the one with a grace period must be somewhat higher than the one without the grace period. The creditor must lend the service that otherwise would have been paid at a rate of interest equal to the yield on capital in the debtor country. Only at that rate of interest on the service which otherwise would have been paid will the present values of the two loans, one with and the other without a grace period, be equal. Finally, if the yield on capital in the debtor nation is above that in the creditor nation, the creditor must gain by employing the grace period, because the interest income received on the loan resulting from the grace period must exceed the cost of capital to the creditor.[14]

IV. SOME POSSIBLE QUALIFICATIONS

There has been no mention so far of the terms of trade. This may seem strange, inasmuch as changes in the terms of trade are a central part of the traditional analysis of the transfer burden. But, in our analysis, we need not be concerned with the terms of trade as long as the relationship is constant between each dollar transferred and the resulting change in real income through changes in the terms of trade. Suppose that an offer of new aid would just suffice to prevent default, leaving aside the terms-of-trade effects of the new aid and of default. If the terms of trade would improve with default, they would also improve with new aid. The one offsets the other. Therefore, the terms of trade do not affect our conclusions.[15]

We have taken the propensity to default as given. This is clearly wrong. If the creditor adopts a policy of offering new aid whenever a debtor threatens to default, debtors are likely to increase their threats of default in order to gain more assistance. If creditors wish to adopt a general policy to prevent default, they must choose between threats to withhold aid and offers of new aid because the two policies are mutually exclusive. The fact that new aid tends to stimulate defaults might seem to swing the argument in favor of reliance solely on threats to withhold aid. But this is not conclusive. The withholding of aid is a better policy only if the present cost of the additional aid made necessary by a shift in the propensity to default, exceeds the present value of the service that will be lost because some debtors will default in spite of a credible threat to withhold future aid. The rational policy depends upon the circumstances. There is no substitute for a careful, tough-minded analysis of reality.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

I am a little bit concerned about this I understand that the three main purposes of this bill are to strengthen our Bretton Woods Agreement for both the IBRD and the IFC, as the gentleman and the chairman of the committee said before us, and also amend the act to authorize a similar change in the IFC articles to permit it to lend or borrow from IBRD within specific limitations.

My question is a general one. I think if we are going to be in this—and it has accomplished many of the purposes that the distinguished gentleman, the ranking minority member from New Jersey states—my question is this: Along with the trade and tariff agreement of 1962 under which we removed many of the protective tariffs or at least 50 percent thereof from our high standard of labor, high pay rates, high standards of living, high income; are we not by the authorization of the IBRD to make more loans to private enterprise around the world in countries other than our own, aiding and abetting competition with the unprotected American worker in the United States, and his wage scale?

Mr. WIDNALL. Mr. Chairman, I do not feel from the nature of the loans that have been made in practically all of these countries that this is in conflict with the objectives which the gentleman has in mind. The projects have been well worked out. I think they are in the interest of all our people and certainly will aid in the development of these countries so that they can do a job for themselves and not call upon us for aid.

Mr. HALL. Mr. Chairman, if the gentleman will yield for another question——

Mr. WIDNALL. I yield.

Mr. HALL. I thank the gentleman. I understand an additional purpose is to allow the Governor of the IBRD to vote in favor of these increases or other actions involving the capital stock thereof without express congressional approval. In a sense we, the Congress, representing the people of the United States, insofar as this Governor is concerned, are the biggest stockholder behind this Director of the International Bank for Reconstruction and Development—are we not then neglecting our duty by delegating additional authority to one individual, in this case the Secretary of the Treasury, who serves as Governor, from the United States when we, ourselves, should be determining these amounts that are invested overseas, especially as the situation, as I hypothesize it in the first place, might get worse?

Mr. WIDNALL. We have through this bill, as I understand it, delegated authority to our representative to permit the World Bank to lend up to **$400 million** to the IFC. I believe that would be the extent of the possible withdrawals under this bill. In order to operate within the framework of the World Bank and RFC, it is necessary to have this approval from the Congress, and that is what we are doing here.

Mr. HALL. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, I yield such time as he may use to the gentleman from Wisconsin [Mr. REUSS] to close the debate.

Mr. REUSS. Mr. Chairman, I rise in support of S. 1742, a bill dealing with an expansion in the important activities of the World Bank and its private enterprise lending affiliate, the International Finance Corporation. This legislation would amend the Bretton Woods Agreements Act in three largely technical ways. It has been thoroughly examined by the Banking and Currency Committee and unanimously approved.

Its major provision will spur the growth of private enterprise in the developing countries of the world. Thereby strong democratic institutions and private entrepreneurship will be strengthened in these countries and their reliance on other forms of outside help can over time be diminished. The plan requires no financial contribution by the U.S. Government, nor is there any additional liability to the U.S. Government encompassed in it. It serves U.S. goals abroad in a manner fully consistent with our concepts and ideals at home. Other nations have already indicated their support for the program contemplated by this bill. It can only move forward with U.S. agreement.

The legislation provides for the following:

WORLD BANK LOANS TO IFC

The major provision of S. 1742 amends the Bretton Woods Agreements Act to provide a timely and desirable increase in the resources of the International Finance Corporation by permitting it to borrow from its parent, the World Bank. It does this by authorizing the Secretary of the Treasury as the U.S. Governor of the World Bank to agree to an amendment of the Bank's articles of agreement. The amendment would permit the Bank to make loans to the International Finance Corporation—IFC. Similarly, the bill would amend the International Finance Corporation Act to authorize the Secretary of the Treasury as Governor of that institution to agree to a change in its articles of agreement to permit it to borrow from the World Bank within specified limitations.

The IFC was set up in 1956 in order to provide a specialized organization that would be devoted exclusively to fostering private enterprise among developing countries of the world. The International Finance Corporation is an affiliate of the World Bank. It is an efficient, sound, and tested institution.

This new financial link between it and the World Bank will strengthen the capacity of both institutions in the private enterprise field. All of IFC's member countries must be members of the World Bank. Its Board of Governors, Board

---

[14] The following table illustrates this conclusion. Each loan is repaid in equal annual installments which cover interest and amortization. Final settlement on each loan is reached after 50 years. The yield on capital is assumed to be 8 percent in the debtor nation and 6 percent in the creditor nation. The interest rates shown apply only to the loans made without grace periods. The interest rates on the other loans are adjusted so that each loan contract provides the same present value of benefits to the debtor as the loan without a grace period.

Present benefit to creditor with and without grace periods

Loan	No grace	5 years' grace	49 years' grace
$100 at 6 percent	0	$8.77	$97.62
$100 at 7 percent	$14.21	24.24	125.73
$100 at 4 percent	−26.64	20.20	45.01

We see that grace periods benefit the creditor. This is true if the creditor, on the loans without a grace period, would have neither gained nor lost (at 6 percent), would have gained (at 7 percent), and would have lost (at 4 percent). The gain to the creditor is without cost to the debtor because the present value of benefits to the debtor is held constant.

[15] For a general proof, see my "Economics of Charity," op. cit.

of Executive Directors, and its President and several of its officers are identical with those of the World Bank. IFC now has 79 member countries and a capital stock of just under $100 million. All of this has been paid in hard currency by its members. The U.S. subscription of $35 million was paid in along with the others in 1956. We are not now being called on for more funds by this legislation.

IFC acts as a catalyst in facilitating the investment of much larger amounts of private funds in private enterprise projects than it provides itself. A year ago, IFC estimated that roughly even times as much private capital was currently being invested as was being put into the same projects by IFC. IFC makes loans and equity investments, and assists the growth of private capital markets by underwriting share issues in the developing countries. It does none of this, however, if private funds are available to do the job unassisted.

The proposal for IRBD loans to IFC rests on the fact that IFC's charter allows it to lend without requiring the guarantee of the government where the project is located. The World Bank's charter, on the other hand, requires such a guarantee on all of its loans to private borrowers. Often, however, private investors have been reluctant to seek, and in some cases it is difficult for host governments to give, such guarantees. IFC is, therefore, the logical instrument within the World Bank family for increasing the flow of resources to the all-important private sectors of the developing economies.

IFC has made 103 commitments in 32 countries, for a net amount in excess of $125 million. Of this, $93 million has been disbursed. These commitments cover a broad range of industrial purposes, including metals and metal manufacturers, pulp and paper, chemicals, fertilizers, and light manufactured goods. In addition, substantial financial and technical assistance has been given to local private industrial finance companies, which then relend the funds to smaller private enterprises than IFC can feasibly deal with directly. Enterprises in Latin America have been the largest recipients of IFC financing, accounting for over half of gross commitments, while Asia—including the Middle East—and Africa together accounted for more than a third of such commitments.

IFC has operated on an efficient and sound basis. Its net income from operations has been allocated to a reserve against losses, which now amounts to $22 million. Its losses to date have been less than one-half of 1 percent of commitments.

The proposal that the U.S. Governor would be authorized to agree to is not an open-ended one. It permits IFC to borrow up to four times its unimpaired capital and surplus, which would mean a limit of approximately $400 million. I want to emphasize that there would not be a lump sum loan of $400 million to IFC. The arrangement would be in the nature of a line of credit, which would only be drawn down gradually over time.

As IFC arranges with borrowers for loan financing, it will then turn to the Bank when it needs the financial resources to cover the commitment. The terms of the Bank's lending to IFC would be related to the terms of IFC's lending to its borrowers. Since IFC's loans have typically been relatively small, the line of credit will only be utilized in fairly small increments.

This bill is attractive from the U.S. viewpoint since it provides a means of financing private development abroad without calling for a U.S. Government contribution. Neither an authorization for funds nor an appropriation is required. The benefits of the bill are directed entirely to private enterprise and the building of strong private sectors in the developing economies. We will be taking advantage of the expertise and efficiency of the World Bank, and at the same time improving the capacity of the Bank and its affiliates to achieve their important goals. The bill merits our full support.

INCREASE IN WORLD BANK AUTHORIZED CAPITAL

The second provision of the bill is separate and distinct from the above. It is largely technical but from the point of view of the Bank important to enable it to make available more shares in its capital stock than authorized under present limits. It would do this by authorizing the U.S. Governor of the World Bank to vote in favor of a proposed increase in the authorized capital of the Bank from the present $22 to $24 billion. None of this increase would be subscribed by the United States. Our contingent liability in the Bank would not be changed. It would continue to be limited to the amount of our present subscription.

Congressional action is required in this case because the Bretton Woods Agreement Act provides that the U.S. Governor may not agree to an increase in the authorized capital without such approval, regardless of whether or not the United States is to subscribe.

An increase in authorized capital is needed because the present capital of $22 billion is almost fully subscribed. Moreover, 16 member countries of the International Monetary Fund recently agreed to special increases in their quotas—over and above the 25 percent general increase in quotas in which the United States participated—and it is the normal practice for such increases to be accomplished by corresponding increases in their subscription to the Bank. These increases alone would require approximately $900 million of Bank stock. It is clear that such demands, together with foreseeable needs for stock by new members and by present members who may wish to increase their subscription in the future, cannot be accommodated within the present authorized capital.

In 1963, the Congress authorized the U.S. Governor to agree to a similar $1 billion increase to take care of new members. The present bill would make it necessary for the U.S. Governor to obtain congressional approval to agree to an increase in capital whenever the U.S. subscription is involved. It is not involved in this case, and I strongly recommend that the House approve this legislation so that our formal agreement can be given.

REPORTS BY THE NATIONAL ADVISORY COUNCIL

The final provision of the bill is a relatively minor one which would modify the reporting requirements imposed on the National Advisory Council by the Bretton Woods Act in order to eliminate unnecessary overlapping. Instead of the present requirement for semiannual reports and a biennial report, there would be substituted a requirement for an annual report only. Thus, the number of reports in a given 2-year period would be reduced from five to two. The scope of the reports, however, would be the same as at present, and the committee is satisfied that the savings under the new arrangement will not be at the expense of an adequate flow of information to Congress.

CONCLUSION

The House Banking and Currency Committee has studied this legislation in detail, and it has the committee's full support. The National Advisory Council has favorably recommended its enactment. The arguments in its favor are simple yet cogent.

In summary:

First. This bill will support private enterprise in the developing countries. It will therefore help to improve the economic well-being of the people in those countries and thereby build bulwarks against Communist-dominated efforts to gain control.

Second. This bill will help to spread American know-how and foster relations with American producers and investors. American producing firms have been directly involved in projects representing over half of the value of IFC investments thus far, and a large number of American financial institutions have participated alongside the funds IFC has put in.

Third. This bill will take advantage of the tremendous experience and prestige of the management and staff of the World Bank family of institutions. These represent an efficient, proven mechanism for providing assistance to the developing countries.

Fourth. This bill will permit other countries to increase their support of the World Bank through increased subscriptions to its capital stock. The United States would not subscribe to any of the increase in authorized capital.

Fifth. This bill does not require one dollar of appropriations from the U.S. Government. The funds for expanding IFC's private enterprise lending will come from the World Bank itself, not from governments. We are being asked to vote only because any charter change or capital increase requires the approval of members.

This legislation is technical and not controversial. It cannot come into effect internationally until the United States acts. We should therefore do so promptly.

Mr. Chairman, I include from House Report No. 644, the sense of the committee with respect to the International Development Association:

SENSE OF THE COMMITTEE

Last year when your committee was considering the bill to authorize the United States to participate in an increase of the resources of the International Development Association (IDA), we specifically requested in the report that the administration act to increase the contribution of the World Bank to IDA. It was our view that such additional funds would (1) reduce the foreign aid assistance costs of the United States, and (2) provide IDA with funds needed to do the job set for it. While your committee fully supports the accomplishments and goals of the IFC, we must nevertheless note our disappointment in the action taken by the World Bank at its meeting in Tokyo last fall. At that time the Bank voted to make a $400 million loan available to IFC while voting an inadequate $50 million grant for IDA. It is certainly not the intention of the committee to call for a reduction in the contribution to IFC, but rather to urge that IDA be treated equally as well. Accordingly, your committee again wishes to record its strong support for the International Development Association, and urge the administration to take the steps necessary to maximize the World Bank's contribution to IDA's financial resources.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I shall be glad to yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. One question I have is in connection with the statement at the end of the first paragraph on page 2 of the committee report where it lists as a result of our action, which I assume will be taken today, that the IBRD can increase its support for private enterprise by lending to the IFC without the requirement of a host government's guarantee of repayment.

Why is this desirable? As I understand it, the World Bank requires a guarantee by the host government that there will be no expropriation of private property without just compensation.

Now, I would ask the gentleman from Wisconsin why is this an objective that we ought to be seeking to accomplish here today?

Mr. REUSS. I believe we should distinguish between two things. The guarantees against expropriation without compensation apply to both the World Bank and its affiliate, the IFC. This is set forth for the gentleman's guidance on page 4 of the report.

What the gentleman was referring to is the fact that when the World Bank makes a loan, it does so to governments, and the governments themselves agree to repay it.

It was found out, after about 11 years of World Bank operation, that the World Bank was missing a good private enterprise bet by this restriction on loans only to governments. Therefore, the International Finance Corporation was set up in 1956 so that the World Bank affiliate, the IFC, could make loans to private industry in developing countries. In many cases the developing country itself, just like the United States, is not willing itself to guarantee the repayment of the loan. That is the reason for the need for the IFC. But in all cases, whether it is a World Bank loan or an International Finance Corporation loan, these are made only to countries which do not expropriate without just compensation.

Mr. DUNCAN of Oregon. I thank the gentleman from Wisconsin.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act, as amended (22 U.S.C. 286–286k–1), is amended by:

(1) Deleting paragraphs (5) and (6) of subsection (b) of section 4 (22 U.S.C. 286b) and substituting therefor the following:

"(5) The Council shall transmit to the President and to the Congress an annual report with respect to the participation of the United States in the Fund and Bank.

"(6) Each such report shall contain such data concerning the operations and policies of the Fund and Bank, such recommendations concerning the Fund and Bank, and such other data and material as the Council may deem appropriate."

(2) Substituting a comma for the period at the end of section 5 (22 U.S.C. 286c) and adding the following: "if such increase involves an increased subscription on the part of the United States."

(3) Adding at the end thereof the following new section:

"SEC. 21. The United States Governor of the Bank is authorized to agree to an amendment to the articles of agreement of the Bank to permit the Bank to make, participate in, or guarantee loans to the International Finance Corporation for use in the lending operations of the latter."

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like specific assurance, if possible to obtain it, from some member of the committee, that this legislation will not result in another call upon the taxpayers of this country to increase the capital structure of the World Bank.

Mr. PATMAN. I do no believe there is anything in this that would indicate that, I will say to the gentleman from Iowa. I do not think there is any danger of it. This is a relatively small proportion. The World Bank is doing quite well. It runs into $20 or $25 billion and this is a small, insignificant sum in comparison.

Mr. GROSS. But $400 million, this line of credit you are making available from the World Bank to the International Finance Corporation, is still quite a piece of change out in my part of the country.

Mr. PATMAN. It is a large amount of money but it is small in comparison with the World Bank. There is no connection between the taxpayers and the loans made by the International Finance Corporation. These loans are well secured and they have been rather successful in collecting back the loans. I do not think there is any reason to believe there is likelihood of the situation to which the gentleman refers.

Mr. GROSS. I still do not have a solid answer to my question. I am also concerned with a question that was propounded by the gentleman from Missouri, [Mr. HALL], with respect to this buildup of private industry in foreign countries and the products therefrom coming back to haunt labor and manufacturers in this country due to the way Congress has emasculated the tariff laws that we once had. I do not know exactly how much further we should go with loans of this kind to foreign producers unless something is done about the lack of tariffs which permits low-cost products to pour into this country.

Mr. PATMAN. Of course, the situation could exist at any time for any loan or other financing to projects in other countries, but obviously, in my opinion, it would be a long time, many, many years, before any situation would develop whereby the amount of money we are extending to these countries now to manufacture something for themselves would come back and be of serious competition to our own industries. It is too farfetched, I may say to the gentleman.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. REUSS. I would like to supplement the answer just given by the gentleman from Texas [Mr. PATMAN]. I think there are two points to be considered. And I may say the inquiry of the gentleman is quite proper.

Point No. 1 is that these International Finance Corporation loans are slanted in the direction of so-called secondary industries, brick, construction material, fertilizer or crops, which are quite likely to be used at home in the developing countries.

Second, and in all candor I want to say there is nothing to prevent the products of factories helped by some of these loans to enter the world market. But I also believe the International Finance Corporation types of loans are going to have the effect of building up these developing countries as consumers of American goods and, in my judgment, they will result in the purchase of many more American exports than they will result in the interposition in the American market of imports and exports.

Mr. GROSS. I hope the gentleman is right, but I am fearful that will not be the case. Let me ask this, What rate of interest do these IFC loans carry?

Mr. REUSS. These loans made by the IFC to a domestic corporation in these countries have ranged generally from 7 to 10 percent. Now that is higher, of course, than the loan structure prevalent in this country but I think the gentleman would agree that the interest rate that the International Finance Corporation ought to get should be a rate that is generally related to nonusurious loans in the country of destination; and that of course makes the International Finance Corporation more of a going corporation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Do either of these agencies, the World Bank or the International Finance Corporation, have anything to do with the Exchange Stabilization Fund?

Mr. REUSS. Neither of them has the slightest thing to do with the Exchange Stabilization Fund.

Mr. GROSS. I thank the gentleman for his answer. I suspect the gentleman knows why I am making the inquiry. I am making the inquiry because, according to the newspapers of last Sunday, the General Accounting Office has revealed than an official of the Exchange Stabilization Fund—I believe he is called the financial attaché in Tokyo—spent $150,000 for a residence in which to live. Apparently this residence was purchased out of Exchange Stabilization Funds. This residence in Japan is said to include bathtubs with gold-plated fixtures. I want to be real sure that this bill does not in any way deal with the Exchange Stabilization Fund.

Mr. REUSS. The gentleman is suggesting that that sort of thing is a rather broad construction or interpretation of exchange stabilization, and I agree with the gentleman.

Mr. GROSS. What I am suggesting is that the House Committee on Banking and Currency call in the Treasury Department and find out why an attaché is given a $150,000 home or otherwise provides himself with a $150,000 house in Tokyo, Japan, equipped with gold-plated plumbing fixtures.

Mr. PATMAN. That we may do, I will say to the gentleman. This has already been called to the attention of our Committee on Banking and Currency.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that the remainder of the bill be printed in the RECORD and be open for amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The remainder of the bill is as follows:

SEC. 2. The International Finance Corporation Act, as amended (22 U.S.C. 282–282g), is amended by adding at the end thereof the following new section:

"SEC. 10. The United States Governor of the Corporation is authorized to agree to the amendments of the articles of agreement of the Corporation to remove the prohibition therein contained against the Corporation lending to or borrowing from the International Bank for Reconstruction and Development, and to place limitations on such borrowings."

The CHAIRMAN. If there are no amendments, under the rule the Committee will rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. PEPPER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1742) to authorize the U.S. Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes, pursuant to House Resolution 494, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 331, nays 54, not voting 49, as follows:

[Roll No. 222]

YEAS—331

Abbitt
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Baldwin
Barrett
Beckworth
Bell
Bennett
Betts
Bingham
Blatnik
Boggs
Boland
Bolton
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Callaway
Cameron
Casey
Cederberg
Celler
Chelf
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Dole
Donohue
Dow
Downing
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Hosmer
Howard
Hungate
Huot
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kornegay
Krebs
Kunkel
Latta
Leggett
Long, La.
Long, Md.
Love
McCarthy
McClory
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Miller
Mills
Minish
Mink
Mize
Moeller
Monagan
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price
Pucinski
Purcell
Quie
Race
Redlin
Reid, N.Y.
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Selden
Senner
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, N.J.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
Weltner
White, Idaho
White, Tex.
Whitener
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—54

Abernethy
Adair
Andrews, George W.
Ashbrook
Ashmore
Baring
Belcher
Bow
Brown, Ohio
Buchanan
Chamberlain
Clancy
Dague
de la Garza
Derwinski
Devine
Dickinson
Dorn
Dowdy
Duncan, Tenn.
Edwards, Ala.
Fulton, Pa.
Gross
Hagan, Ga.
Haley
Hall
Harsha
Hull
Hutchinson
Ichord
Langen
Lennon
Lipscomb
McCulloch
Michel
Minshall
Moore
O'Konski
O'Neal, Ga.
Passman
Pool
Quillen
Randall
Reid, Ill.
Reifel
Roudebush
Secrest
Thomson, Wis.
Utt
Waggonner
Watkins
Watson
Whalley
Whitten

NOT VOTING—49

Anderson, Ill.
Ayres
Bandstra
Bates
Battin
Berry
Bolling
Bonner
Cahill
Carey
Carter
Colmer
Fallon
Ford, Gerald R.
Fuqua
Green, Oreg.
Halleck
Hébert
Holland
Horton
Jones, Mo.
Kastenmeier
Keogh
Kluczynski
Laird
Landrum
Lindsay
McEwen
McMillan
Martin, Mass.
Mathias
Nelsen
Powell
Resnick
Rivers, Alaska
Rogers, Tex.
Roncalio
Ryan
Scott
Sickles
Taylor
Thomas
Thompson, Tex.
Toll
Tupper
Walker, Miss.
Watts
Williams

So the bill was passed.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Gerald R. Ford.
Mr. Thomas with Mr. Bates.
Mr. Colmer with Mr. Halleck.
Mr. Rogers of Texas with Mr. Laird.
Mr. Hébert with Mr. Anderson of Illinois.
Mr. Fuqua with Mr. Nelsen.
Mr. Fallon with Mr. Mathias.
Mr. Kastenmeier with Mr. Ayres.
Mr. Kluczynski with Mr. Tupper.
Mr. Taylor with Mr. Berry.
Mr. Sickles with Mr. Lindsay.
Mr. Roncalio with Mr. McEwen.

Mr. Thompson of Texas with Mr. Battin.
Mr. Toll with Mr. Martin of Massachusetts.
Mr. Watts with Mr. Carter.
Mr. Williams with Mr. Walker of Mississippi.
Mr. Rivers of Alaska with Mr. McMillan.
Mr. Scott with Mr. Ryan.
Mr. Bonner with Mr. Holland.
Mr. Carey with Mrs. Green of Oregon.
Mr. Bandstra with Mr. Powell.
Mr. Landrum with Mr. Resnick.

Mr. DICKINSON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PAYMENT OF UNUSED ACCRUED LEAVE TO SURVIVORS OF MEMBERS OF THE ARMED FORCES

Mr. PHILBIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7843) to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7843, with Mr. PEPPER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts [Mr. PHILBIN] will be recognized for 30 minutes, and the gentleman from California [Mr. GUBSER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. PHILBIN].

Mr. PHILBIN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. CRAMER] who wishes to speak out of order.

Mr. CRAMER. Mr. Chairman, this might be entitled the third event in the saga of the Attorney General's secret letter.

As I stated in yesterday's RECORD during the debate on the voting rights bill conference and later in reading a telegram into the RECORD addressed to the Attorney General, Nicholas Katzenbach, that it is my firm belief that a letter addressed to the conference by the Attorney General which influenced the conference's decision at the 11th hour on the question of poll taxes should be made public. I requested the Attorney General, who wrote the letter, to make it public, and gave him a reasonable period of time to do so, of course after first asking that the chairman of the Judiciary Committee himself make it public.

The chairman, in debate, informed me he would not do so, upon my request that he do so, and he suggested that the writer of the letter would have to do so.

No reply to my wire requesting the Attorney General, as the writer of the letter, to do so, has been received.

Certain excerpts from the letter have been leaked to the press, however, from other sources. According to today's Washington Post, after my demand a letter was circulated among the press. The Post article stated, "Later"—meaning, of course, after I demanded that it be made public and the chairman refused to do so—"Later copies of this letter were circulated among newsmen." Apparently, however, certain selected passages were circulated. Under these circumstances, I feel it my obligation to make the letter a matter of record. I place a copy of it in the RECORD and read it at this time.

(The letter referred to is as follows:)

> JULY 29, 1965.
>
> Late last night I discussed with Dr. Martin Luther King the proposed voting rights bill as it now stands in conference, and particularly the new poll tax provision. Dr. King strongly expressed to me his desire that the bill promptly be enacted into law and said that he felt this was an overriding consideration. He expressed his understanding and appreciation of the difficulties in achieving a satisfactory compromise in conference.
>
> With respect to the poll tax provision he expressed his view to me thusly:
>
> "While I would have preferred that the bill eliminate the poll tax at this time—once and for all—it does contain an express declaration by Congress that the poll tax abridges and denies the right to vote. In addition, Congress directs the Attorney General 'to institute forthwith' suits which will eliminate and prevent the use of the poll tax in the four States where it is still employed. I am confident that the poll tax provision of the bill—with vigorous action by the Attorney General—will operate finally to bury this iniquitous device."
>
> Dr. King further assured me that he would make this statement publicly at an appropriate time.
>
> While you are free to show this letter privately to whomsoever you wish I would appreciate it if you did not use it publicly without informing me so that I, in turn, may discuss it with Dr. King.
>
> Sincerely,
>
> ———— ————,
> *Attorney General.*

Mr. CRAMER. The letter carries the initials N. deB. K., meaning Nicholas deB. Katzenbach, and MCM—I assume that is his secretary—dated July 29, 1965, addressed to one of my colleagues whose name I will not indicate unless he wishes to do so. I will state, however, that he was a conferee. This is what the Attorney General's letter said:

> Late last night I discussed with Martin Luther King the proposed voting rights bill as it now stands in conference, and particularly the new poll tax provision. Dr. King strongly expressed to me his desire that the bill promptly be enacted into law and said he felt this was an overriding consideration. He expressed his understanding and appreciation of the difficulties of achieving a satisfactory compromise in conference.
>
> With respect to the poll tax provision he expressed his view to me thusly—

And it is the Attorney General quoting Dr. King—

> "While I would have preferred that the bill eliminate the poll tax at this time—once and for all—it does contain an express declaration by Congress that the poll tax abridges and denies the right to vote. In addition, Congress directs the Attorney General 'to institute forthwith' suits which will eliminate and prevent the use of the poll tax in the four States where it is still employed. I am confident that the poll tax provision of the bill—with vigorous action by the Attorney General will operate finally to bury this iniquitous device."

Quoting Martin Luther King. These are the two interesting paragraphs, quoting the Attorney General in his letter. This letter after having been read in conference unquestionably influenced a number of the conferees in that on Tuesday they took the position they should stand by the House version of the poll tax ban and on Thursday, after this letter was read, having changed that position. Quoting the Attorney General's letter:

> Dr. King further assured me that he would make this statement publicly at an appropriate time.

I call your attention to the fact that the appropriate time has not yet arrived even though we voted on this question yesterday.

Quoting further, and listen to this—this is your Attorney General—listen to what he is saying here:

> While you—

Meaning the recipient of the letter, the Congressman—

> are free to show this letter privately to whomsoever you wish I would appreciate it if you did not use it publicly without informing me so that I, in turn, may discuss it with Dr. King.
>
> Sincerely,
>
> ———— ————,
> *Attorney General.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUBSER. Mr. Chairman, I yield the gentleman from Florida 3 additional minutes.

Mr. CRAMER. I feel it essential to bring this matter to light because I believe the Congress and the people are entitled to know how and by whom the conference was influenced and under what circumstances. A reading of the letter leaves a lot of questions unanswered. I am hereby requesting that they be answered. Here are some questions which were raised in my mind.

First. Was the statement of Dr. King, given on the poll tax ban, solicited? It appears quite obvious it was in that it was presented to the conference at a very strategic time, and the Attorney General states in his own letter he talked to Dr. King "last night," meaning July 28.

Second. What right has the Attorney General, after acquiring such a statement and after it has been read to the conference to request, "I would appreciate it if you did not use it publicly," in that actions of the conferees are a matter of grave national interest and of public concern?

Third. Why did not Dr. King make his statement—giving up on the poll tax ban—public before a vote on the conference report was taken?

Fourth. Why should a conference be influenced by opinions of one individual expressed at a time after both the House and Senate had worked their will? Why would the Attorney General want it kept secret for an indefinite period of time after he discussed the poll tax question with Dr. King, as he says in his letter? Why should the release of the letter be subject to Dr. King's approval?

Fifth. Why should a statement read to the conference quoting a nongovernmental party be required by the Attorney General to be kept secret until the nongovernmental party himself, meaning Dr. King, wishes to make it public?

Sixth. How could the Attorney General in good faith ask that Members of Congress be a party to such secrecy and such a procedure by demanding that such information be kept confidential as expressed in the last paragraph of the letter?

I for one resent very deeply the Attorney General's injection of a third party's views into the conference intentionally, in a supersecret fashion, which unquestionably influenced the conferees, at least in my opinion, on this question.

I do not believe it is the proper function of the Attorney General as a Cabinet officer and one of the highest ranking public officials, to take it upon himself to discuss matters which are in conference with outside individuals in an attempt to influence the conference by quoting that individual in secret. This letter was largely instrumental, in my opinion, in causing the conference on the House side to change its position which on Tuesday was to vote to sustain the House position and on Thursday to reverse it, after the letter had been read.

Certainly the public is entitled to know, as is the Congress, how such a reversal came about, and I, for one, refuse to be muzzled at the direction of the Attorney General on any letter or any other matter that I believe to be properly within the public domain.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding. I want to say that the gentleman is absolutely correct in taking the position he has taken in exposing this unheard of incident. I agree wholeheartedly in having the people of this country see the undue influence that certain people, in this case Martin Luther King, have upon the Congress of the United States. It is time for Americans as a whole to recognize who calls too many shots in this country. This Congress should hang its head in shame for allowing itself to be dominated by such people.

The gentleman has performed a service to Americans everywhere in exposing this letter from the Attorney General of the United States disclosing his conversations, his deal and relationships with Dr. Martin Luther King in this matter. He is to be commended. The Attorney General should hang his head in shame too.

Mr. CRAMER. I thank the gentleman.

Mr. PHILBIN. Mr. Chairman, the bill H.R. 7843 merely authorizes the survivors of a member of the Armed Forces, who dies while on active duty, to be paid for his unused accrued leave.

The need for this legislation arises from a statutory inequity. Under existing statutes, the payment of leave entitlement is authorized to members discharged or retired from the service and also to the surviving heirs when payment to the retiree had not been effected. Current statutes also entitle survivors of civil service employees to payment for accumulated and current accrued leave at time of death.

Employees in industry are generally paid at the normal pay rate for vacations not taken and payment is made for unused leave in case of death or termination of employment.

The Armed Forces is the only group denied payment for unused leave, if death occurs during employment. This bill would correct this inequity and allow the payment to the dependents for the unused accrued leave, up to a maximum of 60 days. The bill would apply to all members of the uniformed services.

The bill is strongly supported by the Department of Defense and the Public Health Service and was unanimously reported from the Armed Services Committee.

Mr. Chairman, I urge favorable consideration of the bill.

Mr. GUBSER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this time only for the purpose of thanking the gentleman from Massachusetts for his fine explanation of this bill and also for his many courtesies.

Mr. Chairman, as a member of the gentleman's subcommittee I have long appreciated his great knowledge of the armed services and his fairness and his friendship. As the author of the pending bill which was reported by the gentleman's subcommittee, I now have a more personalized reason to be grateful for his expertise and the general kindly respect that he extends to both Republicans and Democrats who are members of his subcommittee.

H.R. 7843 is designed to correct a grave inequity in the Armed Services Leave Act as it now governs annual leave credit payment to surviving beneficiaries of deceased servicemen.

The present law provides that personnel of the Armed Forces earn 30 days of leave per year. In the interest of military expediency it is not always possible for a serviceman on active duty to be granted his leave each year, in which case he may accrue a maximum of 60 days' leave to his credit.

Such accrued leave is considered as "earned pay" for which a serviceman receives compensation at the rate of his basic pay if he completes his tour of duty and leaves the service, reenlists, or retires.

Unfortunately, under the existing law the same does not hold true when a serviceman dies on active duty. Instead the Government quietly erases the existing accrued leave from a deceased serviceman's record. His beneficiary, most often a young widow with children, is thus denied the earned pay that she is rightfully entitled to receive. This is grossly unfair.

It is ludicrous that if a man is fortunate enough to survive the hazards of the cold war he can receive the cash payment for the accrued leave he has on the books when he either leaves the service or reenlists. However, if he gives his life in service to his country this same leave credit, which is by law earned pay due him, cannot be paid to his widow and children.

I wish to remind you that other Federal employees receive accrued leave privileges too. Needless to say, there are no statutory limitations preventing their beneficiaries from receiving the monetary value of their accrued leave in the event of their death.

In its recent study of military compensation—October 1964, pages 9–7—the Department of Defense concludes:

> 1. Armed Forces Leave Act: The Armed Forces Leave Act should be amended to authorize lump-sum payment to survivors for accumulated leave of members who die while on active duty.

This serious injustice in the Armed Forces Leave Act must be corrected promptly. It is to that end that I introduced H.R. 7843 on May 4 of this year.

Credit should be extended to Mr. Bob Means, national secretary of the Fleet Reserve Association, and Mr. Bob Nolan, editor of Naval Affairs, official magazine of the Fleet Reserve Association, for bringing the inequity which this bill corrects to my attention. They were most helpful in appearing before the Armed Services Subcommittee to present effective testimony in behalf of my bill. I continue to be impressed with the vigilance which this association and men like Means and Nolan display in looking after the needs of American servicemen.

At this time, when the loss of American lives in Vietnam mounts daily, it seems especially appropriate that the House give its endorsement to H.R. 7843.

Mr. PHILBIN. Mr. Chairman, I am very thankful indeed to the gentleman from California [Mr. GUBSER] for his very generous personal reference. He is one of the outstanding Members of this House and a very useful and effective member of our Committee on Armed Services. I wish to commend and congratulate the gentleman upon this bill. I feel that it has great merit and should be passed.

Mr. Chairman, I have no further requests for time and ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of section 501(a) of title 37, United States Code, is amended to read as follows:

"(1) 'Discharge' means—

"(A) in the case of an enlisted member, separation or release from active duty under honorable conditions or appointment as an officer;

"(B) in the case of an officer, separation or release from active duty under honorable conditions; and

"(C) in the case of either an officer or an enlisted member, death while on active duty unless the decedent was put to death as lawful punishment for a crime or a military offense;".

SEC. 2. Section 501(d) of title 37, United States Code, is amended to read as follows:

"(d) Payments for unused accrued leave under subsection (b) of this section, in the case of a member who dies while on active duty or in the case of a member or former member who dies after retirement or discharge and before he receives that payment, shall be made in accordance with section 2771 of title 10. In the case of a member who dies while on active duty, payment for unused accrued leave under subsection (b) of this section shall, notwithstanding subsection (f) of this section, be based upon the unused accrued leave the member carried forward into the leave year during which he died plus the unused leave that accrued to him during that leave year."

SEC. 3. Section 701(d) of title 10, United States Code, is repealed.

SEC. 4. This Act applies only in the case of members who die on or after the date of enactment.

Mr. PHILBIN (interrupting reading of bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, strike all language on lines 9 through 21 and insert in lieu thereof the following language:

"(d) Payments for unused accrued leave under subsections (b) and (g) of this section, in the case of a member who dies while on active duty or in the case of a member or former member who dies after retirement or discharge and before he receives that payment, shall be made in accordance with section 2771 of title 10. In the case of a member who dies while on active duty, payment for unused accrued leave under subsections (b) and (g) of this section shall be based upon the unused accrued leave the member carried forward into the leave year during which he died plus the unused leave that accrued to him during that leave year. However, the number of days upon which the payment is based may not be more than sixty."

The committee amendment was agreed to.

The CHAIRMAN. If there are no other amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. PEPPER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7843) to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave, pursuant to House Resolution 495 he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON SALINE WATER CONVERSION

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that on tomorrow the gentleman from Colorado [Mr. ASPINALL], chairman of the Committee on Interior and Insular Affairs, will call up the conference report on saline water conversion.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CITATION FOR VALOR AWARD, GORDON HABER

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CLEVENGER. Mr. Speaker, Mr. Gordon Haber, a National Park Service employee from Atlantic Mine, Mich., was recently given a valor award by Secretary of the Interior Stewart L. Udall for saving a fellow employee from accidental electrocution on August 23, 1964. Secretary Udall gave 16 such awards to employees of the Department for courageous action in the face of danger. I am especially proud that Mr. Haber has received one of the citations and I wish to take this opportunity to extend my personal commendation for his feat of bravery.

The text of the citation follows:

CITATION FOR VALOR AWARD, GORDON HABER, FOR COURAGEOUS ACTION INVOLVING A HIGH DEGREE OF PERSONAL RISK IN THE FACE OF DANGER

On August 16, 1964, Gordon Haber, fire control aid, Isle Royale National Park, played a heroic part in saving the life of another Park Service employee from being electrocuted. While he and his supervisor, Washington Harbor District Ranger William Bromberg, were following a powerline, on a return trip from the Windigo radio transmitter house where they had gone to check on transmitter difficulties, District Ranger Bromberg came in contact with a downed portion of the 2,400-volt line hidden by underbrush. He was knocked down in such a manner that he was lying under the powerline, grasping the line with the left hand and his right arm against the line. Mr. Haber approached the victim immediately but before touching him was repulsed by a shock. Mr. Haber then found a dry limb and with considerable effort succeeded in getting the powerline pried loose from the victim's hand and off his arm, pulling him from under the wire. As the victim was in a serious state of traumatic shock, Mr. Haber took the necessary first aid measures and subsequently got him back to the Windigo headquarters area from where the victim was flown to a hospital in Minnesota. For this demonstration of calmness, courage, and good judgment in the face of danger, Mr. Haber is granted the Department of the Interior Valor Award.

STEWART L. UDALL,
Secretary of the Interior.

TRIBUTE TO LAWRENCE F. O'BRIEN

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I take pardonable pride in the very effective work of the Special Assistant to the President of the United States, Mr. Lawrence F. O'Brien, not only in this Congress but in past Congresses. We are lifelong friends and both come from Springfield, Mass.

President Johnson has been magnanimous in his expressions of praise for the work that Larry O'Brien has done to expedite the passage of his legislative program. A longtime friend, associate and confidante of our late beloved President John Fitzgerald Kennedy. Larry O'Brien was hailed by the late President as the best legislative man in the business. The respected Washington newspaper columnist, William S. White, today calls Larry O'Brien "a true professional."

Columnist White is a longtime observer on the Washington scene. He has a special background on Capitol Hill and is thoroughly familiar with legislation and the legislative process. Mr. White in his column printed today in the Washington Post, has high praise for Larry O'Brien's accomplishments and contributions to the New Frontier and Great Society programs that have been enacted by Congress. For a man who constantly works under great pressure, this columnist's tribute reflects great credit on Larry O'Brien and the White House. Larry O'Brien is known to all of us here in Congress as a skilled tactician but a most reasonable and understanding man. He has always been willing to listen to the other man's point of view while carefully explaining the White House point of view to Members. Larry O'Brien always remembers that he is dealing with elected Members of Congress, sent here by the voters, and not appointed government officials. He has always understood the responsibilities that House and Senate members have to the electorate. This is one of the reasons why he has been so successful on Capitol Hill and why he is so genuinely liked and respected.

Mr. Speaker, I ask permission to have William S. White's column entitled "O'Brien's Contribution," printed with my remarks, at this point in the RECORD:

JOHNSON PROGRAM—O'BRIEN'S CONTRIBUTION

(By William S. White)

There are two incredible realities about President Johnson's program in Congress, and it is a close question as to which is the more improbable.

One is the profound and unexampled scope of the legislation that has moved so sedately and surely through the Senate and House. What Congress under Mr. Johnson's spur is doing in all fields of social legislation is in depth and total meaning beyond what any Congress has ever done for any President in any like period—not excluding Franklin D. Roosevelt at the top of his power.

The other unreal reality is that all this is being accomplished with so quiet, so casual, an air of professional competence that the country is hardly aware of the immense alterations being made in the whole fabric of its collective life.

Five enactments of historic significance have already followed one another in orderly and ordained sequence, as steadily and calmly as a trained squad of men filing by in quickstep. Four of these—aid to the Appalachian region, Federal assistance to education in a fundamental way, medicare, and Negro voting rights—had been in one way or another sought for decades—for 2 to 3 decades in some instances, for 10 decades in the case of civil rights.

A fifth, the measure not merely to broaden Government-aided housing but also to provide Government rent subsidies to tenants, is so far-reaching as never before to have been proposed at all.

In any Congress one had known in the past any one of these huge bills would have provoked a struggle to shake the very walls of the Capitol. This time, each one has gone forward in about the atmosphere of strife and drama a postman might stir in making his rounds in the suburbs.

Perhaps history will have to determine the ultimate degree of wisdom or unwisdom in these unprecedented congressional actions. Some onlookers, including this onlooker, will not wait so long. They cannot down grave anxieties as to whether we ought to have gone so far so quickly in some of these many directions. Anyhow, we have gone there.

So, how was it all done? Primarily, of course, it was done by an occupant of the White House whose skill in leading and prodding Congress is matchless in our time. But the White House shelters more than one man; and the No. 2 man in this performance is entitled to a great share of credit or blame.

This No. 2 man is Lawrence O'Brien, the President's principal agent in liaison with Congress, and before that, a member of what the eggheads around President Kennedy were pleased to call, with a certain condescension, "Kennedy's Irish Mafia." O'Brien, who loved Mr. Kennedy quite as well as the next fellow, also loved the causes and the country he was supposed to represent. So those causes and that country—and President Johnson, too—he has served with signal loyalty and high competence. If the record of the first session of the first Johnson Congress is extraordinary—and all can agree on that much, at least—extraordinary has been O'Brien's contribution to it.

No man has so ably embodied the transition from the Kennedy to the Johnson era. And no man has done his full duty with less cocktail circuit posturing and self-promotion. The reason is not dreadfully hard to find. O'Brien is a true professional; he is concerned with results and not with doctrinal hairsplitting and ideological hissing matches.

And so nobody has had to draw him a little map of the trails through that tough terrain where the bureaucratic jungle merges with the legislative jungle up on Capitol Hill.

MILITARY MEN PERFORMING CIVILIAN TYPE WORK IN THE ARMED SERVICES

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HENDERSON. Mr. Speaker, there are today at least 50,000 active-duty military men in our armed services performing civilian-type work who could and should be moved into combat units. These are in addition to those undergoing training or who have been rotated from overseas.

The Subcommittee on Manpower has noted in the past few years an increasing number of combat-trained military men working as carpenters, painters, chauffeurs, typists, stock clerks, statisticians, historians, and so forth. We have also been told by Department of Defense officials that the military men in these support jobs are more expensive than civil service employees. This is due to the heavy turnover and training costs of the military men.

Likewise, in view of the current crisis in Vietnam, with the need there for additional military manpower, the subcommittee members join me in urging that the administration first bolster our combat units by taking the tens of thousands of seasoned, trained, active-duty military men out of civilian-type jobs in preference to untrained military just out of civilian life. This move would not only insure immediately a stronger military posture but would also save the taxpayers millions of dollars.

The Assistant Secretary of Defense for Manpower, Hon. Norman S. Paul, indicated to the subcommittee on July 13, 1965, tentative plans to move military personnel out of civilian jobs. The subcommittee plans to closely watch this important manpower program.

President Johnson this week has requested the Secretary of Defense to review the utilization of active-duty military personnel to insure the maximum number of well-trained men for our combat forces.

Today I sent a letter to Secretary McNamara offering the cooperation of our subcommittee in this program and urging that he move ahead.

I recognize that my friend and colleague, the able chairman of the Armed Services Committee, the gentleman from South Carolina, Hon. MENDEL RIVERS, has final authority in this particular area of military strength; but may I also add that the Subcommittee on Manpower for years has been studying the ratio of civilian employees to military personnel in support work. We have and will continue to work with the Armed Services Committee.

I am today sending a copy of my letter to Chairman RIVERS and also a copy to the chairman of the Senate Armed Services Committee, the Honorable RICHARD RUSSELL.

Mr. Speaker, colleagues, now is a time for both action and cooperation by all.

GIRLS NATION

Mr. GLENN ANDREWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GLENN ANDREWS. Mr. Speaker, Washington today is host to some of the loveliest ladies in the Nation. Two members from most States are here today representing the Girls Nation. This is a project in citizenship sponsored by the American Legion National Auxiliary of which my State, Alabama, happens to have the president, Mrs. Walter Wilde Andrews and the director of the Girls Nation also comes from my State, Miss Dan Waite.

I am indeed glad to have visiting in Washington today also a young woman from my district, Miss Anthony. We are delighted to have them all, and it is with great pride that I welcome them to Washington.

NORTH VIETNAM SHIPPING

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, I am deeply concerned about the volume of free world shipping that continues to supply North Vietnam. On July 22, as the RECORD will show, I called to the attention of my colleagues that during 1964, 401 ships flying flags of the free world nations called at North Vietnam ports and that during the first 6 months of 1965, 74 additional vessels had carried cargoes to supply the enemy. I further pointed out the almost unbelievable fact that 24 of the vessels that had called at North Vietnam during 1964 have sailed into the harbors of this country a total of 75 times since January 1964.

I have just recently learned that in addition to these vessels, that have been trading with North Vietnam and also using our ports, there are two other ships that have called at the ports of both countries this year. Specifically, the *Meiwa Maru*, flying the Japanese flag, arrived in North Vietnam on February 15 and on April 18 was in Tacoma, Wash.; and the *Saronis*, flying the Greek flag, was in North Vietnam on January 25, in Wilmington, N.C., on April 21, and in Baltimore on April 26. I might add that prior to sailing to Vietnam in January, this same ship was in New Orleans on September 25 of last year.

This shipping to the enemy by our so-called friends is something that the American people do not understand. Permitting these ships to use our own ports is something that can never be satisfactorily explained.

Again, I want to point out that these are unclassified figures and that every Member of this House should take the time to inform himself of the true extent of this trade by demanding the classified reports. Some means must be found to stop this traffic that is betraying the American people.

THE "OTEPKA CASE—PART I"

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, I have recently called our colleagues' attention to the piecemeal release of the other body's Subcommittee on Internal Security concerning the "Otepka Case—Part I"; and actually feel that this technique may be profitable, in that it will keep the thorn festering in the side of the State Department, if we will but pay attention. Many others have joined me, including members of the House Committee on Foreign Affairs, for its counterpart in the other body of the Congress. The delay of the Otto Otepka case in the State Department, where it has been oftentimes postponed on the flimsiest of excuses by the Secretary himself; and particularly the appointment to a responsible foreign service post of the discredited William Weiland in the face of this injustice, has brought response from many readers throughout the country. In the meantime the paradoxical situation persists, and freedom weeps.

The second volume of the Senate Internal Security Subcommittee's hearings has now been released, and if one would but call upon the Government Printing Office for "No. 87265: The Case of William Weiland," certainly the sacrosanct officials who hide behind executive privilege would rescind Weiland's order and release him posthaste from the State Department, while restoring Otto Otepka to his deserved and responsible position.

Mr. Speaker, it now evolves that the State Department hearings for Otepka have been delayed an additional 2-months' period—until mid-October 1965. This dashes hopes that high authority, including the President if necessary, would clean up the State Department's security mess. Simultaneously, minimal reading of part 2 of "The Otepka Case—I" shows that security abuses persist in the State Department.

Since when does this Nation punish the truth and exonerate a man who perjures himself under oath, with additional reward of a high and responsible office?

Since when does the Attorney General affirm clearance by a special personnel board in face of additional evidence that a man has testified under oath that in the critical days prior to the Bay of Pigs fiasco, he had seen Castro just once when, in fact, he had seen him six times?

Since when does the Department of Justice refuse to prosecute a man like Weiland who has committed the above, plus refusing to state his alias on a Federal personnel form?

Since when do we engage in politics as usual with a dangerous diplomatic battle going on halfway around the world?

Certainly, Mr. Speaker, no Government employee should ever again be subjected to the harassment and indignities suffered by Otto Otepka—and others—whose only error was belief that national interest and straightforward testimony before a committee of this Congress was worth while, but purging oneself seems to be the custom in the entire daisy chain of State Department officials who ganged up to do the bidding of those in charge to protect less worthy individuals, or even an ideal. It must be the Department of State face-saving technique. Such erroneous actions include, first, unjust demotion; second, threats of assignment, and reassignment; third, unjust removal of official duties, including deprivation of files, secretarial help and office space; fourth, tapping of telephone lines at home and at the State Department; fifth, the secret shadowing of guiltless employees; sixth, induced ostracism by fellow employees ordered not to associate with Otepka; seventh, specific prohibition against communicating with the other body's Internal Security Subcommittee; and, eighth, malicious use of administrative processes in bringing false charges against an employee attempting to carry out his duties, and making these charges public in order to damage the employee's reputation.

If the administrative branch will not act, it is indeed high time that the Congress exercise true surveillance and oversight, not only in this general area, but in this specific instance.

Mr. Speaker, herewith is a letter from Mrs. Myra Finkel, of the greater Washington area, whose phone number and address are within my files, and whose permission I have to use this document which supports my above observations in a very personal way. She is the sister-in-law of a personal friend of mine, a general practitioner in Missouri, who is also a true patriot and concerned about our ship of state. I think the exposé and arguments are revealing, personal and convincing. I commend deep and introspective reflection on these problems to all of our colleagues in the hope that we will act appropriately and exercise prudent judgment on the basis of information now available:

OTTO OTEPKA: THE WAR IN VIETNAM AND YOU

Some people in this country have a fleeting memory of the Otepka case, others have never heard of it, and still others in Government, who are directly involved, wished they'd never heard of it. The August issue of Reader's Digest carried the story "The Ordeal of Otto Otepka." How many Americans realize that the ordeal of Otto Otepka is really the ordeal of the American people? When the State Department bureaucrats persecute a man like Mr. Otepka, to cover up their own inadequacies, this country is faced with disasters like China, Cuba, and now Vietnam.

I first became acquainted with the Otepka case when my Republican precinct chairman called me. She said "Myra, I'm offering my resignation; my husband is in trouble in the State Department, and I don't want to involve the Republican Party in my personal problems." Because of the fine work she had done, Edith Otepka was kept on as precinct chairman. However our local Republican officeholders from the county chairman to our Republican Congressman have done nothing to help the Otepkas. Because of my friendship with Edith my involvement in the case became a personal thing.

In the summer of 1963 Edith and Otto went to St. Louis to enroll their daughter in Washington University. The State Department brought out charges shortly after they returned. I remember wondering if I should call Mrs. Otepka to see if there was anything I could do to help them. I called their neighbor, to see if they had returned home. Marcia said "Yes, they were home and everything looked normal over there." I then called Edith, on the pretext of seeing if she had contacted my brother-in-law in St. Louis. She hadn't had time to reach Barney, but thanked me for calling and offering my help.

When I asked what the case involved, Edith replied, write the U.S. Government Printing Office and request No. 87265—"The Case of William Weiland." This is how without even meeting Otto, I came to read over a thousand pages of Senate Internal Subcommittee hearings. Maybe it was just a trick of fate that I am an avid reader and also wondered what really happened in Cuba. Or maybe, as Edith feels, because of her deep religious convictions, it was the will of God. After reading the hearings, I came to have the same high regard for Otto that I had for Edith. To this day, I consider them two of the finest people I have ever known. Anyone who reads these hearings or the new hearings on "The Otepka Case," will see clearly that Otto is a dedicated American, whose only crime was telling the truth to a Senate committee. What made this such a crime was the fact that his superiors evaded answering some questions and told downright lies in reply to other questions.

Almost 2 years have passed since the State Department brought their charges against Otto Otepka. He has been reported fired, pending his appeal. In real language this means, he goes to work every day, but is only given routine clerical work to do. Meanwhile the Nation feels the loss of a man J. Edgar Hoover once called one of the finest and most knowledgeable security officers in the history of the State Department. Only a man who knows he is right could have stood the harassment meted out by the "Foggy Bottom" bureaucrats. Harassment including bugging his phone, changing locks on his safe in front of his former staff, and transferring or punishing those who would dare to testify in his behalf.

Meanwhile back at the house, there have been men watching the family with binoculars from a car parked across the street. Violins and strange noise played through their phone. Even I got calls with one no one there when I picked up the receiver. My "Mr. Nobody," as Edith and I came to call him, started ringing me up after I wrote a letter in Otto's behalf to the Washington Star, in November 1963 (see enclosure). After I wrote this letter, Edith and Otto came to my home to thank me, this was the first time I met Otto Otepka face to face. He didn't impress me as a mutilator of documents, a conspirator, or a man who would exhibit conduct unbefitting a State Department official. I felt my opinion of the hearings and Otto was justified. Here was a man who clearly had the best interest of our country at heart.

Convinced that this was a true cause, I began discussing the case with my family and friends. Few were sympathetic or understood the facts in the Otepka case. It is up to the U.S. Congress to ratify a declaration of war, yet the State Department is trying to stop its officials from testifying honestly before this same Congress. They persecute Otto for telling the truth and for trying to defend himself and protect and promote William Wieland and John Reilly, who gave evasive and false testimony. People told me I would get in trouble defending a "rightwinger," like Otepka, or "I was saying this because I was a Republican," or even "I was saying that because Edith was a personal friend of mine." The pro-Rusk, pro-State Department press had done a great job. No one realized the case affected the security of the whole country.

Now our young men are being called to fight in Vietnam, and it touches all of us. And now the State Department has cleared William Wieland and sent him to a sensitive post as Consul General to Canberra, Australia. Soon we'll be getting reports about Mao Tse-tung, the Chinese Robin Hood, and the savior of Vietnam. Don't be surprised if the postmark on the reports are Canberra, Australia. Winston Churchill once stated, "Peace will not be preserved by pious sentiments expressed in terms of platitudes, or by official grimaces and diplomatic correctitude."

The boys who give their lives in Vietnam, or died in Korea cannot picket the State Department. What a pity. Because of the middle-aged "weeds" at Foggy Bottom, President Johnson is now sending "the flower of American youth," to fight and perhaps die in Vietnam. Let us, the American public, demand that the mess in the State Department be cleaned up, and that they get rid of security risks instead of firing loyal security officers.

[From the Washington Star]

OTEPKA CASE

The showdown which is shaping up between the State Department and the Senate Judiciary Committee, or rather its Subcommittee on Internal Security, is both necessary and desirable. For the issues are of highest importance.

What is involved here is a seeming collision between the undoubted right of the State Department to maintain proper security procedures within the Department and the equally undeniable right of the Senate (and the public) to know whether sloppy State Department procedures have been endangering national security.

The Department has preferred charges which could lead to the dismissal of Otto F. Otepka, chief of State's security evaluations division. These charges were developed after such spy-thriller techniques as searching Mr. Otepka's "burn basket," reading the imprint on his carbon paper, deciphering used typewriter ribbons, patching together torn up notes, etc. Furthermore, a Department official has issued an order forbidding employees to appear before the Senate subcommittee without obtaining advance clearance from State. It is also specified in the order that "this includes contact or interviews with any members of the staff of the subcommittee." This covers a lot of territory.

Naturally, the Senators, or at least those immediately involved, are up in arms. And they should be. For the order to the employees and the action against Mr. Otepka could serve to clamp down the lid on information from the State Department to which the Senate, if not the public, should have access. If this is what is being done, every possible pressure should be brought to bear to stop it.

We find it hard to believe, however, that Secretary Rusk would condone any such activity. It runs counter to his nature, and he is too sensible. Nevertheless, it is good that the Senate has called upon him to testify and that he has agreed to do so. The issue comes down to a question of just what Mr. Otepka was doing. The typewriter ribbons, the used carbon paper, and the rest should tell the story.

[From the Washington Star, Oct. 15, 1963]

THE OTEPKA CASE

Your editorial on "The Otepka Case" leads me to believe that you, like most of the uninformed American public, just don't have all the facts. Please don't think I am saying this to criticize your very fine newspaper; my criticism is with the present White House policy of withholding news, slanting news, and, in general, trying to control what used to be the free press.

Has anyone really reported what happened at the time of the Castro takeover in Cuba or why the Bay of Pigs invasion was such a dismal failure or where the American forces were while the Communists built the Berlin Wall? Or doesn't the American public have a need to know?

Fortunately, in "The Otepka Case" there is a U.S. Government Printing Office report on the subcommittee hearing. It is titled, "Committee Print, State Department Security, Case of William Wieland, New Passport Regulations, the Office of Security, No. 87265, 87th Congress." Having read this report, I would advise you to get a copy if they are still available. Then perhaps you will see that the issue is not just what Mr. Otepka was doing, but what a fine job he and others like him have been doing for many years and what the State Department is now trying to do to him, the U.S. Senate, and the American public.

MYRA FINKEL.

PROPOSED PURCHASE OF NAVAL VESSELS ABROAD

Mr. DOWNING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DOWNING. Mr. Speaker, a few weeks ago, I was shocked to learn that the Defense Department was considering the purchase of some $50 million worth of Navy vessels from Great Britain.

Our House Armed Services Committee is now holding hearings on a number of bills proposed to prohibit Navy vessel purchases in Great Britain.

During one of these hearings, Mr. Speaker, I learned that the Interior Department is now considering the purchase of two stern-ramp fishing trawlers from Communist Poland.

I am unable to understand proposals of this kind, Mr. Speaker. The shipbuilding industry in the United States is a depressed industry. I understand that 18 private yards have closed down during the past 10 years. We also are scheduled to close two Government yards in Brooklyn and New Hampshire.

We in the Government should be considering proposals to protect and promote our domestic shipbuilding industry—not proposals that will further depress it. But what is the situation today?

First, the DOD is talking about building navy vessels in Great Britain.

Second, the Maritime Administration is talking about building subsidized lines in foreign yards, and now, third, we learn of a proposal to build fishing vessels in Poland.

We are conducting hearings on No. 1; No. 2 is prohibited by the Merchant Marine Act of 1936, but, Mr. Speaker, to my knowledge, the third item can be accomplished now without further consideration by the Congress. Therefore, I would like to suggest that the appropriate committees of the Congress schedule hearings on the acquisition of fishing trawlers from Communist Poland by the Interior Department as soon as practicable. I believe the Members of this body would want to know more about the proposal. We should know more about it, Mr. Speaker, in view of the economic situation within our domestic ship construction industry, so I am deeply hopeful hearings can soon be scheduled. To this end, I am now considering the preparation of legislation to prohibit the construction of fishing trawlers in Poland by the Interior Department.

Of course, Mr. Speaker, I know that there is always something meritorious about every proposal, and I know the Interior Department would not make a suggestion without justification. I have worked closely with the Department on many occasions; I know the Bureau of Commercial Fisheries is dedicated to our domestic fisheries. But, Mr. Speaker, I believe we should be given a full opportunity to know all the facts on any proposal that may be harmful to one of our industries while it helps an industry in a Communist nation.

ABOLITION OF THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. RESNICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RESNICK. Mr. Speaker, some months ago I, with 28 of my colleagues, voted against appropriations for the House Un-American Activities Committee. I voted the way I did with the conviction I was speaking for many, many Americans.

I am very pleased, therefore, to read the following resolution passed at the New York annual conference of the Methodist Church, as follows:

> The New York annual conference of the Methodist Church, meeting in its 166th session at the University of Bridgeport, Conn., June 16–20, 1965, expresses its belief that we must maintain our civil liberties in order to work for civil rights and for peace. We, therefore, call for (a) the abolition of the House Un-American Activities Committee; (b) the repeal of the McCarran Act.

A FEDERALLY SPONSORED RESEARCH STUDY FOR THE DEVELOPMENT OF MASS TRANSIT

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STALBAUM. Mr. Speaker, I am today introducing a bill which is identical to H.R. 9200, introduced June 17 by my good friend and colleague, the gentleman from Milwaukee, Wis., Congressman Henry Reuss, establishing a 2-year $20 million federally sponsored research study for the development of mass transit.

I do this because I strongly endorse these efforts for a study of the problems of solving intraurban ground transportation, within city areas, such as the Milwaukee urban complex. Such a study must not be confined to arbitrary city boundaries, but to be effective must include all nearby communities which are interlocking in activity, interests and culture. The cities of Kenosha and Racine which are within the First District I represent meet these criteria in conjunction with the Greater Metropolitan Milwaukee area.

It is accurately acknowledged that private industry cannot shoulder the burdensome task of seeking solution to developing new modes of urban transport.

To date, moneys for intracity travel research have been insignificant in comparison to funds allocated for research involving space, land and water transportation.

The Federal Government should, in my estimation, sponsor a study program to develop a new and faster type of transit within city areas. Such a project, carried out, would lessen the stranglehold of traffic on urban areas and curb the deadly overcrowding of our roads and highways.

THE POVERTY PROGRAM

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, according to the Washington Daily News, the Office of Economic Opportunity, the operator of the so-called poverty program, has made a grant of $86,541 to the Association, whatever it is called, of Mayors of the United States.

It seems that the mayors of the United States in June of this year charged the OEO poverty officials with fostering class struggle and creating tensions among the urban poor.

What in the world is the OEO doing dishing out $86,541 for a conference of the mayors of the United States? Are the cities of the United States so bankrupt they cannot finance a conference to discuss the subject of poverty? What is this—an attempt on the part of the OEO to use poverty funds to buy off the criticism of the mayors of the United States?

THE SALE OF THREE TRANSMITTERS TO INDONESIA

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

BRITISH-AMERICAN COOPERATION IN INDONESIA, VIETNAM

Mr. ROGERS of Florida. Mr. Speaker, United Kingdom Foreign Secretary Michael Stewart is quoted as saying the British Government would deplore the pending sale of radio transmitters to Indonesia by the American firm of Philco, which applied for export approval.

In view of Sukarno's comments telling the United States its economic aid was not welcomed, and the recent anti-American demonstrations telling the U.S. Ambassador to go home upon his arrival in Indonesia, this proposed sale should be reviewed. The British have a good point, and I agree with them that the sale should not go through.

However, it should be pointed out that another reason for the stoppage of this sale lies in Britain's difficulties protecting Malaysia from Sukarno's army. The United States should do everything to cooperate with the British problems concerning Malaysia.

And the British should cooperate with the problems this Nation is facing in Vietnam, where over half of the free world ships calling in Vietcong ports fly the British flag. British flag-ships which hauled goods for Hanoi from January through June of this year numbered 44 voyages in support of the Vietcong. Some of these calls were made in direct trade routes between Cuba and North Vietnam. British shipping into Cuba has been persistent since Castro came to power, and has contributed immeasurably to the well-being of communism on that island.

The American people are getting sick and tired of British trade with the Reds. Closer cooperation is needed, not reprisals.

VOTING RIGHTS BILL

Mr. CEDERBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, I read with interest a headline in the Washington Post of this morning which said, "The Voting Rights Bill Was Passed After GOP Attack." Well, it seems to me the correct situation should have been, "Voting Rights Bill Passed After Democratic Retreat." It was quite interesting to see the strange coalition that took place yesterday when we passed this watered down version of the voting rights bill. I would hope the Washington Post would correct their headline and make it more accurate.

DEDICATION OF THE HIKER MONUMENT: SPANISH-AMERICAN WAR VETERANS

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The **SPEAKER.** Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, it was my great pleasure and honor to be present and participate in the dedication ceremonies of the Hiker monument, commemorating the service of Spanish-American War veterans, on Saturday, July 24.

The monument is located on the south side of Memorial Drive, leading into Arlington Cemetery. Although the weather was uncomfortable, with high humidity and intense heat, a remarkably large crowd of Spanish-American War veterans, their relatives, and friends gathered at the spot for the ceremonies.

The ceremony was preceded by a concert by the U.S. Navy Band and presentation of the colors by a military joint color guard. The invocation and benediction were by Lt. Col. James A. Commett, U.S. Army Chaplain.

Administrator of Veterans' Affairs William J. Driver read a message from President Johnson, and there were introductions of guests by James H. McElroy, adjutant general of the United Spanish War Veterans, and Sam Black, commander in chief of that organization.

The major addresses of the day were delivered by three of our distinguished colleagues. In the order in which they spoke, they were Senator Ralph W. Yarborough, the Honorable W. J. Bryan Dorn, and the Honorable Barratt O'Hara.

At this time I am pleased to commend to the attention of my colleagues the text of the President's message of greeting, and the remarks of Senator Yarborough and Representatives Dorn and O'Hara of Illinois.

The President's Hiker Monument Dedication Message of Greeting

I am most pleased to have these words become part of your dedication today of the Hiker statue on Memorial Avenue. I know that this is a proud moment because the legendary hiker of the Spanish-American War will always exemplify the indomitable spirit and the great deeds of men, who 67 years ago demonstrated to the world that we had the power and determination to protect our interests and to advance the cause of freedom.

Your fellow-Americans never will forget you, everyone of you a volunteer.

These nearly seven decades of the 20th century have proved that the war victories of the young volunteers of 1898 were only a beginning to tremendous peacetime achievements that have helped to advance our Nation to the forefront of the entire free world. It would be impossible to point to any segment of our expanding national economy that has not been enriched by the peacetime contributions of Spanish-American War veterans—business, industry, Government, education, religion, national and community affairs—all have felt your contributions as you have grown toward the wisdom and the maturity of senior citizenship.

Thus, on this day of dedication, it is heartwarming to note that yours has been a specially forged strength of steady responsibility to America's greatness, and the support of freedom in this divided world. We need your continuing faith in the ideals of America.

REMARKS BY SENATOR RALPH YARBOROUGH AT THE DEDICATION CEREMONIES OF THE HIKER MONUMENT, JULY 24, 1965

The Spanish-American War was our first completely overseas war. Unlike all our former wars, no part of it was fought on U.S. soil or the soil of any adjoining nation. All men and supplies had to be transported overseas by water, for combat on foreign soil.

It was the last man and mule-power war. There were no trucks, tanks, automobiles, or airplanes. There were no infantry transport vehicles on land whatsoever, only ambulances for the wounded.

Men still walked to war as they did in the time of the Pharoahs, Alexander the Great, Julius Caesar, and Napoleon. Not even the cavalry could maneuver in the Cuban and Philippine terrain.

There were no walkie-talkies. Man fought on his own. There were no sulfa drugs or pencillin; no immunization against typhoid and yellow fever. Men fought on foot, and died from infection and disease.

The war brought recognition that America was both a world power and a naval power. It brought us Guam and Puerto Rico, and resulted in the annexation of the 50th State, Hawaii. It gave us a special status in the Philippines, it carried the flag from the shores of North America to the beaches of Asia, where it still remains.

The Spanish-American War was our notice to the world that no hostile non-American foreign power would be able to find lodgment in the Caribbean. We reemployed that position in the Cuban missile crisis of 1962, and restated it in 1965.

The Spanish-American War changed American horizons from America to the wide world. You few thousands did that alone in the jungle, in heat, in sickness, in hardships. You did it by your stout hearts and brave souls and we honor you for it still. You living survivors are here today to see the great influence on history of the deeds you wrought. The State of Hawaii and the Commonwealth of Puerto Rico are greater than any monuments of marble. Not even the gold-covered ivory statue of the Pallas Athene in the Parthenon of ancient Athens can equal your glory. Your deeds cause Old Glory to wave over more than half the globe.

The Pacific command in Hawaii has under its jurisdiction alone 82 million square miles of land and water, over 42 percent of the earth's surface.

You few thousand hikers carried the flag so far that it has taken the entire Nation and over 194 million people to hold it there today. It has been carried no farther.

REMARKS BY REPRESENTATIVE WILLIAM JENNINGS BRYAN DORN, AT THE DEDICATION CEREMONIES OF THE HIKER MONUMENT, JULY 24, 1965

National Commander Black, Congressman O'HARA, Senator YARBOROUGH, Congressman ZABLOCKI, past national commanders, distinguished guests, ladies and gentlemen, it is a great honor to participate in the dedication of this monument to the Spanish-American War veterans. It is fitting and proper that your monument stand on Memorial Avenue between the Nation's Capital and its honored dead in Arlington National Cemetery.

I commend you for gathering here in the Nation's Capital to pay homage to your deceased comrades and honor our gallant countrymen who wrote another chapter in American history—a great chapter in the fiery crucible of combat.

I bring you greetings from my fellow members on the Veterans Affairs Committee of the House of Representatives and especially a warm, personal greeting from Chairman OLIN TEAGUE. Congressman TEAGUE is one of the truly great Congressmen of all time, dedicated to the welfare of this Nation and devoted to all the veterans of the United States.

I commend and thank Colonel Leonard and the ladies of the auxiliary for arranging this splendid program and for your participation in making it a memorable success.

The Spanish-American War, as Senator YARBOROUGH has so ably and eloquently portrayed, was the launching of this Nation as a great world power. Prior to the Spanish-American War, the United States exerted little influence in Europe and virtually none in the affairs of the Pacific. With victory over Spain and the liberation of the Philippines, Cuba, Hawaii and Puerto Rico, the United States emerged as a power to be reckoned with in Europe, in the Pacific, and throughout the world.

Our Navy ranked fifth or sixth in the world when war was declared with Spain. A few short years later, our Navy was second in the world. Today the United States is the unchallenged master of the seven seas of the world. We are patrolling those seas for peace, for security, for commerce, and for travel. You launched the United States on that course and today we are the hope of freedom; we are the arsenal of Democracy and the heart and core of the free world. You created the dawn of a new era and had it not been for that beginning you launched, I shudder to think of where freedom and individual liberty would be in the world today.

Our country is, without question, the hope of those who believe in liberty and justice, throughout the entire world. The United States is the umbrella of the free world.

I cannot think of the Spanish-American War without thinking of Teddy Roosevelt, Leonard Wood, the MacArthurs, William Jennings Bryan, and other great national leaders who captivated the imagination of the American people. Teddy Roosevelt and his Rough Riders became a byword. Roosevelt, later as President of the United States, was recognized as the President of a new dynamic Nation—powerful and influential in the affairs of the world. And among these great leaders who served in the Spanish-American War is our own distinguished dean, in years, of the U.S. House of Representatives, BARRATT O'HARA, of the great State of Illinois, a man whom we revere, love, and honor. I am so glad that Congressman O'HARA could be here today as the only Spanish-American War veteran presently serving in the Congress of the United States.

Governor O'HARA, I am pleased to sit with you and with your comrades of former years and your colleagues from Congress today.

The Spanish-American War has been referred to as a war of mud, jungles, and disease. It was, comparatively speaking, a little war, but an important war and one which had far-reaching consequences. We are in a nasty little war in southeast Asia today. They have quagmires and mud, jungles and disease in South Vietnam; but it is a war to prevent a big war. It is a war against colonialism and Chinese-Russian colonialist aggression. We are in southeast Asia to prevent a big war. We are fighting for peace; we are fighting to prevent world war III.

The Spanish-American War and you men who fought in it projected America for the first time into the Pacific. The average American, up until the Spanish-American War, knew very little about the Pacific. The Pacific was as far away to the average American of that day as the Moon or Mars in this age of astronautics. Prior to that time the eyes of America were glued upon that peninsula on the great Afro-Eurasian land mass—Europe. We thought in terms of Western Europe. Our culture was largely European. The Spanish-American War taught this Nation the importance of the vast lands of the Pacific and the sinister, latent power of Asia, the land of Genghis Khan and the Mongol dynasties.

Yes, we are fighting in southeast Asia today against aggression and oppression the same as you veterans of the Spanish-American War fought against injustice and colonialism in 1898. It is interesting to note that the isolationists of the Spanish-American War period were the so-called conservatives of that day and time, while those who were motivated by a strong desire to liberate Cuba and the Philippines were the moralists, idealists and the great liberals of that day. Who are the isolationists of today? Who are those who would withdraw from southeast Asia? Who would abandon our commitments? Who would abandon justice, decency, and honor and fall back to the shores of the United States, leaving the Philippines and possibly Hawaii open to attack and conquest at the hands of a ruthless, sinister aggressor? We are fighting a war of liberation today. We are in South Vietnam because an aggression has been committed. We are fighting to liberate South Vietnam from the aggressor; from terrorism, from subjugation and exploitation by the Communist colonialist aggressor. We need to be united behind our Commander in Chief as never before—liberals, moderates and conservatives, north, south, east and west.

Ladies and gentlemen, southeast Asia is important to the survival of freedom. Its vast resources and manpower are necessary for the survival of freedom. We must prevent this key area of the world from being exploited by the Communist colonialists and used for further conquest and further aggression.

Commodore Perry, in speaking before the National Geographic Society in New York in 1856 predicted that some day the forces of freedom—the forces of the West—would meet head on in southeast Asia that totalitarian aggressor seeking to enslave the entire world. Perry warned civilization at that time against the day when all of Eurasia might become united under a totalitarian form of government, pledged to conquer, terrorize and subjugate the entire world. I believe that battle is taking place in southeast Asia today.

My distinguished and able colleague, the Honorable CLEMENT ZABLOCKI, who is with us here today, is serving the cause of freedom on the Foreign Affairs Committee of the House and is familiar with the sinister designs of the aggressor in southeast Asia. The Nation can be proud that men of the devotion and dedication of my colleague, Mr. ZABLOCKI, are aware of these Communist designs and are supporting the President of the United States, our Commander in Chief, in his determination to halt the aggressor in southeast Asia.

Congressman O'HARA is a member of that great committee, and I am proud to be associated with my colleagues here in supporting President Johnson in his determination not to withdraw and not to abandon the forces of freedom in that key, vital area of the world. We will stop aggression—aggression by infiltration, subversion, terrorism and termite tactics. We are not going to withdraw until the invader returns to his own land. We are just as determined today as you men and women of the Spanish-American War. We will persevere until victory.

We need today the same patriotism, unity and determination that motivated you men and women two generations ago. When the Spanish-American War broke out, 10 times more men volunteered than the camps, training areas, and forts of this Nation could accommodate. We did not go into that war just to defend the United States. We went into that war to liberate Cuba and to liberate the Philippines. America was stirred up about evil, exploitation and dictatorship.

Who are the colonialists of today? Our men in South Vietnam are fighting Russian and Chinese Communist colonialist aggression. These evil forces who are seeking to eliminate from the world the last sparks of freedom, independence, justice and decency among nations.

Mr. Commander, I cannot let this occasion pass without expressing the hope that some day Cuba will be liberated from the Communist aggressor. Cuba, the Formosa of the Atlantic—this strategic island that stands between North America and South America. This island which guards the windward passages and the approaches to the Panama Canal. I do hope that this island you men so gallantly liberated in 1898 will again become free and independent.

President Johnson moved our troops into Santo Domingo because we cannot tolerate another Communist Cuba. We cannot afford in the Western World another nation under the domination of the imperialist Red Chinese-Russian Communist aggressors. We must face aggression wherever it rears its ugly head. In southeast Asia, on the road to Berlin, in Santo Domingo and all over the world. We must stand firm for freedom and against colonialist aggression now. Tomorrow would be too late.

Should we stand firm and defeat the Communist aggressor, future generations will stand up and pay tribute to our patriotism and devotion to freedom. We must succeed in our determination that liberty shall not be extinguished from this earth.

Yes, I am honored and pleased to be with you today to help you dedicate this monument to gallantry, to sacrifice, to freedom, to the liberation of a great people from the shackles and bonds of colonialism. This monument is dedicated to you and to your comrades who have passed on. It is dedicated to those 5,000 who sleep over here in Arlington. In their memory let us remain strong in mind and body to defend and preserve and perpetuate those principles and ideals for which they fought.

This monument will forever remind the future citizens of our Nation that the Spanish-American War was the beginning of our two-ocean navy, the Panama Canal, and a United States of America as a world power.

May we continue as a Nation rich in character, high in ideals, dedicated and devoted to justice, brotherhood, and freedom throughout the world. The American people and their representatives on Capitol Hill have not forgotten, nor will they ever forget your contribution to this great Nation. May our country forever be the home of the free and the land of the brave.

REMARKS BY REPRESENTATIVE BARRATT O'HARA AT THE DEDICATION CEREMONIES OF THE HIKER MONUMENT, JULY 24, 1965

We have waited long for this day.

Ten thousand seven hundred thirty-nine of our comrades, the casualties of the campaigns of the Spanish-American War period, now may sleep in peace. No longer are they forgotten in the capital city of their country.

At long, long last there has been erected here a monument in their memory, a monument commemorating the service of American soldiers and sailors, all volunteers, who started the United States of America on the road to world power and changed the course of history.

Today we are gathered here to dedicate that monument. The monument has been paid for by the United Spanish War Veterans and the ground on which it rests has been provided by the Government of the United States according to an act of Congress.

Gathered here on this day in history are the commander in chief, the adjutant general, and 5 of the 11 surviving past commanders in chief of the United Spanish War Veterans, with the president general of the auxiliary, and none is young in years. The period of the hostilities in which we faced and conquered the enemy was from April 21, 1898 to July 4, 1902. You could scarcely expect much youth except in spirit among veterans whose war ended 63 years ago this month.

The Spanish-American War covers a period of approximately 46 months, from late April 1898 to July 1902. It includes, first the period of the fighting with Spain by sea and by land, in the Atlantic and the Pacific, second, the period of Aguinaldo's insurrection in the Philippines and the engagement of our forces in its suppression, and, third, the period of the Boxer trouble in China and the march to the relief of the imprisoned and imperiled legations at Peiping by 2,000 American soldiers as part of an international army.

All told, the loss of American lives was 10,637, of which 6,472 came during the hostilities with Spain, 4,165 during the hostilities with Aguinaldo and 102 in the fighting in China and in and around Peiping.

Gettysburg and the Wilderness were two of the bloodiest battles of the Civil War. The Union loss in deaths at Gettysburg was 3,155, at the battle of the Wilderness, 2,246, a total of 6,401 in these two battles in the War of the States in which some 200,000 Union forces were engaged. The battle casualties in the war with Spain were larger in the number of persons killed in comparison with the number of troops engaged.

Because of unsanitary conditions of camps in this country and the conditions of fighting in the tropics with scant medical supplies and attention, over 5,000 deaths in the hostilities with Spain came from disease. Nevertheless, there were 498 who were killed in action, and 202 others who died from battle wounds, a total of 700.

In the Philippines, 2,572 died from disease and 1,004 were killed in battle or later died from battle wounds.

Considering the number of troops engaged this is a much higher battle death rate than at either Gettysburg or the Wilderness.

Here are the figures as furnished me by the history section at the Pentagon:

During the period of hostilities in Spain

Killed in action	498
Died of battle wounds	202
Total battle casualties	700
Died of disease	5,423
Miscellaneous causes	349
Total deaths	6,472
Wounds not mortal	2,974

Period of Philippine Insurrection

Killed in action	777
Died of battle wounds	227
Total battle deaths	1,004
Died of disease	2,572
Miscellaneous causes	589
Total deaths	4,165
Wounds not mortal	2,911

China Relief Expedition

Killed in action	33
Died of wounds	18
Died of disease	47
Other causes	4
Total deaths	102

It is my hope and prayer that the children of future generations, as they come to Washington and view the monument that today we dedicate, will have a better understanding of the importance to our country and the world of the war with Spain than the understanding of the present generation.

Unfortunately, with this generation the war with Spain if not exactly the forgotten war is the war passed over and belittled. This is ironical since it was the forces generated by the war with Spain that gave such a thrust to our economy and elevation of our power that in the dynamic events of the dawning 20th century the war that was the genesis of it all was forgotten.

When war with Spain was declared in the spring of 1898, the United States was a stranger to the Pacific except as our trading ships carried on a limited commerce. On July 7, 1898, Hawaii was made a territory of the United States and this came about because its strategic importance as a naval base was emphasized by the Spanish-American War. Whether in time events would have operated to bring Hawaii into the union is not improbable, nor is it certain such would have come to pass.

So in all fairness the great and proud State of Hawaii must be credited to the war with Spain, as also certainly the unincorporated territory of Guam, our most farflung part of America, nestled deep in the Pacific, the Stars and Stripes waving over its terrain.

The story of the Philippines and the warm friendship of the two nations in war and in peace is a classic in reciprocal international relationships that are enduring because the ties that bind are the fabric of the hearts as well as of the minds of the peoples of the two nations.

Forever is it to our credit that we kept our word with the Philippines. There was no violation of our oath. When they had been made ready the United States gave to the people of the Philippines that to which by our standards of morality they were entitled—full independence, complete sovereignty.

But for the war with Spain, it is most unlikely that the Philippines ever would have come within our zone of interest and concern. Without the war with Spain our national horizons still would have been confined to the land in our United States from Canada to Mexico, from the coast of the Atlantic to the coast of the Pacific.

What we are today, our position of leadership in the world of freedom, our fearsome responsibility for the welfare and the peace of all mankind, can be traced in its beginnings to the war with Spain. It is right that upon this we should contemplate today as we dedicate this, the first monument to the Spanish-American War to be erected in the Capital of our country.

How the war with Spain completely changed the American vision and I would say the American mission was dramatically touched upon by President William McKinley in his address at Buffalo on September 5, 1901. Whether he spoke with the prophecy of one about to pass from our sight I cannot say. But it is worthy of note that in the last public utterance of President William McKinley just 1 day before his assassination he, who in earlier days had been the champion of protection over free trade, proclaimed that in the changed world that had come reciprocal treaties were in order.

"We must not repose in fancied security," he said, "that we can forever sell everything and buy little or nothing. Isolation is no longer possible or desirable. God and man have linked the nations together. The period of exclusiveness is past."

I pause here to voice what is in the hearts of all veterans of the Spanish-American war—a deep and genuine affection for the memory of the President to whose call for volunteers we responded. Never has our country been blessed with a President of deeper religious faith or with one who in his personal relationships more fully followed the precepts of his Master as he understood them.

He had been shot at Buffalo. Two bullets had penetrated to vital spots. The President had been mortally wounded and he was in pain. His assassin had been knocked down and someone had struck him in the face.

"Don't let them hurt him," the President said.

When they were about to operate and just before the administration of the ether his lips moved as he formed the words of the Lord's Prayer.

As the end neared he came out of a stupor. "It is useless, gentlemen," he said to the physicians, "I think we ought to have prayer."

So passed away the President to whose call for volunteers 67 years ago we who are here today at the dedication of this monument responded.

William McKinley and William Jennings Bryan, rival nominees for the Presidency, bitter opponents in many issues, were united on the merit and the morality of the war with Spain. Bryan, outstanding pacifist whose lecture on the "Prince of Peace" was to move great multitudes of people, enlisted as a private, later was appointed colonel of the 3rd Nebraska volunteers.

"This is a moment," he said, "when all men of good will must stand ready to spill their blood if need be."

The American people entered the war with Spain as a crusade to bring the blessings of freedom to the people of Cuba.

"The time has come when we must give more than vocal support to our enslaved brethren on that unhappy island," a pacifist minister preached to his congregation. The parishiners poured out of church singing "Hail Columbia," "When the Roll is Called up Yonder," and "Onward Christian Soldiers." A number of them marched in a body to the nearest recruiting office and enlisted.

This was the spirit of 1898. It was the spirit of idealism that marked our country's march to meet its destiny. All this and more is the expression of this monument that today we dedicate.

THE LATE HONORABLE FRITZ LANHAM

The **SPEAKER** pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Texas [Mr. WRIGHT] is recognized for 60 minutes.

Mr. **WRIGHT**. Mr. Speaker, it is my sincere sadness to a great sense of personal loss, that I report to the House the death of the honorable Fritz Garland Lanham, who served with great distinction in this Chamber for 28 years.

Fritz Lanham was a gentle knight. He was eloquent in word and deed and in the very art of living. His bearing, his demeanor, his instinctive mode of thought bespoke the courtly gentility of an age when politics was statesmanship and mental giants walked upon the land.

Fritz Lanham is to me the embodiment of that much overly used phrase, "a gentleman and a scholar." In solemn truth, he was both. The gentle manner and the never failing kindly good humor with which he always greeted the world and his fellow man were matched by the scholarship of a lifelong student.

The son of Sam W. T. Lanham, who was to serve in the Congress and as Governor of Texas, Fritz was born in Weatherford on January 3, 1880. His family came to Washington in 1883 where his father served for the succeeding 10 years in Congress. Fritz attended the public schools in Washington and was graduated in 1897 from Weatherford College, an institution which still has his bachelor's degree framed in the president's office. Later he attended Vanderbilt University and the University of Texas, taking a law degree from that institution.

Educated in the classic sense, Fritz was a Greek scholar. During one semester, he taught the courses in Greek at Weatherford College. While a student at the University of Texas, his scholarship and popularity led his fellow students to name him editor of the Daily Texan. It was during that time that he undertook in a whimsical mood to translate the story of the Trojan Wars into modern and humorous English verse. This popular compendium was published by the Ex-Students Association in 1927 in book form.

While his father was serving in the Congress, Fritz served for a time as his father's assistant. Things were greatly different then. I have talked with Fritz about the pace of events in those early times and have been amazed by the differences which existed. People did not write so many letters, and there was time for a Congressman to devote his energies and efforts to real scholarship. Although the elder Lanham served a congressional district which then comprised almost half the entire State of Texas, Fritz relates that there would be maybe five or six letters daily to be answered.

He was in every sense a gentleman and a scholar. Schooled in the classic tradition, he taught Greek and translated it into the idiom of modern poetry.

In his youth, he felt the magnetic attractions of two conflicting careers—the pulpit and the legitimate stage. His abundant talents would have enriched either medium. Finally choosing statecraft, he enriched the Nation. The Public Buildings Act, the flood control program, the housing and patent laws, all bear the hallmark of his careful craftsmanship.

Fritz came to Congress in April of 1919 and served here until January 19, 1947. After 28 years in this House, a period which spanned two world wars, Fritz voluntarily retired, not seeking reelection.

While in Congress, he served with distinction as chairman of the old Committee on Public Buildings and Grounds, and as ranking member of the Committee on Patents prior to the Reorganization Act.

Always devoted to his native State and its traditions, Fritz frequently would rise on March 2 or April 21 to hold the House spellbound by his accounts of the signing of the Texas Declaration of Independence from Mexico and the Battle of San Jacinto.

Fritz Lanham was a man always grounded in the noble traditions of the past but in tune with the times, and he was among the first to look ahead for solutions to problems as they revealed themselves in our economic and social structure.

His compassion was revealed in his sponsorship of bills to bring about emergency relief for the unfortunates who suffered through our great depression of the early 1930's, and in providing Federal assistance to the blind. The Lanham Act speeded up the construction of hospitals under the WPA program, and provided jobs for destitute men.

He saw the storm clouds gathering in the late 1930's and warned his colleagues of the madness of Hitler. He made speeches from the floor of this House in 1940 and 1941 calling attention to the Nazi Bund meetings being held around the country, and expressed his concern over this fanatical movement. He voted for the Draft Extension Act just a few months before Pearl Harbor, on a day when this body passed by but a single vote the legislation that provided the beginnings of the defense machine that led us to victory in World War II.

At the outset of the war, Fritz Lanham was among the first to push for a greater naval shipbuilding program and more appropriations for defense. He was a prime leader in the move to provide housing for defense purposes, at sites where armies trained and defense plants turned out the tools of war. In 1943, with victory still 2 years away, Fritz Lanham looked ahead to sponsor bills providing maternity care for wives of servicemen and to establish a Veterans' Rehabilitation Act. He wanted the Government to permit a grateful Nation to assist returning veterans with their educational, employment, and housing problems. History records that he was successful.

It could well be said that Fritz Lanham helped to change the physical landscape of our Capital City, his own native Texas and many other States.

Serving as a member of the Public Buildings Commission from 1924 he was instrumental in the construction of such public buildings as the Pan American Union Building, the Supreme Court, a House Office Building for the Congress and the George Washington Memorial Parkway and Mount Vernon Memorial Highway.

The public buildings, in the form of veterans' hospitals, post offices, and Federal buildings which were constructed as a result of legislation sponsored by Congressman Lanham, are numerous. Throughout the country the people continue to use buildings that will long stand as silent memorials to the care and attention Fritz Lanham gave the needs of Texas.

He was beloved by all who knew the warmth of his friendship, and we found our own lives nicer by his example.

As a fitting tribute to his memory, I have today introduced a bill to name the new Fort Worth Federal Center in his honor.

This personal feeling for those troubled years stayed with Fritz Lanham the man, and he authored bills to permit the donation of cannons used in the War Between the States to many cities in Texas. Those cannons, with the familiar stack of polished cannonballs near at hand, still look out from the courthouse lawns and city hall squares of more than a dozen Texas cities.

In 1943, during World War II, one Member of Congress attacked then President Roosevelt with the claim that his sons were being given assignments remote from combat zones. Elliott Roosevelt, at the time a lieutenant colonel in command of an air reconnaissance group in North Africa sent a letter to Fritz, who represented the district in which Elliott then resided. Fritz rose in the House and read the letter, and when he had finished, Republicans and Democrats alike rose to applaud. This is typical of the spirit of fairplay which came to be the Lanham hallmark in Congress.

Always close to his heart has been the Methodist Church, and on 25 separate occasions while he served in the Congress, Fritz was called upon at the congressional adjournment to preach in the First Methodist Church of Fort Worth. It came to be a tradition. Well do I remember one such occasion in 1945 at the end of the war. Fritz Lanham spoke for about 30 minutes, and I did not realize the hush which had fallen over the great sanctuary with its huge crowd until he had finished. Then the mere moving about of the parishioners was like a deafening noise as compared with the stillness which had pervaded the sanctuary while Fritz was speaking.

After leaving Congress, he continued for 16 years to give his time and effort and talents to the promotion of water resources development, particularly in the watershed of the Trinity River of Texas. In that capacity, he appeared numerous times before congressional committees.

Our heartfelt condolences go out to his lovely wife, Hazel, who surely knows the comfort of his life well lived and the consolation of his sure and certain faith.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to my distinguished friend from Texas [Mr. Poage].

Mr. POAGE. I would be presumptuous indeed were I to feel that I or any other of our colleagues could add anything to the magnificent tribute the gentleman from Fort Worth has paid to our friend and his predecessor, but I would feel that I was negligent in one of the duties of love were I to fail to take this opportunity to express publicly the great admiration that I as one of his colleagues held for Fritz Lanham.

It is probably an attribute of old age. I suppose that most of us feel that there was a great group of Congressmen here when we came to the House. I think that every one of us can prove that. Certainly I have always felt that there was a magnificent group of men representing the State of Texas when I was privileged to join that delegation in 1937. Of that group certainly there was no more kindly nor cultured nor honorable gentleman than Fritz Lanham, who then represented a rather extensive district in north Texas. Fritz Lanham not only represented that district in an official capacity as their Congressman, but he represented that district by deed and action. He was truly the outstanding representative of a great people. He reflected credit on the people he represented by his life and by his association with his colleagues. No man served in this House who was more ready to respond to the serious needs of the people not only of that Texas district which he represented but all of this Nation than Fritz Lanham. No man served in this House who held a greater position of, shall I say, leadership in the sense that all of us looked to him for direction in the proper way of representing our people than Fritz Lanham. He served his people well. He served his Nation well. He served his friends and his associates. All of us who remember him—and that certainly includes the great majority of the present Members of this House, for he only returned to make his residence in Texas some 2 or 3 years ago—most of the Members of this House have personally known Fritz Lanham and have been the better for knowing him. Those who have known him recognize that we have all suffered and the Nation has suffered a loss, since he will no longer be with us.

Along with the present Representative from the Fort Worth district, the former citizen of Weatherford, Mr. Wright's hometown and Mr. Lanham's hometown, I want to join in extending our heartfelt wishes to Hazel, Mrs. Lanham, and to all of the family. The Lanham family is a great family in Texas, with their roots and traditions running back a full 100 years, and with public service in many branches of the family. Congressman Lanham's father was Governor of Texas. Congressman Lanham served as secretary to his father in the Governor's office in Austin for 10 years. Other members of the family were great physicians. There were great leaders throughout our State and they have rendered a great service. Fritz has rendered a great service. His family may well be proud of him. We are proud of him.

Mr. WRIGHT. I thank the gentleman.

Mr. YOUNG. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to my colleague from Texas [Mr. Young].

Mr. YOUNG. Mr. Speaker, it was not my privilege to know former Congressman Lanham for the length of time that so many of his colleagues in the Congress knew him, but I want to associate myself with the things that have been said by those Members who knew him best and knew him longest. During the time that I knew him, which was the period when our residence in Washington overlapped, I found him to be not only the capable and energetic individual who has been described here, but, in addition to that, Mr. Speaker, I found him to be most thoughtful, kind and considerate.

He was a type that is far too rare, one whose absence will be felt for an interminable length of time by those who were privileged to know him.

Mr. Speaker, I extend my condolences to his lovely wife.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Mr. Speaker, I yield to my distinguished friend from Texas [Mr. Burleson].

Mr. BURLESON. Mr. Speaker, I appreciate very much the remarks of my colleagues who have preceded me and the fine things they have said about our departed colleague, Fritz Lanham. I knew Fritz Lanham before and after I came to the Congress, and lived neighbors to him here in Washington for 17 years. The Lanhams, Fritz and Hazel, and my wife and I had a close personal association during this time.

I think, Mr. Speaker, that the angels must smile on all of us who had the real privilege of knowing Fritz Lanham. Those who have known him for a period of time know that he was always willing to counsel the younger men, but he did so only at their request. And when he counseled one, it was something of an experience, something of value and not to be forgotten. It was meaningful, helpful, and inspiring, as was his life itself.

I have never known a man who I thought belonged more to the "old school" because of his graciousness, his lovable personality, his sincerity and devotion to public duty and to his friends. I never knew a man who possessed these qualities more clearly and more adequately than did Fritz Lanham. We lose a friend but a man whose influence will live on and on.

I fully hope that those of us who are still on the scene may emulate those characteristics of his which did make him a great man, so that we, too, may somehow in a limited sort of way leave our own footprints upon the sands of time, on which his are so clearly outlined at this time. He filled well and completely the title of a gentleman and a statesman.

Mr. Speaker, I, too, join in offering condolences and asking God's blessings upon Hazel, Fritz's widow, who is, in her own right, a lovable person, and one who contributed much to the Washington scene over the many years.

Mr. de la GARZA. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to my colleague from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Speaker, as one of the new members of the delegation from Texas in this Congress I should like to associate myself with the remarks of my colleagues who preceded me. Mr. Speaker, I did not have the privilege personally of meeting Congressman Lanham during his lifetime. But I know that the greatest tribute anyone can receive is that he be remembered by those who come after him. From the knowledge that I have of Congressman Lanham, from the people who served with him, from his colleagues, and from what has been said here today I feel that I, perhaps, will be a better Member for his having served here and having left such a legacy to those who did not have the privilege of meeting him.

In thanking those who have brought forth those features of him that have been recalled today, my words go to his family also thanking them that I as a member of the Texas delegation shall be perhaps a better Member because he served here and he left such a path for us to follow.

Mr. WRIGHT. I thank the gentleman.

Mr. GATHINGS. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I certainly am glad to yield to my friend, the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Speaker, it is a distinct pleasure for me to join with the members of the Texas delegation and other Members of the House to pay tribute to a great American, a wonderful Representative who served his Nation and his district with great distinction, the Honorable Fritz Lanham. I was so glad of the opportunity to know him and to work with him over many years.

Mr. Speaker, I recall that he was a ranking member of the Committee on Patents and that he was chairman of the Committee on the Expenditures in the Executive Departments. Fritz Lanham handled all of the legislation for the building of defense housing that was so badly needed during the war years. Everyone of those bills cleared his committee and was presented to the House of Representatives by him. He was a dedicated and devoted public servant.

Mr. Speaker, I have lost a real friend in the passing of Fritz Lanham.

I recall that after he left the House and retired I asked him for a picture. A hobby of mine has been the collection of autographed pictures for many years. I was so proud to have that picture which was such a splendid likeness of Fritz Lanham hanging on my wall for such a long time. May God be eternally with him.

Mr. Speaker, I join with all Members in expressing condolences to his loved ones.

Mr. McCORMACK. Mr. Speaker, Members of the House of Representatives who knew and admired former Representative Fritz Lanham, of Texas, have been deeply saddened by his passing. When he announced his decision not to stand for reelection to the 80th Congress, Representative Roger C. Slaughter, of Missouri, spoke words of praise and esteem for his colleague in this Chamber on March 11, 1946, which expressed vividly and accurately the opinion in which Fritz Lanham was held by all who served with him here.

Mr. Slaughter said, with emotion in his voice:

> Mr. Speaker, as a Member of the House of Representatives, I know of no news dispatch that has concerned me like the one I read yesterday. I refer to the anouncement that the gentleman from Texas is about to retire from this body. I hope that this announcement is premature, and that the gentleman will stop and reconsider. He enjoys the respect of all. While we can understand his desire to throw off his burdens, we hope that he will postpone his retirement in order that the House and the country may have the benefit of his experience in the difficult days ahead.

Fritz Lanham served the Congress and the country in days that were difficult, indeed, for he was a Member of the House of Representatives from the 12th Congressional District of Texas from April 19, 1919, until January 3, 1947. He continued the practice of law here in the Nation's Capital until 1961 when he returned to his beloved Texas.

He followed in his father's footsteps in achieving his own eminent record of public service. His father, Samuel Lanham, served both as a Governor of Texas and as a Member of the U.S. House of Representatives. Fritz Lanham was his father's administrative assistant during Samuel Lanham's last congressional term before becoming Governor of Texas.

Fritz Lanham studied at Vanderbilt University and the University of Texas, where he edited the school paper while obtaining his law degree. He was admitted to the Texas bar in 1909, and was a highly regarded member of his profession throughout his long life.

There were many milestones in his legislative career. He was the sponsor of a $300 million authorization and appropriation for the construction of defense housing for industrial workers in the Nation's manufacturing centers during the early years of World War II. He was the distinguished chairman of the House Public Buildings and Grounds Committee. He was the father of the Lanham Act, our major trademark law.

The Lanham Act achieved important and fundamental objectives. It afforded businessmen greater trademark protection, and it permitted an owner of several trademarks to sell one or more of them without being required to divest himself of his entire business as had formerly been the case. It has been said that the Lanham Act brought order out of what had been chaos in trademark law and regulation.

It is customary to say a word about a man's interests that lay outside of his professional career. Fritz Lanham was a remarkably skillful and passionately dedicated amateur magician. He served as president of the Washington Society of Magicians. His great abilities in this area brought him admission to the councils of the International Brotherhood of Magicians.

Those who saw him perform at gatherings held by the late Speaker Rayburn, or at Stage Door Canteen entertainments for our servicemen during the war, will never forget the experience. He once said in an interview that he had been inspired as a boy to study magic, and that, "As in anything else, the time to learn is when you are young, for it is then you acquire the needed dexterity. After all, it's not the trick, but the way it is performed."

It is appropriate to note that his hobby was a means by which he attempted to ease the strain of the congressional burdens of those depression and war days. An interviewer of 1942 stated:

> Although he has been practicing away at magical deception for many years, the Congressman says he has been working harder at it for the past 3 than for a long time, his reason being that, since Congress has been in session for 3 years without a letup, a hobby is needed for mental relief.

He served long and well in this House, but not even his hobby could relieve the strain which he felt as the war came to a close. Yet in his years as a former Member he was ever willing and able to be of assistance and counsel to the Members of the House of Representatives, the institution which he loved so well.

As Speaker of the House and as a personal friend of Fritz Lanham, I extend my own and this Chamber's sympathies to his widow and sons. He was a man whose friendship I am proud to have had.

Mr. PICKLE. Mr. Speaker, any student of Texas history holds in highest regard the name of former Congressman Fritz Lanham and his father, who was Governor of the State of Texas. For nearly a hundred years, the Lanham name has been associated with honors of recognition, progress, and achievement.

Here in Washington, Fritz Lanham was a well-known and well-loved figure. During the World War II days, he made many significant contributions to national legislation. Though I was not privileged to serve with him in this body, every Texas Congressman who has ever been associated with him speaks in kind and most respectful tones about his service as a legislator and statesman.

I am privileged to represent Austin, Tex., in the Congress now, and Austin was one of Mr. Lanham's second homes. As a student in the University of Texas years ago, he was so well known and loved by his fellow students that he was elected editor of the Daily Texan, an institution which then, as now, is a most progressive and challenging expression for college students. Graduating from the University of Texas Law School, Fritz Lanham added to his many acquaintances and achievements. If there is such a thing as a list of the University of Texas most distinguished graduates, Fritz Lanham's name is at the top, for we all loved him. In Austin, his friends and relations have been privileged to visit with him in recent years and to share the warmth and friendly philosophy of this great statesman.

It is with a sad heart that we all realize that Mr. Fritz is gone, but the Lanham name will be forever remembered in Texas history.

Mr. PATMAN. Mr. Speaker, one of our legislative brothers who had a remarkable career of usefulness and success from 1919 to 1947 in this House and whom I shall always remember as one of those able legislators who contributed so much to the continuance of the democratic processes upon which our Government is built was Fritz G. Lanham.

And as one who comes from that State himself and is immensely proud and zealous of its reputation and the reputation of its representatives in the Congress I am truly proud to be able to testify on this sad day that Fritz Garland Lanham was among our noblest and our most respected legislators.

It is interesting to reflect in noting his passing that he served in this Congress during the most trying days of modern American history. The reconstruction of our social order under the Federal system in its New Deal beginnings, laying the foundation for what has transpired since, came within the legislative career of Fritz Garland Lanham and had the advantage of his judgment and his foresight and eventually his decision. Of course I speak with special authority in these reflections upon the life and the work of a good man who gave his full potential to the service of his country because I knew him so well and because we worked together for what we believed was the public interest.

In this connection I must make the point that Fritz Garland Lanham was a legislator born to his time with a talent for understanding the needs of his period and a unique capacity for understanding as well the needs of the future. Thus, although he was born in 1880, in Weatherford, Tex., his legislative point of view encompassed many generations ahead. And he proved himself and his integrity in this Chamber and to the people whom he represented because he return to duty here again and again through 12 or 13 elections. What Congressman Lanham understood was the basic principle that no Representative can have the interests of his country wholeheartedly at heart who does not first feel the needs and the wants of the people who elected him. And sometimes this interest for the home folks must, in certain situations, enjoy a very special priority.

It is because of all these reasons that I hold it was a good day for Texas and the United States when he was elected to the Congress as a Democrat to fill the vacancy created by the resignation of his predecessor. That was the 69th Congress, the Congress that began in 1919, his constituents sending him back to this Chamber for every Congress from the 69th to the succeeding 12 Congresses. This as we all know is a tribute of understanding and appreciation for a legislator who does his job to the satisfaction of his district, his State, and his country.

It may be said in passing that Fritz Garland Lanham had sound and solid family and educational preparation for the career he followed in politics. He was the son of Samuel Willis Tucker Lanham and he attended the schools of Washington, D.C., and later graduated from Weatherford College, Weatherford, Tex. This was in 1897—some 68 years ago. He studied at Vanderbilt University for 2 years and was graduated from the University of Texas at Austin in 1900. It was at this institution that he won his law degree and was admitted to the bar in 1909, practicing in Weatherford.

It is impossible to sum up the life of a man of the stature of Fritz Garland Lanham in a few words and a handful of paragraphs. And yet for the record, because of my knowledge of his work and the friendship we have always had for each other, I hesitate to leave it to history to report the quality of his contribution, without adding for the benefit of the historians my modicum of testimony. For Fritz Garland Lanham, as I knew him, was a man of probity and good will, a man of distinctive abilities who gave his best efforts to the service of his country and to the American people through some of the most trying and crises years of this Nation's life.

Mr. THOMPSON of Texas. Mr. Speaker, those of us who served with Fritz Lanham recall some of his outstanding work in the field of legislation. Many measures still bear his name, and in the years to come students of U.S. legislative history will have occasion to note his handiwork.

As I recall Fritz—he and I were unusually warm friends—my most vivid recollections are of his kindly acts in behalf of people who had personal problems. Fritz was one who loved his fellowman and whose greatest pleasure was in doing things for people who might otherwise not have been able to get them done. Although he was a man of great force, I cannot imagine him ever saying an unkind word to anyone, regardless of provocation.

In this business of politics I have often observed that if our colleagues wish to help us we will be successful. This was proved in the case of Fritz Lanham. He had done many things for many people in the Congress. Consequently, when he had a project of special interest to him, there were innumerable Members who were anxious to help.

The high regard in which he was held lasted after he retired and was still active in Washington. When he finally elected to return to his beloved Texas we missed having him around, and we shall miss him even more now that he has gone on to his ultimate award.

Our sympathy goes to Mrs. Lanham and the surviving members of his family.

Mr. MAHON. Mr. Speaker, I had hoped to be present in the House yesterday upon the occasion when the gentleman from Texas [Mr. PATMAN], dean of the delegation from Texas, the Speaker and others paid tribute to the memory of the late Fritz Lanham. It was impossible for me to be present on account of action being taken at the time by the Senate and House conferees on the Independent Offices appropriation bill.

I have read with great interest the tributes which were paid to the memory of the late Fritz Lanham. I shall not undertake to add at length to what has already been said, but I cannot refrain from an expression of esteem and respect for Mr. Lanham.

When I came to Washington in December of 1934, preparatory to taking my seat as a Member of the 74th Congress, Mr. Lanham was the first Member of Congress to come to my office for a visit. I shall never forget his wise counsel and advice upon that as well as other occasions. No Member of Congress in my time has commanded greater respect in the House of Representatives than Fritz Lanham. He was a man of great culture and talent. He was a lovable man. He was a wizard with words. I would rate him as among the most polished speakers I have ever heard in my life. His speeches were outstanding.

His traditional speech, each year in the House, on the independence of Texas was inspiring. Fritz Lanham wrote a record in Congress of which our State can always be proud. We can take pride in his accomplishments as we mourn his passing. His lovely wife, Hazel, will be remembered here by scores of friends and we want her and the family to know of our sympathy and sorrow at this sad time.

Mr. BECKWORTH. Mr. Speaker, I desire to join my colleagues in expressing my sincere sorrow in the passing of the late Congressman, Hon. Fritz Lanham. Fritz was able and outstanding. There never was a more successful Member of Congress than Fritz. He was a perfect gentleman, an eloquent orator and a true Christian. The people of Texas and the Nation have suffered a great loss and we all shall miss him. To his wife, Hazel, and all his folks I express my sincere sympathy.

Mr. FISHER. Mr. Speaker, I do not believe I have ever served with a more honorable Member of this body than the late Fritz Lanham. He was the perfect gentleman, cultured, eloquent, considerate, and always fair and accommodating in all his dealings.

Mr. Lanham was an authority on Texas history. His father, Samuel Willis Tucker Lanham, served five terms in this body, and then was Governor of Texas. Both of these distinguished Texans not only lived in history—they helped make it. Fritz was a dedicated and resourceful advocate, devoted to the State he loved and the Nation he served.

In Congress Fritz Lanham left his mark. He was author of many important legislative acts. He was independent in his thinking, and always put the welfare of the country ahead of petty party considerations. Men of this type are becoming few in number, but they live in history and they live in the hearts of their countrymen.

It is indeed an honor to me to join with others in paying tribute to the memory of this great man. He was my personal friend. He went out of his way to favor me on more than on occasion. But his greatness is not confined to his capacity to make friends, but rather because of his contribution to the history of the times during his long career of public service. We who survive would do well to emulate his example and adopt more of his sensible, conservative philosophy.

To Mrs. Lanham and the family I extend my deepest sympathy in their bereavement.

GENERAL LEAVE TO EXTEND

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the passing of former Representative Lanham and that all Members who have spoken may revise and extend their remarks.

The **SPEAKER** pro tempore (Mr. Matsunaga). Is there objection to the request of the gentleman from Texas?

There was no objection.

BILL ROGERS AND THE ALLIANCE FOR PROGRESS

The **SPEAKER** pro tempore (Mr. Matsunaga). Under previous order of the House the gentleman from Minnesota [Mr. Fraser] is recognized for 10 minutes.

Mr. **FRASER**. Mr. Speaker, I ask unanimous consent that all Members be permitted to insert their remarks in the Record on this subject following my remarks today.

Mr. Speaker, I have asked for this time today because I want to pay tribute to Bill Rogers, until recently Deputy U.S. Coordinator for the Alliance for Progress. His dedication, perseverance and imaginative drive in shaping and developing the operative arms of the Alliance for Progress have been an important contribution to the progress of this effort.

Confronted by the great tasks of getting one of the most ambitious programs ever attempted underway, Bill had the detachment, foresight, and patience to see and tackle the problems in true perspective.

Bill Rogers, who served for 3 years as the right arm of three distinguished coordinators of the Alliance—Ted Moscoso, Tom Mann, and Jack Vaughn—is returning to private law practice, assured that the Alliance has surmounted the most difficult growing pains of its formative years and that President Kennedy's dream of a far better world for the growing millions of Latin Americans is approaching reality. It is fitting to recognize now his important contributions in the difficult formative years of the Alliance, which, after barely 4 years, boasts a rate of progress many considered beyond achievement even a year ago.

As a top flight planner, negotiator, and administrator, Bill has engineered, negotiated and brought to fruition bilateral and regional agreements based on the toughest yet fairest demands for reform, self-help and cooperative effort. His participation at international conferences on Alliance matters and at the annual take-stock review meetings of Alliance members as head of the U.S. delegation at the expert level, and as Vice President of the U.S. delegation at the ministerial level, provided the keen insight and brilliant continuity of service needed to make these progressively more productive.

Bill was one of the key figures in the inter-American negotiations resulting in the establishment of the Inter-American Committee for the Alliance for Progress, one of the most important products of the Alliance effort.

Another important innovation in multicountry cooperation in which he had a leading role was the bringing to realization the proposal made by President Kennedy during his visit to Costa Rica, on the creation of a Central American Integration Fund to support the highly successful Central American common market.

Bill Rogers leaves the Alliance started on its way, with a job well done.

Mr. **WRIGHT**. Mr. Speaker, when the news of Bill Rogers' departure from the Agency for International Development to return to private law practice was announced, a deep and sincere loss was felt by all. While Bill is respected and admired here in the United States as one of the leading and most knowledgeable proponents and defenders of the Alliance for Progress, his reputation is not limited to this Agency or even this country. All over Latin America can be found friends and admirers of Bill who feel the same loss as we do here.

Bill Rogers, a Deputy U.S. Coordinator for the Alliance for Progress, gained this hemispheric admiration not by reputation or hearsay, but rather through his dealings with Alliance leaders in Washington and at conferences and meetings throughout the hemisphere. At Mexico City, at São Paulo, and at Lima, Bill demonstrated to all of Latin America that he was completely dedicated to the principles of the Alliance as well as possessing expertise needed to get the job done.

Bill has been one of the key elements in the strides made by the Alliance. Under his sensitive and brilliant leadership, the Alliance machinery has operated smoothly both here in Washington and in our Alliance partners to the South. We all thank Bill Rogers for the opportunity of having worked with him the past few years. We hope that he will someday again return to contribute his talents to Government service.

Mr. **MORSE**. Mr. Speaker, I am proud to join with my colleagues here today in praising the outstanding job done by William D. Rogers in his post of Deputy U.S. Coordinator of the Alliance for Progress.

Bill is an old and valued friend and I know something of his dedication to the principles of the Alliance and his determination to bring all of the nations of the Western Hemisphere into a true partnership of mutual understanding and mutual assistance.

It was my privilege to serve as congressional adviser to the U.S. delegation at the meetings of the Inter-American Economic and Social Council in São Paulo in 1963. At these meetings, Mr. Rogers ably led the negotiations that led to the formation of CIAP, the Alliance committee charged with responsibility for the review of country by country plans each year. The merit of the committee has been demonstrated repeatedly in its 2-year existence.

Mr. Rogers served with distinction and he has left an imprint on United States-Latin American relations that will contribute mightily to the future success of the Alliance.

Recently the Latin American Times, in an editorial, praised Mr. Rogers for his tremendous achievements. I include the editorial of July 6 in the Congressional Record following my remarks:

A Good Job for AID

> William D. Rogers has resigned from the post in which he has directed the U.S. Agency for International Development's Latin American activities for the past 2 years. Before that he was for a year and a half counsel to Teodoro Moscoso, the first AID Coordinator for Latin America.
>
> Mr. Rogers' departure is a loss to the administration, to U.S. Government service and to Latin America.
>
> His gigantic and often thankless task was implementing U.S. participation in the Alliance for Progress. He directed the allotment of $1.5 billion to be spent on thousands of projects throughout Latin America.
>
> The hemisphere has pinned its hope—too much so perhaps—on these projects. What U.S. economic assistance can do on its own within our sister republics has been touted far beyond its potential. Economic aid alone can never be the panacea for Latin America's deep-seated ills.
>
> Yet under Mr. Rogers' guiding hand, U.S. economic assistance has shown respectable and honorable achievements in those areas where economic aid can be effective. If the AID program has not fulfilled the first promises held out for it, it is because the promises themselves were illusory.
>
> On the policymaking level, Mr. Rogers has made many lasting contributions. For one thing, he has insisted that AID should help on down-to-earth projects attuned to political realities, instead of building monuments.
>
> And from the very beginning, he recognized that Latin America's economic development needs the participation of both United States and Latin American private enterprise. Without alienating the camp that leans heavily on government-to-government policy, he has maneuvered successfully for this principle. The AID progam today shows a much improved balance because of it.
>
> As usual, speculation has arisen about his reasons for leaving. One rumor says he disagreed with Under Secretary of State for Economics Thomas C. Mann. Yet last year when Mr. Mann himself reportedly wanted to leave Government and Bill Rogers' friends volunteered to boom him as Mann's successor, Mr. Rogers insisted: "Keep the team."
>
> Mr. Rogers tells friends he wants to return to his private law practice "to keep my amateur standing." He is fine material for a future Secretary of Commerce or other high post and doubtless will be be back in Government again.

Mr. **IRWIN**. Mr. Speaker, I was sorry indeed to learn that Bill Rogers is returning to private life after his outstanding work as Deputy U.S. Coordinator of the Alliance for Progress.

Bill has made a mark on this program and on the people who have known and worked with him. Dave Bell well described the feeling that many share when he said in announcing his departure:

> Bill Rogers' public service with the Agency spans the formative years of the Alliance. He has made a significant contribution. His talent for leadership, his understanding of the processes of development in Latin America and his devoted efforts to translate the high ideals of the Alliance into productive, effective partnership have earned him the respect and affection of all who worked with him. Our programs today under the Alliance are in high gear largely because of the efforts of people like Bill Rogers.

The Alliance started with severe problems indeed. How could a continent mobilize itself to an unparalleled effort to span centuries in years? How could the U.S. Government formulate and implement a program which would effectively assist this effort? Today these problems are on their way to solution. More and more the Alliance is becoming an example of accomplishment. Today the Alliance is no longer merely an aspiration, but a program, a program in which many men and many lands are participating.

Bill Rogers, who joined the Alliance in February 1962, has been in on the ground floor of this undertaking. First as Special Counsel and then as Deputy U.S. Coordinator, he has been involved in every major effort that the U.S. Government has made to help make the Alliance succeed. Bill has played a major role in conferences, in negotiations, in new initiatives, and in the day-to-day leadership required to make plans into realities.

We owe a lot to Bill Rogers and the job he has done.

OUR UNREALISTIC FOREIGN POLICY ON INDONESIA

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Broomfield] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, this morning's issue of the Washington Post contains two articles on the same subject which I call to the attention of my colleagues.

The first is an article out of London by Karl E. Meyer in which the British Foreign Secretary "deplores" the proposed sale to Indonesia of three radio transmitters by Philco.

The Foreign Secretary points out, quite properly I believe, that the sale of these transmitters for military purposes would strengthen Indonesia at a time when British troops are defending Malaysia against Indonesian attacks.

The article points out that while we have criticized the British in the past for selling buses to Cuba, these buses had no military use and that American soldiers were not being fired upon by the Cubans. The British are being fired upon and this tropospheric scatter communications system is for Indonesian military use only.

The other Washington Post article is an editorial suggesting that the United States has turned the other cheek long enough in Indonesia, and that the best course of action we could take is to recall our U.S. Ambassador, Marshall Green, in view of Sukarno's latest outbursts and deliberate stirring up of anti-American demonstrations.

Both these articles outline a totally unrealistic foreign policy position by our Federal Government in its relations with southeast Asian nations, one which all of us hope will be corrected before it is too late.

The articles follow:

[From the Washington (D.C.) Post, Aug. 4, 1965]

Transmitter Deal Annoys the British

(By Karl E. Meyer)

London, August 3.—The pending sale of three American-made radio transmitters for use by the Indonesian army is causing serious static in Anglo-American relations, it was learned today.

British Foreign Secretary Michael Stewart said his Government would "deplore" the sale to Indonesia of the three transmitters manufactured by Philco and costing in all about $3 million.

The British contend that the use of the transmitters for internal military communications would strengthen Indonesia at a time when British forces are defending Malaysia against a shooting attack.

Stewart's views have attracted little notice because his words appeared in a written answer to a question posed on Monday in the House of Commons about the sale.

American sources contended that Indonesia could buy the same equipment in six other countries and that the transmitters have been fixed so that they cannot be beamed in the direction of Malaysia.

Indonesia had received American aid in building 12 transmission stations for military use. Cement had been poured and roads built when aid to Indonesia was suspended.

The Indonesians then sought to buy the transmitters on a purely commercial basis. Export licenses must be granted for sales involving strategic instruments.

In the past, Americans have criticized the British for selling buses to Cuba. The British assert that these buses had no military use and that American soldiers were not being fired upon by Cubans.

[From the Washington (D.C.) Post, Aug. 4, 1965]

Unwelcome Envoy

When the President nominated Marshall Green to be U.S. Ambassador to Indonesia a few months back this paper questioned whether this was the best use of such an outstanding Foreign Service officer, and because of Indonesia's increasing hostility to the United States, we thought it might be better to leave the Embassy under a chargé d'affaires.

The temptation is to say we told you so. Last week, when Ambassador Green presented his credentials, President Sukarno promptly harangued him for representing a country whose policies in Vietnam and Malaysia had brought United States-Indonesian relations to an all-time low. When Ambassador Green returned to his residence he was promptly greeted by a threatening mob waving placards telling him to go home.

Later in the week, "Green go home" placards again were brought out in northern Sumatra as the U.S. Consulate there was stoned and its windows broken.

Sukarno now is openly envying Cambodia's Prince Sihanouk for his action, earlier this year, in first permitting the U.S. Embassy in Phnom Penh to be stoned and then breaking off diplomatic relations. And both Sukarno and some of Indonesia's leaders are boasting that they are about to come out with their own A-bomb, and urging other newly developed nations to do the same as the proper defense against such "imperialists" as the United States.

In view of all this, the only dignified action for the United States to take is to recall Ambassador Green and let Sukarno know that when he matures enough to conduct diplomatic relations the United States will send back a full-fledged ambassador.

For quite a few years now, the United States has been turning the other cheek toward President Sukarno and this country has simply run out of cheeks to turn.

THE YEAR OF THE BIBLE

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Frelinghuysen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, the American Bible Society has urged the Congress to designate 1966 as "The Year of the Bible." As vice presidents of this organization Senator Pell and I are cosponsoring today such a resolution.

The American Bible Society avows one simple purpose; as stated in its 147-year-old constitution its "sole object" is to "encourage a wider circulation of the Holy Scriptures without note or comment." This task, though simply stated, is an enormous one in the modern world. The Bible was originally written in three languages and through the efforts of scholars over the centuries has been translated into 1,202 languages. This accomplishment is certainly impressive, but the fact remains that the Bible is now available in less than half the known languages of the world. To many millions of people, the language of the Bible is still unavailable, and the work of the American Bible Society is to fill this need by translating, publishing, and distributing Bibles. In doing this, the American Bible Society performs a function that can be accomplished in no other way. It is economically impossible for private industry to make the Bible available at prices that all those who wish to buy it can afford.

The work of the American Bible Society is, therefore, indispensable in the task of increasing world knowledge of the Holy Scriptures.

The resolution which I am introducing today would authorize and request the President to designate 1966 as "The Year of the Bible" and encourage the people of the United States to acquire a better knowledge and appreciation of the Scriptures.

I hope you will join me in support of this resolution.

PIONEER CLINICS FOR THE ELDERLY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BOLTON. Mr. Speaker, we Ohioans are very proud of the achievements of Ernest J. Bohn, director of the Cleveland Metropolitan Housing Authority. Once again Mr. Bohn has come forward with a unique development; namely, built-in health clinics for some 600 elderly people residing in two Cleveland housing projects. The Springbrook health maintenance unit and the Well-Elderly clinic of Riverview apartments represent two new and different approaches to the challenge of keeping the over-60 population out of the hospital or wheelchair as long as possible.

Believing my colleagues will be interested in knowing what is being done in this pioneer field in Cleveland, I include as part of my remarks an article from the Cleveland Plain Dealer Sunday magazine of May 2, 1965, entitled "Pioneer Clinics for the Elderly":

PIONEER CLINICS FOR THE ELDERLY

(By Margaret R. Marshall)

Much of the luster of the golden years depends on the degree of health and independence which the aging person is able to maintain. To some 600 elderly people living in two Cleveland Metropolitan Housing Authority projects, this is less of a problem than it is for many of their fellow citizens, thanks to two unusual built-in health clinics which are attracting national attention as possible models of geriatric preventive medicine.

The Springbrook health maintenance unit project and the Well-Elderly clinic of Riverview apartments represent two different approaches to the challenge of keeping the over-60 population out of the hospital or wheelchair as long as possible.

The Springbrook project, affiliated with Mount Sinai Hospital, offers complete medical care for a nominal fee, while Riverview's clinic, operated by Lutheran Hospital, provides multiple-screening physical examinations and emergency care. Brain children of Ernest J. Bohn, metropolitan housing director, both are underwritten by Federal funds.

The Springbrook clinic, located on the first floor of the 16-story municipal housing project on Ansel Road for low income, over 62 residents, is in its third year. One of the first on-the-spot health facilities in the country, it was designed as a research project to answer several questions: (1) Can prompt medical action against the routine ills of old age prevent more serious sickness? (2) Does easily available medical care boost morale of old people? (3) Is such a project economically justifiable?

Because the answers have widespread implications for our increasingly aging population, the U.S. Public Health Service granted $160,000 to set up and operate the clinic for 3 years. At the end of that time, the physical and mental well-being of the Springbrook residents who have used its services will be compared with that of the residents of nearby Wade project, which lacks a medical maintenance unit.

A close working relationship with Mount Sinai Hospital across the street enables the Springbrook clinic to furnish everything in the way of medical care from treatment for an ingrown toenail to gall bladder operation. The clinic itself is staffed with a medical director, an assistant director, a full-time registered nurse, social worker, secretary and research assistant.

Participation in the clinic is purely voluntary; residents are not encouraged to leave their own private doctors. Services are not free, but payments are scaled to the modest incomes of Springbrook residents, such as $2 for the initial registration, and anything from $2 to 25 cents for subsequent visits. X-rays or simple laboratory tests cost as little as 25 cents, and medication is free or available to 25 percent of cost.

Privileges of enrollment include a complete physical examination, regular checkups and following visits, apartment calls when necesary and referrals to the specialty clinics at Mount Sinai, including the services of a dietitian, and physical or occupational therapists. Hospitalization is usually done at Mount Sinai, on the private service if the patient has hospital insurance (in which case a private doctor assumes responsibility) or on a service unit if the patient lacks hospitalization or money.

Dr. Bernard D. Epstein, director of the clinic, reports that 191, about 59 percent of the Springbrook residents, used the clinic last year. In the first 2 years, there have been 3,482 office visits, 438 house calls, 1,200 visits to Mount Sinai clinics and 124 hospitalizations. Twenty operations were performed, for such conditions as cataracts, bleeding ulcers or an acute gall bladder. Fourteen clinic members have died, mostly from cardiac failure.

The popular podiatry (foot treat) unit in the clinic itself registered 651 visits in its first year.

"Most of the Springbrook registrants use the clinic as they would a private doctor," says Dr. Epstein. "After all, they are paying something each time, and to most of these people even a dollar represents significant expenses. And we feel that patients benefit psychologically by paying what they can afford for medical care.

"Some of them come in more frequently than others for contact or reassurance."

In the giant Riverview project on West 25th Street, overlooking the Cuyahoga River, the Federal Department of Health, Education, and Welfare is experimenting with another type of program designed to keep old people healthy. A 1-year project, based on a grant of $25,600, it is attempting (1) to determine how much illness actually exists in an older population and (2) to prevent deterioration by early diagnosis of common ills.

The Riverview Well-Elderly clinic is operated by Lutheran Hospital (a half block up Franklin Avenue) with the cooperation of HEW, the metropolitan housing authority, the city division of health, and the outpatient departments of several hospitals.

Located on the second floor of the 16-story main building, the clinic has a registered nurse, a practical nurse and a secretary. Dr. Myron August, Lutheran Hospital cardiologist, is medical director and the project is directed by Luther W. Goehring, Lutheran Hospital administrator. About 370 patients have been enrolled in the first 6 months.

Both diagnosis and treatment in the Well-Elderly clinic are flexible, and there is no charge. The basic physical examination is done by the staff, with the cooperation of agencies dealing with hearing, sight, diabetes, and cancer.

The home care and outpatient program of Highland View Hospital sends a representative once a week to the clinic to do necessary dental work. Lutheran Hospital is available for emergency care, and nursing service in a crisis is supplied in the client's apartment by the clinic staff, with the Visiting Nurse Association often furnishing long-term help.

"Aside from the examinations and referrals, our principal function is health education," says Miss Catherine Dwyer, registered nurse, a Cleveland division of health public nurse, who is in charge of day-to-day operation.

"We urge the residents to take the examination, help them to follow through with medical care, and are always available for counseling on such matters as gaining or losing weight, special diets or therapy which can help them keep fit.

"Normally these residents of Riverview have had good medical care in the past," says Goehring, "but they may not have had a checkup for some time. We hope to provide the security of early detection of a condition which could lead to serious trouble.

"We are trying to do this most effectively and economically by using available health services, and to our knowledge this is the first time that anyone has tried to coordinate them in this manner."

ADDRESS BY HON. J. CALEB BOGGS

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Keith] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. KEITH. Mr. Speaker, this past Sunday an outstanding Member of the U.S. Senate, the Honorable J. Caleb Boggs, was the principal speaker at an annual gathering of great importance in my congressional district, the Plymouth County Republican Club barbecue, at Bridgewater, Mass. It was my honor to introduce this outstanding public servant to my friends in Plymouth County, who, I might note, were immediately his friends as a result of his great personal warmth and charm and because of the straightforward, earnest message he carried with him from the Nation's Capital.

His message was one for all Americans, not just the members of the one political party represented at the Bridgewater meeting. He spoke in inspiring terms of the opportunity ahead for the Republican Party, true, but more importantly he discussed matters of major concern to the whole country—domestic and foreign problems alike.

I personally was very much interested in his comments on a worrisome and dangerous trend in government, which he aptly described as "a pellmell approach" on the part of the present administration with respect to domestic programs, and a fear that I share that greater and greater dependence upon the Federal Government is, as he put, resulting in "a danger of breeding an Ingrate Society," instead of the "Great Society" that is the slogan of the administration and, of course, the goal of all Americans.

I think my colleagues in the House and Senator Boggs' many friends and admirers on both sides of the Hill will want to read and consider the main text of his memorable speech and I request permission to insert it in the Record at the conclusion of my remarks.

Of particular interest, I believe, is the Senator's call for an immediate blockade on all shipping to North Vietnam, similar to the Cuban missile quarantine imposed 3 years ago by President Kennedy. As Senator Boggs rightly points out, "trade with North Vietnam is being carried on briskly by many nations, some of which we regard as our allies in the cold war struggle," and that an effective shipping quarantine is a step which is all the more logical and necessary to consider in view of the recent additional commitment of U.S. forces to this critical struggle.

Mr. Speaker, I was honored and pleased to have a part in bringing Senator Boggs to Plymouth County, and I am equally proud, in this way, to make his comments and observations available to a wider audience. His address follows:

SPEECH BY SENATOR J. CALEB BOGGS, AT THE ANNUAL PLYMOUTH COUNTY REPUBLICAN CLUB BARBECUE, BRIDGEWATER, MASS., AUGUST 1, 1965

Thank you, and good afternoon. This trip to Massachusetts is one I have been looking forward to for a long time. It is an honor to be asked to come to such an important political affair in this historic section of the great State of Massachusetts, and I am grateful to President Vitale and the Plymouth County Republican Club for inviting me.

First I would like to talk about a few of the possible issues before us. Then I would like to discuss briefly the opportunity ahead for the Republican Party. GOP, by the way, should stand for Great Opportunity Party.

I think you will agree with me that the general state of our economy is healthy today, largely due to our people whose varied talents and energies make our great economic system operate. Our economy would certainly not be where it is today if it depended for its progress on the nod of some bureaucrat's head in Washington.

But in Washington now we have a pell-mell approach to everything on the part of the administration party which sees first one program and then another started without a reasonable waiting time to see even how existing programs are working out.

The Washington Daily News reported 2 weeks ago, for instance, that the poverty program office had paid $87,000 to a private research group for compiling a catalog of more than 170 Federal programs which help the poor—in addition to those set up by the antipoverty program itself.

The catalog is thicker than New York's Manhattan phone book, the newspaper said.

Republicans want to see everyone share in this Nation's prosperity—make no mistake about that. But we object strenuously to the administration view that one program piled on another—one spending spree after another—will solve things. We want essential well-thought-out programs which can be well administered.

The administration may call this the Great Society, but to me it sounds more like rank unconcern for the taxpayer.

Instead of a Great Society there is a danger of breeding an ingrate society, one which is much too dependent on government.

This overreliance on the Federal Government is apparently the administration's attitude also in the field of agriculture.

To hear the Secretary of Agriculture talk, you would think farmers never had it so good. But farmers have a different story to tell. As a member of the Senate Agriculture Committee, I am often visited by representatives of farmers groups. When they tell me their problems, I refer them to the glowing statements of the Secretary. Invariably they are perplexed as they try to match their situation with what the administration's farm spokesman says it is. In a nutshell, they don't see nearly as bright a picture as he does.

In brief, we have to overlook all the talk from Washington about how wonderfully the administration is running things and examine situations for what they really are. We have to propose better ideas while keeping in mind the well-known Republican maxim that the Government should only do for the people what they cannot do as well or better for themselves.

Let me mention just two issues which I think Republicans should develop.

One is the idea that the Federal Government should share unconditionally with State governments some of the substantial Federal tax revenue.

The purpose of this is to strengthen government at the State and local levels because it is here that the brunt of the problems caused by our exploding population has to be met.

It is a progressive plan, in my opinion, because it seeks to help State and local governments deal with massive problems of urbanization.

And it is conservative in that one of its end results would be to arrest the flow of political power to Washington.

The sad state of our merchant marine fleet is another problem which I think deserves special attention.

The latest issue of Lloyds Register of Shipping, for instance, tells us that the United States has slipped from 10th place to 11th place in shipbuilding. Also, it is estimated that this year only 9.1 percent of American cargoes will be carried on ships flying the American flag.

Given the intensive nature of the cold war struggle, it makes good sense to me for this country to have its own ships on hand to use when and where our best interests dictate. A program of building atomic-powered merchant ships which are highly automated is one possible answer. Republicans can help the Nation by seeing that this present condition of drift and decline of our merchant marine does not continue.

On all our minds today is the administration's conduct of this Nation's foreign affairs, particularly in southeast Asia. Vietnam is a problem which will not simply evaporate, no matter how fervently we all wish it would.

As citizens, and as Republicans, our role in relation to South Vietnam is clear, in my opinion. While we do not give up our right and duty to offer constructive criticism, we support the President and his policies, and our boys who are fighting this hard and cruel war in defense of freedom.

We all wish our Vietnamese policy had been clearer. We wish hard decisions had been faced up to earlier. But we also recognize that the President has the responsibility for conducting foreign policy in Vietnam, and we will do our best to back him up. We hope and pray he is successful.

There is one step which I think is due immediate and serious consideration in the Vietnam conflict. It is a step which is made all the more necessary to consider in light of our additional commitment of men as announced by the President this past week.

I would like to see the United States study carefully the imposition of an immediate blockade on all shipping to North Vietnam, just as President Kennedy did in the case of Cuba 3 years ago.

Trade with North Vietnam is being carried on briskly by many nations, some of which we regard as our allies in the cold war struggle. This trade is vital to North Vietnam and harmful to us. Many of the cargoes shipped to North Vietnam undoubtedly make life more dangerous for our own fighting men.

If it makes sense to intercept supplies from North Vietnam which are being funneled by one land route or another into South Vietnam, it makes even more sense to cut off these supplies before they ever reach North Vietnam. Since ships play a major role in providing these supplies, then it follows that an effective way to squeeze North Vietnam and ease the pressure on South Vietnam is to intercept these supplies on the water.

A blockade is something within our immediate and effective capability. We have the 7th Fleet on the scene. On the other hand, North Vietnam has only limited naval strength.

One significant asset to this course of action is that it would not be as spectacular as bombing; therefore, it should not invite quick escalation. It would bring telling pressure, nevertheless, and our immediate aim in the war, as I understand it, is to impress North Vietnam and the Vietcong that the negotiation table is their next best move.

Our Nation is committed in South Vietnam. We must use every means possible to contain the conflict and yet increase pressure leading toward negotiations for an honorable peace. In my opinion, we cannot afford to delay longer the immediate prospect of creating a blockade, both as a further protection for the lives of our servicemen and as a means of materially advancing the successful conclusion of the war.

If there is one burning political question before us today, it is: How will the Republican Party make a successful national comeback?

The answers aren't magical. They revolve around good candidates, good issues and hard work.

Opportunity for a Republican comeback is at every hand, as I see it.

For instance, although 70 million persons voted in the last election, there were 43 million who didn't. How many of these will be prompted to vote Republican the next time? It all depends on us. Do we want their votes enough to work for them? We have no one but ourselves to blame if we let this opportunity go by.

And besides this huge group of voters, we have the rapidly growing ranks of the new young voters. This is a young country, as I am sure you know, and growing younger all the time. In the 21 to 35 age group today there are more than 32 million Americans. By 1970 nearly 100 million Americans will be under 25 years of age. These young people are learning. They are asking questions. We have a responsibility and duty to reach them.

Let me emphasize those words "responsibility" and "duty" again as I refer to our two-party system.

Perhaps we take this system, and the stability it represents, for granted. Because it has existed does not mean that automatically it will always exist. I mistrust the frequent reference to the pendulum swing of the parties after a lopsided election. We are not going to do well at the polls next year simply because last year we didn't. We are going to do well only to the extent that we work to win. And we must work harder than the other side.

Those who wail about the health of the Republican Party seem to forget that during the past century—a century of tremendous progress for the United States—it has been the Republican Party which has been at the country's helm for roughly two-thirds of the time. Our party will come back, have no fear about that. Reports from various sections of the country already indicate an upswing. And it is just such meetings as this which are the building blocks of a vigorous and victorious party.

While we are temporarily in the role of a minority party, it seems to me that we can best serve our country, and prepare for majority party status at the same time, by making full use of our opportunities to:

1. Support administration proposals when we agree that they will benefit our country, and

2. Recommend constructive alternatives to these proposals when we are convinced that the other party's programs are not in keeping with the long-range best interests of our Nation.

As a minority party—the loyal opposition, if you will—we have the essential task of keeping the majority party on its toes. In keeping with our time-tested check-and-balance system of two-party government, we must constantly make the other side prove its case, and yet at the same time we must be careful not to oppose simply for opposition's sake.

It is by conducting ourselves responsibly now that we give the public confidence about our ability to move into the position of leadership again.

By vigorously taking our message to the voters we can win a sweeping Republican victory next year, and in 1968 as well.

It's our task and responsibility. Being here today gives me renewed confidence that it will be done. Thank you for the privilege of sharing this wonderful Republican get-together with you.

A BILL FOR THE RELIEF OF DR. ANTONIO B. SANTILLANO

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CURTIS. Mr. Speaker, I am today introducing a bill in behalf of Dr. Antonio B. Santillano, a competently trained pathologist, who because of the dilemma in the medical practice laws of Missouri and their interrelationship with the laws relating to naturalization of foreign-born persons, finds himself ineligible for licensure as a practicing physician in Missouri.

Dr. Santillano's case is one that has its counterpart in many States of our country. Those States, such as Missouri, require that a person must be a citizen of the United States before he can be issued a certificate to practice medicine in the State or can take the examination which is a prerequisite to the issuance of a medical certificate. Dr. Santillano, not yet being a citizen, though having filed his declaration of intention to do so, finds that he will have to wait 3 years until he can become a U.S. citizen and join a group of pathologists who are anxious to have Dr. Santillano join them. The members of the group are all familiar with his work as a trainee in this field when he was in the United States previously as a student exchange visitor.

After receiving his M.D. degree from Santo Tomas University in the Philippines, Dr. Santillano obtained a clinical internship at Evangelical Deaconess Hospital in St. Louis in 1958 and then had a 2-year residency in pathology at St. John's Hospital in the same city. He completed his training in pathology at Albert Einstein Medical School and its associated hospitals in New York where he made a sterling record.

Meanwhile, Dr. Santillano married an American girl in 1959 and they had several children. When they returned to the Philippines in 1963, they discovered that his oldest child, a girl of 4, had a diaphragmatic hernia. Moreover, the doctor was unable to find employment for his highly developed skills in the Philippines. After a year of this futility, and wanting to have his child's surgical operation in a U.S. medical center, the Santillanos applied for reentry. The 2-year waiting requirement was waived on the basis of hardship to the child, and they arrived back in the United States on May 8, 1965, with an immigrant visa.

Dr. Santillano has been well trained in pathology and there is a critical shortage of pathologists in the United States; yet he cannot register with the Missouri State Medical Board because of his citizenship status.

This would be a matter which might properly be characterized as a State matter except that the time Dr. Santillano spent here as a student exchange visitor has not counted toward the 3 years of time required for naturalization purposes. Dr. Santillano has in fact spent over 5 years in this country, yet has several more years to go before he can complete the requirements of the law and practice medicine.

It is for this reason that I am introducing a bill which would have the effect of holding that the time he spent in this country as an exchange student will be considered in compliance with section 316 of the Immigration and Nationality Act as it relates to residence and physical presence.

PRESIDENT JOHNSON'S RECENT ATTACK ON HOUSE REPUBLICAN LEADER JERRY FORD

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House the gentleman from New York [Mr. GOODELL] is recognized for 5 minutes.

Mr. GOODELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GOODELL. Mr. Speaker, I rise to express my dismay and deep concern over President Johnson's recent attack on House Republican Leader JERRY FORD. This has serious implications far beyond the fact that the President was exhibiting impetuous pique. It is apparent from the reports of all newspaper people directly involved in Mr. FORD's background briefing last Thursday that the President's version of what happened was completely in error. JERRY FORD distorted nothing and he revealed no confidences of the President or anybody else.

The really serious issue revolves around the purpose to be served by White House briefings of congressional leaders. Obviously, no responsible leader breaks secret or confidential material involving the national security. That has not been charged here nor is it involved in any way. Apparently the so-called confidential information that irritated the President so much was that many members of the President's own party question a firm policy against aggression in southeast Asia. Is the President really so sensitive to criticism, so thin skinned, if you will, that he thinks there should be an embargo on this kind of background news just because some aspects of it were revealed at a White House briefing? If this is the President's interpretation, he will make it impossible for Republican congressional leaders to attend such briefings at the White House. We cannot and will not abdicate our responsibility of applying independent judgment to critical national issues and giving the press and the American people all the facts on matters outside security limitations.

Is the President really contending that the revolt within his own party, particularly within the other body, is confidential? Is it really malicious for Republican leaders to point out that the President is under considerable pressure from members of his own party to cut and run in southeast Asia? We Republicans in the House are proud of our leader, JERRY FORD. Unlike many members of the President's own party, we will continue to support a policy of firmness against Communist aggression. We will also continue to make critical, constructive suggestions, whether the President likes it or not. That is our obligation to the people who elected us and to the American people as a whole.

Perhaps the President underestimates the reaction of anger, indignation, and resentment among House Republicans as a result of his rather intemperate and less than coherent criticism of Mr. FORD last Sunday. I hope not, because repetition of this kind of ridiculous episode could bode ill for the bipartisan support and bipartisan contributions the President and the country so urgently require in times of national crisis.

Mr. Speaker, under unanimous consent, I include at this point in the RECORD the very thorough and complete report by one of our most eminent Washington correspondents, Mr. Tom Wicker. Mr. Wicker participated in the background briefing by Mr. FORD that subsequently came under attack by the President. His report appeared in the August 3 issue of the New York Times, and follows:

MISUNDERSTANDING, FORD SAYS IN REPLY TO JOHNSON ATTACK

(By Tom Wicker)

WASHINGTON, August 2.—Representative GERALD R. FORD, House minority leader, said today that President Johnson's criticism of one of the prominent members of the Republican Party was the possible result of a misunderstanding.

Mr. FORD was suggested as the President's target in a number of newspaper articles today, though Mr. Johnson mentioned no one by name.

The President said yesterday that the unnamed Republican had broken and distorted his confidence after attending a White House meeting of congressional leaders last Tuesday night. At that session, Mr. Johnson discussed with the leaders the situation in South Vietnam.

Today, Mr. FORD replied that he refused to be baited into a verbal Donnybrook with the Commander in Chief that would play into the hands of Hanoi, Peiping and Moscow.

If Mr. Johnson was referring to him, he said, there was a "misunderstanding which I trust the White House will correct."

At Austin, Tex., in a news conference held before Mr. FORD spoke out, Joseph Laitin, the assistant White House press secretary, said there would be no further comment. The President, he said, "never gets into personalities of any kind (laughter is recorded at this point on the news conference transcript) and that is that."

He said the President had answered a fair question that had referred to stories he read in the newspapers which didn't give a source, and the President felt that it was a distortion and was inaccurate.

After Mr. FORD's statement, Mr. Laitin said at a second news conference: "I've said all I'm going to say this morning. The White House isn't interested in controversy."

There was no suggestion that there had been any direct conversation between Mr. FORD and Mr. Johnson.

Here is an account, based on the published record and on the notes and memories of persons involved, of how the controversy arose:

Last Tuesday, Mr. Johnson invited a number of congressional leaders, including Mr. Ford, to the White House for a discussion of conferences among administration officials on the war in Vietnam.

SOME SURPRISED BY DECISION

On Wednesday, in a Presidential news conference, Mr. Johnson announced that he would gradually double draft calls to 35,000 a month and send 50,000 additional troops to Vietnam. This surprised those who had predicted that he would call up the Reserves and declare a national emergency.

On Thursday, Mr. Ford and Representative Melvin R. Laird, the chairman of the House Republican conference, met for lunch with a small group of reporters. It was one of a regular series of meetings they hold, and invitations had been issued at least a week before.

Mr. Ford and Mr. Laird devoted most of their remarks to their own views on Vietnam, including the statement that they would urge the President and other Members of Congress to cut back on domestic expenditures in order to meet the growing expenses of the Vietnamese war.

Both explicitly stated that they would not criticize the President for his course in Vietnam until there had been time to see whether the troop buildup had been effective. The two Republican leaders had previously been urging intensified air and sea attacks on North Vietnam rather than emphasis on the ground warfare.

DESCRIBES MANSFIELD STATEMENT

During the session with reporters, Mr. Ford said that at the White House meeting Tuesday night Senator Mike Mansfield, of Montana, the Senate Democratic leader, had read a two-page statement in which he expressed fears about the stability of the South Vietnamese Government, the dangers of escalating the war, and the possibility of a damaging debate in the Senate on the Vietnamese question.

That is the extent of the description of the statement that Mr. Ford gave. This part of the discussion was on a background basis—not to be attributed to Mr. Ford—although most of the session was on the record.

On Friday morning, at least three reports of the Mansfield statement were published. The New York Times referred to it as it had been described by Mr. Ford, in an article that said the attitude of the Senate had been one factor in Mr. Johnson's decision not to call up Reserves or declare a national emergency.

The Chicago Tribune mentioned the Mansfield statement, again as described by Mr. Ford, in a dispatch that began:

"President Johnson, in an 11th-hour decision Tuesday, canceled plans to declare a state of emergency, call up the Reserves, and ask Congress for $5 billion to expand the war in Vietnam, congressional sources said today."

The article, written by Willard Edwards, said Mr. Johnson had done so when warned by Senate Democratic leaders that the more dramatic plans would cause a "tremendous congressional and public reaction."

The syndicated columnists Robert Novak and Rowland Evans also referred to the Mansfield statement in an article in the New York Herald Tribune and other newspapers. They described it as having expressed the Senator's opposition to "almost everything the United States has done in Vietnam since the murder of President Diem in 1963," and said that he also implied that this sentiment was felt widely in the Senate.

The columnists, neither of whom had attended the Ford-Laird luncheon, said the congressional attitude was "the main reason" Mr. Johnson had taken a low-keyed approach at his news conference.

Yesterday, at the LBJ Ranch, Richard Strout, a reporter for the Christian Science Monitor, said to Mr. Johnson: "Mr. President, there is a story in some papers that you were dissuaded from taking a stronger line in Vietnam because of something Mike Mansfield said."

In fact, none of the three stories published Friday had alleged that Mr. Johnson had changed his mind because of Mr. Mansfield's statement.

Neither the Times article nor the Evans-Novak column suggested that the President had changed his mind at all, although both indicated that he had had Senate reaction in mind in reaching his decisions. The Chicago Tribune's account attributed his alleged change of mind to warnings by Senate Democratic leaders rather than to the statement Mr. Mansfield had read at the White House.

Mr. Johnson replied to Mr. Strout as follows:

"That was the result of a man who broke my confidence—and not only broke it but distorted it.

"I read Senator Mansfield's statement very carefully following a backgrounder held by one of the prominent members of another party, and I found nothing to justify that statement. And I would brand it untrue and perhaps malicious.

"Senator Mansfield never mentioned Reserves and it was not in any of his discussions, and the discussions did not have anything to do with the Reserves, as his paper will show.

"Most of the people you deal with, and we dealt with several dozen, perhaps a couple hundred, including the Governors, all of them respect the confidence.

"But once in a while an inexperienced man, or a new one, or a bitter partisan, has to play a little politics. I think they keep it to a minimum, generally speaking, but one or two of them will do it. And boys will be boys."

The reference to the "backgrounder" was what led reporters to suggest Mr. Ford as the target of these remarks.

Mr. Ford replied today:

MISUNDERSTANDING SEEN

"Communist leaders all over the world would be happy to see a bitter, name-calling contest develop between President Johnson and congressional leaders at this crucial time. Mr. Johnson's remarks made during his Sunday press conference in Texas, if he was referring to me, are the possible result of a misunderstanding which I trust the White House will correct.

"I refuse to be baited into a verbal donneybrook with the Commander in Chief that would play into the hands of Hanoi, Peiping, and Moscow.

"I support the President's firmness against Communist aggression in Vietnam. Regrettably, the principal opposition to the President's military decisions come from Democrats in the Congress, particularly in the Senate.

'The Nation faces a critical future. The President has the responsibility of making additional important military decisions. For the national interest and our security, I urge that we get on with the awesome tasks ahead without further delay and without splitting the Nation's unity."

After making this formal statement, Mr. Ford refused to answer questions on the record. He did authorize the following additional statement:

"Several reporters called me on Wednesday morning following the (Mansfield) statement on Tuesday and said they knew of the Mansfield statement. That was 24 hours before the luncheon. The Mansfield statement was common knowledge."

Mr. Speaker, on the basis of Mr. Wicker's statement of facts it is clear that the President was completely in error in alleging that any Republican congressional leader engaged in deliberate and malicious distortion in reporting events that went on at last week's conference at the White House.

The concern which I feel about the President's outburst is based on several considerations. First, I am distressed whenever the President of the United States indulges in an action unworthy of his office. I was dismayed earlier this year by the President's reaction to criticism directed at him because of his failure to send the Vice President to Winston Churchill's funeral. I was distressed that the President precipitously canceled his invitation to the Prime Ministers of India and Pakistan to visit the United States. And now I am saddened that our President has demeaned himself, in a fit of impetuous pique, by uttering a false accusation against a respected leader of the Congress.

There are also broader grounds for concern arising from this incident. The President's action can only be interpreted as another attempt to stifle reasoned discussion of foreign policy.

Accusations of breach of confidence when there was in fact no such breach, of deliberate and malicious distortion when there was in fact no distortion, are not conducive to the discussion and debate which must go on in the field of foreign policy.

TRADE POLICY QUESTION AND THE NEW ECONOMICS

The SPEAKER pro tempore (Mr. Matsunaga). Under previous order of the House, the gentleman from Missouri [Mr. Hall] is recognized for 20 minutes.

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, we have today voted—over my objection—additional funds to be used around the world, without further reference to the Congress, up to $400 million to be used for the IFC, the IBRD, and other world lending organizations for use of free enterprise business and industries of a secondary motive and intended to build primarily in the various countries.

This would be praiseworthy and commendable if we had not passed the Trade Expansion Act of 1962 and stripped most protection and protective tariffs cut by one-half—also without further reference to the congressional body—from the U.S. workingman and woman plus business and industry in the United States, respectively. This has done more to bring on the variable tariffs, the chicken war, the failure of the Kennedy round at the GATT conferences, the impact of imports, and our loss of foreign exports markets including lead, shoes, cars, glass, watches, and others, than any other single factor.

There must be an end point. The question is, When will we stop subsidizing overseas, low paid, lesser standards of living, and less skilled peoples who are exploding in number vis-a-vis our own peoples, skills, and standards? Costs equal the sum-total of production, including resources plus assembly line, in addition to delivery, and incidentals such as the ECM, variable tariffs, sovereign nations' laws, hidden agreements, and so forth.

It is for this reason that I would like to refer our colleagues again to the CONGRESSIONAL RECORD of June 16, 1965, and the speeches and colloquy of Messrs. HERLONG and BETTS on this same subject incident to their introduction of similar legislation to correct the Trade Expansion Act of 1962. I am delighted to introduce similar legislation today in support of this and their theses.

Mr. Speaker, a year ago I introduced a bill in association with a large number of other members that called for removal of products from the list of items subject to a 50-percent tariff reduction under the Trade Expansion Act of 1962. At that time the prospects were that the negotiations in Geneva would be completed by mid-1965. That time has come and passed and the negotiations have now been delayed until next year. At least that is the outlook.

I am therefore joining with others to renew last year's bill with some additional features that are urgent if our industries are to have a better outlook in our domestic market than they now have. I am well aware that many official spokesmen of the administration and some prominent economists profess to see no dangers from imports or from anywhere else to our economy. They paint a very bright picture of the years to come; and some of them are convinced that we have embarked on a recessionless course into the indefinite future. They see no clouds on the horizon and believe there are no developments that will not yield to fiscal and monetary manipulations. They have a sublime confidence in the stimulation provided by tax cuts, deficit financing and low interest rates.

If the economy shows signs of stagnation, cut the taxes, increase Government spending or both and reduce interest rates. That is the policy.

Mr. Ackley, Chairman of the Council of Economic Advisers, recently gave a rundown of the new economics before the subcommittee on Fiscal Policy of the Joint Economic Committee.

He is one of the apostles of the new economics and wants to run the economy by a formula. This revolves above a concept called the "full-employment surplus." Let me quote from Mr. Ackley's statement:

> All of us understand, in a general way, how fiscal policy works. Government expenditures add to aggregate demand and tax collections reduce it, by curtailing private purchasing power. But it is not possible to measure the impact of Government expenditure and tax policies merely by looking at actual levels of disbursements or revenues.

I find no fault with that statement. Mr. Ackley provides an example. He says:

> Federal revenues automatically decline (and some Federal outlays—particularly unemployment benefits—automatically increase) when economic activity falls off as a result of a reduction in intensity of private demand.

This, I think, is to be expected because payroll taxes would decline no less than business profits if consumer demand falls off.

So far the Chairman of the Council of Economic Advisers has said nothing either new or revealing or startling.

He remarks with respect to this situation, that is, where economic activity declines:

> The budget outcome has been altered, and the economy's decline has been cushioned (by unemployment compensation) but not because of any affirmative Government action.

The budget, he says, "has reacted passively to changes in the private economy. Discretionary fiscal policy has been absent."

It is here that fiscal policy is to be brought into play, no doubt.

Mr. Ackley then indeed remarks:

> The budget outcome is, of course, also altered by discretionary changes in tax rates or expenditures—

By this, I take it, he means the size of the deficit or surplus; and, once more, this seems clear enough—

> but such changes in turn affect private demand, and changing private demand in its turn affects production and income and therefore Government revenues and outlays.

The formula is getting a little more complex. We get echoes of what the Government does by way of tax reductions or tax increases from the consumers who are affected. They react and their reaction in turn affects business; that is, production and income; and, of course, whatever affects production and income has an effect on Government receipts and expenditures.

Now Mr. Ackley is moving in for the kill. He says:

> The net outcome recorded in the Government's budget accounts (i.e., whether revenues rise or fall off and therefore create a surplus or deficit) in any year is a mixture of the effects of the affirmative fiscal actions taken, of the responses of the private economy to these actions, and of whatever changes in private demand are occurring independently of Government action.

Here Mr. Ackley opens a rather wide door through which "whatever changes in private demand are occurring independently of Government action" can walk without restraint.

The latter, that is, the changes in private demand, might be very considerable and might even outweigh the effects of the governmental action.

However, he says that:

> We can separate out the extent of the discretionary fiscal actions alone, by measuring what would happen to the deficit or surplus at some given level of business activity.

The notion is that the effect of governmental policy can be isolated from other influences by making an assumption; namely, that of 4-percent unemployment. He says:

> We can then assess the net impact of any Federal fiscal program for a given year by seeing what its various elements, taken together, would do to the full-employment surplus—the excess of revenues over expenditures that the fiscal program would yield if unemployment were 4 percent.

According to Mr. Ackley, assuming a 4-percent level of unemployment, an increase of $7 billion in the surplus would occur in 1 year at the present rate of growth in the employment force and increase in productivity. The $7 billion would come with no change in the tax rate, and would represent the "fiscal drag." The effect on the economy would be the same as that produced by a higher tax rate that would take $7 billion out of the economy.

At this point he says:

> A constant set of tax rates and a constant level of Government expenditure exert an increasingly restrictive influence as time passes. In short the budget tightens by standing still in a growing economy—

Meaning increasing labor force, higher output, and so forth.

Mr. Speaker, this is not all, but it gives an idea of the style of thinking that governs our policy of taxation, of deficit spending, interest rates—that is, tight money or easy money; debt management, and so forth.

It is particularly notable that the problem of import competition is not even given the courtesy of mention. Yet it could do much to upset the applecart of the very formula that has drawn so much fascination in governmental economic circles.

I have mentioned the wide door Mr. Ackley left open when he said:

> The net outcome recorded in the Government's budget accounts in any year is a mixture of the effects of the affirmative fiscal actions taken, of the responses of the private economy to these actions, and of whatever changes in private demand are occurring independently of Government action.

Mr. Speaker, what about the effect of imports on those domestic industries that are vulnerable to imports? Will they behave the same as they would if they did not have this problem? Will they expand as they would if they were not confronted with imports that are taking a rising share of the market away from them?

A year ago our beef industry was deeply beset by rising imports. Did these imports represent "changes in private demand" occurring independently of Government action? Or was past governmental action responsible for the imports? Did the general trade policy of the Government lead the Australians, New Zealanders, and others to believe that this country would welcome or at least not resist the complete disruption and distress of our cattle industry? It is quite possible that they came to this conclusion because of the tariff-reduction proposal of the so-called "Trade Expansion Act of 1962," and the statements of policy accompanying its enactment. It seems to me that there are a hundred influences in operation that cannot always be foreseen—in fact, are seldom clearly enough foreseen to beget preventive action. These influences might be regarded either as "occurring independently of Government action" or as indirect but unmistakable outgrowths of such action.

I do not see how a formula can gain reliability as a guide to action if it is subject to so many variables, so many influences that are unforeseen or unforeseeable. Right now who will tell us what will be the effect on our economy of our involvement in Vietnam? Who knows whether it will lead to a war, or to an escalation that will run up the budget, and if so, how far? Who knows what would be the effect on the civilian economy, other than that it would no doubt be inflationary—but to what degree?

What is the worth of a formula that has to read almost everything out of the equation in order to be true? The exceptions may be more disruptive and far-reaching in their influence than the inclusions, and they may distort the formula beyond recognition. Government by formula-like "capsule planning" is a hazardous undertaking.

Was it not a wonder that this country rose to world industrial leadership without following a formula? How did we ever get along without knowing what a "full-employment surplus" is?

Mr. Ackley has the foresight to say that:

> The concept has its limitations which keep it from being used as a precise tool of budgetary planning. There is no one, permanent level of full employment surplus toward which we should strive.

Nevertheless he would use the formula as the thermometer, barometer, and anemometer, apparently all at the same time, to measure the needs of the economy. The complications arising from the interactions of the effects produced by changes in taxes, governmental spending, interest rates, and so forth not to mention the outside or nongovernmental influences are so great that the formula takes on the characteristics of a "Rube Goldberg" contraption.

It would be as easy to say and no less uncertain to prove that 2 or 4 million jobs did not come into being in this country because of import competition as to estimate the number of jobs that were not filled because taxes were too high or governmental expenditures were too low—in the judgment of the spenders. Can anyone imagine the sputter of denunciation if figures as definite as those used by Mr. Ackley were put forward as unequivocal facts with respect to indirect unemployment that is attributable to import competition? Such estimates would be called pure conjecture, while their own estimates taken by sliderule are regarded as trustworthy guides.

That business confidence is a vital ingredient of business activity in a private enterprise system no one will deny. What would be much more fatal to confidence within a domestic industry than to see imports coming into the market and extending their penetration in a short period of time, that is, in a few years, from 5 percent of the market to 10 percent, then on to 15 or 20 percent or more, as has happened repeatedly?

What will domestic producers do under such circumstances? Surely they will shy away from expansion in this country. If we wish to answer the question we have only to look at the action of American industry in the past 6 or 7 years. When it became a known fact that there was no remedy against injury from imports under the escape clause, many of our industries began investing overseas. There they could themselves employ workers at the lower wages that gave a competitive advantage to the foreign producers who so successfully penetrated the American market. At the same time they would invest in new and more productive machinery and equipment at home in feverish efforts to hold as much of the domestic market as possible. This, of course, would mean throwing people out of work.

The twin action thus taken; namely, foreign investment and installation of labor-saving equipment, would produce a double negative impact on employment. The one would come from expanding more abroad and less at home; the second from displacement of workers. Together the two forces would add up to a lagging economy over and above the effects of tax and spending policies. In fact they might effectively counteract these.

Mr. Speaker, it is more than odd that such important economic factors are widely skirted by the Chairman of the Council of Economic Advisers no less than by nearly all other spokesmen of the Government on economic policies. It seems strange that they stop at the water's edge, so to speak, not daring on pain of some dire retribution, to mention our sacred foreign trade policy, as a possible source of an economic drag. It is evidently sacrosanct ground.

Let me say that this very fact sheds some light on the integrity of many of the statements, evaluations of the economy, forecasts of what is ahead, and so forth. If the trade policy must not be mentioned there may be other factors that cannot be mentioned and others that on the other hand must be mentioned and treated in a preestablished manner. This is a sordid state of affairs. It implies a shackling of the mind for the sake of compliance with policy, no matter how questionable it may be.

I think the time has come when this evil spell must be broken. It reflects not only on the integrity of our good judgment but also on the intelligence of the evaluators and forecasters. I think the Trade Expansion Act should be restudied and recast. Meantime some of its sharpest potential teeth should be drawn. I am happy to introduce and support legislation that would do this.

THE KEY DEER: BROUGHT FROM THE VERGE OF EXTINCTION

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. FASCELL. Mr. Speaker, at one time the words "key deer" were almost synonymous with that of "extinction." Nearly the entire breed of this unique animal, the smallest deer in the United States, had been wiped out by 1951, their number totaling less than 30. But today there are over 300 key deer. This is quite a healthy gain and it seems as if the worst for them has past. At this time, therefore, I would like to review the reasons for this spectacular turnabout.

Certainly, much of the credit must be given to Jack Watson, refuge manager of the National Key Deer Refuge. It is largely due to his devoted and skillful work that these deer, which on the average weigh but 50 pounds and are approximately 38 inches long, have regained a lease on life.

In 1951, after a bill to provide for a key deer refuge was rejected in committee, the Florida Game and Fresh Water Commission organized a project to stem the decline in the number of key deer. The commission called on Mr. Watson, who was eminently qualified because of his longstanding familiarity with the Florida Keys and its wildlife. Since 1946 he had been manager of Great White Heron and Key West National Wildlife Refuges, two posts he still holds. Under his guidance a program of investigation, protection, and public relations was commenced. However, he was handicapped by the lack of true refuge, as hunters and the conversion of habitat to residential developments continued to take their toll.

The home of the key deer lies in the Florida Keys, in Monroe County, about 60 miles south of Miami. It is a picturesque area covered by vegetation, with many of the islands being formed from limestone. This has led to the formation of natural pockets which catch rainwater, thus providing relief for the deer during droughts. The tropical and subtropical trees and shrubs which are found there make it a beautiful home for these small deer.

Mr. Watson continued his valiant efforts handicapped until 1954. Then, in the latter half of the 83d Congress the Interior Department was granted authority to lease 915 acres of land for the purpose of establishing a refuge. Years of battle by conservationists and public-minded groups, such as the Boone and Crockett Club and the National Wildlife Federation, had finally produced results. Mr. Watson was naturally chosen refuge manager, and the area came under the jurisdiction of the U.S. Fish and Wildlife Service. The lands thus became protected from fire, vandalism and illegal trespass, but the leases could have been cancelled at any time.

And so, in the 85th Congress two bills, one of which I sponsored, were introduced to buy the land. As a result, Public Law 85-164 established a National Key Deer Refuge of 1,000 acres, and authorized the expenditure of $35,000 to carry out the provisions. By today, an additional 5,745 acres have been leased and the refuge is proving to be successful in rejuvenating the key deer species.

Thus, through the efforts of men such as Jack Watson, private groups, and the Interior Department the key deer, which were seen by Columbus in the 15th century, will be able to be seen hopefully for centuries to come.

CRIMES AGAINST BANKING INSTITUTIONS

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Fascell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. FASCELL. Mr. Speaker, this morning's Washington Post, under the headline "FDIC Plans Bank Abuses Legislation," comments on a new package of bank regulatory legislation which is being considered or proposed by the Federal Deposit Insurance Corporation. According to the article by Morton Mintz, the FDIC was spurred to action by disclosures which have been made before congressional committees of crimes perpetrated against banking institutions.

Legislative proposals which are being considered would permit Federal bank regulatory agencies to crack down on banking institutions under their jurisdiction through orders to cease and desist from unsound and unlawful practices. Officers and directors who engage in unsound or unlawful practices would be subject to suspension or removal by the banking supervisors. The agencies would also be authorized to require all institutions under their jurisdiction to obtain independent private audits of their books and affairs.

It is gratifying to me, as chairman of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, to be able to publicly note the legislative proposals which the Federal Deposit Insurance Corporation is considering. Last year the subcommittee made an intensive study of the constantly increasing numbers of crimes against banking institutions, and what the Federal agencies could and should do to lessen the crimes. The subcommittee considered all phases of the problems, including external crimes such as robberies, burglaries and larcenies, and internal crimes, committed by persons who are involved in or associated with the institutions.

The members of the subcommittee were Richard E. Lankford, Democrat, of Maryland; Torbert H. Macdonald, Democrat, of Massachusetts; Cornelius E. Gallagher, Democrat, of New Jersey; John B. Anderson, Republican, of Illinois; and Robert McClory, Republican, of Illinois. I was chairman.

The Board of Governors of the Federal Reserve System supervises State banks which are members of the Federal Reserve System, the Comptroller of the Currency supervises national banks and the Federal Deposit Insurance Corporation supervises federally insured State banks which are not members of the Federal Reserve System. All were invited to public hearings, and to comment on the problems presented by the rise in bank crimes and to make suggestions for the combating of such crimes, as were the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation, supervisors of federally chartered savings and loan institutions, and those State-chartered associations which are federally insured.

The views of the Department of Justice, the FBI, the U.S. Secret Service, and of groups and associations which represent the banking and savings and loan industries were also sought.

As a result of the subcommittee's studies a report entitled "Crimes Against Banking Institutions," House Report No. 1147, 88th Congress, 2d session, was issued by the Committee on Government Operations, under the chairmanship of Hon. William L. Dawson. The findings and conclusions of the report are too long to be here stated. However, I believe that the recommendations of the report should be restated, because many of its recommendations are now being considered for legislative action. These recommendations were:

Recommendations

In order to combat the rise in crimes against banking institutions it is recommended:

1. That the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board, hereafter called supervisory agencies, each established by rules or regulations specific guidelines for the prevention of external and internal crimes against banking institutions under their supervision, consistent with the requirements of the several kinds and sizes of such institutions, and the public interest.

2. That in establishing such guidelines the supervisory agencies give consideration to incorporating therein, as requirements, adequate audit, compulsory vacations, direct verification, decoy money, and other widely accepted measures referred to in this report.

3. That the examiners employed by the supervisory agencies be given such training in the methods of prevention of external and internal crimes as will enable them to ascertain and advise on any security deficiencies in the institutions they examine; and that to assist in the examination for security against external crimes the examination report forms call for detailed information in that regard, similar to the American Bankers Association's bank inspection form referred to in this report.

4. That the supervisory agencies consider making it a requirement on the institutions they supervise that fingerprints of prospective officers, directors and employees of such institutions be submitted to the Federal Bureau of Investigation for criminal record checks.

5. That the supervisory agencies establish an interagency committee for the purposes of making a coordinated effort to lessen bank crimes through the collection and analysis of bank crime statistics and the study and development of means of combating such crimes; and to assist banking institutions toward greater security against such crimes by undertaking such research projects as may be deemed advisable, including the requirements, from the security standpoint, of a model institution, and the testing and evaluating of security means and devices.

6. That the adequacy of the institution's crime prevention facilities and procedures be considered whenever a supervisory agency must act upon its application for charter, deposit insurance, branch offices, or any other application requiring agency approval.

7. That the supervisory agencies impress on the directors of the institutions they supervise the collective and individual responsibilities of directors for the adequate security of their institutions against losses from crimes.

8. That consideration be given to legislation which would permit the supervisory agencies to approve or disapprove major changes in management arising from changes in control or ownership of institutions they supervise, and to exclude underworld elements from becoming directors, officers, or employees of banking institutions.

The recent disclosures before congressional committees of underworld infiltration into some banks and some savings and loan associations only confirms the necessity for the Federal banking supervisory agencies taking every possible step to deal with the problems presented.

Because I believe today's Washington Post article will be of interest to every Member, and to all persons connected with the banking and savings industries, I include the pertinent portions of it in the Record at this point:

FDIC Plans Bank Abuse Legislation—Moves To Curb Certificates of Deposit Practice

(By Morton Mintz)

A new package of bank-regulatory legislation—believed to be the most far reaching in a decade—is being proposed and considered by the Federal Deposit Insurance Corp.

The FDIC was spurred by disclosures about encroachments on banking by the Cosa Nostra crime syndicate.

Investigations headed by Senator John L. McClellan, Democrat, of Arkansas, and Representative Wright Patman, Democrat, of Texas, have also brought out cases of misuse of certificates of deposit.

Such misuse has been shown by Patman's Domestic Finance Subcommittee to have played a major role in the collapse of the Crown Savings Bank of Newport News, Va. It received large sums in certificates of deposit arranged for by figures identified with the Mafia.

INTEREST RATES CURBED

The legislative package was disclosed yesterday by FDIC Chairman Kenneth A. Randall. He told Patman that the agency already has submitted a bill empowering FDIC and the Federal Reserve System to prevent banks from paying interest rates higher than those allowed by the two agencies.

The bill is directed chiefly at abuse of certificates of deposit. A minor banking instrument as late as 1961, they have come into widespread use. Currently, those outstanding are valued at about $30 billion. Roughly half are negotiable.

The certificates are evidence in writing that a deposit will be left in a bank for a fixed period. In return, the depositor receives a stated rate of interest sometimes higher than is paid on passbook savings that can be withdrawn at will.

REMEDIES PROPOSED

In addition to the bill, which has administration approval, Randall testified that

FDIC is considering submission to the Patman subcommittee of "remedial measures" that would do the following:

Empower Federal banking agencies to order supervised banks to cease and desist from unsound practices and from violations of law or regulations.

Suspend or remove bank officers and directors who engage in such practices or violations.

Seek criminal penalties against borrowers who knowingly make false statements to insured banks.

Increase FDIC's authority to extend financial aid to insured banks in difficulties.

Authorize banking agencies to require all banks to obtain independent private audits of their books and affairs.

Charles R. McNeill, director of the Washington office of the American Bankers Association told an interviewer:

"In general, I feel certain we would support any reasonable measures that seem to be necessary to have a sound banking system and eliminate undesirable elements that have appeared in a few instances."

PRESS CALLS FOR ACTION TO SAVE HUDSON RIVER

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I am extremely gratified at the results of the fine hearings on the Hudson River held by the Subcommittee on National Parks and Recreation in Putnam and Westchester Counties last month under the able chairmanship of the gentleman from Alaska, Mr. RALPH RIVERS.

More than 248 persons asked to be heard. The vast majority of these supported demands for Federal action to save the Hudson from destruction.

Equally encouraging has been the virtually unanimous support of the newspapers in the greater New York metropolitan area. The press has responded to congressional interest with strong enthusiasm. From the smallest weeklies to the largest metropolitan dailies, there has been an outpouring of editorial support for the demand for Federal participation in developing and protecting the riverway.

I would like to include a sampling for the RECORD:

[From the New York (N.Y.) Times, Monday, July 26, 1965]

PLAN FOR THE HUDSON

After many years of neglect, suddenly the Hudson River Valley has become the object of much solicitude. The protracted controversy over the Consolidated Edison Co., plan to build a hydroelectric powerplant on Storm King Mountain generated a great deal of interest in the subject. Although conservationists and nature lovers lost that battle before the Federal Power Commission, they succeeded in calling attention to the woeful absence of legal protection for a great national heritage.

Early this year Representative RICHARD L. OTTINGER introduced a bill that would have created the Hudson Highlands National Scenic Riverway, between Beacon and New York City. Described as a new kind of regional conservation and development plant, it provided for Federal assistance to State and local governments in setting up park areas within the riverway. Senators JAVITS and KENNEDY gave bipartisan sponsorship to a similar measure in March and other bills along the same line have been introduced in the House.

Governor Rockefeller has rejected the idea of Federal intervention from the beginning. Last month he asked the legislature to create the Hudson Valley Scenic and Historic Corridor, running all the way from the Adirondacks to the Hudson's mouth. Contending that there was no place and no need for the Federal Government to isolate the river, the Governor persuaded the legislature, virtually without debate or opposition, to create the corridor and a commission to make plans for it.

Now the Regional Plan Association, out of its long experience with fruitless debates over which governmental unit should do what, has offered a valuable suggestion: that a physical plan for the full length of the Hudson should be prepared by a top-level professional planning staff, under the direction of a distinguished planning commission. The commission would consist of representatives of the Federal Government, the States of New York and New Jersey, the 13 counties in the 2 States that border it, and the local municipalities along the river's banks.

The Federal Government must be included because of its responsibilities for national parks—one of which is now planned for Ellis Island and the Jersey City waterfront—for electric power facilities, for navigation, urban renewal, public and middle-income housing, water pollution, agricultural programs, and public transportation, all of which are elements of the Hudson Valley's problems. Since the river is the boundary between two States, obviously one State cannot solve all its problems.

Governor Rockefeller and the Hudson River Valley Commission should find it possible to accept these cogent arguments and to work out a program for cooperating with the Federal Government, the State of New Jersey and the local governmental entities involved. The Hudson River Valley, with all its scenic and historic treasures, is worthy of the combined efforts of all who would preserve it unspoiled for future generations.

[From the Croton-Cortlandt News, July 15, 1965]

ROCKEFELLER VERSUS OTTINGER

The evidence that Governor Nelson A. Rockefeller can call the tune in Westchester was very obvious last week as an editorial appeared simultaneously in dailies all around us condemning the Ottinger Hudson riverways bill as Federal encroachment on an area of State concern. The only acceptable way to insure the preservation of the Hudson, it was said, was through the Hudson Valley corridor bill sponsored in the State legislature by Governor Rockefeller and signed into law by him last week.

Federal encroachment has been one of the standard demagogic battle cries of the Republican establishment since the beginning of the F.D.R. era. It is always shouted loudest when what the Federal Government proposes to move in on is an area conspicuously neglected by State and local governments. It has a particularly hollow sound when raised over the Hudson Valley after, not before, the approval of the Con Ed hydroelectric plant at Storm King Mountain.

Had Governor Rockefeller, who has been Governor for quite a few years now, advanced his plan for a park-like corridor down the valley only a year ago it might, it probably would have stopped the Con Ed plant cold. Representative OTTINGER did not enter Congress until last January and not only was his Hudson riverway bill the first legislation he introduced, it was introduced as soon as it could be introduced under the rules, notwithstanding that Representative OTTINGER is a freshman Congressman and freshman Congressmen are supposed only to look, listen, and vote right during their first term.

In all fairness to both, the Ottinger and Rockefeller bills deserve to be considered for what they are. The Ottinger bill is based on a zoning concept, whereby structures and usages that would despoil the valley would be prohibited and Federal assistance would be given to help recover or restore what is restorable. It is, to our minds, the more flexible and more practicable method of saving the Hudson Valley. It is not Federal encroachment at all, but Federal assistance, which the State of New York is not too proud to accept in building its highways and in other activities.

The Rockefeller bill proposes to add a 1-mile strip of the shoreland on both sides of the Hudson from its headwaters to New York Bay to the State park system. How this is to be done is not outlined in the Governor's hastily organized bill. This has yet to be determined by a Hudson River Commission headed by Laurence Rockefeller and consequently nobody knows what the Rockefeller bill really does propose; it hasn't been proposed yet. But the park idea becomes progressively more meaningless the further down the Hudson you get.

The editorial appearing in County chain newspapers were all too plainly timed to throw a little cold water on the hearings on the Ottinger bill scheduled from Yonkers to Cold Springs last weekend. But now that the hearings had to be cancelled because of the vote in Congress on the major voting rights bill the whole job will have to be done over. Watch for the new schedule of hearings and attend. Our future is importantly involved.

[From the New York (N.Y.) Herald Tribune, Aug. 2, 1965]

HUDSON PLANNING COMES FIRST

The current controversy about the Hudson River's future is over whether the Federal Government or New York State should have controlling authority over beneficent development. Everybody is agreed on the need for wise planning. But Congressman OTTINGER and other lawmakers contend that national intervention is immediately essential. They want to set up a National Scenic Riverway to stop further ravishment. Governor Rockefeller disputes this; he argues that the State Hudson River Valley Commission is quite able to stand up for conservation and the public interest.

It's splendid, of course, to hear so much concern expressed. If the Hudson could speak, the majestic river polluted and scarred by decades of neglect might well ask why so late.

The dispute over governmental authority misses the point. The Nation and New York State are both involved, and so are New Jersey and all the municipalities and every private interest along the river. All of us should think about equal participation in planning, to agree first on what is to be done about beauty and business alike. And then in common mind we ought to be able to settle on controls. In short, policymaking is not the exclusive property of any one government.

The Regional Plan Association urges Governor Rockefeller to meet with Secretary Udall and Governor Hughes of New Jersey for the establishment of an intergovernmental planning commission of the Nation's best experts. This makes sense; it insures the best for the Hudson's future. That's what everybody wants. Where general goals are already agreed upon, the ultimate effectiveness must depend on all parties working together. This is both fair and essential. Let's then begin with the planing at once, and from that point of agreement that matter of authority should become one of cooperation in the same desire.

[From the Patent Trader, Aug. 1, 1965]

THE HUDSON: A JOINT CONCERN

Concern for the future of the Hudson River Valley reached the point this week where public hearings on various aspects of its development assumed the proportions of a continuous performance. Hearings on the Federal Hudson Highlands National Scenic Riverway bill, introduced by Representative RICHARD L. OTTINGER, ran last weekend in Yonkers, North Tarrytown and Cold Spring. A 2-day hearing on the State's proposed Hudson Expressway held center stage in Poughkeepsie at the beginning of the week. The final act got underway in White Plains Thursday with a public hearing on the State-sponsored Hudson River Valley Commission.

From all the testimony one fact emerges: There is general agreement by everyone concerned, except Governor Rockefeller and officials immediately associated with him, that the Hudson should be the subject of joint Federal-State-and-local action. Representative OTTINGER has already moved to modify his bill to protect local autonomy. Both the Regional Plan Association and Rockland County's Representative JOHN G. DOW have recommended long-range, cooperative studies of the Hudson area, looking forward to such action.

Such a study is obviously a necessary preliminary to final determination of the Hudson's future—provided that study does not become an excuse for prolonged inaction. And provided, also, that it is accompanied by a moratorium on further major developments in the area, whether of Federal, State or local origin.

In this connection, it is noteworthy that following the 2-day expressway hearings at which officials of the Hudson Valley towns most affected were almost unanimous in their opposition, the State department of public works has announced that it is going right ahead with its plans. Joseph P. Ronan, administrative deputy of the DPW, has blandly stated that the need for the expressway has not been disputed by county or village officials. Not only did village officials object, vociferously, but even county executive Edwin G. Michaelian, who has stanchly supported Governor Rockefeller throughout, stated that, "The county administration was not consulted nor have we seen any plans that the State may be developing for the proposed Hudson River Expressway." This would surely seem to bear out the contention of expressway opponents that the bill was hustled through the legislature with indecent haste before further action on the Hudson could jeopardize its passage.

Senator JACOB JAVITS and Representative OGDEN R. REID, both Republicans, have indicated that they will use their good offices to bring about a rapprochement of State and Federal officials on the whole Hudson question. Hopefully, they will be able to persuade the Governor to abandon his stubborn go-it-alone policy in favor of the cooperative approach which seems the only sensible solution to the problem.

[From the Yonkers Record, Aug. 1, 1965]

AND THE WATERS FLOW ON

This week the Hudson River and Hudson River Valley are both brought to the attention of the public. A congressional subcommittee, a New York State commission and various civic groups in Westchester and Rockland Counties and further up the reaches of the riverway are all interested in its beautification, improvement, use, or what have you.

In our youth the Hudson was a beautiful thing to behold. Its shores were lined with sandy beaches. Families had favorite spots to light fires and picnic while the small fry splashed and giggled in the still pools. Strong young men paddled canoes while languid ladies trailed their hands in the cooling waters and some of the more adventurous hoisted sails or started up the new naphtha launches. In a few short years all learned to use the new outboard motors.

A few brickyards and quarries scarred the landscape while the Day Line boats plied up and down the river with the thousands out for a day's sail. And in the early evening many of the old folk walked down to Recreation Pier to watch the well-to-do board the night boat for Albany.

THIS WAS THE LORDLY HUDSON

Each spring hundreds of fishermen, each with his Army Engineers Corps permit for the erection of nets, gathered in the bony shad with its store of roe. It was a treat to accompany Dad down to the shore to watch the fishermen come in with the catch at the changing of the tide. And for 75 cents or a dollar we bought a prize to be carried home to mother wrapped in a day-old newspaper.

Then progress brought factories and teeming apartment houses to the communities along the Hudson shore. Disposal plants and sewer-lines emptied millions of gallons of raw sewage into the river.

But now the Hudson is a dirty old thing. Bobbing in its waters are pieces of raw sewage, oil slicks, and bubbles of detergents. The boats which ride its waters are mostly vessels of a merchant character with only a few devoted to the entertainment and pleasure of young and old.

Seven months ago a young Congressman was sent forth from the district which lies along the Hudson and includes the western half of Westchester. He was determined that he would represent his district and try his darndest to make this a better world.

His principal office is in the main Yonkers post office—just a couple of hundred yards from Recreation Pier and the Hudson. Many of the old folk who once enjoyed life along its shorelines spoke to DICK OTTINGER about the Hudson. He felt that something should and could be done about it.

This week a congressional subcommittee came here to find out whether something could be done about it. Now we learn that village, town, city, State—oh, everyone—was doing something about it. Congress, the Federal Government, were just meddlers. DICK OTTINGER is just a politician trying to make political hay.

Well, for the benefit of those who are listening to both sides, the Hudson is a stinking mess. It's been a mess for years. And if Congressman DICK OTTINGER can be accused of playing politics by bringing it to the attention of all concerned—then we think it's darned good politics.

[From the Westchester (N.Y.) Herald, July 29, 1965]

DANGER OF POLITICS IN PLANS FOR THE HUDSON

County Executive Edwin G. Michaelian spoke the truth when he said in his message to the congressional subcommittee studying the Hudson River this past weekend that the river "was only rediscovered by some last year during a congressional campaign."

All of us can be grateful that Congressman RICHARD L. OTTINGER had the political courage to make an issue of the blight and decay which have become the characteristics of much of the Hudson Valley.

His vision may yet lead to a rebirth of the lordly Hudson. His bill that would create the Hudson Highlands National Scenic Riverway is a pioneering piece of legislation that recognizes the need for Federal assistance to State and local governments in setting up park areas within the riverway.

Representative OGDEN R. REID, along with Senators JAVITS and KENNEDY, soon recognized the validity of the Ottinger thesis—that some agency must be empowered to monitor Federal encroachments—and introduced bills similar to the Ottinger proposal, but giving the Secretary of the Interior a degree of power over the Army Corps of Engineers.

The Ottinger concept brought a reaction from the Governor in June, with Rockefeller rejecting the idea of Federal intervention and calling for the Hudson Valley Scenic and Historic Corridor running all the way from the Adirondacks to the Hudson mouth.

The Governor and other opponents of the Ottinger thesis object to the concept of Federal supervision on grounds that industry would suffer and that home rule would be curtailed. They charge that Federal intervention is not necessary and would impinge on States' rights.

These opponents overlook the Federal presence that already exists on the Hudson. The National Government has responsibilities for electric power facilities, for navigation, urban renewal, public and middle income housing, water pollution, agricultural programs, and public transportation, all of which are elements of the Hudson Valley's problems.

Before the matter of the Ottinger plan for the Hudson becomes hopelessly entangled in politics, it would be well for all partisans to heed the advice of the Regional Plan Association. In its testimony the other day a spokesman said: "One can avoid fruitless and painful debates as to which governmental unit should do what, and with how much authority, by first deciding in general terms what needs to be done and only thereafter attempting to identify the forces needed to achieve it."

Governor Rockefeller and his followers—as well as his opponents—would do well if they will accept the nonpartisan agency's suggestion that a plan for the Hudson be prepared by a distinguished planning commission representative of the Federal Government, New York, and New Jersey, the 13 counties bordering the Hudson and the municipalities along the river.

THE HONORABLE EDWARD M. McENTEE

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, yesterday the President submitted to the Senate the name of Edward M. McEntee, of Rhode Island, to be U.S. circuit judge, first circuit.

Mr. McEntee has enjoyed a very successful career in the practice of law in the State of Rhode Island before all the courts in my State.

As a fellow attorney, I am well aware of his abilities and congratulate the President on his choice. There is no doubt in my mind that within a very short period of time, Mr. McEntee's wisdom, counsel, and knowledge of the law will be recognized by all who come before the court where his talents will be exercised.

I feel certain that Mr. McEntee will be another in the long line of very fine judges who have served and are serving the State of Rhode Island on the Federal bench.

REPEAL OF SECTION 14(b)

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Hansen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, during the debate on H.R. 77 in the House of Representatives an advertisement appeared in many of the newspapers of my district accusing me of defying the people of Iowa with my vote on 14(b). Obviously this ad was not prepared by people of my district nor is it probable that it was paid for by them. Some powerful lobby from outside the State seemed intent on clouding up the issue on this bill by pouring in money and material in a futile attempt to brainwash Iowans. The fact that this failed is apparent in an excerpt from the Shenandoah Evening Sentinel. In a column written by Willard D. Archie, the whole matter is reduced to plain language. I submit this for the benefit of my colleagues:

A Column by W.D.A.

> Amazed at the political ad in our paper and in about every daily I have seen in Iowa which is fighting to uphold the so-called right-to-work law and said: "Will Our Congressman Defy the People?" I am not sure you can defy the people if you do not understand the law. You can still have closed shops in Iowa. You cannot hire anyone you wish if you have a union shop. What do they mean "right to work"? I am sure they mean to make it is a little tough against unions. So it applies to good unions and bad unions. You are forced to be for or against unions to take issues on the right-to-work law. I am against some unions and not others. Unions that have good leadership have been good for our country. Let us be against what is bad and not against all unions. Congressmen may lose enough votes to cost them an election if they go along with the Republicans on this one. But it was a powerful ad and cost a lost of money.

PROPOSED EXTENSION OF PRICE-ANDERSON ACT

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Secrest] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SECREST. Mr. Speaker, in June the Joint Committee on Atomic Energy held hearings on H.R. 8496 and S. 2042, identical bills which would extend the application of the Price-Anderson Act for 10 years, so that it would apply for the entire lifetime of those atomic powerplants which receive a construction permit prior to August 1, 1977. As the law now stands, the provisions of the act apply for the entire lifetime of those plants for which a construction permit is granted prior to August 1, 1967. There are indications that the Joint Committee on Atomic Energy will meet in the near future to consider H.R. 8496 and S. 2042, and that this body may be asked to vote on this proposed extension before we adjourn this fall.

During the hearings before the Joint Committee, my colleague, the gentleman from Ohio [Mr. McCulloch], suggested that some of the constitutional questions involved in this legislation and some of the problems with respect to judicial procedures in making funds available to injured members of the public are so complex that they should be considered by the members of the Judiciary Committees. Those committees and the members of their staffs have a vast amount of experience in dealing with complex problems of this nature, and this subject is so very important that all of us in Congress should have the benefit of all the help we can get.

Mr. Speaker, I believe the Judiciary Committees of the House and Senate should be requested to give their attention to the Price-Anderson Act and to give this body the benefit of their views before we are asked to vote on the extension of Price-Anderson. Fortunately, there is ample time available for this to be done, because the act does not expire until August 1, 1967, giving us nearly 2 years before action is imperative.

There are two very important areas which, in my opinion, should be explored by the Judiciary Committees. One is the question of whether the no-recourse provision is constitutional. The other is the question of whether some workable procedure can be devised whereby the $560 million fund for damages could be made available to injured persons without a delay of years.

On the question of constitutionality, the Atomic Energy Commission itself, in 1956—page 43, "Governmental Indemnity" hearings before the Joint Committee on Atomic Energy—stated:

> We have carefully considered the approach of limitation of liability and do not recommend this method primarily on account of doubts as to constitutionality of this approach. Also limitation of liability does not offer the degree of protection to the public that is offered by the indemnity or reinsurance approach.

Nevertheless, in 1957 Congress adopted the limitation of liability—a provision in effect eliminating responsibility of manufacturers and operators of atomic powerplants for damages caused to the public. In the committee report on the 1957 act, several grounds were set forth as alleged justification for the constitutionality of this approach, as follows:

First. It was assumed at the time that the byproducts—plutonium—produced in powerplants might be needed for military purposes. This is no longer a valid assumption, because it is publicly recognized now that we will not have any military use for byproducts from atomic powerplants. We have all we need from other sources.

Second. In 1957 the law provided that all atomic fuel must be the property of the U.S. Government. Under the "private ownership" legislation enacted last year, this ground fails, because in the future atomic fuels used in powerplants will no longer be owned by the Government.

Third. In the 1957 report the bankruptcy power of Congress was cited as grounds for the constitutionality of the no-recourse provision. This does not appear to be a valid ground, since the bankruptcy power presumably applies only in the event of insolvency or threatened insolvency. It hardly seems proper to assume that the bankruptcy power gives Congress the authority to completely eliminate financial responsibility for damages without even touching the assets of the utility involved.

It does appear that Congress has jurisdiction over the construction and operation of atomic powerplants because of the commerce clause. Even so, the delegation of jurisdiction under the clause does not give us complete constitutional authority to act as we wish, without limitation. Whatever laws we pass under the commerce clause will not be constitutional unless they are reasonable and appropriate means to a lawful end. There is very serious question as to whether or not an act of Congress giving complete immunity from responsibility for negligence constitutes a reasonable and appropriate means to a lawful end. I suggest we need the advice and experience of the Judiciary Committees on this difficult problem.

The experience of the Judiciary Committees could also be helpful in untangling the legal snarl which the present law places between the $560 million fund and the injured members of the public. Unless some workable procedure is devised to avoid the time-consuming litigation inherent in present law, it seems logical to assume that several years will pass after an atomic powerplant accident before any funds can actually be paid to persons injured. I believe that we in Congress are under a very serious obligation to members of the public with respect to this problem, particularly when we assume the responsibility, as we do under the Atomic Energy Act, of preempting the power of the States and local communities to prohibit the construction of these plants on the ground of danger from radiation. If we are going to continue to do this, to stimulate the growth of these plants against the wishes of the people, then we should do everything in our power to see that financial relief will be available if it turns out that our judgment is wrong.

Mr. Speaker, I hope this body will not be asked to vote on the extension of the Price-Anderson Act until we have had the benefit of the views of the members of the Judiciary Committees of the House and Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GOODELL (at the request of Mrs. REID of Illinois), for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. HALL (at the request of Mrs. Reid of Illinois), for 20 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. WIDNALL was given permission to revise and extend his remarks made in Committee of the Whole on S. 1742 and to include extraneous matter.

Mr. WOLFF.

(The following Member (at the request of Mr. WALKER of New Mexico) and to include extraneous matter:)

Mrs. SULLIVAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 945. An act creating a joint commission of the United States and the State of Alaska to make administrative determinations of navigability of inland nontidal waters in the State of Alaska for State selections; to the Committee on Interstate and Foreign Commerce.

S. 1308. An act to authorize revised procedures for the destruction of unfit Federal Reserve notes, and for other purposes; to the Committee on Banking and Currency.

S. 1556. An act to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes; to the Committee on Banking and Currency.

S. 1557. An act to amend the Federal Reserve Act to enable Federal Reserve banks to invest in certain obligations of foreign governments; to the Committee on Banking and Currency.

S. 1558. An act to amend section 22(g) of the Federal Reserve Act relating to loans to executive officers by member banks of the Federal Reserve System, and for other purposes; to the Committee on Banking and Currency.

S. 1948. An act to amend the Communications Act of 1934, as amended, with respect to commissioners, employees, and executive reservists of the Federal Communications Commission; to the Committee on Interstate and Foreign Commerce.

ENROLLED JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 454. Joint resolution to provide for the development of Ellis Island as a part of the Statute of Liberty National Monument, and for other purposes.

ADJOURNMENT

Mr. WALKER of New Mexico. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.) the House adjourned until tomorrow, Thursday, August 5, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1419. A letter from the Acting Assistant Administrator for Program, Agency for International Development, Department of State, transmitting a report on certain architectural and engineering fee contracts, for the period July to December 1, 1964, pursuant to section 102 of the Foreign Assistance and Related Agencies Appropriations Act, 1965; to the Committee on Appropriations.

1420. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to validate the action of the Acting Superintendent, Yosemite National Park, in extending the 1955 leave year for certain Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. S. 2294. An act to amend section 2 of the International Wheat Agreement Act of 1949; without amendment (Rept. No. 723). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. H.R. 9947. A bill to amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives, and for other purposes; with amendment (Rept. No. 724). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. H.R. 10139. A bill to amend the Act of June 23, 1949, relating to the telephone and telegraph service furnished Members of the House of Representatives; without amendment (Rept. No. 725). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. H.R. 10014. A bill to amend the act of July 2, 1954, relating to office space in the districts of Members of the House of Representatives; without amendment (Rept. No. 726). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee of conference. H.R. 7997. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes (Rept. No. 727). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DANIELS:

H.R. 10262. A bill to amend the Civil Service Retirement Act to authorize the payment of annuities to secretaries of justices and judges of the United States on the same basis as annuities to congressional employees and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 10263. A bill to amend the Civil Service Retirement Act to authorize the payment of annuities to secretaries of justices and judges of the United States on the same basis as annuities to congressional employees and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.R. 10264. A bill to retrocede a portion of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

By Mr. BURTON of California:

H.R. 10265. A bill to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. DOW:

H.R. 10266. A bill to amend the Packers and Stockyards Act of 1921, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. HAGAN of Georgia:

H.R. 10267. A bill to amend title 10 of the United States Code to extend for a period of 10 years the time during which certain military, naval, and air service records may be corrected; to the Committee on Armed Services.

H.R. 10268. A bill to amend section 265 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1016), to remove the provision barring concurrent payment of readjustment pay and disability compensation; to the Committee on Armed Services.

By Mr. HALPERN:

H.R. 10269. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

H.R. 10270. A bill to provide coverage under the Federal old-age, survivors, and disability insurance system (subject to an election in the case of those currently serving) for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 10271. A bill to prohibit the transportation or shipment in interstate commerce of master keys to persons prohibited by State law from receiving or possessing them; to the Committee on Interstate and Foreign Commerce.

H.R. 10272. A bill to amend title 38 of the United States Code to provide a program of insurance for members of the Armed Forces who are unable to obtain commercial insurance at standard rates because of being assigned to duty in a combat zone or performing extrahazardous duty; to the Committee on Veterans' Affairs.

H.R. 10273. A bill to amend title 38, United States Code, to provide a program of death indemnification for persons serving in combat zones; to the Committee on Veterans' Affairs.

By Mr. MULTER:

H.R. 10274. A bill to amend the act of October 13, 1964, to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROOSEVELT:

H.R. 10275. A bill to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 10276. A bill to amend title 38 of the United States Code to provide that a widow of a veteran shall only be disqualified for benefits under that title while she is married to another person; to the Committee on Veterans' Affairs.

By Mr. ST GERMAIN:

H.R. 10277. A bill to amend the National Defense Education Act of 1958 to make equipment purchased under title III thereof available to all children attending public and private nonprofit elementary and secondary schools; to the Committee on Education and Labor.

By Mr. SPRINGER:

H.R. 10278. A bill to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STALBAUM:

H.R. 10279. A bill to amend the Urban Mass Transportation Act of 1964 to provide for additional technological research; to the Committee on Banking and Currency.

By Mr. UTT:

H.R. 10280. A bill to authorize the project for navigation at Oceanside Harbor, Calif.; to the Committee on Public Works.

By Mr. UDALL:

H.R. 10281. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, to establish the Federal Salary Review Commission, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OLSEN of Montana:

H.R. 10282. A bill to adjust the rates of basic compensation of certain officers and employes in the Federal Government, to establish the Federal Salary Review Commission, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VAN DEERLIN:

H.R. 10283. A bill to prohibit the transportation or shipment in interstate commerce of master keys to persons prohibited by State law from receiving or possessing them; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 10284. A bill to provide that the Federal office building under construction in Fort Worth, Tex., shall be named the Fritz Garland Lanham Federal Office Building in memory of the late Fritz Garland Lanham, a Representative from the State of Texas from 1919 to 1947; to the Committee on Public Works.

By Mr. HALL:

H.R. 10285. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WELTNER:

H.R. 10286. A bill to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN:

H.J. Res. 601. Joint resolution to authorize the President to issue a proclamation designating the calendar year 1966 as "The Year of the Bible"; to the Committee on the Judiciary.

By Mr. YATES:

H. Con. Res. 459. Concurrent resolution authorizing the printing as a House document of the tributes by Members of Congress to the late Adlai E. Stevenson; to the Committee on House Administration.

By Mr. PATMAN:

H. Res. 499. Resolution providing for the consideration of the bill (H.R. 7371) to amend the Bank Holding Company Act of 1956; to the Committee on Rules.

By Mr. POWELL:

H. Res. 500. Resolution to authorize the Committee on Education and Labor to conduct an investigation and study of the operation of elementary and secondary schools by Federal agencies; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 10287. A bill for the relief of Spyridon Kokinakos; to the Committee on the Judiciary.

By Mr. CURTIS:

H.R. 10288. A bill for the relief of Dr. Antonio B. Santillano; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10289. A bill for the relief of Mr. Nounsan Ho, Mrs. Lo Say Man Ho and their six children; to the Committee on the Judiciary.

By Mr. KREBS:

H.R. 10290. A bill for the relief of Antonio Zichella; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 10291. A bill for the relief of Nelly Gamboa Ledesma; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 10292. A bill for the relief of Hilda Shen Tsiang; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

254. Mr. MOORE presented a petition of the West Virginia Bankers Association at its 72d annual convention, objecting to any lowering of the present tariff or duty rates on imported sheet glass, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

A Ship Launching and the Coast Guard's 175th Anniversary

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1965

Mrs. SULLIVAN. Mr. Speaker, today marks the 175th anniversary of the U.S. Coast Guard—a versatile, forward-looking organization founded at Newburyport, Mass., by Alexander Hamilton in 1790 as the U.S. Revenue Cutter Service.

As a member of the Subcommittee on the Coast Guard of the House Committee on Merchant Marine and Fisheries, I have long admired the fine spirit and enthusiasm of the men and women who have made this branch of the armed services their career. The Coast Guard has earned our respect both in war and peace. I have always been proud to be closely associated with this service in my committee assignment in the House of Representatives.

MODERNIZATION PROGRAM UNDERWAY

It was with even greater pleasure, therefore—even more than any woman would feel in being accorded such an honor—that I was privileged last Saturday to sponsor the newest vessel launched in the Coast Guard's extensive modernization and improvement program authorized by our committee.

In the coming years, the Coast Guard will be adding a total of 36 new 378-foot cutters, and 29 of the 210-foot class, along with other ships, planes, and related equipment and facilities necessary to its efficiency and effectiveness in coping with assignments of great importance to our country. These ships will replace what could well be called a "rag tag" fleet of obsolete vessels, many of them 40 or more years old.

When we consider the fact that the Coast Guard last year rescued ships and cargoes valued at more than $2 billion, which is about five times the annual budget of the agency, it is obvious that our investment in the Coast Guard is one which pays extraordinary dividends. In addition, the ships and men of the Coast Guard saved about 3,000 lives last year, and there is no way of measuring that in dollar terms. In St. Louis, we regard the Coast Guard as a great asset to our commerce.

THE "ACTIVE" IS FOURTH NEW CUTTER IN 210-FOOT CLASS

Mr. Speaker, the ship which I sponsored Saturday, on the eve of the Coast Guard's 175th anniversary, the *Active* (WPC-618), is the fourth to be launched of the new class of 210-foot cutters. It is being built at the Christy Corp. Shipyard at Sturgeon Bay, Wis., and, when completed, will be, I am sure, a fine ship. Wherever it may serve, I shall, of course, always be proud of it and of my relationship with it.

Under unanimous consent, Mr. Speaker, I submit for inclusion in the CONGRESSIONAL RECORD the remarks I made Saturday at a luncheon at the Leathem Smith Lodge, Sturgeon Bay, given by President C. R. Christianson and other officers of the Christy Corp., following the launching of the *Active*. In my talk, I tried to express some of my feelings about the roles of the Coast Guard and our merchant marine, as follows:

REMARKS OF CONGRESSWOMAN LEONOR K. SULLIVAN, DEMOCRAT, OF MISSOURI, AS SPONSOR OF U.S. COAST GUARD CUTTER "ACTIVE" (WPC-618) STURGEON BAY, WIS., JULY 31, 1965

I am tremendously pleased to be here today particularly in the capacity in which I was invited—to have the great honor of sponsoring what will one day soon be a beautiful ship. I have just participated in one of the most thrilling ceremonial roles which industry accords to members of my sex. That split second when the champagne bottle breaks on the bow and sprays fleeting ship and nervous sponsor alike is one of those breathless experiences one treasures for life—one of pure delight—for it means a fine ship well-launched and the sponsor's small but starring role creditably performed. As a woman I enjoyed everything about that wonderful moment, and my part in it.

Much as it means to me as a woman honored, however, the launching of the *Active* is of much more profound importance to me as a Member of Congress serving on the Committee on Merchant Marine and Fisheries, and on the Subcommittee on the Coast Guard.

When we drafted and refined in our committee the legislation which authorized the construction of this ship and of others like it, the world was not exactly calm—it never is—but it was decidedly more calm than it is right now. Under any conditions, the mission of the Coast Guard is always important: It is important to commerce and navigation in inland waterways (with which I am most familiar as a resident along the banks of the Mississippi) as well as in our coastal areas. But right now, with 17 of the best of the Coast Guard's new and versatile 83-foot cutters assigned to patrol the waters off the coast of Vietnam, the Nation is suddenly acutely reminded again of the vital role this great service—the Coast Guard—performs for our Nation, and for the cause of freedom—in times of military emergency or war.

One cannot launch a Coast Guard vessel without being aware of the possible combat role it might eventually be called upon to perform, in some trouble spot somewhere in the world. But we pray that this ship, and its sister ships, will encounter excitement enough to satisfy the adventurous spirit of their crews without having to engage in combat operations. Of course, the regular peacetime assignments of the Coast Guard do provide such excitement—and dangers too; such as—in carrying the burden of the North Atlantic Ice Patrol; in freeing the frozen channels of the Great Lakes and our inland rivers; in standing on guard against infiltration of our shores by enemies of our country and against challenges to our laws or our National interests. Confrontations do not occur only at the Berlin wall; sometimes they involve what might be called "troubling in fished waters."

After having acted with diligence and honor and heroism in wartime as an integral part of the Navy in combat areas all over the world, the Coast Guard, I am sorry to say, was relegated to something of a stepchild status for much of the postwar peacetime years. Its motto, "Semper Paratus," applied more to the spirit and willingness of its officers and men, than to its plant and equipment—its vessels and aircraft. During much of this period, the Coast Guard operated only with obsolete and overage equipment-hand-me-downs from World War II—and even earlier—Navy material. In 1961, we began to change that, and the rehabilitation and improvement program is now showing encouraging progress, thanks to the legislation we passed last year. The *Active* is the fourth of a new, modern class of medium-endurance cutters—all of them of 210 feet in length; with maximum speed of nearly 19 knots; a normal cruising range of 5,000 miles; with unequalled salvage, safety and lifesaving facilities; featuring helicopter platforms and refueling facilities which extend their search capability; and with ordnance equipment for law enforcement which can also be modified, if necessary, for antisubmarine use.

The vessels these new cutters are replacing represent a "rag-tag" fleet ranging from seagoing tugs to vessels 125 to 165 feet in length. The 125-footers are patrol boats which were built in the 1920's for the limited role of Treasury enforcement of the prohibition laws, chasing schooners serving as offshore rum runners. These are hardly the kind of vessels the Coast Guard needs today, yet we have had to depend upon them as our major resource for search and rescue work along the coasts, and for fishery patrols and law enforcement.

Their operating characteristics, according to official evaluations given to our committee, are "unsatisfactory," their habitability "substandard." Furthermore, in addition to lacking modern capability, they are "seriously deteriorated."

As a Member of Congress called upon to vote for appropriation bills totaling in the neighborhood of $100 billion a year, I definitely believe that we can certainly afford better ships than these 40- or 45-year-old patrol boats—and the *Active*, I am happy to say, reflects our determination that the Coast Guard once again be given the proper tools for the vital role it is assigned to perform in peace and in war.

The needs of the Coast Guard for adequate, modern, plant and equipment are also echoed in the needs of our merchant shipping, and in shipbuilding capacity, too. There is a close working relationship, of course, between the Coast Guard and our merchant fleet, just as there is in the Committee on which I serve. The concern also extends to our shipyards. The Christy Yard, where we launched the *Active* this morning, has been in existence since 1885. This yard, along with other shipyards on the Great Lakes, and on our inland waterways system, has made great contributions over the years to American strength, to our commerce, and to our national economy. There are those who today counsel that more of our ships—and we are not building nearly enough to replace our aging tonnage—be built abroad at perhaps a cheaper cost. Cost is a factor we always have to take into consideration in any program of Government expenditures; but I am mindful of the fact—which I know everyone here also realizes today—that once neglected, once allowed to deteriorate, national capability in any field essential to defense and safety such as shipbuilding, cannot be replaced overnight. We were ridiculed for years for mothballing so many old World War II ships; yet there have been many times when we have needed them, and we have recently withdrawn 14 cargo vessels from the Reserve Fleet, and more will probably have to come out. But it will require additional funds to modernize these ships as needed—and shipyards to do the work. We cannot try to respond to challenges of Communist aggression with a shipping fleet comparable in vintage and effectiveness to the Flying Fortresses which were the pride of the Air Force in 1941. Yet much of our shipping is in that category. Our shipyards are therefore important to our defense.

These are issues the Congress, and particularly our committee, constantly assess and debate. In calm times—such as when this ship and its sisters were authorized—there was little public interest in these issues, now there is a great deal. But just as the Coast Guard must remain always alert to danger when danger seems nonexistent, so must those of us charged with the heavy responsibility of making national policy, and backing up this Service and others like it for their future missions—no matter what they may be—we must be willing to think ahead and plan ahead and demonstrate the political courage to do these things when the needs are not clearly visible or easily proved, and when economy is a popular watchword.

As a woman honored, I am pleased and flattered and happy in my assignment today; as a Member of Congress, I am even prouder to have had some part—long before today—in making today's launch possible.

This is a good hull. It must become a good ship. My interest in it and the interest of all who participated in the launching will always be a most personal one. But all Americans today share our pride in what this ship and its sister ships represent to us as citizens.

May those who man this ship always sense, and know, that it carries the prayers of you who helped build her sound hull, and of all of us here who participated in her launching. May each voyage be undertaken in high resolve and great harmony of purpose, and with a pervading good humor which will match and overcome the trials of wind and weather, and the fell clutch of circumstance, as well.

May God watch over the *Active*—its missions and its men. Amen.

COAST GUARD, 175, IS LOOKING AHEAD—ARTICLE FROM NEW YORK TIMES

Mr. Speaker, I now submit as part of my remarks on this 175th Coast Guard anniversary an excellent article which appeared in last Sunday's New York Times, reporting on the missions of the Coast Guard and the status of its expansion program. This article, by John P. Callahan, is as follows:

[From the New York Times, Aug. 1, 1965]

COAST GUARD, 175, IS LOOKING AHEAD—SHIFT TO GOVERNORS ISLAND AND RESEARCH SCHEDULED

(By John P. Callahan)

The Coast Guard will formally celebrate its 175th anniversary on Wednesday. But most of the record peacetime force of 32,000 is preoccupied with the probability of expanding patrol units along the coast of Vietnam, planning a major shift and consolidation of East Coast operations next summer to Governors Island, and a record expansion of virtually every phase of the Nation's chief maritime safety agency.

Adm. Edwin J. Roland, commandant of the Coast Guard, returned this weekend from a 2-week inspection swing in southeast Asia, where the second group of 82-foot cutters is patroling inshore waters below the

17th parallel that divides Vietcong from Vietnam.

Thirteen-man crews, including two Vietnamese in each craft are assisting inshore Task Force 115 of naval operations against infiltration of men, weapons and supplies from Vietcong.

Nine Coast Guard patrol boats began working in the area on July 18, and eight more arrived last Thursday, manned by specially trained combat groups who also have a background of law enforcement and boarding operations.

TO USE GOVERNORS ISLAND

Early last week, the House Armed Services Committee was about to join the Bureau of the Budget, the Treasury Department, and the Department of Defense in approving Admiral Roland's request for the Coast Guard to take over Governors Island. A source close to the committee said approval "probably would be announced within 2 weeks."

The plan calls for transfer of the service's 14 schools from Groton, Conn., where about 1,000 men are trained in various phases of duty after they complete their 4-month basic indoctrination at recruiting centers in Cape May, N.J., and Alameda, Calif.

The transfer, scheduled for next June, also would shift all of the Coast Guard's operations in the Customs House to the 173-acre island, which the 1st Army has been ordered to evacuate by next July 1 under the economy plan announced by the Department of Defense last November.

In addition, the Coast Guard base at the Battery, and the 7-acre repair base at St. George, Staten Island, would be declared excess, except that the cutter service provided by the Coast Guard for such Government personnel as Public Health and Customs inspectors who meet inbound ships would be continued from the Battery. The Coast Guard Academy at New London, Conn., would remain there.

ADDING FIVE ICEBREAKERS

While blueprints for what a spokesman said would be one of the largest peacetime operations in Coast Guard history were being completed at Fort Jay on Governors Island, the service received word last week that its icebreaker fleet of four ships would be augmented with five others. The Navy announced that the vessels would be transferred to the Coast Guard during the next 16 months.

In addition to icebreakers, the Coast Guard operates more than 300 other oceangoing craft and 160 rotary wing and fixed-wing aircraft that patrol the continental coast and other U.S. territories. Aids to navigation—ranging from a variety of buoys to atom-powered lighthouses and lightships—number 42,000.

The service also operates the Nation's largest square-rigged sailing ship, the 295-foot training barque *Eagle*. This anniversary year the white-hulled vessel will not visit European ports as it has done in years past. Rather, its 22 sails—half an acre of canvas—will carry the three-masted ship with 350 cadets, 50 officers and 265 enlisted men on a 12,600-mile cruise south, touching at Miami, Balboa, Panama, Acapulco, and ports on the West Coast.

Virtually none of the Coast Guard's anniversary announcements look back; they are concerned with the future of the service with emphasis on modernization, in contrast to the quiet origin of the service, founded by Alexander Hamilton, the first Secretary of the Treasury.

Back in 1790, he authorized establishment of the revenue cutter service, which operated 10 light, fast 50-foot, two-masted schooners, to keep an eye on sailing ships carrying dutiable cargoes.

During the next decade, Admiral Roland said, the Coast Guard will augment its strength with 36 cutters, each 378 feet long; 29 cutters of the 210-foot class, and long-range twin turbine helicopters.

NORTHERN SEAS STUDIED

Oceanographic vessels, which disseminate findings of little-known waters throughout the world, will ply the remote Barents and Kara seas, north of Norway and the Soviet Union.

The service's annual ice patrol, now in its 50th year of operation, has taken on the task of marine research in addition to its primary purpose of warning world shipping of floating icebergs in the North Atlantic.

This year Coast Guard scientists will conduct studies from Greenland to Iceland, and from Iceland to the Orkney Islands, and will study the interchange of, and effect of, currents between the Norwegian Sea, Atlantic Ocean, and the Denmark Strait.

Search and rescue statistics emphasize the immensity of the job done by the Coast Guard. Last year, for example, about 3,000 persons were saved and the value of rescued ships and cargoes soared to a record $2.1 billion—"five times the annual budget of the Coast Guard," Admiral Roland noted.

The service also made 5,664 inspections of merchant ships, conducted 27,886 miscellaneous inspections and reviewed 36,605 merchant-vessel construction plans.

RECORD KEPT OF SHIPS AT SEA

At the Customs House on Bowling Green, the lights on the seventh floor are always on. There, the Coast Guard maintains a location-at-sea record of nearly 7,000 ships of 62 countries in a set of electronic brains—the Automated Merchant Vessel Reporting System—that makes it possible for a ship in distress to be reached quickly by other ships in a wide range of the Atlantic Ocean. Soon the program will be extended to the Pacific.

A spokesman at the Washington headquarters of the Coast Guard said last week that the service soon would ask Congress for a new ceiling on the size of the force.

"Right now, with 26,832 enlisted men and 4,425 officers, we are 700 under our authorized complement," he remarked, "but with five icebreakers coming to us from the Navy, plus other expansion plans, we will require well over 1,200 more men."

He made this observation about half an hour after President Johnson's report to the Nation on Wednesday, calling for an increase in the monthly draft from 17,000 to 35,000.

The Orlando Move—Still a Bad Idea

EXTENSION OF REMARKS

OF

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1965

Mr. WOLFF. Mr. Speaker, I voted today for the Military Construction Authorization Act because this legislation is essential for the maintenance and support of our Armed Forces.

I would like to reiterate once again, however, my steadfast opposition to an item under section 201 which would authorize expenditure of $851,000 in connection with the proposed transfer of the Naval Training Devices Center from Port Washington, N.Y., to Orlando, Fla. I have fought this proposed move from the start because—

First. Such a move cannot be justified from the point of view of economy.

Second. The move would take up to 2 years to complete, thus seriously disrupting the Center's primary mission—supplying training devices and battle simulators to the services.

Third. There is ample room for expansion of the facility at its present location, as it now occupies only 10 out of 160 acres available.

Fourth. Closing Orlando and retaining the Training Devices Center at Port Washington would save the taxpayers the cost of the move.

Fifth. Renovation of existing housing at Sands Point would cost far less than providing such housing at Orlando.

Sixth. The move would add to an already serious unemployment problem in the Long Island area.

Seventh. Orlando is remote from the industrial military locus of the Northeast; Port Washington is ideal in this regard.

Eighth. The Center is presently located in an area where the skilled talent necessary for its sophisticated mission is readily available.

The following statement of costs involved in retaining the Training Devices Center at its present location compared with moving the Center to Orlando is further evidence of the inadvisability of the proposed move.

	Cost	
	Present base	Proposed new site
1. Construction of new building	$1,200,000	$2,000,000
2. Moving costs to new site of material and personnel	0	1,500,000
3. Rehabilitation of buildings	0	851,000
4. Annual maintenance cost [1]	530,000	3,000,000
5. Abandonment of newly constructed laboratory at present site	0	40,000
6. Faced early retirement of employees (trained engineers who will not make the move south)	0	700,000
7. Training of new engineers and technicians (6 months to 1 year)	0	2,187,000
8. Additional costs to meet transportation costs as part of new contracts	0	500,000
Total	1,730,000	10,778,500
Difference	9,048,500	

[1] Present site contains 160 acres of which 10 are used—new site contains 1,400 acres with attending maintenance costs.

The proposed move still does not make sense from a professional, economic, or cost-efficiency standpoint and I remain firmly opposed to this section of the Military Construction Authorization Act even though I voted for this legislation in the general interest of our fighting men.

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 5, 1965

The House met at 12 o'clock noon.

Rev. Elmer Lucas, pastor emeritus of the Trinity Baptist Church, Arlington, Va., offered the following prayer:

Eternal God, Father of Jesus, Thine only begotten Son, our Redeemer, to Thee we offer grateful praise and thanks for the unmerited blessings which Thou hast bestowed upon mankind.

Upon the just and the unjust Thou hast sent rain and sunshine. Always Thou hast anticipated our needs and made ample provision for them—in advance—according to Thy abundant resources.

From the beginning a way of salvation has been provided for all men by Jesus who died for their sins and was buried and arose for their justification and returned to Thee, O Father, to intercede for them. May our gratitude be full and constant and inspire us to walk in Thy ways.

For us Thou didst raise up and endow leaders with wisdom to found a nation whose God was the Lord. Give to our leaders the wisdom to make the dream of our Founding Fathers come true.

To Thee, we pray, long may our land be bright with freedom's holy light. Protect her from every danger. Lift her up above her enemies. Let them not have dominion over her.

Great Deliverer, be Thou our strength and shield. We ask these things in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1564) entitled "An act to enforce the 15th amendment to the Constitution of the United States, and for other purposes.

THE 72D ANNIVERSARY OF THE BIRTH OF THE HONORABLE WRIGHT PATMAN

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and exend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I am pleased to announce that tomorrow marks the 72d anniversary of the birth of one of the great Members of the House, the distinguished chairman of the House Committee on Banking and Currency, the gentleman from Texas [Mr. PATMAN].

During his long service in the House, WRIGHT PATMAN has been a fearless, constructive Member of this body. He has never flinched in battle. He is truly a man of steel. He is a battler for the right and the just, for the free enterprise system of this country. He is the unrelenting foe of monopoly, the inspired champion of the little people.

I congratulate him on his birthday and for his countless contributions to our Nation.

Mr. FINO. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished gentleman from New York.

Mr. FINO. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Oklahoma. As a member of the Committee on Banking and Currency, I subscribe to all he has said about the distinguished gentleman from Texas.

Mr. ALBERT. Mr. Speaker, I thank the gentleman.

Mr. POOL. Mr. Speaker, tomorrow is the birthday of a great Texan, the Honorable WRIGHT PATMAN. I wish to join his many friends in wishing him a happy birthday and express the hope that this great man for many, many years to come will continue to serve his people.

He has been a tower of strength to me in my two terms in Congress. He is never too busy to help when I needed help. Texas is indeed fortunate to have been blessed with the services of this wonderful man.

Mr. BECKWORTH. Mr. Speaker, tomorrow is the birthday of my good friend and close congressional neighbor, Representative WRIGHT PATMAN. I congratulate him on his birthday and wish for him many more. We are all proud of the attainments of the dean of the Texas delegation, Hon. WRIGHT PATMAN.

Mr. MAHON. Mr. Speaker, I take pleasure in joining my colleagues in salutations to the distinguished gentleman from Texas [Mr. PATMAN] upon his forthcoming birthday.

When the late Speaker Rayburn passed away in 1961, Mr. PATMAN succeeded him as the dean of the 23-Member delegation in the House of Representatives.

Mr. PATMAN, as the dean of our delegation, has provided outstanding leadership in matters involving the delegation and the State of Texas.

Mr. PATMAN is an indefatigable worker. I do not know of a Member of Congress who carries a heavier workload than the gentleman from Texas. The zest and energy which he brings to his job is remarkable and our friend thrives on it.

Mr. PATMAN is carving for himself an important place in the history of Congress as chairman of the Committee on Banking and Currency. We do not always agree with Mr. PATMAN, but we always admire him for his devotion to duty, his parliamentary skill, and his outstanding record in achieving the objectives in which he believes.

My congratulations to you, WRIGHT PATMAN, upon another birthday.

Mr. FISHER. Mr. Speaker, tomorrow will be WRIGHT PATMAN's birthday. Today I am pleased to join in paying respect to this distinguished Texan. He is the dean of the Texas delegation in the Congress, and has served his district, State, and Nation well since March 4, 1929. As a senior Member of this body he is an articulate spokesman for much important legislation. He is widely recognized as an authority on banking, finance, housing, and other allied subjects.

I am honored today to say "Happy Birthday" to my friend WRIGHT, and wish him many happy returns.

Mr. REUSS. Mr. Speaker, it is with great esteem that I rise to honor the 72d birthday tomorrow of the gentleman from Texas, the distinguished chairman of the Banking and Currency Committee, my colleague, WRIGHT PATMAN.

Not once during his long tenure in this body has Chairman PATMAN ever wavered from his role as a champion of the small people. He has led the fight to make certain that there is an adequate money supply to meet the needs of an expanding economy. He has fought for the rights of veterans. The well-known Robinson-Patman Act is a living memorial to his belief that small businesses must be protected from those who lean toward monopolization.

The gentleman from Texas came to this body as a crusader. I am happy to say that the years of seniority which he has built up have not changed his reputation as a crusader. His regard for the small man is as deep—if not deeper—on this his birthday as it was when he came to Congress in 1929.

Mr. Speaker, it is easy to crusade when you are at the bottom looking up—it takes courage of the rarest kind to crusade when you have attained the lofty position that Chairman PATMAN now commands.

In these brief minutes I cannot begin to summarize the illustrious career of Chairman PATMAN. The record he has made speaks far more eloquently than any words I might utter in this Chamber. I am certain that when the final history of Congress is chronicled, the name of WRIGHT PATMAN will rank among the greatest men who have ever served in this body.

Mr. PEPPER. Mr. Speaker, I count it a great privilege to join my colleagues in paying tribute to our colleague, the distinguished gentleman from Texas, the Honorable WRIGHT PATMAN, on the eve of his 72d birthday.

Shortly after I was sworn in as a Senator in 1937, I came to know WRIGHT PATMAN and I soon learned that to know him was to admire him. My association with and admiration of him soon ripened into a deep friendship which has warmly abided through the intervening years to the present and I hope will be one of my rich experiences for a long time to come.

WRIGHT PATMAN, during the nearly 30 years I have personally known him, has been a very able, dedicated, and unfaltering champion of the people—the public interest. Whoever sought to pervert the American dream, to deny the rich inheritance of America to all of its people, to gain special privileges for themselves or to exploit power for personal gain, found in Wright Patman an indomitable foe. No one could intimidate his unfailing courage, no obstacles could arrest his efforts, no difficulties in the path of his fight for true democracy and equal opportunity, could discourage him.

So, in innumerable fields he has been the people's foremost champion, the invincible gladiator for the exploited and the underprivileged, the smiling but unrelenting warrior for the people—all the people.

His record is an eloquent tribute to the many battles he has waged and the many he has won. America today is a freer land and a better land because Wright Patman has helped to make it so.

It was my great privilege, which I shall ever cherish, to serve on the Banking and Currency Committee of the House, of which he is the distinguished chairman, in the 88th Congress. I saw closer than ever the merit and the caliber of this good and great man.

Mr. Speaker, I know it is the sentiment of all Wright Patman's colleagues in this House, indeed the fervent hope of us all, that this able, honorable, and dedicated colleague shall not only have a happy 72d birthday, to be shared by his loving and gracious wife and family, but that he shall enjoy many more happy birthdays, each giving him increasing satisfaction over the last, in experiencing that reward which means more to him than anything else—service to his country—and may America long profit by the service of its loving son, Wright Patman.

Mr. O'HARA of Illinois. Mr. Speaker, in my appraisement the Honorable Wright Patman, the distinguished chairman of the Banking and Currency Committee, whose birthday we are observing, ranks among the all-time greats of the Congress of the United States. I am sure no one in this body will take issue with that appraisement.

I doubt if anyone in the history of the Congress has been preeminent in more fields of different natures. He is, of course, one of the world's foremost authorities on money.

But he also is an outstanding teacher, his books on "How Our Laws Are Made" and "Our American Government" having been read and studied in every nook and corner of America. The tremendous circulation of these books and their influence in molding the thinking of our people on the subject of Government clearly have established Wright Patman as one of the country's outstanding teachers in the field of civics.

Public relations is another field in which Wright Patman has established himself as a pioneer who introduced the congressional report that today is part and parcel of the service of every congressional office. Wright Patman came to the Congress in 1929, 4 months after the swearing in the present Speaker, the Honorable John W. McCormack. Shortly thereafter he mailed a report to his constituents, and the report has continued to go out for over 36 years, never missing an edition. This is said to be the first time that a Member of the Congress undertook to report to his constituents at regular intervals, much in the fashion of a weekly periodical, but with the personal touch added to it.

Mr. Speaker, I have touched upon only a few of the many "firsts" in the amazing and inspiring career of Wright Patman. He is the dean of the Texas delegation, and that in itself is something noteworthy, since of the 14 members who have been elected to 15 or more terms, 4 come from Texas. Next to Chairman Celler, former Speaker Martin, and Speaker McCormack, he has been a Member of the House longer than any other.

But it is as an authority on money that he will be remembered long after most of the things we do and say in the Congress have been forgotten. What Wright Patman has been saying on money and credit and the Reserve System and interest and financial management strikes at the very roots of fiscal soundness in a Republic dependent upon democracy among dollars as well as among men. I have never known a harder worker than Wright Patman. Where he finds the time for rest I do not know.

Mr. Speaker, it was my good fortune when I came to the Congress to be assigned to the Banking and Currency Committee. This was the commencement of one of the richest and more rewarding friendships of my life. My warmest congratulations to my beloved colleague on this, his 72d birthday, and my every good wish for many years of continuing happiness and achievement for him and the members of his fine family.

Mr. CABELL. Mr. Speaker, I rise to wish my most heartfelt congratulations to the venerable dean of our Texas delegation, Wright Patman. On this day 72 years ago, our dean was born at Patman's Switch, Tex.

As a freshman Member of this august body, I can look with awe upon a man such as this who has served so ably and with such distinction for 37 years. Because of the elective nature of the office we hold, no man remains here long who fails to represent his home people with verve and with prudence, or who fails to recognize the shifting and changing problems of our metamorphic world. These 37 years certainly attest to dean Patman's perspicacity, not to mention his diligence and obvious resiliency. As a member of the Banking and Currency Committee of which he is its dynamic and effective chairman, I have watched this man work indefatigably. As a member of that committee, I salute my chairman; as a Texas Congressman, I extend my best birthday wishes to my dean with the hopes that there will be many happy returns—the birthday and the elective types.

Mr. ANNUNZIO. Mr. Speaker, it is a pleasure for me to join my colleagues in extending best wishes for a happy birthday to the chairman of the House Banking and Currency Committee, the Honorable Wright Patman.

As a new Member of Congress and a new member of the committee, it has been not only an enlightening experience, but a very pleasant and helpful association, for me to work shoulder to shoulder with this distinguished American on the great and far-reaching legislation that has come out of the Banking and Currency Committee during the 89th Congress.

Over the years, Chairman Patman has contributed much to the people all over America. His firm position on low-interest rates has earned for him the respect and the gratitude of millions of working people in America.

Again, I extend to Wright Patman happy birthday greetings, and wish him continued good health and many, many more years of outstanding public service in the best interests of the American people.

Mr. PICKLE. Mr. Speaker, it is with deep respect, admiration, and high esteem that I congratulate the dean of of the Texas delegation, the Honorable Wright Patman, on his 72d birthday. This great man has been a devoted public servant for many years, ever since his membership in the Texas Legislature in 1919. His years of public service have been years of service to the true public—the little man. This Congressman's unswerving devotion to the cause of the little man is a success story which has engraved itself on the pages of history in such forms as the Robinson-Patman Act.

While I am only a freshman Member, it was long before I ever came to the Congress that I learned to admire this strong and loyal friend of those with the small but important voice. Wright Patman is a man of achievement and purpose. He has served with distinction as lawyer, Army officer, district attorney, legislator, husband and father, Congressman from the First District of Texas, chairman of the Banking and Currency Committee of the House of Representatives, chairman of the Joint House and Senate Defense Production Committee, member of the House select Committee on Small Business, member of the House and Senate Joint Economic Committee, and member of various organizations.

Mr. Patman's vigor and courage in pursuit if his ideals have been an inspiration to the entire House of Representatives and I am indeed honored to serve with him in this 89th Congress. My only wish is that the dean of our Texas delegation may enjoy many more productive years with his friends here in the House of Representatives.

Mr. de la GARZA. Mr. Speaker, it is a matter of great personal satisfaction to pay tribute to the Honorable Wright Patman on his attaining his 72d birthday.

He could justly be called a great legislator. He could—with equal justice—be called a great statesman. He is both. He possesses that unique combination of courage, wisdom, and dedication which would have made him outstanding in any career he might have chosen.

I am glad—Texas is glad—the Nation is glad that Mr. PATMAN chose to represent his people in Congress.

We are both Texans. But he is from the Red River country on the north—while my home is on the Rio Grande on the south. Although representing the same State, we come from distant borders—but—to paraphrase a line from a Kipling poem:

> But there is neither north nor south, border
> nor breed nor birth
> When Texas men stand face to face though
> they come from the ends of the earth!

With all strength, all sincerity I can command, I say, "Happy birthday WRIGHT PATMAN" or, in one of the languages of the border country, "Feliz cumpleaños, Señor PATMAN."

Mr. MINISH. Mr. Speaker, I am happy to join in paying well deserved tribute to the gentleman from Texas, the distinguished chairman of the Banking and Currency Committee, the Honorable WRIGHT PATMAN, upon the occasion of his 72d birthday.

It has been a treasured experience to serve on the committee under Mr. PATMAN, whose wholehearted dedication to the welfare of the American people is an example and a spur to all his colleagues. He is eloquent proof of the adage that hard work never killed anyone—he has thrived under an incredible workload during his long and brilliant service in the House. The whole Nation has immeasurably benefited from his courageous, unyielding insistence that the rights of the people must prevail over special interests. He has been a valiant warrior in behalf of those least able to defend their own interests, and he has the satisfaction of knowing that he has made a vital contribution to our Nation.

I am personally most appreciative of Chairman PATMAN's unfailing patience and consideration. His wisdom, endurance, integrity, devotion to duty, serenity and kindliness have earned him the affection and admiration of all the membership and have made service under his chairmanship most rewarding in all respects.

I congratulate Mr. PATMAN upon all his achievements and I wish him many more years of service.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD on the service and character of our colleague, WRIGHT PATMAN, and that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON APPROPRIATIONS—MILITARY CONSTRUCTION

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday, August 6, to file a report on the bill making appropriations for military construction for the Department of Defense and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CEDERBERG reserved all points of order on the bill.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 223]

Andrews, N. Dak.
Ashbrook
Aspinall
Bandstra
Battin
Berry
Bonner
Brock
Cahill
Carey
Carter
Clancy
Colmer
Conable
Cramer
Dawson
Duncan, Oreg.
Frelinghuysen
Fuqua
Green, Oreg.
Halleck
Harsha
Harvey, Ind.
Holland
Jones, Mo.
Kastenmeier
Keogh
Laird
Landrum
Lindsay
McMillan
MacGregor
Martin, Mass.
Michel
Nelsen
Pickle
Powell
Redlin
Resnick
Rhodes, Ariz.
Rivers, Alaska
Rogers, Tex.
Roncalio
Ryan
Senner
Shipley
Smith, Iowa
Teague, Tex.
Thomas
Toll
Tupper
Udall
Vigorito
Walker, Miss.
Watson
Williams
Wilson, Charles H.

The SPEAKER. On this rollcall 377 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON RULES—MILITARY CONSTRUCTION APPROPRIATION BILL

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow night to file a privileged report on the military construction appropriation.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMITTEE ON THE JUDICIARY—IMMIGRATION BILL

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tomorrow night to file a report on H.R. 2580, the immigration bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING APPROPRIATION TO ENABLE UNITED STATES TO EXTEND INVITATION TO WORLD HEALTH ORGANIZATION

Mr. O'NEILL of Massachusetts, from the Committee on Rules, reported the following privileged resolution (H. Res. 501, Rept. No. 729) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 403) authorizing an appropriation to enable the United States to extend an invitation to the World Health Organization to hold the Twenty-second World Health Assembly in Boston, Massachusetts, in 1969. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

PEACE CORPS ACT AMENDMENTS

Mr. MORGAN submitted a conference report and statement on the bill (S. 2054) to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes.

INDEPENDENT OFFICES APPROPRIATIONS BILL, 1966

Mr. EVINS of Tennessee. Mr. Speaker, I call up the conference report on the bill (H.R. 7997) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 727)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7997) "making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 14, 15, 20, 25, 33, 35, 64, 76, 81, 84, 85, 87, 93, 95, 99, 102, 115, 120, 121, and 125.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 11, 18, 21, 23, 31, 37, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 86, 96, 97, 103, 104, 105, 106, 108, 110, 111, 112, 113, 116, 117, 119, 122, 123, and 124; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,280,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$325,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$55,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$64,080,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,625,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,650,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the number proposed by said amendment, insert "800"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,700,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for construction of fallout shelters except in construction of new buildings under the heading, 'Construction, Public Buildings Projects', for the fiscal year 1966."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,797,750"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "including not to exceed $785,000 for payment to Los Angeles Airways, Inc., and $385,000 for payment to Chicago Helicopter Airways, Inc., for subsidies for helicopter operations not beyond December 31, 1965,"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,300,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$547,039,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$49,800,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,677,500"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert "five"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert "four"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,528,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,050,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$71,000,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,992,500"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,230,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,550,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$226,750,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$87,500,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$132,303,000"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$55,480,000"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,118,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,668,700"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,500,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$350,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$41,362,500"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,362,500"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$130,000,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$130,000,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$455,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$26,915,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,531,000,000"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$584,000,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"Any appropriation in this Act to the National Aeronautics and Space Administration may initially be used during the fiscal year 1966 to finance procurement for which funds have been provided in any other appropriation available to the administration and appropriate adjustments between such appropriations shall subsequently be made in accordance with generally accepted accounting principles."

And the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$160,238,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided*, That no part of this appropriation may be used for expenses of any area medical office"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,511,600"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 77 and 118.

Albert Thomas,
Joe L. Evins,
Edward P. Boland,
George E. Shipley,
Robert N. Giaimo,
George Mahon,
Charles R. Jonas,
William E. Minshall,
John J. Rhodes,
Frank T. Bow,
Managers on the Part of the House.
Warren G. Magnuson,
Allen J. Ellender,
Richard B. Russell, (except
as to amendment
No. 109),
Spessard L. Holland,
A. S. Mike Monroney,
Clinton P. Anderson,
Gordon Allott,
Milton R. Young,
Leverett Saltonstall,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7997) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1966, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

TITLE I

Executive Office of the President

Office of Emergency Planning

Amendment No. 1: Appropriates $4,955,000 for salaries and expenses as proposed by the Senate instead of $3,380,000 as proposed by the House.

Amendment No. 2: Authorizes $150,000 for research and studies as proposed by the House instead of $550,000 as proposed by the Senate.

Amendment No. 3: Appropriates $1,280,000 for salaries and expenses, telecommunications instead of $1,130,000 as proposed by the House and $1,430,000 as proposed by the Senate.

Amendment No. 4: Authorizes $325,000 for telecommunications studies and research instead of $305,000 as proposed by the House and $345,000 as proposed by the Senate.

Office of Science and Technology

Amendment No. 5: Appropriates $1,070,000 for salaries and expenses as proposed by the House instead of $1,110,000 as proposed by the Senate.

Funds appropriated to the President

Disaster Relief

Amendment No. 6: Appropriates $55,000,000 for disaster relief instead of $20,000,000 as proposed by the House and $80,000,000 as proposed by the Senate.

Department of Defense

Civil Defense

Amendment No. 7: Appropriates $64,080,000 for operation and maintenance instead of $58,990,000 as proposed by the House and $69,170,000 as proposed by the Senate.

Amendment No. 8: Authorizes $12,625,000 for matching grants for personnel and administrative expenses of State and local civil defense organizations instead of $9,250,000 as proposed by the House and $16,000,000 as proposed by the Senate.

Amendments Nos. 9 and 10: Authorize $11,650,000 for management expenses for not to exceed 800 positions instead of $10,150,000 for 700 positions as proposed by the House and $13,150,000 for 900 positions as proposed by the Senate.

Amendment No. 11: Inserts language proposed by the Senate concerning shelter stocking. The conferees agree no funds shall be used to acquire additional stocks but funds may only be used to distribute present supplies into shelters.

Amendment No. 12: Appropriates $42,700,000 for research, shelter survey and marking instead of $30,200,000 as proposed by the House and $55,200,000 as proposed by the Senate.

Amendment No. 13: Restores language proposed by the House and stricken by the Senate prohibiting use of any funds for fallout shelter construction, amended to except new buildings under the General Services Administration for the fiscal year 1966 only.

Amendment No. 14: Limits expenses for printing and reproduction to $2,450,000 as proposed by the House instead of $5,000,000 as proposed by the Senate.

Department of Health, Education, and Welfare

Amendment No. 15: Deletes proposal by the Senate to appropriate $2,000,000 for emergency health activities.

Independent offices

Civil Aeronautics Board

Amendment No. 16: Appropriates $10,797,750 for salaries and expenses instead of $10,500,000 as proposed by the House and $11,095,500 as proposed by the Senate.

Amendments Nos. 17 and 18: Authorize $785,000 and $385,000 for payment for helicopter operations in Los Angeles and Chicago, Ill., respectively, as proposed by the Senate, amended to include a cutoff date not beyond December 31, 1965, for such subsidies; and appropriate $81,170,000 for payments to air carriers as proposed by the Senate instead of $80,000,000 as proposed by the House.

Civil Service Commission

Amendment No. 19: Appropriates $22,300,000 for salaries and expenses instead of $22,200,000 as proposed by the House and $22,400,000 as proposed by the Senate.

Amendment No. 20: Restores language proposed by the House and stricken by the Senate to preclude use of funds for salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission.

Amendment No. 21: Appropriates $1,550,000 for annuities under special acts as proposed by the Senate instead of $1,500,000 as proposed by the House.

Federal Aviation Agency

Amendment No. 22: Appropriates $547,039,000 for operations instead of $542,600,000 as proposed by the House and $551,471,280 as proposed by the Senate.

Amendment No. 23: Authorizes $6,760,000 for total expenses of aviation medicine as proposed by the Senate instead of $6,200,000 as proposed by the House.

Amendment No. 24: Appropriates $49,800,000 for facilities and equipment instead of $48,800,000 as proposed by the House and $50,500,000 as proposed by the Senate. The conferees have included funding for the four facilities proposed by the Senate.

Amendment No. 25: Restores language proposed by the House to prohibit the purchase of land or easements at the National Aviation Facilities Experimental Center. The conferees are agreed that instead of purchasing additional land or easements the Administrator should attempt to negotiate trade of some of the 5,000 acres presently owned to take care of FAA needs.

Amendment No. 26: Appropriates $3,677,500 for operation and maintenance of Washington National Airport instead of $3,625,000 as proposed by the House and $3,730,000 as proposed by the Senate.

Amendments Nos. 27 and 28: Authorize purchase of 5 passenger motor vehicles of which 4 are for police type use instead of 4 vehicles of which 3 are for police type use as proposed by the House and purchase of 6 of which 5 are for police type use as proposed by the Senate.

Amendment No. 29: Appropriates $4,528,000 for operation and maintenance of Dulles International Airport instead of $4,379,000 as proposed by the House and $4,679,000 as proposed by the Senate.

Amendment No. 30: Appropriates $1,050,000 for construction at Washington National Airport instead of $1,000,000 as proposed by the House and $1,100,000 as proposed by the Senate.

Amendment No. 31: Appropriates $200,000 for construction at Dulles International Airport as proposed by the Senate instead of $180,000 as proposed by the House.

Amendments Nos. 32 and 33: Appropriates $71,000,000 for grants-in-aid for airports instead of $62,500,000 as proposed by the House and $75,000,000 as proposed by the Senate; and delete language proposed by the Senate.

Federal Communications Commission

Amendment No. 34: Appropriates $16,992,500 for salaries and expenses instead of $16,900,000 as proposed by the House and $17,085,000 as proposed by the Senate.

Federal Power Commission

Amendment No. 35: Restores language proposed by the House and stricken by the Senate to limit expenses of travel to $340,000 and to limit expenses of printing and reproduction to $129,000.

Amendments Nos. 36 and 37: Appropriate $13,230,000 for salaries and expenses instead of $12,875,000 as proposed by the House and $13,325,000 as proposed by the Senate; and earmark $260,000 for the purchase of a computer as proposed by the Senate.

Federal Trade Commission

Amendment No. 38: Appropriates $13,550,000 for salaries and expenses instead of $13,475,000 as proposed by the House and $13,625,000 as proposed by the Senate.

General Services Administration

Amendment No. 39: Appropriates $226,750,000 for operating expenses of the Public Buildings Service instead of $225,000,000 as proposed by the House and $228,500,000 as proposed by the Senate.

Amendment No. 40: Appropriates $87,500,000 for repair and improvement of public buildings instead of $90,000,000 as proposed by the House and $85,000,000 as proposed by the Senate.

Amendment No. 41: Inserts language proposed by the Senate to permit use of funds to provide fallout shelters in new buildings.

Amendment No. 42: Appropriates $132,303,000 for construction of public buildings projects instead of $105,577,000 as proposed by the House and $178,684,000 as proposed by the Senate.

Amendment No. 43: Provides $1,593,000 for courthouse and Federal office building, Tuscaloosa, Ala., as proposed by the Senate instead of $1,490,000 as proposed by the House.

Amendment No. 44: Provides $300,000 for post office and Federal office building, Magnolia, Ark., as proposed by the Senate instead of $284,000 as proposed by the House.

Amendment No. 45: Provides $5,588,000 for post office and Federal office building, Sacramento, Calif., as proposed by the Senate instead of $5,294,000 as proposed by the House.

Amendment No. 46: Provides $3,190,000 for courthouse and Federal office building, Bridgeport, Conn., as proposed by the Senate instead of $3,000,000 as proposed by the House.

Amendment No. 47: Provides $3,990,000 for Federal office building, St. Petersburg, Fla., as proposed by the Senate instead of $3,780,000 as proposed by the House.

Amendment No. 48: Provides $143,000 for post office and Federal office building, Umatilla, Fla., as proposed by the Senate instead of $136,000 as proposed by the House.

Amendment No. 49: Provides $1,147,000 for post office and courthouse, Americus, Ga., as proposed by the Senate instead of $1,065,000 as proposed by the House.

Amendment No. 50: Provides $2,116,000 for post office and Federal office building, Athens, Ga., as proposed by the Senate instead of $1,984,000 as proposed by the House.

Amendment No. 51: Provides $1,971,000 for post office and courthouse, Valdosta, Ga., as proposed by the Senate instead of $1,848,000 as proposed by the House.

Amendment No. 52: Provides $1,201,000 for post office and courthouse, Moscow, Idaho, as proposed by the Senate instead of $1,115,000 as proposed by the House.

Amendment No. 53: Provides $823,000 for post office and Federal office building, St. Maries, Idaho, as proposed by the Senate instead of $763,000 as proposed by the House.

Amendment No. 54: Provides $44,500,000 for Federal office building, Chicago. Ill., as proposed by the Senate instead of $42,390,000 as proposed by the House.

Amendment No. 55: Provides $644,000 for post office and courthouse, Hammond Ind., as proposed by the Senate instead of $610,000 as proposed by the House.

Amendment No. 56: Provides $547,000 for post office and courthouse, Cedar Rapids, Iowa, as proposed by the Senate instead of $518,000 as proposed by the House.

Amendment No. 57: Provides $10,584,000 for Federal office building, Louisville, Ky., as proposed by the Senate instead of $10,000,000 as proposed by the House.

Amendment No. 58: Provides $379,000 for post office and Federal office building, Rockland, Maine, as proposed by the Senate instead of $359,000 as proposed by the House.

Amendment No. 59: Provides $1,311,000 for post office and Federal office building, Portland, Maine, as proposed by the Senate instead of $1,242,000 as proposed by the House.

Amendment No. 60: Provides $749,000 for post office and Federal office building, Cambridge, Mass., as proposed by the Senate instead of $710,000 as proposed by the House.

Amendment No. 61: Provides $339,000 for post office and Federal office building, Grand Haven, Mich., as proposed by the Senate instead of $321,000 as proposed by the House.

Amendment No. 62: Provides $991,000 for post office and Federal office building, Greenwood, Miss., as proposed by the Senate instead of $919,000 as proposed by the House.

Amendment No. 63: Provides $611,000 for courthouse and Federal office building, Butte, Mont., as proposed by the Senate instead of $579,000 as proposed by the House.

Amendment No. 64: Deletes proposal by the Senate to appropriate $2,902,000 for post office building, Lincoln, Nebr. Construction funds are not recommended at this time inasmuch as the project has not yet been fully authorized as required by law.

Amendment No. 65: Provides $213,000 for post office and Federal office building, Newmarket, N.H., as proposed by the Senate instead of $202,000 as proposed by the House.

Amendment No. 66: Provides $7,628,000 for courthouse and Federal office building, Rochester, N.Y., as proposed by the Senate instead of $7,227,000 as proposed by the House.

Amendment No. 67: Provides $5,975,000 for post office, courthouse, and Federal office building, Raleigh, N.C., as proposed by the Senate instead of $5,635,000 as proposed by the House.

Amendment No. 68: Provides $128,000 for post office and Federal office building, Trenton, N.C., as proposed by the Senate instead of $121,000 as proposed by the House.

Amendment No. 69: Provides $6,397,000 for courthouse and Federal office building, Harrisburg, Pa., as proposed by the Senate instead of $6,034,000 as proposed by the House.

Amendment No. 70: Inserts language proposed by the Senate providing $21,024,000 for courthouse and Federal office building, Dallas, Tex.

Amendment No. 71: Provides $1,555,000 for post office building, Lubbock, Tex., as proposed by the Senate instead of $1,454,000 as proposed by the House.

Amendment No. 72: Provides $577,000 for post office, courthouse, and Federal office building, Brattleboro, Vt., as proposed by the Senate instead of $530,000 as proposed by the House.

Amendment No. 73: Provides $614,000 for post office, courthouse, and Federal office building, Rutland, Vt., as proposed by the Senate instead of $563,000 as proposed by the House.

Amendment No. 74: Provides $785,000 for post office, customhouse, and Federal office building, St. Albans, Vt., as proposed by the Senate instead of $729,000 as proposed by the House.

Amendment No. 75: Provides $290,000 for Bureau of Mines building, Mount Hope, W. Va., as proposed by the Senate instead of $275,000 as proposed by the House.

Amendment No. 76: Deletes Senate proposal to provide $43,479,000 for FBI building, Washington, D.C. A request for funds will be considered in a supplemental or regular annual appropriation bill if or when GSA is ready to let contracts. Construction capability presently is not until June 1966.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $18,629,250 for sites and expenses of public buildings projects instead of $20,000,000 as proposed by the House and $18,611,000 as proposed by the Senate. No funds are included for a new Patent Office building pending further study and recommendation as proposed by the Senate. Funds within the total may be used for acquiring sites and planning for buildings at Houma, Louisiana, and Lincoln, Nebraska, as proposed by the Senate if the projects are fully authorized as required by law.

Amendment No. 78: Appropriates $55,480,000 for operating expenses of the Federal Supply Service instead of $54,320,000 as proposed by the House and $56,640,000 as proposed by the Senate.

Amendment No. 79: Authorizes $3,118,000 for operating expenses, strategic and critical materials, instead of $3,056,000 as proposed by the House and $3,180,000 as proposed by the Senate.

Housing and Home Finance Agency

Amendment No. 80: Appropriates $3,668,700 for salaries and expenses, Office of the Administrator instead of $3,675,000 as proposed by the House and $3,666,600 as proposed by the Senate.

Amendment No. 81: Deletes proposal by the Senate to appropriate $4,000,000 for Federal-State training programs.

Amendment No. 82: Appropriates $22,500,000 for open space land grants instead of $20,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

Amendment No. 83: Authorizes $350,000 for administrative expenses for the open space land program instead of $300,000 as proposed by the House and $400,000 as proposed by the Senate.

Amendment No. 84: Authorizes $47,300 for administrative expenses of low income housing demonstration programs as proposed by the House instead of $57,300 as proposed by the Senate.

Amendment No. 85: Appropriates $438,675,000 for the Urban Renewal Administration as proposed by the House instead of $344,175,000 as proposed by the Senate.

Amendment No. 86: Clarifies administrative expenses provision for urban renewal as proposed by the Senate.

Amendment No. 87: Restores language proposed by the House with respect to administrative expenses or technical services in connection with contracts for grants for urban renewal. The conferees support the program and recognize its many outstanding benefits. A supplemental request for the balance of fiscal year 1966 as well as the entire fiscal year 1967 is anticipated at an early date at which time 2-year advance funding will be recommended. The conferees are agreed that this leadtime will amply allow for the mechanics of the program and at the same time provide an opportunity for the Congress to review this program as is now done with other programs involving planning and financial relations with local communities. The conferees are convinced this agreement will not jeopardize advance planning by local communities and will give them ample opportunity to make plans for the future.

Amendment No. 88: Appropriates $41,362,500 for rehabilitation loan fund instead of $41,205,000 as proposed by the House and $41,520,000 as proposed by the Senate.

Amendment No. 89: Authorizes $1,362,500 for administrative expenses for rehabilitation loans instead of $1,205,000 as proposed by the House and $1,520,000 as proposed by the Senate.

Amendments Nos. 90 and 91: Appropriates $130,000,000 for urban mass transportation grants for each of the fiscal years 1966 and 1967, instead of $120,000,000 as proposed by the House and $140,000,000 as proposed by the Senate for each year.

Amendment No. 92: Appropriates $455,000 for administrative expenses of urban transportation activities instead of $440,000 as proposed by the House and $470,000 as proposed by the Senate.

Amendment No. 93: Appropriates $16,500,000 for administrative expenses of the Public Housing Administration as proposed by the House instead of $16,995,800 as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 94: Appropriates $26,915,000 for salaries and expenses instead of $26,715,000 as proposed by the House and $27,115,000 as proposed by the Senate.

Amendment No. 95: Provides $1,947,650 for expenses of railroad safety activities as proposed by the House instead of $1,960,000 as proposed by the Senate.

Amendment No. 96: Provides $1,310,000 for expenses of locomotive inspection activities as proposed by the Senate instead of $1,302,800 as proposed by the House.

Amendment No. 97: Inserts language proposed by the Senate to make available $35,000 for the establishment of a motor carrier office in Wyoming.

National Aeronautics and Space Administration

Amendment No. 98: Appropriates $4,531,000,000 for research and development instead of $4,521,000,000 as proposed by the House and $4,536,971,000 as proposed by the Senate.

Amendment No. 99: Appropriates $60,000,000 for construction of facilities as proposed by the House instead of $62,376,350 as proposed by the Senate.

Amendment No. 100: Appropriates $584,000,000 for administrative operations instead of $579,000,000 as proposed by the House and $590,957,850 as proposed by the Senate.

Amendment No. 101: Inserts language proposed by the Senate amended to provide that appropriations of NASA may initially be used to finance procurement and appropriate adjustments shall subsequently be made in accordance with generally accepted accounting principles. The conferees are agreed that a report shall be made quarterly to the Space and Appropriation Committees of the Congress of action taken on any transfers in excess of $25,000.

National Capital Housing Authority

Amendment No. 102: Appropriates $37,000 for operation and maintenance of properties as proposed by the House instead of $41,000 as proposed by the Senate.

National Science Foundation

Amendment No. 103: Appropriates $479,999,000 for salaries and expenses as proposed by the Senate instead of $480,000,000 as proposed by the House.

Amendment No. 104: Authorizes $37,600,000 for supplementary training for secondary school science and mathematics teachers as proposed by the Senate instead of $43,000,000 as proposed by the House.

Amendment No. 105: Deletes proposal by the House to limit to 10 percent the number of fellowship awards granted to applicants of any one State of permanent residence. The conferees note that the Foundation has been striving to accomplish a more equitable distribution of fellowships, grants, and contracts among the States. The Congress is interested in wide distribution of National Science Foundation support, and not only to the major colleges and universities. The conferees urge the Foundation to continue its efforts in providing a more equitable distribution of these awards.

Selective Service System

Amendment No. 106: Appropriates $49,250,000 for salaries and expenses as proposed by the Senate instead of $49,000,000 as proposed by the House.

Veterans' Administration

Amendment No. 107: Appropriates $160,238,000 for general operating expenses instead of $160,000,000 as proposed by the House and $160,468,800 as proposed by the Senate.

Amendment No. 108: Appropriates $13,496,000 for medical administration and miscellaneous operating expenses as proposed by the Senate instead of $12,596,000 as proposed by the House.

Amendment No. 109: Restores language proposed by the House and stricken by the Senate amended to prohibit the use of funds for any area medical office.

Amendment No. 110: Appropriates $40,893,000 for medical and prosthetic research as proposed by the Senate instead of $37,783,000 as proposed by the House.

Amendment No. 111: Appropriates $1,191,956,000 for medical care as proposed by the Senate instead of $1,197,917,000 as proposed by the House.

Amendment No. 112: Corrects section numbers as proposed by the Senate.

Amendment No. 113: Appropriates $36,500,000 for readjustment benefits as proposed by the Senate instead of $36,000,000 as proposed by the House.

Amendment No. 114: Appropriates $90,511,600 for construction of hospital and domiciliary facilities instead of $87,585,000 as proposed by the House and $92,736,800 as proposed by the Senate.

Amendment No. 115: Appropriates $2,500,000 for grants for construction of State nursing homes as proposed by the House instead of $4,000,000 as proposed by the Senate.

Amendment No. 116: Limits expenses for property acquisition and other loan guarantee and insurance operations to $380,000,000 as proposed by the Senate instead of $360,000,000 as proposed by the House.

Amendment No. 117: Provides that $210,000,000 as proposed by the Senate instead of $180,000,000 as proposed by the House in unobligated balances including retained earnings of the direct loan fund may be available for transfer to the loan guaranty fund.

Amendment No. 118: Reported in technical disagreement. The House conferees will offer an amendment to concur in the amendment of the Senate to reduce new obligational authority in the direct loan revolving fund by $100,000,000.

TITLE II—CORPORATIONS

Federal Home Loan Bank Board

Amendment No. 119: Authorizes $3,885,000 for administrative expenses as proposed by the Senate instead of $3,712,000 as proposed by the House.

Amendment No. 120: Authorizes $233,000 for administrative expenses of the Federal Savings and Loan Insurance Corporation as proposed by the House instead of $243,000 as proposed by the Senate.

Housing and Home Finance Agency

Amendment No. 121: Authorizes $8,800,000 for administrative expenses of the Federal National Mortgage Association as proposed by the House instead of $8,795,800 as proposed by the Senate.

Amendment No. 122: Authorizes $10,330,300 for administrative expenses of the Federal Housing Administration as proposed by the Senate instead of $10,084,500 as proposed by the House.

Amendment No. 123: Authorizes $80,275,000 for nonadministrative expenses of the Federal Housing Administration as proposed by the Senate instead of $79,775,000 as proposed by the House.

Amendment No. 124: Authorizes $1,200,000 for nonadministrative expenses of the Public Housing Administration as proposed by the Senate instead of $1,420,000 as proposed by the House.

TITLE III—GENERAL PROVISIONS

Amendment No. 125: Restores language proposed by the House providing that no funds in the bill shall be used to pay a recipient of a research grant an amount equal to as much as the entire cost of such project.

Albert Thomas,
Joe L. Evins,
Edward P. Boland,
George E. Shipley,
Robert N. Giaimo,
George Mahon,
Charles R. Jonas,
William E. Minshall,
John J. Rhodes,
Frank T. Bow,
Managers on the Part of the House.

Mr. EVINS of Tennessee. Mr. Speaker, as we take up the conference report on the independent offices appropriations bill today we are all acutely conscious of the absence of our chairman, the beloved gentleman from Texas, Albert Thomas. Mr. Speaker, we miss Albert Thomas. We missed him during the conference discussions. We miss him today because we all recognize that he is the best informed man in the independent offices appropriation bill. This bill is largely his handiwork. His philosophy is woven into the bill.

Mr. Speaker, Albert Thomas stood tall in the piney woods of east Texas before he came to Congress. Today he stands tall in the Halls of Congress, as a statesman and a legislative craftsman. As we complete the work on this bill with this conference report we all want to wish Albert Thomas good luck, good health, and Godspeed.

Mr. Speaker, we think this is a good conference report. We have agreement on every item. When we took this bill to the conference table there were 125 items in disagreement. The conference report involves appropriations of more than $14 billion—to be exact, $14,167,800,000. This is a very large bill. It is a good bill. It is an important bill. It affects the lives of all of our people.

Mr. Speaker, I should like to say that the Senate receded on some 22 items, the House receded on 59 items, and 44 items were amended.

The total of the bill is $53,730,138 less than the Senate bill, so we were able to effect some reductions. The bill is $319,855,200 less than the budget estimates. So we think we have accomplished much. All of the 125 points in disagreement have been resolved. We stand on the conference report, Mr. Speaker, as it comes before the House today. It is a good report. We recognize that all legislation is a matter of compromise. But we believe we have worked out a good bill.

The members of the Subcommittee on Independent Offices are all familiar with the details of the bill and we want to give you all the information you may want or need.

Mr. Speaker, I shall mention only a few of the major items considered in conference.

Mr. Speaker, regarding the helicopter subsidy problem with which the House has been confronted for years, this matter is being resolved.

The New York issue has already been resolved and the subsidy there has been terminated.

The Los Angeles-Chicago situation requires a little more time in order to work out their problem and the conference report provides funds for 6 months for these cities to work out an adjustment.

Mr. Speaker, I know many of the Members are interested in the public buildings program. We have provided for 33 new post office and Federal office buildings throughout the country. The building for Dallas, Tex., is included but we did not resolve the issue of the Patent Office Building which has been involved in considerable controversy for some time as to location. So the conferees deferred action on the Patent Office Building.

Mr. Speaker, concerning the FBI building, we all want this building built, but the GSA has indicated they will not be able to use funds for construction until late 1966. So, there are no funds in this bill for that building.

A number of our Members have been interested in funds for the urban renewal program. I can assure them, Mr. Speaker, that all the funds that are needed, all the funds that are required for all approved projects, have been approved by the conferees. We gave them the full budget estimate. In fact, we went beyond the budget on the urban renewal program. The committee favors the program. There is no disposition to hurt it in any way. In fact the committee recognizes its many benefits. I read the statement of the conferees on this item:

> Amendment No. 87: Restores language proposed by the House with respect to administrative expenses or technical services in connection with contracts for grants for urban renewal. The conferees support the program and recognize its many outstanding benefits. A supplemental request for the balance of fiscal year 1966 as well as the entire fiscal year 1967 is anticipated at an early date at which time 2-year advance funding will be recommended. The conferees are agreed that this leadtime will amply allow for the mechanics of the program and at the same time provide an opportunity for the Congress to review this program as is now done with other programs involving planning and financial relations with local communities. The conferees are convinced this agreement will not jeopardize advance planning by local communities and will give them ample opportunity to make plans for the future.

So, Mr. Speaker, the committee has in no way damaged the program. We have provided the full funds under the old law and, as we enter the new housing program, we have invited a supplemental for 1966–67.

Mr. YATES. Mr. Speaker, will the gentleman yield on the urban renewal program?

Mr. EVINS of Tennessee. I yield to my distinguished friend, the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I want to ask the chairman some questions with respect to the urban renewal program.

As I understand it, what the conferees have done under the urban renewal provision, which of course, is of such vital importance to all of us who live in the cities, first the committee has approved the full remaining $94.5 million for urban renewal programs that were contracted for under the existing law.

Is my information correct on that point?

Mr. EVINS of Tennessee. The gentleman is correct.

Mr. YATES. If the gentleman will yield further, secondly, as I understand what the conferees propose in this report, the conferees have given approval, or they anticipate giving approval, to the appropriations requested in the supplemental appropriation bill, which will contain the urban renewal provision which is in the new housing bill, which has not yet been signed by the President but which is on the President's desk for signature, and among the provisions of which is one for $675 million for urban renewal for the program which becomes effective upon enactment of the bill. That program also provides for $725 million to be appropriated for fiscal year 1967. It is anticipated the President will send a message up covering both years.

As I understand the action of the conferees, it is anticipated that the appropriation for urban renewal for those years will be approved.

Mr. EVINS of Tennessee. The gentleman from Illinois is correct.

Mr. YATES. Thirdly, as I understand further, as has been done frequently in the past with respect to other vital programs such as mass transportation, the conferees recognize the necessity for leadtime in connection with the urban renewal program for adequate planning and orderly development. Recognizing the importance of leadtime, the conferees accept and approve the need for a leadtime of a minimum of at least 2 years with respect to the urban renewal program, so that the municipalities and the Federal Government may provide for adequate planning and orderly development of the urban renewal provisions of the new housing bill.

Mr. EVINS of Tennessee. This is spelled out in our report on this matter. The report points out that 2-year advance funding will be recommended.

Mr. YATES. I thank the gentleman. This should allay many of the fears of city officials all over the country who were very much concerned with the language of the original bill.

I want to join the gentleman in what he has said about our very good friend, ALBERT THOMAS, who is facing a most critical period in his illness in the next few days. I commend the excellent manner in which our good friend from Tennessee has handled the conference report and the outstanding job he performed in the conference.

I agree with him that we miss ALBERT THOMAS today. We miss his warm and gracious presentation, we miss his courtliness, we miss his grand manner, we miss his friendliness. The independent offices appropriations bill is uniquely the Albert Thomas bill. The force of his brilliant talents and strength have molded and fashioned it over the years, and its imprint is on the bill before us today. I would want ALBERT THOMAS to know that all of us join with the distinguished gentleman from Tennessee in wishing him good luck, in praying for his speedy recovery and his return to the House again quickly.

Mr. EVINS of Tennessee. I thank the gentleman from Illinois. I would like to state further with respect to the urban renewal program that—as I have indicated and as I now repeat—there is no disposition to damage the program in any way. There has been some criticism of it by the General Accounting Office. The 2-year funding plan is in line with the proposal to recapture control by the Congress and review the urban renewal program annually rather than through the backdoor spending approach. We have taken other actions to stop the backdoor approach with a number of agencies. For instance, mass transportation is now funded on a 2-year basis. The area redevelopment program, the watershed project, and others are annually reviewed. We are all familiar with the work of the Corps of Engineers which is reviewed also.

Mr. Speaker, with respect to the space program, NASA, many Members are interested in this program. Amendment No. 98 would provide $4,531 million for research and development instead of the $4,521 million approved by the House.

We added $10 million more for research and development because it is the very heart of the program.

The Senate receded with respect to the construction program, accepting the House figure of $60 million. On amendment No. 100 we have agreed to $584 million for administrative operations. This is some $5 million over the House, but is $6 million less than the Senate.

The bill provides a total of $5,175 million for our great space effort, for the exploration of space. This is $15 million above the House and slightly more than $15 million under the Senate.

This will give us the greatest and most far-reaching and advanced space effort of any nation in the world. It will put America ahead.

I would advise our colleagues regarding the veterans hospital program that this controversy has been settled. We have provided the full amount that the Veterans' Administration asked for for medical care and other things. The issue has been settled; it has been met. As many of you will recall, we promised we would have this issue settled by the time the conference report was brought back to the House. It is now behind us.

With this, Mr. Speaker, I would like to include in the RECORD a summary table of the bill. This is a good conference report and it should be adopted.

Summary tabulation, independent offices appropriations bill, 1966 (H.R. 7997)

Item	Budget estimates	Passed House	Passed Senate	Conference action	Conference action compared with—		
					Budget estimates	House	Senate
National Aeronautics and Space Council	$525,000	$525,000	$525,000	$525,000			
Office of Emergency Planning	11,720,000	8,875,000	10,750,000	10,600,000	−$1,120,000	+$1,725,000	−$150,000
Disaster relief	55,000,000	20,000,000	80,000,000	55,000,000		+35,000,000	−25,000,000
Office of Science and Technology	1,162,000	1,070,000	1,110,000	1,070,000	−92,000		−40,000
Civil Defense, Department of Defense	193,900,000	89,190,000	124,370,000	106,780,000	−87,120,000	+17,590,000	−17,590,000
Civil Defense, Department of Health, Education, and Welfare	10,380,000		2,000,000		−10,380,000		−2,000,000
Civil Aeronautics Board	94,800,000	90,500,000	92,265,500	91,967,750	−2,832,250	+1,467,750	−297,750
Civil Service Commission	120,901,000	120,520,000	120,770,000	120,670,000	−231,000	+150,000	−100,000
Federal Aviation Agency	716,750,000	700,584,000	724,180,280	714,794,500	−1,955,500	+14,210,500	−9,385,780
Federal Communications Commission	17,494,000	16,900,000	17,085,000	16,992,500	−501,500	+92,500	−92,500
Federal Home Loan Bank Board	(17,407,000)	(16,867,000)	(17,040,000)	(17,040,000)	(−367,000)	(+173,000)	
Federal Power Commission	13,539,000	12,875,000	13,325,000	13,230,000	−309,000	+355,000	−95,000
Federal Trade Commission	13,776,000	13,475,000	13,625,000	13,550,000	−226,000	+75,000	−75,000
General Accounting Office	46,900,000	46,900,000	46,900,000	46,900,000			
General Services Administration	600,552,000	523,913,000	596,451,000	549,678,250	−50,873,750	+25,765,250	−46,772,750
Housing and Home Finance Agency	825,725,000	779,695,000	734,531,600	802,361,200	−23,363,800	+22,666,200	+67,829,600
Federal National Mortgage Association	(8,800,000)	(8,800,000)	(8,795,800)	(8,800,000)			(+4,200)
Federal Housing Administration	(91,300,000)	(89,859,500)	(90,605,300)	(90,605,300)	(−694,700)	(+745,800)	
Public Housing Administration	248,210,000	236,500,000	236,995,800	236,500,000	−11,710,000		−495,800
Interstate Commerce Commission	27,300,000	26,715,000	27,115,000	26,915,000	−385,000	+200,000	−200,000
National Aeronautics and Space Administration	5,260,000,000	5,160,000,000	5,190,305,200	5,175,000,000	−85,000,000	+15,000,000	−15,305,200
National Capital Housing Authority	41,000	37,000	41,000	37,000	−4,000		−4,000
National Science Foundation	530,000,000	480,000,000	479,999,000	479,999,000	−50,001,000	−1,000	
Renegotiation Board	2,500,000	2,500,000	2,500,000	2,500,000			
Securities and Exchange Commission	17,400,000	16,442,000	16,442,000	16,442,000	−958,000		
Selective Service System	49,500,000	49,000,000	49,250,000	49,250,000	−250,000	+250,000	
Veterans' Administration	5,680,623,000	5,686,692,000	5,692,361,600	5,688,405,600	+7,782,600	+1,713,600	−3,956,000
Total, definite appropriations	14,538,698,000	14,082,908,000	14,272,897,980	14,219,167,800	−319,530,200	+136,259,800	−53,730,180
Indefinite appropriations of receipts	27,325,000	27,000,000	27,000,000	27,000,000	−325,000		
Total	14,566,023,000	14,109,908,000	14,299,897,980	14,246,167,800	−319,855,200	+136,259,800	−53,730,180

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. COHELAN. Mr. Speaker, I believe that the gentleman from Illinois [Mr. YATES] has raised some very important questions regarding the urban renewal program. As he knows, I share his great interest in this matter.

I was particularly pleased to hear the gentleman from Tennessee [Mr. EVINS] say that the full remaining $94,500,000 contracted for under existing law has been approved; that the conferees expect to act favorably on the supplemental appropriations request for urban renewal funds in the new housing bill; and that the conferees recognize the vital importance of at least 2 years' leadtime so that both municipalities and the Federal Government may provide the planning which is so essential to adequate urban renewal programs.

Mr. Speaker, I would also like to join my distinguished colleague from Illinois and the distinguished gentleman from Tennessee in expressing best wishes for an early recovery to our beloved subcommittee chairman, ALBERT THOMAS. We miss him today. The House of Representatives is poorer for every day he cannot be with us and I know we all earnestly hope that he will rejoin us soon.

I only want to add, Mr. Speaker, that we are fortunate to have the gentleman from Tennessee [Mr. EVINS] who has done such a good job in presenting this conference committee bill to the House today.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Iowa.

Mr. GROSS. I am surprised that the helicopter business got back in this bill after the war that was waged on it on the House floor when the bill was before the House. I am also surprised to see the civil defense money go up in this bill for the same reason—that it was opposed on the floor of the House.

Mr. EVINS of Tennessee. I will say to my friend and colleague from Iowa that we have cut down on expenditures for the civil defense program. Of course, at the time there was a great effort to build up the civil defense program but there have been cuts made in the fallout shelter program and many other expenditures in the civil defense program. We think we have provided some substantial economies.

Regarding the helicopter matter, we have cut out the subsidy for the New York Helicopter Service. The Los Angeles and Chicago subsidies will continue for 6 months. We have given final warning that, as of December 31, 1965, there will be no funds and no subsidy for helicopter service in any city, although there are many cities throughout the United States calling for it. The terminal date on that type of subsidy will be December 31 of this year.

Mr. GROSS. Having criticized the gentleman with respect to two items, I would like to compliment the committee for having closed the backdoor spending elsewhere in the bill.

Mr. EVINS of Tennessee. The committee is constantly trying to do that.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. Mr. Speaker, I yield to my friend, the very able, congenial, and capable minority member of our subcommittee, the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. I thank my friend for his compliments. We have a very close working relationship in the subcommittee on independent offices. I have never detected any political activity in that committee. All the members are interested in providing a sufficient amount of money to permit the some 20-odd agencies that come under our jurisdiction to operate efficiently.

But we are also conscious of the interest of the taxpayers and we try very hard to see that funds are not expended unnecessarily.

Mr. Speaker, I join the distinguished gentleman from Tennessee, the acting chairman of the subcommittee, in urging that the House approve this conference report.

While I do not approve every line item in this bill and doubt if a single member of the conference committee would support every individual item, we all know that conferences must result in compromises and we cannot have our way always in the House of Representatives. There is another body with equal responsibility and we have negotiated back and forth with the conferees from the other body and in my opinion the managers on the part of the House have brought back a sound and reasonable bill. I think the conference report deserves the support of the membership of the House.

May I say also, Mr. Speaker, I concur in the remarks of the distinguished gentleman from Tennessee [Mr. EVINS] and with the remarks of the former member of our subcommittee, the gentleman from Illinois [Mr. YATES] in the compliments they have paid our chairman who is absent on account of illness. I have had the privilege of working under the leadership of ALBERT THOMAS on this committee for more than 10 years. I do not know of a Member of the House more familiar with the bill under his control each year than was ALBERT THOMAS. I have never seen a man conduct a hearing who was better prepared than he has always been. I have never know a finer gentleman than ALBERT THOMAS and I do not believe I have a better friend. I join all of our colleagues and I know they join me and the distinguished gentlemen who have mentioned his name on the floor today in wishing for him a complete recovery.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas [Mr. MAHON].

Mr. MAHON. I just wish to say that all of us in the House share the fine sentiments which the gentleman and others have expressed in regard to the gentleman from Texas, ALBERT THOMAS. No elaboration is necessary. He is in a class by himself.

Of course, we all hope that he will very soon improve decidedly and be back with us and active, as he was formerly.

Mr. JONAS. Mr. Speaker, I am not going to discuss what the conference did with respect to urban renewal, but since many mayors and city councils in the United States have expressed concern about this I should like to ask unanimous consent of the House to include as a part of my remarks a table from the justifications we considered, submitted by the Urban Renewal Administration, which lists the program progress on urban renewal since the beginning. It is a cumulative report.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The table is as follows:

Urban renewal programs, Title I

PROGRAM HIGHLIGHTS

[Dollars in millions]

	Actual, 1964	Estimate, 1965	Estimate, 1966
Net cumulative approvals, year-end:			
Community renewal programs	118	138	158
Demonstration grants	49	64	79
Urban renewal projects, Total	1,466	1,631	1,831
Grant-assisted activities complete	157	225	295
Description of project activity—Number of projects active in year:			
Planning	782	781	756
Execution	769	943	1,075
Code enforcement and rehabilitation	139	168	205
Land acquisition	472	613	730
Relocation	418	560	710
Demolition and removal	461	610	745
Project improvements	368	430	490
Public facilities	228	269	310
Land disposition	445	500	555
New construction and redevelopment	444	551	633
Localities with projects or CRP's	758	816	888
Workable programs for community improvement	881	945	1,020
Cumulative authorizations and appropriations:			
Grant contract authority provided	$3,975	$5,400	$5,400
Reservations and other utilization	3,966	4,631	5,391
Amount appropriated	1,065	1,295	1,626
Disbursements	1,012	1,291	1,623

Mr. JONAS. Mr. Speaker, the record shows that in addition to the $94.5 million in new money contained in this bill, the conferees agreed to liquidate $331 million in contract authorizations heretofore made by the Urban Renewal Administration. It also shows that there is in the pipeline, unspent but reserved and committed, nearly $3 billion of additional funds which will be available in the future to meet commitments heretofore made.

In addition to this, the new housing bill, which has passed both Houses of Congress but has not been signed into law by the President, will provide an additional $2.9 billion of future spending authority for the Urban Renewal Administration.

Mr. Speaker, I also ask unanimous consent to include with my remarks the statement of the managers on the part of the House, appearing on page 13 of the report, in discussing amendment No. 87, because I believe the RECORD should contain the statement of the managers with respect to our intention not to cripple or damage this program and our intention to recommend funding in the future on a 2-year basis in order to give the mayors and city councils a sufficient amount of leadtime to make their plans, to have their bond elections, and to make the other commitments they need to make in order to carry on any urban renewal program they may have.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The statement is as follows:

Amendment No. 87: Restores language proposed by the House with respect to administrative expenses or technical services in connection with contracts for grants for urban renewal. The conferees support the program and recognize its many outstanding benefits. A supplemental request for the balance of fiscal year 1966 as well as the entire fiscal year 1967 is anticipated at an early date at which time 2-year advance funding will be recommended. The conferees are agreed that this leadtime will amply allow for the mechanics of the program and at the same time provide an opportunity for the Congress to review this program as is now done with other programs involving planning and financial relations with local communities. The conferees are convinced this agreement will not jeopardize advance planning by local communities and will give them ample opportunity to make plans for the future.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Iowa.

Mr. GROSS. I wish to say to my good friend from North Carolina [Mr. JONAS] and to the members of this Appropriations Subcommittee, that it is going to become increasingly difficult to assimilate conference reports on appropriation bills which increase the spending on the part of the Federal Government. I say that because we are going to be confronted in a very short time with a request from the President for an additional $1.7 billion for the war in Vietnam. I assume that this will be in addition to the $700 million he requested only a few weeks ago.

It behooves the Members of the House and the Congress to begin to take stock of the fiscal situation of this Government. I believe the House of Representatives was liberal when it passed this bill. It is liberal in the matter of most appropriation bills.

To see conference reports with increased amounts is going to be hard to assimilate in the days to come, if we are going to continue to become engaged in wars and other military actions around the world. It seems to me the time has come for us to stop and take inventory of what we are doing by way of spending the taxpayers' money. Let me hasten to add that what I have said is not to be taken as a criticism of this committee to the exclusion of any other. The brakes should have been applied, and long ago, by every committee.

Mr. JONAS. I will say to the gentleman from Iowa that I concur in that view. I do remind the gentleman, however, that I believe it was on yesterday, from his committee, when there came before the House a bill that will cost about a hundred million a year, although the civil service retirement fund is already $40 billion in the red.

And that is only one of the new programs authorized by this Congress so far this year. The place to stop the spending is when these new programs and new authorization bills are brought to the floor. I will say to the gentleman from Iowa that this conference report is $319 million under the budget estimate. We have made other substantial cuts this year in appropriation bills. We cannot, however, close down programs in the Committee on Appropriations. That is not our responsibility. The place to stop the spending is when the authorization bills come to the floor of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. JONAS. Yes. I will be glad to yield to the gentleman.

Mr. GROSS. The gentleman has not heard anything yet with respect to bills coming out of committees. Soon he will be confronted with a bill from the Committee on Post Office and Civil Service to increase his pay by subterfuge. The total cost of the proposed pay raise for all Federal employees, excepting Members of Congress, will be in the nature of $1.6 billion.

Mr. JONAS. I will say in reply to the gentleman from Iowa that if the bill retains that provision increasing the pay of Members of Congress, I will vote against it, as I have on previous occasions. And I have not decided yet whether I will vote for it even if it eliminates the pay increases for Members of Congress.

Mr. EVINS of Tennessee. Mr. Speaker, I yield such time as he may require to the distinguished gentleman from Massachusetts [Mr. Boland].

Mr. BOLAND. Mr. Speaker, I want to take this opportunity to compliment the distinguished gentleman from Tennessee who chaired the conferees from the House on this very important bill.

Mr. Speaker, this is the first time in 14 years that our distinguished, brilliant and beloved chairman of the Subcommittee on Appropriations for Independent Offices, the Honorable Albert Thomas, of Texas, has not managed the managers on the part of the House in the conference which the House is now considering. Albert Thomas became chairman of the Subcommittee on Independent Offices of the Committee on Appropriations in 1949. He has occupied that position every year since that time up to the present date, with the exception of the 83d Congress, during the years 1953 and 1954. During all of these years he has never missed a conference on this bill with the Senate conferees. He has always handled the bill when it has emerged from the conference. May I also add, Mr. Speaker, that in the 11 years I have served with him on this subcommittee he rarely missed presiding over the regular hearings—the long and ofttimes laborious hearings—on the regular budget justifications. The tall Texan has been a tenacious champion of the rights of the Congress and the preservation of its powers. No Member of this House is more admired or respected than the gentleman from Texas. He is in Texas today. We expect him to be back with us soon. I know that the prayers of the Members of this House and of the entire membership ride with him.

We all wish him Godspeed.

Mr. EVINS of Tennessee. Mr. Speaker, I yield such time as he may require to the distinguished majority leader [Mr. Albert].

SIGNING OF VOTING RIGHTS BILL BY THE PRESIDENT

Mr. ALBERT. Mr. Speaker, I take this time to advise Members of the House upon the invitation of the Speaker and the majority leader of the Senate the President will sign the voting rights bill tomorrow at noon in the rotunda of the Capitol. All Members of the House are invited by the President and the Speaker to be present at this ceremony.

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Kirwan] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. KIRWAN. Mr. Speaker, the conference report on H.R. 7997 will be considered and adopted today and the architect of the accomplishment will not be here to receive the recognition and accolades he so justly deserves. Congressman Albert Thomas of Texas, the distinguished chairman of the Subcommittee on Independent Offices Appropriations, has personally handled this bill through every Congress since he became chairman of the subcommittee. He would be here today if it was humanly possible, but doctor's orders forbade any appearance and directed him to a hospital in his beloved Texas.

I came to Congress with this distinguished gentleman in 1936 and have served on the Appropriations Committee with him since 1942. Albert Thomas is one of the finest gentleman I have ever known, and one of the most dedicated public servants it has been my honor to serve with in the Halls of Congress. He has no peer in his love of this great country of ours and his dedication to duty reflects the fine qualities of a loyal, trusted servant of the people.

Godspeed and best wishes to this distinguished gentleman for a complete and hasty recovery. We miss him and need him in the Congress.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 77: Page 22, line 19, strike out "$20,000,000" and insert "$18,611,000"

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 77 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$18,629,250".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 118: Page 47, line 1: insert:

"DIRECT LOAN REVOLVING FUND

"The amount authorized by section 1823 (a) of title 38, United States Code, to be advanced after June 30, 1965, by the Secretary of the Treasury to the Administrator, for the purposes of the 'Direct loan revolving fund' is hereby reduced by the amount of $100,000,000."

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 118 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a summary table of the agencies and amounts in the bill.

The SPEAKER. Without objection, it is so ordered.

ELECTION OF MEMBER TO COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 502) and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 502

Resolved, That Joseph E. Karth, of Minnesota, be, and he is hereby, elected a member of the Standing Committee of the House of Representatives on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SALINE WATER CONVERSION PROGRAM

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 24) to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 720)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) entitled "An Act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the language inserted by paragraph (2) of the House amendment, insert the following:

"(2) In section 8 substitute '$90,000,000, plus such additional sums as the Congress may hereafter authorize and appropriate, but not to exceed $185,000,000,' in lieu of '$75,000,000 in all,' and substitute '1972' for '1967'."

And the House agree to the same.

Wayne N. Aspinall,
Leo W. O'Brien,
Walter Rogers,
John P. Saylor,
Ed Reinecke,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Alan Bible,
Thomas H. Kuchel,
Gordon Allott,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 24, to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

Paragraph (2) of the Senate-passed bill reads as follows:

"(2) In section 8 substitute the figure '$275,000,000' for the figure '$75,000,000' and the figure '1972' for the figure '1967'."

Paragraph (2) of the House amendment reads as follows:

"(2) In section 8 substitute the figure '$85,000,000' for the figure '$75,000,000'."

The conference committee adopted language in lieu of paragraph (2) of the House amendment reading as follows:

"(2) In section 8 substitute '$90,000,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $185,000,000,' in lieu of '$75,000,000 in all,' and substitute '1972' for '1967'."

With the incorporation in the basic act of this language adopted by the conference committee, section 8 will read as follows:

"Sec. 8. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary, but not more than $90,000,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $185,000,000, (a) to carry out the provisions of this Act during the fiscal years 1962 to 1972, inclusive; (b) to finance, for not more than two years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act; and (c) to finance, for not more than three years beyond the end of said period, such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act: *Provided,* That funds available in any one year for research and development may, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, be expended in cooperation with public or private agencies in foreign countries in the development of processes useful to the program in the United States: *And provided further,* That every such contract or agreement made with any public or private agency in a foreign country shall contain provisions effective to insure that the results or information developed in connection therewith shall be available without cost to the United States for the use of the United States throughout the world and for the use of the general public within the United States."

Paragraph (2) of the Senate-passed bill would have extended the program for an additional 5 years through fiscal year 1972 and authorized an additional $200 million to be appropriated for carrying out the research and development work, making available $220 million for the 6-year period fiscal year 1967–72, inclusive. Paragraph (2) of the House amendment would have authorized only an additional $10 million to be appropriated for fiscal year 1967, making available a total of $30 million for research and development work in fiscal year 1967.

The effect of the language adopted by the conference committee is (1) to extend the saline water research and development program for an additional 5 years through fiscal year 1972; (2) to authorize an additional $15 million to be appropriated for research and development work, which amount, when added to previously authorized but unappropriated funds, makes available $35 million for appropriation after fiscal year 1966; and (3) to require additional authorization by the Congress for the appropriation of amounts above $90 million, with such additional amounts limited to $185 million.

The language recommended by the conference committee is necessary, in our judgment, if the responsibilities of the Congress for this program are to be met. The adoption of this language is not to be interpreted as a lack of confidence in the executive branch. The inclusion of the $185 million figure indicates approval for planning purposes of the full program recommended by the President.

By its very nature, saline water conversion is a program where it is quite uncertain from one year to the next what direction the research effort is to take. It is understandable that the program presented to the Congress for the 5-year extension was in terms only of the goals which it was hoped might be attained. The prosecution of this program for another five years will involve important policy decisions which cannot be made at this time—decisions which are primarily the responsibility of the Congress.

Under the language adopted by the conference committee, the program for the 5-year period can be planned and formulated as recommended by the President. The $90 million ceiling on the amount authorized to be appropriated makes available $35 million or $6 million more than the preliminary program of the Office of Saline Water for fiscal year 1967. Beginning in fiscal year 1968, it is the position of the conference committee that the research and development work to be accomplished under this program should be approved on a year-by-year basis. Therefore, the Department of the Interior should submit to the Congress at the appropriate time legislation to approve the research and development work proposed to be accomplished in fiscal year 1968.

Wayne N. Aspinall,
Leo W. O'Brien,
Walter Rogers,
John P. Saylor,
Ed Reinecke
Managers on the Part of the House.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Saylor] and I have permission to extend our remarks in the Record immediately preceding the adoption of the conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, we have been able to resolve the differences between the House and Senate in S. 24 in a very satisfactory manner. The principal issue was congressional oversight and, therefore, I want to first assure my colleagues that the conference report on S. 24 permits the Congress to meet its responsibilities in the years ahead in connection with the saline water research and development program.

As passed by my committee and by the House, this legislation provided only for the fiscal year 1967 program. While we recognized the need for extending this program, we were convinced that the responsibilities of the Congress could not be met under the language recommended by the administration. The Senate approved the administration bill without change, thereby providing for a 5-year extension in the program and for the authorization of an additional $200 million to be appropriated for research and development work.

Mr. Speaker, the language adopted by the conference committee will permit this program to go forward as recommended by the President and at the same time provide the opportunity for the Congress to meet its responsibility for reviewing and authorizing the research work. The language of the conference report extends the program for another 5 years through fiscal year 1972. It authorizes an additional $15 million to be appropriated for research and development work and thereby makes available $35 million in unappropriated funds. However, it requires additional authorization by the Congress for the appropriation of amounts above the $35 million. In other words, the program has been extended 5 years as the President recommended and the full amount of an additional $200 million is recognized as appropriate for planning purposes, and, on the basis of information furnished the committee, more than sufficient funds are authorized to be appropriated for fiscal year 1967.

For the years following fiscal year 1967, it will be necessary for the Congress to authorize the appropriation of additional amounts. It is the position of the conference committee that this should be done on a year-by-year basis—in other words, by an annual authorization bill. There are important decisions to be made in connection with this program that cannot be made at this time. Among other things, they relate to the Federal role and responsibilities in connection with this program and its relationship to our overall national water research effort.

Mr. Speaker, I believe that this conference report provides the basis for an all-out effort in saline water conversion. It permits the research and development work to go forward at the pace necessary to attain the goals recommended by the President. I urge its adoption.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I agree with the distinguished chairman of the Interior and Insular Affairs Committee that the conference report on S. 24 provides the control which Congress must retain over the saline water conversion program in the years ahead if the Congress is to meet its legislative responsibility. While we have extended the program for another 5 years, and no one ever questioned the need for this time for planning purposes, we have not authorized appropriations beyond fiscal year 1967. Beginning in fiscal year 1968, we expect to authorize the research and development work on a year-by-year basis. In my opinion, this is the only way we can assure a proper Federal role in this program and see that the proposed expenditures are justified.

Mr. Speaker, this program had its beginning in the Congress and in the House Interior and Insular Affairs Committee in 1952; we have maintained close surveillance of the program since that date. We have reviewed the program almost every year and have amended the original act on three different occasions, changing the emphasis and direction as needed. During this period, project administrators have come and gone. The point I am making, Mr. Speaker, is that this is a program originating in the Congress and we are interested in making it a success.

As a result of this report, I sincerely hope the Office of Saline Water will use some truly imaginative research in their efforts to find a method or methods of economically converting saline water and other minerally charged waters so that we can be prepared to meet the ever growing water demands of all sections of this Nation.

I have some reservations about the so-called leap forward in big plant development. This involves the matter of how far the Federal Government should go in assisting development of any particular method or process once it has reached the hardware stage and has been proven effective. We could spend many millions of dollars on large plants which could be made obsolete overnight by new discoveries.

Mr. Speaker, under procedures established in this conference report, I believe that the decisions which are properly the responsibility of the Congress can be made to move this program forward in the best interest of the Nation. I hope that the conference report will be adopted.

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RYAN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RYAN. Mr. Speaker, I rise in support of the conference report on S. 24 to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior. The conference version of the bill increases from $10 to $15 million the additional authorization for fiscal year 1967 provided by this bill for the saline water conversion program.

Our Nation's great cities all face, in the coming decades, an enormous need for water. Population and industry are expanding rapidly, and with them our demand for water is also increasing rapidly.

Many areas of the country are currently suffering from a lack of sufficient water reserves. In New York City, our water storage levels were, as of yesterday, down to 44.6 percent of capacity, or much less than a year's supply. The Federal Water Resources Council predicts the drought will be even worse next year. Moreover, for the sole purpose of protecting water intakes in the tidal areas of the Delaware from saline water intrusion, New York City must spill 155 million gallons a day into that river from its reservoirs. If this release requirement is continued, four of the city's reservoirs will be dry by November. Other major cities, including Washington, D.C., also have severe drought problems.

In our search for new and economical sources of supply, we must couple sound water management with an aggressive program of technological research. The Federal Water Commission Act—H.R. 10244—which I introduced on August 3, aims at sound water management by treating the allocation and pollution of water resources as related and truly national problems. The desalination program we are voting on today represents a comparable national effort to enlarge the water resources available in our densely populated coastal areas. Both are needed urgently; we can afford neither the luxury of a nonintegrated water use policy nor the false economy of an underfinanced desalination program.

The present bill will increase to $35 million the amount available to the Department of Interior during fiscal year 1967 for the continuation of its work. This is not enough. We need a far broader and better financed program of basic research and experimental plants if we are to fulfill the hope of a real breakthrough in the cost of desalination.

We know that the cost of desalting water is decreasing steadily. In 1952, when our Federal saline water program was started, the cost was $5 for every 1,000 gallons. It has been driven down to $1 for every 1,000 gallons. But it must be cut still further if we are to be able to utilize the desalting process to provide water for our cities.

Mr. Speaker, Kenneth Holum, the Assistant Secretary of the Interior for Water and Power, has called the idea of providing water for our cities through desalination "very complicated and very exciting." It is a vital idea, aimed at one of our Nation's most urgent needs. It deserves proper support. I call upon my colleagues to quickly enact the present bill and help give that support.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TLINGIT AND HAIDA INDIANS OF ALASKA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 893) to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska, together with a Senate amendment to the House amendments thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out the matter proposed to be inserted by amendment numbered 7 of the House engrossed amendments and insert in lieu thereof the following:

"SEC. 2. As used in the Act of June 19, 1935, as amended by this Act, the terms 'Indians of Tlingit or Haida blood who reside in the various local communities or areas in the United States or Canada' and 'persons of Tlingit or Haida blood who reside in the various local communities or areas in the United States or Canada' mean only persons of Tlingit or Haida blood residing in a local community or area in the United States or Canada who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto, or who are descendants of persons of Tlingit or Haida blood who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] and I be permitted to extend our remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, the purpose of the Senate amendment to the amendment proposed by the House to section 2 of S. 893 on July 12, 1965, is to clarify and limit the number of Indians of Tlingit and Haida blood who may be eligible to share in the forthcoming judgment. Some of the Tlingit and Haida Indians who were living in Alaska in 1935 have since moved to the other 49 States and Canada. We want to be certain that only those who were actually legal residents of the Territory of Alaska in 1935 or are descendants of persons of Tlingit and Haida blood who were legal residents in 1935 may apply for a share when the award is made. We do not know how many there may be because the tribal rolls have not been completed and the Indians cross into British Columbia with ease. We do not want to prevent any eligible persons from applying for a share. Neither do we want to encourage every Tlingit and Haida Indian living in Canada to think that he may be eligible to share in the award.

The Senate amendment to the House amendment clarifies a possible misunderstanding on the part of the Tlingit and Haida Indians.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1965

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 498 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 498

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4750) to provide a two-year extension of the interest equalization tax, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider the substitute amendment recommended by the Committee on Ways and Means now in the bill and such substitute shall be considered as having been read for amendment. No other amendment to the bill or committee substitute shall be in order except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but such amendments shall not be subject to amendment. At the conclusion of such consideration, the Committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 498 provides for consideration of H.R. 4750, a bill to provide a 2-year extension of the interest equalization tax, and for other purposes. The resolution provides a closed rule with 3 hours of general debate, making it in order to consider the substitute amendment now in the bill.

H.R. 4750, as reported, extends the interest equalization tax from December 31, 1965, to July 31, 1967, or for 1 year and 7 months beyond its present termination date. Thus, this tax, which is designed to aid our balance-of-payments position, will be in effect for a further temporary period. This tax raises the cost to foreigners of obtaining capital in the U.S. capital market to a level more closely alined with the costs prevailing in capital markets of the other industrialized countries. The present act accomplishes this objective by imposing a tax resulting in an additional annual cost, ultimately borne by the foreign issuers or security holders, equal to approximately a 1-percent rise in interest costs. The tax was first imposed for the period July 19, 1963, through December 31, 1965.

In addition to the extension of the interest equalization tax and its application to debt obligations of 1 to 3 years' maturity, this bill also makes a series of perfecting amendments designed to meet problems which have arisen since the enactment of the tax on September 2, 1964.

Mr. Speaker, I urge the adoption of House Resolution 498.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from New York [Mr. DELANEY], the rule does provide for 3 hours of debate under a closed rule insofar as prohibiting any amendments, except those offered by the Committee on Ways and Means, for the consideration of H.R. 4750, the Interest Equalization Tax Extension Act of 1965.

I think, Mr. Speaker, that House Resolution 498, as well as the bill, calls for a 2-year extension. That happens to be the title of the bill. As I understand it, however, the administration did request a 2-year extension, but this extension, according to the committee, was not granted for a period of 2 years but for a period of 1 year and 7 months, from December 31, 1965, to July 31, 1967. So, an amendment, as I understand it, will be offered to correct that.

Mr. Speaker, there are 14 amendments, as set forth on pages 2, 3, and 4 of the report. At that time U.S. balance of international payments has been in a deficit position in every year but once since 1949. These persistent deficits, which have averaged $2,326 million a year during the period 1950 to 1964, on a regular transaction basis, have led to a significant drain on the U.S. stock of gold, which declined by $9,092 million between 1950 and 1964.

The enactment of the interest equalization tax, together with other programs undertaken in recent years, for a period substantially reduced the payments deficit. The problem remains serious, however, due in large part to outflows of funds which in the past were not covered by the tax.

There was considerable argument about this bill when it was originally passed. I do not know whether this will solve the problem or not.

Mr. Speaker, I do not know of any opposition to the rule. I therefore urge adoption of the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I am opposed to the rule. I opposed the rule in the committee. This matter should be brought to the floor of the House for debate, but not under a closed rule. This is a closed rule. I see no basis or reason for it. I want to do what I can to keep us from getting into the habit of bringing matters before the House in this fashion. In light of the ruling last week by the Chairman of the Committee of the Whole in respect to amendments to section 14(b) of the Taft-Hartley Act, there is no justification for not permitting the House to work its will on this particular section or this part of the 1954 Tax Code.

This rule goes even further and I call attention to the manner in which we increasingly are depriving ourselves, as Members of the House, of the ability to have meaningful debate. On page 2 of the rule, it states that the Ways and Means Committee, and of course I am a member of that committee, and I do not want to have this kind of authority put in here that we can offer amendments and "said amendments shall be in order, any rule of the House to the contrary notwithstanding." Frankly, I do not know of any amendments that are subject to a point of order, but I certainly do not think this is good procedure for our committee or any committee unless there is a reason, and that reason should be spelled out by members of the Rules Committee. Certainly I do not know why there should be a special privilege granted for the waiving of the rules of the House by the Committee on Ways and Means. Then there is a phrase, "but such amendments shall not be subject to amendment."

One can easily see from the small attendance on the floor of the House today and the attendance that will exist during the debate in Committee of the Whole, when we debate one of the most serious measures ever facing the Nation today, that no decision is going to be made by Members of the House here in the well of the House. When we take away the power of amendment from the House of Representatives and put it in the position of voting up or down a bill, of course, there can be no meaningful debate. I hope to see the day—and I hope I am here in the House long enough to see it—when there will be meaningful debate in the well of the House on fiscal matters which vitally affect the welfare of our Nation. I have not seen very many, and one reason, the basic reason for this unfortunate situation is this kind of gag rule that we are continually adopting and unnecessarily so.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I agree with the gentleman in his statement because this closed rule is taking away from the House the power of amendment. It is a severely closed rule, and the more such restrictive rules are used other than when it is absolutely necessary, then the further away from the people our House decisions become. We in Congress should be fair and take time to hear minority views and give opportunity for amendments.

I agree with the gentleman too that there should be a question addressed as to why we have this closed rule and that question should be answered by the committee itself.

Further we should ask the committee; What is the reason for the period time of extension of this tax and why the difference between the two times that have already been mentioned? I think the gentleman has made a good statement and I hope there is a record vote on the rule.

Mr. DELANEY. Mr. Speaker, I have no further requests for time and I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 329, nays 44, not voting 60, as follows:

[Roll No. 224]

YEAS—329

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ashmore
Aspinall
Ayres
Baldwin
Baring
Barrett
Bates
Beckworth
Belcher
Bennett
Betts
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brooks
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Casey
Cederberg
Chamberlain
Chelf
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Cunningham

Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fino
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Tenn.
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Pa.
Greigg
Grider
Griffiths
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Huot
Ichord
Irwin
Jacobs
Jarman
Jennings

Joelson
Johnson, Calif.
Johnson, Okla.
Jonas
Jones, Ala.
Karsten
Karth
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Latta
Leggett
Lennon
Long, La.
Long, Md.
Love
McCarthy
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Matthews
Meeds
Miller
Mills
Minish
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quie
Quillen
Randall

Redlin
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Tex
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wolff
Wright
Wyatt
Yates
Young
Younger
Zablocki

NAYS—44

Bell
Bolton
Bray
Broomfield
Callaway
Clausen, Don H.
Clawson, Del
Collier
Curtis
Derwinski
Devine

Dickinson
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Findley
Fulton, Pa.
Goodell
Griffin
Gross
Grover
Gurney
Hall

Hutchinson
Johnson, Pa.
Langen
Lipscomb
McClory
McCulloch
Martin, Ala.
Mathias
Matsunaga
May
Mink
Minshall

Morton
Race
Reid, Ill.

Reid, N.Y.
Reifel
Smith, N.Y.

Talcott
Watson
Wydler

NOT VOTING—60

Ashbrook
Bandstra
Battin
Berry
Bonner
Brock
Cahill
Cameron
Carey
Carter
Celler
Clancy
Colmer
Cooley
Cramer
Dawson
Ellsworth
Evins, Tenn.
Fogarty
Frelinghuysen
Fuqua

Gallagher
Gray
Green, Oreg.
Halleck
Hanna
Harris
Harsha
Hébert
Holland
Jones, Mo.
Kastenmeier
Keogh
Laird
Landrum
Lindsay
McMillan
MacGregor
Martin, Mass.
Michel
Nelsen
Pickle

Powell
Resnick
Rivers, Alaska
Rogers, Tex.
Roncalio
Ryan
Scott
Senner
Shipley
Smith, Iowa
Taylor
Thomas
Thompson, N.J.
Toll
Tupper
Walker, Miss.
Williams
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Laird.

Mr. Roncalio with Mr. Frelinghuysen.

Mr. Keogh with Mr. Martin of Massachusetts.

Mr. Evins of Tennessee with Mr. Cramer.

Mr. Fogarty with Mr. Clancy.

Mr. Rivers of South Carolina with Mr. Halleck.

Mr. Toll with Mr. Tupper.

Mr. Thompson of New Jersey with Mr. Berry.

Mr. Colmer with Mr. Nelsen.

Mr. Kastenmeier with Mr. Harsha.

Mr. Charles H. Wilson with Mr. Lindsay.

Mr. Thomas with Mr. Brock.

Mr. Celler with Mr. Michel.

Mr. Cooley with Mr. Battin.

Mr. Holland with Mr. MacGregor.

Mr. Rogers of Texas with Mr. Carter.

Mr. Senner with Mr. Ashbrook.

Mr. Pickle with Mr. Ellsworth.

Mr. Williams with Mr. Walker of Mississippi.

Mr. Bandstra with Mr. Ryan.

Mr. Bonner with Mr. Resnick.

Mr. Hanna with Mr. McMillan.

Mr. Powell with Mr. Gallagher.

Mr. Fuqua with Mr. Gray.

Mr. Cameron with Mr. Shipley.

Mr. Taylor with Mrs. Green of Oregon.

Mr. Carey with Mr. Dawson.

Mr. Harris with Mr. Smith of Iowa.

Mr. Scott with Mr. Landrum.

Mr. DON H. CLAUSEN changed his vote from "yea" to "nay."

Messrs. HARVEY of Michigan and CONABLE changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4750) to provide a 2-year extension of the interest equalization tax, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4750, with Mr. DONOHUE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. MILLS] will be recognized for 1½ hours and the gentleman from Wisconsin [Mr. BYRNES] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, this bill, H.R. 4750, makes two important changes in the interest equalization tax. First, it extends the life of the interest equalization tax until July 31, 1967, or for an additional year and 7 months. This tax was first enacted on September 2, 1964, but generally was effective from July 19, 1963. Second, in addition to extending the life of this tax, this bill also applies it for the first time to debt obligations with a maturity from 1 to 3 years. By administrative action—provided for in existing law—the President this last February 10 extended the application of this tax to bank loans, and in this case the tax was applied to loans with a maturity of 1 year or more. Thus, this bill applies the same rule in taxing debt generally—that is, it taxes transfers where the maturity is 1 year or more.

The interest equalization tax is designed to lessen the foreign demand for U.S. capital by, in effect, equalizing the interest rate at which foreigners can obtain capital in the United States with the rates at which capital generally can be obtained in the foreign countries. This is accomplished, in general, by taxing capital funds obtained here by foreigners at a tax rate roughly equivalent to a 1-percent increase in the cost of borrowing money.

I believe there is wide agreement that no more important economic problem faces this Nation than the need to bring an end to large, persistent balance-of-payments deficits. For 14 of the past 15 years the United States has experienced balance-of-payments deficits. These deficits have totaled $35 billion since 1950. Continuing deficits have been the prime cause of a serious outflow of gold, an outflow which has totaled almost $9 billion since 1950.

POLICIES TO SOLVE THE PROBLEM

The administrations of Presidents Kennedy and Johnson, working together with Congress, have recognized that there was no single panacea to this problem and, therefore, have vigorously pursued wide-range measures designed to restore the balance of payments to equilibrium. These measures are each directed at an individual feature of the balance-of-payments problem. Following the peak 1959 deficit of $4,178 million—on a regular payments basis—the late President Kennedy, shortly after assuming office, began a program which included the promotion of U.S. exports, vigorous efforts to reduce the foreign exchange drain associated with U.S. Government overseas operations, and the encouragement of responsible wage-price policies.

Subsequently, measures were taken to discourage capital outflows. These measures included improvements in the climate for domestic investment, through tax rate reductions, provision for an investment credit and faster depreciation. They also have included measures designed to attract, or keep here, foreign funds seeking investments. This probably has been the chief reason for maintaining a higher short-term interest rate than might otherwise have been desired. This is why your committee currently has under consideration a measure to remove tax barriers to foreign investments in the United States.

A key element in the program to deter capital outflows has been the interest equalization tax. The interest equalization tax raises the cost to foreigners of obtaining capital from U.S. sources. The increase in cost, engineered through a series of rates graduated in accordance with the time remaining to maturity, is equal to roughly 1 percent of yield in the case of debt obligations. The tax is 15 percent in the case of stocks. The tax raises the cost to foreigners of obtaining capital in the United States to a level closer to the levels which generally prevail abroad.

In February of this year, President Johnson applied administrative authority Congress had already provided in the interest equalization tax law to extend the tax to bank loans and requested a 2-year extension of the tax. He also announced a voluntary program to limit direct foreign investments by U.S. firms and bank lending abroad. Additional measures to reduce the oversea spending associated with U.S. operations have also been put into effect and recommendations have been made to reduce barriers to foreign investment in this country—a bill now before your committee. A still further measure has been a drive to reduce the loss of foreign exchange associated with tourist expenditures.

A key element in this program was the recommendation to extend the interest equalization tax and also to apply it to foreign loans with a maturity of 1 to 3 years.

WHY THE TAX IS PREFERABLE TO ALTERNATIVES

The basic approach to the balance-of-payments problem reflected in the interest equalization tax is clearly preferable to the available alternative solutions. The problem could have been met, for example, by raising the long-term interest rates here in the United States. Such an increase would have removed much of the attraction to foreigners of obtaining funds in this country in much the same way as the tax. However, the interest rate increase would have simultaneously discouraged domestic investors, while the tax applicable only to foreign investments did not have this effect.

A cutback in domestic investment could well have checked the economy's progress and led to a serious increase in the amount of unemployment. An approach to the balance-of-payments problem which risks rising unemployment and declining profits is a cure that could well be worse than the disease. A solution to the balance-of-payments problem has, therefore, been pursued within the context of a healthy domestic economy. Indeed, a key point in the fiscal program worked out by the administration and Congress together is the stimulation of the domestic economy by increasing the attractiveness of domestic investment and encouraging productivity improvements in American industry.

The interest equalization tax has proved to be an efficient and nondiscriminatory method of restricting foreign portfolio investments by Americans. It certainly is preferable to direct controls because it leaves to the marketplace the decisions as to which foreign securities will be sold here. Thus, it retains the market mechanism of the free enterprise system. A capital issues committee, which has sometimes been proposed as an alternate, would substitute the necessarily arbitrary judgment of a committee for the impartial judgment of the marketplace. The committee would undoubtedly be faced with difficulties in deciding whether to permit the issuance of securities originating in one country or another and the issuance of securities of one type of business or another. It is safe to predict that, as a result, such a committee would be subjected to severe pressures and harsh criticism. Moreover, such a committee could not limit sales of outstanding securities. As a result, the efforts of the committee might well be in vain if new issues of foreign securities were exchanged for outstanding issues held by foreigners and the outstanding issues were then sold to Americans.

THE PRESENT PAYMENTS MEASURES APPEAR TO BE WORKING

The broad program we have developed appears to be bringing our payments under control. Deficits have been reduced following the 1959 high despite large outflows of private capital in 1963 and 1964. The value of U.S. merchandise exports in 1964 was nearly $5 billion greater than in 1960 and the surplus of exports over imports increased by $1 billion as a result. The net outflow of funds connected with U.S. military expenditures abroad and with Government oversea grants and capital payments was reduced by nearly $1.1 billion over the same period.

Moreover, within the last few months the combined effect of the interest equalization tax and the voluntary program has been largely responsible for a sharp drop in the outflow of U.S. private capital. At the same time, the domestic economy has continued to prosper.

Prudent management of the Federal budget has contributed to this prosperity. Timely tax reductions for individuals and corporations gave the economy a push when activity threatened to lag. As activity has moved closer to capacity levels, moreover, the Federal budget has moved closer to balance. The deficit in the Federal administrative budget in fiscal 1965, for example, was only $3.5 billion, a sharp contrast to the deficit of $8.2 billion in fiscal 1964.

As a result of all of these factors, the balance of payments in the months of April, May, and June are now expected to show a small surplus for the first time since 1957. The final figures are not out yet, however, and so I shall not try to forecast the exact amount.

While this surplus testifies to the success of the interest equalization tax and the other policies currently being pursued, it does not mean that we can afford to relax our efforts. One robin does not make a spring and one-quarter of surplus provides no assurance that the fundamental problem has been solved. We know, for example, that the dock strikes in the first quarter made trade in the second appear better than would otherwise be the case. We know that the liquid funds abroad which corporations brought home in the second quarter were larger than can be expected in the future. We know that bank loans showed a larger decline in the second quarter than is likely to reoccur. We know that the heavy tourist season is now upon us.

I also need only point out that the deficit in the first 3 months of the year was $2.9 billion at seasonally adjusted annual rates, a far larger deficit than we can afford to sustain. Moreover, in the first quarter of the year the United States lost $832 million in gold, a loss six times as great as that suffered during the entire year 1964. There was an improvement in the second quarter, but the gold loss in that quarter of $589.8 million still is too large to sustain in the future.

We must also remember that the favorable statistics for the second quarter would have not developed if the interest equalization tax and the other policies had not been in effect. If these measures were suspended or efforts on their behalf reduced, and no replacement provided, our balance-of-payments position would undoubtedly swing once again toward a position of substantial deficit.

THE INTEREST EQUALIZATION TAX HAS BEEN A SUCESS

The interest equalization tax, which this bill will extend and strengthen, has in my opinion, achieved the goals set for it. The outflow of U.S. private capital connected with the purchase of foreign stocks and bonds has dwindled to a trickle in those cases where the tax has been imposed. Furthermore, the application of the tax to bank loans with a maturity of 1 year and more, beginning on February 10 of this year, has been followed by a sharp reduction in loans of this type.

Capital outflows had been a most disturbing aspect of the balance-of-payments situation in the years prior to the announcement of the interest equalization tax. Sales of foreign stocks and bonds increased rapidly after 1961. Sales of new foreign securities in the United States rose—from $523 million in 1961 to $1,076 million—in 1962 by about 100 percent over 1961. In the first 6 months of 1963 the annual rate of such sales nearly doubled again, total sales rising to a seasonally adjusted annual rate of $1,798 million. This outflow, combined with other outflows, raised the total export of private capital from $4.2 billion in 1961 to an annual rate of $5.3 billion in the first half of 1963.

In the second half of 1963, following the announcement on July 18 of the interest equalization tax, sales of new foreign issues to Americans dropped to about 40 percent of the first-half level. In the 9 months following the announcement of the tax, sales of new foreign securities were less than one-half of the total of such sales in the 9 months preceding the announcement. Sales of new issues subject to the tax have been negligible since the tax went into effect. Moreover, net purchases of outstanding foreign bonds by U.S. persons have been slight in amount and net purchases of outstanding foreign stocks have actually shifted to net sales since the middle of 1963.

The exemption extended by Executive order under the provisions of the act for certain Canadian issues was required because Canada relies heavily on inflows of U.S. funds to maintain equilibrium in its balance of payments. Canadian officials have indicated that they do not intend to increase that country's foreign exchange reserves as a result of borrowings from the United States and that they are aware of the necessity of preventing the use of the Canadian exemption as a method of channeling American funds through Canada to other countries.

A limited exemption was also provided for Japan following the issuance of the February 10 Executive order, which applied the tax to bank loans with a maturity of 1 year and more. This exemption, which is limited to $100 million annually, was required to prevent the repercussions of the Executive order from endangering Japan's external payments stability.

THE TAX MUST BE CONTINUED

If the tax were allowed to lapse on December 31 of this year as is now provided, foreigners would again seek to raise money in substantial volume in U.S. capital markets. Foreign borrowers are well aware of our low long-term interest rates. They are well aware of our highly developed and markedly efficient facilities for raising capital. European capital markets have not yet organized to supply the rapidly expanding needs of European businesses and governments as effectively as their U.S. counterparts. As a result, in the absence of the continued application of the interest equalization tax, the drain on our capital markets would begin all over again.

Moreover, in the absence of the tax, American investors would find foreign issues tempting investments in view of the higher interest rates generally available abroad. The experience of the 1920's and 1930's no longer dominates U.S. appraisals of foreign securities. The restoration of currency convertibility following the dislocations of the war period has greatly reduced the risk that repayments of foreign loans will be blocked.

Continuation of the tax is crucial to the success of the rest of the program which has been mounted to narrow the balance-of-payments gap. Unless capital outflows are restricted, efforts to limit the foreign exchange costs of U.S. foreign overseas operations, increase our trade surplus, and reduce the net drain of tourist expenditures will be futile.

Extension of the tax is also vital to the success of the program of voluntary cooperation launched in February. Under this program the Government has asked U.S. banks and business firms to cooperate in a voluntary effort to reduce nontaxable capital outflows. The tax restricts, through the automatic mechanism of the market, the number of foreign borrowers who seek to raise funds here. If there were no tax, many more foreign borrowers would flock to the U.S. capital market. This would greatly increase the strains that the voluntary program would be required to withstand. Moreover, the tax reaches portfolio investors not drawn into the voluntary program and thereby assures participants in that program that they are not being asked to assume a disproportionately heavy share of the burden of eliminating the deficit.

The preservation of the present delicate balance in our international accounts, combined with a commitment to restore that balance if a deficit should reoccur, is essential to the success of any steps the United States may wish to take in the field of international monetary reform. It would be both inappropriate and futile for the United States to support a change in the international monetary system at a time when we were unable to put our own house in order. A call for reform when we were experiencing continuing deficits would only suggest that we were seeking an easy way out of our own difficulties.

It is sometimes said, "Oh, yes, the tax has been successful in meeting the short-run problem, but it impairs the long-run balance-of-payments position of the country by reducing our investments abroad, and therefore eventually our earnings abroad." The facts do not bear out this statement. Let me show you.

U.S. oversea investment and the earnings from this investment have continued to expand. The income from U.S. private oversea investment rose from $3.9 billion in 1962 to $4.2 billion in 1963 and then to $5 billion in 1964. U.S. private capital outflows increased during the period from $3.4 billion in 1962 to $4.6 billion in 1963 to $6.5 billion in 1964. The tax merely keeps at a reasonable rate the expansion of U.S. oversea investment so that drastic increases in the rate of such investment—caused by abnormal capital requirements abroad—do not force us to resort to drastic measures to restore equilibrium to our balance of payments.

EXTENSION OF TAX PROVIDED BY THE BILL

For the reasons I have outlined to you, H.R. 4750 extends the interest equalization tax for an additional 1 year and 7 months. Thus, the tax will not expire on December 31, 1965, but will be extended to July 31, 1967. The extension is for a period somewhat shorter than the 2-year extension requested by the administration. Your committee believes, however, that July 31 is preferable as a termination date to December 31.

The somewhat shorter extension provides as much time as is necessary to enable Congress and the administration to assess developments in the balance of payments which result from the program announced on February 10. At the same time it emphasizes the fact that the tax is designed to meet the short-run problem of the balance-of-payments deficit and is not to be considered a permanent component of the tax structure.

The tax can then be allowed to expire if the state of our balance of payments permits.

APPLICATION OF THE TAX TO SHORT-TERM LOANS

The second major feature of this bill is the application of the tax to debt obligations, made by Americans to foreigners, where the obligations mature within 1 to 3 years. Presently, the tax applies to bank loans with a maturity of 1 year or more, but in the case of other obligations applies only where the obligation has a period to maturity of 3 years or more.

The interest equalization tax, when initially enacted, exempted U.S. commercial bank loans to foreigners. The act provided, however, that this exemption could be revoked and the tax then applied to commercial bank loans with a maturity of 1 year or more—or 3 years or more as the President decided was appropriate—if the President determined that the exemption was impairing the effectiveness of the tax. This authority to apply the tax to bank loans with maturities of 1 year or more, instead of 3 years or more, was provided the President because of the realization that in the case of bank loans two short-term loans could readily be substituted for one longer term loan. The President agreed that such a substitution was likely and therefore, when he applied the tax to bank loans, extended it to those of 1 year or more.

The demand for American capital continued after the interest equalization tax was imposed and it became apparent that foreign borrowers were, to an appreciable extent, using loans from U.S. banks as a substitute for the sale of securities in the U.S. capital market. The amount of long-term bank loans extended to foreigners rose from $902 million in the first half of 1964—and this was already higher than in earlier years—to $1,379 million in the second half of the year. In the early days of 1965, commercial bank loans rose to a level which, if sustained, would have carried the total for the half year to over $3.5 billion.

In the face of this rising outflow of bank loans, the President exercised his authority under the act to apply the tax to commercial bank loans to foreigners and, as I have already indicated, applied it to loans with a maturity of 1 year or more. He took this action on February 10 of this year. At the same time, the President recommended that the tax be applied to nonbank acquisitions of foreign debt obligations with a maturity of 1 to 3 years. Without legislative action, such nonbank loans would not be subject to tax, while bank loans of a similar nature would be under the terms of the Executive order.

Your committee believes the action taken by the President in applying the tax to bank loans was virtually required by the increased flow of bank loans. It also believes that this action should be supplemented by the application of the tax to nonbank acquistions of debt obligations issued by foreigners in developed countries that have a time remaining to maturity of 1 to 3 years. This bill, therefore, incorporates such a provision.

Mr. Chairman, I will not go into all of the details of the bill itself. I will ask unanimous consent to revise and extend my remarks in full detailed explanation of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

OTHER PROVISIONS OF THE BILL

Mr. MILLS. Mr. Chairman, the remaining provisions of the bill are more technical in nature. In the main, they either extend the exemptions provided under existing law to situations similar to those now exempt, or provide exemptions which are required as a result of the application of the tax to debt obligations which mature in less than 3 years.

The bill exempts from tax loans made to foreigners in connection with a lease arrangement in which a foreigner leases personal property from a U.S. person. The exemption only applies if at least 85 percent of the amount paid under the lease is attributable to tangible property produced or extracted in the United States or to the performance of services under the terms of the lease by the U.S. person. This provision merely extends the existing exemption for debt obligations acquired in connection with export transactions to leases, as well as sales.

An exemption is provided for loans made to foreigners to finance construction on real property located in the United States if the property involved is pledged to secure the loan. To qualify for this exemption, at least 25 percent of the cost of the construction must be paid from funds acquired from a non-U.S. person and at least 85 percent of the cost must be attributable to property produced or services performed in this country. This provision extends the present exemption for loans made when foreigners buy real property located in the United States to loans made in connection with construction projects carried on by foreigners on real property located in the United States.

The bill exempts from tax up to $2,500 of any loan made to a full-time foreign student at an American educational institution. In the absence of this exemption such loans, whether made by banks or the schools themselves, would be subject to tax whenever the time to maturity exceeded 1 year.

Also, exempt under this bill are loans made in connection with sales of tangible property which were held for personal use, such as a house or a car, by an American to a foreigner if the property sold is located abroad and was held for the American's personal use. Without this exemption the tax would be applied in such cases whenever the loan was for more than 1 year.

The bill exempts from tax securities acquired by a branch of a U.S. corporation which is engaged in commercial banking in a foreign country, if the branch is a member of a foreign stock exchange whose members are all banks and if it has been a member of such an exchange since about mid-1963. However, the bank's holdings of specified securities must not exceed 3 percent of the amount of its deposits which are payable in the currency of the country in which it is located. The exemption applies as of the initial effective date of the tax; namely, July 18, 1963. In these special types of situations the branches are performing what is a normal banking function in the country where they do business. Additionally, it should be noted that the transactions have no adverse effect on the balance of payments.

U.S. persons who acquire interests in partnerships which are less-developed country partnerships are excluded from the tax. This is a logical extension of the existing exclusion of stock purchases in corporations which operate in such countries.

For the cases where stock obtained from foreigners by U.S. brokers is resold to foreigners, the bill extends to indirect resales executed by over-the-counter dealers the refund or credit option applicable under present law when indirect resales of bonds are made by such dealers. The present disparity in the treatment of over-the-counter sales of stocks and bonds, which was necessary, initially, for administrative reasons, is no longer necessary.

By permitting a U.S. finance corporation to treat a foreign branch as a subsidiary, the bill excludes from the tax the operations of foreign branches which extend loans to foreign consumers to finance the purchase of items manufactured by a related concern. The loans must be repayable in foreign currency, and the branch must have been in business for a year prior to February 10, 1965. Prior to the application of the interest equalization tax to loans with a maturity of less than 3 years, this exemption was not necessary since consumer loans do not usually have a maturity of 3 years or more.

Present law exempts foreign stock issues from tax if the corporations are predominantly U.S. owned, as defined in the law. This bill also excludes additional shares issued by a company in the future where the company had 250 or more shareholders and was actively engaged in a trade or business when the tax initially went into effect. The new stock must also be from a class of stock which was exempt from tax when originally sold because of the less developed country corporation provision, the international monetary stability exclusion, or the exclusion relating to certain reorganizations. Under this rule, the sale of new shares of stock to Americans by a Canadian company, predominantly owned by Americans, would not be subject to tax if such stock, when issued, was exempt from tax under the international monetary stability provision.

In connection with the application of the tax to foreign debt obligations with a time remaining to maturity of 1 to 3 years, the bill provides that commercial banks may acquire foreign debt obligations with a maturity of 1 to 3 years from private American owners without becoming subject to tax.

The bill also provides that in the event the President exercises the authority given him under present law to extend the tax to loans by foreign branches of U.S. commercial banks to the extent they exceed 110 percent of foreign currency deposits, the branches are to be permitted, in determining the amount of this 110 percent which is free of tax, to include the foreign currency deposits received by them from any other banks except U.S. banks or their affiliates. Under present law, these deposits would not be includible in the tax-free pool.

Finally, the bill also eases current restrictions governing the deductibility of the interest equalization tax and makes two other technical amendments.

CONCLUSION

Our success in reducing the balance-of-payments deficit without resorting to such desperate and disruptive measures as domestic deflation is due, in important measure, to the timely enactment of the interest equalization tax. The continued success of our efforts depends on its extension. I might also add that it is important to the success of any international monetary stabilization conference that we demonstrate our ability to keep our balance of payments well under control. Therefore, Mr. Chairman, I urge the House to approve H.R. 4750, the Interest Equalization Tax Extension Act of 1965.

Mr. Chairman, let me tell the Members of the House this. If you vote against this legislation, which means that you feel that we do not need it any longer, bear in mind the fact, when you look at the volume of dollars abroad subject to short-term demand, there is $27.5 billion owned abroad now. If you look at the total of it, there is some $30 billion owned abroad. Whoever owns these dollars, while he may not be able directly to convert to gold, they can be sold and end up in the central bank of his country, and then this bank may convert them into gold.

Mr. Chairman, we are dealing with a most serious problem, one about which the time has passed, I think, for us to say that we should have gone a different course. Some may believe we should have, but we argued that out before. But if anyone can say today and prove today that we would not commit a serious blunder, so far as the public interest is concerned, by discontinuing this tax, I would like to have him prove it to me.

I think we must reduce this substantial imbalance that we have had. Even this year this imbalance is disturbing to me. We cannot relax, we cannot forego now without incurring real danger, the passage of this legislation.

Therefore, Mr. Chairman, I would urge that the bill as reported by the committee be accepted by the House and sent on its way to the other body.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield.

Mr. REID of New York. Mr. Chairman, I would like to ask the distinguished gentleman whether he did not describe this bill initially in the other Congress as a temporary tax, or at least express the hope that it was?

Mr. MILLS. I still describe it as that. We have a termination date of July 31, 1967, under this bill. We did not extend it the 2 full years the administration asked. By taking the shorter period, we can review it during the 1967 session. If it is not needed, certainly it will be allowed to lapse on that occasion, I can assure the gentleman.

Mr. REID of New York. Can the gentleman give the House any assurance as to his thoughts on the desirability of discontinuing the tax when, in the gentleman's judgment, that is possible?

Mr. MILLS. I am not going to say that I am willing to see this tax discontinued at that time—or any other policy or effort that we are making to restrain this substantial imbalance in our payments.

I must say to the gentleman from New York that I do not know what conditions will be like at that time. I hope, however, that conditions will be such that we can end this extension at that time or as soon thereafter as conditions make this desirable. Certainly, only then can we make the determination as to whether the tax needs to be extended and not now.

Mr. REID of New York. Mr. Chairman, if the gentleman will yield further for one other question——

Mr. MILLS. Yes, I would be glad to.

Mr. REID of New York. As I understand the legislation pending before us today, it extends the life of the tax and, in particular, it puts into law the authority the President now has as a result of the Gore amendment and brings down the authority from 3 years to 1 year with respect to debt obligations?

Mr. MILLS. Generally. Under the law already in effect the President had authority to extend the tax to bank loans, under the so-called Gore amendment. The President also had the authority to place the tax on bank loans of a maturity of a year or more. This bill does not change this in any way. We have said that other debt obligations generally, not bank loans, where the tax already applied when the obligation was for 3 years or longer, now will apply where the obligation is for 1 year or longer. This simply provides the same treatment for these other debt obligations which now applies to bank loans.

Mr. REID of New York. I thank the gentleman, but my question is this: Therefore, is not a substantial part of this program voluntary by virtue of a number of financial and other institutions cooperating with the President's effort?

Mr. MILLS. Oh, absolutely. There is no question that in addition to the tax there is a voluntary program supplementing the tax in areas where it does not apply. The voluntary program, for example, applies to loans by banks and financial institutions generally and also to direct investments by American corporations operating businesses abroad. These corporations have been asked not to use American capital in connection with expansion of those businesses abroad, but to borrow moneys in the countries wherein their businesses are located.

We have had a remarkable reaction to this voluntary program. I think we have had the full cooperation on the part of American business in this respect. That is why, the tax and the voluntary program, working together, have resulted in some real progress.

Mr. REID of New York. Will the gentleman yield further for one final question?

Mr. MILLS. I yield to the gentleman.

Mr. REID of New York. As the distinguished chairman of the Committee on Ways and Means may recall, we had a colloquy on the floor of the House about 2 years ago when I raised the question then as to whether or not most of the program could not have been handled by a voluntary arrangement; a capital issue committee.

Mr. MILLS. I did not agree then and I do not agree now that this could have been handled through a capital issues committee, whether or not voluntary. A capital issues committee, for example, could not be applied to already issued stock. Moreover, I doubt whether such a committee could find any satisfactory way of deciding which securities to issue and which to not issue. In any event the tax is much better because it follows the free enterprise route. It leaves the decisions to the marketplace.

Mr. REID of New York. I thank the gentleman.

Mr. MILLS. Certainly, no harm is being done here, in extending the tax. People have become accustomed to this tax. This is an existing program. You are merely being requested to act upon an extension.

Mr. REID of New York. I thank the gentleman from Arkansas and I hope we can get back to a voluntary system and away from this tax at the earliest possible date—as it is a clear restraint on the free market, a protective tariff on capital transactions—that runs the risk of the loss of our financial markets to Europe for relatively modest, short term gains.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. Curtis].

Mr. CURTIS. Mr. Chairman, I am very strongly opposed to this bill as can be noted from reading the minority report which accompanied this bill. I want to again commend our chairman for explaining in a very forthright manner exactly what this bill does. I certainly share with him the statement, if I do not misinterpret what he says, that this bill does represent one of the most serious matters that faces our country today.

It really is impossible for the House to consider this matter with intelligence unless the Members have read the committee report. Let me commend the committee report. It was well done. I would add also, the minority views, I hope, are equally clear in trying to get across our point of view. Of course this is a very technical matter. However there is more war and peace wrapped up in these dry measures that involve the fiscal policy of the United States and the international economic picture of the world than anything I know of.

I would say those who wish to avoid the events such as we are experiencing in South Vietnam, to avoid the bitter experiences of Korea, World War II and World War I, had best pay attention to these basic economic problems because so many of these wars and conditions which produce wars arise out of these economic imbalances and differences of point of view. We have now reached a climax in this area in the United States.

People for years have asked me, "What is the matter with deficit financing on the part of the Federal Government?" I tried to explain as best I could my interpretation of what was the matter. In recent years, certainly in recent months, here in the well of the House I have been able to say, I do not have to go into a lot of theories so much any more, the events are coming on us. Let us establish what is wrong with deficit financing.

When we took the intrinsic value out of our coins the other day and passed the wooden nickel bill, that is an example of what happens when you continue to operate under a deficit over a period of time. When we removed part of the gold backing in our Federal Reserve System, this was another indication. When, 2 or 3 years ago, we removed the silver backing behind our silver certificates, when we sold the Roosa bonds, named after a very able Assistant Secretary of the Treasury, who had the problem of debt management and handled it very well. Those bonds provided we would repay, not in U.S. dollars, but in the currency of the country that purchased them, in Swiss francs or German marks. All of these and many more are indications of the damage that comes from continued deficit financing.

Will you ponder with me over why the United States for the first time in its history has imposed restrictions on the international flow of capital, the first time in our history we have moved in this great area to impinge upon freedom through Government controls and Government restrictions. What are the implications, the long-range implications, of interfering through the political mechanism with the judgment processes of America in the field of capital funds internationally? The chairman of our committee [Mr. Mills] emphasized this point, when he said this interference is temporary. The gentleman from New York [Mr. Reid], asked when we brought the bill on the floor the first time whether it was temporary. Mr. Mills again emphasized it was.

The question I asked the Secretary of the Treasury in our headings—Why temporary? The answer is because it is bad medicine—because every economist and every student of this area says this is not the correct way to structure an economic policy; that we are taking the bad medicine because we are in this bad situation.

Yes, I have the answer as to what action we should take, I will say to the gentleman from Arkansas. I think I do. The same action I said we should take when I discussed the wooden nickel bill on the floor of the House. Yes, we had to remove the silver from our coins. We had to do something because the intrinsic value of that silver metal was worth more than the full faith and credit of the United States. I praise the Committee on Banking and Currency for coming up with a workable solution perhaps. But I said—These solutions are merely treating symptoms of the disease. We must treat the disease itself.

I wrote an article earlier this year called "Check Reins on Economic Extremism" which I will include in the RECORD as part of my remarks here.

But I want to read the first two or three paragraphs:

> No sooner had Harold Wilson taken over as Prime Minister following the Labor Party's hairline victory in the last year's British election than he found himself up against economic reality. The run on the pound sterling and its cliff hanging rescue by a consortium of international bankers forcibly reminded him that some of Labor's pet projects would have to be put on the shelf indefinitely.
>
> Some of the same factors which limit Mr. Wilson's freedom of action also operate in the United States. We too have a persistent balance-of-payments problem. We too must keep our cost of production in line if we are going to compete in world markets. We too must avoid measures which would unduly hamper the productive forces in our economy if we are to maintain the strength of the dollar abroad.

To avoid further trouble and to correct the present ills the administration will have to take these factors into consideration in shaping its own domestic programs. Just as the Labor government did face up to its responsibilities to some degree by withdrawing the budget it had prepared which included extensive domestic expenditure programs and resubmitted an austere budget, so the Johnson administration must in effect withdraw the budget that it has presented to this Congress in January 1965, and submit a revised austere budget.

In light of these symptoms and certainly in light of the developments in foreign affairs in South Vietnam, the administration must withdraw that budget and resubmit a budget to the Congress which is austere and which shows an understanding of these fundamental causes of this disease, some of the symptoms of which we are discussing here today.

Now I can sympathize and understand the chairman of our committee and others who would vote for this year and one-half extension hoping that by buying this additional time it will actually be of value to us. Certainly it gives me pause when our chairman says, Is anyone going to come down here and say, "Let this expire in December, contemplating what the consequences are of letting it expire?"

Yes, I think in this area, we should contemplate the consequences and, contemplating them, let the ill-advised measure expire. This syllogism was not apt in the debate on the removal of silver from our coinage. On that matter I said I thought the damage of not taking action was really great and we had to do about what we did. I was arguing, however, that we should use the gravity of that situation as a pressure point to force the administration to come before the Congress to present us with a revised budget that was austere and within reason in view of our deteriorated fiscal situation.

But in this area of American investment abroad I think I can say that I can contemplate what would happen in December if we let this tax—this tariff—expire. At least I would argue this and have the House follow this reasoning of what would happen. Actually, I do not think very much would happen. If one examines the figures, and in my interrogation of Secretary Fowler, I noted the actual figures on the foreign investment balances which occurred in respect to the interest equalization tax.

I will read them into the RECORD.

In 1961, the total net outflow was $4.6 billion. In 1962 it was $3.4 billion. In 1963 it was $4.4 billion. Then in the years when the interest equalization tax was in effect it jumped to $6.4 billion.

In the committee report it is very interesting to find it pointed out that there was a change after the announcement of the interest equalization tax. I will read the full sentence:

> In the last half of the year, however, after the announcement of the interest equalization tax, the deficit was reduced sharply to an annual rate of $1,706 million. In 1964, the deficit was $3,106 million, one of the lower annual deficits since 1957.

But look at the chart on page 5, where the yearly figures are broken down into quarters. There we see the decline in the third and fourth quarters of 1963 to the figures of minus $1.7 billion and minus about $1.72 billion as stated. Then in the first quarter of 1964, it is $1.7 billion minus.

But then note the second quarter, which jumps to a minus $2.1 billion.

The third quarter is minus $2.3 billion, and the fourth quarter is minus $6.2 billion.

How can anyone, in the light of these figures, say that this interest equalization tax has been effective?

I will tell what it did, and the chairman's statement and the report bear it out. It simply did what many of us said it would do. It shifted capital outflow from one form of investment to another form. I prophecied it would change the "mix" of our investment, and that for the worse, that there would be ways figured out so the capital would flow through this "Berlin wall" we sought to erect to get to the areas of freer and better investment climate.

It flowed out, essentially, through bank loans.

This bill has 14 amendments. They are all directed toward trying to make this "Berlin wall" really restrictive, plugging up the tunnels and the breaches.

Let me say that this is not going to achieve the objective. We Americans are not well versed in building these kinds of walls to restrict freedom.

Note one of the other big areas where the administration knows there has been this flow, in the field of investments already existing abroad, in the plowback of retained earnings. So the President early this year came out with his request for voluntary guidelines and voluntary cooperation on the part of business, to not go ahead with their investment programs which would be financed from retained earnings.

Yes, it is said there have been some results on that, but this is highly questionable and certainly it is not part of this law. I would point out, incidentally, the danger of voluntary guidelines—this business of Government seeking to operate through means other than properly enacted laws.

A few months ago I put in the CONGRESSIONAL RECORD an article written by Dr. Arthur Burns, pointing out the insidiousness and the danger of the so-called "voluntary" guidelines. But even this "voluntary" restriction against capital investing abroad, of course, cannot be effective. All we are doing, through this and through the Government mechanism, is changing the "mix" of type of investment, Water will flow downhill, men will seek freedom, and money will go where the climate is right.

Let me go on to make a point that has now clearly been backed up by scholarships. Thank goodness the studies of the Brookings Institute are now available. This is a point many of us said was obvious, but really all points need proof. The point is this: Our exports are dependent upon our investments abroad. There is a direct and immutable relationship. If we were really effective in cutting down on our foreign investments we would be hitting at the very area that the administration is counting on for further strength in this serious international balance-of-payments situation; namely, the net balance of our exports over our imports.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. CURTIS. How interesting the Government's arguments are, when they talk about AID funds. They try to tell us, "This really does not affect the balance of payments, because we tie those funds into American industry and to exports." And there is some justification for that, but, let me say, in looking at that particular point, the bulk of AID funds is not spent for goods—it is spent for the wages of the people in the country we are trying to help, as it should be.

Of course they are, and all the AID people are talking about is this relatively small percent of AID funds that are spent for actual physical goods. They are tying that into our own production.

However, when we relate the same argument to the private sector, of course, we find the same thing is true. You cannot have exports and you cannot build up exports abroad without increase investment abroad. Here we are throttling one of the greatest assets we have in our balance-of-payments situation all of it designed to buy time which we fail to use profitably. No, I would say it would be well for this tax against free capital movement to die in December, and it would be particularly well for us to start attacking the disease which creates this symptom in which the administration prescribes this bad medicine, and which has created the other symptoms I have described in which the administration has prescribed other bad medicine. We are going to have more legislation on the floor of the House to treat other symptoms that are going to erupt from this same cause. As I stand here, yes, I can see how this administration is going to move out of this situation, just as they have here, by having the Government move further into the area of the private sector, which is the basic strength in our society.

Yes, with the Vietnam war, with things like the price increases we are seeing, the administration will soon be recommending price controls. Yes, we can have price controls and wage controls. We can have commodity controls. We can turn this into a society where freedom no longer exists. In the administration's desire to move forward in the economic area and in the administration's talk about furthering the welfare of our people let us mark well one of the main human values is this intangible but precious thing which we call freedom. I say that because although we all are seeking to move our society forward in material blessings and to spread this tangible wealth more equitably and to more of our citizens, at the same time, when we talk about tangible wealth, we must not neglect these great spiritual intangibles which in truth lie at the base of the great society we have today, and freedom is by no means the least of them.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. Yes; I yield to the gentleman.

Mr. REID of New York. Mr. Chairman, I compliment most warmly the gentleman for his remarks and associate myself with him in his remarks.

I would ask one question of the gentleman. Does not this tax seriously risk the loss of the capital markets and the preeminence of the United States in that field of capital markets and the loss of them to Europe?

Mr. CURTIS. Indeed it does. I point this up in the minority views. Incidentally, it is actually a policy of the administration to encourage this loss to Europe. Can you imagine such a thing? It is in the hearings. The administration spokesmen state that it is approved policy to encourage the development of a capital market in Europe in competition with this great capital market we developed in our own country. This is one of our great national assets and this is deliberately being taken away from us. We are still today the world's banker, but this position is based upon the willingness of the countries abroad to accept the dollar as a reserve currency. The chairman pointed that fact out, that even in this second quarter where we have a plus—with respect to our balance of payments—and this was for peculiar reasons which I spelled out in the minority views and which the chairman further pointed up—still the net result for the full year of 1965 will be close to about $2 billion deficit, which will be a slight improvement, by the way. However, even when we have this improvement in the second quarter, $590 million of more gold has gone out of the United States. Of course, gold will go out, and it will continue to go out no matter how much time we buy, how much we temporize and put off the evil day of taking the real medicine needed to cure the disease, because there already is $27.5 billion of holdings by people abroad resulting from the decades of deficits which can be converted into a request for gold, for which we only have $15 billion of gold to meet it.

Mr. Chairman, under unanimous-consent request granted in the House, I insert the full minority statement of myself and my Republican colleagues on the Ways and Means Committee accompanying the committee report.

I also insert the article to which I referred, "Checkreins on Economic Extremism."

Separate Views of Messrs. Curtis, Utt, Betts, and Broyhill on H.R. 4750

Whether the interest equalization tax should be broadened and extended depends upon an analysis of short-term gains compared to the long-term damage the tax does to the United States and world economies. The administration has ignored the damaging effects of its capital restraints program. Its defense of the program consists of calling attention to the value of buying time to bring our payments position into balance.

The question is whether the administration has used the time it has bought—and at such high cost—to find a permanent and fundamental solution to the balance-of-payments problem. We do not believe it has. Furthermore, we have little confidence that extension of the IET will spur the administration on to making the basic efforts that are needed to eliminate the deficit, including a reappraisal of United States foreign military expenditures overseas, the avoidance of inflation at home, and the development of a more realistic domestic structure of interest rates as well as moderation of the rate of increase in money and credit in the U.S. economy.

Indeed, continued reliance on palliatives and measures which buy time permits the administration to avoid making the hard choices that are needed to restore fundamental equilibrium to the U.S. balance of payments. On these general grounds, we must oppose not only extension of the IET, but also the so-called voluntary program of controls.

As has been reported in the press, the balance of payments will show a small surplus in the second quarter. This arises, however, not so much from the restraints on capital outflows as from the higher than usual level of exports in that quarter because of the dock strike in the first quarter. The first and second quarters together should show a deficit of about $500 million. For the year as a whole, it is likely that the deficit will run between $1 and $1.5 billion, a considerable improvement over recent years, but still sizable. A large part of the ground gained by the administration's program is expected to be lost by higher U.S. imports.

Much of the drop in capital outflows in the second quarter is due to factors other than the administration's program, although that has contributed as well. For one thing, during the first quarter the seasonally adjusted outflows for direct investment overseas and for long-term bank loans were unusually high ($1 billion and $488 million, respectively). Partly this was due to anticipation of controls to come and was clearly too large to sustain. Even without the capital controls, a drop in capital outflows during the second quarter was to be expected.

Even with the capital controls program, however, the outflow on direct investment should be somewhat larger this year than last, when it was $2.4 billion. The increase, however, should be slight. As for new issues of foreign securities—a prime target of the interest equalization tax—the outflow was rising sharply at the end of 1964 and seems now to be running at an annual rate of over $1 billion a year, or about at the levels of the previous 3 years.

More specifically, we oppose extension of the IET on the following grounds:

1. Controls have a way of breeding more controls and of moving the world even further away from the U.S. goal of a more open and expanding international economy. Since the IET was first requested in June 1963, it has been broadened to cover bank loans of over 1 year; it has been supplemented by a so-called voluntary capital controls program; and now the administration seeks to apply the tax to lending activities of nonbank financial institutions.

Aside from the broadening of controls at home, the IET and other U.S. capital controls invite retaliation by foreign governments. It would be too much to expect other nations with balance-of-payments difficulties to refrain from imposing capital controls when the world's leading financial power and the traditional champion of freedom of international trade and payments has itself adopted such expedient measures.

In its annual report issued June 14, 1965, the Bank for International Settlements noted that control over flows of capital funds "is a retreat from convertibility which holds dangers of its own." The Bank, which is composed of the world's leading central bankers, went on to comment as follows:

"It would be unfortunate if the policymakers in both the deficit and the surplus countries should wholly succumb to this easy way out, instead of experimenting more daringly with mixture of fiscal and monetary policy that the logic of convertibility calls for. There is a true equilibrium for a market economy, and national policies cannot be considered successful unless they are providing the incentives to market forces to move toward it."

2. The administration's program to restrict capital outflows is likely to worsen our long-run balance-of-payments position. It could do so in the following ways:

(a) Investment abroad is inextricably tied to U.S. exports. Any reduction in U.S. capital flows abroad will lead to a reduction in U.S. exports, while an increase in such flows leads to an increase in the exports of the capital-exporting country.

The loss of an export order, no matter what the cause, may not be a one-shot affair. A foreign importer who would have bought from the United States may develop another source of supply. The business ties developed in this fashion may continue long after restraints on U.S. capital outflows are lifted. This will work to the permanent detriment of our export position.

U.S. exports will also be affected by the slowdown in economic activity in Western Europe and other areas which the decline in needed investment funds will tend to bring about. As economic activity abroad slows, U.S. exports are certain to drop. As Dr. Charles P. Kindleberger, professor of economics at the Massachusetts Institute of Technology, told the Senate Banking and Currency Committee recently, "When we try to draw up this excess of dollars, what we are going to do is put pressure on European interest rates at long term, cut European investment, and possibly push Europe further into a depression." Professor Kindleberger went on to express his concern that if we are accelerating a recession in Europe, it "will have repercussions on ourselves."

(b) Restrictions on U.S. investment overseas will reduce investment income in the future and thus contribute to continued balance-of-payment weakness. One of the strongest items in our balance of payments is the return flow of interest, dividends, and repatriated profits arising from previous investments. Income on private investment overseas in 1964 totaled $4.7 billion, or an increase of almost $700 million over the 1963 level. Netting out the income earned by foreigners on their investments in the United States, the United States still had a plus of over $3.8 billion on its overseas investments. This was only $200 million less than the net U.S. outflow for direct and long-term portfolio investment abroad in 1964.

(c) The IET and other capital restraints will lead to mounting pressures within the United States to send capital abroad. The administration's emphasis on restricting transfers of funds overseas has raised fears among businessmen and investors that even more stringent controls would follow. The expectation of further controls has increased the outflow of funds beyond levels that would have occurred in the absence of the administration's programs. The abandonment of controls would reverse these expectations and lead to a marked reduction in the outflow and, perhaps, even to an inflow. As Fritz Machlup, professor of economics and international finance at Princeton University, recently told the Senate Banking and Currency Committee:

"To reverse these fears we ought to tell every businessman that he should use his funds wherever business interests indicate. If we could possibly assure businessmen that there would be neither direct controls nor restrictions nor any moral suasion, neither any obligation to make reports on foreign transactions nor any publicity about nonconformance with official directives, we would soon see a flow of funds returning from abroad."

Another fundamental weakness in the administration's approach is that it tends to widen the already large gap in interest rates between the United States and Europe, thus contributing to the pressures leading to capital outflows. The high level of liquidity in the American economy rising from the rapid expansion of money and credit in recent years, inevitably puts downward pressure on U.S. interest rates which, combined with higher rates in Europe and a brisk demand for funds, creates strong pressures leading to capital outflows. By restricting such outflows, the administration puts further downward pressure on U.S. rates and upward pressure on European rates, thus intensifying one of our basic problems.

In addition, the inevitable result is further inflationary strains at home at a time when the pressure on price stability is already growing severe. This can only weaken our cost-price structure and make more difficult the job of improving our trade surplus. Therefore, both from the standpoint of the domestic economy and our international position, a reduction of liquidity within the U.S. economy and a reduction in the rate of expansion in money and credit would be desirable.

3. The administration's capital controls have weakened the position of the United States as an international financial center and has led to the development of competing capital markets abroad. Indeed, the strengthening of European capital markets is a stated goal of administration policy. The fact is that not only has an important segment of American business, which was successfully supplying overseas demand for capital, been seriously weakened, but U.S. prestige and power as the free world's major financial center has also been diminished.

As a result of the success of the administration's efforts to strengthen European capital markets, however, it is now possible to relax the capital restraints. With the development of capital markets in Europe, it is unlikely that foreign borrowers will feel the need to tap the U.S. financial market to the same extent as they did prior to the introduction of the IET.

4. The IET and other capital controls undermine the U.S. objectives of encouraging foreign investment in the United States. As G. Keith Funston, president of the New York Stock Exchange, told the Ways and Means Committee, foreigners were net sellers of oustanding U.S. securities in 1964 for the first time in over 15 years. Net sales of domestic stocks by foreigners in 1964 totaled $350 million, compared to sizable net purchases in the previous 5 years. In part, this reflected a belief by foreigners that the tax was only a first step toward further restrictions on the international flow of funds. It also reflected the fact that, as Mr. Funston noted, foreign brokers and dealers who cannot sell their securities in the United States are far less receptive to the efforts of U.S. brokers and dealers to sell U.S. securities abroad.

THOMAS B. CURTIS.
JAMES B. UTT.
JACKSON E. BETTS.
JOEL T. BROYHILL.

CHECKREINS ON ECONOMIC EXTREMISM

(By Representative THOMAS B. CURTIS, Republican, of Missouri)

No sooner had Harold Wilson taken over as Prime Minister following the Labor Party's hairline victory in last year's British election than he found himself up against economic reality. The run on the pound sterling and its cliff-hanging rescue by a consortium of international bankers forcibly reminded him that some of Labor's pet projects would have to be put on the shelf indefinitely.

Some of the same factors which limit Mr. Wilson's freedom of action also operate in the United States. We too have a persistent balance-of-payments problem. We too must keep our costs of production in line if we are to compete in world markets. We too must avoid measures which would unduly hamper the productive forces in our economy if we are to maintain the strength of the dollar abroad.

THE 1966 BUDGET

To avoid trouble, the Administration will have to take these factors into consideration in shaping its own economic problems.

Yet, will it? The curve of Federal spending is headed higher and the "planned deficit," again in a period of economic upturn, is the sixth in a row.

The United States as a total society has a very sound domestic and international economic base. However, the economic strength lies in the private, not the Governmental sector. The policies in the private sector are designed to produce further wealth and strength for the people. On the other hand, the pursuit of improper policies in the Governmental sector will hamper the healthy growth in the private sector.

THE PAYMENTS PICTURE

For the year 1964, the balance of private exports over imports was $3.6 billion. The net income on private investments was $4 billion, giving a total of plus $6.7 billion (this is minus $0.8 billion (net) "other services") for the private sector, which amply covers the $4.3 billion total new private investment abroad from whence comes the financing for future private exports, additional investment income from abroad and our overall international economic strength.

Our foreign investments abroad total $94.8 billion, amply secured by assets, against $53 billion foreign investment in the United States. The return on this investment both in earnings and in financing exports is commendable. The government investment abroad is composed of two elements (1) military which, though necessary, does not produce capital assets and (2) loans of various types which, by their nature, are soft and long-term loans which bring meager returns and have little security.

The negatives in our balance of international payments come entirely from the governmental sector: minus $2.1 billion military (net); minus $0.4 other services; minus $3.3 Government grants and loans (net). The only offset in the governmental sector is the $2.8 billion for exports which is a wash item because the U.S. Government supplies the credit or the subsidy to pay for the exports. The net short term investment of minus $2.1 billion is directly related to the short-term interest rates established by the Government * * * near money * * * and, being so responsive to governmental policy, can properly be listed under the governmental sector.

Alfred Hayes, president of the Federal Reserve Bank of New York, in a recent address, January 25, 1965, in New York, entitled "Our International Payments Deficits: A Continuing Challenge" made two points which I think deserve emphasis "We cannot gain the full fruits of our domestic potential without achieving a viable international position, but also the dollar's international strength ultimately rests on a healthy dommestic economy." "As the leading world currency the dollar has a special obligation to observe high standards of behavior, especially as to the maintenance of its internal value."

U.S. RESPONSIBILITY AS WORLD BANKER

Unlike Great Britain in 1965, but like Great Britain in the 19th century, the United States has the responsibility to uphold the position it has of world banker, as well as the responsibility to keep its domestic and international economic affairs healthy. I emphasize that the deficits in our balance of payments do not arise from any weakness in the private sector. The private sector is strong, but not strong enough to continue to support much longer the increasing deficit in our international payments, which amounts cumulatively in the 6 years from 1958 through 1964 to approximately $24.6 billion, resulting from the policies in the governmental sector.

Only to the extent that the governmental sector is able to rely further on the strength of our private sector can the balance of international payments problems be postponed without cutting back on Federal governmental domestic expenditure programs and its foreign commitments.

In other words, the Johnson administration must further alter the lines of demarcation between the private and the governmental sectors to enable the governmental sector to substitute its decisions for private decisions in international economics, utilizing the strength of the private sector to do so. This will encourage a similar encroachment on the private sector domestically. This is the art of jiujitsu, to use the strength of the adversary to bring about his fall, which is to suggest that in the eyes of the economic extremists the private sector is almost an adversary.

The danger incurred by the Johnson administration is that Government decisionmaking will be substituted for the marketplace process. The proposal to extend and enlarge the selective interest equalization tax is designed to give more governmental control over private investment abroad. Nor does the concomitant request by the Johnson administration for voluntary restraint in direct investment abroad bring any easiness to the private investors. Note that along with the interest equalization tax to restrict private foreign investment, the administration proposes substantial increases in Government investment abroad, e.g., $750 million to be added to the soft loan fund of the Inter-American Development Bank.

GOVERNMENT MONEY VERSUS PRIVATE MONEY

More attention needs to be paid to the Curtis corollary to Gresham's law—"Government money drives out private money." Certainly, from the balance of international payments standpoint, it makes no difference whether it is Government or private investment money which leaves the United States; except that Government investment is not likely to be as well secured or to bring back as much return.

The tightening up of international trade through restrictive Government policies, substituting systems of license and quota in place of tariffs, is a further example of Government encroachment into the private sector. The restrictions imposed on tourist travel, is another example, particularly vis-a-vis the sizable increase in governmental people-to-people programs.

The tightening down rather than the liberalizing of our tax laws in respect to foreign investment and personal income abroad, which occurred in both the 1962 and the 1964 Revenue Acts, are further disturbing developments.

In spite of these attempts to solve the balance of international payments problems by moving in on the private sector to gain its strengths and to put more judgments under the control of Government, it seems to me that the disciplines of the international marketplace are going to be too strong to permit this temporizing. Economic isolationism will result in a declining standard of living for our people and a weaker overall economy. As this comes about I believe there will be a reaction from the American people which will stop it and start us on the road to recovery, if by then it is not too late.

THE ONE CORRECT ANSWER

There is basically only one correct answer to the problems we face, self-discipline in the governmental sector, primarily fiscal and monetary discipline. The Congress has been given the four basic monetary and fiscal powers (1) to set the value of money, (2) to tax, (3) to borrow on the credit of the United States, and (4) to authorize expenditures from the U.S. Treasury.

Our society does need an ample supply of money if we are to have maximum employment and continued real and sustainable economic growth, but this money can only come from the real earnings and savings of the people, not by Government fiat. We do need an ample supply of credit at as low a rate of interest as the marketplace will permit, but this can only come from the creation and preservation of real wealth, and the increase of consumer purchasing power based on real jobs and measured in stable dollars. The motivations to bring these things about come from the Government maintaining a healthy economic climate through well-disciplined monetary and fiscal policy. This means a balanced governmental budget at least within the business cycle.

Finally, I would observe that the marketplace is the best testing spot for expenditure policy. We should have the Federal Government making judgments in lieu of the marketplace judgments only in those areas where, because of other than economic values, Government perforce must act, such as to provide for the defense of our country.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Chairman, it has often been said that there is nothing so permanent as a temporary tax. Congress recently completed action on excise taxes enacted as temporary emergency measures responding to the exigencies of depression and war. Although these taxes lacked any unifying principle and had demonstrably bad economic effects, the temporary period during which many of these taxes were operative exceeded 40 years.

This administration has given us another temporary tax with equally bad economic effects having international implications. The tax was originally recommended by the administration in 1963 for a period of 1 year. Although the bad economic effects were conceded, they were justified as a necessary evil providing time during which our balance-of-payments problem could be realistically attacked. The temporary tax will soon expire and the administration has asked us to temporarily extend it for another 2 years. The bill would extend the tax for 18 months.

As the temporary period for developing realistic solutions to our problems increases, the likelihood that this administration will take prudent action decreases.

The balance-of-payments problem is not created by the flow of private capital pursuant to sound economic commitments made in the context of a free market, but by huge Government expenditures all over the world far in excess of the large surplus earned by our private sector. Indeed, income from private investment overseas in 1964 totaled $4.7 billion, an increase of nearly $700 million over 1963.

Additionally, private investment abroad is an important element in generating exports so vital to our balance-of-payments problem. Last year U.S. commercial merchandise exports were $22,476 million. The dissolution of business ties and the substitution of foreign for American merchants may result in a permanent loss of business.

Like the ostrich with his head in the sand, the administration is apparently oblivious of these facts. The time purchased at such a great expense by the interest equalization tax has not been used to effect changes making it possible to curtail governmental expenditures abroad. Rather the interest equalization tax has been used as a club—just as the Republicans predicted—to curtail direct private investment abroad through a voluntary program of restraints. Since our foreign earnings are directly related to our foreign investments, these restraints will in future years reduce the large trade surplus that has made possible this Government's foreign profligacy. Mr. Chairman, the administration is literally destroying the goose that lays the golden egg.

What began as a significant but limited program of controls has been continually broadened. Like Topsy, it just grows. Its growth has included extension of the tax to bank loans in excess of 1 year and the development of the related voluntary restraints on direct capital investment. This bill will extend the tax to nonbank foreign obligations in excess of 1 year. If past experience is any indication we can expect further controls, inviting retaliatory measures by our trading partners that may jeopardize the free world economy.

These controls violate economic theory traditionally espoused by this country before the free world. While championing international trade and verbally encouraging the Common Market, the administration engages in economic isolationism. "Don't do as we do—do as we say" is the message of the bill.

I am particularly disturbed, Mr. Chairman, by the administration's cavalier attitude regarding the unfortunate aspects of this bill. Secretary Dillon, testifying before the Ways and Means Committee in 1963 on the interest equalization tax, observed that the United States, as the world's strongest and wealthiest Nation, should continue to support the development of other nations by supplying them with urgently needed capital through private market facilities. He stated that this is a natural part of our role at the center of the world's financial system and that our capacity to provide this capital in reasonable amounts is assured by the ability of our economy both to generate enormous savings and to maintain the largest surplus on current commercial transactions of any nation. He emphasized the mutual advantages of flows of capital in reasonable amounts—advantages both to the United States, in terms of future flow of earnings, and to other nations, in terms of supporting their own growth.

Secretary Fowler's testimony this year is conspicuously devoid of similar observations. Instead, he expressed satisfaction that the U.S. capital market in Europe was being displaced. Yet, our decline as the world's banker diminishes our prestige, cancels out the commissions we receive for such services, and dissolves many of our foreign business contracts.

This last point is especially disturbing. Mr. Keith Funston, president of the New York Stock Exchange, has informed the Ways and Means Committee:

> Cooperative business arrangements are highly important in trading securities internationally. Foreign brokers and dealers who cannot sell their securities in the United States are far less receptive to the efforts of U.S. brokers and dealers to sell U.S. securities abroad. Consequently, the weakening of foreign contacts as a result of the interest equalization tax has led to a reduction of U.S. security sales to foreigners. Similarly, the interest equalization tax reduces the arbitrage activities of American securities firms, and this reduces the amount of business these firms can provide to foreign banks and brokers.

Mr. Chairman, foreigners were net sellers of U.S. securities in 1964 for the first time since 1950. The net sales amounted to $350 million. For the first 4 months of 1965, foreigners were again net sellers at the rate of $33 million. The significance of this loss is apparent when we realize that the gross purchase of U.S. stocks is the largest item of foreign investment in the United States.

Secretary Fowler specifically emphasized the importance of this fact in his testimony on H.R. 5916, a bill proposing to reduce the estate tax and income tax on portfolio investments of foreigners in order to increase foreign investment in the United States. Yet, Mr. Chairman, the administration is working against these purposes in the interest equalization tax.

Finally, Mr. Chairman, let it be noted that the longer this temporary tax is on the books, the more difficult it will be to repeal it. The economic needs of the free world normally accommodated by U.S. capital are only being partly replaced. There is a capital shortage in Europe, as evidenced by the increase in interest rates. By preventing foreign investment dictated by economic factors, the needs are allowed to accumulate and the incentive for foreign investment increases along with the funds available for such purposes. If we extend this tax, a later attempt to let it expire may be accompanied by unprecedented foreign investment, not only because of accumulated need, accumulated funds, and higher foreign interest rates, but because the specter of control has raised its ugly head and established a precedent for its reappearance. Mr. Chairman, only by ignoring this problem can the administration recommend extending this tax for 2 years. Like Scarlet O'Hara, they will think about this problem tomorrow. I think we should think about it today, and I therefore urge every Member to vote against extending the tax for 18 months.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SMITH].

Mr. SMITH of New York. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of New York. Mr. Chairman, the first year Republican Members of the House of Representatives, known as the 89th Club, have adopted a statement which I should like to read for the RECORD. The text of the 89th Club statement follows:

For 7 months, Representative GERALD R. FORD has discharged his responsibilities as leader of the minority party of the House of Representatives with distinction. His actions have been guided by devotion to the well-being of the Nation.

It is regrettable now to witness a petty and unjust attack on him by the President of the United States. Such an attack sullies the man who makes it. Mr. FORD deserves commendation for the dignity of his response.

In no field of policy has Congressman FORD shown finer leadership, or greater desire to avoid partisanship, than in foreign policy.

Congressman FORD has constantly reminded the administration of the need for firmness in clinging to the objective of maintaining the independence of South Vietnam. He has given steadfast support to the administration, unlike many members of the President's party, in every action consistent with this policy of firmness.

When in February of this year the administration decided to bomb North Vietnam, JERRY FORD was the first to endorse this difficult decision. When the administration needed some sign of congressional support for the general direction of its policy in Vietnam and additional appropriations to make up for its underestimation of military needs, it was JERRY FORD who suggested that the two objectives be achieved by speedy congressional action providing $700 million more for the war in Vietnam.

He has offered proposals to the administration for the more effective conduct of foreign policy. It was JERRY FORD who proposed the formation of an inter-American force to maintain peace and prevent a Communist takeover in the Dominican Republic. Four days after this proposal was made, the administration adopted it.

It was JERRY FORD who called for action to prevent Soviet missile sites in North Vietnam from becoming operational. Only after an American plane had been shot down and American lives had been lost did the administration adopt this proposal.

The general policy toward Vietnam which Mr. FORD has advocated calls for more effective use of American airpower and seapower rather than the commitment of a large American ground force to jungle combat—this proposal has yet to be adopted by the administration.

Anyone seeking political advantage would not offer proposals of this nature. He would not provide constructive suggestions for future action. He would, on the contrary, limit himself to after-the-fact criticism of the results of administration policy.

The record which Mr. FORD has made in this session of Congress should win for him the gratitude of the American public and particularly of the administration which he has been trying to assist in the handling of its most difficult problems.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I shall be glad to yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, as a Member of the 89th Congress, I was involved in drafting and voting for this statement and I subscribe wholeheartedly to it.

Mr. Chairman, another relative and interesting development that is taking place today was just made public by Minority Leader FORD. This is a letter that was received from Mr. Samuel Shaffer of Newsweek magazine dated August 3, 1965, in which he said:

BRISTOL, N.H.,
August 3, 1965.

Representative GERALD FORD,
U.S. Capitol,
Washington, D.C.

DEAR JERRY: I have learned belatedly, here in the distant reaches of New Hampshire, of the President's wholly unfair criticism—presumably of you—of an alleged violation of confidence concerning the alleged contents and influence of Senator MANSFIELD'S statement, read at the White House briefing on Vietnam.

I was one of your guests at the background luncheon. It was I who asked you about the MANSFIELD statement. I said I had learned that Senator MANSFIELD had read a 2-page statement critical of Vietnam at the White House meeting and asked you for details. Your only comment, as I recall it, was that the statement seemed to you to be longer than 2 pages. Beyond this statement and your remark that you noticed Ambassador Henry Cabot Lodge sitting silently nearby, you vouchsafed no details of the Mansfield statement.

You said nothing—I repeat nothing—to the effect that Senator MANSFIELD argued against calling up the Reserves or that this had any influence on the President's decision.

I was struck at the luncheon by your great sense of national responsibility when you told us that though you had been advocating a different course in Vietnam from the President's, you were going to support our Commander in Chief in the decisions he had made.

The President has been ill-informed—perhaps by inaccurate or tendentious reporting by some newsmen. Please feel free to make this letter public or to send a copy to the President.

Sincerely,

SAMUEL SHAFFER.

Mr. HANSEN of Idaho. Mr. Chairman, in light of this, Mr. GERALD R. FORD, our distinguished minority leader, has sent a letter to the President, dated August 5, 1965, which reads as follows:

AUGUST 5, 1965.

THE PRESIDENT,
The White House

DEAR MR. PRESIDENT: The enclosed unsolicited letter was received in my office this morning from a mutual friend, Mr. Sam Shaffer. With his approval I am forwarding his letter to you and making it public.

In light of the events of the past week, if you were referring to me, I must respectfully request a conference with you to determine on what basis you were erroneously informed as to my views.

Warmest personal regards.

Sincerely,

GERALD R. FORD,
Member of Congress.

Enclosure.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SMITH of New York. I thank the gentleman from Idaho for telling this House of Representatives about these letters.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I am glad to yield to the gentleman from Georgia.

Mr. CALLAWAY. Mr. Chairman, I am proud to be a Member of the 89th Club and I wholeheartedly support the statement which the gentleman from New York has read.

Mr. Chairman, as one who has consistently advocated a firm policy in Vietnam and who has supported the administration's policy in Vietnam, I believe it is a tragedy that this has occurred in an attempt to divide those of us who are interested in this program.

Mr. Chairman, I hope the President will make clear very shortly that there was an error in which an accusation was made against JERRY FORD.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, also as a member of the 89th Club, I would like to associate myself with the remarks of the gentleman in the well.

Mr. Chairman, I am pleased to be a member of the 89th Club which issued the statement in support of the gentleman from Michigan and distinguished minority leader, GERALD FORD. I take this opportunity to associate myself with the remarks of the gentleman from New York [Mr. SMITH], who speaks for all Republicans.

May I add, Mr. Chairman, that in this difficult time, when the United States stands virtually alone against the onslaught of communism in southeast Asia, when American men are fighting and dying in the nasty, bitter jungle war in Vietnam, there is not only a need for resolute and courageous action, there is a need for prudence and discretion.

When an unjust, partisan attack is directed by the President of our Nation against such a distinguished and honorable Congressman as our minority leader in the House of Representatives, this thoughtless attack can only harm our Nation's cause. Yes, Mr. Chairman, such an attack can even do irreparable harm.

It is regrettable enough in the course of everyday politics to see the character of a man such as GERALD FORD sullied on the front pages of every newspaper in the Nation. But when the attack has no basis in fact, and when it completely ignores the record of honor and courage of the man attacked, then it is deplorable to the extreme.

The record of Mr. FORD speaks for itself; few among us can match it. While ably discharging his heavy responsibilities as House minority leader, GERALD FORD has consistently avoided partisanship in the field of foreign policy. Instead, he has let the well-being of the Nation be his guide. Eschewing the obvious political gains to be made, Mr. FORD has remained steadfast in his support of the administration when a firm policy in Vietnam has been adopted and pursued. Not content to merely criticize yesterday's mistakes, our distinguished minority leader has sought instead to provide constructive ideas for the future. In his belief that the American people deserve an honest and forthright appraisal of the situation in southeast Asia, Mr. FORD has eloquently presented the need for a firm American hand in this troubled area of the world, though the easier course would be to spew forth the platitudes of the appeaser and the naive or to remain silent in fear of the burdens a man must accept when he stands before the Nation and speaks his convictions and presents the facts.

After his selection as minority leader, GERALD FORD stepped forward to accept the responsibilty of telling the American people the facts about our foreign policy—and he has been proven consistently right in his appraisal of many situations.

May I reiterate briefly, Mr. Chairman, the points well taken by my distinguished colleague from New York. It was GERALD FORD who led the way to the formation of an inter-American peace force to stop Communist subversion in the Dominican Republic; it was GERALD FORD who insisted that Soviet missile sites in North Vietnam be destroyed, but it took the loss of American lives before this course of action was accepted by the administration; and it is GERALD FORD who today calls for more effective use of American air and sea power in the war in Vietnam rather than the commitment of a large ground force to jungle combat. How long will it be, Mr. Chairman, before the administration realizes that Mr. FORD is right again.

And may I add, Mr. Chairman, that when the administration submitted to Congress its much ballyhooed "under $100 billion" budget, it was GERALD FORD who prophetically pointed out that the defense spending figure was grossly inadequate in light of our growing commitment in Vietnam and that the $100 billion budget was merely a political propaganda piece. The administration denied this, but now we see where the President has come hat in hand to ask for $1.7 billion more in military spending to step up the war in Vietnam.

And yet, in light of this exemplary record, it is this same GERALD FORD who today stands accused of being—and I use the President's own words, Mr. Chairman, "an inexperienced man, or a new one, or a bitter partisan who has to play a little politics." I ask my distinguished colleagues, can this be GERALD FORD?

Can this man who has been consistently ahead of the administration in charting the course of the formation of our Nation's foreign policy be "an inexperienced man, or a new one?"

Can this man who has steadfastly given his complete support to every administration move to strengthen the American position in Vietnam, in Latin America, and everywhere in this troubled world be "a bitter partisan?"

Can this man who has not limited himself to criticism of the results of administration policy but has instead moved resolutely forward in providing constructive suggestions for future action be the same man "who has to play a little politics?"

No, Mr. Chairman, GERALD FORD is not that man. I contend that the real reason the distinguished minority leader has been singled out for abuse is this: We have a vigorous, farsighted patriot as the leader of the Republican Party in the House of Representatives. He has been courageous in his stand, and events have proven him consistently right—all of which has been an embarrassment to the administration, while enhancing the image of Mr. FORD and the Republican Party. I contend that out of this has come this ridiculous effort to discredit him.

I further contend that the angry, thoughtless outburst by the President last weekend was not only a personal and political mistake, it was a diplomatic one as well—one that could do the United States great damage in our efforts to achieve peace and independence for the people of South Vietnam.

Far from presenting the United States as resolute and firm in its commitment to the people of South Vietnam, the President's actions have called new attention to his own party's growing opposition to that commitment.

Mr. Chairman, Mr. FORD deserves the gratitude of all Americans, not criticism—and certainly not criticism from the man most obligated to Mr. FORD for his help and his support in this trying hour.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, I just wish to commend the gentleman in the well of the House for making the statement which he has made and the 89th Club for taking the action its members have taken and to associate myself with what they have said here today.

Mr. Chairman, I feel this is a very important message that the distinguished gentleman from New York has brought to the Congress and to the American people.

Mr. SMITH of New York. I thank the gentleman from New York.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, in spite of the fundamental weakness of the administration's attempt to solve the balance-of-payments problem and the inequities of this tax law, I intend to vote for the bill because I fear the adverse effects, if this tax were not extended.

Mr. Chairman, in connection with the legislation now under consideration, I would like to point out there has been a glaring inequity in this law.

When the Interest Equalization Tax Extension Act became law on September 2, 1964, it retroactively taxed all purchases of foreign securities subsequent to July 18, 1963. This was, in fact, an ex post facto tax, which reached back 14 months before its actual enactment.

I have authored H.R. 7190 to provide that the tax shall not be retroactive and would be inapplicable on purchases between July 18, 1963, and September 2, 1964. Further, it provides for an exemption from tax where the purchase was made with funds located outside the United States prior to July 18, 1963, which only seems fair.

I know, Mr. Chairman, that the bill under consideration cannot be amended on the floor of the House. However, I do hope that the Senate when considering this bill will correct this inequity.

Mr. MILLS. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ULLMAN. Mr. Chairman, the interest equalization tax was designed to reduce U.S. portfolio investment in developed countries, especially in Western Europe. Experience has shown its capacity to achieve that objective, and without the harmful side-effects alternative measures could have produced: a reduction in our domestic growth, the destruction of international confidence in the dollar, or regulatory administration by the Government over the normal operation of the capital market.

Between 1961 and 1964 considerable progress was made in improving our balance-of-payments position. Our commercial trade surplus in 1964 was $0.6 billion greater than in 1961, net earnings from U.S. private investments increased by $1.1 billion greater, and net military expenditures were reduced by $0.5 billion. If all the other elements in our balance of payments had remained the same during this period these factors would have reduced our balance-of-payments deficit by $2.6 billion. However, these savings were almost entirely offset by an increase of $0.3 billion in the net drain due to tourism, and by a huge increase in the outflow of U.S. private capital, which rose by $2.3 billion during the 3-year period.

One of the most important elements in the outflow of capital was new issues of securities floated in our markets by foreigners. Between 1961 and 1962 new issues doubled to $1 billion and then came close to doubling again during the first half of 1963. The interest equalization tax was proposed by President Kennedy on July 18, 1963, and he requested that Congress make it effective from that date.

This brought about a sharp and immediate improvement. During the second half of 1963 new issues by foreigners fell to $350 million, less than half the amount issued from January to June 1963, and almost all of these issues resulted from commitments made before the tax was proposed.

Once these earlier commitments were absorbed, potentially taxable new issues of securities by foreigners were kept at a very low level. Prior to final enactment of the Interest Equalization Tax Act in September 1964, some observers believed that once the law was passed, making the tax a known and fixed part of the cost of issuing in this country, foreign borrowers who would have to absorb the tax cost would return to our capital market, so that the large outflows of capital would quickly be resumed. However, this has not been the case. The interest equalization tax has continued to deter new taxable issues. Evidence of this is the fact that only $20 million of taxable borrowings was issued to Americans during 1964, and all of this was exempt from the tax under the various exclusions provided in the law.

As you know, the tax also applies to purchases by Americans of outstanding foreign securities. Prior to the proposal of the tax, purchases exceeded sales of outstanding securities by about $200 million a year. But since the tax was announced sales of outstandings have been in excess of purchases by about $200 million a year, leading to an improvement of better than $400 million a year in our balance of payments since July 1963.

While the tax has been effective in curbing new securities issues from developed countries, during the last few months of 1964 it became apparent that much of the balance-of-payments savings from decreased purchases of stocks and bonds by U.S. persons was being offset by large outflows of long-term bank credit. Such credits rose sharply from $365 million in the first half of 1964 to $577 million during the second half, and continued to accelerate during the first 2 months of 1965. About two-thirds of the outflow went to countries whose securities issues would be subject to the tax, and the Treasury Department's analysis of loan commitment data showed that an increasing volume of commercial bank loans made during this period were probably substitutes, directly or indirectly, for taxable bond issues in this country.

Accordingly, on February 10, 1965, the President used his standby authority to tax commercial bank loans of 1 year or more. At the same time the voluntary cooperation program for commercial banks, which covers both short- and long-term credit to foreigners, was introduced. The results were dramatic. Long-term bank lending was almost one-half billion dollars during the first 3 months of this year. However, in recent months repayments on outstanding loans to foreign borrowers have exceeded new foreign loans, so that there has been a net inflow of bank capital.

It is not possible to say exactly how much of the improvement was due to the application of the interest equalization tax to long-term bank loans. However, the tax has helped to deter the demand for this type of capital on the part of borrowers in industrial countries and has thus complemented the effectiveness of the voluntary cooperation program.

Another very important result of the interest equalization tax has been its contribution to the strengthening of the European capital markets. The announcement of the tax caused many foreign borrowers—particularly in Japan—to seek credit in Europe rather than in this country. The result was that new foreign security issues on the European markets totaled $1 billion, about double the 1963 figure.

However, many barriers and inefficiencies remain to be overcome before Europe can meet its own needs as well as a part of the requirements of other countries for long-term capital at reasonable interest costs. Faced with higher costs in our market as a result of the interest equalization tax, foreign borrowers will continue to seek European sources of funds more diligently. This will hopefully lead to new techniques to raise enough European capital to permit us to dispense with the special measures to protect our balance of payments from the excessive capital demands from abroad which we have had during recent years. But until these hopes become a reality, it is essential that we continue to make this tax available as a tool to protect our balance-of-payments position.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us today extends to July 31, 1967—a period of 1 year and 7 months from December 31, 1965—the so-called interest equalization tax enacted in the 88th Congress as a means of alleviating the balance-of-payments problem.

I opposed the original enactment of this legislation. At that time I said that although termed a "temporary tax," there was little likelihood that the underlying causes which brought about the deficit in our balance of payments would be remedied prior to its expiration on December 31, 1965.

I take no great satisfaction in having predicted that we would be extending this tax. I would have preferred not to have seen the Congress enact the original legislation. I regret that its extension is necessary.

Nevertheless, I support the enactment of this bill today, notwithstanding my opposition to the act itself. In taking this position I do not intend to imply that I have changed my mind. On the contrary, if the question were presented de novo, I would again vote against the enactment of the tax. But that is not the question before us.

The Johnson administration must take responsibility for our balance-of-payments deficit; it must take the basic responsibility of conducting the fiscal affairs of this Nation; it must take responsibility for the value and integrity of the American dollar both at home and abroad.

We all know that for the past number of years this Nation has faced a very serious balance-of-payments problem. That problem is still acute.

In 1963 the administration proposed and Congress enacted the interest equalization tax. It was proposed as a device to halt the outflow of American dollars and in this way to improve to some degree the balance-of-payments problem. At that time there were other alternatives, that could have been pursued—alternatives that I believe would have been preferable—but the fact remains the administration and the Congress took the interest equalization tax route. In my judgment it is now too late to reverse our course.

It must be conceded that the interest equalization tax has had some effect on the outflow of capital from the United States. The legislation has not only affected the transactions which it taxed, but the threat of its extension has had an even greater effect on other capital transactions. As a result, there has undoubtedly arisen a pent-up demand for investment funds abroad which would be released if the act is now allowed to expire. The repeal of the tax at this time would, I fear, release an excessive amount of dollars for investment abroad and thus create at least a serious and dangerous worsening of our balance-of-payments problem.

For this reason, I am willing to support an extension of this tax for an additional 19 months. Let it be understood that I do so, however, only to afford the administration another opportunity to attack the basic causes of the balance-of-payments problem. This legislation deals only with the symptoms and should not be extended indefinitely.

The CHAIRMAN. Under the rule, the bill and committee substitute now in the bill, are considered to have been read for amendment. No other amendments are in order to the bill or committee substitute except amendments offered by direction of the Committee on Ways and Means and such amendments shall not be subject to amendment.

Are there any committee amendments?

Mr. MILLS. There are no committee amendments.

The CHAIRMAN. The question is on the committee amendments in the bill.

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. DONOHUE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4750) to provide a 2-year extension of the interest equalization tax, and for other purposes, pursuant to House Resolution 498, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The **SPEAKER** pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. **CURTIS**. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER** pro tempore. Is the gentleman opposed to the bill?

Mr. **CURTIS**. Yes; I am, Mr. Speaker.

The **SPEAKER** pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CURTIS of Missouri moves that H.R. 4750 be recommitted to the Committee on Ways and Means.

Mr. **MILLS**. Mr. Speaker, I move the previous question on the motion to reconsider.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

The question was taken and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. **HALL**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 274, nays 97, not voting 63, as follows:

[Roll No. 225]

YEAS—274

Abbitt
Abernethy
Addabbo
Albert
Anderson, Tenn.
Andrews, George W.
Annunzio
Ashley
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Beckworth
Bennett
Bingham
Blatnik
Boggs
Boland
Brademas

Bray
Brooks
Brown, Calif.
Brown, Ohio
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Casey
Chelf
Clark
Clevenger
Cohelan
Collier
Conable
Conyers
Cooley
Corbett
Corman
Craley

Culver
Curtin
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.

Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fino
Fisher
Flood
Flynt
Fogarty
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Tenn.
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Hagan, Pa.
Hagen, Calif.
Haley
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Hosmer
Howard
Hull
Hungate
Huot
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jones, Ala.
Karsten

Karth
Kee
Keith
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Latta
Lennon
Long, La.
Love
McCarthy
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
Machen
Mackie
Mahon
Mailliard
Marsh
Matthews
Meeds
Miller
Mills
Minish
Mize
Moeller
Monagan
Moorhead
Morgan
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Poage
Poff
Price
Pucinski
Purcell
Race
Randall
Redlin
Reuss

Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Satterfield
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sickles
Sikes
Sisk
Smith, Va.
Stafford
Staggers
Stalbaum
Steed
Stratton
Stubblefield
Sullivan
Sweeney
Teague, Tex.
Tenzer
Thompson, Tex.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watson
Watts
Weltner
White, Idaho
White, Tex.
Whitener
Whitten
Willis
Wright
Wyatt
Yates
Young
Zablocki

NAYS—97

Adair
Adams
Anderson, Ill.
Andrews, Glenn
Andrews, N. Dak.
Arends
Baldwin
Belcher
Bell
Betts
Bolton
Bow
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burton, Utah
Callaway
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Conte
Cunningham
Curtis
Dague
Davis, Wis.

Derwinski
Devine
Dickinson
Dole
Duncan, Tenn.
Dwyer
Edwards, Ala.
Findley
Foley
Fulton, Pa.
Goodell
Gross
Grover
Gubser
Gurney
Hall
Halpern
Hansen, Idaho
Harvey, Ind.
Harvey, Mich.
Horton
Hutchinson
Jonas
King, N.Y.
Kunkel
Langen
Lipscomb
Long, Md.
McClory
McCulloch
McEwen

MacGregor
Martin, Ala.
Martin, Nebr.
Mathias
Matsunaga
May
Mink
Minshall
Moore
Morse
Morton
Mosher
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Robison
Roudebush
Rumsfeld
Saylor
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stanton
Talcott
Teague, Calif.
Thomson, Wis.
Utt

Watkins
Whalley
Widnall

Wilson, Bob
Wolff
Wydler

Younger

NOT VOTING—63

Ashbrook
Bandstra
Battin
Berry
Bolling
Bonner
Brock
Cahill
Cameron
Carey
Carter
Celler
Clancy
Colmer
Cramer
Dawson
Erlenborn
Frelinghuysen
Fuqua
Gallagher
Green, Oreg.

Halleck
Hanna
Harris
Harsha
Jones, Mo.
Kastenmeier
Keogh
Laird
Landrum
Leggett
Lindsay
McMillan
Mackay
Madden
Martin, Mass.
Michel
Morris
Morrison
Nelsen
Nix
Pickle

Pool
Powell
Resnick
Rivers, Alaska
Rogers, Tex.
Roncalio
Ryan
Scott
Shipley
Slack
Smith, Iowa
Stephens
Taylor
Thomas
Thompson, N.J.
Toll
Tupper
Walker, Miss.
Williams
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Carter for, with Mr. Brock against.

Mr. Cramer for, with Mr. Harsha against.

Mr. Keogh for, with Mr. Walker of Mississippi against.

Mr. Laird for, with Mr. Michel against.

Mr. Fuqua for, with Mr. Frelinghuysen against.

Mr. Celler for, with Mr. Berry against.

Mr. Thomas for, with Mr. Nelsen against.

Until further notice:

Mr. Colmer with Mr. Battin.

Mr. Williams with Mr. Ashbrook.

Mr. Thompson of New Jersey with Mr. Halleck.

Mr. Toll with Mr. Lindsay.

Mr. Bandstra with Mr. Tupper.

Mr. Pool with Mr. Erlenborn.

Mr. Pickle with Mr. Martin of Massachusetts.

Mr. Gallagher with Mr. Resnick.

Mr. Charles H. Wilson with Mr. Clancy.

Mr. Roncalio with Mr. Leggett.

Mr. Rivers of Alaska with Mr. Morrison.

Mr. Madden with Mr. McMillan.

Mr. Taylor with Mr. Shipley.

Mr. Scott with Mr. Ryan.

Mr. Rogers of Texas with Mr. Mackay.

Mr. Cameron with Mr. Bonner.

Mr. Kastenmeier with Mr. Powell.

Mr. Morris with Mr. Harris.

Mr. Stephens with Mr. Slack.

Mrs. Green of Oregon with Mr. Nix.

Mr. Landrum with Mr. Hanna.

Mr. Dawson with Mr. Carey.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to provide an extension of the interest equalization tax, and for other purposes."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8439) entitled "An act to authorize certain construction at military installations and for other purposes."

GENERAL PERMISSION TO REVISE AND EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that those Members participating in the general debate on the bill just passed may have permission to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. PEPPER (on behalf of Mr. MADDEN), from the Committee on Rules, reported the following privileged resolution (H. Res. 503, Rept. No. 730) which was referred to the House Calendar and ordered to be printed:

H. RES. 503

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1648) to provide grants for public works and development facilities, other financial assistance and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed five hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Public Works now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill, and read by titles instead of by sections. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

LEGISLATIVE PROGRAM

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. REID of Illinois. Mr. Speaker, I take this time to ask the distinguished majority leader the program for the rest of this week and for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentlewoman yield?

Mrs. REID of Illinois. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the gentlewoman from Illinois, we have completed the legislative program for this week, and it will be my purpose upon the announcement of the program for next week to ask to go over until Monday.

The program for next week is as follows:

Monday is District Day—12 bills:

H.R. 1778, amending assessment procedures for condemnation of insanitary buildings.

H.R. 3864, to incorporate Merchant Marine War Veterans' Association.

H.R. 959, amending capital requirements for fidelity or surety stock companies.

H.R. 8466, requiring licensing and regulating of insurance premium finance companies.

H.R. 3394, requiring reporting of physical abuse of children.

H.R. 10274, amending law regulating location of chanceries.

H.R. 9918, amend District of Columbia motor vehicle insurance laws.

H.R. 8058, exempt foreign corporations from certain taxes.

H.R. 6905, tax-exempt property of District of Columbia Daughters of the American Revolution.

H.R. 8418, tax-exempt property of Washington Gallery of Art.

H.R. 9985, requiring reporting of injuries caused by firearms or other dangerous weapons.

H.R. 5597, relieving physicians of liability in Good Samaritan cases.

Tuesday, the conference report (S. 2054), to amend further the Peace Corps Act;

The 1966 appropriations bill for military construction;

H.R. 1153, joint labor-management programs—open rule, 2 hours of debate.

For Wednesday and the balance of the week:

A unanimous-consent bill of the Committee on Ways and Means, H.R. 9570, authorizing the Secretary of the Treasury to grant relief from certain provisions of the Federal Firearms Act.

Also, S. 1648, Public Works and Economic Development Act of 1965—open rule, waiving points of order, 5 hours of debate, making it in order to consider the committee substitute as an original bill for the purpose of amendment, and making it in order to read the bill by title instead of by section;

House Joint Resolution 403, 22d World Health Assembly—open rule, 1 hour of debate.

Conference reports may be brought up at any time. Any further program will be announced later.

ADJOURNMENT OVER TO MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. MILLS). Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, we are pretty well started in the month of August, and could the majority leader give us any hope for sine die adjournment of this Congress?

Mr. ALBERT. Hope springs eternal in the human breast, I will say to the gentleman.

Mr. GROSS. Since the gentleman can only hope for the best and fear the worst——

Mr. ALBERT. I share the gentleman's feelings.

Mr. GROSS. There is a report going about that there may be a recess of the House sometime soon for about a month. Is there any substance to this report?

Mr. ALBERT. I have not even heard the report. I am certainly not able to answer the gentleman as to the substance of the report, because this is the first I had heard of it.

Mr. GROSS. Can the gentleman not give us some hope that we will get out of here by virtue of sine die adjournment or some kind of reasonable recess some time soon?

Mr. ALBERT. I say to the gentleman that I believe the House is moving quite expeditiously. We have considered quite a number of important bills. We have a few more to consider. I see no reason why we should remain in session late into the fall. I believe we have a reasonable chance of adjourning reasonably early.

Mr. GROSS. Could the gentleman give us just a slight clue as to what he means by "late in the fall"?

Mr. ALBERT. I would give the gentleman a much more precise answer if all the factors were within my control, but they are not. The gentleman spends much more time guessing than I do, and he is an artist at the art. What he would say would be just as valid as what I would say. Frankly, I do not know.

Mr. GROSS. I conclude by saying I wish the gentleman could find it in his heart to have a little compassion for the gentleman from Iowa, who likes to fish and does not want to have to fish through a hole in the ice.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to dispense with business in order on Calendar Wednesday of next week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INQUIRIES CONCERNING DISTRICT OF COLUMBIA BUSINESS

Mr. **FULTON** of Pennsylvania. Mr. Speaker, will the gentlewoman from Illinois yield?

Mrs. **REID** of Illinois. I yield to the gentleman from Pennsylvania.

Mr. **FULTON** of Pennsylvania. I have two questions of the majority leader.

First, by what vote were the bills from the District of Columbia Committee reported?

Mr. **ALBERT**. I am not able to advise the gentleman.

Mr. **FULTON** of Pennsylvania. My question really is, Are they controversial?

Mr. **ALBERT**. I am not able to advise the gentleman on that. I have no report as to the vote on any of the 12 bills.

Mr. **FULTON** of Pennsylvania. My second question is, When is there to be put on the calendar the home rule bill for the District of Columbia?

Mr. **ALBERT**. Whenever it is eligible for programing.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight, August 7, to file certain reports.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

OMNIBUS FARM BILL

Mr. **SCHMIDHAUSER**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. **SCHMIDHAUSER**. Mr. Speaker, I wish to state that this is one Member from Iowa who hopes we will not adjourn until we have completed action on the omnibus farm bill. I like fishing as well as the next Member, but I believe we had better get that job done.

PERSONAL EXPLANATION

Mr. **DUNCAN** of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. **DUNCAN** of Oregon. Mr. Speaker, although I spent most of the afternoon of August 3 on the floor of the House, it was necessary because of other business critical to my district to be off the floor at the time the vote was taken on H.R. 8469, amendment to the Civil Service Retirement Act.

I have supported this bill and am in full agreement with its effort to create a more equitable annuity schedule. I was confident that the measure would pass very readily, and this judgment was borne out by the vote of 394 to 0 the bill received.

I respectfully request that it be recorded in the RECORD that had I been able to be here during the vote, I would have voted "aye."

YOUNG AMERICANS FOR FREEDOM DISAGREE WITH ADMINISTRATION FOREIGN POLICY

Mr. **ADAIR**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. **ADAIR**. Mr. Speaker, last week there was criticism in the other body of the organization known as Young Americans for Freedom. What terrible crime did Young Americans for Freedom commit? They picketed a rubber company in a successful effort to stop this company from building a synthetic rubber plant in Rumania, and thus giving much-needed industrial production and know-how to that country.

What is distressing to me is not that one disagrees with the actions and thinking of Young Americans for Freedom, but the implication that it is wrong to differ with administration foreign policy. This action by Young Americans for Freedom was called irresponsible pressures. Does that mean that anyone who disagrees with administration policy is irresponsible? Should we do away with our Bill of Rights in order to secure unanimity on foreign policy?

Young Americans for Freedom is a group that represents the best of our youth. They number many Phi Beta Kappas, campus presidents, and leaders among their membership. They have supported President Johnson in his Vietnam policy. How many other so-called groups in this Nation have spoken out in support of our policy in Vietnam?

It was said that the rubber company incident was "a case study in the defeat of an important and carefully considered policy of the U.S. Government by irresponsible private interests, aided and abetted by the failure of Government officials actively to support the President's established policy."

Now all the policies of our Government are important and presumably carefully considered, but this does not mean that they are necessarily correct. There were many in the Congress that held that the policy of the then administration with respect to Cuba was correct in 1962, and that certain Republicans were being irresponsible in their criticism of that policy, until it was discovered that our "good friend" Nikita Khrushchev had planted ICBM's in Cuba. Then suddenly that policy was changed.

It is a well-known fact that the Executive, and in particular our State Department, constantly send out people and information designed to secure public support of our official policies. Should this right be denied to private citizens and organizations?

The right of individuals and groups to protest has been upheld in the courts time and time again. And this does and should include foreign policy. The courts specifically have upheld the right of our American maritime trade unions to boycott merchandise from Communist countries or ships which trade with our Cuban Communist enemy.

What is perhaps even more astonishing, another rubber company was attacked for its decision not to build a synthetic rubber plant in Rumania. Should not any company have the right to choose whether or not to build bridges to satellite Europe, and especially so when they state that they were acting, in their opinion, in the national interest?

Many of us feel that this avowed policy of building bridges to the Communist world is open to serious question. Should it not be that the Communist world ought to build the bridges, not we? The Young Americans for Freedom feel, as do many of us, that by aiding Communist governments, we may betray our highest ideals. We certainly do not help the Rumanian people by assisting their Communist government to maintain itself in power. Who truly speaks for the Rumanian people, living under totalitarian communism? Why should we lend respectability to a government imposed upon them by force?

Now it is contended that Young Americans for Freedom has stopped two industrial giants in their tracks and upended the whole State Department. Actually, I wonder if perhaps there is not a little more to the story than that? Does not this action really represent the opinion of the majority of our people?

It is now popular in Washington to refer to a consensus. Does this mean we should all march like lemmings down to the sea for the sake of accommodation with the Communist world? Young Americans for Freedom may not espouse a line of thought popular with this administration, but they speak realistically in a world where one system or the other is bound to prevail because the Communist definition of peace presupposes the liquidation of all non-Communist nations. If these young people do not understand why we should bolster the economy of Communist nations, then I confess I share their questioning.

So, Mr. Speaker, instead of criticism we should express pride in the understanding of the world situation and patriotism demonstrated by Young Americans for Freedom.

FREEDOM ACADEMY PLAN BACKED

Mr. **ICHORD**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. **ICHORD**. Mr. Speaker, last night's edition of the Washington Evening Star contained an editorial by Mr. James J. Kilpatrick entitled "Freedom Academy Plan Backed." As the sponsor of the bill which is now awaiting a rule I can testify to the accuracy of Mr. Kilpatrick's statements. He has captured the essence of the proposal in a brief but comprehensive description of some of the history and by citing some of the objectives of this legislation. H.R. 9713 is a bill which deals with national security and the cold war. It deserves the attention and the serious consideration of the Members of this body. I commend this editorial to the Congress and hope it will be studied and reflected upon by each Member.

NEIL MACNEIL ON CONGRESS AND THE INTELLECTUAL COMMUNITY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, Mr. Neil MacNeil, congressional correspondent for Time magazine, has made one of the most perceptive and compelling statements I have seen on Congress and its image in American society. The occasion was the George Washington University American Assembly at Airlie House, Warrenton, Va., on May 14. I include it at this point and urge my colleagues to read and study it—and I am taking steps to see that it is circulated widely in the intellectual community:

CONGRESS AND THE INTELLECTUAL COMMUNITY

The theme of this conference, "Congress and America's Future," carries the implicit suggestion, in today's context, that the radically new world aborning requires basic alterations in the legislative branch of our Government. We live, obviously, at a time of convulsive economic and social change. We stand at the threshold of an age of technological miracles, beggaring the imagination, that will transform life on this planet and bridge the far reaches of space. Confronted with this revolutionary prospect, concerned and anxious citizens question whether the American Congress, constructed by a primitive society in the 18th century, can serve as an effective instrument of government today and in the future.

This conference, reflecting that anxious concern, has met to appraise Congress as a political institution, to weigh and consider its assets and liabilities, and to propose, if possible, ways and means for Congress better to meet the immense complexities of the world of tomorrow. I don't propose here to offer a new assessment of Congress to compile another catalog of its sins and virtues, or to try to devise a better parliamentary structure. Rather I want to speak of a more fundamental problem, and that is the double task of making a valid assessment and of proposing changes that Congress can be persuaded to adopt.

No matter how telling a critique of Congress this conference makes, no matter how rational and reasonable the proposals it suggests, the all-important fact is that Congress traditionally has resisted all outside interference with its formal processes. By constitutional grant, the House and Senate hold the exclusive power to determine their own rules. But it is not alone this constitutional prerogative that prompts Congress to ignore proposals for institutional change from outside its halls. A far more personal reason lies at the core of its resistance.

I have heard it said that Congress does not know or does not care what the people of this country think of it, and that this congressional indifference has created a dangerous schism between Congress and the public. I disagree with that analysis. It was offered by a critic who regarded Congress as "outrageously unrepresentative" and out of touch with the American people. Congress cares deeply what the public thinks of it and of all other things. But almost every Member of Congress—four out of every five—has been elected and reelected and reelected again by a wide margin of his people. It is difficult to persuade such a man that he does not reflect his constituents or that they disapprove of him or the place they send him to.

There is, however, a dangerous schism in Congress' relations with the outside world. It is the yawning chasm that separates Congress and the intellectual community. There are many reasons for this separation, and I wish to discuss them in some detail, but this estrangement between Congress and the intellectual community is the primary cause that prompts Congress to reject out of hand almost any intended help from outsiders.

Congress, institutionally, feels toward its critics in the intellectual community much the way the catfish felt toward the fisherman. "Hold still, catfish," the fisherman said. "I only want to gut you."

In our time, the intellectual community seems to want to denigrate Congress at every turn. If it is not a rubberstamp Congress it is a do-nothing Congress. Most of the reforms proposed by outsiders reveal an emotional commitment to the President and his legislative program. At times, this commitment almost amounts to a sense of presidential infallibility. Many congressional critics tend to regard struggles over legislation in purely moral terms, rather than as power struggles between competing political philosophies. Like bullet-vote voters, they tend to praise or damn Congress, depending on whether Congress passed or rejected their favored bills. In at least some instances, they are confused about the realities of congressional life, and, thus, in their proposed reforms, they strike at symptoms of the disease they diagnose and not the disease itself. An example of this is the continuing controversy over the House Rules Committee.

The Members of Congress have valid cause for reacting with suspicion to much of the intellectual community, for a latent hostility toward Congress permeates the thinking of many leaders of public opinion outside Congress. It is evident in the books of political scientists, in newspaper editorials, and even in the witticisms of our humorists. It is most evident of all in many of the reforms of Congress that are suggested. Too often, proposed reforms smack of an obvious intent to reduce Congress from its status as a separate and independent branch of the Federal Government. The Members of Congress, whether Democrats or Republicans, liberals or conservatives, are jealous of the prerogatives of Congress, and they fight tenaciously to maintain them.

This dichotomy between Congress and the intellectual community is no new thing. It has existed for decades. In 1925, Nicholas Longworth, of Ohio, as Speaker of the House of Representatives, referred to this longstanding animosity toward Congress in his years of service. "During the whole of that time," Longworth said, "we have been attacked, denounced, despised, hunted, harried, blamed, looked down upon, excoriated and flayed." And then he added, significantly: "I refuse to take it personally."

Longworth's refusal to take the criticism personally was not mere intransigence. It was the reaction of a man who felt keenly that the criticism was not warranted, that the assessment of Congress on which the criticism was based was not valid. His words summarized the feelings of Congressmen since time out of mind, and they summarize the feelings of Congressmen now.

Members of Congress, as a whole, normally do not listen to the political scientists, and the political scientists do not listen to the politicians on Capitol Hill. This has produced the long estrangement between Congress and the intellectual community. Its roots lie in a fundamental disagreement on just what Congress is and is not. The political scientist's understanding and description of Congress often are incomprehensible to the Members of Congress, and theirs are frequently incomprehensible to the political scientist. The mutual enmity, borne of this disagreement, has prevented a meaningful dialog between the two. The resulting animosity and recrimination has made it difficult for anyone to stand between them as referee or as friend of the court, for he faces assault on one side as an apologist for incompetence and on the other for moralistic sophistry.

The hostility is at every hand, in speeches in the House and Senate, as well as newspaper editorials and the books of political scientists. Take the American Assembly's current volume, "The Congress and America's Future," on which this conference is based. In his introduction, David Truman has described with aptness the image of the typical Congressman as seen by the intellectual community. "The cartoon symbol," Professor Truman wrote, "of the bewhiskered, frock-coated, and bungling old man, familiar to all newspaper readers, effectively illustrates a persistent stereotype." But Truman's description has a greater application than he intended, for it will serve as well for the Congressman's image of the typical political scientist: A bewhiskered, frock-coated, bungling old man.

The Congressman repays the intellectual in kind for his hostility. It's a natural response. If the intellectual regards the word "politician" as an epithet, the typical Congressman equates the professor with the pedant. If there is justice in both views, at least in some cases, the effect is to impede any real communication between Capitol Hill and the academic world. And this, in turn, has created that dangerous chasm between Congress and the intellectual community. In plain terms, they do not understand each other, and too frequently they do not bother to try to understand each other.

The loss is the Nation's loss, for Congress needs help in meeting the challenges of today and the promise of America's future. Congress needs the help of the academic world: The imagination, the skill, and the talents of men and women who can help Congress fathom the depths of its institutional needs, and then bring forward viable remedies to meet them.

Parliamentary practice, like law, is based not on logic, but on experience. It is pragmatic, rather than scholastic. It is sentimental, rather than scientific. Without an understanding of the inwardness of the congressional experience, the psychology of the congressional mind, the student seeking meaning of Congress and its ways is lost. He cannot produce that understanding by logic.

Out of its traditions come the instincts of Congress toward itself, the other branches of the Government, and the outside world. It operates on a live-and-let-live philosophy that is not merely a vulgar and amoral indifference to ethical considerations. Involved here is a tolerance toward opposing views, a willingness to let those other views be voiced and voted, a recognition of the fundamental right of disagreement, which is the heart of a free society. If Congress tolerates the mountebanks and demagogs in its ranks, on the grounds that they too were elected, it respects only its men of character, industry, ability, and sincerity.

The Members of Congress share a sense, if not the same sense or to the same intensity as the academic world, that Congress must change now, as it has always changed, to meet new conditions and new tasks. It is this sense that prompted Congress this year to order unanimously a new study of its procedures and organization. The formal hearings for this congressional reappraisal began this week. But it is scarcely possible for the academic world to contribute to this change, so long as political scientists think of Congress as a loathesome thing and Congressmen regard professors as merely misinformed cranks. There is a pressing need to build bridges across the chasm that separates Congress and the intellectual community and to develop, eventually, a working partnership between them.

In this estrangement, I do not for a moment exonerate Congress from its share of the blame. Frequently, the Members of Congress have been, and are, guilty of a self-serving complacency about Congress and the rules and practices of Congress. They have been guilty, as charged, of entrenched parochialism and root-hog-or-die attitude toward projects for their districts and States. Too often, they have been guilty of what Senator Fulbright once called "the swinish blight of anti-intellectualism." The Members of Congress, many of them, bear a heavy responsibility for the ill repute of Congress in the intellectual community.

But a large share of the blame falls also on the academic community, and on none more importantly than the political scientists, those most responsible to interpret for us all the meaning and substance of Congress. In large part, I suggest, the political scientists are to blame for the discrepancy between the Congressman's understanding of Congress and that of the intellectual community. Here, it seems to me, the essential fault lies in the method of many political scientists in their examination of Congress, and method is all important to intellectual discipline and validity.

From the beginning, many political scientists have approached the study of Congress with techniques strikingly at variance with those of other academic disciplines. I have already suggested that this approach has been ethical and moralistic, rather than scientific. Too many political scientists have not learned what Lord Acton called "the lesson of intellectual detachment." Often they have seemed more intent on reciting the litany of reform than in describing the place with precision and understanding. They have seemed more anxious to devise new ways to alter Congress than to learn how it truly functions. Too many have not followed the dictum of Thomas Huxley a century ago: "Sit down before fact as a little child, be prepared to give up every preconceived notion * * * or you shall learn nothing.

Every discipline has its methods, its techniques grown of usage, to acquire intelligence and to make judgments from that intelligence. In Shakespeare's play, "King Henry V," the night before the battle of Agincourt, a messenger reports to the Lord High Constable of France that the English Army is camped within 1,500 paces of his tents. The Constable of France has but one question: "Who has measured the ground?" It's a pertinent question for the military tactician, or the historian or the political scientist. In rough terms, I would like to sketch briefly the differences I have found in the methods of many American political scientists and those of American historiography, the discipline in which I was trained.

The American historian reflects a tradition running back to Francis Parkman, whose great history is right now being republished. As a young man in the 1840's, Parkman began to prepare himself to write the history of the struggle between England and France for the North American continent. A Protestant, he went to Rome to study the Catholic faith and ritual. He lived with the Indians not only the broken tribes of the East, but the wild savages of the Great West. He examined the fort at Ticonderoga, and he traced Montcalm's battle lines. He visited and explored all the places on the continent that were a part of his history. He measured the ground.

Parkman spared nothing, least of all himself, that he might know his subject totally. He would not be satisfied with mere book learning, although here too he exhausted all known sources of information that might help illuminate his theme. He would not, however, be satisfied with secondhand accounts. "It is evident," Parkman once wrote, "that other study than that of the closet is indispensible."

Parkman wrote a history, nine volumes long, that remains one of the great landmarks of American letters and scholarship. His books still ring with the authenticity of a writer who steeped himself in the life and spirit of the time he described. His books still shout with the excitement of that vivid time and the robust men—French, English, and Indian—who shaped it. Parkman thus set the tradition of American historians. Out of that Parkman heritage, American historians scorn the merely popular and superficial. At the same time, they view with contempt the pretensions of the pale antiquarian who has never left his library. They revere the scholar whose sympathies, as Henry Osborne Taylor once wrote, quiver to understand and feel as the men and women before him.

How different is the tradition of American political scientists—at least those committed to the study of Congress. The hero of this tradition is Woodrow Wilson. Wilson, as a young man, wrote "Congressional Government," the first and still most influential academic book in the field. This book has run through many editions and remains today, 80 years after first publication, a valued volume on the shelves of political scientists and a required text on the reading lists of their students.

Professor Wilson wrote his book on Congress while serving on the faculty of Johns Hopkins University in Baltimore, scarcely an hour's trip even then from Washington. Yet during the years he spent preparing to write his book, Wilson never visited Congress. It was not mere laziness that prevented Wilson from inspecting the Capitol, studying the congressional procedures at firsthand, and talking with its Members. His biographer and friend, Ray Stannard Baker, assures us that Wilson actually believed to do so would harm his comprehension of Congress. Wilson believed he could better understand the real business of Congress by a close study of the appropriate documents. It appears almost as though he feared contamination of his mind by exposure to Congress and its Members.

Wilson's book shows the price he paid for not seeing Congress for himself. He was not familiar with Congress and its ways. For example, he all but ignores the Congressmen themselves. He mentions only one who was serving in his time, Senator Hoar, of Massachusetts, and him only in passing. He was long on generalizations about Congress, short on specifics and demonstrations, and he misread Congress in fundamental ways.

We all know how his oft-quoted aphorism that the House meets formally only to ratify the decisions of its committees. In a narrow sense, that was and is true, but Wilson did not comprehend the skills then and now required in committee to so draft a controversial bill that the House or Senate would approve it. Wilson could dismiss "logrolling" as mere parochial politics—but its legislative purpose was to pass the bill.

Wilson longed to reshape Congress to the model of the British Parliament, about which he had read. He was appalled at the lack of discipline and central direction in the American Congress. Had he visited Congress, he would have seen that even then Congress had moved in precisely the direction he advocated. The Senate was in the thrall of a triumvirate. Speakers Blaine, Randall, and Carlysle, in turn, had already invoked strict discipline through the party caucus, that they controlled committees through their "cabinets," the committee chairmen they appointed, and that they were developing the House Rules Committee as an instrument of dictatorial power. Wilson could not have guessed that the uncontrollable body he thought the House to be would become in only 5 years the creature of the Speaker called the czar of the House, Tom Reed, of Maine.

Professor Wilson, writing in the 1880's, described a Congress that more nearly resembled the Congress of the 1850's. In the aftermath of the Civil War, Congress had undergone enormous change, but Wilson did not know it. He did not understand the inner life of the Congress when he wrote, and a case can be made that he never really learned its wellsprings of power and influence. Had he understood the pressure points of Congress, it can be argued, he might not have suffered as President his greatest legislative catastrophe: defeat by the Senate of the League of Nations. It is difficult to believe that a Lyndon Johnson as President would have been defeated on such a measure.

I spend so much time on Woodrow Wilson because his views have permeated the thought and writings of political scientists ever since. His method, I submit, was faulty at its core and it prompted the errors in his appraisals and judgments. He did not understand the human equation so paramount in congressional action and inaction. "Our Congress," as Dr. Ernest Griffith has well said, "is a very human institution, part and parcel of our American culture." Wilson had no sense of what Sam Rayburn used to call "those rolling waves of sentiment" that dictate congressional decisions.

Wilson left a legacy that taught generations of political scientists that they need not examine the congressional premises for themselves, that they need not consult with its members, and that, all the same, they were equipped to correct its flaws. It has led to the concept in the intellectual community that Congress is something apart from the rest of the country: more parochial, more isolationist, more conservative, less intelligent than the mass of the American people.

I still remember, to cite only one experience from my own researches on Congress, the excitement of finding, after much searching, a copy of Ch'ang-wei Ch'iu's "The Speaker of the House of Representatives Since 1896." It's a rare book, difficult to come by, and in my terms it was a critical study, for it was published in 1928, 3 years after Nicholas Longworth had restored the speakership to much of its ancient power. But the book was a total disappointment. The author obviously had written his book from afar off. There was no explanation of Longworth's historic act, because the author did not know that it had happened.

In our time, I take James McGregor Burns to be the leader of the academic critics of Congress. Some years ago, Professor Burns wrote a book he titled "Congress on Trial." Since then, Burns has brought in the verdict and sentenced Congress to extinction in his latest book, "Deadlock of Democracy, Four-Party Politics in America." His thesis, in sum, is that the American Government has been deadlocked from the first by the Madisonian, congressional system of checks and balances, and that this deadlock should be broken now in favor of what he calls the Jeffersonian system of strong presidential leadership. This is not the place to list all the mistakes and misunderstandings in Professor Burns' analysis. He confused Jefferson for Jackson as inaugurating the strong Presidency. He mistook Madison for Hamilton as Jefferson's enemy in political theory and practice. He ignored Jefferson's unique contributions strengthening Congress in such key areas as appropriations. He forgot that Jefferson wrote, not a guide for presidential leadership, but a "Manual of Parliamentary Practice" that still influences the proceedings in the Senate and House of Representatives.

In appraising Congress, Burns constructed, by logic, a theory of four-party politics that has no reality in congressional experience. Out of the Wilson heritage, Burns stands emotionally committed to an all-dominant President, and he proposes to effect this by dismantling Congress. His book indicates that he decided what he wanted to do first—end the federal system of checks and balances—and then devised a theory of presidential and congressional politics to justify his goal. But not even Burns suggests the ultimate humiliation of Congress. Prof. Samuel Huntington, of Harvard, has proposed in the American Assembly's "Congress and America's Future" that Congress be stripped of its legislative powers and that its Members be put to work exclusively on what Huntington believes they are best fit to do: running errands for their constituents.

Now, what is the result of this failure to understand intimately the inner life and workings of Congress? It is, the hostility between Congress and the intellectual community that prevents a meaningful dialog between them. It is, second, the common confusion of form for substance in congressional theory and practice. No better example currently is the easy equation of the House Rules Committee with the Senate's filibuster, the assumption that the House and Senate have parallel procedural illnesses that can be similarly cured. In reality, the two Chambers are almost the inversions of each other: one committed under its rules to precipitous action, the other committed to dally and delay. Yet, by an irony of modern politics and the makeup of its membership, the Chamber prone to swift action, the House of Representatives, has been in recent years the major block to legislation. It takes more than logic to explain why the Senate, rather than the House, has not been the chief obstruction to economic, welfare legislation.

The last Congress, the 88th, offers a good example of the hazards of assessing Congress without adequate on-the-spot observation. In 1963, that Congress all but collapsed in a confused morass of frustration and inaction. Never in recent years has Congress seemed so faltering and so chaotic—so deadlocked. Before the year was out, this aimless 88th Congress was denounced as the worst do-nothing Congress in memory. For the intellectual community, the political scientists and editorial writers, the reason was obvious: Congress was shackled by archaic rules that had to be reformed.

Yet a year later, this dismal picture had totally changed. In 1964, the 88th Congress completed one of the most productive legislative sessions in history. Scores of major bills had been passed, and the intellectual community, somewhat reluctantly, was applauding. What had happened? Surely the archaic rules of 1963 had not been mysteriously transfigured in those 12 months.

Pure logic was not the tool to explain the strange and startling 2-year career of the 88th Congress. The rules were not primarily responsible for the inaction of 1963 or the action of 1964. The change was caused by a major shift in the congressional consensus. By the end of 1962, President Kennedy had won over to his legislative program many of the southern Democrats; their votes accounted for his success that year. Before his 1963 legislative program could begin to move, however, Negro demonstrations broke out in the South, Kennedy was forced to propose the sweeping civil rights bill he so long delayed, and the southern Democrats began to desert the Kennedy program. The shift was enough to block or stall many of the Kennedy bills. Kennedy's assassination in November 1963 shocked Congress as much as the Nation, and the attitude of Congress toward the Kennedy program changed. Moreover, the new President was a southerner: the southern Democrats in Congress began to return to the party fold. The end result was the dramatic legislative record of 1964.

I don't mean to suggest, in what I have said, that all political scientists, or all members of the intellectual community, have been instinctively hostile and uninformed about Congress. Far from it. As early as 1896, M. P. Follett wrote a distinguished study of the House speakership, and many others over the years have made similar valuable contributions to the public understanding. I do suggest, however, that most members of the intellectual community have followed in the tradition of Woodrow Wilson, and that their influence today is overwhelming. A friend of mine, who has an incisive understanding of the inner workings of Congress, built of long and intimate familiarity, some time ago published a book on Congress. In it, he gave his assessment of the ailments of Congress and proposed how they could be cured. But beyond his own judgments, he included many familiar reforms I knew he did not regard as either valid or effective. He explained privately that these were, in his words, "bones for the academics." He hoped by including them that he could win allies for his own proposals from the intellectual community.

But if the Wilson view remains preponderant, it is now under challenge. Today there is a group of political scientists who regard themselves as "Young Turks" battling the "Old Guard." They are challenging the method of their elders and the conclusions produced by that method. Their most distinguishing characteristic is that they frequent the committee rooms, the lobbies, and the corridors of Congress. They have laid siege to the Congressman to have them explain their actions and their motives. Many of these young political scientists came first to Congress as research fellows of the Brookings Institution or as congressional fellows of the American Political Science Association. They have spread out through the academic community, taking posts on college faculties, and bringing a new realism to their teaching. And they are publishing their findings. I refer to such men as Richard Fenno, Jr., of the University of Rochester, Charles Clapp of the Brookings Institution, Robert Peabody of Johns Hopkins, Nelson Polsby of Wesleyan, and James Robinson of Northwestern. They are helping to bridge that chasm between Congress and the academic community, and so are many college faculties that now are taking a new interest in Congress. They are sending their students and teachers to Capitol Hill and expecting them to do more than look at the statues and paintings. They are inviting Members of Congress to their campuses.

Not all of this reflects a new commitment among the political science faculties. In this current semester, for example, American University inaugurated a new course: The Senate Institution. The principal lecturers have been Members of the U.S. Senate. This, obviously, is a singular and imaginative idea, transparently working to reconcile the practicing politician and the political scientists. But the course did not originate with the political science faculty at American University. On the contrary, its members fought bitterly to block the intrusion on their campus of these lecturing Senators. The course was begun only because the university's chief administrative officers insisted it was a worthy experiment.

My purpose has been to argue for an end to the jingoism about Congress on both sides of the chasm, and to urge the academic community to give more immediate attention to the realities of our legislative system. Congress is not as bad as many of its formal critics claim, nor is it as good as many Congressmen believe. It has great strengths and great weaknesses, and only by recognizing both can a rational understanding of Congress be achieved. Much basic work of a purely descriptive character remains to be done, although the young Turks are beginning to examine closely some of the neglected aspects of congressional life. Needing attention are such major subjects as the modern role of the Speaker of the House, the operations of the lobbyists in the legislative process, the realities of the seniority system, and the dual functions of the party floor leaders. With sensitive and accurate descriptions and appraisals of such areas of congressional life, we can all be better able to deal with Congress today and in the future.

It is imperative that Members of Congress and members of the intellectual community hold views of Congress that are at least recognizable to each other. Here the political scientists hold a unique responsibility, and the only valid method to fulfill it must include on-the-spot inspection. They must come to Congress, as the young Turks are now doing, and measure the ground.

Out of such an approach, I do not doubt that a working partnership between Congress and the intellectual community will emerge. Each side, I do not doubt, will start listening to the other. It will never be a job done, for the problems will change as the times change. There will never be perfect agreement within or without Congress on just what the problems are, or how best to meet them. But a working partnership between Congress and the intellectual community—with the continuing dialog it implies—will help both to meet the challenges of America's future.

THE COAST GUARD IS 175 YEARS OLD

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CONTE. Mr. Speaker, the tradition of the U.S. Coast Guard can be summed up in the saying: "You have to go out but you don't have to come back." This famous slogan truly marks the courage and devotion of the Coast Guard. Yesterday, August 4, was the birthday of this fine organization; 175 years of devoted service to the mariners of our country in both war and peace.

The first Secretary of the Treasury, Alexander Hamilton, 175 years ago founded the Revenue Marine for the purpose of preventing smuggling into the infant United States. Ever since then the guardians of our waters have been in continuous service to our country. From its inception with a fleet of 10 cutters and 100 men, the Coast Guard grew to its present strength of over 32,000 officers and men. From patrolling the coast of the United States, the mission of the Coast Guard has expanded to include duty in South Vietnam, the Mediterranean, and from the Arctic to the Antarctic.

The Revenue Cutter Service, as the Coast Guard was known prior to 1915 when it received its present name, has always been a member of the Armed Forces in the time of war. During peacetime, it has operated under the Department of the Treasury and, at the direction of the President, in time of emergency, it is incorporated into the mission of the Navy.

Search and rescue, law enforcement, maintenance of aids to marine navigation, ice patrol, and oceanography are the main services which the Coast Guard performs for the public as even the most "landlubberish" of people surely know.

However, there are some tasks which the Coast Guard undertakes, which the public is not so familiar with. Automatic Merchant Vessel Reporting System is one such service. AMVER, as it is abbreviated, is a cooperative venture that the Coast Guard runs in cooperation with merchant vessels all over the world. Its function is the tracking and storing of the positions of shipping around the world so that if an SOS is received, computers can immediately determine the position of the nearest ships for rescue purposes. International Civil Aviation Organization for the protection of aviators is another service they provide.

The U.S. Coast Guard also has an outstanding record in all the major wars that have been fought since its founding. During the First World War the Coast Guard had more casualties in proportion to the number of men in uniform than any other service. During the Second World War the Coast Guard sank 12 German submarines and rescued over 4,000 lives. Some 1,000 alone were taken from the waters off the Normandy beaches on D-day. The Coast Guard also continued its fine service during World War II by piloting most of the landing craft in the invasions around the world.

Today in Vietnam the Coast Guard is continuing its fine tradition by patrolling the coast of Vietnam, fulfilling much the same function that Alexander Hamilton had in mind when he created this fine service.

Despite its fine military record the Coast Guard is best remembered by those who today ply the waters of the United States and can always be sure that the strength and resourcefulness of the Coast Guard are always ready to help the sailor in distress. Therefore, Mr. Speaker, I feel that it is most fitting that we remember the Coast Guard on its 175th birthday for the fine continuous service it provides us. The mariner can always be sure that the Coast Guard motto "Semper Paratus," which means "always be ready," will provide him with a snug harbor and a strong mooring.

BECKET HAS A BIRTHDAY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CONTE. Mr. Speaker, Becket is a familiar name to everyone. Those of us who are scholars are reminded of the courageous and uncompromising Archbishop of Canterbury who quarreled with Henry II and was stabbed at the altar of his cathedral in 1170. Others will remember the excellent Broadway play based on the life of this important churchman, or perhaps the more recent motion picture adapted from the theater production. How many of us know, however, that Becket is also the name of a beautiful little community in the Berkshire Mountains, and that this year marks her 200th birthday?

Becket is a small place—about 800 residents—and she is tucked away in a quiet valley between Springfield and Pittsfield, Mass. She houses no large industries; most of the inhabitants are farmers or small tradesmen. There are no fast highways, no glassy skyscrapers, no bustling crowds in Becket. Instead, one finds peace, simplicity, and an old-fashioned warmth and community spirit. Those qualities are difficult to find in America today. They can be found in abundance at Becket this weekend.

For this weekend will highlight the celebration of Becket's 200th birthday. On Sunday, there will be commemorative church services, followed by a softball game, and then an old-fashioned picnic-type supper climaxed by a few words from several fine guest speakers. The scenic Berkshire hills should provide an appropriate and beautiful setting for the day's activities, and everyone in town will contribute to making the occasion a successful one.

The spirit to be found at Becket this weekend, however, is not new. It has been there ever since 1740, when the first sturdy pioneers made their way into the scenic valley. Fierce Indian attacks drove those early settlers back, but not until they had cleared the land and built a sawmill. Others came in 1775, chiefly from eastern Connecticut, and their descendents are still there today. In 1765—just two centuries ago—the town was incorporated, as a small group of men gathered on the parade ground to pledge their hands and hearts to the success of a new enterprise. The place was named Becket, probably after the estate in English Berkshire owned by the Lords Barrington.

During the turbulent events of the Revolutionary War, the people of Becket responded to the call of their new land with patriotism. The parade ground became a training headquarters for the Colonial Army, and every resource of the community was taxed to provide for American soldiers. Many of Becket's sons gave their lives for the land they helped to settle.

During the 19th century, Becket grew with the rest of America. An old town history states that in 1829 there were "two gristmills, five sawmills, three carding machines, and two clothiers works." The town boasted two post offices and no less than four licensed taverns. The history continues:

> With the exception of two physicians, two merchants, a few mechanics, and one minister of the Gospel, the inhabitants are farmers; industrious, frugal, plain in manners, and independent in spirit.

In the past 100 years, the scarcity of water power and exhaustion of mineral resources has slowed Becket's growth. In 1927, the Ballou Dam broke, inundating the town under 25 feet of water, and the ruined factories were abandoned. But with characteristic determination, Becket carried on. Homes were rebuilt, stores were reopened, and in fact the Berkshire Tissue Co. is a thriving industry today.

I have spoken of the "spirit" to be found in Becket. A good example of that spirit occurred in 1798. Richard D. Birdsall, in his history of Berkshire County, tells us:

> In Becket, where no majority sect and thus no town support of the Gospel had even existed between 1788 and 1798, 60 citizens banded together in February to form a Congregational Church Society and penned a hardheaded preamble to their covenant: "We the subscribes having found, by several years experience, the great difficulty of settling and supporting a minister, in the usual way of taxation, or even to supply the pulpit, by reason of the great number of ana-baptists and Methodists, who have appeared in opposition to taxation and have carried their vote, and to avoid contention with our neighbors of different denominations agree to support the church by voluntary contributions." While neither large nor wealthy, the little Congregational group of Becket did persevere until they had built a meetinghouse and settled a minister; and the membership thereafter enjoyed a gradual but uninterrupted growth. Here was one town at least to which liberals could point as proof that the luxury of religious freedom did not always endanger the Gospel ministry.

This is only one illustration of the kind of spirit found in Becket. There are countless others. Her people have faced danger with determination, calamity with courage, and success with modest simplicity. Their spirit has sustained them for 200 years. It is likely to do so for at least 200 more.

PRESIDENT'S ATTACK ON GERALD R. FORD

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. GOODELL. Mr. Speaker, the distinguished columnists, Rowland Evans and Robert Novak, today made some perceptive comments on the real meaning behind the President's sudden attack on the gentleman from Michigan, Republican Leader "JERRY" FORD, last

Sunday. I believe the Members of the House should take particular note of these comments which I quote as follows:

> For example, if Mr. Johnson had been less attentive to his courtship of General Eisenhower, it is at least doubtful whether he would have tried to stigmatize one of the prominent members of the Republican Party—presumably FORD—in his uncharacteristic attack down at the L.B.J. Ranch last weekend.
>
> The President defined the prominent member as an inexperienced man or a bitter partisan, who, he said, had both broken and distorted a Presidential confidence by revealing Democratic Senator MIKE MANSFIELD's private criticism of U.S. policy in Vietnam.
>
> Democratic politicians in a position to know are convinced that the real purpose of the President's attack was to divert the Nation's attention from the differences over Vietnam between Mr. Johnson and Majority Leader MANSFIELD—reflecting widespread Democratic sentiment in the Senate.
>
> The President feared, and with good reason, that the press would probe deeply into the reasons for MANSFIELD's disagreement with the Johnson policy. This could have led to a rash of stories dramatizing their policy conflict. MANSFIELD seems unable to understand the necessity for the President's strong stand in Vietnam.
>
> What better way to guard against a searching inquiry than to pick a public fight with a prominent member of the Republican Party?
>
> The ploy succeeded. Newspapers have carried reams of copy about the L.B.J.-Ford match and scarcely a word about the real contest between the President and MANSFIELD.
>
> One reason Mr. Johnson could risk taking on FORD and not worry about his political rear is the fact that General Eisenhower is firmly in his corner on Vietnam policy. Most important, no matter how his Vietnam policy works out, he will be able to claim that Ike was with him all the way.

THE GAMBLE OF MODERATION IN VIETNAM

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROBISON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. ROBISON. Mr. Speaker, 1 week ago yesterday the President again used the press-conference device to give the Nation an updated report on our troubles in Vietnam. The remarkably dramatic buildup which preceded the press-conference, forecasting the possibility that some momentous decisions were in the making and were to be announced by the President on this occasion, led only to an equally remarkable feeling of letdown relief when Mr. Johnson let it be known that he had decided merely to continue his policy of what—for want of a better expression—might be called "flexible moderation."

The fact that the President's message—which was delivered in a muted, almost soothing tone—was generally met with that sense of relief in the Congress and around the Nation is both understandable as well as significant at one and the same time.

Most subsequent editorial comment was immediately favorable. To quote from two such sources, we find this excerpt from an editorial in the Wall Street Journal for July 29:

> In battlefields like Korea or Vietnam, the question remains, as the President aptly phrased it, "Why must young Americans—born into a land exultant with hope and golden with promise—toil and suffer and sometimes die in such a remote and distant place?"
>
> The question cannot be brushed aside. Vietnam is not only a far but a strange land. Who rules it is of no consequence in the daily affairs of Americans, and all too often it seems that the Vietnamese themselves put too little value in their freedom. It is not easy to say to what purpose Americans die there.
>
> Yet it seems to us that the President has answered the question as well as any man could.

Also this excerpt from an editorial in "The Christian Science Monitor" for July 30:

> The President's words, we feel, were well chosen to give an impression of both resolution and reasonableness. His words "we will stand in Vietnam" are not open to misinterpretation. On the other hand, he was equally categoric in stating America's determination not to expand the war needlessly or do anything to provoke the Soviet Union. Equally welcome was the repetition of the President's pledge to help end poverty in southeast Asia and to strengthen the economic life of South Vietnam.

It was evident, in any event, that the President had chosen his words with extreme care; and, as the Monitor notes, that he had carefully mixed in both resolution and reason.

To those who were concerned that we were losing militarily what has become to be, more and more, an American war, he declared that:

> "We will not surrender. And we will not retreat."

Then, giving some additional force to those words, he announced a stepup in draft calls and the dispatch of an additional 50,000 troops to southeast Asia. And so to those who looked for it, this was evidence of our renewed determination—as Mr. Johnson put it—to "stand in Vietnam."

So much for resolution.

But, then, on the side of reason, to reassure those who feared we might be losing whatever chance of peace still remained, he was just as careful to point out that he still had no intention of leading us into anything other than a limited—or measured—war. And this reassurance, together with the emphasis he placed on making a new approach to the United Nations to see if it could, somehow, bring us nearer an honorable peace, and the President's rather surprising acceptance of the idea, long urged by some, for internationally supervised elections not just in South Vietnam but throughout all Vietnam—as Mr. Johnson put it—apparently won for him at least the temporary support of such erstwhile critics of his policies as columnist Walter Lippmann.

On this last suggestion of the President's—that of elections to be held in both North and South Vietnam, which would appear to strongly favor a pro-Communist result—it should be noted that Mr. Johnson's position is somewhat ambiguous, for self-determination for South Vietnam is one thing, while self-determining elections for all of Vietnam is quite another. Thus we find one of the Washington papers, the Evening Star, properly asking, editorially, on Monday of this week, how our acceptance of any such arrangement could possibly square with Mr. Johnson's firm words, spoken some weeks ago at Baltimore, declaring:

> We will not withdraw (from Vietnam), either openly, or under the cloak of a meaningless agreement.

Of course, no one can accurately forecast, now, the results of any such election—whether held just in the South or in both North and South Vietnam—but that, Mr. Speaker, is not the point.

The real point, it seems to me, in assessing the net effect at home and abroad of what Mr. Johnson said and did not say about Vietnam last Wednesday, was best stated by Norman Thomas—no less—in a letter to the editor of yesterday's New York Times, in which Mr. Thomas observed:

> Our consensus-loving President, in his carefully constructed statement on further military investment in Vietnam, gave some quotable sentences to every shade of thought in America except the advocates of immediate preventive war with China or of immediate withdrawal of all our troops.

Now, one can well understand the President's anxiety to exhibit none of the characteristics of either a "hawk" or a "dove"—to use a Washington euphemism—and, under the circumstances, this is probably the only attitude he can assume. But so long as he holds to such an attitude, which risks large amounts of ambiguity in order to gain some degree of flexibility, I must question whether the American people have actually gained any clearer understanding than they have had before concerning the real stakes in Vietnam, and why we must play out the game.

If Mr. Thomas' observation was correct—and I suspect it was—then we probably have the answer to why the results of a nationwide public-opinion poll, as reported on in the New York Times for July 30, which poll was taken by telephone on an hourly basis after last Wednesday's Presidential press conference, showed such a significant shift from overwhelming endorsement of Mr. Johnson's Vietnam policies, to endorsement tempered by a strong "I don't know" trend.

According to the article in the Times—and I know no more about any such poll than what it contained—a spokesman for the firm taking the poll said that the "don't know" category climbed from a 22.22-percent figure at the end of the first hour's survey, to 43.26 percent at the end of the sixth and final hour, which—said the spokesman—was the highest such percentage ever recorded by this firm in recent years on any comparable issue.

Mr. Speaker, what does all this tell us, if anything? Well, of course, each of us must draw our own conclusions, but it seems to me the fact that we are about to have to dig in ever deeper in South

Vietnam, in a long, probably costly, and certainly frustrating, sort of a stalemated war, has simply not gotten home to the American people despite the President's words. Or, if that fact has gotten home in any degree, those same people still want to know, "Why?"

If this is the case, and if a majority of us can agree that this effort—unpleasant though it may be—still has to be made, then this is a problem not just for an already overburdened President to deal with but for the Congress, which has a considerable responsibility here, too, to face up to squarely.

Frankly, I do not think the hope of producing any kind of an acceptable solution to our present problem is very good—now, or in the immediate foreseeable future. In view of its own internal problems, I cannot see how the United Nations can be of any real help—though certainly this is a possibility that we have to continue to pursue. Nor, apparently, has Ambassador Harriman brought home with him any really good news.

And so, barring some unexpected development, we are involved up to our ears in a dirty, nasty, tragic war, a different kind of war, as the President put it, which is going to be as frustrating to deal with as a jigsaw puzzle from which certain key parts have been lost. One of those key parts is the hope for victory in the traditional military sense—and I think it is unrealistic to harbor such a hope, or even to look for any reward for our increasing efforts other than a somewhat soggy settlement someday, as Philip Geyelin put it in a recent Wall Street Journal article on Vietnam.

If the American people are going to support this kind of a war and the sacrifices it will entail, they will first have to be helped to better understand why we have to wage it until it can be brought to some sort of honorable conclusion.

Mr. Speaker, I still feel that their understanding would be promoted and their support solidified, if the appropriate committees of this Congress would undertake to examine into our present Vietnam policy, in accordance with our constitutional powers and responsibility to receive such constructive criticism of that policy, and such suggestions for military or political alternative courses as they deem fit—even as the President and his advisers have just reconsidered those alternatives behind closed White House doors—and then to submit to Congress itself, for appropriate debate and action, a new Presidential mandate tailored to fit the dimensions of our present problem.

Mr. Speaker, I suspect that the President has been loath to have us do this for fear that there will be criticism of his policies, or that some of his decisions will be openly questioned. I can understand this, just as I can understand his desire not to give those who are the aggressors in South Vietnam any reason to question the true depth of our national resolution.

But, Mr. Speaker, if we are ever to have a strong, viable foreign policy with respect to southeast Asia, or anywhere else in this troubled world, it will have to be one founded on the broadest possible base of public understanding and support obtainable.

I believe that this Congress should participate in the development of that understanding and support as a Congress of and for the people, and not as individual Members of Congress holding our own informal hearings on Vietnam in our own districts or elsewhere, because the body to which we belong and which has the ultimate responsibility for doing so, has failed to act.

There are great uncertainties involved in the course upon which the President has evidently decided to lead us. They are explained as well as anything else I have yet seen in James Reston's column in yesterday's the New York Times. That those uncertainties and the public doubt they may engender will grow and fester, as time goes by, seems likely, and the time for Congress to guard against the hazards of such doubt by building a better base of popular understanding and support is now.

Under leave to include extraneous material, the Reston column, entitled "The Gamble of Moderation," follows in its entirety:

WASHINGTON: THE GAMBLE OF MODERATION

(By James Reston)

WASHINGTON, August 3.—The administration seems to be settling down for a long war in Vietnam. Either the fears of military disaster nor the hopes of a negotiated peace are as prevalent now as they were in June. There is very little talk of "victory" now, but merely of avoiding a humiliating defeat and securing an honorable compromise.

The Capital looks wonderful and feels terrible. It is radiant with flowers. The long plazas are green from the gullywashers of July, and even the polluted Potomac is majestic in the summer sun. But the mood is solemn; not worried, really, or fearful, but increasingly resigned to a prolonged struggle.

SINCERE PEACE EFFORTS

President Johnson has done a lot to reassure those who felt he was trying to tame Asia, Texas-style, and not really seeking peace. He convinced Arthur Goldberg that he was seeking a fair compromise, or Goldberg would never have left the Supreme Court for the United Nations. Senators FULBRIGHT and MANSFIELD, who opposed his militant policy toward Vietnam in the spring, no longer doubt the sincerity of his efforts to negotiate a settlement, and even U Thant, the Secretary General of the United Nations, whose early efforts for peace were brushed off and even resented by the President, is now convinced that Mr. Johnson is earnestly trying to end the fighting.

Also, the operations on the battlefield have gone better for the United States and the South Vietnamese than the pessimists feared at the beginning of the Vietcong monsoon offensive. The holding operations have held. The Johnson advisers who wanted a massive commitment of the Reserves to Vietnam have been turned down. Thus the moderates have prevailed, and for the short run are reassured; but despite this, the doubts about the President's policy prevail and in some ways are more serious than they were 6 weeks ago.

STALEMATE OR SETTLEMENT?

The reason for this is clear enough. Six weeks ago American policy was based on the assumption that a stalemate would lead to negotiations, but now the policymakers are not so sure. Instead of feeling that the Communists would agree to a settlement once they realized that a military victory was out of the question, now there is a vague suspicion here that maybe a stalemate is more acceptable to the Communists than a compromise settlement.

A stalemate is certainly more costly to Washington than to Peiping or Moscow. They are not committing their men; we are. They are investing very little in the struggle; Washington is putting up between $2.5 million and $3 million a day. The American effort is dividing the Western allies, diverting the energies of the American Government from the development and unification of the West, and hurting the United States in the eyes of most of the uncommitted nations.

Thus the American military effort is following a familiar pattern. It was hoped that the naval retaliation in the Gulf of Tonkin, and then the bombardment of North Vietnam, and then the commitment of the Marines to battle would convince the Communists of Washington's determination and lead to negotiations. But all these assumptions proved to be false, and now the new assumption—that a stalemate in the land war after the monsoon would bring peace talks—is beginning to be seriously questioned.

Nevertheless, the President is operating on a shortrun plan of using limited power for a limited objective. If he cannot get negotiations through creating a stalemate, he will then consider the sterner measures of heavier bombardment of North Vietnamese cities and ports.

This flexible approach policy clearly does not satisfy many of his associates. It is not enough for some who do not think the Communists will talk until they fear the destruction of their cities, and it is too much for others who keep talking about negotiations when there is no prospect of negotiations.

MORE OF THE SAME

But the President is going on with it, anyway, not knowing any better course of action, and the likelihood is that this is going to continue long after the monsoon ends in late October.

Meanwhile, orders have been given to reinforce the American garrisons in southeast Asia without weakening the American force in Europe. A specific instruction from Secretary of Defense McNamara has gone out to this effect.

The first thing—as Washington sees it—is to hold the line, test the stalemate theory and keep probing for peace, but with an increasing realization that this is probably going to take a very long time.

COMPULSIVE UNIONISM

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I am pleased to insert in the RECORD a letter to the editor of the Knoxville Journal, Knoxville, Tenn., which was written by Harley Fowler, one of Tennessee's and the Nation's most outstanding attorneys.

Mr. Fowler is a member of the law firm of Fowler, Rowntree & Fowler, of Knoxville, Tenn.

In closing his letter to the editor, Mr. Fowler states:

> A society is not great which would sacrifice the flower of its youth in distant lands that the people there might be free and at the same time place the yoke of tyranny upon its own people.

I am happy to make this distinguished American's thinking on such an important matter available to my colleagues and to the readers of the RECORD:

AUGUST 2, 1965.

EDITOR,
Knoxville Journal,
Knoxville, Tenn.

MY DEAR SIR: I am writing concerning the effort in Congress to pass legislation which would compel workers throughout the country to belong to and pay dues and assessments of labor unions. I've wondered what the individual members of the unions thought about this proposed requirement. Do they want to belong to an organization to which people are compelled to belong? I've wondered if they realized that this would result in having two factions within the union, one the loyal members who voluntarily joined who would seek to sustain the union, and the other those discontented persons who were compelled to join and who would try to destroy it and would succeed if they became the majority of the members. That's why the most prominent of those who have actively sympathized with the labor movement have felt that membership in unions must be voluntary and have been opposed to compelling membership—the closed shop. Among these are Justice Brandeis, Justice Frankfurter, Samuel Gompers, and Justice Goldberg.

In the case of *American Federation of Labor* v. *Sash & Door Company*, 335 U.S. 538, 93 L. Ed. 222, Justice Frankfurter, quoting with approval the language of Justice Brandeis in a former opinion, said: "The objections, legal, economic, and social, against the closed shop are so strong, and the ideas of the closed shop so antagonistic to the American spirit, that the insistence upon it has been a serious obstacle to union progress. * * * But the American people should not, and will not accept unionism if it involves the closed shop. They will not consent to the exchange of the tyranny of the employer for the tyranny of the employees."

Samuel Gompers expressed the same thought when he said: "No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which united is invincible." Former Justice Goldberg, at the 1962 convention of the American Federation of Government Employees, is reported to have said:

"In your own organization you have to win acceptance not by an automatic device which brings a new employee into your organization, but * * * by your own conduct, your action, your own wisdom, your own responsibility, and your own achievements."

It has been judicially commented that corporations have no souls—prompted by the thought that a group of individuals, regardless of their virtues individually, will, acting under the corporate name, do that which they personally would not want to be charged with. This is true of any association. And so those who would by their vote give a group of men acting behind closed doors the right to deprive a man of his inalienable right—a God-given award—to feed his family, are making a public record which is indefensible now and will become more apparent with the lapse of time—when the Negro shall have been denied membership in unions and others thus dicsriminated against, when men have been expelled from membership in the union because of the way they voted politically, when the lethargy of the closed-shop States has through the land been substituted for the increase in hourly earnings, the new manufacturing jobs, the decrease in unemployment and the increase in per capita income now prevailing in the right-to-work States as contrasted to the closed-shop States.

A society is not great which would sacrifice the flower of its youth in distant lands that the people there might be free and at the same time place the yoke of tyranny upon its own people.

Sincerely,

HARLEY FOWLER.

THE UNITED NATIONS AND VIETNAM

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. UTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. UTT. Mr. Speaker, President Johnson has painted himself into a corner, and a rather sticky one at that. It may have been a seductive error, but it is fatal to the security of the free world. Standing in the same sticky corner are most of the political leaders of the country, at least those who have so strongly supported the United Nations as the world's best hope for peace.

It was evident from the President's address to the Nation of Wednesday, July 28, that he had yielded to the demands of the second echelon in the State Department, and to the hue and cry of the international intellectuals, as well as to the carping by many Democrat Senators, to transfer the mess in Vietnam to the tender and loving care of the Communist-controlled United Nations. The result of this should be obvious to everyone.

The U.N. is determined to bring Red China into the United Nations. This was made most apparent by Ralph Bunche, Under Secretary for Special Political Affairs, in a recent press conference in Los Angeles, when he stated:

> The United Nations is working for the seating of Red China as a member—

And he predicted this would occur within 2 years.

The U.N. will follow the same pattern that it did in the Korean conflict when we were within a stone's throw of a smashing victory over the Red Chinese. The U.N. prevented this victory and called for an armistice, when our enemy was on the ropes. Incidentally, we are still operating under that armistice, after 12 years, and no peace treaty has ever been signed. Our military forces are still pinned down at the 38th parallel, trying to enforce that armistice.

The United Nations is responsible for the Communist control of Laos. It interfered in the Bay of Pigs and made concessions on behalf of the United States which should never have been made. This included a commitment to protect the integrity of Communist Cuba by the use of our Navy. Now we have satisfied its appetite with a fresh morsel to chew on. The U.N. will present a proposal for peace by surrender, calling for the unification of all Vietnam under a free election, the outcome of which will be a total Communist victory. The Vietcong, through its political arm, which is known as the National Liberation Front, controls 80 percent of South Vietnam. Even the terms of surrender will be dictated by Red China and the National Liberation Front.

The President will be forced to accept any recommendations by the United Nations, because of world opinion, and because the leading political figures of this country have failed to recognize the U.N. for what it is, and they will hesitate to turn their backs on this sacrosanct organization. Those of us who have pointed out the fallacies of the U.N. are considered to be narrow-minded extremists and, in fact, downright immoral for speaking out against it. It would be more popular to speak out against motherhood than against the United Nations.

I have strongly supported President Johnson on his original intention to stop Communist aggression. I thought that he would rather be right than President, but now I am convinced he would rather be President than right. The administration denied that Harriman's visit to Moscow was in any way connected with the Vietnam crisis, but Harriman came back and reported that his talks with Kosygin indicated Russia's interest in peace—at a price. With peace at any price, it is apparent that there will be no victory in Vietnam, and all of the casualties to date will have been in vain, and there is no excuse to maintain our military forces, nor to build them up for additional bloodshed, when our goal is no longer victory.

Let's review a few figures. When President Eisenhower left office, there were 667 military advisers in Vietnam. President Kennedy built this military contingent up to 16,000, and now President Johnson is committing 125,000 Americans, but the campaign oratory last year accused the Republicans of irresponsible escalation of the war. General MacArthur said "There is no substitute for victory." The only way we can have a victory is by using 200,000 or 300,000 Chinese troops from Formosa that we have trained and supported over these many years, as well as contingents from South Korea and the Philippines, using our Navy for a complete blockade and our Air Force for cover, to knock out military installations in Hanoi. But there should be no American ground troops. Then you would have Asiatic ground troops fighting the Vietcong, and it would no longer have the appearance of Caucasions versus the Asiatics.

McNamara has made at least six trips to Vietnam and has come back with six different versions—so do not be unhappy because you are confused. So is Mr. McNamara. The only difference is that his confusion is better organized and better documented than yours.

GOODYEAR PRAISED FOR REFUSING TO BUILD RUMANIAN RUBBER PLANT

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MCCLORY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, the question of how much the United States should trade with the Communist countries continues to confront our Nation. Certainly the answer to this perplexing puzzle is not just academic.

Each day American soldiers face the Communist aggression in South Vietnam. Each day the Berlin Wall stands in mute testimony to the conflict between the Communist and free worlds.

Despite these realities some would-be policymakers appear to be of the opinion that virtually unlimited trade with the Communists should be encouraged. The hope of such a policy is that nations who trade together will be friends. However, many Americans are wary and skeptical of such reasoning.

Aware that differences of opinion do exist and persist on this subject, I was startled to observe that a prominent Member of the other body criticized Goodyear Tire & Rubber Co. on Monday July 26, 1965, for declining to provide a synthetic rubber plant with all its advanced technology to Communist Rumania. Apparently, the Goodyear management does not share the same rosy view held by the Member of the other body that strategic materials and technical knowledge should be shared with the Communists.

The argument is advanced that Rumania desires to free itself from Soviet domination and yearns for more economic ties with the West. Whether Rumania has the intention or the ability to liberate itself from its Soviet ties is problematical to say the least.

In any event, it seems patently unfair to me to condemn an American business concern for deciding not to give its technical know-how to a Soviet satellite state. In order that all sides of this situation be presented, Mr. Speaker, I ask unanimous consent to include with these remarks an article from the Goodyear publication Wingfoot Clan entitled "Facts for a Senator's Consideration."

FACTS FOR A SENATOR'S CONSIDERATION

Your company's role in the controversy surrounding the possible construction of a synthetic rubber plant in Communist Rumania is the reason for this report of facts significant to every employee.

Senator WILLIAM FULBRIGHT, Democrat, of Arkansas did not have all the facts in his possession in a recent speech on the Senate floor, and his charges now have made it possible for Goodyear to set the record straight for the first time, an opportunity which the company welcomes.

Fortunately, the Nation's press and news magazines plus quite a few columnists are now digging into the background and some very objective reporting is taking place.

To make certain that all employees are aware of Goodyear's actions, the Clan is presenting a chronological report of events to date and an explanation of the reasons for company policy in the matter.

On June 9, 1964, a trade delegation from Communist Rumania visited the Goodyear plant at Beaumont, Tex. This was one of several U.S. manufacturing facilities in various industries visited by the Rumanians, at the request of our Government.

Although the company was reluctant to approve this visit, it was decided to do so in an effort to cooperate with our Government.

While in Beaumont, the Rumanian delegation got a casual look at activities but was not permitted to observe detailed manufacturing processes involved in the creation of polyisoprene rubber, the product which exactly duplicates natural rubber and is considered one of the free world's important manufacturing secrets. There are only two known commercial producers of polyisoprene rubber in the world—Goodyear and the Shell Oil Co. It is the basic product used in the manufacture of critical military vehicle tires and high speed airplane tires.

During the tour, the Rumanians requested samples of the synthetic polyisoprene rubber and Goodyear applied in June 1964 to the Government for an export license to comply with this request, again cooperating with our Government. The license was actually granted by our Government in December of 1964 but was never used by Goodyear.

Goodyear never applied for a license to build a plant or to export know-how.

But even before the granting of the license to send the rubber samples, the company had declined to participate in the development of a polyisoprene rubber plant behind the Iron Curtain. On October 1, 1964, Goodyear had advised the State Department by letter that the company did not desire to build such a plant because the company did not believe such information should be sent behind the Iron Curtain because of its strategic value and because we felt the Communists could use this synthetic natural rubber to disrupt natural rubber prices, if they so desired. This action would seriously affect the economies of such countries as Malaysia and Liberia, who are friendly to the United States, and who depend on natural rubber for export.

No public statements were made of the decision since all activity in the area was considered confidential and no definite action had progressed beyond the discussion state.

On October 22, 1964, however, Washington newsmen reported that Goodyear had declined an invitation to build the plant. This they learned from news sources inside the Government, not from Goodyear. The news stories appeared in hundreds of publications across the Nation, with most reporting that Goodyear felt this highly prized technical know-how could become available to other Communist nations.

The first company statement on the subject came on the pages of this paper December 3, 1964, when a report similar to this one was prepared to inform employees of the facts—there was no public release. The Wingfoot Clan is printed solely for the purpose of keeping our employees informed and is not an external publication.

Many of you will recall the article—it was a no-nonsense statement of fact in which Goodyear, a private enterprise organization, said that it was passing up a substantial profit because it believed that such action was in the interest of national security. The shortage of natural rubber in World War II seriously handicapped our Nation's military effort.

The article also reported that leading Americans, a number of respected publications, and our customers, had expressed their approval of the company's refusal to build a plant for the Communists.

Then, on January 5, 1965, it was revealed in Washington that the Firestone Tire & Rubber Co. had signed a preliminary agreement with the Rumanians to build a synthetic rubber plant behind the Iron Curtain. Although this revelation prompted many Americans to write letters to Goodyear praising the company's refusal to build the plant, none of these letters was ever released, not even within our own organization.

On April 20, Firestone announced that it was terminating negotiations with the Rumanians and would not build a synthetic rubber plant in that country. No reason was given for the action.

During the period when it appeared that Firestone was going to build the plant in Communist territory, Goodyear received many letters and queries from customers, our dealers, and competitive dealers, asking for the background on Goodyear's decision.

In an effort to explain Goodyear's reason for refusing to build the plant in Rumania, reproductions of articles in Human Events and New Guard, publications which reported the facts in detail, were distributed June 11, 1965—6 weeks after Firestone's termination of negotiations—to company representatives in the field to enable them to answer queries from customers, Goodyear dealers, and competitive dealers.

On July 26, 1965, Arkansas Senator FULBRIGHT questioned Goodyear's refusal to build the plant for the Communists; questioned State Department action in not making certain that Firestone negotiations were successful; and questioned what he described as "the nuisance activities of a minor vigilante group * * * which calls itself Young Americans for Freedom."

The State Department has already denied Senator FULBRIGHT's charges that it did not support Firestone and your company's reasons have been released and distributed to the press.

They are: "Our decision not to build a synthetic rubber plant for Communist Rumania was based solely on the fact that we did not believe such technical know-how should be sent behind the Iron Curtain where it could become available to Communist nations. The current situation in Vietnam reinforces that decision in a manner that is far too convincing for all Americans."

Goodyear acted in good faith in declining to build the plant in Communist territory. This decision was made without fanfare and obviously was not calculated to provide a competitive advantage. The activities of a competitor in this area were never the subject of public discussion and even Goodyearites were not aware of the extent of the repercussions in the public marketplace against Firestone until reading about it in the American press.

It also is interesting to note that Senator FULBRIGHT has pinned the extremist label on the Young Americans for Freedom, an organization that numbers no less than 50 Members of the U.S. Congress (both Republicans and Democrats) on its advisory board, and has the vocal and financial support of leading educators and public officials throughout the Nation.

The chronology of two events in this entire affair provide the most convincing evidence in refuting any charges made against this company by Senator FULBRIGHT:

1. The Wingfoot Clan article intended only for internal consumption appeared on December 3, 1964, almost 6 weeks after the story had received nationwide press attention and more than a month before Firestone announced on January 5 it was building a plant in Communist Rumania.

2. The second event to be noted is that Firestone announced on April 20, 1965 it was terminating negotiations to build a synthetic rubber plant in Communist Rumania. No reason was given.

Goodyear's internal letter to its own field organization (in response to inquiries from Goodyear dealers and competitive dealers) was not sent until June 11, 1965, more than 6 weeks after Firestone announced publicly it was not going to build a synthetic rubber plant behind the Iron Curtain.

The facts do not support the Senator's contention that Goodyear applied competitive pressure to prevent Firestone from building the plant and the follow-up stories in the American press represent some very objective reporting on that subject

TAX CREDITS FOR HIGHER EDUCATION

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. WIDNALL. Mr. Speaker, I am privileged to join with the distinguished gentleman from Michigan [Mr. GERALD R. FORD] and 63 other Republicans in introducing a bill endorsing a plan of tax credits to help relieve students and their parents of a part of the enormous cost of higher education.

In the past decade, enrollment in institutions of higher education has nearly doubled from 2,653,034 in 1955 to 4,775,000 in 1964. The Department of Health, Education, and Welfare estimates that it will almost double again in the next decade to a total of 7,951,000 in 1974. In that year, over 50 percent of the population between the ages of 18 and 21 will be enrolled in a college or university.

The costs of a higher education have risen even more rapidly than enrollment has, and will continue to rise in the foreseeable future. It is estimated that expenditures will rise from $8.2 billion in 1964 to $14.6 billion in 1973, a rate more than double the natural growth of educational revenue from presently existing sources. Tuition and fees will be the main areas in which the increases will be felt. Francis Keppel, U.S. Commissioner of Education, in testimony before the Senate Subcommittee on Education on March 16 of this year, estimated that tuition at public institutions would more than triple in the next 15 years and that tuition at private institutions would rise by over 50 percent in the same period.

If we wish to keep the college doors open to all Americans, we must help to take some of the financial pressure from the students and the college administration. Yet at the same time, it is preferable to leave all decisions relating to the administration of the institution in the hands of a duly appointed, or elected, board of trustees. The schools themselves should be able to determine the purposes for which the funds are to be applied and the manner and conditions under which they will be spent.

A system of indirect grants, in the form of tax credits, provides relief to the taxpayer burdened by the costs of a higher education and, at the same time, allows the school complete freedom of choice in the expenditure of funds. It would enable colleges and universities to expand their facilities—classroom buildings and dormitories—without raising tuition sky high. At the same time, it is estimated that it would wipe out one-third of the tuition costs of students at private institutions and three-fourths of the fees at public universities, which two-thirds of our college students attend. The sliding scale of deductions would aid students at public universities and low tuition colleges most for it is these students who are likely to be least able to pay the heavy costs of a college education.

The idea of a tax credit is an old one which is gathering more and more support in educational circles. A survey conducted by the Citizens National Committee for Higher Education this year found that more than 89 percent of the presidents and trustees of public and private institutions who replied favored the principles embodied in the proposed tuition tax credit legislation. Yet the Johnson administration has chosen to ignore the careful research that has preceded this bill and the strong backing that the idea itself has been given by members of both parties. Only last year, on the deliberations on the tax bill in the other body, the opposition of the administration caused three sponsors of an amendment to allow a tax credit similar to the bill proposed today to change their position and defeat the proposal.

In introducing this bill this year it is with the expectation that a sliding income scale, similar to the one contained in the bill that I introduced in the last session of Congress, will be considered in committee. Such a scale could help to insure that a greater proportion of aid goes to students with families with more moderate incomes. It could also help to provide the incentive necessary to counter the feelings of futility that many people with a low or moderate income have when they think of the enormous cost of a college education for their children, in relation to their financial resources.

However, whatever the final details of a tax credit bill might be, the problem of providing for our educational needs is of paramount importance to our future welfare. We must provide a more direct kind of incentive, in the form of tax credits, to those persons who might not think of continuing their education without our aid.

PERSONAL EXPLANATION

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. HORTON. Mr. Speaker, on Wednesday, August 4, during the record vote—Roll No. 222—on S. 1742, a bill to authorize the U.S. Governor to agree on amendments to the articles of agreement of the International Bank for Reconstruction and Development and the International Finance Corporation, I was unavoidably absent attending to official business. Had I been present, I would have voted "aye."

A NEED TO AMEND THE TRADE EXPANSION ACT OF 1962

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. REID of Illinois. Mr. Speaker, recently the U.S. Tariff Commission made a report to the President at his request on the question of whether the higher rate of duty established in 1962 under the escape clause should now be rescinded and the duties reduced.

Under the Trade Expansion Act of 1962 the Tariff Commission is instructed to advise the President of its judgment as to the probable economic effect on the industry concerned of the termination of the increase in any duty established under the old escape clause—section 7 of the Trade Agreements Extension Act of 1951—either on its own motion or on request of the President.

On March 30, 1964, the President asked the Commission for its judgment and it issued its report on June 11 of this year. Three of the five sitting members of the Commission were of the opinion that the lower rates to which the tariff might be reduced "would probably have only a slight effect on the domestic sheet glass industry in the present and the immediately foreseeable future, aside from some slight impact of the kind which can usually be expected from tariff reductions, such as: Some increased pressure on older plants and smaller companies; somewhat softer prices and pressure against higher prices; a tendency for imports to increase because of some additional price advantage in marginal markets; some lessening of confidence of the domestic industry; and a tendency to concentrate domestic production in the stronger and more modern establishments where output per man-hour may be expected to rise."

Two members took a more serious view. They thought the duty reduction would first, "exert a downward pressure on sheet glass prices"; second, "lead to an increase in the share of consumption supplied by imports"; third, "contribute toward a decline in employment and profit"; and fourth, "idle productive facilities."

This represents a very formidable array of anticipated consequences, and I may say that I believe that they are nearer right than the majority, although the picture drawn by the majority itself cannot be said to be a bright one by any means.

Mr. Speaker, it seems to me that the uncertainty created by these reviews of recent actions of the Commission in those cases in which the duty has been increased under the escape clause is very disruptive of business planning and forward scheduling of plant capacity. How can an industry plan an expansion program under these circumstances? How can confidence in the future, which is so necessary to expansion of productive capacity germinate and grow when the door may be opened to another increase in imports? We may be sure that if the tariff is put back to the lower level of early 1962 imports will resume their upward turn. In that year they had already run their share of the market up to 24.6 percent in terms of pounds of glass. This was up from 14.6 percent in 1957 and represented a sharp rise.

Even after the tariff was raised by presidential action in 1962, imports declined only to 20.2 percent in 1963 and then reversed the down trend and went back to 23.9 percent in 1964. This is a high share for any domestic industry to be asked to award to imports—a very high share, considering that it was only 13.4 percent in 1955. If now the tariff reverts to the lower rate, higher imports will again be invited. In recent years Japanese imports have come to the front, rising from 12 percent of the total imports in the 1955–62 period to 17 percent in 1963–64. This is an ominous trend, if we may judge from the experience in other industries, such as radio, textiles, steel, plywood, and so forth. Of all competition the Japanese is one of the most difficult to counter.

Mr. Speaker, if this duty reduction is carried out we may expect two reactions, both of which will fall with a heavy hand on employment. One is the step-up of mechanical improvements as a means of raising the output per man-hour. The other is increased investment in glassmaking facilities abroad.

That this prediction is not a mere figment of the imagination may be established by reference to responses of this nature in many other industries. Sewing machine production and watch production have gone abroad very heavily. Together with imports the domestic market is now predominantly supplied from abroad. Typewriters, especially the portable variety, are following the same trend. Consumer electronic goods have also followed that course. Other products are on the way.

The modernization of plants by installation of the most productive machinery will displace domestic workers in efforts to remain competitive. These workers will not find reemployment in the glass industry because imported glass will sop up any increase in consumption that might occur. Instead, they will have to crowd upon other industries for openings. About half the output of sheet glass is produced, according to the Tariff Commission Report, in plants located in Appalachia. What industries in that area will absorb the workers of the glass industry displaced by imports? It seems to me clear that the net effect would be to aggravate the poverty problem, the area redevelopment difficulties, and increase the burden of industrial relocation.

Why should our foreign economic policy work at cross purposes with these domestic programs? This does not appear to me as intelligent policy, whether it be foreign or domestic. Our foreign trade policy, on which the glass duty proposal is based, goes back 30 years. In my judgment it is out of date and out of focus.

It must also be very clear that the threat of higher imports will create strong pressure against future wage increases. There are many who call themselves friends of labor who are strong supporters of policies in another field, that of tariffs and trade, that can only be against the interests of labor. To advocate tariff reductions that have the effect of creating high pressure for automation and therefore worker displacement, plus strong incentive for investment abroad in lieu of expansion in this country, is in my judgment not an act of friendliness to labor.

The glass industry is not an inefficient industry that needs foreign competition to be on its toes. According to the Tariff Commission Report productivity per man-hour in the sheet glass industry increased by 20 percent from 1958 to 1964. As the statistics show, this increase in productivity just offset the increase in imports since the tariff was increased in 1962. If the tariff is now reduced it would require a higher rate of productivity increase for the industry to hold its own against imports. This would mean a higher rate of worker displacement and more workers turned out to look for jobs outside of the industry. Nor would the industry be in a position to hire its share of the new workers coming into the work force each year as a result of the increase in population.

It is all very well to say that workers thrown out of work in one industry should find work elsewhere, or that an industry, finding itself unable to compete with imports in one product, should shift its production to something else.

When many and a growing number of domestic industries find themselves in this predicament the workers soon find things rather crowded in hiring offices of other industries, and the industries driven out of one product find it not so easy to find some other product that can be produced profitably. New products, that is, innovations, require a considerable period of marketing before it can be known whether the public will accept them in volume. As for products already market-tested and long sold to the public, newcomers into the production field will find the competition rather severe. Also imports may already be on the ground offering the same product, or knocking on the door or on the way. Those who make these bland suggestions usually have little knowledge of the realities of manufacturing and marketing.

The outlook becomes even less bright in the face of the 50-percent tariff cut that is being readied for us under the Kennedy round. This would have really serious consequences if it were carried out as is now contemplated. This is to cut almost all items a straight 50 percent.

I am convinced from what I have learned that Congress did not have such drastic action in mind when it passed the Trade Expansion Act in 1962. The law placed on the Tariff Commission the burden of holding public hearings in which a great amount of information was to be gathered about each product or article of the tariff, of which there are some five or six thousand. By grouping the articles the Commission was able to complete its hearings in 4 months. Massive data were collected in the form of briefs, statements, and so forth, from some 800 witnesses.

The purpose was, of course, to make it possible to judge whether the tariff should be cut at all and, if so, roughly how much.

This whole onerous compilation has been set aside by a decision of the President's Special Representative for Trade Negotiations to agree with the General Agreement of Tariffs and Trade to cut all tariffs the flat 50 percent with only a small number of exceptions. This is indeed an alarming prospect in view of what such a cut would do to industries situated as the glass industry is in the matter of imports; and there are scores of them.

Only a year ago the cattle industry was in distress because of imports. As a result of legislation the imports were limited and the industry is now recuperating. Had the upward rush of imports not been halted the industry would still be in distress, and the losses would have been crushing.

The fact is that the low wages paid in all other countries other than Canada, compared with this country, enable producers abroad to undersell American producers and manufacturers in almost all lines. With their low wages now assisted by machine production and modern technology the other industrial countries enjoy a competitive advantage over us greater perhaps than before their wages began their rise.

Mr. Speaker, in view of what I have said I feel very strongly about two things:

First. The Kennedy round should be modified now by legislation while there is yet time, to keep the tariff cuts within the bounds of reason. Some rates could possibly be reduced; but to proceed on the basis of a 50-percent cut across the board would be a most serious mistake.

Second. Our industries need a clear outlook into the future as far as this can be achieved. Industries that suffer from heavy import competition with inadequate defenses will not and cannot in all good sense make plans for expansion in view of the virtual certainty that imports will increase and in many respects spoil the market.

For these reasons I introduced H.R. 10237 on August 3. This bill would remove items that can qualify under one or more of the criteria from the Kennedy round; that is, the President's list for a 50-percent tariff reduction. This has become necessary because of the agreement to cut all items 50 percent with "a bare minimum of exceptions."

This bill, also introduced by other Members, would also provide for establishment of import quotas if a product met the criteria laid down. Such quotas would hold imports at the average level of the past 3 years but would permit annual increases thereafter in the same proportion as the increase in domestic consumption. This would represent an equitable sharing of the market.

Mr. Speaker, I believe that it is most urgent that this legislation be passed. The time is now, for even if the Geneva Conference has been delayed because of General de Gaulle's action in withdrawing his representatives from the EEC meetings, negotiations may be resumed later in the year. It might be too late if we wait until 1966 to take the needed legislative action.

If we proceed on the naive assumption that American industry is competitive in foreign markets and in the domestic market with imports despite the great gap that separates our wages from those of other countries, we will be very shortsighted. We will turn our backs on our workers in an area that is of vital concern because jobs themselves are at stake, no less than the whole future welfare of many industries.

I urge the consideration of this legislation during this session of Congress.

MARKETINGS OF DOMESTIC BEET AND CANE SUGAR

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Washington is recognized for 1 hour.

Mrs. MAY. Mr. Speaker, I ask unanimous consent that all Members be allowed to extend their remarks following my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. MAY. Mr Speaker, today I introduced a joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966. The text of the resolution, also introduced by many of my colleagues from domestic sugar producing areas, is as follows:

JOINT RESOLUTION TO AUTHORIZE INCREASED MARKETINGS OF DOMESTIC BEET AND CANE SUGAR IN 1965 AND 1966

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That Section 202(a) of the Sugar Act of 1948, as amended (7 U.S.C. 1112(a)) is amended by adding at the end thereof a new paragraph (3) as follows:

"(3) Notwithstanding any other provision of this Act, the domestic beet sugar area and the mainland cane sugar area shall be permitted to market, as determined by the Secretary, a quantity of sugar not exceeding 3,025,000 short tons, raw value, and 1,100,000 short tons, raw value, respectively, during each of the years 1965 and 1966. Such quantities of sugar in addition to the quantities of sugar authorized to be marketed by subsections (a) (1) and (2) of this section prior to the enactment of this paragraph (3) shall be deducted from the quantities of sugar which otherwise may be authorized for purchase and importation in 1965 and 1966 pursuant to Section 202(c)(4)(A) of this Act."

Mr. Speaker, I wish to inform the Members of this body of the urgency of this resolution. Unless action is taken to increase a marketing authority for our beet sugar and mainland cane producing areas, chaos will very soon occur.

There can be no excuse for allowing this to happen and I am hopeful the Chairman of our House Committee on Agriculture will immediately schedule hearings for the earliest possible date so as to consider the resolutions introduced today.

Briefly, Mr. Speaker, the situation that brings such grave concern to all of us from beet sugar producing regions is this. We began this year with an inventory of sugar nearly 100,000 tons higher than the present authorized quota. The reason for this is that the executive branch of Government urged the domestic industry in 1963 and 1964 to produce all the sugar it possibly could in order to alleviate the then existing sugar shortage and to return sugar prices to normal levels.

Our domestic producers responded to this Government request magnificently. But the problem is that Congress failed to enact sugar legislation last year to provide the authority our domestic industry needs to market the extra sugar it has produced at Government request. The inventory at the beginning of this year was 2,740,000 tons. The quota is 2,650,000 tons. This means the domestic beet sugar industry cannot market this year all of the sugar they have on hand, either as sugar or in beets to be made into sugar, the first of the year.

The new crop starts in all territories by mid-September, and in California it started as early as this last July. Typically the industry sells about 20 percent of the new crop sugar before the beginning of the calendar year. But instead of being able to sell 20 percent of production during the latter part of this year, they cannot sell even 1 pound of it, unless they get an increase in quota.

Unless the industry gets some quota relief this year, the first thing that will happen is the industry will run out of marketing rights. This will come soon and probably by the middle or latter part of October.

The second serious impact on the industry will be on next year's acreage. The old beet sugar growers took a 10-percent cut in acreage this year. They did this reluctantly but voluntarily because they recognized that something had to be done about the surplus of sugar that was accumulating in the warehouses. Remember, this surplus occurred because these growers and the industry were urged by our Government to increase production. We can be thankful, however, that the acreage cut next year will be less than previously anticipated. The reason for this is that all of this year's acreage was not planted. Our domestic beet growers actually planted only 1,319,000 acres, according to the agricultural crop report, instead of 1,375,000 acres which they were authorized to plant. Therefore, the production this year will be less than had been anticipated. Another favorable factor in the light of present circumstances is that beet tonnage this year will be abnormally low because fewer beets are being grown per acre. Because of these two factors, underplanting and low tonnage of beet yields, there will not be as much sugar produced out of this year's crop beginning in September as we would normally expect. This will keep next year's acreage cut lower than had been anticipated. But even so, Mr. Speaker, if our domestic growers in my State of Washington and all the other beet sugar producers do not get the kind of legislative relief they need, they will have to take at least another 10-percent cut in acreage, and probably more.

The effects on the industry in not getting any legislative action from Congress during the present session, therefore, are they will run out of marketing rights about mid-October and they will have a much steeper acreage cut next year than they would otherwise experience. And this is in spite of the plea the Government made in 1963 and 1964 for all-out production.

The most puzzling aspect of this whole situation, Mr. Speaker, is that the administration, in spite of statements made on a number of occasions much earlier this year, has not fulfilled its promise in sending to the Congress its legislative recommendations on sugar. This present situation is indefensible because on May 17 of this year the administration informed the industry that the Government's legislative program for sugar was ready to be forwarded to the Congress. The administration also indicated at that time that its program would include, among other things, the beet quota and other major recommendations of the domestic industry.

Prior to that time, Mr. Speaker, all the major domestic sugar producing and refining groups, both beet and cane, had joined in recommendations for sugar legislation. The domestic industry then engaged in discussing its recommendations with representatives of all interested executive agencies. Although the industry-administration discussions progressed at a slower pace than the industry had wished, agreement was reached and announced between the industry and the administration, as I previously pointed out, on May 17.

Last June 23, Mr. Speaker, I am sure that most of our colleagues who represent domestic sugar producing areas will recall receiving a letter jointly signed by the sugarbeet grower and beet sugar processor associations which stated that since most of the major provisions of the industry's legislative recommendations would be effective as of January 1, 1965, it is urgent that sugar legislation should be enacted in the current session as early as the schedules of the two houses will permit. This was last June, Mr. Speaker.

Mrs. REID of Illinois. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. Yes, I yield to the gentlewoman from Illinois.

Mrs. REID of Illinois. I would like to ask my colleague a question. I understand that there is some controversy among the agencies within the administration as to whether the new sugar bill—that is, if it ever comes up—will restore the traditional import fee on sugar brought into this country from foreign sources.

Does the gentlewoman feel this is the situation?

Mrs. MAY. I cannot speak, of course, absolutely authoritatively on this, I would tell my distinguished colleague from Illinois. I do understand that there has been disagreement in the administration on this feature of the Sugar Act. I have no authority, as I say again, to tell you that this is true. The gentlewoman will have to pose that question, perhaps, to the chairman of the House Committee on Agriculture. I have heard this might be one reason that the administration has not sent up the bill yet.

Mrs. REID of Illinois. If the gentlewoman will yield further——

Mrs. MAY. I would be glad to yield further.

Mrs. REID of Illinois. What has been the loss to the U.S. Treasury as a result of our failure to reimpose this import fee?

Mrs. MAY. If my memory serves me correctly—and I shall check these facts—we are losing $80 million annually to the U.S. Treasury.

Mrs. REID of Illinois. I would assume that the administration, if it is so concerned about the balance-of-payments problem, would insist that any new sugar bill should contain these import fees.

Mrs. MAY. I can only tell my good friend and colleague from Illinois that until we see what the administration sends up, if it ever does send up a bill, I do not know what their stand would be on this.

Mr. TEAGUE of California. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Speaker, I am sure that we can all agree it is most appropriate that with the gentlewoman from Illinois, serving as acting minority leader, and the gentlewoman from Washington in the well leading the discussion, the topic is sugar and I feel it is most appropriate.

Now, Mr. Speaker, I would like to compliment the gentlewoman from Washington [Mrs. MAY] for the interest she has always taken in this rather complex field of legislation. I have some sugarbeet production in my area but not to the extent that the gentlewoman from Washington has. However, I have discussed the problem many times in meetings which often she has called. She has been a real leader in this field and I do wish to commend her for the leadership she is still showing and wish to associate myself with her remarks.

Mr. Speaker, I assure the gentlewoman that she has my full support in the efforts that she has so vigorously undertaken.

Mrs. MAY. I thank the gentleman from California.

Mr. CEDERBERG. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I wish to associate myself with the remarks of the gentlewoman from Washington.

Mr. Speaker, those of us who are aware of this problem and have recognized it for the past several months, have been waiting and watching and hoping that a sugar bill would be introduced and presented to the Congress so that action could be taken thereon.

Mr. Speaker, I have joined with the gentlewoman from Washington in introducing this resolution, as many other Members have.

I would certainly urge the chairman of the Committee on Agriculture to call a meeting as quickly as possible and that some action on this resolution be taken.

Mr. Speaker, it is absolutely vital to both the producers and the processors and the domestic beet industry in our country.

Mr. Speaker, I see no reason why this legislation should be delayed as it seems to be delayed year after year. It seems that every time we discuss this sugar legislation it is delayed until almost the end of the session and then we have difficulty in acting upon it in a very expeditious manner.

Mr. Speaker, I would hope that the administration and the Committee on Agriculture here in the House of Representatives will recognize the problem that the producers and the processors have.

Mr. Speaker, if we cannot sell these stocks with which the warehouses are bulging at the present time at great cost in storage, it just seems to me inconceivable that we have this crop and not be able to market it.

Mrs. MAY. I thank the gentleman.

Mr. GUBSER. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from California.

Mr. GUBSER. I would like to compliment the gentlewoman from Washington for her expertise on this subject. I do not think there is anyone in the House of Representatives who is more knowledgeable in this very complicated field. I would like to thank her for bringing this subject to the attention of the House. It is timely and most urgent. I believe she is performing a great public service in reminding the world of the great need for the orderly legislative processes to prevail in the field of sugarbeet legislation.

I would like to take about 2 minutes to add 2 disastrous consequences of failure to act.

If we tolerate this reduced plantage in the future—and I talk now as a former grower of sugarbeets before I came to the Congress—a sugarbeet to a specialty crop farmer is a very substantial part of his rotation process in order to avoid certain diseases which are common. Usually sugarbeets are planted in the same acreage each fourth year. In the meantime, you rotate with three other crops or perhaps two other crops. It is an orderly rotation program and requires specific acreage of sugarbeets each fourth year.

If we disrupt that and force a farmer to reduce his acreage in sugarbeets, we disrupt that orderly rotation process and we disrupt speciality agriculture for a period not of 1 year but for a period of 4 years.

The second point I would like to briefly bring up is that in specialty agriculture, we are now undergoing a vast change which is concerned with farm labor. This Congress in its wisdom saw fit to do away with Public Law 78 and the bracero program. A vast adjustment is taking place insofar as the securing of agricultural labor is concerned. Sugarbeets is one crop which is almost entirely mechanized. This gives the farmer a chance during this time to adjust himself when the traditional supply of farm labor has been cut off. It will have a very injurious and deleterious effect on the farmers and their labor costs if we force them to reduce their sugarbeet acreage.

I compliment the gentlewoman and wish to associate myself with her remarks.

Mrs. MAY. I thank the gentleman from California for his expertise in the area as a sugarbeet grower himself.

Mr. PIRNIE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from New York.

Mr. PIRNIE. I would like to take this opportunity to commend the distinguished gentlewoman from Washington for the remarks she is making at this time and also for her distinguished service she has rendered over the years to the sugarbeet producers of this country. Having served with her on a committee I know how genuine her interests have been and how knowledgeable she is with respect to their problem. Although I do not have that as a major problem in my area, I do recall the difficulties we have had with respect to sugar legislation here in the House. I know that the situation which is faced by the industry is serious at this time and believing that attention is required, I consider it a privilege to cosponsor this legislation that is now being discussed. I hope it can receive prompt and serious consideration and its passage to the floor be expedited.

I would like to say this situation is one which should be the concern of the entire membership of the House.

Mrs. MAY. I thank the gentleman.

Mr. LANGEN. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Minnesota.

Mr. LANGEN. Mr. Speaker, I wish to compliment my colleague for having called the attention of this House to a subject that we should have considered a good long time ago. Now I do not know that we ought to be surprised at the development of the circumstances because it has become a habit and almost a tradition that come the last night of the session, one of the last things we do is to consider sugar legislation, primarily for the purpose of getting it into a position in which we are told—Now you either take this or nothing. I have seen and witnessed and been a part of this exercise so many times that I guess it does not surprise me quite as much as it used to. However, by the same token, it occurs somewhat to me that this year might have been a little different because, as the gentlewoman pointed out so well and so forcibly, actually the situation that exists was created by the Department of Agriculture. Now you would think that they would feel their responsibility for their own doing as well as their responsibility to the sugar growers throughout the entire Nation to such a degree that they would have taken steps by now to make sure that legislation came before this House and came before us in time so that it might get adequate consideration and so that we, in turn, might respond by our own deliberations and actions in time to give assurance to these growers that come another year they are not going to be faced with a further reduction such as they were this very spring.

In the light of that and as has already been mentioned, these sugarbeet growers have been a wonderful asset and a wonderfully reliable group to this Nation. They provided us with sugar during time of war when it was a strategic product. They responded just a year ago when the demand at that time was: Can you not raise a little more? Yes they have held up their end of their obligation at any and at every time that they have been called upon to do so. So in light of that, it occurs to me that now it becomes the responsibility of the Department of Agriculture and of this Congress to at least do as well by them. The only way that can be accomplished is to get with it. So because of that I have joined in introducing the resolution and I would want to urge further at this point that it receive the earliest possible consideration in view of their contribution and in view of the need that exists as to the sugarbeet growers of this country.

Mrs. MAY. I thank the gentleman from Minnesota. His remarks add greatly to the clarification of this matter.

Mr. HANSEN of Idaho. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman.

Mr. HANSEN of Idaho. Mr. Speaker, I join with my colleague from the neighboring State of Washington and those others who have spoken out here today in sponsoring a joint resolution to continue the program for sugar.

I also commend my colleague from the State of Minnesota and endorse his remarks.

Mr. Speaker, there is considerable urgency on this important issue. Many sugarbeet producers in my State have urged prompt action and are looking expectantly to this body for consideration of legislation to continue the program.

Jack Claiborn, president of the Idaho Beet Growers Association, reports that the domestic industry reached agreement in early spring but nothing has been done and time is running out.

The beet sugar industry has been marketing at a rate of 3,025,000 tons per year. The quota remains at 2,650,000 tons per year and will until changed by Congress. Unless action is taken and very soon, a chaotic market situation will arise.

During the regular session of the Idaho Legislature this year, the house passed Joint Memorial No. 6 calling for Congress to give much needed relief to the harassed sugarbeet growers of the State of Idaho and the West.

It was emphasized early in the year that action by Congress is essential.

Mr. Speaker, on the first day of this session I introduced a bill, H.R. 311, which would accomplish much of what the Idaho sugarbeet growers are asking through the joint memorial.

I know Chairman Cooley and his colleagues on the Agriculture Committee have held extensive hearings on farm legislation. An omnibus bill, not including sugar, will undoubtedly be brought before the House soon. I think the sugar producers deserve immediate attention and urge that legislation be brought to the House for prompt consideration.

As a member of the Republican agriculture task force, I have closely observed efforts in this Congress for the benefit of agriculture, and I commend my colleague from Washington for her constant efforts and keen interest in this vital industry. She has worked hard and successfully to represent the farmer's interests.

I urge the Members of the House to support the resolution which is offered today. Again, I emphasize, it is imperative that legislation be adopted soon to prevent chaos in marketing rights and acreage allocations.

Mrs. MAY. I thank the gentleman from Idaho. I would like to say, I have certainly welcomed his help in this Congress in this, his first term as a Member of the House of Representatives. As a Representative from the State of Idaho, the gentleman certainly understands this problem fully, and I am very glad to have him fighting on my side, the gentleman having the knowledge that he has of this entire problem and what is involved so far as it affects us who represent the domestic sugar-producing areas.

Mr. HANSEN of Idaho. I thank the gentlewoman for her kind words.

Mr. QUIE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentlewoman for yielding.

I wish to commend the gentlewoman for the leadership she has taken in developing this measure and pushing for its enactment. I am happy to join in its introduction.

I know, from experience of serving on the Committee on Agriculture, as long as the gentlewoman from Washington has been on that committee, of the great work she has done and especially the leadership she has given in the area of sugar legislation.

There are not too many sugar producers in my area, though there are some. There are not many plants in my area. I recognize, from knowledge of beet sugar producers, what an important segment of our economy they are and how important they are to the State of Minnesota and how necessary it is for us to pass this legislation and to do so as quickly as possible.

For that reason, I believe this will be the most important thing we do in the Committee on Agriculture. Now that the omnibus farm bill is taken care of in committee we ought to move quickly into hearings and take action on the sugar bill.

Because of the leadership the gentlewoman from Washington has given, I know we will make some headway with that.

I thank the gentlewoman.

Mrs. MAY. I thank the gentleman from Minnesota.

Mr. BURTON of Utah. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Utah.

Mr. BURTON of Utah. Mr. Speaker, I recall with clarity the situation on sugar legislation last year. As we all recall, no sugar legislation was enacted in spite of pleas from all segments of our domestic industry. The industry then needed increased marketing authority, but these pleas went unheeded by the administration. The reason given then was that the various segments of the sugar industry—domestic and foreign interests—could not get together on recommendations and that full agreement had not been reached in the executive branch.

Therefore, the chairman of the House Committee on Agriculture did not schedule sugar legislation for consideration and the foreign end of the Sugar Act was allowed to expire. Since that time the Department of Agriculture, through administrative procedures, has been able to continue the sugar program. Without arguing the merits of the foreign side of the Sugar Act as it is presently being administered, the lack of action in providing an increase in the domestic beet and mainland cane quotas created an undue hardship on our American sugar farmers and processors.

But, Mr. Speaker, we were informed, as my respected colleague from the State of Washington pointed out, that on May 17 the administration informed the industry that the administration's sugar program was ready to be sent to Congress and that this program contained the recommendations fully agreed to by the various segments of our domestic industry.

It would seem, Mr. Speaker, that the situation of last year, which we were told prevented us from taking up remedial legislation, does not exist this year. If everybody is agreed now, then why has not the administration sent the recommendation to the Hill? Why have hearings not been scheduled?

I have today joined my colleague from Washington in introducing a joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966. We must not let our domestic industry down again. I urge that these bills be scheduled as soon as humanly possible.

In conclusion, I should like to say that one of the nice things which has happened to me in my short—nearly 3 years—time in Washington has been the opportunity this year of serving on the Committee on Agriculture with our colleague from Washington. She is a delightful personality. She is a very diligent member of that committee and very gracious. I can only say that the domestic sugar industry should be delighted to have such a sweet personality handling its affairs. I follow her leadership in this matter.

Mrs. MAY. I am deeply grateful for the remarks of the gentleman from Utah.

Mr. TEAGUE of California. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from California.

Mr. TEAGUE of California. Am I correct in understanding that there is no dispute between the domestic beet and the domestic cane sugar industries, that both segments are in full agreement concerning the necessity for prompt action by this Congress?

Mrs. MAY. Yes. Again, I believe it is very important, I say to the gentleman from California, to emphasize that this industry agreement of which we speak, was reached during the latter part of March between all the major domestic sugar producing and refining groups, both beet and cane. On May 17 the administration indicated its program would include the recommendations of the domestic industry. So there was a complete agreement among all these segments.

May I say one more thing: I wish to point out that the resolution that was introduced by all of us today would include marketings for both domestic cane and beet sugar in the United States.

Mr. TEAGUE of California. That was my understanding, and it leads me to make this observation: I think we are indeed fortunate—and perhaps it is not a coincidence—that the gentleman in the Chair as the acting Speaker is the distinguished gentleman from Florida [Mr. PEPPER] where I believe some cane sugar is grown. He is a gentleman with long experience in government in the other body as well as here. He is a man of considerable influence in his party, and perhaps this discussion here will enable him to exercise his considerable influence among the Democratic leaders so that this matter can be considered.

Mrs. MAY. That is an excellent suggestion by the gentleman from California.

Mr. DOLE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I am glad to yield to the gentleman from Kansas.

Mr. DOLE. Mr. Speaker, I think it has been pointed out numerous times this afternoon that there seems to be a consensus among the cane and beet sugar people and it seems to be the magic word in this administration. We have had a number of sugar-coated bills pass this Congress, but no sugar legislation itself. I want to commend the sugarbeet industry, as a Member from Kansas. I certainly wish to join the gentlewoman from Washington who today introduced the legislation on this matter.

Mr. Speaker, as my respected colleague from Washington has pointed out, our domestic sugar industry is to be commended for responding to the request of our Government to increase production to the full extent of its capacity in 1963 and 1964.

The consumers of our Nation will recall the sharp increase in grocery store sugar prices of early 1963. The reason the prices increased so drastically was that the world sugar situation had completely reversed itself since the Communist takeover in Cuba. Suddenly the world found itself facing a sugar shortage. We quite properly refused to buy any more Cuban sugar and as a result we had to look elsewhere for this vital commodity.

During this emergency the United States was unable to obtain enough foreign sugar to fill our needs at reasonable prices and the prices of sugar rose drastically and this had a profound effect on our entire sugar market.

It was during these critical times that our Government called upon our domestic sugar producers and particularly our beet sugar industry to produce sugar to the fullest extent of their capacity, and to increase that capacity by making additional investments in processing equipment. The Government announced there would be no sugarbeet acreage controls through the 1965 crop year.

Our beet sugar industry responded to their everlasting credit and increased production in 1963 by a half million tons over the previous year. And this same beet sugar industry sold its sugar during the emergency at between $1 and $3 per hundred pounds less than the cane sugar refined from the high-priced foreign raw sugar.

Our domestic industry, Mr. Speaker, kept cane sugar prices from going even higher than they did and were almost solely responsible for bringing sugar prices back to reasonable levels.

And how has our Government rewarded the industry? Our Government has rewarded our American sugar farmers and our processors by turning its back on them. Our Government has not provided our domestic industry with the authority to market the sugar they have produced. The storage bins are full, but not 1 pound of this excess sugar can be sold unless legislative relief is forthcoming and soon.

This is why I have joined my colleagues today in introducing legislation to alleviate this problem. If I had my way I would give our domestic industry a much better deal than is contained in the provisions of this bill, but an agreement was reached between the domestic growers and the cane refining industry and that this agreement was the best that could be expected under existing circumstances.

There is no reason we cannot get on with this bill without any further delay and I intend to do everything possible to urge those responsible for these delays to support our domestic industry.

Mrs. MAY. Mr. Speaker, I thank the gentleman from Kansas for his statement.

In conclusion, Mr. Speaker, may I just say as we all know, sugar legislation must originate in the House of Representatives and is referred to the Committee on Agriculture. It is true that during recent months the Committee on Agriculture has been occupied with consideration of the omnibus farm bill. But the omnibus farm bill, Mr. Speaker, was reported out of the Committee on Agriculture on July 20. It is further my understanding that the chairman of the House Committee on Agriculture asked the administration not to send to the Congress its legislative recommendations on sugar until the committee had cleared the omnibus farm bill.

But where is the administration's recommendations?

My patience is strained.

I have no assurance that the administration is going to send a bill up at all, Mr. Speaker. We cannot afford to wait any longer. Hearings must be scheduled whether the administration has forwarded its recommendations or not. We cannot let our American sugar farmers down. We cannot contribute to a chaotic situation by doing nothing. If the administration does not recognize its responsibility, then we must recognize ours.

The House joint resolutions introduced today can be the answer to this dilemma and I am hopeful hearings will be scheduled immediately so that the House of Representatives can take action on sugar legislation to provide the marketing authority so urgently needed by our sugarbeet and mainland cane producers. Time is of the essence.

Mr. TALCOTT. Mr. Speaker, I am wondering if the President of the United States has forgotten what he said regarding sugar in his message on agriculture on January 31, 1964.

To refresh the memory of my colleagues, I refer to the President's message as printed in House Document No. 210, 88th Congress, 2d session, page 4, item 4. And this is printed in italics, Mr. Speaker. I quote:

> I recommend the removal of marketing restrictions on the sale of domestically produced sugar during the calendar year 1964.

This was a promise to the Congress by our Chief Executive which has never been fulfilled. The President did not send to Congress any legislative recommendations following his January 31, 1964, message on agriculture calling for the removal of marketing restrictions on the sale of domestically produced sugar. No legislation was sent to Congress during 1964 and none has been sent to Congress in 1965.

True enough, Mr. Speaker, the administration did send up a sugar bill in September 1964, but all this called for was a simple 6-month extension of foreign quotas. That administration bill contained nothing to give the marketing relief our President promised our domestic sugar producers.

Why has the administration been dragging its feet? We were told that last May the administration reached its decision on this question and that its bill containing the increased marketing authority would be sent to Congress shortly. We are almost at the end of 1965. Our patience is strained and we know the domestic industry can wait no longer.

I urge the chairman of the House Committee on Agriculture to act on the measures introduced today at the earliest possible moment.

DEVASTATING FLOODS IN MISSOURI

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. RANDALL] is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, on July 19, 1965, the west central Missouri district which I have the privilege to represent and most of northwest Missouri were pounded with rains so heavy that the ordinary 10-inch official rain gages would not record the downfall. Unofficial estimates ranged up to 13 inches of rain in a matter of hours. The storm continued on so heavy in Kansas City that at 9:30 o'clock in the morning headlights and streetlights were required. Water ran waist deep through the streets of several Missouri towns. Hundreds were forced to flee from their homes. In many residential areas of Jackson County on the eastern edge of the metropolitan area nearly every basement was flooded and roads were made impassable.

The fact that over a foot of rain fell in less than 3 hours is a story that is hard to believe. But all of the eyewitnesses who saw the aftermath knew something very powerful had happened. Although the wind was clocked at 80 miles an hour as the major portion of the storm struck, there was no tornado. The experts say the unusual windflow was due to a very unusual meeting of jet-level winds and low-level gulf winds over the Midwest. This unusual windflow caused the unprecedented rain.

Our area has not been free of natural disaster in the past. The 1951 flood on the Kaw and Missouri Rivers is still vivid in the memory of those who lived through it. The tornadoes of the early and middle 50's at Sugar Creek, Mo., and in Ruskin Heights and then only last year at Pleasant Hill, Mo., are indelibly inscribed in the memories of those who suffered through these catastrophes caused by the fury of nature, unrestrained and running rampant.

When the July flood had taken its toll after it had ripped through the several counties, Government teams who were making an on-site inspection put their preliminary figure of flood damage to towns and farmlands at approximately $30 million, divided into $23 million damages to farming areas and $7 million to urban areas.

The prevailing question uppermost in the minds of the victims made homeless or suffering irreparable loss—was where to turn for help to start life anew or to stay over to try to make their way back to their before-the-flood status. In the newspapers they read about Federal assistance.

Federal disaster assistance in major peacetime disasters is currently coordinated under provisions of Public Law 81-875, popularly known as the Federal Disaster Act of 1950. This act gives the President powers to supplement the efforts and available resources of State and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters.

At present whenever the President determines that conditions warrant the declaration of a major disaster, he is authorized to direct any Federal agency to provide disaster assistance without regard to the normal authorities of that agency and to coordinate the overall disaster relief effort of the Federal Government. Under existing law, this Presidential authority is exercised through the Office of Emergency Planning.

A "major disaster" is presently defined by the 1950 act as any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which in the determination of the President is of sufficient severity and magnitude to warrant Federal assistance.

In 1964 as a matter of record President Johnson found it necessary to declare 25 major disasters under authority of the Federal Disaster Act. As a result of these declarations, nearly $53 million was allocated to 18 States and 5 territories from the President's disaster fund.

But we should hasten to add such an expenditure is only a drop in the bucket when compared with the magnitude of damage caused by most natural disasters.

Disaster seems to have struck our country quite frequently in the past few years. Earthquake damage in Alaska in 1964 totaled $62.8 million and affected nearly 2,400 properties. Flood and tornado damage in Minnesota in 1964 and 1965 amounted to about $243 million. Flood damage this spring in Colorado exceeded $102 million. Flooding in the Pacific Northwest in 1964 did an estimated $461 million in flood damage.

Existing statutes simply cannot meet the need for relief from disaster damage of this magnitude. The hard fact of the matter is that we have not developed a coordinated disaster relief program sufficient to meet all the likely contingencies of natural calamity.

During the past 6 years, Congress has had to pass three special disaster bills to supplement existing inadequate relief statutes. Even more disturbing, many communities have had to go virtually without relief or assistance in the absence of a more comprehensive program. Moreover, those communities that were assisted had to wait intolerably and seemingly interminable periods of time while redtape in Washington tied up their applications for assistance.

It is all too apparent that there is a crying need for legislative remedy to this unfortunate state of affairs.

We need to establish standby authority to provide uniform and well-coordinated Federal assistance to be mobilized whenever disaster strikes.

Legislation is needed to insure that assistance will not only be of sufficient magnitude to be of real help, but also that it will be extended as rapidly as it is possible for governments to operate. A law must be enacted which will provide equitable treatment to disaster victims in all areas of the country and in all walks of life.

The other body has already risen to that challenge. They acted on July 22, 1965 to pass a comprehensive Disaster Relief Act. Their bill, along with accompanying measures drafted by several of my colleagues in the House, is now laying before the House Committee on Public Works.

I have examined quite carefully the several bills introduced to provide disaster relief. I have compared their provisions and weighed the merits of the different approaches they offer to resolving the problem of creating a comprehensive Federal disaster policy.

As a result of this investigation, I shall introduce at the next session of the House a bill to be entitled "The Disaster Relief Act of 1965." The proposal will incorporate what we believe to be the best features of the 11 measures now pending before the Public Works Committee.

This bill will specify in detail the full range of Federal assistance to be made available henceforth to individuals, to businesses, and to committees whenever the President declared the area in which they are located is suffering from a major disaster under authority of the Federal Disaster Act of 1950.

In some instances, the act will liberalize the conditions of existing Federal programs affecting these individuals. In other instances, the act will cut redtape that now surrounds disaster aid. And in still other cases, the act will establish new Federal programs to assist communities in their disaster recovery.

In specific, the major provisions of the proposed Disaster Relief Act of 1965 are as follows:

First, the proposed act provides that in the event of a major disaster the administrators of numerous Federal loan programs will have discretionary authority to adjust the terms of loans affecting property damaged or destroyed by the disaster.

In the case of REA loans, HHFA loans and VA loans, administrators are permitted to extend maturation dates up to a full 40-year period and to reduce interest rates as low as 3 percent. Moreover, payments on principal and interest on these loans may be waived for a period of up to 5 years without adversely affecting rates of repayment.

The Small Business Administrator would be permitted to make disaster loans of up to $3,000 for homes and $100,000 for businesses without regard to the existing statutory requirement that such funds must be "not otherwise available." A similar liberalization would affect emergency loans made by the Farmers Home Administration.

Second, the bill permits establishment of State programs to refinance outstanding home mortgage obligations or other real property liens on one to four family homes severely damaged or destroyed by a major disaster, if such obligations are not otherwise federally insured.

Federal and State money would be made available in a ratio of 75 to 25 percent, respectively, to make refinancing loans with maturities of not more than 40 years and at interest rates of less than 3 percent. No loan on any single property could exceed $30,000.

Third, the bill permits the President to obtain and provide temporary dwelling accommodations for families and individuals displaced by the disaster who cannot otherwise find adequate housing without severe hardship. Such accommodations may be provided until safe, decent and sanitary alternative housing is available to the individual or family at levels they can afford to finance, and shall not rent for more than 25 percent of the affected family's monthly income. In cases of financial hardship, rentals may be adjusted downward for as long as 12 months.

Fourth, the bill would permit Federal assistance to private industry in providing housing to families displaced as the result of a major disaster. Under existing authority provided in the National Housing Act, such assistance is available only to housing for low- and moderate-income families and to housing for families displaced by urban renewal or by governmental action.

Fifth, farmers would be assisted through USDA grants to restore disaster-damaged farmlands and livestock to normal productive capacity. Grants to any farmer could not exceed two-thirds of the restoration costs or $10,000, whichever is smaller.

Sixth, the Civil Defense communications system would be made available to the Secretary of Defense for timely warnings to citizens and public officials in areas endangered by imminent natural disasters.

Seventh, the bill authorizes the Secretary of Agriculture to make loans to villages and unincorporated towns for reconstruction and improvement of waste disposal systems and other public facilities damaged by major disasters in rural areas. In certain instances of financial hardship, the Secretary would be authorized to make grants of up to 50 percent of such reconstruction costs or to postpone for 5 years payment of principal and interest on past loans.

Eighth, the proposed Act provides that Federal aid may be made available to elementary and secondary schools damaged or destroyed in a major disaster.

The Commissioner of Education is authorized to make grants to supplement the cost of replacing damaged school buildings and equipment, and to provide grants augmenting current annual operating expenses. These latter operating grants may continue for up to 5 fiscal years, but shall decline by 25 percent of the initial annual grant in each succeeding fiscal year.

Both forms of assistance require certification that State and local governments have exercised due diligence, including a reasonable tax effort, in pursuit of alternative financing, but still have funds insufficient to bring educational performance in the damaged schools back to previous levels of performance.

Ninth, the bill provides that up to $50 million may be expended each fiscal year for the purpose of making up to 100 percent Federal grants for any repair or reconstruction of any Federal-aid highway necessitated by a major disaster.

Tenth, priority and immediate consideration is provided for applications made by public bodies in major disaster areas to secure assistance in repair, construction or extension of public facilities or in providing low-rent housing.

Eleventh, the bill permits full Federal expenditure to repair, restore or reconstruct virtually any public works project previously authorized by an act of Congress or any public thoroughfare damaged by disaster but not otherwise eligible for repair or reconstruction under existing statutory authority.

Twelfth, the bill would permit the Office of Emergency Planning to pay up to 50 percent of the total cost of extra steps taken by individuals and businesses to prevent damage from flooding, if proper local authorities had been unable to provide such protection due to contingencies connected with the emergency.

Finally, the bill contains provisions to guarantee that no duplications of payments shall be permitted under authority of the act and that all provisions shall be retroactive to July 1, 1965.

The recent flood dramatizes the need for additional flood control. West-central Missouri is fortunate that the Kaysinger Bluff project for flood control on the Osage River has now been started. Surveys are presently going forward on both the Little Blue and Big Blue Rivers in Jackson County. Important watershed projects which stop the floods before they get started are underway in western Johnson County, Mo. and in central Lafayette County, Mo. Others are needed. Levee construction is nearly completed along the Missouri River. However northwest Missouri needs additional flood protection.

Perhaps someday the surge of floods will not be as bad as it is today. But meanwhile an updated and streamlined disaster relief law is needed. To those who have survived this recent flood little argument is needed to prove that the existing law does not meet all the urgent needs. What is needed is a more comprehensive, better coordinated relief program.

The common complaint that I have heard so many times is that there is too much redtape and too much waiting and not enough real assistance or help. Stated differently the complaint is that it takes too long for decisions to be made and then when help comes, it is not of sufficient extent or magnitude. I don't profess to say that the bill which I have introduced will be the answer to all these complaints or that it will be a solution for all the ills of areas suffering a major disaster. But I submit, it is a sincere effort to make a stride forward, and a substantial improvement over existing enactments.

MEDICARE AND YOU

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Boggs] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. BOGGS. Mr. Speaker, the New Orleans Times-Picayune, one of the great newspapers of the United States, has provided a fine service for its hundreds of thousands of readers by running a comprehensive survey of the new social security-medicare law.

As one of the members of the Ways and Means Committee who helped put this legislation together as well as one of the conferees who helped write the final version of the law, I found this analysis most comprehensive and accurate. I think it will be helpful to other Members of Congress and I am, therefore, including it in the Record.

[From the New Orleans (La.) Times-Picayune, July 25, 1965]

Medicare and You: Hospital Benefits Begin Next July 1 for Millions—Social Security To Mail Out Instructions

(Editor's Note.—A landmark program providing unprecedented health care and social security benefits to millions of older Americans will become the law of the land when President Johnson signs the medicare bill. The following, first of a two-part report, explains what the average citizen needs to know about the program.)

(By Charles Schaeffer)

Washington.—After nearly a decade of waiting for medicare today's advice to the Nation's elderly drawing social security is: "wait a bit longer."

The revolutionary health care and hospital benefits of the social security-financed program will not go into effect until July 1, 1966, nearly a year from now. Congress did this to allow a cash buildup of social security payments to cover the upsurge of costs of the first patients.

Meanwhile, what should you do about signing up?

If you are one of the 17 million persons 65 or over drawing social security, you will get your instructions through the mail sometime in the coming months without asking.

This will be a letter outlining basic hospital benefits, and a form to sign up for a voluntary $3 per month supplementary insurance for physicians' bills not covered by medicare.

If you still have questions, phone or visit the local social security office, say officials of the social security administration, which will administer the multi-billion-dollar program.

NONE RULED OUT

When the program moves into high gear next July, more than 19 million persons—virtually all Americans over 65—will be covered by hospitalization, even if they never belonged to social security. No physical exam is required and no one is to be ruled out because of prior ills.

As it appears now, only about 250,000 persons are ineligible. This is because they were insured as of February 16, 1965, under a Federal employee health plan for retirees or are aliens who have not lived 5 years permanently in the United States.

Nearly 2 million non-social-security persons will be blanketed under the health care program. Their benefits will be financed from general tax revenues.

How will they obtain medicare?

Those receiving railroad retirement benefits will be notified, like social security beneficiaries. Those on public assistance will be informed either by Social Security or their local welfare offices.

ESTABLISH ELIGIBILITY

Persons who have not filed a claim for social security cash benefits or who are not under social security at all, should get in touch with their area social security office to establish eligibility.

There are 616 district social security offices in larger cities and 3,000 field offices throughout the country, where roving officials make scheduled visits.

Important: An elderly person and his wife (if she is 65 or older) would be eligible whether or not he continued to work and regardless of the size of his earnings.

Don't be too hasty about dropping any private insurance plans. The benefits of medicare are nearly a year away and you will need the private coverage between now and next July.

MIGHT DOVETAIL

Also, some insurers such as Blue Cross are said to be working out modified policies that might dovetail with the Government insurance to offer even better benefits.

Under the medicare bill, the Government is authorized to contract with experienced outside firms to handle the complicated billing of the health program. So the check for medicare services will go to a "third party" manager, not to you.

Think of medicare as two programs:

One is a basic program of hospital insurance designed mainly to cover the cost of a stay in the hospital and associated services other than doctor bills. This is the program financed by social security, covering nearly everyone 65 or who will be 65 within the next several years.

The other is a supplementary insurance plan covering 80 percent of doctor bills, including some home and office visits.

Unlike the hospital program, which is paid by mandatory social security deductions from America's paychecks, the doctor policy is optional. If you elect to take it, $3 will be deducted from your social security monthly benefit check. The Government will pay another $3 from general revenues.

As the bill was finally written, the services of radiologists, anesthesiologists, pathologists and psychiatrists were put into the supplementary doctor insurance plan.

This means that you can expect a separate bill for these services, if you decide not to take out the voluntary plan.

President Johnson, representatives of the American Hospital Association, and a majority of the Senators wanted these services to be part of the basic hospital plan. House Members, led by Representative WILBUR MILLS, Democrat of Arkansas, successfully fought to keep them separate.

The origin of this is a long standing dispute between doctor and hospital groups, the doctors arguing that direct Government payment to physicians would be "socialized medicine." The doctors won.

Suppose you are on a modest social security income of $80. How will you pay for the extra $3 doctor insurance? The Social Security Administration points out that the new bill provides a basic 7 percent increase in benefits, retroactive to January 1, 1965. The suggestion is this can help pay the cost.

The check for extra cash benefits, incidentally, should reach you as a lump sum around mid-September. The first monthly check at the new higher rate is due out October 3.

The $6.4 billion first-year cost of the program is being financed partly by a hike in employer-employee social security payments.

As of January 1, 1966, deductions will be made on the first $6,600 you earn, instead of the present $4,800 ceiling.

TAX ON FIRST $6,600

The new rate, including the medicare tax, will go to 4.2 percent of $6,600 on New Year's Day. Under existing law, without medicare, the tax would have gone to 4.8 percent of the $4,800.

So a worker earning $6,600 or more will pay a social security tax next year of about $277.20. About $23.10 of this is to finance the new health care benefits. The cost goes up later.

Congress also drafted improvements in the controversial Kerr-Mills medical assistance program for the needy. These reforms must be instituted by the States by December 31, 1969, in order to participate.

Why Kerr-Mills when medicare is a reality?

This is a program covering hospitalization and doctors bills in full for the destitute. In the view of lawmakers, there will still be elderly people unable to pay even the modest amounts invoved in basic medicare. Provision must be made for them.

Kerr-Mills covers those under 65, too. And, they point out, poverty and sickness do not respect the young either.

[From the New Orleans (La.) Times-Picayune, July 26, 1965]

MEDICARE AND YOU: PLAN PROVIDES HOSPITAL, NURSING, OUTPATIENT CARE—OPTIONAL $3 MONTH ALSO AIDS ON DOCTOR BILLS

(EDITOR'S NOTE.—A landmark program providing unprecedented health care and social security benefits to millions of older Americans will become the law of the land when President Johnson signs the medicare bill. The following, second of a two-part report, explains the program's financial benefits.)

(By Charles Schaeffer)

WASHINGTON.—The medicare bill provides new social security insurance covering hospitalization, nursing home care, home nursing services and outpatient diagnostic services for most Americans over 65.

Together with a voluntary $3-a-month supplementary plan covering most doctor bills, medicare is designed to protect millions of the Nation's elderly from the financial havoc of devastating disease.

The hospital and doctor plans go into effect July 1, 1966, nearly a year from now. When they do, here's an example of how a patient eligible for both plans would fare.

A 66-year-old woman, complaining of digestive problems, visits her family doctor at his office twice. Later, the doctor makes house calls in response to the same complaint. He prescribes some drugs and decides to hospitalize her for further tests.

In the hospital, extensive X-ray and laboratory tests detect early cancer of the stomach. Surgery by a specialist is ordered.

The woman spends 55 days in the hospital, including recuperation. But this is not all. Because of the seriousness of the illness, she is placed under "extended care," which includes radiation treatments to make sure all possible cancer is destroyed. At the same time, her personal physician is on the job.

LATER VISITS

Still later, she makes several visits to doctors in connection with the same illness.

The woman has utilized nearly the full range of two insurance programs. The total bill is $5,870. She pays $629 of this. (See table below.)

Like any insurance program, medicare is not free. It includes deductibles. This means that patient must pay an annual $40 toward any hospital bill, before the Government payments start.

The initial payment, or deductible, is $50 on the supplementary doctor plan.

This accounts for $90 of what the cancer patient pays in this sample case.

The hospital program also requires patients to pay for the first three blood transfusions at $30 a pint, unless they can find a replacement. The woman couldn't so this would be $90.

Hospital specialists, such as radiologists and anesthesiologists, are included in the bill under doctor services, even though they often work through hospitals. This means that the supplementary insurance pays 80 percent of these services, while the patient pays the other 20 percent.

The specialists' services added $314 to the woman's bill. She was in a skilled nursing home for 30 days, too. Medicare pays for the first 20 days, but she pays $5 a day, or $50, on the last 10, as required by the law.

PAYS FOR DRUGS

She also pays for drugs prescribed by the doctor.

Medicare, of course, covers lesser care involving hospitalization and doctor services. Its basic benefits are:

Ninety days of hospitalization in semiprivate rooms or wards for each spell of illness with the patient paying $40 annually for the first 60 days and $10 a day thereafter.

One hundred days of posthospital care in a skilled nursing home with the patient paying $5 a day after 20 days.

One hundred home visits by therapist, nurse, or home health aid after a stay of at least 3 days in a hospital.

Outpatient diagnostic services with the patient paying the first $20 and 20 percent of the cost above that for all services in a 20-day period.

One hundred ninety days care in a psychiatric hospital over a lifetime. Here are other questions and answers on medicare:

Question. What if you already have an illness?

Answer. It doesn't matter. You are still eligible. No physical exam is required.

Question. What is a "spell of illness?"

Answer. A "spell of illness" begins when you enter a hospital and ends after you have been out (or out of a skilled nursing home where you received extended care) for 60 consecutive days.

Question. Suppose you develop a second illness in the extended care facility. Would the second episode be covered, or would you have to be readmitted to the hospital and transferred back?

Answer. You could stay in the extended care facility. Care received there for the second condition would be covered, but only up to the total number of days for which you are eligible.

BETTER THAN HOME

Question. Suppose you discover belatedly that you can get better posthospital care in a skilled nursing home than at home, will you be covered?

Answer. If you are admitted within 14 days of leaving the hospital.

Question. Do most nursing homes qualify as "extended care facilities?"

Answer. About 2,000 meet qualifications, but many more are expected to shape up before this part of the bill goes into effect on January 1, 1967—6 months after the other provisions. A qualified institution includes skilled nursing homes, wings of hospitals, or parts of an old age home, provided it has professional personnel.

Question. What services are covered?

Answer. Semiprivate room and board, nursing care, physical, occupational, and speech therapy, and drugs ordinarily furnished to inpatients.

Question. Suppose a person with a stroke faces a long rehabilitation at home. What's covered?

Answer. There are up to 100 days of home health care provided. This enables registered speech or physical therapist, for example, to aid the recuperating house-bound patient at home after discharge from a hospital.

Question. Who decides what home health services a patient needs?

Answer. Almost always the patient's own doctor decides this and what other care is needed under either or both plans. Medicare plays no part in the selection of a doctor or hospital.

Question. Who pays for diagnostic tests such as blood and urine or X-rays if you don't enter a hospital?

Answer. If the doctor thinks they are necessary, he can send you, as an outpatient, to the hospital just long enough for the test or X-ray. Then you would pay the first $20 of the bill for any series done by the hospital during a 20-day period, plus 20 percent of the costs above $20.

AFTER DEDUCTIBLE

Question. After a patient pays the first $50, or deductible, on the doctor plan, what type of doctor bills are covered?

Answer. The plan pays 80 percent and you pay 20 percent of home and office visits or visits paid to you in a hospital or institution, including surgeons and consultation fees.

Question. What other kinds of services are covered by the supplemental plan?

Answer. Diagnostic X-ray and lab tests; electrocardiograms, basal metabolism readings; X-ray, radium and radioactive isotope therapy; ambulance services, surgical dressing and splints, casts, rental of iron lungs, oxygen tanks, and wheelchairs used in patients' homes; prosthetic devices such as artificial legs, braces, and replacements for internal body organs.

Question. What is not covered?

Answer. Strictly custodial care in a nursing home, personal comfort items, orthopedic shoes, dentures, routine physical or eye exams, hearing aids, cosmetic surgery (unless vital to repair an injury).

Question. Are drugs covered?

Answer. Ordinarily not those prescribed outside the hospital.

Question. Will the premiums for the supplemental stay at $3?

Answer. Until the end of 1968 at least. Afterward, the Government could adjust the premium to take account for any rise in medical costs every 2 years.

Question. When can you enroll in the supplemental plan?

Answer. For those who will be 65 or over before New Year's Day, the enrollment books will be open this September and stay open until March 31, 1966. If you become 65 after New Year's you can sign up 3 months before your 65th birthday or 3 months after the event, a 7-month period in all. Those enrolling after the first enrollment period will pay 10 percent higher premiums for every full year elapsing in between. No one can enroll 3 years after their first qualifying period.

What will medicare pay? Here's the hypothetical bill of a patient with stomach cancer who had basic hospitalization and the $3-a-month voluntary plan:

	Medicare pays	Patient pays
Doctor visits: 2 office visits, at $5 each; 8 home, at $10 each, prescribed drugs, $15 (total, $105)	$32	$73
Hospital: Room and board, 55 days, at $28 a day, $1,540; X-rays, $40; lab work, $100; operating room, $150; anesthetics, recovery, and oxygen, $150; medications, $225; blood administration, $400; and 20 pints at $30 a pint, $600; radiation technician, $30 (total, $3,235)	3,105	130
Related doctor charges: Surgeon, $1,100 for 3 procedures; anesthesiologist, $150; radiologist and pathologist, $320 (total, $1,570)	1,256	314
Extended care in nursing home: Room and board, 30 days, at $15 a day, $450 (total, $450)	400	50
Related doctor charges: Radiation, 10 treatments, $200; radiation at hospital, $200; personal, doctor visits, 8 at $80, and 6 monthly office visits, $30 (total, $510)	450	66
	5,241	629
Total bill	5,870	

THE HARASSMENT OF AMERICAN SERVICEMEN'S FAMILIES

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, it has increasingly come to my attention in the last few months that the wives and families of American servicemen fighting in Vietnam are being subjected to telephone calls and notes which are destroying morale and, to say the very least, disheartening their families. I refer to the malicious and vulgar messages ridiculing a serviceman killed in Vietnam and the fraudulent messages misinforming a serviceman's family that he has been killed. These ugly messages are increasingly being sent to the wives and loved ones of our Armed Forces fighting in southeast Asia.

The distinguished Member of the other body from Connecticut made an excellent and detailed speech on Tuesday which gave examples of these telephone calls and messages. I cringe from again mentioning them.

I cannot believe, or bring myself to believe, that such an ugly and heartless act could be perpetrated by someone other than an agent of the Communist fifth column in the United States. This practice is too alien to the American spirit and alien to the spirit of human decency to be done by a true American citizen. For this reason, I am today introducing legislation which will make it a Federal crime to use any method of communication for the purpose of threatening or harassing American servicemen or their families.

I said earlier that I shrink from mentioning examples of these harassments. I do not, however, shrink from what I see to be the duty of the U.S. Congress to protect the morale and safety of our soldiers, sailors, marines and airmen who are fighting, and at times dying, in a war far from home.

FEDERAL-STATE FISCAL PROBLEMS GROWING CRITICAL

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, hardly a day passes that the public press fails to note an expression of deep concern on the part of city, county, State, and National officials of the increasingly serious tax and fiscal problems of our States and localities. This subject is complicated and fraught with economic and political controversy.

I have just come across what I consider to be a very objective and penetrating, yet very readable and understandable statement of this problem. It is in the form of an article in the Tax Executive, and based on a talk given by Mr. L. L. Ecker-Racz, assistant director for taxation and finance of the Advisory Commission on Intergovernmental Relations, before the annual trichapter meeting of the Tax Executives Institute in Louisville, Ky.

The advisory commission has been giving careful attention to the problems described in the article as part of its continuing study of the American federal system. The commission functions under the legislative oversight of the Government Operations Committee's Intergovernmental Relations Subcommittee of which I am privileged to serve as chairman. I am sure that the members of the subcommittee—the gentleman from Minnesota [Mr. BLATNIK], the gentleman from New York [Mr. DOW], the gentleman from Indiana [Mr. ROUSH], the gentlewoman from New Jersey [Mrs. DWYER], and the gentleman from Ohio [Mr. LATTA]—share my concern with the critical nature of the problems described in the article by Mr. Ecker-Racz. The text of the article follows:

FEDERAL-STATE FISCAL IMBALANCE: THE DILEMMA

(By L. Laszlo Ecker-Racz)

Accept if you will the assertion that this Federal system does face a dilemma. This will become clear enough as our discussion proceeds. The problem is not new. It is, however, one that is becoming progressively more acute and inevitably so. Let me give you the setting.

National growth bestows both bounties and burdens; the bounties grow progressively more national, the burdens progressively more local. Progress in industrialization, in living standards, and in social consciousness makes increasing demands on local and State governments. Simultaneously it imposes more and more restraints on State and local taxing activities. The fiscal imbalance grows apace.

The growing disparity between relative State and local revenue needs and resources and between the Federal and the State-local fiscal position is a poser because the obvious adjustments in the imbalance, the remedies required to insure the continued effectiveness of our governmental system, impinge on some deeply held, attractive political ideologies.

There is no need to dwell overly long on the identification of the political ideology to which I refer. Its image in your mind's eye, the direction most of you want this Federal system to follow, is clear and sharp. That image has been crystallizing in the political thinking of those who preceded you for a century and more, acquiring an increasing patina of respectability with each passing generation—certainly in theory, if not in fact.

POPULAR CONCEPT OF THE IDEAL FEDERAL SYSTEM

The image of the ideal Federal system in the public mind leaves maximum responsibility for governmental services in the hands of those close to the people: at the local level if possible, at the State level if necessary, but never at the Federal level—unless it pertains to international affairs and national defense.

That image in your mind's eye requires also that the responsibility to tax match the responsibility to spend, so that those who have the pleasure of spending suffer the pain of taxing.

On the question of how to bridge the gap between spending needs and revenue resources the image is somewhat blurred. In a sense, this is the source of the dilemma. There is, to be sure, the concept of interlevel financial aids. In the ideal system, however, the role of grants is minimized, especially those from the Federal Government, for they evoke visions of overcentralization and Federal control.

This should suffice to identify the ideological image I am describing. Its details are etched indelibly on people's minds by association with what has gone before, by their historic interpretation of the development of our democratic institutions, all the more cherished because it caters to their nostalgia for the familiar past.

Those of you conversant with Federal-State-local fiscal developments will have noted before that this country has remained remarkably faithful to the image of the Federal system in your mind's eye. The unprecedented increase in spending for governmental purposes since the end of World War II was accomplished within familiar institutional patterns. Much of the increase occurred at the local level and those entrusted with the responsibility for authorizing the spending bore also most of the responsibility for taxing. Cities, counties, school districts, and the other local governments still account for about half of the direct expenditures for American civilian government and the States for a quarter. Of every dollar devoted to domestic government, not over 25 cents is spent at the national level.

In 15 years (1948–63), State and local governments more than tripled their general expenditures. They increased the annual level of their spending by $47 billion, from $18 to $65 billion. During the same period, the Federal Government's expenditures for civilian government increased by only $31 billion. State and local governments increased their employment by 81 percent and their payrolls by nearly 260 percent, both substantially faster than the corresponding Federal increases.

FINANCING THE RISING STATE AND LOCAL EXPENDITURES

The National Government helped to finance this rising level of State-local expenditure by increasing its financial aid from less than $2 billion to nearly $9 billion. The new Federal money, however, supplied only about one-sixth of the new financing required.

State and local governments had to look to their own sources for financing five-sixths of the increase in their level of spending. Most of them had to dig deeply into all financial sources within their reach. They increased their outstanding debt from $19 billion in 1948 to nearly $90 billion. During the last 2 years alone they floated more bonds than all the debt they accumulated by the time of World War II. By comparison, the increase in Federal debt during the 15 years was around 20 percent. Since the war, while the per capita Federal indebtedness declined by $100, the per head State and local indebtedness increased by $350.

As you would expect, State and local tax collection levels rose rapidly during this period—from $13 billion to $44 billion. Property tax and consumer tax collections increased more than twofold, income tax collections more than threefold, and user charges nearly fourfold.

Happily, national economic growth generated significant increases in State and local tax receipts. New construction and higher values bolstered property tax collections; higher incomes and increased spending lifted income and consumer tax receipts; enlarged business activity and higher profits contributed to higher business tax receipts. However, this wasn't enough and a significant part of the needed revenue necessitated the enactment of new taxes and successive increases in the rates of existing taxes.

Since World War II, 15 more States have enacted general sales taxes, 4 individual income taxes, 5 corporation income taxes, and 14 cigarette taxes. Additional revenue support was obtained from the introduction of withholding for the collection of income taxes, from speeding up tax payment calendars, and by exploiting the popularity of horseracing and wagering. The association of smoking with health hazards provided an opportunity to boost cigarette tax rates to very high levels. (Here in Louisville it would not be amiss to note that the package of cigarettes your local manufacturer delivers to the New York City distributor for about 10 cents (ex-tax) now carries an 8-cent Federal, a 10-cent State, and a 4-cent city tax, a 22-cent tax bill on a 10-cent product.)

Local governments also ventured into new tax fields.

The financing performance of State and local governments has certainly been remarkable, but it has not been painless. Those of you who watch and observe these developments in your city halls and State legislatures have been privy to some traumatic hours experienced by political leadership overtaken by periodic State and local fiscal crises. The record of significant tax enactments at local and especially State levels is liberally strewn with once promising political careers, abruptly discarded by disgruntled voters. The governorship has become a most hazardous occupation, and one in which association with tax enactments forebodes election night grief.

Voters exhibit an irrational aversion to tax increases and are particularly resentful of those mandated by their local representatives. Few things arouse their ire more than a rise in the tax on their homes. It matters not that those homes have increased in value and after providing the family with shelter for years, can be sold for more than they cost. Spokesmen for the public good can wax most eloquent on the injustice of sales taxes because they burden the purchases of the poor and of property taxes on the homesteads of the old.

The image of a strong Federal system with its emphasis on local responsibility for governmental services and with its insistence on local financing is experiencing some growing pains. From all indications, moreover, these pains can only become more acute as the years roll by, because the forces that produced the growth in expenditures during the immediate past will continue to be operative into the foreseeable future and the restraints against tax increases show no signs of abating.

STATE AND LOCAL EXPENDITURES IN THE FUTURE

While the postwar expenditure increases described earlier left the quality of the governmental services improved, the improvement has been uneven. It has bypassed some States and some communities within most of the States. Generally, too, expenditure levels are least where needs tend to be greatest, where the economically underprivileged predominate. Even on a statewide basis, disparities in spending levels remain wide. Last year public school expenditures per pupil ranged from $241 in Mississippi to $705 in New York. Average monthly old-age assistance payments ranged from less than $40 in Mississippi to $108 in California; general assistance payments from less than $4 in Arkansas to $64 in Maryland. Average monthly earnings of full-time municipal employees ranged from $273 in Mississippi to $639 in California. Since these are State averages, the needs in many places within individual States are even more acute than they suggest.

Moreover, it requires no clairvoyance to foretell that the country's population and within it the relative importance of the dependent groups, and of those living in relatively costlier urban areas will continue to rise. Obviously, too, improved economic affluence will continue to generate public demand for more and better community services and amenities. However, some less conspicuous influences are also operating to raise State and local spending levels. As the business community's technology grows in sophistication, its management insists on a better educated labor force, on better environmental conditions for its employees, and on improved public facilities (water, sewage, roads, airports) for itself.

The National Government's aspirations for a Great Society and its economic growth and foreign policy objectives operate in the same direction, both directly and by stimulating the social consciousness of the people. The impact of national economic and social policies on State and local budgets is inescapable because the public services and facilities prerequisite for an environment in which these policies can be realized by the individual, the business firm and the community are largely local and State responsibilities.

You will already have seen some predictions of the probable future course of State and local spending. The likelihood is that they are too conservative, as past predictions have proven to be. Few would have anticipated 10 or even 5 years ago a 1965 State-local general government expenditure level of $75 billion and a total expenditure level of $87 billion, and understandably so. Services known only to residents of few pioneering communities in one decade become commonplace in the next—a pattern of development, incidentally, we are disposed to prize as a virtue of American federalism. What, for instance, are the implications for the cost of State and local school and social programs of a national undertaking to rectify the educational and health deficiencies or the employment handicaps of the economically and socially underprivileged? Man's aspirations for goods and services always lead current availabilities.

This line of reasoning suggests that the rate of State and local expenditure growth experienced in the immediate past may well continue, if not accelerate, in the coming years. Since the war, this growth has averaged more than 8 percent a year. It need not continue quite at this rate, to produce a spending level of $100 billion for general government purposes by 1970 and $150 billion by 1975. Indeed, in the absence of untoward international and national defense developments, State and local spending can readily outdistance Federal spending within a decade. How can it be financed?

FINANCING IN THE FUTURE

Continued economic growth will generate, of course, part of the new financing required, but only part of it. In a sense, the disparate rate of growth in State-local requirements and revenues is the essence of the problem. Expenditures rise significantly faster than the economy, while taxes, at best, produce only in proportion to economic growth. Hence, periodic financial crises.

State and local tax structures place primary reliance on property and consumer taxes. The property taxes account for over 85 percent of local tax collections and consumer taxes for nearly 60 percent of State collections. Of all presently used taxes, the income tax alone has a revenue growth potential that approaches the growth rate of expenditures, depending upon the comprehensiveness of its base and the level and progressiveness of its rates. However, the personal income tax accounts for only about 7 percent of State-local and for 14 percent of State tax collections.

The relative unresponsiveness of State-local taxes to growth is then one aspect of the problem.

Another is the substantial variation in the degree of tax effort exerted in the several

States. Not only do tax rates vary, but so do the kinds of taxes employed. Seventeen States are without income taxes, 11 without sales taxes, 2 without either. (In about half of the income tax States, the effective level of taxation is relatively low.) Where there are sales taxes, the rates range from 2 percent to 5 percent and variations in the scope of the tax base are also wide. The variation in the weight of other taxes is equally marked. In short, considerable scope remains for a greater tax effort.

It would not be realistic, however, to look to new tax enactments for a ready solution because the political barriers are formidable. Political leadership, protective of its community's competitive tax advantage or fearful of aggravating its competitive disadvantages for holding or attracting industry, coupled with the political risks involved in an identifiable association with tax increases, will be reluctant to sponsor new tax enactments. Nonetheless, the prospect for fuller use of State and local tax resources is another aspect of this problem.

A third is the unequal distribution of taxable resources among and within States. The range in the level of average personal incomes among the several States is still more than 2:1 and in wealth and business activity even wider. In consequence, the economically disadvantaged areas can never expect to finance, out of their own resources, a level of service comparable to that provided by their more affluent neighbors.

The obvious remedies to these three identifiable problems (the relatively faster growth in expenditures than revenues, the variations in tax effort, and the inequality of taxable resources) each has some unwelcome implication for the image of federalism. Americans value the right of local self determination and State fiscal independence. It enables them, so the theory runs, to fix their own pattern of governmental services and to select their own financing methods. That same image of federalism, however, requires also that the level of services across the country be everywhere at least adequate to meet minimum requirements consistent with nationwide objectives—and increasingly so with the accelerating mobility of the American people. Where service levels fall short, it is a matter of indifference whether the explanation lies in inadequate resources or inadequate effort. Fiscally strong local and State governments are prerequisite to a strong Federal system also because, in the absence of adequate revenues, local governments are obliged to turn to the States and the States have no alternative but to turn to the Federal Government. Here, too, that image in your mind's eye comes to the fore.

BRIDGING THE REVENUE GAP

How to bridge State and local governments' revenue gap, with appropriate regard for the political ideology, is the question I am posing for you. How can the growing pains of this fiscal federalism be eased?

Over the years a variety of proposals have been advanced.

One way of reducing the imbalance between needs and resources is to shift responsibility for one or more of the costlier functions upward from the local to the State level, from the State to the Federal level. The success with which proposals of this kind have been resisted throughout the country's history and at all levels suggests that the ideological tenet of keeping functional spending responsibility close to the people is in no imminent danger of being discarded.

Substantially all present Federal aid to State and local governments takes the form of grants for specific functions. Suggestions for new functional grants are numerous, indeed, as are new congressional grant enactments. Federal aids to State and local governments are expected to rise from $10.3 billion last fiscal year to $13.6 billion in fiscal 1965–66. The guardians of the Federal system's ideology are fearful of the implications of this increasing proliferation of Federal grants for Federal control and State independence. They might well be concerned also with its implications for State finances. Nearly all Federal grant programs contain matching requirements. They reflect congressional concern with the inadequate financial support of a particular State and local function. The purpose of the grant is to encourage State and local financial support of that particular activity, in preference to others. Each additional State and local commitment of funds to the aided function tends to diminish the resources available for non-aided functions and, therefore, the fiscal freedom of the States.

A recognition of the impact of Federal functional grants on State and local finances may have contributed to the development of the proposal that the Federal Government share some of its income tax revenue with the States. That suggestion, associated with Walter Heller and Joseph Pechman, has run into heavy weather as you know reportedly for a variety of reasons. One often voiced objection to it is associated with the idea that the States are not making adequate use of the resources already at their disposal and ought not to be given additional Federal aid until they do so. Can you reconcile this line of argument with your philosophy?

Many States are without substantial income taxes and some without sales taxes. The inadequate use of income taxes is particularly germane because, as noted earlier, unlike property and consumer taxes, their revenue yield grows substantially faster than the economy. Of all the familiar taxes, only those on income hold promise of producing at a rate commensurate with recent increases in State and local spending. Their burden distribution, moreover, is compatible with several objectives, including especially the banishment of poverty.

Since most States are free to tax incomes, their failure to do so in the face of their pressing need for revenue suggests that they cannot or will not do it alone. Should they be encouraged—nay, persuaded? It would require Federal action, but this country's fiscal history is not lacking in examples of such Federal encouragement of States. The case of the affirmative can be made quite persuasive. However, regardless of the form such encouragement takes, it can be viewed as Federal coercion.

In short, whatever approach to adjusting State-local governments' fiscal imbalance you consider—relieving them of responsibility for some governmental functions, enlarging Federal functional grants, embarking on general-purpose Federal grants and revenue-sharing arrangements, or using Federal persuasion to stimulate more tax effort—one or another ingredient of this Federal system's ideology (built on the concept of dual sovereignties) threatens to be compromised. There is no escaping the conflict because, to end where I began, national progress bestows both bounties and burdens; the bounties tend to be national, the burdens State and local. Hence the dilemma I pose for you: How to bridge the State-local revenue gap and keep faith with your political philosophy? To paraphrase the 18th century thinkers, Shall we force the States to be free?

You take it from here.

THE SECRETARY OF STATE

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SWEENEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I wish to draw the attention of the House to the editorial of Wednesday, August 4, 1965, which appeared in the Evening Star of Washington, under the title, "The Secretary of State."

Mr. Speaker, it is obvious to me that the diplomatic Monday morning quarterbacks are busy in their attack upon our distinguished Secretary of State and I am pleased to note that Mr. Rusk's efforts in the conduct of this Nation's foreign policy are meeting with the approval of the majority of the men of the fourth estate, as has been repeatedly pointed out.

As a neophyte freshman Member of the 89th Congress representing the people of the State of Ohio, I wish to join in a brief comment of respect to Mr. Rusk and to express sincere appreciation, approval, and support of the strong and decisive foreign policy that he has pursued in the face of aggressive international communism in Vietnam and the Dominican Republic. As has been pointed out, Mr. Rusk seems uniquely equipped with intelligence, patience, and perseverance to cope with aggression in this yet uncivilized world of ours.

In my view, the Nation can be grateful that he steers our diplomatic ship of state in these perilous times. The editorial of the Washington Evening Star follows:

THE SECRETARY OF STATE

Secretary of State Rusk has been the target in recent days of what should be more than one man's quota of slings and arrows. He seems to be the No. 1 subject in this garrulous city. We find ourselves thoroughly fed up with the whole business.

One instant historian has written that President Kennedy had decided to find a replacement for Dean Rusk. Maybe so; maybe not. Others have said that he was bypassed by President Johnson in the decision to go into the Dominican Republic. Again, this may be, or it may not be, true. It is worth noting, however, that Mr. Johnson last month paid tribute to Mr. Rusk as "one of the most able and most competent and most dedicated men I have ever known."

Other commentators who carry their crystal ball with them wherever they go, and who consult it every hour on the hour, have been spreading the rumor that a change in command at the State Department is imminent—if not tomorrow, then perhaps on some other tomorrow.

All of this strikes us as being irrelevant, if not irresponsible. The only thing that really counts is the quality of Mr. Rusk's performance in the State Department. He has performed in a most creditable fashion.

His is a job that is piled high with difficulties. It calls for an exceptional order of intelligence, patience, perseverance, and a willingness to work long into the night. No one can fault Dean Rusk on any of these scores.

It is not a job which calls for dramatization, for the gee-whizz approach. And, in passing, it might be said that we have enough of that type in this town. Beyond his function as adviser to the President, the Secretary of State should be primarily concerned with trying to keep the lid clamped on—to search quietly for peaceful solutions to explosive international problems. This is what Mr. Rusk has been trying to do in collaboration, we are happy to note, with what he calls the competent and dedicated officials who work under him. It is fortunate for the country that this quiet man is on the job.

PERSONAL EXPLANATION

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DULSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. DULSKI. Mr. Speaker, I am recorded as not voting on rollcalls Nos. 214, 215, and 216. I was in my district. If present, I would have voted "yea" on all three measures.

NEW CRISIS: THE NEGRO FAMILY

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, tomorrow the President will sign into law the voting rights bill of 1965. In the wake of this significant step toward securing equal rights for Negro Americans, we must not lose sight of the total plight of the Negro community and the challenge which it poses for our Nation.

A recent confidential Labor Department study stated:

> The harsh fact is that as a group, at the present time, in terms of ability to win out in the competition of American life [Negroes] are not equal to most of those groups with which they will be competing.

In the August 9 issue of Newsweek there is an article, entitled "New Crisis: The Negro Family," which emphasizes the central cause of so many of the Negro problems—the deteriorating family structure. Drawing upon statistics from a recent confidential study by the Department of Labor, the article reveals the high percentages among Negro Americans of divorces, broken homes, and illegitimate children. Even more disturbing is the fact that this situation perpetuates itself by the very problems it creates—disinterest in education, low IQ's, unemployment, and crime.

The article goes on to point to the population explosion occurring in the Negro ghettos as a major factor aggravating all the various problems. Because of my own concern about the adverse effects which the population explosion is having in the Negro community, I introduced H.R. 8430 which would help make birth control information more readily available. In my testimony on the bill before the Senate Government Operations subcommittee chaired by Senator ERNEST GRUENING, of Alaska, who has provided great leadership and new initiatives in this field, I stressed that as part of the overall effort to provide enough jobs, adequate incomes, and decent homes for every American, we should insure that couples can make their own personal decisions regarding the sizes of their families by providing them with the necessary information.

The breakdown in the Negro family is not a new crisis. It has been a growing phenomenon in our Nation's history since the days of slavery. As the article points out:

> Slavemasters began the process by denying Negroes the sacrament of marriage, by breaking up families on the auction block. (In the 20th century) for unlettered, unskilled southern Negroes, the city proved to be—in the bleak phrase of the late Negro scholar, E. Franklin Frazier, in a ground breaking 1939 study of the family problem—the "City of Destruction."

There is increasing awareness in our country of this crisis. President Johnson presented the dilemma to the American public in his speech at Howard University in June. Equally important in this speech was the fact that he placed the responsibility for the problem on white America. The President said:

> For this (breakdown in the Negro family structure) most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from the long years of degradation and discrimination which have attacked his dignity and assaulted his ability to provide for his family.

The challenge to America is great, but not impossible for a great nation to meet.

Newsweek is to be commended for its timely presentation to the American people of a matter of such urgency. I urge my colleagues to read this excellent article, which follows:

NEW CRISIS: THE NEGRO FAMILY

"The United States is approaching a new crisis in race relations."

Those foreboding words begin a confidential Department of Labor report that, in 4 months of circulation within the Government, has set off a quiet revolution in the basic White House approach to the continuing American dilemma of race. It starts by noting the cruel irony that all the civil-rights legislation written in the past decade has raised hopes it cannot possibly fulfill: "The harsh fact is that as a group, at the present time, in terms of ability to win out in the competitions of American life (Negroes) are not equal to most of those groups with which they will be competing." And, in 78 fastidiously documented pages, it traces that disability to its social roots: the splintering Negro family.

It is a weakness born in slavery, shaped by a century of poverty and prejudice, and brought to ugly maturity in the vacant days and violent nights of the black slums of postwar America. "Three centuries of sometimes unimaginable mistreatment have taken their toll on the Negro people," the report says. "The evidence—not final, but powerfully persuasive—is that the Negro family in the urban ghettos is crumbling. A middle-class group has managed to save itself, but for vast numbers of the unskilled, poorly educated city working class the fabric of conventional social relationships has all but disintegrated."

This is the time bomb ticking at the very heart of America's most dangerous social problem: the explosive cycle of poverty and frustration in the growing black cores of the Nation's great cities. And if that cycle is not broken, the report warns, "there will be no social peace in the United States for generations."

Collating the hitherto scattered fragments of census data, Government reports and scholarly works, the study catalogs all the baleful symptoms: Nearly a fourth—22.9 percent—of the city-dwelling Negro women who have ever been married are now divorced, separated or deserted. The white rate: 7.9 percent.

As a direct result, roughly one Negro family in four is fatherless—more than double the white total—and the problem has been getting worse instead of better. Today, in fact, more than half of all Negro children have lived at least part of their lives in broken homes by the time they reach age 18.

Nearly a fourth of all Negro babies born today are illegitimate. From 1940 to 1963, the white illegitimacy rate climbed from 2 to 3.07 percent of all live births—while the Negro rate soared from 16.8 to 23.6 percent. The rates run higher still in the big cities—and they peak at stunning levels in such hard-core ghettos as New York's teeming central Harlem, where fully 43.4 percent of the births in 1963 were illegitimate.

Marriage breakups and illegitimate births have fed a startling increase in welfare dependency among Negroes. Started in 1935 mainly as a relief program for widows and orphans, aid to dependent children (ADC) now goes largely to families abandoned by their fathers. More than half of all Negro children subsist on ADC checks at some time during their childhood—compared to 8 percent of the white children.

The disintegration of families is both a cause and a result of some of the gravest problems of the ghetto poor: the staggering unemployment rates, the stunted IQ's, the poor performance in school, the swollen crime and narcotics statistics. It is the germ of a "tangle of pathology," and the sickness is contagious—a constant threat to the youngsters of millions of stable, middle-class Negro families who cannot escape the ghetto because of housing segregation. And there are danger signals that the disintegration has now begun to feed on itself.

A population explosion in the ghettos has aggravated all the problems—and threatens to make them worse still. Battening on illegitimacy, the birth rate for Negroes is 40 percent higher than for whites. This means that Negroes—a steady one-tenth of the U.S. population up to the 1950's—will make up one-eighth by 1972, according to the report. Other estimates suggest that, as whites flee to the suburbs, Negroes will be in the majority in 7 of the 10 biggest U.S. cities (Washington, Chicago, Detroit, Philadelphia, Baltimore, St. Louis and Cleveland) by 1990. And the baby boom is biggest in the lowest socioeconomic strata; middle-class Negro couples actually have fewer children than middle-class whites.

The Negro family problem was scarcely news to social scientists. But its very intimacy has excluded it from the public dialog on civil rights; it reaches too deep into white prejudices and Negro sensitivities. And it lies beyond the corrective power of most of the civil rights law and much of the economic legislation passed thus far. "We've traditionally acted," said one Government man, "as if Negroes were white—and they're not. What we've done so far is create equal rights and equal opportunities and then just assumed that the Negroes could kick off this whole incredible history of oppression and take advantage of them. The trouble is that Government tends to run past problems to solutions."

POWER TO BLESS

So the authors of the report (among whom insiders listed Daniel P. Moynihan, now a candidate for president of the New York City Council) took their prime task to be not posing pat remedies but steering toward a consensus on what the problems are. And Lyndon Johnson has lately begun the long, difficult task of mobilizing that consensus for action. "The President," said one Government official, "has the power to bless; if he talks about a subject, he can make it respectable for discussion." And so L.B.J. has blessed, starting with the eloquent June speech at Howard University in which he announced plans for a White House conference on race. Drawing heavily on the report, he pronounced civil rights legislation only the end of the beginning. And he set agenda topic A for the fall conference and for the preparatory White House staff work now in progress: "Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure."

For that breakdown, the President said, "white America must accept responsibility." And indeed, virtually every stage in the Negro's tragic odyssey in white America has worked against family solidarity—and particularly against the very manhood of the Negro father.

DIASPORA

Slavemasters began the process by denying Negroes the sacrament of marriage, by breaking up families on the auction block. After the Civil War, the South where three-fourths of the Negroes still lived as recently as 1940—erected the bulwark of Jim Crow laws to keep the Negro—and especially the Negro man—in his place. Thus scarred by history, the Negro family was already fragile by the eve of the great black diaspora to the cities of the North and West in the 1940's and 1950's. And for unlettered, unskilled southern Negroes, the city proved to be—in the bleak phrase of the late Negro scholar E. Franklin Frazier in a groundbreaking 1939 study of the family problem—the "city of destruction."

The Negro came to the city for factory work—and found, instead, catastrophic unemployment rates that have persisted, so the report notes, into the booming 1960's. In 1963, for example, the nonwhite unemployment rate of 10.9 percent was double the 5.1 figure for whites—and the overall statistics tend to paper over the fact that nearly one-third of all Negro men were out of work at some time during the year, half of them for 15 weeks or more. Negro women, as a result, are forced to take jobs, thus undermining the man's role as breadwinner—and often supplanting him as the functioning head of the family. The father stays on as an ineffectual dependent—or he drifts off, perhaps to the few remaining places where a ravaged man can assert his manhood; in the bedroom or on the street. Either way, model he presents to his sons is one of futility, alienation and despair.

IQ LEVELS

Family discipline breaks down—and so does performance. Studies cited in the report strongly suggest that children from broken homes have lower IQ's, fall behind in school more often, drop out more readily and commit more crimes than those who grow up with both parents. The problems are worst in the deepest ghetto; in central Harlem, where half the children under 18 live in broken homes, the median IQ actually slips from 90.6 in the third grade to 86.3 in the sixth and picks up only slightly thereafter. And in the commonly matriarchal slum family, where mothers tend to favor daughters, the boys are hardest hit of all. At 16 and 17, nearly 40 percent of the nonwhite boys still enrolled in school have fallen a year or more behind, to 27.2 percent of the girls. Only recently, indeed, has the number of Negro men in college overtaken the number of women. The matriarchy thus sustains itself; the better-educated young woman claims a disproportionate share of the prestige white-collar and professional jobs.

INVISIBLE MAN

So the Negro youth comes to manhood with a crushing extra burden added to the liability of color prejudice. Not only color but his own disabilities and doubts lock him in the ghetto, where the unemployment rate among teenagers is an appalling 29 percent, where the violent crime rates that so frighten whites are principally the aggressions of one imprisoned Negro against another, where alienation runs so deep that untallied thousands of Negro men simply disappear and go uncounted when the census taker comes around. In spite of everything a rising middle class—perhaps as much as half the Negro community—miraculously manages to escape the tangle. "However," the report says, "the remaining half is in desperate and deteriorating circumstances"—and the gulf that divides it from prospering mainstream America, white and black, is widening.

What can be done to attack the problem? Whites commonly, and Negroes occasionally, argue for "self-help" measures of the sort that have worked for other American minorities. Thus, last January, the NAACP's Roy Wilkins proposed a network of "citizenship clinics" to deal with such problems as family instability by "frank and helpful evaluation and unapologetic action." Thus, too, in a speech prepared for this week's National Urban League Conference in Miami, Executive Director Whitney M. Young, Jr. calls for a "revolution of excellence" combining internal and external efforts aimed principally at bolstering the role of Negro men.

WHITE MAN'S DOOR

Yet the very size of the problem today—and the staggering burden of Negro history—impose limits on what Negroes alone can do. "President Johnson has given frank recognition to a big problem, a delicate problem," Wilkins told Newsweek's Eleanor Clift last week. "He has acknowledged the prime responsibility for the problem. He has put it at the white man's door, and he's right." By doing so, Wilkins believes, Mr. Johnson is likely to stir freer discussion and further action by Negroes themselves.

The plain fact is that there are no easy—or inexpensive—answers. While the report itself proposes nothing beyond a broad policy declaration committing the Government to an attack on the problem, its findings suggest that jobs remain a principal part of the solution. Thus, illegitimacy totals closely follow unemployment levels, and any sharp rise in joblessness is usually followed a year later by a similarly sharp increase in family breakups. Yet there are some frightening signs that the deceptively simple cause-and-effect relationship between jobs and family stability is dissolving. Until 1962, the number of new ADC cases each year closely followed the ups and downs of the job market. Since then, however, the unemployment rate has been going steadily down—and the ADC caseload has been going sharply up. The conclusion: the disintegration of Negro families may have fallen into a self-sustaining vicious circle.

If so, conventional economic remedies are unlikely to be enough. Poles apart from the radical left of the civil rights movement, Young—the voice of the temperate Urban League—calls for such sweeping measures as a government-guaranteed income of no less than $3,000, a National Work Corps to undertake an "immense" public works program, a Federal fair housing law and a massive "domestic Marshall plan" running the full range of Negro school, employment, housing, health and welfare problems. And, whatever comes of his proposals, the Government's own ultimate answers are likely to reach well beyond the conventional rights-and-opportunities approach of the past.

The only certain course now is further study; White House staffers are already surveying social scientists and Negro leaders for fresh ideas, and the hope is that the President's fall conference will produce still more. "We're trying to cross uncharted ground," one L.B.J. aid said—and not the least of the uncertainties ahead is whether there will be a national consensus for action beyond existing rights laws. Programs to stabilize Negro families "would be a new departure for Federal policy," the report acknowledges. "And a difficult one. But it almost certainly offers the only possibility of resolving in our time what is, after all, the Nation's oldest, and most intransigent, and now its most dangerous social problem. What Gunnar Myrdal said in 'An American Dilemma' remains true today: 'America is free to choose whether the Negro shall remain her liability or become her opportunity.' "

AREA REDEVELOPMENT: A TOOL TO COMBAT POVERTY?

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GIAIMO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. GIAIMO. Mr. Speaker, I note that the House is scheduled to debate the Public Works and Economic Development Act of 1965 next week. One of the prototypes for this new program is the Area Redevelopment Administration, an agency which has caused much comment and controversy.

In my study of the various approaches which can be found to meet this country's economic problems, I have found criticisms of existing programs to be extremely valuable. One must not assume that a program, however worthwhile and well intentioned, is immune to improvement or change.

One of the most knowledgeable and sensible authorities on this program is Sar Levitan, of the W. E. Upjohn Institute for Employment Research. Dr. Levitan's credentials are impressive and his background is excellent. He holds a B.S.S. from College of the City of New York, an M.A. and a Ph. D. from Columbia. He has been a research professor at George Washington University; a lecturer at Johns Hopkins; the Deputy Director of the Presidential Railroad Commission; a labor specialist with the Legislative Reference Service of the Library of Congress; a public member, Review and Appeals, of the Wage Stabilization Board; and associate professor at Champlain College, State University of New York.

In February of this year, he delivered a perceptive and thought-provoking address on the ARA to the Conference on Poverty in America, at the University of California in Berkeley. I commend its contents to my colleagues, as we begin our consideration of S. 1648.

The address follows:

AREA REDEVELOPMENT: A TOOL TO COMBAT POVERTY?

(By Sar A. Levitan)

(Conference on Poverty in America, University of California, Berkeley, Feb. 28, 1965)

The major thrust of the current attack on poverty has been aimed at rehabilitating the deprived and destitute. The goal of obliterating or reducing poverty is to be achieved by making available to the poor better educational facilities, special training which would equip the unemployed and underemployed with skills needed in the labor market, and by improving the services that society offers directly to the poor and which minister to their special needs. The assumption is that the aid offered will prepare and motivate the poor to enter the mainstream of American life and adopt the prevailing values of American society. The architects of the war on poverty—or shall we say generals—anticipate that the viable American society will be able to absorb the rehabilitated poor, as it has done for millions of immigrants throughout our history.

The Area Redevelopment Act is unique in the arsenal of weapons provided by Congress during the past 4 years to combat unemployment and poverty. It directs its aid to employers, and not to the unemployed. The program is based on the belief that in order to combat area unemployment, Federal aid should concentrate on the business community which will generate needed jobs and thus help the unemployed.

Thus, the bulk of the resources allocated by the Federal Government for the depressed area program concentrates on providing incentives to businessmen to locate or expand established enterprises in depressed areas. The program authorizes a total of $200 million of subsidized long-term loans to businessmen at 4-percent interest. It also provides for the expenditure of $175 million in grants and loans for the construction of public facilities in depressed areas. The improvement of infrastructure in these areas is tied to the specific needs of entrepreneurs and must be directly connected with requirements of business establishments. Eligible public facilities include the development of industrial parks, the development of commercial recreation and tourism projects, and the construction of utilities, including sewerage systems, water mains, and access roads. Excluded are such facilities as schools and recreational centers, which merely make the areas "a better place to live in." The depressed area program also places heavy emphasis upon community economic planning. Only a relatively modest program is provided for the retraining of unemployed workers in depressed areas. The program authorizes the total expenditure of $375 million over a 4-year period for loans to businessmen and the construction of public facilities, but only a maximum of $14.5 million per year for the retraining of workers and the payment of allowances to the unemployed workers while they undergo training courses. In brief, ARA uses the trickle-down approach to combat unemployment.

It is, therefore, surprising that the major sponsors and backers of the Federal depressed-area program included outstanding liberals in Congress and labor union spokesmen, who would no more be caught among the advocates of a trickle-down approach than they would favor a balanced annual budget or selling TVA. But such are the powers of semantics; by placing emphasis on aid to depressed areas rather than on aid to businessmen, the program becomes not only palatable to liberals, but deserving of their wholehearted support.

The Federal depressed-area program also reflects changes in attitudes experienced during the past few years concerning the appropriate programs of aid for the unemployed and deprived. When Senator PAUL H. DOUGLAS originally proposed the program to aid depressed areas nearly 10 years ago, he was convinced that this was the best program he could sell to Congress. It took 6 years of congressional debate, including two Presidential vetoes in 1958 and again in 1960, before the Area Redevelopment Act was finally approved by President Kennedy in 1961. And, the funds allocated for ARA are dwarfed by comparison with the alleviative and preventive programs enacted to aid the unemployed and poverty stricken during the 4 years which have elapsed since the passage of ARA.

JUSTIFICATION AND RECORD OF ARA

There are ample data to justify the trickle-down approach to combat unemployment and human deprivation in depressed areas. The close relation between unemployment, low wages, and poverty is well documented. The Department of Labor has estimated that 60 percent of all poor-family heads were in the labor force during 1963 and half of them were employed full time. Unemployment and low wages are, therefore, major causes of poverty and deprivation in the United States. In depressed areas, where the incidence of unemployment is much more widespread than for the whole United States and spells of unemployment are of longer duration, the relationship between unemployment and poverty is even closer. A sample study of income levels in 30 depressed urban areas indicates that in 1959 the percent of families in these areas with an annual income of less than $3,000 was 29 percent, compared with 20 percent in nondepressed areas. In rural depressed areas, more than a third of the families had an annual income of less than $2,000, nearly three times more than for the Nation as a whole.

In the Employment Act of 1946, Congress recognized the responsibility of the Federal Government to create an economic climate that stimulates maximum employment and production. But the 1946 act was largely exhortation. The ARA committed the Federal Government to provide funds for generating new economic activity and employment and the sponsors of Federal aid to depressed areas have apparently concluded, and rightly so, that private enterprise is the best means to achieve this goal. The depressed area legislation therefore represents acceptance of additional Government responsibility to the unemployed beyond the original intent of the employment act.

Aside from purely humanitarian grounds and the usual economic rationale of aid to the unemployed, proponents of Federal aid to depressed areas have advanced a persuasive justification for the program. Considerable social capital is invested in depressed communities and the deterioration of the economic base of a community involves abandonment or underutilization of available facilities, thus involving great economic waste. The study of 30 depressed urban areas, referred to earlier, with a total population in 1960 of 2.9 million, disclosed that these communities lost nearly one-sixth of their total population as a result of net civilian migration during the fifties. Despite an excess of births over deaths, the total population in these areas declined by more than a hundred thousand. Outmigration tends further to deteriorate the economic base of depressed areas since it is highly selective and heavily concentrated among males in the primary working ages and among those with the highest educational attainments. But, outmigration, despite the fond hopes of some economists, is not a solution to the economic problems that beset most of the unemployed in depressed areas. To be sure, our population is highly mobile, but exclusive reliance upon outmigration as a solution to the problems of depressed areas is as realistic today as Marie Antoinette's let-them-eat-cake counsel.

We have now had nearly 4 years of experience under the Federal depressed area program. Since ARA has spread itself thinly and scattered its meager resources over hundreds of areas, it is difficult to measure the impact of the depressed area program. We are indebted to Prof. William Miernyk for some insights about the impact of ARA-backed projects. Miernyk has studied the employment background of 1,262 employees in 33 ARA-backed plants. While the study has not yet been published, an ARA summary indicates that only one of every four employees in those plants was fully employed at the time they were hired on the ARA-backed project. Forty-three percent were unemployed, 11 percent were employed on a part-time basis, and 22 percent were not in the labor force. The study also shows that nearly half of the employees reported higher hourly earnings on their ARA-supported projects than they received in their previous full-time job. On the other hand, only 16 percent of the employees hired on ARA projects were 45 years of age or older. In all U.S. manufacturing, employees in this age bracket account for 39 percent of the total. The available data are inconclusive to make any definite judgment about the characteristics of employees hired on ARA-backed projects and the wages they receive. When Miernyk's study is released, we should be able to glean more adequate insights about the background of these employees.

The ARA publishes statistics on the anticipated number of jobs which will be generated as a result of its activities. According to these data, the ARA has committed or actually expended by the end of 1964 a total of $296 million, including $171 million of loans to commercial and industrial projects, $89 million for public facilities, $14 million for technical assistance, and $22 million for retraining. Based on estimates prepared by ARA clients, the agency's officials anticipate that when all the approved projects are fully in operation, they will add directly some 69,000 jobs in depressed areas. While the addition of 69,000 direct jobs within a period of less than 4 years would suggest no mean accomplishment on the part of the Federal depressed area program, a closer examination of the official data raises a number of serious doubts about their validity and meaning. Even assuming that the estimated job generation on ARA projects proves to be correct (and this may be a most generous assumption since ARA has backed many marginal enterprises and it is only to be expected that a considerable percentage of these enterprises will go sour before too long), it would still be hard to believe that all the ARA-backed projects would not have succeeded without ARA help. ARA claims "credit" for each job generated by the projects it supports, though it contributes about a third of the total investment in those enterprises. No doubt, a great many of the projects would not have started without ARA help. It's the old story—for want of a nail a kingdom was lost. But we must assume that the converse is also true—that many a nail may be lost without having the slightest impact upon the progress of an empire. It is therefore impossible to guess the extent to which ARA-backed projects constitute net additions to the economy. It is reasonable to assume that some of these enterprises might have been generated by other sources.

A judgment about the impact of ARA is therefore a matter of faith. The believers take ARA estimates at face value, while skeptics scoff at the claims. Yearning to be among the former, I would like to say "Amen" to the claims, but the doubts keep gnawing.

PROGRAM REVISION

Since an attempt at objective analysis of ARA accomplishments to date appears to be an exercise in futility, the examination of ARA statistics might appear to be superfluous. But the Area Redevelopment Act is due to expire in July 1965. President Johnson was committed to the continuation of the program, but not without changes. On the contrary, in the 1965 Economic Report the President stated that "the direction of this program can benefit from the experience of the last 4 years." It would also be reasonable to assume that the present Congress would follow the President's recommendations to extend the life of ARA. Acceptance of ARA claims suggest the wisdom of continuing the present program. Why change a good thing?

Whatever the true accomplishments of ARA to date may be, a close examination of the program suggests some serious weaknesses in the legislation and the desirability of revising the package of tools enacted in 1961. While the liberal proponents of the program accepted a trickle-down approach, apparently they did have some reservations about the package of tools they had devised, and this is reflected in a number of provisions containing inherent built-in impediments to realizing the full potential of the program. A psychiatrist might suggest that the architects of the program had displayed a "will to fail," and even an economist can see serious flaws in the program.

CREDIT FOR PRIVATE LOANS

The success of the depressed area program rests upon attaining an active partnership between government, at all levels, and the business community. This would suggest that securing active cooperation of conventional lending institutions is a sine qua non for achieving smooth operations of the loan program. It would appear, however, that the current loan provisions are intended to ruffle the feelings and interests of traditional lenders. ARA provides only for direct Government loans, though the entrepreneur may secure part of the needed capital from banks or other private lending institutions. But by providing 4-percent long-term credit the program offers an incentive to entrepreneurs to shun conventional lenders and to turn to the Government for a maximum share of credit permitted under the law. Understandably, the lending community has not taken kindly to the ARA loan program and has resented the Government's intrusion. It is also not surprising that established businesses have viewed with misgivings and frequent outright opposition ARA's practice of financing potential competitors at subsidized interest rates. On the other hand, there is no evidence that subsidized long-term credit is essential to induce new economic activity in depressed areas.

It is, however, recognized that conventional lenders in depressed areas are not adequately venturesome and that long-term credit is frequently not available in adequate amounts to finance new and expanding businesses. It is not necessary to have a direct Government loan in competition with private lenders to remedy this situation. Credit resources could be expanded by a Government guarantee program which would assure the conventional lender the repayment of his loan. However, adoption of this policy and its successful implementation might overload banks in depressed areas with excessive portfolios of long-term industrial and commercial paper for which there may not be any readily available open market. This situation already exists in some depressed areas, particularly in Pennsylvania. Similar conditions apply to local economic development groups which have raised funds to finance new industrial development in their areas and now find that there is no market for the long-term investments. A remedy for this situation can be found in the establishment of a federally backed industrial and commercial mortgage association which would provide a market for long-term paper. It will be readily recognized that the above proposal is not original. A similar plan is now in operation, apparently quite successfully, in the housing field which enjoys the blessing and cooperation of conventional lending institutions.

It might also be recalled that when the original depressed area bill was discussed in 1956, Senator Ralph Flanders of Vermont proposed a loan-guarantee approach similar to the one suggested here. But his proposal was rejected because it would presumably provide a bonanza to bankers. The establishment of a mortgage association to provide a market for long-term industrial and commercial paper was proposed several years ago by Senator JOSEPH S. CLARK, of Pennsylvania.

A loan-guarantee program, in addition to securing the acceptance of the lending and business communities, would also make Federal appropriations go much farther than a direct Government loan program. It is estimated that for every dollar appropriated under a guarantee program, the banks could extend between $10 and $15 worth of loans. Thus, the present $200 million loan authorization under the ARA could be stretched to provide possibly as much as $2 billion worth of guaranteed loans and still leave enough funds to establish a mortgage association to provide a market for the long-term industrial and commercial paper.

However, it should be recognized that in some areas banks do not have the resources, or are not in the practice of advancing long-term venture capital, and it is doubtful whether their practices will change even under a Federal loan-guarantee program. Provision should therefore be made to retain a limited direct Government loan program. But such loans should be restricted only to cases where there is clear evidence that credit would not be available from other sources.

The present act also contains a provision requiring community or State participation in every ARA commercial and industrial loan. The underlying rationale for this provision is that the local people would be best able to appraise the soundness of a new venture and that they should also be willing to make some sacrifices to expand the economic base of their area. However, experience has shown that the provision is unworkable. In addition to requiring a minimum of 10 percent local or State contribution to the cost of a given project backed by ARA, the law also proscribes the repayment of the local or State contribution until the Federal share of the loan is repaid. It would appear that reducing local participation to 5 percent would be adequate to indicate effective local interest in any given project, and scarcity of local funds will prevent excessive reliance upon Government guaranteed credit. For purposes of repayment, the local contribution should be placed on the same basis as the Federal share of the loan and be repaid concurrently with the latter.

It hardly can be expected that expanded availability of long-term capital will provide a cure to the economic ills of depressed areas. Availability of credit will not by itself create effective entrepreneurs, a scarce commodity in most depressed areas. Moreover, an excessively easy credit policy is bound to result in undue business failures which would damage the program.

PUBLIC FACILITIES

The public facilities provision of the ARA also proved somewhat unrealistic. The act provides for two separate public facility funds: a $100 million loan program and a $75 million grant program. The apparent reason for separating the loans from the grants was to weaken the attacks of opponents who charged that the proponents of the legislation were sponsoring a giveaway program. To indicate fiscal responsibility, Douglas provided that grants would be made only in extreme cases of need. Communities found little attraction in the 4-percent public facility loans in light of the tax-exempt status of interest on loans which they could obtain in the open market. In practice, it didn't require sophisticated calculations to recognize that 4 to 3 ratio of loans to grants hardly justified the conclusion that grants were to be made only in extreme cases. And ARA normally sweetened public facility loans with a grant. By the end of fiscal 1963, ARA had exhausted its grant funds, though nearly half of the grant authorization was never expended, since ARA did not use most of the grant fund appropriated during its first year of operations, and Congress determined that the unused portion could not be reappropriated. Once ARA lost the authority to make grants, communities shunned public-facility loans, and the Public Works Acceleration Act, which quintupled the funds available for public facilities under a 50-percent minimum grant provision, filled the needs of communities seeking aid for that purpose. But even after the PWAA expired, the ARA public facility loan fund remained unutilized, and about $50 million is still available for which the Agency cannot find any customers.

It would appear, therefore, that if a public facility program for depressed areas is to continue—and the evidence indicates a need for such a program—it ought to be fashioned after the PWAA and provide for grants. rather than loans.

TRAINING

The limited training program provided under ARA makes little sense in light of the much broader training made available under the Manpower Development and Training Act. ARA training is restricted to 16 weeks, compared with a maximum of 72 weeks provided under MDTA, and allowances paid to trainees under ARA are also less generous than those under MDTA. However, under current provisions, beginning with the next fiscal year, States will have to share one-third of most MDTA training costs. It is doubtful whether many depressed areas will be able to contribute the required share in order to benefit from MDTA training and it is equally uncertain whether the States with a concentration of depressed areas would be able to allocate adequate funds to participate in MDTA training to the maximum extent allowed under the law. This indicates the need of a 100-percent federally financed training program for depressed areas, and the application of the broader training provisions of MDTA with whatever amendments might be enacted during 1965 to the depressed area program. It might also be desirable to add a special proviso to the depressed area program authorizing the allocation of up to 10 percent of the total fund to subsidize mobility of unemployed workers from depressed areas, along the lines provided in the 1963 amendments to the MDTA.

OTHER FEDERAL GRANTS

Depressed areas frequently have difficulty participating in existing Federal grant programs because they lack funds to supply the required share. One section in the Area Redevelopment Act provides that, for purposes of urban planning in depressed urban areas, Federal funds would cover 75 percent of the total cost, as contrasted with two-thirds in other areas. This provision might be expanded and adopted for other Federal grant programs, e.g., construction of airports, the Hill-Burton Act, and others. The bill should specify the programs for which designated areas would receive a higher proportion of Federal grants than is now allowed in the appropriate pieces of legislation. A special supplementary fund will have to be provided for these expanded grants.

TAX INCENTIVES

Consideration might also be given to the extension of special tax incentives to firms locating or expanding in depressed areas. Current ARA legislation fails to offer any inducements to established corporations, the major source of economic expansion and growth, to open branch plans in depressed areas. Large corporations normally finance expansion from reserve funds and rarely experience any difficulty in obtaining credit from traditional lending institutions; consequently, they do not qualify for subsidized ARA loans.

Two forms of tax incentive have been suggested to induce established enterprises to expand in depressed areas: accelerated depreciation and increasing the investment tax credit. The case for increasing the tax credit on investment may be of doubtful merit as far as depressed areas are concerned. It would presumably accelerate technological change and thus accentuate the short-run problems of labor obsolescence in these areas. Accelerated depreciation may present an attractive inducement for growing corporations to expand in depressed areas. The legislation could follow the provisions of the Defense Production Act of 1950, though not limiting eligibility only to defense-oriented industries. Whether the Government should offer incentive to further expand corporate concentration is beyond the scope of this paper. Here we are concerned only with measures that would aid the rehabilitation of depressed areas. In any case, antitrusters should not be excessively disturbed by the tax incentive proposal. Of all the provisions discussed in this paper, it has the least likelihood of receiving congressional consideration, let alone approval. Tax measures have to obtain the blessings of the House Ways and Means Committee and the Senate Finance Committee. This would admittedly be a formidable obstacle under the best of circumstances, and during the balance of this fiscal year when the deadline for extending the depressed area legislation, the two committees will be fully employed with medicare and reduction of excise taxes, to mention but two major bills now pending before Congress.

AREA ELIGIBILITY

One of the major criticisms voiced against the Federal depressed area program is its overextension. More than a third of the total counties in the United States, with a population of some 38 million, are now eligible to receive ARA assistance. The suggested revised program would hardly make any economic sense if this situation were to continue. For example, it hardly could be expected that truly depressed areas would benefit from a tax incentive system if major industrial complexes, such as Detroit, Pittsburgh, Buffalo, and others, would also be eligible to benefit under the program.

On the other hand, it is not realistic to expect that Congress would vote for an expanded program and agree to deprive communities of existing "rights." A possible solution to this dilemma is to base the extent of Federal assistance on the relative need of each area. That is to say, some areas would be made more equal than others. The Public Works Acceleration Act of 1962 could be used as a model. Under this legislation, Federal grants ranged from 50 percent to 75 percent of the total cost of a project, depending upon the level of chronic unemployment and the extent of poverty prevailing in the area. Under this approach, all designated areas could share on an equal basis in obtaining Government-guaranteed loans to finance the expansion of industry. The share of Federal grants for public facilities would range possibly between 25 and 75 percent of total cost, and the benefits of tax incentives or special supplements for matching grants would be reserved only for the most depressed areas.

REGIONAL PROGRAMS

The imminent passage of the proposed Appalachia bill has created considerable congressional interest in regional programs. The Appalachia bill focuses on the improvement of the region's infrastructure. The bill authorizes $1,092 million of Federal expenditure. The bulk of these funds, $840 million, would be allocated to the construction of 2,350 miles of developmental highways and 1,000 miles of access roads. These funds are to be spent over a 5-year period, with the Federal Government contributing 70 percent of the total cost. The authorized balance, $252 million, would be spent over a period of 2 years and would be allocated mostly for the construction and maintenance of hospitals and the construction of sewerage-treatment plants. Included in this amount is $90 million specifically earmarked to help local communities meet requirements for matching funds of Federal grant programs.

It is only natural that the billion-dollar Appalachia program would whet the appetites of solons and plain citizens from other regions who are easily persuaded that their own depressed areas deserve equal consideration. The regional approach to depressed areas is therefore rather popular now in Washington. Aside from the potential Federal largesse, the popularity of regional programs also reflects dissatisfaction with the ARA approach, which is largely restricted to designation of individual counties. In many cases these small political units have little relation to economic entities and are not in a position to embark upon meaningful economic development. But the ARA requires each county to prepare its own economic development plan, and a county cannot qualify for assistance unless it has first submitted such a plan to ARA.

A major inescapable implication of the regional approach is that some areas do not have an adequate base for developing a viable economic program and that the residents of such areas must band with their neighbors in contiguous and even remoter areas to plan their economic future. Moreover, in many cases the employment potential for the residents in a depressed area may depend upon the growth and development of a community outside a county which may not be eligible to receive ARA asistance. Sound economic planning would dictate that a growing area be included as part of a designated area.

Still, the present regional kick may be overdone. The designation of growing areas—"growth points," to use the prevailing nomenclature—may extend the boundaries of depressed areas even beyond the present unmanageable proportions. It should also be realized that Appalachia is a special case on the American scene and that most regions have already an adequately developed infrastructure for the expansion of local economies. Without negating the potential of rational regional planning, preoccupation with grand designs for large regions may force into the background the urgent needs of "little" economies which may need immediate help.

FUNDING

There remains the most difficult task, a discussion of funding or financing the depressed area program. The resources to be allocated to any single measure cannot be properly considered in isolation. In the limited area of programs in aid of the unemployed, the costs that should be allocated to rehabilitate depressed areas must be weighed in the context of resources required to provide for unemployment insurance, education, retraining, public works, public employment service, welfare, and related antipoverty measures. As long as economics remains an art of allocating scarce resources—and this still holds true in a $630-billion economy—priorities for competing needs and goals have to be determined before the resources to be allocated for any specific program can be decided. Fortunately, this chore is beyond the scope of my mandate from President Clark Kerr which is to prepare a paper "* * * with particular reference to the new programs * * * that appear to be emerging in the immediate postelection period." The emphasis there is on programs and not costs. And I prefer to interpret the mandate literally.

But to volunteer beyond the call of duty, my close observation of ARA experience does not persuade me that too many eggs should be put into the depressed area basket. The President's budget calls for a $400 million depressed area program during fiscal 1966, without specifying how this amount will be parceled out among the several parts of the program. Based on 4 years of experience, this amount should be more than adequate to carry on with the present program.

SALINE WATER CONVERSION

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, along the eastern portion of the United States we have been experiencing a drought of major proportions. This situation highlights the fact that each year one or more areas of the earth's surface are similarly affected. An adequate water supply is one of the greatest concerns of an industrialized society. The realization of this is evidenced by the number of bills relating to water and water supply either passed by or currently pending before Congress.

Good water is becoming recognized as perhaps the most valuable natural resource, the lack of which is most likely to cause international frictions more and more as the society of the world and the emerging nations develops industrially. The U.S. Congress, in passing the Saline Water Conversion Program, embodied in S. 24, showed evidence of recognizing the great need for water. Likewise, our British brethren are to be commended for their concern and their efforts toward the solution of the problem of water shortage and its side effects.

A recent article in the Christian Science Monitor opens up some succinct thoughts on the solution of this problem and I place it in the RECORD for the benefit of my colleagues who may have missed it:

DESALTING PLANT DESIGNED—60 MILLION GALLONS DAILY

(By Alexander MacLeod)

LONDON.—British engineers have designed a nuclear-operated desalting plant able to purify 60 million gallons of seawater a day.

They plan to hitch the advanced gas-cooled reactor, which will soon form the basis of phase two of Britain's nuclear-generated electricity program, to an already proven desalination process.

A major problem in developing countries is water starvation. Recognizing this, Britain's newly formed Ministry of Technology earlier this year began financing a 3-year research program of desalination. The United Kingdom Atomic Energy Authority was asked to work with a Glasgow engineering firm, Weir Wesgarth, Ltd.

MULTIFLASH METHOD

Now, after 7 months, they have come up with a system which could be geared to the simultaneous production of electricity and of sweet water by nuclear means.

It incorporates the multiflash distillation technique in which seawater is trapped in a series of chambers, vaporized under steadily diminishing pressure, then condensed into pure water.

But instead of drawing heat from a conventional source, the design calls for heating by steam produced by an AGR.

The first AGR electric power station is to be built in Britain soon and will have a 600-megawatt output. If electric output were reduced to 480 megawatts, the remaining power would be enough to support a desalting plant with a 60-million-gallon-per-day capacity. That is enough to meet the water needs of a city of over a million people.

The multiflash desalination system is already operating in Kuwait, where 6 million gallons of water are reclaimed from the sea each day.

Weir Westgarth are thinking now in terms of plants built up of units each producing 10 million gallons daily. Theoretically there is no limit to the number of such units that can be fitted together.

The AGR-powered design would use six units. But the size of desalination plant may be scaled up or down in relation to the most economical cost of pure water production.

For example, the 600-megawatt AGR could, it is thought, supply its output of 60 million gallons at a cost of between 50 and 60 cents per thousand gallons. Design studies involving a 1,000-megawatt reactor, however, suggest that 30 million gallons could be produced each day at less than 50 cents per thousand gallons.

MARKET EXPECTED

Weir Westgarth expects that it will be able to export a 30 million gallon plant quite soon and predicts that buyers will not be wanting. Because the AGR is not yet functioning this plant would be powered by conventional means and cost around $25 million.

Indeed, in areas such as the Persian Gulf, where petroleum is plentiful, it would be uneconomic to power the plant by nuclear means. But the present design studies seem to open up a big future in the 1970's for a system of desalination using both the most advanced techniques of water purification and the most modern nuclear reactors.

EXEMPTION FROM DUTY FOR RETURNING RESIDENTS

Mr. **WALKER** of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. UDALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. **UDALL**. Mr. Speaker, I have today introduced a bill to allow the same exemption from duty for residents returning from Mexico and Canada as are allowed for residents returning from U.S. insular possessions.

Just a month ago Congress enacted Public Law 89–62. Under this law, on October 1, 1965, residents returning from Mexico and Canada—and from any other foreign place except American Samoa, Guam, or the Virgin Islands of the United States—will be allowed to bring in duty-free purchases only in the amount of $100 retail value. Until October 1 the limit is $100 wholesale value. Also, the new law will limit the amount of alcoholic beverages included in the duty-free quota to 1 quart, a reduction from the present 1 wine gallon.

However, the law exempts American Samoa, Guam, or the Virgin Islands of the United States, allowing residents returning from these insular possessions to bring back duty free $200 worth of purchases retail value and 1 wine gallon of beverages. My bill extends to our good neighbors, Mexico and Canada, the identical exemptions granted our insular possessions. In brief, enactment of this proposal would mean that residents returning from Canada and Mexico would be allowed duty-free purchases of $200 retail value, including 1 wine gallon of beverages.

The legislation setting up Public Law 89–62, which I propose to amend, was opposed by many in this House and in the Senate when it was hurried through in the closing hours of June 1965, and was characterized in the New York Times of June 26, 1965 as "this cliff-hanging approach to legislation." The Congress was understandably pressed to get a law on the books as previous temporary tariff legislation, slated to expire at midnight, June 30, would have ballooned duty-free imports to $500 per person. However, in the heat of moving this bill into law I believe we did an injustice to two countries with whom we have long enjoyed the friendliest of relations—Mexico and Canada.

Supporters of the bill argued that our unfavorable balance of payments required that we discourage travelers from spending too much money abroad. One Senate proponent stated the intent was, among other things, to "restrain the 'jet set' from spending too much money" overseas.

Those who pointed out that Mexico and Canada constituted no dollar drain—or gold drain—on our economy were told that the country—and the world—needed to be made psychologically aware than the United States means business when we say the gold drain will be stopped and the balance of payments restored to equilibrium.

There is little doubt that a psychological effect resulted, especially in Mexico and Canada. It seemed incredible to many of us in the House that these two great nations with whom we share common—and, I might add peaceful—borders—and with whom we presently enjoy the friendliest social, political, and economic relations in many years, should suffer as the result of this legislation.

In restraining the jet set we have also discriminated against and inconvenienced the ordinary person who likes to visit and shop in Mexico and Canada. And we have also done a disservice to our good friends in those countries. Tourism, for example, is Mexico's biggest source of dollars and much of that income is derived from visitors who like to visit the colorful and friendly border towns. In passing, Mexico spends more money with the United States each year than we spend with her. She is able to endure this unfavorable balance of trade largely because of high border-town receipts.

Our Canadian neighbors must also resent this law and speculate whether they should not follow our lead and discourage their citizens from spending about $475 million each year traveling in the United States. Canada, too, spends more money with us than we spend with her.

Mr. Speaker, this amendment to Public Law 89–62 is clearly within the spirit and intent of the legislation brought forth by the House Ways and Means Committee. The hearings on the law—and the passage of the law itself—did, in fact, draw attention to the many-sided approach the administration has successfully mounted to help solve the problem of a negative balance of payments.

However, many of us believe that our two neighboring countries of Canada and Mexico are deserving of our special consideration and my bill represents a reaffirmation of the strong bonds of mutual interest we share with them.

If we fail to enact this amendment then on October 1, 1965, the United States will apply to Mexico and Canada regulations which are inequitable, to say the least.

COST SURVEY FAVORS PRIVATE SHIPYARDS

Mr. **WALKER** of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GARMATZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. **GARMATZ**. Mr. Speaker, in the continuing debate with respect to costs in naval shipyards versus costs in private shipyards, it is disturbing to read that the Navy's Bureau of Ships has again attempted to suppress vital information.

Allen M. Smythe, an energetic journalist whose articles are carried in a number of metropolitan newspapers throughout the country, wrote in the Boston, Mass., Globe on July 26, 1965, of a recent submarine cost survey unfavorable to the Navy shipyards which has been kept under wraps, apparently deliberately.

This article is so astounding—a tribute to Mr. Smythe's resourcefulness—that I include it in the body of the RECORD at this point:

SECRET SURVEY FAVORS PRIVATE BUILDERS—NAVY YARDS' COST-CUTTING FAILS TO CLOSE GAP

(By Allen Smythe)

The military construction bill now in its final stages in Congress has an important bearing on Navy spending and Pentagon policy on surplus base closings.

The measure has been drafted without knowledge of an adverse report (now called work sheets) on submarine construction costs that has been suppressed by the Navy.

The report is the last of a series of surveys that have shown that costs in Navy yards are higher than in private shipyards.

Several years ago private industry financed for $18,000 a survey by Ernst & Ernst that showed all repair overhaul and construction costs higher in Navy yards.

As costs were to be deciding factors in Navy yard closings, the Bureau of Ships hurriedly bought an offsetting survey to be made by the Arthur Anderson Co. for $197,000. To the Navy's embarrassment it was substantially the same. Among other things, it showed that on a new submarine construction defense savings of 10 percent could be made (15.2 percent to the Government) if built in private shipyards.

Before Secretary McNamara ordered the Portsmouth and Brooklyn Navy Yards closed, the Navy made a desperate, belated effort to cut costs. Then the Bureau of Ships ordered a supplementary report on submarine building costs from the Anderson Co.—at a cost of $47,000—that was hopefully expected to show a drop in costs.

It didn't. So, its 30 pages of financial facts were promptly concealed. The only copies released were given to the Senators of New Hampshire and Maine who have discreetly not divulged its contents.

The Bureau of Ships, bypassing its own secretariat, had Secretary McNamara's office freeze the report. The order was signed by David McGiffert, congressional assistant to McNamara, who has just been nominated as Under Secretary of the Army. However, the freeze order indicated incorrectly that the report had been given to and discussed by the proper congressional committees.

The report shows the comparative costs between four submarines built at the Portsmouth Navy Yard and five built at the private shipyards of Newport or Newport News, Bethlehem Steel, and the Electric Boat Division of General Dynamics at Groton, Conn.

It states that, if the four submarines had been built at the private shipyards, "savings to the Department of Defense of 20.3 percent, or savings to the Government of 23.9 percent, could have been made."

Using private-shipyard costs as a denominator, this shows Navy-yard costs to be 26.7 percent higher than private shipyards, or if taxes are excluded, to be 31.4 percent higher. The report further shows that the three private yards made a profit on the five submarines of only 2.3 percent.

Despite the report, an aggressive congressional delegation pressured the Pentagon to extend the closing date for Portsmouth to 10 years. The admirals, who naturally do not like to have any Navy bases closed, are intensifying their efforts to cut costs and have issued several releases claiming reductions.

However, auditors familiar with the situation say that, because of the obsolete equipment and Navy management, costs can be reduced only a few percent at best. They also state that work quality could be endangered by too much pressure to cut costs. They point to the subtle reference to the *Thresher* submarine in the report.

In early December of 1963, McNamara was ready to announce closing of the Boston, Philadelphia, and San Francisco Navy Yards as surplus. A leak from his secretariat and the White House caused an uproar in Congress. Above the uproar was heard the voice of House Speaker JOHN MCCORMACK, "They are not going to close my shipyard."

He was right. The Pentagon was forced to order a new impartial survey. This was completed by July 1964, by Adm. Eugene Flucky. His report listed the Navy yards at Philadelphia, Brooklyn, Portsmouth, and San Francisco as least useful to the Navy. All were just below Boston.

ROBERT KENNEDY, then Attorney General, was reported to have offered the best legal defense for the Boston Navy Yard of any submitted for other shipyard closings. However, it did not help him aid the Brooklyn Navy Yard when he later decided to run for Senator from New York.

In spite of leaks the report was held secret by the policy board for further study until after the election. Two weeks after the election, McNamara announced he had picked Brooklyn and Portsmouth for immediate closing.

REPEAL OF SECTION 14(b)

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEPPER. Mr. Speaker, I have been attacked off the floor by the Republican leader in the House for supporting President Johnson's recommendation that section 14(b) of the Taft-Hartley Act be repealed. And I wish to say that I am proud to be associated with and to be a supporter of this great Democratic program which in the past 5 years has given my district, as well as the Nation, the greatest period of prosperity it has ever known.

I want to emphasize, however, that I voted for the repeal of section 14(b) out of my conviction that it is best for my district, my State and the Nation. Whether or not so-called right-to-work laws are the principal cause, it is nevertheless true that per capita personal income is lower, average weekly wages in manufacturing are lower, and minimum wage rates are lower, if they exist at all, in the right-to-work States than they are in those States which allow a reasonable degree of union security. According to a study sponsored by the Duke University Research Council, per capita personal income is, on the average, $490.87 per year lower in right-to-work States than in nonright-to-work States. The average weekly wage in manufacturing is $11.18 a week lower. And the minimum wage is 53.6 cents an hour lower.

I am convinced that a uniform system of labor-management collective bargaining is best for the whole country and best for Florida. Florida's interest lies more with the industrial States than it does with Deep South States such as my native State Alabama or the Midwestern agricultural States that have little hope of becoming great industrial States in the near future.

Florida does have the potential to become a great industrial State. Its climate is an unmatched attraction for the scientific and highly skilled personnel that are required in the sophisticated industries of the space age, and it cannot fulfill its industrial potential without responsible and secure unions and a philosophy of free, responsible collective bargaining. Florida's right-to-work amendment was adopted more than 20 years ago when its population was only one-third what it is today. It was submitted by a highly misapportioned legislature with only 1 vote to spare in the State senate and was approved by only a 25,000-vote margin among the voters of the State. In Dade County—in which my district is located—the right-to-work amendment was rejected by 57 percent of those voting in the referendum.

Repeal of section 14(b) is another step in the emancipation of our great Southern region. It will enable our workers and our businessmen to take their place in our national economy, rather than cling to regionalism, to share in the full stream, the throb of the economic life of this great Nation.

I am proud to have supported this and the other bold recommendations of President Johnson in the 88th and 89th Congresses. His is the greatest program to help the American people which has ever been offered by any President. And our Republican colleagues as a party have fought it step by step—just as they sought to confuse and defeat every proposal that the Democrats have put forward under President Johnson, President Kennedy, President Truman and President Roosevelt to provide better wages, better working conditions, better education, better health, better housing, better social security, better jobs and lower taxes for the American people.

The program which we are putting into law is progressive where the needs of the people are concerned and fiscally responsible where their tax dollars are involved.

It has included legislation adopted in 1964 reducing income taxes on persons and corporations by $14 billion; legislation adopted in 1965 reducing excise taxes by some $4.6 billion; and legislation in 1962 providing a tax credit for new investment and subsequent revision of the guidelines for depreciation by the Internal Revenue Service which together afforded overall benefits for business in excess fo $4 billion.

I am indeed proud to have had a part in such a program and to have worked with an administration which has done so much for business and for all the people of our country.

THE VIETNAM CRISIS AND U.S. FOREIGN POLICY

Mr. WALKER of New Mexico. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. KING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. KING of Utah. Mr. Speaker, the President has acted wisely in asking authority to increase our forces in uniform by 340,000 men. I want to be among the first to go on record supporting his request of yesterday. The Communist world must understand, beyond the slightest shadow of doubt, that we mean business about preserving the independence of the South Vietnamese people. The gravest question confronting our Nation today is Vietnam. As was our own shore in the 1770's, Britain and Pearl Harbor in the 1940's, Korea and Berlin in the 1950's, Vietnam is now the

flaming frontier of freedom. As much as I abhor war, I hate tyranny still more. I applaud our country's determination to negotiate from strength. I support the President's policy. I set forth my thinking on Vietnam in detail in an address at the University of Utah just last Friday, July 30. I want to share that message with my colleagues. The text of my address follows:

ADDRESS BY REPRESENTATIVE DAVID S. KING AT THE UNIVERSITY OF UTAH, JULY 30

On May 4, 1965, President Johnson asked Congress to appropriate an additional $700 million to meet the mounting military requirements in fighting the Vietcong, which request was quickly granted. Then on July 27, 1965, the President recommended increasing the draft from 17,000 to 35,000 per month, and sending 125,000 troops into the combat zone.

At this point we ask ourselves a number of questions. We want to know where all this is taking us. We read the obituary of a soldier killed in action. We think to ourselves: This was somebody else's son. Tomorrow, it may be mine. We find ourselves wondering whether the problem in Vietnam isn't as deadly as its snake-filled jungles. Why is everything blanketed with diplomatic doubletalk? Can't someone really tell us what it is all about?

And so, realizing my limitations, I approach the problem of the present war in Vietnam. I call it a war because I have the impression that that is what it is. There are other difficulties—semantic and philosophical. I get the impression that lately we have been deceiving ourselves. We call the War Department the Department of Defense. Soldiers are no longer called soldiers, but servicemen. And wars, which weren't supposed to happen after V-J day, because they were too terrible to talk about, are now called almost anything else, to divert attention from what they really are.

I share your feelings of revulsion for war, even though some bureaucrats now call this organized butchery by another name. I hate war's contempt for human life, its waste, its indifference to the refinements and sensitivities which crown the efforts of civilized man. Moreover, I understand that peace is not easily come by. It must be striven for, and I am willing to make the effort. For that reason I favored the Atom Test Ban Treaty, the Arms Control and Disarmament Agency, our cultural exchange program, and a stronger United Nations.

Our policy in Vietnam today involves a more-or-less open-ended commitment to provide military, and economic assistance to the South Vietnamese in their fight against the terrorism of the Vietcong. Our stated objective is not so much to guarantee democracy in South Vietnam as to guarantee its right of political self-determination without dictation from others. This objective has been agreed upon by the leadership of both political parties.

There are aspects of this policy which concern me. My greatest fear is that the fighting could escalate into world war III. And yet, despite my fears, I have come to the conclusion that the American people should fully support their country in the above policy, which, I reemphasize, is completely bipartisan, and has been endorsed by our four most recent presidents. I support this policy, not because it makes me happy; and not because it is above reproach; but because it offers the only acceptable course of action now open to us. I feel that peace will be better served by strength than weakness. It is foolish to argue that we need only pat the Communist tiger on the head to make him go away and lie down. He has never done than before. Patting the tiger only makes him contemptuous of our weakness. Instead of becoming more tractible, he becomes more belligerent; at least this is true when we stand in the way of his dinner, as we now do in Vietnam. But just getting out of his way won't solve our problem, either, for sooner or later, after eating everything else in sight, he will turn upon us, for his last, best meal of all. To maintain strength today, may be to avoid catastrophe tomorrow.

The American people have now reached that position where they must resolve their inner conflicts and make a hard, historic decision. I feel that that decision must be to continue our firm resistance to the Vietcong.

We cannot fight decision with indecision. This does not suggest that we do not strive for peace. We can still follow Adlai Stevenson's admonition: "Every time we drop one bomb, make two offers to negotiate." We must pursue every possible avenue for reducing tensions, and bringing about accord. But let us not forget that Adlai Stevenson, that great apostle of peace and understanding, immediately before his untimely death, said:

"We must contain communism in southeast Asia as we have contained it in western Europe. We have to establish a line in southeast Asia where aggression across it will be met. All we can hope to do is to establish the right of self-determination. We can't impose our will. But we must convince the Communists they can't impose their will, either."

The area generally known as southeast Asia, and to which Vietnam can rightly be considered the key, is highly significant to the United States.

The State Department has given us the following interesting background information:

"Over 200 million people live in the non-Communist countries south of China and east of India, a region rich in culture, land, and resources—the one part of Asia that is relatively underpopulated. From it come Asia's most important food exports, 70 percent of the world's tin, and 70 percent of the world's natural rubber. Lying athwart the crossroads between two oceans and two continents, southeast Asia is a region of great importance not only to the people who live there but to all the free world.

"The Communists of North Vietnam and China are eager to take over this fertile area, not by the type of open aggression used in Korea but by attack from within, by covert aggression through guerrilla warfare, and by infiltrating trained men and arms across national frontiers. Communist success in Laos and South Vietnam would gravely threaten the freedom and independence of the rest of Southeast Asia. It would undermine the neutrality of Cambodia, would make Thailand's position practically untenable, would increase the already great pressure on Burma, would place India in jeopardy of being outflanked, would enlarge Communist influence and pressures on Malaysia, Indonesia, and the Philippines, and would impair the free-world defense position in all of Asia. It would confirm the Asian Communist belief that a policy of militancy pays dividends, and could undermine the will of free peoples on other continents to defend themselves."[1]

North Vietnam has made its aim the complete absorption and Communization of South Vietnam. This is true, in spite of the fact that the overwhelming majority of these people to the south, who number almost 15 million, have shown a distaste for communism. To accomplish this proposed takeover, the North Vietnamese have organized the National Liberation Front, whose members are referred to as the Vietcong. In addition, the President of North Vietnam, Ho Chi Minh, has authored a shrewd military program designated as the war of national liberation. It involves the use of the above Vietcong as undercover agents, infiltrators, terrorists, and gangsters to ultimately subdue the South Vietnamese. Here is a war conducted in a manner seldom before seen. Thousands of agents infiltrate a particular area. Their object is to win converts to communism by any means necessary. First, they use propaganda and the hard sell. Then they use terrorism.

Let me quote from Ambassador Henry Cabot Lodge in an interview given in February of this year:

"What you have in Vietnam is a new kind of fighting man who is as distinct as the infantryman or the aviator—and that is the terrorist. He will be given the order to go in and terrorize a certain village. So Monday morning there will be a dozen bodies on the street.

"The bodies will be those of old men, women, and children—not people who have done anything in particular. It's just killing at random to create terror.

"Then they will kidnap the village chief, cut off his head, and put it on a pole and walk it around. So by 3 o'clock afternoon they don't have too much trouble getting 16- and 17-year-old boys to join the Vietcong. They've killed 16,000 village chiefs."

The Vietcong are, theoretically, indigenous to South Vietnam. Originally, most of them were. Their leaders were natives of South Vietnam who had been regrouped to the north under the terms of the 1954 Geneva Agreement and who had been trained there and sent back into the south again. They have always received their directions from North Vietnam, their leadership from North Vietnam, and their supplies and ammunition from North Vietnam. They have always been assisted by a substantial number of North Vietnamese. I should further add that in recent months the North Vietnamese seem to have virtually run out of native South Vietnamese for staffing their Vietcong operation. Attrition in Vietcong ranks has resulted from desertions and defections, battle casualties, illness and infirmity. With each passing day, the percentage of South Vietnamese who make up the membership of the Vietcong is growing less and that of the professional soldier from North Vietnam is growing larger.

The above plan of Ho Chi Minh was certainly clever. In the first place, we couldn't even prove who our enemy was. The North Vietnamese still contend that the war is a civil war, fought entirely by South Vietnamese. Until recently, this position was difficult to disprove. In the second place, it gave to the Vietcong the tactical advantage which guerrilla soldiers always enjoy when fighting against conventional troops in a jungle environment. This advantage is 8 to 1. Third, the plan made skillful use of politics, and terrorism, and propaganda, as well as military force, to accomplish its objectives. Fourth, since it did not involve overt aggression, it was difficult for us to induce allies to intervene, as they would have had to do if overt aggression had been involved.

It is apparent that the Communists are very hopeful for the success of this type of operation. If it is successful, it will be used elsewhere. It is particularly appropriate for use against emerging, underdeveloped nations, such as Cambodia, Laos, Burma, Malaysia, Indonesia, and even Thailand.

There has been much argument in the press about whether or not it has been proved that the Vietcong in South Vietnam were directed and supplied by North Vietnam. Whatever doubt there may have been, was put at rest by the State Department's so-called white paper, entitled "Aggression From the North," dated February 1965. This paper thoroughly documents the assertion that the present war in South Vietnam is the result of help, planning, leadership, manpower, and supplies received from the north. I take the liberty of quoting a few paragraphs:

---

[1] "Vietnam, the Struggle for Freedom," Department of State Publication 7724, August 1964.

"South Vietnam is fighting for its life against a brutal campaign of terror and armed attack inspired, directed, supplied, and controlled by the Communist regime in Hanoi. This flagrant aggression has been going on for years, but recently the pace has quickened and the threat has now become acute.

"The war in Vietnam is a new kind of war. * * * Vietnam is not another Greece, where indigenous guerrilla forces used friendly neighboring territory as sanctuary. Vietnam is not another Malaya where Communist guerrillas were, for the most part, physically distinguishable from the peaceful majority they sought to control. Vietnam is not another Philippines, where Communist guerrillas were physically separated from the source of their moral and physical support. Above all, the war in Vietnam is not a spontaneous and local rebellion against the established government. There are elements in the Communist program of conquest directed against South Vietnam common to each of the previous areas of aggression and subversion. But there is one fundamental difference. In Vietnam a Communist government has set out deliberately to conquer a sovereign people in a neighboring state. And to achieve its end, it has used every resource of its own government to carry out its carefully planned program of concealed aggression. North Vietnam's commitment to seize control of the south is no less total than was the commitment of the regime in North Korea in 1950. But knowing the consequences of the latter's undisguised attack, the planners in Hanoi have tried desperately to conceal their hand. They have failed and their aggression is as real as that of an invading army.

"The evidence shows that the hard core of the Communist forces attacking South Vietnam were trained in the north and ordered into the south by Hanoi. It shows that the key leadership of the Vietcong, the officers and most of the cadre, many of the technicians, political organizers, and propagandists have come from the north and operate under Hanoi's direction.

"The evidence shows that many of the weapons and much of the ammunition and other supplies used by the Vietcong have been sent into South Vietnam from Hanoi. In recent months new types of weapons have been introduced in the Vietcong army, for which all ammunition must come from outside sources. Communist China and other Communist states have been the prime suppliers of these weapons and ammunition, and the have been channeled primarily through North Vietnam. The directing force behind the effort to conquer South Vietnam is the Communist Party in the North, the Lao Dong—Workers'—Party. As in every Communist state, any party is an integral part of the regime itself. North Vietnamese officials have expressed their firm determination to absorb South Vietnam into the Communist world."

I might add that information which has come to me indicates that no less than 40,000 persons are known to have come down from the north and identified themselves with the Vietcong operation in South Vietnam.

At this point it would be well to review the historical antecedents which have given rise to our present intervention. In 1949 Vietnam, including both North and South, became an independent state, within the French Union. Because of local Communist aggressiveness, it was agreed that the French should remain in Vietnam to render military aid. The Vietnamese had no army to speak of. On December 23, 1950, the United States signed a mutual defense assistance agreement with France, Vietnam, Cambodia, and Laos for indirect U.S. military aid through France to Vietnam, Cambodia, and Laos in their fight against communism. After 4 or 5 years of brutal warfare, it became apparent that the French were incapable of driving the Communists out of Vietnam, so a military truce was signed. Part of the Geneva Accords of 1954, it drew a line of demarcation along the 17th parallel, dividing the Communist-held territory to the north from the non-Communist territory to the south. The truce which was signed by France and North Vietnam alone, specifically provided that the territorial integrity of the two sectors which were thus created should be recognized and protected by each, and that neither should attack the other, directly or indirectly. A period of time was allowed for those in the north who so desired, to emigrate to the south, and those who desired to do so in the south, to emigrate to the north.

It is interesting to note that over 900,000 North Vietnamese chose to emigrate to the south and cast their lot with freedom, whereas less than 100,000 moved from the south to the north, to identify themselves with the Communists.

An International Control Commission composed of representatives of India, Canada, and Poland, was created to supervise the truce. The commission has never functioned effectively.

This truce was entered into in good faith by the French, who were representing both themselves and the South Vietnamese. We might wonder why the North Vietnamese were so willing to sign this nonaggression pact when they had already decided to take over South Vietnam. The answer, no doubt, lies in the fact that Ho Chi Minh felt that South Vietnam would collapse either immediately or upon the application of slight pressure from the north. The signing of the Geneva Accords gave him the additional advantage of insuring the evacuation of the French. The moral issue involved in the immediate violation of this treaty apparently troubled him not at all.

Although the United States did not sign any of the Geneva Accords, it did execute, unilaterally, a declaration of policy, which stated, among other things, that the United States would view with grave concern any renewal of the aggression, in violation of the aforesaid agreements; and, that the United States would continue to seek to achieve unity in Vietnam through free elections under United Nations supervision.

In October 1954, President Eisenhower sent a letter to Prime Minister Ngo Dinh Diem, at the latter's request, pledging U.S. aid and support to South Vietnam.

On January 1, 1955, the United States began sending direct supporting assistance to the Vietnamese armed forces pursuant to the aforesaid agreement of December 23, 1950. It will be noted at this point that the United States delayed 4¼ years after the initial Communist aggression against Vietnam, before rendering any kind of direct assistance. On February 19, 1955, the southeast Asia collective defense treaty (SEATO) came into force. In a protocol to the treaty, the "SEATO umbrella" was extended to cover Vietnam, Cambodia, and Laos, should these countries request SEATO assistance in resisting Communist aggression. The U.S. Senate ratified the treaty on February 1, 1955, by a vote of 82 to 1. On March 7, 1955, the United States, under the Eisenhower administration, and the government of Premier Ngo Dinh Diem, signed an agreement providing for direct U.S. economic aid to South Vietnam. Between 1956 and 1960, during the Eisenhower administration, the United States twice issued a letter of intent, and once a joint communique, all of which indicated in clear terms that the United States was prepared to offer such assistance as it felt was necessary to help South Vietnam in its struggle. The joint communique, it might be added, was issued at the request of President Diem.

Between May of 1961 and the present time, under the Kennedy-Johnson administrations the United States has again issued letters or joint communiques in the total number of eight, all of which have reaffirmed this country's intention to give needed help, military and economic, to the beleaguered South Vietnamese, and all of which were issued at the latter's request. I might add that the Congress of the United States on three different occasions has voted overwhelmingly to support our Vietnamese commitment.

The position of the United States now is that the integrity of these many commitments must not be compromised. This is not just a matter of honor, although the use of that word is not inappropriate. There are many free and emerging nations in southeast Asia who have constructed their entire foreign policy on the strength of the United States solemn commitment that it would not permit South Vietnam to be chewed to pieces and devoured by the Communist tiger.

If this commitment cannot be relied on, then the most stabilizing force in southeast Asia will be gone. The Communists, who make no apologies for their determination to engulf all of southeast Asia, will then have won a great moral victory. If Thailand, for example, the only nation in southeast Asia to have maintained her independence throughout the period of colonialism, cannot rely on our commitment to contain Communist aggression, then the keystone in the arch of her foreign policy will be dislodged. There are many nations who now openly support this country's policy in South Vietnam. In all cases, this support has become a significant factor in their own foreign policy. Thirty-six nations are now giving assistance to South Vietnam, mostly humanitarian aid for the relief of victims of the Vietcong terrorists or assistance in education, sanitation, etc. Australia, New Zealand and South Korea have committed troops and arms. There are approximately 55 other nations who are technically neutral on this issue, but many no doubt will be with us when the matter is resolved. There are some 25 nations who are openly hostile to our position.

Simply, if we refuse to close the floodgates to a Communist innundation in South Vietnam, then we shall either have to close them in some neighboring country, or else allow the Communist flood to completely engulf the countries of Thailand, Cambodia, Laos, Burma, East Pakistan, Malaysia, Indonesia and perhaps even Australia, New Zealand, the Philippine Islands, and others. Even the great subcontinent of India might be threatened. All this would follow as a result of the simple proposition that the Communists have made it plain that they will keep pushing until they are stopped.

It has been said that he who ignores history is condemned to relive it. How short our memories are, and how easily we forget our lessons. During the 1930's Adolph Hitler marched into the Rhineland, the Sudentenland, and Austria. Mussolini marched into Ethiopia, and the Mikado into Manchuria. When they first started down the road to power, they were still weak. They could have been easily stopped. The free nations of the world, however, could not quite summon the needed courage or decisiveness. The "peace-in-our-time" deception was accepted as a comfortable substitute for the stern decisions which had to be made. Winston Churchill, in his monumental "History of World War

II," devotes all of volume I, entitled "The Gathering Storm," to pointing out the historical fallacy of relying on weakness to promote peace. World War II was the price we paid for this fallacy. So when the war was over, we solemnly promised ourselve to never let it happen again.

If history teaches anything at all, it is that we cannot impress the Communists by reneging on our moral commitments.

Although a valid argument could be made to support the thesis that we are obligated by treaty to defend South Vietnam, our real reason for doing so is not a legal one at all. It is based on the rightness of the proposition that, as Dean Rusk said: "The integrity of our moral commitments is the pillar of peace in southeast Asia."

The question has often been raised whether the South Vietnamese want our intervention, and want to be free from Communist domination. The answer is: they do. Let the record speak for itself. First, as I mentioned above, over 900,000 refugees moved from North Vietnam to South Vietnam in 1954–55. They are still there. They do not want to return. We have reason to believe that as many as 2 million more might have come if they had not been prevented by the Communists. In contrast to that, there were only 90,000 to 100,000 who emigrated in the other direction.

Second, consider the fact that 500,000 South Vietnamese have fled from Communist-controlled territory within South Vietnam, and have now sought sanctuary with the Saigon Government. We have no record of any flow in the opposite direction, except for those who have been forceably conscripted into the Vietcong army. As in the case of the Berlin wall, the flow is all in one direction.

Third, consider the terrible casualties which have been incurred by the South Vietnamese. The number of deaths resulting from actions of terrorism will never be known, but it has certainly reached the tens of thousands. These facts speak for themselves. If the Vietcong were receiving the local support which they claim they are, these actions of terrorism would be unnecessary.

Fourth, consider the fact that during the recent periods of political instability, and crisis, in Saigon, when responsible government was almost nonexistent, there was never one single suggestion made, either officially or unofficially, by any responsible group, that Saigon should try to compromise with Hanoi. During all the political turbulence, there has never been one responsible person who has attempted to politically exploit the issue of peace at any price.

Fifth, consider the fact that the Vietcong, as pointed out above, have now almost exhausted their supply of South Vietnamese recruits. The current recruits to the Vietcong army are now almost exclusively North Vietnamese professionals. This would suggest that Ho Chi Minh's plan to draw his strength from South Vietnam has failed. This failure is corroborated by the fact that Hanoi for the first time, last week, inferred by official statement, that the war might go on for many years. Until then, not one official word had ever been offered to suggest that the war would not be ended quickly.

Much has been made in the press of the fact that over half of South Vietnamese territory is currently controlled by the Vietcong. This assertion is correct only in theory. Much of the territory claimed by the Vietcong is absolutely uninhabited, or is thinly inhabited, or consists of areas which have never known responsible national government. It must be remembered that here we are dealing with a people who, as Ambassador Lodge has said, have developed a sense of "peoplehood" but not of "nationhood." For centuries large portion of these people have never known a central government, and have been taught to extend their loyalties no further than the tribal or village organization. It is not realistic, therefore, to draw adverse inferences from the fact that many of these culturally deprived people, pressured by the bullying tactics of Vietcong terrorists, may have switched their allegiance to the latter. Our best estimates are that approximately 25 percent of the 13 million rural South Vietnamese are now controlled by the Vietcong. An additional 35 to 40 percent are subject to Vietcong harrassment. The remaining 35 to 40 percent are under government control and are generally free from harrassment. The urban population of about 3 million is under government control.

In some quarters, it is declared categorically that the war cannot be won. As evidence in support of this statement, reference is made to the great loss of territory suffered, and to the poor morale and to the unstable South Vietnamese Government.

There is no question but what the South Vietnamese are, at the present, losing rather than gaining ground. Victory cannot be easily won. The trail will be long and agonizing.

The following thoughts, however, should be kept in mind. First of all, it should be remembered that the terms "victory" and "defeat," in the military sense of those words, are not too meaningful in this context. The problem in South Vietnam is more political than military. As the Saigon government develops in stability and maturity, the causes for its military losses will thereby be removed.

It must also be remembered that our task is not so much to win a military victory over the Vietcong as it is to make them realize that they cannot hope to take over South Vietnam. When that is done, we can push for a settlement, based upon that realization. Our object is not to destroy the Vietcong, nor to destroy, nor even to embarrass, the North Vietnamese Government. Our military objectives are far more limited, and therefore more attainable.

Keep in mind also that our forces too have won some conspicuous victories in spite of their self-imposed limitations. The fact that the Vietcong are now resorting more and more to conventional warfare is evidence that their original program of conquest by guerrilla infiltration has been thwarted. Already they are beyond their original dateline for victory. Keep in mind also that as they resort more and more to conventional warfare, they lose the eight-to-one advantage which they enjoyed in fighting as guerrillas. To the extent that they engage in conventional warfare, they expose themselves to conventional air and artillery attack, and to greater casualties. The evidence which has come to us is that their military casualties are currently far exceeding our own. Clearly, then, they cannot win victory, even from a military point of view, by pursuing their present course.

It has been reported in recent newspaper columns that desertions from the South Vietnamese army are at an all-time high, and that morale is at an all-time low. Both of these statements are outrageously false. Desertions have recently approximated 10 per 1,000 per month. These desertions, however, are not defections. Most deserters return home to their families, or do a little farming. Many of them later return to the army voluntarily. Their desertions are more in the nature of an AWOL. Although the numbers are higher than is healthy, the facts are that in June they were lower than they had been in previous months.

It is not true that the American image has suffered. The evidence indicates that among the South Vietnamese the American rating remains high. For example, recently an American shot and killed a Vietnamese woman. The event has raised very little local furor. This is in sharp contrast to the Gerard incident in Japan a few years ago in which a marine accidently shot and killed a Japanese woman who was picking up scrap metal. That caused so much popular resentment as to virtually precipitate an international crisis.

It has been argued that our bombing missions have been completely ineffectual. The evidence is that they have been most effectual. It must be remembered that our military objective and response has been intentionally limited.

The most perplexing aspect of the Vietnamese operation involves the possibility of carrying this country past the flash point which could trigger off a nuclear holocaust. There is no question but what the concern is well founded. It is for this reason that our policy has been to keep all of our responses of a limited nature. There is good reason to believe that Communist China will launch no offensive against us, as long as we launch no offensive against it. Her bite will not equal her bark. China realizes full well that even without using nuclear weapons we could lay waste most of her industrial establishment in a matter of weeks, and could undo all that the Communists have done since their takeover, with the alarming political consequences which would follow. Admittedly, this viewpoint could change, but currently it would seem logical to assume that this is the Chinese position.

We have been most careful to refrain from bombing objectives which are beyond the purview of a legitimate military response. The State Department has good evidence indicating about where the flashpoint lies. Every precaution has been taken to insure that our responses fall short of this flash point, and with margin to spare.

It is for this very reason the war has inevitably dragged on, to the consternation of those of us in the West who, true to our tradition of decisiveness and quick action, want to get things over in a hurry.

It is for the very reason that we want to avoid even the remote semblance of an unjustifiably provocative act, that we have had to adjust the tempo of the war back to virtually that of a tortoise's pace.

President Johnson's pronouncement last week suggests that this tempo may be slightly increased. There was nothing in his statement, however, to indicate that this country will engage in aggressive warfare.

It has been stated that this country has not explored with sufficient zeal the possibilities for a negotated peace. It is not my purpose to argue the truth or falsity of this statement. It may well be that something might have been done that was not done or that something may now be done which is not being done. If this is so, then no step should be left untaken to carry us in the direction of an amicable but meaningful settlement of our differences.

I call attention to the fact, however, that time after time this country has made overtures of peace to Hanoi. I shall not burden my presentation with documentation of this assertion. I am satisfied, however, from what briefings I have received from the State Department, that America has made so many overtures of peace that it cannot go much further without compromising its position. By the very nature of things, purposeful negotiation under present circumstances is almost an impossibility. Ho Chi Minh has staked lives and treasure on an immediate and total victory. Victory, to him, means the complete communization of South Vietnam. He has indicated his clear intention to accept nothing less.

We, on the other hand, have clearly defined our goal as the guarantee to South Vietnam of its right to determine its political destiny without outside interference. We have made it clear that we will settle for nothing less.

So what we insist on as an absolute condition to settlement, Ho Chi Minh rejects as an absolute barrier to settlement. There is no known way of dividing human liberty down the middle, and of giving half to each side. So until one side or the other is willing to renounce its minimum conditions, settlement would appear to be impossible.

Mr. Walter Lippmann, eminent columnist, takes the strong position that we have bitten off more than we can chew. As I interpret his position, it is that we not try to defend all of South Vietnam, but only those enclaves—most of them urban communities—which are militarily easily defensible. He then suggests that once we have made known our more limited objectives, we take responsible steps to effectuate a political settlement.

Much could be said in support of or in opposition to this proposition. In brief, however, I call attention to the fact that 85 percent of the South Vietnamese live in rural areas. Presumably most or all of them, under Mr. Lippmann's theory, would be thrown to the tiger. If our policy of protecting the right of free people to self-determination is sound, then why does it not apply as much to rural as to urban dwellers? It seems to me that following the Lippmann's policy would subject us to great moral censure, and would weaken our prestige and stature in the eyes of our allies. Moreover, there is a very practical argument against Mr. Lippmann's proposition. The purpose of our policy is to put South Vietnam in a viable condition to survive without help from us. To chop the countryside up into little bits, and to cut the great productive rural areas away from the urban areas and turn them over to the Communists, would practically guarantee the death of the city areas, without continuing help from us. In other words, it would seem to me that the Lippmann's policy would so weaken the South Vietnamese nation as to require the permanent garrisoning of American troops to keep it alive. To negotiate successfully with the Communists, it is apparent that we need to put South Vietnam in as strong a position, rather than in as weak a position, as possible. As stated earlier, we cannot placate the tiger by patting him on the head.

The question has been raised concerning the legitimate function of the United Nations, as well as the SEATO organization, in the settlement of the Vietnam crisis. There will come a time no doubt when the United Nations can perform a valid service. At the present time the likelihood of its doing so is small. First of all, we are confronted with the Soviet veto in the Security Council. Second, we are confronted with article 19 of the U.N. Charter, which deprives the vote on the U.N. Security Council to any nation delinquent in paying its assesment for peacekeeping operations. It is common knowledge that the United States is trying desperately to keep the United Nations from foundering, by working out an accord with the Soviet Union regarding the latter's delinquent payments. To place the Vietnamese question before the Security Council of the United Nations at this time might subject this organization to strains which it is not able to bear.

Regarding the SEATO organization, it should be said simply that the language used in the treaty is of such looseness as to absolve the participants from any specific legal obligation to intervene in Vietnam. The spirit of the treaty, however, if not the letter, unquestionably calls for intervention. The action taken by our country was completely consistent with this spirit, and may well pave the way for others to more aggressively participate. As already mentioned, however, we are already receiving tangible, although admittedly modest, assistance from some 35 nations.

In conclusion, let me reiterate that the situation permits very little dogmatism. The above-discussed need for decisiveness does not preclude the constant need for reappraisal. No one in his right mind denies that we are incurring great risks. In my opinion, however, the greater risk lies, not on the side of action, but inaction. I conclude with the ringing words in the inaugural address of President John F. Kennedy:

"Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty."

RESISTANT MALARIA HITS U.S. FORCES IN VIETNAM

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 10 minutes.

Mr. FOGARTY. Mr. Speaker, on August 3, 1965, the Washington Post carried a story by its distinguished science reporter, Nate Haseltine. The story pinpointed malaria as the chief medical problem among American servicemen in Vietnam. Mr. Haseltine has performed a real public service in bringing this story to public attention.

I wish, however, that the story had gone into the problem in more depth. I wish there had been the real sense of urgency that I feel about this problem of malaria.

I wish he had said bluntly that our ability to fight a war in those areas of the world that still have malaria is less today than it was 20 years ago.

I wish he had written that while we have eradicated malaria from U.S. territory, the mosquitoes that carry the disease are still here.

I wish he had pointed out the fact that people are coming to this country who are carriers of malaria and that these resistant forms can be brought to this country and that the drugs will be no more useful here than in Vietnam.

Most important of all I wish he had made it loud and clear that U.S. manpower trained to fight this disease is critically and dangerously in short supply.

I have heard many explanations of why we are in this dangerous situation. None of them really seem to me to get at the heart of the matter. Perhaps it is just as well to leave it that way and get at what must be done. Here the course is clear.

We need:

First. An organization empowered by the President to speak for and to the Government of the United States on the subject of global malaria eradication;

Second. Expansion of research on the biology of the parasite and the mosquitoes, not just on drugs and insecticides;

Third. Close collaboration through the World Health Organization with those countries where malaria still exists so that our doctors and other specialists can know firsthand this enemy of all of the people.

There are dedicated men who are ready and willing to lead this kind of war, a war in which mankind will win. I hope and pray that simple decisive action will be taken now to bring these men together and give them the tools needed to do the job.

RESISTANT MALARIA HITS U.S. FORCES IN VIETNAM

(By Nate Haseltine)

The development of a resistant form of malaria has become a chief medical problem among American servicemen in Vietnam. The disease form poses no special problem to the natives of the southeast Asia country, who have an inbuilt degree of immunity.

It strikes hardest the Americans stationed there, most of whom never before were exposed to malaria in the United States. Even those taking the prescribed preventive medicines, chloroquine and primaquine, are subject to the mosquito-borne infections.

The treatment is the same for any malaria—more chloroquine, plus the more old-fashioned quinine—and usually under hospitalization. And the recurrence rates are higher among those who suffer the Vietnam variety, according to those working on the problem.

For obvious military reasons, the rate of infections and numbers of those afflicted have not been divulged. But a medical source concerned with countermeasures said malaria has become a chief military medical problem in that country.

Geographically, there, he said, it is widely distributed. The problem of refractoriness of the causative organism (plasmodium falciparum) was first recognized in American personnel in Vietnam about 3 years ago.

With the subsequent buildup of American troops there it has become a greater and greater hazard.

The greatest present hope, and the greatest effort, is in the development of newer and better drugs, according to Col. William Tigertt, chief of the Walter Reed Army Institute of Research here.

Ironically, the combination drugs now proving less effective, chloroquine and primaquine, were originally developed after World War II to conquer the specific organism involved in the Vietnam area.

A first inkling that the organism could develop a resistance, or become refractory to the drugs, was reported in 1960 out of Colombia, where it was no special military concern.

To what extent the problem concerns the Vietcong is unknown, but at least one report has indicated the enemy welcomes such a development. That was a story that the Vietcong sought out malaria eradication forces as special targets.

The explanation given is that most natives of the now-divided country have a built-in resistance to the prevalent organism. They suffered its consequences early in life, and either died or survived.

Not so with American personnel there, since malaria was practically eradicated in the United States 20 or more years ago. This makes them easy prey for the mosquitoes, better living sites for the organisms injected into the bloodstream by infected mosquitoes.

The research effort going into the problem was described as intensive, and concentrated chiefly at the Walter Reed Institute. But the need was said to be not as great as the all-out effort that went into the development of the combination preventive treatment.

One report widely circulated, that the treatment involved high enough doses of chloroquine to endanger the eyes of the malaria sufferers, was squelched yesterday by Colonel Tigertt. He said it would require 10 times the dosages of the drug as now prescribed to reach the range where it might cause eye disorders.

The eye peril of chloroquine was first uncovered after its long-term use, and in relatively massive dosage form, for other conditions, chiefly collagen diseases.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. King of New York (at the request of Mr. Gerald R. Ford), for today through August 20, on account of official business as a U.S. delegate to the Third U.N. Congress in Stockholm, Sweden, on the prevention of crime and the treatment of offenders.

Mr. Kastenmeier (at the request of Mr. Zablocki), for an indefinite period of time, on account of illness.

Mr. Pool, for the week of August 9, 1965, on account of official business.

Mr. Cameron, for August 5 to August 5 to August 17, 1965, on account of legislative and personal business.

Mr. Stalbaum, for August 9, 1965, on account of official business.

Mr. Adams, for August 9 and 10, 1965, on account of official business.

Mr. Foley, for August 9, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 15 minutes, today.

Mr. Fogarty (at the request of Mr. Walker of New Mexico), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Wolff (at the request of Mr. Walker of New Mexico), for 30 minutes, on August 9; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Fino in two instances.

Mr. O'Hara of Illinois.

Mr. Leggett.

(The following Members (at the request of Mr. Walker of New Mexico) and to include extraneous matter:)

Mr. Powell in two instances.

Mr. Evans of Colorado.

Mr. Helstoski.

Mr. Roybal in two instances.

Mr. Gilligan.

Mr. Philbin.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8111. An act to establish the Herbert Hoover National Historical Site in the State of Iowa.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1008. An act for the relief of Ottilia Bruegmann James;

S. 1564. An act to enforce the 15th amendment to the Constitution of the United States, and for other purposes; and

S. 1742. An act to authorize the U.S. Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes.

BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

On August 4, 1965:

H.R. 7954. An act to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960);

H.J. Res. 324. An act to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 481. Joint resolution to amend the joint resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives.

On August 5, 1965:

H.J. Res. 454. Joint resolution to provide for the development of Ellis Island as a part of the Statue of Liberty National Monument, and for other purposes.

ADJOURNMENT

Mr. WALKER of New Mexico. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, August 9, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1421. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1965, submitting a report, together with accompanying papers and illustrations, on a review of the reports on Houston ship channel, Tex. (Greens Bayou), requested by a resolution of the Committee on Public Works, House of Representatives, adopted August 15, 1961 (H. Doc. No. 257); to the Committee on Public Works and ordered to be printed with two illustrations.

1422. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement which have been prepared for the following watersheds: Big Slough, Fla., and Upper Big Nemaha, Nebr.; pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

1423. A letter from the Acting Archivist of the United States, transmitting a report of records proposed for disposal pursuant to 57 Stat. 380, 59 Stat. 434, and 63 Stat. 377; to the Committee on House Administration.

1424. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide continuing authority for the protection of former Presidents and their wives or widows, and for other purposes; to the Committee on the Judiciary.

1425. A letter from the Deputy Director, Central Intelligence Agency, transmitting a report of claims paid by the Central Intelligence Agency for the fiscal year 1965, pursuant to section 404 of the Federal Tort Claims Act of 1946; to the Committee on the Judiciary.

1426. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement which have been prepared for the following watersheds: Choccolocco Creek, Ala.; Little Clear Creek, Ark.; Grove River, Ga.; South Fork Broad River, Ga.; Busseron (supplemental), Ind.; Suasco (supplemental), Mass.; pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committee were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee of conference. S. 2054. An act to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes; without amendment (Rept. No. 728). Ordered to be printed.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 501. Resolution for the consideration of House Joint Resolutin 403, joint resolution authorizing an appropriation to enable the United States to extend an invitation to the World Health Organization to hold the 22d World Health Assembly in Boston, Mass., in 1969; without amendment (Rept. No. 729). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 503. Resolution for the consideration of S. 1648, an act to provide grants for public works and development facilities, other financial assistance and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions; without amendment (Rept. No. 730). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 959. A bill to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia; without amendment (Rept. No. 733). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 1778. A bill to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended; with amendment (Rept. No. 734). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 5665. A bill to authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes; with amendment (Rept. No. 735). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8466. A bill to amend the Fire and Casualty Act to provide for the licensing and regulation of insurance premium finance companies in the District of Columbia; with amendment (Rept. No. 736). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9918. A bill to amend the Fire and Casualty Act and the Motor Vehicle Safety Responsibility Act of the District of Columbia; with amendment (Rept. No. 737). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 3864. A bill for the incorporation of the Merchant Marine War Veterans' Association; with amendment (Rept. No. 731). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 6905. A bill to exempt from taxation certain property of the Daughters of the American Revolution in the District of Columbia; with amendment (Rept. No. 732). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 10293. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. BECKWORTH:

H.R. 10294. A bill to reduce the time in standby status of firefighting personnel of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COLLIER:

H.R. 10295. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 10296. A bill to prohibit travel at Government expense outside of the United States by defeated or retiring Members of Congress, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H.R. 10297. A bill protecting the members of the Armed Forces and their families from threatening and harassing communications; to the Committee on the Judiciary.

By Mr. KREBS:

H.R. 10298. A bill to provide that time spent in actual official travel shall be considered hours of work, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OLSEN of Montana:

H.R. 10299. A bill to provide that time spent in actual official travel shall be considered hours of work, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. POOL:

H.R. 10300. A bill to amend the Civil Service Retirement Act to authorize the payment of annuities to secretaries of justices and judges of the United States on the same basis as annuities to congressional employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. YATES:

H.R. 10301. A bill to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones; to the Committee on Veterans' Affairs.

By Mr. HUOT:

H.R. 10302. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS:

H.R. 10303. A bill to amend section 412(b) of the Federal Aviation Act of 1958, with respect to contracts relating to the selection or appointment, or the utilization of the services, of ticket agents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MULTER:

H.R. 10304. A bill to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children; to the Committee on the District of Columbia.

By Mr. PHILBIN:

H.R. 10305. A bill to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 124,200,000 pounds of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. RIVERS of South Carolina:

H.R. 10306. A bill to amend the Universal Military Training and Service Act of 1951, as amended; to the Committee on Armed Services.

By Mr. THOMSON of Wisconsin:

H.R. 10307. A bill to provide for the imposition of quotas on mink skins; to the Committee on Ways and Means.

By Mr. TUPPER:

H.R. 10308. A bill to amend the tort claims procedure of title 28, United States Code, to permit actions for damages against the United States by or on behalf of officers and crews of American commercial fishing vessels who are injured or killed at sea by an instrumentality of war; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 10309. A bill to allow the same exemption from duty for residents returning from a contiguous country as are allowed for residents returning from insular possessions; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 10310. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. ASHMORE:

H.R. 10311. A bill to validate the action of the Acting Superintendent, Yosemite National Park, in extending the 1955 leave year for certain Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR:

H.R. 10312. A bill to amend title 38, United States Code, to provide a program of death indemnification for persons serving in combat zones; to the Committee on Veterans' Affairs.

By Mr. HALPERN:

H.J. Res. 602. Joint resolution declaring Inauguration Day to be a legal holiday; to the Committee on the Judiciary.

By Mr. BURTON of Utah:

H.J. Res. 603. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. CEDERBERG:

H.J. Res. 604. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. DOLE:

H.J. Res. 605. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. HANSEN of Idaho:

H.J. Res. 606. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mrs. MAY:

H.J. Res 607. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. REIFEL:

H.J. Res. 608. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. TEAGUE of California:

H.J. Res. 609. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. ANDREWS of North Dakota:

H.J. Res. 610 Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. LANGEN:

H.J. Res. 611. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. PIRNIE:

H.J. Res. 612. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. QUIE:

H.J. Res. 613. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. RHODES of Arizona:

H.J. Res. 614. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. TALCOTT:

H.J. Res. 615. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. GUBSER:

H.J. Res. 616. Joint resolution to authorize increased marketings of domestic beet and cane sugar in 1965 and 1966; to the Committee on Agriculture.

By Mr. GILLIGAN:

H. Con. Res. 460. Concurrent resolution to provide for the printing of the Presidential campaign speeches of the late Adlai E. Stevenson as a House document; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

354. By Mr. PRICE: Memorial of the Senate and House of Representatives of the 74th General Assembly of the State of Illinois urging Congress to enact appropriate legislation extending GI insurance to veterans of the Vietnam and Dominican Republic police action; to the Committee on Veterans' Affairs.

355. By the SPEAKER: Memorial of the Legislature of the State of Illinois, relative to calling a convention to propose an amendment to the Constitution of the United States relating to apportioning the membership of State legislatures; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10313. A bill for the relief of Lavenia A. MacMillan; to the Committee on the Judiciary.

H.R. 10314. A bill for the relief of Vincenzo Greco; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 10315. A bill for the relief of Bienvenido Tan; to the Committee on the Judiciary.

By Mr. AYRES:

H.R. 10316. A bill for the relief of Yu Ling Fan; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 10317. A bill for the relief of Antonina Randazzo; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 10318. A bill for the relief of Edsell Irene King; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 10319. A bill for the relief of Mrs. Wanda Ratman; to the Committee on the Judiciary.

H.R. 10320. A bill for the relief of Tom Chan, also known as Cheng Pang Tong; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 10321. A bill for the relief of Ragip Orhan Gunduz and Maral Gunduz; to the Committee on the Judiciary.

By Mr. SICKLES:

H.R. 10322. A bill for the relief of Dr. Raymundo S. Magno; to the Committee on the Judiciary.

SENATE

THURSDAY, AUGUST 5, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal Spirit, amid the tensions of these days freighted with destiny, to the altar of freedom in this temple of democracy we would come with the one sacrifice Thou dost require—a humble and contrite heart.

Gird us, we beseech Thee, with the grace of inner greatness of spirit, and with clarity of vision, that we may understand rightly the signs of the times and so match the vast designs of this glorious and demanding day as by faith we dare policies with no personal or partisan advantage and follow truth as it is revealed wherever it may lead.

In all the give and take of these difficult days, with their fret and jar, make us patient with one another, remembering that each comrade walks a lonely way. Teach us each a gentler tone, a sweeter charity of words, and a more healing touch for all the smart of this wounded world.

In the Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, August 4, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on August 3, 1965, the President had approved and signed the joint resolution (S.J. Res. 83) to authorize the President to issue a proclamation commemorating the 175th anniversary, on August 4, 1965, of the founding of the U.S. Coast Guard at Newburyport, Mass.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Kent, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1008. An act for the relief of Ottilia Bruegmann James;

S. 1564. An act to enforce the 15th amendment to the Constitution of the United States, and for other purposes;

S. 1742. An act to authorize the U.S. Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes; and

H.R. 8111. An act to establish the Herbert Hoover National Historical Site in the State of Iowa.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on the Judiciary and the Subcommittee on Antitrust and Monopoly were authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

PROTOCOL MODIFYING CONVENTION WITH BELGIUM FOR THE AVOIDANCE OF DOUBLE TAXATION—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from Executive G, 89th Congress, 1st session, the protocol, signed at Brussels on May 21, 1965, modifying and supplementing the convention of October 28, 1948, between the United States and Belgium for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, as amended by supplementary conventions of September 9, 1952, and August 22, 1957; that the message from the President, and the protocol, be referred to the Committee on Foreign Relations; and that the President's message be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit the protocol, signed at Brussels on May 21, 1965, modifying and supplementing the Convention of October 28, 1948, between the United States and Belgium for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, as amended by supplementary Conventions of September 9, 1952, and August 22, 1957.

I transmit also for the information of the Senate the report of the Secretary of State with respect to the supplementary protocol. The protocol has the approval of the Department of State and the Department of the Treasury.

The primary purpose of the supplementary protocol is to modify the provisions of the 1948 Convention, as amended, in order to adjust them to the provisions of the new Belgian income-tax law of November 20, 1962. The Convention follows in general the pattern of existing income-tax Conventions between the United States and numerous other countries. This will continue to be true when the Convention is modified in accordance with the provisions of the supplementary protocol, the substantive provisions of which are contained in the numbered paragraphs of Article I.

Certain clauses or provisions in the 1948 Convention would be deleted. Specifically, the words "the Territories of Alaska and of Hawaii" in the definition of "United States" and the provisions relating to the procedure for extending the operation of the Convention to colonies or overseas territories would be deleted.

Certain other provisions in the 1948 Convention would be replaced by amended provisions, as explained more fully in the report of the Secretary of State.

Some new provisions are added to the convention by the supplementary protocol. A new Article VIIIB, relating to certain exemptions applicable to dividends and interest, would be inserted. Certain words relating to the availability of information under the respective laws of the contracting states would be inserted in the French text of Article XV (1).

Pursuant to Article II of the supplementary protocol, the protocol would enter into force on the date of the exchange of instruments of ratification and would be applicable with respect to income in various categories in accordance with provisions in paragraphs (2), (3), and (4) of Article II.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *August 5, 1965*.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nominations of Judith S. Angell, to be postmaster at Bonita, Calif., and Will O. McCallum, to be postmaster at Newhebron, Miss., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. SALTONSTALL, from the Committee on Armed Services:

Harold Brown, of California, to be Secretary of the Air Force;

Norman S. Paul, of the District of Columbia, to be Under Secretary of the Air Force; and

Thomas D. Morris, of Maryland, to be an Assistant Secretary of Defense.

By Mr. BIBLE, from the Committee on the District of Columbia:

Harold H. Greene, of Maryland, to be associate judge of the District of Columbia court of general sessions; and

Aubrey E. Robinson, Jr., of the District of Columbia, to be associate judge of the juvenile court of the District of Columbia.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. SALTONSTALL. Mr. President, from the Committee on Armed Services I report favorably the nominations of 10 flag and general officers in the Army, Navy, Marine Corps, and Air Force and ask that these nominations be placed on the Executive Calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Rear Adm. Waldemar F. A. Wendt, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Maj. Gen. Glen W. Martin, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Gen. Robert Jefferson Wood, Army of the United States (major general, U.S. Army), to be placed on the retired list;

John K. Leydon, Henry J. Rotrige, and Maurice E. Simpson, for promotion to the grade of rear admiral in the Navy; and

Wood B. Kyle, Joseph O. Butcher, Norman J. Anderson, and Keith B. McCutcheon, for temporary appointment to the grade of major general in the Marine Corps.

Mr. SALTONSTALL. Mr. President, in addition, I report favorably the nominations of 63 officers for appointment in the Navy and Marine Corps in the grade of lieutenant and below. Since these names have already appeared in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Joseph F. Clare, midshipman (Naval Academy) to be a permanent ensign in the Civil Engineer Corps of the Navy;

Charlie H. Allen, and sundry other graduates of the Navy enlisted scientific education program, for assignment in the Navy;

Stanley L. Bartley, and sundry other Naval Reserve officers, for assignment in the Navy;

Russell L. Skyberg (civilian college graduate), to be permanent lieutenant (junior grade) and a temporary lieutenant in the Navy; and

Charles T. Allen III, and sundry other officers, for temporary promotion in the Marine Corps.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

INTER-AMERICAN DEVELOPMENT BANK

The legislative clerk read the nomination of Tom Killefer, of Virginia, to be Executive Director of the Inter-American Development Bank.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

NATIONAL LABOR RELATIONS BOARD

The legislative clerk read the nomination of Frank W. McCulloch, of Illinois, to be a member of the National Labor Relations Board.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints Senators LAUSCHE and SCOTT to attend the International Telecommunication Union Plenipotentiary Conference at Montreux, Switzerland, from September 14 to November 12, 1965.

Pursuant to Public Law 170 of the 74th Congress, the Chair appoints the following Senators to attend the 54th Interparliamentary Union Conference at Ottawa, Ontario, to be held between September 9 and 17, 1965:

Senators HERMAN E. TALMADGE, Chairman, A. WILLIS ROBERTSON, PAT MCNAMARA, B. EVERETT JORDAN, STEPHEN M. YOUNG, EDMUND S. MUSKIE (alternate), GORDON ALLOTT, HUGH SCOTT, JOHN S. COOPER, MILWARD L. SIMPSON, and STROM THURMOND.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON MILITARY CONSTRUCTION, AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on military construction, Air Force Reserve (with an accompanying report); to the Committee on Armed Services.

PROPOSED DISPOSAL OF VEGETABLE TANNIN EXTRACTS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to authorize the disposal, without regard to the prescribed 6-month waiting period, of vegetable tannin extracts from the national stockpile (with accompanying papers); to the Committee on Armed Services.

REPORT OF CENTRAL INTELLIGENCE AGENCY UNDER PUBLIC LAW 85-934

A letter from the Deputy Director, Central Intelligence Agency, Washington, D.C., reporting, pursuant to law, that no grants had been made under section 3 of Public Law 85-934, during the fiscal year 1965; to the Committee on Government Operations.

REPORTS OF ACTING COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on additional costs resulting from failure to provide purchase options for automatic data processing equipment, Federal Aviation Agency, dated July 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on disparities in transporting overseas personnel to and from work, Department of State, Agency for International Development, U.S. Information Agency, Peace Corps, Department of Defense, dated July 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on insufficient amounts claimed from foreign governments for recovery of ocean transportation costs financed under the Agricultural Trade Development and Assistance Act of 1954, Commodity Credit Corporation, Department of Agriculture, dated July 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on excessive procurement of equipment and supplies for packaged disaster hospitals, Public Health Service, Department of Health, Education, and Welfare, dated July 1964 (with an accompanying report); to the Committee on Government Operations.

Protection of Former Presidents and Their Wives or Widows

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide continuing authority for the protection of former Presidents and their wives or widows, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

Report on Tort Claims Paid by Department of Agriculture

A letter from the Assistant Secretary for Administration, Department of Agriculture, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Department, for the fiscal year ended June 30, 1965 (with an accompanying report); to the Committee on the Judiciary.

Report on Tort Claims Paid by Canal Zone Government

A letter from the Governor, Canal Zone Government, Balboa Heights, Canal Zone, transmitting, pursuant to law, a report on tort claims paid by that Government, during the fiscal year ended June 30, 1965 (with an accompanying report); to the Committee on the Judiciary.

Report on Tort Claims Paid by Central Intelligence Agency

A letter from the Deputy Director, Central Intelligence Agency, Washington, D.C., reporting, pursuant to law, on tort claims paid by that Agency, for the fiscal year 1965; to the Committee on the Judiciary.

Report of Federal Prison Industries, Inc.

A letter from the Commissioner, Federal Prison Industries, Inc., Department of Justice, Washington, D.C., transmitting, pursuant to law, a report of that organization, for the fiscal year 1964 (with an accompanying report); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Service Contract Act of 1965

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Report on Positions in National Aeronautics and Space Administration

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on positions in that Administration, as of June 30, 1965 (with an accompanying report); to the Committee on Post Office and Civil Service.

Extension of 1955 Leave Year for Certain Federal Employees

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to validate the action of the Acting Superintendent, Yosemite National Park, in extending the 1955 leave year for certain Federal employees, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency, without amendment:

S. 1559. A bill to amend the Federal Reserve Act in order to enable the Federal Reserve banks to extend credit to member banks and others in accordance with current economic conditions, and for other purposes; (Rept. No. 539).

By Mr. PELL, from the Committee on Labor and Public Welfare, without amendment:

H.R. 4714. An act to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein; (Rept. No. 540).

By Mr. BYRD of West Virginia, from the Committee on Armed Services, without amendment:

H.R. 4905. An act to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.; (Rept. No. 542).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

H. Con. Res. 100. Concurrent resolution expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile; (Rept. No. 541).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 134. Resolution authorizing the printing as a Senate document elements of entitlement to and benefits available under the Social Security Amendments of 1965, and providing for additional copies.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 2365. A bill for the relief of Nadezda Zakula; to the Committee on the Judiciary.

By Mr. GRUENING (for himself and Mr. BARTLETT):

S. 2366. A bill to reform the method by which the University of Alaska may acquire land for its support; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE (for himself and Mr. MCCARTHY):

S. 2367. A bill for the relief of Dr. Ashis K. Mandal, his wife, Bina Mandal, and their two minor children; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S. 2368. A bill to establish a minimum price support level for the 1965 crop of rice; to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN:

S. 2369. A bill for the relief of Yvonne Helton; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2370. A bill for the relief of Louis Green; to the Committee on the Judiciary.

By Mr. ERVIN:

S.J. Res. 102. Joint resolution to authorize funds for the Commission on Law Enforcement and Administration of Justice and the District of Columbia Commission on Crime and Law Enforcement; to the Committee on the Judiciary.

CHANGES IN PROCEDURES FOR DISPOSITION OF LAND BY THE UNIVERSITY OF ALASKA

Mr. GRUENING. Mr. President, I have sent to the desk a bill, on which my colleague, the senior Senator from Alaska [Mr. BARTLETT] joins me as cosponsor, which is intended to facilitate utilization of land granted to the University of Alaska under legislation enacted in 1929.

With the passage of years, changes have occurred in Alaska as elsewhere which are reflected in changing needs and require revision of legislation enacted when circumstances were different from the world as it is today. An example of outmoded legislation demanding more revision than most to keep up with the changing times is the body of public land law. Indeed, a distinguished commission, the Public Land Law Review Commission, established by legislation enacted during the last Congress, is now giving extensive consideration to revisions of antiquated land laws no longer relevant to needs of people in the last half of the 20th century.

In Alaska, more than any other State in the Union, the need for changes in antique land laws is acutely apparent. The latest statistics of the Bureau of Land Management listing quantities of land held by the Federal Government in the 50 States indicates, curiously, that in Alaska the Federal Government owns more land than the total acreage of the State. The Public Land Statistics report states that the U.S. Government owns 100.004 percent of Alaska. Of course, the unusual statistic occurs due to the fact that most of Alaska has never been surveyed and errors are consequently made in the estimates by owning agencies of the acreage of property held in the State. Nevertheless, no doubt exists that most of the land in Alaska is still owned by the Federal Government.

As a result of this extensive Federal ownership and plenary power over our land area, Alaskans are constantly hindered in business and other activities by the necessity for compliance with myriad laws, regulations, and procedures governing use of the land in which we live.

The University of Alaska, as the beneficiary of a grant of 100,000 acres of Federal land to be used as a resource to support the university, is particularly restricted in the methods by which it can dispose of its own land. The law granting the university its acreage specified in detail procedures for sale or lease of land at public auction and in the case of leases for periods of more than 5 years by auction or sealed competitive bid, and limited to these the methods by which the university can convey or lease its property.

It now appears that it would be to great advantage to the university and to the State of Alaska to add additional authority for disposition of university land which would allow the school to exchange its land for land of equal value where this is in the interests of the university.

For example, the State division of lands has pointed out a particular area in the State where this authority would be extremely useful at this time. The community of Valdez, which was totally destroyed by the 1964 earthquake and must be moved to a new location, is a community where the exchange provision would be very helpful. As it happens, the most useful land for residential purposes in this area is held by the university.

However, it would not now be to the advantage of the school to sell these lands under the procedures now required by law. It would be beneficial both to the university and the State if the university were enabled to exchange its holdings at Valdez for other acreage in Alaska. I am informed a similar situation exists at Glenallen, Alaska, a growing community which would benefit from availability of university lands under arrangements that would be authorized by the bill introduced today.

In addition to the exchange authority provided by this legislation, the bill would allow more efficient procedures for advertising proposed disposition of land than are possible now. The time period for publication of notice of sale or lease would be shortened from 10 to 3 weeks and the existing requirement that publication be made in a newspaper in the capital city of Juneau as well as at a location near the site of the land to be sold would be eliminated. The shortening of the time period would conform procedures for disposition of university lands with procedures for disposal of State grant lands. It is not now possible to have a uniform period of advertising although some State lands and some university grant lands are often offered for disposition at the same time by the managing agency. These changes are entirely desirable to bring university land management procedures up to date and in accord with modern-day publication facilities. While the longer publication period and publication at the capital might have been advisable in 1929 when the legislation was enacted, the progress in communication in Alaska has been such as to change circumstances, indicating that the changes proposed in this law are needed.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2366) to reform the method by which the University of Alaska may acquire land for its support, introduced by Mr. GRUENING (for himself and Mr. BARTLETT), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

NOTICE OF PUBLIC HEARING ON COPYRIGHT REVISION BILL

Mr. McCLELLAN. Mr. President, as chairman of the standing Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I wish to announce that the subcommittee has rescheduled the public hearing on S. 1006, for the general revision of the copyright law, that had been planned for August 4 and 5. The hearing will be held on Wednesday, August 18, and Thursday, August 19, commencing at 10 a.m. in room 3302, New Senate Office Building.

The subcommittee consists of the Senator from Michigan [Mr. HART], the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Hawaii [Mr. FONG], and myself.

NOTICE OF PUBLIC HEARING ON GOVERNMENT PATENT POLICY

Mr. McCLELLAN. Mr. President, as chairman of the standing Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I wish to announce that the subcommittee will resume the public hearing on S. 789, S. 1809, S. 1899, and S. 2326, bills to establish a uniform Government patent policy, and S. 1047, a bill to amend section 1498, of title 28, United States Code, relating to the use by or for the United States of any invention covered by a patent of the United States. The hearing will be held on Tuesday, August 17, at 10 a.m., in room 3302, New Senate Office Building.

The subcommittee consists of the Senator from Michigan [Mr. HART], the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Hawaii [Mr. FONG], and myself.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 5, 1965, he presented to the President of the United States the following enrolled bills:

S. 1008. An act for the relief of Ottilia Bruegmann James;

S. 1564. An act to enforce the 15th amendment to the Constitution of the United States, and for other purposes; and

S. 1742. An act to authorize the U.S. Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes.

THE SECOND ANNIVERSARY OF THE SIGNING OF THE LIMITED NUCLEAR TEST BAN TREATY

Mr. KUCHEL. Mr. President, 2 years ago today a document was signed which imported a quantum of reason into an unreasonable race.

It is a race in which the genius of man has simultaneously forged instruments of self-preservation and self-destruction.

It is the arms race—and the document that was signed on August 5, 1963, was the limited nuclear test ban treaty.

Firm political and military policies, while imperative for our security in the absence of safeguarded alternatives, cannot alone build peace in the world. That is why both Republican and Democratic administrations in the past have sought greater security for the United States and for the world through realistic and safeguarded alternatives to the nuclear arms race.

This is why I supported the limited nuclear test ban treaty when it came before the Senate for ratification. Although limited, I believe the treaty was a step toward controlling the nuclear threat. As with any agreement of such magnitude, it involved risks that demanded effective safeguards. But the advantages were carefully weighed by the Senate against the risks. After extensive hearings, the Senate Committee on Foreign Relations found the treaty to be in our national interest—"a start toward the progressive elimination of the danger of nuclear war." The committee recommended by a vote of 16 to 1 that the Senate consent to its ratification. The Senate did so on September 24, 1963, by a vote of 80 to 19. Twenty-five members of my party supported that treaty, only eight opposed it.

Today there is great concern throughout the world over the imminent threat of nuclear proliferation.

One of the advantages of the limited test ban treaty was that it constituted a step toward preventing the spread of nuclear weapons to nations not now possessing them. True, it did not prevent Communist China, which was not a party to the treaty, from conducting nuclear tests. But over 100 other countries of the world joined in the treaty and agreed not to conduct the prohibited tests. This ratio speaks for itself.

Moreover, at the time the treaty was approved by the Senate it was not expected it would prevent the Chinese from testing. Under the terms of the treaty we can withdraw from it if at some time in the future, we conclude that a developing Chinese nuclear capability constitutes a threat to our national security.

During the course of the hearings on the treaty by the Senate Committee on Foreign Relations, the Joint Chiefs of Staff pointed out its benefits for restraining proliferation. Gen. Maxwell Taylor testified in a statement representing the agreed views of the Joint Chiefs:

> If this treaty attracts signatories representing the vast majority of the nations of the world on both sides of the Iron Curtain, it should make an important contribution toward the restraint of the further proliferation of nuclear weapons and the reduction of causes of world tension. Both of these advantages, if achieved, should contribute to the fundamental objective of the U.S. Armed Forces; namely, the deterrence of war and the maintenance of peace on honorable terms.

The test ban treaty is not merely a barrier to nuclear proliferation because it binds many nations not to test nuclear explosives. But section 2 of article I of the treaty also commits parties "to refrain from causing, encouraging, or in any way participating in" any explosion in any of the prohibited environments.

This obligation of the United States has been implemented by a regulation requiring State Department approval for the export of any item, not already under the control of the Atomic Energy Commission, specifically designed or modified for use in the design, production, or testing of nuclear explosive devices (22 C.F.R. 121.01).

The treaty was thus a step in the campaign against the spread of nuclear capability. However, this is not enough. Our Government has recognized this fact by advancing other proposals to contain the nuclear threat. Regrettably, these proposals have been rejected by the Soviet Union. Despite this we must continue to try or in the long run we face an alternative which is very bleak indeed.

The genius of man unlocked the secret of the atom. The genius of man, however, has not yet provided itself equal to the task of controlling the threat of the atom—a threat which imperils the very existence of man himself.

The advent of the nuclear age was a portentous one. It unleashed forces man could use for the common good of humanity. With the vast acceleration of these forces, that age greatly increased the potential for destruction, suffering, and oblivion and thus the common evil which could befall mankind.

The United States initiated the nuclear age—but it did not initiate the nuclear arms race. All of us can vividly remember the rapid military demobilization of the United States after the Second World War. In 1946, when we alone possessed atomic weapons, we proposed in the Baruch plan complete international control of atomic energy, which would have meant relinquishing all national atomic armaments. At that time, that grand old American, Bernard Baruch, who recently passed from us, told the nations of the world that the choice they had to make was "between the quick and the dead." In one of the most tragic turning points of human history, the Soviet Union turned its back on this proposal.

Then the Soviets obtained the secret of the atom and dedicated it to the buildup of their warmaking potential. We had no alternative but to deter this threat with a nuclear buildup of our own.

The alternative into which we were forced did not diminish our quest for an honorable and reasonable means to control the nuclear threat. As President Eisenhower said:

> All of us know that, whether started deliberately or accidentally, global war would leave civilization in a shambles. This is true of the Soviet system as of all others. In a nuclear war there can be no victors—only losers. * * * Recognition of this mutual destructive capability is the basic reality of our present relations. Most assuredly, however, this does not mean that we shall ever give up trying to build a more sane and hopeful reality—a better foundation for our common relations.

Throughout the years we have worked hard to build this foundation.

In 1953, as part of President Eisenhower's "atoms for peace" proposal, the Soviet Union was urged to make a start with us in siphoning off nuclear weapons materials into international control under an International Atomic Energy Agency. This, again regrettably for the peace and security of our ever-shrinking globe, they did not choose to do.

In 1955, President Eisenhower proposed at the Geneva summit meeting that the United States and the Soviet Union accept mutual aerial inspection under an open skies principle. This, too, they did not choose to do.

In March 1956, President Eisenhower wrote Soviet Premier Bulganin proposing an inspected cessation of all production of fissionable materials for weapons purposes, and gradual contributions of such materials from national weapons stockpiles to international control. This, too, the Soviets did not choose to do.

In 1957, the Western Allies proposed safeguards against surprise attack, restraints on the transfer of nuclear weapons to other countries, reductions of conventional forces, and steps to assure peaceful use of outer space. Again the Soviets showed little interest and the talks collapsed.

Between 1957 and the end of the last Republican administration, the United States tried to single out other specific limited areas for discussion with the Soviets, including a comprehensive test ban agreement to help guard against the spread of nuclear weapons.

As former Secretary of State Herter said in an address before the National Press Club on February 18, 1960:

> The proliferating production of nuclear weapons might eventually enable almost any country, however irresponsible, to secure these weapons. * * * The more nations that have the power to trigger off a nuclear war, the greater the chance that some nation might use this power in haste or blind folly.
>
> These dangers make our task urgent.

In the 1960 Republican platform, my party pledged:

> We are * * * ready to negotiate and to institute realistic methods and safeguards for disarmament, and for the suspension of nuclear tests. We advocate an early agreement by all nations to forgo nuclear tests in the atmosphere, and the suspension of other tests as verification techniques permit. We support the President in any decision he may make to reevaluate the question of resumption of underground nuclear explosions testing, if the Geneva Conference fails to produce a satisfactory agreement. We have deep concern about the mounting nuclear arms race. This concern leads us to seek disarmament and nuclear agreements. And an equal concern to protect all peoples from nuclear danger leads us to insist that such agreements have adequate safeguards.

Since 1960, the urgency of the task outlined by Secretary Herter and the 1960 platform has increased in direct proportion to the spread of nuclear potential. Nature has never played favorites with her secrets, including the awesome secret of the atom. Rapidly increasing technological improvements have greatly reduced the costs of producing nuclear weapons, thus enabling many countries to surmount what was previously an insurmountable financial hurdle. Our time in which to control the nuclear threat has almost run out.

Since Congress established the Arms Control and Disarmament Agency by a large bipartisan vote in 1961, some progress has been made. To reduce the risk of war in times of crisis, a hot line has been established between Washington and Moscow. By acclamation, the United Nations has passed a resolution, supported by both the United States and the Soviet Union, calling upon all nations to refrain from placing weapons of mass destruction in space. And, most importantly, under President Kennedy, years of effort by both Republican and Democratic administrations resulted in new hope when the limited nuclear test ban treaty was signed by the United States, Great Britain, and the U.S.S.R. on August 5, 1963, just 2 years ago today.

Since the conclusion of that treaty, the United States, with the research backing and developing expertise of the Arms Control Agency, has advanced additional proposals to bring the arms race under control.

In his recent message to the resumed session of the 18 Nation Disarmament Conference in Geneva, President Johnson characterized the work there as the most important task on earth. He instructed the American delegation to "pursue the following objectives with all the determination and wisdom they can command":

> First, to seek agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race.
>
> Second, to work toward the effective limitation of nuclear weapons and nuclear delivery systems, so that we can diminish present danger as well as prevent expanding peril.
>
> Third, to work for a truly comprehensive test-ban treaty.

Recognizing that the dangers posed by the arms race and the threat of the spread of nuclear potential among many nations cannot wait until the guns are stilled in southeast Asia, the President told the conference:

> No difference among any of us, on any other issue, can be allowed to bar agreement in this critical area. This is not in any single nation's interest, nor is it in the interest of the multitude of nations and peoples whose future is so tied to the good sense of those at this conference table.

Mr. William C. Foster, who heads our delegation at Geneva, told the conference that a nonproliferation treaty could follow and be consistent with the so-called Irish Resolution, unanimously adopted by the 1961 U.N. General Assembly.

Such an agreement could prohibit the nuclear powers from giving nuclear weapons or the information necessary to their manufacture into the national control of nations which do not have such weapons. It could also provide for a corresponding prohibition of the manufacture or acquisition of control of such weapons by nonnuclear powers. An agreement of this nature would provide a much greater assurance against nuclear spread than the limited test ban treaty.

Mr. Foster emphasized that, under a non-proliferation agreement, consideration must be given to the security of nations that forgo nuclear weapons. This would appear to be an important factor in motivating nonnuclear powers to join in the agreement. President Johnson took note of this problem when he said last October:

> The nations that do not seek national nuclear weapons can be sure that, if they need our strong support against some threat of nuclear blackmail, then they will have it.

I understand that consultations on a nonproliferation treaty are in progress among the Western Powers, although no specific draft treaty has been submitted to the Geneva Conference.

Mr. President, the prospects for agreement at Geneva may look dim. But prospects for agreement on the limited test ban treaty also looked dim prior to the Soviet's sudden reversal in 1963.

In hoping for further progress in what has always represented an important bipartisan objective in American foreign policy, I want to commend the dedication and patriotism of those engaged in this important effort. They have been faced with the difficult task of representing American interests in negotiating with the Communists. There are some here at home who will malign such efforts. But this is a strident minority of ill-informed zealots who entertain the irrational assumption that the U.S. Government is engaged in treasonous activity.

These misguided people have long twisted and distorted American arms control policy under the guise of saving America. They do not represent the hopes and dreams of our Nation as it works to establish an honorable peace and the rule of law in this troubled world. On September 12, 1963, when I urged approval of the limited nuclear test ban treaty in the Senate, I said:

> The American people are devotedly dedicated to the cause of a just peace. We are not a warlike nation. When we have been attacked, we have fought wars, and we have won. We are not going to abandon our liberty, nor will we ever, ever, suffer it to be taken from us, whatever the cost. We continue to seek a continuing security for our country, as we continue to seek an honorable peace in the world. This is not a confession of weakness. It comes rather, from a strength of spirit, and from the knowledge that anyone who would try to hurt us would suffer, swiftly and surely, an annihilating retribution.
>
> An arms race—particularly a nuclear arms race—cannot and would not provide permanent security. Peace does not rest on military power alone. In an arms race, do we not increase the danger of war by mistake or miscalculation as well as by design? And, in a nuclear arms race, free of all restraints, do we not, as we undertake repeated and competitive testing in the atmosphere, finally reach the point where radioactive fallout would surely become a hideous danger to the survival of the human race?
>
> It is to the everlasting credit of the leaders of America that, from the dawn of the nuclear era, they have earnestly sought agreement to control nuclear testing, and to dedicate nuclear power to the betterment of man.

I am proud to repeat those comments today.

RACIAL DISORDER AND MOB ACTION IN AMERICUS, GA.

Mr. TALMADGE. Mr. President, the southwest Georgia city of Americus has become another in a long and unhappy line of American communities to be set upon by racial agitation and violent disorder.

The tragic victim of militant and arrogant advocates of a philosophy that threatens to destroy the American ideal that ours is a Nation of laws and not of men, upon which is based the freedom of all Americans regardless of race, creed, or color, Americus, Ga. has been made the scene of racial disorder and mob action. Already there has occurred a brutal and senseless killing of a young U.S. Marine enlistee who was shot down in cold blood while standing on a street corner. Two Negroes have been charged with his murder.

We pray that violence will end in this strife-torn city, that peace and order will be returned, and that whatever differences exist between citizens will be resolved in accordance with the processes of civilized law, and not according to the law of the jungle. We pray that there will be no more deaths, and that the good citizens of Americus, of both races, will look to their minds and their hearts and their consciences for a solution to problems of human relations, and that those who are bent upon pitting neighbor against neighbor, who make a profession out of inciting riots and dissension, will cease and desist.

According to newspaper accounts, the difficulties in Americus arose over voter registration procedures. I have stated before, and I repeat here today that I favor the full and unhindered right to vote of every qualified American citizen, and wherever this right is being denied there should be corrective action. The right to vote is guaranteed by the Constitution and well-protected by statutory law, including the so-called Voting Rights Act which now lies on the President's desk, which is enforceable in every court in the land, both State and Federal.

I can find no justification for the wave of rioting which has swept the country over alleged deprivation of constitutional rights, not so long as the American system survives and there are ample remedies at law. There can be no justification for taking the law into one's own hands. This can only result in anarchy and destroy the freedom of all.

Mr. President, there appeared in the August 2 edition of the Columbus, Ga., Enquirer an excellent editorial concerning Americus and the increasing threat to law and order in the United States.

I commend this editorial to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DISSENSION-MONGERS

"If we can't build Americus, we should tear it down."

Speaking was a member of the Nonviolent Coordinating Committee.

He was preaching violence in a town which has already known violence and tragedy. He was stoking the flames of a hot furnace. He was admitting that the ultimate goal of SNCC and other groups of that variety is not equality, but chaos.

In Mississippi, a pamphlet distributed by a related group was urging Negroes to refuse serving in the Armed Forces. "No one has a right to ask us to risk our lives and kill other colored people in Santo Domingo and Vietnam so that the white American can get richer," the pamphlet said. "We will be looked upon as traitors by all the colored people of the world if the Negro people continue to fight and die without a cause.

"And if they answer democracy (is the cause), tell him the truth. We don't know anything about communism, socialism and all that, but we do know that Negroes have caught hell right here under this American democracy."

And under this American democracy, the writer of that pamphlet, and the spewers of dissension and hate and violence can continue to run free and practice their treason.

Yes, treason, for there is no milder word to describe the direction which part of the civil rights movement is now taking.

Under communism, they would be hauled away and shot, but democracy's saving feature is a tolerance of nearly any internal tactic designed to tear down the dominant authority.

But there is a limit, even in a democracy. And that limit is close at hand for the more radical civil rights groups, who, perceiving that their legitimate demands are practically achieved, are showing the uglier and more frightening side of their nature. The mask of the fighter for rights has been removed to reveal the destroyer of law and order.

The Mississippi pamphlet quite obviously sought to depict the fight for equality as a fight between the white and colored peoples of the world, not an argument between Americans of varying color. There is a vast and important difference in the two approaches.

The Red Chinese have sought to depict the world struggle as one between the light and colored races. Most American Negroes have rejected that theory and placed their faith in achieving full status as U.S. citizens, so they can continue to share in the bounty and advantages of the greatest nation of the earth—and the nation which gave them birth.

But the American dream—and the American Negro's dream—can be shattered by the excesses of one side just as surely as by the excesses of the other side.

The dissension-mongers are taking freedom's name in vain. They shout a proud word while excusing the harshest tyranny the globe has known.

Whatever the American white man's sins against the American Negro, he has produced for the Negro a bountiful and pleasant nation, and the Negro should not forget that.

As the average demonstrator wheels his late-model car into the driveway of a 6-room house with no holes in the roof, and goes into a home-cooked meal and watches television while having a late snack, and his children finish their school lessons, he should think long and hard about what freedom is, before he shouts that he hasn't got it.

Slogans come easy, but the reality of freedom rests on more than slogans, and freedom's fruits are not harvested by all who march in its behalf. Many are willing to march and shout but are not prepared to pay the true and enduring price for freedom, which is in installments. through years of diligent effort, not in a few demonstrations.

The American Negro is way ahead of the great majority of the people in the world, white or colored, simply because he lives in this land of opportunity—and freedom.

And it's about time someone in high authority told him so, instead of flinching with guilt every time a minor shortcoming is cited.

Somebody like President Lyndon B. Johnson, for instance.

1965 PROSPERITY VS. 1929 BOOM IS KNOWLEDGE VS. IGNORANCE ACCORDING TO SYLVIA PORTER

Mr. PROXMIRE. Mr. President, in her characteristically lucid and clear-headed way, Sylvia Porter has concisely explained a prime reason why we are far better insulated from a recession, let alone a depression, today than we were when the economic world crashed in 1929.

The reason is seldom adduced but it is mighty important. Now we know, or have a reasonable idea, about what is happening to our economy. In 1929 we did not.

I ask unanimous consent that this article by Sylvia Porter be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Star, Aug. 1, 1965]

PRIVATE DEBTS "THEN" AND "NOW"

(By Sylvia Porter)

In his June 1 speech citing "disquieting similarities" between 1929 and 1965 Federal Reserve Board Chairman William McC. Martin declared that "then, as now," there was a large increase in private debts, the money supply was growing continuously, the economy was in a period of prolonged industrial expansion.

Just Martin's mention of "then, as now" in connection with 1929—the year symbolizing the worst depression in history—set off a shock wave which still is reverberating.

But a profoundly important point about Martin's list which no one seems to have noticed is that we didn't know then what was happening to private debts, the money supply, industrial production, employment, prices, incomes, etc.

The statistical indicators we take for granted now weren't even in existence in that era. Being unaware of the excesses and distortions building up in our economy, we, of course, took no action to curb them.

FIGURES WERE LACKING

In 1929 we had no statistics on consumer credit. We didn't start to collect these until 1942.

In 1929 we had no current figures on the total money supply. This basic monetary statistic was available only 3 months after the fact.

In 1929 we had no reliable figures on our national income or gross national product and no nationwide data on employment, unemployment and our work force.

In 1929 the consumer price index was computed only twice a year and then was released only months after the compilation date.

What we did have in 1929, though, was a day-to-day history of stock prices—and since the Dow-Jones stock average was one current and readily available index of economic activity, it actually dominated economic thinking in the 1920's. Before the stock crash this average fed optimism, and after the stock crash it fed pessimism.

My mind focused on this point as I read a new study on "Improved Statistics for Economic Growth" released by a Joint Economic Committee subcommittee headed by Senator WILLIAM PROXMIRE, Democrat, of Wisconsin. While the study is designed to show gaps in our statistical knowledge, it also shows the strides we have made since the catastrophic depression of a generation ago.

NO EXAGGERATION

PROXMIRE does not exaggerate when he says, "The impressive advances of economic policy in recent years have been largely the consequence of greatly improved economic statistical information," and this in no way belittles the importance of such stabilizing forces as social security and bank deposit insurance and our better understanding of economic tools and policies.

The degree of our ignorance in 1929 is hard to believe. Yet it is a fact that when Martin refers to 1929 figures, he is mostly giving statistics which have been developed only in recent years and then traced back to the 1920's.

There remain dangerous gaps in our economic statistics, as the experts contributing to the subcommittee's report emphasize.

We need data on job vacancies so we can know the opportunities for employment as well as the problems of unemployment. We need far more adequate statistics on construction. Certainly the timeliness of many key statistics can be tremendously improved.

But despite the gaps, the quality and quantity of our economic statistics far surpass those of any other country or any earlier period in our history.

This is one of the giant distinctions between then and now. I strongly second PROXMIRE's comment that "It well may be that the availability of these diagnostic tools is our main assurance against the recurrence of economic depression."

OPEN VERSUS SECRET PROCEDURES IN SPACE PROGRAMS

Mr. DODD. Mr. President, one of the most dramatic aspects of our civilian space program has been the open manner in which we have launched our articles.

Our confidence in conducting an open program, indicates to me that in systems reliability we are substantially ahead of the Soviets.

There is growing evidence that the Soviet space program, cloaked in totalitarian secrecy, has suffered a great many failures, and even losses of life.

A research associate of the Hoover Institute of Stanford University, Julius Epstein, in a letter to the editor of the Palo Alto Times, asks several unanswered questions pertaining to major Soviet space failures.

Mr. Epstein points out that according to reliable reports received in Washington, the Soviets have lost at least three cosmonauts on the way to the moon.

Mr. Epstein also cites the cases of several prominent Soviet cosmonauts whose names have disappeared from the official public records in the Soviet Union.

I ask unanimous consent that this letter by Julius Epstein be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EVIDENCE DOES HINT SOVIET SPACE LOSSES

EDITOR OF THE TIMES: I am wondering whether Alvin B. Webb, Jr., the author of the UPI report "U.S. Dulls Red Lead in Space" (P.A. Times, June 7) had really done his homework when he concluded his article with this sentence: "Despite recurrent rumors, there is no good evidence to indicate the Russians have lost any men in space."

There is a lot of good evidence to "indicate" Soviet losses of some men plus two women in space.

A thorough research which I had undertaken in 1962 resulted in the following still unanswered questions:

1. What happened to Soviet cosmonaut Serenty Shiborin who was launched into space by rocket from a base at Kasputin Yar in February 1959?

He was sending radio signals for exactly 28 minutes. After that, the radio went dead and nothing was ever heard of him.

2. What happened to Soviet cosmonaut Piotr Dolgow?

He was shot into space on October 11, 1960, and was able to broadcast for 30 minutes before his radio went silent. Since then, nothing was heard of him. Did his body join his colleague Shiborin?

3. What happened to Soviet cosmonaut Wassilievitch Zowodowsky who left this earth by rocket on April 7, 1961, and whose radio contact with all the tracking stations was immediately lost? Nothing was ever heard of Zowodowsky. Did he too join the row of human satellites now circling our globe for the next 100 years?

4. What happened to the male and female cosmonauts whose names I could not yet ascertain, who were launched together in one capsule on May 17, 1961? Why did the Soviets never announce this tremendous "first" in Soviet space exploration, 4 years ahead of our own Gemini 4 launching?

The tracking stations in Bochum, Jodrell Bank, Meudon, Upsala, in Alaska and Hawaii, as well as the now-famous amateur tracking station of Torre Bert in Turin, made records of the tragic conversation between the man and the woman in the capsule.

Parts of this conversation, as recorded by the tracking stations, run as follows:

WOMAN. "I am talking now. Is Engineer Klishev there?"

MAN. "Let us wait. Yes, yes, yes * * * good. All right. Please repeat. I understood, understood, understood. * * * Good. We have already done it. * * * Halloh? At least you could try. The location is exact and clear. Confirmed."

MAN. "The situation becomes critical for us. While we are studying the program. * * * The world will never learn about it any way. * * * At 8 o'clock Moscow time. * * * Something went wrong. We are changing our course. * * * I'm talking with the director, do you understand? You'll know what to do. Always be calm. What? What?"

Nothing was ever heard again from the two Soviet cosmonauts in one capsule.

5. To whom did the voices of two men and one woman belong which were so clearly recorded during the night of October 14, 1961, by the Italian amateur tracking and radio station Torre Bert? The messages came in on a frequency of 20,005 megahertz. But they were not only heard by the young radio amateurs of Torre Bert who fortunately are not bound by any top secret classification as are the NASA and some other tracking stations, but also by the tracking stations in Tokyo, Dakar, Sydney, and Bochum. For 3 days these voices were heard. Then they became weaker and weaker. And then there was silence. (A dozen times the tapes recorded the "da, da, da," as answer to the many questions asked by the Soviet space authorities and the repeated answer of "charasho, charasho" before the contact was broken.)

6. Why did the names of the following well-known Soviet cosmonauts completely disappear from the official public record and from Soviet news releases: Alexei Belokonev, Iwan Kascheur, Alexis Gratzev and Jennady Michailov? These were Soviet cosmonauts about whom the Soviet periodical Ogoniok used to write so much and so often.

According to reliable reports, received in Washington, the Soviets have lost at least three cosmonauts on their way to the moon.

A reasonable indication for the veracity of this record of Soviet failures in space must be seen in the fact that my first publication of it in 1962 met with no denial from NASA when asked by the editor of one of the biggest American magazines.

Not only that: When a free-lance journalist from Alexandria, Va., who did not know of my publication, wanted to write an article on the subject, he naturally started by asking NASA for authentic material. Since everything has been classified top secret (for no understandable reason whatsoever), NASA could not give him any material—with the exception of one article: It was my own publication. They recommended that he use this material. If NASA had ever doubted the accuracy of my statements, they would never have given this article to a writer who wanted to write about Soviet failures in space, let alone recommend its use.

Julius Epstein,
Palo Alto.

THE NOMINATION OF ABE FORTAS

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the Record at this point the statement made by the Senator from Connecticut [Mr. Dodd] before the Committee on the Judiciary today, strongly endorsing the nomination of Mr. Abe Fortas as an Associate Justice of the Supreme Court.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Thomas J. Dodd, Endorsing Nomination of Abe Fortas To Be a Justice of the Supreme Court

Mr. Chairman and my fellow members of the Judiciary Committee, I take the greatest pleasure in endorsing the nomination of Mr. Abe Fortas to be a Justice of the Supreme Court of the United States.

Probably no other Senator has known Abe Fortas as long as I have. He and I were classmates at Yale Law School, where Abe's record of distinction foreshadowed the outstanding career in the law and in public service which has since been his.

So it has been with no small pride in his friendship that I have witnessed what must certainly be one of the most significant and distinguished careers in contemporary American life.

I have watched this man, who had to make his own way from a very early age, move from the peaceful and introspective groves of legal professorship at Yale to the bustling arena of public administration in Washington.

In a career of exemplary public service commencing in 1937, Abe Fortas progressed to become Under Secretary of the Interior from 1942 to 1946.

He then left the Government to found a law firm now recognized and renowned for its ability and its devotion to the highest ideals of the legal profession.

No member of the bar more fully embodies those high ideals than does Abe Fortas.

His extraordinary competence has made him a counselor of Presidents.

His extraordinary compassion has made him a defender of the downtrodden.

The famous and the friendless have sought him out and in him have found the help and advice they needed.

He has not feared to face the challenge of defending an unpopular cause against great hysteria.

He has defended the helpless, and the hopeless cause, and written new and marvelous chapters in American justice and jurisprudence.

His compassion, scholarship, and advocacy in the landmark case of *Gideon v. Wainwright* won the full protection of the law for all Americans, regardless of their status, by insuring that the poor will be properly represented in criminal cases.

The character and career of Abe Fortas epitomize the best in American life and the best in American law.

Mr. Chairman and members of the committee, I heartily recommend prompt approval of his nomination to the Supreme Court.

REPRESENTATIVE CURTIS' ROLE IN KENNEDY ROUND TALKS

Mr. JAVITS. Mr. President, one of the most difficult and often frustrating jobs in Government is that of a trade negotiator at the current Kennedy round negotiations in Geneva under the auspices of the General Agreement on Tariffs and Trade. Bargaining sessions often are complex, highly technical, and lengthy. Progress is slow and often uncertain. However, the results of these sessions are crucial to the expansion of world markets for both industrial and agricultural products of all trading countries.

For his effective service in these vital negotiations, I wish to commend Representative Thomas B. Curtis, of Missouri, one of the four U.S. congressional delegates to the Kennedy round and a colleague of mine on the Joint Economic Committee. Representative Curtis recently returned from Geneva with a thorough and optimistic report on the progress of the talks, which has helped to cast Congress in a new role under the Trade Expansion Act. In his column, Roscoe Drummond has also commended Representative Curtis for his contribution, and I ask unanimous consent that his column in the July 14 edition of the Washington Post be placed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

De Gaulle and the United States
France's Goals in Europe

(By Roscoe Drummond)

There is no secret about what President de Gaulle is after. He is after three things and to him they are all of the same piece.

He wants the protection of the American nuclear umbrella without the presence of the United States through NATO.

He wants French military superiority on the continent of Europe. He aims to achieve this by getting a nuclear capability for France while denying forever a nuclear capability for West Germany.

All of these aims run counter to the purposes of the United States. They also run counter to the hopes, wishes, and purposes of all the other Common Market countries—Italy, Germany, the Netherlands, Belgium, Luxembourg—as well as Britain.

De Gaulle's European partners want to see the Common Market run by a European parliament as provided in the Treaty of Rome.

De Gaulle's NATO partners want the presence of the United States in Europe—not our withdrawal. They know that without NATO the whole Atlantic alliance would crumble.

De Gaulle's NATO partners want to see German military force embedded in the fabric of NATO. They know that only if Germany is treated as an equal partner in NATO can the risk of a resurgent German nationalism be averted.

French withdrawal from the Common Market negotiations on agricultural policy directly affects the United States.

For more than a year and a half important trade negotiations have been going forward at Geneva under the auspices of the General Agreement on Tariffs and Trade (GATT).

While these negotiations are pretty dull to all but the experts, the outcome is crucial to opening world markets for both industrial and agricultural products of all countries equally. At stake is economic cooperation versus economic war.

The impression has been that these negotiations—known as the Kennedy round—have been getting absolutely nowhere. Now comes a new shaft of light from a report just brought back from Geneva to Congress by Representative Thomas B. Curtis, Republican, of Missouri, in his unique role as congressional delegate.

Representative Curtis is a clearheaded, tough-minded person. He knows trade negotiations better than just about anybody in Washington. He finds that the Geneva talks are just now beginning to get somewhere and his report to Congress, which the administration found so informative and realistic that it has sent it to businessmen throughout the country, is: "There are now signs that, given judicious and tough bargaining, U.S. negotiators can bring a successful conclusion to the present round."

Curtis' recent mission to Geneva casts Congress in a new role created by the Trade Expansion Act. This act not only removed trade negotiations from the State Department and placed them directly under the President, but also provided for participation by Members of Congress. So far, Curtis is the only Congressman who has gone to Geneva, but his force and knowledge have made the congressional presence meaningful.

Now the outlook is again dimmed by De Gaulle's action, bringing the Common Market to a standstill. As Representative Curtis points out, only by bargaining simultaneously on both agricultural and industrial exports can the United States achieve any significant freeing of trade for both.

But as long as France prevents the Common Market from reaching a common policy on agricultural trade, the talks with the Common Market countries become fruitless.

This is why the latest De Gaulle wrench tossed into the machinery of the Common Market also strikes at the United States.

Mr. JAVITS. Mr. President, I also ask unanimous consent that the text of Representative Curtis' progress report on current GATT negotiations may be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. JAVITS. Mr. President, I strongly urge my colleagues in the Senate to read this document, particularly as we are about to consider H.R. 7969, a bill which would correct certain errors in the tariff schedules of the United States. The bill was reported with amendments by the Senate Finance Committee on August 2. As I will note when the bill is debated on the floor, there are several disturbing amendments in the otherwise good and necessary piece of legislation.

Congressman Curtis' report provides a thorough analysis of the key issues before the current GATT negotiating conference. The outcome of these negotiations will have major repercussions to future trade position of the United States, including its agricultural exports, particularly to the EEC. The problem with the EEC is largely its inability to agree on a common agricultural policy, but also the EEC's advocacy of the margin of support principle, which would make it largely impossible for non-EEC countries to maintain a strong export position in the EEC.

In the industrial field there are such complex issues to be resolved as the "disparity issue" raised by the EEC, which not only affects the United States, but third countries, such as those in EFTA; and the issue of nontariff barriers. Very little, if anything, is happening on either of these problems at the moment, although, I am sure, it will before these negotiations are completed. It is very clear to me that, while the United States is subjected to strong criticism for maintaining such nontariff barriers as the American selling price method of customs evaluation, it would not be in our interest to extend the application of this customs valuation to other products not now covered. It would only focus greater attention abroad on this barrier and divert attention from equally pernicious nontariff barriers of other countries. There is much to be done in other areas, such as antidumping practices and Government-buying regulations, both in the United States and in Europe.

On July 28, 1965, I introduced, with Senator Miller and Senator Jordan of Idaho of the Joint Economic Committee, a resolution—first introduced by Congressman Curtis in the House—which calls on the President to call an international conference on antidumping for the purpose of negotiating an international antidumping code to provide uniform treatment under the antidumping laws of participating nations of imports of other signatories.

The report also deals with a proposal made recently by Eric Wyndham White, Secretary General of GATT, to apply the "sector approach" to negotiations in five sensitive industrial fields: steel, aluminum, textiles, paper, and chemicals. Mr. Wyndham White's proposal is to begin multilateral discussions in these fields as a tactical approach to ironing out the differences among countries on a multilateral, rather than bilateral basis. Certain fears have been expressed in the press and by certain industry groups that the sectors approach is a prelude to the negotiation of commodity agreements and the division of international markets. I believe this was not the purpose of Mr. Wyndham White. However, care must be exercised that in fact this approach does not result in further measures which would distort trade patterns and restrict the expansion of international trade.

The report calls attention to the role being played by developing countries in the Kennedy Round. Adoption of the new GATT chapter on trade and development on February 8, 1965 is an extremely important development as it gives a contractual and legal basis for new and important commitments to developing countries to help them meet their economic development needs through trade. As Congressman Curtis so rightly points out:

> If less-developed countries can be brought into the world trading system under GATT rules, special, preferential, and perhaps trade restrictive arrangements urged by the U.N. Conference on Trade and Development can be avoided and replaced by constructive devices whose effect will ultimately be to promote world trade.

Finally, the report discusses the relationship of East-West trade and GATT and the future of U.S. trade policy. These issues must receive even greater attention in the Congress than heretofore.

Exhibit I

Progress Report on Current GATT Trade Negotiations

(Remarks of Hon. Thomas B. Curtis in the House of Representatives, June 2, 1965)

Mr. Speaker, I have recently returned from the sixth round of trade negotiations taking place under the auspices of the General Agreement on Tariffs and Trade (GATT) at Geneva. I attended these negotiations, and I make this report to you today, in exercise of my responsibility as a congressional member of the U.S. delegation for trade negotiations.

The role of congressional delegate, which I share with my colleague Congressman Cecil King, and with Senators John Williams and Talmadge and their alternates, Senators Carlson and Ribicoff, holds a special obligation and responsibility to the Congress and the Nation. Appointed under the authority of section 243 of the Trade Expansion Act of 1962, our duty is to participate fully in a policy-making capacity as accredited members of the official U.S. delegation to the trade negotiations throughout the duration of the Trade Expansion Act. Appointment of congressional delegates was one of the major procedural reforms of the Trade Act, ranking with the establishment of the Office of the Special Representative for Trade Negotiations.

I might begin with the comment that the "Kennedy round" faces an uncertain future. Begun in a spirit of high optimism, it was intended to bring an unprecedented cut in tariff and nontariff barriers to world trade in both agricultural and industrial products. But progress has been very slow, even tortuous. Three years after the enactment of the Trade Expansion Act and 1 year after the formal opening of the sixth round on May 4, 1964, the meaningful achievements of the Kennedy round are few.

Yet there are now signs that, given judicious and tough bargaining, United States negotiators can bring a successful conclusion to the present round.

I would like to report my findings and thoughts on several important aspects of the negotiations, then to express my views on the direction of the U.S. program to increase and free up international trade, and on future intermediate trade goals which may be appropriate for the United States.

AGRICULTURE

From the beginning of the current trade negotiations agriculture has had a key role. The United States has insisted that acceptable access for U.S. agricultural products in European markets must accompany reduction of tariffs on industrial products.

Our specific goals are now very general. At the start of the current trade negotiation effort the United States had hoped to achieve a 50-percent reduction in barriers to agricultural trade, concurrent with our effort to achieve 50-percent reduction in barriers to trade in industrial products.

Clearly this early goal has been abandoned. But even so, after a long period of great pessimism, I believe there is now ground for hope that we can achieve modest freeing of agricultural trade.

Until very recently progress in agriculture negotiations has consistently been delayed by the European Economic Community's inability to agree on a common agriculture policy, especially in grains. In part the EEC difficulty in reaching agreement reflects very deep internal conflicts among the six EEC member nations—conflicts which, we have well learned, are strongly reflected in the current GATT negotiations. And in part EEC resistance to lowering barriers to imports results from the desire to use trade barriers to create cohesiveness among the members of the EEC "club."

A tabling schedule for agricultural products

But on Monday, May 17, the EEC after months of delay submitted its grains offers to examination by the participants in the GATT "Cereals Group." Grains tabling constitutes only the opening move in the agriculture negotiations—it allows GATT participants to take the initial step in the actual bargaining on grains. Nonetheless it is of immense significance. It gives us reason to hope that the EEC will meet the September 16 deadline for tabling offers on all remaining agricultural items.

With regard to these remaining agricultural items, discussions were begun in Geneva on May 3 in order to identify the relevant elements of support or protection which could enter into the negotiation beginning September 16 and to exploring the views of the participating countries regarding the type and content of offers required to achieve the objectives of the Kennedy Round.

The schedule of these exploratory discussions during the next several months follows:

May 10–13: Committee on Agriculture (Rice/cereal preparations).

May 14: Committee on Agriculture (Beverages).

May 17–21: Group on Dairy Products.

May 24–28: Group on Meat.

May 31–June 4: Committee on Agriculture (Live animals/meat/eggs).

June 8–9: Committee on Agriculture (Tobacco).

June 10–11: Committee on Agriculture (Sugar).

June 14–18: Committee on Agriculture (Fats and oils).

June 21–25: Committee on Agriculture (Vegetables/fruits).

June 28–29: Committee on Agriculture (Live trees and plants, bulbs, etc.).

June 30–July 2: Committee on Agriculture (Miscellaneous preparations/residues).

July 5–9: Committee on Agriculture (Other products).

The beginning of actual negotiations on agriculture items is important because of the U.S. insistence that agricultural and industrial negotiations proceed together—that without agricultural concessions there can be no industrial concessions. A number of participating countries, including many less-developed countries, can only participate fully in the negotiations when the agricultural negotiations are finally in process. And the United States has had to consider carefully how far to allow industrial negotiations to proceed ahead of progress in agricultural negotiations. These considerations have slowed the progress of the overall negotiations.

Unfortunately tabling dates and schedules don't themselves result in successful negotiations. The EEC grains offers are very general in nature—the detailed examination of all participants' grains offers will begin on June 10. Only then can we begin to see what the negotiations may bring.

In the grains and other commodity negotiations the EEC may well attempt to negotiate on the basis of a principle it has previously proposed—the so-called "montant de soutien" (roughly, "margin of support"). The "montant de soutien" proposal would, essentially, freeze the amount of the difference between the domestic support price (or "reference" price) and the minimum import price. This would amount only to an

EEC guarantee that the import price (against which foreigners have to compete) would move up (or down) only when the domestic support price fluctuated. It would not provide for a freeing of trade by reduction of present import price levels. Thus the "montant de soutien" concept has been rejected by the United States and most other major negotiatiating countries.

In the disagreement over the "montant de soutien" and in face of inability to agree on any generalized bargaining terms, or "ground rules," agricultural bargaining will go forward on a "pragmatic" basis. That is, discussions and negotiations will take place commodity by commodity. In the commodity negotiations and notably in the impending grains discussions the "montant de soutien" will almost surely again raise its ugly head.

I will not predict whether we can substantially achieve our goal of "acceptable conditions of access to world markets for agricultural products, in furtherance of a significant development and expansion of world trade in such products." It is a worthwhile goal and we must continue to fight for it, but certainly any hope for a 50-percent cut in the various types of protection of agriculture is now unrealistic. I can only say that I hope by linking industrial bargaining to agricultural bargaining we can achieve a significant freeing of trade in both. For the only real incentive for the EEC to lower agriculture trade barriers is substantial industrial and reciprocal nontariff barrier concessions from the United States. The EEC has little interest in agricultural concessions from the United States.

Mr. Eric Wyndham White, the director of GATT and a man whose abilities I respect very highly, said during his recent visit to the United States, that:

"The final settlement of international trade and agricultural policy is a long-term objective, that while results in terms of maintaining trade channels and trade opportunities in the immediate future must be achieved in the Kennedy round, the evolution of an acceptable viable international agricultural and food policy is something which will have to be worked out very patiently over the years * * * we mustn't expect that one can solve all these very deep-seated problems in one go-round, in a single negotiation."

I think this statement, which has been widely misquoted, provides good perspective for current negotiating efforts in agricultural products. We earnestly hope that the Kennedy round will ease, or free, access to European agricultural markets. But to solve the much larger problems of the coordination of national agricultural policies—in the context of the vastly increasing world demand for food—will require years.

Furthermore, it is in the agriculture sector that other than tariff trade barriers have always been prominent. The mere decisions to attempt to grapple with the various subsidy, state trading, license and quota, and embargo programs in agriculture is a great step forward.

INDUSTRIAL PRODUCTS

Last November 16 the major nations participating in the Kennedy round tabled their "exceptions" lists—lists of industrial products that they will exclude from tariff cuts. The U.S. exceptions list was the result of several years' inquiry. Businessmen with whom I have talked have indicated their views have been given full consideration by the Trade Information Committee, the section of the office of the President's Special Representative for Trade Negotiations charged with obtaining such information, and another great innovation in the Trade Expansion Act of 1962. Throughout, the United States attempted to limit to the greatest possible extent the size of its exceptions list. Its good faith in doing so may indeed have resulted in a bargaining disadvantage. However, by insisting upon a "full" justification of the large exception list of the EEC, the bargaining equilibrium may be reestablished.

EXCEPTIONS LISTS—AN INNOVATION

I would like to point out that the "exceptions list" is a phenomenon peculiar to the Kennedy round, and one of its most helpful innovations. In previous trade negotiations participants made selective offers. It was possible then for a participant to exclude from negotiation any item in its tariff schedule it might choose. For the United States, this negotiating procedure partly resulted in permanently withholding many items from negotiation. There have been no cuts on at least 400 items in the U.S. schedules. And it is estimated that fully 900, out of a total of about 6,000, items in the U.S. tariff schedules have duties of at least 30 percent compared to a very few similarities in the EEC schedules (though median United States and EEC tariff levels are fairly comparable). To put this in full context it should be pointed out that 40 percent of all U.S. imports—both agricultural and industrial—are duty free, according to statistics compiled in 1961.

THE DISPARITY ISSUE

The existence of a number of relatively high U.S. rates provided the grounds on which the EEC introduced, in 1963, the concept of "disparities." An issue of great complexity, never resolved, it bears on two very important current problems—the size of the EEC exceptions list and the EEC's real intentions in the negotiations. The point is that a 50 percent cut on a high tariff rate, 50 percent to 25 percent, for example, is not an equitable concession to a 50 percent cut on a low tariff rate, 12 percent to 6 percent, for example. Actually an allowed claim for disparity adjustment would not affect the United States as much as it would third countries and the United States has resisted the EEC move for disparity consideration primarily in behalf of third countries. This is so because on many of the high tariff rates of the United States which might be subject to disparity consideration, there is little trading or prospect of trading, but in the EEC there is considerable prospects of trading particularly on the part of "the outer 7."

In May 1963, the EEC proposed that on certain items on which the U.S. tariff was by a certain amount higher than the EEC tariff on a corresponding item, a rule of disparity could be invoked. In general terms, when a disparity was claimed, the tariff cut on that particular item would be calculated in a special way. The disparities concept, if applied, would seriously inhibit the 50 percent across-the-board cut ideal.

Throughout the year-long debate on the disparties issue the United States has maintained the EEC's arguments in favor of the disparities concept lacked substance. The disparities rule, if applied broadly enough, would significantly reduce the number of items on which the EEC would be required to make reciprocal tariff reductions. It would also introduce into the industrial negotiations a number of very complex issues. Perhaps the most important of these is the effect of the proposed EEC disparity rule on third countries. The Swiss Federal Councellor last May in Geneva described the third country problem rather movingly:

"Is there indeed any economic sense, or any common sense, in a regulation whose consistent application would mean that because of arithmetic differences between the tariff rates of two participants, vital exports of 'innocent' third countries to the country claiming the disparity should not profit by the full tariff reduction? How do you explain, economically speaking, the invocation of disparities when the low tariff country imports very little or nothing at all from the high tariff country responsible for the disparity?"

The United States has been strongly supported in its effort to define and restrict the application of the proposed disparities rule by the other major negotiating countries, namely the seven European Free Trade Areas countries, Japan, and Canada. This solid opposition front may have induced the EEC to allow the disparities issue to lapse—in any event, it has been little discussed since May 1964.

Meanwhile, the major participants have tabled their exceptions list. The EEC's exceptions list is discouragingly large. It applies, for example, to fully 80 percent of the exports of Norway. This means that if the EEC list is left unchanged, Norway could get no cuts from the EEC on fully 80 percent of Norway's exports.

The EEC list includes not only items that will be completely excluded from negotiation, but items that will be both partially and conditionally excluded. Thus a major difficulty in evaluating the real impact of the EEC list in trade and bargaining terms is not knowing the exact extent to which an item will be partially exempted, and the exact conditions on which the EEC will negotiate its conditional exemptions.

The United States hopes to try to bring the EEC to reduce its exceptions list by the greatest extent possible. But, if we successfully pressure the EEC to substantially reduce its list it is conceivable that the EEC, in order to protect certain categories of products, may once again claim that a disparities rule be applied.

And let me point out that a policy basis exists for reopening the disparities question. The GATT Ministerial Resolution of May 1963, which established policy guidelines for the round, stated that "in those cases where there are significant disparities in tariff levels, the tariff reductions will be based upon special rules of general and automatic application."

Everything possible must be done to avoid once again entering the debate on disparities. U.S. negotiators were unable to reach agreement with the EEC after a year of constant discussion. I do not doubt that months of technical discussion would be required to find an acceptable solution. If the EEC were to introduce disparities at a critical and late point in the negotiations, the success of the round could be severely jeopardized. And were this to occur, the EEC would in fact demonstrate finally its intention that this great trade expansion effort should not realize its potential.

I do not mean that the United States should discontinue its effort to reduce the size of the EEC exceptions list simply for fear that the EEC will retaliate by again introducing disparities. Rather, the United States must be prepared to meet the disparities argument with very firm, very carefully substantiated, opposition that will convince the EEC to retreat or to restrict sharply its disparities proposal.

In preparing its case to support its concept of the "special rules of general and automatic application" to apply to cases of disparity, the United States should insist that all disparities be "significant," and that a disparities claim not rest on a mere arithmetical difference between United States and foreign duties. U.S. negotiators should insist on several minimal criteria to determine "significance." Disparities should not be "significant" when the foreign country imposes quantitative restrictions on the total volume of imports; when the country with the higher tariff manufactures the commodity; when the country with the higher duty imports a large volume of the commodity. Further, disparities should be limited to the smallest possible number of items, and should apply only to items on the tariff schedules of the United States, United Kingdom, and EEC. Most important, the United States should require the EEC to prove each of its disparities claims case by case according to the special rules of application finally evolved.

The case is well made that the EEC is aware that it will have to give away to the demands for tariff reduction of other traditional trade partners, such as Austria, and that these reductions will be extended to the United States as required by GATT rules. Seen in this light, EEC violations of the original ground rules of the negotiations by the disparities proposition and its excessive and ill-defined exceptions list are intended to exact from the United States the maximum possible access to U.S. markets for each of its own concessions.

I want to add, for the sake of perspective, that the size of the EEC exceptions list and the lingering problem of disparities have in my opinion somewhat obscured public recognition of the actual achievement represented by the tabling of the exceptions lists. The offers tabled on the 50-percent cut basis are the largest, most significant ever made in trade negotiations at Geneva. Nonetheless, much tedious bargaining will be required to successfully achieve substantial cuts across the board.

NONTARIFF TRADE BARRIERS

Trade practices of governments other than tariffs, whose effect is to restrict international trade, have become widely recognized as important hindrances to trade. These "nontariff" trade barriers have for the first time been included in GATT negotiations during the current round.

In July 1964 GATT working groups were set up to study six areas: customs valuation, including the American selling price and "wine-gallon" systems, and the assessment of U.S. duties on the f.o.b. as opposed to c.i.f. basis; regulations on imports; Government buying practices; quantitative restrictions, including coal quotas; internal taxation, including road taxes and border taxes; and antidumping measures.

These working groups have been inactive. The group on antidumping has not been constituted and the others have not met since last July. Yet the U.S. bargaining strategy, emphasizing the necessity for duality of negotiation on agricultural and industrial products, officially treats nontariff barriers as coequal with agricultural and industrial negotiations.

Ideally, when concrete bargaining begins in earnest on a wide range of industrial and agricultural items, we should also be prepared to turn the problems in the nontariff barriers area to our best advantage. I doubt that we will be prepared to do so by the time concrete bargaining begins, hopefully next fall and winter. I hope that we can be.

Whether the United States has the authority to negotiate some of its nontariff barriers in the GATT context and under the authority of the Kennedy round which have been particularly pointed up by other countries, has been seriously questioned. Europeans, among them GATT secretariat officials, maintain that all nontariff trade barriers must be open to discussion and negotiation. Yet American selling price and antidumping laws were enacted long before the existence of GATT, and therefore are not subject to GATT regulations.

AMERICAN SELLING PRICE

The American selling price method of customs evaluation has received great attention in the nontariff barriers context. Europeans particularly have emphasized an alleged trade restrictive effect of the American selling price.

The economic validity of the American selling price as a protective device is, in my judgment, questionable. The main criticism directed against it is that it is uncertain and difficult to determine. I think it would be a wise course to compute the equivalent foreign market sales price and set the tariff rate to equal the amount of actual duty paid based upon the American selling price. However, this would require congressional action and is not within the power of the Kennedy round negotiators.

However, the American selling price system applies only to about 4 percent of U.S. imports of foreign chemical products. Its actual effect is, therefore, rather small, and it seems to be fundamentally a talking point on the part of countries which have a variety of nontariff barriers which are presently in violation of the GATT and, therefore, subject to consideration in the present negotiations on reducing tariff rates. The possibility of trading the American selling price for a large reciprocal advantage from European negotiators is, nevertheless, highly tempting. And the United States can be criticized for allowing the American selling price—essentially a matter beyond the purview both of the General Agreement on Tariffs and Trade and the Trade Expansion Act of 1962—to assume such an important place in the negotiations. It is an issue blown far out of proportion to its true size.

ANTIDUMPING: NEED FOR AN INTERNATIONAL SOLUTION

Several other of the limited U.S. nontariff trade barriers which other countries are seeking to point up deserve brief comment. Antidumping, in particular, periodically becomes an important subject, one which should be resolved as soon as possible. There has been a recent trend among Europeans and other important trading nations to enact antidumping statutes. As tariff barriers go down, antidumping measures may be resorted to by other countries to protect selected domestic industries from international competition. An international agreement defining some of the key concepts of antidumping, such as "injury," and specifying permissible methods to combat harmful dumping, is timely and necessary. I have recently made remarks on this point in the CONGRESSIONAL RECORD, June 1, 1965, page 12075.

The United States is an offender in this field because of what are described as its frequent and lengthy antidumping claims procedures. The United States could gain much by leading in reaching an understanding with other major trading nations which might liberalize all antidumping procedures, including those of the United States, and would effectively prevent dumping, which is universally recognized as being economically undesirable. This would prevent national antidumping procedures from becoming really substantial world trade barriers.

Certainly the answer to what has become an international problem does not lie in further elaboration of restrictive U.S. procedures by legislation whose effect almost surely will be to make our already strict procedures more burdensome still.

GOVERNMENT BUYING REGULATIONS

Government buying procedures is another nontariff trade barrier which has recently brought attention. Europeans have long objected that well-publicized U.S. Government buying regulations are a hindrance to trade. U.S. representatives have countered that European regulations are stricter than those of the United States, but because they are largely administrative regulations and thus are not publicized, their nature and actual impact cannot accurately be determined.

A recent study presented to this body by the gentleman from Pennsylvania [Mr. SAYLOR] has shown that many important foreign trading countries have stricter buying policies than our own. This knowledge has caused Mr. SAYLOR and others to advocate that the U.S. Government respond not by using this new evidence to induce our trade partners to liberalize their buying practices, as one might expect. Rather they wish to use this new evidence to justify more restrictive U.S. practices.

I think we should shun the temptation to tighten U.S. buying practices. To the greatest extent feasible we should encourage not discourage the U.S. Government procurement personnel to buy from the cheapest quality suppliers—and thus to get the most for the dollar of expenditure.

On balance the United States has not been swift enough to turn the GATT discussions in the nontariff barrier field to its advantage. Extended research on the problem of European border, or "frontier", taxes on U.S. exports is needed, but there can be no doubt that these practices are very substantial trade barriers and that in this matter European nations are vulnerable. Our new knowledge of European government buying practices should strengthen U.S. efforts to liberalize them. We should take a fresh position on the question of antidumping. In short, the United States should take more vigorous initiatives to remove foreign nontariff trade barriers which are so much more extensive and greater than ours, instead of being defensively pressed to remove those barriers we ourselves maintain.

THE "SECTOR APPROACH" TO NEGOTIATIONS

Recently Mr. Eric Wyndham White, Director General of GATT, suggested an approach to negotiations in five of the most sensitive industrial sectors: steel, aluminum, textiles, paper, and chemicals. The EEC exceptions list contains many items in these five categories. Many of them frequently in the past have been protected by all trading countries from tariff-cutting negotiations. Mr. Wyndham White's proposal is to begin multilateral discussion in these areas as a tactical approach to ironing out the differences among countries in a multilateral, rather than bilateral basis.

Some reportorial comment has, however, presented these sector discussions, into which the United States is now preparing to enter, as a prelude to multilateral negotiations to arrange markets. And certain industry groups have expressed fears that this negotiating approach could result in harmful market arrangements. I am convinced that in proposing the sector approach Mr. Wyndham White had no such intention. Nonetheless there is ground for such suspicion, not the least President Johnson's statement on expanding world trade of October 29, 1964, "we are * * * seeking to work out arrangements among the woolen textile-producing nations * * *", in context with the international textile arrangement which was worked out just 2 years ago.

We must realistically assess the domestic and international pressures that could result in a multilateral agreement to arrange markets, not only in textiles.

The long-term cotton textile arrangement regulates foreign cotton textiles access to U.S. markets. It has caused foreign producers to shift production into fabrics made of wool or other natural fibers or manmade fibers, and blends of these fibers, which are competitive with U.S. products. The resulting increased foreign competition has caused U.S. wool textile producers to ask for an international market arrangement which would limit imports of foreign wool products.

U.S. manmade fiber producers argue that an international market arrangement for wool products would result in a similar diversion of foreign production into manmade fiber products, and greater foreign competition for the U.S. manmade blended fabrics market. They cite the efforts of the Japanese Government to divert its cotton textile production to make fabrics of other fibers.

In addition there is evidence that the long-term cotton textile arrangement has not functioned satisfactorily. Its purpose was to promote an orderly expansion of trade through restraining the impact of new cotton textile production on new markets. In effect this intended expansion has not taken place. In addition, the cotton arrangement is itself very difficult, and I might say costly, to administer.

THE DANGER OF AN INTERNATIONAL ALL-FIBER TEXTILE ARRANGEMENT

We find that the entire U.S. textile industry—both natural and manmade—has united to pressure the U.S. Government to enter an all-inclusive textile arrangement.

How ironic it would be were the sector approach—designed to facilitate barrier reductions—to result in market arrangements, especially in the context of the Kennedy round.

I suggest that, in the preparation for the coming review of the long-term cotton textile arrangement next fall, U.S. policymakers carefully review the actual effects of the arrangement, and reassess its desirability.

I suggest this for the several reasons I have mentioned, and also because of the impact on less developed countries of adjustments in the international market for cotton textiles. Cotton textile manufacture is a classic means of entry into the industrialization process. Large-scale manufacture of textiles was a foundation stone of both English and American industrial growth. By preventing less developed countries' textile products from competing freely in developed nations' markets we are cutting off a valuable source of hard currency they need to finance economic development.

I hope I can make clear that my interest in avoiding a multitextile market arrangement is not simply to achieve quicker progress toward expanded trade. To those who represent textile producing regions in particular and to all who would erect barriers to fair international trade, I want to make clear my concern—thoroughly substantiated by economic theory—that market arrangements of any kind which result in more than fair compensation for true economic differentials not the proper subject of competition, and so result in the protection of a U.S. product from competition, ultimately result in the least beneficial allocation of U.S. resources. The protection of an industry from fair competition represents a kind of tax on all efficient producers and on consumers. Protection from fair competition allows inefficient producers to use scarce resources, thereby raising costs of these same resources to efficient producers.

INADEQUATE ADJUSTMENT ASSISTANCE?

In instances when industry reorientation as a result of foreign competition is required, adequate adjustment assistance measures should be fully used.

Have the adjustment assistance provisions of the Trade Expansion Act been adequate? Recently we have read and heard public statements that these provisions have "failed." This comment has been occasioned by the consideration of new adjustment assistance provisions incorporated in the bill to implement the Canada-United States Automotive Products Agreement, H.R. 6960.

Critics have based their opinion on the Tariff Commission's rejection of all 19 cases of adjustment assistance claims brought to it.

In my view the claims brought to the Tariff Commission have been inadequate to meet the requirement that the claimed injury be in major part caused by imports of competitive products. The adjustment assistance provisions of the Trade Expansion Act were intended to be the safety valve on an engine—the 50-percent tariff reduction authorized by the Trade Expansion Act—which has not yet built up a head of steam. To claim now that these adjustment assistance provisions are inadequate or that the Tariff Commission has somehow failed in applying them, is premature and unfounded.

THE KENNEDY ROUND AND THE U.N. CONFERENCE ON TRADE AND DEVELOPMENT

One of the most encouraging developments in the current GATT negotiations is the new GATT Chapter on Trade and Development. Adopted on February 8, 1965, the new chapter is a significant development in the commercial policy field. It gives a contractual and legal basis for new, important commitments to less developed countries to help them meet their economic development requirements through trade.

The new GATT approach to developing countries has resulted in a GATT timetable for the tabling of less developed countries offers, and for negotiations with developed countries. Thus I hope that developing countries will receive effective consideration on the basis of their ability to trade and compete in the world economy.

According to the schedule for less developed countries participation adopted by GATT, less developed countries were to notify GATT of their intention to table offers on August 1, 1965. By April 15, Ceylon, India, China, and Jamaica so notified GATT. Four other less developed countries, Nicaragua, Rhodesia, Peru, and the United Arab Republic, notified GATT that they would table offers on October 16 because of "predominant interest in exports of agricultural products." The October 16 date will give these countries time to examine and prepare offers on the basis of the developed country lists to be submitted on September 16. Argentina, Brazil, Indonesia, Malta, Pakistan, Togo, and Uruguay were uncertain about which date they would choose. Israel and Portugal have indicated that they would also like to be extended less developed countries treatment, but these cases have not yet been determined.

A résumé of the schedule for less developed countries participation follows:

May 1: (a) Linear negotiating countries plus Canada will submit information, with supporting reasons, on their exceptions of less developed countries export interest. These will be distributed by the GATT Secretariat to less developed countries which have notified their intention to participate.

(b) Trade Negotiations Committee Chairman (Mr. Wyndham White) gives summary of linear exceptions lists to less developed countries intending to participate.

(c) Participating countries suggest to less developed countries offers that less developed countries might submit, distributed to less developed countries by GATT Secretariat.

June 15–July 1: Examination by less developed countries who notified on April 15 of lists of items excepted by linear countries.

August 1: Participating less developed countries (except those tabling offers on October 16), and including Israel and Yugoslavia, will table offers.

September 16: Developed countries tabling offers on agricultural products other than grains.

October 16: Less developed countries which notified of their predominant interest in agriculture table offers.

Less developed countries which did not adhere to the above timetable would not be prevented from tabling offers after October 16. Those less developed countries having tabled a statement of their proposed contributions will then take part in trade negotiations and will receive the complete exceptions lists of the linear countries.

The relationship of this new GATT program for less developed countries to the U.N. Conference on Trade and Development (UNCTAD) is tremendously important. If less developed countries can be brought into the world trading system under GATT rules, special, preferential, and perhaps trade-restrictive arrangements urged by UNCTAD can be avoided and replaced by constructive devices whose effect will ultimately be to promote world trade.

The effort to convince less-developed countries to participate in the Kennedy round must continue. They must be helped to realize that real solutions to their trade problems do not lie in the essentially political forum provided by UNCTAD. I would like to commend the very valuable work of the Mexico-United States Interparliametnary Conference in attempting to convince Mexico of the advantages of GATT participation. Were Mexico to join GATT, I am certain that many South and Central American nations would follow.

But I emphasize that, as in the agricultural, industrial and non-tariff barrier negotiations, the rules under which less-developed countries will participate in the round have yet to be elaborated. As in so many areas of the present negotiations we are exploring new depths, yet unfathomed. In our exploration we should keep in mind that we have an opportunity to prevent the division of the world into economic spheres of influence. We should allow freest possible access to world markets for less developed countries products of all kinds, perhaps through preferences by developed countries as a whole to less-developed countries as a whole. Trade in preference to aid should be basic U.S. policy.

EAST-WEST TRADE AND GATT

The Kennedy round involves another serious issue—the inclusion of Communist countries. Poland, Czechoslovakia, and Yugoslavia have indicated their interest in entering the present tariff negotiations. Poland, a member of GATT, tabled its offer on April 11. The desire to participate in the Kennedy round demonstrates the tendency of some Communist nations to enter international undertakings which require no ideological realinement or commitment, but instead considerations of national interest and advantage.

It will be interesting if the Kennedy round further involves Communist nations—intent on opening their horizons because cooperation with free world nations is to their best advantage—in predominantly free world economic groupings.

Special negotiating rules will have to be developed for each of these three countries to participate. Yugoslavia's economy is semicompetitive; Poland's and Czechoslovakia's are dominated by state enterprises. In these latter cases the concept of a tariff cut is questionable. These factors will require special procedures in the GATT context.

In addition, these three countries each have different and in some cases special relationships with GATT. Czechoslovakia is a full contracting party, Poland participates under special arrangement, and Yugoslavia has acceded provisionally to GATT.

Czechoslovakia presents a special problem for the United States. Because section 231 of the Trade Expansion Act prevents the United States from extending most-favored-nation treatment to Communist countries other than Poland and Yugoslavia, the United States must ignore Czechoslovakia, which otherwise fully participates in the round.

NO QUICK END IN SIGHT

I have attempted to present in some detail some of the elements that have made the "Kennedy round" at once one of the most frustrating and yet most promising international negotiations the United States has entered.

I think it is fair to say that after a long and very dim period the negotiations as a whole can now move slowly ahead—in agricultural and industrial products, and in nontariff barriers—to resolve issues such as the "montant de soutien" and disparities. And as these discussions proceed the participants will be able to work out terms of participation for the less-developed countries, and for those other nations, like Australia and New Zealand, whose specially structured economies entitle them to unique terms of participation in the negotiations.

The variables of this tremendously complex negotiation will take many, many months of discussion to blend together and resolve. It is not too soon to think of renewing the Trade Expansion Act of 1962.

THE TERMINAL DATE—JUNE 30, 1967

The authority given the President to negotiate tariff reductions by the Trade Expansion Act of 1962 will terminate on June 30, 1967.

Clearly much progress must be made in the next 2 years in order to achieve the purposes of the Trade Expansion Act. Given the slow progress to date, ways to speed the negotiations must be forthcoming or the Trade Expansion Act will have to be renewed.

Any early efforts to extend the TEA's authority might simply relax pressure on the EEC to make the internal adjustments necessary to allow it to bargain down barriers to foreign trade.

I think it essential to use every available means of achieving a successful conclusion before the deadline, and I am assured from my personal observation that able U.S. negotiators both in Geneva and Washington will do so.

WHAT FUTURE TRADE POLICY?

My concern with the slow progress of the Kennedy round and with the many complex issues yet to be resolved, leads me to consider new approaches to trade expansion. In doing so I would ask you to consider with me this question: What are U.S. world trade goals?

The U.S. objective since the start of the reciprocal trade program in the 1930's has been to achieve "fairer" trade. Seldom have I heard an official spokesman proclaim the goal of fair trade. But fair trade is a goal now dictated by the logic of our past and present trade expansion efforts. Even if the Kennedy round completely fulfills its highest objectives we must ask, "what next?" I believe we must make the complete removal of all tariff and other-than-tariff barriers to international trade unjustified by proper economic differentials our primary national trade objective.

As the strongest Nation in the world, we must lead the way toward creating a world economy which will fully include less-developed countries and slow the centripetal forces set in motion by regional trading arrangements.

If in the Kennedy round the EEC shows that it is unable to make substantial tariff cuts on both agricultural and industrial products we must seek alternatives to traditional ways of bringing fairer and expanded trade.

THE NEED FOR CONGRESSIONAL STUDY

These broad questions of international trade policy must be examined thoroughly with full participation by Congress. Too often a proposal to drastically change public policy has been developed without the participation of this body. Then, in a tremendous push, measures have been introduced and passed, sometimes in badly mangled form. Congress must make itself a part of the creative proposals and new thinking at every stage in order that intelligent congressional examination be assured during the legislative process.

Thus I have advocated an annual congressional review of U.S. trade policies. The Joint Economic Committee now examines the annual report of the President and his Council of Economic Advisers and issues its own statements on this report, and its views on the state of the economy and economic policy. This yearly "confrontation" procedure, while not perfect, has resulted in immeasurably greater public and congressional knowledge and debate about U.S. economic policies.

AN ANNUAL REVIEW OF TRADE POLICY

I propose the same procedure be applied to U.S. trade programs and policies. Section 402 of the Trade Expansion Act requires the President to submit to Congress an annual report on trade. This report could appropriately be examined by the Ways and Means Committee of the House. Alternatively, the Joint Economic Committee would be entirely competent to examine it. I will urge that this proposal be seriously considered.

A COMMITMENT TO AN OPEN WORLD

I have long felt that the Trade Expansion Act and the great labors expended on the current trade negotiations, in spite of their lack of obvious result, have served an essential purpose. The U.S. trade expansion effort in the last 3 years has been a major instrument to prod, cajole, urge the members of the European Economic Community to resolve many of their internal differences, and most important, to look outward to the world. I have often considered, in examining pessimistic reports of our progress at Geneva, that in this respect the Kennedy round is fulfilling its most essential mission.

But I nonetheless recognize the effect on relations between states of a trading world encumbered by barriers and restrictions. These conditions have been the stuff out of which wars have sprung. We must continue our efforts to smooth world trade relations, just as we are attempting to smooth world financial relations. Thus we must continue our march toward a fairer trading world.

In trade and payments, international economic and political cooperation efforts of every sort we have shouldered responsibilities of huge size. In no sense are we incapable of bearing these burdens, for they are, when wisely governed, within our power to sustain.

We find ourselves now at a crossroad in international commercial policy which may well mark the end of the post-war phase of the world trade efforts begun in the 1930's. By bold innovation and by perserverence—always aware that the national interest requires international cooperation—we can realize new achievements in world economic cooperation and development.

COORDINATION OF HIGHWAY PLANNING WITH RECREATIONAL AND WILDLIFE VALUES

Mr. METCALF. Mr. President, for years I have been urging coordination of highway planning with recreational and wildlife values. This session, I again introduced a bill which is being considered with President Johnson's highway beautification program. This bill would insure that Federal aid highway systems serve a wider range of values in American life. I call it an S.O.S.—Save Our Streams—bill.

Following the introduction of my first S.O.S. bill in the 87th Congress, Federal Highway Administrator Rex Whitton issued an instructional memorandum designed to protect our fish, wildlife, and recreational resources adjacent to Federal aid highway construction. Shortly after this memorandum was issued, conservationists suggested that it should be broadened to include parks and other outdoor recreational and historical resources. On May 25, 1964, Mr. Whitton followed this suggestion with another memorandum for the Bureau of Public Roads. I commended this action as being in the best interests of recreation, fish and wildlife and historic resources. I have always congratulated Mr. Whitton for his cooperation.

However, when the Sierra Club recently wrote to the Federal Highway Administrator seeking clarification of the administrative procedure governing coordination, it received bland assurances instead of an answer.

Sound elaboration of procedures for coordination would assure the public that the Bureau of Public Roads really is serious about coordination. Vague assurances that "the right thing will be done" do not add to public confidence about the Bureau's seriousness. I am sorry that I cannot commend Mr. Whitton for his most recent comments in this regard.

I ask unanimous consent to include the correspondence in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

U.S. Department of Commerce,
Bureau of Public Roads,
Washington, D.C., May 27, 1965.

Edgar Wayburn, M.D.,
Vice President, Sierra Club,
San Francisco, Calif.

Dear Dr. Wayburn: Thank you for your letter and suggestions regarding U.S. 101 in northern California. Secretary Connor has asked me also to thank you for sending him a copy of that letter.

The Federal-aid highway regulations from which you cited selected sections state that the Federal-aid highway program is a cooperative arrangement between the State highway departments and the Federal Government. You will note that each State highway department must be authorized by law to make final decisions for the State in all matters necessary to comply with Federal laws and regulations. The highway departments are responsible for selecting, programing, planning, designing, and constructing routes of the Federal-aid highway system. We in turn are charged with the responsibility for review and approval or disapproval of each of these actions.

When and if a proposal is received from the State we will make a thorough review of all pertinent information. Each factor—those of special interest to you, those of special interest to others and those of interest to all the people—will be compared and weighed in reaching a decision to approve or disapprove the proposal.

You ask will the Department of Commerce delay granting matching funds for this construction until the Department completes its studies on scenic roads and determines the applicability of the program to this area. Our action on the proposal from the State will be on its merits and the policies and conditions prevailing at the time. If we are to properly discharge our responsibility we must maintain an open mind on this issue.

You also ask will the State park authority be provided an opportunity to make a surrebuttal should it disagree with the final decision of the State. We will consider any pertinent information submitted from any source. Information submitted by the park authority as a surrebuttal will be given the same thorough review as all other.

We appreciate your continued interest in this highway and urge you to make your views known to State authorities to assure their proper consideration.

Sincerely yours,

REX M. WHITTON,
Federal Highway Administrator.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., May 17, 1965.

EDGAR WAYBURN, M.D.,
Vice President, Sierra Club,
San Francisco, Calif.

DEAR DR. WAYBURN: The Secretary of Agriculture asked us to write you concerning your letter of April 30, 1965, to the Federal Highway Administrator.

Insofar as rights-of-way over lands of the United States entrusted to this Agency are concerned, you may rest assured that the preservation of natural and scenic values are of paramount concern.

Sincerely yours,

EDWARD P. CLIFF,
Chief.
By M. M. NELSON.

SIERRA CLUB,
San Francisco, Calif., April 30, 1965.

Mr. REX WHITTON,
Federal Highway Administrator,
Bureau of Public Roads,
Department of Commerce,
Washington, D.C.

DEAR MR. WHITTON: The Sierra Club regards the circular memorandum which your office issued on May 25, 1964, concerning the protection to be afforded to outdoor recreation resources under Federal-aid highway programs as an important step forward in fashioning the more beautiful America called for by the President in his message on natural beauty.

In the light of the policy established by that circular, we would like to ask for clarification of the procedures which your bureau and the Department of Commerce will follow in the event that the California Division of Highways and the California State Park Commission cannot agree on highway routing affecting redwood State parks. We understand that you have indicated that your bureau does not anticipate receiving any proposals for the use of Federal-aid funds from the California Division of Highways for highway construction that would be detrimental to the California redwood State parks. However, we on the scene here are less optimistic that the two State agencies involved will be able to reach agreement in the case of routing the reconstruction of Highway 101 to freeway standards in the vicinity of Prairie Creek Redwoods State Park.

It is our understanding that if the highway and the recreation agency concerned are not in concurrence, then sections 1.8 and 1.10 of title 23 of the Code of Federal Regulations require you to decide the issue. We would appreciate it greatly if you could verify this understanding. In the event that you must resolve this issue, are we correct in understanding that section 1.6(c) of title 23 of the Code of Federal Regulations allows you to consider the conservation of natural resources in deliberating on revisions in the routing of a previously approved Federal-aid highway system? Of course, our magnificent redwood State parks and associated beachlands are a natural resource which citizens of this State, and indeed the Nation, have spent many years and millions of dollars conserving. Inasmuch as their virgin stands are not replaceable, the conservation of their integrity is conservation of the highest order.

There is an additional factor to be considered in choosing the proper route for relocation of the Federal-aid highway at Prairie Creek. The section of Highway 101 lying in Humboldt and Del Norte Counties quite possibly could be included in the national program of scenic roads and parkways which the President's Recreation Advisory Council has recommended. We note that the Department of Commerce has been charged with the responsibility of conducting a study to implement this national program suggested by the Council. As stated in circular No. 4 of the Recreation Advisory Council, such a study should include establishing the relationship of a program of scenic roads to such other forms of outdoor recreation as hiking trails and wilderness area use. In the light of this responsibility vested in the Department of Commerce, it would appear that the criteria for scenic highways must be formulated and suitability of designing the redwood region segment of highway 101 as a scenic highway must be determined before construction could go ahead in the disputed area around Prairie Creek. Will the Department of Commerce delay granting matching funds for this construction until the Department completes its studies on scenic roads and determines the applicability of the program to this area?

It has been stated (perhaps facetiously) by the chairman of the California Highway Commission that "scenic highways must go through the scenery." In connection with our sugestion that the redwood highway might qualify as a scenic highway, we would like to observe that such a highway must be constructed so that it will not destroy the very values it is designed to display. In the case of Prairie Creek Redwoods State Park, the existing two-lane redwood highway through the park can continue as the low-speed, low-volume scenic roadway, with a high-speed, high-volume freeway location existing on the ridge to the east of the park, where excellent views are possible without damage to the existing park. A proposed route along or near the beach would be especially harmful to the ecological integrity of the park.

Referring again to your circular memorandum dated May 25, 1964, the statement is made that if the officials of the appropriate State authority responsible for the recreational resource do not agree with the highway department, the highway department must provide documentation of this nonconcurrence and then must state reasons why the final highway department recommendation is thought to provide the best solution. From the point of view of procedural fairness, it would seem that the State park authorities should be provided an opportunity for a surrebuttal to indicate their reasons for disagreeing with the final decision of the highway department (in cases where they do). Such a procedure would give both agencies an equal number of chances to state their position and counter the claims of the other. Will such an opportunity be provided?

We will appreciate your efforts to answer these questions. They involve basic matters of broad concern to many citizens of California and the Nation. We look forward to hearing from you.

Sincerely yours,

EDGAR WAYBURN, M.D.,
Vice President.

FIAT CURRENCY

Mr. ROBERTSON. Mr. President, Dr. Harley L. Lutz, professor emeritus of public finance at Princeton University, is one of the ablest and soundest economists of our Nation.

Anticipating that because of war expenditures, we may have a deficit of $8 or $10 billion in the current fiscal year, with inflationary overtones, Dr. Lutz has published in today's issue of the Wall Street Journal a thoughtful discussion of our currency problem. His conclusion is that we will eventually abandon all metal backing for our currency, including the present 25-percent gold backing and have what he calls a fiat currency. If we have a fiat currency, Dr. Lutz claims that a disciplined fiscal policy is urgent.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a portion of what Dr. Lutz said on that subject.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

For all practical purposes we now have a fiat currency. The one domestic function of gold, since nationalization, has been to serve as a brake on the expansion of Federal Reserve Bank credit, and this is on the way out. Notes are no longer subject to this restraint, and as the margin of Treasury free gold declines there is every reason to believe that the 25-percent reserve against Reserve bank deposit liabilities will be further reduced or eliminated. In the official attitude, this reserve provision has no more real usefulness than the statutory limit on the public debt.

A CHANGE OF INSCRIPTION

The advance toward pure fiat is apparent in the changed inscription on the new Federal Reserve notes. All paper money is full legal tender, but the earlier notes stated that the United States would pay to the bearer on demand blank dollars. The fine print added that the note was redeemable in lawful money at the Treasury or any Reserve bank. These pledges have no meaning when there is nothing but paper money and the new notes merely say "One dollar. In God we trust."

A fiat currency would serve the domestic money needs satisfactorily provided general confidence could be maintained in the stability of its value in exchange. The foe of stability is overissue. As things are going we shall eventually abandon entirely the objective restraint on overissue, and on credit excesses, that was provided by the gold reserve requirement. We would still have, for a time, the prudence and good judgment of the Board of Governors of the Federal Reserve System to protect us against inflationary expansion, but this Board cannot be indefinitely insulated against political influences. The pressure to bring the System under direct Executive control is growing and the animus behind this drive is resentment against any exercise of judgment in the direction of curbing expansion of the money supply or increasing its cost.

The outlook is not cheerful. We cannot return to a free gold coinage because we are not willing to pay the price of its successful operation. We dare not let the dollar become an inconvertible currency for lack of gold to support it. The hard, central fact is that the gold loss must be stopped. Instead of penny-pinching, mercantilist schemes which accomplish little beyond irritating everybody, there must be drastic surgery on national policies in various areas. Above all, the Government itself must set an example of restraint by submitting to the discipline of sound fiscal management. When a country's money is not respected and protected at home, it is not likely to be cherished and desired abroad.

THE DISPUTE BETWEEN THE NCAA AND THE AAU AND ITS EFFECT ON THE SHOWING BY OUR ATHLETES

Mr. BREWSTER. Mr. President, the U.S. men's track and field team suffered a most unfortunate defeat in Kiev last week in their competition against the Soviet Union athletes.

It is difficult to assess the blame for this defeat. The accounts which I have read indicate that illness and injury to our athletes, fatigue due to a lack of consideration on the part of our Soviet hosts, and other factors all played a part. So, of course, did the superlative and unexpected performances of certain Soviet athletes.

I feel that the Baltimore Sun was correct in saying editorially that:

> The defeat was not quite the disaster some sports commentators have presented it as. It was in fact a close and interesting meet.

Certainly the athletes who participated are to be congratulated on their efforts.

At the same time, I cannot help noting that the dispute between the NCAA and the AAU, which the Commerce Committee will investigate beginning August 16, was also a factor in the defeat of the American team.

I think it is worthwhile pointing out, Mr. President, that the American men's team lost by only 6 points—118 to 112. And as the superb sports columnist for the Washington Post, Shirley Povich, has commented:

> Other potential point-getters for the United States failed to join the team because of the feuding between the college athletic directors and the AAU, fearing loss of their scholarships.

Many of the athletes themselves seem to agree. An Associated Press story today quotes several members of the American team as saying that the dispute was at least partially to blame for the loss.

Randy Matson, world record holder in the shot put, said:

> I'd like it so that athletes could compete where and when they wanted to without worrying about a lot of restrictions and sanctions.

He agreed with half-miler George Germann, who won his event, but declared:

> I definitely think our disappointing showing in Russia was partly due to this fight. We couldn't give 100 percent.

If the American team lost because of lack of sleep, that may be excusable. If our athletes lost because of injuries and illness, that too is excusable. If the Soviets won because of superb performances on the part of their athletes, this country can have no complaint. But if the United States could have won this meet, were it not for the continued feuding between the two amateur athletic organizations, then I find this situation absolutely inexcusable.

A reasoned review of recent events shows that the loss at Kiev was not a great disaster, an that many factors beyond the control of the American team contributed to the defeat. But it also shows that the U.S. squad might well have been victorious, had it not been for the AAU-NCAA feud. This is another warning signal that this dispute must be resolved, and very soon. I hope that the Commerce Committee hearings will be able to make a constructive contribution toward this goal.

VIOLATION OF TRAFFIC LAWS BY FOREIGN DIPLOMATS

Mr. CASE. Mr. President, I am happy to advise the Senate that the Department of State has concluded that the legal consequences of diplomatic immunity do not extend to traffic offenses. Accordingly, the Department has worked out a systematic plan for dealing with those foreign diplomats assigned to the United States who violate local traffic regulations, whether on the New Jersey Turnpike or the streets of New York, Washington, or any other locality.

As far as I am aware, the Department's plan is its first comprehensive attempt to devise a procedure for dealing with this problem that will be fair to all concerned—the diplomatic corps, the motoring public, and the police authorities of our cities and States.

I welcome the Department's response to my protest against the "you cannot arrest me" attitude of some foreign diplomats in this country, and I believe that the procedure it plans to institute in the near future holds real promise of bringing significant improvement to the situation against which I have raised my voice.

The substance of the Department's plan is set forth in a letter to me from Assistant Secretary Douglas MacArthur II, as follows:

> The Department of State has concluded that a traffic ticket or summons does not constitute legal process within the meaning of sections 252 and 253 of title 22 of the United States Code. Thus, the issuance of such tickets or summonses would not violate the immunity provisions set forth in those two statutory sections.
>
> We would, therefore, take the view that authorities in all jurisdictions in the United States would be free to issue regular traffic tickets or summonses to any driver with diplomatic or consular status who fails to observe traffic laws and regulations.
>
> We would request the police authorities in each case to send a copy of the ticket or summons, together with a report of the incident wherever a serious moving violation was concerned, to the Office of Protocol in the Department of State.
>
> Upon receipt of such a notice, the Office of Protocol would request the diplomatic mission concerned to see that the individual either pay the fine involved or take steps to defend against the infraction charged in the ticket or summons.
>
> If the individual possessing immunity should decline or fail to do so, the Department would again take the matter up with the diplomatic mission concerned. If this action failed to elicit a satisfactory response, the Department would then take further steps, such as to insure that license plates for the individual would thereafter be withheld.
>
> In the case of persistent or more serious infractions, consideration would have to be given to the question whether the individual should be declared persona non grata.

The procedure proposed by the Department is analagous to—if not so automatic as—the point system that I proposed to Secretary Rusk on June 22. It is also clear, I think, that the Department has come to the same conclusion that I voiced at that time; namely, that nothing "in the law of diplomatic immunity or in the comity of nations requires us to tolerate" the contemptuous disregard of traffic laws by some persons enjoying immunity.

The Department informs me that the report I requested on that occasion as to the number and nature of offenses committed both by foreign diplomats accredited to this country and by American diplomats stationed abroad will be forthcoming shortly.

Pending receipt of that report, and of the details of the procedures the Department now plans to adopt, I would only add that the Department has made a constructive beginning on a problem too long neglected.

INTERNATIONAL FARM YOUTH EXCHANGE WINS FRIENDS ABROAD

Mr. NELSON. Mr. President, I invite the attention of my colleagues to a most import international conference next month at Munsingen, Switzerland. It has been arranged by young people from Europe who have visited U.S. farm families since 1948 under the international farm youth exchange program.

It is the first international meeting of the young people from 68 countries who have taken part in these exchanges the past 18 years. It will be held August 21–29.

This highly successful people-to-people program, supported in part by "soft currencies" generated by sales of farm surpluses abroad, has enabled more than 1,600 U.S. farm youths to spend from 4 to 6 months living and working with farm families in other countries. It also has made it possible for 1,958 foreign exchangees to come to the United States.

Wisconsin has sent 46 young people to other lands under this program in the past 18 years. And, during the same period, 102 exchangees from abroad have come to our State. We have been honored this summer to have as guests Miss Koily N. Pandanda, of India; Eitan Zilberman, of Israel; Winston M. Marshall, of New Zealand; Miss Flordesliza C. Panginen, of the Philippines; and Ekrem Unalan, of Turkey.

These young people live and work with host families, milk cows and drive tractors, participate in 4–H Club work and county fairs, and build international understanding throughout the community. Our young people do much the same as exchangees abroad.

Wisconsin farm families who were hosts to our five foreign guests this summer were Mr. and Mrs. David Haswell, of DeForest; Mr. and Mrs. Alvis Rochweiler, of Cazenovia; Mr. and Mrs. Jim Glover, of Grantsburg; Mr. and Mrs. Roy Thompson, of Antigo; Mr. and Mrs. Eugene E. Anderson, of Washburn; Mr. and Mrs. Glenn Francis, of New Richmond; Mr. and Mrs. Ben Williams, of Berlin; Mr. and Mrs. Marvin P. Kempen, of Greenleaf; Mr. and Mrs. Oswald Rindsig, of Birchwood; Mr. and Mrs. Lambert M. Howell, of Rhinelander; Mr. and Mrs. Willard Meier, of Kenosha; Mr. and Mrs. Martin Pipkorn, of Mequon; Mr. and Mrs. James R. Wells, of Cashton; Mr. and Mrs. Edward Neumann, of Osceola; Mr. and Mrs. Alvin Creydt, of Watertown; Mr. and Mrs. Arthur Harelstrad, of New Auburn; Mr. and Mrs. Henry

Hayes, of Fond du Lac; Mr. and Mrs. Earl Legge, of Menomonie; and Mr. and Mrs. Charles Wiltrout, of Chippewa Falls.

All of these communities, I am sure, are changed for the better as a result of visits from these young people from abroad.

Wisconsin also has two participants in this year's exchange. Jerome S. Severson, of Ogdensburg, is in Japan this summer. Rosanne Rubach, of Burlington, leaves in September for Uruguay. Normally exchangees are in the host country during the heavy farming season.

Although the number of young people chosen as exchangees is not large, their influence is great. In addition to building international understanding, our U.S. exchangees help in developing rural youth programs in many countries abroad. And when they return they share their experiences with others through talks, color slides, broadcasts, and letters.

Their influence abroad also is widespread because they spend from several days to a few weeks with two or more host families. As a result, about 25,000 families abroad have had U.S. exchangees as temporary family members in the past 18 years.

The 150 U.S. delegates registered for the conference at Agricultural School "Schwand" in Munsingen will have an opportunity to visit with exchangees from other lands. But many also plan to visit again the European families and rural communities where they lived during their summer abroad.

Former exchangees registered for the Switzerland conference include 25 from Turkey, 23 from Sweden, 20 from Switzerland, 18 from Finland, 18 from the United Kingdom, 15 from Germany, and 14 from Italy. More than 25 other nations will be represented.

American participation in the program at this international conference reflects continued U.S. leadership and interest.

L. S. Nichols, 4-H international programs specialist of the National 4-H Club Foundation, will review development of this people-to-people program since the first exchanges in 1948. Grant A. Shrum, director of the foundation, will discuss this program and others that provide international rural youth exchanges. W. J. Klein, vice president of the Allis-Chalmers Manufacturing Co., Milwaukee, will tell why U.S. industry supports this international program. Warren E. Schmidt, rural youth consultant to the Food and Agriculture Organization—FAO—of the United Nations, will discuss rural youth programs throughout the world. And Eric Holm, Indiana's program leader for the exchange program, will report on organized activities of former U.S. exchangees.

This program is an excellent example of private sponsorship of an international activity.

Leadership comes from the privately financed National 4-H Club Foundation in Washington, which works closely with the Cooperative Extension Service of the Department of Agriculture and the State land-grant colleges and universities. The basic funds come from local 4-H Clubs, businesses, community and service clubs, along with nationwide contributions of business and industrial firms, cooperatives, banks, foundations, and individuals.

In recent years, it has been possible to use "soft currencies" for international travel and costs in certain countries. This has made it possible to conduct exchanges with many of the less developed countries that might not otherwise be able to raise funds for a regular reciprocal program.

The major support of this type has come through Public Law 480, our food-for-peace program. This year these funds have made it possible to support exchanges with Brazil, Peru, the Philippines, Thailand, Turkey, India, the Republic of China, Israel, Japan, Korea, Malaysia, Mexico, Nepal, Paraguay, and Uruguay. Americans feel more kindly toward some of our foreign-aid efforts when they understand how these programs also assist in educational exchanges for rural youth.

This program has been an important training ground for many of the young people who have become agricultural leaders in their home countries. Follow-up studies show these young exchangees now lead highly successful rural youth programs in such countries as Brazil, Ecuador, Finland, India, Ireland, Peru, and Uruguay.

Another outgrowth is what are called 4-H Peace Corps projects in Brazil, with 4-S Clubs; Venezuela, with 5-V Clubs; Sarawak, with 4-H clubs; and Uruguay, with MJA Clubs. A large number of U.S. clubs, as a result of these exchanges, have adopted sister clubs in other lands and trade scrapbooks, study materials, and ideas.

The rewards to host families, both here and abroad, far outweigh their personal costs. Among the most important dividends, of course, are increased understanding of people with different languages, cultures, and religions. In this country, the program has been credited with helping to interest young people in international affairs, and to ease rural America's traditional provincialism.

Although the Peace Corps, the international educational exchanges of the Fulbright Act, and similar Government-financed programs get ample attention from Congress through appropriations requests and otherwise, we should not forget the many sound privately operated programs that also contribute much to international understanding. The international farm youth exchange program, in my opinion, is one of those most deserving of our attention and support.

NEW YORK'S WATER DESALINIZATION CONFERENCE

Mr. JAVITS. Mr. President, the city of New York and officials of Federal agencies yesterday laid the groundwork for a survey of the feasibility of constructing a sea water conversion plant to supplement the city's water supply in the future. This is a commendable action, and the Federal agencies involved are especially deserving of commendation for their speed in answering the city's request for assistance. Heading the team of Federal experts who met with Deputy Mayor John V. Connorton were Commissioner James T. Ramey, of the Atomic Energy Commission, and Kenneth Holum, Assistant Secretary of Interior for Water and Power. I know that with such distinguished assistance on the Federal level, this survey will be completed as quickly as possible.

It is just this sort of survey that I suggested in the Senate early last month. As I said then, it is unfortunate that such action had not been taken by the city much earlier so that we would be that much closer to having an atomic-powered plant capable of providing a vital margin of fresh water to the residents of the city and its suburbs in times of severe drought, such as we are now experiencing.

Whatever may have been the delay, however, the survey is now under way, and it deserves the support of all New Yorkers. Upon determination of the feasibility of such a project, I will be prepared to join to introduce legislation to authorize Federal participation.

Mr. President, I ask unanimous consent to insert in the RECORD a news article from this morning's New York Times on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES AND CITY PLAN SURVEY ON USING SEA WATER HERE—STUDY WILL BEGIN NEXT WEEK—COST OF DESALTING PLANT IS PUT AT $500 MILLION

(By McCandlish Phillips)

New York City took the first step yesterday toward tapping the ocean for water.

Assuming maximum speed, it would be 5 years before the first gallon of desalted water could be produced here in a nuclear plant.

A team of Federal officials came up from Washington yesterday to confer with city officials at Mayor Wagner's request. Afterward, they announced a joint survey to determine whether desalting could help satisfy the city's need for more than a billion gallons of water a day.

There are nearly 200 desalting plants operating in the world. But the biggest of them would be tiny compared with the huge plant that would be needed here.

AEC CHIEF HEADS GROUP

Commissioner James T. Ramey of the Atomic Energy Commission and Kenneth Holum, Assistant Secretary of the Interior for Water and Power, led the Federal team. They met with Deputy Mayor John V. Connorton in his office opposite City Hall at 250 Broadway.

At a press conference there, it was suggested that more than one plant for turning sea water into potable water might be built here. Another possibility was that such plants would also be used for electric power production.

Mr. Connorton said that talks on the power phase of the project were now going on with Consolidated Edison and other power producers near the city.

An atomic desalting plant here might cost as much as $500 million, Mr. Holum said. He also explained that a congressional act would be needed to authorize Federal participation in construction.

BIGGEST PLANT OFF VENEZUELA

The largest desalting plant in the world is on Aruba Island, off the coast of Venezuela. It produces about 3 million gallons of fresh water a day.

A plant here might produce 150 to 250 million gallons of drinking-quality water a day, officials said—or up to 10 percent of the city's average daily water use.

It takes 2.5 million gallons of sea water to obtain 1 million gallons of sweet water.

The cost of desalting water is decreasing steadily. In 1952, when a Federal saline water program was started, the cost was $5 for every 1,000 gallons. The cost now stands at $1 for every 1,000 gallons. And it could be cut in half again in plants producing 20 million gallons a day.

A study of a proposed plant at Los Angeles that would cost $300 million and produce 150 million gallons of water a day indicated that the cost would be 22 cents for 1,000 gallons, Mr. Holum said.

But Armand DiAngelo, the Commissioner of Water Supply here, said that the Los Angeles figure was prior to distribution. He estimated that desalted water would cost 28 cents at the tap here—against a present average cost of 12 cents for 1,000 gallons.

He pointed out, however, that other cities and towns in the country pay as much as 50 cents for 1,000 gallons.

"Desalting is a drought-proof way of obtaining water," Mr. Holum asserted. He also noted that "distilled sea water is too good; it lacks flavor. But you can bend it with fresh water" in the mains, he said.

If studies indicate that desalting sea water is practicable here, it would take 3 or 4 years to build the first atomic plant officials said.

Dr. Jack A. Hunter, assistant director of the Office of Saline Water in the Department of the Interior, speaking at a second press conference held by the Nuclear Energy Writers Association at the American Institute of Physics, 335 East 45th Street, explained one reason why it would take considerable time to build a plant.

He said that if an order for enough metal tubing for one moderately large desalting plant—producing 100 million gallons a day—were given it would take all the tubing manufacturers in the United States 3 years to fill it, using their present idle capacity.

Dr. Hunter said that tubing manufacturers, who had heard of this scale of demand, had come to him and asked, "Is this for real?"

It takes a maze of thousands of miles of 2-inch tubing to build a plant that desalts water by flash distillation. Raw sea water, heated, flashes into steam. The steam rises and condenses on more metal tubes, leaving its salt below. The sweet water is then captured in trays and the concentrated brine is thrown back into the ocean.

STUDY STARTS NEXT WEEK

The joint Federal-city exploratory survey will begin next week. Mr. Holum said that it would be a quick look from the technical point of view to see what might be done, and that Federal people would "work around the clock" if necessary to get it off to a swift start.

If the results were positive, the survey would be followed by a detailed engineering and feasibility study that would take about a year before construction could start, he said.

Gov. Richard J. Hughes of New Jersey will lead a State delegation to Washington today to talk with Federal officials on the water crisis. The conference will include the possibility of a desalting plant for New Jersey, Mr. Holum said.

The presidents of the Public Service Electric and Gas Corp., the Jersey Central Power & Light Co., and the Atlantic City Electric Co. will go with Mr. Hughes and his aids.

Mr. Holum called desalting for the city area a tremendously complicated, tremendously exciting undertaking. Mr. Connorton said that water experts were unanimous in saying you cannot think just of New York City, but you must think of the region, and he said the city was eager to cooperate with other municipalities in assuring plentiful water supplies.

Consumers used a bit under a billion gallons of water here yesterday, leaving 212.4 billion gallons in the reservoirs, or 44.6 percent of capacity. Last year at his time there were 351.2 billion gallons left, or 73.7 percent of capacity. In normal years, 380.3 billion gallons are still in storage in early August, almost 80 percent of capacity.

THE VIETCONG BOAST OF BACKING IN THE UNITED STATES

Mr. DODD. Mr. President, George K. Tanham, an eminent student of Asian affairs, in his book "Communist Revolutionary Warfare," observed how domestic activities in France, on the part of Communists and other Vietminh sympathizers, figured prominently in the military doctrines of General Giap.

In a recent statement on the floor of the Senate I made the point that the American home front must be regarded a crucial area in the present Vietnamese struggle.

On Tuesday, August 3, 1965, an article appeared in the New York Times, entitled "Vietcong Boast of Backing in United States."

The article says that the clandestine radio transmissions of the Vietcong regularly tell guerrilla insurgents that most of the American people support their struggle, and continued:

> In a typical broadcast, Tran Van Thanh, a member of the central committee of the National Liberation Front, the political representation of the Vietcong, said world public opinion was a decisive factor in the Vietnam conflict.
>
> Mr. Thanh described the Vietnam debates on American university campuses and said their results had attracted the attention of millions of Americans. He said Washington officials had failed to justify their policies at these debates and in similar discussions in Britain.

Mr. President, I ask unanimous consent that the New York Times article "Vietcong Boast of Backing in United States," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Vietcong Boast of Backing in United States—Red Radio Says American Public Favors Guerrillas

(By Seymour Topping)

Saigon, South Vietnam, August 2.—Liberation radio, the clandestine transmitter of the Vietcong, regularly tells guerrilla insurgents that most of the American people support their struggle.

As proof, the broadcasts report on public protests in the United States against the Vietnam policy of the Johnson administration. The Vietcong adherents are assured that they are certain to win if they keep fighting because world public opinion is on their side.

In a typical broadcast, Tran Van Thanh, a member of the Central Committee of the National Liberation Front, the political representation of the Vietcong, said world public opinion was a decisive fact in the Vietnam conflict.

Mr. Thanh described the Vietnam debates on American university campuses and said their results had attracted the attention of millions of Americans. He said Washington officials had failed to justify their policies at these debates and in similar discussions in Britain.

BACKING IN WEST REPORTED

"This means that righteous United States and British citizens all came to the conclusion that U.S. imperialists are stupid and criminal aggressors," Mr. Thanh said, "that the aggressive Johnson policy in Vietnam must be ended and that the National Liberation Front is the organizer and leader of the struggle and victory and is the sole legitimate representative of the South Vietnamese people."

The Vietcong leader, who is a member of the Liberation Front's delegation to Communist China, said the whole Communist world was also supporting their cause, but he made a distinction between Peiping and Moscow. "The U.S.S.R. gives us adequate support," he said. But he added, "China supports us with all of its heart."

The Vietcong radio also has been broadcasting appeals to Americans to halt the buildup of U.S. troops in South Vietnam. One such appeal has just been made by Nguyen Huu Tho, chairman of the Liberation Front.

DEMONSTRATIONS HAILED

Hailing demonstrations in the United States against the administration's Vietnam policy, Mr. Tho said it had become a stirring popular movement.

"This is the correct attitude of a large number of people of various walks of life in the United States in defending their vital interests and opposing the adventurous policy of bloody aggression of the U.S. Government in Vietnam," Mr. Tho asserted.

It is not yet clear to what degree this Vietcong propaganda has succeeded in offsetting the impact of the American military buildup on the South Vietnamese people.

In Government-controlled areas it is possible to define at least two attitudes toward the recent decision to augment the U.S. forces.

Many Vietnamese have accepted it as evidence that the United States does not intend to abandon the country after some face-saving negotiations. Others insist that the Americans cannot remain forever and that the country's problems must be solved by a strong Vietnamese Government.

Many Vietnamese peasants look upon the enlarged American presence as security against the Vietcong. However, in many areas where the Vietcong operate, the sharp increase in U.S. air attacks and expanded military operations inevitably means additional suffering and casualties for civilians.

JOINT ECONOMIC HEARINGS SHOW EXPERTS FAR APART ON INTERNATIONAL MONETARY REFORM

Mr. PROXMIRE. Mr. President, a subcommittee of the Joint Economic Committee headed by Representative Henry Reuss has just concluded hearings on the kind of international monetary reform this Nation should work toward at the international monetary conference Secretary of the Treasury Fowler recently proposed.

The postwar expansion of free world economies and especially of international trade has been a happy miracle. Vastly improved standards of living, greatly strengthened national economies throughout the free world and a fantastic 150-percent increase in world trade has characterized this prosperous period.

A key ingredient of this growth has been the easy availability of liquidity—or more simply ready cash to finance international trade and internal economic growth.

Where did this explosion in liquidity—to match the explosion in trade—come from? It came from the U.S. deficit in our balance of payments. Our deficit dollars have enabled the rest of the world to secure the cash—now largely the gold we have lost and the dollars we have lent and spent.

But Uncle Sam is coming to a grinding halt in his generous balance of payments losses. This year we will come far closer than we have to equilibrium. We may shortly have a surplus instead of a deficit and start soaking up some of that ready cash that has permitted world trade to expand.

Now what happens to a world that should grow in economic strength and to a world trade that could develop immensely in the next few years?

Obviously we must somehow reform the world money—or monetary system—so that enough money will be available for this purpose without killing the hen that lays these golden eggs—Uncle Sam.

But the experts are far, far apart on what to do, when to do it, or indeed whether anything needs to be done. This confusion and disagreement could be very costly. It could lead to a world deflation and depression for want of an adequate international money system.

I ask unanimous consent that an excellent article by Edwin L. Dale, Jr., of the New York Times, describing the quandary of international money experts as revealed at the recent joint economic hearings, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 30, 1965]

MONETARY REFORM: CONGRESSIONAL PANEL ENDS HEARINGS, BEWILDERED BY DIVERGENT OPINIONS

(By Edwin L. Dale, Jr.)

WASHINGTON, July 29.—A somewhat bewildered congressional subcommittee has completed 3 days of hearings on reforming the world monetary system today, having heard 10 witnesses and 10 different proposals for reform.

The witnesses were mainly academic, but they included a banker, a joint presentation by two Senators and a former member of the Council of Economic Advisers.

While the papers presented were widely regarded as impressive, their most striking characteristic was the lack of agreement on where the world should go from here.

This dispersion of views on international finance contrasted strongly with the coalition some years ago of economic opinion—with relatively few exceptions—on the desirability of using Federal budget deficits to spur the expansion of the economy.

CONCLUSION EXPRESSED

An observer at the hearings this week turned to Alexander Pope today to express the conclusion of many:

"Who shall decide when doctors disagree?"

Some of the witnesses wanted the role of the dollar as a reserve currency for the rest of the world reduced, some wanted it maintained or even increased.

Some believed the problem of reform was "urgent," but some felt the problem was greatly exaggerated.

Most wanted reform worked out through the International Monetary Fund, but some favored a solution through a small group of the leading financial nations.

Some believed that the problem of the United States payments deficit had been exaggerated, others felt it was still serious and was being attacked by undesirable remedies.

Some wanted a little more flexibility in currency exchange rates, and some wanted even less than there is.

Possibly the most surprising proposal came from the two Senators, EUGENE J. MCCARTHY, Democrat, of Minnesota, and VANCE HARTKE, Democrat, of Indiana.

Saying that the world faces an imminent deflation—a point disputed by a number of the other witnesses—they urged that nations pay gold to the Monetary Fund, which would use it as backing for "trade credits" to its member nations.

One witness, James C. Ingram of the University of North Carolina, was so despairing of international agreement on reform that he proposed that the United States unilaterally convert the world to a "dollar exchange standard" by refusing in the future to pay $35 an ounce for gold. This, he believes, would end the role of gold.

Several witnesses, led by August Maffry, a vice president of the Irving Trust Co., supported creation of a new composite currency reserve unit made up of the leading currencies.

But Robert A. Mundell of the Brookings Institution told the panel, "there is no case in history where a synthetic currency has been artificially created unconnected with a dominant political unit."

While disagreement was the dominant note, the witnesses did show some agreement.

For example, those who touched on the point were unanimous in saying that the role of the dollar as the key world currency for private transactions should be maintained, as distinct from its role in official monetary reserves.

There was also agreement that over the long run, the total of official reserves in the world would have to grow.

But whether they should be "owned" reserves or "borrowed" reserves found the witnesses diverging, as on so many other questions.

Henry C. Wallich of Yale University, the former member of the Council of Economic Advisers, even challenged the view that nations now need and want more reserves, saying this was true only of Britain and Japan.

The hearings by the subcommittee, headed by Representative HENRY S. REUSS, Democrat, of Wisconsin, were the first of their kind, devoted specifically to the question of world reform.

They came at a time when the administration has begun an intensive internal discussion of what the U.S. position should be.

And they disclosed about as much difference of opinion among the experts inside the country as is already known to exist among the leading nations.

PROPOSED PURCHASE OF TWO MODERN FISHING TRAWLERS FROM POLAND

Mr. BREWSTER. Mr. President, the Secretary of the Interior, in a letter to the distinguished Senator from Washington [Mr. MAGNUSON], has proposed that the Interior Department purchase two modern fishing trawlers from Poland. The proposed purchase would be made with counterpart funds. The vessels would then be leased by the Interior Department to members of the private commercial fishing industry.

I would like to urge careful consideration of such a proposal before any action is taken. There is no question in my mind that the American fishing fleet is antiquated and badly in need of modern, technologically advanced trawlers. The question which occurs to me is, should such trawlers be purchased from Poland at this time? There are three aspects of such a purchase which give me concern.

First and foremost is the effect which such a purchase would have on the shipbuilding capacity of the countries involved, from a national defense point of view.

I have argued many times in the past that the United States must preserve a substantial capacity for shipbuilding and ship repair work. Military authorities from Secretary McNamara on down agree on this. Every vessel—fishing or otherwise—which is built in this country will bolster our own capacity. Eighteen shipyards have gone out of business during the past 10 years. We must bear in mind the facilities and the skilled labor which may be kept on tap if these ships are built in the United States—and may be lost if they are built abroad.

And if a large shipbuilding capacity is important to our own national security, then it is surely important to the national security of Poland—which, I need hardly remind you, is a Communist nation. Thus the proposed purchase might well injure our own defense capacity and build up that of Communist Poland. However optimistic we may be about the possible liberalization of the eastern European nations, I do not believe that we have yet arrived at the appropriate point to begin contributions to their national security.

The second aspect of this proposal which makes me stop and think is the possible impact on the fishing industries of the countries involved. The letter of the Interior Department to Senator MAGNUSON declared in part:

> One of the most significant factors involved in the decline [of the fishing industry] has been the inability of our fishing industry to sponsor the entry into the fisheries of comparatively large, efficient, and technologically advanced fishing vessels.

I would suggest that, if our fishing industry has not introduced such vessels into their fleets, it is because such vessels are expensive and the Government has not given them any assistance in constructing such trawlers. Now that the Government is apparently ready to give some assistance, why should the money not be expended in the United States? If our shipyards are not capable of producing such advanced vessels, the situation might be different; but I would at least like to hear evidence to that effect before the United States begins such purchases in Poland.

It seems likely to me that, if the Federal Government began to encourage this country to build modern trawlers here, it might be more expensive at first, but would be far more advantageous for our fishing industry in the long run.

The last facet of the proposal which troubles me is the apparent lack of consideration of the foreign policy factors involved. Is the purchase of these vessels from Poland justified merely on the grounds that they can be purchased there at a good price?

I am certainly a proponent of improved relations with the Communist countries in Eastern Europe. But I do not feel that a "business as usual" attitude is justified. We should shape our trade relations with these countries with an eye toward encouraging liberalization and a reduction of the military and subversive threat of communism.

It may well be that such a purchase can be justified on foreign policy grounds. I think the evidence pro and con such a measure should be openly considered, however. I have therefore suggested to the distinguished Senator from Washington, Senator MAGNUSON, chairman of the Commerce Committee, that he hold a hearing before that committee on the proposed purchase.

I think it is certainly in the best interests of the fishing industry and of the Nation that all the relevant factors be carefully weighed before we purchase trawlers in Poland.

THE NATIONAL WILDLIFE REFUGE SYSTEM

Mr. METCALF. Mr. President, I wish to bring to the attention of the Senate an editorial in the New York Times of August 4. It supports the Hruska-Metcalf bill (S. 1816) which would forbid removal of land from the National Wildlife Refuge System except with approval of the Migratory Bird Conservation Commission.

The editorial points out the vital difference between closing a military installation and closing a wildlife refuge. One can be rebuilt or replaced, the other cannot. When the Bureau of the Budget sought economy, by closing 11 refuges in 12 States, it was not only ignoring other values but it was not economizing at all. It did not consider the dollar income from sale of timber and other resources on wildlife refuges.

I wish to commend the Times for its editorial. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RETREAT ON WILDLIFE

Although the record of the Johnson Administration on major conservation issues has thus far been excellent, it has introduced an oddly regressive note into its management of the Nation's wildlife refuges.

For the sake of economy, the Bureau of the Budget this year has compelled the Interior Department to get rid of five wildlife refuges, cut back its work on four and turn two others over to the States. The purpose of these closings was to save the sum of $200,000. This squeeze on the refuge system is part of the much-publicized economy drive that has produced some closings of shipyards, army bases and veterans' hospitals. But there are two significant differences between those installations and the refuges.

If a new hospital or military base is needed, it can always be built or the old one reactivated. But once land and water areas reserved for migratory birds and wild animals are gone, they are usually gone forever.

The second difference is that land in refuges has either been given by private individuals and organizations or has been acquired with public funds from the proceeds of the duck stamps that hunters buy. By either financial route, the refuges have the character of a special trust. Indeed, the Migratory Bird Conservation Act provides for the acquisition of these lands and water areas in perpetuity.

Not every wildlife refuge that was closed in this economy drive represented a real loss. Like every large operation, the National Wildlife Refuge System makes changes as conditions change. But some of the refuges were still useful. Moreover, changes should be dictated by the needs of the system and not by the arbitrary pressure of periodic economy drives.

Under these circumstances, we endorse the bill recently introduced by Senators METCALF, of Montana, and HRUSKA, of Nebraska, to forbid removal of land from the system except with approval of the Migratory Bird Conservation Commission. The Commission's approval is needed to add land to the system; its approval should be necessary to take land out of it. This year's squeeze from the Budget Bureau proves that this elementary protection for the wildlife refuges is essential.

THE DETROIT CITIZENS COMMITTEE FOR EQUAL OPPORTUNITY

Mr. HART. Mr. President, the Detroit Citizens Committee for Equal Opportunty, under the chairmanship of the Right Reverend Richard S. Emrich, bishop of the Episcopal Diocese of Michigan, recently issued "A Report to the People of Detroit on Equal Opportunity in Public Accommodations: Problems and Progress."

This report is the result of a 2-year study by the committee's subcommittee on public accommodations headed by the Reverend James C. Chambers, pastor of St. John's Presbyterian Church.

Contained in the report is the subcommittee's review of the progress which has been made in Detroit and Michigan in achieving equality of treatment and services in places of public accommodation, the problems that remain, and suggestions for meeting these problems.

The citizens committee and its subcommittee on public accommodations are to be commended for this fine report. If the findings and recommendations are heeded, we in Michigan will come that much closer to the day when the ideas we profess, and the laws we have enacted will be clearly reflected in our practices.

Mr. President, I ask unanimous consent that the report of the Detroit Citizens Committee for Equal Opportunity be printed at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A REPORT TO THE PEOPLE OF DETROIT ON "EQUAL OPPORTUNITY IN PUBLIC ACCOMMODATIONS: PROBLEMS AND PROGRESS," JUNE 15, 1965

(Prepared by the Subcommittee on Public Accommodations Citizens Committee for Equal Opportunity, Detroit, Mich.)

INTRODUCTION

The nature of the problem

One of the striking characteristics of the American people is their mobility. Every day, literally millions of Americans are on the move—from home to school, office, factory, shopping center, theater, hospital, restaurant, library, and many other places of work, study and recreation. In addition, thousands of persons are to be found each week gathered in the major urban centers of this Nation for conventions, business and sales conferences and meetings of professional and social associations. During their stay in a given city, these people will make use of hotels and motels, barber shops and beauty salons, department stores and supper clubs. In the summer months, this activity is intensified as families plan vacations, take weekend trips or spend a day at the beach or in the parks. They will avail themselves of the services and facilities of resorts and vacation camp sites, golf courses, excursion steamers and other recreation sports. In the State of Michigan alone, more than 7 million tourist trips involving over 22 million people were taken by automobile during 1964. Thus, travel has become a basic ingredient in the lives of the American people and access to places of public accommodation (i.e., places opened and operated to do business with the general public) a fact which most Americans take for granted.

It is difficult, therefore, for the average citizen to grasp the significance of the fact that large areas of everyday, public life have, until recent years, been closed to members of minority groups and in some instances, remain so today. Not only has this been true of places where people spend a major portion of their time (jobs, homes, etc.) but also those facilities and services which are, by definition, "open to the public" (e.g., restaurants, barbershops, bowling alleys, beauty salons, golf courses, motels, taverns, etc.). The bus boycott in Montgomery, Ala., in 1955, and the succeeding campaigns to open restaurants, bus terminals, public parks and other facilities in the South were the first dramatic exposures of the extent of this problem in American society. Through continuing efforts which have culminated in a strong public accommodations section in the Civil Rights Act of 1964, the American people have committed themselves to eradicating the basic inequity from our national life.

The problem in Michigan

Generally, the problem of equal opportunity and access to places of public accommodation has been considered a southern rather than a northern problem. The State of Michigan has, by State statute, guaranteed all persons access to full and equal accommodations in places of public accommodation, amusement and recreation since 1885. As amended in 1931 and 1957, this statute provides penalties against violators, including a minimum fine of $100 and/or 15 days in jail, permits the filing of a civil suit for treble damages and allows for the suspension or revoking of the violator's license.

Recently, however, it has become clear that the issue of equal opportunity for minority groups in places of public accommodation in Northern States is far from resolved. In the State of Michigan, there are still facilities and services open to the public where Negroes and other minority groups are either refused or given inferior service. This report to the citizens of Detroit is based upon the conviction that any commercial enterprise, established to do business with the general public which refuses or gives poor service to any person because of his race, color, religion or national origin not only violates both Federal and State law, but also the principles of morality, free enterprise and common decency. Racial, religious or ethnic discrimination in places of public accommodations, whether privately owned or not, is therefore, in the opinion of this committee immoral in principle and unethical as a business practice.

As the preface to this report makes clear, the problem of discrimination in places of public accommodation affects not only Negro citizens, but members of other minority groups as well. In 1963, the Antidefamation League conducted a national survey of 5,420 resorts which revealed that almost 10 percent of the resort hotels in the United States discriminate against Jewish Americans. And while this represented a significant decline in the discrimination that was found in a similar national survey in 1957 (22.9 percent) the 1963 ADL study found that discrimination against Jews in the tri-State area of Michigan, Minnesota and Wisconsin involved 16 percent of the resort hotels surveyed. The State of Michigan, in this report, was ranked as one of the three States in which discrimination against Jewish vacationers has been notorious, but also noted that the proportion of discriminatory resort hotels in the above three States has been reduced by more than 50 percent.

II. Progress to Date

In spite of the historic pattern of discrimination in this area, public accommodations is perhaps the one area in our city and State where the greatest progress in achieving equal opportunity has been made.

Under Act 328 of the Public Acts of the State of Michigan (1931) all persons within the jurisdiction of the State are entitled to full and equal accommodation in hotels, motels, restaurants, and all other places of public accommodation and recreation without regard to religion, race, color or national origin. Article V, section 29 of the State constitution gives the State civil rights commission responsibility for securing these rights, both through the processing of complaints filed by persons who have been denied service and through acting on its own initiative to secure compliance from all businesses offering service to the public.

In addition, the Federal Civil Rights Act of 1964, specifically forbids, under title II, discrimination in the following places of public accommodation: "hotels and motels, restaurants, lunch counters, movie houses, gasoline stations, theaters and stadiums, and any other establishment which offers its services to patrons of the covered establishment."

The Michigan statute is stronger than the Federal law; these two statutes together, however, make clear that the law of our State and the Nation is in accord with the eradication of discrimination in places of public accommodation.

During the past decade, a number of private groups, agencies and individuals have worked to assure equal access to businesses which offer their services to the public. The Coordinating Council on Community Relations, the Commission on Community Relations, the Catholic Interracial Council, the Detroit Roundtable, the NAACP, CORE, and many labor unions are only a few of the many groups who have brought continuous pressure to bear upon Detroit-area restaurants, clubs and recreational facilities to open their services to all citizens. Also, an infinite number of citizens, in their private capacities, have made an important contribution to equality of opportunity in public accommodations by refusing to hold private luncheons and dinners or to patronize establishments where all persons are not welcomed.

A study of the number of complaints filed in recent months will not give an adequate or accurate picture of the nature nor the extent of the problem of discrimination in this area. Surveys conducted as a part of the background for this report make it evident that a majority of the citizens who are refused service are inclined not to press the issue for a number of reasons. Until the creation of the Michigan Civil Rights Commission in the spring of 1964, citizens who were subject to discrimination under the State Equal Accommodations Act had to go through a very lengthy and cumbersome legal procedure in order to file a formal complaint. In order to effect an immediate arrest the law required that the actual refusal of service be witnessed by a law enforcement officer (State, county, or local). A number of citizens have alleged that in some instances where law enforcement agencies were called under this procedure, officers either refused to respond to the call, or came hours after the call was placed, or upon arriving, attempted to persuade the complainant to seek service elsewhere. In several cases, the complainant himself was arrested for disorderly conduct.

Even in cases where refusal of service was officially observed, the law then required the complainant to appear before the county prosecuting attorney and request a warrant. In Wayne County, the prosecuting attorney's office, when confronted by complainants requesting warrants, has followed a practice of conciliation which in essence has amounted to warning violators that if a similar complaint is lodged against them within 30 days, they will be taken to court. Even allowing for the questionable equity involved in this practice, it has resulted in very few cases actually going to court and, in the judgment of many, has encouraged persistent violators to feel that they will, in all likelihood be able to avoid prosecution.

The principal reason that the number of formal complaints do not give an accurate picture of the extent of discrimination in places of public accommodation is related to the basic issue of human dignity. In many cases, a Negro citizen who is refused service in a restaurant, motel, club, or recreational facility is usually so embarrassed or distressed by the experience that he is inclined to drop the matter as quickly as possible. As a matter of fact, one of the basic findings of this study indicates that large numbers of Negro citizens systematically avoid those places where they believe, either based on rumor or past experience, that Negroes are refused or receive poor service.

In March 1964 the Subcommittee on Public Accommodations of the Citizens Committee for Equal Opportunity called together a number of State, county, and local governmental officials to discuss ways in which the remaining vestiges of discrimination in this area might be effectively removed. The subcommittee urged a strict enforcement of the State equal accommodations statute and requested to cochairmen of the newly formed State civil rights commission to make equal opportunity in public accommodations a priority matter for the commission staff.

During the summer of 1964, the Michigan Civil Rights Commission conducted a 6-week compliance program in public accommodations in which staff personnel visited 3,324 businesses in all 83 counties of the State. Of the businesses covered, 65 percent were places of lodging, 25 percent food and beverage establishments, and 10 percent were recreational facilities (including cocktail lounges, bowling alleys, ski resorts, golf courses, and skating rinks). In launching the program itself, the civil rights commission and the Governor of Michigan held a meeting with local chambers of commerce and tourist bureaus and the liquor control commission to enlist their support. The second step included the distribution of posters to some 20,000 places of public accommodation throughout the State. In each case, the civil rights commission staff discussed the State equal accommodations statute with the proprietor and requested prominent display of the poster which informed patrons that Michigan law requires that all persons be served and indicated the procedure to follow in cases of denial of service. Of more than 3,000 businesses contacted by the staff, only 57 required a second visit because of refusal to post the notice or because the proprietor wished to clear the requirement of posting with an attorney. The staff report, dated August 31, 1964, concluded:

"In the final analysis, however, field investigators were accorded the utmost cooperation from the overwhelming number of businesses visited. Over 98 percent of the businessmen were hospitable and cordial; remaining 2 percent agreeable to compliance with the law."

IV. Problems for the Future

Although discriminatory practices by some businesses serving the public still persist in Detroit and Michigan, equal access in places of public accommodation has, by and large, been achieved. Nevertheless, problems remain in this area which demand attention and resolution if Negroes and other minority group members are to be accorded their full and rightful place in our society.

A. The attitude of Negroes toward travel and use of public accommodations facilities: In conjunction with the preparation of this report, a questionnaire based on a selected sample of approximately 200 Detroit Negro families was conducted. (See addendum A.) The questionnaire was filled out by members of three Negro churches in Detroit, representing different incomes, educational and occupational levels, by two Negro professional societies and one Negro business-social association. Every attempt was made to sample the attitudes of as representative a cross section of Negro Detroiters as possible. The survey sought to obtain data on the experiences of Negroes in patronizing places of public accommodation (frequency, difficulties encountered, attitudes, etc.). Vacation experiences (where taken, amount of money spent, etc.) awareness of existence of the Michigan equal accommodations statute, relations of annual income to spending for recreation, vacation and other leisure time activity, etc. The survey clearly indicated the following:

1. A relatively high proportion of the tourist dollar of Negro residents in southeastern Michigan is spent outside the State of Michigan where Negroes feel a better climate of hospitality toward Negroes exists.

A number of Detroit-area Negroes own or rent cottages and summer homes in the Windsor-Lemington area and significant numbers are traveling throughout Ontario and Quebec during vacation periods. Canada is considered to present no problems of discrimination against Negroes in places of public accommodation.

2. The attitude of Negroes toward public accommodations facilities is, to a considerable extent, shaped by past experiences.

As in other areas of concern to Negro citizens, so also in public accommodations, many Negroes readily recall experiences of discrimination in specific restaurants, clubs motels or recreational facilities and as a consequence, tend to avoid those places, even though the facility may have changed its policy to one of accommodating all patrons many years ago.

(a) A large proportion of Negro vacationers travels south but avoid using motels, hotels or restaurants en route.

This is a finding which relates more to the national picture, but nevertheless affects the attitudes, spending habits and inconveniences afforded Negroes by the persistence of discrimination in public accommodations facilities. A significant number of Negro families travel south to visit with relatives during holiday weekend and vacation periods. According to the survey and to interviews conducted, travel schedules are often planned to allow for continuous driving from point of departure to point of destination, avoiding overnight stops in hotels and motels or refreshment stops at highway restaurants. The significance of this finding is not that these facilities all necessarily refuse service to Negroes, in fact, many of them welcome all guests. The observation points up again an attitudinal problem which exists because of past patterns of racial discrimination and is reinforced by any embarrassing experience that might occur at the present.

4. Negro travelers would make greater use of Michigan travel, resort and recreational facilities if they were assured that they would be welcomed.

The overwhelming consensus (over 90 percent) of the families sampled indicated a willingness and a desire to travel more frequently in Michigan and to make greater use of resort recreation, dining and other facilities if they could be assured of not encountering any embarrassing situations. Frequent comments were made, however, that, for example, making reservations in advance at motels or resorts does not guarantee that Negro patrons will be accommodated upon arrival and that patronizing establishments recommended by AAA is not a guarantee that Negroes will be welcomed.

B. Enforcement of the Michigan Equal Accommodations Statute: With the existence of the State civil rights commission, a new channel for quick and effective processing of complaints of discrimination has been created. The procedure of the civil rights commission, however, does not abolish the right or the authority of local law enforcement agencies and prosecuting attorneys in dealing with infractions of the State statute, resulting in diligent prosecution and conviction of violators, which would have a significant impact on the attitudes of the small but hard core of continual violators.

C. The tourist and travel industry: Tourist travel in Michigan is "big business"; it affects a significant portion of the State's economy. Last year, according to a report of the Michigan State Highway Department, it was estimated that approximately $1 billion was spent in Michigan in tourist travel. This spending involves many aspects of the business community, including not only restaurants, resorts, clubs, motels, and recreational facilities but also department stores, travel agencies, shopping centers, sporting equipment stores, boating facilities, real estate, etc.

A large amount of money is expended in tourist advertising, through ads in national magazines, brochures and other media. This advertising is still directed almost exclusively to a white audience, and through failure to include pictures of minority persons or to make it explicit that Michigan tourist facilities are open to all citizens, implicitly excludes from consideration a large segment of our population.

Michigan could perform a signal service not only to its own minority residents but to citizens throughout the country by establishing a climate and a reputation of hospitality for all tourists.

V. Recommendations

Various problems have been highlighted throughout the report that gives some clues concerning the direction in which our metropolitan community should move. It is important, for example, that every citizen of the State of Michigan who operates a business serving the public should give full, equal, courteous and hospitable service to all patrons regardless of race, religion or color, not only because it is the law and because it is a good business principle but also because it is, simply put, the right thing to do. It is also apparent that our Negro citizens must effect a significant change in attitude toward using places of public accommodation in the State, based on one of the findings of this report that there is much more equality of access to and service in businesses serving the public than many Negroes are either aware of or are utilizing. In addition, however, there are several specific recommendations which can be made with the strong conviction that their implementation would do much to achieve the completion of the task:

1. All judicial and law enforcement agencies in the State should adopt a vigorous and diligent program of prosecution of violators of the State equal accommodations statute. This will aid immensely in assuring minority citizens that they will not confront embarassing and inconvenient situations in any public establishment in Michigan.

2. The tourist industry, through its various agencies and councils should review its entire public relations program and seek, through its national and local advertising, to make clear that public accommodations in Michigan serve and welcome all citizens. A campaign of integrated advertising, similar to that launched last year by retail merchants in Detroit and now seen in the advertisements of businesses and industries across the Nation, can serve as an excellent example.

3. Associations and agencies which engage in the inspection and recommendation of hotels, motels, restaurants, and resorts as "desirable places of public accommodation" should, in keeping with the official policy of "guaranteeing the facilities and services" of such establishments, make an agreement to serve all citizens, one of the criteria of selection and approval for listing. Associations which accept the membership fees of minority group persons have an obligation to make all of their services available to those members.

4. City convention bureaus, especially in Detroit, should aggressively seek to attract Negro convention groups to the city in the same manner that white convention business is sought. This effort can have a significant effect upon attitudes in the Negro community.

5. Concerted efforts need to be made by leaders in the Negro community especially to encourage Negro citizens to avail themselves of the State's public accommodation facilities. Negro churches, fraternal lodges, professional associations, clubs, guilds, and organizations should urge their members to recognize the tremendous progress made in this area in the past decade and to participate in the social recreational, and other leisure time opportunities which our State offers.

6. All citizens should adopt an attitude of welcomed acceptance to this significant change and progress in equal opportunity in our State. Among those few business establishments which still resist the change, the complaint is still heard "My business will suffer because my customers won't accept this." Every citizen of Michigan can do his part to guarantee that such a complaint has no validity.

INTERIM REPORT OF THE FOOD MARKETING COMMISSION

Mr. HART. Mr. President, on July 1, 1965, the National Commission on Food Marketing filed its interim report, summarizing the work accomplished since its establishment last summer and indicating the areas that will be explored in the year ahead.

The Commisison was created to provide the country with factual information on the changing patterns in the Nation's food marketing industry. Such facts are essential if we are to legislate responsibly with respect to this giant industry, where ramifications reach into every State of the Union.

The Commission is off to a good start, under a capable chairman, and I believe it would be desirable for the interim report to be widely available. I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INTERIM REPORT, NATIONAL COMMISSION ON FOOD MARKETING, JULY 1, 1965

After 6 months of gathering facts and figures that reflect changing and emerging patterns in the Nation's food marketing industry, the National Commission on Food Marketing submits this interim report.

It includes brief accounts of the history, activities to date and projected plans of the Commission for completing its assignment by July 1, 1966. On that date, a final report of the work of the Commission, including any recommendations it may make, is to be presented to the President and to the Congress.

DUTIES ASSIGNED COMMISSION

Established by Public Law 88–354 July 3, 1964, the Commission was instructed to study and appraise the marketing structure of the food industry, including the following:

1. The actual changes, principally in the past two decades, in the various segments of the food industry;

2. The changes likely to materialize if present trends continue;

3. The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer;

4. The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency;

5. The effectiveness of the services, including the dissemination of market news, and regulatory activities of the Federal Government in terms of present and probable developments in the industry; and

6. The effect of imported food on U.S. producers, processors, and consumers.

FIFTEEN MEMBERS ON BIPARTISAN PANEL

The bipartisan Commission consists of five Senators appointed by the President pro tempore of the Senate, five Representatives appointed by the Speaker of the House of Representatives, and five private citizens appointed by the President. They are Hon. WARREN G. MAGNUSON, Hon. GALE W. MCGEE, Hon. PHILIP A. HART, Hon. THRUSTON B. MORTON, Hon. ROMAN L. HRUSKA, Hon. LEONOR K. SULLIVAN, Hon. GRAHAM PURCELL, Hon. BENJAMIN S. ROSENTHAL, Hon. GLENN C. CUNNINGHAM, Hon. CATHERINE MAY, Hon. Phil S. Gibson, Chairman, Hon. William M. Batten, Hon. Elmer R. Kiehl, Hon. Fred J. Marshall, Hon. Albert K. Mitchell.

Although Public Law 88–354 set July 1, 1965 as the date for submission of the Commission's final report, Public Law 89–20, signed by the President May 15 of this year, extended that date to July 1, 1966.

On October 7, 1964, $700,000 was appropriated for Commission operating expenses during the first year. An appropriation for fiscal year 1966 had not yet been made as of July 1, 1965.

PROGRAM STARTED IN JANUARY 1965

A program designed to carry out duties assigned by Public Law 88–354 was launched in January 1965 when a number of food marketing experts sought by the Commission for its professional staff were able to report for work. Delay in staff recruitment was caused by a number of factors, including the resignation of the first chairman for reasons of health, the lag between authorization and appropriation legislation, and the time required to select a staff executive director. Thus, most of the budget available for fiscal 1965 was used in the second half of the year.

WORK ORGANIZED BY SUBJECTS

The Commission staff is comprised of a legal division, five separate study projects on specific food industry subjects, and supporting administrative and information personnel. One project deals with food retailing. The other four deal with classes of commodities—dairy products, meats and poultry, fruits and vegetables, and bakery and cereal products—prior to retailing.

On June 30, 1965, staff numbered 41 regular full-time employees, 27 of them professional.

COMPREHENSIVE PROGRAM UNDERWAY

A comprehensive program is now underway, involving not only Commission staff but other Government agencies. To gain factual marketing information, a number of lines of inquiry are being used simultaneously. They include continuing staff studies, data being prepared by other Government agencies, private interviews, and public hearings. Results of this fact-gathering will be collated and evaluated in preparation for the final report.

All work and studies are being developed to show for both the food industry as a whole and for its principal segments: how the market structure is changing; why the structure is changing; how business is conducted and prices are determined; how well the industry performs; what accounts for the price spread between farmers and consumers; how regulatory activities of government affect competition in the industry; suitability of government services to the food marketing system; and the effects of food imports.

Information and questions being looked into by the Commission in these studies include:

1. How the market structure is changing: This includes the number and size of firms, the concentration of business, vertical integration, merger activity, and entry and exit of firms.

2. Why the structure is changing: Reasons being explored in this area are efficiencies of operation resulting from large size, economies from closely coordinating successive steps of production and marketing, advantages of large firms in advertising, the ability to influence prices if a large volume is controlled, and the ability to innovate or to diversify risks.

3. How business is conducted and prices are determined: Questions requiring answers here are: What are the typical business relations among firms? Is market power diffused or concentrated? How are price changes initiated and transmitted through the system?

4. How well the industry performs: Investigations are directed at such questions as: Do costs of processing and distributing food reflect efficient operation? Are the various forms of promotional costs held within acceptable limits? Is the industry progressive in developing superior methods and products? Is the system responsive to the demands of consumers? Are profits reasonable? Are efficient farmers afforded an opportunity to earn equitable returns on their labor and investment?

5. What accounts for the price spread between farmers and consumers: What costs and profits are involved? Do they reflect efficient operations and effective competition?

6. How regulatory activities of Government affect competition: The Commission is studying the enforcement, administration and effectiveness of laws such as the Packers and Stockyards Act, the Robinson-Patman Act, and other legislation affecting the food industry.

7. Suitability of Government services to food marketing systems: This includes an evaluation of the adequacy of grading, inspection, and market news in a changing market.

8. The effects of food imports: The Commission was created at a time when the Congress and the agricultural community were deeply concerned over the importation of beef by the United States. The Commission is required to evaluate the effect of food imports on domestic marketing and consumer prices.

OTHER GOVERNMENT AGENCIES ASSIST

The Commission has received excellent cooperation in obtaining existing information about the food industry from Government agencies, universities, and trade sources. The tremendous amount of information developed by these groups for other purposes is, of course, extremely useful to the Commission in the pursuit of its own specific assignments.

In developing new information essential to its assignment, the Commission has made contracts with Government agencies especially qualified to initiate new research to fill gaps in existing knowledge.

The Federal Trade Commission is preparing two comprehensive studies of changes in market structure, one in food retailing and one in food manufacturing. The Bureau of the Census is making a number of special tabulations needed for staff and FTC studies.

The Department of Agriculture is also working on studies for the Commission. It is preparing data concerning market structure and product movement in several commodity branches of the food industry. It is collating information on the place of farmer cooperatives in the marketing of food products. And it is developing estimates of how price spreads for leading farm commodities are broken down into their integral costs and profits.

Since this work is in addition to the continuing programs of these agencies, the Commission is financing these studies out of its budget.

STAFF STUDIES UNDERWAY

In addition to the contract work, Commission staff members have studies underway in each of the major subject matter areas. Much staff time until recently has been spent in assembling existing data, arranging for studies by other agencies, setting up hearings and interviewing businessmen in the various branches of the food industry. Now the staff work is turning to the systematic collection of data from industry by means of questionnaires and interview forms.

PUBLIC HEARINGS SCHEDULED

In the months of April, May, and June of this year the Commission held six public hearings on subjects dealing with various aspects of food marketing. At all of these sessions the Commission heard testimony from individuals directly involved with the subject being considered. In addition to describing details of their personal participation in the marketing system under review, witnesses frequently also volunteered their own views of industry problems and accomplishments.

In general, hearings have been well attended and fully reported, particularly in the trade press. A number of Commission members have described them as most useful to their understanding of issues related to the marketing of food. The hearings have also helped to acquaint the industry with the purpose and objectives of the Commission.

Following is the schedule of hearings to date:

Marketing of cattle and lambs, feedlot operations of packers—Cheyenne, Wyo., April 1–3;

Marketing of cattle and lambs, feedlot operations of packers—Fort Worth, Tex., April 22–24;

Retail costs and margins—Washington, D.C., May 5–7;

Integration in the broiler and egg industries—Atlanta, Ga., May 13–15;

Marketing of cattle and hogs, feedlot operations of packers—Omaha, Nebr., June 3–5;

Marketing of fresh fruits and vegetables—McAllen, Tex., June 11–12.

FACTFINDING TO CONTINUE

The date of this interim report finds the Commission at the halfway point in the development of a foundation of facts and analyses on which to base its conclusions and recommendations. Work initiated during the first 6 months of 1965 will be continued into the early months of 1966. Major portions of the studies assigned by the Commission to other Government agencies still remain to be done, as does much of the work on staff studies involving the systematic collection of data.

Additional hearings in the coming year, both on food commodity subjects and on general topics cutting across commodity lines, are listed among Commission future plans. To obtain further understanding of industry operations and procedures, greater emphasis is to be given interviews with industry representatives.

REPORT TO CONTAIN SUMMARIZATION, CONCLUSIONS

All relevant data on the food marketing industry will be assembled, analyzed, and thoroughly studied before the Commission reaches any conclusions or makes any recommendations. A series of technical studies, providing an underpinning of detailed facts and analyses to support the final report, will be issued either at the time the final report is filed or shortly thereafter.

COMMISSION RESPONSIBILITY

An efficient, competitive, and equitable food marketing industry is of paramount importance to all of the Nation's consumers, and to those of its farmers, its businessmen and its working men and women who have some role in that industry. The Commission is keenly aware of this.

Work to date has reinforced the Commission's conviction that its assignment is both timely and significant.

Despite the magnitude of its task and the limited time for its work, the National Commission on Food Marketing is determined to complete its assignment on schedule and to present a final report worthy of the trust and confidence given it by the President and the Congress.

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

NATIONAL OCEANOGRAPHIC COUNCIL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The unfinished business will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 944) to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill (S. 944) to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council, and for other purposes, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

Section 1. This Act may be cited as the Marine Resources and Engineering Development Act of 1965.

DECLARATION OF POLICY AND PURPOSE

Sec. 2. The marine science activities of the United States should be conducted so as to contribute to the following objectives:

(1) The accelerated development of the physical, chemical, geological, and biological resources of the marine environment.

(2) The expansion of human knowledge of the marine environment.

(3) The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment.

(4) The preservation of the role of the United States as a leader in marine science and resource development.

(5) The advancement of education and training in marine science.

(6) The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.

(7) The effective utilization of the scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment, or waste.

(8) The cooperation by the United States with other nations and groups of nations and international organizations in marine science activities when such cooperation is in the national interest.

THE NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT

Sec. 3. (a) There is hereby established, in the Executive Office of the President, the National Council on Marine Resources and Engineering Development (hereinafter called the "Council") which shall be composed of—

(1) The Vice President, who shall be Chairman of the Council.

(2) The Secretary of State.

(3) The Secretary of the Navy.

(4) The Secretary of the Interior.

(5) The Secretary of Commerce.

(6) The Chairman of the Atomic Energy Commission.

(7) The Director of the National Science Foundation.

(8) The Secretary of Health, Education, and Welfare.

(b) The President may name to the Council such other officers and officials as he deems advisable.

(c) The President shall from time to time designate one of the members of the Council to preside over meetings of the Council during the absence, disability, or unavailability of the Chairman.

(d) Each member of the Council, except those designated pursuant to subsection (b), may designate another officer of his department or agency to serve on the Council as his alternate in his unavoidable absence.

(e) Each alternate member designated under subsection (d) of this section shall be designated to serve as such by and with the advice and consent of the Senate unless at the time of his designation he holds an office in the Federal Government to which he was appointed with the advice and consent of the Senate.

(f) The Council shall advise and assist the President, as he may request, with respect to the performance of Federal functions in the field of marine science and engineering, including but not limited to the following functions:

(1) survey all significant marine science activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;

(2) develop a comprehensive program of marine science activities, including, but not limited to, exploration, exploitation, and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications, to be conducted by departments and agencies of the United States;

(3) designate and fix responsibility for the conduct of marine science activities, by Departments and agencies of the United States, including, but not limited to, exploration, exploitation, and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications;

(4) provide for effective cooperation among all departments and agencies of the United States engaged in marine sicence activities, and specify, in any case in which primary responsibility for any category of the marine science activities has been assigned to any department or agency, which of those activities may be carried on concurrently by other departments or agencies;

(5) resolve differences arising among departments and agencies of the United States with respect to marine science activities under this Act, including differences as to whether a particular project is a marine science activity;

(6) review annually all marine science activities conducted by departments and agencies of the United States in light of the policies, plans, programs, and priorities developed pursuant to this Act;

(7) undertake a comprehensive study of the legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment; and

(8) establish long-range studies of the potential benefits to the United States economy, security, health, and welfare to be gained from marine resources, engineering, and science.

(g) The Council may employ a staff to be headed by a civilian executive secretary who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at a rate established by the President at not to exceed that of level II of the Federal Executive Salary Schedule. The executive secretary, subject to the direction of the Council, is authorized to appoint and fix the compensation of such personnel, including not more than seven persons who may be appointed without regard to civil service laws or the Classification Act of 1949 and compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, as may be necessary to perform such duties as may be prescribed by the President.

COMMISSION ON MARINE SCIENCE, ENGINEERING AND RESOURCES

Sec. 4. (a) To assist the President and the Council in carrying out the functions stated in sections 3(f) (1), (2), (7), and (8) of this Act, there is authorized to be established, at the discretion of the President, a Commission on Marine Science, Engineering and Resources composed of fifteen members appointed by the President from among persons with a competency in the areas designated in this Act. The Commission may include five representatives from Government, five representatives from industry, and five representatives from universities, institutions, or laboratories engaged in marine science pursuits, and, upon establishment of such Commission, the President shall designate from among its members a Chairman and a Vice Chairman.

(b) Members of the Commission appointed from outside the Government shall each receive $100 per diem when engaged in the actual performance of duties of the Commission. Members of the Commission appointed from within the Government shall serve without compensation in addition to that received for their services to the Government.

(c) The Commission, its Chairman and Vice Chairman, shall at all times cooperate effectively with the Council in carrying out the responsibilities and functions delegated to it under this Act by the President through the Council, and shall report at such intervals as may be determined by the Council, its findings and recommendations for the consideration of the Council.

(d) In addition to the duties set forth in subsection (a) of this section and such other duties as may be assigned to it, the Commission shall survey the marine science activities of the United States, make recommendations for the most effective organizational structure for conduct of Federal activities in this area, and make recommendations for the encouragement of private investment in marine science and resource development.

(e) Subject to determinations of the Council, the Commission shall appoint and fix the compensation of such personnel as it deems advisable, without regard to the civil service laws and the Classification Act of 1949, as amended. In addition, subject to determination of the Council, the Commission may secure temporary and immediate services to the same extent as is authorized the departments and agencies of the Government by section 15 of the Administrative Expenses Act of 1946, but at rates not to exceed $100 per diem for individuals.

(f) All members and other personnel of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out this Act.

(g) The Commission, whatever may be the requirements of the Council under paragraph (c) of this section, shall submit to the Council not later than eighteen months after the establishment of the Commission as provided in subsection (a) of this section, a final report of its findings and recommendations. The Commission shall cease to exist thirty days after it has submitted its final report.

Sec. 5. (a) The Council, under the foreign policy guidance of the President and as he may request, may coordinate a program of international cooperation in work done pursuant to this Act, pursuant to agreements made by the President with the advice and consent of the Senate.

(b) The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the activities and the accomplishments of all agencies and departments of the United States in the field of marine science activities during the preceding year, and (2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives set forth in pursuant to this Act.

(c) Reports made under this section shall contain such recommendations for legislation as the Chairman of the Council or the

President may consider necessary or desirable for the attainment of the objectives of this Act, and shall contain an estimate of funding requirements of each agency and department of the United States for marine science activities during the succeeding fiscal year.

(d) No information which has been classified for reasons of national security shall be included in any report made under this section, except pursuant to authorization given by the President.

SEC. 6. (a) The Council shall arrange with the Federal Bureau of Investigation for the conduct of such security or other personnel investigation of the Council's officers, employees, and consultants, as it deems appropriate, and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty there shall be a full field investigation of the matter, the results of which shall be furnished to the Council.

(b) The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission under subsection 145(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2165(b)), to permit any member, officer, or employee of the Council to have access to restricted data relating to oceanography and the marine sciences which is required in the performance of his duties and so certified by the Council but only if (1) the Council or designee thereof has determined, in accordance with the established personnel security procedures and standards of the Council, that permitting such individual to have access to such restricted data will not endanger the common defense and security, and (2) the Council or designee thereof finds that the established personel and other security procedures and standards of the Council are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165). Any individual granted access to such restricted data pursuant to this subsection may exchange such data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to restricted data under the provisions of section 143 of the Atomic Energy Act of 1954 (42 U.S.C. 2163).

SEC. 7. Information obtained or developed under this Act shall be made available for public inspection except (a) information authorized or required by Federal statute to be withheld, and (b) information classified to protect the national security: *Provided*, That nothing in this Act shall authorize the withholding of information from the duly authorized committees of Congress.

SEC. 8. (a) For the purposes of this Act the term "marine science" shall be deemed to apply to oceanographic and scientific endeavors and disciplines, engineering and technology in and with relation to the marine environment; and the term "marine environment" shall be deemed to include (1) the oceans, (2) the Continental Shelf of the United States, (3) the Great Lakes, (4) seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of such areas, (5) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory, and (6) the resources thereof.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act, but sums appropriated for any one fiscal year shall not exceed $1,000,000.

SEC. 9. The provisions of this Act shall expire at the termination of June 30, 1970.

Mr. MAGNUSON. Mr. President, the bill we are considering, S. 944, is the product of studies and consultations by many Members of the Congress and congressional committees extending back to 1959, perhaps even beyond that.

The measure is bipartisan, cosponsored by distinguished Senators on both sides of the aisle. They, as do all of us, recognize the tremendous potentials that the oceans, the Continental Shelf, and the Great Lakes hold for America's future.

Resources of the marine environment, which extends over an area nine times greater than that of the moon, can be an immeasurable source of wealth, energy, and strength to the nation that first develops, then uses, the engineering and technology to exploit them.

The oceans are here and they and their beds contain health-giving, protein foods for our own and the world's exploding population; minerals, many of critical and strategic importance to our national security, chemicals, and incalculable reserves of natural gas and oil.

Many nations are competing for these riches, and, as the Committee on Commerce was told during hearings on S. 944: If the United States does not exploit them, others will.

Other nations know the wealth of resources in the seas, on and beneath the Continental Shelf, and on the mineral-carpeted bed in many areas of the deep ocean, some of them immediately off our coasts.

Other nations are exploring and searching the marine environment for these resources.

Other nations have their engineers and technicians developing sophisticated instruments, equipment and gear for acquiring these resources and utilizing them to strengthen their economy or their might.

Other nations are training more and more specialists in marine science and technology.

The human and physical resources of these nations are today being increasingly employed to probe the oceans and possess their treasure, and this worldwide contest for vast new wealth in foods, in minerals, in chemicals, and in liquid fuels will intensify, not diminish.

We can see it today where a dozen overseas nations are competing for the living resources in the waters off New England, and along the Pacific Northwest and Alaskan coasts where massive fishing fleets of Asiatic powers are crowding us off the seas. Tomorrow these nations may seek other resources—on or beneath the Continental Shelf.

At hearings on S. 944, Rear Adm. Edward C. Stephan, U.S. Navy, retired, president of the Marine Technological Society and former oceanographer of the Navy, testified:

> Many countries of the world in addition to the space leaders—Russia and the United States—have all that is necessary to exploit the oceans. The big question is: Will the United States establish a leading position? The Congress in its action on S. 944 and other ocean legislation and appropriations will have a major role in the answers to the question of U.S. leadership.

Mr. President, S. 944 is designed to assure that leadership.

The administration is, I believe, convinced of the necessity for that leadership.

Industry is eager to participate in achieving an unchallengeable leadership position.

In a communication to the Congress of March 2, the President stated:

> It is becoming increasingly clear that there are large mineral deposits under the oceans. But before this treasure becomes useful we must first locate it and develop the technology to recover it economically. We must also learn more about marine biology if we are to tap the great potential food resources of the seas.

Congress can expedite achieving these goals.

A letter to the President, dated March 29, and signed by the board chairman or president of 12 of America's largest industries stated, in part:

> We believe, with you, that freedom from want is possible, but only if we add to the land's productivity the most fertile and least-used of man's resources—those of the seven seas. Potentials for almost limitless food production, for supplementing the land's minerals, for an inexhaustible supply of pure water, for new sources of fuel and energy, for a revitalized, superior merchant marine, and even for harnessing wind and weather, exist in the world's oceans, if we can but learn to apply our American technological genius to their use. This learning and utilization, as industry is coming to realize, provides opportunities for economic growth unparalleled since the industrial revolution.

Witnesses from academic institutions and private corporations, both large and small, scientists and administrators, testifying at hearings on S. 944, corroborated these industry executives, as did many others by correspondence.

Mr. President, in its consideration of S. 944, the Committee on Commerce has given close attention to the views of industry, to those of the scientific community, to those experienced in Navy oceanographic activities and requirements, and to other experts in marine resources and developments.

As a result, S. 944 has been both broadened and strengthened since it was introduced in February. Basic objectives have been retained. To expedite the achievement of these objectives several new sections and provisions have been added, and in a number of other provisions amplifying or perfecting language has been substituted for that in the original bill.

The bill we are considering today is designed to further ocean engineering and exploration, advance marine science and technology, and to intensify development and utilization of ocean, estuarine, Continental Shelf and Great Lakes resources.

It is a bill to not only increase our knowledge of the marine environment through research and surveys, but to apply that knowledge for the benefit of the

Nation, its industries, its Armed Forces, and its citizens.

It is a bill that looks to augmenting the Nation's wealth, health, and welfare, to harnessing the ocean's energy, and to harvesting the mineral, chemical, and biological riches of the seas, the Great Lakes, and the Continental Shelf.

It is a bill to encourage employment of the Nation's scientific and engineering capabilities to assure jurisdiction over the Continental Shelf, adjacent waters, and subsoil, thereby adding their life, minerals, and liquid fuels to our national treasure.

It is a bill to stimulate private interest and investment in technological advances, exploration, and economic utilization of the oceans, the Continental Shelf, and the Great Lakes.

It is a bill to assure America's leadership in unlocking the mysteries of the seas, and acquiring title to and utilizing our discoveries.

In other words, Mr. President, S. 944 embodies a legislative commitment—a national commitment—for a unified thrust seaward.

Enactment of S. 944 will, for the first time:

Establish a legislative policy and purpose for the discovery, recovery, and utilization of the resources of the marine environment.

Provide a legislative base for a national, comprehensive, coordinated national program of exploration, exploitation, and conservation of these resources, marine engineering, studies of air-sea interaction, transmission of energy, and ocean communications.

Assure by statute a survey of the activities, plans, accomplishments, and objectives of the seven departments and 26 Federal agencies, offices or bureaus with responsibilities in the marine environment.

Direct that a study be made of the numerous legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment.

Authorize that a study be made of the potential benefits to the U.S. economy, security, health, and welfare to be gained from marine resources, engineering, and science.

Assure permanence to the national purpose on and under the oceans, the Continental Shelf, and the Great Lakes.

Enactment of S. 944 will also, for the first time, provide the Congress and its committees with a central source of authoritative information to assist us in our considerations of the many, many proposals and problems that come before us relating to the seas and the Great Lakes, their boundaries and contents. In such manner, the National Aeronautics and Space Council greatly facilitates the work of the science committees of both houses in matters pertaining to the space field.

Similarly, enactment of S. 944 will, for the first time, provide the scientific community, industry, news media, and the public a central point of contact for information of significance on Federal oceanographic activities and programs.

The enactment of S. 944 will, for the first time, assure an annual report on the relevant activities of all Federal agencies and departments with responsibilities or functions in the marine environment: an evaluation of these activities, and such recommendations for legislation as may be deemed necessary or desirable. Congress now receives each January a comprehensive report on all aeronautics and space activities during the preceding year, an invaluable guide in our considerations of space legislation and appropriations.

Enactment of S. 944 will, for the first time, according to the oceans, the Continental Shelf, the Great Lakes and their resources, the legislative—and national—recognition they deserve and require in the national interest.

Finally, enactment of S. 944 will place marine science, exploration, and resources and engineering development on an administrative parity with our aeronautics and space activities, Federal radiation activities, and with the national water resource activities to be conducted under legislation signed and approved by the President on July 22.

Each of the above activities is headed by a Cabinet-level council, created by statute, and vested with statutory responsibilities and functions.

As a result our Government has a national aeronautics and space program, a national radiation program, and is soon to have a national water resources program.

There is no national oceanographic program, as was attested at the hearings on S. 944, nor will there be one until appropriate legislation is enacted.

S. 944, patterned on acts which have proved efficacious, projects a national program of marine resource and engineering development.

The Marine Resources and Engineering Development Act of 1965, as does the Aeronautics and Space Act, the recently approved Water Resources Planning Act, and many other major enactments, includes a declaration of policy and purpose, which calls for, among other things:

First. Preservation of the role of the United States as a leader in marine science and resource development.

Second. Accelerated development of the physical, chemical, geological, and biological resources of the oceans, the Continental Shelf, and the Great Lakes.

Third. Encouragement of private investment in exploration, expansion of marine commerce, technological development, and utilization of the resources of the marine environment.

Fourth. Improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in this environment.

Fifth. Effective utilization of the scientific and engineering genius and talent of the Nation, in close cooperation with all interested agencies, both public and private.

Sixth. The advancement of education and training in marine science.

The marine environment is defined in S. 944 to include the oceans, the Great Lakes, the Continental Shelf, and the seabed and submarine areas adjacent to the coasts of the United States and our island territories.

The legislative policy and purpose set forth in S. 944 would be furthered by a Cabinet-level National Council on Marine Resources and Engineering Development which would advise and assist the President with respect to Federal programs, plans, and objectives in marine science and engineering.

Serving on this Council would be the Vice President of the United States, as Chairman, the Secretaries of State, Navy, Interior, Commerce, and Health, Education, and Welfare, the Chairman of the Atomic Energy Commission, and the Director of the National Science Foundation.

The President may name also to the Council such other officers and officials as he deems advisable.

Membership of the Council is necessarily large because Government responsibilities and functions in this vast field are dispersed among many departments, offices, bureaus, and agencies.

The Council, as do the others referred to above, would have a small, objective, independent staff headed by a civilian executive secretary appointed by the President with the advice and consent of the Senate.

The President, at his discretion, also may appoint a Commission on Marine Sciences, Engineering, and Resources to assist the Council and the Chief Executive in certain designated functions and others that may be delegated to it by the President over a period of 18 months.

The Commission, if appointed, would be composed of five competent persons from each of the following: First, industry; second, universities, institutions, or laboratories; and third, Government. Chairman and Vice Chairman of the Commission would be named by the President.

Witnesses at hearings on S. 944, and who supported its enactment, testified on values that would grow out of the legislation.

Dr. John C. Calhoun, Jr., vice chancellor for programs, Texas A. & M. University, and former science adviser to the Secretary of the Interior, told the committee:

> The proposed National Council would provide a policy deliberating group to advise the President and the Congress, to give priority to specific national goals, to see that balance is maintained among all participating agencies, to advise on procedures for carrying out new goals, and to give full executive support to budgets for meeting the national purpose.

Capt. H. A. Arnold, U.S. Navy, retired, assistant to the chief scientist, United Aircraft Corp., and for 3 years consultant to the Federal Council for Science and Technology, stated that enactment of S. 944 would provide the following:

> 1. Legislative recognition, which is very important, and a firm base for positive executive action.
>
> 2. Emphasis, coherence, and long-range stability which would encourage scientific oceanography to grow in proportion to the need.

> 3. A comprehensive program of ocean technology and engineering, embracing exploitation and development of the capability to do useful work in the ocean, particularly in the nonmilitary area. This would in turn provide guidance and encouragement to industry and the tangible evidence of Government support would stimulate increased industrial participation.
>
> 4. An essential step toward a strong posture for conflicts that will result from increased exploitation of the oceans by many nations.
>
> Finally, a basis for long-range usage planning for the Great Lakes and the oceans contiguous to our own shores, to the end that special interests or thoughtless exploitation will not damage the general welfare of U.S. citizens.

Dr. Harold E. Edgerton, chairman of the board, Edgerton, Germeshausen & Grier, Inc., which is actively engaged in deep-ocean engineering, and who also is professor of electrical measurements, Massachusetts Institute of Technology, testified that increased recognition of the scientific, military, and economic importance of the oceans is inherent in the proposed legislation. He stated:

> A strong national commitment to oceanography would certainly be a step to effective utilization of all our resources, human and physical. The effect of a national commitment in oceanography can open up entirely new areas of human endeavor calling for new skills and for manpower as yet uncommitted. In short, it means jobs.

Mr. President, S. 944 is a bill to open up, as Dr. Edgerton states, new employment opportunities for our citizens.

It is a bill to open up new and appealing incentives to our industries.

It is a bill to add to our domain a new continent—the Continental Shelf.

It is a bill to supplement the resources of the soil with those of the seas around us, and to meet needs that will inevitably accrue with our expanding population.

By 1970 the population of the United States will reach 200 million; by 1980 more than 230 million. Those are Census Bureau estimates.

World population by the year 2,000 is expected to reach 6 billion, more than double the present total, and already two-thirds of the world population is suffering a deficiency of life-giving proteins.

Fishery experts tells us that the seas around us could yield with proper conservation practices, ten times the present catch of food species. Yet we are taking today only 38 percent of the fish we eat; the remaining 62 percent is imported from foreign countries; and a considerable quantity of these fish we are importing are caught directly off our shores.

The Committee on Commerce was told during hearings on S. 944 that the drain of U.S. dollars for foreign fishery products last year totaled 600 million, a significant item in our adverse balance of payments. Some of this outflow can be halted when we revive and rehabilitate our dying fishing industry.

This is not the only marine resource of which we are neglecting to realize our potential.

The ocean surface is itself a resource. Approximately 99 percent of the hundreds of millions of tons of cargo moving to and from foreign ports last year were water-borne. Water-borne also are many of the critical and strategic materials for which our Nation is presently dependent on foreign sources.

Yet, to our shame and disgrace, less than 9 percent of this vital cargo moves on American-flag vessels.

Beneath the territorial waters and the Continental Shelf lie incalculable reserves of oil and natural gas, an estimated 14 billion barrels in submerged lands off Louisiana, Texas, and California alone. How much lies beneath other areas of our Continental Shelf, totaling 850,000 square miles, there has been insufficient geological research and exploration even to conjecture.

Offshore oil is being produced in the Persian Gulf, the Gulf of Suez, and along the coasts of Venezuela, Mexico, Japan and Peru. Half a dozen European nations are today competing to open up the oil reserves geologists are convinced lie beneath the shallow North Sea.

Oil production from beneath the seas requires extremely sophisticated technology; in fact, two technologies, one similar to that on land, and the other requiring equipment to operate in waters of increasing pressure.

S. 944 takes cognizance of these problems and these opportunities, and of the convention on the Continental Shelf approved by the necessary number of nations in June of last year.

The convention on the Continental Shelf defines it as:

> The seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters (655 feet) or, beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of the said area, and further, the seabed and subsoil of similar submarine areas adjacent to the coasts of territorial islands.

This definition is reflected in section 8(a) of S. 944.

Natural resources of the Continental Shelf may, under the convention, be exploited exclusively by the adjacent coastal nation.

Rights to exploit natural resources of the seabed and subsoil of areas beyond the Continental Shelf may be attained by the nation with the technological or engineering capability to first exploit them.

It means that the nation which first develops and uses the equipment and instruments to exploit the resources of these areas acquires, under the convention on the Continental Shelf, the rights to these resources.

S. 944 envisions a national program of marine resources and engineering development that will assure to us all rights under the convention of the Continental Shelf.

Mr. President, a new era in exploration, in resource development, in production and use of products that will add immensely to our wealth and security, is opening off our shores that could duplicate in the course of time, the opening of the land resources of the West a century to a century and a half ago.

S. 944 is to facilitate this new era of expansion.

S. 944 also recognizes the great potential of the Great Lakes to national progress and development.

The Great Lakes comprises the largest connected body of fresh water in the world, and Lake Superior is the world's largest fresh water lake.

No other body of fresh water in the world carries a fraction of their commerce, and no other contains comparable living resources.

With the exception of Lake Erie, all are deeper than the North Sea, the Baltic Sea, the East China Sea, or Hudson Bay. They are truly an inland, fresh-water ocean, a part of our marine environment, and are so defined in S. 944.

S. 944 will provide the governmental structure that, in the opinion of the Committee on Commerce, will best provide the most rapid, most efficient, and most orderly accomplishment, in cooperation with industry and our scientific community, the realization of the tremendous potential of the entire environment contiguous to our land and cities.

Mr. COTTON. Mr. President, in the long view of history, the pending bill, S. 994, the Marine Resources and Engineering Development Act of 1965, may come to be regarded as one of the most significant and forward-looking legislative measures considered by this Congress. Passage of this bill will mean that we, as a Nation, are moving to meet what has aptly been called the challenge of inner space.

This challenge can be easily described. There is more unexplored land on this earth than on the moon. The 75 percent of the earth under water is the frontier of the future.

Beneath the surface of the sea lie the busiest, most fertile, and most mysterious regions of the earth. The abundance of its resources staggers the imagination.

The ocean is, for practical purposes, a limitless source of animal protein highly suitable for human consumption. It now produces more than enough such protein to maintain in vigorous health a world population more than 10 times the present size.

Vast deposits of metal ores including manganese, nickel, cobalt, zinc, iron, aluminum, or others, are lying on the deep sea bed in profusion greater than man can ever use. The ocean's reserves of manganese nodules alone are estimated at 10 trillion tons.

Not all of these resources are economically available to man today. For instance, it has been estimated that there is $20,000 worth of gold in each cubic mile of sea water—although it would cost some $50,000 to extract this gold. But the prospects for a cold cash return from the development of these tremendous resources is clear.

A recent study by the Committee on Oceanography of the National Academy of Sciences-National Research Council has translated the benefits of ocean research into the kind of economic terms likely to appeal both to hardheaded private investors and tightfisted Government budget officers. Let me note, too, that this study was prepared by men with international reputations for skill and accuracy as researchers in these fields.

In summary, these experts predict that ocean research and development can double the catch of U.S. domestic fisheries, and provide a fourfold increase in the harvest of our distant, overseas fisheries in the next 10 years. They believe that ocean mining of the mineral deposits on the Continental Shelf could generate new industry grossing more than $50 million a year within a decade. By 1975 ocean transportation costs for American industry and commerce will amount to $5 billion a year, and ocean research activities have the clear promise of reducing this bill by more than $350 million a year if we take advantage of the potentials which oceanography has revealed. The savings to farmers, fuel producers, public utilities building and water managers and the like from the improvements in long-range weather forecasts which can result from ocean research activities are estimated at $2 billion a year.

The realization of these direct, beneficial goals must be a prime national objective.

Up to now, our national program of ocean research has emphasized the scientific approach, viewing oceanography as the subject that concerns just the behavior of the oceans as an entity. Such an approach has its value, and must not be neglected. But oceanographic and marine engineering are now ready to move beyond the stage of satisfying man's curiosity, revealing the unknown, and charting the unseen. The time has come when our national policy must expand from the essentially narrow goal of observing and measuring the behavior of the ocean to encompass the use, control, and management of the oceans and all their resources.

Our position today parallels that of this Nation more than a century and a half ago, when another frontier—the American West—held the promise of untold wealth. We have seen how the American people responded to develop the natural wealth of that frontier. But then, as now, a stimulus was necessary.

Lewis and Clark's exploration of the Louisiana Territory was but a glimpse of an uncharted frontier holding great promise for a Nation of 17 States strung along the Atlantic coast. It was congressional intervention—in the form of railroad land, grants, mining laws, and the Homestead Act—that induced the pioneers to explore and develop this frontier. Today, the outlines of another frontier with vast potentialities have been revealed, not by overland explorers, but by skilled oceanographers. It remains for us to act to secure these rewards for future generations. But our present knowledge of ocean resource development is insufficient to utilize the benefits of this ocean frontier.

There is another historical parallel. The western lands became the American frontier when Jefferson bought Louisiana from Napoleon in 1803. The modern, ocean-equivalent of the Louisiana purchase is the adoption of the International Convention on the Continental Shelf. The convention, negotiated in 1958, has been ratified by the United States, and formally became effective June 10, 1964. Under its terms, the United States has acquired sovereign rights over territory even more extensive than that Jefferson bought—the lands and resources lying under the ocean on the Continental Shelf, from the shore out to where the water is 200 meters—665 feet—deep, and as far beyond that point as this Nation is capable of exploiting the resources. This international treaty has added more than 1 million square miles to the area of the Nation, an area larger than all the States east of the Mississippi.

However, we can preserve and protect our rights to this new area and its resources only if we have the technical capability to develop and use them. Under the terms of the treaty, the vast mineral wealth of the ocean floor will belong to those with the capability, in the words of the treaty, for "exploitation of the natural resources of such areas." The United States must create, develop, and maintain such capability—and without delay.

I believe the lessons from the history of our own West are clear. We must move to meet the challenge of inner space just as we met the challenge of the Western frontier.

Mr. President, if you will permit another historical note, I point out that I speak to the Senate today from the desk long used in the Senate by that famed New Hampshire native, Daniel Webster. For all his vision and all his wisdom, Webster was wrong about the West of his day. In 1829 he denounced a measure to establish a mail route from Missouri across the plains and mountains to the west coast in these harsh terms:

> What do we want with this vast, worthless area? This region of savages and wild beasts, of deserts, of shifting sands and whirlwinds of dust, of cactus and prairie dogs? To what use would we ever hope to put these great deserts, or those endless mountain ranges, impenetrable and covered to their very base with eternal snow? What can we ever hope to do with the western coast, a coast of 3,000 miles, rock bound, cheerless, uninviting, and not a harbor on it? What use have we for this country?

We should not make the same mistake about the frontiers of today as Webster made in 1829. So I urge the Senate to pass the bill, and put our Nation in a position to meet the new and critical challenge of the oceans, and to take advantage of the resources and potentials which may prove equal in value to the riches of the Golden West.

The bill before the Senate meets this challenge of inner space in three ways.

First, the bill for the first time, sets forth a national policy and defines national objectives for oceanography and marine resource development. These objectives recognize the importance of marine science activities to the national welfare, stress importance of actual use and development of ocean resources, and emphasize the need for private investment in ocean activities. There is clearly a pressing need for adoption of a national policy on oceanography and ocean engineering. This bill will fill that need.

Second, the bill creates a high-level National Council of Marine Resources and Engineering Development to coordinate the manifold oceanographic activities of the Federal Government. Some 20 different Federal bureaus and agencies are now involved in ocean research and development work. Part of their activities are now coordinated by the Interagency Committee on Oceanography, which is a committee of the Federal Council for Science and Technology. The Interagency Committee, clearly, has done an effective job within the limited framework of its responsibilities, but the bill would provide an important means of improving the coordination of all the oceanography programs we have and must develop. It will insure a better balance of ocean activities of all kinds both between and within the agencies. It may also assist in a more coordinated, unified approach to the numerous congressional committees and subcommittees which deal with parts of the national oceanographic effort.

The third key element in this bill is the creation of a bipartisan, government-industry-academic commission to survey the oceanographic and ocean engineering activities of the United States, make recommendations for the best means of carrying out the Federal program, and suggest effective means for assuring private investment in ocean development work. In addition, the Commission will aid the National Council in a comprehensive legal study of ocean resource development matters. Such a study will lay the legal foundation for private development of ocean resources.

Frankly, the bill provides a cautious, careful step in the future of ocean resource development. But I do not believe we can justify any other approach. A headlong rush in one direction or another at this early stage in the game could result in much wasted time, effort, and money. Instead of mapping a program for all time, the bill, as rewritten by the committee, seeks only to lay a firm, lasting foundation for effective development and use of ocean resources.

Mr. President, there is one other point I feel I must make about the proposed legislation and its future.

The bill, S. 944, is not part of the administration's legislative program. In fact, it was opposed by every administration witness who testified before our committee, and by every administration agency which submitted written comments on it.

The administration is drifting aimlessly on an ocean of indecision, with no plans and no program for marine resource development. It has done nothing but watch in apathetic silence as the American fishing industry, dependent upon a key ocean resource, has declined into a state of chronic ill health. It has ignored the steadily declining state of the American merchant marine. President Kennedy, for reasons which are still obscure, vetoed the last oceanography legislation approved by the Congress. And the budget for oceanographic activities has been stuck on a plateau for the last 3 years.

I am astonished and dismayed that the administration, while chasing so many rainbows in so many skies, seems indifferent to the practical and pressing advantages of exploiting the ocean's bottom.

In the light of this attitude on the part of the administration, it is especially appropriate for me to acknowledge, with gratitude, the leadership which the chairman of the Committee on Commerce, the Senator from Washington, WARREN G. MAGNUSON, has displayed in this field of ocean research and development for many years. Our Nation would not have the capability and skills it possesses in this area today were it not for his constant efforts and skillful leadership over the years.

I hope the Senate will give its overwhelming approval of this bill. Such a vote would be a fitting tribute to the efforts of the senior Senator from Washington. What is more, it would also put the administration on notice that the Congress is not going to neglect the tremendously valuable resources that lie within and under the oceans.

For ages, man has regarded the oceans as little more than hunting grounds for fishermen and highways for ships. Now we are awakening to the knowledge that beneath the surface of these waters lies a vast territory every bit as challenging as outer space, and infinitely more promising with regard to economic reward. We possess the scientific capability and the technical skill to meet this challenge. The world's growing need for food, water, minerals, transportation, power, and weather control give us solid reasons for doing so.

From the beginning I have been impressed by the broad implications of this legislation, but I must confess to an intense personal interest because ocean research is of particular and paramount importance to the seacoast regions of New Hampshire and the Northeast.

Why do we keep our eyes forever on the moon when a wealth of opportunity lies at our very feet?

The time to start is now, and enactment of this bill is an essential first step.

Mr. FONG. Mr. President, I strongly support S. 944, the proposed Marine Resources and Engineering Development Act of 1965.

As a cosponsor of the bill, I gave my wholehearted endorsement of its objectives, in hearings conducted by the Commerce Committee. I said then that S. 944, if enacted, would give oceanography the national status and stature it deserves and that the proposal is being supported at a time of widespread interest in oceanography and its importance to the national welfare and security.

I underscored the particular interest in oceanography which has been demonstrated by the people of Hawaii, by virtue of its uniqueness as the only island State of the Union and its aspirations to become a major center in this expanding and vital field.

At the outset, I wish to voice my pleasure over the progress of this measure. It is a vastly improved measure over the original version, commendable as the original version was.

S. 944, as reported by the Commerce Committee, goes beyond oceanography, defined as "a science that deals with the ocean and its phenomena." The committee wisely rewrote the bill to cover marine science activities embracing oceanography, engineering, technology, and all related activities. Thus the bill would extend our national concern beyond scientific consideration of marine matters and into the exploration, development, and use of all the resources of the sea. It would assign the necessary priority to applied engineering goals rather than concentrating our programs on scientific goals.

I believe such an expanded focus will benefit both those engaged in scientific pursuits as well as those concerned with private investment in marine science activities. Private industry has clearly demonstrated its active interest in the development of marine resources in many ways and in various regions. This is the case in Hawaii as in other areas. S. 944 will assist private enterprise to move ahead in this field as dynamically as it will the scientific community.

When first introduced, S. 944 was designed to place great emphasis on the need for more effective coordination of the marine science activities of the Federal Government, in view of the many departments, agencies, offices, and bureaus which have a direct interest in the seas. A National Oceanographic Council, composed of Cabinet officers involved in this field, and several agency heads, was proposed as the top-level coordinating body.

This arrangement has been retained in S. 944 as reported now by the committee. The proposed establishment of the National Council on Marine Resources and Engineering Development, chaired by the Vice President of the United States, would clearly place the responsibility for the Nation's marine science activities at a top policy level, which is as it should be, for this is an area which has so far lacked such necessary guidance, direction, and encouragement. S. 944 would thus place marine resources and engineering development on an administrative parity with the National Space and Aeronautics Council, National Security Council, Federal Radiation Council, and the Water Resources Council.

The proposed National Council on Marine Resources and Engineering Development would be assisted by a Commission on Marine Science, Engineering and Resources, to be created at the President's discretion, with members from industry, academic institutions, and government.

Among its duties, the Commission would survey the Nation's marine science activities, make recommendations for the most effective organizational structure for conduct of Federal activities in this area, and make recommendations for the encouragement of private investment in marine science and resource development.

Should this Congress enact S. 944, as I fervently hope it will, this Nation will be launched on an oceanics era of vast importance. The measure would give ocean exploring some of the emphasis now enjoyed by outer-space programs.

The impact would be exciting and profitable. For S. 944 would enable this country to embark, on an unprecedented scale, on wide-ranging marine science activities including exploration, exploitation, and conservation of marine resources, ocean engineering, studies of air-sea interaction and transmission of energy, and studies of the legal problems arising out of the management, use, development, recovery, and control of marine resources. Such vast and promising activities would have tremendous benefits to our national economy, security, health, and welfare.

In the past several Congresses, as in this one, various legislative proposals for expanding our efforts in oceanography have been offered. S. 944, as reported by the Senate Commerce Committee, represents the most effective vehicle so far for coming to grips not only with oceanography but all related marine activities. It is a comprehensive, reasonable, and above all a necessary measure for our country's progress and leadership in this important field.

Mr. DODD. Mr. President, this year the United States will spend nearly 10 times more to explore outer space than to explore the inner space of the waters which cover 71 percent of the surface of the earth.

Today we can fire a missile from beneath the sea and be confident it will destroy an enemy target 2,000 miles away.

We can have no such confidence that we can prevent an identical enemy launch only 20 miles from our own shore. We are spending a billion and a half dollars a year to help other nations win what is so far a losing race against their own population to produce enough food and jobs to avoid starvation and national collapse.

Yet we are spending less than a tenth as much to harness the enormous food and mineral wealth of the sea to these urgent needs of mankind.

Year after year we witness the cataclysmic and incalculable damage wrought by storms upon man and his work.

But we allocate only a microscopic fragment of the weather losses of our own country to the effort to understand the interaction of the environment of the 71 percent of the earth which is water with the environment of the 29 percent which is land.

Mr. President, we in the United States must embark on a major program for the massive and orderly development of underwater technology at as rapid a pace as is economical. We must demonstrate to both the new nations and the old the methods and the promise of exploiting the undersea.

American industry, I am pleased to say, is already rising to meet the challenge and to reap the harvest of the undersea. Hundreds of American firms, led by Electric Boat in my own State of Connecticut, are already engaged in manufacturing equipment for oceanography.

I regret to report, however, that the Federal Government has not demonstrated an equal vigor in pursuing its role in support of underwater technology. Although the total Federal dollar support of nonclassified oceanography has increased 250 percent since fiscal year 1960, the United States proposes to spend only $141.6 million this year to explore all aspects of nonclassified oceanography.

Furthermore, the Federal oceanographic program is fragmented into many independent programs, each administered by separate departments or agencies.

Six departments and 22 agencies, offices, and bureaus, including 5 independent agencies, have a direct interest in the seas, their motions, their boundaries, or their contents.

At least 15 of these agencies, offices, and bureaus have independent oceanographic programs, each of which competes for a slice of the oceanographic appropriations pie.

The number of separate Government oceanographic programs is dwarfed by the number of committees and subcommittees to which those programs must report.

In 1964, spokesmen for the 15 Federal oceanographic programs had to report to a combined total of 30 committees and subcommittees in the House of Representatives alone. Most had to report to at least seven individual committees or subcommittees.

The nature of the Executive apparatus for overseeing, directing, and coordinating the Federal oceanographic program has been improved in the last 4 years, but is still patently unwieldy.

It is clear that the national oceanographic program still lacks the overall control and direction it requires.

Individual agencies still evaluate the scientific worth of each of the projects within their own oceanographic programs. Subordination of programs of limited value and elimination of programs which duplicate, overlap, or which have lost their original promise depend upon the awareness and willingness of the individual sponsoring agencies.

Mr. President, I have cosponsored Senate bill 944, and I urge its prompt passage, because I believe it provides the executive branch and Congress with the machinery to correct the deficiencies of the present Federal oceanographic program. And it would do this without creating a wholly new agency.

Of course, if the proposed National Oceanographic Council failed to fulfill its promise—if the Federal program continued to be inadequately coordinated or inadequately funded, the creation of a new agency might be called for. But the National Oceanographic Council bill appears fully capable of meeting our needs, as far as we can presently foresee them.

The United States and the free world today face four inseparable scientific challenges and obligations.

Mastery of the technology of the sea is essential to meet all four of these critical challenges.

First, we must continue the invulnerability of our sea-based strategic systems even as we develop the means of defense against those of our enemies.

Second, we must learn for ourselves and teach to others the science of farming and mining the sea, so that the waters' wealth can be made to answer the world's wants.

Third, we must conquer and recover the resources of 71 percent of the earth yet unexplored, in order to replenish the land so long depleted.

Further, we must unravel the mysteries of the unknown in ourselves and reach the distant stars and depths of seas.

Meeting these challenges, these obligations, will require our utmost vigor for the foreseeable future. It will require great personal dedication and heavy financial allocation.

But we must realize the unrivaled promise of the sea by whatever energy and cost that task demands.

Mr. President, I ask unanimous consent to have printed at this point in the Record the text of a speech I made on this subject to a meeting of Underwater Technology Division of the American Society of Mechanical Engineers at New London, Conn., on May 5 of this year.

There being no objection, the speech was ordered to be printed in the Record, as follows:

THE CHALLENGE OF THE UNDERSEA

(Remarks of Senator Thomas J. Dodd, before the Underwater Technology Division of the American Society of Mechanical Engineers, New London, Conn., May 5, 1965)

Good afternoon, ladies and gentlemen, and distinguished guests. I want to welcome all of you who are visitors to Connecticut, especially to this part of Connecticut, where such crucial work is being done in oceanography.

I was pleased and honored when Dr. John Craven extended to me your invitation to address this luncheon.

The sponsorship by the American Association of Mechanical Engineers of conferences such as this is a major contribution to the advancement of science and technology in our Nation.

I needn't tell you of all people how much remains to be done in these areas. But as a Member of the Senate, which helps to establish programs and appropriate funds for research in science and technology, I hope you will be interested in my views on "The Challenge of the Undersea" and how I feel we can best meet this challenge.

This year the United States will spend nearly 10 times more to explore outer space than to explore the inner space of the waters which cover 71 percent of the surface of the earth.

We have so mastered the hostile environment of space that we can launch and sustain a man in orbit. Not long ago, 128 brave men set out in our most modern submarine and found it unequal to the stresses of a sea we hardly understand. It took all 128 to an ocean grave we could neither rescue them from nor find them within.

Today we can fire a missile from beneath the sea and be confident it will destroy an enemy target 2,000 miles away.

We can have no such confidence that we can prevent an identical enemy launch only 20 miles from our own shore.

We are spending a billion and a half dollars a year to help other nations win what is so far a losing race against their own population to produce enough food and jobs to avoid starvation and national collapse.

Yet we are spending less than a 10th as much to harness the enormous food and mineral wealth of the sea to these urgent needs of mankind.

Year after year we witness the cataclysmic and incalculable damage wrought by storms upon man and his work.

But we allocate only a microscopic fragment of the weather losses of our own country to the effort to understand the interaction of the environment of 71 percent of the earth which is water with the environment of the 29 percent which is land.

Being neither a scientist nor an engineer, I will not presume to lecture you on the data of the disciplines you ladies and gentlemen represent. But as a Member of our National Legislature, I want to speak to you about the neglected role of the Federal Government in the encouragement and execution of undersea technology.

Americans have historically been leaders in producing the tools of underwater technology. David Bushnell, a Connecticut inventor, gave the submarine its first practical application during the American Revolution, and has been called "the father of the submarine."

Compared to a modern nuclear submarine, Bushnell's device was as crude as were the first amphibians to crawl the shores compared to human life. Yet our knowledge of the environment from which those amphibians emerged ages ago and in which our submarines must operate today has not kept pace either with the opportunity or with the necessity for human operation in and exploitation of the undersea.

Undersea operations have revolutionized warfare.

The development of the modern submarine imperiled the supply lines of maritime nations in both world wars. The development of nuclear missile-carrying submarines, often undetected and frequently nearly undetectable, demands the creation of new strategy and new weapons for both offense and defense.

The military power and aggressive propensity of our enemies and the vulnerability of land-based strategic systems have compelled us to develop the Polaris system and to look toward even more effective weapons systems. The challenge posed by similar Russian and eventual Chinese developments demand that we rapidly increase our knowledge of undersea defense.

We dare not risk being confronted, as we were in the space field, with a technological breakthrough by our enemies which leaves us years behind in undersea technology.

Yet the sea may also hold one of the keys to world peace.

How ironic it is that the impetus for full pursuit of underwater technology must be the hard imperative of military survival, when the sea itself holds salve for the sores of hunger, poverty, and national scarcity which have so often led to war.

For a world of nearly a hundred nations which must choose an economic system to most quickly and effectively develop scarce and shrinking resources, the sea holds food, fuel, minerals and water for irrigation and industry.

For a world in which population constantly outstrips agricultural production, the sea can provide a fivefold increase in the present world catch of fish without depleting the supply.

But to harvest this yield, we must learn far more than we now know about marine biology and the ocean environment itself. Moreover, our goal must be not only to learn how to catch more fish, but how to "raise" fish in an "aquaculture" to supply the food the land cannot.

The sea holds an untold wealth of minerals, oil, and gas which could be mined by our own Nation and the rest of the world.

But first we must locate and survey these deposits and develop the technology to prudently exploit them.

Ocean water can be converted to potable water to make the world's deserts bloom and to replenish the world's diminishing water table.

But our desalination plants are as yet few and limited in capacity and barely beyond the experimental stage. We must also find ways to extract and recover the ocean's mineral wealth as we purge the water of salt.

And as we exploit the sea we must at the same time avoid polluting or depleting it. We must develop prudent and effective measures of conservation, and we must develop the means to control the existing and future discharge of wastes from the land into the sea.

We must, in short, embark on a major program for the massive and orderly development of underwater technology at as rapid a pace as is economical. We must demonstrate to both the new nations and the old the methods and the promise of exploiting the undersea.

How can the United States better fulfill its role of world leadership than by opening the hitherto forbidden wealth of the sea to the hands of mankind?

Needless to say, in showing other nations the way to new prosperity we create new markets for ourselves.

American industry, I am pleased to say, is already rising to meet the challenge and to reap the harvest of the undersea. For example, in recent months Union Carbide Corp. has formed Ocean Systems, a new million dollar corporation, to engage in commercial development of petroleum and mineral resources on the Continental Shelf.

Hundreds of other American firms, led by Connecticut's own Electric Boat, are already engaged in manufacturing equipment for oceanography.

I regret to report, however, that the Federal Government has not demonstrated an equal vigor in pursuing its role in support of underwater technology. Although the total Federal dollar support of nonclassified oceanography has increased 250 percent since fiscal year 1960, the United States proposes to spend only $141.6 million this year to explore all aspects of nonclassified oceanography.

Furthermore, the Federal oceanographic program is fragmented into many independent programs, each administered by separate Departments or agencies.

Six departments and 22 agencies, offices, and bureaus, including 5 independent agencies, have a direct interest in the seas, their motions, their boundaries or their contents.

At least 15 of these agencies, offices, and bureaus have independent oceanographic programs, each of which competes for a slice of the oceanographic appropriations pie.

The number of separate Government oceanographic programs is dwarfed by the number of committees and subcommittees to which those programs must report.

In 1964, spokesmen for the 15 Federal oceanographic programs had to report to a combined total of 30 committees and subcommittees in the House of Representatives alone. Most had to report to at least seven individual committees or subcommittees.

You can well imagine the difficulty a Senator or Congressman faces in attempting to correlate and appraise the achievements and the requests of the separate oceanographic programs under those circumstances. And I strongly suspect that the difficulties of comprehension and coordination are just as severe in the executive branch.

The nature of the executive apparatus for overseeing, directing and coordinating the Federal oceanographic program has been improved in the last 4 years, but is still patently unwieldy.

The responsibility for the prosecution and success of the Federal oceanographic program is ultimately vested, of course, in the President. The President in fact relies upon the Director of the Office of Science and Technology for advice on the program.

The Director, in turn, looks for oceanographic advice to the Federal Council for Science and Technology, the members of which include policy rank officials from the eight cabinet departments which have major research and development programs. The Federal Council meets once or twice a month for several hours.

Since the Federal Council has little time to direct or coordinate the Federal oceanography program, it has created the Interagency Committee for Oceanography (ICO) to coordinate Federal oceanography activities.

The ICO has brought new cohesion and better direction to the oceanography program. It has been a source of comprehensive planning and information which hitherto did not exist. Its members are to be commended for the success they have had.

However, it is clear that the national oceanographic program still lacks the overall control and direction it requires.

The ICO lacks a staff adequate for systematic planning and evaluation of research and development programs. It lacks authority to establish a comprehensive Federal oceanographic program and to assign priorities and resolve differences within such a program.

Individual agencies still evaluate the scientific worth of each of the projects within their own oceanographic programs. Subordination of programs of limited value and elimination of programs which duplicate, overlap, or which have lost their original promise depend upon the awareness and willingness of the individual sponsoring agencies.

But the most obvious indication of the Federal failure thus far to meet the challenge of inner space is the meager financial support which has been requested for the Federal oceanography program. Yet, as Secretary of the Navy Nitze said at the launching of *Aluminaut* here last year:

"I am convinced that the general area of ocean exploration and exploitation offers a challenge just as great as that posed by the current exploration of outer space, and that it will ultimately require a national effort and expenditure on a comparable scale."

Many Members of Congress, myself among them, are deeply concerned with the failure of the Federal Government to launch a comprehensive, coordinated, national oceanographic program funded to the maximum level consonant with cost effectiveness.

Bills have already been introduced in this session of Congress to strengthen our oceanographic program. The proposed remedies range from little more than statutory recognition of the existing Executive apparatus to one bill to establish a single National Oceanographic Agency which would assume all oceanographic functions of the Federal Government.

In the Senate, I am one of the cosponsors of a bill which would continue a decentralized oceanographic program execution, but would provide for comprehensive national oceanographic planning and management under a National Oceanographic Council of Cabinet rank.

This bill would, if enacted, help us achieve a number of our basic oceanographic objectives, such as:

1. The enhancement of U.S. security;

2. The expansion of basic research in oceanography;

3. The development of equipment and instrumentation for exploration and economic exploitation of the undersea; and

4. The coordination of all Federal oceanographic programs and the collection and promulgation of significant data acquired through these programs.

The National Oceanographic Council would be similar to the present National Security Council and the National Space Council and would report directly to the President.

The Vice President would be Council Chairman. The Council members would be the Secretaries of State, Treasury, Defense, Interior, Commerce, HEW, and the Smithsonian Institution, the Director of the Office of Science and Technology, and the Chairman of the Atomic Energy Commission.

The Council would have its own professional and scientific staff headed by a civilian Secretary and would have the following principal responsibilities.

First, the Council would survey the entire Federal oceanographic and marine science program and its assets, plans, programs, and accomplishments.

Second, the Council would develop a new, comprehensive program for all Federal oceanographic and marine science activities.

Third, the Council would assign agency responsibilities in the comprehensive national plan and would be empowered to resolve differences between agencies regarding oceanographic activities.

Fourth, and very important, the Council would make an annual, detailed and comprehensive report to the Congress on all aspects of the national oceanographic program, together with legislative recommendations and funding requirements for the next year of the program.

I intend to do my best to see this legislation enacted. I believe it provides the executive branch and Congress with the machinery to correct the deficiencies of the present program. And it would do this without creating a wholly new agency.

Of course, if the proposed National Oceanographic Council failed to fulfill its promise—if the Federal program continued to be inadequately coordinated or inadequately funded, the creation of a new agency might be called for. But the National Oceanographic Council bill appears fully capable of meeting our needs, as far as we can presently foresee them.

The United States and the free world today face four inseparable scientific challenges and obligations.

First, we must continue our military supremacy over those who would steal our freedom.

Second, we must show the emerging nations of the world a way to self-sufficiency which avoids the seduction of communism.

Third, we must fully develop every opportunity to enhance the prosperity and welfare of our own people and that of the rest of the free world.

Fourth, we must push back the frontiers of the unknown in ourselves and in our environment.

Mastery of the technology of the sea is essential to meet all four of these critical challenges.

We must continue the invulnerability of our sea-based strategic systems even as we develop the means of defense against those of our enemies.

We must learn for ourselves and teach to others the science of farming and mining the sea, so that the waters' wealth can be made to answer the world's wants.

We must conquer and recover the resources of 71 percent of the earth yet unexplored, in order to replenish the land so long depleted.

We must unravel the mysteries of the unknown in ourselves and reach the distant stars and depths of seas.

Meeting these challenges, these obligations, will require our utmost vigor for the foreseeable future. It will require great personal dedication and heavy financial allocation.

We must realize the unrivaled promise of the sea by watever energy and cost that task demands.

I pledge you my fullest efforts to match your dedication with effective Federal action to meet the challenge of the undersea.

Mr. TOWER. Mr. President, the enactment of S. 944, the Marine Resources and Engineering Act of 1965, of which I am a cosponsor, will serve as a tremendous impetus in the area of oceanography.

Our vast oceans, like the infinite expanse of space, present a new frontier for Americans, a frontier of immense proportions and of vital importance, both economically and militarily. As Sir Walter Raleigh observed in the 16th century, the nation that commands the sea commands the world itself. And the importance of the sea has continued to increase since the time of Sir Walter. Today, we are aware of potentialities far beyond his imagination, and we must take steps to develop those potentialities into realities.

The enactment of S. 944 would be a giant step in that direction.

Our expanding population presents us daily with new problems that must be solved. We must find new sources of food to feed the world, and new sources of minerals for use by our expanding economy.

We now harvest 35 million tons of fish a year and could increase this tenfold if we knew just a little more about their environment. And, already we know that the continental shelves contain 40 percent of the known oil reserves. Virtually all of the world's commercially recoverable magnesium and bromine is found in the sea. Heavy mineral sands contain gold, platinum, iron, titanium, chromium, zirconium, columbium, tantalum, tin, tungsten, and other elements. And it has been learned that manganese, cobalt, and nickel are accumulating on the Pacific floor alone at a rate many times that of the present world consumption.

The surface area of the Continental Shelf of the United States alone is estimated by the Coast and Geodetic Survey to be 850,000 miles, slightly less than one-fourth of the total land area.

In addition to food and mineral resources, knowledge of the oceans could well be the key prediction of hurricanes and tornadoes and general weather patterns. Our ability to predict weather conditions accurately could be of invaluable economic and military assistance.

Mr. President, knowledge of the oceans is power—national power to exert military and economic influence around the world. America's ability to project military power over wide areas in the politically turbulent Mediterranean and the Far East is an accepted fact. But present American seapower is based upon only the most circumspect knowledge of the real secrets of the oceans. The Communist world knows that and is taking steps to outdistance us in this area.

The Communists conduct the most vigorous oceanographic program in the world today. They also operate the largest, most modern fishing fleet, a fleet that often seines for things other than fish.

The Soviet Navy has more than 2,500 ships and some 400 submarines. It has a Northern Fleet, a Baltic Sea Fleet, a Black Sea Fleet, and a Pacific Fleet. The Soviet merchant marine has more than 1,000 ships and has declared war on the West where merchant navies are concerned. Their timetable calls for the number of their ships and the tonnage involved, to pass us next year—and to double that capacity in 5 years. This plan, plus their increasing knowledge of the ocean depths, presents us with a great challenge.

We must meet that challenge, not only to preserve our own national power, but to preserve our status as the leader of the free world. We must lead the way in the exploration of this vast frontier for the betterment of mankind and in order to maintain our own freedom.

Mr. INOUYE. Mr. President, I am in full support of S. 944, the bill establishing a National Oceanographic Council. This bill is, in my opinion, a most crucial one which will set the course of oceanographic research and development in future years in much the same constructive and systematic way that the establishment of the National Aeronautics and Space Administration has done for research and development in those particular fields of scientific interest.

We, in Hawaii, are especially interested and concerned to see a well-directed and well-coordinated effort undertaken to probe the mysteries of the ocean depths. Being located almost dead center in the Pacific Ocean area, we are fully aware of the unknown, but potentially useful and potentially destructive seas around us.

The location of the Geophysics Institute on the campus of the University of Hawaii, the holding of international scientific conferences on tsunami research, and the recent stepped-up pace of oceanographic research as evidenced by the appointment of Henry M. Stommel, the Nation's outstanding expert in the field, all at the same university, plus the recent mohole project launched by the National Science Foundation to find out more about the earth's core through undersea drilling techniques, are all reflective of a gathering momentum to push forward the frontiers of oceanographic knowledge.

I firmly believe that, on the basis of knowledge so far gained, we must undertake to broaden our scientific grasp of the elements which cover more than one-half of our globe. This is vital not only in terms of basic scientific research but also in terms of our national defense and security. The advent of the Polaris missile and the increasingly numerous launchings of nuclear-powered submarines will require even more extensive and intensive knowledge of the behavior of ocean depths than we have ever had in the past.

We, in the State of Hawaii, as well as those residing in the various land masses rimming the Pacific Basin area, also know the benefits which can accrue to all of us through more positive and predictable data on the behavior of the tsunami, the seismic ocean waves triggered off by undersea volcanic disturbances. Scientific knowledge of this dreaded oceanic phenomena has advanced greatly in recent years. But we still need to know more in order to be able to take the kind of precaution which will mean the saving of human lives.

The most effective instrument for the type of concerted scientific effort needed to accomplish all of these goals is a National Oceanographic Council. There are at present various governmental and private agencies fully cognizant of the need to know more about the ocean depths. These range from institutions like the National Science Foundation to academic bases such as the aforementioned Geophysics Institute of the University of Hawaii and the Scripps Oceanographic Institute of California.

A National Oceanographic Council will provide the policy guidelines and coordination of research effort so urgently needed in this area and so successfully demonstrated as vital when a similar concept was developed and used in the fields of aeronautics and space research and development.

I would like to go on record as indicating my full support of S. 944 and to urge my colleagues to vote favorably on this crucial bill.

In conclusion, I ask unanimous consent to submit the following two articles from the Honolulu Star Bulletin and the Honolulu Advertiser concerning oceanographic developments in my State of Hawaii.

There being no objection, the articles were ordered to be printed in the Record, as follows:

New Range To Boost Isle Oceanography

Hawaii moved a step closer to becoming a major military oceanographic research center with the awarding last week of a $5.3 million contract for construction of a Navy Underwater Tactical Range off Barking Sands, Kauai.

The award was won by International Telephone & Telegraph Co., of Nutley, N.J.

Another contract for more work on the range, which is something like an underwater shooting gallery for submarines, will be awarded at a later date.

The I.T. & T. contract award, a State planning and economic development spokesman said today, "is an important step toward" turning the Barking Sands plant into a major facility.

"The range will greatly enlarge Hawaii's capability for research and development endeavors in oceanography," he said.

Gov. John A. Burns plans another conference on oceanography and astronomics at Lihue, Kauai, September 29–October 2.

RECENT CONFERENCE

A similar conference where top scientists discussed Hawaii's potential in underwater and space research was held recently at Kaanapali, Maui.

International Telephone won the contract over Philco, Boeing and Ling-Tempco-Vought. The latter bid was twice the I.T. & T. bid.

A spokesman for International Telephone said the $5.3 million bid was possible, in part, because the company has been doing research with the Navy on a similar Atlantic tactical range some 10 miles off Andros Island in the Bahamas.

What I.T. & T. will do off Barking Sands is lay cables with attached hydrophones and sensors in 6,000 feet of water. The range will be 50 square miles.

When fully completed the Navy will be able to run tactical problems, war games involving submarines, airplanes and surface ships.

Therefore the Tactical Range has three-dimensional aspects.

Some 30 underwater cables will cross coral to shore and then run in a trench to a cable hut, an I.T. & T. spokesman said.

Also to be built will be a tracking control center, a blockhouse full of computers and other gear.

This gear will read out underwater sounds plus sounds from surface ships operating on the range.

The Navy will be able to operate sub versus sub, plane versus sub and many other combinations of naval tactical problems.

To track aircraft radar antennas will be needed on the hills above Barking Sands.

OCEAN EXPERT STOMMEL WILL FILL NEW UH CHAIR

Henry M. Stommel, one of the Nation's foremost authorities in oceanography, will join the University of Hawaii next year to fill the Capt. James Cook chair in oceanography.

The chair was created this year by the Honolulu Advertiser to bring a distinguished oceanographer to the UH.

UH President Thomas H. Hamilton said Stommel, 44, a professor of oceanography at Massachusetts Institute of Technology, is an expert in the theory and study of oceans.

He has specialized in the dynamics of ocean currents, diffusion in the sea, and air-sea interaction.

In announcing Stommel's appointment, Hamilton said:

"We are pleased indeed that this distinguished scholar has agreed to occupy the Cook chair. His presence adds stature to Hawaii's growing reputation as an oceanographic center."

Stommel will join the university in August 1966. He will be the second UH faculty member to hold membership in the distinguished National Academy of Sciences.

The other is A. C. Smith, director of research administration.

Stommel also is a member of the Academy of Arts and Sciences and Phi Beta Kappa, national scholastic honorary society. He is a 1942 graduate of Yale University and was an instructor there before joining the staff of the Woods Hole Oceanographic Institution as a research associate in physical oceanography.

He was with Woods Hole until 1963, when he joined the faculty of MIT.

He has spent much of his 20 years in oceanography on research with two of the world's major ocean currents: the Gulf Stream and the Somali Current in the Indian Ocean.

Stommel was in Honolulu in May. He gave a public lecture under the sponsorship of the Hawaiian Telephone Co.

Mr. KENNEDY of Massachusetts. Mr. President, I applaud the efforts of my distinguished colleague from Washington in seeking a national commitment for an oceanographic program.

Today, the welfare progress and strength of any nation depends upon an expansion in its knowledge, development, and control of the environment. It was this realization that led us to the authorization and support of our now advanced space program, and to the exploration and development of many of our natural resource systems. An understanding of the oceans, its resources and effect on our economy is of equal importance.

Yet nowhere are our efforts more confused and diverse than in oceanography. In fiscal year 1966, there will be an expenditure of approximately $141.6 million for the Government's oceanographic programs. This money will be divided between some 6 executive departments and 22 agencies both for ongoing and new programs in oceanography.

Whether this level of spending has been set too high or too low, and I would suspect the latter, or whether this money will be spent efficiently in terms of national goals, we do not know. We can only judge the value of each project on its value as an advancement toward an overall goal—for we have no explicit statement in law of our overall goal. We have no real national oceanographic program. We have an oceanographic jigsaw without a frame.

Before a national oceanographic program can be enacted and supported by this Congress, we must set a national policy and purpose for oceanographic endeavors.

I believe that enactment of S. 944 by clearly making a declaration of such a policy and purpose will significantly enhance our Nation's oceanographic program. The Council, established by this legislation, would give coordination, guidance, and direction to our now scattered and diverse oceanographic undertakings.

The passage of this bill will not be regarded as establishing a moratorium on our oceanographic efforts. We must continue to give increased attention and support to the research and development of the oceans.

Exploration, development, control, and use of the oceans is inevitable. It may well be an effort involving international competition as well as cooperation. S. 944 presents an opportunity to this country to begin a role of leadership in this endeavor.

Mr. PELL. Mr. President, I urge passage of S. 944 providing for a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources. For the past 7 years Congress has been studying the many problems connected with this great Nation's growing oceanographic program. We are fully aware that exploitation of the wealth of the oceans and the exploration and research that must precede the economic utilization of the oceans' resources have failed to keep pace with the 20th century's enormous expansion of scientific research and development. Today we have the opportunity to accord recognition to the last unexplored frontier on our globe through a bill which will enhance both our immediate and long-term oceanographic programs.

I represent a State whose proud past history is shaped, in large part, by her bold seafaring men—and today in the 20th century the Navy, Coast Guard, merchant marine, and other marine interests, inheritors of this proud tradition, continue to recognize Narragansett Bay as one of the great natural harbors of this country. Rhode Island makes a large contribution to the national defense, not only through the military utilization of Narragansett Bay, but through the efforts of its skilled oceanographers and research scientists who are studying the secrets of the oceans. Rhode Island oceanographers, led by the University of Rhode Island, but including many fine laboratories, are also making important contributions toward the economic utilization of the seas' bountiful resources.

We must realize, however, that the development of oceanography goes far beyond regions with good harbors, or with well developed existing research centers. An improved and expanded understanding of the oceans, their behavior, and the resources they contain will benefit all Americans—and, in fact, is essential to our continued supremacy on the high seas. We must, in this Congress, insure that our knowledge of the sea keeps pace with the areas of our physical control, or we are likely to lose our physical control.

One desirable feature of this bill is its provision for the President to expand the membership of the National Council. I would like to take this opportunity to express my firm conviction that the fine work and growing importance of the Smithsonian Institution in the field of oceanography warrants their representation on the National Council, and it is my hope that when this measure is enacted into law the President will appoint the Secretary of the Smithsonian to the National Council on Marine Resources and Engineering Development.

Earlier, I have expressed my interest in establishing a systematic program for providing the trained personnel who will advance our interests in the marine fields. I am especially concerned with the problem of providing adequate numbers of skilled technicians, engineers, and the other workers that will make up the bulk of this Nation's marine and oceanographic manpower. I suggest that a comprehensive sea-grant program, covering education, training, research, and development, and field services, and incorporating provision for setting aside marine areas for these purposes, would encourage the development of the oceans, as the land-grant programs have contributed so much to our country's unrivaled agricultural skills. I intend to introduce legislation with this objective in mind.

ALASKA NEEDS OCEANOGRAPHIC RESEARCH

Mr. GRUENING. Mr. President, as a cosponsor of S. 944, I wish to commend most highly the senior Senator from Washington [Mr. MAGNUSON], chairman of the Senate Commerce Committee, for his able leadership in obtaining prompt committee and floor action on a bill as important as this.

It is especially important to my own State of Alaska because of our unique geographical location. Alaska has a coastline longer than the combined Pacific, gulf, and Atlantic coastlines of the 48 older States and the only State fronting on the strategic Arctic Ocean. Alaska is therefore vitally concerned with this bill for expanded oceanographic research.

Alaska's unique position also offers great opportunity to expand the frontiers of research into the many, many remaining mysteries of the ocean.

It is essential that the work now going forward in oceanographic research in the Far North be greatly expanded and strengthened. It is especially distressing that the authorization of funds for the

Arctic Research Laboratory at Barrow was deferred and not included in the military construction bill. I hope that such an authorization will be included at the earliest possible moment because it is vitally needed. As I stated on the floor of the Senate on July 27, 1961:

> Already under the leadership of the Office of Naval Research and the University of Alaska much work is being done in this vital field. Much more needs to be undertaken.

As the president of the University of Alaska, Dr. William R. Wood, wrote the chairman of the Senate Commerce Committee:

> It seems to me that the University of Alaska, with its main campus located at 65° north latitude, and representing as it does, a State with many thousands of miles of shoreline in the Arctic and North Pacific regions, is ideally located to serve as a center, not only for research in oceanography and marine sciences, but also for the training of oceanographers and marine scientists for work in the Arctic and in the Antarctic.

The development of resources lying under the oceans is every bit as important as the development of resources lying beneath the land. If we have neglected the latter we have neglected the former even more.

With the population of the United States and of the world expanding at a rate which can well be called an explosion, the time has long past when we can be complacent about the exploration and development of resources wherever they may be found.

The members of the Senate Commerce Committee and its able and distinguished chairman [Mr. MAGNUSON] deserve the highest praise from each and every one of us for their splendid work in reporting out S. 944.

THE OCEAN: OUR PAST AND OUR FUTURE

Mr. YARBOROUGH. Mr. President, in the beginning of time life came from the ocean. For the future of man's well-being the ocean is the place to which we shall eventually turn for food, for mineral resources, and for many of those things which sustain us.

The bill before us is important because it establishes a national policy in the field of marine resources and engineering. As John C. Calhoun, junior vice chancellor for programs of Texas A. & M. University, said at the hearings:

> The oceans are too large a part of the globe and too important an international entity to allow our national opposition to be anything less than a national policy for which we have a planned program.

The bill establishes a statutory base for Federal activities in the marine environment. A Cabinet-level National Council on Marine Resources and Engineering Development is authorized. And a Commission on Marine Science, Engineering and Resources, is created to assist the President and the Council in carrying out functions stated in the act, as well as other duties which may be assigned to it.

The State of Texas has a vital interest in the ocean. With our 624-mile coastline we have the ocean at our front door. Much of Texas' industrial development is centered on the gulf coast, which is one of the most rapidly developing areas in the country. Texas is one of the leading commercial fishery States. Padre Island National Seashore, the Nation's longest national seashore recreation area, and some of the best sport fishing in the country are other gifts we receive from the sea.

Texas A. & M. University boasts one of the outstanding departments of oceanography in the country. Its laboratories are on the gulf coast. A State merchant marine school has recently opened at Galveston; a marine science laboratory of the University of Texas conducts research at Port Aransas.

This year the Congress authorized a Marine Sports Fisheries Laboratory at Corpus Christi. Texas is deeply involved in the marine sciences and will play a vital role in the exploration of the oceans and the development of their resources.

Blessed with one of the longest seacoasts in the country and already very active in studying the ocean and in trying out various ways of utilizing its gifts, Texas stands ready to cooperate fully with the Federal Government in putting this program into operation.

I salute the chairman of the committee, the distinguished Senator from Washington [Mr. MAGNUSON] for his long advocacy of this measure which is one more feather in a cap which by now fairly bulges from the results of his long leadership in all matters relating to the ocean.

Mr. McINTYRE. Mr. President, it is with a great deal of personal satisfaction that I rise in support of the bill, S. 944, which is now before the Senate. As a cosponsor of this bill, I have been particularly pleased with the leadership shown by the Senator from Washington [Mr. MAGNUSON] and the members of his committee in bringing this bill to the floor.

My State, New Hampshire, has the smallest ocean coastline of any of the coastal States in the Union. Nevertheless, we have both an interest and an expertise in the areas of marine resources and engineering development, developed to as high a level as that in any other area in the world.

The history of the interest in marine resources in New Hampshire extends back to the first settlement. In the year 1623, Capt. John Mason sent David Thomson, a Scotsman, and Edward and Thomas Hilton, fish merchants of London, with others to establish a fishing colony at the mouth of the Piscataqua River. New Hampshire's first settlements were thus established as stations to exploit the resources of the sea, and New Hampshire's seamen and fishermen have maintained an unbroken attachment with the colonist's occupation.

New Hampshire's experience in the field of marine technology and engineering does not go back quite so far as the year 1623. During the early colonial period, it is true, New Hampshire pines were the most desirable supplies for construction of British ships, and New Hampshire shipbuilders did construct both fishing and cargo vessels. However, it was not until the latter part of the 18th century, with the construction of naval vessels at Portsmouth and the formal establishment, in 1798, of the Portsmouth Naval Shipyard, that the skilled New Hampshire shipbuilders began the unbroken development of marine engineering skills which have today brought New Hampshire to its present heights.

Today New Hampshire products are found throughout the oceans and seas of the world. Submarine cables produced by the Simplex Wire & Cable Co., of Newington, N.H., oceanographic devices produced by the 20th century ocean explorers of Sanders Associates in Nashua and Manchester, and the ubiquitous submarines constructed at the Portsmouth Naval Shipyard all have carried New Hampshire's standards of excellence to the seas.

We welcome the increased national attention which will be brought to the fields of marine resources and technology by the bill now before the Senate. Mr. President, I hope that my colleagues in the Senate will support this worthwhile bill.

Mr. MUSKIE. Mr. President, I wish to praise the chairman [Mr. MAGNUSON] for his efforts in bringing S. 944 to the floor of the Senate. His leadership in the area of fisheries and oceanographic science within the Congress is well known and deeply appreciated by his colleagues.

I appreciate, too, the extent of the hearings the Senator had held on this legislation. These I know have been extensive and have contributed greatly to our knowledge. Also, it is worthy of note that the House Committee on Merchant Marine and Fisheries is currently conducting 3 weeks of hearings on the several alternatives currently before the Congress in the field of oceanography.

For the record let me recapitulate these alternative courses of action. These are:

First. By establishing a National Oceanographic Council—in effect a cabinet level coordinating committee and by calling for accelerated marine research and resource development.

Second. By establishing a National Commission on Oceanography to investigate, study and recommend an overall plan for an adequate national oceanographic program.

Third. By establishing a new operating commission type agency to coordinate the marine activities of other departments and agencies, and by furthering the exploration of the Continental Shelf and Great Lakes, and accelerating the use of the resources of these areas.

Fourth. By combinations of the above.

Fifth. By establishing national oceanographic policy with coordination by the President's Office of Science and Technology.

Sixth. By establishing a NASA-like National Oceanographic Agency to develop and sponsor a Government-wide program.

Seventh. By grouping existing agencies with marine and marine related missions together within an existing department. In this respect both the Departments of Commerce and Interior have been suggested with some lack of conviction.

Eighth. By establishing a new Department, as in S. 2251 introduced by me and 20 other Senators, by consolidating and coordinating the existing major agencies with oceanographic and atmospheric missions, and by accelerating our national exploration of the marine environment, marine resources, and civilian occupation of world ocean areas.

All these proposals have some merit and problems or deficiencies, as the other body is currently discovering.

The bill before us, S. 944, may be recognized as a first step forward achieving the "national will" and coordination I feel to be so necessary in our national ocean program.

I am pleased to see a broader approach taken in the final committee print than was evident in the initial printing of S. 944.

In this respect the retitling of the bill emphasizing marine resources rather than oceanographic science per se is a forward step. Similarly, the broadening of the bill's objectives to include the accelerated development of the resources of the marine environment and the encouragement of private investment capital in exploration, technological development and economic utilization is an important contribution toward the day when we truly do have a unified and stimulating national oceanographic effort.

There is, of course, a great way to go in encouraging the exploration of the Continental Shelf, Great Lakes, and world oceans. We need to explore and locate resources—then develop and use them for the enhancement of our national economy. There is a great way to go also in encouraging the civilian economic occupation of the world oceans in fisheries and trade so we may keep abreast or ahead of other nations in efforts to strategically occupy 70 percent of the earth's surface.

For example, just last month Russia extended her "oceanographic" investigations in Cuban waters, and we are all familiar with the tremendous expansion of the Russian fishing fleet off our shores and throughout the world oceans. Our military and State Department people are very concerned with this civilian occupation and its strategic implications.

There is a great way to go also in achieving an adequate correlation between our programs for the marine and atmospheric environment. The President recognized this in his reorganization plan combining the Coast and Geodetic Survey with the Weather Bureau. Moreover, such close correlation is essential to a future program of ocean use by this Nation. For example, one of the prerequisites of expanded private investment in the marine environs is more accurate forecasting of oceanic weather and weather caused forces which affect man's activities. Further, I feel correlated inquiry and study is essential to improve understanding of the air-sea interface in preparation for the day when man may ameliorate or modify the tremendous storm forces and climatic patterns which so drastically affect our welfare and economy. Our Nation faces a water crisis on many fronts. Now in the Northwest we are experiencing the drought so common to parts of the West. Scientists tell us that our continental climatic weather patterns are spawned in the ocean areas—particularly the vast South Pacific. Our need to correlate our marine and atmospheric affairs is urgent. Our need to accelerate our program efforts in this interrelated area is essential—added inputs of investment for research and development are required.

Another observation I should like to make is our need for improved Federal-State-local cooperation in our oceanographic program and related pursuits.

This is tremendously important, particularly in community and regional economics and in environmental pollution—in the Great Lakes, our bays and estuaries, and, as Captain Cousteau recently pointed out, in the oceans themselves. Here then in S. 944 we take a first step in recognizing some of these national needs and bring some national statute to our oceanographic effort.

I am confident that this first step will be rapidly followed by great strides forward as our national will is focused on the promise and challenge offered by the resources and environs of the marine world around us—and confident too that the coordinated and accelerated national program envisioned in my bill, S. 2251, will soon come to pass.

Recently, the eminent authority on ocean explorations, Capt. Jacques-Yves Cousteau addressed the Ocean Science and Ocean Engineering Conference here in Washington.

Although some of his remarks have received press coverage, I believe it most appropriate now—as the House-Senate conferees meet on S. 4, the Water Quality Act of 1965, and as the House Committee on Merchant Marine and Fisheries deliberates alternative approaches to constructive development of a coordinated oceanographic program for this Nation—for the Congress to examine the full text of Captain Cousteau's remarks.

I have been struck with the acute perspective with which he discusses the oceanic pollution problem and the challenges and problems before mankind as he uses, develops, and occupies the vast marine world around us.

I ask unanimous consent that Captain Cousteau's speech with the introductory remarks of Dr. James H. Wakelin, Jr., former Assistant Secretary of the Navy for Research and Development, be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Introduction to Captain Cousteau's Speech by Dr. James H. Wakelin, Jr., Former Assistant Secretary of the Navy for Research and Development

Ladies and gentlemen, it is my pleasure to read a telegram which was received tonight, and the more I thought about it the more I thought that you were here to hear Cousteau and not me.

However, there are some interesting facts you ought to know about him before he starts his talk before you tonight. In the first place, he was born in France. He grew up in the French Navy and I am happy to say was an ordnance officer in that Navy during the Second World War. However, I think few people know that his introduction to oceanography started in the United States. His father tells me that when he was 10, 11, and 12—I think those were the years, Jacques—you attended school in New York City, and a summer camp in Vermont at which time you were asked to clear away an underwater obstruction under the diving board. And I understand that this was your first undersea-lake operation. Futhermore, Captain Cousteau is the inventor with M. Gagnan, of the aqualung in 1942 and has developed oceanography along the lines of making the sea available to people to work in. The *Calypso* in 1951, which was a British minesweeper built in the United States, again shows how international his acquisitions, instrumentation and personnel and programs are.

He resigned from the French Navy in 1956, was elected by a renowned international group to be director of the Musée Oceanographique in Monaco in 1957, and since that time has been a leader in oceanographic techniques, engineering, science. But above all, he has been a pioneer. He hasn't been afraid to look at the new problems ahead. I would like to add also that his work has been sponsored in part for the last almost 15 years by the National Geographic Society, with whom he has a very close personal and working association. One of the traits about his inventiveness which is interesting to me is that he likes to dream up new scenarios. He once dreamed up a scenario along the following lines:

A bull was treated for optical troubles and finally given contact glasses. The bull, it appeared, was in the Spanish arena. It escaped the matador, walked out of the whole affair, but finally starved to death because he couldn't see the grass.

These I presume are some of the things that Captain Cousteau thinks about in his underwater dwellings among all the other problems that he is connected with. Because he is here and there in Warsaw, Rome, Paris, Messina, Tokyo, the United States on both coasts, with his diving saucer as part of his deep sea equipment, Madame Cousteau once had a dream that because he had little to do, he took on the job of a night clerk at the Hotel Royalton in New York City.

Because he is a world traveler, because he is a pioneer not only an oceanographic engineer, but a scientist. And those of us who visited the Oceanographic Institute at Monaco can testify to this, he has a wonderful laboratory and a great group of people. I know that he will have a message to tell you tonight about his further work in oceanography and about the problems in physiology he encounters going to deeper and deeper depths for longer and longer periods.

It is my pleasure to present to you Capt. Jacques-Yves Cousteau.

Speech Before the Ocean Science and Ocean Engineering Conference in Washington, D.C., June 15, 1965, by Capt. Jacques-Yves Cousteau

Mr. Chairman, ladies and gentlemen:

Well, it is truly exciting for me to see with my own eyes how much the underwater family has grown in the past few years and I think the sight of such an impressive and distinguished crowd must be a just reward for Dr. Wakelin who has done so much for us all in the past years.

I wish to express how honored and pleased I am to be here tonight, thanks to the Marine Technology Society, the American Society of Limnology and Oceanography, and the Office of Naval Research.

Thanks to the efforts of us all, the hydrosphere is now recognized, at least in this country, as a preferred field of research, and to obtain this recognition, we had all to fight very hard and for many long years. We have met skepticism all along the line and probably we have developed, in doing so, an inferiority complex. We had then, and we still have, to justify our efforts economically, to prove, to demonstrate with elaborate arguments, something that was obvious: That marine research would finally pay dividends. Oceanographers, directors of institutes mainly, had to use the most shameless, casuistic arguments to claim that the use of Nansen bubbles would bring down the price of sardines. It was very painful, but I think we are about to win the battle. An intangible proof, I think, of the nearby victory was the presence at the lunch Monday—I noticed this and you did too—of Mr. Dillon of the Budget Bureau, I think, so I really know the tricks as you do. I had to use them myself.

But now, tonight, that the pressure is a little relieved and that we are between us, maybe we could examine our own consciences, make our autocritique, to use a very fashionable word, try to understand what the relationship between men and the sea has really been in the past, and could be tomorrow. The sea has been described in this long fight as a huge, formidable medium—inner space. It was a frightening infinity for our ancestors. In fact, we know now it is very small. If the earth is reduced to the size of an egg, the volume of the ocean is about one drop of water, just enough to put some moisture on it. This is a minority element, really.

We have described the sea as a powerful element, raging with storms, frightening fishermen and navigators, but it is an unstable and fragile medium. We have described it and are still describing it as an inexhaustible reservoir of wealth. Let us be cautious, because we must not waste its very limited resources. Liquid state seems to be very rare in the universe—and especially water. Ask the New Yorkers. I passed through New York and I couldn't get a bath 2 days ago.

Water is as beautiful, but much more precious than diamonds because it is a delicate support of life. It is now proven that no civilizations are born from the sea, and the presence of the sea has deeply influenced the way of life and the thinking, later the arts of all primitive collectivities. Yet, the history of the relationship between men and the sea is rather that of a divorce.

As the first human collectivities grew in power and in self-confidence, they turned their back to the sea. They conquered the continents. They settled to raise cattle and cultivate corn and developed an antagonism toward the oceans, expressed by fear or disdain. A little like the antagonism of today's youth toward their parents.

However, today wishes to end up with reconciliation based on mutual, thorough understanding. You remember. You know these things much more than we do in Europe. Einstein said that the man unable to wonder or to marvel is half dead. And indeed, wondering and marveling at nature is the essence of the arts and of the sciences. It has been so since the advent of man. The Sumerian hero, Gilgamesh, 5,000 years ago, crossed the deserts and the mountains, then came to the waterfront, threw his weapons aside, kneeled on the sand, dipped in the water his tired hands, and contemplated the mysterious surface. Then he dove in the sea and found on the bottom the weed that gives eternal life—that is what we are seeking.

Yesterday, Glenn, the astronaut, just back from the skies went aqualunging as a sudden urgent need. When I recall the irresistible curiosity I experienced for all I saw through my first pair of goggles 29 years ago, I feel that the prehistoric fisherman must have shown exactly the same curiosity in front of nature's great mysteries.

The Viking that invented the mermaid is our close brother when we wonder where the large basking sharks vanish in May. That deep, indefinite, intimate trouble that invades me each time I meet the unknown. Is it made of dream, of thirst to understand, of fear in front of infinite complexities? Anyway, it is our most precious gift. The impetus for research. Through my career I have met many personal adventures and lived with my team on board this wonderful ship, small at the human size of our group, and among the things that haunt my dreams I can recall for you tonight. For example, in the Indian Ocean along the Equator in April, the horizon being marked in many places at the same time in the distance by giant splashes, splashes of water that raised almost to the clouds. During a full day we wondered what that was until one of these big events happened a few feet from the *Calypso*. It was a sperm whale rushing to the surface from who knows what depth. Probably desperately seeking for air, and throwing its body to a certain altitude and splashing on the surface and raising a tremendous column of water. And this happened all around the *Calypso* for 2 or 3 days while the females and the children and the babies quietly swam at less than 8 knots.

Big adventures were happening in the deep, probably dramatic from time to time and we didn't know how, and we wondered and we wished to follow these animals in their fight. To go down to 3,000 feet at 20 knots and share their fantastic struggles.

Other things that seem incredible and that actually happen but that we will never see if we stay at the surface. We had been wondering what our photographs taken from a "troika"—a sled that is towed from a ship and takes overlapping photographs on miles and miles of the bottom. We had seen the Mediterranean, along the slope of Cartagena, many horizontal trenches, some thin, some very deep. All of them seeming to be freshly made. And by studying these photographs, we were amazed to see that all of them were keeping at the same level, and as the slope was indented with canyons, it was really each one of these falls was materializing a contour line. What were these marks? We wondered and by chance we had the answer on a movie film that we put on the troika to try to solve that riddle. In one of the films, one of the miles of films that were made, we found one of these contour line designers and it was a tiny fish digging with its tail on a perfectly horizontal line. Our cameras have shown big holes on the bottom—800 meters, 1,000 meters deep. What are they made of? Freshly moved mud. Three or four feet deep and 12 to 15 feet across. What is the animal that goes to this depth and that buries itself in the mud?

I was fortunate in 1963 while spending a few days in *Conshelf II* experiment. I went down to have dinner with the oceanauts and spend the evening, and in *Conshelf II* we have two very large windows and I asked Professor Vaissière to put the outside projector on, and during almost all night long I stayed near this window seeing the half-a-knot current bringing on to me—all the riches of a fantastic plankton wealth. I could see these tiny animals fight, reproduce, die, be eaten, and move in frenzies, some of them brightly colored, most of them translucent. A most fantastic spectacle. A live rug that was unrolled in front of me.

The wrecks—the human wrecks on the bottom are of course very mysterious, but especially when they come from antiquity. Underwater archeology, a science that still has to be developed. Always for the same reason. If you can find money for producing activities, you will find nothing for the human sciences. Archeology—we have done so, sponsored uniquely by the National Geographic Society, and in 1953 we had worked on that fantastic wreck for 5 years. If we had had our *Conshelf* setups, we could have cleared the wreck in a few weeks instead of a few years. The mystery of antiquity was there. The name of the owner became public. We knew that the ship was insured, 2½ centuries B.C., through an international insurance company. We went to Greece to look at the remains of the villa that was probably Marcus Sestius' house. The sea had given us the clue and information and the gentle way of living of our great ancestors. These remains of antiquity are not only located near shore. Some of those ships that have sunk in great depth are still to be seen and many of them have. I will remember always that thrill I had 3 years ago, diving with the diving saucer in 300 meters way away from shore, approximately off the border between Spain and France in the Mediterranean, and the saucer making its way directed by sonar to an obstacle found on the muddy plain, a big rock, 300 meters down—a thousand feet down—and near this rock was one perfect Greek amphora with the fish living in it, bright red fish. I remember very well. How did this amphora get there? How many ships contain clues, answers to all the riddles of commerce and the antiquity and the way of life of Greek sailors?

We will soon know, I hope, when armies of vehicles, research vehicles, will scan the bottom.

We have learned by our eyes through the portholes of bathyscaphes or of diving saucers, or in diving, or also to a certain degree by correlating thousands of deep sea photographs to what we had actually observed with our eyes, that the sea has nothing to do with the homogeneous medium. It is an extremely complicated medium. Why is it that theoretically the bulk of the productivity of the sea is generated in the upper layer through the well-known photosynthesis process? Why is it that we find so many live plankton creatures in much deeper layers when the sun does not penetrate? I am speaking of more than a thousand meters. This layer cake is not homogeneous either. In each of its layers that is characterized by temperature, salinity, or other factors, there are clouds. Clouds of aggregated life. Suddenly there is a big batch of medusae. Another time it is nothing else and then come the shrimps. The water becomes suddenly turbid in the same layer with no temperature changes. This is really a biological living element. Recently, a physical oceanographer coming on board the *Calypso* for 1 month was studying the light polarized by particles in suspension and trying to correlate this polarization to the nature of these particles. So in order to make comparisons he spent several days sending his instruments deep down and I asked him why are you doing that. He said, "Well, to get water free from particles." He was sending it exactly at a depth where there are the most particles according to what we see with our eyes, but I was unable to convince him until he made his measurements, of course, because he said there is no photosynthesis, there is no reason to have plankton there.

These are the things that we can only learn by occupying the territory—midwater as well as the bottom. All of us have dreamed of undersea volcanos and it was, of course, I always thought it would be wonderful to visit such a volcano. We have looked for many and the few that we found in aqualung were unable to be approached because the water was actually boiling all around them and completely turbid. Nevertheless, recently we have been down in the diving saucer in Greek waters in the Santorin submerged crater. Santorin is an island, pretty high up like a ring, built like an atoll, but higher and rocky, with a pass—a ship can come into it. In the center of this sea-lake is a submerged crater. Some scientists think the eruption of this crater put an end to the remarkable civilization of Crete. So we had the thrill to go down there (and we are returning this summer) and through our portholes, we saw in very clear water a fresh crater, preserved by water, not eroded, with huge pillars of pure sulfur still there, and for some reason, all the fish that were in this crater, fish of Mediterranean species that we knew very well, were completely bleached out, like the white of a piece of paper. So we have to return and try to understand why and take some samples, some specimens.

All these experiences, the ones that I cherish, are the results of direct experience. How much of that direct contact do you think that modern oceanography is going to preserve? I am a little anxious. We are building in France, as everyone does, a new oceanograhpic vessel. It is going to be our pride, it will be big like the *Atlantis II*, or like the *Meteor II*. It will be new. It will be modern. We have put all our know-how into its design, so we are going to be very proud of it. Nevertheless, I cannot help thinking that this ship is air conditioned, is stabilized, so that it is extremely comfortable, that it will be filled up with delicate instruments and computers, and I see very well this ship passing on the Indian Ocean, where I have seen so many things on the surface, with no one on deck * * * no one watching excepting radar screens and everybody very busy inside around tapes, correlating systems, electronic notebooks.

You see in such occasions—we have been several times there—*Calypso* works another way. We move from one station to the next having a program, but one man signals. "An object on port." We immediately abandon everything. The ship alters its course and we go several miles to find a floating coconut. But this floating coconut is very important and all other coconuts. There are a crowd of fish coming from the great depths and we will put immediately slowly divers and we go and take pictures and we wonder why these fish have come up, where, and we are trying to solve these riddles. Another time, we abandon the station because a red object is signaled. When we come, it looks very much like a red bath towel. But, in fact, for some reason it has come up from the great depths and it is a huge piece of agglomerated eggs of giant squid. And then we try to correlate this with our echo tapes and we learn things that way. Lots of things.

Then we will see from *Calypso's* deck the automated big buoys pass. But these computers—we are invaded by them also—there is nothing you can do about them. (Applause.) How can I stop it? I don't intend to do so because they are wonderful tools after all, but since we have these machines around, I keep in my pocket a perforated card. It is my privilege to put it among the others when I want and the print says on the other side—"Sorry. Everybody can be wrong."

In the heroic days of Woods Hole, a wonderful man that you all know, I was told—I didn't witness it—Dr. Bigelow used to walk from one lab to another chasing young coffee-drinking scientists with the imperative words—"Get to sea.—Get to sea." And going to sea on board *Atlantis* meant something. Now I think that if we want to do the same thing in our labs, the only thing we can tell them is not "get to sea," but "get to ships" and it is an entirely different thing.

Let us try with all our hearts to stay in direct gear with nature. Let us go down and see by ourselves, with our own eyes not through television instruments. Let us flood our instruments not only with data but with understanding. Let us never be satisfied with ourselves.

The two heavy books of, I think it is and that frightens me, collected upstarts that I was given when I registered here are a brilliant demonstration that most of the technological challenges of the oceans are either solved or are in the process of being solved. We can see that very complex instruments do measure what we need to measure. Automatic buoys are prepared to keep a steady record of what happens in the sea. Manned platforms like *Flip* or like *Mysterious Island*, drifting or anchored. Huge vessels, computers, seismic profilers, diving gear, bathyscaphes, diving saucers. Everything is ready for the final assault and on top of that at the end of the line, still in the process of a difficult birth—the oceanauts—the men who are going to occupy the territory after this preparation of artillery. The oceanauts have almost anonymously done their first skirmishes. They were not given the recognition of our space heroes, but I am sure the brave French and American oceanauts that started the thing will be in tomorrow's dictionary on the same level. These oceanauts, now that we are going to great depths, begin their swims out with an umbilical cord, aspiratory gas pipes exactly like the Russian and American astronauts have done. Later on, this umbilical cord will be cut and the great adventure will begin for both these kind of men. So we know that all of those things that have frightened our ancesters in the sea—cold, darkness, pressure, sediment—are obstacles that are vanquished by modern technology. They are defeated. Very easy to protect one from cold. Darkness—you just switch a light on. Pressure—a human body can stand a lot of pressure and a steel hull can even do better. Sediment—most of the bottom of the sea is covered by sediment, thick or not, and this mantle of dirty mud is hiding the base rocks for man's investigation so that undersea geology is not only in infancy, but does not exist. It is reduced to sedimentology particularly. And our machines measure the thickness of the sediment, give us answers about what is under it. Until we go and see there is a certain amount of skepticism. I give you an example: A few weeks ago, we tried a new fairly small device, weighing only 4 or 5 tons, that we can put down on the bottom, connected with a vessel by an electric cable, one of these gadgets. You push a button and then it begins to drill on the bottom at 100 feet and brings a core of where you want, of 6 feet. Then you pull the thing up and you see what it is.

Right in front, under my windows in the museum, in the sea there. A place that we know very well. We have been down all the time. We know there is mud there, some mud. And everything around the museum is limestone rocks, big rocks. The first core that was brought by this thing was pure basalt. So Monaco is actually floating on a volcano apparently. I don't know. I read in the paper this morning that there was an eruption between Prince Ranier and Onassis. (Applause.)

So we have defeated all these obstacles that frightened our ancestors. But there are things that we have not defeated, and I apologize but I will name them. They are very trival. Seasickness—seasickness, not only because it is disagreeable, but because it reduces the efficiency of the work, and even those who say they are not seasick, do not work the same way when the weather is bad. (Applause.)

Then we have the "committee disease." I don't know what it is in this country, but in mine, a committee is a place (I am a member of many) where we sit and we know we have so many dollars and we divide them in equal shares because nobody will agree that one has more than the other. It is about that. So that completely dismantles efficiency. Committees would be wonderful to advise, but not to decide, and this disease is reducing, in my opinion, the value of the leaders of those who know and reduces them to the average level.

Then comes the "vegetarian hunger," which is in our country a very bad thing. We claim that our field of research is the only one and that we must have more and all the money and more than that. Oceanography is an endless gulf of expenditure so we really have to make discrimination. That is discrimination that is according to a plan.

And then, last, but not least, comes what I call the "erector set psychosis." Everybody is only interested in testing a new instrument to get data. What data? It doesn't matter. But the instrument is the goal and it works wonderfully. I will pile up data (and we have data centers, too). When I sum it up, I wonder that this was an autocratique and I am a member of this, I make the same mistake. This really means that the most formidable barriers to knowledge are in ourselves.

I remember a few years ago—well, many years ago—I had sent a young student, and I can give you his name because some of you may know him—Debyser at Scripps Institute—for a fellowship. Debyser had studied in France just after the war and we were very poorly equipped for research. Laboratories were installed in attics with no running water and we were lending a microscope from one laboratory to another because we didn't have two. And I went to Scripps in 1952, I think, and invited Debyser for dinner, and I asked him how he was doing. So we were alone; we had a nice dinner, almost peaceful, so he told me the truth. And he said, "Well Commandant, something awful happens. Here I have everything I ask for and then I am frightened because I am facing my own limits." And this is in fact a frightening thing to face, and this is the thing we have to face right now before we waste too much. From Aristotle to Darwin, and I will say (because I am running the museum at Monaco) to Prince Albert, because he really contributed * * * the marine sciences have made very little progress. During all these centuries, and up to our days, what has been the sea for mankind? Only three things: A highway, and a bad one; a battlefield; and a hunting ground, because fishing is really hunting; and that is all. We are able to add to that small list that the sea is going to be a source of offshore oil and mineral wealth. That is a very small addition. When we make a survey of the influence of the sea, for example, on literature, on poetry, on art, the record is extremely deceiving. Among your English-writing authors, who has written about the sea except for storms or gales, or the heroes that brave the elements? But who has really spoken of the sea as a person, as something living? Walt Whitman, Melville a little bit, Keats; and in French, the list is even shorter. Our modern poet St. John Perse has done a few things. In painting—awful. All attempts, even the modern ones, to paint after diving recollections are fiascos. Another example of this poor inspiration produced during all these centuries is fishing. Let us realize that civilization on land has only begun. When man has stopped hunting to exploit the ground, to stabilizing farms, to cultivate the ground, to raise cattle. Before when he was a nomad, hunting, there was practically very thin civilizations. Civilization is equivalent of agriculture, settlement because it is only in this framework that you can get time to think. And underwater, today, in 1965, we are only hunting. We are hunting with electronic devices and computers, but we are only hunting, and we develop frightful traps for fish, for shrimps, for everything, but we do not enrich the sea and we do not attempt to trigger a new productivity end of the sea. There are projects, yes, but nothing has been done.

While we are subject to collective enthusiasm about our new science, I cannot help think also of the pollution that takes place right now. Just when we are going to love the sea and exploit it and get to know it, it is just at that moment that the sea is endangered by all sorts of pollution. When I was diving recently in the Gulf of Lyons.

I was disturbed repeatedly by the bangs of seismic surveys. Each of these 30 kilograms of dynamite bangs is destroying a whole area of at least a hundred meters in diameter. The ships and the yachts as well shamelessly empty their bilges offshore of the beaches and harbors, and all this oil drifts among the bathers and spoils miles of seashore. Chemical or atomic wastes are added, of course, and I cannot forget that my very first visit deep dive with the bathyscaphe, I landed in front of a spreadout newspaper the Figaro. The bottom of the sea is all the way covered with empty cans, bottles, waste of all sort. The deep cameras find them everywhere—in the middle of the Indian Ocean, in the Red Sea, in the Atlantic—everywhere. The delicious desert islands of the Red Sea are surrounded by broken electric lamps because of this flow of tankers that throw them overboard. Our first duty is to develop the respect and the love of the sea. And it is well within reach. It would require only a small additional expense and a lot of respect.

What can we do? Yes, the trawl nets have practically destroyed the original fauna of the Continental Shelf. Let us not be discouraged by that. Sewage has polluted many parts of the ocean. All right, let us roll up our sleeves. On land, also, the primary forest is practically nonexistent. Nevertheless, man has planted gardens, parks, and we have to do exactly the same underwater. Renew the scenery. Help nature, and make something that will not be natural, but that would be beautiful and fruitful. Let us also, of course, remake the sea beautiful. Give her a chance to use its fantastic fecundity. We should for that make a big room in our education to the human arts and sciences, the humanities, and of the sea. There is in Boston an Academy of Underwater Arts and Sciences. This is a wonderful nucleus, my friends. I hope it will develop and be encouraged. The first inhabitants of the sea in the oceanaut houses should leave their spears home and take their cameras and study the environment thoroughly. Let us garden, cultivate, raise, build, organize, preserve, protect. Let us produce in our colleges, together with engineers and scientists, underwater lawyers, artists, architects, writers.

This afternoon I had a great joy. My friend, Jack Clotworthy of Westinghouse Electric, invited me to a fantastic thing in Baltimore. In an elementary school all the children between 6 and 8 were there in the auditorium. They had been thoroughly informed about oceanography during the weeks by a teacher, Mrs. Power, and I made a small speech, thinking that I would bother them, and after that asked them questions. And there these kids were asking me questions such as: What are exactly the bends? How do they work? When you touch fire coral, you get burns. How is that? How does it work? When I explained to them that it was an allergy, they said: Yes, but what causes the allergy? Is it venom? Fantastic! I was impressed by these kids, and I am bringing back this wonderful memory in my eyes home, where I will tell it in France because I think it was a wonderful thing to have started as early as that to teach the children to love the sea and to know it, and I think Mrs. Power should be admired and cheered right here. [Applause.]

I have been a little long. I apologize; but I would like to end my discourse by telling you something that impresses me very much. Robert Fulton was born almost exactly 200 years ago. This man, this American citizen invented, built, and navigated two submarines in my country, in Paris and in the North; and he said, and I hope that he was also having a premonition of the underwater world. He said, "The liberty of the seas will be the happiness of the world." [Applause.]

Mr. MAGNUSON. Mr. President, I express deep appreciation to the Senators from New Hampshire, Connecticut, Texas, Massachusetts, Rhode Island, Alaska, Hawaii and the Senator from Maine for their statements regarding the bill and for the complimentary expressions several of my colleagues have made of my work on the bill. I do not know whether I deserve that sort of praise; but I suppose I would have been disappointed if the Senator from New Hampshire and others had not bestowed it. Many of us have for some years been working to establish, as the Senator from New Hampshire has so well said, some decision in this particular field. The Senator from New Hampshire has been deeply interested in the subject and has deplored our not approaching the situation in the way that we believe it should have been approached. He, as have many other Members of this body, have been giving months and years of thought and attention to this matter and S. 944 is a product of this dedicated attention.

The situation with respect to oceanography is somewhat analogous to space exploration, which has been so successful. When it began, many departments were doing a little research here and there. Finally the research became so important and urgent that it was necessary to establish a space agency; and it has worked well. All of us are aware of the important work that has been done in this field.

In the meantime, in my opinion, we have somewhat neglected a vast part of this planet, the three-quarters of its surface which concerns the field of oceanography and all that that entails.

I once heard an oceanographer, a prominent educator, say that we are beginning to know more about the back side of the moon than we know about three-quarters of the earth's surface. This is not the way things should be.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes."

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I was tempted earlier, because of the amount of work that was performed on the measure to suggest that we have an expression of opinion from the Senate in the form of a rollcall. However, I believe it is safe to say, and the Senator from New Hampshire [Mr. COTTON] and the Senator from Florida [Mr. HOLLAND], who have been vitally interested in the measure, will bear me out, that if we were to have a rollcall, it would be practically unanimous.

Mr. COTTON. The Senator is correct.

INTERGOVERNMENTAL COOPERATION ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 521.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 561) to achieve the fullest cooperation and coordination of activities between the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 561) to achieve the fullest cooperation and coordination of activities between the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes which had been reported from the Committee on Government Operations, with amendments, on page 2, after line 4, to insert a new title, as follows:

TITLE I—DEFINITIONS

When used in this Act,

State

SEC. 101. The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

Political subdivision or local government

SEC. 102. The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

Unit of general local government

SEC. 103. "Unit of general local government" means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

Special-purpose unit of local government

SEC. 104. "Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

Grant or grant-in-aid

SEC. 105. The term "grant" or "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State; or

(B) to a political subdivision of a State; or

(C) to a beneficiary under a State-administered plan or program which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

The term "grant" or "grant-in-aid", as it is used in title II of this Act, shall also include payments made under research and development contracts or grants which are awarded directly and on similar terms to all qualifying public organizations.

Specialized or technical services

SEC. 106. "Specialized or technical services" means special statistical and other studies and compilations, development projects, demonstration projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which the Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government is authorized by law to perform.

Comprehensive planning

SEC. 107. "Comprehensive planning," except in title VI, includes the following, to the extent directly related to area needs or needs of a unit of general local government: (i) preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development; (ii) programing of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program; (iii) coordination of all related plans of the departments or subdivisions of the government concerned; (iv) intergovernmental coordination of related planned activities among the State and local governmental agencies concerned; and (v) preparation of regulatory and administrative measures in support of the foregoing.

Metropolitan area or area

SEC. 108. A "metropolitan area" or "area" means either (i) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes of this Act, or (ii) and urbanized area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof.

Urban area

SEC. 109. "Urban area" means—

(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants:

(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

(3) that portion of any geographical area situated adjacent to the boundary of any incorporated unit of general local government which has such population density.

Areawide agency

SEC. 110. "Areawide agency" means an official State or metropolitan or regional agency empowered under State or local laws or under an interstate compact or agreement to perform comprehensive planning in an area, or such other agency or instrumentality as may be designated by the Governor (or, in the case of metropolitan areas crossing State lines, any one or more of such agencies or instrumentalities as may be designated by the Governor of the States involved) to perform such planning, which agency or instrumentality is, to the greatest practicable extent, composed of or responsible to the elected officials of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning.

Urban development

SEC. 111. "Urban development" means all projects or programs for the planning and carrying out of urban renewal, the acquisition, use, and development of open-space land, the planning and construction of hospitals, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, transportation facilities, highways, water development, land conservation, and other public works facilities.

Hospital

SEC. 112. "Hospital" means any public health center or general, tuberculosis, mental, chronic disease, and other type of hospital and related facilities, and central service facilities normally operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

On page 8, in the headline in line 3, after the word "Title", to strike out "I" and insert "II"; at the beginning of line 6, to change the section number from "101" to "201"; at the beginning of line 12, to strike out "State and of such other facts pertaining thereto as it makes to the State agency administering the program." and insert "State."; after line 17, to strike out:

When used in this Act—

(a) The term "grant-in-aid" means any payments made by the Federal Government to a State, whether the payments are made in advance, or as reimbursements for expenses already incurred, and whether subject to conditions or not, for the support of activities administered by a State. The term does not include shared revenues.

(b) The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

On page 9, at the beginning of line 10, to change the section number from "102" to "202"; in the same line, after the word "other", to insert "Federal"; in line 18, after the word "for"; to insert "or continue providing for"; at the beginning of line 22, to change the section number from "103" to "203"; in line 24, after the word "concerned", to strike out the comma and insert "in accordance with regulations promulgated by the President,"; on page 10, at the beginning of line 9, to change the section number from "104" to "204"; at the beginning of line 10, to insert "Federal"; at the beginning of line 21, to change the section number from "105" to "205"; at the beginning of line 22, to insert "Federal"; on page 11, line 3, after the word "the", where it appears the second time, to strike out "subsequent"; in line 4, after the word "State", to strike out the comma and insert "whether such disbursement occurs prior to or subsequent to such transfer of funds."; at the beginning of line 10, to change the section number from "106" to "206"; in the same line, after the word "other", to insert "Federal"; in line 11, after the word "agency", to insert "or multimember board or commission"; in line 14, after the word "any", to insert "Federal"; in line 16, after the word "State", to strike out the comma and insert "responsible for determining or revising the organizational structure of State government,"; in line 18, after the word "agency", to insert "or multimember board or commission"; in line 21, after the word "the", where it appears the second time, to insert "Federal"; in the same line, after the word "agency", to strike out "is assured" and insert "determines"; in line 22, after the word "the, where it appears the second time, to insert "Federal"; in line 24, after the word "other", to insert "State"; on page 12, in the heading in line 1, after the word "Title", to strike out "II" and insert "III"; in the same line, after the amendment just above stated, to strike out "Periodic"; at the beginning of line 6, to change the section number from "201" to "301"; in line 17, after the word "purpose.", to insert "It is further the purpose and intent of this title to provide for continuing review of existing Federal programs for grant-in-aid assistance to the States or their political subdivisions by the Comptroller General with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to such programs in the interest of eliminating areas of conflict and duplication in program operations and achieving more efficient, effective, and economical administration of such programs, and greater uniformity in the operation thereof."; on page 13, at the beginning of line 4, to change the section number from "202" to "302"; in line 8, after the word "law", to insert a comma and "and such grant is not specifically exempted from the provisions of this title,"; at the beginning of line 16, to change the section number from "203" to "303"; on page 14, line 8, after the word "States", to strike out "and"; in line 11, after the word "thereto", to insert a comma and "to conform to recommendations by the Comptroller General under section 304,"; in line 13, after the word "be", to strike out "made." and insert "made;"; after line 13, to insert:

(4) Whether or not any changes in purpose, direction, or administration of the original program should be made in the light of reports and recommendations submitted on request by the Advisory Commission on Intergovernmental Relations; and

After line 18, to insert:

(5) The extent to which such grant-in-aid programs are adequate to meet the growing and changing needs which they were designed to support.

At the top of page 15, to strike out:

DEFINITIONS

SEC. 204. For the purposes of this title—

(a) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State.

(2) The term "political subdivision" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

(3) The term "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State or political subdivision of a State; or

(B) to a beneficiary under a State administered plan or program which is subject to approval by a Federal agency; if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amount to be allotted for use in each of the States, by the States, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

On page 16, after line 10, to insert a new section, as follows:

STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AID PROGRAMS

SEC. 304. The Comptroller General shall make continuing studies of presently existing and all future programs for grant-in-aid assistance from the Federal Government to the States or their political subdivisions concerning the extent to which programs conflict and duplication can be eliminated and more effective, efficient, economical, and uniform administration of such programs could be achieved by changing certain requirements and procedures applicable thereto.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the equalization formulas, and the budgetary, accounting, reporting, and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

On page 17, after line 4, to insert a new section, as follows:

STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 305. Upon request of any committee referred to in section 303, the Advisory Commission on Intergovernmental Relations (established by Public Law 86–380) shall, during the same period referred to in such section, conduct studies of the intergovernmental relations aspects of programs which are subject to the provisions of such section, including (1) the impact of such programs, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such programs with State and local administration thereof, and shall report its findings and recommendations to such committee.

After line 18, to insert a new section, as follows:

RECORDS AND AUDIT

SEC. 306. (a) Each State or political subdivision thereof receiving assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification, or alteration of any existing grant-in-aid agreement pursuant to existing law shall keep such records as the Federal agency administering such grant may prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants received.

On page 18, in the heading in line 17, after the word "Title", to strike out "III" and insert "IV"; at the beginning of line 22, to change the section number from "301" to "401"; on page 19, at the beginning of line 8, to change the section number from "302" to "402"; in line 14, after the word "the", to strike out "cost of such services performed" and insert "salaries and such other costs to the department or agency for performing such services: *Provided, however,* That such services shall include only those which the head of the Federal agency concerned determines are not reasonably and expeditiously available through ordinary business channels"; at the beginning of line 21, to change the section number from "303" to "403"; in line 25, after the word "section", to strike out "302" and insert "402"; on page 20, line 1, after the word "the", to insert "principal"; in the same line, after the word "appropriation", to strike out "or appropriations"; in line 3, after the word "charged", to insert a comma and "or to the appropriation currently available for the cost of similar services."; at the beginning of line 6, to change the section number from "304" to "404"; in line 10, after the word "a", to insert "summary"; after line 11, to strike out:

DEFINITIONS

SEC. 305. For the purposes of this title—

(a) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State.

(b) The term "political subdivision" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

(c) "Specalized or technical services" means special statistical and other studies and compilations, development projects, demonstration projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which the Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government is authorized by law to perform.

On page 21, after line 4, to insert a new section, as follows:

RESERVATION OF EXISTING AUTHORITY

SEC. 405. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government.

In the heading in line 11, after the word "Title", to strike out "IV" and insert "V"; at the beginning of line 15, to change the section number from "401" to "501"; in line 20, after the word "President", to strike out "shall" and insert "may"; on page 24, at the beginning of line 9, to change the section number from "402" to "502"; in the same line, after the word "any", to insert "Federal"; in line 12, after the word "local", to strike out "government (cities, counties, towns, and townships)" and insert "government,"; on page 25, line 9, after the word "of", to insert "Federal"; at the beginning of line 19, to change the section number from "403" to "503"; at the beginning of line 20, to insert "Federal"; on page 26, line 10, after the word "section", to strike out "404" and insert "504"; at the beginning of line 19, to change the section number from "404" to "504"; on page 28, line 18, after the word "that", to strike out "(i)"; in line 24, after the word "instrumentality", to strike out the semicolon and "or (ii) the application is consistent with and in furtherance of projects or plans previously reviewed by such agency or instrumentality in connection with prior applications"; on page 29, after line 11, to strike out:

DEFINITIONS

Sec. 405. As used in this title—

(a) "Comprehensive planning" includes the following, to the extent directly related to area needs or needs of a unit of general local government: (i) preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development; (ii) programing of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be construed in the earlier years of the program; (iii) coordination of all related plans of the departments or subdivisions of the government concerned; (iv) intergovernmental coordination of related planned activities among the State and local governmental agencies concerned; and (v) preparation of regulatory and administrative measures in support of the foregoing.

(b) "Hospital" means any public health center or general, tuberculosis, mental, chronic disease, and other type of hospital and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities normally operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

(c) A "metropolitan area" or "area" means either (i) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes of this title, or (ii) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof.

(d) "Areawide agency" means an official State or metropolitan or regional agency empowered under State or local laws or under an interstate compact or agreement to perform comprehensive planning in an area, or such other agency or instrumentality as may be designated by the Governor (or, in the case of metropolitan areas crossing State lines, any one or more of such agencies or instrumentalities as may be designated by the Governors of the States involved) to perform such planning.

(c) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(f) "Special purpose unit of local government" means any special district, public purpose corporation, or other strictly limited purpose political subdivision of a State, but shall not include a school district.

(g) "Unit of general local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

(h) "Urban development" means all projects or programs for the planning and carrying out of urban renewal, the acquisition, use, and development of open space land, the planning and construction of hospitals, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, transportation facilities, highways, water development and land conservation, and other public works facilities.

On page 32, in the heading in line 3, after the word "Title", to strike out "V" and insert "VI"; at the beginning of line 10, to change the section number from "501" to "601"; in line 23, after the word "for", to insert "the General Services Administration"; in line 24, after the word "of", to insert "other"; on page 33, at the beginning of line 8, to strike out "at least ninety days"; at the beginning of line 9, to strike out "notify" and insert "give reasonable notice to"; in line 16, after the word "Administrator", to strike out "except as provided in subsection (c) below," and insert "to the greatest practicable extent,"; on page 34, after line 2, to strike out:

(c) If, within forty-five days after notifying such local governing body of the proposed disposal, the Administrator is not furnished with appropriate information relating to zoning, land use, and/or other regulations which would be applicable to the use and development of the property offered for sale, the Administrator may proceed with such sale or disposal as otherwise authorized by law.

After line 10, to strike out:

Sec. 804. (a) In the acquisition or change of use of any real property situated in an urban area by or on behalf of any Federal agency, the Administrator shall—

(1) to the greatest practicable extent, comply with and conform to zoning regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government; and

(2) consider all objections made to any such acquisition or changed use by such unit of government upon the ground that the proposed acquisition or use conflicts or would conflict which such regulations or objectives.

(b) Prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land use jurisdiction over the land proposed to be purchased of his intent to acquire such and and the proposed use of the property. To the extent practicable, such notification shall be given ninety days prior to such acquisition. In the extent that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

And, in lieu thereof, to insert:

Sec. 804. (a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

(1) consider all objections made to any such acquisition or changed use by such unit of government upon the ground that the proposed acquisition or use conflicts or would conflict with the zoning regulations or planning objectives of such units; and

(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

On page 36, line 21, after the word "government," to insert "except county or parish,"; on page 37, line 9, after the word "to", where it appears the second time, to strike out "area needs:" and insert "the needs of a unit of general local government:"; in line 21, after the word "the", to strike out "department" and insert "departments"; and in line 24, after the word "of", to strike out "all"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Cooperation Act of 1965".

TITLE I—DEFINITIONS

When used in this Act,

State

Sec. 101. The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

Political subdivision or local government

Sec. 102. The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

Unit of general local government

Sec. 103. "Unit of general local government" means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

Special-purpose unit of local government

Sec. 104. "Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

Grant or grant-in-aid

Sec. 105. The term "grant" or "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State; or

(B) to a political subdivision of a State; or

(C) to a beneficiary under a State-administered plan or program which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4)

loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

The term "grant" or "grant-in-aid", as it is used in title II of this Act, shall also include payments made under research and development contracts or grants which are awarded directly and on similar terms to all qualifying public organizations.

Specialized or technical services

SEC. 106. "Specialized or technical services" means special statistical and other studies and compilations, development projects, demonstration projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which the Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government is authorized by law to perform.

Comprehensive planning

SEC. 107. "Comprehensive planning", except in title VI, includes the following, to the extent directly related to area needs or needs of a unit of general local government: (i) preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development; (ii) programing of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program; (iii) coordination of all related plans of the departments or subdivisions of the government concerned; (iv) intergovernmental coordination of related planned activities among the State and local governmental agencies concerned; and (v) preparation of regulatory and administrative measures in support of the foregoing.

Metropolitan area or area

SEC. 108. A "metropolitan area" or "area" means either (i) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President or by the Bureau of the Budget as not being appropriate for the purposes of this Act, or (ii) an urbanized area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President or the Bureau of the Budget lends itself as being appropriate for the purposes hereof.

Urban area

SEC. 109. "Urban area" means—

(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

(3) that portion of any geographical area situation adjacent to the boundary of any incorporated unit of general local government which has such population density.

Areawide agency

SEC. 110. "Areawide agency" means an official State or metropolitan or regional agency empowered under State or local laws or under an interstate compact or agreement to perform comprehensive planning in an area, or such other agency or instrumentality as may be designated by the Governor (or, in the case of metropolitan areas crossing State lines, any one or more of such agencies or instrumentalities as may be designated by the Governor of the States involved) to perform such planning, which agency or instrumentality is, to the greatest practicable extent, composed of or responsible to the elected officials of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning.

Urban development

SEC. 111. "Urban development" means all projects or programs for the planning and carrying out of urban renewal, the acquisition, use, and development of open-space land, the planning and construction of hospitals, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, transportation facilities, highways, water development, land conservation, and other public works facilities.

Hospital

SEC. 112. "Hospital" means any public health center or general, tuberculosis, mental, chronic disease, and other type of hospital and related facilities, and central service facilities normally operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

Full information on funds received

SEC. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States shall, upon request, notify the Governor or other official designated by him, or the State legislature, of the purpose and amounts of recommended or actual grants-in-aid to the State. No act of Congress shall be construed to prevent the Governor or other designated officer from participating in the State's determination of its financial needs in the same manner as he does with respect to the budgeting of State funds.

Subject only to the procedures here enacted, nothing contained in this law shall limit the authority of any department or agency of the United States to make grants-in-aid to the States.

Uniform handling of grant funds

SEC. 202. Notwithstanding any other Federal law, each grant-in-aid to a State shall be paid to the State treasurer or other officer that may be designated by the legislative authority (or by the Governor in the absence of a designation by the legislative authority) to receive said funds and appropriate accounting advice with regard to the transmittal of funds shall be provided to such State officers as may require the data for purposes of financial management and control. The State may provide for or continue providing for the direct receipt of Federal funds in the case of State institutions of higher learning.

State salaries paid from grants-in-aid

SEC. 203. After July 1, 1967, and except as specifically authorized pursuant to State law and agreed to by the Federal agency concerned in accordance with regulations promulgated by the President, no Federal grant-in-aid to a State shall be used to pay a salary in excess of the regular salary standards applicable to State employees generally, nor shall a grant-in-aid be used to pay all or part of a salary the full-time equivalent of which is in excess of the normal annual salary rates of employees of the State or of State institutions of higher learning.

Deposit of grants-in-aid

SEC. 204. Notwithstanding any other provision of Federal law or regulation, no grant-in-aid to a State shall be required to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency, covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency.

Scheduling of Federal transfers to the States

SEC. 205. Notwithstanding any other provision of Federal law, heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to or subsequent to such transfer of funds. States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

Eligible State agency

SEC. 206. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision and approve other State administrative or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

TITLE III—CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND TO LOCAL UNITS OF GOVERNMENT

Statement of purpose

SEC. 301. It is the purpose and intent of this title to establish a uniform policy and procedure whereby programs for grant-in-aid assistance from the Federal Government to the States or to their political subdivisions which may be enacted hereafter by the Congress shall be made the subject of sufficient subsequent review by the Congress to insure that (1) the effectiveness of grants-in-aid as instruments of Federal-State-local cooperation is improved and enhanced; (2) grant programs are revised and redirected as necessary to meet new conditions arising subsequent to their original enactment; and (3) grant programs are terminated when they have substantially achieved their purpose. It is further the purpose and intent of this title to provide for continuing review of existing Federal programs for grant-in-aid assistance to the States or their political subdivisions by the Comptroller General with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to such programs in the interest of eliminating areas of conflict and duplication in program operations and achieving more efficient, effective, and economical administration of such programs, and greater uniformity in the operation thereof.

Expiration of grants-in-aid programs

Sec. 302. When any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid to two or more States or to political subdivisions of two or more States and no expiration date for such authority is specified by law, and such grant is not specifically exempted from the provisions of this title, then the authority to make grants-in-aid by reason of such Act to States, political subdivisions, and other beneficiaries from funds not theretofore obligated shall expire not later than June 30 of the fifth calendar year which begins after the effective date of such Act.

Committee studies of grant-in-aid programs

Sec. 303. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid over a period of three or more years to two or more States or to political subdivisions of two or more States, then during the period beginning not later than twelve months immediately preceding the date on which such authority is to expire, the committees of the House and of the Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made with a view to ascertaining, among other matters of concern to the committees, the following:

(1) The extent to which the purposes for which the grants-in-aid are authorized have been met;

(2) The extent to which such programs can be carried on without further financial assistance from the United States;

(3) Whether or not any changes in purpose, direction, or administration of the original program, or in procedures and requirements applicable thereto, to conform to recommendations by the Comptroller General under section 304, should be made;

(4) Whether or not any changes in purpose, direction, or administration of the original program should be made in the light of reports and recommendations submitted on request by the Advisory Commission on Intergovernmental Relations; and

(5) The extent to which such grant-in-aid programs are adequate to meet the growing and changing needs which they were designed to support.

Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire.

Studies by Comptroller General of Federal grant-in-aid programs

Sec. 304. The Comptroller General shall make continuing studies of presently existing and all future programs for grant-in-aid assistance from the Federal Government to the States or their political subdivisions concerning the extent to which programs conflict and duplication can be eliminated and more effective, efficient, economical, and uniform administration of such programs could be achieved by changing certain requirements and procedures applicable thereto.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the equalization formulas, and the budgetary, accounting, reporting, and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

Studies by Advisory Commission on Intergovernmental Relations

Sec. 305. Upon request of any committee referred to in section 303, the Advisory Commission on Intergovernmental Relations (established by Public Law 86–380) shall, during the same period referred to in such section, conduct studies of the intergovernmental relations aspects of programs which are subject to the provisions of such section, including (1) the impact of such programs, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such programs with State and local administration thereof, and shall report its findings and recommendations to such committee.

Records and audit

Sec. 306. (a) Each State or political subdivision thereof receiving assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification, or alteration of any existing grant-in-aid agreement pursuant to existing law shall keep such records as the Federal agency administering such grant may prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants received.

TITLE IV—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIALIZED OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

Statement of purpose

Sec. 401. It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State or local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide specialized or technical services to State and local governments.

Authority to provide service

Sec. 402. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government is authorized within his discretion, upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon the payment by the unit of government making the request, of the salaries and such other costs to the department or agency for performing such services: *Provided, however,* That such services shall include only those which the head of the Federal agency concerned determines are not reasonably and expeditiously available through ordinary business channels.

Reimbursement to appropriation

Sec. 403. All moneys received by any department or agency of the executive branch of the Federal Government, or any bureau or other administrative division thereof, in payment for furnishing specialized or technical services as authorized under section 402 shall be deposited to the credit of the principal appropriation from which the cost of providing such services has been paid or is to be charged, or to the appropriation currently available for the cost of similar services.

Reports to Congress

Sec. 404. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government shall furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under the administration of this title.

Reservation of existing authority

Sec. 405. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government.

TITLE V—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF GRANTS FOR URBAN DEVELOPMENT

Declaration of urban assistance policy

Sec. 501. (a) The economic and social development of the Nation, its strength in world affairs and the achievement of satisfactory levels of living depend in large degree upon the sound and orderly development of urban communities. In pursuit of this basic objective, the President may establish rules and regulations for uniform application in the formulation, evaluation, and review of urban development programs and projects for the provision of federally aided urban facilities, and Federal projects having a significant impact on the development of urban and urbanizing communities. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives of urban development, and to the extent authorized by law reasoned choices shall be made between such objectives when they conflict:

(1) Appropriate land uses for residential, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Any other objective through which urban development activities can contribute to the economic, social, and cultural development of the Nation, its strength in world affairs, and the achievement of enhanced levels of living.

(b) All viewpoints—national, regional, State, and local—shall, to the extent possible, be fully considered and taken into account in planning urban development programs and projects. Regional, State, and local government objectives shall be considered and evaluated within a framework of national public objectives, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

(c) To the maximum extent possible, consistent with national objectives, all Federal aid for urban development purposes shall be consistent with and further the objectives of State and local government comprehensive planning for urban development. Consideration shall be given to all developmental aspects of the total urban community including but not limited to housing, transportation, economic development, natural resources development, community facilities, and the general improvement of living environments.

(d) Each Federal department and agency administering an urban development aid program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and made part of comprehensive local and areawide urban development planning.

Favoring units of general local government

SEC. 502. (a) Notwithstanding any Federal law providing that special-purpose units of local government are eligible to receive loans or grants-in-aid for urban development, units of general local government, acting singly or jointly, shall be eligible to receive such loans or grants-in-aid. Heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid for urban development to units of general local government rather than to special-purpose units of local government.

(b) In the event that a loan or grant-in-aid is made to a special-purpose unit of local government, the chief executive officer or the governing body of each unit of general local government in which the loan or grant recipient is located or which would be affected by the loan or grant-in-aid project:

(1) shall be notified of the purpose, amounts, or other factors related to the proposed or actual loan or grant-in-aid to such special-purpose unit of local government;

(2) may participate in such normal procedures as relate to budgeting of said loan or grant-in-aid; and

(3) shall have the opportunity to have their comments made a part of the application for such loan or grant-in-aid.

(c) Notwithstanding any other provision of Federal law, joint sponsorship of a project eligible for grant or loan funds by two or more units of general local government, two or more special-purpose units of government, or any combination thereof, shall not limit the total amount of the loan or grant-in-aid to less than the aggregate available to the participating units of general local government and/or special-purpose units of government acting singly.

Consistency with plans and objectives of general local governments

SEC. 503. Notwithstanding any other provision of Federal law, any application for a loan or grant made after June 30, 1966, for construction of hospitals, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, water development, and land conservation within any metropolitan area subject to the provisions of this title, shall be submitted to the unit of general local government with authority to operate in the area within which the project or facility is to be located. No action shall be taken by any Federal agency upon such application unless the governing body of the unit of general local government certifies that such project or facility is consistent with its planning objectives. If said unit does not act on an application within thirty days after its submission, the application shall be deemed approved by said unit. The certification shall accompany the submission of such application to the areawide agency pursuant to section 504 of this title. The foregoing requirements shall not be applicable in the case of applications from units of government larger than and encompassing the unit of general local government within which the project or facility is to be located.

More effective utilization of certain Federal loans or grants by encouraging better coordinated local review of State and local applications for such loans or grants

SEC. 504. (a) In order to assist Federal, State, and local governments to increase their economy and efficiency of operations in meeting the governmental needs of the increasing concentration of population in metropolitan areas; to facilitate the coordination of intergovernmental relationships and activities on a continuing basis; to provide more effective exchange of information among the government concerned at the earliest possible stage of planning and throughout the planning and development process; to encourage areawide comprehensive planning on a continuing basis; and to encourage State and local governments to establish or improve facilities for coordinating areawide development, all applications made after June 30, 1966, for Federal loans or grants to assist in carrying out urban renewal and open-space land projects or for the construction of hospitals, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities, water development, and land conservation within any metropolitan area shall be subject to the provisions of this title.

(b)(1) Except as provided in paragraph (2) of this subsection, each application for a loan or grant of the type described in subsection (a) shall be accompanied (i) by the comments and recommendations with respect to the project involved by an areawide agency designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning; and (ii) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the proposed urban development project or program is consistent with comprehensive planning developed or in the process of development for the metropolitan area and the extent to which such project or program contributes to the fulfillment of such areawide planning. The comments and recommendations and the statement referred to in this section shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statement referred to in paragraph (1) of this subsection if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c) hereof, or such application has lain before an appropriate areawide agency or instrumentality for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

(c) The Bureau of the Budget or such other agency as may be designated by the President is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title.

TITLE VI—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

Amendment of Federal Property and Administrative Services Act

SEC. 601. The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), is amended by adding at the end thereof a new title as follows:

"TITLE VIII—URBAN LAND UTILIZATION

"Short title

"SEC. 801. This title may be cited as the 'Federal Urban Land-Use Act.'

"Declaration of purpose and policy

"SEC. 802. It is the purpose of this title to promote more harmonious intergovernmental relations by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall be consistent with zoning and land-use practices and shall be made to the greatest practicable extent in accordance with planning and development objectives of the local governments and local planning agencies concerned.

"Disposal of urban lands

"SEC. 803. (a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

"(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning—

"(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

"(2) current availability to such property of streets, sidewalks, sewers, water, streetlights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

"Acquisition or change of use of real property

"SEC. 804. (a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

"(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

"(1) consider all objections made to any such acquisition or changed use by such unit of government upon the ground that the proposed acquisition or use conflicts or would conflict with the zoning regulations or planning objectives of such units; and

"(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

"Definitions

"SEC. 805. As used in this title—

"(a) 'Unit of general local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(b) 'Urban area' means—

"(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

"(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

"(3) that portion of any geographical area situated adjacent to the boundary of any incorporated unit of general local government which has such population density.

"(c) 'Comprehensive planning' includes the following, to the extent directly related to the needs of a unit of general local government:

"(1) preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development;

"(2) programing of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvement to be constructed in the earlier years of the program;

"(3) coordination of all related plans of the departments or subdivisions of the government concerned;

"(4) intergovernmental coordination of related planning activities among the State and local governmental agencies concerned; and

"(5) preparation of regulatory and administrative measures in support of the foregoing."

Mr. MUSKIE. Mr. President, S. 561, as amended, constitutes a constructive effort to eliminate some of the many sources of tension that have emerged in our intergovernmental relations during the past three decades. Its principal objective is to adapt the mechanics and processes of our Federal system to the dynamic period of domestic reform in which we now find ourselves.

I introduced this omnibus bill on January 15 of this year, with 32 Senators cosponsoring. At present, 41 of my colleagues have joined in cosponsoring the legislation. Five days of hearings were held this spring, and the Government Operations Committee unanimously agreed to report this measure to the floor last Friday.

Title I of the amended bill contains the definitions of 12 terms used frequently throughout the other titles.

Title II is designed to help unify and coordinate the standards and procedures governing the financial, organization, and other activities of the Governors and other State officials, insofar as these activities are affected by Federal grant programs. The provisions of this title do not apply to grants to the political subdivisions of the States.

Title III provides for systematic review of future Federal grants-in-aid to the States and to local units of government. It also stipulates that the Comptroller General shall make continuing studies of all grant programs to assist the Congress in maintaining proper legislative oversight.

Title IV permits Federal departments and agencies to provide specialized and technical services to State and local units of government on a reimbursable basis. Its purpose is to make available to such units of government only those services which agencies and departments of the Federal Government are uniquely able to perform.

Title V establishes a coordinated intergovernmental policy on the administration of Federal grants for urban development. It favors, therefore, the eligibility of units of general local government—towns, cities, and counties—as recipients of Federal aid, in contrast to special-purpose districts or authorities. It requires local governmental review of certain applications for Federal urban programs and encourages a broader approach for review, at the metropolitan level, of applications for loans as well as grants under certain Federal urban development programs.

Title VI amends the Federal Property and Administrative Services Act of 1949, as amended, by prescribing a uniform policy and procedure for urban land transactions and use undertaken by the General Services Administration. Acquisition, use, and disposal of land in urban areas by this agency would be consistent, to the extent possible, with local zoning regulations and development objectives. Like title V, it will help make urban planning more effective.

These, in brief outline, are the basic provisions of this legislation. Support for S. 561 is widespread. The Advisory Commission on Intergovernmental Relations and the Governor's conference have unanimously endorsed it, without reservation. Formal resolutions adopted at the 1964 conventions of the National League of Cities, the U.S. Conference of Mayors, and the National Association of Counties gave support to almost all of the specific provisions of this bill. The Council of State Governments, the National Association of State Budget Officers, and the American Institute of Planners are among its warmest proponents. The Bureau of the Budget has approved all but a few of its provisions; and a week ago last Wednesday, Gov. Buford Ellington, now the President's Chief Adviser on Federal-State-local relations, declared in his address before the Governors' conference at Minneapolis that "this bill is supported by the President." Governor Ellington also expressed the hope that "this legislation can be moved shortly," since "it is badly needed."

To sum up, S. 561, as amended, is designed to correct certain recognized weaknesses in our Federal system and to close obvious gaps in our national policies on regional and local planning and urban development. It attempts these things because all levels of Government under our great American partnership share the responsibility to promote the general welfare of the people.

None of its provisions, in and of themselves, will eliminate all of the points of friction that have developed in intergovernmental relations. But each is significant. Each attacks one of the major problems in this critical area. And when combined, as they are in this omnibus bill, they constitute a meaningful definition of that elusive term "creative federalism." For these and many other reasons, I urge enactment of this legislation.

Mr. MUNDT. Mr. President, included in the many worthwhile features of this bill are provisions for congressional review of future Federal grants-in-aid to State and to local units of government.

These provisions, which are found in title III of S. 561, were originally introduced by myself and several other colleagues in a separate bill of January 26 of this year. When I introduced that bill, S. 689, I stated that we were willing to have it added as an amendment to some other legislation which would come from our Subcommittee on Intergovernmental Relations. By adding our original proposal to S. 561, I believe that we have strengthened that bill and helped provide legislation which will result in substantial savings, increased efficiency, and vastly improved coordination among Federal, State, and local governments.

Mr. President, we designed title III to fill a void in our existing Federal system. During the past few decades the Federal grant-in-aid program has grown dramatically. Such programs now play a significant role in State and local financing. During this same period the programs have at times overlapped. During this same period Congress has never attempted to provide the needed direction for this perplexing problem. A review and coordinating system is imperative.

At the present time there are approximately 134 grants-in-aid programs in operation. They will require Federal expenditures of $13.6 billion in the fiscal year that began last July 1. This bill would not eliminate any needed programs. It is designed, rather, to achieve a full measure of efficiency and uniformity in the operation of all Federal grant-in-aid programs and to eliminate unnecessary programs and portions of programs.

This would be accomplished by setting up machinery whereby future programs for grant-in-aid assistance from the Federal Government to the States or to their political subdivisions shall be subject to review by Congress under a uniform policy and procedure, in order to assure first, that the effectiveness of grants-in-aid or instruments of Federal-State-local cooperation is improved and enhanced; second, that grant programs are revised and redirected, as necessary, to meet changing conditions; and third, that grant programs are terminated when they have substantially achieved their purpose.

Included in title III is the provision that future grant-in-aid programs would automatically expire at the end of 5 years unless an earlier date was specifically provided or unless application of this termination provision had been specifically waived. This will enable the Congress to eliminate programs that have outlived their usefulness or which have been superseded by subsequent programs.

To insure that needed and worthwhile programs will continue to function for more than 5 years, congressional committees are to review expiring grant-in-aid programs subject to this title during the period of not less than 12 months immediately preceding the expiration date. The committees are charged to review these programs with the view of assessing—among other things, first, the extent to which the purposes for which the grants-in-aid are authorized have been met; second, the degree to which such programs can be carried on without further financial assistance from the Federal Government; third, whether any changes in the purpose, direction, or administration of the original program or in its procedures or requirements should be made in order to conform to recommendations submitted by the Comptroller General under section 304; fourth, whether any changes should be made in light of reports and recommendations, submitted on request, by the Advisory Commission on Intergovernmental Relations under section 305; and fifth, the extent to which such grant-in-aid programs are adequate to meet the growing and changing needs which they were designed to support. This section further provides for the submission of committee reports to their respective Houses not later than 120 days before the program expiration date.

The General Accounting Office and the Comptroller General also will be authorized under section 304 to make continuing studies of both existing and future grant programs from the standpoint of whether programs conflict, whether duplications can be eliminated, and whether more efficient, effective, economical, and uniform administration can be achieved. In order that an accurate analysis of such programs may be made, recipients of future grants will be required to keep and make available required records for various purposes including audit and examination.

This title, as is true of the entire bill, is intended to promote a stronger grant-in-aid program. We have attempted to draw on the findings of officials from all levels of government representing both urban and rural areas. Our purpose is not to encourage or discourage the use of the grant-in-aid device. Our purpose is only to improve the use of grants when Congress deems it necessary. I believe we have done so and urge the adoption of S. 561.

S. 561 IS NEEDED NOW

Mr. BENNETT. Mr. President, I am happy to voice my support in favor of S. 561, the Intergovernmental Cooperation Act of 1965. I have joined as a cosponsor of this bill because I feel it has been designed to strengthen our Federal system at a time when the problems of financing local and State government programs are becoming acute. Also it can help to reduce to some extent the excessive centralization that is so characteristic of our present trend in National-State-local government relations. This becomes evident when we realize that there are more than 100 grant-in-aid programs currently in operation with control centered largely in Washington. Some of these programs are of long standing and have overlapping functions. The bill we are now considering will authorize Congress and its appropriate committees to review these programs periodically and to reduce, or, on occasion, increase their size wherever and whenever necessary. Such legislation cannot but help to make more efficient those necessary grant programs which are now complex and very often inefficient.

One of the most important objectives of this bill in my opinion is to preserve the power of the State and local officials over projects and expenditures within their jurisdictions. Governors, State legislatures and local officials would be entitled to participate in the decisions affecting policy and grants to be allocated to the governing bodies which they represent. This is necessary if our State and local governments are to avoid becoming mere administrative units of the Federal Government.

It has long been evident that increased flexibility and speed in transfer of grant payments is necessary to improve the efficiency of the grant-in-aid program. The State and local governments under S. 561 will be able to plan better for the future if they can expect more rapid and efficient transfer of payments. I believe that this bill has been written so as to make these changes and improvements.

Mr. President, I am confident that local and State government officials in the State of Utah support this bill. Such support also exists in most States and among the professional organizations representing local and State officials.

Therefore, I recommend that this bill be passed as quickly as possible. It will further strengthen our great Federal system by improving the financial structure of our State and local governments while at the same time preserving their jurisdiction over matters which are rightfully theirs by virtue of the Constitution of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 538) explaining the purposes of the bill which was reported by the Committee on Government Operations unanimously, and which, to the best of my knowledge, has received the approval of the policy committee on both sides. There is no opposition to the measure.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 561 AS INTRODUCED

Title I of S. 561, as introduced, would authorize full information for the Governors on grants made to their States and would provide for more uniform administration of Federal grant funds to the States. It also would improve the scheduling of fund transfers to the States and permit the States to budget Federal grant funds in much the same way as they budget other revenues. Finally, the title would permit—at the discretion of the Federal agency head—the simplification of State organizational arrangements for administering grant programs.

Title II provides for congressional review of new grant programs to insure that such programs are reexamined at least once in a systematic fashion and reconsidered in the light of changing conditions.

Title III authorizes Federal departments and agencies to render technical assistance and training services to State and local governments on a reimbursable basis.

Title IV establishes a coordinated intergovernmental urban assistance policy. It requires local governmental review of certain applications for Federal urban programs and encourages a broader approach for review, at the metropolitan level, of applications for loans as well as grants under certain Federal urban development programs. This title serves to strengthen metropolitan planning machinery and encourages more orderly metropolitan growth. It also favors the eligibility of units of general local government—cities, towns, and counties—as recipients of Federal aid, in contrast to special purpose districts and authorities.

Title V amends the Federal Property and Administrative Services Act of 1949, as amended, by prescribing a uniform policy and procedure for urban land transactions and use undertaken by the General Services Administration. Acquisition, use, and disposal of land in urban areas by this agency would be consistent, to the extent possible, with local zoning regulations and development objectives. Like title IV, it will help make urban planning more effective.

COMMITTEE AMENDMENTS

New title for definitions

The committee has consolidated all definitions into a new title I and standardized their meanings for all titles and sections. This amendment reduces the confusion concerning possible differences among the meanings of the same terms. This was accomplished by striking the definitions in the bill as introduced from the specific titles in which they appeared. The exception was in the amendment to the Federal Property and Administrative Services Act of 1949, as amended; title VI of the bill retains its own definitions, which are consistent with those in title I.

The standardization of the terms defined in S. 561 as introduced involved the following:

1. The term "State" as it appears in section 101 of the revised bill is identical with that used in section 101(b) as introduced and differs from the definitions found in sections 204(a), 305(a), and 405(e) of the original bill.

2. The term "political subdivision" is identical with that which appears in sections 204(2) and 305(b) of S. 561 as introduced, with a minor exception that, following the word "subdivision" in the first line, the words "or local government" should be inserted.

3. The term "unit of general local government" as it appears in new section 103 is the same as the definition found in sections 405 (g) and 805(a) as introduced.

4. The term "special purpose unit of local government" as defined in new section 104 is identical to that found in section 405(f) as introduced.

5. The term "grant-in-aid" as it appears in section 105 of the revised measure is in most respects identical to the definition found in section 204(3) as introduced. The chief exception involves the addition of the following sentence at the end of the definition: "The term 'grant' or 'grant-in-aid', as it is used in title II of this act, shall also include payments made under research and development contracts or grants which are awarded directly and on similar terms to all qualifying public organizations."

6. The term "specialized or technical services" as used in new section 106 is the same as the definition found in section 305(c) as introduced.

7. The term "comprehensive planning" as defined in new section 107 is comparable in most respects to that found in section 805(c) as introduced. The two minor differences relate to (a) the addition of the phrase "except in title VI" following the word "planning" on the first line of section 107; and (b) the use of the phrase "or needs of a unit of general local government," which did not appear in section 805(c) as introduced.

8. The term "metropolitan area" or "area" is the same as that used in section 405(c), as introduced, with the minor exception that the word "Act" was substituted for the term "title" in the original provision.

9. The term "urban area" as it appears in new section 109 is identical to that in section 805(b) as introduced.

10. The term "areawide agency" in new section 110 is the same as that used in section 405(d) as introduced, except for the fact that an additional clause has been added at the end of the section (beginning with the words "which agency").

11. The term "urban development" in new section 111 is identical to that in section 405(h) as introduced.

12. The term "hospital" in new section 112 is essentially the same as that in section 405 (b) as introduced. The only change relates to the deletion of the phrase "such as laboratories, outpatient departments, nurses' homes, and training facilities" appearing in the latter.

Major clarifications

First, the term "cost" in section 302 as introduced has been clarified. The term "cost" now includes direct costs and a portion of the estimated indirect cost to the Federal agency which provides such "specialized or technical services" as may be rendered under this title. This was achieved by striking the words "cost of such services performed" on page 10, line 13 of S. 561 as introduced, and inserting in lieu thereof "salaries and such other costs to the department or agency for performing such services:".

Second, in the same section, the scope of the authorized specialized or technical services has been narrowed, to make it clear that "such services shall include only those which the head of the Federal agency concerned determines are not reasonably and expeditiously available through ordinary business channels." This proviso was added at the end of section 302 as introduced.

Major substantive amendments

The committee adopted two major substantive amendments. The first modifies the provision for improving scheduling of Federal transfers to the States found in section 105 as introduced. The purpose of this section as introduced was to minimize the time elapsing between the advances of such funds from the U.S. Treasury and State disbursement thereof. The addition of the clause "whether such disbursement occurs prior to or subsequent to such transfer of funds" has the additional purpose of reducing the timelag between State expenditures and the subsequent Federal reimbursements of State funds.

Second, the committee incorporated in title II, as introduced, those provisions of S. 689 which do not appear in S. 561. This title provides for a uniform policy and procedure for congressional review of new grants-in-aid. Such grants will terminate after 5 years unless Congress provides another expiration date or explicitly waives the application of this title. It also provides that the appropriate congressional committees would review expiring grant programs subject to its provisions during the period not later than 12 months immediately preceding the expiration date. The committees are charged with the responsibility of assessing such programs in light of criteria set forth in section 203 as introduced. S. 689, introduced by Senator MUNDT on January 26, 1965, expands the scope of title II and is identical to S. 2114 of the 88th Congress which was unanimously approved by the Senate. The chief difference between title II and S. 689 is that the latter also provides for reports and recommendations on individual programs by the General Accounting Office and by the Advisory Commission on Intergovernmental Relations to assist the appropriate congressional committees in the review process. For the purpose of audit and examination, S. 689 also provides that the head of the administering Federal agency and the Comptroller General of the United States are to be given access to any relevant books, documents, papers, and records of the States and political subdivisions thereof which are recipients of assistance under any new grant-in-aid programs or under any extension, modification, or alteration of any existing program. The addition of these provisions from S. 689 has resulted in a broadening of the statement of purpose in section 201 as introduced. It also resulted in an expansion of the third subsection in section 203 and the addition of a new subsection in section 203. Both changes expand the frame of reference for the section. The inclusion of three new sections (304, 305, and 306 of the revised bill) dealing with studies by the Comptroller General, reports of the Advisory Commission, and the records and audit authority of the administering agencies and the General Accounting Office, also resulted from this step.

Minor clarifications

In addition, the committee added 17 minor clarifying amendments to the bill as introduced.

* * * * *

THE NEED FOR, AND OBJECTIVES OF S. 561

S. 561 has as its principal objective the adaptation of the mechanics and processes of our Federal system to the pressing needs of this dynamic decade. Federalism today presupposes quasi-independent governmental jurisdictions collaborating through a complex network of functional relationships. Yet this productive partnership of independence and interdependence, of tradition and innovation, requires constant attention, since structural flaws develop under new stresses.

Our Federal system has been transformed since the end of World War II. Three major architects of this transformation have been the emergence of a greater role for government at all levels, an ever-increasing reliance on grants-in-aid, and the rapid development of metropolitan America. The record since 1945 indicates clearly that as our Nation grows and prospers, the public demand for more and better public services steadily increases. As part of our search for the good life, our citizens have demanded and are now demanding constant improvement in the more traditional governmental services and action to meet the new problems generated by our dynamic society and economy. Although this public demand for government action extends to all levels, in recent years these pressures have had their greatest impact on State and local governments. Any comparison of the growth in expenditures indicates that State and local governments have outstripped the Federal Government in percentage terms and this indicates a demand for more and more services which can be provided only by the States and the localities. But the fiscal resources of State and local governments are limited.

In response to these pressures and this development, and to equalize the availability of governmental financial resources and administrative skills, Federal grant-in-aid programs have steadily expanded both in volume and diversity in recent years. Approximately 134 programs are currently in operation. They will require Federal expenditures of $13.6 billion in 1966; this will be 15 percent of all State and local revenues. As these programs have expanded, however, it becomes increasingly vital that the cooperative effort among governments, both in administration and financing, be carried on as economically and efficiently as possible. Moreover, with this increasing reliance on the grant-in-aid and other collaborative devices, most governmental functions today have become shared functions. Our Federal system has become a partnership in many high endeavors. And this means that without good intergovernmental relations we will not achieve the full promise of this partnership. To a greater or lesser degree, rivalry and competition have always existed between and among the units and levels of government. In our day, this competition is strengthened in part by the way in which Federal grants and other forms of assistance are administered. But inattentive cooperation has also produced constructive criticism. S. 561 is designed to meet the criticism and to regulate the competition.

The emergence of a greater role for Government and the growth in grants is closely related to the galloping pace of urbanization which the Nation has experienced since 1945. Fifty years ago, less than half our population was urbanized. Twenty years ago, 58 percent of our population was urbanized. Today, 70 percent of our people live in urban communities, and by the year 2000, when our population will have doubled to 400 million, 4 out of 5 Americans will be urban dwellers. President Johnson has stated: "In the next 40 years we must rebuild the entire urban United States." Already the Federal Government is deeply involved in urban development programs.

This mushrooming population growth in our metropolitan areas creates special problems for Federal-State-local relations. It forces us to plan for the physical problems of water shortages, transportation snarls, urban blight, and wasteful land use. It forces us to cope with the social problems of juvenile delinquency, rising crime rates, and uneasy race relations. It forces us to meet the political problems of shifting metropolitan boundaries, fragmented local government, and conflict between the central city and the suburbs. It makes it mandatory that the Federal Government recognize its own responsibility in these areas, plan more effectively its own urban development programs, and coordinate those programs with other levels of government.

Increasing awareness and probing study of these critical problems has brought us to the point where most recognize that there is a need for intergovernmental reform.

There is need for more effective cooperation between the Federal Government and the States and their political subdivisions.

There is need for establishing greater consistency in the operations of the proliferating Federal grant programs. There is need for more coordination in the processing of Federal aid applications at the local, regional, State, and National levels. There is need for greater care on the part of Congress in its review of new grant programs, on the part of Federal executives in administering their land-use policies and financial assistance programs in urban areas, and on the part of State and local officials in their use of Federal funds. There is need for conserving the traditional techniques of collaboration among the levels of government, including the grant-in-aid and service-in-aid devices. There is need also for conserving the strength and authority of general purpose units of government at the local level.

Greater cooperation, consistency, coordination, and conservation—all of these are the goals needed to strengthen our Federal system during this period of accelerated governmental activities, of rapid growth in the number and complexities of Federal aid programs, of increasing administrative and financial pressures on the States and on units of general local government, and of the emergence of intricate intergovernmental relationships in the Nation's metropolitan areas. Each title of S. 561, as amended, helps to implement one or more of these goals.

Equally important, the measure is in accord with the administration's long-range goals of creating a more "dynamic federalism" and of giving a vital role to State and local governments in achieving the purposes of the Great Society. As President Johnson stated in his housing message of March 2, 1965, to Congress:

"The Federal Government does have a responsibility. It must help to meet the most urgent national needs in housing, in education, in health, and in many other areas. It must also be sure that its efforts serve as a catalyst and as a level to help and guide State and local governments toward meeting their problems.

* * * * *

"We need more thought and wisdom and knowledge as we painfully struggle to identify the ills, the dangers, and the cures for the American city. We need to reshape, at every level of government, our approach to problems which are often different than we thought and larger than we had imagined.

* * * * *

"We begin with the awareness that the city, possessed of its own inexorable vitality, has ignored the classic jurisdictions of municipalities and counties and States. That organic unit we call the city spreads across the countryside, enveloping towns, building vast new suburbs, destroying trees and streams.

* * * * *

"The interests and needs of many of the communities which make up the modern city often seem to be in conflict. But they all have an overriding interest in improving the quality of life of their people. And they have an overriding interest in enriching the quality of American civilization. These interests will only be served by looking at the metropolitan area as a whole, and planning and working for its development."

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendments. Without objection, the amendments will be considered en bloc.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes."

THE CELLER IMMIGRATION BILL

Mr. YOUNG of Ohio. Mr. President, recently the Judiciary Committee of the House of Representatives, by a vote of 27 to 4, reported out, with the recommendation that it be passed, the Celler bill which embodies the administration's proposals for major reforms in the Nation's immigration laws.

Chairman Celler, dean of the House of Representatives, and one of the great legislators and leaders in the Nation, deserves the gratitude of all Americans for his outstanding leadership in successfully guiding this important legislative proposal through his committee in the face of powerful opposition from those who sought to undermine it and render it ineffective and useless.

The committee's action marks a great step toward an objective sought by every President since Franklin D. Roosevelt. The bill would remove from the statute books the national origins quota system as a formula for admitting immigrants into this country. President Johnson hailed the committee's action as "a breakthrough for reason, a triumph for justice."

He went on to say:

> The House Judiciary Committee in enthusiastic bipartisan concert determined to redeem the pledge of this Nation to posterity—that freemen have no fear of justice, and proud men have no taste for bias.

There is no law of the land more discriminatory and unfair than that which establishes the criteria by which we admit persons from other lands. There is no provision more distasteful to millions of Americans than our present immigration law which judges the worth of persons seeking entrance to the United States on the basis of their place of birth or ancestry.

We are the Nation which chiseled into the base of the statute of liberty:

> Give me your tired, your poor,
> Your huddled masses yearning to breathe
> free,
> The wretched refuse of your teeming shores.
> Send them, the homeless, tempest-tossed to
> me.
> I lift my lamp beside the golden door.

All Americans should experience a deep sense of pride and obligation when they hear these words. Unfortunately, some narrow-minded persons attempt to justify our selfish, discriminatory immigration laws on the pretense that persons from northern Europe—those with English, Irish, German, or Scandinavian names—make better citizens than those with Italian, Polish, Greek or Hungarian names and ancestry. This contradicts all our traditions and ideals and makes a mockery of the spirit expressed in the Declaration of Independence that all men are created equal.

As a people, and as liberty-loving Americans, we are morally committed to seek a national policy which will make real the simple truth of the words of St. Paul:

> God hath made of one blood all nations of men for to dwell on the face of the earth.

Let us make law the fact that each immigrant has a special worth because of his potential contribution to our country and that he should be judged on his individual ability. People should be admitted on the basis of their skills, education, and training. Restrictions on parents, spouses, and children of citizens and permanent alien residents should be eased. Let us put an end to the painful case histories such as that of the naturalized Italian who would be able to bring a maid from England in no time, but who must wait many years to bring his mother or young sister from Italy.

The United States and all of our citizens no longer can afford the luxury, if anyone could consider that a luxury, of carrying discriminatory legislation on the statute books, especially when this has become more of an anachronism than ever. We are moving to right racial wrongs at home. It would be foolish as well as unjust not to do the same in our dealings with foreign peoples who seek admission. Our discriminatory immigration laws delight our enemies and dismay our friends abroad.

In addition to abolishing the quota system, the Celler bill would give immigration preference to close relatives of U.S. citizens and help reunite families now separated. The total number of immigrants would be only slightly increased.

There is no reason to delay action on immigration legislation. I am hopeful that the Senate Committee on the Judiciary will soon approve similar legislation and that once and for all this wrong, which stains our national conscience and blurs our image as the greatest democracy in the world, will be corrected.

Mr. President, the Plain Dealer of Cleveland, Ohio, one of the Nation's great newspapers, recently published a series of three editorials which are excellent commentaries on our immigration problem. I ask unanimous consent that the editorials be included at this point in the Record as part of my remarks.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Cleveland (Ohio) Plain Dealer, July 25, 1965]

The Immigration Problem

PART 1

America's immigration law is a sad, patched-up antique. It keeps families separated and pulls families apart. It may let a man in but keep his wife, his mother, his son or grandchild out.

This law's national origins system gives big quotas to north European peoples who don't use them up. It gives small quotas to south European peoples where thousands are backed up on waiting lists to get in.

It puts no quota in the way of applicants in independent Western Hemisphere countries, but it holds down to a dribble any flow of immigrants from the East. It uses any person's ancestry against him, wherever he was born, if those ancestors were oriental or Polynesian.

Since Truman, all Presidents have pleaded with Congress to quit trying to put emergency patches on the 1952 McCarran-Walter Act, and to abolish its national origins provisions once and for all.

The law has become out of touch with present realities. Of the 300,000 immigrants let in each year, barely one-third are quota admissions now.

Oppressed and distressed persons abroad keep forcing Congress to find loopholes in the law, to mend it or pass private bills that escape its rules.

This law is out of gear with every equal-rights, equal-opportunity bill being passed in Congress and the legislatures. It was an attempt to preserve a certain mixture of nationalities, predominantly north European, a mixture we had reached in 1920, when the big waves of immigration subsided.

This law selectively insults nations abroad whom the United States in its foreign policy tries to treat as equals.

America grew up with a free immigration policy from the 1600's to 1920. Unless one is an American Indian, one cannot logically complain that the policy was too loose. The policy worked wonders.

Almost every incoming nationality boasts of its outstanding contributors to America's greatness: An Einstein, a Du Pont, a Fermi, a Santayana, a Kennedy, a Bethe.

This law denies to the United States the skills and talents of men and women of that caliber. Some are waiting entry in Turkey, Japan, in some lands where the quota makes their waiting period as long as 322 years.

So for the sake of a more humane, more advantageous policy, the national origins strictures should be phased out of the law or junked.

The new law should be benevolent toward refugees and relatives of those living in America.

And the new law should ask not what country a man derives from; it should ask: "What can you do for this country?"

[From the Cleveland (Ohio), Plain Dealer, July 26, 1965]

THE IMMIGRATION PROBLEM

PART 2

Congress can take the national origins strictures out of the immigration law without opening America to swamping tides of aliens.

A series of tight, close checks upon all who would enter is in the present law and in laws proposed to amend it.

Some groups—such as the Daughters of the American Revolution and the American Legion—have spoken against any change.

Some warn that the dominant elite might get overwhelmed by an ocean of foreigners from less advanced racial stock.

These fears are groundless. All new laws now debated in Congress speak of admitting around 350,000 immigrants a year. Present flow is 300,000 a year. This is no return to the Ellis Island days.

In the early 1900's the United States let in more than a million aliens in each of several years. U.S. population was 90 million.

Now the debate hovers around 350,000 to be salted in with a population of 192 million.

Will the newcomers cram the labor market? This fear too is unfounded. Labor leaders are giving their support to the proposed changes in the law. There are various reasons.

Only one-third to one-half of immigrants go into employment. All the rest are consumers. Their effect is to increase demand for products and thus to create jobs, not compete for them.

Besides, the present and the proposed laws keep intact a guarantee against glutting the labor market. The Labor Department has power to exclude any mass of craftsmen or workmen who would damage employment opportunity for U.S. residents.

More, there is preference in the present law, and this too is in the debated bills, for those with unique or rare talents, skills or abilities. Artists, inventors, researchers, scientists and technicians needed when they are in short supply get quicker admittance.

Sure-fire consumers, the parents and children of U.S. residents who have had trouble getting through the national quotas, are about 50,000 of those likely to be let in under proposed laws.

Security checks against subversives will be as tight as now. With few exceptions, health regulations will remain strict.

Immigrants now and under proposed new laws are checked out for usefulness, blood ties here, health and security.

Finally, there is a natural test. It takes courage and determination to pull up roots and move to a new land and start life as an alien. From the Pilgrims on, this has given America the pick of humanity from every nation.

[From the Cleveland (Ohio) Plain Dealer, July 27, 1965]

THE IMMIGRATION PROBLEM

PART 3

At last a bill to revise present immigration policy has come to birth in the subcommittee headed by U.S. Representative MICHAEL A. FEIGHAN, Cleveland Democrat.

FEIGHAN'S long-running feud with the House Judiciary chairman, EMANUEL CELLER, of New York, and his bad relations with some Johnson administration officials have clogged and muddied the road to this revision.

Yet this bill appears to do what the White House wanted it to do. FEIGHAN quit his usual truculent, contentious tactics. He obviously made peace with the administration.

A young newcomer nearly knocked FEIGHAN out of Congress last year. In line for the aging "MANNY" CELLER'S important chairmanship, FEIGHAN risks political oblivion if he keeps straining President Johnson's patience.

The new bill removes the unfair national origins quota system completely after 3 years. In that 3-year interim, all unused leftover quota numbers from countries like Great Britain will be dealt out to low-quota nations to help them get rid of their long waiting lists.

The State Department was afraid FEIGHAN'S subcommittee might clap a numerical ceiling on Western Hemisphere immigration. It is the one nonquota area.

This is no time, the State Department feels, to put a lid on, while we are beset with problems of improving U.S. relations with Latin America, while we are striving to strengthen ties with the Organization of American States and when we are just getting up speed in the Alliance for Progress.

On this problem, there will be some fight this week when the bill comes up in the whole Judiciary Committee, Republicans want a numerical ceiling on Western Hemisphere immigration.

If the bill gets through without that ceiling, Secretary of State Dean Rusk will be pleased and relieved.

Also, the proposed bill includes the humane provisions hoped for: an easing of restrictions on parents, spouses, and children of citizens and permanent alien residents of the United States.

Such provisions should end the painful case histories of the naturalized Italian who could import a maid from Ireland in no time, but would wait years to bring his mother here from Italy.

Wives and widowed daughters, sons and grandchildren formerly stranded—even those with Asian or Pacific ancestors—would now be able to join their own folks here in America.

Just below priorities for close relatives, this bill gives preference to professionals, highly talented thinkers and artists who can benefit this country the most. Skilled workers and refugees from communism get consideration after that.

Gloomy as the outlook was, with surprise and hope we look to this piece of legislation as the last leg of the journey toward a fairer immigration policy.

CONSTRUCTION AT CERTAIN MILITARY INSTALLATIONS—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8439) to authorize certain construction at military installations, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 4, 1965, pp. 19410–19418, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. STENNIS. Mr. President, I move the adoption of the conference report. In support thereof, I have a few remarks to make, but, if I may, I will first yield to the Senator from Kansas [Mr. CARLSON], who has a matter he wishes to discuss briefly.

Mr. CARLSON. Mr. President, I appreciate very much the Senator's yielding to me. I notice in the conference report arrived at between the House and Senate conferees, which report is now before the Senate, that there is an item for Fort Riley, Kans., of $9,555,000, to provide an enlisted men's barracks complex of housing facilities to house 2,282 enlisted men.

I wish to state to the distinguished chairman and the other members of the conference that I greatly appreciate the inclusion of this item in the conference report. Fort Riley is one of the old, established military posts. It is the present home of the 1st Division of the U.S. Army, substantial portions of which at the present time are in Vietnam. As the distinguished chairman knows, there was an addition of 50,000 acres to the grounds. Therefore, this housing is important to the personnel who will be housed there, as well as to our entire national defense picture. I appreciate inclusion of this item in the conference report.

Mr. SALTONSTALL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. The Senator from Kansas and his colleagues made a good case.

Mr. DIRKSEN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield to the distinguished Senator from Illinois.

Mr. DIRKSEN. Mr. President, when the authorization bill was before us, there was quite a contention with respect to Chanute Air Force Base, at Rantoul, Ill., because there had been a merger of bases and the unit at Amarillo was being transferred there and there was a need for that housing. I wonder what was contrived at the conference.

Mr. STENNIS. I remember quite well the action of the Senator from Illinois, which caused us to take another look at the item. The matter was in conference. I am happy to state that we reconsidered the item and concluded it was justified for inclusion in the authorization program this year. The Senator's interest in this matter, as in all matters pertaining to his State, was impressive. I am delighted that we were able to agree on it. It is an item which is needed.

Mr. DIRKSEN. I express my gratitude to the conference and to the conferees, but I wish to express gratitude in advance for the time when money is included in the appropriation bill to carry out the authorization, which is of signal importance.

Mr. STENNIS. The Senator might embarrass us a little there. We want him to come back and make his case again; but we certainly will be interested in the matter.

Mr. MONRONEY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Oklahoma.

Mr. MONRONEY. I compliment the Senator from Mississippi and the conferees on the excellent job which they have done on the military construction bill. Especially let me express deep appreciation from the State of Oklahoma for the consideration which was given to two items for Tinker Air Force Base in Oklahoma City. These were necessary items which the committee carefully considered. I deeply appreciate their inclusion in this vital armor facility, which ranks as one of the Nation's leading airplane repair and modernization installations.

Mr. STENNIS. I thank the Senator from Oklahoma for his kind remarks.

Let me now thank the Senator from Kansas [Mr. CARLSON] for his very kind remarks in relation to Fort Riley. Last year he was very helpful with reference to the need for extra land at Fort Riley, which was satisfactorily worked out.

We were happy to find that we had arrived at the time when the additional authorization for Fort Riley was in order. We had not rejected it in the original bill, but had merely postponed it until next year. In view of the added developments in Vietnam, as well as in other parts of the world, which the Senator brought to our attention, we were glad to include it in the bill. I wish to thank him again.

Mr. CARLSON. It is deeply appreciated.

Mr. STENNIS. If I may develop my point a little further, the Tinker Air Force Base, in my opinion, is one of the finest and best operated bases in the country. The Senator from Oklahoma [Mr. MONRONEY] has taken up various matters on many occasions and was always effective and persuasive in presenting the needs. They were justified needs, as an addition to this excellent installation which has done such fine work for the Air Force over the years.

The junior Senator from Oklahoma [Mr. HARRIS] is also very much interested in this matter, and made a presentation to us concerning it. We are delighted that it has worked out, because it certainly is justified.

Mr. President, to continue my remarks with reference to H.R. 8439, the military construction authorization for fiscal year 1966, the report was signed by all conferees on the part of the House of Representatives and the Senate, and has been agreed to by the House.

The sum total of the bill as agreed to in conference is $1,780,062,000. This amount is only $58,710,000 above the amount approved by the Senate and $154,865,000 below the amount of the House-passed bill, for a net reduction of $173,136,000 below the amount requested.

Mr. President, that is a sizable reduction. It was made only after the most careful analysis and consideration by House and Senate conferees. As one who is familiar with most of the installations, I am satisfied—as we all are—that even though reduced by approximately 10 percent, none of the bone and muscle has been cut from the program. We feel certain that we included all the essential items actually needed at this time by our worldwide military installations. We were careful to make sure that the items were fully justified. They had to be more than something which was merely desired, or that they would like to have. We tried to make all items fit into the pattern of actual need, serving a definite purpose, worth the money, and an essential part of our vast military program.

I see the Senator from Massachusetts [Mr. SALTONSTALL] is in the Chamber, and I wish to especially thank him for the long hours, days, and weeks of hard work which he devoted to the bill. The other members of the committee worked diligently on the bill, of course, both on this side of the aisle and on the other. The Senator from Massachusetts is always a most willing and effective worker. I especially thank him for the attention he gave to this matter.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. Let me yield first to the Senator from Massachusetts and then I shall be glad to yield to the Senator from Florida.

Mr. SALTONSTALL. Let me say to the Senator from Mississippi, I appreciate what he has said, but it was his leadership, particularly in the conference committee, which settled some of the most difficult questions—as I saw them—main questions on housing, Bolling Field, and section 608. I believe that the Senator intends to discuss those items in the remarks he is about to make, but I assure the Senate it was the leadership of the Senator from Mississippi that dealt with these problems so satisfactorily.

I agree with what the Senator has said regarding the feeling of the committee, particularly in the Senate, with relation to housing and military construction for this year, and the other problems which we face in Vietnam. We should keep military construction down to as low a level as feasible, at the same time giving the military what they need. I believe that is what this bill accomplishes.

Mr. STENNIS. I thank the Senator and say, on behalf of all the conferees, both House and Senate, that it was the united efforts and the spirit of cooperation and conciliation which made it possible to report this bill.

I am now glad to yield to the Senator from Florida.

Mr. HOLLAND. First, let me congratulate the distinguished Senator from Mississippi and the members of his conference committee on the progress made, and on a fine report, as well as the fact that it has the unanimous approval of the conferees on both sides of the House and Senate.

Mr. STENNIS. We thank the Senator.

Mr. HOLLAND. I have received some interesting and rather anxious inquiries from Reserve officers in the Tampa area with reference to MacDill Air Force Base, and the plans for the enlargement of its facilities. As the Senator will remember, the Tactical Air Command has some units there as well as the STRIKE Command of both Air Force and Army.

Will the Senator advise us as to just what was done in conference with reference to MacDill Air Force Base?

Mr. STENNIS. MacDill Air Force Base was granted a new headquarters building. It is to be the headquarters of the new STRIKE Command. That was authorized with a reduction of $400,000, and is one of several items totaling $9,279,000. On careful inquiry by those competent to assess the situation, we were satisfied that the amount allowed was sufficient to provide for all the items requested for MacDill field.

Mr. HOLLAND. I notice an item in the report, on page 17, which I believe is the same one to which the Senator refers, in regard to the reduction, as follows:

> MacDill Air Force Base, Tampa, Fla.: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and troop housing and community facilities, $9,279,000.

Is that the item to which the Senator referred?

Mr. STENNIS. Yes. All those items were provided for in the full amount requested, except for the command headquarters building at the base. That was given the 10-percent reduction I have mentioned.

Mr. HOLLAND. The reason for my question is that I do not notice in the wording any reference to the STRIKE Command. My understanding was that the headquarters building for the STRIKE Command was to be included in the conference report.

Mr. STENNIS. That is the building to which reference is made. It does not have to be called a building for the STRIKE Command. It is included with all the other facilities.

Mr. HOLLAND. I thank the Senator warmly. I did not feel sure from the wording of the report whether the STRIKE Command headquarters, as planned and recommended by the Defense Department, had been included. It is perfectly clear now that it is included. I shall be able to relieve anxiety in that regard. I thank the distinguished Senator.

Mr. STENNIS. I thank the Senator for his inquiry. I am glad that we could provide him with the answer.

As may be seen from the relatively small increase over the amount granted by the Senate, the Senate position prevailed in most instances.

To be more specific, almost $32 million of this increase relates to title V of the bill, which provides for military family housing. You will recall, Mr. President, that the Senate approved 10,930 units of housing as eligible for construction but placed a limitation on the number of units that could be constructed at 8,000. Likewise, the Senate retained the 5,000-unit ceiling on housing that might be leased. After careful reconsideration of the entire housing program the conferees agreed on 11,180 units as eligible for construction and 9,500 units as the number that may be constructed during the coming year so far as authorizations are concerned. This permits the Defense Department to proceed with the 9,500 units they consider to be the most essential. The ceiling on leased housing was increased to 7,000 units. This I believe provides a very adequate increment to the military family housing program for fiscal year 1966.

This program is coming along very well. We are adding to it every year, and in the course of time we shall have a sufficiency.

The balance of the items in which the Senate receded consisted primarily of personnel facilities where additional evidence seemed to indicate the projects were sound and to the advantage of the Government. Among these was a barrack complex at Fort Riley, Kans.; airmen's dormitory and messhall at the Chanute Air Force Base, Ill.; the rehabilitation of certain barracks at Fort Polk, La.; commissaries at Fort Rucker, Ala., and the Suffolk County Air Force Base, N.Y.; a hospital addition at the Edwards Air Force Base in California, and an exchange sales store and an officers' messhall at the Tinker Air Force Base in Oklahoma. The projects I have mentioned are not all-inclusive, but I point them out, Mr. President, to illustrate only that for the most part the Senate conferees receded on those items that affect the welfare of our military personnel.

Now I should like to address myself to section 608 of the bill as it passed the House of Representatives. It is to be recalled that this section, if it had been enacted into law, would, in effect, have prohibited the Secretary of Defense, or the Secretary of a military department, from closing, substantially reducing, or consolidating any military camp, post, station, installation, or facility if the proposed action were disapproved by either a House or Senate resolution. While there was some diversion of opinion, the Senate, of course, did not agree to this provision. I am pleased to state that the conferees have reached what I believe to be a satisfactory solution to the problem by adopting the following language, which appears as section 611 in the report before you:

> SEC. 611 (a) Notwithstanding any other provision of law, no camp, post, station, base, yard, or other installation or facility under the authority of the Department of Defense shall be closed, abandoned, or substantially reduced in mission until the expiration of one hundred and twenty days after the Secretary of Defense reports the details of and full justification for the proposed closure, abandonment, or substantial reduction to the Committees on Armed Services of the Senate and House of Representatives; *Provided*, That such reports shall be submitted to the committees only between the period January 1 and April 30 of each calendar year: *Provided further*, That if the Congress adjourns sine die prior to the expiration of the 120-day period such closure, abandonment, or substantial reduction in mission shall not take place and shall be resubmitted during the next regular session of the Congress.
>
> (b) The provisions of subsection (a)—
>
> (1) shall not be construed as prohibiting the movement of troops and equipment for tactical purposes;
>
> (2) shall not apply to changes in a camp, post, station, base, yard, or other installation or facility at which the total military and civilian personnel complement is less than two hundred and fifty;
>
> (3) shall apply only to posts, camps, stations, bases, yards, or other installations or facilities that are located in the United States and Puerto Rico; and
>
> (4) shall not apply to any facility used primarily for river and harbor projects or flood control projects.

Under this provision the Secretary of Defense will have the first 120 days of each year in which to notify the Armed Services Committees of both the House of Representatives and the Senate of his intention in regard to any changes in the military base structure. It will then allow the Congress 120 days after the date the report is submitted to take appropriate legislative action if deemed advisable. Should the Congress adjourn sine die prior to the expiration of the 120-day waiting period, then the closure, reduction, or abandonment may not take place and the matter must be resubmitted to the Congress between January 1 and April 30 of the next session of the Congress.

I should like to point out that this provision is not intended to be retroactive and does not apply to bases previously announced to be closed.

That was unanimously agreed to. One of the primary points connected with it was that to have taken any other position, we could have run into a very serious legal situation, and perhaps it could have invalidated the entire settlement of this matter. It will not prohibit the movement of troops and equipment for tactical purposes, and finally, it does not apply to installations at which the civilian and military complement is less than 250.

Mr. President, as I have previously stated, I believe the conferees have reached a satisfactory solution to this problem and I am confident that the construction needs of the military departments and the defense agencies have been adequately provided for in fiscal year 1966.

One more word about the $173 million, plus, that we took out of the bill. I express my own views now. I believe that the $173 million could far better be applied toward the buying for our Army of certain equipment that could be needed in the uncertain situation with which we are now confronted. That is a matter that, as a general proposition, has been overemphasized for the past several years—namely, buildings and constructions, and other military matters which cost a great deal of money, including the ground-to-air missiles, many of which I believe are obsolete. The matter to which I now refer relates to supplies and equipment that could be sent to our fighting men or held in ready reserve for them.

I am happy to say that there is no critical situation because of this. There is time to remedy these situations. And I certainly hope that will be done.

Mr. SALTONSTALL. Mr. President, the section relating to base closures was the most difficult problem we had in conference. The chairman of our conference, the distinguished Senator from Mississippi, was insistent that Members of Congress should not have the responsibility of saying yes or no. Therefore, we added the provision, and worded it in such a way that it would give the Secretary of Defense an opportunity to present his case to Congress, and have 120 days; before acting.

We felt this would not in any way affect the Secretary of Defense in any decision. That was the most important question in conference. I believe we have worked it out in the best way we could. We decided we would try it for 1 year and see what happens.

I should like to ask the Senator a question. I have received an inquiry, since the conference report was agreed to, with relation to section 613. The inquiry comes from Massachusetts Institute of Technology, which receives a substantial amount of its gross income in the form of Federal funds. Of course, that might be true of other large universities which are doing Federal research work. That section, as the Senator knows, was rewritten to provide:

> That no contract between the Department of Defense or any military department and any nonprofit corporation or nonprofit organization receiving 75 percent or more of its gross income from Federal funds may hereafter be entered into if the contract provides for construction of any facility or the acquisition of any real property and if the cost will be borne directly or indirectly by

> the United States, unless such construction or acquisition has first been authorized by the Congress.

It is my understanding that it applies specifically to nonprofit corporations or organizations set up to do research work for the Government, and was not intended to apply to any educational institution which was doing as a part of its educational process research work under contract with the Federal Government. This was an important provision, and was discussed at length in conference by Representative Hardy, of Virginia. He gave an interpretation of the language on the floor of the House when the conference report was discussed. He believes that it does not apply to educational institutions.

My understanding is that the provision was not intended to apply to an educational institution at all, but to a nonprofit corporation set up to do research work especially for the Government.

I would like the interpretation of the Senator to see if he agrees with me.

Mr. STENNIS. I believe the Senator from Massachusetts is correct.

The section is merely an effort to meet a situation in which the Department of Defense was paying large sums of money to corporations that had been organized largely for the purpose of carrying on research for the Department of Defense and related work.

We found that large sums of money had thereby been used to build large buildings and very expensive installations without any authorization by Congress, and it was felt we had to step in and stop them.

It was not an effort to impinge or restrict an educational program, or related items.

But let me get to what the Senator from Massachusetts said and what I have said. My attention is called to a statement by Representative Hardy, who was interested in this subject. On page 19424 of the Congressional Record of yesterday, I believe, Congressman Hardy clearly stated the situation.

Mr. SALTONSTALL. I thank the Senator. Mr. Hardy said it was not intended to impinge upon the Higher Educational Facilities Act.

The question never came before us.

Mr. STENNIS. No.

Mr. SALTONSTALL. The corporation was set up entirely for Government research work.

Mr. STENNIS. Yes, I believe that is undoubtedly correct.

I will add one note to what the Senator said today about section 611. As originally drawn and set forth in the House passed bill, section 608 permitted a mere resolution of one House, the Senate or the House of Representatives, to veto an order of the executive branch of the Government that closed, altered, or consolidated military installations.

The Senate conferees thought we could not go out of ordinary channels of legislation in trying to put a restriction of that kind on the Commander in Chief of all of our military forces, the President of the United States, as he operates through the Department of Defense.

We thought that so long as the legislative method was employed, it was reasonable to require notice, specifications, and the reasons for changes and alterations, and to provide delay that would give Congress time to act, if it saw fit, in a regular constitutional way. That is what we agreed to do in this amendment.

I yield the floor.

Mr. JAVITS. Mr. President, with reference to section 608 of the bill, the base closure provision, upon which I raised questions during consideration of H.R. 8439, I would have preferred the House language, because it provided useful machinery for review of a basic question. In my judgment, the House provision was prospective in its application. The House language would have affected review of bases at which a closing had been announced, such as in the case of the Brooklyn Navy Yard.

I feel that the conference committee provision notwithstanding the fact that it does not directly meet the problem of announced closings is, nonetheless, very useful for the congressional scrutiny of policy of the Defense Department on this subject. It would require what I consider to be very ample notice of a prospective base closing—not only the notice, but, what is even more important, full justification for closure, abandonment, or substantial reduction, to be made available to the committees of the Senate and the House of Representatives.

Indeed, one of our gravest problems in respect of the closing of the Brooklyn Navy Yard—though there were many other closures, but this large installation closing raised the problem in a very vivid way—was the fact that it was extremely difficult to analyze in depth the reasons for the closing, and to be able to scrutinize in detail the justification for the base closing, until after the event. Obviously, after the event, even after the event of the announcement, it is pretty late, and the confidence of employees is shaken, as was done in that case. At that time the matter is on its way, no matter how Members of Congress feel about it, or, what is more important, how strong and persuasive may be their arguments.

I therefore feel that a measure of progress has been made, which may not be immediately the answer to the troubles we have today in New York, but which I think are good for the country in regard to future action.

I hope the feelings of Congress will communicate themselves to the Department of Defense so that they may understand how very seriously we take base closings, and how essential it is that maximum consideration be given to justification in advance, before they get into the area of controversy, and how great is the great responsibility which inheres in the problems of people seeking new jobs and new opportunities, as well as the extremely adverse economic impact in many areas of the country which is made by base closings, particularly where they have been in existence a long time. Some aid may be provided by legislation to expand pension rights and severance pay to workers which I have proposed. The problem is serious and becomes a critical factor in the economy of that particular community.

I believe the conferees on the military construction bill were prudent in at least rescuing a review procedure and thereby a method of dealing with the tremendous losses incurred by some of these actions. This procedure can be helpful in future closings of this kind, which have had tragic consequences in many communities, including New York.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Kent, one of its clerks, announced that the House had agreed to the amendment of the Senate to the amendments of the House to the bill (S. 893) to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7997) making appropriations for sundry independent executive bureaus, boards, commission, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 118 to the bill and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 77 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 7843. An act to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave;

H.R. 9947. An act to amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives, and for other purposes;

H.R. 10014. An act to amend the act of July 2, 1954, relating to office space in the districts of Members of the House of Representatives; and

H.R. 10139. An act to amend the act of June 23, 1949, relating to the telephone and telegraph service furnished Members of the House of Representatives.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 7843. An act to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave; to the Committee on Armed Services.

H.R. 9947. An act to amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives, and for other purposes;

H.R. 10014. An act to amend the act of July 2, 1954, relating to office space in the districts of Members of the House of Representatives; and

H.R. 10139. An act to amend the act of June 23, 1949, relating to the telephone and telegraph service furnished Members of the House of Representatives; to the Committee on Rules and Administration.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1966

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 522, H.R. 7765.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7765) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 7765) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. HILL. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered for the purpose of amendment as original text, provided, however, that no point of order against any amendment shall be deemed to have been waived by the adoption of this agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments, agreed to en bloc, are as follows:

On page 3, after line 9, to insert:

"ADVANCES FOR EMPLOYMENT SERVICES

"For advances to the account 'Grants to States for Unemployment Compensation and Employment Service Administration' for employment services, $20,000,000, to be in addition to amounts otherwise available in that account and to be repaid as may be hereafter provided by law."

On page 7, line 9, after the word "than", to strike out "$364,500" and insert "$387,000", and in line 12, after "(63 Stat. 409)", to strike out "$3,220,000" and insert "$3,242,500".

On page 10, line 11, after the word "rendered", to strike out "$19,601,000" and insert "$19,726,000".

On page 12, line 5, after the word "planning", to strike out "architectural, and engineering services, $5,720,000" and insert "architectural, and engineering services, $6,324,000".

On page 12, at the beginning of line 19, to strike out "$262,491,000" and insert "$252,491,000", and on page 13, line 3, after the numerals "1963", to strike out "$10,000,000 for two residential vocational education schools under section 14 of the Vocational Education Act of 1963,".

On page 13, line 10, after the numerals "1963", to strike out "$641,750,000" and insert "$632,700,000"; in line 12, after "title I", to insert "including not to exceed $2,000,000 for the purpose authorized in section 105", and in line 15, after the word "and", to strike out "$119,050,000" and insert "$110,000,000".

On page 20, line 7, after "(74 Stat. 364)", to strike out "$46,045,000" and insert "$46,095,000".

On page 21, line 24, after the word "structures", to strike out "and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Act, at rates established by the Surgeon General, or the Secretary where such action is required by statute, not to exceed $24,500 per annum" and in lieu thereof, to insert "and, notwithstanding any other provision of law, for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Act, and to members of councils, committees and boards established within the Public Health Service, at rates established by the Surgeon General, or by the Secretary where such action is required by statute, not to exceed the maximum per annum rate authorized under section 208(g) of the Act;".

On page 22, line 18, after the word "sites", to strike out "$9,431,000" and insert "$8,977,000".

On page 23, line 5, after the word "control", to strike out "$4,500,000" and insert "$4,199,000".

On page 23, line 21, after "grants-in-aid", to strike out "$66,453,000" and insert "$67,453,000".

On page 24, line 9, after the word "aircraft", to strike out "$31,347,000" and insert "$31,497,000".

On page 24, line 14, to strike out "$60,482,000" and insert "$55,482,000".

On page 26, line 9, to strike out "$7,903,000" and insert "$8,383,000".

On page 28, line 13, after the word "Act", to strike out "$21,075,000" and insert $8,075,000".

On page 27, after line 1, to strike out:

"To carry out the provisions of section 318 and title VI of the Act, as amended, and parts B and C of the Mental Retardation Facilities Construction Act (42 U.S.C. 2661–2677), and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681–2687), $259,089,000, of which $114,285,000 shall be for grants or loans for hospitals and related facilities pursuant to section 601(b) of the Public Health Service Act, $100,000,000 shall be for grants or loans for facilities pursuant to section 601(a) of the Public Health Service Act, $5,000,000 shall be for special project grants pursuant to section 318 of the Public Health Service Act, $12,568,000 (including not to exceed $6,900,000 for experimental hospital construction) shall be for the purposes authorized in section 624 of the Public Health Service Act, $10,000,000, to remain available until expended, shall be for grants for facilities pursuant to part B of the Mental Retardation Facilities Construction Act, $12,500,000 shall be for grants for facilities pursuant to part C of the Mental Retardation Facilities Construction Act, and $1,500,000 shall be available until expended, without regard to any other requirements, for payment of not to exceed 75 per centum of the cost of construction of a multiservice facility for the physically and mentally handicapped: *Provided*, That there may be transferred to this appropriation from "Construction of community mental health centers" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act."

And in lieu thereof, to insert:

"To carry out the provisions of section 318 and title VI of the Act, as amended, and parts B and C of the Mental Retardation Facilities Construction Act (42 U.S.C. 2661–2677), and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681–2687), $303,304,000, of which $160,000,000 shall be for grants or loans for hospitals and related facilities pursuant to section 601(b) of the Public Health Service Act, $100,000,000 shall be for grants or loans for facilities pursuant to section 601(a) of the Public Health Service Act, $5,000,000 shall be for special project grants pursuant to section 318 of the Public Health Service Act, $12,568,000 (including not to exceed $6,900,000 for experimental hospital construction) shall be for the purposes authorized in section 624 of the Public Health Service Act, $10,000,000, to remain available until expended, shall be for grants for facilities pursuant to part B of the Mental Retardation Facilities Construction Act, and $12,500,000 shall be for grants for facilities pursuant to part C of the Mental Retardation Facilities Construction Act: *Provided*, That there may be transferred to this appropriation from "Construction of community mental health centers" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act: *Provided further*, That funds made available for the purposes authorized in section 624 of the Act shall not be used to pay in excess of two-thirds of the cost of any experimental or demonstration construction or equipment project to which section 3(b)(4) of the Hospital and Medical Facilities Amendments of 1964 applies."

On page 30, line 7, after the word "activities", to strike out "$15,933,000" and insert "$15,983,000".

On page 30, line 23, after the word "health", to strike out "$5,724,000" and insert "$5,990,000".

On page 31, after line 18, to strike out:

"For payments under section 6 of the Water Pollution Control Act, as amended (33 U.S.C. 466e), $100,000,000."

And in lieu thereof, to insert:

"For payments under section 6 of the Water Pollution Control Act, as amended (33 U.S.C. 466e), $91,000,000: *Provided*, That allotments under such section 6 for the current fiscal year shall be made on the basis of $100,000,000: *Provided further*, That none of the sums allotted to a State shall remain available for obligation after December 31, 1966."

On page 32, line 16, after the word "ammunition", to strike out "$57,710,000" and insert "$58,710,000".

On page 33, line 18, after the word "research", to strike out "$59,969,000" and insert "$60,469,000".

On page 34, line 15, after the word "sciences", to strike out "$122,338,000" and insert "$124,838,000".

On page 34, line 19, after the word "thereto", to strike out "$6,406,000" and insert "$7,206,000".

On page 34, line 24, after the word "development", to strike out "$53,524,000" and insert "$55,024,000".

On page 35, line 6, after the word "Act", to strike out "$153,618,000: *Provided*, That funds may be expended pursuant to contracts for studies of viruses, leukemia, and allied diseases, subject to the limitations provided in title 10, United States Code, section 2353, except that determination, approval, and certification required thereby shall be by the Surgeon General", and insert "$158,618,000".

On page 35, line 17, after "(42 U.S.C. 2681–2687)", to strike out "$208,969,000" and insert "$215,969,000".

On page 36, line 6, to strike out "$136,412,000" and insert "$138,412,000".

On page 36, line 11, to strike out "$22,177,000" and insert "$23,677,000".

On page 36, line 16, to strike out "$121,203,000" and insert "$123,203,000".

On page 36, line 21, after the word "diseases", to strike out "$74,987,000" and insert "$77,987,000".

On page 37, line 4, after the word "blindness", to strike out "$92,153,000" and insert "$96,653,000".

On page 37, line 10, after the words "sum of", to strike out "$45,200,000" and insert "$50,000,000".

On page 37, line 23, after the word "law", to strike out "$6,000,000" and insert "$5,000,000".

On page 38, line 12, to strike out "$5,010,000" and insert "$5,510,000".

On page 43, after line 22, to strike out:

"For the demonstration and evaluation project in the Washington metropolitan area, and for salaries and expenses, pursuant to sections 7, 8, and 9 of the Juvenile Delinquency and Youth Offenses Control Act of 1961, $1,750,000."

And in lieu thereof, to insert:

"For grants and contracts for demonstration, evaluation, and training projects, and for technical assistance, relating to control of juvenile delinquency and youth offenses, and for salaries and expenses in connection therewith, $8,250,000, of which $1,750,000 shall be for the demonstration and evaluation project in the Washington metropolitan area pursuant to section 9 of the Juvenile Delinquency and Youth Offenses Control Act of 1961."

On page 45, line 3, after the word "Welfare", to strike out "$1,175,000" and insert "$1,235,000".

On page 47, line 13, after "(31 D.C. Code 1008)", to insert a colon and the following additional proviso: "*Provided further*, That the tuition rate for the current school year shall not exceed the rate for the preceding school year."

On page 47, at the beginning of line 23, to strike out "$308,000" and insert "$384,000".

On page 49, after line 19, to strike out:

"For grants to assist in construction of educational television broadcasting facilities, as authorized by part IV of title III of the Communications Act of 1934 (76 Stat. 64), and for related salaries and expenses, to remain available until expended, $8,826,000 of which not to exceed $300,000 shall be available for such salaries and expenses during the current fiscal year."

And in lieu thereof, to insert:

"For necessary administrative expenses, $300,000."

On page 50, after line 20, to strike out:

"Sec. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project."

On page 51, line 1, to change the section number from "204" to "203".

On page 51, line 7, to change the section number from "205" to "204", and in line 13, after the numerals "1964", to insert a semicolon and "nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the Blind."

On page 51, after line 18, to insert a new section, as follows:

"Sec. 205. None of the funds contained in this Act shall be used, either directly or indirectly, for the closing, or planning for closing, or for any activity in connection with the closing of any Public Health Service hospital."

On page 51, after line 22, to insert a new section, as follows:

"Sec. 206. Expenditures from funds appropriated under this title to the American Printing House for the Blind, Howard University and Gallaudet College shall be subject to audit by the Secretary of Health, Education, and Welfare."

On page 55, line 22, after "(5 U.S.C. 55a)", to insert "but at rates not in excess of the per diem equivalent of the highest rate authorized under the Classification Act of 1949, as amended."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. Mr. President, the bill H.R. 7765, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1966, and for other purposes, as reported to the Senate by the Committee on Appropriations, totals $8,023,101,500, an increase of $320,706,500 over the 1965 appropriations, an increase of $59,067,500 over the House allowance, but a decrease of $270,712,500 under the budget estimates for 1966. I should explain that included in the $270,712,500 is the House reduction of $242,100,000 from "Grants to States for public assistance," a reduction which must be later appropriated if the estimates of need are borne out. So, disregarding the House cut in this item, our recommendation is $28,612,500 under the budget estimates for 1966.

For the Department of Labor, the committee recommends a total of $557,607,500 out of the general fund of the Treasury. The committee recommendation is an increase of $20,147,500 over the House allowance, but a reduction of $30,536,500 from the budget estimates.

The budget estimate from the Department contemplated an appropriation of $39,280,000 for "Advances for employment services" to be merged with the account, "Grants to States for Unemployment Compensation and Employment Service Administration," and to be repaid as may be hereafter provided by law. The House disallowed this item not because it disapproved the purpose for which the funds were requested but because it felt there was some question concerning the legal authority for the appropriation. The Secretary of Labor made a strong appeal to the committee for restoration of a portion of this sum and the committee felt there was some merit in the position taken by the Secretary and has recommended $20 million for the operation and expansion of the so-called Youth Opportunity Centers, operated in a number of our urban centers by the State Employment Services.

The committee added $22,500 for the work of the President's Committee on Employment of the Handicapped, headed now by Mr. Harold Russell after so many years under the guidance of Gen. Melvin Maas, with whom a number of us served in the House of Representatives.

The committee added $125,000 for the initiation of a revision of the City Family Workers' Budget, Bureau of Labor Statistics, for which we had a budget estimate. The present figures on this budget are about 5 years old and useless, the committee was informed.

For the Department of Health, Education, and Welfare the committee recommends a total of $7,411,940,000, a reduction of $240,134,000 from the budget estimates, an increase of $426,214,000 over the 1965 appropriation, and an increase of $38,920,000 over the House allowance.

The Food and Drug Administration requested $604,000 for planning a second laboratory at Beltsville, Md.; the first laboratory is about ready to open and an animal pharmacological laboratory was opened there several years ago. The committee has restored this House cut, believing that the decision to enlarge its laboratory facilities in the Washington metropolitan area to be a proper one.

The Vocational Education Act amendments of 1963 authorized grants for construction of five residential vocational education schools at a total cost of $25 million, to be borne solely by the Federal Government. Last year there was a budget estimate for the entire $25 million authorized, but the Senate disallowed the funds because no sites had been selected, and the Senate amendment was accepted by the House. This year the Office of Education submitted a budget estimate for $5 million for a single school to be located in the Washington metropolitan area, with no site selected. The House added $5 million for a second school and stipulated that the two schools could be located anywhere. The committee did as it did last year, disallowed the $10 million contained in the bill as it came from the House for constructing two residential vocational education schools for the same reason it acted last year—no sites have been selected.

The Congress received a request for $119,050,000 for construction loans under title III of the Higher Education Facilities Construction Act of 1963. For fiscal year 1965, $169,250,000 was appropriated for the purpose, but of which only $107,716,000 was obligated, with the balance of $61,534,000 reverting to the Treasury. The committee, in the light of the experience in fiscal year 1965, allowed $110 million for the purpose for fiscal year 1966, reducing the request and House allowance by $9,050,000.

The committee added $50,000 for "research and training, Vocational Rehabilitation Administration," to provide planning grants for two rehabilitation centers, at Fishersville, Va., and Warm Springs, Ga. The value of these planning grants is well demonstrated and documented and will be most beneficial in our goal of rehabilitating handicapped persons.

For "Buildings and facilities," Public Health Service, the committee recommends a net decrease of $454,000. Several additions were made—$20,000 for planning an Appalachia environmental health field station, for which there is a budget estimate; $250,000 for planning an extension to the Dental Health Center in San Francisco on the Public Health Service hospital grounds; $76,000 for planning funds for an addition needed at the Narragansett Shellfish Laboratory in Rhode Island; $1,550,000 for urgently needed construction at the Clinical Center of the National Institutes of Health to provide clinical and laboratory space for the new National Institute of Child Health and Human Development and additional space for the National Institute of Arthritis and Metabolic Diseases.

The committee directed in its report that available unobligated funds appropriated for planning and site acquisition for water pollution control laboratories be utilized for planning two additional laboratories, one at Columbia, Mo., to serve the Great Plains region and the other to serve the lower Mississippi region, to be located in the Vicksburg-Jackson area.

The budget request contemplated, and the House allowed, $2,350,000 for construction of a Middle Atlantic water pollution control laboratory, for which no site selection has been announced, although the laboratory was authorized in the Federal Water Pollution Control Act Amendments of 1961. The committee denied the funds for this purpose pending selection of a site.

The House added $301,000 for "Injury control", Public Health Service, in excess of the budget estimate, and the committee has deleted this increase.

Much evidence was presented to the committee with reference to the disease, emphysema, its prevalence, its rising morbidity rate, and its effect upon those suffering from it. The committee added $1 million under "Chronic diseases and health of the aged" to help support intensive treatment programs and outpatient programs.

The committee's attention was called to the rising incidence of canine rabies in territory adjacent to the Republic of Mexico. The committee added $150,000 under "Communicable disease activities" for a joint preventive program of the American and Mexican Governments coordinated through the Pan American Health Organization.

A reduction of $5 million was made in the appropriation for "Community health practices and research". The budget estimate contemplated, and the House allowed, $5 million for a program dealing with the Selective Service medical rejectees. During 1965 this program was financed through antipoverty funds and the committee felt it should continue to be financed by antipoverty funds.

Last year the Congress initiated a State dental health grant program, adding $520,000 to give each State $10,000, and the balance being distributed among the territories and the District of Columbia. The budget estimate for 1966, and the House allowance, was for the same amount. The committee believed that a more adequate provision should be made for the second year, and added $480,000 to make available $1 million for fiscal year 1966 for control grants to States.

A reduction of $3 million was made in the account, "Nursing services and resources." An allowance of $4 million was made in the 1965 appropriation for grants to diploma schools of nursing. Less than $800,000 was used during the year. The estimate, and House allowance, for fiscal year 1966 was $4 million. The committee felt that $1 million was sufficient in view of the experience in fiscal year 1965.

The committee voted to allow the full authorization of funds for the hospital construction program, an increase of $44,215,000 over the House allowance.

The committee added $50,000 to the account, "Environmental health sciences," to permit the hiring of a physiologist and related laboratory and secretarial help at the Arctic Health Research Center.

The Congress initiated a study of the pulmonary diseases of coal miners a few years ago. Testimony indicated that the service requested $266,000, and 25 positions, more than allowed by the Bureau of the Budget for fiscal year 1966. The committee has added $266,000 in the account, "Occupational health."

For a number of years, the Congress has appropriated less than the full amount authorized for "Grants for waste treatment works construction" but has provided that allocations should be made on the basis of the full amount authorized. The budget estimate contemplated the appropriation of the full authorization for 1966, allowed by the House. The committee has again reduced the appropriation from the $100 million allowed by the House, to $91 million, with the allocation to be made on the basis of $100 million. This method has proved satisfactory.

The committee added $1 million to "Hospitals and medical care" with directions to the Department to proceed with replacement of obsolete equipment. For many years, the Bureau of the Budget has not permitted the Public Health Service to request funds for needed replacements, only for replacement of that equipment the continued use of which might be dangerous to the staff and patient. The committee addition with the amount in the bill as it came from the House will provide for the major replacement of outmoded and obsolete equipment in fiscal year 1966.

The committee added $30,300,000 for the National Institutes of Health, including 5 million for an intensification of the program on the viral origin of leukemia in the National Cancer Institute, $7 million for training grants to the National Institute of Mental Health, and $3 million to the National Institute of Allergy and Infectious Diseases of which $500,000 is for the program for work on development of a vaccine for rubella, or German measles.

The committee reduced the allowance for "Scientific activities overseas, Public Health Service", by $1 million. There is a carryover of $2,234,522 from the 1965 appropriation, which remains available until expended, a carryover that was not anticipated in the budget. With the $5 million allowed by the committee, the program will have $7,234,522 available for fiscal year 1966, $1 million more than anticipated.

The committee added $500,000 for the National Library of Medicine. The committee learned that a serious problem confronted the library in its attempt to microfilm aged and deteriorating books, to decentralize the program MEDLARS, and to keep at the 1965 level its program on the history of medicine. The additional funds allowed will enable the library to perform some of this work.

When the House acted on the bill, the legislation to extend the program under "Juvenile delinquency and youth offenses" had not been enacted. The authorization was extended on July 8, 1965, and the committee added the $6,250,000 budgeted for the purpose.

The committee restored $60,000 of the $114,000 disallowed by the House for "Salaries and expenses, Office of the Commissioner," Welfare Administration. The public assistance program grows year by year and the committee felt that additional resources were needed by the Commissioner.

The committee added $76,000 for "Construction, Gallaudet College," for equipment for the Graphic Arts Building and the Speech and Hearing Center.

The Congress authorized an aggregate appropriation of $32 million for the program under "Educational television activities"; the budget estimate contemplated the balance of the authorization, $12,700,000, for grants. The House reduced the allowance by $3 million, feeling that the carryover from fiscal year 1965 would be greater than anticipated. The committee was informed that there is a carryover of $10,199,000 from fiscal year 1965, to remain available until expended. The committee has therefore allowed only $300,000, a reduction of $8,526,000 from the House allowance.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. JAVITS. I call attention to the item "Grants for Maternal and Child Welfare," which appears on page 70 of the report. The last paragraph under that item reads as follows:

> Last year the Congress added a legislative provision requiring dollar-for-dollar matching by the States for day care services beginning January 1, 1966. The Senate amended H.R. 6675, the Social Security Amendments of 1965, deleting the section 527 on day care services, which amendment was agreed to in conference, thus vitiating the matching provision contained in the Appropriation Act for fiscal year 1965.

The question still remains unanswered as to what provision is made for day-care service in the appropriation bill, either in this part of the bill or in any other part of it.

Mr. HILL. $7 million is to be allotted for day care pursuant to section 527 of the authoritative act.

Mr. JAVITS. That is now on a nonmatching basis?

Mr. HILL. That is correct. We are following the basic act passed by the Congress.

Mr. JAVITS. I thank the Senator. I gather that there is some improvement over last year.

Mr. HILL. Yes. It provides some $3 million more; $4 million was provided last year, and it is $7 million this year, so there is an increase of $3 million.

Mr. JAVITS. Is that because the subcommittee was satisfied that the program has been making progress and deserves it?

Mr. HILL. It deserves the $3 million increase.

Mr. JAVITS. I believe greatly in the program. It took a long time to get the Federal Government to take an interest in it. I am glad it is making progress.

Mr. HILL. It has made great progress; $4 million was provided last year, and this year it is $7 million, which is a great increase.

Mr. JAVITS. I thank the Senator.

Mr. COTTON. Mr. President, as the ranking minority member of the subcommittee which handled this appropriation bill under the leadership of the able and distinguished Senator from Alabama [Mr. Hill], there are a few observations that I feel I must make at this time in the Senate and for the record. I shall be as brief as possible.

There is one amendment that I shall, at the close of what I have to say in general on the bill, offer for the Senate's consideration.

This year, as I have had occasion and much reason to say in previous years, one cannot speak too highly of the devotion and dedication of the distinguished chairman of the subcommittee, the Senator from Alabama [Mr. Hill].

We missed him last year when the bill was brought up for consideration. We rejoiced when his health was restored and he came back to us. I doubt whether, in the history of the Senate, there has ever been a Member of this body so thoroughly grounded, so completely knowledgeable of the many details, causes, and vital problems covered by this appropriation than the Senator from Alabama. We are fortunate to have him dealing with this subject.

Having said those sincere words of praise for my beloved chairman, I feel that there are some points which I wish to touch briefly upon, not so much to object to their inclusion in the pending bill, but in order that the record may apprise the Senate of them and raise a red flag of warning, in a sense, for Senators to take notice in the future.

That which begins as a small acorn can grow into a mighty oak.

I am always hesitant to discuss this aspect of the bill, because I know how deeply my chairman feels about the subject, but I wish the record to show something of the development of the National Institutes of Health and its various branches.

The House of Representatives exceeded the budget recommendations for the various programs of the National Institutes of Health by $11,700,000. The Senate committee added to that, $30,300,000; so that the bill comes before the Senate with $42 million added to the budget recommendations for the various programs of the National Institutes of Health.

It is the position of the distinguished chairman of the subcommittee, which he has stated repeatedly and from his heart, that every dollar invested in the health programs and research of the National Institutes of Health is one of the best investments the Government ever makes. In that sentiment, I know that most of us concur.

Let me say frankly that I would not oppose—nor shall I oppose, and I am sure that no member of the committee will oppose—the increases, or begrudge the increases in the budget for the National Institutes of Health. If we can afford to spend another $3 billion in addition to all that is in the pipeline, and all that has accumulated in the foreign aid program around the world, if we can afford to build roads in Appalachia, if we can afford to contribute to paying the rents of some of our citizens, if we can afford vast housing programs, if we can chase all the rainbows we are chasing as a national government—much of which I view with increasing apprehension and alarm—we would be in a poor position to take the time of the Senate fighting too long over a few million dollars added to the programs of research to prevent cancer, to seek a cure for cancer, to fight heart disease and respiratory diseases, and in support of all the other fine causes which are being carried on by the National Institutes of Health.

However, we must bear in mind that there are certain points to guard against. Bear in mind that the millions of dollars which have been added were not requested by the Bureau of the Budget after careful consideration of the needs of the National Institutes of Health, and that they were not requested of the committee by the National Institutes of Health; although in fairness let me instantly add that most of them have been requested originally by the National Institutes of Health and they would be precluded, of course, from asking the committee for money after it had been denied them by the Bureau of the Budget. But in the headlong desire to promote Government research, there is danger of cutting off some of the activities and contributions of the private sector, namely, the pharmaceutical companies and the various laboratories of some of the corporations in America which are, admittedly, engaged in developing vaccines and in developing remedies for ultimate commercial purposes, but, with a proud and enviable record—as in the case of polio—of having accomplished what was never accomplished in Government research in the final production, perfection, introduction, and use of preventable vaccines.

I invite the attention of Senators to page 58 of the report, and the preceding two or three pages, which contain a long and eloquent discourse concerning the isolation of the rubella, the German measles virus. That is the disease which causes miscarriages, and in many cases the birth of imperfect and malformed children.

Incidentally, there was no money in the bill as it came to the Senate for the development of vaccines, nor was there any reason for the pharmaceutical companies to anticipate that there would be an attempt to include money for this cause. However, $500,000 was finally added for use in projects for the development of vaccines to combat the rubella virus, or German measles.

At page 58 of the report we find this statement:

> Nine of the eleven major pharmaceutical companies invited to participate in this program have accepted and have submitted contract proposals for work on rubella vaccines.

Of course they would accept. As a matter of fact at least two companies—or probably three—have been working on the perfection and production of this vaccine. One of them has been working on it for a period longer than 4 years. Indeed, one company has already invested $1,700,000, without counting much of the work and the time of its regular force of scientists, and has brought research to the point where experiments already are being made in human beings with that vaccine, and where it is, hopefully and with fair reason to believe, on the point of being thoroughly tested and put on the market.

Obviously, when at this point, without the recommendation of the Bureau of the Budget, or without action by the House, if we proceed to put a sum of money—the amount is not important—into the bill, all the pharmaceutical companies are ready and eager to accept grants and get into the act. Those who have furnished the risk capital, the skill and the time to develop it are being deprived, by the action of Congress and the recommendation of the committee, of the fruits of their labor. I mention this because it is one example of a very real and growing danger that we must bear in mind.

Some time ago, when we were holding hearings on the bill, Dr. Belding H. Scribner, a distinguished doctor, came before us. I believe he was introduced by the distinguished Senator from Washington [Mr. Jackson]. He described to us the work that is being done in the development and use of an artificial kidney. People are now living who at one time were doomed to die because of kidney failure. They are being kept alive by the use of an artificial kidney. He testified, however, that it was so costly to use this artificial kidney, because it necessitated periodic treatment in the hospital—I believe twice a week, although my memory is not entirely clear on that—that it has been costing $20,000 to $30,000 per patient annually.

The number of patients' lives that can be preserved at a cost of $20,000 to $30,000 a year over a period of years becomes a great problem. It means that many patients with kidney failure are dying every month in this country because this product has not been reduced in cost to the point where it is available to them.

I wish to read from Dr. Scribner's testimony, because it illustrates the point that I have made in connection with the rubella vaccine. Dr. Scribner said:

> There are so many kinds now, it is hard to put a figure on it. Actually, an actual dialyzator that has been made by the Western Gear Co. in Los Angeles used to cost $2,000, but now they have it down to $700.

This is a mechanical scientific device, and it has been produced. The cost of treatment has been reduced in the private sector by various companies. That was done for commercial purposes, if you please.

Dr. Scribner continues:

> If we could get the molds made, it would come down to $200 or $300 apiece.

That is down from $700; and the original cost was $2,000:

> It is a matter of the numbers of units being made that is so important in the cost.

He quotes engineers as saying:

> In industry we can supply carefully made fluid very easily with the properly designed pumps which mix the salts with the water.

He continues:

> They built this machine and now you can hook up all the patients you want. This means instead of making one "bath" for each patient each day, you make it once a month.

Dr. Scribner continues:

> In Seattle, home dialysis is carried out on a special dialysis system created for that purpose by engineers without prior medical background, working together with physicians without engineering background.

Dr. Scribner continues:

> Hence, we are presently faced with a vast number of dying patients who need this expensive artificial kidney treatment. We, therefore, are confronted with the urgent necessity to cut costs and simplify and improve the treatment. The key, of course, is research.
>
> Such a goal requires fail-safe devices to monitor both patient and equipment. These devices need expensive research prototype construction before they can be manufactured.
>
> I cannot leave this question of equipment development without pointing out the sad fact that the vast resources of American industrial engineering and development capability are so far largely untapped as far as artificial kidney research is concerned.

I interpolate to say, that here again this is in the private sector.

Dr. Scribner continues:

> In the new field of treatment using the artificial kidney to sustain human life where financing the treatment is the major problem, industry is reluctant to take the big financial risks inherent in expensive research and development programs.

I ask Senators particularly to note that last statement.

> Furthermore, if the hardware developed by the more basic research is to be made available commercially, industry simply has to become a partner in the endeavor.
>
> For example, the currently used Kiil kidney could be made at a fraction of the present cost if it could be molded. Yet, no company has yet been willing to put $20,000 to $30,000 into a mold. It would seem that careful review of patent and funding policies of both public and private health granting agencies with respect to industry is badly needed.

Then I asked a question:

> Senator COTTON. Perhaps the doctor is not the person to whom to ask this question, but as you know, one of the moot discussions and controversies before the Congress is this matter of what happens when the Federal Government and the private concern collaborate in experimenting in the development of something, and who has the patent whether the Government retains it or whether industry has the use of it.
>
> What is the incentive if industry is not going to have the use of the patent?
>
> Dr. SCRIBNER. It is certainly involved in this issue. As you know, there are no clear-cut guidelines. As I understand, it is a conflict between the incentive of the capitalistic free enterprise system plus the problem of seed money to get the thing rolling where the Federal Government is involved.
>
> SERIOUSNESS OF PROBLEM
>
> I know it is a very real problem. I know in the companies we have dealt with trying to get them interested in putting their money into development, this patent thing just stands out like a red flag, they won't touch it.

That is what Dr. Scribner said. Of course, that observation is not involved in the pending bill. It is involved in the controversy we are having constantly in the Senate. It is involved in the problem that is now being handled by the committee headed by the distinguished Senator from Arkansas [Mr. MCCLELLAN], in an attempt to settle the question of who has patent rights, when the Government has made the grants to private industry, and when the private sector has put up risk money to develop for commercial purposes these devices, medicines, and remedies that are so necessary to the preservation of human life.

In this bill we have another shining example in the case of rubella. Enthusiastic outside witnesses were brought in, who insisted that money be put into the bill to start grants by the NIH. When one of the companies, Merck, Sharp & Dohme—the one that already has invested $1.7 million, and has nearly reached the conclusion of its efforts—heard of it, they had no opportunity to face the matter nose-to-nose in open hearings, but they did send a letter to the committee which was inserted in the record.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter which appears at page 2570 of the hearings.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATEMENT OF MERCK, SHARP & DOHME, IN OPPOSITION TO SUGGESTED INCREASE FOR NIH'S PARTICIPATION IN DEVELOPMENT OF VACCINE FOR RUBELLA

MERCK, SHARP & DOHME,
Rahway, N.J., July 1, 1965.

To the Members of the Senate Health Appropriations Subcommittee:

I have seen reports indicating that in testimony before your committee, encouragement has been given to the concept of supplementing the budget request of the National Institute of Neurological Diseases and Blindness to permit initiation of a developmental research program seeking to hasten the availability of rubella virus vaccines.

We at Merck & Co., Inc., have grave reservations about the wisdom and propriety both of this specific program and of any Government-sponsored developmental research programs where Government funds replace private funds and where Government direction replaces private initiative. My understanding of the proposed rubella vaccine program is that the Government would award contracts to industrial research laboratories such as ours at Merck. The proponents seem to fail to take into account the fact that we are already carrying out a substantial program in this area (our investment this year is more than half a million dollars in rubella vaccine research and prior to this, we invested nearly a million dollars in this field) and that we do not want or need a Government contract to persuade us to do what we are already doing.

We share the desire of those who wish to hasten the availability of rubella vaccines. I know there are many pharmaceutical research laboratories working on this question. And I know of nothing to suggest that progress would be more rapid if Government funds are substituted for private funds. Certainly I feel that before the Congress permits the Public Health Service to embark on this program—a program which, as far as I can tell, was not included in their own budget submission, but rather somehow developed after the President's budget was presented to Congress—it should be informed about what is already being done to produce such needed vaccines and should carefully weigh whether in fact a target research program with Government funds is needed.

To the degree that it has been known, the policy of the National Institutes of Health has been to involve itself in the developmental aspects of medical research only if there is tangible evidence of a deficit in the performance of the private sector, as measured against research opportunity and the public interest. This is a policy with which we are in accord. But there have been recent indications that this policy is being changed, with increasing NIH involvement in developmental program in areas where industry has made substantial investments and good progress.

This first became clear to us in connection with upper respiratory vaccine research. A number of firms in the industry had for years maintained substantial research and development programs in this field of respiratory infections, and some had indicated substantial progress. But in 1962, NIH inaugurated a Government-sponsored developmental research program and offered contracts to companies interested in this phase of biological development. The firms accepting Government contracts attend meetings called by NIH and discuss information concerning progress made by the contractors. Firms who do not take Government contracts, but who are pursuing programs of their own, do not have access to this information until it is published, perhaps a year or two later. This particular Government-sponsored program also makes it difficult for nonparticipating firms to establish the necessary clinical contacts. Thus, the NIH research and development program in the area of the upper respiratory infections became competitive with the programs of those firms in private industry who had spent millions of dollars in research in this field. I, of course, feel that governmental programs should complement rather than compete with private industry in such fields. Thus, we elected not to participate in the program despite the impediment it represents for our own research, which we continue to carry out.

More recently, scientists at the Walter Reed Army Institute of Research, Harvard University, and NIH isolated the rubella virus. Merck and other biological laboratories immediately embarked on a developmental program to provide vaccines. At Merck, this program has been in existence for the past 4 years. Other industry research laboratories have also done extensive work.

The progress of private firms in this field was well-known in scientific circles. In 1964, the Division of Biological Standards of the NIH held a symposium to obtain information preliminary to setting manufacturing standards. Eleven commercial firms attended this meeting, and the progress of the private firms in attendance was made known.

But in May of 1965, NIH's Neurological Disease and Blindness Institute requested an expression of interest from private firms as to their willingness to accept Government contracts to carry out rubella vaccine development programs. On May 24, I wrote to NIH indicating that such contracts are unnecessary and are unlikely to accelerate the availability of the needed vaccine. Since there was no evidence of lack of private funds, I suggested that NIH place its funds in other areas where greater need for governmental research financing existed * * * perhaps in basic research in rubella viruses, or in preparation for clinical evaluation of the vaccines now in sight.

A status report on where we stand in our own research in this field may be helpful in your appraisal. Research in the Merck Institute Laboratories on rubella virus vaccine is progressing along two separate lines * * * developing a killed virus vaccine, and developing an attenuated live virus vaccine.

The killed virus vaccine is intended for use in women in early pregnancy or who might become pregnant. From the standpoint of immediate national urgency in relation to congenital defects, the killed virus vaccine approach is the more important. To date our laboratories have made substantial progress in creating the necessary background technology for vaccine development and have already prepared highly purified and highly concentrated killed rubella vaccines. Such vaccines have proved highly potent in stimulating antibody (which is necessary for protective immunity) against rubella in animals and the best vaccine lot is being put into clinical tests in human beings shortly. Following initial tests of antibody response to the vaccine, challenge experiments will be carried out in man. Finally, the vaccine will have to be proved in clinical field trials. Based on current knowledge of this agent, which is a member of the myxovirus group to which ordinary red measles belongs and for which we are marketing an effective vaccine, it seems reasonable that efficacy of a killed virus vaccine against rubella could be established within 1 to 2 years. After this, the vaccine could be taken into commercial manufacture. The development of any vaccine requires successful progress in a number of sequential steps, and these cannot be speeded up merely by adding numbers of laboratories.

The live virus vaccine is intended for use in children, and it is our hope that such vaccine might induce lifelong immunity much along the lines of the highly effective red measles vaccine which we now produce. Such live virus vaccine carries the added necessity that it not be contagious for other children or for the mother who might be pregnant. Studies of Merck Institute have led to preparation of a number of attenuated live virus vaccines, and one of these has already been tested in children. Though highly effective in eliciting antibody without significant clinical disease, it has proved infectious to date. Many more vaccines are on test and in preparation, and hopefully by further modification or by combined use of live and killed vaccines the problem of contagiousness will be solved. It must be recognized, however, that it might not be possible to prepare a noncontagious vaccine, in which case the public health decision would require the weighing of vaccine contagiousness against contagiousness and damage from the natural disease. If mild vaccine contagiousness were considered acceptable, then an otherwise acceptable vaccine appears very close at hand.

I am concerned about the upper respiratory vaccine program and the rubella vaccine program. But I am even more concerned about the broad question of principle involved. In my judgment, the future of private research endeavor in the health field under industry auspices is at stake here. I believe a proliferation of such target research in developmental fields, using Government money, cannot fail to stifle incentive, dampen competition, and seriously weaken an industry which differs from many other industries in that it freely invests corporate funds in health research, in the belief that by so doing it both serves the public interest and achieves its own goals.

Let me emphasize that I do not presume to speak for the entire industry in raising this question about the rubella vaccine program proposal. I understand that there may be several companies that have already indicated their willingness to submit research contract proposals. However, two of the firms who are thought to be in the lead in rubella research have indicated that they are not interested in Government subsidy and would not accept such contracts.

We are working hard on rubella virus vaccine, and investing substantially, and making good progress. That progress would not be accelerated if Government money were substituted for Merck money, and might even be slowed down. We do not feel we and other companies in similar circumstances should be penalized by Federal-supported competition in an area where there is not only no demonstrable deficit in private performance, but also no demonstrable evidence of interest on the part of anyone concerned in finding out whether a deficit exists before making a specific program proposal to the Congress of the United States.

Like all those engaged in health research and interested in health progress, I am fully appreciative of the giant strides that have been made through Federal programs and activities that have derived in large measure from your vision, interest, and support. It is only because I am aware of this that I feel free to bring this matter to your attention.

Sincerely yours,

MAX TISHLER.

Mr. COTTON. I have mentioned this and dwelt on it longer than I intended because the point I wish to make is that it is not the matter of the rubella money; it is not the matter of the situation in regard to patents; but if we continue with the best motives in mind, pulling under our own cover all basic and special research in developing vaccines, treatments, and remedies. If we remove the incentive for industry in this country, with all of its laboratories, scientists, know-how, and private capital, very soon we shall take over the whole field. All research and development will be Government research and development. Like Government banking and government farming, Government research has not had the best record in the world.

We shall have shut the door to the vast contributions that can be made by the private sector. That is why I have called the attention of the Senate to this one example which so clearly demonstrates what we are likely to do if in our enthusiasm we go too far.

Mr. President, I wish to speak one brief word as we review some of the humanitarian items in the bill.

The Senator from New Hampshire was disturbed and rather shocked when he discovered that in the pending bill, as it was prepared to be reported, the appropriation for Gallaudet College had been reduced by $100,000. On inquiring as to why that reduction had taken place, I was informed that the reduction had been made possible because Gallaudet College had increased its tuition for the coming current year without informing the Congress and would not need as much money from Congress.

It seemed to me that this is one item which Congress should appropriate and that Gallaudet College was doing an injustice to many of the children who come from families of limited means, who live in a world of silence, and whose only chance to lead full, happy, and useful lives lies in the kind of opportunity that this institution provides them.

On my motion the committee agreed, the $100,000 was restored, and language was placed in the bill to provide that the tuition charged by Gallaudet College would be reduced so that it would not exceed the tuition charged in the year 1965.

Mr. President, I now come to the last point I desire to mention, concerning an amendment which I shall offer to the bill.

Mr. President, as the pending measure came from the House of Representatives to the Senate, it provided for 2,942 new positions in the Department of Health, Education, and Welfare. The additions made by the Senate, particularly those additions made in the various programs of the National Institutes of Health, will mean the further addition of new positions. It is impossible to know, impossible to tell, and impossible for the subcommittee staff of the Committee on Appropriations to obtain or provide the information as to just how many positions are being provided.

I call the attention of the Senate to the growth of the Department of Health, Education, and Welfare and the prospective growth of the Department in terms of permanent Federal positions.

The Department of Health, Education, and Welfare in the year 1953 had 35,408 employees. That number has increased to the fiscal year 1965, when its permanent positions, as shown in the bill, and in the hearings on the bill, amount to 74,642.

The actual employment, however, as indicated by the Department in the figures which I received, was 81,304 employees in 1965. Undoubtedly, the difference is explained by the fact that some of them are per diem employees and some are temporary employees. According to my information concerning the bill, as of the close of the fiscal year 1965, the Department of Health, Education, and Welfare had 74,642 permanent positions. Not only would this bill add, as I have mentioned, to those positions an unknown number—perhaps not very large—because of the additional money provided for various programs by the committee, but also waiting at the threshold of the Senate, or waiting in the House of Representatives, is a supplemental bill which will be with us shortly.

I inform the Senate, to give a full picture of the growth of positions, that, according to my information on the supplemental bill, in the Department of Health, Education, and Welfare there will be 330 extra positions under elementary education salaries and expenses; an unknown number of extra positions under the social security and medicare program, and 93 new positions under the heart, cancer and stroke program. That is a total of 423 new positions not considering or knowing the number of new positions under the medicare program. That gives an idea of how this Department continues to grow.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table that shows the growth of employment in the Department of Health, Education, and Welfare, from 1953 through 1965.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Department of Health, Education, and Welfare—Employment and funds appropriated, fiscal years 1953–66, Labor-HEW bill

Fiscal year	Employment	Appropriations (in thousands)
1953	35,408	$1,997,087
1954	35,442	2,004,766
1955	40,405	2,119,895
1956	41,722	2,163,271
1957	47,789	2,566,484
1958	50,464	2,857,471
1959	54,400	3,381,945
1960	56,398	3,657,296
1961	65,191	4,117,092
1962	71,681	4,806,610
1963	75,313	5,479,233
1964	77,581	5,870,517
1965	81,304	7,324,508
1966 President's budget:		
Existing legislation	83,010	8,034,918

Mr. COTTON. Mr. President, it would be useless, hopeless, and unfair to try, by action of Congress, to reduce the number of positions contained in the bill. Those positions have been justified to the satisfaction of the House and Senate committees. However, it is of interest to note that, of the 74,642 permanent positions at the end of the fiscal year 1965, 32,836 are located in the Washington area, and 41,806 are located throughout the country in the manifold activities of the Department.

Mr. President, this means that approximately 44 percent of the permanent positions in the Department of Health, Education, and Welfare are located in the Washington area.

That does not mean; that they are all doing bookkeeping; or that they are all downtown in the department. It includes such installations as the National Institutes of Health and the laboratory at Beltsville. Nevertheless, 44 percent are in the Washington area. In the bill we have there are environmental health laboratories in Cincinnati, Ohio, Morgantown, W. Va., and in North Carolina. In addition, we have 10 hospitals throughout the country and this bill envisions and provides for widely dispersed medical health centers, at least 3 of which have already been started.

It provides for the training of general practice physicians throughout the country, giving them some background—a very effective and laudable plan, I hope—in psychiatry. When the supplemental programs come along—while what I have to say does not affect them—as we go into the poverty programs and the programs of the Great Society, they are all predicated upon regions, centers, hospitals, and laboratories throughout the Nation. If we do not raise a red flag of warning and do something to stop it, for every employee who comes into this department on a nationwide basis, we shall have a corresponding growth of bureaucracy in and around the Capital.

I would not attempt to reduce or change the ratio, but I am offering an amendment providing for a new section at the end of title II, to apply only to the Department of Health, Education, and Welfare. The amendment reads:

> SEC. 207. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1965.

As I have explained, the proportion at the close of fiscal year 1965 was 44 percent in the Washington area. It simply means that, so far as the more than 3,000 new positions created in the appropriation bill are concerned, that ratio cannot be exceeded. The proportion in Washington cannot be increased while the proportion in the field activities is decreased.

I think it is a very modest amendment. I wish that we could make the ratio less than that.

Mr. President, I send my amendment to the desk, and I sincerely hope that the distinguished chairman of the subcommittee is willing to accept it and take it to conference.

The PRESIDING OFFICER. The amendment offered by the Senator from New Hampshire will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 52, after line 4, to insert the following new section:

> SEC. 207. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1965.

Mr. HILL. Mr. President, this amendment was not considered by the subcommittee when it considered the pending bill. It was not considered by the full committee when the full committee considered the pending bill. My good friend from New Hampshire was good enough to call me this morning to tell me, however, that he intended to offer the amendment.

I have had no opportunity to consult the Department or anyone else about it or give study to it, but I see no reason why we should not take the amendment to conference and thrash it out there and see what can be done about it and give it full consideration. So I suggest the Senate agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. COTTON].

The amendment was agreed to.

Mr. COTTON. Mr. President, I thank the chairman of the subcommittee. I just want to add a few remarks. As I previously have said, it is a good bill. Both the majority and the minority members of the subcommittee are thoroughly behind it. I again congratulate the chairman on his very fine work. I trust the bill will receive the approval of the Senate.

Mr. HILL. Mr. President, I wish to express my thanks and appreciation to the distinguished Senator from New Hampshire. The work he did on this bill and the many contributions to the writing of the bill and the many fine efforts he made on it helped to bring the bill to the floor of the Senate.

Mr ALLOTT. Mr. President, first I wish to express my deep appreciation to the distinguished senior Senator from New Hampshire.

Prefacing my remarks, I compliment the distinguished chairman of the Labor, Health, Education, and Welfare Appropriations Subcommittee, the senior Senator from Alabama [Mr. HILL] because he has done a fine job. I have often disagreed with him on parts of this appropriation bill, and particularly the emphasis that was being placed on it; but, as always, he does a very brilliant job with a very involved bill.

But more especially I compliment the distinguished senior Senator from New Hampshire, the ranking minority member of this Appropriations Subcommittee, who, since he has assumed that position, has brought an objective view and perspective to this entire bill which is badly needed.

His remarks today have illustrated how capably and thoroughly he has gone into the subject and studied it. He has done so with a view of trying to solve not only deep financial questions, but, in some cases, questions that are almost moral, in an attempt to come out with a bill that will be best for the people of the country.

I wish to address myself today to just one aspect of this bill. That aspect is the question of Hill-Burton hospital funds.

The record will show that on the day that the subcommittee held its markup on the bill, an amendment was offered in my name—I could not be present that day—to add $10 million over the recommended amount for Hill-Burton funds.

On these particular funds the budget estimate was $303,304,000. The House of Representatives put in $259,089,000, and the Senate restored the amount to $303,304,000, the budget estimate.

This happens to be the amount that is contained in the authorization bill. However, because of the facts which I will discuss in a moment, I am so convinced that the United States is going to face a serious crisis in this area, I had the amendment offered on my behalf in the subcommittee. When the full committee met to mark up the bill, I again offered the $10 million increase. There was a vote and some of the members voted for my proposal, but not enough did so.

My amendment was prompted by our experience in Colorado with the increased demand for medical facilities which occurs when medical aid is provided by the Government. In Colorado we have a classic example of what will happen to this country under the medicare program which was passed by Congress just a short time ago and signed into law last week by the President.

Old-age medical assistance was started in Colorado in 1958 with a program of nursing home care, hospitalization, and in-hospital physician services. During that year, February 1 to June 30, the costs for hospitalization ran $1,577,000. Physicians' services ran $261,000. During the next year, July 1, 1958 to June 30, 1959, the hospitalization jumped from $1,577,000 to $4,953,000. Physicians' services jumped from $261,000 to $1,182,000.

By fiscal year 1960, hospitalization costs had risen to $5,943,000 and physicians' services in hospitals had risen to $1,345,000.

With the advent of the medicare program, the United States as an entirety is going to experience the same thing that has happened in Colorado. This is reflected in other States which have had medical programs.

Beginning in September 1960, Colorado was forced to cut back medical services available to participants, to stay within the fund limitation established in the State constitution. This was necessary because of increasing costs and increasing utilization of benefits.

By a constitutional amendment, Colorado had established a fund of $10 million per annum to cover medical services for old-age pensioners. While starting out in a modest way, the State found the cost of these services had already crept up to almost $13 million by fiscal year 1963. By the same token, the Federal Government is going to experience at least the same kind of an increase, if not a greater increase, because of the provisions of the medicare act.

As an example of the controls Colorado found necessary, effective October 1, 1963, in order to stay within the fund limitation, it was necessary to cut back the eligibility for hospitalization to 15 days' maximum per recipient. This was later altered, however, to provide for a total of 70 hospital days during a 12-month period.

When the proposition of establishing the fund was on the ballot, all the experts assured the people of the State of Colorado that the medical cost would not exceed $10 million. I am sure that most of the people of Colorado who voted for that amendment believed that $10 million was more than an adequate fund to provide for the medical costs of old-age assistance. That is why the $10 million was placed in the amendment.

In the 4th year of the program, the expenditures exceeded $10 million. This led to the curtailment of services of which I spoke a few moments ago. Still the cost went up to about $13 million.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table that shows the growth of these programs and the growth of the amounts needed from 1957–58 to 1963–64.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Colorado State Department of Public Welfare—Old-age pension medical expenditures, July 1957–June 1964

	1957–58	1958–59	1959–60	1960–61	1961–62	1962–63	1963–64	Total
Hospitalization	$1,577,693.34	$4,953,568.37	$5,943,601.67	$5,008,726.37	$4,938,988.88	$6,836,051.24	$5,803,790.92	$35,062,420.79
Nursing home	418,340.62	1,624,116.58	1,965,924.74	2,454,817.88	2,835,668.36	3,376,662.74	3,916,760.80	16,592,291.72
Physicians' services:								
In hospital	261,577.30	1,182,499.23	1,345,482.23	1,644,616.76	1,319,541.49	1,725,466.88	1,505,518.79	8,984,702.68
In nursing home	----------	23,017.25	90,637.50	105,093.00	114,395.95	122,659.25	84,974.25	540,777.20
Home and office	----------	----------	344,635.00	421,268.45	442,098.41	482,764.50	238,932.54	1,929,698.90
Drugs	----------	77,664.30	241,275.51	323,335.21	388,050.83	451,183.91	463,907.35	1,945,417.11
Transportation	15,678.30	54,635.70	62,931.27	56,993.27	----------	----------	----------	190,238.43
Administration	27,246.00	98,704.00	----------	----------	----------	----------	----------	125,950.00
Total	2,300,535.56	8,014,205.43	9,994,487.81	10,014,850.94	10,038,743.92	12,994,788.52	12,013,884.65	65,371,496.83

Mr. ALLOTT. Mr. President, it is interesting to comment upon this subject because in 1957–58 the hospitalization cost was $1,577,000, as I have said. By 1963–64, it was $5,803,000. Although the fund has been split into two separate funds now—medical assistance to the aged and old age pension—the total cost of hospitalization in 1964–65 has grown to $6,558,000. In other words, the cost has more than quadrupled in a few years.

Let us look at the nursing home situation. Nursing home assistance began in 1957–58 with $418,000. This amount grew in the next year to $1,624,000. By 1963–64, it had reached $3,916,700. In 1964–65—and these are estimates given to me by the Department of Public Welfare of Colorado—the total nursing home care will cost $9,007,000.

I have used these figures from the State of Colorado not to decry the increase in the amounts required. I have consistently urged my own State legislature to add more money to the $10 million fund to care for the aged in Colorado medically. I have, rather, used the figures as an example of what we can expect to face in the United States by way of demands and needs in the next few years, when medicare is underway. That is why I have taken a position which is contrary to the one I have usually taken, which is to exceed the authorization. I do not, however, offer an amendment today. I could not do so in this instance because such action would be subject to a point of order and would be beyond the rules. I have spoken for the purpose of inviting the attention of the Senate and the people of America to the fact that the amount of funds now authorized under the Hill-Burton Act, which will be $303,304,000 during this year, and which is upon a cost-sharing basis with the local communities, will not even begin to meet the needs that will arise during the next few years. I would not be surprised to see the funds that are needed double, triple, and perhaps even quadruple in a period of 10 years. Perhaps the time may be even shorter.

I have no statistics available to me which would give me any real criterion as to how fast we shall have to increase the funds. However, I have discussed the subject with the distinguished chairman of the subcommittee [Mr. HILL] and the distinguished ranking minority member of the subcommittee [Mr. COTTON]. I am sure that they agree with me that this is one of the areas which must be seriously considered. Congress has passed the Medicare Act. We have taxed and shall continue to tax the people to provide for medicare. If that is done, we shall have an obligation as Members of Congress to implement the fund. One of the first places to which we should look is the area of hospital construction, because the jammed, crowded conditions that now exist in the hospitals, considering the growth of this program in Colorado, illustrate graphically that we cannot begin to take care of the demands that will be made for hospitals and hospital care under the medicare plan.

I shall not offer my amendment today because it would be subject to a point of order. Rather, my only purpose in speaking is that I had raised the question, first, in the subcommittee and again in the markup of the bill in the full committee, and I wish to invite the attention of Senators to the fact that this will be one of the first great new areas to which we must devote ourselves if we expect to fulfill our responsibilities under the Medicare Act.

I know that members of the committee are sympathetic to this idea. Perhaps during the next session of Congress, or even this year, we shall have an opportunity to consider it. But when we realize that the leadtime for the development and construction of hospitals is 2 years or more, now is not too soon to start thinking about the matter and to start taking action in the Senate.

Because I voted against the medicare bill, some may find this statement inconsistent. I still believe that medicare is based upon a false premise. And, I feel certain that Congress in its wisdom will ultimately change the premise. I cannot understand why young people who are struggling to get started in life should be taxed to care for persons who have reached the age of 65 and have all the money they need. However, medicare is now a legislative fact and we must accept our responsibilities to properly implement the program.

I thank the distinguished Senator from New Hampshire for yielding this time to me in the midst of his excellent address. I yield the floor.

Mr. HILL. Mr. President, will the Senator from New Hampshire yield, so that I may say a word to the distinguished Senator from Colorado?

Mr. COTTON. I yield.

Mr. HILL. Mr. President, I thoroughly agree with the Senator from Colorado as to the need for more hospitals, hospital funds, and health institutions, and facilities of all kinds. As the Senator from Colorado has well said, the problem that confronts us is that the bill now before the Senate provides the full appropriation as authorized by law. We have no authority to go beyond the amount authorized by law. The Senator has well said that if we attempted to do so, the bill would be subject to a point of order and under the rules of the Senate would go back to the committee.

But I thoroughly agree that the basic authorization act should be amended to provide for more hospitals, more hospital funds, and more health centers of all kinds.

I thank the Senator from New Hampshire for yielding.

Mr. ALLOTT. I thank the Senator from Alabama.

Mr. COTTON. Mr. President, I concur in the belief, in view of the situation that we now confront with medicare, that more Hill-Burton funds should be provided for hospitals.

Mr. CLARK. Mr. President, on page 25 of the committee report there is a discussion of an appropriation for air pollution, investigation, research, and control. I note with gratification that the committee has accepted the House figure of $26,037,000 for this activity, which is substantially in excess of the budget figure by $1,634,000, and it is $5,042,000 over the 1965 appropriation.

In my opinion, the budget was quite niggardly in the amount it recommended for this most important activity. In my Commonwealth of Pennsylvania air pollution control is a critical matter, and it is one which we have by no means solved in terms of the research and development necessary to achieve an economically feasible method of dealing with all kinds of air pollution which afflict our State.

We have oil refineries in the Philadelphia area and elsewhere. We have cement plants in many parts of the State, including the Lehigh Valley which abuts the Allentown and Bethlehem areas in northeastern Pennsylvania. We have tanneries in various parts of the State which pollute the atmosphere with noxious odors. We have utility plants burning soft coal to generate electricity which spread coal dust and ash all over the neighborhood. We have—as does every other State—the problem of carbon monoxide air pollution from automobile and truck exhausts. The problem is actually rural as well as urban, for many of the cement plants and tanneries are located in rural areas, but it affects the following cities: Johnstown, Bethlehem, and Allentown, where there are huge steel plants.

Philadelphia and Pittsburgh have diversified industrial developments. The hard and soft coal areas are afflicted with mine fires which are difficult if not impossible to put out and where the problem of air pollution is acute, indeed.

Mr. President, I invite attention to that part of the report which refers to demonstration projects for the control of mine waste fires in connection with the Appalachian regional development program.

Pennsylvania, as Senators know, has approximately two-thirds of its geographical area in the Appalachian region, but I am sure that the problem of mine waste fires spreads south of Pennsylvania through all of Appalachia.

I was happy to note that the House and the Appropriations Committee approved an amount in excess of the Bureau of the Budget request so that $975,000 could be provided for survey and demonstration grants for the control of mine fires.

Mr. President, when I was mayor of Philadelphia a good many years ago, we attacked the problem of air pollution control with some vigor. In the department of health, under our new city charter, there was launched a bureau of air pollution control and a board of eminent citizens, called the air pollution control board, was required to be appointed by the mayor. I therefore undertook to appoint some eminent private citizens to that board. Its chairman, Morris Duane, did an extraordinarily fine job in bringing along air pollution control. This is a big problem. One of the principal problems was the steel refineries, the tanneries, and the utility—the Philadelphia Electric Co., which was generating electricity by the burning of soft coal; but we have made a great deal of progress since that time.

That was in 1952 and we still have a long way to go.

Pittsburgh used to be known as the "Smoky City." It is no longer. It is no longer because of the activities of its citizens in cleaning up the atmosphere around the Allegheny and Monongahela Rivers where they come together to form the Ohio River. The Jones & Laughlin Steel Co. was particularly civic-minded—in the long run—in spending the money necessary to prevent excessive air pollution which had originally been coming from its plant.

The Mesta Co. was another in that same area where air pollution control was required, if Pittsburgh was to lose its most unfriendly name of the Smoky City.

But, there is still a great deal to be done. Actually, we have only scratched the surface. Local governments have responded enthusiastically to the program.

Indeed, I understand that even if Congress grants the $875,000 that the Department of Health, Education, and Welfare has asked for the survey grant program, the Department will still have a backlog of $500,000 worth of applications.

Three hundred thousand dollars worth of that backlog comes from Philadelphia, which was not given one cent for the demonstration programs. It was said that their application was received too late, and that the projects were being dealt with on a first-come, first-served basis.

The President, in his message to us on natural beauty last February, called for an all-out effort in solving our environmental problems, including air pollution control. I believe that an all-out effort involves at least the funding of this backlog of applications this year. The survey is just the first step in an air pollution control program. An adequate air pollution program will take many years to achieve.

As I noted, Pittsburgh has been working for 25 years on this problem, and still has much to do. We cannot afford any delay. If we fail to provide this modest extra amount, a number of air pollution control programs will not be able to get off the ground for another year.

The Philadelphia area is included in this backlog. I can tell the Senate that as a major industrial metropolitan area, with complex regional pollution problems, Philadelphia cannot afford to wait another year.

The problem in the Philadelphia metropolitan area is of equal interest to the State of New Jersey, because in Camden and Gloucester, in the areas across the river from Philadelphia and New Jersey, and in the Trenton area, in the region just across the Delaware River from Trenton where the Morrisville steel plant, the biggest steel plant in the world is located. We have the problem of smoke air pollution from New Jersey blowing across the river into Pennsylvania; and, on the other hand, when the wind changes, the smoke and air pollution from Pennsylvania blows back into New Jersey.

I believe that Congress should make an extra effort to move this important program forward as quickly as possible.

With this thought in mind, I wrote to the distinguished chairman of the Appropriations Committee, the Senator from Alabama [Mr. HILL] on July 21, 1965, requesting an increase in the appropriation. I ask unanimous consent to have printed in the RECORD my letter of July 21 and his reply of July 23.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 21, 1965.

Hon. LISTER HILL,
U.S. Senate,
Washington, D.C.

DEAR LISTER: To follow up our recent conversation, I thought I should give you some of the facts on Philadelphia's air pollution grant problem, in writing.

The regional conference of elected officials, which is an association of local governments in the Philadelphia metropolitan region, organized an air pollution program. The conference has been moving ahead quite rapidly with this program and made application to the Department of Health, Education, and Welfare for a survey grant. Officials of the conference were informed that the Department's request for $875,000 in fiscal 1966 for air pollution survey grants had already been committed. Indeed, the Department has a backlog of $500,000 worth of applications, including $300,000 for Philadelphia's regional conference of elected officials.

I have been in touch with the Department of Health, Education, and Welfare and the Department has no objection to an increased appropriation. I would appreciate anything you could do to provide an additional $500,000 for air pollution survey grants in the Department of Health, Education, and Welfare appropriation. This would permit this important program to move forward this year.

Sincerely yours,
JOSEPH S. CLARK.

U.S. SENATE,
Washington, D.C., July 23, 1965.
Hon. JOSEPH S. CLARK, Jr.,
U.S. Senate,
Washington, D.C.

DEAR JOE: I have your letter about Philadelphia's air pollution grant application, and am glad to have all the information you have sent me.

As you may know, the House of Representatives in acting on the fiscal 1966 appropriation bill for the Departments of Labor, and Health, Education, and Welfare approved a total of $26,037,000 for air pollution programs, which was more than $5 million over the appropriation for the current year and $1,634,000 over the budget estimate for the fiscal year 1966.

In view of this, I do not know just what chance we may have to win any further increase in these funds, but I will bring your interest to the attention of my colleagues on the committee and will keep all you have written me in mind when we act on the bill.

With kindest regards and best wishes, I am,

Very sincerely,
————— —————.

Mr. CLARK. Mr. President, if I could have the attention of the Senator from Alabama, he and I have discussed this problem and he has pointed out to me that it really is not possible to get the money needed in the present bill. I suspect, to some extent, at least, that is because the request of the Bureau of the Budget was a good deal less than the committee actually granted.

Therefore, I am wondering whether there is any possibility, in connection with the supplemental bill, which I believe will be coming before us not too long in the future, if we could not both jar the conscience of the Bureau of the Budget a little bit, and consider both in the House and Senate Appropriations Committees, whether we do not need more money for the air pollution program.

Mr. HILL. Mr. President, will the Senator from Pennsylvania yield?

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Does the Senator from Pennsylvania yield to the Senator from Alabama?

Mr. CLARK. I am happy to yield to the Senator from Alabama.

Mr. HILL. Let me say to the distinguished Senator from Pennsylvania that there will be a supplemental bill and that bill will have a number of health items in it. I see no reason why we should not further consider the matter the Senator is discussing in connection with that supplemental bill. In fact, I believe that it is a matter which we should consider.

Mr. CLARK. Favorably, perhaps?

Mr. HILL. Yes, favorably. For some time I have felt that in the field of environmental health we have not done enough—that is, in the field particularly of air and water pollution and what should be done. Certainly, now has come the time when we must meet the problems which the Senator is talking about this afternoon. The time has come when we must meet the problem of air pollution, as well as the problem of water pollution and getting sufficient pure water for our people.

Mr. CLARK. I am delighted at the friendly response of the Senator from Alabama. I am sure that he has a similar problem in Birmingham, and perhaps in other areas in his State, where air pollution control is really quite important.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, once again the Senate Appropriations Committee insists on appropriating far more money for the National Institutes of Health than the administration has requested or than they can efficiently use.

If this were a pinchpenny, hardhearted administration that had little regard for the Nation's health or welfare I might understand it. But, Mr. President, this administration has demonstrated over and over again that it has the deepest compassion for the health of the American people. Indeed—in view of the successful championing of the medicare bill, and the innovations suggested by President Johnson to bring expert health care to all the American people, as well as the startling new programs in mental health, future historians may well look back on the Johnson administration as one of the greatest in American history in its fervent interest in the health of Americans.

This administration also has a deep regard for research. We have spent more, far, far more for research in the Johnson administration than ever before. This is true in all areas of research—military, space, agricultural, educational, scientific but especially in health research.

Certainly the bill before us today appropriating funds for the health research by the National Institutes of Health show this.

The administration has asked for well over a billion dollars. The increase over 5 years ago is immense, almost geometric and over last year it is substantial, in spite of the fact that last year and the year before and the year before that—for as far back as I can remember the National Institutes have been unable to spend the money the Congress gave them.

Furthermore Mr. President, one study after another has proven NIH funds a far higher proportion of the applications for research money—good and bad—than any other Government research agency. And NIH provides a far larger proportion of the full application, necessary or not, than other agencies.

Mr. President, how the Congress can insist on forcing on the administration more than they ask, more than they can use—even use inefficiently—when Members of the Congress talk loud and long about economy is beyond me.

Now the usual course to follow under these circumstances is to introduce an amendment to reduce the excess amount—at least down to the President's request. In the past I have done this. I have tried to bring requests back to Eisenhower and the Kennedy level and, I might add, with no success. Nevertheless—to persist—and to make the record—and to hope that some day members might realize that the public has the intelligence to understand that money can be wasted to fight cancer and heart disease—just as it can be wasted in any other Government endeavor; to do this might continue to be the right course; but I have become convinced that this year it is a hopeless course.

Mr. President as a member of the Appropriations Committee I canvassed the committee but found out my support would be minuscule. I canvassed other Senators and discovered what I suspected, that this year I would not get enough votes to put in your hat for this kind of amendment. What happened to Barry Goldwater last November seems to have paralyzed Republicans as well as Democrats. It seems to have frozen congressional thought processes when it comes to the National Institutes of Health. The fear is that any Senator who votes to reduce this ridiculously excessive, this unneeded and unwanted appropriation will be identified henceforth as a fast friend of cancer, the buddy of heart disease—so the fight is hopeless.

I hope this particular reaction to the 1964 debacle won't persist. After all, the man who defeated Senator Goldwater and who is now President is the man who is calling for us to hold the line on spending—to stay within his budget estimates—here as well as elsewhere.

So while I will forego wasting the time of the Senate with a futile amendment this year, I will return in the future, if the Appropriations Committee persists in trying to force on the National Institutes of Health more than they say they want or can use.

Mr. HILL. Mr. President, with reference to the NIH request, the funds requested by NIH for this fiscal year were reduced by the department and by the Bureau of the Budget by $53,618,000. Witnesses appeared before our committee who are some of the most distinguished scientists, biochemists, biologists, and doctors in the country and from the great medical schools in the country.

I shall not call their names, because I fear I may leave some out. I see in the chair the distinguished Senator from New York [Mr. KENNEDY]. One of the finest witnesses came from New York University. We also had very fine witnesses from Harvard University, and from many more medical schools and medical centers throughout the country. They are the kind of men who, if any one of us were sick, and needed good medical care, we would be very fortunate indeed if we could fall into their hands.

These witnesses asked for an increase over the budget of $263,999,000. There is not a man among those witnesses who does not stand out prominently in the field of medicine, in the field of biology, in the field of bacteriological science.

Last January the President of the United States appointed a distinguished committee to make a study of NIH.

The chairman of the committee was Dr. Dean E. Wooldridge, a distinguished engineer of Los Angeles, Calif. Others on the committee were General James A. Doolittle, chairman of the board of Space Technology Laboratories in California; Mr. Quigg Newton, president of the Commonwealth Fund; Dr. Julius A. Stratton, president of the Massachusetts Institute of Technology; Mr. Thomas J. Watson, Jr., chairman of the board of the International Business Machines Corp.; Dr. Jerome B. Wiesner, Dean of Science, Massachusetts Institute of Technology.

I ask unanimous consent that the complete list of the membership of the NIH Study Committee be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MEMBERSHIP OF THE NIH STUDY COMMITTEE

Dr. Dean E. Wooldridge, Chairman, Los Angeles, Calif.

Gen. James A. Doolittle, chairman of the board, Space Technology Laboratories, Redondo Beach, Calif.

Dr. William V. Houston, Honorary Chancellor, William Marsh Rice University, Houston, Tex.

Dr. George James, Commissioner of Health, New York City.

Dr. William D. McElroy, chairman, Department of Biology, Johns Hopkins University, Baltimore, Md.

Dr. Carl V. Moore, chairman, Department of Medicine, Washington University Medical School, St. Louis, Mo.

Mr. Quigg Newton, president, Commonwealth Fund, New York, N.Y.

Dr. Joseph B. Platt, president, Harvey Mudd College, Claremont, Calif.

Mr. Gwilym A. Price, chairman of the board, University of Pittsburgh, Pittsburgh, Pa.

Dr. J. Wayne Reitz, president, University of Florida, Gainesville, Fla.

Dr. Julius A. Stratton, president, Massachusetts Institute of Technology, Cambridge, Mass.

Mr. Thomas J. Watson, Jr., chairman of the board, International Business Machines Corp., New York, N.Y.

Dr. Jerome B. Wiesner, dean of science, Massachusetts Institute of Technology, Cambridge, Mass.

ACKNOWLEDGMENTS

Few committee reports have had a stronger reason for extensive acknowledgments than has this one. In all, nearly one thousand competent and busy people have been involved to the extent of hours, if not days or weeks, in the study here reported. The largest number—about two-thirds of the total—must be saluted only anonymously. They were the scientists and administrators in the many universities, medical schools, hospitals, corporations and research institutes into which the path of investigation led. Despite the disruption of effort, induced inefficiency, and sheer nuisance value of the invasion by visiting experts, the institutions involved displayed a degree of patience, cooperation, and helpfulness that contributed immeasurably to the success of the mission.

Anonymous acknowledgments will not do for the scientists and administrators upon whose information-gathering the study was based. These exceedingly busy men took, on the average, several weeks out of their heavy schedules to visit laboratories and clinics, talk to scientists and administrators, and write reports. They are listed on the following pages.

ADMINISTRATION PANEL

Mr. V. G. Nielsen, cochairman, secretary and trustee, Aerospace Corp., El Segundo, Calif.

Dr. Ralph P. Johnson, cochairman, Playa del Rey, Calif.

Mr. Frank F. Bell, Evanston, Ill.

Mr. Russell R. Larmon, professor of administration, Dartmouth College.

Mr. Bruce Rohrbacher, principal, McKinsey and Co., Washington, D.C.

Dr. John B. Truslow, Director, Medical Center Study Commission, Raleigh, N.C.

Dr. Ray F. Harvey, dean, School of Business Administration, New York University.

ANATOMY PANEL

Dr. Roy C. Swan, chairman, professor and chairman, Department of Anatomy, Cornell University Medical College.

Dr. Clifford Grobstein, professor and chairman, Division of Biological Sciences, Stanford University.

Dr. Shinya Inoue, professor and chairman, Department of Cytology, Dartmouth Medical School.

Dr. Walle Nauta, professor of neuroanatomy, Department of Psychology, Massachusetts Institute of Technology.

Dr. George E. Palade, professor and member, the Rockefeller Institute, New York, N.Y.

Dr. William O. Reinhardt, dean, San Francisco Medical Center, University of California.

Dr. James G. Wilson, professor and chairman, Department of Anatomy, University of Florida College of Medicine.

BEHAVIORAL SCIENCES PANEL

Dr. George Saslow, chairman, professor and chairman, Department of Psychiatry, University of Oregon Medical School.

Dr. Ernest R. Hilgard, professor of psychology, Stanford University.

Dr. Lyle V. Jones, director, psychometric laboratory, University of North Carolina.

Dr. John I. Lacey, chairman, Department of Psychophysiology-Neurophysiology, Fels Research Institute, Yellow Springs, Ohio.

Dr. Albert J. Reiss, professor of sociology, University of Michigan.

Dr. Albert J. Stunkard, professor and chairman, Department of Psychiatry, University of Pennsylvania Medical School.

BIOCHEMISTRY PANEL

Dr. Oliver H. Lowry, chairman, professor and chairman, Department of Pharmacology, Washington University School of Medicine.

Dr. Vernon H. Cheldelin, dean of science, Oregon State University.

Dr. Frank M. Huennekens, professor of biochemistry, Scripps Metabolic Clinic, La Jolla, Calif.

Dr. John W. Mehl, professor and chairman, Department of Biochemistry, University of Southern California Medical School.

Dr. Alton Meister, professor of biochemistry, Tufts University School of Medicine.

Dr. Frank W. Putnam, professor and chairman, Department of Biochemistry, University of Florida, College of Medicine.

Dr. Efraim Racker, professor of biochemistry, Public Health Research Institute of the City of New York.

Dr. George W. Schwert, professor of biochemistry, University of Kentucky College of Medicine.

Dr. DeWitt Stetten, Jr., dean, Rutgers University Medical School.

Dr. Birgit Vennesland, professor of biochemistry, University of Chicago.

BIOPHYSICS PANEL

Dr. J. Lawrence Oncley, chairman, director, Biophysics Research Division, Institute of Science and Technology, University of Michigan.

Dr. David E. Goldman, head, Biophysics Division, Naval Medical Research Institute, Bethesda, Md.

Dr. Terrell L. Hill, professor of chemistry, University of Oregon.

Dr. Cyrus Levinthal, professor of biology, Massachusetts Institute of Technology.

Dr. James J. Nickson, professor of radiology, Sloan-Kettering Division, Cornell University Medical College.

Dr. Fred M. Snell, professor and chairman, Department of Biophysics, University of Buffalo School of Medicine.

MICROBIOLOGY PANEL

Dr. Maclyn McCarty, chairman, professor and member, the Rockefeller Institute, New York, N.Y.

Dr. Edward L. Buescher, Walter Reed Army Institute of Research, Washington, D.C.

Dr. Edwin H. Lennette, chief, Viral and Rickettsial Disease Laboratory, California State Department of Health.

Dr. Gardner Middlebrook, director, Division of Research and Laboratories, National Jewish Hospital, Denver, Colo.

Dr. Ralph R. Tompsett, director, Department of Medical Education, Baylor University Medical Center.

Dr. Lewis W. Wannamaker, professor of pediatrics, University of Minnesota Medical School.

PATHOLOGY PANEL

Dr. Chandler A. Stetson, chairman, professor and chairman, Department of Pathology, New York University School of Medicine.

Dr. Ivan L. Bennett, Jr., professor and director, Department of Pathology, Johns Hopkins University School of Medicine.

Dr. Kenneth M. Brinkhous, professor of pathology, University of North Carolina School of Medicine.

Dr. Frank J. Dixon, head, Division of Experimental Pathology, Scripps Clinic and Research Foundation, La Jolla, Calif.

Dr. John T. Ellis, professor and chairman, Department of Pathology, Emory University School of Medicine.

Dr. Henry C. McGill, chairman, Department of Pathology, Louisiana State University School of Medicine.

Dr. Arthur C. Upton, Biology Division, Oak Ridge National Laboratory.

Dr. F. Stephen Vogel, professor of pathology, Duke University Medical Center.

PHARMACOLOGY PANEL

Dr. K. K. Chen, chairman, professor of pharmacology, University of Indiana Medical School.

Dr. Andrew C. Bratton, Jr., director of pharmacological research, Parke, Davis & Co.

Dr. William P. McCann, professor of pharmacology, University of Alabama Medical Center.

Dr. Douglas S. Riggs, professor of pharmacology, University of Buffalo School of Medicine.

Dr. Maurice H. Seevers, professor and chairman, Department of Pharmacology, University of Michigan Medical Center.

Dr. Klaus R. Unna, professor of pharmacology, University of Illinois College of Medicine.

PHYSICAL SCIENCES PANEL

Dr. James C. Fletcher, Chairman, president, University of Utah.

Dr. Owen Chamberlain, professor of physics, University of California.

Dr. Donald A. Glaser, professor of physics, University of California.

Dr. Robert Gomer, professor of chemistry, University of Chicago.

Dr. Frank W. Lehan, president, Space-General Corp., El Monte, Calif.

Dr. H. L. Lucas, professor and director, biomathematics training, North Carolina State University.

Dr. John R. Pellam, professor of physics, California Institute of Technology.

Dr. William H. Williams, Bell Telephone Laboratories, Murray Hill, N.J.

PHYSIOLOGY PANEL

Dr. Carl W. Gottschalk, chairman, professor of Physiology and Medicine, University of North Carolina School of Medicine.

Dr. Horace W. Davenport, professor and chairman, Department of Physiology, University of Michigan Medical Center.

Dr. Isidor S. Edelman, professor of medicine, Cardiovascular Research Institute, University of California School of Medicine.

Dr. Harold D. Green, professor and chairman, Department of Physiology, Bowman Gray School of Medicine.

Dr. Stanley M. Levenson, professor of surgery, Albert Einstein College of Medicine.

Dr. Vernon B. Mountcastle, professor of physiology, Johns Hopkins University School of Medicine.

Dr. Stephen M. Tenney, professor and chairman, Department of Physiology, Dartmouth Medical School.

Dr. William Waddell, professor and chairman, Department of Surgery, University of Colorado School of Medicine.

REVIEW PROCEDURES PANEL

Dr. Robert S. Morison, chairman, director for Medical and Natural Sciences, the Rockefeller Foundation, New York, N.Y.

Dr. Bernard R. Berelson, vice president, the Population Council, New York, N.Y.

Dr. Leon O. Jacobson, professor and director, Argonne Cancer Research Hospital, University of Chicago.

Dr. Don K. Price, Jr., dean, Graduate School of Public Administration, Harvard University.

Dr. W. Clarke Wescoe, chancellor, University of Kansas.

LIST OF AD HOC PANEL MEMBERS

Dr. Fernando Aleu, assistant professor of neuropathology, New York University School of Medicine.

Dr. Louis S. Baron, chief, Department of Bacterial Immunology, Walter Reed Army Institute of Research.

Dr. H. Stanley Bennett, dean, Division of Biological Sciences, University of Chicago.

Dr. Paul Densen, Associate Commissioner of Health, New York City.

Dr. Gordon W. Douglas, professor and chairman, Department of Obstretrics and Gynecology, New York University School of Medicine.

Dr. John Doull, Department of Pharmacology, U.S. Air Force Radiation Laboratory, University of Chicago.

Dr. John Gibbon, professor and chairman, Department of Surgery, Jefferson Medical College.

Dr. Alice I. Goldsby, Department of Biology, Loyola University.

Dr. Philip H. Henneman, associate professor of medicine, Seton Hall College of Medicine.

Dr. Clay G. Huff, director, Department of Parasitology, Naval Medical Research Institute, Bethesda, Md.

Dr. John R. Laughnan, professor of botany and plant genetics, University of Illinois.

Dr. Allen E. Marans, Department of Psychiatry, Children's Hospital, Washington, D.C.

Dr. Hans Mueller-Eberhardt Scripps Clinic and Research Foundation La Jolla, Calif.

Dr. Norton Nelson director, Institute of Industrial Medicine, New York University.

Dr. Elvio Sadun, Chief of Department of Medical Zoology, Walter Reed Army Institute of Research, Washington, D.C.

Dr. Norman Stoll, professor and member, the Rockefeller Institute, New York, N.Y.

Dr. William Trager, professor and member, the Rockefeller Institute, New York, N.Y.

Lt. Col. Phillis J. Verhonick, ANC, chief, Department of Nursing, Walter Reed Army Institute of Research, Washington, D.C.

In an exercise depending as strongly as this one on a statistical sampling of many items, the validity of the conclusions depends greatly on the technical skill and objectives of selection of the projects and individuals to be visited. In this connection a debt of gratitude must be acknowledged to three mathematician-statisticians who have given unstintingly of their time and knowledge to guide the committee and its staff in the choice of sampling procedures and the actual selection of NIH projects for study:

Dr. Richard F. Link, Princeton, Statistical Techniques Research Group.

Dr. John W. Tukey, Princeton, Department of Mathematics.

Dr. William H. Williams, Bell Telephone Laboratories.

An extensive description of the sampling method they developed for this study is contained in appendix 2. [Appendix 2 not printed in RECORD.]

Finally, something must be said about the subject of the investigation—the National Institutes of Health. It would have been understandable if the underpaid and overworked scientists and administrators of this organization had opposed the investigatory activities of the committee and its inevitable interference with the demanding business of NIH. Perhaps some of them did. Nevertheless, the overall quality of the response was high. Despite the very considerable amount of extra effort that they had to put in to answer the inquiries of the committee, its panels and staff, the NIH representatives, from Dr. Shannon on down, were admirably helpful and cooperative. The general impression this gave was that of an organization with nothing to hide. This was consistent with the conclusions reached by the committee as a result of its study.

Mr. HILL. Mr. President, all of these men are distinguished men. None of them are connected with the Government. None receive any compensation or any reward from the Government. They are distinguished in their field and are eminent authorities. They set up 14 panels. Each one of the panels was composed of distinguished scientists, engineers, pathologists, and doctors.

As a result of the study by the committee, with the aid of these 14 panels, at the end of a year's time, this distinguished board made its recommendations on NIH. I read only one or two excerpts from the report:

> The first and probably the most important general conclusion of the study is that the activities of the National Institutes of Health are essentially sound and that its budget of approximately $1 billion a year is, on the whole, being spent wisely and well in the public interest.
>
> * * * * *
>
> Quality of current work: The opinion of the committee, based on the extensive investigations of its consultants, is that the large majority of the intramural and extramural research supported by NIH is of high quality. We strongly approve the peer evaluation method of selecting recipients of extramural grants.
>
> * * * * *
>
> In brief, we consider the NIH program to be sound and recommend its continued support. Its $1 billion budget is not high, when compared to the more than $30 billion a year the American public pays for assorted health services; the money is on the whole being competently and efficiently employed on a broad spectrum of health-related research. Furthermore, as discoveries are made in the life sciences and the physical sciences, new opportunities will be created for health research, and these, too, should be exploited with the enthusiasm and vigor which has distinguished the NIH program during the past decade. We feel that the Congress in particular deserves considerable credit for its past and continuing support of this kind of farsighted program. We suspect that there are few, if any, $1 billion segments of the Federal budget that are buying more valuable services for the American people than that administered by the National Institutes of Health.

While we have increased funds for the National Institutes of Health over the past 10 years, the funds granted for medical research by private organizations have increased from $60 million a year to $600 million a year.

We have gone forward with Government support. We have also gone forward with private support. If I had time this afternoon I would like to give the Senate a picture of some of the results.

Just think what has been done in the area of heart or cardiac research, for example. Surgeons operate and remove the aorta, the largest vessel in the body, and insert a plastic tube in its place. Dr. Miller, a former Member of the House, recently had 3½ feet of blood vessel taken out of his legs and a plastic tube substituted. He is now healthy and normal.

There are many illustrations.

I conclude by expressing appreciation to the distinguished Senator from New Hampshire for his many fine contributions to this bill. I appreciate the fine work which he did, and the fine help he gave not only to the subcommittee, but to the full committee.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I believe every Senator knows how highly regarded the distinguished Senator from Alabama is, and what a magnificient job he does as chairman of this subcommittee, as well as the Committee on Labor and Public Welfare, that also has a responsibility in the health field.

But is it not true that the National Institutes of Health have year after year lapsed and been unable to spend much of the money that has been appropriated? Was that not true last year?

Mr. HILL. No.

Mr. PROXMIRE. Was it not true in one Institute after another?

Mr. HILL. No. There have been a few years when there was a small surplus—not last year and not this year.

Mr. PROXMIRE. Last year.

Mr. HILL. But that, in itself, is evidence of the efficiency with which the National Institutes of Health operate. It made the most careful study and investigation, and went thoroughly into the different projects before granting funds to carry out the projects.

Mr. PROXMIRE. As the Senator knows, there is enormous pressure on all these agencies, with respect to the amounts appropriated by Congress, to spend that amount, despite the fact that the statistics show that a far higher proportion of the applications for research was granted by NIH, and despite the fact they gave a far higher proportion of the money requested in each research grant than any other research agency.

By more I mean NIH provided twice as much of the proportion requested by grant recipients as the National Science Foundation. NIH was far, far less discriminating in spending its money than any other research agency. In spite of this extravagance they still could not spend the money.

Mr. HILL. The National Institutes of Health had more funds than the National Science Foundation.

The National Institutes of Health deals in research on the health sciences, while the National Science Foundation has engaged in research in what we term the physical sciences.

Mr. PROXMIRE. I agree wholeheartedly with the senior Senator from Alabama that we have increased, and should increase, the amounts for health research. We should increase them very greatly, and we have done so.

All I am saying is that when the President of the United States, who is competent and compassionate in this field, sets a limit, Congress should not exceed it. We will not stop disease by spending it too closely. In fact poor research projects extravagantly financed waste our limited modern research manpower as well as our money.

Mr. HILL. The present budget was largely made up last fall—before the President had the report of this committee. There have been a number of changes since the budget was prepared.

Work is now being done on the budget for next July, just as the present budget was made up last September, October, and November. There have been a number of changes since then, and naturally the committee should consider these changes and base its action on the situation existing today and not last September, October, or November.

FUNDS FOR STATE ADMINISTRATIVE EXPENSES FOR HIGHER EDUCATION FACILITIES CONSTRUCTION ACT

Mr. McGOVERN. Mr. President, I am delighted that the Senate is acting today on H.R. 7765, the 1966 Labor-Health, Education, and Welfare Appropriation bill.

I am particularly pleased that the Senate Appropriations Committee has added language to the bill providing for the use of $2 million for State administrative expenses as authorized in title I, section 105, of the Higher Education Facilities Construction Act of 1963. The State commissions established by the act serve a most useful and essential function in developing State plans, determining priorities for construction projects, and administering the facilities grants program.

Originally the budget did not provide an amount for State administrative expenses since the act had been interpreted to authorize Federal funds for this activity only through 1965.

For this reason, on February 9, 1965, I introduced S. 1050 to amend the Higher Education Facilities Act to authorize administrative expenses for State plans for an additional fiscal year.

Subsequently, a legal opinion concluded that the act authorized funds for the first 2 fiscal years of operation of the program—1965 and 1966. By concurring in this opinion and adding the necessary language to this appropriation bill, the Senate committee has acted most wisely.

It is my earnest hope that when this bill goes to conference the Senate language on this point will be retained so that the State commissions will have the necessary funds for fiscal year 1966.

PUERTO RICO MEDICAL CENTER

Mr. JAVITS. Mr. President, this bill includes $1.670 million for an extension in Puerto Rico of the National Institute of Child Health and Human Development. This extension will be associated with the laboratories and facilities of the National Institute of Neurological Diseases and Blindness and will conduct extensive studies in reproductive biology. I commend the committee's support for a very important and worthwhile project, which should repay, many times over, its initial cost.

Some significant work in reproductive biology is already underway in Puerto Rico, under the direction of Dr. Richard L. Masland, director of the NINDB, specifically with regard to the kind of injuries or damage which can occur during pregnancy and leave lifelong disabilities. One of these studies, for instance, may indicate that cerebral palsy can be produced by interference with the circulatory system of the unborn baby a week or so before birth. This is a field about which we know a good deal less than we should.

Further research, according to the Public Health Service, will focus on the early aspects of reproduction, including the ways reproductive cells are formed. Particular emphasis will be placed on studies of the regulatory hormones and neurophysiologic mechanisms that control the cyclic patterns of reproductive activity in primates.

Excellent work is being done in the United States in these fields, at Tulane, at the Davis Campus of the University of California, and at the University of Oregon, but the Puerto Rico project offers a unique way to advance our own research and carry on the objectives of the Alliance for Progress at the same time. Puerto Rico and many other Latin American countries are rapidly recognizing the need for fundamental research in reproductive biology. Collaboration between U.S. health research efforts, the Medical School of Puerto Rico, and physicians throughout Latin America can be a valuable link with our neighbors to the south. There is already a visiting scientists program at the existing NINDB facility. Under contract with the University of Puerto Rico, physicians from Latin America have served on the university faculty while conducting research at NINDB laboratories. The Puerto Rican Medical School is today a very fine institution—perhaps the only really bilingual medical school in the world, and it too has contributed to these programs.

The chairman of the House Appropriations Subcommittee for Labor-HEW described the medical school—very rightly, in my judgment—as "a really outstanding school" and emphasized the need to overcome some of the present weakness in medical contacts with Latin America.

Puerto Rico is ideally suited to play a major role in such a common searching for health and knowledge. As an integral part of the United States, Puerto Rico should and will participate in the stepped-up U.S. health research efforts through these very worthwhile NIH programs. This is a fine project which deserves the continuing interest and support of the Congress. It will be useful to the people of Puerto Rico; it will be useful to the people of the mainland; and, it will be useful to the people of Latin America.

Another section of the bill is concerned with the water pollution laboratories which are to be constructed in each region of the country. At present there is still some doubt as to exactly where the water pollution control laboratory for the Middle Atlantic region will be.

For purposes of assigning these laboratories, New York State was placed by the Public Health Service in the New England region, and the laboratory for that region has been assigned to Boston. Cornell University has asked the Public Health Service to reconsider the placement of New York, in the regional sense, in New England, and to put it in the Middle Atlantic States region, which will give Cornell University an opportunity to be the situs of the laboratory now authorized for the Middle Atlantic region.

I notice the committee has stricken all funds for the Middle Atlantic region because no site has been selected yet.

In view of the fact that New York represents a significant sector in terms of population, industry, and interest in water pollution control, I urge that the State be placed in the Middle Atlantic region, so that Cornell University, and other New York universities, may be able to bring about the location of the laboratory for water pollution control there.

The PRESIDING OFFICER. The bill is open to further amendment. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 7765) was read the third time and passed.

Mr. HILL. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to; and the Presiding Officer appointed Mr. Hill, Mr. Stennis, Mr. Pastore, Mr. Bible, Mr. Byrd of West Virginia, Mr. Cotton, and Mrs. Smith conferees on the part of the Senate.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SIGNING OF THE VOTING RIGHTS BILL IN THE ROTUNDA OF THE CAPITOL

Mr. MANSFIELD. Mr. President, President Johnson is expected to sign the voting rights bill at noon tomorrow in the rotunda of the Capitol. An invitation is extended to all Senators to witness this historic event. Arrangements will be made so that Senators may be absent from the floor at that time in order to participate in the ceremony.

SALINE WATER CONVERSION PROGRAM—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER**. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) entitled "An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the language inserted by paragraph (2) of the House amendment, insert the following:

"(2) In section 8 substitute '$90,000,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $185,000,000,' in lieu of '$75,000,000 in all,' and substitute '1972' for '1967'."

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the conference report, including the statement of the managers on the part of the House, be printed in full at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Conference Report (H. Rept. No. 720)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) entitled "An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the language inserted by paragraph (2) of the House amendment, insert the following:

"(2) In section 8 substitute '$90,000,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $185,000,000,' in lieu of '$75,000,000 in all,' and substitute '1972' for '1967'."

And the House agree to the same.

Henry M. Jackson,
Clinton P. Anderson,
Alan Bible,
Thomas H. Kuchel,
Gordon Allott,
Managers on the Part of the Senate.

Wayne N. Aspinall,
Leo W. O'Brien,
Walter Rogers,
John P. Saylor
Ed Reinecke,
Managers on the Part of the House.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 24, to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

Paragraph (2) of the Senate-passed bill reads as follows:

"(2) In section 8 substitute the figure '$275,000,000' for the figure '$75,000,000' and the figure '1972' for the figure '1967'."

Paragraph (2) of the House amendment reads as follows:

"(2) In section 8 substitute the figure '$85,000,000' for the figure '$75,000,000'."

The conference committee adopted language in lieu of paragraph (2) of the House amendment reading as follows:

"(2) In section 8 substitute '$90,000,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $185,000,000,' in lieu of '$75,000,000 in all,' and substitute '1972' for '1967'."

With the incorporation in the basic act of this language adopted by the conference committee, section 8 will read as follows:

"Sec. 8. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary, but not more than $90,000,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $185,000,000, (a) to carry out the provisions of this Act during the fiscal years 1962 to 1972, inclusive; (b) to finance, for not more than two years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act; and (c) to finance, for not more than three years beyond the end of said period, such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act: *Provided*, That funds available in any one year for research and development may, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, be expended in cooperation with public or private agencies in foreign countries in the development of processes useful to the program in the United States: *And provided further*, That every such contract or agreement made with any public or private agency in a foreign country shall contain provisions effective to insure that the results or information developed in connection therewith shall be available without cost to the United States for the use of the United States throughout the world and for the use of the general public within the United States."

Paragraph (2) of the Senate-passed bill would have extended the program for an additional 5 years through fiscal year 1972 and authorized an additional $200 million to be appropriated for carrying out the research and development work, making available $220 million for the 6-year period fiscal year 1967–72, inclusive. Paragraph (2) of the House amendment would have authorized only an additional $10 million to be appropriated for fiscal year 1967, making available a total of $30 million for research and development work in fiscal year 1967.

The effect of the language adopted by the conference committee is (1) to extend the saline water research and development program for an additional 5 years through fiscal year 1972; (2) to authorize an additional $15 million to be appropriated for research and development work, which amount, when added to previously authorized but unappropriated funds, makes available $35 million for appropriation after fiscal year 1966; and (3) to require additional authorization by the Congress for the appropriation of amounts above $90 million, with such additional amounts limited to $185 million.

The language recommended by the conference committee is necessary, in our judgment, if the responsibilities of the Congress for this program are to be met. The adoption of this language is not to be interpreted as a lack of confidence in the executive branch. The inclusion of the $185 million figure indicates approval for planning purposes of the full program recommended by the President.

By its very nature, saline water conversion is a program where it is quite uncertain from one year to the next what direction the research effort is to take. It is understandable that the program presented to the Congress for the 5-year extension was in terms only of the goals which it was hoped might be attained. The prosecution of this program for another 5 years will involve important policy decisions which cannot be made at this time—decisions which are primarily the responsibility of the Congress.

Under the language adopted by the conference committee, the program for the 5-year period can be planned and formulated as recommended by the President. The $90 million ceiling on the amount authorized to be appropriated makes available $35 million or $6 million more than the preliminary program of the Office of Saline Water for fiscal year 1967. Beginning in fiscal year 1968, it is the position of the conference committee that the research and development work to be accomplished under this program should be approved on a year-by-year basis. Therefore, the Department of the Interior should submit to the Congress at the appropriate time legislation to approve the research and development work proposed to be accomplished in fiscal year 1968.

WAYNE N. ASPINALL,
LEO W. O'BRIEN,
WALTER ROGERS,
JOHN P. SAYLOR,
ED REINECKE,
Managers on the Part of the House.

Mr. ANDERSON. Mr. President, the purpose of this legislation is to continue and enlarge the desalination program authorized by the Anderson-Aspinall Act of September 22, 1961, which authorized an expenditure of $75 million over the 6-year period from 1962 to 1967 inclusive. The President submitted to Congress and the Senate adopted a bill which proposed to increase the authorization by $200 million and to extend the period of the program by 5 years to 1972. The House version allowed only a $10-million increase over present authority, and no extension of the period of time. With the $20 million remaining authorization from the 1961 act, the new authorization provided by the House would have permitted a $30-million program for fiscal year 1967, but the program would have expired at the end of that year.

The effect of the language adopted by the conference committee is, first, to extend the saline water research and development program for an additional 5 years through fiscal year 1972; second, to authorize an additional $15 million to be appropriated for research and development work, which amount, when added to previously authorized but unappropriated funds, makes available $35 million for appropriation after fiscal year 1966; and third, to require additional authorization by Congress for the appropriation of amounts above $90 million, with such additional amounts limited to $185 million.

The $35 million which will be immediately authorized will be adequate for the program planned for fiscal year 1967, and in addition, should provide ample funds necessary for planning for the future of the program.

This will make unnecessary any additional authorization requests under this program, as a practical matter, until fiscal year 1968. Therefore plenty of leadtime is available for the Director of the Office of Saline Water to program his activities.

It was very important to insure a continuation of this program for the 5-year period requested by the President, and I am most gratified that the conference committee agreed to this extension for the following reasons:

First. The 1-year limit on the program would increase the difficulty of planning for future development and evolution. Many of the processes and principles being developed under this program require a long time for working out the details. Thus, the inability to forecast the amount and availability of additional funds that will be available in succeeding fiscal years may inhibit the development of research contracts and making other arrangements for personnel to carry on the work in the absence of assurance that the program is going to be continued after the 1967 fiscal year.

Second. One of the primary purposes of the saline water conversion program is to evolve processes that can be taken over by industry and developed into commercial applications. Limitation of the Federal program to 1 more fiscal year would have undoubtedly inhibited industry in planning for its future research on these processes, because of the uncertainty of funding for continuing work. The 1-year program might even have kept some firms from entering into new work in this field because of their inability to assure that there would be a continuous funding of work started. This uncertainty has now been removed. The longer term authorization contained in the bill as reported from conference will do a great deal to build up confidence in industry that the Federal Government means to pursue the program to a successful conclusion. This will make it more likely that industry would be willing to put more of its own money into the program to go along with the Federal sponsorship of research, and might attract new companies to enter the field.

Third. A similar effect would be realized on the municipalities and other water users who will be required to invest their own money in studies of potential desalting plans as the program advances. For the Federal Government to indicate that it is interested in this program only on a year-to-year basis might prevent municipalities from starting to put money into the program since most projects will take more than one fiscal year to work out.

Fourth. Congressional reduction of the President's program at this stage could have unfortunate effects on our foreign policy. Because of the statements that have already been made by the President and others, it is extremely important that we pursue this program to the greatest possible degree in order to show that American technology is capable of fulfilling the progress statements made by our President on this subject. Observations made by a task force under Secretary Udall which visited the Soviet Union indicate that that nation may already be ahead of us in making use of desalting for increasing municipal and industrial water supplies.

Fifth. One of the difficult problems in any research program carried on by the Federal Government is in securing and retaining competent personnel to supervise the work. Any indication that the program is on a year-to-year basis might tend to disrupt the recruitment of the additional staff needed by the Office of Saline Water and might cause scientists already employed to seek employment elsewhere.

Mr. President, the Office of Saline Water is now under the directorship of a new man who enjoys unusual confidence among the industry and others involved in saline water conversion.

It has taken a long time to get the momentum of the program to the point where it now appears to be on the verge of producing a satisfactory result. I know President Johnson is highly pleased that the language changes proposed in the basic act now before us clearly indicate an intention to appropriate the full amount requested over the life of the program. The last $185 million will require additional authorization by Congress upon presentation of a justification by the Department of the Interior, but the officials connected with this program are more than willing to do this.

Thus the President is assured of his program, and Congress is assured of an opportunity to participate more fully in it.

I commend the conferees on the part of the House and Senate for the reasonableness and fairness of attitude. In my opinion this Nation and perhaps many nations will receive benefits as a result of the cooperation shown in the enactment of this bill.

In connection with the conference report on S. 24, the water desalination bill now before the Senate, I ask unanimous consent that an article from a publication entitled "Water Desalination Report," dated August 5, 1965, be inserted at this point in my remarks.

I believe this article accurately points out the kind of cooperation shown by both Houses of Congress and the executive branch in reaching final accord on this important legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATER DESALINATION REPORT—CONFEREES AGREE TO EXTEND DESALTING PROGRAM, BUT TIE IT TO YEARLY REVIEWS

Politics is the science of the possible, as Aristotle put it, saying there always exists one King parameter to solve any and every political crisis, no matter how involved, if it only can be found. Both the peripety of entangled political situations and Aristotle's wisdom were never better seen than in conference action on the expanded desalting bill, which netted satisfactory solutions and smiles all around last week for the parties concerned. The King parameter, the touchstone resolving all differences over the legislation between the House and Senate Interior Committees, OSW and the President, turned out to be this language of the conference report: "Substitute '$90 million plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $185 million in all,' and substitute '1972' for '1967'." Thus, this amendment to section 8 of the basic Saline Water Act gives the House what it wanted and insisted upon chiefly by key House Interior Committee members during the last 3 months' congressional debate over the expanded desalting program, namely assurance that Congress will exercise a watchdog role over U.S. saline water activities via annual authorization of OSW's budgetary requests. The Senate gets what it wanted, primarily the guarantee of a concerted engineering-development program up through fiscal 1972. And OSW and the White House in the approval of a 5-year effort and, in effect, the promise of $200 million to carry out the program, get what they want—the financial support and the kind of flexibility necessary to plan and carry out research-development for commercial economic desalting plants.

Previously, the bill passed by the House struck out the long-term program and authorized only $30 million for OSW in fiscal 1967 (WDR, July 29, 1965, 4; July 22, 2). But the conference increased the fiscal 1967 figure to $35 million. Moreover, in setting $185 million as a ceiling for appropriations for fiscal year 1968 to 1972 and lifting the $75 million in past year authorizations through fiscal 1967 to $90 million, the conferees hiked total authorizations to $275 million through fiscal 1972. The latter amount is exactly the figure the President had requested from Congress in his desalting message earlier this year.

Di Luzio's victory: Already most Washington sources are giving Frank C. Di Luzio, OSW Director, most of the credit for putting the expanded desalting program over on Capitol Hill. Earlier in the congressional session the House committee was threatening an end of the Federal saline water activity. Committee members admit Di Luzio's convincing testimony during hearings—personal, dynamic, portending economically competitive desalting by the seventies—turned the darkness into day. So, Di Luzio's leadership persuading the committee's assent more than any one thing as to practicability of the 5-year program, softening its opposition to the 5-year program, the conference results followed naturally. Morale on the OSW staff at this moment was never higher.

The conference report is to be filed this week in the House of Represntatives and is expected to be voted shortly thereafter. The Senate is expected also to approve the conference action, clearing the bill for the White House, without dissent, probably toward the week's end.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to reconsider the vote by which the conference report was agreed to.

Mr. BARTLETT. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, it is so ordered.

AMENDMENT OF THE MERCHANT MARINE ACT, 1936

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 413, H.R. 4346.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4346) to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. BARTLETT. Mr. President, this bill (H.R. 4346) would extend for 1 additional year the authority of the Secretary of Commerce to pay up to a maximum of 55 percent in the construction differential subsidy payments on merchant vessels and up to 60 percent for the reconstruction of passenger vessels. The bill was passed by the House on April 26, 1965. The Senate Subcommittee on Merchant Marine and Fisheries held hearings on this bill on May 27 and the full committee ordered it favorably reported. The measure is supported by the Maritime Administration and Department of Commerce.

The Merchant Marine Act, 1936, was designed to assist all segments of the merchant marine including the American shipyards. The 1936 act permits U.S. citizens to apply to the Secretary of Commerce for permission to build in U.S. shipyards merchant vessels with the Government paying the difference between the cost of constructing the vessel in a U.S. shipyard as compared with a foreign shipyard. Without this incentive American operators either would not construct new vessels or would construct them abroad for foreign-flag operation.

The 1936 act placed a limit on the difference between the U.S. shipbuilding cost and foreign costs at 50 percent. In recent years shipbuilding prices in the United States and throughout the world have decreased more rapidly abroad than they have here in the United States. As a result the difference in prices has exceeded the 50 percent level on numerous occasions in the past 5 years. It is anticipated that this may be true for at least 1 more year. The purpose of this legislation is therefore to authorize when appropriate the Secretary of Commerce to pay up to 55 percent as the difference between the United States and foreign shipbuilding costs. Without this legislation the maximum figure would remain at the 50-percent maximum in the present law and would therefore require the Government shipyard subsidy to be paid by operators building new merchant vessels or the result would be that American vessel operators in the foreign trade would not construct new merchant vessels. In my opinion, either is unacceptable and I would therefore hope that this legislation would be speedily enacted.

Mr. SALTONSTALL. Mr. President, I wish to ask the Senator from Alaska a question. The bill would continue the maritime construction program for another year at the rate of 55 percent.

Mr. BARTLETT. The Senator from Massachusetts is correct. The program would be extended for 1 year only, as was the case for last year.

Mr. SALTONSTALL. We hope that it will stimulate construction in the maritime field.

Mr. BARTLETT. We constantly hope that it will; and to a very great extent it has.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BARTLETT. I am glad to yield.

Mr. WILLIAMS of Delaware. When was the first change from 50 percent to 55 percent made?

Mr. BARTLETT. In 1960.

Mr. WILLIAMS of Delaware. At that time it was for a 1-year or a 2-year program?

Mr. BARTLETT. Two years at the outset.

Mr. WILLIAMS of Delaware. Then this proposal is the second or third extension?

Mr. BARTLETT. Yes. This is the third extension.

Mr. WILLIAMS of Delaware. Is it the plan of the committee to have a similar extension annually, or has the committee given consideration to a permanent solution of the problem?

Mr. BARTLETT. The committee has given serious and constant attention to the problem. I do not know that I can definitively answer the Senator except by saying that the Maritime Administration and the Department of Commerce, on instructions from President Johnson, as incorporated in his state of the Union message this year, are now engaged in a continuing study, and it is hoped that as a consequence, by next year there will be certain recommendations in that field as well as others to be made to the Congress. The Maritime Advisory Board, made up of public members, labor members, and industry members, meets every month. The next meeting will be tomorrow, with subcommittees from the group in constant session.

Out of all this, we expect some definite recommendations to issue. But the problem, as the Senator knows, is not easy of solution. We can only hope.

Mr. WILLIAMS of Delaware. I recognize that a problem exists in this area; but we were already paying up to 50 percent of the cost of the construction of these ships. The subsidy rate was raised to 55 percent about 5 years ago. Congress decided that for a temporary period up to 55 percent would be allowed with the understanding that at the end of that time a report would be made by the Commission as to exactly how much more would be necessary.

This is now the third extension. If we continue to extend it year after year, I am wondering if soon they will not want more than 55 percent. Certainly they would prefer a 55 percent subsidy to 50 percent. I suppose that next they will want 60 or 65 percent.

Mr. BARTLETT. The operators do not care. The subsidy does not go to the operators; the subsidy goes to the shipyards, it having been determined that when the Government gives help of this kind, the vessel or vessels must be built in American shipyards. So no benefit accrues to the ship operator.

Furthermore, although the American merchant fleet does not carry as much in American exports and imports as the Senator from Delaware and I, and many others, would desire, this particular segment of the program has been quite successful. This subsidy, which allows for the construction of ships in American yards, has gone almost exclusively to the so-called liner fleet. This is one segment of the American merchant marine which has held its own, or approximately so, in the face of fierce foreign competition. The other elements of the fleet—the bulk cargo fleet, for example—have been hard put to it and have not actually succeeded in meeting the foreign competition.

But this particular part of the American merchant marine fleet that will be helped by the taxpayers through this construction subsidy and operating subsidy is in good shape. The United States has the most modern vessels in the world in its liner cargo fleet.

Mr. WILLIAMS of Delaware. What the Senator from Alaska says is encouraging; but are not many of the ships tied up now in port because of a strike so that they cannot operate? That may not be as a result of this bill; nevertheless, they have an excellent chance to remain in good condition since they are tied up and foreign ships are being used for transportation. American tourist business is being lost, perhaps never to be recovered.

Mr. BARTLETT. Oh, yes; we know that a strike has been in progress for a long time; but, as the Senator correctly says, that has no relation to the pending bill.

Mr. WILLIAMS of Delaware. It has no relation to the pending bill except that it relates to another problem which has been receiving study by the Department and by Congress over the past several years. Apparently all that is done is to study; nobody graduates. I am wondering if there should not be an examination of the study groups someday to see if they have learned anything. If they have not perhaps they should be given an accelerated course in one of the many new programs of this Great Society.

I am wondering if it is not time that someone suggested that after spending all the money for studies we should determine an answer. As long as they can get a free ride at the taxpayers' expense we shall never get a report.

Mr. BARTLETT. I do not recall that any degrees have been awarded to anyone with respect to maritime disputes, which is another subject. But I insist, to the extent of my ability, that the bill before us now, the bill we are considering, the bill unanimously passed by the House of Representatives, is a useful legislative accomplishment, because it will keep this particular element of the American merchant fleet viable and modern, and will enable it to retain a far greater share of our export-import cargo business than the bulk cargo fleet handles.

Mr. WILLIAMS of Delaware. Based upon the committee reports, I understand that over the years this particular maritime subsidy has cost the United States $740 million. The net effect is that we are paying up to 55 percent of the construction cost of these ships. After construction, we are paying a subsidy to keep them operating on the high seas.

I come back to my original question: Is it not time that the committee insisted on having the study groups make recommendations? Perhaps Congress should serve notice that if they do not come forward with a solution we shall let one of the programs lapse.

Mr. BARTLETT. I do not believe it would be fair for us to do that. I have had something to do with the American merchant marine since I came to the Senate. I would dislike to have someone give me an injunction tomorrow to submit next week or next month some relevant recommendations.

The subject is extremely complex. Yes; we have spent hundreds of millions of dollars on the program. But we have done so out of a calculated belief that subsidies are essential, first, to maintain, in being, American shipyards, and this is partly—largely, perhaps—for the national defense. We have done it partly to enable our ships to sail the high seas, after they have been constructed, in competition with foreign flag carriers, whose operating costs are much lower.

If the U.S. Government did not pay differential subsidies, if it did not pay operating subsidies, we would not have any liner fleet at all. At a minimum, we would have a liner fleet no more consequential in terms of carrying American cargo than the cargo fleet; and that fleet carries only 5 percent of American cargoes.

It is incumbent upon us to turn to the other part of the merchant marine and try to shore it up in some manner or other, so that our whole fleet will be strengthened.

Mr. WILLIAMS of Delaware. I recognize that considering the different labor standards and the cost of materials in this country as compared with foreign countries there must be a subsidy of some kind if ships are to be constructed in American shipyards, but there is a question as to the extent to which such a subsidy should be paid. With such high rates we have destroyed the incentive for efficiency. The committee recognized that in the 1936 act, but soon the percentage of subsidy had been extended all the way to 50 percent. Then, 5 years ago, on a strictly temporary basis, Congress extended the rate up to 55 percent for the period of 2 years or until a report and study could be obtained from the Department.

No report has been forthcoming, and this is the third extension. While I shall not attempt any organized objection to the bill at this time I shall not support it. Nevertheless, I believe we should serve notice now on the Department that if it has not submitted the result of the work of the study group by next year and it asks for another extension, it may be in trouble. We shall at least expect it to change the pupils in the class.

Mr. BARTLETT. I am sure that the officials in the executive department will hear what the Senator has said.

I should add, finally, that we are not extending the program from year to year only awaiting recommendations from the executive branch. We are extending the program because 55 percent is the closest figure the executive branch can arrive at to represent the difference between the cost of building ships in foreign shipyards and building them in American shipyards.

Mr. WILLIAMS of Delaware. That is true, but when the 55 percent proposal was made 5 years ago, the Department admitted that the figure was pulled out of thin air, that the actual rate would have been closer to 52 or 53 percent. Now the percentage has reached 55 percent, and soon they will be asking for 60 percent unless they are checked.

I return to the question of study groups. Apparently all that they did was to pull a figure out of thin air, but they cannot determine whether it is justified or not.

I still believe it is time they submitted some solid recommendations. In the absence of a solid report perhaps Congress should submit some kind of recommendation. Let us see if we cannot pull a lower figure out of thin air for them by this time next year.

Mr. BARTLETT. The figures are incorporated in the report. They show that the smallest differential was 55.2 percent, but that most of the differential was from 53.9 percent to 54 percent and over 54 percent.

Mr. WILLIAMS of Delaware. They are approaching the 55 percent ceiling. When they hit that they will come out of the thin air again with another figure, perhaps 60 percent, and justify it on the basis that they will continue to study it.

There is a limit as to what we can expect the taxpayers to undewrite as to the construction cost of these ships and at the same time have them operated as a segment of our private enterprise system.

Mr. BARTLETT. There are some other solid reasons why we should look forward to a diminishment of this differential rather than an increase. Whether it will come into being next year, I am not prepared to say. However, the wages being paid in the European and the Japanese shipyards are rising much faster than are the wages being paid in our own shipyards.

There is every reason to expect that, relatively soon, we shall be able to lower this construction differential subsidy. I hope so as ardently as does the Senator from Delaware.

Mr. WILLIAMS of Delaware. I join the Senator in expressing the hope that that is true; however, we find all too often that when the wage rates have increased in other countries the high subsidies continue. I shall not belabor the subject any longer, but this should be sufficient warning to the group.

I know that the Senator from Alaska is trying to do the best job that he can, but I hope that he will join me in seeing that the Department will come forward with a better recommendation next year.

Mr. BARTLETT. I always will.

Mr. President, I ask unanimous consent that the individual views of the Senator from Ohio [Mr. Lausche] as printed in the Senate report No. 428, be printed at this point in the Record.

There being no objection, the individual views were ordered to be printed in the Record, as follows:

Individual Views of Mr. Lausche

We are again confronted with an administration request to extend the annual $100 million shipbuilding subsidy for another year which renews the limit of 55 percent for the construction of new merchant ships and a 60-percent limit for the reconversion of certain passenger vessels. This subsidy represents the difference between the world market price and the price of constructing the same ship in American shipyards.

The current subsidy program of cost parity was provided by the Merchant Marine Act of 1936 in order to maintain an efficient, sound, and competitive merchant marine. However, since that time, this program for competitive survival has cost the U.S. taxpayer over $740 million for just the construction and reconstruction subsidies.

I would like to submit for the careful consideration of my colleagues the following figures showing the yearly amounts which have been paid to the merchant marine industry under the construction and reconstruction differential subsidy programs:

	Construction differential subsidies	Reconstruction differential subsidies
From inception to June 30, 1953	$131,571,571	
Fiscal year 1954	5,538,417	
Fiscal year 1955	5,358,663	$342,058
Fiscal year 1956	1,613,737	14,368,668
Fiscal year 1957	16,379,075	1,117,694
Fiscal year 1958	22,637,540	4,731,608
Fiscal year 1959	21,761,846	7,065,416
Fiscal year 1960	69,156,794	4,828,227
Fiscal year 1961	102,118,519	657,379
Fiscal year 1962	136,858,263	3,906,765
Fiscal year 1963	97,715,325	3,550,308
Fiscal year 1964	79,987,066	2,349,230
Total	690,614,518	49,443,338

However, despite these heavy subsidy payments from the U.S. Treasury, this country has been lagging behind in world trade for many years—even though we are the world's largest trading nation. Fifteen percent of the world's exports and imports are supplied by this country; 99 percent of which go by ship. Ten years ago, U.S. ships carried more than 40 percent of this trade, but today we rely upon other maritime nations to carry over 90 percent of it.

Even with a continued increase in Federal expenditures, our merchant marine industry continues to decline. In this connection, the most significant index to show the competitive position of the United States, and whether our position has grown better or worse, can best be illustrated by the ship construction differential rates established by the Maritime Subsidy Board on cargo ships during the past several years. This chart will illustrate the disparity which exists between the foreign and U.S. shipbuilding costs and that it is continually widening.

The following table indicates calendar years during which subsidized ship construction contracts were awarded and the average subsidy rate applied to all ship construction contracts awarded during that corresponding year:

Average construction differential subsidies for ships awarded in that year

	Percent
1951	41.47
1952–56	(1)
1957	46.1
1958	48.1
1959	49.1
1960	49.7
1961	49.4
1962	50.1
1963	53.3
1964	53.5

[1] No subsidized cargo ship construction.

Our shipbuilding prices are continuing to rise at a faster rate than foreign prices so that the price differentials will shortly exceed the present proposed limits.

During the course of the hearings on H.R. 4346, the Maritime Administration pointed out that "* * * it costs the American shipyard more for the parts alone than it costs the foreign shipyards to deliver a finished ship."

However, material alone is not responsible for this situation. The continued rise in labor costs and the increasing disparity between the United States and foreign hourly wages should concern all of us. For example, the typical hourly pay for a first-class shipyard mechanic in the United States is approximately $2.95 as compared to $1.43 in Sweden; 95 cents in England; 47 cents in Italy; and 40 cents in Japan.

I am opposed to the further extension of this 55- and 60-percent authority because it is my firm conviction that it provides an extra incentive to interested parties to press for the highest differential percentages obtainable.

I believe the Federal Government should establish a limit in which it will participate to retain a strong and economic merchant marine. This limit should not exceed the 50-percent ceiling as established in the original Merchant Marine Act of 1936 and serious efforts should be made to reduce the subsidies further.

Shipping costs—and especially shipbuilding costs—in the United States have risen to where they are positive threats to the future of U.S. shipping.

It is my conviction that if the basic 50-percent construction subsidy is not enough for commercial shipbuilding, we should seriously reevaluate whether the taxpayers can afford or need such a shipyard subsidy program.

FRANK J. LAUSCHE.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 4346) was passed.

Mr. BARTLETT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFUTATION OF FIGURES CITED ON BEHALF OF MILES LABORATORY IN DRUG PATENT CONTROVERSY

SENATOR RUSSELL B. LONG REFUTES FIGURES CITED BY SENATOR BIRCH BAYH IN DRUG PATENT CONTROVERSY

Mr. LONG of Louisiana. Mr. President, on May 17, I discussed on the floor of the Senate how Miles Laboratories of Elkhart, Ind., attempted to secure a 17-year monopoly on the Guthrie blood test for PKU. As I explained at that time, PKU is a physical condition that leads to mental retardation. It is a chemical imbalance in the blood that causes permanent brain damage if it is not detected during the first month of a baby's life. If this dreaded condition is caught in time, the damage can be prevented by altering the child's diet.

In 1962 the U.S. Public Health Service began using this simple blood test which was developed with public funds by Dr. Robert Guthrie at the University of Buffalo, and which could be given 3 days after birth to detect the presence of this metabolic deficiency. Thus, an afflicted infant can be put on a special diet before brain damage occurs. Although Dr. Guthrie's cost to produce a test kit for 500 babies was $6, Miles Laboratories wanted to charge $262, more than 40 times as much as the cost to Dr. Guthrie.

I also had printed in the CONGRESSIONAL RECORD a number of supporting documents secured from the Department of Health, Education, and Welfare on this case.

Today I want to pay tribute to the junior Senator from Indiana for his sincere defense on June 3 of his constituent, Miles Laboratories. I am sure that he related the facts as he saw them from the information available. His information, however, was far from complete, and, I should imagine, was supplied by one of the interested parties.

The junior Senator from Indiana stated that there is a very small potential market for the product, one in which there is little volume and very little hope of profitability. Let us examine this argument.

As of March 1965, more than 2,600 hospitals in the country were doing blood screening of newborn infants. In 14 States the Guthrie test is mandatory within 28 days after birth for all babies born in those States. Considerable progress has been made within a short period of time toward the ultimate goal of screening all newborn infants. It is estimated that for the next 5 years the average annual number of births in the United States will be about 4,960,000 babies. In addition, the U.S. Government is supporting PKU testing programs in Poland, Yugoslavia, Israel, Pakistan and India. Plans are being made to extend this program into other countries such as Brazil and Egypt. There are about 130 million babies being born each year in the world and this amount is continually increasing. It is hoped that the time is not too distant when every baby—no matter where it is born—will be able to receive the Guthrie test and be able to avoid the affliction of mental retardation due to PKU.

Given these facts, it is extremely difficult to agree with the junior Senator from Indiana that the potential market for the Guthrie test is small. I would submit, on the contrary, that the potential market is large. The world market at the price that Miles wanted to charge would have been about $65 million per year, practically all of which would have been profit because the potential cost on a worldwide basis would be only about $1,650,000.

Although, in the past, there have been other tests on the market, none is comparable with the Guthrie test in terms of speed of detection. Obviously, then, it is only a question of time when the earlier methods will be recognized as obsolete, and any company with exclusive rights on the Guthrie test can really cash in.

This is exactly what Miles Laboratories planned to do, though the development was largely the result of Government funds. I have in my hand the contract between Dr. Robert Guthrie, who developed the test, and Miles Laboratories, dated June 11, 1964.

Mr. President, I ask that the contract between Dr. Robert Guthrie and Miles Laboratories, dated June 11, 1962, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG of Louisiana. It provides that Miles is to get an exclusive license for 17 years. It clearly shows that Miles had absolutely nothing to do with the Guthrie discovery, but was bending every effort to get it for its own exclusive exploitation. I read one paragraph in article II of this agreement:

> Licensee (Miles) recognizes that licensor's work (Guthrie's) in developing the aforementioned invention has been done utilizing the financial assistance of a variety of organizations, including the National Association for Retarded Children, the Department of Health, Education, and Welfare of the U.S. Government, and the Children's Hospital, of Buffalo, N.Y. One or more of the aforesaid sponsoring organizations may have rights to the invention described in the patent application referred to herein. Licensor (Guthrie) agrees to make reasonable efforts to have each of the aforesaid sponsoring organizations agree to and accept the license grant herein set forth. To the extent, however, that the licensor is unable to obtain any one or more of the aforementioned sponsoring organizations' acceptance of the agreement herein set forth, licensee (Miles) recognizes and accepts that the rights herein granted by licensor shall be subject to the prior claim of the aforesaid sponsoring organizations.

In a word, Miles was out for big game. It was, if possible, going to get the whole thing for itself; and Dr. Guthrie, who developed the test, was to be used to persuade these organizations to give Miles the exclusive rights. Apparently, Miles felt so confident about the result that they provided Guthrie with patent application fees as well as their regular outside patent counsel to process the patent application. And I have not the slightest doubt that Miles would have succeeded in acquiring a hammerlock on his great development, except for a small band of dedicated public servants in HEW, the source of most of the funds.

Now, let me turn to another matter. The junior Senator from Indiana spent a good deal of time talking about the improvements Miles made on the original product. The comparison made was between a model T Ford and a 1965 Lincoln. I have already put into the CONGRESSIONAL RECORD a letter to HEW from Dr. Robert MacCready, director of the diagnostic laboratories of the Massachusetts Department of Public Health, of December 13, 1963, on this point. The State of Massachusetts now requires the Guthrie test on all infants by law; and, in the interest of economy, makes up its own kits in its own laboratories. Dr. MacCready stated that he had some reservations about the Miles' alleged improvements as well as the company's assertions of its educational work on this test. He said:

> Actually, we have not found it particularly difficult to purchase and set up the various ingredients which go into the media used, nor the other supplies to complete the testing kits. We would feel that any properly qualified and reasonably resourceful laboratory would be able to adjust and standardize the reagents used and quite economically, as they perform the tests according to the published directions of Dr. Guthrie. Furthermore, a considerable educational and promotional effort has already taken place in one way or another resulting in more than half the States now trying out the test, although, of course, a much wider use of the screening test is greatly to be desired.

Dr. MacCready goes on to say that the entire cost of running the PKU tests from start to finish—from the collection of the blood sample to the analysis in the laboratory—is about 50 cents per baby, and that only a small portion—about 1.2 cents—is represented by the cost of the Guthrie test kit itself. This is about the same amount it cost Dr. Guthrie to produce his test kits. Yet, Miles, a big company presumably highly efficient and competent, originally set a price of 52 cents per baby for the kit itself, which was more than the cost of the entire operation in Louisiana, Massachusetts, and other States. With competition from other sources, after HEW determined to take the patent for the public benefit, the price was driven down.

I ask unanimous consent that Dr. Guthrie's letter comparing his cost of production which was $6 for 500 tests, with the price Miles wanted to charge, $262 for 500 tests, be printed in the RECORD at the conclusion of my remarks. Dr. Guthrie states unqualifiedly that during this visit to Miles Laboratory in June 1963, he was told that the Miles Laboratory price for the same kit would be $262.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LONG of Louisiana. Mr. President, I depart from my prepared text to say Dr. Guthrie was absolutely shocked to see Miles Laboratories making any such charge as that for something which he developed for the good of mankind.

I ask unanimous consent that an excellent article written by the Washington Post staff writer, Mr. Morton Mintz, on this subject be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. LONG of Louisiana. Mr. President, it was through the efforts of this outstanding journalist that the thalidomide case, one of the worst drug catastrophies in history, was exposed. Thousands of children in many countries were born limbless, deformed, or deaf because their mothers took thalidomide tranquilizers during pregnancy. Mr. Mintz' revelations, resulting from careful research, forced U.S. Government officials to stop the distribution of the drug in this country.

According to Mr. Mintz, Miles' vice president, G. W. Orr, Jr., not only did not specifically deny the price of $262, but also explained the reason for the high price. Let me read the pertinent paragraph from the article:

> The Miles official, Orr, suggested that one reason for the $262 price was the need to use only the highest quality sterile materials. However, he acknowledged that he did not intend to imply that his firm's test kit was superior in that regard to Dr. Guthrie's. He did, however, fault the scientist's definition of costs.

This situation reminds me of a story told about the late President Franklin Delano Roosevelt when he was campaigning for his second term. As F.D.R.'s train was approaching a town where he was scheduled to give a speech, he turned to his adviser Sam Rosenman and asked: "Isn't this one of the places, Sam, where I promised that I would balance the budget?"

"Yes, it is," said Mr. Rosenman.

"Well," asked F.D.R., "how shall I explain the fact that I didn't do it?"

"Don't try to explain why you didn't do it," said Sam Rosenman. "Just deny you ever said it in the first place."

Well, Mr. President, this is the situation here. I guess Miles Laboratories finds it easier to deny the $262 price than to try to justify it. I do not blame this company, though. If I were caught in a similarly flagrant position of trying to rape the public interest, I would probably try to deny it myself.

It should be noted, however, that although the price of 52 cents per test was denied, it was admitted that the price per test of kits marketed by Miles was 42 cents for some time. This makes it about 32 times as much as it cost Dr. Guthrie and others to make. This also is an outrageous price.

Mr. President, this type of monopoly pricing is not at all unusual. I have in my hand a document, which I previously placed in the RECORD, showing the prices of drugs, many of which were developed in Europe, but which were protected by patents and licenses in the United States, and sold here at much higher prices than what it cost to develop them. It will be noted that these monopoly prices range anywhere from 28 to 100 times the cost of producing, manufacturing, and bottling these drugs.

I ask unanimous consent that this table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Drug price comparisons, European and United States

Generic name	European ingredient cost plus tableting and bottling per 100 tablets	U.S. trade name	U.S. price to consumer per 100 tablets
Tolbutamide	$0.43	Orinase (Upjohn)	$14.00
Nitrofurantoin	.44	Furantin (Norwich)	48.34
Phenmetrazine	.33	Preludin (Geigy)	7.50
Chlorothiazide	.50	Diuril (Merck)	9.00
Hydrochlorothiazide	.27½	Hydrodiuril (Merck)	9.00
Chlordiazepoxide	.31	Librium (Hoffman-La Roche)	15.00
Chlorpromazine	.30	Thorazine (Smith, Kline & French)	9.00
Tetracycline	1.25	Tetracyn (Pfizer)	35.00
Sulfamethoxypyridazine	.59	Kynex (Lederle) Midicel (Parke, Davis)	15.00

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GRUENING. Mr. President, I commend most highly the distinguished Senator from Louisiana for calling attention to this most important issue. I think it is highly essential that every child have the opportunity to be submitted to the PKU test. There was a time when many children were born blind because it was not known it was essential to treat their eyes with an antiseptic immediately after birth. That discovery, the application of which is almost automatic today, resulted in saving the sight of countless children. The same thing should be done with the test now under discussion. If the cost of the Guthrie test is to be prohibitive, its widespread use is going to be impossible. The Senator is to be commended for the statement he is making. I associate myself with it.

Mr. LONG of Louisiana. I thank the Senator. As the Senator knows, the PKU test is for one of the most disabling forms of mental retardation. If this test, which Dr. Guthrie developed at a cost of about 1.2 cents per child, is given at birth, the disease can be detected and corrected, so the child can be normal, instead of being mentally retarded for his entire life. Dr. Guthrie developed it only to benefit humanity. When the Government pays for it, it is outrageous to have the Government, or the infant's mother, pay a cost greatly exceeding the cost to develop the test in order to have it available for children.

The same is true about drugs being developed at the National Institutes of Health, discoveries which are made at the taxpayers' expense, and on which private companies obtain patents and charge as much as 100 times the cost of developing the drugs.

In addition, the Government also hopes to benefit the people of the world with its health research. How can we do that when any private concern which did not spend its money—or even if it did spend its money—is in a position to charge 30 to 100 times the cost of manufacturing and making the drug available to the public?

The junior Senator from Indiana has also presented us with figures which he says conclusively prove that the per test cost of the Guthrie test was more than 9.2 cents rather than the 1.2 cents per test as indicated by the Children's Bureau.

Mr. President, how is this figure secured? First, he finds certain figures for expenditures of the Children's Bureau for the Guthrie PKU project for the fiscal years 1962–64—that is, for 3 fiscal years. The figure given was $61,467 for test kit materials. Then he divides this figure by the number of babies in 32 States who were given tests from early "1962 to December 31, 1963," a period of less than 2 years, and lo and behold, we get the magic figure of 9.2 cents as the cost per kit per infant.

Not a single one of these numbers, Mr. President, is used correctly.

In accordance with proper research practice, my staff investigated the meaning, significance, and scope of the figures used in the calculations. Let me discuss our findings one by one:

First. The time periods of each figure are not the same. The expenditures for test kit materials cover 3 fiscal years. The figures for the number of babies given the test is for a period less than 2 years. This alone would tend to yield a higher price than if the two figures covered the same time period.

Second. The figure of 665,902 representing babies tested cannot be used to determine the cost per kit. Many more kits were made than were babies tested. Repeat tests were done in many cases. Many kits were used for checking purposes. In addition, a large number of kits was sent out to States that did not use them. In summary, a figure which shows the number of babies tested—and even this is not a complete figure—does not reflect the number of kits made.

Third. Our careful investigation revealed that the figure of $61,467 included considerably more than test kit materials. Included were such items as blood collecting and urine collecting filter papers, disposable lancets, which should not have been included in the cost of the Guthrie kits. Of this larger overall figure, only $20,076 was spent for the materials going into the kits themselves. This does not, however, include labor and assembly.

The total cost breakdown for a kit for 500 babies is:

For materials	$2.49
For labor	4.20
Total cost per kit	6.69

The cost is, therefore, about 1.3 cents per baby rather than the 9.2 cents as calculated by the junior Senator from Indiana. This figure confirms the costs to Dr. Guthrie in Buffalo and Dr. MacCready in Massachusetts.

I ask unanimous consent to put relevant supporting material supplied to my staff by the Children's Bureau into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
WELFARE ADMINISTRATION,
Washington, D.C., July 9, 1965.

Mr. BENJAMIN GORDON,
Staff Economist, Small Business Committee, U.S. Senate, Washington, D.C.

DEAR MR. GORDON: In accordance with your telephone conversation with Mr. Rudolf P. Hormuth of the Children's Bureau staff concerning the cost figures relative to the Guthrie PKU kits which had been produced and utilized in the field trials of our project No. 121, please be advised that we do not feel that the number of babies tested during the field trials (as reported in CB publication No. 419) and the cost of materials involved in this project ($61,467) can be used to estimate the number of kits produced or to arrive at a cost figure per kit.

The figure of $61,467 for materials previously given to you included costs of blood collecting units (see attached sample) and urine collecting units (see attached sample). The actual kit which is used in the laboratory to assay the returned filter papers did not include these collecting units. The collecting units were distributed to hospitals, whereas the kits went to the laboratories. The budgeted amount of funds used for material to make up the kits in this project amounted to $20,076 during the fiscal years 1962, 1963, and 1964. This amount does not include labor, etc. necessary to assemble and distribute the kits.

We do have on file a 15-page "Material and Preparation Cost Analysis for Supplies and Labor in PKU Early Detection Project," which breaks down the cost of kits as follows:

1X kit (used once to test 1 plate of 100 disks):	
Material costs	$1.30
Labor costs	.84
Total (100 babies)	2.14
5X kits (used 5 times to test 100 disks):	
Material costs	$2.49
Labor costs	4.20
Total (500 babies)	6.69

You will note that the cost per baby with the 1X kit is considerably higher than the cost per baby with the 5X kit ($2.14 per 100 babies as compared with $1.34 per 100 babies). The initial kits produced by the project were the 1X kits. Many of these were used to promote the project, stimulate interest, and permit some of the interested laboratory people to try out this assay. The bulk of the kits produced during the field trials were the 5X kits, but toward the end of the field trials some of the larger States which were using a central laboratory were supplied with 20X kits, containing materials for 2,000 babies. The cost per single baby using this latter kit was, of course, considerably less than the cost per baby using the 5X kit.

As far as we can determine, funds were provided and used by the project to produce sufficient materials to make it possible to test 1 million babies. Since the plans called for an initial blood sample from each baby just prior to discharge from the hospital and a urine sample from the same baby at 4 weeks of age to be assayed in the laboratory, this meant sufficient kit material for 2 million assays.

As indicated, some of this kit material was initially used by the laboratories to familiarize themselves with the procedure (not to test babies included in the field trials); some of the kit material was also used during the field trials to run checks on the efficiency of the cooperating laboratories (all laboratories on several occasions were sent prepared blood spots and asked to report their finding on these to the Bureau for comparison of their findings with the known values); and as indicated, some kits were sent to States who for various reasons (such as inability to recruit a laboratory technician) were ultimately not able to participate in the field trials. There were, of course, some laboratories that had to repeat some tests and, therefore, used twice as much kit material as would normally be required.

For these reasons the number of babies actually tested cannot be used as an index of the number of kits produced. Nor can such figures be used as a basis to compute costs of kits. The fairest index of cost probably is the total labor and cost figure referred to above, of $6.69 per kit that could be used for 500 samples.

Sincerely yours,
KATHERINE B. OETTINGER,
Chief.

Mr. LONG of Louisiana. Mr. President, an examination of this material will indicate that the cost is probably lower than 1.3 cents per test because later kits contained materials for 2,000 babies, which meant that the price per test declined.

On the other hand, the 1965 Drug Topics Red Book, which lists prices for drug products supplied by the manufacturers themselves, shows Miles' price for Pheniplane—the brand name used by the company—to be 25 cents per baby for the kit. According to the junior Senator from Indiana, the price is now about 21 cents per baby. Still, that is a far cry from the actual costs of manufacture to the State of Massachusetts, and presumably to Miles itself. It is competition which is the mover of our free enterprise system that has brought the price down and not the action of Miles.

As a matter of fact, there is some interesting information in the Miles data which the junior Senator from Indiana includes with his statement. The company shows total net sales of $72,243 for test kits, with actual production costs amounting to $24,380—roughly a third of the total. Advertising expenses amount to $29,025—actually exceeding production costs. Another item listed is selling expenses amounting to $22,215. So, over $50,000—twice the amount for producing the material, according to Miles' own statement—was spent for advertising and promotion. However, for an item like the Guthrie test, where States are requiring by law the test for newborn babies, the market is virtually built-in. What is needed above all is a price low enough so that every State in the Union can afford to make the test mandatory.

Miles also lists research and development costs of nearly $100,000. According to Dr. MacCready of the State of Massachusetts, however, the test was fully perfected by Dr. Guthrie. All that is necessary is simply to follow Dr. Guthrie's instructions. There seems little point in a drug company's dressing up a test, which has already proved to be satisfactory, to make it more expensive, and thus inaccessible to widespread use. When that occurs, the real purpose of the manufacturing company is to get its price up to the end of increasing its profits.

As a matter of fact, there are several small companies now producing the Guthrie PKU test for a sale at a reasonable price. The complete kit is available at less than one-fourth the price currently charged by Miles—less than 5 cents per child as against Miles' price of 21 cents. My State of Louisiana, for example, since it does not have the facilities to make the kits in its own laboratories, buys them from a small firm for 5 cents per baby for a complete test kit which includes not only the Guthrie test kit but also the collection and distribution material. For this kind of item, hospitals which administer the tests are the major purchasers; and if they have the facilities to make up the test they can purchase the components from these small companies at a cost of less than 2 cents per infant. This, of course, represents a major saving and makes possible a far wider employment of the test by hospitals which are always facing mounting deficits.

The price competition from the small companies has already cut Miles' price from over 52 cents per test to 21 cents. It will go much lower if Miles wants to keep selling the Guthrie test kits. This has been possible only because the Government stepped in promptly to take title to the discovery and thus made it available to all qualified producers. Had this not happened, Miles would have enjoyed—as it originally planned—monopoly exploitation of this important discovery financed by the taxpayers, and use of the test which is vital to the health of our children would have been restricted by a structure of monopoly prices.

Mr. President, this goes to illustrate why we should be careful in spending our Federal tax money to see that the public gets the benefit of the use to which that money is put.

Exhibit 1

Agreement

This agreement, effective the 11th day of June, 1967, between Miles Laboratories., Inc., a corporation of the State of Indiana (hereinafter referred to as licensee), and Robert Guthrie (hereinafter referred to as licensor).

Witnesseth that:

Whereas licensor is the inventor in United States patent application Serial No. 187,707, a bacteriologic testing method for estimating the level of phenylalanine in blood, and is willing to grant a license thereunder, and

Whereas licensee is desirous of securing a license under such patent application.

Now, therefore, in consideration of the mutual covenants recited, and other good and valuable consideration, the parties hereto agree as follows:

ARTICLE I—DEFINITIONS

For the purpose of this agreement the following terms have the following meanings:

1.01. Patent Rights shall mean United States patent application Serial No. 187,707, and any continuation or divisions thereof, and any patents that may issue from such patent application or continuations or divisions thereof.

1.02. License shall mean the right to use any process and the right to make, use and sell any product and process covered by Patent Rights of licensor.

* * * * *

1.04. First production date shall mean the date on which the licensee first produces a licensed product for sale.

1.05 "Affiliate" shall mean all companies of which licensee now or hereafter owns or controls, directly or indirectly, 50 percent or more of the stock having the right to vote for directors thereof.

1.06. Net proceeds of sales shall mean the amount billed for sales of licensed products, less (i) commissions paid to distributors and agents; (ii) trade discounts and/or quantity discounts allowed, if any; (iii) five percent (5 percent) of the amount billed to cover cash discounts, taxes, duties, transportation charges and other costs of sale, etc.; (iv) credits, if any, to customers on account of retroactive price reductions; and (v) actual returns and allowances.

If the licensed product is sold as a combination product with one or more other products, then the net proceeds of sales shall mean the amount billed for sales of such combination product less (i) through (v) above times a fraction, the numerator of which is 1 and the denominator of which is the number of products in the combination product.

ARTICLE II—GRANT

2.01. Subject to the provisions of paragraph 2.05 hereof, licensor agrees to grant, and does hereby grant to licensee an exclusive license under the patent rights of licensor and the right to extend said license to affiliates of licensee.

2.02. Licensor will deliver to licensee promptly on the execution of this agreement copies of United States patent application serial No. 187,707.

2.03. Licensee will take due care not to make unjust use of information supplied to it and the following is a statement of its obligations in this regard. Licensee agrees that it will use its best efforts to keep within its own organization all information not known to the public relating to the subject matter of U.S. patent application serial No. 187,707 until either the grant of a U.S. patent thereupon is finally refused by the Patent Office, or the patent thereon is issued, or said information otherwise becomes known without restriction to a member of the public. Except to this extent, licensee will not receive information in confidence and the confidential relation created herein shall not in any event survive more than 5 years from the date of this agreement. Further, licensee will not have any obligation to licensor in the event that licensee at the time of this agreement, or prior thereto, has knowledge of the information contained in the aforementioned patent application.

2.04. Licensee agrees upon execution of this agreement to assume responsibility for prosecution of the aforementioned application and any divisions or continuations in part thereof in the U.S. Patent Office. Licensor agrees to sign whatever papers are required to enable licensee to carry out the prosecution, and licensor further agrees to assist licensee through technical consultation and assistance in whatever fashion may reasonably be necessary in the prosecution of said patent application. The parties understand and agree that licensee will have final direction and jurisdiction of the prosecution of the aforementioned U.S. patent application.

2.05. Licensee recognizes that licensor's work in developing the aforementioned invention has been done utilizing the financial assistance of a variety of organizations including the National Association for Retarded Children, the Department of Health, Education, and Welfare of the U.S. Government, and the Children's Hospital of Buffalo, New York. One or more of the aforesaid sponsoring organizations may have rights in the invention described in the patent application referred to herein. Licensor agrees to make reasonable efforts to have each of the aforesaid sponsoring organizations agree to and accept the license grant herein set forth. To the extent, however, that licensor is unable to obtain any one or more of the aforesaid sponsoring organizations' acceptance of the agreement herein set forth, licensee recognizes and accepts that the rights herein granted by licensor shall be subject to the prior claim of the aforesaid sponsoring organizations.

ARTICLE III—CONSIDERATIONS

The following is the extent of licensee's obligation to pay royalties to licensor:

3.01. Licensee shall pay licensor for 17 years from the first production date or for the life of the U.S. patent issuing from the patent application referred to herein, whichever is shorter, 5 percent of the net proceeds of sales.

3.02. If no U.S. patent issues on the subject patent application, then from the first production date until such time as the U.S Patent Office finally refuses to grant a patent under the patent rights of licensor, licensee shall pay licensor 5 percent of the net proceeds of sales.

3.03. Licensor and licensee agree that in the event one or more of the aforesaid sponsoring organizations asserts rights to the invention disclosed in the subject patent application and does in fact produce and sell or causes the production and sale of products coming within the claims of the subject patent application, then and in such event licensee's obligation to pay the aforesaid royalty of 5 percent shall cease for the remainder of the term of this agreement.

ARTICLE IV—ACCOUNTING

4.01. Licensee agrees to deliver to licensor within 30 days after the termination of each calendar quarter, any part of which falls within the terms of this agreement, a report in writing setting forth the net proceeds of sales by licensee during such calendar quarter. Licensee agrees to accompany each such report with payment of the royalty shown thereby to be due.

4.02. Licensee agrees to keep accurate records and books of account in accordance with good accounting procedure showing the information which licensee is required to include in its royalty reports and all other information necessary for the accurate determination of the royalty payable hereunder. Licensee further agrees to permit licensor to make a reasonable inspection during regular business hours, of licensee's records and books of account as may be necessary to verify the royalty reports made by licensee.

ARTICLE V—MISCELLANEOUS PROVISIONS

5.01. Licensee acknowledges the validity of any U.S. patent issuing under the patent rights of licensor so long as its license agreement is in effect. Licensee further agrees it will not attack the validity of any patent issuing from the patent rights.

If the validity of any such patent should be challenged by one not a party to this agreement, licensor hereby gives to licensee the option to defend said patent against such infringement and to offset the cost of defense of said litigation against royalties accruing under this agreement after the * * * licensor of the existence of such infringement, in the event such infringement is terminated, licensee shall resume payment of royalties to the extent that such royalties are not part of the expense incurred by the licensee in causing said infringement to cease.

In the event that any such patent is declared invalid in any action instituted by one not a party to this agreement, all royalties payable thereunder shall cease.

5.02. Licensee and its affiliates have manufacturing operations in various foreign locations and have worldwide sales representation. Therefore, this contract shall include an option to licensee to extend the terms of this contract in the countries other than the United States, where that is possible.

5.03. This agreement is to be interpreted in accordance with the laws of the State of Indiana.

ARTICLE VI—TERMINATION

6.01. If licensee shall be in default of any obligation hereunder, licensor may give written notice of its decision to terminate this agreement specifying such default. Unless licenser has remedied such default within 30 days after the date of receipt of such notice, this agreement shall be deemed to terminate as of the expiration date of such 30-day period.

6.03 Licensee shall have the right to terminate this agreement at any time by giving notice in writing to licensor to that effect at least 6 months prior to the termination date designated in such notice. In order to be effective, licensee must have paid the licensor within 10 days after the designated termination date all accrued royalties due and payable as of the designated termination date.

ARTICLE VII—NOTICE

The addresses of the parties until further notice in writing to the other are:

Licensor: Robert Guthrie, Children's Hospital, Buffalo, N.Y.

Licensee: Miles Laboratories, Inc., Elkhart, Ind.

For the purpose of all provisions of this agreement requiring the giving of notice by either party to the other, notice shall be deemed to be given by a party to the other when said party deposits said notice postpaid by registered mail direct to the address of the other party given above, or to such other latest address subsequently given in writing in accordance with this article.

In witness whereof, the parties hereto have respectively caused this agreement to be executed on the date and year stated.

MILES LABORATORIES, INC.,
GEO. W. ORR, JR.,
Vice President.
ROBERT GUTHRIE, M.D.

Accepted:

THE UNIVERSITY OF BUFFALO SCHOOL OF MEDICINE (CHILDREN'S HOSPITAL).

By ——— ———.

THE NATIONAL ASSOCIATION FOR RETARDED CHILDREN.

By ——— ———.

EXHIBIT 2

STATE UNIVERSITY OF NEW YORK
AT BUFFALO, SCHOOL OF MEDICINE,
December 4, 1963.

RUDOLPH HORMUTH,
Specialist in Services for Mentally Retarded Children, Division of Health Services, Department of Health, Education, and Welfare, Washington, D.C.

DEAR RUDY: With reference to your letter of November 21, 1963, here are the answers to your questions to the best of my knowledge:

1. Our cost to produce a kit for the testing of 500 infants, including estimates of all costs (labor, materials, rental and maintenance of space, etc.) and not including materials for collecting blood spots or urine impregnated paper in the hospitals, $6.

2. During my visit to Miles Laboratory last June I was told that their price for the same kit to test 500 infants would be $262. This was explained to me as only 50 cents per test.

3. Other companies who have indicated their interest in producing kits are: Fischer Scientific, Pittsburgh, Pa.; Baltimore Biological Laboratories; Difco Laboratories, Sylvania Co., New Jersey; and Dade Laboratories, Miami, Fla.

I think this answers all your questions, if not please feel free to call on me.

Very truly yours,
ROBERT GUTHRIE, Ph. D., M.D.

EXHIBIT 3

HOW BAR TO RETARDATION WAS OPENED TO THE MANY: TEST COST CUT TO ONE-FORTIETH

(By Morton Mintz)

This is the story of why a test used to prevent a severe form of mental retardation costs 1.2 cents per baby instead of 40 times as much.

It did cost 50 cents per baby for a time. Had that price prevailed, says the U.S. Children's Bureau, certain States would not have begun mass testing programs and many children who now will be normal would have been irreversibly retarded.

Exclusive rights were originally assigned to a private firm that charged $262 for a test kit that the inventor manufactured for $6. The Government has now obtained uncontested rights in the pending patent application and any qualified organization can make the kits without paying royalties.

The story was pieced together from interviews and from Government files obtained by Senator RUSSELL B. LONG, Democrat, of Louisiana as chairman of the Senate Small Business Committee's Monopoly Subcommittee. LONG discussed the story in the Senate Monday.

Since 1959, LONG has been working to give the Government property rights in inventions developed with the help of the $15 billion a year that the Government spends with research and development contractors. The mental retardation test was developed largely with Government funds.

STORY'S LEADING FIGURE

The leading figure in the story is the inventor of the test, Dr. Robert Guthrie, of Buffalo, a brilliant scientist and himself the parent of a retarded child.

"I had always assumed," he said, "that the price would be reasonable." But he termed himself naive about such matters.

The simple, reliable test he developed detects the metabolic disorder phenylketonuria, usually called PKU.

A few drops of blood are taken from the heel of an infant in the first few days after birth. If the disorder is found, a special diet will prevent retardation.

The incidence of PKU had been believed to be 1 in 20,000 to 40,000 births, but a mass screening of 400,000 infants in 1962–63 established a rate of at least 1 in 10,000. That indicates a nationwide potential of about 400 PKU-retarded infants a year, including roughly 3 in the District, 7 in Maryland and 9 in Virginia.

MANDATORY IN MARYLAND

The test is now being performed regularly in 90 to 100 percent of the hospitals with maternity services in 14 States and in a total of 2,600 hospitals in all States except Alaska. Some States, including Maryland, have made the test mandatory for hospital births.

In Massachusetts, the test has detected 33 PKU cases. Dr. Guthrie said this was done with mass screening that cost State taxpayers about as much as lifetime custodial care for one person in a public institution.

Dr. Guthrie, a 48-year-old microbiologist and physician, attributed his special interest in developing the test to the PKU retardation of a relative in Minneapolis. A member of the pediatrics department of the School of Medicine of the State University of New York, Dr. Guthrie in 1958 received his first grants—$25,000 each, for 5 years—from the National Association for Retarded Children and the Association for Aid for Crippled Children. Later, he received a total of $75,672 from three other nongovernment sources.

But starting in 1959, the Public Health Service gave $251,700. Chiefly for the subsequent mass screening, the U.S. Children's Bureau granted $492,000.

FIRM IS NOMINATED

Long before the Bureau got into the picture, but after the test was perfected, Dr. Guthrie and the NARC agreed that a swift way to bring the test into the widest possible use would be to enlist a pharmaceutical firm with a worldwide organization.

The Ames Co., a subsidiary of Miles Laboratories of Elkhart, Ind., was nominated by Dr. Guthrie because it had been marketing a urine test for PKU. That test, however, is not well suited for mass use.

A lawyer friend of Dr. Guthrie, Raymond K. Kuhns of New York City, who was donating his legal services, advised that a patent on the invention be sought. He was concerned with the possibility that the plan for mass use of the test could be jeopardized by someone else's asserting a claim that could be defeated only with costly, protracted litigation.

Almost a year had gone by since Dr. Guthrie had published articles about the test. This meant that unless a patent application were filed quickly, Dr. Guthrie's claim automatically would be denied.

Kuhns said that Miles Laboratories, which had accepted an invitation to participate, agreed with him in emphasizing to Dr. Guthrie that any proposed patent agreement would have to be approved by the Public Health Service.

BARS ROYALTIES FOR SELF

This is the kind of thing—questionnaires, red tape—that Dr. Guthrie scorns. His scientific work preoccupies him. Not until almost a year after the PHS began pressing him with letters and phone calls did he get around to filing the required reports.

The patent application and licensing agreement, which meanwhile had been drawn up by an associate of Kuhns on a nonprofit basis, put title in the name of Dr. Guthrie, but at his request barred him from getting a cent in royalties.

Instead, Miles, which was made the exclusive licensee, agreed to pay 5 percent of the net proceeds of sales to the NARC. Ultimately, that association got $1100.

During the discussions, no one thought to ask what price Miles intended to charge.

In 1962, the patent application was filed and the licensing agreement signed. At about that time, the Children's Bureau announced its plans to screen the 400,000 infants. A great many test kits had to be produced, and quickly.

Miles was unable to gear up fast enough for this job because of what Vice President G. W. Orr, Jr., told me were severe production problems. So Dr. Guthrie, who was not, as Kuhns put it, "in any remote sense a businessman," became a production man.

With Bureau funds, he rented a house, and in it, in a year's time, turned out 10,000 kits, enough for a million tests. Packaging was done by retarded young adults.

Ames, the Miles subsidiary, "took what we had done and repackaged it," Dr. Guthrie said. "The big price then particularly made no sense."

The big price was $262 for a 500-test kit that the scientist produced for $6. He had not known what the price would be until June 1963, when he visited Miles. "I was horrified," he said.

He pointed out that since the Government made his invention freely available, commercial laboratories—including Miles—have offered the kit for a fraction of its original price.

The Miles official, Orr, suggested that one reason for the $262 price was the need to use only the highest quality sterile materials. However, he acknowledged that he did not intend to imply that his firm's test kit was superior in that regard to Dr. Guthrie's. He did, however, fault the scientist's definition of costs.

NULLIFICATION BEGINS

In the Department of Health, Education, and Welfare, a drive began to nullify the agreement with Miles. One who urged this was Herschel F. Clesner, inventions coordinator for the PHS.

On November 5, 1963, the chief of the Children's Bureau, Katherine B. Oettinger, wrote Clesner "that the granting of exclusive commercial rights to Miles Laboratories would prevent Massachusetts and some of the larger States now contemplating setting up this screening from carrying out their plans."

"None of these States could afford to institute a program if they had to purchase the kits commercially at the contemplated ($262) price, or if they had to pay royalties on the materials they would manufacture themselves," she said.

A year ago, the acting Surgeon General of the PHS, Dr. David E. Price, officially determined that the contract should be canceled because "the best interests of the public will not be served by * * * an exclusive license * * *. Insofar as the invention may be patentable, the equitable ownership of all rights, both domestic and foreign, shall be in the United States."

INDEPENDENT OFFICES APPROPRIATION BILL, 1966—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7997) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. MAGNUSON. What is the pending business?

The PRESIDING OFFICER. The pending business is the conference report on the independent offices appropriations bill.

Mr. MAGNUSON. Mr. President, I move that the conference report be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 7997, which was read as follows:

> IN THE HOUSE OF REPRESENTATIVES, U.S.,
> *August 5, 1965.*
>
> *Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 118 to the bill (H.R. 7997) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes", and concur therein.
>
> *Resolved,* That the House recede from its disagreement to the amendment of the Senate numbered 77, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$18,629,250".

Mr. MAGNUSON. Mr. President, I move that the Senate agree to the amendment of the House to the amendment of the Senate numbered 77.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, Senators may wish to ask questions or have some discussion on the bill, let me say that this is the Independent Offices conference report. The House, of course, having acted on the bill first, made the report, and therefore we are submitting the figures and the amendments.

There were 125 differences, as I recall, between House and Senate—some as to amount, some as to language.

This is a complex and voluminous bill, but all questions were resolved, in many cases, by very good compromises on the part of both House and Senate.

Moneywise the bill in total provides for $14,246,167,800. This is $319,855,200 under the budget estimates, $136,259,800 over the original House bill, and $47,196,700 under the Senate bill.

The bulk of the amounts involved in the $14,246,167,800 bill comes from the fact that the bill contains the appropriation for the Veterans' Administration, which is $5,686,692,000. Most of that is a charge fixed by law. The second largest amount which adds to the total is the NASA appropriation, which is $5,175 million. Then there is the Federal Aviation Administration, with $714 million.

I shall put the figures in the RECORD later.

The General Services Administration has an appropriation of $549 million. The Housing and Home Finance Administration has $1,038,861,000.

The remainder of the items involve many other independent agencies, such as ICC and FCC and CAB.

Some of these amounts are approximately the same as they were last year. In fact, we cut them down personnelwise in many cases.

Civil defense in this bill totals approximately $106,780,000. The remainder deals with independent agencies, with which the Senate, of course, is very familiar. The amounts are mainly for operation and maintenance. The Federal Trade Commission is one of these agencies, as well as the Federal Home Loan Bank and the Federal Power Commission; also the General Accounting Office, and the Civil Service Commission.

The National Science Foundation accounts for $479,990,000. The Renegotiation Board and Selective Service System, and also many others are included in the bill.

That is a brief outline. We will submit the House report for the RECORD. If any Senator wishes to ask any questions, I shall be glad to attempt to answer them.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LONG of Louisiana in the chair). Does the Senator from Washington yield to the Senator from Pennsylvania?

Mr. MAGNUSON. I yield.

Mr. CLARK. I should like to call the attention of the Senator from Washington to page 13 of the conference report and quote the language with respect to amendment No. 87:

> Restores language proposed by the House with respect to administrative expenses or technical services in connection with contracts for grants for urban renewal.

My question is, What language was restored?

Mr. MAGNUSON. The original House language, which the Senate cut out, for the purpose of going to conference on the subject, provided that "no part of this appropriation shall be used for administrative expenses or technical service in connection with contracts for grants or other obligations in excess of the amounts herein provided."

Mr. CLARK. The net result of the House language, which the Senate cut out and the conferees restored, is to make it impossible for 1 cent of the $2.9 billion authorization for 4 years for urban renewal, which is contained in the Housing Act of 1965, and which is now on the President's desk for signature, to be spent. Is that correct?

Mr. MAGNUSON. No. We appropriated the full amount requested for the coming fiscal year. The House agreed with us on the full amount. In the meantime, as the Senator from Pennsylvania points out, another housing bill was enacted. It does not mean that they cannot come up with the new housing bill and ask for an amount that fits the directive in the new housing bill. They can do that in a supplemental bill. The Appropriations Committees of both Houses, I am sure, would look with sympathy on such a request. That is the intent of the language in the report.

We had suggested—that is, the Senator from Colorado and the Senator from Massachusetts and others—that we try to compromise with the House. The bill provides that we allow an appropriation for a 2-year period. We had no estimate as to what would be required next year. Therefore we suggested—I believe this is understood—that whenever they came up with an estimate of what they will need under the new bill, in order to proceed next year, we would sympathetically be in support in a supplemental bill.

Mr. CLARK. I should like to point out to the Senator that every cent of the present authorization for urban renewal, which is funded by contract grants, going back to the Housing Act of 1964, has now been exhausted; that the bill which is on the President's desk for signature creates a new fund of $2.9 billion for 4 years, and that not one cent of that money can be committed until some new contract grants are authorized. And under the present appropriation, no money may be spent for administrative expenses in contracting for grants.

I am told by general counsel for HHFA—and I know that my friend from Washington made a valiant fight to sustain the Senate's position, although the Senate did yield—that as a result of the conference report, over 200 cities are at a standstill and cannot move forward with their urban renewal programs because of the adamancy of the House in refusing to authorize any administrative expenses for contracting for grants.

We cannot even put the clerks to work. More than 400 cities will be out of business in urban renewal on a standstill basis; that is, they cannot move forward with their plans until the House agrees to fund some part of these administrative expenses.

I should like to continue to read from the conference report at page 13, dealing with amendment No. 87:

> The conferees support the program and recognize its many outstanding benefits. A supplemental request for the balance of fiscal year 1966 as well as the entire fiscal year 1967 is anticipated at an early date at which time 2-year advance funding will be recommended.

My question to my friend from Washington is: What is an early date? What is the earliest time at which he believes we would be able to get some money to permit this program, which has ground to a halt, to get rolling again? When does the Senator think we might have a supplemental appropriation bill, in the course of which the House, in its wisdom and compassion, might be willing to let this program, of which they are so fond, but which they have stopped, get rolling along?

Mr. MAGNUSON. If Congress remains in session long enough this fall, we might have a supplemental appropriation bill in which this item could be included. I believe the first supplemental bill would come up at the next session. I believe that would be the time. We have included $13 million for administrative expenses, and we thought there would be at least that much of a hiatus, of 4 or 5 months, for the planning by local communities, so as to give them an opportunity to make their plans for the future.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I shall yield in a moment. I agree that it is hard to know whether 2-year planning or 4-year planning is better. I think 4-year planning is better. That was the best judgment of both the House committee and the Senate committee that handled the housing bill. But the conferees thought the request should come to Congress every year. The agency could make their planning and come in and get their funds. The result is that the House funded the authorization in the amount of $438,675,000. I agree with the Senator that a great deal of that amount has already been contracted for. But there is still enough money in the bill for them to do all the administrative work.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CLARK. I continue to quote from the report:

> The conferees are agreed that this leadtime will amply allow for the mechanics of the program and at the same time provide an opportunity for the Congress to review this program as is now done with other programs involving planning and financial relations with local communities. The conferees are convinced this agreement will not jeopardize advance planning by local communities and will give them ample opportunity to make plans for the future.

I have no criticism of the Senate conferees in this regard. The Senate Appropriations Committee acted wisely and well in taking that language out the first time. When it was taken out, I was the one to commend the Senator. The Senator and the other conferees who went to conference were dealing with a difficult group. I am not saying that the Senator did not have to give in, but I am saying that this action by the House of Representatives is a gross abuse of the legislative process. If my friend will permit me, I should like to develop briefly why I believe that is the case.

Back in 1949 the late great Senator Robert A. Taft, of Ohio, persuaded the Congress to initiate the urban renewal program. Being a man of infinite wisdom and judgment, he knew that it would be impossible to get an urban renewal program underway without a great deal of advance planning and advance programing. So he was the sponsor of the proposal for what is now invidiously referred to as back-door financing. He did not want annual appropriations because he knew—and he carried the Congress with him—that in an area such as urban renewal, the show cannot be run unless there is time to plan in advance. So, ever since 1949, in every housing bill we have considered, we have had contract financing, and we had it again in the act of 1965. We had it in the act of 1964.

In earlier years efforts were made on the floor of the Senate and in the House to change the system of contract financing and to substitute annual appropriations. In each case the effort failed, and it failed by conspicuously large majorities in recent years after the composition of the House and the Senate became somewhat more attuned to the needs of the 20th century than it used to be some time ago.

In the membership of the Independent Offices Subcommittee of the House Appropriations Committee, as far as I know, there are not more than one or two who have minor urban renewal programs in their districts. I have checked, and I shall not mention the names of the House conferees, but all except two are from rural districts. In the district of the individual who is from the largest city—and I shall not mention his name—the authorities have not undertaken any urban renewal projects. In fact, it is the only large city in the country that has not. So there is not a Member of the House conferees who has any stake in the urban renewal program. There is not a member on the House committee who serves on the Banking and Currency Committee of the House. And with all due deference to my good friends, again I say that I do not criticize them. There is not a conferee on the part of the Senate who is a member of the Committee on Banking and Currency. I am sure those Senators would not pretend to have any expertise in the urban renewal program.

The program is a program for cities, large, middle-size, and small. It is not a program for the rural districts from which the House conferees come.

I have been advised by the HHFA that, as a result of the action taken by the House, the forward movement of the urban renewal program will now come to a halt. There will be no initial use of any part of the $750 million for fiscal year 1966, which is in the Housing Act of 1965, until such time as, in its infinite wisdom and compassion, our House friends are willing to give some money for administrative expenses. And they knew it when they did it.

Why did they do it? They did it because they did not have the nerve to bring the subject up before the Senate or the House when the housing bill was before us, because if they had, they would have gotten licked. Now, because of the peculiar way we operate, the Appropriations Committee has undertaken to legislate, and to overturn the Robert A. Taft principle of contract financing adopted by both parties many years ago. As of right now, the officials of every single Pennsylvania city and every other city all over the country which has urban renewal programs ready to go, who have been waiting for this new money—the new $2.9 billion for 4 years—will have to sit and wait until after next January, because of the adamancy of our good friends over in the House.

Our good friends over in the House do not like what Robert A. Taft did 17 years ago, and they say, "You must subject the urban renewal program to the annual appropriations process." Mr. President, when that is done, we shall have struck a mortal blow to the whole urban renewal program.

In conclusion, I should like to say to my friend the Senator from Washington [Mr. MAGNUSON] and to my friend the Senator from Colorado [Mr. ALLOTT] that I know what they were up against. I have looked over the conference report. I see in item after item, "The House recedes, the House recedes, the House recedes."

I know that there is a feeling that the wonderful and much beloved chairman of the House conferees strongly opposed the Taft theory. I know the reasons why it seemed wise to give in to his views. I merely wish to make a public record of the fact that, in my judgment—and again I am not criticizing Senators—this is a sample of legislative abuse of power which I do not think we ought to put up with. If I thought I had the votes, I would move to send this conference report back to conference. But I know I do not have the votes, because my good friend from Colorado and my good friend from Washington, who no doubt made a valiant fight on behalf of the Senate position, will not agree to any such procedure.

I thank my friend from Washington for his courtesy in yielding.

Mr. MAGNUSON. There is no conferee on the part of the Senate present except the Senator from Colorado [Mr. ALLOTT] and myself.

There were some members of the Senate conference who did not agree with the provision to——

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CLARK. I do not wish to be invidious, but if we were to call the names of the Senate conferees, I wonder how many would be seen to come from States where the urban renewal program is as vital as it is to me and to some other Senators who, unfortunately are not in the Chamber at the present moment.

Mr. MAGNUSON. I believe that through the efforts of the Senator from Pennsylvania and the others in getting the bill to conference, we have at least made a step forward. I do not believe it is enough, but if and when we get started, we already have a pretty good commitment. It will be at least 2 years, if not more, before we see its effects.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. I think so. May I have the attention of the distinguished Senator from Pennsylvania?

Mr. CLARK. I cannot hear the Senator.

Mr. ALLOTT. We are approaching the end of the week.

Mr. CLARK. Suppose I come over closer to the Senator.

Mr. ALLOTT. This is a question on which the House Members are very, very determined, as the Senator knows.

There is a really good principle behind what they are trying to do, and that is to maintain a closer and tighter check on the spending of Government funds.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ALLOTT. If the Senator from Pennsylvania will permit me to do so, I should like to complete my thought. I represent, in part, a State that has a large city.

Mr. MAGNUSON. So do I.

Mr. ALLOTT. So the Senator from Pennsylvania cannot quite eliminate me from that category.

Let me continue my thought, which is that the House took an adamant position. They cited the instance of airport aid, for example, a program which used to be conducted on the same principle. They argued this subject for a long time. Congress finally placed that appropriation on a year-by-year basis, but the House maintains that that has not stopped airport aid. That is true.

The problem which the Senator from Pennsylvania speaks about is one that anyone who has had experience at public affairs understands; that is, that in developing urban renewal programs, it is necessary to permit the cities to have time in advance to float bond issues or to hold elections for bond issues to develop the programs.

Frankly, I did not think we would get this much out of conference. We discussed this subject and argued it for an hour or more. At the next session, which, as I recall, was the next day, we argued about it again. We went through the entire bill and then we turned to this item again and argued it further.

But the Senator from Pennsylvania asked a question which I sought to interrupt a few minutes ago, and he wanted to continue his thought. It is likely, although it is a poor thing for a Republican to be saying, that a rather substantial appropriation bill will be before the Senate before Congress adjourns this fall. I should say that we shall probably have one before the Senate within this calendar month.

I cannot give it as a representation, because I cannot control the minds or actions of my own colleagues or of the Members of the House, but I believe that when that bill is reported, it will provide an appropriation for the balance of the funds that are authorized. I believe that, in addition, it will contain authority to contract for 2 years ahead.

I would not pretend to the Senator that I believe we can get more than that, but I believe we can get authority for 2 years. If we get 2-year authority—that might not be all that the Housing and Home Finance Agency wants, but it will never get all it wants anyway, under any circumstances, but I believe it can adequately plan its work if it has authority to contract for 2 years in advance, and I believe we have the assurance and agreement that the House Members will do that.

I ask the Senator from Washington if that states the situation correctly.

Mr. MAGNUSON. That is correct. The main thing is the same field, the field of urban mass transportation, the bill contained an appropriation for 2 years, and that was accepted.

Mr. ALLOTT. That was accepted.

Mr. MAGNUSON. I am not so sure that if we had another figure from the Budget, we might have been able to include that item this time for urban renewal.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. CLARK. I hope—and I suspect that the Senator from Washington shares my hope—that in the reasonably near future we shall have a Department of Urban Affairs. I would hope that when that blessed day arrives, the Committee on Appropriations would be willing to create a subcommittee on appropriations for the new Department of Urban Affairs and Housing.

Then I would hope that the rules of the Senate would be changed so that some members of the Committee on Banking and Currency could sit, at least, ex officio, on the Committee on Appropriations. Then, without saying anything at all unfriendly to my friends from Washington and Colorado, there would be on the committee Senators who were well versed in urban renewal. I do not say this in an invidious sense at all to my friends.

Mr. MAGNUSON. Mr. President, I yield to the Senator from New York.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The junior Senator from New York is recognized.

Mr. KENNEDY of New York. Mr. President, I associate myself with the remarks of the Senator from Pennsylvania. This is a serious matter for the urban areas, which have a great need of urban renewal.

I believe that the case has been presented very well by the Senator from Pennsylvania [Mr. CLARK]. I hope that we shall be able to expedite a supplemental appropriation bill in this matter so that we can proceed with the planning for the larger urban areas.

I know that we speak for other Senators who are not present, but who were present to present their case before the committee on the need for the program in the larger urban areas across the United States.

Mr. MAGNUSON. Mr. President, I appreciate the statement of the Senator.

The Senator from Colorado and I were armed with letters signed by Senators.

Mr. President, I call attention to another matter of great importance. The Senate made provision for $43,479,000 in amendment No. 76 to provide funding for a new FBI building in Washington. We did this for the purpose of being sure that the money would be available if and when the General Services completed their sites and planning and could let the bids. The need for a new building was undenied.

We finally ended up in conference with another agreement with the House conferees, to the effect that a request for funds would be considered in a supplemental or regular annual appropriation bill, if and when the GSA is ready to let contracts. I understand that, at present, construction capability is estimated for the end of June 1966. Surely by that time we will have either a supplemental or a regular appropriation bill.

Mr. ALLOTT. Mr. President, we had a similar situation with a building in Lincoln, Nebr., which had been authorized by the Senate at the time of the passage of the appropriation bill, but which had not been authorized by the House committee at the time the conferees met.

We did place a provision in the bill for the sites and planning, but the construction money was left out.

Mr. MAGNUSON. Mr. President, I thought some Senator might want to ask about what happened to the Federal building in Dallas. However, since no Senator asked, the report speaks for itself.

Mr. President, I am very grateful to the staff members, Mr. Cooper, and Mr. Dirks, and to all subcommittee members.

This is a long, difficult, and complicated bill. We spent many days in hearings and listened to many witnesses before finally coming forth with what we think is an excellent approach to the problems of all the independent offices for the coming year.

I thank particularly the ranking Republican member of the committee, the distinguished Senator from Colorado [Mr. ALLOTT], who has been so considerate and diligent in attending the meetings.

It is no small task. We have many other duties, but we devoted ourselves to this task this year, and we are through a little earlier than usual.

I again thank everyone who has been associated with the bill in any manner.

Mr. ALLOTT. Mr. President, I reiterate what the Senator said. There are now some 27 agencies covered in the bill. The number increases each year. The task becomes more complicated each year. It runs the whole gamut from NASA, to veterans, to housing.

It is a most difficult bill. It is a great tribute to the Senator from Washington, who was the chairman of the conference committee, that in so many instances, he was able to persuade the House conferees to agree with the Senate position.

The Senator from Washington did excellent work. I express my personal appreciation to Senators who were members of the conference committee. I pay my personal appreciation to our staff member, Mr. Robert Clark, who has worked closely with me on the bill. Without a great deal of staff work, the bill would never have become a reality.

Mr. MAGNUSON. I intended to mention Mr. Clark, but I knew that the Senator from Colorado would.

Mr. President, I move that the Senate agree to the House amendment to Senate amendment No. 77.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table showing the action taken on each item in the appropriation bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[CONFERENCE TABLE]

Independent offices appropriation bill, 1966 (H.R. 7997)

COMPARATIVE STATEMENT OF ACTION TAKEN ON THE ESTIMATES FOR FISCAL YEAR 1966

Item	Appropriations, 1965	Budget estimates, 1966	Bill		Conference allowance	Conference allowance compared with—		
			House	Senate		Budget estimates, 1966	House bill	Senate bill
TITLE I								
EXECUTIVE OFFICE OF THE PRESIDENT								
NATIONAL AERONAUTICS AND SPACE COUNCIL								
Salaries and expenses	$500, 000	$525, 000	$525, 000	$525, 000	$525, 000			
OFFICE OF EMERGENCY PLANNING								
Salaries and expenses	4, 841, 000	4, 989, 000	3, 380, 000	4, 955, 000	4, 955, 000	−$34, 000	+$1, 575, 000	
Salaries and expenses, telecommunications		1, 531, 000	1, 130, 000	1, 430, 000	1, 280, 000	−251, 000	+150, 000	−$150, 000
Civil defense and defense mobilization functions of Federal agencies	4, 364, 900	5, 200, 000	4, 365, 000	4, 365, 000	4, 365, 000	−835, 000		
State and local preparedness	1, 500, 000							
Total, Office of Emergency Planning	10, 705, 900	11, 720, 000	8, 875, 000	10, 750, 000	10, 600, 000	−1, 120, 000	+1, 725, 000	−150, 000
OFFICE OF SCIENCE AND TECHNOLOGY								
Salaries and expenses	976, 500	1, 162, 000	1, 070, 000	1. 110, 000	1, 070, 000	−92, 000		−40, 000
Total, Executive Office of the President	12, 182, 400	13, 407, 000	10, 470, 000	12, 385, 000	12, 195, 000	−1, 212. 000	+1, 725, 000	−190, 000
FUNDS APPROPRIATED TO THE PRESIDENT								
Disaster relief	55, 000, 000	[1] 55, 000, 000	20, 000, 000	80, 000, 000	55, 000, 000		+35, 000, 000	−25, 000, 000
DEPARTMENT OF DEFENSE								
CIVIL DEFENSE								
Operation and maintenance	75, 000, 000	79, 200, 000	58, 990, 000	69, 170, 000	64, 080, 000	−15, 120, 000	+5, 090, 000	−5, 090, 000
Research, shelter survey, and marking	30, 200, 000	114, 700, 000	30, 200, 000	55, 200, 000	42, 700, 000	−72, 000, 000	+12, 500, 000	−12, 500, 000
Total, civil defense, Department of Defense	105, 200, 000	193, 900, 000	89, 190, 000	124, 370, 000	106, 780, 000	−87, 120, 000	+17, 590, 000	−17, 590, 000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
PUBLIC HEALTH SERVICE								
Emergency health activities	8, 875, 000	10, 380, 000		2, 000, 000		−10, 380, 000		−2, 000, 000

See footnotes at end of table.

[CONFERENCE TABLE]

Independent offices appropriation bill, 1966 (H.R. 7997)—Continued

COMPARATIVE STATEMENT OF ACTION TAKEN ON THE ESTIMATES FOR FISCAL YEAR 1966

Item	Appropriations, 1965	Budget estimates, 1966	Bill		Conference allowance	Conference allowance compared with—		
			House	Senate		Budget estimates, 1966	House bill	Senate bill
TITLE I—Continued								
INDEPENDENT OFFICES								
CIVIL AERONAUTICS BOARD								
Salaries and expenses	$11,095,500	$11,300,000	$10,500,000	$11,095,500	$10,797,750	−$502,250	+$297,750	−$297,750
Payments to air carriers (liquidation of contract authorization)	84,432,000	83,500,000	80,000,000	81,170,000	81,170,000	−2,330,000	+1,170,000	
Total, Civil Aeronautics Board	95,527,500	94,800,000	90,500,000	92,265,500	91,967,750	−2,832,250	+1,467,750	−297,750
CIVIL SERVICE COMMISSION								
Salaries and expenses	22,696,000	22,500,000	22,200,000	22,400,000	22,300,000	−200,000	+100,000	−100,000
Investigation of U.S. citizens for employment by international organizations	600,000	627,000	600,000	600,000	600,000	−27,000		
Annuities under special acts	1,650,000	1,550,000	1,500,000	1,550,000	1,550,000		+50,000	
Government payment for annuitants, employees health benefits		29,224,000	29,220,000	29,220,000	29,220,000	−4,000		
Government payment for annuitants, employees health benefits fund	12,210,000							
Government contributions, retired employees health benefits fund	14,800,000							
Payment to civil service retirement and disability fund	65,000,000	67,000,000	67,000,000	67,000,000	67,000,000			
Administrative expenses, employees life insurance fund (limitation)	(273,500)	(279,000)	(279,000)	(279,000)	(279,000)			
Total, Civil Service Commission	116,956,000	120,901,000	120,520,000	120,770,000	120,670,000	−231,000	+150,000	−100,000
FEDERAL AVIATION AGENCY								
Operations	551,900,000	553,500,000	542,600,000	551,471,280	547,039,000	−6,461,000	+4,439,000	−4,432,280
Facilities and equipment	50,000,000	51,000,000	48,800,000	50,500,000	49,800,000	−1,200,000	+1,000,000	−700,000
Research and development	40,000,000	40,000,000	37,500,000	37,500,000	37,500,000	−2,500,000		
Operation and maintenance, Washington National Airport	3,623,000	3,730,000	3,625,000	3,730,000	3,677,500	−52,500	+52,500	−52,500
Operation and maintenance, Dulles International Airport	4,379,000	4,720,000	4,379,000	4,679,000	4,528,000	−192,000	+149,000	−151,000
Construction, Washington National Airport	1,710,000	1,100,000	1,000,000	1,100,000	1,050,000	−50,000	+50,000	−50,000
Construction, Dulles International Airport	180,000	200,000	180,000	200,000	200,000		+20,000	
Grants-in-aid for airports	150,000,000	62,500,000	62,500,000	75,000,000	71,000,000	+8,500,000	+8,500,000	−4,000,000
Grants-in-aid for airports (liquidation of contract authorization)	7,000,000							
Total, Federal Aviation Agency	808,792,000	716,750,000	700,584,000	724,180,280	714,794,500	−1,955,500	+14,210,500	−9,385,780
FEDERAL COMMUNICATIONS COMMISSION								
Salaries and expenses	16,985,000	17,494,000	16,900,000	17,085,000	16,992,500	−501,500	+92,500	−92,500
FEDERAL POWER COMMISSION								
Salaries and expenses	12,974,500	13,539,000	12,875,000	13,325,000	13,230,000	−209,000	+355,000	−95,000
FEDERAL TRADE COMMISSION								
Salaries and expenses	13,475,000	13,776,000	13,475,000	13,625,000	13,550,000	−226,000	+75,000	−75,000
GENERAL ACCOUNTING OFFICE								
Salaries and expenses	46,900,000	46,900,000	46,900,000	46,900,000	46,900,000			
GENERAL SERVICES ADMINISTRATION								
Operating expenses, Public Buildings Service	223,240,000	230,618,000	225,000,000	228,500,000	226,750,000	−3,868,000	+1,750,000	−1,750,000
Repair and improvement of public buildings	90,000,000	79,600,000	90,000,000	85,000,000	87,500,000	+7,900,000	−2,500,000	+2,500,000
Construction, public buildings projects	164,717,900	183,751,000	105,577,000	178,684,000	132,303,000	−51,448,000	+26,726,000	−46,381,000
Sites and expenses, public buildings projects	20,109,000	20,000,000	20,000,000	18,611,000	18,629,250	−1,370,750	−1,370,750	+18,250
Payments, public buildings purchase contracts	9,885,000	3,380,000	3,380,000	3,380,000	3,389,000			
Expenses, U.S. court facilities	1,030,600	2,100,000	1,660,000	1,660,000	1,660,000	−440,000		
Operating expenses, Federal Supply Service	53,420,000	56,640,000	54,320,000	56,640,000	55,480,000	−1,160,000	+1,160,000	−1,160,000
Operating expenses, Utilization and Disposal Service (indefinite appropriation of receipts)	(9,512,500)	(9,800,000)	(9,600,000)	(9,600,000)	(9,600,000)	(−200,000)		
Operating expenses, National Archives and Records Service	15,597,000	15,946,000	15,932,000	15,932,000	15,932,000	−24,000		
National historical publication grants	350,000	500,000	350,000	350,000	350,000	−150,000		
Operating expenses, Transportation and Communications Service	5,690,000	6,022,000	5,709,000	5,709,000	5,709,000	−313,000		
Strategic and critical materials (indefinite appropriation of receipts)	(17,873,500)	(17,525,000)	(17,400,000)	(17,400,000)	(17,400,000)	(−125,000)		
Salaries and expenses, Office of Administrator	1,627,500	1,650,000	1,650,000	1,650,000	1,650,000			
Allowances and office facilities for former Presidents	310,000	235,000	235,000	235,000	235,000			
Expenses, Presidential transition	400,000							
Administrative operations fund (limitation)	(20,000,000)	(15,736,000)	(15,647,000)	(15,647,000)	(15,647,000)	(−89,000)		
Working capital fund	100,000	100,000	100,000	100,000	100,000			
Total, General Services Administration	586,477,000	600,552,000	523,913,000	596,451,000	549,678,250	−50,873,750	+25,765,250	−46,772,750

See footnotes at end of table.

[CONFERENCE TABLE]

Independent offices appropriation bill, 1966 (H.R. 7997)—Continued

COMPARATIVE STATEMENT OF ACTION TAKEN ON THE ESTIMATES FOR FISCAL YEAR 1966

Item	Appropriations, 1965	Budget estimates, 1966	Bill		Conference allowance	Conference allowance compared with—		
			House	Senate		Budget estimates, 1966	House bill	Senate bill
TITLE I—Continued								
INDEPENDENT OFFICES—Con.								
HOUSING AND HOME FINANCE AGENCY								
Office of the Administrator:								
Salaries and expenses	$16,385,000	$17,125,000	$3,675,000	$3,666,600	$3,668,700	−$13,456,300	−$6,300	+$2,100
Urban planning grants	13,675,000	35,000,000	18,675,000	18,675,000	18,675,000	−16,325,000		
Urban studies and housing research	397,400	1,500,000	750,000	750,000	750,000	−750,000		
Federal-State training programs		10,145,000		4,000,000		−10,145,000		−4,000,000
Fellowships for city planning and urban studies		530,000				−530,000		
Open space land grants	15,000,000	60,500,000	20,000,000	25,000,000	22,500,000	−38,000,000	+2,500,000	−2,500,000
Low-income housing demonstration programs	1,275,000	2,575,000	1,275,000	1,275,000	1,275,000	−1,300,000		
Public works planning fund	14,000,000	15,000,000	10,000,000	10,000,000	10,000,000	−5,000,000		
Urban renewal fund (liquidation of contract authorization)	230,000,000	331,000,000				−331,000,000		
Urban Renewal Administration			438,675,000	344,175,000	438,675,000	+438,675,000		+94,500,000
Rehabilitation loan fund	10,180,000	41,800,000	41,205,000	41,520,000	41,362,500	−437,500	+157,500	−157,500
Urban mass transportation grants	60,000,000	300,000,000	240,000,000	280,000,000	260,000,000	−40,000,000	+20,000,000	−20,000,000
Urban mass transportation loans	5,000,000	10,000,000	5,000,000	5,000,000	5,000,000	−5,000,000		
Administrative expenses, urban transportation activities	300,000	550,000	440,000	470,000	455,000	−95,000	+15,000	−15,000
Housing for the elderly or handicapped fund	25,000,000							
Total, Office of the Administrator	391,212,400	825,725,000	779,695,000	734,531,600	802,361,200	−23,363,800	+22,666,200	+67,829,600
Public Housing Administration:								
Annual contributions	208,320,000	231,000,000	220,000,000	220,000,000	220,000,000	−11,000,000		
Administrative expenses	16,352,000	17,210,000	16,500,000	16,995,800	16,500,000	−710,000		−495,800
Total, Public Housing Administration	224,672,000	248,210,000	236,500,000	236,995,800	236,500,000	−11,710,000		−495,800
Total, Housing and Home Finance Agency	615,884,400	1,073,935,000	1,016,195,000	971,527,400	1,038,861,200	−35,073,800	+22,666,200	+67,333,800
INTERSTATE COMMERCE COMMISSION								
Salaries and expenses	26,715,000	27,300,000	26,715,000	27,115,000	26,915,000	−385,000	+200,000	−200,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Authorization								
Research and development $4,536,971,000	4,363,594,000	4,575,900,000	4,521,000,000	4,536,971,000	4,531,000,000	−44,900,000	+10,000,000	−5,971,000
Construction of facilities 62,376,350	262,880,500	74,700,000	60,000,000	62,376,350	60,000,000	−14,700,000		−2,376,350
Administrative operations 591,048,850	623,525,500	609,400,000	579,000,000	590,957,850	584,000,000	−25,400,000	+5,000,000	−6,957,850
Total, National Aeronautics and Space Administration 5,190,396,200	5,250,000,000	5,260,000,000	5,160,000,000	5,190,305,200	5,175,000,000	−85,000,000	+15,000,000	−15,305,200
NATIONAL CAPITAL HOUSING AUTHORITY								
Operation and maintenance of properties	37,000	41,000	37,000	41,000	37,000	−4,000		−4,000
NATIONAL COMMISSION ON TECHNOLOGY, AUTOMATION, AND ECONOMIC PROGRESS								
Salaries and expenses	825,000							
NATIONAL SCIENCE FOUNDATION								
Salaries and expenses	420,400,000	530,000,000	480,000,000	479,999,000	479,999,000	−50,001,000	−1,000	
RENEGOTIATION BOARD								
Salaries and expenses	2,600,000	2,500,000	2,500,000	2,500,000	2,500,000			
SECURITIES AND EXCHANGE COMMISSION								
Salaries and expenses	15,442,000	17,400,000	16,442,000	16,442,000	16,442,000	−958,000		
SELECTIVE SERVICE SYSTEM								
Salaries and expenses	47,862,000	49,500,000	49,000,000	49,250,000	49,250,000	−250,000	+250,000	
VETERANS' ADMINISTRATION								
General operating expenses	162,570,000	158,000,000	160,000,000	160,468,800	160,238,000	+2,238,000	+238,000	−230,800
Medical administration and miscellaneous operating expenses	14,896,000	13,496,000	12,596,000	13,496,000	13,496,000		+900,000	
Medical and prosthetic research	37,783,000	40,893,000	37,783,000	40,893,000	40,893,000		+3,110,000	
Medical care	1,154,409,000	1,177,417,000	1,197,917,000	1,191,956,000	1,191,956,000	+14,539,000	−5,961,000	
Compensation and pensions	4,113,000,000	4,142,000,000	4,142,000,000	4,142,000,000	4,142,000,000			
Readjustment benefits	45,900,000	36,500,000	36,000,000	36,500,000	36,500,000		+500,000	
Veterans insurance and indemnities	13,700,000	[2] 9,900,000	[2] 9,900,000	[2] 9,900,000	9,900,000			
Construction of hospital and domiciliary facilities	98,103,000	97,006,000	87,585,000	92,736,800	90,511,600	−6,494,400	+2,926,600	−2,225,200
Grants for construction of State nursing homes		5,000,000	2,500,000	4,000,000	2,500,000	−2,500,000		−1,500,000
Grants to the Republic of the Philippines	386,000	386,000	386,000	386,000	386,000			
Direct loan revolving fund		(3)		(3)	(3)			

See footnotes at end of table.

[CONFERENCE TABLE]

Independent offices appropriation bill, 1966 (H.R. 7997)—Continued

COMPARATIVE STATEMENT OF ACTION TAKEN ON THE ESTIMATES FOR FISCAL YEAR 1966

Item	Appropriations, 1965	Budget estimates, 1966	Bill		Conference allowance	Conference allowance compared with—		
			House	Senate		Budget estimates, 1966	House bill	Senate bill
TITLE I—Continued								
INDEPENDENT OFFICES—Con.								
VETERANS ADMINISTRATION—Con.								
Loan guaranty revolving fund:								
Limitation on obligations	($380,000,000)	Indefinite	($360,000,000)	($380,000,000)	($380,000,000)	($+380,000,000)	(+$20,000,000)	
Transfer from direct loan revolving fund	(200,000,000)	Indefinite	(180,000,000)	(210,000,000)	(210,000,000)	(+210,000,000)	(+30,000,000)	
Soldiers' and sailors' civil relief		$25,000	25,000	25,000	25,000			
Total, Veterans' Administration	5,640,747,000	5,680,623,000	5,686,692,000	5,692,361,600	5,688,405,600	+7,782,600	+1,713,600	−$3,956,000
Total, definite appropriations	13,899,856,800	14,538,698,000	14,082,908,000	14,272,897,980	14,219,167,800	−319,530,200	+136,259,800	−57,730,180
Total, indefinite appropriation of receipts (proceeds of sales)	27,386,000	27,325,000	27,000,000	27,000,000	27,000,000	−325,000		
Total appropriations, title I	13,927,254,800	14,566,023,000	14,109,908,000	14,299,897,980	14,246,167,800	−319,855,200	+136,259,800	−57.730,180

CORPORATIONS—ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES

[Limitation on amounts of corporate funds to be expended]

Corporation or agency	Appropriations, 1965	Budget estimates, 1966	Bill		Conference allowance	Conference allowance compared with—		
			House	Senate		Estimates, 1966	House bill	Senate bill
Federal Home Loan Bank Board:								
Administrative expenses	(3,828,500)	(4,252,000)	(3,712,000)	(3,885,000)	(3,885,000)	(−367,000)	(+173,000)	
Nonadministrative expenses	(13,120,000)	(13,155,000)	(13,155,000)	(13,155,000)	(13,155,000)			
Federal Savings and Loan Insurance Corporation	(232,800)	(259,000)	(233,000)	(243,000)	(233,000)	(−26,000)		(−10,000)
Housing and Home Finance Agency:								
College housing loans	(1,975,000)	(1,985,000)	(1,975,000)	(1,975,000)	(1,975,000)	(−10,000)		
Public facility loans	(1,270,000)	(1,325,000)	(1.270.000)	(1,270.000)	(1,270,000)	(−55,000)		
Revolving fund (liquidating programs)	(114,000)	(115.000)	(110,000)	(110,000)	(110,000)	(−5,000)		
Housing for the elderly or handicapped	(950,000)	(1,000,000)	(950,000)	(950,000)	(950,000)	(−50,000)		
Federal National Mortgage Association	(8,600,000)	(8,800,000)	(8,800,000)	(8,795,800)	(8,800,000)			(+4,200)
Federal Housing Administration:								
Administrative expenses	(10,084,500)	(10,450,000)	(10,084,500)	(10,330,300)	(10,330,300)	(−119,700)	(+245,800)	
Nonadministrative expenses	(79,775,000)	(80,850,000)	(79,775,000)	(80,275,000)	(80,275,000)	(−575,000)	(+500,000)	
Public Housing Administration:								
Administrative expenses	(16,352,000)	(17,210,000)	(16,500,000)	(16,995,800)	(16,500,000)	(−710,000)		(−495,800)
Nonadministrative expenses	(1,420,000)	(1,582,000)	(1,420,000)	(1,200,000)	(1,200,000)	(−382,000)	(−220,000)	
Total, administrative expenses	(137,721,800)	(140,983,000)	(137,984,500)	(139,184,900)	(138,683,300)	(−2,299,700)	(+698,800)	(−501,600)

---

[1] Including $35,000,000 additional in S. Doc. 30.

[2] Plus $7,000,000 by transfer from the "Veterans special term insurance fund."

[3] Language to reduce new obligational authority by $100,000,000.

TRAFFIC-TICKET FIXING IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, yesterday afternoon, I invited the attention of the Senate to the fact that on June 16 and June 22, 1965, the U.S. attorney for the District of Columbia, David Acheson, parked his personal car illegally and in violation of the traffic laws of the District of Columbia in an area reserved for official parking.

I ask unanimous consent that that part of my speech of yesterday dealing with Mr. Acheson's misconduct be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. MORSE. Mr. President, 9,119 fixed traffic tickets are still entirely too many. An analysis of the traffic tickets—and I have given some time to an analysis of them—shows that many "fixes" are quite unjustified.

I wish to discuss one shocking case.

There was delivered to my office this morning a copy of the weekly traffic-ticket-fixing report from the Chief of the Metropolitan Police Department and the Office of the Assistant Corporation Council for the District of Columbia, for the period of July 19 through July 23, 1965. This report was delivered to my office in compliance with my letter to Commissioner Tobriner of December 17, 1964, requesting such reports on a weekly basis. Mr. Tobriner has complied with that request.

The report which I received this morning contained a total of 44 traffic tickets which had been fixed by the Office of the Assistant Corporation Counsel. Of the 44 traffic tickets which were fixed by the Corporation Counsel's office, 12, or more than one-third, were fixed for employees of the Federal and District of Columbia Governments.

Of the 12 traffic tickets fixed by Mr. Clark King, were 2 traffic tickets fixed for Mr. David C. Acheson, the U.S. attorney for the District of Columbia. These tickets were fixed at the request of the U.S. attorney.

According to the information furnished me this morning by Commissioner Walter Tobriner, Mr. Acheson received a traffic ticket at 2:15 p.m. on June 18, 1965, and another traffic ticket at 1:55 p.m. on June 22, 1965, for parking his personal automobile—a Volkswagen, bearing tag number 1EG26 in a restricted zone.

Mr. Acheson states in a memorandum to his assistant, Mr. Tim Murphy, that:

"On two successive occasions, I have parked by a sign reading 'Reserved for Government Officials,' while attending to Government business at the Bureau of the Budget and the Treasury Department. Since I am a Government official, it would seem to me that the place was reserved for me. Notwithstanding compliance with directions, I was ticketed both times. One space was just west of the Bureau of the Budget building and one space was just south of the Treasury Department on the square containing Sherman's statue.

"It would seem to me that the two tickets should be canceled and that I should be given some kind of identification on my car so that I may use these spaces without irritating episodes like this. Would you take this up with the Corporation Counsel?"

Officials of the District of Columbia Department of Highways and Traffic have advised me this afternoon that the signs to which the U.S. attorney refers, read as follows: "Reserved"—then in the space that follows, the time is listed. For example: 7 a.m. to 4 p.m. Following the time restriction there appears in large letters "Government Officials Displaying Parking Permits."

The U.S. attorney advises his assistant that he "should be given some kind of identification on my car so that I may use these spaces without irritating episodes like this." All Mr. Acheson has to do is request an official parking permit from the District of Columbia Department of Motor Vehicles and I am sure they would gladly issue him one. As recently as a few minutes ago, he has not requested such permit from the Department of Motor

Vehicles though he violated the law 5 or 6 weeks ago.

I say for the benefit of the U.S. attorney in Washington, D.C., that his negligence, in my judgment, and his inexcusable violation of the District traffic laws, has cost the District of Columbia some money to ticket his car.

It also takes some time if that ticket is processed. Certainly the U.S. attorney for the District of Columbia should be counted upon to place law enforcement first in his own conduct.

How does Mr. Acheson, the chief law enforcement officer for the District of Columbia, believe policemen should know whether the Volkswagen belongs to him or some poacher on this reserved parking area?

Traffic Division Aid Mr. A. L. Clay deserves great credit for ticketing Mr. Acheson's car. Unless traffic aids strictly enforce the law in these areas, poachers park in spaces so that officials of the Government who are on official Government business and display proper identification—which Mr. Acheson apparently never even asked for—are unable to find a space to park their automobiles.

I have a hunch that Mr. Acheson would be one of the first to complain if he had the proper identification and could not find a space to park, knowing that spaces reserved for official Government business purposes were being used by the general public.

It is not easy for me to criticize the U.S. attorney.

There are some others in the Department of Justice who had better learn what it means to have uniform application of law enforcement, irrespective of the status of the individual violator.

Mr. President, I have on my desk some other traffic tickets of other officials of the Government that I only wish generally to call attention to tonight. I wish to say that the senior Senator from Oregon, chairman of the Subcommittee of the District of Columbia Committee that has jurisdiction over the Police Department in the District of Columbia, intends to do everything he can, so long as he is in the Senate to back up the police in exercising their legitimate rights and duties.

Law enforcement officers such as Mr. Acheson, the U.S. attorney for the District of Columbia, believe it or not, in my judgment cannot square their conduct in this matter with their responsibility to back up uniformity of practice in the administration of law enforcement. But Mr. Acheson is not alone.

Mr. MORSE. Mr. President, I had pointed out that all that Mr. Acheson needed to do was to place on his car an official permit, which he did not even have, did not even ask for, and, up until last night, had never asked for. I do not know what he has done today.

I also said in my speech that it cost the District of Columbia money to process the ticketing, although Mr. Acheson succeeded in having the Corporation Counsel fix the ticket—and he fixed the ticket without the slightest justification.

Articles published in today's Washington Post and Washington Star describe how the U.S. attorney for the District of Columbia has set forth his crawfishing alibis and rationalizations for being a law violator, although he is the U.S. attorney. I do not intend to let him get by with that, without disclosing how he has stultified his high position. The best that can be said for his crawfishing is that, in essence, he has pleaded nolo contendere, which does not make him guilty.

I ask unanimous consent to have printed in the Record the article entitled "Two Fixed Tickets Fail To Perturb Acheson," published in today's Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:.

Two Fixed Tickets Fail To Perturb Acheson

A batch of canceled Washington parking tickets came into Senator Wayne Morse's office again yesterday and there among them, plain as day, was the name of U.S. Attorney David C. Acheson, with two canceled tickets.

But it's all much ado about nothing, said Acheson, when he was told of this later. He's paid his share of parking tickets, he said, when he was wrong, but he figures he was right on these two occasions.

The tickets were for parking on property reserved for Government officials. Acheson is a Government official and he was on official business both times, he said.

Morse, the Oregon Democrat who has been cracking down on ticket fixing in Washington, receives these tickets from city officials as a matter of routine. Acheson's canceled tickets went right along with the rest.

Acheson was given $3 tickets on June 18 and June 22 at the Bureau of the Budget and the Treasury Department on space reserved for Government officials. In a memo to his staff, he protested this and said it seemed "I should be given some kind of identification on my car so I may use these spaces."

And there was the rub. Government officials are supposed to have permits showing on their cars when they park on Government property.

District Motor Vehicle Director George A. England said yesterday he'd have been glad to give Acheson a permit if Acheson had requested one.

Acheson's answer is that he was unaware of the permit requirement but has since learned that he needs one.

Senator Morse, commenting on the incident to the almost empty Senate floor, said it was an inexcusable violation of traffic laws and a bad example that had cost the District of Columbia money. He said it wasn't an isolated case and that tickets had been canceled for others in the Justice Department.

Thinking it all over yesterday, Acheson said he believed he was right in his stand, but maybe it wouldn't be a bad idea to take a cab.

Mr. MORSE. Mr. President, I have an idea that this law enforcement officer has such an insensitivity about the desirability of a uniform application of the law, even as it involves a U.S. attorney, that I doubt if anything could perturb him.

Be that as it may, let his own crawfishing alibi speak for itself.

Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Morse Hits Acheson on Ticket 'Fix'," published in today's Washington Star.

There being no objection, the article was ordered to be printed in the Record, as follows:

Morse Hits Acheson on Ticket Fix

The District's chief prosecutor was himself accused last night in the Senate of breaking the law.

"U.S. Attorney David C. Acheson fixed two parking tickets," Senator Wayne Morse, Democrat, of Oregon, said.

That meant that Acheson neither paid the $3 fine on each ticket nor went to court to explain why he shouldn't pay. Instead, he asked city attorneys to cancel the tickets.

They were put on his windshield June 18 and June 22 when he was parked on Budget Bureau and Treasury Department space reserved for Government officials. And Acheson was there on official business.

To Morse, the cancellation of the tickets was an inexcusable violation of traffic laws. Furthermore, Senate District Committeeman Morse said Acheson was setting a bad example as a public official.

To Acheson, cancellation of the tickets was understandable, even though he should have had an official parking permit, available for the asking. But then, his car was an official one, on official business.

What was Morse's reaction to the facts in the Acheson case?

"He should have told them to a judge."

Mr. MORSE. Mr. President, the article reads, in part:

> To Acheson, cancellation of the tickets was understandable, even though he should have had an official parking permit, available for the asking. But then, his car was an official one, on official business.

The car was a little Volkswagen. What policeman would have thought that, without a parking permit, the U.S. attorney was on official business? That is no way, I say to the U.S. attorney, to cooperate with a police department that is seeking to carry out its trust and its obligation. It does not help the morale of the Metropolitan Police Department, let me say as chairman of the subcommittee of the Committee on the District of Columbia that has supervision over the Police Department, to have the U.S. attorney follow a course of action that results in having tickets fixed. We expect the police to engage in a uniform enforcement of the law in respect to their responsibility.

Mr. Acheson's crawfishing speaks for itself. I merely want the record to show that his conduct disgusts me. It is sad that we have a U.S. attorney who has no higher regard for the high honor of his position than, in the first place, to violate the law, and then to be such a poor citizen as not to be willing to pay his fine, without going to have his ticket fixed.

DISTRICT OF COLUMBIA HOME RULE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial entitled "Without Delay," relating to the home rule issue, and published in the Washington Post of today, August 5, 1965.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Without Delay

"The restoration of home rule to the citizens of the District of Columbia must no longer be delayed," President Johnson declared in a special message to Congress 6 months ago. But the House District Committee has devoted those 6 months to nothing but delay. The committee has left the President's home rule bill precisely where it was in February. It has held no hearings, and it has scheduled none.

President Johnson is not a man of unlimited patience, fortunately, and he does not care to have his bills ignored. Now he has amplified his first message with a formal communication to the Speaker of the House, and the tone has an edge to it.

"On February 2, 1965, I transmitted to the Congress a home rule bill for the District of Columbia, with a special message urging its prompt and favorable consideration," he reminds the House. Noting the large majority that passed the bill in the Senate, the President continues: "I cannot emphasize too strongly my conviction that this action by the Senate must not meet the fate of home rule bills passed by the Senate in previous Congresses. The House, too, must be given the opportunity, and promptly, to restore the basic rights of democracy at the very heart of the greatest constitutional system in the world."

The House District Committee is controlled by rural southerners who have recognized the home rule bill as civil rights legislation. They are using the same dilatory tactics that were developed and refined in decades of rear guard action against all the national voting rights bills. As in the cases of the earlier civil rights bills, the opponents of home rule know that they constitute a minority of the House. They know that they will be beaten if the bill comes to the floor. Left to their own devices, the committee could have been expected to wait until the end of the present session before starting hearings, and then letting those hearings dribble on interminably.

President Johnson's latest communication is a disaster for the men who run the House District Committee, precisely because it means that they will not be left to their own devices. President Johnson, as majority leader of the Senate, overrode the tactics of delay 8 years ago to pass the first national civil rights legislation since Reconstruction. He is now, apparently, about to apply the same electrifying technique to the appalled District Committee.

The President does not fail to recognize the meaning of home rule for the civil rights of Washington's people. "The Congress has been aroused to redress denials of the right to vote in every part of this country—except the District. We affront its citizens and leave a significant part of our work unfinished by this unnecessary and invidious discrimination." The ballot is no less precious in Washington than in Alabama or Mississippi. As the President accurately said last February, "The people of the District are ready and eager to join fully in the democratic process."

Mr. MORSE. I commend the Washington Post for its editorial. I sincerely hope that our colleagues in the House will either report the home rule bill quickly from the House Committee on the District of Columbia or will proceed without delay to get the necessary signatures on a discharge petition, so that a home rule bill can be passed this session.

TACTICS IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent that an editorial entitled "Tactics in South Vietnam," published in the Washington Post of today be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TACTICS IN SOUTH VIETNAM

The President very plainly has gathered behind the Government's policy of remaining in South Vietnam a very substantial national consensus. The debate on Vietnam policy now seems to be moving from the broad issue of whether this country's Armed Forces should stay or leave to the question of what the Armed Forces should do, now that it has been decided that they must stay.

Military operations of the past few days have inspired some misgivings about the employment of American forces. There are legitimate doubts about the wisdom of the missions involved, the feasibility of the operations and the skill of their execution. The doubts have been raised by the Marine operation at Chan Son, by the continuing B-52 raids with their negligible results, by the emphasis on hit and run as distinguished from take and hold operations.

Maj. Gen. Lewis W. Walt has expressed a compassion and sorrow over civilian casualties at Chan Son that do him and his service credit. But his well-expressed regrets have not directly refuted the report that the Marines made a reprisal attack on a civilian occupied village in response to sniper fire that originated there. In an ugly civil war of this kind there are bound to be civilian casualties when the tide of battle moves into occupied places. We may harden our hearts to this kind of calamity; but opinion in this country will not long countenance indiscriminate reprisal or retaliatory action against civilian occupied places.

The massive B-52 raids, likewise, have an aspect of undiscriminating and indiscriminate destruction that is disquieting. Is the strategic bomber really a weapon of sufficient target selectivity to recommend it for searching out small bodies of rebels who mingle with a civilian population? Such employment would have had a very low priority in any World War II operations and even with the abundance of power we have to waste it is to be doubted on any showing made so far that such B-52 strikes have earned any higher priority now.

Apart from these particular efforts there is the broad question of how American forces are to be used generally. The tactical theory of many of the prime combat units we have sent in emphasizes the pursuit of the enemy and not the taking and holding of territory. But in a civil war, people in the territory that is held by first one side and then another suffer more than the military forces. We cannot commit ourselves to a policy under which we never seek out a Vietcong force in a populated area, but if our troops very frequently are used in forays that expose Vietnamese peasants to alternating occupation, the end in South Vietnam is not difficult to forsee.

Out of compassion for the South Vietnamese villagers must we not devise a strategy that is based more on taking and holding rather than hitting and running? No civilian population can be expected to withstand a fluctuating battle of this kind in which the peasant is always caught between contending military forces. The area to be taken and held may have to be limited to the forces available for this task. And the offensive strikes against Vietcong concentrations may have to be largely confined to nonpopulated areas. It is a way of fighting the war that will be harder on the military. But it will be easier on civilians who in the past few operations seem to have borne the brunt of the battle. General Westmoreland, fortunately, has not been indifferent to these considerations. It is to be hoped that more regard will be given to the safety of civilians in combat areas in the future.

Americans in overwhelming numbers seem sadly reconciled to the ugly fact that we must fight this war. They will not be reconciled to fighting it by methods and tactics that needlessly involve Vietnamese civilian men, women, and children in the worst cruelties of military action.

TRIBUTE TO MRS. GEORGE WARREN

Mr. PELL. Mr. President, honor is now being paid to my fellow citizen and fellow Newporter, Mrs. George Henry Warren. Rarely has one lady contributed so much of herself, her talents, and her energies as has Mrs. Warren to Newport, and equally rarely has a city so benefited from one individual.

Together with the support of community leaders such as Mrs. Ottavio Prochet, she has built the Preservation Society into one of the driving forces not only of Newport, but of our whole Rhode Island community.

The Preservation Society of Newport County was founded in 1945 by Miss Maud Wetmore, the daughter of George Peabody Wetmore, who served as the last U.S. Senator from Newport before me. Following Miss Wetmore, Mrs. Warren has been the driving force behind the society's avowed purpose of preserving Newport's rich heritage for future generations and of transfusing new life to buildings that were so useful in days gone by. Under her presidency, the society's membership has reached about 1,700. Nearly a million people have visited the buildings owned by the society, and last year 125,000 visitors paid admission.

The publicity generated by the society has been a major factor in the growing Newport tourist industry. Every year the society has mailed 250,000 pieces of literature throughout the country. The U.S. Information Agency has also distributed some of this publicity abroad. The society has also been responsible for many illustrated articles in well-known magazines on such famous houses as "The Breakers," "The Elms," as well as 18th century structures such as "The White Horse Tavern," "The Hunter House," "The Hazard House," and "The Brick Market."

The Newport Preservation Society has suggested constructive ideas for utilizing the historical buildings and houses of Newport in developing the modern needs of an urban society. Presently, the society has commissioned a noted architectural firm to offer plans for the adjustment of historic preservation to inevitable urban renewal and highway construction.

Thanks largely to the efforts and devotion of Mrs. Warren, a heritage of great historical value is being preserved for our Nation.

It is a special tribute for me to pay tribute to her since our families have been friends for several generations and I hope will continue to be so.

PROVISION FOR PRINTING AS A SENATE DOCUMENT ELEMENTS OF ENTITLEMENT TO AND BENEFITS AVAILABLE UNDER SOCIAL SECURITY AMENDMENTS OF 1965

Mr. JORDAN of North Carolina. Mr. President, the Senator from Virginia [Mr. BYRD] wrote me, as chairman of the Committee on Rules and Administration, on August 3, 1965, asking that Senate Resolution 134 be reported by the committee, to be printed.

The Committee on Rules and Administration had no authorization to meet yesterday.

From the Committee on Rules and Administration, I report Senate Resolution 134 and ask unanimous consent for its immediate consideration. This resolution would print as a Senate document a brief explanation of the benefits available under H.R. 6675, the Social Security Amendments of 1965, which recently was passed by the Congress and signed by the President. Under the resolution, each Member of the Senate would receive 1,000 copies of the document for use in responding to the many requests that they will get from constituents concerning this important legislation. The printing cost is estimated to be $1,672.

The PRESIDING OFFICER. The resolution will be stated.

The LEGISLATIVE CLERK. A resolution (S. Res. 134), authorizing the printing as a Senate document elements of entitlement to and benefits available under the Social Security Amendments of 1965, and providing for additional copies.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows.:

Resolved, That there be printed as a Senate document a brief explanation of the elements of entitlement to and benefits available under the hospital insurance benefits for the aged and the supplementary medical insurance benefits for the aged enacted in the Social Security Amendments of 1965, pursuant to H.R. 6675; and that one hundred and twenty thousand additional copies shall be printed, of which one hundred and three thousand shall be for the use of the Senate and seventeen thousand for the use of the Committee on Finance.

FEDERAL COAL MINE SAFETY ACT AMENDMENTS

Mr. COOPER. Mr. President, on July 29, I submitted amendments to H.R. 3584, a bill to amend the Federal Coal Mine Safety Act, now before the Committee on Labor and Public Welfare.

I now ask unanimous consent to have printed in the RECORD the text of title II of the Coal Mine Safety Act with the amendments to the act approved by the House in the passage of H.R. 3584, and with the amendments which I have proposed. In the text which I submit, the amendments adopted by the House are shown in italic type. I will read into the RECORD at the appropriate places in the text the language of the amendments I have proposed so that they will be printed in the regular type.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

CHANGES IN EXISTING LAW MADE BY THE BILL AS PASSED BY THE HOUSE, AND ADDITIONAL CHANGES PROPOSED BY SENATOR COOPER

TITLE II OF THE FEDERAL COAL MINE SAFETY ACT (66 STAT. 692)

TITLE II—PREVENTION OF MAJOR DISASTERS IN MINES

Definitions and exemption

SEC. 201. (a) For the purposes of this title—

(1) The term "Board" means the Federal Coal Mine Safety Board of Review created by section 205.

(2) The term "Bureau" means the Bureau of Mines.

(3) The term "certified person", when used to designate the kind of person to whom the performance of a duty in connection with the operation of a mine shall be assigned, means a person who is qualified under the laws of the State in which such mine is located to perform such duty, except that in a State the laws of which do not provide for such qualification, the term means a person deemed by the operator of such mine to be qualified to perform such duty.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communications between any State, territory, possession, or the District of Columbia and any other State, territory, or possession, of the United States, or between any State, territory, possession, or the District of Columbia and any foreign country, or wholly within any territory, possession, or through any other State or through any territory, possession, or the District of Columbia or through any foreign country.

(5) The term "Director" means the Director of the Bureau of Mines.

(6) The term "duly authorized representative of the Bureau" means a person appointed under section 109 of title I or under section 212 of this title, and authorized in writing by the Director to perform the duties of a duly authorized representative of the Bureau as provided in sections 292, 203, and 206 of this title.

(7) The term "mine" means an area of land including everything annexed to it by nature and all structures, machinery, tools, equipment, and other property, real or personal, placed upon, under, or above its surface by man, used in the work of extracting bituminous coal, lignite or anthracite, from its natural deposits in the earth in such area and in the work of processing the coal so extracted. The term "mine" does not include any strip mine. The term "work of processing the coal" as used in this paragraph means the sizing, cleaning, drying, mixing, and crushing of bituminous coal, lignite or anthracite, and such other work of processing such coal as is usually done by the operator, and does not mean crushing, coking, or distillation of such coal or such other work of processing such coal as is usually done by a consumer or others in connection with the utilization of such coal.

(8) The term "operator" means the person, partnership, association, or corporation operating a mine and owning the right to do so.

(9) The term "permissible," as applied to equipment used in the operation of a mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Director under section 212(a), and which meets specifications which (A) are prescribed by the Director for the construction and maintenance of such equipment, and (B) are designed to assure that such equipment will not cause a mine explosion or mine fire.

(10) The term "premises," when used in referring to the premises of a mine, means the land within the mine's area of land.

(11) The term "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, (A) 100 per centum of which will pass through a sieve having 20 meshes per linear inch and 70 per centum or more of which will pass through a sieve having 200 meshes per linear inch; (B) the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and (C) which does not contain more than 5 per centum of combustible matter, nor more than a total of 5 per centum of free and combined silica $(SiO)_2$.

[(b) This title shall not apply to any mine in which no more than fourteen individuals are regularly employed underground.]

(b) Subsection 203(b) and subsection 203(c) of this title shall not apply to any mine in which no more than fourteen individuals are regularly employed underground.

Inspections

SEC. 202. (a) For the purpose of determining whether a danger described in section 203(a) exists in any mine the products of which regularly enter commerce or the operations of which substantially affect commerce, or whether any provision of section 209 is being violated in any such mine, or whether any such mine is a gassy mine as prescribed in section [203(d)] *203(f)*, the Director shall cause an inspection of each such mine to be made by a duly authorized representative of the Bureau at least annually. The Director shall also make, or cause duly authorized representatives of the Bureau to make, such special inspections of such mines as may be required by section 203 (c) *and (d)* and section 206, and such other inspections of such mines as he deems necessary for the proper administration of this title.

(b)(1) In order to promote sound and effective coordination in Federal and State activities within the field covered by this title, the Director shall cooperate with the official mine inspection or safety agencies of the several States.

(2) Any State desiring to cooperate in making the inspections required under this title may submit, through its official mine inspection or safety agency, a State plan for carrying out the purposes of this subsection. Such State plan shall—

(A) designate such State mine inspection or safety agency as the sole agency responsible for administering the plan throughout the State and contain satisfactory evidence that such agency will have the authority to carry out the plan,

(B) give assurances that such agency has or will employ an adequate and competent staff of inspectors qualified under the laws of such State to make mine inspections within such State,

(C) give assurances, that upon request of the Director or upon request of an operator under section [203(c)(1)] *203(g)(1)*, the agency will assign inspectors employed by it to participate in inspections to be made in such State under this title, and

(D) provide that the agency will make such reports to the Director, in such form and containing such information, as the Director may from time to time require.

(3) The Director shall approve any State plan or any modification thereof which complies with the provisions of paragraph (2) of this subsection. He shall not finally disapprove any State plan or modification thereof without first affording the State agency reasonable notice and opportunity for hearing.

(4) Whenever the Director, after reasonable notice and opportunity for hearing to the State agency, finds that in the administration of the State plan there is—

(A) a failure to comply substantially with any provision of the State plan; or

(B) a failure to afford reasonable cooperation in administering the provisions of this title,

the Director shall notify such State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(5) No insepection of a mine shall be made by a representative of the Bureau under this title in any State in which a State plan is in effect,

Or as to any mine in which no more than fourteen individuals are regularly employed underground—

unless a State inspector participates in such inspection in accordance with such plan, except where, in the Director's judgment, an inspection is urgently needed to determine whether a danger described in section 203(a) exists in such mine, and participation by a State inspector would unreasonably delay such inspection.

(c) The Director, any duly authorized representative of the Bureau, any State inspector assigned in accordance with a State plan, and any independent inspector appointed under section [203(e)(3)] *203(g)(3)* shall be entitled to admission to any mine the products of which regularly enter commerce or the operations of which substantially affect commerce, for the purpose of making any inspection authorized under this title.

Findings and orders

SEC. 203. (a)(1) If a duly authorized representative of the Bureau, upon making an inspection of a mine as authorized in section 202, finds danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, he shall also find the extent of the area of such mine throughout which such danger exists. Thereupon he shall immediately make an order requiring the operator of such mine to cause all persons, excepting persons referred to in paragraph (2) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such findings and order shall contain a detailed description of the conditions which such representative finds cause and constitute such danger, and a description of the area of such mine throughout which persons must be withdrawn and debarred.

(2) No order issued under paragraph (1) of this subsection shall require any of the following persons to be withdrawn from, or to be debarred from entering, the area described in the order: (A) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to eliminate the danger described in the order; (B) any public official whose official duties require him to enter such area; or (C) any legal technical consultant, or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

(b) If such representative of the Bureau finds that any provision of section 209 is being violated and that the conditions created by such violation do not cause danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, he shall find what would be a reasonable period of time within which such violation should be totally abated. Such findings shall contain the provisions of section 209 which he finds are being violated and a detailed description of the conditions which cause and constitute such violation.

(c)(1) The period of time so found by such representative to be a reasonable period of time may be extended by a duly authorized representative of the Bureau from time to time upon the making of a special inspection to ascertain whether or not such violation has been totally abated. The Director shall promptly cause a special inspection to be made: (A) Upon the expiration of such a period of time as originally fixed; (B) upon the expiration of such a period of time as extended; and (C) whenever an operator of a mine, prior to the expiration of any such period of time, requests him to cause such a special inspection to be made at such mine. Upon making such a special inspection, such representative of the Bureau shall find whether or not such violation has been totally abated. If he finds that such violation has not been totally abated, he shall find whether or not such period of time as originally fixed, or as so fixed and extended, should be extended. If he finds that such period of time should be extended, he shall find what a reasonable extension would be. If he finds that such violation has not been totally abated, and if such period of time as originally fixed, or as so fixed and extended, has then expired, and if he also finds that such period of time should not be further extended, he shall also find the extent of the area of such mine which is affected by such violation. Thereupon, he shall promptly make an order requiring the operator of such mine to cause all persons in such area, excepting persons referred to in paragraph (2) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such finding and order shall contain the provisions of section 209 which are being violated and a detailed description of the conditions which such representative finds cause and constitute such violation, and a description of the area of such mine throughout which persons must be withdrawn and debarred.

(2) No order issued under paragraph (1) of this subsection shall require any of the following persons to be withdrawn from, or to be debarred from entering, the area described in the order: (A) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to abate the violation described in the order; (B) any public official whose official duties require him to enter such area; or (C) any legal or technical consultant or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

(d)(1) If a duly authorized representative of the Bureau, upon making an inspection of a mine as authorized in section 202, finds that any provision of section 209 is being violated, and if he also finds that, while the conditions created by such violation do not cause danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, such violation is of such nature as could significantly and substantially contribute to the cause or effect of a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of section 209, he shall—

Give notice of such finding to the operator or—

include such finding in any notice given to the operator under subsection (b) of this section. Within ninety days of the time such notice was given to such operator, the Bureau shall cause such mine to be reinspected to determine if any similar such violation exists in such mine. Such reinspection shall be in addition to any special inspection required under section 203 or section 206. If, during any special inspection relating to such violation or during such reinspection, a representative of the Bureau finds such similar violation does exist, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of section 209, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in paragraph (3) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such finding and order shall state the provision or provisions of section 209 which have been violated and shall contain a detailed description of the conditions which such representative finds cause and constitute such violation, and a description of the area from which persons must be withdrawn and debarred. The representative of the Bureau shall promptly thereafter advise the Director in writing of his findings and his action.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, thereafter a withdrawal order shall promptly be issued by a duly authorized representative of the Bureau who finds upon any following inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(3) No order issued under paragraph (1) or (2) of this subsection shall require any of the following persons to be withdrawn from, or to be debarred from entering, the area described in the order: (A) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to abate the violation described in the order; (B) any public official whose official duties requires him to enter such area; or (C) any legal or technical consultant or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

(e) Except as provided in subsection (g) of this section an order issued under subsection (c) or (d) of this section may be annulled, canceled, or revised by the duly authorized representative of the Bureau who issued such order or any other duly authorized representative of the Bureau.

[(d)] *(f)* If a duly authorized representative of the Bureau, upon making an inspection of a mine, as authorized in section 202, finds that methane has been ignited in such mine or finds methane by use of a permissible flame safety lamp or by air analysis in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib, he shall make an order requiring the operator of such mine to comply with the provisions of section 209 of this title which pertain to gassy mines, in the operation of such mine.

[(e)]*(g)(1)* [If an order is made pursuant to subsection (a) of the section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect, and a State inspector did not participate in the inspection on which such order is based, the operator of the mine may request the agency designated in the State plan to assign a State inspector to inspect the mine. The State inspector assigned in accordance with such request shall inspect such mine promptly after the request is made.] *If an order is made pursuant to subsection (a) of this section—*

With respect to a mine—other than a mine in which no more than 14 individuals are regularly employed underground—

and a State inspector did not participate in the inspection on which such order is based, the duly authorized representative of the Bureau who issued the order shall notify *the State mine inspection or safety agency immediately, but not later than 24 hours after the issuance of such order, that such order has been issued. Following such order the operator of the mine may immediately request the State mine inspection or safety agency to assign a State inspector to inspect the mine. The State agency shall then promptly assign a State inspector to inspect the mine affected by such order and file an inspection report with the Bureau and the State agency. The order of the duly authorized representative of the Bureau shall remain in effect, but shall immediately be subject to review as provided in this title.*

(2) No order shall be made pursuant to subsection (c) or *(d)* of this section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect—

Or pursuant to subsection (a) or (d) of this section with respect to any mine in which no more than fourteen individuals are regularly employed underground—

unless a State inspector participated in the inspection on which such order is based and concurs in such order, or an independent inspector appointed under paragraph (3) *of this subsection* concurs in such order. If the State inspector does not concur in such order, the operator of the mine, the duly authorized representative of the Bureau who proposes to make such order, or the State inspector may apply, within twenty-four hours after the completion of the inspection involved, for the appointment of an independent inspector under paragraph (3). Within five days after the date of his appointment, the independent inspector shall inspect the mine. The representative of the Bureau and the State inspector shall be given the opportunity to accompany the independent inspector during such inspection. If, after such inspection is completed, either the independent inspector or the State inspector concurs in the order, it shall be issued.

(3) Within five days after the date of receipt of an application under paragraph (2) of this subsection, the chief judge of the United States district court for the district in which the mine involved is located (or in his absence, the clerk of such court) shall appoint a graduate engineer with experience in the coal-mining industry to serve as an independent inspector under this subsection. Each independent inspector so appointed shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949, be fully reimbursed for traveling, subsistence, and related expenses.

(4) An order made pursuant to subsection (a) or (c) *or (d)* of this section with respect to a mine—

Other than a mine in which no more than fourteen individuals are regularly employed underground—

in a State in which a State plan approved under section 202(b) is in effect shall not be subject to review under section 206, but shall be subject to review under section 207.

An order made pursuant to subsection (a) or (d) of this section with respect to a mine in which no more than fourteen individuals are regularly employed underground shall be subject to review only under section 208A of this title.

[(f)] *(h)* Notice of each finding and order made under this section shall promptly be given to the operator of the mine to which it pertains, by the person making such finding or order.

Notices

SEC. 204. (a) All findings and orders made pursuant to section 203 or section 206, and all notices required to be given of the making of such findings and orders, shall be in writing. All such findings and orders shall be signed by the person making them, and all such notices shall be signed by the person charged with the duty of giving the notice. All such notices shall contain a copy of the findings and orders referred to therein.

(b) Each operator of a mine shall maintain an office on or near the premises of such mine and shall maintain thereon a conspicuous sign designating it as the office of such mine. Each operator of a mine shall maintain a bulletin board at such office or at some conspicuous place near an entrance of such mine, in such manner that notices required by law to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. The operator shall maintain on such bulletin board a conspicuous sign designating it as the bulletin board of such mine. Notice of any finding or order required by section 203 or section 206 to be given to an operator shall be given by causing such notice, addressed to the operator of the mine to which it pertains, to be delivered to the office of such mine provided for in the first sentence of this subsection, and by causing a copy of such notice to be posted on the bulletin board of such mine provided for in the second sentence of this subsection. The requirement of the preceding sentence that a notice shall be "addressed to the operator of the mine to which it pertain", shall not require that the name of the operator for whom it is intended shall be specifically set out in such address. Addressing such notice to "Operator of Mine", specifying the mine sufficiently to identify it, shall satisfy such requirement.

(c) The Director shall cause a copy of each such notice to be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State or Territory charged with administering State or Territorial laws, if any, relating to mine safety in such mine.

Creation of Review Board

SEC. 205. (a) [An agency is hereby created to be known as the Federal Coal Mine Safety Board of Review, which shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate.] *The Federal Coal Mine Safety Board of Review is hereby continued as an agency of the United States, except that the Board shall consist of five members, instead of three members, who shall be appointed by the President, by and with the advice and consent of the Senate.*

(b) [The terms of office of members of the Board shall be three years, except that the terms of office of the members first appointed shall commence on the effective date of this section and shall expire one at the end of one year, one at the end of two years, and one at the end of three years, as designated by the President at the time of appointment. A member appointed to fill a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed, shall be appointed only for the remainder of such unexpired term. The members of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.] *Terms of office of members of the Board shall be five years, except that—*

(1) the terms of office of members in office on the date of enactment of the Federal Coal Mine Safety Act Amendments of 1965, shall expire on the date originally fixed for their expiration,

(2) the term of office of one of the members appointed to fill a vacancy resulting from the enactment of the Federal Coal Mine Safety Act Amendments of 1965, shall expire July 15, 1969, and the term of office of the member appointed to fill the other vacancy resulting therefrom shall expire July 15, 1970, and

(3) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed, shall be appointed only for the remainder of such unexpired term.

The members of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) Each member of the Board shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949 be fully reimbursed for traveling, subsistence, and other related expenses. The Board, at all times, shall consist of one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of [coal-mine] *operators of coal mines employing fourteen or fewer employees underground (hereinafter referred to as "small mine operators representative")*, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of [coal-mine workers] *operators of coal mines employing fifteen or more employees underground (hereinafter referred to as the "large mine operators representative"), one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal mine workers in mines employing fourteen or fewer employees underground (hereinafter referred to as the "small mine workers representative"), one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal mine workers in mines employing fifteen or more employees underground (hereinafter referred to as the "large mine workers representative")*, and one person who shall be chairman of the Board, who shall be a graduate engineer with experience in the coal mining industry or shall have had at least five years' experience as a practical mining engineer in the coal mining industry, and who shall not, within one year of his appointment as a member of the Board, have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or have regularly represented either coal mine operators or coal mine workers, or have been an officer or employee of the Department of the Interior assigned to duty in the Bureau.

(d) The principal office of the Board shall be in the District of Columbia. Whenever [the Board deems that] the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, [it] *the Board* may hold hearings or conduct other proceedings at any other place. *At the request of an operator of a mine the Board shall hold hearings or conduct other proceedings at the county seat of the county in which the mine is located or at any place mutually agreed to by the chairman of the Board and the operator of the mine involved in the appeal or proceeding.* The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Board.

(e) The Board shall, without regard to the civil service laws, appoint and prescribe the duties of a secretary of the Board and such legal counsel as it deems necessary. Subject to the civil service laws, the Board shall appoint such other employees as it deems necessary in exercising its powers and duties. The compensation of all employees appointed by the Board shall be fixed in accordance with the Classification Act of 1949, as amended.

(f) [Two members of the Board shall constitute a quorum, and official actions of the Board can be taken only on the affirmative vote of at least two members; but any one member, or any two members, upon order of the Board, shall conduct any hearing provided for in section 207 and submit the transcript of such hearing to the entire Board for its action thereon. Every official act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public.] *Three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members, except that in any official action involving mines in which no more than fourteen individuals are regularly employed underground the participation of the small mine operators' representative and small mineworkers' representative shall be required, and in any official action involving mines in which more than fourteen individuals are regularly employed underground the participation of the large mine operators' representative and large mineworkers' representative shall be required; but a special panel composed of one or more members, upon order of the Board, shall conduct any hearing provided for in section 207 of this title and submit the transcript of such hearing to the entire Board of its action thereon. Such transcript shall be made available to the parties prior to any final action of the Board. An opportunity to appear before the Board shall be afforded the parties prior to any final action and the Board may afford the parties an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts. Every official act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public.*

(g) The Board shall hear and determine applications filed pursuant to section 207 for annulment or revision of orders made pursuant to section 203 or section 206. The Board shall not make or cause to be made any inspection of a mine for the purpose of determining any pending application.

(h) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall include requirement for adequate notice of hearings to all parties.

(i) Any member of the Board may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents, and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(j) The Board may order testimony to be taken by deposition in any proceeding pending before it, at any stage of such proceeding. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (i). Witnesses whose depositions are taken under this subsection, and the persons taking such depositions shall be entitled to the same fees as are paid for like services in the courts of the United States.

(k) In case of contumacy by, or refusal to obey a subpena served upon, any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Board or to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Review by Director

SEC. 206. (a) Except as provided in section [203(e)(4)] *203(g)(4)*, an operator notified of an order made pursuant to section 203(a) may apply to the Director for annulment or revision of such order. Upon receipt of such application the Director shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Bureau, other than the representative who made such order, to make such inspection of such mine and to report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Director shall find whether or not danger throughout the area of such mine as set out in such order existed at the time of making such special inspection. If he finds that such danger did not then exist throughout such area of such mine, he shall make an order, consistent with his findings, revising or annulling the order under review. If he finds that such danger did then exist throughout such area of such mine, he shall make an order denying such application.

(b) Except as provided in section [203(e)(4)] *203(g)(4)*, an operator notified of an order made pursuant to section 203(c) may apply to the Director for annulment or revision of such order. Upon receipt of such application the Director shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Bureau, other than the representative who made such order, to make such inspection of such mine and report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Director shall find whether or not there was a violation of section 209 as described in such order, at the time of the making of such order. If he finds there was no such violation he shall make an order annulling the order under review. If he finds there was such a violation he shall also find whether or not such violation was totally abated at the time of the making of such special inspection. If he finds that such violation was totally abated at such time, he shall make an order annulling the order under review. If he finds that such violation was not totally abated at such time, he shall find whether or not the period of time within which such violation should be totally abated, fixed under section 203, should be extended. If he finds that such period of time should be extended, he shall find what a reasonable extension of such period of time would be. Thereupon he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and then he shall make an order, consistent with his findings, revising the order under review. If he finds that such violation was not totally abated at the time of such special inspection, and that such period of time should not be extended, he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and he shall then make an order, consistent with his findings, affirming or revising the order under review.

(c) Except as provided in section 203(g)(4), an operator notified of an order made pursuant to section 203(d) may apply to the Director for annulment or revision of such order. Upon receipt of such application the Director shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Bureau, other than the representative who made such order, to make such inspection of such mine and report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Director shall find whether or not there was a violation of section 209 as described in such order, at the time of the making of such order. If he finds there was no such violation he shall make an order annulling the order under review. If he finds there was such a violation he shall also find whether or not such violation was totally abated at the time of the making of such special inspection. If he finds that such violation was totally abated at such time, he shall make an order annulling the order under review. If he finds that such violation was not totally abated at such time, he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and he shall then make an order, consistent with his findings, affirming or revising the order under review.

[(c)] *(d)* An operator notified of an order made pursuant to section [203(d)] *203(f)* may apply, not later than twenty days after the receipt of notice of such order, to the Director for annulment of such order. Upon receipt of such application the Director shall make or cause to be made such investigation as he deems necessary. Upon concluding his investigation or upon receiving the report of such investigation made at his direction, the Director shall find whether or not methane has been ignited in such mine, or whether or not methane was found in such mine in an amount of 0.25 per centum or more in any open workings of such mine, when tested at a point not less than twelve inches from the roof, face, or rib, at the time of the making of such order. If he finds that methane has not been ignited in such mine and was not found in such mine as set out in such order, he shall make an order annulling the order under review. If he finds that methane has been ignited in such mine or was found in such mine as set out in the order under review, he shall make an order denying such application.

[(d)] *(e)* The Director shall cause notice of each finding and order made under this section to be given promptly to the operator of the mine to which it pertains.

[(e)] *(f)* Except as provided in section [202(e)(4)] *203(g)(4)*, at any time while an order made pursuant to section 203 or this section is in effect, or [at] any time during the pendency of a proceeding under section 207 or section 208 seeking annulment or revision of such order, the operator of the mine affected by such order may apply to the Director for annulment or revision of such order. The Director shall thereupon proceed to act upon such application in the manner provided in subsections (a), (b), [or] (c) *or (d)* of this section.

[(f)] *(g)* In view of the urgent need for prompt decision of matters submitted to the Director under this section, all actions which the Director or his representatives are required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved.

Review by Board

SEC. 207. (a) An operator notified of an order made pursuant to subsection (a), (c), [or] (d) *or (f)* of section 203 may apply to the Federal Coal Mine Safety Board of Review for annulment or revision of such order without seeking its annulment or revision under section 206. An operator notified of an order made pursuant to section 206 may apply to the Board for annulment or revision of such order: *Provided, however,* That an operator applying to the Board for annulment of an order made pursuant to subsection [(d)] *(f)* of section 203 or pursuant to subsection [(c)] *(d)* of section 206 shall file such application with the Board not later than twenty days after the receipt of notice of such order.

(b) The operator shall be designated as the applicant in such proceeding and the application filed by him shall recite the order complained of and other facts sufficient to advise the Board of the nature of the proceeding. He may allege in such application: That danger as set out in such order does not exist at the time of the filing of such application; that violation of section 209, as set out in such order, has not occurred; that such violation has been totally or partially abated; that the period of time within which such violation should be totally abated, as fixed in the findings upon which such order was based, was not reasonable; that the area of the mine described in such order as the area affected by the violation referred to in such order is not so affected at the time of the filing of such application; or that the mine described in such order is not a gassy mine. The Director shall be the respondent in such proceeding, and the applicant shall send a copy of such application by registered mail or by certified mail to the Director at Washington, District of Columbia.

(c) Immediately upon the filing of such an application the Board shall fix the time for a prompt hearing thereof.

(d) Pending such hearing the applicant may file with the Board a written request that the Board grant such temporary relief from such order as the Board may deem just and proper. Such temporary relief may be granted by the Board only after a hearing by the Board at which both the applicant and the respondent were afforded an opportunity to be heard, and only if respondent was given ample notice of the filing of applicant's request and of the time and place of the hearing thereon as fixed by the Board.

(e) The Board shall not be bound by any previous findings of fact by the respondent or by any other representative of the Bureau. Evidence relating to the making of the order complained of and relating to the questions raised by the allegations of the pleadings or other questions pertinent in the proceeding may be offered by both parties to the proceeding. If the respondent claims that danger or a violation of section 209, as set out in such order, existed at the time of the filing of the application, or that methane has been ignited or found in such mine as set out in the order under review, the burden of proving the then existence of such danger or violation, or that methane has been ignited or found in such mine as set out in the order under review, shall be upon the respondent, and the respondent shall present his evidence first to prove the then existence of such danger or violation. Following presentation of respondent's evidence the applicant may present his evidence, and thereupon respondent may present evidence to rebut the applicant's evidence.

(f) If the proceeding is one in which an operator seeks annulment or revision of an order made pursuant to section 203(a), the Board, upon conclusion of the hearing, shall find whether or not danger throughout the area of such mine as set out in such order existed at the time of the filing of the operator's application. If the Board finds that such danger did not then exist throughout such area of such mine, the Board shall make an order, consistent with its findings, revising or annuling the order under review. If the Board finds that such danger did then exist throughout such area of such mine, the Board shall make an order denying such application.

(g) If the proceeding is one in which an operator seeks annulment or revision of an order made pursuant to section 203(c), the Board, upon conclusion of the hearing, shall find whether or not there was a violation of section 209 as described in such order, at the time of the making of such order. If the Board finds there was no such violation, the Board shall make an order annulling the order under review. If the Board finds there was such a violation, the Board shall also find whether or not such violation was totally abated at the time of the filing of the operator's application. If the Board finds that such violation was totally abated at such time, the Board shall make an order annulling the order under review. If the Board finds that such violation was not totally abated at such time, the Board shall find whether or not the period of time within which such violation should be totally abated, fixed under section 203 or 206, should be extended. If the Board finds that such period of time should be extended, the Board shall also find what a reasonable extension of such period of time would be, and shall immediately also find the extent of the area of such mine which was affected by such violation at the time of the filing of such application and the Board shall then make an order, consistent with its findings, revising the order under review. If the Board finds that such violation was not totally abated at the time of the filing of the operator's application, and that such period of time should not be extended, the Board shall find the extent of the area of such mine which was affected by such violation at such time, and shall make an order, consistent with its findings, affirming or revising the order under review.

(h) If the proceeding is one in which an operator seeks annulment or revision of an order made pursuant to section 203(d), the Board, upon conclusion of the hearing, shall find whether or not there was a violation of section 209, as described in such order, at the time of the making of such order. If the Board finds there was no such violation, the Board shall make an order annulling the order under review. If the Board finds there was such a violation, the Board shall also find whether or not such violation was totally abated at the time of the filing of the operator's application. If the Board finds that such violation was totally abated at such time, the Board shall make an order annulling the order under review. If the Board finds that such violation was not totally abated at such time, the Board shall find the extent of the area of such mine which was affected by such violation at such time, and shall make an order, consistent with its findings, affirming or revising the order under review.

[(h)] *(i)* If the proceeding is one in which an operator seeks annulment of an order made pursuant to section [203(d) or 206(c)] *203(f) or 206(d)*, the Board, upon conclusion of the hearing, shall find whether or not methane has been ignited in such mine or was found in such mine in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib, as set out in such order. If the Board finds that methane has not been ignited in such mine and was not found in such mine as set out in such order, the Board shall make an order annulling the order under review. If the Board finds that methane has been ignited in such mine or was found in such mine as set out in the order under review, the Board shall make an order denying such application.

[(i)] *(j)* Each finding and order made by the Board shall be in writing. It shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon making a finding and order the Board shall cause a true copy thereof to be sent by registered mail or by certified mail to all parties or their attorneys of record. The Board shall cause each such finding and order to be entered on its official record, together with any written opinion prepared by any [member] *members* in support of, or dissenting from, any such finding or order.

[(j)] *(k)* In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board is required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved.

Judicial review

SEC. 208. (a) Any final order issued by the Board under section 207 shall be subject to judicial review by the United States Court of Appeals for the circuit in which the mine affected is located, upon the filing in such court of a notice of appeal by the Director or the operator aggrieved by such final order within thirty days from the date of the making of such final order.

(b) The party making such appeal shall forthwith send a copy of such notice of appeal, by registered mail or by certified mail, to the other party and to the Board. Upon receipt of such copy of a notice of appeal the Board shall promptly certify and file in such court a complete transcript of the record upon which the order complained of was made. The costs of such transcript shall be paid by the party making the appeal.

(c) The court shall hear such appeal on the record made before the Board, and shall permit argument, oral or written or both, by both parties. The court shall permit such pleadings, in addition to the pleadings before the Board, as it deems to be required or as provided for in the Rules of Civil Procedure governing appeals in such court.

(d) Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the United States Court of Appeals may, after due notice to and hearing of the parties to the appeal, issue all necessary and appropriate process to postone the effective date of the final order of the Board or to grant such other relief as may be appropriate pending final determination of the appeal.

(e) The United States Court of Appeals may affirm, annul, or revise the final order of the Board, or it may remand the proceeding to the Board for such further action as it directs. The findings of the Board as to facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(f) The decision of a United States Court of Appeals on an appeal from the Board shall be final, subject only to review by the Supreme Court as provided in section 1254 of title 28 of the United States Code.

JUDICIAL RELIEF FOR OPERATORS OF SMALL MINES

SEC. 208A. (a) Whenever the operator of any mine in which no more than fourteen individuals are regularly employed underground is aggrieved by any order made pursuant to subsection (a) or (d) of section 203, such operator may institute in the district court of the United States for the judicial district in which such mine is situated an action for the annulment or revision of such order. Such court shall have jurisdiction to hear and determine such action, and to grant to such operator such relief, including such temporary restraining orders and such temporary or permanent injunctive relief, as the court may determine to be warranted by evidence received by the court. In any such action the court may affirm, annul, or revise the order as to which complaint was made.

(b) The final decision of a court in an action under this section shall be subject to review as provided by sections 1291 and 1254 of title 28, United States Code.

Mine safety provisions

SEC. 209. (a) DUTY TO COMPLY.—Every operator of a mine, and every person who is on the premises of a mine for any reason whatsoever, shall comply with the provisions of this section, except those provisions which impose no duty, obligation or responsibility upon such operator or such person.

(b) Every operator of a mine which, on or after the effective date of this title, is, or which, immediately prior to the effective date of this title, was, defined, classed, classified as, or determined, deemed, judged, held, or found to be, a gassy or gaseous mine pursuant to and in accordance with the laws of the State in which it is located, and every operator of a mine which, immediately prior to the effective date of this title, was operated as a gassy mine, shall comply with the provisions of this section which pertain to gassy mines.

The Federal Coal Mine Safety Act exempts from the jurisdiction of the Federal Bureau of Mines, mines employing no more than 14 individuals underground. They are designated as "Title I Mines." H.R. 3584 would remove the exemption.

The amendments which I have proposed would authorize the Federal Bureau of Mines to have jurisdiction over title I mines in two situations:

First. My amendment would make applicable to title I mines section 203(a). This section authorizes a representative of the Bureau of Mines to close a mine if, upon making an inspection of the mine, he finds danger that a mine explosion, mine fire, mine inundation, man-trip or man-hoist accident will occur in such mine immedately, or that imminence of such danger can be eliminated.

Second. My amendment would make applicable to title I mines section 203(d) of H.R. 3584 as passed by the House. In substance, this section provides that when a representative of the Bureau of Mines finds upon inspection of a mine that violations of section 209 of the Mine Safety Act would contribute to imminent danger unless corrected, he will give notice, providing a time for correction, and if not corrected in that time, close the mine until the violation is corrected.

My amendment would make the procedures of section 203(g) of H.R. 3584, as passed by the House, applicable to the findings of the representative of the Bureau of the Mines under section 203 (a) and (d) whether or not a State plan is in effect. The effect of this amendment would be to enable an operator to call for an inspection by a State inspector. In case the Federal and State inspectors disagree, the operator would be enabled to make application to the U.S. district court for the appointment of an independent engineer whose inspection would be conclusive, unless appealed.

The amendments which I propose are true safety measures. They would enable a representative of the Federal Bureau of Mines to protect the miners by withdrawal in situations of imminent danger and in situations where it was found that conditions in the mine could contribute to imminent danger. By assuring independent inspection, if necessary under the jurisdiction of the U.S. district court, a speedy and fair means is provided to determine if the mine should remain closed. My amendments would protect miners, promote safety, and would not place unnecessary and expensive burdens upon small mines which could drive them out of business. If small mines are driven out of business apart from the cause of safety, thousands of miners will be thrown out of work and the economy of the distressed coal areas of Kentucky and other States will suffer, and without reason.

Mr. COOPER. Mr. President, I also ask unanimous consent to have printed in the RECORD excerpts of my testimony before the Senate Subcommittee on Labor on June 21, 1965, in opposition to H.R. 3584.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR JOHN SHERMAN COOPER BEFORE THE SUBCOMMITTEE ON LABOR IN OPPOSITION TO H.R. 3584 AND S. 1032, BILLS TO AMEND THE FEDERAL COAL MINE SAFETY ACT, JUNE 21, 1965

Senator COOPER. Senator MORSE, and members of the subcommittee, I appreciate very much the opportunity to testify before this subcommittee in opposition to the bill H.R. 3584, which would amend the Federal Coal Mine Safety Act by removing the exemption now provided to title I mines; i.e., those mines employing no more than 14 individuals.

I know the chairman of this subcommittee, Senator MORSE, and other members of the committee who were serving on it in 1958 and 1959 are familiar with the action taken by the Committee on Labor when similar proposals were made in 1958 and 1959. At that time, as a member of this committee, I had the opportunity to participate in the hearings and discussions on those proposals, and, in fact, introduced bills and amendments which were adopted.

As several years have elapsed, I think it will be of value to recall briefly the action of this committee in 1958 and 1959 and the Congress in 1960. I do this because I believe the considerations and the facts which led the committee to act in those years are as valid today as they were at that time.

In 1958, a bill was introduced to remove the exemption applying to title I mines. The committee, after thorough consideration of the bill, refused to do so. It reported a bill to the Senate on September 10, 1958, amending the act and making title I mines subject to the provisions of section 203(a).

This section, as the committee knows, authorizes a Federal mine inspector to close a title II mine if he finds there is imminent danger that a mine explosion, a mine failure, mine inundation, mine-trip, or mine hoist accident will occur in the mine immediately or before the danger can be eliminated. He can order the withdrawal of miners who cannot reenter the mine until the danger has been eliminated.

In 1958, the committee recommended a procedural change for the benefit of title I mines which might be ordered closed under section 203(a) because of imminent danger. Under section 203(a) of the act, when a State has a State plan, approved by the Bureau of Mines, the operator of a mine closed because of imminent danger may request an inspection by State inspectors.

If the State inspector does not concur with the closing order, the mine must remain closed, but the mine owner may make application to the chief judge of the U.S. district court for the district in which the mine is located for the appointment of an independent inspector. Unless the independent inspector concurs in the closing order, it ceases to be effective and the mine must be reopened.

The amendment adopted by the committee in 1958 made this procedure available to title I mines without requiring that the State in which the mine was located to have adopted a State plan approved by the Bureau of Mines.

The committee in 1958 also directed the Director of the Bureau of Mines to conduct hearings in the principal coal mining States for the purpose of securing accurate statistics, and also to undertake a study of safety in Title I mines.

This bill was not passed by the Senate, and I must say that I do not believe it was ever really considered because of the opposition of the Bureau of Mines.

In 1959, this committee again resumed consideration of a bill to remove the exemption of Title I mines. Again, after thorough consideration the committee refused to remove the exemption. It reported a bill which took into account the differences in the physical characteristics and safety conditions of title I and title II mines.

And I know the Senate remembers—at that time I was a member of this committee—the long discussions we had and the great help that the Senator from Oregon gave in the development of that bill, and its approval by the full committee.

The bill reported by the committee contained these amendments, among others:

1. It applied section 203(a), that is, the authority of a Federal inspector to close a mine in case of imminent danger—the same authority as the bill in 1958 had provided—to title I mines.

2. It provided that mines employing less than eight employees could not be closed for an alleged violation of section 209 unless the finding of the Federal inspector was concurred in by the State inspector or by an independent inspector appointed by the district court in which the mine was located.

3. It provided that any owner of a title I mine subject to a finding of violation under the Mine Safety Act would have the right to request the mine safety board to hold a hearing in the county seat of the county in which the mine was located, or at a place of reasonable convenience to the operator.

4. The committee—and I think this was at the insistence of the distinguished chairman of this subcommittee—recognizing the differing characteristics of title I and title II mines, directed the Bureau of Mines to issue regulations modifying or making inapplicable any provision of section 209 where he found that such provision would not substantially contribute to the safety of those working in such mines.

On April 27, 1960, the bill recommended by the committee was passed by the Senate by a vote of 80 to 4 but, for some unexplainable reason it was never considered by the House. If the bill had been passed, better safety conditions would have been in force since 1960. I must now make the same statement that I made before: this bill was wrongly opposed by the Bureau of Mines and in my judgment it was not considered in the House because of the opposition of the Bureau.

I have recalled the action of this committee in 1958 and 1959 and the Congress of 1960, because I believe the facts and considerations which led the committee to reject the proposal that title I mines be made subject to all the provisions of the act applying to title II mines are still valid today. The committee recognized that there is a difference in the characteristics of the two classes of mines. It recognized that the provisions applicable to title II mines—chiefly those found in section 209—are not applicable in every case to title I mines. It recognized the statistics furnished it by the Bureau of Mines regarding fatalities and injuries—which were then as today the chief basis for a claim of need for legislation—were not accurate and it so stated in its report. In 1958 and 1959 the committee stated that the information was not accurate and was inconclusive. The House in this report comments on the lack of information and, in fact, it directed the Bureau of Mines to cooperate with the States to secure better information.

I asked the other day for a report of the Bureau of Mines to this committee to explain its methods of securing information. I think if the committee will study that report, it will see that the Bureau's methods are very loose and cannot be relied upon. I believe that the information furnished by the States is much more accurate than that provided by the Bureau of Mines. But this committee in those years moved to pinpoint and recommend safety provisions which it found necessary and applicable to title I mines.

There is much evidence brought out in past hearings and in hearings conducted by the House on the pending bill that there are vast differences in the physical characteristics of the two classes of mines and anyone who has ever traveled through the bituminous coal mining areas of eastern Kentucky, eastern Tennessee, West Virginia, and Pennsylvania, would have no difficulty in finding this to be true. I have traveled through this area. I have been in every county in the eastern Kentucky coal area. I have been in the mines of those areas. I have talked to the coal operators and to the coal miners. I think I know something about the conditions found in these mines—perhaps more than some of those who have testified.

The Bureau of Mines has reported to this committee that the average number of miners employed in title II mines was 67.8 in 1963 in contrast to the average number employed in title I mines of 4.7.

I am not sure that these statistics are correct—I do not believe they are—but I would judge that they are approximately correct. I remember before when we discussed this question it was reported then that there were about 80 miners on the average in title II mines, and about 6 or 7 or 8 in the title I mines. We know from the testimony of the former Director of the Bureau that the cost of equipping a title II mine ranges from $300,000 to millions of dollars, while the cost of opening a title I mine is nominal but could be as much as $10,000. However, many of them are opened for much less. Now, it is obvious that a mine which employs an average of, say, 67, or up to 80 miners, requiring a capital investment of a minimum of $300,000 up to millions of dollars, must require a greater area of coal, in fact, thousands of acres more coal than a title I mine. And you who have traveled through these hills know that such a mine must be located at the base of a hill in order to secure a sufficient area providing the acreage of coal necessary for it to be economically mined.

Necessarily, the entries, passageways, and airways of these mines extend miles in length. This presents a greater risk because the long entries, passageways, airways, large rooms and heavy machinery and electrical equipment produce hazards not found in title I mines. It is the testimony of the Bureau of Mines that 90 percent of the title I mines are not gassy. Now, in contrast, small mines employing a small number of men do not require these large acreages of coal. Sometimes one or two acres, five or ten acres, or more. It has been testified in past hearings that the depth of the entry seldom exceeds 1,500 feet as contrasted to the miles that miners must travel in the large mines to reach the face of the coal.

I can remember in 1957 when the Senator and I worked together on the portal-to-portal bill, and we can remember even the testimony concerning the long trips that the miners in the large mines had to take in order to reach the face of the coal. In contrast, the small mine—90 percent of them not being gassy—do not require the same types of airways and equipment, without which the large mines could not operate. Yet the Bureau of Mines has contended, and contends today, that the provisions of section 209—every one of them—must be made applicable in every respect to title I mines.

To give an example of the incongruity of this position, it has been testified in past hearings that the State of West Virginia—and I am sure Senator Randolph will agree—has an ideal mining code and requires 150 cubic feet of air per miner at the face of the coal. But the Bureau of Mines would require in this bill 6,000 cubic feet of air for each mine employee at the face of the coal. We can see this distinction. Here is a miner in a great mine owned by the United States Steel Co., the Bethlehem Steel Co., or Island Creek, with the face of the coal miles back—and having airways and fans and blowers and crosscuts to provide a large volume of air to those miners working there. Compare that to a small mine with a few men in it, in which the face of the coal is 1,500 feet or less from the entry and without gas.

The Bureau of Mines has found that roof and rib falls are the chief cause of mine fatalities and injuries. It has been reported by the Bureau of Mines in past years, and testified to by many witnesses, that the human element of judgment based on training is an important factor, perhaps the most important, in preventing mine accidents. If this bill is enacted and the Bureau of Mines assumes jurisdiction over the small mines it will have the effect, I believe, of diminishing the safety programs of the States. I have been informed that the Department of Mines and Minerals in Kentucky makes more inspections in 1 year of the mines in Kentucky than the Federal Bureau does of all the mines in the United States. The Bureau of Mines must make but one inspection per year in mines which it considers gassy. The opportunity of the State inspector to provide for more frequent inspections, to advise and educate miners in the small mines, and to inform them immediately of the proper steps to correct unsafe conditions, would certainly be reduced, if not ended. This is a factor directly related to safety which I am sure this committee will consider.

At this point I would like to have inserted in the Record the statement of Mr. J. H. Mosgrove, director, safety division, Kentucky Department of Mines and Minerals in 1963, which he gave before the House committee in 1963.

His statement describes the outstanding safety procedures of Kentucky and from reading the hearings this year and the testimony of the inspectors of other States it is evident that States have more comprehensive procedures and the personnel to apply these procedures—at least in respect to title I mines—than does the Federal Bureau.

Senator Morse. The statement will be made part of the record.

Senator Cooper. It is argued that if one opposes the removal of the exemption as not applicable to title I mines or proposes safety measures other than those sought by the Bureau of Mines, such a person is concerned only with the economic interest of his State and not at all concerned with safety.

I would like to say that this is not an argument, and the fact that this statement or claim is made does not make it true.

I live in this section of Kentucky, and my family has lived in this section all their lives. I have traveled through it, and I have been in these mines. I know the operators, and the miners. I am concerned with safety.

I have offered proposals to provide greater safety but I believe if this committee finds that it can provide measures which will enhance the safety of title I mines and at the same time not impose inapplicable provisions, costs and procedures on these small mines which would drive many out of business, it will have developed a true safety measure.

It is at this point that I have the right and the committee has the right and the duty to consider the economic interest of these mines and those miners that are employed in the communities and States in which they are located. And I say it is at this point, after making safety predominent——

Senator Morse. I would like to interrupt, Senator Cooper, to say this, as one who has served with you for a good many years on this committee and has served with you in the Senate in connection with other work, that I do not think you need to yield to anyone in your proven interest in placing human values first when they arise in connection with our work in the Senate, beyond the differences of opinion as to both procedures and as to substantive legislation that will accomplish the maximum protection in protecting the human values. I simply want to say, as chairman of the subcommittee, that I have never questioned your sincere interest in trying to protect the lives of miners.

I want that clearly understood as far as my knowledge of your objectives are concerned, that there is no doubt in my mind that you ever place materiality ahead of human welfare. There may develop differences of opinion with you on the part of some as how best to protect human values, and I think having said that, in view of your reference to the Senate bills of 1958 and 1959, that following your testimony this morning, I want counsel to insert in the record a copy of those two bills and a copy of the Senate committee reports thereon.

The hearings themselves will be a matter of reference for the committee but will not go into the printed record. I want the bills and the committee reports to go into the record at this time.

I will put in the record counsel's memorandum on this research of what the House did in both 1958 and 1959. I was going to ask you when you finish your testimony, Senator, this question, and I will ask it now.

You do not have to answer it now, but keep it in mind with respect to the rest of your testimony. Having placed the stress that you did on the 1958 and 1959 bills, is it your recommendation to this committee this year that either one of those bills or a modification of those bills should be considered by this committee as a substitute for H.R. 3584 and S. 1032?

Senator Cooper. Yes. I have just a little more of my statement to finish and then I am going to make some recommendations.

Senator Morse. I am sorry I got ahead of you. I wanted you to know what was going through my mind while you were testifying on the 1958 and 1959 bills.

Senator Cooper. I am glad you did, because I think I have the duty to make some recommendations.

Senator Morse. I will not interrupt you any more.

Senator Cooper. Turning to the economic situation, and as I have said, I place safety as preeminent and I believe that our people do. I am sure this committee does.

But talking about the economy, if we can satisfy safety provisions, I would like to say that I am informed there are about 2,033 title I mines in Kentucky, employing approximately 16,000 men in 1964, and that they produced 22 million tons of coal as compared to 28 millions of tons produced in title II mines. I am informed there are approximately eight times as many title I mines in the United States as title II mines. These statistics are not agreed to by the Bureau, but I think the State agencies have a better knowledge of the number of mines in their States than the Bureau.

The Congress of the United States recently passed the Appalachian Region Development Act, providing for the expediture of approximately $2 billion in the Appalachian region over a period of 5 years. I was a cosponsor of the bill. In fact, I worked on it several years before it was introduced, and helped to develop it and I also cosponsored and actively supported it. This bill will assist in opening up and developing the region and in time provide better employment opportunities for the people. But coal is still the greatest natural resource of eastern Kentucky and of West Virginia and it is an important resource in Pennsylvania.

With the advent of modern mining technology and the mechanized equipment introduced in the large coal mines, thousands of coal miners—many of them are members of the United Mine Workers—particularly those who are older—have been displaced, and I do not believe that many of them will ever be able again to secure employment in the large coal mines.

During the close of World War II, there were about 60,000 miners working in eastern Kentucky; today there are less than 30,000. Thousands of men have to work in small mines, and in many cases have opened their own mines to make a living for their families, sometimes on land owned by them. If the bill is passed which unnecessarily requires the purchase of equipment the cost of which they are unable to bear—and I must say for many of these men it would not have to be a big cost—or provisions of the act applicable to title II but inapplicable to title I mines are imposed on these small mines, and if these difficult procedures must be reviewed and appealed, either to the Director or to the Bureau of Mines, the costs of which can be easily borne by the great coal mines but which could not be borne by these small mines, then they will be driven out of business.

Thousands will be unemployed and the economy of many of the counties in eastern Kentucky, and I am sure in other Appalachian States, which depend in large measure upon the operation of these mines, will be disrupted. I think there is a witness here today who will tell you that in Pike County, the largest county in Kentucky, the chief base of the economy is the small mine.

If this happens, no Appalachian development bill, in my judgment, could ever correct the situation.

I will make another point. If the small mines are forced out of business, only those locations in the States where the mountains are high and where it is possible for operators with large capital to bring together large areas of coal at the foot of a mountain would be mined. You may know, if you have been through this area, that these smaller veins and smaller areas are at the top of the hills. The natural wealth of coal in many counties could not be mined. The large operators—and I do not say anything uncomplimentary about them because they have brought employment and wealth to our State—would be the ones left to operate the coal mines. But I do not believe in passing a bill which would tend to give a monopoly of coal production to the big coal operators.

Now, Mr. Chairman, I come to the close of my testimony, and I turn again to the question of safety and to the efforts that have been made in the Congress since 1958 to amend the act so as to provide better safety provisions applicable to title I mines.

The 1958 bill approved by the committee was one which I proposed. If it had been enacted, even as a beginning for improved safety measures, statistical information would have been secured upon which the Congress could have made a factual analysis of the two classes of mines: the number of men working in them, the coal production, the injuries and fatalities, and their causes. But this bill was opposed by the Bureau of Mines and, 7 years later, the Congress does not have this information. The same bill recommended a study of safety conditions, particularly with reference to roof and rib falls, which are known as the chief causes of injury. It was opposed by the Bureau, and now, 7 years later, the pending bill recommends such a study, but only after the mines would be placed under the jurisdiction of the Bureau.

In this connection, I may say that the Congress has provided for studies of safety measures in other types of mines, but the Bureau has always opposed a special study relating to coal mines.

The 1958 bill also directed a study of the economic effects of removing the title I exemption, a question which is still largely unknown today. The bill approved in 1958 provided that a Federal inspector could close a title I mine in case of imminent danger.

The bill, which the chairman of this subcommittee developed in 1959, on which I worked, and which passed the Senate, had the same provisions. If it had been in effect, the mine disaster in Robbins, Tenn.—a town located about 60 or 70 miles south of where I live and about which much testimony was given last Monday—might have been prevented, for the Federal inspector would have had the power to close the mine. But that provision was opposed by the Bureau of Mines in 1958 and 1959. The bill, which the chairman of this subcommittee helped develop in 1959, gave to the Bureau the authority to close title I mines in case of imminent danger; it provided fair methods of review and appeal for small mines because it recognized their inability to travel to Washington and to go through costly and long legal procedures. Among other procedures which I recommended was the right to be heard in the county where the mine is located. Now, 6 years later, the pending bill contains this last provision, but none other than that we suggested in 1959.

For 7 years, the Bureau of Mines has opposed every safety measure, and its proponents have, too, unless the Congress would grant to the Bureau the authority for complete jurisdiction and power over title I mines, to apply to them provisions whether they were needed or not, and which might discourage State inspection services. This power, which, if put into the hands of the Federal Bureau and unwisely used, would drive these small mines out of business and not be in the true cause of safety.

There are economic interests on both sides of this question and let no one be fooled about that. But the proponents of this bill have not advanced any proposal to improve safety except the one of complete Federal jurisdiction which they have insisted on for 7 years while opposing any other possibility of improving safety. The only tangible efforts that have been made to improve safety conditions in title I mines have been made by those who represent States where the title I mines are located.

I recommend to the committee that it make two important changes in the pending bill: The first would be an amendment to section 203(a) of the act to provide that when a Federal inspector finds a condition of imminent danger he will be empowered to close the mine. The second would amend section 203(d), a new section in this bill, which provides in substance that when a Federal inspector finds that violations of section 209 would significantly contribute to imminent danger or to disaster unless corrected, he will give notice, providing a time for their correction, and then on reinspection if they are not corrected, close the mine and order the miners withdrawn, until the violation is corrected.

These amendments would be proper because, if anyone, the State or Federal inspector, goes into a mine and finds a condition of imminent danger, or finds violations which unless corrected within a reasonable time could contribute to or bring about a situation of imminent danger or disaster, certainly in all humanity there should be authority to close that mine. I made these proposals in 1958 and 1959 and also in 1960. But to be fair to the small mines and to these miners and assure justice, the committee should provide that whether or not a State plan is in effect, the operator may call in a State inspector. If the Federal and State inspectors disagree, then the operator shall be permitted to make application to the U.S. District Court for the appointment of an independent engineer to determine whether there is a violation of section 209 which could contribute to such a disaster. The remedy in section 203(a) should be made available to section 209(d).

In all other respects, I urge that the committee leave in the hands of the State inspection services the question of violations of provisions of section 209, evidently not considered to cause imminent danger, or to contribute to conditions which could cause danger.

The State inspection services with adequate personnel, conduct more frequent inspections, programs of education, and having knowledge of the peculiar mine conditions in their States and a deep and personal interest will do a better job in the smaller mines than will the Bureau of Mines.

If this Congress will take care of the questions of imminent danger as provided in section 203(a) or situations which could produce imminent danger as outlined in the new section 203(d), it will enact a true safety bill and at the same time remove the fear held by hundreds of small mine operators, thousands of miners who labor in them, the local communities—and I want to associate myself with them—that the Federal Government will unnecessarily and apart from the cause of safety drive these small mines out of business, throw hundreds and perhaps thousands out of work—the only work they know—and place their wives and children in the surplus food lines and set back the economy of my State and other States, already sorely distressed, without any reason except the claim of the Bureau of Mines that the Congress should give it the authority to assume jurisdiction over every mine.

Senator MORSE. Senator COOPER, I want to say once again, you have presented your point of view on the proposed piece of legislation with great clarity, and there is no question of sincerity as to your motivations. I want to thank you for your statement.

Senator COOPER. Let me say first that in 1958, when the bill was introduced to remove the exemption, I was a member of this committee.

I began my study of the act of 1941 and the act of 1952. I read all of the testimony, both House and Senate reports, and I discussed this question with representatives of the United Mine Workers, and with representatives of the small coal operators. In my rather long career in politics I have traveled over this area practically every year since 1939, except when I was in the Army. The Senator knows, and the committee knows, what occurred in the coal industry during World War II with the tremendous demand for production. The mines were working, production was high, and in eastern Kentucky about 60,000 miners were employed. After the war, with the competition of fuel oil and electricity, exports fell off and the demand for coal lessened. The large coal operators who had the capital—and I may say that they were supported by the decision of the United Mine Workers, which I think was a very statesmanlike decision—agreed to install laborsaving devices and very modern equipment in the large mines. As a result, the average production of coal, which as I remember was 4 or 5 tons per man, rose to about 15 or 16 tons per man and, in some cases, 35 or 40 tons per man. It may be more than that now. But the consequence was that the 60,000 miners in eastern Kentucky—and I quote my State only as being typical of other States—diminished to under 30,000.

The older miners were the first to lose their jobs. There was no opportunity for new men to come into the industry, except as they came into the large mines. The Senator will remember that under the collective bargaining agreements of the United Mine Workers, wages gradually rose until today they are about $26 a day, and that means portal-to-portal. The miners thrown out of work had to do something, and so the small mines began to be opened. As I said before, some unemployed members of the United Mine Workers opened them and went to work in them for it was their only opportunity to work. The miners and mine operators of the small mines were not able to pay the union wage and were not able to contribute to the pension fund. I think some of them do, but generally they do not. So, these mines are unorganized.

The Senator knows from my service on the Labor Committee that I have supported the union movement. But this is a matter of collective bargaining, such as in other industries, some of which are also not organized. I am not here today to say that the United Mine Workers has been responsible for all the unrest which has occurred. I assume, of course, that they want to organize these mines; they want to secure the wage of $26 a day, and they want the 40 cents per ton for their pension fund.

But violence has been directed at these small mines. I would say that the reason that some of the miners who work in them are not here to testify is because they do not want to risk violence.

I want to make it clear that I favor collective bargaining, and always have, but I do not think it is the business of the Government to step in and do the collective bargaining for the operators and for the miners.

Concerning the struggle between the State departments of mine safety and the Federal Government, I think that the State inspection agencies—and I am chiefly familiar with my own—do a good job in the little mines. As I testified a few minutes ago, the director in Kentucky has stated that his agency made about 11,000 inspections in 1963—more than the Bureau of Mines made over the entire United States. In Kentucky, the inspectors live in the State, and they are trained by the State.

Leaving out questions which provoke emotion and raise other questions which can be decided only by collective bargaining, my whole argument has been that this is a question of safety. I hope the committee can produce a bill which will go to the very causes of the problem but not impose upon the small mines procedures and requirements which are not needed to provide safety and would result in putting them out of business.

Senator Morse. Thank you very much.

Senator Fannin. Mr. Chairman, Senator Cooper, I want to commend you for the very excellent presentation. You are certainly well-informed and covered the subject extremely well. I am just wondering since we are talking about safety in coal mines, what is the comparative accident rate, comparing the small mines, title I to title II in your State.

Senator Cooper. Senator Fannin, earlier I testified that when the hearings were held in 1958 and 1959, the Bureau of Mines asserted that the safety record in title II mines was better than it was in title I mines. However, it developed that the Bureau produced different statistics almost every time we met and even the first committee report in 1958, when the then Senator John Kennedy was chairman, contained the statement that the evidence was inconclusive. I think that is still true today.

A week ago, I asked the Bureau to submit to this committee a statement about its procedures in securing information, and I think if one will read that report it will be seen that it is a very loose procedure. Representatives of various States have testified before the House committee in previous years that the record of safety in title I mines is better than that in title II mines.

Senator Fannin. Was that on a per-man-hour basis?

Senator Cooper. It is all on a per-man-hour basis because that is the only true method of measuring exposure to conditions in the mines. My judgment is that safety conditions in title I mines are just as good as they are in title II mines. The great disasters have occurred in title II mines.

So, if the case is based upon statistics for including title I mines, I would say that such a case cannot be proved. If the case is based on the argument that the Bureau and its inspectors can do a better job than the State inspectors, I think that argument could be answered in two ways: (1) the record of injuries and fatalities do not support it; and (2) State inspectors, with special knowledge of conditions in the mines and conducting frequent inspections, could not be adequately replaced by the Bureau of Mines unless the Bureau increased its personnel by a staggering amount.

With respect to the large mines, I think that the Federal Bureau of Mines can do a better job because in the past most of the mines were large mines, deep underground. Many of the inspectors come from Pennsylvania and West Virginia where there are more of these types of mines.

But in the case of the small mines, which run back an average of 1,500 feet and are not gassy, I believe that the States with more inspectors and more frequent inspections can do a better job.

I also believe, in all cases in which an inspector has found a condition which places the miners in imminent danger, that the miners ought to be protected.

Senator Morse. Thank you very, very much, Senator Cooper.

THE WATER SHORTAGE: PRESENT AND FUTURE

Mr. KENNEDY of New York. Mr. President, earlier this summer, a New York City Department of Sanitation employee placed a special metal band and cap on a fire hydrant to prevent children from turning the water on. A young boy asked his playmates why the water could not be turned on. His friends replied, "No rain, stupid."

It is hard for the boy who grows up in New York City to understand why the water comes out of the tap in his kitchen or bathroom or out of the fire hydrant. He probably has never seen the Croton, Pepacton, or Ashokan reservoirs in which the water is collected.

He does not watch the rain in the fall and the spring raise the level of the water in the reservoirs. He does not see the snow melt and the water run off the hills and into the streams and rivers that fill our reservoirs.

Thus he does not know why the hydrant cannot be turned on so he can play in its water this summer. It is hard for him—and for most New Yorkers—to understand how there could be a danger, in this day and age, that the city in which they live could actually run out of water.

The answer lies in an understanding of New York City's reservoir system. Its reservoirs, including those under construction, are capable of holding a total of 572 billion gallons of fresh water. New York City normally uses one and a quarter billion gallons a day. Thus, if the reservoirs were full, they would last approximately 457 days, or one and one-quarter years, if not another drop of rain were to fall during that period.

When the reservoir system was built, city, State, and Federal engineers looked at detailed weather records going back for over 90 years and concluded that the worst drought that could be expected would not last longer than 2 years. Storage capacity to cover a 2-year drought was provided. An emergency pumping station on the Hudson that was built at Chelsea to meet shortages at that time was dismantled when the new Pepacton and Cannonsville reservoirs were started.

But the experts were overconfident. Wind patterns in the United States have changed. We are now in the fourth year of a great drought—and no end is in sight. New York City now has a water supply of approximately 212 billion gallons—about 170 days' supply at normal usage. One year ago there were 351 billion gallons, or 280 days' supply, at normal usage. It has been estimated that if we have an abnormally dry fall and winter, New York City's water will run out in December or January. Even if extra rains fall from now on, it will take about a year for the earth to regain its normal moisture and for ground waters to flow.

New York, New Jersey, Connecticut, Pennsylvania, Massachusetts, New Hampshire, and Maine are suffering the worst drought in their recorded history. This drought extends over a 300,000-square-mile area.

Within a 100,000-square-mile area suffering from extreme drought, as defined by the Weather Bureau, are many large cities: Albany, Binghamton, and New York in New York State; Scranton and Allentown in Pennsylvania; Hartford, Conn.; Concord, N.H.; and Burlington, Vt.; and many others.

This extreme drought affects Philadelphia and Camden as well, because they draw their water supplies from the Delaware River, which rises partially within the blighted area. Other cities share this problem. Philadelphia and Camden, moreover, are threatened by the incursion of salt water in their normal water supply unless enough water flows down the Delaware to keep the ocean waters away.

The drought is particularly critical in its impact because of the number of people who live in the affected area. Over one-fifth of the population of the United States lives within the area of shortage—the great metropolitan center of the Nation, and a significant dairy and truck farming area as well. Every individual in this area has been affected by the drought, some gravely and some with only minor inconveniences up to now.

The agricultural economy of New York State has been threatened. Grazing land has dried up and farmers are feeding their herds hay that would normally be used during the coming winter. Dairy and beef herds are threatened by the lack of water. Truck farmers are suffering losses from poor or nonexistent crops. For the fourth year, many rural residents are driving to town to buy bottled drinking water at 15 cents a gallon or more.

Industry is being directly affected. Some major manufacturing firms are buying water. Many smaller firms, such as swimming-pool sales organizations, greenhouses, hotels and inns, and certain recreational equipment distributors, are being severely hurt or even driven out of business because of their dependence on plentiful water. City residents are being asked to shower rather than bathe, are drinking discolored water, and face the prospects of further restrictions on its use.

This is an extremely serious situation. We are confronted with an urban water shortage so immense that it can only be met by the development of new techniques and approaches coupled with all-out application of existing relief measures.

The action we must take can be broadly divided into two categories: First, immediate relief for those municipalities and rural areas that now have shortages or face severe shortages within the next 6 months; and second, long-term planning and action to insure that the cities and towns and farms of the east, and the rest of the country, as well, have sufficient water for the future.

I. IMMEDIATE RELIEF—STEPS ALREADY TAKEN: STATE AND LOCAL

Many steps have been taken by State and local officials to meet the immediate problem.

In New York City and a number of New Jersey communities, water conservation measures have been introduced to cut down the daily use of water by communities. Car-washing establishments are now required to recirculate their water in New York City. Over 50 locations have been shut down for failure to do so. New York City is sponsoring educational programs designed to reduce normal daily water use. These measures in combination are estimated to have reduced the daily consumption of water in New York City by as much as 20 percent. In addition, the city is considering the installation of water meters to locate excessive use or leakage problems. And it will begin using salt water to fight large fires in September.

New York City has also initiated efforts to increase its supply of water. It has started the reconstruction of the Chelsea pumping station to draw water from the Hudson should this become necessary. Although the Chelsea station will only supply 100 million gallons of water per day, or less than 1/10th of New York City's needs, it may be vital to the city if the drought continues. Moreover, the city has also reopened some of its wells in Queens and Long Island to determine whether this water can be added to the supply.

At least one immediate relief measure has hurt New York City. To help Philadelphia and Camden, New York City has released some of its stored water to maintain the flow of the Delaware River. It is this flow of water that is preventing the contamination of the wells of Camden and of the Delaware River and half of the Philadelphia water supply. The flow of the Delaware has also been augmented by the seizure of water from privately owned lakes and reservoirs in Pennsylvania and New York.

To aid farming communities, the New York State Health Department has opened more than 60 stations to supply free drinking water to rural residents.

STEPS ALREADY TAKEN: FEDERAL

Federal responsibility complements municipal responsibility in the current crisis. Water demands and supplies do not recognize the State and municipal boundaries established by man. The Federal Government can and must help State and municipal governments meet crises of this nature with the resources at its command. Some steps have already been taken at the Federal level:

First. President Johnson, on July 14, 1965, asked the recently established Federal Water Resources Council to investigate the situation to determine what steps can be taken. The Council in turn asked its member agencies for their recommendations. The Council reported on July 21, 1965, and recommended a number of steps that could be taken by Federal agencies. Most of these recommendations have not yet been acted upon.

Second. At my suggestion, the Department of Agriculture released federally owned grazing lands and soil bank grazing lands in parts of New York State for use by farmers who are short on pasture and hay.

Third. The Internal Revenue Service has indicated that quarterly Federal taxpayments can be appropriately reduced by those suffering losses caused by the present drought.

FURTHER IMMEDIATE RELIEF AT THE FEDERAL LEVEL

These Federal efforts are helpful, but more is needed. I would point particularly to the following five recommendations, all of which can have an impact in the coming months in easing the crisis.

Mr. JACKSON. Mr. President, will the Senator from New York yield?

Mr. KENNEDY of New York. I am glad to yield to the Senator from Washington.

Mr. JACKSON. I commend the able Senator from New York for the remarks that he is making this afternoon on the problem of water.

Serving, as I do, as chairman of the Senate Interior and Insular Affairs Committee, which has the overall legislative responsibility in the Senate on water problems, let me say to the Senator from New York that our committee will be available to assist in any way it can on both the short term and the long term problems which we face in this field.

Recently, we enacted the Water Resources Planning Act, to which the Senator has referred, which will make it possible to engage in long term water basin studies. I assure the Senator that we will do everything we can to assist him in this problem.

The problem of water is, indeed, a national problem. Although each area will have a different approach, we in the Interior and Insular Affairs Committee wish to do all we can to see to it that a proper solution will be worked out.

When the President signed the river basin planning bill, to which I have just referred, the first thing he mentioned in connection with its signing was the urgent need to meet the problem in the Northeast section of our country.

I believe that the distinguished and able Senator from New York is rendering a valuable service in bringing this problem to the attention of the Senate, and discussing it in the constructive and detailed way in which he is making his presentation.

Mr. KENNEDY of New York. I appreciate very much the remarks of the Senator from Washington. No one knows more or has had more experience with this problem than the Senator from Washington.

His help, guidance, and assistance in the steps which should be taken in the northeastern part of the United States will be most meaningful and very, very helpful, and I am grateful to the Senator from Washington.

1. IMMEDIATE WATER POLLUTION CONTROL EFFORTS—THE HUDSON RIVER

The economics of water resources today dictate the use of all nearby fresh water before turning elsewhere for supplies. Fresh water from sources near the user is significantly cheaper than water obtained by desalinization or transportation by pipe or carrier, which are the two other major ways we know of obtaining water.

In these circumstances, the Hudson River is a logical immediate source of water. The Hudson has an estimated daily flow into the Atlantic of 13,500,000 gallons per minute, or nearly 20 billion gallons a day, and it would be far cheaper for the city to draw on this than to pipe water from Lake Ontario.

But the problem is, as the New York State Department of Health has said:

> The Hudson River below the Troy Dam generally is not at the present time suitable from a sanitary point of view as a permanent source of public water supply * * * unless grave water supply crises arise such as to permit the acceptance of a water of inferior quality, the Commission does not believe the use of the river, at or near the suggested point of diversion, should be permitted as a source of permanent public water supply.

Why is this? The pollution flowing into the Hudson has made it unfit for use by the communities on its banks.

If a special effort is to be initiated to eliminate pollution in the Hudson, in order to make it a feasible source of emergency supply, it must be started quickly—it must be started immediately. The longer the drought continues, the worse the pollution problem will become, since there will be less and less water available to dilute the contamination. Therefore we must move particularly fast. Immediate antipollution efforts will not significantly improve the quality of the Hudson's water, but they will hold the line in case the continuing drought makes use of the Hudson's water imperative.

New York and New Jersey are affected by the pollution of the Hudson. It is clearly an interstate matter. I am, therefore, asking the Secretary of Health, Education, and Welfare to convene a Federal Water Pollution Enforcement Conference under the terms of the Water Pollution Control Act. I am asking both Governor Rockefeller and Governor Hughes to join me in making this request.

Conferences of this nature have been held, for example, in Chicago regarding Lake Michigan, and in Detroit regarding the Detroit River. One is going on right now to deal with the Lake Erie problem. A Hudson River Conference, conducted with the assistance of the Public Health Service personnel, would give us long-needed information on the sources of pollution in the Hudson. Such information could be used for immediate State and Federal emergency action to stop pollution if the drought continues, as well as to begin the long-term cleanup of the accumulated contamination.

I believe that this Conference could make a major difference. Ending the pollution of the Hudson has critical recreational and conservational significance, and it could be a great help in the long run in creating a new water supply for New York City in its own back yard. For the immediate future, efforts stemming from a water pollution enforcement conference can keep the Hudson from deteriorating further—a needed accomplishment if the persisting emergency finally dictates a turn to use of the Hudson's water.

2. IMMEDIATE ASSISTANCE FROM THE CORPS OF ENGINEERS

The assistance of the Corps of Engineers to communities planning or involved in rapid construction of emergency water supply facilities would be of great value. The corps is a specialist in water problems, and its help with the technical planning and construction aspects of an emergency effort could make a great difference.

Normally, the services of the corps become available to local communities following the invocation of the Federal Disaster Act or after specific project authorizations by Congress. Since a drought of the present magnitude has economic effects as catastrophic as those of a flood, earthquake, or fire, I would think it appropriate for the Governors involved to follow the lead of Governor Hughes of New Jersey and promptly invoke the Federal Disaster Act where it would be of immediate assistance to local communities. The corps' services could, for example, be helpful to New York City in its planned reconstruction of the Chelsea Pumping Station.

In connection with this, I am asking President Johnson to give every consideration to requests for drought aid under the Federal Disaster Act, and to consider also making the services of the Corps of Engineers available to help communities in planning and constructing emergency water source facilities under executive powers other than those contained in the Federal Disaster Act.

3. S. 1766

This bill, introduced by the Senator from Vermont [Mr. AIKEN] and cosponsored by some 92 of us in the Senate offers grant and loan assistance to rural communities to help them build pipelines and reservoirs and otherwise help meet their water supply needs. The Senate has passed S. 1766, and it is currently before the House.

I urge the House to act promptly on the bill so that the aid which it provides will be available as soon as possible. In connection with this, I am asking President Johnson to provide funds for use under S. 1766, when it is passed, until either supplemental or regular appropriations can be made available. In this way, it can help relieve rural drought problems almost immediately.

4. IMMEDIATE EFFORTS TO AID DROUGHT-STRICKEN FARMERS

The prolonged lack of rain has been highly destructive of our agricultural economy, particularly the dairy industry. Many farmers in New York and elsewhere have had to dispose of livestock because of insufficient feed, and predictions show that matters will be even worse this coming winter. The Federal grazing lands previously made available to farmers in drought-stricken counties have been of limited value because the lack of rain has made the grass sparse.

I am asking the Department of Agriculture to take the necessary steps to release Commodity Credit Corporation stored grains as a supplemental feed for cattle. The use of grain early in the fall can supplement the existing hay crop and reduce the necessity to dispose of cattle.

In New York State, the drought conditions appear to be bad enough to warrant release of surplus feed grains, in Greene, Ulster, Orange, Delaware, St. Lawrence, Clinton, Franklin, Warren, Essex, and Washington Counties, to name just a few.

I have been assured that the Department of Agriculture will give prompt consideration to requests from State disaster committees for this assistance.

5. IMMEDIATE EXPANSION OF AVAILABLE WEATHER FORECAST INFORMATION

We need as much information as can be made available about the weather during the next 6 months. State and community governments planning relief measures are dependent on weather forecasting information. The Weather Bureau, recently renamed the Environmental Scientific Services Administration, now provides 3, 5, and 30-day forecasts of estimated rainfall and temperatures. The 30-day forecast is of particular interest to those communities who face major financial decisions in meeting the water crisis. To further assist these communities, I am asking the Weather Bureau to release its experimental quarterly seasonal weather forecasts. These longer projections are not now available to the public. They are not as reliable as the shorter range forecasts currently released to the public, but I think they would nevertheless be of considerable value to communities facing decisions on what to do about the water emergency.

II. LONG-TERM MEASURES

All of these immediate measures can help in the current shortage. But even after the present challenge is met, major problems remain. The current water shortage is only a preview of the difficulties that the northeast will face in the decades ahead. Heavy population growth in the northeast will generate equivalent water needs. The total sustained flow of rivers, streams, and lakes in the northeast will not meet our water needs in the next century.

CONTROL OF POLLUTION

As indicated earlier, the economics of water dictate that we use and reuse all available fresh water. Clean fresh water can be provided to communities at a few cents per thousand gallons. We must, therefore, utilize Lake Erie, Lake Ontario, the Susquehanna, the Hudson and all of our other major sources of fresh water.

We cannot use this water for drinking and industrial purposes as well as for recreation, unless we succeed in controlling water pollution. The two major sources of pollution today are municipal and industrial wastes. By the time we are finished we must have sewage treatment plants for every one of the 1,067 New York State municipalities that now discharge partially treated or untreated wastes into local waterways. We must effectively control and regulate the more than 760 sources of industrial water pollution in New York State.

The major technological challenge is to discover new ways of treating municipal sewage so that we can reverse the present large scale growth of algae in our lakes which has been caused by the nitrogen and phosphates in municipal waste. Research in this area and in discovering cheaper ways of treating all types of waste needs all the stimulation and encouragement that we can give it.

There are, moreover, immediate governmental steps that can and must be taken now if we are to have any success in combating water pollution over the long run:

Municipal and State pollution control: We need political innovation at the State and local levels. Of course, no town or State government likes to tell an industry that they must eliminate their pollution. The economics of plant investment often lead a firm to reply that it will relocate its plant in another State if local pollution controls are enforced. Because there are major differences in State regulations and enforcement of pollution laws, industry can play one municipality or State off against another. Collective and courageous political action to prevent this whipsawing is needed. Federal encouragement will help, but in the end much of the burden will have to be assumed at the State and local levels.

Interstate water quality standards: One of the barriers to effective local enforcement is the fact that communities using water from bodies of water crossing State boundaries are currently faced with different pollution standards on each side of a State line. A community cannot reasonably be asked to treat its wastes if the next community does not. If New York and Pennsylvania, or Massachusetts and Rhode Island, or any two or more States are to effectively reduce pollution, common pollution standards and enforcement for the communities that mutually use a waterway must be established on both sides of their common borders.

Yet New York, Massachusetts, Vermont, Maine and many other States opposed the establishment of interstate water quality standards recommended in the water pollution legislation brought before the Congress this session.

The water quality standards passed the Senate this year but rejected by the House should be adopted in conference. I urge the House conferees to join the Senate in adopting these interstate water quality standards. They are a critical underpinning for State and local antipollution efforts.

Licensing of pollution sources and other Federal pollution control: We must go beyond the establishment of standards that apply only to interstate waters, and institute and establish and enforce water quality standards on all waterways.

Major Federal aid to fight the contamination of water will never be available until the States are willing to enforce pollution regulations. There would be no sense in spending large amounts of money to remove municipal pollution in one area only to have a river or stream polluted by the neighboring community, industry or State.

In Germany and England, for example, which are countries that have already faced the water shortage that we are now experiencing, each source of pollution is licensed by the appropriate river or water basin commission so that there is full knowledge of the pollution that is going into the waterway. And certain kinds of pollution are prohibited.

We could well do the same in the United States. We might, for instance, have a federally established licensing or permit system, with enforcement to be accomplished by States and municipalities. Perhaps the enforcement agency could be given a right of entry and inspection for all licensed sources of pollution. Such a system of licensing would insure that competing firms with pollution problems would be treated alike.

Another source of Federal control would be a user fee applied to each source of pollution on the basis of the cost to the Government of removing the pollutants that are discharged. Since collective treatment of waste is less costly, this user fee might cost the polluter less than installing his own purification unit would cost.

Economic incentives: I also believe that economic assistance to industry in meeting new pollution standards can be provided through rapid Federal tax writeoffs of the cost of acquiring and installing adequate pollution control equipment.

PLANNING AND DEVELOPMENT OF WATER RESOURCES

We need to establish comprehensive and effective local, State, and Federal water basin planning and development bodies. This is a technique long familiar to my Western colleagues, but too little used in the East so far.

I might say that just today Secretary Udall pointed out that the West long ago faced up to the problem of water scarcity in all its aspects. We in the East must move ahead just to catch up.

New York State currently has three water resources regional planning and development boards; the Cayuga Lake Basin, the Western Oswego Basin, and the Erie-Niagara Basin. It has also established river regulating districts, such as the ones for the Hudson and Black Rivers.

These bodies have planning responsibilities for the development of their respective waterways, but they do not have the authority to control all water uses in their basin.

An example of an effective water basin development agency is the Delaware River Basin Commission. The Delaware Commission is responsible for all aspects of water usage on the river, whether it is control of the water flow, use of additional water supplies to supplement its flow, creation of new storage basins, or pollution control measures.

Local water basin commissions should be established with similar powers throughout New York State and in the other areas of the United States where water needs require them. We can learn from our western States where these commissions have been established for a long time. As a starting point, I suggest that a Hudson River Basin Commission be established. This Commission, representing both New York State and New Jersey, would be a useful tool in planning and regulating the various uses of the Hudson.

First. Federal assistance to water basin authorities: To assist these local bodies in planning we must also modify the regulations governing Corps of Engineers and Soil Conservation Service activities so that both these bodies can work more closely with local and State planning agencies. More Federal flexibility in planning is required if we are to meet water demands. I will shortly introduce legislation to facilitate this joint planning.

Moreover, I understand that planners from the water resources research centers in each of the 12 Northeast States have met and wish to initiate a regional water supply and demand study for the Northeast. This study would involve short- and long-range projections of needs, seasonal shortage forecasts, interbasin transfer arrangements, and new water source development schedules.

It would be conducted using planning skills at our universities that are usually not available to local water basin groups.

I can think of no more needed tool than a regional comprehensive water supply and demand study for the Northeast that would lay out needs, costs and schedules required by local governmental bodies in order to intelligently develop their water resources.

I ask that the Federal Water Resources Council take the lead in funding this regional water plan for the Northeast as well as on other planning studies. In this way the Federal Government can assist in estimating water needs over the coming decades and in recommending ways in which this need can be most economically met.

Second. Better industrial and municipal use of existing resources: The growing demands for water also require better long-range conservation practices in the use of existing resources.

In most sections of the country water used by industry is not just used once and discharged into the sewer, but is recovered and recycled several times. This was the learning of our Western States based on inherently short supplies of water. The Northeast never had to learn this lesson until now. Indeed, it is the only geographical area of its size which has not utilized this conservation practice.

The Northeast must plan and build its commercial air conditioners, industrial cooling systems, industrial washing devices and other heavy water using processes so that water is reused as many times as possible before being discharged into the sewer.

Leadership by industry in developing and installing these recovery and recycling systems would be invaluable in meeting future water demands.

Third. New sources of water:

Stored water: We must also develop new sources of water. We must plan and build new storage dams to meet projected water needs in future years, taking into account the length of the present drought.

The New York metropolitan area will have to provide water storage for more than a 4-year period.

Additional dams in New York State will undoubtedly be needed as additional storage basins in addition to their flood protection functions.

Transported water: But even the optimum development of stored water resources within New York State and other areas in the Northeast will not be adequate to meet our long-range needs.

Our planners should consider whether, as California has done, it would be economical to pipe water from unused sources for long distances to meet our needs.

The Northeast may find it necessary, as Professor Maxwell at Princeton University has suggested, to buy water resources in Canada to meet the demand for additional water.

Desalting water: We must advance our technology in the desalinization of water as fast as is practical. The current costs of desalinization, 30 to 50 cents per thousand gallons, are too high for any responsible individual to suggest that we should meet all of our water needs in this fashion today. It is obvious that these costs must be lowered. That is why it was so significant that President Johnson today instructed his science adviser, Donald Hornig, to push ahead with desalting efforts on an accelerated basis, and that is why it was so significant that the Senate today completed action on expanding the saline water conversion program.

The construction of salt water conversion plants to meet New York City's needs would take several years—and would not assist in meeting our immediate drought needs. Perhaps today's events will shorten that time period.

I am, however, convinced that these costs will eventually be brought down to the point where cities along the Atlantic Coast can draw on the sea for fresh water. Areas such as Long Island or New York City or Philadelphia, may use desalted water as early as some of the cities in southern California if costs of production are brought down.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. ANDERSON. I am happy that the Senator from New York is saying what he is about the desalination of water. His remarks are pointed and timely because action on a bill dealing with the subject of desalination was completed today and sent to the White House. This morning the President signed another bill at the White House. He invited some of us who had an interest in the subject of water to be present. The President spoke forcefully at that time about the need for going ahead in the desalination program.

A point which he stressed was that yesterday a group of Ambassadors had visited a desalination plant at Freeport, Tex. He mentioned how thrilled those Ambassadors were with the possibility of how the countries they represented could profit from the processes that we now have.

If the Senator will excuse a personal reference, I should like to mention a similar experience. In 1955 I attended the first International Atomic Energy Conference at Geneva. Dr. Homi Bhabha, the great Indian atomic scientist, was chairman of that conference and invited some of us to luncheon.

Part way through the luncheon he turned to me and said:

> We do not care anything about your atomic bomb, which might help us to blow our enemies to bits. We do not want that. But if you have something that will lift the burdens of humanity off the shoulders of our people and other people similarly situated, you will become a friend of humanity.

What the Senator from New York is saying is that if we develop the plants which he proposes, the results of those developments will be available to other people. I am glad that the Senator has stressed the value which would result from communities testing those systems. I believe that such developments would be the greatest instruments for peace that we could have.

Mr. KENNEDY of New York. I agree with the Senator, and I appreciate the remarks of the Senator from New Mexico. We look around the world and we see people suffering. We know that they have an average yearly income of less than $100 a year. Their life expectancy is approximately 25 years. We know of areas in which one out of every four children die in childbirth.

Mr. President, many of those problems would be alleviated if the economies of these countries could move forward. The same problem exists all over the globe, whether we look at Egypt, the Negev Desert, the Sahara, or elsewhere. If we could start using processed salt water from the ocean on lands in those countries which are presently desert, it would make a major difference in relation to the most basic problems faced by humanity at the present time.

Mr. ANDERSON. Mr. President, will the Senator yield further?

Mr. KENNEDY of New York. I yield.

Mr. ANDERSON. It so happens that Dr. Philip Hammond has been working on the problem at Oak Ridge. He is probably more interested in obtaining irrigation water through desalination than he is in domestic water supplies. The problem is very difficult. Irrigation water from desalination plants might possibly be available by 1975 or 1980. While it is a difficult problem, development is coming.

Costs are coming down so rapidly and so surely that Dr. Hammond believes that in the countries to which the Senator has referred water will be available for crops as well as for drinking needs. When that happens, great areas in the world which are now suffering from hunger will produce more abundant crops themselves. They will not have to depend on the charity of our country. They will not have to depend on food being shipped to them under Public Law 480. But the people in those countries will themselves be able to grow whatever they want and need for their own existence and morale. Desalination is a tool which might possibly be of benefit to those people later on.

I am glad that the Senator from New York is interested in the subject. It has not been so long ago that it was difficult to interest anyone in desalination. In the passage of the first proposed legislation on the subject in the Senate we had to stress the fact that the proposal might be a possible way of solving the difficulties which existed between Arizona and California over their water supply. If the city of Los Angeles could turn the boundless and eternal waters of the ocean into fresh water, it might relieve the people of that city from the necessity of being a contender for water from the Colorado River. If that should happen, California and Arizona might quickly patch up their differences. That was the thought of those who proposed that legislation. But we realized that the results of that development might benefit people all around the world and help to bring peace to the world.

Mr. KENNEDY of New York. I am glad to join the Senator from New Mexico. The Senator has been in the forefront of all these efforts for a long period of time. I am glad to be in the Senate and to be able to join with him in making this kind of fight.

I agree that it would make a major difference. If we can do what has been done so far as taking pictures of Mars is concerned—and we can spend $5 billion a year on the space program—we can certainly make a major effort on a water desalination program. This could make a vast difference in the lives of our own people and of people all around the world. It could give life and hope for the future to untold millions of people all over the globe.

Gunnar Myrdal predicts that in 10 years there will be major starvation of far larger proportions than exist at the present time. We are told that at the present time 10,000 people throughout the world die every day from starvation. It is hard for us in the United States to realize what a difference an ample supply of water could make, especially when the population explosion is considered, if all these desert areas were made available for people to till the land. Communities could be established which would make a great difference in the lives of millions of people.

If, for instance, China, with which we must learn to live, could develop some of her arid areas by the use of water, so that enough crops and enough food were available to feed the 700 million to a billion people China will have in another 25 years, perhaps some of the problems we face in the world generally would be diminished.

Perhaps the need for North Vietnam to expand into South Vietnam, where most of the rice is grown, would be less.

So I believe that much could be done to increase the supplies of water.

In addition, desalinization plants, even at current cost, can offer emergency supplies during future droughts. For both these reasons, it is important that the Federal Government support additional research in desalinization and build additional pilot plants. I fully support Mayor Wagner's request for a desalinization plant for New York City, I also support Federal assistance for the New York State experimental unit to be built at Riverhead, Long Island.

I am asking Secretary Udall to explore the possibilities of placing more of the research on desalting water on the east coast. The scientific and engineering resources of the New York metropolitan area offer great opportunities to the Office of Saline Water in investigating new techniques for desalting water. I think it would be highly desirable to have a major Federal water resources laboratory in the metropolitan area to undertake this research. I also believe that Federal support for salt water conversion research should be significantly increased to meet the growing needs for usable water.

Fourth. Weather forecasting and modification: Another important matter in meeting our long-range water problems is that of weather forecasting and weather modification. In order to intelligently use our water resources, we must have as much advanced knowledge about rainfall as is possible. This knowledge can be useful in managing water uses and eventually, in weather modification.

Some of the work being conducted by the Environmental Scientific Services Administration relates directly to this search for knowledge. In the budget currently under consideration by Congress, this group has asked for $700,000 for experimental meteorology. This money was removed by the House and is now being considered by the Senate. This work offers the promise of better weather prediction and possible weather modification and should be supported at higher levels in the years ahead. I urge the Senate Appropriations Committee to approve this budget request.

CONCLUSION

Political and technical imagination are required if we are to meet the immediate and long-range water needs of our society. Our urban centers and farms will not prosper without ample cheap water.

The current drought in the Northeast can and should serve as a guide to us in our development and use of water resources.

I ask Senators to join me in supporting these immediate and long-range measures to meet our water needs.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. KENNEDY of New York. I yield.

Mr. MANSFIELD. I commend the distinguished Senator from New York, who, as always, has been most constructive in what he has said. He has not only invited the attention of the Senate, and I hope the country, to the difficulties which the lack of water entails; he has also posed alternatives by means of which the lack of water could perhaps be overcome.

Coming as I do from a semiarid State, as does the distinguished senior Senator from New Mexico [Mr. Anderson], where the rainfall averages between 12 and 13 inches a year, we know what water means, and we have known it all our lives.

In the eastern part of the Nation and, to a large extent, in the Midwest—at least, in the northern portion of the Midwest—there have always been, until recently, ample supplies of water. But we now find that the water table is decreasing year by year. As our population increases and our industry expands, we are aware of a situation in the Northeast which could mean great danger to that particular part of our country, and in that area I include the Senator's State of New York.

I am delighted that there is so much interest in this most important resource, the Nation's—yes, the world's—most important commodity.

I am hopeful that our suggestions, like those made by the distinguished senior Senator from Vermont [Mr. Aiken], who introduced S. 1766, to which the Senator from New York [Mr. Kennedy] referred during his speech, will be given the consideration in the other body that it has received in this Chamber, where it passed unanimously with 93 sponsors, among them the two Senators from New York [Mr. Javits and Mr. Kennedy], the Senator from New Mexico [Mr. Anderson], the Senator from Montana, and many others.

I am gratified that on this day, under the skilled leadership of the distinguished Senator from New Mexico [Mr. Anderson] and the distinguished Senator from Washington [Mr. Jackson], the Senate finally agreed to the saline water conference report, which is now on its way to the White House for the signing of a measure which, over a period of years, allocates a certain amount of money for the development of new lines—one of the lines, at least, which the distinguished Senator from New York [Mr. Kennedy] has advocated.

The Senator from New York has performed a public service. I commend him. I hope the administration, the Senate, and Congress will take his words to heart. I hope that out of the danger which confronts the Nation because of a rapidly falling water supply, the measures necessary to combat it and to give hope and sustenance to our people and other people throughout the world will be forthcoming.

The Senator has done a great job. I commend him.

Mr. KENNEDY of New York. I appreciate the compliment of the Senator from Montana.

Mr. JAVITS. Mr. President, I welcome Senator Kennedy's effort to the end of improving our water supply, an effort that has been in progress for a long time.

The water problem and the drought in New York have existed for a considerable time, for years before I came to the Senate—certainly before Senator Kennedy came to the Senate.

It is highly useful and constructive that we should make these recommendations to Congress and to many other quarters. But I believe my colleague from New York [Mr. Kennedy] would not wish it to be understood that these are matters of first impression; that the first that we hear of them is this afternoon; or that we have not been doing anything about them.

It is one thing to go forward in unison with those who have been working in this field for a long while, to do the things that need to be done, and to author new and inspiring suggestions. This is splendid. I have never been one to withhold praise or to refrain from pitching in to cooperate, whether the idea was a colleague's or my own. But I believe we ought to have a little understanding about what is happening that makes this endeavor important in terms of both the State of New York and the city of New York, and the work that has already been done in Congress.

First. The State of New York itself has a $1,700 million program to eliminate water pollution. This is a massive new program to accelerate efforts against water pollution.

I welcome the idea of improved efforts and all of us have been working on this problem of doing something about the New York-New Jersey water pollution situation. That is the interstate aspect, both scenic and as to water pollution. But I do not think for a moment that we can overlook the fact that the Governor of New York authored a historic program to spend $1,700 million to eliminate water pollution, as to which the legislature has backed him. This will require important backing from the Federal Government, backing which I hope will be forthcoming and which I have with my colleague worked to achieve.

I welcome the additional stimulus which will be given to that participation, both by the interest of my colleague, and by the interest of the majority leader, in the program which also involves the need of relieving farmers from the drought.

I inform my colleague that under existing Department of Agriculture programs New York counties did obtain an amount of relief in 1964 and again this year and they should have, and will get it again.

In the field of drought assistance for New York State's agricultural economy, 45 New York counties have recently been declared eligible for grazing and harvesting of hay on soil bank, feed grain, and wheat diversion acres. Farmers Home Administration 3-percent loans have been made available in many counties. I believe much more can be done and have for the past 2 years personally requested the Department of Agriculture to make available CCC supplies of feed grains.

The junior Senator from New York is very much welcome to participate in the struggle, but it is, by no means, a matter of first impression. With regard to the matter of the desalinization of water, about a month ago I called attention to the fact that New York City has been very laggard in this matter.

We found a survey from Los Angeles which indicated that the cost of desalinated water could now be brought within feasible economic reach.

In that regard, I believe that my colleague ought to very carefully read that survey which, I think, does not quite meet the concept which he expresses—that the cost would be too high. The cost in the Los Angeles survey was reduced to the neighborhood of approximately 22 cents per thousand gallons. It may even be reduced further by the adequate use of the power which results from water desalinization.

In my prior speech on this subject, I called attention to the fact that New York City had not acted in this matter. The city acted promptly. Whether in response to my speech, or for whatever other reason, it is immaterial. The fact is that it did act.

This is not something which burst forth from a goose's head full born. It represents a background of work, study, and effort in this entire field. That goes for the activities of the new Federal Council with respect to water, which Council I and others called for.

The Council is now acting. The Delaware water basin happens to be a part of an interstate compact in which a great many of us had a hand. There may very well be room for other compacts and new participants. However, they are all furrows which have been very thoroughly plowed, and present study is being given to it.

I have a few minutes ago received a copy of the speech delivered by the junior Senator from New York. I have no doubt, knowing my colleague as I do, and knowing his ingenuity and initiative, that two things are clear. I am sure that there are some fine new ideas; and those to be commended. They should be pursued, examined carefully, and analyzed. I shall be the first, as I have always been, to cooperate with him, and I shall be the first, as I have always been, to defer to him where he has a new idea that is a good idea.

I am desirous of working closely with the junior Senator from New York. It is also true that my colleague has been desirous of working closely with me. He has paid me the same compliment. May it ever be so. If my colleague can stimulate the administration in other areas, again I say "bravo." Constructive efforts are always needed. They represent a very fine and important contribution.

I do not believe that we should overlook what has been done and what is in the process of being done, and what other people are doing, so that they may be encouraged to carry out their efforts and activities and to work in full cooperation with anything new or any new stimulus which is proposed to be given.

I believe that it is a wonderful thing that we in the East have at last awakened to what the majority leader has called probably mankind's most valuable resource.

I have been a Member of the Senate, and I was a Member of the House of Representatives for a fairly long period of years. Whenever anyone talked about water, we thought they were talking about the States of New Mexico, Montana, Colorado, or California and the western areas of this country. We never thought of the water problem in terms of the Northeast.

It is now impressed upon us in the most urgent way. As the junior Senator from New York properly points out, we hope and pray that this may not be a disaster. It is possible, not probable, but possible to face not only the emergency which we face now, but also an unbelievable disaster if this drought should continue through the fall and winter.

So low have our supplies fallen that there have been complaints from sister cities that salt water has crept into their water supply. The fundamental water supply available to all areas indicates what a terrible danger this is. It is of a character which is not only local to us in New York, but also applicable to the whole region.

I welcome very much the fact that our water needs should be projected so very effectively into the foreground of their needs for Federal cooperation. This is, of course, an important interstate matter. Their needs of Federal support will, by no means, end with what is suggested now, but will, indeed, grow as time goes on. We have been awakened to the problem and realize the danger that we face.

I welcome very much the very fine speech upon which I compliment my colleague.

I welcome its initiative. I welcome any new ideas which, it may contain. I pledge myself to cooperate fully, as the other Senator from New York, in anything that can be developed of this character. However, at the same time, I must point out that others have worked in this field very effectively, and they continue to do so. Ours is a State which has a great problem. Yet approaches have been forward looking and heavily financed in this field.

I believe that the the city of New York has awakened after a long sleep. Let us not draw the curtain over the fact that it was a long sleep, and one which was dangerous to the future of the city. However, it has at long last awakened to the possibility of the inherent danger existing in the water situation. It must be assisted and encouraged in every possible way. Having been in the great business of government for a rather long period of time, I know that the way to encourage people is to give them credit, to recognize their achievements, and to urge them on to greater and more energetic and constructive achievements. There are enormous fields in which much work remains to be done. There is much room for everyone who has good ideas and a constructive approach to the job at hand.

Mr. President, I agree with the majority leader that it is important to reach a fullness of effective cooperation and thought on this subject, especially in the Senate. Therefore, I look forward to fruitful work from my colleague, which his speech so most auspiciously inaugurates, and to the usual, customary, and now, I think, almost traditional cooperation which has existed between us in these matters.

There is a great deal of room for workers on an important problem such as this. There is room to encompass all efforts of officialdom, which is able and willing and has shown a disposition to play a constructive role in such a matter.

I thank my colleague for yielding.

Mr. ANDERSON. Mr. President, I was very much interested in the address given by the able distinguished junior Senator from New York. One of the most important references he made in his address was that the Northeast never had to learn this lesson about water until now. I remind him that the West had to learn it over a long period of time, and the West has been constantly helped by the East in this matter. The East has made it possible to provide appropriations to set up studies under which work has been done in the West for a long period. Now if we can in some way repay the East, and the Northeast, particularly, in their long period of drought, I hope the Senator will agree that it is bread cast upon the water.

Mr. KENNEDY of New York. I appreciate the Senator's comment very much. I think the problem is that we are merely awakening to the difficulty confronting us in the northeastern part of the United States. I think there was a radio program during the 1930's called "Mr. Anthony." People used to say, "Mr. Anthony, I have a problem." The point of my speech today is that I think we have a problem. I think it is a problem that we have to face immediately and over the next decade. For one reason or another, we have done what we should do about it. We have been asleep. When I say asleep, I mean we all have been asleep, whatever political party we are from, and regardless of whether we come from the rural or urban areas. We have to focus on what we must do in the future. I think all of the men from the Far West or other parts of the country who have had experience in this problem may help us in facing our problem. We need some ideas as to how to meet the problem in the northeastern part of the United States. I have suggested some ideas and have referred to what is happening elsewhere in this country and in Germany, England, and other nations. I do not suggest them as if they are brandnew ideas that I have thought up only since I have been in the Senate Office Building.

The fact is that we need to have an overall program. The States must get along with the Nation and the cities, and the State governments must get along with the mayors, and the mayors must get along with the States. Let us do something about it.

Mr. ANDERSON. Mr. President, I am very pleased with the Senator's reference to the Federal Water Resources Council. It was my good fortune to have my name associated with that measure.

Furthermore, on the 30th day of July of this year I gave a talk on the Senate floor and I referred to the fact that:

> In the first 3 weeks of July the Office of Water Resources Research provided in excess of $1 million to support 103 new water research projects undertaken by the State universities of the 12 northeastern drought-stricken States.

That is the sort of thing we must have. The States have not been dormant on this. They have been coming to life very rapidly and they have made fine suggestions. Those are suggestions which are being measured and weighed by people who have had a lifetime of experience in water research. Now we can count on the fact that the Northeastern States will be leaders in bringing out new ideas and thoughts and methods of control.

The water resources research bill did not just happen. It was pushed well along on its way by the administration with which the distinguished junior Senator from New York was very closely connected. We had the finest support from the late President Kennedy. We had it at every phase of water research development. I talked with him, not once, but a dozen times on the projected water resources approach. I know how keenly his sharp mind focused itself on that problem.

I am glad that the Senator has given credit to the West for what the West is doing. We in turn give credit to the East for what the East did.

Mr. KENNEDY of New York. I thank the Senator from New Mexico, and I thank my colleague from New York, I think.

Mr. MANSFIELD. Mr. President, I wish to commend both Senators from New York for their cooperative attitude toward this most difficult and pressing problem. I know they are interested not only in the State of New York, which they have the honor to represent, and in the Northeastern region, which has suffered a prolonged drought, but the Nation as a whole. I wish to say that when the Senator extends his thanks to those of us from the West, we owe thanks to Senators and Members in the other body for the help they have given to us in our problem which is a part of our daily way of living.

To the Senators from New York I wish their fulfillment for the Croton Reservoir. For the Northeastern States, I wish inches and inches of rain.

I may say, also, that if the two distinguished Senators from New York are seeking counsel and advice, we have in this Chamber a man who could be, and properly be, titled "Mr. Water." I refer to the distinguished Senator from New Mexico, who has performed magnificently in this field as Secretary of Agriculture, as vice chairman of the Water Committee set up by the Senate 4 years ago, as chairman of the Atomic Energy Committee in days gone by, and as a man who is aware of the many ramifications attendant upon developing fresh water resources both for drinking and other uses. If anyone in this body is entitled to be called "Mr. Water"—and it is a title of esteem—it is the Senator from New Mexico.

COMMENDATIONS TO SENATORS ON THE ISSUE OF REAPPORTIONMENT

Mr. MANSFIELD. Mr. President, yesterday, a very controversial measure was acted upon by this body when we voted on the resolution dealing with the reapportionment of State legislatures. Very few issues have been more thoroughly debated, more strongly felt, or more persuasively presented in this body in recent years. The entire handling of this issue is a credit to the Senate.

Specific credit for the thoughtful and deliberative way in which the Senate proceeded on this complex issue must be given to the most active participants. Leading the proponents of the proposed amendment to the Constitution, of course, was the able and distinguished junior Senator from Illinois, the minority leader [Mr. DIRKSEN]. I only wish that my words commending him for his efforts could match his eloquence in putting forth those efforts. But I think we all agree that he was an able advocate in the best tradition of the Senate; what is there to be said that is more meaningful?

Appropriately enough, the chief proponent was the articulate, distinguished senior Senator from Illinois [Mr. DOUGLAS], whose presentation and persuasiveness were rewarded by the results.

These, Mr. President, were the leaders, but they were more than ably assisted in their respective causes. Equal praise and commendation must go to those who participated with the junior Senator from Illinois. I refer to the senior Senator from Nebraska [Mr. HRUSKA] and the senior Senator from Vermont [Mr. AIKEN], both of whose long experience in Government contributed so much in assisting the Senate in focusing so clearly on this issue.

The senior Senator from Illinois, on the other hand, had the special aid of the senior Senator from Wisconsin [Mr. PROXMIRE], the junior Senator from Maryland [Mr. TYDINGS], the senior Senator from Pennsylvania [Mr. CLARK], and the junior Senator from Minnesota [Mr. MONDALE], all of whom labored so hard and argued so persuasively for their position.

Finally, special commendations go to the senior Senator from New York [Mr. JAVITS] and the junior Senator from Delaware [Mr. BOGGS] who ably presented their proposed amendments and to the junior Senator from Indiana [Mr. BAYH] who so capably chaired the proceedings of the Judiciary Committee's Subcommittee on Constitutional Amendments on this issue.

All sides of this important issue acted responsibly and cooperatively to the end that the important as well as the routine business of the Senate could proceed without undue hindrance. The Nation's business over which we preside should and did receive this body's continued attention. It is for this that I offer my special thanks and commendations to all participants in the debate. It is for this reason, I might add, that the goal of possible adjournment by around Labor Day remains in sight.

THE HISTORIC VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, last evening the Senate took the final action on the historic Voting Rights Act of 1965. Great credit is owed to so many who contributed so much to achieve fulfillment for this remarkable piece of legislation that one hardly can pick and choose among those to whom gratitude and congratulations should be expressed. One could almost go down the entire list of Members of this body, mentioning their significant participation or consideration in dealing with this measure—in each case whether or not they agreed with the legislation, there was always cooperation and in many cases effort beyond the call of duty.

I will mention only a few participants today, though you know that my sincere thanks go out to all. The distinguished junior Senator from Michigan [Mr. HART] demonstrated during the entire consideration of this bill, from its introduction through the final meeting of the conference, a spirit of devoted purposefulness coupled with sensitivity for the convictions and viewpoints of all Members on this subject. In like manner, the junior Senator from Illinois [Mr. DIRKSEN], the distinguished minority leader, has again demonstrated the qualities of leadership which history will not forget; without him this achievement may never have been realized. We should not, and will not, forget the efforts of the senior Senator from Connecticut [Mr. DODD], the junior Senator from Missouri [Mr. LONG] and the senior Senator from Nebraska [Mr. HRUSKA], all hard-working conferees on the measure. It was typical of these men to lend their able minds and hard efforts to the complex task of arriving at agreement on these important issues.

No remarks can be made about this bill without mentioning the provisions which demanded possibly the most thought and effort—I refer to the provisions dealing with poll taxes. In this area, as I have said before, the junior Senator from Massachusetts [Mr. KENNEDY] proved himself an able veteran of this body.

Even those who opposed the passage of the bill expressed their opposition in a constructive and cooperative way. I thank and commend them for the way they presented their views and pressed their cause in a fashion typical of the good judgment with which this Senate operates.

These commendations for specific Senators merely reflect the wider commendations which are the just due of each and every Member of this body. The Senate once again has worked its will in a purposeful, deliberative, and cooperative way.

Mr. KENNEDY of New York. Mr. President, I join the distinguished majority leader in commending those who have participated and provided leadership to the passage of the voting rights bill, but I wish to take a moment of the time of the Senate to pay a special tribute to the majority leader himself.

I served in another capacity during the struggle for enactment of the civil rights bills of 1963 and 1964. It is hard to describe the leadership of the majority leader at that period of time, but I know that it made passage of those bills possible.

Of course, many other people were involved who played important roles in the fight, but the overall leadership during those difficult days which was given by the majority leader, the Senator from Montana [Mr. MANSFIELD], made the major difference.

In my judgment, today, serving now in a new and different capacity as a Senator who was not intimately involved in the voting rights bill this time, but of course vitally interested in its enactment, I must say again, from the back row where I now stand, that I witnessed the leadership and direction of the majority leader which had such a great effect on all Senators.

I noticed that the majority leader stated his willingness to play whatever role was necessary, at any time that it was necessary, to insure enactment of the voting rights bill, to let others step forward and receive the credit, and to let others hold the interviews and discuss what had happened and what might happen; yet, all the time he was the one to whom so many of us looked for advice and counsel.

The majority leader rises on the floor of the Senate and commends everyone, but I wish to commend him in particular—and in so doing, I know that I speak for all Members of this body.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. KENNEDY of New York. I am glad to yield.

Mr. MANSFIELD. The Senator from New York treats me better than I deserve; nevertheless, I appreciate his comments.

Mr. HART. Mr. President, my presence in the Chamber at this moment is accidental. I came in anticipating adjournment, having two items I wished to place in the RECORD, when the distinguished majority leader was in the process of thanking some of us for a role to which we had been assigned by him to play in the voting rights bill.

The Senator from New York [Mr. KENNEDY] has eloquently voiced what I had intended feebly to say. The record of Congress which everyone is jumping up and down to cite as remarkable—and, indeed, it is—such as in the field of education, health care, the whole litany of unmet international and domestic needs, is one which Congress has accomplished in dramatic fashion. Especially is the voting rights bill a dramatic item enacted in a dramatic Congress.

However, as the Senator from New York has stated, if we had fallen on our faces on these bills, the name of MIKE MANSFIELD would have been dragged up and down every street corner. In every political club he would have been derided and sharply criticized.

In the excitement of calling attention to the accomplishments of this session of Congress, the hard fact is that the leader of the Senate is MIKE MANSFIELD.

We are all delighted and grateful to have our backs patted occasionally. I, for one, am very grateful to have the opportunity to place on the record—as the Senator from New York has done—that the verdict of history regarding this Congress, which I beleive will be good, will note not the incidental spear carriers, but the fact that the present record of Congress was put together at the hands of a leader—the Senator from Montana.

The reason, among others, that it has been such a good session is that the Senator from Montana [Mr. MANSFIELD] is a man who is sensitive and patient—though possessed of a sharp temper, I discovered on occasion—realizes that each of us have our problems, and has such a magnificent sense of timing.

I am delighted that I came into the Chamber in time to make these remarks, and to have heard the Senator from New York commend the majority leader.

The Senator from New York is right in what he said. He voices the attitude of every Member of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield?

Mr. HART. I am glad to yield.

Mr. MANSFIELD. I thank the Senator from Michigan for what he has just said. I assure him that I appreciate more than I can say in words what he has said about me.

However, I point out that any successful achievement in the Senate is not due to one man, but to the Senate as a whole. The cooperation and understanding which has been shown by every Member of this side of the aisle has been exceptional. The individual contribution of Members, such as that of the distinguished Senator from Michigan, has been very great indeed. And what applies to my Democratic colleagues applies also to the Republican Senators and their leadership.

Let me emphasize—as I have many times in the past—that without the cooperation of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], conditions in the Senate would not now be as satisfactory as they are—they certainly would be anything but respectable at this time.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 11:30 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 48 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, August 6, 1965, at 11:30 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 5, 1965:

U.S. INFORMATION AGENCY

Robert W. Akers, of Texas, to be Deputy Director of the U.S. Information Agency.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be lieutenant commanders

William R. Curtis
Archibald J. Patrick
Bruce I. Williams
R. Lawrence Swanson
James Collins
George A. Maul
Robert A. Trauschke

To be lieutenants

Paul W. Larsen
Leland L. Reinke
Henry L. Pittock III
John B. Jones III
Thomas E. Ryder
Christian Andreasen

To be lieutenant (junior grade)

James O. Murphy

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Palmer, George E., O74800.

To be major, Medical Corps

Goodman, Robert I., O76164.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Abate, Claude W., O97226.
Albertella, Raymond C., O92858.
Alexander, Franklin D., O92872.
Alling, Edward H., O96814.
Allen, Richard S., Jr., O97230.
Anderson, Francis E., O95193.
Anderson, Sigurd W., O96815.
Andrews, Darlington F., O96817.
Anz, Allen G., O96818.
Applebaum, Lawrence, O92878.
Asbury, David L., O95425.
Baker, Robert F., O96302.
Baker, Ronald B., O96309.
Ball, Elwyn J., Jr., O96565.
Barnett, Ronald V., O96821.
Barrera, Fabricio, Jr., OF102806.
Barylak, Bohdan A., O95431.
Beall, Raymond F., O97085.
Bean, Roger K., O96566.
Beauford, Richard E., O96313.
Beck, Joseph W., O92912.
Becker, Edward G., OF102811.
Belcher, Bill G., OF102138.
Benge, William J., O92932.
Biegler, Duane R. J., OF100239.
Biggs, Henry D., O92939.
Black, Wendell W., O96320.
Blase, James W., O96322.
Bolen, William S., O97088.
Bouton, David A., O97058.
Branch, Boyd R., O96303.
Brazil, Daniel S., O93189.
Bresley, Kenneth V., O96825.
Briggs, David M., O97059.
Brown, Edward, Jr., O95451.
Brown, James H., OF102824.
Brown, James Van Du Z., O95452.
Brown, Ladd C., OF100182.
Bujakowski, Thomas E., O97091.
Burns, Frank L., O94225.
Burroughs, Dale A., OF102152.
Butler, Gary W., O96827.
Byrnes, James B., O97093.
Campbell, John H., O95826.
Carlock, William C., O99620.
Carmolli, Nicki H., O93145.
Carroll, Robert C., O95831.
Castle, Eugene H., Jr., O96570.
Caustic, Dennison M., O96342.
Caver, Troy V., O92640.
Chafetz, Donald A., O95837.
Channon, James B., O96829.
Chaplin, Robert D., 3d, O96830.
Chatfield, James M., OF100248.
Chirico, Carl F., Jr., O96832.
Clarke, Henry L., O96833.
Coleman, John L., O96631.
Conn, Samuel H., Jr., O96835.
Cornell, Joseph S., Jr., O96836.
Coyne, Robert C., O95854.
Crawford, Walter K., Jr., O96350.
Crider, Stephen B., O96837.
Crume, Thomas E., O95258.
Csoka, Kalman, Jr., O95490.
D'Ambrogio, William J., O93220.
Danielsen, Vernon M., O95492.
Darcy, Edward J., 3d, O96576.
DeVeaux, William P., O93243.
Dick, William H., O92968.
Dickens, Homer Q., Jr., O96842.
Dillow, Tommy R., O95504.
Dittamo, Hector T., O92853.
Docter, Kenneth G., O96578.
Dollhausen, Hans C., O96365.
Dopp, Daniel L., O96843.
Dowling, Richard J., O95508.
Eden, Charles K., O96844.
Edge, Liston L., OF102860.
Edgeworth, Charles A., O96369.
Edwards, Don R., O95687.
Ellis, James T., O96846.
Erber, Peter J., O96673.
Evans, Richard A., O93310.
Fedorochko, William, Jr., O96851.
Fero, Richard S., O95518.
Ferrick, Martin S., Jr., O93331.
Fivian, James A., O95282.
Follis, Frederick L., Jr., O96853.
Forte, David L., OF102184.
Francis, Joseph J., O99842.
Frost, Leonard J. D., Jr., O96861.
Gaither, Thomas D., O96379.
Garnett, Thomas H., Jr., O96855.
Garvin, Richard F., O93376.
Gaston, Joseph R., O97120.
Geary, Michael B., O95532.
Gibson, William McC., O97062.
Gilbert, Ralph W., Jr., O96856.
Gillespie, Clarke McK., Jr., O96386.
Gittinger, Theodore D., O96387.
Glidden, Ronald C., O95536.
Godwin, Edward A., O95537.
Gorcys, Gregory N., O93438.
Gordon, Charles L., O96587.
Gray, Beltron E., O96863.
Gray, Clyde E., 2d, OF102475.
Gurnee, Ronald W., O95298.
Hagedorn, Ronald S., O96523.
Hailey, John F., OF102896.
Hargus, Herschell H., O93519.
Harriman, Charles T., OF102901.
Harrington, James S., O95957.
Havener, Gary W., O96867.
Hayes, Ralph L., O97063.
Healey, Dermot T., O94044.
Hellmuth, Robert W., O94072.
Helvey, Robert L., O95281.
Henry, James J., O96402.
Herdrich, Richard C., O96590.
Hightower, Dennis F., O96406.

Hildebrandt, John E., O96870.
Hill, Thomas F., O96564.
Hocker, William E., OF102496.
Holtsinger, Rollie D., O96410.
Honaker, Errol K., O96411.
Howard, William A., OF100289.
Hunter, Paul C., O94402.
Jacquet, Richard J., O96871.
James, Paul E., O95572.
Jeffress, Charles E., O96872.
Johnson, Harry B., O95576.
Johnson, Walter deF., 3d, O96466.
Jones, Bobby A., O96418.
Jones, Thomas A., O96873.
Jones, Thomas M., O95581.
Jones, Wendell O., O96874.
Juergens, William A., O96876.
Kapelka, Stephen R., O94230.
Keisling, Harold G., O96422.
Keller, Kenneth F., O96877.
Keys, James W., OF101828.
Kitchell, Robert P., O95585.
Kobayashi, Roy S., O96019.
Kovach, James E., O95758.
Kuhl, Herbert D., O96595.
Kurka, George J., O96596.
LaBoa, Guy A. J., O95499.
Ladd, Richard B., O96880.
Larson, James W., O95736.
Lawson, Edward J., Jr., OF102954.
Leonard, Allan L., 3d, O96882.
Lindorfer, John H., OF100749.
Lindsay, Larry A., O95587.
Lloyd, James W., O96433.
Lovejoy, William C., 3d, OF102217.
Lovgren, Paul W., O95606.
Lyons, William J., O95610.
Maceyka, Edward A., O94666.
Madden, Richard G., O96046.
Majewski, Francis E., O94691.
Mallion, Richard J., O94693.
Martin, Edward P., O96887.
McBroom, Billy W., O92520.
McDaniel, Richard A., O96890.
McDavitt, Gerald, O96446.
McGee, Willie T., O96448.
McIntosh, Robert D., O94871.
McKay, Donald M., Jr., O96914.
McTernan, Bernard, O92999.
Melander, Harold W., O94890.
Melsheimer, Gerald A., Jr., O96893.
Miller, Jack V., O96894.
Miller, Robert B., O96895.
Miller, William A., OF102562.
Mitchell, Craig K., O97165.
Moore, Bobby L., O96897.
Morgan, Walter E., O96938.
Mueller, Tommy R., O94476.
Murdock, Don H., O96604.
Murray, George P., O96900.
Nataluk, Francis M., O97068.
Newman, Ned, O97175.
O'Connor, Dennis LeF., O94711.
O'Donnell, Thomas J., Jr., O95247.
O'Grady, John E., O95650.
Olson, John W., O96903.
O'Neal, Samuel K., O96465.
Overcash, James R., Jr., O97241.
Pagliaro, Salvatore G., O95653.
Pappalardo, Salvatore, Jr., O95144.
Parker, Johnny D., O96904.
Patmon, Claude, O97070.
Payne, Robert K., O94823.
Perry, Ronald J., O96608.
Piper, Billy J., OF102595.
Pippen, Carlen, O96907.
Poehler, Bruce B., O94421.
Pope, Thomas I., 3d, O97071.
Price, Thomas W., O96908.
Prim, David F., O96480.
Raley, Thomas S., O96909.
Ranallo, James, Jr., O97072.
Ransburg, Judge, O96483.
Rehler, Charles M., O95666.
Reynolds, Colin R., OF102257.
Reynolds, William J., O96485.
Riley, Miles, Jr., O96911.
Roberts, James T., Jr., O96490.
Rodimon, Stanley J., O97253.
Rohn, Gordon F., O96613.
Root, David K., O96643.
Rosen, Herbert R., O95676.
Rutherford, Jerry R., O96644.
Sakamoto, Shiori, O95652.
Salter, Edward A., OF103024.
Sands, William D., 3d, OF102623.
Sawin, Frederick G., O95206.
Schumaker, Robert F., O96618.
Seaver, David S., O95684.
Sellers, Kervin R., O96645.
Shaw, Edward F., Jr., O95212.
Shellabarger, Dan G., O97073.
Sherwood, George R., OF102631.
Shestople, Nicholas, O95216.
Shimabukuro, Stanley S., O97202.
Short, Albert V., O95217.
Simpson, Patrick J., O96933.
Slominski, Michael H., O96917.
Smith, Hubert G., O95757.
Smith, Jimmy T., O96918.
Smith, Robert R., O96919.
Speake, Robert C., O96920.
Spencer, William P., Jr., OF103042.
Spirek, Dennis G., O96921.
Stack, Robert J., O97076.
Stackhouse, William E., O95701.
Stafford, James L., OF102273.
Stahl, Vincent E., Jr., O95703.
Stanley, Arthur T., O95231.
Stenning, Simon A. J., O95599.
Stephens, Robert L., Jr., O96649.
Stevens, Dale M., O95233.
Sullivan, Thomas F., O95714.
Taylor, Gary L., O97211.
Thomas, Eddie, L., O96519.
Tharsher, Carl DeL., OF103053.
Tietz, Henry M., Jr., O96525.
Tinberg, Larry R., O95568.
Tincher, James C., 3d, O96526.
Tinker, Andrew C., O97077.
Todd, Thomas J. O95727.
Tragakis, Christopher J., O95249.
Trainor, Francis E., O95250.
Tryon, Michael A., O96652.
Turbok, James M., O97078.
Vogel, Melvyn L., O97079.
Wadham, Thomas A., O96632.
Wainscott, George T., O97217.
Walker, Harvey C., Jr., O95268.
Walker, John B., O96260.
Whitehead, Charlie L., O95288.
Washington, Billy J., O95275.
Weeks, Robert S., O96656.
Weeks, Thomas L., Jr., O96539.
Welch, James R., O96927.
Wells, Wade G., 2d, O96657.
Wharton, Richard R., Jr., O96542.
Whipple, William B., Jr., O96929.
White, Jack H., Jr., O97080.
Whitehouse, Gregory K., OF102669.
Whittington, Robert D., 3d, O96930.
Wilkinson, Robert H., OF102295.
Williams, Larry D., O96635.
Williamson, William R., O96934.
Willison, Loyd M., O97270.
Wilson, Eugene K., 3d, O97082.
Wolfkill, Harry H., O97274.
Wood, Calvin S., Jr., O95300.
Woodham, Gary E., O96552.
Worcester, Theodore E., OF100368.
Wright, Carleton C., Jr., O96660.
Wrobleski, Dennis A., O95304.
Wyatt, Robert L., O96935.
Yoshima, Lloyd H. O97225.
Young, Jacob C., Jr., O95756.
Youngblade, Walter, O96638.

To be first lieutenants, Medical Service Corps

Andrew, Franklin H., Jr., O96816.
Arends, Robert C., O96561.
Bolte, Gordon L., OF102820.
Brittain, Roy C., Jr., O96330.
Colvin, John D., 3d, O96318.
Connors, Richard A., OF100865.
Cunningham, Clyde R., O96838.
Erskine, John F., OF101059.
Gayagas, Edwin J., O95531.
Gill, Joseph E., O96858.
Halstead, Herbert L., O97311.
Helin, Donald D., O92949.
Katsuyoshi, Charles M., O96854.
Kuhns, Kurt L., OF100302.
Land, Mickey L., O96597.
Mance, William W., Jr., O92864.
Mueller, Hans J. W., O97015.
Norcia, Stephen W., O95646.
Perkins, Jacob H., O92792.
Preston, Edward J., Jr., O95662.
Rich, William J., O92077.
Roberts, Daniel C., O96489.
Skrzypek, George J., O96916.
Smith, Frederick J. M., O95692.
Starke, William R., O95704.
Thomas, Charles L., O96518.
Whitmore, Paul V., O96545.
Zimmerman, Harry R., O95361.

To be first lieutenants, Army Nurse Corps

Daniel, Donna L., N3138.
Woods, Patricia M., N3181.

The following-named person for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list under the provisions of title 10, United States Code, section 1211:

To be colonel, Medical Corps

Leone, George E., O18287.

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3290, and 3292:

To be captain, Judge Advocate General's Corps

Musil, Louis F., (Inf.) O87864.

To be first lieutenant, Judge Advocate General's Corps

Piersol, Lawrence L., (Inf.) O96475.
Shimek, Daniel W., (CE) O91064.

To be second lieutenant, Medical Service Corps

Schnakenberg, David D., (Cml C) O97767.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be majors

Cantrall, Otto L., Jr., O1924804.
Glover, Marion M., O2263455.
Henke, Bernard J., O1876369.
Jones, William D. C., O508196.
Murdock, Harold R., O2210213.
Nestler, Karl E., O2004237.
Ossorio, George J., O2004291.
Prysock, Jack V., O1335459.
Ritz, Donald J., O1688735.
Thompson, William B., O1876303.
Weidhas, Albert N., Jr., O1924520.
Westendorf, Frederick C., O1693145.
Whitfield, Patrick H., Jr., O957974.

To be captains

Bayer, William S., O4009504.
Beachem, Paul J., O5304172.
Bechtold, John G., O4045939.
Bingham, William H., O5508988.
Boydston, Arland D., O1885969.
Carter, William J., O2097623.
Doctor, Henry, Jr., O4024090.
Fleming, Thomas E., O5001581.
Gray, Michael K., O5702109.
Hadley, Harry A., Jr., O4000849.
Hargis, Glenn F., O4048083.
Henry, Frank L., O4006431.
Hix, Preston D., O4048299.
Hogg, Jerry W., O1934802.
Ihara, Les S., O1889743.
Jennette, Larry F., O5405221.
Jernigan, Sam, O4024766.
Jones, Donald W., O5405284.
Largen, Raymond E., O5304227.
Macias, Raul G., O5401104.
Marr, Giffen A., O4045844.
McCall, Leroy W., O5302514.
McCloy, James P., O5405102.
Murray, Gary B., O4031164.
O'Donohue, Paul J., O5305497.
Pergerson, Benard S., Jr., O4042526.

Powell, Ralph J., O4031175.
Pritz, Robert H., O5202844.
Rex, Ronald C., O4017894.
Robertson, Pierce I., O5000124.
Roche, Gregory F., Jr., O4031012.
Rogers, Jack L., O4030942.
Scherz, Kenneth W., O5301911.
Short, Robert E., O5301799.
Stengrim, Chester A., O5301563.
Suarez, Raymond, Jr., O1936487.
Todd, Edgar F., O996729.
Walton, Joseph A., O5204687.
Welch, Elliot J., O5205893.
Whitby, Boyd A., O4049980.
Wilkes, Donald D., O4030311.
Williams, Emanuel L., O4019144.
Yopp, Dewey C., O4031128.

To be first lieutenants

Armstrong, Robert C., O5412278.
Austin, James L., O5007567.
Baker, Donald D., O5211727.
Baker, Wardell G., O5213145.
Bell, Richard F., O5405904.
Bergman, John F., Jr., O5701928.
Biese, John J., Jr., O5513462.
Bistany, Peter J., O5002838.
Black, James S., O2313511.
Black, Ronald L., O5704110.
Blevins, Dean S., O5303140.
Blue, James R., O5313264.
Brennen, Douglas L., Jr., O5001772.
Broderick, Edward S., O5315191.
Brothers, Donley W., O5413599.
Brown, Joseph, Jr., O5310353.
Caldwell, Robert W., O2314630.
Chipman, John E., O2311352.
Clifton, James D., O5408849.
Cratty, William E., Jr., O5006643.
Dann, Thomas C., O5219037.
Davis, Russell H., Jr., O5405430.
Dervaes, Arthur S., III, O5413341.
Doyle, Joseph C., O5214477.
Duncan, Wallace H., O2317102.
Espling, David D., O5010579.
Ferns, Gary H., O5307459.
Flanagan, William J., Jr., O5008524.
Fordham, James E., Jr., O5310380.
Forster, Paul A., O5511647.
Fricke, Paul H., O5009454.
Gersten, Irving, O5215663.
Harada, Franklin Y., O5706757.
Harris, Jack L., O5310886.
Highet, James M., Jr., O5009811.
Hill, Edward J., O5216453.
Hoyt, Max B., O5405246.
Jeffery, Alvin E., O5412848.
Johnson, William P., Jr., O5207211.
Knight, John M., O5006124.
Knox, Granville S., Jr., O5006125.
Kunkel, Donald H., O5314240.
Lake, Richard E., O5216221.
Lasch, John A. , III, O5311114.
Layton, Horace G., O5212868.
Lee, Gary R., O5515337.
Lively, Charles W., O5403271.
Longhofer, James E., O2300597.
Lucas, Wayne L., O5513606.
Lundberg, William F., O5402218.
Lyman, Donald R., O4084831.
Lyssy, Fred E., O2303939.
Masterson, Peter H., O5405295.
Maune, David F., O5514293.
McCarty, Wendell E., O5306736.
McClerklin, Horace, O5312451.
McCurdey, Newton F., Jr., O5219376.
McDaniel, Edward H., O5311029.
McMaster, Ronald R., O4041504.
McPeek, Donald F., Jr., O2313179.
McSlarrow, James E., O5409162.
Michael, Marcus E., O5405786.
Miller, Richard S., O2319249.
Millett, Michael R., O5706987.
Morgan, William J., O5412912.
Morlock, Glenn W., O5216683.
Nason, Charles P., Jr., O5217076.
Northcutt, Melvin E., O4068395.
Orsini-Navas, Mario L., O5826208.
Parrish, Donald R., Jr., O3132861.
Pinkney, Roy G., O5313528.
Powers, James H., O5214709.
Russell, Eugene N., O5215090.
Sabre, Randolph E., O5410694.
Saunders, David L., O5306337.
Schultz, Kenneth R., O5506647.
Scroggins, Ambrose D., 05411746.
Southern, Kermitt E., O5300070.
Stinson, Robert J., O5509139.
Summerford, Wheeler D., O5317446.
Swayze, Fred C., O5413661.
Thompson, James B., O5308562.
Tilden, George E., O5514125.
Totolo, Robert C., O5307414.
Treadwell, Clarence D., O5304932.
Turner, Julian H., O4083577.
Vespia, Vincent, Jr., O5307286.
Villarreal, Hector, O5312497.
Wheeler, Jack C., O5313371.
Wilder, John D., O5413742.
Williams, Charles R., O5306243.
Williams, Wade J., O5214744.
Winfree, Wesley C., O5208192.
Winterbottom, Rodney L., O5511272.
Wissinger, Allen R., O5315430.
Woods, Andrew D., Jr., O5411049.

To be second lieutenants

Abney, Robert O., O5531487.
Bergquist, William R., O5219586.
Best, Billy B., O5319287.
Biggs, John S., O5708090.
Bolt, William J., O5516207.
Carlisle, Richard D., O5517545.
Dodd, David H., O5318912.
Fesmire, John A., O5307075.
Gately, Bernard F., Jr., O5012500.
Grier, Tommy F., Jr., O5317271.
Hartford, Edward B., O5406336.
Helmlinger, John A., O5317831.
Hoza, John T., O2314225.
Izzi, Alfonso, J., O5012114.
Jodoin, Kenneth F., O5016806.
Joles, Robert J., O5531321.
Knickerbocker, Raymond J., O5514663.
Kocsis, John T., O5517158.
Kollar, James E., O5406900.
Krawczyk, Joseph E., O5013701.
Langley, Samuel H., O5410064.
Levasseur, Ernest A., O5406340.
Lockwood, Brian C., O5709184.
Long, James B., Jr., O5316663.
Lyon, Kenneth S., O5516683.
Malmbourg, Eddie L., O5703676.
Merchant, Richard I., O5315525.
Moore, Gary L., O3116658.
Moreau, James G., O2311344.
Orsak, Johnnie W., O5412953.
Patterson, Donald A.,
Pauler, Gerald L., O2304026.
Peckinpaugh, Thomas W., O5315400.
Penn, Robert E., O5220908.
Porch, David B., O5318675.
Prather, Dan E., O5414035.
Robinson, Earl L., O5012419.
Rock, Daniel L., Jr., O5414389.
Rovansek, Raymond J., O5319524.
Russill, George A., O5406416.
Schmidt, Richard A., O5515032.
Shirley, Frederick W., O5218920.
Steiner, Frederick I., O5318648.
Taddy, Peter A., O5514353.
Thomas, Robert M., O5531819.
Thompson, Fred B., III, O5319150.
Thornton, Billy M.
Todd, Patrick R., O5517352.
Tomita, Ralph S., O5800320.
Totten, Michael W., O5406701.
Trimble, Richard S., O5406280.
Trussell, James B., O5413851.
Turner, Lewis T., O5416099.
Volk, George F., O5709536.
Weiss, Robert M., O5011477.
Wood, Shelton E., O2312128.
Woods, Jackie W., O5406489.
Wright, Johnny F., O5318043.
Wright, Walter C., Jr., O5316546.
Young, John F., O5320541.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, and 3311.

To be majors, Medical Corps

Harris, Laurence V. D., Jr., AO3141314.
Matsumoto, Teruo, O5216901.

To be captain, Army Nurse Corps

Haggerty, Katherine L., N901297.

To be captains, Chaplain

Libby, Billy W., O5401748.
Peterson, Wilbur G., O2303530.
Saunders, George E., O2308108.

To be captains, Dental Corps

Byers, Samuel S.
Crutchfield, David L., O5501680.
Olive, Kenneth A., O5315718.
Post, Arthur C., O5501326.
Robins, Kendall H., O5518925.
Zielke, David R., O5501586.

To be captains, Judge Advocate General's Corps

Clarke, Henry H. H., O5205679.
O'Brien, Francis D., O5002164.

To be captains, Medical Corps

Altekruse, Ernest B.
Barnes, Sam T., O2309221.
Beckwith, Merton M., O5518530.
Boivin, Maurice J.
Bowers, Mirion P., O5302173.
Brown, Joseph, III, O5300344.
Eshelman, Orval M., O2305204.
Grant, Robert N., O5708971.
Hardin, Virgil M., O5312665.
Hinshaw, Arned, O997762.
Larson, Paul H., O5708963.
Levine, Stanley H., O5316005.
Morita, Eugene T., O5015275.
Reed, William P., O5213016.
Waligora, Daniel P., O5711624.

To be captain, Medical Service Corps

Huth, Verlan E., O1685569.

To be first lieutenants, Army Nurse Corps

Broggi, Joan E., N2302230.
Haupert, Irene T., N2302409.
Hopson, Minnie L. E., N5407403.
Humphries, Marilyn R., N2304973.

To be first lieutenant, chaplain

Geary, Wesley V., O2313363.

To be first lieutenants, Dental Corps

Alexander, Bassell L., O5315660.
Dowdy, Thomas S., O5319658.
Edington, Dodd E., O5525751.
Ward, James P., O5310427.
Zehngraff, Paul E., O5519539.

To be first lieutenants, Judge Advocate General's Corps

Cohen, Robert E., O2314264.
Coleman, Gerald C., O2315400.
Fancher, Harry L., O5300616.
Miranda, Ralph G., 05404366.
Piotrowski, Leonard R., O5212498.
Spak, Michael I., O2309857.
Stuart, Kenneth J., O5220096.

To be first lieutenants, Medical Corps

Bilbrey, Gordon L., O5224195.
Clark, Robert W., O5708457.
Dawson, John T., Jr., O2313173.
Demtrak, Christopher S., O5008512.
Feldman, Melvin L., O2313232.
Geschke, Dietrich W., O2313228.
Heitzman, Martin,
Kimball, James D., 02313099.
Nevarez, Leonard J., O5705428.
Pastore, Robert A., O2313019.
Smith, Donald W., O5006031.
Smith, Gerald E., O2316946.
Stafford, Chester T., O2316984.
Travis, Richard T., O5519125.
Williams, Troy H., O5211879.
Wilson, Freddie E., O2316930.
Wurster, John C., O2313066.

To be first lieutenants, Medical Service Corps

Bulger, Carl S., O5505888.
Gorby, Richard J., O5409453.
Graham, Richard W., O2299093.
Servis, Hubert T., O2314588.

To be first lieutenants, Veterinary Corps

Groves, Michael G., O2314273.
Zeiler, David C., O2312525.

To be first lieutenant, Women's Army Corps

Waters, Carol P. D., L2310264.

To be second lieutenants, Army Nurse Corps

Rogers, Joy E., N5417267.
Yeagle, Kathleen A., N5417309.

To be second lieutenants, Medical Service Corps

Carroll, William F., O5702981.
Goriup, Franklin J., O2313412.
LeBlang, Wayne A. G., O5211819.
Morton, Philip W., O2314293.
Nason, Jesse N., O5316871.
Nutt, John W., O5414239.
Robards, John S., O5417501.

To be second lieutenant, Women's Army Corps

Hughes, Elizabeth S., L5317069.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Canepa, Anthony M.
Ficara, Anthony J.
Friedman, Richard J.
Garden, David E.
Gillespie, Thomas A.
Goode, David J.
Hagar, Richard E.
Mohn, John R.
Price, Charles D.
Rogers, William J., Jr.
Seglie, Floyd R.
Tysor, Kenneth E.
Zdanowicz, John

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, and 3288:

Aanenson, James H.
Allen, Cary D.
Allyn, John K.
Anderson, Leslie H.
Ash, Garrett O.
Baer, Barry S.
Bassin, Arthur J.
Bauer, Stephen M.
Beach, Daniel R.
Bell, Bob D.
Belmont, William L.
Bencivenni, Carmen P., O5534253.
Bernabe, Gilbert A.
Blamer, DeWitt, III
Boucher, Jeffrey A.
Brown, Ronald A.
Brown, Stephen M.
Bulger, Charles C., Jr.
Burch, William C.
Burdge, Lloyd H.
Burke, Richard K.
Campbell, Robert W.
Carter, William D.
Cary, James L.
Casterman, John M.
Chandler, William D.
Chavez, George
Clark, Blake S.
Clark, Richard W.
Cochrane, Charles B.
Cohen, Jerald P.
Cole, Gary B.
Condon, Thomas B., O5018545
Conway, Paul G.
Cook, Edwin A.
Cossey, Gerald R.
Cox, William H., Jr.
Craig, Kervin A.
Crosby, Robert W.
Cullen, Peter.
Cummins, Kent C. R.
Cunningham, James L.
Dacus, David M.
Davies, Gerard J.
Davis, Chester H.
Davis, Daniel L.
Davis, Frederick I.
Davis, Geoffrey V.
Dean, Wilbert M.
Dinetz, Louis E.
Donaldson, Charles W.
Donnell, Gordon R.
Dostert, James H.
Downing, Samuel K.
Drummond, Courtney L., Jr.
Bunning, Jeffrey P.
Dynes, Charles G.
Earp, Edwin L.
Easterling, Frank A.
Elsbury, Billy R.
Essig, Frederick H.
Flanigan, James P., Jr.
Forbes, Jeffrey R.
Fox, Robert C.
Giddings, Warren P.
Glover, Edward A.
Grace, James C.
Graham, Richard J.
Gray, James E.
Griggs, John E., III
Haney, Richard J., II
Harbison, Gary M.
Harris, Dahl L.
Hawkins, Robert B., Jr., O5418040
Hawthorne, James N.
Heit, Philip H.
Heyer, Paul J.
Huizi, Richard A.
Hyde, Henry C., Jr.
Ingram, Oliver B., Jr.
Jackson, Lawrence M., II
Jones, Robert M.
Keller, Tommy M.
Kelly, Ronald F.
Kennedy, Robert W. O5710936
Kitchin, Spencer M.
Kuschel, William N.
Kushnir, Ronald A.
Larsen, Morrie E.
Lawrence, James R.
Lytle, David K.
Mainardi, Barry A.
Massott, Ronald A.
Mauch, Dee F.
McCaa, Burwell B., Jr.
McGuire, Michael R.
Moorman, Hunter N.
Morgan, Douglas D.
Morris, Rodney W. K.
Morton, Albert B.
Nicodemus, Clarence L.
Oelze, George J.
Ott, Janvier M.
Overstreet, Kenneth E.
Paczak, Thomas M.
Paluda, Michael L., Jr.
Park, Theodore S.
Parsons, Lonnie P., Jr.
Pearson, Daniel R.
Pearson, LeDell
Potter, Leland W., Jr.
Prager, Henry J.
Ramsey, James A.
Read, Robert J.
Reynolds, Richard P.
Rodier, Michael W.
Rohde, Paul A., Jr.
Roper, William E.
Russell, Robert A., Jr.
Schumer, Gary S.
Scull, David L.
Settimo, Richard
Shukis, Charles A.
Smith, Gerard J.
Smith, Ronald J.
Smyk, Rostyslaw R.
Spitznagle, William E.
Starr, Donald J.
Steinberg, Earle
Stone, Keith C.
Thomas, Charles A.
Thomas, David H., O5225229
Thomson, Don D.
Trizza, Sam R.
Valdez, Gilbert A.
Van Arsdale, Walton S., Jr.
Vasvary, Miki P.
Wall, Sterling A.
Wall, William J., Jr.
Waltner, John C.
Watson, Robert L., Jr.
West, Kenneth W.
Whitlock, Darrell D.
Whittaker, William A.
Wilson, Jack T.
Wilson, Patrick T.
Yielding, Jackson M., Jr.

WITHDRAWALS

Executive nominations withdrawn from the Senate August 5, 1965:

POSTMASTERS

I withdraw the nomination sent to the Senate on April 26, 1965, of Judith S. Angell to be postmaster at Bonita, in the State of California.

I withdraw the nomination sent to the Senate on May 14, 1965, of Will O. McCallum to be postmaster at Newhebron, in the State of Mississippi.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 5, 1965:

INTER-AMERICAN DEVELOPMENT BANK

Tom Killefer, of Virginia, to be Executive Director of the Inter-American Development Bank for a term of 3 years and until his successor has been appointed.

NATIONAL LABOR RELATIONS BOARD

Frank W. McCulloch, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1970.

EXTENSIONS OF REMARKS

Ivory Coast Independence Day

EXTENSION OF REMARKS
OF

HON. ADAM C. POWELL

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 5, 1965

Mr. POWELL. Mr. Speaker, on Saturday, the 7th of August 1965, is the fifth anniversary of the independence of the Republic of the Ivory Coast. We wish, on this occasion, to extend warm felicitations to His Excellency Felix Houphouet-Boigny, President of the Ivory Coast; and to His Excellency Konan Bédié, the Ivory Coast Ambassador to the United States.

We of the United States extend to the people of this small African state congratulations on their remarkable achievements, and we express our admiration for the outstanding economic progress which has been achieved under the leadership of President Felix Houphouet-Boigny and his government.

The Ivory Coast was first visited by Europeans during the 17th century, when French sailors and traders landed there and established the ivory trade. During the 18th century widespread migrations took place and the major ethnic groups of the modern Ivory Coast settled there. Beginning in 1942, various areas of the country became parts of a French protectorate which in 50 years came to include the entire country. After the First World War, plans for economic development were formulated and have been carried out with increasing success ever since.

In 1946, Mr. Houphouet-Boigny founded the African Democratic Rally, now an important political party in many African countries. Under his leadership and that of his party, the peoples of the Ivory Coast have been united in their progress toward political independence and economic development. On the 7th of August 1960, the Ivory Coast achieved complete independence from France.

Since the end of World War II, the Ivory Coast has made remarkable progress in all fields of internal development. Educational facilities have been greatly expanded: in addition to more primary and secondary schools, many technical education centers have been established; a university has been founded in Abidjan, and programs for adult education have begun. The Ivory Coast is an area with a difficult climate and the people have always been subject to many serious illnesses. With the help of French doctors, hospitals, medical centers, and public health services have been established throughout the country.

Great progress has also been made in the field of transportation, with the construction of modern roads, railroads, bridges, and airfields. These projects have, in turn, greatly aided the economy by facilitating the export of the Ivory Coast's principal cash crops: coffee, cocoa, wood, and bananas. The Government has supported and encouraged the establishment of industry which is rapidly increasing throughout the country, especially in the north at Bouake. Great attention has been given to the improvement of housing and sanitation, as is clearly demonstrated by the appearance of the beautiful modern capital city, Abidjan.

The people of the Ivory Coast have clearly demonstrated their maturity and sense of national responsibility in the 5 years of their independence. We congratulate them on their impressive internal achievements and do not doubt that they will continue to progress; we wish the people of the Ivory Coast the best in all their future endeavors.

The Warsaw Uprising: A Commemoration

EXTENSION OF REMARKS

OF

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. HELSTOSKI. Mr. Speaker, on August 1, 1964, President Johnson issued a proclamation marking the 20th anniversary of the historic uprising of Polish patriots to liberate their capital, the city of Warsaw, from Nazi occupation.

In this proclamation the President spoke of the bravery of the Polish people, particularly in this uprising wherein they had demonstrated their determination to achieve liberty and independence.

The President noted that the American people regard the action of these Polish patriots in the Warsaw uprising as a great manifestation of bravery and devotion to their home and country.

This historic effort, Mr. Johnson said, "should serve to inspire people everywhere to rededicate themselves to the cause of freedom and justice."

Mr. Speaker, I do not think that there are many documents that express so well the meaning of the Warsaw uprising not only for Americans but for peoples all over the world.

The Warsaw uprising was a sustained act of desperation in which the freedom fighters of Warsaw sought to overthrow a tyranny that had oppressed the Polish people since the beginning of World War II in September 1939.

Here was a demonstration of heroism and courage on a grand scale, for against overwhelming odds these men of 1944 struck a blow for freedom. These Polish men, these heroes of the streets and byways of Warsaw, brought to bear all the energies of body and soul against the Nazi oppressors; but alas their heroism could achieve no practical results, not because of any failure upon their part, but rather because of Soviet duplicity; for as these courageous Polish men fought a last-ditch struggle, the Soviet Army lay upon its arms in the environs of Warsaw and waited out the final destruction of the Polish resistance. The Soviet strategy was very simple; they had already determined to envelop Eastern Europe; their course in the long run would be made easier if the most powerful force of resistance in Poland could be destroyed. Hence, the Warsaw fighters were abandoned and left to be destroyed by the German Army.

I have said that this uprising had achieved no practical results. This is true; and it is one of the harsh realities of the last war. But causes such as those that the Warsaw uprising exemplify are not always lost causes. The Polish defenders were defeated, but what was not defeated was their will to fight against an intolerable oppression. In this spiritual sense, therefore, the Warsaw uprising was a great victory; for this great human effort has lived on in the Polish tradition; it has served as one of those great events in a nation's history that serve to rally all those glorious forces of patriotism.

This, then, is the meaning of the Warsaw uprising to us today. For this uprising was a national demonstration of love of country and love of freedom. Thus, today, peoples of the free world and those who are oppressed by tyranny can find in this great historic event a source of inspiration.

In August of last year, the 20th anniversary of this uprising, I happened to be in Warsaw and was amazed at the significance the Poles gave to this uprising. The Polish authorities permitted the people of Warsaw to commemorate this significant event and there were many floral tributes placed at the numerous sites where these heroic defenders of Warsaw fell in their fight to free the city. To see such a display of honor to those who perished pulled at the heart strings of the casual observer, who had no part in the uprising, but was aware of the struggle, futile as it was.

There was many a prayer said at these sites of the fallen dead, even though the defender was not known to the one who said his silent prayer. Many of the streets were a solid bank of floral displays and kneeling men, women, and children. Such a display of reverence could do nothing than to bring tears to the eyes of the onlooker. The authorities made no attempt to curtail this commemoration.

On this anniversary of the Warsaw uprising let us, therefore, pay tribute to the heroism of the Polish people; let us express again the eternal truth that these fallen heroes of Warsaw had not made a sacrifice in vain, for theirs was a universal cause of righteousness and justice; and finally let us rededicate ourselves to the eternal principles for which these men fought and died, the principles of freedom and patriotism.

National Drum Corps Week

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. FINO. Mr. Speaker, August 15–22 is National Drum Corps Week. The drum corps movement is a crisp example of how purposefully today's youth can occupy themselves.

Not only is drum corps activity beneficially disciplinary to participating youth, but it can be said that the colorful blade of the martial musical pageantry is representative of an emerging new art form. Drum corps activity is thus productive in many ways, and those participating in it are to be commended.

Drum corps activity has grown in scope so that a million or so teenagers are involved in its activities. There are an increasing number of pageants and drum corps championships these days. In 1963, there was, for the first time, a world open championship for drum corps. We can proudly say that as an art form, a discipline and as a sport, drum corps activity is rapidly growing throughout the United States.

Rt. Rev. Andrew Lekarczyk

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. PHILBIN. Mr. Speaker, I was one of very many in my district, State, and Nation who was greatly saddened and deeply grieved to learn of the recent passing of Rt. Rev. Andrew Lekarczyk, pastor of St. Joseph's Church in Webster, Mass.

Monsignor Lekarczyk was a great, inspiring spiritual leader whose holy life and devotion to his priestly duties and his people were enormously impressive and dedicated.

Born in Poland, he came to the United States with his family at an early age, and was educated in this country and in Rome, where he studied for the priesthood at the famous Pontifical Gregorian University.

He was a papal chamberlain and a domestic prelate with the title of right reverend monsignor, and a real noble leader of his church, beloved by all.

The distinguished monsignor was scholarly and a very keen student of church affairs and free government and a devoted citizen of peerless quality.

An American of great stature, he was deeply attached to the cause of his native Poland and to the countries that had been overrun by Communist terror and tyranny.

His leadership in this cause had much to do with organizing and projecting the vigorous campaign for Poland and the captive nations that had been conducted by zealous leaders like him since the Iron Curtain ruthlessly rubbed out the liberties, self-determination, and the human rights of millions of people.

He took an active role in coordinating the various committees and organizations working for the Polish cause, for solidarity and for vigorous, united action, and earnest efforts toward the day of liberation for the unfortunate peoples suffering under the brutal yoke of communism in the captive nations.

His piety and religious zeal, his humility and concern for humane and humanitarian principles, his unflagging industry, his untiring concern for his flock, his unswerving loyalty to so many causes devoted to religion, charity, and freedom, his warm patriotism and interest in clean government, and the fundamental tenets of the Constitution, gave this great, good, pious man special luster and distinction that is given to very few these days.

Humble and gentle of manner, endowed with an unusual tranquillity of spirit, he was deep and strong of conviction, firm of purpose, determined to pursue his goals with an evangelical fervor that was never dimmed until he went to his Maker.

It was my great privilege and good fortune to enjoy the warm friendship of Monsignor Lekarczyk. During my earlier days, and before I was elected to Congress, indeed during the years I have known him, I was so impressed, as everyone was, with his learning, his dedication, his humane interests, and his resolute spirit and tenacious adherence to lofty ideals by which he lived.

To talk with him in his home and in the presence of his close friends was an experience never to be forgotten.

It was here it seemed that the fullness and richness of his devotion, his idealism, his courage, his noble purpose seemed to shine out with special fervor.

It was here that the warmth of his personality, his deep feelings for humankind and the scope and depth of his loyalties to God, country, and the cause of mankind, and to his friends, came beaming through with brilliance and inspiration.

St. Joseph's parish has lost one of its greatest pastors, and the town of Webster has lost one of its outstanding leaders. Our State and Nation have lost a great loyal son and his faith and followers, a champion of unsurpassed zeal and devotion.

All of us who knew this great churchman have lost a friend whose warmth, loyalty, and inspiring qualities could never possibly be excelled. I have lost a dear, admired friend whom I deeply cherished.

This saintly man has taken his place among the select of the heavenly hosts. But he will long be gratefully remembered by all of us for his deep spirituality, incessant labors, noble spirit, and generous, constant, concern for the people.

A true friend has passed, and he has left behind him heavy hearts, but spirits and visions lifted to the stars. Our thoughts and prayers will be with him always.

Juvenile Delinquency

EXTENSION OF REMARKS

OF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. ROYBAL. Mr. Speaker, I know we have all been reading the recent alarming reports of a nationwide rise in the rate of juvenile delinquency, especially during these summer months of relative idleness for many of our young people.

Many of these youngsters seem to think it's smart to challenge the law. In order to prove they are not "chicken," some may steal gas, "borrow" a car, vandalize property, or violate other laws.

Often without fully realizing it, they are creating serious trouble for themselves—trouble that will return again and again to plague them in the years ahead, and to cast its shadow over their future lives.

Some of these young people will start paying for their "fun" when they begin looking for a job, and are confronted with the question, "Have you ever been arrested?" And many of them will find that colleges and universities do not want them on campus if they have had a brush with the law.

The point is not that society is vindictive or unwilling to forgive. It is just that competition is so tough for jobs, for school openings, and for many other opportunities for growth and progress.

With so many top applicants for the same opening, no one can blame a personnel or admissions director for choosing the young man or woman whose record is clean.

And without attempting to moralize, I believe that today's teenagers must face up to the facts. The next time they choose to engage in some questionable activity, they ought to remember they are not choosing just for today.

It is their entire future they are shaping.

Upper Volta Independence Day

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. POWELL. Mr. Speaker, today marks the fifth anniversary of the independence of the Republic of the Upper Volta. On this grand occasion, we wish to extend warm felicitations to His Excellency Maurice Yameogo, the President of Upper Volta; and to His Excellency J. Boureima Kabore, the Upper Voltan Ambassador to the United States.

We in the United States congratulate the people of this African state on their independence and on their economic progress in the years since 1960.

The history of the Upper Volta until the end of the 19th century is the story of a remarkable civilization, that of the Mossi. These people arrived in the area during the 11th century, probably coming from East Africa, and established two small kingdoms in what is today northern Ghana. From there, their influence soon spread into Upper Volta, where a number of feudal kingdoms were established. One great king, Ouedraogo, expanded his rule over all the neighboring lands and founded the famous empire of Moro Naba.

Under this Empire, social stratification was extremely rigid—a fact which still influences modern society in Upper Volta. It centered around the Emperor, who was surrounded by a vast court of ministers and dignitaries, ruled by the strictest code of etiquette. On a small scale, the people were—and are still—family-centered, all members of a family living in a small community in the midst of their own fields, usually quite separate from their neighbors.

In time the Empire broke into several kingdoms, which nevertheless remained strong enough to resist external pressures and to preserve the ancient feudal society. Not until the French arrived in 1896 did the people of Upper Volta yield to foreign control, and by the end of the 19th century the ancient power and stability were no more. First a protectorate was established; then in 1919 the various provinces became the territory of Upper Volta, part of French West Africa.

After 1946, political development was rapid; on August 5, 1960, the date of the traditional tree festival, the Upper Volta achieved complete independence.

The government of this country has been extremely active in making a reality of its plans for economic development. It has extended the all-important Mossi railroad; a program has been launched to provide more educational facilities and to achieve full enrollment within 15 years; yellow fever, the plague, and other endemic diseases have been checked by compulsory inoculation and by the attention of mobile medical units; and, social welfare centers are being established throughout the country.

We congratulate the people of the Upper Volta on their impressive progress in the years since independence: their modern economic and social achievements indicate that they are, indeed, the proud successors to the ancient kingdoms of the Mossi.

Campaign Speeches of Adlai Stevenson

EXTENSION OF REMARKS

OF

HON. JOHN J. GILLIGAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. GILLIGAN. Mr. Speaker, one does not often think of campaign speeches as great literature; in fact, the epithet "campaign talk" is often used to describe contemptuously the public utterances of a figure in political life. But millions of Americans, whatever their political persuasion, have recognized the campaign speeches of Adlai Stevenson in 1952 and 1956 as a significant and valuable contribution to the political history of this Nation.

These great addresses were characterized not only by Mr. Stevenson's wit and eloquence, but they represent an orderly and comprehensive and balanced commentary on the great issues which confronted the United States during the decade of the fifties, and many of these ominous problems still compel our attention and concern today. Through these speeches Mr. Stevenson not only talked sense to the American people, but he gave voice to the dreams and aspirations of our Nation, and of all freemen everywhere. In very great measure the thoughts and words of Adlai Stevenson prepared the hearts and minds of the people of the United States for the programs of the Kennedy and Johnson administrations. Clearly, for the Government of the United States to collect and print now these great speeches would not only be a very great service to our citizens of today, and those in the generations to come, but it would also serve as a most fitting tribute to the life and public service of Adlai Stevenson.

Neighborhood Youth Corps

EXTENSION OF REMARKS

OF

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. EVANS of Colorado. Mr. Speaker, I wish to draw the attention of the House to the activities of the Neighborhood Youth Corps in Colorado this summer.

Following the June floods which lashed parts of Colorado, approximately 1,500 young men and women in the Neighborhood Youth Corps embarked on the task of assisting the people of Colorado to clean up in those areas that were hard-hit by this disaster.

Now that much of the cleanup work has been done, I want to report what the people of Colorado are saying about these Youth Corps crews.

The mayor and members of the city council in one city in my district said in a wire:

> We have 100 youth cleaning up in our county after recent floods. They are well supervised, doing great job. We have effective program under good local leadership of YMCA and county commissioners.

A reporter for the Colorado Springs Free Press, Conrad Jensen, on July 16 wrote:

> Particularly praiseworthy is the Neighborhood Youth Corps which has been going full force for some 2 weeks. Paid with Federal money, an even dozen young men have been digging, hauling and repairing storm damage (in the Palmer Lake area).
>
> One youngster, John Dodge, 18, really meant it when he agreed to be on the job at 7 a.m. every morning. Mayor McDonough said John got up early Wednesday morning because he didn't have a way to get to Palmer Lake (approximately 15 miles) for the day's work. Leaving his home at 3303 North Hancock in Colorado Springs at 3:30 a.m. he set out on foot and was at the job at 7 a.m. sharp.

A superintendent of schools wrote:

> I feel that the program has not only been a great benefit to this community, but also to the boys involved in the program. These boys and girls are very able, cooperative and willing in helping restore the Ellicott school after it was damaged by the June flood.

A person in another community wrote:

> The majority of the Corps has worked extremely well and under very unpleasant circumstances. For instance, today it required gas masks to enter one basement where there were dead animals.

A farmer in another area of the State wrote:

> The majority of the boys are very good workers. They are willing to learn and seem to enjoy working with our farm boys. We certainly feel it has created a better relationship between the city and rural people.

And finally, one of the boys in the Youth Corps wrote:

> I feel this job is very important. I have acquired valuable job experience and met some interesting people. The pay is good for the work we do ($1.25 per hour) and I feel the work we have done has been very helpful to the victims of the recent flood. I've been working in a small school that was hit very hard by the flood, and, if not for this program, the school would still be unusable. This program has helped many of us who had a hard time finding a job and if the program ends, many needy boys will just be out of luck. So please let us continue to work.

Federal Government and Vermont: Partners in Crime and Vice

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. FINO. Mr. Speaker, today I would like to tell the Members of this House about the ignorant partnership of the Federal Government and the State of Vermont in keeping gambling illegal in Vermont thus making gambling's inevitably lucrative profits available for the use of organized crime.

Last year, the parimutuel turnover in Vermont came to $30 million. More significant—and more menacing—is Vermont's illegal gambling, which much exceeds the legal turnover on parimutuel. Testimony before the McClellan committee indicated that off-track betting comes to about $50 billion annually throughout the Nation, with this figure accounting for only some 42 percent of the national annual illegal gambling total, which would thus be $120 billion. On a population basis illegal gambling in Vermont would come to about $240 million a year. Although this really seems a bit excessive, the fact remains that the mob cuts itself 10 percent of the illegal gambling take, which is inevitably many times the parimutuel figure, so that there can be little doubt that the mob is quarrying millions in Vermont. Government-run gambling would siphon these moneys from mob treasuries putting gambling revenues into action on popular behalf.

The best way to make gambling work for the public good—since it is basically ineradicable—is a national or series of State lotteries. If the State of Vermont would wake up to social and financial reality, it would legalize, regulate and control gambling so that the gambling urge of the people of Vermont could be made to help and not undermine society.

Independence Day of Ivory Coast

EXTENSION OF REMARKS

OF

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the African Subcommittee of the Committee on Foreign Affairs, I am happy to announce to the House that Saturday is the fifth anniversary of the independence of the proud Republic of the Ivory Coast. To President Felix Houphouet-Boigny, to Ambassador Konan Bédié, and all the people of the Ivory Coast I extend the congratulations and the good wishes of the people of the United States.

The richest and potentially most economically self-sufficient state in former French West Africa, Ivory Coast is a rectangular-shaped country of 127,520 square miles facing the coast on the south side of the African bulge. It is bounded on the north by Upper Volta and Mali, on the east by Ghana, and on the west by Liberia and Guinea.

The population of Ivory Coast was estimated in 1962 at 3,340,000, of whom about 12,000 are Europeans concentrated mainly in Abidjan, which now has a population of about 250,000.

The early history of Ivory Coast is virtually unknown, although it is thought that a neolithic civilization existed there.

In the 18th century the country was invaded by two related ethnic groups—the Agnis who occupied the southeast and the Baoules who settled in the central section of the country. In 1842 Adm. Bouet-Williaumez signed treaties with the kings of the Grand-Bassam and Assinie regions, placing the Grand-Bassam region under a French protectorate.

After World War II Felix Houphouet-Boigny, the present President of Ivory Coast, stood for election to the first Constituent Assembly and won a narrow victory. He represented Ivory Coast in the French National Assembly from 1946 to 1959 and devoted much of his efforts to interterritorial political organization and amelioration of labor conditions, until a turning point was reached in relations with France with the Loi Cadre of 1956.

In December 1958 Ivory Coast became an autonomous republic within the French Community as a result of the September referendum that brought Community status to all the members of the old Federation of French West Africa except Guinea. Ivory Coast became independent August 7, 1960, and thereafter permitted its Community membership to lapse. It was admitted to the United Nations on September 20, 1960.

The distinguished President, Felix Houphouet-Boigny, has been closely associated with this great country since 1944 and reinforced his position as a dominant figure in West Africa by leading Ivory Coast, Niger, Upper Volta, and Dahomey into the Counseil de l'Entente in May 1959. His importance in the African political spectrum stems not only from the economic importance of the Ivory Coast but also from his still close association with those who served under him in the Rassemebent Democratique African. He has maintained that the only true road to African solidarity is through step-by-step economic and political cooperation with recognition of the principle of nonintervention in the internal affairs of sister African states.

The United States is Ivory Coast's number one customer and her number two supplier—after West Germany—outside the franc zone.

Ivory Coast's foremost need today is rapid exploitation of its economic potential, a prerequisite to political stability. Capital and skilled manpower are scarce. Although highly dependent on the agricultural sector and with a modest annual per capita income of $100 to $200, Ivory Coast offers favorable prospects for economic development. With an economy already more diversified than any other in West Africa, Ivory Coast has undertaken to increase public expenditure and to induce increased private investment in the industrial sector, with the hope of overcoming the need for foreign aid by 1970.

Ivory Coast has shunned involvement in cold war issues. The government has adopted policies that are in practice friendly to the West and has refused to exchange representation with the Communist bloc. Ivory Coast became a member of the United Nations in 1960 and was elected to a seat in the Security Council of the United Nations for the term beginning in January 1964.

Partly as a result of President Houphouet-Boigny's past leadership in African affairs, Ivory Coast commands great respect in Africa.

United States-Ivoiren relations are friendly and close. The United States is sympathetic to Ivory Coast's program of rapid, orderly economic development and to Ivory Coast's moderate stance on international issues. The United States has undertaken a modest aid program in Ivory Coast.

Immigration Reform

EXTENSION OF REMARKS

OF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. ROYBAL. Mr. Speaker, as one of the original congressional sponsors of President Johnson's immigration reform program, I want to congratulate the distinguished chairman as well as the members of the House Judiciary Committee on their overwhelming 27-to-4 favorable vote on this progressive legislation.

The President has described the committee's action as "a breakthrough for reason, a triumph for justice." And he welcomed the committee's enthusiastic bipartisan determination "to redeem the pledge of this Nation to posterity—that free men have no fear of justice, and proud men have no taste for bias."

It is my earnest hope that this long-overdue measure may now be brought to the floor of the House for consideration at an early date, so that the first session of the 89th Congress may add yet another major accomplishment to its already illustrious record of legislative achievement.

Labor Amendment—Personal Freedom Not Fettered by State Action

EXTENSION OF REMARKS

OF

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1965

Mr. LEGGETT. Mr. Speaker, the Senate shortly will consider the House legislation repealing section 14(b) of the Taft-Hartley Act.

Of the policy consideration involved, one of the fundamental beliefs woven into the fabric of American social life concerns the individual's freedom of choice. According to this creed, the individual is free, under the condition that he does not deny the rights of others, to determine the course of his own life. One can do so as he pleases so long as he does not infringe upon his neighbor. This limitation to individual action implies a balance, a middle ground to be sought between one's desires and the desires of those around him. The pending legislation, a bill that would repeal section 14(b) of the Taft-Hartley Act, has to do with personal freedom and restrictions upon it.

The controversy surrounding the Taft-Hartley Act and the bill to repeal it is clouded by a degree of excitement and passion that undermines clear thinking. The arguments are so often couched in emotional terms that the real issues are obscured. I believe that the proponents of the drive to retain section 14(b) have a faulty concept of freedom. They fail to recognize that freedom has many faces and that freedom not only gives privileges but also requires responsibilities.

Advocates of the so-called right-to-work laws take this phrase literally. They claim that the right-to-work law maximizes individual freedom by allowing a worker to decide for himself whether or not to join a union. Under these laws a worker cannot be forced to become a union member. Now, there is an element of truth in this claim that the right-to-work law permits workers the freedom of choice with regard to union membership. Yet this notion fosters a great distortion because under a right-to-work law a worker is free to accept or reject union membership only after the big decision has already been made. The general public has decided for him that he cannot join a union shop. The worker has in effect been protected from himself.

There is something basically wrong with the idea that the general public should decide on the question of the union shop because it is simply not its decision to make. This kind of paternalism takes away from the worker the right to determine his own fate. It precludes his right to seek the security of a union shop if he should desire it. With retention of section 14(b) it is possible that the outcome of a public referendum creating a right-to-work law could thwart the unanimous wish of labor and management to establish a union shop.

The advocates of the right-to-work law apparently take the anachronistic position that it is the individual's task to do his own bargaining with management. Whether this belief ever had any merit I cannot say, but today it is pointless. It is at least a generation behind the times. It recalls a nostalgic past age of rugged individualism with every man for himself which is inappropriate in the complexities of modern life.

But with the passing of this pristine age of individualism all is not lost. Today's labor unions negotiate the interests of the workers through collective bargaining. The advantages derived by the workingman from collective bargaining are great and the life of the worker is thus enhanced.

These benefits, however, bring with them certain responsibilities. If right-to-work laws are allowed to stand, some workers will continue to reap the full benefit of union membership without belonging to a union. Negotiators for the workers' interests are retained by the union but since under the right-to-work law a worker is free to remain independent of a union; despite the wishes of the majority, he will receive benefits financed by his fellow workers who happen to be union members.

The repeal of section 14(b) would in some cases mean compulsory union membership. That is, if the majority of workers in a certain shop wanted union representation everyone would have to join. This kind of compulsion, I believe, is only fair. It is asking no more than that the minority accept the rules as decided by the majority. In a case where workers in a certain shop have voted for a union shop, dissenters from the majority opinion are still free to work somewhere else where there is no union shop. Any citizen faces similar responsibilities when he votes for a losing candidate in an election and is then obliged to accept the policies of the winner. To complete this picture of democratic rule of the union, I would point out that workers who do not agree with the union's policies can always voice dissent and enlist popular support to change them.

It should be clear from all of this that the right-to-work laws are really not what their advocates claim them to be. They do not give the workingman a meaningful freedom of choice and they have nothing at all to do with the right to work. Too often it is behind this guise of the right to work that antiunionists support these laws. I urge the repeal of this section primarily because it would put the freedom of choice where it belongs, into the hands of the workers themselves. I am wary of those advocates who oppose the repeal of 14(b) on the grounds that it denies individual freedom of choice. Their cry for freedom has a hollow ring and I hope it will fall upon deaf ears in both Houses of the Congress.

SENATE

FRIDAY, AUGUST 6, 1965

The Senate met at 11:30 a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, the might of them that put their trust in Thee, amid all the subtle dangers that beset our path as we face perplexing problems, we bow daily at this altar of prayer lest we be tempted by the fatal folly of attempting to rely upon our own strength. For void of Thee all is vanity and life itself is barren and joyless, robbed of its wonder, its dignity, and its beauty.

Our faith seems but a tiny thing, but just as through the smallest window streams the light of a vast and distant sun so Thou, whose light fills all, canst flood the shadowed rooms of our beings—areas which are dark only because we shut Thee out.

With all that saddens and casts a shadow in this tortured day, give us who toil at its tasks an inner radiance, humbly glad that in a world that lieth in darkness we are called to be heralds of Thy light which even now is gilding the dawn with a new day for humanity.

As Thy truth, balked but never defeated, goes marching on we are grateful for this historic day when by the decree of Congress a pen in the hand of the Chief Executive will prove to be a key unlocking doors to long denied human rights.

We bring our prayer in the name of the Master who bids us to let our light shine. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, August 5, 1965, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 4750) to provide an extension of the interest equalization tax, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 4750) to provide an extension of the interest equalization tax, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

COMMITTEE OF ESCORT

The VICE PRESIDENT. The Chair wishes to announce the Members of the Senate as a committee of escort to accompany the President: the Senator from Montana [Mr. MANSFIELD], the Senator from Illinois [Mr. DIRKSEN], the Senator from Michigan [Mr. HART], and the Senator from Nebraska [Mr. HRUSKA].

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum; and I may say that when the call for the quorum is concluded, it is anticipated that unanimous consent will be requested to have the Senate stand in recess subject to the call of the Chair.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONRONEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Without objection, it is so ordered.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. MONRONEY. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 11 o'clock and 46 minutes a.m., the Senate took a recess subject to the call of the Chair.)

At 12 o'clock and 40 minutes, the Senate reassembled, when called to order by the Presiding Officer (Mr. MORSE in the chair).

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF THE AIR FORCE

The legislative clerk proceeded to read sundry nominations in the Department of the Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of Thomas D. Morris, of Maryland, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. AIR FORCE

The legislative clerk read the nomination of Maj. Gen. Glen W. Martin to be a lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. ARMY

The legislative clerk read the nomination of Gen. Robert Jefferson Wood, to be a general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

DISTRICT OF COLUMBIA COURTS

The legislative clerk proceeded to read sundry nominations in the District of Columbia courts.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

IN THE NAVY AND MARINE CORPS—NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Navy and Marine Corps, which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, these nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of all these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion of Mr. Mansfield, the Senate resumed the consideration of legislative business.

SUPPORT FOR THE 1965 ANTIDUMPING ACT AMENDMENT CONTINUES TO GROW

Mr. HARTKE. Mr. President, when I introduced S. 2045 together with Senator Hugh Scott, the principal Republican cosponsor, and many others of my distinguished colleagues, it was with the knowledge that our bill would help not only a number of industries and the workers employed in those industries, but actually would provide a safeguard against injurious dumping for many domestic industries presently or potentially vulnerable to this unfair international trade practice.

The responses from industry and labor have been most encouraging. Various groups which have expressed their concern by passing resolutions have proclaimed their support for the 1965 Antidumping Act amendment. I would like, at this time, to bring to the attention of my colleagues the resolution passed by the National Association of Plumbing-Heating-Cooling Contractors at its annual convention on June 24. The resolution is similar to one which has been passed by State organizations of plumbing, heating, cooling, and mechanical contractors in Alabama, Connecticut, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, North Dakota, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, and West Virginia, as well as the District of Columbia.

This resolution has been approved also by the national wholesaler organizations in the plumbing, heating, and air-conditioning fields, the American Institute of Supply Associations, Inc., and the Central Supply Association. In addition, similar resolve has been expressed by the California and Michigan pipe trades annual conventions of the United Association of Plumbers & Pipe Fitters.

Mr. President, the concern indicated by these people reflects only some of the many voices that have been raised on behalf of a fairer, more effective U.S. Antidumping Act. There can be little doubt that other industries and labor groups, which are perhaps not so outspoken, are just as concerned. It is important that they make themselves heard.

It is my hope that hearings on this legislation will be held in the not distant future and additional colleagues will join in support of the 1965 Antidumping Act amendment.

We should not lose sight of the fact that intimately involved in this problem are jobs and profits, and a sense of fairplay in international trade practices. I believe that an appreciation of the urgency can be recognized by reading the resolution which was adopted by the association and which I ask to be reprinted as part of my remarks. I also ask that it may be referred to the Committee on Finance to be considered in the context of S. 2045.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the Record, as follows:

RESOLUTION OF THE 83D ANNUAL CONVENTION, NATIONAL ASSOCIATION OF PLUMBING-HEATING-COOLING CONTRACTORS

(Sponsor: Washington (D.C.) Association of Plumbing Contractors.)

Whereas the practice of dumping foreign-made products in the United States at prices below those charged in the country of manufacture and of export is steadily increasing; and

Whereas such practice constitutes an unfair discriminatory trade practice which is injurious to various segments of American industry and also to American industry as a whole; and

Whereas it is the belief of the members of several States association that such unfair trade practice must be curbed; and

Whereas in order to curb such practice there is a need for an amendment to the U.S. Antidumping Act particularly with respect to definitions of such terms as "dumping," "injury," and the "likelihood of injury" as well as to eliminate certain loopholes in the present act and to assure greater speed and certainty in the administration of the U.S. Antidumping Act by the Treasury Department and the U.S. Tariff Commission; and

Whereas American industry is being increasingly injured by the practice of dumping foreign products in the United States at price below those charged in the country of exports; and

Whereas substantial amendments to the U.S. Antidumping Act are necessary in order to curb this practice and to prevent its further increase: Therefore be it

Resolved, That the NAPHCC recommends that the National Association of Plumbing-Heating-Cooling Contractors at its convention in Las Vegas, Nev., June 21–24, 1965, go on record in support of proposed legislation designed to appropriately amend the U.S. Antidumping Act for the purpose of curbing further increases in the dumping of foreign-made products in the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CLARK, from the Committee on Labor and Public Welfare, with amendments:

H.R. 2263. An act to provide for an objective, thorough, and nationwide analysis and reevaluation of the extent and means of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation (Rept. No. 543).

By Mr. SALTONSTALL (for Mr. Russell of Georgia), from the Committee on Armed Services, with amendments:

H.R. 9075. An act to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services (Rept. No. 544).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. INOUYE:

S. 2371. A bill for the relief of Teofilo Cardenas; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2372. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of World War I veterans and their widows; and

S. 2373. A bill to provide that the President shall not grant exemption from the interest equalization tax to foreign countries which violate their treaty obligations with respect to private investments in such country by U.S. citizens; to the Committee on Finance.

(See the remarks of Mr. Hartke when he introduced the above bills, which appear under separate headings.)

By Mr. SCOTT:

S. 2374. A bill to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States; to the Committee on Government Operations.

(See the remarks of Mr. Scott when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 2375. A bill to waive certain limitations upon claims under Public Law 88–519 (78 Stat. 699); to the Committee on the Judiciary.

PENSIONS FOR WORLD WAR I VETERANS

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to provide for the payment of pensions to World War I veterans and their widows. The present bill, with some minor technical amendments, is the same as that which I introduced in the 88th Congress as S. 1918—a number which seemed most fortuitous for such a bill, but which did not receive action despite the apparent good omen of its number.

The proposal sets a requirement of 90 days of service or more during World War I for eligibility, or shorter service if it culminated in discharge or release for service-connected disability. A World War I veteran would receive $100 per month if unmarried and with less than $2,400 annual income; or if married and with less than $3,600 income. If the veteran is helpless or blind, or requires the regular aid or attendance of another person, he would receive an additional sum not less than $70 per month.

There is also provision for widows of World War I veterans at the rate of $75 per month. But to qualify the widow must have married the veteran before December 14, 1944, or have been married to him for at least 5 years before his death, or be the mother of a child born to them.

Mr. President, each year our World War I veterans are growing older, and their ranks and those of their widows are growing thinner. A man who was only 18 when the war ended will be at the retirement age of 65 this year. Those who were 28 then are 75, if they are still living. For them there was no GI bill of rights as there was for the World War II veteran and the veteran of Korea, and as there will be when action is completed on the cold war GI bill we have already passed in the Senate. Great numbers of these men were drafted, and others by the thousands volunteered in a time both of need and of danger.

These men are becoming rapidly the forgotten heroes of long ago, yet they are still living and many of them are in need of the kind of benefits this bill would give, if only to put them on some kind of closer degree of parity with those who have in more recent times served us similarly.

As I have noted, this is not the first time I have introduced such a bill as this. I do not know what its number will be in this Congress, but even though it will not be S. 1918, we still must recall, under whatever number, those who served us loyally in 1918, and even at this late date give them belated recognition as this bill will do.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2372) to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of World War I veterans and their widows, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

TWO-YEAR EXTENSION OF INTEREST EQUALIZATION TAX

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill as an amendment to H.R. 4750, a bill to provide a 2-year extension of the interest equalization tax. My amendment provides that the President should not grant an exemption from the interest equalization tax to any foreign country which violates its treaty obligations with the United States, particularly those treaty obligations relating to private investments in such country by U.S. citizens. The United States does not place restrictions on foreign corporations operating in the United States. We have signed treaties of friendship, commerce and navigation with a number of countries which have agreed to treat U.S. business as favorably as they treat businesses operated by their own citizens. My bill provides that if a country does not honor its treaty obligations, the U.S. Government should not grant them the special concession of exempting them from the interest equalization tax.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2373) to provide that the President shall not grant exemption from the interest equalization tax to foreign countries which violate their treaty obligations with respect to private investments in such country by U.S. citizens, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

ASSISTANCE FOR CERTAIN EMPLOYEES FOR LOSSES CAUSED BY CLOSING OF MILITARY INSTALLATIONS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to alleviate some of the hardships imposed upon so many Federal employees by the closing of military installations, such as Olmsted Air Force Base in Pennsylvania. This legislation would increase the allowance for moving expenses of employees transferred to other Federal employment.

All across our country Americans are being uprooted by the Defense Department's closing of such installations. Their lives are almost totally disrupted. Many face protracted unemployment. Families are being forced to sell their homes in a declining real estate market, and many must be temporarily split up. Studies have shown that most Federal employees lose money when they move even when the circumstances are more favorable.

That is why I have introduced this companion measure to H.R. 8814, introduced in the other body by Representative JOHN C. KUNKEL.

The bill would increase the weight limit on shipment of household goods, reimburse some of the costs of selling a home and buying a new one, and provide for expenses such as food and lodging for the worker and his immediate family while en route to a new job, round trip travel for house-hunting, storage of furnishings if they cannot be used, and temporary quarters if necessary. There would also be a flat allowance for miscellaneous costs.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2374) to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty station within the continental United States, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Government Operations.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. MANSFIELD. Mr. President, on behalf of the chairman of the Committee on Foreign Relations, I desire to announce that on yesterday the Senate received the nomination of Robert W. Akers to be a Deputy Director of USIA.

In accordance with the rule this present nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICE OF PUBLIC HEARINGS ON CIVIL SERVICE RETIREMENT ANNUITY ADJUSTMENTS

Mr. YARBOROUGH. Mr. President, as the ranking member of the Subcommittee on Retirement of the Committee on Post Office and Civil Service, I wish to announce that the subcommittee will hold public hearings on H.R. 8469, a bill to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes. The hearings will be held on Thursday and Friday, August 12 and 13, at 10 a.m., in room 6202, New Senate Office Building.

The subcommittee consists of the Senator from Wyoming [Mr. MCGEE] as chairman, the Senator from West Virginia [Mr. RANDOLPH], the Senator from South Carolina [Mr. RUSSELL], the Senator from Hawaii [Mr. FONG], the Senator from Delaware [Mr. BOGGS], and myself.

Anyone wishing to testify on this proposal should arrange to do so by calling the committee staff, telephone 225-5451.

POPULATION HEARINGS SCHEDULED AUGUST 10 AND 11 BY FOREIGN AID EXPENDITURES SUBCOMMITTEE

Mr. GRUENING. Mr. President, the Senate Government Operations Subcommittee on Foreign Aid Expenditures will hold public hearings on S. 1676 this coming Tuesday and Wednesday in room 3302, New Senate Office Building. The hearings will start at 10 a.m.

Hearing witnesses Tuesday are Secretary of the Interior Stewart L. Udall, who will discuss the effects of the population explosion on our resources; the junior Senator from Colorado [Mr. DOMINICK]; Dr. Alan Guttmacher, president of the Planned Parenthood—World Population; and Dr. Ernest L. Solomon, of Highland Park, Ill., obstetrician and gynecologist, representing the Commission on Social Action of Reform Judaism of the Union of American Hebrew Congregations and the Central Conference of American Rabbis.

The following day, Wednesday, August 11, the subcommittee has invited witnesses from the District of Columbia to tell the District's story, and to describe the effective steps being taken to help solve the population explosion. I am pleased to announce that Commissioner Walter Tobriner has accepted the subcommittee's invitation to attend the hearing. Commissioner Tobriner will bring with him Dr. Murray Grant, director of the Department of Public Health in the District.

To round out the District story the subcommittee has invited Mrs. Fred A. Schumacher, executive director of the Planned Parenthood Federation of Metropolitan Washington, D.C., to describe the work of the private organization.

NOTICE OF HEARING ON THAILAND TAX CONVENTION

Mr. MANSFIELD. Mr. President, on behalf of Senator ALBERT GORE, the chairman of the Subcommittee on Tax Conventions of the Committee on Foreign Relations, I wish to announce that the subcommittee will hold a public hearing in room 4221 of the New Senate Office

Building at 10 a.m., Wednesday, August 11, to receive testimony from Government witnesses on the Income Tax Convention between the United States and Thailand—Executive E, 89th Congress, 1st session—which was signed at Bangkok on March 1, 1965.

It is anticipated that additional hearings on this and other tax conventions will be scheduled at a later date to receive testimony from public witnesses. In the meantime, however, all interested persons who wish to testify on these conventions should communicate with the clerk of the Committee on Foreign Relations without delay.

THE CALENDAR

On request of Mr. Mansfield, the following calendar measures were considered and acted upon, and excerpts from the reports were ordered printed in the Record, as indicated:

AMENDMENT OF FEDERAL RESERVE ACT

The bill (S. 1559) to amend the Federal Reserve Act in order to enable the Federal Reserve banks to extend credit to member banks and others in accordance with current economic conditions, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following new section is inserted in the Federal Reserve Act immediately preceding section 14:

"Sec. 13A. (a) Any Federal Reserve bank may make advances to any of its member banks on the time or demand notes of such banks secured to the satisfaction of such Federal Reserve bank, subject to such limitations, restrictions, and regulations as the Board of Governors of the Federal Reserve System may prescribe.

"(b) In making advances pursuant to this section, each Federal Reserve bank shall give due regard to the maintenance of sound credit conditions and the accommodation of commerce, industry, and agriculture. Each Federal Reserve bank shall keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue or inappropriate use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities, or for any other purpose inconsistent with the maintenance of sound credit conditions; and, in determining whether to grant or refuse advances, the Federal Reserve bank shall give consideration to such information. Whenever the Board of Governors of the Federal Reserve System, in the light of any reports made to it by a Federal Reserve bank, determines that any member bank is making such undue or inappropriate use of bank credit, the Board may, in its discretion, after reasonable notice and an opportunity for a hearing, suspend such bank from the use of the credit facilities of the Federal Reserve System and may terminate such suspension or may renew it from time to time.

"(c) Any Federal Reserve bank may make advances to any individual, partnership, or corporation, on its promissory notes, secured by direct obligations of the United States, subject to such limitations, restrictions, and regulations as the Board of Governors of the Federal Reserve System may prescribe."

Sec. 2. The following provisions of the Federal Reserve Act are hereby repealed: section 10(a) (12 U.S.C. 347a); section 10(b) (12 U.S.C. 347b); section 11(b) (12 U.S.C. 248(b)); the second, third, fourth, fifth, sixth, eighth, tenth, and thirteenth paragraphs of section 13 (12 U.S.C. 343, 344, 345, 346, 347, 361, 347c); section 13a (12 U.S.C. 348–352); and the last sentence of the third paragraph of section 24 (12 U.S.C. 371).

Sec. 3. The eighth paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 301) is amended to read as follows:

"Said board of directors shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks."

Sec. 4. The thirteenth paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 330) is amended by changing the colon after the words "member banks" in the second sentence to a period and by striking out, commencing with the words *"Provided, however,"*, the remainder of the paragraph.

Sec. 5. In the last sentence of section 11(c) of the Federal Reserve Act (12 U.S.C. 248(c)) the words "and discount fixed by the Board of Governors of the Federal Reserve System" are changed to read "charged by the Reserve bank on advances under section 13A(a) of this Act".

Sec. 6. In the last sentence of section 11 (m) of the Federal Reserve Act (12 U.S.C. 248(m)) the words "of all rediscount privileges at Federal Reserve banks" are changed to read "from the use of the credit facilities of the Federal Reserve banks."

Sec. 7. In the second paragraph of section 12 of the Federal Reserve Act (12 U.S.C. 262) the words "discount rates, rediscount business" are changed to read "advances under section 13A of this Act, rates of interest charged by the Federal Reserve banks on such advances".

Sec. 8. The first paragraph of section 14 of the Federal Reserve Act (12 U.S.C. 353) is amended to read as follows:

"Any Federal Reserve bank may, subject to the regulations of the Federal Open Market Committee, purchase and sell in the open market, at home or abroad, either from or to domestic or foreign banks, firms, corporations, or individuals, cable transfers, bankers' acceptances, and bills of exchange, with or without the indorsement of a member bank."

Sec. 9. Section 14(c) of the Federal Reserve Act (12 U.S.C. 356) is amended by striking out the words "arising out of commercial transactions, as hereinbefore defined".

Sec. 10. Section 14(d) of the Federal Reserve Act (12 U.S.C. 357) is amended to read as follows:

"(d) To establish from time to time, subject to review and determination of the Board of Governors of the Federal Reserve System, (1) rates of interest to be charged by the Federal Reserve bank on advances under section 13A(a) of this Act, which shall be fixed with a view of accommodating commerce, business, and agriculture, and of maintaining sound credit conditions; and different rates may be fixed for different classes of paper or according to such other basis or bases as may be deemed necessary in order to accomplish such purposes; but each such bank shall establish such rates every fourteen days, or oftener if deemed necessary by the Board; and (2) rates of interest to be charged by the Federal Reserve bank on advances under section 13A(c) of this Act;"

Sec. 11. The second paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 412) is amended by striking out the third sentence and substituting therefor the following: "The collateral security thus offered shall be notes of member banks or others acquired under the provisions of section 13A of this Act, or bills of exchange or bankers' acceptances purchased under section 14 of this Act, or gold certificates, or direct obligations of the United States."

Sec. 12. The second sentence of the ninth paragraph of section 19 of the Federal Reserve Act (12 U.S.C. 463) is amended by changing the word "discounts" in such sentence to read "advances".

Sec. 13. The second paragraph of section 23A of the Federal Reserve Act (12 U.S.C. 371c) is amended by striking out the words "drafts," and "for rediscount or" from the clause beginning with the word *"Provided,"*.

Sec. 14. Section 201(e) of the Act of July 21, 1932, as amended (12 U.S.C. 1148) is amended by striking out the words "various Federal Reserve banks and" from that section.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 539), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

S. 1559 will remove from the Federal Reserve Act certain unwarranted restrictions on the kinds of assets on which banks may borrow from the Federal Reserve banks and will improve the procedures for extending credit to member banks in conformity with current economic needs and maintenance of sound credit conditions.

HISTORY OF PROPOSED LEGISLATION

These changes in law were recommended by the Board of Governors of the Federal Reserve System in a letter dated March 15, 1965, and the proposed bill was introduced by Senator Robertson on March 17. On July 21, 1965, the Committee on Banking and Currency heard testimony on this and other proposed legislation from the Chairman of the Board of Governors of the Federal Reserve System. Letters favoring the bill as proposed by the Federal Reserve were received by the Committee from the Treasury Department, the Federal Deposit Insurance Corporation, and the American Bankers Association.

EFFECT OF THE LEGISLATION

The proposed act would permit a member bank to borrow from a Federal Reserve bank on the security of any assets acceptable to the Reserve bank without paying a penalty rate of interest.

Differential rates of interest based on types of paper would no longer be required, as is the case under present law, but could be adopted as may be deemed necessary to accomplish the purposes set forth. The terms and conditions of any credits extended would be subject to such limitations, restrictions, and regulations as the Board of Governors of the Federal Reserve System may prescribe.

The new law would retain present general guides and standards to be observed by the Federal Reserve banks in making advances to member banks, including "the maintenance of sound credit conditions and the accommodation of commerce, industry, and agriculture." Consideration must be given to the general character and amount of loans and investments of its member banks and the uses of credit for speculative purposes. Any member bank making undue or inappropriate use of credit may, after notice, be suspended from the use of the credit facilities of the Federal Reserve System.

The bill would repeal a number of provisions of existing law setting forth in some detail the types of customers' notes of member banks that are eligible for rediscount at the Federal Reserve banks. It would thereby permit the elimination or simplification of many outstanding, but largely obsolete, regulations and rules governing eligibility for rediscount of specific types of notes.

AMENDMENT TO THE NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964

The bill (H.R. 4714) to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein was considered, ordered to a third reading, read the third time, and passed.

Mr. JAVITS. Mr. President I am very much pleased that the leadership has cleared this bill for action, and that it has now been passed.

The work of the Council must go forward notwithstanding the fact that there is a bill pending to establish a more substantial national establishment in the arts.

I hope very much that the matter may be consummated promptly so that the work may continue, and so that the Chairman of the Council, Mr. Stevens, may go forward with this activity without being impeded by the amount of money involved.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 540), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

The bill, H.R. 4714, would simply correct a technical error in Public Law 88–579, which established the National Council on the Arts. The clear intent of this act was to establish the Council on a continuing and ongoing basis.

The act provides in section 6 that the Chairman of the Council "shall serve at the pleasure of the President, but not in excess of 8 consecutive years," and that he "shall receive compensation at the rate of $21,000 per annum."

Also, section 5(b) provides for 6-year terms of office for members of the Council and for a continuing and rotating membership. In addition, section 7(d) provides for the submission by the Council of an annual report to the President and the Congress "after the end of each fiscal year."

These are among the passages of Public Law 88–579 which manifestly demonstrate the intent of ongoing activity by the Council.

Inadvertently, however, in section 10, authorizing expenses of the Council, the words, "per annum" were omitted. Thus the Council was authorized to receive only $150,000 for its lifetime, rather than on an annual basis as was intended.

The legislation is urgently needed to allow the Council to continue its important work. Currently there are not adequate funds available to pay the small staff of the Council or the Chairman's salary at the rate prescribed by law, or to enable the Council to hold the 2 meetings of its 26 members prescribed by law "during each calendar year" (sec. 7(a)).

The legislation has been requested by Roger L. Stevens, Chairman of the Council, with the approval of the Bureau of the Budget, and was passed by the House of Representatives on April 29, 1965.

EXPRESSING APPROVAL OF CONGRESS FOR THE DISPOSAL OF RAW SILK AND SILK NOILS FOR THE NATIONAL STOCKPILE

The concurrent resolution (H. Con. Res. 100) expressing the approval of Congress for the disposal of raw silk and silk noils for the national stockpile was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 541), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This resolution would grant congressional consent to the disposal of approximately 113,500 pounds of raw silk and approximately 969,500 pounds of silk noils from the national stockpile.

EXPLANATION

On March 5, 1964, the Director of the Office of Emergency Planning determined that there is no longer any requirement to stockpile silk and silk noils. Materials held in the national stockpile that are no longer needed may not be disposed of until 6 months after notice of the proposed disposal has been published in the Federal Register and until congressional approval of the proposed disposal is granted. Congressional approval is not required if the proposed disposal action results from a determination that the material concerned is obsolescent for use during time of war. The proposed disposal of silk and silk noils is not because the obsolescent, however, but instead is a result of these materials being excess to stockpile requirements. Notice of the proposed disposal was published in the Federal Register on October 3, 1964.

Silk was stockpiled principally for use in the manufacture of sewing thread for powder bags, parachutes, and surgical sutures. Other important uses are in the production of precision woven fabrics for bolting and screen printing.

Silk noils, which are byproducts of the preparation of waste silk for use in yarns, were stockpiled for use in cartridge cloth and lacing cord.

The availability of satisfactory substitute materials has eliminated the requirement for stockpiling silk and silk noils. The use of silk sutures is largely a matter of preference by certain surgeons. Synthetic fibers can be substituted for silk in most fabrics.

United States consumption of silk, all of which is imported, has averaged about 4.5 million pounds annually. The proposed sale of about 113,500 pounds should have little, if any, effect on the markets of producers, processors, or consumers.

The domestic consumption of silk noils is about 1 million pounds annually. The proposed disposal of about 969,500 pounds of silk noils will be accomplished over a period of approximately 1 year to avoid an adverse market impact. The first offering for public sale will be in a quantity of between 100,000 and 300,000 pounds. Later sales will be made periodically in orderly manner in quantities established after an evaluation has been made of earlier sales and of market conditions at the time.

FISCAL DATA

The acquisition costs for the silk averaged $4.29 per pound. The acquisition cost of the amount proposed for disposal was approximately $486,600. Current market price for the grades involved is about $7 per pound, although the price varies seasonally. At current market prices the Government should realize the profit of approximately $300,000 from the disposal of raw silk.

The average acquisition cost of the silk noils was $1.33 per pound. The total acquisition cost of the silk noils to be disposed of was approximately $1,222,200. The current market price is between 25 and 35 cents per pound, but this price is heavily influenced by the market for fibers, particularly rayon and woolen ones. On the basis of current market prices the Government probably will realize a net loss of approximately $900,000 from the disposal of the silk noils.

Mr. MANSFIELD. That concludes the call of the calendar.

LOOSE PRACTICES IN SPENDING ANTIPOVERTY MONEY

Mr. DIRKSEN. Mr. President, I have just had an opportunity to read an article in the August 1965 issue of True magazine entitled "A Prosperous Town Is Forced." The article refers to an antipoverty grant which was forced upon the township of Ypsilanti, Mich., despite the fact that this township is situated in Washtenaw County—which has the highest income of any county in the State. In addition, the township itself showed an average family income of just about $8,000 per year and it was stated that there is not a house in the entire area more than 10 years old. Despite this lack of impoverishment in this community six nonresidents formed an organization to obtain the antipoverty grant. In spite of almost unanimous opposition on the part of the residents in the community, the Office of Economic Opportunity in Washington has thus far failed to cancel the grant.

The article also mentions several other instances of extravagance and waste in connection with this overall program, and I recommend very highly that the article be read by every Senator, so that he will be informed of some of the loose practices existing in the spending of this antipoverty money.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PROSPEROUS TOWN IS FORCED TO ACCEPT U.S. POVERTY MONEY—ZEALOUS POVERTY FIGHTERS SAY MICHIGAN'S YPSILANTI TOWNSHIP NEEDS $188,252 TO GET ON ITS FEET—AND THEY WON'T TAKE NO FOR AN ANSWER

YPSILANTI TOWNSHIP, MICH.—On January 17, 1965, speaking at Johnson City, Tex., the President of the same name announced the approval of 88 new antipoverty grants. One of them, in the amount of $188,252, was for a demonstration project in the Willow Village area of southeastern Michigan.

On January 18, a slim, soft-spoken fellow named Roy Smith picked up a newspaper and stared at it incredulously. He had no connection with the war on poverty. He was and is supervisor of Ypsilanti Township, which lies in Washtenaw County, the highest income county in Michigan. To be sure, the subdivisions of Smith's district weren't comparable to some of the prestige neighborhoods of nearby Ann Arbor, where the University of Michigan is located. A good share of his constituents were hourly rated employees or lower grade executives in the automobile industry. But he was certain his township could boast average family earnings of more than $7,000 a year. So he had no connection with any impoverished area, either.

Even so, he had good reason for being stunned upon learning Willow Village had been designated an official poverty area to the tune of a sizable hunk of the taxpayers' money. For one thing, there wasn't any such place as Willow Village. For another, where most of Willow Village had once existed, the recently built homes and schools, parks, and glistening new shopping center stores of Ypsilanti Township were now standing.

Ironically enough, Roy Smith had been warned of what was coming. He'd simply refused to believe it was possible.

Some 8 weeks earlier, he'd received an inch-thick manuscript in the mail, along with a letter from Mr. Hyman Kornbluh of the Institute of Labor and Industrial Relations—one of the numerous research groups supported by Michigan's tax-supported universities. "Under separate cover, I am sending you a copy of the proposal we have submitted to the Office of Economic Opportunity in Washington," the letter had explained. And it had gone on to request the township's cooperation in a project of mutual interest.

Roy had begun reading the manuscript. And in doing so he'd also begun what was to be, for him, a long, lonely journey into a bureaucratic-academic fantasyland—a world where reality was regarded as of so little importance by officious-sounding officials that he would more than once find himself doubting his own sanity. What was labeled a report to the Federal Government from a famed and respected university sounded more like some amateur novelist's attempt to write a Michigan version of "Tobacco Road."

"By almost any standards," the script insisted, "Willow Village is an impoverished community," Actually, Willow Village was the name of a World War II housing project erected for the workers at the big Willow Run bomber plant, a project the Federal Government had abandoned to be torn down by Ypsilanti Township and replaced by privately built housing. The name still existed only on some low-rent but extremely attractive apartments that lay just over the line in Superior Township. And by any standards whatsoever, income for the designated area ran well above the national average.

Industry had "passed by the core" of this "depressed community," the report continued, and the few folks fortunate enough to find work "were in service and menial jobs." The truth was that the smoke of five gigantic automobile factories could be seen from the area's center, and the personnel manager of one of them had recently commented that anyone who could pass a physical could find employment there.

"Willow Village is a community without social services," the report went blithely on. "There is no medical facility, no newspaper, no self-government, no recreational or cultural or even entertainment facility. There are no stores in the area, and schools are a bus ride away."

Roy Smith had to shake his head hard and wipe his glasses before rereading that passage. The area not only received the social services of all Ypsilanti Community Chest agencies but even contained the headquarters of some of them. Ridgewood Hospital was just 1 mile to the north, and 3 miles to the southwest was the Beyer Memorial Hospital to which the township had paid $58,000 last year to guarantee that none of its residents could be denied a bed. Furthermore, a busy doctor's office shared the new Sunrise Shopping Center with a supermarket, a discount department store, and several other shops, all within sight of a library and a bowling alley and some of the parks where the township's $10,000 summer recreation program had been carried out. Four different newspapers were delivered daily in the area. All but a few of the children walked to school because they lived so close they were specifically prohibited from receiving bus rides under Michigan law. And if there was no self-government, Roy was forced to wonder, just who the hell had elected him?

Even more fantastic was the constant flow of phrases like "the present ghost town appearance" or "brush has overgrown the streets and roads." The report never quite claimed the inhabitants of this brush-choked ghost town were starving. Instead, it suggested "establishing a community vegetable field—to be run by the residents on a cooperative basis—with the produce available to the residents for their own consumption."

Starving or not, the manuscript noted, the impoverished people had formed a "self-help" group of "about 400 to 500" members called the Willow Run Association for Neighborhood Development—WRAND, for short—and immediately appealed to the University of Michigan to help them. After a thorough study, the university was submitting a proposed budget covering the community's needs. What the poor people needed most, it seemed, was the services of some "professional directors" with salaries up to $11,000 a year. Except for such items as $8,970 for the first year's publication of a "community newsletter" the only thing clear about the vaguely worded budget, all of which was subject to "university overhead" was that it was just the beginning. The report suggested, for example, that Willow Village apartments be granted enough further "title IV" funds to permit the building of "several hundred additional units."

Wondering whether to laugh or cry. Roy Smith closed the book of 90-odd pages and stared dully at the plywood walls of his office. He vaguely remembered hearing of WRAND. Someone had buttonholed him for a $20 donation the summer before and, believing the group to be a normal community-betterment organization, he'd thoroughly approved of the idea. But the WRAND headquarters were over in Superior Township and, as far as he knew, so were its members. Yet all but a small portion of the area designated in the report was in Ypsilanti Township. Since the accompanying letter said "a proposal we have submitted," it was apparently too late to keep the university from making an incredible and perhaps embarrassing blunder. But he telephoned the man who'd written that letter anyway.

"Mr. Hyman Kornbluh? This is Roy Smith out in Ypsilanti Township. If you're going to write about this area, why don't you drive the 10 miles out here and look at it? That report of yours is just plain garbage."

The voice on the telephone sounded extremely upset, but it finally said something about "a matter of opinion."

"No, it's not," Roy asserted. "If you'd said there were 'few' stores of 'inadequate' facilities and so forth, that might be a matter of opinion. When you say there's no this, that and the other thing—all of which are located in the area—there's no question of opinion involved. Look, you come out here, any time, at your convenience, and I'll drive you around. I want you to try defending that report while you're seeing what's here with your own eyes."

Hyman Kornbluh finally agreed and promised to call back soon. But that call never came. Roy showed the weird manuscript to several citizens allegedly living in a grown-over ghost town. And it brought laughter instead of indignation from everyone who read it.

"Why, there isn't an unpaved street in any of these three subdivisions of ours they're listed," they said. "There isn't a house in the entire area more than 10 years old."

'Why worry about it?" everyone chuckled. "They'll read that in Washington and toss it in the nearest wastebasket. The war on poverty is for places like Appalachia. If they send someone out here from the Federal Government, then some professors will have some fast explaining to do. But that's not your problem."

Running into the same reaction everywhere, Roy Smith soon began wondering if he wasn't taking the ridiculous report too seriously. By the time the new year began, the manuscript was lying forgotten in his crowded files.

But on January 17—without any attempt at prior investigation, with entire sentences from the ghost town report being repeated word for word in a White House press release—Willow Village was awarded an antipoverty grant.

For 4 full days, Roy remained silent and did some soul searching, chiefly while walking the streets of what was now an official poverty area. He didn't dispute the fact that there were a few scattered folks on those streets, as on almost all streets, who were not very well off. Roy wasn't opposed to the antipoverty program; he was all in favor of the Government helping poor people in any way it could.

Back in the depression, as a kid on a Tennessee farm, Roy Smith had eaten Government sowbelly the same as everyone around him was doing and been plenty glad to get it. He'd come a fair distance from that Tennessee farm, though. He'd been in the Marines in World War II and after the war had attended the University of Michigan on the GI bill. Then he'd worked in the automobile industry and, in 1959, had entered politics where he'd been quite successful. He is a moderate Republican and, along with George Romney, was one of the few members of his party to survive the 1964 Johnson landslide.

But Roy Smith had never forgotten the depression. If there was the slightest chance that any portion of that $188,252 might eventually filter down to help folks who needed it, he certainly didn't want to ruin that chance.

For 4 straight evenings, at home, with his wife sensing a crisis and hushing his three children, he went over the proposed budget again and again. And absolutely nothing was really being promised there. Beneath all the long winded description of what might be done, the hard fact was that some nonteaching fellows at the University of Michigan were being given a good sized piece of public money to do with as they pleased—as a reward for branding his township a poverty area. On January 22, he finally telephoned the nearest newspaper and mentioned some of the falsities in the Institute report.

The local papers, published in the shadow of the powerful university, were extremely wary of the story. They mentioned only a few of Roy's charges, then answered them with institute statements that "some errors of detail in describing the physical elements and population statistics of the area did occur, but none of these errors was fundamental."

"Willow Village is, of course, not totally impoverished," Hyman Kornbluh was quoted as saying. "But it does contain pockets of poverty."

Smith couldn't help wondering if this was the same Kornbluh who'd sent him the report saying, "By almost any standards, Willow Village is an impoverished community." But press objectivity seemed to be picking up in direct ratio to the distance from Ann Arbor. "Federal Government says it's impoverished; area says it's thriving," the Detroit Free Press reported. And the little Redford Record put it even more bluntly: "U. of M. dreams up poverty ghost town." But it was a Detroit TV commentator, Larry Carino of WJBK, who got to the heart of the matter.

He made a very sensible suggestion: "Let the University of Michigan explain exactly what it intends to do with the $188,000—or send it back with apologies."

But the institute parried even this thrust. "The program has not yet been spelled out," Hyman Kornbluh explained, "because the cardinal point of a demonstration project is to demonstrate that the community can assess its own needs." Whether the community had assessed a need for them or not, it was also announced that the hiring of a staff of about 12 would begin immediately.

Supervisor Roy Smith had understandably expected a cry of outrage to come from the folks who were being branded impoverished. But the issue had been so clouded and confused by academic doubletalk that only 10 people brought complaints to a township board meeting on February 2, and most of these were merely ladies who were miffed because friends were phoning and offering to send them CARE packages. Furthermore, their young township clerk, Tilden R. Stumbo, kept urging them to wait and see.

"Sure, they got the grant by falsifying a document," he argued. "But some good could still come of the grant itself—new roads or parks."

Roy Smith could only hope that none of the youngsters who might play in such parks was listening to his elders' moral logic, and he said as much 2 days later when he got off a letter to Dr. Harlan Hatcher, president of the University of Michigan. After listing two pages of the fraudulent claims made in the institute report, then adding that this was only a sampling, that the entire report lacked reality, he invited Dr. Hatcher to tour the area with him at any time and make his own comparison. "We teach our children to tell the truth," he mentioned. "If funds have been received on the basis of false statements, those funds should be returned."

Word of the controversy had reached Washington, but there was still no hint that any investigation would be made. "We didn't force that money on those people," an Office of Economic Opportunity spokesman told newsmen. "They themselves asked for it. Four or five hundred of them formed this WRAND organization and requested the University of Michigan to apply for and administer the grant in their behalf."

Thus assured, the demonstration project proceeded as scheduled. The planting of the communal vegetable garden couldn't begin until the spring thaw, of course. But calling itself the WRAND Roundup, the "community newsletter," for which $8,970 of antipoverty money had been allotted in the proposed budget, appeared immediately—with headlines saying "Who Says We're Impoverished," above a story insisting the grant was only an expression of admiration for local initiative. WRAND further explained on February 8, that the grant was needed because the designated area, although not really impoverished, was not being served by the Ypsilanti Community Chest. On February 9 WRAND announced that yesterday's press release was "in error" since the area had always been served by the community chest.

It seemed strange to Roy Smith, reading the next day's papers, that an organization of area residents could make such a mistake. But before he could carry this curious inconsistency to its inevitable conclusion, he was interrupted by something even stranger. Three gentlemen from the university were ushered into his office. One was introduced as a full dean. Another described himself as merely an observer and was actually, Roy later learned, a recognized authority on, of all things, syphilis research. The third, a plump man wearing the look of a fellow being forced to endure petty indignity, was the long-awaited Hyman Kornbluh.

Instead of discussing the matter in his office, Roy loaded the delegation into his 3-year-old Chevrolet and spent more than 2 hours touring every street of the alleged poverty area. He didn't run into any brush, but he did stop regularly to read aloud, sentences from the report for comparison with what lay outside the car windows. The dean made a gallant attempt at keeping the interview genial and friendly, under formidably difficult circumstances. Chain-smoking nervously, Mr. Kornbluh remained silent most of the time, as did the syphilis expert. Not until they'd returned to the township hall did Roy hear anything resembling an admission that the area wasn't a ghost town after all.

"Suppose instead of 'no' stores, we say 'few' stores?" Hyman Kornbluh offered then. "Suppose instead of 'no' facilities, we say 'inadequate' facilities?"

"Suppose you apologize to the people here and return the grant" Roy suggested instead. "If you can get another one by writing an honest report, the best of luck to you."

Kornbluh countered with the accusation that the whole affair was a political publicity stunt, asserted that he himself wouldn't be in politics for anything, and walked out. That was the last Roy Smith saw of him.

Roy Smith had some questionnaires made up to be circulated in the designated poverty area, requesting residents to return them unsigned. He wanted some statistics on the average income, and to learn what percentage favored the grant and how many were members of the mysterious WRAND organization that had requested it in the first place.

On February 16, a surprise resolution was introduced at a township board meeting, and Roy found himself standing totally alone. Five to one against him, his fellow board members voted to condemn the poverty label but to welcome the poverty money.

Everyone seemed to be saying exactly what Clerk Tilden R. Stumbo had said—"Sure, they got the grant by falsifying a document, but let's keep it anyway"—including, fantastically enought, the Federal Government itself. Because a tall, distinguished-looking man named William Lawrence was ushered into the township hall the next day and introduced as a consultant to the Community Action program of the Office of Economic Opportunity. And he soon made it clear that he'd come not as an investigator but as a peacemaker.

"I've already been around the area," he insisted declining the offer of another tour in Roy's Chevy. "Now I want to know what sort of proposal, satisfactory to you, I can take to the university. What would satisfy you, Mr. Smith?"

"Why didn't you make the 2-hour flight out here before the grant was given? Roy couldn't help wondering.

"We're tremendously understaffed." Lawrence explained. "But I want to assure you and every citizen that no antipoverty grant will ever again be given without an on-the-spot inspection of the area."

"Michigan has a State antipoverty director," Roy Smith persisted. "Couldn't his office have been asked to check out the proposal?"

William Lawrence further explained that the poverty program permits the Federal Government to deal directly with universities. After all, he reminded Roy, the original appeal had come from the area residents themselves. By reporting on the area and offering to administer a grant, the University of Michigan was, in effect the agency checking out the appeal for the Federal Government.

"Well, now that you've seen the area," Smith asked, "What are you going to do about it?"

Lawrence launched into an involved dissertation on the intricacies of antipoverty grants. Contracts had already been offered to professional directors, it seemed, and other commitments had been made. But the Office of Economic Opportunity would most certainly demand that the university correct the "errors" in the report, "redefine" it and "update" it before "activating" the project. "Would that satisfy you?" he asked hopefully.

"All that will satisfy me," Roy Smith told him, suddenly feeling very tired "is the return of any poverty money intended for Ypsilanti Township and a public apology to the people here."

William Lawrence went away worriedly predicting that "the university won't go for anything like that." And the university didn't.

Meanwhile, the Willow Village demonstration project had already demonstrated one thing—the ease with which antipoverty funds could be obtained. And predictably enough, what followed was like a run on the bank. The Washtenaw County Committee on Alcoholism decided to try for $39,900; everyone knows poor people drink too much. The local chapter of the Planned Parenthood League wanted $26,290 because statistics show the impoverished do something else too much. The Ypsilanti public schools decided to go all out and ask $375,000 for providing compensatory education for everyone from deprived preschoolers to the indigent aged. Before long, fully 20 poverty money requests were being feverishly prepared, and a 36-member citizens committee was itself requesting $54,501 merely for acting as a clearinghouse for other requests. All this was going on in just one county, the highest income county in Michigan, one of the 10 wealthiest States in the Union.

Nor was the national picture particularly different. The controversy was bringing Roy Smith a surprising amount of mail from people in some farflung places. Ministers and other citizens of Chicago and Cleveland and New York were claiming that their own antipoverty grants had served no purpose except as patronage plums for local political machines. West Virginians were writing to ask if Roy saw anything strange about the way the poverty money was being parceled out. After all, the late President Kennedy's shock at what he'd seen upon carrying his primary campaign into that State had been one of the prime factors in creating the national mood that resulted in the war on poverty. Why then, West Virginians were wondering, had their antipoverty allotment so far been little more than $400,000, while the high-income State of New Jersey had already received $12½ million?

But folks from New Jersey were writing as well, and they weren't happy with all that money. People in Monmouth County, for example, had received a $67,000 grant, only to learn that $52,000 of it had already been budgeted for the salaries and "administration expenses" of the professional directors. The whole State had been startled to hear that Antipoverty Director John C. Bullitt would be getting a salary of $25,000 a year and would have a pair of $19,000 assistants. But Bullitt had insisted these wage rates were "not out of line," and in a sense he was right. This was less than his poverty-official superiors in Washington were getting and slightly more than was being paid city poverty officials. In Newark alone there were seven poverty fighters in the over $10,000 bracket, but the top wage was just $23,000. Hearing of this, the corps of poverty fighters assigned to Paterson, where the highest salary was a mere $18,500, were about to request a pay raise, but they finally decided against it. After all, the mayor of Paterson was getting only $17,500.

Even so, Roy's chief concern was his own township, and he was pinning a large share of his hopes on the president of the University of Michigan. He still expected Dr. Harlan Hatcher to make a personal comparison of the fraudulent report and the area it supposedly described, then crack down on those responsible with all the righteous wrath that might be expected of so distinguished an educator. But on March 2, when Roy Smith finally received an answer to his letter of nearly a month earlier, it was the most mystifying and disappointing development of the entire nightmarish affair. Dr. Hatcher described himself as "satisfied that the University of Michigan and its representatives acted in good faith and in accordance with recognized procedures, both in submitting the program and in accepting the grant," because "many of the alleged errors to which reference has been made occurred in a background document which was not submitted to Washington."

Numb with amazement, Roy searched his files for the original letter from Kornbluh, dated November 25. It still read, "I am sending you a copy of the proposal we have submitted to the Office of Economic Opportunity in Washington," just as it always had. For fully 6 weeks the report had been the subject of incessant public controversy, mentioned in both news stories and editorials, and Roy himself had discussed it with both university and Federal Government officials. At no time in those 6 weeks had there been the slightest suggestion from anyone that the background document hadn't been submitted.

"We didn't force this money on those people," the OEO was still telling newsmen. "They themselves formed this WRAND organization and requested the university's assistance in getting a grant."

Pondering that statement that he'd heard and read so often, Roy Smith suddenly realized there was something very strange about it. Some 257 of the questionnaires he'd distributed had been returned by then, showing average family income so far of $7,961 in the depressed community and turning up just 10 people who approved of the antipoverty grant. But more interesting yet, only four people had identified themselves, even unsigned, as members of WRAND. Roy had met the president and current spokesman of the group—a young junior high school teacher named Gerald Foley. But Foley himself admitted he'd joined the group months after its formation and had taken no part in the original request to the university. And the few other WRAND members who could be located locally said exactly the same thing. Who, then, had made that request? Who had started WRAND in the first place?

There was a way to find out. Any such organization had to file articles of incorporation with the county clerk, and any citizen had a right to examine those articles. Roy Smith availed himself of that right. And all of a sudden, the whole puzzling business wasn't so puzzling any longer.

The Willow Run Association for Neighborhood Development had been founded by just six people—not one of whom lived anywhere near the neighborhood they intended developing, all of whom were well-to-do residents of Ann Arbor. The self-help group that had asked the University of Michigan to help it help itself to some antipoverty money had been formed by one University of Michigan official, one University of Michigan professor, two wives of University professors, one prominent lawyer and the manager of the Willow Village apartments—for which additional title IV antipoverty funds had been suggested in the resulting proposal.

At this writing, with the university already privately estimating its overhead at 32 percent, the antipoverty grant gained by the invention of an imaginary ghost town is still in effect. In fact, on April 27—speaking at Detroit, Mich., and still quoting the falsified phrases and statistics of a report that was supposedly never submitted to Washington—War on Poverty Director R. Sargent Shriver, Jr., threw his personal prestige behind the Office of Economic Opportunity's attempts to save face in the controversy by publicly praising the Willow Village demonstration project. (If he'd ventured just 30 miles farther, he might have seen what he was calling "an urban-fringe pocket of poverty." But he didn't.) And the OEO is still stubbornly sticking to its story that the erroneous background material was not germane to a proposal that "clearly met the criteria for demonstrations as developed by this office."

But Government glibness no longer bothers Roy Smith the way it once did—chiefly because his struggle isn't a lone one any longer. Roused by the realization that the entire scheme was both conceived and carried out by outsiders, the people of the designated area have begun battling back with every bit as much ingenuity as was used in calling them impoverished in the first place. A group of them have decided to play the alphabet game themselves by forming a rival self-help group called REPLY—which stands for Return Every Penny and Leave Ypsilanti-Township. Petitions making the same demand have so far been signed by 80 percent of the area's residents, and a similar resolution received an 87½-percent favorable vote at the annual township meeting. Recognizing the fact that as leaders of the people they'd do well to follow them, four of Roy's fellow township board members, Tilden R. Stumbo included, have reversed their earlier stand and joined him in demanding the return of the grant.

To dramatize the situation, signs have been erected informing visitors that they are entering an official poverty area where their tax dollars are hard at work. And a young man man named Gordon Mattson, chairman of REPLY, even rented a horse and a Paul Revere costume, then braved a late snowstorm to go galloping through the streets shouting, "The bureaucrats are coming." He was followed by both a honking motorcade and what seemed an apt symbol of the incredible affair from its clouded beginning to its as-yet-undetermined end—a circus clown.

"Maybe that's the only answer for this kind of insanity," Roy Smith laughingly reflects. "A good sense of humor. But you know what worries me most? The way that fellow from Washington acted when he came out and saw for himself how the Government had been taken. He didn't get mad, and he didn't seem surprised. He wasn't even interested. All he kept asking was what would satisfy me—which meant what would shut me up, I guess. Do you think what happened here could be the rule and not the exception? That this sort of thing is going on all over the country?"

That's an interesting question.

ORDER FOR ADJOURNMENT UNTIL TUESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon that it stand in adjournment until 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHING A DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 520, S. 1599, and that it be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (S. 1599) to establish a Department of Housing and Urban Development, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader about any other business which may come before the Senate today, or for the remainder of the week, and what he sees as business to come before the Senate in the early part of next week.

Mr. MANSFIELD. Mr. President, there will be no action taken on this or any other bill this afternoon. But, in response to the question raised by the distinguished minority leader, he may recall that it was our intention yesterday, to adjourn the Senate from Thursday evening until Monday of next week.

However, because of the signing of the historic piece of legislation today, the voting rights bill, it meant, of course that we could consider business today.

Mr. President, this week the Senate completed a remarkable amount of work including many major pieces of legislation. The major items on the calendar will in most part be scheduled for action next week.

It is my hope, and I have discussed this plan with the distinguished minority leader, to complete the Department of Urban Affairs, S. 1599, by next Tuesday and to follow it with H.R. 8856, the amendment to the Atomic Energy Act.

On Wednesday, we hope to complete action on H.R. 7969, the tariff bill, and to follow it with H.R. 9075, the military pay bill.

We anticipate that H.R. 8283, the poverty bill, and the State, Justice, Commerce, and Defense appropriations bills will be reported early next week and hopefully we will be able to schedule them for the latter part of the week.

In addition, we anticipate conference reports on the Peace Corps and other measures, so the Senate can expect an active and full schedule of work for the entire week.

Our action this past week demonstrates the ability of this body conscientiously to undertake, consider, and dispose of a large volume of work; I express my great appreciation for the cooperation of all Members for making this record possible, especially to the distinguished minority leader, and I feel that with every Member's continued cooperation we may be able to conclude our business around Labor Day.

TRIBUTES TO SENATORS DOUGLAS AND DIRKSEN ON REAPPORTIONMENT ISSUE

Mr. TYDINGS. Mr. President, I take this opportunity to express my admiration for the distinguished senior Senator from Illinois [Mr. Douglas] for his brilliant leadership and generalship in the recent fight against the proposed Dirksen constitutional amendment.

The Senator from Illinois [Mr. Douglas], to me, exemplifies the kind of American that all young boys and young men read about when they study the history of the development of this great country and what makes a democracy work.

I was greatly honored to have had the opportunity to serve under the Senator from Illinois in his efforts to marshal the forces in opposition to the Dirksen amendment.

I can only say that so long as this country is fortunate enough to have men of the caliber of the Senator from Illinois [Mr. DOUGLAS] in the Senate, we shall continue to be the great democracy that we are.

Mr. President, inasmuch as I am on my feet, I should also like the opportunity to pay tribute to the distinguished minority leader of the Senate, the Senator from Illinois [Mr. DIRKSEN].

Although I played as active a role as I could in opposition to the Senator from Illinois [Mr. DIRKSEN] on the proposed constitutional amendment on reapportionment, and although we opposed each other in the Subcommittee on Constitutional Rights of the Judiciary Committee, and in the Judiciary Committee itself, and then later, of course, on the floor of the Senate, I found at all times that Senator DIRKSEN was a man who could not help but command the admiration of even his most vocal opponents.

Particularly in the latter days of the effort, when it might well have been easy for a lack of cooperation between proponents and opponents of the Dirksen amendment to come to the forefront, we were able to work extremely well with the distinguished minority leader, so far as the timing of speeches and opportunities to speak for those who wished to debate the issues pro and con were concerned.

The distinguished minority leader and the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD] apprised us, the opponents of their proposed constitutional amendment, of the timing of their various parliamentary maneuvers, and in that way we were aware of what would happen; therefore, we were never, in a sense, caught off balance or without advance knowledge of what would happen. I believe that all of this makes for better legislation and for more effective debate on the issues.

In conclusion, I should like to say that it was a great privilege to particpate in the debate with such a great Senator as the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN].

VISIT TO THE SENATE CHAMBER BY THE PRESIDENT OF THE UNITED STATES—RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for the purpose of receiving a former colleague of ours, the President of the United States.

The PRESIDING OFFICER (Mr. MORSE in the chair). The Chair is delighted to recognize the Senator from Texas, the majority leader.

[Laughter and applause, Senators rising.]

Thereupon (at 12 o'clock and 52 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The President of the United States entered the Chamber and sat in the majority leader's chair.

At 12:54 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. MORSE in the chair).

PROCEEDINGS IN THE ROTUNDA OF THE CAPITOL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the proceedings in the rotunda of the Capitol earlier today when the President of the United States made his address.

There being no objection, the proceedings were ordered to be printed in the RECORD, as follows:

PROCEEDINGS IN THE ROTUNDA OF THE CAPITOL ON THE OCCASION OF THE SIGNING BY THE PRESIDENT OF THE VOTING RIGHTS ACT OF 1965

At 12 o'clock noon the Senate, headed by the President pro tempore (Mr. HAYDEN), the Secretary of the Senate (Mr. Felton M. Johnston), and the Sergeant at Arms (Mr. Joseph C. Duke), proceeded to the rotunda of the Capitol and took the spaces assigned to them.

The Members of the House of Representatives, headed by the Speaker (Mr. JOHN W. MCCORMACK) and the Clerk of the House (Mr. Ralph R. Roberts), proceeded to the rotunda of the Capitol and took the spaces assigned to them.

The diplomatic corps were escorted by Ambassador Hand and Mr. Emery L. Frazier to the places assigned to them.

The President of the United States, Lyndon Baines Johnson, accompanied by Miss Luci Baines Johnson and the Vice President of the United States, HUBERT H. HUMPHREY, was escorted to the rostrum.

The following proceedings then took place:

Mr. McCORMACK (Speaker of the House of Representatives). My colleagues in the Congress, ladies and gentlemen in the seen and unseen audience, I have the great privilege and the high and personal honor of presenting to you the President of the United States. [Applause.]

The President of the United States, Hon. LYNDON B. JOHNSON. Mr. President, Mr. Speaker, Members of Congress, members of the Cabinet, distinguished guests, my fellow Americans, today is a triumph for freedom as huge as any victory that has ever been won on any battlefield. Yet to seize the meaning of this day, we must recall darker times.

Three and a half centuries ago the first Negroes arrived at Jamestown. They did not arrive in brave ships in search of a home for freedom. They did not mingle fear and joy, in expectation that in this new world anything would be possible to a man strong enough to reach for it.

They came in darkness and they came in chains.

Today we strike away the last major shackle of those fierce and ancient bonds. [Applause.] Today the Negro story and the American story fuse and blend.

Let us remember that it was not always so. The stories of our Nation and of the American Negro are like two great rivers. Welling up from that tiny Jamestown spring they flow through the centuries along divided channels. When pioneers subdued a continent to the need of man, they did not tame it for the Negro. When the Liberty Bell rang out in Philadelphia, it did not toll for the Negro. When Andrew Jackson threw open the doors of democracy, they did not open for the Negro.

It was only at Appomattox, a century ago, that an American victory was also a Negro victory. And the two rivers—one shining with promise, the other dark stained with oppression—began to move toward one another.

Yet, for almost a century the promise of that day was not fulfilled. Today is a towering and certain mark that, in this generation, that promise will be kept. In our time the two currents will finally mingle and rush as one great stream across the uncertain and the marvelous years of the America that is yet to come.

This act flows from a clear and simple wrong. Its only purpose is to right that wrong. Millions of Americans are denied the right to vote because of their color. This law will insure them the right to vote. The wrong is one which no American, in his heart, can justify. The right is one which no American, true to our principles, can deny.

In 1957, as the leader of the majority in the U.S. Senate, speaking in supporting legislation to guarantee to the right of all men a right to vote, I said, "This right to vote is the basic right without which all others are meaningless. It gives people—people as individuals—control over their own destinies."

Last year I said, "Until every qualified person regardless of the color of his skin—has the right, unquestioned and unrestrained, to go in and cast his ballot in every precinct in this great land of ours, I am not going to be satisfied."

Immediately after the election I directed the Attorney General to explore, as rapidly as possible, the ways to ensure the right to vote.

And then last March—with the outrage of Selma still fresh, I came down to this Capitol one evening and asked the Congress for swift and for sweeping action to guarantee to every man and woman the right to vote. In less than 48 hours I sent the Voting Rights Act of 1965 to the Congress. In little more than 4 months the Congress, with overwhelming majorities, enacted one of the most monumental laws in the entire history of American freedom.

The Members of the Congress, and the many private citizens, who worked to shape and pass this bill will share a place of honor in our history for this one act alone.

There were those who said this is an old injustice, and there is no need to hurry. But 95 years have passed since the 15th amendment gave all Negroes the right to vote.

And the time for waiting is gone.

There were those who said smaller and more gradual measures should be tried. But they had been tried. For years and years they have been tried, and tried, and tried, and they have failed, and failed, and failed.

And the time for failure is gone.

There were those who said that this is a many-sided and complex problem. But however viewed, the denial of the right to vote is still a deadly wrong.

And the time for injustice has gone.

This law covers many pages. But the heart of the act is plain. Wherever—by clear and objective standards—States and counties are using regulations, or laws or tests to deny the right to vote, then they will be struck down. If it is clear that State officials still intend to discriminate, then Federal examiners will be sent in to register all eligible voters. When the prospect of discrimination is gone, the examiners will be immediately withdrawn.

And, under this act, if any county anywhere in this Nation does not want Federal inervention it need only open its polling places to all of its people. [Applause.]

This good Congress, the 89th Congress, acted swiftly in passing this act. And I intend to act with equal dispatch in enforcing this act. [Applause.]

Tomorrow at 1 p.m. the Attorney General has been directed to file a lawsuit challenging the constitutionality of the poll tax in Mississippi. [Applause.] And this will begin the legal process which, I confidently believe, will very soon prohibit any State from requiring the payment of money in order to exercise the right to vote.

And also by tomorrow the Justice Department—through publication in the Federal Register—will have officially certified the States where discrimination exists.

I have, in addition, requested the Department of Justice to work all through this weekend so that on Monday morning next they can designate many counties where past experience clearly shows that Federal action is necessary and required. And by Tuesday morning trained Federal examiners will be at work registering eligible men and women in 10 to 15 counties. [Applause.]

On that same day, next Tuesday, additional poll tax suits will be filed in the States of Texas, Alabama, and Virginia. [Applause.] And I pledge you that we will not delay, or we will not hesitate, or we will not turn aside, until Americans of every race and color and origin in this country have the same right as all others to share in the process of democracy. [Applause.]

So through this act, and its enforcement, an important instrument of freedom passes into the hands of millions of our citizens.

But that instrument must be used.

Presidents and Congresses, laws and lawsuits can open the doors to the polling places—and open the doors to the wondrous rewards which await the wise use of the ballot.

But only the individual Negro, and all others who have been denied the right to vote, can really walk through those doors, and can use that right, and can transform the vote into an instrument of justice and fulfillment.

So let me now say to every Negro in this country: You must register. You must vote. You must learn, so your choice advances your interest and the interest of our beloved Nation. [Applause.] Your future, and your children's future depend upon it.

This act is not only a victory for Negro leadership; this act is a challenge to that leadership. It is a challenge which cannot be met simply by protests and demonstrations. It means that dedicated leaders must work around the clock to teach people their rights and their responsibilities and to lead them to exercise those rights, and to fulfill those responsibilities and those duties to the country.

If you do this, then you will find, as others have found before you, that the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

Today what is perhaps the last of the legal barriers is tumbling. There will be many actions and many difficulties before the rights woven into law are also woven into the fabric of our Nation. But the struggle for equality must now move toward a different battlefield.

It is nothing less than granting every American Negro his freedom to enter the mainstream of American life: Not the conformity that blurs enriching differences of culture and tradition, but rather the opportunity that gives each the chance to choose.

For centuries of oppression and hatred have already taken their painful toll. It can be seen in men without skills, in children without fathers, in families imprisoned in slums and poverty.

For it is not enough to give men rights. They must be able to use those rights in their personal pursuit of happiness. The wounds and the weakness—the outward walls and the inward scars—which diminish achievement, are the work of American society. And we must all now help to end them through expanding programs already devised and through new ones to search out and forever end the special handicaps of those who are black in a nation that happens to be mostly white.

It is for this purpose—to fulfill the rights we now secure—that I have already called a White House Conference to meet in the Nation's Capital this fall. And so we move step by step—often painfully but I think with clearing vision—along the path of American freedom.

It is difficult to fight for freedom. But I think I also know how difficult it can be to bend long years of habit and custom to grant it. There is no room for injustice anywhere in the American mansion. [Applause.] But there is always room for understanding toward those who see old ways crumbling. To them I simply say: It must come. It is right that it should come. And when it has, you will find a burden has been lifted from your shoulders too.

It is not just a question of guilt, although there is that. It is that men cannot live with a lie and not be stained by it. The central fact of American civilization—one so hard for others to understand—is that freedom, and justice, and the dignity of man are not just words to us. We believe in them. Under all the growth and tumult and abundance, we believe. And so, as long as some among us are oppressed—and we are part of that oppression—it must blunt our faith and sap the strength of our high purpose.

Thus this is a victory for the freedom of the American Negro. But it is also a victory for the freedom of the American Nation. And every family, across this entire searching land, will live stronger in liberty, more splendid in expectation, and will be prouder to be American because of the act I will sign today. [Prolonged applause.]

At 12 o'clock and 28 minutes p.m., the President and Vice President of the United States, followed by Members of the Senate and House of Representatives and distinguished guests who had been invited to witness the ceremony, proceeded to the President's Room, where the President signed the Voting Rights Act of 1965.

THE DOMINICAN REPUBLIC

Mr. CLARK. Mr. President, the Senate Committee on Foreign Relations is conducting an inquiry in executive session on the armed intervention of American troops into the Dominican Republic.

One of the most controversial questions are the extent of Communist infiltration in Latin America generally and the Dominican Republic in particular. Another is what damage, if any, has the intervention done to the standing of the United States throughout Latin America.

I ask unanimous consent to have printed in the RECORD three articles dealing with these questions.

The first is an article in the Atlantic Monthly, written before our troops moved in, entitled "The Decline of Communism in Latin America."

The second is a column by Marquis Childs which appeared in a recent issue of the Washington Post entitled "Reluctant Allies in the Hemisphere."

The third is an article by Juan Bosch former President of the Dominican Republic entitled "Communism and Democracy in the Dominican Republic" which appeared in the Saturday Review of August 7.

I believe these three articles present a point of view which should be seriously considered by the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlantic Monthly]

THE DECLINE OF COMMUNISM IN LATIN AMERICA

(By Ernst Halperin)

(Note.—Ernst Halperin, a research associate at the Center for International Studies of the Massachusetts Institute of Technology, has spent 2 years in Latin America studying communism and has arrived at some surprising conclusions about its prospects below the border. Currently living in Rio de Janeiro, he has written for newspapers and many major periodicals and is the author of "The Triumphant Heretic," a book about Tito.)

The contrast of opulence and poverty in Latin America is so striking that visitors frequently assume the region to be on the verge of a social cataclysm. In the big cities, the elegant residential districts and the downtown business sections with their skyscrapers are ringed with shantytown areas—

vast agglomerations of shacks that would make any European slum dwelling look palatial.

The streets in the shantytowns are unpaved. There are no water pipes or drains. The shacks of wood and cardboard are infested by vermin. One would think that their miserable, underfed inhabitants would be kept in a constant paroxysm of envy and class hatred by the sight of the villas, the automobiles, the office buildings gleaming with chromium and plate glass, the luxury goods displayed in the windows of air-conditioned shops. Yet although there have been occasional outbursts of violence in Bogotá, Santiago, and other cities, the shantytowns are not the hotbeds of revolution which the foreign observer assumes them to be.

Truth is, there are many factors working against the possibility of a dominant Communist influence in the affairs of Latin America. One is the emergence of a highly nationalistic middle class more disposed to exploiting Communist assistance than to adherence to Communist discipline. Another is the absence of revolutionary zeal among the urban working classes. Though the prospects in store for U.S. interests in Latin America may well be harsh, the chances of a Communist-dominated regime are slim indeed. There are many trends and incidents to substantiate this conclusion.

In the Peruvian presidential election of 1963, for example, the shantytown districts of Lima, which are among the worst in Latin America, favored Gen. Manuel Odria, the most conservative of the four presidential candidates. In the Venezuelan presidential election later that year, Arturo Uslar Pietri, a conservative intellectual and representative of business interests, polled a majority of the shantytown vote in Caracas. In the Chilean presidential election of 1964, the Christian Democrat Eduardo Frei prevailed over the Marxist candidate, Salvador Allende, in the shantytowns of Santiago and Valparaiso.

Latin American Marxists attribute the failure of their propaganda in the shantytowns to lack of political consciousness, but the real reason would appear to be a different one. Most shantytown dwellers come from depressed rural areas, and city life offers them certain advantages not easily perceived by the foreign visitor who is appalled by the squalor of the shantytown. There are health centers and other social services, and occupational and educational opportunities are far better than in the stagnant rural areas. There is also the prospect of one day moving out to an inexpensive apartment in a government housing project. Many Latin American countries are building government housing on a vast scale, although unfortunately even the most ambitious housing programs barely manage to keep pace with the movement of people from the rural areas to the cities.

Only the most energetic of the shantytown dwellers manage to take full advantage of these opportunities, but these are exactly the people who form the opinions and determine the spirit of the whole community. They are realists on the lookout for material improvement, and in politics they tend to support the man who is in a position to provide such improvement, even if he is a dictator or a politician with an unsavory record.

Shantytown dwellers may occasionally vote for a Marxist politician, but they are not attracted by Marxist ideology. Marxism holds that the capitalist system inevitably produces the pauperization of the toiling masses; that at best it may permit a temporary alleviation of their suffering but never a substantial, permanent improvement of their condition; that this system is doomed to disappear in a catastrophe; that it is the historic mission of the working class to overthrow capitalism by a revolution; and that this task must be carried out through the collective action of the working class organized as a revolutionary political party.

This doctrine does not tally either with the aspirations or with the experience of the leaders of shantytown opinion. Their condition is already better than it was when they arrived from the countryside, and they cannot be made to believe that revolution is necessary to achieve the further material improvements they desire.

THE LABOR ARISTOCRACY

Besides the shantytown population of unskilled laborers who have drifted in from the rural areas, the urban working class of Latin America contains a second element: a highly organized and exclusive labor aristocracy composed of groups such as dockers, railroad men, and other transportation workers, and the skilled labor employed by industry and the trades. Through political influence and the militancy of their unions, these groups have attained a wage level that in many cases compares favorably with that of European, if not of North American workers.

In some Latin American countries, the Communists appear to have established a measure of control over the labor aristocracy, whose trade unions they have infiltrated. However, this does not mean that they have truly won the allegiance of the workers, let alone converted them to Marxism. In times of crisis, when the government moves to suppress and persecute the party, the workers invariably fail to come out in defense of the Communists. The Latin American urban working class is clearly not a revolutionary element. Furthermore, it lacks the pre-Marxist tradition of militant socialism and anarchism that causes French and Italian workers to remain faithful to the party in spite of material improvement.

As early as the 1920s, a brilliant Peruvian intellectual, J. C. Mariategui, advised the Communist parties to shift their efforts from the urban workers to the Indio peasants of the Andean highlands, and to base their propaganda on a nationalism emphasizing the native Indian element of Latin American culture. Mariategui's proposal was not accepted by the Communist International, and to this day, Latin American Communist parties, in the face of constant disappointments, stubbornly cling to the Leninist formula of the decisive revolutionary role of the urban proletariat.

In accordance with the precepts of Leninism, Communist Party pronouncements invariably stress the importance of "a firm alliance of the workers with the peasants." This is usually empty talk, since most Latin American Communist parties lack the cadres which the arduous and dangerous work of proselytizing in the villages would require. The Communists of some Central American republics at one time exerted considerable influence over the workers of the big industrialized plantations, but they lost it after a series of unsuccessful strikes. There are one or two pockets of Communist Party influence in the mountain valleys of Colombia. The Chilean Communists—the only Latin American Communist Party with a substantial corps of trained propagandists—has recently made headway among agricultural workers and tenants on the big estates. With these and a few other minor exceptions, the Communist parties of Latin America are an urban phenomenon.

Nearly all these parties are very small, consisting of a number of intellectuals of the type known as drawing-room Communists, some trade union leaders with their personal retinue, and a sizable but undisciplined student and youth group. Apart from Cuba, where recruitment to the party ranks is promoted by the government, the only notable exception to this pattern is Chile. There the industrial workers, particularly those in the copper, nitrate, and coal mines, have a tradition of militant unionism and political activity dating back to the first years of the century, and this has worked to the advantage of the Communists. The Chilean Communist Party is the only one in Latin America which has a sound working-class base.

The doctrine of the decisive revolutionary role of the urban proletariat has had a surprising effect on the policies of the Latin American Communist parties: it has rendered them highly opportunistic. The difficult task of proselytizing among a social group antipathetic to Communist ideology can only be carried on where party members enjoy some freedom to operate. Latin American Communists therefore, reluctant to undergo the risk of total suppression, have frequently come to terms with a dictator, agreeing to confine themselves to a purely verbal opposition and to decline cooperation with the democratic opposition groups.

TOLERANCE TOWARD SUBVERSIVES

In Latin America, public opinion does not regard subversion with the same abhorrence as it does in Europe or the United States. The most respectable Latin American democratic parties of the center and right have more conspiracies, uprisings, coups, and pronunciamentos on record than the Communists have. The current Communist guerrilla campaign in Venezuela is a departure from the usual pattern of Communist Party activities in Latin America. There has been only one earlier attempt to seize power by force in the entire history of the Communist movement in Latin America: the Brazilian uprising of 1935. This was an army coup in the classical Latin American manner; it failed because the expected civilian support did not materialize. The leader of the coup, Luis Carlos Prestes, had been an army officer and a celebrated guerrilla leader before he had joined the Communists. He has since become one of the most consistent and determined advocates of peaceful methods among the leaders of Latin American communism.

The Communists' very lack of success has made it possible for non-Communist political groups to accept them as allies. Most Latin American politicians do not regard their local Communist Party as a serious threat, while the Communists' small but tightly knit party organization, their ability to mobilize students for demonstrations, and their influence in the trade unions can make their collaboration useful to dictators and democrats alike.

The easygoing attitude of non-Communist and even strongly anti-Communist Latin American politicians toward the party is the despair of European and North American observers, but their warnings are usually disregarded because they are not borne out by practical experience. In Latin America it is simply not true that anyone who has dealings with the Communists becomes their prisoner. Democratic politicians such as Gonzalez Videla of Chile and caudillos such as Velasco Ibarra of Ecuador welcomed Communist support in their struggle for power; and later, when the Communists ceased to be useful, these politicians had no difficulty in casting them off. The latest case in point is that of Fidel Castro.

When Castro began to favor the Cuban Communists, and even entrusted them with the task of organizing his own ruling party, most foreign observers assumed he would soon be reduced to the condition of a mere puppet in the hands of the Old Guard Communist leaders. Yet today, Castro is in undisputed command of the party which the Old Guard Communists had helped him to build, and the old party leaders are either pushed aside or relegated to positions of secondary importance. This rank outsider, who has no Communist Party training and has never been subjected to party discipline, has even forced the Russians to accept the situation and to admit him into the councils of world communism—a telling symptom of the state of confusion and disintegration into which the Communist movement has been plunged since the outbreak of the Sino-Soviet conflict.

MIDDLE-CLASS NATIONALISTS

One of the most widespread of the many misconceptions about Latin America is that its political troubles are due to the absence of a strong middle class. Democracy is said to be the way of life of the middle class; therefore, it is argued, there would be a functioning, healthy democracy in Latin America if it had a middle class capable of asserting itself.

But this concept of Latin American society as a rigid structure composed of the very rich and the very poor is taken from the descriptions of 10th-century travelers. Today it applies only to the backward rural areas. For the last half century, the cities of Latin America have been the scene of great social change and economic development. Photographs of the downtown areas of cities such as Caracas, Rio de Janeiro, São Paulo, Santiago de Chile that were taken 15 years ago are hardly recognizable today.

Social mobility in Latin America is greater, not less, than in Europe. The amazing economic success of immigrants from European countries, as well as from the Near and Far East, testifies to this. At the same time, the cities of Latin America have witnessed the emergence and rapid growth of an ambitious, politically conscious, and highly assertive native middle class. The political weight and influence of this urban middle class is all the greater because the bulk of Latin America's rural population is politically passive and inarticulate.

In the more important Latin American countries, political power long ago passed from the hands of the aristocracy into those of middle-class politicians, or of army officers, who are also usually of middle-class origin. These politicians and military men may not represent the collective will or the interests of their class, as the Marxists would have it, but their policies certainly reflect the attitudes prevalent among people of their middle-class background: specifically, a vigorous nationalism.

Inevitably, this middle-class nationalism expresses itself in resentment against whatever foreign power occupies a dominant position in the economy of the hemisphere. Before World War II, when British capital still held important positions in the economy of some Latin American countries, their nationalism was anti-British as much as or even more than anti-American. Through the war, the United States came into a position of undisputed economic and political hegemony over the entire hemisphere, and in consequence, Latin American nationalism is now directed almost entirely against the United States.

BLIND HATRED OF THE UNITED STATES

There are, however, varying degrees of nationalism. The leaders of the middle-class parties now in power in a number of Latin American states are fervent nationalists, some of them with an anti-American record, but they are also responsible statesmen and realists. They recognize, that in view of its overwhelming economic and military strength, the United States must inevitably play a leading role in the hemisphere. They also realize that their countries can reap substantial benefit from association with a power of such magnitude. They are willing to accept partnership—but not blind subservience in their foreign policy, or subordination of their domestic policies to the requirements of American business interests. Such is the attitude, for example, of the Mexican and Venezuelan Governments, and of President Fernando Belaúnde Terry of Peru and President Frei of Chile.

But there are also more extreme nationalists, who regard any arrangement with the United States as treason. Extreme nationalism is not a mass movement in any Latin American country, with the possible exception of Cuba, where it is fanned by extensive Government propaganda. It is rarely to be found among workers, least of all among those employed by American-owned companies, which usually pay higher wages and provide more social services than any local capitalist does. In most Latin American countries, extreme nationalism and virulent anti-Americanism are prevalent in certain restricted sectors of the political and intellectual elite: among university and high school students and teachers, lawyers, journalists, writers, and artists. Since the ruling political parties often recruit their leading cadres precisely from these groups, the absence of a mass following does not render extreme nationalism either impotent or innocuous.

Roberto Campos, the Brazilian Minister of Planning and former Ambassador to the United States, recently wrote of the extreme nationalists of his own country that in many respects their "false Brazilian nationalism boils down to hatred of the United States, as if Brazil's true interest were in direct mathematical proportion to the harm we could cause to the great country in the north." This blind hatred, as Campos rightly calls it, is aroused by the mere fact of U.S. political and economic hegemony in Latin America, and not by any particular aspect of U.S. policy. The extreme nationalists object to any and every policy implemented by the United States. Even when the U.S. Government gave financial support to the Bolivian revolutionary government, which had nationalized the tin mines and carried out the most drastic agrarian reform in the history of the continent, the extreme nationalists only complained that the Bolivians had sold out to the United States.

The aim of the extreme nationalists is nothing less than the destruction of U.S. power in Latin America. Since no combination of Latin American countries is strong enough to achieve this, the extreme nationalists seek an outside ally—a world power capable of inflicting a military defeat on the United States.

Before and during World War II, Latin American extreme nationalism sought alliance with Germany and Italy. After the war, its interest was aroused by the new great power which had emerged to challenge the United States in Europe and Asia, the Soviet Union. Extreme nationalism now swung left: It established contact with the Soviet Union's unofficial Latin American agents, the Communist Parties. The first fruit of their cooperation was the establishment of a coalition government of nationalists and Communists in the Central American republic of Guatemala.

When the Guatemalan Government was overthrown by a CIA-sponsored uprising in 1954, indignation swept Latin America. Moderate nationalists like Eduardo Frei of Chile joined the extremists in condemning U.S. interference in the internal affairs of a Latin American country.

The Guatemalan affair demonstrated that the time was not yet ripe for the establishment of a Soviet base in the Western Hemisphere. Three years later, a revolutionary innovation in military technology completely changed the situation: the development of the intercontinental ballistic missile freed Soviet military power from its restriction to the Eurasian land mass. This at last put Latin America within the range of Soviet aspirations. As early as the spring of 1959, the Soviet Union established contact with Fidel Castro, offering him material support against the United States. Soviet aid began pouring in, and in 1960 the Soviet Government uttered its first, rather cautiously worded threat of nuclear retaliation in the event of an attack on Cuba.

CUBA, A TEST CASE

There is some evidence of Russian hesitation and doubt about the wisdom of the Cuban venture. Nevertheless, Russia's appearance on the Latin American scene had an electrifying effect on the extreme nationalists; Cuba seemed to them to be the test case which demonstrated the Soviet Union's ability and readiness to support them in an out-and-out struggle against the United States. They had hitherto been skeptical of the Soviet Union, and in 1956 many of them had condemned Soviet intervention in Hungary. This critical attitude was now supplanted by one of adulation.

There was something utterly artificial about this enthusiasm; it was not accompanied by any genuine desire to observe current events in the Soviet Union and the Soviet bloc. Such fascinating developments as de-Stalinization, the rewriting of party history, the rehabilitation of many of Stalin's victims, the new trends in Soviet art and literature, the strains in Soviet relations with the satellites did not arouse the interest of these new admirers of the Soviet Union. Although they could not help taking note of the Sino-Soviet conflict, they failed to recognize its significance, its relevance to Soviet foreign policy, and its effect on the power and cohesion of the bloc. Their lack of discernment was unwise but understandable. To them, the Soviet Union was a military ally, and the real subject of their interest was Soviet nuclear and conventional military capacity.

In the years 1960–62, numerous extreme nationalists announced their loyalty to the doctrines of Marx and Lenin. Theirs was a very superficial Marxism-Leninism; it amounted to little more than acceptance of Marx's definition of capitalism as exploitation of man by man, and of Lenin's formula that imperialism was the last stage of capitalism. There was no serious study of the subject, no interest in current developments.

The unsophisticated observer nevertheless found it impossible to distinguish the extreme nationalists from party line Communists. And they were indeed Communists in the sense that they professed belief in Marxism-Leninism, supported Soviet foreign policy, admired the Soviet economic system, and strove to impose a similar system in their own country. But they were not Communists if that term is understood to imply subjection to Communist Party discipline and readiness to implement the policies of the international Communist movement.

The distinction may appear to be mere hairsplitting, yet it is of vital importance to an understanding of the politics of the Latin American extreme left. Party line Communists are trained to follow Soviet instructions to the letter, to retreat on order as well as to attack. The extreme nationalists, who call themselves Marxist-Leninists, cannot be relied upon to do so. To them, the Soviet Union is not a leader to whom they owe unconditional allegiance but merely an ally, and even this only so long as Soviet policy is to their liking—that is, one of unrelenting and unceasing hostility to the United States. Fidel Castro is an example of this independence of mind; although completely dependent on Soviet economic and military aid, he has often openly—and sometimes dramatically, as in his refusal to sign the test ban treaty—registered disagreement with any softening of the Soviet attitude toward the United States.

REVOLUTION THROUGH TERROR

Catsro's revolutionary strategy for Latin America is diametrically opposed to the strategy of the Communist parties. As expounded in Che Guevara's book on guerrilla warfare, its three basic principles are that guerrilla bands can defeat a regular army; that by its activities, a guerrilla nucleus can create a revolutionary situation where it is not already in existence; and that the peasants and not the urban workers are the main revolutionary force in underdeveloped Latin America.

A major effort to implement this strategy was made in Venezuela, where nationalist groups were joined by a Communist Party which had seceded from the Soviet fold. In December 1963, after a year of guerrilla fighting, sabotage, and terrorism, the Venezuelan people expressed rejection of Castroism and communism by widespread participation in a presidential election which the leftists had first attempted to prevent and then to boycott. Minor attempts to launch guerrilla campaigns in Colombia, Peru, Brazil, the Dominican Republic, and Argentina were either nipped in the bud or crushed at an early stage, leaving only scattered guerrilla bands in the mountains.

The Cuban strategy of revolution through guerrilla warfare has thus proved ineffective in countries where conditions are less favorable than they were in Batista's Cuba. Most Latin American governments have greater popular support than that of Batista. The armies of such countries as Venezuela, Colombia, and Peru are efficient and have a long fighting tradition; they cannot be as easily demoralized by guerrillas as Batista's inglorious army. And finally, Castroite doctrine probably overestimates the revolutionary potential of the Latin American peasantry, for the elements of this group most likely to rebel are constantly being drawn off to the cities.

The Cuban strategy of guerrilla warfare is attractive to nationalistic youth. The older generation of extreme nationalists know that there are more effective ways of winning political power. They are members of the political elite; among them are influential politicians and even top-ranking army officers. There is, therefore, always the possibility of extreme nationalism coming to power in some Latin American country through a coup or even by constitutional means. Such was the case in Brazil, where an extreme nationalist, Vice President João Goulart, acceded to the presidency in a perfectly constitutional manner after the voluntary resignation of his predecessor, President Janio Quadros. Goulart was a man of vacillating character, incapable of steering a definite course, but his extremist friends were pushing him toward a revolution of the Cuban type when in March 1964, he was deposed by an army coup.

At that time the wave of extreme nationalism and communism that had swept Latin America was ebbing. The Cuban missile crisis of 1962 had been the turning point. The withdrawal of the Soviet missiles and aircraft showed the Latin American extreme nationalists that their entire policy had been based on a miscalculation—an overoptimistic assessment of Soviet possibilities and Soviet intentions. The Soviet Union was not, after all, willing to risk war in order to back a Latin American revolution. It had only pushed onward as long as the United States permitted it to do so, and had beaten a hasty retreat as soon as the United States showed its strength.

THE SWING TOWARD CHINA

One of the effects of the missile crisis has been to awaken the Latin American extreme nationalists' interest in the Sino-Soviet conflict and to swing their sympathies to the Chinese side. Before the missile crisis, they had regarded the Sino-Soviet conflict as irrelevant to the Latin American situation, and Chinese criticism of Soviet foreign policy as unjustified. The Chinese accuse the Soviets of planning to betray the cause of revolution by coming to terms with the United States. This certainly did not seem to apply to the Western Hemisphere, where the Soviet Union was challenging the United States by its support of Cuba. But after the missile crisis fiasco, these accusations appeared to gain in substance.

At the time of the missile crisis, the Communist Party of Venezuela changed over to the strategy of guerrilla warfare. At the same time, it ceased to support the Russians against the Chinese.

In Brazil, a sizable faction broke away from the pro-Soviet Brazilian Communist Party to form a rival Communist Party of Brazil apparently subsidized by the Chinese. A similar split took place in Peru, while minor secessions occurred in Bolivia, Ecuador, and Chile. Too much importance should not, however, be attached to these events. The Latin American Communist Parties are small and ineffectual; internal dissensions will hardly lead to anything but a further decline.

As for the nationalists, their sympathies for China are likely to remain platonic; they are primarily interested in military strength, not in ideology, and China is not yet nearly strong enough to assert its interests in Latin America through the force of arms.

After the Venezuelan presidential election of December 1963, and the Brazilian coup of March 1964, the extreme left suffered a third blow in the spectacular defeat of the Marxist Salvador Allende by the Christian Democrat Eduardo Frei in the Chilean presidential election of September 1964, and Frei's subsequent victory in the parliamentary elections this March. On all these occasions, the weakness displayed by the leftists was undoubtedly an effect of the missile crisis, which had robbed them of their hope of defeating the United States through alliance with the Soviet Union. The following lesson may be drawn from this.

Economic aid alone is not enough; it must be supplemented by an effective American foreign policy. The Alliance for Progress is the proper way to win the friendship of the moderate nationalists, who today constitute the most important political force in the area, but it cannot disarm the extreme nationalists, who will only continue to denounce it as one more maneuver to perpetuate U.S. domination.

In themselves, these extreme nationalists may be troublesome to American business interests, but they do not represent a threat to the security of the United States. They become dangerous only through their alliance with the Soviet Union. The aim of American foreign policy in the area must therefore be to persuade the Soviet leaders that Latin America is not within their reach. This cannot be done by inflicting punishment on Central American army colonels, Caribbean adventurers, and other exponents of extreme nationalism while avoiding direct confrontation with the real adversary.

The American policy of harassing the recipients of Soviet arms has not been effective in Latin America or anywhere else. The only effective policy is that of standing up to the donor, to the Soviet Union itself. That was done in the Cuban missile crisis, and the result has been a very marked decline of anti-American extreme nationalism and communism in the area.

[From the Washington Post]

RELUCTANT ALLIES IN THE HEMISPHERE

(By Marquis Childs)

SANTIAGO, CHILE.—The U.S. State Department line, observed with a letter-of-the-law faithfulness, is that the crisis in the Dominican Republic has made no real difference in the standing of the United States in Latin America. Machinegun slugs fired into a few embassies, bomb threats, yes; but, the visitor is told, no big demonstrations.

This is, of course, literally true. Yet it seems to one observer to be a form of self-deception. It is not hard to detect a deep disquiet and not only in Government circles but, according to those with contacts at lower levels, among the people themselves. The landing of the marines was taken as a return to the use of naked power by an America bent on exercising control where control in the national interest is judged essential.

One of the first casualties was the Inter-American Foreign Ministers Conference, originally scheduled for May and then postponed to August 4. Now it has been postponed again, presumably to a date to be set prior to the end of the year. The Conference has been an important prestige symbol for Brazil, since it was to be held in Rio de Janeiro on the 400th anniversary of that city's founding. Moreover, it would have been a plus for the hard-pressed government of President Humberto Castelo Branco.

Five countries voted against postponing the Conference, Chile being one of the minority in opposition to the 14 nations, including the United States, that voted for delay. The Chileans had a number of things they wanted to say at the earliest opportunity about the weakness of the inter-American system and the meaning of the Dominican crisis in this connection. Postponement was interpreted as a confession that in view of the vastness of the problems confronting the hemisphere, with the Dominican mess still unresolved, it was better not to meet at all rather than to have a session that would be likely to descend to acrimony and vituperation.

Washington's goal was the creation of an inter-American permanent peace force ready to intervene to repel outside aggression. But aside from a half dozen states in the client or semiclient relationship with the United States, this concept has little support.

Now the cloud of American involvement in a full-scale war in Vietnam darkens the horizon. The World War of 25 years ago began against a wholly different background. The good-neighbor policy of Franklin Roosevelt, pursued with such zeal by his Secretary of State, Cordull Hull, had created an atmosphere of good will and cooperation. Most Latinos wanted to believe that this was the future order for the hemisphere.

But another and perhaps more important difference set that time apart. The leftist leaning and even the center parties were opposed to nazism and fascism. When the Germans attacked the Soviet Union in June of 1941 and Pearl Harbor followed 6 months later, Washington and Moscow were allies.

The present crisis confronting the United States comes after 20 years of hostile Communist and leftist propaganda that has been intensified in recent months. In a constant drumfire through a wide variety of channels, radio in particular, the United States is pictured as an imperialist power bent on subjugating a small nation in southeast Asia. It is in this context, distorted and false as it is, that the Dominican intervention must be put.

Another factor in the atmosphere of 1940 as contrasted to the present day was President Roosevelt's refusal in 1938 to intervene with force when Mexico nationalized the oil properties of American companies with compensation provided by the Mexican Government. It made a deep impression throughout the continent that despite powerful political pressures, F.D.R. declined to act.

Today the Hickenlooper amendment, automatically suspending aid to any country that nationalizes, hangs over the heads of government leaders faced with mounting demands from all sides. Foreign ownership of utilities and basic commodities such as oil is bound to become a hotter issue throughout the continent.

These, in the view of one observer, are today's realities. They will be ignored at the risk of serious miscalculation in assessing the future of the relation between Washington and the rest of the hemisphere. America's power is overwhelming. That is a most important reason for the comparative quiescence with which the Dominican intervention was accepted. But this power does not necessarily mean loyalty, a willing allegiance, when the chips are down.

[From the Saturday Review, Aug. 7, 1965]

COMMUNISM AND DEMOCRACY IN THE DOMINICAN REPUBLIC

(NOTE.—Juan Bosch is the first man in the history of the Dominican Republic to have become its President through a free election. He won his overwhelming—and surprising victory in December 1962. But in September 1963, he was overthrown by the military. In April of this year, pro-Bosch forces revolted against the government of Donald Reid, leading to the present crisis. This article appears in Saturday Review through special arrangement with War/Peace Report in which Mr. Bosch's article is also carried this week.)

(By Juan Bosch)

SAN JUAN, PUERTO RICO.—After the U.S. intervention in Santo Domingo, the Depart- of State first released a list of 53 Dominican Communists; then a list of 58; and finally, a list of 77.

When I was President of the Dominican Republic, I calculated that in Santo Domingo there were between 700 and 800 Communists, and I estimated the number of Communist sympathizers at between 3,000 and 3,500. These 700 or 800 Communists were divided into three groups, of which, in my judgment, the largest was the Popular Dominican Movement, with perhaps between 400 and 500 members in the entire country; next came the Popular Socialist Party with somewhat less, around 300 to 400; and then, in a number that in my opinion did not reach 50, the Communists had infiltrated the June 14 Movement, some of them in executive posts and others at lower levels.

I ought to make clear that in 1963 in the Dominican Republic there was much political confusion, and a large number of people, especially middle-class youth, did not know for certain what they were and what they wanted to be, whether democrats or Communists. But that has happened in almost all countries where there have been prolonged dictatorships, once the dictatorships pass. After a certain time has elapsed and the political panorama becomes clarified, many people who began their public life as Communists pass into the democratic camp. In 1963 the Dominican Republic needed time for the democratic system to clear up the confusion, and in a sense the time was used that way, since 700 or 800 Communists, divided in three groups, with sympathizers numbering between 3,000 and 3,500, could in no case—not even with arms in their hands—take power or even represent a serious threat.

If there weren't enough Communists to take power, there was, on the other hand, a strong sentiment against persecution of the Communists. This feeling developed because during his long tyranny Trujillo always accused his adversaries of being Communists. Because of that, anticommunism, and Trujilloism ended up being equivalent terms in the Dominican political vocabulary. Moreover, the instruments of oppression—the police and the armed forces—remained the same in 1963—with the same men who had served under Trujillo. If I had used them against the Communists I would have ended up as their prisoner, and they, for their part, would have completely destroyed the Dominican democratic forces. For those men, having learned from Trujillo, there was no distinction between democrats and Communists; anyone who opposed any of their violence, or even their corruption, was a Communist and ought to be annihilated.

My presumption was correct, as events have shown. From the dawn of September 25, the day of the coup d'état against the government I headed, the police began to persecute and beat without mercy all the non-Communist democrats who in the opinion of the military chiefs would be able to resist the coup. It was known that in all the country not one Communist had infiltrated my party, the Dominican Revolutionary Party (PRD), but still the leaders and members of that party were persecuted as Communists. The chief of police himself insulted the prisoners by calling them Communists. Many leaders of the PRD were deported, and—a curious fact—numerous Communists who had been in Europe, Russia, and Cuba were permitted to return. But the leaders of the PRD were not permitted to return, and if one did he was immediately deported again. During the 19 months of the government of Donald Reid, thousands of democrats from the PRD and hundreds from the Social Christian Party and the June 14 Movement were jailed, deported and beaten in a barbaric manner; the headquarters of these three parties were assaulted or destroyed by the police. All the vehicles, desks, typewriters and other valuable effects of the PRD were robbed by the police. In the months of May and June 1964, more than 1,000 members of the PRD who had been accused of being Communists were in jail at one time.

That anti-Communist fury launched against the democratic Dominicans was an important factor in the eruption of the April revolution because the people were fighting to regain their right to live under a legal order, not a police state. If it had been I who unleashed that fury, the revolution would have been against the democratic regime, not in favor of democracy.

It was not necessary to be a political genius to realize that if anti-Communist persecution began in the Dominican Republic, the police and the military would also persecute the democrats. Neither need one be a political genius to understand that what the country needed was not stimulation of the mad forces of Trujilloism which still existed in the police and the military, but rather the strengthening of democracy by demonstrating to the Dominicans in practice that what was best for them and the country was to live under the legal order of a democratic regime.

Now then, in the Dominican picture there was a force that in my opinion was determining the pointer of the political balance, in terms of ideologies and doctrines, and that force was the June 14 Movement.

I have said that according to my calculations there was in the June 14 Movement an infiltration of less than 50 Communists, some of them in executive positions and others at lower levels. But I must state that control of this party, at all levels, was held by an overwhelming majority of young people who were not Communists and some of whom were strongly anti-Communist. How can one explain that there should be Communists together with non-Communists and active anti-Communists? There is one reason: the June 14 Movement was based, in all its breadth and at all its levels, on intense nationalism, and that nationalism was manifested above all in terms of strong anti-Americanism. To convert that anti-norteamericanismo into dominicanismo there was only one way: maintain for a long time a democratic regime with a dynamic and creative sense.

I knew that if the country saw the establishment of a government that was not elected by the people—that was not constitutional and not respectful of civil liberties—the Communists would attribute this new government to U.S. maneuvers. I also knew that in view of the anti-Americanism of the youth of the middle class—especially in the June 14 Movement—Communist influence would increase. The equilibrium of the political balance was, then, in that party. Any sensible Dominican politician realized that. The trouble was that in 1963 the Dominican Republic did not have sensible politicians, or at least not enough of them. The appetites for power held in check for a third of a century overflowed, and the politicians turned to conspiring with Trujillo's military men. The immediate result was the coup of September 1963; the delayed result was the revolution of April 1965.

It is easy to understand why Dominican youth of the middle class was so nationalistic. This youth loved its country, wanted to see it morally and politically clean, hoped for its economic development, and thought—with reason—that it was Trujillo who blocked morality, liberty, and development of the country. It is also easy to understand why this nationalism took the form of anti-Americanism. It was simply a feeling of frustration. This youth, which had not been able to get rid of Trujillo, thought that Trujillo was in power because of his support by the United States. For them, the United States and Trujillo were partners, both to be blamed for what was happening in the Dominican Republic, and for that reason their hate for Trujillo was naturally converted into feelings of anti-Americanism.

I am not discussing here whether they were right or wrong; I am simply stating the fact. I know that in the United States there are people who supported Trujillo and others who attacked him. But the young Dominicans knew only the former and not the latter, since Trujillo took care to give the greatest publicity possible to any demonstration of support, however small, that was offered directly or indirectly by a U.S. citizen, whether he was a Senator or an ordinary tourist; and on the other hand, he took great pains to prevent even the smallest notice in the Dominican Republic of any attack by an American citizen. Thus, the Dominican youth new only that Trujillo had defenders in the United States, not that he had enemies.

For his part, Trujillo succeeded in creating with the Dominican people an image of unity between society and government that can only be compared with what has been produced in countries with Communist regimes. For more than 30 years in the Dominican Republic nothing happened—nothing could happen—without an express order from Trujillo. In the minds of Dominican youth this image was generalized, and they thought that in the United States also nothing could happen without an order from whoever goverened in Washington. Thus, for them, when an American Senator, newspaperman, or businessman expressed his support of Trujillo, that person was talking by order of the President of the United States. To this very day, a large number of Dominicans of the middle class think that everything a U.S. citizen says, his Government is saying too.

The pointer of the political balance, as I said earlier, was in the June 14 Movement which was saturated with anti-Americanism. This group included the most fervent youths and even those best qualified technically—but not politically—as well as the more numerous nucleus of middle-class youth; it also constituted the social sector where Communist sermons could have the most effect and from whence could come the resolute leaders that the Communists lacked. Trujillo had tortured, assassinated and made martyrs of hundreds of members of the June 14 Movement. To persecute these youths was to send them into the arms of communism, to give strength to the arguments of the few Communists that had infiltrated the movement. The Communists said that the democracy that I headed received its orders from Washington, the same as had Trujillo, to destroy the nationalistic youths. Little by little, as the days passed, the non-Communist and anti-Communist members of the June 14 Movement were gaining ground against the Communists, since they were able to prove to their companions that my democratic government neither persecuted them nor took orders from Washington. In 4 years the democratic but nationalistic sector of the June 14 Movement—which was in the overwhelming majority—would have ended the Communist influence and made itself into a firm support of Dominican democracy.

The weakness of the Dominican Communists was also shown by the activity of the Social Christian Party, which presented itself as militantly anti-Communist. It persecuted the Communists everywhere, to the point that they could not show themselves in public. But when the Social Christians realized that the best source of young people in the country was the June 14th Movement, they stopped their street fighting against the Communists and began a campaign against imperialismo Norteamericano. When they showed with this battle cry that they were not a pro-U.S. party, they began to attract young adherents who had been members of the June 14th Movement as well as many others who already had a clear idea of what they wanted to be: nationalists and democrats. Thus, the Social Christian leaders came to understand that the key to the Dominican political future lay in assuring the nationalistic youth of a worthy and constructive democracy.

What the Social Christians learned by 1963 would have been understood by other political groups if the Dominican democracy had been given time. But this was not to be. Reactionaries in the Dominican Republic and the United States set themselves ferociously against the Dominican democracy under the slogan that my government was "soft" on the Communists.

This is the point at which to analyze "weakness" and "force," if those two terms signify opposite concepts. There are two ways to face problems, particularly political ones. One is to use intelligence and the other is to use force. According to this theory, intelligence is weak, and the use of intelligence, a sign of weakness.

I think that a subject so complex as political feelings and ideas ought to be treated with intelligence. I think also that force is a concept that expresses different values, as can be seen in the United States or in the Dominican Republic. In the United States, the use of force means the application of the law—without crimes, without torture, without medieval barbarism; in the Dominican Republic, it means quite the contrary: one does not apply the law without instruments of torture, not excluding assassination. When a Dominican policeman says of a person that he is a Communist, he is saying that he, the policeman, has the full right to beat him, to shoot him, or to kill him. And since this policeman does not know how to distinguish between a democrat and a Communist, he is quite apt to beat, shoot and kill a democrat.

It is not easy to change the mentality of the people who become policemen in the Dominican Republic, especially with little time to do it. When the New Englanders burned women as witches, those who did the burning believed absolutely that they were destroying witches. Today, nobody believes that they were witches. But it is still like early Salem in Santo Domingo. When a Dominican policeman is told that he should persecute a young man because he is a Communist, the policeman believes with all his soul that his duty is to kill the youth.

The problem that my democratic government faced was to choose between the use of intelligence and the use of force, while the time passed during which the hotheaded youths and uneducated police learned to distinguish between democracy and communism. And if someone says that in this period the Communists would be able to gain strength and take power, I say and guarantee that they could not do it. Only a dictatorship can give to the Communists the arguments they need for progress in the Dominican Republic; under a democratic regime the democratic conscience would outstrip the Communists.

To return to the concepts of intelligence and force, I think that they apply to communism itself in its fight for the conquest of power. No Communist Party, in no country of the world, has been able to reach power solely because it was strong; it has needed, besides, a leader of exceptional capacity. The Dominican Communists have not had and do not have force, and they have not had and do not have a leader comparable to Lenin, Mao, Tito, or Fidel; and according to my prediction, they are not going to have either the force or the leader in the foreseeable future.

Dominican communism is in its infancy, and began, as did Venezuelan communism, with internal divisions that will require many years to overcome. Only the long dictatorship of Pérez Jiménez was able to create the right atmosphere for the different groups of Communists of the Venezuela of 1945 so that they could come together into a single party, and the lack of a leader of exceptional capacity has, in spite of the power of the party, voided the chance of Venezuelan communism coming to power.

How many Communists did France have? How many Italy? But neither French nor Italian communism ever had leaders capable of carrying it to power. In the Dominican case, there are neither the numbers nor the leadership.

I cannot hope that men like Wessin y Wessin, Antonio Imbert, or Jules Dubois will know these things, will think about them, and will act accordingly. But logically I had the right to expect that in Washington there would be someone who would understand the Dominican political scene and the role that the Communists could play in my country. As is evident, I was mistaken. In Washington they know the Dominican problems only as they are told of them by Wessin y Wessin, Antonio Imbert, and Jules Dubois.

The lack of adequate knowledge is tantamount to the nullification of the power of intelligence, above all in politics, and this can only lead to sorry results. When intelligence is canceled, its place is occupied by fear. Today there has spread over the countries of America a fear of communism that is leading us all to kill democracy for fear that democracy is the mask of communism.

It seems to me we have reached the point where we consider democracy incapable of resolving the problems of our peoples. And if we have truly arrived at this point, we have nothing to offer humanity. We are denying our faith, we are destroying the columns of the temple that throughout our life has been our shelter.

Are we really doing this? No, I should not say this. It is the others. Because in spite of everything that has happened, I continue to believe that democracy is the dwelling place of human dignity.

NEBRASKA CENTENNIAL, 1967—PART II

Mr. HRUSKA. Mr. President, last year at this time I addressed the Senate regarding the celebration of the 100th anniversary of Nebraska statehood. My purpose was to acquaint my colleagues with the planned celebrations and to highlight the past 100 years of Nebraska development. Since last June much work has been undertaken by the citizens of Nebraska and the foundation is being laid for a successful and enduring centennial year.

Now I would like to review some of the activities of the people of Nebraska and the enthusiastic response which the many local endeavors have engendered. A grassroots approach is the keystone to the many centennial celebrations being planned across the State and in the many communities. There has been a ground swell of activity on the local level to plan and develop projects which will have a significance not only for the centennial year of 1967, but also for many years to come. There has been no request for funds from the Federal Government to aid in the planning and carrying out of centennial activities, as was the case in several other statehood anniversaries. The principal means of support, financially and morally, are coming from local organizations and private individuals.

Mr. President, on March 1, 1967, Nebraskans will formally commence celebration of their 100th anniversary of statehood. Carved out of the center of the vast Louisiana Purchase, peopled by travelers westward who crossed the Missouri River to settle along the famous overland routes of the Oregon and Mormon Trails, and organized in the immediate post-Civil War period, Nebraska became the Nation's 37th State.

Today a new awareness of the historical background of local areas in the State is being given impetus by the approaching centennial. The local citizen is probing and questioning the long and, sometimes, unknown past. Undoubtedly, out of the preparations and responses from this 100th anniversary, local histories will abound and new knowledge will be gained of the mysteries of unrecorded eons of time. The beneficiaries of this historical searching will not alone be the generation of today but the ones of the future as well. The Lincoln Star editorially put it in this way:

> One of the early rewards of Nebraska's centennial planning is not occurring on the State level, but in the communities themselves.
>
> It is a rising interest in history of the area, the sort that goes way back, not the usual kind that repeats the story of how the present town was started. All parts of the world have a history of equal length. The land in Nebraska is the same age as that of ancient Greece. But we have not sufficiently considered our history beyond our own time. We tread on ground made sacred by great struggles of an early and almost unknown people. But most of us don't know it.

The Nebraska town with the lovely name of Weeping Water is a case in point. The town now has an historian. Recently, the poetry and narrative of the Indian legends which gave the area its special significance have been collected and published by the townspeople. The future will benefit.

In other instances, Nebraskans, on the eve of their centennial, are planning celebrations which will both dictate 10 decades of pioneer heritage and initiate programs of lasting value in the coming years. The centennial tree planting program is a fine illustration. Prairie voyagers of the 19th century on Nebraska's grassy seas found a land barren of trees and, seemingly, a desert of opportunities. Turning to their most precious natural resource—the soil—ingenious pioneers fashioned sod houses until timber could be brought in and seedlings planted.

In keeping with the tradition of these pioneers and with the work of J. Sterling Morton, whose tree planting efforts are recognized each Arbor Day, the centennial tree planting program is encouraging Nebraskans to plant 6 million trees per year through 1967 on lands both public and private. Here again the key is the local efforts of the citizens to dramatize their appreciation for the beauty of nature and enrichen recreational facilities and leave a bountiful legacy of natural beauty for future generations.

This, like most the other centennial programs, is being promoted and performed largely at the local level. Each of the State's 93 counties is forming its centennial committee, either alone or with neighboring counties. Thus, Nebraska's 100th birthday will be a truly grassroots celebration with emphasis on organizations at the city and county levels.

The people of Nebraska have been quite creative and have brought forth a multitude of ideas. Early in 1967 the hard work and achievement of the local towns and counties will be recognized by the naming of a centennial city and a centennial county which have made the greatest contributions in the respective centennial betterment programs. Although all the cities and counties cannot win and be so honored, this is a contest in which no one will lose. All of the projects will enrichen the locale and inspire the people.

The young people in the State have been enthusiastic and interested in the many programs being carried on at the local level. For instance, Otoe County held a county flag design contest in which the result would be the adoption of an official county flag. The winner of the most creative design was a 13-year-old student, Mary Lindell. This is not the only area where student participation and contribution have been significant. In Burt County the students in a local school have designed, written, and published an attractive booklet on the many visiting places in the area, those of historical significance and those of a recreational nature. The contribution of these students has been well received by the citizens of the community and will be an invaluable aid to visitors.

The citizens of Saline County have been ambitious in their efforts to insure a successful centennial. As in other counties across the State, a historical marking program is being pursued. Sites and symbols of local historical significance are being carefully recorded and marked for the benefit of the residents and visitors. The story of the West is complex and contains many historical threads. Through efforts of these local groups the complete and complex historical weave of time will be more understandable and reveal the essential ingredients of the broad picture of American history.

In addition, the county is contemplating a centennial scholarship program for students in the county schools. Here the intense interest in education and the means to provide the necessary opportunities for deserving young people are the bases for a program of widespread significance not just for the centennial but for years to come.

Out in Deuel County, the impact of centennial planning has taken another course. The importance of history is being highlighted and efforts are being directed toward the establishment of a county historical society to insure that the past is not lost to the future and that records are preserved. For the modern-day traveler, the citizens of the county are focusing their efforts upon placing and improving rest stops and parks along the interstate highway which traverses the country, the State and the Nation. This is a practical and important contribution.

Finally, it would be an oversight of a Senator representing the beef State not to mention the nationwide program to boost Nebraska beef. Across the country the appearance of the Nebraska centennial sirloin has attracted the attention of the connoisseur and the man in the street who enjoys good beef. The centennial sirloin is the finest piece of corn-fed beef that can be bought anywhere; it must meet certain established minimum specifications; and it must be Nebraska beef. Increasingly, the restaurants and fine eating places in Nebraska and around the country are advertising and using the Nebraska centennial sirloin. This is a fine testimony in itself.

Senator CURTIS and I want to extend to our colleagues and the citizens of their States the hospitality and friendliness of Nebraskans. Come to Nebraskaland any time, and particularly mark the calendar for the many activities of Nebraska's centennial year. The warmth and openness of Nebraskans can be found in few other places. The tourist attractions and wealth of history of the Old West abound in Nebraska. Whatever your pleasure or fancy, seeing Nebraska will be immensely profitable and satisfying. In this regard, I ask unanimous consent to have printed in the RECORD an article I wrote on this subject for the Omaha World-Herald on May 2, 1965, "Nebraska—Big as All Outdoors."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Omaha World-Herald, May 2, 1965]

"HOWDY, NEIGHBOR"—NEBRASKA—BIG AS ALL OUTDOORS

(EDITOR'S NOTE.—ROMAN L. HRUSKA was born August 16, 1904, in David City, Nebr. He was educated in Omaha and received a law degree from Creighton University. He practiced law in Omaha for years, then served as chairman of the county board and eventually was elected to the U.S. Senate. A sportsman, he loves the outdoor hunting and fishing of his home State. For this tourist magazine, we asked him to welcome travelers to our State in 1965.)

(By ROMAN L. HRUSKA, U.S. Senator)

Nebraska is a land of diversity and variety. It is diverse in offering to the traveler rolling hills of the east, flatlands of the Platte Valley, and buttes and canyons of the Panhandle. It has variety in the western atmosphere of the smaller towns and the cattle country of the Sand Hills and in the cosmopolitan atmospheres of Omaha and Lincoln where outstanding educational institutions, art galleries, and symphonies can be found.

The hunting and fishing are excellent whether the quarry be deer and antelope, duck and pheasant, or trout and catfish. Wherever you may go the fields and waterways yield their resources to the expectant outdoorsman.

I can personally attest to the scenic beauty of Nebraska's waterways and the abundance of wild game. Out on the Platte River there is a cabin which for many years has been my sanctuary and refuge from the burdens of my daily duties.

It provides respite from the pressures of the moment and enables me to reflect upon the important problems of the day and gain new perspectives. Nothing can be a better tonic than to hunt along the Platte or sit in a duck blind close to nature and the elements. The hunting is splendid and the release from the pressing concerns of a nation is most welcome.

EXPANSION

The major rivers of the State— the Platte, the Republican, the Niobrara, and the Missouri—pointed the way to westward expansion and were attractive to settlers traversing a continent.

The building of the West was facilitated by the access to these rivers along which towns grew and routes west were established. Today, the history which transpired along these rivers and the recreation along their banks are among the State's primary recreational attractions.

Nebraskans are conscious of their history and are not shy in pointing out their historical background. Their history is woven and entwined with the early western explorations, the fur trade, the great overland migrations along the Oregon and Mormon Trails, the Pony Express, and the Plains Indian wars.

Historical sites and the remnants of the old trails are numerous and clearly marked. In addition, there are paleontological sites, notably the agate fossil beds in the western part of the State, which are internationally known for their many important fossil discoveries.

MIGRATIONS

The tourist entering Nebraskaland from the east or west will follow the early trails of pioneer migrations. In the west, Scotts Bluff near Scottsbluff and Chimney Rock near Bayard were established as unusual landmarks by early pioneers to indicate the trails west. Today these are national monuments.

West of Ogallala is another pioneer landmark, Windlass Hill at Ash Hollow. Gothenburg is the location of one of the original Pony Express stations which served as a link in the communications system of the expanding Nation.

The traveler should not miss Pioneer Village in Minden, where the past of early settlers once again comes to life in a priceless collection of early Americana. Here can be seen the evolution of western life since 1830 in a comprehensive and skillfully planned exhibition.

Moving eastward from Minden, we come to Homestead National Monument at Beatrice, the Nation's first homestead commemorating the American land policy which greatly accelerated the settlement and development of the Great Plains. Nebraska is indeed wealthy in early western Americana.

WARS

The Indian wars in the settlement of the West also were important in the history of the State. Throughout the State there are monuments to these early wars and to the push of the settlers on their westward movement.

Near Trenton in the southwest is Massacre Canyon, where the last great battle between the Pawnee and the Sioux was fought. Today there stands at the site a historical marker recalling the bloody tale of the surprise attack by the war party of Sioux.

Scattered throughout Nebraska are numerous frontier forts which were built to protect the new settlers from the Indians. Forts Hartsuff, Kearny, McPherson, Niobrara, and Robinson are reminders of an earlier time and the richness of the area's history.

These wars and forts are not alone in their wealth to attract the visitor. Many of the early western personalities called Nebraska home. Included among these was Buffalo Bill, whose Scout's Rest Ranch near North Platte is being restored. Museums and parks have been established to highlight the ties of Nebraska with such personalities as Wild Bill Hickok, Red Cloud, Crazy Horse, and Custer.

SCENERY

The scenery, which does not neglect any part of the State, is often breathtaking, as in the Pine Ridge country of the northwest and in the many picturesque waterfalls which accentuate the landscape and enchant the spectator.

Most of these falls can be found in the Sand Hills country and are easily accessible. Smith Falls, the longest yet discovered in the State, is located east of Valentine and will truly amaze the visitor.

Snake River Falls southwest of Valentine is the largest natural waterfall in the State. Other falls deserving mention are Fort Falls on the Niobrara Game Refuge, Schlagel Falls south of Valentine, Rocky Ford east of Valentine, and Kenner's Ford Falls on the Little Nemaha near Lorton.

In the northwest the unusual Badlands and Toadstool Park can be found. Here, weird and fascinating formations have been created by the violence of nature. The timeless elements of nature have writ large their story and given us a record of ages past. The winds and waters have continued on their missions, destroying and creating, leaving nothing unchanged.

Not far from these violent expressions of nature can be found some of the most beautiful country—the Pine Ridge. The phenomenon of nature is richly evident in the Chandron State Park and in the awesome beauty of Kings Canyon and the legendary Lovers Leap. Nebraska is diverse and no finer illustration can be found than in the contrast of the Badlands and the Pine Ridge.

FOSSILS

Also, out in the panhandle we find the Agate fossil beds which have attracted scholars from the world over. The beds have been called the most remarkable deposit of mammalian remains of the Tertiary Age ever found in any part of the world.

The vast wealth uncovered in the Agate fossil beds was first made known to the world by Capt. James Cook. Captain Cook's son, Harold, continued his interest in the paleontological findings, making these known and available to schools and scholars.

Captain Cook's home has been made into a museum to display some of the specimens found in the fossil beds and some of the early Indian relics of the region.

In this session of Congress again the wheels have been set in motion to make this a national monument after the near success of last year when the Senate passed such a bill. We are hopeful that our dreams will become a reality and the Congress will designate these fossil beds as a historical monument to be preserved for future generations of scholars and visitors.

The Sand Hills, a paradox, are rich with water resources. In and among the hills of this once barren and desert land can be found numerous lakes and ponds fine for fishing and with ample water for cattle.

Among my most pleasant memories are the times spent on the rolling range of Chet and Ida Paxton's ranch near Thedford. My family and I have spent many happy hours, entranced by the billowing sea of grass. Our sons, Roman, Jr., and Quentin, have spent some vacation time as ranch hands in that area and are among the most enthusiastic salesmen the Sand Hills have.

WATER

Water is a bountiful resource of the State. In addition to the natural lakes and ponds of the Sand Hills, plans are being made to create a series of beautiful lakes all along Interstate 80 (the Platte River Parkway).

The work has been begun, and as the interstate makes its way across the State a chain of lakes is being created. Here will be facilities available to the tourist as he makes his way across the country; here will be campsites and water for recreation, all close to nature and its beauty.

The dreams of the early pioneers who made their arduous ways across this unknown desert could not imagine the changes brought by this new route west.

The traveler of today will find the journey easier and more attractive than did his pioneer ancestors. The future is indeed bright for the modern traveler on this new westward route.

CULTURE

Finally, for those with an eye for the cultural, Nebraska holds pleasant surprises.

In Lincoln we have a landmark in modern public building architecture—the capitol. The structure rises majestically from the earth and dominates the locale. This is indeed indicative of the public spirit of the citizens of the State who have housed their local government in a fitting and functional monument.

Also in Lincoln we have the magnificent new Sheldon Memorial Art Gallery, another monument of modern architecture. In Omaha we are proud of the Joslyn Art Museum which always houses great pieces of artwork.

In both cities local theatrical groups and symphonies enrich the cultural atmosphere. The universities and colleges of the State provide excellent educations for our young people and those from many other States and countries of the world.

PANORAMA

Nebraska has a variety of educational institutions to meet the needs of its citizens. The traveler-through would be intrigued by the museums, art and historical displays, and facilities connected with our schools. Nebraska is a land of education and culture suited to any taste or disposition.

No matter where the visitor may go in the State there is something to see. The panorama varies from the trees and bluffs of the Missouri River to the pines and buttes of the Pine Ridge.

In between there are peaceful lakes and waterfalls, growing crops and grazing cattle, flatlands and canyon country, rolling hills and tablelands.

The beauty is unexcelled from the valley of the Missouri to the valley of the North Platte, America's valley of the Nile.

Your ticket is limited only by your willingness to see and appreciate the splendors before you. History, scenic beauty, a friendly people, colorful western towns, rich farmlands, and barren badlands are yours limited only by your ticket of eagerness to observe.

This is Nebraska, big as all outdoors and full of doing. Set off by the Missouri on the east and the foothills of the Rockies on the west, and planted firmly in western American tradition—here is Nebraska. In all, it says, "Howdy, neighbor," in true western style and invites the visitor to hitch up and stay a spell.

DEATH OF JOHN G. McWEENEY, OF RHODE ISLAND

Mr. PASTORE. Mr. President, in this Senate we have recently been deeply engaged in considering the political fortunes of our several States.

Conversely, we are conscious of the importance of State political planning in the destiny of our country. State chairmen of our political parties become influential and well known on a national basis.

Such a person was John G. McWeeney, Rhode Island State chairman of the Democratic Party in the years 1960–65. His sudden passing on August 5, 1965, brought sorrow far beyond his native Rhode Island.

Mr. McWeeney came to his State chairmanship through long apprenticeship, including service as senator in the Rhode Island General Assembly for 17 years. He was senate leader of his party, chairman of the powerful finance committee, and member of the highly responsible commission to recommend revision of State election laws.

His career was that of the self-made man, successful in business and politics, prominent in the religious and fraternity life of his community, whose public service was crowned by leadership of his State delegation to the historic Democratic National Conventions of 1960 and 1964.

To his bereaved family goes the appreciation of all Rhode Island for an able public servant and our deepest sympathy in their hour of sorrow.

PRESIDENT JOHNSON'S AND THE CONGRESS' POLITICAL MIRACLE

Mr. GRUENING. Mr. President, James Reston, well-known columnist for the New York Times, chief of its Washington bureau, has written an excellent appraisal of the great achievements in domestic legislation of Lyndon B. Johnson and the 89th—2d session of the 88th—Congress. Reston calls it a political miracle, and this is not an overstatement. Any one of half a dozen bills which have been enacted into law by this Congress would in themselves constitute a great achievement. But the galaxy of epochmaking legislation—civil rights, voting rights, medicare, housing, education, water supply, presidential succession, and the continued setting aside of vast national parks and national seashores, to name only a few of the major accomplishments—make the 89th Congress, in its first session, unique, unprecedented and superlative. They—the President and the Congress—are laying the groundwork for the Great Society which President Johnson has set as our national objective.

The result has been largely achieved through President Johnson's dynamic leadership and a Democratic majority in the Congress, but the roots of this legislation go back to the Roosevelt administration and the New Deal, which laid the foundation for much that has happened since.

I ask unanimous consent that James Reston's article appearing in this morning's New York Times, entitled: "Washington: The Quiet Revolution," be printed at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 6, 1965]

WASHINGTON: THE QUIET REVOLUTION

(By James Reston)

WASHINGTON, August 5.—President Johnson is beginning to make Franklin Roosevelt's early legislative record look like an abject failure. He's getting everything through the Congress but the abolition of the Republican Party, and he hasn't tried that yet.

It is a political miracle. It has even surpassed his own expectations, which were not modest, and while he's still a long way from achieving a Great Society, he is at least making progress toward a more equal and compassionate society.

In a single evening this week, the Senate passed the most liberal voting rights bill in the history of the Republic, and sustained the Supreme Court's ruling that the State legislatures must be reapportioned to give equal voting rights to the steeply rising urban and suburban population of the Nation.

AN IMPRESSIVE RECORD

In this 1st session of the 89th Congress, the Federal Legislature has also passed the medical care bill under social security, a housing bill with an experimental system of Federal rent subsidies for the poor, education and poverty bills that bypass the ancient conflict over Federal aid to religious institutions, a constitutional amendment to deal at long last with the danger of Presidential disability, a bill for the relief of the depressed areas of Appalachia—all this and a lot more and a tax cut too.

Mr. Johnson is giving us a revolution in the binding of a hymn book. He has broken the consolidating spirit of the Eisenhower era. He has sounded more conservative but acted more radical than his mentor, Roosevelt, and he has presided over more legislative innovation on the homefront than any other President in any other single session of the Congress of this century.

This is not, of course, due entirely to Lyndon Baines Johnson's particular brand of political magic, though that hasn't hurt. The New Deal's day has finally come. The radical ideas of the early thirties are now winning instead of losing. There seems to be a new sense of social responsibility in the country, a growing feeling that racial discrimination, bad education, inadequate medical care, and degrading poverty are intolerable in a fabulously wealthy nation.

Other factors have helped. The Democratic landslide in the presidential election of 1964 gave the President's party large majorities in the House and Senate; the new Members in the 89th Congress have been overwhelmingly for the President's program; the old conservative coalition of the southern Democrats and middlewestern Republicans has been broken, and the Republican leadership has not only gone along with, but sometimes has led, the fight for equal civil rights.

This is a development of worldwide significance. It is not so long ago that students of government in other lands were perplexed about the erratic nature of the American economy, the verbal violence of American politics, and what they regarded as the rigidity of the American Constitution.

THE DOUBTERS

They were not sure that the United States could maintain economic growth and stability, that it would apply the new techniques of tax and monetary policy, that it could provide continuity of purpose from one political party to the other, or that a Federal Government of proud and numerous States, with an attic full of hobgoblins about the welfare state and the planned economy, could achieve social progress over an entire continent and bring its military power to the defense of freedom in other parts of the world.

Well, it begins to look as if the people will take the welfare state and the planned economy if you just don't mention the names, mainly because, wicked or not, they seem to work. The gross national product rose by $9.2 billion in the second quarter of 1965, from a 1964 level of $622 billion to an annual rate of $658 billion.

THE OLD ASSUMPTIONS

Something, in short, seems to have happened to the old popular assumptions that the American economy wouldn't work if the Government tinkered with it; that the White House and the Congress couldn't get along unless both were reorganized; that Federal money couldn't be channeled to the private and parochial schools without the immediate retaliation of a vengeful God.

So maybe there's some zip in the old system yet. In his state of the Union message, President Johnson said the time had come to give more attention to the homefront. He promised to try to keep the economy growing, to extend the prosperity to more people, and to try to improve the quality of life for all. And even his critics here concede he has kept his promise.

CAPTIVE NATIONS WEEK

Mr. LAUSCHE. Mr. President, the Congress of the United States on July 17, 1959, authorized and requested the President of the United States of America to issue a proclamation each year designating the third week in July as Captive Nations Week until such time as freedom and independence shall have been achieved for all the captive nations of the world.

President Lyndon B. Johnson in pursuance to that authorization on the 2d day of July of this year issued a proclamation inviting the people of the United States of America to observe this week with appropriate ceremonies and activities giving renewed devotion to the just aspirations of all pepole for national independence and human liberty.

In advance of the third week of July, however, the Joseph Cardinal Slipyj committee, with headquarters in Cleveland, in a solemn assembly attended by Ukrainian Americans paid tribute to the heroes of the Ukrainian people who have given of their lives in the effort to again establish an independent Ukraine. Special tribute was paid to Joseph Cardinal Slipyj for the martyrdom that he has suffered during his life for the cause of Ukrainian and religious freedom.

At this program the Honorable Mary V. Beck, first councilwoman of the city of Detroit, Mich., delivered a message depicting the aspirations of the Ukrainian people for freedom; and the life, sacrifices, and martyrdom of His Eminence Cardinal Slipyj of Ukrainia.

Her message clearly depicts the spirit that resides with Ukrainians everywhere hoping and praying for emancipation from the tyranny of the Communists of Russia. The devotion of Cardinal Slipyj, who suffered 18 years of imprisonment in the cause of Ukraine and his religion, is eloquently set forth.

I ask unanimous consent that there may be printed in the RECORD this address of the Honorable Mary V. Beck.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

JOSEPH CARDINAL SLIPYJ: SAINTLY FREEDOM FIGHTER OF UKRAINE

(Remarks of the Honorable Mary V. Beck, first councilwoman of the city of Detroit, Mich., at the solemn program honoring His Eminence Cardinal Slipyj of Ukraine, on May 30, 1965, in Cleveland, Ohio)

Very reverend fathers and sisters, distinguished guests, my fellow-Ukrainians, ladies and gentlemen, it is an undeniable pleasure for me to have been afforded the opportunity, at the invitation of your program chairman, to meet you, the Ukrainian-American community of metropolitan Cleveland and it is a special privilege to be able to join with you in paying my honor and tribute to His Eminence, our beloved and esteemed Cardinal Slipyj whom I have very reverently labeled as the saintly freedom fighter of Ukraine.

To every Ukrainian by birth, the mere mention of the Ukraine conjures up a beautiful vision, a vision comprised of many dear and familiar scenes, dimmed perhaps by the separation of long years from the native land but never completely erased and on occasions like this emerging very vivid and almost real. A village nestling in the valley beneath the hills. Cherry blossoms flooding the orchard with a riot of color and scenting the air with the aroma of sweet perfume. Meadows, wide and expansive. Gurgling brooks sparkling clear. Fields heavy and burdened in the summer and changing into an ocean of golden wheat in the fall, a fitting reward for peasant toil. And in the blue and heavenly skies, the golden sun sending its rays to warm not only the hearts, but the bones of both beast and man. And at night the radiant moon shining down from its lofty throne of velvety clouds on the sweethearts in the fields. But above all, the lilting song of the nightingale awakening in maiden hearts fond dreams of hopes. All about—serenity, peace and repose. It is in the midst of this kind of natural beauty, that His Eminence was born, in a peasant hut in the village of Zazdrist, in the county of Terebowla, in the western Ukraine.

His insatiable curiosity and capability for learning sped him through the early years of school, and the equivalent of what we know as high school and college, he completed with very high honors. Then he went on to the University of Lvov where theology claimed almost all of his attention. While there his diligence, his academic bent and his academic achievement attracted the attention of another famous Ukrainian metropolitan, Andrew Count Sheptytsky. It was under his sponsorship, that Joseph Slipyj was sent to the University of Innsbruck in Austria where he completed his studies, was ordained a priest and attained a degree of doctorate in theology. Further studies in Rome where his research and writings attained additional academic degrees and a proficient knowledge of at least four foreign languages. In 1921 he returned to Lvov at the behest of Metropolitan Sheptytsky to teach and later to assume duties as a rector of the Ukrainian Theological Seminary. For 20 long years he taught and lectured and wrote, reorganized the seminary into a college and because of his intense activity earned for himself a great respect and renown as a serious scholar, as a devout churchman, as a prolific author, and a noble human being.

Despite the vicissitudes of the Second World War which then enveloped the continent of Europe, he pursued his duties and under the further encouraging guidance of Metropolitan Sheptytsky, he achieved ever higher rank in the Catholic Church. In 1939 he became an archbishop of Lvov and was designated as the successor to Metropolitan Sheptytsky. Those were precarious years because the country was occupied first by the Bolsheviks, later by the Hitlerites, and then again by the Bolsheviks. Persecutions, oppressions, and danger every moment of the day. In 1941, Metropolitan Sheptytsky was failing fast in his health. It was during that time that His Eminence was almost executed by the Bolsheviks but the good Lord saved him. For the failing health of Metropolitan Sheptytsky brought on his death in November of 1944. Since the Metropolitan Andrew Count Sheptytsky, the highest hierarch of the Ukrainian Catholic Church was very beloved and respected among all the Ukrainians, his funeral was attended even by an official delegation of the Government of U.S.S.R., headed by Nikita Khrushchev. The leadership of the Ukrainian Catholic Church was then transferred into the hands of His Eminence. It was only for 6 short months that he held the reigns of the leadership because the persecution of the Ukrainian Catholic Church by the Bolsheviks was started in earnest and they would not settle for anything less but the total capitulation of the church and degradation of it into the subservient role of a tool for communism.

But His Eminence, the unbending ruler of the church, would not yield and therefore on April 11, 1945, he was arrested with other Ukrainian Catholic bishops. For almost a whole year neither their whereabouts nor their fate was known to anyone. It was only in March of the following year that a Communist paper reported that His Eminence and the bishops had all been tried and convicted for anti-Soviet activity and alleged collaboration with the Germans while they had occupied the western Ukraine. Of course there had been no public trial, there had been no opportunity to offer a defense for these unfounded charges. The Metropolitan Slipyj was sentenced to 8 years of hard labor and transferred from prison to prison, from Ukraine to Russia and then out into Siberia. Even though there was a slight thaw after the death of Stalin and His Eminence was completing his sentence, he did not find release. Apparently the demands made upon him and the conditions placed upon his release were the sort that he would not accept. He was tried for the second time and sentenced for another 5-year term at hard labor. After the end of that sentence he was again tried and sentenced for an additional 7-year term. And it was not until February 9, 1963, that he was released and permitted to go to Rome. Eighteen years of his life in prisons and concentration camps. A life of untold suffering, indignities, inhumanities, physical torment and yet miraculously by the will of God he survived and emerged a 71-year-old patrician, a patrician in mind, in body and in spirit.

When his crown of thorns was replaced by the crown placed on his head by His Holiness the Pope when he was made cardinal, it was an event on February 22, 1965, an event that was hailed by the Ukrainians all over the free world and we suspect even by many of those who have not forgotten God behind the Iron Curtain and to whom this news must also have infiltrated. This event was hailed not only as a deserving tribute and glory to His Eminence himself, but a deserving recognition to the Ukrainian Catholic Church and the entire Ukrainian nation which could not celebrate this event in its homeland. But what is even more important, a very wonderful and real symbol of hope, that just as His Eminence emerged after so many years of exile into freedom, the real hope that the Ukrainian people will likewise emerge from their bondage into freedom hopefully in the not too distant future.

Today, as we honor His Eminence, our hearts are filled with joy and gladness because he was spared and permitted to return to do his noble work among the free. But simultaneously, our lips are offering a silent prayer of thanksgiving because the Almighty had endowed us with such a rare, benevolent, and undaunted spiritual leader. When we speak of his martyrdom, it is not uncommon of us to realize that his suffering had a goal and when he fought against the Communist regime, it was the finest example he could set for us. We, Ukrainians, know that freedom will not come of itself. We know that we must dedicate ourselves to a persistent effort to fight that communism. To those of you, Ukrainians, who have experienced yourselves the unspeakable horror of the Communist regime or those of you who still have loved ones living in that human hell, it is not necessary for you to be enlightened. But alas, so many of our fellow Americans are still not so enlightened, are so ignorant and naive and indifferent to the nature and threat of communism. For communism, be it Russian or Chinese, has only one goal and that is world domination. And though in modern days their methods might have become a little more sophisticated and subtle, nevertheless they will still work and fight and lie and cheat and exploit and yes even murder. They will do anything and sacrifice anyone, not only millions of innocent victims, but even their own dedicated disciples and former leaders for whom they have no further use.

They will invite you to a feast while they are preparing you a bloody bath. They will offer you the dove of peace only to convert it into a preying vulture. They will assume the halo of an angel while they do a devil's work. Since the end of that godless ideology is not yet in sight, it is necessary for those who do not know what danger threatens us, and even if are not interested in freeing the many captive nations that are behind the Iron Curtain today, to learn that our own security as Americans, our own way of life here is also threatened by that same danger.

So, my friends, as today we pay tribute to His Eminence, let this tribute be not just a token expression of our love and admiration and esteem and reverence, but let it convert itself into a resolution of determination, the kind of determination that will match his and countless others avowed and relentless foes of communism. For it is only the hope, that hope that will eventually bring the dawn of a new day not only for the Ukranians but all other captive nations, the day of freedom. Perhaps then the noble and pure goodness which he so well symbolizes may thrive on this earth.

Because as one wise man once said, where there is goodness in the heart, there is beauty in the character and when there is beauty in the character there is harmony in the home and where there is harmony in the home, there is order in the nation and when there is order in the nation, there is peace in the world. Under his guidance may we hopefully expect that he will forge us and unite us into the same kind of unbreakable strength that he possessed and weld us into the same kind of an impregnable fortress that he has proven to be.

Thank you.

POPULATION EXPLOSION IS A POVERTY EXPLOSION

Mr. YARBOROUGH. Mr. President, over the past few days several articles in our major newspapers graphically illustrated the dangers to mankind of unchecked population increase.

An article in the August 1 New York Times discloses that of every 100 babies born at Caracas, Venezuela's largest maternity hospital, only 20 are registered to married couples. Doctors there tell of tragic cases of girls of 13 years of age or less who were pregnant without even knowing the cause of their condition.

Venezuela's population of 8.5 million is expected to double in 20 years if the present growth rate of 3.8 percent a year continues. The high growth rate is defeating efforts to combat the wretched social conditions that are chiefly responsible for it, according to Government officials.

A series of articles in the Washington Post by Jean White have explored in considerable depth and breadth the dimensions of the problem. She points out that India, the world's second most populous country, grows by about 1 million people a month. Before the end of the century, if present growth rates continue, there will probably be 1 billion Indians, almost a third of the present population of the world. India has committed itself to taking action to lower her present birth rate, but difficulties in getting a large bureaucracy to move and in overcoming superstition and ignorance among the people have hampered these efforts.

Nevertheless, pilot projects have shown that results can be achieved. At Singur, in West Bengal, not far north of Calcutta, a pilot project has succeeded in reducing birth rates by 18 percent.

The world is slowly beginning to wake up to the danger. The Inter-Parliamentary Union meeting in April 1965, in Dublin, Ireland, approved a resolution recommending worldwide efforts to control population growth. I had the privilege of being there and supporting this resolution on behalf of the U.S. Congress. The distinguished Senator from Alaska [Mr. Gruening] is holding hearings on his bill, S. 1676, of which I am honored to be a cosponsor. One of the most distinguished lists of witnesses ever to testify before a Senate committee has spoken out forcefully in favor of enactment of this bill, which would establish Offices of Population Problems in the Departments of State and Health, Education, and Welfare to direct broadscale action at home and abroad.

I ask unanimous consent that one article from the New York Times of August 1, 1965, and articles from the Washington Post of August 1, 2, 3, 4, 5, and 6, 1965, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, Aug. 1, 1965]

High Birth Rate Hurts Venezuela—Impedes Social Progress—Many Mothers Are Unwed

(By H. J. Maidenberg)

Caracas, Venezuela, July 30.—A 14-year-old girl with a newborn baby walked out of the largest maternity hospital in Caracas this morning followed by a woman attendant.

After a few minutes, the attendant returned to the hospital and said to the clerk behind the reception desk: "She is all right; some people met her."

But not all women who leave the hospital are all right. An average of six infants are abandoned on or near the hospital grounds every week.

"I try not to think of what happens to the majority of Venezuelan mothers who still give birth away from hospitals," a young doctor told a visitor. "Many of them or their babies do not even show up in the statistics."

The statistics at Caracas' largest maternity hospital, however, do show a pattern that is all too common in Venezuela and other South American countries.

Of every 100 babies born at the hospital, only 20 are registered to married couples. The rest, according to a report published in El Nacianal, Venezuela's leading newspaper, illustrate the problem caused by the soaring number of births in Latin America.

INFANT DEATHS COMMON

"Some of the other babies are born to women in common law marriages," the report said. "But most are born to single women who may have six or seven other children by as many fathers. Married or not, many pregnant women are so undernourished or diseased that their babies die soon after birth, often taking the mothers with them."

One doctor at the hospital said the most tragic cases were girls of 13 years of age or less who were pregnant without even knowing the cause of their conditions.

"These children are terrified at what is happening to them, without any comprehension of the matter," he said.

Venezuela's soaring population growth rate, at 3.8 percent a year, is among the highest in the world. The country's population of 8.5 million is expected to double in 20 years if the rate continues.

This high birth rate is defeating efforts to combat the wretched social conditions that are chiefly responsible for it, according to Government officials, one of whom explained:

"With a population of our size in as big and rich a country as we have, we should be making even more rapid progress. But we need 50,000 new homes a year just to keep up with our expanding population. We cannot even begin to get people out of the 800,000 substandard dwellings they now live in."

SCHOOLS FILL UP

Half of the 1.3 million people of Caracas now live in squalid shacks, he noted, adding:

"Schools fill up as fast as we can build them and train teachers. About 80,000 youngsters come on the labor market each year and we do not have jobs for 20 percent of the 2.6 million Venezuelans looking for work now."

Venezuelan medical and social groups are formulating a broad program of birth control. At the largest maternity hospital here medical teams under Dr. Dario Merchan Lopez say they have developed Latin America's first working program.

Since it began 2 years ago, about 1,100 women have received contraceptive devices and 2,000 others are in process of being trained to use them.

[From the Washington (D.C.) Post, Aug. 1, 1965]

THE POOR ARE ENGULFING THE EARTH—THE POPULATION EXPLOSION—ACTUALLY, A HOLIDAY FOR DEATH—IS OCCURRING WHERE IT'S LEAST SUPPORTABLE

(NOTE.—First of a series of "Our Crowded Earth.")

(By Jean M. White)

In just 35 years—when many of us still will be around—it is very likely that there will be twice as many people on earth as there are today.

The time to do anything about that, if we had wanted to, was yesterday. The population problem is here and now and grows bigger by at least 1¼ million people each week.

Population projections used to be interesting mathematical exercises enabling demographers to predict when a standing-room-only sign would be posted on a crammed earth. But today we are finding that runaway population is bound up with many of our big problems: hunger, poverty, illiteracy, economic stagnation, political instability.

It will touch the very quality of life for those being born today. Yet a recent Gallup poll showed that ony three out of ten Americans who had heard of the population problem were at all worried about it.

Why should we suddenly get excited about population growth? Here are some things to consider:

A NEW DIMENSION

1. The human family is growing at a faster rate than ever before in man's history. This is the new, alarming dimension of the population problem—the rate.

Human multiplication is self-accelerating, like compound interest. It spurts upward in geometrical progression: 2-4-8-16-32-64-128. The annual rate at which it is growing has doubled in the last decade, from 1 to 2 percent.

This increase may not seem extraordinarily high until you follow the spiral of geometrical progression. If the human race had begun with a single couple at the time of Christ and increased at a rate of 2 percent a year, there now would be 20 million people for every person now alive—or 100 people on each square foot of earth.

The current world population is 3.3 billion. It will take only 15 years to complete the fourth billion. The fifth billion will follow in just 10 years after that.

THE DANGER SPOTS

2. Most of this population growth is in the underdeveloped countries, which can afford it the least. There a powder keg of social unrest and political instability is building up as runaway growth smothers efforts to give a little better life to millions of people who are ill-fed, ill-clothed, and ill-housed.

Like the Red Queen, the poor countries have to run as fast as they can just to stay in the same place—bare subsistence for their people. By the time the Aswan Dam is completed, Egypt's population is expected to have grown so much that the new irrigated lands will merely provide food enough for the additional people.

PLENTY AND PENURY

3. At a time of "a revolution of rising expectations," the world's poor are finding their hopes frustrated. The world is rapidly coalescing into widely separated groups of "haves" and "have-nots."

In 1963, North America and Western Europe had 17 percent of the world population and 64 percent of the world's income, as measured in the value of goods and services produced. Asia had 56 percent of the world's population and 14 percent of its income.

Today, roughly a third of the population is in the capitalist world, another third is in the Communist camp and the last third is uncommitted. In Latin America and the Far East, runaway populations are creating more poverty and misery in which communism can breed.

THE ROAD TO FAMINE

4. The world's already hungry countries are growing more people than food to feed them. Some demographers and agricultural experts are warning of the threat of serious famine by 1980.

In Latin America, Asia, and Africa, food production is growing only about two-thirds as fast as the population. Per capita food production is actually declining in many of these countries and has slipped below levels of 25 years ago.

When people have to eat what they grow just to survive, there is nothing left to invest in better seeds, fertilizers, and pesticides to increase food production. What science might do with algae gardens and sea farms is too far in the future to fill bellies already gnawing.

The United States has long been helping to feed millions of Indians with its food for peace program. But the way the world is, there can be no common trough for all men.

Last March, B. R. Sen, Director General of the United Nations Food and Agriculture Organization, warned that the world must raise food productivity and curb population in the next 35 years or face "disaster of an unprecedented magnitude." The alternative, he added, is that "mankind will be overtaken again by the old Malthusian correctives: famine, pestilence, and war."

A CRISIS AT HOME

For Americans, the population problem is not just that of faraway places. The United States is having its own troubles at home in its brave new urban world.

Think about 350 million Americans—nearly double the number today—using some 300 million cars at the turn of the century. (It is not that far away; children born today will be 35 years old then.)

Then think of the new classrooms, roads, jobs, houses, taxes for social services. Think of the jammed buses, lengthened commuting time, increased pollution of water and air, the search for precious open space and privacy.

Rapid population growth in the United States—we are growing at a rate 50 percent above that of Western Europe and close to the world pace—is aggravating urban ills and perpetuating poverty in the midst of abundance. Some see our high rate of growth as a real threat to the amenities and esthetics of our preferred way of life.

In its study of world population growth, the National Acadamy of Sciences emphasized the population problem in these words:

"Other than the search for lasting peace, no problem is more urgent * * *. Nearly all our economic, social and political problems become more difficult to solve in the face of uncontrolled population growth."

THE REAPER REPULSED

What is the reason for the speed of growth that lies behind these population problems? The answer is a matter of simple arithmetic: births minus deaths.

There has been no sudden burst of fertility to set off the "population explosion" (demographers cringe at the use of this phrase). Birth rates haven't gone up. But death rates have dropped dramatically.

Man now is practicing effective death control without balancing this with equally effective birth control. It is ironic that one of man's great humanitarian achievements—the control of "mass killer" diseases—has created a new critical problem of runaway population which, in turn, raises a threat to life.

The dilemma is neatly summed up by the National Academy of Sciences report: "Either the birth rate of the world must come down or the death rate must go back up."

The only choice—for the earth cannot contain or support population growth at the present rate over a long time—is between humane birth control and the cruel equalizer of death. In a way, the bogey of Malthusianism, apparently buried a century ago, has risen again.

ALL IN A DECADE

The sudden, spectacular drop in death rates, particularly infant mortality, has come chiefly in the developing countries.

Indeed, the lowest death rates in the world today are not in the United States and Western Europe but in such countries as Malaysia, Taiwan, and Puerto Rico, with their younger populations.

Modern medicine, vaccines, and pesticides have sharply cut death rates in a matter of a few years. In Ceylon, after DDT spraying had largely eradicated malaria, the death rate fell 57 percent in less than a decade—while the population increased more than 80 percent and per capita income declined.

A low 20th-century death rate (about 10 per 1,000) is now combined with a medieval birth rate (40 to 50 per 1,000) to send population spiraling upward.

Europe went through a "demographic transition" (changeover from high birth and high death rates to low birth and low death rates) before achieving its nearly stable population of today. But there the decline in the death rate came gradually over many decades starting with the early 19th century.

After about 1875 (France was earlier), birth rates began to drop in European countries. Over the next 60 to 75 years, millions of couples made personal decisions to limit family size against the opposition of both church and state. There had been no advances in contraceptives, so they relied on such folk methods as withdrawal. Marriages were delayed, particularly in Ireland.

To help it through its transition, Europe also had the safety valve of emigration. But the 34 million who emigrated from Europe to the United States from 1820 to 1955 represent less than a single year's population growth in Asia today.

A VICIOUS CIRCLE

Unlike Europe, the developing countries today don't have time for gradual adjustments to balance birth and death rates. They are caught on a treadmill. Rapid population growth is blocking the modernization they need to achieve the conditions—industrialization, mass education, urbanization, literacy—to bring their birth rates down.

"The past is not relevant for the developing countries today," says Irene B. Taeuber, a noted demographer. "There must be a new pattern. Something has to happen that never happened before. They must cut birth rates either before or during the process of economic development."

President Eisenhower, who 10 years ago felt that birth control was not a proper concern for governments, has explained that he abandoned this view after seeing the erosion of foreign aid programs by population growth.

In a recent speech on the 20th anniversary of the United Nations, President Johnson called for all nations to face the multiplying problems of our multiplying populations and pointed out that less than $5 invested in population control is worth $100 invested in economic growth.

ECONOMIC STALEMATE

If population is growing at a rate of 2.5 or 3 percent a year—as it is in many of the developing nations—it takes that same rate of economic growth to stay even. It comes down to a kind of holding operation at miserably low standards of living.

It takes 9 percent of capital investment to generate a 3-percent increase in income. It will take heroic efforts to achieve the United Nations' goal of 5-percent annual growth in underdeveloped countries in this "decade of development." Expanding population growth also brings a heavy burden of child dependency. In the developing countries, more than 40 percent of the population is under 15 years of age. (It is 25 to 30 percent in the West.) That imbalance puts heavy demands on health and education services.

Once, the subject of population control—which implies birth control—was politically taboo and considered too sensitive for public discussion. Now governments are speaking out on the need for action.

President Johnson's historic 25 words in his state of the Union address lifted the hush-hush attitude of the U.S. Government. A Senate subcommittee under Senator Ernest Gruening, Democrat, of Alaska, is holding hearings on the need for birth control information here and abroad.

The United Nations will hold its Second World Population Conference in Yugoslavia late this summer. For the first time, family planning is on the agenda—by demand.

The developing countries themselves are acting. Egypt, India, Pakistan, Japan, and South Korea have made family planning a part of national policy. There are government supported or sponsored projects in Ceylon, Taiwan, Turkey, Tunisia, Thailand, Malaysia, Barbados, Puerto Rico, and Hong Kong.

Pope Paul VI has said that he hopes the Catholic Church can soon redefine its stand on birth control.

For whatever term is used—family planning, fertility control, population control, responsible parenthood—the issue comes down to the deeply emotional subject of birth control.

The issue touches the very fabric of society, centuries of cultural traditions, and deeply held beliefs. There are many barriers to its introduction: illiteracy, nationalistic pride, the peasant desire for sons to work the fields and provide social security in old age, the low status of women, the tradition of early marriage, contraceptive costs.

People have always been ahead of governments in the limitation of family size. Government can help set the climate, but individual couples must make the final decisions—as they did in Europe.

Mrs. Taeuber, the demographer, feels that the change in attitude toward birth control has now reached the ordinary man as well as his governments.

"I have been to Indian villages," she says. "These people are shrewd. They have survived where we might not have. They pull out old maps of land holdings a century ago and the divisions today, with more and more children living. Population is no abstraction to them."

Attitude polls have shown that the Chicago slumdweller, the Mexican factory worker and the Indian villager alike want to limit the size of their families. All want to give their children a chance at a better life.

CHEAP NEW CONTROL

Along with the change in attitudes is the recent progress in contraceptive technology. The intrauterine device—IUD—costs only a few cents and has proved dramatically effective in pilot projects. Once inserted, it can control fertility over months and years.

"Control" is an important word here. Frank W. Notestein, president of the Population Council, a private institution which has spent $20.4 million on the world's population problems, emphasizes that the object of a population policy is not to tell a couple how many children they may have. Rather, it is to give them "the basic right to choose freely."

Most population experts feel that population doesn't have to be stabilized to the point of no growth. They see it as a choice between uncontrolled growth and a gradual increase at a rate that will allow for improvement of the human lot.

Population projections are not predictions. If fertility is decreased, the United Nations has projected a possible 5.3 billion figure at the turn of the century rather than the 7 billion in prospect if current trends continue.

And once the break is made, the leveling-off effect will be cumulative, just as the present rapid growth is self-accelerating.

[From the Washington (D.C.) Post,
Aug. 2, 1965]

Teeming India Tries Population Control: Our Crowded Earth—Part II

(By Jean M. White)

An old Sanskrit medical text provides a simple if unappetizing remedy: Just drink 3-year old ghee (a rancid cooking fat) for 15 days and you won't become pregnant for 3 months.

In Punjab on certain days, if the stars are right, a room with three beams is babyproof.

The Western-educated Indian official who repeats these old birth-control prescriptions is not poking fun at the ancient Hindus. He tells them to back up his argument that India's current policy of population control has some roots in tradition and does have a chance to succeed in the face of enormous obstacles.

India, more than any other country, dramatizes the problem of the world's rapid acceleration of population growth.

It is there in stark terms for the visitor to see when he steps over sleeping bodies on the streets of Calcutta. It is also there in the less dramatic but no less important story of a poor country trying to get going on economic development to give its people a little better life, only to find the gains wiped out in a flood of new population.

Most of the barriers hindering a workable family-planning program are also there—the pattern of village living; people who can't read or write, in a country with 14 main languages; the institution of early marriage, usually by 15 for girls; the tradition of big families, rooted in the instinct to survive and carried over from a time when death took many children; inadequate medical services; dark, overcrowded huts.

And, in India, there is the need for at least one son to light the father's funeral pyre.

India, the second most populated country in the world, grows by about 1 million people each month. Today it has some 475 million people—more than the population of North and South America combined. Before the end of the century, there probably will be 1 billion Indians, almost a third of the present population of the world.

India has tried, at least intellectually, to face up to these statistical realities. She was the first country to make the momentous decision that a government should try to control population and made family planning a part of national policy in 1952.

Early this year, at India's request, the United Nations sent its first technical assistance mission on family planning to look at the lagging program. After a 2-month study Sir Colville Deverell politely praised India's intention. But he also urged the Government to drop "bureaucratic shackles" and to follow up words with action.

"Once I was worried about the villagers in India. I'm no longer worried about him. It's the bureaucrat who worries me," observes one population expert with long, frustrating experience in India.

It is true that after a decade of family-planning policy, India has little to show in results, except for some special projects like Singur in West Bongal.

But nowhere in the world was there any relevant past experience to guide India. When western Europe and Japan stabilized their populations to a large degree, it was under far different circumstances with a mature, urbanized, literate society.

"Intellectual acceptance of the program is not enough," Deverell told a news conference in April after the U.N. committee's 2-month study.

At one of his own news conferences, Prime Minister Lal Bahadur Shastri also was asked about the population problem. He replied that he has six children himself and probably isn't in a position to advise anyone

After this light touch of humor, there was a single sentence in praise of the objectives of population control.

Most of the prodding for a speedup in action is coming from Asoka Mehta, chief of the Indian Planning Commission. Shastri recently set up a special interdepartmental committee after complaints about time lost in shepherding family-planning projects through dozens of byways in the health and finance ministries.

GOAL IS 50 PERCENT

India's goal is a 50-percent cut in birth rates over the next 10 to 15 years. Most observers would call it a major success if the birth rate dropped 10 points from its present 40 or 50 per 1,000 over the next decade. Even then population will grow at a relatively fast clip.

A tiny spiral of plastic may give India's frustrated family-planners their first big break.

A plant to turn out a million IUD's (intrauterine device) annually now is being tooled and should be in production soon. The factory will produce the Lippes loop, a double-S plastic twirl named after a Buffalo, N.Y., gynecologist. The population council, a private American foundation, is sending 600,000 Lippes loops to India as a starter.

The plant was due to get in operation early in June, but the manufacturer from Buffalo arrived to find his dies wouldn't work. He had been sent the wrong information on the machines available.

For villagers who can't read or write and live in crowded huts, the IUD offers advantages. Once it is inserted, the wife doesn't have to do a thing for a year or so. The foreign body in the uterus acts to prevent conception.

"You can't have a complicated thing for the masses of India," Nehru once said.

Conventional contraceptive methods just haven't worked in rural backward lands.

A 28-BEAD NECKLACE

When India started its campaign to cut population, family planning was confined to the rhythm method. A necklace of 28 beads was supplied to help the villagers keep track of the wife's fertile period: the green beads for safe days; the red beads for baby days. The wife was to move one bead each day.

Soon came complaints from wives that they couldn't see the color of the beads at night. So the red beads were made round and the green beads were made square.

Then came complaints that the beads moved both ways. So a safety catch was designed to prevent two-way movement. Some women ended up using the beads as charm amulets to ward off pregnancy.

When foaming vaginal tablets were distributed at one clinic, one recipient came back to report that they didn't taste very good.

But the Indian villager should not be underestimated, veterans in the field warn. The peasants can see their village land being cut up as more children survive. Polls have shown that 75 percent of Indians want to know how to limit their families. The know-why is coming before the know-how in many cases.

At Singur, in West Bengal, not far north of Calcutta, a pilot project has shown that results can be achieved. Over a 5-year period there was an 18-percent cut in birth rates.

HOMES VISITED

Field workers came to families in their homes. They used flash cards and movies. They were careful to direct their family-planning pitch to husbands as well as wives. In a male-dominated society, husbands don't like to give their wives absolute control over anything, including pregnancy.

At men's meetings, however, workers found they had a hard time to keep the discussion on subject. The men wanted to talk about irrigation and crops.

If family-planning programs are to get off the ground in India and other parts of Asia, some hard-headed observers feel there must be more action and less sensitivity. They think contraceptive devices like condoms should be hawked by street vendors so people can get them easily and won't have to go to government clinics.

Donald J. Bogue, population expert at the University of Chicago, calls for using the distribution techniques of mass education and mass commercialism. He also warns not to overlook the mother-in-law, who carries authority in the family.

Why not use the economic motive, Bogue asks, and allow midwives and doctors to make a small profit from selling contraceptive devices?

India has the cafeteria approach to birth-control methods, as B. L. Raina, the family-planning director, likes to describe it. It offers a choice of methods.

One is male sterlization. The advocates say it is surefire and the men become walking advertisements for birth control. Like anyone who has had an operation, they like to talk about it.

VOLUNTEERS PAID $2

In Madras, men who volunteer for sterilization are paid $2 and government employees get time off from work. But the number still has to reach 600,000 and often the operation does not come until after five or six children in the family.

So far, male prophylactics have proved the most popular contraceptive device. But the imported condom costs 7 cents—which can be a big item over the years where per capita income is only around $70.

The government hopes to step up domestic production of condoms. It is converting a former balloon factory to that use.

There are also problems with the IUD. Ten to twenty percent of the women expel the coil or have bleeding reactions. Also, it must be inserted by a doctor, and there is only 1 doctor for each 60,000 people in India. In the long run, India plans to train nurse-midwives to insert the IUD's.

In India, there is still the fear of swarming hordes of Chinese But in the modern world of nuclear weapons, there is more and more recognition of the fact that numbers do not make an effective defense. Even within the country, Hindus, Moslems, and Christians sometimes speak of losing ground if they practice birth control.

But more and more diehards are being converted as Indians see the squeeze on food production and economic growth.

URGES INTENSIVE PROGRAM

Last month Prime Minister Shastri, in a nationwide broadcast, finally spoke out for an intensive birth-control program.

India now is ready to move on such a program, American Ambassador Chester Bowles told a Senate subcommittee last week while home on leave.

Bowles showed newspaper clippings of Government-sponsored ads advocating plan your family the loop way. He reported that the Indian Government plans to have 100,000 workers in the family-planning field by 1966 and is now requiring all doctors to spend a year or two at work in the villages before taking postgraduate training.

The loop has provided the means, Bowles said, and the big question now is administration.

The population of India will surely grow. The question is whether it will double in 25 years or whether India will have 60 or 70 years to make progress toward supporting a bigger population.

[From the Washington (D.C.) Post, Aug. 3, 1965]

HEAVIEST BURDEN FALLS ON POOR: OUR CROWDED EARTH—III

(By Jean M. White)

The woman was worn beyond her 30 years.

She had come to a planned parenthood clinic in Chicago after the eighth child had almost cost her life. She never had heard of birth control, she had told the doctor in the county hospital who warned her to stop having children after the seventh pregnancy proved a complicated one.

The family represents a salvage operation for society. Welfare aid helps them survive.

HOME ABOVE STORE

They live above a vacant store in the Chicago Humboldt Park area. Peeling plaster constantly chips down. When the people upstairs use the bathroom, water drips through the ceiling. Some of the children have been bitten by rats, so the family now has added a cat.

The husband, a bricklayer of sorts, has had some bad luck with work accidents. Now it's his back. His work record is spotty.

The oldest child, a 12 year old, already is behind in school.

Overpopulation is not just an abstraction. It affects the lives of people. A family can be overpopulated as well as a nation.

And it's not just a matter of buying a refrigerator or having more clothes. It's the relations among a husband and wife and their children. It is the hopes parents have that their children will get a little better chance in life than they did.

Another visitor to planned parenthood in Chicago is the wife of a factory worker.

She hopes her boys can go to college. The family has four children—14, 11, and twins 6. The husband and wife started to plan their family almost from the beginning, and the wife has been taking the pill for 4 years. But it didn't always work out the way expected.

The third birth was planned, but not the twins.

"There's a limit to planning, isn't there?" the mother observed wryly.

This Negro family of six has been living in a housing project for more than 10 years. With savings, boosted by the mother's seasonal work, they have bought a $16,200, three-bedroom house in the southwest section of Chicago.

The practice of family planning—or nonpractice—has profoundly influenced the lives of these two families.

Tape recordings with Chicago slum mothers show they want the same thing for their children that all mothers want—a happy childhood, schooling, training for a good job, a little more pleasant life in the next generation.

But often the poor are denied the "basic human right" of freedom to limit family size, the National Academy of Sciences concluded in its recent study of the growth of U.S. population.

The poor family, like the poor nations of the world, bears the heaviest burden of overpopulation.

"Indeed, the burden of unwanted children among the impoverished and uneducated mothers in the United States is much like that experienced by mothers in underdeveloped countries," says Dr. William D. McElroy, professor of biology at Johns Hopkins University and chairman of the Academy's committee on population.

No family, the report emphasizes, "should be fated through poverty or ignorance to have children they do not want and cannot care for."

But 9 out of every 10 impoverished women still lack medical advice on family planning, according to Planned Parenthood estimates.

More than 280,000 women came to its clinics for help last year, and another 200,000 probably got assistance through tax-supported hospitals or health and welfare programs. But this only touched the surface of the 5 million women between 18 and 44 in the low-income groups.

Polls have shown most Americans, slightly more than 8 of 10, think birth control advice should be made available to anyone who wants it. Two years ago only 53 percent of the Catholics interviewed felt this way. A recent Gallup survey reported it is now 78 percent.

It is true that the bigger families of the poor have little statistical effect on the national birth rate or the basic population growth of the United States. But the 30-year-old Chicago mother struggling with her large family isn't worried about statistics.

DEPTH OF PROBLEM

Does the United States, with its farm surpluses, booming economy and affluence, have a real population problem?

Population pressures are all around us in everyday life—the motorist caught in a traffic jam, the taxpayer whose school levies go up every 2 or 3 years, the campers who find they should have made their reservation in a national park 2 years ago, the parents trying to get a son into college.

Of course, it's all too easy and simple to blame everything on population.

It certainly doesn't cause all poverty, unemployment, juvenile crime, pollution, and congestion. But it certainly is complicating urban living in America.

TROUBLE PREDICTED

John D. Rockefeller III is one who sees population problems for the United States.

"In metropolitan city and suburban village," he says, "population growth is already severely challenging our ability to maintain and expand the community institutions and public facilities that contribute so much to the quality of our way of life."

Philip M. Hauser, head of the Population Research Center at the University of Chicago, is even more blunt and sweepingly specific:

"Americans are paying an increasing high price for high fertility—as measured in human as well as financial costs. From now on, it will worsen the United States unemployment problem, greatly increase the magnitude of juvenile delinquency, exacerbate race tensions, inundate the secondary schools and colleges, greatly increase traffic tieups and urban congestion, and make our representative governmental system increasingly ponderous and restrictive."

UNITED STATES OUTPACING OTHERS

Bigger and better has always been a slogan of the American style of living.

Our rate of population growth—and unemployment and public dependency—are among the highest of all industrialized nations of the world.

With a population of 190 million-plus today, the United States is growing at a rate around 1.6 percent—double that of most Western European nations. At this pace, there will probably be 350 million of us by the turn of the century—just 35 years away. In less than two centuries, the United States would surpass the present world population of 3.3 billion if this growth rate continues.

By 1980, four out of five of us will be living in urban centers. Right now the northeast corridor from Boston to Washington is one of the most densely populated strips of land in the world.

Only the gloomiest of the population experts would say the United States won't be able to support its growing population over the next decades or even century. But only the most optimistic think we can absorb this growth without danger to the amenities of our preferred way of life.

VIEW OF DEMOGRAPHER

"In our renewed enthusiasm for childbearing and having children, we may have unwittingly created a situation which will cause those children to live at a substantially lower level of comfort and security than was enjoyed by the people that bore them," says Donald J. Bogue, population expert and director of the Community and Family Study Center at the University of Chicago.

Bogue is a demographer who often leaves his figures to work with people.

He joined Planned Parenthood in an intensive birth-control campaign in Chicago slum neighborhoods, pushing mass distribution of information. A study found the drive was accompanied by a 25-percent decline in the birth rate from 1960 to 1964.

Overall, the birth rate in the United States has been slowly declining the last few years. This year the number of births is expected to drop below 4 million for the first time since 1953. The birth rate is down from a high of near 26 per 1,000 in 1947 to about 20 per 1,000. The alltime low was a little over 16.6 in 1933.

SECOND-STAGE BABY BOOM?

But this may be only a momentary breathing spell. For those babies of the post-World War II baby boom are now on the threshold of marriages and their family-forming years. This could set off a second-stage baby boom.

"The decisions of this year's brides and the brides just ahead will determine the rate of population growth for the United States," says Robert C. Cook, president of the Population Reference Bureau.

The question, Cook emphasizes, is whether the 7 million new brides will choose the two- or three-child family fashion of a generation ago or the three-to-four style of the 1950's.

These 7 million girls between 18 and 21 represent a vast potential of motherhood. Five years ago there were only 4.7 million of them.

HEAVIER TAX BURDEN

Businessmen often have eyed the baby in the bassinet as a future bill-paying consumer. But recently some have been warning that population growth is not an automatic escalator to prospertly. For one thing, it takes added taxes to provide public services for every person who represents a net increase in population.

The wanted, not the unwanted child, is the real problem of population growth in the United States, some demographers are emphasizing.

True, the vogue for a bigger family had led many couples to make a conscious choice to have three or four children instead of two. But most workers in the field of family planning think we should tackle the problem of the unwanted child first. They don't want to tell a couple how many children to have, they emphasize.

Dr. Alan F. Guttmacher, president of Planned Parenthood-World Population, puts it this way:

"Every couple should have the right to have the number of children they want, love, and can care for. We want to make pregnancy a positive choice rather than a negative one."

[From the Washington (D.C.) Post, Aug. 4, 1965]

IUD and the Pill Show Promise for Family Planning Programs: Our Crowded Earth—IV

(By Jean M. White)

A pennies-cheap twist of plastic in assorted shapes—bowtie, double-S, tailed spiral, ring—is offering new hope to those seeking to check the world's unrestrained population growth.

The IUD (intrauterine device) represents the second major advance in birth-control technique within the last decade. It is simple, cheap, convenient, and highly effective. Once inserted, it needs no thought or attention for possibly a year or more. It can be removed when children are wanted.

The IUD and the pill have become promising aids in family-planning programs around the world.

Those who have worked among villagers in poor countries or among the poor in wealthier countries like the United States stress the importance of new and better contraceptives if family-planning programs are to have any measure of success.

OLD METHODS DON'T WORK

The conventional contraceptive methods—condom, diaphragm, chemicals in the form of creams, foams or jellies, and the Catholic-approved rhythm system—just won't work in a slum or peasant village.

These aren't much help to people who can't count or read, have no running water, live in crowded huts or rooms with no privacy, plumbing, or storage space and have learned to endure by not taking too much thought of tomorrow.

The conventional devices demand a certain amount of sophistication and sanitation. They also require sustained motivation.

The search for a better contraceptive has more profound implication than finding a new and better pill or gadget. The biological facts of life are closely linked with the social and economic factors of family planning.

RECENTLY DEVELOPED

Both the IUD and the birth-control pill were developed to practical use within the last decade. In their laboratories, scientists are working on refinements of both—perhaps a once-a-month pill, for example.

"The current intrauterine devices are primotive, and there will be improvements," says Dr. Alan F. Guttmacher, president of Planned Parenthood-World Population.

Dr. Guttmacher recently returned from a 5-week tour through Asian countries to report that an "exciting beginning" has been made in some areas toward tackling the population problem.

He saw one woman doctor in Hong Kong who has worked out an efficient system to insert 75 IUD's in 3 hours ("with a nurse to prepare the patient and another to pat the patient on the head when it's over," Dr. Guttmacher adds).

In South Korea, about 20,000 IUD's are being inserted each month, the Population Council reports. In Taiwan, it has reached 15,000 a month.

ANCIENT TECHNIQUE

It has been known for centuries that a foreign body in the uterus might prevent conception.

The modern intrauterine device is a resurrection of a technique popularized in the 1930's in Germany and then discarded.

Dr. Ernst Gafenberg, a German gynecologist, began inserting small silver-wire circles about the size of a wedding ring, and reported great effectiveness and few complications. But as other doctors attempted to use the Grafenberg ring, there were complaints about bleeding and pelvic inflammations. Practicing physicians soon gave up on the IUD.

Then, after more than 25 years, interest was revived with the 1959 publication of two studies, one in Israel and one in Japan. In Yokohama, Dr. Atsumi Ishihama, fitted 19,000 women with IUD's over a 20-year period with great success.

IMPROVED VERSIONS

Soon came improved versions of the early metal rings—inert plastic instead of metal to avoid tissue reactions; an open end design so that the flexible plastic can be straightened out and put into a thin plastic tube for insertion, eliminating the need for cervical dilation, a minor surgical procedure; a tail of thread or plastic to allow easy removal and also a check that the IUD has not been expelled.

Up to 10 percent of women have had trouble with IUD expulsions. Another 6 or 8 percent have pain or bleeding at first. But once it stays in, the IUD has proved almost as efficient as the pill.

If 100 wives used no contraceptives, 90 of them would become pregnant over a year. With the rhythm system, about 40 will. With diaphragms and condoms, the range is 2 to 15 depending on proper use. The IUD rates 1 to 2 in comparison.

"The 98 percent effectiveness might not be good enough for the Park Avenue society matron on pills," observes one gynecologist. "But in the backward countries, it's a near-miracle."

PHYSICIAN NEEDED

It costs about 2 to 10 cents to make the plastic IUD. One drawback is that doctors are now needed to insert the device in the womb. Both India and Korea are planning to train special nurse-midwives to handle uncomplicated cases.

One big advantage of both the IUD and the pill is that they are not linked with the sexual act as the older contraceptive techniques are.

"If we are ever going to conquer the population problem, we must develop a means independent of the coital act itself for mass use by people without sustained motivation," Dr. Guttmacher emphasizes.

Actually, man doesn't know much about the facts of life in the complex process of human reproduction.

LITTLE RESEARCH

Millions and millions have gone into research on death control to win victory over many killer diseases. Very little has been spent on birth control. The major incentive for much research into human reproduction came in the search for the answers to infertility rather than fertility regulation.

The U.S. Public Health Service estimates that it is now spending $7 million on research grants related to human reproduction. Perhaps $500,000 of this is directly related to family-planning methods. Most of the grants are administered by the new Child Health and Human Development Institute.

After President Johnson's strong statement on population problems in his state of the Union message, the PHS began openly to solicit projects in the birth-control field.

CALLS FOR SUPPORT

The National Academy of Sciences, in its report on population growth in the United States, called for stepped-up Government support of research into the complicated cycle of human reproduction and into contraceptive technology.

Among approaches that offer great promise in the future are these:

Suppression of ovulation:

This is the effect of the birth control pill, composed of synthetic steroid hormones called oral progestins. These inhibit the formation of the egg and set up an artificial menstrual cycle in which no eggs are released from the ovary.

Now the pills must be taken 20 days straight without fail. This complicated dosage system, along with the relatively high cost, has proved a barrier to wide distribution in the poorer countries.

ONCE-A-MONTH PILL

The hope is for a once-a-month pill (or injection) to eliminate the daily pill-taking regimen and bring down the cost.

Antizygotic agents:

This would be a kind of retroactive contraception. The zygote is the newly fertilized egg, which is extremely vulnerable for several days on its passage to the uterus. There might be a single pill, taken within a few days after intercourse, that would prevent the development of the egg even if fertilization had taken place.

An immunizing vaccination or inoculation:

This is based on the classic principle of disease control by vaccines—development of antibodies. There may be a vaccine to immunize women against the male sperm-germ. Or perhaps vaccines could prevent sperm development or prevent fertilization.

Detection of ovulation:

Something like a litmuspaper test to predict ovulation and a woman's fertile period would make the rhythm system more dependable and certain.

Inhibition of sperm production:

This would be the birth-control pill for males.

SIDE EFFECTS PRODUCED

Some experimental drugs have had to be rejected because they produce side effects—for instance, exaggerating the effects of alcohol.

Interference with postovulatory events:

This is probably how the IUD works, although no one knows for scientific certainty.

One theory is that the IUD speeds up passage of the female egg so that it takes only an hour or so to pass from the ovary to the uterus. Usually this is a 2- to 4-day trip. This may not be enough time to shake off the cumulus cells that surround the egg and must be removed before the male sperm can fertilize the egg.

Abortion and sterilization also are being used as a means of fertility control.

INDUCED ABORTIONS

In Japan, induced abortion was the principal method of drastically reducing the birth rate within a decade. Communist China is believed to be experimenting with "aspiration," a method of induced abortion developed by the Russians. A suction device is used in a procedure that takes only a few minutes.

The vasectomy—the male sterilization operation—has been promoted in several Indian states.

The perfect contraceptive has not yet been developed. It will be foolproof, cheap, reversible, simple to use, and disassociated from the sexual act.

However, it takes more than a good 5-cent contraceptive to make birth control work. It involves people—millions of individual couples—in a complex of social, cultural, religious and economic backgrounds.

[From the Washington (D.C.) Post, Aug. 5, 1965]

China Hews at Its High Birth Rate: Our Crowded Earth—V

(By Jean M. White)

If Communist China decides to throw the persuasive power of its totalitarian government behind a full-scale campaign to control population, the results could be spectacular.

There have been signs that the Chinese are coming to realize there can be weakness, not strength, in numbers.

Irene B. Taeuber, a leading demographer, thinks Communist China may be ready to launch a systematic birth-control campaign. She backs up this view in a paper being prepared for presentation at an international conference on family-planning programs in Geneva August 23 to 27.

"They now have the means with the IUD and a simple touch method of induced abortion," Mrs. Taeuber points out. "The public health network goes into every village to reach the masses. The youth can be indoctrinated through the Communist Youth League."

EARLY WEDLOCK DISCOURAGED

Early marriages are discouraged in Communist China today, and couples are encouraged to delay the first child. Party members receive no extra allowances or maternity leaves after the first two children.

What happens in Communist China could have far-reaching political consequences in the alinement between the free world and the Communist bloc. The Asian country that controls its population growth probably will be the first to achieve an economic takeoff to offer people a better life.

Philip M. Hauser, University of Chicago demographer and former acting director of the Census Bureau, has pointed out that the other underdeveloped countries are closely watching the race between India and Communist China.

BIRTH RATE MAY DECIDE

Both are trying to achieve a higher standard of living—one by Communist methods and the other by a modified democratic way.

"Success or failure in this fateful contest may well hinge on the ability of the nations involved to decrease their rates of population growth," Hauser emphasizes.

Burdened down by a high birth rate, India is in a painful struggle to modernize for economic growth. Its official family planning policy has shown few results over a decade, partly because of indifferent government leadership and bureaucratic snarls.

In 1956, Communist China launched a family planning drive, stressing contraception, sterilization, and induced abortion. In less than a year the campaign was turned off and the government turned its energies and verbiage to the "Great Leap Forward."

The reasons for the abrupt about face never were explained—there was a good harvest that year, the family planning drive ran into peasant resistance, and justification required some nimble flip-flops in the Marxist line.

REVIVED ON LOWER KEY

The population control campaign soon was revived in a lower key, with emphasis on delayed marriages and children.

In an interview last year with journalist Edgar Snow, Premier Chou En-lai supported planned parenthood as "conducive to raising the standard of living." China, he told Snow, had sent a delegation to Japan to study how that country had reduced its birth rate. It also has had its scientists at work on a birth-control pill, Chou said.

No one knows for sure how many people live behind the Bamboo Curtain or how fast the population is growing. The estimate is that the population may be around 750 million and the growth rate about 2.5 percent.

The international political situation gives special significance to population growth, and the implications extend far beyond the race between China and India.

POOR AREAS BURSTING

Today a little more than two-thirds of the world's people live in the underdeveloped areas of Asia, Africa, and Latin America. Within 35 years, these areas probably will hold four-fifths of the world population. Today 6 of every 10 new persons added to the world population are born in Asia. Another two are born in Latin America and Africa.

The overweighted racial imbalance is obvious. But more significant in the long run is the widening gap between the "have" and the "have-not" nations. This is something that could have a profound impact on world peace and world order.

Hauser points out that this widening gap between the rich and poor nations could lead to a North-South division of the world to replace the presently polarity between the

East and the West. The "have-nots" now have had a glimpse of a better life; if their aspirations are blocked, they may blow off their frustrations in revolutions and convulsions of unrest.

ASIA'S BIG PROBLEM

The world's biggest population problems are concentrated in Asia, which now has 56 percent of the global population.

The only Asian nation that has succeeded in controlling its population growth is Japan. And that country—highly literate, modernized, and industrialized—cannot serve as a model to guide the other underdeveloped countries of Asia.

In just a decade, Japan halved its birth rate, the fastest decline in history. In 1947, the rate was 34.3 per 1,000 of population. Ten years later it had dropped down to nearly 17.

Japan, a crowded island with a population half that of the United States crammed into 5 percent of the land space, came out of the war with its industry smashed. More than 5 million men came home from the Pacific islands.

JAPAN ACCEPTS ABORTIONS

In 1948, the Japanese government passed a national eugenics act that liberalized the laws on legal abortions. But even before this, the Japanese people had made their decisions and started limiting families.

The birth rate had been falling even before World War II, but rose temporarily with the postwar baby boom.

The Japanese have no religious qualms over abortion and relied largely on this method to limit their families. Now, with improvements in contraception in recent years, there are moves to encourage greater use of more conventional birth control methods. But there still are about 1 million abortions each year in Japan.

Within the last 2 or 3 years, there have been hopeful signs that other Asian nations are making gains in population control.

RATE DIPS IN HONG KONG

Taiwan and South Korea have turned to the intrauterine device (IUD) to push family planning and have expanded pilot programs into national policy. In Taiwan, the birth rate dropped from 42 per 1,000 in 1958 to 35 last year. Ceylon, with technical assistance from Sweden, is now moving ahead on its program.

In Hong Kong last year, the birth rate fell below 30 per 1,000 for the first time. This island city is incredibly congested because of the immigration of mainland refugees. It is an artificial situation, but it does point up what can happen as population swells—in low-income public housing only 24 square feet, perhaps the size of a railroad compartment, is allotted to each person.

Rats, given ample food but jammed in crowded pens, have become neurotic and frustrated and develop rat societal problems. How human society will bear up under the stress of such crowding is something for speculation.

For the present, the heart of the world's population problem does lie in Asia. But it is tropical Latin America that has the fastest rate of growth.

Though rich in space and natural resources, Latin American countries are having serious population difficulties. Their people are poor, and more and more are being born without any hope of adequate food, housing, or clothing.

The late President Kennedy took note of the situation in his 1961 message on foreign aid:

"The magnitude of the problem is staggering. In Latin America, for example, the population growth is already threatening to outpace economic growth—and in some parts of the continent living standards are actually declining."

BABY BORN IN BRAZIL

In many South American countries the population growth rate is 3 percent or better. Brazil, the giant of South America, has a birth rate of about 45 per 1,000 and is growing at a 3.5 percent clip. At this rate the population of 80 million will double in two decades.

On the hills around Rio de Janeiro, more and more poor crowd into the miserable slum "favelas," looking down without hope on the bright lights of the beautiful city.

The picture in Latin America is grim. Some Asian nations are at least beginning to talk about their population problems. No one seems concerned in many of the Catholic countries of Latin America.

However, concern over the rising number of abortions is growing in a few countries. In Chile, which has added family-planning services in hospitals, about a fourth of the maternity beds have been occupied by post-abortion patients. The estimates are that there are three abortions to every live birth in Uruguay.

PUERTO RICO CUTS RATE

Puerto Rico, which had some pioneering private family-planning programs as early as the 1930's, has slowly reduced her birth rate. Part of the drop undoubtedly is due to the emigration of young people. But one survey has shown that one in five women between the ages 15 and 44 had had "la operacion"—voluntary sterilization.

There is no world population problem as such. The problems are different with the countries and areas.

Both the United States and Russia may be said to have a controlled population—although some say it is controlled at too high a growth rate, between 1.6 and 1.8 percent. The Soviet Union recently admitted it was having trouble finding jobs for its youths, much like the problem in the United States.

In both countries, the birth rate has dropped slightly in recent years, edging down to 20 or 22 per 1,000. But this still is above that of Japan and most countries of Western Europe, with birth rates well below 20 per 1,000 and growth rates at 1 percent or below.

[From the Washington (D.C.) Post,
Aug. 6, 1965]

VATICAN REEXAMINES STAND ON BIRTH CONTROL: OUR CROWDED EARTH—VI

(By Jean M. White)

Perhaps by mid-September, or soon thereafter, Pope Paul VI will make a pronouncement on "the problem which everyone is talking about, that is birth control."

The long-awaited statement will be a momentous one for millions of devout Catholics throughout the world. It will come after a searching dialog within the Roman Catholic Church, among the hierarchy, theologians, and lay men and women.

Only last June, Pope Paul asked with respectful urgency that his special advisory commission speed its report to him. Earlier, he had spoken feelingly of the anguish of many souls waiting for the church to reexamine its position on birth control.

INTENSE PROBE

The reexamination has been intense within the framework of centuries of Catholic teaching and opposition to artificial methods of contraception. It comes at a time of considerable change of sentiment in both public and private sectors toward birth control.

Within the last few years, there has been a turning point in public awareness of the problems of overpopulation, both for a family and for a nation.

This has brought demands for more government action in the field of family planning. More and more nations, particularly in the struggling underdeveloped areas of the world, have come to the decision they must adopt and pursue family-planning policies for the well-being of their people.

So birth control—once considered off limits in national and international politics—is now a proper subject for public discussion and action.

This change of climate has heartened population experts, who have often felt that they were lonely voices crying in a wilderness of indifference to the dangers of population inflation.

"Why am I optimistic today?" asks Frank W. Notestein, president of the privately financed Population Council.

GROWING OPTIMISM

"For two reasons: First, a real awareness of the problem on the part of the people and governments; and second, the recent improvements in contraceptive techniques, with the breakthrough on the pill and the IUD (intrauterine device) in the last few years."

In the United States, President Johnson's state of the Union message last January heralded a more affirmative and aggressive Federal policy on birth control.

With only 25 words, Mr. Johnson went further than any other President to back population-control efforts:

"I will seek new ways to use our knowledge to help deal with the explosion of world population and the growing scarcity of world resources."

Then, the President called on all nations to "face forthrightly the multiplying problems of our multiplying populations" when he spoke on the 20th anniversary of the United Nations in San Francisco.

"Let us act on the fact that less than $5 invested in population control is worth $100 invested in economic growth," he told the delegates.

SHIFT IN SENTIMENT

Other recent events reflect the shift in sentiment toward the Government's role in birth-control efforts:

Ten bills relating to birth control have been introduced in this Congress. A Senate subcommittee is now holding hearings on a bill that would set up two posts in the State Department and the Health, Education, and Welfare Department to deal with population problems at home and abroad.

Last year, the number of States offering birth-control services in tax-supported medical and welfare programs rose from 21 to 35.

So far this year, some 11 States have taken action either to repeal old State birth-control bans or to provide family-planning services. The Supreme Court recently struck down the Connecticut law that forbade the sale or use of contraceptives.

The Interior Department announced it would offer both birth-control advice and devices to American Indians on reservations, natives of the Pacific Trust Territory, and Indians, Eskimos, and Aleuts in Alaska.

It thus became the first Federal agency to supply contraceptive devices directly. The program, Interior Secretary Stewart L. Udall emphasized, is entirely voluntary.

The Office of Economic Opportunity, as part of the war on poverty, has said it will provide funds for family-planning services as part of an overall program if approved by a general community consensus.

Corpus Christi, Tex., received the first grant, for $8,500, for a 6-month pilot project of neighborhood clinics in low-income areas. Programs have also been approved for Oakland, Calif., Austin, Tex., St. Louis, Nashville, and Buffalo.

OPPOSITION

Local Catholic opposition has held up approval of a grant to Milwaukee.

Last March, the Agency for International Development sent out a directive to its missions to supply technical assistance—but not contraceptive devices—to governments requesting it.

The same month AID granted $45,000 to the Jamaica Planning Association to buy vehicles and other equipment for a birth-control education program.

U.S. Surgeon General Luther L. Terry urged the World Health Organization to take positive action in the adoption of a clear-cut policy on birth control.

Who voted unanimously to supply technical assistance to members requesting it but not to involve operational activities—reportedly a compromise to allay Catholic fears.

Until recently, the Federal Government has carefully avoided direct involvement in the touchy field of birth control. It has been considered politically explosive both at home and abroad.

The Roman Catholic Church has presented the most formidable and unswerving opposition to public birth-control policies and programs.

CATHOLIC REVIEW

Today the church is undergoing a searching review of its position on the regulation of childbirth. Pope Paul's pronouncement—the ultimate decision is his—may come before the bishops of the Second Vatican Council convene September 14 for their final session.

In the United States, there are 50 million Catholics, nearly a quarter of the population. Latin America, where population is growing the fastest, is predominantly Catholic.

Pope Paul appointed a special commission of clerics, scientists, and married couples to advise him. The commission, which has been meeting more than a year, has been reported as divided.

Some commission members are reported standing firm against any change in the church position. Others are believed in favor of sanction for use of contraceptive pills. And still others have been reported to be supporting a wider range of contraceptive means.

THE PILL

The only means of birth control now approved by the Catholic Church is total abstinence during the wife's fertile period—the rhythm method.

The pill offers a method that is not unreconcilable to Catholic teaching, its supporters argue. It suppresses ovulation, they emphasize, without use of mechanical barriers condemned by the church.

One of the pill's developers is Dr. John Rock, a Catholic himself. He has emphasized that canon law defines the end of marriage as both the procreation and education of children and speaks of a "fusion of these obligations."

Shortly before his death in 1958, Pope Pius XII condemned the pill as a "sterilizer." The antipill school argues that it represents a kind of direct intervention, previously condemned by a number of Popes.

THE IUD METHOD

The IUD (intra-uterine device) also could pose an intricate problem for Catholic doctrine. The question here may be whether the loops of the device prevent fertilization—before embryonic life is formed—to act to prevent the fertilized egg from taking hold in the uterus. In the latter case, the coil may be viewed as an early abortion-producing device and open to unyielding condemnation.

Last October at the third session of the Vatican Council, four cardinals spoke out for a redefinition of the church position on birth control.

Leon Josef Cardinal Suenens of Belgium urged the Council "to meet the immense problem posed by the present demographic explosion."

"The matter is difficult, but the world is waiting," he added.

Public opinion polls have shown that many Catholics favor birth control and practice it by other means than the rhythm methods. A recent Louis Harris survey showed a 3-to-2 majority of Catholic couples favored relaxation of the church's rigid stand.

In South America, some priests have avoided taking a stand rather than obstruct birth control efforts among their poor parishioners. In Europe, several of the countries with the lowest birth rates are predominantly Catholic—Austria, Belgium, France, and Italy.

THE WAIT

But until Pope Paul makes his pronouncement the Catholic doctrine remains that of centuries.

"Despite popular opinion to the contrary, the attitude of the Catholic Church to contraception is still one of condemnation as a moral evil," Monsignor John C. Knott, head of the Family Life Bureau of the National Catholic Welfare Council, has declared.

Not every one thinks the world has population problems. Some reputable scientists and demographers feel that we shouldn't underestimate the ability of science to take care of rapid growth in the years ahead.

Malthus was proved wrong once, they point out, and they decry the alarmists and the "popular prophets of demographic gloom and doom."

But more and more people and governments are becoming worried over the problems of overpopulation.

They see serious consequences for mankind—in the search for world peace and order, in economic growth in the underdeveloped countries, in the hopes of the world's poor for a little better life, in the welfare of the individual family.

The quantity of human life could well wipe out much of the quality of human life, they warn. Children born today will be 35 in the year 2000, when there will be twice as many people on earth. Some will live to see a world three times as populous as today's if present growth rates continue.

Population control certainly won't solve all of man's troubles. But it is close to the center of many of them.

VIETNAM

Mr. DODD. Mr. President, yesterday there was brought to my attention a speech delivered by Mr. Steve Allen before a benefit of the SANE Nuclear Policy Committee this last May 16. Because I consider it one of the most remarkable speeches on the subject of Vietnam that I have yet seen, I ask unanimous consent to have the text of Mr. Allen's statement printed into the Record at the conclusion of my remarks.

Speaking as a liberal to the audience of an organization that has generally been critical of administration policy in Vietnam, Mr. Allen told his listeners:

> It is not particularly wise to view the present confrontation in southeast Asia as just another competition between nations in the more or less historic pattern, nor, as just as a simple matter of revolutionary nationalism. For what is involved here essentially is a philosophical confrontation. There is a contest going on in the world to determine whether men can be left to work out their own economic destinies in a more or less loose democratic framework—in which the at least relative freedom and dignity of the individual is basically important—or whether it is necessary to achieve certain economic ends by state coercion of the people, strict dictatorship that denies freedom of speech, freedom of the press, freedom of belief, and freedom of assembly, all of which we insist we hold dear.
>
> At present, we are justifiably concerned with the denial of civil rights and liberties in this country because such denial is an abuse of our professed philosophy. But in Communist states such denial is not regarded as an abuse but is defended as part and parcel of the status quo. More power, then, to those who uphold freedom, justice, democracy, civil rights, and liberties—but let us demand these glorious ideals universally.

Mr. President, I earnestly hope that my colleagues will find the time to read Mr. Allen's statement which I feel deserves far more attention than it has heretofore received.

Though there are some liberals who pretend that the liberal community in this country is solidly opposed to the President's policy, Mr. Allen's statement is another proof, if proof were needed, that many of the most prominent members of the liberal community are completely behind the administration's determination to prevent a Communist takeover in Vietnam and southeast Asia. I would remind my colleagues, among other things, that the AFL–CIO, which certainly must be considered the most significant single segment of the liberal community in our country, has gone on record in repeated resolutions in support of the administration's policy.

I also ask unanimous consent to insert into the Record an article by the noted columnist, Ralph de Toledano, commenting on Mr. Allen's speech.

There being no objection, the speech and article were ordered to be printed in the Record, as follows:

Remarks at "Sane" Benefit

For several years the National Committee for a Sane Nuclear Policy wrestled chiefly with the specific dilemma to which the organization's title refers, the question of how to live in a world bristling with nuclear weapons.

The achievement of the test ban treaty was an important milestone in the eternal quest for peace with freedom, security, and rationality. But once that point had been passed Sane found itself drawn to address a wider range of foreign policy questions. It is true that behind all these questions there still lurks the very real danger of nuclear war, for the weapons continue to exist and they are still being added to but I assume that even if all the world's nuclear weapons were to disappear this evening we would still concern ourselves, as individuals and/or as members of Sane, with the various difficult situations that threaten international peace.

Presently we are much concerned with the problem of the war in Vietnam. On the basis of my brief visit to Saigon last summer I could see that the American commitment there was going to be stepped-up and increased, and nothing that has happened since that time has come as a surprise to me.

As regards the question: What should be done, I have a few observations that you might consider helpful.

First of all, nobody knows. Everybody is guessing. And this is the case partly because no one, apparently, is able to command all the factors that make up the problem. The future cannot be predicted, the possible alternatives open to both sides are numerous, and as emotional forces become dominant it becomes increasingly difficult to determine the factual realities and recommend policy based upon them. All of which adds up to this: that it is unwise—whatever one's point of view or prejudice—to be dogmatic about Vietnam. We are all guessing, feeling our way, and I think it would be helpful therefore if, in making our various suggestions, we advanced them more often in a helpful and constructive spirit.

Secondly, I would observe that it is not particularly wise to view the present confrontation in southeast Asia as just another competition between nations in the more-or-less historic pattern, nor as just a simple matter of revolutionary nationalism. For what is involved here essentially is a philosophical confrontation. There is a contest going on in the world to determine whether men can be left to work out their own economic destinies in a more-or-less loose democratic framework—in which the at least relative freedom and dignity of the individual is basically important—or whether it is necessary to achieve certain economic ends by state coercion of the people, strict dictatorship that denies freedom of speech, freedom of the press, freedom of belief, and freedom of assembly, all of which we insist we hold dear.

Whatever the merits of Marxian economic theory it is clear from massive historical evidence that in the hands of Socialists of the Western European type it is content to work toward its ends by education, propaganda, and the ballot, whereas in the hands of Communists it is prepared to resort to the prison camp, the firing squad, and the secret police to achieve what it considers necessary. There is, you understand, no expression of opinion involved here. I am simply outlining the true situation as it has revealed itself during the past half century. I have opinions and prejudices about the matter—as we all do—but I am content now merely to draw your attention to what exists.

At present we are justifiably concerned with the denial of civil rights and liberties in this country because such denial is an abuse of our professed philosophy. But in Communist states such denial is not regarded as an abuse but is defended as part-and-parcel of the status quo. More power, then, to those who uphold freedom, justice, democracy, civil rights and liberties—but let us demand these glorious ideals universally.

So, to return to my main theme, I think it is necessary to consider the Vietnam dilemma as part of this larger historic context rather than purely as another example of standard international power politics.

Now American Communists are naturally anxious for the United States to simply pull out of Vietnam, period. Their sympathies are no secret and they can certainly not object to being accused of that of which they daily boast. They hope for the triumph of communism in southeast Asia and there is, as I say, nothing mysterious about the prejudice that makes them advance their recommendations. Some of them would hope for a Russian presence and influence in southeast Asia, some are sympathetic to Chinese influence, and a third group of American Communists hope for the achievement of Communist states in southeast Asia but with a considerable degree of national independence, along, say, the Yugoslav model.

But even many anti-Communists have grave reservations about the wisdom of American policy in Vietnam and the surrounding areas. It is entirely clear, in fact, that the overwhelming majority of criticism currently being directed at our Vietnam programs and acts comes from non-Communist sources.

Even these critics, however, must be on guard against succumbing to the appeal of winning the argument as distinguished from getting at the truth. At this moment many non-Communist critics of administration policy are saying that we should stop bombing and start negotiating.

But we cannot negotiate with ourselves. President Johnson has repeated Secretary Rusk's statement that the missing factor needed for negotiations to begin was "any indication—from anyone" that the north was prepared to stop the infiltration of men and supplies in the south. We have also indicated time and again our willingness to support a vast regional development plan if a satisfactory peace can be achieved in southeast Asia. The administration has furthermore made what seems to me the quite remarkable announcement that the United States is prepared to pull its troops out of South Vietnam if Hanoi were willing to do the same with its guerrillas.

Unfortunately the response from Communist capitals has been a flat rejection of American suggestions that negotiations might be advisable. In fact, at the very same moment that President Johnson was being criticized for failure to seek negotiations, Hanoi radio was contemptuously describing the United States as begging for such negotiations. Hanoi also bitterly attacked Tito of Yugoslavia for having had the temerity to suggest that the United Nations might be instrumental in working toward a solution. And just yesterday Hanoi rejected Indian overtures toward initiating negotiations, and this at a time when for 3 days there had been no American bombing raids in the north.

I will take no more of your time here to elaborate on the subject. I recently delivered a talk on Vietnam that ran for an hour and even at the end of that time I felt I had only begun to scratch the surface. But I did want to suggest that there is a danger of imbalance in criticism that is directed only at Washington and never, or rarely, at Hanoi or Peiping. Hanoi does not hide the fact that it wishes to control all of Vietnam. It is therefore out of the question for us to simply pull out of the area—as some are demanding—without having a clear understanding as to what sort of political climate would prevail after our departure.

That the United States has made mistakes in Vietnam, and is likely to make more in the future, seems a safe, if depressing, assumption. But the most helpful public criticism will be that which takes not a limited but a full 360-degree view of the situation. Which is to say that what is needed is criticism that—while not underestimating the serious danger of stumbling into war with China, or even of open infantry war with the large North Vietnam Army—is nevertheless at the same time aware that, if we are serious about our commitment to certain basic Western political ideals, we must also recognize the danger to world peace posed by the tendency of Communist powers to extend their influence by military means to nations and peoples not presently under their domination.

[From King Features Syndicate, New York, N.Y.]

STEVE ALLEN AND THE LIBERALS—A HELPFUL NOTE?

(By Ralph de Toledano)

I hope I have established myself sufficiently as a conservative to write this column without any misunderstandings. Before my allotted words are up, you will see why.

Recently, Steve Allen sent me a copy of some remarks he had made before a national committee for a sane nuclear policy group. Mr. Allen, I am sure, defines himself as a liberal—and his views on nuclear testing have brought him the sharp stings of many conservatives and some fellow liberals. But he is a man who is ready to discuss differences in an honest, calm, and reasonable manner, which is rare, indeed, in these feverish days. He is also ready to speak his mind without fear of antagonizing those among his friends whose blindfold is showing.

Therefore, what he had to say about Vietnam—a country he has visited—assumes importance, particularly since Mr. Allen is the articulate spokesman of a point of view we cannot blink away. He writes me that "the night I made my remarks there was an audience of what looked like a thousand or perhaps 1,200 people. About four or five of them hissed when I got into the meat of the talk. At that about a hundred others began shushing the hissers."

What was the meat of that talk? To begin with, Steve Allen politely noted that much of the criticism of our Vietnam policy is based on guessing—and this, I might add, includes some of my journalistic colleagues.

But he went on: "It is not particularly wise to view the present confrontation in southeast Asia as just another competition between nations in the more-or-less historic pattern, nor as just a simple matter of revolutionary nationalism." How that must have jolted some of the audience, suckled as they are on slogans that lost their validity in 1945.

"What is involved here," Steve Allen went on, "is a philosophical confrontation. There is a contest going on in the world to determine whether men can be left to work out their economic destinies in a loose democratic framework * * * or whether it is necessary to achieve certain economic ends by State coercion of the people, strict dictatorship that denies freedom of speech, freedom of the press, freedom of belief, and freedom of assembly, all of which we insist we hold dear."

Much of this receives lip service from many on both sides of the liberal-conservative barricades, but Steve Allen began cutting to the quick when he added:

"At present we are justifiably concerned with the denial of civil rights and liberties in this country because such a denial is an abuse of our professed philosophy. But in Communist states such denial is not regarded as an abuse but defended as part-and-parcel of the status quo. More power, then, to those who uphold freedom, justice, democracy, civil rights and liberties—but let us demand these glorious ideals universally."

How many of those who picket for freedom—and who upset the orderly process of education with obscene whoops—raise their voices against Communist tyranny in Cuba or Red China or behind the Iron Curtain? How many of them protested when a Yugoslav writer was tried recently for speaking out against Soviet oppression? Mr. Allen pointedly referred to this when he warned his SANE audience of the "danger of imbalance in criticism that is directed only at Washington and never, or rarely, at Hanoi or Peiping."

Let me quote his summation. First noting that the United States has made mistakes in Vietnam and will make others in the future—his idea of those mistakes and mine would, I assume, differ rather sharply—he pleads:

"What is needed is criticism that—while not underestimating the serious danger of stumbling into war with China or even of open infantry war with the large North Vietnam army—is nevertheless at the same time aware that, if we are serious about our commitment to certain basic western political ideals, we must also recognize the danger to world peace posed by the tendency of Communist powers to extend their influence by military means."

These are sentiments which would not be shared by that somewhat addled apostle of unilateral nuclear disarmament, Bertrand Russell—or by otherwise sane Americans given to what some conservatives would call in-SANE-ity. His remarks on Vietnam I find highly encouraging, for they point in the direction of a dialog with conservatives and liberals of good will to arrive at minimum positions which will insure the safety and the security of the United States—and, in the long run, the entire free world. If we can arrive at those minimum positions, then the garbled and acrimonious debate which has convulsed this country could move upward to a plateau of rational discourse.

THE FOOD AND DRUG ADMINISTRATION

Mr. DOUGLAS. Mr. President, the Senator from Missouri [Mr. LONG] spoke this week in New York on the way in which the Food and Drug Administration has misused the powers which the law and the Congress have bestowed upon it.

Mr. President, I have always supported an adequate pure food and drug agency in order to help protect the consumer and the public against fraud and deceit and noxious foods. One of the sad events, to me at least, has been the way this agency has emphasized its "police" powers and downgraded its scientific staff and work in comparison.

As a result we have an agency which has been lax in its efforts to protect the public against high drug prices and highly toxic drugs put out by the big drug companies, but which, instead, spends most of its time, through its disproportionately large investigative and inspection staffs, harrying and harrassing the small vitamin manufacturer or the distributor of what some might call unorthodox foods which are nontoxic and harmless.

And, in doing so, as Senator LONG so well provides example after example, they resort to illegal, unethical, and improper methods.

Senator LONG is doing a splendid job of trying to protect the public against these improper tactics of some Government agencies. The Food and Drug Administration, as his hearings have brought out, has been one of the worst offenders.

I ask unanimous consent that his speech to the National Dietary Foods Association on August 2, 1965, where he piles up the evidence against the FDA, be printed in the body of the RECORD. While public regulation of improper practices is necessary, we cannot permit a self-perpetuating bureaucracy to use gestapo tactics and to violate the legitimate rights of citizens which we have supposed were guaranteed by the Constitution.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY U.S. SENATOR EDWARD V. LONG, OF MISSOURI

As a Senator, and especially as chairman of the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, my first interest has been to preserve and expand the freedom and rights of the individual. The primary goal of the National Dietary Foods Association is to promote better health for all Americans. It is one of the blessings, as well as one of the problems, of our modern society that both our primary interests have become thoroughly intertwined.

America and all aspects of American society have been growing at an ever-expanding rate. The problems which confront us today on every hand have grown more complex. Our capacity to solve such problems has also grown but, unfortunately, not at the same pace.

I do not intend, today, to mull over generally the problems of our complex society. I would, however, like to discuss one problem and one dilemma facing all of us today.

We are concerned about promoting better health for Americans. All of us are also concerned with preserving individual rights and individual freedom. For the preservation of our freedom we have created many institutions; yet the primary safeguard will always reside with alert and interested citizens. To promote better health, we have also created many institutions, one of these being the Federal Food and Drug Administration; yet to a large extent, we must and should rely on individual initiative and discretion.

To make the Food and Drug Administration an effective agency of the people, we have had to bestow upon it very large powers. Yet today, because of a perverse idea of the public interest, the FDA is misusing these powers.

Very recently, in a court of law, an agent for the FDA, a man who is supposed to be a servant of the people, stated that "I wouldn't hesitate to tell a lie if it would help the American consumer."

To a man like me; to a man who has grown up in our American democracy; to a man who firmly believes in those principles of democracy and individual freedom which have made the United States the great Nation that it is today, this thoughtless statement by an officer of the Food and Drug Administration cannot be less than horrifying and disgusting.

It is axiomatic that protection of the consumer is a worthy goal—but such protection is worthless if, in the process, the whole basis of the American governmental and political system is to be eroded and destroyed.

The employee of the FDA who made this statement is not alone. Many key employees and officials of FDA have exhibited over and over again that they have no true understanding of the American way of life and the American democracy—they have failed, over and over again, to see that as they trample individual liberties, they cannot possibly further even their own goal of protecting the consumer.

The Food and Drug Administration, as it was conceived years ago, had worthy goals. Unfortunately, the agency has not lived up to these goals. On the one hand, it has been virtually ineffective in controlling large manufacturers and powerful interests; on the other, it has ruthlessly persecuted many small manufacturers and relatively weak groups of people.

In pursuing the health of Americans, the Food and Drug Administration is today undermining the health of America.

Three of our most basic God-given rights are embodied in the Bill of Rights. These rights are stated in the first, fourth, and fifth amendments of the Constitution.

The first amendment, in part, states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press.

The fourth amendment guarantees for all Americans the security of themselves and their possessions from unreasonable and illegal searches and seizures.

The fifth amendment guarantees that no person shall be deprived of his life, liberty, or property without due process of law, and that no person shall be forced to testify against himself.

During the investigations and hearings held by my Senate subcommittee, we were dismayed and sickened to learn that the Food and Drug Administration has violated each and every one of these basic rights. Under the pretext of so-called consumer interest, the FDA has not hesitated to broach man's basic American freedoms.

A couple of years ago, in Kansas City, eight FDA inspectors made secret tape recordings of the conversations of two unsuspecting and innocent schoolteachers, just because they were (thought to be) attempting to demonstrate a new milk substitute, Allerjoy, in a supermarket. In a ruthless effort to convict, at any cost, these schoolteachers and the manufacturers of Allerjoy, FDA agents repeatedly committed perjury in a court of law. But even these FDA efforts were to no avail—the innocent schoolteachers and the small manufacturers were acquitted.

But the FDA did not stop even there. In an unconscionable effort to get even with these people for having had the spirit and fortitude to defend themselves, FDA agents continued to unreasonably harass these manufacturers in their Los Angeles plant.

If secret recordings are not successful in indirectly suppressing the freedom to express ideas contrary to the FDA "line," then the FDA has not hesitated to go further. For example, when the FDA decided it did not agree with Paul C. Bragg's book on proper breathing, the agency, in a sudden raid, seized and impounded all of Bragg's books. To me, this does not look too far removed from the Nazi bookburning of the thirties, or Communist suppression of many writings today.

Even freedom of religion is not entirely safe from the Food and Drug Administration. Not too long ago, after a long period of continual attempts to suppress the publications of a small church in Washington—the Church of Scientology—one day FDA agents staged a raid on the founding church, seized property, and harassed officers and communicants of the church. This is an outrage which should not be tolerated in our Nation.

Just as the FDA agent stated that he would not hesitate to lie before a court of law, as he put it, "to protect the consumer," so it seems that the Food and Drug Administration would not hesitate to stretch the truth when reporting to the U.S. Congress.

A few years ago, after the exposure of unwarranted, unreasonable, and illegal uses of secret recordings made by FDA agents during factory inspections, the Food and Drug Administration solemnly assured Congress that it would no longer make such recordings.

Evidence presented before my Senate subcommittee makes it clear that the FDA has violated the spirit, if not the letter, of this promise.

The FDA seems to believe that every American rigidly adheres to a hypothetical average man's diet. As a corollary to this asinine assumption, it is equally rigidly opposed to the use of most dietary supplements and health foods.

In effect, the FDA seems to have failed to take into account that the so-called average man does not exist. Nor do they consider that many such average men could not afford the average diet; and many who can afford it do not wish to eat it. We all have our individual differences, and we all want and have a right to preserve our individuality.

Furthermore, in maintaining its rigid opposition to dietary supplements and health foods, the FDA is rejecting the advice which a vast number of qualified doctors give to their individual patients.

Freedom of choice, and its accompanying diversity, are two cornerstones of the American way of life. So long as dietary supplements or health foods do not directly harm personal health, the FDA has no right to dictate to the American people what they can eat and what they cannot eat.

As Judge Choate of a Federal district court in Florida has so firmly stated:

"The provisions of the Federal Food, Drug, and Cosmetic Act did not vest in the Food and Drug Administration or any other Federal agency the power to determine what foods should be included in the American diet; this is the function of the marketplace."

Of course, it must be recognized that the Food, Drug, and Cosmetic Act is grounded on a most essential idea—the protection of consumers from many potentially dangerous and harmful unknown products. Furthermore, an agency like the Food and Drug Administration is necessary in order to effectively carry out this goal of the act.

What, then, has gone wrong? Basically, the problem with the FDA today seems to be a problem that can occur in any agency of the Government. To make the FDA an effective agency, we have had to give it power, but we have failed to make sure that the agency does not use this power perversely. We have forgotten the old adage about power corrupts.

In the case of the FDA, we have allowed it to supply its own definition of "protection of the consumer." Unfortunately, the FDA has defined consumer protection in such a way that it has grossly overstepped its bounds, and in the process it has tended to destroy the rights of consumers, and the rights of all Americans to choose even so personal a thing as what they should eat, as well as the more basic political rights of freedom from illegal search and seizure, freedom of religion, and freedom of speech.

And this problem is not limited to the Food and Drug Administration. In the course of Senate hearings and investigations, we have discovered numerous invasions of individual privacy and violations of individual freedom by many Government agencies.

What, then, can we do about these wayward Government agencies who should and do make vital contributions to the welfare of American citizens, but who, in the process, tend at the same time to destroy the rights of these same American citizens?

Legislation is one means. For example, our subcommittee is in the process of conducting hearings and investigations which will lead to legislation preventing agencies of the Federal Government from using eavesdropping and wiretapping devices which infringe on individual privacy and individual freedom.

The ultimate solution, however, lies with the American people. Only unrelenting vigilance by all Americans can preserve American democratic ideals, American freedom, and our God-given individual rights.

NEW INSULTS FROM INDONESIA

Mr. BAYH. Mr. President, at the risk of being repetitious, let me again call the attention of the Senate to continued despicable acts toward the United States of America by the Government of Indonesia.

I began speaking on this subject more than a year ago, after President Sukarno of Indonesia openly and brazenly insulted our Ambassador, Howard Jones, before a large throng in Jakarta.

My critical comments continued because it seemed that nothing this Government did succeeded in altering the course that Mr. Sukarno was bent on pursuing.

Mr. Sukarno, through his insults, his boasts, his aggressive acts toward peaceful neighbors, and his apparent disregard for the health and welfare of his own people, has demonstrated beyond doubt his personal instability as a man and as a leader of men.

This body has twice in the past year approved proposals to end all American aid to Indonesia. Our Government has suspended such aid. These actions were not taken arbitrarily, Mr. President. They were not directed toward the people of Indonesia. In fact, the great patience of this Nation in long deferring such action resulted from our knowledge that American aid was, among other things, responsible for keeping thousands of Indonesians free from the ravages of hunger and disease.

But Mr. Sukarno apparently prefers to see his people hungry and ill than to act with even a minimum of reason toward the United States. He prefers to spend his nation's limited financial resources in pursuit of war and personal self-indulgence.

Now our new Ambassador, the Honorable Marshall Green, has been subjected to a new series of insults and Government-inspired threats from mobs.

It is time, Mr. President, for this Nation to seriously consider recalling our Ambassador and severing relations with the Sukarno government until it is replaced or until Mr. Sukarno begins behaving more like a Chief of State than a spoiled and dangerously mischievous little boy.

I ask unanimous consent to have printed in the Record an editorial from the Washington Post of Wednesday, August 4, 1965. This editorial concisely and wisely discusses the possibility of recalling Ambassador Green. I think the time has arrived for the appropriate officials to give this possibility more than passing thought.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Unwelcome Envoy

When the President nominated Marshall Green to be U.S. Ambassador to Indonesia a few months back this paper questioned whether this was the best use of such an outstanding Foreign Service officer, and because of Indonesia's increasing hostility to the United States, we thought it might be better to leave the Embassy under a charge d'affaires.

The temptation is to say we told you so. Last week, when Ambassador Green presented his credentials, President Sukarno promptly harangued him for representing a country whose policies in Vietnam and Malaysia had brought United States-Indonesian relations to an all-time low. When Ambassador Green returned to his residence he was promptly greeted by a threatening mob waving placards telling him to go home.

Later in the week, "Green Go Home" placards again were brought out in Northern Sumatra as the U.S. Consulate there was stoned and its windows broken.

Sukarno now is openly envying Cambodia's Prince Sihanouk for his action, earlier this year, in first permitting the U.S. Embassy in Phnom Penh to be stoned and then breaking off diplomatic relations. And both Sukarno and some of Indonesia's leaders are boasting that they are about to come out with their own A-bomb, and urging other newly developed nations to do the same as the proper defense against such "imperialists" as the United States.

In view of all this, the only dignified action for the United States to take is to recall Ambassador Green and let Sukarno know that when he matures enough to conduct diplomatic relations the United States will send back a full-fledged Ambassador.

For quite a few years now, the United States has been turning the other cheek toward President Sukarno and this country has simply run out of cheeks to turn.

GOLD STAR WIVES SUPPORT NEW GI BILL

Mr. YARBOROUGH. Mr. President, active and worthwhile service organizations throughout the Nation are rallying with renewed vigor in public support of prompt enactment of the cold war GI education bill (S. 9). One of these fine groups of dedicated people is the Gold Star Wives of America, organized in June 1945. The membership of the organization is composed of more than 8,500 women whose husbands died in the military service or as the result of a service-connected disability. On July 1, 1965, the Gold Star Wives met at their 20th annual national convention and adopted a resolution supporting the cold war GI bill.

Mr. President, I ask unanimous consent that the resolution of the Gold Star Wives of America, Inc., be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Statement From Gold Star Wives of America, Inc., Concerning S. 9

(Submitted by Mrs. Geraldine B. Chittick, national chairman of legislation)

Gold Star Wives of America, Inc., meeting for its 20th annual convention in New York City July 1–5, 1965, discussed the provisions of S. 9, which has been termed the"Cold War Veterans Readjustment Assistance Act of 1965."

Although the organization is constitutionally limited to passing resolutions concerning legislation affecting the widows and children of deceased veterans, Gold Star Wives of America, Inc., voted to notify the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare of the U.S. Senate of the discussion held and to endorse in principle the provisions of S. 9 to extend educational training and other readjustment assistance to the cold war veterans and their families.

THE BRITISH PATTERN OF APPORTIONMENT

Mr. ROBERTSON. Mr. President, in the summer edition of the Virginia Quarterly Review, the lead article is on "The British Pattern of Apportionment," by Mr. Vincent E. Starzinger. Mr. Starzinger is a graduate of Harvard University and of the Harvard University Law School and also holds a Ph. D. degree in history from Harvard University. For the past 5 years Mr. Starzinger has been in the department of government at Dartmouth College, teaching courses on the Supreme Court and political theory. Before that he was in the department of government at Harvard. His interest in British apportionment was one of several projects on which he worked last year while abroad on a Dartmouth faculty fellowship. He is the author of

"Middlingness," a study of 19th century English and French middle-class political theory, which will be published shortly. Mr. Starzinger's article is most informative and interesting and indeed scholarly. I believe that the article holds considerable interest for citizens of the United States, particularly so in view of the reapportionment question in the United States. I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Virginia Quarterly Review, vol. 41, summer 1965, No. 3]

THE BRITISH PATTERN OF APPORTIONMENT

(By Vincent E. Starzinger)

One morning soon after the Supreme Court's June 1964 ruling in *Reynolds* v. *Sims* that both houses of every American State legislature must be based on substantially equal districts, I happened to have an appointment with a member of the secretariat to the English Parliamentary Boundary Commission, which sets the size and shape of English constituencies for the House of Commons. I took along some clippings from the New York Times covering the decision—with an underscored quotation of Mr. Chief Justice Warren's now celebrated remark that legislators "represent people, not trees or acres * * * not farms or cities or economic interests." As my friend scanned the clippings, I thought I detected a slight smile of condescension cross his face. And when he reached the underscored passage, he remarked, "Well, I had always heard that you Americans were naive in politics, and now I believe it."

II

Both the smile and the comment reflected some 20 years of experience and disillusion in Great Britain with roughly the same equal-districts formula for legislative apportionment to which the Supreme Court has committed the United States. As in this country, that formula emerged as a response to serious electoral disparities which had developed over the years in the absence of either continuing or periodic reapportionment. By the calculation of Prof. David Butler, of Oxford, 20 British constituencies in 1939 had electorates above 100,000, which was twice the optimum national quota reached by dividing the total electorate by the total number of seats. In the same year, 13 seats were under the 30,000 mark. In Greater London alone, two constituencies stood at four times and six at around one-third of the quota.

These electoral inequalities prompted in 1944 a speaker's conference, attended by spokesmen of all parties, to study the entire problem. The result of that conference and of subsequent legislation passed in Parliament the same year by the coalition government was the creation of four permanent, quasi-judicial Boundary Commissions, one each for England, Scotland, Wales, and Ulster charged with tending the electoral map of Britain on a continuing basis. In terms of the desire at the time to eliminate electoral anomalies and make a serious attempt to realize the one-man, one-vote ideal, it is probably fair to say that the crucial statutory instruction to the Commissions in the original Redistribution of Seats Act of 1944 was that "so far as practicable" no British constituency should vary from the national quota by more than 25 percent in either direction. For reasons to which I will come, that instruction proved unsatisfactory, if not unworkable, and was modified in 1946 by Parliament to read simply that every constituency "shall be as near the electoral quota as is practicable."

Thus far, the Commissions have carried out two general reapportionments—or, as the British say, "redistributions"—of parliamentary seats. A third general review was announced in February 1965 and will probably take a year and a half to complete. In the 1947–48 redistribution, the most systematic redrawing in history of Britain's electoral map, the Commissions proposed changes in the boundaries of 560 constituencies. With the exception of a major amendment to be noted later, these proposals were in turn ratified by Parliament. The second review in 1954–55 was rather less extensive, but nevertheless involved major changes, again ratified by Parliament, in some 172 constituencies. In addition, the Commissions are empowered to make and have made interim changes in constituency boundaries on an ad hoc basis between the periodic general reviews.

What, in terms of abolishing electoral inequality, has been the result of this Commission activity? The answer, quite frankly, is that although the disparities since the 1947–48 review have never matched those of the wicked old days, they have continued to be impressive enough to make one wonder what exactly happened to the 1944 ideal of equality. Although the English Commission held three quarters of the English constituencies within an optimum 50,000 to 70,000 range in both 1947–48 and 1954–55, the outer limits tolerated for the remaining seats ran from 40,000 to 87,000 in the first review and from 40,000 to 80,000 in the second. In both reviews the Scottish Commission underwrote disparities ranging from around 25,000 to 65,000. By the time of the 1964 elections, matters had become rather more serious. While many of the over-represented constituencies had continued to lose population, many outsized seats had gained. Indeed, three English constituencies were above 90,000 and a dozen others right at or above 80,000 during those elections. In Birmingham alone the inequality among constituencies ran from 30,000 to 80,000. Yet, although the Commissions have often made ad hoc interim changes to keep constituency boundaries in line with altered local government boundaries, the only significant interim change designed to redress electoral inequality after 1955 was the shift of some 5,000 voters within the city of Blackpool in 1963.

The reasons for this apparent betrayal of electoral equality in Britain lie on two levels. First, in terms of black-letter statutory instructions running from Parliament to the Boundary Commissions, the imperative of substantially equal constituencies has never stood alone. Second, in a more basic sense, the instructions or guidelines which have impinged on that imperative reflect important considerations of history, politics, and society—all of them interesting and some of them relevant to American apportionment.

The crucial statutory instructions which stand beside the norm of equality can be briefly summarized: (1) Scotland and Wales are guaranteed a minimum of 71 and 35 seats respectively in the House of Commons and Northern Ireland the fixed number of 12. Originally the Commissions were instructed to limit the total number of seats for Great Britain (England, Scotland, and Wales) to "not substantially greater or less than 591." In 1948 that statutory figure was increased to 613, and at present the actual number of British seats is 618. With the 12 from Northern Ireland added, the size of the House stands at 630. (2) "So far as is practicable," constituency boundaries ought not to cut across the boundaries of local government units. The Commissions are given discretion to make exception to that rule "if it appears to them that a departure is desirable to avoid an excessive [electoral] disparity." (3) The Commissions may depart from both the substantial equality rule and the local boundary rule "if special geographic conditions, including * * * the size, shape, and accessibility of a constituency appear to them to render departure desirable." (4) The original Redistribution Act of 1944 commanded general periodic reviews at intervals of not more often than every 3 and not less often than every 7 years. In 1958, in an amendment agreed upon by all parties, that period was lengthened to 10–15 years. (5) In that same year, in another agreed-upon measure, the Commissions were admonished to "take into account, as far as they reasonably can, * * * the inconveniences attendant on alterations of constituencies [except in the case of adjusting boundaries to coincide with changes in local boundaries] * * * and of any local ties which would be broken by such alterations."

Although the Tories, of course, held a majority in the Commons in 1958, it is clear from the debates that Laborite Member of Parliament Arthur Skeffington from Hayes and Harlington caught the dominant spirit on both sides of the House when he hoped that the new amendments would mean that a "constituency should not be interfered with unless the case is overwhelmingly justified." And it is equally clear that the Commissions themselves have shared that spirit. If the general review now underway is certain to involve a good number of changes in constituencies which have been seriously affected by population movement over the last decade, the evolution of the black-letter statutory guidelines hardly promises any sudden return to the 1944 ideal of equality.

When one looks to the reasons behind those guidelines, the first—the guarantee of minimal representation to Scotland and Wales—is somewhat analogous to the American constitutional guarantee of two Senators for each State and is largely irrelevant to the apportionment problem in either our House of Representatives of State legislatures. For even though not enshrined in a supreme constitutional document, the guaranteed Scottish and Welsh representation is justified invariably—by members of all parties, including English Members of Parliament—in terms of the historic claims which both Scotland and Wales have as "nations" or "organic entities." For example, Chuter Ede, a distinguished former Labor Member of Parliament, seemed completely unaware of any self-contradiction when at 1 minute he emphasized to me the absolute sovereignty of Parliament, in contrast with the American system, but a minute later spoke of the guarantee to Scotland as an absolutely sacrosanct obligation resting upon the Treaty of Union of 1707.

Although the English Commission's initial report in 1947 cited the Scottish-Welsh guarantee as one reason for the abandonment of the 25-percent deviation formula, England's overall sacrifice in terms of electoral parity is not terribly impressive. Wales has roughly four seats more and Scotland a dozen more than they deserve on a strict mathematical basis, and the average size of constituencies in both national enclaves is actually somewhat more than 75 percent of the average size of English constituencies. Moreover, if the bulk of the few egregiously overrepresented British seats does lie in Scotland and Wales, that reflects neither the existence of separate Commissions nor national pride, but rather geographic factors.

The British clearly do not share the skepticism which our Supreme Court has shown for geography as a justification for unequal districting in an age of modern transport and communications. Of course, one can argue that they also do not share modern transport and communications. But in any event, despite its reputation for being a tight, compact little island, Britain does have some very real geographic anomalies which do receive special treatment in its electoral map. The rugged, sparsely populated Shetland and

Orkney Islands, represented by Liberal leader Mr. Jo Grimmond, stretch out into the North Sea for 150 miles beyond Scotland's "land's end" at Thurso, which is itself 700 foggy miles from London. The almost equally remote Western Isles lie in a hundred-mile string off Scotland's western coast. And even the Scottish mainland has its geographical problems. As the Member of Parliament for Argyll complained on one occasion, "If anybody ever tried traveling along the coastline of Argyll, he would go an extremely long journey to arrive at a point not nearly so far distant from that from which he started as * * * he will have followed—up one sea loch and down another, round this bend and that one—one of the most rocky and indented coasts of the country." When one goes inland in Scotland, he confronts the vast "crofting" or agricultural counties—Inverness, Caithness, Ross, and Cromarty—which are sparsely populated and often crisscrossed with fairly formidable mountains and other natural barriers. As one moves from one isolated area to another, he also meets such a variety of local dialects that, as a secretary to the Scottish Commission put it, "The simple business of communication is also fairly formidable."

It is these anomalies, then, rather than Scottish or Welsh national pride, which really lie behind the most serious examples of overrepresentation in the British electoral map. Mr. Grimmond himself once observed that not even the most patriotic Scotsman would argue that a Shetlander is worth two and a half Londoners. The problem is rather the sheer physical difficulty of reaching, campaigning in, and representing many areas. Another Scottish Member of Parliament once compared a visit to his constituency with Dr. Fuchs' visit to the South Pole. If that was hardly a flattering analogy for his electors, it does dramatize the reason that the four most northerly constituencies in Britain have an average electorate of around only 25,000. Even then, two of these constituencies include respectively some 2,400 and 2,700 square miles. The contrast with the 100-square-mile average of English constituencies or with compact urban seats which may include only a few square miles is too obvious to labor.

A factor other than geography accounts for the large number of deviations from electoral equality which are less serious than those just mentioned. That is the high degree of respect which both parliamentary statutes and the Commissions have paid to the integrity of the boundary lines of local government. More is involved in this than the bald imperative that constituency and local government boundaries must generally coincide. Behind that imperative lies the feeling that every Member of Parliament ought to represent not a sheer mathematical number of electors, but instead an integral community, and that the Commissions themselves ought to weigh heavily the disruption to community interest which any change of parliamentary boundaries may cause.

Even as early as 1946, the ideal of mathematical equality had already begun to conflict with respect for local community. Indeed, when Chuter Ede, then Home Secretary, explained the abandonment of the 25-percent deviation formula to the house, he declared:

"Now representation in this house is something more than a matter of mere mathematics. This house * * * is based on a territorial organization and many of us are very proud to represent communities that are integral, human entities which have both a history and a very lively sense of corporate feeling. This purely mathematical formula, so harsh and unyielding in its effect, meant that in certain cases wards were lopped off a borough and put with an adjoining county division."

And that is hardly the judgment of Mr. Ede alone or of the Labor Party alone. Tory Members of Parliament also delight in ending their parliamentary speeches on redistribution with solemn declarations that they favor "the organic as against the arithmetic" basis of representation and with admonitions against the "arithmocrats" who would subvert the true British Constitution.

Although some of this talk may be sheer rhetoric which makes little sense in transient urban districts lacking any genuine sense of community, the "organic" theme probably deserves more than passing credence. For one thing, the theme has deep roots in British political history, running back, for example, to Edmund Burke's view that the real stuff of society is not an atomistic mass of individuals but rather a complex of legitimate interests, including economic interests and classes, corporate bodies such as universities and churches, and local communities. From that view Burke of course drew much the same imperative which Chuter Ede expressed: instead of representing sheer numerical sums of voters, a legislature ought to reflect those interests and derive from them the "general reason of the whole." To say this is not to deny that the Burkean view is today blended with individualistic, egalitarian strains. But it is true that historically the "interest" theory of representation seems often to have been accepted in Britain as a justification for electoral inequalities of one degree or another. For example, it was not until the Labor Government of 1945 that the university seats were abolished. And if the Conservatives did not try to restore those seats after their 1951 victory, it is worth noting that Mr. Churchill indeed pledged restoration during the election.

For another thing, in talking to Members of Parliament, civil servants, party workers, and political scientists who are knowledgeable about the subject of apportionment, one simply does not hear the charge that British voters in outsized constituencies have any real sense of underrepresentation. Indeed, Prof. Andrew Hacker, of Cornell, has expressed some dismay over the apparent apathy and attributes it to the fact that many of the underrepresented voters are "new arrivals in areas that are both growing and prosperous." However, those same factors have hardly kept malapportionment from becoming an acute issue in the United States. Nor do those factors explain away the active resistance by voters in some underrepresented British constituencies to the mutilation of communities in the name of electoral equality. In 1954, for example, all the political feeling in the constituencies of Reading and South Shields catalyzed in public protests against Commission proposals to chop off and transfer to other constituencies integral parts of these two communities.

To take still another interesting illustration, a comparable protest would probably come from the voters of the Isle of Skye, which lies off the western coast of Scotland, if it were transferred from the constituency of Inverness to that of Ross and Cromarty. If one looks only at geography and mathematics, that might seem to be a plausible move, for the island is roughly equidistant from those two mainland crofting counties and the addition of its some 8,000 citizens to those of Ross and Cromarty would mitigate a 1:2 electoral disparity which now exists between the two constituencies. However, when I suggested this move to the senior member of the Scottish Boundary Commission, Sir Robert Nimmo, he looked at me in horror and asked if I were trying to stir up a revolution. When I meekly replied that I was not, he explained that Skye is included in Inverness because it is to that county that all the clan and kinship lines of its inhabitants run. But he and others knowledgeable in such Scottish facts of life assured me that any elector of Skye would prefer to continue to cast fractional votes than to be transferred to an alien part of the mainland.

In addition to a shared local unit of government and the kind of local ties which Sir Robert Nimmo emphasized, the "community interest" concept also very often involves recognition of a shared economic interest. For example, when the English Commission held an inquiry in 1963 concerning the proposed shift of electors in Blackpool, the examiner who took evidence for the Commission insisted on touring the city personally. As he put it, "Sometimes you find one area is a hotel area and another area is a commercial area and another area is perhaps an industrial area, and that does not appear from the map. I can only find it out by going round." In other words, he was concerned that the proposed constituency change should conform as much as possible to both local ward boundaries and the lines dividing the various economic interests of the city. Although that concern was not controlling at Blackpool, it clearly has been in a good many "hard cases" which have involved alternative solutions equally defensible in terms of other criteria.

Finally, the sheer turmoil which has resulted on occasion when the quest for mathematical equality has superseded the community-interest standard is worth illustrating. In one instance, the electors of a small village in Kent, although few in number, found themselves in four different constituencies between 1945 and 1953. In Southampton in 1954, the English Commission moved some 17,000 electors back and forth in order to reduce the difference between two borough constituencies by around 1,500. A similar upheaval occurred in Plymouth during the same redistribution. Again, the boundaries of some 20 constituencies had to be changed in West Riding in 1954 in order to reduce the county's seats from 44 to 42. What these examples suggest, of course, is that trying to change a single constituency without disrupting the electoral map in general is like trying to drop a pebble in the proverbial millpond without causing a ripple.

And the ripples in the these cases do have serious implications for the prerequisites of effective, responsible party organizations: continuity in the ranks of local party workers, files, finances, and canvassing. Speaking at the time of the last redistribution, Kenneth Thompson, Tory Member of Parliament for Liverpool, made what has become a classic statement of this point:

"We in the House are compelled to face the facts of political life. Political party organization consists of the little constituency club, a polling district committee, a ward organization, a constituency organization all pyramiding up from the modest, humble, unobtrusive men and women who * * * do the slogging day-to-day work of a political party. * * * Every time a unit is taken from the electorate of a constituency, every time a boundary line is altered by however much or little, some Mrs. Jones is chivvied out of this organization and hived off to what is to her a foreign land, where there are a lot of people who do not speak her language. At the whim—if that is not an offensive word—of the Boundary Commission, she is expected to accept this as her lot and destiny, and the pattern of her future political activity."

Of course, that is the argument of a politician, but it seems fair to infer that the individual voter himself probably feels some of this same confusion when he confronts at each general election a new choice of parliamentary candidates and finds himself canvassed by different local constituency parties. And the confusion, for both the voter and party worker, must become all the greater when constituency boundaries crisscross those of local government. For that not only sabotages the efficient device, prevalent through most of Britain, of using the same voting register for both national and local elections; it also, of course, means that both voters and party workers find themselves grouped with one electorate in selecting a Member of Parliament and with quite another electorate in local elections.

Since respect for local governmental boundaries is the one factor which the Supreme Court's majority explicitly legitimized in the *Reynolds* case as a reason for some deviation from the "equal-population principle," how relevant for this country is the British experience with that exception? The answer, in part, is surely that the "community interest" concept is hardly so prevalent in this country that the Court would ever be likely to uphold electoral inequalities comparable to those in Britain. Indeed, the British disparities, if far less serious than those in *Reynolds*, are somewhat greater than those struck down by the Court in some of its companion cases and would hardly be permissible under the 15-percent deviation rule recently passed by the House of Representatives for its own districts. Moreover, Mr. Chief Justice Warren seemed to view political subdivisions in *Reynolds* not as "communities" but as mere mechanical agencies of the state. And, of course, in that same opinion the Chief Justice also made his absolutist declaration that "legislators are elected by voters, not farms or cities or economic interests."

One can balk, however, at British electoral disparities and still question the Chief Justice's total rejection of "interest." Is America so different from Britain that Mr. Justice Harlan was completely wrongheaded in his dissenting suggestion that, far from being ciphers, all of us live and vote—in part—in terms of interests? Indeed, one classic justification for the district system per se is the concept of minority interest. An at-large electoral system gives automatic assurance of absolute mathematical equality, but at the risk that important minority interests—e.g., the agricultural interest in a highly urban-industrial State—may be shut out of the legislature by a statewide majority. But give the rural areas districts of their own, even on a one-man, one-vote basis, and you assure that interest of at least some representation. The interest of society at large in a healthy two-party system is also surely relevant. Because of the large number of districts involved, single-member districts are obviously the most difficult in which to maintain electoral equality. Yet practically all political scientists agree that such districts foster a two-party system more readily than do elections at-large or multiseat districts.

Thus, if it is true in a sense that only "citizens * * * cast votes," it is true in another sense that any legislator embodies or represents the purposes and interests implicit in the particular electoral system which has placed him in office. In turn, if respect for political subdivisions can justify some deviation from equality, perhaps the interests of a given community also can on occasion. Consider, for example, the practical effectiveness rather than the mathematical equality of the representative process, and surely it becomes relevant to ask whether representation of a depressed area or a district with highily heterogeneous interests is not more difficult than representation of an affluent, highly homogeneous district. In sum, a realistic theory of representation plus a look at the British experience indicates not that we ought to adopt the British range of electoral inequality, but that the concept of equality perhaps ought to be a rather more flexible standard than has been suggested thus far by either the Court's language or the House of Representatives' flight to a fixed percentage formula.

III

Practically everyone knowledgeable about the British apportionment experience of the last 20 years agrees with the judgment of David Butler that the political "neutrality of the Boundary Commissions is beyond question." The composition of the Commissions is indeed a studied effort in nonpartisanship. The Speaker of the House of Commons, although taking little active role in apportionment, is officially chairman of each of the four bodies. The active or deputy chairman of each Commission is a judge of the High Court, except in Scotland, where he is a judge of the Court of Session. The other two members of each body are usually civil servants of senior rank who are knowledgeable in matters of local government.

But despite this seeming insulation from the world of party politics, one wonders whether a paradox of sorts may not be at work: whether, in order to retain the very aura of nonpartisanship which underlies their authority, the Commissioners do not sometimes try to balance out, at least in the back of their minds, the political implications of constituency changes. For those implications can be very real. As Sir Hugh Lucas-Tooth, Under Secretary for the Home Department during the last redistribution, has remarked, "Any particular recommendation which is made by the Commissions, whatever it may be, is almost certain to favor one side of the House rather than another. It almost always means transferring a community, perhaps a small community, from one constituency to another. Communities are very seldom impartial * * * and almost any change is certain to have some political effect." Indeed, since the announcement of the present general review, the British press has speculated far more about its possible political implications than about the abolition of electoral inequalities.

One should hasten to add that the official reports of the Commissions in the past have been so brief that they neither confirm nor allay any suspicion that the Commissioners are aware of party electoral advantage. In 1954, for example, the final Scottish report spent only four pages and the English report only one-half page more in explaining the changes proposed in that year's review. Before the final reports, however, the Commissions are clearly exposed to party feelings at two stages: first, they receive suggestions from constituency parties while they are framing their tentative proposals; second, they receive party objections to those proposals when they are published. As the 1963 Blackpool case indicates, these objections are sometimes aired in public inquiries or hearings held by Commission-appointed barristers. Although the English Commission held only seven such inquiries in 1954 in face of demands for some fifty, a 1958 statutory amendment now requires an inquiry whenever it is requested by "an interested authority * * * or a body of electors numbering 100." If that may well expose the Commissions to a wider range of evidence than in the past, it may also make it all the more difficult for the Commissions to remain oblivious to the partisan stakes involved in hard cases. For, although party agents by tradition cast their objections in the terms of the statutory guidelines, party electoral advantage is almost invariably the transparent motive for whatever argument is made.

The Blackpool inquiry is itself a case in point. In Blackpool North the Liberals had almost won a by-election in 1962 from the Tories in a three-cornered fight. In Blackpool South, however, they were so weak that they failed to contest the seat in both 1959 and 1964. Obviously, the Liberals' objection to the transfer of 5,000 voters from north to south reflected their fear of losing precious strength in a seat where they had some hope of winning the next election. And although the Liberal agent talked in pious terms of wanting to keep the constituency "stabilized" for all three parties for the impending election, this underlying concern must have been clear to everyone.

Indeed, the record of the Blackpool inquiry—the only such record ever to be published by the English Commission—is a curious, somewhat disconcerting document. The dialog between the Commission's barrister and the Liberal agent, who was the only person to give evidence, ran to only seven pages and revealed that the agent had only a "vague idea" about the rules governing the Commission and "no idea" about local boundary lines. In turn, the dialog ended with the agent and the barrister agreeing "to go around * * * and have a view." And there you have it. After a quick look, the barrister returned to London and drafted a brief recommendation dismissing the Liberal agent's argument and finding no "community interest" which outweighed the transfer of voters from one constituency to the other. Then the Commission itself, aided or confused by that report and ordinance maps, met in an elegant, cloistered room of Somerset House in the Strand to reach its decision—which was to accept the barrister's recommendation. But the problem is that that result, together with the Commission's final report and the transcript of the inquiry, still leaves one without any confident feel for the process of decision. More precisely, it leaves one uncertain about how the two worlds of blatant party self-interest and apparently genuine Commission objectivity manage to fit together.

That uncertainty becomes all the more troubling when one realizes that far more difficult cases than Blackpool can arise. Imagine, for example, a safe outsized Labor seat bounded by another safe but undersized Labor seat and a marginal undersized Tory seat. If the Commission moves excess voters from the first to the second constituency, the political balance of power will probably remain unchanged. But if the other alternative is selected, the Tory Party may well lose a seat.

When I put that hypothetical case to Members of Parliament, civil servants on the English and Scottish Commissions, agents at party headquarters, and others knowledgeable about British apportionment, the immediate answer was invariably that the Commissioners would be blind to such political consequences and would base their decision purely on the black-letter statutory guidelines. But, of course, cases must arise in which the alternative solutions are equally defensible in terms of those standards. More than that, one can imagine that in blinding itself completely to political consequence, a commission might in innocence repeatedly tip the balance of electoral advantage in favor of one party and find itself charged with partisanship. When I pushed the initial hypothetical case a bit harder with these two comments, the answers became a bit less pious, and most of those to whom I talked began to concede, on second thought, that probably the Commissioners do keep in the back of their minds the political implications of hard cases.

To be more specific, Sir Robert Nimmo indicated to me that in 1954 the Scottish Commission put off until the next redistribution a change in East and West Dunbartonshire partly because any solution to the electoral disparity involved was certain to arouse bitter partisan protest. And it would seem only a short step from the delay of a change on those grounds to the conscious balancing of electoral implications in hard cases. Indeed, from what one can learn about these elusive processes, the Scottish Commissioners apparently rely not only on official sources of information and formal meetings, but also on informal discussions with Members of Parliament and party agents in which, to put matters backhandedly, the political consequences of possible constituency changes are not hidden. One can surmise that this kind of informal contact is less significant in the case of the English Commission, which must struggle with over 500 constituencies. But it is probably a fair guess that even the English Commissioners are not completely cloistered from the political facts of life.

For example, it may have been more coincidence several years ago that after putting pressure on the English Commission for an interim solution to the serious electoral anomalies in Birmingham, the three political parties rather suddenly seemed to reach a tacit agreement to leave matters as they were and that the Commission itself did just that. But it is also conceivable that some informal discussion between the Commission and the parties lay behind the postponement of any changes in Birmingham until the next general review. Neither the neutrality nor efficacy of the commission system would seem to bar that kind of contact with the parties; in fact, both may require it in the occasional difficult case.

A more explicit problem with which the Commissions lived from 1950 until last year's election was an anti-Labor bias in the British electoral map which reflected the concentration in "safe seats" of large numbers of Labor supporters who wasted their votes by running up huge majorities which gave them no more representation in the House than would paper-thin majorities. That meant that Labor had to poll a slightly higher percentage of the total popular vote than the Tory Party needed in order to win a majority of parliamentary seats. However, in the 1964 elections, this bias disappeared altogether. While a Labor edge of 0.8 percent in the 1951 popular vote gave the party 26 fewer seats in the House than the Tories won, an almost identical edge last year gave Labor the thin Commons majority with which to form a government.

Although the commentators are hardly agreed on why the old bias seems to be gone, the 1964 results surely bode well rather than ill for the Commissions themselves. For, on the one hand, it is difficult indeed to defend an electoral map whose bias repeatedly bars a party from power. On the other hand, as practically everyone agrees, it would also have been extremely difficult and dangerous for the Commissions themselves to have tried to eliminate the bias. That would have meant, in many cases, grotesque stretching of both constituency boundaries and the statutory guidelines. It would also have openly involved the Commissions in political controversy. It is one thing for the Commissioners to be tacitly sensitive to the political implications of difficult cases, but it would be quite another thing for them to redraw the entire electoral map with an avowed political objective in mind.

The British electoral bias of the 1950's is not without relevance to American apportionment. For even with equal districts and the absence of gerrymandering, an occasional bias of that kind is probably the price which any electoral system must pay for a large number of safe seats. And safe seats—in both major parties—are no less prevalent in this country than in Britain. More than that, if the existence of some safe seats in each party is eminently defensible as a guarantee that the minority party will not be completely shut out of the legislature in a serious defeat, safe seats also suggest once again the artificiality of the one-man, one-vote ideal. For the minority-party voter in such a constituency may well have his vote counted as one, but he also may never live to see it change the electoral result. And the majority-party voter may be happy with easy victory, but, as the Laborites found in the 1950's, he also, in another sense, is wasting his vote. Of course, either voter is free to change his party or district of residence, but to say that is rather like telling the underrepresented urban voter that he is free to move to the country.

IV

The last stage in the British apportionment process is rather more laden with political implication than the Commission activity thus far described. That stage is the submission by the Commissions of their final recommendations to the Cabinet and the presentation of those recommendations by the Home Secretary to the House for debate and ratification. On the basis of only two general reviews thus far and a series of largely innocuous interim changes, the precise role of the Home Secretary, the Cabinet, and the House is a bit uncertain. In particular, matters are confused by the fact that this final stage went rather differently in 1955 than in 1948. In the first review, the Attlee government was obviously badly disconcerted by the initial Commission recommendations, including the proposed elimination of a large number of seats in gutted urban areas.

While Parliament was actually debating the recommendations, the Goverment requested the English Commission to add 17 more borough or urban seats to the electoral map. If in their hearts a good many Laborites of the day felt that the initial Commission recommendations hurt their party unfairly, the Tory Party understandably charged that this Attlee maneuver was sheer gerrymandering. Although the justice of that accusation remains debatable, a good many dispassionate observers have criticized the patchwork effect which resulted from the particular way in which the Government handled the addition of seats. Had the English Commission known all along that it had 17 extra seats to work with, the final electoral map would probably have been something different than it in fact proved to be when the Commission had to squeeze the extra seats into a map already designed for a smaller number.

In a sense, the Tories were as cavalier in handling the second review as the Laborites were in 1948. For if the Tories themselves accepted the complete Commission recommendations in 1954–55, they also forced those recommendations through Parliament without yielding to a single objection—indeed, without even answering many objections. Although the second review later proved to have only a negligible effect on party fortunes, this time it was the Laborites who raised the cry of gerrymandering, along with the complaint that the recommendations could hardly be so perfect as to be beyond improvement. But whatever their actual motive at the time, the rationale since offered by most Tories for their 1955 stand makes more than a little sense. That is the argument that to start picking and choosing, changing a boundary here or there, and correcting alleged injustices would open a Pandora's box of endless bickering and modification of the work of the Commissions.

Although Labor's hard feelings in 1955 surely ran just as deep as those of the Tories in 1948, it is probably the Tory precedent of 1955 which will set the pattern in the future. Of course, if a commission in the future were to pull a complete blooper such as misreading or misplacing a local boundary, undoubtedly a correction by the Home Secretary or Parliament would follow. Or if a continuing partisan bias were again to appear in the electoral map—and it would probably have to be at least as serious as in the 1950's—some direct parliamentary action might result. But aside from such special circumstances, it is quite doubtful that either the Cabinet or Parliament should or will exercise the discretion to challenge commission recommendations. Minor changes can indeed lead easily to major ones and to partisan bitterness. And the entire raison d'être of the quasi-judicial commission system would really be undercut were the Cabinet and Parliament to rework the proposals for every periodic redistribution.

To predict that the raison d'être will be respected implies, of course, that the major British parties consider the commission system to have been generally successful. And that, I think, is a fair conclusion. One does hear some occasional distrustful grumbling from older Laborite wheelhorses about what Chuter Ede described to me as the "ruling class" attitude of the civil servants who man the commissions. If that distrust is surely anachronistic, the 20-year evolution of the commission system in Britain has nevertheless involved some delicate problems in establishing apportionment criteria and in insulating apportionment from partisan politics. And it would be fatuous to assume that no new problems can arise in the future. But at present the basic pattern of apportionment is really not an issue. Without meaning to commend that particular pattern to America, one can still hope that the apportionment problem in this country will some day be solved with the same measure of consensus with which it has been in Britain.

SENATOR RICHARD B. RUSSELL'S SOUND APPRAISAL OF U.S. POLICIES IN SOUTHEAST ASIA

Mr. GRUENING. Mr. President, last Sunday, August 1, our able and distinguished colleague, RICHARD B. RUSSELL, second in seniority in Senate membership and chairman of the Senate Armed Services Committee, was interviewed on "Face the Nation" on the subject of "U.S. Policies in Southeast Asia."

I find myself in hearty accord with almost all the comments that Senator RUSSELL made. They are realistic and place our engagement there in needed focus. I differ only with him slightly in the comment that "we were invited in," meaning that the United States was invited into Vietnam. This, of course, is the basis on which the entire administration case for our steadily escalated military activities rests. Actually, the letter of President Eisenhower to President Diem—President of the Council of Ministers—on October 23, 1954, is a highly tentative, exploratory offer of limited assistance, and was tendered on condition that certain reforms be made by Diem's government. The reforms were not made, and nothing in this one offer to explore ways of helping South Vietnam to acquire stability and help it to resist aggression committed the United States to use our Armed Forces in combat in behalf of the Government and people of South Vietnam. Actually, the suggestion of this conference came as much from the Eisenhower administration as it came from Diem, who was our appointee and creature, having been brought to Saigon from a monastery in the United States where he had spent several years.

Let us note some of Senator RUSSELL's penetrating comments:

> The situation in Vietnam presents the most frustrating problem that has ever confronted the American people.
>
> We have made every conceivable blunder.

Our greatest mistake there has been in overemphasizing the military and not putting sufficient emphasis on the civilian side.

No cause can ever win that has not got a champion that the people can admire.

I think that it would be highly likely that they would vote in a plebiscite to place themselves under Ho Chi Minh rather than any one of those that are in control there now. How many people do you suppose know the present leader in South Vietnam, General Ky? He was there the last I heard of, 2 or 3 days ago. And I do not suppose they have had any coup since that time. But very few people know him. And very few people have any desire to die for him.

I have never been able to understand the attitude of those who are demanding an all-out war against Communists 10,000 miles away, when we have a terrible logistics problem in supplying our people, not only supplying them, but getting them there and bringing them back when they are wounded.

I do not think it (Vietnam) has any value strategically. * * * We do not have to have South Vietnam to hold back the hordes of communism.

I am fairly familiar with the domino theory that if South Vietnam falls that all the others fall. I do not think that that is necessarily true.

But one of the main things I am apprehensive about is the fact that they (the South Vietnamese) will dump an undue proportion of this war on us. The Vietnamese still have a great many soldiers there. We have spent billions of dollars supplying them. We are spending between \$2½ and \$3 million a day there now. We are even paying officials of their government. And I have been very much concerned lest they drop out of the fight and leave us there. In that event, I think we would be justified in leaving it, I would be frank to say that, if the Vietnamese do not carry on the war.

It will be a highly expensive war.

I would estimate that if we continue to increase forces there, it could easily reach \$10 or \$12 billion.

I ask unanimous consent that the full text of Senator RUSSELL's important remarks be printed in full herewith.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FACE THE NATION

(Broadcast over the CBS Television Network and the CBS Radio Network, Sunday, August 1, 1965)

Guest: The Honorable RICHARD B. RUSSELL, U.S. Senate, Democrat, of Georgia.

News correspondents: Martin Agronsky, CBS News; John L. Steele, Time magazine; Neil Strawser, CBS News.

Producers: Prentiss Childs and Ellen Wadley.

Director: Robert Vitarelli.

Mr. AGRONSKY. Senator RUSSELL, do you think what the President's decision on Vietnam policy that he announced last week went far enough or too far?

Senator RUSSELL. Well, I think they were about right for the conditions as we find them today. Of course, the situation in Vietnam presents the most frustrating problem that has ever confronted the American people. And the question of how many men he should send, how many men he should call up, is one of judgment. I think that is about as many as we can send and support over there at this time. And we are going to have to put a great many ships out of mothballs and put them back into use on the seas if we support many more men than those that he has already tagged for service in Vietnam.

ANNOUNCER. Live from CBS, Washington, "Face the Nation," a spontaneous and unrehearsed news interview with Senator RICHARD B. RUSSELL, Democrat, of Georgia, chairman of the Senate Armed Services Committee.

Senator RUSSELL will be questioned by CBS News Correspondent Neil Strawser, John L. Steele, Washington Bureau Chief, Time-Life News Service, and CBS News Correspondent Martin Agronsky.

We shall resume the questioning of Senator RUSSELL in just a moment.

Mr. STRAWSER. Senator RUSSELL, you said a week ago that the United States has made every conceivable blunder from a military standpoint in the Vietnamese war. Do you still feel that way, sir?

Senator RUSSELL. I think we have made a great many blunders, but I didn't say exactly that. I said we have made every conceivable blunder. And by that I went back to the time that the fighting started over there 20 years ago. We have made our fair share of them, but I think that the French and their strawman Bao Dai, and even Diem, and this long succession of rapidly moving procession of successors of Diem have all made mistakes. Our greatest mistake there has been in overemphasizing the military and not putting sufficient emphasis on the civilian side.

The people there don't have much sense of nationalism to start with. And no cause can ever win that hasn't got a champion that the people admire. Whenever the people go to calling their leader "Uncle" you had better look out, Uncle Ho, Uncle Mao Tse-tung, and all these others all through history. When they have a man in whom they have implicit confidence, you are dealing with a very dangerous enemy.

Mr. STRAWSER. Do you feel, Senator RUSSELL, that they have more confidence then, in the opposition, in the Vietcong, the majority of the people in South Vietnam, than they. do in their Government? Is that——

Senator RUSSELL. I am frank to say that while my experience over there has been limited to hours and not days, that I think that it would be highly likely that they would vote in a plebiscite to place themselves under Ho Chi Minh rather than any one of those that are in control there now. How many people do you suppose know the present leader in South Vietnam, General Ky? He was there the last I heard of, 2 or 3 days ago. And I don't suppose they have had any coup since that time. But very few people know him. And very few people have any desire to die for him. And very few people know whether or not he would give them any fair form of government if he were permanently installed as leader and peace were restored.

One of the vital things there is getting a stable civil government and unless we get that basis, the war can run on there interminably.

Mr. STEELE. Senator, if I understood you correctly, you feel that if the people voted today they would vote Communist. Now, if that is the case, and if there is evidence in that direction, why are we there at all, and why do we increase our commitment?

Senator RUSSELL. Well, we are there because we were invited in. There is no need of thrashing old straw. I was one of those who didn't think we should go in there. I have never been able to understand the attitude of those who are demanding an all-out war against Communists 10,000 miles away, when we have a terrible logistics problem in supplying our people, not only supplying them, but getting them there and bringing them back when they are wounded. Yet they look with complete indifference on the construction of a great Communist bulwark or fortress 90 miles off our shore in Cuba. I can't reconcile that. But many people evidently don't have any trouble in making a great deal of difference. We are there because the government invited them in there, and no plebiscite has been held. So we don't know.

Mr. STEELE. Senator, you are one of the Senate's experts on military affairs.

Senator RUSSELL. Thank you, sir.

Mr. STEELE. And I want to ask you in that connection whether there wouldn't—whether the loss of Vietnam would be a very rude and very great strategic blow for us perhaps cost us further in the southwest Pacific and southwest Asia.

Senator RUSSELL. I think that as of today that the loss of South Vietnam would very largely—would be a worse blow to our world prestige and to our reputation for keeping our word under all conditions than it would be from either a strategic or a tactical or an economic standpoint. I don't think it [Vietnam] has any value strategically. And if we can depend on our missiles to defend us from here, why we don't have to have South Vietnam to hold back the hordes of communism.

I am fairly familiar with the domino theory that if South Vietnam falls that all the others fall. I don't think that that is necessarily true. I don't agree with that completely.

But I think that our chief stake today is that South Vietnam is to show the world that when the United States pledges its honor and its word in any written document to carry out any treaty or agreement, even if we are mistaken in signing it, that we will do it. Because if our word isn't good in South Vietnam it isn't good anywhere else around the world, and our position in world leadership will topple.

Mr. STRAWSER. Since you take that view, Senator, are we now in the right course, are we doing enough to win the war and protect our prestige and word in South Vietnam?

Senator RUSSELL. No, I don't think we have done enough up to now to win the war. But one of the main things I am apprehensive about is the fact that they [the South Vietnamese] will dump an undue proportion of this war on us. The Vietnamese still have a great many soldiers there. We have spent billions of dollars supplying them. We are spending between \$2½ and \$3 million a day there now. We are even paying officials of their government. And I have been very much concerned lest they drop out of the fight and leave us there. In that event I think we would be justified in leaving it, I would be frank to say that, if the Vietnamese don't carry on the war.

Mr. STRAWSER. You first of all want a greater political effort inside Vietnam?

Senator RUSSELL. Absolutely. I think we have overlooked the fact that a stable government in South Vietnam is vital to military success in South Vietnam.

Mr. STRAWSER. Is Ambassador Lodge the man to do that?

Senator RUSSELL. Well I have a great admiration for Ambassador Lodge. And my personal relations with him have been wonderful. He was a member of the committee that I took out of here in 1943, the only congressional committee that left Washington. Personally I would not have selected him to go in there, because I think that we reopened some old wounds between the two factions that had clashed about the elimination of Diem as the leader of the Vietnamese people. I would have put him in a position of great trust and responsibility, but I would not have sent him back to South Vietnam.

Mr. AGRONSKY. Senator RUSSELL, your relationship with President Johnson has been very long and very close.

Senator RUSSELL. But he doesn't always take my advice.

Mr. AGRONSKY. That is the point I want to come to. Senator, you have made all these points to the President that you are making to us now. What is the President's reaction when you raise this point about the lack of political effort and your feeling that we don't do enough?

Senator Russell. I doubt the propriety of my getting into my private conversations with the President. I never have done it, I don't do it on the floor of the Senate, and I hardly think I should on this program.

Mr. Agronsky. Let me rephrase it, sir. Let's not address it to the President. What could we do that we are not doing, and have you proposed this to the administration?

Senator Russell. I think we are putting more emphasis now on the stability of the South Vietnamese Government. You know, General Taylor got in trouble there because he talked like a Dutch uncle to all of these young generals that were running these coups, about one every 2 weeks, over there. I think it had a good effect. He was criticized in many quarters for what he did. I think he did exactly the proper thing. And I don't know—we have over there Mr. Alexis Johnson, who is a man of vast experience in this field. We have some of our best people, supposedly our best people, in the field of diplomacy, as well as in administering the aid program. But I still don't think that we have done enough. I think that we could do more. As to the details of that, I am not familiar enough with the problem. I haven't lived with it over there. But I would like very much to have General Taylor make a full report to the President with all his suggestions as to what can be done to stabilize the civilian government. I have great confidence in General Taylor. I know it is very popular to sniff at military men, but General Taylor is a remarkable man. He is not only a great soldier, he is a great scholar, and I think a statesman.

Mr. Strawser. Senator Russell, on the military side, are you one of the reasons why President Johnson did not decide to take steps that would have forced him to go to Congress such as calling up Reserves and extending enlistments as has been so reported?

Senator Russell. I don't know whether that was one of the reasons or not. I couldn't answer that question categorically. I don't know.

Mr. Strawser. Did you oppose that?

Senator Russell. No; I didn't oppose it. I did say that I thought we should fill the ranks by other means. I think we should maintain our military forces in this country, on this continent, at the same strength they were before we started sending the troops to Vietnam. We cannot afford to be caught in a situation elsewhere such as Vietnam or the Dominican Republic with fewer soldiers than we have at the present time. The question of how you would raise them is an important one. It is my own view that it is better to get men who have seen no service and train them as rapidly as possible, because I am a great believer in distributing the responsibility for defending this country around as widely as possible. We have seen where people have fought in two or three wars or four wars, whereas a man who was in the same high school class with that man never fought in any war. And I therefore believe that the replacements should come as largely as possible from those who have seen no military service and who have made no contribution to this country's security.

Mr. Steele. Senator Russell, you also sit on the Senate Appropriations Committee—you are chairman of it. What do you think that this heightened effort in Vietnam is going to mean in terms of money, how much is it going to cost?

Senator Russell. Well, it would be a sheer guess, Mr. Steele, but it is going to cost a great deal of money——

Mr. Steele. Well, in——

Senator Russell. Because we are 10,000 miles away from there and the mere question of keeping those men supplied and supplying the Vietnamese which we tried to keep as a matter of separate bookkeeping up until now—is going to run into fantastic figures. It is one of the most—it will be a highly expensive war.

Mr. Steele. Can you give us a boxcar guess?

Senator Russell. Oh, I don't know just how many men we will send over there. But I would estimate that if this condition runs through next year and we continue to increase forces there, it could easily reach $10 or $12 billion.

Mr. Strawser. Does that mean an additional spending of $10 or $12 billion on the military side—would that mean that Congress would have to cut and go lightly on the Great Society programs such as education, health——

Senator Russell. Well, I would hope we would have the wisdom to do it. I think the security of the country comes first but I don't know. Apparently at the present time we are carrying on both programs simultaneously.

Mr. Agronsky. The President——

Senator Russell. You know every time you read in the paper about, say, we lost two planes or we lost three planes—that is a great deal of difference now when you lose a plane and what is was in World War II. We have very few planes that cost less than $2 million each and many of them, with all of their electronic equipment, cost nearer $3 million. And I am not talking about the large bombers now, I am talking about the fighter bombers.

Mr. Agronsky. Senator, you have indicated that we may have to anticipate spending $10 to $12 billion more as a supplemental defense appropriation just for the Vietnam war—what would you, what guess would you make on how many more men we would have to put into the area? Now there have been all sorts of guesses. The President now brings us up to 120,000 on the spot there. The talk in Washington, as you know, is that it will go up to a quarter of a million perhaps before the year is out. Would it go to that in your opinion, would it go beyond that?

Senator Russell. There are so many imponderables, Mr. Agronsky, it is almost impossible to answer that question. I have heard all of this talk and I know of course that we have plans for various numbers to go under various conditions. And my off-the-cuff guess—and I am probably foolish for making it—was based on the fact that our effort in South Vietnam would escalate and would increase. I use that word "escalate"——

Mr. Agronsky. Yes.

Senator Russell. It has been very popular here of late. But it would increase very greatly during 1966. If it doesn't it won't cost that much. If our efforts are no greater than the 125,000 the President is talking about now—it won't cost anything like that much.

Mr. Steele. Would it need many more men to really win the war there, even giving a good effort from the South Vietnamese?

Senator Russell. Well, it will require a great many more men. I have not been entirely happy with this general acceptance of a figure of 10 to 1, as a requirement to win a war of this kind, 10 men on our side to 1 of the enemy. I think that that shows that we have failed in our training of our special service forces if that is true. Because if they are properly trained and have the proper proportion of the Vietnamese who know the country with them, something like the team idea we employed in Korea—I think we ought to do it with much fewer men than that. If it requires 10 to 1, it is going to take an awful lot of American boys over there to settle it. And I realize now if you just pick up—I say to mobilize the Pennsylvania and New York National Guard Divisions, as you read in the press that they might do. It will take a great many of those boys to get out there in the jungle and find one of those Vietcong and you would lose a great many of them in the process. But if we train our men to the nth degree in this special type of guerrilla fighting, I don't know any reason why our soldiers shouldn't equal those there.

Mr. Agronsky. You are satisfied with the training, do you feel that Defense Secretary McNamara's economic program—economy program has created serious shortages in the defense program and has——

Senator Russell. I am an admirer of——

Mr. Agronsky. Damaged our military——

Senator Russell. Secretary McNamara. He has more vitality and more drive and more energy than any man I know and a great deal of ability.

Mr. Agronsky. Well, is it directed in the right direction?

Senator Russell. Now I do want to say that I am not at all happy about the status of some of our Regular Army Forces. I don't think that all of them have all the equipment that they need.

Mr. Agronsky. How does he respond to criticism like this, Senator?

Senator Russell. Well, he thinks they have.

Mr. Steele. Senator, where are they short? This is very interesting to me because you have watched this a long time——

Senator Russell. I don't think I should get into the details of that. It is not in rifles and it is——

Mr. Steele. Is it in essential equipment or is it in ponchos?

Senator Russell. It is in equipment that is very important to modern warfare, some of it.

Mr. Steele. Well, you head two of the most important committees in the Senate. What are you doing about this? Are you going to investigate it and try to see that the shortages are rectified or what?

Senator Russell. We are trying to keep up with it now—we are trying to keep up with it now. We have a great deal of information on it and Secretary McNamara—I will say this, he is—he has done a great job. When he first came in he did a tremendous job in improving the equipment of these ground forces. Because we were not prepared to fight a conventional war at that time and we are now prepared. But we still don't have all of the detailed equipment that we need.

Now this is the richest and greatest country on earth and we haven't any excuse on earth for sending any son of American parents out to do battle in this day of weapons of tremendous destructive force unless he has everything on earth he can possibly need to—by the way of materiel and equipment—to fight a battle.

Mr. Steele. Are these shortages in guns or bullets or are they in less essential things?

Senator Russell. No. Well, in rifles in ammunition of that type—no, there is no shortage there. We have more of those than we need.

Mr. Agronsky. Senator, I feel with Mr. Steele that this is a matter of enormous national interest and we would like to continue it with you in a moment. But there are many more things, too, that we would like to ask you and we will resume the questioning in a moment, sir.

* * * * *

Mr. Agronsky. Senator Russell, to resume the line of questioning, your enormous experience in this area in the Senate Armed Services Committee, certainly entitles you to make a very responsible criticism of our situation in Vietnam and the training and material that is available to our troops. Could you clarify that a bit more, specify a bit more what concerns you about our position there?

Senator Russell. Well, I want to make it perfectly clear that the U.S. Army today is equipped better than any other army on earth. There is no doubt about that. It has the finest equipment, it has the best equipment, it has the most equipment per man of any army on earth. And our divisions that are stationed in Germany have practically everything that they ever asked for.

Some of the divisions—and particularly our Reserve Forces in this country—do not have all of the equipment that is supposed to go with a division. It is not rifles, it is not cartridges, it is not machineguns—but they don't have, for example, some of these divisions—and particularly Reserve divisions—do not have sufficient mobile equipment, trucks and things of that kind. And that is what I had in mind. I didn't mean to leave any impression that the Army is deficient in fighting a war because they have got the best equipment and the most equipment of any army in the world today.

But I just would like to see them have everything that goes with the table of organization of an Army division or an Army regiment or brigade or whatever entity you are dealing with.

Mr. Strawser. Senator, can we carry it just to one more point? Could you clarify this, the implication of what you said was that we should have all the weapons necessary which carries us, of course, to atomic weapons and to tactical weapons. Do you or do you not have that in mind?

Senator Russell. No; I do not. We have got them running out of our ears. That is one area where there is no shortage. We have got plenty of atomic weapons, but I think everyone knows that we are not going to fire the first atomic weapons unless it is in a moment of very great desperation, and the lives of thousands of American citizens are involved. We have plenty of atomic weapons, and I think we have the—the regular forces have plenty of conventional weapons.

Mr. Agronsky. You feel you express the consensus of the Congress, sir, when you indicate that President Johnson's decision to keep this a conventional war, what we call a conventional war, today is the right one?

Senator Russell. Well, of course, we can't afford to use nuclear weapons in Asia at this time. And with our world image and our position of leadership puts us at a terrible disadvantage in using atomic weapons. We almost have to save them until we retaliate against an atomic attack.

Mr. Strawser. Senator Russell, in the very few seconds remaining to us, the voting rights bill, the compromise comes back to the Senate floor this week. You weren't here for the debate; do you plan any last-ditch stand now?

Senator Russell. I have not consulted with those who opposed the bill in the long days of debate in the Senate. They were finally gagged in that debate; it is very evident that the votes are present in the Senate to enforce a gag rule at the present time. There has been so much feeling generated throughout the country due largely to the acts of a few individuals that I doubt very much that any prolonged discussion would avail.

Mr. Agronsky. John, I would like to ask many more questions, as you do. It has been so interesting, but I am awfully sorry that time is up, and thank you, Senator Russell, for being with us here on "Face the Nation." A concluding word in a moment.

Senator Russell. Thank you.

ADJOURNMENT UNTIL TUESDAY NEXT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, under the previous order, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 12 o'clock and 59 minutes p.m.) the Senate adjourned, under the previous order, until Tuesday, August 10, 1965, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 1965:

Department of the Air Force

Harold Brown, of California, to be Secretary of the Air Force.

Norman S. Paul, of the District of Columbia, to be Under Secretary of the Air Force.

Department of Defense

Thomas D. Morris, of Maryland, to be an Assistant Secretary of Defense.

U.S. Air Force

To be lieutenant general

Maj. Gen. Glen W. Martin, 1955A, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10, of the United States Code.

U.S. Army

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Robert Jefferson Wood, O18064, Army of the United States (major general, U.S. Army).

U.S. Navy

To be vice admiral

Rear Adm. Waldemar F. A. Wendt, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

The following-named officers of the Navy for permanent promotion of the grade indicated:

LINE

To be rear admirals

John K. Leydon.

CHAPLAIN CORPS

Henry J. Rotrige.

DENTAL CORPS

Maurice E. Simpson.

U.S. Marine Corps

The following-named officers of the Marine Corps for temporary appointment to the grade indicated, subject to qualification therefor as provided by law:

To be major generals

Wood B. Kyle.
Joseph O. Butcher.
Norman J. Anderson.
Keith B. McCutcheon.

District of Columbia Courts

Aubrey E. Robinson, Jr., of the District of Columbia, to be associate judge of the juvenile court of the District of Columbia for the term of 10 years.

Harold H. Greene, of Maryland, to be associate judge of the District of Columbia court of general sessions for the term of 10 years.

In the Navy and Marine Corps

The nominations beginning Joseph F. Clare to be ensign in the Navy, and ending Thomas S. Hubbell to be first lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 1965.

HOUSE OF REPRESENTATIVES

Monday, August 9, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with these words of Scripture: Psalm 72: 19:

Blessed be His glorious name forever, and let the whole earth be filled with His glory.

Almighty God, open our eyes that we may see Thee as the light shining through all mystery, the love glowing in our fellowships, the laborer toiling with us for that higher good which we constantly aspire to and have not yet attained.

Lead us in our halting and stumbling efforts to reach that which is noble and good and lift us out of our doubts and fears which cause us to stand in weakness into that faith and courage which enable us to walk in strength and power.

Quicken our spirit into newness of life and may the seeds of aspiration bud and bloom into new achievement and may all that is good within us praise and glorify Thee.

In Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, August 5, 1965, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 4346. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies;

H.R. 4714. An act to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein; and

H. Con. Res. 100. Concurrent resolution expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. Res. 7765. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hill, Mr. Stennis, Mr. Pastore, Mr. Bible, Mr. Byrd of West Virginia, Mr. Cotton, and Mrs. Smith to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 561. An act to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes;

S. 944. An act to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes; and

S. 1559. An act to amend the Federal Reserve Act in order to enable the Federal Reserve banks to extend credit to member banks and others in accordance with current economic conditions, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7997) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to Senate amendment No. 77 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 24) entitled "An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes."

The message also announced that the Vice President, pursuant to Public Law 170, 74th Congress, had appointed the following Members on the part of the Senate to the 54th Interparliamentary Union Conference to be held in Ottawa, Ontario, September 9 to 17, 1965: Mr. TALMADGE, chairman, Mr. ROBERTSON, Mr. MCNAMARA, Mr. JORDAN of North Carolina, Mr. YOUNG of Ohio, Mr. MUSKIE, alternate, Mr. ALLOTT, Mr. SCOTT, Mr. COOPER, Mr. SIMPSON, and Mr. THURMOND.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1966

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 8370 with Senate amendments, disagree to the amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. WHITTEN, NATCHER, HULL, MORRIS, MAHON, MICHEL, LANGEN, and BOW.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 226]

Adams
Andrews, N. Dak.
Ashley
Bandstra
Bonner
Brademas
Brock
Brown, Ohio
Cahill
Carter
Cederberg
Celler
Clausen, Don H.
Colmer
Conyers
Corbett
Corman
Cramer
Curtis
Devine
Diggs
Ellsworth
Erlenborn
Evins, Tenn.
Farnsley
Farnum
Fino
Fogarty
Foley
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gilligan
Goodell
Griffin
Halpern
Hardy
Harris
Harvey, Ind.
Hawkins
Hicks
Holland
Hosmer
Hull
Huot
Ichord
Irwin
Jarman
Jennings
Jones, Mo.
Keith
Keogh
King, N.Y.
Kluczynski
Kornegay
Krebs
Laird
Lindsay
Long, Md.
McCarthy
McCulloch
McDowell
Macdonald
MacGregor
Mackay
Martin, Ala.
Martin, Mass.
Mathias
May
Meeds
Michel
Moeller
Moore
Moorhead
Morrison
Morton
Moss
Murphy, N.Y.
Nix
O'Neill, Mass.
Passman
Pelly
Pepper
Pirnie
Pool
Powell
Quie
Resnick
Rivers, Alaska
Robison
Rogers, Fla.
Rogers, Tex.
Roncalio
Roosevelt
Rostenkowski
Roybal
Ryan
St Germain
Saylor
Schmidhauser
Senner
Shipley
Smith, Iowa
Smith, N.Y.
Springer
Stalbaum
Sweeney
Thomas
Thompson, N.J.
Toll
Tuck
Van Deerlin
Vivian
Weltner
Widnall
Wilson, Charles H.
Yates

The SPEAKER. On this rollcall, 313 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MILITARY CONSTRUCTION, DEPARTMENT OF DEFENSE, FISCAL YEAR ENDING JUNE 30, 1966

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 504, and ask for its present consideration.

The Clerk read the resolution, as follows:

Resolved, That during the consideration of the bill (H.R. 10323) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes, all points of order against the bill are hereby waived.

The SPEAKER. The gentleman from Virginia [Mr. SMITH] is recognized for 1 hour.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. GROSS. Would the gentleman state why waiving points of order is necessary?

Mr. SMITH of Virginia. I have not had the opportunity to do so yet. I have just been recognized.

Mr. Speaker, this resolution is necessary to alleviate a situation that is somewhat unusual but it is very simple.

The House and Senate passed the military construction bill. It has been sent to the President for his signature. It has not as yet been signed by the President and, therefore, it is not law and it is not lawful to pass the appropriation bill unless there is a waiver of points of order. It is expected that the appropriation bill will be taken up on the floor tomorrow and it is the desire of the Committee on Appropriations that the points of order may be waived, which involves as I understand it only this question—that the President just has not gotten around to signing the bill. Does that explain it to my friend's satisfaction?

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. GROSS. Would this mean that additional money can be added to this bill, by the request from the White House for additional money?

Mr. SMITH of Virginia. No. This is no request from the White House at all. I knew nothing about it and it first came to me from the Committee on Appropriations because of this situation which I hope I have described to the satisfaction of the Members of the House.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. JONAS. Mr. Speaker, will the rule waiving points of order apply only to the fact that the authorizing legislation has not become law or does it waive all points of order?

Mr. SMITH of Virginia. I am not aware of any points of order that could be raised against the bill itself. This is to take care of the situation I have described, but it does not specify anything except that points of order are waived.

Mr. JONAS. Referring to section 103, I think the Members of the House should be aware of the fact that section 103 might be subject to a point of order. I would like to ask the gentleman from Florida if he will turn to this section so that we can discuss it just a bit before the rule is adopted. That section would require certification by the Secretary of Defense—and one or two other general provisions that might be subject to points of order. I think the Members of the House should be made aware of that and that it should be made clear that the committee does not intend to include any new legislation in the appropriation bill.

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentleman from Florida [Mr. SIKES], a member of the committee.

Mr. SIKES. Mr. Speaker, may I state to my distinguished friend that there is no new legislation in this bill. Each section in the general provisions has been approved by the Congress in previous legislation. The items which would be subject to a point of order are the line items for new military construction.

Again let me say that the only reason a rule is being requested is that the authorization bill which has been approved by both branches of Congress has not been signed by the President. There is no new legislation in here, and everything in the general provisions was in previous measures.

Mr. JONAS. Mr. Speaker, will the gentleman from Virginia yield?

Mr. SMITH of Virginia. I yield to the gentleman from North Carolina.

Mr. JONAS. I am delighted to have the distinguished chairman of the subcommittee make that point clear and also make it clear to the membership that general provisions in the bill are similar to provisions which have previously been approved by Congress. It is not the intention of the subcommittee or of the Committee on Appropriations to propose new legislation in this bill.

Mr. SMITH of Virginia. That is my understanding of the situation. I thank the gentleman.

Mr. Speaker, I now yield such time as he may consume to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I learned of this situation only this morning. I have been informed that the authorization legislation has not been signed. In order to consider the appropriation bill tomorrow this special rule is necessary.

I am not familiar with whether or not any points of order could be lodged against the bill, other than this particular point of order.

It would be my personal suggestion that we could add language at the end of the resolution stating, "so far as the authorization legislation not having been signed into law is concerned." I believe that is what we are trying to do.

I ask the gentleman from Florida and the gentleman from Virginia if that particular language would accomplish what we want, and whether they would accept an amendment in that regard. That is what we are trying to do, is it not?

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Florida.

Mr. SIKES. I can see no useful purpose that such language would accomplish.

Again let me point out that we are here because the authorizing legislation has not been signed into law. There is no new legislation in this bill. Everything in this bill in the general provisions has been enacted into law by previous Congresses. It is a repetition of legislation which is already on the statute books.

I see no reason for a limitation of the rule, as proposed. We are here because we are trying to expedite the work of the House.

It is almost mid-August. We have been ready to bring this bill to the floor for 2 months, but there has not been authorizing legislation. If we are going to finish our work at a reasonable time in September, as proposed, then we have to get this bill to the other body. We are ready to go to the floor. We are not proposing any new legislation. I would hope that we could have a simple rule waiving points of order. There is no new legislation in the bill.

Mr. SMITH of California. I say to the gentleman, I commend him for his approach. I agree entirely, and I want to do everything I can to bring the bill to the floor tomorrow so that we can consider it. I was merely trying to tie it down to what was my understanding of what the Rules Committee was being asked to do as to waiving points of order.

If everybody is satisfied that there are no other points of order, it is not my will to push it further. It was merely a suggestion to do what we have been asked to do.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. With respect to this business of expediting the work of the House of Representatives, we can all agree that it ought to be expedited. However, I wonder when somebody is going to break the logjam on the foreign aid authorization bill. Are we going to be confronted with another resolution from the Rules Committee asking that all points of order be waived, in dealing with that legislation?

And what about the farm bill? According to stories appearing in the newspapers, there was a lot of trafficking going on around here by way of trading on the farm bill for repeal of 14b. I am wondering, if we are truly interested in expediting the business of the House, why the farm bill is not up here? Is there some more trafficking going on with respect to votes?

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from South Carolina [Mr. McMILLAN] chairman of the Committee on the District of Columbia.

RELIEVE PHYSICIANS OF LIABILITY

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 5597) to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia and ask for its immediate consideration.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no physican licensed to practice medicine in the District of Columbia or in any State shall be liable in civil damages for his act or omission, not constituting gross negligence, which occurs outside a hospital in the course of his rendering (in good faith and without compensation) medical care or assistance at the scene of an accident in the District of Columbia.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That no physician licensed to practice medicine in the District of Columbia or in any State shall be liable in civil damages for his act or omission, not constituting gross negligence, in the course of his rendering (in good faith and without expectation of receiving or intending to seek compensation) medical care or assistance at the scene of an accident or other medical emergency in the District of Columbia and outside a hospital."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PURPOSE OF THE BILL

Mr. McMILLAN. Mr. Speaker, the purpose of H.R. 5597, as amended, is to relieve physicians from liability for civil damages for any act of omission, not constituting gross negligence, upon the occasion of their rendering free and voluntary medical treatment at the scene of an accident or other medical emergency outside of a hospital, in the District of Columbia. For the purpose of this bill, the term "physician" includes all persons licensed to practice medicine in the District of Columbia, including doctors of osteopathy.

BACKGROUND

Good Samaritan laws such as this are designed to assure a physician immunity from liability when he renders emergency medical care in good faith, and without expectation of or desire for compensation, at the scene of an accident or any medical emergency occurring in a public place.

Your committee is advised that such laws have been enacted in 32 States, as follows: Alaska, Arkansas, California, Connecticut, Delaware, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, Wyoming.

Physicians today have become increasingly conscious of the danger of lawsuits against them alleging malpractice. This awareness of being made a party to a lawsuit undoubtedly stems from an increasing number of such litigations, and this fear of litigation has become a very real one for the physician in his daily practice. Prior to the enactment of the first good Samaritan law in California in 1959, for example, it was widely known and appreciated that few California physicians were willing to expose themselves to a possible suit for malpractice as a consequence of stopping to lend assistance at the scene of an accident.

A Massachusetts physician, Dr. Robert S. Thrope, of Hyannis, was threatened with a possible charge of homicide as a result of attempting to save the life of an accident victim in the Virgin Islands a few years ago. A letter in the Chicago Sun-Times on December 4, 1962, from another physician stated:

> I am a doctor who spent the better part of a night saving the lives of four drunks who were involved in a serious auto accident. My thanks came 3 weeks later when their attorneys charged me with "neglect."

In the normal physician-patient relationship, when a physician treats his patient in his office or in a hospital, he has available to him all the necessary facilities and the time to make a thorough and careful approach to treatment. Also, he knows the patient's medical background, allergies, and so forth. Obviously, none of these advantages is present when, because of his happneing to be present at the scene of an accident, or a person's being taken ill in a public place, the physician is called upon to render emergency care to an individual whom he has never seen before. In these situations, lifesaving procedures may be required instantly, and the physician must act promptly and to the best of his ability.

Good Samaritan laws reinforce an ancient principle of common law, to the effect that any act performed in good faith, carried out with reasonable care and for good purposes, shall not be punished. The Hippocratic oath, to which every medical graduate in the United States must subscribe, requires the physician to give assistance to those in need of medical care. The "Principles of Medical Ethics," perhaps the best-known of all guides for professional conduct and obligation, states in section 5:

> A physician may choose whom he will serve. In emergencies, however, he should render service to the best of his ability.

There is no question that physicians, through the instinct and the training of their profession, want to render such Good Samaritan services whenever the occasion may raise. With the general increase in liability claims associated with professional malpractice, however, their reluctance to give assistance which may lead to an unfair suit against them is understandable. In the face of this situation, the District of Columbia Medical Society strongly endorses this proposed legislation.

Moreover, the absence of a Good Samaritan law in any jurisdiction not only leaves the well-meaning, responsible physician who assists in an emergency in danger of a lawsuit, but such a lack also may operate to jeopardize the well-being of the accident victim himself. Thus, another primary and highly beneficial aspect of H.R. 5597 will be to aid the injured or ill person, by making more readily available to him the services of the volunteer physician responding to an emergency call.

Another necessity for this proposed law is the nature of the physician-patient relationship from both ethical and legal viewpoints. This relationship begins when the physician responds to a valid request to render care. In many accident cases, the patient or a lawful representative is unable to initiate the relationship because of unconsciousness, yet it is highly necessary in the interest of life itself that care be undertaken without delay—and without the formality of the relationship. Surely, this urgent need should be accordingly recognized in law.

In a nation where nearly 50,000 persons are killed annually on the highway—some through lack of first aid—it is not difficult to perceive the serious implications of the problem.

Traffic Safety magazine had this to say on the subject in February 1963:

> The two important phases in the treatment of an accident victim are immediate care and definitive care. The responsibility for definitive care is usually assumed by a hospital where specialized assistance and equipment are available. But the most important phase in treatment of the injured is immediate care at the scene of the accident, because very often the end result depends upon initial handling * * *. It is ironic that people trained in medicine are discouraged from offering their services.

The article continued to point out that it was not so much a rash of malpractice suits that brought about the enactment of these laws as it was fear on the part of doctors who were afraid of the total lack of protection in the giving of an act of mercy.

Your committee is informed that the National Safety Council has endorsed Good Samaritan laws, as have State medical associations in a great majority of our States.

Of course, no Good Samaritan law should accord anyone relief from liability for wrongdoing. H.R. 5597, for example, as amended by your committee, specifically excludes from such immunity any act "constituting gross negligence" on the part of a physician.

The legal counsel for the Pennsylvania Medical Society, Hon. John C. Keene, writing in the Pennsylvania Medical Journal in October 1963, arrived at this conclusion with reference to his State's law:

> The Good Samaritan Act represents a significant and necessary modification to the law of medical malpractice in Pennsylvania. It demonstrates a recognition by the general assembly (legislature) of the importance of assuring physicians who are called to give emergency treatment to people they have never seen before, that they will not be subjected to unwarranted liability as a result of their disinterested and charitable services.

It is the belief of your committee that this proposed legislation is in the public interest, as it will assure the residents of and visitors to the District of Columbia that medical assistance will be more readily forthcoming in an hour of need, and that the physician rendering his charitable assistance will be relieved from the threat of unwarranted litigation.

At a public hearing conducted on August 3, 1965, by Subcommittee No. 4, support for this bill was expressed by the District of Columbia Board of Commissioners, the District of Columbia Department of Public Health, and the Medical Legal Committee of the District of Columbia Medical Society.

AMENDMENTS REGARDING CONDEMNATION OF INSANITARY BUILDINGS

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 1778) to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 2 of the Act entitled "An Act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906 (34 Stat. 157; title 5, chapter 6, D.C. Code, 1961 edition), as amended, is amended by striking "same manner as general taxes are collected in the District of Columbia", and inserting in lieu thereof "manner provided in section 7 of this Act".

SEC. 2. (a) Section 7 of said Act, as amended, is amended (1) by striking "in the same manner as general taxes are collected in the District of Columbia", and inserting in lieu thereof "as provided in this section"; and (2) by inserting immediately before the period at the end of said section the following: ": *Provided further,* That the taxes authorized to be levied and collected under this Act may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale".

(b) Any tax levied pursuant to such Act approved May 1, 1906, as amended by the Act approved August 28, 1954, which was levied after the effective date of such Act of August 28, 1954, and prior to the effective date of this section, shall, for the purpose of computing interest thereon, be deemed to have been levied as of the effective date of this section.

SEC. 3. Section 10 of such Act, as amended, is amended to read as follows:

"SEC. 10. (a) Any notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (a) when forwarded to the last known address of the owner as recorded in the real estate assessment records of the District of Columbia by registered or certified mail, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address: *Provided,* That valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not delivered for that reason; or (b) when delivered to the person to be notified; or (c) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (d) if no such residence or place of business can be found in the District of Columbia by reasonable search, then if left when any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or (e) if any such notice forwarded by registered or certified mail be returned for reasons other than refusal, or if personal service of any such notice, as hereinbefore provided, cannot be effected, then if published on three consecutive days in a daily newspaper published in the District of Columbia; or (f) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

"(b) In case such notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail."

With the following committee amendment: Page 4, line 1, strike out "when" and insert in lieu thereof "with".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 5, after line 3, add the following new section:

"SEC. 4. (a) The District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103—5-105 and 5-106—5-116) is amended by adding at the end thereof the following new section:

" 'SEC. 206. Notwithstanding any other provision of this Act or of the United States Housing Act of 1937, the requirement of the fourth sentence of section 10(a) of the United States Housing Act of 1937 shall be deemed satisfied with respect to any housing project within the District of Columbia only if the elimination of unsafe or insanitary dwelling units described therein will be fully accomplished (under the agreement referred to in such sentence) no later than the date of the completion of such project.'

"(b) The amendment made by subsection (a) shall apply only with respect to projects covered by contracts for annual contributions entered into on or after the date of the enactment of this Act."

Mr. McMILLAN. Mr. Speaker, I have discussed this amendment with the minority and some of the majority Members, and we accept this as a committee amendment.

Mr. BENNETT. Mr. Speaker, this amendment would encourage the destruction of slums or encourage bringing them up to at least minimum standards by preventing the continuous occupancy of slums and thus preventing successive waves of requests for new public housing based on their occupancy.

This amendment will stop the present persistent trend of making the District of Columbia disproportionately a public housing area.

The amendment will also save the taxpayers expenditures, that should be incurred instead by the owners of the slums.

The Federal public housing law—section 10(a) of the U.S. Housing Act of 1937—provides that a locality cannot receive Federal assistance under an annual contributions contract in connection with a low-rent public housing project unless the governing body of such locality agrees to eliminate, by demolition, condemnation, or compulsory repair, a number of substandard—unsafe or unsanitary—dwelling units substantially equal to the number of units in the project. The elimination of these substandard units must occur after the project is begun and must be fully accomplished within 5 years after the project is completed. The requirement is in terms of numbers of units only; it is not necessary for the locality to specify the particular units to be eliminated, and it makes no difference how the elimination occurs.

In practice, apparently, most localities have no difficulty meeting this requirement; by the time the 5-year period is over the requisite number of substandard units will generally have disappeared from the community as a result of private action or as an incident of other—unrelated—public activities; and there is seldom a need for the locality to take any special steps at all in order to carry out the elimination agreement.

This proposed amendment modifies this requirement, insofar as it applies to a project located in the District of Columbia, by providing that—under future contracts—the elimination of the requisite number of substandard units must be fully accomplished by the time the project is completed. This amendment, by removing the additional 5-year period presently available for satisfying the requirement, will compel the District authorities to take at least some affirmative action to eliminate substandard units when a public housing project is being built.

The District of Columbia is a small piece of geography; and if something like I have suggested does not take place, it will be only a question of time before most of the occupants of the District, will live either in public housing or in slums.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HARSHA. Mr. Speaker, my design in introducing the bill now under consideration, H.R. 1778, is to assist the government of the District of Columbia by modernizing what currently is an awkwardly ineffectual section of the law dealings with insanitary buildings in our Nation's Capital.

In the public interest of keeping the city rid of filthy and insanitary hovels, current law requires owners of property to keep same up-to-snuff. If the owners refuse or are unable to comply, the District government can condemn the property and on its own volition either order the property demolished or have it repaired to comply with the sanitary standards imposed by the law.

The cost to the government if it has to assume the responsibility for demolition or repair must be assessed against the property collectable at an annual tax sale. At first glance, this would seem a very desirable or simple operation. However, because of several glaring oversights in the law, it rarely works.

Inasmuch current law does not spell out specifically when the assessment shall be paid and, in addition, makes no provision for interest on delinquent payments, the law has proved largely unworkable, bogging down District efforts to clean up the city.

My bill is designed to plug up the several oversights in the law to enable the District government to move forward promptly, legally armed to insure that rickety pestholes and vermin-infested hovels—dangerous to health and safety—are not allowed to develop and flourish in our Nation's Capital.

I urge my colleagues to support this needed measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, the purpose of this bill, which was requested by the District of Columbia Commissioners, is to amend the act of May 1, 1906, as amended by the act of August 28, 1954—Public Law 681, 83d Congress—so as to correct what has proved to be certain administrative deficiencies in the act. The proposed amendments would bring the provisions of the act relating to assessment and collection of taxes into conformity with the provisions for assessment and collection of taxes applicable to special assessments levied for public improvements under the act of July 25, 1935—section 47-1103(b), District of Columbia Code, 1951 edition.

Existing law provides for the repair or the demolition by the District of Columbia of buildings condemned under such law, in the event the owner fails to comply with orders of the Board for the Condemnation of Insanitary Buildings to repair or demolish such buildings. Present law further provides that the costs incurred by the District government in repairing or demolishing any such buildings be assessed as a tax against the property and collected in the same manner as general taxes are collected, the tax assessment being enforced by the sale of the property at an annual tax sale. However, there is no provision for a specific time when the assessment shall be paid, nor does it provide for interest on delinquent payments.

The bill would amend the act of May 1, 1906, as amended, so as to provide that the assessment may be paid without interest within 60 days after the assessment is levied. Interest at the rate of one-half of 1 percent a month or portion of a month would be charged after such 60-day period. The tax would be payable in three equal installments, with interest. If the tax is not paid in full within 2 years after the assessment is levied, the property would be subject to sale at the next ensuing tax sale. The bill also provides that any tax levied after August 28, 1954, shall be deemed to have been levied on the effective date of the bill for the purpose of determining dates of payment and computing interest thereon.

Another deficiency in the existing law is the specified number of methods of giving notice to the owner of the property affected of the proposed action to be taken by the Board. Any notice required by this act to be served shall be deemed to have been served if delivered to the person to be notified or is left at the usual residence of place of business of the person to be notified, with a person of suitable age and discretion, or if no such residence or place of business can be found in the District by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified. If no such office can be found in the District by reasonable search, notice shall be forwarded by registered mail to the last known address of the person to be notified; or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded by registered mail is returned by the post office authorities, then it shall be published on 3 consecutive days in a daily newspaper published in the District of Columbia. These several methods must be followed in chronological order.

The bill amends this section of the act so that any order of precedence is eliminated and permits the use of the respective methods of service of notice without the necessity of first exhausting any other method of accomplishing service. The bill provides that in case such notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

A bill identical to this (S. 994) was passed by the Senate in the 88th Congress. Substantially similar bills were passed by the Senate also in the 86th and 87th Congresses.

In the 88th Congress, your committee reported and the Congress approved H.R. 7441—Public Law 88-486—a bill requested by the District of Columbia Board of Commissioners and containing provisions very similar to those of H.R. 1778, with respect to assessments for dangerous and unsafe buildings, and procedures related thereto.

At a public hearing conducted by Subcommittee No. 2 on August 2, 1965, no opposition to this bill was expressed. Your committee was advised that enactment of this measure will result in no additional costs to the District of Columbia.

LICENSING OF INSURANCE PREMIUM FINANCE COMPANIES

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 8466) to amend the Fire and Casualty Act to provide for the licensing and regulation of insurance premium finance companies in the District of Columbia and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fire and Casualty Act (D.C. Code, secs. 35-1301—35-1350) is amended by adding at the end thereof the following new chapter:

"CHAPTER III—INSURANCE PREMIUM FINANCE COMPANIES

"Sec. 51. Application.—The provisions of this chapter shall not apply with respect to (A) any insurance company licensed to do business in the District, (B) any banking institution, trust, loan, mortgage, safe deposit, or title company, building association, credit union, moneylenders, or common trust fund authorized to do business in the District, (C) the inclusion of a charge for insurance in connection with an installment sale of a motor vehicle made in accordance with the Act of April 22, 1960 (D.C. Code, secs. 40-901—40-910), or (D) the financing of insurance premiums in the District in accordance with the provisions of sections 28-3301 and 28-3302 of the District of Columbia Code relating to rates of interest.

"Sec. 52. Definitions.—For the purposes of this chapter—

"(1) The term 'insurance premium finance company' means a person engaged in the business of entering into insurance premium finance agreements.

"(2) The term 'premium finance agreement' means an agreement by which an insured or prospective insured promises to pay to a premium finance company the amount advanced or to be advanced under the agreement to an insurer or to an insurance agent or broker in payment of premiums on an insurance contract together with a service charge as authorized and limited by this chapter.

"(3) The term 'licensee' means a premium finance company holding a license issued by the Superintendent under this chapter.

"Sec. 53. Licenses.—(a) No person shall engage in the business of financing insurance premiums in the District without first having obtained a license as a premium finance company from the Superintendent. Any person who shall engage in the business of financing insurance premiums in the District without obtaining a license as provided hereunder shall, upon conviction in the District of Columbia Court of General Sessions, be guilty of a misdemeanor and shall be subject to the penalties provided in section 43 of this Act.

"(b) The annual license fee shall be $50. Licenses may be renewed from year to year as of the first day of May of each year upon payment of the fee of $50. The fee for said license shall be paid through the Superintendent to the District of Columbia Treasurer.

"(c) The person to whom the license or the renewal thereof may be issued shall file sworn answers, subject to the penalties of perjury, to such interrogatories as the Superintendent may require. The Superintendent shall have authority, at any time, to require the applicant fully to disclose the identity of all stockholders, partners, officers, and employees and he may, in his discretion, refuse to issue or renew a license in the name of any firm, partnership, or corporation if he is not satisfied that any officer, employee, stockholder, or partner thereof who may materially influence the applicant's conduct meets the standards of this chapter.

"Sec. 54. Action by Superintendent on Application.—(a) Upon the filing of an application and the payment of the license fee the Superintendent shall make an investigation of each applicant and shall issue a license if the applicant is qualified in accordance with this chapter. If the Superintendent does not so find, he shall, within thirty days after he has received such application, at the request of the applicant, give the applicant a full hearing.

"(b) The Superintendent shall issue or renew a license as may be applied for when he is satisfied that the person to be licensed—

"(1) is competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for,

"(2) has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied for, and

"(3) if a corporation, is a corporation incorporated under the laws of the District or a foreign corporation authorized to transact business in the District.

"Sec. 55. Revocation and Suspension of Licenses.—(a) The Superintendent may revoke or suspend the license of any premium finance company when and if after investigation it appears to the Superintendent that—

"(1) any license issued to such company was obtained by fraud,

"(2) there was any misrepresentation in the application for the license,

"(3) the holder of such license has otherwise shown himself untrustworthy or incompetent to act as a premium finance company,

"(4) such company has violated any of the provisions of this chapter, or

"(5) such company has been rebating part of the service charge as allowed and permitted herein to any insurance agent or any employee of an insurance agent or to any other person as an inducement to the financing of any insurance policy with the premium finance company.

"(b) Before the Superintendent shall revoke, suspend, or refuse to renew the license of any premium finance company, he shall give to such person an opportunity to be fully heard and to introduce evidence in his behalf. In lieu of revoking or suspending the license for any of the causes enumerated in this section, after hearing as herein provided, the Superintendent may subject such company to a penalty of not more than $200 for each offense when in his judgment he finds that the public interest would not be harmed by the continued operation of such company. The amount of any such penalty shall be paid by such company through the office of the Superintendent to the District of Columbia Treasurer. At any hearing provided by this section, the Superintendent shall have authority to administer oaths to witnesses. Anyone testifying falsely, after having been administered such oath, shall be subject to the penalty of perjury.

"(c) If the Superintendent refuses to issue or renew any license or if any applicant or licensee is aggrieved by any action of the Superintendent. said applicant or licensee shall have the right to a hearing and court proceeding as provided for in sections 35, 44, and 45 of this Act.

"Sec. 56. Books and Record.—(a) Every licensee shall maintain records of its premium finance transactions and the said records shall be open to examination and investigation by the Superintendent. The Superintendent may at any time require any licensee to bring such records as he may direct to the Superintendent's office for examination.

"(b) Every licensee shall preserve its records of such premium finance transactions, including cards used in a card system, or at least three years after making the final entry in respect to any premium finance agreement. The preservation of records in photographic form shall constitute compliance with this requirement.

"Sec. 57. Power To Make Rules.—The Superintendent shall have authority to make and enforce such reasonable rules and regulations as may be necessary in making effective the provisions of this chapter, but such rules and regulations shall not be contrary to nor inconsistent with the provisions of this chapter.

"Sec. 58. Form of Premium Finance Agreement.—(a) A premium finance agreement shall—

"(1) be dated, signed by or on behalf of the insured, and the printed portion thereof shall be in at least eight-point type.

"(2) contain the name and place of business of the insurance agent negotiating the related insurance contract, the name and residence or the place of business of the premium finance company to which payments are to be made, a description of the insurance contracts involved and the amount of the premium therefor; and

"(3) set forth the following items where applicable:

"(A) the total amount of the premiums,

"(B) the amount of the downpayment,

"(C) the principal balance (the difference between items (A) and (B)),

"(D) the amount of the service charge,

"(E) the balance payable by the insured (sum of items (C) and (D)), and

"(F) the number of installments required, the amount of each installment expressed in dollars, and the due date or period thereof.

"(b) The items set out in clause (3) of subsection (a) need not be stated in the sequence or order in which they appear in such clause, and additional items may be included to explain the computations made in determining the amount to be paid by the insured.

"Sec. 59. Maximum Service Charge.—(a) A premium finance company shall not charge, contract for, receive, or collect a service charge other than as permitted by this chapter.

"(b) The service charge is to be computed on the balance of the premiums due (after subtracting the downpayment made by the insured in accordance with the premium finance agreement) from the effective date of the insurance coverage, for which the premiums are being advanced, to and including the date when the final installment of the premium finance agreement is payable.

"(c) The service charge shall be a maximum of $6 per $100 per year plus and additional charge of $10 per premium finance contract which need not be refunded upon cancellation or prepayment.

"Sec. 60. Delinquency Charges.—A premium finance agreement may provide for the payment by the insured of a delinquency charge of $1 to a maximum of 5 per centum of the delinquent installment but not to exceed $5 on any installment which is in default for a period of five days or more.

"Sec. 61. Cancellation of Insurance Contract Upon Default.—(a) When a premium finance agreement contains a power of attorney enabling the premium finance company to cancel any insurance contract or contracts listed in the agreement, the insurance contract or contracts shall not be canceled by the premium finance company unless such cancellation is effectuated in accordance with this section.

"(b) Not less than ten days' written notice shall be mailed to the insured of the intent of the premium finance company to cancel the insurance contract unless the default is cured within such ten-day period.

"(c) After expiration of such ten-day period, the premium finance company may thereafter request in the name of the insured, cancellation of such insurance contract or contracts by mailing to the insurer a notice of cancellation, and the insurance contract shall be canceled as if such notice of cancellation had been submitted by the insured himself, but without requiring the return of the insurance contract or contracts. The premium finance company shall also mail a notice of cancellation to the insured at his last known address.

"(d) All statutory, regulatory, and contractual restrictions providing that the insurance contract may not be canceled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under the provisions of this section. The insurer shall give the prescribed notice in behalf of itself or the insured to any governmental agency, mortgagee, or other third party on the day it receives the notice of cancellation from the premium finance company and shall determine the effective date of cancellation from that date, taking into consideration the number of days notice required to complete the cancellation.

"(e) Whenever an insurance contract is canceled in accordance with this section, the insurer shall return whatever gross unearned premiums are due under the insurance contract to the premium finance company effecting the cancellation for the account of the insured or insureds.

"(f) In the event that the crediting of return premiums to the account of the insured results in a surplus over the amount due from the insured, the premium finance company shall refund such excess to the insured provided that no such refund shall be required if it amount to less than $1.

"Sec. 62. Exemption From Any Filing Requirement.—No filing of the premium finance agreement shall be necessary to perfect the validity of such agreement as a secured transaction as against creditors, subsequent purchasers, pledgees, encumbrances, successors, or assigns."

Sec. 2. The amendments made by this Act shall take effect on the sixtieth day after the date of enactment.

With the following committee amendments:

Page 10, line 13, strike out "on the day" and substitute in lieu thereof "on or before the second business day after the day."

Page 10, line 15, strike out "from that date,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BROYHILL of Virginia. Mr. Speaker, I introduced this bill for the purpose of providing for the licensing and regulation of companies which finance the payment of premiums on property and public liability insurance in the District of Columbia.

When this is put into effect, I anticipate that responsible people will be encouraged to organize and operate such premium finance businesses, and the public will be assured that such businesses will be conducted ethically, with reasonable rates and fair treatment for their clients.

In our times, it is essential for any prudent person to protect himself with adequate property and public liability insurance. The most important type of such insurance, of course, is liability and property damage coverage for the owner and operator of an automobile. As we all are aware, however, steady increases in insurable values have resulted in soaring costs of liability insurance.

As a result, increasing numbers of persons are finding it necessary to arrange for payment of these insurance costs in installments. While some insurance companies themselves provide for installment payments of premiums, their plans are not sufficiently liberal to solve the problem for many persons seeking such a plan, nor are such arrangements available from all insurance companies.

Also, banks and other normal lending institutions do not offer a solution to this problem, both because the amounts of money involved are usually not sufficiently large to justify the expense involved in the operation of such business establishments, and also because many people who need this service have no established credit with these institutions.

For these reasons, the specialized business of financing premiums on such insurance has come into being within the past 10 years, and is growing rapidly. One such company, for example, financed more than $127 million of insurance premiums last year in the United States.

Since this is a finance business in which the payment of a very small amount of money by the insured may result in a cost of many thousands of dollars to his insurers, ethical and responsible performance on the part of the financers is essential. For this reason, laws similar to this proposed legislation have been adopted in the States of California, Florida, Maryland, Massachusetts, New York, North Carolina, and Virginia. Also, such legislation is being considered in the States of Michigan, New Jersey, Oklahoma, South Carolina, and Tennessee.

In the absence of such a law in the District of Columbia, the District of Columbia Superintendent of Insurance informs me that he has had complaints of unethical practices on the part of several insurance premium finance operations in the District, mostly on the basis of excessive finance charges and the cancellation of insurance policies without reasonable notice to the insured. The Superintendent states that he is very much in favor of this bill, which will provide him for the first time with the authority to regulate these companies and to prosecute those who are guilty of abuses.

This bill also has the approval of the District of Columbia Board of Commissioners and of the leading companies engaged in this business in the District of Columbia.

I am convinced that this authority for supervision of this business is essential for the protection of the public in the Nation's Capital, and I strongly urge the support of my colleagues for its enactment.

PURPOSES OF THE BILL

Mr. McMILLAN. Mr. Speaker, the purposes of H.R. 8466 are to provide a means for licensing and regulating the activities of companies which finance premiums on property and public liability insurance in the District of Columbia, and thus to encourage the organization and operation of such premium finance businesses by responsible people; and to insure that such financers conduct their businesses reliably, charging only reasonable rates for their services and treating the public fairly.

The bill seeks to accomplish these aims by adding a new chapter III to the Fire and Casualty Act of the District of Columbia. It is similar in scope and effect to laws which have been enacted in the States of California, Florida, Maryland, Massachusetts, New York, North Carolina, and Virginia. In addition, legislation of this type has also been introduced or considered in the States of Michigan, New Jersey, Oklahoma, South Carolina, and Tennessee.

BACKGROUND FOR LEGISLATION

There is no doubt that property and public liability insurance coverages are necessities for the prudent person. With the increase in insurable values and consequent increase in the dollar amount of insurance premiums, a need has arisen for ways of permitting many insurance buyers to pay their premiums in installments. While some insurance companies provide facilities for the payment of their policy premiums in installments, these facilities are limited in scope and are not made available by all insurance companies.

Other financing institutions, such as banks, and credit unions, do not usually finance insurance premiums, often because the dollar amount of the transaction is not large enough to be worthwhile in relation to the expense and specialized handling required or the insurance buyer does not have an established relation with such institutions. In addition, the public has found it more convenient to arrange financing of their insurance premiums at the same time in the same way that they place their insurance, that is, through their insurance agent. In response to the need for such specialized financing, a number of independent companies have been established, largely in the last 10 years, which engage solely in the financing of property and casualty insurance premiums.

The largest of these companies is the American Finance Co., with nine offices in the United States and three in Canada. Last year in the United States, American Finance Co. financed more than $127 million if insurance premiums. In addition, there are many other smaller premium finance companies which operate in a limited number of States or within a limited area in a State. For example, 69 such companies are licensed in Florida, 68 in North Carolina, and 27 in Virginia. While some of these licensees are local insurance agents financing premiums or insurance policies issued by their own office, many are companies which accept premium finance agreements from insureds submitted via their insurance agents.

NEED FOR LEGISLATION

The business of financing insurance premiums is similar in many respects to financing the purchase of automobiles or other chattels. In recent years, Congress has passed laws with respect to regulating the financing of automobiles and other retail installment sales in the District. However, these laws are inapplicable to insurance premium financing. It should be noted that, as in the case of the installment purchase of automobiles and other tangible personal property, where the buyer has the use of the item being purchased, insurance premium financing also permits the insurance purchaser to have the benefits of the coverage while it is being paid for.

At the present time, there is no provision in the District of Columbia Code applicable to the financing of insurance premiums of the citizens of the District who may desire to pay their premiums in installments. Similarly, there is no regulation of the business of financing premiums by any department of the District government, whereby the conduct of those in the business of financing premiums may be regulated in the public interest.

Your committee is informed that some abuses have taken place in the District and that the public has been taken advantage of when they have financed their insurance premiums with premium financers not regulated by any governmental agency. These abuses have included excessive finance charges and cancellation of insurance policies without reasonable notice to the insured.

H.R. 8466 will rectify those and other possible abuses.

PROVISIONS OF THE BILL

The bill limits the charges which premium financers can make. The charges permitted by H.R. 8466 are the same as those allowed by the recently amended premium finance law of the State of Maryland, and are slightly less than those allowed by the premium finance law of Virginia. A comparison of the charges allowed by the laws of Virginia and Maryland with those allowed under the proposed legislation for the District are set forth in the following chart:

Principal balance charges for 12-month period

	$100	$125	$150	$175	$200	$250	$300	$350	$400	$500
Virginia	$16.38	$17.97	$19.57	$21.17	$22.76	$25.95	$29.14	$32.34	$35.53	$41.91
Maryland and proposed District of Columbia	16.00	17.50	19.00	20.50	22.00	25.00	28.00	31.00	34.00	40.00

These charges are sufficient to permit a financer to cover the cost of handling the large number of smaller transactions, which make up the major part of the business.

In connection with the cost of doing business, it should be borne in mind that under the normal finance transaction there are only two parties involved—the borrower and the lender. However, in premium financing there are always at least four parties involved—the insured borrower, his insurance agent, the insurance company, and the premium financer—all of whom must be kept advised of the status of an account, which results in considerably more paperwork and handling expense than is present in most other forms fo lending.

Another point to be considered in connection with the premium finance business is that normally the lender has only the dollar amount of the loan at risk. In premium financing, great care must be exercised because a $100 premium could represent $100,000 in insurance protection. If a premium financer improperly caused an insurance policy to be canceled, it could be liable to the insured or to the party damaged for the full amount of the coverage, which could be hundreds or thousands of times the amount of the loan.

With respect to the question of cancellation for nonpayment of an installment, section 61 of the bill provides detailed procedures for the protection of the public. A 10-day preliminary notice must be given by the premium financer to the insured, advising him of the intent of the financer to request cancellation of the policy, unless the installment due is paid within the 10-day period. If the default continues, a final notice of cancellation must be given by the financer to the insured at the time notice requesting cancellation of the policy is given to the insurance company. Under the provisions of this bill, if those procedures are not followed, the cancellation is improper. The notice provisions of the proposed bill are similar to those contained in the laws of other States. Section 61 provides also for the giving of notice to mortgagees or other third parties before a policy may be canceled.

H.R. 8466 further protects the public in that it requires premium financers to be licensed by the Superintendent of Insurance. Your committee believes that those licensing requirements are reasonable. A high degree of integrity and responsibility is required in the premium financing business, because the rights of the insureds could be seriously affected by irresponsible conduct of the premium financer, and funds belonging to insureds and insurance companies pass through the financer. We are advised that there have been instances in other jurisdictions where a premium financer has become insolvent, which inured to the detriment of insureds, to the public at large, and to the insurance industry. The licensing requirements of this bill will tend to insure the integrity and responsibility of such premium financers to the public.

The proposed bill places the supervision and regulation of premium financers under the Superintendent of Insurance rather than under some other department of the government of the District of Columbia. This is consistent with the practice elsewhere, as all but one State which has enacted this kind of legislation has placed supervision of premium financing under its insurance department. The reason for this is that the financing of premiums is so affected with the subject of insurance, the rights of insureds, and the selling of insurance coverages, that practical and effective administration of such a law may best be accomplished under the Superintendent of Insurance.

At a public hearing conducted by Subcommittee No. 2 on August 2, 1965, no objection was expressed to the enactment of this bill. One of the companies which would be affected, however, pointed out that subsection (d) of section 61 of the bill, as introduced, would require an insurer to give notice to governmental agencies, mortgagees, or other third parties in certain cases, on the day the insurer receives notice of cancellation from a premium finance company. This requirement, of course, would be burdensome on the insurer and could lead to difficulties because ordinary processing of incoming mail is not always feasible on the same day. For example, mail received on a Friday afternoon usually cannot be processed until at least the following Monday. Accordingly, your committee incorporated the suggested amendments into the bill as reported to to this body.

It is the opinion of your committee that this proposed legislation will fill a void in the laws of the District of Columbia with respect to the increasing number of people in the District who finance some or all of their property and public liability insurance coverages, and that its enactment is in the public interest.

The District of Columbia Board of Commissioners, by letter dated July 15, 1965, expressed their approval of this proposed legislation.

CAPITAL STOCK REQUIREMENTS—FIDELITY BUSINESS IN DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 959) to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 13 of chapter II of the Fire and Casualty Act (D.C. Code, sec. 35–1316) is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "except that every domestic stock company authorized to do a fidelity or surety business in the District shall have and shall at all times maintain a paid-up capital stock of not less than $500,000, and a surplus of not less than $250,000.".

(b) Section 715 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 26–301), is amended by inserting after "one million dollars" the following: "except as otherwise provided in section 13 of chapter II of the Fire and Casualty Act (D.C. Code, sec. 35–1316)".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BROYHILL of Virginia. Mr. Speaker, at present, any domestic insurance company in the District of Columbia wishing to write fidelity or surety bonds may be authorized to do so only under an act of 1901 "An act to establish a code of law in the District of Columbia," which requires such a company doing this business to have and maintain a paid-up capital stock of $1 million.

A foreign insurance company, on the other hand, may be authorized to write fidelity or surety bonds in the District of Columbia under the District of Columbia Fire and Casualty Act, which requires of such a company only $150,000 of paid-up capital stock and a surplus of at least $150,000.

This inequity in the present law, which undoubtedly was never intended, obviously subjects domestic insurance companies in the District to unfair discrimination. In fact, this competitive disadvantage is so severe that no local insurance company in the District is engaged in the fidelity or surety business, although several probably would like to enter this field.

In order to correct this situation, I introduced H.R. 959, which will provide that domestic insurance companies may be authorized under the District of Columbia Fire and Casualty Act to write fidelity or surety bonds, provided they maintain a paid-up capital stock of at least $500,000 and a surplus of not less than $250,000.

It will be noted that this amendment to present law will still leave a considerable difference between the minimum financial requirements for domestic insurance companies to engage in fidelity and surety business—$500,000 capital stock and $250,000 surplus—and the standards required of foreign companies—$150,000 capital stock and $150,000 surplus.

However, I am assured by the District of Columbia Superintendent of Insurance and by representatives of some local insurance companies that this difference is of no practical importance whatever, because the foreign insurance companies writing fidelity or surety bonds in the District are all large companies, with financial resources far in excess of these requirements. In determining the minimum requirements for domestic companies provided in this bill, therefore, it was deemed important to impose a minimum limitation sufficiently high to assure the protection of the public, and yet low enough to permit local companies reasonably to compete in the business. The Superintendent of Insurance and the affected local insurance companies themselves feel that the amounts provided in H.R. 959 are adequate to serve both these purposes.

This bill is eminently desirable, as it will correct an unfair situation of long-standing and enable local insurance companies for the first time to enjoy the benefits of engaging in fidelity and surety business in the District of Columbia in competition with foreign insurance companies.

PURPOSE OF THE BILL

Mr. McMILLAN. Mr. Speaker, the purpose of H.R. 959 is to amend the Fire and Casualty Act of the District of Columbia so as to require that all domestic insurance companies authorized to do a fidelity or surety business in the District of Columbia maintain a paid up capital stock of not less than $500,000 and a surplus of not less than $250,000.

PRESENT LAW

As administered in the District of Columbia, the only legal authority by which a domestic insurance company may be permitted to write fidelity or surety bonds is in an act of March 3, 1901, entitled "An act to establish a code of law for the District of Columbia" (31 Stat. 1303), set forth in sections 26–301 and 26–309—(D.C. Code, 1961 edition). This law requires such domestic insurance companies to maintain a capital stock of not less than $1 million. Foreign insurance companies, on the other hand, may be authorized to do a fidelity or surety business in the District of Columbia under the provisions of the District of Columbia Fire and Casualty Act (54 Stat. 1063; D.C. Code, sec. 35–1301 et seq.), which requires a paid up capital stock of only $150,000, and a surplus of $150,000. It will be seen, therefore, that since companies chartered outside the District of Columbia may do such business here with a much lower capital stock, domestic insurers in the District are subjected to unfair discrimination and are put to a severe competitive disadvantage. As a consequence, no insurance company domiciled in the District of Columbia engages in the business of fidelity or surety.

Furthermore, although the Casualty Rating Act of 1948 (D.C. Code, sec. 35–1501; 62 Stat. 242) provides for the regulation of fidelity and surety rates, there is no express provision in the District of Columbia insurance law for the licensing or general supervision of companies doing a fidelity or surety business. However, fidelity and surety companies are licensed under the Fire and Casualty Act and are subject to all its regulatory provisions because, although the provisions of this act do not expressly extend to fidelity and surety, that business is written by companies which also write other kinds of casualty insurance to which this act does expressly apply.

Your committee is informed that whereas this bill would lower the capital stock requirement for domestic companies wishing to do a fidelity or surety business in the District from $1 million to $500,000, which is still materially higher than the requirement imposed upon foreign insurance companies, this difference will be of no practical significance because the foreign companies doing such business here are all large companies, capitalized far in excess of these requirements. The only important consideration, therefore, is to lower the present limitations on domestic companies sufficiently so that they no longer are prohibitive, and yet to keep these limitations sufficiently high to assure the public interest. It is the opinion of the District of Columbia Superintendent of Insurance that the provisions of H.R.

959 will serve both of these essential purposes.

At a public hearing conducted on August 2, 1965, approval of this bill was expressed on behalf of the Board of Commissioners of the District of Columbia, and by the District of Columbia Superintendent of Insurance and a spokesman for the industry. No opposition to the bill was expressed.

It is the opinion of your committee that this bill would have the desirable effect of mitigating the present competitive disadvantage so that a domestic insurer may compete with others in the fidelity and surety business.

Mr. Speaker, I yield to the gentleman from New York [Mr. MULTER] to call up certain bills from his subcommittee.

REPORTING BY PHYSICIANS OF PHYSICAL ABUSE OF CHILDREN

Mr. MULTER. Mr. Speaker, I call up the bill (H.R. 10304) to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSE

SECTION 1. The purpose of this Act is to provide for the protection of children who have had physical injury inflicted upon them or who have suffered physical harm due to neglect. Physicians who become aware of such cases should report them to the Metropolitan Police Department of the District of Columbia thereby causing the protective services of the District of Columbia to be brought to bear in an effort to protect the health and welfare of these children to prevent further abuses, and preserve family life whenever possible.

REPORTS BY PHYSICIANS AND INSTITUTIONS

SEC. 2. Notwithstanding section 14–308 of the District of Columbia Code, any physician in the District of Columbia, including persons licensed under the Healing Arts Practice Act, District of Columbia, 1929 (45 Stat. 1326; secs. 2–101 et seq., D.C. Code, 1961 edition), as amended, having reasonable cause to believe that a child under the age of eighteen brought to him or coming before him for examination, care, or treatment has in his opinion had serious physical injury or injuries inflicted upon him other than by accidental means, or has suffered serious physical harm due to neglect, shall report or cause reports to be made in accordance with this Act: *Provided*, That when a physician in the performance of service as a member of the staff of a hospital or similar institution attends a child, he shall notify the person in charge of the institution or his designated agent who shall report or cause reports to be made in accordance with this Act.

NATURE AND CONTENT OF REPORT; TO WHOM MADE

SEC. 3. An oral report shall be made immediately by telephone or otherwise, and followed as soon thereafter as practicable by a report in writing, to the Metropolitan Police Department of the District of Columbia. Such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, nature and extent of the child's injuries (including any evidence of previous injuries), and may furnish any other information which the physcan or other person required to make the report believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

IMMUNITY FROM LIABILITY

SEC. 4. Anyone participating in the making of a report pursuant to this Act shall have immunity from liability, civil or criminal, which might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings involving such report.

EVIDENCE NOT PRIVILEGED

SEC. 5. Notwithstanding the provisions of the District of Columbia Code, sections 14–306, 14–307, and 14–308, neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence in any proceeding in the Juvenile Court of the District of Columbia concerning the welfare of such child, provided that the Juvenile Court determines such privilege should be waived in the interest of public justice.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PURPOSE OF THE BILL

Mr. MULTER. Mr. Speaker, the purpose of H.R. 10304 is to provide for the protection of children in the District of Columbia who have had physical injury inflicted upon them other than by accidental means, and who may be threatened by further such injury. This protection would be accomplished by requiring physicians or institutions in the District who become aware of such a case to report it to the Metropolitan Police Department, thereby causing the protective services of the city to be brought to bear in an effort to protect the health and welfare of such a child and to prevent further abuses.

PROVISIONS OF THE BILL

A physician or any other person in the District of Columbia licensed under the District of Columbia Healing Arts Practices Act of 1929 (45 Stat. 1326; D.C. Code, sec. 2–101 et seq.), who has reasonable cause to believe that a child under the age of 18, whom he has reason to examine or treat, has been physically injured other than by accidental means, must report the incident immediately by telephone, and as soon thereafter as practicable in writing as well, to the Metropolitan Police Department. The report shall include such data as the names and addresses of the child and those responsible for his care, if known, the child's age, and the nature and extent of his injuries. When the physician in such an instance is performing the medical service as a staff member of a hospital, he shall advise the person in charge of the institution, who in turn must make the above-described report to the police department.

The bill provides immunity from any civil or criminal liability to any person participating in the making of such a report, and the same immunity with respect to participation in any judicial proceeding involving such a report.

The third major provision is that neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence, if the juvenile court decides that such privilege should be waived in the interests of justice.

Your committee is informed that some complaints were made voluntarily by a certain few local hospitals, public health officials, teachers, parent, other relatives, friends, neighbors, anonymous persons, and, in rare instances, the family physician. We are told also that there is every reason to believe that these physicians are aware of many more cases than they report, but are in fear of ensuing liability.

This then, clearly is a problem which cries out for a solution. The first step, obviously, is to provide means for bringing these cases to attention so that efforts may be made to protect the child and, wherever possible, to preserve family integrity. Since the recognition that serious injury has occurred by other than accidental means is most often a matter of medical diagnosis, the responsibility for reporting specific cases must fall primarily with physicians. Members of the medical profession recognize this fact, and favor the enactment of this bill which would allow physicians in the District of Columbia to call attention to cases of child abuse without concern about incurring potential criminal or civil liability for so reporting. The provisions and purposes of this bill, we are advised, are consistent with the beliefs and the wishes of a majority of physicians in regard to this problem.

The Bar Association of the District of Columbia expressed the belief that H.R. 10304 would strongly implement the existing laws and professional practices in the District of Columbia, particularly in enabling physicians to act in accordance with section 9 of the principles of medical ethics, which states:

> A physician may not reveal the confidence entrusted to him in the course of medical attendance, or the deficiencies he may observe in the character of patients, unless he is required to do so by law or unless it becomes necessary in order to protect the welfare of the individual or of the community.

Whereas present District of Columbia law—District of Columbia Code, section 14–308—provides for the waiver of the physician-patient privilege in the instance of judical proceedings in criminal cases, no such waiver is presently provided in regard to proceedings in the juvenile court. Since such proceedings are often necessary as a step in protecting a child who is apparently the subject of abuse, the vital importance of section 5 of this bill, which provides for the waiver of both physician-patient and husband-wife privilege in a juvenile court proceeding when the judge of such court determines this to be in the interest of public justice, is amply clear.

You committee received and considered an amendment relating to Christian Science practitioners. It was the feeling of your committee that the language of the bill was not capable of any interpretation which might differentiate between any of the healing arts which are recognized and licensed for practice in the District of Columbia as are Christian Science practitioners.

The bill proposes only a reporting statute under which the same obligations falls upon each person licensed to practice the healing arts in the District of Columbia to report any case of child abuse brought to his practice. The bill in no way relates to the relative merit of any method of treatment. Whenever the reporting requirements stated in the bill are met, the duty of the person licensed to practice has been discharged. No question may be raised, under the language of this bill, as to the efficacy of the healing art used by the person licensed to practice.

Your committee neither approves nor disapproves the practice of any religious or other group with respect to treatment of children as long as such treatment is proper and lawfully recognized.

At a public hearing conducted by Subcommittee No. 3 on June 10, 1965, support for this bill was expressed by the District of Columbia Board of Commissioners, the Woman's Bureau of the Metropolitan Police Department, the District of Columbia Coroner's Office, the District of Columbia Department of Public Health, the District of Columbia Health and Welfare Council, the Medical Society of the District of Columbia, the Bar Association of the District of Columbia, and public witnesses. No opposition to the bill was expressed.

Mr. SICKLES. Mr. Speaker, as a member of this committee, Congressman, and more important as a parent, I take great pleasure in supporting H.R. 10304. We are aware that much has been said and written about the "battered child." Now we must act so that these children will be identified and protected from further harm.

To date, 40 States have passed reporting statues and additional bills are pending in several of the remaining jurisdictions. The Children's Bureau strongly endorses legislation similar to H.R. 10304 and an identical bill I have introduced, H.R. 3411.

As recently as 1962, 365 child-abuse cases were reported by the news media in the District of Columbia. It has been estimated that eight children die every year in the District of Columbia as a result of improved diagnostic methods and a tendency on the part of physicians not to accept without question explanations made by parents or others, that the injuries being treated were due to accidents.

However, these doctors are not required to report cases of child abuse. Moreover, if the doctor does report a suspected case of child abuse, he is subject to liability.

I am urging the passage of H.R. 10304 which is a clear mandate to the medical profession and others to report all suspected child-abuse cases to the Metropolitan Police Department of the District of Columbia. Doctors are qualified to determine whether injuries are the probable result of an accident or physical abuse. Therefore, it is necessary that they be legally freed to take responsible action on behalf of abused children, and for reporting these cases.

AMEND DISTRICT OF COLUMBIA CHANCERIES ACT

Mr. MULTER. Mr. Speaker, I call up the bill (H.R. 10274) to amend the act of October 13, 1964, to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia.

The Clerk read the bill, as follows:

H.R. 10274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of October 13, 1964 (78 Stat. 1091), is amended by striking out the period at the end thereof and inserting in lieu thereof ", or" and by adding at the end thereof the following:

"(3) the future or continued use of a building as a chancery which was used as a chancery contrary to any zoning law, rule, or regulation at any time between May 12, 1958, and October 13, 1964, without any written notice by any governmental authority prior to October 13, 1964, to the owner or occupant of the fact that such use was in violation of such law, rule, or regulation, or

"(4) the future or continued use of a building as a chancery where such use is interrupted at some future date or where such use of such building is transferred from one foreign government to another."

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, is this going to open up, may I ask the gentleman from New York, a situation in Washington whereby other foreign governments will be able to open up chanceries to transact business in areas where they are now prohibited from doing so?

Mr. MULTER. It will not. This bill is intended solely to correct a situation that we thought we had provided for in the act of 1964 when we presented it to the House. As the gentleman probably knows, it would be unconstitutional to deprive any person of the right to use his property because of a change in a zoning law. We thought we had written into the act a provision that would preserve to these people the right to continue to use their property as it had been used theretofore. Unfortunately, the language has been construed by the Zoning Board differently. All we do here is to clarify that situation and make sure that anyone who had been using property for chancery purposes, has the right to continue to so use it. We make clear that he will be given that right under this bill.

This bill does not affect any others. As a matter of fact if the law could be interpreted as the Zoning Board has sought to interpret it, a court case would lie, and undoubtedly the Zoning Board would be reversed, because we cannot constitutionally deprive these people of the use of their property because of the subsequent enactment of a zoning law or regulation.

Mr. GROSS. Mr. Speaker, I would call the attention of the gentleman that this report, as well as a number of other reports on bills from the Committee on the District of Columbia today, have no indication of the attitude of any official of the District government. May I ask the gentleman why there are no reports or practically none from anyone in the District of Columbia in relation to these bills that have been brought here this morning?

Mr. MULTER. If the gentleman will yield further, I believe the gentleman is correct in indicating that the reports do not indicate what the District Commissioners have said. The bill passed just a moment ago, H.R. 10304, was the Commissioners' recommendation.

As a matter of fact we adopted all of the Commissioners' recommendations, to amend the bill as introduced. We considered and passed a clean bill.

On this bill we had the Commissioners before us, or their representatives, and they testified on the matter. They agreed with us, if I recall the testimony correctly, it was always the intent of the original act as presented to do precisely what we are doing by this amendment.

Mr. GROSS. I do not always agree—more often than not I do not agree—with the Commissioners of the District of Columbia, but I do think it would be helpful if in these reports accompanying bills of this nature, the attitude of the District government or some segment of the District government was made plain to the Members of the House.

I just do not like to see reports that are completely barren of any reflection of attitude on the part of the District Commissioners.

Mr. MULTER. If the gentleman will yield further to me, the practice in the District Committee, I believe, since I have been on it, is, except in rare instances, not to put the reports from the Commissioners in the committee report to the House. We always include them in the transcript of the hearings and they are set forth in full in these hearings.

We have Commissioner Tobriner's statement set forth in the record of the hearings—the hearing record—at page 21 thereof.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from South Carolina.

Mr. McMILLAN. Mr. Speaker, I would like to state to the gentleman from Iowa that we always request the Commissioners to give their opinion on every bill that is introduced concerning any proposed legislation for the District of Columbia. But, we do not necessarily take their advice. We try to write our own legislation as agreed to by the 25 members of the District Committee.

Mr. GROSS. I would not expect the gentleman from South Carolina or the committee to take their advice on all matters, but it seems to me it might be helpful to know the position of District officials.

Mr. HALL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to carry this colloquy just one step further. On page 22 of the hearings over the signature of Walter N. Tobriner, President of the Board of Commissioners of the District of Columbia, in the last sentence of the penultimate paragraph thereof, there is a very serious question raised by the Commissioners.

I had the impression the gentleman stated that the District Commissioners had appeared in person at the hearings and they were in general agreement with this bill which we are considering, H.R. 10274.

However, that sentence says:

> However, if this bill were enacted, it could very well lead to nullification of Public Law 88-659—

That is the preceding clause which we are herein amending and perfecting.

> Therefore, the Commissioners recommend that the bill not be enacted.

I would ask the distinguished lawyer and gentleman from New York who has brought this bill before us if, indeed, there is any danger of the likely nullification of such public law by action taken here today?

Mr. **MULTER**. If the gentleman will yield, in this case the committee recognized the possibility of such danger and we did not report the bill H.R. 7488 which was then before the committee, but did report the bill now before the House. It does not create any such danger and certainly does not nullify but merely clarifies the original law as enacted last year.

Mr. **HALL**. Then the so-called report from the affected department is not applicable to this bill per se?

Mr. **MULTER**. The gentleman is correct.

Mr. **HALL**. I would certainly like to associate myself with the remarks of the gentleman from Iowa to the effect—just as on the Consent Calendar day—we require that bills meet certain specifications agreed to by the House itself, one of which is that departmental reports should be present and that we have the thinking of the duly appointed representatives of the government of the District of Columbia before we are asked to exercise our wisdom or to pass our judgment on these bills, as a superduper city council for the District of Columbia.

I think it only fair, and ordinary channels and staff coordination would seem to commend, that we do such. This, in effect, leaves us with nothing more than a very excellent committee report and a statement of the gentlemen in this colloquy that the bill will do no damage and will accomplish the purposes intended. I shall support the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PURPOSE OF H.R. 10274

Mr. **MULTER**. Mr. Speaker, the purpose of the bill H.R. 10274 is to amend the act of October 13, 1964 (78 Stat. 1091; D.C. Code, title 5, sec. 418a), approved by the 88th Congress to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia. In reporting the bill S. 646 in the last Congress—House Report 1727—your committee recognized the complexity of the problem of providing for the location of chanceries and that the bill, later enacted as Public Law 88-659, might require amendments pending some final solution to this problem in the District of Columbia.

Since the enactment of the above-mentioned law, additional problems have been brought to the attention of your committee in connection with the administration of that law under its terms and concerning unique, or at least unusual, situations which have resulted in substantial hardship to property owners. This bill is an effort to supplement and clarify the previous enactment and meet some of the difficulties which have been presented to your committee.

For many years, foreign governments were without any restriction as to the purchase or rental of property to be used for chancery purposes. The great majority of foreign chanceries were located within single-family detached residential areas. Because of the substantial and sometimes intense, business usage of such properties, they were not compatible, in many instances, with the character of the neighborhoods in which they existed. With the development of zoning laws and establishment of zoning categories, the admissibility of chanceries in residentially zoned areas became an increasingly controversial matter. Although zoning regulations were developed to require at least some parking facilities to avoid traffic congestion, and to preserve the residential character where chanceries were located, existing laws and regulations did not provide a suitable basis to the District of Columbia for providing for chancery locations, nor did they provide a suitable basis for harmonious relations between foreign governments and the State Department. The latter agency is the only agency which might exercise any sanctions to bring about the enforcement of District of Columbia regulations regarding the location of chanceries. This situation led to action taken during the 88th Congress, and the enactment of Public Law 88-659, approved October 13, 1964.

Aside from specifying the zoning categories within which chanceries of foreign governments might be located, the intent of Congress was clearly expressed concerning the preservation of existing rights established by previous use under law. Existing uses of buildings as chanceries where such use had been established under the benefit of statute or by use preceding applicable zoning laws and regulations were to be continued. Although that act appears to have had the effect of extinguishing the use of some properties as chanceries where such use did in fact exist and was without notice that the use was not based upon any law, rule, or regulation, some instances of hardship have been demonstrated. These represent borderline cases where, under the normal operation of law and regulation prior to the act of the last Congress, chancery uses would have been permitted and approved, the owners of such property now find that they are precluded under the strict language of the act from continued use of their property for chancery purposes.

THE APPLICATION OF THE TERMS OF THE BILL

Under the terms of H.R. 10274, the act of October 13, 1964 (78 Stat. 1091), is amended by this bill by the addition of a new clause 3 to section 2. The future use or the continued use of a building as a chancery would not be prohibited even though such use was contrary to provisions of law if such use existed between the date of May 12, 1958, the date of the revision of the zoning rules and regulations of the District of Columbia under the Lewis plan, and the date of October 13, 1964, the effective date of Public Law 88-659. It is provided, however, that the owner or occupant of the property was not given a written notice by any governmental authority of noncompliance with existing zoning provisions prior to the date of October 13, 1964. Thus, any use of a building as a chancery which qualifies under the provisions of this bill, becomes a lawful use as specified in the first clause of section 2 of the act of October 13, 1964.

From hearings before your committee, and other information available regarding the interpretation and application of the provisions of the act of October 13, 1964, your committee believes that it is necessary to further clarify its intent as to the right of transfer and the right to continued use of property for chancery purposes where such use has been lawfully established.

Section 2 of the act of October 13, 1964, which the pending bill, H.R. 10274, amends, was the subject of a clear expression of intent in House Report 1727 of the 88th Congress. That report stated as follows:

> It is the specific intent that no existing lawful rights of use shall be affected by any provision of the bill. Where the lawful use of the building as a chancery has been established and exists on the date of enactment, whether the property be vacant, whether the use as a chancery be interrupted at some future date, or whether the use of the building be transferred from one foreign government to another, nothing in the act shall affect such right of use.

In the pending bill, H.R. 10274, your committee amends section 2 of the act of October 13, 1964, by adding a new clause (4) which states that nothing in the act shall prohibit the future or continued use of a building as a chancery even though the use of the building as a chancery may be interrupted and the property may become vacant at some time or the use of the building may be transferred from one foreign government to another. Thus, wherever a building which has been lawfully used for chancery purposes, pursuant to Public Law 88-659 as amended by this bill, becomes vacant, the fact of vacancy alone has no effect upon the future or continued right of use of the building for chancery purposes. The amendment is intended to preserve the right of such use even though such use may be interrupted, the property vacant, or used for other purposes so long as the use of the property as a chancery is not abandoned. Further, the use of a building for chancery purposes may be transferred from one foreign government to another.

It is believed that the enactment of the amendment as favorably reported by your committee will aid in resolving inequities and hardship situations, and relieve any area of doubt as to the committee's intent in preserving a right, once established, for the future and continued use of a building as a chancery and the right of transfer of the use from one foreign government to another or from one owner to another where the premises are leased for such use.

ANALYSIS OF THE BILL

The bill H.R. 10274 amends the act of October 13, 1964, regulating the location of chanceries of foreign governments in the District of Columbia, by adding two new clauses at the end of section 2 of that act. The first new clause (3) provides that the limitations and restrictions of the act shall not prohibit the future or continued use of a building as a chancery even though such building was used contrary to law or regulation in existence and where such use was between the dates of May 12, 1958, and October 13, 1964, and the owner or occupant received no written notice prior to the latter date from any governmental authority that the use as a chancery was in violation of any law, rule, or regulation.

The second new clause (4) provides that the provisions of the act shall not prohibit the future or continued use of a building as a chancery even though the use may be interrupted and the building becomes vacant or is used for other purposes or where the use of the building as a chancery is transferred from one foreign government to another, or from a private citizen to a foreign government.

Mr. BROYHILL of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks immediately after the passage of the bill, H.R. 959 and H.R. 8466.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. McMILLAN. Mr. Speaker, I now yield to the gentleman from Texas [Mr. DOWDY] to call up bills from his subcommittee.

INCORPORATION OF MERCHANT MARINE WAR VETERANS ASSOCIATION

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill H.R. 3864 for the incorporation of the Merchant Marine War Veterans Association.

The Clerk read the bill, as follows:

H.R. 3864

A bill for the incorporation of the Merchant Marine War Veterans Association

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons, to wit:

Raymond Jacobs, Chicago, Illinois;
Tom Truxtun McWade, Chicago, Illinois;
John Scotello, Chicago, Illinois;
E. A. Garrett, Chicago, Illinois;
F. L. Staszewski, Chicago, Illinois;
Frank L. Morgan, Bensenville, Illinois;
Ira E. Bishop, Homewood, Illinois;
Robert Kaforski, Chicago, Illinois;
Thomas V. Murphy, Chicago, Illinois;
James W. MacKenzie, Chicago, Illinois;
Stanley T. Deering, Chicago, Illinois;
Robert H. Salvesen, Franklin Park, Illinois;
Charles W. Wilson, Chicago, Illinois;
Chester L. Ratowski, Chicago, Illinois;
Obie A. Hawker, Senior, Washington, District of Columbia;
Art Payne, Chicago, Illinois;
William G. May, Chicago, Illinois;
Alfonso DeSoto, Chicago, Illinois;
Captain Daniel C. Green, Chicago, Illinois;
Robert J. Morgan, Skokie, Illinois;
Robert Broadhead, Elmhurst, Illinois;
Raymond E. Gongola, Elmwood Park, Illinois;
James Sheehan, Downers Grove, Illinois;
Willi Willis, Lake Forest, Illinois;
Terry Kenny, Chicago, Illinois;
Captain David A. Jones, Chicago, Illinois;
George Bean, Chicago, Illinois;
William Berkovitz, Chicago, Illinois;
John Dewar, Chicago, Illinois;
Frank Draper, Chicago, Illinois;
John S. Hambright, Chicago, Illinois;
Robert Kannberg, Chicago, Illinois;
George Laudermith, Chicago, Illinois;
John C. Mead, Chicago, Illinois;
Harry A. Skinner, Chicago, Illinois;
Captain Robert Ammon, Chicago, Illinois;
Jack Billow, Chicago, Illinois;
Captain Roy Christianson, Chicago, Illinois;
William J. Curtin, Chicago, Illinois;
Harry L. Siegler, Chicago, Illinois;
Captain Don K. McRae, Chicago, Illinois;
Richard Nowak, Chicago, Illinois;
Stanley M. Repel, Chicago, Illinois;
Roscoe J. Williams, Chicago, Illinois;
William Fitch, Chicago, Illinois;
Richard Christ, Chicago, Illinois;
George S. Cronk, Chicago, Illinois;
Joe Rosengard, Chicago, Illinois;
Joseph W. Zinn, Chicago, Illinois;
Louis Roskopf, Cicero, Illinois;
R. Wojcukiewicz, Chicago, Illinois;
Walter J. Hetzel, Chicago, Illinois;
Bertram W. Brown, Oak Park, Illinois;
Captain John J. Klocko, Junior, Prospect Heights, Illinois;
Louis B. Lambert, Claremont, Illinois;
Nick J. DeBrown, Franklin Park, Illinois;
Thomas F. Skahill, Elmhurst, Illinois;
William Bradley, Deerfield, Illinois;
R. B. Foryst, Olney, Illinois;
J. J. Fahrenbach, Glenview, Illinois;
Michael S. Morgan, Skokie, Illinois;
Vern Colvin, Lombard, Illinois;
Phil Provenzano, Addison, Illinois;
Sid Luckman, Highland Park, Illinois;
Reverend Arnold J. Parker, Riverdale, Illinois;
Harold Kowalski, Cicero, Illinois;
Bud Carlson, Lombard, Illinois;
Robert A. Carlsen, Berwyn, Illinois;
Steve Manookian, Melrose Park, Illinois;
Joseph M. Kerekes, Des Plaines, Illinois;
Robert E. Olson, Mount Vernon, Illinois;
E. E. Milde, Champaign, Illinois;
Ken Bruckelmeyer, Worth, Illinois;
K. J. Bailey, Gurnee, Illinois;
Charles W. Wright, Chillicothe, Illinois;
Thomas A. Ross, Chicago, Illinois;
John Miaso, Chicago, Illinois;
Paul Maresky, Chicago, Illinois;
Benjamin J. Linkus, Chicago, Illinois;
Anton A. Bernacki, Chicago, Illinois;
Vincent Flack, Chicago, Illinois;
Frank A. Mendyke, Chicago, Illinois;
August J. Goyke, Chicago, Illinois;
Ray Litterski, Chicago, Illinois;
Richard L. Anderson, Baltimore, Maryland;
Kenneth F. Clausen, Fond Du Lac, Wisconsin;
Ferdinand J. Simon, Lutcher, Louisiana;
Richard M. Stevenson, Groton, Connecticut;
Joe R. McAllister, Madison, South Dakota;
Paul H. Apmann, Saint Petersburg, Florida;
B. Alan Stone, Greeley, Colorado;
H. K. Martin, Muskegon, Michigan;
Richard A. Sells, Saint Louis, Missouri;
Charles J. Steichen, El Segundo, California;
Raymond L. Loftesness, Sioux Falls, South Dakota;
Martin Avignon, Junior, Laurel, Mississippi;
Clyde J. Beck, Minneapolis, Minnesota;
Arthur Chambless, Saralan, Alabama;
Laurence N. Holden, Lincoln, Rhode Island;
Glen M. Svaren, Ashland, Oregon;
Captain John L. Beebe, New Shrewsbury, New Jersey;
Frank Harveston, Augusta, Georgia;
Robert Hotchkiss, Sedley, Virginia;
Floyd W. Reed, Pickstown, South Dakota;
Richard R. Meurer, Billings, Montana;
Warren Peterson, Indianapolis, Indiana;
Rosa Eleuterio, Bronx, New York;
Vergil Patrick, Andrews, Texas;
Gordon Westford, Spokane, Washington;
Donald C. Ahern, Brookings, South Dakota;
Robert J. Garvey, Roswell, New Mexico;
Wellington Coolidge, Saratoga, Wyoming;
David E. Fisher, Allentown, Pennsylvania;
Sterling Hayden, Nantucket, Massachusetts;
Frank A. Joslyn, Rock Rapids, Iowa;
H. S. Feay, Junior, Sioux Falls, South Dakota;
Robert E. Armstrong, Junior, Portland, Maine;
Richard R. Powers, Clarksville, Tennessee;
Joseph D. Kelly, Mansfield, Ohio;
Frank H. Throop, Marshall, Minnesota;
E. K. Verley, Sioux Falls, South Dakota;
Charles W. Bartlett, Valley City, North Dakota;
Elwin B. Benson, O'Neill Nebraska;
Robert R. Shebal, El Cajon, California;
Lester Sampson, Sioux Falls South Dakota;
Charles Shaw, Detroit, Michigan;
John Roscoe, Pueblo, Colorado;
Vicente R. Santos, Lake Placid, Florida;
Domenico Gallo, Danbury, Connecticut;
James Chrystal, New Orleans, Louisiana;
Eugene A. Peterson, Sioux Falls, South Dakota;
James P. Grant, Washington, District of Columbia;
Captain Willian W. Clendaniel, Baltimore, Maryland;
Leonard A. Cernik, Milwaukee, Wisconsin;
Ralph S. Floyd, Boston, Massachusetts;
Philip Klein, Bryn Mawr, Pennsylvania;
Dale Dean, Sioux Falls, South Dakota;
Roy Myers, El Paso, Texas;
Captain Cleair F. Bee, Cornwall on the Hudson, New York;
Charles R. Kluge, Gary, Indiana;
Dale A. Meurer, East of Billings, Montana;
William A. McGregor, North Providence, Rhode Island;
William Meyer, Volga, South Dakota;
George Holland, New Providence, New Jersey;
Robert A Graves, Minneapolis, Minnesota;
Elton E. Dalin, Ashtabula, Ohio;
John B. Orrand, Nashville, Tennessee;
Earl D. Muhs, Sioux Falls, South Dakota;
Thomas J. O'Connor, Los Angeles, California;
Richard Kujawa, Alpena, Michigan;
Francis J. Brady, Clearwater, Florida;
Warren A. Ferguson, Falls Village, Connecticut;
Luverne P. Jorgensen, Flandreau, South Dakota;
Clyde M. Case, Mukwonago, Wisconsin;
Captain B. Ralph Ludy, Braintree, Massachusetts;
R. J. Bish, York, Pennsylvania;
R. A. Chambers, Buffalo, New York;
Richard M. Bielski, Sioux Falls, South Dakota;
Evan O. Davis, Merriville, Indiana;

Richard J. Augsbach, Westwood, New Jersey;
Carl A. Peters, Minneapolis, Minnesota;
James H. Kruser, Toledo, Ohio;
Leland S. Sorensen, Viborg, South Dakota;
Raymond F. Hiltgen, Torrance, California;
Robert Raehl, Muskegon, Michigan;
M. M. Boker, Fort Pierce, Florida;
Orville M. Heemstra, Milwaukee, Wisconsin;
Paul H. Parsley, Brookings, South Dakota;
Edward P. Lyons, Fall River, Massachusetts;
William Grabiak, Mount Pleasant, Pennsylvania;
Kenneth U. Marshall, Central Nyack, New York;
Edward M. Meagher, Hammond, Indiana;
Carrol D. Moeller, Naples, South Dakota;
Adrianus Van Ryn, Hoboken, New Jersey;
Florian P. Ritschel, Saint Paul, Minnesota;
Paul A. Hoiriis, Parma, Ohio;
Paul Gehris, Wyomissing, Pennsylvania;
Clifford Gartmann, Wausau, Wisconsin;
Captain C. J. Van Dongen, Muskegon, Michigan;
E. V. Zafft, Sioux Falls, South Dakota;
John G. Hanks, Lakewood, California;
Paul Aaron, Arlington, South Dakota;
Everett E. Robertson, Junior, Oakland City, Indiana;
Wayne Culbertson, Caledonia, New York;
Harold R. Fredrickson, Sunnyvale, California;
James Swinford, Louisville, Ohio;
D. E. Bigler, North Bergen, New Jersey;
Arvid Olson, El Cajon, California;
J. H. Muellers, Robbinsdale, Minnesota;
Robert Nelson, Fort Dix, New Jersey;
Anthony P. Velligan, Gary, Indiana;
Orval Herington, Onamia, Minnesota;
Van Heflin, Beverly Hills, California;
Worrell Klaenhammer, Saint Paul, Minnesota;
Delbert W. Houts, Chippewa Falls, Wisconsin;
Walter Skotynski, Toledo, Ohio;
H. A. Kuns, Osseo, Minnesota;
G. J. Burdick, Daly City, California;
George L. Smokovitch, Escanaba, Michigan;
Ray J. Arkell, Iona, Minnesota;
Robert W. Forsberg, Watertown, South Dakota;
Clarence Bowes, Nekoosa, Wisconsin; and
William N. Walker, Junior, Ashtabula, Ohio;

and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Merchant Marine War Veterans Association (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

PURPOSES

SEC. 3. The purposes of the corporation shall be to foster appreciation for the wartime services of veterans of the American merchant marine and the United States Maritime Service, and the betterment of the plight of said veterans, through recognized methods of obtainment; the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 30, 1958; to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; to encourage the governmental formation of a United States Maritime Service Reserve, the acknowledged training branch of the wartime American merchant marine.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States, or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual, and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of the law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State.

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide. Eligibility for membership in the corporation shall be limited to male wartime veterans of the American merchant marine, and the United States Maritime Service, who are eligible for an honorable discharge from the United States Shipping Board recruiting service of World War I; a certificate of substantially continuous service from World War II; the equivalent discharge from the Korean conflict; and any similar type discharge from previous or subsequent conflicts.

GOVERNING AUTHORITY OF THE CORPORATION

SEC. 6. The supreme governing authority of the corporation shall be the national headquarters and national board of directors thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national headquarters may be held in any State or territory or in the District of Columbia.

BOARD OF DIRECTORS: COMPOSITION, RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act the membership of the initial national headquarters and the national board of directors of the corporation shall consist of the present members of the national headquarters and the national board of directors of the Merchant Marine War Veterans Association, the corporation described in section 18 of this Act, or such of them as may then be living and are qualified members of such national headquarters and national board of directors, to wit: Raymond Jacobs, Chicago, Illinois; Tom Truxtun McWade, Chicago, Illinois; John Scotello, Chicago, Illinois; E. A. Garrett, Chicago, Illinois; Frank Morgan, Bensenville, Illinois; Ira E. Bishop, Homewood, Illinois; Robert Kaforski, Chicago, Illinois; Thomas V. Murphy, Chicago, Illinois; James W. MacKenzie, Chicago, Illinois; Stanley T. Deering, Chicago, Illinois; and Francis L. Staszewski, Chicago, Illinois.

(b) Thereafter, the national headquarters and national board of directors of the corporation shall consist of such number as may be prescribed in the constitution of the corporation, and the members of such offices shall be selected in such manner (including the filling of vacancies), and shall serve for such terms, as may be prescribed in the constitution and bylaws of the corporation.

(c) The national headquarters and national board of directors shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the constitution and bylaws of the corporation.

OFFICERS: SELECTION AND DUTIES OF OFFICES

SEC. 8. The officers of the corporation shall be a national commander, national vice commander, national junior vice commander, national secretary, national treasurer, national master at arms, five members of the national board of directors, and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

PRINCIPAL OFFICE: SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 9. (a) The principal office of the corporation shall be located in Chicago, Illinois, or in such other place as may be later determined by the national officers and national board of directors; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

USE OF INCOME: LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the national officers and national board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any member of the national headquarters and national board of directors who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 11. The corporation and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS: INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of the proceedings of its national conventions, national headquarters, and national board of directors. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The financial transactions of the corporation shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and applications of funds. Such report shall not be printed as a public document.

REPORT TO THE CONGRESS

SEC. 16. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

CERTAIN EXCLUSIVE RIGHTS OF CORPORATION

SEC. 17. The corporation and its subordinate divisions shall have the sole and exclusive right to use the name Merchant Marine War Veterans Association. The corporation shall have the exclusive and sole right to use, or allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Illinois corporation described in section 18 and the right to which may be lawfully transferred to the corporation.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Merchant Marine and Maritime Service Veterans Association, a corporation organized under the laws of the State of Illinois, upon discharging or satisfactorily providing for the payment and discharge of all the liability of such corporation and upon complying with all laws of the State of Illinois applicable thereto.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 19. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the national headquarters and national board of directors and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 20. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendments:

1. At the end of the first section of the bill (p. 10, line 10) add the following sentence: It shall be the duty of the persons named in this section, jointly and severally, to file with the Commissioners of the District of Columbia or their designated agent a copy of this Act within 15 days after the date of its approval.

2. Page 11, line 19, insert the following immediately after the word "States": ", the District of Columbia".

3. Page 12, line 6, insert the following immediately after the word "State": "or the District of Columbia".

4. Page 12, line 9, strike the semicolon at the end of the line and add the following: "or the District of Columbia;".

5. Page 12, line 16, insert the following immediately after the word "Federal": ", District of Columbia,".

6. Page 15, strike all of lines 22 through 24, and on page 16, strike all of lines 1 through 3, and insert in lieu thereof the following:

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process, notice, or demand for the corporation, and service of such process, notice, or demand required or permitted by law to be served upon the corporation may be served upon such agent. The corporation shall file with the Commissioners of the District of Columbia, or their designated agent a statement designating the initial and each successor registered agent of the corporation immediately following any such designation.

7. Page 20, line 4, insert the following immediately after the word "Federal": ", District of Columbia,".

The committee amendments were agreed to.

Mr. HALL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would like to query the chairman of the subcommittee, the gentleman from Texas, who has presented this bill, as to whether or not this is a District of Columbia local organization or it has a charter for the national organization which simply has its office and legislative representative located physically in the District of Columbia.

Mr. DOWDY. This is a District of Columbia incorporation of a national organization. It is the incorporation of a national corporation.

Mr. HALL. This would in no manner or means, therefore, exempt by declaration of a nonprofit organization or by a specific tax exemption of a local organization in the District of Columbia, such as a local chapter of the Merchant Marine War Veterans Association, is that correct?

Mr. DOWDY. It would not. As I understand it, it would not exempt this organization unless it is already exempt.

Mr. HALL. Does the gentleman know if there are favorable comments or not from District of Columbia officials?

Mr. DOWDY. I am not sure.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. May I advise the gentleman that the District Commissioners have no objection to this legislation.

Mr. HALL. But it is not so stated in the report.

Mr. PUCINSKI. There is nothing in the report of the committee to that effect.

Mr. HALL. Would the gentleman who is supporting the bill tell us whether there is any expense involved? I notice on page 3 of the report it says this is a self-supporting institution; there would be no expense to the taxpayers or the U.S. Treasury?

Mr. DOWDY. That is correct. There is no expense, there is no cost to the taxpayers.

Mr. PUCINSKI. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, it is my hope Congress will approve the incorporation of the Merchant Marine War Veterans Association, as expressed in my own bill, H.R. 7615, and an identical bill introduced by my colleague [Mr. DERWINSKI].

The Merchant Marine War Veterans Association is a national organization composed of approximately 5,000 men with branch organizations in 49 States. These war veterans are recognized by the Treasury Department as meeting the qualifications for tax exemption. The State of Illinois in 1957 officially granted the Merchant Marine War Veterans Association permission to incorporate.

Since that time, and in the Congresses since 1959, the Merchant Marine War Veterans Association has attempted to obtain official recognition of the organization from the Federal Government.

The purpose of the organization is, as expressed in H.R. 7615, "to foster appreciation for the wartime services of veterans of the American Merchant Marine and the U.S. Maritime Service, and the betterment of the plight of said veterans, through recognized methods of obtainment; the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 30, 1958; to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; to encourage the governmental formation of the U.S. Maritime Service Reserve, the acknowledged training branch of the wartime American merchant marine."

Those eligible for membership are those male veterans of the maritime merchant marine and the U.S. Maritime Service who served in either World War I, World War II, the Korean conflict or subsequent conflicts and who obtained an honorable discharge from service.

The Merchant Marine War Veterans Association is nonpolitical in structure and in philosophy. The national commander, Mr. Raymond Jacobs, is a resident of my district in Chicago.

Mr. Jacobs' tireless efforts on behalf of merchant marine war veterans have gained him the admiration and respect of citizens of all walks of life.

I share his firm opinion that the Merchant Marine War Veterans Association is worthy of incorporation. More than 1,500,000 men now living in our country are eligible for membership in this organization. I believe we owe them a debt of gratitude which can be symbolized in your recommendation today. They endured all the terrifying hazards of war at sea and helped save America from invasion. This legislation will go a long way toward repaying our debt to the many thousands who have responded to the call throughout the years and who gave their lives in defense of this Nation.

I feel confident approval of this legislation will give the Merchant Marine War Veterans Association every assistance in realizing its goal.

What this legislation does, in effect, is to permit this organization to incorporate in the District of Columbia. This is not a national charter. As should be known, a national charter bill would come through the Committee on the Judiciary. This merely permits them to incorporate in the District of Columbia. The amendments to the bill have been suggested by the District Commissioners and they have accepted the bill and the amendments.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. HALL. Do I understand the gentleman is changing the statement that was made a while ago in answer to my direct question about this being a national organization chartered in the District of Columbia vis-a-vis a local one?

Mr. PUCINSKI. This is a national organization with chapters in 49 States. It is an organization that is national in scope. It has a Treasury Department exemption. I would like to call my colleague's attention to the fact that a national charter and a permission to incorporate in the District of Columbia constitutes the difference involved here. This legislation is not opposed by the District Commissioners and the amendments in the legislation were written at the request of the Commissioners and the bill merely gives this organization the right to incorporate in the District of Columbia. I merely point out this is not a national charter such as enjoyed by the American Legion, the VFW and various other organizations chartered by an act of Congress.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield to the gentleman.

Mr. HALL. This is at some variance to the statement of the subcommittee chairman in answer to my original request a while ago. But I simply ask the gentleman because he has explained it so adequately: Will this confer tax-exempt status so far as property holdings in the District of Columbia are concerned as to this local chapter?

Mr. PUCINSKI. No, it will not. It will not confer any tax-exempt status, nor will it give them any special benefits. All it does is give them permission to incorporate in the District of Columbia, which does give them a national status but that is not to be confused with a national charter. I would presume that at some future date, they may attempt to get a national charter and, of course, that would be their privilege. Then the Congress would take another look at this whole proposal.

Mr. HALL. I want to state, I am in favor of this incorporation of the Merchant Marine Association and want to associate myself with the statement that the gentleman has made.

Mr. DERWINSKI. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I earnestly urge favorable House action today on my bill for the incorporation of the Merchant Marine War Veterans Association. I introduced this measure, H.R. 3864, at the behest of this fine organization, and the gentleman from Illinois [Mr. PUCINSKI] indicated his support by sponsoring an identical measure, H.R. 7615. In addition, the distinguished Democrat whip, the gentleman from the State of Illinois [Mr. ROSTENKOWSKI], appeared before the House Committee on the District of Columbia to testify on behalf of this legislation.

Senator DIRKSEN has also introduced a bill for this purpose which is pending before the Senate Judiciary Committee. An identical measure which he sponsored in the 87th Congress was passed by the Senate, and I believe, therefore, that the other body will approve this legislation again this session if we in the House give it the favorable consideration which it deserves.

The Merchant Marine and Maritime Service Veterans Association is incorporated in the State of Illinois and now has members in all 50 States. It is dedicated to the betterment of the plight of the wartime veterans of the American merchant marine and the U.S. maritime service and to the retention and availability of a modernized and adequate American merchant marine held in readiness at all times. The association is also dedicated to the encouragement of the governmental formation of the U.S. maritime service reserve as a training branch of the wartime American merchant marine.

Eligibility for membership in the association is restricted to male wartime veterans of the American merchant marine and the U.S. maritime service who are eligible for an honorable discharge from the U.S. Shipping Board Recruiting Service of World War I, or who hold a certificate of substantially continuous service in World War II, or the equivalent discharge from the Korean conflict, or any similar type discharge from previous or subsequent conflicts.

Mr. Speaker, I certainly believe the Merchant Marine War Veterans Association, a nonprofit, nonpartisan, and nonpolitical public service organization, is deserving of this recognition by the Congress. Passage of this legislation to incorporate the organization will give it added prestige which will assist it in informing the public of the highly important and necessary functions of the American merchant marine and U.S. maritime service.

Mr. Speaker, I urge House approval of H.R. 3864.

The SPEAKER pro tempore (Mr. ALBERT). The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PURPOSE OF THE BILL

Mr. DOWDY. Mr. Speaker, the purpose of the bill is to provide for the incorporation of the Merchant Marine War Veterans Association in the District of Columbia, where its legal domicile shall be.

The names of the incorporators, the corporate purposes, powers and procedures, membership requirements and duties of the officers are set forth under various sections of the bill.

While the bill provides that the principal office of the corporation shall be located in Chicago, Ill., or such other place as may be determined, it is stipulated that the corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process.

The Merchant Marine & Maritime Service Veterans Association, numbering over 10,000 members in 50 States, was organized in 1957 in the State of Illinois and chartered under the "not for profit" corporation laws of that State.

Its purposes, as expressed in section 3 of H.R. 7615, are first, to foster appreciation for the wartime services of veterans of the American merchant marine and the U.S. maritime service, and the betterment of the plight of said veterans, through recognized methods of obtainment; second, the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 30, 1958; third, to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; and fourth, to encourage the governmental formation of a U.S. Maritime Service Reserve, the acknowledged training branch of the wartime American merchant marine.

Eligibility for membership in the Merchant Marine & Maritime Service Veterans Association is limited to male wartime veterans of the American merchant marine and the U.S. maritime service who are eligible for an honorable discharge from the U.S. Shipping Board Recruiting Service of World War I, or who hold a certificate of substantially continuous service in World War II, or the equivalent discharge from the Korean conflict, or any similar type discharge from previous or subsequent conflicts.

COMMITTEE ACTION

At a public hearing August 2, 1965, on this legislation—and an identical bill, H.R. 7615—before Subcommittee No. 2 of your committee, testimony supporting the enactment of the bill was presented by Members of Congress, by the national commander of the association, and by a representative of the Corporation Counsel's office on behalf of the Board of Commissioners of the District of Columbia. No testimony was offered in opposition to the bills.

It was represented that more than 1.5 million men now living in the United States are eligible for membership in the Merchant Marine and Maritime Service Veterans Administration; that the association, in line with its purposes, is dedicated to the betterment of the plight of the wartime veterans of the American merchant marine and the U.S. maritime service and to the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; and that it is dedicated to the encouragement of the governmental formation of the U.S. maritime service reserve as a training branch of the wartime American merchant marine.

Enactment of this bill will not involve any additional expense to the District of Columbia, the District of Columbia Commissioners advised the committee. The amendments offered were recommended by the Commissioners as the usual additions to measures of this kind.

CONCLUSION

Your committee agrees with the proponents of this legislation that the Merchant Marine War Veterans Association, as a public service organization, is deserving of charter by Congress and that the prestige of a Federal charter will assist it in informing the public of the highly important and necessary functions of the American merchant marine and U.S. maritime service.

This is a nonprofit, nonpartisan, and nonpolitical organization; it is self-supporting, its only income being membership dues; and it has been granted tax-exempt status by the Treasury Department.

The Congress on behalf of the American people owe the veterans of the maritime service a debt of gratitude which can be symbolized in the reported bill. They endured all the terrifying hazards of war at sea and helped save America from invasion. This legislation will also provide recognition of our debt to the many thousands who gave their lives in defense of this Nation.

MANDATORY REPORTING OF INJURIES CAUSED BY FIREARMS OR OTHER DANGEROUS WEAPONS

Mr. DOWDY. Mr. Speaker, I call up the bill H.R. 9985 to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any physician in the District of Columbia, including persons licensed under the "Healing Arts Practice Act, District of Columbia, 1929" (45 Stat. 1326; sec. 2-101, et seq., D.C. Code), as amended, having reasonable cause to believe that a person brought to him or coming before him for examination, care or treatment has suffered injury caused by a firearm, whether self-inflicted, accidental or occurring during the commission of a crime, or has suffered injury caused by any dangerous weapon in the commission of a crime, shall report or cause reports to be made in accordance with this Act: *Provided,* That when a physician in the performance of service as a member of the staff of a hospital or similar institution attends an injured person, he shall notify the person in charge of the hospital or institution or his designated agent who shall report or cause reports to be made in accordance with this Act.

SEC. 2. An oral report shall be made immediately by telephone or otherwise, and followed as soon thereafter as possible by a report in writing, to the Metropolitan Police Department of the District of Columbia. Such reports shall contain the name and address of the injured person, the person's age, the nature and extent of the person's injuries, and any other information which the physician or other person required to make the report believes might be helpful in establishing the cause of the injuries and the identity of the person who caused the injuries.

SEC. 3. Any person who makes a report pursuant to this Act shall not, by reason thereof, be personally liable in damages.

SEC. 4. Notwithstanding the provisions of the District of Columbia Code, sections 14-306 and 14-307, neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence in judicial proceedings resulting from a report made pursuant to this Act.

SEC. 5. Anyone knowingly and willfully violating the provisions of this Act shall be fined not more than $1,000, or imprisoned for not more than one year, or both.

With the following committee amendment.

On page 3, strike out lines 3, 4, and 5.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DOWDY. Mr. Speaker, the first section of this bill provides that a report must be made by any physician or other person licensed under the Healing Arts Practice Act, District of Columbia, 1929 (45 Stat. 1326; District of Columbia Code, sec. 2-101 et seq.), as amended, having reasonable cause to believe that a person coming to his attention for examination or treatment has suffered an injury caused by any dangerous weapon occurring during the commission of a crime, or has suffered an injury caused by a firearm, whether self-inflicted, accidental, or occurring during the commission of a crime. It is further provided that when such a physician is performing as a member of the staff of a hospital or similar institution, and detects such an injury as is described above, he shall notify the person in charge of the hospital or institution, who in turn is required to make the report.

Section 2 provides that an oral report shall be made immediately by telephone to the Metropolitan Police Department of the District of Columbia, to be followed as soon thereafter as practicable by a report in writing. Such reports must contain the name, address, and age of the injured person, and the nature and extent of the person's injuries.

Section 3 indemnifies a person making a report pursuant to this act from any liability in damages resulting therefrom.

Section 4 provides that neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence in any judicial proceeding resulting from a report made pursuant to this act.

BACKGROUND FOR LEGISLATION

Your committee is advised that this proposed legislation was requested of the District of Columbia Commissioners jointly by the Metropolitan Police Department and the U.S. attorney for the District of Columbia, in 1964. The request was made in view of the rising incidence of crimes of violence in the District of Columbia.

At this time, there is no law in the District making mandatory the reporting by physicians of injuries caused by firearms or other dangerous weapons. Your committee is informed by officials of the Police Department, however, that such reporting is done by local physicians as a voluntary service, and that such reports have been the means of solving many crimes in the Nation's Capital. The Police Department and the U.S. attorney's office feel, however, that despite this voluntary cooperation on the part of physicians in the District, the seriousness of the situation regarding crimes involving the use of firearms and other dangerous weapons in the city justifies the enactment of a law making such reporting mandatory, simply as a means of assuring as fully as possible the receipt of this invaluable information in every instance.

Your committee feels that section 3 of the bill, which assures a physician reporting such an injury immunity from any liability for damages as a result, will certainly serve to remove a natural reluctance on the part of the physician in some instances to report these cases to the Police Department.

As introduced, H.R. 9985 contained a section providing criminal penalties for willful violation of the other provisions of the bill. It was the feeling of your committee, however, that such criminal penalties need not be threatened against nonreporting persons in order to carry out the purpose of the bill, which is the encouragement of reporting rather than the prosecution of those who fail to report.

This legislation was requested by the Board of Commissioners of the District of Columbia in a letter addressed to the Speaker of the U.S. House of Representatives under date of July 15, 1965.

Your committee is pleased to endorse this step toward alleviation of the present serious problem of law enforcement and the solution of crime in the District of Columbia.

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HARSHA. Mr. Speaker, in the interest of strengthening the hands of an already severely handicapped police force in the Nation's Capital, I introduced the bill now under consideration, H.R. 9985, which, in effect, makes it mandatory for physicians to report immediately all wounds that they suspect might have been caused either by a firearm or any other dangerous weapon. The net effect being to aid the police in determining if a crime has been committed, if so, by whom, and then, hopefully, the wheels of justice would commence to turn.

The design of this bill is to further aid the Police Department's heroic efforts to curb the appalling mushrooming of crime in Washington, where from 1957 to 1965, criminal homicide is up 103.4 percent, robbery up 320.4 percent, housebreaking up 209.6 percent, ad infinitum.

The Metropolitan Police Department has informed us that at the present time there is no law in the District which requires a physician to report to police a gunshot or other wound. They tell us that when a person is shot during the commission of a crime, the logical story for him to tell a physician when he seeks treatment is that the wound was accidentally self-inflicted. Consequently, unless the doctor becomes suspicious, the criminal can obtain treatment for his injury without a report being made to the police. Such a serious oversight in the law should not be allowed to stand.

This bill also grants to physicians who comply immunity from civil and criminal liability.

It is somewhat interesting to note that present law—evidently a holdover from prohibition days—requires that mechanics must report to the police bullet holes they may find in an automobile. My bill—ironically enough—would bring human beings up to the level of the auto; or at any rate it requires of physicians the same responsibility to the public now asked of auto mechanics.

I strongly urge my colleagues to support this essential public-interest legislation.

AMENDING DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

Mr. DOWDY. Mr. Speaker, I call up the bill (H.R. 8058) to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (2) of section 4(h) of title I of the District of Columbia Income and Franchise Tax Act of 1947, as amended (D.C. Code, sec. 47–1551c(h)), is amended to read as follows:
>
> "(2) Sales of tangible personal property by a corporation or unincorporated business which—
>
> "(A) has or maintains an office, warehouse, or other place of business in the District, or
>
> "(B) has an officer, agent, or representative having an office or other place of business in the District,
>
> during the taxable year for the sole purpose of dealing with the United States for commercial or noncommercial purposes or of dealing with the District or persons for noncommercial purposes; but each such corporation and unincorporated business which does business in the District with the United States shall be subject to the licensing provisions in title XIV of this article."
>
> Sec. 2. The amendment made by the first section of this Act shall apply with respect to taxable years ending on or after the date of the enactment of this Act and with respect to taxable years ending with or within the three-year period ending on the day before the date of enactment of this Act. No interest shall be allowed or paid upon any overpayment of tax—
>
> (1) with respect to any taxable year ending before the date of the enactment of this Act, and
>
> (2) arising by reason of the enactment of this Act, for any period before the expiration of the fifteenth day of the fourth month following the month in which this Act is enacted.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

> Committee amendment offered by Mr. Dowdy: On page 2, line 13, strike out "three-year" and insert in lieu thereof "seven-year".
>
> On page 2, line 15, after the period insert the following: "Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the application of the amendment made by the first section of this Act shall be made or allowed if claim therefore is filed before the sixtieth day after the date of enactment of this Act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PURPOSE OF THE BILL

Mr. DOWDY. Mr. Speaker, the purpose of H.R. 8058 is to restate, by amendment, certain provisions of the Income and Franchise Tax Act of the District of Columbia (act of July 16, 1947; 61 Stat. 328), as amended by the act of May 3, 1948 (62 Stat. 206), relating to foreign corporations which have a place of business, an officer, or representative located in the District of Columbia for the sole purpose of doing business with the United States.

The necessity for this restatement of a portion of section 4 of title I of the Income and Franchise Tax Act arises as a result of a recent interpretation by the government of the District of Columbia which imposed tax liability for the first time on foreign corporations which maintain an office or have representatives in the District of Columbia who merely deal with Federal agencies because this is the seat of the National Government. This restatement makes it clear that "noncommercial" activities will not subject persons or corporations to taxation.

The theory of tax liability employed in the District of Columbia Income and Franchise Tax Act is directed to the conduct of "trade or business" on which net income is derived from sources within the District of Columbia. Thus, as to net income from a "trade or business," involving the sale of tangible personal property by persons, local or foreign, who have a place of business or are physically present or act through a representative, agent, or independent broker located in the District and the product is produced locally or is produced without the District but comes to rest within the District for use by local consumers, the District of Columbia government, or the Federal Government, such net income is from a District of Columbia source and is taxable. But as to net income from sales of tangible personal property to the Federal Government, where the product is produced without the District and is used without the District, and which sales are by persons whose activities are "for the sole purpose of doing business with the United States," such net income is not from District of Columbia sources and not taxable.

Existing language in the District of Columbia Income and Franchise Act (D.C. Code, sec. 47–1551c (h)(1) and (2)), provides an exemption to foreign corporations by excluding certain sales of tangible personal property from the definition of the term "trade or business" which furnishes the basis for the imposition of the privilege or franchise tax.

This history of the existing law and the clearly expressed intent of Congress was that a foreign corporation which conformed to the provisions of the act should be exempt from the imposition of taxes on net income derived from sales of personal property to the U.S. Government. Any interpretation of the language of the act, which provides the exemption, that diminishes the exemption and essentially makes meaningless the language of the act, requires the action recommended by your committee in this report.

District of Columbia officials contend that the language stating the exemption is ambiguous. Your committee is not convinced that such ambiguity exists, and further is of the view that the intent of Congress at the time of enactment of the exemption is so clear as to remove any element of doubt as to the application of the exemption to foreign corporations engaged in doing business solely with the U.S. Government.

TAX POLICY IN THE DISTRICT OF COLUMBIA

The bill, H.R. 8058, is in no way related to the corporate income tax provisions of the Internal Revenue Code enacted by the Congress in its capacity as the National Legislature and which laws are applicable throughout the 50 States and the District of Columbia. The bill relates only to tax law of the District of Columbia enacted by the Congress as the local legislature for the District of Columbia.

The city of Washington is unique among all other cities in the Nation. It is not a territory of the United States. It is not a State. Its status is that of the seat of the Federal Government, an exclusively Federal jurisdiction. The people of the States, in whom reposes the sovereign power of this free representative Government, established the District of Columbia for their benefit as the seat of government for the conduct of their business. In the Constitution the people delegated their powers to their representatives in Congress for the "exercise of exclusive jurisdiction in all cases whatsoever * * *" in the District of Columbia to assure that the wishes, purposes, and business of the people of the States continue as the predominate interest and purpose in the Nation's Capital.

In executing this constitutional mandate, the Congress for many years has followed a general policy relating to taxation in the District of Columbia. Since the sole purpose of the District of Columbia is to serve as the seat of the Federal Government, the question is not how much the Federal Government—the people of all the States—should contribute in taxes but rather what is the fair measure of the tax burden which should be borne by the residents of the District of Columbia for the use of the facilities and protections provided in the community. If the residents of the District of Columbia pay less than their reasonable share of the local tax burden, then the people in all of the States are called upon to provide additional tax funds which, in a sense, become a subsidy to the taxpayers in the District of Columbia. Conversely, if a tax burden placed upon the residents of the District of Columbia exceeds the reasonable amount related to the benefits of the community, then the people of the District of Columbia are supplying more than their fair share and, in a sense, are subsidizing the taxpayers in the States of the Union.

To balance the burden of taxation for the District of Columbia as between those who reside in the Nation's Capital and the people in all of the States, the Congress has endeavored for many years to maintain, as nearly as possible, the tax burdens in the District at a level comparable to the tax burdens of citizens in the metropolitan area immediately adjoining the District of Columbia. This policy of balance relates not only to taxes on property, sales taxes, and personal income taxes, but also to taxes on business activities including local and foreign corporations. The exemption provided in the Income and Franchise Tax Act, which the pending bill restates, is in harmony with the policy of Congress in the application of fair and equitable tax burdens within the District of Columbia.

CORPORATIONS SUBJECT TO TAX

Fully separate from the exemption involved in the pending bill, corporations are subject to tax in the District of Columbia. In a manner similar to that used in many States, the District of Columbia Code—section 47-1580—imposes a tax upon the net income of corporations for the privilege of carrying on and engaging in a "trade or business" within the District. The term "trade or business" is defined to include the carrying on of "commercial activity." This section of the District of Columbia Code relates to both foreign and local corporations—and other business activities—which maintain offices, representatives, or agents, or who have factors or independent brokers located within the District of Columbia engaged in a "trade or business." Nothing in the pending bill is related to or changes the taxability of corporations engaged in a trade or business within the provisions of section 47-1580 of the District of Columbia Code. Under that section, the tax liability is at the rate of 5 percent on that portion of the net income of the corporation which is fairly attributable to the "trade or business" carried on in the District of Columbia.

HISTORY OF THE EXEMPTION

Prior to the enactment of the Income and Franchise Tax Act of 1947, the test for tax liability of corporations on the sale of tangible personal property was whether or not title to the property sold passed within or without the District of Columbia. This test for tax liability was added in the act of June 22, 1942 (56 Stat. 376), which amended the District of Columbia Revenue Act of 1939 (53 Stat. 1087). That amendment was as follows:

> *Provided, however,* That income derived from the procurement of orders for the sale of personal property by means of telephonic communication, written correspondence, or solicitation by salesmen in the District where such orders require acceptance without the District before becoming binding on the purchaser and seller and title to such property passes from the seller to the purchaser without the District is not from District of Columbia sources: *Provided further,* That income from the sale of personal property to the United States is not from District of Columbia sources, unless the taxpayer is engaged in business in the District and such property is delivered for use within said District.

This amendment established a new test for determining the tax liability of foreign corporations. Net income derived from sales of personal property was not considered to be from District of Columbia sources whenever title to the property passed outside of the District of Columbia. It may also be noted that the second portion of the proviso clause excluded sales of personal property to the United States under the circumstances specified.

In the years following the enactment of the foregoing passing of title test, the District of Columbia experienced mounting problems in determining tax liability of corporations because of difficulty in determining where title to tangible personal property sold actually passed. To remedy this situation and for other purposes, the Congress enacted the Income and Franchise Tax Act of 1947. This act substituted the test of whether the "trade or business" was being conducted within the District of Columbia as a substitute for the passing of title test. The act became law on October 13, 1947. New difficulties arose almost immediately when it was discovered that the 1947 act taxed foreign corporations for solicitations and business activity within the District, no matter where title passed, and regardless of whether the corporation maintained a place of business in the District of Columbia. Almost immediately numerous complaints were made to the Congress and legislation to correct and clarify the act was introduced before the next session of Congress.

In the course of committee hearings on H.R. 5317 and S. 2409 of the 80th Congress, testimony was received concerning the inequities resulting from the omission of the usual exemption for foreign corporations doing business solely with the Government of the United States. The issue may be illustrated by extracts from committee hearings. On page 14 of the transcript of the hearings on S. 2409 there is comment between Congressman BATES and Corporation Counsel Vernon E. West.

> Mr. BATES. Let us take an example, Mr. West. * * * The contracts are consummated down at the Bureau of Aeronautics and the Bureau of Supplies and Accounts, and they will run into perhaps billions of dollars, let alone millions; and these things are going to be delivered everywhere except in the District of Columbia although they may send a few to Anacostia. Now do you think all those purchases should be taxed in the District?
>
> Mr. WEST. Personally, I do not believe so.

At page 17 Corporation Counsel West requested his assistant, Mr. Updegraff, to explain the difference between S. 2409 and H.R. 5317:

> Mr. UPDEGRAFF. Under the proviso in H.R. 5317, the income from the sale of personal property to the United States would not be from District sources unless the taxpayer was engaged in business in the District and such property was delivered for use within the District. That is the same language that was in the 1939 act as amended by the 1942 act.

By May 3, 1948, Congress had completed action upon the amendments and S. 2409, as reported to the Congress, had become Public Law No. 509 of the 80th Congress. The exemption for corporations which is the subject of the pending bill is found in amendments to section 4(h) of title 1 of article 1 of the Revenue Act for the District of Columbia of 1947. Section 4(h) with the amendments (D.C. Code 47-1551c(h)) was stated as follows:

> (h) The words "trade or business" include the engaging in or carrying on of any trade, business, profession, vocation, or calling or commercial activity in the District of Columbia; and include the performance of the functions of a public office: *Provided, however,* That these words "trade or business" shall not include, for the purposes of this subchapter—
>
> (1) Sales of tangible personal property whereby title to such property passes within or without the District, by a corporation or unincorporated business which does not physically have or maintain an office, warehouse, or other place of business in the District, and which has no office, agent, or representative having an officer or other place of business in the District, during the taxable year; or
>
> (2) Sales of tangible personal property by a corporation or unincorporated business which does not maintain an office or other place of business in the District and which has no officer, agent, or representative in the District except for the sole purpose of

> doing business with the United States, but such corporation and unincorporated businesses shall be subject to the licensing provisions in title XIV of this subchapter.

In its report to the House of Representatives—House Report No. 1792, 80th Congress, 2d session—your committee stated in reference to the bill:

> The purpose of the bill, as amended, is to clarify the language and intent in the District of Columbia Income and Franchise Act of 1947, in order that the tax so provided be not imposed on corporations or unincorporated businesses which do not maintain places of business or representative in the District of Columbia, or on such concerns which maintain places of business or representatives in the District for the sole purpose of doing business with the United States, with respect to sales of tangible personal property delivered outside the District for use outside the District.

In the Senate report which accompanied the bill—Senate Report No. 1042, 80th Congress, 2d session—the report stated:

> The purpose of the bill is to clarify and limit the imposition of a tax upon the income of corporations or businesses which is "derived from sources within the District of Columbia." Due to the language appearing in the existing District of Columbia income tax law, the imposition or assessment of the income tax was heretofore made against concerns casually engaged in business within the borders of the District of Columbia by such means as telephone, mail orders, traveling salesmen, and other nonconsistent means of solicitation. This bill will correct such situation, and limit the imposition of an income tax to those concerns casually engaged in business on their own account or through representatives or agents within the District of Columbia.

ADMINISTRATION OF THE 1948 AMENDMENTS

From the foregoing much-abridged history of the 1948 amendments to the Income and Franchise Tax Act of 1947, the purpose and intent of the Congress becomes clear. Prior to the 1947 act, the Congress had not imposed any tax upon foreign corporations having offices or representatives in the District of Columbia for the sole purpose of doing business with the Federal Government. Within 5 months following the approval of the 1947 act, the Congress had acted to clarify the provisions of that act in harmony with the long-standing policy relating to foreign corporations doing business with the U.S. Government.

It may be noted that the very essence of the issues involved related to income-producing activities involving engagement in a "trade or business" related to the sale of tangible personal property. At no time since the ratification of the Constitution had the Congress imposed any tax upon any person, natural or otherwise, who maintained an office or a representative in the District of Columbia for the purpose of liaison with agencies of the Federal Government or for the purpose of petition to the Congress. In fact, any such proposal would have cut deeply across the guarantees to the citizens of the United States in the exercise of their rights under the Constitution.

Following the enactment of the amendments of 1948 to the Income and Franchise Tax Act, the District of Columbia interpreted those amendments in line with the intent of Congress, and foreign corporations which observed carefully the requirements established in the exemptions were not notified of any tax liability where their operations were solely for the purpose of "doing business" with the United States. However, during this period, the District of Columbia did notify two foreign corporations of tax liability where such corporations failed to meet the requirements for exemption as stated in the act—*Owens-Illinios Glass Company* v. *D.C.*, 204 F. 2d 29; *Lever Bros. Co.* v. *D.C.*, 204 F. 2d 39.

In one case it was found that the corporation which had established a "sole purpose" office for doing business with the United States had also permitted local salesmen to use the office while engaging in a "trade or business" in the District of Columbia. In the other case, it was found that the corporation was represented by a factor who was engaged in the sale of the products of the corporation and who was located within the District of Columbia.

At some time, shortly prior to 1960, tax officials of the District of Columbia conceived a new interpretation of the exemptions provided by the amendments to the income and franchise tax enacted in 1948, and the District government issued notices of a tax liability to a very limited number of corporations on the ground that the "sole purpose" offices maintained in the District of Columbia were not devoted to "the sole purpose of doing business with the United States." Tax officials found that such foreign corporations in the course of the operations of their "sole purpose" offices secured or provided information by contact with other Government offices or agencies in addition to those Government offices engaged in the procurement of tangible personal property.

Apparently without attention to the clear legislative history of the exemption provisions or to the intent of Congress, tax officials decided that, since the exemption applied to foreign corporations maintaining facilities for the "sole purpose" of doing business with the United States, such corporations lost the benefit of the exemption if they were engaged in any other activity which was not related to the sale of tangible personal property to the Government of the United States. Thus, any activity by a foreign corporation in the nature of providing to or securing from agencies of the Federal Government any information, which activity of itself was not and never has been subject to any tax nor had been considered as the engaging in "a trade or business," now became a taxable activity. If a foreign corporation operating a "sole purpose" office in the District of Columbia found it necessary to make inquiry of the Bureau of Standards for specifications on materials to be used in connection with the production of tangible personal property for sale to the Federal Government, such action was deemed to violate the exemption provisions in the Income and Franchise Tax Act. The theory was that in contacting the Bureau of Standards, the foreign corporation was not doing business with the United States but was "dealing" with the United States and was beyond the authority granted in the exemption provisions of the act. Thus, a foreign corporation was deemed to incur a liability for taxes for an action which was not doing business in the District of Columbia and which activity was not otherwise taxable. On the contrary, it has never been the intent of the Congress to impose a tax on any person or corporation merely because an office or representative was maintained in the District of Columbia for the purpose of liaison with the Federal Government.

In some cases, foreign corporations paid the assessment under compromise agreement, or carried the question to litigation. Not until 1964 was any foreign corporation able to secure an opinion on tax liability in such cases from the Office of the Corporation Counsel for the District of Columbia.

On September 23, 1964, the Office of Corporation Counsel for the District of Columbia issued an opinion dealing with the "sole purpose" exemption for foreign corporations stated in the District of Columbia Income and Franchise Tax Act. This opinion recited in detail the noncommercial activities of one foreign corporation other than matters relating to the sale of tangible personal property to the United States and construed the word "sole" to exclude such activities as being within the exemption provided in the act. Under this interpretation, it appears that essentially no foreign corporation could qualify under the exemptions provided in the act.

An examination of the application of this opinion produces a curious contradiction. In testimony before your committee, it was argued that, since collateral activities relating to other Government agencies than those engaged strictly in the procurement of personal property were not activities directed to doing business as defined in the exemption provisions of the act, therefore the foreign corporations could not receive the benefit of the exemption. On the other hand, to bring the corporations within the basic provisions of the Income and Franchise Tax Act as to liability for the payment of taxes, it was necessary to show that the activities rendering a foreign corporation taxable resulted in net income derived from District of Columbia sources. To sustain this requirement, it was argued that any activities of a foreign corporation accrued some benefit to the corporation and inevitably generated some net income within the District of Columbia although not measurable. Thus, for the purposes of the interpretation of the District of Columbia a foreign corporation was taxable because of the activities which were not doing business with the United States; but, on the other hand, the activities were taxable as doing business because the same activities accrued to the benefit of the corporation ultimately in the form of net income. Such a contradictory situation can result only in intolerable confusion.

APPLICATION OF H.R. 8058

The pending bill, H.R. 8058, as recommended by your committee, is designed as a restatement of the existing law to remove the confusions which attend its present administration. The substance and purpose of section 1 of the bill remains the same as the similar provisions of the existing law. It does not enlarge nor narrow the original intent of the Congress or the longstanding policy of the Congress regarding tax liability of foreign corporations doing business with the United States. Section 1 provides that the definition of the term "trade or business" in the Income and Franchise Tax Act of 1947, as amended, shall not include sales of tangible personal property by a foreign corporation which maintains any office or place of business or has an officer, agent, or representative located in the District of Columbia for the sole purpose of dealing with the United States for commercial or noncommercial purposes or of dealing with the District of Columbia or persons for noncommercial purposes.

Dealing with the United States for commercial purposes relates to any activities involving the sale of tangible personal property produced outside of the District of Columbia and which comes to rest outside of the District of Columbia. Dealing with the United States, the District of Columbia, or persons for "noncommercial purposes" applies to activities not related to the sale of tangible personal property.

Your committee recognizes that the District of Columbia, by provisions under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), is considered to be a Federal agency for the purposes of purchasing tangible personal property from Federal schedules.

It is the clear intent of your committee that, in the event the District of Columbia exercises authority to purchase under that act or under any similar law, from such schedules which may involve the offices or representatives of a foreign corporation located in the District of Columbia for the sole purpose of doing business with the Federal Government, such sale shall be within the exemption provided in the statute. In the use of Federal schedules for purchases, the District of Columbia assumes the character of a Federal agency and the exemption for foreign corporations applies to the sales to the District in the same manner as it applies to sales to Federal agencies. Any net income derived from such sales from Federal schedules to the District government is not to be considered as coming from a District of Columbia source.

Your committee believes that the amendment proposed in section 1 of the bill preserves the right granted to every person, including corporate bodies, for the opportunity to deal with their Government from and within the District of Columbia and particularly so when such persons or organizations find themselves present in the District solely because the District is the seat of the National Government. The assessing of taxes on an activity by a foreign corporation, which activity is otherwise exempt, because such corporation engages in activities which are not themselves subject to tax places the District of Columbia government in the position of taxing persons attending their own National Capital on matters which call them to the seat of the Government. Curiously, Mr. Grayson, of Virginia, during the debates on the ratification of the Constitution by that State, observed:

> It would be the interest of the citizens of that District to aggrandize themselves by every possible means in their power, to the great injury of the other States ("Elliott's Debates on the Federal Constitution," volume 3 at page 433 (2d ed., 1876)).

Certainly the framers of the Constitution firmly intended that this government of the National Capital not be administered in any manner to produce such a result.

RETROACTIVITY PROVISIONS

In the course of the hearings before your committee, and its study of the problem, no clear indication was obtained concerning the number of foreign corporations which are presently involved or which have been involved in the interpretation by the District government of the tax exemption provision. The appearances were that the District of Columbia had embarked primarily on test cases but intended to make assessments on a substantial number of corporations if the foreign corporations involved acquiesced or in the event of a court decision which upheld the interpretation of the District government.

Since your committee deemed the interpretation of the District government as being without support in the language of the Income and Franchise Tax Act or by any intent of the Congress, it was the feeling that all corporations, which had been subject to any action by the District government and had made overpayments of taxes or might be subject to any overpayment of taxes, should be treated as equally as possible by a retroactive provision, provided in section 2 of the bill, to extinguish any possibility of further tax assessments by the District of Columbia and bring about reimbursement of tax overpayments, without interest. At the time of the committee hearings, it appeared that retroactive provisions reaching back to 3 years prior to the effective date of the act would probably accomplish this purpose.

Your committee was not furnished, and does not have, any estimate of the refunds which might be required under the provisions of section 2 of the bill. The amendments do not, in effect, deprive the District of Columbia of tax revenues since there has never been any final determination that the District of Columbia government had the authority under existing law to enforce such collections. The result of the retroactive provisions is that it merely restores the District of Columbia to the financial position it enjoyed prior to the misinterpretation of the exemption provisions of the act.

SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 8058 is a restatement of paragraph (2) of section 4(h) of title I of the District of Columbia Income and Franchise Tax Act of 1947, as amended—District of Columbia Code, section 47-1551c(h).

Section 4(h) of the act defines the term "trade or business." Those engaged in a "trade or business," as defined, are subject to the taxes imposed by the act since any net income derived from such activity is considered as coming from District of Columbia sources.

Paragraph (2) of this section, states an exemption to the definition of "trade or business" in relation to sales of tangible personal property by a foreign corporation which maintains a place of business, an officer, or representative in the District for the "sole purpose of doing business with the United States." Section 2 of H.R. 8058, restates this exemption to make clear that noncommercial dealings and activities by foreign corporations, having such sole purpose offices, does not affect the application of the exemption.

Section 1 of H.R. 8058 provides that the term "trade or business" shall not include a corporation or unincorporated business which maintains an office, warehouse, or other place of business in the District or which has an officer, agent, or representative having an office or other place of business in the District for the sole purpose of dealing with the United States for commercial or noncommercial purposes. Likewise, the definition of "trade or business" shall not apply to dealing with the District of Columbia or persons in the District for noncommercial purposes. All businesses, however, are subject to the licensing provisions of the act.

Section 2 of H.R. 8058 provides that the first section shall apply to taxable years ending on or after the date of enactment and retroactively to taxable years ending with or within the 3-year period ending on the date before the date of enactment. No interest shall be allowed or paid upon any overpayment of tax for any taxable year ending before the date of enactment or which overpayment arises, by reason of enactment of the amendment, in the period before the 15th day of the 4th month following the month in which the act is enacted.

The amendment which has been offered became necessary in view of additional information which has come to the attention of the committee since the introduction of H.R. 8058. It was clear from the record that the 1948 amendments to the District of Columbia Income and Franchise Act exempted foreign corporations from any tax of net income derived from the sale of tangible property in the course of doing business with the U.S. Government and which property was not produced within the District of Columbia and which was used outside the District of Columbia. The net income from such sales was not considered to have been from a District of Columbia source.

Because of the erroneous interpretation of the law, the District of Columbia in the late 1950's began to assess taxes of such sales, although the District of Columbia did not issue a formal opinion in support of its action until 1964. In the beginning a very few corporations were given notice of tax liability by the District of Columbia, some corporations paid under protest, some compromised the tax assessment or compromise while others resorted to litigation over the District's tax claims. No court test was ever concluded.

The objective of the committee in section 2 of the bill was to provide an equal treatment, as far as possible, to all corporations retroactively and to extinguish any further action against other corporations. It was felt that applying the terms of section 1 of the bill retroactively for a period of 3 years would result in essentially equal treatment of all corporations. Any overpayment of tax would be refunded without interest.

Although very few corporations were involved, it now appears that some of the cases which are still open extend back more than 3 years. The amendment extends the retroactive effect for a period of 7 years from the date of enactment. This will more nearly provide equal treatment to all corporations.

The committee was not furnished with any estimate of the refunds which might be required under the provisions of section 2 of the bill. The amendment does not, in effect, deprive the District of Columbia of tax revenues since there has never been any determination that the District of Columbia government had the authority to enforce such collections. The results of the retroactive provisions merely restores the District of Columbia to the financial position it enjoyed prior to the misinterpretation of the exemption provisions of the act.

MOTOR VEHICLE INSURANCE

Mr. DOWDY. Mr. Speaker, I call up the bill (H.R. 9918) to amend the Fire and Casualty Act and the Motor Vehicle Safety Responsibility Act of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Sec. 101. Section 27 of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1076; D.C. Code, sec. 35–1331), is amended by inserting "(a)" immediately after "Sec. 27." and by adding at the end thereof the following new subsection:

"(b) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle or motor vehicles shall be delivered or issued for delivery in the District of Columbia to an insured with respect to any motor vehicle registered or principally garaged in the District of Columbia unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set for in section 19 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended (68 Stat. 126; D.C. Code, sec. 40–435), under provisions approved by the Superintendent, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. The named insured shall have the right to reject such coverage, and, unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer."

Sec. 102. The amendment made by section 101 of this Act shall take effect on the ninetieth day after the date of enactment of this Act.

TITLE II

Sec. 201. Section 10 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 124; D.C. Code, sec. 40–426) is amended by striking out "$100" and inserting in lieu thereof "$50".

Sec. 202. Section 11 of such Act (D.C. Code, sec. 40–427) is amended by adding at the end thereof the following new sentence: "The Commissioners may rely upon the accuracy of this information, unless and until they have reason to believe that such information is erroneous."

Sec. 203. Section 16 of such Act (D.C. Code, sec. 40–432) is amended to read as follows:

"Sec. 16 Application.—The provisions of this Act, requiring deposit of security and giving proof of financial responsibility after an accident and suspensions for failure to deposit security and give proof of financial responsibility after an accident subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of the District of Columbia which is in any manner involved in an accident within the District of Columbia, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of $50."

Sec. 204. Section 17 of such Act (D.C. Code, sec. 40–433) is amended to read as follows:

"Sec. 17. Determination of the Amount of Security.—(a) The Commissioners, not less than twenty days after receipt of a report of an accident as described in the preceding article, shall determine the amount of security which shall be sufficient in their judgment to satisfy any judgment or judgments or damages resulting from such accident, as may be recovered against each driver or owner, but which in no event shall be less than $500. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this Act from the requirements as to security, proof, and suspension.

"(b) The Commissioners shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this Act fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty days after the accident and the Commissioners do not have sufficient information on which to base an evaluation of such injuries or damage, then the Commissioners, after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall require a deposit of security in the minimum amount of $500. If the Commissioners find that a person required by this subsection to make such report or submit such information is or was physically incapable of so doing within the specified fifty-day period, the Commissioners shall permit such person to make such report or submit such information within thirty days after becoming physically able so to do.

"(c) The Commissioners within fifty days after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him, and that he is required to give proof of financial responsibility, and that an order of suspension will be made as hereinafter provided upon the expiration of ten days after the sending of such notice, unless within said time security be deposited and proof of financial responsibility given as required by said notice."

Sec. 205. So much of section 18 of such Act (D.C. Code, sec. 40–434) as precedes paragraph (1) of such section is amended to read as follows:

"Sec. 18. Exceptions to Requirements as to Security and Proof and Suspension.—The requirements as to security proof of financial responsibility, and suspension in this article shall not apply."

Sec. 206. Section 18 of such Act (D.C. Code, sec. 40–434) is further amended by striking out "or" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof: "; or" and by adding at the end thereof the following new paragraph (10):

"(10) to the owner or driver of any motor vehicle if at the time of the accident the driver was an employee of the United States or the District of Columbia and the motor vehicle was operated within the scope of such employment."

Sec. 207. Subsection (a) of section 20 of such Act (D.C. Code, sec. 40–436) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and in no case less than $500."

Sec. 208. Section 21 of such Act (D.C. Code, sec. 40–437) is amended to read as follows:

"Sec. 21. Failure To Deposit Security and Give Proof of Financial Responsibility—Suspensions.—In the event that any person required to deposit security and give proof of financial responsibility under this article fails to deposit such security and give proof of financial responsibility within ten days after the Commissioners have sent the notice as hereinbefore provided, the Commissioners shall thereupon suspend—

"(1) the license and all registrations of each driver in any manner involved in the accident;

"(2) the license and all registrations of the owner of each vehicle of a type subject to registration under the laws of the District of Columbia involved in such accident;

"(3) if the driver is a nonresident the privilege of operating, within the District of Columbia, a vehicle of a type subject to registration under the laws of the District of Columbia; and

"(4) if such owner is a nonresident, the privilege of such owner to operate or permit the operation within the District of Columbia of a vehicle of a type subject to registration under the laws of the District of Columbia.

"Such suspension shall be made in respect to persons not otherwise exempt under this Act who are required by the Commissioners to deposit security and give proof of financial responsibility and who fail to deposit such security and give such proof of financial responsibility, except as otherwise provided under this Act."

Sec. 209. Section 23 of such Act (D.C. Code, sec. 40–439) is amended to read as follows:

"Sec. 23. Adjudication of Nonliability—Release From Requirement of the Deposit of Security.—A person shall be relieved from giving proof of financial responsibility and from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim"

SEC. 210. (a) Subsection (b) of section 24 of such Act (D.C. Code, sec. 40–440) is amended to read as follows:

"(b) The Commissioners, to the extent provided by any such written agreement filed with them, shall not require the deposit of security and shall determine any prior order of suspension and the requirement of proof of financial responsibility, or if security had previously been deposited, shall return such security to the depositor or his personal representative, or pay such security to the depositor's assignee, as the case may be, when all payments required by such agreement have been made in full, when an amount equal to such security has been paid in accordance with such agreement, or when such security is assigned to the person injured or damaged as a result of said accident."

(b) Subsection (e) of section 24 of such Act (D.C. Code, sec. 40–440) is amended to read as follows:

"(e) The Commissioners may accept evidence of a payment to the driver or owner of a vehicle involved in any accident by any other person involved in such accident or by the insurance carrier of any other person involved in such accident on account of damage to property or bodily injury as a settlement agreement relieving such driver or owner from the security and suspension provisions of this article, if proof of financial responsibility has been given, in respect to any possible claim by the person on whose behalf such payment has been made might have for property damage or bodily injury arising out of the accident. A payment to the insurance carrier of a driver or owner under the carrier's right of subrogation for the purposes of this article shall be considered the equivalent of payment to such driver or owner."

SEC. 211. Paragraphs (1) and (2) of section 27 of such Act (D.C. Code, sec. 40–443) are amended to read as follows:

"(1) such person shall deposit and file or there shall be deposited and filed on his behalf the security and proof required under this article; or

"(2) two years shall have elapsed following the date of such suspension and evidence satisfactory to the Commissioners has been filed with them that during such period no action for damages arising out of the accident resulting in such suspension has been instituted; provided such person files proof of financial responsibility."

SEC. 212. Subsection (c) of section 28 of such Act (D.C. Code, sec. 40–444) is amended to read as follows:

"(c)(1) Upon receipt of certification that the operating privilege of a resident of the District of Columbia has been suspended or revoked in any State pursuant to a law providing for suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to deposit both security and proof of financial responsibility, under circumstances which would require the Commissioners to suspend a nonresident's operating privilege had the accident occurred in the District of Columbia, the Commissioners shall suspend the license of such resident and all of his registrations. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such State relating to the deposit of security; and until such resident files proof of financial responsibility if required by such law.

"(2) The provisions of this subsection shall be applicable only to a certification from a State which by its laws has made provision for the suspension or revocation of the license and all registrations of a resident of such State for failure to deposit security for the payment of any judgment arising out of a motor vehicle accident in the District of Columbia, or failure to give proof of financial responsibility, or for failure to make payment of an agreed amount with respect to all claims arising from such accident, in accordance with the provisions of this Act."

SEC. 213. Section 29 of such Act (D.C. Code, sec. 40–445) is amended to read as follows:

"SEC. 29. COMMISSIONERS AUTHORIZED TO DECREASE AMOUNT OF SECURITY.—The Commissioners may reduce the amount of security ordered in any case within six months after the date of accident if in their judgment the amount ordered is excessive, except that such security shall not be reduced to an amount less than $500. In case the security as originally ordered has been deposited, the excess deposit over the reduced amount shall be returned to the depositor or his personal representative forthwith."

SEC. 214. Paragraph (2) of subsection (a) of section 31 of such Act (D.C. Code, sec. 40–447) is amended by striking out "one year" and inserting in lieu thereof "two years".

SEC. 215. The first sentence of section 32 of such Act (D.C. Code, sec. 40–448) is amended by striking out "one year" and inserting in lieu thereof "two years".

SEC. 216. Section 37 of such Act (D.C. Code, sec. 40–453) is amended by adding at the end thereof the following new subsection:

"(c) Whenever the Commissioners suspend the license of any person, upon receiving record of a conviction, and such person was not the owner of the motor vehicle used at the time of the violation resulting in conviction, the Commissioners shall also suspend the license and all registrations in the name of the owner of the motor vehicle so used, if such vehicle was operated with such owner's permission or consent at the time of violation, unless such owner has previously given or shall immediately give and maintain proof of financial responsibility. This subsection shall not apply to such owner if he had in effect at the time of the violation an automobile liability policy or bond with respect to such motor vehicle; or if there was in effect an automobile liability policy or bond with respect to the operation of the motor vehicle; or if the liability of such operator or owner was then, in the judgment of the Commissioners, covered by any other form of liability insurance policy or bond; or if the owner or operator was then qualified as a self-insurer under section 79 of this Act."

SEC. 217. Paragraph (1) of subsection (a) of section 68 of such Act (D.C. Code, sec. 40–484) is amended by striking out "three" both places it appears and inserting in lieu thereof at each such place "five".

SEC. 218. Subsection (b) of section 68 of such Act (D.C. Code, sec. 40–484) is amended by striking out "one year" and inserting in lieu thereof "two years".

SEC. 219. Subsection (c) of section 68 of such Act (D.C. Code 40–484) is amended by striking out the word "three" both places it appears and inserting in lieu thereof at each such place "five".

SEC. 220. Article VII of such Act is amended by inserting immediately after section 79 the following new sections:

"SEC. 79A. REINSTATEMENT OF LICENSES AND REGISTRATION; FEE.—Whenever a license or registration is suspended or revoked and the filing of proof of financial responsibility is, by this Act, made a prerequisite to reinstatement of such license or registration, or both, or to the issuance of a new license or registration, or both, no such license or registration shall be reinstated or new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of this Act, pays to the Commissioners a fee of $25. Only one such fee shall be paid by any one person irrespective of the number of licenses and registrations to be then reinstated for or issued to such person. The fees paid pursuant to this section shall be used by the Commissioners to administer this Act.

"SEC. 79B. IMPOUNDMENT.—(a) Any motor vehicle in any manner involved in an accident, with respect to which the Commissioners are required to suspend the operator's license or nonresident's operating permit shall be subject to impoundment immediately after such accident. Except as provided in subsections (d) and (f) of this section, the owner of each such motor vehicle or his representative shall within forty-eight hours after the accident cause such motor vehicle to be stored at the expense of the owner, in such private or public garage or storage place in the District of Columbia as the owner or his representative may select and shall continue such storage for such period of time as is provided in this section. Such storage shall constitute impoundment within the meaning of this section. So long as the impoundment is in force no person shall remove the impounded vehicle or permit it to be removed from its place of impoundment except upon the order of the Commissioners.

"(b) Immediately following the commencement of the impoundment, such owner or his representative shall forthwith—

"(1) Notify the Commissioners in writing of the street address and city or municipality where said motor vehicle is stored, and

"(2) If the owner is a resident of the District of Columbia, return the registration certificate and registration plates with respect to such motor vehicle to the Commissioners.

If the owner or his representative fails to return such registration certificate and registration plates, the Commissioners are authorized to take possession thereof or to direct any peace officer to take possession thereof and to return the same to the office of the Commissioners.

"(c) The impoundment shall continue until the owner or operator of such motor vehicle, or both, shall furnish security required under section 17 of this Act. Such impoundment shall not be operative pending the determination by the Commissioners of the amount of security to be required if security in the sum of $500 is furnished.

"(d)(1) If repairs to a motor vehicle subject to impoundment are necessary and immediately desired by the owner, the owner may, notwithstanding the provisions of subsection (a), cause such motor vehicle to be taken to such repair shop or garage as he may select for the purpose of having it repaired. Upon completion of such repairs, such motor vehicle shall be impounded as provided in subsection (a).

"(2) Where the Commissioners are satisfied by a certificate signed by a qualified mechanic, or by such other written or documentary evidence as he deems sufficient, that any motor vehicle is so damaged that it is impracticable to restore it to operable condition, the Commissioners may, upon such conditions as they deem proper, consent to the release of such motor vehicle from the requirement of impoundment.

"(e) The Commissioners shall order the release of the motor vehicle from impoundment, and if the term for which the registration certificate and registration plates surrendered to the Commissioners has not expired, shall return such certificates and plates to the owner, when—

"(1) security has been furnished in accordance with the requirements of section 37 of this Act, or

"(2) the owner has obtained a release or a final judgment in his favor has been rendered in an action at law to recover damages resulting from the accident, or

"(3) any judgment against the owner or operator in any such action has been satisfied as provided in section 25 of this Act, or

"(4) two years have elapsed since the date of the accident and no notice has been given to the Commissioners, on a form prescribed by them, of the institution of any action against such owner to recover damages because of such accident, or

"(5) a judgment has been rendered against the owner and the motor vehicle has not, within sixty days from the date of the judgment become final, been seized under an execution issued on such judgment.

"(f)(1) Upon receipt of notice of an accident involving a motor vehicle owned by a nonresident of the District of Columbia which may require the Commissioners to take action under section 37 of this Act, the Commissioners shall notify the motor vehicle Commissioner or other officer performing the functions of such a Commissioner of the State in which such nonresident resides, of the occurrence of such accident, if the law of such other State provides for action similar to that provided for in this subsection. The owner of such vehicle shall not be required to impound such vehicle in the District of Columbia provided it shall be removed from the District of Columbia within forty-eight hours after the accident, or within forty-eight hours after the necessary repairs thereto are completed.

"(2) A resident of the District of Columbia owning a motor vehicle involved in an accident in another State and with respect to which a motor vehicle Commissioner or other officer thereof may be required to suspend operating privileges, shall impound such motor vehicle in the District of Columbia within forty-eight hours after the vehicle is returned to the District of Columbia and such resident shall comply with subsection (b) of this section, if the law of such other State provided for action similar to that provided for in this subsection. Such impoundment shall continue until such motor vehicle is ordered released by the Commissioners upon a showing that the owner is entitled to a release thereof in accordance with the provisions of the law of such other State.

"(g) If a judgment has been recovered in an action against the owner of the motor vehicle impounded pursuant to this section and the motor vehicle has been seized under an execution issued pursuant thereto, the Commissioners shall order the motor vehicle to be released to the person making the seizure.

"(h) No owner, including a purchaser under a conditional sales contract, of a motor vehicle subject to impoundment hereunder shall transfer title to said motor vehicle nor his interest therein unless he furnishes to the Commissioners security in an amount which the Commissioners are satisfied is equivalent to the value of said vehicle or his interest therein, but not exceeding the amount of security fixed by the Commissioners under section 37 of this Act.

"(i) Nothing contained in this section shall affect the rights or remedies of any persons holding prior valid liens on impounded vehicles, including the right to take possession: *Provided*, That such person shall, after the sales of such vehicles for the satisfaction of any lien thereon, remit to the Commissioners deposits of security under section 37 of this Act, on behalf of the former owners or purchasers of such vehicles any sums which such owners or purchasers would otherwise be entitled to receive to the extent of the required deposits.

"(j) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than $100 and not more than $1,000 for each offense or by imprisonment for not more than ninety days, or both."

Sec. 221. The amendments made by this title shall take effect on the ninetieth day after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. SICKLES

Mr. SICKLES. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sickles: Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'District of Columbia Motor Vehicle Unsatisfied Judgment Fund Act'.

"ARTICLE I

"Declaration of policy; definitions

"Sec. 2. Declaration of Policy.—It is hereby declared to be a matter of legislative determination that the operation of uninsured motor vehicles on the highways of the District of Columbia exposes the general public to great financial loss by reason of injury or damage; and that, while the Motor Vehicle Safety Responsibility Act of the District of Columbia has induced a great number of motorists to insure their vehicles, it has failed to accomplish its full purpose of providing a source of compensation for innocent victims of the negligent operation of motor vehicles in that it permits financially irresponsible motorists to insure their vehicles or not as they choose and imposes no penalties against such motorists until after they have caused death, personal injury, or property damage; and that, since an estimated thirty-five thousand vehicles registered in the District of Columbia are not covered by automobile liability insurance, it is apparent that the indirect sanctions of the present Act are ineffective in providing protection for a great number of innocent motor vehicle accident victims. Accordingly, as a direct means of encouraging owners of vehicles, registered in the District of Columbia to cover the same with a liability insurance policy or bond and of protecting a substantial portion of the general public against financial loss arising out of the operation of uninsured motor vehicles, the Congress finds it necessary that owners of motor vehicles who choose to continue not to insure motor vehicles registered in the District of Columbia be required to pay an additional fee at the time such vehicles are registered, such fees to be paid into a fund from which certain persons suffering loss or injury as a result of the negligence of uninsured motorists may obtain payment of otherwise uncollectible claims and judgments. The payment of such additional fee by owners of uninsured vehicles registered in the District of Columbia is not in any manner to be considered a purchase of automobile liability insurance, but is to be considered only as a fee permitting such owners to operate uninsured motor vehicles in the District of Columbia. The Congress further is of the intent that the fund to be created in accordance with the provisions of this Act shall be administered and regarded solely as a source from which certain persons who become innocent victims of the negligent operation of motor vehicles shall have the opportunity of receiving compensation for loss and damage not otherwise compensable. In all instances, particularly those involving hit-and-run accidents, those persons claiming payment from the fund shall be held to strict proof, and the administrators of the fund and the courts shall regard themselves as guardians of the fund to effectuate this declared policy.

"Sec. 3. Definitions.—For the purposes of this Act, the following words and phrases shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

"(a) Accident.—An incident occurring in connection with or arising out of the operation of a motor vehicle and involving injury to or death of an individual or damage to property, or any combination of such injury, death, or damage, without regard to whether such incident is or may be attributable to the negligence of any person.

"(b) Action.—An action at law filed in any appropriate court in the District of Columbia arising out of the operation, ownership, maintenance, or use of a motor vehicle in the District of Columbia.

"(c) Commissioners.—The Board of Commissioners of the District of Columbia or their designated agent or agents.

"(d) Driver or Operator.—Every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a motor vehicle being pushed or towed.

"(e) Insurer.—Any insurer authorized to write automobile liability insurance in the District of Columbia.

"(f) Liability Insurance Policy or Bond.—A bond, an automobile liability policy, or a motor vehicle liability policy meeting the basic limits of coverage required by the Safety Responsibility Act.

"(g) License.—Any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District of Columbia including—

"(1) any temporary or learner's permit;

"(2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

"(3) any nonresident's operating privilege as defined herein.

"(h) Motor Vehicle.—Every vehicle which is self-propelled or every device in, upon, or by which any person or property is or may be transported or drawn upon a highway other than a vehicle or device which is designed to be moved by human or animal power or is operated upon rails.

"(i) Net Direct Written Premiums.—Direct gross premiums written on policies insuring against legal liability for bodily injury or death and for damage to property arising out of the ownership, operation, or maintenance of motor vehicles registered in the District of Columbia, less return premiums thereon.

"(j) Nonresident.—Every person who is not a resident of the District of Columbia.

"(k) Nonresident's Operating Privilege.—The privilege conferred upon a nonresident by the laws of the District of Columbia pertaining to the operation by such person of a motor vehicle, or the use of a motor vehicle owned by such person in the District of Columbia.

"(l) Owner.—A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

"(m) Person.—Every natural person, firm, copartnership, association, or corporation.

"(n) Qualified Person.—A resident of the District of Columbia who is not the owner of a motor vehicle and who is not protected under the 'uninsured motorist' provision of an automobile liability policy or motor vehicle liability policy; except the term 'qualified person' shall not include (1) any person residing in the District of Columbia whose motor vehicle is registered elsewhere than in the District of Columbia at the time such motor vehicle is involved in an accident within the purview of this Act, and such person shall be considered a resident of the jurisdiction in which such vehicle was then registered, or (2) any person who at the time of the accident was operating a motor vehicle in violation of an order of suspension or revocation, or without the permission of the owner thereof.

"(o) Registration.—The registration of a motor vehicle under the laws and regulations of the District of Columbia, and where appropriate, the identification tags issued pursuant to such registration.

"(p) Registration Year.—The twelve-month period for registering motor vehicles as provided in section 2, title IV, of the Act of August 17, 1937 (60 Stat. 680), as amended (sec. 40–102(c), D.C. Code, 1961 edition).

"(q) Safety Responsibility Act.—The Motor Vehicle Safety Responsibility Act of the District of Columbia approved May 25, 1954, as amended (68 Stat. 120; sec. 40–417, et seq., D.C. Code, 1961 edition).

"(r) Uninsured Motor Vehicle.—A motor vehicle, other than one owned by the District of Columbia or the United States, as to which there is not in force a liability policy or bond meeting the requirements of the Safety Responsibility Act of the District of Columbia or which is not owned by a holder of a certificate of self-insurance under this Act or under the Interstate Commerce Act, or as to which after a trial on the merits there is a final judgment in favor of the insurer of the owner of such motor vehicle based on a disclaimer or denial of coverage by the insurer.

"(s) Unsatisfied Judgment Fund Board, or Board.—The Board created by section 10 of this Act.

"(t) Unsatisfied Judgment Fund, or Fund.—The fund derived from the sources specified in this Act.

"(u) Unsatisfied Judgment Fund Fee, or Fee.—The additional fee to be collected under this Act as contribution to the fund from the owner of an uninsured motor vehicle upon the registration thereof in the District of Columbia.

"ARTICLE II

"Automobile liability policies required to include uninsured motorist coverage endorsements

"Sec. 4. Amendment of Fire and Casualty Act.—Section 27 of the Fire and Casualty Act approved October 9, 1949 (54 Stat. 1076; D.C. Code, sec. 35–1331), is amended by inserting '(a)' immediately after 'Sec. 27.' and by adding at the end thereof the following new subsection:

" '(b) (1) No automobile liability policy or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person, or injury to, or destruction of property, arising out of the ownership, maintenance, or use of a motor vehicle or motor vehicles shall be delivered or issued for delivery in the District of Columbia to an insured with respect to any motor vehicle registered in the District of Columbia unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death or injury to or destruction of property set forth in section 19 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 126), as amended (sec. 40–435, D.C. Code, 1961 edition), under provisions approved by the Superintendent, for the protection of persons thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, or injury to or destruction of property resulting therefrom. Any such policy may provide an exclusion of not more than $100. As used in this subsection, the term "insured" means (1) the named insured, (2) the spouse of the named insured and relatives of either while residing in the same household as the named insured, (3) any person who, with the consent of the insured, express or implied, uses the motor vehicle to which the policy applies, (4) a guest in such motor vehicle, or (5) the personal representative of any of the above.

" '(2) No endorsement or provisions required by paragraph (1) of this subsection shall limit liability thereunder to bodily injury, death, or property damage arising out of an accident only occurring within the District of Columbia.

" '(3) The provisions of paragraph (1) of this subsection shall not apply to any policy of insurance to the extent that it covers the liability of an employer under any workmen's compensation law, but no provision or application of this subsection shall be construed to limit the liability of the insurance company, insuring motor vehicles, to an employee or other insured under this subsection who is injured by an uninsured motor vehicle.'

"ARTICLE III

"Creation of and payments into fund; and availability of fund

"Sec. 5. Creation of Fund.—There is hereby created in the Treasury of the United States a special fund, without fiscal year limitation, which shall be known as the unsatisfied judgment fund, District of Columbia, into which shall be deposited all fees and payments made in accordance with the provisions of this Act, and from which shall be disbursed payments required by this Act, without fiscal year limitation. The fund shall not be subject to attachment, execution, or to any other legal process except as provided in this Act.

"Sec. 6. Owners of Uninsured Motor Vehicles To Pay Fee.—(a) (1) For the purpose of creating and maintaining the fund established by section 5, every person who registers an uninsured motor vehicle in the District of Columbia, or who obtains a special use tag for use on an uninsured motor vehicle in the District of Columbia, shall pay, at the time such motor vehicle is registered, or at the time such special use tag is obtained, the fee specified by paragraph (2): *Provided*, That no person qualifying as a self-insurer under the Safety Responsibility Act, or complying with the requirements of section 5 of the Act of June 29, 1938 (52 Stat. 1233), as amended (sec. 44–305, D.C. Code, 1961 edition), shall be required to pay the fee specified by or pursuant to this section, if such person has also complied with the requirements of subsection (c) of this section. Such fee shall be in addition to any other fee prescribed by law.

"(2) The fee required by paragraph (1) shall be $40 for the first registration year for which this Act is effective, and such amount for each subsequent registration year as shall be determined by the Board pursuant to authority contained in subsection (b) of this section.

"(3) The fee required by paragraph (1) of this subsection shall not be required of the motor vehicle owner who—

"(i) has, in connection with the registration of his motor vehicle for a registration year, demonstrated to the satisfaction of the Commissioners that there is or will be in effect on the first day of the period for which such motor vehicle is being registered, a liability insurance policy or bond; or

"(ii) is exempt by law from paying to the government of the District of Columbia any fee for the registration of such motor vehicle.

"(4) Whenever the liability insurance policy or bond referred to in the preceding paragraph is not an extension or renewal of an existing policy or bond, the initial premium paid therefor shall be not less than 25 per centum of the total annual premium for such policy or bond, and the insured or some person on behalf of the insured shall, in connection with registering a motor vehicle, submit with his application for registration a certificate from the insurer stating that the insured or some person on his behalf has paid to the insurer an initial premium at least equal to 25 per centum of such total annual premium, and no part of such premium, as of the date of such certificate, has been refunded, or otherwise returned to the insured to the extent that the balance of such initial premium is less than 25 per centum of such total annual premium.

"(5) In the event the initial premium paid for a liability insurance policy or bond as required by paragraph (4) does not at least equal 25 per centum of the total annual premium for such liability insurance policy or bond, then the motor vehicle covered by such policy or bond shall be deemed to be an uninsured motor vehicle, and the person registering such vehicle shall pay the fee required by paragraph (1).

"(6) All determinations required by this subsection to be made and all actions required thereby to be taken with respect to the determination of the insurance coverage offered by applicants for registration, and the collection of the fees required to be paid by uninsured motorists shall be made, taken, or collected, as the case may be, by the Commissioners. In performing these functions, the Commissioner's shall maintain records relating to such insurance coverage and fees, including records of all notices issued by them respecting the same, and shall make available to the Board, either routinely or at the Board's request, such information concerning such insurance and fees as the Board may from time to time require in connection with its administration of this Act.

"(b) Prior to each registration year, beginning with the second registration year in which such fee is required to be paid, the Board shall estimate the probable amount which during such registration year will be required in the fund to make all expenditures expected to be required by this Act, including the cost of administration, the payment of existing and anticipated judgments and the settlement of existing and anticipated claims, and all other expenditures which this Act authorizes or requires to be disbursed from the fund created by section 5. If, in the opinion of the Board, the estimated balance of the fund at the beginning of such registration year will be insufficient to meet the needs of the fund during any such year, it shall determine on an actuarial basis the fee to be paid by any person referred to in subsection (a).

"(c) No person shall be considered a self-insurer within the meaning of this Act unless such person, in addition to qualifying as a self-insurer under the Safety Responsibility Act or under section 5 of the Act of June 29, 1938, supra, shall also have filed with the Commissioners an undertaking or certificate, in such form as the Commissioners may by regulation prescribe, guaranteeing that such self-insurer will, with respect to a judgment secured by any individual against the owner or operator of an uninsured motor vehicle, arising out of an accident involving a motor vehicle owned or operated by or on behalf of such self-insurer in which such individual was riding at the time of such accident as a passenger or employee of the self-insurer, satisfy such judgment to the extent that it remains unsatisfied at the expiration of thirty days from the date on which it became final, subject to the limits set forth in section 19 of the Safety Responsibility Act. No such judgment shall be satisfied by a self-insurer complying with the requirements of this section until the judgment creditor shall have assigned the judgment to the self-insurer or to some person designated by the self-insurer, and, thereupon, the self-insurer or the person so designated shall be deemed to have all the rights of the judgment creditor under the judgment and shall be entitled to enforce the same for the full amount thereof with interest and costs. If more money is collected by the self-insurer or the person designated by the self-insurer upon any such judgment than the amount paid to the judgment creditor, the self-insurer or the designee of the self-insurer shall, after reimbursing himself or itself, pay the balance to the judgment creditor.

"SEC. 7. "MOTOR VEHICLE BECOMING UNINSURED.—(a) Any person whose motor vehicle is insured shall, if such vehicle becomes uninsured at any time during the registration year, immediately notify the Commissioners of such fact and shall pay the fee prescribed in section 6 or return his registration tags to the Commissioners. The fee prescribed for an uninsured motor vehicle shall be paid whenever insurance coverage lapses during any registration year, unless the owner of such vehicle has, prior to the expiration of cancellation of such insurance coverage, surrendered his registration and all evidence thereof.

"(b) Upon the failure of any person to return to the Commissioners the registration tags of any vehicle becoming uninsured at any time during the registration year, as required by the preceding subsection, the Commissioners shall suspend such registration until such time as the motor vehicle again is insured in accordance with the requirements of this Act and written notice of such action has been furnished the Commissioners, or until the owner of the vehicle has paid to the Commissioners the fee prescribed by section 6.

"(c) No motor vehicle shall be registered in the name of any person who has failed to comply with the provisions of subsection (a) of this section until all fees then due and owing under this section have been paid.

"SEC. 8. AVAILABILITY OF FUND.—(a) The fund shall be available to the Board for disbursements required under or authorized by this Act. Such disbursements are to be made in the same manner as other disbursements are made for the District of Columbia.

"(b) The fund shall be available to the Board to pay all costs incurred by the Board in the administration of this Act, and by an insurer in connection with any review or appeal prosecuted or defended by it from a judgment rendered in an action filed under the authority of this Act. Disbursements for such costs shall have priority over all other disbursements from the fund.

"SEC. 9. MANAGEMENT OF FUND.—The Board may invest any portion of the fund created by section 5 of this Act. Any investment made by the Board shall be made in a manner consistent with laws and regulations governing investment of funds of the District of Columbia.

"ARTICLE IV

"Unsatisfied judgment fund board

"SEC. 10. CREATION OF BOARD.—(a) There is hereby created an Unsatisfied Judgment Fund Board consisting of four representatives of insurers designated as prescribed by subsection (b) and five other persons who shall be appointed by the Commissioners. Such representatives of insurers shall include one representative for each of the following classes of companies:

"(1) Stock company rating organization members;

"(2) Mutual company rating organization members;

"(3) Independent stock companies; and

"(4) Independent mutual and other companies.

"(b) A person designated as a representative of a class of companies shall be an employee or officer of an insurer of the class which he represents, and shall be designated from among list of persons nominated by the members of each such class. Whenever the supervision of the business of insurance or the supervision of the licensing of automobiles and automobile operators shall have been delegated by the Commissioners to other District employees, such employees shall be appointed as members of the Board, and the employee to whom the Commissioners shall have delegated the function of supervising the business of insurance shall designate the representatives of the classes of companies specified in subsection (a). The remaining three members shall be persons not employed either in the insurance business or by the Federal or District governments, each of whom shall reside in the District of Columbia, or be the owner of an interest in real property located therein, or actively practice a profession or engage in an occupation therein, or own, be associated with, or be employed in, a business, organization, or firm located therein. One of the three members last mentioned shall be designated by the Commissioners as Chairman of the Board, without vote except in the case of a tie vote among the other members of the Board, in which case the Chairman shall vote to break the tie.

"(c) Each member of the Board other than those employed by the government of the District of Columbia, who serve ex officio, shall be designated or appointed for terms of three years, except that, of the first persons designated to represent the several classes of insurers, one shall be appointed for one year, two shall be appointed for two years, and one shall be appointed for three years, while, of the remaining three members first appointed, one, who shall be the Chairman, shall be appointed for three years, one shall be appointed for two years and one shall be appointed for one year. A vacancy occurring during a term shall be filled by the Commissioners for the remainder of such term. Board members shall continue to serve until their successors are appointed and have qualified. No person designated or appointed a member of the Board, other than those persons in the employ of the District of Columbia, shall serve more than two consecutive full three-year terms: *Provided,* That a term of less than three years shall not, for the purposes of this subsection, be considered a three-year term.

"(d) The Commissioners are authorized, in their discretion, to pay compensation to each member of the Board other than the two members employed by the government of the District of Columbia. Such compensation, which may be paid for each day or part thereof a member is actually employed in the work of the Board, shall not exceed the per diem rate for grade 18 of the General Schedule set forth in section 603(b) of the Classification Act of 1949, as amended. In addition to the compensation authorized by the foregoing, each member of the Board, without exception, may, in the discretion of the Commissioners, be reimbursed for all necessary expenses, including traveling expenses, incurred in the discharge of his duties as a member of the Board. The compensation and reimbursement authorized by this subsection shall be a charge against the fund created by section 5.

"(e) Such Board shall maintain an office in the District of Columbia, administer the fund, and, subject to the provisions of this Act, determine the cash requirements of the fund, and the amounts, if any, available for investment. The Board is authorized to request and receive from the Commissioners advances of such funds as the Board and the Commissioners shall jointly find are necessary to carry out the purposes of this Act: *Provided,* That such advances shall be reimbursed from the fund. The Board is authorized to employ personnel necessary for carrying out the purposes of this Act, such personnel to have qualifications to be specified by the Board. Such employees shall, for purposes of determining conditions of their employment, be deemed to be District employees and shall be entitled to, and receive, the same benefits as other District employees, including compensation fixed in accordance with the Classification Act of 1949, as amended. The compensation of such employees and the cost of the employer's share of providing employee benefits shall be borne by the fund.

"(f) In addition to any employees made available to the Board by the Commissioners under the authority of the preceding subsection, the Board is authorized to employ a Director and an Assistant Director of the fund, each of whom shall serve at the pleasure of the Board. The Director shall receive compensation, payable by the Board from the fund, at not to exceed the rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended. The Assistant Director shall receive compensation, payable from the fund, at not to exceed the maximum rate for grade 17 of such schedule. Neither the Director nor the Assistant Director shall be employees of the government of the District of Columbia or the United States for any purpose, except that for the sole purpose of supervision of their subordinate employees, the Director and Assistant Director shall be deemed to be employees of the government of the District of Columbia.

"SEC. 11. RULES AND REGULATIONS OF THE BOARD.—The Board may, from time to time, adopt, amend, and enforce all reasonable rules and regulations necessary or desirable, in the Board's opinion, in connection with its functions, duties, and responsibilities in administering this Act. The Board may also require notice of cancellation or expiration of any automobile liability policy or bond when certification of such policy or bond is required.

"ARTICLE V

"Procedure for making claim against fund

"SEC. 12. NOTICE OF ACCIDENT AND INTENTION TO FILE CLAIM.—Whenever, on or after the first day of the second registration year for which this Act is effective, any qualified person suffers damages resulting from bodily injury or death or damage to property arising out of the ownership, maintenance, or use of a motor vehicle in the District of Columbia, and such damages may be sought in whole or in part from the fund, such person (or the personal representative of such person) shall, within one hundred and eighty days after the accident, as a condition precedent to the right thereafter to apply for the payment from the fund, give notice to the Board, as prescribed by it, of his intention to make a claim against the fund for such damages, if otherwise uncollectible, and shall otherwise comply with the provisions of this section: *Provided,* That any such qualified person (or his personal representative) may, in lieu of giving said notice within said time, make proof to the court on the hearing of the application for the payment of a judgment, or during the hearing of an application, under section 29, to sue the Board, either (1) that he was physically incapable of giving said notice within said period and that he gave said notice within thirty days after he became physically capable to do so or, in the event he did not become so capable, that a notice was given on his behalf within a reasonable period; or (2) that he gave notice to the Board within thirty days of receiving notice that an insurer had disclaimed on a policy of insurance so as to remove or withdraw liability insurance coverage for his claim against a person or persons who allegedly cause him to suffer damages. In any such notice he shall describe the manner in which the accident occurred, specifying the time and place of occurrence, identify the operators and vehicles involved therein and such witnesses to said accident as are known to him, and describe the injuries then known to him and the damage to property sustained. Said notice shall be accompanied by—

"(1) the statement of the qualified person that he has complied with the requirements of the Safety Responsibility Act to the extent that such Act is applicable to him;

"(2) certification by a physician of the injuries sustained so far as they can then be anticipated, and of the treatment afforded by such physician or by other physicians;

"(3) an itemized estimate of an automobile repairman, or an itemized bill, showing the cost of repairs, if the damage is to an automobile;

"(4) such information as is known to him with regard to liability insurance in effect with respect to the motor vehicle involved in the accident; and

"(5) a copy of the complaint if an action has therefore been brought for the enforcement of such claim, and such person shall, within 15 days after the institution thereof, also notify the Board of any action thereafter instituted for the enforcement of such claim, and such notice shall be accompanied by a copy of the complaint.

The Board shall be authorized, upon a showing of good cause, to extend the period for filing any of the documents to accompany the said notice.

"Sec. 13. Commissioners To Furnish Information to Board.—The Commissioners are hereby authorized and empowered, notwithstanding the provisions of any other law relating to the confidential nature of any reports of information furnished to or filed with them, to furnish to the Board upon its request, for such use, utilization and purposes as the Board may deem reasonably appropriate to administer this Act and discharge its functions hereunder, any reports and information filed by any person or persons claiming benefits under the provisions of this Act that the Commissioners may have with regard to any accident, any operator or owner of a motor vehicle involved in any accident, and as to any automobile or motor vehicle liability insurance or bond carried by any operator or owner of any motor vehicle.

"Sec. 14. Investigation and Defense of Claims.—(a) The Board shall assign to insurers for investigation and defense all default actions described in section 22 and all actions against the Board brought under section 29.

"(b) Any time after the receipt of a notice of intention to make a claim as provided in section 12, the Board may also assign to insurers for the purpose of making investigations such of said claims as in the judgment of the Board it is advisable to investigate. At any time after receipt of a notice of the institution of any action against the operator or owner of a motor vehicle as provided in section 12, the Board may also assign to insurers for the purpose of conducting the defense thereof those actions which in the judgment of the Board it is advisable to defend.

"(c) All assignments made under this section shall be made to insurers in approximately the proportion to their net direct written premiums in the District of Columbia. Each insurer shall at its own expense (1) make such investigation of any claim or action as may be appropriate, and (2) cause to be conducted on behalf of the fund the defense of any action assigned to it.

"(d) All expenses incurred by such insurer in connection with any review or appeal prosecuted or defended by it from a judgment rendered in such action shall be borne by the fund, and the insurer's attorneys' fees in connection therewith shall be subject to approval by the court.

"(e) The Board shall establish a reasonable plan for the equitable apportionment among insurers of claims against operators and owners of motor vehicles, for investigation and defense, in accordance with this Act. Such plan shall be subject to the approval of the Commissioners, and, upon the approval of the plan by the Commissioners, all insurers shall subscribe thereto and participate therein.

"Sec. 15. Defense of Actions Against Motorists.—The insurer to whom an action has been assigned may through counsel enter an appearance on behalf of the defendant, file a defense, appear at the trial, or take such other steps as it may deem appropriate on the behalf and in the name of the defendant and may, thereupon, on the behalf and in the name of the defendant, conduct his defense and take recourse to any appropriate method of review on behalf of and in the name of the defendant, and all such acts shall be deemed to be the acts of such defendant: *Provided,* That nothing contained herein shall deprive the defendant of the right to also employ his own counsel to participate in the defense of the action.

"Sec. 16. Cooperation of Defendant.—(a) In any case in which an insurer has assumed under this Act the defense of any action, the defendant shall cooperate in the defense of such action in any manner necessary for such defense. In the event of the defendant's failure to cooperate, the insurer conducting such defense may apply to the court for an order directing such cooperation. Failure to comply with the court's order shall be punishable by a fine not exceeding $300 or imprisonment not exceeding ninety days, or both.

"(b) The license and registration of any person failing to comply with a court order issued pursuant to subsection (a) of this section shall be suspended and shall remain suspended until the court is satisfied that there has been compliance with its order.

"Sec. 17. Application for Payment of Judgment.—When any qualified person or the personal representative of such person recovers a valid final judgment in any court of competent jurisdiction in the District of Columbia against any person who was the operator or owner of an uninsured motor vehicle for injury to, or death of, any person or persons or for damages to property, except property of others in charge of such operator or owner or such operator's or owner's employees, aising out of the ownership, maintenance, or use of such motor vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, the judgment creditor may, upon the termination of all proceedings, including reviews and appeals in connection with such judgment, file a verified claim in the court in which the judgment was entered and, upon ten days' written notice to the Board, may apply to the court for an order directing payment out of the fund, of the amount unpaid upon such judgment, subject to the limitations stated in section 21.

"Sec. 18. Hearing on Application for Payment of Judgment.—(a) The court shall proceed promptly to hold a hearing on any application filed under the authority of section 17 and shall give the Board opportunity to be represented at such hearing. At the hearing, the applicant shall be required to show that—

"(1) he is a qualified person;

"(2) he is not a spouse of the judgment debtor, or the personal representative of such spouse;

"(3) he has complied with all requirements of section 12;

"(4) the judgment debtor at the time of the accident was not insured under a policy of automobile liability insurance under the terms of which the insurer is liable to pay the amount of the judgment, up to the limits set forth in section 21, or, if the judgment debtor is so insured, that the insurer, by reason of being insolvent, is unable to pay the amount of the judgment up to such limits;

"(5) he has obtained a judgment as set out in section 17, stating the amount thereof and the amount owing thereon at the date of his application;

"(6) he has caused to be issued a writ of execution upon said judgment, and the United States marshal executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of such property as was found, under said execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

"(7) he has caused the judgment debtor to make discovery under oath, pursuant to law, concerning his personal property and as to whether such judgment debtor was at the time of the accident insured under any policy or policies of insurance described in paragraph (4) of this subsection;

"(8) he has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of personal or real property or other assets, liable to be sold or applied in satisfaction of the judgment;

"(9) that by such search he has discovered no personal or real property or other assets liable to be sold or applied or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so sold and applied that he has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized;

"(10) that the application is not made by or on behalf of any insurer by reason of the existence of a policy of insurance whereby the insurer is liable to pay, in whole or in part, the amount of any claim or judgment, or by or on behalf of any insurer for any amount sought or claimed for damages to or destruction to the applicant's or an insured's real or personal property, including automobiles, by reason of collision with an automobile or object, or by upset of the automobile, and that no part of the amount to be paid out of the fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of such a policy of insurance, and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of such a policy of insurance; and

"(11) whether he has a cause of action against any person other than the judgment debtor in respect of his damages for bodily injury, death, or damage to property, and, if so, what steps, if any, he has taken to recover damages from such person, stating the amounts recovered, if any.

"(b) Whenever the applicant satisfies the court that it is not practicable to comply with one or more of the requirements enumerated in paragraphs (5) and (6) of subsection (a) of this section, and that the applicant has taken all reasonable steps to collect the amount of the judgment or the unsatisfied part thereof, and has been unable to collect the same, the court may dispense with the necessity for complying with such requirements.

"Sec. 19. Order for Payment of Judgment.—The court shall make an order directed to the Board requiring it to make payment from the fund of such sum, if any, as the Board shall find to be payable on said claim, pursuant to the provisions and in accordance with limitations contained in this Act, if after the hearing required by section 18, the court is satisfied, and affirmatively find in formal findings of fact—

"(1) of the truth of all matters required by section 18 to be shown by the applicant;

"(2) that the applicant has fully pursued and exhausted all remedies available to him for recovering the amounts referred to in paragraph (3) of subsection (b) of section 21 by commencing action against all such persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages and prosecuting every such action in good faith to judgment and taking all reasonable steps available to him to collect on every judgment so obtained.

"Sec. 20. Settlement of Actions.—(a) In any action against an operator or owner of a motor vehicle for injury to or death of any person or for damage to property arising out of the ownership, maintenance, or use of said vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, pending in any court of competent jurisdiction in the District of Columbia, the plaintiff may upon notice to the Board file a verified petition with the court alleging—

"(1) the matter set forth in paragraphs (1) through (5) of subsection (a) of section 18;

"(2) that the petition is not presented on behalf of an insurer under circumstances set forth in paragraph (10) of subsection (a) of section 18;

"(3) that he has entered into an agreement with the defendant to settle all claims set forth in the complaint in said action and the amount proposed to be paid to him pursuant to such agreement;

"(4) that said proposed settlement has been consented to by the Board;

"(5) that the defendant has executed and delivered to the Board a verified statement of his financial condition;

"(6) that a judgment against the defendant would be uncollectible; and

"(7) that the defendant has undertaken in writing to repay to the Board the sum that he would be required to pay under such settlement if approved by the court, and has executed a confession of judgment in connection therewith.

"(b) If the court be satisfied of the truth of the allegations in said petition, and of the fairness of such proposed settlement, it may enter an order approving the same and directing the Board, upon receipt of the undertaking and confession of judgment mentioned in paragraph (7) of subsection (a) of this section, to make payment to the plaintiff of the amount agreed to be accepted.

"(c) An insurer to whom a claim has been assigned may settle any claim involving the payment of less than $2,500 if the Board or its designated agent is satisfied, and so states in writing that—

"(1) the claimant has complied with all the requirements of section 12 and is not a person of the character described in paragraph (2) of subsection (a) of section 18, and that the owner or operator of the motor vehicle was not at the time of the accident insured under a policy of automobile liability insurance under the terms of which the insurer is liable to pay in whole or in part the amount of the judgment;

"(2) the settlement is not made on behalf of an insurer under circumstances set forth in paragraph (10) of subsection (a) of section 18;

"(3) a judgment against the owner or operator of the motor vehicle involved in the accident would be uncollectible; and

"(4) if such owner or operator has consented to such settlement, he has executed and delivered to the Board a verified statement of his financial condition and has undertaken in writing to repay to the Board the sum to be paid under the settlement, and has executed a confession of judgment in connection therewith.

"(d) Upon receipt by the Board of said undertaking to repay and of said confession of judgment, it shall make the required payment to claimant out of the fund.

"Sec. 21. Limitation on Amounts Payable From Fund.—(a) The maximum amounts payable from the fund shall be $10,000, inclusive of costs, on account of bodily injury to or death of one person in any one accident, and, subject to such limit for any person so injured or killed, $20,000, inclusive of costs, on account of bodily injury to or death of more than one person in any one accident, and $5,000, inclusive of costs, for damages to property in any one accident. Costs, in addition to the amount of the judgment, may be allowed by the court in which such costs are incurred. Interest shall not be allowed on any payment out of the fund.

"(b) There shall be deducted from the applicable maximum amounts referred to in subsection (a) of this section, or from the amount of the claim or judgment, whichever is smaller—

"(1) $100 from claims and judgments involving bodily injury or damage to property, or both such injury and damage;

"(2) all amounts that the applicant has received or, in the opinion of the court, is likely to receive from any source, in or toward payment of the judgment or claim against any person against whom the applicant has or had a cause of action for damages for bodily injury or death or damage to the property, arising out of the same accident; and

"(3) all amounts that the applicant has received or, in the opinion of the court, is likely to receive under any policy affording indemnity for damage to or destruction of his real or personal property.

"(c) Notwithstanding the provisions of subsections (a) and (b), the payment of any claim based on damage to property shall not include any payment for damage to a motor vehicle operated by any operator involved in the accident in which such damage occurred, nor include any payment for damage to personal property covered by a liability insurance policy or bond.

"(d) Any amount paid out of the fund in excess of the amount authorized by this section may be recovered by the Board in any action brought by it against any person who, directly or indirectly, received such excess amount.

"(e) Notwithstanding the provisions of any workmen's compensation or similar law to the contrary, neither the employer of an injured person or decedent, nor the insurer of such employer, shall be entitled to a lien on payment from the fund where the amount of such payment has been reduced by the amount of benefits paid or to be paid pursuant to any workmen's compensation or similar law, nor shall such benefits be reduced because of such reduced payment from the fund.

"Sec. 22. Default and Consent Judgments.—No claim shall be allowed and ordered to be paid out of the fund if the court shall find, upon the hearing for the allowance of the claim, that it is founded upon a judgment which was entered by default unless—

"(1) the claimant shall have complied with the requirements of section 12; and

"(2) prior to the entry of such judgment the Board shall have been given notice of intention to enter the judgment and to file a claim thereon against the fund and shall have been afforded an opportunity to take such action as it shall deem advisable under section 23.

"Sec. 23. Defense of Default Actions.—(a) When the Board receives notice as provided in section 22, the insurer to which the action has been assigned by the Board may, through counsel, enter an appearance, file an answer, appear at the trial, defend the action, or pursue any course it may deem appropriate on behalf and in the name of the defendant, and take recourse to any appropriate method of review on behalf and in the name of the defendant.

"(b) In the event the time allowed for filing an answer had expired or judgment has been entered by default of any such action, the insurer to which the action has been assigned shall be granted a reasonable time after the receipt of notice by the Board to answer or to apply for relief against the judgment and leave to answer and defend such action.

"Sec. 24. Collusive Judgments.—No claim against the fund shall be allowed in any case in which the court shall find, upon the hearing for the allowance of the claim, that the judgment upon which the claim is founded was obtained by fraud, or by collusion of the plaintiff and of any defendant in the action, relating to any matter affecting the cause of action upon which such judgment is founded or the amount of damages assessed therein.

"Sec. 25. Assignments of Judgments to Board.—The Board shall not pay any sum from the fund, in compliance with an order made for that purpose, in any case in which the claim is founded upon a judgment, except a judgment obtained against the Board under this Act, until the applicant assigns the judgment to the Board, and, thereupon, the Board shall be deemed to have all the rights of the judgment creditor under the judgment and shall be entitled to enforce the same for the full amount thereof with interest and costs, and if more money is collected upon any such judgment than the amount paid out of the fund, the Board shall, after reimbursing the fund, pay the balance to the judgment creditor.

"Sec. 26. Payment of Court Costs and Fees.—Notwithstanding any other provision of law, the fund shall be liable for all court costs and fees properly taxable against any litigant other than the Board, but the Board shall not be required to prepay any such costs or fees to the clerk of any court or to the United States marshal.

"Sec. 27. Fees, Bond, or Undertaking Not Required.—In connection with its administration of this Act, the Board shall not be required to pay court fees or costs, or give bond to or enter into undertaking with the clerk of any court or the United States marshal to obtain or enforce any injunction, writ of attachment, or other writ, process, or order, or to perfect an appeal in or of any court in the District of Columbia, nor shall any insurer defending an action assigned to it by the Board be required to pay such fees or costs, give such bond, or enter into such undertaking.

"Sec. 28. District of Columbia Not Liable for Any Payment Due From Fund.—The District of Columbia, a municipal corporation, shall not be liable for any debts of or claims against the fund. In the event the fund is depleted to such extent as to be unable to pay any claim or satisfy any judgment required or authorized to be paid or satisfied therefrom, or if for any reason the Board, in connection with its administration of this Act, either refuses or is unable to make any disbursement required or authorized to be made by it pursuant to the authority conferred by this Act, nothing in this Act shall be construed so as to require or authorize the government of the District of Columbia to use for the purpose of paying any such claim, satisfying such judgment, or making such disbursement, moneys appropriated or available for the operation of said government, and any such use of said moneys is hereby expressly prohibited.

"ARTICLE IV

"Hit-and-run and unauthorized use cases

"Sec. 29. Hit-and-Run and Unauthorized Use Cases.—(a) When the death of, or bodily injury to, any qualified person arises out of the operation, ownership, maintenance, or use of a motor vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, and the identity of the motor vehicle, or of the operator or owner thereof, cannot be ascertained, or it is established that the motor vehicle was, at the time such injury or death occurred, in the possession of some unidentified person without the owner's permission, expressed or implied, the said qualified person may, upon notice to the Board, apply to an appropriate court of the District of Columbia for an order permitting the said person to bring an action against the Board. The court may, after an adversary hearing to determine the facts, issue an order permitting the applicant to bring such action against the Board when the court finds and makes specific formal findings of fact based on convincing evidence—

"(1) that the applicant is a qualified person;

"(2) that the applicant has satisfied the requirements of section 12;

"(3) that the applicant has an apparent and valid cause of action against some unidentified motor vehicle operator or owner, or against an unidentified operator who was operating a motor vehicle without the consent of the owner thereof, and such applicant has established that the injury or death which is the basis of the claim was of a type which could have been and probably was caused only by the negligent operation of a motor vehicle, and that there was actual physical contact between the injured or deceased person and such vehicle;

"(4) that all reasonable efforts have been made by the applicant to ascertain the identity of the motor vehicle and the operator thereof, and either that the identity of the motor vehicle and the owner and operator thereof cannot be established, or that the identity of the operator who was operating the motor vehicle without permission of the owner cannot be established; and

"(5) that the application is not made by or on behalf of any insurer or surety by reason of the existence of an automobile policy or bond of whatever kind whereby the insurer or surety is liable to pay, in whole or in part, the amount of the damages, judgment, or claim; that no part of the amount to be paid out of the fund is sought in lieu of making a claim or receiving payment which is payable by reason of the existence of any such insurance policy or bond, and that no part of the amount so sought will be paid to an insurer or a surety to reimburse, or otherwise indemnify, the insurer or surety by reason of the existence of such insurance policy or bond.

"Sec. 30. Other Hit-and-Run Cases.—When in an action in respect to the death of, or bodily injury to, any person, arising out of the ownership, maintenance, or use of a motor vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, judgment is rendered for the defendant on the sole ground that such death or bodily injury was occasioned by a motor vehicle—

"(1) the identity of which, and of the owner and operator of which, has not been established; or

"(2) which was in the possession of some person other than the owner or his agent without the consent of the owner, and identity of the operator has not been established, such cause shall be stated in the judgment and the plaintiff in such action may, within three months from the date of the entry of such judgment, make application for authority to bring an action upon said cause of action against the Board in the manner provided in section 29. In any such action, the Board shall have available to it the complete record of the trial resulting in such judgment, including transcripts of testimony and exhibits.

"Sec. 31. Impleading Board in Hit-and-Run Cases.—When an action has been commenced in respect of the death or bodily injury of any person arising out of the ownership, maintenance, or use of a motor vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, the plaintiff shall be entitled to make the Board a party thereto if the provisions of section 29 or section 30 shall apply in any such case, and the plaintiff has made the application and the court has entered the order provided for in section 29.

"Sec. 32. Defense by Board of Hit-and-Run and Unauthorized Use Cases.—In any action brought under section 29 or section 30 of this Act, the Board may appear by counsel for the insurer to whom such action has been assigned. The Board shall for all purposes of the action be deemed to be the defendant. It shall have available to it any and all defenses which would have been available to the unidentified operator or owner, or both, if the action had been brought against them or either of them, and process upon them or either of them had been duly served within the District of Columbia.

"Sec. 33. Settlement of Actions Against the Board.—In any action brought against the Board pursuant to an order by the court entered in accordance with the provisions of section 29, the plaintiff may file a verified petition alleging that he has entered into an agreement with the Board to settle all claims set forth in the complaint filed in the action and stating the amount proposed to be paid to him pursuant thereto. If the court be satisfied of the fairness of such proposed settlement, it may enter an order approving such settlement and enter a judgment against the Board for the amount so agreed to be paid thereunder.

"Sec. 34. Judgment Against Board.—When judgment is obtained against the Board in an action brought under section 29 or 30 of this Act, and there has been determination of all proceedings, including appeals and reviews, the court shall make an order directing the Board to pay out of the fund to the plaintiff the amount thereof which does not exceed $10,000, inclusive of costs, on account of injury to, or death of one person, and subject to such limit for the death of or bodily injury to any one person, does not exceed $20,000, inclusive of costs, on account of bodily injury to, or death of more than one person, in any one accident: *Provided,* That the applicable maximum amount, or the amount of the judgment, whichever is smaller, shall be reduced by the total of the amounts referred to in subsection (b) of section 21.

"ARTICLE VII

"Reimbursement of fund

"Sec. 35. Subrogation.—When judgment has been obtained against the Board in an action brought under this Act, the Board shall, upon payment from the fund of the amount of the judgment to the extent provided by this Act, be subrogated to the cause of action of the judgment creditor against the operator and the owner of the motor vehicle by which the accident was occasioned, and shall be entitled to bring an action against either or both such persons for the amount of the damage sustained by the judgment creditor. The Board shall have all the rights of the judgment creditor and shall be entitled to enforce the same for the full amount, together with interest and costs. In the event that an amount collected and recovered in any action exceeds the amount paid out of the fund, the Board shall pay the balance, after reimbursing the fund, to the judgment creditor. In any case in which the Board makes payment from the fund as the result of an action brought under section 29 or section 30 of this Act, the Board shall be entitled to bring an action against the unidentified operator or the unidentified owner, or both of them, for the amount of the damage sustained by the judgment creditor when, and in the event that, the identity of either or both of such persons shall be established.

"Sec. 36. Privileges and Registration Not To Be Restored Until Fund Reimbursed.—Whenever the Board has paid from the fund any amount in settlement of a claim or toward satisfaction of a judgment against any uninsured operator or owner under this Act, the Board shall so notify the Commissioners, who shall suspend the license and registration of such operator or owner. Such suspension shall remain in effect until such operator or owner has—

"(1) repaid in full, to the Board, the amount paid from the fund, with interest at the rate of 4 per centum per annum from the date of such payment from the fund, or has filed with the Board his written agreement in terms approved by the Board, to repay to the fund any such amount and a confession of judgment in connection therewith, or has obtained a court order, permitting payment of the amount of his indebtedness to the fund to be made in installments; and

"(2) satisfied all requirements of the Safety Responsibility Act in respect of giving proof of his ability to respond in damages for future accidents.

"Sec. 37. Installment Payments of Indebtedness to Board.—In any case in which a judgment is paid out of the fund, the court in which such judgment was rendered may, upon ten days' notice to the Board, make an order permitting payment of the amount of the judgment debtor's indebtedness to the fund to be made in installments and in such case the judgment debtor's license or registration, or both, if the same have been suspended or revoked, or have expired, may be restored or renewed. The court may, in such order, fix the amounts and spacing of the installment payments required to be made by the judgment debtor.

"Sec. 38. Action if Breach of Installment Order or Agreement.—In the event of any default in the payment of any installment as specified in any court order, or in any written agreement with the Board to repay the fund, the Commissioners shall, upon receipt from the Board of notice of such default, forthwith suspend the license and registration of the debtor until he has paid all the payments then in default.

"Sec. 39. Discharge in Bankruptcy.—A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this Act.

"Sec. 40. Reports of Board.—The Board shall make an annual report to the Congress and to the Commissioners of its activities in carrying out this Act, including therein information relating to such audit or audits and such determination or determinations of the sufficiency of the reserves as may have been made during the period covered by such annual report.

"ARTICLE VIII

"Powers and duties of Commissioners, restoration fee, violations of Act and regulations, penalties

"Sec. 41. Powers and Duties of Commissioners.—(a) The Commissioners are hereby vested with full power and authority to delegate, from time to time, to their designated agent or agents, any of the functions vested in them by this Act, except the function of making rules and regulations.

"(b) The Commissioners are authorized to adopt from time to time and promulgate such rules and regulations as may be necessary to carry out their functions under this Act.

"(c) The Commissioners are further authorized, subject to reimbursement of the District of Columbia from the fund, to supply to the Board, to meet the needs of the Board as determined jointly by the Board and the Commissioners, office space (either in a building under the jurisdiction of the Commissioners or space rented by the District of Columbia in a privately owned building), personnel, equipment, and supplies, including postage. The Commissioners are authorized to make advances to the Board from any unobligated funds available to them and such advances shall be reimbursed by the Board, when funds become available.

"(d) The Commissioners are authorized and directed (1) to audit the fund and, (2) from time to time, to test and determine the sufficiency of the reserves, using for such tests and determinations personnel employed by the government of the District of Columbia, or personnel not so employed, or both. For the purpose of making such tests and determinations, the Commissioners are authorized to retain, from time to time, privately employed persons qualified to make such tests and determinations, and to compensate such persons from unobligated funds of the District of Columbia, subject to reimbursement from the fund. The result of each audit and determination made by the Commissioners under the authority of this subsection shall be furnished to the Board and be included in the report required of the Board.

"(e) The Commissioners are authorized and directed, in their administration of the Safety Responsibility Act, to cooperate with the Board in the administration of this Act so as to avoid duplication and achieve efficiency and economy.

"SEC. 42. FEE FOR RESTORATION OF LICENSE AND REGISTRATION.—Whenever the Commissioners restore to any person a license or registration, or both a license and registration, suspended under the authority of this Act, they shall charge such person, for each such restoration, a fee not to exceed $25, and such license or registration, or such license and registration where suspended jointly, shall not be restored until such fee has been paid.

"SEC. 43. TRANSFER OF REGISTRATION TO DEFEAT PURPOSES OF ACT PROHIBITED.—(a) If an owner's registration has been suspended under the authority of this Act, such registration shall not be transferred and the motor vehicle in respect to which such registration was issued shall not be registered in any other name until the Commissioners are satisfied that such transfer or registration is proposed in good faith and not for the purpose of defeating the purposes of this Act.

"(b) Nothing in this section shall in any way relate to the transfer of the registration of a motor vehicle upon the death of the owner thereof, or affect the rights of any conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of the vendor, mortgagee, or lessee as owner who becomes subject to the provisions of this Act.

"(c) Upon receiving information that the registration of any motor vehicle has been transferred in violation of the provisions of subsection (a), the Board shall notify the Commissioners to such effect, and, upon receipt of such notice from the Board, the Commissioners shall suspend the registration of such motor vehicle.

"SEC. 44. FALSE STATEMENTS.—Any person who files with the Board or the Commissioners any false notice, statement, or other document required under this Act, or under regulations issued by the Commissioners or Board pursuant thereto, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"SEC. 45. OPERATING UNINSURED MOTOR VEHICLE ON WHICH FEE HAS NOT BEEN PAID.—(a) Any owner of an uninsured motor vehicle who operates such motor vehicle in the District of Columbia, or permits such motor vehicle to be so operated, at a time when the fee prescribed by section 6 has not been paid, shall be fined not more than $500 or be imprisoned for not more than ninety days, or both.

"(b) Upon receipt of evidence that the owner of an uninsured motor vehicle on which the prescribed fee has not been paid has operated such vehicle in the District of Columbia, or has permitted it to be so operated, the Commissioners shall suspend the license of such owner and the registration of all vehicles owned by him. No motor vehicle of any such owner shall be registered or reregistered in the name of such owner, nor shall any license be issued or restored to such owner until—

"(1) one year has passed since the date of suspension and surrender of such owner's license and registration; and

"(2) such owner has complied with the requirements of the Safety Responsibility Act with respect to giving proof of financial responsibility for the future.

"SEC. 46. SURRENDER OF LICENSE AND REGISTRATION.—(a) Any person whose license or registration shall have been suspended under any provision of this Act shall immediately surrender his license and registration to the Commissioners. Upon failure of any person to surrender to the Commissioners the license and registration as provided herein, the Commissioners may direct any police officer to secure the possession of such license and registration and to return the same to the Commissioners.

"(b) Any person willfully failing to surrender a license and registration as required by this section shall be fined not more than $500 or imprisoned not more than ninety days, or both.

"SEC. 47. OPERATING A MOTOR VEHICLE WHEN LICENSE OR REGISTRATION SUSPENDED.—Any person whose license or registration has been suspended under this Act and who, during the suspension, drives any motor vehicle upon any highway in the District of Columbia, or knowingly permits any motor vehicle of a type subject to registration under the law of the District of Columbia owned by such person to be operated by another upon any such highway, shall be fined not more than $1,000 or imprisoned not more than six months, or both.

"SEC. 48. PENALTY FOR OTHER VIOLATIONS.—Any person who shall violate any provision of this Act or any regulation promulgated under the authority of this Act for which no penalty is provided shall be fined not more than $500 or be imprisoned for not more than ninety days, or both.

"SEC. 49. CONDUCT OF PROSECUTIONS.—All prosecutions for the violation of any provision of this Act, or of any regulation adopted by the Commissioners or the Board pursuant to authority contained in this Act, shall be in the District of Columbia Court of General Sessions, in the name of the District of Columbia, by the Corporation Counsel or any of his assistants.

"ARTICLE IX

"Appropriations, past application of act, separability of provisions, and effective date

"SEC. 50. AUTHORIZATION OF APPROPRIATIONS.—Subject to the prohibition contained in section 28, there is hereby authorized to be appropriated out of the general fund of the District of Columbia such sums as may be necessary to carry out the provisions of this Act, such sums to be repaid to the general fund from the fund established by section 5.

"SEC. 51. PAST APPLICATION OF ACT.—This Act shall not apply with respect to any accident (nor to any judgment arising therefrom even though later entered) which occurred prior to the first day of the second registration year for which this Act is effective.

"SEC. 52. UNCONSTITUTIONALITY.—If any part of this Act shall be held unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this Act.

"SEC. 53. EFFECTIVE DATE.—This Act shall become effective ten days after the date of approval, except that sections 4, 6, and 7 shall be effective for and after the first registration year beginning more than one hundred and fifty days after the approval of this Act."

Mr. SICKLES (interrupting the reading). Mr. Speaker I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

(By unanimous consent, Mr. SICKLES was granted permission to proceed for an additional 5 minutes.)

Mr. SICKLES. Mr. Speaker and Members of the House, the amendment offered by myself is H.R. 7174 and another bill which has usually been referred to as the consensus bill because it is the bill that has been agreed to by most of the interested parties who are concerned with the problem of uninsured motorists in the Metropolitan Washington area. But the bill which was reported out by the District Committee, H.R. 9918, which is now under consideration, does not really begin to meet the problem of the uninsured motorist in the District of Columbia because it fails to close the existing gap of some 300,000 persons there, I believe, who would have no realistic financial recourse to compensation if they suffered injury or property damage at the hands of an uninsured motorist or a hit-and-run driver. This includes persons who do not have any uninsured motorist coverage endorsement on their own automobile policies and who do not own motor vehicles themselves, or hit-and-run victims. This bill, H.R. 9918, in effect allows uninsured motorists one free victim because it does not penalize a motorist or require him to insure his vehicle until after he has killed or injured his first victim. It does not require the uninsured motorist to be included in the uninsured motorist coverage laws. On the other hand, the bill which was worked out by the District Commissioners, the Bar Association, and the local citizens groups, the AAA and GEICO, the largest insurer in the District of Columbia area, is especially designed to close this protection gap fully.

Mr. DOWDY. Mr. Speaker, will the gentleman yield?

Mr. SICKLES. I will be glad to yield, but the gentleman must remember that I have only a limited time in which to make my statement.

Mr. DOWDY. I think we can take care of that all right.

The gentleman did not attend the hearings on the bill when these people were testifying. Is that right?

Mr. SICKLES. That is right. I did not.

Mr. DOWDY. Are you aware of the fact that the various proponents of the bill that you are advocating here disagreed among themselves as to what its provisions amounted to and to a tremendous number of amendments they thought should be made to the bill before it should ever be considered?

Mr. SICKLES. I understand, after having reviewed the testimony, that there was some disagreement among the proponents as to the bill, just as you do. I have rechecked with many of these proponents, and they are satisfied with the bill as it is. If in the administration of the bill there is found to be some inequity in the bill—and among other things, the bill would not be operative for 1 year—it seems to me these could be worked out.

Mr. DOWDY. I did not want to interrupt you too much at this time.

Mr. SICKLES. Thank you.

The bill requires any motorist who is not insured to pay into an unsatisfied judgment fund, that is, the McMillan bill, that I am proposing to offer as an amendment to H.R. 9918. It requires all insured motorists to include as a protection that you must buy an uninsured motorist clause and the insurance companies must make this rider available to everyone purchasing insurance. It permits nonowners of vehicles and hit-and-run victims to gain financial compensation from the fund for injuries and damages sustained at the hands of an irresponsible motorist. I am asking you to substitute this carefully and painstakingly drafted measure, H.R. 7174, for what I consider to be a totally unsatisfactory approach, H.R. 9918. H.R. 7174 is just, because it does take care of those who are injured and does not give everybody the one free victim that the current law does provide. It really contains the best kind of legislation drawn from similar bills in several States, because it is a combination of the best features in the laws of the States of New Jersey, Maryland, and Virginia. There are penalties which are imposed in the Dowdy bill before us now on an uninsured motorist after he has taken his first victim. Of course, this does not meet the problem. It will not encourage the hard core of financially irresponsible motorists to become insured, and certainly the insured motorists will not be encouraged to pay an additional fee to protect themselves against uninsured drivers. And most important of all there would be no financial protection for the innocent victims. Saying that an uninsured motorist will lose his permit or his tags and even have his car taken away is hardly much consolation or just compensation for the person who has suffered either property damage or an expensive hospitalization and physical injury.

The District of Columbia Division of Safety Responsibility has revealed that about 2,000 uninsured motorists are involved each year in accidents after their permits and tags, or both, have already been suspended for failure to post security or satisfy a judgment in a previous accident. In some cases the period of suspension has elapsed. In some cases the offender was operating without a permit. In about 10 percent of the cases permits and tags are believed to have been secured by misrepresentation. Increased penalties alone will neither keep these offenders off the roads nor protect their victims.

Inasmuch as the protection of the innocent is our prime concern, it seems clear to me that H.R. 9918 fails miserably to solve the problem at hand. My substitute would have the advantage of making lack of insurance uneconomical in the first instance, by requiring payment of a fee in lieu of insurance before permit and tags are issued—the uninsured motorist would have to pay the $40 per person to secure permits and tags—and would serve to protect the public who, when victimized by the financially irresponsible motorist would no longer be left holding the liability bag.

Offenders must be prosecuted, yes. But we must not continue to leave the public utterly bereft of protection, especially when the means for that protection are available.

Now, as to the amendment that I am offering, let me briefly go through the principles embodied in H.R. 7174. First, it would amend the District of Columbia Fire and Casualty Act to require every insurance policy covering a District of Columbia registered vehicle to contain what they call the uninsured motorist's endorsement, covering bodily injury and property damage and would allow a maximum of $100 deductible.

The uninsured vehicle owners are required to pay a fee into the unsatisfied judgment fund to pay unsatisfied claims and judgments in favor of District of Columbia residents who do not own a motor vehicle or are not protected under the uninsured motorist endorsement.

As to the unsatisfied judgment fund and how it is going to operate: It would include a board, which would be composed of the Director of Motor Vehicles, the Superintendent of Insurance, the representatives of the public and four representatives from the insurance industry representing stock companies, mutual companies, independent stock companies and independent mutual companies. The fund board is to perform the function of administering the act and determining the cash requirements of the fund and the amounts, if any, available for investment and to pay the employees.

There was some question about bureaucracy and adding to the District of Columbia budget, but this is all being taken care of by the setting up a separate group of District employees. These employees will still be employees of the District of Columbia in order to protect them as far as their longevity and the like are concerned.

The Director of Motor Vehicles shall make all determinations respecting required insurance, keep the records, collect payments from uninsured motorists, suspend permits and tags, and in general he will continue to help the Board carry out the purposes of the act.

Claims against the fund are not to be made until after the act has been in effect for a full year, so we can build up some funds. Claims against the fund are to be allowed only after notice of intent to make a claim is given by the potential claimant within 6 months after the accident, except where the notice might be, in effect, impossible.

The board is to assign cases to the insurers for investigation and possible defense in proportion to the amount of premiums of each insurer. Appeals from court action are to be paid out of the fund.

Certain victims of hit-and-run accidents would be entitled to claims against the fund. These cases would be limited to personal injury claims arising out of accidents where the claimant can satisfactorily show, preliminarily, on application to the court, that there was actual contact with the motor vehicle and definite evidence of a hit-and-run accident.

The SPEAKER pro tempore. The time of the gentleman from Maryland [Mr. SICKLES] has expired.

Mr. SICKLES. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SICKLES. I yield.

Mr. GROSS. Can the gentleman state what has been the experience in States which have had this law with respect to the fund?

Mr. SICKLES. The experience in Maryland has been that there has been a heavy drain on the fund and it was for this reason that the bill proposed today, my amendment, has most of the features of the Maryland law but is not as broad as the Maryland law. We, in Maryland, have no requirement that those who are insured must purchase this uninsured-motorist rider. The feature in this bill makes this mandatory so that those people who are insured would be protected by the uninsured-motorist rider and would have no claim on the fund.

Also, the uninsured person who does not have insurance under the provisions we have, could not himself, if he were a victim of such an accident, deplete the fund. We feel, because we have added this safeguard that they would not be covered.

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. SICKLES. I would be glad to yield to the gentleman from New York.

Mr. MULTER. I voted to report this bill to the House because I thought it was a step in the right direction, and I still believe so. I think it is highly important that we have some legislation like this enacted in the District of Columbia.

Frankly, I would have preferred to see my own bill reported to the House, not because it is my bill but because it is the New York State law on the subject. It has worked rather well despite the District Commissioners' statement to the contrary.

As between the bill that is now before us as reported by the committee and your bill which you are now offering as a substitute, I prefer your bill. I think that it is the better of the two bills and I will support the gentleman's amendment.

Mr. SICKLES. I thank the gentleman very much.

Mr. Speaker, let me discuss now some of the features contained in the amendment.

The cost of the appeals from court action are to be paid out of this fund. They must have a dated default before they are to be assigned by the Board to the insured for investigation and defense to insure that they are valid claims.

The fund is to operate on a $100 deductible basis for both personal injury and property damage claims. Payment from the fund would follow application for a hearing before a court which, if satisfied, would issue an order for the requested payment.

The settlement of pending court actions would be on the basis of petitions to the court which if satisfied would issue an order approving the settlement covering assigned claims of less than $2,500 and would be authorized to settle them subject to the approval of the Board. And claims based upon a default judgment would be valid where notice had been given of an intent to claim against the fund.

Uninsured motorists, on whose behalf payment from the fund is made, are to be required to reimburse the fund. The fund is not to be required to pay court costs and fees or give bond in those cases in which the District of Columbia would be exempt from such action.

Lastly, the District of Columbia specifically is not to be liable for payment under the fund.

Therefore, Mr. Speaker and Members of the House, I feel that the legislation before you, unamended, does not get to the root of our problem. We are concerned with those who are struck and there is no reason that the person who did the striking is judgment free. We have gone through this and many of us have had experience in our own States with reference to this particular problem and have finally concluded that unless some fund is established by some method, without the necessary safeguards, we are not getting to the root of the problem. In many areas we penalize the person after the injured person has been struck, injured, or maimed. This approach does not get to the heart of the problem.

Therefore, Mr. Speaker, I respectfully request this House to support this amendment.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from Illinois.

Mr. McCLORY. Were there any limitations on liability against this fund with respect to personal claims for personal injury or property damage?

Mr. SICKLES. The figure as I recall it is a $10,000 individual limitation.

Mr. DOWDY. Mr. Speaker, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from Texas.

Mr. DOWDY. The figure is $10,000 and $20,000.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield further, at the present time there is no requirement for an uninsured-motorist clause in the District of Columbia?

Mr. SICKLES. That is right. The bill now pending before us would make the insurance companies provide this and make it available to the individual who is purchasing insurance, but an individual would have the right to reject it.

CALL OF THE HOUSE

Mr. COLLIER. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

Mr. BOLLING Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 227]

Adams
Andrews,
N. Dak.
Ashley
Ayres
Bandstra
Blatnik
Bonner
Brademas
Brock
Brown, Calif.
Brown, Ohio
Cahill
Cameron
Carter
Cederberg
Celler
Clancy
Colmer
Conyers
Corbett
Cramer
Curtis
Diggs
Erlenborn
Evins, Tenn.
Farnum
Fino
Fisher
Foley
Fraser
Fulton, Pa.
Goodell
Griffin
Halpern
Hanna
Hansen, Wash.
Harris
Harsha
Hawkins
Hicks
Holland
Hosmer
Hull
Huot
Irwin
Jarman
Jennings
Jones, Mo.
Keogh
King, N.Y.
Kluczynski
Laird
Landrum
Leggett
Lindsay
Long, Md.
McCarthy
McCulloch
McDowell
Macdonald
MacGregor
Mackie
Mailliard
Martin, Ala.
Martin, Mass.
Mathias
May
Meeds
Miller
Moeller
Moore
Morrison
Morton
Murphy, N.Y.
Nix
O'Hara, Mich.
O'Neill, Mass.
Pelly
Pepper
Pirnie
Pool
Powell
Quie
Reid, N.Y.
Resnick
Rivers, Alaska
Robison
Rogers, Tex.
Roncalio
Roosevelt
Roybal
Ryan
St Germain
Schmidhauser
Senner
Shipley
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stalbaum
Sweeney
Talcott
Thomas
Thompson, N.J.
Toll
Tuck
Vivian
Weltner
Widnall
Williams
Willis
Wilson,
Charles H.
Young

The **SPEAKER** pro tempore. On this rollcall 320 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MOTOR VEHICLE INSURANCE

Mr. McCLORY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I wonder if the gentleman from Maryland would be willing to answer a few questions.

Mr. SICKLES. I shall be glad to undertake to answer them.

Mr. McCLORY. Do I understand from the gentleman's amendment that it would not provide for an uninsured-motorist clause requirement in the policy, but would provide an unsatisfied judgment clause requirement; is that it?

Mr. SICKLES. Mr. Speaker, if the gentleman will yield [no], we will have both. We will make it a matter of law that the insurance company must provide and issue "U.M." riders. We would make it mandatory. Under the amendment we would provide that each insurance company issuing a policy in the District of Columbia must provide the U.M.—the uninsured-motorist—rider, and unlike the original bill, this could not be waived by the policyholder. He must have the U.M. rider.

Mr. McCLORY. This would be administered by the private insurance companies, then, would it not?

Mr. SICKLES. Yes.

Mr. McCLORY. And then with regard to the unsatisfied judgment fund there would be a contribution by the uninsured motorist into that fund; is that correct?

Mr. SICKLES. That is exactly right. It would start out at $40 and would be gradually increased.

Mr. McCLORY. Is there any requirement for the insured motorist to also contribute to the unsatisfied judgment fund?

Mr. SICKLES. He would not contribute directly, but to the extent that the insurance companies become involved in processing claims and the like, there would certainly be some effect upon him.

Mr. McCLORY. Would that contribution be some part of the premium?

Mr. SICKLES. Yes, but no specific amount.

Mr. McCLORY. That fund would be administered by the District Commissioners; is that correct?

Mr. SICKLES. Actually, it would be a separate fund. There is provided for a nine-man board and on that board four of those nine people would be representatives of the insurance industry, and three would be representatives of the District of Columbia and the others would be public members.

Mr. McCLORY. And as I understand it, insofar as the uninsured-motorist clause is concerned it would be mandatory under the gentleman's proposed amendment whereas under the other bill which the gentleman is seeking to amend—it would be possible for the insured to reject the clause and to not take it and therefore one would not know whether a motorist had such protection or not?

Mr. SICKLES. That is correct.

Mr. McCLORY. Are there any persons who would not be covered then by the gentleman's proposed amendment? What about out-of-State motorists? I believe the gentleman from Maryland mentioned hit-and-run drivers. What about the operator of a stolen vehicle? Would he be covered against such a contingency?

Mr. SICKLES. Yes; he would. He would be covered against this contingency.

Mr. McCLORY. And as I understand it the limitation of a claim would be $10,000 and $20,000, I believe, from an examination of this bill?

Mr. SICKLES. That is right.

Mr. McCLORY. And for a personal injury it would be $10,000, or for an individual injury, and $20,000 for all injuries in one accident as well as a $5,000 limit on property damage?

Mr. SICKLES. That is exactly correct.

Mr. DOWDY. Mr. Speaker, will the gentleman yield to me?

Mr. McCLORY. I yield to the gentleman from Texas.

Mr. DOWDY. I would like to correct an answer which has previously been given. There is no provision for property damage; none at all. It is $5,000 and $10,000 for personal injury.

Mr. McCLORY. Is that provision contained in the Sickles amendment?

Mr. DOWDY. In the Sickles amendment.

Mr. JONAS. Mr. Speaker, will the gentleman yield so that I may ask a question of the gentleman from Maryland?

Mr. McCLORY. I yield to the gentleman from North Carolina.

Mr. JONAS. Are provisions similar to those contained in the gentleman's amendment contained in the laws of any of the States and, if so, which ones?

Mr. SICKLES. The unsatisfied judgment feature has been adopted in the State of Maryland and the State of New Jersey. The compulsory uninsured-motorist rider has been adopted in the State of Virginia, and in the State of Virginia in order to make the uninsured-motorist rider less expensive there is a $10 fee charged to each insured motorist in order to build up a fund to help reduce the cost of the uninsured fund.

Mr. JONAS. In North Carolina, we have the rider which gives an option.

Mr. SICKLES. That would be the crux of the main bill before us.

Mr. JONAS. The gentleman's bill instead of leaving discretion on the part of the motorist or the insured would make it mandatory?

Mr. SICKLES. That is right. Let me say it is compulsory that the insurance contract provide these provisions.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I would like to correct the statement of the gentleman from Maryland concerning the requirements for uninsured motorists in Virginia. In Virginia there is a mandatory fee of $20 per uninsured motorist. That fee goes into a fund controlled by the State to subsidize the cost of underwriting their insurance.

There is a charge of $4 added to the cost of the policies of all insured motorists to help bear the cost of insurance for the uninsured motorists.

Mr. DOWDY. Mr. Speaker, I rise in opposition to the amendment.

Members of Congress for some years have been greatly concerned over the lack of adequate protection for residents of the District of Columbia, as well as to the millions of visitors to the District, from hazards and losses resulting from automobile accidents in the Nation's Capital. For several years now the chairman of your committee, along with other Members, has sponsored various bills aimed at securing proper protection to individual drivers of the District streets, protection against financially irresponsible motorists, protection against uninsured motorists.

Your committee is quite aware of the fact that none of the basic legislative approaches contained in the various bills that were considered can guarantee a completely satisfying answer to the uninsured motorists' problem. But your committee feels that the provisions of H.R. 9918 are more in the public interest and we recommend its adoption.

For several years, subcommittees of your committee have studied various bills referred to them, dealing with motor vehicle insurance, we have held many conferences with the District of Columbia government officials and other interested parties. We have sought to secure unanimity among the groups actively considering such legislation. However, we have not been able to obtain that and your committee can delay no longer, as it appears that no full agreement can be reached. Meanwhile, problems created by the uninsured motorist are so acute and so diverse as to require prompt legislative action.

I might answer some of the questions that have arisen in reference to the substitute. It would certainly result in the entire insurance rates for the motorist buying insurance to pay more. It will do that because the burden will be placed by the substitute proposed here on the insurance companies to furnish lawyers and to defend all suits that are brought against the uninsured motorist. It will require them to furnish investigators and do all the investigating and there is no reimbursement from the District of Columbia or any other source.

Under the proposal setting up an unsatisfied judgment fund, it will create a State fund and it will put the District of Columbia in the insurance business. It may and probably will even reduce the percentage of insured cars we have already because persons would believe they would be paying for insurance coverage when they paid the uninsured-motorist fee of $40 and feel that other insurance is not necessary. My insurance, for example, costs more than twice as much as the $40, and if I could get by with $40, rather than the $100, I would rather pay the $40.

There is a statement made here as to Maryland. I would like to call attention to the fact that Maryland has had an unsatisfied judgment fund for some time. It has a deficit that is nearly $4 million and this in spite of the fact that the State has been charging a fee of $70 from uninsured motorists. In this Sickles substitute that is offered here, there is a proposal to charge only $40 for uninsured motorists to get a license for their car. I do not have any idea from the testimony during our hearings or from the debate here as to how many $40 fees would be collected each year from the uninsured motorists. When you read the substitute you will find there is a big bureaucracy set up to run this uninsured-motorist fund. I would hazard a guess there will not be enough money in this uninsured fund to pay the bureaucratic costs that the Sickles bill sets up.

In the course of the hearings on this substitute which was H.R. 7174, and I might say that the members of the subcommittee were present to hear the testimony besides myself—and I was there all the time, the other two of our colleagues were the gentleman from Tennessee [Mr. GRIDER] and the gentleman from California [Mr. SISK], and I appreciate their interest. We went into the bill, H.R. 7174, very thoroughly. From the testimony before us, even the proponents of the bill acknowledged that they did not know what it would do. We did get this testimony from them and I think the Members will be interested in this: that the only persons who could possibly benefit by this uninsured-motorist fund would be residents of the District of Columbia who do not own an automobile.

The SPEAKER. The time of the gentleman has expired.

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. What would you think about such a fund as is proposed here, with all the children coming from school districts throughout the United States, with no protection for them from this uninsured-motorist fund, and the Girl Scouts, for example, and all of the other groups?

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman.

Mr. JONAS. I am glad the gentleman touched on that point. I want to ask the gentleman if I understand correctly that neither the substitute bill nor the committee bill will provide any protection for an uninsured person such as a school student who is visiting here in the District of Columbia.

Mr. DOWDY. This uninsured-motorist fund, or unsatisfied judgment fund would not provide any protection for either an insured or uninsured person who was not a resident of the District of Columbia.

Mr. JONAS. And it provides protection only with respect to residents of the District of Columbia, if they carry insurance?

Mr. DOWDY. That is if they do not own an automobile and do not have any insurance.

Mr. JONAS. Then there is no protection even for residents?

Mr. DOWDY. That is right—if they own an automobile or have their own insurance.

Mr. JONAS. That is really very little protection being provided in either the substitute bill or the committee bill.

Mr. DOWDY. There is protection in the committee bill, which is much more than we have now. We are trying to build up to it. But I stated, and I intend to do it, when these witnesses came before us they could not even tell us what was in the bill and they admitted there were many places where it needed amendment so that it would do what it was expected to do—I stated that I wanted to hold some hearings and to bring a bill out later. But we need to do something now and the bill we have brought before this Congress is an attempt to do something under the circumstances. The committee bill has language similar to the laws in some 30 of the States today. In contrast, the 2 or 3 States that have this unsatisfied judgment fund, it has been a miserable failure and each one is millions of dollars in the hole and if you put one in in the District of Columbia, the same thing would happen to it, and it would give false hopes and no protection. I would personally much favor rather than the substitute proposal a bill providing for compulsory insurance. That would reach everybody and if you are going to reach everybody that is what it is going to take.

Now I have discussed the language of this proposal showing that it excludes everybody except a few residents.

It would exclude the millions of visitors to Washington from any protection under the fund. It would exclude as well the thousands of residents of Maryland and Virginia who come to the District daily who are not otherwise protected by their own insurance.

It was freely admitted by the proponents of the bill before the subcommittee that further study is necessary to determine how the term "resident" should be applied under the bill to meet the need for protection of visitors to the District of Columbia.

A second area needing attention, according to the witnesses who supported this bill, involved the rights of the families of uninsured motorists to assert claims against the fund. The testimony before us from the proponents of the Sickles substitute was that the families of uninsured motorists should not have the protection of the resort to the unsatisfied judgment fund.

The bill does not protect the uninsured motorist, but does give protection to families of the insured motorist—according to some, but according to others it does not. This conflict of opinion came from two representatives from the Office of Corporation Counsel. There is a question even in the minds of the proponents as to the effect of the language of this Sickles bill.

It was felt that this could raise substantial claims against the fund, possibly without justification.

Another area which was gone into, which was agreed on, was with respect to the adequacy of the fund to be created. In the testimony before the committee it became very clear that the $40 fee charged the uninsured motorist at the time of registration would not be considered sufficient by any insurance company to provide the coverage which the fund was to give. As I said, I doubt that it would cover the bureaucratic cost involved in this thing.

There are many questions which were raised during our hearings, and we determined it would be necessary to have extensive hearings on this particular bill. In the meantime, we wanted to bring something here to improve the District law as it is presently written. We feel that the bill we have will do so.

Let me give an example of one dispute which came up. There were two members from the Corporation Counsel testifying. One of them said if a person were driving an uninsured vehicle he could not look to the fund even though he was not the owner because drivers of uninsured vehicles who are involved in accidents cannot look to the fund. The other member from the Corporation Counsel said he could.

There is no doubt there are many questions presented to us, and we feel that the committee should look into them. We will certainly have hearings to try to work with the bar association and the District Commissioners to work out a sensible bill. But that is going to take some time and the District of Columbia needs something at the present.

Mr. MULTER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the substitute as offered by the gentleman from Maryland [Mr. SICKLES] is the only bill which was before the subcommittee supported by the District Commissioners and the local bar association. I would prefer the New York State law, as I said before, which is contained in my bill, H.R. 634.

It has already been stated that each bill represents a very belated start toward doing something which must be done in the District of Columbia. As between the two bills before us, I would prefer the approach of the Sickles bill, H.R. 7174.

In that connection I should like to call attention to the fact that section 21 of the Sickles bill would put limits on the amounts payable from the fund—$10,000 for personal injuries or death to any one person, with a maximum of $20,000 for personal injuries or death arising out of a single occurrence, and $5,000 for damages to property in any one accident, with a deduction of $100 for property damage in any such one accident.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from North Carolina.

Mr. JONAS. What will happen if the fund is exhausted?

Mr. MULTER. No payments can be made. There is no obligation on the part of the District government or the Federal Government to make any payments. The payments must come from the fund. If at any time there are unpaid claims against the fund, those claimants will have to wait until the fund has been replenished with additional funds. This is just a start——

Mr. JONAS. That is the Sickles bill?

Mr. MULTER. That is the Sickles bill; yes. This is just a start of a program too long delayed.

It is limited to residents only. If it works out, maybe we can enlarge it. If it does not work, then by that time I trust the subcommittee and the full committee will have had further hearings and completed their studies on this problem and possibly come up with a better bill. But let us try the approach of the Sickles bill now.

Mr. GROSS. Mr. Speaker, I move to strike out the necessary number of words.

Mr. Speaker, I want to support the Sickles amendment, but I want to be sure as best I can that I know what it will accomplish. Does this mean that the insurance is before the fact; that is, owners of automobiles are required to take out some form of protection for the general public when they license a car or register it and, therefore, the protection is before the fact of an accident or before the fact of liability?

Mr. SICKLES. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I am glad to yield to the gentleman.

Mr. SICKLES. In response to the gentleman, let me say that this is the thrust of my amendment. It is an attempt to establish a fund for those who would not otherwise be protected because an individual is not insured. The whole thrust of my amendment is to provide that unless you show that you have insurance with this uninsured motorist rider on it, then you must pay into the fund $40 so that the uninsured person in order to have a license to drive must contribute beforehand to the accidents that occur.

Mr. GROSS. Let us get this straight. The person who gets a driver's license to operate a vehicle—is that what the gentleman is saying—must pay into this fund?

Mr. SICKLES. In order to drive a car he has to pay into the uninsured motorist fund a fee of $40.

Mr. GROSS. In order to drive a car?

Mr. SICKLES. That is right.

Mr. GROSS. I am sure the gentleman means in order to register or license a car?

Mr. SICKLES. I stand corrected. It is in the process of registration.

Mr. GROSS. I was going to say this would be a pretty high fee for a driver's license—$40.

Mr. SICKLES. Yes. I agree with you. Just the license to drive any vehicle. The annual or periodic renewal of a permit does not require you to pay that, but when you register a motor vehicle, unless you show you have the insurance required, it means you must pay $40.

Mr. GROSS. And the responsibility goes to the owner of the motor vehicle?

Mr. SICKLES. That is right.

Mr. GROSS. Who has registered it?

Mr. SICKLES. That is right.

Mr. GROSS. And it must be done when the vehicle is registered. Of course, $5,000 and $10,000 is very modest coverage in these days, I will say to the gentleman, but for whatever it is worth it is at least some protection to the public. I support the amendment since this obligation must be assumed when the vehicle is registered.

Mr. SICKLES. That is right.

Mr. GROSS. Mr. Speaker, I yield back the balance of my time.

Mr. DOWDY. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I would like to correct a statement I made earlier in answer to a question which I thought was correcting an answer made by Mr. Sickles. I I apologize for it. According to the testimony we had, as I understood it, the testimony before our subcommittee was that this uninsured-motorist fund would cover only personal injuries to the extent of $10,000 and $20,000. I have been checking the bill now and I find it would also cover $5,000 for damages to property in any one accident, so I would like to correct my original statement. This would just further impoverish and bankrupt the fund that is set up.

Mr. SICKLES. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. Yes, I yield to the gentleman.

Mr. SICKLES. With respect to the impoverishment of the fund, I am sure the gentleman is aware that the $40 contribution is an estimate of what would be required in the initial instance. If it were necessary in the future to have more funds available, then this board would change that rate, so that the $40 fee is not a final fee.

Further, when we look at the State of Maryland and look at the $4 million deficit or approximately a little less than that, we now have no requirement in the State of Maryland that each insurance policy issued will have this uninsured-motorist rider on it.

So that those who have this policy in the District of Columbia would get their recovery under the insurance policy they have and it would greatly reduce the claims against these people. So when we compare a few bills with respect to Maryland and the potential one in the District of Columbia, we are really comparing apples and pears because we are talking about a different bill, although they are substantially similar.

Mr. DOWDY. The same impoverishment happens in the other two States that have this fund. They just do not get enough money in. Of course, another thing occurs to me. We are setting up a nine-man board with all of their employees to administer thus fund. Is it anticipated that the District taxpayers or the Federal taxpayers are to pay their salaries?

Mr. SICKLES. I am glad the gentleman asked that question, because that is one that concerns me. I checked with the gentleman who is now administering the provision of the law which is currently in effect. The cost in the fiscal year 1965 is $133,000. As a result of the gentleman's bill, if adopted, he estimates that it would cost another $120,000 to administer the financial responsibility law as a result of the changes you are making in the bill. So that it would go from $133,000 in 1965 to $253,000 as the cost to administer this act.

But under the amendment that I propose this cost would be paid from the fund.

Mr. DOWDY. There was no such testimony before our committee.

Mr. SICKLES. I checked with the gentleman in order to find out the figures. These were his best estimates. But under the unsatisfied judgment fund the money that would be used to pay for the administration of the fund would come from the $40 which is collected from those persons who are uninsured.

Mr. DOWDY. Mr. Speaker, does the gentleman honestly believe that there will be enough of the $40 collections to pay for this board that is being set up?

Mr. SICKLES. I believe those people who are interested in this legislation, the District of Columbia Commissioners, the bar association, practically everyone who is concerned with the problem except a certain portion of the insurance industry, are reasonable people. I think they have estimated the cost accurately, and based upon their integrity and experience I think the $40 figure is an accurate estimate.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman.

Mr. JONAS. Can the gentleman from Texas or the gentleman from Maryland inform the House how many motor vehicles we are talking about that are now in operation in the District that are uninsured? Then we can find out how much money would be in this fund for the use of the agency.

Mr. DOWDY. I endeavored to find out how many there were. There are about 230,000 automobiles registered. Last year's total is 235,760 registered motor vehicles in the District of Columbia. We tried every source to get some testimony about how many of them had insurance, but we failed.

Mr. JONAS. There is no information available as to the number who would be expected to pay this $40 fee?

Mr. DOWDY. Nobody has that information. That is one thing we are trying to find out.

Mr. JONAS. You are going to put nine people on the payroll to administer this fund, and there are bound to be many other costs. I should think there should be some estimate as to how much the costs would be. That ought to be available for the consideration of the Members.

Mr. DOWDY. All of these things that we have been discussing here today were considered by our subcommittee in passing on this matter.

Mr. SICKLES. Mr. Speaker, will the gentleman yield to me? I would like to respond to the question.

The SPEAKER. The time of the gentleman from Texas [Mr. Dowdy] has expired.

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield.

Mr. HUNGATE. I would like to make an inquiry of the gentleman from Maryland who offered the substitute through this example. If I were insured with collision insurance and you and I had a collision and you were uninsured, my collision carrier would pay me. Then would they have a subrogation claim against this fund?

Mr. SICKLES. They would not. That reduces the impact upon the fund. That is why we make it compulsory that each insurance policy which is issued has the uninsured-motorist rider on it.

Mr. HUNGATE. I thank the gentleman.

Mr. SICKLES. Mr. Speaker, if the gentleman will yield to me, I want to give a figure that I received from the hearings. The figure given is that 20 percent of the vehicles registered in the District of Columbia are not covered by automobile liability insurance. We are talking about 35,000 District of Columbia registered vehicles plus any other vehicles that may be operating.

Mr. DOWDY. We could not get any definite figure; 35,000 times $40 would be—what?—$1,200,000 or some such amount of money? A trivial sum to pay tort claims for personal injury and death claims, as well as claims for property damage—and, of course, the first and foremost claim against the fund would be the cost to run the nine-man board with all of its employees; it would cost $1 million to do that. The unsatisfied judgment claimants would have claims only against a bankrupt fund, and would be in no better position than they now enjoy. The only beneficiaries of this Sickles substitute will be the members of the new board and their employees. They will enjoy handsome salaries.

This substitute should be defeated.

PURPOSE OF THE BILL

Mr. Speaker, the purpose of the bill is to provide protection to individual drivers, passengers, and pedestrians of the District of Columbia streets, from financially irresponsible uninsured motorists.

The legislation reported would, in title I, amend the Fire and Casualty Act of the District of Columbia and make uninsured motorists coverage a required part of every automobile liability policy, with the right of the insured to reject the coverage if he does not want it. This is a simple, direct way of meeting the problem, obviating all the administrative details, involving no State fund, involving no additional work on the part of insurers or their producers, and making it unnecessary for the Government to become in any way involved.

Title II would amend the District of Columbia Motor Vehicle Safety Responsibility Act, strengthening it greatly to make it more effective.

The enactment of this legislation would afford protection through uninsured-motorist coverage to all insured motorists who might be injured through the fault of an uninsured motorist, whether a resident of the District of Columbia or elsewhere. Not only does this protection apply to the insured motorist but in addition it covers anyone riding in his car, and extends to the insured and relatives resident in his household involved in any kind of automobile accident whether as an occupant in any car or as a pedestrian.

In addition to protecting against accidents caused by uninsured motorists, it protects against those caused by hit-and-run drivers, operation of a car without permission of the owner, and cases where the motorist is insured but the insurer disclaims coverage. The coverage under this policy would apply to accidents both within and without the District of Columbia.

Admittedly, persons in the category of non-car-owning families injured as pedestrians or while passengers in uninsured cars, where the car causing the injury was uninsured, would not be protected by this coverage, but we believe the number of such cases would be relatively small. Furthermore, this coverage is available to noncarowners at a relatively small cost, so they also have the opportunity to protect themselves.

It is believed this legislation will assist substantially in solving the uninsured-motorist problem in the District; afford greater protection to persons injured by uninsured motorists; and serve to increase the number of persons insuring, a result which will also serve to alleviate the problem.

SUMMARY OF BILL'S MAJOR PROVISIONS

TITLE I

This title—which amends the District of Columbia Fire and Casualty Act, approved October 9, 1940, 54 Stat. 1063, D.C. Code, title 35, sec. 1301 et seq.—would require that all motor vehicle liability insurance policies insuring against bodily injury or death shall contain uninsured motorist coverage. However, the named insured would have the right to reject such coverage.

This form of insurance coverage, as presently conceived, was developed back in 1954-55. It is extremely broad in scope. It affords protection for the named insured and, while residents of his household, his spouse, and relatives of either, while riding in an insured car and while they are pedestrians, or in the event they are insured in a hit-and-run accident. It also affords protection to guests in the insured car while it is being operated by the named insured or his spouse or with his or her permission, and in the event it is involved in a hit-and-run accident. The coverage afforded extends only to bodily injury claims; property damage claims are not covered because there are other readily available forms of coverage which are far more suitable for this type of exposure. Uninsured-motorist coverage in the District of Columbia, your committee was informed, costs between $6 and $7 per year for an entire family and its passengers. Incidentally, pedestrian noncarowners can purchase similar protection for about $15 a year, according to testimony before your committee.

TITLE II

In brief, this title—which amends the District of Columbia Motor Vehicle Safety Responsibility Act, approved May 25, 1954 (68 Stat. 120, D.C. Code, title 40, sec. 401 et seq.), would—

First. Reduce from $100 to $50 the property damage necessary before an accident report is required, and security is required to be given.

Second. Provide that the Commissioners may rely upon the accuracy of insurance information contained in the accident report.

Third. Provide for suspension of both the license and registration of both the owner and the operator of an uninsured vehicle involved in an accident or in a serious traffic violation if the requirements of the law are not met.

Fourth. Add a requirement of a minimum security deposit of $500 in all cases in which security is required.

Fifth. Provide that security is to remain on deposit for a minimum of 2 years, and provide for suspension of at least 2 years where security is not deposited and claims are not settled.

Sixth. Add a provision requiring proof of financial responsibility following an accident (in addition to security) on the part of the owner of the automobile as well as the operator.

Seventh. Require that in all cases in which a person must give proof of financial responsibility for the future, he shall maintain such proof for a period of 5 years.

Eighth. Impose a $25 fee for reinstatement of a license suspended under the law.

Ninth. Provide impoundment of uninsured motor vehicles involved in accidents, without affecting rights or remedies of persons holding prior valid liens.

BACKGROUND

Members of Congress for some years have been greatly concerned over the lack of adequate protection for residents of the District of Columbia, as well as to the millions of visitors to the District, from hazards and losses resulting from automobile accidents in the Nation's Capital.

For several years now the chairman of your committee, along with other members, has sponsored various bills aimed at securing proper protection to individual drivers and to pedestrians of the District streets, protection against financially irresponsible motorists, protection against uninsured motorists.

Also, the legislation culminates a long period of effort of a number of businesses and organizations and persons in seeking a solution to the irresponsible-motorist problem in the District of Columbia. Simply stated, the problem is that in the District of Columbia a number of motorists have not, through the purchase of liability insurance coverage or other accepted means of providing for their financial responsibility, taken steps to protect persons who may be injured as a result of their negligent operation of an automobile. As a result, injured persons may not receive compensation for injuries to their person or damage to their property.

The Director of Motor Vehicles of the District of Columbia advised your committee that as of May 31—June figures are not yet available—the gross number of motor vehicles registered so far this year—March 1 to May 31, 1965—is 213,569. Of this total number, 208,156 are paid registrations. The remainder are free registrations for vehicles such as those belonging to the U.S. Government and District of Columbia government and the diplomatic corps. Last year there were a total of 235,760 registered motor vehicles in the District.

It was reported to your committee that 41,179 motor vehicles were involved in accidents in the District of Columbia in fiscal 1964. Of this number 30 percent, or 12,445, were uninsured. Of the total 41,179 vehicles, 22,968 were District of Columbia registered and 18,211 were nonresidents.

Significantly, of the District of Columbia registered motor vehicles involved, 43 percent, or 9,956, were not insured—as contrasted with only 15 percent, or 2,489 of the nonresidents who were not insured.

The figures referred to are as follows:

Motor vehicles involved in accidents in District of Columbia in fiscal 1964

	District of Columbia registered	Nonresident	Total vehicles
Uninsured	9,956	2,489	12,445
Insured	13,012	15,722	28,734
Total	22,968	18,211	41,179

It is this situation which accentuates the need for legislation dealing with this subject in the District of Columbia, and which has prompted the introduction of numerous bills with respect thereto.

Full hearings were held by Subcommittee No. 4 on July 1 and 12, 1965, at which representatives of the insurance industry, of the Corporation Counsel's Office on behalf of the District of Columbia Commissioners, the Bar Association of the District of Columbia, and others were heard. The proposals considered were those set forth in the reported bill, as well as those in other bills which included provisions for compulsory insurance, and provisions for setting up an unsatisfied judgment fund.

Your committee, after fully considering the merits of these various bills as well as the experience in various States, is of the opinion that the approach set forth in the reported bill most nearly meets the needs of the District of Columbia.

COMMITTEE ACTION

Your committee found almost no support for compulsory insurance-type legislation such as has been in effect in Massachusetts, New York, and North Carolina, and which has not been adopted elsewhere. Likewise, despite the number of years devoted by many responsible groups in the District of Columbia to arrive at acceptable legislation, the unsatisfied judgment fund proposal submitted by the Commissioners and the bar association has no widespread acceptance, only North Dakota, New Jersey, Maryland, and New York having adopted similar proposals. The experience in these States, as testified to before your committee—as Maryland with a $3.7 million deficit after only 6 years' operation and despite a $70 fee collected from uninsured motorists—does not commend this approach as desirable for approval by the Congress for the District of Columbia.

On the other hand, the strengthening of the financial responsibility laws—as are already in effect in 50 States and the

District of Columbia—designed to encourage motorists to become insured by imposing financial requirements on them if they are involved in accidents causing bodily injury or death, or property damage, appears the preferable approach and more in the public interest. H.R. 9918 does not pretend to be a panacea for all the problems arising out of injuries in automobile accidents in the District of Columbia. Your committee was not advised of any plan or system, or combination of methods, which furnishes a full and complete solution to the problems at hand. But in the judgment of your committee, the reported legislation more reasonably and effectively meets the uninsured motorist menace and affords better protection against the uninsured and financially irresponsible motorist.

The manner of meeting the problem through uninsured motorist coverage legislation—with the right of rejection reserved to the insured—has been accepted as a solution in 15 States. Indeed, in the past several years this has been a pattern which the States have been following in arriving at a solution. On the other hand, your committee was informed, no States have enacted either compulsory insurance laws since the enactment of the New York laws in 1956 and North Carolina in 1957, or unsatisfied judgment fund laws since the enactment in New Jersey in 1953 and Maryland in 1957.

Your committee is quite aware that none of the basic legislative approaches contained in the various bills considered can guarantee a satisfactory or completely satisfying answer to the uninsured motorist problem. But your committee feels that the provisions of H.R. 9918 are more in the pubic interest and hence recommends its adoption.

The bill as reported has the strong support of all but one of the local insurance companies. Even that company does not oppose this legislation, but merely prefers the unsatisfied judgment fund approach with compulsory uninsured motorist coverage included therein.

Also this legislation has the support of the National Association of Independent Insurers, whose trade association represents 348 property and casualty insurers of all types—stock companies, mutual companies, reciprocals, and Lloyd's plan insurers—80 of whose members are licensed to do business in the District of Columbia. It has the support also of the District of Columbia Association of Insurance Agents.

It should be pointed out that not all persons injured by uninsured motorists are presently without redress. It was represented to your committee that under the present District of Columbia Motor Safety Vehicle Responsibility Act, a fairly substantial number of uninsured motorists involved in accidents either deposit the required security, which is available to the injured party upon recovery of a judgment, or settle with the injured person in order to avoid suspension of license.

Further, many cases against uninsured motorists involve situations where the uninsured is not at fault and therefore the injured party is not entitled to any recovery.

Additionally, many of these cases involve damages in small amounts, and the inability to recover would not constitute any real social problem. All these factors, it seems to us, must be taken into account in considering the extent of the problem and the solution required.

PRECEDENTS FOR THIS LEGISLATION

Briefly, there are four basic approaches which have been proposed—sometimes one or more of these approaches are joined—in an effort to assure the financial responsibility of motorists on the highways of our country.

These are: First, mandatory uninsured motorist insurance coverage for inclusion in motor vehicle or automobile liability insurance policies—with or without the right of rejection reserved to the insured motorist; second, financial responsibility laws; third, unsatisfied judgment fund laws; and fourth, compulsory insurance laws. The reported bill combines features of the first two approaches.

Title I deals with the coverage afforded under the uninsured motorist endorsement, sometimes called family protection coverage.

This coverage is designed to place the insured who has been involved in an accident with a financially irresponsible motorist in substantially the same position he would have been had he been injured by an insured motorist. It provides protection against not only the uninsured motorist but also hit-and-run accidents and accidents involving stolen cars. Further, it protects against accidents both inside a State and outside a State or the District of Columbia regardless of where the vehicle is registered. It not only protects the insured motorist against these hazards but also protects all occupants in his car when involved in an accident; and it also protects as pedestrians or occupants of another car the insured, his or her spouse, and relatives of either who are resident in the household.

Fifteen States—Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Nebraska, North Carolina, Ohio, Pennsylvania, and Rhode Island—have enacted laws that require all motor vehicle liability insurance policies to contain uninsured motorist coverage, unless rejected by the insured. This type of law is embodied in title I of the reported bill.

Five States—New Hampshire, New York, Oregon, South Carolina, and Virginia—require insurers to include such coverage but do not give the insured the right of rejection thereof. Your committee believes that the insured should specifically be given the right to either accept or reject uninsured motorist coverage, and title I so provides.

Title II amends the District of Columbia Motor Vehicle Safety Responsibility Act. Similar financial responsibility laws are in effect in each of the 50 States. Such laws are designed to encourage motorists to become insured by imposing financial requirements on them in the event they are involved in accidents causing bodily injury, death, or property damage above a stated amount—usually $50 or $100. In such cases, the States require a security deposit designed to assure that irresponsible motorists assume responsibility for these accidents. Failure to make the required deposit results in the suspension of the offender's driver's license and, in most jurisdictions, in suspension of the motor vehicle registration.

Most States return the security deposit if there has been no action brought against the depositor within a specified period or if he has been released from liability.

Proof of financial responsibility for the future is the next step. Its aims are to make certain that the financially irresponsible motorist becomes and remains financially responsible for a specified period in the future, usually 3 to 5 years.

In 48 States and the District of Columbia, the financial responsibility laws provide that motorists found guilty of certain traffic violations shall be required to show such proof. Twenty-one States require both the security deposit and proof of future responsibility from persons involved in accidents. This usually involves showing a certified policy of liability insurance.

Your committee was advised that financial responsibility laws have raised the number of insured motorists nationally from 25 percent in 1920 to an estimated 90 percent today. Also, reciprocity agreements between States provide a means of dealing with interstate motorists. Thus, motorists whose licenses are revoked in one State can be denied licenses in other States.

Strengthening amendments to the existing District of Columbia Motor Vehicle Safety Responsibility Act are set forth in title II of the reported bill and are summarized heretofore in this report.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY LAW—PROPOSED CHANGES

Following are the major substantive changes made in the District of Columbia's existing Motor Vehicle Safety Responsibility Act under the provisions of H.R. 9918. In addition, reasons justifying such amendments are set forth.

I. ACCIDENT REPORT REQUIREMENT

Present law: Provides that accidents involving bodily injury, death, or damage to the property of any one person in excess of $100 must be reported to the Commissioner within 5 days.

Proposed law: Lowers the limit of property damage required for the reporting of an accident to $50.

Comment: Such a change would broaden the application of the financial responsibility law by bringing within its provisions those persons involved in accidents in which property damage amounts from $50 to $100, a group formerly not covered by the act. Similarly, it will provide the Commissioner with a more complete picture of the motor vehicle accident problem.

II. RELIANCE BY COMMISSIONER UPON INFORMATION CONTAINED IN ACCIDENT REPORT

Present law: No provision.

Proposed law: Provides that the Commissioner may rely upon the accuracy of insurance information contained in accident reports, unless and until the Commissioner has reason to believe that such information is erroneous.

Comments: The above change is expected to eliminate unnecessary administrative procedures, resulting in a material saving to the public.

III. SUSPENSION AND REVOCATION OF LICENSE AND REGISTRATION FOLLOWING ACCIDENTS

Existing law: The failure to deposit the required security results in the suspension of the license of each driver involved in the accident, and suspension of the registrations of all vehicles owned by the owner of each vehicle involved in the accident.

Proposed law: Provides that where suspension applies for failure to deposit security and file proof of financial responsibility following accidents, that such suspension and revocation should extend to the license of both the operator and owner, and to the registrations of both the operator and the owner involved.

Comments: This proposal is designed to broaden the scope of the license and registration forfeiture provisions of the motor vehicle laws as they apply to the financially irresponsible motorist who fails to meet the security deposit and future proof requirements following an accident.

IV. PERIOD OF SUSPENSION

Present law: Requires that when a person's license or registration is suspended or revoked for failure to deposit security following an accident, it shall remain suspended for a period of 1 year unless such person deposits security within that period or after the lapse of 1 year from the date of the suspension evidence satisfactory to the Commissioner has been filed that during such period no action for damages arising out of the accident has been instituted.

Proposed law: Provides that when a person's license and registrations are suspended, they shall remain so suspended for a period of 2 years unless such person deposits security and files proof of financial responsibility within that period or after the lapse of 2 years following the date of such suspension and revocation evidence satisfactory to the Commissioner has been filed indicating that during such time no action for damages arising out of the accident resulting in such suspension has been instituted; provided such person files proof of financial responsibility.

Comments: The reasons for extending the time period in this situation are twofold: First, it will result in a greater restriction on financially irresponsible drivers by subjecting them to a longer period of suspension, and second, it will provide more protection to the victims of irresponsible motorists by extending the period of time a deposit may be held for the protection of claimants.

V. FEE FOR REISSUANCE OF LICENSE AND REGISTRATIONS

Present law. No provision.

Proposed law. Provides that no license or registration shall be reinstated or no new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of this act, pays the Commissioner a fee of $25. Only one fee shall be paid by any one person irrespective of the number of licenses and registrations to be then reinstated for or issued to such person.

Comments: A provision of this type will indirectly strengthen the penalties against financially irresponsible drivers and other motor vehicle violators and provide the Motor Vehicle Department with an additional source of needed revenue. It is only fitting that those who come under the financial responsibility law, and are therefore responsible for a substantial portion of the administrative burdens, should bear a commensurate share of the costs.

VI. MINIMUM SECURITY DEPOSIT

Present law: No provision.

Proposed law: Requires that a minimum security deposit be not less than $500 in all cases in which security is required.

Comments: This provision will give better assurance of adequate recovery to those injured or damaged, and will facilitate the settlement of claims. Also, it will eliminate the need for the Commissioner to evaluate the amount of damage in those cases of less than $500, thus tending to improve the administration of the law.

VII. RELEASE OF SECURITY

Present law: Requires that security be held for a period of 1 year in the absence of one of the specified causes for release.

Proposed law: Provides that security where required to be deposited shall remain on deposit for a minimum of 2 years.

Comments: The extension of the period during which the deposit must be maintained assures that persons injured or damaged in the accident are more likely to have their claims or judgments satisfied.

VIII. FUTURE PROOF FOLLOWING ACCIDENTS

Present law: No provision.

Proposed law: Requires that whenever an operator or owner must deposit security for a past accident, he shall give and maintain proof of financial responsibility for the future.

Comments: Although the present sanctions of the law against financially irresponsible drivers have proved reasonably effective, there still remain some who apparently require stronger policy in the law such as is advocated in this procedure. This is accomplished by requiring the driver, who has been brought under the provisions of the act by reason of having been involved in an accident, to maintain insurance or some other form of financial responsibility for a period in the future. Most people agree that if all motorists could be made aware of the importance of liability protection to themselves, there would be little or no need for legislation in this area. This proposal then combines the restraints of the law against irresponsible drivers with an education process designed to show them the need for liability protection in their own interest, as well as in the interest of society.

IX. DURATION OF FUTURE PROOF

Present law: Where proof of financial responsibility for the future is required to be filed, it must be maintained for a period of 3 years.

Proposed law: Requires that in all cases in which a person must give proof of financial responsibility for the future, he shall maintain such proof for a period of at least 5 years.

Comments: This amendment will assure protection to the public for a longer period against injury or damage which the motorist may cause. This extended period for maintaining proof should also help in educating the particular motorist on the need for protection for his own benefit.

CONCLUSION

For several years, subcommittees of your committee have studied various bills referred to them, dealing with motor vehicle insurance, have held many conferences with the District of Columbia government officials, and other interested parties, and have sought to secure unanimity among the groups actively considering such legislation. However, your committee can delay no longer, as it appears that no full agreement can be reached. Meanwhile, problems created by the uninsured motorist are so acute and so diverse as to require prompt legislative action.

Your committee believes that this bill strengthening amendments to the District's safety responsibility law and providing for uninsured motorist coverage subject to the right of rejection, offers an efficient and economical package program which will, first, provide a highly effective means of inducing the financially irresponsible motorist to provide protection for those persons they may injure and, second, reduce the problem of the financially irresponsible motorist to a point where it will no longer be of social significance.

We strongly urge that the above package program, embodied in H.R. 9918, which goes directly to the heart of the problem of the financially irresponsible motorist, be adopted for the District of Columbia.

The **SPEAKER**. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and the Speaker announced that the noes appear to have it.

Mr. **SICKLES**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 173, nays 156, not voting 105, as follows:

[Roll No. 228]

YEAS—173

Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, Glenn
Annunzio
Ayres
Bates
Belcher
Bell
Bingham
Blatnik
Boland
Bolling
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Clark
Cleveland
Clevenger
Cohelan
Collier
Conte
Corman
Craley
Culver
Curtin
Daddario
Dague
Daniels
Dawson
Delaney
Denton

Dickinson
Dingell
Dole
Donohue
Dow
Duncan, Oreg.
Dyal
Edwards, Calif.
Ellsworth
Fallon
Farbstein
Fascell
Feighan
Flood
Ford, William D.
Fountain
Friedel
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Gross
Hagen, Calif.
Hall
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harvey, Ind.
Harvey, Mich.
Hathaway
Hechler
Helstoski
Henderson
Holifield
Horton
Howard
Hungate
Jacobs

Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Kelly
King, Calif.
King, Utah
Kirwan
Kornegay
Krebs
Kunkel
Leggett
Lennon
Love
McClory
McDade
McGrath
Machen
Mackay
Mackie
Madden
Martin, Nebr.
Matsunaga
Miller
Minish
Mink
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Multer
Murphy, Ill.
Nedzi
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Ottinger
Patman
Patten
Perkins

Philbin
Pike
Price
Pucinski
Race
Randall
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes, Pa.
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Rumsfeld
St. Onge
Scheuer
Schisler
Schneebeli
Schweiker
Scott
Shriver
Sickles
Skubitz
Smith, N.Y.
Stafford
Staggers
Stratton
Sullivan
Taylor
Tenzer
Thompson, Tex.
Todd
Tunney
Ullman
Vanik
Vigorito
Vivian
Watkins
Whalley
White, Idaho
Wolff
Wydler
Yates
Zablocki

NAYS—156

Abbitt
Abernethy
Adair
Albert
Andrews, George W.
Arends
Ashbrook
Ashmore
Aspinall
Baldwin
Baring
Battin
Beckworth
Bennett
Berry
Betts
Boggs
Bolton
Bow
Bray
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callan
Callaway
Casey
Chamberlain
Chelf
Clancy
Clausen, Don H.
Clawson, Del
Conable
Cooley
Davis, Ga.
Davis, Wis.
de la Garza
Dent
Derwinski
Devine
Dorn
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edmondson

Edwards, Ala.
Evans, Colo.
Everett
Farnsley
Findley
Fisher
Flynt
Ford, Gerald R.
Frelinghuysen
Fulton, Tenn.
Fuqua
Gathings
Gettys
Greigg
Grider
Griffiths
Grover
Gubser
Gurney
Hagan, Ga.
Haley
Halleck
Hansen, Idaho
Harris
Harsha
Hays
Herlong
Hutchinson
Ichord
Johnson, Okla.
Jonas
Keith
Landrum
Langen
Latta
Lipscomb
Long, La.
McEwen
McFall
McMillan
McVicker
Mahon
Marsh
Matthews
Michel
Mills
Minshall
Mize
Morris
Murray
Natcher
Nelsen
O'Konski

O'Neal, Ga.
Passman
Pickle
Poage
Poff
Purcell
Quillen
Redlin
Reifel
Reinecke
Rivers, S.C.
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roudebush
Roush
Satterfield
Saylor
Secrest
Selden
Sikes
Sisk
Slack
Smith, Calif.
Smith, Va.
Springer
Stanton
Steed
Stephens
Stubblefield
Talcott
Teague, Calif.
Thomson, Wis.
Trimble
Tuten
Utt
Van Deerlin
Waggonner
Walker, Miss.
Walker, N. Mex.
Watson
Watts
White, Tex.
Whitener
Whitten
Williams
Wilson, Bob
Wright
Wyatt
Young
Younger

NOT VOTING—105

Adams
Andrews, N. Dak.
Ashley
Bandstra
Barrett
Bonner
Brademas
Brock
Brown, Ohio
Cahill
Cameron
Carey
Carter
Cederberg
Celler
Colmer
Conyers
Corbett
Cramer
Cunningham
Curtis
Diggs
Erlenborn
Evins, Tenn.
Farnum
Fino
Fogarty
Foley
Fraser
Fulton, Pa.
Gallagher
Goodell
Griffin
Halpern
Hardy

Hawkins
Hébert
Hicks
Holland
Hosmer
Hull
Huot
Irwin
Jarman
Jennings
Jones, Mo.
Keogh
King, N.Y.
Kluczynski
Laird
Lindsay
Long, Md.
McCarthy
McCulloch
McDowell
Macdonald
MacGregor
Mailliard
Martin, Ala.
Martin, Mass.
Mathias
May
Meeds
Moeller
Moore
Morrison
Morton
Murphy, N.Y.
Nix
O'Brien
O'Neill, Mass.

Pelly
Pepper
Pirnie
Pool
Powell
Quie
Resnick
Rhodes, Ariz.
Rivers, Alaska
Robison
Rogers, Tex.
Roncalio
Roosevelt
Roybal
Ryan
St Germain
Schmidhauser
Senner
Shipley
Smith, Iowa
Stalbaum
Sweeney
Teague, Tex.
Thomas
Thompson, N.J.
Toll
Tuck
Tupper
Udall
Weltner
Widnall
Willis
Wilson, Charles H.

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Widnall.

Mr. O'Neill of Massachusetts with Mr. Laird.

Mr. Evins of Tennessee with Mr. Fulton of Pennsylvania.

Mr. Fogarty with Mr. Brown of Ohio.

Mr. Celler with Mr. Fino.

Mr. Hicks with Mr. Corbett.

Mr. Hébert with Mr. Rhodes of Arizona.

Mr. Hawkins with Mr. Martin of Massachusetts.

Mr. Ashley with Mrs. May.

Mr. Barrett with Mr. Hosmer.

Mr. Toll with Mr. Cramer.

Mr. Nix with Mr. Goodell.

Mr. Roosevelt with Mr. Griffin.

Mr. Roncalio with Mr. Mailliard.

Mr. Carey with Mr. McCulloch.

Mr. Hardy with Mr. Quie.

Mr. O'Brien with Mr. Pirnie.

Mr. Rivers of Alaska with Mr. Cederberg.

Mr. Morrison with Mr. Andrews of North Dakota.

Mr. Pool with Mr. Curtis.

Mr. Murphy of New York with Mr. King of New York.

Mr. Macdonald with Mr. Cunningham.

Mr. Kluczynski with Mr. Robison.

Mr. Holland with Mr. Mathias.

Mr. Jennings with Mr. Pelly.

Mr. Hull with Mr. MacGregor.

Mr. Brademas with Mr. Halpern.

Mr. Cameron with Mr. Moore.

Mr. McDowell with Mr. Tupper.

Mr. Colmer with Mr. Brock.

Mr. Gallagher with Mr. Morton.

Mr. Pepper with Mr. Martin of Alabama.

Mr. Thompson of New Jersey with Mr. Lindsay.

Mr. Sweeney with Mr. Erlenborn.

Mr. Rogers of Texas with Mr. Carter.

Mr. Adams with Mr. Diggs.

Mr. McCarthy with Mr. Conyers.

Mr. Shipley with Mr. Ryan.

Mr. Senner with Mr. Irwin.

Mr. Huot with Mr. Jarman.

Mr. Meeds with Mr. Powell.

Mr. Tuck with Mr. Udall.

Mr. Teague of Texas with Mr. St Germain.

Mr. Schmidhauser with Mr. Bonner.

Mr. Bandstra with Mr. Smith of Iowa.

Mr. Moeller with Mr. Resnick.

Mr. Charles H. Wilson with Mr. Farnum.

Mr. Roybal with Mr. Foley.

Mr. Weltner with Mr. Fraser.

Mr. Willis with Mr. Stalbaum.

Messrs. ASHMORE and DERWINSKI changed their vote from "yea" to "nay."

Mr. JACOBS changed his vote from "nay" to "yea".

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill as amended.

The bill was passed.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 46

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 507.

The Clerk read the resolution, as follows:

> *Resolved,* That there be printed for the use of the House of Representatives one hundred thirty-one thousand seven hundred additional copies of Senate Document No. 46 which contains a brief explanation of the elements of entitlement to and benefits available under the hospital insurance benefits for the aged and the supplementary medical insurance benefits for the aged enacted in the Social Security Amendments of 1965, pursuant to H.R. 6675.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. HAYS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Maryland a question.

When was this resolution introduced and when did it get over here and how did it happen that it bypassed the Committee on House Administration, and so on and so forth?

Mr. FRIEDEL. I would like to explain it this way. I introduced a simple resolution. It is similar to Senate Resolution 134, which passed last Thursday in the Senate which provides for 120,000 copies of Senate Document No. 46 to be printed for the use of the Senate and 17,000 for the use of the Committee on Finance. The type is all set——

Mr. HAYS. I do not care anything about the type being set. I want to know when it was introduced in the Senate and when it passed and when it came over here.

Mr. FRIEDEL. Senate Resolution 134 was introduced in the Senate on July 29, it passed the Senate on August 5, and I introduced House Resolution 507 today.

Mr. HAYS. Today?

Mr. FRIEDEL. Yes.

Mr. HAYS. Then how come you are bringing up a Senate resolution?

Mr. FRIEDEL. I said that the Senate resolution was passed last Thursday. This is a similar resolution, House Resolution 507. This is a very simple resolution. It provides for the printing of a document in layman's language explaining the provisions of the medicare bill. It authorizes that 131,700 copies of this Senate Document No. 46 can be printed for use by Members of the House.

Mr. HAYS. Mr. Speaker, I still have a reservation. The gentleman from Maryland is a pretty fast talker. He can outtalk the gentleman from Iowa [Mr. Gross] and some of the others, but I do not believe he can outtalk me.

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

VOTE WITH WRIGHT IS A RIGHT VOTE

Mr. O'HARA of Illinois. Mr. Speaker, Drew Pearson in his column in the Washington Post of this morning gives the recipe for success in the Congress given to Lyndon Johnson by his father when the President came here as a new Congressman. This is the story as told by Drew Pearson:

> The President has told friends how his father, Sam Johnson, advised him when he came to Congress that he would be voting "right" if he voted with "Wright." Recently L.B.J. scrawled the quotation from his "Daddy" on an autographed picture he sent Representative Wright Patman, Democrat, of Texas. Wrote the President along the bottom of picture: "When in doubt how to vote, vote with 'Wright'—My Daddy."

BIRTHDAY OF A STATE AND A STATESMAN

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I take this time to inform the House that Saturday last was the fifth anniversary of the independence of the Ivory Coast in Africa and today is the natal anniversary of the Honorable Robert N. C. Nix, who, as a member of the African Subcommittee of the Committee on Foreign Affairs, has shown understanding and friendship for the Ivory Coast and other emerging and developing African nations.

On Thursday, when the House was last in session, I made mention of the fact that Saturday would be the fifth anniversary of the independence of the Ivory Coast and I extended my congratulations and well wishes as is recorded on pages 19639–19640 of the Congressional Record of August 5, 1965.

GENERAL LEAVE TO EXTEND

I now ask unanimous consent that my colleagues who so desire may have 5 legislative days in which to join in congratulations and good wishes for the Ivory Coast.

Mr. Speaker, I also ask unanimous consent that my colleagues so desiring may have 5 legislative days in which to join me in expression of esteem and good wishes to our able and distinguished friend and coworker from Pennsylvania, Mr. Nix, on the happy occasion of his birthday.

Congressman Nix has been an outstanding member of the Committee on Foreign Affairs in five Congresses. As head of the American delegation to the Interparliamentary Conference with the lawmakers of Mexico, and as a member of the African Subcommittee, his service to the committee and to the country has been conspicuous.

Born in South Carolina, he was graduated from high school in New York City and received his bachelor's degree at Lincoln University and his law degree at the University of Pennsylvania. He is a lawyer of note, practicing with his son, Robert Nix, Jr. I extend to him my warmest congratulations and my every good wish for a future of brightness, happiness, and ever-mounting achievement.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, August 7 is a proud day in the history of the people of the Republic of the Ivory Coast, for it was on this day 5 years ago, in 1960, that they achieved their independence. Today we join with them in commemorating the anniversary of this, one of their most cherished holidays.

The Ivory Coast is among the most rapidly developing, progressive, dynamic, and stable new nations of Africa. Economically, politically, and socially, great steps are being taken by this young country. The construction industry typifies the rapid development that this nation is undergoing. Throughout the country, and especially in the rapidly expanding urban centers, new buildings are being constructed at a tremendous rate. These include not only new housing in all income classes, but public buildings such as hospitals, schools, medical centers, and administrative offices. They bear proud witness to the spirit of progress of the people of the Ivory Coast. Since the opening of the deepwater port of Abidjan in 1954, this capital city has been among the busiest and most rapidly expanding cities in Africa. As the terminus of the Abidjan-Ouagadougou Railroad, Abidjan has also become the focus of much of the area's local and domestic trade, which has experienced a remarkable increase. Thus it may be easily seen why the Ivory Coast has assumed not only a position of economic leadership in former French West Africa, but has likewise become one of the political leaders of this group of developing nations.

We most heartily congratulate the people of the Republic of the Ivory Coast on this, the fifth anniversary of their independence day. As we wish them the best in the future, we do so with confidence that the spirit of progress and freedom that has so far animated their efforts will carry them on to new and even more felicitous heights.

Mr. FLOOD. Mr. Speaker, I am delighted to join in this expression of birthday greetings to my Pennsylvania colleague Robert Nix. He and I usually sit together on the floor of the House, having frequent talks and discussions about his native city of Philadelphia, dealing with local problems as well as national problems. He commands the respect and admiration not only among the Pennsylvania delegation, but all through the House. May he enjoy many, many more happy birthdays in our midst.

Mr. CONYERS. Mr. Speaker, August 7, 1965, marked the fifth anniversary of independence of the thriving Republic of Ivory Coast. The richest and potentially most economically self-sufficient state in West Africa, Ivory Coast is bounded by Upper Volta, Mali, Ghana, Liberia, and Guinea. Permit me to suggest reasons why this emerging new nation has attracted the attention and admiration of the world.

Under the leadership of His Excellency, President Félix Houphouet-Boigny, the Ivoirians are building a prospering nation. The foundation of the economic structure was established by the French long before independence. French colonial policy was enlightened in that it urged education for all members of the French community and further trained many of the men who are now leaders in the Republic of Ivory Coast. President Houphouet-Boigny served as an Ivory Coast Deputy in the French National Assembly from 1946–1959, and during this period was several times Minister of State and Vice President of the Cabinet. In keeping with this policy of complete political integration, the present President of the French Senate, Mr. Gaston Monnerville, who represents the French Province of Lot, is a Negro. Mr. Monnerville, a native of French Guiana, would succeed to the Presidency of France in the event of the death or resignation of President de Gaulle.

French influence is still seen in Ivory Coast in the fact that the trebling of Ivory Coast exports has been achieved largely through French membership in the Common Market, one of its largest customers. The number of Frenchmen in Ivory Coast has more than doubled since independence. On the whole the European population is well received although there are some who feel that "Africanization" is too slow in coming. President Houphouet-Boigny has followed a policy of giving jobs to qualified persons whether they are African or French. He has stated that he is unwilling to appoint persons simply on the basis of nationality. His high professional standards have proved beneficial. Ivory Coast has as its Minister of Finance a man considered to be the best economic official on the entire African continent. Mr. Raphael Seller, a Frenchman from Martinique, has based the economic plan of the Ivory Coast on a survey of long-term budget needs, tribal relationships, village markets, and consumption patterns. This practical approach to development has kept the country from squandering its funds on prestigious and often unnecessary projects such as steel mills and international airlines. Instead, it has set out to develop the resources it has. In this manner, the Ivory Coast was able to detect a market gap in palm-oil production, and has obtained aid funds from the European Economic Commission to build a government operated palm-oil plantation. Eventually this plantation will be turned into an employee-owned cooperative.

The Ivory Coast is not only making great domestic strides but it is taking a position of African and world leadership. It is now a member of the United Nations Security Council and is thus one of the few African nations ever to have held this honor. President Houphouet-Boigny was one of the founders of the Rassemblement Démocratique Africain (RDA), the leading interterritorial political party in French West Africa. This organization established constituency units in all the French West African Territories except Mauritania. His importance in the African political spectrum stems not only from the economic importance of the Ivory Coast but also from his still close association with those who served under him in the RDA. He has maintained that the only true road to African solidarity is through step-by-step economic and political cooperation with recognition of the principle of nonintervention in the internal affairs of sister African states.

President Houphouet-Boigny and his charming wife came to the United States on a state visit in May 1962. The ties between the United States and the Ivory Coast have always been close, especially since Ivory Coast, unlike most African nations, follows an economic policy of "free enterprise." President Houphouet-Boigny says that he chose the path of capitalism because it is the "path which in my mind achieved results." I am happy to salute His Excellency, President Houphouet-Boigny and His Excellency, the Ambassador of the Republic of Ivory Coast to the United States, Konan Bedie, on the fifth anniversary of Ivoirian Independence.

A very informative article on the Ivory Coast appeared in the August 9, 1965, issue of Newsweek. I would like to have this article inserted into the RECORD as it reflects the great progress achieved by the people of the Ivory Coast after only 5 years of independence.

The article follows:

ON THE THRESHOLD OF TAKEOFF

(By Edward Behr)

A young African diplomat with strong Marxist tendencies, who is stationed in Abidjan, the capital of the Ivory Coast, commented recently: "A baffling place, the Ivory Coast. Marxists go away from here very disappointed. The Ivoirians don't seem to give a damn for socialism or for revolution."

The same can be said for Nigeria, 500 miles farther along the coast. Yet these two nations stand out above all others in Black Africa as the ones where the most economic progress is being made. The Ivory Coast, a former French colony, is the only Black African country with a healthy budget surplus at the end of each year. Its gross national product has increased 10 percent annually since 1960, and its exports and investments are soaring. Nigeria, a former British colony, is attracting industry at a supercharged rate (1,000 U.S. firms alone in 5 years) and expects to become one of Africa's largest oil exporters in a few years. Both countries are on the threshold of an "economic takeoff"—the point at which they can finance their long-range economic growth out of their own income.

Much of the Ivory Coast is dense steamy jungle in which more than 60 different tribes live. Considering the vast variety of people who make up his country, President Félix Houphouet-Boigny, himself a member of the Baoulé tribe, declares that "The Ivoirian nation doesn't yet exist. France left the Ivory Coast a mass of tribes unaware of each other's existence. We are only gradually breaking down tribal barriers."

Despite his harsh judgment, however, the Ivory Coast started off with many genuine advantages, some natural, some contributed by the French. And to its credit it is making the most of all of them. It had an extremely large fertile land area, not too many mouths to feed (at last count, 3.8 million), a good road system, and a well-developed harbor in Abidjan, the capital. Even before independence day in 1960, the Ivory Coast produced great quantities of coffee, cocoa, and bananas. Today it has expanded to become the largest coffee producer in Africa and third largest in the world, and it is the world's fifth cocoa producer. It exports more timber and wood pulp than any other African nation, and is well on its way to becoming a major pineapple grower. Ivory Coast exports have tripled (to $298 million) in 10 years—thanks largely to the preference it gets in selling to the Common Market through its French ties.

The prosperity is most noticeable, of course, in the capital city. With a climate kept always pleasant by refreshing gulf breezes, Abidjan is a model town studded with elegant buildings and modern housing developments, laced with superb roads and cloverleaf interchanges and ringed by one of the most modern harbors in Africa.

Because of the enormous amount of economic activity and a shortage of workers, the Ivory Coast is a magnet to Africans in surrounding countries, and the eminently practical Houphouet-Boigny welcomes them. "I don't have the money to waste watching over 1,500 miles of frontier," he says. "There's no need, our frontiers are always open." As a result, one out of every four residents is non-Ivoirian and later this year Upper Volta, Dahomey, and the Ivory Coast will formally announce a system of dual nationality for all three nations.

FRENCH INFLUENCE

The country also has 30,000 resident Frenchmen, more than twice the number there before independence, but not everyone welcomes them as much as the President. Some of the young Ivoirians, annoyed at the slow pace of "Africanization," complain that all the good jobs in the country go to Frenchmen, and they have some basis for their criticism. Although most of Houphouet-Boigny's ministers are Ivoirians, the key portfolio of finance is held by a Frenchman from Martinique, Raphael Saller, considered by many to be the best economic official on the continent. In addition, the French have an all-embracing hold on positions in commerce and industry. Houphouet-Boigny insists that this does not stem from any deliberate discrimination. "The question I ask myself before appointing anyone is: could he hold down a job in, say, France? When a man is competent to hold down a key job, he gets a key job. We are honest enough to recognize that 'Africanization on the cheap' is an unmitigated evil."

Two-thirds of the population live in tiny jungle villages and here it is that progress is slowest—and the most urgently needed. "We have got to succeed." declared a French agricultural engineer who is trying to teach villagers how to improve farm productivity. "The whole village will make up its mind on the basis of what happens this year to the fields we've selected."

MAGICAL POWERS

At another village a tribesman came up to a French adviser and demanded "the medicine you promised us." The medicine they wanted turned out to be fertilizer. And in the minds of the tribesmen the fact that it makes crops grow bigger can only be attributed to magical powers. "For the time being," the Frenchman confided, "we're going along with the magical interpretation—it actually helps."

An all-pervading belief in magic is one of the realities of life in the Ivory Coast. Whatever formal religion they may have adopted (mostly Roman Catholic or Moslem), the vast majority of Ivoirians still place strong faith in fetishes. Houphouet-Boigny himself regularly consults with prominent witch doctors and has a reputation as a benevolent sorcerer. He does nothing to disabuse anyone of this conception and makes frank use of it to enhance his hold on the nation. "Africa is animist," he maintains. "We have no right to be ashamed of our animism. It is the basis of our lives."

Beyond that, however, Houphouet-Boigny is firmly committed to a rational approach to government. As President, he rules a strong central bureaucracy (some call it a dictatorship) modeled on the traditional French prefect and subprefect system. This organization gives him a finger in almost every pie.

SURVEY TEAMS

Under Houphouet-Boigny, who follows the guidance of Finance Minister Saller, the Ivory Coast has become a planner's paradise. Teams of Frenchmen and Ivoirians survey long-term domestic budget needs, tribal relationships, village markets, and consumption patterns—something that has never been done on such a scale anywhere in Africa. "The time will soon come," said a French anthropologist, "when we will know far more about life in a remote Ivory Coast jungle village than we do about a French village."

This practical approach has kept the Ivory Coast from squandering its development funds on prestigious and totally unnecessary projects such as steel mills and international airlines, as so many other new nations have done. Instead, it has set out to develop on the foundation of the resources it has at hand. Saller's Finance Ministry, for example, proved by a survey of world markets that there was room for more palm-oil production. Armed with these facts, Saller had little trouble obtaining aid funds from the European Economic Commission to build a government-operated palm-oil plantation. Some 8,000 African families will staff it, and plans call for it to eventually be turned into an employee-owned cooperative. This same sort of careful planning will almost certainly bring off the Ivory Coast Government's most ambitious aid request to date—a $70 million World Bank loan to build a dam and turn Bouaké, the country's second-largest town, into an industrial center.

Houphouet-Boigny's personal ideology is a pragmatic mixture of liberal (though not laissez-faire) democracy and a firm conviction in free enterprise. "Speaking personally, I say that socialism * * * has not yet proved its worth. On my visits to America I discovered that the old Marxist dictum, 'From each according to his abilities, to each according to his needs' was probably more in force in America, that holy of holies of capitalism, than in any other country in the world. When the time came for the Ivory Coast to choose a path of development, I chose the path which in my mind achieved results."

REPORT OF COMMITTEE ON USE AND TREATMENT OF SALINE WATERS, NATIONAL RIVERS AND HARBORS CONGRESS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include certain pertinent material.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, it has been my privilege to serve as chairman of the Committee on Use and Treatment of Saline Waters of the National Rivers and Harbors Congress for the past 2 years. For the information of my colleagues, I am pleased to include as a part of these remarks the report of the committee to the 52d national convention of that organization held last June here in Washington.

NATIONAL RIVERS AND HARBORS CONGRESS

(Report of the Committee on Use and Treatment of Saline Waters, Hon. WAYNE N. ASPINALL, chairman)

Introduction

The Committee on Use and Treatment of Saline Waters met in the Concord Room of the Mayflower Hotel at 2 p.m., on June 9, 1965, at the call of cochairman W. B. Camp.

Present at the meeting were Mr. W. B. Camp, Bakersfield, Calif., cochairman of the committee; Mr. Sidney L. McFarland, Silver Spring, Md., secretary of the committee; Mr. Paul Weir, Atlanta, Ga.; Miss Claire Davis, Jackson, Miss.; Mr. Robert M. Williams, Wilmington, N.C.; Mr. Joe D. Carter, Austin, Tex.; Mr. Frank C. DiLuzio, Washington, D.C.; and Mr. Ralph Kiser, California; a quorum under the rules.

In addition to the members of the committee, 22 other delegates and visitors were in attendance. The States and territories represented, in addition to those represented by the committee members, included Alabama, Colorado, Indiana, Louisiana, New Hampshire, New York, Ohio, Pennsylvania, Virginia, Guam, and the Virgin Islands.

Mr. W. B. Camp expressed regret that Congressman ASPINALL, chairman of the committee, could not be present and make a brief opening statement, referring to the step-up in interest in desalination during the last year.

IMPORTANCE OF DESALINATION TO NATION'S FUTURE

The Committee on Use and Treatment of Saline Waters has been in existence now for 1 year. At the organizational meeting last year, Chairman ASPINALL outlined the need for the committee and its relationship to the growing national salinity problem and the Nation's dwindling water supplies as compared to our estimated future needs. If the economy of the United States is to continue to grow and prosper there must be adequate supplies of water available for our growing population, our industries and our agriculture. The sources of water upon which we normally rely are gradually being exhausted, and through use and reuse the supplies derived from these sources are becoming more and more contaminated. Unless we augment present conventional supplies with new and additional sources, the availability of ordinary fresh water could easily become our No. 1 domestic problem in a relatively few years.

Our first efforts must, of course, be toward reducing our present excessive waste of water by preventing pollution of our streams, conserving and reusing available water so far as possible, controlling and using additional flood waters, and emphasizing better management of present uses of water for all purposes. However, even with all of these measures in effect, every reliable prediction of future demands for fresh water supports the conclusion that desalted sea or brackish water will be needed in the future to supplement our available natural supplies. The Nation will approach dependence upon converted water gradually. There are isolated areas in the United States that are now going to desalination. Other areas are building projects to transport water for hundreds of miles. As time goes on, and saline water conversion technology advances, desalination will be considered more and more as an alternative means of supplying water needs throughout the United States and the world.

ACTIONS DURING THE LAST YEAR

Since the Committee on Use and Treatment of Saline Waters organized a year ago there has been a big increase in national and international interest in desalination and important actions at the national level. In July of 1964, President Johnson instructed the Department of the Interior, in collaboration with the Atomic Energy Commission and the Office of Science and Technology, to take immediate steps to develop the plan for an aggressive and imaginative program to advance progress in large-scale desalting of seawater. This new emphasis on achieving large-scale dual-purpose nuclear-fueled plants is not intended to lessen the attention given to developing the best techniques for converting saline water for smaller markets and smaller plants and for improving the quality of brackish water for inland uses. It is also not intended to lessen our efforts to find new and improved methods for truly economic conversion through basic research.

As a result of the Presidents' direction a $200 million 5-year program has been developed and legislation to implement it is presently under consideration in the Congress.

REPORT TO THE COMMITTEE

Mr. Frank DiLuzio, Director of the Office of Saline Water and a member of the Committee on Use and Treatment of Saline Waters, reported to the committee on the present state of the art and on the President's proposed expanded program. The program of the Office of Saline Water is accomplished by working through industry. The research work for the most part is done by contract. The purpose of the research and of the Office of Saline Water is to advance the state of the art. It is not intended that the Federal Government build plants to meet the water needs of any city or area of our Nation. Mr. DiLuzio briefed the committee on progress made to date under the Saline Water Research Act of 1952, as extended and implemented in 1955, 1958, and 1961. He then outlined the new program and what the Office of Saline Water hoped to accomplish with the $200 million requested by the President.

COMMITTEE'S VIEWS AND RECOMMENDATIONS

The committee was very much impressed with the presentation of Director DiLuzio. His great knowledge with respect to desalination—where we stand and what needs to be done—eminently qualifies him to assume responsibility for this important national program. The committee commends him for the excellent presentation to the committee and for the fine job he has done as director since his appointment last December.

The committee recommends that the National Rivers and Harbors Congress give its support to an expanded desalination research and development program in recognition of the facts that (1) an ample supply of a good quality water is essential to the future economy of our Nation and (2) as our water supplies from natural sources are exhausted more dependence must be placed on desalted sea and brackish water.

In the committee's view, the extent of the expanded program must be based upon full justification of the research work proposed to be accomplished and expected returns from Federal expenditures. The responsibility of the Office of Saline Water and the objective of the program should be to advance the state of the art of desalination and not to meet the water needs of any city or area. The States, municipalities and other interested entities and groups should participate in the program and share the responsibility. Private enterprise and industry should assume responsibility for process development at the earliest possible stage.

UNDER SECRETARY OF THE INTERIOR JOHN A. CARVER, JR., ADDRESSES CONGRESS OF MICRONESIA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include certain pertinent material.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, on July 12, 1965, the 33 elected members of the bicameral Congress of Micronesia assembled at Saipan, the headquarters of the Trust Territory of the Pacific Islands, for its opening session. The gentleman from Pennsylvania [Mr. SAYLOR] and I extended our remarks regarding the occasion and included the addresses delivered to the Congress by the Honorable N. NEIMAN CRALEY, JR., of Pennsylvania, and the Honorable ROGERS C. B. MORTON, of Maryland, in the CONGRESSIONAL RECORD for July 15, 1965. Among other distinguished guests at the opening session of the Congress of Micronesia were the Honorable John A. Carver, Jr., Under Secretary of the Department of the Interior, High Commissioner M. W. Goding, Deputy High Commissioner Richard F. Taitano, Acting Governor of Guam, Denver Dickerson, and Chief Justice Edward P. Furber.

Because Secretary Carver's address so adequately complements those delivered by Representatives CRALEY and MORTON, I ask unanimous consent that it be printed, as follows:

REMARKS OF UNDER SECRETARY OF THE INTERIOR JOHN A. CARVER, JR., AT CEREMONIES OPENING THE FIRST SESSION OF THE CONGRESS OF MICRONESIA, SAIPAN, MARIANA ISLANDS, JULY 12, 1965

This is indeed an historic day—not only for Micronesia, but for the United States of America and the free world everywhere. For today we participate in the founding of a new political institution through which the democratic will of 90,000 people may be worked.

For me personally this is an especially sentimental occasion. When I first visited the trust territory just a little over 4 years ago, it was a journey of familiarization—to learn more about this territory of small islands scattered over a vast expanse of sea, to meet with the people and learn of their aspirations, and to confer with Mr. Goding who had just assumed his new duties.

In that era, Saipan was maintained apart from the rest of Micronesia, the seat of the trust territory government was not even in the territory but in Guam. The essential ingredient of a democratic society—a popularly elected legislative assembly—was not in existence. Public expenditures for education, health, and sanitation lagged further and further behind the needs. Economic activity in the territory was practically at a standstill.

No miracles have occurred in the last 4 years—but the changes in Micronesia are measurable. It is one governmental and territorial entity under unified administration.

Its headquarters is located within the territory. There is a hum of progress in education, medical care, and in the economic life of the area. And today we meet to mark the taking of that first long stride toward the ideal of responsible self-government.

This should indeed be observed as an occasion for congratulations and well wishes for future success. But it must also be the occasion for sober reflection. For the assumption of democratic prerogatives also carries serious burdens for responsibility. You are the chosen leaders of a community which is widely dispersed by geographic distance, language differences, unequal levels of social and educational advancement. It is elemental that you must work for the greatest good to the majority of the Micronesian people. But you must be ever mindful of the rights, the aspirations, and the essential human dignity of the minority. It is one of democracy's greatest virtues that the majority rules, but always attempts to protect the fundamental rights of the minority—not only to disagree, but to live according to its own precepts so long as they do not endanger the rest of the community.

This is the reason that the American Bill of Rights is embodied in the code of the trust territory almost from its inception—and why it is incorporated by reference in the charter for this legislative body. We do not urge the concept of individual freedom just because it is American—or even because we claim any particular genius in its development. It represents, rather, the democratic idealism which has evolved from man's earliest attempt at governing himself in an atmosphere of freedom. We are as indebted to the ancient Greeks and the French and British political philosophers as we are to the actual authors of our own basic political documents. We think them the best set of rules for the regulation of the social community.

There will be some—there may be some already—who will criticize Secretarial Order No. 2882 as being imperfect in one way or another and in one degree or another. I cannot quarrel with such a conclusion. But we must remember that no constitution which evolves from the free consent of men will ever be perfect. By its nature, democracy is and must be a system of compromises. Its products will therefore never fully satisfy those who want to achieve perfect symmetry. But, by the same token, compromise of the majority's position is the only proven method for protecting the minority against tyranny.

What has been done in this order is to start the trust territory on the path to self-government. It will be long, and sometimes difficult. Some aspects of legislative authority are limited or circumscribed—not because we want the Congress of Micronesia to be permanently deprived of the full scope of legislative power, but because our best judgment is that it is better to move gradually and well than to shoulder the total burden suddenly and badly. We are able to develop political and legislative skills through the process of experience. Those peoples who independence was achieved without a background of training in self-government have labored under a great handicap. Democracy stands in jeopardy in those nations where strong central rule became the only answer to the confusion and conflict of undisciplined legislatures. We think Micronesia can and will be spared that kind of experience.

Legislative self-determination is welcomed by the administering authority in many ways, but most particularly in reference to the pace of change that is occurring in the territory. As the sovereign charged with protecting and advancing your welfare, it has been our stated policy to interfere as little as we possible could with the customs and mores of the community. Yet we know that the people are demanding and will demand increasingly that changes be made in the customary way of life. It is fitting and proper that the pace of change be set by representatives of the people, rather than an outside authority no matter how sympathetic and well-intention that authority might be.

In creating this legislative body and in participating in this opening session, we voice confidence in the future of Micronesia. But this confidence must be tempered with realism. What, in terms of stark reality, is the future of this area?

In terms of social and political development, the progress of the recent past gives us confidence that the people of Micronesia can be relied upon to produce institutions adequate to meet their needs.

They are interested in and eagerly seek the education necessary to govern their own affairs and to cope with their environment. As the younger people achieve higher levels of training, they can take over the task of improved health conditions and a generally higher standard of living.

But Micronesia will still be faced with many physical facts of life that present serious problems. Geographic dispersion, a limited land base with a vastly expanding population load, relatively meager resources, and strategic location between the contesting forces of East and West pose grave questions for a viable economic and political community on any kind of a self-sustaining basis.

We must plot a course for the ultimate decision on future political status and association. The ultimate determining factor, so far as the United States is concerned, will be the will of the people who have elected you to represent them in this Congress. But how we arrive at making that choice and how we implement the chosen alternative will involve highly complex negotiations within the United Nations and careful weighing of the national policies of my own country.

We have said in the past that the people of Micronesia should not be called upon to decide their political future until they had been provided the tools with which to make a wise choice—those tools being education sufficient to cope with the modern world, economic development and experience in self-government. These remain valid criteria to govern the timing of that critical decision.

We are bridging that gap of educational lag. Today we launch the latest in a series of steps toward experience in responsible self-government. Economic viability remains as a substantial hurdle to a truly free choice. This Congress, in conjunction with the administration, must concentrate its attention on the hard task of converting resources into an economic fabric which will supply the people with the standard of living to which they aspire.

The history of American administration over the past two decades in this area has been an honorable one. Considering its strategic character in this unsettled world and the constant threat to freedom that has been posed by totalitarian powers, our commitment to the welfare of the people has been constant and overriding, albeit at some times underfinanced. Now we have more than doubled our level of investment in your future. Probably this will have to be increased further in support of your progress toward whatever goals you seek to achieve.

Just as we have confidence in your competence to assume management of your own local affairs, so also do we believe that you are convinced of our good faith in the larger task of protecting and developing your homeland. The world is not likely to become less tense over the next few years, much as we might hope for it. The trust territory will, very likely, continue to be a strategic factor in the defense of freedom—yours as well as the United States. Thus we have a community of interest which is based on mutual confidence and friendship, coupled with necessity.

AMENDING ADMINISTRATIVE EXPENSES ACT OF 1946

Mr. DYAL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California.

There was no objection.

Mr. DYAL. Mr. Speaker, I am introducing a bill today to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States.

With the phasing out of military installations, and as technology and new processes change our military complex, it must be recognized in the upsetting of families the Government has a responsibility. It is hoped that the Committee on Government Operations will give this type of legislation very serious consideration.

FIRESTONE TIRE & RUBBER CO.

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. UTT] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. UTT. Mr. Speaker, the Department of State has consistently said that the American people have a right and duty to make known their views on American foreign policy so that the Government can truly represent the will of the people.

Whether the Department of State and its backers are sincere in their wish to hear the views of the people is certainly questionable in view of recent developments. During the past 5 years the Kennedy and Johnson administrations have encouraged more and more trade with Communist nations. Within the last 6 months the State Department has been pushing, in particular, a deal in which the Firestone Tire & Rubber Co. planned to sell to Communist Rumania an entire synthetic rubber plant worth nearly $50 million. Few people need to be told that such a plant could directly aid the development of the Communist military potential. In the case of Rumania, that Communist nation's leaders have only recently, on July 26, pledged their full support to the Communist Vietcong fighting against our American servicemen in Vietnam.

The Firestone-Rumania deal collapsed because of the activities of Young Americans for Freedom, a national organization of responsible young conservatives, many of them in my own State of California. I am proud to serve, along with many other Members of the House and Senate, on the National Advisory Board on Young Americans for Freedom.

Early this year Young Americans for Freedom mounted a national campaign to inform American consumers of the

Firestone negotiations with Rumania. As a result of these actions by Young Americans for Freedom members in many parts of the Nation, Firestone dropped the deal without explanation. It was obvious that Firestone did not wish to be economically hurt at home in the hope of profit abroad.

On July 26 on the floor of the Senate, a Senator from Arkansas made a totally unwarranted attack on Young Americans for Freedom for exercising their constitutional rights of free speech on the Firestone deal. His speech was immediately supported by the White House and President Johnson ordered Under Secretary of State George Ball to conduct a full investigation of the reasons for the collapse of the Rumania-Firestone negotiations.

Secretary Ball, in a letter to the Senator from Arkansas on July 27, immediately prejudged the investigation by also attacking Young Americans for Freedom by implication and by upholding the principle of trade with Communist nations.

I would not expect any other attitude on the part of Under Secretary Ball. It was he who, 5 years ago as a campaign adviser on foreign trade to the then candidate, John F. Kennedy, called for a complete end to all restrictions on trade with Communist countries, a policy which would indeed be against the best interests of our Nation.

I happen to agree with Young Americans for Freedom that we should put an end to the Johnson administration's policy of trading with the enemy in hopes that this coexistence will somehow bring about peace. We do not remain strong by shipping strategic materials to Communists. We should have learned this simple lesson in the Second World War when tons of American scrap iron came back as Japanese shells and bullets killing American soldiers and sailors.

The attack by the Senator from Arkansas and Under Secretary Ball on Young Americans for Freedom is a symptom of a gravely disturbing development in American political life which is the refusal by the Government to tolerate free speech in opposition to its policies. As Senator STROM THURMOND has pointed out, already an attempt has been made to muzzle the military by limiting their anti-Communist statements. It now appears, as the South Carolina Senator says, that in the case of the Firestone-Rumania rubber deal, the Johnson administration and its spokesmen are trying to muzzle all America.

Mr. Speaker, the interest of Young Americans for Freedom in stopping strategic trade with the Communists is not a new development. Under unanimous consent I insert at this point in the RECORD an article from the February 1965 issue of the official publication of YAF, the New Guard, entitled "East-West Trade," by Mr. R. J. Bocklet.

The article follows:

EAST-WEST TRADE: COUP FOR THE EAST, DANGER TO THE WEST

(By R. J. Bocklet)

"Today the free world policy structure on trade with the Communists is disintegrating. The reason is not remote. The leadership once provided by the United States is disintegrating."

So said a statement issued April 30 by a joint Senate-House Republican leadership group after examining the ever-increasing amount of East-West trade. The statement charged that U.S. negotiations with the Soviet Union which resulted in our selling Russia some $200 million worth of wheat last October acted as a catalyst to other East-West trade deals. The most notable ones concerned England supplying Castro's Cuba with 450 buses early last year (negotiations for an additional 500 are going on presently) and France sending 20 desperately needed locomotives to the Communist island. Hundreds of free world transport ships also found it lucrative to deliver Communist bloc goods to Cuba. All of this took place despite futile pleas by our State Department that the free world should isolate Cuba both economically and politically.

AT $4 BILLION A YEAR

Communist bloc countries now spend over $4 billion a year on Western-made goods, with technologically advanced machinery, even entire factories, accounting for more than half the total. Japan, England, Canada, and Australia engage in trade with Communist China. The Scandinavian countries, together with the other West European countries, find little objectionable in trading with Iron Curtain countries, even in highly technical or strategic materials.

Despite vigorous American protests, the Vickers Co. of England filled an order last year with Communist China for six Viscount jet-prop planes. And in the last 2 years, while North Vietnamese Communist guerrillas are killing Americans in South Vietnam, France sent locomotives and essential motor vehicle parts to North Vietnam.

It should also be noted that many of the bigger trade deals with Communist bloc nations, because of the basic insecurity of making business agreements with such countries, are underwritten by Western governments. It is estimated that NATO countries are now extending some $200 million annually in credit guarantees to finance Communist purchases.

The United Nations is frequently used as a Soviet forum to urge more East-West trade. The New York Times reported on June 23, 1963, that the Soviet Union had intensified its campaign for the establishment of a new U.N. agency on trade matters.

"Back of the drive," the article said, "appears to be a Soviet desire for normal trade relations with Western countries, particularly the United States. * * * The importance Moscow attaches to the trade issue is seen in the frequency with which it is injected into Soviet speeches here."

In a letter to Secretary General U Thant, dated September 17, 1962, Soviet Minister of Foreign Affairs Andrei Gromyko criticized what he described as "various forms of trade discrimination," specifically attacked the Common Market as a "closed grouping," and announced that the Soviet Union was interested in doing everything possible to promote "a radical improvement in international trade and the development of mutually profitable economic ties with all countries."

SENATE INVESTIGATES

Communist bloc overtures to the West for increased trade have succeeded over the last decade of years in breaking down free world resistance to the idea. When the Senate Internal Security Subcommittee investigated exports of strategic materials to Communist bloc nations in October 1961, it disclosed that Western countries had filled Red orders for items such as: a 525,000-volt transformer, two mass spectrometers for use in nuclear and electronic research, instrumentation and control equipment for an oil refinery, electronic equipment for jet aircraft, a 12.6 million hydropower station for a plant on the Soviet-Norwegian border, complete equipment for a plant in Rumania to produce 100 trucks per month, a plant to produce railway wheels and allied products, 50,111 tons of synthetic rubber, a complete asphalt plant, a complete cement plant with a daily output of 1,800 tons, about 35 vessels including more than 15 tankers, 1,000 railroad cars, diesel engines, hundreds of tractors, 140,000 tons of steel pipeline, ball bearings and 500 tons of lacquered tinplate.

All of these transactions, and many others, occurred within a period of 18 months. Similar Communist procurement continues, and there seems to be no change in sight.

"There is no doubt of the importance of such items in building up sectors of the Sino-Soviet economy," said former Senator Kenneth B. Keating, a member of the Senate Internal Security Subcommittee. "Their contribution to the welfare of the bloc was conceded even by Khrushchev. Unquestionably, over a period of years the NATO countries have made a substantial contribution to Communist growth and power by being major suppliers of advanced technology and machinery to the Sino-Soviet bloc."

In his report on concessions, Lenin told the Congress of the Soviet in 1920, "It is necessary to bribe capitalism with extra profit * * * and we will get the basics (equipment) with the aid of which we will strengthen ourselves, will finally get on our feet and then defeat it (capitalism) economically." Lenin's statement of 44 years ago is not outdated.

Today, NATO members, including the United States, are vying fiercely with each other to fill Communist-bloc orders. In the United States, the Department of Commerce issues trade licenses to producers dealing with the Communist bloc.

Materials considered to be of a strategic nature are not permitted to be shipped. However, year after year items classified as strategic are declining in number. This has been brought about by attempts, primarily by the Soviet Union and secondarily by certain U.S. economic interests, to overemphasize the industrial prowess of the Communists. Pro-Soviet propaganda states that the industrial capacity of the Soviet Union is not far behind ours in many areas. Therefore, it is argued, many strategic materials no longer are strategic and should be sold to the Soviet Union.

SOVIET NEEDS HELP

Concerning the Soviet Union's plans for complete automation, Joseph Gwyer, a senior research specialist with the Library of Congress, wrote in Machinery magazine, October, 1959: "It may take her [the Soviet Union] 15 to 20 years with the best training programs and with full completment of required machines and instruments. This period could be shortened to some extent should the Soviet Union go beyond her sphere of interest for direct and indirect help. There are some indications to this effect contained in Soviet East-West trade proposals, where the primary Soviet interest rests in modern machine tools, and equipment for her chemical industry, and the engineering knowhow, especially that of the United States."

Since 1957, when the first Soviet Sputnik was launched, there has been a tendency in the United States to equate Soviet progress in science and technology with our own. This is erroneous. The Soviet Union still relies heavily on industrial equipment received from the United States during World War II. Visitors to the Soviet Union report this equipment is being used even in the leading industrial plants there. Soviet trade journals claim that the Soviet Union has over 200 transfer machines in operation at present. In comparison, the United States has over 8,000. Transfer machines, which turn a semifinished product into a finished one ready for assembly, are used basically in the automotive industry.

The Economic Gazette, a Russian publication, carried in its issue of September 11, 1961, an article by the Chief Specialist, State Committee for Automation and Machine Manufacturing, who wrote: "The development of all branches of the national economy depends to a large extent on metallurgy. The volume of metal produced, its grades and high quality are obviously very important to the machine manufacturing industry—the latter being the heart of a modern industrial development. * * * Heating elements of electric furnaces manufactured by our metallurgical plants from resistance alloys, perform five to six times less in terms of time than elements imported from abroad. The excess use of deficient, highly expensive metals, for example nickel, is the result. It is possible to present still a number of examples proving that a low quality of metal brings the country tremendous losses."

BALL BEARINGS

The intense Soviet effort to open new trade areas with the West, and the vitriolic denunciations against the West when it refuses certain items to the Communist bloc, testify to the U.S.S.R.'s vital need for industrial and electronic equipment.

The Senate Internal Security Subcommittee was the target of especially bitter Izvestia attacks when it had the sale of miniature ball bearing machines to the Soviet Union stopped in 1961. An export license, approved by the Advisory Committee on Export Control, had been supported by then Secretary of Commerce Mueller and his successor, Luther Hodges, as being issued in the interests of the United States. In the subcommittee's investigation of the matter it found out that the Defense Department had vigorously opposed the granting of the license as being prejudicial to our national security.

The subcommittee also learned that the miniature bearings, produced with the help of the machines which the Soviets sought, had application primarily in missile guideance systems, firing control systems, and other complex defense hardware. The subcommittee was informed that there were 72 such machines in operation in the United States; that all of the precision miniature bearings used by our Defense Department were processed on these machines and that 85 percent of these bearings went for military purposes.

This information was contained in the subcommittee's report sent to President Kennedy. The President read the report immediately and the shipment was stopped on the very day of its scheduled departure.

The facts about the crisis in Soviet industry, in planning, in transportation, and in quality control are enough to stagger the imagination of anyone living in a free enterprise society. The Soviet newspapers and journals admit that repair of existing machine tools occupies 3.5 times as many people as are actually employed in manufacturing new units; that electric motors, during their first year of life, spend 30 to 40 percent of their total working time undergoing repairs, and that, at any given time, not less than 40 percent of all vehicles in the Soviet Union are idle, awaiting repairs.

MASS BREAKDOWN

Soviet expert Joseph Gwyer, writing in the Industrial Quality Control Journal (vol. X, No. 2, revised to December 1963) revealed: "During the past 5 years the Soviets have devoted more and more studies to the analysis of production difficulties, especially to quality control methods and procedures. Such disclosures as the fact that 800,000 metal-cutting machine tools are currently used in repairing equipment, that about 30 percent of all Soviet tractors, up to 60 percent of all automobiles, and up to 25 percent of construction machinery are systematically idle because of substandard quality of parts and assemblies, have a disturbing effect on the manufacturer and the quality control engineer in the plant.

"The annual cost of repair and maintenance of metal-cutting machine tools amounts to 1 billion rubles, a sum greater than that allotted for the production of new machine tools. The amount of metal going annually into spare parts for existing tractors, would be sufficient to manufacture 180,000 new tractors, and the amount of metal going into spare parts for automobiles during the 1959–65 period is estimated to be the equivalent of 3 million new cars."

WHAT IS STRATEGIC?

It should be realized, then, that the Soviet economy in many areas lags far behind our own and that material we no longer consider strategic may still be vitally important to the Russians. Also, by Soviet standards, an item is strategic when the Communists have to set up certain priorities to produce it, e.g., machine tools, floor space, and manpower. If the needed item can be purchased abroad, this segment of their industry is freed to produce something else which is required and cannot be purchased abroad.

Said Senator THOMAS J. DODD: "Instead of catching up with the West, and becoming less dependent on it, Soviet industry seems to be lagging further and further behind the West and to be growing more dependent on it. This is so because the technological explosion of the past decade has made modern industry more dependent than ever on ultrahigh precision and on instruments capable of assuring such precision, on rigid standards of quality control, on sophistication of design and painstaking workmanship. These are precisely the areas where the Soviet Union is weakest and where the Soviet system raises the greatest obstacles to progress."

Profits derived from trade with the East have been marginal. In 1962, West Germany, the leading exporter to the Communist bloc, sold only 5.6 percent of its total exports that year in the East, while the figure for Italy was 5.6, for France 4.3, and for England 3.6. From these figures it is apparent that the West would not suffer much even if the Communist market were to vanish overnight.

CRITICAL TO U.S.S.R.

On the Communist side, however, East-West trade, despite its limited dollar volume, is of critical importance. The Communist bloc must have Western assistance to cope with its perennial agricultural crises together with the chronic deficiencies of its industries. Thus the Communists are constantly badgering the West for precision machinery for heavy and light industries; for equipment—for entire plants—for their chemical industries; for sheet steel and steel pipe, and for electronic equipment. A single purchase of machinery valued at several million dollars may suffice to give the Communists a priceless capability that they would have no way of developing on their own.

This whole question of East-West trade, together with its many ramifications such as some unified concept of what actually is strategic in trade with the East, should be looked into soon. Senator DODD, last June 4, called for the United States to take the initiative in convening, through NATO, an allied conference on the subject of East-West trade.

Such a conference, argued Senator DODD, could serve the purpose of putting the expansion of East-West trade on a rational basis. The expansion of the list of tradeable commodities would be spelled out and not left to hazard or to the determination of profit-hungry businessmen throughout the West. When a strategic list is agreed upon, the conference then might establish some mechanism to enforce the ban on such commodities. It might also lay down general rules on the extension of credit and possibly on trade with certain relatively independent satellite countries.

The conference might also use opportunities presented through the Communists' need for East-West trade as instruments for peace and stability in the world.

The West might insist that, as a condition for bailing the Communists out of their agricultural and industrial crises, the Reds bring to a halt their subversive activities in Latin America and elsewhere. Or it might insist that the Communists respect the International Patent Convention and that they cease undercutting Western oil by selling oil at uneconomical prices.

In return for certain trade and credit concessions on the part of the West, the Russians might be persuaded to take down the Berlin wall or agree to a reunification of Germany through free elections. Though some of these proposals might be considered far reaching today, they might not be so considered in the future.

Let us hope that some future historians will not have to write that, by continuing to share the means of economic power with the Communists without first posing certain elementary political conditions, the great Western nations made themselves the instruments of their own destruction.

NATIONAL FEDERATION OF LABOR

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. UTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the body of the RECORD, I include the testimony of Mrs. Rosalind Frame before the Senate Judiciary Subcommittee on Immigration and Nationality on July 29, 1965. Mrs. Frame, besides representing herself, was appearing on behalf of the National Federation of Labor. Mrs. Frame has given years of study and research with reference to the McCarran-Walter Act, and the effect on America if the pending revision of this act is passed into law.

The United States is constantly accused of being too restrictive in its immigration policy. In her testimony, Mrs. Frame lists some 36 nations whose immigration restrictions are much tighter than those of the United States, and sets out those more restrictive provisions. I hope that this testimony will be examined with care.

TESTIMONY OF ROSALIND K. FRAME, BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY, U.S. SENATE, JULY 29, 1965, WASHINGTON, D.C.

I am Rosalind Frame, executive director of Doorstep Savannah, an organization whose primary function is education through Americanism programs of all types. Today, I present testimony at the request of the National Federation of Labor, whose headquarters are at 937 NE. First Avenue, Miami, Fla. The National Federation of Labor is an independent labor organization whose objective is to protect its membership against unemployment, unfair labor practices, etc.

Gentlemen, I am glad to come before your committee, because I have information concerning the Asia-Pacific triangle that is sure to be of interest to each of you. The Asia-Pacific triangle was created for a specific purpose by the Members of Congress who wrote the McCarran-Walter Immigration Act. The law of the Asia-Pacific triangle reads that if a person is indigenous to the Pacific or to Asia, he must be charged to that area when seeking entry to our Nation. This, then, is a part of our present immigration law which permits entry of people from all nations, but restricts the number of some, to assure of their assimilability. But why was it neccessary to impose the Asia-Pacific triangle?

I have prepared a map showing the countries included in the Asia-Pacific triangle. They are all those countries within the area of the green triangle. Each country was given a quota of 100.[1]

[In thousands]

Burma	23, 664
Ceylon	10, 625
China	686, 400
Cyprus	589
India	449, 381
Indonesia	97, 765
Iran	22, 138
Iraq	6, 732
Israel	2, 400
Japan	96, 160
Jordan	1, 727
Korea	27, 239
Lebanon	1, 822
Pakistan	98, 612
Philippines	30, 331
Thailand	28, 835
Vietnam	31, 517
Yemen	5, 000
Other Asia-Pacific islands	1, 000
Grand total	1, 621, 937

There are 125 independent nations in the world. However, over one-half of the world population can be found within the Asia-Pacific Triangle. In the World Almanac of 1965 the world population is listed as 3,072 million. According to these figures, more than half the world population(by 86 million people) live within the Asia-Pacific Triangle.

Under our present immigration law, the national origins quota system is based on the theory that we should maintain a flow of immigrants with cultural backgrounds and customs as similar as possible to those already in the United States. This bears out the theory that those most alike get along best. Asiatic backgrounds, religions, cultures and customs are diametrically opposite those of Americans. I have here, for your inspection, a map showing the Judeo-Christian nations of the world which illustrates one facet of this fact.

Let us compare further by looking into the genetics of the nationalities within the Asia-Pacific Triangle in relation to our own.

The white American reproduces at annual rate of 17.5 persons per 100.

The Negro American reproduces at annual rate of 25.4 persons per 100.

The Chinese reproduce at annual rate of 58.2 persons per 100.

The Chinese reproduce at the rate of more than three times that of the average American Caucasian. Am I speaking of the Chinese in China as compared with the Chinese in America? No. I am presenting figures given by the U.S. Bureau of Census for the Chinese birthrate within the United States.[2]

According to the provisions of Senate bill S. 500 and House bill H.R. 2580, the Asia-Pacific Triangle will be eliminated and immigrants will be brought into our country on a word population basis, or even on a first-come, first-served basis. In either case, the most populated countries will get preference according to the ratio of their population and pressures. A conservative figure for Red Chinese immigrants per year, would be 220,000. Let me explain how this figure is reached. (See page inserted, exhibit 3.)

At our present rate of population reproduction, the United States is expected to more than double the present population within 40 years. Let's explore the prospects of what will happen to the United States if we remove the restrictions of the Asia-Pacific Triangle, eliminate the national origins quota system and increase our immigration ceilings as currently proposed in the bills under consideration. What happens when 220,000 Red Chinese are brought in per year over a 40-year period? (See chart, exhibit 4, numerical chart of population rate of Chinese.)

Gentlemen, I have here a chart showing, in the first column, the immigration into the United States of 220,000 Red Chinese per year over a 40-year period. As you will see, after the first year, the original group is expected to produce 128,040 offspring per year and, at their average rate, will continue producing the same number of offspring per year over a 20-year span, as we conclude that 20 years is a conservative figure for reproductivity of the Chinese. They start reproducing at the age of 14, so column No. 3 shows the children of the issue born in this country and they, in turn continue for a 20-year period. Column No. 4 indicates the offspring 14 years later, or at the end of 28 years, of the first-born children in this country, and all of these columns have just been associated with the first group which came into the United States the first year. The following column with the large No. 2 above it shows the offspring of those Red Chinese immigrants who came in the second year, and the process is repeated for 40 years.

I also present here a sheet showing the overall character of expected immigrants under the proposed administration bill No. S. 500, H.R. 2580. (Exhibit 5; exhibit 5A.)

Today, we have in the United States a population of approximately 195 million people. Within a 40-year period (which all of us might live to see) there will be 114 million Red Chinese without considering the children of the 1 million Chinese[3] already living within the United States. This figure of 114 million is 57 percent of our present population. This is more than half the population of the United States today.

Gentlemen, let us leave this amazing statement and, for a few moments, examine the immigration laws of other nations. I will only focus attention on those nations whose immigration laws are more restricting than the immigration laws of the United States, in order to show the comparison of our laws with those of other nations, whose regulations and rules I was able to secure. However, in order to clarify the restrictions imposed by the McCarran-Walter Act, let me list those exclusions from immigration who would be dangerous or detrimental to our society: incurables (including feebleminded, insane, drug addicts), those with contagious diseases (such as tuberculosis), alcoholics, beggers, vagrants, prostitutes, procurers, criminals, illiterates, anarchists, members of the Communist party, or any other totalitarian party, subversives, those likely to become public charges, and those who seek to enter the United States by fraudulent means, or have been deported.

(See pages of restrictions and requirements, exhibit 6.[4])

Gentlemen, I have just presented more than 3 legal-length pages of restrictions and requirements from the 39 nations who replied to our letters or whose rulings we were able to secure. I now present to you the fact that the United States, under the McCarran-Walter Immigration Act, imposes none of the above-mentioned restrictions and makes none of these requirements. However, false propaganda is continuously being circulated claiming the United States discriminates against certain nations.

Gentlemen, we must not lose sight of the fact that an average of 20,000 Chinese per year now immigrate into the United States under our wide-open-door policy. The additional figure of 2,290 permited entry under the national origins quota policy is, in effect, a bonus. This bonus allows many immigrants a second chance, as it permits entry of an additional 158,161 immigrants per year, over and above the more than 200,000 who come in through our first chance, which I call our wide-open-door policy. By giving a quota of 2,290 annually to the nations within the Asia-Pacific triangle, they receive more than they would have received, had the mathematical formula of one-sixth of 1 percent (used in computing quotas for European countries) been applied.

When the McCarran-Walter Immigration Act was created 13 years ago, the Japanese-American Citizens League and the Chinese-American Citizens Alliance were pleased with the liberal provisions of the act.[5] In view of the restrictions imposed against the entry of any Chinese by nations across the world, it is easy to understand why the Chinese and Japanese were pleased with the McCarran-Walter Immigration Act.

During the 4½ years of research which was necessary for the creation of the comprehensive McCarran-Walter Act, investigators detected such a high percentage of Communists and subversive infiltration among immigrants that it became necessary to create a new agency of the Government in order to determine the rate of Communist infiltration through immigration. Hence the creation of the Senate Internal Security Subcommittee. This committee found such a shockingly high percentage of infiltrators among Asiatics and Russians that this was one of the main purposes in drawing up the Asia-Pacific triangle. Let me explain this further.

Immediately upon arrival of an Asiatic in the United States, a communication from behind the Bamboo Curtain may pressure him into doing certain things, and certainly voting, to the advantage of the Communist cause. The threat used is the murder of his parents or relatives at home. Being inherently ancestor worshipers, the Asiatic (who has never been self-determining), will never question the morality of the order, but will act according to the instructions of the Communists who dictated the order. Security screening being impossible from Communist nations, we may be certain the very large percentage of immigrants already are (and will continue to be), trained Communists, under party discipline. This would indicate a need for careful reappraisal and strengthening of our existing immigration laws, particularly in view of the possibility that 22 percent of the immigrants coming in under the proposed new bill will be from Red China. Although we know that many of our Chinese immigrants have made fine patriotic Americans, the world situation today is such that we cannot afford to loosen our restrictions—they should be tightened instead.

To bring annually into the United States 1 million immigrants from several nations will change the character and thinking of our country in a few years' period. When your ideas change, your form of government changes. Add to these premises the fact that the United States is embroiled across the Nation with racial riots. Gentlemen, can you visualize the racial riots, the chaos and bloodshed when our Negroes, our Puerto Ricans, Italians, Poles, Irish, Germans, Cubans, and French will be forced into unemployment because of the immigration of hundreds of thousands of Red Chinese, Asians or Russians? According to the Miami Herald of March 30, 1965, there are almost 8 million people on our relief rolls, costing us more than $5 billion annually, and 3½ million unemployed at our lowest peak of unemployment in many years for this season of the year.[6]

---

[1] Report of the Immigration and Nationality Act of 1962.

[2] 1960 Census of Population, vol. 1, "Characteristics of Population," pt. 1, U.S. summary, p. XI.

[3] "American Immigration Policies," by Marion T. Bennett (p. 335).

[4] Library of Congress and correspondence with other nations.

[5] "American Immigration Policies," by Marion T. Bennett (p. 177).

Bringing into the United States an estimated 1 million immigrants per year is equal to depositing, annually, the population of a city the size of Cincinnati and its suburbs, metropolitan Houston, or Atlanta and its suburbs. Remember, this would occur each year.

The United States is the largest immigrant-receiving nation in the world.[7] So far as my research shows, there is no nation which comes within 200,000 immigrants per year of those received by America. Yet the administration proposes an increase of more than 200 percent.

Russia, which is more than twice the size of the United States, has only 26 persons per square mile, but they forbid entry of any immigrants except under extraordinary circumstances. The United States has twice as many persons per square mile—52—but we still bring in the most immigrants of any nation in the world, including more than 2,697 from our enemy, Communist Russia, each year.

Masao Takanashi, the authority on immigration for Japan, in 1959 stated in his book the following: "As a nation of immigrants, the United States has the most far-reaching and comprehensive immigration law in the world."

The United States is one of the few nations whose immigration laws discriminate against no nation and no race. It restricts the number from some nations; however it forbids entry to none. We have an obligation to each of our various immigrant groups to refrain from upsetting the balance which permits them to live together in peace and harmony in this country regardless of their Old World ties, animosities or discordant relationships. As Americans, we must not forget that the people of the world, particularly those behind the Iron and Bamboo Curtains, individually look to the United States to save them from communism. It is our obligation to remember that only a long-range program of sanity and security-screening and our Nation's continued belief in God, upon which our country was founded, can assure these slave nations of eventual freedom.

False propaganda is continuously circulated, claiming the United States discriminates against certain nations. The United States is the largest immigrant receiving nation in the world. To eliminate the Asia-Pacific Triangle, which gives us a small measure of protection against Communists and radical changes in cultures, and to increase immigration to our already overpopulated Nation by 1 million immigrants per year, is a decision which you gentlemen will make. The responsibility lies in your hands. If you should recommend the adoption of the proposed administration immigration bill, I urge you to tell your constituents that they should ask themselves the question: "Will our grandchildren speak our language?"

I have presented this testimony today in behalf of the National Federation of Labor. I bring with me resolutions and petitions from various organizations, signed by hundreds of individual citizens who wish to petition you gentlemen of the Congress in support of the McCarran-Walter Immigration Act. Please permit me to read the list of these groups, and present to the secretary of the committee, copies of these resolutions and petitions.

1. National Federation of Labor.
2. Acarn, Young Americans for Freedom Radio Council.
3. American Legion in National Convention.
4. Association of American Physicians & Surgeons.
5. Atlanta Chapter Young Americans for Freedom.
6. Brotherhood of Railroad Trainmen.
7. Business & Professional Women's Club of Ridgeland.
8. California Republican Assembly.
9. Citizens Councils of Georgia.
10. Cobb County Farm Bureau.
11. Cobb County Justice of Peace Association.
12. Compass Club of Atlanta.
13. Doorstep Savannah.
14. Duval County Federation for Constitutional Government.
15. Duval County States Rights Association (resolution).
16. Duval County States Rights Association (petition).
17. Georgia Young Americans for Freedom.
18. Israel M. Goldberg (wire).
19. Kiwanis Club of Savannah.
20. League for American Ideals.
21. Military Order of World Wars.
22. North Fulton Federation of Republican Women.
23. Paul Revere Historical Society.
24. Perrine Civil Betterment Association.
25. Ridgeland's Lions Club.
26. Savannah Citizens Council (telegram).
27. Savannah Citizens Council (resolution).
28. Third Order of St. Francis.
29. Truth Forum.
30. United Republicans of California.
31. Voiture 163.
32. Women's Voters Study Club of Borger, Tex., July 29, 1964.
33. Women's Voters Study Club, March 29, 1965.
34. Young Americans for Freedom, Savannah Chapter.

EXHIBIT 3.—*Estimates of increased immigration*

Under the proposed immigration legislation:

1. Quota immigration would be increased from 154,000 to 165,000 annually and all would be used via a pool of unused quotas (presently 50,000 to 60,000 per year)	165,000
2. The Asia-Pacific Triangle would be eliminated. This is now in the law to assure that orientals are chargeable to oriental quotas. Because of the known pressure to migrate to the United States by orientals, it is a certainty that maximum use of nonquota status of Western Hemisphere countries would be made. It is known that the oriental population of the Western Hemisphere has increased by millions in the past several years. It would be impossible to get background checks and disproportionate numbers would claim that they were born in the Western Hemisphere and hence eligible for nonquota status. A conservative estimate would be not less than 100,000 per year	100,000
2—Continued This figure could be in excess of 220,000 per year if the figure of 20,000 per year were granted to each of the nations within the Asia-Pacific Triangle, of which there are 20. To this add the additional figures for exemption, as well as the immigration from the 1 million Chinese living in nonquota countries plus the 16 million overseas Chinese, which population figure is the largest overseas bloc of any nationality in the world.	
3. Nonquota status would be extended to Trinidad, Tobago, and Jamaica. A conservative estimate would be the same as the number who enter annually from Puerto Rico	50,000
4. Nonquota status is extended to all parents of our citizens as well as to their spouses and children who presently have second quota preference. (Suspension of deportation cases now run anywhere from 20,000 to 30,000 a year)	35,000
5. Unlimited refugees (the term refugee is constantly being expanded to include anyone out of their country who cannot return to his homeland because of persecution for race, religion, or politics. Note: H.R. 2580, sec. 13, sec. 1)	500,000
6. Elimination or softening of the exclusion provisions of the present law. (Physical—epilepsy, sec. 17(B)(4))	10,000
7. Derivatives of resident aliens (wives, minor children, etc. as nonquota)	100,000
8. Nonquota—Western Hemisphere (under present law)	135,000
9. Other nonquota (under present law)	75,000
Total	1,170,000

N.B.—Impact in toto would not be felt until the fifth year.

EXHIBIT 5.—*Are U.S. immigration policies in danger?*

Rate of reproduction by race within United States:

White race	17.5
Negro race	25.4
Chinese	58.2

(Figures from U.S. Bureau of Census.)

Most populated nations:[1]

	Percentage of world population
World population (3,072 million)	
Red China (686,400,000)	22
India (449,381,000)	14
Russia (226,253,000)	7
Pakistan (98,612,000)	3.2
Indonesia (97,765,000)	3.2
Japan (96,160,000)	3.1

[1] 1965 World Almanac

Under new immigration bill, these will receive preference.

These nations with cultures most similar to ours are discriminated against under new bill:

	Percentage of world population
England (53,500,700)	1.7
Italy (51,507,000)	1.7
France (48,133,000)	1.5
Canada (18,238,247)	.6
Australia (10,965,100)	.4
Scotland (5,196,600)	.016
Ireland (2,841,000)	.009

---

[6] Department of Commerce, April 1965, report printed in the publication "Employment and Earnings" published by U.S. Department of Labor (June issue).

[7] "A study of Our Immigration Laws" by Robert C. Alexander, former Deputy Director, Visa Office, Department of State (p. 42).

Under the proposed immigration bill, our national origins quota system will be reversed.

Proposed Chinese immigration 22 percent per year of 1 million immigrants procreation rate of 58.2 percent per year:

1st 10 years, admitted	2, 200, 000
2d 10 years, admitted	2, 200, 000
increase, 2d generation	75, 543, 600
3d 10 years, admitted	2, 200, 000
increase, 3d generation	26, 081, 650
4th 10 years, admitted	2, 200, 000
increase, 4th generation	3, 046, 670
Total admitted, 40-year period	8, 800, 000
Increase 58.2 percent per year	105, 571, 920
Total result of Chinese immigration	[1] 114, 371, 920

[1] More than 57 percent of the population in the United States today.

Exhibit 5A

Nation	Percentage	Population
World population	100	3, 072, 000, 000
OUR ENEMIES GET PREFERENCE (CHINA, RUSSIA)		
China	22	686, 400, 000
India	14	449, 381, 000
Russia	7	226, 253, 000
Pakistan	3. 2	98, 612, 000
Indonesia	3. 2	97, 765, 000
Japan	3. 1	96, 160, 000
OUR FRIENDS GET LEFT OUT		
England	1. 7	53, 500, 708
Italy	1. 7	51, 507, 000
France	1. 5	48, 133, 000
Canada	. 6	18, 238, 247
Australia	. 4	10, 965, 100
Scotland	. 016	5, 196, 600
Ireland	. 009	2, 841, 000

Exhibit 6.—Restrictions and Requirements of Foreign Countries for Immigration and Naturalization

ARGENTINA

Officially maintains no racial exclusion policies, yet permits no member of a colored race to settle in the country. Nationals of Communist countries may come in on a temporary basis only (e.g. diplomatic service). Immigrants must post bond to cover their passage home in case they are deported on 24-hour notice (D, pp. 2, 3, 8).

AUSTRALIA

All races other than white race are barred. Also anyone considered unsuitable is barred (E, p. 9).

BOLIVIA

Gypsies and nomads prohibited. Immigrant must present baptismal certificate, and show proof of capital of at least 5,000 bolivianos (D, pp. 10, 12).

BRAZIL

Certain restrictions imposed on all nationalities with exception of Portuguese. Europeans are favored above others, and those considered "harmful to public order" barred (D, pp. 13, 14).

CANADA

Asiatics (with some tightly regulated exceptions) are prohibited. A person may be prohibited if, in the opinion of the special inquiry officer such person should not be admitted by reason of: peculiar customs, habits, or modes of life, or methods of holding property in his country of birth, or citizenship prior to his coming to Canada, of his probable inability to become readily assimilated (E, p. 4).

COLOMBIA

Immigrant must be under 45 years of age unless related to other immigrants already established in the country. Persons "who would preach disobedience." Prohibitions are enforced against women traveling alone, except as tourists or transients (D, pp. 23, 24).

COSTA RICA

Republic of: Arabs, Turks, Syrians, Armenians, and Gypsies of any nationality are prohibited. The "coolies" class is also prohibited (D, pp. 27, 28).

DOMINICAN REPUBLIC

Those unable to read and write (D, p. 31).

ECUADOR

Gypsies prohibited. Immigrant must have proof of legitimate profession, certificates stating that he does not belong to any organization considered subsersive or in opposition to the established order in Ecuador, and receipt for deposit of $500 (D, pp. 33, 34).

EL SALVADOR

Requires good health, good conduct, and ability to work. Immigrant required to have a profession or skill sufficient for engaging in financial activities, etc. Certificate of good conduct. Certificate of birth (letter, Feb. 24, 1965).

ENGLAND

Has stopped the influx of West Indian Negroes by specifying that immigrants have jobs waiting, or possess useful skills or education.

GHANA

Those who are declared undesirable by the government, or those persons or classes of persons declared prohibited by the minister at any time are barred (C, p. 16).

GUATEMALA

Members of the yellow, or Mongolian race, and members of the Negro race (except otherwise provided by law) and Gypsies are prohibited. Persons of Turkish, Syrian, Lebanese, Arabian, Greek, Palestinian, Armenian, Egyptian, Hindu, Iranian, or Afghan origin, or peoples native to the North African coast are prohibited—unless they can prove, by application in advance, to the Ministry of Foreign Affairs, that they: are married to a person already in the country; ascendant or descendant of a person of the same origin already in the country; or that they have previously resided in the country and have an established business therein. Persons in these categories, in order to be admitted, must deposit 200 quetzales, reimbursable when they leave the country within a year of their entry (D, pp. 36–39).

HAITI

Anyone considered "undesirable" is prohibited. Immigrant must be financially capable, and have a personal reference (D, p. 42).

HONDURAS

Negroes, gypsies, "coolies," Chinese, Syrians, Assyrians, and Bedouins are prohibited. Armenians, Palestinians, Czechoslovaks, Poles, and Lebanese may enter under strict requirements (D, p. 44) (letter Feb. 26, 1965).

INDIA

Foreigners must comply with all conditions prescribed: requiring him to reside in a particular place; imposing restrictions on his movements; requiring him to submit to physical examinations; prohibiting him from association with persons of a specified description; prohibiting him from engaging in specified activities; prohibiting him from using or possessing specified articles, and he must comply with other specified regulations of his conduct. Such persons may be required to post bond or surety (E, pp. 10, 11).

INDONESIA

Persons under suspicion or considered dangerous for public peace are prohibited. So long as a woman is married, she shall not be allowed to apply for naturalization (B, pp. 10, 12).

ISRAEL

Excludes all but those of Jewish origin.

JORDAN

Exporting more than receiving. Must be a resident for 4 years, and know the Arabic language to become naturalized (letter, Feb. 19, 1965).

KENYA

Any person or class of persons determined by the government to be undesirable are prohibited. Immigrants must undergo physical examinations and interrogation. Must have entry permit (C, pp. 20, 21).

LIBERIA

Immigrants are not permitted into the country in larger numbers than can be assimilated within a reasonable time. All nationalities and races are allowed to enter the country; however, only persons of Negro descent may become citizens of Liberia (letter, Feb. 16, 1965).

MEXICO

Those who cannot read and write. Immigrants must be of independent means and though not specified by law, immigrants with Spanish background are generally favored (Dean Clarence Manion) (D, pp. 48, 49).

MOROCCO

Authority to grant passports and visas to immigrants rests with Moroccan consular authorities. Must be 21 years of age, 5 years' residence in Morocco, and knowledge of Arabic language to become citizen (C, pp. 10, 11).

NEPAL

Had closed-door policy until latter part of 1940's—even to visitors. Immigrants must hold immobile property (real estate) and be resident for 12 years to become citizen (Embassy letters, Mar. 5, 1965).

NICARAGUA

Turks, Arabs, Syrians, Armenians, Negroes, Chinese, coolies, and gypsies are prohibited. Members of anarchist societies are not permitted in Nicaragua. Those who would teach disobedience of the laws, persons who disseminate doctrines dangerous to the social welfare or public morality, or order, or persons who, by reason of their ethnic origin, are known to be dangerous to existing social order also are prohibited (D, pp. 51, 52).

NIGERIA

Those whose admission would harm national security are prohibited. Control is subject to notice given by an immigration officer at any time that a person cannot enter, or cannot remain in the country. In such case, the person(s) must leave immediately. The Minister of Internal Affairs can, at any time, classify a person as prohibited. Immigrants must give security in such amounts as the Minister may prescribe (C, p. 22).

PANAMA

Gypsies and anyone who might lower the standard of living are prohibited. Immigrants must deposit repatriation sum of 250 balboas (D, pp. 54 and 55).

PARAGUAY

Encourages American and European immigrants—limits entry of Asians and Africans and others not included as American or European. Persons over 60 years of age are prohibited unless they have a child. Persons advocating change of society are barred (D, pp. 56, 57).

PERU

Immigration may not exceed the percentage of 2 per 1,000 of the total population of Peru. Gypsies, nihilists, and persons who profess doctrines or are members of parties or groups advocating the destruction of the established political and social order are prohibited. Immigrant must be able to read and write and must have documents proving filiation of all children (D, pp. 58, 59).

PHILIPPINES

Will not accept more than 50 individuals of any 1 nationality for 1 year. Prohibits those who cannot read or write, and unskilled manual laborers (D, pp. 76, 77) (letter from Philippine Embassy).

SOUTH AFRICA

Immigration controlled by selective board with complete discretionary powers. Minister of the Interior has the right to refuse admission to any alien without giving any reason. Persons of those races which the selective board has determined are not easily assimilated to the European trades or professions are usually prohibited. Anyone who cannot read or write any European language is prohibited. It is almost impossible for Asiatics to enter the county (C, pp. 25, 26).

SWITZERLAND

Accepts no immigrants. Has agreement with several countries regarding visa regulations and working permits (letter, Feb. 17, 1965).

SYRIA

Will not accept persons who hold nationality of any Arab State (letter, Feb. 12, 1965).

TURKEY

Must have Turkish background to obtain citizenship. Immigrants who wish to engage in business or profession reserved for Turkish citizens are prohibited. Persons whose activities are not compatible with Turkish laws, usages, customs, and political requirements are also prohibited. Gypsies also prohibited (C, pp. 7, 8).

UNITED ARAB REPUBLIC

Must reside in Egypt 10 years and know Arabic language to become citizen (C, p. 15).

U.S.S.R.

Accepts no immigrants except under exceptional circumstances.

URUGUAY

Failure to submit permit from Uruguayan consul stating that immigrant has a trade or profession results in prohibition. Immigrant must obtain entry permit, certificate stating that they do not belong to any social or political group advocating the overthrow of the Government, and proof of not being subversive (D, pp. 65, 66, 68).

VENEZUELA

Persons who are not of the white race are prohibited. Persons over 60 years old, persons who can not prove good record and habits. Gypsies, peddlers, and persons who profess or advocate ideas contrary to the form of government are prohibited. Persons whose presence may disturb the domestic public order, persons who advocate communism, and any foreigners who the President of the Republic may consider inadmissible, are prohibited (D, pp. 69, 70, 71).

And now, gentlemen, I present the United States. Under the McCarran-Walter Act, none of the above restrictions or requirements are made.

TRAVELER TO THE PACIFIC WARS

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Laird] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LAIRD. Mr. Speaker, a highly illuminating and deeply perceptive account of what is going on in Vietnam appeared in the August issue of Fortune magazine. Written by Fortune Editor Charles Murphy, the article raises some very serious and fundamental questions about our policies and actions in that beleaguered country. It is an interesting, disturbing, and thought-provoking account by an eyewitness whose background and journalistic experience entitle him to be heard.

So that all of my colleagues may have an opportunity to read Mr. Murphy's analysis, under unanimous consent I ask that the article, entitled "Traveler to the Pacific Wars" be included in the Record at this point.

The article referred to follows:

Traveler to the Pacific Wars

(Note.—Fortune Editor Charles Murphy has been making an extended tour of the South Pacific. His report on New Zealand ("Traveler in a Small Utopia") and Australia ("Traveler on the Rim of Asia") appeared in the May and June issues. From Australia he flew on to Singapore and Bangkok. A report on that area will be detailed in an early issue. This letter begins with his reflections as he approaches Saigon and the larger war in Vietnam.)

(By Charles J. V. Murphy)

Viewed in the perspective of U.S. strategy in the Pacific, the present war in Vietnam is only part, though a crucial part, of a much larger whole. The involvement of the United States and its allies stretches all the way from the Antipodes to Japan and Korea, and in fact four wars are presently going on in the Pacific area. The biggest, in South Vietnam, engages on our side some 580,000 South Vietnamese fighting men, at least 75,000 United States troops, very substantial fractions of United States tactical air and carrier task forces, and Australian, New Zealand, and Korean contingents. The other big war is the one launched by Indonesia against its neighbor Malaysia—the so-called confrontation war. This strange term was invented by President Sukarno for his so far unavailing effort to pitch the British out of Malaysia and most particularly off their commanding airfields and magnificent naval base at Singapore. This has drawn in some 50,000 British (including 14,000 Gurkhas), about 50,000 Malaysians (including internal security forces), and small Australian and New Zealand forces. A war collaterally related to the Vietnamese one is being fought in Laos against the Hanoi-directed Pathet Lao. Here the hitherto desultory neutralist Laotian forces, with assistance from the Thais, are attempting to block the Ho Chi-Minh trails into South Vietnam. The fourth war, between Taiwan and Red China, is in suspense except for occasional air and naval brushes.

Until recently the anti-Communist powers in the Pacific have tried to maintain the fiction that their wars were separate. Now, in a very real sense, the wars are beginning to flow together. It is plain that the United States, its partners, and friends, must rethink their Pacific strategy and alliances for the immense test in the making with Red China's power.

There was not much to see from 30,000 feet. In these near equatorial latitudes, the rainy season had begun rather earlier than usual, and much of the time the plane was either in or over soggy, heavy cloud layers. Soon after takeoff from Bangkok, however, I noticed that the pilot angled southward over the Gulf of Siam, so as to skirt the Cambodian delta. Some few days before, the left-leaning, somewhat frivolous Prince Sihanouk had noisily broken off such diplomatic business as until then went on between Cambodia and the United States. His displeasure embraced Thailand as well, as America's good and helpful ally, and it was therefore only commonsense for the Thai commercial pilots to shy clear of the itchy-fingered gunners, friends and foes alike, who man the Cambodian-Vietnamese borders.

At this stage of my travels I was well up what I had come to think of as the Pacific ladder of trouble, which stretches from the Antipodes through Malaysia and Thailand into Taiwan and beyond to Panmunjom, across some 10,000 miles of land and ocean in all. In Borneo I had been shown what might in modesty be described as a VIP view of that other major Asian war—the so-called "confrontation war" between the new British-protected state of Malaysia and Indonesia. It's a bona fide war all right, although for cost and killing it doesn't begin to compare with the one that we Americans are in for in Vietnam, some 400 miles away, on the far shore of the South China Sea. Still, there were small but sharp running sea fights at night in Singapore Harbor while I was there, and shooting was going on in the rubber plantations of Johore and in the pepper groves of Sarawak and Sabah.

From Singapore, in due course, I had gone on to Bangkok. Alone among the SEATO partners and the American allies in the Pacific, Thailand occupies a physical bridge, or link, between the British war to save for the West the sea gate between the Pacific and Indian oceans and the American war to save for the West a political and military lodgment on the Asian continent. Though Bangkok itself is the capital of the SEATO alliance, Thailand is not yet formally a belligerent in the Far East. Nevertheless, it has become in a studied way a de facto power in both situations. It has bravely lent its geography to the Laotians and ourselves in manners it does not wish specified for military pressures against the North Vietnamese deployments that are a potential hazard to Thailand. It has also begun to give serious attention, for the first time, to the feasibility of a joint operation with the British and Malaysian forces for the purpose of cornering in the wild mountains of southern Thailand a band of Peiping-oriented guerrillas who are the last surviving cadres of the Communist movement that sought to take over postwar Malaya.

Nations and people of like minds in the western and southern Pacific, it seemed to me, were finally beginning to come together out of a realization of a growing common danger. A year ago the United States, Britain, New Zealand, Australia, and Malaysia were pursuing their separate interests in the Pacific with sidelong glances at each other to see how the other was faring. Then, in a matter of months, the Australians and New Zealanders became engaged. Australians are now fighting in Malaysia; both Australia and New Zealand have taken the hard decision to send combat troops into South Vietnam. And so the alliances are converging.

There was no mystery about the circumstances that had finally begun to pull the Pacific alliances together. It was, first, the sudden appalling realization that the fragile structure of South Vietnam was on the verge of falling apart and, next, the spectacle of the United States striking with its too long withheld airpower at North Vietnam and moving tens of thousands of combat troops across the Pacific into South Vietnam. But it was not simply the agony of Vietnam, heart rending as that is, that finally galvanized the non-Communist powers into action. What happened was that tardily but unblinkingly the politicians in power in these Pacific nations finally recognized and faced up to a still distant but ultimate danger.

THE TIME TO STOP MAO

Most certainly the danger does not rest simply with a fear that if South Vietnam should go down, then that wily septuagenarian Ho Chi-Minh will fasten communism on a primitive community that does not really want communism. The central danger is that if the Vietnamese social structure should finally dissolve, in the face of the now quite desperate American efforts to hold it together, then the Red Chinese will have stunningly proved the case for the so-called wars of national liberation, wars waged in the guise (to borrow the jargon of the original Soviet handbook) of "anti-imperialist national-liberation movements."

It may come as a surprise to some, but the fact is that few understand this rising danger more acutely than do the politicians and intellectuals of the non-Communist socialist left. In Auckland and Wellington, in Canberra and Melbourne and Sydney, in Singapore and Kuala Lumpur, one man after another said as much to me. Their shared reasoning went something like this: "You Americans must never give up in Vietnam. Red China is the enemy. Now is the time to stop Mao. Only you Americans have the military power to do the job." Then, after a pause, this sotto voce apology: "Of course you will appreciate why we can't say this publicly. Politics, you know." All the politicians in the Pacific knew that even Prime Minister Shastri of India, while publicly deploring the American air bombing of North Vietnam, had privately spoken admiringly of the American resolution. And the diplomatic grapevine vibrated with the news that even Prince Sihanouk and the somewhat anti-American Prime Minister Lee Kuan Yu of Singapore were agreed in their private conversations in May at Pnompenh that American military power had entered the battle none too soon.

What the Pacific leaders are finally braced for, while still flinching from openly acknowledging its inevitability, is a decisive contest between the United States and Red China. There can be no real peace in their world of non-Communist Asians—a community of 1 billion people—until the power question has been settled one way or another. I pondered what this judgment involves for us: can the United States even hold on in Vietnam without pressing the war home directly against North Vietnam and the power center in Hanoi itself? Judgment on this was to be made soon enough on my arrival in Saigon. What I was sure of, already, was that a whole new experience, a test, a struggle, possibly even some fantastic ordeal, is unmistakably in the making for the United States in the Pacific, and a new and formidable chapter has opened in U.S. history. There is no mistaking the character and meaning of one fundamental happening. It is that the U.S. strategic center of gravity has moved west of the 180th meridian, into the Asian Pacific. It is almost certain to stay there for years to come.

The pity, the folly, is that the famous men who have been manipulating the American tactics and strategy in the struggle for South Vietnam let the rot and collapse there go on so long. Indeed, I was hardly back in Saigon before I began to wonder whether all of Lyndon Johnson's men have grasped the full seriousness of the new situation. After getting settled in the Caravelle Hotel in the center of the city, and sharing a meal with several colleagues in a tiny bistro run by an expatriate Frenchman with a perhaps exaggerated reputation for occasional murder, I took a walk in the direction of the Saigon River. My path led me past the American Embassy, which had been all but demolished in March by terrorists' bombs. With the reconstruction not yet finished, it put me in mind of the bridge structure of a battleship. The outer walls had been heavily reinforced; the once tall windows had been contracted to narrow turret-like slits; shatterproof plastic was being substituted for glass, to reduce the danger from lethal flying splinters in the event of another bombing; and the street approaches to the building itself had been closed off with upended sections of sewer pipe weighted with concrete to form a barricade.

These defensive dispositions I noted with approval. Then I was taken aback to hear my companion, an officer of fairly senior rank, say that on orders from Washington construction of a new Embassy, to cost about $1 million, was to be started immediately in a residential area. The design had been chosen some years ago, during the false lull that followed the French defeat and withdrawal; it calls for a handsome 3-story office building with spacious windows and wide entrances appropriate for a tranquil garden setting. The site was further attractive at the time of its acquisition because of its close proximity to the Premier's office. In the current mood of Saigon, however, this handiness no longer is an advantage. There have been 10 changes of government since November 1963—or were there only 9?—and the mobs have got into the habit of demonstrating in front of their Premier's windows every few months, usually in protest over his supposed subserviency to the American Ambassador. To put up the new Embassy more or less on the direct line of the mobs' accustomed march struck me as a heedless action. Indeed, the whole scheme seemed most untimely; our diplomacy, my friend and I were agreed, might be most prudently conducted for the time being in the present bunker and the million dollars invested in ammunition.

OUR LONGEST LOSING WAR

If I appear cynical about the conduct of American business in South Vietnam, it is because in the course of my visit here I find it hard to be anything but distressed and shocked by the American management of what has become a large and costly war. With the end nowhere in sight, it is already the longest losing war that Americans have been engaged in since the French-Indian wars of the middle 18th century.

In President Eisenhower's last year, U.S. military aid to Vietnam came to only $65 million, and our military mission there totaled 773 officers and men. Within a year our military aid to that country was more than doubled, rising as it did in fiscal 1962 to about $144 million, and the military mission was increased some twentyfold, the strength rising to nearly 17,000 men. As this article went to press, early in July, something like 75,000 U.S. troops were already deployed, in one role or another, in South Vietnam. This figure does not take into account some 27,000 flyers and sailors who man Carrier Task Force 77 of the 7th Fleet, and who are wholly in the fight. Nor does it include the general support being provided the forward forces by the large permanent Air Force and Navy establishments in the Philippines, Japan, and on Okinawa. Very substantial fractions of the Tactical Air Command and the Navy's fast carrier task forces have been concentrated in the Pacific, and the westward, or Pacific, tilt of our military resources is generally much more pronounced than most Americans realize.

The capital input has also soared, although its true magnitude has been to some degree concealed. As the battle went against "McNamara's war" (as he himself described it), he was able to absorb the rising costs without a stiff boost in the defense budget by drawing upon the emergency-reserve stocks of the U.S. forces and by reducing or deferring their less urgent normal operations. As a former controller, the Secretary appreciates, of course, the eventual perils of such a practice for a defense strategy that stressed a high degree of readiness for both general war and simultaneous limited wars oceans apart. The running costs of the Vietnamese operation appear to have risen to about $2.2 billion annually. These costs break down roughly as follows:

Continuing economic aid to keep the Saigon government afloat and to pay the bureaucracy: about $300 million annually.

Other economic support for the Vietnamese infrastructure: about $70 million.

Military assistance program (weapons, pay for the Vietnamese forces, overhead cost of the U.S. military advisory establishment): about $330 million annually.

Indirect costs represented by other forms of U.S. participation—including the combat forces, day-to-day military operating costs—that are absorbed by the U.S. defense budget: an estimated $800 million annually.

Extraordinary additional U.S. military costs, chiefly for port and airfield construction, and for replacing reserve stocks of ammunition, fuel, and so forth: $700 million, to be financed by the supplementary appropriation that President Johnson asked for in May.

And we are in for an eventual bill for the war that will be much stiffer than the Pentagon cares to divulge just now.

THE MONSOON OFFENSIVE

Although McNamara has demonstrated his ability as an administrator of a vast bureaucracy, the primary job of the Pentagon is to conduct war—and the only war McNamara has so far been called upon to conduct has gone very badly from the outset. When President Johnson finally decided in February to put North Vietnam below the 20th parallel under the U.S. air counterattack, and to bring U.S. jets to bear for the first time in the battle for villages and roads inside South Vietnam, it was an act of desperation. The South Vietnamese Army was actually disintegrating. To the extent that a government remained in Saigon, it was the thinnest kind of film over the American presence.

The U.S. air counterattack achieved all that was expected of it, up to a point: it did check the Communist offensive. It had the effect of driving home barely in time a bolt to hold a door that was swinging widely on its hinges. But by reason of the very limitations that the political direction of the war in Washington imposed upon the air counterattack, the blows have only impaired, without paralyzing, the Vietcong's capacity for further heavy fighting. There is excellent reason to believe that the North Vietnamese buildup was well advanced before the February air attacks on the principal supply lines to the Vietcong forces in the battle zone. Enough trained troops were by then already deployed inside South Vietnam, and enough battle stocks had been laid by or were within its reach, for the enemy to decide that it could still continue to sustain a powerful offensive by its standards through the monsoon season—i.e., into our autumn. Certainly, it is acting as if it had such means.

The Communist guerrilla forces are the lightest kind of infantry. Once armed and equipped, they do not need much replenishment other than ammunition. They live off the country. U.S. Army intelligence measures the Communist military strength at present inside South Vietnam, in terms of organized forces, at more than 100 battalions. It further hypothesizes that this force, with a daily average aggregate consumption of from 100 to 150 tons of supplies, could fight from 20 to 30 sharp 2-battalion-size actions every month. Ho's flitting battalions do not need much in their supply wagons, because they are not required to hold ground. The Marines and the U.S. Army in their redoubts and strongpoints are not the targets. The target is the exposed hamlet or district or provincial capital, or the column vulnerable to ambush.

So, the U.S. air counterattack notwithstanding, the critical phase of the 1965 monsoon offensive remains to be fought. No knowledgeable officer that I talked to in South Vietnam was sanguine about the outcome of the summer's fighting. It is not a question of our Marines, or our airborne troops getting overpowered. Ho Chi-Minh is much too smart to send his light infantry forward to be mowed down by American firepower. The U.S. military problem at this late hour consists in finding some way to lift the pressure from the exhausted Vietnamese village and district garrisons. And if the struggle continues to go as badly against the

South Vietnamese in the rest of the monsoon season as was the case in May and June, a force of from 200,000 to 300,000 American troops will be none too many simply to shore up a sagging Vietnam army for the elementary tasks of holding Saigon, the major ports and airfields, the strategic provincial capitals, and the main highways.

AN OLD SOLDIER'S ADVICE

This is an outcome that was never meant to be—U.S. ground forces fighting Asians in Asia? Until the other day, the idea was all but unthinkable. At the White House, for example, whenever the question arose of how U.S. military power might best be used in Asia, President Johnson used to tell about his last talk with Gen. Douglas MacArthur at Walter Reed Hospital. "Son," the President quotes the dying soldier as saying to him, "do not ever get yourself bogged down in a land war in Asia."

MacArthur's view has been an article of faith with U.S. military men and notably of the Army Chiefs of Staff ever since the bloody island campaigns against the Japanese. It was a view shared by Gen. Maxwell D. Taylor before he was sent to Saigon as special U.S. Ambassador. Once there, and with Vietnam falling apart around him, Taylor reversed his position. He was not happy about it. He was confronted with the testing of a military policy by which he himself, as Chairman of the Joint Chiefs, and McNamara had reshaped the Armed Forces over a period of 3½ years: making a great point of preparing U.S. troops for limited and counterinsurgency wars. The truth is the Army's investment in these particular skills was nothing like what it was cracked up to be. Nevertheless, in the absence of decision in Washintgon to aim the U.S. air attack primarily at North Vietnam, Taylor had no choice but to ask the President for combat troops to be directly committed in the south.

THE MORNING THE B–57 BLEW UP

As I looked around, I could not help feeling that the condition of our forces left much to be desired in the most elementary respects. One of the major military air bases in Vietnam is at a place called Bien Hoa, 18 miles northeast of Saigon. At the time of my visit there, in May, jet operations were possible only from three runways in the entire country, and Bien Hoa had one of them. The original airstrip was built by the French Air Force, on a rubber plantation that occupied the north bank of the Dongnai River. One can drive to Bien Hoa from downtown Saigon in half an hour over a new three-lane asphalt highway. Light-engineering plants have sprung up on both sides of the roads, and racing along with the crowded buses and the careening trucks and the honking and hooting motorbikes, one has the sense of passing through a thriving, prospering, mushrooming suburb. This impression is valid enough, as regards the construction indexes. But the area is also a genuine no man's land. Open to traffic and commerce with Saigon by day, it reverts to Vietcong control at night. The notorious War Zone D—a densely forested stronghold that the B–52's have been methodically bombing—begins just to the north of the airfield and, every few days or so, black-suited Vietcong in their outposts take potshots at planes on the final approach.

When I came this way a year ago, the Air Force contingent at Bien Hoa numbered only 400 men and they operated 40 light planes. When I returned this year, one blindingly hot Saturday morning, it was to find the Air Force unit swollen to about 2,300 men and they were operating 100 planes, including a number of light jet B–57 bombers. And that was not all. On the same field were jammed another 100 U.S. Army planes, mostly helicopters, plus another 100 planes belonging to the Vietnamese Air Force, mostly light, close-support, propeller-driven craft. This made a total of about 300 aircraft collected around a single strip. It was the dirtiest, most slovenly, ramshackle air operation I have ever visited. One can excuse a lot in war, but the confusion, disorder, and disarray here were beyond excuse.

For one thing, more than 6 months earlier, in the early morning hours of November 1, 1964, a handful of Vietcong mortar men who had penetrated the base's outer defense system laid down a fast and accurate barrage that destroyed, in a matter of minutes, five costly B–57 bombers on their hardstands. The chances of a return visit by the Vietcong were high and, indeed, shortly before my call, a brigade of the U.S. 173d Airborne Division was hastily taking up positions around the base to guard it from an expected attack in force. Yet even then, the costly planes, tens of millions of dollars' worth of them, stood wingtip to wingtip for want of dispersal room; and incredibly, a dozen or so simple concrete and earth revetments to protect the planes had not been finished. Funds for new construction, I presently learned, were difficult to come by in Washington. So under the very eyes of the two-star Air Force theater commander, the four-star Army general in command of the entire war, and even the former Chairman of the Joint Chiefs who sat in Saigon, the squalid, inefficient, and dangerous operation at Bien Hoa was tolerated and left to an overworked Air Force colonel to manage as best he could.

The poor chap didn't manage very well. Less than 24 hours later, from an angled distance of maybe 2,000 yards and a height of 4,000 feet, I was a chance eyewitness of Bien Hoa's second and far larger disaster. I was aboard a Navy plane, en route to Task Force 77 on station in the South China Sea. Our course took us past the base and, as it happened, while he was only 2 minutes or so away, our pilot saw a puff of smoke, then a swelling fireball, and he sent word aft that Bien Hoa seemed to be "blowing up." When the field came abeam, I saw that the entire block of B–57's was fiercely ablaze, and the conflagration had spread to long files of light piston-powered bombers, the A–1's. My first thought was that the Vietcong mortar specialists had done it again; then I realized that the recurring explosions were caused by bombs exploding in the racks of the burning planes. A careful inquiry by the Air Force failed to identify the root cause of the disaster. Most likely, a defective fuse or the faulty stowing of an old 750-pound bomb aboard one of the B–57's—the bombers there still were being armed with 1944 vintage iron bombs—started the chain reaction. Twenty-two planes blew up, more were damaged; a loss of that magnitude in an air battle would have been cause for national anxiety. The penny-pinching that contributed to this episode and the timidity that impelled experienced officers to endure a scandalous situation did credit to no one.

REFLECTIONS IN A HELICOPTER

The American officer corps is, needless to say, a good deal more competent than this incident may suggest. In Vietnam, though, the Army is up against a slippery, slithering kind of battle that it can't seem to get a hard grip on. Doubts about the Army's preparedness for such campaigning were amply confirmed—despite all the high-flown theorizing about counterinsurgency tactics. A morning's helicopter tour of a crucial war zone in the company of an intelligent, youthful operations planning officer, Brig. Gen. William E. DePuy, was highly informative in this respect.

A helicopter can't be beaten for enabling a general of infantry to get around to see what is going on beyond his headquarters. On this particular morning, General DePuy, at the cost of being only five hours away from his busy desk in Saigon as the senior U.S. military planner, made a swing in his clattering helicopter that took him into three provinces, afforded him a grandstand view of a helicopter attack in company strength, brought him into a quick conference with the staff of a Vietnamese division engaged in a "search and destroy" sweep on the edges of a Vietcong staging area, and finally put him down at the heavily barricaded headquarters of a great French-operated rubber plantation for a canvass of the tactical situation with the U.S. advisers to a Vietnamese battalion that was braced, behind its sandbags and slitted brick walls and barbed wire, for a night descent by the Vietcong.

Helicopter etiquette orders the seating of the noncombatant guest inside, between the escort officer and the port and starboard riflemen; their bodies are interposed between him and the open doors through which a sniper would sensibly aim. The guest must take his chances even Stephen, of course, with whatever ill-aimed shot might come up through the floor. DePuy sat alongside me, and as we flew west by north, he kept up a running commentary on places and events in the changing neighborhood in view. I was familiar with the region, having traveled over the same area the year before. But I marveled again at how close the swirl of battle remains to Saigon, and how vague and impalpable the enemy remains. From our altitude one could see 40 miles or so, and in this watery domain, north and west of Saigon, given over to rice paddies, rubber and tea growing, at least 1,000 sharp battles of one kind or another—ambushes, night rushes on sleeping hamlets, skirmishes—have been fought during the past 3 years. To the west, I had a fine view through broken cloud of Cambodia and the forested waterways over which the Vietcong come and go in sampans. We flew at 5,000 feet. But I never did see a Vietcong.

THE TROUBLESOME REDOUBT

The educational aspects of the flight included a skirting of the zone D area north of Bien Hoa. As described earlier, this is reputedly the major Vietcong base for their operations against Saigon itself. From the air, it put me in mind of the Louisiana river country, except that the forest here is much more dense, with the tree canopy reaching in places to heights of 200 feet. The forest redoubt covers about 150 square miles, and from the accounts of defectors and prisoners it is both a maze and trap made up of secret trails, hidden strongpoints and supply dumps, and bunkers connected with deep tunnels impregnable to air bombing.

None of this can be seen from the air. I was shown a short, narrow gray swath in the forest left by the Air Force in its forlorn experiment some months ago to defoliate the region by saturating the tree tops with a mixture of napalm and chemicals. The chemicals were expected to dry out the trees and the napalm to set the forest ablaze. But, for various reasons, the hoped-for conflagration never got going, and the experiment was abandoned as being too costly and tricky. Now the Air Force is trying to reduce the forest to matchwood with B–52's.

I doubt even the B–52's will make much of an impression with TNT, unless McNamara wants to make tree-felling a new career for SAC, or unless SAC has the extraordinary good luck to pinpoint and smash the headquarters area. But it was equally obvious that the job of prying the enemy out of the forest tangle was hopelessly beyond the competence and means of the troops we had committed. In recent major engagements the air attack has again and again finally turned the tide of battle. But it must also be said that, for the Vietnamese garrisons, the turn has usually come too late. Since the Vietcong time their assaults at night, and in the monsoon season at intervals when they can count on cover from rain and clouds, the Air Force's ability to react quickly has been sorely limited on occasion, and in consequence battalion after battalion of Vietnamese regional troops were cut to ribbons before help came. One doesn't have to look very far to observe that, except for the introduction of the helicopter, there has been little new invention to prepare the ground forces for the kind of war they are now being asked to fight. Indeed, the United States doesn't even yet have a satisfactory airplane to support this kind of action. We are therefore obliged to use planes that are either obsolete (A-1's and B-57's) or too valuable (F-105's and F-4's).

THE CASE FOR GOING NORTH

It is time that the E-ring in the Pentagon stopped kidding the troops, and that the rest of us stopped kidding ourselves. It makes no sense to send American foot soldiers, rifles and grenades at the ready, into the rain forests and the rice paddies and the dim mountain trails to grapple with a foe whom they cannot distinguish by face or tongue from the same racial stock whom they seek to defend. On every count—disease, tropical heat, and rain, the language curtain—the odds are much too high against their making much of an impression. When the question arose last year of sending U.S. combat forces into South Vietnam as stiffeners, serious consideration was given to the proposition of forming them into a line, a sort of cordon sanitaire, across the jungle and mountain approaches through Laos and Cambodia, with the object of thereby sealing off the Communist supply routes. This impractical scheme was discarded in view of the all but impossible cost of supplying the Army at anything like its desired standards, and the further consideration that nine-tenths of the force's energies and means would be consumed merely in looking after itself. The solution that was adopted and is being followed now is to settle the troops in garrison-like strongpoints along the coast. It has been romantically suggested that these places will in due course become sally ports from which our troops will issue forth into the hinterland, spreading in ink-spot fashion stability and hope among the hamlets. But such a process could take a decade or two short of forever. It also means military occupation, the last thing Kennedy, McNamara, Taylor and Company had in their minds when they resolved in 1961 to risk a stand in South Vietnam. Taylor understood this perfectly, and the dreary outlook no doubt made it easier for him to leave Saigon.

THE U.S. ADVANTAGE

Is there an alternative strategy? There certainly is. It is one, however, that revolves around a different set of premises than the McNamara-Taylor strategy has so far favored. Most particularly, it means shifting the main weight of the American counterattack from a ground war below the seventeenth parallel to an air offensive in North Vietnam itself, accompanied by a blockade of the North Vietnamese coast. Does this mean leveling Hanoi? No. It means, if necessary, the deliberate, progressive destruction of the North Vietnamese infrastructure—the plants, the railroads, and electric power systems, the ports—to a point where Ho Chi Minh can no longer support his aggression in the south. Will this cause Ho to capitulate? Not necessarily. Ho is an elderly Asian revolutionary whose education in communism began in Europe after the Bolshevik revolution. More of his adult life has been spent outside Vietnam than inside. His government will probably be wherever he chooses to hang his hat.

But if his capacity for mischief is reduced, then our object is served. That object, it seems to me, is to lift from South Vietnam, at all possible speed, the terrible pressure on its hamlets. Because that task is manifestly beyond the competence of the Army and Marine Corps, except in a prolonged and costly test of endurance, then we must pick up our weapons of technological advantage—the air arms, both sea and ground based. What has made the American fighting man better than his enemies is his higher technological proficiency. It seems folly for us to fight in Asia without drawing on this technological advantage. It may be highly desirable, for instance, to use our sea power and ground troops to a limited extent to establish a beachhead near Haiphong, thus threatening the enemy's main supply lines and forcing it to pull its troops out of southern Vietnam. Such tactics were immensely successful in Leyte Gulf and later at Inchon and had a salutory effect on equally stubborn enemies.

Would a truly stern attack on the North bring China into the war? Expert opinion splits sharply over the answer. High value would certainly have to be given to that possibility in any plan for enlarging the theater of action. We are already in an undeclared contest of power with Red China and the question that the President has to face up to is whether in the months immediately ahead he settles for a partial defeat or failure in a war one full remove from the major enemy, or risks a clash with Red China in order to bring the secondary war under control. My own view is that Mao, should he elect to engage, will do so reluctantly and within cautious limits. He is certainly not likely to force an engagement on terms that will compel the United States to employ its technological advantage á outrance (to use an old-fashioned term). And I find it hard to believe he would dare to send his infantry masses over the wretched roads to do battle in southeast Asia, while Chiang Kai-shek waits and watches hopefully close by on the sea flank, with a spirited army of 400,000 men and the sharpest, most experienced, small air force in the world.

THE BIG BLUE-WATER CHIPS

It is, I suggest, the looming struggle with Red China that we Americans must keep in the forefront of our minds as we grope for the right mixture of political and military strategy for ending the mischief in Vietnam. This is why the map shown at the start of this report now grows luminous with meaning. Now, while hoping for a satisfactory outcome in the going war, we should be sensibly preparing the dispositions we shall need if it turns out badly.

The huge naval base at Subic Bay with its fine runways and the Air Force's runways, repair shops, and storage facilities at Clark Field in the Philippines are indispensable for any forward strategy in the Pacific. It stands to reason that the British air establishment and truly superb naval base at Singapore, all greatly refurbished in the past decade, are also crucial for the control of the Pacific sea routes and the approaches to Australia and New Zealand. Hundreds of millions of U.S. dollars have been invested in air and sea facilities in Okinawa and Japan. And Japan must itself be persuaded to become the north hinge of any grand strategy scheme in the Pacific.

Then, too, there is Thailand, which has generously opened its geography for new jet airfields. This to me is the most stunning recent development of all. It could have the effect of transforming Thailand from being a weak ground flank on the U.S. position in South Vietnam into becoming the main airstrike position, of which South Vietnam becomes the weak ground flank. And, finally, there are South Korea and Taiwan, the only other friendly countries in the area with large, ready, experienced forces. It seems to me our diplomacy should be cultivating this vast garden with more assiduity than it has shown.

HE MISUNDERSTOOD

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Chamberlain] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, there is growing clarification in the Nation's press of an unfounded verbal attack made against Minority Leader Gerald R. Ford by President Johnson. It has been proven that Mr. Ford is innocent of charges that he divulged so-called confidential information to reporters following a White House conference with the President. Among strong repudiations of the unwarranted attack against Mr. Ford was a letter from Newsweek writer Samuel Shaffer which described the President's criticism as unfounded and as "wholly unfair."

One of the most respected newspapers in the world has come to the defense of Mr. Ford. The Detroit Free Press in an editorial published August 5, 1965, articulately explored the incident.

This is the Detroit Free Press editorial titled "He Misunderstood":

He Misunderstood

Now it's Lyndon Johnson's turn to plead a misunderstanding.

After royally chewing out Representative Gerald R. Ford, of Grand Rapids, Sunday for leaking information from a White House skull session on Vietnam the previous Tuesday night, it turns out not to have been Ford at all.

The key point of the leak was the report that Johnson had planned to call up the reserves for duty in Vietnam until he was dissuaded by a memo read by Senate Majority Leader Mike Mansfield. Mansfield said the move wouldn't be popular among congressional Democrats.

Since this kind of a report would, indeed, be embarrassing to the Democrats, Johnson would, indeed, not want it known, and would deny it. And since it got to be public knowledge, Johnson felt some enemy—a Republican—had to have leaked it, and, therefore, would call it "malicious."

The President has learned a great deal in his 20 months in the White House, but two lessons he has obviously not learned. The first is that neither he nor any other President is going to have full and unqualified support from his own party except when the issue is finally joined. What angered him about the memo is probably that there was truth to it.

The second lesson is that Washington is a giant sieve and every hole leaks, including the White House. Even on matters of national security the press usually knows far more than the President wants it to or than it reports.

Even if Lyndon Johnson's sleuths were better than they are, the odds on their finding the source or plugging the leak are slight indeed.

The only provable fact is that it wasn't Ford. Johnson must have been misunderstood when he said it was.

ABE FORTAS: A POOR CHOICE

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. Ashbrook] is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, if the President were to have searched out a person who would be less qualified to sit on the Supreme Court of the United States he could not have done much better than in his selection of Abe Fortas.

About the only plausible explanation would be that the President wants to make a moderate out of Chief Justice Warren. It has been very interesting to read about the speculation of news reporters that Abe Fortas will probably line up on the liberal side of the Court. This is almost humorous because Mr. Fortas, known as a fixer in political circles here, in philosophy would rank as the far left's spokesman on an already stacked liberal Court. He has been more than a casual observer to the causes of the radical left including Communist fronts and his associations with the Harry Dexter Whites, the Owen Lattimores and others of this stripe make his nomination an insult to all of the many fine lawyers, liberal, moderate, and conservative, who have been passed over by the President in the selection of his crony.

His memory is a little foggy in reviewing his flirtations with the Communist cause of the last two decades but the record is clear. He belonged to two Communist front groups. He was a member of the National Lawyers Guild as well as being a member of its committee on farm problems. He was a member of the National Committee of the International Juridical Association and his name appears on their letterhead. He was entertained at the Sky-Top Fair by the League of Women Shoppers, another front group. This, of course, was in the days when the Roosevelt and Truman administrations were honeycombed with Communists and it was fashionable.

His name appears through numerous hearing transcripts where Communist and Communist front witnesses testified before House and Senate committees. He was the counsel, with Ed Reiskind, for Jose Ferrer in his cooperative appearance before the House Committee on Un-American Activities in 1951. When Dr. Martin David Kamen testified before the committee on September 14, 1948, he stated that after being subpenaed "I called Mr. Fortas of the law firm to ask him what my rights were in this matter."

Albert E. Kahn testified in the Senate Internal Security Subcommittee's hearings on the Matusow case that he sent a copy of Harvey Matusow's book "False Witness" to Arnold, Fortas & Porter.

In August 1952, the Ford Foundation gave a grant of $400,000 to the University of Chicago Law School for a research program in law and the behavioral sciences. Mr. Fortas was a member of the advisory group for this program. It was under this program that the deliberations of juries were recorded. Although it has never been established that Mr. Fortas had anything to do with the recording of the jury proceedings, he should openly state his position on this matter. Like too many of his associations, rather than developing a background for service on the Bench they suggest reasons why he should not be there.

Mr. Fortas served as counsel for Owen Lattimore when he testified before the Senate Internal Security Subcommittee in the Institute of Pacific Relations—IPR—hearings. This was no casual connection. At a meeting of the Washington Institute of Pacific Relations advisory committee, held at the home of Owen Lattimore on March 25, 1946, a number of suggestions were made for building up the Washington chapter. One of the suggestions was to build "first class programs" around headliners. Who was suggested as one of these headliners: Abe Fortas. The Institute of Pacific Relations hearings show the name Abe Fortas in many connections—not just the counsel for the witness.

Mr. Catesby T. Jones, a graduate student at Johns Hopkins University who had received a fellowship there through the efforts of Owen Lattimore and who, indirectly, admitted past Communist Party membership, testified in the Institute of Pacific Relations hearings that, at the request of Mrs. Lattimore, he had attended the hearings and taken notes on the 2 days Louis Budenz testified. Where did he take these notes? To the office of Abe Fortas. Mr. Jones also testified that he gave an envelope containing the record of an immigration proceeding to Mr. Fortas which apparently contained the proceedings in the John Santo deportation case. A close study of the hearings indicates, as I have said before, that Abe Fortas was far more than a casual observer in these matters and was deeply involved with many of these questionable people.

On January 4, 1945, Abe Fortas, then Under Secretary of the Interior, wrote to Harry Dexter White:

> Dear Harry: I am delighted that the President nominated you to be Assistant Secretary of the Treasury. Your promotion is completely deserved and it will strengthen the Government considerably. My very best wishes.
>
> Sincerely yours,
>
> Abe.

Americans will debate for years which Government was strengthened by the appointment and activities of Harry Dexter White. There will never be any doubt in my mind, however, that it was not the American Government which benefited.

Harry Dexter White, whose sudden death quashed the hearings on his infamous part in interlocking subversion in the Federal Government, replied to his friend on March 2, 1945:

> Dear Abe: Now that I have caught my breath I want to thank you in writing for your very kind note of congratulations. It is a deep satisfaction to me to have your good wishes.
>
> Sincerely,
>
> H. D. White.

Parenthetically, it is interesting to note the double standard of the liberal. If anyone were to have this close a relationship with Robert Welch in this day and age he would be run out of town on a rail by the liberal press. No one has ever accused Robert Welch of carrying on the subversive activities which Harry Dexter White did.

Abe Fortas was a member of a dinner group which met at the Athens Cafe, 804 Ninth Street NW., Washington, D.C., which included key White House personnel and representatives of various agencies and departments. Among those were Dr. Lauchlin B. Currie, Aubrey Williams, Dr. Lubin, David Niles, Mr. Appleby, C. B. Baldwin, and Oscar Chapman. Currie was a member of the Silvermaster spy ring.

Mr. Fortas is admittedly a little hazy on his association with the International Juridical Association, a Communist front. Among his fellow members on this committee with records as members of the Communist Party were Joseph R. Brodsky, Nathan Witt, Leo Gallagher, Lee Pressman, David J. Bentall, Isaac E. Ferguson, and others who have been active as counsel in Communist cases. This group was an official offshoot of the International Labor Defense, cited by the Attorney General as the "legal arm of the Communist Party."

A letterhead of the American Law Students Association shows Prof. Abe Fortas, of Yale Law School, as a member of its faculty advisory board. The American Law Students Association was a part of the American Youth Congress which has been cited as subversive by the Attorney General. It was also an affiliate of the U.S. Peace Committee, a part of the Communist-controlled peace front.

Abe Fortas was a member of the Washington Committee for Democratic Action which has defended the interests of individual Communists and whose meetings have been addressed by such well-known Communists as Elizabeth Gurley Flynn, Lee Pressman, and Doxey Wilkerson.

In looking for well-qualified Americans who would bring dignity to the Nation's highest Court, it is utterly fantastic that the President should overlook the record of Abe Fortas. He has had little training for the position other than being an intimate crony of the President. This may be the President's worst blind spot as he could not see the true Bobby Baker whom he referred to as his strong right arm, nor Walter Jenkins who was his most intimate associate at the White House. In truth, the President got his start from Aubrey Williams whose record reads much like that of Abe Fortas. If Abe Fortas has the qualifications to be a Supreme Court Justice why not let the justice of the peace try capital cases. They would be as prepared as the man who has been tapped to fill the vacancy of Arthur Goldberg.

APPENDIX I

INTERNATIONAL JURIDICAL ASSOCIATION

Among the members of the National Citizens Political Action Committee, Carey McWilliams, George Soule, and Bruce Bliven have been affiliated with the International Juridical Association. Carey McWilliams is a member of the national committee of the organization; and Bruce Bliven and George Soule joined in sponsoring one of the organization's public statements. (See Daily Worker, July 25, 1936, p. 2.)

Probably the strongest evidence of the Communist character of the International Juridical Association is to be found in the records of the persons who compose the organization's national committee. Among these persons, we find a substantial nucleus of publicly avowed or provable members of the Communist Party. At the beginning of this study, therefore, we cite a portion of the Communist records of these persons. Subsequently, a sketch of the organization's history and policies will add confirming evidence of its Communist character.

OFFICIALS OF THE INTERNATIONAL JURIDICAL ASSOCIATION

The following persons are officers or national committeemen of the International Juridical Association: George R. Andersen, I. Duke Avnet, Harry Elmer Barnes, David J. Bentall, Alfred Bettman, Clara G. Binswanger, J. H. Bollens, Paul F. Brissenden, Joseph R. Brodsky, Sylvan Bruner, Eugene Cotton, Paul Coughlin, John P. Davis, Richard A. Dowling, George Clifton Edwards, Thomas I. Emerson, Isaac E. Ferguson, Arthur Fisher, Abe Fortas, Osmond K. Fraenkel, Alexander H. Frey, Leo Gallagher, Lloyd K. Garrison, Walter Gellhorn, Irvin Goodman, Herman A. Gray, Nathan Greene, George G. Groat, Aubrey Grossman, Robert L. Hale, Pearl M. Hart, Isaac S. Heller, Jerome R. Hellerstein, R. W. Henderson, Edward Henry, Charles H. Houston, Henry T. Hunt, Abraham J. Isserman, Isadore Katz, Robert W. Kenny, Paul J. Kern, Carol King, Joseph Kovner, Edward Lamb, Yetta Land, Mark Lauter, George B. Leonard, Arthur LeSeuer, Elias Lieberman, Max Lowenthal, Thurgood Marshall, Jerome Michael, Louis F. McCabe, Carey McWilliams, David K. Niles, William L. Nunn, Patrick H. O'Brien, Joseph A. Padway, Shad Polier, Justine Wise Polier, Lee Pressman, Samuel L. Rothbard, Ralph Seward, Malcolm Sharp, Anthony Wayne Smith, Perry J. Stearns, Maurice Sugar, A. Ovrum Tapper, Colston E. Warne, Herbert T. Wecsler, Ruth Weyand, Carle Whitehead, Roy Wilkins, A. L. Wirin, Nathan Witt, David Ziskind.

APPENDIX II

AMERICAN LAW STUDENT'S ASSOCIATION

(Woolworth Building, Room 530;
New York, N.Y.)

FACULTY ADVISORY BOARD

Northwestern University School of Law: Dean Leon Green.

New York University: Dean Frank Sommers; Prof. F. D. Sloovers; Prof. Augustin Derby; Prof. William Walsh; Prof. Herman Grey.

St. John's University: Vice Dean John Maloney; Prof. D. S. Edgar, Sr.; Prof. D. S. Edgar, Jr.

Columbia University: Prof Elliot Cheatharm; Prof. Walter Gellhorn; Prof. Philip Jessup.

Brooklyn Law School: Prof. Jerome Prince; Prof. Abraham Rotwein.

Yale Law School: Prof. Fred Rodell; Prof. Abe Fortas.

NATIONAL EXECUTIVE BOARD

Robert Page, president.
Thomas Levinia, vice president.
Morris Engel, secretary.
Norman Leonard, treasurer.

PROPOSED CONSULAR CONVENTION WITH THE SOVIET UNION

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. DERWINSKI] is recognized for 15 minutes.

Mr. DERWINSKI. Mr. Speaker, last week the astute Senator from Arkansas [Mr. FULBRIGHT] quietly slipped, or, as I prefer to call it, railroaded through the Senate Committee on Foreign Relations the Consular Convention with the Soviet Union, to which the Senate will be asked to give its advice and consent.

It is interesting to note that a treaty containing such vast implications slipped through after one executive hearing, one public hearing, and one executive session of the committee. The only witnesses to be heard at both the executive and public hearing were the Secretary of State, Mr. Rusk, and his legal adviser, Mr. Leonard C. Meeker. To the best of my knowledge, no other Government officials were invited to appear, and individuals and organizations of citizens were denied the opportunity to express their opinions before the committee.

There are significant threats to the United States in the acceptance of this treaty, the most obvious being the Soviet practice of using consulates for espionage purposes. In addition, Communist governments have been known to use their consular activities for forms of bribery and pressure on U.S. citizens who have relatives in Communist lands or who have inherited property therein.

Furthermore, the question of establishing consulates obviously jeopardizes the policy whereby our Government does not recognize the forcible incorporation of Lithuania, Latvia, and Estonia into the U.S.S.R. If we should, for example, establish consulates in any of the Baltic States, it would represent a de facto recognition of Soviet control which would be an international triumph for communism. Two other major cities in the U.S.S.R. where the Russians might suggest we would establish a consulate are Minsk, the capital of Byelorussia, and Kiev, the capital of Ukraine. These two states have voting rights at the United Nations. It would be a mockery of justice to consider consular offices there. I call the attention of the House to the bill I have introduced to express the sense of the Congress that the U.S. Government should establish direct diplomatic relations with the Governments of the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic, as a means of dramatizing the Soviet captivity of those lands.

Furthermore, during the hearings it was disclosed that the Soviet Union does not maintain any consulate in the Western Hemisphere. The acquiescence of the United States to Soviet consulates would set an obvious precedent that would soon find the Communist rulers of Moscow spreading their influence in Latin America by means of consular activities. What Latin American government could refuse the request for a consulate after the leader of the free world has extended this benefit to the rulers of the Kremlin?

Mr. Speaker, although the ratification of a treaty is the prerogative of the Senate, this is no valid reason for concerned Members in the House to sit back and watch a treaty being railroaded through the Senate Foreign Relations Committee for blind ratification by the other body. For over a year the chairman of the Senate Foreign Relations Committee avoided the obligation of public hearings on the vital consular convention with the U.S.S.R. and finally, in an arbitrary and undemocratic manner, curbed the hearings and railroaded the convention through the Senate Committee.

There is far more to this treaty than hits the eye. Senate objections so far voiced in opposition to it have been largely marginal in substance. In railroading the treaty proponents have been negatively counting on such marginal objections to obtain a quick Senate ratification. For over a year they feared exposing the treaty to open public hearings where more substantial criticisms of this Moscow-pleasing treaty could be heard.

There is still a chance to correct this wrong if the responsible Members of the Senate vote to return the treaty to the Senate Foreign Relations Committee for an open and frank discussion of this poorly drawn and ill-conceived Convention. Without all aspects of this defective treaty carefully discussed and debated, a blind ratification by the Senate would only compound the wrong already committed.

Mr. Speaker, in view of the very perfunctory manner in which the Senate Foreign Relations Committee studied this consular convention, I am asking the chairman of the House Foreign Affairs Committee to conduct a full-scale inquiry into the impact the ratification of the treaty might have on United States-Soviet relations, as well as the complications it would cause in the free world.

Mr. Speaker, I further point out that the Soviet Union is aggressively engaged in aiding the Communist war effort in South Vietnam. We are aware that Soviet-manned missiles are in North Vietnam and presumably are responsible for shooting down American aircraft.

Evidently in return for direct Soviet involvement against our boys in Vietnam, we will reward the Kremlin by permitting them to establish consulates in this country and, may I point out, grant their consular officials diplomatic immunity.

This is the wrong time for this treaty. There is much less emphasis from Moscow these days on peaceful coexistence. Moscow's features, as far as they face the West and specifically the United States, are obviously an unconcealed scowl. Moscow's voice—except, so far, on economic and commercial matters—is becoming harsh and growling.

We further recognize, Mr. Speaker, that there cannot be any legitimate trade as we know it with the Soviet Union. Their persistent disrespect for patent and copyright laws, their desire for items to help their military and heavy industry, their disregard for the consumer demands of their own citizens, their willingness to dump items at a loss on the world market—all give evidence of the impracticality of basic trade relations with the Moscow dictatorship. Obviously, this consular convention cannot be of commercial value to us.

May I point out to the House that millions of Americans have close relatives in Latvia, Lithuania, and Estonia, Armenia, Ukraine, Byelorussia, and other non-Russian nations of the Soviet Union. All Communist governments have shown a disrespect for property and inheritance rights of U.S. citizens. The failure to extract effective concessions or to obtain a guarantee of a change in policy by the U.S.S.R. in this consular convention renders it meaningless in this area. The possibility of coercion, bribery, even blackmail are evident if Soviet consular officials have the freedom to roam throughout the United States.

In the brief hearings held in the Senate, the Secretary of State naively explains that the location for possible consulates has not been discussed. I find this statement impossible to believe. According to Mr. Rusk, preliminary discussions were held in 1961 and serious discussions commenced in 1963. Certainly, in all the time that has elapsed, some discussion must be held as to where the Soviets hoped to place their consular offices. The treaty does not even specify strict reciprocity in the number of consular locations.

It might well be, Mr. Speaker, that the Soviets will request permission to establish a consulate in Cocoa, Fla.; Columbus, Ga.; and Los Alamos, N. Mex., where they could not only conduct commercial activities but be adjacent to our facilities at Cape Kennedy, Fort Benning, and Los Alamos Proving Grounds.

Mr. Speaker, may I quote the Secretary of State:

> And to the extent, sir, that we can build some peace in the world and establish normal relations, the problems raised by espionage diminish. It is in periods of tension and crisis and controversy and rivalry and armed confrontations where the problem of espionage grows.

If I understand administration explanations properly, the problem of armed confrontation and the controversy in Vietnam grow as Soviet support of the Communist forces there increases. Therefore, by Secretary Rusk's own words, this is the wrong time for us to enter into this consular convention.

Mr. Speaker, an excellent background to this issue is furnished by the National Captive Nations Committee which has consistently called for open and honest hearings on this treaty. I include the committee's appeals to Senator FULBRIGHT as part of my remarks, followed by an incisive article written by the committee's chairman, Dr. Lev E. Dobriansky, of Georgetown University, titled "The Second Treaty of Moscow":

AUGUST 2, 1965.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Interested groups and citizens have waited over a year now for a frank and open discussion of the second treaty of Moscow, namely the consular convention with the U.S.S.R. The on-and-off faucet treatment since June 1964 evidently suggests fearful doubt on the part of the treaty's advocates as to the prospect of its ratification by the Senate.

In one of the "on" phases of this grand maneuver, recent press accounts (e.g., "Hearing Due on Russian Consular Pact," the Washington Post, July 22, 1965) have announced that the hearings will not be definitely held. However, to our amazement, a member of your staff, Mr. Carl Marcy, stated in a letter addressed to me and dated July 23, 1965, that except for the appearance of Secretary Rusk, "it is not known at this time whether the committee will call other governmental or public witnesses on the convention."

We sincerely hope that this does not mean the contemplation of a further maneuver of ramming this ill-advised and harmful treaty down the throats of our people without fair and open hearings. This committee strongly urges the calling of such hearings now.

The implications of this treaty are far greater and more disadvantageous to us than most Americans are aware of. A blind ratification by the Senate would mean a tremendous diplomatic victory for imperio-colonialist Moscow. By virtue of his antiquated and misleading conceptions of the Soviet Union, which even the late Adlai E. Stevenson tactfully repudiated in November 1961, Secretary Rusk can scarcely be regarded as the sole, adequate witness. The treaty is based on false political assumptions; in terms of objective reality as against an arbitrary arrangement between the Department of State and the Moscow totalitarians, it is subject to legal question; and by virtue of the basic shortcomings, the treaty as drawn stands to make mockery of numerous official pronouncements.

The reasons justifying these points should be openly discussed before the Senate acts on any ratification of this treaty. We trust in your sense of fairness to make this possible.

With kindest regards and best wishes,

Sincerely,

LEV E. DOBRIANSKY,
Chairman.

AUGUST 4, 1965.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The action taken by your committee on the Consular Convention with the U.S.S.R. without frank and open public hearing confirms the first point in our letter of August 2, namely the "fearful doubt on the part of the treaty's advocates as to the prospect of its ratification by the Senate."

Those who speak piously and loudly about extremists and the constant need for open and critical democratic discussion of our foreign policy might well, in the quiet of their conscience, reflect on the crass discrepancies between their words and their deeds. This action of foreclosing public discussion of a treaty, which even conceptually and legally is contradictory and fallacious in parts, cannot but be viewed as the very negation of the democratic process.

As I have pointed out in an article on "The Second Treaty of Moscow" (CONGRESSIONAL RECORD, Feb. 8, 1965, pp. 2160–2163) a blind ratification of the Convention would form another chapter in our long, inept dealings with the Russians and expose us to the charge of being a nation of hypocrites when the President and others proclaim our "devotion to the just aspirations of all people for national independence and human liberty." This treaty is a confirmation of Russia's imperio-colonialism within the U.S.S.R. and further evidence of our diplomatic ineptitude in the cold war, not to say our grave lack of understanding of America's prime enemy. The tragedy of all this is that, like in Vietnam, our people have to pay for such ineptitude and failure in blood and treasure.

Sincerely yours,

LEV E. DOBRIANSKY,
Chairman.

THE SECOND TREATY OF MOSCOW

(By Lev E. Dobriansky)

At the close of 1964 the American people seemed to desire peace above all else. According to a reliable pollster, about 83 percent of the American public favored the partial test ban treaty with "Russia," this despite the doubtless advances made by Moscow from its previous supermegatonic tests.[1] Approximately 81 percent felt that by keeping militarily strong we could avoid a global war; the prospect of being cornered into such a disastrous conflagration through continued cold war advances by the Red totalitarians was not considered. And some 63 percent, ignorant of or wishfully impervious to all past experience, advocated attempts at reaching agreements with the totalitarian regimes in the hope of realizing world peace, regardless of the enslavement of one-third of the human race. The consular convention with the U.S.S.R. is supposed to be an example of such agreements.

On June 1, 1964, the convention was signed in Moscow and 11 days later was submitted to the U.S. Senate for ratification. Unlike the test ban treaty, it represents the first bilateral agreement between the United States and the U.S.S.R. However, like the treaty of Moscow, which the test ban pact came to be known under Russian propaganda auspices, the convention was consummated in the chief imperio-colonialist capital of the world and has provided further propaganda fodder for Moscow. Russian propagandists have lost little time in offering this second piece of evidence as confirmation of Moscow's intentions to secure world peace. For, after all and on the record, both pacts originated in and bear the stamp of Moscow, the vanguard of world "peace." Indeed, we might as well call the convention the second treaty of Moscow. It's truly uncanny how low and how little our capacity is for propaganda advantage and value.

President Johnson was quick to hail this second treaty of Moscow. Before it was concluded, he said, "it is hoped that this treaty will be a step forward in developing understanding between the two countries which is so important in continuing the struggle for peace."[2] The President has the illusory conception that the U.S.S.R. is not only a country such as ours but also a nation. He noted also at the time that the treaty would be "the first bilateral (two-nation) treaty between the United States and the Soviet Union."[3] A few days later, when it was concluded, Johnson called it "a significant step in our continuing efforts to increase contacts and understanding."[4] And on June 12 in his message to the Senate he approvingly declared "I recommend that the Senate give early and favorable consideration to the convention and protocol submitted herewith and give its advice and consent to their ratification."[5]

Apparently at that moment Johnson thought ratification by the Senate would be swift and smooth. In its glowing spirit of "peaceful coexistence," Moscow joined with the President in hailing the treaty of Moscow II. Foreign Minister Andrei A. Gromyko, for example, depicted the pact as "a positive step in the normalization and improvement of relations between the Soviet Union and the United States."[6] As we shall see later, he had good reason to view the treaty as "a positive step." Also, many editorial comments in the United States appeared to encourage the "early and favorable consideration" sought by the President. One large New York organ observed then, "The conclusion of a Soviet-American consular agreement marks an important step toward further normalization of relations between the United States and the U.S.S.R."[7] Another, in Washington, had this to say, "That the two countries took 30 years to come to the threshold of such a routine and normal agreement is sobering indeed."[8] From our standpoint, we haven't seemed to learn much about the Soviet Union these past 30 years, particularly the changes in relations between the non-Russian republics and Moscow within the U.S.S.R. itself.

---

[1] Harris, Louis. "Public Favors Dealing With Reds on Peace," a nationwide syndicated article.

[2] The Evening Star, Washington, D.C., May 27, 1964.

[3] The Washington Post, Washington, D.C., May 28, 1964.

[4] The Washington Post, Washington, D.C., June 2, 1964.

[5] CONGRESSIONAL RECORD, vol. 110, pt. 10, p. 13670.

[6] "United States, Soviet Union Sign Accord on Establishing Consular Posts," Associated Press, Moscow, June 1, 1964.

[7] "The Consular Treaty," the New York Times, May 28, 1964.

[8] "Welcome Accord," the Washington Post, May 29, 1964.

BLACKOUT FOR THE CAMPAIGN

Despite all this high-powered approval of a most questionable treaty, fear suddenly seized its advocates. Serious doubt spread in administration circles about the ease with which ratification could be obtained. The Republican leadership in Congress began to question the prudence and validity of the pact. Senator EVERETT M. DIRKSEN, of Illinois, the minority leader, bluntly stated that the treaty would be "an unprecedented concession to the Soviet Union." He directed his criticism chiefly at the diplomatic immunity provided for consular officers who are supposed to be principally concerned with trade and consultative duties. With this provision, they would be immune from prosecution for crimes, including espionage. Senator BOURKE B. HICKENLOOPER, high-ranking Republican of the Foreign Relations Committee, complained sharply about the lack of advance consultation on the pact, which was now being submitted for the Senate's "advice and consent."

This first flurry of attack frightened the Democratic leadership into postponing hearings on the treaty until the next Congress in 1965. As one report had it, "in an election year, the administration would prefer not to engage in a full debate on the merits of its policies toward the Soviet Union."[9] This observation was amply confirmed when the chairman of the Senate Foreign Relations Committee, Senator J. W. FULBRIGHT, let it be known that no hearings would be scheduled on the pact. The blackout action taken was not only in response to the initial Republican opposition but also to the heavy critical mail pouring into Congress from the Midwest and West, where two of the expected three Soviet consulates would be established. The National Captive Nations Committee also placed itself on record in opposition to the convention as drawn.

One of the strange aspects of this background is this maneuver by the administration to prevent the American electorate from discussing this vitally important treaty during the presidential campaign. It would seem that in a democracy such as ours discussion on this and similar matters would be strongly encouraged rather than discouraged. Especially is this true during a presidential campaign, when issues should be thoroughly examined. In his acceptance speech the Republican candidate, Senator Barry M. Goldwater, alluded to the treaty but, unfortunately, failed to develop it into an issue in the course of the campaign.

Apparently the only effort made in this direction was by the Republican National Committee. In one of its pamphlets special mention was made of the "sponsorship of Consular Convention with Moscow, sealing the permanent captivity of a dozen non-Russian nations in the U.S.S.R. and opening up the United States to further Russian espionage, rackets, and propaganda (now before Foreign Relations Committee for ratification)."[10] A second, widely distributed pamphlet urged the "Rejection of the Consular Convention as it is now written because it will be America's stamp of approval on Moscow's Russian empire, diminish Baltic independence which has been steadily maintained since the end of World War II. And in this country Russian consulates will act as spy centers and means of duress and propaganda among American ethnic groups."[11] An open discussion of these and related points would undoubtedly have contributed to a productive national forum, which in essence a presidential campaign should be.

ON THE EVE OF A HEARING

Following the administration's strategy, an examination of the Consular Convention is thus confined to the Senate and its Committee on Foreign Relations. Of course this doesn't mean that others won't take an interest in the subject, but by no means could it be of the scope and depth that a campaign of issues would have occasioned. At this writing the treaty is being discussed in few circles, while preparations are being made for hearings by the Senate Foreign Relations Committee. It will be interesting to observe how close and thorough the hearings and examination will be.

By all evidence, the conceptions of the committee's chairman regarding the Soviet Union will be countered by several of the fundamental criticisms directed against the Convention. In his unforgettable address last year on "Foreign Policy—Old Myths and New Realities," Senator FULBRIGHT made the sound point that "If we are to disabuse ourselves of old myths and to act wisely and creatively upon the new realities of our time, we must think and talk about our problems with perfect freedom." Then he appropriately quoted Woodrow Wilson: "The greatest freedom of speech is the greatest safety because if a man is a fool, the best thing to do is to encourage him to advertise the fact by speaking." Evidently, the proponents of the Convention were unwilling to bank on this truth during the campaign.

For some time now the affable Senator from Arkansas has clung to the myth that some "200 million Russians inhabit the Soviet Union, let alone the earth.[12] In the address quoted above he strikes a further mythical note about the Soviet Union being a normal state with normal and traditional interests."[13] That is, a state similar to ours in structure, composition and "for certain purposes" behavior. These and related myths, long entertained by the Senator, are not in the order of judgment and opinion, but rather of basic knowledge and understanding.

However, the spirit of free debate in which the Senator drenched his remarks is readily accepted by every thinking American. Such debate should have been staged in the 1964 campaign. In fact, it is high time for another "great debate" in Congress and across the Nation on fundamental subjects like U.S. policy toward the Soviet Union and the need for a coherent American cold war strategy. A staged debate on these issues has been long overdue. There exists now a concrete and specific subject before the Senator's own committee that should prove to be a valid test of his expressed bent for open inquiry and perceptive examination. The issue of the consular convention has broad policy ramifications and can easily ignite the type of healthy discussion the Senator seems to encourage.

FULBRIGHT himself views the treaty as a small step toward "normalizing and regularizing" relations with Russia. Nevertheless, "we must think and talk about our problems with perfect freedom." It would be interesting to see whether the Senator himself is intellectually willing to shed some of his encrusted myths about the Soviet Union. On the surface, the subject of consular exchanges appears innocuous and procedural; beneath, it is fraught with profound implications for our moral and political position in the cold war.

ESSENTIALS OF THE PACT

The State Department has, of course, been pressing for heavy Senate support of the treaty. It naturally would like to see its work, which was started with discussions about the treaty in 1959, when Khrushchev was here, and accelerated by actual negotiations beginning in September 1963, brought to a point of final culmination. On a reciprocal basis, the pact would lead first to the establishment of consulates in New York and Leningrad, and then gradually include other cities, very likely Chicago and San Francisco here, Odessa and Vladivostok there.

Supporters of the treaty keep stressing the rather outworn, self-legitimating argument that this would be another step toward the easing of tensions. Whether it squares with the demands of political realities and what it implies for the aspirations of millions of non-Russian captives in the U.S.S.R. are considerations of negligible worth. Another chief argument advanced is that the pact would furnish more protection for U.S. citizens traveling and residing in the U.S.S.R. The case of Prof. Frederick C. Barghoorn, who in 1963 was detained for a period of 13 days before American officials were notified, has been repeatedly used as an example of "spy arrests" which, it is argued, a consular system may tend to curb. The fact is that a politically and historically more realistic alternative to the consular treaty would realize the same objective, without all the deficiencies and disadvantages of the latter.

The Convention requires for ratification a two-thirds majority in the Senate and the President's signature before becoming law. Should it come to pass, the treaty as a law of the land would also conclude a history of deliberation that sporadically extends back to the early thirties. In a real sense, the treaty is a product of the rather naive thinking of the thirties which in many areas viewed the U.S.S.R. as "a great experiment." When the United States recognized the Soviet Union in 1933, the intention to enter into a consular convention was expressed by both sides. In the czarist Russian Empire there were eight U.S. consulates or consular agents. In the thirties, as now, American hope was expressed that through these diplomatic approaches, through trade and closer cultural visitations, the United States and the U.S.S.R. would help mold the peace of the world. The events of that time showed how palpably naive we were.

Although no formal convention was arrived at, both the United States and the U.S.S.R. opened up consulates immediately prior to and during World War II. We established one in Vladivostok in 1934, and in the same year Moscow set up consulates in New York and San Francisco. In 1937 it opened up a vice-consular office in Los Angeles. Following World War II, we requested and received permission in 1947 to open up a consulate in Leningrad, but never did. For, by 1948, Russian cold war activity against the United States assumed bolder proportions, and after the Oksana Kasenkina affair in New York, the U.S.S.R. broke off consular relations completely.

One would think that in the past 20 years our state of perceptive knowledge regarding the Soviet Union and its Russian center has improved measurably to warrant a more realistic and sophisticated approach in this area. The deceits of the period, the revelations of World War II on the eastern front, the amendments to the Soviet constitution, the indomitable force of non-Russian nationalism in the U.S.S.R., and events in the United Nations, all this and more should have at least made us a little more imaginative in this sphere of cold war diplomacy. This, however, doesn't appear to be the case. Instead, the unfounded preconceptions and myths of the thirties continue to mislead us in the sixties. Significantly, the consular pact rests on the very myths nurtured by Senator FULBRIGHT himself.

MORE NEGATIVE ESSENTIALS ABOUT THE PACT

Needless to say, there are many more counterarguments that have been raised in opposition to the consular pact. Some, with an eye for the entire spectrum of cold war conflict today, have rightly questioned the supposed change of circumstance from 1948. Behind the smokescreen of "peaceful coexistence" the cold war is far more intensive and obviously more extensive than it was then. From Moscow's viewpoint, the consular pact has as much cold war weight as any other treaty arrangement. It is easy to recite the details of what the convention will do, such as protecting citizens, performing notarial services, processing birth and marriage certificates, certifying wills, expediting travel documents, providing translation services, advising about local laws, and representing citizens, but these are only administrative aspects of an instrument that will be used for various cold war penetration of our environment. To view it differently is to view it blindly.

---

[9] "Johnson Seeks To Keep Red Pact Out of Politics," the Sunday Star, Washington, D.C., June 28, 1964.

[10] Republican National Committee, "I Need Your Help," Washington, D.C., 1964, p. 4.

[11] Republican National Committee, "Republican Win Policy: Johnson No-Win Policy," Washington, D.C., 1964, p. 8.

[12] FULBRIGHT Asks Details of Goldwater's Views," Associated Press, July 25, 1962.

[13] CONGRESSIONAL RECORD, vol. 110, pt. 5, p. 6227.

Concerning the protection feature, opponents have pointed to the meager numbers of Americans in the U.S.S.R., annually now about 17,000, and the few hundreds of Russians and non-Russians of the U.S.S.R. touring here, annually about 2,000, but only about 200 as individual tourists. These facts cause one to wonder whether this protection aspect isn't being overplayed. The argument is made that for the unusual concession of the immunity clause in article 19 of the convention and also in the specifics of the incorporated protocol, Moscow has conceded heavily on the subject of detention of "nationals," which is provided for in article 12 of the treaty and also in the protocol. Moscow is supposed to have overridden its own criminal code by which a person can be held incommunicado during an investigation of as long as 9 months. Now, according to the treaty, U.S. authorities are to be notified of the arrest of Americans within 3 days and be given access to them within 4.

Why the privileges of early notice and access haven't been pressed for on a reciprocal basis within our present ambassadorial arrangement is still an unanswered question. Provision for such privileges in the consular treaty does not necessarily justify the treaty's ratification, particularly when its basic defects are understood. Such provision is logically not a necessary integral part of the treaty since it could be—indeed, should have been—obtained on the ambassadorial level, with the principle of reciprocity fully applied. Advocates of the treaty claim also that the U.S. Embassy in Moscow is inadequate to meet all the responsibilities of protection, representation, etc., and that therefore consulates are needed in this vast area. With a practical and more realistic alternative, as given below, all of these needs and requirements can be even more efficiently realized. In addition to not generating the deficiencies and disadvantages of the consular arrangement, the alternative would sidestep the problem created by the treaty where other states would demand on a most-favored-nation agreement basis the inclusion of a diplomatic immunity clause in their outstanding consular pacts. In connection with Red totalitarian states and their representatives here, the policing problems would be immense.

Another ground of objection is Moscow's multifaceted interest in having this pact. One facet is money and its present importance for a foreign currency starved state. The treaty, in article 10 provides for the handling of estates to relatives in the U.S.S.R., but these wills have not been executed because of the lack of consular representation. The legacies have accumulated, and it is rumored that they aggregate into sizable sums.[14] Surely the amount of these legacies should be investigated to determine the pecuniary measure of Moscow's interest in the treaty. If there is any American interest from this angle, then mirages must have surrounded our negotiators.

The second facet of Moscow's interest is unquestionably greater opportunities for espionage, propaganda, and racket activities on our terrain. The spy factor was emphasized by Senator DIRKSEN who quoted both FBI Director J. Edgar Hoover and former Attorney General Robert F. Kennedy as to the danger involved. Hoover has underscored the fact that "a top-heavy percentage of Soviet bloc personnel assigned to this country actually have intelligence assignments," while Kennedy has pointed out that "the Communist espionage in this country is much more active that it has ever been." If we have any confidence in the two highest internal security offices of our country, this factor of spy activity cannot be taken too lightly.

Propaganda and racket activities also loom large in Moscow's scheme of interest. Soviet consulates in strategic sectors of this country would undoubtedly concentrate on breaking down the anti-Communist force of several well organized ethnic groups. These groups would become prime targets of consular propaganda.

However, in advancing some of these counterarguments aren't we implicitly admitting our inabilities to spy with equal or greater efficiency, to propagate ideas with perhaps more subtle dexterity, and to substantially withstand their onslaughts in our ethnic areas? If, in truth, we are that incapacitated, then these alone are sufficient reasons for not ratifying the treaty. On the other hand, if we recognize a two-way street proposition for most of these and are determined to traverse the street, then the adequacy of these arguments evaporates somewhat.

Yet, for the sake of argument, let's admit that a consular pact will contribute to a further easing of tensions, that it will signify our good intentions for more peaceful relations and understanding between peoples, that it will provide some protection for Americans in the U.S.S.R., and also that spying and propagandizing are two-way streets. Hypothetically, even admitting all this, the Convention as it stands contradicts all of our official pronouncements on the self-determination and freedom of nations. As pointed out by this writer in a letter to Secretary of State Dean Rusk, "Most important is the reason that under present circumstances consulates set up in the non-Russian republics in the U.S.S.R. would constitute both a contradiction of our many official statements underscoring the self-determination right of the captive non-Russian nations and a virtual confirmation of the imperio-colonial nature of the Soviet Union."[15] It was further stated: "The assumptions underlying the proposed agreement are in striking discord with the political realities present in the U.S.S.R., and are scarcely in accord with both our moral and political objectives as concern colonialism and the independence of nations."

Based on truly reactionary and backward premises of thought, the Convention serves to perpetuate the myth that the U.S.S.R. is "a normal state with normal and traditional interests" and in effect places a stamp of acceptance on the imperio-colonial character of the Soviet Union. Even the language of the text appears nonsensical in terms of both the Soviet Constitution and the political realities of the U.S.S.R. Beginning with article 2, paragraph 8, and running through the entire Convention, use is made of the terms "nationals" or "national," foolishly implying that, like an American national, there exists a "Soviet national," a citizen of a non-existent Soviet nation. What has become of the Lithuanian nation, the Ukrainian, the Armenian, even the Russian, and their respective real-bodied nationals with this stroke of what one may rightly call juridical genocide?

This semantic comedy is extended in article 7 paragraph 6 wherein the language of the "Soviet national" is accepted as Russian, Sovietese not having yet emerged. This oblique and indirect American support of Moscow's linguacide program against the colonial non-Russian nations in the U.S.S.R. is really something for us to ponder. When in article 16 we witness a provision for a national flag and a national coat-of-arms to be hung over Soviet consulates here, we wonder first whether the U.S. negotiators know the difference between the concept of nation and that of state and, second, whether they realize the depth of their conceptual and political contribution to Moscow's long-range genocidal plans. Article 23, dealing with taxation by the state, states or local governments, suggests the myth of parallelism, that the U.S.S.R. is like the United States, made up of various states in a bond of federation and consisting of local governments. In short, the state of Latvia is equivalent to the State of Rhode Island.

It doesn't require much foresight to see this Convention as an opening wedge for our eventual recognition of the forced incorporation of the Baltic countries in the U.S.S.R. The problem of the Baltic States, as some realists put it, can be disposed of in this manner. As Odessa in Ukraine is being bandied about for a prospective U.S. consulate, Latvian Riga or Estonian Tallinn will eventually crop up to receive our consular and diplomatic blessings on the eternal solidarity of Soviet Russia's internal empire. The reader should find most entertaining the State Department's wiggly and vacuous response to this essential criticism: "the convention does not deal with the question of opening consulates which will be the subject of separate negotiations."[16] Not only is the conceptual construction of the Convention overlooked but also one's credulity is taxed to the point of believing that with the foundation laid by the Convention our Department of State would religiously observe the Russian/non-Russian line of demarcation.

Finally, and worse still, as an additional step toward peaceful coexistence, the Convention deprives us of a cold war advantage with no parallel sacrifice by the Russians. In fact, as shown above, it plays beautifully into Soviet Russian hands. It also makes mockery of the President's own statements. Is there a rational alternative to this ill-advised Convention?

THE ALTERNATIVE OF AMBASSADORIAL EXCHANGES

In his April 3, 1964, statement on NATO, President Johnson stressed, "In particular we must be alive to the new spirit of diversity that's now abroad in Eastern Europe." By all means, let's do so, starting with the multinational U.S.S.R. The consular pact runs counter to this statement, but the initial establishment of U.S. Embassies in Ukraine and Byelorussia would demonstrate how truly alive we are to the "spirity of diversity." Not only this, it would realize with greater effectiveness all the objectives cited for the consular pact without losing any advantage in principle or kind in the everpresent cold war. More, in contrast to the pact, it would furnish objective credence to the President's words: "If we are to live together in peace, we must come to know each other better."[17]

Once we cast aside the populational and constitutional myths mentioned earlier, we can begin to understand that scarcely half of the population in the U.S.S.R. is Russian and that Kiev, the national capital of Ukraine, is no political counterpart of Chicago;

---

[14] "United States and Soviet Seen Nearer Consular Pact," the Washington Post, April 22, 1964.

[15] Communication, May 4, 1964.

[16] Department of State communication, May 14, 1964.

[17] State of the Union messaage, Jan. 4, 1965.

nor is Minsk, the Byelorussia capital, a substantive parallel to San Francisco.[18] In short, the United States is a single nation; the U.S.S.R. is not—it's a diversity of nations. Thus, logically, if we are wise and true to ourselves and also to the realities in the U.S.S.R., we should urge a consular pact for Russian cities, like Leningrad, in federated Russia (The Russian Soviet Federative Socialist Republic) administratively linking the consulates with our Embassy in Russian Moscow. At the same time, in behalf of realistic contacts with diverse nations, we should also proffer direct and full diplomatic relations with Ukraine and Byelorussia, at least as a start.

This important subject of ambasadorial exchanges with the national governments of the non-Russian republics in the U.S.S.R. has an even more interesting background than the consular convention.

In 1953 a special subcommittee of the House Foreign Affairs Committee considered every aspect pertaining to the exchange of ambassadors with Ukraine and Byelorussia.[19] Hearings on House Concurrent Resolution 58, which was sponsored by the late Congressman Lawrence H. Smith, of Wisconsin, brought out these salient facts: (1) Article 18a in the U.S.S.R. Constitution stipulates that "Each Union Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange representatives with them"; (2) being charter members of the United Nations, Ukraine and Byelorussia are de facto recognized by us; [20] (3) despite a secretive and abortive attempt by the British Government in 1947 to make direct diplomatic contacts with these two nations, open negotiations are justified both by the demands of changing times and all the legal credentials involved; and (4) if we are earnest about understanding and maintaining peaceful relations with different nations and peoples, then we should make every effort toward the non-Russian nations in the U.S.S.R.

Every conceivable criticism of the resolution was treated, including those submitted by the State Department in opposition to the proposal.[21] The Department expressed itself twice; once in a statement, dated June 26, 1952, to Senator H. Alexander Smith, who took a keen interest in this, and later, on March 23, 1953, in a communication to the chairman of the House Foreign Affairs Committee, Mr. Robert B. Chiperfield. Both statements are virtually alike.

In view of its present pressure for the consular pact, it is interesting to note some of the Department's arguments against ambassadorial exchange. One, it is "doubtful whether the American people would look with favor upon an increase in the number of Communist missions in the United States." Two, it "would require a large expenditure of money by the U.S. Government." These two major arguments might just as well be applied against the consular pact. Again, spying is a two-way street, and the multiple benefits to be derived from ambassadorial exchanges would more than justify the money expended.

The Department also argued that U.S. Embassies in Ukraine and Byelorussia would bolster the myth of their sovereignty and pave the way for further participation of these republics in international organizations. Surely U.S. diplomatic missions in Bulgaria, Czechoslovakia, and the other captive countries are no evidence of their sovereignty. The second point is utterly specious when one surveys, for example, Ukraine's participation in the International Labor Organization, UNESCO, and many other bodies.

Having embassies in the countries taken over by the Communists with the help of the Soviet Russian armies does not in any degree imply recognition of the military aggression against them by Communist Russia or the regimes installed therein. It is a matter of simple and practical expediency on our part, which would provide us with additional opportunity to know at first hand what is actually going on in these two captive nations.

Moscow may refuse the diplomatic exchange regarding Ukraine and Byelorussia, although such ambassadorial exchanges are now taking place on an impressive scale between the countries of the world and the newly arising independent states of Africa. Let us ask Moscow in the court of world opinion: Who is colonialist and imperialist? The United States or the U.S.S.R.? Let us take this opportunity to use this tactical gambit and to find out how Moscow really feels about Ukraine and Byelorussia, which it claims are "free and sovereign" and which may not only maintain diplomatic relations with foreign states, but even may secede from the Soviet Union.

Many other possible criticisms, such as the effect of this action on our nonrecognition of Red China, the possibility of Moscow rejecting our offer, or the attitude of our allies, were so convincingly answered that the special subcommittee, headed by Mrs. Frances P. Bolton, unanimously favored the Smith resolution. Before the measure could be considered by the full Foreign Affairs Committee, the State Department intervened in July 1953, requesting that it be given time for its further study. The request was granted and, regrettably, a short time later the resolution's able sponsor passed away.

Actually, no serious study of this subject was undertaken. In 1956, Under Secretary of State Murphy admitted this to the writer. Two years later, Assistant Secretary William B. Macomber confirmed this fact when, in response to an inquiry by Representative Leonard Farbstein, the new sponsor of the resolution, he stated that "the Department has no record of a study such as you described having been made subsequent to this time." [22] He enclosed a copy of the Department's 1953 statement to Mr. Chiperfield.

The need for a full examination of this issue is more pressing now than ever before. The basic criteria for diplomatic recognition, as set forth by Secretary of State John Foster Dulles in an Overseas Press Club address in March 1954, are fully satisfied by the proposal for ambassadorial exchanges with Ukraine and Byelorussia. They entail (1) usefulness of dipolmatic intercourse—informational, psychological, cultural, etc., (2) absence of any moral approval of the governments involved, and (3) no intense hostility toward the United States. There is no problem on this score.

The real problem is the mythical notions that many harbor with respect to the U.S.S.R. They represent the case of old myths about old realities. The occasion for Senate judgment on this consular pact is also an occasion for judgment on ambassadorial exchanges. As the President not too long ago put it, "Our guard is up, but our hand is out." Question: Will the hand remain fractured by old myths?

---

[18] See Dobriansky, Lev E., "Nations, Peoples, and Countries in the U.S.S.R.," U.S. GPO, Washington, D.C., 1964.

[19] "Favoring Extension of Diplomatic Relations With the Republics of Ukraine and Byelorussia," U.S. GPO, Washington, D.C., 1953.

[20] "Review of the United Nations Charter," U.S. Senate Committee on Foreign Relations, U.S. GPO, Washington, D.C., 1955, pp. 1829–1851.

[21] Dobriansky, Lev E., "The Dilemma of the State Department on Diplomatic Relations," the Ukrainian Quarterly, vol. X, spring 1954, pp. 159–166.

[22] Dobriansky, Lev E., "Revived Interest in U.S. Diplomatic Relations With Ukraine and Byelorussia," the Ukrainian Quarterly, vol. XVIII, autumn 1962, p. 231.

ADDITIONAL COPIES OF SENATE DOCUMENT NO. 46

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 507.

The Clerk read the house resolution, as follows:

Resolved, That there be printed for the use of the House of Representatives one hundred thirty one thousand seven hundred additional copies of Senate Document No. 46 which contains a brief explanation of the elements of entitlement to and benefits available under the hospital insurance benefits for the aged and the supplementary medical insurance benefits for the aged enacted in the Social Security Amendments of 1965, pursuant to H.R. 6675.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. HAYS. Mr. Speaker, reserving the right to object, in the interim, the gentleman has explained this bill to me at length and in great depth and, therefore, I will not object further.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HUDSON RIVER TOWNS ENDORSE FEDERAL ACTION

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Ottinger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I am pleased to report that support for legislation establishing a Hudson Highlands National Scenic Riverway continues to grow. In ever-increasing numbers, towns and villages along the Hudson River are officially joining the 13 Congressmen and 2 Senators in calling for action to save this river.

I should like to present this body and the American people some of the official resolutions that have been passed in recent months:

Resolution Adopted at Town Board Meeting August 4, 1965

Resolved, That the Town Board of the Town of Clarkstown is in favor, in principle, of legislation that has as its purpose the orderly development of the Hudson River Valley with equal consideration of natural and scenic values, residential, industrial, and recreational facilities, and controlled urban development; and be it further

Resolved, That legislation be specific enough to make certain that no Federal, State, or local government have the right to acquire improved private property within such area; and be it further

Resolved, That any property acquired shall remain on the tax rolls of the municipalities involved; and be it further

Resolved, That the language of the Ottinger bill be restricted to no more than 1 mile in terms of jurisdiction; and be it further

Resolved, That this resolution be forwarded to Congressmen Richard Ottinger and John G. Dow.

Attest:

Charles R. Adams, Jr.,
Deputy Town Clerk.

Resolution of Village of Grand View-on-Hudson, N.Y.

Resolved, That the Village Board of Grand View-on-Hudson, N.Y., is in favor, in principle, of legislation that has as its purpose the orderly development of the Hudson River Valley with equal consideration of natural and scenic values, residential areas, recreational facilities, and controlled urban development. We would strongly recommend that the wording of such legislation be specific enough to make sure that such communities as Grand View-on-Hudson be enhanced and preserved and that no Federal, State, or local government have the right to acquire improved private property in such areas.

In this regard, the Village Board believes that H.R. 9868, a bill introduced by Congressman John G. Dow and providing for a joint Federal-State study of the future of the Hudson River is appropriate at his time, and such bill has the unanimous support of the full board of trustees of this village.

Dr. Carmine Freds, mayor of the Village of Grand View-on-Hudson, was appointed to represent the village of Grand View-on-Hudson at conservation hearings to be held on July 24, 1965.

Attest:

Salley Haring,
Village Clerk.

Resolution by City of Peekskill

Whereas Hon. Richard L. Ottinger, Member of Congress from the 25th New York Congressional District which includes the city of Peekskill, introduced in the House of Representatives a bill, H.R. 3012, providing for the establishment of the Hudson Highlands National Scenic Riverway; and

Whereas said bill is intended to help protect the resources of New Yorkers in the Hudson River Valley and to help develop the full economic and recreational potential of the Hudson River Valley; and

Whereas the city of Peekskill is now engaged in the necessary work to improve, beautify, and utilize the waterfront property within the city of Peekskill; and

Whereas the bill introduced by Representative Ottinger is related and intended to affect the same purposed throughout the entire Hudson River Valley, south of Beacon and north of Yonkers: Now, therefore, be it

Resolved, That this common council approves of the bill introduced by Representative Ottinger and known as H.R. 3012, and does hereby urge Representative Ottinger to do all in his power to bring about the passage of the said bill; and be it further

Resolved, That a certified copy of this resolution be sent to Representative Ottinger and to the chairman of the House Committee on Interior and Insular Affairs.

Attest:

S. Alfred H. Miller,
City Clerk.

Resolution by Town of Yorktown

At a regular meeting of the Town Board of the Town of Yorktown, Westchester County, N.Y., held on the 6th day of July 1965, with all members present, the following resolution was unanimously adopted:

"Whereas the Hudson River constitutes a precious natural resource which should be preserved for this and future generations as a valuable recreational, educational, scenic, historical and economic asset, it is hereby

"*Resolved,* That the Town Board of the Town of Yorktown, N.Y., urges the establishment of a Hudson Highlands National Scenic Riverway under the administration of the U.S. Department of the Interior.

"Katherine K. Wyland,
"Town Clerk."

Resolution by Rockland County Planning Board

Upon a motion by Mr. Burleigh, seconded by Mr. Hall, and unanimously adopted, the following resolution was passed:

"Whereas the establishment of a National Scenic Riverway on the Hudson River from the Bergen County-Rockland County line north to Newburgh, vitally affects the interest of Rockland County, and

"Whereas all the counties thus affected have active planning boards: Be it therefore

"*Resolved,* That representation of the county planning boards be made a part of any official committee working to develop a Hudson River Scenic Riverway.

"John A. Keenan, *Chairman.*"

Resolution by Village of Ossining

Whereas the Hudson River constitutes a precious natural resource which should be preserved for this and future generations as a valuable recreational, educational, scenic, historical, and economic asset, it is hereby

Resolved, That the Board of Trustees of the Village of Ossining, N.Y., urges the establishment of a Hudson Highlands National Scenic Riverway under the administration of the U.S. Department of the Interior.

Lester M. Kimball,
Village Clerk.

Resolution by Tarrytown-on-Hudson

Whereas the Hudson River constitutes a precious natural resource which should be preserved for this and future generations as a valuable recreational, educational, scenic, historical, and economic asset, it is hereby

Resolved by the Mayor and Board of Trustees of the Village of Tarrytown, That they urge the establishment of a Hudson Highlands National Scenic Riverway under the administration of the U.S. Department of the Interior.

Catherine P. McCaul,
Village Clerk.

BOARD OF SUPERVISORS OF PUTNAM COUNTY RESOLUTION R-122

Resolved, That this board of supervisors go on record as supporting a bill to provide for the establishment of the Hudson Highlands National Scenic Riverway in the State of New York and copies of this resolution be mailed to Secretary of the Interior Stewart L. Udall and President Lyndon B. Johnson.

John P. Morris,
Clerk of the Board of Supervisors of Putnam County.

Village of Croton-on-Hudson.

Congress of the United States,
Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

Gentlemen: The mayor and trustees of the incorporated village of Croton-on-Hudson, Westchester County, State of New York, respectfully urge your favorable consideration of H.R. 3012, the Hudson Highlands National Scenic Riverway bill.

Respectfully yours,

Joseph A. Zerello,
Village Clerk-Administrator.

SACHS-QUALITY STORES OF METROPOLITAN NEW YORK PROMOTE GOOD CITIZENSHIP

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Scheuer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SCHEUER. Mr. Speaker, I would like to draw the attention of this body to the meritorious work done by the Sachs-Quality Stores of Metropolitan New York, in promoting good citizenship qualities in New York's youth. Starting in June 1964, Sachs-Quality has presented the John F. Kennedy Memorial Citizenship Award to nearly 300 academic, vocational, and parochial high school graduates who were selected by their teachers for demonstrating outstanding citizenship qualities throughout their school years.

The recipients of this award are students who continuously demonstrated the ideals of community service which the late President John F. Kennedy instilled so well in the youth of this Nation.

It is Sachs-Quality's hope that the award medallions serve not only as rewards for past achievements but also as incentives for youngsters to strive for even higher goals, to work hard in their communities and to become active, conscientious citizens.

I am always encouraged to see commercial organizations take a deep and continuing interest in their community. This is a constructive project which might well be emulated by other organizations throughout the country and it is for this reason that I am bringing this project to the attention of my colleagues.

IN DEFENSE OF CONTRACT AUTHORITY FOR URBAN RENEWAL

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Reuss] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REUSS. Mr. Speaker, local officials across the Nation will be disadvantaged by the chaos, confusion, and uncertainty which could result from the removal of contract authority for the urban renewal program.

Urban renewal officials at all levels of Government have striven for years to attain long-range coherence and continuity in planning and carrying out local programs.

Urban renewal is perhaps the most complex of all our domestic programs. It has major impact on the entire face of the community, affecting capital outlays, tax base, public works, school districts, welfare programs, the antipoverty effort, private investment—indeed the whole health of the locality. The difficulties of meshing all these facets of the community structure into the overall local urban renewal effort are obvious.

The key to local success in this direction has been obvious since the inception of urban renewal. It can be put into two words—timing and continuity.

If you fail in properly timing these local interrelationships, you inevitably contort an orderly local approach into a splintered effort that can hardly succeed.

If you lose long-range continuity in urban renewal, you throw the objective of overall civic improvement to the four winds.

I submit to you that we are taking a stride toward defeating the prime aims of urban renewal.

How can a mayor marshal his local resources when he cannot rely on the availability of Federal financial aid when it is needed? How can a local governing body commit itself to an urban renewal project when it has no way of knowing when the undertaking will come into being? Above all, how long will slum dwellers be forced to endure their misery because we have tied the hands of the local forces dedicated to aid them?

The local share of urban renewal costs is heavily dependent on noncash local grants-in-aid—schools, streets, and other public works. But the eligibility for credit of these items involves a relatively tight schedule between the beginning of their construction and the commencement of actual urban renewal project activities. Many small communities, for example, in this situation might find it extremely difficult to proceed with urban renewal.

The Congress, you may remember, approved an urban renewal vehicle called the community renewal program. This program, financed by Federal grants, is designed to produce an effective framework for urban renewal activity over a long range of years. Now we are putting communities in the position of restricting their forward look to months rather than years. This obviously makes the community renewal program something less than meaningful.

Urban renewal, by its very nature, cannot be lightning fast. Vocal critics, over the years, have carped mightily about its slowness. What we are doing today will restrict the program to a snail's pace in too many communities. And the snail could well come to a grinding halt. Is this the future we want for our cities?

JOB CORPS MEANS PROGRESS FOR WILLOWS, CALIF.

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Leggett] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEGGETT. Mr. Speaker, over last weekend, it was my pleasure to dedicate one of the 50 Job Corps camps recently established at Alder Springs, under management of the Department of Forestry in my congressional district. This camp is one of the largest and finest in the country and the opportunity afforded American underprivileged youth for a study-conservation experience is unexcelled.

The men pioneering the development of this camp are dedicated to the proposition that raw American youth of many heritages can be molded into a useful national resource.

I told the boys at the dedication that they were part of an important national undertaking to see if a work study experience can combust their constitutions making them both useful to themselves and the country. I solicited their support not only for the several scores of boys but for the millions that would follow prospering by a workable example.

It was apparent that the boys recruited had no common denominator problem, that once solved could reconstitute them. Some could not write, few had passed the ninth grade—perhaps not the group you would collect to form a fraternity, but I saw a look of hope and promise in these young faces of many complexions.

To mold the local community to favorably receive these young chaps was not easy. Primary credit I would give to Ed Davis of the Willows Daily Journal who editorializes at one point in part as follows:

> Against Progress for Community?
>
> Some Willows residents seem to be thinking of the proposed camp in terms of a corrective camp for criminals or delinquents. Nothing could be further from the truth.
>
> Young men in the Job Corps will be carefully screened from among thousands upon thousands of "underprivileged" youths seeking only the opportunity to better themselves and lead productive lives.
>
> No known delinquents will be among them. They will be carefully supervised with, in fact, one supervisor to every five enrollees.
>
> Far from representing a drawback to the community, the job camp would be an asset, pure and simple.
>
> Much of the food and supplies for 100 youths and 21 teachers and supervisors could be expected to be bought here in Willows, giving the community the same kind of an economic shot in the arm which resulted from expansion of the Forest Service here, and establishment of the Bureau of Reclamation office in Willows. The teachers and supervisors would represent the same kind of high-type, well-paid men as these other Federal personnel.
>
> Much of the youths' work would be devoted to conservation and other types of improvement in the wildlife refuge, indirectly benefiting everyone in the area which the refuge serves.
>
> Judging from similar programs, the youths would also take an active part in community projects for the direct benefit of residents of Willows and the surrounding area.
>
> It is hardly surprising that when the proposed camp was first discussed, informally and without the publication of facts about it, some businessmen and others would leap to unjustified conclusions about it. Such a reaction generally occurs.
>
> But now that the facts are known, isn't it sheer folly to do anything else but get behind the proposal and work actively to bring the camp to the wildlife refuge?
>
> Would those same residents who are opposing it also oppose a selected new industry, with a steady payroll and without harmful side effects like soot and noise? This, in effect, is what they are doing.
>
> There will always be with us, of course, those who don't want the community to change; who want to try and keep Willows the way it was in good old grandfather's day; who are opposed to growth and progress.
>
> Well, God bless them, they are only being consistent by opposing a Job Corps camp, for it does represent growth and progress. But why in the world anyone else in Willows should be against it surpasses all understanding.

Mr. Speaker, at the dedication many were quick to see the challenge of this new program. Prof. Monti Reynolds, of the University of California at Davis, was ready to pledge the assistance of faculty and students of this great agricultural university to assist in molding this human resource to national good. I understand several dozen at the university are already enrolled to assist in providing recreation, entertainment, and educational media and instruction to the camp.

Were we to appraise this program by the numbers game, I think we would miss the boat. The fact that this camp lost 20 percent in the first month of operation means that the Nation is simply not running a bourgeois summer camp. Camp life is tough; learning, for the untrained, takes patience. We could, of course, recruit a higher class of boy who might be borderline in need of training to help our statistics, but the benefit to the Nation would be marginal.

The 1-to-8 instruction ratio at the camp is likewise a nebulous term until you look at the quality manpower recruited. Politicians? I do not think so. The manpower quality is well set forth in the following letter received from the Forest Service:

> U.S. Department of Agriculture,
> Forest Service,
> *Willows, Calif., July 27, 1965.*
>
> Congressman Robert L. Leggett,
> *House Office Building,*
> *Washington, D.C.*
>
> Honorable Congressman Leggett: I appreciate your interest in the Alder Springs Center as expressed in your letter of July 7, 1965. We have a very excellent staff, and this is the principal reason we have been able to do so well in the temporary tent camp we now have. We have started moving to the new center and should be completely moved by the end of the week.
>
> The following is a list of my staff with an analysis of their backgrounds.
>
> Dean L. Price: Deputy director for works, age 30, Caucasian, degree in forestry from Michigan School of Mines, formerly an assistant district ranger on the Los Padres National Forest.
>
> Stanley Lynch: Deputy director for education, age 42, Negro, formerly an educational director of a youth program for high school dropouts in the State of Indiana, degree from Indiana University.
>
> Henry Bunstein: Administrative officer, age 48, Caucasian, degree in English from Western Reserve University, formerly a fire control officer on the Modoc National Forest.
>
> Claude Wilson: Counselor, age 30, Caucasian, graduate of Arizona State University, formerly high school counselor at Cascade, Wash.
>
> Jesse Kingsberry: Remedial reading teacher, age 30, Negro, graduate of Texas Southern, formerly a teacher in Los Angeles City.
>
> Earl Copus: Math teacher, age 27, Caucasian, formerly with the Peace Corps in Brazil, graduate of University of Georgia.
>
> Fred Todd: Recreation director, age 34, Caucasian, formerly athletic director at Cascade, Wash., graduate of Washington State University, former director of Easter Seal Camp for four summers.
>
> Norm Anders: Reading teacher, age 27, Caucasian, formerly teacher in Port Arthur, Tex., high school, graduated from North Texas University.
>
> Nathaniel Hunter: Math teacher, age 27, Negro, from Washington, D.C., graduated from Virginia State College.

Richard Endicott: Forestry technician, age 50, Caucasian, with the Forest Service for 20 years in various positions.

Richard Marsalis: Forestry technician, age 24, Caucasian, graduated from Mississippi State University in 1963, Forester with U.S. Forest Service last 2 years.

Paul Hill: Forestry technician, age 27, Caucasian, graduate from California Polytechnic College, formerly supervisory fire control aid on Los Padras National Forest.

Bob Holdridge: Forestry technician, age 29, Caucasian, formerly fire prevention technician on Sequoia National Forest.

Charles Thompson: Forestry technician, age 23, Caucasian, formerly fire prevention technician on Mendocino National Forest.

Donald Clark: Forestry technician, age 27, Caucasian, formerly supervisory fire control aid on the Modoc National Forest.

Jack Gaines: Forestry technician, age 40, Caucasian, formerly fire prevention technican on Los Padres National Forest.

William Brown: Forestry technician, age 32, Caucasian, formerly supervisory fire control aid on the Mendocino National Forest.

Carl Buterbaugh: Medic, age 50, Caucasian, formerly a chief warrant officer in the U.S. Navy.

Elmer Franklin: Resident youth worker, age 25, Negro, graduate of Florida A. & M. College in political science and psychology.

Luroy Hayes: resident youth worker, age 49, Negro, former lieutenant colonel in U.S. Army.

Lionel Booth: Resident youth worker, age 33, Caucasian, graduate of Vocational College, Costa Rica, 5 years as social work technician with U.S. Army.

Thomas Rogers: Resident youth worker, age 23, Caucasian, 4 years of service with U.S. Navy as radioman.

Andrew Caldwell: Resident youth worker, age 23, Caucasian, 4 years at Chico State College, completed the Peace Corps training program.

James Overstreet: Resident youth worker, age 29, Caucasian, graduate of Chico State College.

I have not included six cooks and three clerks. We are presently four positions short of our staffing allowance.

Sincerely yours,

A. R. GRONCKI,
Center Director.

ARTICLE DEBUNKS THE ANTIQUATED AND REPUGNANT IDEA OF A JEWISH QUOTA OR JEWISH SEAT

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. FARBSTEIN] is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, the revelation this weekend in the press that our late President, John F. Kennedy, disliked the ghetto concept of a so-called Jewish seat on the U.S. Supreme Court exemplifies the maturation of our American democracy.

Just as Mr. Arthur Goldberg was named to be our Ambassador to the United Nations on the basis of his individual qualifications, his seat at the Supreme Court is to be filled by a distinguished and able attorney, Mr. Abe Fortas, on the basis of his personal merit. The fact that these two men happen to be of Jewish background is beside the point.

I wish to call the attention of the Congress to a syndicated article by Mr. Milton Friedman, an authoritative White House correspondent. The article, appeared this weekend in many newspapers in America and abroad, subscribers of the Jewish Telegraphic Agency.

Mr. Friedman's article is of historic importance in that it superbly debunks the antiquated and repugnant idea of a Jewish quota or Jewish seat. He affirms that both President Kennedy and President Johnson were motivated in their nominations to the Supreme Court by factors of individual merit rather than considerations of religion with respect to the men they chose.

I commend this article to the attention of the Congress:

(By Milton Friedman)

WASHINGTON.—The appointment of Abe Fortas to the so-called Jewish seat on the U.S. Supreme Court has brought to light information that the late President, John F. Kennedy, privately voiced displeasure over what he considered the ghetto concept involved.

At the time of his appointment of Arthur J. Goldberg, Mr. Kennedy became aware that his selection was being depicted as a Jewish replacement for the ailing Justice Felix Frankfurter. Mr. Kennedy told his closest aids that he found the idea of a special quota designating a Jewish member to the Supreme Court, as distinct from other members, to be objectionable.

Mr. Kennedy pointed out that his selection of Mr. Goldberg was based on individual merit and had nothing to do with religion. He emphasized that it was only coincidental that Mr. Goldberg and Mr. Frankfurter were both of the Jewish faith.

In the Kennedy philosophy, the perpetuation of a special Supreme Court seat reserved for Jews, Negroes, Catholics or any other minority was an unhealthy precedent to establish in the evolving American democracy.

The New York Times, describing President Johnson's appointment of Mr. Fortas, reported that it "keeps alive the tradition of a Jewish seat on the Court."

The Washington Post commented that "Fortas will assume what is crudely called the 'Jewish' seat on the Court but more significantly is the historic seat occupied by Joseph Story, Oliver Wendell Holmes, Benjamin N. Cardozo, Frankfurter, and other distinguished jurists."

The first Jew named to the Supreme Court, Louis D. Brandeis, was appointed in 1916 in the face of strong anti-Semitic opposition. Another Jew, Mr. Cardozo, was appointed in 1932. Mr. Cardozo was succeeded by Mr. Frankfurter. The ugly Brandeis controversy no doubt motivated a subsequent desire to assure other Jews the right to serve on the highest court. This generated the practice of successive appointment of Jews.

The expanding American philosophy of participation in Government without regard to race or religion caused both Justices Frankfurter and Goldberg to be troubled by designation as "the court Jew."

Today, an ironic truth has emerged. President Johnson selected Mr. Fortas without regard to Jewish considerations. The President regards Mr. Fortas, a close personal friend since the 1930's, as a legal genius and a personality so motivated by justice that he is the best man for the job.

President Johnson explained that "for many, many years I have regarded Mr. Fortas as one of this Nation's most able and most respected and most outstanding citizens, a scholar, a profound thinker, a lawyer of superior ability and a man of humane and deeply compassionate feelings toward his fellow men, a champion of our liberties. That opinion is shared by the legal profession and by the bar of this country, by Members of the Congress and by the leaders of business and labor and other sectors of our national life."

"Mr. Fortas has, as you know, told me on numerous occasions in the last 20 months that he would not be an applicant or a candidate or would not accept any appointment to any public office. And this is, I guess, as it should be, for in this instance the job has sought the man. Mr. Fortas agrees that the duty and the opportunity of service on the highest court of this great country is not a call that any citizen can reject," said the President.

Colleagues of Mr. Fortas noted that he already held one of the most powerful unofficial posts in Government as the President's top legal adviser and one of his closest personal confidants. However, he never offered advice on matters pertaining to Israel or of unique interest to the Jewish community, according to White House authorities. Nor did the President consider Mr. Fortas as identified with Jewish causes. He did not seek such advice from him.

Mr. Fortas' friends of Jewish faith depict him as motivated by a quest for social justice and human dignity attributable to his ancestral heritage. He did not hold membership in a synagogue or temple. But he did send contributions to the United Jewish Appeal. So did Mrs. Fortas, who is not Jewish. They have no children.

Immediately after his appointment, Mr. Fortas told the Jewish Telegraphic Agency that he considers himself to be Jewish. He said this to clarify his conception of religious identity in view of his lack of formal affiliation with Jewish institutions or organizations.

In the late 1940's and early 1950's, Mr. Fortas was a leading opponent of Federal loyalty programs. He defended the rights of individual Federal employees. His law firm handled the defense of Owen Lattimore, an expert on the Far East who was accused of misrepresenting alleged Communist associations.

With his law partners, former New Deal Trustbuster Thurman Arnold and wartime OPA Administrator Paul A. Porter, Mr. Fortas fought to limit the Government's power to fire employees without giving specific allegations or an opportunity to confront accusers.

Mr. Fortas taught at Yale, and came to Washington as a protege of William C. Douglas when the Supreme Court Justice served as a leading New Deal official.

A noted success won by Mr. Fortas before the Supreme Court was his handling, on assignment without pay, of the case of *Gideon v. Wainwright*. This case established a precedent that States must provide free counsel to penniless persons accused of crime.

In the 1954 *Durham* case, Mr. Fortas got the U.S. court of appeals to broaden the legal definition of insanity as applied to accused criminals.

Mr. Fortas has publicly lauded Supreme Court rulings such as the school desegregation decision. He said the Court was thereby helping promote social progress.

AN IMPROVED PROPOSAL FOR CURBING MAIL-ORDER PORNOGRAPHY

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. ZABLOCKI] is recognized for 15 minutes.

Mr. ZABLOCKI. Mr. Speaker, early in the current session of Congress I introduced a bill to help eliminate the traffic in obscene literature through the mails by requiring registration with the Post Office Department of mailing list brokers and others who sell or exchange such lists of addresses.

This proposal was the result of almost a year's study of the problem of pornographic materials and come-ons for obscene literature which increasingly have been reaching our Nation's youth through the Federal mails.

The reception which the bill, H.R. 3027, has received from interested persons throughout the United States truly has been most gratifying to me. Letters which I have received indicate deep concern on the part of the public over the type of materials which are being mailed to more than 1 million American schoolchildren each year by conscienceless smut peddlers.

The reaction of the direct mail industry has also been heartening. Mail Marketing Newsletter has called the proposal a "practical" approach to the problem. Further, in February of this year I met with representatives of the direct mailers. They too have been concerned about the rising tide of smut being sent through the mails.

One of their chief concerns was that my bill, as written, did not cover persons who make lists from their own sources and use them to send pornography. At that meeting I agreed that the bill could be strengthened by including such persons and agreed to amend my bill in this regard.

The Post Office Department has also been favorable to this proposal. In early July I met with Postmaster General John Gronouski, Chief Postal Inspector Henry Montague, and Department Counsel Felix Sklagen to discuss the matter. I found them very concerned about the problem. They informed me that the number of complaints from parents about this material being received in their homes had increased almost 300 percent in the past 3 years. Although the postal authorities have stepped up efforts at finding and having convicted these traffickers in filth, it appears that new effective legislation is needed.

The Postmaster General has endorsed the concept embodied in H.R. 3027 and has—together with experts on his staff—offered suggestions for improving and strengthening the measure. These have been gratefully received.

In drafting the bill initially, it was my intention to make it as effective as possible without first, involving censorship; second, placing unwarranted restrictions on legitimate mailers; and third, putting a heavy administrative burden on the Post Office Department. The suggestions I have received will significantly improve the proposal within these guidelines.

For that reason, Mr. Speaker, today I am introducing a new and improved bill, superseding H.R. 3027. The new measure is quite similar in concept to the old one, but embodies the following changes:

First, the old bill required all who buy and sell mailing lists to register with the Post Office Department. The new bill requires only mailing list brokers, that is, individuals and firms whose primary business is in buying and selling lists, to register. The reason for the change is that mass registration would serve little good purpose and create an administrative hardship on postal officials. The principal interest is in the brokers because of the key role they play in the mailing list business.

Second, the earlier bill required only those who buy and sell mailing lists to keep records of their transactions. This did not cover persons who compile their own mailing lists for sending obscene materials. The new bill requires records of transactions to be kept for at least 5 years by all who buy, sell, or use mailing lists in a profitmaking enterprise.

As in the old bill, the new bill requires that these records be shown to postal authorities upon request.

Third, the old bill carried a maximum $3,000 fine for noncompliance. The new bill increases the fine maximum to $5,000 and provides for a sentence of up to 1 year in jail, or both. This amendment puts more "teeth" in the proposed law.

Mr. Speaker, it is my hope that the House Post Office and Civil Service Committee will hold early hearings on this new and improved proposal.

The time has come for Congress to act in eliminating the traffic in obscene literature through the mails. With each passing day the amount of pornography flowing into American homes increases. Let us act with dispatch to clear this pollution from our postal system.

In order to acquaint my colleagues further with this new bill, the text follows:

H.R. 10331

A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That (a) chapter 53 of title 39, United States Code, relating to the several classes of mail, is amended by adding at the end thereof the following new section:

"4061. Registration of mailing list brokers; furnishing of information by suppliers, buyers, and users of mailing lists

"(a) Each broker engaged in the sale or exchange of mailing lists for profit shall register with the Postmaster General, within — days of enactment, a registration statement in such form and detail as the Postmaster General shall determine, respecting (1) the name under which he is or intends to do business, (2) the scope and general character of the business transacted or to be transacted, (3) the relationship, if any, of the mailing list operation with other business undertakings, (4) the location of his principal business office, and (5) the names and addresses of the directors and the chief executive officers where the broker is a corporation, association, partnership, or other such entity;

"(b) Each individual and each corporation, partnership, or other business organization or association using, buying, selling, leasing, renting, exchanging, or otherwise making available to others for profit any list of addresses or other similar mailing list shall on request furnish the Postmaster General, in such form and detail and at such time as he shall determine, information respecting (1) the name of the individual, corporation, partnership, or other business association or organization, and (2) the identity of individuals having a financial interest in any such organization or association, including the responsible officers and employees thereof. Records shall be kept for a period of not less than five years and postal officials upon request shall be permitted to examine such records and particulars of transactions or mailings pertaining to any such address or mailing list;

"(c) As used in this section—

" 'broker' means any person who engages either for all or part of his time, directly or indirectly, as agent, dealer, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in mailing lists owned, rented, or used by another person;

" 'registration statement' means the statement provided for in this section, and includes any amendment thereto and any report, document, or memorandum filed as part of such statement or incorporated therein by reference;

" 'supplier' shall mean to include broker, owner, and compiler;

" 'buyer' shall mean any person who buys mailing lists or buys the use of such lists through leasing or renting agreements;

" 'user' shall mean any person who uses mailing lists supplied by someone else, or the person performing the acts and assuming the duties of handling, compiling, sending by mail or by messenger list of names to be used for his own benefit, or the benefit of another, for profit;

"(d) The Postmaster General shall make appropriate rules and regulations to carry out the purposes of this section.".

(b) The table of contents of such chapter 53 is amended by inserting:

"4061. Registration of mailing list brokers; furnishing of information by suppliers, buyers, and users of mailing lists."

immediately below

"4060. Foreign publications free from customs duty."

SEC. 2. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new section:

"1735. Mailing list brokers, suppliers, buyers, and users

"Whoever, being required by section 4061 of title 39, United States Code, to furnish information to the Postmaster General, fails or refuses to furnish such information as the Postmaster General shall request under such section, shall be fined not more than $5,000 or imprisoned not to exceed one year, or both."

(b) The table of contents of such chapter 83 is amended by inserting

"1735. Mailing list brokers, suppliers, buyers, and users."

immediately below

"1734. Editorials and other matter as 'advertisements'.".

SEC. 3. The foregoing provisions of this Act shall become effective on the ——— day following the date of enactment of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

Mr. CUNNINGHAM (at the request of Mr. GERALD R. FORD), for the remainder of the week, on account of official business.

Mr. CARTER (at the request of Mr. NATCHER), retroactive to Tuesday, August 3, 1965, on account of illness.

Mrs. SULLIVAN, for August 10, 11, 12, and 13, on account of official business.

Mr. TUCK (at the request of Mr. FOUNTAIN), for today and tomorrow, to attend funerals of personal friends.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), for August 9, 10, 11, and 12, on account of official business.

Mr. PELLY (at the request of Mr. GERALD R. FORD), through August 13, on account of official business.

Mr. SCHMIDHAUSER (at the request of Mr. ALBERT), for August 9 and 10, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. MCCLORY), on August 18, for 1 hour.

Mr. ASHBROOK (at the request of Mr. MCCLORY), today, for 15 minutes.

Mr. DERWINSKI (at the request of Mr. MCCLORY), today, for 15 minutes.

Mr. FARBSTEIN (at the request of Mr. DE LA GARZA) for 15 minutes, today, and to revise and extend his remarks and to include extraneous matter.

Mr. ZABLOCKI for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

The following Members (at the request of Mr. DE LA GARZA and to include extraneous matter:

Mr. MCGRATH.
Mr. KORNEGAY.
Mr. BINGHAM.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 561. An act to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes; to the Committee on Government Operations.

S. 944. An act to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 1559. An act to amend the Federal Reserve Act in order to enable the Federal Reserve banks to extend credit to member banks and others in accordance with current economic conditions, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4346. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies;

H.R. 4714. An act to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein; and

H.R. 8439. An act to authorize certain construction at military installations, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 24. An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes; and

S. 893. An act to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8111. An act to establish the Herbert Hoover National Historical Site in the State of Iowa.

ADJOURNMENT

Mr. DE LA GARZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 10, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1427. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1965, submitting a report, together with accompanying papers and illustrations, on an interim report on Saw Mill River and tributaries, New York, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted September 14, 1955, two resolutions of that committee adopted November 14, 1955 and two resolutions of the Committee on Public Works, House of Representatives, adopted June 13, 1956 (H. Doc. No. 258); to the Committee on Public Works and ordered to be printed with four illustrations.

1428. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 27, 1965, submitting a report, together with accompanying papers and an illustration, on an interim report on Scotts Creek, Cache Creek Basin, Calif., requested by a resolution of the Committee on Flood Control, House of Representatives, adopted May 29, 1946 (H. Doc. No. 259); to the Committee on Public Works and ordered to be printed with one illustration.

1429. A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, a report on title I, Public Law 480 agreements concluded during July 1965, pursuant to the provisions of Public Law 85–128; to the Committee on Agriculture.

1430. A letter from the Secretary of the Interior, transmitting a report on the excess purchase of passenger motor vehicles over the numerical limitations as set forth in the Department of the Interior Appropriations Acts for fiscal years 1962 and 1963, by the Bureau of Indian Affairs, pursuant to section 3679 of the Revised Statutes, as amended (64 Stat. 768); to the Committee on Appropriations.

1431. A letter from the Secretary of the Treasury, transmitting a report covering the progress made in liquidating the assets of the former Reconstruction Finance Corporation which were transferred to the Secretary of the Treasury, for the quarterly period ended June 30, 1965, pursuant to the provisions of the Reconstruction Finance Corporation Liquidation Act, as amended (67 Stat. 230), and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

1432. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of funds appropriated to pay a judgment in favor of the Snake or Paiute Indians of the Oregon area (area III of the Northern Paiute Nation), and for other purposes; to the Committee on Interior and Insular Affairs.

1433. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report of a guarantee issued to a U.S. commercial bank to assist it in financing the export sale of tractors and spare parts to Yugoslavia, pursuant to title III of the Foreign Assistance and Related Agencies Appropriation Act of 1965 and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

1434. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 321 of the Transportation Act of 1940 in relation to the providing of Federal traffic management services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1435. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force; to the Committee on the Judiciary.

1436. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Lt. Col. James E. Bailey, Jr., U.S. Air Force (retired); to the Committee on the Judiciary.

1437. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report of the number of individuals in each general service grade employed by the National Aeronautics and Space Administration under the Classification Act of 1949, as amended, on June 30, 1964, and on June 30, 1965, pursuant to section 1310 of the Supplemental Appropriation Act of 1952 (65 Stat. 736, 758); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of August 5, 1965 the following bills and resolutions were reported on August 6, 1965:

Mr. SIKES: Committee on Appropriations. H.R. 10323. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes; without amendment (Rept. No. 738). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 504. A resolution waiving all points of order against H.R. 10323, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes; without amendment (Rept. 739). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 5597. A bill to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia; with amendment (Rept. 740). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9985. A bill to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons; with amendment (Rept. No. 742). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10274. A bill to amend the act of October 13, 1964, to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia; without amendment (Rept. No. 743). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10304. A bill to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children; without amendment (Rept. No. 744). Referred to the House Calendar.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2580. A bill to amend the Immigration and Nationality Act, and for other purposes; with amendment (Rept. No. 745). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, pursuant to the order of the House of August 5, 1965, the following bill was reported on August 7, 1965:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8058. A bill to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947; without amendment (Rept. No. 746). Referred to the Committee of the Whole House on the State of the Union.

[Submitted August 9, 1965]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 10306. A bill to amend the Universal Military Training and Service Act of 1951, as amended; without amendment (Rept. No. 747.) Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of August 5, 1965, the following bills were reported on August 6, 1965:

Mr. McMILLAN: Committee on District of Columbia. H.R. 8418. A bill to exempt from taxation certain property of the Washington Gallery of Modern Art; with amendment (Rept. No. 741). Referred to the Committee of the Whole House.

[Submitted August 9, 1965]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 125. An act for the relief of Armando S. Argullles; without amendment (Rept. No. 748). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 207. An act for the relief of Dr. Jose S. Lastra; without amendment (Rept. No. 749). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 402. An act for the relief of Oh Wha Ja (Penny Korleen Doughty); with amendment (Rept. No. 750). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 442. An act for the relief of Carleen Coen; without amendment (Rept. No. 751). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 570. An act for the relief of Frank S. Chow; without amendment (Rept. No. 752). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 582. An act for the relief of Aleksandr Kaznacheev; without amendment (Rept. No. 753). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 616. An act for the relief of Miss Choun Seem Kim; without amendment (Rept. No. 754). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 678. An act for the relief of Lee Hi Sook; without amendment (Rept. No. 755). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 826. An act for the relief of Har Gobind Khorana; without amendment (Rept. No. 756). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 954. An act for the relief of Ailsa Alexandra MacIntyre; without amendment (Rept. No. 757). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1103. An act for the relief of Kathryn Choi Ast; without amendment (Rept. No. 758). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1498. An act for the relief of Nikolai Artamonov; without amendment (Rept. No. 759). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 1319. A bill for the relief of Joseph Durante; without amendment (Rept. No. 760). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 2005. A bill for the relief of Miss Gloria Seborg; without amendment (Rept. No. 761). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 2358. A bill for the relief of Tony Boone; with amendment (Rept. No. 762). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 2772. A bill for the relief of Ksenija Popovic; with amendment (Rept. No. 763). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 3337. A bill for the relief of Mrs. Antonio de Oyarzabal; without amendment (Rept. No. 764). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 3669. A bill for the relief of Emilia Majka; without amendment (Rept. No. 765). Referred to the Committee of the Whole House.

Mr. GILBERT: Committee on the Judiciary. H.R. 4137. A bill for the relief of Dr. Jan Rosciszewski; without amendment (Rept. No. 766). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of August 5, 1965, the following bill was introduced August 6, 1965:

By Mr. SIKES:

H.R. 10323. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes.

[Introduced and referred August 9, 1965]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BECKWORTH:

H.R. 10324. A bill to extend the application of the Classification Act of 1949 to certain positions in, and employees of, the executive branch of the Government; to the Committee on Post Office and Civil Service.

By Mr. DYAL:

H.R. 10325. A bill to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States; to the Committee on Government Operations.

By Mr. FOGARTY:

H.R. 10326. A bill to amend the National Defense Education Act of 1958 to make equipment purchased under title III thereof available to all children attending public and private nonprofit elementary and secondary schools; to the Committee on Education and Labor.

By Mr. GARMATZ:

H.R. 10327. A bill to require operators of ocean cruises by water between the United States, its possessions and territories and foreign countries to file evidence of financial security and other information; to the Committee on Merchant Marine and Fisheries.

By Mr. GRIDER:

H.R. 10328. A bill to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. MILLER:

H.R. 10329. A bill to provide that the Secretary of Commerce shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures; to the Committee on Science and Astronautics.

By Mr. STAGGERS:

H.R. 10330. A bill to provide for the establishment of the Spruce Knob-Seneca Rocks National Recreation Area, in the State of West Virginia, and for other purposes; to the Committee on Agriculture.

By Mr. ZABLOCKI:

H.R. 10331. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RANDALL:

H.R. 10332. A bill to provide additional assistance for areas suffering a major disaster; to the Committee on Public Works.

By Mr. FULTON of Pennsylvania:

H.R. 10333. A bill to provide readjustment assistance to veterans who serve in the Armed

Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. KARTH:

H.R. 10334. A bill to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. MORSE:

H.R. 10335. A bill to require a special report to the Congress by the President on the current status of research and application techniques in the field of weather modification, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 10336. A bill to amend the Universal Military Training and Service Act of 1951, as amended; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.J. Res. 617. Joint resolution to authorize the President to issue a proclamation designating the calendar year 1966 as "The Year of the Bible"; to the Committee on the Judiciary.

By Mr. DENT:

H. Res. 505. Resolution expressing the sense of the House of Representatives with respect to oppression of minorities in Rumania and requesting the President of the United States to take appropriate steps in our relations with the Rumanian Government as are likely to bring relief to the persecuted minorities of that country; to the Committee on Foreign Affairs.

By Mr. POWELL:

H. Res. 506. Resolution providing for consideration of the bill (H.R. 10065) to more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

356. By the SPEAKER: Memorial of the Legislature of the State of Pennsylvania relative to enacting legislation to reduce the price paid for surplus corn by farmers of disaster areas; to the Committee on Agriculture.

357. Also, memorial of the Legislature of the territory of Guam relative to amending the Organic Act of Guam to provide for representation by district in the Guam Legislature; to the Committee on Interior and Insular Affairs.

358. Also, memorial of the Legislature of the State of Nebraska, relative to calling a convention to propose an amendment to the Constitution of the United States relating to division of the electoral votes within the States in the election of the President and Vice President; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 10337. A bill for the relief of Mrs. Anna Maria Ghiraduzzi (nee Longinotti); to the Committee on the Judiciary.

By Mr. CALLAWAY:

H.R. 10338. A bill for the relief of Joseph B. Stevens; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10339. A bill for the relief of Yeung Kwong Yiu; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 10340. A bill for the relief of Joe W. Caldwell and Carol C. Caldwell; to the Committee on the Judiciary.

By Mr. MILLER:

H.R. 10341. A bill for the relief of Mr. and Mrs. Antonio Vieira Goncalves; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 10342. A bill to authorize the Honorable Frances P. Bolton, of Ohio, a Member of House of Representatives, to accept the award of "Officer" in the French National Order of the Legion of Honor; to the Committee on Foreign Affairs.

By Mr. PELLY:

H.R. 10343. A bill for the relief of Liem Tong Lian; to the Committee on the Judiciary.

By Mr. RIVERS of South Carolina:

H.R. 10344. A bill for the relief of B. F. Hill; to the Committee on the Interior and Insular Affairs.

By Mr. TUCK:

H.R. 10345. A bill for the relief of Dr. Juan F. Chaves; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

255. By Mr. ROOSEVELT: Petition of 47 residents of Los Angeles County, Calif., in support of the challenge brought by the Mississippi Freedom Democratic Party to unseat the congressional delegation from Mississippi; to the Committee on House Administration.

256. By the SPEAKER: Petition of Henry Stoner, Fishing Bridge Station, Wyo., relative to reducing the public debt; to the Committee on Banking and Currency.

EXTENSIONS OF REMARKS

New Jersey's 1964 Agricultural Record

EXTENSION OF REMARKS

OF

HON. THOMAS C. McGRATH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 1965

Mr. McGRATH. Mr. Speaker, the State of New Jersey, known throughout our Nation as the Garden State, has again proven its claim to that appellation. Statistics provided by the New Jersey Crop Reporting Service indicate that New Jersey—the third smallest State in the Union—has again compiled an enviable record.

In 1964, New Jersey ranked first in the Nation in the production of blueberries. It was second in the production of asparagus and the processing of asparagus products and in the production of fresh market beets.

The Garden State ranked third in the Nation in the production of late summer potatoes, cranberries, fresh market lima beans, green peppers, fresh market spinach, the processing of tomato products, and milk production per cow.

New Jersey was fourth among the 50 States in the production of peaches and fresh market tomatoes. We were fifth ranked in the production of fresh market strawberries, fresh market sweet corn, fresh market lettuce, and in the value of processed vegetables.

Thus, Mr. Speaker, in 21 categories, New Jersey was in the upper 10th of our country in 17. Furthermore, our relatively small State ranked in the second 10th of the Nation in sweetpotatoes production and the value of fresh market vegetables—6th—and in apple production—10th.

I think it is also revealing to note that the Garden State ranked fifth among the 50 States in both the gross and net income per farm.

My pride in the fine agricultural record New Jersey compiled during 1964 is even greater, Mr. Speaker, when I note how the Second District, which I have the honor to represent in the House of Representatives, distinguished itself among the 15 districts of our State.

In 27 categories, the counties of Atlantic, Cape May, and Cumberland, which comprise the Second District, rated first in 7, second in 7, third in 6, fourth in 6, and fifth in 4.

I am especially pleased that in the production of blueberries—the one category in which New Jersey was first in the Nation—my home county of Atlantic was first in New Jersey, making it the leading blueberry-producing county in the United States.

Atlantic County was also first in the State in the production of sweetpotatoes and Cumberland County was first in the production of strawberries, cabbage, lettuce, onions, and snap beans.

Despite the problems the egg industry has been facing, and which, I might note, are worsening, Cumberland County was second in the State in egg production and also in the production of peppers and in nursery stock acreage. Atlantic County was second in the Garden State in the production of strawberries, cabbage, lettuce, and onions.

Cumberland County ranked third in the State in the production of barley for grain, sweetpotatoes, asparagus, tomatoes, and sweet corn, while Atlantic County was third in production of peaches.

Cape May County rated fourth in the State in the number of hogs and pigs; Atlantic County was fourth in pepper production, and Cumberland County was fourth in production of hay, peaches, potatoes, and in the number of certified nurseries. Atlantic County ranked fifth in the production of eggs, tomatoes, sweet corn, and the number of certified nurseries.

Like its neighboring States in the Northeastern United States, New Jersey is sorely affected by the drought which is plaguing us this year. Also, difficulties being encountered by egg producers throughout the Nation are annually reducing the number of small poultry farmers in New Jersey's Second District. Yet, New Jersey continues to rank high among the 50 States in providing the plenty with which this Nation is blessed.

New Jersey is considered by many as primarily an industrial State and by many others as merely a "corridor" between the principal metropolises of the East. I submit, Mr. Speaker, that southern New Jersey, and principally the counties of Atlantic, Cape May and Cumberland, deserve recognition as one of the most productive agricultural areas of our great land and I predict that we will continue to maintain that important position.

Address of Hon. Basil L. Whitener Before the North Carolina Sheriffs' Association

EXTENSION OF REMARKS
OF
HON. HORACE R. KORNEGAY
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, August 9, 1965

Mr. KORNEGAY. Mr. Speaker, our distinguished colleague Hon. Basil L. Whitener, spoke to the North Carolina Sheriffs' Association at the Battery Park Hotel in Asheville, N.C., on Friday, August 6.

All of us are familiar with our colleague's efforts to have adequate law enforcement legislation enacted for the District of Columbia. Basil Whitener is an outstanding lawyer and a former district solicitor in North Carolina. He made an excellent speech Friday night to the members of the North Carolina Sheriffs' Association and I feel that my colleagues in the Congress would find his remarks to be most appropriate in the light of the serious crime situation existing in the country. I include his speech in the Record.

ADDRESS BY BASIL L. WHITENER, MEMBER OF CONGRESS, BEFORE NORTH CAROLINA SHERIFFS' ASSOCIATION

It is a great joy for me to have an opportunity to meet with so many old friends. When your president, Dwight Beam, tendered the invitation to me to come here tonight, I hastily accepted.

As district solicitor for 11 years I had an opportunity to become acquainted with, and develop an appreciation for, many of our sheriffs in North Carolina. It was always a satisfying experience to deal with the men who were serving as chief law enforcement officers in their respective counties.

Since Dwight Beam was the sheriff of my home county I have enjoyed a very close association with him. Through this association, which has continued since I commenced my service in the Congress, I have been the beneficiary of a warm and close personal friendship with him.

His selection by you to serve as your leader during the past year evidences a similar high esteem for him on the part of the members of the North Carolina Sheriffs' Association. As a resident of Gaston County, I can reflect the thinking of our fellow citizens in expressing appreciation to you for the high honor that you have paid to our county when you honored Dwight with the leadership of your organization.

The key to law and order in the United States is our local law enforcement agencies. These agencies headed by local citizens, with the sheriff as the chief law enforcement officer of his county, know and live with their people and extend their influence over the community in many ways.

It is the sheriff, his deputies, and the local and State police who are in the front line in the battle for the maintenance of an organized society conforming to rules of social conduct within both the moral and statutory law. You are the ones to whom the people must look for the preservation of property rights, freedom of assembly, freedom of speech, and other basic freedoms and rights guaranteed to us by our Constitution.

No era in the history of our Nation has presented more problems to law enforcement officers than we have witnessed in the past 5 years. The crime rate has rapidly increased, respect for law and order has waned, and mob violence and street demonstrations have usurped the place of orderly presentation of causes by petition and court action. Under the guise of protecting constitutional rights of the accused, but disregarding the rights of the victims of crime, Federal court decisions have placed shackles upon those who investigate and prosecute criminal offenses.

There are many other indicia of judicial schizophrenia and civilian confusion as to the relationship between citizen and citizen, and citizen and government. The concept of the relation of the citizen to the law, which is so eloquently stated in the motto that we are a government of laws and not of men, seems to have escaped many of our citizens.

Throughout the land we have seen a growing hostility toward law and order on college campuses, in streets and highways, on private property, and even on the holy ground of many of our religious institutions. Often we have seen those charged with responsibility for leadership among student bodies, religious organizations, government, and private organizations of the right and of the left, publicly taking the position that they have a right to disregard rules of law which they find inconsistent with their personal concepts or interests. Unless halted, this type of activity and thinking could lead to the destruction of the very framework which has made this Nation the envy of people throughout the world.

Just this week the House of Representatives has taken action which I am hoping will result in assisting local law enforcement people in meeting the new challenges which they face. As a member of the Committee on the Judiciary, I was pleased to support a program which will make Federal assistance available to local law enforcement agencies and correctional personnel through the establishment of an improved program of professional training and related educational programs.

Under this legislation grants may be made to public and private organizations for projects designed to develop and demonstrate effective methods which will aid you and serve the public interest. It is hoped that 3-year program training institutes will be carried out in a way that will aid you and your colleagues in combating the problems of crime which confront every community in the Nation.

We were apprehensive at first that such a program might result in further encroachment upon the powers and jurisdiction of local and State governments and give to the Federal authorities a basis for assuming jurisdiction which has been historically vested in local governments. In order to circumvent that probability, our committee specifically set forth in the legislation that nothing contained in it shall be construed to authorize any department or employee of the U.S. Government to exercise any direction, supervision, or control, over the organization, administration, or personnel of any State or local police force or other law enforcement agency.

We believe that this protective language will prevent unwarranted interference with the activities of State and local authorities and will keep the contemplated program in proper focus.

If, through this legislative program and the expenditure of $10 million each year for a 3-year period, steps can be taken which will carry out the stated objectives of the bill, we will have accomplished much. These objectives are to improve the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, the administration of the criminal laws, the correction of offenders, the prevention or control of crime, producing effective methods for increasing the security of person and property, controlling the incidence of lawlessness, and promoting respect for law. I am sure that no one would question the worthiness of the objectives of the legislation. We can only hope that the program will meet the objectives which are stated in the bill.

The House of Representatives, in passing this legislation, reflected the concern of the people of the Nation over the sad and tragic increase in criminal statistics. In 1963, the last year for which complete FBI figures are available, more than 2¼ million serious crimes were reported. The reported crime rate has doubled since 1940. Since 1958 it has increased five times as fast as our population. Crime against the person is up 22 percent. Crime against property is up 43 percent. Twelve serious offenses per 1,000 inhabitants are now committed each year.

A disturbing aspect of the statistical data is the increasing proportion of crimes by our young people. Arrests of young people have increased almost twice as fast as their population growth. Of all persons arrested by city police, 73 percent were under 25; 65 percent under 21; and 53 percent under 18. The statistics further suggest that few of our young offenders are ever reformed. Almost invariably these young offenders mature into adult criminals.

Equally disturbing is our low rate of identification, apprehension, and conviction. According to FBI figures, the clearance rate by arrest of crimes against the person is fortunately comparatively high—91 percent for murder, 84 percent for negligent manslaughter, 76 percent for aggravated assault, and 69 percent for forcible rape. But the picture in the area of crimes against property is more disturbing. It might almost be said that "crime does pay" because only 39 percent of robberies, 27 percent of burglaries, 26 percent of auto thefts, and 26 percent of petty larcencies are even cleared by arrest.

Justice Patrick Devlin of the English High Court has said: "No society can afford to leave at large more than a limited number of unconvicted criminals." The statistical data indicates clearly that in our great country too many unconvicted criminals are roaming our streets.

Most criminal offenses are committed by the habitual offenders. Criminologists tell us that roughly 75 percent of those arrested have been previously arrested and that from three-quarters to nine-tenths of those released from penal institutions will probably commit further crimes. They further report that the petty offender usually works his way up to a serious felony and that the serious felon is usually a habitual criminal.

Of concern to the Nation and to the world have been the continuing activities of organized crime as epitomized in the international group known as the Mafia. Legislation in several forms has been enacted by the Congress in the past 4 years after full hearings before our Committee on the Judiciary, which has as its purpose the combating of these syndicates of crime. Some of these measures have already been most effective. Statutory tools have been given to the Federal authorities which relieve them of the necessity of limiting prosecution of racketeers to income tax violations.

This group of organized criminals, led by the Mafia with 5,000 sworn members, concentrates on gambling, narcotics, racketeering, prostitution, and loan sharking in its widespread activities. In recent years a more alarming activity on their part has come to the forefront. They have begun to infiltrate legitimate business, such as banking and labor unions, and have undertaken to corrupt our political and law enforcement processes. In many cities these racketeers dominate the fields of vending machines, laundry services, liquor distribution, and many other occupations. It can truly be said that in our society, which is dedicated to individual rights, organized crime works a tyranny by exercising the power of quasi-government against the economic, political, and personal dissenter.

James Madison in the Federalist Papers wrote: "It is of importance in a republic not only to guard the society against the operation of its rulers, but to guard one part of the society against the injustice of the other part."

In our efforts against organized racketeers who inflict injustice upon the law-abiding citizen we have seen no spectacular gains on the part of law and order. Since 1919 there have been 976 gangland-type slayings in the Chicago area, an average of 23 per year. They are currently running about 13 per year. Very few of these offenses have been cleared by arrest and conviction.

In other great cities of our Nation the same type of criminal tyranny is observed. So long as these conditions exist in our society we cannot take the position that law enforcement is strictly a local problem. While we adhere to the concept that the integrity of the local jurisdiction must be maintained, it seems abundantly clear that there must be some correlation of local activity throughout the Nation and that this goal must be accomplished through cooperative effort of the Federal and local authorities.

In upgrading our overall law enforcement standards we must not be content with studies, educational programs, and legislation against crime. Training, studies, and statutes can be helpful, but only if qualified personnel is provided for the battle against the criminal. In my judgment this personnel can best be recruited if compensation rates for law enforcement officers are brought up to the standard which their professional status deserves. This is true of officers under the supervision of the sheriff, as well as those under the supervision of municipal and county and State law enforcement departments.

In testimony before the Judiciary Committee recently we were told that entrance salary for patrolmen in some cities of more than 500,000 population is barely $90 a week. In smaller communities of less than 25,000, the rate of pay sometimes drops to $50 a week. The average monthly earnings of full-time police employees in all local governments are about $483.

A good law enforcement officer is worthy of better financial treatment than he generally gets in our Nation. The rigorous requirements we lay upon him in the performance of his duties demand that this inequity in compensation be eliminated wherever it exists. We cannot expect excellence of performance by men who have a lower annual income than is recognized as the standard for determination of poverty status by the President of the United States.

I believe that there is today a realization on the part of the individual citizen that we do have serious problems in combating the antisocial conduct of an increasing number of our fellow citizens. I believe that the climate in the Nation is favorable to supporting programs and financial outlays which will help you men in the law enforcement field to do a better job.

The majority of the thinking people of our Nation believe that it is time to halt mob violence, street demonstrations, disrespect for the local peace officer, and the continuing activities of organized racketeers.

If this assumption is correct, I can envision a new era of support for the worthwhile efforts of the North Carolina Sheriffs Association and its counterparts throughout the United States. If we fail to measure up to our clear obligation in preserving law and order, our Constitution and the very existence of this Nation will be in jeopardy.

To you dedicated men of law enforcement, I extend my thanks for your efforts. You have my appreciation for your zeal to make your own jurisdiction a better place for the people of North Carolina to live. May the Lord support you in this vital work.

Carl T. Rowan

EXTENSION OF REMARKS

OF

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 1965

Mr. BINGHAM. Mr. Speaker, Carl T. Rowan recently announced his resignation as Director of the U.S. Information Agency. This is a great loss to the country and to the world.

I had the great pleasure of knowing Mr. Rowan when we both served as alternate U.S. representatives to the 17th session of the United Nations General Assembly in 1962. At that time he was Deputy Assistant Secretary of State for Public Affairs. He subsequently served with distinction as Ambassador to Finland until he assumed the directorship of the USIA in January 1964.

In the year and a half he spent at that post, Carl Rowan succeeded admirably in the crucial task of interpreting to the world the true quality of American life. The three chief mandates of the USIA are to encourage public support abroad for the goal of a peaceful world community of free and independent states, free to choose their own future so long as it does not threaten the freedom of others; to identify the United States as a strong, democratic nation qualified for its leadership in world efforts toward this goal; and to counter hostile attempts to distort these objectives of the United States.

During Mr. Rowan's administration, the Agency attempted to provide accurate and balanced information on civil rights and racial issues in the United States. One of the Agency's films, "Nine From Little Rock," won an Academy Award in April 1965. The documentary illustrates civil rights progress by showing the successes achieved by the original nine students integrated into Little Rock High School in 1957. This marked the first occasion that the Agency won an Oscar for it productions.

The Agency's efforts to put our racial tensions into honest perspective are beginning to bear fruit. The worldwide reaction to events in and around Selma, Ala., was markedly better than reaction to earlier racial crises. The bulk of international attention to the Selma events gave less weight to the tragic events there than to the sweeping response of the National Government and the American people.

In addition to explaining civil rights progress to our overseas audience, much of Mr. Rowan's term was devoted to reassuring the world that the assassination of President Kennedy would not interfere with the orderly continuation of our form of democracy. The USIA distributed to 111 countries its documentary motion picture, "The President," which emphasized that the policies promulgated by the slain President would be carried out by his succesor, Lyndon B. Johnson. It is estimated that all USIA film attendance records were broken by this film, with the number of viewers at over 750 million.

During Mr. Rowan's administration, extraordinary progress was made in transmitting USIA broadcasts over television stations abroad. On August 29, Polish television will transmit a 45-minute program, marking the first occasion that USIA and Poland have collaborated on the production of TV documentary. The program will be divided between the visit of the Pittsburgh Symphony Orchestra to Poland and the visit of the Warsaw Philharmonic Orchestra to the United States. By the end of May, five communications satellite programs to Europe had originated in USIA's television studios.

Of the various issues faced by Mr. Rowan, none proved more troublesome than the struggle in Vietnam. Despite the great difficulties, it is my hope that the USIA will continue to rely on the truth as its best weapon. United States purposes in Vietnam, as the rest of the world, will be best achieved by following the advice Carl Rowan gave in a speech he delivered at Washburn University on May 31, 1964:

> I have no weapon except the truth—the truth about what man can achieve in a society where the individual is respected and where men are free to worship and speak, free to be different, free to live by the dictates of their own consciences so long as they do not deny the same freedoms to others.

I want to join with Carl Rowan's many friends here in the House in wishing him well in his future activities. But he will be sorely missed in the U.S. Government.